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REFERENCE

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Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Federal Trade Commission
Food and Drug Administration
General Services Administration
Hazardous Materials Regulations Board
Health, Education, and Welfare Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
National Park Service
Packers and Stockyards Administration
Public Health Service
Securities and Exchange Commission
Small Business Administration
Transportation Department
Veterans Administration

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1949–1963

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CFR CHECKLIST

1969 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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43	Part 1000–end (Rev.)	2.75
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46	Parts 146–149 (Rev.)	3.75

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–WE–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the San Jose, Calif., transition area. This action is necessary due to the relocation of the San Jose VOR.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.181 (34 F.R. 4637) the description of the San Jose, Calif., transition area is amended by deleting "• • • 137° • • •" in the fourth line and substituting "• • • 139° • • •" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 22, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–5176; Filed, Apr. 30, 1969; 8:47 a.m.]

[Airspace Docket No. 69–WE–32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the geographical coordinates of the Stockton Municipal Airport to conform to recently published surveyed data.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.171 (34 F.R. 4557) the Stockton, Calif., control zone is amended by deleting the geographical coordinates "(latitude 37°53'45" N. longitude 121°14'10" W.)" and substituting "(latitude 37°-53'39" N. longitude 121°14'14" W.)" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 22, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–5177; Filed, Apr. 30, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SO–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

On March 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5111), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Alabaster, Ala., transition area and alter the Birmingham and Montgomery, Ala., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°10'40" N., long. 86°47'00" W.) for Shelby County Airport was obtained from Coast and Geodetic Survey. Additionally, it was determined that the State of Alabama 1,200-foot transition area designation would be made effective concurrent with this action; thus, eliminating the requirement to alter the Birmingham and Montgomery 1,200-foot transition areas. It is necessary to alter the description of the Alabaster transition area by appropriately inserting the geographic coordinate for the Shelby County Airport and deleting the proposed alteration of the Birmingham and Montgomery transition areas.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to reflect these changes.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

ALABASTER, ALA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (lat. 33°10'40" N., long. 86°47'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 22, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–5178; Filed, Apr. 30, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration and Revocation of Transition Areas

On March 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5079), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke controlled airspace in the State of Mississippi and its coastal waters by designating the Mississippi transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, VOR Federal Airway No. 22 was redesignated as VOR Federal Airway No. 198. It is necessary to alter the description to reflect this change.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MISSISSIPPI

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles from and parallel to the shoreline, to and southwest along the southeast boundary of V-198, to and south along long. 88°51'00" W. to lat. 30°07'20" N. (point of intersection of the Mississippi State line and long. 88°51'00" W.),

In § 71.181 (34 F.R. 4637), the following transition areas with floors of 1,200 feet above the surface are revoked and the 700-foot transition areas are amended as follows:

1. Columbus, Miss., all after "* * * longitude 88°23'00" W.)," is deleted and "extending from the 6-mile radius area to 8 miles south of the radio beacon." is substituted therefor.

2. Greenwood, Miss., all after "* * * within 2 miles each side of the Greenwood VORTAC 079° radial," is deleted and "extending from the 10-mile radius area to the VORTAC." is substituted therefor.

3. Hattiesburg, Miss., all after "* * * longitude 89°17'59" W.)," is deleted and "extending from the 7-mile radius area to 8 miles northwest of the RBN." is substituted therefor.

4. Jackson, Miss., all after "* * * within 2 miles each side of a 008° bearing from the Hawkins RBN," is deleted and "extending from the control zone to 8 miles north of the OM." is substituted therefor.

5. Kosciusko, Miss., all after "* * * long. 89°32'25" W.)," is deleted and "extending from the 5-mile radius area to 8 miles southeast and northwest of the RBN." is substituted therefor.

6. Meridian, Miss. (Key Field), all after "* * * within 8 miles southwest and 5 miles northeast of the Meridian VORTAC 315° radial," is deleted and "extending from the VORTAC to 13 miles northwest." is substituted therefor.

7. Tupelo, Miss., all after "* * * within 2 miles each side of the Tupelo VOR 214° radial," is deleted and "extending from the 5-mile radius area to 3 miles southwest of the VOR." is substituted therefor.

8. Yazoo City, Miss., all after "* * * within 2 miles each side of the Jackson, Miss. VORTAC 332° radial," is deleted and "extending from the 6-mile radius area to 16 miles northwest of the VORTAC." is substituted therefor.

In § 71.181 (34 F.R. 4637), the following transition areas are amended as indicated:

1. Greenville, Miss.: "* * * extending from 12 miles north to 4 miles south of the VOR." is deleted and "* * * extending from 12 miles north to 4 miles south of the VOR, excluding the portion within the State of Misssissippi." is substituted therefor.

2. Gulfport, Miss.: "* * * thence west to point of beginning." is deleted and "* * * thence west to point of beginning, excluding the portion within the State of Mississippi." is substituted therefor.

3. McComb, Miss.: "* * * 17 miles west of the VORTAC." is deleted and "* * * 17 miles west of the VORTAC, excluding the portion within the State of Mississippi." is substituted therefor.

4. Natchez, Miss.: "* * * to 23 miles south of the VOR." is deleted and "* * * to 23 miles south of the VOR, excluding the portion within the State of Mississippi." is substituted therefor.

5. Vicksburg, Miss.: "* * * extending from the airport to 12 miles east." is deleted and "* * * extending from the airport to 12 miles east, excluding the portion within the State of Mississippi." is substituted therefor.

In § 71.163 (34 F.R. 4549), the Greenville, Miss., additional control area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 21, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5179; Filed, Apr. 30, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration and Revocation of Transition Areas

On March 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5078), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter and revoke controlled airspace in the State of Tennessee by designating the Tennessee transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

TENNESSEE

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

In § 71.181 (34 F.R. 4637), the following transition areas with floors of 1,200 feet above the surface or above are revoked and the 700-foot transition areas are amended as follows:

1. Chattanooga, Tenn., all after "* * * within 8 miles east and 5 miles west of the Daisy RBN 017° bearing," is deleted and "extending from the RBN to 12 miles north." is substituted therefor.

2. Dyersburg, Tenn., all after "* * * within 2 miles each side of the Dyersburg VORTAC 078° radial," is deleted and "extending from the VORTAC to 8 miles east of the VORTAC." is substituted therefor.

3. Jackson, Tenn., all after "* * * (latitude 35°35'55" N.," is deleted and (longitude 88°54'55" W.)." is substituted therefor.

4. Knoxville, Tenn., all after "* * * and on the northeast by a line 5 miles southwest of and parallel to" is deleted and "the Knoxville VORTAC 321° radial." is substituted therefor.

5. Lexington, Tenn., all after "* * * within 2 miles each side of the Jacks Creek VORTAC 165° radial," is deleted and "extending from the 5-mile radius area to 8 miles southeast of the VORTAC." is substituted therefor.

6. Nashville, Tenn., all after "* * * within 5 miles southwest and 8 miles northeast of the Sewart AFB ILS southeast course," is deleted and "extending from the 12-mile radius area to 12 miles southeast of the Sewart RBN." is substituted therefor.

7. The Snowbird, Tenn., transition area is revoked.

8. Tri-City, Tenn., all after "* * * (latitude 36°28'30" N.," is deleted and "longitude 82°24'20" W.)." is substituted therefor.

In § 71.181 (34 F.R. 4637), the following transition areas are amended as indicated:

1. Memphis, Tenn.: "* * * on the west by V-9E." is deleted and "* * * on the west by V-9E, excluding the portion within the State of Tennessee." is substituted therefor.

2. Paris, Tenn.: "* * * excluding the portion that coincides with the Hopkinsville, Ky., and Union City, Tenn., transition areas." is deleted and "* * * excluding the portion within the State of Tennessee." is substituted therefor.

3. Union City, Tenn.: "* * * excluding the portion that coincides with the Dyersburg, Tenn., transition area." is deleted and "* * * excluding the portion within the State of Tennessee." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 21, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5180; Filed, Apr. 30, 1969; 8:47 a.m.]

69 270 AA A 30

[Airspace Docket No. 69-SO-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3698), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Louisville, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°08'45" N., long. 89°03'45" W.) for Louisville-Winston County Airport was obtained from Coast and Geodetic Survey. Additionally, it was determined that the State of Mississippi 1,200-foot transition area designation would be made effective concurrent with this action; thus, eliminating the requirement for designating the 1,200-foot portion of the Louisville transition area. It is necessary to alter the description by appropriately inserting the geographic coordinate for Louisville-Winston County Airport and deleting the 1,200-foot portion of the transition area.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

LOUISVILLE, MISS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Louisville-Winston County Airport (lat. 33°08'45" N., long. 89°03'45" W.); within 2 miles each side of the 177° and 342° bearings from the Louisville RBN (lat. 33°08'59" N., long. 89°03'55" W.), extending from the 5-mile radius area to 8 miles south and 8 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 22, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5181; Filed, Apr. 30, 1969; 8:47 a.m.]

[Docket No. 68-SO-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Revocation of Transition Areas

On March 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5079), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate and revoke controlled airspace in the State of Alabama and its coastal waters by designating the Alabama transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that the proviso to exclude the portion within R-2908 was inadvertently omitted from the description. It is necessary to alter the description by appropriately inserting this proviso.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

ALABAMA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R-2101, R-2103, R-2908, and R-3002A.

In § 71.181 (34 F.R. 4637), the following transition areas with floors of 1,200 feet above the surface or above are revoked and the 700-foot transition areas are amended as follows:

1. Birmingham, Ala., all after "* * * centerline of Runways 18/36;" is deleted and "thence north along this line to the point of beginning." is substituted therefor.

2. Eufaula, Ala., all after "* * * within 2 miles each side of the Eufaula, Ala., VOR 014° radial," is deleted and "extending from the 4-mile radius area to 8 miles northeast of the VOR." is substituted therefor.

3. Fort Rucker, Ala., all after "* * * longitude 86°24'30" W.;" is deleted and "to the point of beginning." is substituted therefor.

4. Gadsden, Ala., all after "* * * within 2 miles each side of the Gadsden VORTAC 233° radial," is deleted and "extending from the 8-mile radius area to 11 miles southwest of the VORTAC." is substituted therefor.

5. Huntsville, Ala., all after "* * * within 8 miles west and 5 miles east of the Decatur VOR 352° radial," is deleted and "extending from the VOR to 12 miles north." is substituted therefor.

6. Mobile, Ala., all after "* * * Fairhope Municipal Airport 8-mile radius area" is deleted and "to the Brookley AFB 8-mile radius area." is substituted therefor.

7. Monroeville, Ala., all after "* * * VOR to 8 miles northeast" is deleted and "and 8 miles southwest." is substituted therefor.

8. Montgomery, Ala., all after "* * * extending from the LOM to 17 miles west," is deleted and "excluding the portion which coincides with the Selma, Ala., transition area." is substituted therefor.

9. Muscle Shoals, Ala., all after "* * * (latitude 34°44'41" N.," is deleted and "longitude 87°36'39" W.)." is substituted therefor.

10. Atlanta, Ga., all after "* * * within 2 miles each side of the 114° bearing from the Runway 33 LOM," is deleted and "extending from the 15-mile radius area to 17 miles southeast of the LOM." is substituted therefor.

11. Columbus, Ga., all after "* * * within 8 miles west and 5 miles east of the Lawson ILS localized southeast course," is deleted and "extending from the 9-mile radius area to 10 miles southeast of the LOM." is substituted therefor.

12. Pensacola, Fla., all after "* * * Runways 6/24 and 18/36 extended centerlines," is deleted and "extending from the 9-mile radius area to 12 miles northeast, south, and southwest of the airport." is substituted therefor.

In § 71.163 (34 F.R. 4549), the Langston, Ala., and Piedmont, Ala., additional control areas are revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a)) sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 21, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5182; Filed, Apr. 30, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation and Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Atlanta, Ga. (Dobbins AFB/NAS Atlanta), control zone and alter the Atlanta, Ga. (Fulton County Airport), control zone.

The above control zones are described in § 71.171 (34 F.R. 4557).

The Atlanta, Ga. (Dobbins AFB/NAS Atlanta), control zone is presently effective 24 hours per day. Since the Airport Traffic Control Tower will begin operating from 0700 to 2300 hours, local time, daily, effective May 15, 1969, it is necessary to alter the description to redesignate it as a part-time control zone. Additionally, it is necessary to insert a proviso to exclude the portion within the Atlanta, Ga. (Fulton County Airport), control zone since it will continue in effect 24 hours per day.

In the Atlanta, Ga. (Fulton County Airport), control zone description, there is a proviso to exclude the portion within the Dobbins AFB/NAS Atlanta control zone. Since this control zone will continue in effect 24 hours per day, it is necessary to alter the description to eliminate this proviso.

Since these amendments are either editorial or less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the control zones accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 15, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Atlanta, Ga. (Dobbins AFB/NAS Atlanta), control zone is redesignated as follows:

ATLANTA, GA. (DOBBINS AFB/NAS ATLANTA)

Within a 5-mile radius of Dobbins AFB/NAS Atlanta (lat. 33°55'00" N., long. 84°31'-00" W.); within 2 miles each side of the 105° bearing from Lost Mountain, Ga., RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the NAS Atlanta TACAN 301° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion within the Fulton County Airport control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

In § 71.171 (34 F.R. 4557), the Atlanta, Ga. (Fulton County Airport), control zone is amended to read:

ATLANTA, GA. (FULTON COUNTY AIRPORT)

Within a 5-mile radius of Fulton County Airport (lat. 33°46'47" N., long. 84°31'20" W.); within 2 miles each side of the Fulton County VOR 276° radial, extending from the 5-mile radius zone to 7 miles west of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 22, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-5183; Filed, Apr. 30, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-574]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of April 1969.

In a notice of proposed rule making issued December 5, 1967, EDR-130, Docket 19352, and published at 32 F.R. 17598, the Board announced its intention to amend Part 298 of the Economic Regulations (14 CFR Part 298) so as to require Board-regulated air taxi operators to carry liability insurance and to register with the Board. The notice invited interested persons to submit pertinent information and data with respect to the proposed rule. Thirty-four comments were recieved including 20 from air taxi operators,[1] five from trade associations,[2] five from insurance underwriters[3] and and comments from the Washington State Aeronautics Commission, the Secretary of Transportation, and the publisher of the Official Airline Guide.

Subsequently, by supplemental notice EDR-144, dated September 3, 1968, 33 F.R. 12745, the Board proposed to designate a subclassification of air taxi operators to be known as "scheduled small aircraft operators" and to require them to file with the Board quarterly traffic reports as well as flight schedules. Pursuant to the supplemental notice, 35 comments were received including 17 from air taxi operators,[4] 13 from civic parties,[5] two from air taxi trade associations,[6] and from The Flying Tiger Line Inc., the publisher of the Official Airline Guide and the Federal Aviation Administration (FAA).

By ER-548 adopted November 29, 1968, and effective on March 7, 1969, 33 F.R. 18231, the Board adopted the liability insurance provisions proposed in EDR-130 with certain modifications.[6a] Upon consideration of the remaining issues in EDR-130 and the issues in EDR-144, we have determined to amend Part 298 so as to: (1) Require all air taxi operators to register annually with the Board on a prescribed form and to pay an annual filing fee of $10 which will partially recoup the costs to the Board of administering the registration and insurance provisions; and (2) provide for a subclassification of air taxi operators which offer scheduled services to be designated "commuter air carriers" and which shall, in addition to filing an annual registration statement, file quarterly traffic reports and flight schedules. Except as modified herein, the tentative findings of fact set forth in the explanatory statements to the proposed rules (EDR-130 and EDR-144, supra) are incorporated herein by reference and made final.

Annual registration of all air taxi operators. As indicated above, EDR-130 proposed, inter alia, to require all air taxi operators to register annually with the Board. This was to enable the Board to identify air taxi operators and to assure compliance with the new liability insurance requirements with a minimum of burden on the carriers and within the limits of the Board's budgetary capability. It would also provide the Board with very basic information as to the nature of the operations of this large class of carriers.

The Board proposed to require all air taxi operators to register with the Board annually by filing a prescribed form in duplicate which includes items such as their name and place of business, whether they carry the prescribed amount of liability insurance, and whether they perform any scheduled services. The form was to be accompanied by a currently valid certificate of liability insurance and a $10 filing fee. The Board would then stamp and return to the carrier one of the copies of the form submitted, indicating compliance with the registration requirement.

[1] Air Wisconsin, Inc. (initial and reply comments), Antilles Air Boats, Inc., Cape & Islands Flight Service, Inc., Commuter Airlines, Eagle Flightways, Inc., Executive Air Travel, Hall Aero Enterprises, Horizon Aviation, Inc., Klamath Aircraft, Inc., Lane Aviation Corp., Lemmon Aircraft Co., Longenette Flying Service, Mercury Aviation Corp., Provincetown-Boston Airline, Inc., Clio P. Rebmen, Suburban Airlines, Trans-East Airlines, Wylie's Flying Service, Wright Air Lines, Inc., Jackson County Piper Inc. (Richard C. Spring).

[2] American Trial Lawyers Association, Association of Commuter Airlines, Louisiana Surplus Line Association, National Air Taxi Conference (now known as National Air Transportation Conferences, Inc.), and The New England Council.

[3] Allman Brothers Inc., Associated Aviation Underwriters, Insurance Company of North America, National Aviation Underwriters, U.S. Aviation Underwriters.

[4] Air Wisconsin, Inc., Amistad Airlines Inc., Antilles Air Boats, Inc., Cable Commuter Airlines, Command Airways, Inc., Commuter Airlines, Davis Airlines, Inc., Executive Airlines, Inc., Pilgrim Airlines, Princeton Airways, Provincetown-Boston Airlines, Inc., Shawnee Airlines, Inc., Sky Tours Hawaii, Suburban Airlines, Sun Airline Corp., Trans Central Airlines, Washington Airlines.

[5] Brown County Board of Supervisors (Wis.), Greater Cincinnati Chamber of Commerce and Airport, City of Dayton, Ohio, City and County of Denver, Colo., City of Fresno, Calif., City of Kansas City, Mo., Louisville and Jefferson County Air Board (Ky.), Massachusetts Aeronautics Commission, Massachusetts Port Authority, Montana Aeronautics Commission, City of Philadelphia, Pa., City of Redlands, Calif., Virginia State Corporation Commission, Division of Aeronautics.

[6] Association of Commuter Airlines; National Air Taxi Conference.

[6a] ER-564 adopted March 3, 1969, effective March 7, 1969, 34 F.R. 4955, modified one of the permissible exclusions in the insurance rule.

There has been no significant objection to a general registration requirement[7] and we shall adopt substantially the procedure proposed.

Two air taxi operators, one air taxi trade association and the Federal Aviation Administration (FAA) request that additional data be called for in the registration statement. The air taxi operators and the trade association would have the Board require such items as financial reports, a list of the markets served, the total number of passengers and pounds of cargo, the types of aircraft used, the load factors and whether the operator is "FAA manualized" for visual flight rule (VFR) or instrument flight rule (IFR) operation. In addition, the FAA would have the Board require of all air taxis the number of flights, the number of passengers making scheduled interline connections, the hours flown and the number of gallons of fuel consumed, or, in the alternative, that the "scheduled small aircraft operators" be required to provide information concerning their nonscheduled operations as a separate item on their quarterly traffic reports and provide such information at least annually. In that connection, the FAA points out that its 1966 Census of Air Taxi Operators showed that 82 percent of the flights and 68 percent of the passengers carried by air taxis were on nonscheduled flights.

We shall not make the requested modifications. Admittedly, the extent of the data called for in the registration statement is a judgment determination and it is our considered opinion that, taking into account the Board's regulatory needs, its budgetary limitations and the burden imposed on this large class of relatively small operators, the data called for in the registration form in the notice is the proper quantum of information to be furnished at this time. With respect to FAA's request concerning the reporting of nonscheduled operations of the scheduled air taxi operators, the Board's primary concern at this time is the reporting of the scheduled services of air taxi operators. We shall not, therefore, expand the coverage of data called for in the registration statement. Except for certain editorial modifications, the registration form[8] adopted herein is substantially the same as the form attached to the notice.

Special report for scheduled operations. The Board in EDR-144 proposed that carriers providing service pursuant to published schedules should be required to furnish traffic reports as well as copies of published schedules. A number of comments were filed with respect to the designation to be applied to scheduled air taxi operators as well as numerous comments with respect to the reporting requirement. Concerning the designation of this class of carriers, the Board proposed that they be called "scheduled small aircraft operators," but indicated that consideration would be given to other names. Upon consideration of all the comments, the Board has determined to employ the name "commuter air carrier." We have selected this name because it appears to be descriptive of this class of carriers, should not result in confusion with other classes, and is generally supported by the industry.

The proposed rule defined "scheduled small aircraft operators" (now "commuter air carriers") as air taxi operators which perform service between two or more points pursuant to published schedules or which perform service pursuant to a contract with the Post Office Department for the transportation of mail. The Association of Commuter Airlines objects to this definition as embracing too large a class of air taxi operators since it would include an operator which performs only one flight one day a week between two points pursuant to published flight schedules. This objection has merit. Accordingly, we shall restrict this subclassification to air taxi operators which perform at least five round trips per week between two or more points pursuant to published schedule, or which carry mail pursuant to a contract with the Post Office Department (see § 298.2, infra).

With respect to the reporting requirements themselves, the principal controversy reflects concern of some of the commuter carriers that the reporting of traffic will encourage competitors to "skim off" the good routes since there is freedom of entry in all domestic markets and no route protection is afforded air taxi operators. Accordingly, these carriers, along with two air taxi trade associations, ask that the traffic data in Schedule T-1 of CAB Form 298-C be treated as confidential and withheld from public disclosure. The issue as to whether the traffic data schedules should be accorded confidential treatment was not raised in the notice (EDR-144), and the Board wishes to have the benefit of the comments of interested persons thereon before resolving it. Therefore, the Board will finalize the rule in all respects except as to the issue of public disclosure of the traffic data in the quarterly reports of commuter air carriers. We shall in the near future institute a supplemental rule making proceeding dealing with this issue. If the question is not resolved before the first quarterly reports are due under the new rule, the Board will treat Schedule T-1 as confidential pending resolution of this issue.

We are making certain modifications in the proposed rule in light of the comments received. Thus, we shall (1) permit a carrier to substitute a computerized format for the forms attached to the rule,[9] subject to the written approval of the Director, Bureau of Accounts and Statistics; (2) substitute the term "aircraft registration number" in Schedule A-1 of CAB Form 298-C for the term "airframe license number" in order to avoid confusion with a state license number; (3) provide traffic data totals and subtotals in the schedules attached to CAB Form 298-C; and (4) require that flight schedules be filed on a continuing basis so that the Board will have available at all times the complete and current flight schedules of commuter air carriers. Also, since we shall require commuter air carriers in Hawaii to file quarterly traffic reports with the Board, we are deleting the existing reporting requirement applicable to their scheduled services (§ 298.21(e)).

The following suggestions are included among those which the Board has determined not to adopt. We shall reject (1) the request that the reporting be on an annual basis after one year because we believe that the discipline of filing a quarterly report is required for an indefinite period in view of the novelty of reporting for this class of carriers; (2) the request that great circle mileages be provided between origin and destination points, since these data are readily available; (3) the suggestion that the report include the number of flights scheduled and a performance factor, since an approximate performance factor can be ascertained from a copy of the published schedules filed with the Board and the traffic reports which show the number of flights operated; (4) the proposal that the report call for only the number of flights scheduled and the number of flights completed, rather than a list of all flights operated over each segment, because we believe the more detailed information is needed in order to ascertain the degree of regulation which should be accorded this segment of the industry; and (5) the request that financial reports as well as traffic data be required either from all air taxi operators or at least from commuter air carriers, since the Board is of the view that in imposing for the first time a reporting requirement on this class of carriers, the minimum amount of data should be requested.[10]

Further, we shall reject the suggestion that cargo capacity should be reported in terms of cubic feet, rather than pounds, when the aircraft is operated in all-cargo configuration. While it is argued that the reporting of cargo capacity in terms of pounds may not be meaningful because of variations in density and length of trip, the same problem exists in the case of the proposed space method. Moreover, since cargo traffic must be reported on a pound basis, consistency requires that capacity be reported on the same basis.

Other modifications were sought with respect to the publication of schedules. Several proposals designed to influence the manner of publication of commuter air carrier schedules in the Official Airline Guide should more appropriately be addressed to that publication. Certain

[7] Except for objections of several air taxi operators to the payment of the $10 registration fee and an allegation by one air taxi operator that the requirements of EDR-130 would impose an extra burden on small air taxi operators.

[8] We shall provide the same registration form for both commuter air carriers and for other air taxi operators.

[9] Schedules A-1, T-1 and T-2 of CAB Form 298-C.

[10] We recognize that future developments in this field may require the reporting of finanical data of commuter air carriers.

commuter air carriers as well as the Official Airline Guide wish us to take steps to insure that the carriers' operations conform with their schedules. It is obvious that to the extent that the public cannot rely on the published schedules of commuter air carriers, the usefulness of such schedules is impaired. The carriers are cautioned to make every effort to publish schedules which are kept current and complete and in conformity with actual operations. However, further regulatory action on our part is beyond the scope of this proceeding. Moreover, we are not prepared at this time to attempt to impose additional regulatory burdens on commuter air carriers. Rather, we believe that such matters must await a sufficient period of time for us to gain experience under the limited registration and reporting requirements which we are imposing herein.

Clarification of certain terms in the rule has been requested. With respect to reporting capacity on Schedule A–1, the carrier should report actual capacity, i.e., the cargo capacity in the case of all-cargo configuration, the capacity in passengers and cargo for combination aircraft, and the number of passenger seats (excluding crew) for all-passenger aircraft. We have amended the rule to clarify the method for computing available pounds (see § 298.64(b)(4)).

Certain comments indicate some uncertainty with respect to the Board's jurisdiction over "intrastate carriers" and the applicability of Part 298 to air taxis operating solely within the boundaries of a single State. Accordingly, we believe that a brief explanation of the Board's jurisdiction is desirable.

Under the Federal Aviation Act of 1958, the Board has jurisdiction over air taxi operators engaged in "air transportation", which includes "interstate air transportation" and the "transportation of mail by aircraft."[11] The full statutory definition of "interstate air transportation" is set forth in the margin,[12] but for present purposes it will be noted that it includes the carriage by aircraft of persons or property (1) "as a common carrier for compensation or hire," (2) "in commerce" between the States.

The test, which the Board uses in determining whether a carrier operates "as a common carrier for compensation or hire" was succinctly described by the United States Court of Appeals for the Ninth Circuit in Las Vegas Hacienda, Inc. v. CAB[13] as follows:

> The test which the Board applies is an objective one, relying upon what the carrier actually does rather than upon the label which the carrier attaches to its activity or the purpose which motivates it. So long as the air carrier is competing commercially in the market for the patronage of the general public, the Board holds that it is immaterial that the service offered will be attractive only to a limited group; or that it may be performed pursuant to special contract. And it is also immaterial that in terms of the carrier's own bookkeeping the transportation may be furnished at cost, at a loss, or even without charge. The Board thus interprets the Act in a way which makes effective economic regulation under the statute possible by bringing within the regulatory scheme all those who compete in the business of offering air transportation to the public generally.

With respect to this test, it is to be further noted that a carrier need not undertake to serve all the public in order to be considered a common carrier, but may limit its transportation services to a class or segment of the general public, so long as it expresses a willingness to provide transportation for all within this class or segment indiscriminately.[14]

If an air carrier meets the above test and engages in the transportation of persons or property only between places within a State, these operations are in "air transportation" and subject to the Board's jurisdiction, if the aircraft flies outside the State's boundaries or if the traffic carried is moving as part of a continuous journey in interstate commerce.[15] Thus, transportation wholly within the same State constitutes "air transportation" if in those operations the carrier transports more than a de minimis volume of traffic moving as part of a continuous journey in air commerce.[16] In sum, the question of whether a carrier engages in interstate commerce does not depend on whether it operates aircraft only within a State, but whether the traffic it transports is interstate in character.[17]

Finally, certain other requests are rejected both on their merits and because they pertain to issues which are beyond the scope of this proceeding. With respect to a request to increase the maximum certificated weight for aircraft used by air taxi operators from 12,500 pounds to 25,000 pounds, the Board in a recent amendment to Part 298 (ER–549 adopted Nov. 29, 1968, effective Jan. 6, 1969) has authorized the use of turbojet aircraft under 27,000 pounds in charter operations only, provided that the maximum passenger capacity of the aircraft did not exceed 12 persons. A proposal to base the exemption on payload capacity of 7,500 pounds rather than the present 12,500 pounds maximum certificated weight of the aircraft would roughly double the payload capacity of small aircraft used by air taxi operators and would thus alter substantially the nature of the permissible operations by such air taxis. While the Board's policy is not immutable, facts have not been presented which would warrant the Board's taking the action requested.[18]

Reissuance of part. Inasmuch as Part 298 has not been reissued since December 1960, and in view of the large number of outstanding amendments to the part and the amendments made herein, the Board believes that the part should be reissued at this time.

Therefore, in consideration of the foregoing, the Board hereby amends and reissues Part 298 of its Economic Regulations (14 CFR Part 298), effective July 1, 1969, as set forth below:[19]

Subpart A—General

Sec.
298.1 Applicability of part.
298.2 Definitions.
298.3 Classification.
298.4 Requests for statement of authority.
298.5 Separability.

Subpart B—Exemptions

298.11 Exemption authority.
298.12 Effect of exemption on anti-trust laws.
298.13 Duration of exemption.
298.14 Approval of certain interlocking relationships.

Subpart C—Limitations on Exemptions

298.21 Scope of service authorized; geographical, equipment and mail service limitations; insurance and reporting requirements.
298.22 Operation of large aircraft.
298.23 Business name of air taxi operator.
298.24 Authority to carry mail in competitive markets.

[11] 49 U.S.C. 1301. Air transportation also includes "overseas" and "foreign" air transportation.

[12] "* * * the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between * * *.

(a) a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia * * * whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation."

[13] 298 F. 2d 430, 434 (C.A. 9, 1962), cert. den. 369 U.S. 885 (1962).

[14] Transocean A. L., Enforcement Proceeding, 11 C.A.B. 350, 353 (1950).

[15] Flying Tiger Line, Air-Truck Service, 30 C.A.B. 242, 244 (1959).

[16] Aspen Airways Exemption, Order E–18023, Feb. 14, 1962.

[17] See Chicago Area Service Case, 23 C.A.B. 552, 625 (1956).

[18] The Association of Commuter Airlines filed a petition for rule making (Docket 19730) requesting that the Board adopt a new Part 286 to be applicable only to scheduled air taxi operators and to grant them a form of route protection. The matter of route protection was considered by the Board when it issued the notice in this proceeding (EDR–130, supra) and it decided therein that route protection would not be granted at this time. Therefore, Docket 19730 will be consolidated herein and the petition of the Association of Commuter Airlines is denied.

Similarly, Trans-East Airlines, Inc. filed a document entitled "Petition for route protection and for amendment of Part 298" (Docket 19354) in which the carrier requests certain amendments to Part 298 which we are making herein and, in addition, seeks "the necessary route protection for the routes shown" in a map attached. It is not understood what the petition seeks in this regard and the "necessary route protection" is not specified. If the petition is construed as an application for a certificate, petitioner has not complied with Part 201. Therefore, Docket 19354 will be consolidated herein and the petition of Trans-East Airlines is denied.

[19] We have also brought up to date § 298.70 entitled "Enforcement" to include a reference to the civil penalties provision of the Act.

Subpart D—Liability Insurance Requirements

Sec.
298.41 Basic requirements.
298.42 Minimum limits of liability.
298.43 Terms and conditions of insurance coverage.
298.44 Authorized exclusions of liability.
298.45 Cancellation, withdrawal, modification, expiration or replacement of insurance coverage.

Subpart E—Registration for Exemption

298.50 Filing for registration by air taxi operators.
298.51 Processing by the Board.

Subpart F—Reporting of Scheduled Operations by Commuter Air Carriers

298.60 Report of scheduled air taxi operations.
298.61 Filing of flight schedules—current schedules and subsequent modifications.
298.62 Extension of filing time.
298.63 Certification.
298.64 Reporting instructions.
298.65 Data processing.

Subpart G—Violations

298.70 Enforcement.

AUTHORITY: The provisions of this Part 298 issued under sections 204, 406, 407, 409, 411, 416, 901, 902, 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 763 as amended by 76 Stat. 145, 80 Stat. 942, 49 U.S.C. 1376; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 768, 49 U.S.C. 1379; 76 Stat. 769, 49 U.S.C. 1381; 72 Stat. 771, 49 U.S.C. 1386; 72 Stat. 783, as amended by 76 Stat. 149, 49 U.S.C. 1471; 72 Stat. 784, as amended by 75 Stat. 466, 76 Stat. 150, 76 Stat. 921, 49 U.S.C. 1472.

Subpart A—General

§ 298.1 Applicability of part.

This part establishes a classification of air carriers known as "air taxi operators," provides certain exemptions from Title IV of the Federal Aviation Act of 1958, as amended, for such air carriers, and establishes rules and regulations applicable to their operations. This part applies to operations of air taxi operators in air transportation in all States, Territories and possessions of the United States of America.

§ 298.2 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958, as amended.

"Air taxi operator" means an air carrier coming within the classification of "air taxi operators" established by § 298.3.

"Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft. This includes carriage by aircraft as a common carrier between places in the same State (a) through airspace outside that State (over other States or the District of Columbia or the open sea or foreign territory) or (b) where such carriage is part of the movement of the passengers or property carried, in interstate, overseas or foreign air commerce.[20]

"Commuter air carrier" means an air taxi operator which (1) performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed, or (2) transports mail by air pursuant to a current contract with the Post Office Department.

"Large aircraft" means an aircraft whose maximum certificated takeoff weight is greater than 12,500 pounds.

"Maximum certificated takeoff weight" means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate. (This is found in the airplane operating record or in the ariplane flight manual which is incorporated by regulation into the airworthiness certificate.)

"Maximum passenger capacity" means the maximum passenger capacity listed in the applicable Federal Aviation Administration (FAA) type certificate data sheet (including supplemental type certificates).

"Point" when used in connection with any territory or possession of the United States, or the States of Alaska and Hawaii, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in connection with the continental United States, except Alaska, it shall have the same meaning except be limited to the area within a 3-mile radius of such airport or place: *Provided*, That for the purposes of this part, West 30th Street Heliport and Pan Am Building Heliport, both located in New York City, shall be regarded as separate points.

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property, and/or in the transportation within the 48 contiguous States or Hawaii of mail by aircraft, and which:

(1) Do not, directly or indirectly, utilize in air transportation large aircraft (other than turbojet aircraft authorized for use by air taxi operators pursuant to § 298.21);

(2) Do not hold a certificate of public convenience and necessity or other economic authority issued by the Board; and

(3) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in Subpart D of this part.

Provided, however, That any authority granted in this part to engage in the transportation of mail is limited to the carriage of mail on a nonsubsidy basis; i.e., on a service mail rate to be paid entirely by the Postmaster General, and the air taxi operator shall not be entitled to any subsidy payment with respect to any operations conducted pursuant to any authority granted in this part.

(b) A person who does not observe the conditions set forth in paragraph (a) of this section shall not be an air taxi operator within the meaning of this part with respect to any operations conducted by him while such conditions are not being observed, and during such periods is not entitled to any of the exemptions set forth in this part.

§ 298.4 Requests for statement of authority.

In any instance where an air taxi operator is required by a foreign government to produce evidence of its authority to engage in foreign air transportation under the laws of the United States, the Secretary of the Board will, upon request, furnish the carrier with a written statement, outlining its general operating privileges under this part for presentation to the proper authorities of the foreign government.

§ 298.5 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provision to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

Subpart B—Exemptions

§ 298.11 Exemption authority.

Air taxi operators are exempt from the following provisions of Title IV of the Act:

(a) Subsection 401(a);

(b) Section 403, except that the requirements of that section shall apply to tariffs for through rates, fares, and

[20] Section 401(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1371, prohibits any person from engaging in "air transportation" except to the extent he is authorized to do so by the Board. Air transportation as defined in the Act (see section 101 (10) and (21), 49 U.S.C. 1301) refers to (1) the carriage of mail by aircraft, and (2) the carriage by aircraft of persons or property as a common carrier for compensation or hire. With respect to persons or property, the term "air transportation" includes "interstate," "overseas" and "foreign" air transportation. Operations wholly within the geographic limits of a single State are not considered "air transportation" if in those operations the carrier transports no more than a de minimis volume of traffic moving as part of a continuous journey to or from a point outside the State. For a further discussion of what constitutes air transportation, see the preamble to ER–574, pp. 10–11 (mimeo.), 34 F.R. 7124.

charges filed jointly by air taxi operators and certificated air carriers;

(c) Subsection 404(a), except the requirements that air taxi operators shall provide safe service, equipment, and facilities in connection with air transportation; shall observe and enforce just and reasonable joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices as provided in tariffs filed jointly by air taxi operators and certificated air carriers; and shall establish just, reasonable, and equitable divisions of such joint rates, fares, and charges as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers;

(d) Subsection 404(b), except that the requirements of that subsection shall apply to through service provided pursuant to tariffs filed jointly by air taxi operators and certificated air carriers;

(e) Subsection 405(b);

(f) Subsections 407 (b), (c), and (d);

(g) Subsection 408(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the transactions or relationships prohibited by subsection 408(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by § 298.21.

NOTE: The above exemption is applicable to air taxi operations only. It does not relieve other persons subject to section 408(a) from the obligations of that section with respect to any relationships they may have with respect to air taxi operators. For additional exemptions from section 408(a) applicable to air taxi operators, see Part 299 of the Board's Economic Regulations.

(h) Subsection 409(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the relationships prohibited by subsection 409(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by § 298.21.

(i) Subsection 412(a): *Provided*, That air taxi operators shall not be relieved from filing with the Board a true copy, or, if oral, a true and complete memorandum of every contract or agreement (whether enforceable by provisions of liquidated damages, penalties, bonds, or otherwise) affecting air transportation, between any air taxi operator and any person (excluding air carriers) who operates for compensation or hire, aircraft having a maximum takeoff weight of more than 12,500 pounds.

§ 298.12 Effect of exemption on antitrust laws.

The exemption granted in § 298.11 from sections 408, 409(a), and 412 of the Act, shall not constitute an order under such sections, within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws," or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided*, That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further*, That the authorizations to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii shall terminate on June 30, 1969.

§ 298.14 Approval of certain interlocking relationships.

To the extent that any officer or director of an air taxi operator would be in violation of any of the provisions of section 409(a) (3) and (6) by participating in interlocking relationships covered by the exemption granted in § 298.11(h), such participation is hereby approved by the Board, subject, however, to the provisions of § 298.12.

Subpart C—Limitations on Exemptions

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and (2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds [2] and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however*, That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the State of Alaska or Hawaii. For purposes of this section, "charter flight" means air transportation performed by an air taxi operator on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and property (i) by a person for his own use, or (ii) by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group.

(b) *Prohibition of regular service in markets served by certificated helicopter carriers.* An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity between any points where scheduled helicopter passenger service, or community center and interairport service, is provided by the holder of a certificate of public convenience and necessity either in accordance with such certificate or pursuant to exemption order of the Board. (See also § 298.21(d).)

(c) *Air taxi service in Alaska.* No service in air transportation shall be offered or performed by an air taxi operator between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum takeoff weight not over 12,500 pounds as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the procedural regulations): *Provided*, That the operator is prohibited from rendering the above authorized service in air transportation, or holding out to the public expressly or by course of conduct that it renders such service, regularly or with a reasonable degree of regularity. Air taxi operators may also transport over postal routes Nos. 78150 and 78151 or such other designation as may be assigned thereto, and over postal routes designated by the Postmaster General as "gratuitous routes", such mail as may be tendered by the Postmaster of Alaska for transportation over such routes: *Provided*, That the foregoing restrictions on frequency of service in air transportation shall not apply to the carriage of such mail.

(d) *Limitation on use of helicopter, STOL or VTOL aircraft.* No service by helicopter, STOL or VTOL aircraft shall be offered or performed by an air taxi operator between any two points between which scheduled helicopter, STOL or VTOL aircraft service is provided by the holder of a certificate of public convenience and necessity authorizing such service. (See also § 298.21(b).)

(e) [Reserved]

(f) *Limitations on carriage of mail within the 48 contiguous States and Hawaii.* Within the 48 contiguous States and Hawaii, an air taxi operator shall not be authorized to carry mail between any pair of points (1) when there is no final mail rate, or agreed-upon mail rate filed pursuant to § 298.24(e) for such carriage; (2) when an air carrier holds a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (3) when an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416(b)(1) of the Act: *Provided, however*, That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's special regulations): *Provided further*, That this paragraph shall not preclude an air taxi operator from carrying mail between any pair of points regarding which there is in effect a notice of intent to use air taxi mail service, as provided in § 298.24. The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

(g) *Prohibition of services not covered by insurance.* An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides any air transportation for which there is not in effect liability insurance which complies with the requirements of Subpart D of this part and which covers such transportation.

(h) [Reserved]

(i) *Filing of reports by operators of turbojet aircraft.* Air taxi operators which engage in air transportation with turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each charter flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the charter price, and the model aircraft used.

NOTE: Service shall be deemed to be regular within the meaning of this section unless it is of such infrequency as to preclude an implication of uniform pattern or normal consistency of operations between, or within, such designated points.

§ 298.22 Operation of large aircraft.

(a) *Prohibition of operation of large aircraft in air transportation.* Nothing in this part shall be construed as authorizing the operation of aircraft having a maximum takeoff weight of more than 12,500 pounds by air taxi operators in air transportation other than turbojet aircraft authorized for use by air taxi operators pursuant to § 298.21(a).

(b) *Reporting of interest in large aircraft.* Every air taxi operator shall report to the Board any proprietary interest, direct or indirect, in any large aircraft or any enterprise operating large aircraft. Such reports shall be filed in duplicate within 30 days of the effective date of this part and thereafter within 5 days of acquisition of such interests. They shall be addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights.

(c) *Reporting of operations with large aircraft.* Any air taxi operator which operates or intends to operate large aircraft for compensation or hire, other than turbojet operations authorized by § 298.21(a), shall file with the Board a description of the method or proposed method of operations and state why such operations are believed not to constitute air transportation. Such reports shall state, among other pertinent matters, whether State lines or the boundaries of the United States will be crossed; the ultimate origin and destination (not only the places between which carriage is provided) of the persons or property carried; and the persons with whom contracts for transportation have been made or are expected to be made. In case operations not falling within the description on file with the Board are to be undertaken, a report containing the same data shall be filed within 3 days after the particulars of such operations have been decided upon. These reports shall be submitted in duplicate, by airmail if mailed more than 200 miles from Washington, D.C., addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights.

§ 298.23 Business name of air taxi operator.

(a) It shall be an express condition upon the exercise of the privileges herein granted and the operating authorizations issued hereunder, that any air taxi operator, in holding out to the public and in performing air transportation services, shall do so only in a name or names in which its air carrier operating certificate is issued pursuant to section 604 of the Act by the Administrator of the Federal Aviation Administration: *Provided*, That the Board may require an air taxi operator to change such name or names where they appear contrary to the public interest.

(b) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(c) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from any provisions of the Act, or orders, rules or regulations issued thereunder.

§ 298.24 Authority to carry mail in competitive markets.

(a) *General scope.* An air taxi operator may carry mail between a pair of points named in a notice of intent to use air taxi mail service which is effective pursuant to this section. Such a notice may be filed only by the Post Office Department and shall be conspicuously entitled either regular notice of intent to use air taxi mail service or expedited notice of intent to use air taxi mail service.

(b) *Regular notice of intent to use air taxi mail service.* A notice filed under this subsection shall state the name of the air taxi operator who will engage in the carriage of mail if known; the location of the points between which mail is to be carried; and the reasons, together with supporting data, why the Post Office Department deems the proposed service required to meet the needs of the Postal System.

(c) *Expedited notice of intent to use air taxi mail service.* In addition to the information required by § 298.24(b), a notice filed under this subsection shall contain a factual representation that the Post Office Department has ascertained that no interested certificated route carrier objects to air taxi mail service between the subject pair of points. Such notice shall also identify each interested certificated route carrier with which the Post Office has discussed the proposed air taxi mail service. For purposes of this subsection, an interested certificated route carrier is defined as (1) an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (2) an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416(b) of the Act.

(d) *Effective date of notice—protests and objections.* Subject to the provisions of paragraph (e) of this section, a regular notice of intent to use air taxi mail service filed under paragraph (b) of this section shall be effective to authorize the proposed service upon the expiration of 10 days after the filing of such notice, unless within such 10-day period (1) the Board shall issue an order suspending such notice, or (2) any person shall file a written protest and objection setting forth grounds why such service would be contrary to the public interest. Subject to the provisions of paragraph (e) of this section, an expedited notice of intent to use air taxi mail service filed under paragraph (c) of this section shall be effective to authorize the proposed service upon the expiration of 5 days after the filing of such notice, unless within such 5-day period (i) the Board shall issue an order suspending such notice or (ii) any person shall file a telegraphic or other written protest stating opposition to the proposed service. Within 10 days after the filing of a notice under paragraph (c) of this section, any person who filed a timely protest thereto shall also file a written objection setting forth grounds why such service would be contrary to the public interest. Within 7 days after an objection has been filed, the Post Office Department may file an answer thereto. Where a protest has been filed, a notice under paragraph (b) or (c) of this section shall not be effective unless and until the Board so orders.

(e) *Establishment of mail rate.* No notice filed under paragraph (b) or (c)

[2] The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

of this section shall be effective until the Post Office Department and the affected air taxi operator have jointly filed with the Board a petition setting forth a mutually agreed-upon rate for the carriage of mail and requesting the Board to fix a final mail rate pursuant to section 406 of the Act. Where a notice filed pursuant to paragraph (b) or (c) of this section states that the Post Office Department has been authorized to petition for such rate by the affected air taxi operator, the Department may file the petition required herein either separately or as part of said notice. If the Board fails to fix a final mail rate by the date when such notice becomes effective, the mutually agreed-upon rate shall be the basis for temporary payment, subject to upward or downward adjustment upon the determination of a final mail rate which shall be retroactive to the date when service was inaugurated.

(f) *Service of documents.* A copy of each notice or answer filed by the Post Office Department with the Board under paragraph (b), (c), or (d) of this section shall be served upon the chief executive of each interested certificated route carrier, as that term is defined in paragraph (c) of this section. A copy of each protest and objection shall be served upon the Post Office official subscribing the notice and upon any air taxi operator named therein. Service of each notice filed under paragraph (c) of this section shall be made personally or by telegram. Service of each notice filed under paragraph (b) of this section shall be made personally, by airmail, or, if as expeditious as airmail, by first-class mail. Service of any answer or protest upon any person may be made by personal service, or by first-class or airmail. Each copy of a notice served pursuant to this subsection shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this part.

(g) *Filing of documents.* An executed original and nine copies of each notice, answer or objection and protest shall be filed with the Docket Section of the Civil Aeronautics Board, Washington, D.C. 20428. Each such copy shall be accompanied by a statement that service has been made in accordance with the provisions of paragraph (f) of this section.

(h) *Other procedural provisions.* Except as otherwise specifically provided herein, the requirements of Part 302 of the Board's procedural regulations shall govern notices and other pleadings filed pursuant to this section.

Subpart D—Liability Insurance Requirements

§ 298.41 Basic requirements.

(a) Each air taxi operator engaging in air transportation shall maintain in effect liability insurance coverage which complies with the requirements of this subpart and which is evidenced by a currently effective policy of insurance, with an attached standard endorsement, available for inspection by the Board and the public at its principal place of business. Notwithstanding the provisions of § 298.44 (b), (g), (h), and (j), no liability insurance will be deemed to comply with this subpart unless it covers all aircraft which the operator operates in air transportation and all services which the operator performs in air transportation.

(b) "Certificate of insurance," as used herein, means one or more certificates, evidencing the following: Issuance by one or more insurers of one or more currently effective policies of aircraft liability insurance in compliance with this subpart and properly endorsed, which alone or in combination provide the minimum coverage prescribed in §298.42. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. The certificate of insurance shall also state whether the policy of insurance provides coverage for liability for bodily injury to, or death of, aircraft passengers. In addition, the certificate of insurance shall state whether the policy of insurance excludes coverage for operations with any aircraft falling within the groupings specified in § 298.44(j). Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.[22]

(c) The insurance coverage and certificate required by this subpart shall be obtained from one or more (1) reputable and financially responsible insurance companies or associations which are licensed to issue aircraft liability policies in any State in the United States or in the District of Columbia, or (2) surplus line insurers named on a current list of approved surplus line insurers promulgated by the insurance regulatory authority of any State in the United States or in the District of Columbia: *Provided*, That if any such surplus line insurer provides more than ten percent (10%) of the liability insurance coverage of an air taxi operator required by this subpart, it shall maintain, in a bank or other financial institution organized or operating under the laws of the United States or a State thereof or the District of Columbia, a trust fund of at least three hundred thousand dollars ($300,000) for the benefit of its policyholders.

(d) Each air taxi operator shall prominently post at each place where it deals with the public a copy of its currently effective certificate or certificates of insurance, and shall file a copy of each with the Board in accordance with the provisions of Subpart E of this part. No certificate of insurance shall be posted unless the policy or policies of insurance to which it relates remain in effect.

[22] CAB Forms 257 and 262 are filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

§ 298.42 Minimum limits of liability.

(a) The minimum limits of liability coverage maintained by an air taxi operator who carries passengers in air transportation shall be:

(1) *Liability for bodily injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(2) *Liability for bodily injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least three hundred thousand dollars ($300,000) for each occurrence.

(3) *Liability for loss of or damage to property.* A limit of at least one hundred thousand dollars ($100,000) for each occurrence.

(b) The minimum limits of liability coverage maintained by an air taxi operator who restricts his operations in air transportation to the carriage of mail or property, or both, shall be those specified in paragraphs (a) (2) and (3) of this section.

§ 298.43 Terms and conditions of insurance coverage.

Liability insurance coverage required by this part shall meet the following minimum requirements:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured air taxi operator, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of persons, or for loss or damage to property of others (except as exclusion of coverage is permitted by § 298.44) resulting from the insured operator's negligent operation, maintenance or use of aircraft in "air transportation," as that term is defined by the Federal Aviation Act of 1958.

(b) The liability of the insurer shall apply to all operations by the insured operator in "air transportation," as that term is defined by the Federal Aviation Act of 1958. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured operator, of any applicable safety or economic provision of the Federal Aviation Act or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board or any other State or Federal law or regulation. No special waiver or exemption issued by the Federal Aviation Administration or the Civil Aeronautics Board shall affect the insurance afforded by the policy.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence. Any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition, warranty, or exclusion in the policy or any endorsement thereon, or violation thereof by the insured air taxi operator, other than by the exclusions set forth in § 298.44 or such other exclusions as may be individually approved by the Board.

(e) The policy of insurance shall state that, pursuant to any statute of any State, Territory, or District of the United States which makes provision therefor, the insurer designates the Superintendent, Commissioner, or Director of Insurance or other officer specified for that purpose in the statute (or his successor or successors in office) as the insurer's attorney upon whom may be served process in any action arising out of the policy of insurance.

§ 298.44 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

(a) Any loss against which the named insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be in excess of the limits provided by such other valid and collectible insurance up to the limits certified in a certificate of insurance, but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any large aircraft except, subject to the provisions of paragraph (j) of this section, turbojet aircraft having a maximum takeoff weight of over 12,500 pounds authorized for use by air taxi operators pursuant to § 298.21;

(c) Liability assumed by the named insured under any contract or agreement, unless such liability would have attached to the insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the named insured while engaged in the duties of his employment, or any obligation for which the named insured or any company as his insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the named insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly by hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radioactive materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority;

(g) Any loss arising from operations within any geographic areas other than the following:

(1) Between points in the 48 contiguous States, the District of Columbia, Canada, and Mexico;

(2) Between points in Puerto Rico and the Virgin Islands;

(3) Between points within the States of Alaska and Hawaii;

(4) Between points in Alaska and points in Canada; and

(5) Within any other geographic area for which coverage is specified in the policy of insurance;

Provided, That a loss caused by mere misadventure in flying over or landing in any geographic area not specified in subparagraphs (1) through (5) of this paragraph shall not be excluded;

(h) Any loss arising from operations by the named insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS);

(i) Any loss arising from operation of an aircraft (1) without a copilot, if one is required under the policy of insurance or (2) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance;

(j) Any loss arising from the operation of an aircraft falling within any of the following aircraft groupings, if specified in the policy of insurance: Piston engine rotary-wing; turbine engine rotary-wing; single engine piston fixed-wing; multiengine piston fixed-wing; single engine turbo prop fixed-wing; multiengine turbo prop fixed-wing; multiengine turbo jet fixed-wing; multiengine center line thrust fixed-wing; single engine water alighting fixed-wing; multiengine water alighting fixed-wing: *Provided*, That no grouping shall be so specified if any aircraft type falling within such grouping is included within the coverage of the policy;

(k) Any loss arising from operations other than the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in interstate, overseas, or foreign air transportation;

(l) Any loss arising from operations with aircraft for which an airworthiness certificate has not been issued, has been surrendered, or has been suspended or revoked by the Administrator of the Federal Aviation Administration, or has expired by its terms;

(m) Any loss arising from operations with aircraft which, at takeoff, have not had inspections, maintenance, preventive maintenance, and alterations performed when required by the Federal Aviation Regulations, or which have not had such inspections, maintenance, preventive maintenance, and alterations performed by persons authorized by the Federal Aviation Regulations.

§ 298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

(a) Each policy of insurance shall specify that, unless replaced as provided in paragraph (b) of this section, it may not be canceled or withdrawn, or modified to reduce the limits of liability, until after 10 days' written notice by the insurer to the Board's Bureau of Operating Rights, Washington, D.C. 20428, which 10-day notice period shall commence to run from the date such notice is actually received by the Board. Each policy shall further provide that the insurer will notify the Board, 10 days before the expiration date of the policy, unless the policy has been renewed.

(b) Policies of aircraft liability insurance, and certificates of insurance accepted by the Board under this part, may be replaced by other policies of insurance and certificates of insurance conforming to this subpart. The liability of the retiring insurer shall be considered terminated as of the effective date of the replacement policy of aircraft liability insurance and certificate of insurance.

Subpart E—Registration for Exemption

§ 298.50 Filing for registration by air taxi operators.

(a) Every air taxi operator (whether or not he is also a commuter air carrier as defined in this part) who is operating in air transportation as of July 1, 1969, shall, on or before that date register with the Board and shall re-register annually thereafter on or before July 1 of each succeeding year.

(b) Any person (whether or not he is a commuter air carrier as defined in this part) who commences operations under this part after July 1, 1969, shall, within 30 days after commencing such operations, register with the Board and shall re-register each year thereafter on the anniversary date of the original registration.

(c) Registration shall be accomplished by filing the following with the Board's Bureau of Operating Rights, Washington, D.C. 20428:

(1) A "Registration for Exemption under Part 298 of the Economic Regulations of the Civil Aeronautics Board" (CAB Form 298–A) executed in duplicate.[23] This form shall be certified by a responsible official of such carrier and shall include the following information: (i) Name of the individual or corporation operating the carrier and trade name of the carrier; (ii) the carrier's Federal

[23] CAB Form 298–A is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

Aviation Administration certificate number; (iii) address of its principal place of business and its mailing address; (iv) whether the carrier has performed at least 5 round trips per week pursuant to published schedules during the previous 12-month period; and (v) whether the carrier has currently effective insurance which complies with Subpart D of this part.

(2) A currently effective certificate of insurance as defined by § 298.41(b).

(3) A ten ($10) dollar registration fee. This shall be in the form of a check, draft, or postal money order, payable to the Civil Aeronautics Board.

§ 298.51 Processing by the Board.

After examination of an operator's filing under § 298.50, the Board will stamp and return to the carrier the duplicate copy of the CAB Form 298–A filed thereunder. This will serve to confirm that the carrier is registered with the Board in compliance with § 298.50 and will establish the date for annual re-registration.

Subpart F—Reporting of Scheduled Operations by Commuter Air Carriers

§ 298.60 Report of scheduled air taxi operations.

(a) Each "commuter air carrier" shall file CAB Form 298–C,[1] entitled "Report of Scheduled Operations of Commuter Air Carriers" in accordance with the provisions of this part and in the manner set forth in said form, which is made a part hereof and annexed hereto.

(b) CAB Form 298–C shall be prepared for the quarter ending March 31, June 30, September 30 and December 31 of each calendar year.[2] It shall be completed in triplicate and filed with the Board (i.e., postmarked) not more than forty (40) days after the end of each calendar quarter, and shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

§ 298.61 Filing of flight schedules—current schedules and subsequent modifications.

On or before July 1, 1969, or within 30 days after commencing operations as a commuter air carrier, whichever is later, each commuter air carrier shall file with the Director, Office of Facilities and Operations, Civil Aeronautics Board, Washington, D.C. 20428, a copy of its most recent published flight schedules, along with a statement of rates and fares charged for transportation on scheduled flights. Thereafter, if any modification in such schedules or statement of rates or fares is made, a copy of such modifications shall be filed (i.e., postmarked) not later than ten (10) days after the modification becomes effective.

[1] CAB Form 298–C is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] The first report required to be filed under this subpart shall be for the quarter commencing July 1, 1969.

§ 298.62 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor, addressed to the Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

§ 298.63 Certification.

The certificate contained in CAB Form 298–C shall be executed by the officer in charge of the carrier's accounts.

§ 298.64 Reporting instructions.

(a) Schedules A–1, T–1, and T–2 of CAB Form 298–C shall be filed quarterly by each reporting carrier. The information included in each schedule shall cover only flights performed pursuant to published schedules or contracts with the Post Office Department for the transportation of mail.

(b) Schedule A–1 shall describe the aircraft used in scheduled service or mail service by the carrier.

(1) Column (1) shall set forth the aircraft registration number of each aircraft.

(2) Column (2) shall set forth the type and model of each aircraft listed in Column (1).

(3) Column (3) shall set forth the capacity in passenger seats of each aircraft. Crew seats should not be counted.

(4) Column (4) shall set forth the carrier's best estimate in pounds as to total capacity available for cargo in both cargo and passenger compartments of each aircraft under normal operating conditions over the carrier's system. Estimates should take into consideration both limitations on lift capacity of aircraft as well as limitations imposed by the space available for cargo and average density per cubic feet of cargo carried. If passenger aircraft are also employed in all-cargo configuration, give the cargo capacity with all seats in place and with all seats removed.

(c) Schedule T–1 shall set forth the traffic carried, in each direction, between the points served by the carrier's operation.

(1) Definitions: On-line origin is the point of initial boarding of traffic on the reporting carrier's operation. On-line destination is the point of final deplanement of traffic in the reporting carrier's operation.

(2) Columns (1) and (2) shall reflect the points of on-line origin and on-line destination, respectively, of traffic which was carried during the reporting period.

(3) Columns (3), (4), and (5) shall reflect the total number of revenue passengers, pounds of cargo, and pounds of mail, respectively, carried from the point of on-line origin to the point of on-line destination shown in Columns (1) and (2).

(d) Schedule T–2 shall set forth all routings for scheduled and mail flights performed by the reporting carrier, with the number of flights performed and the aircraft type(s) used on each routing.

(1) Column (1) shall set forth the origin point of each routing.

(2) Column (2) shall set forth the intermediate points on each routing whose origin is listed in Column (1). When there are two or more intermediate points on a routing they should be listed from top to bottom in the order in which the stops are performed.

(3) Column (3) shall set forth the destination point of the routing.

(4) Column (4) shall set forth the total number of flights performed in the reporting quarter over the routing indicated in Columns (1)–(3). In instances where more than one type of aircraft is operated between a pair of points, a subtotal shall indicate the total number of flights by all types of aircraft between each pair of points.

(5) Column (5) shall set forth the type of aircraft used on the routing.

§ 298.65 Data processing.

The information requested in Schedules A–1, T–1, or T–2 of CAB Form 298–C as provided in § 298.64 may be submitted on any comparable form prepared on automatic data processing equipment: *Provided, however,* That such substitute form has been approved by the Director, Bureau of Accounts and Statistics, Washington, D.C. 20428. Data in any approved format shall be submitted in triplicate and shall contain the same columnar headings arranged in the same sequence as the schedules called for in CAB Form 298–C.

Subpart G—Violations

§ 298.70 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith; or to civil penalties pursuant to the provisions of section 901(a) of the Act; or, in the case of a willful violation, to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions including revocation of operating authority.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-5203; Filed, Apr. 30, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Canned Clingstone and Freestone Peaches[1]

COLOR

During the period of July 26, 1967 to January 1, 1969, two notices of proposed rule making to amend the U.S. Standards For Grades of Canned Clingstone Peaches and of Canned Freestone Peaches were published in the FEDERAL REGISTER (32 F.R. 10935 and 33 F.R. 2608). An extension of time until March 1, 1969, to permit interested persons to submit data, views, and comments on the proposals was published in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19846).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices, the U.S. Standards For Grades of Canned Clingstone Peaches and of Canned Freestone Peaches are hereby amended, pursuant to the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), as follows:

Statement of consideration leading to the amendments. Upon request of the peach canning industry in California the U.S. Department of Agriculture proposed changes in 1967 and 1968 relative to color requirements for Grades A, B, and C in the U.S. Standards for Grades of Canned Clingstone Peaches and of Canned Freestone Peaches. Previous grade standards provided for the same minimum color level for Grade A and Grade B in both canned clingstone and freestone peaches.

The changes, as proposed, provided for separate levels for Grade A and Grade B. The minimum color level proposed for Grade A was slightly higher, while the minimum level proposed for Grade B was considerably lower than previously required. The proposed Grade C limit was slightly more restrictive than the previous minimum color limit for that grade.

In addition, the U.S. Department of Agriculture proposed a limiting rule to be applied to the Grade B level for color. Previous standards did not provide for a limiting rule in that grade classification.

The proposed changes were studied by the industry and the Department of Agriculture during the 1967 and 1968 canning seasons. The following comments have been received regarding the latest proposed changes of 1968:

(1) The Canners League of California indicates the color limits for both canned clingstone and freestone peaches as proposed are acceptable provided the limiting rule proposed for Grade B classification for both canned clingstone and freestone peaches is eliminated.

(2) The Georgia Canners Association, representing the freestone peach canners in the southeastern United States, indicates the color limits for the Grade A and Grade B classifications for canned freestone peaches are acceptable. The Association requests, however, that the minimum color limits for the Grade C classification in the previous standards remain unchanged. The Association states the limits as proposed for Grade C for canned freestone peaches are too restrictive and would create a hardship on the peach canners in the southeastern area of the United States.

The U.S. Department of Agriculture concludes that the amendments to the U.S. Standards for Grades of Canned Clingstone Peaches and of Canned Freestone Peaches—as proposed and hereby adopted with the following exceptions—will best serve current production and marketing practices as well as the consumer:

(1) The limiting rule in the Grade B classification for both canned clingstone and canned freestone peaches is eliminated.

(2) The minimum color level for Grade C in the previous canned freestone peach grade standards is retained.

No other changes from the proposals except of an editorial nature and to incorporate the aforementioned modifications are being made at this time.

Subpart—U.S. Standards for Grades of Canned Clingstone Peaches

Change § 52.2572 in its entirety and substitute the following:

§ 52.2572 Color.

(a) *General.* (1) The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominant and characteristic color on the surface of whole units, and the outside surfaces of other units, except the cut surfaces of such units are also considered when adversely affected by discoloration. Units other than whole on which the pit cavity is abnormally discolored are considered under the factor of absence of defects only.

(2) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *Classification.* Canned clingstone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes that score 18 to 20 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the peaches possess a bright color ranging from yellowish orange to orange yellow; and that there may be present units which possess "reasonably good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "reasonably good color"; or one unit in a container is permitted to possess "reasonably good color"; *Provided,* That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the styles of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "reasonably good color."

(c) (*B*) *Classification.* Canned clingstone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the canned clingstone peaches possess a reasonably bright color that may fail to meet minimum color requirements for Grade A but is equal to or better than light orangish-yellow, that the units may possess slight discoloration due to oxidation, pit pigmentation, or other causes which does not more than slightly affect the appearance or edibility, or both, of the product; and that there may be present units which possess "fairly good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "fairly good color"; or one unit in a container is permitted to possess "fairly good color"; *Provided,* That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "fairly good color."

(d) (*C*), (*D*), *and* (*C–SP*) *Classification.* Canned clingstone peaches and canned solid-pack clingstone peaches that possess a fairly good color may be given a score of 14 or 15 points. Canned clingstone peaches or canned "solid-pack" clingstone peaches that fall into this classification shall not be graded above U.S. Grade C or U.S. Grade C Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the peaches possess a color that may fail to meet minimum color requirements for Grade B but is equal to or better than greenish-yellow;

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

that the units may possess slight discoloration due to oxidation, pit pigmentation, or other causes which do not materially affect the appearance or edibility, or both, of the product; and that the units may possess other color as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may fail to meet the minimum color for Grade C or may be off-color; or one unit in a container is permitted to possess such color: *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units.

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(e) *(SStd) and (SStd–SP) Classification.* Canned clingstone peaches and canned "solid-pack" clingstone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

Subpart—U.S. Standards for Grades of Canned Freestone Peaches

Change § 52.2610 in its entirety and substitute the following:

§ 52.2610 Color.

(a) *General.* (1) The color of canned freestone peaches other than canned "spiced" peaches refers to the predominant and characteristic color on the surface of whole units and the outside surfaces of other units, except the cut surfaces of such units are also considered when adversely affected by discoloration. Units other than whole on which the pit cavity is abnormally discolored are considered under the factor of "absence of defects" only.

(2) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) Classification.* Canned freestone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes that score 18 to 20 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the peaches possess a bright color ranging from pale yellowish-orange to orange-yellow; and that there may be present units which possess "reasonably good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "reasonably good color"; or one unit in a container is permitted to possess "reasonably good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "reasonably good color."

(c) *(B) Classification.* Canned freestone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the canned freestone peaches possess a reasonably bright color that may fail to meet minimum color requirements for Grade A but is equal to or better than pale yellow; that the units may possess slight discoloration due to oxidation, pit pigmentation, or other causes which does not more than slightly affect the appearance or edibility, or both, of the product; and that there may be present units which possess "fairly good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "fairly good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, 10 percent, by weight, of the drained peaches may possess "fairly good color."

(d) *(C), (D), and (C–SP)* Classification. Canned freestone peaches that possess a fairly good color and canned "solid-pack" freestone peaches that possess a fairly good color or better color may be given a score of 14 or 15 points. Canned freestone peaches or canned "solid-pack" freestone peaches that fall into this classification shall not be graded above U.S. Grade C or U.S. Grade C Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the peaches possess a color that may fail to meet minimum color requirements for Grade B but is equal to or better than a dull greenish yellow; that the units may possess slight discoloration due to oxidation, pit pigmentation, or other causes which does not materially affect the appearance or edibility, or both, of the product; and that the units may possess other color as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may fail to meet the minimum color for Grade C or may be off-color; or one unit in a container is permitted to possess such color: *Provided*, That in all the containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color requirements for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(e) *(Sstd.) and (Sstd–SP) Classification.* Canned freestone peaches and canned "solid-pack" freestone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

These amendments shall be effective June 1, 1969.

Dated: April 28, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-5214; Filed, Apr. 30, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 180]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.480 Navel Orange Regulation 180.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interest persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 29, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 2, 1969, through May 8, 1969, are hereby fixed as follows:

(i) District 1: 664,000 cartons;

(ii) District 2: 136,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 30, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5337; Filed, Apr. 30, 1969; 11:26 a.m.]

[Valencia Orange Reg. 274]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.574 Valencia Orange Regulation 274.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must became effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 29, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 2, 1969, through May 8, 1969, are hereby fixed as follows:

(i) District 1: 424,000 cartons;

(ii) District 2: 168,000 cartons;

(iii) District 3: 208,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 30, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5338; Filed, Apr. 30, 1969; 11:26 a.m.]

[966.306, Amdt. 5]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth is necessary and this action is being taken to effectuate the declared policy of the act in the circumstances now presented.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because (1) the time intervening between the date when the information upon which this amendment is based became

available and the time when this amendment must become effective in order to effectuate the declared policy of the Act is insufficient, (2) compliance with this amendment will not require any special preparation by handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of production area tomatoes.

Order, as amended. In § 966.306, *Limitation of shipments* (33 F.R. 16330, 17310, 19161; 34 F.R. 128, 6326), paragraphs (a) and (b) are hereby amended to read as follows:

§ 966.306 Limitation of shipments.

* * * * *

(a) *Minimum grade and size.* No person shall handle any lot of tomatoes for shipment outside of the regulation area unless they meet one of the following minimum grade and size requirements:

(1) U.S. No. 3 grade, 2 2/32 inches minimum diameter; or

(2) U.S. No. 2, or better grade, 2 6/32 inches minimum diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Size classification.* (1) No person shall handle for shipment outside the regulation area any tomatoes unless they are sized within one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the method prescribed in paragraph (c) of § 51.1860 of U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
7 x 7	2 2/32 to 2 8/32, inclusive.
6 x 7	Over 2 8/32 to 2 17/32, inclusive.
6 x 6	Over 2 17/32 to 2 25/32, inclusive.
5 x 6	Over 2 25/32.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated: April 25, 1969, to become effective April 25, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5189; Filed, Apr. 30, 1969; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 79]

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued April 14, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 25, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d)(1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

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AUTHORITY: The provisions of this Part 1079 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1079.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1079.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1079.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1079.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1079.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1079.6 Des Moines, Iowa, marketing area.

"Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received by a handler as producer milk.

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1079.10.

§ 1079.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1079.12 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more pool plants, (b) any cooperative association with respect to the milk of producers diverted by the association for the account of such association from a pool plant to a nonpool plant, or (c) any person as the operator of a partially regulated distributing plant.

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 1079.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this

section from a pool distributing plant to a nonpool plant for the account of either the operator of the pool distributing plant or a cooperative association shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.12(b) may divert for its account without limit during the other days of the month the milk of any member producer whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.12(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk.

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1079.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1079.17 Base zone.

"Base zone" means all the territory within the marketing area except Boone and Story Counties, Iowa.

§ 1079.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1079.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1079.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1079.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1079.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1079.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1079.30 and 1079.31 or payments pursuant to §§ 1079.62, 1079.80, 1079.84, 1079.86, 1079.87, and 1079.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1079.50(b) and the Class I butterfat differential pursuant to § 1079.51(a), both for the current month; and the minimum price for Class II milk pursuant to § 1079.50(c) and the Class II butterfat differential pursuant to § 1079.51(b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1079.72, and the butterfat differential pursuant to § 1079.81;

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1079.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1079.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 1079.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk on routes in the marketing area; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk.

§ 1079.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his plants his producer (or dairy farmer) payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1079.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1079.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market adminstrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1079.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1079.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1079.41 to 1079.46.

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b)(2) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping;

(3) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Skim milk and butterfat in shrinkage not in excess of two percent of the receipts of (i) producer milk (except milk diverted to a nonpool plant pursuant to § 1079.14), (ii) fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler, and (iii) fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(6) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1079.42(b)(2).

§ 1079.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Items specified in § 1079.41(b)(5); and

(2) Remaining receipts of other source milk.

§ 1079.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1079.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1079.46(a)(7) and (8) and the corresponding steps of § 1079.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa;

(d) As Class I milk, if transferred or diverted from a pool plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1079.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1079.41.

§ 1079.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and for producer milk diverted to each nonpool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1079.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Substract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1079.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents.

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1079.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1079.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1079.52 Location differentials to handlers.

(a) For producer milk received at a plant located inside the marketing area but outside the base zone or a plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator, from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for

which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents. For plants outside the marketing area such price shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition remaining at the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b) in excess of 95 percent of receipts of producer milk at such plant, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1079.53 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1079.60 Producer-handler.

Sections 1079.40 to 1079.46, 1079.50 to 1079.52, and 1079.80 to 1079.88 shall not apply to a producer-handler.

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1079.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1079.30) and allow verification of such reports by the market administrator.

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1079.30 and 1079.31(b)(1) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1079.30 and 1079.31(b)(1) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1079.10(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

Determination of Uniform Price

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1079.46(a)(10) and the corresponding step of § 1079.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(5) and the corresponding step of § 1079.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(7) and the corresponding step of § 1079.46(b).

§ 1079.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f.o.b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1079.70 for all pool plants for which the reports prescribed in § 1079.30 for such month were made, except those in default of payments required pursuant to § 1079.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1079.72(a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1079.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1079.72 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1079.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1079.70(e); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the uniform price for milk received from producers.

Payment for Milk

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81, 1079.82 and 1079.87, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1079.81 Butterfat differentials to producers.

The uniform price pursuant to § 1079.72 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1079.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1079.82 Location differentials to producers.

(a) The uniform price for producer milk pursuant to § 1079.72 received at a pool plant or diverted from a pool plant shall be reduced according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) For purposes of computations pursuant to §§ 1079.84 and 1079.85 the uniform price shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1079.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1079.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1079.80 of such handler for producer milk received during the month; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1079.70(e).

§ 1079.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.84(b) exceeds the amount computed pursuant to § 1079.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1079.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1079.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1079.84 and 1079.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1079.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1079.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1079.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu

of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1079.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1079.46(a) (3) and (7) and the corresponding steps of § 1079.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1079.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1079.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1079.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1079.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1079.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market, administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1079.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1079.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: May 1, 1969.

Signed at Washington, D.C., on April 28, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-5230; Filed, Apr. 30, 1969; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—MEASUREMENT SERVICES

PART 200—POLICIES, SERVICES, PROCEDURES, AND FEES

Broadcasts

Pursuant to the authority contained in 15 U.S.C. 275a and 277, Subchapter A is amended as set forth below.

Effective upon publication in the FEDERAL REGISTER, Chapter II of Title 15 of the Code of Federal Regulations is amended with respect to Subchapter A, Part 200, § 200.108, *Broadcasts*, by revising paragraph (a) thereof to reflect a change in policy by discontinuing the publication of advance monthly radio notices in the FEDERAL REGISTER. Section 200.108(a) will read as follows:

§ 200.108 Broadcasts.

(a) (1) The NBS Time and Frequency Division broadcasts various types of standard frequency and time signals as a service from three radio stations: WWV, WWVH, and WWVB. A fourth station, WWVL, is engaged in an experimental program to evaluate precise time synchronization techniques. NBS Special Publication 236, "NBS Frequency and Time Broadcast Services,"[1] contains information concerning the signals broadcast from these four stations. WWVH is located at Maui, Hawaii. WWV, WWVL, and WWVB are located at Fort Collins, Colo.

(2) Advance notices of coordinated adjustments in phase and offset and other planned changes in radio emissions are provided in the Standards and Calibrations column of the "NBS Technical News Bulletin,"[2] which is published monthly.

* * * * *

A. V. ASTIN,
Director.

APRIL 25, 1969.

[F.R. Doc. 69-5282; Filed, Apr. 30, 1969; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Motors

§ 15.341 Disclosure of origin of imported motors.

(a) In response to a request for an advisory opinion, the Commission ruled that it would not be necessary to disclose the foreign origin of certain electric motors or components thereof which are imported from Poland.

(b) According to the facts presented by the requesting party, the imported motors will be attached in the United States to domestically made gear trains. Moreover, the imported motor will represent approximately one-third of the total cost of the finished unit, i.e., the motor and the gear train.

(c) Concluding that a disclosure would not be required under these circumstances, the Commission said: "In the absence of any affirmative representation that the imported motors are made in the United States, or any other representation that might mislead purchasers as to the country of origin, the Commission is of the opinion that, under the facts presented, the failure to mark the origin of the imported motors or components thereof will not be regarded by the Commission as deceptive."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: April 30, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5150; Filed, Apr. 30, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Location of Term "Irregular" To Describe Shirts

§ 15.342 Location of term "irregular" to describe shirts.

(a) In response to a request for an advisory opinion, the Commission advised a manufacturer that irregular men's dress and sport shirts should be stamped "irregular" on the neck band, not on the shirttail.

(b) Whenever an affirmative disclosure is required, the Commission said, it is a well-established principle that it must be made with such clarity that it will likely be observed by prospective purchasers making a casual inspection of the merchandise prior to, not after, the purchase thereof. Because of the manner in which shirts are ordinarily folded and displayed at the point of sale, the Commission added, an "irregular" stamp on the shirttail would not normally be seen by prospective purchasers until after the sale has been consummated.

(c) Concluding that the disclosure should be made in the neck band, the Commission said: "Although the disclosure may be placed in any location so long as it complies with the aforementioned principle, experience indicates that the best possible location in most cases would be in the neck band. This is where most prospective purchasers look at a shirt because this is where the size and fiber identification normally are placed. Under these circumstances, therefore, the Commission would not accept a disclosure made on the shirttail. It would, however, accept a legible disclosure made in the neck band as being in compliance with sec. 5 of the FTC Act."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: April 30, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5151; Filed, Apr. 30, 1969; 8:45 a.m.]

[1] For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[1] Chairman Dixon and Commissioner MacIntyre disagree because they believe the advice is improper.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7010]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deductions for Costs of Advertising in Programs of Certain Political Conventions

On January 18, 1969, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform paragraph (b) of § 1.276-1 thereof, relating to deductions for costs of advertising in programs of political conventions, to section 108 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 268) and to the Act of June 18, 1968 (Public Law 90-346, 82 Stat. 183), was published in the FEDERAL REGISTER (34 F.R. 863). No comments thereon were received from the public. The amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: April 23, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform § 1.276-1 of the Income Tax Regulations (26 CFR Part 1) to section 108 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 268) and to the Act of June 18, 1968 (Public Law 90-346, 82 Stat. 183), new subparagraph (2) is inserted in § 1.276-1 (b) in the place reserved therefor immediately after subparagraph (1). This new provision reads as follows:

§ 1.276-1 Disallowance of deductions for certain indirect contributions to political parties.

* * * * *

(b) *Advertising in convention program.* * * *

(2) *Amounts paid or incurred on or after January 1, 1968, for advertising in programs of certain national political conventions.* (i) Subject to the limitations in subdivision (ii) of this subparagraph, a deduction may be allowed for any amount paid or incurred on or after January 1, 1968, for advertising in a convention program of a political party distributed in connection with a convention held for the purpose of nominating candidates for the offices of President and Vice President of the United States, if the proceeds from the program are actually used solely to defray the costs of conducting the convention (or are set

aside for such use at the next convention of the party held for such purpose) and if the amount paid or incurred for the advertising is reasonable. If such amount is not reasonable or if any part of the proceeds is used for a purpose other than that of defraying such convention costs, no part of the amount is deductible. Whether or not an amount is reasonable shall be determined in light of the business the taxpayer may expect to receive either directly as a result of the advertising or as a result of the convention being held in an area in which the taxpayer has a principal place of business. For these purposes, an amount paid or incurred for advertising will not be considered as reasonable if it is greater than the amount which would be paid for comparable advertising in a comparable convention program of a nonpolitical organization. Institutional advertising (e.g., advertising of a type not designed to sell specific goods or services to persons attending the convention) is not advertising which may be expected to result directly in business for the taxpayer sufficient to make the expenditures reasonable. Accordingly, an amount spent for institutional advertising in a convention program may be deductible only if the taxpayer has a principal place of business in the area where the convention is held. An official statement made by a political party after a convention as to the use made of the proceeds from its convention program shall constitute prima facie evidence of such use.

(ii) No deduction may be taken for any amount described in this subparagraph which is not otherwise allowable as a deduction under section 162, relating to trade or business expenses. Therefore, in order for any such amount to be deductible, it must first satisfy the requirements of section 162, and, in addition, it must also satisfy the more restrictive requirements of this subparagraph.

* * * * *

[F.R. Doc. 69-5064; Filed, Apr. 30, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-40]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

Subpart B—Anchorage Grounds

PORT OF NEW YORK AND VICINITY

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated March 14, 1969, requested the establishment of three special anchorage areas in Huntington, Centerport, and Northport Harbors, Long Island, N.Y. The reason for the request is that in these three harbors there is usually a heavy concentration of boats moored and anchored without anchor lights. The designation of these areas as Special Anchorage Areas would warn boatmen in their vicinity that boats may be anchored or moored without exhibiting anchor lights. A public notice dated October 3, 1968, was issued by Commander, 3d Coast Guard District, New York, N.Y., describing the proposed anchorages. All known interested parties were notified and requested to comment on the proposal. Twenty-six letters were received in response to the public notice. However, there was no basic opposition to the establishment of these special anchorage areas. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish three special anchorage areas as described in 33 CFR 110.60(a), (a-1) and (a-2) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by revising paragraph (a) of § 110.60, and by adding two new paragraphs (a-1) and (a-2) following paragraph (a), describing the limits of the three special anchorage areas. In these areas, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights. The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited. In addition, this document revokes the anchorage grounds known as Huntington Harbor, Long Island, N.Y., as described in 33 CFR 110.150.

3. In Subpart A of Part 110, § 110.60 is amended by revising paragraph (a) and by adding two new paragraphs (a-1) and (a-2), following paragraph (a). As amended § 110.60 reads as follows:

§ 110.60 Port of New York and vicinity.

(a) *Huntington Harbor.* Beginning on the shoreline at latitude 40°54'19.5", longitude 73°26'07.9"; thence to latitude 40°54'19.5", longitude 73°26'02.4"; thence along the eastern shoreline to the Mill Dam Road Bridge; thence along the downstream side of the bridge to the westerly side of Huntington Harbor; thence along the western shoreline to the point of beginning.

(a-1) *Centerport Harbor.* Beginning at the shoreline at latitude 40°54'00", longitude 73°22'55.3"; thence to latitude 40°54'03.8", longitude 73°22'52.1"; thence along the eastern shoreline to the Mill Dam Bridge; thence along the downstream side of the bridge to the westerly side of Centerport Harbor; thence along the western shoreline to the point of beginning.

(a-2) *Northport Harbor.* Beginning on the shoreline at latitude 40°54'25", longitude 73°22'05"; thence to latitude 40°54'37.5", longitude 73°21'32.9"; thence along the eastern shoreline to latitude 40°53'33.1", longitude 72°21'28.2"; thence to latitude 40°53'25.8", longitude 73°21'37.7"; thence along the shoreline to the point of beginning.

NOTE: The areas designated by paragraphs (a), (a-1), and (a-2) of this section are principally for vessels used for a recreational purpose. A vessel shall be anchored so that no part of the vessel comes within 50 feet of the marked channel. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

* * * * * *

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

§ 110.150 [Revoked]

4. In Subpart B of Part 110, § 110.150 *Huntington Harbor, Long Island, N.Y.*, is revoked.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-5174; Filed, Apr. 30, 1969; 8:46 a.m.]

SUBCHAPTER J—BRIDGES

[CGFR 69-27]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Lake Pontchartrain, La.

1. The Greater New Orleans Expressway Commission, through their engineering consultants, David Volkert and Associates, by letter dated November 22, 1968, requested the Commander, 8th Coast Guard District to revise the operating regulations for the north bascule spans of the Lake Pontchartrain Causeway between New Orleans and Mandeville, La. A public notice dated November 27, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 8th Coast Guard District and was made available to all persons known to have an interest in this subject. The notice provided that at least 12 hours' advance notice for opening the draws would be required. After considering the relevant matters presented by interested persons who participated in the rule making, it was determined to reduce the 12 hours' advance notice to 3 hours.

2. The purpose of this document is to effectuate the foregoing proposal. Accordingly, § 117.245 is amended by adding a new paragraph (i)(23-b) following paragraph (i)(23-a) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) Waterways discharging into Gulf of Mexico east of Mississippi River. * * *

(23-b) Lake Pontchartrain, La.; Greater New Orleans Expressway Commission causeway across Lake Pontchartrain, north bascule spans. At least 3 hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-5229; Filed, Apr. 30, 1969; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

RETENTION OF RECORDS BY CONTRACTORS AND SUBCONTRACTORS

This amendment provides for changes in certain contractual examination of records clauses in Parts 1-3, 1-7, and 1-16 to implement the provisions of new Part 1-20.

Essentially, new Part 1-20 provides policies and procedures governing the retention of records by Government contractors and their subcontractors which must be maintained to comply with contract negotiation, administration, or audit requirements of the contracting agency or the Comptroller General of the United States. In addition, Part 1-20 includes a schedule covering the more common bulk records which must be maintained and provides that there shall be compliance with specified audit and review requirements of the Government if the records enumerated in the schedule are retained for the time periods indicated.

The table of parts for Chapter 1 is amended by adding the following entry:

1-20 Retention requirements for contractor and subcontractor records.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.8—Price Negotiation Policies and Techniques

Section 1-3.814-2 is amended as follows:

§ 1-3.814-2 Audit and records.

* * * * *

AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

* * * * *

AUDIT—PRICE ADJUSTMENTS

* * * * *

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

* * * * *

AUDIT—PRICE ADJUSTMENTS

* * * * *

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification, were accurate, complete, and current, the Comptroller General of the United States, or any authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

* * * * *

AUDIT AND RECORDS

* * * * *

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representatives. In addition, for purposes of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) * * *

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract as to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

* * * * *

AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

* * * * *

AUDIT—PRICE ADJUSTMENTS

* * * * *

(b) For purposes of verifying that any certified cost or pricing data submitted in conjunction with a contract change or other modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

* * * * *

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.101–10 is amended as follows:

§ 1–7.101–10 Examination of records.

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

* * * * *

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101(c) is revised as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 edition). Pending the publication of a new edition of the form, the clause prescribed in § 1–1.805–3(a) shall be substituted for the present provision of Article 22, Utilization of Concerns in Labor Surplus Areas, and the clause prescribed in § 1–12.803–2 shall be substituted for the present provision of Article 18, Equal Opportunity. In addition, agencies shall further modify this form by deleting paragraphs (a) and (b) of Article 10, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401(a) is revised as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration, or Repair) (Standard Form 19, December 1965 edition). Pending revision of Standard Form 19, agencies shall modify this form by deleting paragraphs (a) and (b) of Clause 12, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10.

* * * * *

PART 1–20—RETENTION REQUIREMENTS FOR CONTRACTOR AND SUBCONTRACTOR RECORDS

Part 1–20 is added which reads as follows:

Sec.
1–20.000 Scope of part.

Subpart 1–20.1—Purpose and Applicability

1–20.101 Purpose.
1–20.102 Applicability.
1–20.102–1 General.
1–20.102–2 Exemption of Atomic Energy Commission contracts.
1–20.102–3 Application to contracts entered into prior to April 28, 1969.

Subpart 1–20.2—General Provisions

1–20.201 General retention requirements.
1–20.202 Other record retention requirements.
1–20.203 Disposition of records after retention period.
1–20.204 Costs of certain retentions under cost-reimbursement contracts.
1–20.205 Examination of records in special situations.
1–20.206 Identification of records.
1–20.207 Interfiled records.
1–20.208 Calculation of records retention periods.
1–20.209 Duplicate copies of records and intermediate data.

Subpart 1–20.3—Retention Requirements

1–20.301 Retention periods.
1–20.301–1 Financial and cost accounting records.
1–20.301–2 Pay administration records.
1–20.301–3 Procurement and supply records.

AUTHORITY: The provisions of this Part 1–20 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 1–20.000 Scope of part.

This Part 1–20 provides policies and procedures for the maintenance of records retained by contractors and subcontractors pursuant to specified contractual clauses included in contracts and subcontracts to satisfy certain statutory and administrative records review requirements of the Government.

Subpart 1–20.1—Purpose and Applicability

§ 1–20.101 Purpose.

The provisions of this Part 1–20 are designed to relieve the burden of excessive records retention requirements on contractors and subcontractors while at the same time ensuring that the records review requirements of the Comptroller General of the United States and those of contracting agencies are fully met.

§ 1–20.102 Applicability.

§ 1–20.102–1 General.

This Part 1–20 applies to negotiated contracts, and to formally advertised contracts expected to exceed $100,000 which may entail certain changes or other modifications in excess of $100,000 (see § 1–3.814–2(b)), entered into on or after April 28, 1969, which contain records retention requirements set forth in the contractual clauses included in contracts and subcontracts as prescribed by the provisions of the Federal Procurement Regulations described and enumerated in § 1–20.201(a).

§ 1–20.102–2 Exemption of Atomic Energy Commission contracts.

The requirements of this Part 1–20 are not mandatory on the Atomic Energy Commission.

§ 1–20.102–3 Application to contracts entered into prior to April 28, 1969.

Contractors and subcontractors may follow the provisions of this Part 1–20 with respect to contracts and subcontracts entered into prior to April 28, 1969, in complying with any of the following contractual clauses: (a) General Accounting Office records examination clauses pursuant to 41 U.S.C. 254(c) and (b) records examination clauses relating to cost and pricing data pursuant to § 1–3.814–2.

Subpart 1–20.2—General Provisions

§ 1–20.201 General retention requirements.

(a) Contractors and subcontractors are required to retain and make available books, records, documents, and other supporting evidence to satisfy contract negotiation, administration, and audit requirements of the contracting agency and the Comptroller General of the United States as set forth in the contract clauses prescribed under §§ 1–3.814–2, 1–7.101–10, 1–7.101–30, 1–7.602–5, and 1–7.602–7.

(b) These contract clauses prior to April 28, 1969, require contractors and subcontractors to retain the records identified therein and make them available to the Comptroller General of the United States or the contracting officer, respectively, or their representatives, until the expiration of 3 years after final payment under the contract or subcontract. As revised effective April 28, 1969, the clauses also provide that certain of these records, enumerated under § 1–20.301, need only be retained until the expiration of the applicable records retention period authorized by this Part 1–20, if such period expires earlier than 3 years after final payment under the contract or subcontract.

(c) Section 1–20.301 identifies specific records and designates retention periods for each. These retention periods may be applied by contractors and subcontractors in complying with the general records retention requirements of §1–20.201 if longer retention periods are not otherwise required (see § 1–20.202).

§ 1–20.202 Other record retention requirements.

(a) Compliance with the records retention requirements of the contract clauses set forth in the sections cited in § 1–20.201 does not relieve a contractor or subcontractor from retaining any records for whatever longer periods may be required by any other clause of the contract or subcontract, or by other applicable statute or lawful requirement. (For example, contract clauses and related regulations issued by the Department of Labor require contractors and subcontractors to retain certain records for a stated period, such as 29 CFR 1516.3.)

(b) In this regard, contractors and subcontractors may find helpful the "Guide to Retention Requirements" published annually in the FEDERAL REGISTER and codified in 1 CFR, Appendix A. This is a guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user what records must be kept, who must keep them, and how long they must be kept. The guide does not have the effect of law, but is published to point out legal requirements that appear to be in effect as of January 1 of the calendar year.

§ 1–20.203 Disposition of records after retention period.

At the conclusion of the applicable time period for which any records must be retained, destruction or other disposition of the records is at the discretion of the contractor or subcontractor, and requires no authorization from the contracting agency. However, nothing in this Part 1–20 shall be construed as:

(a) Authorizing the destruction or other disposition of any records where, for any reason, the Comptroller General of the United States, the contracting officer, or their representative, requests the contractor or subcontractor to retain the records for a longer period than would otherwise be required; or

(b) Requiring the contractor or subcontractor to destroy or make other disposition of any records he may desire to retain for his own purposes (for example, in connection with submitting to the Government claims or requests for adjustments).

§ 1–20.204 Costs of certain retentions under cost-reimbursement contracts.

With respect to cost-reimbursement type contracts, reimbursement for costs incurred by the contractor in retaining for his own purposes any records beyond an applicable time period designated in this Part 1–20 shall be governed by the appropriate cost principles set forth in Part 1–15.

§ 1–20.205 Examination of records in special situations.

Where the contractor or subcontractor retains any records identified in § 1–20.301 beyond the retention periods applicable thereto (a) because of other records retention requirements, or (b) at the request of the Comptroller General of the United States, the contracting officer, or their representatives, or (c) for his own purposes, such records shall be available for examination by the Comptroller General of the United States or the contracting officer, respectively, or their representatives, for the extended period of retention up to the expiration of 3 years after final payment under the contract or subcontract.

§ 1–20.206 Identification of records.

Records are identified in this Part 1–20 primarily in terms of their purpose or use, and not by specific name or form number. The descriptive identifications may or may not conform to contractor or subcontractor usage or individual filing practices. Nevertheless, these identifications apply to all records kept by the contractor or subcontractor which come within the description.

§ 1–20.207 Interfiled records.

If two or more of the record categories described in § 1–20.201 are interfiled and screening for disposal is not practical, the contractor or subcontractor shall retain the entire record series for the longest period prescribed for any category of records filed within the series.

§ 1–20.208 Calculation of records retention periods.

(a) The prescribed retention periods for the records described in § 1–20.201 shall be calculated from the end of the contractor's or subcontractor's fiscal year in which an entry is made charging or allocating a cost to a Government contract or a subcontract thereunder. Where there is a series of such entries involving a specific record, the retention period shall be calculated from the end of the contractor's or subcontractor's fiscal year in which the final entry is made. To apply these retention periods, the contractor or subcontractor should cut off the records in annual blocks and retain them for block disposal in accordance with the prescribed retention periods under the related contract or subcontract.

(b) An exception to the foregoing starting time for the retention periods shall be made where records generated during a prior contract are relied upon by a contractor for cost and pricing data in negotiation of a succeeding contract; here the 2- and 4-year periods shall run from the date of the succeeding contract.

§ 1–20.209 Duplicate copies of records and intermediate data.

(a) Duplicate copies of records or supporting documents need not be retained. However, if a duplicate copy contains significant information not shown on the record copy maintained by the contractor or subcontractor, it shall be retained as if it were the record copy.

(b) Intermediate data records consisting of punched cards, electronic tape, or comparable media need not be retained if printouts or listings are prepared and maintained showing the details of the transactions charged or allocated to individual Government contracts and identifying the supporting source documents.

Subpart 1–20.3—Retention Requirements

§ 1–20.301 Retention periods.

The records listed in this Subpart 1–20.3 shall be retained by contractors and subcontractors for the periods designated, provided retention is required under § 1–20.201. The designated retention periods shall be calculated as shown in §§ 1–20.207 and 1–20.208.

§ 1–20.301–1 Financial and cost accounting records.

(a) Accounts receivable invoices, adjustments to the accounts, invoice registers, carrier freight bills, shipping orders, or other documents which detail the material or services billed on the related invoices: Retain 4 years.

(b) Material, work order, or service order files, consisting of purchase requisitions or purchase orders for material or services, or orders for transfer of material or supplies: Retain 4 years.

(c) Cash advance recapitulations, prepared as posting entries to accounts receivable ledgers for amounts of expense vouchers prepared for employees' travel and related expenses: Retain 4 years.

(d) Paid, canceled, and voided checks, other than those issued for the payment of salary and wages: Retain 4 years.

(e) Accounts payable records to support disbursements of funds for materials, equipment, supplies, and services, containing originals or copies of the following and related documents; remittance advices and statements, vendors' invoices, invoice audits and distribution slips, receiving and inspection reports or comparable certifications of receipt and inspection of material or services, and debit and credit memoranda: Retain 4 years.

(f) Labor cost distribution cards or equivalent documents: Retain 2 years.

(g) Petty cash records showing description of expenditures, to whom paid, name of person authorizing payment, and date, including copies of vouchers and other supporting documents: Retain 2 years.

§ 1–20.301–2 Pay administration records.

(a) Payroll sheets, registers, or their equivalent, of salaries and wages paid to individual employees for each payroll period; change slips; and tax withholding statements: Retain 4 years.

(b) Clock cards or other time and attendance cards: Retain 2 years.

(c) Paid checks, receipts for wages paid in cash, or other evidence of payments for services rendered by employees: Retain 2 years.

§ 1–20.301–3 Procurement and supply records.

(a) Stores requisitions for materials, supplies, equipment, and services: Retain 2 years.

(b) Work orders for maintenance and other services: Retain 4 years.

(c) Equipment records, consisting of equipment utilization and status reports and equipment repair orders: Retain 4 years.

(d) Expendable property records, reflecting accountability for the receipt and use of material in the performance of a contract: Retain 4 years.

(e) Receiving and inspection report records, consisting of reports reflecting

receipt and inspection of supplies, equipment, and materials: Retain 4 years.

(f) Purchase order files for supplies, equipment, materials, or services, to be used in the performance of a contract or subcontract: Retain 4 years.

(g) Production records of quality control, reliability, and inspection: Retain 4 years.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective April 28, 1969.

Dated: April 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-5155; Filed, Apr. 30, 1969; 8:45 a.m.]

Chapter 8—Veterans Administration

PART 8-3—PROCUREMENT BY NEGOTIATION

Personal or Professional Services and Sharing of Medical Facilities and Equipment

1. In § 8-3.204, paragraphs (b)(1) and (e) are amended and paragraph (f) is added so that the added and amended material reads as follows:

§ 8-3.204 Personal or professional services.

* * * * * * *

(b) * * *

(1) Contracts with medical schools and clinics to provide scarce medical specialist services at Veterans Administration facilities, including, but not limited to, radiologists, pathologists, and psychiatrists, as authorized by 38 U.S.C. 4117. Contracts of this type may provide for professional and technical direction of the medical service involved, but may not provide for the administrative supervision of Veterans Administration employees.

* * * * * * *

(e) Requirements for scarce medical specialist services to be obtained under contracts with medical schools or clinics will be processed by the station contracting officer. Each proposed contract or renewal will be submitted to the Regional Medical Director (134) for approval by the Chief Medical Director.

(f) For professional services, other than those in paragraph (e) of this section, requests to enter into or renew contracts will be submitted to the department or staff head concerned or his designee for approval.

2. In § 8-3.215, paragraph (i)(3) is amended to read as follows:

§ 8-3.215 Otherwise authorized by law.

* * * * * * *

(i) *Sharing of medical facilities and equipment.* * * *

(3) Each proposed contract, agreement or renewal will be forwarded to the Regional Medical Director (134), for approval by the Chief Medical Director. A recommendation by the station head as to the geographical limits to be applied to the medical community will accompany each proposed contract or agreement.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

By direction of the Administrator.

Approved: April 25, 1969.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 69-5201; Filed, Apr. 30, 1969; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

San Francisco Bay Area Intrastate Air Quality Control Region

On January 10, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 400) to amend Part 81 by designating the San Francisco Bay Area Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on January 31, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.21, as set forth below, designating the San Francisco Bay Area Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.21 The San Francisco Bay Area Intrastate Air Quality Control Region.

The San Francisco Bay Area Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Sonoma County.	San Francisco County.
Napa County.	San Mateo County.
Solano County.	Alameda County.
Marin County.	Santa Clara County.
Contra Costa County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: April 25, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-5220; Filed, Apr. 30, 1969; 8:50 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Pittsburgh Intrastate Air Quality Control Region

On February 12, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2054) to amend Part 81 by designating the Metropolitan Pittsburgh Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on February 27, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.23, as set forth below, designating the Metropolitan Pittsburgh Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.23 Metropolitan Pittsburgh Intrastate Air Quality Control Region.

The Metropolitan Pittsburgh Intrastate Air Quality Control Region (Pennsylvania) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania:
Allegheny County.
Armstrong County.
Beaver County.
Butler County.
Lawrence County.
Washington County.
Westmoreland County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: April 25, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-5219; Filed, Apr. 30, 1969; 8:50 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Niagara Frontier Intrastate Air Quality Control Region

On February 12, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2053) to amend Part 81 by designating the Niagara Frontier Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on February 28, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.24, as set forth below, designating the Niagara Frontier Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.24 Niagara Frontier Intrastate Air Quality Control Region.

The Niagara Frontier Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857H(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York:
Erie County. Niagara County.

(Secs. 107(a), 301(a), Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: April 25, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-5217; Filed, Apr. 30, 1969; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 115—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

Federal financial assistance made pursuant to the regulations set forth below is subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (Public Law 88-352).

Part 115 of 45 CFR deals with the filing and processing of applications for financial assistance for current expenditures of local educational agencies in areas affected by Federal activities and for the making of arrangements by the Commissioner of Education to provide free public education for children residing on certain Federal property under Title I, Public Law 874, 81st Congress (64 Stat. 1100), as amended, other than under section 7 thereof.

Part 115 is revised as follows to reflect the amendments made by Public Law 89-750, Public Law 90-247, and Public Law 90-576.

Subpart A—Scope and Definitions

Sec.
115.1 Scope.
115.2 Provisions not exhaustive of jurisdiction of the Commissioner.
115.3 Definitions.
115.4-115.9 [Reserved]

Subpart B—Applications

115.10 Applications.
115.11 Final date for filing applications for financial assistance.
115.12 Applications under sections 2, 3, and 4 received after deadline not considered for payment.
115.13 Notification to applicants.
115.14-115.19 [Reserved]

Subpart C—Payment

115.20 Changes in boundaries, classification and governing authority of applicants.
115.21 Payment under section 3 when percentage eligibility requirement is not met.
115.22 Election under section 4(c).
115.23 Payments.
115.24 Reduction of financial assistance under sections 2, 3, and 4 because of insufficient appropriations.
115.25 Adjustment in entitlement for reductions in State aid.
115.26 Failure or refusal of a local educational agency to educate children living on Federal property.
115.27-115.29 [Reserved]

Subpart D—Generally Comparable Districts, Local Contribution Rate

115.30 Determination of generally comparable school districts.
115.31 Computation of local contribution rate.
115.32 Increase in or special local contribution rate.
115.33-115.39 [Reserved]

Subpart E—Records and Reports Required by the Commissioner

115.40 Records and reports required of applicants.
115.41 Necessity and effect of final reports by applicants under section 2, 3 or 4.
115.42 Retention of records.
115.43 Reports from other Federal agencies.
115.44-115.49 [Reserved]

Subpart F—Arrangements Under Section 6 of the Act

115.50 Proposal for arrangements for certain children residing on Federal property.
115.51 Determination by the Commissioner.
115.52 Arrangements under section 6(b) and section 6(c).
115.53 Terms of arrangements.
115.54 Expenditures.
115.55 Reports.
115.56 Termination of arrangements.

AUTHORITY: The provisions of this Part 115 issued under sec. 7 (as later renumbered 301), 64 Stat. 1107; 20 U.S.C. 242. Interpret or apply secs. 1-6, 7-9 (as later renumbered 301-303), 64 Stat. 1100-1108, as amended; 20 U.S.C. 236-241, 242-244.

Subpart A—Scope and Definitions

§ 115.1 Scope.

The regulations in this part govern the granting of financial assistance under Title I of the Act (other than section 7) to applicants within a State of the Union, Puerto Rico, the Virgin Islands, Wake Island, Guam, the District of Columbia, and American Samoa.

§ 115.2 Provisions not exhaustive of jurisdiction of the Commissioner.

The regulations in this part shall not be deemed exhaustive of the jurisdiction of the Commissioner with respect to Title I of the Act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant. (20 U.S.C. 242(b))

§ 115.3 Definitions.

All terms used in this part which are defined in the Act and not defined in this section shall have the meaning given to them in the Act. As used in this part, and for the purposes of this part and determinations under Title I of the Act, the following terms shall have the meaning indicated in paragraphs (a) to (j) of this section.

(a) "The Act" means Public Law 874, 81st Congress (64 Stat. 1100); as amended by Public Law 248, 83d Congress (67 Stat. 530); Public Law 204, 84th Congress (69 Stat. 433); Public Law 221, 84th Congress (69 Stat. 485); Public Law 382, 84th Congress (69 Stat 713); Public Law 949, 84th Congress (70 Stat. 970); Public Law 896, 84th Congress (70 Stat. 909); Public Law 85-620 (72 Stat. 559); Public Law 86-70 (735 Stat. 144); Public Law 86-449 (74 Stat. 89); Public Law 86-624 (74 Stat. 414); Public Law 87-344 (75 Stat. 759); Public Law 88-210 (77 Stat. 419); Public Law 88-665 (78 Stat. 1109); Public Law 89-10 (79 Stat. 27); Public Law 89-77 (79 Stat. 243); Public Law 89-313 (79 Stat. 1159); Public Law 89-750 (80 Stat. 1191); and Public Law 90-247 (81 Stat. 783), Public Law 90-576 (82 Stat. 1064).

(b) "The Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare.

(c) "Applicant" means any local educational agency which files an application for financial assistance under section 2, 3, or 4 of the Act, or any subsection of section 3 or section 4, and the regulations in this part, but does not include one proposing arrangements under section 6 of the Act.

(d) "Application" means Form RSF-1, "Application for Financial Assistance for Current Expenditures for Public Schools in Areas Affected by Federal Activities" properly completed and executed, including amendments thereto, and, to the extent indicated by the applicant, any document or documents in support thereof, filed by or on behalf of an applicant requesting financial assistance under Title I of the Act and the regulations in this part.

(e) "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having administrative control and direction of free public education, or some phase thereof, throughout a county, township, independent, or other school district located within a State.

(f) "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(g) "State Aid with respect to free public education" means any contribution, no repayment for which is expected, made by a State to or on behalf of a local educational agency within the State for the support of free public elementary and secondary education.

(h) "Financial assistance" means the payment made to an applicant school district under section 5(b) of the Act by the Department of the Treasury upon authorization of the Commissioner.

(i) "Entitlement" means the amount of assistance which, if the appropriations for a fiscal year are adequate to pay all claims, an applicant under section 2, 3, or 4 of the Act would receive under the formulae prescribed therein.

(j) "Generally comparable school districts" are those so determined by the Commissioner after consultation with the appropriate State educational agency and the applicant.

(k) "Arrangements" means an agreement entered into between the Commissioner and a local educational agency or a Federal department or agency for the provision of free public education under section 6 of the Act.

(l) "The average daily attendance of federally connected pupils" (ADA) in each category of federally connected children, specifically subsections 3(a), 3(b), and contract type 4(a) pupils, is the number of children determined in the following manner: At some specific date not earlier than the fourth day of legal school session of the regular school year and prior to the cutoff date for filing Form RSF–1, a membership count of all pupils claimed in the various federally connected categories must be made by either (1) conducting a parent-pupil survey to determine the parent's employment and the child's residence on Federal property or (2) obtaining certifications from the various employers and the appropriate housing officials as to the employment of the parents of the children claimed or residence of such children on the specific date involved. A membership count of all pupils must be made as of this date, which is to be the official membership report of the applicant school district for that date. The percentage of pupils in each of the federally connected categories is determined by dividing the membership count in each of the federally connected categories by the total membership of all pupils receiving free public education on the date of the count. The percentage so obtained shall be multiplied by the ADA to date of the total membership as reported in the official membership and ADA report of the applicant district for such reporting period. For purposes of the final report (Form RSF–3) multiply this percentage by the total average daily attendance for the period July 1 to the following June 30 to obtain the federally connected ADA by category. (This includes free public summer school for elementary and secondary pupils.)

(m) "Average daily attendance of federally connected pupils when determined by two counts of all pupils." An applicant under section 3 or 4 of the Act may elect to have the "average daily attendance of federally connected pupils determined by two counts of all pupils" in the following manner: The first count must be made as described in paragraph (l) of this section, and the second count must be made at some specific date during the last quarter of the regular school year. A membership count of all pupils claimed in the various federally connected categories must be made by either (1) conducting a parent-pupil survey to determine the parent's employment or the child's residence on Federal property or (2) obtaining certifications from the various employers or the appropriate housing officials as to the employment of the parents of the children claimed or residence of such children on the specific dates involved. A membership count of all pupils must be made as of such dates, which is to constitute the official membership report of the applicant school district for those dates. The percentage of pupils in each of the federally connected categories is determined by dividing the membership count in each of the federally connected categories by the total membership of all pupils receiving free public education on the date of each count. The two percentages so obtained as indicated above for a given category of federally connected pupils, specifically subsections 3(a), 3(b), and contract type 4(a) pupils, shall be added and the sum divided by two (2) to compute an average ratio. The ratio so obtained shall be multiplied by the total average daily attendance for the period July 1 to the following June 30, including the free public education summer school ADA determined in accordance with State law. (20 U.S.C. 241, 244)

Subpart B—Applications

§ 115.10 Applications.

Any local educational agency seeking financial assistance under section 2, 3, or 4 of the Act, shall as a condition of entitlement, file with the Commissioner of Education, through the appropriate State educational agency, on Form RSF–1 "Application for School Assistance in Federally Affected Areas (Title I of Public Law 874)", an application for financial assistance, showing the basis for entitlement under the terms and conditions of Title I of the Act. (20 U.S.C. 240(a))

§ 115.11 Final date for filing an application for financial assistance.

(a) Except as otherwise provided in this section, the final date for filing an application for financial assistance under section 2, 3, or 4 of the Act, and the regulations in this part, out of funds appropriated for any fiscal year shall be March 31st of that fiscal year for all applicants; except that, whenever such a final date falls on a Saturday, Sunday, or other legal holiday, the final date for filing an application shall be the next succeeding weekday which is not a legal holiday. Each application must be received by the Commissioner, or under cover postmarked, on or before the final filing date after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing a timely transmittal of the application to the Commissioner of Education. In order to give the State educational agency time in which it may process the application, the applicant should file its application with the State educational agency by March 1 of the fiscal year.

(b) With respect to an applicant whose eligibility for financial assistance under Title I of the Act is established by an activity of the United States initiated or reactivated, or by the acquisition of Federal property, during the fiscal year, the filing date shall be extended 60 days beyond the date of the occurrence establishing such eligibility.

(c) With respect to an applicant whose eligibility for financial assistance is established under or pursuant to an amendment to the Act adopted during the fiscal year, the filing date shall be extended 60 days beyond the date of that amendment.

(d) With respect to a local educational agency which, during the fiscal year, acquired administrative control and direction of free public education in all or any portion of an area of a previously existing local educational agency under the circumstances described in § 115.20 (b), the filing date shall be extended to the extent necessary to allow 60 days beyond the effective date of the change in district organization for the filing of an application under sections 3 and 4 of the Act. For the purposes of this paragraph, where an application is filed directly with the Commissioner on or before the applicable filing date and a copy is filed with the State educational agency on or before the applicable filing date, the application will, for good cause shown, be considered to be timely filed if within fifteen days after the applicable filing date the applicant obtains and files with the Commissioner the approval, verification and certification of the application by the State educational agency.

(e) A timely filed application may be amended to apply for additional or alternative financial assistance based upon a Federal activity which has been initiated or reactivated, or upon the acquisition of property by the United States after the application was initially filed, or upon an amendment to the Act after the application was filed, or upon a determination of the Commissioner first communicated to the applicant that property is or is not "Federal property" under section 303(1) of the Act if such an amendment is filed within 60 days of the occurrence or communication of the Commissioner's ruling to the applicant. (20 U.S.C. 240(a))

§ 115.12 Applications under sections 2, 3, and 4 received after deadline not considered for payment.

Applications under sections 2, 3, and 4 of the Act received by the Commissioner after the applicable filing date prescribed by § 115.11 will not be approved. (20 U.S.C. 240(a))

§ 115.13 Notification to applicants.

Each applicant will be notified of the initial approval or disapproval of its application under one or more of the sections or subsections of Title I of the Act, and the estimated amount of the payment, if any, to be made. (20 U.S.C. 240)

Subpart C—Payment

§ 115.20 Changes in boundaries, classification and governing authority of applicants.

(a) If the applicant is a party to any merger, consolidation, annexation, deconsolidation, or other similar action which may affect its boundaries, identity, governing authority, classification, or control, it shall notify the Commissioner as soon as practicable of the effective date of that action, the extent and character thereof, and the legal authority under which the action was or is to be effected.

(b) If, as a result of a change in district organization through merger, annexation, consolidation, or other similar action, effective within the fiscal year covered by the application and prior to the close of the regular school term of such year, a local educational agency which had timely filed an application ceases to be a legally constituted local educational agency, it shall not be entitled to any payments under section 3 or 4 of the Act for that fiscal year, except as provided in paragraph (c) of this section. However, except as provided in § 115.21(c), a local educational agency which assumes administrative control and direction of free public education in all or a portion of the area of such previously existing applicant prior to the close of the regular school term of such previously existing applicant, shall, provided that (if not already an applicant under this section involved) it files an application in accordance with § 115.11(d), and subject to appropriate adjustment on account of payments made to that previously existing local educational agency, have its eligibility under section 3(c)(2), or section 4(a)(1), of the Act and the amount of its entitlement for the entire fiscal year, insofar as such eligibility or entitlement relates to the number of federally connected children, determined in accordance with either of the following, whichever is more favorable to it:

(1) On the basis of the entire area under its jurisdiction on the last day of such year; or

(2) On the basis only of the area acquired by the local educational agency from the previously existing local educational agency, except that the latter basis may be used (i) for an application under section 3 of the Act only if a favorable finding has been made (or would have been made in due course but for the change in district organization) on the basis of the estimates required under section 3(c)(2) of the Act with respect to the previously existing agency, and (ii) for an application under section 4 of the Act only if such a favorable finding has been made (or would have been made in due course but for the change in district organization) under section 4(a)(1).

(c) Any payment made to a local educational agency prior to the date on which the first sentence of paragraph (b) of this section became applicable to it must be repaid to the United States except to the extent that (1) it is accounted for by the adjustments made in the entitlements of any successor applicant local educational agency pursuant to paragraph (b) of this section or paragraph (c) of § 115.21 and (2) any balance remaining thereafter is found by the Commissioner not to be in excess of the amount to which the preexisting local educational agency would have become entitled on the basis of the number of federally connected children not covered by any other application to whom free public education was provided by the previously existing local educational agency or by any successor non-applicant local educational agency. (20 U.S.C. 237(c))

§ 115.21 Payment under section 3 when percentage eligibility requirement is not met.

(a) Pursuant to the exception provision of section 3(c)(2)(B) of the Act, an applicant is not required to meet the 3 percent eligibility requirement of that section if in either of the 2 years preceding the year of application the applicant met such percentage requirement and was entitled to a payment under section 3 of the Act. However, in the second year following the year in which the applicant last met the percentage requirement and was entitled to a payment, the payment under section 3 of the Act shall be reduced by 50 percent.

(b) If an applicant local educational agency was not in existence in either one or both of the two preceding fiscal years, that agency may nevertheless receive the benefit of the provisions of paragraph (a) of this section if that agency is composed only of territory which was formerly included in a predecessor agency which met (or predecessor agencies all of which met) the percentage eligibility requirement and received a net payment under section 3 of the Act for the same fiscal year of the 2 fiscal year periods preceding the fiscal year of application.

(c) If a local educational agency, which had timely filed an application under section 3 of the Act and was entitled to payment by virtue of paragraph (a) or (b) of this section, ceases to be a legally constituted local educational agency as a result of a district reorganization through merger, annexation, consolidation, or other similar action, effective prior to the close of the regular school term within the fiscal year covered by the application (thereby becoming subject to the provisions of § 115.20 (b)), a successor local educational agency which assumes administrative control and direction of free public education in all or a portion of the area of such previously existing applicant prior to the close of the regular school term of such previously existing applicant shall, if (unless already an applicant under section 3) it files an application in accordance with § 115.11(d), and subject to appropriate adjustment on account of payments made to such previously existing local educational agency, be entitled, if it so desires, to have its application processed on the basis of the area acquired from the previously existing local educational agency, and on the basis of the rights of that agency, without regard to the 3 percent requirement.

(d) A reduction in the number of children resulting from a decrease in, or cessation of, Federal activities or a failure of such activities to occur, to whom subsection 3(a) or 3(b) of the Act applies and for whom a local educational agency made preparations to provide free public education during a fiscal year shall be deemed to be substantial when such reduction in number equals that of the qualifying percentage or number as provided for in subsection 3(c)(2)(B) of the Act. (20 U.S.C. 238(c))

§ 115.22 Election under section 4(c).

Pursuant to section 4(c) of the Act, a local educational agency may elect to count for eligibility and payment under section 4(a) of the Act the entire increase in the number of children in average daily attendance at its schools during the fiscal year who are otherwise eligible to be counted under section 3 of the Act. Such an election may be made only if an application under section 4 is timely filed on Form RSF–1 in accordance with § 115.11. Such an election is not subject to change after, and shall become final upon, the date of final payment for the fiscal year involved. (20 U.S.C. 239(c))

§ 115.23 Payments.

Payment of the amount which an applicant may receive under Title I of the Act and the regulations in this part will be made by the Department of the Treasury upon certification of the amount due at such times as the Commissioner shall designate. The amount so certified for any period may be reduced or increased, as the case may be, by any sum by which the Commissioner finds that the amount paid to the applicant for any prior period, whether or not paid within the fiscal

year, was greater or less than the amount which should have been paid for such prior period. (20 U.S.C. 240(b)).

§ 115.24 Reduction of financial assistance under sections 2, 3, and 4 because of insufficient appropriations.

As prescribed by section 5(c) of the Act, if the funds appropriated for a fiscal year are not sufficient to pay in full the total amounts which all applicants whose applications have been considered for payment pursuant to this part are entitled to receive under sections 2, 3, and 4 of the Act or any subsection thereof for such fiscal year, the Commissioner will reduce the amounts which he certifies under section 5(d) of the Act for such fiscal year for payment to each such applicant by the percentage by which the funds so appropriated are less than the total necessary to pay such applicants the full amount which they are entitled to receive under the Act. (20 U.S.C. 240(c)).

§ 115.25 Adjustment in entitlement for reductions in State aid.

(a) The amount which each local educational agency in a State is otherwise entitled to receive under section 2, 3, or 4 of the Act for any fiscal year shall be reduced in the same proportion, if any, that the State has reduced for that year its aggregate per pupil expenditures, from non-Federal sources, for current expenditure purposes for free public education below the level of such per pupil expenditures in the second preceding fiscal year. For the purpose of this section, only State aid that is paid to local educational agencies for free public elementary and secondary education will be taken into account. The Commissioner may waive or reduce this reduction whenever in his judgment exceptional circumstances exist which would make its application inequitable and would defeat the purposes of title I of the Act.

(b) Effective on the first day of the first fiscal year which begins after the adjournment of the first complete legislative session (at which State aid may be considered) of the legislature of the respective State held after October 16, 1968, no payment will be made during any fiscal year to any local educational agency in any State which has taken into consideration payments under this title is determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to free public education during that year or the preceding fiscal year, or which makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such local educational agency would receive if it were not so eligible. (20 U.S.C. 240)

§ 115.26 Failure or refusal of a local educational agency to educate children living on Federal property.

(a) If, for any fiscal year for which section 6(f) of the Act is effective, no tax revenues of a State or of a political subdivision of a State may be expended for the free public education of children who reside on a Federal installation within the State, or if no tax revenues of a State are allocated for the free public education of such children, then that installation shall not be considered to be "Federal property" for the purpose of computing entitlements under sections 3 and 4 of the Act of local educational agencies within that State with respect to children living off that property with parents who are employed thereon.

(b) If, for any fiscal year for which section 6(f) of the Act is effective, a local educational agency refuses for any other reason to provide free public education for children residing on a Federal installation which is within its school district or which, in the determination of the Commissioner, would be within its school district if it were not a Federal installation, the Commissioner will deduct from any amount which that local educational agency is otherwise entitled under section 3 or 4 of the Act on amount equal to (1) the amount (if any) by which the cost to the Commissioner of providing free public education for that year for each such child exceeds the local contribution rate of that agency for that year, multiplied by (2) the number of such children. (20 U.S.C. 241(f))

Subpart D—Generally Comparable Districts; Local Contribution Rate

§ 115.30 Determination of generally comparable school districts.

(a) In the case of a local educational agency in a State (other than one to which § 115.32(c) is applicable) the Commissioner will, after consultation with the State educational agency and the applicant, determine those school districts which in his judgment are generally comparable to the applicant. For this purpose, he may, based upon the recommendation of the State educational agency classify all school districts in a State into groups of school districts generally comparable to one another. In recommending to the Commissioner the classification of all school districts in the State into generally comparable groups, the State educational agency should initially establish groups based upon legal classifications or justify the use of another factor as the principal factor. Unless the State educational agency can establish to the satisfaction of the Commissioner that the consideration of additional factors will not result in greater comparability, division into further groups will be required and for the purposes of such further division consideration shall be given to grade level, size as measured by total average daily attendance, geographical size, density of population, industrialization, current revenues, aggregate value of property, and any other relevant factors. In making its recommendations in that regard to the Commissioner, the State educational agency will furnish such information as he may require, including information justifying the factors used and financial and attendance data necessary for the computation of per pupil expenditure and local contribution rate. On the basis of the recommendation by the State educational agency, the data furnished and other information which he may obtain, and applying the above criteria, the Commissioner shall determine whether all school districts in the State shall be classified into generally comparable groups and, if so, shall determine such groups. Otherwise, the determination of the local contribution rate shall be made in accordance with paragraph (b) of this section. Group rates will be mandatory for all districts in the State unless one-half of the State, or one-half of the national average per pupil expenditure is used as the local contribution rate.

(b) In a State for which group classifications of generally comparable school districts are not established pursuant to paragraph (a) of this section, an applicant must submit to the Commissioner in its application the names of districts, preferably five in number which it deems generally comparable to the school district of the applicant with all data requested by the Commissioner. The selection by the applicant of such school districts shall be based upon the criteria set forth in paragraph (a) of this section and shall be submitted through the State educational agency for review and comment. The Commissioner's determination will be based upon such criteria and any other relevant factors. The financial, attendance, and other data of the selected districts must be sufficient to justify the selection of such districts as generally comparable and to determine the per pupil expenditures and the local contribution rates in such districts. On the basis of information and data furnished by the applicant, or information otherwise obtained, and applying the above criteria, the Commissioner shall select those school districts, which in number and identity may be different from those submitted by the applicant, which he determines to be generally comparable to the school district of the applicant. (20 U.S.C. 240(d))

§ 115.31 Computation of local contribution rate.

The local contribution rate for an applicant in a State (other than one to which § 115.32(c) is applicable) for any fiscal year will be computed by the Commissioner in the following manner: He shall divide (a) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making a computation, which the local educational agencies of the school districts, determined pursuant to § 115.30 to be generally comparable to that of the applicant, made from revenues derived from local sources by (b) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year. The local contribution rate shall be an amount equal to the quotient so obtained. (20 U.S.C. 238(d))

§ 115.32 Increase in or special local contribution rate.

(a) Notwithstanding the provision in § 115.31, if the current expenditures in the school districts which the Commissioner had determined to be generally comparable to that of the applicant but nevertheless, in his judgment, are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain in the school district of the applicant a level of education equivalent to that maintained in such other districts, the Commissioner may increase the local contribution rate for such an applicant by the amount he determines will compensate the applicant for the increase in current expenditures necessitated by such unusual geographical factors.

(b) In no event shall the local contribution rate for any local educational agency in any State of the Union or the District of Columbia for any fiscal year be less than (1) 50 percent of the average per pupil expenditure in that State or (2) 50 percent of the average per pupil expenditure in the United States (which for this purpose means the 50 States of the Union and the District of Columbia) but not in excess of the average per pupil expenditure in that State. For the purposes of the preceding sentence the "average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in the State, or in the United States, as the case may be, plus any direct current expenditures by the States for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year.

(c) The local contribution rate for any applicant in Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, or in any State in which a substantial proportion of the land is in organized territory for which a State agency is the local educational agency, or in any State in which there is only one local educational agency, shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of section 3(d) of the Act and most nearly approximate the policies and principles provided in the Act and the regulations in this part for determining local contribution rates in other States. (20 U.S.C. 238(d))

Subpart E—Records and Reports Required by the Commissioner

§ 115.40 Records and reports required of applicants.

(a) Each applicant shall maintain adequate written records to substantiate the Federal connection of pupils forming the basis for claim for financial assistance under any subsection of section 3 or section 4 of the Act and shall make its records available to the Commissioner upon request for the purpose of examination or audit.

(b) Each applicant shall submit such reports and information as the Commissioner may reasonably require to determine the amount which the applicant may be paid under section 2, 3, or 4 of the Act. (20 U.S.C. 240(a), 242(b))

§ 115.41 Necessity and effect of final reports by applicants under section 2, 3, or 4.

(a) *Submission of final reports.* Each applicant shall for each fiscal year, submit through the State educational agency on Form RSF-3 a final report to enable the Commissioner to determine the amount of which the applicant is entitled under title I of the Act. Such final reports shall be received by the Commissioner on or before the 30th day of September following the fiscal year for which payment is requested; except that, whenever that date falls on a Saturday, Sunday, or other legal holiday, the final date for filing final reports shall be the next succeeding week day which is not a legal holiday. No certification of payment shall be made after the applicable date for filing the final report for any fiscal year until the final report for that fiscal year shall have been received. Until all such reports for each year for which an applicant has received a payment have been received in proper form, no further payment to such applicant shall be made under title I of the Act for any subsequent year, unless the Commissioner is satisfied from other information that the payments already made for the year for which a final report is lacking do not exceed the net amount due that applicant out of the appropriations for that year.

(b) *Failure to submit final report when appropriations insufficient.* In addition to the limitation in paragraph (a) of this section for any year for which the Commissioner is required to reduce the amounts which he certifies for payment because the funds appropriated are insufficient to pay in full the total amounts to which all applicants are entitled, unless the final report has been received by the Commissioner on or before the applicable date for filing that final report, an applicant shall not be entitled to any further payment out of funds available for that fiscal year. However, an applicant which has not received its regular initial payment for that year, shall have its application processed for that regular initial payment if a final preport is received by the Commissioner within 30 days after the applicable date for filing that final report.

(c) *Excessive entitlement.* The Commissioner may for a fiscal year for which no final report has been received disallow any portion of the estimated entitlement which he may determine to be excessive on the basis of such information as is available. On the basis of all available information and whether or not such a report has been submitted after the applicable date for filing a final report following the close of the fiscal year, if an applicant is found to have received funds in excess of its entitlement or prorated portion of its entitlement for that fiscal year, that excess will be deducted in computing amounts subsequently certified for payment to the applicant for the current or subsequent fiscal year. Where no such payments are due, the applicant will be required to refund such excess to the United States through the Commissioner.

(d) *Information submitted after deadline date.* No effect will be given to any report or information filed by the applicant after the applicable date for filing a final report to increase the amount computable on the basis of information filed on such date, except that, where clarifying information has been solicited in writing by the Commissioner for the purpose of processing applications and final reports, such information may be given effect if received in writing by the Commissioner. (20 U.S.C. 240(a))

§ 115.42 Retention of records.

Local educational agencies receiving Federal payments under title I of the Act are required to keep all records supporting the application until the completion of the administrative reviews which are regularly conducted by Federal agencies, or for 3 years following the fiscal year to which the application relates, whichever is earlier. The records involved which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making such reviews. (20 U.S.C. 242(b))

§ 115.43 Reports from other Federal agencies.

Because of the requirements of section 2 and other provisions of the Act, the Commissioner requires information with respect to certain payments made by other Federal departments and agencies for the same general purposes. Pursuant to the provisions of section 302(b) of the Act, other Federal departments and agencies which made expenditures (directly or otherwise) for, or in aid or supplementation of, elementary and secondary education, with respect to which an application has been filed with the Commissioner, will be requested to file reports of commitments and expenditures for such purposes. (20 U.S.C. 243(b)).

Subpart F—Arrangements Under Section 6 of the Act

§ 115.50 Proposal for arrangements for certain children residing on Federal property.

Any local educational agency, or the Federal department or agency administering the Federal property on which part or all of such children reside, believing that the Commissioner should exercise his authority under section 6(a) of the Act to make arrangements to provide free public education for children who reside on Federal property, and being willing to enter into or assist in entering into such arrangements, should

file with the Commissioner, on or before March 15 preceding the fiscal year for which such arrangements would be made, a proposal in the form prescribed by the Commissioner and bearing the endorsement of either the State and local educational agencies or the appropriate officials of the Federal department or agency administering the property or properties on which the children reside, as the case may be. Among the details to be included in the proposal are (a) the reasons why the Commissioner should make a determination to enter into such arrangements, (b) the estimated number of children to be educated, (c) financial and educational details necessary for the Commissioner to make the determinations and arrangements required under section 6 of the Act, and (d) the name of the local educational agency or Federal department or agency which would provide such free public education. (20 U.S.C. 241(a), 241(d))

§ 115.51 Determination by the Commissioner.

If under section 6(a) of the Act the Commissioner determines that he is required to make such arrangements to provide free public education for part or all of the children on whose behalf the request is made or if, acting upon information otherwise received, he makes a determination to provide free public education for children who reside on Federal property, such arrangements shall be made, in accordance with the proposal or such other information or recommendation as he may deem appropriate, with a local educational agency or with the Federal department or agency administering the Federal property on which part or all of the children reside who will be provided education pursuant to the arrangements. (20 U.S.C. 241(a), 243(a))

§ 115.52 Arrangements under section 6 (b) and section 6(c).

When the Commissioner makes a determination under section 6(a) of the Act that arrangements shall be made to provide free public education with respect to children who reside on Federal property, he will under appropriate circumstances also make arrangements in connection therewith for those children for whose education he is authorized to make provisions under section 6(b) and section 6(c) of the Act. (20 U.S.C. 241(b), 241(c))

§ 115.53 Terms of arrangements.

The arrangements between the local educational agency or the Federal department or agency and the Commissioner shall be as detailed as the circumstances of the individual situations may require. (20 U.S.C. 241)

§ 115.54 Expenditures.

In making such arrangements, the Commissioner shall not make payments (a) for expenditures made prior to his determination that he is required to make such arrangements; or (b) for expenditures made subsequent thereto unless such expenditures are within the definition of "current expenditures" in section 303(5) of the Act or are within the general terms of the arrangements; or (c) for expenditures in excess of the actual or reasonable per pupil expenditure of providing free public education in the applicable State. (20 U.S.C. 241)

§ 115.55 Reports.

The local educational agency or the Federal department or agency with which such arrangements are made shall make such reports to the Commissioner from time to time as he may require to perform his functions under the Act. (20 U.S.C. 240(a), 243(b))

§ 115.56 Termination of arrangements.

Arrangements under section 6 of the Act shall be limited to provide free public education for not more than 1 school year. If the Commissioner determines that the local educational agency or the Federal department or agency with which arrangements have been made has substantially deviated from the terms of the arrangements, he will so notify the local educational agency or the Federal department or agency concerned. If the local educational agency or the Federal department or agency does not within a reasonable time comply with the terms of the arrangements, the Commissioner may terminate such arrangements without further notice. (20 U.S.C. 241)

Dated: March 26, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: April 25, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-5216; Filed, Apr. 30, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[Docket No. 9547; Amdt. 7C-1]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Appendix C—Federal Aviation Administration

The purpose of this amendment of Appendix C of Part 7 of the Department of Transportation Regulations is to make several procedural changes in Appendix C which describes the document inspection facilities of the Federal Aviation Administration, the kinds of FAA records available to the public, and the procedure by which requests for records may be made.

Since some documents now listed in paragraph 3 are actually not kept at inspection facilities, and it would be a great burden and expense for the FAA to keep all such documents at inspection facilities, paragraphs 3 and 4 are being revised to indicate that those documents not available at inspection facilities can be inspected and copies obtained by submitting a written request to the named official at the location of such documents. For the sake of clarity, the heading of paragraph 3 is changed to indicate that the documents available at inspection facilities are those available under Subpart D of Part 7.

As the changes in this amendment constitute a substantial revision of Appendix C, the entire appendix is republished.

This amendment of Appendix C is being issued by the Administrator of the Federal Aviation Administration under the authority of § 7.1(c) of the Department of Transportation Regulations which states that the "* * * head of the operating administration concerned may amend the appendix applicable to that Administration * * *".

Since this amendment is procedural in nature, and does not impose a burden on the public, I find that notice and public procedure thereon are not necessary, and that it may become effective on less than 30 days notice.

In consideration of the foregoing, Appendix C to Part 7 of the Department of Transportation Regulations is hereby amended, effective May 25, 1969, as follows:

APPENDIX C—FEDERAL AVIATION ADMINISTRATION

1. *General.* This appendix describes the document inspection facilities of the Federal Aviation Administration, the kinds of records that are available for public inspection and copying at these facilities, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facilities.* Document inspection facilities are maintained for FAA Headquarters, each FAA regional office, the Aeronautical Center, and the National Aviation Facilities Experimental Center. The document inspection facility for the European Region is located at FAA Headquarters. These facilities are open to the public during regular working hours at the following addresses:

FAA Headquarters, 800 Independence Avenue SW, Washington, D.C. 20590.
Alaskan Region, 632 Sixth Avenue, Anchorage, Alaska 99501.
Central Region, 601 East 12th Street, Kansas City, Mo. 64106.
Southern Region, 3400 Whipple Street, East Point, Ga. (Mailing Address: Post Office Box 20636, Atlanta, Ga. 30320).
Southwest Region, 4400 Blue Mound Road (Mailing Address: Post Office Box 1689), Fort Worth, Tex. 76101.
Western Region, 5651 West Manchester Avenue (Mailing Address: Post Office Box 92007), Los Angeles, Calif. 90045.
Eastern Region, JFK International Airport, New York, N.Y. 11430.
Pacific Region, 1833 Kalakaua Avenue (Mailing Address: Post Office Box 4009), Honolulu, Hawaii 96812.
Aeronautical Center, 6400 South MacArthur Boulevard (Mailing Address: Post Office Box 25082), Oklahoma City, Okla. 73125.
National Aviation Facilities Experimental Center, Tilton Road, Route 563 (near Pomona, N.J.) (Mailing Address: Atlantic City, N.J. 08405).

3. *Documents available under Subpart D at document inspection facilities.* a. The following records under Subpart D of this part are available at Federal Aviation Administration document inspection facilities:

(1) Final opinions and orders made in the adjudication of cases by the Administrator, Federal Aviation Administration.

(2) Policies and interpretations, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation. All such policies and interpretations made by the Administrator, Deputy Administrator, Associate Administrators, Directors and Heads of Offices are available at the FAA Headquarters document inspection facility; only those policies and interpretations made by the Administrator, Deputy Administrator and the Regional or Center Director concerned shall be available at Regional and Center document inspection facilities.

(3) Administrative staff manuals or instructions to staff that affect any member of the public, including the prescribing of any standard, procedure, or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public. Such documents are available at the inspection facility of the organizational unit which has issued them.

b. An index of the records located at each document inspection facility is maintained at that facility.

c. The records and the index may be inspected, at the facility, without charge. Copies of records may be obtained upon payment of the fee prescribed in Subpart H of this part.

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or obtain a copy thereof, must submit his request in writing to the Manager, Headquarters Operations, FAA Headquarters, or the Director of the Region or Center in which it is located. The addresses of FAA Headquarters and the Regions and Centers are listed in paragraph 2 of this appendix. If the location of the record is not known, the request may be submitted to the Manager, Headquarters Operations, FAA Headquarters. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part. In some instances, the amount of the fee will have to be determined after the request has been received due to the circumstances peculiar to each case. The following table gives illustrations of types of records and where they are located:

a. Records pertaining to the issue, amendment, suspension or revocation of certificates, permits, authorizations, and approvals such as:

(1) Airman certificates and ratings for pilots, flight instructors, flight navigators, flight engineers, aircraft dispatchers, mechanics, repairman, air traffic control operators, parachute riggers and ground instructor certificates are maintained at the Aeronautical Center.

(2) Aircraft registration certificates, and airworthiness certificates are maintained at the Aeronautical Center.

(3) Aircraft type certificates and production certificates are maintained at the regional office within which the certification action is taken.

(4) Ferry permits and special flight authorizations are maintained at the district office of the region within which the issuance was made.

(5) Air carrier operating certificates, commercial operators certificates, agricultural aircraft operator certificates, repair station certificates, parachute loft certificates, pilot school certificates, and mechanic school certificates are maintained at the district office of the region within which the certification was taken.

b. Records of designations of representatives of the Administrator are located at FAA Headquarters.

c. Records covering civil rights violations determinations under title VI Civil Rights Act of 1964 are located at FAA Headquarters.

d. Records relating to Federal-aid Airport Grants are located at the regional office within which the grant was made.

e. Records of approvals of navigational facilities under FAR Part 171 are located at the regional office within which the approval was issued.

f. Records relating to civil penalty actions and seizure of aircraft are located at the regional office within which the action was taken.

5. *Reconsideration of determination not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Director, Information Services at FAA Headquarters, for reconsideration of that request. For all purposes, including that of judicial review, the decison of the Director, Information Services, is administratively final as the decision of the Federal Aviation Administrator.

(Sec. 552, Title 5, United States Code; sec. 9, Department of Transportation Act (Public Law 89-670, 49 U.S.C. 1657); § 7.1(c), Department of Transportation regulations (49 CFR 7.1(c)); Title V, Independent Offices Appropriation Act of 1952 (65 Stat. 290, 31 U.S.C. 483a))

Issued in Washington, D.C., on April 24, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-5184; Filed, Apr. 30, 1969; 8:47 a.m.]

[OST Docket No. 22; Amdt. 2]

PART 71—STANDARD TIME ZONE BOUNDARIES

Operating Exceptions for Certain Lines of Railroad

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing lists of exceptions pertaining to certain railroad operations of the Detroit, Toledo, and Ironton Railroad and the Ann Arbor Railroad that traverse the Ohio-Michigan State boundary.

On April 24, 1969, the lists of operating exceptions for railroads were revised and restated (34 F.R. 6849). The revised and restated lists contained two new categories of exceptions (49 CFR 71.4(g)(3) and (4)) that were made necessary because of the action of the State of Michigan in exempting itself from the observance of advanced (daylight) time.

Based upon requests from the Detroit, Toledo, and Ironton Railroad and the Ann Arbor Railroad certain of their respective operations traversing the Ohio-Michigan State line were granted exceptions under one or the other of the two new categories.

Subsequently the two railroads concerned requested modification of those operating exceptions which would have allowed certain of their operations in Ohio to be performed on Michigan nonadvanced time between the last Sunday in April and the last Sunday in October. Because of the number of interchange points in Ohio with other rail carriers operating on advanced time, the two railroads concerned requested that all of their necessary operating exceptions be listed so as to permit them to operate on eastern standard time (advanced) from the Ohio-Michigan State line to appropriate points in Michigan.

Operating exceptions are granted pursuant to the first section of the Act of March 19, 1918, as amended by section 4(a) of the Uniform Time Act of 1966 (15 U.S.C. 261), to permit certain carriers to carry the standard of time upon which the major portion of a particular operation is conducted into an adjoining time zone. However, each carrier concerned shall, in its advertisements, time cards, bulletin boards in stations and other publications, show the arrival and departure times at stations along the excepted lines in terms of the standard of time for the area in which those stations are situated.

Since this amendment involves the restatement of certain existing exceptions and the establishment of certain new exceptions required by the time zone boundary changes or exemption described above, I find that notice and public procedure thereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective at 2 a.m. on April 27, 1969, Part 71 of Title 49 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., on April 25, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

Subparagraphs (3) and (4) of paragraph (g) of § 71.4 are amended to read as follows:

§ 71.4 Boundary line between eastern and central zones.

* * * * * * *

(g) *Operating exceptions.* * * *

(3) *Indiana and Ohio operations included in Michigan nonadvanced time.* Those portions of the following lines of railroad located east of the zone boundary described in this section, are, for operating purposes only, excepted from the U.S. standard eastern time zone to permit operations in accordance with Michigan nonadvanced eastern time during the period from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October:

Railroad	From—	To—
Chesapeake & Ohio.	Michigan-Ohio State line (north of Alexis, Ohio).	Alexis, Ohio.
Detroit & Toledo Shore Line.	Michigan-Ohio State line (north of Toledo, Ohio).	Toledo, Ohio.
Penn Central...	Michigan-Indiana State line (north Vistula, Ind.)	Tower B, Elkhart, Ind.
Do.....	Michigan-Ohio State line (north of Alexis, Ohio).	Alexis, Ohio.
Do.....	Michigan-Indiana State line (south of Niles, Mich.).	South Bend, Ind.
Do.....	Michigan-Indiana State line (south of Sturgis, Mich.).	Fort Wayne, Ind.

(4) *Michigan operations excepted from Michigan nonadvanced time.* Those portions of the following lines of railroad located within the State of Michigan and east of the zone boundary described in this section, are, for operating purposes only, excepted from the requirement to operate in accordance with Michigan's nonadvanced eastern time and permitted to operate on eastern standard time (advanced) during the period from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October.

Railroad	From—	To—
Ann Arbor.....	Ohio-Michigan State line (north of Alexis, Ohio).	Owosso, Mich.
Detroit, Toledo & Ironton.	Ohio-Michigan State line (north of Metamora, Ohio).	Detroit and Dearborn, Mich.
Do.....	Ohio-Michigan State line (north of Denson, Ohio).	Tecumseh, Mich.
Do.....	Ohio-Michigan State line (North of Alexis, Ohio) (over the tracks of the Ann Arbor Railroad).	Diann, Mich.
Penn Central...	Indiana-Michigan State line (north of Ray, Ind.).	Jackson, Mich.
Do.....	White Pigeon Junction, Mich.	Jonesville, Mich.
Do.....	Litchfield, Mich.....	Osseo, Mich.
Do.....	Bankers, Mich.....	North Adams, Mich.
Do.....	Morenci, Mich.....	Palmyra, Mich.
Do.....	Clayton, Mich.....	Ida, Mich.
Do.....	Ohio-Michigan State line (south of Ottawa Lake, Mich.).	Clinton, Mich.
Do.....	Ohio-Michigan State line (north of Alvordton, Ohio).	Jackson, Mich.
Do.....	Cement City, Mich...	Brooklyn, Mich.

* * * * *

[F.R. Doc. 69-5187; Filed, Apr. 30, 1969; 8:48 a.m.]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-3; Amdts. 171-3, 172-2, 173-6, 174-3, 177-5, 178-3, 179-2]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments is to make a number of miscellaneous changes in the Hazardous Materials Regulations. These amendments are, for the most part, based on Notice 68-2 (Docket No. HM-3) which was issued by the Hazardous Materials Regulations Board on February 16, 1968 (33 F.R. 3382).

As a result of numerous requests, on August 2, 1968, the Board announced an extension of the time for comment on that portion of the notice relating to the definition of flammable liquids and the transportation of liquefied gases in the lower temperature ranges. After analyzing the numerous comments received in this regard, the Board has decided to reconsider these proposals. The Board has also determined not to adopt at this time certain definitions proposed in the notice. Other proposals contained in the notice that have either been dropped or altered are specifically discussed hereinafter. Therefore, the action taken in this document is to be considered as final action on Notice 68-2 (Docket HM-3) and if after reconsideration, it is determined that further rule making action is warranted on any of the items that were proposed, but not adopted, a new notice of proposed rule making will be issued.

The significant comments and the changes (other than minor corrections and editorial changes) from the notice are discussed below.

1. The proposed definition of the term "hazardous material" has been modified so that as adopted it states simply that the term is synonymous with the term "explosives and other dangerous articles", as contained in 18 U.S.C. 831-835. The proposed definition of "transport vehicle" was included in a recent amendment relating generally to radioactive materials (33 F.R. 14920).

2. The notice proposed to amend several sections relating to the shipping of explosives (e.g., §§ 173.21, 173.79, 173.86, 173.92, and 173.95) to substitute Department of Transportation "approval" for Bureau of Explosives "approval." The Board has concluded that, until the Department is staffed to efficiently and competently perform functions that for many years have been performed by the Bureau of Explosives, the approval authority should remain with the Bureau of Explosives.

3. Section 173.30 has been modified to make it clear that it applies to any person loading or unloading dangerous articles, not only shippers, and that of the referenced requirements only those applicable in a particular case need be complied with.

4. Section 173.51(g) has been simplified by stating the intended exception from the forbidden explosives category by a reference to § 173.86.

5. As proposed in the notice, § 173.86 is amended to permit shipment of new explosives if examined and approved by the Department of Defense. This has been accomplished by a general reference to Department of Defense examination and approval rather than by reference to a specific DoD classification procedure. The Board believes that since there has been no reference in the past to a specific Bureau of Explosives approval procedure (and since B of E approval is being retained for other than military shipments) there is no need to specify the DoD classification procedure to be used.

6. As proposed, a definition of practice cartridge ammunition has been added to § 173.100. For consistency with the commodity list, the defined term has been changed to "cartridge, practice ammunition".

Also, the language in the proposed definition that would have necessitated looking to the intended use of the ammunition in addition to its specific characteristics, has been deleted as inappropriate to a transportation safety determination.

7. Paragraph (a)(4) of § 173.188 has been modified to make it clear that a specification 6K metal drum can be used to ship phosphoric anhydride at a gross weight exceeding 480 pounds only where the test requirements of § 178.101-11 have been met at a 600-pound gross weight.

8. Section 173.304(b)(2) has been modified to provide a reference to § 173.316(a)(2) for the pressure-controlling valve requirement for liquefied hydrogen in 4L cylinders thereby imposing a more restrictive requirement than for certain other materials.

9. Proposed § 173.316(a)(2) has been reorganized for clarity. For consistency with §§ 177.840 and 178.57-8, the venting rate is expressed in standard cubic feet "per hour" rather than "per minute". Also, the language relating to a venting rate has been changed to permit for a single cylinder a maximum venting rate of 30 standard cubic feet per hour rather than 60 as was implied by the proposed language. This change is consistent with § 177.840 as proposed and as adopted since the figure of 60 cubic feet per hour is intended as a maximum per motor vehicle and not per cylinder. Several comments objected to the proposed requirement that the pressure must be manually vented to not exceeding 8 p.s.i.g. not more than 2 hours before loading. The Board believes that a manual venting requirement is desirable to minimize to the maximum extent feasible the amount of venting that will occur during transportation. However, the Board believes that the desired objective can be achieved by permitting the manual venting up to 4 hours before the beginning of transportation rather than relating the requirement to a period of time before loading.

10. Paragraph (k) of § 173.393 is deleted since the provisions thereof are now covered by § 173.30 as revised in this amendment.

11. The only significant change in § 174.566, as adopted, is to substitute the words "thoroughly cleaned" for the words "flushed out with water" since water could be inappropriate for use in removing certain poisons.

12. Since the purpose of the proposed change to § 174.589 was merely to accomplish a clarification, it has been dropped from this amendment and will be considered in connection with a complete revision of § 174.589 now under study.

13. Section 177.801 is amended as proposed to include private carriers within its scope. However, the proposed amendment to require that the methods of manufacturing, packing, and storage of hazardous materials be open to inspection by representatives of this Department has not been adopted at this time. Failure to adopt this proposal is not due, as suggested by some commenters, to any lack of authority in the Department to impose such a requirement, but rather to withhold any change to § 177.801 until comparable changes have been proposed to parallel §§ 173.1, 174.500, 175.650, and 176.700.

14. Except for minor reorganization, § 177.840 is adopted as proposed. One commenter objected to inclusion of special loading requirements applicable to the 4L cylinder. The experience gained under special permits that justified this amendment was under conditions that included comparable loading requirements. The Board is not satisfied that an adequate level of safety would be maintained if these requirements were deleted.

15. In addition to the changes proposed in the notice, § 178.37-5(a) is amended by deleting note 3 thereto since, as pointed out by commenters, retention of the note would be inconsistent with the intent of the proposed change to authorize generally the use of basic oxygen process steel.

16. The notice proposed to amend §§ 178.51-20, 178.60-4, and 178.61-5 to include tables of authorized steel and check analysis tolerances. In addition, commenters pointed out that these tables should have been included in § 178.56-20. To avoid repeating these identical tables four times in the regulations these items have been included as Table I of Appendix A to Part 178 and references to the appendix have been included in the four sections as applicable. In addition, commenters pointed out that, in the interest of safety, a phosphorus limitation should be specified for the chemical composition of grade three steel and that an allowance should be made for rephosphorized steels. Both of these comments are valid and accordingly a phosphorus limit of 0.045 is included for grade three steel and a new note 6 has been added to Table I to authorize and to provide limiting criteria for the use of rephosphorized steel.

17. As a result of comments received, and to make the venting requirements for liquefied hydrogen in the specification for 4L cylinders consistent with those requirements contained in §§ 173.316(a)(2) and 177.840(a)(2), paragraph (c) of § 178.57-8 as adopted authorizes a maximum heat transfer that will not cause venting of more than 30 standard cubic feet of hydrogen gas per hour as a basis for design and construction rather than 1 percent of the contents in a period of 24 hours as proposed.

18. Notice 68-2 proposed to add a new paragraph (a)(5) to § 178.57-20 containing additional marking requirements for liquefied hydrogen in specification 4L cylinders. As pointed out by several comments, the Board concluded that the marking requirements contained elsewhere in the regulations (§§ 173.316(a)(2) and 173.401(a)) together with the present marking requirements of § 178.57-20 are adequate. Therefore, the proposed changes to § 178.57-20 have not been adopted.

19. As was pointed out in comments received on the notice, the proposed clarifying change to §§ 178.82-9, 178.115-8, and 178.116-8 could cause more confusion than clarification. Therefore, no change in these sections has been made.

20. One comment objected to inclusion of the 3/16-inch minimum thickness requirement in § 178.337-10(b) in addition to the performance requirements therein. This is not a substantive change but merely a rearrangement which moves the present 3/16-inch minimum thickness requirement for protective housing from paragraph (a) of § 178.337-3(a) to paragraph (b) of § 178.337-10.

21. As a result of the comments received, the proposed revision of § 178.337-13(b) which was for the purpose of clarification has not been adopted since it could have resulted in an unintentional substantive change.

Many commenters, in response to notice 68-2, proposed changes that were beyond the scope of the notice. These proposed changes could not be considered for inclusion in this amendment. Since most of the proposals did not contain the supporting data required under Part 170 of the Board's regulations for petitions for rule making, those commenters on Notice 68-2 that wish their proposals to receive further consideration should resubmit them in accordance with the requirements of § 170.11.

Interested persons were afforded an opportunity to participate in this rule making and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173, 174, 177, 178, and 179 are amended, effective September 3, 1969. However, compliance with the regulations as amended herein is authorized immediately.

These amendments are made under the authority of sections 831-835 of Title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

PART 171—GENERAL INFORMATION AND REGULATIONS

I. Part 171 is amended as follows:

(A) Section 171.8 is amended by adding paragraph (m) to read as follows:

§ 171.8 Definitions.

* * * * *

(m) "Hazardous materials" means "explosives and other dangerous articles" as used in title 18, United States Code, sections 831-835.

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171-179 OF THIS CHAPTER

II. Part 172 is amended as follows:

§ 172.4 [Amended]

(A) Note 1 following paragraph (a) in § 172.4 is canceled.

(B) In § 172.5 paragraph (a) the Commodity List is amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

*	Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
	Change				
	* * *	* * *	* * *	* * *	* * *
*	*Compounds, cleaning, liquid (containing hydrochloric (muriatic) acid)*	Cor. L.....	173.244,173.263.....	White.....	10 pints.
	Add				
	* * *	* * *	* * *	* * *	* * *
	Cartridges, practice ammunition.....	Expl. C.....	No exemption, 173.101a	.....	150 pounds.
	* * *	* * *	* * *	* * *	* * *

PART 173—SHIPPERS

III. Part 173 is amended as follows:

(A) In the Table of Contents §§ 173.30, 173.79, 173.86, 173.92, and 173.102 are amended; § 173.101a is added to read as follows:

Sec.

173.30 Loading and unloading of transport vehicles.

173.79 Jet thrust units (jato), class A explosives; rocket motors, class A explosives; igniters, jet thrust (jato), class A explosives; and igniters, rocket motor, class A explosives.

173.86 New explosives and samples for laboratory examination.

173.92 Jet thrust units (jato), class B explosives; rocket motors, class B explosives; igniters, jet thrust (jato), class B explosives; igniters, rocket motors, class B explosives; and starter cartridges, jet engine, class B explosives.

173.101a Cartridges, practice ammunition.

173.102 Explosive cable cutters; explosive power devices, class C; explosive release devices, or starter cartridges, jet engine, class C explosives.

(B) Section 173.30 is amended in its entirety to read as follows:

§ 173.30 Loading and unloading of transport vehicles.

(a) Any person who loads or unloads shipments of hazardous materials into or from transport vehicles shall comply with the applicable loading and unloading provisions of Parts 174 and 177 this chapter as follows:

(1) Rail: Sections 174.525 through 174.567.

(2) Highway: Sections 177.834 through 177.848.

(C) Paragraph (q) in § 173.51 is amended to read as follows:

§ 173.51 Forbidden explosives.

• • • • •

(q) New explosives and explosive devices except as provided for in § 173.86.

• • • • •

(D) In § 173.53 paragraph (t)(2)(ii) is amended to read as follows:

§ 173.53 Definition of class A explosives.

• • • • •

(t) • • •

(2) • • •

(ii) Rocket motors, class A explosives may be shipped in a propulsive state only under conditions approved by the Department of Defense.

• • • • •

(E) Section 173.79 is amended in its entirety to read as follows:

§ 173.79 Jet thrust units (jato), class A explosives; rocket motors, class A explosives; igniters, jet thrust (jato), class A explosives; and igniters, rocket motor, class A explosives.

(a) Class A explosives covered by this section must be packaged in outside packagings complying with the following specifications:

(1) Specification 14, 15A, 15E, or 16A (§§ 178.165, 178.168, 178.172, 178.185 of this chapter) wooden boxes, or wooden boxes, fiberboard lined.

(2) Wooden boxes, wooden crates, or other packagings of approved military specifications which comply with § 173.7(a), or other packagings approved by the Bureau of Explosives.

(b) Jet thrust units, class A explosives or rocket motors, class A explosives, must not be shipped with igniters assembled therein unless shipped by, for, or to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(c) Jet thrust units class A explosives or rocket motors, class A explosives, may be packaged in the same outside packaging with their separately packaged igniters (or igniter components), class A, B, or C explosives only in packagings approved by the Bureau of Explosives or of approved military specifications complying with § 173.7(a).

(d) Each package must be plainly marked "Jet Thrust Units, Class A Explosives", "Rocket Motors, Class A Explosives", "Igniters, Jet Thrust, Class A Explosives", or "Igniters, Rocket Motor, Class A Explosives", as appropriate.

(e) Class A explosives listed in this section must not be offered for transportation by rail express, except as provided in § 173.86 or § 175.675 of this chapter.

(F) In § 173.86 paragraph (a) is amended to read as follows:

§ 173.86 New explosives and samples for laboratory examination.

(a) New explosives including fireworks and explosive devices, other than Army, Navy, or Air Force explosive or chemical ammunition of a security classification, must be examined and approved by either the Bureau of Explosives or the Department of Defense as safe for transportation before being offered for shipment except that a sample of such explosives, fireworks, and explosive devices, not to exceed five pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water for this examination. Except for shipments of sample quantities as provided for in this section, a written notification of the classification and approval accompanied by a supporting laboratory report or equivalent data must be filed with the Department before the new explosive or explosive device is offered for shipment. Samples of explosives, except liquid nitroglycerin, other than new explosives for laboratory examination not exceeding 5 pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water. For the purpose of Parts 170–189 of this chapter, a new explosive, including fireworks and explosive devices, is the product of a new factory or an explosive or explosive device of an essentially new composition or character made by any factory.

• • • • •

(G) In § 173.88 paragraph (e)(2)(ii) is amended to read as follows:

§ 173.88 Definition of class B explosives.

• • • • •

(e) • • •

(2) • • •

(ii) Rocket motors, class B explosives, may be shipped in a propulsive state only under conditions approved by the Department of Defense.

• • • • •

(H) Section 173.92 is amended in its entirety to read as follows:

§ 173.92 Jet thrust units (jato), class B explosives; rocket motors, class B explosives; igniters, jet thrust (jato), class B explosives; igniters, rocket motors, class B explosives; and starter cartridges, jet engine, class B explosives.

(a) Class B explosives covered by this section must be packaged in outside packagings complying with the following specifications:

(1) Specification 14, 15A, 15E, or 16A (§§ 178.165, 178.168, 178.172, 178.185 of this chapter) wooden boxes, or wooden boxes, fiberboard lined.

(2) Specification 15B (§ 178.169 of this chapter) wooden boxes. Authorized only for igniters, jet thrust, class B explosives, or igniters, rocket motors, class B explosives.

(3) Specification 23F (§ 178.214 of this chapter) fiberboard boxes. Authorized only for igniters, jet thrust, class B explosives; igniters, rocket motor, class B explosives; or starter cartridges, jet engine, class B explosives. Items must be packaged in tightly closed inside fiberboard boxes (at least 200-pound test (Mullen or Cady)) or metal containers. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

(4) Wooden boxes, wooden crates, or other packagings of approved military specification which comply with § 173.7(a), or other packagings approved by the Bureau of Explosives.

(b) Jet thrust units, class B explosives, or rocket motors, class B explosives, must not be shipped with igniters assembled therein unless shipped by, for, or to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(c) Jet thrust units, class B explosives, or rocket motors, class B explosives, may be packaged in the same outside packaging with their separately packaged igniters (or igniter components), class A, B, or C explosives, only in packagings approved by the Bureau of Explosives or of approved military specifications complying with § 173.7(a).

(d) Each package must be plainly marked "Jet Thrust Units, Class B Explosives", "Rocket Motors, Class B Explosives", "Igniters, Jet Thrust, Class B Explosives", "Igniters, Rocket Motors, Class B Explosives", or "Starter Cartridges, Jet Engine, Class B Explosives" as appropriate.

(e) Label: Each package, when offered for transportation by rail express, must have securely and conspicuously attached thereto a square red label as described in § 173.412.

(I) Section 173.95 is amended to read as follows:

§ 173.95 Rocket engines (liquid), class B explosives.

(a) Rocket engines must be packaged in outside packaging complying with the following specifications:

(1) Specification 14, 15A, 15E, or 16A (§§ 178.165, 178.168, 178.172, 178.185 of this chapter) wooden boxes, or wooden boxes, fiberboard lined.

(2) Wooden boxes or metal packagings of approved military specification which comply with § 173.7(a), or other packagings approved by the Bureau of Explosives.

(b) Rocket engines (liquid), class B explosives, must not be shipped with igniters or initiators assembled therein unless shipped by, for, or to the Department of the Army, the Department of the Navy, or the Department of the Air Force, and only when authorized by the Department of Defense or by the Bureau of Explosives.

(c) Rocket engines (liquid), class B explosives, may be packed in the same outside packaging with separately packaged igniters, jet thrust, class B explosives when authorized by the Department of Defense or when packagings are approved by the Bureau of Explosives.

(d) Each package must be plainly marked "Rocket Engines (Liquid), Class B Explosives."

(e) Except as provided in §§ 173.86 and 175.675 of this chapter, rocket engines (liquid), class B explosives, must not be offered for transportation by rail express.

(J) Paragraph (ff) is added at the end of § 173.100 to read as follows:

§ 173.100 Definition of class C explosives.

• • • • •

(ff) "Cartridge, practice ammunition" means a metal cartridge case containing a primer, a propelling charge of not more than 500 grains of propellant powder, and a solid projectile or a projectile containing a smoke spotting charge.

(K) Section 173.101a is added to read as follows:

§ 173.101a Cartridges, practice ammunition.

(a) Cartridges, practice ammunition must be packaged in pasteboard or other inside boxes, or in partitions designed to fit snugly in the outside packaging, or must be packed in metal clips. The partitions and metal clips must be so designed as to protect the primers from accidental injury. The inside boxes, partitions, and metal clips must be packaged in securely closed strong outside wooden or fiberboard boxes or metal packagings.

(1) Each package must be plainly marked "Cartridges, Practice Ammunition."

(L) In § 173.102 the heading and paragraph (b) are amended to read as follows:

§ 173.102 Explosive cable cutters; explosive power devices, class C; explosive release devices, or starter cartridges, jet engine, class C explosives.

• • • • •

(b) Each package must be plainly marked "Explosive Cable Cutters"; "Explosive Power Devices, Class C"; "Explosive Release Devices", or "Starter Cartridges, Jet Engine, Class C Explosives", as appropriate, and "Handle Carefully—Keep Fire Away."

(M) In § 173.188 paragraph (a)(4) is amended to read as follows:

§ 173.188 Phosphoric anhydride.

(a) • • •

(4) Specification 6K (§ 178.101 of this chapter). Metal drums. Authorized only for carload or truckload shipments by rail freight or highway and must be loaded by the shipper and unloaded by the consignee or his duly authorized agent. Authorized net weight not over 600 pounds. If the gross weight is more than 480 pounds, the shipper must have established that the drums meet the drop test requirements prescribed in § 178.101-11 of this chapter at 600 pounds gross weight.

• • • • •

(N) In § 173.220 the introductory text of paragraph (a) is amended to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(a) Magnesium or zirconium scrap consisting of borings, shavings, or turnings, must be packed in closed metal barrels or drums, wooden barrels, metal pails, fiber drums, or four-ply paper bags. Paper bags are not authorized for less-than-carload or less-than-truckload shipments.

• • • • •

(O) Paragraph (a)(27) is added in § 173.245 to read as follows:

§ 173.245 Acids or other corrosive liquids not specifically provided for.

(a) • • •

(27) Specification 33A (§ 178.150 of this chapter). Polystyrene case (nonreusable container) having one inside glass bottle of not over 16 ounces capacity.

(P) Paragraph (a)(18) is added in § 173.271 to read as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) • • •

(18) Specification 5B (§ 178.82 of this chapter). Metal barrels or drums lined with a material which is compatible with the commodity. Authorized for thiophosphoryl chloride only.

(Q) In § 173.276 paragraph (a)(4) and (5) is amended to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) • • •

(4) Specification 103C–W or 111A 100W6 (§§ 179.200 and 179.201 of this chapter). Tank cars having tanks of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of 1 percent. The safety relief valve on specification 103C–W tank car tanks may have a start-to-discharge pressure of not more than 45 p.s.i. in place of 35 p.s.i. Specification 111A100W6 tanks must not be equipped with bottom outlets. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure.

(5) Specification 103A–ALW (§§ 179.200 and 179.201 of this chapter). Tank cars. The safety relief valve on tanks may have a start-to-discharge pressure of not more than 45 p.s.i. in place of 35 p.s.i. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure. Authorized for anhydrous hydrazine only.

• • • • •

(R) In § 173.304 Note 9 following paragraph (a)(2) Table is canceled; paragraph (b)(2) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

• • • • •

(b) • • •

(2) The pressure in DOT–4L cylinders (§ 178.57 of this chapter) must be limited by a pressure controlling valve so sized and set as to limit the pressure to one and one-fourth times the marked service pressure. For hydrogen, a valve must be set as specified in § 173.316(a)(2). The design and installation of pressure-controlling valves must be such as to assure that they will not malfunction because of frost accumulation. The liquid portion of the gas must not completely fill the cylinder. For DOT–4L cylinders insulated by a vacuum, the pressure control valve must be set at least 15 p.s.i. lower than one and one-fourth times the marked service pressure. The other paragraphs of this section do not apply to DOT–4L cylinders.

• • • • •

(S) Paragraph (a)(2) is added in § 173.316 to read as follows:

§ 173.316 Liquefied hydrogen.

(a) • • •

(2) Specification 4L (§ 178.57 of this chapter) cylinders, in accordance with the following requirements:

(i) Service temperature: minus 423° F. or colder.

(ii) Maximum filling density, based on cylinder capacity at minus 423° F.: 6.7 percent.

(iii) Pressure must be limited by a pressure-controlling valve set to limit pressure to not more than 17 p.s.i.

(iv) Each cylinder must be constructed, insulated, and maintained so that during transportation the total rate of venting shall not exceed 30 standard cubic feet of hydrogen per hour.

(v) In addition to the marking required by § 178.57–20 of this chapter, the total rate of venting in standard cubic feet per hour shall be marked on the top of each head or valve protection band in letters at least one-half inch high as follows: "Vent Rate ** CFH" with the stars replaced by figures signifying the standard hydrogen venting rate for the cylinder.

(vi) Transportation is limited to private and contract motor carriers under conditions specified in § 177.840(a)(1) of this chapter.

(vii) Pressure in each cylinder must be reduced to 8 p.s.i.g. or lower at least once within 4 hours before the beginning of transportation.

(T) In § 173.333 paragraph (a)(1) is amended to read as follows:

§ 173.333 Phosgene or diphosgene.

(a) • • •

(1) As prescribed in § 173.328 of this part, filling density (see § 173.304(a)(2) Table Note 1) must not exceed 125 percent and a cylinder must not contain more than 150 pounds phosgene.

• • • • •

(U) Section 173.368 is amended to read as follows:

§ 173.368 Arsenical dust, arsenical flue dust, and other poisonous noncombustible byproduct dusts; also arsenic trioxide, calcium arsenate, and sodium arsenate.

(a) Arsenical dust, arsenical flue dust, and other poisonous noncombustible byproduct dusts from metal recovery operations not subject to dangerous spontaneous heating, and arsenic trioxide, calcium arsenate, or sodium arsenate, when delivery is made to plants with private sidings only may, in addition to packagings prescribed in § 173.367, be shipped in bulk in the following kinds of cars, if those cars are assigned exclusively to this type of service: (1) Sift-proof, self-clearing, hopper or bottom outlet steel cars, (2) sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with waterproof and dust-proof wooden or steel covers well secured in place for all openings, and (3) sift-proof box cars of all steel construction. Cars assigned exclusively to this service must be marked "Arsenical Service Only", in addition to other required markings, and are not subject to § 174.566(b) of this chapter while in that service.

(b) Arsenical dust and arsenic trioxide may, in addition to the packagings specified in § 173.367, be shipped in bulk in motor vehicles with steel, sift-proof, self-clearing hopper-type, or dump-type bodies, with waterproof and dust-proof covers, well secured in place, and which are assigned exclusively to this type of service. These vehicles shall be marked "Arsenical Service Only", in addition to other required markings, and are not subject to § 177.841(a)(2) of this chapter while in that service.

(V) In § 173.370 paragraph (c)(1) is amended to read as follows:

§ 173.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

* * *

(c) * * *

(1) As prescribed in paragraph (a)(2), (3), (4), (6), (9), or (11) of this section.

* * * * *

(W) In § 173.377 paragraph (a)(5) is amended to read as follows:

§ 173.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

(a) * * *

(5) Specification 21C (§ 178.224 of this chapter). Fiber drums. Authorized net weight not over 250 pounds.

* * * * *

(X) In § 173.384 paragraph (a)(2) is amended to read as follows:

§ 173.384 Monochloracetone, stabilized.

(a) * * *

(2) Specification 15A, 15B, 15C, or 16A (§§ 178.168, 178.169, 178.170, 178.185 of this chapter). Wooden boxes with inside glass bottles or tubes in metal cans hermetically sealed or with covers securely taped. The metal cans must be in corrugated fiberboard cartons, specification 2C (§ 178.22 of this chapter). Bottles must not contain more than 1 pound of liquid each, must not be filled to more than 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least one-half inch of absorbent material. Cans must be made of metal at least 32-gauge U.S. Standard. The total amount of liquid per package must not exceed 24 pounds.

(Y) In § 173.385 paragraph (a)(1) is amended to read as follows:

§ 173.385 Tear gas grenades, tear gas candles, or similar devices.

(a) * * *

(1) Specification 15A, 15B, or 15C (§§ 178.168, 178.169, 178.170 of this chapter). Metal-strapped wooden boxes. Functioning elements not assembled in grenades or devices must be in a separate compartment of these boxes, or in inside or separate outside boxes, specification 15A, 15B, or 15C, and must be so packed and cushioned that they may not come in contact with each other or with the walls of boxes during transportation. Not more than 50 grenades and 50 functioning devices shall be packed in one package and the gross weight of the package must not exceed 75 pounds.

* * * * *

§ 173.393 [Amended]

(Z) Paragraph (k) in § 173.393 is canceled.

PART 174—CARRIERS BY RAIL FREIGHT

IV. Part 174 is amended as follows:

(A) In § 174.538(a) the Chart is amended by adding the following new footnote and adding a footnote "f" reference at the intersection of vertical column 15 and horizontal columns a, b, c, d, e, f, and g, respectively.

§ 174.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

[f] Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

* * * * *

(B) Paragraph (b) in § 174.566 is amended to read as follows:

§ 174.566 Cleaning cars.

* * * * *

(b) After unloading poisons or potassium permanganate from steel hopper cars or other cars, cars must be thoroughly cleaned except that cars used exclusively in this service under the provisions of §§ 173.194(a) and 173.368(a) of this chapter shall not be subject to this requirement.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

V. Part 177 is amended as follows:

(A) Sections 177.800, 177.801 are amended in the Table of Contents to read as follows:

Sec.
177.800 Purpose of regulations in Parts 170–189 of this chapter.
177.801 Scope of regulations in Parts 170–189 of this chapter.

(B) The heading of § 177.800 is amended to read as follows; paragraph (a) is amended by adding "private," before the word common in the first sentence thereof.

§ 177.800 Purpose of regulations in Parts 170–189 of this chapter.

* * * * *

(C) The heading of § 177.801 is amended to read as follows; paragraph (a) is amended by adding "private," before the word common in the first sentence thereof.

§ 177.801 Scope of regulations in Parts 170–189 of this chapter.

* * * * *

(D) In § 177.840 paragraph (a)(1) is amended and a new paragraph (a)(2) is added to read as follows:

§ 177.840 Compressed gases.

* * * * *

(a) * * *

(1) *Cylinders.* To prevent their overturning, cylinders containing compressed gases must be securely lashed in an upright position; loaded into racks securely attached to the motor vehicle; packed in boxes or crates of such dimensions as to prevent their overturning; or loaded in a horizontal position. Specification DOT-4L cylinders must be loaded in an upright position and securely braced.

(2) *Cylinders for liquefied hydrogen.* Specification DOT-4L cylinders containing liquefied hydrogen must be transported only on motor vehicles with open bodies which are equipped with suitable racks or supports having clamps or securing bands capable of holding the cylinders upright when they are subjected to an acceleration of at least 2 "g" in any horizontal direction.

(i) The combined total of the hydrogen venting rates as marked on the cylinders on one motor vehicle must not exceed 60 standard cubic feet per hour.

(ii) Motor vehicles loaded with cylinders containing liquefied hydrogen may not be driven through tunnels.

(iii) Highway transportation is limited to private and contract motor carriers only and to direct movement from point of origin to destination.

* * * * *

(E) In § 177.841 paragraph (a)(1) and (2) has been added to read as follows:

§ 177.841 Poisons.

(a) * * *

(1) The motor vehicles must be marked in accordance with § 173.368(b) of this chapter.

(2) Before any motor vehicle may be used for transporting any other articles, all detectable traces of arsenical materials must be removed therefrom by flushing with water, or by other appropriate method, and the marking removed.

* * * * *

(F) In § 177.848(a) the Chart is amended by adding the following new footnote and adding a footnote "f" reference at the intersection of vertical column 15 and horizontal columns a, b, c, d, e, f, and g, respectively.

§ 177.848 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

[f] Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

VI. Part 178 is amended as follows:

(A) In the table of contents, §§ 178.63, 178.66, and 178.67 are amended to read as follows:

Sec.
178.63 Specification 9; seamless, welded or brazed steel cylinders.
178.66 Specification 40; nonrefillable seamless, welded or brazed steel cylinders.
178.67 Specification 41; nonrefillable seamless, welded or brazed steel cylinders.

(B) In § 178.37–5 the introductory text preceding the table in paragraph (a) is amended; note 3 is canceled as follows:

§ 178.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37–5 Authorized steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. The following chemical analyses are authorized (see note 1):

* * * * *

NOTE 3: [Canceled]

(C) In § 178.48–5 paragraph (a) is amended to read as follows:

§ 178.48 Specification 4; forge welded steel cylinders.

§ 178.48–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulfur, 0.050. However, Bessemer steel with phosphorus not over 0.11 percent is authorized when carbon content is 0.20 percent or less.

(D) In § 178.49–5 paragraph (a) is amended to read as follows:

§ 178.49 Specification 4A; forge welded steel cylinders.

§ 178.49–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulfur, 0.050.

(E) Section 178.51–20 is amended to read as follows:

§ 178.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 178.51–20 Authorized steel.

(a) As specified in Table I of Appendix A to this part.

* * * * *

(F) In § 178.52–5 paragraph (a) is amended to read as follows:

§ 178.52 Specification 4C; welded and brazed steel cylinders.

§ 178.52–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulfur, 0.050.

(G) In § 178.55–5 paragraph (a) is amended to read as follows:

§ 178.55 Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.

§ 178.55–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Plain carbon steel content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulfur, 0.050. The addition of other elements for alloying effect is prohibited.

(H) Section 178.56–20 is amended to read as follows:

§ 178.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.

§ 178.56–20 Authorized steel.

(a) As specified in Table I of Appendix A to this part.

* * * * *

(I) In § 178.57–2 paragraphs (a) and (c) are amended; in § 178.57–8 paragraph (c) is amended; in § 178.57–21 paragraph (a) Table 1 footnote 1 is amended to read as follows:

§ 178.57 Specification 4L; welded cylinders insulated.

§ 178.57–2 Type, size, service pressure,[1] and service temperature.[2]

(a) *Type and size.* Must be fusion welded; not over 1,000 pounds water capacity (nominal). For liquefied hydrogen service, the cylinders must be designed to stand on end, with the axis of the cylindrical portion vertical.

* * * * *

(c) The service temperature shall be minus 320° F. or colder. For liquefied hydrogen service, the service temperature shall be minus 423° F. or colder.

§ 178.57–8 Manufacture.

* * * * *

(c) The surface of the cylinder must be insulated. The insulating material must be fire resistant. The insulation must be covered with a steel jacket of not less than 0.060-inch thickness so constructed that moisture cannot come in contact with the insulating material. The construction must be such that the total heat transfer from the atmosphere at ambient temperature to the contents of the cylinder shall not exceed 0.0005 B.t.u. per hour per Fahrenheit degree differential in temperature per pound of water capacity of the cylinder. For liquefied hydrogen service, the total heat transfer, with a temperature difference of 520 Fahrenheit degrees, must not exceed that required to vent 30 standard cubic feet of hydrogen gas per hour.

§ 178.57–21 Authorized steels.

(a) * * *

[1] Identical to ASTM A–240, type 304, except as modified above.

* * * * *

(J) Section 178.60–4 is amended to read as follows:

§ 178.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 178.60–4 Authorized steel.

(a) As specified in Table I of Appendix A to this part.

* * * * *

(K) Section 178.61–5 paragraph (a) is amended to read as follows:

§ 178.61 Specification 4BW; welded steel cylinders made of definitely prescribed steels with electric-arc welded longitudinal seam.

§ 178.61–5 Authorized steel.

(a) As specified in Table I of Appendix A to this part.

* * * * *

(L) In § 178.63 the heading is amended; in § 178.63–5 paragraph (a) is amended to read as follows:

§ 178.63 Specification 9; seamless, welded or brazed steel cylinders.

§ 178.63–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Content

percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulfur, 0.055.

(M) In § 178.66 the heading is amended; in § 178.66–5 paragraph (a) is amended to read as follows:

§ 178.66 Specification 40; nonrefillable seamless, welded or brazed steel cylinders.

§ 178.66–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulfur, 0.055.

(N) In § 178.67 the heading is amended; in § 178.67–5 paragraph (a) is amended to read as follows:

§ 178.67 Specification 41; nonrefillable seamless, welded or brazed steel cylinders.

§ 178.67–5 Steel.

(a) Open-hearth, basic oxygen, or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045, sulfur, 0.055.

§ 178.150–3 [Amended]

(O) In § 178.150–3 paragraph (a)(2) table is amended by striking out the first figure "$^3/_4$" in the first column and inserting the figure "$^5/_8$" in place thereof.

(P) Section 178.337–3 is amended in its entirety; in § 178.337–10 paragraph (b) is amended to read as follows:

§ 178.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section.

§ 178.337–3 Thickness of tank metal.

(a) Tank metal thickness must be as required by the ASME Code and paragraph (b) of this section, except that metal of thickness less than three-sixteenths inch may not be used for the shell or heads. A corrosion allowance of 20 percent or 0.10 inch, whichever is less, must be added to the thickness otherwise required for sulfur dioxide and chlorine tank material. In chlorine tanks the wall thickness must be at least five-eighths inch, including corrosion allowance.

(b) The minimum thickness of metal in the tank shell must be such that at no point therein will the stress on a plane normal to the cylindrical axis exceed 25 percent of the minimum specified tensile strength of the metal. For purposes of this requirement, calculation must be made by the formula:

$$S=\frac{T}{2}+\left[\frac{T^2}{4}+S_s^2\right]^{0.5}$$

where, at any given point under consideration and for the worst combination of loadings:

S=Effective stress as limited by this requirement:

T=The sum of the longitudinal tensile stresses due to internal pressure and other causes including direct tensile stress due to a rearward accelerative force equal to twice the static weight, tensile stress due to the bending moment of a rearward accelerative force equal to twice the static weight, applied at the road surface, and tensile flexure stress due to three times the static weight in vertical loading; and

S_s=The vectorial sum of the shear stresses in the plane in question, including direct vertical shear due to three times the static vertical loading, direct lateral shear due to a lateral accelerative force of twice the static weight, and torsional shear due to a lateral accelerative force equal to twice the static weight, applied at the road surface. Maximum concentrated stresses which might be created at pads and cradles due to shear, bending, and torsion shall also be calculated in accordance with appendix G of the ASME Code, 1962 edition.

NOTE 1: The forces, loads, and stresses concerned in the foregoing requirement relate to the weight of the tank itself, its contents, and articles supported by the tank, not including the weight of structures supporting the tank in normal operating condition. The stresses involved are not all uniform through the length of the tank shell.

(c) Where any tank support is attached to any part of a tank head, the stresses imposed upon the head shall be as required in paragraph (b) of this section with respect to maximum concentrated stresses at pads and cradles.

§ 178.337–10 Protection of fittings.

* * * * * *

(b) The protective devices or housing must be designed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with the lading, using a safety factor of not less than four, based on the ultimate strength of the material to be used, without damage to the fittings protected, and must be made of metal at least $^3/_{16}$-inch thick.

* * * * * *

APPENDIX A—SPECIFICATIONS FOR STEEL

TABLE I

Open-hearth, basic oxygen, or electric steel of uniform quality. The following chemical composition limits are based on ladle analysis.

Designation	Chemical composition, percent—ladle analysis		
	Grade 1[1]	Grade 2[1,3]	Grade 3[2,4,5]
Carbon	0.10/0.20	0.24 maximum	0.22 maximum.
Manganese	1.10/1.50	0.50/1.00	1.25 maximum.
Phosphorus, maximum	0.04	0.04	
Sulfur, maximum	0.05	0.05	0.05.
Silicon	0.15/0.30	0.30 maximum	
Copper, maximum	0.40		
Columbium		0.01/0.04	
Heat treatment authorized	(3)	(3)	(3).
Maximum stress (p.s.i.)	35,000	35,000	35,000.

CHECK ANALYSIS TOLERANCES

A heat of steel made under any of the above grades, the ladle analysis of which is slightly out of the specified range, is acceptable if the check analysis is within the following variations:

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over Maximum limit
Carbon	To 0.15 inclusive	0.02	0.03
	Over 0.15 to 0.40 inclusive	0.03	0.04
Manganese	To 0.60 inclusive	0.03	0.03
	Over 0.60 to 1.15 inclusive	0.04	0.04
	Over 1.15 to 2.50 inclusive	0.05	0.05
Phosphorus[6]	All ranges		0.01
Sulfur	All ranges		0.01
Silicon	To 0.30 inclusive	0.02	0.03
	Over 0.30 to 1.00 inclusive	0.05	0.05
Copper	To 1.00 inclusive	0.03	0.03
	Over 1.00 to 2.00 inclusive	0.05	0.05
Nickel	To 1.00 inclusive	0.03	0.03
	Over 1.00 to 2.00 inclusive	0.05	0.05
Chromium	To 0.90 inclusive	0.03	0.03
	Over 0.90 to 2.10 inclusive	0.05	0.05
Molybdenum	To 0.20 inclusive	0.01	0.01
	Over 0.20 to 0.40 inclusive	0.02	0.02
Zirconium	All ranges	0.01	0.05
Columbium	To 0.04 inclusive	0.005	0.01
Aluminum	Over 0.10 to 0.20 inclusive	0.04	0.04
	Over 0.20 to 0.30 inclusive	0.06	0.05

[1] Addition of other elements to obtain alloying effect is not authorized.
[2] Ferritic grain size 6 or finer according to ASTM E112–63.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Other alloying elements may be added and shall be reported.
[5] For compositions with a maximum carbon content of 0.15 percent on ladle analysis, the maximum limit for manganese on ladle analysis may be 1.40 percent.
[6] Rephosphorized steels not subject to check analysis for phosphorus.

PART 179—SPECIFICATIONS FOR TANK CARS

VII. Part 179 is amended as follows:

(A) In § 179.202–14 paragraphs (b) and (c) have been added to read as follows:

§ 179.202 Special commodity requirements for nonpressure tank car tanks.

§ 179.202–14 Anhydrous hydrazine and hydrazine solutions containing 50 percent or less of water.

* * * * * *

(b) Specification 103CW tanks may be equipped with a safety relief valve having start-to-discharge pressure of not more than 45 p.s.i. in place of 35 p.s.i.

(c) Specification 103A–ALW tank cars authorized for transporting anhydrous hydrazine only, may have tanks equipped with a safety relief valve having start-to-discharge pressure of not more than 45 p.s.i. in place of 35 p.s.i.

Issued in Washington, D.C., on April 25, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69–5226; Filed, Apr. 30, 1969; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

A petition (PP 9F0787) was filed with the Food and Drug Administration by the Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances for negligible residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodities grapes, hops, and root crop vegetables.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage and usages for which tolerances have previously been established are not reasonably expected to result in residues of the pesticide being in the edible tissues and byproducts of animals fed the above-named commodities, tolerances are unnecessary regarding meat, milk, eggs, and poultry. The usages are classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.207 is amended to establish the subject tolerances by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 120.207 Trifluralin; tolerances for residues.

* * * * * *

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, hops, leafy vegetables, nuts, peanuts, root crop vegetables (except carrots), safflower seed, seed and pod vegetables, stone fruits, sugarcane, and sunflower seed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5157; Filed, Apr. 30, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

CHLORMADINONE ACETATE

A. The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5D1515) filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of chlormadinone acetate for synchronization of estrus (heat) in beef heifers and beef cows. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.238 Chlormadinone acetate.

The food additive chlormadinone acetate may be safely used in accordance with the following prescribed conditions:

(a) The additive is the chemical 6-chloro-17-hydroxypregna-4, 6-diene-3, 20-dione acetate ($C_{23}H_{29}ClO_4$) having a melting point range of from 212° C.–214° C. and a minimum assay limit of 95 percent.

(b) The additive is used or intended for use as follows:

CHLORMADINONE ACETATE IN FEED

Amount	Limitations	Indications for use
10 mg. per head per day.	For beef heifers and beef cows only; administer in feed for 18 days; do not administer within 28 days of slaughter; do not administer to cows producing milk for food.	Synchronization of estrus (heat).

(c) To assure safe use, the labels and labeling of the additive in any intermediate premix, finished feed, or final dosage form prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

B. Based upon the data before him and proceeding under the authority of the act (sec. 409(c)(3), (4), 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3), (4)), delegated as cited above, the Commissioner concludes that a tolerance limitation is required to assure that the edible tissues and by-products of animals treated with chlormadinone acetate in accordance with § 121.238 are safe for human consumption. Because of the additive's hormone activity and its corresponding potential carcinogenicity, a method of analysis of edible products is included below pursuant to the provisions of section 409(c)(3)(A) of the act. Accordingly,

Part 121 is amended by adding to Subpart D the following new section:

§ 121.1191 Chlormadinone acetate.

No residues of chlormadinone acetate (6-chloro-17-hydroxypregna-4,6-diene-3,20-dione acetate) are found in the uncooked edible tissues of beef heifers and beef cows as determined by the following method of analysis:

I. *Method of analysis.* Chlormadinone acetate (CAP) is extracted from muscle, liver, and kidney with methanol or from fat with hexane. The samples are purified by liquid-liquid extraction and by column chromatography. Final measurement is made by gas-liquid chromatography.

II. *Reagents.*

A. Methanol, analytical reagent (AR).
B. Carbon tetrachloride AR.
C. Dichloromethane AR (redistilled).
D. Benzene, nanograde.
E. Hexane AR.
F. Acetonitrile AR.
G. Chloroform AR.
H. Chloroform AR containing 50 percent by volume dichloromethane AR.
I. Silica gel 0.2 to 0.5 millimeter for column chromatography, Brinkmann Institute, Inc., or equivalent.
J. Activated Alumina, Alcoa F-20, Alcoa Corp., or equivalent.
K. Sodium sulfate, anhydrous.
L. Chlormadinone acetate standard, Elanco Products Co.

III. *Apparatus.*

A. Tissue blender—Hamilton Beach Model 8, or equivalent, equipped with blender heads to fit half-pint Mason jars.
B. Centrifuge—International Model V, or equivalent, equipped to receive 250-milliliter centrifuge tubes.
C. Separatory funnels—250-milliliters.
D. Glass chromatography columns—14 x 250 millimeters.
E. Rotary vacuum evaporator—Rinco, or equivalent.
F. Evaporating flasks—300 and 125 milliliters.
G. Assorted volumetric flasks, pipettes, and graduated cylinders.
H. Gas chromatograph—Jarrell-Ash Model 28-700, or equivalent, equipped with an electron affinity cell.
I. Preparation of column packing:

Gas chrom Q (80–100 mesh)—Applied Science Laboratories, Inc., or equivalent.

XE–60 (silicone gum [nitrile] G.E.)—F and M Scientific Corp. or Applied Science Laboratories, or equivalent.

Weigh 19.7 grams of the Gas Chrom Q, transfer to a 1-liter round-bottom flask and add sufficient acetone to cover the solid support. Weigh 300 milligrams of the XE–60 in a 150-milliliter beaker, dissolve in 75 milliliters of acetone, and transfer to the flask containing the solid support. Rinse beaker several times with acetone and add rinses to the flask.

Evaporate the acetone in a rotary vacuum evaporator using continuous rotation. A warm water bath (40° C.) is used to hasten the evaporation.

"Caking" of the solid may occur during the evaporation before all the acetone is removed. On continued evaporation, the solid will tumble freely. When the coated phase tumbles freely in the flask and no odor of acetone is detected, the phase is removed from the flask. (A Morton type flask may be substituted for the round-bottom flask, if intermittent rotation is used during the evaporation.)

Pour the prepared phase on a 60-mesh screen sieve and collect that portion of the phase that passes the 60-mesh screen and is retained on the 100-mesh screen. Use gentle tapping during screening step to avoid breaking of particles. Discard that portion of the phase which is retained on the 60-mesh screen and that portion which passes through the 100-mesh screen.

IV. *Standard solutions.*

A. Chlormadinone acetate standard solution, 50 micrograms per milliliter—accurately weigh 5 milligrams of standard chlormadinone acetate and transfer quantitatively to a 100-milliliter volumetric flask. Dissolve the standard and dilute to the mark with nanograde benzene. Mix the solution thoroughly.

B. Chlormadinone acetate standard solution, 1 microgram per milliliter—pipette 2 milliliters of 50 mcg./ml. from A above into a 100-milliliter volumetric flask and dilute to the mark with methanol.

NOTE: Chlormadinone acetate is relatively stable in these solutions; however, it is recommended that solution A (50 mcg./ml. in benzene) be prepared fresh every month and that solution B be prepared fresh each week.

V. *Procedure.*

A. Extraction and purification of muscle and liver sample.

1. Thoroughly grind tissue and weigh a representative 20-gram sample of tissue into a half-pint Mason jar.
2. Add 2 milliliters of methanol per gram of sample.
3. Blend the sample until uniform.
4. Transfer as much of the sample as possible to a 250-milliliter centrifuge bottle and centrifuge for 20 minutes at about 2,000 r.p.m.

NOTE: Do not rinse with additional solvent since this would introduce an unknown in the volume from which the aliquot in step 5 below is taken.

5. Immediately transfer 30 milliliters of supernatant liquid (measured with a graduated cylinder) to a 250-milliliter separatory funnel.

NOTE: The aliquot should be taken soon after centrifuging. Otherwise the solids tend to expand and reduce the amount of supernate which can be decanted.

NOTE: Smaller aliquots may be taken in cases where the liquid yield is less than 30 milliliters. In a series of samples the calculations may be expedited by using a uniform aliquot size for all samples and standard recoveries in the series.

6. Extract the supernate from step 5 above about 20 seconds with 30 milliliters of carbon tetrachloride (CCl_4). Transfer the CCl_4 fraction (lower phase) to a 300-milliliter evaporating flash. Extract the aqueous methanol phase with two more 30-milliliter portions of CCl_4 and combine the extracts. *Stopping place.* Evaporate the combined CCl_4 fractions to dryness by rotary vacuum evaporation using a water bath at about 50° C.

NOTE: If the CCl_4 fractions are cloudy or appear to contain emulsion, the CCl_4 should be filtered through anhydrous sodium sulfate into the evaporating flask.

7. Prepare a silica gel column for each sample as follows:

a. Place about 10 milliliters of dichloromethane (CH_2Cl_2) into a 14 x 250-millimeter glass chromatographic column. Insert a glass wool pledget and tamp with a glass stirring rod to eliminate air bubbles.

b. Add 10 milliliters (about 4.8 grams) of silica gel to the column through a powder funnel.

c. Add about 5 milliliters of dichloromethane (CH_2Cl_2) to the top of the column and stir the silica gel with a stirring rod to eliminate air bubbles.

d. After the silica gel has settled, add about 2 centimeters of anhydrous sodium sulfate to the column, layering it carefully to avoid disturbance of the silica gel surface.

e. Drain the CH_2Cl_2 to the top of the sodium sulfate.

8. Dissolve the sample from step 6 above in 10 milliliters of CH_2Cl_2 and charge the chromatographic column with the solution at a flow rate of about 3 milliliters per minute.

9. Rinse the flask with 10 milliliters of CH_2Cl_2 and transfer the rinse to the column after all solution from step 8 above has passed into the column.

10. Develop the column with 75 milliliters of 50/50 dichloromethane/chloroform (discard this fraction).

11. Place a 125-milliliter evaporating flask into position to receive the column eluate.

12. Elute the column with 75 milliliters of chloroform.

13. Evaporate the eluate to dryness by rotary evaporation.

14. Transfer the sample to a 15-milliliter glass sample vial with the aid of about 5 milliliters of acetone (or chloroform) in 2 or 3 portions. Evaporate the acetone under a stream of compressed air and close the vial with an aluminum-lined screwcap.

15. Dissolve the sample in 1.0 milliliter of nanograde benzene.

16. Assay the sample by gas-liquid chromatography as described in E below.

B. Extraction and purification of kidney samples.

1. Process kidney samples exactly as described for muscle and liver in A, steps 1 through 6, above.

2. Prepare an alumina column for each sample as follows:

a. Place about 10 milliliters of CH_2Cl_2 into a 14 x 250-millimeter glass chromatographic column. Insert a glass wool pledget and tamp with a glass stirring rod to eliminate air bubbles.

b. Add 10 milliliters of alumina to the column through a powder funnel.

c. Add about 5 milliliters of CH_2Cl_2 to the top of the column and stir the alumina with a stirring rod to eliminate air bubbles.

d. After the alumina has settled, add about 2 centimeters of anhydrous sodium sulfate to the column, layering it carefully to avoid disturbance of the alumina surface.

e. Drain the CH_2Cl_2 to the top of the sodium sulfate.

3. Dissolve the kidney sample in 10 milliliters of CH_2Cl_2 and charge the chromatographic column with the solution at a flow rate of about 3 milliliters per minute.

4. Rinse the flask with 10 milliliters of CH_2Cl_2 and transfer the rinse to the column after all solution from step 3 above has passed into the column.

5. Develop the column with 75 milliliters of CH_2Cl_2 and discard this fraction.

6. Place a 125-milliliter evaporating flask into position to receive the column eluate.

7. Elute the column with 75 milliliters of chloroform.

8. Continue exactly as in steps 13 through 16 in A above.

NOTE: The suitability of each lot of alumina should be evaluated prior to its use for experimental samples. This is done by assaying duplicate 1-microgram chlormadinone acetate standard samples by the alumina column procedure as described in steps 2 through 7 above. The sample is then evaporated, dissolved in 1 milliliters of benzene, and subjected to gas chromatographic measurement. Percent recovery as compared to a 1 mcg./ml. standard should be 90 to 100 percent.

C. Extraction and purification of fat samples.

1. Weigh a representative 15-gram sample of fat into a 250-milliliter beaker.

2. Warm the fat on a steam bath until the sample melts or becomes semisolid.

3. Dissolve the fat in 125 milliliters of hexane and allow the sample to cool to room temperature. Mix the sample with a glass stirring rod to effect solution of the fat.

4. Prepare a funnel with approximately a 1½-inch bed of anhydrous sodium sulfate. Pass the hexane solution of fat through the sodium sulfate into a 250-milliliter separatory funnel.

NOTE: This step removes connective tissue and other hexane insoluble materials.

5. Wash the sodium sulfate with two 15-milliliter portions of hexane.

6. Extract the hexane fraction about 20 seconds with 30 milliliters of acetonitrile. Pass the acetonitrile (lower phase) through a sodium sulfate bed into a 300-milliliter evaporating flask.

7. Repeat step 6 above with 3 additional 30-milliliter portions of acetonitrile and combine the extracts.

8. Wash the sodium sulfate with 10 milliliters of acetonitrile and evaporate the acetonitrile fraction to dryness by rotary vacuum evaporation.

9. Dissolve the sample in 10 milliliters of dichloromethane and purify by silica gel column chromatography exactly as described in steps 7 through 14 under A above.

10. Assay the sample by gas-liquid chromatography as described in E below.

D. Preparation of control and standard recovery samples. If control tissues are available, one control and one standard recovery sample are assayed with each day's experimental samples. Control tissues are assayed exactly as described in A, B, and C above. Standard recovery samples are prepared by fortifying control tissues with chlormadinone acetate at a level of 0.05 part per million as follows:

1. Muscle, liver, and kidney—weigh 20 grams of tissue into a half-pint Mason jar and add 1.0 milliliter of a methanol solution containing 1 mcg./ml. chlormadinone acetate (standard solution B).

2. Fat—weigh 15 grams of fat into a 250-milliliter beaker and add 0.75 milliliter of 1 mcg./ml. standard solution B.

NOTE: A 1-milliliter measuring pipette graduated in 0.01-milliliter increments is ordinarily used for this purpose.

3. Process the standard recovery exactly as in A, B, and C above.

E. Measurement. Samples from A, B, and C above are measured by gas-liquid chromatography (GLC) using an instrument equipped and adjusted as described in H below.

1. Prepare a 1-mcg./ml. chlormadinone standard in benzene by pipetting 1 milliliter of standard solution B into a sample vial, evaporating to dryness under compressed air, and redissolving in 1 milliliter of nanograde benzene.

2. Condition the gas chromatographic column each day prior to assay of experimental samples.

a. Inject 1 microliter of the 50 mcg./ml. standard (solution A) into the GLC instrument.

b. Inject 1-microliter portions of nanograde benzene until the chromatogram shows no chlormadinone acetate peak.

3. Adjust the GLC instrument to give a peak height of about 3 centimeters (2.5 to 3.5) upon injection of 1 microliter of 1-mcg./ml. standard (from step 1 above).

NOTE: The injection technique is "injection by difference" using plug injection as described in the "U.S. Health, Education, and Welfare Pesticide Analytical Manual," vol. I, July 1965, section 2.17, page 7.

4. Inject repeated 1-microliter samples of the 1-mcg./ml. standard (step 1) until successive injections show reproducibility of peak height of about ±5 percent.

5. Inject 1 microliter of the 0.05 part per million standard recovery sample until successive injections shows a reproducibility of peak height of about ±5 percent.

6. Inject 1 microliter of each experimental sample.

NOTE: If an experimental sample gives a response in excess of twice that of the 1-mcg./ml. standard, the sample should be diluted with benzene and reassayed. This will necessitate making the appropriate changes in the calculation.

7. Repeat injection of the 0.05 part per million standard recovery sample after each 4 or 5 experimental samples to compensate for slight changes in instrument parameters.

NOTE: If a standard recovery sample is not prepared, use periodic injections of the 1-mcg./ml. standard.

8. Measure the peak height of chlormadinone acetate in centimeters for all samples and standards.

F. Calculation of chlormadinone acetate in muscle, liver, and kidney.

1. Percent recovery $= \frac{\text{pH recovery sample}}{\text{pH direct standard}} \times 1.8 \times 100$, where pH = peak height.

2. Calculation of residue in parts per million (mcg./g) when standard recovery at 0.050 part per million are run with assay samples:

$$\frac{\text{Sample pH}}{\text{Standard recovery pH}} \times 0.05 \text{ mcg./g.} = \text{mcg./g. chlormadinone acetate in assay sample.}$$

This computation is recommended since the assay samples are compared directly to the 0.050-part per million standard recovery. This practice compensates for recovery factors encountered and aliquots taken during the assay procedure.

3. When a standard recovery sample is not prepared with the assay samples:

$$\text{Part per million} = \frac{\text{pH sample}}{\text{pH direct standard}} \times 1.0 \text{ mcg./ml.} \times \frac{1.0 \text{ ml. benzene}}{30 \text{ ml. aliquot}} \times \frac{(2.0 \times \text{sample weight} + 0.7 \times \text{sample weight})}{\text{Sample weight}}$$

This equation reduces to:

$$\frac{\text{pH sample}}{\text{pH direct standard}} \times 0.09 = \text{Parts per million of chlormadinone acetate in assay sample.}$$

The above equation is based on the assumption that muscle, liver, and kidney contain 70 percent water. Further, the total volume (milliliters) of liquid obtained after blending is assumed to be 2.7 times the tissue weight; for example, 2 milliliters of methanol per gram of tissue and 0.7 milliliter of water per gram of tissue. These assumptions are not absolutely correct because of slight differences in the water content of tissues and the slight volume change which occurs when methanol and water are combined; however, the assumptions are considered to be accurate enough for practical purposes.

G. Calculations of chlormadinone acetate in fat. Since the fat samples are sampled by exhaustive extraction rather than by aliquot, a different calculation is necessary.

1. Percent recovery $= \frac{\text{pH recovery sample}}{\text{pH direct standard}} \times 1.33 \times 100$.

2. Calculation of residue in parts per million when a standard recovery sample at 0.05 part per million is included:

$$\frac{\text{pH sample}}{\text{pH standard recovery}} \times 0.05 \text{ mcg./g.} = \text{mcg./g. chlormadinone acetate.}$$

3. Calculation of residue when no standard recovery is included:

$$\frac{\text{pH sample}}{\text{pH direct standard}} \times \frac{1.0 \text{ mcg./ml.}}{1.0 \text{ ml.}} \times \frac{1}{\text{sample weight}} = \text{mcg./g. chlormadinone acetate.}$$

H. Gas-liquid chromatography.

1. Instrument parameters.

a. Jarrell-Ash Model 28–700.

Column—16 inches of packing in 4-millimeter i.d. borosilicate glass.
Packing—1.5 percent XE–60 on Gas Chrom Q 80/100 mesh.
Column temperature—220° C.
Cell temperature—210° C.
Injector temperature—250° C.
Electrometer range—1×10^{-9} amperes full scale.
Detector—electron affinity with plane parallel electrodes.
Detector voltage—to give 70 percent of standing current.
Carrier gas—prepurified nitrogen 170 ml./min.

b. F and M Model 402.

Column—16 inches of packing in 4-millimeter i.d. borosilicate glass column.
Column packing—1.5 percent XE–60 on Gas Chrom Q80/100 mesh.
Detector—electron capture—tritium source.
Column temperature—250° C.
Cell temperature—200° C.
Flash Heater—305° C.
Pulse—150 μsec.
Range and attenuation—to obtain a peak height of 2.5 to 3.5 centimeters with injection of 1.0 μl of a 1.0 mcg./ml. standard in benzene.
Carrier gas—argon/methane 90/10.
Gas flow—190–200 milliliters per minute.

Under these conditions, the retention time of chlormadinone acetate is approximately 5 minutes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: April 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5156; Filed, Apr. 30, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

[Docket No. AO 85-A7]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions of this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Growers Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, and by the Florida Fresh Citrus Shippers Association, Lakeland, Fla. A notice that such public hearing would be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., was published in the FEDERAL REGISTER on December 18, 1968 (33 F.R. 18709).

Material issues. The material issues presented on the record of the hearing involved amendatory action relating to:

(1) Providing authority for separate regulations for Navel oranges;

(2) Authority for the establishment and maintenance of a monetary reserve;

(3) Providing a new basis for calculating the percentage of a specified grade, and percentage of a specified size of a variety that a handler may ship during a week when only a portion thereof is permitted to be shipped; and

(4) Adding authority for a shipping holiday not to exceed 5 days during the calendar week in which Thanksgiving Day occurs.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The order should be amended as hereinafter set forth to provide authority for the regulation of the handling of Navel oranges as a separate variety of fruit under the order. Currently, Navel oranges are included in the variety classification of Early and Midseason oranges and other types commonly called "round" oranges. Navel oranges are thus subject to the same regulations as all other fruit within such classification.

Navel oranges are generally eaten out of hand. They are a distinct variety and are readily recognized and sold separately in the market place under the name Navels. Navel oranges should be classified as a separate variety of fruit under the order and be permitted separate grade and size regulations. The Navel variety is one of the earliest maturing varieties of oranges in Florida. However, when the fruit attains maturity the oranges often do not possess the color required for the U.S. No. 1 grade, which is the grade that has often been in effect for the Early and Midseason oranges during the early part of a season. The inability to issue a separate regulation more in keeping with the characteristics of the Navel variety prevents them from being marketed early in the season when consumer demand is generally good and prices are often at a high level. Adding authority in the order for separate regulations for Navel oranges would provide a remedy for this situation and would not adversely affect the market for other oranges. Such authority and the imposition of appropriate regulations applicable only to Navel oranges would permit the movement of Navel oranges to market before other varieties of oranges obtain sufficient maturity for marketing in volume. This would tend to improve grower returns.

(2) The order should be amended to provide for a monetary reserve, as hereinafter set forth. In the absence of such authority and without a reserve, the committee has often found it necessary to borrow money early in the season to meet its costs of operation. This method of obtaining financing is becoming more expensive. Also, in situations when assessment income at the rate fixed does not equal the expenses of the program, it has been and could continue to be necessary to reassess the handlers in order to obtain sufficient money to defray the costs incurred. This method of financing the program presents problems for the handlers, especially if the increase in assessment, applicable to all fruit handled, is made effective late in the season. At such time, handlers may have already made settlement with the growers and closed the books for the season. It would thus be burdensome and an added expense to the handlers to pay an additional assessment to the committee.

A more equitable method for financing committee operations would be through a monetary reserve. The accumulation and maintenance of a financial monetary reserve from excess assessment funds is a good business practice. It would contribute to efficient financial management in that there would be less need to borrow money and the need to credit excess assessment income to handlers' accounts would be lessened.

The reserve procedure is equitable to all concerned. Those who pay the assessment, namely the handlers, usually are in a lifetime pursuit and there is not frequent change in the identity of the person involved. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are generally the same people who will benefit in a year of reduced assessments.

The evidence of record shows that the reserve should be accumulated, with the Secretary's approval, from excess assessment funds. The accumulation should continue until the committee ascertains that the amount in the reserve is adequate. However, the reserve should not exceed an amount equal to approximately one-half of one fiscal period's expenses of the committee. A larger amount does not appear to be needed for the efficient operation of the program. However, the committee could, if such were found desirable, fix any lesser limit as the desirable amount to be maintained in such reserve. This would provide additional flexibility in that the committee could accumulate and maintain a reserve in a needed and desirable amount below the authorized maximum amount but the reserve could not exceed approximately one-half of one fiscal period's expenses.

When the reserve approaches the maximum permitted, or such lesser amount as the committee determines to then be adequate, the committee should credit any excess assessment income, not retained in the reserve, proportionately to each handler entitled thereto against the operations of the following fiscal period

expenses. Should any handler demand payment of the sum due him instead of receiving credit for it, the committee should be required to pay such amount to the handler.

The reserve should be available to cover any expenses authorized by the order and to cover any costs of liquidation in case of termination of the order.

Upon termination of the order, funds that are not needed for liquidation should be disposed of by returning them pro rata to those who contributed or when warranted by disposition in any other manner determined by the Secretary to be appropriate. It is necessary to include authorization for the Secretary to dispose of such funds other than by pro rata distribution because the individual sums to be returned may be too small to justify the administrative expense of proration, or because the time involved since their receipt would make it impractical to return them to the contributors. It would be appropriate, and record evidence so indicates, for the Secretary to look to the committee for recommendation before he makes a decision with respect to disposition of such money.

(3) The provisions of the order pertaining to regulations which provide for limiting only a portion of a specified grade or size of a variety that may be shipped weekly by a handler should be changed, as hereinafter set forth, to provide a new basis for determining such percentage. Currently, the order fixes such percentage as a portion of the shipments of such variety made in the applicable week of the regulation period. Such requirement has, at times, resulted in some violations of the order. The violations have resulted, to a large degree, from the difference between the total shipments a handler intended to make and the actual shipments he made. A handler cannot prefigure with certainty what his total shipments of a variety for the weekly period will be until he has actually made his final shipment and totaled the amounts. For example, an anticipated shipment of larger size or higher grade fruit on Saturday that is not made because of nonarrival of a conveyance could result in an unintentional overshipment of the smaller size or lower grade fruit because such smaller size or lower grade fruit was shipped earlier in the week. The evidence of record shows that a handler's shipments to all markets, for all days in the week, or for different purposes, do not often contain specified proportions of the different sizes or grades. Thus, a handler may make heavy shipments of the smaller sizes or lower grades early in the week because of the marketing situation and plan to make to make all of his weekly shipments in conformance with the regulations. It is known that some markets prefer large sizes while other markets demand small sizes. Shipments originate so as to arrive in the marketplace on the desired date. For example, if the same delivery date is specified, shipments to Boston would be made earlier than shipments to Savannah.

The notice contained a proposal that would limit the portion of a specified grade or size of a variety to a percentage of the handler's shipments of such variety made during the preceding weekly period. This method would provide information so that each handler would know at the beginning of the week the quantity of the specified grade or size that he could ship in accordance with order provisions and the regulations issued thereunder. A handler would simply add his shipments of the variety made during the immediately preceding week and apply the authorized percentage factor against such shipments. For example, assume that a handler shipped 4,000 boxes of tangerines during the past week. Suppose that the committee recommended and the Secretary's regulation called for a minimum size of 176's tangerines with not to exceed 25 percent of last week's total shipments to be size 210's. The handler could determine that he could ship 1,000 boxes of size 210 tangerines (25 percent of 4,000 boxes) during the week for which the regulation is established. Such method would eliminate the uncertainties present in the order.

A modification to the proposal contained in the notice of hearing was proposed and supported at the hearing. Such modification would base the percentage of the specified grade or size on shipments made during the immediately preceding week but if no shipments were made by the handler during that week, the percentage would be based on his total shipments of the variety during the most recent preceding week in the current season that he shipped the variety. Record evidence shows that each handler does not ship every variety of fruit each week. For example, a handler may make all his shipments of tangerines within six weekly periods with intervals of from 2 to 5 weeks between periods of shipment. Thus, under the proposal contained in the notice of hearing, he would not be permitted to make shipments of the grade or size for which only a portion is authorized if such handler had not made any shipments of the tangerines during the week prior to the week of regulation.

Handlers who do not make shipments of all varieties of fruit each week should not be precluded from benefitting from participating in shipments of only a portion of a specified grade or size. If the percentage of such specified grade or size of a particular variety was based on each handler's shipments of such variety during the immediately preceding week but for a handler who made no such shipments was based on his shipments during the last preceding week that he shipped the variety, all handlers would be permitted to participate. Accordingly, the shipments of a specified portion of a grade or size or a variety a handler is permitted to ship should be set as a percentage of the handler's total shipments of such variety during the last preceding week within the current season that he shipped the variety.

(4) The provisions of the order relating to regulations by the Secretary should be amended, as hereinafter set forth, to authorize the limitation of the shipment of the total quantity of any variety by prohibiting the shipment thereof during all or a part of a period that includes Thanksgiving Day. Currently, the order authorizes the prohibition of shipments of fruit only during the period December 20 to January 20, both dates inclusive, for not more than two periods, and for a total of not more than 14 days. Such period of prohibited shipments is commonly referred to as the "Christmas shipping holiday." The shipment of fruit has been so prohibited under the order nearly every year for a specified period. This provision of the order is used as a means to clear out supplies in the market and to prevent a build up of excessive quantities of fruit in the market during the slow period immediately following Christmas.

The marketing situation confronting the industry following Thanksgiving Day generally is the same as that immediately following Christmas. There is generally a rush of heavy purchasing prior to Thanksgiving Day followed by a slow period immediately following Thanksgiving Day. Shipments to market during this period of poor demand and slow sales often result in a buildup of supplies at market which, in turn, causes a reduction in prices and less returns to the growers.

There is a delicate balance between the demand and the quantity of fruit marketed. There is also a tendency for the shippers to overestimate the demand for Florida citrus fruit, especially at Thanksgiving time. A substantial overshipment at Thanksgiving time may be disastrous to the growers because of the resulting lower prices and the insufficient time for price recovery prior to the Christmas season.

The authority and procedure for a shipping holiday at Thanksgiving time should follow that presently in the order for the Christmas holiday except (1) the shipping holiday at Thanksgiving time should be limited to one period, (2) it should not exceed 5 days in duration, and (3) it should be limited to the week in which the Thanksgiving Day occurs.

It may not always be necessary or advisable to prescribe a shipping holiday at Thanksgiving time every season. There may be periods when the supplies of fruit in Florida are so limited or the supplies of competing commodities are so limited that a shipping holiday at Thanksgiving would not be warranted. However, the committee should have knowledge of such situation at the time it considers the need for such shipping holiday and can base its action on the then current market situation.

Accordingly, it is concluded that the order should be amended to provide for prohibiting the shipment of any variety of fruit during the Thanksgiving season in the manner hereinbefore discussed.

Rulings on proposed findings and conclusions. January 31, 1969, was set by the

Presiding Officer at the hearing as the latest date by which briefs may be filed by interested persons with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, prescribe, so far as is practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of oranges, grapefruit, tangerines, and tangelos; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Section 905.5 *Variety* is revised to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit:

(a) Early and Midseason oranges and other types commonly called "round oranges," except Navel oranges and except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(b) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(c) Temple oranges;

(d) Marsh and other seedless grapefruit, excluding pink grapefruit;

(e) Duncan and other seeded grapefruit, excluding pink grapefruit;

(f) Pink seedless grapefruit;

(g) Pink seeded grapefruit;

(h) Tangelos;

(i) Dancy and similar tangerines, including Robinson;

(j) Murcott Honey oranges; and

(k) Navel oranges.

2. Paragraph (a) of § 905.42 *Handler's accounts* is deleted and a new paragraph (a) is substituted therefor:

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half of one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not rquired to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

3. Paragraph (a) (1) and (3) of § 905.52, *Regulation by the Secretary* is revised to read as follows:

§ 905.52 Regulation by the Secretary.

(a) * * *

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler during the last previous week, within the current fiscal period, in which he shipped such variety.

* * * * *

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided*, That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety other than for one period not exceeding 5 days during the week in which Thanksgiving Day occurs, and for not more than two periods not exceeding a total of 14 days during the period December 20 to January 20, both dates inclusive.

* * * * *

Dated: April 28, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-5215; Filed, Apr. 30, 1969; 8:50 a.m.]

[7 CFR Parts 966, 980]

TOMATOES GROWN IN FLORIDA

Limitation of Shipments and Importation

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, as hereinafter set forth, to become effective on or about May 12, 1969. This proposal was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Under section 8e of the Act (7 U.S.C. 608e-1) imports would be subject to the same minimum grade and size requirements.

All persons who desire to submit written data, views, or arguments with respect to this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 5th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Prices for fresh tomatoes currently are high due to a temporary supply gap caused by adverse weather. Market prices for Florida mature green tomatoes reached $10.12 per 40-pound carton of 6 x 6's during the week ended April 19, compared to $6 for the previous week, and $4.17 for the week ended April 5, 1969. Vine ripes reached $5.15 per 20-pound carton for the week ended April 19, compared to $3.50 the previous week, and $3 for the week ended April 5.

The committee expects that Florida's harvest will increase during early May, and reach heavy volume on or about May 12. Supplies from Mexico are expected to continue into June. With both U.S. and Mexico supplies likely to be heavy, there is reason to believe that these tighter regulations are necessary to maintain orderly marketing.

The proposed amendment is as follows:

In § 966.306 (33 F.R. 16330, 17310, 19161; 34 F.R. 128, 6326, 7135), paragraphs (a) and (b) are hereby amended to read as follows:

§ 966.306 Limitation of shipments.

* * * * *

(a) *Minimum grade, size, and maturity requirements.* No person shall handle any lot of tomatoes for shipment outside the regulation area unless they meet the following minimum requirements:

(1) For mature green tomatoes: U.S. No. 3 or better grade, over $2\frac{9}{32}$ inches in diameter.

(2) For all other tomatoes: U.S. No. 3, or better grade, over $2\frac{17}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Size classifications.* (1) No person shall handle for shipment outside the regulation area any tomatoes unless they are sized within one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the method prescribed in paragraph (c) of § 51.1860 of U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	Diameter (inches)
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{28}{32}$, inclusive.
5 x 6	Over $2\frac{28}{32}$.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 29, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5274; Filed, Apr. 30, 1969; 8:51 a.m.]

[7 CFR Parts 1003, 1004, 1016]

[Dockets Nos. AO-293-A21, AO-160-A41, AO-312-A18]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Academy Room, Emerson Hotel, Baltimore and Calvert Streets, Baltimore, Md., beginning at 9:30 a.m., on May 27, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

It is possible that the marketing service programs currently in effect under the Upper Chesapeake Bay and Washington, D.C., orders could duplicate to some degree, informational services under the proposed cooperative payment program. As to the Delaware Valley order, proposals included in this notice relate to both marketing service and cooperative payment programs. Accordingly, notice is hereby given that, with regard to each of the respective orders, the hearing is open for consideration of the following: (1) provision for a marketing service program only; (2) provision for a cooperative payment program only; and (3) provision for both marketing service and cooperative payment programs.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 1. Amend Federal Orders 3, 4, and 16 by adding the following provisions to establish a system of cooperative payments:

§ _____ Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a State; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperative" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, a producer under this order who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 4 cents per hundredweight of milk delivered by him: *Provided*, That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another cooperative or federation.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section or for modification of the basis of a previous designation. In accordance with the requirements of the rules and regulations issued by the market administrator, such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the marketwide services; and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided*, That in the case of an application for modification of the basis for a previous designation of the market administrator may waive the requirements for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative;

(i) It has as member producers or its affiliated cooperatives have as member producers, not less than 15 percent of all producers, as defined in this order.

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 4 cents

per hundredweight of milk delivered by member producers of such cooperatives.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 15 percent of all producers, as defined in this order.

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the market administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* From time to time and in accordance with the rules and regulations which may be issued by the market administrator, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participating in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) engaging in the handling, selling, and hauling milk of members and/or nonmembers; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 20th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payment to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 4 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Cancellation of designation.* (1) The market administrator shall issue an order wholly or partly canceling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this part: *Provided,* That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator.

(2) An order of the market administrator wholly or partly canceling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A cancellation order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been cancelled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settlement funds.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from the evidence upon which it was issued: *Provided,* That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than 5 days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least 5 days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations designated under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* Each designated cooperative or federation shall, in accordance with rules and regulations issued by the market administrator:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 2. Amend Order No. 4 by adding a new section providing for market service deductions from nonmembers of associations of producers as follows:

(a) In making the payments required by § 1004.80 for producer milk, other than milk delivered by himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct three cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 19th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing market information to the producers who delivered the milk which was subject to such deduction and for verification of weights, samples, and tests of milk received by handlers from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

(c) Each handler in making the payments required by § 1004.80 for producer milk delivered by members of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section shall deduct from such payments, in lieu of the deductions specified in paragraph (a) of this section, an amount authorized by such producers. He shall pay the amount deducted to the association on or before the 20th day after the end of the month accompanied by a statement showing the pounds of milk received from each producer from whom the deduction was made.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 3. Modify proposal No. 2 by providing a 5-cent rate of deduction in place of the 3-cent rate of deduction specified in paragraph (a) of such proposal.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and order may be procured from the Market Administrators: 710 South Washington Street, Alexandria, Va. 22313; 20 East Susquehanna Avenue, Baltimore, Md. 21204; 1 Decker Square, Room 646, Bala Cynwyd, Pa. 19004, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on April 25, 1959.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–5191; Filed, Apr. 30, 1969; 8:48 a.m.]

[7 CFR Part 1013]

[Docket No. AO–286–A14]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which this decision is formulated was conducted at Fort Lauderdale, Fla., on January 9–11, 1968, pursuant to notice thereof which was issued December 29, 1967 (33 F.R. 78).

The material issue on the record of the hearing relates to the adoption of a Class I base plan.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Southeastern Florida order should not be amended to provide for a Class I base plan.

The order now provides for the distribution of total returns from producer milk through the payment of a uniform price, which is the same for each producer for all his milk. Independent Dairy Farmers' Association (IDFA) proposes that such returns be distributed through a Class I base plan under which producers would receive approximately the Class I price for their "base" deliveries and approximately the Class III price for deliveries in excess of their base. Under their plan, a producer's base would reflect his proportionate share of the Class I sales in the market based on his deliveries relative to the total producer milk pooled during a representative period.

IDFA represents 74 of the 88 producers under the order and markets 75 to 80 percent of the total producer milk. As the marketing agent for its members, IDFA assumes the role of balancing milk supplies, both on a seasonal and day-to-day basis, with the fluid milk requirements of handlers. This entails importing milk into the market when local supplies are short and disposing of supplies that are in excess of handlers' needs.

Since 1961, IDFA has operated a type of Class I base plan outside the order to encourage members to adjust their production to the needs of the market. The institution of their plan followed the removal from the order of a seasonal base-excess plan, which was considered to have stimulated excessive production because of a "race for base" by producers. IDFA claims that its plan places members at an economic disadvantage compared to other producers on the market, since the plan applies only to its members.

It points out that the other producers, being outside the plan, receive for all their milk the order uniform price, which in 1968 averaged $6.96.[1] When these producers increase their production, they receive the uniform price on the additional milk also. Its members, IDFA indicates, do not. Although IDFA receives for its members the order uniform price for all their milk, these returns are redistributed to the members through their Class I base plan. Members receive approximately the Class I price for base milk and approximately the Class III price for milk exceeding their base, IDFA stated. Under the order, Class I and Class III prices averaged $7.31 and $4.32, respectively, in 1968. IDFA stresses that any additional production by a member already producing his base returns to him only the lower price. It is this difference—approximately $2.64 in 1968—in returns to members and to other producers for additional milk production, IDFA argues, that results in the economic disadvantage to members.

IDFA states that if a Class I base plan is not incorporated in the order it may be forced to abandon its present base plan. It considers the use of a Class I base plan essential, however, to the orderly balancing of milk supplies with demand in this market and urges the adoption of such a plan under the order.

The 14 producers in the market who are not IDFA members oppose a Class I base plan. Of these 14 producers, 10 are members of Home Milk Producers Association (HMPA), a cooperative which bottles milk and manufactures cottage cheese and ice cream at its own plant. The four remaining Southeastern Florida producers are corporate farms owned and operated by the same person. He and an HMPA member testified concerning their operations.

Production in December 1964 through March 1965 of the HMPA member who testified was 4.4 million pounds. In 1967, he expanded his production facilities by an investment of $160,000 in additional land and cows. He estimated that due primarily to the expansion, his December 1967–March 1968 production would be about 5.7 million pounds, an increase of 30 percent over the comparable 1964–65 period. The increase in production by all Southeastern Florida producers during this period was 11 percent.

The owner of the four corporate farms relocated one farm operation in June 1967, involving an investment of more than $900,000 in land, new buildings and equipment, and 450 additional cows. With the new facility in operation, total production on the four farms in October 1967 was 5 million pounds, 35 percent more than their October 1965 production of 3.7 million pounds. Total production of all other Southeastern Florida producers increased 8 percent in the same 2-year period.

Production increases such as these have been of particular concern to IDFA which points out that although it represents 74 of the 88 producers on the market it has, nevertheless, no control over the production of the other 14 Southeastern Florida producers. It argues that the efforts of its members, in operating under a base plan to tailor production to the market's Class I requirements, can be substantially nullified by the increased production of the other producers.

Handlers oppose a Class I base plan for the order. They argue that the basic purpose of such plans is to reduce surpluses and that the Southeastern Florida market has no surplus. The handlers note that the market's Class I utilization of producer milk, which averaged 87 percent for the past 6 years, is among the highest in the country; and that another 5 to 8 percent of the producer milk is used in Class II products. Moreover, handlers argue, a reserve supply of milk—IDFA recommended an amount equal to 12 percent of the Class I sales in the market—is necessary to assure an adequate milk supply for handlers at all times.

Producer receipts under the order in 1968 were 571 million pounds, 13 percent more than the 507 million pounds in 1963. Producer milk used in Class I, which increased 12 percent during this 6-year period, totaled 496 million pounds in 1968, compared with 442 million pounds in 1963. The Class I utilization of producer milk during the past 6 years has approximated 87 percent annually, as shown in the following table.

Year	Producer receipts	Producer milk in Class I	Percentage of producer milk in Class I
	(*Million pounds*)	(*Million pounds*)	(*Percent*)
1963	507	442	87.3
1964	511	445	87.2
1965	530	462	87.2
1966	535	468	87.5
1967	568	491	86.4
1968	571	496	86.9

Although milk production for the Southeastern Florida market has increased, Class I sales have likewise increased. Despite relatively large production increases by some producers, there has been no significant change in the relationship between production for the market and Class I sales. In the past 6 years, the market reserve averaged only 13 percent of producer deliveries. Such a reserve, as the proponent cooperative indicates, is, in fact, needed to assure handlers of an adequate supply of milk for Class I use.

Historically, deliveries of Southeastern Florida producers have not always been adequate to meet the market's Class I needs and milk must be obtained from outside sources. In September through December 1968, handlers imported 6 million pounds of milk. Total imports in 1968 were 8.9 million pounds. In 1967, 1.6 million pounds were imported.

The Food and Agriculture Act of 1965 provided the authority to include Class I base plans in Federal orders. The proposal for a Class I base plan must be considered in relation to the basic purposes of the authorizing statute. The statement of purposes in the statute and the legislative history of the Class I base plan provisions in the statute make it abundantly clear that a principal purpose of the 1965 Act is to reduce surplus milk production. We conclude that there is no milk surplus in the Southeastern Florida market beyond the normal requirement of any market for a minimum reserve to meet daily and weekly fluctuations in sales. Accordingly, the inclusion of a Class I base plan in the Southeastern Florida order is denied at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

[1] Official notice is taken of the Southeastern Florida order monthly statistical releases issued after the close of the hearing which provide market data for 1967 and 1968 that were not available at the time of the hearing.

In accordance with § 900.9(b) of the general regulations with respect to marketing agreements and orders (7 CFR Part 900), an interested party requested in his brief a reversal of the Presiding Officer's denial of a motion for a continuance of the hearing. The party contended that although the legal requirements for notice were met the notice of hearing provided insufficient time to prepare evidence for the hearing. A continuance of the hearing was asked so that certain statistical data could be prepared and presented for inclusion in the record.

The notice for this hearing, which convened on January 9, 1968, was published on January 4, 1968. This provided more than the minimum 3-day notice required by § 900.4(a) of the general regulations. Such notice is considered to be reasonable in the circumstances. The Presiding Officer's ruling on this motion is affirmed.

Signed at Washington, D.C., on April 25, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-5190; Filed, Apr. 30, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 9548; Notice 69-18]

PROVISION FOR DEVIATIONS FROM QUALIFICATIONS REQUIREMENTS FOR CHIEF PILOTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 121.61 of the Federal Aviation Regulations to provide for grants of deviation from the 3 years pilot in command experience requirement for a chief pilot in those cases where the Administrator finds that the applicant's aeronautical experience is equivalent to 3 years of experience as a pilot in command of a large aircraft with an air carrier or a commercial operator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Office of the General Counsel, Federal Aviation Administration, Department of Transportation, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 30, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The qualification requirements of § 121.61 for management personnel of Part 121 air carrier and commercial operators were adopted to assure a high level of supervisory management competence. To achieve this purpose, the chief pilot experience requirements were adopted to insure that a pilot would be thoroughly familiar through experience of a pilot in command with the flight operations of an air carrier or a commercial operator before he assumes his responsibilities as a chief pilot.

In several instances in the past, however, the FAA has granted exemptions to persons requesting approval to serve as chief pilots where it has been shown that these persons have sufficient aeronautical managerial experience to fulfill the purpose of the regulation even though such persons did not have the required pilot in command experience. This proposed rule provides that in such cases a deviation could be granted by the Administrator.

In consideration of the foregoing, it is proposed to amend § 121.61(b)(2) to read as follows:

§ 121.61 Management personnel: qualifications.

* * * * *

(b) * * *

(2) Has had at least 3 years of experience as pilot in command of a large aircraft with an air carrier or commercial operator. However, the Administrator may grant a deviation from the requirement of this subparagraph if he finds that the person has had equivalent aeronautical experience; and

* * * * *

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 24, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-5185; Filed, Apr. 30, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Releases Nos. 33-4960, IC-5650]

RULES, REGULATIONS, AND FORMS UNDER SECURITIES ACT OF 1933

Proposed Amendments to Rules and Adoption of Summary Sheets for Registration Statements

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to all of its forms for the registration of securities under the Securities Act of 1933 ("Act"), and proposed amendments to Rules 402, 404, and 472 under the Act.

Forms C-2, C-3, D-1, D-1A, S-1, S-2, S-3, and S-7 through S-14 (§§ 239.4, 239.5, 239.6, 239.7, 239.11, 239.12, 239.13, 239.16b, 239.17, 239.18, 239.19, 239.22, 239.23, 239.24, and 239.26 of this chapter) are prescribed for registration under the Act of securities of companies other than investment companies, with the exception noted below. Form S-4 and Form S-5 (§§ 239.14, 239.15 of this chapter) are prescribed for registration under the Act of securities of closed-end and open-end management investment companies, respectively, except those which issue periodic payment plan certificates; Form S-6 (§ 239.16 of this chapter) is prescribed for the registration of securities of unit investment trusts; Form N-5 (§ 239.24 of this chapter) is prescribed for the registration of securities of small business investment companies; and Form S-1 (§ 239.11 of this chapter) is prescribed, with certain exceptions, for the registration of securities for which no other form is prescribed, including securities of management investment companies which issue periodic payment plan certificates and securities of face-amount certificate companies. Rules 402 and 472 (§§ 230.402, 230.472 of this chapter) under the Act prescribe, among other things, the number of copies of registration statements and amendments thereto which shall be filed with the Commission under the Act by every registrant. Rule 404 (§ 230.404 of this chapter) contains certain requirements for the preparation of registration statements.

The proposed amendments to the forms and rules would prescribe summary sheets to be filled in by the registrant and filed as an exhibit to each registration statement, and amendment thereto, filed under the Act for the registration of securities. The answers in the summary sheets would summarize essential information relating to the registrant and the registration statement. The information in the summary sheets will facilitate the automated

processing of data through the use of the Commission's computer; the Commission's recordkeeping, including its internal workload control; and the dissemination of information to the Commission's regional offices for public information purposes. The summary sheets, through uniform arrangement of data in abbreviated form, will eliminate the necessity for transcribing information from filings onto intermediate forms for the foregoing purposes.

The summary sheets consist of two pages which would be filled in by inserting the required data in the spaces provided. Copies of blank summary sheets could be reproduced by the registrant for this purpose or copies would be furnished by the Commission upon request.

The sheet designated "Form 835—Summary Sheet for Registration Statement, or an Amendment Thereto, Filed under the Securities Act of 1933 for the Registration of Securities of a Company Other than an Investment Company" (§ 239.41 of this chapter) would be prescribed for Forms C–2 (§ 239.4), C–3 (§ 239.5), D–1 (§ 239.6), D–1A (§ 239.7), S–1 through S–3 (§§ 239.11 through 239.13), and S–7 through S–14 (§§ 239.26, 239.16b, 239.22, 239.17, 239.18, 239.19, 239.25 and 239.23 respectively). The summary sheet designated "Form 836—Summary Sheet for Registration Statement, or an Amendment Thereto, Filed Under the Securities Act of 1933 for the Registration of Securities of an Investment Company Registered Under the Investment Company Act of 1940" (§ 239.42 of this chapter) would be prescribed for Form S–4 (closed-end companies) (§ 239.14), Form S–5 (open-end companies) (§ 239.15), Form S–6 (unit trusts) (§ 239.16), Form N–5 (small business investment companies) (§ 239.24), and Form S–1 (management company issuers of periodic payment plan certificates and face amount certificate companies) (§ 239.11). Page 1 would be completed and filed with the registration statement and with each amendment. Page 2, requiring a list of various persons related to the registrant and their relationships, would be filled out completely only in the summary sheet filed with the original filing or with the first amendment filed on or after the effective date of the form of summary sheet. Thereafter, only changes, if any, in the list of related persons set forth on page 2 would be required in summary sheets filed with amendments. A system of abbreviations is prescribed in the instructions to the summary sheet to enable the registrant to set forth the relationships in abbreviated form. Incorporation by reference to other information would not be permitted in the summary sheet in view of the necessity for a complete record in concise form to achieve the purposes described above.

The information in the summary sheets would be confined substantially to information which is presently required by the forms, except for Social Security numbers or Internal Revenue Service employer's identification numbers of related persons and the beginning and ending dates (month and year) of the specified relationships. This information is needed for the purpose of recording multiple relationships of related persons. It would be required to be furnished if known to the registrant. However, it would be incumbent on the registrant to make all reasonable effort to obtain such information.

Paragraph (a) of Rule 402 (17 CFR 230.402(a)) and paragraph (a) of Rule 472 (17 CFR 230.472(a)) under the Act would be amended to provide that a total of 18 copies of the summary sheet be filed with every registration statement and amendment (other than amendments made by telegram or letter pursuant to Rule 473 (17 CFR 230.473)). Some copies would be kept in the Commission's principal office for the use of the staff and for public inspection. It is proposed that other copies would be placed in all regional offices of the Commission so that the information contained therein would be more readily available to interested persons, in line with the recommendations of the Commission's Special Study of Securities Markets.

The text of the proposed amendments to Rules 402, 404, and 472 and to the various forms, and copies of proposed summary sheet Forms 835 and 836 are set forth below.

The proposed amendments would be adopted pursuant to sections 7 and 19(a) of the Securities Act of 1933 and section 24(a) of the Investment Company Act of 1940. All interested persons are invited to submit views and comments with respect to the proposed amendments, which are reflected in the attached drafts of the summary sheets and proposed amendments to the rules and forms. Any such views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before May 2, 1969. All such communications should refer to Securities Act Release No. 4960, and they will be considered available for public inspection, except where it is requested they not be disclosed.

I. The Commission proposes to amend §§ 230.402, 230.404, and 230.472 of this chapter as follows:

§ 230.402 Number of copies; binding; signatures.

(a) Three copies of the complete registration statement, including exhibits and all other papers and documents filed as a part of the statement shall be filed with the Commission. Each copy of the registration statement so filed shall be bound, in one or more parts, without stiff covers. The binding shall be made on the side stitching margin in such manner as to leave the reading matter legible. Five additional copies of the registration statement shall be furnished for use in the examination of the registration statement but such copies need not be accompanied by any exhibits other than indentures pertaining to securities being registered, and copies of the underwriting contracts and other documents relating to the distribution of the securities. Fifteen additional copies of the summary sheet required by paragraph (f) of § 230.404 shall also be furnished with each registration statement.

* * * * *

§ 230.404 Preparation of registration statement.

* * * * *

(f) Every registration statement and every amendment thereto, other than amendments made by telegram or letter pursuant to § 230.473, shall include as an exhibit a summary sheet of Form 835 (§ 239.41 of this chapter) or 836 (§ 239.42 of this chapter) as prescribed by the instructions to the exhibits of the appropriate form. An issuer filing pursuant to Schedule B of the Act (15 U.S.C. 77aa—Schedule B) shall include as an exhibit the summary sheet on Form 835 (§ 239.41 of this chapter).

§ 230.472 Filing of amendment: number of copies.

(a) Three copies of every amendment, other than telegraphic amendments pursuant to § 230.473, shall be filed with the Commission. Fifteen additional copies of the summary sheet required by paragraph (f) of § 230.404 shall also be furnished with each such amendment other than an amendment made by telegram or letter pursuant to § 230.473. If an amendment relates to the prospectus, a copy of the amended prospectus and of the cross reference sheet required by section 404(c) of this chapter, if amended, shall be included in each copy of the amendment filed; except that only the changed pages of the prospectus and cross reference sheet, if amended, need be included in an amendment filed pursuant to the undertaking referred to in § 230.415(a)(1).

* * * * *

II. Proposed forms: The Commission proposes to adopt Forms 835 and 836[1] as §§ 239.41 and 239.42 of this chapter and described as follows:

§ 239.41 Form 835, Summary sheet for registration statement or an amendment thereto, filed pursuant to Rule 404(f) (§ 230.404(f) of this chapter) under the Securities Act of 1933 for the registration of securities of a company other than an investment company.

This form shall be used as the blank fill-in form for the summary sheet required to be filed pursuant to § 230.404(f) of this chapter by each registrant thereto, filed under the Securities Act of 1933 for registration of securities of a company other than an investment company registered under the Investment Company Act of 1940. However, this form need not be filed with a delaying amendment made by telegram or letter pursuant to § 230.473 of this chapter, or with a request for withdrawal of a registration statement pursuant to § 230.477 of this chapter. In the case of a post effective amendment, the only purpose of which is to reduce the amount of securities registered to the amount sold, only items 1 through 8(b) need be completed. Exact copies of this form may be duplicated by registrants for filing purposes, or copies may be obtained from the Securities and Exchange Commission. Copies duplicated must be on good quality unglazed, white paper 8½ x 11 inches in size, with approximately ⅝-inch left-hand margin.

§ 239.42 Form 836, Summary sheet for registration statement or an amendment thereto, filed pursuant to Rule 404(f) (§ 230.404(f) of this chapter) under the Securities Act of 1933 for the registration of securities of an investment company registered under the Investment Company Act of 1940.

This form shall be used as the blank fill-in form for the summary sheet required to be filed pursuant to § 230.404(f) of this chapter by each registrant as an exhibit to each copy of a registration statement, and to each amendment thereto, filed under the Securities Act of 1933 for registration of securities of an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.). However, this form need not be filed with a delaying amendment made by telegram or letter pursuant to § 230.473 of this chapter, or with a request for withdrawal of a registration statement pursuant to § 230.477 of this chapter. In the case of a post effective amendment, the only purpose of which is to reduce the amount of securities registered to the amount sold, only items 1 through 7 need be completed. Exact copies of this form may be duplicated by registrants for filing purposes, or copies may be obtained from the Securities and Exchange Commission. Copies duplicated must be on good quality unglazed, white paper 8½ x 11 inches in size with approximately five-eighths inch left-hand margin.

(Secs. 7, 19(a), 48 Stat. 78, 85, 15 U.S.C. 77g, 77s(a); sec. 24(a), 54 Stat. 825, 15 U.S.C. 80a–24)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 10, 1969.

[F.R. Doc. 69–5167; Filed, Apr. 30, 1969; 8:46 a.m.]

[1] Copies of these forms have been filed as part of this document and may be obtained from the Securities and Exchange Commission. Incorporation by reference approved by Director of Federal Register, Apr. 30, 1969.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1131]

[Ex Parte No. MC–67; 98 M.C.C. 483]

MOTOR CARRIER TEMPORARY AUTHORITIES

Notice of Proposed Rule Making

APRIL 25, 1969.

Notice of petition, filed April 1, 1969, for modification of § 1131.2(c) of the temporary authorities rules.

Petitioners: American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C. 20036; Ashworth Transfer, Inc., Bell Lines, Inc., C. I. Whitten Transfer Co., Consolidated Freightways, Garrett Freightlines, Inc., McLean Trucking Co., Merchants Fast Motor Lines, Inc., Roadway Express, Smith Transfer Corp. of Staunton, Va., Southwestern Motor Transport, Inc., T.I.M.E.–D.C., Inc., Transcon Lines, Yellow Freight System, Inc., Texas-Oklahoma Express, Inc.

Petitioners representatives: Peter T. Beardsley, 1616 P Street NW., Washington, D.C. 20036; William B. Adams, 624 Pacific Building, Portland, Oreg. 97204; Joseph G. Dall, Jr., Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006; Wentworth E. Griffin, Suite 812, Midland Building, 1221 Baltimore, Kansas City, Mo. 64105; Harry J. Jordan, Solar Building, 1000 16th Street NW., Washington, D.C. 20036; Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036; Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701; John M. Records, 92d and State Line, Post Office Box 8462, Kansas City, Mo. 64114; Reagan Sayers, 304 Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102; Keith E. Taylor, Kearns Building, Salt Lake City, Utah 84101; William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036.

Petitioners seek modification of the Commission's rules of practice and procedure relating to temporary authority applications under section 210a(a) of the Interstate Commerce Act, 49 CFR Part 1131, specifically § 1131.2(c) thereof, which reads in part:

Each application for temporary authority must be accompanied by a supporting statement(s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers, except that when the Department of Defense is the shipper such support may be furnished directly to the Temporary Authorities Board by the Washington office of that Department. Each such shipper's statement, except those submitted by the Department of Defense must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for motor carrier service.

Petitioners seek (1) deletion of the exceptions contained in said regulation relating to the Department of Defense, and (2) amendment thereof so as to require that the supporting statements of the Department of Defense (a) must accompany the application when it is filed at an appropriate field office, and (b) must contain a certification of its accuracy and must be signed by the person, or an authorized representative thereof, having such immediate and urgent need for motor carrier service.

Any interested person desiring to participate, shall file an original and 15 copies of written representations, views, and arguments in support of or against the petition on or before June 16, 1969.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5121; Filed, Apr. 30, 1969; 8:45 a.m.]

[49 CFR Part 1307]

[Ex Parte No. MC–77]

RESTRICTIONS ON SERVICE BY MOTOR COMMON CARRIERS

Extension of Time

APRIL 25, 1969.

At the request of interested persons the time for the filing of written statements of facts, views, and arguments in the above-entitled proceeding has been extended to June 16, 1969.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5224; Filed, Apr. 30, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CERAMIC WALL TILE FROM UNITED KINGDOM

Antidumping Proceeding Notice

APRIL 23, 1969.

On February 27, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that ceramic wall tile from the United Kingdom is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a) et seq.).

The information was submitted by Howrey, Simon, Baker & Murchison, Washington, D.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices for home consumption are higher than the prices of the merchandise sold for exportation to the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-5202; Filed, Apr. 30, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 3753]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, serial number A 3753, for withdrawal of lands from all forms of entry or disposition including the mining but not the mineral leasing laws.

The Bureau of Reclamation desires these lands for the construction of the Charleston Dam and its reservoir. The land would be used for material sites for the earthen filled dam, for relocation of the Southern Pacific Railroad and for recreational development in connection with the proposed facility. This withdrawal would be permanent, and would be made subject to valid existing rights.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comment, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 20 S., R. 21 E.,
Sec. 11, lots 1, 2, 3, and 4, and E½;
Sec. 14, lots 1, 2, 3, and 4 and E½E½;
Sec. 21 W½;
Sec. 23, lots 1, 2, 3, and 4 and E½NE¼;
Sec. 24;
Sec. 25 lots 1, 2, 3, 4, 5, and 6, N½ and SW¼;
Sec. 26, lots 1, 2, 3, and 4;
Sec. 28, W½;
Sec. 29;
Sec. 32;
Sec. 33, W½.
T. 21 S., R. 21 E.,
Sec. 3, W½SE¼;
Sec. 4, lots 2, 3, and 4, W½SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, and W½NW¼SE¼;
Sec. 9, W½W½NE¼, W½, S½SE¼, NW¼SE¼, and SW¼NE¼SE¼;
Sec. 10, SW¼SW¼ and SW¼SE¼SW¼;
Sec. 12, S½NE¼.
T. 21 S., R. 22 E.,
Sec. 5, lots 1 and 2, S½SE¼ and NW¼SE¼;
Sec. 9, S½NW¼;
Sec. 33, lot 1, NE¼, and E½NW¼.
T. 22 S., R. 22 E.,
Sec. 4, lots 11, 23 to 33, inclusive, lots 36, 39, 40, 45, 46, 50, 57, 59, 62, 63, 67, 68, 69, 70, 72, 73, 76, 77, lots 82 to 85, inclusive, lots 87 to 90, inclusive, and lots 93 to 103, inclusive;
Sec. 9, lots 1, 2, 3, and 4, and E½NE¼.

The total areas described above aggregate approximately 6,535.50 acres. The Dam and Reservoir are features of the Central Arizona Project that have been authorized for construction by Public Law 90-537 (Act of September 30, 1968, 82 Stat. 888), within Cochise County, Arizona.

Dated: April 24, 1969.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 69-5162; Filed, Apr. 30, 1969; 8:45 a.m.]

[Serials Nos. N-667, N-964]

NEVADA

Notice of Public Sale

APRIL 23, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, two parcels of land will be offered to the highest bidder at a sale to be held at 1:30 p.m., local time, on Wednesday, June 11, 1969, at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801. The lands are in section 1 of T. 47 N., R. 64 E., Mount Diablo Base and Meridian; the parcels are described as follows:

Serial No.	Description	Acres	Appraised value
N-667	SW¼SW¼NW¼SW¼, N½SW¼NW¼SW¼, and SE¼NW¼NW¼ SW¼.	10.0	$2,750
N-964	SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼.	7.5	$2,060

The publication costs to be assessed are estimated at $6 for each parcel.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801, prior to 4 p.m., on Tuesday, June 10, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-667, June 11, 1969" or "Public Sale Bid, Sale N-964, June 11, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the parcel and cost of publication, before 4 p.m. of the day of the sale.

If no bids are received for a sale parcel on Wednesday, June 11, 1969, the parcel will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning July 2, 1969.

Any adverse claimants to the above-described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-5163; Filed, Apr. 30, 1969; 8:46 a.m.]

[N-3756]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 24, 1969.

The Bureau of Sport Fisheries and Wildlife has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for the management of migratory birds and other wildlife as a part of the Ruby Lake National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 26 N., R. 57 E.,
Sec. 14, NW¼SW¼;
Sec. 22, SE¼SE¼;
Sec. 27, E½NE¼;
Sec. 34, W½E½.
T. 27 N., R. 57 E. (partially unsurveyed),
Sec. 24, N½SE¼, SW¼SE¼.

The areas described aggregate approximately 440 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69-5164; Filed, Apr. 30, 1969; 8:46 a.m.]

WASHINGTON

Notice of Filing of Plat

APRIL 25, 1969.

1. Plat of survey of the land described below will be officially filed in the Land Office, Portland, Oreg., effective at 10 a.m., May 31, 1969.

WILLAMETTE MERIDIAN

T. 37 N., R. 2 W.,
Sec. 1, lot 1;
Sec. 16, lot 5.

The area described aggregates 0.96 acres of public land.

2. The land described as lot 1, sec. 1 is on the most easterly main rock of Parker Reef, at an elevation of 6 feet above sea level; all covered or awash at high tide.

The land described as lot 5, sec. 16 is named Freeman Island, and raises to an elevation of 30 feet at its highest point, and is covered with a moderate growth of fir, juniper, madrone timber, low brush, and grasses.

3. The land is under lease to Washington State Parks and Recreation Commission under the authority of the Recreation and Public Purposes Act.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-5165; Filed, Apr. 30, 1969; 8:46 a.m.]

National Park Service

SHENANDOAH NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Shenandoah National Park, proposes to issue a concession permit to Virginia Stage Lines, Inc., authorizing it to provide bus services for the public at Shenandoah National Park, for a period of approximately 4 months, from June 22, 1969, through October 19, 1969.

The foregoing concessioner has performed its obligations under a previous permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Shenandoah National Park, Luray, Va. 22835, for information as to the requirements of the proposed permit.

Dated: April 10, 1969.

R. TAYLOR HOSKINS,
Superintendent, Shenandoah National Park.

[F.R. Doc. 69-5166; Filed, Apr. 30, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0818) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120)

for residues of the insecticide and fungicide 6-methy1-2,3-quinoxalinedithiol cyclic *S,S*-dithiocarbonate in or on raw agricultural commodities as follows: Strawberries at 6 parts per million; papayas at 5 parts per million; apricots, nectarines, and peaches at 4 parts per million; cherries at 3 parts per million; alfalfa hay, citrus, and grapes at 2.5 parts per million; apples, cantaloups, honeydew melons, muskmelons, pears, and summer squash at 1.5 parts per million; plums (fresh prunes) at 1 part per million; cucumbers, watermelons, and winter squash at 0.75 part per million; alfalfa (green) at 0.6 part per million; and walnuts at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the pesticide is a gas chromatographic procedure utilizing an electron-capture detection system.

Dated: April 23, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5158; Filed, Apr. 30, 1969; 8:45 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0822) has been filed by FMC Corp., Niagara Chemical Div., Middleport, N.Y. 14105, proposing the establishment of tolerances (21 CFR 120.254) for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on the raw agricultural commodities rice and rice straw at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolite is a microcoulometric gas chromatographic technique with a nitrogen detector cell.

Dated: April 23, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5159; Filed, Apr. 30, 1969; 8:45 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, has withdrawn its petition (FAP 7B2168), notice of which was published in the FEDERAL REGISTER of June 6, 1967 (32 F.R. 8098), proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for additional safe use of petroleum alicyclic hydrocarbon resins as modifiers in wax-polymer blend coatings for corrugated paperboard containers intended for use, under conditions of refrigerated or frozen storage, in bulk packaging of meat, fish, poultry, and foods of types I, VII, VIII, and IX described in table 1 of § 121.2526(c).

Dated: April 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5160; Filed, Apr. 30, 1969; 8:45 a.m.]

o-ISOPROPOXYPHENYL METHYLCARBAMATE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

On the basis of a petition from the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, a temporary tolerance is established for residues of o-isopropoxyphenyl methylcarbamate in or on straws of barley, oats, and wheat at 1 part per million and grains of barley, oats, and wheat at 0.5 part per million. The Commissioner of Food and Drugs has determined that this temporary tolerance is safe and will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Chemagro Corp. name.

This temporary tolerance expires on April 23, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j); 68 Stat. 516; 21 U.S.C. 346a(j)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 23, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5161; Filed, Apr. 30, 1969; 8:45 a.m.]

Office of the Secretary

INTERSTATE AIR POLLUTION IN NEW CUMBERLAND, W. VA.-KNOX TOWNSHIP, OHIO, AREA

Notice of Conference of Air Pollution Control Agencies

Whereas, the Common Council of the City of New Cumberland, W. Va., has made a written request pursuant to section 108(d)(1)(A) of the Clean Air Act, as amended (42 U.S.C. 1857d(d)(1)(A)), that a conference be called regarding air pollution originating in the State of Ohio which is alleged to endanger the health or welfare of persons in the State of West Virginia, and

Whereas, the Governor of the State of West Virginia and the State air pollution control agency for the State of West Virginia have concurred in said request.

Now, therefore, pursuant to section 108(d)(1)(A) of the Clean Air Act, as amended, I hereby give formal notification of the air pollution described above to, and call a conference of, the air pollution control agencies of the following:

State of Ohio (Ohio Air Pollution Control Board).
State of West Virginia (West Virginia Air Pollution Control Commission).

All the following municipalities as defined in section 302(f) of the Clean Air Act, as amended (42 U.S.C. 1857h(f)):

In the State of Ohio: Jefferson County; Knox Township, Jefferson County, and municipalities located within Knox Township.
In the State of West Virginia: City of New Cumberland.

Mr. William H. Megonnell is hereby designated as presiding officer of the conference, and Mr. Donald F. Walters is hereby designated as the official conference participant for the Department of Health, Education, and Welfare. The presiding officer will fix the date, time and place for convening the conference after consultation with representatives of the air pollution control agencies of the States of Ohio and West Virginia.

Dated: April 24, 1969.

JOHN T. MIDDLETON,
Commissioner.

[F.R. Doc. 69-5188; Filed, Apr. 30, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

KENAI AREA OFFICE, ALASKA

Notice of Closings

Notice is hereby given that on or about May 1, 1969, the Kenai Area is merged with the Anchorage Area and the Area Office located at Kenai, Alaska, will be closed. Services to the public formerly provided by the Kenai Area Office will be provided by the Anchorage Area Office, 632 Sixth Avenue, Anchorage, Alaska 99501.

Notice is also given that on or about May 1, 1969, that portion of the Cordova Area east of a southward extension of the Alaska-Yukon Territory boundary line will be merged with the Juneau Area and the Area Office at Cordova, Alaska, will be closed. Services formerly provided by the Cordova Area Office to the public for the area described immediately above will be provided by the Juneau Area Office, Federal Building, Post Office Box 1647, Juneau, Alaska 99801. Services to the public formerly provided by the Cordova Area Office for that portion of the Cordova Area west of a southward extension of the Alaska-Yukon Territory boundary line will be provided by the Anchorage Area Office, 632 Sixth Avenue, Anchorage, Alaska 99501.

The above information will be reflected in the FAA Organizational Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Anchorage, Alaska, on April 21, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-5186; Filed, Apr. 30, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

ANDALUSIA LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Andalusia Livestock Auction, Andalusia, May 19, 1959.	Covington Livestock Auction, Inc., Mar. 21, 1969.
COLORADO	
Greeley Livestock Commission Co., Greeley, May 23, 1957.	Sunset Livestock Commission Co., Feb. 19, 1969.
KANSAS	
Weaver & Dunn Live Stock Auction Co., Syracuse, Apr. 13, 1950.	Syracuse Sale Company, Mar. 1, 1969.
OKLAHOMA	
Locust Grove Sale, Locust Grove, May 1, 1959	Locust Grove Sale Co., Inc., Dec. 1, 1968.
Pawnee Livestock Marketing Center, Pawnee, Apr. 27, 1959.	Pawnee Livestock Marketing Center, Inc., Nov. 6, 1968.
Tulsa Cow Palace, Inc., Tulsa, Dec. 7, 1965	Tulsa Agriculture Center, Inc., d/b/a Tulsa Cow Palace, Oct. 1, 1968.

Done at Washington, D.C., this 23d day of April 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-5192; Filed, Apr. 30, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Order Extending Completion Date

Niagara Mohawk Power Corp. having filed a request dated March 17, 1969 for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-16 for construction of a 1538 megawatt (thermal) single cycle, boiling water nuclear reactor at Nine Mile Point on the shore of Lake Ontario in the Town of Scriba, N.Y., and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended to September 1, 1969.

Date of issuance: April 24, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69-5153; Filed, Apr. 30, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18078, etc.; Order 69-4-124]

SERVICE MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1969.

Service mail rates for transatlantic and transpacific priority mail, Docket 18078; Latin American service mail rate proceeding, Docket 15381; Latin American service mail rate for priority mail, Docket 20415.

By application filed December 26, 1968, the Postmaster General (Post Office Department) requests of the Board an order adopting mileages attached to his application as standard mileages for computation of mail payments for the pairs of points involved.

The requested standard mileages are indicated to be based upon the nonstop mileages as compiled by the Board, with the nonstop mileages selected only for those pair of points for which nonstop service is actually available.

In support of its application Post Office Department points out that its proposed new basis provides truly standard miles in that each is standard for the pair of points involved, irrespective of the carrier providing the transportation, and that it adheres to the principle of the like pay for like service upheld by the Board and followed by the carriers in their passenger fares and freight rates.

Post Office Department also indicates it is agreeable to an adjustment of the transatlantic and transpacific mail rates "to the degree deemed necessary and appropriate by the Board to permit the adoption of the standard mileages proposed." It also indicates that it will present its case in the open Latin America priority mail case[1] on the basis of the proposed standard mileages.[2]

On February 14, 1969, Post Office Department filed Motion for Leave to Amend Application for Revised Mileages[3] in order to reflect a different airport at Colombo, Ceylon; substitute TWA's shorter mileage between Dar es Salaam, Tanzania and JFK for that of Pan American; and to expand the mileage table to include additional mileage provided by TWA applicable to European, African, and Asian points, indicated to represent primarily the movement of military mail between foreign points.

The Board's orders establishing the foreign mail rates provide that changes may be made in the standard mileages when new points are involved or once each fiscal year to be effective July 1 of such fiscal year. Such revisions may be instituted by the Board, any carrier subject to the mail rate order, and the Postmaster General. The orders state that applications to the Board for standard mileage revisions will not be regarded as reopening the rate.

The orders also provide that, in establishing standard mileages to a new point,

[1] Docket 20415.
[2] Post Office Department anticipates that the Board will prescribe the rate on the basis of the proposed mileages and, therefore, it "sees no problem of yield in connection with their adoption at the present time."
[3] Motion to amend is hereby granted.

the Board will consider the routing of flights to such point and the number of flights required by the postal service. In connection with the fiscal year revisions, the orders explicitly provide that the Board will consider the effect of changes in airport locations, mail flow, and flight routings reflected in the carriers' general schedules during the first 7 days of May immediately preceding the July 1 effective date of such revisions.

On January 17, 1969, Northwest, Pan American, and TWA filed answers in opposition. All indicate that their acceptance of the rates in the Transatlantic and Transpacific Mail Rate Case[4] assumed revenues, which now would be reduced if Post Office Department's standard mileage revisions are adopted. The three carriers also allege various inadequacies, complexities, or problems with a rate adjustment as proposed by Post Office Department to compensate for the impact of the conversion from the present basis to the proposed nonstop mileage basis.

Regarding the principle of like pay for like service, each of the carriers claims that this result is now achieved on competitive segments through operation of the rate equalization proviso in the current mail rate orders.

We have decided to deny Post Office Department's request, which does not conform to the criteria prescribed for revision of standard mileages by the Board in the current service mail rate orders applicable to foreign routes, until such time as Post Office Department can show and we can evaluate the effect, if any, that its proposed revised mileages would have on the carriers. Post Office Department states that it is not seeking to reduce mail compensation under current rate orders and concedes that it would not object to some rate adjustment deemed necessary and appropriate by the Board to permit the adoption of the proposed standard mileages. There is no indication, however, of what this rate adjustment should be and we are concerned with the inequities that could result.

Northwest in its answer requests that the Board adopt mileages provided by the carrier and urges prompt action because it cannot submit final billings to Post Office Department for mail carried subsequent to June 30, 1968, absent a mileage determination. Pan American urges that final resolution of the matter is possible since all major carriers have already furnished revised mileages computed on the existing basis that would be applicable July 1, 1968.[5]

We are issuing an order to show cause proposing to make effective as of July 1, 1968, the current mileages or revised mileages advanced by the carriers in the instant proceeding and attached as appendices to this order. These mileages appear to be consistent with the principles and criteria prescribed in current rate orders.

Based upon the foregoing considerations, the Board tentatively finds and concludes that effective July 1, 1968:

(1) Order 68-9-9, September 4, 1968, should be amended to delete Appendix A thereto and substitute in lieu thereof a new Appendix A, attached to the instant order to show cause, providing revised standard mileages for carriage of U.S. mail by air in transatlantic and transpacific services.

(2) Order 68-9-8, September 4, 1968, should be amended to provide that for military mail transported between San Francisco, Portland, or Seattle and Tokyo, the mail ton-miles shall be computed on the basis of standard mileage of 4,865 in lieu of 4,843.

(3) Order E-23916, July 7, 1966, should be amended to delete Appendix A thereto and substitute in lieu thereof a new Appendix A,[6] attached to the instant order to show cause, providing revised standard mileages for carriage of U.S. mail by air in Latin America service.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR, Part 302:

It is ordered, That:

1. The application of the Postmaster General, filed December 26, 1968, is denied, without prejudice.

2. All interested parties in Dockets 18078, 15381, and 20415 are directed to show cause why the Board should not adopt the foregoing findings and conclusions and, effective July 1, 1968, fix the revised standard mileages for carriage of U.S. mail by air as follows:

a. As set forth in new Appendix A to Order 68-9-9, September 4, 1968, attached to the instant order to show cause, providing revised standard mileages in transatlantic and transpacific services.

b. As set forth in new Appendix A to Order E-23916, July 7, 1966, attached to the instant order to show cause, providing revised standard mileages in Latin America services.

c. For military mail transported between San Francisco, Portland, or Seattle, and Tokyo, 4,865 miles.

3. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions specified in the order, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order.

4. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing, and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions specified in the order.

5. If notice of objection and answer are filed, the issues shall be limited to those specifically raised by the answer except as provided in Rule 307 of the rules of practice.

6. This order shall be served on all interested parties in Dockets 18078, 15381, 20415.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5204; Filed, Apr. 30, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-4-112]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 25, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R-8 through R-14.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolution of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 14, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, It is ordered, That:

Action on Agreement CAB 20806, R-8 through R-14, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5205; Filed, Apr. 30, 1969; 8:49 a.m.]

[4] Order 68-9-9, Sept. 4, 1968.

[5] Post Office Department preceding its petition, had by letters dated July 10, 1968, and August 23, 1968, proposed revised mileages and served a table of revised mileages on the interested carriers. Northwest, Pan American, and TWA responded with modifications and "corrections".

[6] Filed as part of the original document.

[1] Filed as part of the original document.

[Docket No. 18650; Order 69-4-116]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 25, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates Docket 18650, Agreement CAB 20745, R-61 and R-62.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 10, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general commodity rates.

R-61:

Commodity Item 1197—Game Skins, 210 cents per kg., minimum weight 500 kgs., Beira/Lourenco to New York.

R-62:

Commodity Item 1563—Cigarettes, Cigars and Tobacco, 55 cents per kg., minimum weight 500 kgs., Shannon to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-61 and R-62, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5206; Filed, Apr. 30, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 437]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 28, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No.; applicant; call sign; and nature of application

6122-C2-P-69—Nevada Telephone-Telegraph Co.; (New); C.P. for a new 2-way station to be located at Mount Brock, approximately 1 mile south of Tonopah, Nev., to operate on frequency 152.63 MHz.

6123-C2-P-69—Telephone Answering Service; (New); C.P. for a new 1-way station to be located at 5727 Tokay Boulevard, Madison, Wis., to operate on frequency 152.24 MHz.

6124-C2-TC-69—Kalama Telephone Co.; (KOP330); Consent to transfer of control from Darrel W. Coffey, Transferor, to: Ronald M. Coffey, Transferee.

6168-C2-P-69—General Telephone Co. of Ohio; (New); C.P. for a new 2-way station to be located at 550 Leader Street, Marion, Ohio, to operate on frequency 152.75 MHz.

6174-C2-P-69—Smith Communications Service; (KGA250); C.P. to install an additional channel to operate on base frequency 454.075 MHz at a site to be described as location No. 2: Investment Building, Towson, Md.

6175-C2-TC-69—Cascade Telephone Co., Snoqualmie, Wash.; (KOP320); Consent to transfer of control from B. Lamar Gaines, George S. Gaines, B. Lamar Gaines, and George S. Gaines as executors of the Estate of Donna E. Gaines, J. Kenneth Trolan, John Kenneth Trolan, J. Kenneth Trolan as Trustee for Mark Daniel Trolan, J. Kenneth Trolan, Trustee for Lesli Ann Trolan, Transferors, to: Telephone Utilities, Inc., Transferee.

6236-C2-P-(3)-69—American Radio-Telephone Service, Inc.; (New); C.P. for a new 2-way station to be located at WFMM Tower, north of U.S. No. 40, on Rolling Road, Catonsville, Md., to operate on base frequencies 454.025, 454.150, and 454.250 MHz.

6240-C2-P-69—Lafourche Telephone Co., Inc.; (New); C.P. for a new 1-way station to be located at 50 Rodrique Street, Larose, La., to operate on frequency 152.84 MHz.

6241-C2-P-69—RMD Electronics Inc.; (New); C.P. for a new 2-way station to be located at 1960 Lincoln Park West, Chicago, Ill., to operate on base frequency 454.025 MHz.

6255-C2-P-69—Carpenter Radio Co.; (New); C.P. for a new 1-way station to be located at 607 West High Street, Lima, Ohio, to operate on frequency 152.24 MHz.

6256-C2-P-(2)69—Industrial Communications Systems, Inc.; (KMD990); C.P. to add a second channel on base frequency 454.175 MHz at location No. 1: End of Silverdo Canyon Road, Santiago Peak, Calif., and location No. 3: Verdugo Peak, Calif.

6257-C2-P-69—Professional Administrative Services, Inc.; (KIG300); C.P. to relocate 1-way facilities operating on frequency 43.58 MHz to the First National Bank Building, 2 Peachtree Street, Atlanta, Ga.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6258–C2–P–(5)69—R. O. Deaderick Co.; (KCI308); C.P. to relocate facilities at location No. 1 to: WBIR TV Tower, Knoxville, Tenn., operating on base frequency 152.03 MHz; repeater frequency 459.30 MHz and add repeater frequency 459.25 MHz. Location No. 2: 423 Depot Street, Knoxville, Tenn., reorient control antenna operating on 454.30 MHz and add a control channel on 454.25 MHz.

6263–C2–P–(2)69—Florida Telephone Corp.; (New); C.P. for a new 2-way station to be located at Fifth Street, Windermere, Fla., to operate on frequencies 152.54 and 152.60 MHz.

6264–C2–ML–(2)69—Berkshire Radio Dispatch; (KCA237); Modification of license to change the base frequency from 152.09 to 152.18 MHz at location No. 1: 24 Fasce Place, Pittsfield, Mass., and location No. 2: On Washington Mountain, Washington Road, Berkshire, Mass. All other terms of the existing license to remain the same.

6265–C2–P–(2)69—Cameron Telephone Co.; (KKO357); C.P. to add a second channel on base frequency 152.81 MHz and relocate present facilities operating 152.69 MHz to 0.2 mile north of State Highway No. 82 and 1.3 miles east of Cameron, La.

6274–C2–AL–69—Pioneer Telephone Co. of Carver County; (KFL881); Consent to assignment of license from Pioneer Telephone Co. of Carver County, Assignor, to: Pioneer-United Telephone Co., Assignee.

6275–C2–AL–69—Pioneer Telephone Co. of McLeod County; (KFL890); Consent to assignment of license from Pioneer Telephone Co. of McLeod County, Assignor, to: Pioneer-United Telephone Co., Assignee.

Renewal of licenses expiring April 1, 1969. Term: April 1, 1969, to April 1, 1974.

Licensee, State, and call sign

Atlantic Electronics, Inc.; Connecticut; KCA748.
Radiotelephone Co. of Indiana, Inc.; Indiana; KSA811.

MAJOR AMENDMENT

5301–C2–P–(3)–69—R. O. Deaderick Co.; (New); Amended to read: To operate on base frequency 152.12 MHz. All other particulars remain same as reported on public notice dated Mar. 17, 1969, Report No. 431.

RURAL RADIO SERVICE

6124–C1/C2–(3)–69—Kalama Telephone Co.; Consent to transfer of control from Darrel W. Coffey, Transferor, to: Ronald M. Coffey, Transferee. Stations: KYC71, Temporary-Fixed; KYO26, Weyerhaeuser Timber Co. near Pigeon Springs, Wash.

6266–C1–P/L–69—Southern Bell Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station to be located at U.S. No. 27, approximately 28 miles west of Boca Raton, Fla., to operate on frequencies 157.80, 157.95, and 158.07 MHz communicating with Station KIG288 Pompano Beach, Fla.

6307–C1–P/L–69—Henry Bonham; (KPW91); C.P. and license to reinstate expired license to operate on frequency 157.89 MHz communicating with Station KOF904 The Dalles, Oreg. Location: 6.4 miles north-northwest of Appleton, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

6053–C1–P–69—The Pacific Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 36 East William Street, Sonora, Calif., to operate on 10,995 and 10,715 MHz toward Angels Peak, Calif., via passive reflector.

6054–C1–P–69—The Pacific Telephone & Telegraph Co.; (KMW70); C.P. to add 11,405 and 11,645 MHz toward Sonora, Calif., via passive reflector, located at Angels Peak, 4 miles southwest of Angels Camp, Calif.

6169–C1–MP–69—New England Telephone & Telegraph Co.; (KCL85); Modification of C.P. to change frequency from 6249.1 MHz to 10,735.0 MHz and add frequencies 6286.2 and 6404.8 MHz toward Dunbarton, N.H., at station located at 25 Concord Street, Manchester, N.H.

6170–C1–P–69—New England Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located on East Hill, 4 miles east of Enfield, N.H., to operate on frequencies 6034.2 and 6152.8 MHz toward West Lebanon, N.H., and Springfield, N.H.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6171–C1–MP–69—New England Telephone & Telegraph Co.; (KZI59); Modification of C.P. to change frequency from 5997.1 MHz to 11,305 MHz and add frequencies 6034.2 and 6152.8 MHz toward Manchester, N.H., and add frequencies 6034.2 and 6152.8 MHz toward Springfield, N.H., at station located at 1 mile north of Dunbarton, N.H.

6172–C1–P–69—New England Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located on Oak Hill, 1 mile northwest of Little Sunapee Lake, Springfield, N.H., to operate on frequencies 6286.2 and 6404.8 MHz toward Dunbarton, N.H., and Enfield, N.H.

6173–C1–P–69—New England Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 1 mile northeast of West Lebanon, N.H., to operate on frequencies 6286.2 and 6404.8 MHz toward Enfield, N.H.

6176–C1–P–69—Southwestern Bell Telephone Co.; (KLV29); C.P. to replace transmitters operating on 5989.6 and 6108.3 MHz toward Amarillo, Tex.; change the antenna system and relocate facilities to 10th and Jackson Streets, Amarillo, Tex.

6177–C1–P–69—Southwestern Bell Telephone Co.; (KLV30); C.P. to change the point of communication to Amarillo Junction, Tex., on frequencies 6241.7 and 6360.4 MHz at station located at 24 miles north of Amarillo, Tex.

6237–C1–P–69—The Pacific Telephone & Telegraph Co.; (KMJ79); C.P. to change frequencies from 6135 and 6375 MHz to 6189.8 and 6338.1 MHz toward Borrego, Calif., and replace the transmitters operating on same, at station located at Mount Laguna, Calif.

6238–C1–P–69—The Pacific Telephone & Telegraph Co.; (KMN97); C.P. to change frequencies from 6015 and 6255 MHz to 5937.8 and 6056.4 MHz toward Mount Laguna, Calif., at station located at 2.5 miles east of Borrego, Calif.

6125–C1–ML–69—Evergreen Telephone Co.; (KYO93); Modification of license to change the bandwidth from 800F9 to 3500F9.

6126–C1–ML–69—Evergreen Telephone Co.; (KYO94); Modification of license to change frequency from 2128.4 to 2127.0 MHz and change bandwidth from 800F9 to 3500F9.

6127–C1–ML–69—Evergreen Telephone Co.; (KYO95); Modification of license to change the bandwidth from 800F9 to 3500F9.

6128–C1–ML–69—Evergreen Telephone Co.; (KYO96); Modification of license to change frequency from 2118.8 to 2113.0 MHz and change bandwidth from 800F9 to 3500F9.

6129–C1–ML–69—Evergreen Telephone Co.; (KYO97); Modification of license to change frequency from 2178.4 to 2177.0 MHz and change 2160.8 to 2163.0 MHz, also change bandwidth from 800F9 to 3500F9. All other terms of the above licenses are to remain the same.

6259–C1–P–69—Indiana Bell Telephone Co.; (KSP82); C.P. to add frequencies 6360.3 and 10,875 MHz and an antenna system toward Portage, Ind., at station located at 118 East Eighth Street, Michigan City, Ind.

6260–C1–P/L–69—General Telephone Co. of Pennsylvania; (New); C.P. and license for a new fixed station to be located at 1001 State Street, Erie, Pa., to operate on frequency 5975.0 MHz.

6261–C1–P–69—Southern Bell Telephone & Telegraph Co.; (KIB25); C.P. to add frequencies 10,715 and 11,035 MHz toward Decatur (WATL–TV), Ga., at station located at 51 Ivy Street NE., Atlanta, Ga.

6267–C1–P–69—General Telephone Co. of the Northwest, Inc.; (KOT61); C.P. to add frequencies 11,285 and 11,445 MHz toward Round Mountain, Idaho; 11,365 and 11,525 MHz toward Cooks Mountain Pass, Idaho, and toward Newport, Wash., via passive reflector, at station located at Little Blacktail Mountain, 2.6 miles southeast of Cocolalla, Idaho.

6268–C1–P–69—General Telephone Co. of the Northwest, Inc.; (KOU45); C.P. to add frequencies 10,755 and 10,915 MHz toward Little Blacktail Mountain, Idaho; add 10,795 and 10,955 MHz toward Bonners View Pass, Idaho, and Bonners Ferry, Idaho, via passive reflector, at station located at 9 miles south-southwest of Bonners Ferry, Idaho.

6269–C1–P–69—General Telephone Co. of the Northwest, Inc.; (KVU69); C.P. to add frequencies 11,325 and 11,485 MHz toward Bonners View Passive and to Round Mountain, Idaho, via passive reflector and add frequencies 11,245 and 11,405 MHz toward Dawson Ridge Passive, to Duck Lake Passive and Troy, Mont., via passive, at station located at the northwest corner of Denver and Van Buren Avenues, Bonners Ferry, Idaho.

6270–C1–P–69—General Telephone Co. of the Northwest, Inc.; (New); C.P. for a new fixed station to be located at Second and Kootenai Street, Troy, Mont., to operate on frequencies 10,715 and 10,875 MHz toward Duck Lake Passive and via Dawson Ridge Passive to Bonners Ferry, Idaho, and to operate on frequencies 10,835 and 10,995 MHz toward Preacher Mountain Passive via Sheldon Mountain, Passive, to Libby, Mont.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6271–C1–P–69—General Telephone Co. of the Northwest, Inc.; (KOY43); C.P. to add frequencies 11,365 and 11,525 MHz toward Sheldon Mountain Passive and via Preacher Mountain Passive to Troy, Mont., at station located at 114 East Fourth Street, Libby, Mont.

6272–C1–P–69—General Telephone Co. of the Northwest, Inc.; (New); C.P. for a new fixed station to be located at West 423 3d Street, Newport, Wash., to operate on frequencies 10,835 and 10,955 MHz toward Cooks Mountain Passive and via passive to Little Blacktail Mountain, Idaho.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6243–C1–P–69—Wyoming Microwave Corp.; (New); C.P. for a new station at Borie, Wyo., 10 miles west-southwest of Cheyenne, Wyo., at lat. 41°06'03'' N., long. 105°00'16'' W. Frequency 6167.2 MHz on azimuth 297°43'.

6244–C1–P–69—Wyoming Microwave Corp.; (New); C.P. for a new station at 8 miles east-southeast of Laramie, Wyo., at lat. 41°16'04'' N., long. 105°26'00'' W. Frequency 6390.0 MHz on azimuth 325°30'.

6245–C1–P–69—Wyoming Microwave Corp.; (New); C.P. for a new station at Sullivan Ranch 10 miles east-northeast of Difficulty, Wyo., at lat. 42°06'20'' N., long. 106°13'01'' W. Frequency 6167.6 MHz on azimuth 352°11'.

6246–C1–P–69—Wyoming Microwave Corp.; (New); C.P. for a new station at Casper Mountain, 7 miles south of Casper, Wyo., at lat. 42°44'03'' N., long. 106°20'00'' W. Frequency 4170.0 MHz on azimuth 299°59'.

6247–C1–P–69—Wyoming Microwave Corp.; (KPB65); C.P. to add frequency 3780.0 MHz on azimuth 321°41' at station located at Copper Mountain, 12.3 miles north-northwest of Bonneville, Wyo., at lat. 43°26'15'' N., long. 107°59'47'' W.

6248–C1–P–69—Wyoming Microwave Corp.; (KPS63); C.P. to add frequency 4170.0 MHz on azimuth 19°20' at station located on Cedar Mountain, 5.3 miles southwest of Cody, Wyo., at lat. 44°29'06'' W.

6249–C1–P–69—Western Microwave, Inc.; (KPV60); C.P. to add frequency 11,625 MHz on azimuth 30°14' at station located at Greeno, 11.5 miles southeast of Laurel, Mont., at lat. 45°32'04'' N., long. 108°38'28'' W.

6250–C1–P–69—Western Microwave, Inc.; (New); C.P. for a new station at KULR–TV, 2.7 miles east of Billings, Mont., at lat. 45°45'35'' N., long. 108°27'14'' W. Frequency 5989.6 MHz on azimuth 282°45'.

6251–C1–P–69—Western Microwave, Inc.; (KPZ42); C.P. to add frequency 5945.0 MHz on azimuth 338°00' at station located 18 miles northeast of Greycliff, Mont., at lat. 45°55'35'' N., long. 109°29'44'' W.

6252–C1–P–69—Western Microwave, Inc.; (KPQ43); C.P. to add frequency 6010.0 MHz on azimuth 323°00' at station located at Little Belt Mountain, 8 miles southwest of Buffalo, Mont., at lat. 46°44'50'' N., long. 109°57'10'' W.

6253–C1–P–69—Western Microwave, Inc.; (KPQ44); C.P. to add frequency 6182.5 MHz on azimuth 295°00' at station located 8.2 miles northeast of Raynes Ford, Mont., at lat. 47°22'25'' N., long. 110°38'20'' W.

6254–C1–P–69—Western Microwave, Inc.; (KSQ33); C.P. to add frequency 6271.4 MHz on azimuth 204°01' at station located 6 miles north of Great Falls, Mont., at lat. 47°35'42'' N. long. 111°20'25'' W. (Informative: Applicants propose to provide ABC programing now available at KFBC–TV of Cheyenne, Wyo., to KTWO–TV in Casper, Wyo.; KULR–TV in Billings, Mont., and to KFBB–TV in Great Falls, Mont.)

6306–C1–P–69—West Texas Microwave Co.; (KTQ80); C.P. to add new point of communication at Roscoe, Tex. Azimuth 260°33'. Frequencies 6212.0, 6271.3, and 6330.7 MHz. Receiver will intercept signals from path licensed toward Colorado City, Tex. Location 2 miles east of Sweetwater, Tex., at lat. 32°29'08'' N., long. 100°21'58'' W. (Informative: Applicant proposes to provide television signals of stations WFAA–TV, KTVT, and KERA–TV of Fort Worth-Dallas area for delivery to Roscoe TV Cable Service in Roscoe, Tex.)

6312–C1–MP–69—Western Microwave, Inc.; (KPQ42); Modification of construction permits to (a) change frequency 6260.0 MHz to 6241.7 MHz toward Big Timber and Little Belt Mountain, Mont., on azimuths of 252°00' and 338°00', respectively and (b) change frequency 5960.0 MHz to 6271.3 MHz toward Greeno, Mont., on azimuth of 122°48'. Transmitter location: 19 miles northeast of Greycliff, Mont.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

6313–C1–MP–69—Western Microwave, Inc.; (KPV60); Modification of construction permits to change frequencies 6110.0 MHz and 6210.0 MHz to 6197.2 and 6093.5 MHz toward Laurel (326°22'), Red Lodge (229°59'), Sarpy (75°49'), and Billings CATV (13°16'), all in Mont. Transmitter location: Greeno, 11.5 Miles southeast of Laurel, Mont.

Major Amendment

2413–C1–P–69—Upper Peninsula Microwave, Inc.; (KYO47); Application amended to change frequency 5974.8 MHz to 5967.4 MHz toward Perrinton, Mich., on azimuth of 324°45'. Transmitter location: 3.5 miles north of Williamston, Mich.

2414–C1–P–69—Upper Peninsula Microwave, Inc.; (KYO48); Application amended to change frequency 6256.5 MHz to 6219.5 MHz toward Mount Pleasant, Mich., on azimuth of 347°45'. Transmitter location: 1.5 miles southeast of Perrinton, Mich.

2415–C1–P–69—Upper Peninsula Microwave, Inc.; (KYO49); Application amended to change frequency 5974.8 MHz to 5967.4 MHz toward Harrison, Mich., on azimuth of 353°02'. Transmitter location: 2 miles south of Mount Pleasant, Mich.

2416–C1–P–69—Upper Peninsula Microwave, Inc.; (KYO50); Application amended to change frequency 6256.5 MHz to 6219.5 MHz toward Grayling and Cadillac, Mich., on azimuths of 04°05' and 296°03', respectively. Transmitter location: Harrison, Mich.

2417–C1–P–69—Upper Peninsula Microwave, Inc.; (KQM44); Application amended to change frequency 5974.8 MHz to 5967.4 MHz toward Leetsville, Mich., on azimuth of 311°38'. Transmitter location: 7 miles southwest of Grayling, Mich. All other particulars are as reported in public notice dated Oct. 28, 1968, Report No. 411.

INFORMATIVE

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Its appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference and/or economic competition:

Missouri

Business Communications Inc., KAA888, File No. 4247–C2–P–69.
Leonard A. Voyles, doing business as General Communications, KPQ940, File No. 5001–C2–P–69.

Texas

Radio Paging Inc., (New), File No. 3823–C2–P–69.
Houston Mobilfone Inc., KKA343, File No. 4139–C2–P–69.
Roy M. Teel doing business as, Houston Radiophone Service, KKA344, File No. 4137–C2–P–69.
Radio Dispatch Inc., KLB701, File No. 4138–C2–P–69.

[F.R. Doc. 69–5193; Filed, Apr. 30, 1969; 8:48 a.m.]

[FCC–436]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 24, 1969.

The following application was tendered April 2, 1969, seeking the identical facilities of former Station KICM, Golden, Colo. Accordingly, we have this date waived the provisions of Note 2 to § 1.571 of the Commission's rules and accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

NEW, Golden, Colorado, Voice of Reason, Inc., Req: 1250 kc, 1 kw, DA, Day.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b), and Note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than June 2, 1969.

The attention of any party in interest desiring to file pleadings concerning this application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements related to such pleadings.

Action by the Commission April 23, 1969.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5194; Filed, Apr. 30, 1969; 8:48 a.m.]

[FCC 69-434]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 25, 1969.

The following application was tendered April 4, 1969, seeking the identical facilities of Station KFNF, Shenandoah, Iowa, the operation of which is to be terminated pursuant to Commission action of February 6, 1969. Accordingly, we have this date waived the provisions of note 2 to § 1.571 of the Commission's rules and accepted the application for filing. Similarly, we will accept any other application for consideration which proposes essentially the same facilities.

NEW, Shenandoah, Iowa. John Bozeman, Req: 920 kc, 500 w, 1 kw-LS, U.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b), and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than June 2, 1996.

The attention of any party in interest desiring to file pleadings concerning this application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements related to such pleadings.

Action by the Commission April 23, 1969.[2]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5195; Filed, Apr. 30, 1969; 8:48 a.m.]

[Dockets Nos. 18529, 18530; FCC 69-424]

BRINSFIELD BROADCASTING CO. AND CASS COUNTY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of J. Stewart Brinsfield, Sr., and J. Stewart Brinsfield, Jr., doing business as Brinsfield Broadcasting Co., Raytown, Mo., Requests: 100.7 mcs, No. 264; 100 kw.; 459 feet, Docket No. 18529, File No. BPH-6329; Cass County Broadcasting Co., Harrisonville, Mo., Requests: 100.7 mcs, No. 264; 27.1 kw.; 345 feet, Docket No. 18530, File No. BPH-6406; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue also will be specified.

3. According to the information in its application, Brinsfield Broadcasting Co. would require $91,263 to construct and operate its proposed station for 1 year without revenue. Although applicant indicates reliance on revenues to cover its operational costs, its supporting information merely indicates that certain businesses "might spend" a stated amount on station advertising. None of the businesses have committed themselves to spending these amounts or even stated that it was their firm intention to do so. Lacking such assurances, no credit can be given for anticipated revenues. Applicant's estimate for construction costs is based in part on a lease arrangement with Capital Leasing Corp., but only hearsay support has been shown for its availability. As a result we are unable to determine whether this lease arrangement is available or what applicant's costs for construction would be without it. Applicant's reliance on new capital is also unacceptable since the balance sheet for the partners who are to provide it is out of date. Under these circumstances an issue will be specified regarding applicant's costs for construction and first-year operation and the availability of the necessary funds, taking into account the existence of copending applications for Peoria, Ill. (BPH-6519); Oil City, Pa. (BPH-6662); Corry, Pa. (BP-18396); LaPlata, Md. (BALH-1144); and Utica, N.Y. (BALH-1176); for which these principals would assume financial responsibility.

4. Cass County Broadcasting's application indicates that $76,387 would be needed for construction and first-year operation of its proposed station. To meet these needs it has shown $7,250 in available liquid assets and $50,000 available from a bank loan. The total thus available ($57,250) is short of its needs and an issue will be specified regarding the additional funds required.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Although Brinsfield Broadcasting Co. appears to have made an adequate survey it has not adequately listed the suggestions received, or the programing proposed to meet the needs as evaluated. Thus, we are unable at this time to determine whether it is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount required by Brinsfield Broadcasting Co. to construct and operate its proposed station for 1 year without revenues and whether it has available to it sufficient funds for this purpose to thus demonstrate its financial qualifications.

(2) To determine whether Cass County Broadcasting Co. has available to it the additional $19,137 required for construction and first year operation to thus demonstrate its financial qualifications.

(3) To determine the efforts made by Brinsfield Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other primary aural services in such areas.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section [illegible](2) of the Communications Act [illegible]34, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 23, 1969.

Released: April 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5196; Filed, Apr. 30, 1969; 8:48 a.m.]

[1] Commissioners Hyde (Chairman), Cox, Wadsworth, and H. Rex Lee, with Commissioner Johnson concurring in the result.

[2] Commissioners Hyde (Chairman), Cox, Wadsworth, Johnson, and H. Rex Lee.

[Docket Nos. 18526, 18527; FCC 69-422]

CLICK BROADCASTING CO. AND R-J CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert E. Thomas and Ferris A. Maloof, doing business as Click Broadcasting Co., Blue Ridge, Ga., Requests: 1500 kc., 500 w, Day, Docket No. 18526, File No. BP-17409; Robert P. Joseph and Jacqueline A. Joseph, doing business as R-J Co., Clarksville, Ga., Requests: 1500 kc., 5 kw., 500 w-CH, Day, Docket No. 18527, File No. BP-17691; for construction permits.

1. The Commission has before it for consideration (a) the above captioned applications; (b) a petition to deny the application of Click Broadcasting Co. (Click), filed by Copper Basin Broadcasting Co., Inc. (Copperhill), licensee of standard broadcast Station WLSB, Copperhill, Tenn.; and (c) pleadings in opposition and reply thereto; (d) a petition to deny the application of R-J Co. (R-J), filed by Habersham Broadcasting Co., Inc. (WCON), licensee of standard broadcast Station WCON, AM and FM, Cornelia, Ga.; and (e) pleadings in opposition and response thereto.

2. Copperhill claims standing as a party in interest on the basin that Station WLSB, operating in a community 12 miles from Blue Ridge, Ga., serves much of the same audience and depends upon many of the same advertisers as Click's proposal. We find that this petitioner does have the necessary standing within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Copperhill bases its request for denial of a hearing on alleged misrepresentations and fraud in connection with Click's program and advertising surveys, and also challenges the applicant's financial qualifications. The petitioner's claim of misrepresentation as to the program survey arises from Click's description of one of its proposed programs, the "County Agent's Report", a program devised through the cooperation of the county agents in the area and designed to keep interested persons informed in agriculture, gardening and related subjects. The program is to be aired daily except Sunday. Section IV of Click's application contains a statement that "the Fannin County, Ga., agent has assured the parties of the applicant that there is a definite need for this type coverage and he will co-operate fully." The petitioner asserts that "the agent, according to the applicant, agreed to participate in a daily program." The petitioner has attempted to bolster this interpretation of Click's representations by securing an affidavit stating that he (the agent) "has made no commitment to cooperate on any scheduled basis * * *." We are of the view that Click's statements in its program survey report cannot be fairly construed as a representation of, or an attempt to imply, a commitment on the part of the county agent to appear on the program in question on a daily basis. Therefore, Copperhill's request for an issue to determine whether the applicant has misrepresented to the Commission the availability of programing proposed in its application will be denied.

4. In an effort to establish the necessary financial resources for its proposal, the Click application contains signed form statements of some of the local merchants, each of which contains the merchant's estimate of the amount that he "would have available for radio advertising" on the proposed station. Copperhill contends that the aforesaid statements appear to be based upon misrepresentations to the signatory merchants as to the nature of the instrument they were signing, and to the Commission on the nature of the instruments so obtained. This contention is apparently based principally if not solely on the fact that the applicant has used the term "advertising commitments" to introduce the aforesaid statements as one of the exhibits in its application. In its opposition pleading, Click states that it was not its intention to suggest that the statements were formal advertising contracts or commitments in any legally binding sense, and observes that the statements themselves belie any suggestion of obligation. In construing this matter in the language of the Ultravision requirements,[1] we are of the view that the applicant's use of the word "commitment", while perhaps careless, was not intended, nor did it result, in fact, in a belief or understanding on the part of the signatory merchants (or the Commission) that they were entering into binding agreements or commitments to advertise on the applicant's proposed station. Moreover, the affidavits which Copperhill obtained from some of these merchants expressly confirms this interpretation and understanding.[2]

5. Even more serious than the foregoing misrepresentations, states Copperhill, is the fact that one of these is a forgery and fraud upon the Commission. The petitioner attaches an affidavit of Raymond Akins, President of Chastain-Pack Funeral Homes, Inc., in which the affiant states, inter alia, that the purported signature in behalf of Chastain-Pack by Raymond Akins is not his signature but a forgery. Click in its opposition states that the charge is preposterous, that no motive has been suggested for such conduct on the part of the applicant, and that a comparison of the Akins signature on the two documents demonstrates that "the forgery accusation is, charitably speaking, less than accurate."[3] Because of these allegations, and the fact that the affiant has not repudiated his sworn statement claiming forgery, an issue will be specified to determine whether the applicant has presented forged and fraudulent materials to the Commission.

6. Finally, Copperhill challenges Click's financial qualification, contending that neither partner has established the necessary liquidity to meet his partnership capital commitment and also challenging the validity of the applicant's Ultravision showing. In addition to existing capital in the amount of $13,800, Click attempts to establish an Ultravision showing in the amount of $37,000, to cover the balance of its estimated first year costs of construction and operation, which total $42,518. As to the Ultravision showing, Copperhill contends that $7,700 of the $19,400 for which the applicant has statements of potential advertisers has been "disavowed or forged", and that the remaining $11,700 are of dubious value. Further, as to the remaining $17,600 of the applicant's estimated first year revenues, which it attempts to document with some economic data, we agree with the opposition that the applicant has clearly failed to make a proper Ultravision showing. Thus, even if the "commitments" of $19,400 prove to be valid, Click has failed to establish the necessary available assets to meet its first year financial requirements. Accordingly, a financial issue will also be specified.

[1] Commissioner Bartley absent; Commissioner Robert E. Lee concurring in result.

[1] Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965), which requires only that there is a reasonable assurance that sufficient funds to meet this standard will be available. The applicant here observes that as a former radio licensee (WDMF, Buford, Ga.), Mr. Thomas, who prepared the exhibit, was fully aware that there was no requirement that revenue estimates be supported by enforceable agreements.

[2] E.g., Mr. Robert L. Turner states (Attachment C, Petition to Deny): "* * * he told Mr. Thomas that he was not interested in doing any advertising with the new radio station * * * and that at no time * * * did he ever commit himself or Red and White Food Store to pay to the proposed new radio station * * * any funds whatsoever * * *."

[3] Click states that although Akins refused to sign a counter-affidavit "to clear up this serious matter", he did state that the signature on the advertising estimate looks like his signature and that although he does not remember signing the statement, he may very well have done so, and that he would be willing to come to Washington and explain the matter.

7. Habersham Broadcasting Co., Inc. (WCON) bases its claim of standing as a party in interest on the fact that the community of Clarkesville is located approximately 8 miles from Cornelia, and R–J's proposed station would provide Cornelia with a strong signal and would thus compete with station WCON for audience and advertising revenues. The Commission finds that the petitioner does have standing within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, supra.

8. WCON contends that a grant of R–J's application would result in a loss of revenue which would force it to curtail or delete a substantial part of its public service programing, reduce its program staff, and make other changes in order to prevent the station from going silent. The applicant, in seeking to raise a Carroll issue[4] provides a substantial amount of information and economic data in its attempt to meet the pleading requirements set out in Missouri-Illinois Broadcasting, FCC 64–748, 3 RR 2d 232 (1964).

9. Pointing out that the population of Habersham County in 1960 was only 18,116 and that of Cornelia, Clarksville, and Demorest was 2,936, 1,352, and 1,029 respectively,[5] WCON states that the modest populations within the county plus the location of Clarksville with respect to Cornelia weaken the presumption of a need for the proposed station. Observing that Habersham County is not fortunate to be located near any major population center, the petitioner states that the only significant growth stimulant in the area since 1960 has been the Reigel Textile Corp. plant which employs 600 persons. In presenting its Missouri-Illinois data, the petitioner indicates that the retail sales for the county were $28.7, $31.9, and $36 million respectively for the years 1964 through 1966, and states that the increase is attributed mostly to the Reigel Textile Mill plus growth in the poultry farming.

10. WCON further reports that of a total of 242 businesses within Habersham County, only about 150 are potential advertisers in any of the advertising media. According to petitioner, there are seven legitimate advertising media competing for revenue in Clarksville and Habersham County, which between them have developed at least 90 percent of the available advertising potential.[6] Turning to its own economic situation the petitioner shows that although revenues increased from $76.1, to $85.9 thousand between 1964 and 1966, its profits decreased from $21 to $12.9 thousand during this period. Petitioner presents information relative to its staff and operating expenses to show why these are higher than those normally experienced by stations in comparable communities, and also states that it has invested in excess of $42,000 in new equipment over the past 3 years. As to anticipated loss of revenue to a new station, the petitioner states that WCON–AM (WCON–FM accounts for less than $100 per month of revenues) will lose all except approximately $3,200 of the approximately $19,300 presently being realized from Clarksville businesses and that a few Cornelia businesses which advertise on WCON will be forced (by virtue of their having interests in both places) to split their advertising budgets, resulting in an additional loss of approximately $13,200.

11. Going on to show how a new station would cause a net loss or degradation of program service to Clarkesville, Cornelia, and Habersham County, WCON states that, faced with a possible loss in revenue approaching $30,000, it would have to make numerous changes in its operation. The changes, which the petitioner describes in some detail, include the following: (i) Reduction of staff from eight full-time and three part-time employees to five or possibly four full-time and two part-time, for a savings of approximately $15,000, the result of which would be a "rip and read" operation with no production of programs whatsoever; (ii) elimination of the first class engineer, with a resulting diminution in use of some of the more sophisticated equipment; (iii) release of the full-time newsman; (iv) release of the sports announcer and certain clerical personnel, all resulting in curtailment or elimination of certain specific programs described by the petitioner. Finally, it foresees that the number of public service announcements would be reduced by one-half and public service programing to a mere fraction of its present level. Finally, WCON notes that R–J's application indicates an initial staff of four persons and an operating budget of less than $27,000, and asserts that these two factors alone raise substantial questions as to the ability of the applicant to provide the area with worthwhile and meaningful public service programing.

12. In its opposition to the WCON petition to deny, R–J states that sales in Habersham County have increased approximately 25 percent during the past 3 years, and cites WCON's growth in net profits and its surplus of $103,465.84 shown by its most recent financial statement (Habersham 1966 balance sheet) implying that from these factors "the dire results threatened by WCON are either figments or would occur only from a desire on the petitioner's part to avoid any change in its present profit position." In asserting that the petitioner's claims are grossly overstated or demonstrably untrue, the applicant observes that, contrary to WCON's premise, neither its own coverage nor that of WCON is limited to Habersham County, but in fact involves a multi-county area of which Habersham County is but a part. According to R–J, there is a storehouse of untapped potential advertising revenue outside of Cornelia and Clarkesville.[7] R–J further asserts that Habersham County alone could support two radio stations, citing such indicia as the rise in manufacturing and mining employment (from 3,547 in 1965 to 3,703 in 1966), 11 expanded or new industries since 1963, growth in individual income from $20 million in 1960 to $39.3 million in 1967, and an increase in bank deposits of 37.5 percent between 1960 and 1964.

13. After again adverting to the petitioner's financial figures and observing that "a 22 percent rate of profit on revenue is substantial," R–J challenges some of WCON's figures and arguments as to loss of revenue and observes further that in Voice of Middlebury, 7 RR 2d 349 (1966), the Commission found "that increased competition results in increased advertising budgets." The applicant then goes on to argue that even if WCON's "inherently incredible maximum figure" of $23,123 of revenue loss is accepted, and even assuming that WCON fails to develop new advertising, there would be no degradation of WCON's ability to program in the public interest. In support of this statement R–J contends that WCON's pay scale is higher than that in much larger markets, observes that WCON–FM accounts for less than $100 per month of revenues, and states that the WCON's AM profits are now well over the $23,123 that it speculates it will lose, so that even if revenues declined the full speculated amount no change in service would be required. Moreover, R–J asserts that the contemplated program cutbacks would not even be necessary if the staff were cut back or salaries reduced. Finally, R–J submits a brief outline of its planned programing in support of an allegation that it proposes more diverse programing than WCON assumes that it will be forced to abandon, and that the net result would be a net increase of programing in the public interest.

14. The petitioner in its reply states that while there has been economic growth in the area, it has not kept pace with the cost of doing business. WCON further states that none of the economic data attached to R–J's opposition has any bearing on monies available for or expended on radio advertising in Habersham County, but that its own data is based on facts determined by 14 years of operation of its station in that market.

[4] Carroll Broadcasting v. FCC, 258 F 2d 440, 17 RR 2066 (1958).

[5] All population figures are from the U.S. Census unless otherwise noted.

[6] The following are enumerated by WCON: Station WCON–AM & FM, Station WRWH, Cleveland, Ga., and Stations WNEG and WLET, Toccoa, Ga.; also the following newspapers: Cornelia Northeast Georgian, Clarksville Tri-County Advertising, and the Gainesville Daily Times (Habersham County). Petitioner indicates that these media obtain most of their advertising from Habersham County—principally Cornelia and Clarksville, from whence 100 percent of its (Station WCON) revenue derives ($19,276 from Clarksville businesses and $68,711 from Cornelia, for 1966).

[7] R–J states that the 0.5 mv./m. signal of both WCON and R–J will cover large areas of White, Stephens, Franklin, Banks, Hall, Rabun, and Towns Counties, which, like Habersham County have experienced a substantial growth in trade. While it is true that the applicant's normal 0.5 mv./m. proposed contour, extending approximately 23 miles in diameter, covers a considerable part of these counties, its critical hours coverage is approximately 75 percent smaller. In any case, with the exception of Hall County, which the applicant's signal will barely reach, these counties are very sparsely populated.

Finally, the petitioner states that not only would it be compelled to curtail its staff and its programing, but it would also be necessary to cease separate programing on its sister station, WCON–FM, should the R–J application be granted.

15. Although R–J appears to have effectively rebutted many of the petitioner's economic allegations and data, we find that a hearing is required. In this regard, we note that the court in Folkways Broadcasting Co., 375 F. 2d 299, 8 RR 2d 2089 (1967), decreed that:

> • • • At times there might be a knowledge of a specific financial loss and its detrimental consequence on programing, but we think a Carroll hearing may not be limited to a case in which preknowledge of the exact economics of the situation is necessarily available. Requiring such precision would eliminate the doctrine as a practical matter.

16. For this reason, we find that there are substantial and material questions of fact concerning the ability of the Clarkesville-Cornelia area to support another standard broadcast station without a net degradation of program service to the public. Accordingly, a Carroll issue will be specified. In view of this finding, we come to the request by R–J that WCON's renewal application be called up (although not normally due until January 1, 1970) for consolidation for comparative hearing in this proceeding pursuant to § 1.539(c) of the rules. In support whereof R–J cites Herbert P. Michels, 17 RR 557 (1958). Our policy in the area, however, is set out in John Self, FCC 63–167, 24 RR 1177 (1963), where we stated that:

> The Commission, as a matter of policy, will not advance the filing date of the renewal application of an existing station, in order to consider it comparatively with an application for a construction permit for a new station against which the Carroll issue has been specified, even though the issue was included at the existing station's request. Should the Carroll issue be resolved against the applicant for the new station, he may file an application against the existing station's renewal application, and such application for construction permit will be considered comparatively with this renewal application.

We followed this in Bigbee Broadcasting Co., FCC 63–260, 25 RR 88 (1963), and also in William L. Ross, FCC 63–366, 25 RR 360 (1963), pointing out there that the Commission has always been circumspect in its discretionary use of the call-up procedure. Accordingly, the applicant's request in this regard will be denied.

17. Based on information provided by R–J, it is estimated that $18,101 will be required to meet first year construction and equipment costs, and $26,500 for 1 year's working capital, for a total of $44,601. On the basis of a projected balance sheet of the R–J Co., the applicant proposes to meet these expenses with current liquid assets consisting of cash in the amount of $30,000 and stocks listed on major exchange totaling $9,492. Since the projected balance sheet shows a total of $32,300 in current liabilities, however, no more than $7,192 of those assets can be considered as available quick assets. Moreover, the offer of $30,000 made by Emma M. Joseph (mother of partner Robert P. Joseph) is not substantiated by a balance sheet or financial statement as required.

18. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

19. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine whether the purported signature of Raymond Akins found on the advertising statement filed with the application of Click Broadcasting Co. is, in fact, Raymond Akins' signature.

(3) To determine, in the event issue 2 is resolved in the negative, whether Click Broadcasting Co. made an intentional misrepresentation to the Commission.

(4) To determine, in light of the evidence adduced pursuant to issues 2 and 3, above, whether Click Broadcasting Co. has the requisite qualifications to be a licensee of the Commission.

(5) To determine, with respect to the application of Click Broadcasting Co.:

(a) The sources of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year.

(b) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(6) To determine, with respect to the application of R–J Co.:

(a) Whether a loan of $30,000 is available to the applicant.

(b) The sources of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year.

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether this applicant is financially qualified.

(7) To determine whether there are adequate revenues available to support an additional standard broadcast station in the area proposed to be served by R–J Co., without a net loss or degradation of broadcast service to such area.

(8) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(9) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

20. *It is further ordered,* That, the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 7, above, are hereby placed upon Habersham Broadcasting Co., Inc.

21. *It is further ordered,* That the petition of Copper Basin Broadcasting Co., Inc., is granted to the extent indicated above, and is denied in all other respects.

22. *It is further ordered,* That, the petition of Habersham Broadcasting Co., is granted to the extent indicated above, and Is denied in all other respects.

23. *It is further ordered,* That petitioners herein Are made parties to the proceeding.

24. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and parties respondent pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

25. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 23, 1969.

Released: April 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–5197; Filed, Apr. 30, 1969; 8:49 a.m.]

[Docket No. 18528; FCC 69–423]

DeWITT RADIO

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Don Renault and Edwin Zaiontz doing business as DeWitt Radio, Yorktown, Tex., Requests: 1520 kc., 500 w, DA–Day, Docket No. 18528, File No. BP–17138, for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a petition to deny filed by Cuero Broadcasters, Inc., licensee of standard broadcast station KCFH, Cuero, Tex., and (c) pleadings in opposition and reply.

2. The petitioner claims standing as a party in interest on the ground that the proposed station would be located 17 miles east of Cuero and would serve substantially the same area, compete for

[8] Commissioner Bartley absent; Commissioners Robert E. Lee and Johnson concurring in the result.

audience and advertising revenues, and cause economic injury to KCFH. The Commission finds that the petitioner does have such standing within the meaning of section 309(d) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).[1]

3. Citing Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C., 346, 258 F. 2d 440, 17 RR 2066 (1958), and subsequent Commission actions for the proposition that "* * * when an existing licensee offers to prove that the economic effect of another station would be detrimental to the public interest, the Commission should afford an opportunity for presentation of such proof * * *", KCFH submits that a grant of the instant application would, owing to the economic limitations of the De Witt County market, result in substantial injury to KCFH and accordingly to the public, and that the application must be designated for hearing.[2] In support of this position the petitioner provides various data purporting to show that Yorktown is a small community with a virtually static population[3] and economy, that the median income in the county is $2,668, and that the number of retail establishments has declined from 371 to 299 in the period from 1958 to 1963.[4]

4. Responding to the questions posed in Missouri-Illinois, supra, the petitioner goes on to show that although retail sales in De Witt County increased from $22,186,000 to $30,166,000 between 1963 and 1965, the number of retail establishments in Yorktown decreased from 68 to 60 between 1963 and 1966, and in the county from 299 to 276. KCFH also observes that although its own advertising revenue has increased slightly, that of the other advertising media have remained the same or declined slightly.[5] Further, petitioner explains that its revenues have climbed only by virtue of increasing services and expenses; that other than $100 weekly for living expenses for the president, the officers have received no compensation for their work and, moreover, no corporate dividends have been declared.

5. The petitioner states that 32 Yorktown businesses do not advertise on KCFH,[6] and of these 16 stated that they would spend a total of $250 monthly on the proposed Yorktown station. A survey of businesses advertising on KCFH was conducted. Of the 17 advertisers actually interviewed, 9 would shift their entire advertising budgets to a Yorktown station and 7 would split their business between the stations, according to the petitioner. Because of the loss in advertising revenues which KCFH claims it would suffer, it states that it would be compelled to move some of its public service programs to less desirable time periods, and would shift personnel and the work schedule so that available labor hours could be devoted to selling advertising rather than preparing public service programs and announcements in order to "compensate to some degree for the loss of revenue should De Witt's application be granted." Moreover, in order to save some $200 per month, the Associated Press News Service would have to be eliminated, as would dues to the various broadcasters' organizations. Thus, concludes the petitioner, the loss of revenue to KCFH would result in a degradation of program service to the public.

6. In its opposition pleading, DeWitt challenges Cuero's argument concerning the economics of the Yorktown community, asserting that Yorktown is the most progressive town in De Witt County, with 36 new homes and 20 new business establishments, among other improvements. DeWitt challenges the validity of Cuero's advertising survey of local merchants[7] and also questions the judgment of the petitioner's sales manager who estimated that the maximum radio advertising potential of Yorktown is approximately $3,000 per year. The applicant goes on to state that they—Edwin Zaiontz, Don Renault and others—contacted 45 of the more than 100 business establishments and have written commitments of $36,235 for first year revenues. Finally, applicant states that there are many thousands of dollars not being discovered in Yorktown, and then presents a critical analysis of KCFH's programing and public service.

7. In its reply Cuero asserts that the allegations made by DeWitt do not in any way refute Cuero's showing. Specifically, the petitioner takes issue with some of the applicant's economic information such as the number of retail establishments and new homes in Yorktown, and also describes three businesses that have recently retrenched or closed due to poor business conditions. Cuero also asserts that the applicant is not financially qualified. Finally, Cuero noted that even if Don Renault plans to assume full-time duties at the new station, he, Mrs. Renault, and one announcer could not possibly perform all the news gathering and public service functions proposed.

8. Although the economic data provided by the petitioner is neither very current nor very extensive, it is obvious from the various statistics and the information before us that the two stations would be competing in a very thin market. Moreover, Cuero indicates that it would lose a substantial amount of revenue as several of its advertisers have stated that they would shift or split their advertising with a new station and further, that it would be forced to divide about $4,500 annually in national and regional advertising with the proposal.[8] Although DeWitt questions the extent of the potential losses in revenues, and also the necessity of some of the program curtailments indicated by the petitioner, we note that the court in Folkways Broadcasting Company, 375 F. 2d 299 (1967), decreed that:

> * * * At times there might be a knowledge of specific financial loss and its detrimental consequence on programing, but we think a Carroll hearing may not be limited to a case in which preknowledge of the exact economics of the situation is necessarily available. Requiring such precision would eliminate the doctrine as a practical matter.

On the basis of the foregoing, we find that the petitioner has raised substantial and material questions of fact concerning the ability of the Yorktown-Cuero area to support another standard broadcast station without a net degradation of program service to the public. Accordingly, a hearing will be ordered and a Carroll issue specified.

9. As to the applicant's financial qualifications, based on the information provided by the applicant, a total of $23,464 will be needed to meet the first year costs of construction and operation. Apart from the question, as suggested by Cuero, of whether DeWitt's estimated costs are realistic, the applicant's capitalization of $20,000 falls over $3,000 short of the necessary first year funds.[9] Furthermore, neither of the partners has established sufficient available current assets to cover his initial partnership commitment, in the amount of $15,000 for Don Renault and $5,000 for Edwin Zaiontz.

10. Based on the foregoing, a financial issue is clearly required in this case. Even if we assume that DeWitt's cost estimates are realistic and it can operate on this budget, the applicant has failed to establish sufficient liquid assets to meet the Commission's financial requirements. Thus, an issue will be specified to determine whether the applicant's estimated first year costs of construction and operation are realistic, and whether applicant's principals, Don Renault and Edwin Zaiontz, have sufficient available funds to meet their commitments. As to the adequacy of its proposed staff, we note that the applicant proposes to provide extensive news coverage (28.5 percent of its total programing), 44½ percent of which will be devoted to local and area news. Furthermore, based on Exhibit VII of the application, applicant partner Don Renault will handle the news chores for this station, along with his other duties in both this and his other station, KWDR in Del Rio, Tex.[10] We therefore find that an issue should also be specified to determine whether the staff proposed by the applicant would be adequate to operate the station as proposed in the application.

11. Finally, the petitioner indicates that the applicant's program survey is inadequate to meet the Commission's requirements in this regard,[11] stating that DeWitt proposes to base its concept of programing primarily on a meeting of 40 people representing civic, social, religious, governmental, and educational groups, which lasted about 1 hour; and also that the applicant fails to show how it derived its programing proposal from the survey alluded to. In response, DeWitt states that it submitted a sample of its form entitled "Questionnaire for Proposed Radio Station" and "outlined many persons and interests contacted." In its application DeWitt describes this meeting, states that many helpful suggestions were obtained, and that the questionnaires, a sample of which it filed with the exhibit, were distributed at the meeting, filled in, signed by the attendees, and returned to the applicant. Applicant provides a list of 14 civic leaders and city officials, 16 businessmen, two high school students and six church pastors, whom it states were contacted at or after the meeting, with a comprehensive analysis and summary of the general types of program needs, as well as some specific civic needs, which the survey contacts had disclosed.

12. As we stated in our public notice of August 22, 1968 (33 F.R. 12113, 13 RR 2d 1903), an applicant's showing should include the significant suggestions as to community needs received through the consultations with community leaders, whether or not the applicant proposes to treat them through its programing service. In this case, DeWitt refers to a few "specific needs" which its survey disclosed, such as more and better coverage of local news, certain civic promotions such as tourism and other chamber of commerce activities, and the like. However, the applicant fails to enumerate and identify the specific suggestions allegedly made by the community leaders and individuals listed. Moreover, other than presenting a brief summary of some of the programs which the applicant plans to broadcast, the applicant does not relate the proposed programs and program service to the needs of the community as evaluated. Therefore, since the applicant has not provided sufficient information to enable the Commission to determine whether it is aware of and responsive to the needs of the Yorktown area, a Suburban issue will also be specified.

13. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the above-captioned application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing in a consolidated proceeding, on the issues set forth below.

14. *Accordingly, It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of DeWitt Radio for a construction permit is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether there are adequate revenues available to support an additional standard broadcast station in the area proposed to be served by DeWitt Radio, without a net loss or degradation of broadcast service to such area.

(2) To determine, the efforts made by the applicant to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(3) To determine, with respect to the applicant:

(a) The basis of the applicant's estimate of construction and equipment costs.

(b) The basis of the applicant's estimated operating expenses for the first year of operation.

(c) The sources of additional funds necessary to meet the cost of construction and operation of the proposed station during the first year.

(d) In light of the evidence adduced pursuant to (a), (b), and (c) above, whether the applicant is financially qualified to operate the proposed station for 1 year without revenues.

(4) To determine whether the applicant's proposed staff is adequate in light of its operating and program plans.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

15. *It is further ordered,* That, the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1, above, are hereby placed upon Cuero Broadcasters, Inc.

16. *It is further ordered,* That, the petition of Cuero Broadcasters, Inc., is granted, to the extent indicated above, and is denied in all other respects.

17. *It is further ordered,* That Cuero Broadcasters, Inc., licensee of Station KCFH, is made a party to the proceeding.

18. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and the respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

19. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 23, 1969.

Released: April 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION[12]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-5198; Filed, Apr. 30, 1969; 8:49 a.m.]

[1] The applicant's claim that the petitioner does not have the requisite standing because they do not consistently provide a 2 mv/m signal over the entire Yorktown area is not persuasive.

[2] In addition to the Sanders and Carroll cases, the petitioner cites KGMO Radio-Television, Inc. v. FCC, 119 U.S. App. D.C. 1, 336 F. 2d 920 (1964); Southwestern Operating Co. v. FCC, 122 U.S. App. D.C. 137 351 F. 2d 834, 5 RR 2d 2121 (1965); and also Missouri-Illinois Broadcasting Company, FCC 64-748, 3 RR 2d 232 (1964).

[3] U.S. Census figures show that the population of Yorktown decreased from 2,596 to 2,527 from 1950 to 1960; that of Cuero from 7,489 to 7,338; and De Witt County from 22,973 to 20,683 for the same period.

[4] U.S. Department of Commerce Bureau of Census County and City Data Book of 1962.

[5] Petitioner shows total revenues of 37½ thousand for 1964, 44 thousand for 1965, and 46 thousand (estimated) for 1966. Of this $2,165, $3,030, and $2,600 respectively were derived from Yorktown.

[6] Petitioner points out that some of these businesses may advertise on Station KAME, Kenedy-Karnes City, Tex. (The other competing media in the area, according to KCFH, are: The De Witt County View (Yorktown), the Yorktown News, The Cuero Record, the Yoakum Herald-Times, and Stations KAML and KCTI (Gonzales, Tex.). The applicant claims that the Yoakum Herald and Station KCTI do not compete for the Yorktown market, and that it could find only one Yorktown merchant who advertises on Station KAML. In fact, it appears that these media do compete in some areas outside of Yorktown which both KCFH and the applicant would be serving.

[7] This is a reference to a survey of advertisers and nonadvertisers which Cuero made in answer to the Missouri-Illinois query as to "the specific advertisers that would shift (or split) their advertising to the proposed station." DeWitt states that it was told that Cuero's salesman as well as a local Cuero lady were holding themselves out as representing the FCC for the survey. However, no affidavits or other documentation to support these allegations has been provided by the applicant. Moreover, the petitioner has filed affidavits refuting the latter allegations.

[8] As to documentation of the statements of these advertisers, the petitioner states that if necessary at a hearing it will submit work sheets of its surveys and affidavits as to their validity, but does not wish to do so at this time because of possible detrimental competitive effects.

[9] DeWitt makes no Ultravision showing as to its claim in its opposition pleading that it has $36,235 in total advertising commitments from business establishments in Yorktown, and therefore can be given no credit for this asserted source of funds. Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965).

[10] In his application for construction permit for Station KWDR, Mr. Renault states that he will be a full-time employee of proposed station, and will devote a generous share of his time to the news department. The license for that station was granted on September 13, 1968. Although the applicant states that Mr. and Mrs. Renault will move to Yorktown if the instant application is granted, a question arises as to how he could leave his Del Rio station in view of the foregoing as well as the fact that his Del Rio application indicates a staff there no larger than that proposed for Yorktown.

[11] Citing report and statement of policy re: Commission En Banc Program Inquiry, 20 RR 1902 (1960), and Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

[12] Commissioner Bartley absent; Commissioners Robert E. Lee and Johnson concurring in result.

[Docket No. 18533; FCC 69-427]

NORTH DAKOTA BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of North Dakota Broadcasting Co., Inc., Jamestown, N. Dak., Docket No. 18533, File No. BPCT-4104, for construction permit for new television broadcast station.

1. The Commission has before it for consideration (a) the above-captioned application filed by North Dakota Broadcasting Co., Inc. (North Dakota); (b) objections, filed May 3, 1968, by the Association of Maximum Service Telecasters, Inc. (AMST); (c) further objections, filed July 11, 1968, by AMST; (d) opposition to further objections, filed July 24, 1968, by North Dakota; and (e) a pleading, filed March 24, 1969, by Spokane Television, Inc. (Spokane), licensee of television broadcast station KTHI-TV, Fargo, N. Dak.[1]

2. On March 19, 1968, North Dakota filed an application for a construction permit for a new television broadcast station to operate on Channel 7, Jamestown, N. Dak. The application specified a transmitter site which did not comply with the Commission's mileage separation requirements since it was short-spaced to Television Broadcast Station KCMT, Alexandria, Minn., and AMST filed an objection to a grant of the application. Subsequently, on June 14, 1968, North Dakota amended its application and specified a new transmitter site which complied with the mileage separation requirements with respect to Station KCMT, but was 188.4 miles from the transmitter site of 100-watt VHF translator Station K07HN, Dickinson, N. Dak., authorized to operate on Channel 7, Dickinson, N. Dak. AMST then filed further objections alleging that the new proposed site was short-spaced to the translator in Dickinson in violation of § 73.610(b)(1) of the Commission's rules for cochannel stations located in Zone II.[2]

3. Although we have held that the separation requirements of § 73.610 of the Commission's rules is applicable to high-power translators, see WLUC, Incorporated, 13 FCC 2d 406, 13 R.R. 2d 508 (1968), we think that, under the circumstances of this case, a waiver of the rule is warranted. The possibility of interference is remote because of the relatively small amount of short-spacing involved (1.6 miles) and because the translator station in Dickinson operates with only 100 watts of output power. Waiver of the separation requirement should not be construed as an indication that we would permit a regular television station to operate on the Dickinson channel from the same site.

4. Spokane alleges that North Dakota's application raises substantial questions as to whether a grant of the application would be in the public interest, convenience, and necessity. Spokane alleges that it is a party in interest since its Station KTHI-TV would compete for audience and revenues in the same market as the proposed station. It is also alleged that the station will be a satellite of commonly owned Station KXJB-TV, Valley City, N. Dak., and that a grant of the application would constitute an inefficient and wasteful use of the Channel 7 allocation to Jamestown, N. Dak. It is argued that the predicted Grade B contour of the proposed satellite station will cover approximately 5,400 square miles of which approximately 4,300 square miles is already being covered by the predicted Grade B contour of Station KXJB-TV. That is, there is an overlap of approximately 75 percent of the proposed station's Grade B contour by the commonly owned parent stations Grade B contour. Since the population in the 1,100 square miles that will be provided a Grade B signal for the first time is very sparse, the proposed satellite will add very little to the coverage of Station KXJB-TV, but will preempt the only allocated commercial television broadcast channel assigned to Jamestown.

5. The Commission is of the view that a substantial question is raised by Spokane's petition and that a hearing is required to determine whether the proposed operation would constitute an efficient use of the frequency and whether it would be in the public interest, convenience, and necessity to grant the application. A section 307(b) issue has, therefore, been specified.

6. John Boler, the president of applicant, owns 100 percent of the stock of Jamestown Broadcasting Co., Inc., which is a holding company, owning controlling interests in KXMB-TV, Inc., licensee of Station KXMB-TV, Channel 12, Bismarck, N. Dak.; South Dakota Television, Inc., licensee of Station KXAB-TV, Channel 9, Aberdeen, S. Dak.; and North Dakota Broadcasting Co., Inc., licensee of Station KXJB-TV, Channel 4, Valley City, N. Dak. A grant of the application would authorize a fourth commonly owned VHF television broadcast station in the market which might result in a regional concentration of control inconsistent with provisions of § 73.636 of the Commission's rules. Accordingly, an appropriate issue will be specified.

7. North Dakota has failed to demonstrate that it is financially qualified to construct and operate the proposed broadcast station for a period of 1 year, see Ultravision Broadcasting Company, 1 FCC 2d 544, 5 R.R. 2d 343 (1965). Based upon information contained in the application, at least $86,848 will be needed for the construction and first-year operation of the proposed station.[3] To meet the cash requirement, North Dakota relies upon existing capital and a $100,000 bank loan from The Fargo National Bank, Fargo, N. Dak. However, the balance sheet of North Dakota indicates that current liabilities exceed current and liquid assets so that we can not determine that any existing capital will be available. Furthermore, the balance sheet dated December 31, 1967, is approximately 15 months old and is, therefore, not current enough to rely upon in determining North Dakota's financial position. The bank letter is not a firm commitment to lend funds and, moreover, does not disclose the terms of repayment, interest, and security, if any. Under these circumstances, we can not determine the exact amount of funds which will be needed to construct and operate the station for a period of 1 year and also we can not determine that the bank loan is available. Accordingly, appropriate financial issues have been specified.

8. North Dakota's application is also deficient with respect to the programing information which is to be provided pursuant to part 1, section IV-B of FCC Form 301. North Dakota does not provide information concerning the identity, titles, and organizations of the community leaders interviewed and the suggestions that were received from the community leaders during the survey taken of people in the area to be served by the proposed broadcast station, see public notice of August 22, 1968, concerning the ascertainment of community needs by broadcast applicants. Therefore, a programing issue has been specified.

9. Except as otherwise indicated, the applicant is legally, financially, technically, and otherwise qualified to construct as proposed.

10. *It is ordered*, That the informal objections filed by the Association of Maximum Service Telecasters, Inc., are denied; that, to the extent indicated above, the informal objections filed by Spokane Television Inc., are granted, and in all other respects are denied; and that the application of North Dakota Broadcasting Co., Inc., is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

(1) To determine whether a grant of the application would be consistent with section 307(b) of the Communications Act of 1934, as amended, with respect to whether the proposed operation would constitute an efficient use of the frequency.

(2) To determine whether, in light of the facts outlined above, a grant of the application would result in a concentration of control inconsistent with the provisions of § 73.636 of the Commission's rules.

(3) To determine whether, the bank loan from The Fargo National Bank is available, and, if so, the terms of repayment, and conditions, if any, of the loan.

(4) In view of the evidence adduced under issue "3" the extent, if any, to which the cash requirement will be increased by the first-year repayments on the bank loan.

(5) To determine whether, in view of the evidence adduced under issues "3" and "4," North Dakota has available sufficient funds to meet its cash requirements, and if not, whether North Dakota will have available additional sufficient resources to supplement available funds.

(6) To determine whether, in light of the evidence adduced under issues "3," "4," and "5," the applicant is financially qualified.

(7) To determine the efforts made by North Dakota, to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(8) To determine, in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience, and necessity.

11. *It is further ordered*, That, in the event that this application is granted, § 73.610 of the Commission's rules shall be waived.

12. *It is further ordered*, That, Spokane Television, Inc., on the Commission's own motion, is made a party to the proceeding.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

14. *It is further ordered*, That, North Dakota Broadcasting Co., Inc., pursuant to section 311(a)(1) of the Commission's rules, shall give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Commission's rules.

Adopted: April 23, 1969.

Released: April 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-5199; Filed, Apr. 30, 1969; 8:49 a.m.]

[1] Spokane asserts standing as a party in interest and requests waiver of the 30 day requirement for filing petitions to deny. In view of our disposition of objections on the merits, we do not reach the question of standing.

[2] Section 73.610(b)(1) provides that the minimum cochannel station separation for stations in Zone II is 190 miles.

[3] Consisting of down payment on equipment ($11,111), first-year payments on equipment including interest ($21,587), land ($500), buildings ($16,900), miscellaneous expenses ($750), and first-year operating costs ($36,000).

[4] Commissioner Bartley absent; Commissioner Robert E. Lee concurring in the result.

[Docket Nos. 18531, 18532; FCC 69-425]

VISTA BROADCASTING CO., INC., AND KNET, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Vista Broadcasting Co., Inc., Palestine, Tex., Requests: 94.3 mcs, No. 232; 3 kw.; 300 feet, Docket No. 18531, File No. BPH-6292; Knet, Inc., Palestine, Tex., Requests: 94.3 mcs, No. 232; 3 kw.; 300 feet, Docket No. 18532, File No. BPH-6405; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

3. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

4. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

5. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 23, 1969.

Released: April 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-5200; Filed, Apr. 30, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Revised), Amdt. 4]

MANAGING DIRECTOR

Delegation of Authority

Section 7 *Specific authorities delegated to the Managing Director* is hereby amended as follows:

A new section 7.15 is added to read as follows:

7.15 Authority to issue notices of intent to cancel inactive tariffs of carriers in the domestic offshore trades, after a diligent effort has been made to locate the carrier without success, or if the carrier has advised the Commission that it no longer offers a domestic common carrier service but refuses to cancel its tariff upon written request; and to cancel such tariff if within 30 days after publication, the carrier does not furnish reasons why such tariff should not be canceled.

JOHN HARLLEE, *Rear Admiral, U.S. Navy (Retired), Chairman.*

[F.R. Doc. 69-5207; Filed, Apr. 30, 1969; 8:49 a.m.]

[Commission Order 201.1 (Revised), Amdt. 5]

DIRECTOR, BUREAU OF DOMESTIC REGULATION

Redelegation of Authority

Section 6 *Specific authorities redelegated to the Director, Bureau of Domestic Regulation* is hereby amended as follows:

A new section 6.10 is added to read as follows:

6.10 Authority to issue notices of intent to cancel inactive tariffs of carriers in the domestic offshore trades, after a diligent effort has been made to locate the carrier without success, or if the carrier has advised the Commission that it no longer offers a domestic common carrier service but refuses to cancel its tariff upon written request; and to cancel such tariff if within 30 days after publication, the carrier does not furnish reasons why such tariff should not be canceled.

JAMES E. MAZURE, *Acting Managing Director.*

[F.R. Doc. 69-5208; Filed, Apr. 30, 1969; 8:49 a.m.]

[1] Commissioner Bartley absent.

[Docket No. 69-21]

TRANSCONEX, INC.

General Increase in Rates in U.S. South Atlantic/Puerto Rico-Virgin Islands Trades; Order of Investigation

There has been filed with the Federal Maritime Commission by Transconex, Inc., a nonvessel operating common carrier by water in the domestic trades, the following revised pages to its Freight Tariff FMC-F No. 1 scheduled to become effective April 30, 1969, which generally increase rates and charges in the subject trades:

Second Revised Page 8.
Third Revised Page 9.
Second Revised Page 15.
Third Revised Page 16.
Third Revised Page 18.
Sixth Revised Page 19.
Seventh Revised Page 20.
Eighth Revised Page 21.
Fourth Revised Page 21-A.
First Revised Page 22.
Second Revised Page 23.
Second Revised Page 24.
Third Revised Page 25.
Third Revised Page 26.
Second Revised Page 27.
Second Revised Page 28.
Second Revised Page 29.
Fifth Revised Page 30.
Fifth Revised Page 31.
Fifth Revised Page 32.
Fifth Revised Page 33.
Seventh Revised Page 34.
Third Revised Page 34-A.
Third Revised Page 34-B.
Third Revised Page 35.
Fourth Revised Page 36.
Second Revised Page 37.
Second Revised Page 38.
Second Revised Page 39.
Second Revised Page 40.
Second Revised Page 41.
Second Revised Page 42.

Upon consideration of the said tariff pages there is reason to believe that the increased rates and charges, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916; and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the said tariffs with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation;

It is further ordered, That Transconex, Inc. be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, (II) the said respondent be duly notified of the time and place of the hearing, and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-5209; Filed, Apr. 30, 1969; 8:50 a.m.]

8900 LINES RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Stanley O. Sher, Esquire, Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, D.C. 20006.

Agreement No. 8900-3, between the members of the 8900 Lines Rate Agreement, operating in the trade from U.S. Atlantic and Gulf ports to Persian Gulf ports between Karachi and Aden, both excluded, modifies the basic agreement by adding the following new paragraph No. 7:

7. Activities with Nonmember Carriers. No party hereto or its agents shall directly or indirectly charter space on a vessel being operated in the Arabian/Persian Gulf Trade for the account of a carrier not a party hereto nor solicit, arrange for, book or re-book cargo on such a vessel.

Dated: April 28, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-5210; Filed, Apr. 30, 1969; 8:50 a.m.]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William L. Hamm, General Secretary, The India, Pakistan, Ceylon and Burma Outward Freight Conference, 25 Broadway, New York, N.Y. 10004.

Agreement No. 7690-12 between the member lines of the India, Pakistan, Ceylon and Burma Outward Freight Conference, operating in the trade from U.S. Atlantic and Gulf of Mexico ports to ports in India, Pakistan, Ceylon, and Burma, modifies the basic agreement by amending paragraph 7 which presently provides that prepayment of rates or other charges for transportation within the scope of the agreement may be accepted in freely convertible and readily transferable Indian Rupees. Paragraph 7 further provides that it may be amended upon consent of three-quarters of the member lines entitled to vote at the time the amendment may be made, but no such amendment shall become effective until 60 days after its adoption, unless such amendment is adopted by the unanimous consent of the members entitled to vote at the time any such amendment may be made.

The modification provides: "Any such amendment shall deal only with matters relating to Indian Rupees."

The intent is to clarify that the aforementioned voting procedure applies to paragraph 7 only.

Dated: April 28, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-5211; Filed, Apr. 30, 1969; 8:50 a.m.]

MEDCHI FREIGHT POOL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Eric G. Brown, Secretary, Medchi Freight Pool, 10 Place De La Joliette (2me), Bouchee-Du-Rhone, Marseilles, France.

Agreement No. 9020-7 modifies the basic pooling agreement as follows:

1. Eliminates temporary provisions which substitute calls at Cadiz for calls at Seville and extend all related pool activities to that port.

2. Makes "Automobiles new, unlicensed, unboxed, not privately owned" an unrestricted exception to those cargoes covered by the pooling agreement.

3. Makes changes in the carrying money for which Commission approval is not required.

4. Adds new provisions which will cause a member line's pool share to be reduced during any pool period for failure to effect the minimum number of loading or discharge calls even though it carried more than its quota.

Dated: April 28, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-5212; Filed, Apr. 30, 1969; 8:50 a.m.]

[Independent Ocean Freight Forwarder License 1193]

RICHARD M. COSTIGAN

Suspension of License

By letter dated April 11, 1969, Richard M. Costigan, 2116 North 117th Street, Seattle, Wash., advised that he voluntarily was canceling his surety bond, and requested that his independent ocean freight forwarder license No. 1193 be suspended until such time as active status is again desired.

Section 510.9(e) of the Commission's General Order 4 states, in pertinent part:

> A license will be automatically suspended or revoked, without hearing or other proceeding, for failure of a licensee to maintain a valid surety bond on file. The Commission upon receipt of notice of cancellation of any bond, will notify the licensee in writing that his license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted to and approved by the Commission prior to such date.

Absent extreme hardship or reasonable justification, the Commission's policy is to disallow indefinite suspensions. Therefore, by letter dated April 23, 1969, the Bureau of Domestic Regulation notified Mr. Costigan that a temporary suspension of his license would be allowed to commence May 14, 1969 (the surety bond termination date), and terminate December 31, 1969, without prejudice to automatic reactivation of his license on January 1, 1970, provided certain conditions, hereinbelow set forth, were met.

Accordingly, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the independent ocean freight forwarder license No. 1193 of Richard M. Costigan be and is hereby suspended effective May 14, 1969, for automatic reissuance not later than January 1, 1970, provided:

1. License No. 1193 is returned promptly to the Commission to be held in suspension for a period not longer than December 31, 1969;

2. Richard M. Costigan submits to the Commission on or before December 31, 1969, a new and valid surety bond as required by General Order 4, and a statement attesting to complete inactivity as an independent ocean freight forwarder during the period of suspension; and

3. Richard M. Costigan submits, together with the aforesaid new bond and statement of inactivity, a true statement of any changes in the facts called for in Form FMC-18 (application form to operate as an independent ocean freight forwarder) occurring during the period of suspension.

It is further ordered, That failure to submit the required bond within the time stated above shall result in automatic revocation of license No. 1193 effective January 1, 1970; such revocation to be without prejudice to reapplication for a license at a later date. Failure to submit the aforesaid statements together with the required bond shall result in formal determination by the Commission of licensee's eligibility to be reinstated as an independent ocean freight forwarder.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-5213; Filed, Apr. 30, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI69-430—RI69-432]

MOBIL OIL CORP. ET AL.

Order Amending Orders Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

APRIL 23, 1969.

Mobil Oil Corp. (Operator) et al., docket No. RI69-430; Mobil Oil Corp., docket No. RI69-431; Northern Natural Gas Producing Co., docket No. RI69-432.

On December 5 and 6, 1968, Mobil Oil Corp. (Operator) et al., and Mobil Oil Corp. (both referred to herein as Mobil), filed with the Commission proposed rate changes[1] which pertain to Mobil's jurisdictional sales of natural gas in the San Juan Basin Area to El Paso Natural Gas Co. (El Paso). On December 5, 1968, Northern Natural Gas Producing Co. (Northern Natural) filed two proposed rate increases, among others, for its sales of gas from the San Juan Basin Area to El Paso.[2] The Commission by order issued December 31, 1968, in dockets Nos. RI69-430 and RI69-431 (Mobil) and RI69-432 (Northern Natural) suspended, among others, for 5 months Mobil and Northern Natural's proposed rate increases until June 5 and 6, 1969, as shown in Appendix A, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On March 24, 1969, Mobil and Northern Natural filed for tax reimbursement on rates which were previously suspended. Mobil and Northern Natural inadvertently omitted from their original filings tax reimbursement for the full 2.55 percent New Mexico Emergency School Tax and have submitted revised rate changes to reflect such tax reimbursement. The proposed substitute rate filings are set forth in Appendix A hereof.

[1] Designated as Supplement No. 13 to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 38, and Supplement Nos. 14 and 9 to Mobil Oil Corp.'s FPC Gas Rate Schedule Nos. 314 and 427, respectively.

[2] Designated as Supplement Nos. 12 and 13 to Northern Natural's FPC Gas Rate Schedule Nos. 26 and 27, respectively.

Mobil and Northern Natural's revised rate filings reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. The buyer, El Paso, in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of Mobil and Northern Natural's proposed increased rates and charges.

On February 20, 1969, the suspension order issued in Docket No. RI69–431 was amended only so far as to permit Mobil's two proposed contract amendments adding acquired acreage and proposed rate increase, designated as Supplement No. 9 to Mobil's FPC Gas Rate Schedule No. 427 to be filed and suspended in Docket No. RI69–431. The suspension period for such filing will terminate concurrently with the suspension period (June 6, 1969) in effect in said docket for Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 427.

Mobil and Northern Natural's proposed rates exceed the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rates in said dockets. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Mobil and Northern Natural's revised notices of change in rates subject to the suspension proceedings in Dockets Nos. RI69–430, RI69–431, and RI69–432, with the suspension periods for such substitute rate filings to terminate concurrently with the suspension periods (June 5 and 6, 1969) (Mobil) and June 5, 1969 (Northern Natural) of the original rate filings in said dockets.

The Commission orders:

(A) The suspension order issued December 31, 1968, in Docket No. RI69–430 et al., and the amending order issued February 20, 1969, in Docket No. RI69–431, be amended, insofar as Dockets Nos. RI69–430, RI69–431, and RI69–432 are concerned, to reflect the increased rates set forth in Appendix A hereof in lieu of the increased rates shown in the above orders, subject to the suspension proceedings in Dockets Nos. RI69–430, RI69–431, and RI69–432. The suspension periods for such substitute filings shall terminate concurrently with the suspension periods (June 5 and 6, 1969) (Mobil) and June 5, 1969 (Northern Natural) of the original rate filings in said dockets.

(B) In all other respects, the order issued by the Commission on December 31, 1968, in Dockets Nos. RI69–430, RI69–431, and RI69–432, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–430	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001, Attention: R. D. Howarth, Esq.	38	1 to 13	El Paso Natural Gas Co. (Jicarilla Area, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$6,080 1,756	3–24–69	[1] 4–24–69	[2] 6–5–69	[7] 15.0541 [7] [8] 13.0469	[3] [4] [6] 15.2510 [3] [4] [8] 13.2175	
RI69–431	Mobil Oil Corp.	314	1 to 14	El Paso Natural Gas Co. (San Juan Basin Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	976	3–24–69	[1] 4–24–69	[9] 6–5–69	[10] 14.0578	[3] [4] [6] 14.2678	
	do	427	10	El Paso Natural Gas Co. (Flora Vista Field, San Juan County, N. Mex.) (San Juan Basin Area).	473	3–24–69	[1] 4–24–69	[11] 6–6–69	[12] 15.0619	[3] [4] [6] 15.2869	
RI69–432	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001, Mr. R. D. Howarth, Esq.	27	1 to 13	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	579	3–24–69	[1] 4–24–69	[13] 6–5–69	[14] 14.0505	[3] [4] [6] 14.2343	
	do	26	1 to 12	do	450	3–24–69	[1] 4–24–69	[13] 6–5–69	[14] 14.0505	[3] [4] [6] 14.2343	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] End of the suspension period for the previously filed rates in Docket No. RI69–430.
[3] Tax reimbursement increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax
[6] High pressure gas.
[7] Rate suspended in Docket No. RI69–430 until June 5, 1969.
[8] Low pressure gas.
[9] End of the suspension period for the previously filed rate in Docket No. RI69–431.
[10] Rate suspended in Docket No. RI69–431 until June 5, 1969.
[11] End of the suspension period for the previously filed rate in Docket No. RI69–431.
[12] Rate suspended in Docket No. RI69–431 until June 6, 1969.
[13] End of the suspension period for the previously filed rate in Docket No. RI69–432.
[14] Rate suspended in Docket No. RI69–432 until June 5, 1969.

[F.R. Doc. 69–5080; Filed, Apr. 30, 1969; 8:45 a.m.]

[Docket No. RI69–720]

SOHIO PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 23, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 9, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–720	Sohio Petroleum Co., 970 First National Bank Annex, Oklahoma City, Okla. 73102.	145	2	Phillips Petroleum Co.[3] (West Panhandle Field, Hutchinson County, Tex.) (RR. District No. 10).	$498	4–2–69	[5] 5–16–69	[6] 5–17–69	[7] 13.0	[4] [7] 14.0	

[3] It cannot be determined to which of Phillips' plants in the area the gas involved is dedicated. Phillips resells the residue gas from such plants to interstate pipeline companies at rates which are in effect subject to refund.
[4] The stated effective date is the contractual effective date.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Sweet gas rate. Buyer deducts 0.4466 cent if gas is sour.

Sohio Petroleum Co. (Sohio) proposes a periodic rate increase from 13 cents to 14 cents per Mcf for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) from the West Panhandle Field, Hutchinson County, Tex. (Railroad District No. 10). Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Sohio's proposed rate exceeds the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Sohio's rate increase should be suspended for one day from May 16, 1969, the proposed effective date.

[F.R. Doc. 69–5081; Filed, Apr. 30, 1969; 8:45 a.m.]

[Docket No. RI69–711 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 23, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–711	Union Oil Co. of California, Union Oil Center Center, Los Angeles, Calif. 90017.	24	9	Northern Natural Gas Co. (Farnsworth Unit, Ochiltree County, Tex.) (RR. District No. 10).	$108	4–2–69	[2] 5–3–69	10–3–69	[3] 17.0	[4] [5] 18.5	
RI69–712	Service Gas Products Co. (Operator), 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	1	6	Lone Star Gas Co. (Doyle Plant, Stephens County, Okla.) (Oklahoma "Other" Area).	12,940	4–3–69	[2] 5–4–69	10–4–69	[7] 14.0	[6] 15.0	
	do	2	3	Lone Star Gas Co. (Aylleworth Plant, Marshall County, Okla.) (Oklahoma "Other" Area).	12,910	4–3–69	[2] 5–4–69	10–4–69	[7] 12.0	[6] 13.0	
	do	3	6	Lone Star Gas Co. (West Hoover Plant, Carter County, Okla.) (Oklahoma "Other" Area).	1,250	4–3–69	[2] 5–4–69	10–4–69	[7] 14.0	[6] 15.0	
	do	4	1	do	11,620	4–3–69	[2] 5–4–69	10–4–69	15.0	[6] 17.0	
	do	5	2	Lone Star Gas Co. (Doyle Plant, Stephens County, Okla.) (Oklahoma "Other" Area).	69,900	4–3–69	[2] 5–4–69	10–4–69	15.0	[6] 17.0	
RI69–713	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	231	2	Arkansas Louisiana Gas Co. (Southeast Lacy Field, Blaine County, Okla.) (Oklahoma "Other" Area).	640	4–3–69	[2] 5–4–69	10–4–69	15.0	[6] 16.0	
RI69–714	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	[11] 309	2	Natural Gas Pipeline Co. of America (East Laketon Field, Gray County, Tex.) (RR. District No. 10).	705	3–28–69	[8] 4–28–69	9–28–69	[9] 17.0	[8] [10] [11] 18.5	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-715..	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102, Attention: David E. Byers, Esq.	136	[12] 6	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,061	4- 3-69	[9] 5- 4-69	10- 4-69	14.0578	[8] [14] 15.0619	RI64-498.
RI69-716..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attention: F. E. Sweat, Manager, Natural Gas Sales.	305	6	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	365	3-27-69	[9] 4-27-69	9-27-69	12.81	[4] [13] 13.5705	
RI69-717..	Bert Fields, Jr., 1181 First National Bank Bldg., Dallas, Tex. 75202, Attention: Mark D. Jackman, Superintendent.	12	2	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	600	3-24-69	[8] 4-24-69	9-24-69	[15] 13.0	[8] [14] [16] 14.0	
RI69-718..	El Paso Products Co.,[17] Post Office Box 3986, Odessa, Tex. 79760, Attention: John B. Mason, Esq.	1 1	[12] 7 8	El Paso Natural Gas Co. (San Juan Basin Area, San Juan County, N. Mex.) (San Juan Basin Area).	---------- 9,037	4- 1-69 4- 1-69	[9] 5- 2-69 [9] 5- 2-69	(Accepted) 10- 2-69	---------- [15] 12.0495	---------- [14] [16] 14.0578	RI64-652.
RI69-719..	The Nueces Co. (Operator), 1001 Americana Bldg., Houston, Tex. 77002.	3	12	El Paso Natural Gas Co. (Fort Stockton Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	41,173	4- 1-69	[9] 5- 2-69	10- 2-69	14.50	[4] [15] 18.243	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Respondent filing from initial certificated rate for acreage added by Supplement No. 8 to present contract rate under periodic pricing provisions of contract.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Periodic rate increase.
[7] Settlement rate by order issued July 18, 1966, in Dockets Nos. RI62-18 and RI63-249. Moratorium on rate increases on all rate schedules in excess of the area ceiling expired Apr. 1, 1969.
[8] Two-step periodic rate increase.
[9] The stated effective date is the effective date requested by Respondent.
[10] Respondent filing from initial certificated rate to initial contract rate.
[11] Subject to downward and upward B.t.u. adjustment.
[12] Atlantic Richfield Co. filed notice of succession to all of Sinclair's rate schedules on Mar. 17, 1969.
[13] Does not apply to acreage added by Supplements Nos. 3 and 5 for which gas Skelly is receiving 13 cents per Mcf.
[14] Pressure base is 15.025 p.s.i.a.
[15] Increase from applicable area ceiling rate to contract rate adjusted for quality.
[16] Does not include the 1 cent per Mcf minimum guarantee for liquids provided for in contract.
[17] Subsidiary of El Paso Natural Gas Co.
[18] Letter agreement dated Jan. 25, 1968, which provides for change in delivery from buyer's high pressure line to buyer's low pressure line and for payment under low pressure contract (Rate Schedule No. 6). Also provides that buyer is not obligated to take or pay for, if not taken, any specific portion of gas but will take gas in a ratable manner.
[19] Rate provided for in Rate Schedule No. 6 which is to govern the payment provision for the subject gas. (Rate is effective subject to refund in Docket No. RI64-468.)

Union Oil Company of California requests waiver of the statutory notice to permit its proposed rate increase to become effective as of the date of filing, April 2, 1969. Service Gas Products Co. (Operator) requests an effective date of April 1, 1969, for its proposed rate increases. Bert Fields, Jr., requests a retroactive effective date of January 1, 1969 for his rate increase filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The basic contract related to the proposed rate increase filed by Bert Fields, Jr. (Fields), contains a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Fields is advised that a notice of change in rate will be required if he intends to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator) et al.

Concurrently with the filing of its rate increase, El Paso Products Co. (El Paso Products) submitted a letter agreement dated January 25, 1968, designated as Supplement No. 7 to El Paso Products' FPC Gas Rate Schedule No. 1, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing El Paso Products' proposed letter agreement to become effective on May 2, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for five months as ordered herein.

The Commission finds:

(1) Good cause has been shown for accepting for filing the letter agreement filed by El Paso Products, as set forth above, and for permitting such supplement to become effective on May 2, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 7 to El Paso Products' FPC Gas Rate Schedule No. 1 is accepted for filing and permitted to become effective as of May 2, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 9, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-5082; Filed, Apr. 30, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

APRIL 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 26, 1969, through May 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5170; Filed, Apr. 30, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

APRIL 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc., formerly Jodmar Industries, Inc., may be known as American Lima Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 27, 1969, through May 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5171; Filed, Apr. 30, 1969; 8:46 a.m.]

[811-1794]

TREDUOC FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

APRIL 25, 1969.

Notice is hereby given that Treduoc Fund, Inc., 245 Park Avenue, New York, N.Y. 10017 ("Applicant"), a Delaware corporation registered as a diversified closed-end investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is now, and has been since its inception, a shell corporation with no assets or stockholders. The original intent of the promoters to make a public offering of Applicant's securities and to engage in the business of investing, reinvesting, owning, holding, and trading in securities has been abandoned. Applicant does not intend to issue any shares or to operate in any manner whatsoever.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 20, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5168; Filed, Apr. 30, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

APRIL 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest, and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 26, 1969, through May 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5172; Filed, Apr. 30, 1969; 8:46 a.m.]

[811-1793]

WELL-HART HEDGE FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

APRIL 25, 1969.

Notice is hereby given that Well-Hart Hedge Fund, Inc., 245 Park Avenue, New York, N.Y. 10017 ("Applicant"), a Delaware corporation registered as a diversified closed-end investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is now, and has been since its inception, a shell corporation with no assets or stockholders. The original intent of the promoters to make a public offering of Applicant's securities and to engage in the business of investing, reinvesting, owning, holding, and trading in securities has been abandoned. Applicant does not intend to issue any shares or to operate in any manner whatsoever.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 20, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5169; Filed, Apr. 30, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

RELATED INDUSTRIES, INC.

Notice of Withdrawal of Request To Operate and Participate in Small Business Defense Production and Research and Development Pool

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394), and section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, notice of publication is hereby given of the following small business concerns which have withdrawn from membership in Related Industries, Inc., a small business defense production and research and development pool:

Liberty Plastics Co., Woodstown, N.J.
Rodman H. Martin Co., Inc., Norristown, Pa.

The original list of applicants was published in 28 F.R. 1817 (Feb. 27, 1963).

Dated: April 22, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69–5173; Filed, Apr. 30, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1290]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 25, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1459 (Sub-No. 5) (Amendment) filed March 6, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished as amended, this issue. Applicant: ROYAL MOTOR EXPRESS, INC., 410 West Silver Street, Lebanon, Ohio 45036. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio, on the one hand, and, on the other, St. Louis, Mo., and points in Indiana, Illinois, Kentucky, and West Virginia, restricted to shipments moving in shipper owned semitrailers, under contract with the Standard Oil Co. of Ohio and its subsidiaries. NOTE: This republication is for the purpose of adding the above restriction. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2202 (Sub-No. 369), filed April 3, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Denton and Greenville, Tex., over Texas Highway 24, as an alternate route for operating convenience only, serving no intermediate points and serving McKinney for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2542 (Sub-No. 13), filed April 9, 1969. Applicant: THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 900 Chapel Street, New Haven, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction Interstate Highway 91 and Massachusetts-Vermont State line and Island Pond, Vt., from junction Interstate Highway 91 and the Massachusetts-Vermont State line over Interstate Highway 91 to the end of Interstate Highway 91 near Norwich, Vt., thence over U.S. Highway 5 to St. Johnsbury, Vt., thence over Vermont Highway 114 to Island Pond, Vt., and return over the same route, as an alternate route, in connection with applicant's authorized regular route authority, serving no intermediate points. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

No. MC 2860 (Sub-No. 54), filed April 4, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food* (except commodities in bulk), from Allentown, Pa., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 3854 (Sub-No. 11), filed April 7, 1969. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products, pipe conduit, wall coping, fittings, and fire brick* from (1) Greensboro and Gulf, N.C., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, the New York, N.Y., commercial zone, Wilmington, Del., Philadelphia, Pa., Baltimore and Elkton, Md., points in Monmouth, Middlesex, Morris, Passaic, Bergen, Hudson, Essex, Union, and Somerset Counties, N.J., Maine and the District of Columbia; and (2) from Columbia, S.C., to points in Florida, Alabama, Georgia, Tennessee, Kentucky, South Carolina, North Carolina, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 118864 Sub 1, therefore dual operations may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at (1) Raleigh, N.C., or (2) Greensboro, N.C.

No. MC 10761 (Sub-No. 239), filed April 11, 1969. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naldow (same address as applicant) and A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, coffee whitener, dessert topping, pudding, baking items and base baking and cooking products*, nondairy, from the plant-site and storage facilities of Rich Products, located at Buffalo, N.Y., to Muskegon, Mich., and Gallipolis and Marietta, Ohio. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 14552 (Sub-No. 28), filed March 20, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing, and fittings therefor*, unloaded by mechanical devices furnished by the carrier, from Glendale, W. Va.; Carnegie, Ambridge, and New Kensington, Pa.; and Niles, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it would tack with its existing authority to serve northeastern Ohio or northwestern Pennsylvania. Applicant holds contract authority under MC 123991, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 25798 (Sub-No. 185), filed April 11, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa, to points in Alabama, Georgia, and Tennessee (except Memphis, Tenn.), restricted to traffic originating at Sioux City, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 25869 (Sub-No. 89), filed April 9, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Glenwood, Iowa, to points in South Dakota, Nebraska, Colorado, Kentucky, Missouri, Kansas, Indiana, Illinois, Iowa, Wisconsin, Michigan, and Minnesota. NOTE: Common control may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 29886 (Sub-No. 247), filed April 11, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities which require the use of special equipment or special handling by reason of size or weight;* and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk), to, from and/or between military installations of Defense Department establishments in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32562 (Sub-No. 30), filed April 10, 1969. Applicant: POINT EXPRESS, INC., Box 10185, Station C, Charleston, W. Va. 25312. Applicant's representative: R. J. Hyman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving Hamlin, W. Va., as an off route point in connection with carrier's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Columbus, Ohio.

No. MC 34689 (Sub-No. 10), filed February 5, 1969. Applicant: H. MAYNARD GOULD CO., a corporation, Union Street, East Walpole, Mass. 02081. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and materials and supplies* used in the installation thereof (except in bulk, in tank vehicles); (1) from Walpole and Norwood, Mass., to Boston, Mass., and points in Connecticut, Rhode Island, and New Hampshire; (2) from Phillipsdale, R.I., to points in Connecticut, Massachusetts, Vermont, and New Hampshire; and (3) from Norwood and Walpole, Mass., and Phillipsdale, R.I., to points in York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine. NOTE: Applicant holds contract carrier authority under docket No. MC 43251 and Subs, therefore, dual operations may be involved. Applicant intends to tack this to the extent possible, but not beyond the States presently authorized to be served, by his regular routes, to wit: Massachusetts, Rhode Island, Connecticut, New Hampshire, and New Jersey. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 42156 (Sub-No. 4), filed April 10, 1969. Applicant: WALTON BULIFANT (WALTON BULIFANT, JR., AND DONALD BULIFANT - EXECUTORS) doing business as M. BULIFANT, 972 North Frost Street, Philadelphia, Pa. 19123. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Philadelphia, Pa., to points in Suffolk and Nassau Counties, N.Y., and *refused, damaged and returned shipments* on return. Restriction: The authority sought shall not be joined or tacked with applicant's existing operating rights. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 48221 (Sub-No. 2), filed April 10, 1969. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 2501 O Street, Omaha, Nebr. 68107. Applicant's representative: Gerald C. Morehouse (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant and warehouse facilities of Swift & Co., at or near Glenwood, Iowa, to Chicago, Elgin, and Rochelle, Ill.; Grand Island and Omaha, Nebr.; and points in Colorado. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 59117 (Sub-No. 34), filed April 2, 1969. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, Okla. 74301. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kraft paper*, from the Georgia-Pacific Corp. plant, Crossett, Ark. to the Mid-American Industrial District, Pryor, Okla. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at (1) Oklahoma City, Okla.; (2) Kansas City, Mo.

No. MC 61396 (Sub-No. 213), filed April 2, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 360 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil* (edible) in bulk, in tank vehicles, from the plantsite of Archer Daniels, Midland Plant near Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 61396 (Sub-No. 214), filed April 9, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin; (2) from Cowden, Ill., to points in Illinois, Indiana, Iowa, Missouri; and (3) from Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 64932 (Sub-No. 471), filed April 7, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow* and/or *grease, vegetable oils and blends*, and *mixtures thereof*, from Hammond, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 472), filed April 14, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic pellets, granules and cubes*, in bulk, in tank or hopper type vehicles, from Henry, Ill., to points in Arkansas, Connecticut, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65525 (Sub-No. 19), filed April 17, 1969. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Box 96, Wasco, Ill. 60183. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete slabs and beams*, of such size and weight as to require the use of special equipment, and *accessories and materials* incidental to the installation thereof, from points in Montgomery County, Ohio, to points in Michigan, Kentucky, Indiana, and Pennsylvania, and (2) *supplies and materials*, incidental to the manufacture of prestressed concrete slabs and beams, from points in Michigan, Kentucky, Indiana, and Pennsylvania, to points in Montgomery County, Ohio. NOTE: Applicant states it presently holds authority to transport precast concrete slabs and beams et al., from Dayton, Ohio, to points in Michigan, Kentucky, Indiana, and Pennsylvania, and supplies and materials incidental to the manufacture of prestressed concrete slabs and beams, from points in Michigan, Kentucky, Indiana, and Pennsylvania, to Dayton, Ohio. Dayton, Ohio is located

within Montgomery County, Ohio. This application is to expand the base point of Dayton, Ohio, to that of Montgomery County, Ohio, with no duplication of authority sought. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 65941 (Sub-No. 29), filed April 3, 1969. Applicant: TOWER LINES, INC., Post Office Box 907, Wheeling, W. Va. 26003. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Atlanta, Ga., to Wheeling, W. Va., restricted to traffic having a prior movement by motor carrier which originated at Moss Point, Miss., and Mobile, Ala. NOTE: Applicant states that it can presently perform this service by interline over Macon, Ga. The purpose of this application is to substitute Atlanta, Ga., in lieu of Macon, Ga., as an interchange point on this movement of traffic. Applicant further states that it intends to tack this authority with presently held authority at Macon, Ga., to serve points in Pennsylvania, Ohio, and West Virginia. Applicant seeks to perform no service through this application which it cannot perform over Macon, Ga. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Atlanta, Ga.

No. MC 67818 (Sub-No. 80), filed April 9, 1969. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., located in Henry County, Ill., as an offroute point in connection with applicant's presently authorized regular route operations to and from Moline, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 73165 (Sub-No. 264), filed April 7, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment*, (2) *Machinery and equipment used in the wood products, forestry, particle board, composition board and hard board industries*, (3) *Parts, attachments and accessories for the commodities described* in (1) and (2) above, between points in Jefferson and Talledega Counties, Alabama and Washington County, Oreg., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75830 (Sub-No. 8), filed April 7, 1969. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, a corporation, Post Office Box 88, Buckhannon, W. Va. 26201. Applicant's representative: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yarn*, from Fort Atkinson, Wis., to McKeesport, Pa., under contract with G. C. Murphy Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Columbus, Ohio.

No. MC 76032 (Sub-No. 240), filed April 7, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ordnance and Quartermaster supplies* (except household goods and commodities in bulk), between all points in the United States (except Alaska and Hawaii). Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant also states that the authority sought herein duplicates in part its pending application under MC 76032 (Sub-No. 233). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82492 (Sub-No. 26), filed April 10, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles*, distributed by meat packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Iowa, Nebraska, and Minnesota, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 82841 (Sub-No. 56), filed April 7, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trench excavating machines*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83885 (Sub-No. 10), filed March 27, 1969. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. 10007. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars*, from New York, N.Y., to Colwyn, Pa., under contract with Minnesota Mining & Manufacturing Co. NOTE: Applicant holds common carrier authority under MC 11712, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 85465 (Sub-No. 17), filed March 20, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, ordnance and quartermaster supplies*; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above and points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 85934 (Sub-No. 51), filed April 11, 1969. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, Mich. 48120. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in pneumatic tank vehicles, from Manistee, Port Huron, St. Clair, and Detroit, Mich., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 92633 (Sub-No. 14), filed April 1, 1969. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Boville (Latah

County), Idaho, to points in Toledo (Lincoln County), Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Boise, Idaho.

No. MC 94350 (Sub-No. 222), filed April 10, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Monroe County, Miss., to all points east of the Mississippi River including Louisiana and Minnesota, but excluding Flint, Mount Clemens, and Detroit, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Miss.

No. MC 95540 (Sub-No. 742), filed April 7, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when transported in the same vehicle with meats, meat products, and meat byproducts, and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held in Minneapolis, Minn., or Omaha, Nebr.

No. MC 101053 (Sub-No. 8), filed April 7, 1969. Applicant: DRY BULK TRANSPORT, INC., Rural Delivery No. 5, Marietta, Ohio 45750. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are susceptible of being unloaded by dumping*, in dump truck; (1) between points in Athens, Morgan and Noble Counties, Ohio, on the one hand, and, on the other, points in Harrison, Jackson, Wetzel, Mason, Roane, Ritchie, Calhoun, Tyler, Marshall, Doddridge, Wirt, Gilmer, and Kanawaha Counties, W. Va.; and (2) between points in Washington County, Ohio, on the one hand, and, on the other, points in Kanawaha County, W. Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 103498 (Sub-No. 17), filed April 10, 1969. Applicant: W. D. SMITH, doing business as W. D. SMITH TRUCK LINE, Post Office Box 68, DeQueen, Ark. 71832. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building., Little Rock Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquetts*, from Dierks, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 334) (Amendment), filed August 23, 1968, published FEDERAL REGISTER issue of September 12, 1968, amended and republished as amended, this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul Borghesani (same address as above) and William P. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel buildings; (2) building sections, panels, materials, parts*, and accessories, from points in Mahoning and Trumbull Counties, Ohio, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states this authority will be tacked with applicant's existing Sub 21 to serve the following States: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia. The purpose of this republication is to include the tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 397), filed March 28, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel containers, and storage racks, and materials* used in the erection and completion thereof, from Macedonia, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 103993 (Sub-No. 398), filed April 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck campers, camp coaches, and trailers* designed to be drawn by passenger automobiles, from Magoffin County, Ky., to points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 106644 (Sub-No. 96), filed March 24, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representatives: Guy H. Postell and Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt, beer, beer tonic, porter, stout, and related advertising material;* from Pabst, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and that part of Tennessee on and East of U.S. Highway 431, and *empty containers, pallets, and refused and rejected shipments on return*. NOTE: Applicant states it intends to tack authority sought where possible with its existing authority wherein as pertinent herein it conducts operations in the States of Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 106760 (Sub-No. 100), filed April 10, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull, 1925 National Plaza, Tulsa, Okla. 74151 and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, including accessories* used in the installation thereof, from Philadelphia, Pa., Keyser, W. Va., and Junction City, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 107012 (Sub-No. 91), filed April 3, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, to points in Arkansas. NOTE: Applicant asserts there is a possibility of tacking but fails to specify the details thereof, and indicates that tacking is not the purpose of this application. Accordingly, it is assumed that no tacking is contemplated. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock or Fort Smith, Ark., or Washington, D.C.

No. MC 107012 (Sub-No. 92), filed April 7, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert, Post Office Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furnishings*, from Oklahoma City and Vinita, Okla., and points in Beckham County, Okla., to points in Texas, New Mexico, Colorado, Kansas, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, Michigan, Indiana, Ohio, Kentucky, Tennessee, Alabama, Georgia, and Florida. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 107107 (Sub-No. 396), filed March 27, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when transported in the same vehicle with meats, meat products, and/or meat byproducts, as defined by the Commission, from Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 193), filed April 4, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 391 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drywall accessories, including adhesives, cement, tape, beads, corners, studs, and nails*, from Cleveland, Ohio, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it intends to tack with MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107496 (Sub-No. 724), filed April 4, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, edible, in bulk, from the Archer-Daniels-Midland Co. plantsite at or near Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107496 (Sub-No. 725), filed April 11, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, cement blocks, and bricks*, from Fort Scott, Kans., to points in Missouri, Arkansas, Oklahoma, Nebraska, and Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 652), filed April 11, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hilldale, Mich., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, Tennessee, and Kentucky, restricted to traffic originating at the plant and/or warehouse utilized by Great Markwestern Packing Co., at Hilldale, Mich. NOTE: Applicant indicates tacking possibilities with authorized authority under MC 107515 (Sub-No. 507) to serve points in Virginia. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 107839 (Sub-No. 135), filed April 11, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of the Pillsbury Co., at or near Denison, Tex., to points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 109637 (Sub-No. 360), filed March 21, 1969. Applicant: SOUTHERN TANK LINES INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and grain neutral spirits*, in bulk, in tank vehicles, from Pekin, Ill., to Baltimore, Md., Richmond, Va., and points in New Jersey and New York. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 167), filed April 11, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (2) *foodstuffs*, from Milwaukee, Wis., to points in Ohio, New York, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, Connecticut, Massachusetts, Rhode Island, Maryland, District of Columbia, Virginia, West Virginia, Nebraska, Iowa, Minnesota, and Missouri. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 904), filed April 3, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Michigan. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 110683 (Sub-No. 56), filed March 14, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Greenville, S.C., and Atlanta, Ga., (1) from Greenville, over U.S. Highway 29 to Atlanta, and return over the same route, (2) from Greenville, over Interstate Highway 85 to Atlanta, and return over the same route, and (3) serving intermediate and off-route points within 15 miles of Atlanta in connection with the above routes. Restriction: Service is restricted to traffic moving to, from or through points in Albermarle, Augusta, or Rockbridge Counties, Va. NOTE: The purpose of this application is to obtain a Greenville, S.C.-Atlanta, Ga., route to be joined at Greenville, S.C., with routes extending from Greenville through Virginia to northeastern terminal locations of the applicant. Presently operations are conducted by applicant between Atlanta, Ga., on the one hand, and, on the other, via routes through Tennessee. The principal effect of approval of the application will be to shorten applicant's existing route between Augusta County, Va., and Atlanta from 544 miles to 504 miles. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 378) filed April 7, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* as described in sections A, B, C, of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides); (1) from Estherville, Iowa, to points in South Dakota, Nebraska, Illinois, Kansas, and Missouri, (2) from Madison, S. Dak., to points in Minnesota, Iowa, Nebraska, Kansas, and Missouri, (3) from Ottumwa, Iowa to points in Minnesota, South Dakota, Nebraska, Missouri, Illinois, and Kansas, and (4) from Sioux Falls, S. Dak. to points in Iowa, Minnesota, Nebraska, and Missouri restricted to traffic originating at the plantsite or warehouse facilities of John Morrell & Co., and destined to named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 112801 (Sub-No. 91), filed April 2, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, in tank vehicles, from Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 110), filed April 9, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright, Jr. (same address as applicant), and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Oklahoma, Texas, Missouri, Kansas, Mississippi, Louisiana, and Arkansas, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113388 (Sub-No. 89), filed April 11, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved foodstuffs*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Egypt, Penn Yan, Fairport, Lyons, Newark, and Syracuse, N.Y., and West Chester, Pa., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida, restricted to shipments originating at the plantsites and storage facilities of Comstock-Greenwood Division, the Borden Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 148), filed March 27, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carnivorous animal feedstuffs*, unfit for human consumption (except commodities in bulk) from points in Illinois, Indiana, Minnesota, Ohio, and Wisconsin, to Toledo, Marion, and Bowling Green, Ohio; Deep Run, Allentown, Camp Hill, and Philadelphia, Pa., New Bedford, Woburn, and Boston, Mass., and Princess Anne, Md. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114106 (Sub-No. 73), filed April 2, 1969. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27292. Applicant's representative: William P. Sullivan, Federal Bar Building, West, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends of corn products and sugar*, from Greer, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant has contract carrier authority in MC 115176 and subs thereunder, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 123), filed April 7, 1969. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors with vehicle beds, bed frames or fifth wheels), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment* designed for use in connection with tractors, *trailers* designed for the transportation of the commodities described above (except trailers designed to be drawn by passenger automobiles), *attachments* for the commodities described above, *internal combustion engines, and parts and accessories* of the commodities described herein above when moving in mixed loads with such commodities, (1) from ports of entry on the International Boundary line between the United States and Canada located at Detroit and Fort Huron, Mich., and Buffalo and Niagara Falls, N.Y., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites and experimental farm of Massey-Ferguson Industries Ltd., at Toronto, Brantford, and Milliken, Ontario, (2) from Des Moines, Iowa, Clearfield, Utah, Detroit, Mich., Algoma and Kaukauna, Wis., and Cuyahoga Falls, Ohio, to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites and experimental farms of Massey-Ferguson, Inc., its affiliates and subsidiaries. NOTE: Applicant has existing authority to transport the involved commodities (except snowmobiles) from all origins specified in (2) except Algoma and Kaukauna and Cuyahoga Falls to the territory requested. No duplicating authority will be sought. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114273 (Sub-No. 41), filed April 3, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tire tubes*, from Mansfield, Ohio, to Millersburg, Iowa, and return of rejected shipments from Millersburg, Iowa, to Mansfield, Ohio. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 170), filed April 3, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and portable cranes* moving incidental thereto, between Mobile, Ala., and Pensacola, Fla., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Pensacola, Fla.

No. MC 115322 (Sub-No. 59), filed March 26, 1969. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products and frozen vegetables*, from Easton, Portland, Presque Isle, and Washburn, Maine, to points in Alabama, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Washington, D.C.

No. MC 116077 (Sub-No. 260) (Amendment), filed February 26, 1969, published in FEDERAL REGISTER issue of March 20, 1969, amended April 14, 1969, and republished as amended, this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, from Baton Rouge, La., to points in Alabama, Arkansas, Illinois, Kansas, Kentucky, South Carolina, Tennessee, Texas, Michigan, and California. NOTE: Applicant states that the authority sought would be tacked with its present authority in MC 116077 Subs 6 and 136 in Harris and Brazoria Counties, Tex., to points in the United States not directly here involved (except to Wyoming). The purpose of this republication is to add the State of Kansas as a destination point. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 116474 (Sub-No. 18), filed April 1, 1969. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, (a) from points in Oregon to points in Washington and California; (b) from points in Washington to points in Oregon; (c) from points in California to points in Oregon; and (d) from points in Oregon and Washington to points in Idaho and Montana, under contract with Weyerhaeuser Co., Duco-Lam, Inc., Rosboro Lumber Co., Koppers Co., Inc., Al Disdero Lumber Co., Clear Fir Products Co., and Cascadian Co.; (2) *laminated wood products, prefabricated wood timbers, trusses and beams, and accessories* used in the erection, construction, and completion of the foregoing when shipped therewith, from Riddle, Oreg., to points in Oregon, Washington, Idaho, Montana, Nevada, and California, under contract with Riddle Laminators; (3) *wooden poles and piling*, from Eugene, Oreg., to points in Washington, under contracts with J. H. Baxter & Co., and L. D. McFarland Co.; (4) *building board* such as hardboard, fibreboard, chip board, particle board, and pressed board (excepting gypsum board, paper board and pulp board), from Springfield, Oreg., to points in Oregon, Washington, Nevada, and California, under contracts with Weyerhaeuser Co.; (5) *waste paper*, from points in California to Springfield, Oreg., under contract with Weyerhaeuser Co.; and (6) *pulp*, in bales, from Longview, Wash., to Springfield, Oreg., under contract with Weyerhaeuser Co. NOTE: No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 117815 (Sub-No. 146), filed April 9, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Iowa, Nebraska, Minnesota, Kansas, and Missouri restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117883 (Sub-No. 122), filed April 10, 1969. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, New Hampshire, Vermont, Illinois, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia (restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich.). NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 118292 (Sub-No. 19), filed April 7, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman, 1000 Woodward Building, Washington, D.C. 20005.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and poultry products*, cooked and uncooked, from Heavener, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 118904 (Sub-No. 5) (Clarification), filed February 3, 1969, published FEDERAL REGISTER issue of March 6, 1969, and republished as clarified this issue. Applicant: LONNIE WOOD TRUCK-AWAY, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: D. D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be transported by passenger automobiles and equipped with hitchball connectors, and (2) *buildings*, complete, knocked down or in sections, when transported on wheeled undercarriages, from points in Mayes and Creek Counties, Okla., to points in the United States (except Hawaii and Alaska). NOTE: The purpose of this republication is to more clearly set forth the commodity in (1) above by adding "transported by passenger automobiles". If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 118904 (Sub-No. 6) (Clarification), filed February 3, 1969, published in FEDERAL REGISTER issue of March 6, 1969, and republished as clarified this issue. Applicant: LONNIE WOOD TRUCK-AWAY, LTD., 1915 F Avenue, Lorton, Okla. 73501. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be transported by passenger automobiles and equipped with hitchball connector, in initial movements, from Claremore, Okla., to points in the United States (except Hawaii). NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Tulsa, Okla.

No. MC 118959 (Sub-No. 41), filed April 8, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber articles and equipment, materials and supplies* used or useful in the installation or sales of these articles, from Shelbyville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Carolina, Ohio, South Carolina, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 125664, therefore dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Chicago, Ill.

No. MC 119641 (Sub-No. 80), filed April 7, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery, and parts* for agricultural implements and agricultural machinery, from the plantsite and warehouse facilities of Oliver Corp., located at or near South Bend, Ind., to ports of entry on the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119903 (Sub-No. 9) (Correction), filed February 19, 1969, published in the FEDERAL REGISTER issues of March 13, 1969, and April 17, 1969, and republished, as corrected this issue. Applicant: D. J. WALRAVEN, 2713 Maple Avenue, Rome, Ga. 30161. Applicant's representative: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk or in bags, from Hanceville, Ala., to points in that part of Georgia on and north or the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties, and on and west of U.S. Highway 441; and points in Knox, Blount, Sevier and Anderson Counties, Tenn., and (2) *fertilizer and fertilizer materials*, in bags and in bulk, from Tyner, Tenn., to points in Alabama, under a continuing contract or contracts, with Cotton Producers Association of Atlanta, Ga., and its affiliates. NOTE: This republication is for the purpose of showing the origin as Tyner, Tenn., in lieu of Tyner, Tex., as previously published in error. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120737 (Sub-No. 6), filed March 17, 1969. Applicant: STAR DELIVERY & TRANSFER, INC., 948 North Fifth Avenue, Canton, Ill. 61520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, between Ashtabula, Ohio, on the one hand, and points in Fulton County, Ill., on the other. NOTE: Applicant states it will tack with its presently held authority in its Sub 2, wherein a portion of its authority authorizes operations between points within 50 miles of Pottstown, Ill., on the one hand, and, on the other, Chicago, Rock Island, East St. Louis, and Moline, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 121060 (Sub-No. 6), filed April 2, 1969. Applicant: ARROW TRUCK LINES, INC., 1220 West Third, Post Office Box 5568, Birmingham, Ala. 35407. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, cement, lumber, concrete products, pipe, brick, and Terra Cotta pipe*, between Birmingham, Ala., including points within 25 miles of Birmingham, and points in Alabama; and (2) *road building and excavating equipment; building and construction material and supplies* such as: *limestone, cement, lime, slag, sand, brick, construction steel, rock, tile, contractor's forms, tool houses, tool boxes, culverts, iron and steel construction articles, contractors machinery, including boilers, plant machinery, railroad steel rails, and track materials, storage tanks, and iron and steel and iron and steel articles*, between points in Alabama, within a radius of 150 miles of Birmingham, Ala. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 123314 (Sub-No. 12), filed March 14, 1969. Applicant: JOHN F. WALTER, INC., Box 175, Newville, Pa. 17241. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned, preserved and processed food products and materials, equipment and supplies used in the production, sale and distribution thereof*, between the H. J. Heinz Company Distribution Center in the Borough of Mechanicsburg, Pa., on the one hand, and, on the other, points in Indiana and Ohio. (2) *Prepared food products, advertising matter, stationery and materials, supplies and equipment*, used or useful in the manufacture of prepared food products (a) from the H. J. Heinz Company Distribution Center in the Borough of Mechanicsburg, Pa., to Antwerp, Buffalo, Rochester, and Syracuse, N.Y., Baltimore, Md., Harrisburg and Philadelphia, Pa., and Washington, D.C., and (b) from Medina, N.Y., Chambersburg, Pa., Baltimore, Md., and Salem, N.J., to the H. J. Heinz Company Distribution Center in the Borough of Mechanicsburg, Pa.; and (3) *Prepared food products, and materials, equipment and supplies* used in or incidental to the preparation, packing, and sale thereof (except liquid commodities in bulk, in tank vehicles) from the H. J. Heinz Company Distribution Center in the Borough of Mechanicsburg, Pa., to points in Florence Township, Burlington County, N.J. NOTE: Applicant states it does not intend

to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125045 (Sub-No. 4), filed March 28, 1969. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11½ Street SW., Rochester, Minn. 55901. Applicant's representative: Richard E. White, Room 8, District Building, 316 First Avenue SW., Rochester, Minn. 55901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and *ice cream*, from Rochester, Minn., to points in Iowa on and north of U.S. Highway 6 and points in Wisconsin, under contract with Marigold Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125194 (Sub-No. 10), filed April 4, 1969. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, Mich. 49120. Applicant's representative: J. M. Neath, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products and filled and imitation milk and dairy products, fruit drinks and salads*, (1) from Indianapolis, Ind., to points in Michigan and Ohio, and (2) from Livonia, Mich., to points in Indiana, and Ohio, under contract with The Kroger Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Detroit, Mich.

No. MC 126049 (Sub-No. 6), filed April 2, 1969. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa 50484. Applicant's representative: Clayton L. Wornson, 824 Brick & Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *"Salted Sheepskins"*, from Scottsbluff, Nebr., to Mason City, Iowa. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City, Iowa.

No. MC 127038 (Sub-No. 3), filed April 2, 1969. Applicant: SAM N. COLE, doing business as ALABAMA-GEORGIA EXPRESS, 2616 Commerce Boulevard (Irondale), Post Office Box 6608, Birmingham, Ala. 35210. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives and commodities requiring special equipment), between the plantsite of Bibb Manufacturing Co., at Percale, Ga., on the one hand, and, on the other, points within 15 miles of Birmingham. NOTE: Applicant states that it would tack at Birmingham, Ala. If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 127042 (Sub-No. 33), filed April 2, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials and expanded plastic materials*, from Belvidere, Ill., to points in Iowa, Nebraska, Minnesota, Colorado, North Dakota, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 127193 (Sub-No. 3), filed April 9, 1969. Applicant: LEONARD BROS. VAN & STORAGE CO., a corporation, 7060 West Fort Street, Detroit, Mich. 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Huron, Tuscola, Sanilac, Saginaw, Gratiot, Montcalm, Muskegon, Ottawa, Kent, Ionia, Clinton, Shiawassee, Genessee, Lapeer, St. Clair, Macomb, Oakland, Livingston, Ingham, Eaton, Barry, Allegan, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe Counties, Mich., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 127252 (Sub-No. 1), filed April 3, 1969. Applicant: WAYNE TARVIN AND RICHARD TARVIN, a partnership, doing business as TARVIN TRUCKING CO., Dewey, Ill. Applicant's representative: Charles R. Young, West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except those commodities which, because of size or weight, require special equipment), from Des Moines and Waterloo, Iowa, to Paxton, Farmer City, and Monticello, Ill., under contracts with Paxton Farm Equipment Co., Paxton, Ill., Hawn & Overton, Farmer City, Ill., and J. F. Heath & Son, Monticello, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 127362 (Sub-No. 2), filed April 2, 1969. Applicant: H. L. KNEPSHIELD, Rural Delivery No. 1, Sigel, Pa. 15860. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs and lumber*, (1) from points in New York to points in Pennsylvania and Ohio, (2) from points in Pennsylvania to points in Ohio, New York, Indiana, Michigan, West Virginia, Virginia, and Maryland, and (3) from points in Ohio to points in Pennsylvania and New York. NOTE: Applicant states it will request revocation of existing authority to the extent that it duplicates the proposed authority, if this application is approved. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 127539 (Sub-No. 9), filed April 10, 1969. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to points in Oregon and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 124593, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128201 (Sub-No. 1), filed April 2, 1969. Applicant: SCHUSTER GRAIN COMPANY, INC., LeMars, Iowa. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and animal health products* (except liquids in bulk), (a) from the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa, to points in Minnesota, Nebraska, and South Dakota, (b) from the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Omaha, Nebr., to the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa, and (2) *animal and poultry feed ingredients* (except liquids in bulk), from points in Minnesota, Nebraska, and South Dakota to the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa, under contract with Nixon & Co., a division of Nebraska Consolidated Milling Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 128273 (Sub-No. 43), filed April 4, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189,

Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced or distributed by manufacturers and converters of paper products, and (2) *materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment), (a) between points in Crow Wing and Carlton Counties, Minn., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois (except points north of U.S. Highway 24), Indiana (except points north of U.S. Highway 24), Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming, and (b) between points in Winnebago and Outagamie Counties, Wis., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 128273 (Sub-No. 44), filed April 3, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Monroe and West Monroe, La., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, New Hampshire, District of Columbia, Kansas City, Mo., and Kansas City, Kans., and their commercial zones, St. Louis, Mo., and East St. Louis, Ill., and their commercial zones, Chicago, Ill., and its commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 45), filed April 3, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives, moving for the account of the Federal Government, between points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128343 (Sub-No. 7), filed April 8, 1969. Applicant: C-LINE, INC., Tourtellot Hill Road, Cheppachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and automotive goods, appliances, equipment, parts, and related accessory items used in the manufacture and distribution thereof*, from points in New Jersey and New York to points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials, equipment and supplies*, used in the manufacture of the commodities set forth in paragraph (1) above, on return, under contract with Avnet, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128555 (Sub-No. 2), filed April 7, 1969. Applicant: MEAT DISPATCH, INC., 1000 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia (except from Rochester, N.Y., to points in Florida), under a continuing contract or contracts, with Neisner Bros., Inc., of Rochester, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 128920 (Sub-No. 1), filed April 3, 1969. Applicant: LEIGHTON D. CHARLSEN, doing business as CHARLSEN TRUCKING SERVICE, 1030 South Fourth Street, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bed and furniture parts, and materials, and supplies* therefor, between St. Paul, Bayport, and Stillwater, Minn., and Luck, Wis., under contract with St. Croix Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129092 (Sub-No. 2), filed April 2, 1969. Applicant: HARVEY TRANSPORT LIMITED, Post Office Box 637, du Pont Street, Alma, Lac St. Jean, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, rough and polished, in blocks and slabs, semifinished and finished, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line, Norton, Highgate Springs, and Morses Line, Vt., and Jackman, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, and Rhode Island, under contract with National Granite, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or Plattsburgh, N.Y.

No. MC 129184 (Sub-No. 2), filed April 3, 1969. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, Wash. 98230. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor and cigarettes*, (1) from Blaine, Wash., to Anacortes, Bellingham, Everett, Ferndale, Olympia, Seattle, and Tacoma, Wash., restricted to traffic having had a prior movement in Canada or a prior movement by water under continuing contracts with Exports, Inc., and Provincial Warehouse, Inc., and (2) from Blaine, Wash., to Eastport, Idaho, Noyes, Baudette, International Falls, Grand Portage and Duluth, Minn., and (3) from Duluth, Minn., to Detroit, Mich., Chicago, Ill., Milwaukee, Wis., and Minneapolis, Minn., restricted to traffic having had a prior movement in Canada or a prior movement by water under a continuing contract with Exports, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129613 (Sub-No. 5), filed April 8, 1969. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., to Winchester, Va., under contract with A. K. Wingert and Winston Wallace, Jr., doing business as W & W Sales. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133076 (Sub-No. 1), filed April 7, 1969. Applicant: P. STANLEY COBANE, doing business as COBANE AIR FREIGHT, Box 3, Rural Route 1, Deer Grove, Ill. 61243. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lee and Whiteside Counties, Ill., and Clinton County, Iowa, on the one hand, and, on the other, O'Hare International Airport, Midway Airport and Meigs Field, at or near Chicago, Ill., restricted to traffic having prior or subsequent movement by air. NOTE: Applicant states it intends to interline with air freight carriers operating out of named airports. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133128 (Sub-No. 2), filed April 7, 1969. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, Utah 84117. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, and advertising matter, premiums, and display materials*, when shipped in the same vehicle with the commodities as described above, from Los Angeles, Calif., and its commercial zone to points in Colorado, Nebraska, Utah, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Kentucky, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, New Jersey, and the District of Columbia, under contract with Kal Kan Foods, Inc., a division of M & M/Mars. Applicant holds common carrier authority in MC 125433, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Salt Lake City, Utah, (2) Los Angeles, Calif.

No. MC 133309 (Sub-No. 1), filed March 28, 1969. Applicant: ENGEL & GRAY, INC., 745 West Betteravia Road, Santa Maria, Calif. 93454. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment, materials and supplies*, from San Luis Obispo, Santa Maria, and Pismo Beach, Calif., to the site of the Diablo Canyon Nuclear Power Plant, located about 7 miles northwest of Avila Beach, Calif., under contract with Pacific Gas and Electric Company. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133359 (Sub-No. 2), filed April 7, 1969. Applicant: DWAYNE W. HIBBARD, doing business as HIBBARD MOVING AND STORAGE COMPANY, 1452 Veterans Boulevard, Redwood City, Calif. 94063. Applicant's representative: George M. Carr, 351 California Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Marin, Contra Costa, Alameda, San Mateo, Santa Clara, and San Francisco Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points requested, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133377 (Sub-No. 2) (Amendment), filed January 6, 1969, published in FEDERAL REGISTER issues of January 30, 1969, and February 27, 1969, amended February 12, 1969 and April 11, 1969, respectively, and republished as amended this issue. Applicant: COMMERCIAL SERVICES, INC., Lakeside, Iowa 50588. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packing houses and commodities used by meat packers*, as described in sections A, C, and D of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *Foodstuffs* when transported in mixed shipments with the commodities named above, (1) from Fort Dodge, Iowa, to points in Iowa and Missouri, and (2) between Fremont, Nebr.; Algona and Fort Dodge, Iowa; Austin and Owatonna, Minn. Restriction: Service in parts (1) and (2) above is restricted to traffic originating at the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., and destined to the points and States specified. NOTE: The purpose of this republication is to include the point of Algona, Iowa, in (2) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133414 (Sub-No. 2), filed April 11, 1969. Applicant: L. C. ROBINSON & SON, INC., doing business as ROBINSON TRUCKING COMPANY, Post Office Box 425, Hogansville, Ga. 30230. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, field dirt, plant mix concrete, and road base material* (except dry cement); (a) from points in Troup, Coweta, Muscogee, and Richmond Counties, Ga., to points in Allendale, Barnwell, Aiken, McCormick, and Edgefield Counties, S.C., and (b) from points in Coweta, Troup, Muscogee, and Richmond Counties, Ga., to points in Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133415 (Sub-No. 2), filed April 7, 1969. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, 913 McKinley Street, Peekskill, N.Y. 10566. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer and distributor of automobile parts, uncrated and crated, from site of shipper's warehouse at Bayonne, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and *returned shipments*, from points in Nassau, Suffolk, and Westchester Counties, N.Y., to site of shipper's warehouse at Bayonne, N.J., under a continuing contract, or contracts, with the Maremont Marketing, Inc., of Bayonne, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133515 (Sub-No. 1), filed April 7, 1969. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50310. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yogurt, snack dips, ice cream, ice milk, fruit flavored drinks, dairy products, and vegetable fat products*, (a) from Kansas City, Mo. to points in Iowa; Omaha, Nebr.; and Rock Island, Ill., (b) between Des Moines, Iowa and Rock Island, Ill.; and (2) *ice cream and ice milk products*, from Chicago, Ill., and Milwaukee, Wis., to points in Iowa, under contract with Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133545 (Amendment), filed March 5, 1969, published FEDERAL REGISTER issue of April 4, 1969, and amended this issue. Applicant: DAVID LEMONS, doing business as LEMONS HOUSE MOVING, 1250 Houston, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or buildings*, set up or in sections, other than knocked down flat and not including mobile homes or buildings designed for transportation in tow-away service, from points in Idaho south of the Salmon River, to points in Montana and points in Teton, Sublette, Lincoln, Uinta, Sweetwater, Park, and Fremont Counties, Wyo., and that portion of Yellowstone National Park lying in Wyoming. NOTE: The purpose of this republication is to include "that portion of Yellowstone National Park lying in Wyoming" as a destination area. If a hearing is deemed

necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 133571 (Correction), filed March 18, 1969, published FEDERAL REGISTER issues of April 4, and April 17, 1969, and republished this issue. Applicant, NESTLERODE TRUCKING CO., INC., 615 West Walnut Street, Lock Haven, Pa. 17745. Applicant's representative: Harry H. Frank and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cattaraugus and Allegany Counties, N.Y., to points in Cameron, Elk, McKean, and Potter Counties, Pa. NOTE: The purpose of this republication is to show the origin point of Cattaraugus County in lieu of Cattarauguo County as previously published. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133595, filed March 21, 1969. Applicant: VERNON W. HITCHCOCK, doing business as LANCASTER MOVING & STORAGE CO., 44814 North Yucca, Lancaster, Calif. 93534. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles and Kern Counties, Calif., restricted to shipments; (1) moving on a through bill of lading of a freight forwarder operating under the section 402(b)(2) exemption, and (2) having a prior or subsequent line-haul movement by rail, motor, water, or air. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133611 (Sub-No. 1), filed April 7, 1969. Applicant: KING TRANSPORT, INC., 753 Marion Road, Columbus, Ohio 43207. Applicant's representative: K. H. Thomas (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in group III of appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 between Columbus, Ohio, on the one hand, and, on the other, (1) points in Cabell, Jackson, Mason, Pleasants, Wayne, and Wood Counties, W. Va., and (2) points in Boyd and Greenup Counties, Ky., under a continuing contract, or contracts with The Brown Steel Co., of Columbus, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 133623, filed April 2, 1969. Applicant: TRIAD DISTRIBUTORS, INC., 800 Main Street, Paterson, N.J. 07503. Applicant's representative: David D. Brunson, 519 Northwest Ninth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, mirrors, furniture parts*, in boxes, crates, or packages, from Paterson, N.J., to points in New Jersey, Delaware, and New York; that part of Pennsylvania on and east of U.S. Highway 15; and Connecticut. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Oklahoma City, Okla.

No. MC 133636, filed April 7, 1969. Applicant: JOHN S. GOODRICH, Box 66, Avoca, N.Y. 14809. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by drive-in restaurants and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, under a continuing contract or contracts, with Drive-in Management Corp., and affiliated companies, and Carols Development Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 133638, filed April 11, 1969. Applicant: HENRY J. SOLECKI, doing business as LIPIN ROBINSON DELIVERY SERVICE, 21150 Beverly Road, Taylor, Mich. 48180. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated appliances and hospital supplies*, from Taylor, Mich., to points in Ohio and Michigan, and *damaged, rejected and refused merchandise*, on return, under contract with Lipin Robinson Warehouse Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133651, filed April 14, 1969. Applicant: DENRU TRUCKING CO., INC., 806 South 13th Street, Newark, N.J. 07108. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meats*, in vehicles equipped with mechanical refrigeration; (1) from the piers in the New York, N.Y., commercial zone as defined by the Commission, to the plantsite of Jaka Ham Co., Inc., at Somerset, N.J., and (2) from the plantsite and warehouse facilities of Jaka Ham Co., Inc., at Somerset and Secaucus, N.J., to points in Connecticut, Massachusetts, New York, Rhode Island, and points in Pennsylvania on and east of U.S. Highway 15, and Baltimore, Md., under a continuing contract with Jaka Ham Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 412), filed April 9, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Hunterdon and Somerset Counties, N.J., and extending to points in the United States including Alaska, but excluding Hawaii and New York City, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Newark or Somerville, N.J.

No. MC 99891 (Sub-No. 11), filed April 7, 1969. Applicant: HENRY LIENHART, doing business as ARROW COACH LINES, 2715 West 10th Street, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers. Regular routes: (1) between McComb and Natchez, Miss., from McComb over U.S. Highway 98 to junction Mississippi Highway 24 (also Mississippi Highway 48), thence over Mississippi Highway 24 (also Mississippi Highway 48), to Liberty, Miss., thence over Mississippi Highway 48 to Centerville, Miss., thence over Mississippi Highway 33 to junction unnumbered highway, thence over highway to Natchez, and return over same route, serving all intermediate points, (2) between Liberty and Gloster, Miss., over Mississippi Highway 24, serving all intermediate points. Irregular routes: *Passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points on the above described routes and extending to points in the United States (excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Liberty, McComb or Jackson, Miss.

No. MC 110310 (Sub-No. 2), filed April 7, 1969. Applicant: INTER-COUNTY BUS LINES, INC., 513 South Adams Street, Havre de Grace, Harford, Md. 21078. Applicant's representative: John W. Hardwicke, 300 Title Building, Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at points in Harford and Cecil Counties, Md., and extending to Delaware Park, Stanton, Del., during the racing season that is May 30 through August 9, 1969. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 117324 (Sub-No. 3), filed April 2, 1969. Applicant: FORT DODGE TRANSPORTATION COMPANY, a corporation, 1 North 20th Street, Fort Dodge, Iowa 50501. Applicant's representative: Cecil I. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, between Spirit Lake, Iowa, and Worthington, Minn., from Spirit Lake, Iowa, over Iowa Highway 9 to junction Iowa Highway 9 and Iowa Highway 238, thence over Iowa Highway 238 to Harris, Iowa, thence over unnumbered county roads to the Iowa-Minnesota State line, thence over Minnesota Highway 264 to Round Lake, Minn., thence over unnumbered county road to Worthington, Minn., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary applicant requests it be held at Des Moines or Fort Dodge, Iowa.

APPLICATION FOR WATER CARRIER

No. W-1244 (GLEASON MARINE TOWING CO. Common Carrier Application), filed April 8, 1969. Applicant: GLEASON MARINE TOWING CO., a corporation, 13654 Hoxie, Chicago, Ill. 60633. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Application of Gleason Marine Towing Co., filed April 8, 1969, to institute a new operation as a *common carrier*, by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, (1) Regular routes: Between ports or points between Chicago, Ill., Indiana Harbor, Ind., Gary, Ind., Joliet, Ill., Burns Ditch, Ind., Michigan City, Ind., Waukegan, Ill., Kenosha, Wis., Racine, Wis., Milwaukee, Wis., St. Joseph, Mich., South Haven, Mich., Manitowoc, Wis., Port Washington, Wis., and Algoma, Wis., and (2) Irregular routes: Between points and places on the Chicago River, Sag Canal, Illinois River, and generally the Illinois Waterway System in the State of Illinois.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12759 (Sub-No. 2), filed April 7, 1969. Applicant: SKI-O-RAMA TOURS, INC., 7 South Franklin Street, Hempstead, N.Y. 11550. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Hempstead, N.Y., in arranging for transportation in interstate or foreign commerce of passengers and their baggage, both as individuals and in groups, in round-trip, all expense tours, throughout the year, beginning and ending at Denver, Colo.; New Orleans, La.; Miami, Fla.; Chicago, Ill.; Los Angeles, San Francisco, and San Diego, Calif.; Seattle, Wash.; Houston, San Antonio, Fort Worth, Laredo, and Dallas, Tex.; and Las Vegas, Nev., and extending to points in the United States (except Hawaii). Restriction: The transportation sought is to be subject to the prior or subsequent movement by interstate air or interstate railroad commerce from points in Nassau and Suffolk Counties and New York, N.Y., of passengers and their baggage to the points of origin herein above set out.

No. MC 130087, filed March 20, 1969. Applicant: GLENN E. WATSON, 402 East Ash Street, Columbus, Mo. For a license (BMC-5) to engage in operations as a *broker* at Columbia, Mo., in arranging for the transportation of *passengers and their baggage*, in charter operations, beginning and ending at points in Boone, Cole, Calaway, Audrian, Cooper, and Randolph Counties, Mo., and extending to points in Missouri, Illinois, Indiana, and Kentucky.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 134), filed April 11, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the junction of U.S. Highway 6 and Ohio Highway 199 (formerly U.S. Highway 23) at New Rochester, Ohio, and Bowling Green, Ohio, over U.S. Highway 6, serving no intermediate points, but serving the junction of U.S. Highway 6 and Ohio Highway 199 (formerly U.S. Highway 23) at New Rochester, Ohio, and Bowling Green, Ohio, for purposes of joinder only, restricted to the transportation of passengers having a prior or subsequent movement by rail. NOTE: Common control may be involved.

MOTOR CARRIER OF PROPERTY

No. MC 127355 (Sub-No. 4), filed April 7, 1969. Applicant: M & N GRAIN COMPANY, a corporation, 902 East Wooter, Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used pipeline skids*, between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming, under contract with Pipeline Skid Service, Inc., Chanute, Kans.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5131; Filed, Apr. 30, 1969; 8:45 a.m.]

[No. MC-C-6344]

WILD BIRDSEED BELL EXEMPTION

Petition for Declaratory Order

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 15th day of April 1969.

It appearing, that by petition filed January 2, 1969, Loft-Dahlgren, Inc., of Crookston, Minn., seeks a declaratory order under section 5(d) of the Administrative Procedure Act, finding that a commodity described as "wild birdseed bell" is exempt from transportation regulation under section 203(b)(6) of the Interstate Commerce Act, because it is included in the phrase "agricultural (including horticultural) commodities (not including manufactured products thereof)";

It further appearing, that inasmuch as the said petition does not specify the exact method of production, including amounts of each commodity used, the evidence of record is insufficient to make a full and complete determination of the issue raised; and good cause appearing therefor:

It is ordered, That notice of this order be published in the FEDERAL REGISTER.

It is further ordered, That the said petition be, and it is hereby, designated for processing under the modified procedure.

It is further ordered, That within 30 days of the service date of this order petitioner shall submit verified statements, including statements of shippers, in support of its position on petition.

It is further ordered, That other persons having an interest in this proceeding, if any there be, may submit verified statements in support or opposition to the petition within 45 days from the date of publication of the notice of this order in the FEDERAL REGISTER.

It is further ordered, That if verified statements in opposition are submitted, petitioner may submit its verified statements in rebuttal within 10 days after the last day for the filing of statements in opposition.

It is further ordered, That a copy of each statement submitted to the Commission shall be served on other parties of record and the statements submitted shall so certify.

It is further ordered, That after expiration of the time fixed for filing of verified statements, the matter be, and it is hereby, referred to an appropriate board for consideration and disposition.

It is further ordered, That in the event petitioner fails to submit verified statements as required by the third ordering paragraph hereof, this order, to the extent any relief is granted petitioner, shall have no force and effect, and the petition shall be deemed denied.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5222; Filed, Apr. 30, 1969; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 28, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41623—Methanol (methyl alcohol) from Allemania, La. Filed by Southwestern Freight Bureau, agent (No. B-30), for interested rail carriers. Rates on methanol (methyl alcohol), in tank carloads, as described in the application, from Allemania, La., to specified points in Illinois, Indiana, Minnesota, and North Dakota.

Grounds for relief—Market competition.

Tariff—Supplement 73 to Southwestern Freight Bureau, agent, tariff ICC 4722.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5223; Filed, Apr. 30, 1969; 8:51 a.m.]

[Notice 823]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 28, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 308 TA), filed April 23, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from San Francisco, Calif., to Salt Lake City, Utah, for 180 days. Supporting shipper: Boldemann Chocolate Co., Inc., 620 Folsom Street, San Francisco, Calif. 94107. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 14552 (Sub-No. 32 TA), filed April 23, 1969. Applicant: J. V. McNICHOLAS TRANSFER CO., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite of Stouffer Foods, Division of Litton Industries, at Cleveland, Ohio, to points in Pennsylvania on and west of U.S. Highway 15, for 180 days. Supporting shipper: Stouffer's, Division of Litton Industries, 1375 Euclid Avenue, Cleveland, Ohio 44115. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 67866 (Sub-No. 26 TA), filed April 22, 1969. Applicant: FILM TRANSIT, INC., 291 Hernando, Post Office Box 444, Memphis, Tenn. 38103. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and livestock), between Memphis, Tenn., and points in its commercial zone, on the one hand, and, on the other, points in Arkansas in the counties of Monroe, Jackson, Woodruff, Chicot, Lonoke, Prairie, White, and Pulaski, and the cities of Marvel, McGehee, Dumas, De Witt, Stuttgart, Hamburg, Crossett, Monticello, Star City, Pine Bluff, White Hall, Batesville, Mountain Home, Gassville, Heber Springs, Fordyce, Warren, El Dorado, Smackover, Hampton, Benton, Conway, Clinton, Leslie, Marshall, Harrison, Russellville, Atkins, Hot Springs, Malvern, Arkadelphia, Gurdon, Prescott, Camden, Bearden, Magnolia, Hope, Dardanelle, Danville, Paris, Booneville, Fort Smith, Camp Chaffee, Greenwood, Ozark, Charleston, Clarksville, Van Buren, Alma, Fayetteville, Springdale, Bentonville, Rogers, Yellville and Morrilton, Ark. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, for 180 days. Supporting shippers: There are approximately 223 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 100666 (Sub-No. 137 TA), filed April 23, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Mal Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from Jackson, Ark., to Columbus, Ohio, for 180 days. Supporting shipper: Arkansas Precast Corp., Post Office Box 216, North Little Rock, Ark. 72115. NOTE: Applicant states it does not intend to tack. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106398 (Sub-No. 396 TA), filed April 23, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from site of Fleetwood Enterprises, Inc., at Lexington, Miss., to points in Mississippi, Louisiana, Arkansas, Alabama, and Tennessee, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Loren R. Schmidt, General Manager, 3196 Myers Street, Post Office Box 7638, Riverside, Calif. 92503. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

Post Office Box 38, Durham, Kans. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 126154 (Sub-No. 4 TA), filed April 23, 1969. Applicant: DOMENIC MARCHI, 508 North Stephenson Avenue, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely, beer and ale, (1) from South Bend, Ind., to Ishpeming, Mich., (2) from Chicago, Ill., to Ishpeming, Mich., (3) from Chicago, Ill., to Iron Mountain, Mich., and return movements with *empty containers*, for 180 days. Supporting shippers: Vincent J. Tasson, doing business as The Tasson Distributing Co., Ishpeming, Mich. 49849; Jack Cominsky, President, Kist Bottling Co., Inc., Kingsford, Mich. 49801. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133585 (Sub-No. 1 TA), filed April 23, 1969. Applicant: PAT CLARK, doing business as CLARK TRUCKING CO., Post Office Box 394, Dumas, Ark. 71639. Applicant's representative: John R. Clayton, 135 West Waterman Street, Post Office Box 55, Dumas, Ark. 71639. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, liquid, sacked or bulked, from Yazoo City and Greenville, Miss., and Memphis, Tenn., to Dumas, Ark., and points in Desha, Drew, and Lincoln Counties, Ark., for 180 days. Supporting shippers: Charles Dante & Son, 110 West Burnett Street, Dumas, Ark. (C. F. Hudson, Jr., Clifton L. Meador). Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

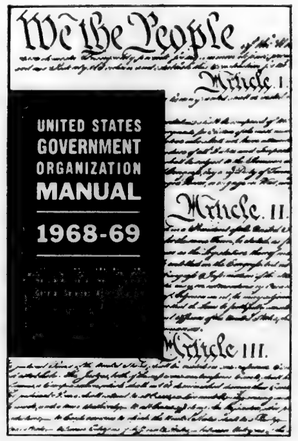
By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5225; Filed, Apr. 30, 1969; 8:51 a.m.]

No. MC 116279 (Sub-No. 4 TA), filed April 23, 1969. Applicant: JOHN H. BLACK, doing business as BLACK'S TRANSFER, 412 West Main Street, Appalachia, Va. 24216. Applicant's representative: Carl E. McAfee, Professional Arts Building, Norton, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stanley Home Products consisting of toilet preparations, cosmetics, compounds, waxes, and polishes, brushes and related household specialties*, from Richmond, Va., to points in Sullivan County, Tenn., for 180 days. NOTE: Applicant intends to tack the authority here applied for to its existing authority. Supporting shipper: Stanley Home Products, Inc., Richmond, Va. 23200. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 117765 (Sub-No. 79 TA), filed April 23, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: Ray Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automatic livestock waterers, livestock scales, hopper feed scales, cattle head gates, and cattle chutes*, from Hawarden, Iowa, and Norfolk, Nebr., to points in Colorado, Kansas, Missouri, and Oklahoma, for 180 days. Supporting shipper: Zeitlow Distributing Co., Leonard Zeitlow, President,



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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Education Office
Federal Aviation Administration
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SUBCHAPTER C—AIRCRAFT

[Docket No. 9417; Amdt. No. 39–762]

PART 39—AIRWORTHINESS DIRECTIVES

BAC 1–11 Models 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD), modifying the retirement time for the flap links on BAC 1–11 Models 200 and 400 Series airplanes, was published in 34 F.R. 1955.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–475 (32 F.R. 12910) AD 67–27–3 is amended as follows:

1. Paragraph (a) is amended by striking out the number "12,000" in the second column and inserting the number "10,000" in the place thereof.

2. Paragraph (b) is amended by striking out the number "16,000" in the second column and inserting the number "12,000" in place thereof, and by striking out the number "12,000" in the third column and inserting the number "10,000" in place thereof.

3. The parenthetical statement at the end of the AD is amended by striking out the words "Issue 2" and inserting in lieu thereof the words "Issue 6".

This amendment becomes effective June 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–5250; Filed, May 1, 1969; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69–AL–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective period of the Minchumina, Alaska, control zone.

The effective period of the Minchumina control zone is from 0745 to 1545 local time daily. It is necessary to reduce the effective period to 5 days per week because weather observations required to support the control zone designation will not be available on Monday and Tuesday of each week.

Since this amendment is necessary due to the lack of weather observations on Mondays and Tuesdays beginning on April 28, 1969, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective April 28, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Minchumina, Alaska, control zone is amended by deleting "from 0745 to 1545 hours, local time, daily," and substituting therefor "from 0745 to 1545 hours, local time, Wednesday through Sunday."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on April 21, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69–5251; Filed, May 1, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SO–21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5336), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Ga. (Lawson AAF), control zone and the Columbus, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Columbus, Ga. (Lawson AAF), control zone is amended to read:

COLUMBUS, GA. (LAWSON AAF)

Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from the Lawson RBN, extending from the 5-mile radius zone to 6 miles southwest of the RBN; within 2 miles each side of the Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM, excluding the portion within R–3002A.

In § 71.181 (34 F.R. 4637), the Columbus, Ga., transition area is amended to read:

COLUMBUS, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscogee County Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 9-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 8 miles southwest and 5 miles northeast of the Lawson ILS localizer southeast course, extending from the 9-mile radius area to 12 miles southeast of the Louvale RBN; within 8 miles southwest and 5 miles northeast of the Columbus VORTAC 149° and 329° radials, extending from the 8-mile and 9-mile radius areas to 12 miles northwest of the VORTAC, excluding the portion within R–3002A.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 23, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–5252; Filed, May 1, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SO–24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5337), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marion, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 34°–11'00" N., long. 79°20'00" W.) for Marion County Airport was obtained from Coast and Geodetic Survey. Additionally, it was determined that the description, as proposed, could be misinterpreted and the extension to the Florence, S.C. control zone and transition area, predicated on the Florence VORTAC 052° radial, resulted in unnecessary dual designated airspace. It is necessary to alter the Marion transition area description by inserting the geographic coordinate for the

airport; redescribing the extension predicated on the Florence VORTAC 100° radial, and inserting the proviso to exclude the portion that coincides with the Florence transition area. It is also necessary to alter the Florence, S.C., transition area to revoke the extension predicated on the Florence VORTAC 052° radial.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MARION, S.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (lat. 34°11'00" N., long. 79°20'00" W.); within 2 miles each side of the Florence VORTAC 100° radial, extending from the 6-mile radius area to the Florence VORTAC excluding the portion that coincides with the Florence transition area.

In § 71.181 (34 F.R. 4637), the Florence, S.C., transition area is amended to read:

FLORENCE, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°43'28" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 23, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5253; Filed, May 1, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9544; Amdt. 647]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bergheim Int	SAT VOR (final)	Direct	2600	T-dn	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′; over Mud Int or 4.1-mile DME Fix, R 175° on final 1500′.
Crs and distance, SAT VOR to airport, 175°—6.3 miles; Mud Int to airport, 175°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VOR, turn left, climb to 3000′ on R 158° within 20 miles or, when directed by ATC, turn left and climb, via SAT ILS NE crs, to 3000′ within 20 miles, or climb via R 174° to 2500′ within 20 miles.
Radar fix may be used in lieu of DME Fix.
#Descent below 1500′ not authorized if position over Mud Int or 4.1-mile DME Fix R 175° not determined.
MSA within 25 miles of facility: 000°–360°—3100′.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808′; Fac. Class., H-BVORTAC; Ident., SAT; Procedure No. VOR-1, Amdt. 16; Eff. date, 22 May 69; Sup. Amdt. No. VOR 1, Amdt. 15; Dated, 21 Jan. 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Big Spring, Tex.—Howard County, VOR 1, Amdt. 6, 3 July 1965 (established under Subpart C).
Gary, Ind.—Gary, VOR 1, Amdt. 3, 3 Apr. 1965 (established under Subpart C).
Griffith, Ind.—Griffith, VOR-1, Orig., 30 Mar. 1967 (established under Subpart C).
Pontiac, Mich.—Oakland-Pontiac, VOR 1, Amdt. 10, 2 July 1966 (established under Subpart C).
Pontiac, Mich.—Oakland-Pontiac, VOR 2, Amdt. 4, 2 July 1966 (established under Subpart C).

3. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
FNT VOR	Dort Int	Direct	2400	T-dn	300-1	300-1	200-½
R 330°, FNT VOR CW	Hasler Int	Via 9-mile DME arc.	2600	C-dn	400-1	500-1	500-1½
				S-dn-27#	400-1	400-1	400-1
R 220°, FNT VOR CCW	Hasler Int	Via 9-mile DME arc.	2600	A-dn	800-2	800-2	800-2
Hasler Int	Dort Int (final)	Direct	1800				
PTK VOR	Hasler Int	Direct	2700				
Hunter Int	Hasler Int	Direct	2800				
Kings Mill Int	Hasler Int	Via PTK R 032° and LOC crs.	2800				

Procedure turn N side of crs, 091° Outbnd, 271° Inbnd, 2400′ within 10 miles of Dort Int.
Minimum altitude over Dort Int on final approach crs, 1800′.
Crs and distance, Dort Int to airport, 271°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles of Dort Int, climb to 2100′ on FNT ILS W crs and proceed to FNT LOM.
NOTE: Dual VOR receivers required.
#400-½ authorized with operative HIRL except for 4-engine turbojets.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., ILS; Ident., I-FNT; Procedure No. LOC (BC) Runway 27, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. Orig.; Dated, 11 Feb. 67

SAT VOR	LOM	Direct	3000	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1¼
				S-dn-12#%	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn W side of NW crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at LOM, 2600′—5.9 miles; at MM, 1028′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000′ on SAT VOR R 158° within 20 miles.
*RVR 2400′ authorized Runways 3 and 12.
#500-½ required when glide slope not utilized.
%RVR 2400′. Descent below 1008′ not authorized unless ALS is visible.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808′; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS Runway 12R, Amdt. 11; Eff. date, 22 May 69; Sup. Amdt. No. ILS-12, Amdt. 10; Dated, 19 Nov. 66

4. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
													2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	65 knots or less	More than 65 knots	
As established by Amarillo ASR minimum altitude vectoring chart.												Surveillance approach			
												T-dn	300-1	300-1	200-½
												C-dn	400-1	500-1	500-1½
												S-dn-21, 03, 13, 31#	400-1	400-1	400-1
												A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 03.—Climb to 5000′ and proceed to Amarillo VOR or, when directed by ATC, turn right and climb to 5000′ proceeding out R 076° Amarillo VOR within 15 miles.
Runway 21.—Climb to 5000′ and proceed to LOM or, when directed by ATC, turn left and climb to 5000′, proceeding out R 076° Amarillo VOR within 15 miles.
Runway 13.—Turn left, climb to 5000′ proceeding out R 076° Amarillo VOR within 15 miles.
Runway 31.—Turn right, climb to 5000′ to Amarillo VOR, proceed out R 076° within 15 miles.
#Runway 3.—400-½ authorized with operative ALS, except for 4-engine turbojets.
#Runway 21.—400-½ authorized with operative HIRL, except for 4-engine turbojets.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605; Facility, Amarillo Radar; Procedure No. Radar-1, Amdt. 6; Eff. date, 22 May 69; Sup. Amdt. No. Radar 1, Amdt. 5; Dated, 5 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
All directions	Radar site	10 miles	*2200	T–dn$	300–1	300–1	200–½
045°	230°	10–20 miles	*2000	C–dn#	500–1	500 1	500–1½
045°	230°	20–30 miles	*2100	S–dn–12R, 30L	400–1	400–1	400–1
230°	045°	15 miles	2500	21**#	500–1	500–1	500–1
230°	045°	20 miles	3000	S–dn–3**	800–2	800–2	800–2
230°	045°	30 miles	3600	A–dn			

Bearings are from radar antenna site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 12R and 21—Climb to 3000′ via SAT R 158° within 20 miles. Runways 3 and 30L—Climb to 3300′ on R 353° SAT VOR within 8 miles.

*Radar control must provide 1000′ vertical or 3-mile horizontal separation from the following obstructions: Towers 2049′, 19 miles SE, 1190′, 10.5 miles SE, 1326′, 6.8 miles WSW, 1402′, 6.5 miles S of airport.

**400–½ authorized Runway 12R and 500–½ authorized Runway 3 with operative ALS, except for 4-engine turbojets.

**400–¾ authorized for Runways 21 and 30L with operative HIRL, except for 4-engine turbojets.

SRVR 2400′ authorized Runways 3 and 12R.

#Radar control must restrict descent to 1400′ until aircraft is SE of 1120′ water tower located 2.1 miles W of approach end of Runway 12R, and must restrict descent to 1400′ until aircraft is NW of 1107′ tower located 3.5 miles SE of approach end of Runway 30L.

City, San Antonio; State, Tex.; Airport name, San Antonio International: Elev., 808′; Facility, San Antonio Radar; Procedure No. Radar-1, Amdt. 13; Eff. date, 22 May 69; Sup. Amdt. No. Radar 1, Amdt. 12; Dated, 23 Sept. 67

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing Bethesda Int/12-mile DME.
CTW VOR	Bethesda Int/12-mile DME	Direct	3000	Climb to 3000′, left turn direct to AIR VORTAC and hold.
Intersection of V–39 and V–214 airways	Bethesda Int/12-mile DME	DR 045° and R 272° AIR VORTAC.	3000	Supplementary charting information: Hold E, 1 minute, right turns, 271° Inbnd. Runway 27, TDZ elevation, 1313′.
AIR VORTAC	Bethesda Int/12-mile DME (NOPT)	Direct	3000	

Procedure turn N side of crs, 091° Outbnd, 271° Inbnd, 3000′ within 10 miles of Bethesda Int/12-mile DME.
FAF, Bethesda int/12-mile DME. Final approach crs, 271°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Bethesda Int, 3000′
MSA, 000°–360°—3100′.

NOTE: Use Wheeling, W. Va., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27	1320	1	507	1320	1	507	1320	1¼	507		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	547	1360	1	547	1360	1½	547		NA	
A	Not authorized.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Barnesville; State, Ohio; Airport name, Bradfield Elev., 1313′; Facility, AIR; Procedure No. VOR Runway 27, Amdt. Orig.; Eff. date, 22 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing BGS VOR TAC.
				Climb to 4300′ on BGS VORTAC R 141° within 20 miles.

Procedure turn E side of crs, 321° Outbnd, 141° Inbnd, 4300′ within 10 miles of BGS VORTAC.
FAF, BGS VORTAC. Final approach crs, 141°. Distance FAF to MAP, 5.1 miles.
Minimum alttitude over BGS VORTAC, 4000′.
MSA: 000°–090°—3900′; 090°–270°—4100′; 270°–360°—4200′.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–16	2940	1	376	2940	1	376	2940	1	376		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	2940	1	376	3020	1	456	3020	1½	456		NA	
A	Standard.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Big Spring; State, Tex.; Airport name, Howard County; Elev., 2564′; Facility, BGS; Procedure No. VOR Runway 16, Amdt. 7; Eff. date, 22 May 69; Sup Amdt. No. VOR 1, Amdt. 6; Dated, 2 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.2 miles after passing CGT VORTAC.
Steamboat Int	CGT VORTAC	Direct	2300	Turn right, climbing to 2300′, and proceed direct to CGT VORTAC.
Peotone VORTAC	Monee Int	Direct	2300	Supplementary charting information: 2 chimneys, 823′—(1) 41°38′21″/87°24′25″; (2) 41°38′20″/87°24′23″. Runway 2, TDZ elevation, 588′.
Monee Int	CGT VORTAC (NOPT)	Direct	2300	

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2300′ within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 046°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over CGT VORTAC, 2300′; over Hammond Int, 1540′.
MSA: 090°–180°—2200′; 180°–270°—2400′; 270°–090°—3100′.
NOTES: (1) Radar vectoring. (2) Use Midway altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–2	1540	1¼	952	1540	1¼	952	1540	1¼	952		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1540	1¼	949	1540	1¼	949	1540	1¼	949		NA	
	VOR/DME or VOR/NDB minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S–2	1160	1	572	1160	1	572	1160	1	572		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1160	1	569	1160	1	569	1160	1¼	569		NA	
A	Not authorized.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Gary; State, Ind.; Airport name, Gary; Elev., 591′; Facility, CGT; Procedure No. VOR Runway 2, Amdt. 4; Eff. date, 22 May 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 3 Apr. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 156°, CGT VORTAC CW	R 264° CGT VORTAC (NOPT)	7-mile DME Arc	2300	Climb to 2300′ on R 084°, right turn and return to CGT VORTAC.
R 011°, CGT VORTAC CCW	R 264° CGT VORTAC (NOPT)	7-mile DME Arc	2300	Supplementary charting information: 4 radio towers approximately 1.3 miles E of airport, positioned N and S; approximate coordinates—41°31′/87°24′, 895′. Runway 8, TDZ elevation, 640′.

Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 2300′ within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 084°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over CGT VORTAC, 2300′; over 5-mile DME Fix, 1240′.
MSA: 045°–225°—2200′; 225°–315°—2400′; 315°–045°—3100′.
NOTES: (1) Radar vectoring. (2) Use Chicago Midway altimeter setting.
*Night visibility minimums 2 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–8*	1240	1	600	1240	1	600	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1280	1	640	1280	1	640	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAT	MDA	VIS	HAT		
S–8*	1100	1	460	1100	1	460	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1280	1	640	1280	1	640	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Griffith; State, Ind.; Airport name, Griffith; Elev., 640′; Facility, CGT; Procedure No. VOR Runway 8, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. VOR–1,Orig.; Dated, 30 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SVM VORTAC	PTK VORTAC	Direct	2700	MAP: 4.9 miles after passing PTK VORTAC.
FNT VORTAC	PTK VORTAC	Direct	2700	
Russell Int	PTK VORTAC (NOPT)	Direct	1900	Make left-climbing turn to 3000′ and proceed to Dennis Int via SVM R 030°.
R 150°, PTK VORTAC CW	R 275°, PTK VORTAC	8-mile Arc	2700	Supplementary charting information: 1200′ tower 2½ miles NW of airport.
R 035°, PTK VORTAC CCW	R 275°, PTK VORTAC	8-mile Arc	2700	
8-mile DME Arc	PTK VORTAC (NOPT)	PTK R 275°	1900	

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2200′ within 10 miles of PTK VORTAC.
FAF, PTK VORTAC. Final approach crs, 119°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over PTK VORTAC, 1900′.
MSA: 045°–225°—2800′; 225°–045°—2800′.
NOTES: (1) Radar vectoring. (2) Use Detroit City altimeter setting when control zone not effective. (3) Circling MDA becomes 1600′ when control zone not effective.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	520	1500	1	520	1500	1½	520	1540	2	560
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Pontiac; State, Mich.; Airport name, Oakland-Pontiac; Elev., 980′; Facility, PTK; Procedure No. VOR–1, Amdt. 11; Eff. date, 22 May 69; Sup. Amdt. No. VOR–1, Amdt. 10; Dated, 2 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SVM VORTAC	Keego Int	Direct	2700	MAP: 4.3 miles after passing Keego Int.
PTK VORTAC	Keego Int	Direct	2700	Right climbing turn to 3000′ and proceed direct to Dennis Int via SVM VORTAC
R 360°, PTK VORTAC CW	R 115°, PTK VORTAC	17-mile Arc	2800	R 030°.
R 235°, PTK VORTAC CCW	R 115°, PTK VORTAC	17-mile Arc	2800	Supplementary charting information:
17-mile DME Arc	Keego Int (NOPT)	Direct	2400	1209′ tower 2½ miles NW of airport.
Clawson Int	Keego Int	360° crs 2.8 miles and PTK, R 115°.	2400	Runway 27, TDZ elevation, 975′.

Procedure turn N side of crs, 115° Outbnd, 295° Inbnd, 2400′ within 10 miles of Keego Int.
FAF, Keego Int. Final approach crs, 295°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over Keego Int, 2400′.
MSA: 000°–270°—2800′; 270°–000°—2500′.
NOTES: (1) Radar vectoring. (2) Use Detroit City altimeter setting when control zone not effective. Straight-in and circling MDA increased 100′ when control zone not effective. (3) Inoperative component table does not apply to REILs Runway 27. (4) Dual VOR receivers; VOR/DME; or Radar Vectoring required.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27	1400	1	424	1400	1	424	1400	1	424	1400	1	424
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	520	1500	1	520	1500	1½	520	1540	2	560
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Pontiac; State, Mich.; Airport name, Oakland-Pontiac; Elev., 980′; Facility, PTK; Procedure No. VOR Runway 27, Amdt. 5; Eff. date, 22 May 69; Sup. Amdt. No. VOR 2, Amdt. 4; Dated 2 July 66

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Belton Int	HLR VOR	Direct	3000	MAP: 1.1 miles after passing HLR VOR
				Climb to 3000′ right turn direct to HLR VOR.
				Alternate: Climb to 2500′ on R 030° HLR VOR within 7 miles.
				Supplementary charting information: Right turn on missed approach must be executed in time to avoid R–6302.
				UNICOM 122.8.
				Antenna tower 1 mile E of airport 994′.

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 3000′ within 10 miles of HLR VOR.
FAF, HLR VOR. Final approach crs, 030°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over HLR VOR, 1500′.
MSA: 000°–360°—3000′.
NOTE: Use Fort Hood AAF altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C	1300	1	484	1300	1	484	1340	1½	494	NA	
A	Not authorized.		T 2-eng or less—Standard.				T over 2-eng.—Standard				

City, Killeen; State, Tex.; Airport name, Killeen Municipal; Elev., 846′; Facility, HLR; Procedure No. VOR Runway 1, Amdt. 4; Eff. date, 22 May 69; Sup. Amdt. No. 3; Dated, 16 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: OKK VORTAC.
MZZ VOR	OKK VORTAC	Direct	2400	Climbing left turn to 2400′ on OKK R 039° and return to VORTAC.
R 280°, OKK VORTAC CW	R 039°, OKK VORTAC	8-mile Arc	2400	
R 160°, OKK VORTAC CCW	R 039°, OKK VORTAC	8-mile Arc	2400	Supplementary charting information:
8-mile Arc	OKK R 039°, 3-mile DME Fix (NOPT).	Direct	1400	Approach radial intercepts runway center line at 3686′. TDZ elevation, 825′. LRCO, 122.1.

Procedure turn E side of crs, 039° Outbnd, 219° Inbnd, 2400′ within 10 miles of OKK VORTAC.
Final approach crs, 219°.
Minimum altitude over OKK, 039° 3-mile DME Fix with procedure turn, 1300′; without procedure turn, 1400′.
MSA: 000°–360°—2200′.
NOTES: (1) Radar vectoring. (2) Use Bunker Hill AFB altimeter setting, except for air carrier with approved weather reporting service.
$Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–22	1300	1	475	1300	1	475	1300	1	475	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	473	1300	1	473	1300	1½	473	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–22	1200	1	375	1200	1	375	1200	1	375	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1260	1	433	1280	1	453	1280	1½	453	
A	Not authorized.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kokomo; State, Ind.; Airport name, Kokomo Municipal; Elev., 827′; Facility, OKK; Procedure No. VOR Runway 22, Amdt. 6; Eff. date, 22 May 69; Sup. Amdt. No. 5; Dated, 29 Aug. 68

From—	TO—	Via	Minimum altitudes (feet)	Missed approach
				MAP: OKK VORTAC.
9-mile Arc	OKK R 129°, 3-mile DME Fix (NOPT).	Direct	1500	Climb to 2400′, right turn to OKK VORTAC.
R 010°, OKK VORTAC CW	R 129°, OKK VORTAC	9-mile Arc	2400	
R 250°, OKK VORTAC CCW	R 129°, OKK VORTAC	9-mile Arc	2400	Supplementary charting information:
MZZ VOR	OKK VORTAC	Direct	2400	Approach radial intercepts runway center line at 2566′. TDZ elevation, 825′. LRCO, 122.1.

Procedure turn E side of crs, 129° Outbnd, 309° Inbnd, 2400′ within 10 miles of OKK VORTAC.
Final approach crs, 309°.
Minimum altitude over OKK R 129°, 3-mile DME Fix with procedure turn, 1400′; without procedure turn, 1500′.
MSA: 000°–360°—2200′.
NOTES: (1) Radar vectoring. (2) Use Bunker Hill AFB altimeter setting, except for air carriers with approved weather reporting service.
$Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–31	1400	1	575	1400	1	575	1400	1	575	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	573	1400	1	573	1400	1½	573	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–31	1200	1	375	1200	1	375	1200	1	375	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1260	1	433	1280	1	453	1280	1½	453	NA
A	Not authorized.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kokomo; State, Ind.; Airport name, Kokomo Municipal; Elev., 827′; Facility, OKK; Procedure No. VOR Runway 31, Amdt. 8; Eff. date, 22 May 69; Sup. Amdt. No. 7; Dated, 29 Aug. 68

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: CXO NDB.
Conroe Int	CXO NDB	Direct	1800	Climb to 1800′, right turn direct to CXO NDB and hold.
New Waverly Int	CXO NDB	Direct	1800	
Cleveland Int	CXO NDB	Direct	1800	Supplementary charting information: Hold NW, 1 minute, right turn, 140° Inbnd TDZ elevation, 245′.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles of CXO NDB.
Final approach crs, 140°.
MSA within 25 miles of CXO NDB: 000°–360°—1800′.
NOTES: (1) Straight-in and circling MDA increased 190′ when Montgomery County altimeter setting not received. (2) Runways 1/19 and 9/27 unlighted.
*Use Houston altimeter setting when Montgomery County altimeter setting not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–14*	660	1	415	660	1	415	660	1	415	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	660	1	413	700	1	453	700	1½	453	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Conroe; State, Tex.; Airport name, Montgomery County; Elev., 247′; Facility, CXO; Procedure No. NDB (ADF) Runway 14, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. Orig.; Dated, 17 Oct. 68

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: PUC RBN.
PVU VOR	PUC NDB	Direct	12,700	Climbing right turn to 8500′ Outbnd on 186° bearing from PUC NDB within 15 miles, then direct to PUC NDB and hold.**
GJT VOR	PUC NDB	Direct	11,500	Supplementary charting information: **Hold S, 1 minute, right turns, 006° Inbnd. Final approach crs intercepts runway centerline 3000′ from threshold. LRCO 123.6 KHz.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 7600′ within 10 miles of PUC NDB.
Final approach crs, 006°.
MSA: 110°–200°—10,300′; 200°–290°—12,200′; 290°–110°—11,400′.
NOTES: (1) Descent below 8500′ not authorized until established Outbnd in procedure turn. (2) Procedure not authorized if Price, Utah, altimeter setting not available.
#Circling not authorized beyond 1 mile N of airport.
*Night minimums require prior notification.
%IFR departure procedures: All runways, climb on 186° PUC NDB within 10 miles to cross PUC NDB at MCA or above for direction of flight: Westbound direct to PVU VORTAC, 8,500′; eastbound direct to GJT VORTAC, 6500′.
**Final approach from holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*#	6600	1	709	6600	1	709	6600	1½	709	NA
A	Not authorized.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#			

City, Price; State, Utah; Airport name, Carbon County; Elev., 5891′; Facility, PUC; Procedure No. NDB (ADF) Runway 36, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. Orig.; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing SL LOM.
McCoy Int	SL LOM	Direct	3200	Climbing right turn direct to SL LOM, continue climb to 2500′ on crs 129° from SL LOM within 10 miles.
Crabtree Int	SL LOM	Direct	3800	
CVO VOR	SL LOM	Direct	3200	Supplementary charting information: LRCO. Runway 31, TDZ elevation, 207′. Chart Turner Int. Nonstandard ALS.

#Procedure turn S side of crs, 129° Outbnd, 309° Inbnd, 2500′ within 10 miles of SL LOM.
FAF, SL LOM. Final approach crs, 309°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over SL LOM, 1500′.
MSA: 000°–090°—6100′; 090°–180°—5800′; 180°–270°—4800′; 270°–360°—3900′.
NOTE: Final approach from holding pattern at SL LOM not authorized, procedure turn required. Inoperative table does not apply to approach lights Runway 31.
§IFR departure procedures: Takeoff Runways 31 and 34 turn right, Runway 16 turn left, climb direct to SL LOM before proceeding on crs.
#Procedure turn may commence at Turner Int.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	1000	1	793	1000	1¼	793	1000	1½	793	1000	1¾	793
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	#1	793	1000	1¼	793	1000	1½	793	1000	2	793
A	Standard.		T 2-eng. or less—Runways 34, 31, and 13, Standard; Runway 16, 500–1.%				T over 2-eng.—Runways 34, 31, and 13, Standard; Runway 16, 500–1.%					

City, Salem; State, Oreg.; Airport name, McNary Field; Elev., 207′; Facility, SL; Procedure No. NDB (ADF) Runway 31, Amdt. 7; Eff. date, 22 May 69; Sup. Amdt. No. 6; Dated, 21 Nov. 68

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: H.S IAH 551′; LOC 3.9 miles after passing SL LOM.
McCoy Int	SL LOM	Direct	3200	Climbing right turn to 2500′ on SE crs of ILS within 10 miles of SL LOM.
Crabtree Int	Scio Int	Direct	3000	
Scio Int	SL LOM (NOPT)	Dierct	**2000	Supplementary charting information: LRCO. Runway 31, TDZ elevation, 207′. Chart Turner Int. Nonstandard ALS.
CVO VOR	Scio Int	Direct	3000	

#Procedure turn S side of crs, 129° Outbnd, 309° Inbnd, 2500′ within 10 miles of SL LOM.
FAF, SL LOM. Final approach crs, 309°. Distance FAF to MAP, 3.9 miles.
Glide slope intercption altitude, 2000′.** Glide slope altitude at OM, 1490′; at MM, 438′.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.
MSA: 000°–090°—6100′; 090°–180°—5800′; 180°–270°—4800′; 270°–360°—3900′.
NOTE: Final approach from holding pattern at SL LOM not authorized, procedure turn required. Inoperative table does not apply to approach lights and HIRL Runway 31.
§IFR departure procedures: Takeoff Runways 31 and 34 turn right, Runway 16 turn left; climb direct to SL LOM before proceeding on crs.
#Procedure turn may commence at Turner Int.
*Sliding scale not authorized.
**1500′ glide slope not used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-31	551	¾	344	551	¾	344	551	¾	344	551	¾	344
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	920	1	713	920	1	713	920	1¼	713	920	1½	713
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	739	1000	1¼	793	1000	1½	793	1000	2	793
A	800–2.		T 2-eng. or less—Runways 34, 31, and 13, Standard; Runway 16, 500–1.%				T over 2-eng.—Runways 34, 31, and 13, Standard; Runway 16, 500–1.%					

City, Salem; State, Oreg.; Airport name, McNary Field; Elev., 207′; Facility, I–SLE; Procedure No. ILS Runway 31, Amdt. 10; Eff. date, 22 May 69; Sup. Amdt. No. 9; Dated, 30 Jan. 69

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna.

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Houston ASR minimum vectoring altitude chart.												Descend aircraft to MDA after passing FAF 5-mile radius of La Porte Municipal Airport reference point. Supplementary charting information: 629′ monument 5 miles NNW, 447′ tower 3 miles NNW, 449′ stack 3 miles S of La Porte Municipal Airport. Use Houston, Tex., altimeter setting.

Missed approach: Climb to 1500′ right or left turn direct to La Porte intersection and hold E, 1 minute, right turns, 322° Inbnd. Or when directed by ATC, climb to 2500′ and proceed direct to HOU VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	700	1	671	700	1	671	700	1	671	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29′; Facility, Houston Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 22 May 69; Sup. Amdt. No. 1; Dated, 31 Oct. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 15, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-4805; Filed, May 1, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 (a)(5) and (f)(5) of Schedule A, which cover a variety of field positions of a temporary, seasonal, or intermittent nature, are simplified and consolidated. When required, employment may be for up to 180 days in a service year, subject to extension to 220 days under emergency conditions. The consolidated authority includes positions at GS–7 under the General Schedule and WG–10 under the coordinated Federal wage system. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) is amended and subparagraph (5) of paragraph (f) is revoked under § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

(a) *General.* • • •

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; 11 agricultural commodity aids (cotton) in the Consumer and Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided:* That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies, such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5280; Filed, May 1, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is

to change the closing date for reapportionment of released acreage for all counties in Alabama.

Since planting of cotton is imminent, affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 563 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, and 19823, and 34 F.R. 924, 2351, and 5099) are hereby amended by amending the table in § 722.412(b)(7)(iv) by changing the closing dates for Alabama to read as follows:

§ 722.412 Release and reapportionment of cotton allotments.

* * * * * * *

(b) * * *

(7) *Closing dates.* * * *

(iv) * * *

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
Alabama	March 15	March 15	May 10.

* * * * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 25, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5265; Filed, May 1, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1514]

PART 13—PROHIBITED TRADE PRACTICES

GBM Corp. Trading as U.S. Construction Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155–33 Demonstration reduction; 13.155–100 Usual as reduced, special, etc.; § 13.235 *Source or origin:* 13.235–50 Maker or seller, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1745 *Source or origin:* 13.1745–60 Maker or seller; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, GBM Corp. trading as U.S. Construction Co. et al., Rockford, Ill., Docket C-1514, Apr. 3, 1969]

In the Matter of GBM Corp., a Corporation, Trading and Doing Business as U.S. Construction Co., and Jesse D. Gregg and Del L. Young, Individually and as Officers of Said Corporation

Consent order requiring a Rockford, Ill., home improvement corporation to cease falsely representing that prospects' homes are specially selected, that they will be used as model homes, that purchasers are granted special reduced prices, and that the firm is affiliated with the United States Steel Co.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents GBM Corp., a corporation, trading and doing business as U.S. Construction Co., or under any other name or names, and its officers, and Jesse D. Gregg and Del L. Young, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution or installation of residential aluminum or steel siding or other home improvement products or services, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

2. Representing, directly or by implication, that any reduced price, allowance, discount, commission or other compensation is granted by respondents to purchasers in return for permitting or agreeing to allow the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

3. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

4. Representing, directly or by implication, that respondents or their salesmen are connected or affiliated with the United States Steel Co.; or misrepresenting, in any manner, the identity of the manufacturer or the source of any of respondents' products or the business connections or affiliations of respondents or their salesmen.

5. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; or making any direct or implied representation that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations.

6. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5275; Filed, May 1, 1969; 8:48 a.m.]

[Docket No. C-1513]

PART 13—PROHIBITED TRADE PRACTICES

Gaiety Sportswear, Inc., and Eugene Zachary

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Gaiety Sportswear, Inc., et al., Queens, N.Y., Docket C-1513, Apr. 3, 1969]

In the Matter of Gaiety Sportswear, Inc., a Corporation, and Eugene Zachary, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of ladies' apparel to cease misbranding its textile fiber products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Gaiety Sportswear, Inc., a corporation, and its officers, and Eugene Zachary, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5276; Filed, May 1, 1969; 8:48 a.m.]

[Docket No. C-1512]

PART 13—PROHIBITED TRADE PRACTICES

Giant Television Co., Inc., and James A. Taylor

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing;* § 13.155 *Prices:* 13.155–5 Additional charges unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 5 U.S.C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Giant Television Co., Inc., et al., Washington, D.C., Docket C-1512, Apr. 3, 1969]

In the Matter of Giant Televison Co., Inc., a Corporation, and James A. Taylor, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., retailer of TV sets and other small appliances to cease falsely advertising the terms of its credit sales, failing to deliver copies of sales contracts to their customers, and failing to disclose that such contracts might be sold to a finance company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Giant Television Co., Inc., a corporation, and its officers, and James A. Taylor, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of television sets, radios, stereos, radio/television/stereo combinations or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a specific periodic consumer credit amount or installment amount can be arranged unless the respondents usually and customarily arrange credit payments or installments for that period and in that amount.

2. Failing or refusing to disclose the exact amount of the total purchase price of merchandise, including all interest, credit or service charges, at the time the contract for the sale of such merchandise is executed by the purchaser or purchasers.

3. Failing to orally disclose prior to the time of sale, and in writing on any conditional sale contract, or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

4. Failing or refusing to supply purchasers of respondents' merchandise with a copy of the executed conditional sale contract or other agreement at the time of execution by the purchaser.

5. Failing to deliver a copy of this order to cease and desist to all present and future employees engaged in the promotion and sale of respondents' merchandise or services, and failing to secure from each such employee a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5277; Filed, May 1, 1969; 8:48 a.m.]

[Docket No. 8738]

PART 13—PROHIBITED TRADE PRACTICES

Jacoby-Bender, Inc., and William E. Stark

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* 13.1745–70 Place: 13.1745–70(c) Imported product or parts as domestic. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900–35 Foreign product as domestic. Subpart—Using misleading name—Goods: § 13.2345 *Source or origin:* 13.2345–65 Place: 13.2345–65(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jacoby-Bender, Inc., et al., Queens County, N.Y., Docket 8738, Apr. 8, 1969]

In the Matter of Jacoby-Bender, Inc., a Corporation, and William E. Stark, Individually and as a Former Officer of Said Corporation

Consent order requiring a Queens County, N.Y., distributor of watchbands and identification bracelets to cease mislabeling its products as to the foreign origin of certain component parts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Jacoby-Bender, Inc., a corporation, and its officers, and William E. Stark, individually and as a former officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of metal expansion watchbands or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such a degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as likely to be observed by and read by purchasers and prospective purchasers making casual inspection of the products.

2. Offering for sale, selling or distributing any such product packaged, mounted in a container, on a display card or other display device, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, display card or other display device, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as likely to be read by purchasers making casual inspection of the product as so packaged or mounted: *Provided, however,* That as used in prohibitions 1 and 2 of this order, the term "substantial part" shall not be construed to include (a) a scissors component similar to Respondents' exhibits 1 or 2, in such metal expansion watchbands, or (b) the using of two push pin components in its nonmetal bands and up to seven push pin components in its metal bands, or (c) a spring ring component in its products.

3. Using the words "Made in U.S.A." or "New York, U.S.A." or any other word or words of similar import or meaning, in connection with any such product which contains an item, component or part made in Hong Kong or any other foreign country, without clearly disclosing the country of origin of such item, component or part in the manner set out above in paragraph 1 whenever the words appear on the product, and in the manner set out above in paragraph 2 whenever the words appear on the packaging, container, display card or other display device.

4. Representing, in any other manner, that any such product which contains an item, component or part made in Hong Kong or any other foreign country, is made in the United States without clearly disclosing the country of origin of such item, component or part in the manner set out above in paragraph 1 whenever the representation appears on the product, and in the manner set out above in paragraph 2 whenever the representation appears on the packaging, container, display card or other display device.

5. Representing, directly or by implication, that any such product made in a foreign country is made in the U.S.A.; or using any word or term which represents or suggests that any product, containing a part whether substantial or insubstantial (including scissors) made in a foreign country, is made in the U.S.A. without clearly disclosing the country of origin of such part in the manner set out above in paragraph 1 whenever the representation appears on the product, and in the manner set out above in paragraph 2 whenever the representation appears on the packaging, container, display card or other display device.

6. Placing in the hands of distributors, retailers and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

It is further ordered, That the order herein shall be construed to apply to all sales by respondents in the United States and its possessions and in Puerto Rico, but shall be inapplicable to export items.

It is further ordered, That nothing contained in prohibitions 3, 4, 5, and 6 of this order shall be construed to prohibit respondents from:

(1) Making disclosure of the name and address of the respective respondents by nondeceptively imprinting such name together with its address on packages, containers, display devices or guarantees for its products, and such address may also be set forth by designating the city and/or State, or

(2) Nondeceptively stamping on the backs of said products the letters "U.S.A." in manner and in size and coloring not likely to be observed or read by purchasers and prospective purchasers at retail, making casual inspection of said products, it being understood that stamping in size of type no larger or in greater color prominence than that on Commission Exhibit 100 and Consent Agreement Exhibits 1 and 2 attached to the consent agreement shall not be deemed to be in violation of said prohibitions,

and neither of the foregoing shall be construed to be a representation of place of origin of the product or any part or component thereof.

It is further ordered, That nothing herein shall be construed to prohibit the respondent corporation from selling, distributing, or using, until June 1, 1969, watchbands or watchband parts in inventory as of the date of service of this order which are stamped with the words "U.S.A.", or "U.S.A. Pat. ------" or "U.S. Pat. ------" or packages, containers, display devices or guarantee forms in inventory as of said date imprinted with those words.

It is further ordered, That the foregoing shall be without prejudice to the rights of respondents (a) to seek a ruling from the Commission pursuant to § 3.61 of the Commission's rules with respect to the use of push pin components in excess of the foregoing numbers, or (b) to seek advice from the Commission regarding the use in their products of parts thereof made in a foreign country.

It is further ordered, That the initial decision of the hearing examiner be, and it hereby is, vacated.

It is further ordered, For purposes of the reports of compliance to be filed in this matter that the country of origin or fabrication of the leather components of watchbands made in the United States from foreign skins (including alligator, sea turtle, seal, etc.) shall be deemed to be the country, where such skins are finished but acceptance of such reports of compliance may be rescinded pursuant to § 3.61(d) of its rules if the Commission subsequently determines that the country where the skins were taken and/or tanned are material facts and that they should be disclosed in the public interest; and in such event, the respondents shall be afforded 180 days after notice of such determination within which to comply therewith.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 8, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5278; Filed, May 1, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Circular Saw Discs

§ 15.343 Disclosure of origin of imported circular saw discs.

(a) In response to a request for an advisory opinion, the Commission ruled that it would not be necessary to disclose the foreign origin of imported circular steel saw discs.

(b) After importation, the manufacturer will add tungsten carbide tips to the imported discs. Domestic parts and labor represent approximately 80 percent of total production costs, with the remaining 20 percent representing the cost of the imported discs. The finished blades will be sold to cabinet shops, schools, builders, industrial concerns, and hobbyists.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: May 1, 1969.

By direction of the Commission.

Commissioner MacIntyre did not concur.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5228; Filed, May 1, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Premerger Clearance Not Granted; Grocery Stores in Concentrated Market

§ 15.344 Premerger clearance not granted; grocery stores in concentrated market.

(a) The Commission advised an applicant for an advisory opinion that it cannot grant clearance for a proposed merger of two grocery retailing corporations operating in the same metropolitan maketing area.

(b) Applicant is the owner of three supermarkets having 1.5 percent share of the particular market. The proposed purchaser is a regional supermarket chain having 18 percent to 20 percent of the same market with a ranking of second among all the companies selling groceries in the area. The market is concentrated with the four leading companies sharing 57 percent according to one survey and 74 percent of all sales as calculated by another analyst.

(c) The Commission advised the applicant that it believes that the proposed merger would raise substantial questions of legality under the merger laws and that it therefore cannot grant the clearance requested.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: May 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5227; Filed, May 1, 1969; 8:45 a.m.]

PART 240—GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

Extension of Effective Date

The Federal Trade Commission has extended from May 1 to June 1, 1969, the effective date of its Guides for Advertising Allowances and Other Merchandising Payments and Services, previously published in the FEDERAL REGISTER of March 6, 1969, in order to consider comments received before the closing date for such comments which was April 15, 1969.

Issued: May 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5342; Filed, May 1, 1969; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4968]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Prior Delivery of Preliminary Prospectus

The Commission again called attention to the continued high volume of registration statements filed under the Securities Act of 1933, and noted that the number of companies filing registration statements for the first time continues to mount, so that well over half of the filings now being made are by such companies. The Commission emphasized that the investing public should be aware that many such offerings of securities are of a highly speculative character and that the prospectus should be carefully examined before an investment decision is reached. It is characteristic of such speculative issues that the company has been recently organized, that the promoters and other selected persons have obtained a disproportionately large number of shares for a nominal price with the consequent dilution in the assets to be contributed by the investing public, and that the underwriters receive fees and other benefits which are high in relation to the proceeds to the issuer and which further dilute the investment values being offered.

The Commission has declared its policy in Rule 460 (17 CFR 230.460) that it will not accelerate the effective date of a registration statement unless the preliminary prospectus contained in the registration statement is distributed to underwriters and dealers who it is reasonably anticipated will be invited to participate in the distribution of the security to be offered or sold. The purpose of this requirement is to afford all persons effecting the distribution a means of being informed with respect to the offering so that they can advise their customers of the investment merits of the security. Particularly in the case of a first offering by a nonreporting company, salesmen should obtain and read the current preliminary or final prospectus before offering the security to their clients.

The Commission also announced, in the exercise of its responsibilities in accelerating the effective date of a registration statement under section 8(a) of the Securities Act of 1933, and particularly the statutory requirement that it have due regard to the adequacy of the information respecting the issuer theretofore available to the public, that it will consider whether the persons making an offering of securities of an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, have taken reasonable steps to furnish preliminary prospectuses to those persons who may reasonably be expected to be purchasers of the securities. The Commission will ordinarily be satisfied by a written statement from the managing underwriter to the effect that it has been informed by participating underwriters and dealers that copies of the preliminary prospectus complying with Rule 433(a) (17 CFR 230.433(a)) have been or are being distributed to all persons to whom. It is then expected to mail confirmations of sale not less than 48 hours prior to the time it is expected to mail such confirmations. Such distribution should be by air mail if the confirmations will be sent by air mail, or a longer period to compensate for the difference in the method of mailing the prospectus should be provided. Of course, if the form of preliminary prospectus so distributed was inadequate or inaccurate in material respects, acceleration will be deferred until the Commission has received satisfactory assurances that appropriate correcting material (including a memorandum of changes) has been so distributed.

In view of the situation above discussed, the Commission proposes to invoke this acceleration policy immediately. When the Commission gains sufficient experience under this policy, it anticipates proposing appropriate revision of its rules.

By the Commission, April 24, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5258; Filed, May 1, 1969; 8:46 a.m.]

[Release No. 34-8573]

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

Registration of Certain Classes of Securities

The Securities and Exchange Commission has adopted a rule (17 CFR 240.12g-2) relating to the registration of securities under section 12(g)(1) of the Securities Exchange Act of 1934. (The proposed rule was published in Release No. 34-8532 on Feb. 20, 1969; 34 F.R. 4896, on Mar. 6, 1969.) That section requires, with certain exceptions, the registration of any class of equity securities if the issuer of such securities has total assets exceeding $1 million and securities of the class are held of record

by 500 or more persons. Section 12(g)(2)(A) exempts from such registration securities listed and registered on a national securities exchange and section 12(g)(2)(B) exempts therefrom securities issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940.

The new rule provides that where a class of securities would have been required to be registered under section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) or (B) of the Act, when the exemption terminates such class shall be deemed to be registered under section 12(g)(1) if at that time securities of the class are held of record by 300 or more persons. The rule accomplishes the transition from registration under section 12(b) of the Act or section 8 of the Investment Company Act of 1940 without the necessity of filing an additional registration statement. The rule also makes clear that registration under section 12(g)(1) of the Act continues even though at the time of the termination of the exemption securities of the class are no longer held of record by 500 or more persons.

Commission action. Section 240.12(g)-(2) of Chapter II of Title 17 of the Code of Federal Regulations is adopted to read as follows:

§ 240.12g-2 Securities deemed to be registered pursuant to section 12(g)(1) upon termination of exemption pursuant to section 12(g)(2)(A) or (B).

Any class of securities which would have been required to be registered pursuant to section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) because it was listed and registered on a national securities exchange, or by section 12(g)(2)(B) because it was issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (54 Stat. 789 et seq., as amended; 15 U.S.C. 80(a)-(1) et seq.), shall upon the termination of the listing and registration of such class or the termination of the registration of such company, and without the filing of an additional registration statement, be deemed to be registered pursuant to said section 12(g)(1) if at the time of such termination securities of the class are held of record by 300 or more persons.

Effective date: Inasmuch as the foregoing rule is an interpretative rule, the Commission finds that it may be made effective immediately. Accordingly, the rule shall become effective upon publication April 17, 1969.

By the Commission, April 17, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5259; Filed, May 1, 1969; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart G—Filing of Applications and Other Forms

HOSPITAL ADMISSION FORMS AS WRITTEN INTENTS TO CLAIM BENEFITS FILED WITH THE ADMINISTRATION

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.608 is amended by adding a new subparagraph (5) to paragraph (a) and revising paragraph (b) to read as follows:

§ 404.608 When an application or written statement, request, or notice, is considered to have been filed; time and place of filing.

(a) *Date of receipt.* * * *

(5) A statement filed with a title XVIII provider of hospital services in accordance with § 404.618 and which meets the requirements of § 404.613 shall, when transmitted to the Administration, be considered to be an application for entitlement to benefits under title II and title XVIII filed with the Administration as of the date such statement was filed with a hospital qualified to receive reimbursement for services under title XVIII.

(b) *Date of mailing.* If the application, statement, request, or notice, is deposited in and transmitted by the U.S. mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of rights, it is considered received as of the date of mailing (except in cases described in subparagraphs (3), (4), and (5) of paragraph (a) of this section). The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing. If there is no postmark or it is not legible, other evidence may be used to establish the mailing date.

2. Section 404.613 is amended by revising paragraphs (a), (b), and subparagraph (2) of paragraph (c) to read as follows:

§ 404.613 When written statement considered an application.

(a) *Written statement filed by individual on his own behalf.* Where an individual files a written statement with the Administration (see § 404.608) or with a title XVIII provider of hospital services in accordance with § 404.618 that indicates an intention to claim monthly benefits, a lump-sum death payment, special payments for uninsured individuals at age 72, entitlement to hospital insurance benefits, or to establish a period of disability and such statement bears his signature or his mark properly witnessed, the filing of such written statement is, unless otherwise indicated, considered to be the filing of an application for such purposes, provided:

(1) The individual or a proper party on his behalf (see § 404.603) executes a prescribed application form (see § 404.602) that is filed with the Administration during the individual's lifetime and within the period prescribed in paragraph (c)(1) of this section; or

(2) In the case of an individual who dies before the filing of a prescribed application form within the period prescribed in paragraph (c)(1) of this section, a prescribed application form is filed with the Administration within the period prescribed in paragraph (c)(2) of this section:

(i) By or on behalf of a person eligible to receive benefits on the same earnings record as the deceased individual; or

(ii) By a party acting on behalf of the deceased individual's estate; or

(iii) By a title XVIII provider of hospital services in the case of a statement filed with such provider under § 404.618, if no person described in subdivisions (i) or (ii) of this subparagraph can be located, or if located he fails or refuses to file the prescribed application form within 6 months from the date of notice to him, unless the person described in subdivisions (i) and (ii) states his failure or refusal to file is because it would be detrimental to the deceased individual or his estate.

(b) *Written statement filed by person on behalf of another.* A written statement filed by a person that indicates an intention to claim on behalf of another person monthly benefits, a lump-sum death payment, special payments for uninsured individuals at age 72, entitlement to hospital insurance benefits, or to establish a period of disability, is, unless otherwise indicated, considered to be the filing of an application for such purposes, provided:

(1) The written statement bears the signature (or mark properly witnessed) of the person filing the statement;

(2) The statement is filed by

(i) The spouse of the individual on whose behalf the statement is being filed, or

(ii) A proper party to execute an application on a prescribed form on behalf of a claimant as determined by § 404.603, or

(iii) A person acting on behalf of an inpatient of a title XVIII provider of hospital services (see § 404.618);

(3) A prescribed application form (see § 404.602) is executed and filed in accordance with the provisions of (a)(1) or (2) of this section.

(c) *Period within which prescribed application form must be filed.* * * *

(2) If the Administration is notified that the death of such individual occurred before the mailing of the notice described in subparagraph (1) of this paragraph or within the 6-month period following the mailing of such notice but before the filing of a prescribed application form by or on behalf of such individual, notification in writing shall be sent to a person eligible to receive benefits on the same earnings record as the deceased individual, to a person acting on behalf of his estate, or to the deceased's last known address. Where a title XVIII provider of hospital services is a proper applicant under subdivision (iii) of paragraph (a)(2) of this section, notification in writing shall be sent to such title XVIII provider. Such notification will include information that an initial determination with respect to such written statement will be made only if a prescribed application form is filed within 6 months from the date of such notification.

* * * * *

3. Section 404.618 is added to read as follows:

§ 404.618 Statements filed with title XVIII providers of hospital services; where filing of statement with such title XVIII provider is considered to be a filing with the Administration.

In the case where an inpatient (or some other person acting on behalf of an inpatient) of a hospital providing services for which payment may be made under part A of title XVIII, files with such hospital a request for payment of benefits under title XVIII of the Social Security Act and no timely application for such title XVIII benefits has been filed with the Social Security Administration by him or on his behalf, such request for payment (or a photocopy thereof) shall be transmitted to the Administration, and will be considered a written statement filed with the Administration for the purposes of establishing entitlement under part A of title XVIII and to benefits under title II, as of the date it was filed with a hospital qualified to receive reimbursement for services under title XVIII. The provisions of § 404.613 shall thereafter apply to such statement.

(Secs. 202, 205, 226, 1102, Social Security Act, as amended, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, 79 Stat. 290, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 426, 1302)

Effective date. The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 3, 1969.

ROBERT M. BALL, *Commissioner of Social Security.*

Approved: April 25, 1969.

ROBERT H. FINCH, *Secretary of Health, Education, and Welfare.*

[F.R. Doc. 69-5221; Filed, May 1, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Phosalone

A. A petition (PP 9F0759) was filed with the Food and Drug Administration by Rhodia, Inc., 120 Jersey Avenue, New Brunswick, N.J. 08903, proposing the establishment of tolerances for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities apples, grapes, and pears at 10 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide being in the edible tissues and byproducts of animals fed the abovenamed commodities, tolerances are unnecessary regarding meat, milk, eggs, or poultry. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate).

* * * * *

2. The following new section is added to Subpart C:

§ 120.263 Phosalone; tolerances for residues.

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities apples, grapes, and pears at 10 parts per million.

B. Having evaluated the data in an accompanying food additive petition (FAP 9H2342) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish a food additive tolerance of 20 parts per million for residues of the subject insecticide in or on raisins resulting from the application of the insecticide to the growing raw agricultural commodity grapes and that such food additive tolerance is safe. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)) and under authority delegated as cited above, Part 121 is amended by adding to Subpart D the following new section:

§ 121.1226 Phosalone.

A tolerance of 20 parts per million is established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on raisins. Such residue may be present therein only as a result of application of the insecticide to the growing raw agricultural commodity grapes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), (4), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1), (4))

Dated: April 28, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-5245; Filed, May 1, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

COUMAPHOS

The Commissioner of Food and Drugs, having evaluated the data submitted in

a petition (15-965V) filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, and other relevant material, concludes that § 121.304 should be amended to provide for the safe use of coumaphos in the feed of beef and dairy cattle for the control of specified gastrointestinal parasites. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.304(a) is revised to read as follows:

§ 121.304 Coumaphos (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate).

* * * * *

(a) In cattle feed as follows:

	Amount	Limitations	Indications for use
1. Coumaphos...	0.00012 lb. (0.054 gm.) per 100 lb. body weight per day.	For beef and dairy cattle; feed for the duration of fly season in a complete feed containing 0.0033% or in a feed supplement containing not over 0.0066% coumaphos; do not feed to animals less than 3 months old.	As an aid in the reduction of fecal breeding flies through control of fly larvae.
2. Coumaphos...	0.0002 lb. (0.091 gm.) per 100 lb. body weight per day.	For beef and dairy cattle; feed 0.0002 lb. (0.091 gm.) per 100 lb. animal weight per day for 6 days in a complete feed containing not over 0.0056% coumaphos; the feed shall not be in a pelleted or other compressed form.	Control of infestations of gastrointestinal roundworms (genera *Cooperia* spp., *Haemonchus* spp., *Nematodirus* spp., *Ostertagia* spp., *Trichostrongylus* spp.).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5244; Filed, May 1, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

Section 200.83 is amended by adding a new paragraph (g) to read as follows:

§ 200.83 Assistant Commissioner for Property Disposition and Deputy.

* * * * *

(g) To act for the Commissioner in approving the compromise and settlement of contract claims for and against the Commissioner and to execute releases or other instruments required in connection with such compromise or settlement.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.33 paragraph (b)(3) is amended and paragraph (e) is revoked as follows:

§ 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

* * * * *

(b) * * *

(3) 90 percent of the estimated value of the property after the improvements are completed.

* * * * *

(e) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

In Part 233 in the Table of Contents, Subparts C and D are redesignated as Subparts D and E, respectively, and new Subparts C and F are added as follows:

Subpart C—Assistance Payments

Sec.
233.401 Incorporation by reference.

* * * * *

Subpart F—Assistance and Interest Reduction Payments

Sec.
233.900 Incorporation by reference.

In Part 233, Subparts C and D are redesignated as Subparts D and E, respectively, and new Subparts C and F are added as follows:

Subpart C—Assistance Payments

§ 233.401 Incorporation by reference.

(a) *Section 235 type home mortgages.* All of the provisions of Subpart C, Part 235, concerning assistance payments pursuant to section 235 of the Act, apply with full force and effect to a mortgage insured under Subparts A and B of this part, if the mortgage is insured as meeting the eligibility requirements of § 235.1 et seq. (Part 235, Subpart A), except as such requirements are modified by § 233.5.

(b) *Section 237 type home mortgages.* All of the provisions of Subpart C, Part 237, concerning assistance payments in connection with a mortgage insured under section 237, apply with full force and effect to a mortgage insured under Subparts A and B of this part, if the mortgage is insured as meeting the eligibility requirements of § 237.1 et seq. (Part 237, Subpart A), except as such requirements are modified by § 233.5.

* * * * *

Subpart F—Assistance and Interest Reduction Payments

§ 233.900 Incorporation by reference.

(a) *Section 235(j) type project mortgages.* (1) All of the provisions of Subpart F, Part 235, concerning assistance payments pursuant to section 235(j) of the Act, apply with full force and effect to a mortgage insured under Subparts D and E of this part, if the mortgage is insured as meeting the eligibility requirements of § 235.501 et seq. (Part 235, Subpart D), except as such requirements are modified by § 233.505 et seq.

(2) Reference in § 235.805 to "this part" shall be deemed to refer to Part 233.

(b) *Section 236 type project mortgages.* (1) All of the provisions of Subpart C, Part 236, concerning interest reduction payments pursuant to section 236 of the Act, apply with full force and effect to a mortgage insured under Subparts D and E of this part, if the mortgage is insured as meeting the eligibility requirements of § 236.1 et seq. (Part 236, Subpart A), except as such requirements are modified by § 233.505 et seq.

(2) Reference in § 236.505 to "Subparts A and B of this part" shall be deemed to refer to Subparts D and E of this part.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 158; 12 U.S.C. 1715x)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

In Part 235, Subpart A in the Table of Contents, a new § 235.7 is added as follows:

Sec.
235.7 Application and commitment extension fees.

Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.1 paragraph (a) is amended by adding to the listed exceptions as follows:

§ 235.1 Incorporation by reference.

(a) * * *

Sec.
203.12 Application and commitment extension fees.

In Part 235, Subpart A, a new § 235.7 is added to read as follows:

§ 235.7 Application and commitment extension fees.

All of the provisions of § 203.12 of this chapter, concerning application and commitment extension fees, apply to mortgages insured under this part, except that the mortgagee shall not be required to pay an application or a commitment extension fee where the dwelling or family unit involved is being released from a project mortgage which is insured at the time of the release under one of the parts of this chapter.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

Issued at Washington, D.C., April 28, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-5272; Filed, May 1, 1969; 8:48 a.m.]

Chapter V—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

PART 1700—INTRODUCTION

Subpart B—Delegations of Basic Authority and Functions

In Part 1700, Subpart B in the Table of Contents, a new § 1700.90 is added as follows:

Sec.
1700.90 Acting Administrator.

In Part 1700, Subpart B, a new § 1700.90 is added to read as follows:

§ 1700.90 Acting Administrator.

The Deputy Administrator, the Director of the Examination Division, and the Director of the Administrative Proceedings Division, in the order named, are designated by the Administrator to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Administrator" with the powers, duties and rights delegated to the Administrator in § 1700.75.

(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718)

Issued at Washington, D.C., April 28, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-5273; Filed, May 1, 1969; 8:48 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 460—FILING OF DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS—ANNUAL REPORTS

Delegation of Authority To Sign Plan Descriptions, Plan Description Amendments, and Annual Reports

The Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 301 et seq., requires that plan descriptions and annual reports be signed by the plan administrator (WPPDA, sections 6(b) and 7(b), 29 U.S.C. 305(b) and 306(b)). In cases where the plan administrator is constituted by a group of individuals, such as a joint labor-management board of trustees, a committee or a partnership, the Office of Labor-Management and Welfare-Pension Reports has required that each member of the group must sign the Plan Description Reporting Form (D-1) or the Annual Report Form (D-2), as the case may be, and the instructions for executing and signing such forms so indicate.

It has been brought to the attention of this Office that these stringent signature requirements create an unnecessary burden and difficulty in filing reports since, among other things, the individuals constituting the group administrator may be in different geographic locations at the time the D-1 or D-2 forms must be signed and filed. The signature requirements have therefore been reconsidered and it has been decided that henceforth, the members of a group plan administrator may delegate the authority for signing plan descriptions (Form D-1) and annual reports (Form D-2) to one or more of their members. In the case of a joint employer-union board or committee, signatures will be required from at least one employer representative and one union representative, and the delegation must so authorize.

The delegation must be evidenced in writing unless the authority of the signing member to act for the group is apparent from the legal nature of the group (as in a partnership, where the partner signing the report is acting within the scope of the partnership, thereby binding all the partners); however, the individual authorized to sign need not be identified by name. This requirement may be satisfied by the minutes of a meeting or by any other written record stating that the person signing the plan description or report did so according to the authorization of the other group members. Such record, and the record of any subsequent delegation of signature authority, must be retained as part of the plan records in accordance with section 11 of the Act to support any description, amended description or annual report which is filed bearing a signature made pursuant to the delegation of authority.

A Plan Description Amendment Form (D-1A) has been prescribed for purposes of publishing amendments to the plan description. Instructions for executing and signing Form D-1A permit a delegation of authority to sign where the plan administrator is a group of individuals; however, these instructions currently require (1) that the authorization be evidenced by a written document duly executed by all persons constituting the administrator and that such document be filed with the first Form D-1A submitted to the Department of Labor subsequent to such authorization, and (2) that where an amendment reflects a change in the name or address of a member of the group, his official position with respect to the plan, relationship to the employer or employee organization, or his possession of other office, position or employment which may have a significant relation to the plan or party in interest, such member is also required to sign Form D-1A.

Since delegation of signature authority will now be allowed with respect to Forms D-1 and D-2, it is desirable that the signature requirements for all three forms be uniform. Therefore, the signature requirements for Form D-1A referred to above will no longer be applicable and the requirements will henceforth be the same as those for Forms D-1 and D-2.

In accordance with these decisions and pursuant to section 5(a), WPPDA, 29 U.S.C. 304 and Secretary's Order No. 16-68 (33 F.R. 15574), 29 CFR Part 460 is hereby amended in the following manner:

§ 460.2 [Amended]

1. The text which now constitutes the whole of § 460.2 shall become paragraph (a) of that section.

2. New paragraph (b) is added to § 460.2, to read as follows:

(b) Where the administrator of the plan is a group of individuals, such as a joint labor-management board of trustees, a committee or a partnership, the members of the group may delegate authority to sign the plan description (D-1), amended plan description (D-1 or

D–1A) and annual report (D–2) to one or more members of the group, except that in the cases of a joint employer-union board or committee at least one employer representative and one union representative must sign.

3. New paragraph (c) is added to § 460.2, to read as follows:

(c) The delegation of authority referred to in paragraph (b) of this section must be evidenced in writing unless the authority of the signing member to act for the group is apparent from the legal nature of the group (as in a partnership, where the partner signing the report is acting within the scope of the partnership, thereby binding all the partners); however, the individual authorized to sign need not be identified by name. This requirement may be satisfied by the minutes of a meeting or by any other written record stating that the person signing the plan description, amended plan description or annual report did so according to an authorization of the other group members. Such record, and the record of any subsequent delegation of signature authority, must be retained as part of the plan records in accordance with section 11 of the Act to support any description, amended description or annual report which is filed bearing a signature made pursuant to the delegation of authority.

4. New paragraph (d) is added to § 460.2, to read as follows:

(d) Plan descriptions, amended plan descriptions and annual reports signed by a member duly authorized to sign on behalf of the group are deemed to have been signed by the plan "administrator" within the meaning of sections 6(b) and 7(b) of the Act. Group administrators who delegate the signature authority to one or more of their number are not thereby otherwise relieved from the responsibilities, obligations, and liabilities imposed by the Act.

Because the present signature requirement is a burden which should be relieved immediately and the new regulations stated above are necessary to relieve this burden, it has been determined in accordance with section 4 of the Administrative Procedure Act, as codified in 5 U.S.C. 553, that notice and public procedure thereon and delay in the effective date are unnecessary and that the amendments to Part 460 stated above shall be effective on the date of their publication in the FEDERAL REGISTER.

(Secs. 6, 7, 72 Stat. 999, 1000; 76 Stat. 36; 29 U.S.C. 305, 306)

Signed at Washington, D.C., this 28th day of April 1969.

/S/ W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 69–5263; Filed, May 1, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

SMALL BUSINESS SIZE STATUS

Supplemental procedures for assuring that procurements set aside for small business concerns are not awarded to ineligible concerns.

PART 5A—1 GENERAL

The Table of Contents for Subpart 5A–1.7 is amended to add the following:

Sec.
5A–1.703–2 Protest regarding small business status.

Subpart 5A—1.7 Small Business Concerns

Section 5A–1.703–2 is added to read as follows:

§ 5A–1.703–2 Protest regarding small business status.

(a) Even though a bidder's representation as a small business concern is not protested by another bidder, contracting officers should question the small business status whenever that status is in doubt and shall refer all questionable cases to SBA for determination.

(b) When the solicitation provides for a total or partial small business set-aside, or a labor surplus area set-aside, it is essential that the applicable small business size standard be set forth clearly in the schedule (see §§ 1–1.706–5(c) and 1–1.706–6(c)). In addition, the following notice shall be included immediately following the entry of the applicable size standard:

NOTICE CONCERNING SIZE STATUS

Any bidder who has a question as to whether he is or is not a small business concern shall contact the nearest office of the Small Business Administration and resolve the question before submitting a bid.

The small business representation appearing on page 2 of the solicitation is a material representation of fact upon which the Government relies when making award. If it is later determined that the small business representation was erroneous, and the contractor was not a small business concern on the date of award of this contract, the contract may be canceled by the Government and the contractor charged with any damages sustained by the Government as a result of such cancellation.

(c) In addition to the usual preaward actions, the following procedures shall be followed when evaluating bids involving preference for small business concerns.

(1) When submitting GSA Form 894, Financial Responsibility—Inquiry and Reply (see § 5–1.310–7(a)), a notation shall be entered in the "Remarks" block requesting the appropriate GSA finance activity to furnish any available information such as corporate affiliation, franchise arrangements, number of employees, volume of sales, and other information which may have a bearing on the small business status of the prospective contractor. A copy of the SF 33 (face and reverse), executed by the bidder (or an appropriate extract of the bid), shall be attached to the GSA Form 894 in order to provide the finance activity with the necessary information, particularly the affiliation and identifying data under paragraph 5 on page 2 of the bid.

(2) When submitting GSA Form 353, Plant Facilities Report (see § 5A–1.310–7), enter the following in Block 2 of the form "Being considered for preferential award as a small business concern" and request information as to (1) the firm's number of employees, and (2) evidence of apparent affiliation relationships such as joint occupancy of premises.

(d) In cases involving equal low bids, when requesting the written statement required by § 1–2.407–6(c), a concern which is to receive preference based on its small business representation shall be specifically advised of the applicable small business size standard and requested to confirm that it will perform the contract as a small business concern in accordance with that standard. The procedure in (c) and (e) of this section shall also be followed when applicable.

(e) If a protest regarding small business size status is received after expiration of the 5-day period specified in § 1–1.703, or if the protest is received after contract award, the SBA nevertheless shall be requested to determine whether the concern in question is or is not a small business concern. If SBA determines that the concern in question is not a small business concern, the following action shall be taken.

(1) If award has not been made, the bid shall be rejected as nonresponsive where the procurement is totally set-aside for small business concerns. Where the procurement is partially set-aside, the firm which has misrepresented its size status shall not be considered for preferential award under the set-aside portion. Where it is determined that the bidder has made a willful (not inadvertent) misrepresentation of its size status, such firm shall be placed on the review list maintained pursuant to § 5–1.310–50.

(2) If award has been made, the contract should be canceled in accordance with the provisions of the notice prescribed in paragraph (b) above, unless cancellation would not be in the best interest of the Government. Prior to final action under this paragraph, the case shall be referred to the Assistant Commissioner for Procurement for approval. Such submissions shall include the status of performance of the contract, the urgency of need for the items covered, any evidence bearing on the issue of whether the erroneous certification was willful or inadvertent and any other information which would be helpful in determining whether the contract should be terminated and whether the matter should be referred to the Department of Justice.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: April 24, 1969.

H. A. ABERSFELLER,
Commissioner, Federal Supply Service.

[F.R. Doc. 69–5240; Filed, May 1, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

SCRAP GOLD

Part 101–45 is amended by the addition of new § 101–45.309–9 to provide policy and procedures relating to the public sale of scrap gold. Part 101–46 is amended by revising § 101–46.202(d)(9) to provide an exception in the case of scrap gold for fine gold.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

The table of contents for Part 101–45 is amended to provide for new entries, as follows:

Sec.
101–45.309–7 (Reserved)
101–45.309–8 (Reserved)
101–45.309–9 Scrap gold.

Subpart 101–45.3—Sale of Personal Property

Sections 101–45.309–7 and 101–45.309–8 are reserved and new § 101–45.309–9 is added as follows:

§ 101–45.309–7 [Reserved]

§ 101–45.309–8 [Reserved]

§ 101–45.309–9 Scrap gold.

(a) Scrap gold will be sold in accordance with § 101–45.304 and this § 101–45.309–9.

(b) For the purpose of this section, "scrap gold" means gold filings, clippings, polishings, sweepings, and the like and any other melted or unmelted scrap gold, semiprocessed gold, or fabricated gold, the value of which depends primarily upon its gold content and not upon its form which is no longer held for the use for which it was processed or manufactured.

(c) Sales of scrap gold shall be processed as follows:

(1) The sealed bid method of sale shall be used.

(2) The invitation for bids shall include only scrap gold and such other precious and semiprecious materials as may be available for sale at that time.

(3) The following special condition should be made a part of the invitation for bids in all sales of scrap gold when the amount being offered does not exceed 50 fine troy ounces of gold content:

The bidder agrees to comply with all applicable provisions of the U.S. Treasury Department Gold Regulations (31 CFR Part 54).

(4) Sales of scrap gold in quantities exceeding 50 fine troy ounces of gold content shall be made only to bidders who certify that they hold U.S. Treasury Department gold licenses and provide information as to license numbers.

(5) The following special condition of sale shall be made a part of the invitation for bids when scrap gold is being offered in amounts exceeding 50 fine troy ounces of gold content:

(i) The bidder agrees to comply with all applicable provisions of the U.S. Treasury Department Gold Regulations (31 CFR Part 104).

(ii) The bidder certifies that he holds a U.S. Treasury Department gold license issued by the Director, Office of Domestic Gold and Silver Operations, and that the number of such license is TGL-_____.

(6) After the sale is completed, a copy of the award or other appropriate document showing name and address of purchaser and gold license number, if applicable, shall be forwarded to the Director, Office of Domestic Gold and Silver Operations, Treasury Department, Washington, D.C. 20220, for each individual sale in an amount of $200 or more.

(d) An executive agency generating scrap gold and also having a continuing need for fine gold should, in lieu of sale, arrange with a private licensed refiner or a United States Mint or Assay Office, as appropriate, for the acceptance of scrap gold in exchange for fine gold. Such exchanges will avoid the necessity of spending funds for the acquisition of fine gold. Table of charges for the exchange of scrap gold for fine gold at the United States Mints and Assay Offices is contained in 31 CFR Part 90.

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101–46.2—Authorization

Section 101–46.202(d)(9) is revised as follows:

§ 101–46.202 Restrictions and limitations.

* * * * *

(d) * * *

(9) The sale, transfer, or exchange of scrap materials in connection with the acquisition of personal property except in the case of scrap gold for fine gold.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: April 25, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–4241; Filed, May 1, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Cincinnati Interstate Air Quality Control Region

On January 10, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 399) to amend Part 81 by designating the Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana).

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on January 27, 1969. Due consideration has been given to all relevant material presented, with the result that the region, as hereby designated, includes three counties, Butler and Warren Counties in the State of Ohio, and Ohio County in the State of Indiana, which were not included in the initial proposal.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana) is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

§ 81.20 Metropolitan Cincinnati Interstate Air Quality Control Region.

The Metropolitan Cincinnati Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Butler County.	Hamilton County.
Clermont County.	Warren County.

In the Commonwealth of Kentucky:

Boone County.	Kenton County.
Campbell County.	

In the State of Indiana:

Dearborn County.	Ohio County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: April 28, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–5218; Filed, May 1, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 119—FEDERAL FINANCIAL ASSISTANCE FOR STRENGTHENING STATE DEPARTMENTS OF EDUCATION

The revised regulations set forth below are applicable to grants to State educational agencies pursuant to title V of the Elementary and Secondary Education Act of 1965 (Public Law 89–10), as amended. Subpart B of this part is applicable to grants from apportioned funds pursuant to section 503(a) of the Act. Subpart C is applicable to grants for experimental projects pursuant to section 505 of the Act, and subparts A and D are applicable to both types of grant. All such grants are subject to regulations in 45 CFR, Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88–352).

The following revision of Part 119 of 45 CFR is issued to reflect administrative changes for the processing of applications and the relocation of regulations of general application from subparts B and C to subpart D:

Subpart A—Definitions

Sec.
119.1 Definitions.

Subpart B—Basic Grants (Grants From Apportioned Funds)

119.2 State applications.
119.3 Procedures for application review and disposition.
119.4 State educational agency.
119.5 Supplementation of State effort.
119.6 State fiscal management.
119.7 Reports.
119.8 Federal payments.
119.9 Reapportionment.
119.10 Transfers of apportioned funds.

Subpart C—Special Project Grants

119.20 Purpose.
119.21 Submission of applications.
119.22 Review of applications.
119.23 Disposition of applications.
119.24 Payment procedures.
119.25 Revisions.
119.26 Reports.
119.27 Publications.
119.28 Termination of grant.

Subpart D—General Provisions

119.40 Minor deviations.
119.41 Effective date of application, amendment or revision.
119.42 Period for which an application will be approved.
119.43 Proration of costs.
119.44 Expenditures by grantees.
119.45 Liquidation of obligations.
119.46 Effect of payments and settlement of accounts.
119.47 Arrangements with individuals or other organizations.
119.48 Fiscal audits and program reviews.
119.49 Records management.
119.50 Grantee accountability.
119.51 Allowable expenditures.
119.52 Copyrights.

AUTHORITY: The provisions of this Part 119 issued under Title V of Public Law 89–10, 20 U.S.C. 861–870. Interpret or apply secs. 501–506, 508–510, 601 of Public Law 89–10, 20 U.S.C. 861–866, 868–870, 881.

Subpart A—Definitions

§ 119.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89–10).

(b) "Basic Grants" means grants made by the Commissioner from funds apportioned under section 502(a)(1) of the Act.

(c) "Commissioner" means the U.S. Commissioner of Education.

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Elementary school" means a day or residential school which provides elementary education as determined under State law.

(f) "Equipment" includes machinery, utilities, built-in equipment, and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audiovisual instructional materials; and books, periodicals, documents, and other related materials. Equipment does not include the erection of new enclosures or structures, or the expansion, remodeling, alteration, or acquisition of existing enclosures or structures. Equipment does not include supplies which are consumed in use, or which may not reasonably be expected to last longer than 1 year.

(g) "Fiscal year," as used with respect to reporting and accounting, means the period beginning on the first day of July and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(h) "Local educational agency," or "local agency," means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(i) "Project period" means the total period of time for which a special project is approved for support with funds under Title V of the Act.

(j) "Public regional interstate commission or agency for educational planning and research" means a legally constituted public organization whose jurisdiction extends to some or parts of two or more of the States and which is empowered to conduct educational planning or research.

(k) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(l) "Service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools.

(m) "Special project grants" means grants made from funds reserved by the Commissioner pursuant to section 505 of the Act.

(n) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(o) "State educational agency," or "State agency," means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 865, 881)

Subpart B—Basic Grants (Grants From Apportioned Funds)

§ 119.2 State applications.

(a) *Purpose and content.* The principal condition for a basic grant of Federal funds apportioned to a State under Title V of the Act is the submission by the State through the State educational agency of an application to the Commissioner. Any State desiring to receive a basic grant shall submit an application for each fiscal year on such date as the Commissioner may fix, and in accordance with such procedures as the Commissioner may prescribe. Each State shall in its application for each fiscal year provide for the distribution among local educational agencies in the State in an equitable manner on the basis of need, at least 10 percent of its apportionment to be used by such agencies for any of the purposes of Title V of the Act as applied to a local educational agency for local purposes in lieu of the State educational agency for State purposes.

(b) *Submission and approval.* An application and all amendments thereto shall be submitted to the Commissioner for his approval by a duly authorized officer of the State educational agency. The application shall indicate the official or officials authorized to submit application material. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and the regulations in this part, the application for that fiscal year will be approved subject to the limits of available appropriations. The Commissioner will not finally disapprove an application except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. An approved application forms the basis for making payments to a State under Title V of the Act.

(c) *Amendments.* An application must be appropriately amended whenever (1) there is a material change in a pertinent State law or in the organization, policies, or operations of the State educational agency affecting the application or any activities described therein, (2) there is a material change in the content or administration of any such activity, or (3) any activity is added or deleted. (Minor deviations referred to in § 119.40 are not deemed to be "material changes" for the purposes of this paragraph.) The submission and approval of amendments shall follow the same procedures and have the same effect specified for an application in paragraph (b) of this section. All applications submitted after the initial application within the same fiscal year shall have the effect of an amendment to the initial application.

(d) *Certificate of the State educational agency.* An application and all amendments thereto must include as an attachment a certificate of the officer of the State educational agency authorized to submit the application to the effect that the application has been adopted by the State agency and that the application will constitute the basis for operation and administration of the activities in which Federal participation under basic grants will be required.

(e) *Certificate of the State attorney general.* The application shall include as an attachment a certificate by the State's attorney general, or other official designated in accordance with State law to advise the State educational agency on legal matters, to the effect that the applicant is the State educational agency and that the applicant has authority under State law to submit the application.

(20 U.S.C. 864)

§ 119.3 Procedures for application review and disposition.

The Commissioner will approve an application only upon his determination that such an application meets the requirements of the Act and the regulations in this part. This means that:

(a) Each activity and part thereof proposed in an application or an amendment thereto provides for the development, improvement, or expansion of activities which make a significant contribution toward strengthening the leadership resources of the State educational agency, or which make a significant contribution toward strengthening its ability to participate effectively in identifying and meeting the needs of elementary and secondary education in the State;

(b) An application and all amendments thereto and each activity proposed therein complies with and conforms to applicable provisions of this subpart and subpart D.

(20 U.S.C. 864)

§ 119.4 State educational agency.

(a) *Designation.* The application shall give the official name of the State educational agency that will be the agency responsible for administering the activities set forth in the application.

(b) *Organization.* The application shall describe by chart the organizational structure of the State educational agency responsible for administering the activities described therein, and a description of the unit or units responsible for such administration, the principal functions assigned to each, the lines of authority within such unit or units and the administrative relationships of such a unit or units to the rest of the State educational agency. If an activity in an application will expand or alter the organizational structure of the State educational agency, the application shall indicate that part of the structure to be affected.

(20 U.S.C. 863)

§ 119.5 Supplementation of State effort.

(a) The application of a State shall contain or be accompanied by an assurance that Federal funds made available under the application will supplement and, to the extent practicable, increase the amount of State funds that would in the absence of such Federal funds be made available for activities which meet the conditions of section 503 of the Act and §§ 119.2 and 119.3 in this part.

(b) In determining whether the assurance referred to in paragraph (a) of this section is adequate, the Commissioner may request additional data from the applicant such as: (1) The amount of State funds (including, in the case of programs supported by Federal funds, the State share of all expenditures pursuant to such programs) to be expended by the State educational agency for activities which meet the conditions of section 503(a) of the Act and §§ 119.2 and 119.3 as compared with (2) the amount of State funds expended by the State educational agency in the preceding fiscal year or years for such activities, with allowances for unusual capital expenditures, such as the acquisition of data processing or other major items of equipment, and adjustments to reflect changes in the scope of the responsibilities of the State educational agency.

(20 U.S.C. 864)

§ 119.6 State fiscal management.

The application shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of an accounting for Federal funds paid to the State pursuant to the application, including any such funds paid by the State to agencies, institutions, and organizations for the purpose of carrying out activities under Title V of the Act. Subject to the provisions of § 119.44, such fiscal management shall be in accordance with applicable State laws, policies, and procedures. Accounts and supporting documents relating to any application involving Federal financial participation shall be adequate to permit an accurate and expeditious audit.

(20 U.S.C. 864)

§ 119.7 Reports.

The application shall provide that the State educational agency will periodically consult with the Commissioner, make such reports to the Commissioner, at such time, and in such form, and containing such information, as he may consider reasonably necessary to perform his duties under the Act, and comply with such provisions as the Commissioner may find necessary to assure the correctness and verification of such reports. Such reports shall include, but not be limited to, a report from each State for each fiscal year of such State's participation in Title V of the Act which provides information on all programs (including but not limited to Title V activities) conducted by the State educational agency during that fiscal year.

(20 U.S.C. 864)

§ 119.8 Federal payments.

Subject to the authority of the Commissioner to make reapportionments or to transfer apportionments pursuant to section 502(b) of the Act and §§ 119.9 and 119.10 in this part, and subject also to any withholding of payments by the Commissioner pursuant to section 508 of the Act and § 119.46(a), the Federal Government will pay from each State apportionment the sums expended by each State educational agency in accordance with Title V of the Act, the regulations in this part, and its approved application. Such payments will be made in installments in advance on the basis of estimated expenditures or reimbursement of actual costs incurred, with appropriate adjustments for underpayments or overpayments for actual expenditures in any prior period. Such payments will be made available to the States after:

(a) The State has on file in the Office of Education an approved application covering the activities for which payment is to be made;

(b) The pertinent reports required by § 119.7 in this part have been reviewed; and

(c) The Commissioner is satisfied that the State needs the funds and will be able to carry out the activities contained in the application.

(20 U.S.C. 866)

§ 119.9 Reapportionment.

Pursuant to section 502(b)(1) of the Act:

(a) The amount apportioned to any State for any fiscal year under section 502(a) of the Act which the Commissioner determines will not be required for that year shall be available for reapportionment, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned to such

other States for that year, except that the amount to each State will be reduced to the extent it exceeds the sum the Commissioner determines the State needs or will be able to use for that year.

(b) The amounts to be so reapportioned will be determined by the Commissioner on the basis of (1) reports filed by the States of the amounts required to carry out the State application approved by the Commissioner, and (2) such other information as he may have available. Each State agency shall, if requested, submit to the Commissioner, on such date or dates as he may specify, a report or reports showing the anticipated need during the current fiscal year for the amount previously apportioned or any amount needed in addition thereto, and such other information as the Commissioner may request.

(20 U.S.C. 862)

§ 119.10 Transfers of apportioned funds.

(a) Upon the request of a State, any part of the amount of Federal funds apportioned to it for basic grants may, pursuant to paragraph (b) of this section, be added to or combined with the amount apportioned to another State for the purpose of carrying out one or more activities that would benefit each participating State.

(b) Any State desiring that a part of its apportionment of Federal funds for basic grants be added to or combined with that of another State shall submit to the Commissioner a request for such a transfer, either as a part of the application covering an activity or activities affected by such a transfer or as an amendment or amendments thereto. Such a request shall be submitted by a State simultaneously with the application or at any time subsequent thereto. Such a request shall contain (1) a description of the activities to be carried out by the receiving State with funds contributed to it by other participating States; (2) a statement of the total amount to be expended for such activities and the sources and amounts of Federal and non-Federal funds, if any, contributed by each participating State, including the receiving State; (3) information showing how such activities will assist all participating States in strengthening the leadership resources of their respective State educational agencies and in identifying and meeting their educational needs; and (4) a certificate of the receiving State educational agency accepting the transfer of funds for the purposes identified by the State or States requesting the transfer. Each such request, when approved by the Commissioner, shall become a part of the application of the receiving State.

(20 U.S.C. 862)

Subpart C—Special Project Grants

§ 119.20 Purpose.

Special project grants authorized in section 505 of the Act will be made by the Commissioner (a) to State educational agencies to pay part of the cost of experimental projects for developing State leadership or for the establishment of special services which, in the judgment of the Commissioner, hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States, and (b) to public regional interstate commissions or agencies for educational planning and research.

(20 U.S.C. 865)

§ 119.21 Submission of applications.

(a) Applications for special project grants may be made only by State educational agencies or public regional interstate commissions or agencies for educational planning and research. Applications shall be made in such form and detail as may be required by the Commissioner. An application shall contain (1) a statement of the purpose of the project; (2) a description of the nature and scope of the activities to be undertaken and the methods and arrangements for working toward project objectives; (3) a proposed budget; (4) an agreement that the grantee will comply with the requirements of the Act and the regulations in this part, and with such other conditions and procedures as the Commissioner may prescribe in awarding the grant; and (5) any other documents and information which the Commissioner may require.

(b) An application from an interstate commission or agency shall include as an attachment a certificate by the chief legal officer for the commission or agency to the effect that the applicant is a public regional interstate commission or agency for educational planning and research and that the applicant has legal authority to submit the application and to accept and use Federal grant funds.

(20 U.S.C. 865)

§ 119.22 Review of applications.

(a) In reviewing each application submitted for his approval, the Commissioner will assure himself that:

(1) Each special project proposed in an application includes experimental activities, or in the case of public regional interstate commissions and agencies, educational planning and research, for development of State educational leadership or for establishment of special services which hold promise of making a substantial contribution to the solution of: (i) Problems common to the State educational agencies of all of the States; or (ii) problems common to the State agencies of several of the States.

(2) Each application complies with and conforms to applicable provisions of the Act and regulations in this part, and such conditions and procedures as the Commissioner may require to carry out his functions under section 505 of the Act.

(b) In addition, the Commissioner in reviewing special project grant applications may take into consideration such factors as the following:

(1) The significance and the pervasiveness among all or several of the States of the problems toward which the project proposed in the application is directed.

(2) The nature of the leadership or special service activities to be undertaken.

(3) The adequacy of the design and procedures to be employed for the project.

(4) The competence of the project director and his staff.

(5) The resources to be provided by the applicant State educational agency as its part of the costs of the project.

(6) The degree and type of participation in the project by States other than the State submitting the application or by States in the region of the applicant public regional interstate commission or agency.

(c) Each application from a public regional interstate commission or agency shall consist only of educational planning or research activities designed (1) to stimulate and assist States in strengthening the leadership resources of State educational agencies or (2) to assist State educational agencies in the establishment and improvement of programs to identify and meet the educational needs of States.

(20 U.S.C. 865)

§ 119.23 Disposition of applications.

On the basis of his evaluation, the Commissioner will (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of an application will not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. If the Commissioner makes a grant, the grant award will include the approved budget, the grant conditions, and the period of time or project period for which the project may be supported.

(20 U.S.C. 868)

§ 119.24 Payment procedures.

Payments pursuant to special project grants may be made available in installments, and in advance on the basis of estimated costs, or reimbursement of actual costs incurred in carrying out the approved project, with appropriate adjustments for underpayments or overpayments in any prior period.

(20 U.S.C. 866)

§ 119.25 Revisions.

Whenever the approved application for a special project is to be materially changed, a written request to revise the project must be made by the grantee. Revisions shall be submitted in writing and reviewed by the Commissioner as a new project application. Project revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal grant funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

(20 U.S.C. 864)

§ 119.26 Reports.

The application shall provide that the grantee will consult periodically with the Commissioner and will make such reports to him, at such time, in such form, and containing such information, as he may consider reasonably necessary to perform his duties under the Act.

(20 U.S.C. 864)

§ 119.27 Publications.

Material produced as a result of any special project supported with grants under Title V of the Act may be published without prior review by the Commissioner. Such published material, however, shall include an acknowledgment of Federal assistance through such grants. Copies of any material so produced shall be furnished to the Commissioner.

(20 U.S.C. 863)

§ 119.28 Termination of grant.

The Commissioner may, at his discretion, terminate any special project grant if he finds that the grantee has failed to comply with the conditions of the grant or that the project reports are incorrect or incomplete in any material respect. In the event of such a termination by the Commissioner, the grantee will be promptly notified and given the reasons for the Commissioner's action in writing. A special project grant may also be voluntarily terminated by the grantee by written notice to the Commissioner.

(20 U.S.C. 864, 865)

Subpart D—General Provisions

§ 119.40 Minor deviations.

Minor deviations in the application are permitted without the necessity for an approved amendment or revision where (1) they do not result in expenditure in excess of the total amount granted, (2) there is not any material change in the content or the administration of the approved application, (3) expenditures are otherwise made in accordance with, and for kinds of expenditures authorized in, the approved application, and (4) the total amounts for each line or column total in the approved budget do not vary by more than 15 percent.

(20 U.S.C. 863)

§ 119.41 Effective date of application, amendment or revision.

The effective date of any approved application, amendment or revision shall not be earlier than the date on which it is received by the Commissioner in substantially approvable form. No funds under Title V of the Act may be used for the payment of obligations incurred prior to the effective date of the approved application, amendment or revision.

(20 U.S.C. 864)

§ 119.42 Period for which an application will be approved.

(a) Basic grants. Since a project application is approved only for a period covering a fiscal year, funds granted to a State pursuant to §§ 119.2, 119.9 and 119.10 shall be available only for expenditures for which the application was approved and which are made during the fiscal year for which such funds are made available. For this purpose, the approval by a State educational agency of a project of a local educational agency shall be deemed to be an expenditure by the State educational agency.

(b) Special project grants. The project shall remain in effect for the period specified in the project approval or until otherwise terminated in accordance with § 119.28.

(c) Obligations and payments. The approval of the application pursuant to § 119.2 or § 119.23 will be regarded as an obligation of the Government of the United States in the amount of the approved application. Federal funds so obligated will remain available for expenditure by grantees during the fiscal year for which the Federal grant funds are made available or, in the case of special projects, for the period for which the application is approved. All payments made with respect to the grant shall remain available for such a period. In the case of a special project grant, such a period may be extended by revision of the project application pursuant to § 119.25.

(31 U.S.C. 200)

§ 119.43 Proration of costs.

Federal financial participation is available only with respect to that portion of any expenditure which is attributable to an approved application. Each grantee shall establish a justifiable basis for identifying expenditures and the method to be used in prorating expenditures among eligible and noneligible purposes covered by different programs. Each grantee shall maintain records to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, and equipment.

(20 U.S.C. 864)

§ 119.44 Expenditures by grantees.

Beginning July 1, 1969, or at such earlier date as the applicant may determine and notify the Commissioner, expenditures of funds under Title V of the Act will be determined on the basis of binding commitments for the acquisition of goods or property or for the performance of work, except that the use of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively. For this purpose, the approval by a State educational agency of a project of a local educational agency shall be deemed to be an expenditure by the State educational agency.

(31 U.S.C. 200)

§ 119.45 Liquidation of obligations.

Obligations entered into by a grantee and payable out of funds under Title V of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are made available for use by such grantee unless prior to the end of that fiscal year the grantee reports to the Commissioner the reasons why such obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating obligations. The same period for liquidation of obligations shall prevail for funds made available to a local educational agency under the provisions of section 503(14) of the Act. Such a period may be extended for local educational agencies if the State educational agency is similarly notified and extends the time for so liquidating obligations.

(31 U.S.C. 200)

§ 119.46 Effect of payments and settlement of accounts.

(a) No waiver. Neither the approval of an application nor any payment to the grantee pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the grantee to observe any Federal requirements before or after such an administrative action.

(b) Settlement of accounts. The final amount to which the grantee is entitled for any period is determined on the basis of actual disbursements under each application with respect to which Federal financial participation is authorized.

(20 U.S.C. 866)

§ 119.47 Arrangements with individuals or other organizations.

(a) In carrying out activities under Title V of the Act, the grantee receiving such grants may not transfer to others responsibility in whole or in part for the use of such grants or the conduct of such activities, except for those activities funded under the provisions of section 503(14) of the Act, but may enter into contracts or arrangements with others for carrying out a portion of any such activity. Such contracts or arrangements shall (1) be in writing, (2) incorporate by reference all requirements of the Act, the regulations in this part, the application of the applicant, and the grant conditions, (3) constitute a reasonable and prudent use of grant funds, (4) provide that funds received pursuant to Title V of the Act and paid by the grantee to the other party of the contract or arrangement will be used only for costs incurred by such other party in carrying out its portion of an activity, and (5) provide that such other party will account to the grantee for any funds that are not expended in accordance with the contract or arrangement.

(b) In applying for a grant under Title V of the Act, the applicant shall indicate in the application for such grant any intention it may have of entering into contracts or other arrangements with individuals or organizations to conduct a portion of any activity proposed in the application. The grantee shall not enter into any such contract or arrangement unless the intention to do so is included in the approved application, or an amendment or revision thereto.

(20 U.S.C. 863)

§ 119.48 Fiscal audits and program reviews.

In order to assist the grantee in adhering to statutory requirements and to the substantive legal and administrative provisions of the approved application, the Commissioner will conduct periodic reviews of the administration of the grantee's activities under Title V of the Act. In addition, all records covering expenditures for activities of the grantee will be audited by the Department to determine whether the grantee has properly accounted for Federal funds.

(20 U.S.C. 868)

§ 119.49 Records management.

(a) *Records maintenance and disposition.* The grantee shall maintain and keep intact and accessible all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants (1) for 5 years after the end of the period for which such grants were made available to the grantee for expenditure; or (2) until the grantee is notified that such records are not needed for administrative review, whichever occurs first.

(b) *Questioned expenditure.* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department.

(c) *Records of equipment.* Where equipment which costs $100 or more per unit is purchased by the grantee with Federal financial participation, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment.

(20 U.S.C. 864)

§ 119.50 Grantee accountability.

A grantee receiving grants under Title V of the Act shall, in accordance with procedures established by the Commissioner, render a full accounting of all grant funds paid to it upon the expiration of Title V of the Act or upon termination of such grants, and refund to the Commissioner any overpayment which might have been made, as determined by such an accounting.

(20 U.S.C. 866)

§ 119.51 Allowable expenditures.

Federal funds granted under Title V of the Act may be used for such expenditures as are necessary to carry out the activities for which the grants are made. Such expenditures may include (a) salaries, travel and other expenses of professional personnel and supporting staff for time spent on activities reasonably related to such activities, including payments for leave and employers' contributions to retirement, workmen's compensation, and other welfare funds, which are available under applicable laws to one or more general classes of the State or local agency or the grantee employees; (b) fees and approved expenses of consultants, advisory committees, and other persons or groups acting in an advisory capacity to the grantee in carrying out such activities; (c) acquisition, maintenance and repair of equipment (including minor remodeling), supplies, and materials, to the extent directly used or consumed in carrying out such activities; and (d) other expenses (except those for the acquisition of land or the acquisition, construction, or alteration of buildings) to the extent that they are directly attributable to such activities.

(20 U.S.C. 863)

§ 119.52 Copyrights.

Any material of a copyrightable nature produced through a project approved by the Commissioner under Title V of the Act shall not be copyrighted unless, at the request of the grantee, a copyright for a limited period of time is authorized by the Commissioner upon his determination that the authorization to receive such a copyright will result in more effective development or dissemination of the materials and would otherwise be in the public interest. The Commissioner shall, with respect to any copyright of materials produced with funds under Title V of the Act, be granted a nonexclusive, irrevocable, royalty-free license to reproduce, publish, and use for governmental purposes.

(BOB letter of December 3, 1964, to Register of Copyrights)

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: April 24, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-5287; Filed, May 1, 1969; 8:49 a.m.]

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Georgia

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Lee County, Ga.:

APPENDIX A

* * * * *

GEORGIA

County; place for filing; beginning date.

* * * * *

Lee; (1) Leesburg—Farmers Exchange Building, Second Floor; April 3, 1967, through April 30, 1969; (2) Leesburg—U.S. Post Office, intersection of State Highway 32 and U.S. Highway 19; May 1, 1969.

* * * * *

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5279; Filed, May 1, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2240]

PUBLIC SALES

Sale of Unintentional Trespass Lands

Notice is hereby given that it is proposed to amend Subpart 2243 as set forth below. This amendment provides regulations to implement the Act of September 26, 1968 (80 Stat. 870). This act authorizes the sale of lands which were affected by unintentional trespass on or before September 26, 1968, and which contain some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification for disposal under the homestead or desert land laws.

This amendment is not required by law to be published as proposed rule making because it relates to public property. However, it is the policy of this Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. A new paragraph is added to § 2243.0-1 to read as follows:

§ 2243.0-1 Purpose.

* * * * *

(c) The regulations in § 2243.3 implement the Act of September 26, 1968 (82 Stat. 870). This act authorizes the sale of certain land that was affected by unintentional trespass on or before September 26, 1968.

2. A new section is added to subpart 2243 to read as follows:

§ 2243.3 Procedures under the Act of September 26, 1968.

§ 2243.3-1 General.

(a) *Authority.* The Act of September 26, 1968 (82 Stat. 870) authorizes the Secretary of the Interior to sell at public auction any tract of public lands not exceeding 120 acres that was affected by unintentional trespass by the owner or user of contiguous lands on or prior to September 26, 1968, and which contains some land that has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. The act permits sales only if the Secretary of the Interior finds the land is not needed for a public purpose. The act limits the amount of land any person may acquire under its terms to 120 acres. The authority to make such sales expires on September 26, 1971, except that sales for which application has been made prior to September 26, 1971, may be completed after that date.

(b) *Objectives.* The program of the Secretary of the Interior in the administration of the act is to take into consideration the criteria set out in Part 2410 and to sell at public auction for not less than their appraised fair market value on an orderly basis public lands subject to the act which are not needed for a public purpose. To conform with the specific purposes of the act, lands will be sold in the smallest aliquot parts practicable in each situation.

§ 2243.3-2 Lands subject to sale.

(a) The act authorizes the Secretary of the Interior on his own motion or upon application of any person who owns contiguous lands to order into market and sell at public auction for not less than the appraised fair market value any tract of public lands not exceeding 120 acres which on or before September 26, 1968, was affected by unintentional trespass by the owner or user of contiguous lands and which he finds is not needed for public purposes and contains some land that has been or can be put to cultivation.

(b) The Secretary of the Interior has full discretion to determine whether land should be ordered into market under the regulations of this part. Factors that will be taken into consideration in making these determinations are described in Subpart 2410 of this chapter. Lands which are valuable for minerals will not be sold unless the minerals can be reserved to the United States under existing law. (See 30 U.S.C. section 21.)

(c) Only tracts of public land that are classified by the authorized officer under the criteria and procedures in Part 2410 of this chapter can be sold pursuant to the regulations in this section.

§ 2243.3-3 Procedures.

The provisions of § 2243.1 apply to sales under this section except that the owner of contiguous lands who wishes to assert his preference right must offer to purchase the lands at the highest bid received. A credit, determined by the authorized officer, will be given to a preference right purchaser for any value added to the land by him or his predecessors in interest during any period of unintentional trespass.

§ 2243.3-4 Trespass charges.

Purchase of lands in accordance with the act and these regulations shall not relieve any person from liability for unauthorized use of the lands while title was in the United States.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 28, 1969.

[F.R. Doc. 69-5248; Filed, May 1, 1969; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR Part 215]

ADMINISTRATION OF THE PRIBILOF ISLANDS

Aquatic Mammals Other Than Whales

Experience has demonstrated the need for a revision of the regulations prescribing the restrictions necessary to ensure the conservation of the wildlife resources of the Pribilof Islands.

The proposed amendments are to be issued under the authority contained in sections 101, 201, 207, and 403 of the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1151).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C., within the period of 30 days from the date of publication of this Notice in the FEDERAL REGISTER.

PART 215—ADMINISTRATION OF THE PRIBILOF ISLANDS

Sec.
215.1 Visits to seal rookeries.
215.2 Dogs prohibited.
215.3 Importation of birds and mammals.
215.4 Reindeer and foxes.
215.5 Walrus and Otter Islands.
215.6 Local regulations.
215.7 Penalties.

§ 215.1 Visits to seal rookeries.

From June 1 to October 15 of each year no person, except those authorized by the Bureau of Commercial Fisheries, or accompanied by an authorized employee of the Bureau of Commercial Fisheries, shall approach any fur seal rookery or hauling grounds nor pass beyond any posted sign forbidding passage.

§ 215.2 Dogs prohibited.

In order to prevent molestation of the fur seal herds, the landing of any dogs at the Pribilof Islands is prohibited.

§ 215.3 Importation of birds and mammals.

No mammals or birds shall be imported to the Pribilof Islands without the permission of the Bureau of Commercial Fisheries.

§ 215.4 Reindeer and foxes.

The reindeer herd on St. Paul Island is Government-owned. When it is determined that a surplus exists, hunting will be allowed to the extent of the surplus. A drawing will be held under local rules. Foxes may be hunted or trapped when prime during the months of December and January by holders of State trapping licenses.

§ 215.5 Walrus and Otter Islands.

By Executive Order 1044, dated February 27, 1909, Walrus and Otter Islands were set aside as bird reservations. All persons are forbidden to land on these islands except those authorized by the Bureau of Commercial Fisheries.

§ 215.6 Local regulations.

Local regulations will be published from time to time and will be brought to the attention of local residents and persons assigned to duty on the islands by posting in public places and brought to the attention of tourists by personal notice.

§ 215.7 Penalties.

Any person who violates or fails to comply with the regulations relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than $500 or be imprisoned not more than 6 months, or both. Any person who violates the provisions of title I or III of the Fur Seal Act of 1966, which relate to the protection of fur seals and sea otters, shall be fined not more than $2,000 or be imprisoned not more than 1 year, or both.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated April 24, 1969.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-5257; Filed, May 1, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1138]

[Docket No. AO-335-A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, N. Mex., on June 3-4, 1968, pursuant to notice thereof issued on May 22, 1968 (33 F.R. 7761).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 13, 1969 (34 F.R. 5334; F.R. Doc. 69-3200) filed with the Hearing Clerk, U.S. Department of Agriculture his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions and rulings of the recommended decision (34 F.R. 5334; F.R. Doc. 69-3200) are hereby approved, adopted, and are set forth in full herein.

The material issues on the record of the hearing related to:

1. Continuation of credits for specified Class II uses beyond August 1968;
2. Point of pricing diverted milk;
3. Pooling provisions for cooperative association "standby plants";
4. Deletion or modification of the supply-demand adjustor to the Class I price;
5. Changing marketwide pooling provisions to individual-handler pooling;
6. Changing the assignment with respect to receipts of packaged milk at a pool plant from a producer-handler; and
7. Deletion of the present exemption from pricing and pooling for larger producer-handlers.

By decisions issued August 6, 1968 (33 F.R. 11409) and August 26, 1968 (33 F.R. 12254) and amendatory action effective September 1, 1968 (33 F.R. 12302) proceedings have been concluded with respect to Issues 1-5 inclusive. This decision is concerned only with Issues 6 and 7.

Findings and conclusions. The following findings and conclusions on material Issues 6 and 7 are based on evidence presented at the hearing and the record thereof:

6. *Assignment of receipts of packaged milk received at a pool plant from a producer-handler.* No change should be made in order provisions with respect to assignment of packaged milk received at a pool plant from a producer-handler.

It was proposed that any packaged fluid milk product received from a producer-handler at a regulated plant be assigned to the Class I sales of the receiving plant.

The order presently assigns to the Class I sales of a regulated plant packaged certified fluid milk products received at such plant from a producer-handler and disposed of in the form in which received. A producer of certified milk who processes and packages his own production, but disposes of it through a pool plant instead of on his own route, is included under the definition of producer-handler.

These provisions have been in the order since it was first issued in 1962. They recognize a marketing practice prevailing before the order. The rules of Medical Milk Commissions under which milk may be disposed of as certified milk require the producer of certified milk to use only his own production and to process and package it himself under specified conditions of handling. The only producer of certified milk in the area was accorded producer-handler status because these rules and local marketing conditions provided no supplementary source of certified milk to be available either to him or the pool plant through which his milk is marketed. Under the order provisions the sales of this certified milk are virtually free from regulation as though disposed of on the producer's own routes.

In support of his proposal, proponent claimed that under the present order provisions packaged milk received at a pool plant from any source other than noncertified milk of producer-handlers was accorded more favorable treatment than bulk milk from the same source. In fact, however, receipts from unregulated plants are treated the same, whether in packaged or bulk form. Also, there was no showing that the special circumstances applying to certified milk apply with respect to operations of other producer-handlers. The proposal, therefore, is denied.

7. *Deletion of the present exemption from pricing and pooling for larger producer-handlers.* No action should be taken on the basis of this record to regulate producer-handlers disposing of more than a specified quantity of their own production on routes in the marketing area, or to otherwise alter the provisions affecting producer-handlers.

The order provides that persons who process and package milk of their own production and dispose of such milk on routes in the marketing area shall, under specified circumstances, be accorded producer-handler status and be exempt from payment obligations that fully regulated handlers normally incur under the order. To be eligible for this exemption, a person must not receive milk from other dairy farmers, and can receive a limited quantity of fluid milk products (11,000 pounds per month) only from pool plants; in addition, he must establish that production of milk and its processing and distribution are each his personal enterprise and at his personal risk.

Two handlers operating fully regulated plants at El Paso, Tex., proposed in the notice of hearing that the producer-handler definition apply only to those whose distribution of milk of their own production on routes in the marketing area does not exceed 30,000 pounds per month. At the hearing they modified their proposal to substitute for the 30,000-pound limit one of 129,000 pounds per month. A producer-handler proposed a further modification that would place the limit at 250,000 pounds per month. This further modification was accepted by proponents in their brief and at the hearing and by brief by a cooperative association which supported regulation of producer-handlers.

Twenty-one producer-handlers now distribute milk in the Rio Grande Valley marketing area. Their total Class I sales for the first 4 months of 1968 averaged more than 3.5 million pounds per month. This represents 12.97 percent of the combined total Class I sales for regulated handlers and producer-handlers for this period. For the years 1966 and 1967 producer-handler sales were 12.58 and 12.77 percent, respectively, of total sales.

The record contains no data concerning the number of producer-handlers in periods other than at the time of the hearing.

In June 1965 a fully regulated handler became a producer-handler. When that occurred, producer-handler sales increased by more than 1.2 million pounds from the preceding month. Percentagewise they increased from 6.38 percent of total sales in May 1965 to 12.09 percent in June of that year.

This producer-handler is now producing about 2 million pounds of milk monthly. He testified that for the years 1966-67, 19.4 percent of his production was used as Class II milk. Prior to increasing his own production to a point sufficient for his Class I sales, he purchased milk from 11 producers. He then had a Class I utilization of 96 to 98 percent of all receipts.

The proponents of regulation maintained that producer-handlers have a competitive advantage over fully regulated handlers. They put this advantage per hundredweight at the difference between the Class I price handlers pay for milk sold in fluid form and the uniform or blend price producers receive for all their milk. They pointed out that a regulated handler who sells all milk he receives as Class I milk is required to pay his producers the uniform price and also to pay into the marketwide pool the difference between the uniform price and the Class I price in order that other producers may receive the uniform price.

They pointed out also, in contrast, that a producer-handler who sells all his production as Class I milk may retain the full Class I value, either to enhance his returns as a producer, or to widen his margin as a handler. Such widened margin would be available for use as a price incentive to maintain or increase fluid sales. This recognizes that the uniform price of the order is the alternative return that a producer-handler might expect for his milk if he were to cease being a handler to become a producer only.

The difference between the Class I and the uniform price has increased in recent years. For 1966 it averaged 52 cents per hundredweight, for 1967 the average difference was 66 cents, and for 1968 it was 95 cents. (Official notice is hereby taken of the prices announced for the months of May through December 1968.) During this entire period the producer-handler proportion of market sales has increased by less than 1 percent. Thus, the widened difference in Class I and blend prices has not affected greatly the relative proportions of sales in the market of producer-handlers and regulated handlers.

As a group, producer-handlers in the Rio Grande Valley have marketed a higher percentage of their own production as Class I milk than the percentage of producer milk marketed as Class I milk by regulated handlers. For each year of 1964 through 1967, producer-handlers marketed from 92 to 96 percent of their production as Class I milk. Producer milk used in Class I ranged from 77 to 83 percent during these years.

As stated above, the producer-handler with the largest volume of sales in the market testified that his Class I usage averaged 80.6 percent over a 2-year period. Another, with production of more than 14,000 pounds daily, is disposing of about one-third of his production as surplus milk to a pool plant for Class II use. A third, with disposition in excess of 129,000 pounds but less than 250,000 pounds monthly, testified that his Class I use is about 98 percent of his production.

The 250,000 pound monthly limit supported by proponents and a producer organization apparently would affect only two of the above three producer-handlers. These two have Class I utilizations more nearly comparable to the market average than the average of producer-handlers as a whole. In fact, if they became fully regulated, one of them might draw funds from the pool on the use he makes of his own production.

There are a number of fully regulated handlers in the Rio Grande Valley market with either own farm production or with production units operated by affiliates. The representative of one handler for whom an affiliate supplies more than one-fourth of the milk supply, testified that more than half of the 18 fully regulated handlers had wholly owned or affiliated production units. Farms owned by handlers furnish about 10 percent of the producer milk supply of the market, or about 2.5 million pounds monthly. Total production of affiliated units was not shown in detail on the record, but may be even greater than that of own farm production.

The present percentage of total sales made by producer-handlers could be increased significantly if certain presently regulated handlers converted to producer-handler status. However, if producer-handler activity in the market increases, singly or in the aggregate, it may be necessary to give further consideration in hearing to whether additional regulation of producer-handlers is required for market stability.

As previously indicated, the proportion of market sales of producer-handlers since June 1965 has been relatively stable. In a 3-year period the producer-handler share of market sales has increased by less than 1 percent. There is no evidence at the present time that producer-handler sales are causing disruption of, or instability in this market. In view of these considerations, it is concluded that no action should be taken on this record to regulate producer-handlers on the basis of Class I disposition in excess of a specified monthly quantity.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination order. It is hereby found and determined, on the basis of the findings and conclusions and rulings with respect to the material issues of this proceeding, that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on April 28, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-5266; Filed, May 1, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9568]

AIRWORTHINESS DIRECTIVES

Viscount Models 744 and 745D Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Vickers Viscount Models 744 and 745D Series Airplanes. Cases have been reported of damage to electrical cables caused by overheating of the aluminum heavy duty cable lugs at the point of connection with the engine starter selector relay. The overheating was caused by insufficient tightening of the cable lug assembly. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed airworthiness directive would require replacement of the existing engine starter selector relay locking nut, bolt, and washers on all Vickers Viscount Models 744 and 745D Series Airplanes equipped with aluminum heavy duty cable lugs connected to the engine starter selector relay.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 2, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744 and 745D Series Airplanes equipped with aluminum heavy duty cable lugs connected to the engine starter selector relay.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the overheating of the aluminum heavy duty cable lugs during engine starting replace the existing engine starting selector relay locking nut, bolt, and washers with a captive locking nut P/N 80236 Sht. 893, revised securing bolt P/N 72436-2749 and washers 74736-287, in accordance with British Aircraft Corp. Viscount Modification Bulletin No. D.3219 Issue 1, dated September 9, 1968, or later ARB-approved issue or an FAA-approved equivalent. The aluminum cable lug connections to engine starter selector relays are located in the main landing gear wheel bay at Nose Rib Station 131, LH and RH wings.

Issued in Washington, D.C., on April 25, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-5254; Filed, May 1, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-8574]

CERTAIN EQUITY SECURITIES

Reports of Insider Trading

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Rule 16a-1 under the Securities Exchange Act of 1934. That rule relates to the filing of statements of beneficial ownership of equity securities and changes in such ownership, pursuant to section 16(a) of the Act.

One of the proposed amendments would require a person who has become a director or officer of a company whose equity securities are registered pursuant to section 12 of the Act, or who is a director or officer of a company whose securities have become so registered, to furnish with his initial statement of beneficial ownership on Form 3 (17 CFR 249.103) information as to any changes in his beneficial ownership of equity securities of the company which occurred during the preceding 6 months. The other proposed amendment would require person who has ceased to be a director or officer of such a company, or who was a director or officer at the time the company ceased to have any equity securities registered pursuant to section 12, to file a report with respect to any change in beneficial ownership which occurs within 6 months after any change in beneficial ownership prior to such cessation.

The purpose of the proposed amendments would be to provide disclosure under section 16(a) of the Act with respect to all transactions which may be subject to section 16(b) of the Act. The courts have held that for the purpose of section 16(b) a purchase of an equity security made before a person becomes a director or officer of a company having such securities registered pursuant to section 12 of the Act may be matched with a sale within 6 months thereafter at a time when such person has become a director or officer of the company. Blau v. Allen, 163 F. Supp. 702, 704 (S.D.N.Y. 1958); Adler v. Klawans, 267 F. 2d 840 (2d Cir. 1959). Similarly, it has been held that for the purpose of section 16(b), a purchase of an equity security of such a company by another company having a representative on the first company's board of directors may be matched with a sale of such security, within 6 months, after the representative ceased to be a director of the company. Feder v. Martin Marietta Corporation, 406 F. 2d 260 (1969). The same principles would seem to apply where equity securities become registered, or cease to be registered, between the dates of purchases and sales, or sales and purchases, made within a period of 6 months.

Section 240.16a-1 (d) and (e) of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended to read as follows:

§ 240.16a-1 Filing of statements.

* * * * * *

(d) Any person who has become a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of such an issuer at the time equity securities of such issuer first became so registered, shall file as an exhibit to his statement on Form 3 (17 CFR 249.103) a report on Form 4 (17 CFR 249.104) with respect to all changes, if any, in his beneficial ownership of equity securities of such issuer which occurred within 6 months prior to the date on which he became such director or officer, or equity securities of such issuer first became so registered, as the case may be. Such exhibit shall be dated and signed in the manner required by Form 4 and shall be referred to in such person's statement on Form 3 as an exhibit thereto.

(e) Any person who has ceased to be a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of an issuer at the time it ceases to have any equity securities so registered, shall file a statement on Form 4 (§ 249.104 of this chapter) with respect to any change in his beneficial ownership of equity securities of such issuer which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the issuer ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form 4 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

(Secs. 16 and 23(a); 48 Stat. 896 and 901, as amended; 15 U.S.C. 78p and 78w)

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before May 15, 1969. All such communications will be considered available for public inspection.

By the Commission, April 17, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5260; Filed, May 1, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CARROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Sold: Allied Chemical Corp.
(2) None.
(3) None.
(4) None.

This statement is made as of April 11, 1969.

Dated: April 18, 1969.

CARROL M. BENNETT.

[F.R. Doc. 69-5269; Filed, May 1, 1969; 8:48 a.m.]

ALEX S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 21, 1969.

Dated: April 17, 1969.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 69-5270; Filed, May 1, 1969; 8:48 a.m.]

H. J. PECKHEISER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 15, 1969.

Dated: April 16, 1969.

H. J. PECKHEISER.

[F.R. Doc. 69-5271; Filed, May 1, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 381.1, the lists (34 2330, 5084, and 6125) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves and sheep with respect to Walden Packing Co., Inc., establishment 886, is deleted. The reference to swine with respect to Greensboro Packing Co., Inc., establishment 1825, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Sunnyland Packing Co. of Alabama	56A					(*)		
Highland Packing Co.	746	(*)						
Foremost Packing Co.	824					(*)		
Pony Express Ranch	2308	(*)	(*)			(*)		
Tulare Meat Co.	6063	(*)	(*)					
Edwards Sausage Co., Inc.	6579					(*)		
White Packing Co.	6595	(*)	(*)	(*)		(*)		
New establishments reported: 7.								
Beeville Packing Co.	377				(*)			
S. Bonaccurso & Sons, Inc.	418				(*)			
DeWitt Packing Corp.	456		(*)					
D & W Packing Co.	560		(*)					
Emery Land Co.	561	(*)						
Kummer Meat Co., Inc.	617		(*)					
Frosty Morn Meat Co.	731		(*)					
Mid-State Meat Co.	741					(*)		
L. A. Frey & Sons, Inc.	2266A		(*)					
Husband Bros. Packing Co.	2284						(*)	
J. W. Treuth & Sons, Inc.	2612			(*)				
Wagner Provision Co., Inc.	2770		(*)					
Double A Meat Packing Inc.	5169					(*)		
Mount Vernon Meat Co., Inc.	6039					(*)		
Prime Meat Products Co.	6079		(*)					
Cuyamaca Meat Co.	6126					(*)		
Species added: 16.								

Done at Washington, D.C., on April 28, 1969.

R. K. SOMERS,
Deputy Administrator Consumer Protection.

[F.R. Doc. 69-5267; Filed, May 1, 1969; 8:48 a.m.]

Packers and Stockyards Administration

PRINCETON LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Princeton Livestock Auction, Princeton, Ill.
Irondale Auction Co., Irondale, Mo.

Iredell Livestock Company, Turnersburg, N.C.
Temple Auction Co., Temple, Okla.
Farmer's Livestock Market, Blairsville, Pa.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 25th day of April 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-5268; Filed, May 1, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AYERST LABORATORIES

Notice of Filing of Petition for Food Additive Nequinate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-646) has been filed by Ayerst Laboratories, 685 Third Avenue, New York, N.Y. 10017, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of nequinate (methyl 7-[benzyloxy]-6-butyl-1,4-dihydro-4-oxo-3-quinolinecarboxylate) in the feed of broiler chickens as an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*

Dated: April 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5256; Filed, May 1, 1969; 8:46 a.m.]

2,4-DICHLOROPHENYL *p*-NITROPHENYL ETHER

Notice of Extension of Temporary Tolerances

The Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on rice straw at 0.5 part per million and in or on rice at 0.1 part per million on May 20, 1968 (notice was published in the FEDERAL REGISTER of May 28, 1968; 33 F.R. 7775), which will expire May 20, 1969.

The firm has requested a 1-year extension of the temporary tolerances to obtain additional experimental data. The Commissioner of Food and Drugs has determined that such an extension of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permits issued by the U.S. Department of Agriculture. Distribution will be under the Rohm and Haas Co. name. These extended temporary tolerances expire on May 20, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5246; Filed, May 1, 1969; 8:46 a.m.]

NOVOBIOCIN PREPARATIONS FOR ORAL AND PARENTERAL USE

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following oral and parenteral forms of novobiocin:

1a. Albamycin Mix-O-Vial, Powder for Injection; 500 milligrams of novobiocin, as sodium novobiocin, per vial;

b. Albamycin Capsules; 250 milligrams of novobiocin, as sodium novobiocin, per capsule;

c. Albamycin Syrup; 125 milligrams of novobiocin, as calcium novobiocin, per 5 cubic centimeters; all marketed by the Upjohn Co., 301 Henrietta Street, Kalamazoo, Mich. 49001.

2. Cathomycin Sodium Capsules; 250 milligrams of novobiocin, as novobiocin sodium, per capsule; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

The Food and Drug Administration has concluded that novobiocin is effective for certain indications and is appropriate for use under the qualifications stated herein.

Preparations containing novobiocin are subject to certification pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Batches of the drug for oral or parenteral use for which certification is requested should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement. The holders of antibiotic forms 5 or 6 approved for a drug of the kind described above are requested to submit, within 30 days after publication hereof in the FEDERAL REGISTER, supplements to their antibiotic form 5 or 6 applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

NOVOBIOCIN

WARNING

Novobiocin Should be Used Only for Those Serious Infections Where Other Less Toxic Drugs Are Ineffective or Contraindicated, Because of the Following:

1. The High Frequency of Adverse Reactions, Including Hepatic Dysfunction, Blood Dyscrasias, and Rashes.
2. The Rapid and Frequent Emergence of Resistant Strains, Especially Staphylococci.
3. Its Spectrum of Antibacterial Activity Is Covered by Several Other Safer and More Effective Drugs.

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

In vitro novobiocin shows activity against *Staphylococcus aureus* and against some strains of *Proteus vulgaris*. It shows no cross-resistance with penicillin against resistant strains of *M. pyogenes* var. *aureus* (*Staphylococcus aureus*); however, in vitro studies indicate that *M. pyogenes* var. *aureus* very rapidly develops resistance to novobiocin.

INDICATIONS

Novobiocin is indicated only for the treatment of serious infections due to susceptible strains of *Staphylococcus aureus* when the patient is sensitive or there is other contraindication to other effective antibiotics, such as the penicillins, cephalosporins, vancomycin, lincomycin, erythromycin, and the tetracyclines.

Add for the oral forms: Novobiocin may be useful in the few urinary tract infections caused by Proteus species sensitive to novobiocin but resistant to other therapy.

CONTRAINDICATIONS

This drug should not be administered to persons with known sensitivity to novobiocin.

WARNING

Because novobiocin has been shown to affect bilirubin metabolism adversely, its use should be avoided in newborn and premature infants.

PRECAUTIONS

Novobiocin possesses a high index of sensitization and appropriate precautions should be taken. If allergic reactions develop during treatment and are not readily controlled by the usual measures, the product should be discontinued.

Hepatic and hematologic studies should be made routinely during treatment. In the case of development of liver dysfunction, the drug should be stopped. If hematologic studies show evidence of the development of leukopenia or other blood dyscrasias, the drug should be stopped.

If new infections appear during therapy, appropriate measures should be taken and consideration given to discontinuance of novobiocin.

ADVERSE REACTIONS

A high incidence of adverse reactions has been reported with the use of this drug.

Leukopenia and other blood dyscrasias, including anemia, pancytopenia, eosinopenia, agranulocytosis, and thrombocytopenia, have been reported.

Reversible liver dysfunction has been reported.

Skin eruption may take the form of urticarial, erythematous, maculopapular, or a scarlatiniform rash, including exudative erythema multiforme (Stevens-Johnson Syndrome).

Pain at the site of injection as well as nausea and vomiting, loose stools, and diarrhea when the drug is taken orally may occur.

Alopecia as well as intestinal hemorrhage have been reported.

DOSAGE AND ADMINISTRATION

1. *Parenteral.* This method of administration should be used only as a temporary measure in severe infections for those unable to take the preparation orally.

Adults: 500 milligrams intramuscularly or intravenously every 12 hours.

Children: Moderately acute infections—15 milligrams per kilogram per day in two divided doses at 12-hour intervals; severe infections—up to 30 milligrams per kilogram per day in two divided doses at 12-hour intervals.

2. *Oral.* Adults: Usually 250 milligrams every 6 hours or 500 milligrams every 12 hours. In severe cases, 500 milligrams every 6 hours or 1.0 gram every 12 hours.

Children: Moderately acute infections—15 milligrams per kilogram per day in divided doses; severe infections—30-45 milligrams per kilogram per day in divided doses.

The firms listed above have been mailed a copy of the NAS-NRC reports. Any manufacturer, packer, or distributor of a drug of composition and labeling similar to the subject drugs or any other interested person may also obtain a copy from the office named below.

Communications forwarded in response to this announcement should be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Requests for NAS-NRC report: Press Relations Office (CE-300).
Supplements: Division of Anti-infective Drugs (MD-140), Office of New Drugs, Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507; 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 25, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5247; Filed, May 1, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CROCKER-CITIZENS NATIONAL BANK

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-4354 appearing in the FEDERAL REGISTER issue of April 20, 1966 (31 F.R. 6068), notice was given that Crocker-Citizens National Bank had been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Notice is hereby given that under a merger of Crocker-Citizens National Bank into Crocker Bank, National Association, which was effected April 21, 1969, the survivor national banking association assumed the name of Crocker-Citizens National Bank, with offices at 1 Montgomery Street, San Francisco, Calif., and that said Crocker-Citizens National Bank has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: April 29, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-5295; Filed, May 1, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL HIGHWAY SAFETY BUREAU

Gulf Tire & Supply Co.; Withdrawal of Approved Code Mark

On June 7, 1968, the Director of the National Highway Safety Bureau issued a list of approved code marks which had been assigned to tire manufacturers to enable them to comply with section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421) and paragraph S4.3 of Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), both of which require that tires be labeled with either the name of the manufacturer or a brand name and an approved code mark which would permit the seller of the tire to identify the manufacturer to a purchaser upon his request. The list was published at 33 F.R. 8609. Included in the list was code number 173 which had been assigned to Gulf Tire & Supply Co.

The National Highway Safety Bureau has determined, after investigation, that Gulf Tire & Supply Co. is not a manufacturer of tires within the meaning of section 201 of the Act and paragraph S4.3 of Standard No. 109. Therefore, approved code number 173 has been withdrawn, and Gulf Tire & Supply Co. has been notified that all tires bearing its trademark manufactured after May 15, 1969, must be labeled with either the name of the manufacturer or with a brand name and an approved code mark.

This notice is issued under the authority of sections 103, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, 1421).

Issued on April 24, 1969.

ROBERT BRENNER,
Acting Director, National Highway Safety Bureau.

[F.R. Doc. 69-5255; Filed, May 1, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-4-114]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

APRIL 25, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket 18650, Agreement CAB 20745, R-59 and R-60.

By Order 69-4-54, dated April 10, 1969, the Board deferred action with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-4-54.

Accordingly, It is ordered, That:

Agreement CAB 20745, R-59 and R-60, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5285; Filed, May 1, 1969; 8:49 a.m.]

[Docket No. 20812]

HOUSEHOLD GOODS AIRFREIGHT FORWARDER INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 4, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Notice is further given that motions, or petitions, proposed procedural dates,

proposed statements of issues and request for evidence, if any, shall be served upon the Examiner and all parties to the proceeding on or before May 28, 1969, except that the Bureau of Operating Rights will file its proposal on or before May 21, 1969.

For information purposes holders who have filed applications for renewal of operating authorizations expiring July 9, 1969, pursuant to ordering paragraph 3 of order 69–3–43 are: Ace Van and Storage Co., Inc. doing business as Ace Freight Forwarding Co.; Bader Bros. Van Lines, Inc.; Bekins Airvan Co.; Cartwright International Van Lines, Inc.; Columbia Export Packers, Inc.; Continental Forwarders, Inc.; Dean Van Lines, Inc.; Engel Brothers, Inc.; Global Van Lines, Inc.; International Export Packers; Jet Forwarding, Inc.; National Movers Co., Inc.; Security Van Lines, Inc.; Sunpak Movers, Inc.; Vanpac Carriers, Inc., doing business as Thru-Flight Air Freight Forwarding Co.; B. von Paris & Sons, Inc.; and Wheaton Van Lines, Inc.

Dated at Washington, D.C., April 28, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–5286; Filed, May 1, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115–2]

PIQUA NUCLEAR POWER FACILITY

Notice of Termination of Operating Authorization

The Atomic Energy Commission has terminated Operating Authorization No. DPRA–2 which authorized the city of Piqua (COP) to operate the Piqua Nuclear Power Facility (PNPF) located in Piqua, Ohio. On August 7 and December 16, 1968, the Commission issued orders authorizing COP to dismantle the PNPF and decontaminate the facility in accordance with the PNPF Retirement Plan.

Representatives of the Commission have inspected the PNPF and have verified that it has been dismantled and disposition made of its component parts as described in the PNPF Retirement Plan. The Commission inspectors have further verified that the remaining structure has been decontaminated to radiation levels suitable for unrestricted occupancy in accordance with the requirements of 10 CFR Part 20.

Accordingly, the Commission has found that termination of Operating Authorization No. DPRA–2 for the PNPF will not be inimical to the common defense and security or to the health and safety of the public.

Copies of the Commission's (1) Operating Authorization Termination Order, and (2) the PNPF application for termination dated February 4, 1969, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69–5231; Filed, May 1, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN STATISTICIAN, IRS DATA CENTER, DETROIT, MICH.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 17, 1969, for the single position of Statistician, GS–1530–13, IRS Data Center, Detroit, Mich. This finding terminates when the position has been filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5281; Filed, May 1, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17441, 18525; FCC 69–415]

BETTER T.V., INC., AND NEW YORK TELEPHONE CO.

Memorandum Opinion and Order Designating Complaint and Application for Consolidated Hearing

In the matter of Better T.V., Inc., of Dutchess County, N.Y., Complainant, v. New York Telephone Co., Defendant, Docket No. 17441; New York Telephone Co., application for a Certificate of Public Convenience and Necessity for construction and operation of CATV channel facilities in Hyde Park, N.Y., Docket No. 18525, File No. P–C–7271.

1. The Commission has under consideration a complaint and petition for order to show cause filed on May 10, 1967 (Complaint) by Better T.V., Inc., of Dutchess County, New York (Better T.V. or complainant) and pleadings related thereto. Also before the Commission are: (a) the above-captioned application filed by New York Telephone Co. (Telco or defendant), for certification, pursuant to section 214(a) of the Communications Act, of construction and operation of CATV channel distribution facilities in Hyde Park, N.Y.; (b) "Petition To Deny Application For Certificate of Public Convenience and Necessity, Complaint and Request for Investigation and Hearing" timely filed by Better T.V. on December 23, 1968 (Petition); (c) a reply timely filed by Telco on January 6, 1969; and (d) a response filed by Better T.V. on January 15, 1969.

2. This proceeding was initiated by the above-mentioned Complaint directed against Telco. Better T.V. alleged therein that Telco was unlawfully constructing CATV channel facilities in Hyde Park, N.Y.:

> under alleged FCC Tariff No. 34 in order for defendant and its parent company (A.T. & T.) to monopolize the ownership and control of CATV facilities immediately in Hyde Park and eventually throughout the State of New York and throughout the United States,

in violation of the antitrust laws. Better T.V. requested the Commission to expedite consideration of its complaint immediately and separately from the proceeding in Docket No. 17333 "to prevent the immediate demise of complainant." On July 26, 1967, we denied such request and deferred action on said Complaint until the conclusion of the proceeding in Docket No. 17333.[1]

3. On June 26, 1968, we released our decision in Docket No. 17333 which required, among other things, that Telco:

> Cease and desist from the further construction of any facilities for the purpose of providing channel service to CATV systems until applications for certificates of public convenience and necessity have been filed as required by section 214 of the Act and Part 63 of the rules for such construction and approval therefor is obtained from the Commission.[2]

4. On November 22, 1968, the subject Telco application (P–C–7271) for section 214 certification of CATV distribution facilities in Hyde Park, N.Y., was accepted for filing. In its petition directed against the application, Better T.V. requested: (a) Denial of the application; (b) investigation and hearing re Telco and A.T. & T.'s practices relating to the furnishing of CATV channel service and pole-line attachments to CATV systems; and (c) deferral of action on all Bell System applications for section 214 certification of facilities throughout the Nation pending the requested investigation of practices alleged to be in violation of the antitrust laws. The facts and arguments contained in its previously filed complaint were incorporated by reference in its petition by Better T.V.

5. In its reply to the petition, Telco denied as "wild charges" Better T.V.'s allegations that Telco had delayed in entering into a pole attachment contract with Better T.V. and that Telco's activities in CATV violated the antitrust laws. Telco noted that such charges were simply a rehash of Better T.V.'s complaint which it had already answered. Telco attached a copy of its previously filed answer to Better T.V.'s complaint.[3]

6. Better T.V. alleges that Telco deliberately delayed in granting a pole attachment contract to it and in implementing such contract, while it proceeded with haste to grant and process an application of a rival CATV operator, U.S. Cablevision Corp., for channel service under a tariff offering. It is further alleged that this tends to concentrate the ownership of the capital assets of the CATV system in Hyde Park in Telco. Better T.V. argues that, if such conduct is not halted by the Commission, the result will be the eventual monopoly of CATV systems throughout the nation by Telco and its parent company, A.T. & T., in violation of the antitrust laws. Such charges are denied by Telco. Each seeks to blame the other for delays in reaching a pole attachment agreement. For example, Telco contends that Better T.V. had not furnished it with insurance 18 months after Better T.V. knew specifically what was required under the agreement. On the other hand, Better T.V. argues that such delay was caused solely by Telco's "unusual and inordinate requests" out of proportion to the purpose to be accomplished by the furnishing of insurance policies. Telco also contends that Better T.V. delayed in furnishing necessary information as to its head-end location until 3 months after it applied for the pole attachment agreement. On the other hand, Better T.V. argues that the engineering and legal fees required in connection with determining such location could not prudently be spent until the pole attachment agreement was secured. These examples serve merely to illustrate many such recriminations raising factual issues which appear capable of resolution only by evidentiary hearings.

7. It is noted that issues pending before the Commission in the consolidated hearings in Dockets Nos. 16928, 16943, and 17098 involve, among other things, alleged unlawful anti-competitive pole-line attachment practices and antitrust violations of Telco and A.T. & T. Insofar as Better T.V. requests that a general investigation and hearing be instituted into these matters, it is our view that the consolidated hearings will provide an adequate forum in which to ascertain the relevant facts and to determine such action as may be required. Thus, we believe it more conducive to orderly procedure to permit Better T.V. leave to intervene in said proceedings than to institute a separate proceeding which would essentially duplicate the investigation already scheduled in those proceedings. The hearing examiner in those proceedings is hereby authorized to grant such leave to intervene as he deems appropriate in the light of the views expressed herein and the exercise of his discretion in the conduct of that hearing.

8. It is further noted that Better T.V.'s petition, although specifically directed only against the subject Telco application, also urged, among other things, that no section 214 certification be granted to any Bell System company until the Commission had investigated the extent to which Bell companies may have "abused the public trust" or "engaged in anticompetitive activities individually or collectively contrary to public policy * * *." We do not believe that the petition provides sufficient justification for the action it urges the Commission to take. Better T.V. alleges, in effect, the existence of a Bell System anticompetitive plan on a nationwide basis. However, the petition fails to make the kind of prima facie showing necessary to establish the existence of any such predatory objective. Better T.V. has not shown that an indefinite freeze pending investigation of all CATV channel construction by the Bell System, with the adverse consequences for needed public service such action would entail, is warranted. By this we do not mean that an inquiry into the Bell System's practices and policies as they may impact upon competition in this field is not in order. As indicated above, we are of the view that an inquiry by the Commission into these practices and their competitive effects is already the subject of an appropriate proceeding. The Common Carrier Bureau, pursuant to our instructions[4] and delegated authority, has been acting on certain uncontested applications filed by Bell System companies pursuant to section 214 (a) of the Communications Act for certification of construction or operation of CATV channel facilities. We are not persuaded that modification is required in the present practice of staff action upon routine applications for section 214 certification (including those which: request certification of CATV channel facilities or operations which are uncontested; do not involve an affiliation or substantial relationship between the applicant and its customer; comply with our interim policies; and which, on their face, seem sound and in compliance with our decision in Docket No. 17333). Accordingly, we will deny Better T.V.'s petition insofar as it asks us to defer action on all Bell System applications for section 214 certification of facilities throughout the nation, whether such applications are specifically contested or not, pending our investigation of alleged unlawful anticompetitive activities by Bell System companies.[5]

9. As noted above, Telco has denied Better T.V.'s charges that it unlawfully delayed in granting and implementing a pole attachment contract with Better T.V. while hastening to grant and process a rival CATV operator's application for channel service. Telco further argues, in effect, that "in any event, competitive effect on anyone but another common carrier" is never relevant in a section 214 proceeding. We do not agree. Telco relies upon CATV and TV Repeater Services, 26 F.C.C. 403, 432 (1959); Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470 (1940); L. Singer & Sons v. Union Pacific R. Co., 311 U.S. 295 (1940); and City of Pittsburgh v. Federal Power Commission, 237 F. 2d 741 (1956) in support of its contention. Such authorities do not support said contention. Telco relies upon a statement in our report and order in CATV and TV Repeater Services which specified certain matters to be considered in passing upon common carrier applications. We expressly noted therein that the "simplified statement of matters to be considered is only an example, it being obvious that competitive common carrier considerations, or other particular problems, may involve other points of inquiry." Thus, it was readily apparent, even as early as 1959, that we did not necessarily consider ourselves limited to considering competitive effect only upon another common carrier in passing upon a common carrier application. Certainly, after judicial affirmation of our landmark Carter Mountain decision, no doubt should remain as to our right to deny authority for construction and operation of common carrier facilities because of economic impact upon a competitor of the carrier's proposed customer when such competitor provides television service to members of the public who might suffer a diminution, reduction, or complete deprivation of television service as the result of such impact.[6] In Carter Mountain, the U.S. Court of Appeals held that we were entitled, if indeed not obliged, to consider the end use or result of an application before us, citing a Supreme Court pronouncement in Federal Power Commission v. Transcontinental Gas Pipe Line Corp., 365 U.S. 1 (1961).[7] In the Sanders case, the Supreme Court held that resulting economic injury to a rival station was not, in and of itself, and apart from considerations of public convenience, interest, or necessity, an element that the Commission must weigh in passing on an application for a broadcast license. The Court did not hold that the Commission must disregard questions of competition between a proposed station and an operating one when the result of such competition might have a vital and important bearing upon whether or not the public received adequate service. When economic

[1] Better T.V., Inc., of Dutchess County, N.Y., et al., 9 F.C.C. 2d 166 (1967).

[2] General Telephone Company of California et al., 13 F.C.C. 2d 448, 471. Oral argument was held before the United States Court of Appeals for the District of Columbia Circuit on Feb. 17, 1969, on an appeal of the Commission's decision in Docket No. 17333 by respondents therein, including Telco and A.T. & T.

[3] Better T.V. filed a "response" to Telco's reply in order to attach and incorporate by reference its own previously filed reply to Telco's answer to its complaint. Such response is an unauthorized pleading under the Commission's interim procedures applicable to section 214 applications for CATV channel facilities (Public Notice—C, Aug. 9, 1968, FCC 68–816, Mimeo No. 19773; 33 F.R. 11559). However, Better T.V.'s timely filed reply to Telco's answer is properly before us and has been fully considered.

[4] See Southern Bell Telephone and Telegraph Co., 16 F.C.C. 2d 491, 496.

[5] The petition is defective under § 1.44(a) of our rules for improperly combining a request for investigation and hearing under section 403 of the Act, requiring action by the Commission, with a request concerning the subject application for section 214 authority, a matter over which the Chief of the Common Carrier Bureau has delegated authority to act under § 0.294(a) of our rules.

[6] Carter Mountain Transmission Corp. v. Federal Communications Commission, 321 F. 2d 359 (C.A.D.C.), cert. den. 375 U.S. 951.

[7] Carter Mountain Transmission Corp. v. Federal Communications Commission, 321 F. 2d 359, 363.

injury to an entity providing television service to the public may result in a diminution or reduction of service to the public, we cannot entirely disregard or close our eyes to the question of competition. The other cases cited by Telco also fail to support its contention.

10. In the case before us, Telco concedes that Better T.V. and U.S. Cablevision are both providing CATV service in Hyde Park and that the areas in which they operate overlap to some extent. Even though Better T.V.'s services are dependent upon a pole-line attachment arrangement with Telco, whereas U.S. Cablevision's services are dependent upon Telco's tariff offering, a question is raised whether the subject CATV channel distribution facilities are required, or whether such facilities, at least in part, may be unnecessary or constitute wasteful duplication.

11. In view of the foregoing, and since we are unable to resolve on the record before us substantial factual issues bearing upon whether the present or future public convenience and necessity require or will require the construction and operation for which certification is requested in the subject application, we shall designate the application for hearing on the issues set forth below.

12. In addition to the subject application, a number of similar pending applications filed by Telco for CATV facilities in various communities throughout the state of New York have been contested.[8] Pleadings directed against such applications allege, among other things: undermining of local "franchising" authorities, threatened destruction of CATV "franchised" operations, and wasteful duplication of existing CATV "franchised" facilities by Telco and subscribers to its leased CATV channel service;[9] undue discrimination by Telco relative to its tariff offering to construct and operate CATV distribution facilities;[10] and preferential treatment by Telco to subscribers of leased CATV channel facilities vis-a-vis persons merely leasing pole space;[11] in addition to alleging unlawful anti-competitive pole line attachment practices and policies by A.T. & T. and its subsidiaries, including Telco. It appears that some or all of these applications may be designated for hearing after preliminary processing is completed. Such hearings may be consolidated with this proceeding where appropriate. Accordingly, in order not to delay an early resolution of the legal and policy questions posed by the above-mentioned pleadings, and because we believe that their participation will assist the Commission, we shall permit leave to intervene in this proceeding, upon the filing of an appropriate pleading on or before 30 days after the publication in the FEDERAL REGISTER of our order herein, to the following persons or entities: The American Telephone and Telegraph Co.; Broadway Maintenance CATV Corp.; Cablevision Enterprises, Inc.; Catskill Cablevision Corp.; The City of New York; Comtel, Inc.; Dimension Cable TV, Inc.; Hightower of Poughkeepsie, Inc.; Hudson Valley Cablevision Corp.; Listfax Corp.; Manhattan TV Cable Services; Mid-Hudson Cablevision, Inc.; Sterling Information Services, Ltd.; Suffolk Cable Corp.; TelePrompTer Manhattan CATV Corp.; Vermont New York Television, Inc.; and WEOK Cablevision, Inc.

13. *Accordingly, it is ordered,* That, pursuant to sections 208, 214(a), and 403 of the Communications Act of 1934, as amended, the complaint in Docket No. 17441, and the above-captioned application of New York Telephone Co. (File No. P-C-7271) are hereby designated for consolidated hearing, at the Commission's offices in Washington, D.C., on a date and before an examiner to be specified by further order, upon the following issues:

(a) To determine the facts with respect to the grant and denial by New York Telephone Co., of poleline attachment agreements or arrangements with CATV operators in Hyde Park, N.Y., and the policies and practices underlying such actions;

(b) To determine whether said actions, policies, and practices, relative to New York Telephone Co.'s tariff offering, subjected Better T.V., Inc., or any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage, or extended any undue or unreasonable preference or advantage to U.S. Cablevision Corp., or to any person, class of persons, or locality;

(c) To determine whether the present or future public convenience and necessity require or will require the construction and operation for which certification is requested in the subject application;

(d) To determine, in the event of an affirmative finding under issue (c) above, what conditions, if any, should attach to a grant of the subject application; and

(e) To determine, in light of the evidence adduced under the foregoing issues, what further action, if any, the Commission should take.

14. *It is further ordered,* That New York Telephone Co.; Better T.V., Inc.; U.S. Cablevision Corp.; the Chief, Common Carrier Bureau; and the Chief, CATV Task Force, are made parties to the proceeding.

15. *It is further ordered,* That leave to intervene in this proceeding shall be granted to any of the persons or entities listed in paragraph 12 above upon the filing of an appropriate pleading within 30 days after the publication of this order in the FEDERAL REGISTER.

16. *It is further ordered,* That the burden of proceeding and the burden of proof upon issues (a) and (c) shall be upon New York Telephone Co.; that the burden of proof upon issue (b) shall be upon Better T.V., Inc.; and that the burden of proof upon issues (d) and (e) shall be upon the party, or parties, urging conditions or actions, respectively.

17. *It is further ordered,* That the complaint and petition filed by Better T.V., Inc., on May 10, 1967, and on December 23, 1968, respectively, are granted to the extent herein indicated and denied in all other respects.

18. *It is further ordered,* That the parties desiring to participate herein shall file their appearance in accordance with § 1.221 of the Commission's rules.

Adopted: April 23, 1969.

Released: April 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION[12]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5283; Filed, May 1, 1969; 8:49 a.m.]

[Docket No. 16928 etc.; FCC 69-414]

CALIFORNIA WATER & TELEPHONE CO. ET AL.

Memorandum Opinion and Order Amending Orders of Investigation

In the matter of California Water & Telephone Co., Tariff FCC No. 1 and Tariff FCC No. 2, applicable to channel service for use by Community Antenna Television Systems, Docket No. 16928; in the matter of The Associated Bell System Cos., tariffs for channel service for use by Community Antenna Television Systems, Docket No. 16943; in the matter of The General Telephone System and United Utilities, Inc., Cos., tariffs for channel service for use by Community Antenna Television Systems, Docket No. 17098.

1. The Commission has under consideration Tariff FCC No. 1 of Bethel & Mount Aetna Telephone & Telegraph Co.; Tariff FCC No. 1 of the Brazil Telephone Co., Inc.; Tariff FCC No. 1 of Central Iowa Telephone Co.; Tariff FCC No. 1 of Delaware Valley Telephone Co.; Tariff FCC No. 1 of Elkhart Telephone Co.; Tariff FCC No. 1 of General Telephone Co. of Alabama; Tariff FCC No. 1 of General Telephone Co. of Florida; Tariff FCC No. 1 of General Telephone Co. of Georgia; Tariff FCC No. 1 of General Telephone Co. of Illinois; Tariff FCC No. 1 of General Telephone Co. of Iowa; Tariff FCC No. 1 of General Telephone Co. of Kentucky; Tariff FCC No. 1 of General Telephone Co. of Missouri; Tariff FCC No. 1 of General Telephone Co. of Nebraska; Tariff FCC No. 1 of General Telephone Co. of North Carolina; Tariff FCC No. 9 of General Telephone Co. of the Northwest, Inc.; Tariff FCC No. 8 of General Telephone Co. of the Southeast; Tariff FCC No. 1 of General Telephone Co. of Upstate New York, Inc.; Tariff FCC No. 1 of General Telephone Co. of Wisconsin; Tariff FCC No. 1 of Mutual Telephone Co., Inc.; Tariff FCC No. 1 of Northern Ohio Telephone Co.; Tariff FCC No. 1 of Pee Dee Telephone Co., Inc.; Tariff FCC No. 1 of Princeton Telephone Co.; Tariff FCC No. 1 of Sheldahl Telephone Co.; Tariff FCC No. 1 of Suburban Telephone Co.; Tariff FCC No. 1 of Tri-County Telephone Co.; Tariff FCC No. 1 of Wattsburg Telephone Corp.; Tariff FCC No. 1 of Woodburn Telephone Co., Inc.; Tariff FCC No. 1 of York Telephone & Telegraph Co.; and Tariff FCC No. 8 of Hawaiian Telephone Co. The above-named companies are operating subsidiaries of General Telephone & Electronics Corp. (General Telephone System). All of these tariffs are now in effect and purport to offer Wide Spectrum Service for use by Community Antenna Television Systems (CATVs).

2. The Commission also has under consideration Tariff FCC No. [1] of United Telephone Co. of Indiana, Inc.; and Tariff FCC No. 1 of United Telephone Company of New Jersey.[1] These are tariffs of companies that are operating subsidiaries of United Utilities, Inc., and purport to offer Wide Spectrum Service for use by CATVs.

3. The Commission also has under consideration Tariff FCC No. 1 of South Central Bell Telephone Co. This tariff purports to offer channel service for use by CATVs.

4. The Commission by order of October 20, 1966, 5 FCC 2d 357, in Docket No. 16943, instituted an investigation into the lawfulness of CATV channel service tariffs of the various companies of the Associated Bell System. The Commission by order of January 11, 1967, 6 FCC 2d 434, in Docket No. 17098, instituted an investigation into the lawfulness of CATV channel service tariffs of the various companies in The General Telephone System and United Utilities, Inc., System.[2]

5. The tariffs listed in paragraphs one through three above were filed subsequent to our October 20, 1966, and January 11, 1967, orders of investigation in Dockets 16943 and 17098 and we are of the opinion that such orders should be amended to include investigation of the lawfulness of these later filed tariffs.

6. The Commission also has under consideration Tariff FCC No. 1 of Carolina Telephone and Telegraph Co.; Tariff FCC No. 1 of Heins Telephone Co.; and Tariff FCC No. 1 of Ashtabula Telephone Co. These are tariffs of independent telephone companies that purport to offer channel service for use by CATV's. As these tariffs involve the same questions under consideration in Dockets Nos. 16928, 16943, and 17098, we are of the opinion that the consolidated proceeding should include investigation of the lawfulness of these tariffs and that Carolina Telephone & Telegraph Co., Heins Telephone Co., and Ashtabula Telephone Co., be joined as parties respondent in the consolidated proceedings.

7. The Commission also has under consideration a petition filed on April 25, 1968, by the National Cable Television Association, Inc. (NCTA), requesting the Commission to reject the wide spectrum tariffs filed by 10 operating companies of United Utilities, Inc.[3] Generally NCTA alleges that the tariffs are unjust and unreasonable for failure to specify any service offering; the charges specified in the tariffs and their classification are discriminatory; unjust and unreasonable; that the tariffs violate Part 61 of the Commission's rules; and that the telephone companies through these tariffs are attempting to control all uses of broad-band cable. We believe that the petition of NCTA must be dismissed. With the exception of Tariff FCC No. 1 of United Telephone Company of Indiana, Inc., the tariffs of the nine operating companies named in the petition are successive issues of the tariffs placed under investigation by our aforesaid order in Docket No. 17098. As such, the tariffs and the services rendered under them are automatically under investigation in that proceeding. Similarly, the operating companies (again with the exception of Indiana) were named as party respondents to the proceeding and continue to be such. This memorandum opinion and order amends our aforesaid order by adding Tariff FCC No. 1 to the list of tariffs shown therein; and names the telephone company as a party respondent to that proceeding. In light of the above, the issues as formulated by the Commission in Docket No. 17098, to which NCTA is a party, are broad enough to include resolution of the questions raised by NCTA's petition.

8. *Accordingly, it is ordered,* That paragraph 1 of our order in Docket No. 17098, adopted January 11, 1967, 6 FCC 2d 434, is hereby amended by adding those tariffs listed in paragraph 1 above to the list of tariffs shown therein;

9. *It is further ordered,* That paragraph 2 of our aforesaid order in Docket No. 17098, is hereby amended by adding Tariff FCC No. 1 of United Telephone Company of Indiana, Inc.; and Tariff FCC No. 1 of United Telephone Company of New Jersey to the list of tariffs shown therein;

10. *It is further ordered,* That paragraph 8 of the aforesaid order, adopted January 11, 1967, is hereby amended to name the telephone companies listed in paragraphs 1 and 2 above as party respondents in Docket No. 17098;

11. *It is further ordered,* That paragraph 1 of our order in Docket No. 16943, adopted October 20, 1966, 5 FCC 2d 357, is hereby amended by adding Tariff FCC No. 1 of South Central Bell Telephone Co., to the list of tariffs shown therein;

12. *It is further ordered,* That paragraph 10 of our aforesaid order, adopted October 20, 1966, is hereby amended to name South Central Bell Telephone Co., as party respondent in Docket No. 16943;

13. *It is further ordered,* That Carolina Telephone & Telegraph Co., Heins Telephone Co., and Ashtabula Telephone Co., are joined as party respondents to the consolidated proceeding in Dockets Nos. 16928, 16943, and 17098, under the issues applicable to other parties to that proceeding, and that the companies' aforementioned tariffs are accordingly placed under investigation.

14. *It is further ordered,* That the petition to reject tariffs as unlawful filed by National Cable Television Association is dismissed.

Adopted: April 23, 1969.

Released: April 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5284; Filed, May 1, 1969; 8:49 a.m.]

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[8] The applications are for authorization of construction or operation of CATV channel distribution facilities for: Hudson Valley Cablevision Corp., in or near Titusville, Poughkeepsie, and La Grange (P-C-7114); Dimension Cable TV, Inc., in or near Plattsburgh (P-C-7116); Hightower of Poughkeepsie, Inc., in or near Arlington, Poughkeepsie, and La Grange (P-C-7117); Catskill Cablevision Corp., in or near Catskill (P-C-7118); Comtel, Inc., in the Borough of Manhattan, New York City (P-C-7226); WEOK Cablevision, Inc., in or near Poughkeepsie and La Grange (P-C-7247); Cablevision Enterprises, Inc., in or near Poughkeepsie, La Grange, and Pleasant Valley (P-C-7248); Broadway Maintenance CATV Corp., in or near Brookhaven (P-C-7255); and Manhattan Cable Television in the Borough of Manhattan, New York City (P-C-7282).

[9] See affidavit of Morris Tarshis, Director, Board of Estimate, City of New York, received November 29, 1968 relating to Telco application P-C-7226 and "Joint Petition to Deny" filed by TelePrompTer Manhattan CATV Corp., and Manhattan TV Cable Services on Nov. 14, 1968, directed against Telco application P-C-7226.

[10] See "Statement in Opposition to Application" filed by Comtel, Inc., on Jan. 22, 1969, directed against Telco application P-C-7282.

[11] See, for example, "Joint Supplemental Comments in Partial Opposition", filed by WEOK Cablevision, Inc., and Cablevision Enterprises, Inc., on Jan. 13, 1969, directed against Telco applications P-C-7114, P-C-7117, P-C-7247, and P-C-7248.

[12] Commissioner Bartley absent; Commissioners Johnson and H. Rex Lee concurring in the result.

[1] New Jersey Telephone Co. concurs in the tariff filed by United Telephone Company of New Jersey but has not filed a concurrence.

[2] The tariffs of the various companies in The General Telephone System and United Utilities, Inc., System no longer purport to offer channel service. Rather all said tariffs now purport to provide Wide Spectrum Service which can be used by CATVs.

[3] Columbia-United Telephone Co., United Inter-Mountain Telephone Co., United Telephone Co. of Arkansas, United Telephone Co. of Indiana, Inc., United Telephone Co. of Iowa, United Telephone Co. of Missouri, United Telephone Co. of the Northwest, United Telephone Co. of Ohio, United Telephone Co. of Pennsylvania, and United Telephone Co. of Kansas, Inc.

[4] Commissioner Bartley absent.

FEDERAL POWER COMMISSION

[Dockets Nos. G-5010 etc.]

SHELL OIL CO.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 24, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5010 C 1-23-69	Shell Oil Co.,[1] 50 West 50th St., New York, N.Y. 10020.	El Paso Natural Gas Co., Monahans Field, Winkler County, Tex.	[2] 14.12	14.65
G-10665 D 4-10-69	Champlin Petroleum Co. (Operator) et al., Post Office Box 9365, Fort Worth, Tex. 76107 (partial abandonment).	Cities Service Gas Co., acreage in Grant and Alfalfa Counties, Okla.	(3)	-------
G-11958 D 4-3-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Henze Field, De Witt County, Tex.	Assigned	-------
CI61-524 C 4-7-69	Shell Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla.	[4] 19.5	14.65
CI61-1523 (CI63-1556) C 4-2-69 [5]	McCulloch Oil Corp. of California, Suite 1200, 6151 West Century Blvd., Los Angeles, Calif. 90045.	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	12.0	14.025
CI62-826 A 1-24-62 E 4-30-62	Sohio Petroleum Co. (Operator) et al. (successor to Katz Oil Co. (Operator) et al.), 970 First National Bank Bldg., Oklahoma City, Okla. 73102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lopeno Field, Zapata County, Tex.	[6] 16.0	14.65
CI63-1513 C&D 4-16-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	South Texas Natural Gas Gathering Co., McAllen Ranch Field, Hidalgo County, Tex.	17.0	14.65
CI64-841 C 4-11-69	St. Clair Oil Co., 219 East Main St., St. Clairsville, Ohio 43950.	Equitable Gas Co., acreage in Harrison, Lewis and Upshur Counties, W. Va.	27.0	15.325
CI64-1422 C 4-14-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Oklahoma Natural Gas Gathering Corp., South Ringwood Field, Major County, Okla.	11.0	14.65
CI65-855 (CI69-915) E 3-26-69 [7]	J. & M. Well Service, Inc. (successor to Glenn Dugger (Operator) et al.) Post Office Box 925, Mission, Tex.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rincon field, Starr County, Tex.	15.0	14.65
CI65-1160 D 4-10-69	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Gageby Creek Field, Wheeler County, Tex.	(3)	-------
CI66-53 D 4-1-69	Mobil Oil Corp.	Northern Natural Gas Co., East Clark Area, Harper County, Okla.	(3)	-------
CI66-67 E 4-9-69	Horizon Oil & Gas Co. of Texas (successor to Shell Oil Co.), 1216 Hartford Bldg., Dallas, Tex. 75201.	Baca Gas Gathering System, Inc., Plank and Midway Fields, Baca County, Colo.	12.0	14.65
CI66-470 C 4-9-69	Sun Oil Company (DX Division) (Operator) et al., Post Office Box 2039, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	[8] 16.015	14.65
CI66-1328 C 4-9-69	do.	Panhandle Eastern Pipe Line Co., Emmett Horrell Unit, Roger Mills County, Okla.	[8] 18.0	14.65
CI67-685 E 3-6-69	Henry H. Howard and Edmund Howard (successors to Cayman Corp.), Box 503, Mt. Jewett, Pa. 16740	Pennsylvania Gas Co., Hamilton Township, McKean County, Pa.	27.0	15.025
CI67-1465 C 4-17-69	Cleary Petroleum Corp. (Operator) et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., North East Freedom Area, Woods County, Okla.	[9] 15.0	14.65
CI69-210 4-16-69 [10]	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Natural Gas Pipeline Co. of America, Block 118, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI69-278 E 2-27-69	Camino Oil Corp. (successor to Viking Drilling Co.), Post Office Box 1051, Corpus Christi, Tex. 78403.	Florida Gas Transmission Co., Citrus Grove Field, Matagorda County, Tex.	16.0	14.65
CI69-729 A 2-5-69	Atlantic Richfield Co.,[11] Post Office Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Azalea Field, Midland County, Tex.	14.5	14.65
CI69-802 [12] (G-10073) F 3-24-69	Bachus Oil Co. (successor to Humble Oil & Refining Co.), 721 East Central, Wichita, Kans. 67202.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	14.0	14.65
CI69-942 (CI62-965) F 4-2-69	J. F. Owen (Operator) et al. (successor to Gulf Oil Corp.), Post Office Box 51288, Lafayette, La. 70501.	United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La.	[13] 21.625	15.025
CI69-944 A 4-8-69	Davis Oil Co., c/o Jacob Goldberg, Attorney, 810 Pennsylvania Bldg., Washington, D.C. 20004.	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	21.25	15.025
CI69-945 (CI61-516) F 4-7-69	Shell Oil Co. (successor to Pan American Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla.	[4] 17.0	14.65
CI69-947 A 4-10-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Block 30 Field, Offshore (Zone 2), Louisiana.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-948 A 4-9-69	W. C. Miller, Suite B, 109 M & S Tower, San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Sal Del Rey Field (8150' Sand), Hidalgo County, Tex.	16.0	14.65
CI69-949 A 4-9-69	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Sea Robin Pipeline Co., Blocks 194, 195, 204, and 205, East Cameron Area, Gulf of Mexico.	[8] 21.25	15.025
CI69-950 A 4-11-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[8] 17.0	14.65
CI69-951 A 4-11-69	do.	do.	[8] 17.0	14.65
CI69-952 B 4-11-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., West Big Lake Field, Reagan County, Tex.	(17)	-------
CI69-953 A 4-14-69	Prairie Producing Co., et al., 573 The Main Bldg., Houston, Tex. 77002.	Trunkline Gas Co., South Ramsey Field, Colorado County, Tex.	17.0	14.65
CI69-954 A 4-14-69	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., acreage in Woodward and Major Counties, Okla.	[8] 19.5	13.5
CI69-955 B 4-11-69	Phillips Petroleum Co.	Diamond Shamrock Corp., Anadarko Basin Area, Lipscomb County, Tex.	(17)	-------
CI69-956 A 4-11-69	do.	Panhandle Eastern Pipe Line Co., Northeast Grand Field, Ellis County, Okla.	[8] 18.0	14.65
CI69-957 B 4-14-69	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	United Gas Pipe Line Co., acreage in Karnes County, Tex.	Depleted	-------
CI69-958 A 4-14-69	Atlantic Richfield Co.	Southern Natural Gas Co., Bayou Bouillon Field, St. Martin Parish, La.	[8] [14] 21.25	15.025
CI69-959 (CI65-1210) F 4-14-69 [15]	Afroma Oil & Gas Co., Inc. (successor to Parker Oil & Gas Co. et al.[15]), Post Office Box 387 Corpus Christi, Tex. 78403.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan-Odem Field, San Patricio County, Tex.	10.0	14.65
CI69-960 A 4-15-69	Geo. P. Hill et al, 1325 Fort Worth National Bldg., Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co., Elsie Harrison Leases, Texas County, Okla.	[8] 18.0	14.65
CI69-961 A 4-16-69	California Time Petroleum, Inc., Suite 515, Union Bank Bldg., 9460 Wilshire Blvd., Beverly Hills, Calif. 90212.	Arkansas Louisiana Gas Co., Jefferson Area, Marion County, Tex.	[16] 13.36896	14.65
CI69-962 A 4-16-69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Southern Natural Gas Co., Main Pass Area, Offshore Louisiana.	21.25	15.025
CI69-963 A 4-16-69	Davis Oil Co.	Texas Gas Transmission Corp., Savoy Field, St. Landry Parish, La.	18.5	15.025
CI69-964 A 4-17-69	Stuarco Oil Co., Inc., 2117 First National Bank Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Red Lion Area, Sedgwick County, Colo.	14.0	14.65

[1] Applicant has agreed to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[2] Contract provided for a rate of 15.70925 cents per Mcf; however, Applicant is proposing a rate of 14.5 cents as adjusted for quality as shown in the unilaterally executed quality statement submitted as an exhibit to the application.
[3] Pressure of gas is insufficient to enter Buyer's gathering line.
[4] Plus adjustment for B.t.u. content.
[5] Adds acreage acquired from Suzanne H. Poole, Docket No. CI63-1556.
[6] Sohio proposed an initial rate of 17.24 cents per Mcf. By order issued Dec. 30, 1963, in Docket No. G-8488 et al., the Commission provided that the appropriate rate for Sohio's FPC GRS No. 72 would be subject to the determination in Docket No. CI62-1544 et al. By Opinion and Order issued Mar. 23, 1964, in Docket No. CI62-1544 et al., the "in-line" rate was determined to be 16 cents per Mcf.
[7] Application was erroneously assigned Docket No. CI69-915 as a partial succession. Docket No. CI69-915 is canceled and the application will be processed under Docket No. CI65-855 as a complete succession.
[8] Leases have expired or were canceled.
[9] Application was erroneously noticed Apr. 10, 1969, in Dockets Nos. G-11181 et al., as an initial service application and at a rate of 12 cents per Mcf. By letter filed Apr. 16, 1969 Applicant amended its application to reflect a total initial rate of 14 cents per Mcf in lieu of 12 cents.
[10] All property covered by contract has been released.
[11] Well ceased to produce in commercial quantities.
[12] 2 cents per Mcf transportation charge for plant fuel and shrinkage losses if gas is processed downstream of delivery points.
[13] Partial succession and continuation of service from assigned acreage and depths previously dedicated to Afroma Oil & Gas, Inc. (Operator), et al., FPC GRS No. 4, in Docket No. CI65-1210. Predecessors are "et al." parties under said rate schedule.
[14] Subject to deduction for compression should compression be necessary.
[15] Parties to Docket No. CI65-1210 are: Parker Oil & Gas Co. et al., Afroma Oil & Gas, Inc. et al., Crestmont Oil & Gas Co. et al., Spartan-Odem Field, Banquete Gas Co., a division of Crestmont Oil & Gas Co., Geo. P. Hill et al., Elsie Harrison Leases, Texas County, Okla., Panhandle Eastern Pipe Line Co., Elsie Harrison Leases, Texas County, Okla., Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla., Panhandle Eastern Pipe Line Co., Northeast Grand Field, Ellis County, Okla., Panhandle Eastern Pipe Line Co., Emmett Horrell Unit, Roger Mills County, Okla., Panhandle Eastern Pipe Line Co., North East Freedom Area, Woods County, Okla., Phillips Petroleum Co., Bartlesville, Okla. 74003.
[16] Subject to deduction for compression should compression be necessary.

[F.R. Doc. 69-5154; Filed, May 1, 1969; 8:45 a.m.]

[Dockets Nos. CP69-181, CP69-117]

CENTRAL FLORIDA GAS CORP. AND FLORIDA GAS TRANSMISSION CO.

Order Consolidating Proceedings Setting Hearing Date, and Prescribing Procedure

APRIL 25, 1969.

CP69-117. Florida Gas Transmission Co. (Florida Gas), Post Office Box 44, Winter Park, Fla. 32789 filed on October 21, 1968, under Docket No. CP69-117, pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of FPC regulations thereunder, an application for a budget-type certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities and the transportation and sale of natural gas to existing distributor customers for resale in their present market areas and to gas consumers located outside the franchise area of any local distributor. The certificate would also cover miscellaneous rearrangements of Florida Gas pipeline facilities without changing any service rendered by means of such facilities. The total estimated cost of the proposed facilities will not exceed $150,000 and will be financed with internally generated funds.

The applicant alleged that it will insure that deliveries of gas to any one distributor or consumer through the proposed facilities will not exceed 100,000 Mcf of gas annually and that the gas so delivered will not be used by such distributor or consumer for boiler fuel purposes.

Notice of Florida Gas' application, setting November 22, 1968, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on November 2, 1968 (33 F.R. 16129).

On November 21, 1968, Central Florida Gas Corp. (Central Florida), Post Office Box 960, Winter Haven, Fla. 33881, filed a petition to intervene and a request that the Commission direct Florida Gas to provide, at its expense, a delivery point on Florida Gas' 6-inch natural gas pipeline near West Lake Wales, Polk County, Fla., and sell and deliver natural gas to Central Florida for resale. The petitioner alleges that Florida Gas had heretofore refused to provide petitioner with a delivery point for the proposed service.

On December 4, 1968, Florida Gas filed an answer opposing Central Florida's petition to intervene and request for an order directing sale of gas to it, and moved that the petition be dismissed for failure to comply with certain sections of the Commission's rules and regulations.

By letter dated December 12, 1968, the Commission's Secretary rejected Central Florida's petition to intervene and request for order directing sale of gas. The rejection was "without prejudice to the filing of an application pursuant to section 7(a) of the Natural Gas Act or a petition to intervene to secure an allocation of natural gas in an appropriate proceeding".

On December 17, 1968, Central Florida filed an application for rehearing of the order rejecting its petition to intervene, stating that "it is not in the public interest to grant a 'budget' application which implements Florida's discriminatory policy".

On December 27, 1968, Central Florida filed under Docket No. CP69-181, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Florida Gas to provide, at its expense, a delivery point near West Lake Wales, Polk County, Fla., and sell natural gas to Central Florida for resale to the St. Joe Paper Co. and in the community of West Lake Wales. This application will be described further hereinafter.

By order issued January 2, 1969, the Commission issued a budget-type certificate of public convenience and necessity to Florida Gas pursuant to its application under Docket No. CP69-117.

On January 7, 1969, Central Florida filed an application for rehearing and reconsideration of that order, stating that Florida Gas "has never responded to petitioner's charge that Applicant's policy is discriminatory".

By letter dated January 17, 1969, from the Commission's Secretary, Central Florida was informed that the Commission, construing Central Florida's application for rehearing as an appeal, had determined that the appeal should be

denied but without prejudice to the filing by Central Florida of an application pursuant to section 7(a) of the Natural Gas Act or a petition to intervene to secure an allocation of natural gas in an appropriate proceeding.

By order issued February 6, 1969, under Docket No. CP69–117 the Commission granted a rehearing of its order issued January 2, 1969, granting a budget type certificate to Florida Gas in order to give full consideration to the question of whether the issue of discrimination raised by Central Florida in its application for rehearing of the Commission's order of January 2, 1969, should be tried as a part of the proceeding under Docket No. CP69–117 or as part of the separate section 7(a) proceeding instituted by Central Florida under Docket No. CP69–181.

On February 17, 1969, Central Florida filed an application for rehearing of the Commission's order of January 17, 1969, denying Central Florida's petition to intervene in the proceeding under Docket No. CP69–117.

By order issued March 18, 1969, the Commission granted the rehearing sought by Central Florida in its application of February 17, 1969, "for the limited purpose of further considering the issues raised therein".

CP69–181. Central Florida Gas Corp. (Central Florida), Post Office Box 960, Winter Haven, Fla. 33881, filed on December 27, 1968, under Docket No. CP69–181, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Florida Gas Transmission Co. to provide, at its expense, a delivery point on Florida Gas' 6-inch natural gas pipeline near West Lake Wales, Polk County, Fla., and sell and deliver natural gas to Central Florida for resale. The applicant alleges that it owns and operates gas distribution systems serving several communities in Florida; that it purchases its entire requirements of natural gas from Florida Gas; that it has a contract to sell gas to the St. Joe Paper Co. for use in its paper box plant located in West Lake Wales; that it has a county permit covering all of Polk County; and that the delivery point requested will enable the applicant to offer service in West Lake Wales where there are approximately 20 potential residential consumers and a citrus candy plant which has indicated interest in using gas.

Attached to the application as an exhibit was a copy of a service agreement dated May 12, 1966, between Central Florida and St. Joe Paper Co., Jacksonville, Fla., for the sale and delivery on an interruptible basis of an annual contract quantity of 100,000 therms and a maximum daily quantity of 3,000 therms of natural gas for use in St. Joe's plant boilers located 3.5 miles west of Lake Wales, Fla., on State Road No. 60.

Central Florida stated that the facilities needed to serve the St. Joe Paper Co. consist of 250 feet of 2-inch service line at an estimated construction cost of $250 and that construction would be a matter of a few days. The estimated cost of the facilities to serve West Lake Wales would be $11,750. The cost of the proposed facilities will be financed out of cash on hand.

Notice of Central Florida's application, setting February 5, 1969, as the final date for filing protest or petitions to intervene, was published in the FEDERAL REGISTER on January 14, 1969 (34 F.R. 528).

On February 3, 1969, Florida Gas filed an answer objecting to Central Florida's application on the grounds, inter alia, that several discrepancies appeared in it and that certain data and information required by the Commission's regulations were omitted therefrom, and requested a public hearing on the application "with full right of participation by respondent".

Central Florida filed on February 11, 1969, a supplement to its application showing estimated maximum third year daily requirements of 3595 therms of natural gas and estimated total third year sales volume of 207,000 therms.

On March 3, 1969, Florida Gas filed a supplement to its answer filed theretofore on February 3, and repeated its request for a public hearing on Central Florida's application with right of participation by Florida Gas.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings under the Commission's orders issued February 6 and March 18, 1969, under Docket No. CP69–117 granting rehearing be consolidated with the proceedings on the application of Central Florida Gas Corp. under Docket No. CP69–181 and that a public hearing be held on the issues involved therein.

The Commission orders:

(A) The proceedings on Central Florida's application under Docket No. CP69–181 and the proceedings under the Commission's orders issued February 6 and March 18, 1969, under Docket No. CP69–117 granting rehearing are hereby consolidated.

(B) A public hearing on the issues presented by Central Florida's application under Docket No. CP69–181 and by Central Florida's applications for rehearing which were granted by the Commission's orders issued February 6 and March 18, 1969, under Docket No. CP69–117 will be held in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on September 3, 1969.

(C) Each of the parties shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case-in-chief, and including prepared testimony of witnesses and exhibits as follows:

Central Florida on or before June 2, 1969; Florida Gas on or before July 1, 1969.

Both parties shall file and serve rebuttal evidence on or before August 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5233; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69–216]

FLORIDA GAS TRANSMISSION CO.

Order Permitting Intervention, Denying Motion To Consolidate, Setting Hearing Date, and Prescribing Procedure

APRIL 25, 1969.

Florida Gas Transmission Co. (Florida Gas), Post Office Box 44, Winter Park, Fla. 32789, filed on February 10, 1969, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities and the sale and delivery of natural gas on a preferred interruptible basis to Lehigh Portland Cement Co. (Lehigh), at its portland cement plant located near Sweetwater in Dade County, Fla.

Florida Gas proposes to construct and operate approximately 7.5 miles of 8-inch lateral pipeline extending westward from a point of connection on its existing 18-inch main natural gas pipeline approximately 2 miles west of West Miami in Dade County, Fla., and then northward to a terminus at a point adjacent to Lehigh's cement plant where the applicant proposes to construct and operate a meter and regulator station together with necessary appurtenances. The estimated total cost of the facilities is approximately $399,000, which the applicant will finance out of funds on hand.

The applicant proposes to sell and deliver to Lehigh up to 8,640 M³ B.t.u. (8,348 Mcf) of natural gas per day at 14.65 p.s.i.a. and up to 2,850,000 M³ B.t.u. (2,753,623 Mcf) annually on a preferred interruptible basis.

Notice of Florida Gas' application, setting March 14, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on February 25, 1969 (34 F.R. 2570).

A timely petition to intervene and motion to consolidate the proceedings under Docket No. CP69–216 with the proceedings under Docket No. CP69–117 was filed by:

Central Florida Gas Corp. (Central Florida), Post Office Box 960, Winter Haven, Fla. 33881.

There was no other intervener or protest.

In its petition to intervene Central Florida alleges that it owns and operates gas distribution systems serving several communities in Florida; that it purchases its entire requirements of natural gas from Florida Gas; that it sells gas to industrial customers, some of whom purchase gas directly from Florida Gas at other locations; that the petitioner and Florida Gas are in competition as respects industrial sales; and that the petitioner is vitally interested in the terms and conditions under which Florida Gas makes sales for industrial use, and that its interest is not adequately represented by any other party to the proceeding.

Central Florida further alleges that Florida Gas proposes to pay for the lateral pipeline to make its own direct industrial sale but would not construct such lateral pipeline if such industrial sale were proposed by a distributor and would not provide a delivery point on its mainline so that the distributor could construct the lateral pipeline.

Central Florida implies that Florida Gas' policy in this regard is discriminatory. It alleges that an issue respecting Florida Gas discriminatory practice in providing separate delivery points for industrial sales has been raised by Central Florida in its petition to intervene in the proceedings on Florida Gas' application for a budget-type certificate filed October 21, 1968, under Docket No. CP69–117.

Florida Gas filed an answer opposing Central Florida's petition to intervene and motion to consolidate stating, inter alia, that the Lehigh portland cement plant is not located in Central Florida's franchise or service territory; that Central Florida has attempted to interject the discrimination issue in other proceedings, and that its pleading is simply another step in its program of harassment and interference.

Central Florida's allegations of discrimination on the part of Florida Gas appear to be serious enough to warrant leave to intervene and setting this case for hearing. On the other hand, Central Florida has raised this issue both in its section 7(a) application, Docket No. CP69–181, and in its intervention petition in Florida Gas' budget type certificate application, Docket No. CP69–117. Those proceedings are today being consolidated and set for hearing. That consolidated proceeding should offer a more appropriate vehicle than this proceeding for the resolution of the issue raised in both cases, inasmuch as, inter alia, the budget type certificate sought would allow Florida Gas to install facilities adjacent to Polk County, Fla., in which Central Florida holds a franchise, while the facilities for which authorization is sought in this docket would be in Dade County, Fla., a substantial distance from Central Florida's service area. In this light, and since we are of the view that the factual circumstances are sufficiently different that no useful purpose would be served by the consolidation of this proceeding with Dockets Nos. CP69–181 and CP69–117, we conclude that the most expeditious resolution of these disputes will result from separate hearings.

The Commission finds:

(1) Good cause exists to allow the petitioner named above to intervene in this proceeding subject to its compliance with the terms of this order in order that it may establish the facts and law from which the nature and validity of its alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) Good cause to consolidate the proceedings in this case with any other proceedings has not been shown.

The Commission orders:

(A) The petitioner named above is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided however that it shall comply with the terms of this order and that its participation shall be limited to matters affecting rights and interests expressly asserted in the petition to intervene; and provided further that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(B) The motion to consolidate proceedings is denied.

(C) A public hearing on the issues presented by the application in the above-entitled case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on May 26, 1969.

(D) The applicant and the intervener each shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case in chief including prepared testimony of witnesses and exhibits on or before May 9, 1969, and rebuttal evidence on or before May 20, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5234; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69–269]

FORAKER GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

APRIL 25, 1969.

Take notice that on April 15, 1969, Foraker Gas Co. (Applicant), Post Office Box 201, New Lexington, Ohio 43764, filed in Docket No. CP69–269 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent), to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Somerset, Perry County, Ohio, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently operating a natural gas distribution system in the Somerset area but that the local supply of natural gas upon which the system is dependent is dwindling. Applicant proposes to expand its distribution system with the construction of 11,000 feet of pipeline to serve additional customers. In order to augment its local supply of natural gas, Applicant seeks an order of the Commission directing Respondent to establish physical connection of its transmission facilities with the transmission facilities to be constructed by Applicant and to sell and deliver natural gas for resale and distribution. The expanded system will also serve Hocking County, Ohio.

The total estimated volumes of natural gas required to be purchased from Respondent in the third year for peak day and annual requirements are 1,600 Mcf and 456,250 Mcf, respectively.

Applicant estimates that it will cost $64,752 in order to expand its distribution system and to make connection with Respondent.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5235; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69–267]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 25, 1969.

Take notice that on April 15, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69–267 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport and sell an additional 35,000 Mcf of natural gas per day to Northern Illinois Gas Co. (Northern Illinois), an existing customer.

Applicant states that it is presently authorized to sell and deliver 92,250 Mcf per day to Northern Illinois. By this application, Applicant proposes to sell and deliver an additional 35,000 Mcf per day of contract demand commencing October 27, 1969, to help meet Northern Illinois' firm requirements for the 1969–70 heating season. The gas will be sold pursuant to Applicant's Rate Schedule PL–3.

Applicant further states that no new facilities are needed to effectuate the proposed additional sale.

Any person desiring to be heard to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5236; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69-89]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

APRIL 25, 1969.

Take notice that on April 17, 1969, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP69-89 a petition to amend the order issued in said docket on December 3, 1968, by authorizing an increase in the total amount to be spent on the "budget-type facilities" and the individual project cost, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct during the calendar year 1969 and operate various "budget-type facilities". The cost of the facilities was limited to $2 million, with no single offshore project to exceed a cost of $750,000, and no single onshore project to exceed $500,000.

Petitioner now requests that the aforementioned order be amended so as to authorize total expenditures of $4 million, with a single offshore project limited to a total of $1 million. Petitioner specifically requests a waiver of the limitations set forth in § 2.58(a)(2) of the Commission's rules of practice and procedure.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene, or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5237; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69-51]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

APRIL 29, 1969.

Take notice that on April 22, 1969, Transcontinental Gas Pipe Line Corp. (Petitioner), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-51 a petition to amend the order issued in said docket on January 24, 1969, by deleting the requirement contained in paragraph (E) of said order whereby Petitioner's certificate was conditioned upon the acceptance of temporary certificates by the producers who were to sell gas to Petitioner. Further, Petitioner requests that the said order be amended further by deleting certain producer docket numbers from the Appendix of such order and by substituting other docket numbers. The requests are more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that production from the Block 230 Field, Ship Shoal Area, for which Petitioner received authorization to construct facilities, will not be ready during the calendar year 1969 from three of the producers listed in the Appendix, Kerr-McGee Corp. in Docket No. CI68-1086, Cabot Corp. in Docket No. CI68-1085, Felmont Corp. in Docket No. CI68-1095, and Essex Corp. in Docket No. CI68-1096. Petitioner desires to commence taking in 1969 from the other producers in the Ship Shoal Area who are specified in the Appendix. Therefore, Petitioner requests that the aforementioned order be amended to delete the requirement that Kerr-McGee and its three partners in the Block 230 Field, listed above, be required to accept temporary certificates as a condition to the certificate granted therein to Petitioner.

Petitioner further seeks to have the appendix of said order amended by deleting Kerr-McGee's Docket No. CI68-1084, Cabot's Docket No. CI68-1087, Felmont's Docket No. CI68-1099, and Sun Oil Co. (DX Division) in Docket No. CI68-1111, all involving sales from Block 233 Field, Ship Shoal Area, and substituting Dockets Nos. CI69-881, CI69-898, CI69-917, and CI69-882, respectively.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest.

Therefore, any person desiring to be heard or to make any protest with reference to said application should, on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5292; Filed, May 1, 1969; 8:50 a.m.]

[Docket No. RI69-598, etc.]

TEXAS PACIFIC OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

APRIL 23, 1969.

Joseph E. Seagram & Sons Inc., doing business as Texas Pacific Oil Co. et al., Docket No. RI69-598 et al.; Amerada Petroleum Corp., Docket No. RI69-603.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued March 7, 1969, and published in the FEDERAL REGISTER, March 15, 1969 34(5313), in Appendix A, page 4, Docket No. RI69-603, Amerada Petroleum Corp.: (Opposite Rate Schedule No. 138) Under column headed "Supp. No.", change "7" to read "9".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5239; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69-272]

WISCONSIN GAS CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 25, 1969.

Take notice that on April 18, 1969, Wisconsin Gas Co. (Applicant), 626 East Wisconsin Avenue, Milwaukee, Wis. 53202, filed in Docket No. CP69-272 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent), to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Hager City, Pierce County, Wis., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application proposes to construct and operate a natural gas distribution system in Hager City, Pierce County, Wis., and environs, and requests that the Commission order Respondent to make physical connection with the proposed distribution system and to sell and deliver natural gas to meet the system's requirements.

The estimated third year peak day and annual requirements of the proposed system are 765 Mcf and 266,025 Mcf, respectively.

Applicant's total estimated cost of the proposed facilities is $69,027.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5238; Filed, May 1, 1969; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-46]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1969.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-11	July 19, 1967	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-14	Feb. 9, 1968	Do.
F-18	July 12, 1968	Do.
F-19	Aug. 23, 1968	Do.

Dated: April 28, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-5242; Filed, May 1, 1969; 8:45 a.m.]

[Federal Property Management Regs. Temporary Reg. G-4]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1969.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
G-2	Sept. 14, 1967	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
G-3	Nov. 3, 1968	Do.

Dated: April 28, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-5243; Filed, May 1, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TINTAIR, INC.

Order Suspending Trading

APRIL 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Tintair, Inc., White Plains, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 28, 1969 at 2 p.m. e.d.t., through May 7, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5261; Filed, May 1, 1969; 8:47 a.m.]

[812-2504]

NUVEEN TAX-EXEMPT BOND FUND, SERIES 21

Notice of Filing of Application of Exemption

APRIL 28, 1969.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 21, 209 South La Salle Street, Chicago, Ill. 60604 ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of 21 similar funds, named "Nuveen Tax-Exempt Bond Funds, Series 1-21," organized pursuant to a Trust Indenture and Agreement ("Trust Agreement") between John Nuveen & Co. (Inc.), as Sponsor, and United States Trust Company of New York, as Trustee. It is contemplated that the Sponsor will deposit with the Trustee under the Trust Agreement $10 million principal amount of municipal bonds and will receive in exchange therefor certificates of undivided interest in Applicant. It is proposed to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed but has not yet become effective. The Trust Agreement provides in substance that no additional bonds will be deposited during the life of the Trust and no additional units will be issued. The proceeds of bonds which may be sold, redeemed or mature will be distributed to unit holders. Units may be redeemed by the holders at their current net asset value. The Trust may be terminated by written consent of 100 percent of the unit holders of Applicant, or, in the event that the value of the Applicant shall fall below 20 percent of the aggregate principal amount of bonds initially deposited thereunder, upon direction of the Sponsor to the Trustee.

In connection with the requested exemption, the Sponsor has agreed to refund the original price including sales load, paid by purchasers for units, if

within 90 days after the registration of Applicant under the 1933 Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000.

Notice is further given that any interested person may, not later than May 13, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–5262; Filed, May 1, 1969; 8:47 a.m.]

TASK FORCE ON OIL IMPORT QUOTA CONTROLS

OIL IMPORT QUOTA PROGRAM

Opportunity To Submit Comments

The President has established a task force to review the question of oil import quota controls. The Secretary of Labor is Chairman of the task force. Other members are the Secretaries of State, Defense, Interior, Treasury, and Commerce, and the Director of the Office of Emergency Preparedness. See 5 Weekly Compilation of Presidential Documents 488 (March 31, 1969).

Interested persons will be invited to submit concise written comments to the task force on whether oil imports should remain subject to reduction and, if so, to what degree and by what means. The fundamental nature of the inquiry of the task force is emphasized, and interested persons are urged to begin immediately to prepare for their submissions. The comments of interested persons shall be available for public inspection, and such comments may be the subject of further submissions by interested persons.

The exact form of such submissions, more detailed subjects and issues, and the time and place for making submissions will be subsequently announced by publication in the FEDERAL REGISTER. When announced, the time for submitting documents will be strictly adhered to in order to permit the exchange of views by interested persons and adequate consideration by the task force within its 6-month life.

Signed at Washington, D.C., this 28th day of April 1969.

GEORGE P. SCHULTZ,
Chairman, Task Force on Oil Import Control.

[F.R. Doc. 69–5264; Filed, May 1, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 29, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41624—Barley, feed grade from points in Montana. Filed by North Pacific Coast Freight Bureau, agent (No. 69–2), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to specified points in Oregon and Washington.

Grounds for relief—Truck competition.

Tariff—Supplement 42 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41626—Bituminous coal—Murdock, Ill., to Penn, Ind. Filed by Illinois Freight Association, agent (No. 343), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum of 1,000 tons of 2,000 pounds per shipment, from Murdock, Ill., to Penn, Ind.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 17 to Illinois Freight Association, agent, tariff ICC 1157.

FSA No. 41627—Class and commodity rates between points in Texas. Filed by Texas-Louisiana Freight Bureau, agent (No. 626), for interested rail carriers. Rates on air coolers, and other various commodities, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 87 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41625—Barley, feed grade from points in Montana. Filed by North Pacific Coast Freight Bureau, agent (No. 69–3), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to specified points in Oregon and Washington.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 42 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41628—Class and commodity rates between points in Texas. Filed by Texas-Louisiana Freight Bureau, agent (No. 627), for interested rail carriers. Rates on anhydrous ammonia, and other various commodities, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 87 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5289; Filed, May 1, 1969; 8:49 a.m.]

[Notice 337]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to

section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71314. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Park Brothers Moving Corp., Post Office Box 34, Annandale, Va., of the operating rights in certificate No. MC–60655 issued July 8, 1965, to Rogers Moving Co., Inc., 5816 Seminary Road, Bailey Crossroads, Va., authorizing the transportation, over irregular routes, of household goods between points in Shenandoah, Page, Warren, and Rockingham Counties, Va., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, and those in Maryland, Pennsylvania, New Jersey, West Virginia, and the District of Columbia, and between Herndon, Va., and points in Virginia within 50 miles of Herndon, on the one hand, and, on the other, Washington, D.C., and Baltimore, Md.

No. MC–FC–71327. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Charter Bulk, Inc., Newark, N.J., of Certificates Nos. MC–123922 (Sub-No. 2), MC–123922 (Sub-No. 5), MC–123922 (Sub-No. 7), MC–123922 (Sub-No. 9), MC–123922 (Sub-No. 10), and MC–123922 (Sub-No. 11), issued March 26, 1968, February 27, 1964, October 29, 1965, December 23, 1968, February 27, 1969, and March 10, 1969, respectively, to Charter Bulk Service, Inc., Newark, N.J., authorizing the transportation of chemicals, bicarbonate of soda, dry sodium carbonate monohydrated, dry, in bulk, and sodium silicate, and other similar commodities between, and from and to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5290; Filed, May 1, 1969; 8:49 a.m.]

[Notice 337A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1969.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC–FC–71330. By application filed April 28, 1969, WESTERN MILK TRANSPORT, INC., South K Street (Post Office Box 1060), Tulare, Calif. 93274, seeks temporary authority to lease the operating rights of KINGS COUNTY TRUCK LINES, 550 South L Street (Post Office Box 1016), Tulare, Calif. 93274, under section 210a(b). The transfer to WESTERN MILK TRANSPORT, INC., of the operating rights of KINGS COUNTY TRUCK LINES, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5291; Filed, May 1, 1969; 8:49 a.m.]

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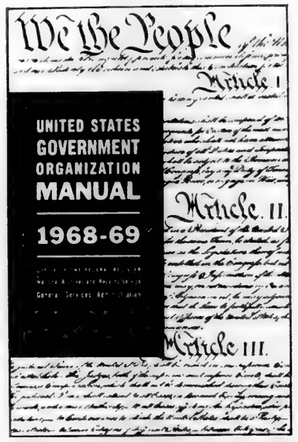

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MAY 7 1969

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Title 3—THE PRESIDENT

Executive Order 11467

DELEGATING TO THE SECRETARY OF STATE AUTHORITY TO APPROVE OR REJECT RECOMMENDATIONS AND ACTIONS OF CERTAIN FISHERIES COMMISSIONS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 6(a) of the North Pacific Fisheries Act of 1954 (68 Stat. 699; 16 U.S.C. 1025(a)) to accept or reject, on behalf of the United States, recommendations made by the International North Pacific Fisheries Commission in accordance with the provisions of Article III, section 1, of the International Convention for the High Seas Fisheries of the North Pacific Ocean (signed at Tokyo May 9, 1952, TIAS 2786) and recommendations made by the Commission in pursuance of the provisions of the Protocol to that Convention.

(2) The authority vested in the President by Article III, paragraph 2, of the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, March 2, 1953, TIAS 2900) to approve or reject actions of the International Pacific Halibut Commission taken pursuant to that paragraph.

SEC. 2. In carrying out his authority under section 1 of this order the Secretary of State shall consult with the Secretary of the Interior.

Richard Nixon

THE WHITE HOUSE,
May 1, 1969.

[F.R. Doc. 69-5422; Filed, May 2, 1969; 10:45 a.m.]

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 8—INTERPRETATIONS

Jurisdiction Over Nuclear Facilities and Materials

An interpretation by the General Counsel of the Atomic Energy Commission of the Atomic Energy Act of 1954, as amended, is added to the Atomic Energy Commission's regulation 10 CFR Part 8, which contains interpretations of the Atomic Energy Act of 1954 (68 Stat. 919) and of regulations of the Commission issued thereunder.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of 10 CFR Part 8 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

A new § 8.4 is added to read as follows:

§ 8.4 Interpretation by the General Counsel: AEC jurisdiction over nuclear facilities and materials under the Atomic Energy Act.

(a) By virtue of the Atomic Energy Act of 1954, as amended,[1] the individual States may not, in the absence of an agreement with the Atomic Energy Commission, regulate the materials described in the Act from the standpoint of radiological health and safety. Even States which have entered into agreements with the AEC lack authority to regulate the facilities described in the Act, including nuclear power plants and the discharge of effluents from such facilities, from the standpoint of radiological health and safety.

(b) The Atomic Energy Act of 1954 sets out a pattern for licensing and regulation of certain nuclear materials and facilities on the basis of the common defense and security and radiological health and safety. The regulatory pattern requires, in general, that the construction and operation of production facilities (nuclear reactors used for production and separation of plutonium or uranium-233 or fuel reprocessing plants) and utilization facilities (nuclear reactors used for production of power, medical therapy, research, and testing) and the possession and use of byproduct material (radioisotopes), source material (thorium and uranium ores), and special nuclear material (enriched uranium and plutonium, used as fuel in nuclear reactors), be licensed and regulated by the Commission.[2] In carrying out its statutory responsibilities for the protection of the public health and safety from radiation hazards and for the promotion of the common defense and security, the AEC has promulgated regulations which establish requirements for the issuance of licenses (Parts 30–36, 40, 50, 70, 71, and 100 of this chapter) and specify standards for radiation protection (Part 20 of this chapter).

(c) The Atomic Energy Act of 1954 had the effect of preempting to the Federal Government the field of regulation of nuclear facilities and byproduct, source, and special nuclear material. Whatever doubts may have existed as to that preemption were settled by the passage of the Federal-State amendment to the Atomic Energy Act of 1954 in 1959.[3]

(d) Prior to 1954, all nuclear facilities and the special nuclear material produced by or used in them were owned by the AEC.[4] This Federal monopoly of atomic energy activities was due in large part to the use of atomic energy materials and facilities in our national weapons program, and the large capital investment required for their development. The Atomic Energy Act of 1954 permitted private ownership of nuclear facilities for the first time, but only under a comprehensive, pervasive system of Federal regulation and licensing. That Act recognized no State responsibility or authority over such facilities and materials except the States' traditional regulatory authority over generation, sale, and transmission of electric power produced through the use of nuclear facilities.[5] As interest grew in the private construction of facilities and the use of atomic energy materials, and the numbers of persons qualified in the field increased, questions arose as to the role State authorities should play with regard to the public health and safety aspects of such activities. Several bills were introduced with respect to Federal-State cooperation in 1956 and 1957.[6] An AEC proposed bill which would have authorized concurrent radiation safety standards to be enforced by the States was forwarded to the Joint Committee on Atomic Energy in 1957, but was never reported out. Finally, in 1959, legislation was enacted whose purpose was to promote an orderly regulatory pattern between the Federal and State governments with respect to regulation of byproduct, source, and special nuclear material, while avoiding dual regulation (see section 274a). That legislation added section 274, the so-called Federal-State amendment, to the Atomic Energy Act.

(e) Section 274 (42 U.S.C. 2021) authorizes the Commission to enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a "critical mass." However, section 274c (42 U.S.C. 2021(c)) provides that the Commission shall retain authority and responsibility with respect to the regulation of:

(1) The construction and operation of production or utilization facilities (note: this includes construction and operation of nuclear powerplants);

(2) The export and import of byproduct, source or special nuclear material or production or utilization facilities;

(3) The disposal into the ocean of waste byproduct, source or special nuclear materials; and

(4) The disposal of such other byproduct, source or special nuclear material as the Commission determines should, because of the hazards or potential hazards thereof, not be so disposed of without a Commission license.

(f) The amendment, in providing for the discontinuance of some of the AEC's regulatory authority over source, byproduct and special nuclear material in States which entered into agreements with the AEC, made clear that there should be no "dual regulation" with respect to those materials for the purpose of protection of the public health and safety from radiation hazards.

(g) Section 274b of the Atomic Energy Act (42 U.S.C. 2021(b)) states that:

> During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

Section 274k (42 U.S.C. 2021(k)) states:

> Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes other than protection against radiation hazards.

(h) In its comments on the bill that was enacted as section 274, the Joint Committee on Atomic Energy commented that:

> It is not intended to leave any room for the exercise of dual or concurrent jurisdiction

[1] Public Law 83–703, 68 Stat. 919.

[2] The terms "byproduct material," "source material," and "special nuclear material" are defined in the Atomic Energy Act, sections 11e, 11z, and 11aa, respectively. The terms "production facility" and "utilization facility" are defined in sections 11v and 11cc of the Act, respectively.

[3] Public Law 86–373, 73 Stat. 688.

[4] Atomic Energy Act of 1946, Public Law 79–585, 60 Stat. 755.

[5] Section 271, 42 U.S.C. 2018.

[6] S. 4298 and H.R. 8676, 84th Cong., second session; S. 53, 85th Cong., first session.

by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both.[7]

In explaining section 274k, the Joint Committee said:

As indicated elsewhere, the Commission has exclusive authority to regulate for protection against radiation hazards until such time as the State enters into an agreement with the Commission to assume such responsibility.[8]

(i) It seems completely clear that the Congress, in enacting section 274, intended to preempt to the Federal Government the total responsibility and authority for regulating, from the standpoint of radiological health and safety, the specified nuclear facilities and materials; that it stated that intent unequivocally; and that the enactment of section 274 effectively carried out the Congressional intent, subject to the arrangement for limited relinquishment of AEC's regulatory authority and assumption thereof by states in areas permitted, and subject to conditions imposed, by section 274.[9]

(j) Thus, under the pattern of the Atomic Energy Act, as amended by section 274, States which have not entered into a section 274 agreement with the AEC are without authority to license or regulate, from the standpoint of radiological health and safety, byproduct, source, and special nuclear material or production and utilization facilities. Even those States which have entered into a section 274 agreement with the AEC (Agreement States) lack authority to license or regulate, from the standpoint of radiological health and safety, the construction and operation of production and utilization facilities (including nuclear power plants) and other activities reserved to the AEC by section 274c. (To the extent that Agreement States have authority to regulate byproduct, source, and special nuclear material, their section 274 Agreements require them to use their best efforts to assure that their regulatory programs for protection against radiation hazards will continue to be compatible with the AEC's program for the regulation of byproduct, source and special nuclear material.)

(k) The following judicial precedents and legal authorities support the foregoing conclusions: Northern California Ass'n, Etc. v. Public Utilities Commission, 37 Cal. Rep. 432, 390 P. 2d 200 (1964); Boswell v. City of Long Beach, CCH Atomic Energy Law Reports, par. 4045 (1960); Opinion of the Attorney General of Michigan (Oct. 31, 1962); Opinion of the Attorney General of South Dakota (July 23, 1964); New York State Bar Association, Committee on Atomic Energy, State Jurisdiction to Regulate Atomic Activities (July 12, 1963). No precedents or authorities to the contrary have come to our attention.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 14th day of March 1969.

JOSEPH F. HENNESSEY,
General Counsel,
Atomic Energy Commission.

[F.R. Doc. 69-5296; Filed, May 2, 1969; 8:45 a.m.]

[7] 1959 U.S. Code Congressional and Administrative News, v. 2, p. 2879.

[8] Id. at pp. 2882-3.

[9] As noted above, regulation of construction and operation of production or utilization facilities was one of the areas reserved to the AEC. It is clear from the legislative history of section 274 that control of "operation" of such facilities includes the regulation of the radiological effects of the discharge of affluents from the facilities. (Hearings before the Joint Committee on Atomic Energy on Federal-State Relationships in the Atomic Energy Field, 86th Cong., first session, 1959, p. 306.) AEC regulations implementing section 274 recognize that intent by defining facility operation to include the discharge of radioactive effluents from the facility site (10 CFR 150.15).

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1, Amdt. 1]

PART 102—DISCLOSURE OF INFORMATION

Title Change

An internal reorganization makes necessary a change in the title of the official authorized to make final decisions on appeals from refusals to disclose agency information and records and on appearances and testimony by agency employees.

Accordingly, Part 102 is amended by substituting "Assistant Administrator for Management" for "Assistant Administrator for Administration" in §§ 102.5 (c) and (d) and 102.7.

Effective date: April 25, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-5334; Filed, May 2, 1969; 8:48 a.m.]

[Amdt. 2]

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE

General

§ 124.8-1 [Amended]

1. Section 124.8-1 of the rules and regulations of the Small Business Administration is amended by deleting paragraph (b) and redesignating paragraph (a) as § 124.8-1; and

2. Section 124.8-2(a) of the rules and regulations of the Small Business Administration is amended to read as follows:

§ 124.8-2 Procedures.

(a) SBA will review procurement plans and programs of other Government departments and agencies to determine the property, equipment, supplies, and materials for which SBA should undertake to provide for the Government through the exercise of its prime contracting authority. SBA will, for appropriate property, equipment, supplies and materials, make the certification provided for in section 8(a)(1) of the Small Business Act and enter into a formal contract with the procuring agency.

* * * * *

Effective date: Immediately upon publication in the FEDERAL REGISTER.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-5320; Filed, May 2, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 so as to alter the Columbus, Ohio, 700-foot transition area.

The Lockbourne, Ohio, terminal very high frequency omni-directional radio range will be decommissioned during April 1969. The VOR-Radial 090 instrument approach procedure for Anchor Hocking Airport, Lancaster, Ohio, recently renamed Fairfield County Airport, is canceled effective April 14, 1969. The controlled airspace designated to protect aircraft executing this procedure must be rescinded. Consequently, it is necessary to alter the Columbus, Ohio, 700-foot floor transition area to delete this airspace from the designation and to insert coordinates to provide continuity in the description of the remaining designated airspace.

Since this amendment results in the rule being less restrictive and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Columbus, Ohio, 700-foot floor transition area, "within a 5-mile radius of the center, 39°45'25" N., 82°39'35" W., of Anchor Hocking Airport, Lancaster, Ohio" and "within 2 miles each side of the Lockbourne VOR 088° radial extending from the Anchor Hocking Airport 5-mile radius area to 8 miles east of the VOR". Following the phrase "that airspace within a line from", insert "39°45'00" N., 82°42'00" W. to".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5322; Filed, May 2, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 17246 of the FEDERAL REGISTER dated November 21, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Windom, Minn.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 26, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655 (c))

Issued in Kansas City, Mo., on April 8, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

WINDOM, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Windom Municipal Airport (latitude 43°-54'50" N., longitude 95°06'35" W.); within 5 miles east and 8 miles west of the 354° bearing from Windom Municipal Airport, extending from the airport to 12 miles north of the airport; and within 5 miles each side of the 174° bearing from Windom Municipal Airport, extending from the airport to 12 miles south of the airport.

[F.R. Doc. 69-5323; Filed, May 2, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Graham, Tex., transition area.

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5337) stating the Federal Aviation Administration proposed to designate a transition area at Graham, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

GRAHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (lat. 33°06'20" N., long. 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (lat. 33°07'48" N., long. 98°-32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 23, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-5324; Filed, May 2, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Nacogdoches, Tex., transition area.

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5337) stating the Federal Aviation Administration proposed to designate a transition area at Nacogdoches, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

NACOGDOCHES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (lat. 31°34'35" N., long. 94°42'25" W.), within 2 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 2 miles each side of the 343° bearing from the Nacogdoches RBN (lat. 31°38'01" N., long. 94°-44'01" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 23, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-5325; Filed, May 2, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1516]

PART 13—PROHIBITED TRADE PRACTICES

Career Originals, Inc., and David Kaufman

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act; 13.1053-80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Career Originals, Inc., et al., New York, N.Y., Docket C-1516, Apr. 4, 1969]

In the Matter of Career Originals, Inc., a Corporation, and David Kaufman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of ladies' coats to cease misbranding and falsely invoicing its textile fiber and fur products and furnishing false guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Career Originals, Inc., a corporation, and its officers, and David Kaufman, individually, and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur

Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label affixed thereto that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on invoices that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Career Originals, Inc., a corporation, and its officers, and David Kaufman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents Career Originals, Inc., a corporation, and its officers, and David Kaufman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Indentification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of the order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5312; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. C-1517]

PART 13—PROHIBITED TRADE PRACTICES

General Nutrition Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–64 Nutritive.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies, sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Nutrition Corp., et al., Pittsburgh, Pa., Docket C-1517, Apr. 4, 1969]

In the Matter of General Nutrition Corporation, a Corporation, Also Trading as Natural Sales Co., and David B. Shakarian, Individually and as an Officer of Said Corporation

Consent order requiring a Pittsburgh, Pa., distributor of drug preparations to cease making exaggerated claims concerning the efficacy of its vitamins and mineral products, and disseminating advertising which lists untested ingredients.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents General Nutrition Corp., a corporation, also trading as Natural Sales Co., or under any other name or names, and its officers, and David B. Shakarian, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Geri-Gen Liquid, Geri-Gen Tablets or Hemotrex, or any other food or drug preparation containing vitamins and/or minerals, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) The use of such preparations will be of benefit in the prevention, relief or treatment of tiredness, listlessness, lack of normal appetite, "depleted" feeling, "run-down" feeling, easy fatigability or any other symptom, unless such representation is expressly limited to a symptom or symptoms caused by a deficiency of one or more of the vitamins or iron provided by such preparations; and, further, unless such advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence, to any such representations:

(1) That, in the great majority of persons suffering from any such symptom or symptoms, the preparations will be of no benefit in the prevention, treatment, or relief of such symptom or symptoms; and

(2) That the presence of iron deficiency anemia or iron deficiency of any degree cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physician; and

(3) That the presence of a deficiency of the B vitamins, or of any vitamin, cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physician.

(b) Any B Complex Vitamin or Vitamin C is not stored in the body or must be replaced daily.

(c) Any ingredient, other than iron, in Geri-Gen Liquid, Geri-Gen Tablets, or Hemotrex contributes to the effectiveness of these or similar preparations in the prevention, treatment, or relief of iron deficiency anemia or of iron deficiency or of symptoms represented, directly or by implication, to be caused by iron deficiency or iron deficiency anemia;

(d) An individual with iron deficiency anemia or an iron deficiency may also suffer from a deficiency of one or more of the other minerals or of one or more of the vitamins in Geri-Gen Liquid, Geri-Gen Tablets, or Hemotrex, unless the advertisement also discloses clearly and conspicuously, in immediate or close proximity and with equal prominence, that in the great majority of cases of iron deficiency anemia or iron deficiency there is no need for additional vitamins or for any additional mineral other than iron;

(e) The presence of iron deficiency anemia or iron deficiency of any degree can be self-diagnosed;

(f) The presence of iron deficiency anemia or iron deficiency of any degree can generally be determined without medical or laboratory tests conducted by or under the supervision of a physician.

(g) The presence of a deficiency of the B vitamin, or of any vitamin, can be self-diagnosed.

(h) The presence of a deficiency of the B vitamins, or of any vitamin, can generally be determined without medical tests conducted by or under the supervision of a physician.

Provided, however, That the reference in any advertisement of respondents' vitamin and/or mineral products to a deficiency of vitamins and/or minerals, either directly or by inference, shall not be deemed to constitute a violation of subsections (e), (f), (g), or (h) of section 1 hereof so long as such advertisement also contains an equally clear and conspicuous statement which reads "If, after medical tests, your doctor has found that you need vitamin and/or mineral supplements, let him recommend those which you may need."

Provided further, however, That neither (1) the identification of respondents' vitamin and/or mineral products by names which are acceptable in labeling to the Food and Drug Administration; nor (2) the listing of the ingredients or enumeration of the formulas of such products expressed as percentages of such unit as may be determined as appropriate in labeling by the Food and Drug Administration; shall be considered to be violative of subsections (c), (d), (e), (f), (g), or (h) hereof.

2. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which lists, or otherwise refers to as an ingredient, any ingredient the need for which in human nutrition has not been established, or an ingredient whose presence in the preparation is without nutritional significance, unless the advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence: (1) That the need for such ingredient in human nutrition has not been established; or (2) that the presence of such ingredient in such preparation is without nutritional significance, as the case may be.

3. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains statements which are inconsistent with, negate or contradict any of the affirmative disclosures required by paragraphs 1 or 2 of this order.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited by paragraphs 1, 2, or 3 hereof, or which fails to comply with the affirmative requirements of paragraphs 1 and 2 hereof.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5313; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. C-1515]

PART 13—PROHIBITED TRADE PRACTICES

Monique Fur Corp. and Max Soroka

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Monique Fur Corp. et al., New York, N.Y., Docket C-1515, Apr. 3, 1969]

In the Matter of Monique Fur Corp., a Corporation, and Max Soroka, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products and furnishing deceptive guaranties.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Monique Fur Corp., a corporation, and its officers, and Max Soroka, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Monique Fur Corp., a corporation, and its officers, and Max Soroka, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5314; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. C-1518]

PART 13—PROHIBITED TRADE PRACTICES

Washington Gas & Electric Appliance Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–30 Connections or arrangements with others; 13.15–180 Location; 13.15–270 Size and extent. Subpart—Appropriating trade name or mark wrongfully: § 13.295 *Appropriating trade name or mark wrongfully:* 13.295–20 Competitor. Subpart—Disparaging competitors and their products—Competitors' products: § 13.1010 *Qualities or properties.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1475 *Location;* § 13.1555 *Size, extent or equipment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies, sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Washington Gas & Electric Appliance Co., Inc., etc., Washington, D.C., Docket C-1518, Apr. 7, 1969]

In the Matter of Washington Gas & Electric Appliance Co., Inc., and Allison Air Conditioning & Heating Service, Corporations, and Sidney Grossman, Individually and as an Officer of Said Corporations, and Abatt Air Conditioning & Heating Co., Inc., a Corporation

Consent order requiring three affiliated Washington, D.C., distributors of air conditioning and heating units to cease using or simulating the trade names of any public utility or competitors, using dummy addresses to falsify the size of their operations, and disparaging the installed equipment of competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Washington Gas & Electric Appliance Co., Inc., and Allison Air Conditioning & Heating Service, corporations, and their officers, and Sidney Grossman, individually and as an officer of said corporations, and respondent Abatt Air Conditioning & Heating Co., Inc., a corporation, and its officers, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution or service of air conditioning or heating units or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive representations are made in order to obtain leads or prospects for the sale of merchandise or services or to induce sales of any merchandise or services.

2. Using the name Washington Gas & Electric Appliance Co., Inc., or any variation thereof, or any substantially similar name or designation in the greater Washington, D.C., metropolitan area: *Provided, however*, That nothing herein shall be construed to prohibit respondents from using the name Washington Electric & Gas Furnace and Air Conditioning Co., Inc.

3. Representing, directly or indirectly, that respondents' employees are in the employ of any gas or utility company.

4. Misrepresenting, in any manner, the nature of respondents' business, or affiliations or connections with any public utility or publicly franchised company, or any other organization.

5. Using the name "Ream" or any substantially similar name or designation in any telephone directory listing, or advertising of any nature.

6. The adoption, advertising, or listing in telephone directories of any trade or corporate name which simulates the trade or corporate name of an established competitor or the product sold by an established competitor of respondents.

7. Representing, directly or indirectly, that respondents regularly sell any trade name product unless respondents regularly sell said products in the course of their business.

8. Listing in telephone directories, or advertising, in any manner, a sales, service, dispatch or other facility, at various addresses unless they, in fact, maintain either sales, service, dispatch or other facilities at the addresses advertised and listed and truthfully so designate the nature of such facilities at each address in any such advertising and listing.

9. Listing in telephone directories, or advertising, in any manner, a corporation, company, or other business concern, unless such corporation, company or other business concern, is a viable business entity, which maintains books and records and has a full time force of personnel which conduct business on a daily basis.

10. Listing in telephone directories, or advertising, in any manner, the same company or corporation under more than one name.

11. Misrepresenting, in any manner, the location or extent of the sales or services facilities operated by respondents.

12. Representing, directly or by implication, that any furnace or air conditioning unit is defective in any manner, not repairable, or in a condition which may endanger life or property: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such representation or representations were based upon adequate inspection or analysis of the unit and respondents thereby knew or had valid reason to believe in good faith that said representation or representations were true.

13. Making any representation, in any manner, with respect to the condition of any air conditioning or heating unit: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such representation or representations were based upon adequate inspection or analysis of the unit and respondents thereby knew or had valid reason to believe in good faith that said representation or representations were true.

14. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 7, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5315; Filed, May 2, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Survey of Professional Compensation by Employing Institutions

§ 15.345 Survey of professional compensation by employing institutions.

(a) The Commission issued an advisory opinion with respect to a proposed survey of certain professional compensation in employing institutions.

(b) The applicant proposed to conduct a survey of employing institutions by means of a questionnaire to ascertain the compensation being paid to specified professionals. Respondents to the questionnaire would not be identified. The results of the survey would be reported as national and regional averages and they would be published and distributed to the trade and public press. No conclusions would be drawn nor would recommendations be made.

(c) The Commission advised the applicant that implementation of the proposed course of action in the manner described probably would not violate any of the laws administered by the Commission.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: May 2, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5293; Filed, May 2, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promoter's Responsibility in Tripartite Promotional Assistance Plan

§ 15.346 Promoter's responsibility in tripartite promotional assistance plan.

(a) The Commission issued an advisory opinion relative to the duty and responsibility under the laws administered by the Commission of a promoter or intermediary in a tripartite promotional assistance plan.

(b) The Commission expressed the view that the fact that an intermediary is positioned between the supplier and the supplier's customers does not affect the applicability of the law to the plan. Such a plan must still provide all of the supplier's customers who compete with each other in reselling his products an opportunity to participate on proportionally equal terms. In this regard, the plan should contain suitable alternatives for customers who may be unable, as a practical matter, to participate in the primary proposal.

(c) The legality of such arrangements, in the Commission's view, is measured by whether the promoter and the suppliers using the plan have met this obligation toward the suppliers' customers or whether participating customers have actual or constructive knowledge that they disproportionately benefit under the plan.

(d) In the light of these general principles, the Commission declined to approve the proposed promotional plan for two reasons—(1) The proposal did not appear to be a complete plan offering practical alternatives for those customers unable to participate in the primary proposal, and (2) even if it did contain alternatives usable by all competing customers, they would apparently not all be notified of the entire plan so that each may choose which alternative is suitable for his own use.

(e) The Commission stated that if the proposed promotional assistance plan were implemented, section 2 (d) or (e) of the Clayton Act, as amended, and/or section 5 of the Federal Trade Commission Act would probably be violated.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: May 2, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5294; Filed, May 2, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Pyrethrins

A petition (PP 8F0692) was filed with the Food and Drug Administration by the Kenya Pyrethrum Co., 1715 Southeast Fifth Street, Minneapolis, Minn. 55414, proposing the establishment of tolerances for residues of the insecticide pyrethrins in the raw agricultural commodities: Milk at 0.002 part per million; and meat and fat of beef or dairy animals at 0.05 part per million.

Subsequently, the petition was amended by changing the proposed tolerances to 0.5 part per million in milk fat reflecting negligible residues in milk and 0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.128 is revised to read as follows to establish the above-mentioned tolerances:

§ 120.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) are established in or on raw agricultural commodities as follows:

From postharvest application: 3 parts per million in or on barley, birdseed mixtures, buckwheat, corn (including popcorn), rice, rye, and wheat.

From postharvest application: 1 part per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, and walnuts.

0.5 part per million in milk fat reflecting negligible residues in milk.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 28, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-5316; Filed, May 2, 1969; 8:46 a.m.]

[1] Commissioner Elman did not concur in this action of the Commission.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter V—Smithsonian Institution

PART 530—CLAIMS

Part 530, Title 36, is added to the Code of Federal Regulations as follows:

Subpart A—Tort Claims

Sec.
530.1 Authority to settle.
530.2 Procedure for filing.
530.3 Place of filing.

Subpart B—Personal Property Claims of Federal Personnel

530.11 Authority and purpose.
530.12 Procedure for filing.
530.13 Time limitations.
530.14 Principal types of claims allowable.
530.15 Principal types of claims not allowable.
530.16 Settlement of claims.
530.17 Delegation of authority.
530.18 Employees Personal Property Claims Committee.
530.19 Annual report.

Subpart C—Claims Collection

530.21 Implementation of joint regulations.
530.22 Scope of regulations.
530.23 Delegation of authority.

Subpart A—Tort Claims

AUTHORITY: The provisions of this Subpart A are issued under sec. 1(a), 80 Stat. 306; 28 U.S.C. 2672.

§ 530.1 Authority to settle.

The General Counsel of the Smithsonian Institution, or his designee, is authorized to settle all claims against the United States for damages to property or for personal injuries or for death caused by the negligent act or failure to act of a Smithsonian Institution employee in the course of his employment cognizable under the Federal Tort Claims Act, as amended. Public Law 89-506 amended the Federal Tort Claims Act to provide that claims accruing after January 18, 1967, may be settled in accordance with regulations prescribed by the Attorney General, and it removed the monetary limitation of $2,500 on the authority of Federal agencies to settle claims administratively; however, settlement of tort claims under Public Law 89-506 in excess of $25,000 may be effected only with the advance written approval of the Attorney General or his designee. Claims accruing on or after January 18, 1967, shall be settled in accordance with the provisions of the regulations issued by the Department of Justice on December 29, 1966 (28 CFR Part 14), which are adopted and implemented by this part.

§ 530.2 Procedure for filing.

For purposes of the regulations in this part, a claim is deemed to have been presented when the Institution receives at the places designated in section 3, below, an executed "Claim for Damage or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages

in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of an incident.

§ 530.3 Place of filing.

A claimant shall mail or deliver his claim to the Chairman, Smithsonian Tort Claims Committee, Smithsonian Institution, Washington, D.C., or to the Office of the General Counsel.

Subpart B—Personal Property Claims of Federal Personnel

AUTHORITY: The provisions of this Subpart B are issued under sec. 3, 78 Stat. 767, as amended; 31 U.S.C. 241.

§ 530.11 Authority and purpose.

(a) The Act of August 31, 1964, Public Law 88–558, 78 Stat. 767, as amended (31 U.S.C. 240 et seq.), provides that subject to any policies which the President may prescribe and under such regulations as the head of an agency may prescribe, the Secretary of the Smithsonian or his designee may settle and pay a claim arising after the effective date of the Act (Aug. 31, 1964) against the United States for not more than $6,500 made by a Federal civilian officer or employee or a member of the uniformed services under the jurisdiction of the Smithsonian Institution, for damage to, or loss of personal property incident to Federal service.

(b) The general purpose of the authority provided by the statute is to make possible administrative settlement and payment of meritorious claims, in lieu of settlement and payment by private relief bills. The purpose, moreover, of this authority is to make it possible to reimburse Federal employees, not for any and all damage to, or loss of, personal property, but only for unusual and unforeseen loss of or damage to personal property, which is not covered by insurance and which is sustained through no fault of their own, as an incident of their employment.

§ 530.12 Procedure for filing.

A claim should be presented by the employee or by any authorized agent or legal representative, or, in the case of death, by his spouse, children, parents, or siblings. The claim should be substantiated by evidence such as written estimates of cost of repairs and a statement concerning the facts and circumstances surrounding the loss. It should indicate that the possession of the particular property was reasonable, useful, or proper under the circumstances and the loss was neither wholly nor in part due to the negligence of the employee. Claims should be mailed or delivered to the Chairman, Personal Property Claims Committee, Smithsonian Institution, Washington, D.C., or to the Office of the General Counsel.

§ 530.13 Time limitations.

The claim must be presented in writing no later than 2 years after it accrues (with exceptions in case of war or armed conflict).

§ 530.14 Principal types of claims allowable.

(a) In general, a claim may be allowed only for tangible personal property of a type and quantity that was reasonable, useful, or proper for the employee to possess under the circumstances at the time of the loss or damage.

(b) Claims that will ordinarily be allowed include, but are not limited to, cases in which the loss or damage occurred:

(1) In quarters assigned or provided in kind, by the Government, wherever situated;

(2) In quarters outside the 50 States and the District of Columbia whether or not assigned or provided in kind by the Government, unless the claimant is a local or native resident;

(3) In a place officially designated for storage of property such as a warehouse, office, or other storage place;

(4) In a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, or hurricane;

(5) When the property, including personal clothing and vehicles, was subjected to extraordinary risks in the performance of duty, such as in connection with civil disturbances, public disorder, common or natural disaster, or efforts to save Government property or human life;

(6) When the property was used for the benefit of the Government at the direction of a superior; and

(7) When the property was money deposited with an authorized Government agent for safekeeping.

§ 530.15 Principal types of claims not allowable.

Claims that will ordinarily not be allowed include, but are not limited to, claims for:

(a) Losses or damages totaling less than $10 or more than $6,500;

(b) Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, or hurricane;

(c) Transportation losses involving baggage, household goods, or other shipments which could have been insured;

(d) Articles of extraordinary value;

(e) Articles being worn (unless allowable under section 4);

(f) Intangible property such as bank books, checks, notes, stock certificates, money orders, or travelers checks;

(g) Property owned by the United States unless the employee is financially responsible for it to another Government agency;

(h) Claims for loss or damage to motor vehicles or trailers (unless allowable under section 4);

(i) Losses of insurers and subrogees;

(j) Losses recoverable from insurers and carriers;

(k) Losses in quarters within the United States not assigned or otherwise provided in kind by the Government;

(l) Losses recovered or recoverable pursuant to contract;

(m) Claims for damage or loss caused, in whole or in part, by the negligent or wrongful act of the employee or his agent;

(n) Property used for business or profit;

(o) Theft from the possession of the employee unless due care was used to protect possession; or

(p) Property acquired, possessed or transported in violation of law, or regulations.

§ 530.16 Settlement of claims.

Where appropriate, lost or damaged property may be replaced in kind. As provided by the Act, fees payable to any agent or attorney in connection with a claim shall not exceed 10 percent of the amount paid. The settlement of a claim is final and conclusive for all purposes.

§ 530.17 Delegation of authority.

The General Counsel of the Smithsonian Institution or his designee is authorized to settle all claims against the United States for not more than $6,500 for damage or loss of personal property incident to Federal service.

§ 530.18 Employees Personal Property Claims Committee.

The Federal Tort Claims Committee as presently constituted shall serve as the Employees Personal Property Claims Committee and, when requested by the General Counsel or his designee, will review property claims and advise the General Counsel with regard to the disposition thereof.

§ 530.19 Annual report.

The Treasurer shall prepare an annual report for submission by the Secretary to the Congress on claims settled under this authority, as required by 31 U.S.C. 241(e), including therein the name of the claimant, the amount claimed, and the amount paid.

Subpart C—Claims Collection

AUTHORITY: The provisions of this Subpart C are issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309; 31 U.S.C. 951–953; Joint Regulations of GAO and the Department of Justice, 4 CFR Ch. II, Parts 101–105.

§ 530.21 Implementation of joint regulations.

The regulations in this part adopt and supplement as necessary for operations of the Smithsonian Institution all provisions of the Joint Regulations issued by the Comptroller General of the United States and the Attorney General of the United States (4 CFR Parts 101–105) under section 3 of the Federal Claims Collection Act of 1966, Public Law 89–508, 80 Stat. 308, 309. The regulations in this part prescribe standards for administrative collection of civil claims by the Government as well as compromise, suspension, or termination of agency collection action, with respect to claims not exceeding $20,000 exclusive of interest, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Government.

§ 530.22 Scope of regulations.

The standards set forth herein are not applicable where standards are prescribed under statutes other than the Federal Claims Collection Act of 1966, for compromise or termination of collection action, or waiver in whole or in part of claims thereunder.

§ 530.23 Delegation of authority.

The Head of the Procurement Activity shall collect, compromise, suspend, or terminate claims and shall take all necessary administrative action required under the Act and joint regulations except that no compromise of a claim shall be effected or collection action terminated except upon prior approval of the Office of the General Counsel.

Dated: April 28, 1969.

S. DILLON RIPLEY,
Secretary.

[F.R. Doc. 69–5335; Filed, May 2, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Restrictions Applicable to Fishing Vessels

Two notices of proposed rule making were published on March 14, 1969 (34 F.R. 5258) and March 29, 1969 (34 F.R. 5950) to amend Part 280, Title 50, Code of Federal Regulations, which are the regulations governing the Eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on April 10, 1969, and through submission of written material which was accepted through April 18, 1969.

The recommendations of the Inter-American Tropical Tuna Commission made at its 1969 annual meeting in San Diego, March 18–22, 1969 (34 F.R. 5950) were approved by the Secretaries of the Departments of State and the Interior on March 28, 1969.

As evidenced by the testimony offered and by the written views received, the amendments to be adopted received general approval by the participating public. However, other proposed amendments (34 F.R. 5258) did not receive general approval. Therefore, further study of these proposed amendments is needed and the amendments or modifications of them will be adopted at a later date.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Paragraph (c) of § 280.6 of Title 50 CFR is amended as follows:

§ 280.6 Restrictions applicable to fishing vessels.

* * * * *

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna as provided for in subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Director by appropriate notice in the FEDERAL REGISTER may adjust the incidental catch rates provided for in subparagraphs (1), (2), and (3) of this paragraph to assure that the U.S. 4,000-ton yellowfin allotment for vessels of 300 short tons or less carrying capacity is not underutilized and the fifteen percent (15%) overall incidental catch is not exceeded. Any quantity of yellowfin tuna possessed or landed in excess of the limitations provided for in subparagraphs (1), (2), and (3) of this paragraph shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(1) Fishing vessels of over 300 short tons carrying capacity may possess on board and land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3), but in no event shall the yellowfin tuna permitted to be possessed or landed by such vessels exceed fifteen percent (15%) by round weight when included with those species listed in § 280.2(b)(3).

(2) Purse seiners of 300 short tons carrying capacity or less may possess on board and land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3), but in no event shall the yellowfin tuna so permitted to be possessed or landed by such vessel exceed thirty percent (30%) by round weight when included with those species listed in § 280.2(b)(3); except that those purse seiners of 300 short tons capacity or less known as local wetfish boats that meet the following criteria, (i) do not possess mechanical refrigeration aboard, (ii) do not deliver any yellowfin tuna during the open yellowfin tuna fishing season and, (iii) make deliveries on a daily basis, may accumulate the thirty percent (30%) allowance by weight for incidental catches of yellowfin tuna for the separate period April 16 to April 30, inclusive, and for each separate period consisting of one calendar month thereafter: *Provided*, That when the catch of yellowfin tuna by purse seiners of 300 short tons carrying capacity or less reaches 4,000 tons, the incidental catch rate for those vessels will revert to fifteen percent (15%). A notice of reversion which will apply to purse seiners of 300 short tons of capacity or less leaving port after a selected date will be published in the FEDERAL REGISTER.

(3) Bait boats of 300 short tons carrying capacity or less may possess on board and land in any port or place yellowfin tuna not to exceed fifty percent (50%) by round weight of the vessel's carrying capacity in short tons: *Provided*, That when the catch of yellowfin tuna by bait boats of 300 short tons carrying capacity or less reaches 1,500 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to fifteen percent (15%) of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(4) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries. Managing owners of purse seine vessels over 300 tons carrying capacity will be notified by registered mail that their vessel is in the large boat category and, therefore, that their incidental catch rate for yellowfin tuna caught in the eastern Pacific regulatory area on trips begun after the yellowfin closure will be fifteen percent (15%). Managing owners not receiving the above notification by registered mail can assume their vessel is in the category of 300 tons or less of carrying capacity. Except that to qualify for the bait boat yellowfin allocation described in this § 280.6(c) managing owners of bait boats of 300 short tons carrying capacity or less will, before the vessel departs on its first trip after the yellowfin closure, supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a fifteen percent (15%) incidental catch of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessels' capacity determined.

* * * * *

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated April 30, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69–5348; Filed, May 2, 1969; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Schedule A is amended to reflect the expiration by its own terms of the exception covering 17 positions of project

officers and physical science officers in the Agency. Effective May 1, 1969, § 213.-3164 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5357; Filed, May 2, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Youth and Student Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(4) One Deputy Assistant Secretary for Youth and Student Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5356; Filed, May 2, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Official Standards for Soybeans

Pursuant to the administrative procedure provisions of 5 U.S.C. section 553, and the U.S. Grain Standards Act (7 U.S.C. 71 et seq.), as amended by 82 Stat. 761, a notice was published in the FEDERAL REGISTER (34 F.R. 151) on January 4, 1969, regarding proposed amendments of §§ 26.601(k) and 26.602(b) of the Official Grain Standards of the United States for Soybeans (7 CFR 26.601 et seq.).

Statement of considerations. The U.S. Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for use by producers, merchandisers, and consumers in the trading of grain. If grain is described by grade in the course of its merchandising, it is mandatory that the official grade designations under the U.S. standards be used. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Approximately 5,000 copies of the notice of proposed rule making were sent to individuals, corporations, and associations interested in the production, marketing, and use of soybeans. All interested parties were given until February 3, 1969, to submit written data, views, or recommendations in connection with the proposed amendments. Consideration has been given to all comments received and to other information available to the U.S. Department of Agriculture.

In response to the notice, 31 letters of comment were received on the proposal. All of them were strongly in favor of adopting the change in the standards. The majority of the replies were from grain dealers, although exporters, producers, and other interested parties also expressed their views. In view of the comments received and other information available to the Department, it has been determined that adoption is warranted for the proposal that damaged kernels shall include "stink-bug-stung" kernels and that, in grading soybeans, stink-bug-stung" kernels shall be considered as damaged kernels at the rate of one-fourth of the actual percentage of such stung kernels. For example, a sample with 8 percent of stink-bug-stung kernels and 2 percent of frost-damaged kernels would be considered to contain a total of 4 percent of damaged kernels $((\frac{1}{4}\times 8)+2=4)$.

In reviewing the proposed changes, it was concluded that the provisions proposed for § 26.602(b) would more appropriately be included in § 26.601(k). This change does not alter the effect of the amendment from that of the original proposal.

Accordingly, § 26.601(k) of the standards is amended to read as follows:

§ 26.601 Terms defined.

* * * * *

(k) *Damaged kernels.* Damaged kernels shall be soybeans and pieces of soybeans which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, stink-bug stung, or otherwise materially damaged. Stink-bug-stung kernels shall be considered damaged kernels at the rate of one-fourth of the actual percentage of the stung kernels.

The U.S. Grain Standards Act, as amended, provides that no changes in the standards shall become effective less than 1 year after promulgation thereof, unless in the judgment of the Secretary the public health, interest, or safety requires that they become effective sooner.

It is hereby determined that the public interest requires that the foregoing amendment shall become effective on September 1, 1969, for the following reasons:

1. It was stated in the notice of proposed rule making that the changes, if adopted, would be effective on or about September 1, 1969. The comments received on the proposed revision expressed a need to make the revision effective on or before the beginning of the 1969 soybean harvest. Soybean harvesting in the United States usually begins in September.

2. Research findings and evaluation of marketing practices support the conclusion that the presence of soybean kernels damaged by stink-bug stings does not adversely affect the economic value of the lot of soybeans as much as the presence of soybean kernels damaged by mold or other causes. It is expected that part of the 1969 soybean crop, particularly in certain sections of the South, will be damaged by stink-bug stings. These soybeans will be discounted in price below their true value when marketed unless the amendment becomes effective on or before the beginning of the soybean harvest and marketing season. Such price discounts will adversely affect country shippers and producers.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is also found upon good cause that further notice and public participation in rule making on the amendment are unnecessary.

For a reasonable period after the effective date, grain inspectors will, upon request, show on inspection certificates the grades under both the new and the old standards.

(Sec. 4, 39 Stat. 482, as amended by 82 Stat. 762, 7 U.S.C.A. 76; 29 F.R. 16210, as amended, 33 F.R. 10750)

Done at Washington, D.C., this 30th day of April 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-5361; Filed, May 2, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Regulation 35, Amdt. 3]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on April 24, 1969, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received on April 25, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof.

Order. In § 909.335 (Grapefruit Regulation 35; 33 F.R. 15295; 34 F.R. 810, and 34 F.R. 5907) the provisions of paragraph (a) are amended to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period May 4 through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for grapefruit which fail to meet the requirements of such grade: *Provided further,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(*a*) 10 percent, by count, for defects other than serious damage caused by dryness or mushy condition, including therein not more than 5 percent, by count, for grapefruit having peel more than 1 inch in thickness at the stem end, measured from the flesh to the highest point of the peel; and,

(*b*) 15 percent, by count, for serious damage caused by dryness or mushy condition, including therein not more than 5 percent, by count, for grapefruit having 40 percent or more of the pulp or edible portion of the grapefruit showing evidence of dryness or mushy condition; or

(ii) Any grapefruit which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{11}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3^{4}/_{16}$ inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{4}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{4}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{11}/_{16}$ inches in diameter and smaller.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 1, 1969, to become effective May 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5429; Filed, May 2, 1969; 11:21 a.m.]

[Lemon Reg. 372]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.672 Lemon Regulation 372.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 29, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 4, 1969, through May 10, 1969, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 1, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5389; Filed, May 2, 1969; 8:50 a.m.]

[Grapefruit Reg. 63]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.363 Grapefruit Regulation 63.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 1, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period May 5, 1969, through May 11, 1969, is hereby fixed at 225,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 2, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5430; Filed, May 2, 1969; 11:21 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Parts 161, 162, 163, 166, 168, 242, 245]

SPECIAL SERVICES; DOMESTIC AND INTERNATIONAL MAIL

Proposed Changes in Fees

Notice is hereby given of proposed rule making consisting of amendments to §§ 161.2(a); 162.2(c); 163.1; 166.2(a); 168.3; 242.3; 242.5(a)(1); and 245.3(a) of Title 39, Code of Federal Regulations. It is proposed to increase the fees for the special services provided for in the cited sections. The increases are designed to improve the Department's financial posture in the operation of those special services. It is further proposed to make the increased fees effective July 1, 1969.

The proposed increases are as follows:

I. Registry fees (39 CFR 161.2(a)):

a. In the first six value categories (up to $1,000) set out in the table an increase of 5 cents in each of the six fees is proposed.

NOTE: Item a above applies to articles covered by commercial or other insurance, as well as to articles not covered by such insurance.

b. For articles not covered by commercial or other insurance:

1. In the seventh through 10th value categories ($1,000.01 to $5,000) in the table an increase of 10 cents in each of the four fees is proposed.

2. In the 11th, 12th, and 13th categories ($5,000.01 to $8,000) in the table an increase of 15 cents in each of the three fees is proposed.

3. In the 14th and 15th categories ($8,000.01 to $10,000) in the table an increase of 20 cents in each of the two fees is proposed.

4. For articles valued from $10,000.01 to $1,000,000, it is proposed to change the base rate from $4.25 to $4.45. The handling charge of 15 cents per $1,000 or fraction over the first $10,000 would remain the same.

5. For articles valued from $1,000,000.01 to $15,000,000, it is proposed to change the base rate from $152.75 to $152.95. The handling charge of 10 cents per $1,000 or fraction over the first $1,000,000 would remain the same.

c. For articles covered by commercial or other insurance:

1. For articles up to a valuation of $1,000 the proposed fee increase would be the same as for articles not covered by commercial or other insurance (see above).

2. For articles valued from $1,000.01 to $1,000,000, it is proposed to change the base rate from $2.00 to $2.05. The handling charge of 15 cents per $1,000 or fraction over the first $1,000 would remain the same.

3. For articles valued from $1,000,000.01 to $15,000,000, it is proposed to change the base rate from $151.85 to $151.90. The handling charge of 10 cents per $1,000 or fraction over the first $1,000,000 would remain the same.

d. It is proposed that the fee for return receipt requested at time of mailing showing to whom and when delivered be increased from 10 cents to 15 cents.

e. It is proposed that the fee for C.O.D. service used in conjunction with registered mail be increased from 60 cents to 70 cents.

II. Insurance (39 CFR 162.2(c)): It is proposed that the fee for return receipt requested at time of mailing showing to whom and when delivered be increased from 10 cents to 15 cents.

III. C.O.D. (39 CFR 163.1): It is proposed that C.O.D. fees be increased 10 cents; and that the fee for notice of nondelivery of a C.O.D. article be increased from 5 cents to 10 cents.

IV. Special delivery (39 CFR 166.2(a)): It is proposed that special delivery fees be increased 15 cents for first-class, air, and priority mail, and 10 cents for all other classes.

V. Certified mail (39 CFR 168.3): It is proposed that the fee for return receipt requested at time of mailing showing to whom and when delivered would be increased from 10 cents to 15 cents.

VI. Registration (39 CFR 242.3; 242.5(a)(1)): It is proposed that the 75-cent fee for Postal Union registered mail and parcel post registry be increased to 80 cents. It is further proposed that the fee for return receipt requested at time of mailing be increased from 13 cents to 15 cents.

VII. Special delivery (Express)—(39 CFR 245.3(a)): It is proposed that the special delivery fees for Postal Union mail be increased 15 cents for letters, letter packages, postcards, and airmail other articles, and 10 cents for surface other articles.

The amendments set out below would effectuate the proposed fee increases outlined above.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed amendments to the Director, Office of Postal Economics, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are proposed to be adopted effective July 1, 1969.

PART 161—REGISTRY

In § 161.2 *Fees and liability*, paragraph (a) would be amended to read as follows:

§ 161.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $100	$0.80	$0.80
$100.01 to $200	1.05	1.05
$200.01 to $400	1.30	1.30
$400.01 to $600	1.55	1.55
$600.01 to $800	1.80	1.80
$800.01 to $1,000	2.05	2.05
$1,000.01 to $2,000	2.35	$2.05 plus handling charge of 15 cents per $1,000 or fraction over first $1,000.
$2,000.01 to $3,000	2.60	
$3,000.01 to $4,000	2.85	
$4,000.01 to $5,0000	3.10	
$5,000.01 to $6,000	3.40	
$6,000.01 to $7,000	3.65	
$7,000.01 to $8,000	3.90	
$8,000.01 to $9,000	4.20	
$9,000.01 to $10,000	4.45	
$10,000 to $1,000,000	$4.45 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$151.90 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

Additional Services	Extra fee
C.O.D. (Maximum amount collectible is $200)	$0.70
Restricted Delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and addressed where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 161.21.

* * * * *

PART 162—INSURANCE

In § 162.2 *Fees*, paragraph (c) would be amended to read as follows:

§ 162.2 Fees.

* * * * *

(c) *Return receipts.*

(Not available for mail insured for $15 or less)	Fee
(1) Requested at time of mailing:	
Showing to whom and when delivered	$0.15
Showing to whom, when, and addressed where delivered	.35
(2) Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 162.23.

PART 163—C.O.D.

Section 163.1 *Fees (in addition to postage)*, would be amended to read as follows:

§ 163.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired	*C.O.D. fee*
$0.01 to $10	$0.70
$10.01 to $25	.80
$25.01 to $50	.90
$50.01 to $100	1.00
$100.01 to $200	1.10
Restricted delivery	.50
Notice of nondelivery	.10
Alteration of charges or delivery	.35

NOTE: The corresponding Postal Manual section is 163.1.

PART 166—SPECIAL DELIVERY

In § 166.2 *Payment for special delivery*, paragraph (a) would be amended to read as follows:

§ 166.2 Payment for special delivery.

(a) *Special delivery fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
First class, air, and priority mail	$0.45	$0.60	$0.75
All other classes	.65	.75	.90

NOTE: The corresponding Postal Manual section is 166.21.

* * * * *

PART 168—CERTIFIED MAIL

Section 168.3 *Fees*, would be amended to read as follows:

§ 168.3 Fees.

	Cents
Fee in addition to postage	$0.30
Restricted delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and address where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 168.3.

PART 242—REGISTRATION

1. Section 242.3 *Fees*, would be amended to read as follows:

§ 242.3 Fees.

For Postal Union mail, the fee is 80 cents. The same fee applies to parcel post. See country items in the appendix of this subchapter. (See § 272.2 of this chapter for indemnity provisions.)

NOTE: The corresponding Postal Manual section is 242.3.

2. In § 242.5 *Return receipts*, paragraph (a)(1) would be amended to read as follows:

§ 242.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 15 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

NOTE: The corresponding Postal Manual section is 242.511.

* * * * *

PART 245—SPECIAL DELIVERY (EXPRESS)

In § 245.3 *Payment*, paragraph (a) would be amended to read as follows:

§ 245.3 Payment.

(a) *Fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
Letters, letter packages, post cards, and airmail other articles	$0.45	$0.60	$0.75
Surface other articles	.65	.75	.90

NOTE: The corresponding Postal Manual section is 245.31.

* * * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505, 507)

DAVID A. NELSON,
General Counsel.

APRIL 30, 1969.

[F.R. Doc. 69-5343; Filed, May 2, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-SW-26]

AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206A Helicopters, S/N 4 through S/N 153, equipped with magnesium tail booms. Fatigue cracks have been found on seven magnesium tail boom assemblies, P/N 206-031-004-1 and -3, on Bell Model 206A Helicopters, one of which extended approximately 180° around the tail boom cross section. Depending on location and severity of the crack, failure of the tail boom could occur with resultant loss of control. Since this condition is likely to exist or develop in other helicopters of the same type design that are equipped with magnesium tail booms, the proposed airworthiness directive would require a daily visual inspection for tail boom cracks using a three-power or higher magnifying glass and a 25-hour periodic inspection for tail boom cracks using a three-power or higher magnifying glass along with necessary tail rotor balance. The proposed directive would also require replacement of the magnesium tail boom whenever certain cracks are found and replacement, within specified limitations, of magnesium tail booms having or accumulating 500 hours' time in service. A sufficient supply of aluminum tail boom assembly replacements are available from Bell Helicopter Co.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 5, 1969, will be considered by the Director, before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206A Helicopters, Serial Nos. 4 through 153, equipped with the magnesium tail boom assembly, Part No. 206-031-004-1 or -3.

Compliance required as indicated.

To prevent failure of the magnesium tail boom due to fatigue cracks, accomplish the following:

(a) Before the first flight of each day after the effective date of this AD:

(1) Remove the tail rotor drive shaft cover.

(2) Inspect the skin adjacent to the rivet holes for cracks in the following areas, using a three-power or higher magnifying glass:

(i) The tab attachment of the drive shaft cover to the tail boom.

(ii) The area adjacent to the rivnut attachment of the tail rotor gear box fairing to the tail boom.

(iii) The horizontal stabilizer attachment fittings.

(3) Repair tail booms with only one skin crack less than one inch in length if the crack is located in an area described in (a)(2) (ii) or (iii) above, by stop drilling and deburring the holes.

(4) Remove and replace tail booms with any other skin crack, in accordance with Paragraphs 8-37 through 8-47 of the Model 206A Maintenance and Overhaul Instructions.

(b) Within 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 25 hours' time in service from the last inspection:

(1) Remove the tail rotor drive shaft cover and the gear box fairing.

(2) Inspect the skin adjacent to the rivet holes for cracks in the following areas, using a three-power or higher magnifying glass:

(i) The tab attachment of the drive shaft cover to the tail boom.

(ii) The rivnut attachments of the tail rotor gear box fairing to the tail boom.

(iii) The horizontal stabalizer attachment fittings.

(3) Repair tail booms with only one skin crack less than 1 inch in length if the crack is located in an area described in (b)(2) (ii) or (iii) above, by stop drilling and deburring the holes.

(4) Remove and replace tail booms with any other skin crack, in accordance with Paragraphs 8-37 through 8-47 of the Model 206A Maintenance and Overhaul Instructions, before further flight.

(5) Inspect tail rotor balance and balance, if necessary, in accordance with Paragraph 2A on Page 2 of Bell Service Bulletin No. 206A-7 dated August 22, 1968, or later FAA-approved revision or in accordance with an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(c) Remove and replace magnesium tail booms with 400 or more hours' time in service on the effective date of this AD within 100 hours' time in service therefrom.

(d) Remove and replace magnesium tail booms with less than 400 hours' time in service on the effective date of this AD, prior to accumulating 500 hours' time in service.

(e) Remove and replace all subsequent replacement magnesium tail booms prior to accumulating 500 hours' time in service.

(Bell Helicopter Co. Service Bulletin No. 206A-7 dated Aug. 22, 1968, pertains to this subject.)

Issued in Fort Worth, Tex., on April 25, 1969.

A. L. COULTER,
Actin Director, Southwest Region.

[F.R. Doc. 69-5326; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Crookston, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Crookston Municipal Airport-Kirkwood Field at Crookston, Minn., using a state-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Crookston, Minn. This procedure will become effective concurrently with the designation of the transition area. The Minneapolis ARTC Center through the Grand Forks, N. Dak., Flight Service Station will control IFR traffic into and out of Crookston Municipal Airport-Kirkwood Field.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

CROOKSTON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°-37'10" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak. 1,200-foot floor transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on April 21, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-5327; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 69-EA-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cambridge, Md., transition area (34 F.R. 4658).

A new VOR instrument approach procedure has been authorized for Cambridge Municipal Airport, Cambridge, Md., predicated on the Salisbury, Md., VORTAC and will require alteration of the Cambridge, Md., transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief,

Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cambridge, Md., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Cambridge, Md., transition area, the last period and add the following: "and within 2 miles each side of the Salisbury, Md. VORTAC 295° radial, extending from the 5-mile radius area to 25 miles northwest of the VORTAC."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5328; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 69-EA-38]

TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the White Sulphur Springs, W. Va., transition area (34 F.R. 4784), and designate a 700-foot transition area over Greenbrier Valley Airport, Lewisburg, W. Va.

The VOR-1 instrument approach procedure authorized for Greenbrier Valley Airport, Lewisburg, W. Va., and a new NDB (ADF) RWY 4 instrument approach procedure developed for that airport requires the designation of a full time 700-foot Lewisburg, W. Va., transition area to provide airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lewisburg, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Lewisburg, W. Va., transition area described as follows:

LEWISBURG, W. VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°51'35" N., 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va.; within 2 miles each side of the Runway 22 centerline, extended from the 7-mile radius area to 8 miles southwest of the end of the runway; within 2 miles each side of the Runway 4 centerline, extended from the 7-mile radius area to 15.5 miles northeast of the end of the runway; within 2 miles each side of the White Sulphur Springs, W. Va. VOR 321° radial, extending from the 7-mile radius area to the VOR; and within 2 miles each side of a 208° bearing from the Lewisburg, W. Va., RBN (37°51'39" N., 80°24'02" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the White Sulphur Springs, W. Va., transition area by deleting the description of the area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°47'00" N., 80°20'00" W. of Greenbrier Airport, White Surphur Springs, W. Va., and within 2 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial extending from the 7-mile radius area to 8 miles southeast of the VOR, excluding the portion that coincides with the Lewisburg, W. Va., transition area. This transition area shall be effective from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5329; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-33]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot transition area over Errol Airport, Errol, N.H.

A new VOR-1 instrument approach procedure has been developed for Errol Airport, Errol, N.H., predicated on the Berlin, N.H., non-Federal very high frequency omni-directional range. This procedure will require designation of a part-time 700-foot transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Errol, N.H., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time Errol, N.H., transition area described as follows:

ERROL, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°47'25" N., 71°09'30" W.) of Errol Airport, Errol, N.H., and within 2 miles each side of the Berlin, N.H., VOR (44°38'05" N., 71°11'12" W.) 006° radial extending from the 5-mile radius area to the VOR, excluding the portion that coincides with the Berlin, N.H., 700-foot transition area. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5330; Filed, May 2, 1969; 8:48 a.m.]

Federal Railroad Administration

[49 CFR Part 232]

[Docket No. FRA-PB-2]

POWER OR TRAIN BRAKE SAFETY APPLIANCE ACT OF 1958

Extension of Time for Filing of Comments and Postponement of Hearing

By notice published in the FEDERAL REGISTER on February 11, 1969 (34 F.R. 1958), the Federal Railroad Administration announced that it was proposing to amend section 232.11 by adding two new paragraphs (e) and (f), thereto. Subsequently, by notice published in the FEDERAL REGISTER on March 18, 1969 (34 F.R. 5336), the time to file comments with respect to the proposal was extended to May 14, 1969, and the oral hearing was rescheduled for May 26, 1969. That notice also extended the time for comments on Docket No. FRA-PB-1 to July 11, 1969, and postponed the hearing thereon until further notice. In addition, that notice intiated a new rule making (Docket No. FRA-PB-3) to develop a general revision of Part 232. The time for filing comments thereon was also set at July 11, 1969.

We have now been requested by the Association of American Railroads to grant a further extension of time with respect to Docket No. FRA-PB-2, so that the significance of the proposal could be evaluated in conjunction with Dockets Nos. FRA-PB-1 and PB-3. That request is hereby granted and the time for filing of comments on Docket No. FRA-PB-2 is hereby extended to July 11, 1969. The oral hearing set for May 26, 1969, is hereby postponed to be rescheduled at a later time.

Issued in Washington, D.C., on April 29, 1969.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

[F.R. Doc. 69-5332; Filed, May 2, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83]

[Docket No. 18480]

MARITIME MOBILE SERVICE

Conformity of Certain Coast and/or Ship Stations to Frequency Tolerance, Power Limitations and Low-Pass Filter Requirements; Order Extending Time for Filing Comments

In the matter of amendment of Parts 81 and 83 to require, in the maritime mobile service band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended; Docket No. 18480.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the National Marine Electronics Association Inc. (NMEA), for extension of time for filing comments in the above-entitled proceeding. The prescribed time for filing comments expired on April 21, 1969, and reply comments on May 1, 1969. The petitioner has requested that the prescribed time be extended for a period of 30 days.

2. In support of its request, NMEA states that the additional time is required in order to allow the NMEA officers and members to meet and discuss the issues at their April 21, 1969, meeting in Cleveland, Ohio.

3. It appears that the additional time requested by NMEA would not unduly delay action and the comments would be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered,* This 25th day of April 1969, pursuant to § 0.331(b)(4) and 1.46 of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from April 21, 1969, to May 21, 1969, and the time for filing reply comment is extended from May 1, 1969, to June 2, 1969.

Adopted: April 25, 1969.

Released: April 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] J. E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-5347; Filed, May 2, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2230]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 25, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. R 2230, for the withdrawal of public domain lands to be set apart and reserved as a part of the San Bernardino National Forest for administration as a part of the national forest pursuant to the provisions of the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1).

The applicant desires the lands for addition to the San Bernardino National Forest because they have important flood erosion and flood prevention values.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92507.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

T. 1 N., R. 2 W.,
Sec. 7, NW¼.

Containing 160 acres in San Bernardino County, Calif.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 69–5333; Filed, May 2, 1969; 8:48 a.m.]

[U–1559, U–2672, U–2809, U–7115, U–7546]

UTAH

Order Opening Lands to Application, Entry, and Patenting

APRIL 25, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), title to the following described lands has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 11 N., R. 5 E.,
Sec. 3, lot 12;
Sec. 4, lots 1, 8, 9.
T. 12 N., R. 6 E.,
Sec. 2, W½SW¼;
Sec. 3, SE¼SE¼;
Sec. 10, E½NE¼;
Sec. 11, NW¼NW¼, E½NW¼, SW¼NE¼;
Sec. 12, SW¼NW¼.
T. 6 N., R. 9 W.,
Sec. 16, lots 1, 2, 3, 4, 5, 6, N½NW¼, SW¼NW¼;
Sec. 32, all.
T. 10 N., R. 17 W.,
Sec. 5, all;
Sec. 7, all.
T. 11 N., R. 17 W.,
Sec. 21, all;
Sec. 31, all;
Sec. 33, all.
T. 6 S., R. 5 W.,
Sec. 29, all;
Sec. 31, all.
T. 7 S., R. 5 W.,
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼, SE¼NW¼.

The lands described aggregate 6,268.60 acres.

2. The lands are located in Rich, Box Elder, and Tooele Counties. The topography varies from flat to mountainous. The lands are semiarid in character and are not suitable for farming. They have values for watershed, grazing, wildlife and recreation, which can best be managed under principles of multiple use. These lands are subject to the classifications for multiple-use management for Rich, Box Elder, and Tooele Counties, made under authority of the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18). They are not open to petition-application under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), nor to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. The United States did not acquire the mineral rights.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on June 2, 1969 be opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on June 2, 1969 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–5317; Filed, May 2, 1969; 8:46 a.m.]

[U–7544]

UTAH

Order Opening Lands to Application, Entry, and Patenting

APRIL 25, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), title to the following described land has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 30 S., R. 2 W.,
Sec. 26, S½SW¼;
Sec. 35, W½NW¼.

The area described contains 160 acres.

2. The land is located in Piute County, 3½ miles northeast of Antimony. The topography is level. The land is semiarid in character and is not suitable for farming. It has values for watershed, grazing, wildlife and recreation, which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land will be at 10 a.m. on June 2, 1969, be opened to application, petition, and selection, including location under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on June 2, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–5318; Filed, May 2, 1969; 8:46 a.m.]

Bureau of Mines

DIRECTOR ET AL.

Redelegation of Authority

Bureau of Mines delegations issued May 7, 1964 (29 F.R. 6093), and May 30, 1967 (32 F.R. 7874), respectively, are revised to read as follows:

PART 205—BUREAU OF MINES GENERAL DELEGATIONS

205.10.2 *Abandonment or destruction.* The Director is authorized to exercise the authority delegated to the Secretary in full compliance with Federal Property Management Regulations, Subpart 101–47.5 to abandon, destroy, or donate to public bodies, real property with no commercial value, or real property the estimated cost of continued care and handling of which would exceed the estimated proceeds from its sales. This authority is redelegated to the Assistant Director—Administration.

205.10.8 *Leases.* The Director is authorized to exercise the authority delegated to the Secretary by Federal Property Management Regulations § 101–18.000 and specifically § 101–18.106 with respect to acquisition by lease of space in buildings and land located in the United States and its territorial possessions: *Provided,* That the space is to be used wholly or predominantly for the special purposes of the Bureau and will not be generally suitable for the use of other agencies; or that is required for use incidental to and in conjunction with space that will be used for such special purposes; or that is to be acquired under a lease involving no rental or nominal consideration of $1 each year. This authority is redelegated to the Assistant Director—Administration.

205.11.2 *Negotiated purchases and contracts for property and services.* The authority to enter into negotiated contracts under sections 302(c) (1) through (10) and (13) through (15) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided,* That any one contract negotiated under section 302(c)(1) shall not exceed $25,000, is redelegated to: Assistant Director—Administration.

The authority to enter into negotiated contracts under sections 302(c) (1) through (5), (10), (13), and (14) of the Federal Property and Administrative Services Act of 1949, as amended, in amounts not to exceed $100,000 for any one contract except that any one contract negotiated under section 302(c)(1) shall not exceed $25,000, is redelegated to the following officials:

Associate Director—Health and Safety.
Assistant Director—Helium.
Assistant Director—Mineral Resource Evaluation.
Assistant Director—Minerals Research.
Assistant Director—Planning.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

This authority may be redelegated within the limitations of 205 DM 11.2 A, B, and C.

JOHN F. O'LEARY,
Director, Bureau of Mines.

[F.R. Doc. 69–5319; Filed, May 2, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced today the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on April 30, 1969, and, subject to amendment, continuing until superseded by the June Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, butter, cheese, and nonfat dry milk cottonseed meal.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–4) for May 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Upland cotton produced on "export market acreage" is eligible for financing. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within

a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.15; $1.95. Portland—No. 1 SW ($1.44) 115 percent +$0.15; $1.81. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.15; $1.81. Chicago—No. 1 RW ($1.46) 115 percent +$0.15; $1.83.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

C. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.14½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.14½; $1.43½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.14½; $1.51½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.24¼	$0.20¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.24¼; $2.12¾. Kansas City, Mo. ($1.81) 115 percent +$0.20¼; $2.29¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.24¾; $2.31¾. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.20¾; $2.46¼.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Cass County, N. Dak. ($0.86); 115 percent +$0.17½; $1.17½. Minneapolis, Minn. ($1.10); 115 percent +$0.15; $1.42.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.17½	Redwood County, Minn. ($0.60+$0.08 quality differential); 115 percent +$0.17½; $0.90½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Agriculture Act of 1949 Statutory Minimum. Rollete County, N. Dak. ($0.89); 115 percent +$0.17½; $1.20½. Minneapolis, Minn. ($1.23); 115 percent +$0.15; $1.57.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 41 cents per hundredweight, basis in store.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2) and Announcement NO–C–10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

Export.

CCC Disposals for Barter. Competitive offers under the terms and conditions of Announcement CN–EX–29 (Acquisition of American-Egyptian Cotton for Export under the Barter Program), as amended, and Announcement NO–C–6 (Revision 2), at not less than the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK OR SACKED

Export:

Competitive offers, but not less than $45 per ton f.o.b. origin location under the terms and conditions of Announcement NO–CS–7. Sales will be made only for export to Far East countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade

See footnotes at end of document.

offered are announced in weekly lot lists or invitations to bid issued by the following:
GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate [1] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.16½	$0.12¼	Minneapolis, Minn. ($3.16) 105 percent + $0.12¼; $3.44¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 53.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean, and the Gulf of Mexico. All other States 52.75 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on April 30, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–5360; Filed, May 2, 1969; 8:50 a.m.]

COTTON

Notice of Acquisition of 1968 Crop Loan

All outstanding loans on cotton under Commodity Credit Corporation's 1968 Cotton Loan Program mature on July 31, 1969, unless Commodity Credit Corporation makes demand for payment at an earlier date. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any such outstanding loan before the close of business on July 31, 1969, and if Commodity Credit Corporation has not made demand for payment at an earlier date, Commodity Credit Corporation will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on July 31, 1969, and title thereto shall, without a sale thereof, vest in Commodity Credit Corporation at such time: *Provided,* That Commodity Credit Corporation will not acquire title to any cotton for which repayment has been mailed to the ASCS county office by letter postmarked (not patron postage meter date stamped) not later than July 31, 1969. As provided in the loan agreement, Commodity Credit Corporation will not pay for any market value which the cotton may have in excess of the loan value of the cotton plus applicable charges and interest. If the warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be received by the local bank not later than the close of business on July 31, 1969. Any repayments made by mail to ASCS county offices must be postmarked (not patron postage meter date stamped) not later than July 31, 1969.

In the event a producer has made a fraudulent representation in the loan documents or in obtaining the loan, CCC shall credit the market value of the cotton as of the date title vests in CCC, as determined by CCC, against the amount due on the loan and the producer shall be personally liable for any balance due on the loan.

Signed at Washington, D.C., on April 29, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–5339; Filed, May 2, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

JOHNS HOPKINS SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00260–01–07520. Applicant: The Johns Hopkins School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Batch microcalorimeter, Model LKB 10700–2B. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to measure the heats of various protein reactions such as conformational changes and substrate binding. In addition to these protein studies similar studies of nucleic acids and lipid systems are also being considered. The necessity to measure small quantities of heats precisely in the reactions just mentioned using small quantities of material require a microcalorimeter of very high precision. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's purposes necessitate the capability to measure enthalpy of reactions over a wide range of temperatures, in order to determine changes in the heat capacity for the reaction under investigation. This requires a calorimeter with a controlled temperature between zero and 60° centigrade, with fluctuations in temperature being limited to plus or minus 0.3° centigrade. Production of the only known comparable domestic batch calorimeter has been discontinued. We are advised by the National Bureau of Standards (NBS) (memorandum dated Mar. 24, 1969) that it knows of no batch microcalorimeter being manufactured in the United States, or any other instrument or apparatus that can be used for the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5298; Filed, May 2, 1969; 8:45 a.m.]

STANFORD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00523–00–40600. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ion source components. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article will be used in connection with research and education of graduate students in nuclear physics experiments. These components, when assembled with others manufactured here, will produce beams of polarized protons and deuterons. For scientific research and education, it is important to have available polarized ions, since they allow new experiments not feasible with the domestically produced unpolarized ions. Application received by Commissioner of Customs: April 9, 1969.

Docket No. 69–00527–33–46040. Applicant: The Jackson Laboratory, Bar Harbor, Maine 04609. Article: Electron microscope, Model HU–11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies to better acquaint staff members with the field of fine-structure analysis and the use of the instrument. Studies presently planned are as follows:

a. The developmental effects in the mouse of mutant genes causing morphological abnormalities at early embryonic stages.

b. The development of testicular teratomas which occur with predictable frequency in an inbred strain of mice.

c. Studies of 12 distinct genetically caused anemias of mice.

d. The study of fine structure of muscle in preclinical stages of hereditary mouse muscular dystrophy.

e. Studies concerning the differences in the molecular structure of transfer RNA (sRNA) in normal and neoplastic tissue of the mouse and in various other species.

Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69–00528–33–46040. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron microscope, Model JEM–100B. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used in research, teaching of graduate students, and in technician training. In research, an enzyme-labeled antibody technique has been developed for ultrastructural localization of macromolecules. This technique requires the ultimate in resolving power in an electron microscope because of the involvement in the ultrastructural localization of single molecules of hormone, for example. The problems of the graduate students will include high resolution electron microscopy, and low magnification, low resolution work with minimal manipulation in the switch-over from one type of microscopy to the other. Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69–00529–33–46040. Applicant: Brandeis University, Laboratory Supplies and Services, South Street, Waltham, Mass. 02154. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics, N.V.D., The Netherlands. Intended use of article: The article will be used by qualified individuals in the Graduate Department of Biochemistry and the Bio-Medical Research Institute in research concerned with the motility apparatuses of cells and organs; muscles, the mitotic apparatus, and flagella. These diverse structures achieve movement by certain common mechanisms. All involve at least two major proteins, which appear to be similar in all three contractile systems. Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69–00530–33–46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98105. Article: Electron microscope, Model AEI EM801 and accessories. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research and training by present and future trainees, as well as by the principal instructors who are experienced electron microscopists. A number of projects concerned with research require the highest resolution available in electron microscopes. These include studies of fibrils, collagen, the components of elastic fiber, and bacteriophage. In addition, high resolution microscopy will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures. Application received by Commissioner of Customs: April 14, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5299; Filed, May 2, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00531–33–46040. Applicant: University of California, Berkeley, Physiology-Anatomy Department, 2549 Life Sciences Building, Berkeley, Calif. 94720. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily in studies of structure and function of cilia. These studies include the following:

a. High resolution studies of negatively stained cilia, and the 40 A subunits of ciliary microtubules, and the chemical constituents of these organelles.

b. Serial section studies of ciliary tips and shafts in longitudinal and cross-sections at high magnification with specimen tilt to test proposed mechanisms of microtubule interaction and ciliary motility.

c. Studies of hyperfine structure of septate junctions connecting ciliated cells and the importance of cell coupling to the functioning of ciliated epithelia.

d. Electron diffraction studies of pyroantimonate precipitate to localize sodium ion in ciliated cells.

e. Studies of ciliated and flagellated protozoa under experimental conditions that alter the functional state of the cilium, during division and during ciliary growth, including morphological survey and fine structural detail of these protozoa.

Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69–00533–33–46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, Calif. 90029. Article: Electron miscroscope, Model JEM–7A. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in connection with the following projects:

a. Survey electron microscopy of the thymus of amphibians, reptiles, birds, and mammals, including normal and diseased tissue will be made.

b. The origin, structure and fate of annulated lamellae within the mucosa of the epididymis will be studied with the electron microscope.

c. The fine structure of "chalk streaks" in breast cancer, the relationship of extracellular fibers to cancer cells and the overall picture of lobular carcinoma will be examined.

d. Studies will be made of red blood cell membranes.

e. Several problems will be examined related to heart diseases. Both experimental and human tissues will be studied.

f. The evolution of cilia and sterocilia and the relationship of stereocilia to secretion, resorption and membrane flow will be investigated.

g. A study of myoid cells of the retina will be made.

Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69–00537–33–46500. Applicant: Temple University Medical Center, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examinations. The primary tissue involved will be cells of human malignant melanoma examined directly and at various intervals after tissue culture. Extremely thin sections are required in order to study the melanosome, a cytogenetic structural marker of benign and malignant melanocytes. For purposes of research, it is necessary that long series are cut in serial sections of equal thickness. The thickness required may vary from 50 angstroms to 2 microns. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69–00538–33–46500. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, N.Y. 14620. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for producing thin plastic-embedded sections for light microscopy and ultrathin sections for electron microscopy of renal biopsies. Since the article will be used for related projects including studies on experimental renal disease, studies on the ultrastructure of smooth muscle and ultrastructural alterations in areas of wound healing; it is necessary that the operator be able to cut long serial sections, to alternate thick sections and ultrathin sections of as little as 50 angstroms in thickness, and to shape and isolate small regions within larger blocks for ultrathin sections while retaining a large surrounding block for survey purposes. Application received by Commissioner of Customs: April 15, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5300; Filed, May 2, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69–4–134]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Government Orders for Free and Reduced Transportation

Issued under delegated authority on April 29, 1969.

By Order 69–4–59, dated April 11, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by Traffic Conference 1 of the International Air Transport Association relating to Government orders for free and reduced rate transportation. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69–4–59.

Accordingly, it is ordered, That:

Agreement CAB 20903 be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–5344; Filed, May 2, 1969; 8:48 a.m.]

[Docket No. 20781; Order 69–4–138]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of April 1969.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, agreements among various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), adopted at meetings held in Dallas, Tex., in January 1969.

The agreements embrace fare resolutions to apply via North and Mid Atlantic routes from May 1, 1969, through March 31, 1971.[1] By Order 69–3–1, dated March 3, 1969, the Board established procedural dates for the receipt of documentation, complaints, and answers, relating to these agreements.[2] Thereafter, numerous complaints, objections, and comments were filed opposing approval of the agreement in whole or in part and, in some cases, requesting an evidentiary hearing upon the issues presented. In view of the importance of the issues raised by these filings, the Board held oral argument on April 16, 1969.[3]

The most significant changes proposed for the transatlantic fare structure are the elimination of the round-trip discount, the extension of the availability of the 14–21-day excursion and individual inclusive tour (IT) fares, and the establishment of Contract Bulk Inclusive Tour Fares which would become effective November 1, 1969. These provisions, as well as other modifications, are described more specifically below.

Normal fares. The agreement proposes generally to maintain current one-way fares, but round-trip fares would be increased by elimination of the 5-percent round-trip discount. This elimination, for example, would raise the New York-London basic round-trip economy fare from $399 to $420 and the peak-fare from $484.50 to $510.

Special fares—14–21-day excursion and individual inclusive tour (IT) fares. These fares would be retained generally at the status quo. A significant innovation, however, provides for the extension of these fares to year-round application with added charges for travel during heretofore precluded peak summer weeks and on weekends. The proposed added charges are $50 for travel during the summer weeks and $30, each direction, during weekends.

Group inclusive tour (GIT) fares. These fares for 15 or more passengers are to be retained but are amended for effect from April 1, 1970, to reflect modest increases, based on an $8 increase New York-London. The minimum tour price, now set at $70, would simultaneously be increased by $7 for each day in excess of the minimum 14 days, and tour provisions would also be tightened. For example, stopovers, heretofore unlimited, are to be restricted to five, including the turnaround point.

Affinity group fares. Effective November 1, 1969, lower fares would be made available for larger-sized affinity groups. Currently, fares are offered to affinity groups of 50 or more at a level of $245 (New York-London) during a 7-month period of April through October. This period would be restructured into peak and shoulder seasons. During a 10-week peak season eastbound and 3 months westbound fares for groups of 50 or more would be increased $5 (New York-London). However, the minimum-size requirement would be lowered to 40 passengers in the shoulder period, which encompasses the remaining portion of the present 7-month summer season, and significant reductions from the existing affinity fare would be introduced; e.g., between New York and London the fares would be lowered from $245 to $212. New fares for groups of 40 or more passengers would also be offered in the 5-month winter season at a level of $200. Stopovers would no longer be permitted at these group fares.

Incentive group fares. The same fare levels agreed upon for affinity groups of 40 or more in the shoulder and off-season periods (i.e., the New York-London $212 and $200 fares) are proposed to be made available to profit making organizations under the terms of a new promotional fare resolution for "incentive group" travel during the year, except during peak travel months. To be eligible for this fare, the incentive group must consist of 40 or more passengers in the case of eastbound originations (20 or more in the case of westbound originations) who are employees, dealers, and/or agents of the same business corporation or firm, and who are traveling under an established incentive travel program. The cost must be borne entirely by the sponsoring business and must include, in addition to air transportation, tour features such as accommodations, sightseeing, and entertainment during a 6–14-day validity period.

Contract bulk inclusive tour fares. A new resolution, intended for effectiveness November 1, 1969, contemplates the sale of blocks of seats (at least 40 eastbound and 20 westbound) to tour operators, or other contractors, at a bulk fare price for use in connection with 14–21-day tours. In general, the level of fares between U.S. points and closer European points such as London, Amsterdam, Paris, and Madrid would be established with peak, shoulder, and off-season period differentials. For example, base round-trip fares for travel between New York and London would be established at $220 in the peak season, at $190 in the shoulder season, and at $175 in the off-season. Three stopovers would be permitted. Beyond those European points named above, higher stopover charges in shoulder and off-season periods would eliminate the shoulder and off-season fare differential for stopover passengers. Other principal provisions are (1) a minimum-tour price per person for ground accommodations, etc., of $100 for the 14-day minimum-stay period plus $7 per day thereafter, (2) advance 10-percent nonrefundable deposits 3 months

[1] The agreements also include related fare resolutions applicable to travel via the North Atlantic to/from the Orient.

[2] Documentation and economic data to be received Mar. 13, 1969, complaints and objections by Mar. 27, 1969, and answers to complaints by Apr. 7, 1969. The dates were thereafter extended to April 4 for filing complaints and to Apr. 11, 1969, for filing answers.

[3] Order 69–4–30, dated Apr. 4, 1969. Appearances were made by:
Robert M. Lichtman and Clayton L. Burwell for National Air Carrier Association (NACA).
Paul A. Quinn for American Society of Travel Agents, Inc. (ASTA), and Association of Bank Travel Bureaus (ABTB).
J. W. Rosenthal and Neil Shilling for Hertz International Ltd.
Anthony F. LeFrisco for Panmarc, Inc., Peerless Travel Agency, Inc., Downtown Travel Center, Inc., and Astral Travel Agency, Inc.
Herbert Smolen and W. F. Hamill, Jr., for the City of Philadelphia and the Greater Philadelphia Chamber of Commerce.
Robert N. Duggan for Pan American World Airways, Inc.
Ulrich V. Hoffman and Melvin L. Milligan for Trans World Airlines.

before departure, and (3) full payment 1 month before departure. Sales by carriers to contractors are to be noncommissionable.

Other fare provisions. The westbound family fare program would be continued. Provisions for the new B–747 aircraft have been added which stipulate a six-abreast, 42-inch seat pitch configuration in first-class service and nine-abreast, 34-inch seat pitch configuration in economy service. Additionally, stateroom accommodations for up to eight persons in a master stateroom and up to four persons in a compartment would be made available in first-class service. The charges for these accommodations would be as follows:

Type of stateroom	Occupancy	Number of first-class fares charged
Master	6 or less	8
	7	9
	8	10
Compartment	3 or less	4
	4	5

No charge would be added for the conversion of these facilities into sleeping accommodations.

Upon consideration of the record herein and all relevant matters the Board has concluded to approve the agreements, subject to the provisions and conditions set forth below, and to institute an investigation, to be conducted upon an expedited basis, of the contract bulk inclusive tour fares and the elimination of the round-trip discounts.

The Board's approval of these matters herein being set for investigation will be limited to the period through March 31, 1970. The balance of the agreements will be approved through the intended period of their effectiveness, March 31, 1971, except that action will be deferred on the increases in the group inclusive tour fares, proposed for April 1, 1970, effectiveness.

NACA, ASTA, ABTB, the National Industrial Traffic League (NIT League), and others oppose the elimination of the round-trip discount. It is alleged, inter alia, that the increase is unjustified and seems to subsidize low group fares directed at the supplemental carriers, at the expense of the business traveler. NACA further asserts that the fare increase stemming from elimination of the round-trip discount is not offset by the extension of the 14–21-day individual excursion fares and the individual IT fares, within the meaning of a prior Board statement that any change in the round-trip discount should be accompanied by offsetting fare adjustments (not including the bulk fare plan). These contentions, together with data included in the most recent IATA cost committee report, and the 1968 rate of return experienced by TWA for transatlantic operations (14.5 percent excluding investment tax credits) point to the need of an expedited investigation as to the elimination of the round-trip discount, and the limitation of our approval of this element of the subject agreements to March 31, 1970.

On the other hand, the Board notes that elimination of the blackout heretofore applicable to weekends and summer peak periods in connection with the 14–21-day excursion fares and the individual inclusive tour fares will bring the advantage of these promotional fares, which will be at much lower levels than would otherwise be applicable for travel during these periods at the normal economy fares, to a significant number of additional passengers. Estimates by TWA, based on the fare differential between the normal and the promotional fares and the number of passengers it expects will utilize these lower fares during the periods they were previously unavailable, indicate potential fare savings of a magnitude comparable to the fare increase which will be effected by discontinuance of the round-trip discount. Estimates submitted by Pan American tend to corroborate this offset. Moreover the Board notes that the rate of return for Pan American has trended downward since 1966, reaching 5 percent in 1968 (excluding investment tax credits), and that the cost data contained in the most recent IATA Cost Committee Report (May 1968) may not realistically reflect present circumstances in view of the general inflationary trend in the economy and the somewhat lower load factors achieved by the carriers last year. In these circumstances, the Board is not prepared to disapprove the elimination of the round-trip discount pendente lite.

The contract bulk fares envisage an entirely new concept of marketing. The fares proposed are lower than any fares ever offered in scheduled service on the Atlantic. Lower tour prices made possible by the lower air fares should serve to enable many persons to travel by air who would not otherwise be able to use air transportation, and we believe that approval is warranted in the public interest during the limited period through March 31, 1970. This limited approval will permit some experience to be gained with respect to both the generative aspects of the fares and their impact upon the supplemental carriers.

The Board, however, notes the contention of the supplemental carriers that these fares are uneconomic, and have been designed to capture supplemental carrier charter traffic. These allegations can best be fully explored through a formal hearing. The Board believes that sufficient question has been raised to require that they be included in the investigation. The investigation of the contract bulk inclusive tour fares will include within its scope the issue of unjust discrimination and undue preference and prejudice stemming from the relationship of the proportional fares (add-on to the New York fares) applicable to specified California points as compared with the add-ons to other U.S. points.

NACA takes the position that the bulk fare resolution would make the tour operator an unauthorized indirect air carrier, that the operations would thus be in violation of section 401, and, accordingly, that the resolution is adverse to the public interest. It points out that, in exempting tour operators in connection with inclusive tour charters under Part 378 of its regulations, the Board acted on the basis of a record and adopted detailed provisions designed to protect the public, and that the absence of restrictions upon bulk fare tour operators would put the supplemental carriers at a competitive disadvantage. NACA also argues that there has been no appropriate request for authority, no demonstrated public need for indirect air carrier authorization, and no record upon which to base the grant of an exemption or formulate appropriate regulations.

TWA denies that the tour operator would be an indirect air carrier, stating that the operator will represent the air carrier and that, although the operator may undertake some responsibilities with respect to the sale of bulk fare transportation which he does not undertake with respect to the sale of transportation under other fares, he will not be engaged in such a holding out to the public as to qualify his activity as an indirect air carrier independent from the carrier principal. However, TWA states that it assumes that, in any event, the Board will give "appropriate approval" to the program when it finds it to be in the public interest. Pan American also assumes that the Board will provide such authority and conditions with respect to the tour operator as it deems necessary to implement the proposal and protect the public.

We agree with NACA that activities pursuant to the resolution would place the tour operator in the position of an indirect air carrier not presently authorized by the Board. As previously set forth, under the resolution the function of the tour operator or "contractor" is to produce and promote inclusive tours. He contracts with the direct carrier, is charged for all seats contracted for, whether they are used or not, and he receives no commissions from the direct carrier. His profit will consist of the difference between the tour price he establishes and his costs for air fare, ground arrangements, etc. With respect to the air transport component of the tour operator's costs, he must charge a sufficient price per seat to cover not only the seat price paid the direct carrier, but also the number of seats which he anticipates he may be unable to sell, and his selling and other costs. It is thus apparent that the tour operator must necessarily include in the tour price a component for the air transportation portion which is in excess of the air carrier's bulk fare tariff. Profits will accrue to the tour operator if he sells sufficient seats to exceed his breakeven load factor for the block of seats, and he runs the risk of loss if he cannot meet his breakeven load factor. In these circumstances, the tour operator is clearly acting, not as an agent on behalf of the direct carrier, but as a principal for his own account buying air transportation in bulk at wholesale prices and providing for its sale as part of a tour at retail prices. While there may be some differences in the mechanics of the operation, the operator is akin to a consolidator and forwarder of passengers. We conclude that, as such, he would be engaging indirectly in air transportation within the meaning of section 101 of the Act.

It is also true that there is presently no authority for tour operators providing bulk inclusive tours. However, for the same reasons as underlie our interim approval of the bulk fare agreement itself, we find that it is in the public interest to provide such authority to the tour operators as will be necessary to implement that agreement. To this end we will institute a rule-making proceeding in the near future with a view toward exempting bulk fare inclusive tour operators subject to appropriate conditions for the protection of the public.

Proposed conditions on approval. As previously indicated, the resolution provides that sales by the IATA members of bulk tickets to tour operators shall not be subject to commissions. Four travel agencies urge that we condition our approval so as to require that sales of the bulk fares to the tour operators themselves be commissionable.[4] In our view, such a condition would not be consistent with the status of the tour operator as an indirect carrier. We have repeatedly held that air freight forwarders are not entitled to commissions from the carrier on consolidated shipments.[5] In such circumstances, the forwarder receives its profits from the difference between the charge paid to the direct carrier, based on the latter's tariff rate, and the higher unit rate which he assesses individual shippers. Similarly, in the case of inclusive tour charters under Part 378, the carrier is required to collect the full tariff price from the tour operator who, in turn, is free to charge a sufficient price to individual tour participants to cover his total cost. In light of the foregoing, we see no occasion to require the payment of commissions in the case of bulk fares.

The resolution also provides that no refunds may be granted by the direct carrier to the tour operator, and any refund to the carrier shall be the sole responsibility of the contractor. ASTA takes the position that these provisions are unduly punitive, and that they should be changed to provide for refunds to the tour operator in the event that persons purchasing the space from the contractor are unable to travel because of death or serious illness of the passenger or members of his family. Again, we conclude that such a provision would be inconsistent not only with the status of the tour operator as an indirect carrier, but also with the basic concept of the bulk fares. As stated, these fares are established at a low level in recognition of the fact that the tour operator assumes the risk of filling the seats that he purchases. The tour operator is expected to charge a sufficient price to each passenger to compensate him for the risk of empty seats. Under these circumstances, we conclude that the matter of refunds should be the responsibility of the tour operator and not the direct air carrier.

Neither will we limit the sale of bulk fares by the direct carriers to sales to IATA-approved agents, as suggested by ASTA, CTOA, and other parties. These parties contend that the restriction is needed to protect the public against unqualified tour operators. However, the carriers themselves have not seen fit so to restrict these fares, and it appears that there are a number of reputable tour operators who are not IATA sales agents. We are not persuaded that the public interest requires that tour operators be restricted to IATA-approved agents. We will reserve to the rule making proceeding the question of appropriate conditions to protect the public in these respects.

It is also urged that we require that the advertising of tour prices involving bulk fares be limited to the total tour price without a breakdown into the air transportation and other components. However, under the provisions of section 411 of the Act, tour operators will be required to refrain from deceptive advertising, and we are not prepared at this time to impose any more detailed restrictions on their advertising practices. Conditions have also been proposed with respect to car rentals. Under the bulk inclusive tour resolution, the minimum selling price of the tour for sleeping accommodations, sightseeing, and entertainment features must be at least $100 over the unit contract bulk price for the air transportation, plus $7 a day for each day in excess of the minimum stay period. It thus appears that car rentals may not be included in the computation of the minimum selling price of the tour, unless they fall within the sightseeing category. Hertz International, Ltd., requests that we condition our approval of the fare agreements on inclusion of car rentals as a minimum tour feature, or, in the alternative, that we specify that rental cars may be used within the sightseeing category if governed by an appropriate itinerary. In view of the desirability of providing low minimum prices for inclusive tour transportation and the need for distinguishing inclusive tours from regular point-to-point travel, the Board does not believe it is in the public interest to require that the cost of car rentals per se be included in the minimum tour prices. Moreover, it is noted that car rentals are treated no differently in this respect from other forms of ground transportation which are not included in the minimum tour package.

On the other hand, sightseeing features are includable in the minimum tour price, and both Pan American and TWA concede that, under certain circumstances, car rentals may fall within the sightseeing category. Hertz, however, would have us require that car rentals be accepted for that purpose if governed by an appropriate itinerary. In our judgment, such a provision must be rejected because it would not be sufficiently clear and definite to prevent the use of rental cars for purposes of mere point-to-point transportation.[6]

The new incentive group fares are troublesome because of their discriminatory aspects. As noted, under the terms of the resolution, these fares are restricted to profit making organizations only for incentive group travel. The Board would have no difficulty if the resolution is broadened to correspond with group travel fare provisions applicable via the North/Central Pacific which provides that the travel group may be formed for "own use of one person", including an individual person or a legal entity. Our approval is conditioned accordingly.

The City of Philadelphia and The Greater Philadelphia Chamber of Commerce pleaded that the add-ons used in establishing fares to/from Philadelphia result in unduly high fares and that they discriminate against Philadelphia in favor of New York. Philadelphia is an international gateway point and has a significant volume of nonstop service to/from European points. Moreover, because of its proximity, it is in direct competition with New York for international travel. No sound reason has been advanced why the Philadelphia fares should be disparate with New York fares from the standpoint of mileage. Accordingly, the Board can not find in the public interest an agreement which would preclude a carrier from establishing fares to/from the Philadelphia gateway which are reasonably related, on a mileage basis, to New York. These considerations are equally applicable with respect to Washington and Baltimore fares. We are, therefore, conditioning our approval so as to require that fares between these points and European points or beyond shall be, on a per mile basis, no greater than the fare to New York City for respective fare categories.[7]

There is also pending before the Board a petition by NACA for review of the Chief Examiner's ruling granting the motions of TWA and Pan American to quash or modify subpoenas directing those carriers to produce certain documents. In view of our institution of an investigation of the provisions of the agreement eliminating round-trip discounts and establishing contract bulk inclusive tour rules, the problem of the

[4] ASTA, representing the bulk of the travel agents, does not take this position.

[5] See, Investigation of Seaboard & Western Airlines, Inc., 11 CAB 372, 385 (1950); International Air Freight Forwarder Investigation, 27 CAB 658, 665 (1958).

[6] It may be noted, however, that the carriers agree that rental cars may be used to provide point-to-point transportation under the "travel together" provisions of the agreement.

[7] Subsequent to the public announcement of the Board's actions herein, Pan American has requested the Board to defer the effectiveness of this condition until July 1, 1969, in order to provide time for the carriers to make the necessary restructuring of their fares and amendments to their tariffs. In view of the technical problems involved, the Board will defer the application of this condition until June 1, 1969, with respect to normal fares, and until July 1, 1969, as to all other fares. As a matter of clarification, the Board will accept, as a basis for computing the fares per mile, the use of the latest IATA Mileage Manual which lists the shortest operated distances between points.

proper extent of discovery available at the more preliminary stages of this case has become moot. Accordingly, we shall dismiss NACA's petition without prejudice to any prehearing conference information requests NACA may deem necessary under this order of investigation.

Finally, there is another motion pending by NACA to include as part of the record certain documents submitted by Pan American in response to a subpoena. No objection to the motion having been received, it shall be granted.

The Board has considered all of the allegations raised by the parties, including those not specifically adverted to herein, as well as all matters bearing upon the agreements, and concludes that they are consistent with the public interest and should be approved.

In consideration of the foregoing, the Board makes the following findings:

1. The Board does not find the following resolutions, incorporated in Agreement CAB 20848, adverse to the public interest or in violation of the Act: *Provided*, That insofar as air transportation is concerned approval shall be subject to the conditions as hereinafter ordered:

Agreement CAB 20848	IATA No.	Title
R-1	001b	North Atlantic—Special Effectiveness Resolution (Tie-in) (New).
R-2	001b	Mid-Atlantic—Special Effectiveness Resolution (Tie-in) (New).
R-3	001e	Mid-Atlantic Escape for Normal and Special Fares (New).
R-4	001h	2-Year Effectiveness Escape—Passenger (New).
R-5	001s	North Atlantic Prorate Escape (New).
R-6	001t	North Atlantic Escape for Boeing 747 (New).
R-7	001u	JT123 Transatlantic Escape for Normal and Special Fares (New).
R-8	002	Standard Revalidation—North and Mid-Atlantic.
R-10	014a	Construction Rule for Passenger Fares (Revalidating and Amending).
R-11	015	North Atlantic Proportional Fares—North American (Revalidating and Amending).
R-12	023a	Rounding-Off Passenger Fares (Amending).
R-14	050	First Class Conditions of Service (Revalidating and Amending).
R-15	054a	North Atlantic First Class Fares.
R-16	054b	Mid-Atlantic First Class Fares.
R-17	054x	Iceland—Greenland First Class Fares (Revalidating and Amending).
R-18	057a	North Atlantic First Class Fares JT123.
R-19	060	Economy Class Conditions of Service (Revalidating and Amending).
R-20	064a	North Atlantic Economy Class Fares.
R-21	064b	Mid-Atlantic Economy Class Fares.
R-22	064x	Iceland—Greenland Economy Class Fares (Revalidating and Amending).
R-23	067a	Economy Class Fares—TC1-TC3 via the Atlantic.
R-24	070d(080d)	North Atlantic 21-Day Excursion Fares.
R-25	070e(080e)	North America—India/Pakistan/Afghanistan/Ceylon/Nepal 28-Day Excursion Fares.
R-26	070f(080f)	Mid-Atlantic 21-Day Excursion Fares.
R-27	070t(080t)	North Atlantic Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran ($535).
R-28	070v(080v)	Mid-Atlantic Excursion Fares—Havana.
R-29	070x(080x)	North Atlantic Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran ($565).
R-30	070z(080z)	Iceland—Greenland Excursion Fares.
R-31	075h(088d)	North Atlantic Winter Group Fares to Israel.
R-32	075hh(088dd)	North Atlantic Winter Group Fares to Middle East.
R-33	075i(088)	North Atlantic Group Fares to Israel.
R-34	076e(088n) I	North Atlantic Affinity Group Fares.
R-35	076e(088n) II	North Atlantic Affinity Group Fares (effective Nov. 1, 1969).
R-36	076f(088p)	Mid-Atlantic Affinity Group Fares U.K.-Caribbean.
R-37	076i(088t)	Affinity Group Fares JT123.
R-38	076m(088l)	North Atlantic Bulk Affinity and Incentive Group Prices—Spain/Portugal.
R-39	076n	Mid-Atlantic Affinity Group Bulk Travel Fares (New).
R-40	076o	Mid-Atlantic Affinity Group Fares—Guyana/Surinam/Trinidad-India/Pakistan/Afghanistan/Ceylon/Nepal (New).
R-41	076p	North Atlantic Incentive Groups (New) (effective Nov. 1, 1969).
R-42	079a	North Atlantic Contract Bulk Inclusive Tours Rules (New) (Attachments "A" and "B" effective Nov. 1, 1969).
R-43	080k	TC2 to Havana Individual Inclusive Tour Fares (New).
R-44	083(084w)	Mid-Atlantic Individual Inclusive Tour Fares—U.K./Germany-Caribbean.
R-45	083a(084y)	North Atlantic Individual Inclusive Tour Fares.
R-46	083b(084y)	North Atlantic Individual Inclusive Tour Fares.
R-47	084a(067) I	North Atlantic Group Inclusive Tour Fares.
R-49	084c(084L)	North Atlantic Winter Group Inclusive Tour Fares to Israel.
R-50	084cc(084LL)	North Atlantic Winter Group Inclusive Tour Fares to Middle East.
R-51	084f	Mid-Atlantic Group Inclusive Tour Fares—(NEW).
R-52	091c	North Atlantic Family Fares.
R-53	094(096)	North Atlantic Emigrant Fares to Canada.
R-54	094a(096a)	Mid-Atlantic Emigrant Fares—Caribbean-U.K.
R-55	095	North Atlantic 45-day Excursion Fares for U.S. Military Personnel—Revalidating and Amending.
R-56	095a(095)	North Atlantic 45-day Excursion Fares for U.S. Military Personnel—Revalidating and Amending.
R-57	095b(095a)	North Atlantic 45-day Excursion Fares for Canadian Armed Forces.
R-58	095c(089)	North Atlantic Group Fares for U.S. Military Personnel—Revalidating and Amending.
R-59	095d(089b)	North Atlantic Group Fares for Canadian Armed Forces.
R-60	095e(089a)	North Atlantic Group Fares for Dependents of U.S. Military Personnel.
R-61	105a	Fares for Round Trip (New).
R-62	151a	Fares for Circle Trips (Revalidating and Amending).
R-63	200	Free and Reduced Fare or Rate Transportation (Revalidating and Amending).
R-64	200g	Government Orders for Free and Reduced Rate Transportation (Revalidating and Amending).
R-65	250	Sleeper Surcharge (New).
R-66	310	Free Baggage Allowance (Revalidating and Amending).
R-67	311	Baggage Excess Weight Charges (Revalidating).
R-68	079c	Mid-Atlantic Contract Bulk Prices—San Juan-Lisbon/Madrid (New) (Attachment "A" effective Nov. 1, 1969).

2. The Board finds that action on Agreement CAB 20848, R-48 ("North Atlantic Group Inclusive Tour Fares," Effective Apr. 1, 1970) should be deferred.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204, 404(b), 412, 414, and 1002(f) thereof:

It is ordered, That:

1. Agreement CAB 20848 described in finding paragraph 1 is approved, provided that, insofar as the resolutions apply in air transportation as defined by the Act, this approval shall be subject to the following conditions:

(a) With respect to R-38 ("North Atlantic Bulk Affinity and Incentive Group Prices—Spain/Portugal"), insofar as it relates to incentive groups, and R-41 ("North Atlantic Incentive Groups"), the travel group shall be formed only for own use of one person (which expression shall include an individual person or a legal entity such as an association, partnership, company, or corporation); provided that the Purchaser shall not, wholly or partially, directly or indirectly share the cost of the air transportation with other persons interested in obtaining such transportation including the passengers carried.

(b) Approval of R-11 ("North Atlantic Proportional Fares—North American") shall require that fares between Philadelphia/Baltimore/Washington and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories.[8]

(c) Approval of Agreement CAB 20848, R-42 ("North Atlantic Contract Bulk Inclusive Tour Rules") and R-68 ("Mid-Atlantic Contract Bulk Prices—San Juan—Lisbon/Madrid") shall be limited to March 31, 1970; any fare changes established pursuant to the escape provisions of these resolutions shall be filed with and approved by the Board prior to being placed into effect.

(d) Approval of Agreement CAB 20848, R-61 ("Fares for Round Trip") shall be limited to March 31, 1970.

2. Action on Agreement CAB 20848, R-48 ("North Atlantic Group Inclusive Tour Fares," Version II, effective Apr. 1, 1970) is deferred.

3. The motion of the member carriers of the National Air Carrier Association to include as a part of the record herein specified documents submitted by Pan American is granted.

4. The petition of the member carriers of the National Air Carrier Association for review of ruling granting motions to quash is denied, without prejudice.

5. To the extent not granted, all other motions, petitions, complaints, objections, and requests filed herein are denied.

6. An investigation is hereby instituted to determine whether the following described agreements are adverse to the public interest or in violation of the Federal Aviation Act of 1958, and whether the fares, rules, conditions, and provisions which are, or will be established pursuant to such agreements are or will be unjustly discriminatory or unduly preferential, or unduly prejudicial, and if such fares, rules, conditions, or provisions are found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares, rules, conditions, or provisions should be altered, or what order should be made to remove such discrimination, preference, or prejudice:

Agreement CAB 20848:
- R-61 ("Fares for Round Trip").
- R-42 ("North Atlantic Contract Bulk Inclusive Tours Rules").
- R-68 ("Mid-Atlantic Contract Bulk Prices-San Juan-Lisbon/Madrid").
- R-10 ("Construction Rules for Passenger Fares") insofar as it applies to the construction of Contract Bulk Fares.

7. Copies of this order shall be served upon the following which are hereby made parties to this proceeding:

Pan American World Airways, Inc.
Trans World Airlines, Inc.
American Flyers Airline Corp.
Modern Air Transport, Inc.
Overseas National Airways, Inc.
Saturn Airways, Inc.
Southern Air Transport, Inc.
Standard Airways, Inc.
Trans International Airlines, Inc.
Universal Airlines, Inc.
World Airways, Inc.
American Society of Travel Agents.
Association of Bank Travel Bureaus, Inc.
Creative Tour Operators Association.
Hertz International, Ltd.
Budget Rent-a-Car International, Inc.
Panmarc, Inc.
Peerless Travel Bureau, Inc.
Downtown Travel Center, Inc.
Astral Travel Agency, Inc.
AAA World-wide Travel, Inc.
City of Philadelphia.
Greater Philadelphia Chamber of Commerce.
Metropolitan Washington Board of Trade.
National Industrial Traffic League.
Philadelphia Convention and Tourist Bureau.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[9]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-5345; Filed, May 2, 1969; 8:48 a.m.]

[8] Application of this condition is deferred until June 1, 1969, with respect to normal fares and until July 1, 1969, with respect to all other fares.

[9] Vice Chairman Murphy and Member Minetti filed a joint concurring and dissenting statement which is filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignments in the excepted service the positions of Deputy Assistant Secretary for Business Development Programs, and Deputy Assistant Secretary for International Trade and Financial Policy in the Office of the Assistant Secretary for Domestic and International Business.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 69-5358; Filed, May 2, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Executive Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 69-5359; Filed, May 2, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18408, 18409; FCC 69R-189]

LESTER H. ALLEN AND SALT-TEE RADIO, INC.

Memorandum Opinion and Orders Enlarging Issues

In regard applications of Lester H. Allen, Ocean City, N.J., Docket No. 18408, File No. BPH-6374; Salt-Tee Radio, Inc., Ocean City, N.J., Docket No. 18409, File No. BPH-6457; for construction permits.

1. This proceeding involves the mutually exclusive applications of Lester H. Allen (Allen) and Salt-Tee Radio, Inc. (Salt-Tee), for authorization to construct a new FM broadcast station at Ocean City, N.J. It was designated for hearing by Order, FCC 68-1219, 15 FCC 2d 767, released January 6, 1969, on a standard comparative issue. Presently before the Review Board is a petition to enlarge issues, filed January 27, 1969, by Salt-Tee, requesting the addition of financial, staffing, Suburban, § 1.65 and comparative programing issues to this proceeding in regard to the Allen application.[1]

[1] Also before the Review Board are: (a) Comments, filed Feb. 25, 1969, by the Broadcast Bureau; (b) opposition, filed Feb. 25, 1969, by Allen; and (c) reply, filed Mar. 7, 1969, by Salt-Tee.

FINANCIAL ISSUES

2. The petitioner requests that the following financial issues be added against Allen:

(a) The ability of Lester H. Allen to meet his financial commitment to contribute sufficient capital which would enable him to construct and operate his proposed station;

(b) The basis for the applicant's estimates of construction and operating costs for the first year;

(c) The basis for Lester H. Allen's estimates of revenues in his first year of operation, whether such estimate is reasonable, the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and 1 year's operating cost;

(d) Whether in light of the evidence adduced pursuant to items (a), (b), and (c) Lester H. Allen is financially qualified.

Initially, Salt-Tee questions Allen's estimate of $60,305 for construction costs and notes that this figure is alleged by the applicant to be based on quotations from equipment manufacturers and the applicant's own experience. However, Salt-Tee asserts that no letter of credit or quotation from an equipment manufacturer has been provided by Allen and that the nature of the experience referred to in Allen's application cannot be determined. Petitioner also questions whether Allen's securities, which the applicant relies on to meet anticipated costs of construction and initial operation, are adequate to make the required financial showing. It notes that Allen shows "marketable securities" worth $102,939 and "investment securities" of $100,000 on his June 1968 balance sheet; however, petitioner points to the fact that no list of securities is attached; that there is no indication of whether the securities are listed or unlisted; and no explanation is given of the difference between "marketable" and "investment" securities. Finally, Salt-Tee contends that the Commission should not accept, at face value, the representation in Allen's balance sheet that he has no liabilities.

3. The Broadcast Bureau, in its comments, opposes the addition of the requested financial issues and points out that, on October 7, 1968, Allen filed an amendment to his application to show on what stock exchange the marketable securities he owns are traded. The Bureau contends that an attempt to ascertain the meaning of "investment securities" would be superfluous since Allen has shown that he has sufficient liquid assets to meet his financial commitment of $90,305 for construction and initial operating costs. On the subject of Allen's construction estimates, the Bureau argues that petitioner's allegation that such estimates are not realistic has not been supported by appropriate affidavits or other specific factual allegations. As to the question of Allen's estimate of first year revenues, the Bureau points out that Allen is not relying on such revenues and

that, therefore, it would be meaningless to inquire into the extent to which they can be relied upon for the funds needed for construction and operation. Finally, the Bureau agrees with the petitioner that the absence of liabilities on Allen's balance sheet is unusual, but states that the mere fact that it is unusual does not support a request for enlargement of the issues. Allen, in his opposition to the instant request, asserts that the "experience" relied upon for the construction estimates in his application is his experience as 100 percent owner and sole proprietor of Allen and Hurley, a wholesale electronics equipment firm in Trenton, N.J., his involvement in amateur radio, and his work as a volunteer on Stations WBUD–AM and WBJH–FM in Trenton, N.J. He further contends that Salt-Tee has produced no evidence that his balance sheet does anything but accurately reflect his true financial position and that he has sufficient assets ($16,616 in cash and $137,355 in marketable securities), as of February 7, 1969, to finance both the Ocean City proposal and his proposal for Leisure City, Fla., which requires his additional commitment of $37,000 in available funds.[2]

4. The Review Board is of the opinion that no basis exists for the inclusion of financial issues against Allen. Through his opposition and related attachments, Allen adequately demonstrates that he has cash on hand of $16,614 and marketable securities of $137,355, which liquid assets are more than enough to construct and operate his proposed facility in Ocean City and to meet his commitment to the Leisure City proposal. Under these circumstances there is no need to inquire into either the meaning of "investment securities" or the correctness of Allen's estimate of first-year revenues. As for the applicant's construction cost estimates, they are adequately supported by Allen's considerable experience in the electronic equipment filed[3] and we note that petitioner's allegation of lack of realism is unsupported. In regard to the question of the absence of liabilities on Allen's balance sheet, Salt-Tee has come forward with nothing more than mere suspicion and a statement that such an absence is unusual. We agree with the Broadcast Bureau that such a showing is not sufficient. Therefore, for the reasons stated above, the requested financial issues will not be added.

STAFFING ISSUE

5. Petitioner requests an issue to determine whether Allen's staffing arrangements are adequate to effectuate his proposal. In support of its request, Salt-Tee points to the fact that Allen proposes to be on the air a total of 126 hours per week (including some live, remote programing) with a staff of only three full-time employees. Salt-Tee notes that Allen intends to employ his son on a full-time basis to handle the details of the operation of the station and that, in Allen's application for Leisure City, Fla., he indicates that his son will run that facility as well, commuting by private plane between the two stations. Petitioner contends that Allen's staffing proposal would permit his proposed station to do little more than play records all day. The Broadcast Bureau, in its comments, supports the addition of a staffing issue and contends that if Allen's son is to be one of the three proposed employees, and if each employee were to work 40 hours per week, there would still be 6 unmanned hours per week. The Bureau further states that it is questionable, in any case, whether the applicant's son can put 40 hours per week into the Ocean City station considering his Leisure City duties. Finally, it argues that even if Allen means to employ three persons in addition to his son, a serious question still arises as to the adequacy of the staffing proposal, taking into account the planned live programing, illnesses, vacations, clerical, and bookkeeping chores, etc.

6. In an affidavit attached to his opposition, Allen reveals that his staff will consist of two salesmen and a manager who will maintain the station's equipment and visit the transmitter, monitor the business telephones, represent the station in the Ocean City community, tape commercials, announcements, and news for insertion into the automated programing system and review and control the use of music library tapes. He also contemplates the use of community volunteers to aid in the production and taping of programs and the establishment of the station's audio automation and remote control facilities in the residence of a local third class radio telephone operator who, it is planned, will monitor the automatic logging equipment. Allen states that, although he is not included in the staffing proposal, he will make the proposed station's long-term policy and business decisions and a good deal of its day-to-day management decisions, thus freeing the staff for other tasks. In its reply, petitioner contends that Allen's proposal for a monitor is inconsistent with his application and, therefore, should not be considered by the Review Board in passing on the request for a staffing issue; that the applicant has not submitted any specific proof to show that community volunteers will be available to effect his plan; that it is clear that volunteers are to be relied upon for all live programing; and that it is unclear how Allen can effectuate his programing proposal, including live programs, and still have an engineer on duty at all times.

7. The Review Board believes that a serious question has been raised as to the adequacy of Allen's proposed staff, in spite of the fact that the station would be a fully automated facility, would broadcast only local news gathered by telephone and mail and would have a schedule largely devoted to recorded music interspersed with various spot announcements. Allen proposes to broadcast 126 hours per week with a staff of three, including a manager who will have a very heavy schedule of duties and two salesmen. On its face, this proposal appears unrealistic if the applicant is to carry out his programing plan, which includes live remote broadcasts of such events as city council sessions and band concerts and which must provide for one staff member on duty at all times, illnesses, vacations and all the usual tasks of bookkeeping, script preparation, etc. In his opposition to the Salt-Tee request, Allen states that he will look to community volunteers for supplementary help in program production. However, he provides no assurance that such volunteers can be counted upon other than his bare statement that various people of high competence have indicated a willingness to participate. In his application, Allen states that he plans to employ his son on a full-time basis to "handle the details of the operation of the station." It is unclear whether the son will serve as the station manager or in addition to the three proposed staff members. If the former, the fact that Allen's son is also to be a "full-time" employee at Leisure City makes Allen's plan even more inadequate, since, under those circumstances, one of the "full-time" staff members would be able to devote a good deal less than full-time to his duties. If the latter, the addition of the son's less-than-total services is not enough to remove the doubt raised by the petitioner. As for Allen's plan to establish his audio automation and remote control facilities in the residence of a local radio telephone operator who will monitor the automatic logging equipment, we agree with petitioner that this proposal is inconsistent with the application on file since that application does not mention a remote control point and, therefore, we will not consider such proposal in resolving the instant request for a staffing issue. Although Allen amplifies his staffing proposal in his opposition pleading, he fails to demonstrate through the use of work schedules or other means how it would be possible to operate the station with such a limited staff even with modern equipment and the possible participation of nonstation personnel.[4] See Community Broadcasting Co. of Hartsville, 16 FCC 2d 647, 15 RR 2d 814 (1969). Therefore in view of these considerations a staffing issue will be added by the Board.

SUBURBAN ISSUE

8. Petitioner, in requesting a Suburban issue,[4] contends that Allen has failed to meet the minimum requirements of Minshall Broadcasting Co., Inc., 11 FCC 2d 795, 12 RR 2d 502 (1968), in regard to ascertainment of community needs. Specifically, Salt-Tee asserts that, in Allen's survey of the general Ocean City population, the questions asked were meaningless and the responses and proposals received were innocuous. Further, petitioner points to the similarity between the percentages of program categories noted in the Ocean City and Leisure City applications and the further similarity between the two sets of surveys, evaluations and program proposals therein and asserts that a presumption arises that both applications were completed without the applicant having ascertained the particular needs of the two communities. The Broadcast Bureau, while recognizing that it might be possible for both surveys to lead to similar results, states that the identical nature of the applications in this regard raises serious questions which require the addition of the issue. In his opposition Allen contends that his program survey and proposals meet the Minshall requirements in every way and that the similarity between the Ocean City and Leisure City applications stems from the essential similarity of the two communities.

9. The Review Board believes that an issue should be added to determine the efforts made by Allen to ascertain the community needs of Ocean City. The program category percentages in the Ocean City and Leisure City applications are identical, as are the figures for commercial matter and public service announcements. Moreover, the survey evaluations and general programing proposals for both stations are essentially the same. Both stations would present a "middle-of-the-road" music format, interspersed with spots throughout the day and with no particular program titles. Both stations will present only local news. These circumstances raise a serious question as to whether Allen has made the required effort to ascertain the community needs of Ocean City,[5] and the applicant has not responded with an adequate showing that the actual programs, as distinct from the program percentages and format, will be tailored to the distinct needs of the separate communities, or that the communities are so alike as to account for the similarities in programing proposals.[6] Even apart from the similarities between the Ocean City and Leisure City applications, Allen's program surveys are inadequate. Both Minshall Broadcasting Co., Inc., supra, and the Commission's public notice of August 22, 1968, FCC 68–847, 13 RR 2d 1903, speak in terms of ascertaining "community needs", but the applicant's surveys were conducted in the context of program preferences and suggestions. This is indicated both by the nature of the questions asked ("What type of radio station do you like to listen to?"; "What part of a radio station do you like best?", etc.) and the nature of the responses ("less rock and roll", "stop reporting same news every 10 minutes", etc.). Another defect to be noted is the absence of any specific responses from the community leaders interviewed. Cf. Mace Broadcasting Co., FCC 68–671, 13 RR 2d 753 (1968). The exhibits contained in the application merely summarize the nature of the suggestions received and Allen's opposition pleading sets out just four specific responses attributable to community leaders. The Suburban issue will be added to this proceeding.

SECTION 1.65 ISSUE

10. Petitioner requests an issue to determine whether Allen has failed to keep the Commission advised of substantial changes in his application as required by § 1.65 of the Commission's rules. Salt-Tee contends that the Ocean City application of Allen has not been amended to show the filing of the Leisure City application despite the bearing of the latter application on the programing and financial proposals of the former. The Broadcast Bureau, in its comments, points out that, on January 17, 1969, Allen filed a petition for leave to amend its application to reflect the filing of the Leisure City application on December 2, 1968, but the Bureau states that the requested issue should be added in a case such as this one, where the omission in question bears directly upon a matter which must be determined in hearing (in this case the Suburban issue). In an affidavit attached to his opposition, Allen notes that his petition to amend was granted by the Hearing Examiner on February 11, 1969, contends that his mistake was innocent and due to his initial failure to retain counsel in connection with the preparation of either application, and states, that as soon as he retained counsel, he followed counsel's advice to amend his Ocean City application.

11. Although Allen appears to have technically violated § 1.65 of the rules, his petition to amend was submitted only 2 weeks late and was filed voluntarily before Salt-Tee filed the instant petition to enlarge issues. The mistake appears to have been innocent and we have no valid reason for questioning Allen's sworn disclaimer of any intention to withhold information from the Commission. Since Salt-Tee has failed to respond to Allen's disclaimer and since the above-noted circumstances sufficiently distinguish this case from Vernon Broadcasting Co., supra, we fail to see how the apparent violation could be of any decisional significance, and the section 1.65 issue will not be added.

COMPARATIVE PROGRAMING ISSUE

12. Finally, petitioner requests a comparative programing issue on the ground that its proposal differs substantially from Allen's proposal. As examples, it points to the fact that it proposes to devote 9 percent and 6.3 percent of its broadcast time to news programing and public affairs programing, respectively, as compared to Allen's 3.34 percent for each category and that it will carry local high school football and basketball games as compared to Allen's failure to carry any local sports events. The Broadcast Bureau, in its comments, opposes the addition of a comparative programing issue on the grounds that Salt-Tee has neither shown material and substantial differences between its program plans and those of Allen nor related assumed differences to demonstrated community needs. Allen's opposition argues against addition of the requested issue on a similar basis and also points out that Salt-Tee proposes substantial duplication of the programing of WSLT–AM, its standard broadcast station in Ocean City, while Allen proposes wholly independent programing.

13. The Commission has held that, in order to support a request for a comparative programing issue, the proponent must demonstrate substantial programing differences which "go beyond ordinary differences in judgment and show a superior devotion to public service." Policy Statement on Comparative Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965). These differences must be related to ascertained community needs. Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967). In support of its request, Salt-Tee relies merely on the percentages of time devoted to particular program categories and fails to demonstrate that such differences stem from ascertained community needs. Such a showing is not sufficient to meet the Commission's prerequisites for a programing inquiry in a comparative proceeding and, therefore, the requested issue will not be added to this proceeding.

14. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 27, 1969, by Salt-Tee Radio, Inc., is granted to the extent indicated below and is denied in all other respects; and

15. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether the staff proposed by Lester H. Allen is adequate to effectuate his proposed operation.

(2) To determine the efforts made by Lester H. Allen to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests; and

16. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the above issues will be on Lester H. Allen.

Adopted: April 29, 1969.

Released: April 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–5346; Filed, May 2, 1969; 8:49 a.m.]

[2] In December 1968, Allen tendered for filing an application for a new FM station at Leisure City, Fla. (BPH–6545), which includes Allen's commitment of $37,000 in available funds for construction and initial operation.

[3] According to Allen's uncontradicted assertions in his affidavit, he has been associated with his firm since 1946 and has been its sole proprietor since 1953. He is a distributor of RCA equipment and has regularly sold items of broadcast equipment to various Trenton stations.

[4] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961), affirmed sub. nom. Henry v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F. 2d 191, 23 RR 2016, cert. denied, 371 U.S. 821 (1962).

[5] Cf. Vernon Broadcasting Co., 12 FCC 2d 946, 13 RR 2d 245 (1968).

[6] Ocean City has a population of 7,618 and a standard broadcast station. Leisure City has a population of 3,001 and no broadcast station of any kind.

FEDERAL MARITIME COMMISSION

[No. 69–18]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Strike Surcharges—North Atlantic/Continent Trades; Rescheduling of Filing Dates

North Atlantic Continental Freight Conference has requested an enlargement of time until May 19, 1969, within which to file briefs in this proceeding. A certain extension of time appears warranted. Accordingly, requests for hearing and affidavits of fact and memoranda of law shall be filed on or before May 12, 1969. Replies thereto shall be filed on or before May 22, 1969.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69–5311; Filed, May 2, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3329, etc.]

ESTATE OF FRANCIS W. SCOTT ET AL.

Findings and Order

APRIL 25, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John L. Harlan, Trustee (Operator), et al., Applicant in Docket No. CI60–467, proposes to continue the sale of natural gas heretofore authorized in said docket as operator in lieu of American Petrofina Company of Texas which formerly operated the properties. The predecessor operator's rate schedule, American Petrofina Company of Texas (Operator), et al., FPC Gas Rate Schedule No. 71, will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64–426. Concurrently with his certificate application Applicant filed a motion to make rate increase effective in Docket No. RI64–426, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in Docket No. RI64–426. The motion will be construed as a motion to be made co-respondent in Docket No. RI64–426 with respect to sales of natural gas made under his FPC Gas Rate Schedule No. 2,[1] and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene by The Brooklyn Union Gas Co., and Consolidated Edison Company of New York, Inc., were filed in Docket No. CI69–646, in the matter of the application filed on January 13, 1969, in said docket. The petitions have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on April 23, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI69–767 and CI69–785 should be canceled and that the applications filed therein should be treated as petitions to amend the orders issuing certificates in Dockets Nos. CI65–904 and CI66–939, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69–796 should be canceled and that the application filed therein should be treated as an amendment to the application in Docket No. CI68–23.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–274, G–3329, G–3784, G–11918, G–11922, CI60–224, CI60–418, CI60–467, CI61–1299, CI61–1405, CI61–1773, CI63–603, CI64–725, CI65–375, CI65–904, CI65–1145, CI66–939, CI66–1077, CI66–1093, CI67–66, CI67–490, CI67–1589, CI67–1780, CI67–952, CI68–650, CI68–656, CI68–1148 and CI69–276 should be amended as hereinafter ordered and conditioned.

(8) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(9) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John L. Harlan, Trustee (Operator), et al., should be made co-respondent in the proceeding pending in Docket No. RI64–426 and that the agreement and undertaking submitted by him in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) Sales authorized in Dockets Nos. CI64–725, CI67–1780, CI69–684, and CI69–758 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(b) Applicant in Docket No. CI69–684 shall not require buyer to take-or-pay for an annual quantity of gas during the first two contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission order in the subject docket or in other matters relating to the buyer's take-or-pay obligation under the subject contract.

(c) The initial rate for the sale authorized in Docket No. CI65–1145 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(d) The initial rate for the sale authorized in Docket No. CI69–628 shall be 15 cents per Mcf at 14.65 p.s.i.a. Applicant shall file a revised billing statement as required by the Natural Gas Act to reflect the 15 cents rate.

(e) The initial rate for the sale authorized in Docket No. CI67–66 shall be 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment.

(f) The initial rate for the sale authorized in Docket No. CI69–646 shall be 17 cents per Mcf at 15.025 p.s.i.a. Applicant shall file three copies of a revised billing statement as required by the Natural Gas Act to reflect the 17 cents rate. If Applicant desires to collect the 18.5 cents rate it must file three copies of a notice of change in rate under section 4 of the Natural Gas Act.

(g) The initial rate for the sale authorized in Docket No. CI69–728 shall be 18.75 cents per Mcf at 15.025 p.s.i.a., including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(h) The authorizations granted in Dockets Nos. CI67–66, CI69–628, CI69–684, and CI69–758 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(F) Dockets Nos. CI69–767, CI69–785, and CI69–796 are canceled.

(G) The orders issuing certificates in Dockets Nos. G–11922, CI60–224, CI61–1405, CI63–603, CI64–725, CI65–1145, CI66–939, CI66–1077, CI67–66, CI67–1589, CI67–1780, CI68–650, CI68–656, CI68–1148, and CI69–276 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The sales heretofore authorized to be made in Dockets Nos. CI64–754 and CI65–691 shall be made pursuant to the authorization granted in Docket No. CI63–603 in paragraph (G) above, and the certificates heretofore issued in Dockets Nos. CI64–754 and CI65–691 are terminated.

(I) The sale heretofore authorized to be made in Docket No. G–8411 shall be made pursuant to the authorization granted in Docket No. CI69–276 in paragraph (G) above, and the certificate heretofore issued in Docket No. G–8411 is terminated.

(J) The authorization granted in Docket No. G–11922 in paragraph (G) above shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceeding pending in Docket No. RI68–2.

(K) The order issuing a certificate in Docket No. G–3784 is amended to include authorization to sell low pressure gas heretofore authorized to be sold pursuant to the certificate issued in Docket No. G–8409 and the certificate heretofore issued in Docket No. G–8409 is terminated.

(L) The orders issuing certificates in Dockets Nos. G–274[2], G–11918, CI60–418, CI61–1299, CI61–1773, CI66–1093, and CI67–952 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–789, CI69–646, CI69–703, CI69–811, CI69–769, CI69–783, and CI69–833, respectively.

(M) The orders issuing certificates in Dockets Nos. G–3329, CI65–375, CI65–904, and CI67–490 are amended by substituting the successors in interest as certificate holders.

(N) The order issuing a certificate in Docket No. CI60–467 is amended to reflect the change in operator as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonment in Docket No. CI69–457 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI60–318 and RI65–341.

(Q) Permission for and approval of the abandonment in Docket No. CI69–800 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceeding pending in Docket No. RI63–116.

(R) Permission for and approval of the abandonment in Docket No. CI69–813 shall not be construed to relieve Applicant of any refund obligations in the related rate suspension proceedings pending in Dockets Nos. G–19661, RI61–114, RI62–113, RI64–210, RI65–276, and RI66–98.

[1] By order issued Oct. 7, 1966, in Docket No. G–4581 et al., Applicant was made co-respondent in the proceeding pending in Docket No. RI64–426 with respect to sales made by him pursuant to his FPC Gas Rate Schedule No. 1 during a previous term as operator of the subject properties.

[2] Complete succession with respect to Philadelphia Oil Co., FPC Gas Rate Schedule No. 3 and partial succession with respect to the "Grandfather" certificate in Docket No. G–274.

(S) Permission for and approval of the abandonment are granted in Docket No. CI68–23 and the temporary certificate heretofore issued in said docket is terminated.

(T) The certificates heretofore issued in Dockets Nos. G–8483, G–14909, and CI62–1317 are terminated.

(U) John L. Harlan, Trustee (Operator), et al., is made co-respondent in the proceeding pending in Docket No. RI64–426 with respect to sales of natural gas made pursuant to his FPC Gas Rate Schedule No. 2 and the agreement and undertaking submitted by him in said docket with respect to such sales is accepted for filing.

(V) John L. Harlan, Trustee (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI64–426 with respect to sales made pursuant to his FPC Gas Rate Schedule No. 2 shall remain in full force and effect until discharged by the Commission.

(W) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3329 E 2–5–69	Estate of Francis W. Scott (successor to Francis W. Scott).	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Francis W. Scott, FPC GRS No. 2.	1	
			Supplement Nos. 1–15	1	1–15
			Notice of succession 2–1–69.[1]		
G–3329 E 2–5–69	do	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Effective date: 6–28–67		
			Francis W. Scott, FPC GRS No. 3.	2	
			Supplement Nos. 1–9	2	1–9
			Notice of succession 2–1–69.[1]		
G–3784 (G–8409) C 1–24–69 [2]	Sohio Petroleum Co. (successor to Blanco Oil Co.).	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, Tex.	Effective date: 6–28–67 (3)	133	
G–11922 D 11–6–68	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Taloga Field, Morton County, Kans.	Amendment 10–1–68 [4] [6]	[4] 204	11
CI60–224 C 2–11–69 [6]	Bridwell Oil Co.	Texas San Juan Oil Corp., Miller and Fox Fields, Duval County, Tex.	Amendment 11–12–68	7	2
			Amendment 2–24–69 [7] [8]	7	3
CI60–467 E 2–3–69 [9]	John L. Harlan, Trustee (Operator) et al. (successor to Americau Petrofina Company of Texas (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southeast Tomball Field, Harris County, Tex.	American Petrofina Co. of Texas (Operator) et al., FPC GRS No. 71.	2	
			Supplement Nos. 1–2	2	1–2
			Notice of change in operator 11–8–68.		
			Effective date: 10–1–68		
CI61–1405 D 5–16–68	Mobil Oil Corp.	Cities Service Gas Co., Hugoton (Deep) Field, Kearny County, Kans.	Notice of partial cancellation (undated).[10]	262	3
			Notice of partial cancellation (undated).[10]	262	4
			Notice of partial cancellation (undated).[11]	262	5
			Notice of partial cancellation (undated).[4] [11]	262	6

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI63–603 (CI65–691) C 2–26–69	Sinclair Oil Corp. (Operator) et al.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	Amendment 4–1–68 [4] [12]	239	9
CI63–603 (CI64–754) C 2–24–69	do	do	Amendment 5–8–68 [12]	239	10
			Amendment 11–20–68 [4] [14]	239	11
CI64–725 C 12–24–68 [6]	Samedan Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Amendatory agreement 11–15–68.	17	13
			Compliance 3–5–69 [8] [15]	17	14
CI65–375 E 2–17–69	J. D. King Operating Co. (successor to W. R. Hughey Operating Co. et al.).	Arkansas Louisana Gas Co., Clinton Lake Field, Marion County, Tex.	W. R. Hughey Operating Co. et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–2	1	1–2
			Notice of succession 2–14–69.		
			Assignment 11–1–68 [16]	1	3
			Effective Date: 11–1–68		
CI65–904 (CI69–767) E 2–17–69 [17]	Yale Oil Association (successor to Ramsey Associated Petroleum, Ltd.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Ramsey Associated Petroleum, Ltd., FPC GRS No. 1.	3	
			Notice of succession 11–21–68.		
			Assignment 11–21–68	3	1
			Effective date: 11–21–68		
CI65–1145 C 2–24–69 [6]	Pan American Petroleum Corp. [18]	Arkansas Louisiana Gas Co., Cartersville Field, LeFlore County, Okla.	Supplemental agreement 1–28–69.	419	14
			Statement and agreement 2–19–69 [8] [19]	419	1 to 14
CI66–939 (CI69–785) C 2–19–69 [6] [20]	D. R. Lauck Oil Co., Inc. (Operator), et al.	Northern Natural Gas Co., Wil Field, Edwards County, Kans.	Agreement 10–17–68	5	3
			Agreement 1–27–69 [8] [21]	5	4
CI66–1077 C 2–24–69 [6]	John C. Oxley et al.	Arkansas Louisiana Gas Co., South Pocola Field, LeFlore County, Okla.	Amendment 2–10–69	1	2
CI67–66 C 1–9–69 [6]	Amerada Petroleum Corp.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 11–18–68	138	8
			Compliance 2–27–69 [8] [22]	138	9
CI67–490 E 2–19–69	A. C. Radford et al. (successor to Zogg & Zogg, Inc.)	United Fuel Gas Co., Louden District, Kanawha County, W. Va.	Zogg & Zogg Inc., FPC GRS No. 2.	10	
			Supplement Nos. 1–3	10	1–3
			Notice of succession 12–26–68.		
			Assignment 7–29–68	10	4
			Effective date: 7–29–68		
CI67–1589 C 1–10–69 [6]	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Supplemental agreement 7–25–68.[8]	6	1
CI67–1780 C 1–22–69 [6]	Humble Oil & Refining Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Amendatory agreement 12–16–68.	430	5
			Compliance 3–3–69 [8] [23]	430	6
CI68–23 (CI69–796) B 2–24–69 [24]	Jake L. Hamon (Operator) et al.	Texas Eastern Transmission Corp., Taft Area, San Patricio County, Tex.	Notice of cancellation 2–20–69.[4] [25]	52	1
CI68–650 C 1–28–69 [6]	Texas Oil & Gas Corp. (Operator) et al.	Cities Service Gas Co., Mocane Laverne Field, Beaver County, Okla.	Amendatory Agreement 1–24–69.[8]	52	1
CI68–656 C 2–25–69 [6]	Sun Oil Co.	Panhandle Eastern Pipe Line Co., West Lorena Field, Texas County, Okla.	Amendment 1–16–69 [26]	227	3
CI68–1148 C 2–28–69 [6]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplemental agreement 10–28–68.[8]	2	3
CI69–276 (G–8411) C 2–26–69	L. E. Haught, d.b.a. Haught Drilling Co.	Pennzoil United, Inc., Murphy District, Ritchie County, W. Va.	Assignment 5–31–68 [27]	8	2
			Effective date: 5–31–68		
CI69–457 (G–8483) B 11–7–68	Cabot Corp. (SW)	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	Notice of cancellation 11–4–68.[4] [28]	[28] 26	3

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–628 A 1–2–69	Charles E. McRay	Arkansas Louisiana Gas Co., Mazzard Prairie Field, Sebastan County, Ark.	Contract 2–26–68	1	
			Contract 10–21–63	1	1
			Compliance 3–4–69 [8] [29]	1	2
CI69–646 (G–11918) F 1–13–69	Shell Oil Co. (successor to Mobil Oil Corp.).	United Gas Pipe Line Co., Iowa Field, Calcasieu Parish, La.	Contract 1–13–49 [31]	365	
			Amendment 11–1–51	365	1
			Amendment 5–29–58	365	2
			Letter agreement 12–1–58	365	3
			Amendment 8–6–59	365	4
			Assignment 6–28–68 [32]	365	5
			Effective date: 7–1–67		
CI69–684 A 1–23–69 [6]	Tenneco Oil Co. [33]	Panhandle Eastern Pipe Line Co., Bodenschatz Unit, Cherokee Area, Alfalfa County, Okla.	Contract 12–11–68 [6]	233	
CI69–708 (CI60–418) F 1–21–69 as amended 2–20–69	Petroleum, Inc. (successor to Cities Service Oil Co.).	Panhandle Eastern Pipe Line Co., South Guymon Field, Texas County, Okla.	Contract 3–24–60 [34]	53	
			Amendment 11–4–60	53	1
			Amendment 5–6–64	53	2
			Lease 11–26–68 [31]	53	3
			Assignment 11–26–68 [8] [34]	53	4
CI60–418 [35]	Cities Service Oil Co.	do	Lease 11–26–68 [33]	138	5
			Assignment 11–26–68 [4] [35]	138	6
CI69–728 A 2–5–69 [6]	Belle Bower Producing Co., Inc.	Texas Eastern Transmission Corp., Grand Cane Area, De Soto Parish, La.	Contract 12–1–68	1	
			Compliance 3–3–69 [8] [37]	1	1
CI69–742 A 12–3–68 [6]	James W. Staples	United Gas Pipe Line Co., Mud Hill Field, Bee County, Tex.	Contract 11–1–68	1	
CI69–758 A 2–13–69 [6]	G. M. Close (operator) et al.	Panhandle Eastern Pipe Line Co., Oakdale Area, Woods County, Okla.	Contract 1–17–69 [6] [38a]	4	
CI69–769 (CI61–1773) F 2–17–69	Rex Monahan (successor to Sohio Petroleum Co.).	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	Contract 6–6–68 [38b]	10	
			Assignment 4–23–68 [39]	10	1
			Effective date: 5–1–68		
CI69–779 A 2–14–69 [6]	Sohio Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Northwest Woodward Area, Woodward County, Okla.	Contract 1–24–69	150	
CI69–783 (CI66–1093) F 2–20–69	Hassie Hunt Trust (successor to G. H. Vaughn, Jr. and Jack C. Vaughn (Operators) et al.).	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Contract 3–11–66 [40]	38	
			Assignment 12–13–68 [6] [41]	[6] 38	1
CI69–784 A 2–24–69 [6]	Oklahoma Natural Gas Co. (Operator) et al.	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.	Contract 2–7–69 [6]	35	
CI69–789 (G–274) F 2–20–69 [42]	Colonial Oil and Gas Corp. (successor to Philadelphia Oil Co.).	Equitable Gas Co., Clay District, Monongalia County, W. Va.	Philadelphia Oil Co. (Contract No. 4181) FPC GRS No. 3.	1	
			Supplement No. 1	1	1
			Notice of succession 2–17–69.		
			Supplemental agreement 7–10–68 [43]	1	2
			Assignment 7–10–68 [44]	1	3
			Superseding contract (No. 6250) 7–25–68.[45]	1	4
			Assignment 8–8–68 [46]	1	5
			Effective date: 8–8–68		
CI69–791 A 2–26–69 [6]	Cayman Corp., Ltd.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 2–4–69 [6]	4	
CI69–800 (CI62–1317) B 2–24–69	Midwest Oil Corp. (Operator) et al.	United Fuel Gas Co., South Thornwell Field, Jefferson Davis Parish, La.	Notice of cancellation 2–18–69.[4] [28]	[47] 26	5

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–811 (CI61–1299) F 2–25–69	David A. Paschket (successor to Benco Drilling Co., Inc.).	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 1–17–61 [48]	1	
			Assignment 8–17–68 [49]	1	1
			Assignment 8–31–68 [50]	1	2
			Assignment 11–14–68 [51]	1	3
			Effective date: 11–14–68		
CI69–813 (G–14909) B 2–28–69	Mobil Oil Corp. (Operator) et al.	Hassie Hunt Trust, Lisbon Field, Claiborne Parish, La.	Notice of cancellation 2–27–69.[4] [34]	[52] 150	17
CI69–833 (CI67–952) F 1–27–69 [53]	Phillips Petroleum Co. (successor to Humble Oil & Refining Co.).	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	Contract 1–24–67 [54]	466	
			Assignment 1–31–69 [55]	466	1
			Effective date: 2–1–69		

[1] Reflects death of Francis W. Scott on June 28, 1967.
[2] Sohio proposes in Docket No. G–3784 to continue pursuant to its FPC GRS No. 133 the sale of low pressure gas heretofore authorized in Docket No. G–8409 to be made pursuant to Blanco Oil Co.'s FPC GRS No. 2. Sohio's rate schedule presently provides for the subject service. The certificate heretofore issued in Docket No. G–8409 will be terminated.
[3] Production of gas no longer economically feasible.
[4] Effective date: Date of this order.
[5] Rate of 17.5 cents effective subject to refund in Docket No. RI68–2.
[6] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[7] Provides that buyer will have 5 years to make up gas paid for but not taken.
[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[9] Amendment to the certificate to reflect the change in operator.
[10] Assignment of interest to Helmerich & Payne, Inc., and Southern Natural Gas Co. Helmerich & Payne, Inc., et al., has advised by letter of Apr. 1, 1969, that no well has been drilled and no filings will be made.
[11] Assignment of interest to Aikman Bros. Corp.
[12] Supersedes Inez Calmes, executrix of the estate of Kermit W. Calmes, deceased, FPC GRS No. 1, Docket No. CI65–691 which will be terminated. Adds acreage acquired by assignment of Nov. 8, 1967, from Inez Calmes.
[13] Supersedes Warren Shear FPC GRS No. 1, Docket No. CI64–754 which will be terminated. Adds acreage acquired by assignments of Apr. 1, 1968, from Warren Shear.
[14] Amends basic contract to provide for 5-year makeup period for acreage dedicated by amendments of Apr. 1, 1968 and May 8, 1968.
[15] By letter of Feb. 12, 1969, attached to Supplement, Applicant accepts temporary certificate issued Feb. 7, 1969, and states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement, plus B.t.u. adjustment.
[16] From W. R. Hughey Operating Co. et al., to Applicant.
[17] Application erroneously assigned Docket No. CI69–767 will be treated as a petition to amend the order issuing a certificate in Docket No. CI65–904 and Docket No. CI69–767 will be canceled.
[18] Contract provides for 16.015 cents per Mcf, including 0.015-cent tax reimbursement; however, Applicant proposes a rate of 15 cents per Mcf.
[19] Provides for 5-year makeup period for prepaid gas as to acreage under supplemental agreement of Jan. 28, 1969, in lieu of contractual 2-year makeup period.
[20] Application erroneously assigned Docket No. CI69–785 will be treated as a petition to amend the order issuing a certificate in Docket No. CI66–939 and Docket No. CI69–785 will be canceled.
[21] Amends basic contract to provide for a 5-year makeup period for prepaid gas. This amendment applies only to the Oct. 17, 1968, agreement and to acreage committed after Oct. 17, 1968.
[22] Complies with temporary certificate issued Feb. 14, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 17 cents, including tax reimbursement, plus B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R–338.
[23] Accepts conditioned temporary certificate issued Feb. 28, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.
[24] No permanent certificate granted in Docket No. CI68–23; therefore, the application filed in Docket No. CI69–796 will be treated as an amendment to the application in Docket No. CI68–23, Docket No. CI69–796 will be canceled and the temporary certificate in Docket No. CI68–23 will be terminated.
[25] Source of gas depleted.
[26] Dedicates casinghead gas to basic contract.
[27] Assigns the Welch Lease, which completes the succession, from Bowser to Haught; therefore, the certificate heretofore issued in Docket No. G–8411 will be terminated.
[28] Acreage assigned to Panhandle Eastern Pipe Line Co.; the consideration was $500 for remaining reserves of 38,000 Mcf (1.32 cents per Mcf).
[29] Rate of 13 cents in effect subject to refund in Docket No. RI65–341 and 12 cents rate effective subject to refund in Docket No. RI60–318.
[30] Complies with temporary certificate issued Feb. 14, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents and subject to the ultimate disposition of the proceeding in Docket No. R–338.
[31] Basic contract between Mobil, as seller and United, as buyer; currently on file as Mobil's FPC GRS No. 24.
[32] Transfers acreage from Mobil to Shell insofar as it pertains to the 14FV Sand.
[33] Applicant's original filing provides for 17 cents per Mcf plus B.t.u. adjustment; by letter filed Feb. 24, 1969, Applicant indicated its willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf plus B.t.u. adjustment and subject to the outcome of the proceedings in Docket No. R–338. By letter filed Mar. 6, 1969,

Applicant also agreed to accept a condition to limit the buyer's take-or-pay requirement so as not to exceed a ratio of 1 to 3,650 during the first 2 contract years.

[34] Also on file as Cities Service Oil Co. FPC GRS No. 138.

[35] Conveys certain interests to Petroleum, Inc., from Cities Service Oil Co.

[36] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.

[37] Complies with temporary certificate issued Feb. 28, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 18.75 cents per Mcf including tax reimbursement and limiting the buyer's take-or-pay obligation to a 1 to 7,300 reserves ratio.

[38] Contract rate is 17 cents per Mcf; however, Applicant is willing to accept a permanent certificate at the rate of 15 cents per Mcf. Applicant is also willing to accept authorization conditioned to the ultimate disposition of the proceeding in Docket No. R-338.

[39] Partially supersedes Apr. 14, 1959 contract presently on file as Sohio Petroleum Co. FPC GRS No. 144 (formerly Conroy, Inc., FPC GRS No. 2).

[40] Partial assignment from Conroy, Inc., to Rex Monahan. Remaining acreage assigned to Sohio by conveyance dated June 15, 1958.

[41] Also on file as G. H. Vaughn, Jr., and Jack C. Vaughn (Operators) et al., FPC GRS No. 10.

[42] Conveys interest from Vaughn Petroleum, Inc., et al., to Hassie Hunt Trust.

[43] Complete succession to Philadelphia's FPC GRS No. 3 and partial succession to the "Grandfather" certificate in Docket No. G-274 which covers other sales.

[44] Cancels that portion of the basic contract pertaining to one depleted and abandoned lease.

[45] From Philadelphia to Joseph H. Goth, Jr.

[46] Between Goth and Equitable Gas Co.

[47] From Goth to Colonial Oil & Gas Corp.

[48] Rate of 20.7 cents effective subject to refund in Docket No. RI63-116. By Commission order dated Jan. 7, 1964, in Docket No. G-13221, et al., the Commission approved Midwest's initial settlement rate of 20.3 cents.

[49] Between Pace Bower Construction Co., seller and Hope Natural Gas Co. (now Consolidated), buyer; also on file as Beneo Drilling Co., Inc., FPC GRS No. 1.

[50] From Beneo Drilling Co., Inc. (assignee of Pace Bower Construction Co. as of July 18, 1966) to E. N. Clark.

[51] From E. N. Clark to Petroleum Enterprises.

[52] From Thomas R. Little, one of the two partners in Petroleum Enterprises, to Applicant.

[53] Rate of 14.9866 cents effective subject to refund in Docket No. RI66-98. Prior rate proceedings pending in Dockets Nos. RI65-276, RI64-210, RI62-113, RI61-114, and G-19661.

[54] Application filed and notices as a complete succession, further review reveals that the succession is partial rather than complete; therefore, said application was reassigned Docket No. CI69-833.

[55] On file as Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 417.

[56] Conveys interest from Humble to Phillips.

[F.R. Doc. 69-5232; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-273]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

APRIL 28, 1969.

Take notice that on April 21, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the direct sale of natural gas to an industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities on its 8-inch Line HM-1 in Union County, Ark., to effect the direct sale of natural gas for industrial consumption under an industrial gas sales contract with Gulf Oil Co.

The estimated third year peak day and annual sales are 4,000 Mcf and 1,000,000 Mcf, respectively.

The total estimated cost of the proposed construction is $1,525, which will be financed from cash on hand and short-term loans until included in a long-term financing issue at a later date.

Any person desiring to be heard or to make any protests with reference to said application should on or before May 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5301; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-103]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

APRIL 29, 1969.

Take notice that on April 18, 1969, Columbia Gulf Transmission Co. (Petitioner), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP69-103 a petition to amend the Commission's order issued March 17, 1969, in said docket by authorizing Petitioner to construct and operate four of the main line loops authorized by said order at locations short distances upstream from the locations shown in the original application in this proceeding and to postpone to 1970 the construction and operation of the authorized loop crossings of the Kentucky and Cumberland Rivers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of March 17, 1969, among other things, authorized Petitioner to construct and operate 10 main line loops of 36-inch pipe totaling approximately 268 miles. Three of the proposed loops are crossings of the Kentucky, Cumberland, and Ouachita Rivers. Petitioner states that as a result of continuing to develop the engineering design of the proposed facilities, four of the loops are proposed to be constructed in more advantageous locations. Further, Petitioner states that in order to reduce 1969 construction expenditures, it desires to postpone the construction of the Kentucky and Cumberland Rivers' crossings to the 1970 construction season.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before May 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5302; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-268]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

APRIL 28, 1969.

Take notice that on April 14, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-268 a "budget-type application" pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1969, and operate various gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing July 1, 1969, and operate various gas purchase facilities which will permit Applicant to augment its ability to attach to its transmission system new sources of natural gas supplies from various producers in the area generally coextensive with the transmission system.

The total estimated cost of the proposed facilities will not exceed $1 million, with no single project to exceed a cost of $250,000. The cost will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5303; Filed, May 2, 1969; 8:45 a.m.]

[Project 2677]

GREEN BAY & MISSISSIPPI CANAL CO.

Notice of Application for License for Constructed Project

APRIL 28, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Green Bay & Mississippi Canal Co. (correspondence to: William J. Schenck, Director, Green Bay & Mississippi Canal Co., 204 West College Avenue, Appleton, Wis. 54911) for constructed Project No. 2677, known as the Kaukauna Project, located on the Fox River in Outagamie County, Wis., in and near the city of Kaukauna.

The existing Kaukauna Project consists of: A 2,100-foot long, 100-foot wide power canal conveying water to the applicant's Old Badger and New Badger plants from the Fox River above the U.S.-owned upper dam in Kaukauna; Old Badger powerhouse containing two 1,000 kw. generators each connected to a turbine that operates at a 22-foot head; New Badger powerhouse containing two 1,800 kw. generators each connected to a turbine that operates at a 24-foot head; Rapide Croche powerhouse located about 4.5 miles downstream from the Badger plants, using water impounded by the U.S.-owned Rapide Croche dam and containing four 600 kw. generators each connected to a turbine which operates at a 7.8-foot head; a 12 kv. transmission line about 4.85 miles long from the Rapide Croche plant to a point near the Badger plants; and appurtenant facilities. Applicant proposes to make a tract of project land near the Rapide Croche plant available for recreation.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5304; Filed, May 2, 1969; 8:45 a.m.]

[Project 2693]

CITY OF HOLYOKE, MASS., GAS & ELECTRIC DEPARTMENT

Notice of Application for Preliminary Permit for Unconstructed Project

APRIL 28, 1969.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Holyoke, Gas & Electric Department (correspondence to: F. H. King, Manager, City of Holyoke, Gas & Electric Department, 70 Suffolk Street, Holyoke, Mass. 01040) for unconstructed Project No. 2693, to be known as the Enfield Project, located on the Connecticut River in Hartford County near Enfield and Hartford and in the vicinity of Springfield, Mass.

Applicant proposes to investigate under any permit issued the feasibility of constructing a multipurpose project having a dam with about 31 feet of head, at Enfield Rapids and also navigation, fish passage, and hydroelectric facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5305; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.

Notice of Application

APRIL 29, 1969.

Take notice that on April 21, 1969, Kansas City Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of short term promissory notes in an aggregate principal amount not to exceed $40 million outstanding at any one time.

Applicant is incorporated under the the laws of the State of Missouri with its principal business office in Kansas City, Mo., and is engaged in the electric utility business in the Kansas City metropolitan area and parts of 23 counties in Missouri and Kansas.

Applicant proposes to issue notes to commercial banks and notes in the form of commercial paper to commercial paper dealers and directly to purchasers for their own accounts. The notes, which will have maturity dates of less than 12 months but not later than December 31, 1971, are not to exceed $40 million outstanding at any one time. The proceeds from the sale of the notes will be used to add funds to Applicant's working capital for ultimate application towards the cost of gross additions to the utility properties of the Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become par-

ties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5306; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-271]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

APRIL 29, 1969.

Take notice that on April 16, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-271 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase from Excelsior Oil Corp. (Excelsior), and operation of facilities necessary for Applicant to deliver to its main transmission line, after gathering, compressing and processing, gas purchased from various producers in the North Shawnee-Flat Top Field, Converse County, Wyo., all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Applicant states that it began purchasing gas in the North Shawnee-Flat Top Field in April of 1962 and that this gas is delivered to Applicant at a point on its main transmission line in Wyoming some 25 miles southwest of said field. Further, Applicant states that each of its purchase contracts requires the gas to be processed before delivery to Applicant and that said gas sold by each producer is processed in the Flat Top plant and is delivered to Applicant at the above delivery point as a commingled stream.

Applicant alleges that if it can convert its purchases from the field to well-head purchases it would give Applicant better control of the production and processing operation so as to eliminate waste and to provide more reliable deliveries, and, further, that operation of the gathering, compression, plant and delivery facilities would also eliminate the complex accounting necessary under the present arrangement.

Applicant proposes to acquire the subject facilities from Excelsior who, under agreements with the various producers, is presently performing the gathering, compression, processing, and delivery services, including delivery of the plant residue gas to Applicant on behalf of the producers. Applicant proposes to acquire all of the facilities presently used by Excelsior to deliver residue gas from the plant tailgate to the aforementioned delivery point on its main transmission line. These facilities include approximately 25.8 miles of 4-inch pipe and a compressor located at Orin Junction.

The application indicates that Applicant will acquire the subject facilities at Excelsior's book cost, and that financing will be through the cancellation of indebtedness owed to Applicant by Excelsior.

Any persons desiring to be heard or to make any protest with reference to said application should on or before May 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5307; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. RI66-20 [1]]

MAPCO PRODUCTION CO. ET AL.

Order Accepting Notice of Change in Rate and Related Contract Amendment, Severing and Terminating Rate Proceeding

APRIL 10, 1969.

On July 1, 1965, Mapco Production Co. (Operator) et al. (Mapco), filed a notice of change in rate, designated as Supplement No. 6 to Mapco's FPC Gas Rate Schedule No. 2, proposing a rate increase, from 14 cents to 14.5 cents per Mcf, for its jurisdictional sales of natural gas to Mississippi River Transmission Corp. in the Gooch Gas Unit, Woodlawn Field, Harrison County, Tex. (Railroad District No. 6), which was suspended by the Commission's order issued July 23, 1965, until January 1, 1966. Mapco's proposed rate increase was subsequently permitted to become effective subject to refund.

Mapco proposes to settle its rate proceeding in Docket No. RI66-20 in accordance with the Second and Ninth Amendments to the Commission's Statement of General Policy No. 61-1. Mapco submits a notice of change in rate [2] from 14.5 cents to 15 cents per Mcf, together with a related contract amendment [3] which deletes all price escalation provisions, except for future tax reimbursement, and provides for the proposed 15-cent rate for the remaining primary term of the contract which expires on May 4, 1976. Mapco's proposed rate filings are set forth in Appendix A hereof.

Mapco's proposed amendment and related notice of change meet the requirements under the Second and Ninth Amendments to the Commission's Statement of General Policy No. 61-1. Accordingly, we believe that such amendment and related notice of change in rate should be accepted for filing to become effective on April 19, 1969, the expiration date of the 35-day statutory notice period, and the rate suspension proceeding in Docket No. RI66-20 should be severed from the Area Rate Proceeding in Docket No. AR67-1 et al. (Other Southwest Area) and terminated.

However, we desire to make it clear that acceptance of Mapco's offer of settlement shall not be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule resulting from any possible future tax increase, and is without prejudice to any findings or orders of the Commission in any proceeding, including area rate or other similar proceeding, involving Mapco's rate and rate schedule.

Inasmuch as the present 14.5-cent rate, which is in effect subject to refund in Docket No. RI66-20, is less than the proposed 15-cent settlement rate, the proceeding in Docket No. RI66-20 should be terminated.

Mapco requests an effective date of April 1, 1969, for its proposed contract amendment and change in rate. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mapco's contract amendment and rate increase and such request is denied.

The Commission orders:

(A) Mapco's contract amendment dated March 7, 1969, and 15 cents per Mcf rate increase, designated as Supplement Nos. 7 and 8 to Mapco's FPC Gas Rate Schedule No. 2, respectively, are accepted for filing and permitted to become effective on April 19, 1969, the expiration date of the statutory notice.

(B) The proceeding in Docket No. RI66-20 is severed from the Area Rate Proceeding, et al. (Other Southwest Area), Docket No. AR67-1 et al., and terminated and Mapco is relieved of any refund obligation in Docket No. RI66-20.

(C) The acceptance of the Commission of Mapco's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Mapco including area rate or other similar proceedings.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Docket No. RI66-20 is consolidated in the Area Rate Proceeding, et al., (Other Southwest Area), Docket No. AR67-1, et al.

[2] Designated as Supplement No. 8 to Mapco's FPC Gas Rate Schedule No. 2.

[3] Designated as Supplement No. 7 to Mapco's FPC Gas Rate Schedule No. 2.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI66-20	Mapco Production Co. (Operator) et al., 800 Oil Center Bldg., Tulsa, Okla. 74119.	2 2	[2] 7 8	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.), (RR. District No. 6).	$1,320	3-19-69 3-19-69	[3] 4-19-69 (Accepted) [3] 4-19-69 (Accepted)		[4] 14.5	[5] [6] 15.0	RI66-20.

[1] Contract amendment dated Mar. 7, 1969, deletes all price escalation provisions, except for future tax reimbursement based on new or additional taxes, and provides for 15-cent rate, effective as of Mar. 7, 1969, for remaining primary term of contract which expires on May 4, 1976.

[2] The stated effective date is the first day after expiration of the statutory notice.

[3] Renegotiated rate increase.

[4] Pressure base is 14.65 p.s.i.a.

[5] Subject to a downward B.t.u. adjustment.

[F.R. Doc. 69-5309; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. CP69-275]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

APRIL 28, 1969.

Take notice that on April 22, 1969, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, Ga. 31792, filed in Docket No. CP69-275 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain natural gas facilities used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to the Americus Utility Commission approximately 7,600 feet of 4½-inch line located in Sumter County, Ga. The Commission will use the line as part of its distribution system serving Americus, Ga., and environs.

The line will be sold at its estimated depreciated book value of $10,125.

Applicant also proposes to move its existing metering and regulating station in a southerly direction approximately 7,600 feet to enable this proposed abandonment and sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5308; Filed, May 2, 1969; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry and Withdrawal From Warehouse for Consumption

APRIL 30, 1969.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 4-year period begininng on May 1, 1967. Among the provisions of the agreement are those establishing an aggregate limit, Group limits, and specific limits for Categories 9, 10, 22, 23, 26, 27, 63 and 64, with sublimits on duck fabric (parts of Categories 26 and 27), and on zipper tapes (part of Category 64), for the agreement year beginning May 1, 1969.

There is published below a letter of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1969, and extending through April 30, 1970, be limited to designated levels.

Cotton textiles and cotton textile products which were exported from Mexico to the United States prior to May 1, 1969, in categories for which the levels of restraint for the 12-month period ending April 30, 1969, are filled, will, at the request of the Government of Mexico, continue to be denied entry under the terms of the directive published below. Consultations will be held between the two Governments in the near future to determine the disposition of such goods.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

APRIL 28, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done

at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1969, and for the 12-month period extending through April 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1, 2, 3, and 4, shall be 12,415,110 pounds. Of this amount not more than 3,115,761 pounds shall be in Categories 3 and 4.

The overall level of restraint for Categories 5 through 27 shall be 23,152,500 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

Category	12-month level of restraint
9	square yards... 4,410,000
10	do... 2,205,000
22	do... 4,410,000
23	do... 3,307,500
26	do [1]... 6,615,000
27	do [1]... 2,205,000

[1] Of the total amount for Categories 26 and 27, not more than 4,961,250 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

Within the overall level of restraint for Categories 5 through 27, each category without a specific level of restraint is subject to a consultation level of 551,250 square yards, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The overall level of restraint for Categories 28 through 64, shall be 2,425,500 square yards equivalent. There is attached to this directive the rates of conversion into square yard equivalents of the aforesaid categories to be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 64, the following specific levels of restraint shall apply:

Category	12-month level of restraint
63	121,275 pounds.
64	359,415 pounds (of which not more than 99,225 pounds shall be in zipper tapes, T.S.U.S.A. No. 347.3340).

Within the overall level of restraint for Categories 28 through 64, each category without a specific level of restraint is subject to a consultation level of 385,875 square yards equivalent, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1968, through April 30, 1969. In the event that any level of restraint for the 12-month period ending April 30, 1969, has been exhausted by previous entries, such goods shall be denied entry.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1967, between the Governments of the United States and Mexico which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

Category No.	Description	Unit	Conversion factor to Syds
28	Pillowcases, not ornamented, carded	Numbers	1.064
29	Pillowcases, not ornamented, combed	do	1.064
30	Towels, dish	do	.348
31	Towels, other	do	.348
32	Handkerchiefs, whether or not in the piece	Dozen	1.66
33	Table damask and manufactures	Pound	3.17
34	Sheets, carded	Numbers	6.2
35	Sheets, combed	do	6.2
36	Bedspreads and quilts	do	6.9
37	Braided and woven elastic	Pounds	4.6
38	Fishing nets and fish netting	do	4.6
39	Gloves and mittens	Dozen	3.527
40	Hose and half hose	Dozen pairs	4.6
41	T-shirts, all white, knit, men's and boys'	Dozen	7.234
42	T-shirts, other knit	do	7.234
43	Shirts, knit, other than T-shirts and sweatshirts	do	7.234
44	Sweaters and cardigans	do	36.8
45	Shirts, dress, not knit, men's and boys'	do	22.186
46	Shirts, sport, not knit, men's and boys'	do	24.457
47	Shirts, work, not knit, men's and boys'	do	22.186
48	Raincoats, three-quarter length or longer, not knit	do	50.0
49	Coats, other, not knit	do	32.5
50	Trousers, slacks, and shorts (outer), not knit, men's and boys'	do	17.797
51	Trousers, slacks and shorts (outer), not knit, women's girls' and infants.	do	17.797
52	Blouses, not knit	do	14.53
53	Dresses (including uniforms), not knit	do	45.3
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc., not knit, n.e.s.	do	25.0
55	Dressing gowns, including bathrobes and beachrobes, lounging gowns, housecoats, and dusters, not knit.	do	51.0
56	Undershirts, knit, men's and boys'	do	9.2
57	Briefs and undershorts, men's and boys'	do	11.25
58	Drawers, shorts, and briefs, knit, n.e.s.	do	5.0
59	All other underwear, not knit	do	16.0
60	Pajamas and other nightwear	do	51.96
61	Brassieres and other body supporting garments	do	4.75
62	Wearing apparel, knit, n.e.s.	Pounds	4.6
63	Wearing apparel, not knit, n.e.s.	do	4.6
64	All other cotton textiles	do	4.6

[F.R. Doc. 69-5377; Filed, May 2, 1969; 8:50 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

APRIL 29, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of April 28, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textiles in Category 49, for the 12-month period which began on January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

APRIL 28, 1969.

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments [1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Category 49, produced or manufactured in the Republic of Korea, for the 12-month period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended, to be effective as soon as possible, as follows:

Category	Amended 12-month level of restraint
49	dozen... 28,941

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69-5340; Filed, May 2, 1969; 8:48 a.m.]

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 9.1]

DEPUTY ASSISTANT ADMINISTRATOR FOR MANAGEMENT ET AL.

Redelegation of Authority Regarding Administrative Activities

I. Pursuant to the authority delegated to the Assistant Administrator for Management by the Administrator (Delegation of Authority No. 9, 34 F.R. 6632, Apr. 17, 1969), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Deputy Assistant Administrator for Management.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

B. *Director and Assistant Director, Office of Administrative Services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To issue government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, and tax exemption certificates.

4. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

C. *Chief, Procurement and Supply Division.* 1. To contract for supplies, materials and equipment, printing, and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To issue government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates.

D. *Assistant Chief, Procurement and Supply Division.* 1. To issue Government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates as they relate to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

E. *Warehouse Foreman, Procurement and Supply Division.* 1. To issue Government bills of lading.

F. *Chief, Office Services Division.* 1. To issue work orders, telephone orders, and authorize and approve repairs to machinery and equipment.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the Assistant Administrator for Administration to officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date herein.

Effective date: March 17, 1969.

EDWIN Z. HOLLAND,
Assistant Administrator for Management.

[F.R. Doc. 69-5321; Filed, May 2, 1969; 8:47 a.m.]

SMITHSONIAN INSTITUTION

PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Delegation of Authority

The following relates to public contracts and property management.

I. PROCUREMENT AUTHORITY

SECTION 1. *Authority delegated.* (a) The Chief of the Supply Division is designated "Head of the Procurement Activity," as defined in FPR 1-1.206.

(b) The Head of the Procurement Activity is authorized hereby to (1) enter into, modify, administer, and terminate contracts for property and services and to make related determination and findings; (2) settle termination claims; (3) appoint contracting officers; and (4) establish procurement policy and publish procurement regulations in conformance with: (a) Title III, Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251 et seq.); (b) implementing regulations of the Administrator, General Services Administration;

(c) regulations of the Smithsonian Institution; and (d) other applicable laws.

SEC. 2. *Redelegation.* (a) The Head of the Procurement Activity may redelegate, without power of further redelegation, the authority delegated by the above (sec. 1), subject to limitations stipulated in the Federal Procurement Regulations, and regulations of the Smithsonian Institution.

(b) Personnel delegated responsibility for procurement functions must possess a level of experience, training, and ability commensurate with the complexity and magnitude of procurement actions involved.

SEC. 3. *Limitations; determinations and findings.* (a) Determinations and findings required by FPR 1–3.211 for contracts in excess of $25,000 and by FPR 1–3.212 and 1–3.213 shall be made by the Secretary of the Smithsonian Institution, or his duly appointed representative.

(b) Determinations which justify construction or installation of nonseverable property on land not owned by the United States shall be made by the Assistant Secretary.

(c) Determinations which justify an exception to the restrictions of the Buy American Act shall be made in conformance with Part 1–6 of the Federal Procurement Regulations (41 CFR Part 1–6).

SEC. 4. *Fixed fee.* Proposed fees under cost-plus-a-fixed-fee contracts which exceed the following shall be approved only by the Head of the Procurement Activity or his designee:

(1) 10 percent of the estimated cost, exclusive of fee, of any cost-plus-a-fixed-fee contract for experimental, development or research work.

(2) 7 percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.

SEC. 5. *Mistakes in bids.* (a) Authority is delegated to the Head of the Procurement Activity to make the determinations specified in §§ 1–2.406.3 and 1–2.406.4 of the Federal Procurement Regulations (41 CFR Part 1–2) in connection with mistakes in bids.

(b) This delegation of authority cannot be redelegated.

(c) Each proposed determination (sec. 5(a)) shall be approved by the Office of the General Counsel of the Smithsonian Institution.

II. PUBLICATION OF ADVERTISEMENTS, NOTICES, OR PROPOSALS

SEC. 6. *Authority delegated.* The Head of the Procurement Activity is hereby authorized to make the required determination in connection with and to order paid advertisements, notices, and contract proposals in newspapers and periodicals in accordance with 5 U.S.C. 302(b)(2) and the requirements and conditions stipulated in 44 U.S.C. 321, 322, and 324, and Title 7, Chapter 5, section 25.2, General Accounting Office Policy and Procedure Manual for Guidance of Federal Agencies.

SEC. 7. *Redelegation.* The Head of the Procurement Activity may redelegate the authority conferred by the above delegation.

III. AUTHORITY TO SIGN APPLICATIONS TO PROCURE TAX-FREE AND SPECIALLY DENATURED ALCOHOL AND TO SIGN TREASURY DEPARTMENT FORMS FOR PURCHASE OF NARCOTICS

SEC. 8. *Authority delegated.* The Head of the Procurement Activity is authorized to (a) sign applications to procure tax-free and specially denatured alcohol and (b) to appoint accredited officials to order narcotics in accordance with regulations of the Treasury Department and the Internal Revenue Service.

SEC. 9. *Redelegation.* The Head of the Procurement Activity may redelegate the authority conferred by the above (sec. 8) delegation. Redelegation should be made only to responsible officials whose functions require the procurement of alcohol or narcotics.

Dated: April 28, 1969.

S. DILLON RIPLEY,
Secretary.

[F.R. Doc. 69–5336; Filed, May 2, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41, 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 13 members to be appointed as follows: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as Amended, and to submit to the Secretary recommendations with respect thereto. The Council is required to meet at least twice each year and at such other times as the Secretary requests.

To assure continuity in the handling of the business of the Council, a rotation system is provided whereby the 2-year terms of approximately half the members expire each year. The groups represented by the members whose terms expire on June 30, 1969, are as follows: Labor (2), the insurance field (1), management (2), and the public (1). Appointments of new members will be for 2-year terms, beginning July 1, 1969.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, on or before June 1, 1969. The recommendation may be in the form of a letter, resolution, or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation, or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 30th day of April 1969.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 69–5396; Filed, May 2, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 43, Amdt. 1]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

To: Florida East Coast Railway Co., Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 43, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 43 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 1, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5350; Filed, May 2, 1969; 8:49 a.m.]

[S.O. 1002; Corrected Car Distribution Direction 44, Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., The Atchison, Topeka and Santa Fe Railway Co.

Upon further consideration of Corrected Car Distribution Direction No. 44, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 44 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 1, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5351; Filed, May 2, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 30, 1969.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41629—*Grain and grain products from and to points in Illinois and Wisconsin.* Filed by Illinois Freight Association, agent (No. 344), for interested rail carriers. Rates on barley, buckwheat, corn, oats, rye, soybeans, wheat, and grain screenings, in carloads, as described in the application, between points in Illinois and southern Wisconsin, on the one hand, and Chicago, Ill., on the other.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5352; Filed, May 2, 1969; 8:49 a.m.]

[Notice 824]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17226 (Sub-No. 35 TA), filed April 21, 1969. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison Street, Forest Park, Ill. 60130. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, machinery, appliances, parts, equipment, materials, supplies, and accessories;* between Alsip, Ill., on the one hand, and, on the other, points in Lake County, Ind.; restriction: The operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Whirlpool Corp., for 180 days. Supporting shipper: The Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 64820 (Sub-No. 9 TA), filed April 25, 1969. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 908 South Grape Street, Medford, Oreg. 97501. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points in Siskiyou County, Calif., to points in Pierce County, Wash., for 180 days. Supporting shipper: Blue Diamond Exploration Co., 233 Old Pacific Highways, Talent, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 107515 (Sub-No. 654 TA), filed April 22, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to points in Michigan, District of Columbia, Indiana, Virginia, West Virginia, Georgia, Ohio, Kentucky, Missouri, Alabama, Nebraska, Mississippi, Florida, Texas, Illinois, North Carolina, South Carolina, Kansas, New York, Delaware, Rhode Island, Pennsylvania, Louisiana, New Jersey, Arkansas, Minnesota, Oklahoma, Massachusetts, Wisconsin, and Connecticut, for 150 days. Supporting shipper: House of Thaller, Inc., Post Office Box 5453, 3012 Tazewell Pike, Knoxville, Tenn. 37918. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 109324 (Sub-No. 19 TA), filed April 18, 1969. Applicant: GARRISON MOTOR FREIGHT, INC., Post Office Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrison, Ark., and Jasper, Ark., over Arkansas Highway 7, serving all intermediate points, for 180 days. NOTE: MC 109324 for tacking at Little Rock; Memphis; Springfield, Mo., for interline. Supporting shippers: Newton County Bank, Jasper, Ark.; I. H. Velflick, D.V.M., Post Office Box 613, Jasper, Ark.; Oldham's Store, Jasper, Ark.; Big View Gift Shop, Jasper, Ark.; Newton County Nursing Home and Hospital, Jasper, Ark.; Dogpatch U.S.A., Dogpatch, Ark.; Howard Norton, County Judge of Newton County, Ark., Jasper, Ark.; City of Jasper, Harry Johnson, Mayor, Jasper, Ark. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 113362 (Sub-No. 161 TA), filed April 25, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, mats, matting, or rugs*, from Marietta, Pa., to Davenport and Des Moines, Iowa, for 180 days. Supporting shipper: The Timmermann Cos.,

108 East Fourth Street, Des Moines, Iowa 50309. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119245 (Sub-No. 3 TA), filed April 22, 1969. Applicant: E. J. PAULETTE, doing business as PAULETTS's DELIVERY SERVICE, 1155 Joseph Street, Shreveport, La. 71107. Applicant's representative: W. O. Crain, Jr., 17th Floor Beck Building, Shreveport, La. 71102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (cosmetics and toiletry products), from Shreveport, La., to points in the following Texas counties; Van Zandt, Henderson, Burleson, Walker, Brazos, Grimes, Anderson, Cherokee, Nacogdoches, Angelina, Limestone, Freestone, Leon, Falls, Houston, Milan, Robertson, Madison, Rains, Wood, Franklin, Camp, Upshur, Gregg, Red River Bowie, Titus, Morris, Cass, Rusk, Shelby, San Augustine, Sabine, Ellis, Panola, Marion, Harrison, Kaufman, Navarro, Fannin, Lamar, Hunt, Delta, Hopkins, and Smith, for 180 days. Supporting shipper: Avon Products, Inc., Eighty Third and College, Kansas City, Mo. 64141. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 123060 (Sub-No. 3 TA), filed April 24, 1969. Applicant: AIR LINE EXPRESS, INC., 1110 Hempstead Turnpike, Uniondale, N.Y. 11553. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment), between John F. Kennedy Internationsl Airport and La Guardia Airport, N.Y.; Westchester County Airport, White Plains, N.Y.; McArthur Airport, Islip, N.Y.; Newark Municipal Airport, Newark, N.J., and McGuire Air Force Base, Wrightstown, N.Y., on the one hand, and, on the other, points in Westchester, Rockland, Dutchess, Orange, and Putnam Counties, N.Y., and points in Connecticut; restricted to shipments having an immediately prior or subsequent movement by air, for 150 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133520 (Sub-No. 1 TA), filed April 24, 1969. Applicant: ALBERT RODREGOUS, doing business as AL RODREGOUS ENTERPRISES, 1408 Hill Drive, Antioch, Calif. 94509. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel pipe and piping, steel pipe and asbestos cement pipe*, from Concord, Calif., to points in Clark County, Nev., for 150 days. Supporting Shipper: Jay Forni, Inc., 1887 Arnold Industrial Highway, Concord, Calif. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 118896 (Sub-No. 3 TA), filed April 18, 1969. Applicant: ALBERT A. J. SMITH, doing business as EAGLE BUS LINE, Route 2, Box 34, Brewton, Ala. 36426. Applicant's representative: J. Douglas Harris, 410–412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, their baggage, and newspapers* in same vehicle with passengers, (1) between Brewton, Ala., and the site of the plant of the Monsanto Corp., at or near Gonzalez, Fla., and/or the plantsite of St. Regis Paper Co., at or near Cantonment, Fla., serving all intermediate points, as follows: From Brewton over U.S. Highway 31 to Flomaton, and thence over U.S. Highway 29 to Gonzalez, and thence over Florida 292 to the Monsanto Corp., plantsite, and return over the same route, serving the plantsite, and return over the same route, serving the plantsite of the St. Regis Paper Co., at or near Cantonment, Fla., for 180 days. Application supported by: Attached to the application is a certificate signed by 21 prospective passengers which may be examined at the Commission's Office here or at the field office named below. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5353; Filed, May 2, 1969; 8:49 a.m.]

[Notice 338]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71111. By order of April 25, 1969, the Motor Carrier Board approved the transfer to Seegers Truck Line, Inc., Denver, Iowa, of Certificates Nos. MC-112048 and MC-112048 (Sub-No. 1) issued May 20, 1953 and August 1, 1955, to Fred C. Seegers, Denver, Iowa, authorizing the transportation of: Fertilizer and fertilizer ingredients, from Prairie du Chien, Wis., to specified points in Iowa. Don L. Hagemann, 114 First Street SE., Waverly, Iowa 50677, attorney for applicants.

No. MC-FC-71273. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Fred H. Meyer, doing business as Meyer Truck Line, Alma, Kans., of certificates Nos. MC-77289 and MC-77289 (Sub-No. 1), issued February 13, 1941 and September 25, 1945, respectively, to Paul Palenske, Alma, Kans., authorizing the transportation of livestock, from Alma, Kans., and points and places within 10 miles of Alma, to Kansas City, Kans., and St. Joseph, and Kansas City, Mo., livestock, feed, agricultural machinery and parts, binder twine, building materials, iron and steel tanks, and petroleum products, in containers, from Kansas City, Kans., and Kansas City, Mo., to points in Kansas within 10 miles of Alma, Kans., including Alma, and feed from North Kansas City, Mo., to Alma, Kans. Bill Baldock, Alma, Kans. 66401, attorney for applicants.

No. MC-FC-71289. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Belardi & Schneider, Inc., Rural Route 1, Box 1486, Juneau, Alaska 99801, of the certificate in No. MC-127119, issued February 8, 1966, to Rudolph E. Belardi and Charles J. Schneider, doing business as Belardi & Schneider Construction Co., Rural Route 1, Box 1486, Juneau, Alaska 99801, authorizing the transportation of commodities which because of size or weight require the use of special equipment, between points in Juneau, Alaska, and between Juneau, Alaska, on the one hand, and, on the other, points in a described area of Alaska, and mobile homes, in secondary movements, in truckaway service, between points in Juneau, Alaska, and between Juneau, Alaska, on the one hand, and, on the other, points in Greater Juneau Borough, Alaska.

No. MC-FC-71290. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Martin R. Lane, Sr., doing business as Colchester Taxi, Colchester, Conn., of the certificate in No. MC-124138, issued July 3, 1962, to Santiago Saitta, doing business as Saitta's Taxi, Colchester, Conn., authorizing the transportation of passengers and their baggage, in special and/or charter operations, with certain restrictions, between Colchester, Conn., and New York, N.Y. Melvin Scott, 190 Broad Street, New London, Conn. 06320, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5354; Filed, May 2, 1969; 8:49 a.m.]

[Notice 338A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70766. By order of April 24, 1969, the Division 3, acting as an Appellate Division, approved the transfer to Mercury Transit Co., a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49440, of a portion of certificate No. MC-114070, issued September 23, 1958, to Wagoner Transportation Co., a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49440, authorizing the transportation of: Petroleum and petroleum products, in bulk, in tank vehicles, from Escanaba, Mich., to points in Wisconsin, and from Kewaunee, Wis., to points in the Upper Peninsula of Michigan.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5355; Filed, May 2, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-45]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 7, 1969, to April 1, 1969 (Lists Nos. 9–69 and 10–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/25/1, 6.0′ x 4.0′ x 0.83′ buoyant apparatus, wood decking with unicellular plastic foam core, 20-person capacity, dwg. No. G-490, revised January 26, 1959, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective March 21, 1969. (It is an extension of Approval No. 160.010/25/1, dated Apr. 23, 1964, and change of address of manufacturer.)

Approval No. 160.010/26/1, 4.5′ x 2.71′ x 0.83′ buoyant apparatus, wood decking with unicellular plastic foam core, 12-person capacity, dwg. No. G-493, revised January 22, 1959, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective March 21, 1969. (It is an extension of Approval No. 160.010/26/1, dated Apr. 23, 1964, and change of address of manufacturer.)

Approval No. 160.010/28/1, 3.75′ x 3.0′ x 0.75′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. M-99-13, Alt. C, dated January 28, 1959, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.010/28/1, dated May 1, 1964, and change of address of manufacturer.)

Approval No. 160.010/29/1, 6.0′ x 4.0′ x 0.75′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 20-man capacity, dwg. No. M-99-14, Alt. D, dated January 22, 1959, and fabrication specification dated March 10, 1958, revised September 24, 1958, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.010/29/1, dated May 1, 1964, and change of address of manufacturer.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/85/1, Type B-75 lifeboat winch, approval limited to mechanical components only, and for a maximum working load of 7,500 pounds pull at the drums (3,750 pounds per fall); identified by general arrangement drawing No. W-80412, Rev. C, dated March 13, 1968, and drawing list dated February 28, 1969, manufactured by Nashville Bridge Co., Post Office Box 239, Nashville, Tenn. 37202, for Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J. 08861, effective March 7, 1969. (It reinstates and supersedes Approval No. 160.015/85/0, terminated Feb. 16, 1967.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/27/2, container for emergency drinking water, Globe Equipment Corp., dwg. No. 1313, dated November 1, 1956, revised May 6, 1959, packed by Ash Jon Corp., 257 Water Street, Brooklyn, N.Y. 11201, for Globe Equipment Corp., 257 Water Street, Brooklyn, N.Y. 11201 (manufacturer), effective March 25, 1969. (It is an extension of Approval No. 160.026/27/2, dated May 1, 1964.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/48/1, 6.17′ x 4.17′ (11″ x 9″ body section) rectangular lifefloat, fibrous glass reinforced plastic shell with unicellular plastic foam core, 15-person capacity, dwg. No. M-99-15, Rev. B, dated January 22, 1959, and fabrication specification dated March 10, 1958, revised September 24, 1958, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.027/48/1, dated May 27, 1964, and change of address of manufacturer.)

Approval No. 160.027/53/0, 5.0′ x 3.83′ (9″ x 9″ body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 10-person capacity, dwg. No. M-99-16, Rev. A, dated January 22, 1959, and fabrication specification dated March 10, 1958, revised March 19, 1959, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.027/53/0, dated May 27, 1964, and change of address of manufacturer.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/153/1, gravity davit, Type G65S-89; approved for a maximum working load of 13,000 pounds per set (6,500 pounds per arm) using 2-part falls; identified by general arrangement dwg. DE-4051, revision B dated March 27, 1968, and drawing list dated February 28, 1969, manufactured by Nashville Bridge Co., Post Office Box 239, Nashville, Tenn. 37202, for Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J. 08861, effective March 7, 1969. (It reinstates and supersedes Approval No. 160.032/153/0, terminated Oct. 25, 1966.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/410/5, 30.0′ x 10.0′ x 4.33′ fibrous glass reinforced plastic (FRP), hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. P-30-1H, Revision E, dated December 2, 1968, manufactured

by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It supersedes Approval No. 160.035/410/4, dated Apr. 10, 1968, to show change in construction and address of manufacturer.)

Approval No. 160.035/443/3, 30.0′ x 10.0′ x 4.33′ fibrous glass reinforced plastic (FRP) motor-propelled class 1 lifeboat, 74-person capacity, identified by general arrangement dwg. No. P–30–1M, Revision H, dated December 2, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It supersedes Approval No. 160.-035/443/2, dated Apr. 11, 1968, to show change in construction and address of manufacturer.)

SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.036/3/0, Model "ICARUS" hand-held rocket-propelled parachute red flare distress signal, general arrangement dwg. No. 6–1050–B, dated February 5, 1969, dwg. No. 6–5002–B, dated February 10, 1969, and dwg. No. 6–1020–C, dated October 21, 1968, manufactured by Smith and Wesson Pyrotechnics, Inc., Post Office Box 247, Jefferson, Ohio 44047, effective March 28, 1969.

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/7/0, first-aid kit, Model No. H–24–A. Assembly dwg., dated March 20, 1959, manufactured by A. E. Halperin Co., Inc., 75–87 Northampton Street, Boston, Mass. 02118, effective March 21, 1969. (It is an extension of Approval No. 160.041/7/0, dated Apr. 23, 1964.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/145/0, group approval for rectangular and trapezoidal kopak buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass. 02210, for Wallace Manufacturing Co., 273–285 Congress Street, Boston, Mass. 02210, effective April 1, 1969. (It reinstates Approval No. 160.048/145/0, terminated Mar. 12, 1969.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/56/0, 30-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated March 5, 1969, and Drawing No. 269, dated February 1, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 8277, Greenville, S.C. 29604, effective March 19, 1969.

Approval No. 160.050/57/0, 24-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated March 5, 1969, and Drawing No. 269, dated February 1, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 8277, Greenville, S.C. 29604, effective March 19, 1969.

Approval No. 160.050/58/0, 20-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated March 5, 1969, and Drawing No. 269, dated February 1, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 8277, Greenville, S.C. 29604, effective March 19, 1969.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/384/0, Type II, Model OSA, adult unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1, dated June 24, 1963, and Sheet 2 of 4, Rev. 1, dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Post Office Box 11126, Durham, N.C. 27703, effective March 28, 1969.

Approval No. 160.052/385/0, Type II, Model OSM, child medium unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1, dated June 24, 1963, and Sheet 3 of 4, Rev. 1, dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Post Office Box 11126, Durham, N.C. 27703, effective March 28, 1969.

Approval No. 160.052/386/0, Type II, Model OSS, child small unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1, dated June 24, 1963, and Sheet 4 of 4, Rev. 1, dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Post Office Box 11126, Durham, N.C. 27703, effective March 28, 1969.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/92/0, Type IB, Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055–IB (Sheet 1 and 2), manufactured by West Products Corp., 236 South Street, Newark, N.J. 07093, effective March 21, 1969.

Approval No. 160.055/93/0, Type IB, Model 67, child clothcovered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055–IB (Sheet 3 and 4), approved for use on all vessels and motorboats, manufactured by West Products Corporation, 236 South Street, Newark, N.J. 07093, effective March 21, 1969.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/38/0, Marbleloid, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230–12:FP2687 dated February 4, 1949, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Marbleloid, Inc., 2040 88th Street, North Bergen, N.J. 07304, effective March 13, 1969. (It is an extension of Approval No. 164.006/38/0, dated Apr. 17, 1964.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/18/0, "J–M 85% Magnesia," magnesia block type incombustible material identical to that described in National Bureau of Standards letter File 10.2, dated December 6, 1948, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016 (plant: Johns-Manville Products Corp., Greenwood Avenue, Waukegan, Ill. 60085), effective March 13, 1969. (It is an extension of Approval No. 164.009/18/0, dated Apr. 17, 1964.)

Approval No. 164.009/79/0, "UNIBESTOS" fibrous, solid-type asbestos insulating material, identical to that described in Pittsburgh Corning Corp. letter, dated March 31, 1964, approved in densities of 14 to 19 pounds per cubic foot, manufactured by Pittsburgh Corning Corp., 1 Gateway Center, Pittsburgh, Pa. 15222 (plants: Tyler, Tex., and Port Allegany, Pa.), effective March 13, 1969. (It is an extension of Approval No. 164.009/79/0, dated Apr. 15, 1964.)

Approval No. 164.009/124/0, "Thermafiber" mineral wool panels identical to that described in National Bureau of Standards Test Report No. TG10230–27:FR3644, dated December 16, 1964, and U.S.C.G. letter, dated March 14, 1969, approved in densities of 4 through 8 pounds per cubic foot, manufactured by United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606 (plant: South Plainfield, N.J.), effective March 14, 1969.

Dated: April 29, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–5349; Filed, May 2, 1969; 8:49 a.m.]

[CGFR 69–43]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 69–5069, appearing at page 7044 in the issue for Tuesday, April 29, 1969, make the following changes:

1. In column 2 on page 7045, in the fifth line of the penultimate paragraph, the word "manufacturer" should read "manufactured".

2. In column 3 on page 7045, in the second line, "Mermatic" should read "Mermatec".

3. In column 1 on page 7046, make the following changes in the last paragraph:

a. In the seventh line, "EP2569" should read "FP2569".

b. In the 16th line, the reference to the year should read "1969".

c. In the 16th line the approval number should read "164.007/23/0".

Federal Aviation Administration

INTERNATIONAL FIELD OFFICE AT LIMA, PERU

Notice of Relocation

Notice is hereby given that on or about June 15, 1969, the International Field Office at Lima, Peru, will be relocated to Miami, Fla. Functions and geographical area of responsibility for this office remain unchanged. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Atlanta, Ga., on April 25, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–5331; Filed, May 2, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Proposed Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license amendment, as set forth below, to the license held by Radiological Service Co., Inc. This amendment will provide for the following:

1. A change in the business address of the licensee from 35 Urban Avenue, Westbury, N.Y. 11590 to 50 Van Buren Avenue, Westwood, N.J. 07675.

2. A change in the license number from 31–1672–1 to 29–1672–1.

3. Establishment of a facility at 1300 Miller Road, Avon, Ohio 44011, for storage of packaged radioactive waste materials.

4. A change in the designation of those individuals who may conduct operations of the licensee.

This license, if amended as proposed, would provide for receipt and possession of packaged radioactive waste materials in any State of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, storage of the packages at a facility located at 1300 Miller Road, Avon, Ohio, and disposal of the packaged wastes by transfer to authorized land burial sites. Under the license, Radiological Service Co., Inc., would not possess at any one time more than 750 curies of byproduct material except for tritium for which the possession limit is 5,000 curies, 12,500 pounds of source material, and 200 grams of special nuclear material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Any requests for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this proceeding see: (1) The application for license amendment and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., April 24, 1969.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 29–1672–1, Amdt. 20]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in 10 CFR Ch. I, and in such manner as to protect health and minimize danger to life or property;

C. The application for license amendment dated September 30, 1968, as amended November 6, 1968, and March 3, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and 10 CFR Ch. I, and is for a purpose authorized by that Act; and

D. The issuance of the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

License No. 31–1672–1 is redesignated as License No. 29–1672–1 and amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Radiological Service Company, Inc., 50 Van Buren Avenue, Westwood, N.J. 08675, to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 30.4(c), 10 CFR Part 30, to store the packages at a facility located at 1300 Miller Road, Avon, Ohio 44011, and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation" and other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 750 curies of byproduct material other than hydrogen-3.

B. 5,000 curies of hydrogen-3.

C. 12,500 pounds of source material.

D. 200 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated September 30, 1968, as amended November 6, 1968, and March 3, 1969.

3. Activities authorized in this license shall be conducted by, or under the supervision of, Vernon L. Foley, Ellery K. Foley, or Peter J. Knapp.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in 49 CFR Parts 173–179 are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389–173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store packages containing byproduct, source, and special nuclear material only at its facility located at 1300 Miller Road, Avon, Ohio.

6. The licensee shall not open packages containing byproduct, source, and special nuclear material.

7. The licensee shall store byproduct, source, and special nuclear material only in steel containers.

8. The licensee shall not possess any package containing radioactive waste for more than 6 months from the date of its receipt.

This license shall expire on November 30, 1972.

Date of issuance: April 24, 1969.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 69–5297; Filed, May 2, 1969; 8:45 a.m.]

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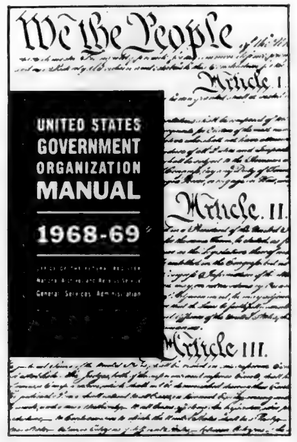

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VOLUME 34 • NUMBER 86

Tuesday, May 6, 1969 • Washington, D.C.

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REFERENCE

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1969)

Title 16—Commercial Practices (Parts 0–149) (Revised) ---------- $2.75

Title 46—Shipping (Parts 150–199) (Revised) ---------- 2.50

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[*A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1*]

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

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PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Confidential Assistant to the Deputy Solicitor is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (b) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(b) *Office of the Solicitor.* * * *

(3) One Confidential Assistant to the Deputy Solicitor.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5393; Filed, May 5, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Assistant to the Secretary for Defense Mobilization Planning is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (23) is added to paragraph (a) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(23) Assistant to the Secretary for Defense Mobilization Planning.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5394; Filed, May 5, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Administrator, Social and Rehabilitation Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added under paragraph (o) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(6) One Confidential Assistant to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5395; Filed, May 5, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1969

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245), as amended, is to determine and prorate or allocate additional deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1969 findings were heretofore made (34 F.R. 5425, 6469) that Puerto Rico was unable to fill its quota by 500,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico totaling 500,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 200,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1969 quota for Puerto Rico of 700,000 short tons, raw value. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

Pursuant to section 204(a) of the Act, the additional deficit of 200,000 tons in the Puerto Rican quota is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, which are able to supply additional sugar. On the basis of information available to the Department it is herein determined that Peru will be unable to fill its statutory share of any additional deficit from other areas during the calendar year 1969. Therefore, none of the additional deficit is herein prorated to Peru nor is any prorated to the Republic of the Philippines since the Department has previously determined that the Philippines will be unable to supply its statutory share of any deficit during 1969.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.71, 811.72, and 811.73 as follows:

1. Section 811.71 is amended by amending paragraph (a)(2) to read as follows:

§ 811.71 Quotas for domestic areas.

(a) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 700,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

2. Section 811.72 is amended by adding a new paragraph (a)(3) to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a) * * *

(3) Pursuant to section 204(a) of the Act, the additional deficit in the Puerto Rican quota of 200,000 short tons, raw value, determined in paragraph (a)(2) of § 811.71 is herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act, which are able to supply such additional sugar, on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1969 (34 F.R. 6469).

3. Section 811.73 is amended by amending paragraph (c) to read as follows:

§ 811.73 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1969, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendments 2 and 3 of § 811.73 are shown in column (3). In column (4) the additional deficit in the quota for Puerto Rico amounting to 200,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, which are able to supply such additional sugar, on the basis of published quotas most recently in effect.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	226,331	242,117	99,209	45,438	613,185
Dominican Republic	221,353	236,793	97,115	44,439	599,700
Brazil	221,353	236,793	97,115	44,439	599,700
Peru	176,556	188,969	77,461	0	442,886
British West Indies	88,424	73,900	34,818	15,778	212,920
Ecuador	32,208	39,454	14,131	6,466	87,259
French West Indies	27,816	25,245	10,953	4,963	66,978
Argentina	27,230	29,130	11,946	5,467	73,773
Costa Rica	26,059	27,877	11,433	5,232	70,601
Nicaragua	26,059	27,877	11,433	5,232	70,601
Colombia	23,424	25,057	10,277	4,702	63,460
Guatemala	21,960	23,491	9,635	4,409	59,495
Panama	16,397	17,541	7,194	3,292	44,424
El Salvador	16,104	17,228	7,066	3,233	43,631
Haiti	12,297	13,155	5,395	2,469	33,316
Venezuela	11,126	11,902	4,881	2,234	30,143
British Honduras	6,441	5,383	2,536	1,149	15,509
Bolivia	2,635	2,818	1,156	529	7,138
Honduras	2,635	2,818	1,156	529	7,138
Australia	105,407	87,550			192,957
Republic of China	43,919	36,471			80,390
India	42,163	35,012			77,175
South Africa	31,036	25,772			56,808
Fiji Islands	23,131	19,208			42,339
Thailand	9,662	8,024			17,686
Mauritius	9,662	8,024			17,686
Malagasy Republic	4,978	4,133			9,111
Swaziland	3,806	3,161			6,967
Ireland	5,351	0			5,351
Bahamas	10,000	0			10,000
Total	1,475,523	1,467,784	515,000	200,000	3,658,307

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, 207, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 932; 7 U.S.C. 1111, 1112, 1114, 1117, 1153)

Effective date: This action establishes and prorates additional sugar quota deficits of 200,000 short tons, raw value. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on May 1, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-5400; Filed, May 1, 1969; 3:51 p.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Amdt. 1]

PART 862—WAGE RATES; SUGARBEETS

Wide Row Planting

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 862.10(b) of Chapter VIII of Title 7 of the Code of Federal Regulations, published March 29, 1969, is amended by revising the provision "Wide row planting" at the end thereof to read as follows:

§ 862.10 Wage rates.

* * * * *

(b) * * *

Wide row planting: The above rates and the rate provided in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

* * * * *

(Secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153)

Statement of bases and considerations. The wage determination for persons employed in the production, cultivation, or harvesting of sugar beets, published in the FEDERAL REGISTER on March 29, 1969 (34 F.R. 5904), includes a provision whereby the operation of removing weeds with a hoe only may be employed as a first operation in fields that have been completely machine-thinned and on which chemical herbicides have been applied.

The Department has concluded that clarification is needed to minimize any possibility of misunderstanding regarding the provision which permits a reduction in piecework rates for wide row planting and its applicability to the piece-work rate for the new weeding operation.

This amendment revises the wide row planting provision to apply not only to the piecework rates for all hand labor operations defined in § 862.10(b), but also to the piecework rate provided in § 862.10(c) for the operation of weeding with a hoe only in fields that have been completely machine-thinned and chemically treated for weed control.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER, and is applicable to the 1969 crop of sugarbeets.

Signed at Washington, D.C., on April 30, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-5391; Filed, May 5, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 371, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.671 (Lemon Regulation 371, 34 F.R. 6965) are hereby amended to read as follows:

§ 910.671 Lemon Regulation 371.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 269,700 cartons;

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 1, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5390; Filed, May 5, 1969; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

RELEASE FROM CUSTODY BY SPECIAL INQUIRY OFFICER

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on March 21, 1969 (34 F.R. 5509) pursuant to section 553 of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383) and in which there was set out proposed rules which would authorize determinations regarding custody or bond following the denial of an application for release from custody, or release under bond, or for reduction of the amount thereof, to be made by a special inquiry officer separate and apart from any deportation hearing or proceeding under Part 242 of Title 8 of the Code of Federal Regulations, and to set forth the places where the special inquiry officers are stationed. Several representations were received. The rules have been amended by repositioning the last sentence as the fifth sentence and by clarifying the former seventh, now eighth, sentence of paragraph (b) of § 242.2.

PART 100—STATEMENT OF ORGANIZATION

Section 100.4 is amended by adding paragraph (e) to read as follows:

§ 100.4 Field service.

* * * * *

(e) *Special inquiry officers.* Special inquiry officers are stationed at the following district headquarters: Districts 2, 3, 4, 6, 8, 9, 12, 13, 14, 15, 16, 21, and 25.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Paragraphs (b) and (c) of § 242.2 are amended to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(b) *Authorized officer.* A district director, acting district director, or deputy district director may exercise the authority contained in section 242 of the Act to continue or detain an alien in, or release him from, custody, to determine whether an alien shall be released under bond, and the amount thereof, if any, and shall promptly notify the alien in writing of any determination made in his case. No appeal shall lie from such determination. Denial of an application for release from custody, or release under bond, or for reduction in the amount thereof, shall be without prejudice to the renewal of the application or request before any available special inquiry officer who is stationed in the region having administrative jurisdiction over the residence of the alien and whose official station in such region is nearest to such residence. The special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I-342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any information which is available to the special inquiry officer, or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. Such appeal shall be taken by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the alien and the Service. Upon the filing of such a notice of appeal, the district director shall immediately transmit to the Board of Immigration Appeals all records and information pertaining to the determination of the special inquiry officer. The filing of such an appeal shall not operate to disturb the custody of the alien or to stay the administrative proceedings or deportation. The foregoing provisions concerning notice, reporting, and appeal shall not apply when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose.

(c) *Revocation.* When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, or deputy district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and cancelled. Such revocation of release shall be without prejudice to an application for release from custody, or release under bond, to a special inquiry officer in accordance with and subject to all the provisions of paragraph (b) of this section, including an appeal to the Board of Immigration Appeals from the determination by the special inquiry officer in connection therewith.

PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in numerical sequence:

Form No.	*Title and description*
I-342	Determination of the Special Inquiry Officer with Respect to Custody.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above prescribed rules is to authorize determinations regarding custody or bond following the denial of such application to be made by a special inquiry officer.

This order shall be effective on June 1, 1969. Compliance with the provisions of section 553 of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), as to delayed effective data is unnecessary in this instance because the above rules confer a benefit upon persons affected thereby.

Dated: April 30, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-5375; Filed, May 5, 1969; 8:46 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

Paragraph (c) *Member of the professions or an alien of exceptional ability in the sciences or arts* of § 204.1 *Petition* is amended by inserting the following sentence after the existing fifth sentence: "Determinations concerning labor certifications will be made in accordance with § 204.1(d)(2)."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence to the listing: "ALM-Dutch Antillean Airlines" and "Gray Coach Lines, Ltd."

2. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by deleting "Air Jamaica Limited" and by adding "Air Jamaica (1968) Limited" in lieu thereof.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

The third sentence of paragraph (a) *General* of § 245.1 *Eligibility* is amended to read as follows: "An alien who has been allocated an immigrant visa number and who entered the United States conditionally pursuant to section 203(a)(7) of the Act, is not eligible for the benefits of section 245 of the Act unless he qualifies as an immediate relative pursuant to section 201(b) of the Act on the basis of a visa petition approved in his behalf."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because of the amendment to § 204.1(c) is clarifying in nature; the amendments to § 238.3(b) adds two transportation lines and amends the name of one; and the amendment to § 245.1(a) is being made to preclude allocation of a second visa number.

Dated: April 30, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-5374; Filed, May 5, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-113]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Certain Steel Products From Italy

In the FEDERAL REGISTER of October 30, 1968, page 15951, the Commissioner of Customs announced that information had been received pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain rebates or refunds granted by Italy on the exportation of certain steel products enumerated therein constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act, 1921, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of steel products, enumerated in Annex A, from Italy are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that certain steel products enumerated in Annex A imported directly or indirectly from Italy, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined or estimated, and such net amount is hereby declared to be as specified in the listing attached as Annex A. Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable steel products enumerated in Annex A imported directly or indirectly from Italy, which benefit from such bounties or grants there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Italy, the words "Certain Steel Products" in the column headed "Treasury Decision" and the words "Bounty declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: May 2, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

ANNEX A

Product	*Bounty or grant*
Steel pipes for penstocks, even armored, of the type used for hydroelectric installations.	14.90 lire per kilo.
Cables, ropes, plaits and such in iron or steel wire, with or without core of other materials, excluding those insulated for electricity; except as noted below.	15.04 lire per kilo.
Galvanized steel wire rope	14.71 lire per kilo.
Stainless steel aircraft cable	6.37 lire per kilo.
Staples in strip form	14.38 lire per kilo.
Nails of iron or steel	14.21 lire per kilo.
Bolts and nuts of iron or steel except as noted below	13.55 lire per kilo.
Galvanized nuts	12.73 lire per kilo.
Rivets of iron or steel	13.55 lire per kilo.
Iron and steel constructions and their parts, such as pieces for bridges, steel structural works, gates, frameworks, etc., not galvanized.	14.40 lire per kilo.
Forged steel grinding balls	15.04 lire per kilo.
Wheels and axles of vehicles for railroads	13.87 lire per kilo.

[F.R. Doc. 69-5495; Filed, May 5, 1969; 10:13 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER FOR HOME MORTGAGES ET AL.

In § 200.56 paragraph (e) is amended to read as follows:

§ 200.56 Assistant Commissioner for Home Mortgages and Deputy.

* * * * *

(e) To develop and establish policies and procedures for the servicing of insured and Secretary-held home mortgages, to review and evaluate home mortgage insurance default experience, and to provide technical advice and guidance to approved mortgagees and field offices on insured and Secretary-held home mortgage servicing problems.

* * * * *

In § 200.57 paragraph (b) is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of all multifamily housing mortgages; the insurance of home mortgages under sections 221(h), 235, and 237; nursing home mortgages; equity investments in multifamily housing; mortgages for the construction and equipment of group medical facilities; for urban renewal housing rehabilitation loans; and for technical and loan assistance to nonprofit sponsors of low and moderate income housing.

* * * * *

In § 200.59 paragraph (a) is amended to read as follows:

§ 200.59 Director of the Project Mortgage Servicing Division and Deputy.

(a) To direct mortgage servicing operations for all multifamily housing programs.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., April 30, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-5387; Filed, May 5, 1969; 8:47 a.m.]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER FOR ADMINISTRATION

In Part 200 in the Table of Contents § 200.69 is deleted.

In § 200.68 paragraph (a) is amended and paragraph (b) is revoked as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(a) To be responsible for administrative-management functions of the Federal Housing Administration; organizational structures and related matters; budget activities; audits of mortgagees and financial institutions, mortgagors, contractors, and brokers participating in FHA insurance programs; administrative staff planning and coordination of agency operations analysis activities; contracting for the maintenance, alteration, construction, repair, and operation of acquired properties and for credit reports; management surveys, forms and records management; coordination and maintenance of the FHA manual, directives, and other issuances and instructional material; planning and liaison with the Assistant Secretary for Administration on administrative-management matters in general, with the HUD Office of Personnel on personnel policies and procedures and on FHA personnel problems, and with the HUD Office of General Services on general services required for the operation of the Federal Housing Administration; review of departmental compliance cases, referral of such cases to the Inspection Division, HUD, and liaison with the Inspection Division on the disposition of the cases; and to be in charge of the Budget Division, the Management Division, the Audit Division, and the Office of Compliance Coordination.

(b) [Revoked]

* * * * *

In Part 200 § 200.69 is revoked as follows:

§ 200.69 Director of Personnel and Deputy. [Revoked]

In § 200.72 a new paragraph (l) is added to read as follows:

§ 200.72 Director of the Management Division and Deputy.

* * * * *

(l) To maintain a typing and stenographic service pool and a clerical services pool in support, respectively, of the administrative and nonadministrative elements of the FHA central office organization.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., effective May 4, 1969.

WILLIAM B ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-5388; Filed, May 5, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Negotiated Sales to Local Governments

Subpart 101-45.3 is amended by revising § 101-45.304-2(a)(1)(iv) to provide an appropriate cross reference to §§ 101-45.304-12 and 101-45.304-12 to provide policy and procedures relating to sales of personal property by negotiation to States, territories, possessions, political subdivisions thereof, or tax-supported agencies therein, pursuant to section 203(e)(3)(H) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 386, as amended (40 U.S.C. 484(e)(3)(H)) and section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

The table of contents for Part 101-45 is amended to provide for a revised entry as follows:

Sec.
101-45.304-12 Sales to State and local governments.

Subpart 101-45.3—Sale of Personal Property

1. Section 101-45.304-2(a)(1)(iv) is revised as follows:

§ 101-45.304-2 Negotiated sales and negotiated sales at fixed prices.

(a) *Circumstances permitting negotiated sales.* * * *

(1) * * *

(iv) That the disposal will be to a State, territory, possession, political subdivision thereof, or tax-supported agency therein, and that the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation. (See § 101-45.304-12.)

* * * * *

2. Section 101-45.304-12 is revised as follows:

§ 101-45.304-12 Sales to State and local governments.

(a) *General.* (1) State and local governments may purchase Government personal property by negotiation as prescribed in this § 101-45.304-12, or they may participate in public sales of Government personal property on a competitive bid basis by having their names

maintained on executive agencies' mailing lists.

(2) When sales are made to State and local governments, either by competitive bid or by negotiation, the requirements for bid deposit and for payment for property prior to removal shall be waived.

(b) *Definitions.* The following terms have the meaning set forth in this § 101–45.304–12:

(1) *Estimated fair market value or reasonable value.* The selling agency's best estimate of what the property would be sold for if offered for public sale on a competitive bid basis.

(2) *Selling agency.* An executive agency, through its subordinate selling activities, responsible for conducting sales of Government personal property.

(3) *State and local governments.* A State, territory, possession, political subdivision thereof, or tax-supported agency therein.

(4) *Want list.* A list of items desired to be purchased by State and local governments when available, which is maintained by selling agencies and is compiled from requests submitted by State and local governments.

(c) *Negotiation.* Personal property may be sold by negotiation to State and local governments, subject to obtaining such competition as is feasible under the circumstances; provided, that the estimated fair market value of the property and other satisfactory terms of disposal are obtained. (See §§ 101–45.304–2(a)(1)(iv) and 101–46.403(b)(1).)

(d) *Requests to purchase.* (1) With the exception of items having an estimated fair market value of less than $25, selling agencies shall honor requests by State and local governments to purchase property by negotiation prior to offering the property for public sale on a competitive bid basis.

(2) When a request is received to purchase property that is available, appropriate action shall be taken by the selling agency to notify such State or local government that the property is available for sale and, when appropriate, consummate the contract in accordance with § 101–45.304–12(e).

(3) To provide for those instances in which property desired by a State or local government may not be available for sale at the time the request is received, selling agencies shall:

(i) Establish a "want list" system to reflect such needs to be screened against future availability;

(ii) To the extent that sufficient information is not included in the initial request, require the interested State or local government to provide such information including but not necessarily limited to the following and with only one type of property to be listed on each specific request:

(*a*) Name, title, address, and telephone number of official person(s) to contact who would be authorized to negotiate contracts;

(*b*) Geographical area(s) within which they would be willing to inspect and purchase property;

(*c*) Specific and complete description of the item(s) desired, such as manual or electric typewriter, not a broad category of office equipment; sedan, station wagon, 2½-ton truck, or dump truck, not vehicular equipment; grader, tractor, or lift machine, not construction or road equipment;

(*d*) Number of days the request should remain on file pending availability of the property, not to exceed 60 days; and

(*e*) Minimum poorest acceptable condition of the property, i.e., good, usable without repairs; fair, repairable; poor, extensive repairs required.

(iii) Request such other pertinent information from the State and local government as deemed necessary; and

(iv) Screen property reported for sales purposes against established want lists.

(4) Property listed on an invitation for bids and already offered to the general public at the time a request is received will not be withdrawn for negotiation purposes under this § 101–45.304–12.

(e) *Procedures in negotiating sales.* (1) When a desired item is available or becomes available for sale, the interested State or local government shall be advised of:

(i) The complete description;

(ii) Its condition, if known;

(iii) Its location and full information concerning inspection; and

(iv) The estimated fair market value or reasonable value when only one State or local government is involved.

(2) Sales by negotiation are subject to obtaining such competition as is feasible under the circumstances. When two or more State and local governments have indicated a desire to purchase the same item, quotations should be obtained from such interested purchasers. When only one State or local government desires to purchase property and no further competition is feasible under the circumstances and all other conditions for negotiation have been met, the sale may be made.

(3) A reasonable period of time not to exceed 10 days shall be given the State or local government to indicate its interest in purchasing the property.

(4) Satisfactory arrangements must be made with the State or local government regarding payment, pickup, handling, and transportation charges, where necessary.

(f) *Want lists.* Executive agencies shall provide:

(1) Uniform standards of specific information to be recorded in the want list file, such as, date request is received, date record will be purged if no action is taken, minimum acceptable conditions of property, dates of screening against availability, dates of referrals to interested purchasers, inspections of items, complete information for contacting officials in the State and local governments, and contacts undertaken;

(2) A uniform system of controlling and recording actions taken on the want list; and

(3) Instructions to their selling activities for notifying State and local governments when a particular item of property is available and for notifying them that the property will be frozen only for a specific length of time, taking into account a reasonable time for inspecting the property and completing negotiations.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: April 30, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–5366; Filed, May 5, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Dinosaur National Monument, Colo.-Utah; Boating, Commercial Hauling

A proposal was published at page 6667 of the FEDERAL REGISTER of May 1, 1968, to revise paragraph (a) of § 7.63 of Title 36 of the Code of Federal Regulations. The effect of the revision is to eliminate the special regulation on boating, which is now covered in the General Regulations, and to permit the commercial use of certain park roads by local ranchers.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received and the proposed revision is hereby adopted without change and is set forth below. This revision will take effect 30 days following the date of publication in the FEDERAL REGISTER.

Paragraph (a) of § 7.63 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.63 Dinosaur National Monument.

(a) *Commercial hauling.* Ranchers and stockmen owning, leasing or renting private lands, or holding grazing permits issued by the Bureau of Land Management on designated grazing allotments adjacent to the Artesia Entrance Road, Blue Mountain Road, and Deerlodge Park Road, are authorized to use these roads for trucking or hauling ranching and agricultural supplies and materials, including livestock, for use in normal ranching and stock growing operations.

* * * * *

PHILLIP R. IVERSEN,
Superintendent,
Dinosaur National Monument.

[F.R. Doc. 69–5371; Filed, May 5, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1013—GENERAL ADMINISTRATION AND MANAGEMENT LAWS AND LEGAL MATTERS

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1013, reading as follows:

Subpart—Payment of Claims Not Cognizable Under the Federal Tort Claims Act

Sec.
1013.2–1 Scope.
1013.2–2 Claims.
1013.2–3 Claimants; exclusions.
1013.2–4 Claims arising from the operation of the Job Corps.
1013.2–5 Submission of claims.
1013.2–6 Processing of claims.
1013.2–7 Losses of third parties.
1013.2–8 Double recovery.

AUTHORITY: The provisions of this Part 1013 issued under Economic Opportunity Act of 1964, as amended (78 Stat. 508, 81 Stat. 672).

Subpart—Payment of Claims Not Cognizable Under the Federal Tort Claims Act

§ 1013.2–1 Scope.

The following regulations in this part are intended to enunciate the standards and criteria under which OEO will adjust and settle claims for damage to persons or property which are not cognizable under the Federal Tort Claims Act. Section 116(b) of the Economic Opportunity Act authorizes the adjustment and settlement of such claims in amounts not exceeding $500 where there is damage to persons or property from the operation of the Job Corps and the claim is found to be a proper charge against the United States.

§ 1013.2–2 Claims.

A claim is the request for money damages for injury to one person or his property or both, resulting from a single incident or occurrence, or provable by a given set or group of facts. Any claim presented by an individual as representative of another will be considered as a claim separate from any claim presented by such individual in his personal capacity. The status of a claimant as representative of another will be determined in accordance with the state law which would be applicable if the United States were a private party.

§ 1013.2–3 Claimants; exclusions.

An individual may not be a claimant in connection with personal injuries or property damage suffered while he is a Job Corps enrollee. A Federal employee whose duty station is a Job Corps Center may be a claimant only when his claim otherwise qualifies for relief under section 4 below, and:

(a) The Federal Employees Compensation Act (5 U.S.C. 8101) is inapplicable if his claim is for personal injuries, and

(b) The Military Personnel and Civilian Employees Claims Act (31 U.S.C. 240) is inapplicable if his claim is for property damage.

An employee of a men's or women's urban center or a State-related center may be a claimant only when his personal injury or property damage was not suffered in connection with the performance of his duties as an employee.

§ 1013.2–4 Claims arising from the operation of the Job Corps.

A claim may be considered for payment under the authority of section 116(b) if:

(a) It arises out of the tortious act or omission of a Job Corps enrollee, or out of the good faith efforts of the claimant or another to assist an enrollee in danger or peril;

(b) It is not cognizable under the Federal Tort Claims Act;

(c) The enrollee involved was not within the geographical limits of his hometown when the incident giving rise to the claim occurred; and

(d) The incident giving rise to the claim occurred on the center to which the enrollee involved was assigned or within 100 miles of it, or while he was on authorized travel to or from the center.

§ 1013.2–5 Submission of claims.

Claims may be submitted on the form provided for submission of claims under the Federal Tort Claims Act (Standard Form 95),[1] or in any other form of writing which contains a description of the incident, proof of damages, supporting evidence, and a signed statement that the claimant agrees to accept the amount claimed in full satisfaction and final settlement of the claim. Claims shall be forwarded to the Claims Officer, Office of General Counsel, Office of Economic Opportunity, Washington, D.C. 20506.

§ 1013.2–6 Processing of claims.

(a) Claims cognizable under the regulations in this part but which are submitted as Tort Claims will be investigated, documented and forwarded to the Office of Economic Opportunity Claims Officer in the same manner as claims submitted under the Federal Tort Claims Act.

(b) Federal Tort Claims which are denied by the Claims Officer of the Department of Agriculture will be forwarded to the Director, Job Corps (Attention: Enrollee Support Division) where it appears that the claim may be payable under the authority of section 116(b).

(c) The OEO Claims Officer is responsible for adjusting and settling all claims cognizable under section 116(b).

§ 1013.2–7 Losses of third parties.

Losses of insurers, subrogors, assignees, and losses recoverable under contract are not payable under the regulations in this part.

§ 1013.2–8 Double recovery.

As a condition to settlement under the regulations in this part, each claimant shall be required to sign a written promise to make repayment to the Job Corps of any amounts he recovers through insurance coverage or from the Job Corps enrollee responsible for his injury, up to the amount of such Job Corps settlement.

Effective date. This subpart shall become effective immediately.

BERTRAND M. HARDING,
Acting Director.

[F.R. Doc. 69–5362; Filed, May 5, 1969; 8:45 a.m.]

[1] Obtainable at OEO Headquarters, OEO Regional Offices and Urban and Conservation Centers.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 2; Amdt. 7–1]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Miscellaneous Amendments

The purpose of this amendment is to clarify certain parts of the regulation, reflect the creation of the Urban Mass Transportation Administration, and provide for the determination of fees for search of records in unusual or complex cases.

A new paragraph (f) is added to the definitions of "Department" in § 7.5 to reflect the creation, within the Department, of the Urban Mass Transportation Administration. For the same reason, a new Appendix "G" is added to describe the document inspection facilities of that Administration.

Section 7.57 is amended to delete reference to two laws that have been determined not to require the specific exemption of records and to add a reference to section 1001 of the Federal Aviation Act of 1958 which does contain such a requirement.

Section 7.59 is amended to reflect the protection accorded to certain business records of the Alaska Railroad that are confidential in nature by the Act of March 12, 1914.

Section 7.85(f) is amended to clarify the requirements for the furnishing of duplicate tape records by the Department. Finally, § 7.85(j) is amended to clarify the procedures for determining the fees for the search and copying of records in cases where the cost will obviously be more than $3. The fees for such searches will be determined in accordance with the general policy on user charges in section 483a of title 31, United States Code.

Since this amendment relates to departmental organization, procedure, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 7 of Title 49 of the Code of Federal Regulations is amended as set forth below, effective May 1, 1969.

(Sec. 552, title 5, United States Code; sec. 9, Department of Transportation Act (Public Law 89-670), 49 U.S.C. 1657; title V, Independent Offices Appropriation Act of 1952 (65 Stat. 290); 1968 Reorg. Plan No. 2, sec. 1(a) (82 Stat. 1369))

Issued in Washington, D.C., on April 28, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

§ 7.1 [Amended]

1. Section 7.1(c) is amended by striking out the words "A through F" and inserting the words "A through G" in place thereof.

2. Section 7.5 is amended by adding the following new paragraph after paragraph (e) in the definitions of "Department":

§ 7.5 **Definitions.**

* * * * * *

(f) The Urban Mass Transportation Administration.

* * * * * *

3. Section 7.57(a) is amended by striking out subparagraphs (5) through (9) and inserting the following in place thereof:

§ 7.57 **Records exempted from disclosure by statute.**

(a) * * *

(5) Section 106 of Public Law 89-564 (23 U.S.C. 313 (note)) so far as it relates to identification of individuals in reports on highway traffic accidents.

(6) Section 902(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(f)) relating to information obtained by examining the accounts, records, or memoranda of an air carrier.

(7) Section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481) so far as it relates to the secrecy of acts and proceedings when requisite on grounds of national defense.

(8) Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) relating to the withholding, upon request, of information obtained under that Act.

* * * * * *

4. Section 7.59(a) is amended by adding the following new subparagraph at the end thereof:

§ 7.59 **Trade secrets and privileged or confidential information.**

(a) * * *

(7) Business records of the Alaska Railroad of the kind which are ordinarily treated by railroads as confidential.

* * * * * *

5. Section 7.71(b) is amended by adding the following new sentence at the end thereof:

§ 7.71 **General.**

* * * * * *

(b) * * * No determination that a record will not be disclosed is administratively final for the purposes of judicial review unless it was made by the Assistant Secretary for Public Affairs or the head of the operating administration concerned (or his designee), as the case may be.

* * * * * *

6. Paragraphs (a), (f), and (j) of § 7.85 are amended to read as follows:

§ 7.85 **Fee schedule.**

(a) Except as provided in paragraph (j) of this section, search for a record under Subpart E of this part, including making it available for inspection $3.00

* * * * * *

(f) Duplicate data tapes—each reel of tape or fraction thereof..... 40.00

The applicant must furnish the necessary number of blank magnetic tapes. The tapes must be compatible for use in the supplier's computer system, ½-inch wide and 2,400 feet long, and must be capable of recording data at a density of 556 or 800 characters per inch. Unless otherwise designated, the tapes will be recorded at 556 CPI density. The Department of Transportation is not responsible for damaged tape. However, if the applicant furnishes a replacement for a damaged tape, the duplication process is completed at no additional charge.

* * * * * *

(j) *Other records:* The fee for a copy of a record not described in paragraphs (b) through (i) of this section will be supplied on request. The amount of that fee will be the cost of producing and handling. The fee for a search and copy of any record where the cost will obviously be more than $3 will be determined in accordance with the policy on user charges set forth in section 483a of title 31, United States Code. In addition, fees covering items that are peculiar to the records of any operating administration may be prescribed in the appendix to this part that applies to that administration.

7. By adding the following new appendix at the end of Part 7:

APPENDIX G—URBAN MASS TRANSPORTATION ADMINISTRATION

1. *General.* This appendix describes the document inspection facility of the Urban Mass Transportation Administration, the kinds of records which are available for public inspection and copying at that facility, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facility.* The document inspection facility of the Urban Mass Transportation Administration is maintained on the seventh floor of the Department of Transportation Building (Federal Office Building No. 10), at 800 Independence Avenue SW., Washington, D.C. 20590. This facility is open to the public during regular working hours.

3. *Records available at the document inspection facility.* The following records are located at the document inspection facility:

(a) Any policy or interpretation issued within the Urban Mass Transportation Administration, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(b) Any administrative staff manual or instruction to staff, issued from within the Urban Mass Transportation Administration which affects any member of the public, including the prescribing of any standard, procedure or policy which, when implemented, performance of any activity or any member of the public or prescribes the manner of performance of any activity of any member of the public.

(c) Any procedural guides and other published materials issued from within the Urban Mass Transportation Administration for the information of the public.

(d) An index to the material described in (a) through (c).

The records and the index may be inspected, at the facility, without charge. Copies of records may be obtained upon payment of the fee prescribed in Subpart H of this part.

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, must submit his request in writing to the Assistant Administrator, Office of Administration, Urban Mass Transportation Administration, Room 704, Federal Office Building No. 10, 800 Independence Avenue SW., Washington, D.C. 20591. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Administrator, Urban Mass Transportation Administration, Room 700-W, Federal Office Building No. 10, 800 Independence Avenue SW., Washington, D.C. 20591, for reconsideration of his request. The decision of the Administrator is administratively final.

[F.R. Doc. 69-5386; Filed, May 5, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM 3; Amdt. 178-3]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Correction

In F.R. Doc. 69-5226, appearing at page 7158 in the issue for Thursday, May 1, 1969, make the following changes:

1. The formula in § 178.337-3(b) should read as follows:

$$S=\frac{T}{2}+\left[\frac{T^2}{4}+S_s^2\right]^{0.5}$$

2. In Appendix A, Table I, in the column marked "Grade 3" opposite the entry "Phosphorous, maximum", the figure "0.045" should be inserted.

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS

School Bus Drivers

Under the provisions in subparagraph (2) of § 1500.52(b) of 29 CFR Part 1500 (33 F.R. 12777, Sept. 10, 1968), applications may be filed for exemption from the finding and declaration in § 1500.52 (a) that the occupation of motor vehicle driver is particularly hazardous for minors between 16 and 18 years of age, in order to permit the employment of such minors to drive school buses. Identifying the factors which will be considered in evaluating such applications should assure uniformity of treatment and assist in promoting safety in the operation of school buses by such minors when an exemption is granted.

Accordingly, pursuant to the authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended; 29 U.S.C. 203) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-48 Comp. p. 1064), it is proposed to amend 29 CFR 1500.52 as set forth below.

Interested persons may submit written data, views, or arguments regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

It is proposed to add a subparagraph (3) to paragraph (b) of § 1500.52, to read as follows:

§ 1500.52 **Motor-vehicle driver and outside helper (Order No. 2).**

* * * * * *

(b) * * *

(3) *Evaluation of application for exemption for school bus driving.* In evaluating the application of a State for an exemption for school bus driving under subparagraph (2) of this paragraph, the Secretary will consider the following:

(i) Whether the accident experience of school bus drivers under 18 years of age in the State, if any are employed, compares favorably with that of adult school bus drivers.

(ii) Whether school bus drivers are selected by the school principal and approved by the county superintendent or an official of equivalent responsibility.

(iii) Whether school bus drivers are required to have completed a State approved driver education course.

(iv) Whether training and testing of school bus drivers includes classroom and behind-the-wheel training and is this done by qualified officials.

(v) Whether school bus drivers are required to pass a physical examination.

(vi) Whether the operation of school buses is supervised by the school principal, the transportation or other equivalent officer, and State, county, or city police.

(vii) Whether school buses are inspected monthly by qualified mechanics and officially certified as to safe operating condition.

(viii) Whether school bus drivers are provided with and required to use seat belts.

(ix) Whether the school buses are equipped with speed governors limiting their speed.

(x) Whether adult chaperones, approved by local school authorities, accompany school bus drivers on special activity trips sponsored by the school.

(xi) Whether the school buses conform substantially to the Minimum Standards for School Buses, 1964 Revised Edition, recommended by the National Conference on School Transportation and published by the National Education Association.

(xii) Any other factors which the Secretary may find relevant in evaluating the application for exemption.

* * * * * *

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 29th day of April 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-5376; Filed, May 5, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 9571; Notice 69-19]

AUTOPILOTS FOR CERTAIN TURBOJET AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to require all turbojet aircraft operated under Part 121 to be equipped with an approved autopilot system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 7, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Air Line Pilots Association (ALPA) has petitioned for a rule that would require all turbojet airplanes operated under Part 121 to be equipped with operative autopilots. The petition states that while virtually all such turbojet airplanes are equipped with autopilots, the lack of a regulatory requirement permits them to be operated with these autopilots malfunctioning or inoperative. The petition contends that a functioning autopilot can be beneficial to safety during operations in turbulence, complicated airway procedures, high density traffic conditions and during instrument approaches.

The FAA agrees with the contention that an autopilot can be most beneficial to safety. The autopilot can be used to advantage in turbulence to reduce pilot fatigue while providing a constant control which reduces the possibility of momentary upset disorientation, or loss of control. The reduction in pilot workload provided by the autopilot enables the pilot's full attention to be concentrated on the duties associated with airway procedures, high density traffic conditions, instrument approaches, and other flight functions.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new section after § 121.317 to read as follows:

§ 121.319 **Autopilots.**

No certificate holder may operate a turbojet airplane after January 1, 1970, unless that airplane is equipped with an approved autopilot system that is operative in all axes. However, flight may be continued as planned to a place where repair or a replacement can be made in the event that the autopilot malfunctions or becomes inoperative.

This amendment is proposed under the authority of sections 313(a), 601, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 30, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-5385; Filed, May 5, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

AMINOACETIC ACID (GLYCINE); NETHERLANDS

Notice of Tentative Negative Determination

APRIL 25, 1969.

Information was received on March 1, 1968, that Aminoacetic Acid (Glycine) from the Netherlands, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 17, 1968, on page 14079.

I hereby make a tentative determination that Aminoacetic Acid (Glycine) from the Netherlands is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Based on the available information, it was determined that for fair value purposes purchase price should be compared with third country price.

Purchase price was calculated by deducting the included inland freight, ocean freight, and insurance charges from the c.i.f. price for exportation to the United States to a nonrelated purchaser.

Third country price was calculated by deducting the included delivery costs, selling commission and insurance charges, from the weighted-average delivered price of identical merchandise to Italy, the third country buying in adequate quantities to provide for a proper comparison.

Purchase price was found not to be less than the adjusted third country price for identical merchandise.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-5403; Filed, May 5, 1969; 8:48 a.m.]

[Dept. Circular Public Debt. Series; No. 4-69]

6½ PERCENT TREASURY NOTES OF SERIES B-1976

Offering of Notes

MAY 1, 1969.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 6½ percent Treasury Notes of Series B-1976, at par, in exchange for the following securities:

5⅜ percent Treasury Notes of Series B-1969, maturing May 15, 1969; or 2½ percent Treasury Bonds of 1964-69, maturing June 15, 1969, in amounts of $1,000 or multiples thereof.

Interest will be adjusted on the bonds of 1964-69 as of June 15, 1969. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on May 5 through May 7, 1969, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6⅜ percent Treasury Notes of Series D-1970, which offering is set forth in Department Circular, Public Debt Series—No. 3-69, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated May 15, 1969, and will bear interest from that date at the rate of 6½ percent per annum, payable semiannually on November 15, 1969, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1 million, $100 million, and $500 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1969, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished.

2. 5⅜ percent notes of Series B-1969: When payment is made with notes in bearer form, coupons dated May 15, 1969, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1969, will be paid by issue of interest checks in regular course to holders of record on April 15, 1969, the date the transfer books closed.

3. 2½ percent bonds of 1964-69: When payment is made with bonds in bearer form, coupons dated June 15, 1969, must be attached to the bonds when surrendered. Accrued interest from December 15, 1968 to June 15, 1969 ($12.50 per $1,000) will be credited and accrued interest from May 15 to June 15, 1969 ($5.47554 per $1,000) on the new notes will be charged and the difference ($7.02446 per $1,000) will be paid to subscribers. Payments will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6½ percent Treasury Notes of Series B-1976"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6½ percent Treasury Notes of Series B-1976 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6½ percent Treasury Notes of Series B-1976 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-5442; Filed, May 2, 1969; 3:58 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 12346]

MONTANA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

APRIL 29, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described in paragraph 2 below. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands described below are shown on maps on file in the Missoula District Office, Post Office Box 1227, Missoula, Mont. 59801, and the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

LEWIS AND CLARK COUNTY

PRINCIPAL MERIDIAN, MONTANA

T. 14 N., R. 3 W.,
Sec. 4, lots 6 and 7.

The area described contains 80 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views in writing to the Missoula District Manager, Bureau of Land Management, Post Office Box 1227, Missoula, Mont. 59801.

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 69-5369; Filed, May 5, 1969; 8:45 a.m.]

NEW MEXICO

Modification of Grazing District No. 1

By virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and pursuant to authority delegated in 235 D.M. 1.1 (28 F.R. 2535), the boundaries of Grazing District No. 1 are hereby modified as follows:

1. The following-described lands are hereby excluded from New Mexico Grazing District No. 1:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 1 E.,
Secs. 7, 8, 17, and 18, fractional;
Those portions within the Pajarito and Atrisco Grants.
T. 10 N., R. 1 E.,
Secs. 1 to 6, inclusive, fractional;
That portion within the Atrisco Grant.
T. 11 N., R. 1 E.,
Sec. 5, fractional;
Secs. 6 and 7;
Secs. 8, 13, 14, 15, 16, and 17, fractional;
Secs. 18 to 28, inclusive;
Secs. 29, 30, 31, and 32, fractional;
Secs. 33 to 36, inclusive;
Those portions within the Atrisco and Alameda Grants.
Tps. 12 and 13 N., R. 1 E.
T. 14 N., R. 1 E.,
Secs. 1 and 2;
Secs. 4 to 9, inclusive;
Secs. 11 to 36, inclusive.
T. 15 N., R. 1 E.,
Secs. 5, 6, 7, and 8, unsurveyed fractions within the Ojo del Espiritu Santo Grant;
Sec. 36.
T. 16 N., R. 1 E.,
Those portions within the Canyon de San Diego and Ojo del Espiritu Santo Grants.
Tps. 17 and 18 N., R. 1 E.
T. 23 N., R. 1 E.,
Secs. 5, 6, 7, and 8.
T. 24 N., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 32, inclusive.
T. 25 N., R. 1 E.,
Secs. 28 and 29;
Sec. 31, S½;
Secs. 32 and 33.
Tps. 9, 10, and 11 N., R. 2 E.,
Those portions west of the Rio Grande.
Tps. 12, 13, and 14 N., R. 2 E.
T. 15 N., R. 2 E.,
All except the W½SW¼, Sec. 7 and that portion of the San Ysidro Grant west of the Jemez River.
T. 16 N., R. 2 E.,
All except that portion of the San Ysidro Grant lying west of the Jemez River.
T. 17 N., R. 2 E.
Tps. 9 to 12 N., inclusive, R. 3 E.,
Those portions lying west of the Rio Grande.
T. 13 N., R. 3 E.,
Sec. 5, that portion west of Highway No. 44;
Secs. 6, 7, and 8;
Secs. 16 to 21, inclusive;
Secs. 29 to 32, inclusive;
Those portions within the Santa Ana Pueblo and the Alameda Grants.
Tps. 14 and 15 N., R. 3 E.
Tps. 16 and 17 N., R. 3 E.,
All, exclusive of the Santa Fe National Forest.
T. 27 N., R. 3 E.,
Secs. 14, 23, and 24, fractional.
T. 13 N., R. 4 E.,
Secs. 2, 19, 30, and 31, fractional; that portion lying east of the Rio Grande; those portions within the San Felipe, Angostura, El Ranchito, and Bernalillo Grants lying west of the Rio Grande.
T. 14 N., R. 4 E.,
That portion within the San Felipe Pueblo Grant; that portion of the Santa Rosa de Cubero Grant within secs. 1 and 2;
Sec. 2, lots 11 to 15, inclusive, and SW¼SW¼;
Sec. 6, W½;
Sec. 7, W½;
Sec. 11, lots 5, 6, 7, and 8;
Sec. 14, lots 5, 6, 7, 8, and W½W½;
Sec. 15;
Sec. 18, W½E½ and W½;
Sec. 19, W½E½ and W½;
Sec. 21, E½;
Sec. 22;
Sec. 23, lots 5, 6, 7, 8, and W½W½;
Sec. 26, lots 5, 6, 7, 8, and W½W½;
Sec. 27, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 28, NE¼;
Sec. 30, W½E½ and W½;
Sec. 31, NW¼NE¼ and NE¼NW¼;
Sec. 34, N½NE¼;
Sec. 35, lots 6, 7, 8, and W½NW¼.

T. 15 N., R. 4 E.,
Sec. 4, lots 1, 2, 3, 4, and W½;
Sec. 5, lots 1, 2, 3, 4, 5, SE¼NE¼, and E½SE¼;
Sec. 7, lots 2 and 3;
Sec. 8, lot 1;
Sec. 14, lots 1, 2, 3, 4, SW¼NW¼, and W½SW¼;
Sec. 15, E½E½;
Sec. 18, W½;
Sec. 19, W½;
Sec. 22, E½;
Sec. 23, lots 1, 2, 3, 4, and W½W½;
Sec. 26, lots 1, 2, 3, 4, and W½W½;
Sec. 27, E½E½;
Sec. 30, W½;
Sec. 31, W½;
Sec. 35, lots 1, 2, 3, 4, and W½W½;
Those portions within Santo Domingo Pueblo, San Felipe Pueblo, and Ojo de Borrego Grants.

T. 16 N., R. 4 E.,
Sec. 16, lots 5, 6, 7, 8, and W½;
Sec. 17, lots 1, 4, 5, 6, and NE¼NE¼;
Sec. 20, lots 1, 2, 3, and 4;
Sec. 21, lots 5, 6, 7, 8, and W½;
Sec. 28, lots 5, 6, 7, 8, and W½;
Sec. 29, lots 1, 2, 3, and 4;
Sec. 32, lots 1, 2, 3, and 4;
Sec. 33, lots 5 to 10, inclusive, NW¼ and N½SW¼;
Those portions within the Santo Domingo Pueblo and Ojo de Borrego Grants.

T. 26 N., R. 4 E.,
Sec. 2, W½ and SE¼;
Secs. 3 to 11, inclusive;
Secs. 16 and 17.

T. 27 N., R. 4 E.,
Secs. 1, 2, 3, and 9, fractional;
Secs. 10 to 15, inclusive;
Secs. 16, 17, and 18, fractional;
Secs. 19 to 24, inclusive;
Sec. 25, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Secs. 26 to 29, inclusive;
Secs. 31 to 34, inclusive;
Sec. 35, N½NE¼ and W½;
Sec. 36, N½NW¼.

Tps. 13, 14, and 15 N., R. 5 E.

T. 16 N., R. 5 E.,
Secs. 8 and 9;
Secs. 10 and 15, fractional;
Secs. 16 and 17;
Sec. 20, fractional;
Sec. 21;
Secs. 22, 27, and 28, fractional;
Sec. 29, lot 1;
Sec. 34, lot 1;
Secs. 35 and 36, fractional;
Those portions within the Santo Domingo Pueblo and the Pueblo de Cochiti Grants.

T. 17 N., R. 5 E.,
Those portions within the Pueblo de Cochiti and the Canada de Cochiti Grants.

T. 27 N., R. 5 E.,
Secs. 6, 7, and 18;
Sec. 19, W½.

T. 28 N., R. 5 E.,
Sec. 31, fractional.

T. 13 N., R. 6 E.,
That portion within the Town of Tejon Grant.

T. 14 N., R. 6 E.,
That portion within the Santo Domingo Pueblo Grant.

Tps. 15 and 16 N., R. 6 E.

T. 17 N., R. 6 E.,
That portion east of the Rio Grande.

T. 13 N., R. 7 E.,
That portion within the Ortiz Mine Grant.

T. 14 N., R. 7 E.,
Those portions within the Santo Domingo Pueblo, Ortiz Mine, Mesita de Juana Lopez, and Juan Salas Grants;
Secs. 1, 12, 13, 24, and 25, fractional.

T. 15 N., R. 7 E.,
Those portions within the Santo Domingo Pueblo, Mesita de Juana Lopez and La Majada Grants;
Secs. 24, 25, and 36, fractional.

Tps. 16 and 17 N., R. 7 E.,
Those portions within the Caja del Rio and La Majada Grants.

T. 18 N., R. 7 E.,
That portion within the Caja del Rio Grant.

T. 19 N., R. 7 E.,
Sec. 2, fractional;
Secs. 3 and 10;
Secs. 11 and 14, fractional;
Secs. 15 and 22;
Secs. 23, 26, and 27, fractional;
Those portions within the San Ildefonso and Caja del Rio Grants.

T. 20 N., R. 7 E.,
That portion within the San Ildefonso Grant.

Tps. 13 and 14 N., R. 8 E.

T. 15 N., R. 8 E.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.

T. 16 N., R. 8 E.,
Secs. 1, 2, and 3;
Secs. 4 and 9, fractional;
Secs. 10 to 16, inclusive, some of which are fractional;
Sec. 20, lot 3;
Sec. 21, fractional;
Secs. 22 to 28, inclusive;
Sec. 29, fractional;
Secs. 32 to 36, inclusive;
Those portions within the Cieneguilla and Pacheco Grants.

T. 17 N., R. 8 E.,
Those portions within the Caja del Rio and Cieneguilla Grants.

T. 18 N., R. 8 E.,
Those portions within the Caja del Rio and Town of Jacona Grants.

T. 19 N., R. 8 E.,
Sec. 2, lots 1 and 2;
Sec. 3, lot 12;
Those portions within the Pojoaque, San Ildefonso, and Jacona Grants.

T. 20 N., R. 8 E.,
Secs. 1, 12, 13, 24, and 25, fractional;
Sec. 26, lots 1 and 2;
Sec. 27, lot 5;
Sec. 34, lots 1, 4, 5, and 11;
Sec. 35, lots 3, 4, 5, 6, and W½W½;
Those portions within the Santa Clara Pueblo, San Ildefonso Pueblo, and the Pojoaque Grants.

T. 21 N., R. 8 E.,
Those portions within the Santa Clara Pueblo, San Juan Pueblo, Town of Chamita, Santa Cruz, Bartolome Sanchez, and Black Mesa Grants.

T. 22 N., R. 8 E.,
Those portions within the San Juan and Black Mesa Grants; that portion of Sebastian Martin Grant lying west of U.S. Highway No. 64.

T. 23 N., R. 8 E.,
That portion within the Black Mesa Grant.

T. 29 N., R. 8 E.,
Secs. 1, 2, 11, and 12.

Tps. 13 and 14 N., R. 9 E.,
All, exclusive of the San Cristobal Grant.

T. 15 N., R. 9 E.,
All exclusive of Sebastian DeVargas and Canada de Los Alamos Grants.

T. 16 N., R. 9 E.,
All, exclusive of Sebastian DeVargas Grant.

T. 17 N., R. 9 E.,
Secs 1 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

Tps. 18 and 19 N., R. 9 E.

T. 20 N., R. 9 E.,
Those portions within the Pojoaque, Nambe and Santa Cruz Grants.

T. 21 N., R. 9 E.,
That portion within the San Juan Pueblo and Santa Cruz Grants.

T. 22 N., R. 9 E.,
Those portions within the Black Mesa and San Juan Grants; that portion of the Sebastian Martin Grant lying west of U.S. Highway No. 64.

T. 23 N., R. 9 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 12, inclusive;
That portion within the Black Mesa Grant.

T. 24 N., R. 9 E.,
Secs. 1, 2, 3, and 4;
Secs. 9 to 16, inclusive;
Sec. 20, E½;
Secs. 21 to 29, inclusive;
Secs. 32 to 36, inclusive.

T. 25 N., R. 9 E.,
Secs. 1, 35, and 36.

T. 26 N., R. 9 E.,
Sec. 25, E½;
Sec. 36.

T. 27 N., R. 9 E.,
Secs. 1, 2, 11, 12, 13, and 24.

T. 28 N., R. 9 E.,
Secs. 1, 2, and 3;
Secs. 11, 12, 13, and 14;
Secs. 23, 24, 25, and 26;
Secs. 35 and 36.

T. 29 N., R. 9 E.,
Secs. 5 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34, 35, and 36.

T. 14 N., R. 10 E.,
Sec. 5, fractional;
Secs. 6 and 7;
Secs. 8, 9, and 16, fractional;
Secs. 17, 18, and 19;
Secs. 20, 21, 29, and 30, fractional.

T. 15 N., R. 10 E.,
Secs. 30, 31, and 32, fractional.

T. 17 N., R. 10 E.,
Secs. 5 and 6, fractional;
That portion within the Gabaldon Grant.

T. 18 N., R. 10 E.,
Secs. 5, 6, 7, 8, 17, and 18;
Secs. 19, 20, 29, 30, and 31, fractional;
That portion within the Gabaldon Grant.

T. 19 N., R. 10 E.,
That portion within the Nambe Pueblo Grant.

T. 20 N., R. 10 E.,
That portion within the Nambe Pueblo Grant.

T. 22 N., R. 10 E.,
That portion of the Sebastian Martin Grant within unsurveyed secs. 10 to 15, 22 to 27, and 34 to 36, inclusive.

T. 23 N., R. 10 E.,
Sec. 3;
Sec. 4, lots 1, 2, 3, 4, S½N½, NW¼SW¼, and E½SE¼;
Sec. 5, lots 1, 2, S½NE¼, and NW¼SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, and NE¼SW¼.

Tps. 24, 25, and 26 N., R. 10 E.

T. 27 N., R. 10 E.,
Secs. 5 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 36, inclusive.

T. 28 N., R. 10 E.

T. 29 N., R. 10 E.,
Sec. 19;
Secs. 30 to 36, inclusive.

T. 18 N., R. 11 E.,
That portion within the Gabaldon Grant.

T. 22 N., R. 11 E.,
That portion within the Sebastian Martin Grant.

T. 24 N., R. 11 E.,
Secs. 4 to 8, inclusive;
Secs. 17, 18, and 19;
Sec. 20, N½, SW¼, and W½SE¼;
Sec. 29, W½NW¼;
Sec. 30;
Sec. 31, N½.

T. 25 N., R. 11 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

T. 26 N., R. 11 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

T. 27 N., R. 11 E.,
Secs. 31 to 34, inclusive.

T. 28 N., R. 12 E.,
Sec. 1, that portion north of Red River.

T. 29 N., R. 12 E.,
Secs. 1, 2, 3, 12, 25, and 36.

T. 30 N., R. 12 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 31 N., R. 12 E.,
Sec. 21, fractional;
Secs. 26, 27, and 28, fractional;
Secs. 33 and 34;
Secs. 35 and 36, fractional.

T. 28 N., R. 13 E.,
Secs. 5 and 6, those portions north of Red River.

T. 29 N., R. 13 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, that portion west of Red River.

T. 30 N., R. 13 E.,
Secs. 5 and 6, fractional;
Sec. 7;
Secs. 8, 9, and 16, fractional;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.

T. 9 N., R. 1 W.,
Secs. 10 to 15, inclusive, fractional.

T. 10 N., R. 1 W.,
Sec. 4, lots 1, 2, 3, 4, 5, SW¼NW¼, and N½SW¼;
Sec. 30, S½NE¼ and SE¼;
Sec. 32;
Sec. 33, fractional.

T. 11 N., R. 1 W.,
Secs. 1, 2, and 3;
Secs. 4 and 9, fractional;
Secs. 10 to 15, inclusive;
Secs. 16 and 21, fractional;
Secs. 22 to 24, inclusive;
Secs. 25 to 30, fractional;
Secs. 31 and 32;
Sec. 33, fractional;
That portion within the Atrisco Grant.

Tps. 12, 13, and 14 N., R. 1 W.

T. 15 N., R. 1 W.,
That portion of the Ojo del Espiritu Santo Grant within secs. 1 to 4 and in secs. 9 to 12, inclusive.

T. 16 N., R. 1 W.,
That portion of the Ojo del Espiritu Santo Grant in secs. 1 to 4, inclusive; in secs. 9 to 16, inclusive; in sec. 20, E½; in secs. 21 to 28, inclusive; in sec. 29, E½; in sec. 32, E½; in secs. 33 to 36, inclusive.

T. 17 N., R. 1 W.,
That portion of the Ojo del Espiritu Santo Grant in secs. 1 to 16, inclusive; in secs. 21 to 28, inclusive; in secs. 33, 34, 35, and 36.

T. 18 N., R. 1 W.,
That portion within the Ojo del Espiritu Santo Grant;
Sec. 1, lots 1, 2, 3, 4, W½NE¼, and E½NW¼.

T. 21 N., R. 1 W.,
Secs. 4, 5 and 6;
Sec. 7, E½;
Secs. 8 and 9;
Secs. 14 to 17, inclusive;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 to 23, inclusive;
Secs. 26 to 35, inclusive.

T. 22 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

T. 23 N., R. 1 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Secs. 14 to 22, inclusive;
Secs. 27 to 34, inclusive.

T. 24 N., R. 1 W.,
Sec. 1;
Sec. 2, E½, NE¼SW¼, and S½SW¼;
Sec. 10, E½E½ and SW¼SE¼;
Secs. 11 to 15, inclusive;
Sec. 16, S½NE¼, E½SW¼, and SE¼;
Sec. 21, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 22 to 28, inclusive;
Sec. 29, NE¼NE¼, S½NE¼, and S½;
Sec. 30, S½SE¼;
Secs. 31 to 36, inclusive.

T. 25 N., R. 1 W.,
Sec. 36, NE¼SE¼ and S½SE¼.

T. 9 N., R. 2 W.,
Secs. 1 to 6, inclusive;
Secs. 7 to 12, inclusive, fractional.

T. 10 N., R. 2 W.,
Secs. 31 to 36, inclusive.

T. 11 N., R. 2 W.,
Sec. 25, lots 1, 2, and SE¼;
Sec. 36, E½.

T. 12 N., R. 2 W.,
Secs. 6 and 7, that portion within the Lagunitas Grant.

T. 13 N., R. 2 W.,
Secs. 1, 2, 3, and 4;
Secs. 5, 6, 8, and 9, fractional;
Secs. 10 to 14, inclusive;
Secs. 15 and 16, fractional;
Sec. 22, lots 1 and 2;
Secs. 23 and 24, fractional;
That portion within the Lagunitas Grant.

T. 14 N., R. 2 W.

T. 15 N., R. 2 W.,
Secs. 7 to 10, inclusive;
Secs. 14 to 36, inclusive.

Tps. 24, 25, and 26 N., R. 2 W.

T. 9 N., R. 3 W.,
Sec. 30.

T. 12 N., R. 3 W.,
Secs. 1 to 12, inclusive, those portions within the Agua Salada Grant.

Tps. 13 and 14 N., R. 3 W.

Tps. 24 and 25 N., R. 3 W.

Tps. 9 and 10 N., R. 4 W.,
Those portions exclusive of the Laguna Indian Reservation.

T. 11 N., R. 4 W.

T. 12 N., R. 4 W.,
Secs. 25 and 36, fractional.

T. 13 N., R. 4 W.

T. 14 N., R. 4 W.,
Those portions within the Cebolleta and Lagunitas Grants;
Secs. 1, 12, 13, 24, and 25.

Tps. 9 and 10 N., R. 5 W.,
Those portions exclusive of the Laguna Indian Reservation.

Tps. 11, 12, and 13 N., R. 5 W.

T. 14 N., R. 5 W.,
That portion within the Cebolleta Grant.

Tps. 9 and 10 N., R. 6 W.,
Those portions exclusive of the Laguna Indian Reservation.

Tps. 11 and 12 N., R. 6 W.

T. 13 N., R. 6 W.,
That portion within the Cebolleta Grant.

T. 14 N., R. 6 W.,
That portion within the Cebolleta Grant;
Secs. 5 and 6.

T. 15 N., R. 6 W.,
That portion exclusive of Ignacio Chaves Grant and Cibola National Forest.

T. 16 N., R. 6 W.,
That portion exclusive of Ignacio Chaves Grant.

T. 7 N., R. 7 W.

Tps. 8, 9, and 10 N., R. 7 W.,
Those portions exclusive of the Laguna and Acoma Pueblo Reservations.

Tps. 11 to 14 N., inclusive, R. 7 W.,
Those portions exclusive of the Cibola National Forest.

Tps. 15 and 16 N., R. 7 W.

Tps. 7, 8, 9, and 10 N., R. 8 W.

T. 11 N., R. 8 W.,
That portion exclusive of the Cibola National Forest.

T. 12 N., R. 8 W.,
That portion within the San Mateo Grant.

Tps. 13 and 14 N., R. 8 W.,
Those portions exclusive of the Cibola-National Forest.

Tps. 15 and 16 N., R. 8 W.

T. 9 N., R. 9 W.,
That portion within the Acoma Grant.

Tps. 10 to 16 N., inclusive, R. 9 W.,
Those portions exclusive of the Cibola National Forest.

Tps. 10, 11, and 12 N., R. 10 W.

T. 10 N., R. 11 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.

T. 11 N., R. 11 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.

T. 12 N., R. 11 W.

T. 8 N., R. 13 W.,
Secs. 4 to 9, inclusive;
Secs. 15 to 19, inclusive.

T. 9 N., R. 13 W.

T. 13 N., R. 13 W.

T. 6 N., R. 14 W.,
Secs. 1 to 18, inclusive.

Tps. 7, 8, and 9 N., R. 14 W.

T. 10 N., R. 14 W.,
Secs. 13 to 36, inclusive.

T. 13 N., R. 14 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive.

T. 6 N., R. 15 W.,
Secs. 1 to 18, inclusive.

Tps. 7, 8, 9, and 10 N., R. 15 W.

T. 11 N., R. 15 W.,
Secs. 25 to 36, inclusive.

T. 14 N., R. 15 W.,
That portion exclusive of the Cibola National Forest and Fort Wingate Reservation.

T. 7 N., R. 16 W.

T. 8 N., R. 16 W.,
Secs. 1, 2, and 3;
Secs. 9 to 17, inclusive;
Secs. 19 to 36, inclusive.

T. 9 N., R. 16 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 10 N., R. 16 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 11 N., R. 16 W.,
Sec. 25;
Sec. 26, SE¼;
Secs. 33 to 36, inclusive.

T. 8 N., R. 17 W.,
Secs. 23 to 36, inclusive.

T. 8 N., R. 18 W.,
Secs. 19 to 23, inclusive;
Secs. 25 to 36, inclusive.

T. 8 N., R. 19 W.,
Sec. 24, S½;
Sec. 25;
Secs. 32 to 36, inclusive.

These areas described aggregate 3,150,100 acres, more or less, of which 156,700 acres, more or less, are public lands under the administrative jurisdiction of the Bureau of Land Management.

2. The following lands are hereby added to New Mexico Grazing District No. 1:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 N., R. 12 E.,
Sec. 17;
Sec. 18, that part east of the Rio Grande;
Sec. 19, that part east of the Rio Grande;
Sec. 20, lots 1, 2, 3, 4, 5, NW¼NE¼, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 29, lots 1, 2, 3, and NW¼NW¼;
Sec. 30, that part east of the Rio Grande;
Sec. 31, lots 1, 2, and 3, those parts east of the Rio Grande.

The area described aggregates 2,138 acres of public lands, more or less.

JOHN O. CROW,
Associate Director.

APRIL 30, 1969.

[F.R. Doc. 69-5370; Filed, May 5, 1969; 8:45 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Amendments or Revisions to List

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places.

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since April 2, 1969.

MARYLAND

Baltimore (independent city), *Fells Point Historic District*, bounded on the north by Aliceanna Street; on the east by Wolfe Street; on the south by the harbor; and on the west by Dallas Street.

MISSOURI

Buchanan County

St. Joseph, *King's Hill Archeological Site*, west side of 5600 block, South First Street (in lots 1–8, north 20 feet of lot 9, block 12 of Bowen's Addition).

Howard County

Fayette vicinity, *Morrison (Alfred W.) House, Lilac Hill*, 1 mile southwest of Fayette on Missouri 5.

Phelps County

St. James vicinity, *Maramec Iron Works District*, 7 miles south of St. James on Missouri 8.

Platte County

Kansas City vicinity, *Renner Village Archeological Site*, within a triangle formed by U.S. 169, 71, and Missouri 45; and partly on west side of U.S. 169.

St. Charles County

St. Charles, *First Missouri State Capitol Buildings*, 208–16 South Main Street.

Ste. Genevieve County

Ste. Genevieve, *Bolduc (Louis) House*, 123 South Main Street.

NEBRASKA

Douglas County

Omaha, *Crook (General George) House*, Quarter's No. 1, Fort Omaha.

Lancaster County

Lincoln, *Nebraska Statehood Memorial*, 1627 H Street.

Otoe County

Nebraska City vicinity, *Morton (J. Sterling) House, Arbor Lodge*, Rural Delivery No. 1, Nebraska City.

Sarpy County

Bellevue, *Fontanelle Bank*, 2212 Main Street.

Webster County

Red Cloud, *Cather House*, southwest corner, Third and Cedar Streets.

OHIO

Hamilton County

Cincinnati, *Langdon House*, 3626 Eastern Avenue.

PENNSYLVANIA

Bucks County

New Hope vicinity, *Honey Hollow Watershed*, 2½ miles south of the Delaware River on Pennsylvania 263.

Lycoming County

Williamsport, *Lycoming County Courthouse*, northeast corner Pine and West Third Streets.

VIRGINIA

Alexandria (independent city), *Alexandria Historic District (new boundaries)*, bounded roughly by the Capital Beltway on the south, Alfred and Patrick Streets on the west (with an extension westward along Prince Street), Oronoco and Princess Streets on the northwest and northeast respectively (with an extension northward along George Washington Memorial Highway to the north city limits), and by the Potomac River on the east.

Richmond (independent city), *Beers (William) House*, 1228 East Broad Street.

Richmond (independent city), *Egyptian Building*, southwest corner of East Marshall and College Streets.

Richmond (independent city), *First African Baptist Church*, northeast corner of College and East Broad Streets.

Richmond (independent city), *First Baptist Church*, northwest corner of 12th and Broad Streets.

Richmond (independent city), *Leigh (Benjamin Watkins) House*, 1000 East Clay Street.

Richmond (independent city), *Maupin-Maury House*, 1105 East Clay Street.

Richmond (independent city), *Monumental Church*, 1224 East Broad Street.

Richmond (independent city), *Sheltering Arms Hospital*, 1008 East Clay Street.

WYOMING

Big Horn County

Kane vicinity, *Medicine Wheel (Indian site)*, just north of U.S. 14 alternate, about 15 miles east of Kane.

Carbon County

Fort Fred Steele vicinity, *Fort Fred Steele*, on North Platte River at point of Union Pacific Railroad crossing.

Converse County

Orpha vicinity, *Fort Fetterman*, Orpha County Road, 0.1 mile west of Orpha Road, 7 miles north of I–25.

Converse County

Glenrock vicinity, *Glenrock Buffalo Jump*, about 2 miles west of Glenrock Interchange on I–25.

Fremont County

Fort Washakie, *Fort Washakie*, on U.S. 287.

Fremont County

Moneta vicinity, *Castle Gardens Petroglyph Site*, c. 28 miles south of Moneta on U.S. 20–26.

Fremont County (also in Sublette County)

Union Pass, on Continental Divide, 12 miles west-southwest of Wind River Ranger Station, Shoshone National Forest; 16 miles north-northeast of Kendall Ranger Station, Bridger National Forest; 20 miles east-southeast of Goose Wing Ranger Station, Teton National Forest.

Goshen County (also in Niobrara County)

Lusk vicinity, *Cheyenne-Black Hills Stage Route and Rawhide Buttes and Running Water Stage stations*, 1 mile west of Lusk to c. 15 miles southwest of Lusk (includes both stage stations).

Lincoln County

La Barge vicinity, *Names Hill*, on the Green River, 5 miles south of La Barge, just west of U.S. 189.

Niobrara County

Cheyenne-Black Hills Stage Route and Rawhide Buttes and Running Water Stage stations, Reference—see Goshen County.

Sublette County

Union Pass, Reference—see Fremont County.

Teton County

Moose, *Menor's Ferry*, on the Snake River.

Teton County

Jackson vicinity, *Miller Cabin*, c. 3 miles east of Jackson's central square, along Main Street; follow northeast fork of road for 1 mile beyond city limits.

Uinta County

Fort Bridger vicinity, *Fort Bridger*, on Black's Fork of the Green River near town of Fort Bridger.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-5249; Filed, May 5, 1969; 8:45 a.m.]

YELLOWSTONE NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Hamilton Stores, Inc., authorizing it to continue to provide concession facilities and services for the public at Yellowstone National Park for a period of thirty (30) years from October 1, 1969, through September 30, 1999.

The foregoing concessioner has performed its obligations under prior contracts to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 29, 1969.

EDWARD A. HUMMEL,
Associate Director, National Park Service.

[F.R. Doc. 69-5372; Filed, May 5, 1969; 8:45 a.m.]

Office of the Secretary

GEORGE EVERETT MILLICAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 25, 1969.

Dated: April 25, 1969.

G. E. MILLICAN.

[F.R. Doc. 69-5373; Filed, May 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20522; Order 69-4-139]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Expanding Issues Regarding North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of April 1969.

By Order 69-3-47, dated March 13, 1969, the Board instituted an investigation as to whether the relationship of North Atlantic air cargo rates or charges of IATA carriers between European points and New York City, compared with such rates or charges between European points and Baltimore, Md., and/or Washington, D.C., causes any undue or unreasonable preference or advantage to any person, port, locality, or description of traffic, or subjects any person, port, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage, and whether IATA resolutions establishing such rates or charges are adverse to the public interest or in violation of the Federal Aviation Act of 1958.

On March 24, 1969, motions to expand the issues were filed by the city of Philadelphia and the Greater Philadelphia Chamber of Commerce and by the Massachusetts Port Authority, seeking to include Philadelphia and Boston as points in the investigation along with Baltimore and Washington.[1] The Philadelphia motion states that the same discrimination issues are present with respect to rates for service to Philadelphia as for service to Baltimore and Washington; that the added general air cargo rates at Philadelphia over New York are in most cases over 80 percent of the added Baltimore rate and over 90 percent on some weight categories, although the added distance to Philadelphia over New York is only 48 percent of the added distance to Baltimore; that Philadelphia is a larger generator of airfreight and air express than Baltimore and Washington combined; that large quantities of air cargo are now being trucked to New York for air shipment; and that any finding of need to adjust the rates at Baltimore and/or Washington relative to New York will require an adjustment of rates at Philadelphia.[2]

The Massachusetts motion states that Boston has a material interest in this investigation, since Boston is for the most part common-rated with New York in the markets involved and the Baltimore complaint alleged undue preference in favor of both New York and Boston; that all the North Atlantic air cargo rates should be based on mileage; and that inclusion of Boston in the investigation will not unduly broaden the issues or delay the proceeding, but will contribute to the development of an adequate and complete record. No answers to the motions have been filed.

Upon consideration of the pleadings, the Board has determined to grant the motions and expand the issues herein. Philadelphia and Boston are Northeast gateways for North Atlantic air cargo traffic directly competitive with New York, Baltimore, and Washington; and substantially the same discrimination issues vis-a-vis New York are present with respect to rates to and from these two cities as for rates to and from Baltimore and Washington.

We will name as additional parties to this investigation the IATA carriers providing cargo service on the North Atlantic between European points on the one hand and either Philadelphia or Boston and one of the other gateways, on the other, whether by direct single-carrier service or by participation in through service pursuant to joint rates, and U.S. carriers participating in such through service only on domestic segments.

Accordingly, it is ordered, That:

1. Ordering paragraph 1 of Order 69-3-47 is amended by inserting after "Washington, D.C." therein the words "and/or Philadelphia, Pa., and/or Boston, Mass.".

2. Copies of this order shall be served upon the city of Philadelphia, the Greater Philadelphia Chamber of Commerce, the Massachusetts Port Authority, Air Canada, Airlift International, Inc., Austrian Airlines, Finnair (Aero O/Y), The Flying Tiger Line, Inc., and Mohawk Airlines, Inc., which are hereby made parties to this proceeding, and upon all other parties to this proceeding.

3. The petition for leave to intervene of the city of Philadelphia and the Greater Philadelphia Chamber of Commerce is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5402; Filed, May 5, 1969; 8:48 a.m.]

[1] The Philadelphia motion is also entitled "petition for reconsideration," and the Massachusetts motion is entitled "motion for modification." We will treat both documents as motions to expand the issues.

[2] Philadelphia also filed a petition for leave to intervene. Since we are making Philadelphia a party to this proceeding, the petition is moot and will be dismissed.

FEDERAL POWER COMMISSION

[Dockets Nos. RP69-6, RP69-20]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 30, 1969.

Take notice that El Paso Natural Gas Co. on April 28, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective May 1, 1969. The proposed changes would reduce jurisdictional rates by 0.16 cent per Mcf or $1,701,942 per year based upon sales for the 12-month period ended May 31, 1968. El Paso also proposes to refund 0.26 cent per Mcf to its customers for gas sales made during the period March 7, 1969, through April 30, 1969. The proposed rate decrease and refunds would be applicable to sales made under El Paso's Rate Schedules A-1, A-2, A-3, B-1, B-2, B-3, D-1, D-2, D-3, G, G-X, G-X-2, A-1-X, and X-1.

El Paso states that its rates which became effective March 7, 1969, subject to refund in Docket No. RP69–6, reflect 0.26 cent per Mcf of San Juan Basin area purchased gas costs not experienced by El Paso in the test period ended February 28, 1969, in that docket. El Paso states that it therefore proposes to make refunds of 0.26 cent per Mcf to its customers for sales made during the period March 7 through April 30, 1969. El Paso further states that it will withdraw its notice of change in rates and revised tariff sheets filed on April 1, 1969, at Docket No. RP69–20, proposing an increase of 0.1 cent per Mcf on May 1, 1969. In lieu thereof, El Paso would reduce its rates effective May 1, 1969, by a net amount of 0.16 cent per Mcf determined as the said amount of 0.26 cent per Mcf less the amount of 0.1 cent per Mcf which would otherwise become effective on May 1, 1969, in Docket No. RP69–20. El Paso further proposes an amendment to the Commission's order of March 20, 1969, in Docket No. RP69–20 so as to permit El Paso to file rate increases and decreases through the period ending December 31, 1969, up to an aggregate amount of 0.26 cent per Mcf to track increases and decreases in its San Juan Basin area purchased gas costs occurring after February 28, 1969.

Copies of the proposed tariff changes were served on all of El Paso's customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to this rate filing should on or before May 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The rate filing is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5363; Filed, May 5, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DEPOSITORS CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Depositors Corp., which is a bank holding company located in Augusta, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of The First National Bank of Houlton, Houlton, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 28th day of April 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69–5365; Filed, May 5, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–34]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Termination of Approval Notice

Correction

In F.R. Doc. 69–4702 appearing at page 6709 in the issue of Saturday, April 19, 1969, the following corrections should be made:

1. The figure in the third line under the center heading "Signals, Distress, Pistol-Projected Parachute Red Flare" should read "160.024/1/0".

2. The penultimate line of the fourth paragraph under the center heading "Lifeboats" should read "July 3, 1968, July 3, 1968, October 3, 1967, November".

3. The figure in the third line of the 10th paragraph under the center heading "Buoyant Vests, Unicellular Plastic Foam" should read "160.052/219/0".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MATTOX & MOORE, INC.

Notice of Withdrawal of Petition for Food Additive Estradiol Monopalmitate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 6D2006) was filed by Mattox & Moore, Inc., 1503 East Riverside Drive, Indianapolis, Ind. 46207, notice of which was published in the FEDERAL REGISTER of April 21, 1966 (31 F.R. 6142), proposing an amendment to § 121.257 *Estradiol monopalmitate* (21 CFR 121.257) to provide for the safe use of estradiol monopalmitate as a subcutaneous injection for poultry to increase rate of gain; to improve feed efficiency, carcass quality, and finish; and to decrease dressing loss.

Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is considered withdrawn without prejudice to a future filing.

Dated: April 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5368; Filed, May 5, 1969; 8:45 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Exhibit X8–1, Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., Apr. 16, 1968) is hereby revised to read as follows:

EXHIBIT X8–1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

Type of office	Address	ZIP code
California—Continued		
Los Angeles	419 South Hill St.	90015
Branch Office	4435 South Broadway	90037
do	3612 West Jefferson Ave.	90016
do	3421 East Olympic Blvd.	90023
do	4661 East 3rd St.	90027
Hearings and Appeals	1031 G St., Post Office Box 791	95942
Branch Office	550 West 22d St., Post Office Box 225	92340
do	1038 McHenry Ave., Post Office Box 3311	95354
District Office	399 Lighthouse Ave., Post Office Box 1897	93940
Branch Office	961 South Atlantic Blvd.	91754
District Office	531 East 14th St.	94606
do	753 East Main St.	94621
Branch Office	937 West Grant St.	94577
District Office	819 Third St., Post Office Box 1039	95354
do	977 Talquitz-McCallum Way	92262
do	400 Cambridge St.	94306
do	740 East Washington Blvd.	91104
do	1555 East St., Post Office Box 1938	96001
do	1818 J St., Post Office Box 431	95812
Hearings and Appeals	1722 Jay St.	93901
District Office	65 San Miguel Ave., Post Office Box 2177	92401
do	157 West Fifth St.	92103
do	3245 San Fernando Rd.	91340
Branch Office	303 Golden Gate Ave.	94102
District Office	761 South Van Ness Ave.	94110
do	145 Columbus Ave.	94133
Branch Office	6815 Third St.	94124
do	100 McAllister St.	94102
Hearings and Appeals	500 South First St.	95114
Payment Center	744 Santa Rosa St., Post Office Box 1249	93401
District Office	2211 Palm Ave.	94401
do	1245 Fourth St., Post Office Box 150	94901
do	1438 East First St., Post Office Box 661	92701
do	3311 Walnut Ave., Post Office Box 3037	93105
do	1331 East 8th St., Post Office Box 1355	95060
do	12th and Main Sts., Town Plaza Shopping Center	92501
Branch Office	706 East Main St., Post Office Box 1236	92315
District Office	1514 Sixth St., Post Office Box 1219	91730
do	Broadway and Walnut Sts., Post Office Box 607	92702
do	825 North California St., Post Office Box 2988	90501
do	4646 Crenshaw Blvd., Post Office Box 1708	94605
do	711 Coddington Center, Post Office Box A	95201
do	4274 Telegraph Rd., Post Office Box A	93003
do	701 West Center St.	84057
do	90 Petticoat Lane, Post Office Box 575	90002
do	1219 East 58th St.	90006
do	13120 East Philadelphia St., Post Office Box 627	91601
do	1015 Fourth St.	81101
Hearings and Appeals	14th and Walnut Sts., 406 Colorado Bldg.	80202
District Office	15 South Weber, Conover Bldg., Post Office Box 1207	80901
do	1961 Stout St., Federal Office Bldg.	80202
Hearings and Appeals	1029 Stout St.	80202
Branch Office	1211 Main Ave.	81301
do	103 South Meldrum St.	80521
do	101 South Third St., Post Office Box 2807	81611
District Office	1113 10th Ave., Post Office Box 730	80631
Branch Office	309 Santa Fe Ave.	81002
District Office	207 East Main St.	81002
do	181 Middle St., Jayson Bldg.	06603
Branch Office	252 Hallet St., Multiservice Center	06606
do	146 Deer Hill Ave.	06810

EXHIBIT X8–1

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

Type of office	Address	ZIP code
Alabama:		
Andalusia	408 South Three-Notch St., Post Office Drawer 47	36420
Anniston	301 East 13th St., Post Office Box 98	36201
Bessemer	118 18th St. North, Post Office Box 887	35020
Birmingham	2121 Eighth Ave. North, Twenty-one Hundred Building	35203
Marysville	1112–B Tuscaloosa Ave.	35218
Mercedes	559 West 22d St., Post Office Box 225	35211
Modesto	1038 McHenry Ave., Post Office Box 3311	95353
Monterey Park	399 Lighthouse Ave., Post Office Box 1897	93940
Oakland	961 South Atlantic Blvd.	91754
	531 East 14th St.	94606
	753 East Main St.	94621
Oceanside	937 West Grant St.	94577
Pomona	819 Third St., Post Office Box 1039	92354
Palo Alto	977 Talquitz-McCallum Way	92262
Pasadena	400 Cambridge St.	94306
Pomona	2316 Whitesburg Dr. South, Post Office Box 1408	35007
Redding	218 Saint Francis St., Post Office Box E	36081
Sacramento	118 North Royal St.	36602
Salinas	474 South Court St., Post Office Box 4010	38104
San Bernardino	417 East A St., Post Office Box 2117	39801
San Diego	908 Alabama Ave., Post Office Drawer 599, Federal Bldg.	36701
San Fernando	North St. East, Talladega Shopping Center, Post Office Box 266.	35160
San Francisco	1181 Greensboro Ave., Federal Bldg.	35401
San Jose	617 G St., Hill Bldg.	99501
San Luis Obispo	709 West Ninth St., Post Office Box 1227, Federal Office Bldg.	99803
San Rafael	1200 North Central Ave., Post Office Box 13118	85002
Santa Ana	3033 North Central St., Post Office Box 1551	85012
Santa Barbara	30 Pima Pl., Post Office Box 1629	86301
Santa Cruz	3454 East Broadway Blvd., Post Office Box 3008	85622
Santa Maria	3315 Walnut Ave., Post Office Box 1355	85702
Santa Monica	706 East Main St., Post Office Box 1236	85364
Stockton	1514 Sixth St., Post Office Box 1219	85645
Torrance	825 North California St., Post Office Box 2988	86402
Vallejo	4646 Crenshaw Blvd., Post Office Box 1708	91405
Van Nuys	711 Coddington Center, Post Office Box A	95201
Ventura	4274 Telegraph Rd., Post Office Box A	93003
Visalia	701 West Center St.	84057
Watsonville	90 Petticoat Lane, Post Office Box 575	90002
Whittier	1219 East 58th St.	90006
	13120 East Philadelphia St., Post Office Box 627	91601
Colorado:		
Alamosa	1015 Fourth St.	81101
Boulder	14th and Walnut Sts., 406 Colorado Bldg.	80202
Colorado Springs	15 South Weber, Conover Bldg., Post Office Box 1207	80901
Denver	1961 Stout St., Federal Office Bldg.	80202
Durango	1029 Stout St.	80202
Fort Collins	1211 Main Ave.	81301
Grand Junction	103 South Meldrum St.	80521
Greeley	101 South Third St., Post Office Box 2807	81611
Pueblo	1113 10th Ave., Post Office Box 730	80631
Connecticut:		
Bridgeport	309 Santa Fe Ave.	81002
Hartford	207 East Main St.	81002
New Haven	181 Middle St., Jayson Bldg.	06603
Waterbury	252 Hallet St., Multiservice Center	06606
Danbury	146 Deer Hill Ave.	06810
Delaware:		
Wilmington	844 King St., Federal Bldg.	19801
District of Columbia:		
Washington	1900 E St.	20415
Florida:		
Bradenton	1650 University Ave.	34204
Clearwater	8877 Tropanga Canyon Blvd.	95021
Daytona Beach	276 Vallombrosa Ave., Post Office Box 1420	92022
Fort Lauderdale	570 North Second St., Post Office Box 564	92243
Fort Myers	1600 Main St., First National Bank	95501
Gainesville	233 K St., Post Office Box 4450	95721
Jacksonville	1130 O St., Federal Bldg.	95814
Lakeland	721 South Glendale Ave., Post Office Box 449	91745
Miami	24301 Southland Dr., Post Office Box 1391	94545
Orlando	1040 North Tower Rd., Post Office Box 2466	90255
Pensacola	2201 East Manchester, Post Office Box 29	90306
Saint Petersburg	44935 North Tenth St. West, Post Office Box 2166	93534
Tallahassee	1235 Pacific Ave.	96813
Tampa	115 Pine Ave. Bldg.	96802
West Palm Beach	Hearings and Appeals	

EXHIBIT X8-1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Connecticut—Continued			
Hartford	District Office	450 Main St., Federal Office Bldg.	06103
Meriden	do	71 Catlin St., Kennedy Bldg.	06450
New Britain	do	100 Arch St.	06050
New Haven	do	135 College St.	06510
New London	do	27 Masonic St., Post Office Bldg.	06320
Stamford	do	777 Summer St.	06902
Torrington	do	40 Water St.	06790
Waterbury	do	236 Grand St., The Chase Bldg.	06702
Willimantic	do	948 Main St.	06226
Delaware:			
Dover	do	19 Blue Hen Mall, Route 113, Post Office Box 478	19901
Wilmington	do	504 West 10th St.	19801
District of Columbia:			
Washington	do	1325 K St. NW.	20203
	Branch Office	2826 Alabama Ave. SE	20020
	do	402 H St. NE.	20002
	do	4061 Minnesota Ave. NE	20019
	do	1302 Rhode Island Ave. NE	20018
	do	1244 Taylor St. NW.	20011
	Central Office Federal Credit Unions.	633 Indiana Ave.	20201
	Hearings and Appeals	100 Indiana Ave. NW.	20001
Florida:			
Clearwater	District Office	111 North Fort Harrison Ave., Post Office Box 1098	33517
Daytona Beach	do	115 North Ridgewood Ave., Post Office Box 1391	32015
Deland	Branch Office	129 East Indiana Ave., Post Office Drawer E	32720
Eau Gallie	District Office	1511 Harbor City Blvd.	32935
Fort Lauderdale	do	308 Northeast Third Ave.	33301
Fort Myers	do	2124 Clifford St., Post Office Drawer SS.	33902
Fort Pierce	Branch Office	1804 Okeechobee Rd.	33450
Gainesville	District Office	411 Southwest Second Ave., Post Office Drawer S	32601
Hialeah	Branch Office	480 Hialeah Dr., Post Office Box 1240	33011
Hollywood	District Office	1930 Tyler St.	33020
Jacksonville	do	400 West Bay St., Post Office Box 35029	32202
	Branch Office	2188 West 13th St.	32209
	Hearings and Appeals	400 West Bay St.	32202
Key West	Branch Office	Simonton and Caroline Sts., 103 Post Office Bldg.	33040
Lake City	do	Gateway Shopping Center, Post Office Box 891	32055
Lakeland	District Office	300 South Florida Ave., Post Office Drawer E	33802
Leesburg	Branch Office	609 West Dixie Ave., Post Office Box 857	32748
Miami	District Office	1 Herald Plaza	33132
	do	12695 Northwest Seventh Ave., Post Office Box 130	33168
	Branch Office	5225 Northwest 12th Ave.	33127
	Hearings and Appeals	51 Southwest First Ave.	33130
Miami Beach	District Office	1688 Meridian Ave., Post Office Box 959	3313
Ocala	Branch Office	1523 Southwest 3d Ave., Post Office Box 1358	32670
Orlando	District Office	2520 North Orange Ave.	32804
	Hearings and Appeals	1011 East Colonial Dr.	32803
Panama City	District Office	1135 Harrison Ave., Post Office Box 1370	32401
Pensacola	do	51 East Gregory St., Post Office Box 750	32502
Sarasota	do	111 South Orange Ave., Federal Bldg., Post Office Box 2198.	33578
St. Petersburg	do	144 First Ave., Federal Bldg., Post Office Box 871	33731
Tallahassee	do	117 West College Ave., Post Office Box 429	32302
Tampa	do	500 Zack St., Federal Office Bldg., Post Office Box 3132.	33601
West Palm Beach	do	715 South Dixie Highway, Post Office Box 3171	33402
Georgia:			
Albany	do	500 Pine Ave., Post Office Box 1907	31702
Athens	do	Beechwood Shopping Center, Post Office Box 5637	30604
Atlanta	do	730 Peachtree St. NE., Post Office Box 6327	30308
	Branch Office	1229 Simpson Rd. NW.	30314
	do	405 Boulevard SE.	30312
	Hearings and Appeals	795 Peachtree St. NE.	30308
Augusta	District Office	700 Telfair St., Post Office Box 1707	30903
Brunswick	Branch Office	1803 Gloucester St., Post Office Box 1674	31520
Columbus	District Office	301-05 15th St., Post Office Box 2408	31902
Dalton	Branch Office	412 School St., Mooney Bldg., Post Office Box 908	30720
Decatur	District Office	755 Columbia Dr., North, Professional Bldg.	30030
Dublin	Branch Office	114 East Johnson St., Post Office Box 670	31021
East Point	District Office	2727 Main St., Post Office Box 1008	30344
Gainesville	do	425 Bradford St. NW, Post Office Drawer 938	30501
Griffin	Branch Office	435 West Solomon St.	30223
La Grange	District Office	314 North Lewis St., Post Office Box 1089	30240
Macon	do	451 College St., New Federal Bldg., Post Office Box 4128.	31208
Marietta	do	1393 Roswell Rd., NE., Town and Country Shopping Center.	30060
Rome	do	308 Glen Milner Blvd., Post Office Box 231	30162
Savannah	do	101 East Liberty St., Post Office Box 2407	31402
Thomasville	do	North Broad St., Federal Bldg., Post Office Box 770	31792
Valdosta	do	122 North Oak St., Post Office Box 1122	31601
Waycross	do	704 Jane St., Ferrell Bldg., Post Office Box 756	31501
Hawaii:			
Hilo	do	224 Haili St.	96720
Honolulu	do	1181 Alakea St., American Mutual Bldg.	96813
Lihue, Kauai	Branch Office	4367 Rice St., Post Office Box 109	96766
Wailuku	do	2131 West Main St.	96793
Idaho:			
Boise	District Office	614 Main St., Post Office Box 110	83701
Coeur d'Alene	Branch Office	310 Lakeside	83814
Idaho Falls	do	510 D St., Post Office Box 2497	83401
Lewiston	District Office	726 21st St., Post Office Box 643	83501
Pocatello	do	428 North Main St., Post Office Box 1687	83201
Twin Falls	do	156 Second Ave. West, Post Office Box 1239	83301
Illinois:			
Alton	do	1623 Washington Ave., Post Office Box 1093	62002
Aurora	do	122 West Downer Pl.	60506
Berwyn	do	6311 West Cermak Rd.	60402
Bloomington	do	527 North Center St.	61701
Carbondale	do	1007 West Main St., Post Office Box 1060	62901
Champaign	do	309 West Clark St.	61822
Chicago	do	22 West Madison St., State and Madison Bldg.	60602
	do	2306 West Lawrence Ave.	60625
	do	1256 West 69th St.	60636
	do	4635 West Madison St.	60644
	do	4731 South Dr. Martin Luther King, Jr. Dr.	60615
	do	2345 West North Ave.	60647
	do	4415 North Milwaukee Ave.	60630
	do	1775 West Ogden Ave.	60612
	do	8828 South Stony Island Ave.	60617
	Hearings and Appeals	219 South Dearborn St.	60604
	do	2376 East 71st St.	60649
	Payment Center	165 North Canal St.	60606
Danville	District Office	403 West North St.	61834
Decatur	do	241 North Main St., Post Office Box 1109	62523
East St. Louis	do	650 Missouri Ave., Federal Bldg.	62201
Elgin	do	735 Dundee Ave., Post Office Box 585	60120
Elmwood Park	do	1930 North Harlem Ave.	60635
Evanston	do	1239 Chicago Ave., Post Office Box 1475	60202
Freeport	Branch Office	103 North Chicago Ave., Post Office Bldg.	61032
Galesburg	District Office	250 East Main St., Post Office Box 350	61401
Harrisburg	do	325 East Poplar St., Post Office Box 346	62946
Harvey	do	15325 Page Ave.	60426
Joliet	do	225 North Chicago St., Post Office Box 489	60434
Kankakee	do	1015 North Fifth Ave., Post Office Box 787	60901
La Salle	do	610 First St., Cawley Bldg.	61301
Mt. Vernon	do	54 Crownview, Post Office Box 867	62864
Peoria	do	610 Abington, Post Office Box 148	61601
Quincy	do	1205 Broadway, Post Office Box 1089	62301
Rockford	do	401 South Main St., Post Office Bldg.	61101
Rock Island	do	211-19th St., Post Office Box 277	61202
Springfield	do	528 South Fifth St.	62701
Sterling	do	307 First Ave., Post Office Box B	61081
Waukegan	do	2300 Grand Ave., Post Office Box 499	60085
Indiana:			
Anderson	do	216 East Ninth St.	46016
Bloomington	do	115 West Seventh St., Post Office Box 548	47402
Columbus	do	426 East Fifth St.	47201
Elkhart	do	515 South Third St.	46514
Evansville	do	214 Southeast Sixth St.	47713
Fort Wayne	do	343 West Wayne St., Post Office Box 1207	46802
Gary	do	610 Connecticut St.	46401
Hammond	do	636 State St.	46320

EXHIBIT X8-1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Indiana—Continued			
Indianapolis	District Office	2000 North Meridian St.	46204
	Hearings and Appeals	15 East Washington St.	46204
Kokomo	District Office	500 West Superior St.	46901
Lafayette	do	833 Ferry St., Post Office Box 750	47250
Madison	do	310 Broadway	46052
Marion	do	119 West Sixth St., Post Office Box 569	46360
Michigan City	do	105 West Fifth St.	47302
Muncie	do	421 South Walnut St., Post Office Box 2528	47150
New Albany	do	121 West Spring St., Post Office Box 318	47374
Richmond	do	117 South Seventh St.	46601
South Bend	do	125 South Lafayette Blvd.	47808
Terre Haute	do	637 Cherry St., Post Office Box 958	47591
Vincennes	do	310 North Second St., Post Office Box 288	
Iowa:			
Burlington	do	300 North Main St., Post Office Box 638	52602
Cedar Rapids	do	122 Second St., SE. S.G.A. Bldg.	52401
Creston	do	316 West Montgomery St.	50801
Davenport	do	131 East Fourth St., Federal Bldg.	52801
Des Moines	do	210 Walnut St., Federal Bldg.	50309
	Hearings and Appeals	210 Walnut St.	50309
Dubuque	District Office	Sixth and Locust Sts., U.S. Post Office and Court-house.	52001
Fort Dodge	do	Second Ave. South and Eighth St., Post Office Box 97	50501
Mason City	do	124 West State St.	50401
Ottumwa	do	601 West Second St., Post Office Box 458	52502
Sioux City	do	520 Nebraska St., Commerce Bldg.	51101
Waterloo	do	525 West Fifth St., Post Office Box 5800	50704
Kansas:			
Dodge City	do	117 East Spruce St., Post Office Box 880	67801
Hays	do	107 West 15th St., Post Office Box 938	67601
Hutchinson	do	105 West First, Post Office Box 1069	67501
Independence	do	115 West Laurel St., Post Office Box 807	67301
Kansas City	do	812 North Seventh St., Federal Bldg.	66101
Manhattan	Branch Office	220 Poyntz Ave.	66502
Pittsburg	District Office	705 North Locust St., Post Office Box 74	66762
Salina	do	528 North Ninth St., Post Office Box 747	67401
Topeka	do	1263 Topeka Blvd., Post Office Box 1778	66601
Wichita	do	435 South Water St.	67202
Kentucky:			
Ashland	do	1816 Carter Ave.	41101
Bowling Green	do	Main and Center Sts., Post Office Box 629	42101
Campbellsville	do	111 West Main St.	42718
Corbin	do	102-104 Second St.	40701
Covington	do	309 Garrard St.	41011
Danville	Branch Office	Federal Bldg.	40422
Elizabethtown	District Office	408 North Mulberry St.	42701
Frankfort	do	101 Bridge St.	40601
Hazard	do	135 Memorial Dr.	41701
Hopkinsville	do	2100 Fort Campbell Blvd., Post Office Box 2	42240
Lexington	do	1500 West Main St., Bakhaus Bldg.	40505
	Hearings and Appeals	1500 West Main St.	40547
Louisville	District Office	620 South Fifth St., Post Office Box 1030	40201
	Hearings and Appeals	139 South Fourth St.	40202
Madisonville	Branch Office	552 East Center St.	42431
Maysville	do	111 Second St.	41056
Middlesboro	do	2317-19 West Cumberland Ave., Post Office Box 739	40965
Owensboro	District Office	406 West Wesleyon Park Plaza, Post Office Box 1304	42301
Paducah	do	112 South 10th St.	42001
Pikeville	do	Second and Division Sts., Ward Bldg.	41501
Somerset	Branch Office	Trade Winds Shopping Center	42501
Louisiana:			
Alexandria	District Office	1777 Jackson St., Post Office Box 4227	71301
	Hearings and Appeals	1504 MacArthur Dr., Post Office Box 5696	71301
Baton Rouge	District Office	1888 Wooddale Blvd.	70806
Hammond	Branch Office	124 Southwest Railroad Ave., Post Office Box 788	70401
Houma	District Office	302 Lafayette St., Post Office Box 29	70361
Lafayette	do	1030 Auburn St., Post Office Box 52085 OCS	70505
Lake Charles	do	3616 Kirkman St., Post Office Box 1587	70601
Monroe	do	2003 Tower Dr., Box C	71201
Natchitoches	Branch Office	405 Keyser St., Post Office Box 2126	71457
New Orleans	District Office	701 Loyola Ave., Federal Bldg.	70113
	do	2001 Senate St., Post Office Box 8241	70122
	Branch Office	2001 Senate St., Post Office Box 3000	70117
	Hearings and Appeals	701 Loyola Ave.	70113
Opelousas	Branch Office	1130 Prudhomme Circle, Post Office Box 223	70570
Shreveport	District Office	3640 Youree Dr., Post Office Box 4000	71104
Maine:			
Augusta	do	40 Western Ave., Federal Office Bldg.	04330
Bangor	do	202 Harlow St., Federal Office Bldg.	04401
Lewiston	do	536 Lisbon St.	04240
Portland	do	10 Congress Square	04101
Presque Isle	do	555 Main St.	04769
Rockland	Branch Office	Limerock St., Federal Office Bldg.	04841
Maryland:			
Baltimore	District Office	707 North Calvert St., 707 Bldg.	21202
	Branch Office	422 North Bond St.	21231
	do	1153 Mondawmin Concourse	21215
	do	2035 North Broadway	21213
	do	900 West North Ave.	21217
	do	1923 West Pratt St.	21223
	Central Office	6401 Security Blvd.	21235
Catonsville	Branch Office	715 Frederick Rd.	21228
Cumberland	District Office	6 Pershing St.	21501
Frederick	Branch Office	912 East St.	21701
Glen Burnie	District Office	95 Aquahart Rd.	21061
Hagerstown	do	50 North Cannon Ave.	21740
Marlow Heights	do	3737 Branch Ave. SE	20031
Pikesville	Branch Office	1515 Reisterstown Rd.	21208
Salisbury	District Office	112 East Market St., Post Office Box 1988	21801
Silver Spring	do	8113 Fenton St.	20910
Towson	do	200 East Joppa Rd.	21204
Massachusetts:			
Attleboro	do	7 North Main St., Bates Bldg.	02703
Boston	do	John Fitzgerald Kennedy Federal Bldg., Low Rise Bldg.	02203
	Hearings and Appeals	1211C John Fitzgerald Kennedy Federal Bldg.	02203
Brockton	District Office	19 East Elm Street.	02401
Cambridge	do	625 Mount Auburn St.	02138
Chelsea	do	295-7 Broadway	02150
Fall River	do	142 Second St.	02722
Fitchburg	do	154 Main St.	01420
Framingham	do	49 Park St.	01701
Haverhill	do	367 Main St.	01830
Holyoke	do	330 Appleton St.	01040
Hyannis	Branch Office	139 Falmouth Rd.	02601
Lawrence	District Office	46 Amesbury St., Cregg Bldg.	01840
Lowell	do	21 Palmer St., Professional Bldg.	01852
Lynn	do	31 Exchange St.	01901
Malden	do	24 Exchange St.	02148
New Bedford	do	749 Purchase St., Haste Bldg.	02740
Norwood	do	17 Cottage St.	02062
Pittsfield	do	74 North St.	01202
Quincy	do	1431 Hancock St.	02269
Roxbury	do	90 Warren St.	02119
Salem	do	2 Margin St., Post Office Bldg.	01970
Springfield	do	145 State St.	01103
Waltham	do	24 Crescent St.	02154
Worcester	do	340 Main St., Commerce Bldg.	01608
Michigan:			
Ann Arbor	do	220 E. Huron St., City Center Bldg.	48107
Battle Creek	do	74 North Washington Ave.	49017
Bay City	do	1009 North Madison Ave.	48706
Benton Harbor	do	Napier Ave. and M-139, Goldblatt Bldg.	49022
Dearborn	do	5141 Oakman Blvd.	48126
Detroit	do	1214 Griswold St., Griswold Bldg.	48226
	do	17731 East Warren	48224
	do	16450 Woodward Ave.	48203
	do	18500 Grand River Ave.	48223
	Branch Office	11201 East Jefferson Ave.	48214
	do	9768 Grand River West	48204
	do	15101 Livernois St.	48238
	Hearings and Appeals	10 Witherell St.	48226

EXHIBIT X8-1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Michigan—Continued			
Escanaba	District Office	2015 First Ave. North	49829
Flint	do	432 North Saginaw St., Metropolitan Bldg	48502
Grand Rapids	do	60 Division Ave. North, Keeler Bldg	49502
Ironwood	Branch Office	114 South Suffolk St	49938
Jackson	District Office	536 North Jackson St	49201
Kalamazoo	do	410 West Michigan Ave., Federal Bldg	49006
Lansing	do	216 Townsend St., Federal Bldg	48914
Marquette	do	102 East Baker St., Longyear Bldg	49855
Monroe	Branch Office	11 West Vine St., Post Office Box 606	48161
Mt. Pleasant	District Office	316 North Mission, A & G Plaza	48858
Muskegon	do	175 West Apple Ave., Post Office Box 236	49443
Petoskey	Branch Office	2 Pennsylvania Plaza	49770
Pontiac	District Office	21 South Glenwood	48058
Port Huron	do	Water St., Federal Bldg., Post Office Box 944	48061
Roseville	do	26739 Gratiot Ave	48066
Saginaw	do	2130 Marshall Court, Post Office Box 1487	48605
Traverse City	do	1111 East Front St	49684
Minnesota:			
Austin	do	404 Second St. NW., Post Office Box 278	55912
Bemidji	do	Sixth and Minnesota, Federal Bldg., Post Office Box 847	56601
Duluth	do	17 North Fourth Ave. West	55802
Fairmont	Branch Office	919 North State St	56031
Hibbing	District Office	262½ First Ave., Post Office Box 647	55746
Mankato	do	709 South Front St	56002
Marshall	do	309 East College Dr., Post Office Box 448	56258
Minneapolis	do	110 South Fourth St., Federal Bldg	55401
	Hearings and Appeals	401 Second Ave. South	55401
Rochester	District Office	415 Third Ave. SE., Post Office Box 1077	55902
St. Cloud	do	Eighth and Saint Germain Sts., Federal Bldg	56301
St. Paul	do	316 North Robert St., Federal Bldg. and U.S. Courthouse	55101
Winona	do	356 East Sarnia St., Post Office Box 646	55987
Mississippi:			
Clarksdale	Branch Office	Third and Sharkey Sts., Post Office Box 879	38614
Columbus	District Office	825 College St., Post Office Box 1021	39701
Greenville	do	Main and Poplar Sts., Post Office Box 1338	38702
Greenwood	do	200 East Washington St., Post Office Box 940	38930
Gulfport	do	1022 32d Ave., Post Office Box 4018	39501
Hattiesburg	do	Second Avenue and Corinne St., Post Office Box 431	39402
Jackson	do	502 North St., Post Office Box 2249	39205
	Hearings and Appeals	802 North State St	39201
Laurel	Branch Office	Federal Office Bldg., Post Office Box 1708	39440
McComb	do	216 22d St., Post Office Drawer B	39648
Meridian	District Office	2509 Ninth St., Post Office Box 5377	39301
Natchez	Branch Office	327 Market St., Post Office Box 887	39120
Tupelo	District Office	Corner Main and Church Sts., Post Office Box 680	38801
Vicksburg	do	Corner Crawford and Walnut Sts., Post Office Box 1277	39180
Missouri:			
Cape Girardeau	do	339 Broadway, Post Office Box 160	63701
Chillicothe	Branch Office	613 Walnut St	64601
Clayton	District Office	210 South Central Ave	63105
Columbia	Branch Office	111 South Ninth St	65201
Flat River	do	3 Coffman St	63601
Hannibal	District Office	801 Broadway, Post Office Box 997	63401
Independence	do	301 West Lexington	64050
Jefferson City	do	113 West Miller St	65101
Joplin	do	308 West First St	64802
Kansas City	do	907 Walnut St., Federal Office Bldg	64106
	Branch Office	2845 Indiana Ave	64128
	Hearings and Appeals	911 Walnut St	64106
	Payment Center	601 East 12th St	64106
Kennett	Branch Office	715 Teaco Road, Post Office Box 391	63857
Moberly	District Office	Johnson and Adams Sts., Federal Bldg	65270
Poplar Bluff	do	215 South Broadway	63901
Rolla	Branch Office	113 West Ninth St	65401

EXHIBIT X8-1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Missouri—Continued			
St. Joseph	District Office	Eighth and Edmond Sts., Federal Bldg	64501
St. Louis	do	417 North 10th St	63101
	do	3626 South Grand Blvd	63118
	Branch Office	1315 North Kings Highway Blvd	63113
	Hearings and Appeals	1114 Market St	63101
Sedalia	District Office	825 Thompson Blvd	65301
Springfield	do	324 East Pershing St., Wilhoit Bldg	65806
West Plains	Branch Office	1314 Webster St	65775
Montana:			
Billings	District Office	316 North 26th St., Post Office Box 2524	59103
Butte	do	54 East Broadway, Post Office Box 1962	59701
Great Falls	do	819 Central Ave., Post Office Box 2347	59401
Helena	do	616 Helena Ave., Steamboat Block	59601
Kalispell	Branch Office	140 First Ave. East, Post Office Box 15	59901
Miles City	do	713 Pleasant St	59301
Missoula	District Office	201 South Third St. West	59801
Nebraska:			
Beatrice	Branch Office	120 South Fifth St	68310
Grand Island	District Office	115 West Charles St., Post Office Box 785	68801
Hastings	Branch Office	515 West Third St	68901
Lincoln	District Office	2966 O St	68510
Norfolk	do	Fourth and Madison, U.S. Post Office Bldg., Post Office Box 884	68701
North Platte	do	Third and Pine Sts., Post Office Box 1127	69101
Omaha	do	215 North 17th St., Federal Bldg	68102
	Hearings and Appeals	215 North 17th St	68102
Scottsbluff	District Office	1716 Ave. A	69361
Nevada:			
Las Vegas	do	300 Las Vegas Blvd. South, Federal Bldg. and U.S. Courthouse	89101
Reno	do	811 Ryland St., Post Office Box 7117	89502
New Hampshire:			
Concord	do	55 Pleasant St., Federal Bldg	03301
Keene	Branch Office	10 Dunbar St	03431
Littleton	District Office	165 Main St., Post Office Bldg	03561
Manchester	do	50 Bridge St	03101
Nashua	do	5 Water St	03060
Portsmouth	do	Daniel St., Federal Bldg	03801
New Jersey:			
Asbury Park	do	611 Heck St., Charms Bldg	07712
Atlantic City	do	Pacific and Pennsylvania Aves., Old Post Office Bldg	08401
Bloomfield	do	622 Bloomfield Ave	07003
Bridgeton	do	100 North Pearl St	08302
Camden	do	415 Federal St	08101
East Orange	do	19 South Harrison St	07018
Elizabeth	do	268 North Broad St	07201
Hackensack	do	50 Main St	07601
Irvington	do	1071 Springfield Ave	07111
Jersey City	do	2844 Kennedy Blvd	07306
Morristown	do	136 South St	07960
Newark	do	970 Broad St., Federal Bldg	07102
	Hearings and Appeals	970 Broad St	07102
New Brunswick	District Office	167 New St	08901
Passaic	do	63 Grove St	07056
Paterson	do	175 Market St	07505
Perth Amboy	do	93 Smith St	08861
Trenton	do	437 East State St	08608
New Mexico:			
Albuquerque	do	500 Gold Ave. SW., Post Office Box 2247	87103
Clovis	Branch Office	Giddings and Fifth Sts., Federal Office Bldg	88101
Farmington	District Office	501 Airport Dr., Post Office Box 1138	87401
Las Cruces	Branch Office	1480 North Main St., Denison Bldg	88001
Roswell	District Office	Richardson Ave., at Fifth, Post Office Box 1378	88201
Santa Fe	do	Federal Bldg., and U.S. Post Office, Post Office Box 1508	87501

EXHIBIT X8-1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
New York:			
Albany	District Office	16 Park St	12207
	Hearings and Appeals	11 North Pearl St	12207
Auburn	do	2 Easterly Ave	13021
Batavia	do	17 Masse Pl	14020
Binghamton	do	107 Chenango St	13902
Bronx	do	1990 Westchester Ave	10462
	do	2359 Jerome Ave	10468
	do	151 East 151st St	10451
	do	333 Ave. X	11223
	do	345 Adams St., Strongin Bldg	11201
	do	790 Broadway	11206
	do	280 Moffatt St	11207
	do	135 East 22d St	11226
	Branch Office	1029 East 163d St	10459
Buffalo	District Office	120 West Mohawk St	14202
	Hearings and Appeals	220 Delaware Ave	14202
Corning	District Office	11 East Pulteney St	14832
Elmira	do	152 Baldwin St	14901
Flushing	do	136-59 37th Ave	11354
	Payment Center	9605 Horace Harding Expressway	11368
Freeport	District Office	59 North Main St	11520
Geneva	do	360 Exchange St	14456
Glens Falls	do	65 Bay St	12801
Gloversville	do	52 South Main St	12078
Hudson	Branch Office	419 Warren St	12534
Huntington	District Office	740 Walt Whitman Rd	11746
Ithaca	Branch Office	113 South Cayuga St	14850
Jackson Heights	District Office	77-14 Roosevelt Ave	11372
Jamaica	do	165-15 88th Ave	11432
	Hearings and Appeals	89-31 161st St	11432
Jamestown	District Office	Prendergost Ave. and Second St., Federal Bldg	14701
Kenmore	do	3660 Delaware Ave	14217
Kingston	do	57 Albany Ave	12401
Mineola	do	1505 Kellum Pl	11501
New Rochelle	do	70 Church St	10805
New York City	do	39 Broadway	10006
	do	1657 Broadway	10019
	do	230 West 125th St	10027
	do	4292 Broadway	10033
	do	2728 Eighth Ave	10030
	Branch Office	26 Federal Plaza	10007
	Hearings and Appeals	26 Federal Plaza	12550
Newburgh	District Office	473 Broadway	10956
New City	do	2 Congers Road	14301
Niagara Falls	do	1300 Pine Ave	13669
Ogdensburg	do	306 Catherine St., Post Office Box 579	14760
Olean	do	153 North Union St., Post Office Box 406	13820
Oneonta	do	116 Main Street	13126
Oswego	do	East First and Bridge Sts., Midtown Center	11772
Patchogue	do	75 Oak St	12902
Plattsburgh	do	19-25 Elm St	12602
Poughkeepsie	do	33 Academy St	14604
Rochester	do	107 Clinton Ave., North	12305
Schenectady	do	580 Franklin St	10310
Staten Island	do	595 Forest Ave	13203
Syracuse	do	840 James St	12180
Troy	do	25 Third St	13501
Utica	do	287 Genesee St	13601
Watertown	do	88 Public Square, Post Office Box 440	10601
White Plains	do	200 Mamaroneck Ave	10701
Yonkers	do	45 South Broadway	
North Carolina:			
Asheville	do	50 South French Broad Ave., Plateau Bldg	28801
Burlington	Branch Office	408 Spring St., Post Office Box 1998	27215
Charlotte	District Office	2923 East Independence Blvd	28205
	Branch Office	407 North Tryon St	28202
	Hearings and Appeals	517 Insurance Lane	28204
Durham	District Office	2022 Guess Rd., Post Office Box 2507	27705
Elizabeth City	Branch Office	401 South Dyer St	27909

EXHIBIT X8-1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
North Carolina—Continued			
Fayetteville	District Office	301 Green St., Federal Bldg., Post Office Box 8	28301
Gastonia	do	1320 East Franklin Ave., Post Office Box 3897	28052
Goldsboro	do	311 East Walnut St., Post Office Box 8	27530
Greensboro	do	324 West Market St., Post Office Box 3468	27402
Greenville	do	205 Boyd Ave	27834
Hickory	do	25 First Ave., NE	28601
High Point	do	422 North Wreen St., Post Office Box 231	27261
Kinston	Branch Office	810 West Vernon St., Post Office Box 3269	28501
Lumberton	do	500 Chestnut St., Post Office Box 1403	28358
New Bern	District Office	308 New St., Post Office Box 1250	28560
North Wilkesboro	Branch Office	309 Ninth St	28659
Raleigh	District Office	1122 Hillsboro St	27603
	Hearings and Appeals	1330 Saint Mary's St	27605
Roanoke Rapids	Branch Office	1100 Roanoke Ave., Post Office Box 10	27870
Rockingham	do	221-223 South Hancock St., Post Office Box 1195	28379
Rocky Mount	District Office	226 Hill St., Post Office Box 1140	27802
Salisbury	do	105 Corriher Ave	28144
Statesville	Branch Office	122 Court St., Post Office Box 1459	28677
Wilmington	District Office	14 South 16th St., Post Office Box 3067	28401
Winston-Salem	do	533 North Spring St., Post Office Box 599	27102
North Dakota:			
Bismarck	do	Federal Bldg., Post Office Box 918	58501
Fargo	do	408 Roberts St., Post Office Box 1348	58102
Grand Forks	do	401 DeMers Ave., Post Office Box 1678	58201
Minot	do	100 First St. SW., Federal Bldg	58701
Ohio:			
Akron	do	340 South Broadway, IBM Bldg	44308
	Branch Office	469 Wooster Ave	44307
Ashtabula	District Office	4314 Main Ave	44004
Canton	do	1020 Market Ave	44702
Chillicothe	do	606 Central Center	45601
Cincinnati	do	550 Main St	45202
	do	7985 Reading Rd	45237
	Hearings and Appeals	550 Main St	45202
Cleveland	District Office	1240 East 9th St., Federal Office Bldg	44199
	do	10613 Euclid Ave	44106
	do	2012 West 25th St	44113
Cleveland	Branch Office	10311 Saint Clair Ave	44108
	do	5405 Superior Ave	44103
	do	3420 East 93d St	44104
	Hearings and Appeals	1240 East Ninth St	44114
Columbus	District Office	170 North High St	43215
	Hearings and Appeals	33 North High St	43215
Dayton	District Office	333 West First St., Herman Miller Bldg	45402
Defiance	do	Fifth St. and Clinton Ave., First Federal Bldg	43512
East Liverpool	do	740 Dresden Ave., Post Office Box 776	43920
Findlay	do	337 East Lincoln St	45840
Hamilton	do	211 South Front St	45011
Lancaster	Branch Office	212 South Broad St., Federal Bldg	43130
Lima	District Office	640 West Market St	45802
Lorain	do	203 Eighth St	44052
Mansfield	do	165 West Third St., Post Office Box 506	44901
Marietta	do	331 Fourth St., Post Office Box 644	45750
Marion	do	126 South Main St	43302
New Philadelphia	do	172 West High Ave., Post Office Box 112	44663
Newark	do	15 West Locust, St	43055
Piqua	do	219 West Ash St	45356
Portsmouth	do	923 Findlay St., Post Office Box 1259	45662
Sandusky	do	200 Hancock St	44870
Springfield	do	15 East Pleasant St	45501
Steubenville	do	630 Market St	43952
Toledo	do	234 Summit St., Federal Bldg	43604
Warren	do	558 High St. NE., Post Office Box 1349	44482
Wooster	Branch Office	413 West Liberty St	44691
Youngstown	District Office	207 West Federal St	44503
Zanesville	do	3089 Maple Ave	43701

EXHIBIT XS–1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Oklahoma:			
Ada	Branch Office	306 East 12th St., Post Office Box 1258	74820
Ardmore	District Office	301 West Main St., Post Office Box 189	73401
Bartlesville	Branch Office	548 Southeast Washington St., Post Office Box 3191	74003
Clinton	do	2124 Gary Freeway, Post Office Box 318	73601
Enid	District Office	2003 Lahoma Rd., Post Office Box 3027	73701
Lawton	do	615 West B Ave., Post Office Box 308	73501
McAlester	do	109 East Washington, Post Office Box 988	74501
Muskogee	do	505 West Okmulgee, Post Office Box 678	74401
Oklahoma City	do	24th and North Walker, Post Office Box 60489	73106
	Hearings and Appeals	3d and North Robinson	73106
Ponca City	Branch Office	222½ East Grand, Post Office Box 1300	74601
Shawnee	do	1500 North Kickapoo	74801
Tulsa	District Office	333 West Fourth St., Federal Bldg	74103
Oregon:			
Coos Bay	Branch Office	259 North Broadway, Post Office Box 270	97420
Eugene	District Office	640 High St., Post Office Box 1337	97401
Klamath Falls	do	1020 Pine St., Post Office Box 549	97601
La Grande	do	1802 Fourth St., Post Office Box 1027	97850
Medford	do	1017 North Riverside, Post Office Box 876	97501
Portland	do	1221 12th St. SW	97205
	do	16145 East Burnside St	97233
	Hearings and Appeals	430 Southwest Morrison St	97204
Roseburg	Branch Office	803 Southeast Stephens, Post Office Box 336	97470
Salem	District Office	702 Church St. NE., Post Office Box 149	97308
Pennsylvania:			
Allentown	do	123–131 North 13th St	18102
Altoona	do	1113 17th St	16603
Ambridge	do	339 Merchant St	15003
Bristol	do	1502–04 Farragut Ave	19007
Butler	do	401 South Main St	16001
Chambersburg	do	14 North Main St	17201
Chester	do	Fifth and Market Sts	19013
Du Bois	do	120 North Brady St	15801
Easton	do	204 Northampton St	18042
Erie	do	1001 State St	16501
Greensburg	do	101 North Main St	15601
Harrisburg	do	Federal Square Bldg., Post Office Box 1227	17108
Hazleton	do	21 East Broad St	18201
Indiana	do	521 Philadelphia St	15701
Johnstown	do	Federal Bldg., Locus St. Entrance	15901
Lancaster	do	225 West King St	17603
Lebanon	Branch Office	840 Willow St	17042
McKeesport	District Office	411 Sixth Ave	15132
New Castle	do	28 North Mill St	16101
New Kensington	do	707 Fifth Ave	15068
Norristown	do	55 East Marshall St	19401
Oil City	do	311 Seneca St	16301
Philadelphia	do	1319 Filbert St	19107
	do	5716 Greene St	19144
	do	4739 Frankford Ave	19124
	do	5131 Chestnut St	19139
	Branch Office	1246 North Broad St	19121
	do	3701 North Broad St	19140
	do	2952 North 22d St	19132
	Hearings and Appeals	1015 Chestnut St	19107
	Payment Center	401 North Broad St	19108
Pittsburgh	District Office	915 Penn Ave	15222
	do	121 South Highland Ave., Highland Bldg	15206
	Hearings and Appeals	1000 Liberty Ave	15222
Pottsville	District Office	201 East Arch St	17901
Reading	do	533 Penn St	19601
Scranton	do	North Washington Ave. and Linden St., U.S. Post Office Bldg.	18501
Sharon	do	817 East State St., Post Office Box B	16146
State College	do	346 East College Ave., Post Office Box 18	16801
Sunbury	do	230–A Market St., Post Office Box 266	17801
Uniontown	do	50 West Main St	15401
Upper Darby	Branch Office	6801 Ludlow St	19082
Washington	District Office	365 Jefferson Ave	15301
West Chester	do	High and Market Sts., Farmers and Mechanics Bldg	19380
Wilkes-Barre	do	19 North Main St., Veterans Administration Bldg	18701
	Hearings and Appeals	19 North Main St	18701
Williamsport	District Office	140 West Third St	17701
York	do	229 South George St	17403

EXHIBIT XS–1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Puerto Rico and Virgin Islands:			
Arecibo	District Office	521 Rotarios Ave., Post Office Box 675	00613
Bayamon	do	Calle Marti No. 19	00619
Caguas	do	Baldorioty St. and Vizcarrondo, Post Office Box 1145	00626
Mayaguez	do	96 McKinley St., Post Office Box 1830	00709
Ponce	do	104 Atocha St., Post Office Box 2113	00732
San Juan	do	GPO San Juan, P.R., Post Office Box 2468	00936
	Hearings and Appeals	255 Ponce de neon Ave., Post Office Box 4506	00936
Santurce	do	605 Condado Ave	00908
St. Thomas	Branch Office	22 Crystal Glade, Post Office Box 118	00801
Rhode Island:			
Pawtucket	District Office	737 Central Ave	02861
Providence	do	200 Dyer St	02903
Woonsocket	do	Monument Square, Stadium Bldg	02895
South Carolina:			
Anderson	do	114 West Greenville St	29621
Bennettsville	Branch Office	124 South Liberty St	29512
Charleston	District Office	334 Meeting St., Post Office Box 2306	29403
Columbia	do	1813 Main St	29201
	Hearings and Appeals	901 Sumter St	29201
Conway	Branch Office	905 Third Ave	29526
Florence	District Office	237 South Warley St	29501
Georgetown	Branch Office	105 Screven St., Post Office Box 539	29440
Greenville	District Office	300 East Washington St., Post Office Drawer 10187	29603
	Hearings and Appeals	419 North Main St	29601
Greenwood	District Office	219 Magnolia Ave., Post Office Box 519	29647
Orangeburg	Branch Office	314 St. John St., Post Office Box 427	29115
Rock Hill	District Office	226 Hampton St., Post Office Box 431	29730
Spartanburg	do	141 Alabama St., Post Office Box 3127	29302
Sumter	Branch Office	101 South Main St., Post Office Box 1253	29151
South Dakota:			
Aberdeen	District Office	Post Office Bldg., Post Office Box 1360	57401
Huron	do	334 Third St. SW., Post Office Box 839	57350
Rapid City	do	916 Main St	57701
Sioux Falls	do	512 South Dakota Ave	57102
Tennessee:			
Chattanooga	do	1401 McCallie Ave., Post Office Box 991	37401
	Hearings and Appeals	West Ninth St	37402
Clarksville	Branch Office	Second and Legion Sts., Federal Bldg	37040
Cleveland	do	Village Shopping Center	37311
Columbia	District Office	601 North High St., Post Office Box 999	38402
Cookeville	do	412 East Spring St., Post Office Box 699	38502
Dyersburg	do	Church and McGaughy Sts., Post Office Box 930	38024
Greeneville	Branch Office	212–216 East Depot St., Post Office Box 241	37743
Jackson	District Office	Post Office Bldg., Post Office Box 2507	38301
Johnson City	do	325 West Walnut St	37601
Kingsport	Branch Office	Parkway Plaza Shopping Center	37660
Knoxville	District Office	1015 North Central Ave., Post Office Drawer 3447	37917
	Hearings and Appeals	301 West Cumberland Ave	37902
La Follette	Branch Office	511 East Central St., Post Office Box 1470	37766
Memphis	District Office	167 North Main St., Federal Office Bldg	38103
	Branch Office	1795 South Third St	38109
Morristown	do	201 East Main St., Post Office Drawer 688	37814
Murfreesboro	do	103 West Sevier St., Post Office Box 1233	37130
Nashville	District Office	1600 Hayes St	37203
	Branch Office	1041 28th Ave. North	37208
	Hearings and Appeals	1717 West End Ave	37203
Paris	Branch Office	1005 East Wood St., Post Office Box 108	38242
Tullahoma	do	W. Lincoln St., Post Office Box 817	37388
Texas:			
Abilene	District Office	North Third and Pine Sts., Post Office Box 3258	79604
Amarillo	do	1006 Adams St	79101
Austin	do	631 Barton Spring Rd	78704
Beaumont	do	485 North 15th St., Post Office Box 5306	77706
Big Spring	do	1009 Gregg St	79720
Brownsville	do	910 East Washington St., Post Office Box 1351	78520
Brownwood	Branch Office	315 North Center Ave, Post Office Box 700	76801
Bryan	District Office	307 South Main St., Post Office Box 873	77801
Corpus Christi	do	1802 South Staples St., Post Office Box 3606	78404
Corsicana	Branch Office	415 North 12th St., Post Office Box 1481	75110

EXHIBIT XS–1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Texas—Continued			
Dallas	District Office	3716 Rawlins St., Post Office Box 6556	75219
	Branch Office	3015 Oakland Ave	75215
	do	Lancaster-Kiest Shopping Center	75216
	do	Singleton Blvd. and Hampton Rd	75212
	Hearings and Appeals	311 South Akard St	75202
Eagle Pass	Branch Office	338 Monroe St., Post Office Box 1203	78852
El Paso	District Office	3211 Yandell Dr., Post Office Box 3246	79923
Fort Worth	do	819 Taylor St., Federal Office Bldg	76102
	Hearings and Appeals	819 Taylor St	76102
Galveston	District Office	1419 Tremont St	77550
Greenville	Branch Office	Corner of Wesley and Lee Sts., Post Office Box 1137	75401
Houston	District Office	515 Rusk Ave., Post Office Box 61229	77061
	Hearings and Appeals	515 Rusk Ave., Post Office Box 61529	77061
Laredo	District Office	700 San Augustine Ave., Post Office Box 389	78041
Longview	do	108 East South St., Post Office Box 871	75603
Lubbock	do	3428 Avenue H, Family Park Shopping Center	79404
Lufkin	do	Chestnut Village Shopping Center, Post Office Box 908	75901
McAllen	do	504 South 12th, Post Office Box 1180	78501
Odessa	do	700 East Grant St	79760
Palestine	Branch Office	611 East Lacey	75801
Pasadena	District Office	1416 East Southmore Ave., Post Office Box 3009	77502
Plainview	Branch Office	1401B West Fifth, Post Office Box 1989	79072
Paris	District Office	1220 Clarksville St., Crowley Hill Bldg	75460
Pampa	Branch Office	400 West Kingsmill St	79065
Port Arthur	District Office	Austin and 5th Sts., Post Office Box 1427	77641
San Angelo	do	3000 West Harris Ave	76901
San Antonio	do	300 Dwyer Ave., Federal Office Bldg	78204
	Branch Office	5111 West Commerce St	78237
Sherman	District Office	810 North Travis, Post Office Box 848	75091
Temple	do	210 West Central Ave., Post Office Box 428	76501
Texarkana	do	121 College Dr., Post Office Box 1319	75501
Tyler	do	105 West Front St., Post Office Box 3427	75701
Vernon	Branch Office	1728 Fannin St., Post Office Box 1417	76384
Victoria	District Office	312 South Main St., Post Office Box 2268	77903
Waco	do	3326 Franklin Ave., Post Office Box 299	76703
Wichita Falls	do	Lamar and Tenth Sts., Post Office Box 1650	76307
Utah:			
Ogden	do	304 25th St., Federal Bldg	84401
Provo	do	170 North Second West, Post Office Box 948	84601
Salt Lake City	do	231 East Fourth South St	84111
Vermont:			
Burlington	do	11 Elmwood Ave	05401
Montpelier	do	87 State St	05601
Rutland	do	24 Evelyn St	05701
Virginia:			
Arlington	Central Office, Hearings and Appeals	801 North Randolph St., Ballston Tower No. 2	22203
Alexandria	District Office	825 South Washington St., Post Office Box 118	22313
Bristol	do	2105 Euclid Ave	24201
Charlottesville	do	2140 Barracks Rd., Post Office Box 5126	22903
Covington	do	433 W. Main St., Post Office Box 57	24426
Danville	do	Arnett Blvd	24540
Lynchburg	do	2060 Memorial Ave., Post Office Box 2247	24501
Newport News	do	8001 Marshall Ave	23605
Norfolk	do	220 West Brambleton Ave	23510
Norton	Branch Office	46 Seventh St	24273
Petersburg	District Office	200 North Sycamore St., Post Office Box 629	23804
Richmond	do	400 North Eighth St	23240
	Branch Office	1829 Creighton Rd	23223
	Hearings and Appeals	400 North 8th St	23240
Roanoke	District Office	306 West Campbell Ave	24016
Roanoke	Hearings and Appeals	920 South Jefferson St	24016
Staunton	District Office	119 West Frederick St., Post Office Box 1020	24401
Winchester	do	20 South Cameron St., Post Office Box 436	22601
Wytheville	Branch Office	440 West Franklin St	24382

EXHIBIT XS–1—Continued

SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES—continued

	Type of office	Address	ZIP code
Washington:			
Aberdeen	District Office	309 East Market St	98520
Bellingham	do	Magnolia and Cornwall Sts	98225
Bremerton	do	801 11th St., Post Office Box 29	98310
Everett	do	1410 Broadway	98201
Longview	Branch Office	1418 15th Avenue, Post Office Box 1235	98632
Olympia	District Office	1007 South Washington St., Post Office Box 608	98501
Pasco	Branch Office	1800 North Chase Ave., Post Office Box 2488	99302
Seattle	District Office	230 Fairview Ave	98109
	Hearings and Appeals	1319 Second Ave	98101
Spokane	District Office	West 920 Riverside Ave	99201
Tacoma	do	1016 South L St	98405
Vancouver	do	500 West 12th St., Post Office Box 249	98660
Walla Walla	do	335 South Second St., Post Office Box 947	99362
Wenatchee	do	606 North Chelan St., Post Office Box 428	98801
Yakima	do	101 North Sixth Ave., Post Office Box 2188	98902
West Virginia:			
Beckley	do	110 Howe St., Post Office Box Y	25801
Bluefield	do	Federal St., Post Office Box 4278	24701
Charleston	do	1206 Quarrier St., Post Office Box 1788	25326
	Hearings and Appeals	500 Quarrier St	25301
Clarksburg	District Office	722 West Pike St	26301
Huntington	do	1415 Sixth Ave., Post Office Box 2165	25722
	Hearings and Appeals	1011 Sixth Ave	25701
Logan	District Office	417 Main St	25601
Martinsburg	Branch Office	126 East Martin St., Post Office Box 737	25401
Morgantown	District Office	9 South High St	26505
Parkersburg	do	963 Market St., Post Office Box 1947	26101
Welch	do	20 McDowell St., Post Office Box 669	24801
Wheeling	do	11th and Chapline Sts	26003
Wisconsin:			
Appleton	do	Courthouse Annex, Post Office Box 528	54911
Eau Claire	do	715 South Barstow St., Post Office Box 930	54701
Fond Du Lac	do	73 East First St., Post Office Box 1196	54935
Green Bay	do	325 East Walnut St	54301
Janesville	do	306–08 West Milwaukee St., Post Office Box 729	53546
Kenosha	do	2002–63d St., Post Office Box 549	53140
La Crosse	do	149 South Sixth St., Post Office Box 856	54601
Lancaster	Branch Office	126 South Madison St	53813
Madison	District Office	2825 University Ave	53705
Marinette	Branch Office	801 Wells St	54143
Milwaukee	District Office	342 North Water St	53202
	do	4331 West Oklahoma Ave	53219
	Hearings and Appeals	161 West Wisconsin Ave	53203
Oshkosh	District Office	424 Washington Ave	54901
Racine	do	603 Main St	53401
Sheboygan	do	607 North Eighth St	53081
Superior	do	1810 Belknap St., Post Office Box 196	54880
Waukesha	do	716 North Barstow St., Post Office Box 338	53186
Wausau	do	119 Scott St., Post Office Box 988	54401
Wisconsin Rapids	do	140 Johnson St., Post Office Box 848	54494
Wyoming:			
Casper	do	606 South David St., Post Office Box 1771	82601
Cheyenne	do	2120 Capitol Ave., Post Office Box 948	82001
Rock Springs	do	516 Broadway, Post Office Box 1230	82901

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: April 23, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69–5288; Filed, May 5, 1969; 8:45 a.m.]

Office of the Secretary

FEE SCHEDULE FOR SEARCHING FOR RECORDS

Public Information

Notice is hereby given of the following fee schedule for searching for records maintained in the Office of the Secretary, Department of Health, Education, and Welfare, reproduction of a record, certification thereof, and forwarding:

It is the policy of the Department to provide routine information to the general public at no charge. Special informational services involving more than routine investigation and allocation of staff time are subject to fees in such amounts as to recover costs to the Government of providing such services. Charges will therefore be made for the following special services:

1. Search for records—$3 per hour.
2. Reproduction, duplication or copying of records—25 cents per page.
3. Certification or authentication of records—$5 per certification.
4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Dated: April 15, 1969.

JAMES FARMER,
Assistant Secretary for Administration.

[F.R. Doc. 69-5392; Filed, May 5, 1969; 8:47 a.m.]

MOTOR VEHICLE POLLUTION CONTROL

California State Standards; Waiver of Application of Section 208, Clean Air Act, As Amended

On February 19, 1969, the Commissioner, National Air Pollution Control Administration, by notice published in the FEDERAL REGISTER (34 F.R. 2367), called a public hearing pursuant to section 208(b) of the Clean Air Act, as amended (42 U.S.C. 1857f-6a(b)) concerning the action proposed to be taken by him which was set out in the notice as follows:

> Now, therefore, I hereby give notice that the State of California has requested a public hearing, as required by the statute, and waiver of the application of the prohibitions of section 208(a). Pursuant to section 208(b) of the Air Quality Act of 1967, I hereby give notice of a public hearing on this request to be held in Los Angeles, Calif., at the Customs Courtroom, 300 North Los Angeles Street on Tuesday, March 4, 1969, commencing at 10 a.m., P.s.t.

The public hearing was held in Los Angeles, Calif., on March 4, 5, and 6, 1969. The record of the public hearing was kept open until March 28, 1969, for the submission of written material, data, or arguments by interested persons and for further action by the California Air Resources Board concerning the State Standards and enforcement procedures with respect to which a waiver of section 208(a) was requested.

Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I find that:

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles and new motor vehicle engines;

2. The State of California requires standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions;

3. The California State Standards and related enforcement procedures set out below and applicable as therein indicated are more stringent than the applicable Federal standards and are required to meet such compelling and extraordinary conditions;

4. Except as hereinafter provided, such standards and related test procedures (and accompanying enforcement procedures) as adopted by the State of California are consistent with section 202(a) of the Clean Air Act, as amended, i.e., appropriate consideration was given to technological feasibility and economic costs, and emissions subject to control by such standards cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons; and

5. The California Legislature, assisted by a Technical Advisory Panel comprised of nine experts drawn from industry, universities and the Air Pollution Control Agencies of California, gave appropriate consideration to the existing technology of motor vehicle emission control and its economic costs, and concluded that existing technology at reasonable cost is available to meet the standards for 1971 and concluded further that the technology is such that it is reasonable to expect the levels of control prescribed for future years, including simultaneous control of oxides of nitrogen, hydrocarbons, and carbon monoxide, will be achievable at reasonable costs within time to satisfy the progressively more stringent standards as they become applicable for new model motor vehicles.

Now, therefore, I hereby waive the application of section 208(a) to the State of California with respect to the following identified State Standards and related enforcement procedures:

1. Provisions of Part 1, Division 26, Health and Safety Code, West Annotated California Codes, as amended by Chapter 764, California Laws 1968, Assembly Bill No. 357, approved July 25, 1968:

(a) Section 39101 (Exhaust emission standards for 1970 model year gasoline-powered motor vehicles under 6,001 pounds, manufacturer's maximum gross vehicle weight rating).

(b) Section 39101.5 (Exhaust emission standards for 1971 model year gasoline-powered motor vehicles under 6,001 pounds, manufacturer's maximum gross vehicle weight rating).

(c) Section 39102 (Exhaust emission standards for 1972 and later model year gasoline-powered motor vehicles under 6,001 pounds, manuacturer's maximum gross vehicle weight rating).

(d) Section 39102.5 (Oxides of nitrogen exhaust emission standards for 1974 and later model year gasoline-powered motor vehicles under 6,001 pounds, manufacturer's maximum gross vehicle weight rating).

(e) Section 39104 (Exhaust emission standards for 1970 and 1971 model year gasoline-ppwered motor vehicles over 6,001 pounds, manufacturer's maximum gross vehicle weight rating).

(f) Section 39105 (Exhaust emission standards for 1972 and later model year gasoline-powered motor vehicles over 6,001 pounds, manufacturer's maximum gross vehicle weight rating).

(g) Section 39106 (Fuel evaporative emission standards for 1970 and later model year gasoline-powered motor vehicles under 6,001 pounds, manufacturer's maximum gross vehicle weight rating).

2. Test Procedures:

(a) California Exhaust Emission Standards and Test Procedures for 1970-Model Gasoline-Powered Motor Vehicles Under 6,001 Pounds Gross Vehicle Weight dated November 20, 1968: *Provided*, That due to considerations of technological feasibility, this waiver for such standards shall not become applicable with respect to off-road utility vehicles (as defined at 45 CFR 85.1(a)(6), 33 F.R. 8305) until April 30, 1970, and not thereafter with respect to such off-road utility vehicles unless provision is made for calculating emissions of hydrocarbons and carbon monoxide equivalent to that provided at 45 CFR 85.87(g)(3), 33 F.R. 8315.

(b) California Exhaust Emission Standards and Test Procedures for 1971 and Subsequent Model Gasoline-Powered Motor Vehicles Under 6,001 Pounds Gross Vehicle Weight dated November 20, 1968: *Provided*, That due to considerations of technological feasibility, this waiver for such standards shall not become applicable with respect to off-road utility vehicles (as defined at 45 CFR 85.1(a)(6), 33 F.R. 8305) unless provision is made for calculating emissions of hydrocarbons and carbon monoxide equivalent to that provided at 45 CFR 85.87(g)(3), 33 F.R. 8315.

(c) California Fuel Evaporative Emission Standards and Test Procedures for 1970 and Subsequent Model Gasoline-Powered Motor Vehicles Under 6,001 Pounds Gross Vehicle Weight dated November 20, 1968: *Provided*, That due to considerations of technological feasibility, this waiver for such standards shall not become applicable with respect to off-road utility vehicles (as defined at 45 CFR 85.1(a)(6), 33 F.R. 8305) until April 30, 1970.

(d) California Exhaust Emission Standards and Test Procedures for 1970 and Subsequent Model Year Gasoline-Powered Motor Vehicles Over 6,001 Pounds Gross Vehicle Weight dated November 20, 1968.

This waiver is applicable only with respect to the model years specified as defined in the applicable test procedures.

Copies of the standards and procedures may be obtained from the California Air Resources Board, 1400 10th Street, Sacramento, Calif. 95814.

Dated: May 2, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-5456; Filed, May 5, 1969; 9:11 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-47]

SECRETARY OF DEFENSE

Delegation of Authority To Represent Customer Interest in Water Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a water service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Utility Commission of the city and county of San Francisco in a proceeding involving water service rates in the city and county of San Francisco, Calif.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 29, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-5367; Filed, May 5, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

APRIL 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 30, 1969, through May 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5380; Filed, May 5, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

APRIL 30, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 1, 1969, through May 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5381; Filed, May 5, 1969; 8:46 a.m.]

[812-2483]

FIFTH AVENUE COACH LINES, INC.

Notice of Filing of Application for Exemption

APRIL 29, 1969.

Notice is hereby given that Fifth Avenue Coach Lines, Inc. ("Fifth"), 132 Nassau Street, New York, N.Y., a New York corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 with respect to certain proposed transactions incident to an agreement dated March 31, 1969 ("Agreement") between Fifth and El-Tronics, Inc. ("El-Tronics"). The application requests an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act the proposed purchase by El-Tronics from Fifth of all of the latters' holdings of 36,132 shares of Class B common stock ("Class B stock") of Defiance Industries, Inc. ("Defiance") and the proposed cancellation by El-Tronics of an option, more fully described below, to acquire from Fifth shares of Defiance Class B stock. The application also requests an order granting said application pursuant to Rule 17d-1 with respect to the proposed participation by El-Tronics with Fifth in such transaction. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The parties. El-Tronics owns 106,282 shares (7.25 percent) of the Class B stock of Defiance, an Ohio corporation which is engaged in various manufacturing and other businesses and which also has the following interests in Defiance. Defiance owns 32 percent of the outstanding voting securities of BSF Co. ("BSF"), a registered investment company. BSF owns 9.1 percent of the outstanding common stock of Fifth and 27 percent of the outstanding common stock of Gray Line Corp. ("Gray Line"), which, in turn, owns about 24 percent of the outstanding common stock of Fifth. Based upon these relationships and in accordance with the provisions of section 2(a)(3) of the Act, El-Tronics is an affiliated person of an affiliated person (Defiance) of Fifth, a registered investment company.

Fifth and El-Tronics do not have any common officers or directors; and as of February 20, 1969, El-Tronics did not own any stock of Fifth. Pursuant to a judgment of the U.S. District Court for the Southern District of New York dated August 12, 1968, in Securities and Exchange Commission v. Fifth Avenue Coach Lines, Inc. (67 Civ. 4182), S. Hazard Gillespie, Esq. was appointed Trustee-Receiver ("Trustee") of Fifth. By order of the District Court dated February 7, 1969, the Trustee has been authorized to enter into the Agreement referred to below and to consummate the transactions described therein.

Background. The judgment of the District Court mentioned above held that Fifth has been an investment company as defined in the Act since June 30, 1967. On October 2, 1968, Fifth registered as an investment company under the Act by filing a Notification of Registration on Form N-8A. On June 5, 1968, subsequent to the date on which it became an investment company and prior to the date it registered as such under the Act, Fifth sold an option to three individuals for $12,044, which option entitled the holder thereof to purchase from Fifth 24,088 shares of Defiance Class B stock at any time within 9 months at a price of $11 a share. The purchasers of such option were three individuals who were officers of First Hanover Corp., a registered broker-dealer. As a result of a 3 for 2 stock distribution by Defiance the number of Defiance shares subject to the option increased to 36,132 (equal to the number of shares involved in the proposed transaction) and the call price decreased to $7.33 per share. Although the purchasers of the option by letter dated July 17, 1968, notified Fifth of their election to exercise the option, Fifth has not sold to them the Defiance shares covered by the option.

On October 9, 1968, El-Tronics purchased the call option from the original purchasers for $12,044.

Defiance has commenced an action in the U.S. District Court for the Northern District of Ohio—Western Division, in which Fifth, El-Tronics, First Hanover Corp. and its officers referred to above and others have been named as party defendants. Included in the relief sought by Defiance in such action is a request for an order of the court voiding the call option sold by Fifth on June 5, 1968, on the grounds that such sale was consummated in connection with Fifth's participation in a joint transaction (within the meaning of section 17(d) of the Act and Rule 17d–1 thereunder) involving an affiliated and controlling person of Fifth and others which is designed to assist a certain group of persons to obtain control of Defiance; that such affiliated and controlling person of Fifth induced the latter to sell the option and that such person together with others sold 63,132 shares of Defiance voting stock to First Hanover Corp.; and that the requisite prior Commission approval of the joint transaction was not sought or obtained.

The agreement. Pursuant to the Agreement, the option is to be canceled by El-Tronics; and Fifth is to sell to El-Tronics all the Defiance shares covered by the call option but at a substantially higher price than the exercise price provided in the call option.

Pursuant to the Agreement Fifth will sell and El-Tronics will purchase 36,132 shares of Class B stock of Defiance for an aggregate consideration of $445,025.80; and El-Tronics will cancel the call option and agree to indemnify Fifth against any loss arising out of claims relating to the option. The application states that the sale-purchase price was arrived at by taking the average of the published per share bid and asked prices for Defiance Class B stock in the over-the-counter market for the period November 1, 1968, through January 20, 1969, which came to $12.65, and multiplying such figure by the number of Class B shares to be sold (36,132). From the product ($457,069.80) there was deducted $12,044, which was the amount El-Tronics paid for the call option it is to cancel. The proposed sale price of $445,025.80 has been deposited with an escrow agent and is to be turned over to Fifth at the closing.

If the 36,132 shares of Class B stock were to be sold by Fifth pursuant to the terms of the call option, Fifth would receive a total of $276,891.56, including the amount of $12,044 which it previously received upon the sale of the option.

The application indicates that on November 1, 1968, the American Stock Exchange suspended trading in the Class B shares and that since that time the Class B shares have been traded in the over-the-counter market.

Table I below sets forth on a quarterly basis the high and low prices of the Class B stock on the American Stock Exchange for the years 1966 and 1967 and for 1968 through October, as reported by the National Quotation Bureau. Table II below shows on a monthly basis the bid and asked quotations on Class B Stock in the over-the-counter market for the period November 1968 through February 1969 and also for the period March 1 through March 13, 1969, as reported by the National Quotation Bureau.

TABLE I

	High	Low
1966		
1st Quarter	17¾	5⅝
2d Quarter	17⅛	10⅜
3d Quarter	15⅜	9⅜
4th Quarter	13	8⅛
1967		
1st Quarter	12⅝	8⅝
2d Quarter	12⅜	9⅜
3d Quarter	12	9⅛
4th Quarter	10⅛	6⅝
1968		
1st Quarter	9⅜	8⅜
2d Quarter	12⅛	6⅜
3d Quarter	20⅝	11⅜
October	18	12⅛

TABLE II

	Asked		Bid	
	High	Low	High	Low
1968				
November	14¼	11	14	10½
December	14	12¼	13¾	12
1969				
January	13¼	11	12¾	10½
February	12⅞	11	12½	10⅛
March 1-13	12	10	11¾	9¼

Sections 17(a) and 17(b) of the Act provide, among other things, that it shall be unlawful for an affiliated person (El-Tronics) of an affiliated person (Defiance) of a registered investment company (Fifth) to purchase from such registered company any security or other property unless the Commission grants an application filed pursuant to section 17(b) of the Act exempting the proposed transaction, if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the proposed transaction is consistent with the policy of each registered investment company concerned; and that the proposed transaction is consistent with general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, to enter into any transaction in which such registered company or a company controlled by such company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d–1 has been granted by the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The Trustee, acting for Fifth, represents that the parties arrived at the terms of the proposed transaction through arms-length negotiations, are reasonable and fair, and do not involve overreaching on the part of any party concerned. The Trustee also believes that the proposed transaction is consistent with Fifth's investment policies, and that it is consistent with the provisions policies and purposes of the Act.

Notice is further given that any interested person may, not later than May 19, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fifth at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to Defiance Industries, Inc., 733 Perry Street, Defiance, Ohio 43512.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5378; Filed, May 5, 1969; 8:46 a.m.]

GULF AEROSPACE CORP.

Order Suspending Trading

APRIL 30, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Gulf Aerospace Corp., Houston, Tex., and all other securities of Gulf Aerospace Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 1, 1969, through May 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5383; Filed, May 5, 1969; 8:46 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

APRIL 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 30, 1969, through May 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5382; Filed, May 5, 1969; 8:46 a.m.]

[70–4747]

PENNSYLVANIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding and Issue of First Mortgage Bonds for Sinking Fund Purposes

APRIL 29, 1969.

Notice is hereby given that Pennsylvania Power Co. ("Pennsylvania"), 1 East Washington Street, New Castle, Pa. 16103, an electric utility subsidiary company of Ohio Edison Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $12 million principal amount of First Mortgage Bonds, ------ percent Series due 1999. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated November 1, 1945, between Pennsylvania and The First National City Bank, as successor Trustee, as heretofore amended and supplemented and to be further supplemented by a Seventh Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued.

The net proceeds from the sale of the bonds will be used for construction by Pennsylvania of plant additions; to reimburse the company treasury, in part, for expenditures made for such purposes; and for the payment of short-term promissory notes outstanding with banks at the time of the sale of the bonds. Pennsylvania states that, based on present estimates, such bank loans are expected to aggregate $4,200,000 at that time and that its expenditure requirements are estimated at $14,585,000 for 1969 and $23,154,000 for 1970.

Pennsylvania also proposes to issue $574,000 principal amount of its First Mortgage Bonds, 3¼ percent Series due 1982 ("Sinking Fund Bonds"), to the First National City Bank, as successor Trustee, under its Mortgage Indenture dated November 1, 1945, as amended and supplemented. The Sinking Fund Bonds are to be the same series as and identical in all respects with the bonds which were the subject of the order of the Commission dated November 5, 1968 (Holding Company Act Release No. 16154). The bonds will be authenticated by the Trustee and delivered to Pennsylvania on the basis of unfunded net property additions and will be surrended by Pennsylvania to the Trustee for cancellation in consideration of the return by the Trustee to Pennsylvania of a like amount of cash previously deposited under the sinking fund provisions of the Indenture. The cash so obtained will be applied towards Pennsylvania's cash requirements in 1969.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of the bonds and over the Sinking Fund Bonds and that such Commission's order will be supplied by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the issue and sale of the bonds will be supplied by amendment. The fees and expenses to be incurred in connection with the issue and delivery of the Sinking Fund Bonds are estimated at $1,200.

Notice is further given that any interested person may, not later than May 23, 1969, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5379; Filed, May 5, 1969; 8:46 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

APRIL 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 30, 1969, through May 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5384; Filed, May 5, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued

special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Overall Manufacturing Co., Inc., Scranton, Pa.; 4–12–69 to 4–11–70; 10 learners (men's work and dress trousers, overalls and jackets, and ladies' pants and shorts).

Ardmore Industries, Inc., Ardmore, Tenn.; 3–8–69 to 3–70–70 (men's and boys' pants).

The Arrow Co., Jasper, Ala.; 3–10–69 to 3–9–70 (men's dress shirts).

Banj-O Manufacturing, Inc., Scranton, Pa.; 3–15–69 to 3–14–70; 10 learners (men's, ladies' and boys' casual jackets).

Benjamin & Johnes, Inc., Dunn, N.C.; 3–3–69 to 3–2–70; 10 learners (foundation garments).

Michael Berkowitz Co., Inc., Frostburg, Md.; 3–5–69 to 3–4–70 (men's pajamas).

Berlin Manufacturing Co., Inc., Berlin Md.; 3–4–69 to 3–3–70; 10 learners (work pants and shirts).

Bishopville Manufacturing Co., Bishopville, S.C.; 3–18–69 to 3–17–70 (women's dresses).

Bland Sportswear, Inc., Bland, Va.; 4–4–69 to 4–3–70; 10 learners (children's polo shirts and jackets).

Blue Bell, Inc., Hanceville, Ala.; 3–3–69 to 3–2–70 (boys', men's and ladies' dungarees).

Blue Bell, Inc., Ada, Okla.; 4–7–69 to 4–6–70 (men's and women's jeans).

Burlington Manufacturing Co., Miami, Okla.; 3–4–69 to 3–3–70 (men's dungarees and men's and boys' jackets).

Capitol City Manufacturing Co., Inc., West Columbia, S.C.; 3–29–69 to 3–28–70 (women's dresses).

Carbondale Apparel Co., Carbondale, Pa.; 3–27–69 to 3–26–70 (children's dresses).

Carolina Sportswear Co., Warrenton, N.C.; 3–16–69 to 3–15–70 (men's and boys' knitted sportswear).

Carolina Underwear Co., Inc., Thomasville, N.C.; 3–16–69 to 3–15–70 (men's, children's and ladies' pajamas).

Charleston Manufacturing Co., Charleston Heights, S.C.; 3–18–69 to 3–17–70 (women's dresses).

College Casuals Co., Sheppton, Pa.; 4–6–69 to 4–5–70 (women's shorts and slacks).

Custom Sportswear, Inc., Reading, Pa.; 3–31–69 to 3–30–70 (women's and children's polo shirts).

Danville Manufacturing Co., Inc., Danville, Pa.; 3–14–69 to 3–13–70 (ladies' sleepwear).

Duquesne Manufacturing Co., New Kensington, Pa.; 4–1–69 to 3–31–70; 5 learners (ladies' dresses).

E & W of La Fayette, Inc., La Fayette, Ga.; 3–31–69 to 3–30–70 (men's work shirts).

E & W of Monterey, Inc., Monterey, Tenn.; 3–30–69 to 3–29–70 (boys' sport shirts).

East Waterford Textiles, East Waterford, Pa.; 4–3–69 to 4–2–70; 10 learners (ladies' dresses).

Edmonton Manufacturing Co., Greensburg, Ky.; 3–17–69 to 3–16–70; 10 learners (men's work shirts and pants).

Elder Manufacturing Co., Bloomfield, Mo.; 3–4–69 to 3–3–70 (boys' outerwear jackets).

Empire Manufacturing Co., Winder, Ga.; 4–17–69 to 4–16–70 (men's and boys' pants).

Federal Corset Co., Douglas, Ga.; 4–17–69 to 4–16–70 (ladies' girdles and brassieres).

Flintrock Shirt Co., Inc., Marshall, Ark.; 3–6–69 to 3–5–70 (men's dress and sport shirts).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; 4–7–69 to 4–6–70 (men's pajamas).

Fritz-Mar Manufacturing Co., Athens, Ga.; 3–8–69 to 3–7–70 (men's work pants).

Georgetown Dress Corp., Georgetown, S.C.; 4–17–69 to 4–16–70 (children's sportswear).

Granby Manufacturing Co., Granby, Mo.; 3–1–69 to 2–28–70 (men's trousers).

Granite Dress Corp., Fall River, Mass.; 4–7–69 to 4–6–70 (ladies' dresses).

Greer Shirt Corp., Greer, S.C., 4–13–69 to 4–12–70 (men's and boys' sport shirts).

Hagale Garment Manufacturing Co., Republic, Mo.; 4–6–69 to 4–5–70 (men's trousers).

Harbor Sportswear, Inc., East Chicago, Ind.; 4–17–69 to 4–16–70 (men's slacks).

Henson Garment Co., Athens, Ga.; 3–23–69 to 3–22–70 (men's and boys' dungarees).

Hicks Ponder Co., Del Rio, Tex.; 3–21–69 to 3–20–70 (men's and boys' jeans).

Edward Hyman Co., Prentiss, Mo.; 3–15–69 to 3–14–70 (men's work clothes).

Indiana Sportswear Co., Indiana, Pa.; 3–30–69 to 3–29–70 (men's and boys' outerwear jackets and coats).

Iolani Sportswear, Ltd., Honolulu, Hawaii; 4–9–69 to 4–8–70; 10 learners (men's sport shirts and women's dresses).

F. Jacobson & Sons, Inc., Seymour, Ind.; 3–6–69 to 3–5–70 (men's dress shirts).

Jaymar-Ruby, Inc., Michigan City, Ind.; 3–10–69 to 3–9–70 (men's slacks).

Justice Manufacturing Co., Inc., Spring Hope, N.C.; 3–3–69 to 3–2–70; 10 learners (children's dresses).

Kellwood Co., Sunbright, Tenn.; 3–1–69 to 2–28–70 (boys' sport shirts).

Kenrose Manufacturing Co., Buchanan, Va.; 3–9–69 to 3–8–70 (women's dresses).

W. Koury Co., Inc., Sanford, N.C.; 3–1–69 to 2–28–70 (men's and boys' pants).

The H. D. Lee Co., Inc., Jasper, Ga.; 4–1–69 to 3–31–70 (men's and boys' casual pants).

The H. D. Lee Co., Inc., Trenton, Ga.; 3–25–69 to 3–24–70 (work pants).

Lee County Manufacturing, Inc., Leesburg, Ga.; 4–8–69 to 4–7–70 (washable service apparel).

Don Leon Industries, Inc., El Paso, Tex.; 4–14–69 to 4–13–70; 10 learners (ladies' capris and shorts).

Loris Manufacturing Co. No. 2, Loris, S.C.; 3–31–69 to 3–30–70 (women's dresses and coordinates).

Lowenstein Dress-Corp., Fall River, Mass.; 3–8–69 to 3–7–70 (ladies' dresses).

Madill Manufacturing Co., Inc., Madill, Okla.; 4–7–69 to 4–6–70 (men's dress slacks).

The Manhattan Shirt Co., Americus, Ga.; 4–3–69 to 4–2–70 (men's dress shirts).

Mercer Clothing Manufacturing, Inc., Mercersburg, Pa.; 3–10–69 to 3–9–70; 5 learners (junior and misses' dresses).

Morgan Apparel, Inc., Wartburg, Tenn.; 3–1–69 to 2–28–70; 10 learners (men's work shirts).

Mullins Textile Mills Co., Chadbourn, N.C.; 3–27–69 to 3–26–70 (men's and boys' sport shirts).

Pajama-Craft of North Carolina, Inc., Middlesex, N.C.; 3–26–69 to 3–25–70; 10 learners (men's and boys' pajamas).

Pass Christian Industries, Inc., Pass Christian, Miss.; 3–17–69 to 3–16–70 (men's dress and sport shirts and ladies' blouses and shifts).

Peerless Sportswear Manufacturing Co., Wilkes-Barre, Pa.; 3–18–69 to 3–17–70 (women's slacks and shorts).

Pool Manufacturing Co., Sherman, Tex.; 4–10–69 to 4–9–70 (men's work clothing and men's sport shirts and slacks).

Prepshirt Manufacturing Corp., Greenville, N.C.; 4–15–69 to 4–14–70 (boys' sport and dress shirts).

Princess Peggy, Inc., Belleville, Ill.; 4–3–69 to 4–2–70 (women's dresses, playsuits, jumpsuits, and culottes).

Reidbord Brothers Co., Apollo, Pa.; 3–4–69 to 3–3–70 (men's and boys' pants).

Reidbord Brothers Co., Buckhannon, W. Va.; 3–7–69 to 3–6–70 (men's and boys' dress pants).

Reidbord Brothers Co. No. 1, Elkins, W. Va.; 3–21–69 to 3–20–70 (men's work clothes).

Reidbord Brothers Co. No. 2, Elkins, W. Va.; 3–11–69 to 3–10–70 (men's and boys' dress pants).

Jimmy Richard Co., Hawkinsville, Ga.; 4–8–69 to 4–7–70; 10 learners (men's and boys' lined jackets).

J. H. Rutter Rex Manufacturing Co., Inc., Columbia, Miss.; 3–30–69 to 3–29–70 (men's shirts and jeans and men's and boys' work shirts).

S & S Manufacturing Co., Spartanburg, S.C.; 3–30–69 to 3–29–70 (ladies' and children's blouses).

Salant & Salant, Inc., Obion, Tenn.; 3–28–69 to 3–27–70 (men's, boys' and girls' western jeans and misses' and girls' slacks).

Salant & Salant, Inc., Union City, Tenn.; 4–13–69 to 4–12–70 (men's work pants).

Sancar Corp., Harrisonburg, Va.; 3–30–69 to 3–29–70 (ladies' underwear).

Sanford Manufacturing Co., Wilkes-Barre, Pa.; 3–8–69 to 3–7–70 (ladies' slacks and men's and boys' pants).

School-Timer Frocks, Inc., North Charleston, S.C.; 3–4–69 to 3–3–70 (children's dresses).

Shane Manufacturing Co., Inc., Evansville, Ind.; 4–1–69 to 3–31–70 (men's work clothes).

Shutzer Manufacturing Co., Inc., Lawrence, Mass.; 4–17–69 to 4–16–70 (women's and boys' outerwear jackets).

Henry I. Siegel Co., Inc., Whiteville, Tenn.; 4–1–69 to 3–31–70 (men's, boys', ladies' and girls' pants).

Solomon Brothers Co., Camden, Ala.; 3–6–69 to 3–5–70 (men's sport shirts).

Solomon Brothers Co., Thomasville, Ala.; 3–6–69 to 3–5–70 (men's sport shirts).

Solomon Brothers Co., Toxey, Ala.; 3–6–69 to 3–5–70 (men's sport shirts).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 3–10–69 to 3–9–70 (men's pants).

Southland Manufacturing Co., Inc., Benson, N.C.; 3–31–69 to 3–30–70 (men's and boys' sport shirts).

Sportee Corporation of North Carolina, Clarkton, N.C.; 3–19–69 to 3–18–70 (ladies' blouses, capris, jamaicas, and slacks).

Levi Strauss & Co., Harrison, Ark.; 3–30–69 to 3–29–70 (men's and boys' pants).

Sunset Manufacturing Co., Inc., Pottstown, Pa.; 4–6–69 to 4–5–70 (ladies' dresses and uniforms).

Technical Investments doing business as Glick Manufacturing Co., Berryville, Ark.; 4–13–69 to 4–12–70 (boys' slacks, shorts, jackets, and coats).

Tom and Huck Togs, Inc., Columbus, Miss.; 4–2–69 to 4–1–70 (men's and boys' dress and sports pants).

Twin City Manufacturing Co., Twin City, Ga.; 3–7–69 to 3–6–70 (men's dress and sport shirts).

The Watson-Scott Co., Thomasville, Ga.; 3–15–69 to 3–14–70; 10 learners (work clothing).

Weaver Pants Co., Inc., Corinth, Miss.; 3–22–69 to 3–21–70 (men's and boys' slacks and bermudas).

Wentworth Manufacturing Co., Lake City, S.C.; 3–5–69 to 3–4–70 (women's dresses).

Whitakers Garment Co., Inc., Whitakers, N.C.; 3–26–69 to 3–25–70 (children's dresses).

Windon Manufacturing Co., Winona, Miss.; 4–7–69 to 4–6–70 (men's and boys' sport shirts).

Woolfolk Manufacturing Corp. No. 2, Bremo Bluff, Va.; 3–12–69 to 3–11–70; 10 learners (men's and boys' work and dress pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Arizona Slack Corp., Yuma, Ariz.; 3–12–69 to 9–11–69; 35 learners (men's dress slacks).

Gibson Manufacturing Co., Gibson, N.C.; 3–12–69 to 6–8–69; 40 additional learners (women's dresses) (supplemental certificate).

The H. D. Lee Co., Inc., Guntersville, Ala.; 4–18–69 to 10–17–69; 50 learners (boys' pants).

The H. D. Lee Co., Inc., Jasper, Ga.; 4–1–69 to 9–30–69; 50 learners (men's and boys' casual pants).

Oshkosh B'Gosh, Inc., Columbia, Ky.; 4–18–69 to 10–17–69; 25 learners (men's and boys' work clothing).

Russellville Sportswear Corp., Russellville, Ala.; 3–14–69 to 9–13–69; 10 learners (men's slacks and shorts).

Southern Apparel, Inc., Culpeper, Va.; 3–13–69 to 9–12–69; 40 learners (women's slacks).

Stanwood Corp., Pelahatchie, Miss.; 3–3–69 to 9–2–69; 15 learners (men's and boys' outerwear and work jackets).

Levi Strauss & Co., Tyler, Tex.; 3–19–69 to 9–18–69; 80 learners (girls' jeans).

The Van Wert Manufacturing Co., Van Wert, Ohio; 3–25–69 to 9–24–69; 10 learners (men's, boys', and ladies' work jackets).

Woolfolk Manufacturing Corp. No. 2, Bremo Bluff, Va.; 3–12–69 to 9–11–69; 40 learners (men's and boys' work and dress pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., Inc., Brookville, Pa.; 3–27–69 to 3–26–70; 10 learners for normal labor turnover purposes (cotton work gloves).

Galena Glove & Mitten Co., Dubuque, Iowa; 4–2–69 to 4–1–70; 10 learners for normal labor turnover purposes (work gloves).

The Glove Corp., Heber Springs, Ark.; 4–18–69 to 10–17–69; 40 learners for plant expansion purposes (work gloves).

Good Luck Glove Co., Metropolis, Ill.; 3–10–69 to 3–9–70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Rosiclare, Ill.; 3–12–69 to 3–11–70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., McGehee, Ark.; 4–10–69 to 4–9–70; 10 learners for normal labor turnover purposes (leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; 3–2–69 to 3–1–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Warren Hosiery Mills, Wise, N.C.; 3–3–69 to 3–2–70; 5 learners for normal labor turnover purposes (women's and children's panty hose).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Ashland, Pa.; 3–27–69 to 3–26–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', boys', and misses' underwear).

Carolina Underwear Co., Inc., Thomasville, N.C.; 3–24–69 to 3–23–70; 5 percent of the total number of factory production workers engaged in the production of ladies' and children's panties for normal labor turnover purposes (children's and ladies' panties).

Circle Manufacturing Co., Thomasville, N.C.; 3–6–69 to 3–5–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

Ellwood Knitting Mills, Inc., Ellwood City, Pa.; 3–24–69 to 3–23–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters, sweatshirts, and swim trunks).

Honaker Mills, Inc., Honaker, Va.; 4–9–69 to 4–8–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Lady Jane Manufacturing Co., Inc., Kulpmont, Pa.; 3–11–69 to 3–10–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 3–7–69 to 9–6–69; 15 learners for plant expansion purposes (ladies sleepwear).

Spotlight Co., Inc., Ashdown, Ark.; 3–24–69 to 3–23–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Spotlight Co., Inc., Ashdown, Ark.; 4–9–69 to 10–8–69; 35 learners for plant expansion purposes (ladies' lingerie and sleepwear).

Union Underwear Co., Inc., Bowling Green, Ky.; 3–29–69 to 3–28–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Union Underwear Co., Inc., Frankfort, Ky.; 3–24–69 to 9–23–69; 100 learners for plant expansion purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Caribe, Inc., Ciales, P.R.; 3–3–69 to 9–2–69; 42 learners for plant expansion purposes in the occupations of cigar machine operating and cigar packing, for a learning period of 320 hours at the rates of $1.26 an hour for the first 160 hours and $1.36 an hour for the remaining 160 hours (cigars).

Coamo Glove Corp., Coamo, P.R.; 3–25–69 to 3–24–70; 13 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' nylon dress gloves).

El Finale Inc. (Gloves Division), Caguas, P.R.; 3–24–69 to 9–23–69; 20 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

General Cigar de Utuado, S.A., Utuado, P.R.; 3–13–69 to 3–12–70; 52 learners for normal labor turnover purposes in the occupations of cigar machine operating and cigar packing, for a learning period of 320 hours at the rates of $1.26 an hour for the first 160 hours and $1.36 an hour for the remaining 160 hours (cigars).

Ginny Lynn Mills, Inc., Quebradillas, P.R.; 3–13–69 to 9–12–69; 30 learners for plant expansion purposes in the occupations of (1) Seaming; examining, and inspecting; and knitting, for a learning period of 240 hours at the rate of $1.01 an hour; and (2) Preboarding and folding, for a learning period of 360 hours at the rate of $1.01 an hour; and (3) Pairing, for a learning period of 720 hours at the rates of $1.01 an hour for the first 360 hours and $1.06 an hour for the remaining 360 hours (women's seamless hosiery).

P. L. Manufacturing Co., Inc., Rio Grande, P.R.; 3–13–69 to 3–12–70; 7 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's cotton shirts).

P. L. Manufacturing Co., Inc., Rio Grande, P.R.; 3–13–69 to 9–12–69; 18 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's cotton shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 25th day of April 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–5397; Filed, May 5, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 825]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the

new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14552 (Sub-No. 33 TA), filed April 23, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foodstuffs*, from the warehouse site of National Terminal Corp. at Cleveland, Ohio, to points in West Virginia on and north of a line beginning at the Ohio River, thence east on U.S. Highway 50 to junction of U.S. Highway 50 and U.S. Highway 19, thence south on U.S. Highway 19 to junction of U.S. Highway 19 and U.S. Highway 33, thence east on U.S. Highway 33 to junction of U.S. Highway 33 and U.S. Highway 219, thence northeast on U.S. Highway 219 to the Maryland-West Virginia State line, for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 47142 (Sub-No. 103 TA), filed April 21, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, 4417 Earl Court, Post Office Box No. 1833, Huntington, W. Va. 25719. Applicant's representative: William T. Croft, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, ammunition* not classified as classes A, B, or C explosives, poison, and tear gas ingredients, from the plantsite of the Brunswick Corp. located at or near Sugar Grove, Va., to Dover Air Force Base, Dover, Del.; Sunny Point Army Terminal at or near Southport, N.C., and Wolf Lake, Ill., for 180 days. Supporting shipper: James A. Rosenbaum, Program Coordinator, Brunswick Corp., Defense Products Division, Sugar Grove Plant, Sugar Grove, Va. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 57315 (Sub-No. 14 TA), filed April 22, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 206 and 766, from Boston and Cambridge, Mass., to Avon, Berlin, Bethlehem, Bloomfield, Bristol, East Hartford, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Plymouth, Rocky Hill, Simsbury, Thomaston, South Windsor, Southington, Weathersfield, West Hartford, Windsor, Watertown, Woodbury, and points in Fairfield and New Haven Counties, Conn., for 180 days. Supporting shippers: Fulton Packing Co., Inc., 10 Newmarket Square, Boston, Mass. 02118; Irving Levitt Co., Inc., 34–36 Newmarket Square, Boston, Mass. 02118; The Genoa Packing Co., 221 Monsignor O'Brien Highway, East Cambridge, Mass.; Cambridge Packing Co., 121 Newmarket Square, Boston, Mass. 02118; T. F. Kinnealey & Co. Inc., 20 Newmarket Square, Boston, Mass. 02118. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211–B, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 69397 (Sub-No. 9 TA), filed April 23, 1969. Applicant: JAMES H. HARTMAN & SON, INC., R.F.D. 2, Box 334, Pocomoke City, Md. 21851. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and piling*, from points in Somerset County, Md., to points in New Jersey (except those points within 50 miles of New York, N.Y.); Connecticut, Virginia, North Carolina, and points in Pennsylvania on and west of the Susquehanna River, for 180 days. Supporting shipper: Chesapeake Bay Plywood Corp., Post Office Box 154, Pocomoke City, Md. 21851. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 97068 (Sub-No. 8 TA), filed April 23, 1969. Applicant: H. S. ANDERSON TRUCKING COMPANY, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: H. S. Anderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Port Arthur, Tex., on the one hand, and, on the other, points in Texas, and to Carlisle, Ark., and Cushing and Tulsa, Okla., for 150 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shippers: Port Arthur Steamship Agency, Post Office Box 1367, Port Arthur, Tex.; Maurice Pincoffs Co., Post Office Box 10919, Houston, Tex. 77018; H. E. Schurig & Co., Inc., Post Office Box 54, Houston, Tex. 77002; and The Crispin Company, 11th Floor, World Trade Center, Houston, Tex. 77002. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 104951 (Sub-No. 17 TA), filed April 22, 1969. Applicant: W. R. HALL TRANSPORTATION AND STORAGE COMPANY, 2518 Hiway 6–50, Grand Junction, Colo. 81501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Colorado; Rio Arriba, McKinley, Sandoval, and San Juan Counties, N. Mex., Uintah, Carbon, Daggett, Grand, Emery, Wayne, Garfield, and San Juan Counties, Utah, and Carbon, Freemont, Lincoln, Natrona, Sublette, Sweetwater, and Uinta Counties, Wyo., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57 48th Street, Maspeth, N.Y. 11378. Send protests to: District Supervisor C. W. Buckner, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114632 (Sub-No. 21 TA) (Correction), filed April 7, 1969, published FEDERAL REGISTER, issue of April 17, 1969, and republished as corrected this issue. Applicant: APPLE LINES, INC., 225 South Van Epps Avenue Madison, S. Dak. 57042. Applicant's representative: Robert A. Applewick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products* as set forth in section A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite and/or warehouse facilities of Spencer Packing Co., Spencer, Iowa; Greenlee Packing Co., Sioux Falls, S. Dak.; and Spencer Cyrogenics, Hartley, Iowa, to points in Kansas and Missouri, for 150 days. Supporting shipper: Spencer Packing Co., Spencer, Iowa 51301, John F. Hummel, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501. NOTE: The purpose of this republication is to set forth the territory proposed to be served.

No. MC 118535 (Sub-No. 41 TA) (Correction), filed April 1, 1969, published FEDERAL REGISTER, issue of April 19, 1969, and republished as corrected this issue. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of Arco Chemical Co. Division of Atlantic-Richfield Co. (formerly Sinclair Oil Corp.) at or near Fort Madison, Iowa, to points in Arkansas, Illinois (except points in the Chicago, Ill., and East St. Louis, Ill., commercial zones), Indiana (except points in the Chicago, Ill., commercial zone), Kansas, Kentucky, Michigan, Minnesota, Missouri (except points in the St. Louis, Mo., commercial zone), Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, for 180 days. Restricted to traffic originating at the plantsite of Arco Chemical Co. Division of Atlantic-Richfield Co. (formerly Sinclair Oil Corp.) at or near Fort Madison, Iowa, and destined to points in the named destination states. NOTE: The purpose of this republication is to clearly set forth the territory proposed to be served, which was set forth incorrectly in the previous publication. Supporting shipper: Arco Chemical Co., Division of Atlantic-Richfield Co., 120 South Riverside Plaza, Chicago, Ill. 60606. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118904 (Sub-No. 8 TA), filed April 24, 1969. Applicant: MOBILE HOME EXPRESS, LTD., 1915 F Avenue, Lawton, Okla. Applicant's representative: Arnold Owens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, as defined by the Interstate Commerce Commission, from Claremore, Okla., to points in Missouri, Iowa, Illinois, Arkansas, Mississippi, Louisiana, Texas, Arizona, Colorado, Wyoming, New Mexico, Nebraska, Kansas, Washington, and Oregon, in initial movements only, for 180 days. Supporting shipper: Scott-Rich Co., Claremore, Okla. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 120981 (Sub-No. 11 TA), filed April 18, 1969. Applicant: BESTWAY EXPRESS, INC., 520 Lester Avenue, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 703 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lebanon, Ky., and Lexington, Ky., from Lebanon, over U.S. Highway 68 to Perryville, Ky., thence over U.S. Highway 150 to Danville, Ky., thence over U.S. Highway 127 to Lawrenceburg, Ky., thence over U.S. Highway 62 to Versailles, Ky., thence over U.S. Highway 60 to Lexington, and return over the same route, serving no intermediate points; (2) between Lebanon, Ky., and Louisville, Ky., from Lebanon, over Kentucky Highway 55 to Springfield, Ky., thence over U.S. Highway 150 to Bardstown, Ky., thence over U.S. Highway 31E to Louisville and return over the same route, serving no intermediate points; and, (3) between Lebanon, Ky., and Louisville, Ky., from Lebanon over Kentucky Highway 52 to Loretto, Ky., thence over Kentucky Highway 49 to Bardstown, Ky., thence over U.S. Highway 31E to Louisville and return over the same routes, serving the intermediate point of Loretto, Ky., with authority sought to interline (1) through (3) next above at Lexington, Ky., and at Louisville, Ky., but restricted against service between Lexington, Ky., and Louisville, Ky., and restricted against tacking with applicant's presently held authority for 180 days. NOTE: Applicant does intend to interline with other carriers at Louisville and Lexington, Ky. Supporting shippers: Hamilton Recapping & Tire Co., Lebanon, Ky.; Dollar and Variety Store, Loretto, Ky.; Telecom, Inc., Lebanon, Ky.; Dayton Etched Products Co., Lebanon, Ky.; Lerman Brothers, Inc., The Fair Store, Lebanon, Ky.; City Sales and Service, Lebanon, Ky.; Loretto Lumber & Hardware Co., Loretto, Ky.; Vic's Dollar Store, Lebanon, Ky. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 128017 (Sub-No. 2 TA), filed April 25, 1969. Applicant: ERVIN L. CRIDER, JR., Box 102, Bergton, Va. 22811. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, and in bags, from New Market, Va., to points in Grant, Hampshire, Hardy, Mineral, and Pendleton Counties, W. Va., for 150 days. Supporting shipper: Long Poultry Service, New Market, Va. 22844. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 128202 (Sub-No. 3 TA), filed April 23, 1969. Applicant: WRANGELL TRANSPORT CO., INC., Post Office Box 191, Wrangell, Alaska 99929. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, fresh or frozen; *butter; eggs; cheese; oleomargarine; ice cream; foods, frozen; meats and meat products*, fresh, frozen or cured, smoked or prepared; *commodities* which would otherwise be exempt from regulation when moving in the same vehicle at the same time with nonexempt commodities, in vehicles equipped with mechanical refrigeration, from Seattle and Tacoma, Wash., to Wrangell, Alsaka, for the account of Benjamin's Store, Inc., for 150 days. Supporting shipper: Benjamin's Store, Inc., General Merchandise, Wrangell, Alaska 99929. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 128541 (Sub-No. 2 TA), filed April 25, 1969. Applicant: WESLEY WAYNE MACOMBER, doing business as W. W. MACOMBER TRUCKING, R.F.D. No. 1 A, Gardiner, Maine 04345. Applicant's representative: Edward G. Hough, 844 Stevens Avenue, Portland, Maine 04103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, in bales, from 60-mile radius of Worcester, Mass., to Gardiner, Maine, for 180 days. Supporting shipper: Gardiner Paper Mills, Division of Yorktowne Paper Mills of Maine, Inc., Gardiner, Maine 04345. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 129282 (Sub-No. 4 TA) (Correction), filed April 9, 1969, published FEDERAL REGISTER, issue of April 19, 1969, and republished as corrected this issue. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, Post Office Box 1824, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages; empty bottles, cans, cartons, kegs, or other containers and pallets*, between San Antonio, Tex., and points in Louisiana, and Texarkana, Ark., for 180 days. Supporting shippers: Lone Star Brewing Co., San Antonio, Tex., and Pearl Brewing Co., San Antonio, Tex. NOTE: The purpose of this republication is to add an additional supporting shipper inadvertently omitted from previous publication. Applicant states it does not intend to tack with existing authority. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 133039 (Sub-No. 1 TA), filed April 23, 1969. Applicant: COLLIER TRUCKING COMPANY, INC., Rural Route No. 1, Coatesville, Ind. 46121. Applicant's representative: James D. Collins, 802 Board of Trade Building, 143 North Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, in bulk and in bags (except liquid, in bulk, in tank vehicles), *livestock and poultry medication* (except liquid, in bulk, in tank vehicles) and *grain*, from Lafayette, Ind., to points in Williams, Defiance, Paulding, Fulton, Henry, Putman, Lucas, Wood, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Erie, Huron, Allen,

and Van Wert Counties, Ohio, for 180 days. Supporting shipper: Ralston Purina Co., Box 119, Lafayette, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 133648 TA, filed April 21, 1969. Applicant: JOE COLEY, doing business as COLEY TRUCK LINE, 908 Caddo, Minco, Okla. 73059. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Oklahoma City, Okla., and Newcastle, Okla., serving all intermediate points, and the off-route point of Tuttle, Okla., from Oklahoma City over Oklahoma Highway 152 to Union City, Okla.; thence over U.S. Highway 81 to Pocasset, Okla.; thence over unnumbered highway to Amber, Okla.; thence over Oklahoma Highway 92 to Junction U.S. Highway 62; thence over U.S. Highway 62 to Junction U.S. Highway 277; and thence over U.S. Highway 277 to Newcastle, Okla., return to Oklahoma City, Okla., over U.S. Highway 277, for 180 days. Supporting shippers: Mustang Hardware Co., Mustang, Okla.; John M. Wright Hardware, Newcastle, Okla.; Woodworth's, Minco, Okla.; Tolbert Drug, Minco, Okla.; Tuttle Public Schools, Tuttle, Okla.; W. C. Francis & Sons, Ford, Blanchard, Okla.; Red Cross Rexall Drug, Blanchard Okla.; Carey Lumber Co., Blanchard, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133655 TA, filed April 24, 1969. Applicant: TRANS-NATIONAL TRUCK INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Jack Ahrens (same address as above). Authority sought to operaate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission, from the plantsite of Missouri Beef Packers, Inc., at or near Friona, Tex., to points in Georgia, Florida, North Carolina, and South Carolina, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Post Office Box 1178, Friona, Tex. 79035. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

MOTOR CARRIER OF PASSENGERS

No. MC 133519 (Sub-No. 1 TA), filed April 23, 1969. Applicant: JOHN W. DRUMMOND, Withams, Va. 23488. Applicant's representative: Alfred T. Truitt, Jr., Courthouse Building, Salisbury, Md. 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Accomac County, Va., and Showell (Worcester County), Md., for 180 days. Supporting shipper: Showell Poultry, Inc., Showell, Md. 21862, W. J. Ley, Secretary. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5398; Filed, May 5, 1969; 8:48 a.m.]

[Notice 339]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 1, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71265. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Gary A. Mitchell, doing business as Holiday Away Travel Service, Suite 301, Kearns Building, 136 Suth Main Street, Salt Lake City, Utah 84101, of the licenses in Nos. MC-12705 and MC-12705 (Sub-No. 1), issued January 14, 1960, and January 10, 1964, respectively, to Margaret Lund, doing business as Margaret Lund Tours, Suite 301, Kearns Building, 136 South Main Street, Salt Lake City, Utah 84101, authorizing the transportation of passengers and their baggage, in special and charter operations, in round-trip all-expense tours, beginning and ending at points in Arizona, Idaho, and Salt Lake County, Utah, and extending to points in the United States, with certain exceptions.

No. MC-FC-71268. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Three "T" Consultants & Transportation, Inc., doing business as Three "T" Transportation, Inc., Henderson, Colo., of the certificate in No. MC-126749 (Sub-No. 8), issued March 26, 1968, to K. P. Moving & Storage, Inc., Denver, Colo., authorizing the transportation of livestock, used farm machinery, and agricultural commodities, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Nebraska and Kansas, and those in Carbon, Emery, and Grand Counties, Utah.

No. MC-FC-71288. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Eugene Stone Trucking, Inc., Cleveland, Ohio, of Permits in Nos. MC-124539, and MC-124539 (Sub-No. 2), issued April 2, 1965, and March 22, 1968, respectively, to Eugene Stone, Cleveland, Ohio, authorizing the transportation of: Such equipment, materials and supplies as are usually dealt in by gasoline and oil service stations, between points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, and a part of Michigan; and plastic pipe, fittings, granules, moldings, and extrusions, and adhesives, and automobile tires and tubes, from, to, or between specified points in Ohio, New York, Connecticut, and Massachusetts. Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71304. By order of April 28, 1969, the Motor Carrier Board approved the transfer to J. K. McKeown Co., Inc., Arlington, Mass., of certificate No. MC-38232, issued November 13, 1956, to Mercury Van Lines, Inc., Burlington, Mass., authorizing the transporation of: Building materials, between Medford, Mass., and points in Massachusetts within 5 miles thereof, on the one hand, and, on the other, points in Massachusetts; and household goods, between Medford, Mass., and points in Massachusetts within 15 miles thereof, on the one hand, and on the other, points in Connecticut, Maine, New Hampshire, New York, Vermont, Rhode Island, New Jersey, Maryland, Pennsylvania, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5399; Filed, May 5, 1969; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 86

Tuesday, May 6, 1969 • Washington, D.C.

PART II

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

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Grant Regulations

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 23—U.S. Arms Control and Disarmament Agency

GRANT REGULATIONS

PART 23–50—GRANTS

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AUTHORITY: The provisions of this Part 23–50 issued under the authority of secs. 31, 32, 41, 75 Stat. 631, 22 U.S.C. 2571, 2572, 2581; sec. 601, 78 Stat. 252, 42 U.S.C. 2000d; secs. 1 and 2, 72 Stat. 1793, 42 U.S.C. 1891 and 1892; as amended.

§ 23–50.000 Scope of part.

This part describes the method by which the U.S. Arms Control and Disarmament Agency makes grants, and the method by which U.S. public or private institutions or persons may apply for such grants.

§ 23–50.001 Definitions.

As used throughout this part, the following words have the meaning set forth below.

§ 23–50.001–1 ACDA or Agency.

ACDA or Agency means the U.S. Arms Control and Disarmament Agency.

§ 23–50.001–2 Act.

Act means the Arms Control and Disarmament Act, Public Law 87–297, 75 Stat. 631, compiled at 22 U.S.C. § 2551 et seq., as amended from time to time.

§ 23–50.001–3 Director.

Director means the Director or Acting Director of the U.S. Arms Control and Disarmament Agency.

§ 23–50.001–4 Employee.

Employee includes anyone serving in the Agency as:

(a) A person appointed by the President and confirmed by the Senate to a position in the Agency.

(b) A person appointed by the Director or by his designee to a position in the Agency.

(c) A special Government employee.

§ 23–50.001–5 Granting Officer.

Granting Officer means the Agency official (other than the Director) empowered to make grants (see Part 23–51 of this title).

§ 23–50.001–6 Head of the Agency.

Head of the Agency meaps the Director of the U.S. Arms Control and Disarmament Agency.

§ 23–50.001–7 Special Government employee.

Special Government employee means a "special Government employee", as defined in section 202 of title 18 of the United States Code, who is employed by the Agency.

Subpart 23–50.1—General

§ 23–50.101 Types of activities supported.

The Agency is authorized to make grants in support of or for the conduct of research, development and other studies in the field of arms control and disarmament.

§ 23–50.102 Extent of support.

The Agency may fund in whole or in part an activity it is authorized to support.

§ 23–50.103 Limitations.

(a) The authority of the Agency to make grants is limited to U.S. public or private institutions or persons. Accordingly, any application from an institution or person other than a U.S. public or private institution or person will not be considered. Private persons will not ordinarily be awarded grants except under the sponsorship of an educational institution of higher learning or of some other established nonprofit organization. Normally, organizations for profit will not be awarded grants. Exceptionally, grants may be made to such organizations if the results of its activities cannot otherwise be obtained and if one or more of the following criteria are met:

(1) The research, development, or study to be undertaken is of special concern or interest and shows promise of making an outstanding contribution to the acquisition of theoretical or practical knowledge in the field of arms control and disarmament;

(2) Unique resources are available for the work.

(b) The Act restricts the Agency's authority to make grants with respect to research, development and studies related to arms control and disarmament to the following:

(1) The detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(2) The techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(3) The analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;

(4) The control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(5) The structure and operation of international control and other organizations useful for arms control and disarmament;

(6) The training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;

(7) The reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(8) The economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(9) The arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;

(10) The national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(11) Methods for the maintenance of peace and security during different stages of arms control and disarmament;

(12) The scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established;

(13) Such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of the Act.

Subpart 23–50.2—Submission of Applications

§ 23–50.201 Who may apply for a grant.

Application for grants normally shall be submitted by a nonprofit organization, or by an educational institution. Such applications must be signed by an official duly authorized to execute such instruments.

§ 23–50.202 Where to submit applications.

Applications for grants shall be submitted to the Office of the Executive Director, U.S. Arms Control and Disarmament Agency, 320 21st Street NW., Washington, D.C. 20451.

§ 23–50.203 What to submit.

The Agency does not prescribe any particular format to govern the preparation of applications for grants. The Agency must be supplied, however, with essential information on which to base a determination to award a grant. The applications shall cover the points given below insofar as these may be applicable.

(a) *Name and address of institution.* The name, address, and telephone number of the prospective grantee shall be given. Where the official designation of the organization differs from the designation commonly used, the official designation shall be given, followed by the popular name enclosed in parentheses.

(b) *Title of proposed research.* The title of the proposed research should be brief but adequately descriptive.

(c) *Desired starting date of the research.* Proposed alternate starting dates may be specified, taking into account the time required by the Agency's personnel for review and evaluation.

(d) *Time period for which support is requested.* The length of time for which support is being requested, ordinarily up to a year, must be consistent with the nature and complexity of the proposed research. The Agency will consider and process each request for subsequent support as an application for a new research grant, except in those cases of pilot or feasibility studies which contemplate additional funding upon satisfactory conclusion of the preliminary study.

(e) *Description of proposed research.* Applications must include a brief abstract describing the proposed research. In addition, the applicant shall provide a more detailed description of the work to be undertaken, its objectives, and its relation to the present state of knowledge on the subject and to comparable work in progress elsewhere, together with pertinent bibliographic citations. The general plan of the work to be undertaken must be included. The Agency will be influenced by the adequacy of information in its appraisal of the merits of the proposed research.

(f) *Facilities and equipment.* (1) Prospective grantees should own or control the capital facilities and equipment necessary to the research. The application for grant must identify the facilities available, as well as those items of equipment specially adapted or suited to the proposed research. As a general policy, Agency grants do not provide for the acquisition, refurbishment, or renovation of facilities and equipment. Therefore, requests for such acquisition, refurbishment or renovation of equipment with grant funds for use in performance of the research requires prior Agency approval. Except as stated below, title to such equipment shall pass to the Government upon acquisition.

(2) Under the authority of 42 U.S.C. §§ 1891 and 1892, grants may be made to nonprofit institutions of higher learning (or to nonprofit organizations whose primary purpose is the conduct of scientific research) for basic or applied scientific research. Such grants may permit title to specialized equipment for research purchased with grant funds to vest in such institutions or organizations without further obligation to the Government or on such other terms and conditions as the Agency deems appropriate.

(g) *Personnel.* (1) The principal investigator shall be responsible for direct supervision of the work and in most instances will participate in the conduct of the research regardless of whether or not he is to receive any compensation from the grant funds. The proposal shall list the names and titles of professional personnel to be associated directly with the research, including the level of effort each is expected to devote to the undertaking.

(2) A short biographical sketch of the principal investigator and a list of his principal publications must be included along with similar biological information on other senior professional personnel who will be directly associated with the project. If applicable, the number of student or other assistants, together with information as to their level of academic attainment, shall be listed. The names and titles of other scientific and technical personnel who are expected to be associated with the project in an advisory or consulting capacity must be shown.

(h) *Financial information.* Each applicant must submit an estimate of the total cost of the project, with a breakdown of estimated costs per year in the categories listed below. Parts 1–15.1 through 1–15.3 of this title set forth principles for determining what costs are reasonable and allowable. ACDA will use these principles in determining the extent to which it will support a research grant proposal. Applicants will list in similar categories, contributions that other sources will make to the research.

(1) *Salaries.* (i) List the names of personnel who will perform the work; the percentage of time each will devote to the research; and the present salary, rate of pay, or stipend of each individual who is to be compensated under the grant; and, the total amount of salary per year that each will be paid from the grant.

(ii) Request funds to defray a portion, or all, of the salaries of personnel who will work on the research. Stipends or salaries charged against the grant must follow salary policies and be on a scale consistent with the regular practices of the grantee institution. The extent of compensation of individuals from grant funds will depend on the degree to which their services are necessary. For research to be conducted under a grant made to an educational institution, compensation shall be consistent with the institution's policies for work during the summer months.

(iii) Part or all of an individual's services may be charged against a grant: *Provided,* That he be relieved of a comparable portion of his teaching or other obligations and that his regular stipend or salary be reduced pro rata.

(2) *Equipment.* Itemize required equipment by description and estimated cost, and include a thorough justification for each (see paragraph (f) of this section).

(3) *Consumable property.* Indicate in general terms the types of required equipment and supplies that will be expended during performance under the grant.

(4) *Travel.* Indicate in as great detail as possible the type of anticipated travel, its frequency, and its applicability to the research. Grant funds may be used for travel only to the extent that expenditures are reasonable and bear a close relationship to the research work. No foreign travel shall be undertaken in fulfillment of the grant's objectives without specific written approval from the Granting Officer.

(5) *Publication costs.* Indicate all types of publication costs anticipated, including the purchase of reprints. (See Subpart 23–50.5 of this part.)

(6) *Other direct costs.* Itemize other anticipated direct costs not included above, such as computer charges and reference texts.

(7) *Indirect costs.* Institutions may claim indirect costs in accordance with cost principles set forth in Part 1–15 of this title.

(8) *Total.* Give total of all costs by years and a cumulative final total as well.

To the extent that the applicant considers such financial information privileged, he must identify the information to be protected and request expressly that it be held in confidence. (See paragraph (j) of this section.)

(i) *Other sponsors.* (1) State whether the proposal has been submitted to other possible sponsors (and if so, to whom), including other Federal agencies, and state proposed total cost to other sponsors. Indicate also any present sponsors of any portion of the program outlined in the proposal. The submission of the proposal to other organizations concurrently with its submission to ACDA will not prejudice its review by the Agency but notification of other sponsorship is required.

(2) In the event of ACDA partial sponsorship, if actual cost is less than anticipated, ACDA will expect a pro rata refund.

(j) *Privileged information.* When an application results in an Agency grant, the proposal itself becomes a part of the record of the transaction which may be made available to the public for inspection and copying upon specific request. If any information or material presented in an application for a grant is of a confidential character which meets the criteria of applicable law for protection against unauthorized disclosure, it will be withheld from disclosure to the general public under the authority of such applicable law, including the authority of the Freedom of Information Act (5

U.S.C. 552). The burden of asserting the privileged character of the information or material rests on the applicant. Such information shall be contained in an annex, conspicuously bearing an appropriately restrictive legend (see § 23–3.5002 of this title), six copies of which must accompany the application.

Subpart 23–50.3—Financial Support

§ 23–50.301 Educational institutions and other organizational grantees.

Funds provided under Agency grants may be expended by organizations or by educational institutions for those direct and indirect expenditures recognized under applicable cost principles set forth in Subparts 1–15.1, 1–15.2, or 1–15.3 of this part, and those specific items of allowable costs set forth in the grant instrument.

§ 23–50.302 Individual grantees.

Financial support provided directly by the Agency to individual grantees, or indirectly to such grantees through some nonprofit academic organization or educational institution of higher learning may or may not cover the entire expenses borne by the individual. Such support may take the form of stipends, subsistence, travel, or book allowances. In appropriate circumstances and as a condition precedent to making the grant, the Agency may require an individual grantee to certify that he will diligently pursue the research to substantial completion. Where such a condition has been required, the grant will contain a provision to the effect that the grantee will repay on demand by the Agency all monies advanced to him in the event of his failure to pursue the research to substantial completion.

Subpart 23–50.4—Administration of Grants

§ 23–50.401 Terms and conditions of grants.

(a) The provisions set forth in the instrument of grant (or incorporated by reference) shall be binding upon the grantee. During the period of the grant, modifications of the original provisions, which may be agreed from time to time, shall be reduced to writing and form part of the instrument of grant as a binding amendment thereto.

(b) An original of the instrument of grant shall be delivered to the grantee. In the case of grants made to organizations, copies of the instrument shall be sent to the principal investigator and to the administrative officer (if any).

(c) In appropriate circumstances, a grant instrument may contain a provision stating that the Agency shall not be liable (1) for injuries sustained by the grantee, his officers, agents, employees or members of his family or (2) for property damage sustained by any such person during performance under the grant. The instrument shall also contain a provision that the grantee and not the Agency shall be responsible for liabilities to third persons for either property damage or personal injuries and that by his acceptance of the grant the grantee agrees not to assert a claim against the Government for reimbursement of expenses and costs resulting from such liabilities.

(d) In the case of all grants, unless otherwise specified in the grant letter, the grantee will be required to:

(1) Furnish a draft of the final report for Agency comments thirty (30) days prior to the due date of the final report;

(2) Furnish to the Agency, in the case of grants for which the grant period is in excess of six (6) months, not more than ten (10) copies of a brief interim status report at three (3) month intervals; and

(3) Furnish a reproducible master of a comprehensive final report, prepared in accordance with Agency specifications, to the Agency on or before the expiration date of the grant; the final report shall include a summary of its contents.

§ 23–50.402 Fiscal administration.

(a) In the absence of specific written authorization contained in the instrument of grant, expenditures incurred by the grantee prior to the date of the grant and otherwise reasonable and allocable to the grant shall not be charged thereto directly or indirectly.

(b) Funds not expended or committed under a binding legal obligation prior to termination of the grant or the expiration of the grant period, shall be remitted promptly by check in a sum increased by the amount of any earned or accrued interest. The check shall be made payable to the U.S. Arms Control and Disarmament Agency and identified by the Agency's grant designation.

(c) Generally, the Agency will provide grant funds quarterly and in advance.

(d) Each application for a research project shall be accompanied by an itemized budget which shall be approved by ACDA in the grant instrument. Within the limits of the total budget, deviations from the itemized budget estimates submitted with the proposal are permissible. However, the grantee or principal investigator shall inform ACDA promptly of any contemplated major deviations, shall state the reasons therefor, and shall not initiate such deviations without prior written approval from the Agency.

(e) Projects supported by Agency grant must be performed within the stated limit of funds.

(f) Grant funds received from the Agency will be deposited in separate checking (or other type of accounts) established and maintained by the grantee. In no event shall such funds (1) be commingled with the personal funds of the grantee or of any officer or agent of the grantee organization; or (2) be deposited in personal bank accounts for disbursement by personal check.

(g) The grantee shall maintain separate records for each grant in accordance with generally accepted accounting principles. Such records shall provide the basis for any fiscal reports that may be required. All accounting records relating to expenditures under each grant shall be subject to examination and audit by authorized representatives of ACDA at all reasonable times during the period of the grant and for 3 years after termination. In addition, the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after termination of the grant, have access to and the right to examine any directly pertinent books, documents, and records of the grantee involving transactions relating to the grant.

(h) A final fiscal report containing an itemized statement of the disposition of all grant funds shall be submitted within ninety (90) days after the completion of work under the grant. An interim fiscal report containing an itemized statement of expenditures and commitments made, and of any interest earned on grant funds, shall be submitted at 3-month intervals.

(i) Agency grants may not be transferred from one grantee to another without the execution of a novation or other appropriate agreement executed by the existing and prospective grantees as well as by the Agency. A request for such a transfer shall be administratively processed as an application for a new grant.

§ 23–50.403 Patents.

(a) Section 32 of the Act states that all research within the United States sponsored, cosponsored, or authorized under the Act, shall be provided for in such manner that all information as to uses, products, processes, patents and other developments resulting from such research developed by government expenditure will (with such exceptions and limitations, if any, as the Director may find to be necessary in the public interest) be available to the general public. Section 32 shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

(b) The instrument of grant will contain a provision to the effect that the grantee or principal investigator shall promptly disclose to ACDA all discoveries and inventions conceived or first actually reduced to practice in the performance of work aided or supported under the grant. The grantee will, upon request, assign, and transfer to the United States, as represented for this purpose by ACDA, full and entire, right, title, and interest in and to such discoveries or inventions; *Provided, however,* That in the absence of any request by the Agency for such an assignment or transfer, the grantee agrees in any event that it will grant an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice throughout the world, by or on behalf of the United States or by any foreign government or international organization pursuant to any treaty or other agreement with the Government of the United States, of each such discovery or invention. The grantee will warrant that he has or shall obtain full authority to make such assignments and transfers by obtaining from all persons who will be participating in the research project

agreements to assign to the grantee all discoveries and inventions conceived or first actually reduced to practice during the grant period with the aid or support of grant funds.

(c) If to the best of the grantee's knowledge and belief no inventions have been conceived or first actually reduced to practice during the grant period with the aid or support of grant funds, the grantee shall so certify to ACDA at the termination of the grant period. Nothing contained herein shall be deemed to require the grant of any rights to the United States under any invention other than an invention conceived or first actually reduced to practice during the grant period and as a result of performance of work aided or supported under the grant.

§ 23–50.404 Security.

(a) To the maximum extent practicable, projects sponsored or assisted by Agency grant shall be unclassified and free of any information, which under paragraph (b) of this section, is likely to serve as a bar to publication.

(b) Special provisions, pertaining to security or to administrative controls paragraph (b) of this section, is likely to necessary to avoid unauthorized disclosure, shall be incorporated in the grant instrument, in appropriate circumstances. These include circumstances where the performance of work under the grant requires or involves access to Restricted Data or other classified information, or to information the public disclosure of which would, in the opinion of the Agency, violate a confidential relationship or other obligation established or recognized by law requiring the Agency to withhold publication.

§ 23–50.405 Equal opportunity.

Each grant shall contain a provision to the effect that no person in the United States shall (a) be excluded from participation in performance under this grant, (b) be denied the benefits of the grant, or (c) be subjected to any discrimination under the grant, on the grounds of race, color, or national origin. The grant shall also require compliance on the part of the grantee with such Agency regulations as may be promulgated from time to time to effectuate the objectives of such equal opportunity.

Subpart 23–50.5—Publication

§ 23–50.501 Policy.

The Agency is concerned that research, development, or study projects sponsored or assisted by its grants take proper account of the public interest and the interests of scholars as well as of potential users of the resulting information. Scholars or other investigators engaged in such projects shall be free to exercise their best professional judgments as to the content of the project report, whose ultimate acceptance will depend on its intrinsic merit.

§ 23–50.502 Copyrights and other rights in data.

(a) Agency support of such projects entitles the Agency to monitor closely the publication and distribution of the project report to ensure that publication and distribution reflect adequately the public interest. Various procedures are available to effectuate the Agency's policy. One procedure would permit the publication and dissemination under copyright held by the grantee with grant of an irrevocable, nonexclusive, transferable, royalty-free license to the Government. Another would permit publication and dissemination by the Government without statutory copyright protection. The instrument of grant shall contain appropriate provisions to such effect.

(b) With respect to any release of unclassified information (including, without limitation, any news release, article, brochure, speech, manuscript, or other material) which discloses either the existence of the study supported by the grant or the work product of the grant (including, without limitation, factual findings, hypotheses, conclusions, opinions, or recommendations), the grantee shall: (1) Provide the Agency with a copy of the proposed release at least thirty (30) days prior to the release date; and (2) unless otherwise directed in writing by the Granting Officer, make an appropriate acknowledgment of support by the U.S. Arms Control and Disarmament Agency and if the work product of the grant is disclosed, include in the release the following disclaimer:

> The ideas and conclusions presented herein are solely those of the author(s). They do not necessarily correspond to those of the U.S. Arms Control and Disarmament Agency or of any other agency or department of the U.S. Government.

The foregoing Part 23–50 of this Chapter 23 of Title 41 of the Code of Federal Regulations shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: May 1, 1969.

GERARD SMITH,
Director.

[F.R. Doc. 69–5364; Filed, May 5, 1969; 8:45 a.m.]

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FEDERAL REGISTER

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Defense Department
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OF MICHIGAN

REFERENCE

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Transfer of Products Containing Byproduct Material and Source Material Exempted From Licensing and Regulatory Requirements

On February 24, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 3346) a proposed amendment to 10 CFR Part 150 which would redefine the category of products containing radioactive materials over whose transfer by the manufacturer, processor, or producer in an Agreement State the Commission retains jurisdiction. The notice of proposed rule making was published in the FEDERAL REGISTER once each week for four consecutive weeks, allowing 60 days for public comment after initial publication.

After consideration of the comments and other factors involved, the Commission has adopted the proposed amendment. The text of the effective rule is the same as the proposed rule except for clarifying changes of language.

Subsection 274c of the Atomic Energy Act of 1954, as amended, provides that notwithstanding any agreement between the Atomic Energy Commission and any State, the Commission is authorized to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

In issuing 10 CFR Part 150, which implemented certain provisions of section 274 of the Act, in 1962, the Commission exercised its authority under subsection 274c of the Act by providing (§ 150.15(a)(6)) that persons in Agreement States are not exempt from the Commission's licensing requirements with respect to • • •

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

In retaining regulatory authority over transfer of products "intended for use by the general public", the Commission was seeking to maintain surveillance over the safety of products containing radioactive materials, without the imposition of regulatory controls, and to be able to assess the effect of the attendant uncontrolled addition of these radioactive materials to the environment.

In view of the increasing difficulty in determining whether or not such products are intended for use by the general public, the Commission has adopted the amendment of Part 150 set out below, which changes § 150.15(a)(6) by deleting the phrase "product • • • intended for use by the general public" and substituting therefor the phrase "product • • • whose subsequent possession, use, transfer and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter."

Under Part 150 as amended below the transfer of possession or control by a manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material or source material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from Commission licensing and regulatory requirements under Parts 30 and 40, is not subject to the licensing and regulatory authority of an Agreement State even though the product is manufactured, processed, or produced pursuant to an Agreement State license. The manufacturer of such products in an Agreement State is subject to the Commission's regulatory authority with respect to transfer of any product which has been so exempted from the Commission's licensing and regulatory requirements. The Commission has confined its regulation of the transfer of exempt products to specifications for the products, quality control procedures, requirements for testing, and labeling. The authority of Agreement States to regulate any radiation hazards that might arise during manufacture of such products is not affected by the amendment. Accordingly, dual regulation will continue to be avoided.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 150, is published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 150.15(a)(6) is amended to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

• • • • • •

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter.

• • • • • •

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-4519; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 6]

PART 792—CONSERVING BASE AND DESIGNATED DIVERTED ACREAGE

Restriction on Grazing

Section 792.3 of the regulations governing conserving base and designated diverted acreage, 31 F.R. 5783, as amended, is further amended by changing paragraph (d) to read as follows:

§ 792.3 Designation, use, and care of diverted acreage under the feed grain, upland cotton, wheat diversion, and wheat certificate programs: approved conservation uses.

• • • • • •

(d) *Restriction on grazing.* The designated diverted acreage shall not be grazed during the period between April 30 and October 1 of the current year, or at the election of the State committee with advance notice to the operator and the Director, Farmer Programs Division, between March 31 and September 1 or between April 14 and September 15 or, for 1969 only, between May 14 and October 15, except where the Secretary considers it necessary to permit the diverted acreage to be grazed in order to alleviate a shortage in the area resulting from severe drought, flood, or other natural disaster and consents to such grazing subject to an appropriate reduction in the payment rate.

• • • • • •

(Titles III, IV, V, and VI of the Food and Agriculture Act of 1965, 79 Stat. 1187; Public Law 90-475, 82 Stat. 701)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 1, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5431; Filed, May 6, 1969; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Rice Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1968 and Subsequent Crops Rice Loan and Purchase Program regulations (33 F.R. 8430) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1969 crop of rice as follows:

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1968 and Subsequent Crop Rice Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases for the 1969 crop rice.

§ 1421.326 Availability.

(a) *Loans.* Producers must request a loan on 1969 crop eligible rice on or before March 31, 1970.

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1970, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1970.

§ 1421.328 Support rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The support rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.72.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE[1]

Rough rice class	Head rice	Broken rice
	Cents per pound	
Long grains	8.06	4.00
Medium grains	7.06	4.00
Short grains	7.03	4.00

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1969.

(b) *Premium.* The basic support rate determined under paragraph (a) of this section shall be adjusted by the following premium:

	Cents per 100 pounds
Grade U.S. No. 1	10

(c) *Discounts.* The basic support rate determined under paragraph (a) of this section shall be adjusted by the following discount.

	Cents per 100 pounds
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(d) *Location differentials.* For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraph (b) or (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area	*Discount per 100 pounds*
State of Florida	$1.06
Imperial County, Calif., and adjacent counties in Arizona and California	1.05
States of North Carolina and South Carolina	1.02
Counties of Holt, Lewis, Lincoln, Marion, Pike, and St. Charles in Missouri and Adams in Illinois	.68
Counties of Lafayette, Little River, and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma and Bossier Parish in Louisiana	.47

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 1, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-5452; Filed, May 6, 1969; 8:49 a.m.]

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods (1969-70 Supp. Amdt. 1)]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program (1969-70 Storage Period Supplement)

1969-70 STORAGE PAYMENT RATES

The regulations issued by CCC and published at 34 F.R. 6 and containing provisions applicable to the 1969-70 Reseal Storage Period are hereby amended as follows:

In § 1421.3535, paragraph (a) is amended to include storage payment rates for the 1969-70 storage period. The amended paragraph reads as follows:

§ 1421.3535 Storage payment rates.

(a) *1969-70 storage period.* Storage payments for the 1969-70 storage period will be computed as provided in § 1421.3488 using the following rates:

Crop	Unit	Rate per month	Rate per year
1968 corn, wheat, barley, and soybeans (bushel)	100	$1.095	$13.14
1968 grain sorghum (hundredweight)	100	1.96	23.53
1968 oats (bushel)	100	.821	9.854
1967, 1966, 1965, and 1964 corn and wheat, 1967, 1966, and 1965 barley, 1967 and 1966 soybeans (bushel)	100	1.004	12.045
1967, 1966, and 1965 oats (bushel)	100	.73	8.76
1967, 1966, 1965, and 1964 grain sorghum (hundredweight)	100	1.797	21.56

* * * * *

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 1, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-5453; Filed, May 6, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-EA-39; Amdt. 39-761]

PART 39—AIRWORTHINESS DIRECTIVES

Sensenich Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will restrict the time of operation in a portion of the r.p.m. ranges of certain Sensenich type propellers in combination with certain Lycoming 0-360 type engines.

There have been reports of several incidents of propeller blade tip failures. Data gathered during Sensenich and Lycoming vibration surveys indicated the presence of marginally high blade stresses at 2,260 r.p.m. for the subject propeller-engine combination. The stresses, which are within allowable stress limits under normal operation, are thereby increased to unacceptable levels by the presence of stress risers such as nicks due to stone damage in the propeller blade tip area. It has therefore been concluded that tip failures of this type can be prevented by restricting operation in the critical r.p.m. range of the propeller. Since this is a condition which may exist or can develop in propellers of similar type design, an airworthiness directive is being issued to require marking of the aircraft tachometer to designate the critical area.

Since a condition exists which requires the expeditious adoption of this amendment, it is found that notice and public procedure herein are impractical and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

SENSENICH. Applies to models M76EMM-0, M76EMMS-0, 76EM8-0, and 76EM8S5-0 Propellers installed on Lycoming Models 0-360 series engines, except Model 0-360-A4A.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

(a) To prevent propeller blade tip failures avoid continuous operation between 2,150 and 2,350 r.p.m.

(b) Mark engine tachometer with a red arc from 2,150 to 2,350 r.p.m.

(Sensenich Propeller Bulletin No. R-13 dated Apr. 11, 1969 pertains to this subject.)

This amendment is effective May 9, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5419; Filed, May 6, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Ann Arbor, Mich., 700-foot floor transition area.

The instrument approach procedure for Young Field at Ann Arbor, Mich., has been canceled with the result that the portion of the transition area which provided controlled airspace protection for aircraft executing this procedure is no longer required. Consequently, it is necessary to alter the Ann Arbor, Mich., 700-foot floor transition area to delete this airspace from the designation.

Since this alteration will reduce the existing designated Ann Arbor, Mich., transition area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ANN ARBOR, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ann Arbor Municipal Airport (latitude 42°13'25" N., longitude 83°44'30" W.); excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 22, 1969.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 69-5413; Filed, May 6, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the 700-foot ACL portion of the Dubois, Idaho, transition area.

The AL-124-VOR-1 Standard Instrument Approach for Dubois Airport no longer meets criteria for retention and will be canceled on May 8, 1969. Cancellation of the approach procedure will eliminate the requirement for the 700-foot AGL portion of the transition area and action is taken herein to reflect this change. The 1,200-foot portion of the transition area will be retained to provide controlled airspace for aircraft executing holding procedures on the 152° M (170° T) radial.

Since this action is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.181 (34 F.R. 4637) the Dubois, Idaho, transition area is amended to read as follows:

DUBOIS, IDAHO

That airspace extending upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° radials, extending from 10 miles north to 20 miles south of the VOR.

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 28, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-5414; Filed, May 6, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Montague, Calif., transition area.

A recent review of the controlled airspace for Siskiyou County Airport, Calif., has revealed that a discrepancy exists in one geographical coordinate in the description of the transition area. Corrective action is taken herein.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In consideration of the foregoing the Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.181 (34 F.R. 4637) the description of the Montague, Calif., transition area is amended by deleting "* * *, longitude 122°20'00" W. * * *," in the fifth line and substituting "* * *, 122°-10'00" W. * * *," therefor.

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 28, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-5415; Filed, May 6, 1969; 8:45 a.m.]

[Airspace Docket No. 68–CE–76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 12917 of the FEDERAL REGISTER dated September 12, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Grand Marais, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Devils Track Airport latitude coordinate recited in the Grand Marais, Minn., transition area designation as "latitude 47°49'40'' N." is changed to read "latitude 47°49'35'' N.,".

This amendment shall be effective 0901 G.m.t., June 26, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 22, 1969.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

GRAND MARAIS, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Devils Track Airport (latitude 47°49'35'' N., longitude 90°22'45'' W.); and within 2 miles each side of the 103° bearing from Devils Track Airport, extending from the 6-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 103° bearing from Devils Track Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 273° bearing from Devils Track Airport, extending from the airport to 12 miles west of the airport.

[F.R. Doc. 69–5416; Filed, May 6, 1969; 8:46 a.m.]

[Airspace Docket No. 68–CE–90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 16285 of the FEDERAL REGISTER dated November 6, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Freeport, Ill.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment. No objections have been received to the proposal. However, subsequent to the issuance of the notice the agency has determined that the coordinates for Albertus Airport, Freeport, Ill., have been slightly changed. Action is taken herein to effect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 26, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

FREEPORT, ILL.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Albertus Airport (latitude 42°14'50'' N., longitude 89°34'45'' W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act (1655(c)))

Issued in Kansas City, Mo., on April 22, 1969.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 69–5417; Filed, May 6, 1969; 8:46 a.m.]

[Airspace Docket No. 68–CE–105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 18940 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Bend, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 26, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 22, 1969.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

WEST BEND, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20'' N., longitude 88°07'45'' W.); and within 2 miles each side of the 136° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport.

[F.R. Doc. 69–5418; Filed, May 6, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYSORBATES 20, 40, 60, 65, 80, 85

Acting upon a petition (FAP 9L2340) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, the Commissioner of Food and Drugs concludes that:

1. The names "polysorbate 20," "polysorbate 40," "polysorbate 65," and "polysorbate 85," having been established by universal usage over a long period of time as the common or usual names for polyoxyethylene (20) sorbitan monolaurate, polyoxyethylene (20) sorbitan monopalmitate, polyoxyethylene (20) sorbitan tristearate, and polyoxyethylene (20) sorbitan trioleate, respectively, may be used in the food additive regulations without reference to the chemical name, except where it is desirable for informational purposes to include initially the chemical name as a synonym.

2. Since polysorbate 60 and polysorbate 80 are presently recognized as the common or usual names for polyexyethylene (20) sorbitan monostearate in § 121.1030 and for polyoxyethylene (20) sorbitan monooleate in § 121.1009, respectively, editorial changes should be made throughout the food additive regulations for consistency in nomenclature.

3. References to the above-identified substances, sorbitan monooleate, and sorbitan monostearate should be deleted from §§ 121.2507, 121.2526, 121.2531, 121.2535, 121.2536, 121.2550, 121.2553, 121.2557, 121.2566, and 121.2590 because § 121.2541 currently provides for use of these additives as contemplated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.235 is revised to read as follows:

§ 121.235 Polysorbate 80.

The food additive polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) may be safely used as an emulsifier in milk-replacer formulations for calves.

2. Section 121.236 is amended by changing the section heading to read as follows:

§ 121.236 Polysorbate 60.

* * * * * *

3. Section 121.272 is revised to read as follows:

§ 121.272 Sorbitan monostearate.

The food additive sorbitan monostearate may be safely used alone or in combination with polysorbate 60 as an emulsifier in mineral premixes and dietary supplements for animal feeds.

4. Section 121.1008 is amended by revising the section heading, the introductory text, and paragraph (c)(2), (3)(ii), (4)(ii), and (5) to read as follows:

§ 121.1008 Polysorbate 65.

The food additive polysorbate 65 (polyoxyethylene (20) sorbitan tristearate), which is a mixture of polyoxyethylene ethers of mixed stearic acid esters of sorbitol anhydrides and related compounds, may be safely used in food in accordance with the following prescribed conditions:

* * * * * *

(c) * * *

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60.

When used alone, the maximum amount of polysorbate 65 shall not exceed 0.32 percent of the cake or cake mix, on a dry-weight basis. When used with sorbitan monostearate and/or polysorbate 60, it shall not exceed 0.32 percent, nor shall the sorbitan monostearate exceed 0.61 percent or the polysorbate 60 exceed 0.46 percent, and no combination of these emulsifiers shall exceed 0.66 percent of the cake or cake mix, all calculated on a dry-weight basis.

(3) * * *

(ii) Polysorbate 60.

* * * * * *

(4) * * *

(ii) Polysorbate 60.

* * * * * *

(5) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60.

When used alone, the maximum amount of polysorbate 65 shall not exceed 0.32 percent of the weight of the cake icing or cake filling. When used with sorbitan monostearate and/or polysorbate 60, it shall not exceed 0.32 percent, nor shall the sorbitan monostearate exceed 0.7 percent or the polysorbate 60 exceed 0.46 percent, and no combination of these emulsifiers shall exceed 1 percent of the weight of the cake icing or cake filling.

* * * * * *

5. In § 121.1009(c), subparagraphs (1) and (9)(ii) and (iii) are revised to read as follows:

§ 121.1009 Polysorbate 80.

* * * * * *

(c) * * *

(1) An emulsifier in ice cream, frozen custard, ice milk, fruit sherbet, and nonstandardized frozen desserts, when used alone or in combination with polysorbate 65 whereby the maximum amount of the additives, alone or in combination, does not exceed 0.1 percent of the finished frozen dessert.

* * * * * *

(9) * * *

(ii) Polysorbate 60.

(iii) Polysorbate 65.

* * * * * *

6. Section 121.1029(c) is amended by revising the introductory text and subparagraphs (1) through (5) to read as follows:

§ 121.1029 Sorbitan monostearate.

* * * * * *

(c) It is used or intended for use, alone or in combination with polysorbate 60 as follows:

(1) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Polysorbate 60;

(ii) Polysorbate 65;

(iii) Polysorbate 80;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping; except that a combination of the additive with polysorbate 60 may be used in excess of 0.4 percent: *Provided*, That the amount of the additive does not exceed 0.27 percent and the amount of polysorbate 60 does not exceed 0.77 percent of the weight of the finished whipped vegetable oil topping.

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Polysorbate 65.

(ii) Polysorbate 60.

When used alone, the maximum amount of sorbitan monostearate shall not exceed 0.61 percent of the cake or cake mix, on a dry-weight basis. When used with polysorbate 65 and/or polysorbate 60, it shall not exceed 0.61 percent, nor shall the polysorbate 65 exceed 0.32 percent or the polysorbate 60 exceed 0.46 percent, and no combination of the emulsifiers shall exceed 0.66 percent of the weight of the cake or cake mix, calculated on a dry-weight basis.

(3) As an emulsifier, alone or in combination with polysorbate 60 in nonstandardized confectionery coatings and standardized cacao products specified in §§ 14.6, 14.7, 14.8, 14.9, 14.10, and 14.12 of this chapter, as follows:

(i) It is used alone in an amount not to exceed 1 percent of the weight of the finished nonstandardized confectionery coating or standardized cacao product.

(ii) It is used with polysorbate 60 in any combination of up to 1 percent sorbitan monostearate and up to 0.5 percent polysorbate 60 provided that the total combination does not exceed 1 percent of the weight of the finished nonstandardized confectionery coating or standardized cacao product.

(4) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Polysorbate 65.

(ii) Polysorbate 60.

When used alone, the maximum amount of sorbitan monostearate shall not exceed 0.7 percent of the weight of the cake icing or cake filling. When used with polysorbate 65 and/or polysorbate 60, it shall not exceed 0.7 percent, nor shall the polysorbate 65 exceed 0.32 percent or the polysorbate 60 exceed 0.46 percent, and no combination of these emulsifiers shall exceed 1 percent of the weight of the cake icing or cake filling.

(5) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Polysorbate 60.

(ii) Polysorbate 65.

The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

* * * * * *

7. In § 121.1030(c), subparagraphs (1)(ii), (2), (5), and (9)(i) are revised to read as follows:

§ 121.1030 Polysorbate 60.

* * * * * *

(c) * * *

(1) * * *

(ii) Polysorbate 65.

* * * * * *

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Polysorbate 65.

(ii) Sorbitan monostearate.

When used alone, the maximum amount of polysorbate 60 shall not exceed 0.46 percent of the cake or cake mix, on a dry-weight basis. When used with polysorbate 65 and/or sorbitan monostearate, it shall not exceed 0.46 percent, nor shall the polysorbate 65 exceed 0.32 percent or the sorbitan monostearate exceed 0.61 percent, and no combination of these emulsifiers shall exceed 0.66 percent of the cake or cake mix, all calculated on a dry-weight basis.

* * * * * *

(5) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Polysorbate 65.

(ii) Sorbitan monostearate.

When used alone, the maximum amount of polysorbate 60 shall not exceed 0.46 percent of the weight of the cake icings and cake fillings. When used with polysorbate 65 and/or sorbitan monostearate, it shall not exceed 0.46 percent, nor shall the polysorbate 65 exceed 0.32 percent or the sorbitan monostearate exceed 0.7 percent, and no combination of these emulsifiers shall exceed 1 percent of the weight of the cake icing or cake filling.

* * * * * *

(9) * * *

(i) Polysorbate 65.

* * * * * *

8. In § 121.1099(a)(2), the items "Polyoxyethylene (20) sorbitan monostearate" and "Polyoxyethylene (20) sorbitan tristearate" are deleted and two new items therefor are alphabetically inserted in the list of substances, as follows:

§ 121.1099 Defoaming agents.

* * * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Polysorbate 60	As defined in § 121.1030.
Polysorbate 65	As defined in § 121.1008.
* * *	* * *

* * * * * *

9. In § 121.1164(b), the item "Polysorbate 80" is revised to read as follows:

§ 121.1164 Synthetic flavoring substances and adjuvants.

* * * * * *

(b) * * *

Polysorbate 80; polyoxyethylene (20) sorbitan monooleate.	

* * * * * *

§ 121.2507 [Amended]

10. Section 121.2507 *Cellophane* is amended by deleting from paragraph (c) the items: "Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) conforming to the identity prescribed in § 121.1030" and "Sorbitan monostearate conforming to the identity prescribed in § 121.1029."

§ 121.2520 [Amended]

11. Section 121.2520 *Adhesives* is amended in the list of substances by revising the following items in paragraph (c)(5) as indicated and by alphabetically repositioning them accordingly:

a. The item "Polyoxyethylene (20 mols) sorbitan monolaurate" is changed to read "Polysorbate 20 (polyoxyethylene (20 mols) sorbitan monolaurate)."

b. The item "Polyoxyethylene (20 mols) sorbitan monooleate" is changed to read "Polysorbate 80."

c. The item "Polyoxyethylene (20 mols) sorbitan monopalmitate" is changed to read "Polysorbate 40 (polyoxyethylene (20 mols) sorbitan monopalmitate)."

d. The item "Polyoxyethylene (20 mols) sorbitan monostearate" is changed to read "Polysorbate 60."

§ 121.2526 [Amended]

12. Section 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* is amended by deleting from the list of substances in paragraph (a)(5) the items: "Polyoxyethylene (20) sorbitan monolaurate," "Polyoxyethylene (20) sorbitan tristearate," "Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate)," "Polysorbate 80," and "Sorbitan monostearate."

§ 121.2531 [Amended]

13. Section 121.2531 *Surface lubricants used in the manufacture of metallic articles* is amended by deleting from the list of substances in paragraph (b)(2) the items: "Polyoxyethylene (20) sorbitan monolaurate" and "Polysorbate 80."

§ 121.2535 [Amended]

14. Section 121.2535 *Textiles and textile fibers* is amended by deleting from the list of substances in paragraph (d)(5) the items: "Polyoxyethylene (20) sorbitan monolaurate" and "Polyoxyethylene (20) sorbitan monostearate."

§ 121.2536 [Amended]

15. Section 121.2536 *Filters, resin-bonded* is amended by deleting from paragraph (d)(4) the item: "Polysorbate 80."

§ 121.2541 [Amended]

16. Section 121.2541 *Emulsifiers and/or surface-active agents* is amended in paragraph (c) by deleting from the item "Polysorbate 60 * * *" the portion reading "(polyoxyethylene (20) sorbitan monostearate)" and by deleting from the item "Polysorbate 65 * * *" the portion reading "(polyoxyethylene (20) sorbitan tristearate)".

§ 121.2550 [Amended]

17. Section 121.2550 *Closures with sealing gaskets for food containers* is amended by deleting from table 1 in paragraph (b)(5) the items: "Polyoxyethylene (20) sorbitan monolaurate," "Polysorbate 80," and "Sorbitan monostearate."

§ 121.2553 [Amended]

18. Section 121.2553 *Lubricants with incidental food contact* is amended by deleting from the list of substances in paragraph (a)(3) the items: "Polysorbate 60" and "Sorbitan monooleate."

§ 121.2557 [Amended]

19. Section 121.2557 *Defoaming agents used in coatings* is amended by deleting from the list of substances in paragraph (d)(3) the items: "Polyoxyethylene (20) sorbitan monolaurate," "Polyoxyethylene (20) sorbitan tristearate," "Polysorbate 60 * * *," "Polysorbate 80," and "Sorbitan monostearate."

§ 121.2566 [Amended]

20. Section 121.2566 *Antioxidants and/or stabilizers for polymers* is amended by deleting from the list of substances in paragraph (b) the item "Sorbitan monostearate."

21. Section 121.2590(b) is revised to read as follows to delete "Polysorbate 80":

§ 121.2590 Isobutylene polymers.

* * * * * *

(b) The polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of the polymers. The optional adjuvant substances required in the production of the polymers may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and aluminum chloride.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 30, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5406; Filed, May 6, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

In the appendix to Subchapter C the following changes are made:

1. In the country item *Ghana*, under Parcel Post, delete the following sentence appearing under *Insurance*. "Insurance is limited to surface parcels".

2. In country item *Luxembourg (Grand Duchy)*, under Parcel Post, amend the first sentence under *Insurance* to read as follows:

Insurance. The following insurance fees and limits of indemnity apply: * * *.

3. In country item *Macao*, under Parcel Post, the paragraph headed *Observations* is amended to read as follows:

Observations. Macao is a Portuguese colony and parcels addressed for Macao should be addressed to "Macao" and not to "Macao, China."

4. Under *Nigeria*, Postal Union Mail, in *Observations*, delete the following post offices from the list of offices where mail service has been suspended: Aback; Bonny; Ikom; Nembe; and Opabo.

5. In country item *Outer Mongolia*, under Postal Union Mail, add new paragraph *Observations* following paragraph *Money orders* to read as follows:

Observations. Mail may be addressed "Mongolia" if desired.

6. In country item *Portugal*, under Parcel Post, delete the item *Observations*.

7. In the countries, *Portuguese East Africa* and *Portuguese Timor*, under Parcel Post, in the paragraph *Observations*, delete the following sentence: "Consular invoices are required under the same conditions as for Portugal."

8. In country item *Portuguese West Africa*, under Parcel Post, delete the paragraph *Observations*.

9. In country item *South Africa (Republic of) (Including South-West Africa)*, under Parcel Post, the paragraph *Weight limit* is amended to read as follows:

Weight limit. 22 pounds.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-5409; Filed, May 6, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

Chapter X, Part 1070 of Title 45 of the Code of Federal Regulations is revised by deleting § 1070.1 and adding two new subparts, reading as follows:

Subpart—Public Access to Grantee Information

Sec.
1070.1-1 Applicability of this subpart.
1070.1-2 Definitions.
1070.1-3 Requirements for inspection and examination.
1070.1-4 Classes of public information.
1070.1-5 Additional information.
1070.1-6 Conditions of public inspection and examination.

Subpart—Grantee Public Meetings and Hearings

1070.2-1 Applicability of this subpart.
1070.2-2 Definitions.
1070.2-3 Public meetings after grant of assistance.
1070.2-4 Time, place, and notice of public meetings.
1070.2-5 Conduct of the public meetings.

AUTHORITY: The provisions of this Part 1070 issued under secs. 213 and 602, 81 Stat. 695, 78 Stat. 530; 42 U.S.C. 2796, 2942.

Subpart—Public Access to Grantee Information

§ 1070.1-1 Applicability of this subpart.

This subpart applies to all public agencies and private organizations which receive financial assistance under title I-B, I-D, II, or III-B of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1070.1-2 Definitions.

As used in this subpart—

(a) "Agency" when used without qualification means a public agency or private organization which has received assistance under title I-B, title I-D, title II, or title III-B of the Economic Opportunity Act.

(b) "Applicant agency" means an agency which has filed an application with OEO for direct assistance under title I-B, title I-D, title II, or title III-B of the Economic Opportunity Act.

(c) "Community Action Agency" means an agency that has been recognized as such under section 210 of the Economic Opportunity Act by OEO.

(d) "Completed audit" means the auditor's final report as transmitted to the audited agency, along with any comments made by the audited agency in response to the audit report. The audit becomes "completed" 30 days after receipt by the audited agency.

(e) "Delegate agency" means an agency to which the development, conduct, or administration of all or part of a project assisted under title I-B, title I-D, title II, or title III-B of the Economic Opportunity Act has been delegated by the direct recipient of the assistance.

(f) "Economic Opportunity Act" means the Economic Opportunity Act of 1964 together with amendments. Citation to any section includes the corresponding section of the Act prior to the 1967 Amendments.

(g) "OEO," unless otherwise indicated in this subpart, refers to the appropriate Regional or Headquarters Office with responsibility for approving the particular grant or contract.

§ 1070.1-3 Requirements for inspection and examination.

(a) Every Community Action Agency and every applicant agency which currently seeks recognition by OEO as a Community Action Agency shall make available to any person for inspection and examination all of those documents described in § 1070.1-4, but this shall not apply if the Community Action Agency or applicant agency is a state, a political subdivision of a State, or a combination of such political subdivisions.

(b) Any State, political subdivision of a State, or combination of such political subdivisions that is or seeks to become a Community Action Agency, any delegate agency, and all other agencies (other than Community Action Agencies) that are recipients of direct assistance under title I-B, title I-D, title II, or title III-B of the Economic Opportunity Act shall make available to any person for inspection and examination those documents described in paragraphs (a) to (i) of § 1070.1-4 and the records described in paragraphs (j) through (n) which pertain to activities assisted by OEO.

§ 1070.1-4 Classes of public information.

The following are the books and records and other classes of public information which an agency shall make available for public inspection and examination to the extent required by § 1070.1-3:

(a) Any application of the agency submitted to and currently pending with OEO for assistance under the Economic Opportunity Act;

(b) Copies of all those written statements and affidavits which are filed with the agency pursuant to the requirements of § 1070.2-5;

(c) Any proposal received by the agency and currently pending before it for inclusion of a certain project in an application to OEO;

(d) Any proposal approved by the agency for inclusion in an application for assistance under the Economic Opportunity Act but not yet submitted to OEO; however, this requirement shall not apply to proposals for research or demonstration projects in situations where the agency believes disclosure will jeopardize its proprietary interests in the proposal;

(e) All books of account maintained by the agency with respect to its development, conduct, or administration or any program or project assisted by OEO;

(f) All contracts made in connection with the administration of any program or project assisted by OEO, including contracts for conduct and administration of program accounts, contracts for consultant services, and contracts for the purchase of goods and services, as well as all purchase of goods and services, as well as all purchase orders, invoices, and other documents evidencing the expenditure of project funds;

(g) With respect to any assistance which has been received by the agency from OEO under title I-B, title I-D, title II, or title III-B of the Economic Opportunity Act, the application for such assistance, the statement of grant or similar document indicating approval of the application and extension of assistance by OEO, and all documents accompanying such a statement of grant or similar document, or authorizing changes in the grant as originally approved;

(h) All report forms submitted by the agency to OEO with respect to the development, conduct, or administration of any program assisted by OEO, with the exception that this paragraph shall not apply to reports of data about identifiable persons who are clients of legal services programs or who are beneficiaries of any other programs;

(i) Articles of incorporation and by-laws of any private agency or any official acts governing the creation and operation of a public agency, and any similar documents which provide the basic authority of the agency or the basic rules of its governance;

(j) Lists of names of all current and past employees of the agency together with their job descriptions and their rate of compensation, but Neighborhood Youth Corps enrollees are not considered employees for purposes of this subsection nor are other persons receiving payments in the form of stipends or otherwise who are intended as the principal and direct beneficiaries of a program.

(k) Statements or records of all actions taken (as distinguished from reports of discussion) at all meetings of the principal representative board, the Board of Directors, Executive Committee, and other boards which have the

power to make decisions on behalf of the agency or to advise the agency on policy;

(l) Lists of the names and addresses of all current and past members of the agency, and of its boards, councils, and committees that have or have had policy making or policy advisory responsibility for the program;

(m) Current and past budgets of the agency, and reports of completed audits of the accounts of the agency required by section 243 of the Economic Opportunity Act and made by a certified public accountant, a duly licensed public accountant, or, in the case of a public agency, the appropriate public financial officer.

(n) Current and past city, State, and Federal tax returns filed by the agency.

§ 1070.1–5 Additional information.

Any agency which is assisted by OEO, or which is seeking such assistance, should make documents relating to such assistance available to the maximum extent possible. Except in cases where disclosure of such documents would involve an invasion of privacy, would impose an undue administrative burden on the agency, or would interfere with the internal decision making processes of the agency, the agency should permit examination and inspection of all such documents requested by any person. The enumeration of books and records and other classes of public information to be made available under § 1070.1–4 should not be considered exhaustive.

§ 1070.1–6 Conditions of public inspection and examination.

(a) In any case in which books and records or other documents are required by this subpart to be made available for public inspection and examination, they shall be made available at the principal office of the disclosing agency at which business related to assistance received under the Economic Opportunity Act is transacted.

(b) They shall be available during regular business hours on each regular workday (Monday through Friday of each week, official local holidays excepted). In the case of documents being used for official purposes at the time request for inspection and examination is made, the documents shall be made available no later than five business days after the receipt of each request. The requirements for public inspection may be satisfied by making available for such inspection either the original or a copy which is both legible and capable of being legibly photocopied. Facsimile copies should also be furnished to any person upon request. If the agency uses its own reproduction equipment, it may charge a fee of 10 cents or less for each page. If other equipment is used, the fee shall not exceed the actual cost of the service to the agency.

(c) In any case in which an agency concludes that notwithstanding the provisions of this subpart a document should not be made public, the agency shall immediately request the approval of OEO in writing, giving a description of the document and a full explanation of the justification for the agency's conclusion that the document is not of a public nature. OEO will in such cases make a prompt determination as to whether the document should be made public.

Subpart—Grantee Public Meetings and Hearings

§ 1070.2–1 Applicability of this subpart.

This subpart applies to all agencies and organizations covered by § 1070.1–1.

§ 1070.2–2 Definitions.

As used in this subpart—

(a) The terms "Community Action Agency," "delegate agency," "Economic Opportunity Act," and "OEO" have the same meaning as set forth in § 1070.1–2.

(b) "Community served" means the most expansive geographic area in which the grantee is authorized to conduct programs or provide benefits under the terms of its grant from OEO.

(c) "Community proposed to be served" means a city, county, multicity, or multicounty unit, an Indian Reservation or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed for a community action program.

(d) "Designation" means the selection of a proposed Community Action Agency by a State, a political subdivision (including the Tribal Government of an Indian Reservation) or a combination of political subdivisions in accordance with regulations issued under section 210 of the Economic Opportunity Act.

(e) "Principal Representative Board" in the case of Community Action Agencies refers to that body which is designed to meet the composition requirements of section 211(b) of the Economic Opportunity Act. In the case of all other agencies, "Principal Representative Board" refers to the agency's "governing body" or "advisory board or committee" which meets the requirements of § 1060.1–2 (b)(5) and (c) of this chapter (Subpart—Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs).

§ 1070.2–3 Public meetings after grant of assistance.

(a) This subpart implements the requirement for public meetings in section 213(a) of the Economic Opportunity Act. This requirement is applicable throughout the period of assistance to an agency which has received a grant under section 213, section 221, section 222(a) or section 312 of the Economic Opportunity Act and any Community Action Agency which has received a grant under title I–D or the remaining sections of title II of the Economic Opportunity Act. An agency may satisfy this requirement either by holding regular meetings as specified in subparagraph (1) of this paragraph or by holding special public meetings as specified in subparagraph (2) of this paragraph.

(1) The agency may establish a procedure whereby regularly scheduled meetings of the principal representative board will be held not less often than one meeting every 10 weeks for the purpose of discussing past, present, or future policies or programs of the agency; and persons who are not members of the board may attend and will be offered a reasonable opportunity to be heard whether or not on the agenda.

(2) Any such agency shall hold a public meeting in response to a written request for such a meeting by any person or group. The meeting shall be held within 30 days of the receipt of the request by the agency. A request for a meeting shall include a statement of the basic issue or issues which the requesting party particularly wishes considered at the meeting. A request may be denied if, by a vote of at least three-fourths of the members of the principal representative board of the agency who are present at a lawful meeting, the board determines either that the request raises only frivolous issues or that the proposed meeting would merely be repetitive of previous public meetings. Notice of such board decision must be sent within 30 days to OEO.

(b) The public hearing requirements of this section are in addition to the requirements of CA Memo 80, Part C(4) for public meetings prior to designation of a community action agency and Part I of OEO Instruction 6710–1 for open board meetings as part of the grant prereview process.

§ 1070.2–4 Time, place and notice of public meetings.

All public meetings required under paragraphs (a) and (b) of § 1070.2–3 shall be held at a time and place convenient to the public. Public notice of each meeting shall state the time and place at which the meeting shall be held and the agenda for the meeting, and shall be given not less than 10 days before the day of the meeting. Notice of a meeting shall be given by:

(a) Publishing a formal notice as a legal notice in at least one newspaper generally circulated within the community served or proposed to be served by the agency; and

(b) Posting a formal notice in a prominent place at the principal office of the agency, at the county courthouse, at the city hall of each major city within the area, at each other place where official notices are regularly posted, and at such appropriate other places within the community served or proposed to be served as may be designated by the representatives of the poor on the principal representative board; and

(c) Forwarding a formal notice of the meeting:

(1) To every newspaper with a daily or weekly circulation of more than 5,000 copies within the community served by the agency, or if there is no newspaper having circulation of that size then to every newspaper with a daily or weekly circulation of more than 2,500 copies in such community,

(2) To every radio and television station which regularly broadcasts local news or announcements of meetings in the community served, or proposed to be served,

(3) To any community newspaper or journal primarily serving a neighborhood or area in which the agency runs or is preparing to run a program under the Economic Opportunity Act,

(4) To each person who has submitted a written request for copies of such notices,

(5) To the State Economic Opportunity Office for the State in which the agency is located,

(6) To OEO,

(7) To every member of the principal representative board of the agency, and

(8) To the chief elected officials in the community served or proposed to be served and other appropriate public officials.

However, agencies which serve an area larger than a single county shall consult OEO concerning the place or places where meetings shall be held and what notice shall be required. Procedures approved by OEO shall, to the extent specified by OEO, satisfy the requirements of this section.

§ 1070.2–5 Conduct of the public meetings.

(a) Each meeting shall be held before the principal representative board. It shall be held at the time and place set forth in the notice of meeting. In the event the meeting cannot be completed on that date, it may be continued from day-to-day or adjourned to a later day without notice other than the announcement of the place, day, and time by the presiding officer, and the posting of that information on the door of the originally publicized meeting place for the benefit of late arrivals.

(b) Each meeting shall be open to all members of the public. Every person expressing a desire to speak shall be heard, although the presiding officer may establish reasonable limits on the length of the statement of any one person. Should the presiding officer determine that the opportunity to be heard is being utilized for purposes of delay, he may exclude statements essentially repetitious of statements already heard.

(c) Although meetings may be conducted in an informal manner, minutes shall be kept which fairly and accurately reflect the business of the meeting, and the basic sides of any disputed questions or issues which arise. Written statements and affidavits shall be accepted for the record of the meeting. Such statement and affidavits should preferably be submitted in triplicate, but shall be accepted even if offered in a single copy or in duplicate. Such statements shall be made public at the office of the agency.

Effective date. This revision, and these two subparts, shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69–5434; Filed, May 6, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER H—MISCELLANEOUS

[DoD Instruction 4160.23, Jan. 31, 1969]

PART 201—SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL LAW ENFORCEMENT AND FIREFIGHTING AGENCIES

The Assistant Secretary of Defense (Installations and Logistics) has approved the following:

Sec.

201.1 Purpose.
201.2 Applicability and scope.
201.3 Policy and procedures.
201.4 Reporting requirement.
201.5 Procedures for the sale of surplus weapons, ammunition, gas masks, and protective body armor to State and local law enforcement and firefighting agencies.
201.6 Description, standard unit and sale price for weapons.
201.7 Description, standard unit and sale price for ammunition.
201.8 Description, standard unit and sale price for gas masks, filters and canisters.
201.9 Description, standard unit and sale price for protective body armor.
201.10 Request for surplus military equipment.

AUTHORITY: The provisions of this Part 201 issued under sec. 2576, title 10, United States Code (Public Law 90–500).

§ 201.1 Purpose.

This part establishes uniform policy and procedures for the sale of certain Department of Defense (DoD) surplus military equipment to State and local law enforcement and firefighting agencies, pursuant to section 2576, title 10, United States Code (Public Law 90–500).

§ 201.2 Applicability and scope.

(a) The provisions of this part apply to all DoD Components in the fifty (50) States of the United States.

(b) They cover sales of certain surplus military equipment to State and local law enforcement and firefighting agencies only.

§ 201.3 Policy and procedures.

(a) Notwithstanding the demilitarization requirements of Chapter XIV of Defense Disposal Manual DoD 4160.21–M,[1] DoD may sell to State and local law enforcement and firefighting agencies pistols, revolvers, shotguns, rifles (of a caliber not exceeding .30) and ammunition therefor; gas masks; and protective body armor (see §§ 201.5, 201.6–201.9) that have survived donation screening (see Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended). Such sales will be consummated only after:

(1) It has been determined that such items are operationally safe and suitable for use by such agencies;

(2) The type and amount of equipment requested has been certified by the Governor of the State in which the requesting agency is located (or such State official as he may designate) as being necessary to the agency's operation; and

(3) The Law Enforcement Assistance Administration (LEAA) of the Department of Justice has determined that the request is valid and appropriate.

(b) Sales will be made in accordance with the procedures set forth in § 201.5.

§ 201.4 Reporting requirement.

The reporting requirement for this part will be satisfied by the inclusion of additional data in the Program Administrators Progress Report prescribed by subsection VII, B of DoD Instruction 4160.21, "DoD Personal Property Disposal Program," dated April 28, 1967[2] (RCS: DD–I&L(Q)891). The data will be segregated by category of materiel (weapons, ammunition, gas masks, body armor) and will set forth the aggregate standard line item price value of materiel sold and the proceeds from sale at fair market value.

§ 201.5 Procedures for the sale of surplus weapons, ammunition, gas masks, and protective body armor to State and local law enforcement and firefighting agencies.

(a) *General.* Notwithstanding the demilitarization requirements in Chapter XIV, Defense Disposal Manual, 4160.21–M,[1] surplus pistols, revolvers, shotguns, rifles, ammunition, gas masks, and protective body armor, listed in §§ 201.6–201.9, which are operationally safe and have survived donation screening, are authorized for sale to State or local law enforcement and firefighting agencies (pursuant to section 2576 of title 10 United States Code, Public Law 90–500), in accordance with the procedures set forth in paragraph (d) of this section.

(b) *Prices.* Sales will be made at "Fair Market Value." For purposes of this procedure, "Fair Market Value" is defined as (1) 50 percent of the standard unit prices for weapons shown in § 201.6; (2) 100 percent of the standard unit prices for ammunition shown in § 201.7; (3) 10 percent of the standard unit prices for gas masks and protective body armor shown in §§ 201.8 and 201.9. Expenses of packing, handling, crating, and transportation (accessorial costs) will be included in the billing prices to the purchaser in accordance with DoD Instruction 7510.4, "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, and Transfers of Materials, Supplies and Equipment," dated April 7, 1967.[3]

(c) *Spare parts.* The Department of Defense will not stock spare parts for weapons and/or equipment which may

[1] Not filed as part of the original document. Copies available from the Defense Supply Agency, Room 4C572, Cameron Station, Alexandria, Va. 22314.

[2] Copies available at the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

be sold under the authority of these Instructions.

(d) *Procedures.* (1) Small Arms Weapons listed in § 201.6, which are available for sale under the conditions prescribed in paragraph (a) of this section, will be reported by the Army Weapons Command (WECOM) to the Defense Logistics Services Center (DLSC), Attention: DLSC–M. Reports will be submitted quarterly and will include quantities by type and location(s).

(2) Ammunition listed in § 201.7, which is available for sale under the conditions prescribed in paragraph (a) of this section, will be reported by the Army Ammunition Procurement and Supply Agency (APSA) to DLSC–M. Reports will be submitted quarterly and will include quantities by type, caliber, unit of pack and location(s).

(3) Gas masks listed in § 201.8 and protective body armor listed in § 201.9, which are available for sale under the conditions prescribed in paragraph (a) of this section, will be reported by the Property Disposal Officer (PDO) concerned to the servicing Sales Office. The Sales Office will report the items to DLSC–M for sale purposes. The reports will be submitted quarterly and will include the types and quantities of items and location(s).

(4) When ordering equipment, State and local law enforcement and firefighting agencies will submit purchase requests (one item per request), in the format prescribed in § 201.10 to the Governor (or such State official as he may designate) of the State in which the agency is located. The Governor (or his designee) will forward to DLSC–M only those requests which he has certified as necessary and suitable for the operation of such agencies.

(5) DLSC–M will match requests against available assets. Based on availability of items, DLSC–M will submit requests to the Department of Justice, Attention: Law Enforcement Assistance Administration (LEAA), for certification as to appropriateness and validity (type, quantity, and priority). Upon return of requests, appropriately certified by the LEAA, DLSC–M will conduct sales at fair market value. DD Form 1427, "Notice of Award, Statement and Release Document," will be used to consummate sales and payment will be made in accordance with DLSC instructions. DLSC–M will forward a properly executed DD Form 1427 to the holding activity thus authorizing release of the property to the purchaser. When consummating sales of small arms weapons listed in § 201.6, the DLSC will forward the executed DD Form 1427 to the WECOM authorizing the release of the property to the purchaser. WECOM will indicate on the DD Form 1427 the serial numbers of the weapons sold and forward the necessary copies to the holding activity for shipment. WECOM will furnish DLSC and the Army Provost Marshal General a copy of the DD Form 1427 containing the serial numbers of the weapons sold.

(6) Receipt of requests for which no assets are available will be acknowledged by DLSC–M within ten (10) days. The acknowledgment will indicate that the request will be retained for a period of ninety (90) days from date of acknowledgment. If at the expiration of this period the items requested have not become available, the request will be returned to the requestor by covering letter stating that the items requested are not available and that no further action will be taken on the request.

(e) *Priorities.* The Department of Justice (Law Enforcement Assistance Administration (LEAA)) will review requests received from DLSC–M, determine and order of priority for those requests considered to be valid and appropriate, and return requests appropriately annotated to DLSC–M.

(f) *Turn-in or control.* Items sold in accordance with the foregoing procedures may not be resold or otherwise transferred, by the owning agency to any individual or public or private organization or agency. Items which are no longer serviceable or operable will be destroyed in a manner to preclude reconstruction. The serial numbers of destroyed firearms together with certificates of destruction by the owning agency, the items may be turned in to the PDO of the nearest military actviity. The agency will furnish the Army Provost Marshal General the type and serial numbers of firearms turned in to the PDO.

(g) *Proceeds from sales.* Proceeds from sales will be deposited to Deposit Fund Account 97–6460.5191 in accordance with DoD Instruction 7310.1, "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property, Lumber and Timber Products," dated April 15, 1968.[2] The DoD expenses for these disposals are reimbursable from the sales of disposable property as set forth in DoD Instruction 7310.1, "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property, Lumber and Timber Products," dated April 15, 1968.[2]

[2] Copies available at the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

§ 201.6 Description, standard unit and sale price for weapons.

Stock No.	Nomenclature	Standard unit price	Sale price
1005–000–0974	Rifle, Cal 30–06, KRAG, M1898	$50.00	$25.00
1005–000–0993	Revolver, Cal .38, Colt, OFF Pol 5" bbl	40.00	20.00
1005–000–0994	Revolver, Cal .38, Colt, OFF Pol 6" bbl	40.00	20.00
1005–052–7452	Revolver, Cal .38, S&W Spec, M15 Cbt Masterpiece	74.00	37.00
1005–087–0111	Pistol, Auto, 9mm, Mdl 39, S&W	55.00	27.50
1005–214–0935	Revolver, Cal .45, Colt, M1917	60.10	30.05
1005–317–2465	Revolver, Lt St Cal .38, SP M13, Colt (Aluminum)	45.60	22.80
1005–317–2468	Pistol, Colt, Cal .380	28.00	14.00
1005–317–2469	Pistol, Auto, Cal .32, Colt	27.00	13.50
1005–317–2470	Rifle, Cal .22, Stevens, M416–2	42.00	21.00
1005–317–2471	Rifle, Cal .22, Winchester, Model 75	42.00	21.00
1005–317–2473	Rifle, Cal .22, Winchester, Model 52	92.00	46.00
1005–317–2475	Pistol, Auto, Cal .22 Hi-Std Supermatic	44.00	22.00
1005–322–9736	Rifle, Cal .30, Winchester, Model 70	157.00	88.50
1005–345–6124	Pistol, Auto, Cal .45, M1911A1 (National Match) w/61 IMP	80.00	40.00
1005–508–7874	Pistol, Auto, Cal .22, Ruger, Mark I	33.50	16.75
1005–516–7968	Rifle, Survival	39.00	19.50
1005–568–8704	Revolver, Cal .38, S&W, Spec K–38	53.50	26.75
1005–575–0045	Rifle, Carbine, Cal .30, M1	94.00	47.00
1005–575–0070	Rifle, Survival	40.00	20.00
1005–575–0073	Rifle, Survival	39.00	19.50
1005–575–0085	Rifle, Cal .22, M1	99.70	49.85
1005–575–0086	Rifle, U.S. Cal .22, M2	99.70	49.85
1005–670–3114	Pistol, Auto Cal .45 (National Match) w/58 IMP	143.00	71.50
1005–670–7670	Carbine, Cal .30, M1	76.90	38.45
1005–670–7672	Carbine, Cal .30, M1A1 (Folding Stock)	86.90	43.45
1005–673–7955	Pistol, Cal .45, Auto, M1911 Std	53.70	26.85
1005–673–7965	Pistol, Cal .45, Auto, M1911A1 w/Hip Holster	57.00	28.50
1005–674–1425	Rifle, Cal .30, M1, Std	94.30	47.15
1005–674–1518	Rifle, U.S. Cal .30, M1903A3	107.00	53.50
1005–674–1521	Rifle, U.S. Cal .30, M1903A4, Snipers	239.00	119.50
1005–677–9108	Shotgun, 12GA, Savage, M720, Skeet-Type, 26" bbl	78.90	39.45
1005–677–9125	Shotgun, 12GA Remington, M31 Riot Type 20" bbl	67.90	33.95
1005–677–9130	Shotgun, 12GA, Stevens, M520–30, Riot Type 20" bbl	76.90	38.45
1005–677–9135	Shotgun, 12GA, Stevens, M620, Riot Type 20" bbl	92.90	46.45
1005–677–9140	Shotgun, 12GA Stevens, M620A, Riot Type, 20" bbl	81.90	40.95
1005–677–9145	Shotgun, 12GA Winchester, M1897, Riot Type 20" bbl	83.90	41.95
1005–677–9151	Shotgun, 12GA Winchester, M1912, Skeet-Type, 26" bbl	59.80	29.90
1005–690–3220	Pistol, Auto, Cal .22, Hi-Std TNG Grade, Commercial	29.80	14.90
1005–690–3762	Revolver, Cal .38, Colt, Off Model (National Match)	96.00	48.00
1005–694–4123	Rifle, Cal .22, Mdl 12 w/equip (Commercial Match)	115.00	57.50
1005–694–4257	Rifle, Cal .30, Target, Winchester, Model 70	175.00	87.50
1005–699–1685	Revolver, Cal .38, S&W, Mil & Police, SP 4" bbl	46.00	23.00
1005–716–2911	Rifle, Survival, M4	38.00	19.00
1005–726–5654	Pistol, Auto, Cal .22, Hi-Std Mdl	22.60	11.30
1005–726–5659	Revolver, Cal .38, S&W, Spl, 4" bbl	37.50	18.75
1005–726–5662	Pistol, Auto, Colt, Cal .22 ACE	40.00	20.00
1005–726–5664	Pistol, Auto, Cal .22, Woodsman	61.00	30.50
1005–726–5665	Pistol, Auto, Cal .22, Hi-Std, Mdl HD	33.50	16.75
1005–726–5672	Shotgun, 12GA, Winchester, M97, 20" bbl	60.30	30.15
1005–726–5684	Rifle, Cal .22, Remington, M513T	43.25	21.63
1005–726–5686	Rifle, U.S. Cal .22 Mossberg	30.00	15.00
1005–726–5806	Shotgun, 12GA, Remington, M11, Riot Type	53.00	26.50
1005–726–5816	Shotgun, 12GA, Winchester, M12, Spt Type	60.00	30.00
1005–726–6476	Rifle, Cal .30, M1 (National Match)	148.00	74.00
1005–731–2036	Shotgun, 12GA, Winchester, M1912, Riot Type	68.00	34.00
1005–736–7841	Pistol, Auto, Cal .22, Ruger, Mark I	31.87	15.94
1005–738–3024	Pistol, Auto, Cal .45, M1911A1 (National Match) w/Adj Rear Sight	84.70	42.35
1005–738–8042	Pistol, Auto, Cal .22, Hi-Std Sup Tourn	75.00	37.50
1005–830–2497	Revolver, Cal .38, S&W, K–38, Master Piece	81.00	40.50
1005–831–0234	Revolver, Cal .22, S&W, K–22, Master Piece	81.00	40.50
1005–834–4738	Revolver, Cal .38, 4" bbl	46.00	23.00
1005–834–4739	Revolver, Cal .38, 2" bbl	47.00	23.50
1005–835–9773	Revolver, Cal .38, M15	49.00	24.50
1005–840–3758	Rifle, Cal .22, Remington, M513T	43.25	21.63
1005–840–7305	Revolver, Cal .38, S&W, Mil & Police, Reg, 5" bbl 38/200	46.00	23.00
1005–853–7078	Rifle, Cal .22 (Match Grade)	125.40	62.70

FSN (Note 1)	Nomenclature	Standard unit price	Sale price
4240–578–6032	Filter, XM38, Used with XM28E. Protective Mask	$2.00	.20
4240–678–8474	Filter, M13, Used with M17 Protective Mask	2.64	.26
4240–934–7554	Filter, M13A1, Used with M17A1 Protective Masks	2.45	.25
4240–127–7186	Canister, M10A1. Used with M14, M25 and M24 series. Protective Masks	1.70	.17
4240–112–9365	Canister, M11. Used with M9 series Protective Masks	2.00	.21

(Note 1) Letters appearing in parentheses are not part of FSNs. Meaning is as follows:
S=Small.
M=Medium.
L=Large.
SR=Small Right (Canister is mounted on right-hand side of mask).
SL=Small Left (Canister is mounted on left-hand side of mask).
MR=Medium Right.
ML=Medium Left.
LR=Large Right.
LL=Large Left.

§ 201.9 Description, standard unit and sale price for protective body armor.

FSN (Note 1)	Nomenclature	Standard unit price	Sale price	Coverage
(a) Body Armor, Small Arms Protective (Aircrewman):				Front (Shoulder to Waist).
	8470–928–1579 (Short)	$210.00	$21.00	
	8470–928–1580 (Med)	210.00	21.00	
	8470–928–1581 (Long)	210.00	21.00	Front and Back (Shoulder to Waist).
(b) Body Armor, Small Arms Protective (Aircrewman):				
	8470–926–1573 (Short)	385.00	38.50	
	8470–926–1574 (Reg)	385.00	38.50	
	8470–926–1575 (Long)	385.00	38.50	Front and Back (Neck to Waist).
(c) Armor Body Fragmentation Protective:				
	8470–823–7370 (Small)	32.20	3.22	
	8470–823–7371 (Med)	32.20	3.22	
	8470–823–7372 (Lg)	32.20	3.22	
	8470–823–7373 (X Lg)	32.20	3.22	Front and Back (Torso Only).
(d) Armor Body Fragmentation Protective:				
	8470–261–6637 (Small)	27.75	2.78	
	8470–261–6636 (Med)	27.75	2.78	
	8470–261–6635 (Lg)	27.75	2.78	
	8470–261–6634 (X Lg)	27.75	2.78	
(e) Insert Small Arms Protective:				
	8470–926–1576 (Short)	334.00	33.40	
	8470–926–1577 (Reg)	334.00	33.40	
	8470–926–1578 (Long)	334.00	33.40	

§ 201.10 Request for surplus military equipment.

1st Ind

Subject: Request for Surplus Military Equipment.

To: Commander, Defense Logistics Services Center, Attention: DLSC–M, Federal Center, Battle Creek, Mich. 49016.

The request in the basic correspondence has been duly authenticated and is certified as necessary and suitable for operations in the performance of the duties of the ----------

(Agency)

---------- ----------
Signature

---------- ----------
Title

State Seal

§ 201.7 Description, standard unit and sale price for ammunition.

Stock No.	DoD Ammo Code	Nomenclature	Standard unit price	Sale price
1305–A350		Cart, Cal .32: ball, Colt Auto	0.05	Same
1305–A400		Cart, Cal .38 Special: ball, M41	.06	Do.
1305–A401		Cart, Cal .38 Special: ball, 158 Gr. Steel Jacket	.05	Do.
1305–A402		Cart, Cal .38 Special: ball, 158 Gr. Steel Jacket	.07	Do.
1305–A405		Cart, Cal .38: ball, Revolver, Short Colt	.04	Do.
1305–A406		Cart, Cal .38: ball, Super Auto Colt	.06	Do.
1305–A410		Cart, Cal .38: ball, Revolver, S&W	.05	Do.
1305–A415		Cart, Cal .38: ball, Auto Pistol	.06	Do.
1305–A475		Cart, Cal .45: ball, M1911	.06	Do.
1305–A011		Cart, 12 Ga. Shotgun: paper #0 Buckshot	.11	Do.
1305–A111		Cart, 12 Ga. Shotgun: all brass, #00 Buckshot, M19	.17	Do.
1305–A011		Cart, 12 Ga. Shotgun: paper #0 Buckshot	.11	Do.
1305–A012		Cart, 12 Ga. Shotgun: paper #4 chilled shot	.06	Do.
1305–A013		Cart, 12 Ga. Shotgun: paper #6 chilled shot	.11	Do.
1305–A016		Cart, 12 Ga. Shotgun: paper #5 chilled shot	.10	Do.
1305–A103		Cart, 12 Ga. Shotgun: paper #1 Buckshot	.01	Do.
1305–A080		Cart, 12 Ga. Shotgun: rifled slug	.02	Do.
1305–A180		Cart, Cal .22 Hornet: ball, soft point	.14	Do.
1305–A181		Cart, Cal .30 Carbine: ball, M1, ctn pack	.05	Do.
1305–A182		Cart, Cal .30 Carbine: ball M1, 10/clip pack	.08	Do.
1305–A201		Cart, Cal .30: AP, M2, ctn pack	.09	Do.
1305–A203		Cart, Cal .30: AP, M2, 8/clip pack	.09	Do.
1305–A205		Cart, Cal .30: ball, M2, ctn pack	.05	Do.
1305–A212		Cart, Cal .30: ball, M2, 5/clip pack	.08	Do.
1305–A214		Cart, Cal .30: ball, M2, 8/clip pack	.09	Do.
1305–A216				

§ 201.8 Description, standard unit and sale price for gas masks, filters and canisters.

FSN (Note 1)	Nomenclature	Standard unit price	Sale price
4240–880–0010(S)	Mask, Riot Control Agent, XM25E4. A lightweight protective mask developed to meet SEA requirements. Suitable only for riot control agents.	$18.77	$1.88
4240–880–0009(L)	Mask, Protective, Field, ABC–M17. A combat mask designed to protect the face, eyes, and respiratory tract against CBR Agents.	16.03	1.60
4240–578–8296(M)			
4240–942–4450(S)	Mask, Protective, Field, ABC–M17A1. An improved version of the M17 mask. The M17A1 incorporates an ability to drink and permit mouth-to-aircraft, M24. Used by aircraft pilots and crewmen to provide respiratory protection against CBR Agents both in flight and on the ground.	22.02	2.29
4240–942–4451(M)			
4240–942–4453(L)			
4240–926–4199(S)	Mask, Protective, Field, ABC–M17A1. An improved version of the M17 mask. The M17A1 incorporates an ability to drink and permit mouth-to-aircraft, M24. Used by aircraft pilots and crewmen to provide respiratory protection against CBR Agents both in flight and on the ground.	44.07	4.41
4240–926–4200(M)			
4240–926–4201(L)			
4240–806–8596(S)	Mask, Protective, Tank, ABC–M14A1. Designed to protect tank crewmen against CBR Agents both inside and outside the tank.	20.85	2.09
4240–776–4296(M)			
4240–776–4298(L)			
4240–805–0982(S)			
4240–805–0984(M)			
4240–805–0985(L)			
4240–825–4150(S)	Mask, Protective, Tank, ABC–M14A2. Improved version of the M14A1.	25.36	2.54
4240–825–8590(M)			
4240–825–8591(L)			
4240–994–8751(S)	Mask, Protective, Tank, M28 and M28A1. Same protective capability as the M14A2. Has improved communication capability when used within a tank.	25.01	2.50
4240–994–8750(M)			
4240–994–8752(L)			
4240–368–6086(SL)	Mask, Protective Field, M9A1. The M9A1 field protective mask is designed to protect the face, eyes, and respiratory tract against CBR Agents.	13.94	1.39
4240–368–6087(SR)			
4240–368–6090(ML)			
4240–368–6091(MR)			
4240–368–6094(LR)			
4240–368–6093(LL)			

Subject: Request for Surplus Military Equipment.
To: Honorable _____, Governor of the State of _____.
(a) It is requested that _____ (Agency) _____ (County) of the State of _____ be authorized to purchase surplus military equipment under the provisions of section 2576, title 10, United States Code, (Public Law 90-500).
(b) The area of responsibility for this Agency is approximately _____ square miles, with a population of _____. There are _____ permanent personnel assigned to this Agency consisting of (Administrative and Supervisory personnel) and (patrolmen) (firemen) (deputies) (detectives).
(Number) (Number) (Number)
(c) The current inventory of equipment on hand is as follows:

(1) Weapons	Make	Model	Caliber/Gauge	Quantity
(i) Rifles				
(ii) Pistols				
(iii) Revolvers				
(iv) Shotguns				
(v) Automatic (MG/SMG)				

(2) Ammunition	Caliber/Gauge	Quantity (Rds)

(3) Vehicles	Type[1]	Quantity
Administrative		
Other		

[1] Sedan, Pickup, Truck, Van, Patrol Car, Ambulance, Fire Truck, Rescue Vehicle, etc.

(4) Protective Gear	Type	Quantity
Gas Mask		
Protective Body Armor		

(d) The following item, in quantities as indicated, is hereby requested:

Item	Make/Model	Caliber/Gauge	Unit price	Quantity	Total price

(e) Justification:
(f) I certify that the materiel requested in paragraph 4 above is required to enhance the performance of the missions assigned to this Agency. I further certify that the materiel requested is for the exclusive use of _____ and will not be sold or otherwise transferred to any individual, private organization, or agency.

_____ (Signature)
_____ (Name—Print or Type)
_____ (Title/Position)
_____ (Official address)
_____ (City) (State) (Zip)
_____ (Day) (Month) (Year)

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-5401; Filed, May 6, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

OUTER CONTINENTAL SHELF

Oil and Gas and Sulphur Operations

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 5 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 464; 43 U.S.C. 1334) it is proposed to amend certain regulations in Part 250 of Title 30 as set forth below.

The purpose of the proposed amendments is to clarify and prescribe specific standards of compliance with the general operating regulations applicable to oil and gas and sulphur operations on all Outer Continental Shelf areas. Among other things, the proposed amendments (1) describe in greater detail the precautions to be taken by all lessees to maintain control of wells and (2) revise notice and reporting requirements so as to develop more timely and adequate information necessary to more effective supervision of operations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, U.S. Geological Survey, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MAY 2, 1969.

Part 250 of Chapter II of Title 30 of the Code of Federal Regulations is amended as follows:

1. The last sentence of § 250.1 is revised. As amended, § 250.1 reads as follows:

§ 250.1 Purpose and authority.

The Outer Continental Shelf Lands Act enacted on August 7, 1953 (67 Stat. 462), referred to in this part as "the act," authorizes the Secretary of the Interior at any time to prescribe and amend such rules and regulations to be applicable to all operations conducted under a lease issued or maintained under the provisions of the act as he determines to be necessary and proper to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein. Subject to the supervisory authority of the Secretary of the Interior, the regulations in this part shall be administered by the Director of the Geological Survey through the Chief, Conservation Division.

2. Section 250.2, paragraph (c) is revised and paragraph (j) is added to read as follows:

§ 250.2 Definitions.

* * * * * * *

(c) *Supervisor.* A representative of the Secretary, under administrative direction of the Director, through the Chief, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

* * * * * * *

(j) *OCS Order.* A formal numbered order issued by the supervisor and available in his office, with the prior approval of the Chief, Conservation Division, Geological Survey, that amplifies the regulations in this part and applies to operations in a region or a major portion thereof.

3. Section 250.10 is revised to read as follows:

§ 250.10 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, drilling and production operations, handling and measurement of production, determination and collection of rental and royalty, and, in general, all operations conducted on a lease by or on behalf of a lessee are subject to the regulations in this part, and are under the jurisdiction of the supervisor for any region as delineated by the Director.

4. Section 250.11 is revised to read as follows:

§ 250.11 General functions.

The supervisor is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part and to require compliance with applicable laws, the lease terms, applicable regulations, and OCS orders to the end that all operations shall be conducted in a manner which will protect the natural resources of the Outer Continental Shelf and result in the maximum economic recovery of the mineral resources in a manner compatible with sound conservation practices. Subject to the approval of the Chief, Conservation Division, Geological Survey, the supervisor may issue OCS orders amplifying the requirements of the regulations of this part when such amplifications apply to an entire region or a major portion thereof. The supervisor may issue other orders and rules to govern the development and method of production of a pool, field, or area. Before permitting operations on the leased land, the supervisor may require evidence that a lease is in good standing, that the lessee is authorized to conduct operations, and that an acceptable bond has been filed.

5. Section 250.12 is revised to read as follows:

§ 250.12 Regulation of operations.

(a) *Duties of supervisor.* The supervisor in accordance with the regulations in this part shall inspect and regulate all operations and is authorized to issue OCS orders and other orders and rules necessary to provide effective supervision of operations and to prevent damage to or waste of any natural resource, or injury to life or property. The supervisor shall receive, and shall, when in his judgment it is necessary, consult with or solicit advice from field officials of interested Departments and agencies, including the Fish and Wildlife Service, Federal Water Pollution Control Administration, Bureau of Land Management, Coast Guard, Department of Defense, Corps of Engineers, and from representatives of State and local governments.

(b) *Modification of orders.* (1) The supervisor may prescribe or approve in writing minor departures from the requirements of OCS orders and other orders and rules issued pursuant to paragraph (a) of this section, when such modifications are necessary for the proper control of a well, conservation of natural resources, protection of aquatic life, protection of human health and safety, property, or the environment.

(2) All requests or recommendations for major departures from the requirements of OCS orders, whether on an individual well or field basis, shall be approved by the Chief, Conservation Division.

(c) *Emergency suspensions.* The supervisor is authorized either orally or in writing to suspend any operation which, in his judgment, threatens immediate, serious or irreparable harm or damage to life, including aquatic life, to property, to the leased deposits, to other valuable mineral deposits or to the environment. Such emergency suspension shall continue until in his judgment the threat or danger has terminated.

(d) *Other suspensions.* The supervisor is authorized by written notice to the lessee to suspend any operation for failure to comply with applicable laws, the lease terms, the regulations in this part, OCS orders, or any other written order or rule including orders for filing of reports and well records or logs within the time specified therein.

6. Section 250.17 is revised to read as follows:

§ 250.17 Well locations and spacing.

The supervisor is authorized to approve well locations and well spacing programs necessary for proper development giving consideration to such factors as the location of drilling platforms, the geological

and reservoir characteristics of the field, the number of wells that can be economically drilled, the protection of correlative rights, and minimizing unreasonable interference with other uses of the Outer Continental Shelf area.

7. In § 250.18, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 250.18 Rights of use and easement.

* * * * *

(c) In addition to the rights and privileges granted to a Federal lessee under any lease issued or maintained under the act, the supervisor upon proper application may grant to a holder of a Federal lease or State lease issued by a State which extends the same rights to holders of Federal leases, subject to such conditions as the supervisor may prescribe, the right of use or an easement to construct and maintain pipelines on areas of the Outer Continental Shelf which are constructed, owned, and maintained by the lessee and used for purposes such as (1) moving production to a central point for gathering, treating, storing, or measuring; (2) delivery of production to a point of sale; (3) delivery of production to a pipeline operated by a transportation company, or (4) moving fluids in connection with lease operations, such as for injection purposes. The supervisor is authorized, among the conditions he may prescribe, to designate any reasonable offshore or onshore location as the central or delivery point. Rights of use or easement across areas covered by a mineral lease issued or maintained under the act shall be granted only after the lessee under such lease has been notified and afforded an opportunity to express its views with respect thereto, and any such rights shall be exercised only in a manner so as not to interfere unreasonably with operations of the lessee under such lease. The foregoing right of use and easement shall not apply to pipelines used for transporting oil, gas, or other production after custody has been transferred to a purchaser or carrier as provided for in section 5(c) of the Outer Continental Shelf Lands Act and regulations in 43 CFR 2234.5–3.

(d) Once a right of use or easement has been exercised by the erection of platforms, fixed structures, artificial islands, or pipelines, the right shall continue only so long as they are maintained and used for the purpose specified therein, as determined by the supervisor, even beyond the termination of any lease on which they may be situated, and the rights of all subsequent lessees shall be subject to such rights of use and easement by prior lessees. Upon termination by the supervisor of the right of use and easement, the lessee shall remove or otherwise dispose of all platforms, fixed structures, artificial islands, pipelines, and other facilities and restore the premises to the satisfaction of the supervisor.

§§ 250.20, 250.21 [Redesignated]

8. Sections 250.19 and 250.20 are redesignated §§ 250.20 and 250.21, respectively, and a new § 250.19 is added to read as follows:

§ 250.19 Platforms and pipelines.

(a) The supervisor is authorized to approve the design, other features and manner and means of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under paragraph (a) or (b) of § 250.18 or authorized under any lease issued or maintained under the act.

(b) The supervisor is authorized to approve the design, other features, and installation of all pipelines for which a right of use or easement has been granted under paragraph (c) of § 250.18 or authorized under any lease issued or maintained under the act, including those portions of such lines which extend onto or traverse areas other than the Outer Continental Shelf.

9. Section 250.21 (as redesignated) is revised to read as follows:

§ 250.21 Relief from drilling and producing obligations.

The supervisor is authorized to approve applications for temporary relief from any requirement to drill or to produce under a lease, regulation, or order. Such approval shall not be construed as the granting of a suspension pursuant to paragraph (a) of 43 CFR 3383.5.

10. The first sentence of § 250.30 is revised. As amended, § 250.30 reads as follows:

§ 250.30 Lease terms, regulations, waste, damage, and safety.

The lessee shall comply with the terms of applicable laws and regulations, the lease terms, OCS orders and other written orders and rules of the supervisor, and with oral orders of the supervisor. The lessee shall take all precautions required by applicable laws and regulations, OCS orders, and orders of the supervisor and such other additional precautions or plans as may be required to prevent damage to or waste of any natural resource or injury to life, or property, or the aquatic life of the seas.

11. Section 250.34 is revised to read as follows:

§ 250.34 Drilling and development programs.

(a) *Exploratory plan.* Prior to commencing exploratory programs on a lease, including the construction of platforms, the lessee shall submit a plan to the supervisor for approval. The plan shall include (1) a description of drilling vessels, platforms, or other structures showing the location, the design, and the major features thereof, including features pertaining to pollution prevention and control; (2) the general location of each well including surface and projected bottom hole location for directionally drilled wells; (3) structural interpretations based on available geological and geophysical data; and (4) such other pertinent data as the supervisor may prescribe.

(b) *Development plan.* Prior to commencing each development program on a lease, the lessee shall submit a plan to the supervisor for approval. The plan shall include all information specified in paragraph (a) of this section in detail.

(c) *Drilling applications.* Prior to commencing drilling operations either under an exploratory or development plan, the lessee shall submit an Application for Permit to Drill (Form 9–331C) to the supervisor for approval. The application shall include the integrated blowout prevention, mud, casing, and cementing program for the well, and shall meet the requirements specified in § 250.41(a), and contain the information specified in § 250.91(a), and shall conform with the approved exploratory or development plan.

(d) *Modifications.* The lessee shall submit: (1) All requests for modifications of an approved exploratory or development plan in writing to the supervisor for approval; and (2) all notices of changes to plans set forth in the approved Application for Permit to Drill on Sundry Notices and Reports on Wells (Form 9–331), except that these requirements shall not relieve the lessee from taking responsibility for appropriate action to prevent or abate damage, waste, or pollution of any natural resource or injury to life or property.

§§ 250.35–250.49 [Redesignated]

12. Sections 250.34a through 250.48 are redesignated §§ 250.35 through 250.49, respectively, and § 250.36 (as redesignated) is revised to read as follows:

§ 250.36 Subsequent well operations.

Prior to commencing deepening, plugging-back, repairing (other than work incidental to ordinary well operations), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, abandoning, and any similar operation which will alter the condition of a well, the lessee shall submit an application or notice as specified in §§ 250.91 and 250.92 to the supervisor for approval. This requirement shall not relieve the lessee from responsibility for taking appropriate action to prevent or abate damage or waste of any natural resource, or injury to life or property.

13. Section 250.38 (as redesignated) is revised to read as follows:

§ 250.38 Well records.

(a) The lessee shall keep for each well at his field headquarters or at other locations conveniently available to the supervisor, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforating, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any malfunction, unusual condition or problem; all the formations penetrated; the content and character of oil, gas, and other mineral deposits, and water in each formation;

the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) The lessee shall, within 15 days after the completion of each well operation specified in paragraph (a) of this section, transmit to the supervisor copies of records of such operation in triplicate on or attached to Form 9–331.

(c) The lessee shall, as soon as available but not later than 7 days after the completion of each logging operation, transmit to the supervisor duplicate copies (field or final prints of individual runs) of logs or charts of electrical, radioactive, sonic, and other well logging operations and directional well surveys. Composite logs of multiple runs shall be filed with the supervisor in duplicate as soon as available, but not later than 30 days after completion of all logging operations for each well.

(d) The lessee shall furnish copies of the daily drilling report, a plat showing the location, designation, and status of all wells on the leased lands, and other pertinent information when required and in the manner and form prescribed by the supervisor.

(e) The lessee shall require each service company to furnish legible, exact copies of reports on cementing, perforating, acidizing, analyses of cores, or other similar services when required and in the manner and form prescribed by the supervisor.

(f) The lessee shall submit any other reports and records of operations when required and in the manner and form prescribed by the supervisor.

14. Section 250.41 (as redesignated) is revised to read as follows:

§ 250.41 Control of wells.

(a) *Drilling wells.* The lessee shall keep all wells under control at all times, shall utilize only personnel trained and competent to drill and operate such wells, and shall utilize and maintain materials and high-pressure fittings and equipment necessary to insure the safety of operating conditions and procedures and shall conform to such higher standards as the supervisor may prescribe. The design of the integrated casing, cementing, drilling mud, and blowout prevention program shall be based upon sound engineering principles, and must take into account the depths at which various fluid or mineral-bearing formations are expected to be penetrated, and the formation fracture gradients and pressures expected to be encountered, and other pertinent geologic and engineering data and information about the area.

(1) *Well casing and cementing.* The lessee shall case and cement all wells with a sufficient number of strings of casing in a manner which will: (i) Prevent release of fluids from any stratum through the well bore (directly or indirectly) into the sea; (ii) prevent communication between separate fluid-bearing strata of oil, gas, or water; (iii) support unconsolidated sediments; and (iv) otherwise provide a means of control of the formation pressures and fluids. The lessee shall install casing adequate to withstand collapse, bursting, tensile, and other stresses and the casing shall be cemented in a manner which will anchor and support the casing. Safety factors in casing program design shall be of sufficient magnitude to provide optimum well control while drilling and to assure safe operations for the life of the well. When directed by the supervisor, the lessee shall install structural or drive casing to provide hole stability for the initial drilling operation. A conductor string of casing (the first string run other than any structural or drive casing) must be cemented with a volume of cement sufficient to circulate back to the sea floor, and all subsequent strings must be securely cemented.

(2) *Drilling mud.* The lessee shall maintain readily accessible for use quantities of mud sufficient to insure well control. The testing procedures, characteristics, and use of drilling mud and the conduct of related drilling procedures shall be such as will prevent blowouts. Mud testing equipment and mud volume measuring devices shall be maintained at all times, and mud tests shall be performed frequently and recorded on the driller's log as prescribed by the supervisor.

(3) *Blowout prevention equipment.* The lessee shall install, use, and test blowout preventers and related well-control equipment in a manner which will prevent blowouts. Such installation, use, and testing must meet the standards or requirements prescribed by the supervisor, provided, however, in no event shall the lessee conduct drilling below the conductor string of casing until the installation of at least one remotely controlled blowout preventer and equipment for circulating drilling fluid to the drilling structure or vessel. Blowout preventers and related well-control equipment shall be pressure tested when installed, after each string of casing is cemented, and at such other times as prescribed by the supervisor. Blowout preventers shall be activated frequently to test for proper functioning as prescribed by the supervisor. All blowout-preventer tests shall be recorded on the driller's log.

(b) *Completed wells.* The lessee shall conduct all its operations in a manner which will prevent blowouts and shall immediately take whatever action is required to bring under control any well over which control has been lost. The lessee shall: (1) In wells capable of flowing oil or gas, when required by the supervisor, install and maintain in operating condition storm chokes or similar subsurface safety devices; (2) for producing wells not capable of flowing oil or gas, install and maintain surface safety valves with automatic shutdown controls; and (3) periodically test or inspect such devices or equipment as prescribed by the supervisor.

15. Section 250.43 (as redesignated) is revised to read as follows:

§ 250.43 Pollution and waste disposal.

(a) The lessee shall not pollute land or water or damage the aquatic life of the sea or allow extraneous matter to enter and damage any mineral- or water-bearing formation. The lessee shall dispose of all liquid and nonliquid waste materials as prescribed by the supervisor. All spills or leakage of oil or waste materials shall be recorded by the lessee and reported to the supervisor. All spills or leakage of a size or quantity which cannot be immediately controlled shall also be reported by the lessee without delay to the supervisor and to the Coast Guard and the Federal Water Pollution Control Administration.

(b) If the waters of the sea are polluted by the drilling or production operations of the lessee, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and removal of the pollutant and the reparation of any damage, to whomsoever occurring, proximately resulting therefrom shall be at the expense of the lessee, and on failure of the lessee to control and remove the pollutant the supervisor, in cooperation with other appropriate agencies of the Federal, State, and local governments, or in cooperation with the lessee, or both, shall have the right to accomplish the control and removal of the pollutant in accordance with any established contingency plan for combatting oil spills or by other means at the cost of the lessee, but such action shall not relieve the lessee of responsibility for reparation of damages as provided herein.

16. Section 250.45 (as redesignated) is revised to read as follows:

§ 250.45 Accidents, fires, and malfunctions.

The lessee shall conduct all its operations in a manner which will prevent accidents and fires and shall immediately notify the supervisor of all lost-time accidents and all fires on the lease, and shall submit in writing a full report thereon within 10 days. The lessee shall notify the supervisor within 24 hours of any other unusual condition, problem, or malfunction.

17. Section 250.46 (as redesignated) is revised to read as follows:

§ 250.46 Workmanlike operations.

The lessee shall perform all operations in a safe and workmanlike manner unless a higher standard is required by applicable laws or regulations, Outer Continental Shelf or other orders, or industry practices, and shall maintain equipment for the protection of the lease, its improvements, for the health and safety of all persons, and for the preservation and conservation of the property and the environment. The lessee shall prevent or immediately remove any hazardous oil and gas accumulations or other health, safety or fire hazards.

18. Section 250.47 (as redesignated) is revised to read as follows:

§ 250.47 Sales contracts.

The lessee shall file with the supervisor within 30 days after the effective date thereof copies of all contracts for

the disposal of lease products. Nothing in any such contract shall be construed or accepted as modifying any of the provisions of the lease, including provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the regulations applicable to the lands covered by the contract.

§ 250.48 [Amended]

19. In § 250.48 (as redesignated), the words "not less than 30 days" are changed to read "within 30 days".

§ 250.60 [Amended]

20. In the second sentence of § 250.60 (as redesignated), the words "positive copies" are changed to read "exact copies".

21. In § 250.65, paragraph (a) is revised to read as follows:

§ 250.65 Royalty on oil.

(a) The royalty on crude oil, including condensates separated from gas without the necessity of a manufacturing process, shall be the percentage of the value or amount of the crude oil produced from the leased lands established by law, regulation, or the provisions of the lease. No deduction shall be made for actual or theoretical transportation losses.

* * * * *

22. Section 250.67 is revised to read as follows:

§ 250.67 Royalty on processed gas and constituent products.

(a) If gas is processed for the recovery of constituent products, a royalty as provided in the lease will accrue on the value or amount of:

(1) All residue gas remaining after processing; and

(2) All natural gasoline, butane, propane, or other products extracted therefrom, subject to deduction of such portion thereof as the supervisor determines to be a reasonable allowance for the cost of processing based upon regional plant practices and costs and other pertinent factors: *Provided, however,* That such reasonable allowance shall not exceed two-thirds of the products extracted unless the Director determines that a greater allowance is in the interest of conservation.

(b) Under no circumstances shall the amount of royalty on the residue gas and extracted products be less than the amount which the supervisor determines would be payable if the gas had been sold without processing.

(c) In determining the value of natural gasoline, the volume of such gasoline shall be adjusted to a standard by a method approved by the supervisor when necessary to adjust volumetric differences between natural gasolines of various specifications.

(d) No allowance shall be made for boosting residue gas or other expenses incidental to marketing.

(e) The lessee, with the approval of the supervisor, may establish a gross value per unit of 1,000 cubic feet of gas on the lease or at the wellhead for the purpose of computing royalty on gas processed for the recovery of constituent products, provided that the royalty shall not be less than that which would accrue by computing royalties in accordance with the provisions of paragraphs (a) through (d) of this section.

§ 250.80 [Amended]

23. In § 250.80, the words "by registered letter" are changed to read "by registered or certified mail".

§ 250.96 [Revoked]

§§ 230.92, 250.95, 250.96 [Redesignated]

24. Section 250.96 is revoked; §§ 250.91, 250.92, and 250.95 are redesignated 250.92, 250.95, and 250.96, respectively; and a new § 250.91 has been added to read as follows:

§ 250.91 Application for permit to drill, deepen, or plug back.

Applications for permits to drill, deepen, or plug back must be filed in triplicate on Form 9–331C. Prior to commencing such operations approval in writing must be received from the supervisor.

(a) *Application for permit to drill.* (1) The application must give the surface location and projected bottom-hole location in feet from the lease boundaries; elevation of the derrick floor; water depth; depth to which the well is proposed to be drilled; estimated depths to the top of significant markers; depths at which water, oil, gas, and mineral deposits are expected; the proposed blowout prevention and casing program, including the size, weight, grade, and setting depth of casing, and the quantity of cement to be used, together with all other information specified on Form 9–331C. Information also shall be furnished relative to the proposed plan for drilling other wells from the same platform, for coring at specified depths, and for electrical and other logging, together with any other information required by the supervisor.

(2) At least two copies of the application shall be accompanied by: (i) A certified plat drawn to a scale of 2,000 feet to the inch, showing surface and subsurface location of the well to be drilled and all wells theretofore drilled in the vicinity for which information is available, and (ii) information specified in § 250.34 to the extent not included in the application or previously furnished (reference must be made thereto).

(b) *Application for permit to deepen or plug back.* The application must describe fully: (1) The present status of the well including the production string or last string of casing, well depth, present productive zones and productive capability, and other pertinent matters; and (2) the details of the proposed work and the necessity therefor.

25. Section 250.92 (as redesignated) is revised to read as follows:

§ 250.92 Sundry notices and reports on wells.

All notices of intention to fracture treat, acidize, repair, multiple complete, abandon, change plans, and for other similar purposes, and all subsequent reports pertaining to such operations shall be submitted on Form 9–331 in triplicate. Prior to commencing such operations approval must be received from the supervisor in writing, and within 15 days after completing such operations a detailed report shall be filed with the supervisor.

(a) *Notice of intention to change the condition of a well.* Form 9–331 shall contain a detailed statement of the proposed work for repairing (other than work incidental to ordinary well operation), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, or commencing any operations that will materially change the approved program for drilling a well or alter the condition of a completed well other than those operations covered by § 250.91.

(b) *Subsequent report of changing the condition of a well.* Form 9–331 shall contain a detailed report of all work done and the results obtained. The report shall set forth the amount and rate of production of oil, gas, and water before and after the work was completed and shall include a complete statement of the dates on which the work was accomplished and the methods employed.

(c) *Notice of intention to abandon well.* Form 9–331 shall contain a detailed statement of the proposed work for abandonment of any well, including a drilling well, a depleted producing well, an injection well, or a dry hole. The statement as to a producible well shall set forth the reasons for abandonment and the amount and date of last production and, as to all wells, shall describe the proposed work, including kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, removing casing, and other pertinent information.

(d) *Subsequent report of abandonment.* Form 9–331 shall contain a detailed report of the manner in which the abandonment or plugging work was accomplished, including the nature and quantities of materials used in plugging and the location and extent (by depths) of casing left in the well; and the volume of mud fluid used. If an attempt was made to part any casing, a description of the methods used and results obtained must be included.

§ 250.94 [Amended]

26. In § 250.94 the words "in duplicate" are deleted.

27. Section 250.95 (as redesignated) is revised to read as follows:

§ 250.95 Well completion or recompletion report and log.

All reports and logs of well completions or recompletions shall be submitted not later than 15 days after the completion or recompletion of each well on Form 9–330 in duplicate. The form shall contain a complete and accurate log and report of all operations conducted on the well as specified on the form. Duplicate copies of logs that may have been compiled for geologic information from cores or formation samples shall be filed in addition to the regular log. Geologic markers and all important zones of porosity and contents thereof; cored intervals; and all drill-stem tests, including depth interval tested, cushion used, time tool open, flowing and shut-in pressures, and recoveries shall be shown as provided therefor on Form 9–330 or on attachments thereto. If not previously furnished, duplicate copies of composites of multiple runs of all well bore surveys, including electric, radioactive, sonic and other logs, temperature surveys, and directional surveys shall be attached. (Such copies are in addition to field prints filed pursuant to § 250.38(c).)

28. A new § 250.97 is added to read as follows:

§ 250.97 Public inspection of records.

Geological and geophysical interpretations, maps, and data required to be submitted under this part shall, upon request of the lessee, not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as it is administratively determined that release of such information is required and necessary for the proper development of the field or area or otherwise in the public interest.

[F.R. Doc. 69–5451; Filed, May 6, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

MINNEAPOLIS-ST. PAUL AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Minneapolis-St. Paul Air Quality Control Region (Minnesota) as set forth in the following new § 81.27 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Minnesota and Wisconsin and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Auditorium, State Office Building, Park Street and Aurora Avenue, St. Paul, Minn., beginning at 10 a.m., May 21, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.27 is proposed to be added to read as follows:

§ 81.27 Minneapolis-St. Paul Air Quality Control Region.

The Minneapolis-St. Paul Air Quality Control Region (Minnesota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Anoka County.	Ramsey County.
Carver County.	Scott County.
Dakota County.	Washington County.
Hennepin County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: April 29, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69–5427; Filed, May 6, 1969; 8:46 a.m.]

[42 CFR Part 81]

METROPOLITAN BALTIMORE INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Baltimore Intrastate Air Quality Control Region (Maryland) as set forth in the following new § 81.28 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Maryland and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Multipurpose Room, Social Security Headquarters, 6401 Security Boulevard, Woodlawn, Md., beginning at 10 a.m., May 23, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.28 is proposed to be added to read as follows:

§ 81.28 Metropolitan Baltimore Intrastate Air Quality Control Region.

The Metropolitan Baltimore Intrastate Air Quality Control Region (Maryland) consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Anne Arundel County.	Baltimore County.
Baltimore City.	Harford County.
	Howard County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: May 1, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69–5428; Filed, May 6, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Communications Technology and Services; Extension of Time for Filing Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. The National Cable Television Association, Inc. (NCTA), and Columbus Broadcasting Co., Inc., Cosmos Broadcasting Corp., Cox Broadcasting Corp., Newchannels Corp., Mid-America Television, Inc., Radio Medford, Inc., McClatchey Newspapers, Midcontinent Broadcasting Co., Palmer Broadcasting Co., and WOC Broadcasting Co. have requested a 10-day extension of time for filing reply comments on paragraphs 11–20 and 23–25 of Part III and comments on all other matters in Part III and Part IV in the notice of proposed rulemaking and notice of inquiry in this docket. Such reply comments and comments are presently due to be filed on or before May 2, 1969. In view of the shortness of the requested extension and in order to obtain a full record, it appears that the public interest would be served by a grant of this request.

2. *Accordingly, it is ordered*, Pursuant to § 0.289(c)(4) of the Commission's rules and regulations, that the time for filing reply comments on paragraphs 11–20 and 23–25 and comments on all other matters in Part III and Part IV, is extended to and including May 12, 1969.

Adopted: May 1, 1969.

Released: May 1, 1969.

[SEAL] SOL SCHILDHAUSE,
Chief, CATV Task Force.

[F.R. Doc. 69-5448; Filed, May 6, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Bidding on Government Procurements for Laundry or Cleaning and Dyeing Services; Hearing Notice

Notice is hereby given that the Administrator of the Small Business Administration (SBA) proposes to hold a hearing on the definition of a small business for the purpose of bidding on Government procurements for laundry or cleaning and dyeing services.

On July 21, 1967, there was published in the FEDERAL REGISTER (32 F.R. 10753), a notice that the Administrator of the SBA proposed to increase the then effective $1 million average annual receipts size standard for the purpose of bidding on Government procurements of laundry or cleaning and dyeing services to $3 million average annual receipts for the preceding 3 fiscal years. Interested persons were given 15 days in which to comment on the proposal.

No adverse comments were received with respect to the proposal and accordingly on November 30, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17849) an amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations, establishing a new $3 million size standard as proposed.

Subsequently, several concerns complained that the size standard should not have been increased and that the currently effective $3 million standard includes concerns that should not be classified as small business.

Government data with respect to the size of concerns that compete or are potential competitors for Government procurements for laundry or cleaning and dyeing services are scarce. It therefore has been determined that all interested parties should be permitted to attend the proposed hearing and present oral testimony, or to submit for the record written statements in response to the following questions:

1. How large, as measured by average annual receipts, must a concern be in order to compete successfully in your area for award of a typical Government contract for laundry or cleaning and dyeing services?

2. Of the laundry or cleaning and dyeing services concerns in your area who compete or are potential competitors for small business set-asides and/or unrestricted procurements, how many have average annual receipts not exceeding $1 million, and how many have average annual receipts in excess of $1 million but not exceeding $3 million?

3. In your opinion, is the currently effective $3 million average annual receipts size standard satisfactory? If not, what, in your opinion, should the standard be?

The hearing will be held on June 17, 1969, at 9:30 a.m., in Room 214 at 1441 L Street NW., Washington, D.C.

It is requested that all persons wishing to present testimony at the hearing, notify William Murfin, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before June 10, 1969.

Those wishing to file position papers in lieu of giving oral testimony should do so on or before the hearing date.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-5412; Filed, May 6, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series; No. 3-69]

6¾ PERCENT TREASURY NOTES OF SERIES D–1970

Offering of Notes

MAY 1, 1969.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 6⅜ percent Treasury Notes of Series D–1970, at 99.95 percent of their face value, in exchange for the following securities:

5⅝ percent Treasury Notes of Series B–1969, maturing May 15, 1969; or
2½ percent Treasury Bonds of 1964–69, maturing June 15, 1969, in amounts of $1,000 or multiples thereof.

Interest will be adjusted on the bonds of 1964–69 as of June 15, 1969. Payments on account of accrued interest and cash adjustments will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on May 5 through May 7, 1969, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6½ percent Treasury Notes of Series B–1976, which offering is set forth in Department Circular, Public Debt Series—No. 4–69, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated May 15, 1969, and will bear interest from that date at the rate of 6⅜ percent per annum, payable on a semiannual basis on August 15, 1969, and on February 15, and August 15, 1970. They will mature August 15, 1970, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1969, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

2. 5⅝ percent notes of Series B–1969: When payment is made with notes in bearer form, coupons dated May 15, 1969, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1969, will be paid by issue of interest checks in regular course to holders of record on April 15, 1969, the date the transfer books closed. A cash payment of $0.50 per $1,000 on account of the issue price of the new notes will be made to subscribers.

3. 2½ percent bonds of 1964–69: When payment is made with bonds in bearer form, coupons dated June 15, 1969, must be attached to the bonds when surrendered. Accrued interest from December 15, 1968, to June 15, 1969 ($12.50 per $1,000), plus the payment on account of the issue price of the new notes ($0.50 per $1,000) will be credited and accrued interest from May 15 to June 15, 1969 ($5.45925 per $1,000) on the new notes will be charged and the difference ($7.54075 per $1,000) will be paid to subscribers.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6¾ percent Treasury Notes of Series D–1970"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury Notes of Series D–1970 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury Notes of Series D–1970 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-5450; Filed, May 6, 1969; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

CAVE RUN DAM AND RESERVOIR, KY.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within and adjacent to the exterior boundaries of the Daniel Boone National Forest, Ky., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the construction, protection, and unrestricted operation, maintenance, and administration of the water storage and flood control facilities and functions of the Cave Run Reservoir.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Daniel Boone National Forest, Ky., are hereby transferered from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Cave Run Reservoir project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order will be effective as of date of publication in the FEDERAL REGISTER.

Dated: February 20, 1969.

STANLEY R. RESOR,
Secretary of the Army.

Dated: March 14, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Lands under the jurisdiction of the Department of the Army for or in connection with the Cave Run Dam and Reservoir in Bath, Rowan, and Menifee Counties, Ky., as follows:

Segment 3—All of Tracts 300, 302, 304, 305.
Segment 4—All of Tracts 400, 401, 403, 404, 406.
Segment 6—All of Tracts 600, 602, 605, 606, 607, 608, 609, 610, 611, 612.
Segment 7—All of Tracts 701, 702.
Segment 8—All of Tracts 801, 802, 803, 804, 806, 807.
Segment 9—All of Tracts 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 920, 921, 922, 925, 926.
Segment 10—All of Tracts 1000, 1001, 1002, 1003, 1005.
Segment 25—All of Tracts 2500, 2502, 2506, 2507, 2508, 2510.

All lands transferred herein consist of 4,300 acres more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the office of the District Engineer, U.S. Army Engineer District, Louisville, Ky., and the office of the Forest Supervisor, Daniel Boone National Forest, Winchester, Ky.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Tract 86–I consisting of 18.76 acres, more or less.

Complete legal description of the transferred tract and survey plat depicting its location is on file in the office of the District Engineer, U.S. Army Engineer District, Louisville, Ky., and the office of the Forest Supervisor, Daniel Boone National Forest, Winchester, Ky.

[F.R. Doc. 69–5433; Filed, May 6, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U–8318]

UTAH

Order Providing for the Opening of Public Lands

APRIL 30, 1969.

1. Under the provisions of section 3 of the Recreation and Public Purposes Act of 1926, 68 Stat. 175, as amended, 43 U.S.C. 869–2 (1964), title to the following described lands reverted to the United States:

SALT LAKE MERIDIAN

T. 24 S., R. 1 W.,
Sec. 9, S½SW¼NE¼, S½SW¼NW¼.

The areas described aggregate 40 acres.

2. The lands are located in Sevier County, approximately 9 miles east and 2½ miles south of Richfield, Utah. The topography of the described lands is mostly rough and mountainous. They have values for watershed, grazing, wildlife, and recreation which can best be managed under principles of multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will, at 10 a.m. on June 2, 1969, be opened to application, petition, location, and selection, including location under the U.S. mining laws. They have been open to application and offers under the mineral leasing laws. All valid applications received at or prior to 10 a.m. on June 2, 1969 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–5407; Filed, May 6, 1969; 8:45 a.m.]

Office of the Secretary

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Purchased $1,000 Savings Certificate, Rock County Savings & Trust, Janesville, Wis. (Rock County National Bank) February 1969. (Otherwise my finances are same as before, no withdrawals.)

This statement is made as of 22d day of April 1969.

Dated: April 22, 1969.

EDWARD W. WELCH.

[F.R. Doc. 69–5426; Filed, May 6, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Rev. 2]

JUTE BAGGING AND BALE TIES USED IN WRAPPING COTTON

Notice of Specifications

On February 16, 1967, the Department of Agriculture issued Notice of Specifications—Jute Bagging and Bale Ties Used in Wrapping Cotton (Revised). These specifications were published in the FEDERAL REGISTER on February 24, 1967 (32 F.R. 3231). Because of problems encountered by bagging and bale tie manufacturers and by the Department of Agriculture, it has been determined that certain modifications should be made in these specifications for uniformity and simplification of the specifications. Accordingly, the February 16, 1967, notice is hereby rescinded, and notice is hereby given that, beginning with the 1969 crop of cotton, when cotton tendered to Commodity Credit Corporation (hereinafter referred to as CCC) for price support is wrapped in jute bagging, the jute bagging and bale ties and buckles must meet the following requirements.

BALE TIES AND BUCKLES

The total weight of bale ties and buckles used to tie each bale of cotton shall be not less than 8½ pounds or more than 9½ pounds.

JUTE BAGGING

All bagging must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. Cotton wrapped in jute bagging to which any kind of salt or other corrosive or hygroscopic material has been added, or which contains sisal or other hard fibers or any other material which will contaminate or adversely affect cotton as determined by the President, or Executive Vice President, CCC, will not be eligible for tender to CCC. Each one-half pattern (panel) of bagging shall be not less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width: *Provided, however,* That bagging that is not less than 96 inches or more than 115 inches in length may be used for wrapping standard density bales. Each pattern of bagging (two bagging panels) must weigh not less than 11¼ pounds or more than 13¼ pounds at 13.75 percent moisture content (not moisture regain): *Provided, however,* That for the 1969 crop of cotton only, a pattern weighing not less than 10 pounds or more than 13¼ pounds at 13.75 percent moisture content (not moisture regain) may be used for wrapping a standard density bale if each panel of the pattern is not less than 96 inches or more than 100 inches in length.

Additional requirements for new jute bagging. The bagging must have been manufactured specifically for cotton bale covering, must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns but not less than 75 pounds per spyndle (14,400 yards), and must contain not less than 25 weft (filling) yarns per 12 inches of bagging of a size not less than 40 pounds per spyndle (14,400 yards).

Additional requirements for used jute bagging (commonly referred to as "sugar cloth bagging"). The bagging must be processed specifically for cotton bale coverings from once used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The weight of each piece of bag cloth without hems, patches and/or seams composing each one-half pattern of bagging must not be less than 17.6 ounces per square yard. Each one-half pattern of bagging must be composed of not more than three pieces of used bag cloth of same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜-inch stitching.

TEST METHODS

The following testing methods will be used by Commodity Credit Corporation in determining whether jute bagging and bale ties and buckles used to package cotton tendered for CCC loan beginning with the 1969 crop of cotton meets the above specifications. Each sample of bagging selected for testing will consist of one-half pattern.

Length. The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device.

The sample will be laid out flat on a smooth horizontal surface without stretch and the length of both selvages measured. The length of the sample will be the average of the two selvage measurements rounded to the nearest inch.

Measurement will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

Width. The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device, and will include the selvages.

The sample will be laid out flat on a smooth horizontal surface without stretch and the measurements made perpendicular to the selvages. Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements, rounded to the nearest inch, will be the width.

Measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776—62T.

Warp yarn count.[1] The number of warp ends in the width of the sample, including the selvages, will be counted at each end of the sample. The average of the two counts divided by the width, as determined above, and multiplied by 12 will be the warp yarn count per 12 inches.

Weft yarn count.[1] The number of weft (filling) yarns over a measured length of 36 inches on each sample will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches.

Warp rove size.[1] Ten warp ends spaced equally across the width of the sample will be removed, measured and cut to 1½ yards each for a total of 15 yards. The 15 yards of warp rove will be weighed in ounces and converted to pounds per spyndle by multiplying the weight in ounces by 60.[2]

Pounds per spyndle=weight in ounces×60.

Warp rove size will be calculated on the basis of 13.75 percent moisture content.

Weft rove size.[1] Slightly more than 15 yards of unbroken weft rove will be removed from the sample. Fifteen yards of weft rove will be obtained by winding on a measuring reel with the strands distributed so that there is no overlapping. The 15 yards of weft rove will be weighed in ounces and converted to pounds per spyndle by multiplying the weight in ounces by 60.[2]

Pounds per spyndle=weight in ounces×60.

Weft rove size will be calculated on the basis of 13.75 percent moisture content.

Weight of bagging. The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-quarter pound. Several patterns (or bales of bagging patterns) will be weighed simultaneously and the weight averaged.

The weight will be calculated on the basis of 13.75 percent moisture content.

Weight per square yard of sugar cloth bagging.[3] The weight of bag cloth in ounces per square yard will be determined by taking a cut consisting of 1 square foot in area (without stretch, wrinkles, seams, hems, or patches) from each piece of bagging in the sample, weighing it in ounces, and multiplying the result by nine. The weight is to be calculated on the basis of 13.75 percent moisture content.

Weight of bale ties and buckles. The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle of ties and buckles will be weighed and averaged to determine the weight of ties and buckles necessary to package a bale of cotton.

Signed at Washington, D.C., on May 1, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–5432; Filed, May 6, 1969; 8:47 a.m.]

[1] Not applicable to jute bagging manufactured from used jute bags commonly referred to as "sugar cloth bagging".

[2] Not applicable to new jute bagging. This test will be made only when determined to be necessary.

[3] These tests will be made only when determined to be necessary. Additional tests will be made as may be necessary to obtain a value for the rove size that is representative of the sample.

Office of the Secretary

ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE

Delegation of Authority To Appoint Uniformed Guards as Special Policemen

In accordance with the authority delegated to me by the Administrator of the General Services Administration (34 F.R. 6406), on April 4, 1969, the Administrator of the Agricultural Research Service is hereby authorized to appoint uniformed guards as special policemen and to make all the needful rules and regulations for the protection of the buildings and grounds of the Arboretum, Washington, D.C., over which the Federal Government has exclusive jurisdiction.

See footnotes at end of document.

Any rules or regulations promulgated under the authority herein granted shall be approved by the Director of Plant and Operations and the General Counsel prior to issuance.

This authority shall be exercised in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, and the delegation from procedures and controls prescribed by the General Services Administration.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

MAY 2, 1969.

[F.R. Doc. 69-5455; Filed, May 6, 1969; 8:49 a.m.]

CAVE RUN DAM AND RESERVOIR, KY.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document issued jointly by the Department of the Army and the Department of Agriculture regarding interchanging administrative jurisdiction of certain Department of the Army lands and national forest lands, see F.R. Doc. 69-5433, Department of Defense, Department of the Army, *supra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE FOR CIVIL RIGHTS; REVIEWING AUTHORITY (CIVIL RIGHTS)

Statement of Organization and Delegations of Authority; Establishment

Part 2 of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare, entitled "Office of the Secretary," as amended, 32 F.R. 15190 (Nov. 2, 1967), establishing a Reviewing Authority (Civil Rights) is hereby further amended so that Subparagraphs (a) and (b)(2) thereof shall read as follows:

(a) There is hereby established in the Office of the Secretary a Reviewing Authority (Civil Rights) which shall consist of no more than five members to be appointed by the Secretary.

(b)(2) With the exception of final decisions, the functions and duties of the Reviewing Authority (Civil Rights) herein delegated may be exercised by a single member of the Authority. The Reviewing Authority may consider matters for final decision either by a panel of members or by the entire membership, as it may determine. Each final decision shall be concurred in by a majority of those designated to consider it, and in any event, by at least two members.

Dated: May 5, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-5546; Filed, May 6, 1969; 10:05 a.m.]

REVIEWING AUTHORITY (CIVIL RIGHTS)

Statement of Organization and Functions and Delegations of Authority; Responsibilities

Department responsibilities related to the administration of the Civil Rights Act and Executive Order 11246.

Part I, "General," Chapter 1-940 of The Statement of Organization and Functions and Delegations of Authority of the Department of Health, Education, and Welfare is hereby amended by amending section 1-940.10(e) to read as follows:

(e) The Reviewing Authority (Civil Rights) appointed by the Secretary is responsible for reviewing decisions of Hearing Examiners on Title VI compliance cases. Cases are referred by the Hearing Examiner on the basis of exceptions filed by parties to the proceedings. In each case reviewed, the Reviewing Authority shall render a final decision. This decision may be reviewed by the Secretary at his discretion. The Reviewing Authority also may make decisions on the record where a hearing is waived.

Dated: May 5, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-5547; Filed, May 6, 1969; 10:05 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-41]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-4950 appearing at page 6938 in the issue of Friday, April 25, 1969, the following correction should be made: In the fourth table under the center heading "Safety Valves (Power Boilers)," the "type number" entry opposite the third size entry should read "1415HA".

Federal Aviation Administration

ENGINEERING AND MANUFACTURING DISTRICT OFFICE AT RICHMOND HEIGHTS, OHIO

Notice of Establishment

Notice is hereby given that on or about May 1, 1969, an Engineering and Manufacturing District Office will be established in Richmond Heights, Ohio, to provide services to the aviation industry and public. Communications to the District Office should be addressed as follows:

Engineering and Manufacturing District Office No. 42, Department of Transportation, Federal Aviation Administration, 5241 Wilson Mills Road, Richmond Heights, Ohio 44143.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on April 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5420; Filed, May 6, 1969; 8:46 a.m.]

Office of the Secretary

ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

Redelegation of Authority With Respect to Interagency Group on International Aviation

Pursuant to section 14 of Executive Order 11382, I hereby designate the Assistant Secretary for Policy and International Affairs as the Department of Transportation member of the Interagency Group on International Aviation, and to serve pursuant to that Executive order, as chairman of the Group.

The delegation to the Assistant Secretary for International Affairs and Special Programs, dated November 25, 1968, is hereby revoked.

Issued in Washington, D.C., on April 28, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-5421; Filed, May 6, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Order Extending Completion Date

Commonwealth Edison Co. having filed a request, dated March 5, 1969, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-18 for construction of a 2,255 megawatt (thermal) single cycle, boiling water nuclear reactor at Dresden Nuclear Power Station in Grundy County, Ill., and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of 10 CFR Part 50 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from June 1, 1969, to December 1, 1969.

For The Atomic Energy Commission.

Date of Issuance: May 1, 1969.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69-5423; Filed, May 6, 1969; 8:46 a.m.]

DR. GERALD F. TAPE

Certification

Pursuant to the proviso contained in section 207 of Title 18 U.S.C. (Public Law 87-849, 76 Stat. 1124), having found that Dr. Gerald F. Tape, formerly a member of the Atomic Energy Commission and presently the President of Associated Universities, Inc. (AUI), possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Tape acting as agent for or appearing personally before the Atomic Energy Commission on behalf of AUI in connection with the operation of the Brookhaven National Laboratory by AUI under its contract with the Atomic Energy Commission on matters in which he participated personally and substantially or which were under his official responsibility as a member of the AEC.

This certification is directed to be published in the FEDERAL REGISTER.

R. E. HOLLINGSWORTH,
General Manager.

MAY 1, 1969.

[F.R. Doc. 69-5424; Filed, May 6, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Agreement CAB 15725-A18; Order 69-5-7]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Regarding Ticket Forms and Conditions of Carriage

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of May 1969.

On April 11, 1969, the members of the Air Traffic Conference of America (ATC) filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), an agreement which would amend an existing resolution entitled "Interline Imprinter Ticket." The effect of the amendments is to bring the resolution into conformity with similar changes agreed to by the members of the International Air Transport Association (IATA), in accordance with Resolution 275g entitled "Machine Issued Tickets," and in an effort to comply with conditions of approval attached by the Board to its approval of earlier revisions in the Conditions of Contract.[1]

The Board is issuing concurrently Order 69-5-6, which would approve the IATA revisions subject to the retention of an earlier condition. This condition, which requires the carriers to comply, when necessary, with the provisions of § 221.175 of the Board's economic regulations, is equally applicable to the subject agreement.

As requested by ATC, we are also herein extending our permission for the use of existing ticket stock through September 30, 1970.

Therefore, it is found that Agreement CAB 15725-A18 is not adverse to the public interest or in violation of the Act if made subject to the condition noted herein.

Accordingly, it is ordered: That Agreement CAB 15725-A18 be and hereby is approved: *Provided*, That such approval shall not relieve air carriers and foreign aircarriers from complying, as necessary, with the provisions of § 221.175 of the Board's economic regulations: *Provided further*, That this order shall not be construed to prohibit the use of existing ticket stock through September 30, 1970.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5446; Filed, May 6, 1969; 8:48 a.m.]

[1] Order 69-2-66 dated Feb. 13, 1969.

[Docket No. 20691; Order 69-4-146]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on April 30, 1969.

The Postmaster General filed a notice of intent April 8, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 53.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Erie, Pa., and Syracuse, N.Y., via Jamestown, Buffalo, and Rochester, N.Y.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model C-45 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 53.9 cents per great circle aircraft mile between Erie, Pa., and Syracuse, N.Y., via Jamestown, Buffalo, and Rochester, N.Y.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., Allegheny Airlines, Inc., Mohawk Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further proceedings herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Buckeye Air Service, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., Allegheny Airlines,

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

Inc., Mohawk Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5443; Filed, May 6, 1969; 8:48 a.m.]

[Docket No. 20890; Order 69-5-1]

EUREKA AERO INDUSTRIES

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on May 1, 1969.

The Postmaster General filed a notice of intent April 8, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 44 cents per great circle aircraft mile for the transportation of mail by aircraft between Santa Maria and San Francisco, Calif.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Cessna, Model 310 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Eureka Aero Industries in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 44 cents per great circle aircraft mile between Santa Maria and San Francisco, Calif.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR, 385.14(f):

It is ordered, That:

1. Eureka Aero Industries, the Postmaster General, Air West, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eureka Aero Industries, the Postmaster General, and Air West, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5444; Filed, May 6, 1969; 8:48 a.m.]

[Docket No. 17828; Order 69-5-6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Tickets and Conditions of Carriage

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of May 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement revises the conditions of contract printed on passenger tickets in an effort to comply with the conditions of approval attached by the Board in Order 69-2-65, dated February 13, 1969, which relate to earlier revisions to the form of passenger tickets and conditions of contract adopted by the first meeting of the IATA Passenger Traffic Procedures Committee.

We are herein approving the agreement, since it essentially complies with conditions (2) and (3) set forth in Order 69-2-65; however, we will retain our earlier condition (1) of approval, which requires compliance with § 221.175 of the Board's economic regulations in giving notice of limitation of liability. We again note the absence of an IATA requirement for giving notice of the level of liability limitation for loss of, damage to, or delay in delivery of baggage. We would refer the carriers to our comments on this matter in Order 69-2-65.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, which are incorporated in Agreement CAB 20901, to be adverse to the public interest or in violation of the Act: *Provided*, That, insofar as air transportation as defined by the Act is concerned, such approval shall be subject to the following condition:

IATA RESOLUTIONS

100 (Mail 580) 275b.
200 (Mail 883) 275b.
300 (Mail 290) 275b.

Provided, That such approval shall not relieve air carriers and foreign air carriers from complying, as necessary, with the provisions of § 221.175 of the Board's economic regulations.

Accordingly, it is ordered, That:

Agreement CAB 20901 be and hereby is approved, subject to the condition set forth in the above finding paragraph: *Provided further*, That this approval shall not prohibit the use of existing ticket stock through September 30, 1970.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5447; Filed, May 6, 1969; 8:48 a.m.]

[Docket No. 20729]

LOOMIS CORP. ET AL.

Notice of Proposed Approval of Control Relationships

Joint application of Loomis Corp. et al. for approval under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20729.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 2, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Joint application of Loomis Corp. et al. for disclaimer of jurisdiction or approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended; Docket No. 20729.

On February 13, 1969, Loomis Corp. (Loomis), together with certain subsidiary companies and officers and directors, requested that the Board grant relief in respect to a corporate reorganization which involves certain control and interlocking relationships and is designed to facilitate Loomis' diversification and financial strengthening programs.[1]

At the present time Walter F. Loomis, his son, Charles W. Loomis, and a trust established by Walter F. Loomis (Trust) for the benefit of Charles W. Loomis' children, own all the outstanding stock of Loomis Armored Car Service, Inc. (Armored, Inc.), which in turn, owns all of the stock of Loomis Courier Service, Inc. (Courier), a domestic air freight forwarder, and 5,000 shares (47.6 percent) of California Intercity Armored Car Service, Inc. (Intercity).[2] Additionally, Charles W. Loomis owns approximately 68 percent of the stock of Loomis Armored Car Service, Ltd. (Armored Ltd., Can.).[3]

The reorganization involves the formation of Loomis as a corporate holding company and its acquisition of control, through an exchange of stock with the present shareholders, of Armored, Inc., as a wholly owned subsidiary, through Armored, Inc., of Courier, a wholly owned subsidiary, and Intercity; and of Armored Ltd., Can., and Armored, B.C., as wholly owned subsidiaries. Upon completion of the reorganization, W. F. Loomis, Charles W. Loomis, and Trust will own 692,840 shares of Loomis, thereby controlling the holding company and its subsidiaries, and 200,000 shares (165,000 by the Loomis family and 35,000 by Loomis) will be offered for sale to the public subsequent to authorization by the Securities and Exchange Commission. A majority of the officers and directors of the proposed Loomis holding company presently serve as officers and directors of Armored, Inc., Courier, and Armored Ltd., Can.

Specifically, the applicants request that the Board disclaim jurisdiction over, or approve (1) without hearing under section 408 of the Federal Aviation Act of 1958, as amended (the Act) to the extent necessary, the common control through Loomis, of Armored Ltd., Can., and Armored, Inc., and, through Armored, Inc. of Courier and Intercity by W. F. Loomis, C. W. Loomis and Trust, and (2) under section 409 of the Act, the interlocking relationships involving Loomis and the specified subsidiaries, as presently existing or created by the proposed corporate reorganization. The applicants also request that the Board authorize the individual applicants to hold generally, in addition to the positions specifically requested, directorship and offices within the Loomis system of subsidiary companies.

The companies and their relationships are identified and described in the appendix.[3a]

The applicants state that all motor carrier operations of the Loomis system of subsidiary and affiliated companies are performed for selected shippers under written contracts, and that the services performed by Armored, Inc., Armored Ltd., Can. and Intercity are of a specialized nature. The applicants also state that there are no service tie-ins between any of the Loomis corporations, except that Loomis, Ltd., Can., and Courier offer an integrated, international through-service between certain banks in Canada and certain banks in Seattle with the intercity line haul movement being performed by Greyhound buses.

The applicants state that the primary purpose of the corporate reorganization is to provide greater flexibility for possible diversification into other types of business activities; that the carrier operations now conducted by the Loomis system would be strengthened by the additional funds available as a result of Loomis' public stock offering; and that Walter F. Loomis, Charles W. Loomis, and Trust, who control the present Loomis enterprises, will continue to control the reorganized Loomis system of subsidiary companies.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

The applicants' request for a disclaimer raises a jurisdictional question of whether any of the motor carriers included in the Loomis system of subsidiary companies are common carriers within the meaning of sections 408 and 409 of the Act. In view of the scope of the various permits held by each of the motor carriers and the nature of the operations conducted by them as described by the applicants, it appears that Armored Ltd., Can., and Armored, Inc., at least insofar as their intrastate operations are concerned, may be common carriers within the meaning of the aforesaid sections of the Act and that, therefore, their relationships with Courier, an indirect air carrier, as well as the corporate reorganization involved in this proceeding, are subject to those sections.[4] However, there is no need at this time to resolve the jurisdictional question since the applicants have submitted to the Board's jurisdiction and have requested approval of the relationships and corporate reorganization in question.

Upon consideration of the application,[5] it is concluded that the corporate reorganization of the Loomis system of subsidiary companies resulting in the common control, through Loomis, of Armored Ltd., Can., Armored, Inc., and through Armored, Inc., of Courier and Intercity, by W. F. Loomis, C. W. Loomis and Trust, does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.[6]

The relationships between Messrs. W. F. and C. W. Loomis and Trust, and Loomis and its subsidiary motor carriers, on the one hand, and Courier, on the other hand, warrant approval. The Board previously has approved control and interlocking relationships of air freight forwarders with intrastate motor carriers, or with interstate motor carriers where the latter were authorized to carry limited commodities and conducted operations of a specialized nature.[7] It therefore appears that approval of the control relationships would not be inconsistent with the public interest. On the other hand, should the general character of any motor vehicle carrier in the Loomis system of subsidiary companies alter in any significant respect through expansion of operations, new issues may be raised which could only be resolved upon the filing of a further application in the matter.

In view of the Board's determination herein, the interlocking relationships existing or created between Courier and other subsidiary companies within the Loomis system, as described in the appendix, are approved or exempted from the provisions of section 409 by Part 287 of the Board's economic regulations. Consequently, that portion of the application seeking approval of the interlocking relationships will be dismissed.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and the application, to the extent it requests approval of the foregoing interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. The common control by W. F. Loomis, C. W. Loomis and Trust through Loomis, of Armored Ltd., Can., and Armored, Inc., and, through Armored, Inc., of Courier and Intercity, be and it hereby is approved; and

2. That, except to the extent granted herein, the application in Docket 20729, be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 3 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5445; Filed, May 6, 1969; 8:48 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[1] The application was supplemented by letters dated Feb. 19, Apr. 1, and Apr. 15, 1969.

[2] The remainer of Intercity's stock (5,500 shares) is owned by George H. Irvin (4,500 shares or 42.9 percent) and his son, Robert G. Irvin (1,000 shares or 9.5 percent).

[3] Walter and Charles Loomis also wholly own and control Loomis Armored Car Service (B.C.) Ltd. (Armored, B.C.), a British Columbian financing corporation not actively engaged in operations, which owns the remaining 32 percent of the stock of Armored Ltd., Can., and Sansome Investment Co., Inc. (Sansome), a California real estate leasing company.

[3a] Filed as part of the original document.

[4] See, Bankers Dispatch Corp., et al., Order E-24824, Mar. 6, 1967; Brink's Inc., Order E-25052, Apr. 26, 1967.

[5] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) to the extent applicable, and to consider the application on its merits.

[6] Our action herein does not extend to Armored, B.C., and Sansome, as such companies are not deemed to be subject to the Act.

[7] Bankers Dispatch Corp., et al., supra, and Sky Courier, Inc., et al., 69-3-31, Mar. 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List 255]

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

MARCH 17, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power—watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		550 kilocycles							
XEKL (correction of an omission: In operation with 1000D/250N, ND, since 11-7-49. Change in daytime class, previously IV. This provides supplementary information).	Jalapa, Ver., *N. 19°31'57", W. 96°56'06".*	1000D/250N	ND-186	U	*IIID/IVN*	*394*	*120*	*446*	*11-7-49.*
		550 kilocycles							
XEUC (correction of an omission: In operation with 1000D/250N, ND, since 9-8-62. This provides supplementary information).	Tehuantepec, Oax., *N. 16°19'16", W. 95°16'07".*	1000D/250N	ND-175	U	IIID/IVN	*316*	*90*	*446*	*9-8-62.*
		560 kilocycles							
XEOC (temporary operation with 750 W, ND, U, ending 3-15-69. This provides supplementary information).	Mexico, D. F., *N. 19°25'30", W. 99°11'07".*	1000	ND-175	U	III	*335*	*90*	*440*	
		560 kilocycles							
XEYO (this provides supplementary information).	Huatabampo, Son., *N. 26°49'29", W. 109°39'00".*	1000D/500N	ND-175	U	III	*335*	*90*	*440*	9-12-69 (probable)
		580 kilocycles							
XEUE (correction of an omission: In operation on 580 kc/s since 7-23-58. See 1360 kc/s. This provides supplementary information).	Tuxtla Gutierrez, Chis., *N. 16°45'80", W. 93°06'16".*	1000D/200N	ND-177	U	IIID/IVN	*394*	*120*	*328*	*7-23-58.*
		590 kilocycles							
XEE (operation definitive with 1000D/150N, ND. Previously notified with 2000D/150N. This provides supplementary information).	Durango, Dgo., N. 24°00'02" W. 104°38'44".	1000D/150N	ND-190	U	III	*427*	*180*	*677*	
		700 kilocycles							
XEGI (assignment deleted)	Gomez Palacio, Dgo	1000	ND	D	II				*3-17-69.*
		710 kilocycles							
XEBL (this corrects the notification included in List No. 239: In operation on 710 kc/s with 5000W-D, ND, D, since 1-28-60. In operation with 5000W-D/250W-N, ND, U, since 6-8-67. See 1260 kc/s. This provides supplementary information).	Culiacan, Sin., N. 24°48'35", W. 107°24'30".	5000D/250N	ND-190	U	II	*548*	*180*	*548*	*6-8-67.*
		870 kilocycles							
XEEV (assignment deleted)	San Cristobal, las Casas, Chis.	1000	ND	D	II				*3-17-69.*
		990 kilocycles							
XEHZ (in operation since 12-8-63. This provides supplementary information).	La Paz, B.C., *N. 24°06'86", W. 110°20'00".*	1000D/250N	ND-188	U	II	*236*	*180*	*255*	*12-8-63.*
		1110 kilocycles							
XEFZ (new)	Monterrey, N.L., N. 25°39'30", W. 100°18'40".	250	ND-190	D	II	221	120	221	11-5-69 (probable)
		1110 kilocycles							
XESX (assignment deleted)	Saltillo, Coah	500	ND	D	II				3-17-69.
		1170 kilocycles							
XELP (in operation with 250W-D, ND, since 2-18-69. This provides supplementary information).	La Piedad, Mich., N. 20°20'17", W. 102°01'38".	250D/100N	ND-175	U	II	157	90	210	Upon entry into force of new agreement.
		1200 kilocycles							
XEBL (assignment deleted. See 710 kc/s).	Culiacan, Sin	5000D/500N	ND	U	III				3-17-69.
		1200 kilocycles							
XESIN (new)	Culiacan, Sin	5000D/500N	ND-190	U	III	195	120	195	3-17-70 (probable).
		1570 kilocycles							
XEUD (under construction. This provides supplementary information).	Tuxtla Gutierrez, Chis., N. 16°45'06", W. 93°07'03".	1000D/500N	ND-214	U	III	297	120	180	3-16-70 (probable).
		1560 kilocycles							
XEUE (assignment deleted. See 580 kc/s).	Tuxtla Gutierrez, Chis.	1000D/500N	ND	U	III				3-17-69.
		1570 kilocycles							
XEFY (assignment deleted)	Fortin de las Flores, Ver	500D/250N	ND	U	IV				*3-17-69.*
		1570 kilocycles							
XEMON (temporary operation: 10,000D/500N, ND, U. Change in call letters, previously XEFZ).	Monterrey, N.L.	10,000	DA-N	U	III				
		1400 kilocycles							
XEDT (assignment deleted)	Durango, Dgo	250	ND	U	IV				*3-17-69.*
		1450 kilocycles							
XERAC (change in call letters, previously XEUK. This provides supplementary information).	Campeche, Camp., *N. 19°50'47", W. 90°32'14".*	250	ND-175	U	IV	*108*	*180*	*172*	

Call letters	Location	Power—watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1480 kilocycles							
XECP (assignment deleted)	Cd. Victoria, Tams	100	ND	U	IV				*3-17-69.*
		1480 kilocycles							
XEMC (new)	Salvatierra, Gto., *N. 20°13'00", W. 100°53'02".*	250	ND-180	D	IV	100	90	100	*3-6-70* (probable).
		1480 kilocycles							
XEGU (assignment deleted)	Huanchinango, Pue	250	ND	U	IV				3-17-69
		1540 kilocycles							
XENJ (this provides supplementary information).	San Juan de los Lagos, Jal., *N. 21°16'00", W. 102°19'21".*	1000	ND-175	D	II	*181*	90	*159*	12-12-69 (probable).

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-5449; Filed, May 6, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-12]

SOUTH ATLANTIC & CARIBBEAN LINE, INC.

General Increase in Rates in U.S. Atlantic/Puerto Rico Trade; Modified Order of Investigation

On April 3, 1969, the Commission instituted the subject investigation, the purpose of which is to determine the reasonableness under section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, of general rate increases filed by the South Atlantic & Caribbean Line, Inc. (SACAL), in the subject trade, and rules and regulations relating thereto. Replies thereto are waived in accordance with Rule 7(e) of the Commission's rules of practice and procedure.

By petition filed April 24, 1969, the carrier requested modification of our Order of Investigation by the deletion of the second ordering paragraph.

It was not the Commission's intention to subject to investigation in this proceeding anything other than the justness, reasonableness, and lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, of SACAL's above-mentioned increased rates, rules and regulations, and any changes or amendments made therein. To the extent the second ordering paragraph appears to be contrary to this intention, it is inappropriate.

Therefore it is ordered, That the second ordering paragraph of the Order of Investigation in this proceeding served April 3, 1969, be deleted, and

It is further ordered, That said Order of Investigation in all other respects remain the same and in force and effect.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5425; Filed, May 6, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7378, etc.]

TRANSOCEAN OIL, INC., ET AL.

Findings and Order

APRIL 7, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, requiring filing of agreement and undertaking, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part nautral gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Progress Petroleum, Inc. (Operator), Applicant in Docket No. C163-2, proposes to continue the sales of natural gas heretofore authorized in said docket to be made pursuant to L. J. Onstott, doing business as Progress Petroleum Products (Operator), FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-400. Applicant indicates in its certificate application that it will be responsible for the total refund from the time that the increased rate was made effective subject to refund. Therefore, Applicant will be substituted as respondent in Docket No. RI68-400; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Southwest Oil Industries, Inc., Applicant in Dockets Nos. CI68-1444, CI68-1446, and CI68-1447, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G-12750, G-12578, and G-18748, respectively, to be made pursuant to Helmerich & Payne, Inc. (Operator), et al., FPC Gas Rate Schedule No. 23, Marathon Oil Co. FPC Gas Rate Schedule No. 31, and Sinclair Oil Corp. FPC Gas Rate Schedule No. 189, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of Applicant. The presently effective rates under Helmerich & Payne, Inc. (Operator), et al., FPC Gas Rate Schedule No. 23 and Marathon Oil Co. FPC Gas Rate Schedule No. 31 are in effect subject to refund in Dockets Nos. RI62-546 and RI67-466, respectively. On October 22, 1965, Sinclair Oil Corp. filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 189. By order issued November 12, 1965, in Docket No. RI66-158 et al., the Commission suspended the proposed change in Docket No. RI66-162 until April 23, 1966, and thereafter until made effective. On August 14, 1968, Applicant filed a motion to make the change in rate effective subject to refund. Applicant has filed agreements and undertakings guaranteed by Delta Corp., the operator of Applicant's properties, to assure the refund of any amounts collected by Applicant in excess of the amounts determined to be just and reasonable in Dockets Nos. RI62-546,

RI66–162, and RI 67–466. Therefore, Applicant will be made co-respondent in said proceedings; the proceedings will be redesignated accordingly; the change in rate in Docket No. RI66–162 will be made effective subject to refund; and the agreements and undertakings will be accepted for filing.

Cabot Corp., Applicant in Docket No. CI69–639, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI67–851 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 494. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. Pan American has filed a change in rate under its rate schedule which change is suspended in Docket No. RI69–206. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI69–206, and the proceeding will be redesignated accordingly.

Phillips Petroleum Co., Applicant in Dockets Nos. CI69–697 and CI69–699, proposes to continue in part sales of natural gas heretofore authorized in Docket Nos. G–10230 and G–18290, respectively, to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule Nos. 195 and 224, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of Applicant. The presently effective rates under said rate schedules are in effect subject to refund in Dockets Nos. RI68–2 and RI68–297, respectively. Applicant has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent in the proceedings pending in Dockets Nos. RI68–2 and RI68–297; said proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by The Public Service Commission of the State of New York and a petition to intervene by The Brooklyn Union Gas Co. were filed in Docket No. CI69–522, in the matter of the application filed on November 22, 1968, in said docket. The notice of intervention and the petition to intervene have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on April 3, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–4555	CI69–696
G–10230	CI69–697
G–11378	CI69–701
G–12578	CI68–1446
G–12750	CI68–1444
G–14612	CI66–1262
G–18289	CI69–698
G–18290	CI69–699
G–18291	CI69–700
G–18748	CI68–1447
CI62–804	CI69–706
CI64–998	CI69–704
CI66–290	CI62–1104
CI67–851	CI69–639

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–7378, G–7379, G–7382, G–7383, G–7388, G–7389, G–7972, G–11156, G–15268, G–17239, CI60–138, CI69–172, CI62–1104; CI62–1345, CI63–2, CI63–1000, CI64–175, CI64–1506, CI65–453, CI66–617, CI66–1262, CI66–1330, CI67–286, CI67–1795, CI68–105, CI68–909, and CI69–228 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Progress Petroleum, Inc. (Operator), should be substituted in lieu of L. J. Onstott, doing business as Progress Petroleum Products (Operator), as respondent in the proceeding pending in Docket No. RI68–400; that said proceeding should be redesignated accordingly; and that Progress Petroleum, Inc. (Operator), should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Southwest Oil Industries, Inc., should be made a co-respondent in the proceedings pending in Dockets Nos. RI62–546, RI66–162, and RI67–466; that said proceedings should be redesignated accordingly; that the proposed change in rate suspended in Docket No. RI66–162 should be made effective subject to refund with respect to sales from Southwest's interests acquired from Sinclair Oil Corp.; and that the agreements and undertakings submitted by Applicant in all of said proceedings should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cabot Corp. should be made co-respondent in the proceeding pending in Docket No. RI69–206 and that the proceeding should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Phillips Petroleum Co. should be made co-respondent in the proceedings pending in Dockets Nos. RI 68–2 and RI 68–297; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted in said proceedings by Phillips should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI69–301 and CI69–638 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower; and the initial rate for the sale authorized in Docket No. CI69–639 shall be 15.91 cents per Mcf at 14.65 p.s.i.a. the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality.

(b) If the quality of the gas delivered by Applicants in Dockets Nos. CI69–301, CI69–638, and CI69–639 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(c) Within 90 days from the date of initial delivery Applicants in Dockets Nos. CI69–301 and CI69–638 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(d) Applicant in Docket No. CI69–638 shall advise the Commission of any contemplated processing of the gas under Article II, section 2 of the subject contract.

(e) Section 1 of Article IX of the contract related to the sale authorized in Docket No. CI69–638 is construed to be a permissible rate change provision as described in § 154.93(b–1) of the regulations under the Natural Gas Act.

(f) The authorization granted in Docket No. CI68–909 is issued with the understanding that the pricing provisions of the rate schedule, as supplemented, covering the subject sale are intended to be consistent, and not in conflict, with § 154.93 of the regulations under the Natural Gas Act.

(g) The initial rate for the sale authorized in Docket No. CI69–522 shall be 16 cents per Mcf at 14.65 p.s.i.a., subject to adjustment for B.t.u. content of the gas as provided in the contract, and subject to Applicant's refunding to United Gas Pipe Line Co. with interest at the rate of 7 percent per annum, compounded monthly, of any amounts collected in excess of the higher of (1) the just and reasonable rate finally determined for sales from the subject area or (2) a rate of 14 cents per Mcf at 14.65 p.s.i.a., proportionally adjusted to reflect B.t.u. content of the gas below 1,000 B.t.u.'s per cubic foot measured on a wet basis.

(h) The authorizations granted in Dockets Nos. CI62–1104 and CI69–522 involving the sales of gas by Union Producing Co., to its affiliate, United Gas Pipe Line Co., determines the rates which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceedings involving either company.

(i) The authorization granted in Docket No. CI69–522 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(j) Applicant in Docket No. CI69–522 shall not require buyer to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission order in the subject docket or in other matters relating to the buyer's take-or-pay obligation under the subject contract.

(F) A certificate is issued herein in Docket No. CI69–720 authorizing Signal Oil and Gas Co. to continue the sale of natural gas previously covered by the certificate issued to Irl A. Nichols in Docket No. CI60–138.

(G) The order issuing a certificate in Docket No. CI60–138 is amended by deleting therefrom the interests of Signal Oil and Gas Co.

(H) The orders issuing certificates in Dockets Nos. CI62–1104, CI63–1000, CI64–175, CI64–1506, CI65–453, CI66–1262, CI67–286, CI67–1795, CI68–909, and CI69–228 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) Applicant in Docket No. CI69–228 shall file three copies of a billing statement for the first month's service at such time as deliveries are commenced from the added acreage as required by the regulations under the Natural Gas Act.

(J) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–4555	CI69–696
G–10230	CI69–697
G–11378	CI69–701
G–12578	CI68–1446
G–12750	CI68–1444
G–14612	CI66–1262
G–18289	CI69–698
G–18290	CI69–699
G–18291	CI69–700
G–18748	CI68–1447
CI62–804	CI69–706
CI64–998	CI69–704
CI66–290	CI62–1104
CI67–851	CI69–639

(K) The orders issuing certificates in Dockets Nos. G–7378, G–7379, G–7382, G–7383, G–7388, G–7389, G–7972, G–11156, G–15268, G–17239, CI60–172, CI62–1345, CI63–2, CI66–617, CI66–1330, and CI68–105 are amended by substituting the successors in interest as certificate holders.

(L) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(M) Permission for and approval of the abandonments in Dockets Nos. CI69–713, CI69–723, and CI69–730 shall not be construed to relieve Applicants of any refund obligations which may be ordered in the related rate suspension proceedings pending in Dockets Nos. RI62–505, RI65–79, and RI65–334, respectively.

(N) The certificates heretofore issued in Dockets Nos. G–8815, G–13301, G–15430, G–20200, G–20586, and CI63–214 are terminated.

(O) Progress Petroleum, Inc. (Operator), is substituted in lieu of L. J. Onstott, doing business as Progress Petroleum Products (Operator), as respondent

in the proceeding pending in Docket No. RI68–400; and said proceeding is redesignated accordingly.

(P) Within 30 days from the issuance of this order, Progress Petroleum, Inc. (Operator), shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of all amounts collected, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI68–400. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Q) Progress Petroleum, Inc. (Operator), shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Progress Petroleum, Inc. (Operator), shall remain in full force and effect until discharged by the Commission.

(R) Southwest Oil Industries, Inc., is made a co-respondent in the proceedings pending in Dockets Nos. RI62–546, RI66–162, and RI67–466; said proceedings are redesignated accordingly; and the agreements and undertakings submitted in said proceedings are accepted for filing. The rates, charges, and classifications set forth in Supplement No. 19 to Sinclair Oil Corp. FPC Gas Rate Schedule No. 189 shall be effective subject to refund for sales from the interests acquired by Southwest from Sinclair Oil Corp. Said rate shall be effective August 14, 1968, or the date of initial delivery whichever is later, and shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI66–162.

(S) Southwest Oil Industries, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by Southwest in Dockets Nos. RI62–546, RI66–162, and RI67–466 shall remain in full force and effect until discharged by the Commission.

(T) Cabot Corp. is made co-respondent in the proceeding pending in Docket No. RI69–206, and the proceeding is redesignated accordingly.

(U) Phillips Petroleum Co. is made co-respondent in the proceedings pending in Dockets Nos. RI68–2 and RI68–297, said proceedings are redesignated accordingly, and the agreement and undertaking submitted in said proceedings by Phillips is accepted for filing.

(V) Phillips Petroleum Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Phillips in Dockets Nos. RI68–2 and RI68–297 shall remain in full force and effect until discharged by the Commission.

(W) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–7378 ..... E 8–12–68	TransOcean Oil, Inc. (successor to J. Ray McDermott & Co., Inc.).	El Paso Natural Gas Co., Spraberry Trend Field, Glasscock County, Tex.	J. Ray McDermott & Co., Inc., FPC GRS No. 18.	13	.....
			Supplement Nos. 1–7	13	1–7
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	13	8
G–7379 ..... E 8–12–68	do	do	J. Ray McDermott & Co., Inc., FPC GRS No. 19.	14	.....
			Supplement Nos. 1–7	14	1–7
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	14	8
G–7382 ..... E 8–12–68	do	El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex.	J. Ray McDermott & Co., Inc., FPC GRS No. 20.	15	.....
			Supplement Nos. 1–7	15	1–7
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	15	8
G–7383 ..... E 8–12–68	do	do	J. Ray McDermott & Co., Inc., FPC GRS No. 21.	16	.....
			Supplement Nos. 1–7	16	1–7
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	16	8
G–7388 ..... E 8–12–68	do	do	J. Ray McDermott & Co., Inc., FPC GRS No. 22.	17	.....
			Supplement Nos. 1–7	17	1–7
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	17	8
G–7389 ..... E 8–12–68	do	El Paso Natural Gas Co., Spraberry Trend Field, Glasscock County, Tex.	J. Ray McDermott & Co., Inc., FPC GRS No. 23.	18	.....
			Supplement Nos. 1–7	18	1–7
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	18	8
G–7972 ..... E 1–21–69	Eastern Exploration & Development (successor to Kewanee Oil Co.).	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Kewanee Oil Co., FPC GRS No. 22.	2	.....
			Supplement Nos. 1–7	2	1–7
			Notice of succession 1–11–69.	.....	.....
			Assignment 3–27–67 [1]	2	8
			Assignment 5–4–67 [1]	2	9
			Effective date: 4–1–67	.....	.....
G–11156 ..... E 8–12–68	TransOcean Oil, Inc. (Operator) et al. (successor to J. Ray McDermott & Co., Inc. (Operator) et al.).	Florida Gas Transmission Co., East Aransas Pass Field, Aransas County, Tex.	J. Ray McDermott & Co., Inc. (Operator) et al., FPC GRS No. 10.	7	.....
			Supplement Nos. 1–3	7	1–3
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	7	4
G–15268 ..... E 1–27–69	Phillips Petroleum Co. (Operator) et al. (successor to Humble Oil & Refining Co. (Operator) et al.).	Texas Gas Transmission Corp., Bull Creek and Bernice Fields, Union Parish, La.	Humble Oil & Refining Co. (Operator), et al., FPC GRS No. 216.	459	.....
			Supplement Nos. 1–5	459	1–5
			Notice of succession 1–10–69.	.....	.....
			Assignment 1–31–69 [4]	459	6
			Effective date: 2–1–69	.....	.....
G–17239 ..... E 8–12–68	TransOcean Oil, Inc., et al. (successor to J. Ray McDermott & Co., Inc., et al.).	Transcontinental Gas Pipe Line Corp., Ray Field, Bee County, Tex.	J. Ray McDermott & Co, Inc, et al., FPC GRS No. 6.	8	.....
			Supplement Nos. 1–9	8	1–9
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	8	10
G–17239 ..... E 8–12–68	TransOcean Oil, Inc. (Operator), et al. successor to J. Ray McDermott & Co., Inc. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Plymouth and West Calaboose Fields, San Patricio County, Tex.	J. Ray McDermott & Co., Inc. (Operator), et al., FPC GRS No. 7.	4	.....
			Supplement Nos. 1–9	4	1–9
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	4	10
G–17239 ..... E 8–12–68	TransOcean Oil, Inc., et al. (successor to J. Ray McDermott & Co., Inc., et al.).	United Gas Pipe Line Co., Corpus Christi Bay Area, San Patricio and Nueces Counties, Tex.	J. Ray McDermott & Co. Inc., et al., FPC GRS No. 8.	5	.....
			Supplement Nos. 1–8	5	1–8
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	5	9

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C167–296 ..... C 2–3–69 [10] [13]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Supplemental agreement 12–26–68 [11]	85	4
C167–1795 ..... C 3–6–68 [10] [13]	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Hugoton Field, Meade County, Kans.	Agreement 11–6–67 [11]	8	2
C166–105 ..... E 1–30–69	Western Oil & Minerals Corp. (successor to Intermountain Petroleum Corp.).	E. Paso Natural Gas Co., South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	Intermountain Petroleum Corp., FPC GRS No. 2.	2	.....
			Supplement Nos. 1–2	2	1–2
			Notice of succession	.....	.....
			Assignment 10–28–68	2	3
			Effective date: 11–1–68	.....	.....
C166–400 ..... C 11–25–68 [10]	L. O. Ward (Operator and Agent) et al.	Arkansas Louisiana Gas Co., Enid Area, Garfield County, Okla.	Supplemental agreement 7–15–68	1	20
C166–1243 ..... (G–8815) B 4–25–68	Burk Royalty Co. (Operator) et al.	Lone Star Gas Co., Sherman South Field, Grayson County, Tex.	Contract [12] 7–27–65 [11] [17]	1	21
C166–1444 ..... (G–12578) F 6–20–68	Southwest Oil Industries, Inc. (successor to Helmerich & Payne, Inc.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Laverne Field, Beaver County, Okla.	Cancellation Notice of [14] 4–23–68 [15]	1	4
			Supplement 2–25–68 [3]	12	3
			Assignment 2–25–68 [3]	12	4
			Effective date: 2–26–68	.....	.....
C166–1445 ..... (G–12578) F 6–20–68 8–14–68 [21]	Southwest Oil Industries, Inc. (successor to Marathon Oil Co.).	do	Contract 4–8–67 [3]	14	1
			Letter agreement 4–4–67	14	2
			Supplemental agreement 6–4–68	14	3
			Assignment 2–15–68 [3]	14	.....
			Effective date: 2–15–68	.....	.....
C166–1447 ..... (G–15749) F 6–20–68 as amended 8–14–68	Southwest Oil Industries, Inc. (successor to Sinclair Oil Corp.).	El Paso Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	Contract 3–26–59 [3]	15	.....
			Supplemental agreement 4–28–61	15	2
			Supplemental agreement 11–15–62	15	3
			Supplemental agreement 11–19–62	15	4
			Letter agreement 3–19–63	15	5
			Supplemental agreement 5–28–63	15	6
			Supplemental agreement 10–25–65	15	7
			Assignment 2–14–66 [3]	15	8
			Letter agreement 8–7–68 [18]	15	.....
C166–2 ..... E 7–25–68	Progress Petroleum, Inc. (Operator) (successor to L. J. Onstott d.b.a. Progress Petroleum Products (Operator)).	Lone Star Gas Co., Vogtsberger Field, Archer County, Tex.	Amendment 1–9–69 [11]	401	1
C168–1000 ..... D 2–7–69	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Lacey Area, Kingsberry Fields, Colin County, Tex.	Progress Petroleum Products (Operator), FPC GRS No. 1.	11	.....
C164–176 ..... C 1–15–69 [13] [18]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Supplement No. 1	11	1
			Notice of succession (undated).	.....	.....
			Assignment 7–1–68 [1]	11	2
C164–1808 ..... C 1–15–69 [13] [18]	do	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Progress Petroleum Products (Operator), FPC GRS No. 1–2.	2	1–2
			Supplement No. 2	2	3
			Notice of succession 7–22–68.	.....	.....
			Assignment 6–16–65	2	8
C168–453 ..... D 2–7–69	Atlantic Richfield Co. (Operator) et al.	Northern Natural Gas Co., acreage in Crockett County, Tex.	Effective date: 8–16–65 [15]	.....	.....
			Assignment 8–22–68 [15]	332	8
C166–617 ..... E 1–27–69	Phillips Petroleum Co. (successor to Humble Oil & Refining Co.).	Arkansas Louisiana Gas Co., Fitzhugh Field, Miller County, Ark.	Letter agreement 12–17–68 [18]	363	25
			Supplemental Agreement 12–17–68 [18]	397	5
			(18)	290	.....
			Humble Oil & Refining Co., FPC GRS No. 389.	464	.....
			Supplement No. 1	464	1
			Notice of succession 1–10–69.	.....	.....
			Assignment 1–31–69 [4]	464	2
			Effective date: 2–1–69	.....	.....
F C166–1282 ..... (G–14612) C 9–15–66	Barnwell Production Co. (Operator) et al.	Arkansas Louisiana Gas Co., Excelsior Field, Marion County, Tex.	Amendment 12–11–68 [3]	14	4
C166–1330 ..... 9–15–66 [3] E 1–27–69	Phillips Petroleum Co. (Operator) et al. (successor to Humble Oil & Refining Co. (Operator) et al.).	United Fuel Gas Co., Longview Field, Franklin Parish, La.	Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 490, Notice of succession 1–10–69.	465	.....
			Assignment 1–31–69 [4]	465	1
			Effective date: 2–1–69	.....	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-713 (G-20290) B 1-31-69	Amerada Petroleum Corp. (Operator) et al.	Florida Gas Transmission Co., Main Pass Block, West Baton Rouge Parish, La.	Notice of cancellation 1-29-69 [14]	[15] 86	4
C169-714 A 1-31-69 [16]	C. L. Kingsbury et al.	United Fuel Gas Co., Center District, Gilmer County, W. Va.	Contract 12-16-68 [11]	12	
C169-720 A 1-30-69 [12]	Signal Oil & Gas Co.	Louisiana Gas Co., West Marion Field, Stephens County, Okla.	Contract 10-19-59 [13] Contract 9-29-60 [14]	18 18	1 2
C169-721 A 2-3-69 [16]	Sohio Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Northwest Camrick Field, Texas County, Okla.	Contract 1-14-69 [11]	149	
C169-723 (G-15439) B 2-3-69	General American Oil Co. of Texas.	Westar Natural Gasoline Co., West Lake Trammel Pool, Nolan County, Tex.	Notice of cancellation 10-69 [14]	[17] 27	6
C169-725 A 2-4-69 [16]	Cecil Meadows et al., d.b.a. Cecil Meadows Enterprises et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 10-14-68 [11]	12	
C169-728 A 2-4-69 [16]	Troy A. Brady, Jr. et al., d.b.a. Talkington-Brady et al.	Consolidated Gas Supply Corp., Meade District, Upshur County, W. Va.	Contract 9-18-68 [11]	1	
C169-730 (G-18290) B 2-5-69	Amerada Petroleum Corp.	Texas Eastern Transmission Corp., Willow Springs Field, Grady County, Tex.	Notice of cancellation 2-3-69 [14]	[17] 87	6
C169-731 A 2-5-69 [16]	Russell V. Johnson, Jr.	Natural Gas Pipeline Co. of America, South Bayre Area, Beckham County, Okla.	Contract 10-23-68 [11]	4	

[1] Summary of assignment from McDermott to TransOcean; complete copy in Docket No. G-7110.
[2] From Kewanee Industries, Inc. to Okey F. Householder.
[3] From Kewanee Industries, Inc. to Oil & Gas Corporation & Development.
[4] Assigns interest from Humble Oil & Refining Co. to Phillips Petroleum Co.
[5] Temporary certificate issued Apr. 29, 1959, authorized McDermott to continue the sale previously rendered by Heep Oil Corp. A permanent certificate is being granted herein to TransOcean to continue the sale.
[6] From John Franks et al., to Union Producing Co. Reflects conversion by Union of a certain overriding royalty interest to 3/4ths working interest. Acreage is dedicated under a contract dated Feb. 15, 1962; on file as Union's FPC G-18 No. 20 and also as Alaska, Inc., et al., FPC GRS No. 2 (formerly Franks Petroleum (Operator) et al., FPC G-18 No. 25).
[7] From Humble to Harper Oil Co.; Harper assigned subject interest to Cities Service Oil Co. who by letter dated Jan. 27, 1969, stated that it would be uneconomical to connect the well.
[8] Effective date: Date of this order.
[9] By letter filed Feb. 6, 1969, Applicant amended its application to reflect a total initial rate of 13 cents per Mcf in lieu of 14 cents.
[10] Applicant's 1-30-69 moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[11] Effective date: Date of initial delivery. (Applicant shall advise the Commission of such date.)
[12] No certificate filing made or necessary. Deletes acreage assigned to Major, Giebel & Foster, which has a small producer certificate in Docket No. C169-31.
[13] Dedicates to Applicant's basic contract acreage acquired from Arkla Exploration Co. et al., subject to Arkla's FPC GRS No. 10 (assignment dated Dec. 6, 1968 between Arkla Exploration Co. et al., and Barnwell Production Co. also submitted).
[14] Application was filed Sept. 15, 1966, was noticed as a petition to amend the certificate in Docket No. CI66-1338; no certificate action is necessary on said filing.
[15] Amendment is also to include interest of nonoperators.
[16] Application amended Feb. 12, 1969, eliminating certain acreage from certificate application which is not dedicated to the agreement of Nov. 9, 1967 (SW¼ and S½ of NW¼ Sec. 33, T. 34 S., R. 27 W.).
[17] Accepts conditioned temporary certificate dated Jan. 24, 1969, waives all rights to price increase under paragraph (C) of Opinion No. 468-A, and agrees to the pressure base set forth in Supp. No. 2 to FPC GRS No. 11.
[18] Buyer agrees that the well involved no longer has sufficient pressure to enter pipeline and has released acreage from contract.
[19] Also on file as Helmerich & Payne, Inc. (Operator) et al., FPC GRS No. 23.
[20] Helmerich & Payne, Inc., assigns acreage to Applicant.
[21] Amendment to the application filed to reflect a total initial rate of 17.015 cents per Mcf in lieu of 17 cents per Mcf.
[22] Also on file as Marathon Oil Co. FPC GRS No. 31.
[23] Assigns all of Cities' interest in acreage to Applicant.
[24] Also on file as Sinclair Oil Corp. (formerly Sinclair Oil & Gas Co.) (Operator) et al., FPC GRS No. 180.
[25] Sinclair assigns acreage to Applicant.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-696 (G-4355) F 1-27-69	Phillips Petroleum Co. (successor to Humble Oil & Refining Co.)	Arkansas Louisiana Gas Co., Ivan Field, Roosier and Webster Parishes, La.	Contract 3-10-54 [1] Agreement 3-10-54 Letter agreement 4-15-54. Letter agreement 1-8-55 Agreement 2-4-55 Letter agreement 8-15-58. Letter 12-29-58 Letter 9-22-59 Letter agreement 4-1-65. Letter 9-22-65 Assignment 1-31-69 [2] Effective date: 2-1-69 Amendment 1-31-69 [3] Effective date: 2-1-69	407 407 407 407 407 407 407 407 407 407	1 2 3 4 5 6 7 8 9 10 11
C169-697 (G-10280) F 1-27-69	do [4]	Louisiana Nevada Transit Co., Red Rock and East Red Rock Fields, Webster Parish, La.	Amendment 5-3-56 Agreement 12-22-59 Amendment 12-31-65 Assignment 1-31-69 [2] Effective date: 2-1-69	458 458 458 458	1 2 3 4
C169-698 (G-18289) F 1-27-69	do	Texas Gas Transmission Corp., Red Rock and North Shongaloo Fields, Webster Parish, La.	Contract 1-27-59 [5] Letter agreement 1-22-59 Letter agreement 12-17-59 Letter agreement 12-4-59 Letter agreement 12-17-59 Supplemental agreement 2-24-60 Assignment 1-31-69 [2] Effective date: 2-1-69	460 460 460 460 460	1 2 3 4 5
C169-699 (G-18290) F 1-27-69	do	Texas Gas Transmission Corp., Red Rock and North Shongaloo Fields, Webster Parish, La.	Contract 1-27-59 [5] Letter agreement 1-22-59 Letter agreement 12-17-59 Letter agreement 12-4-59 Letter agreement 11-22-60. Assignment 1-31-69 [2] Effective date: 2-1-69	461 461 461 461 461	1 2 3 4 5
C169-700 (G-18291) F 1-27-69	do	do	Contract 1-27-59 [5] Letter agreement 1-22-59 Letter agreement 12-17-59. Assignment 1-31-69 [2] Effective date: 2-1-69	462 462 462 462	1 2 3 4
C169-701 [6] (G-11378) F 1-27-69	do	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	Contract 3-25-58 [7] Assignment 1-31-69 [2] Effective date: 2-1-69	463 463	1 2
C169-702 A 1-21-69 [8]	Midwest Oil Corp.	Kansas Nebraska Natural Gas Co., Inc., Red Dion Area, Sedgwick County, Colo.	Rebilled 10-20-66 Contract 7-19-68 [9]	53 [10]	
C169-704 (C164-906) F 1-24-69	Farmers Royalty Pool and Robert J. Wagner (successor to Tenneco Oil Co.)	Louisiana Gas Co., Kutz Field, Garvin County, Okla.	Contract 3-11-58 [11] Assignment 10-21-68 [12] Assignment 12-6-68 [13] Effective date: 11-1-68	1 1 1	1 2 3
C169-705 (G-12300) B 1-27-69	Continental Oil Co.	Southern Natural Gas Co., Loxet Field, St. Mary and Iberia Parishes, La.	Notice of cancellation 1-23-69 [14]	152	4
C169-706 (C162-804) F 1-21-69	Eastern Exploration and Development (successor to Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co.)	Consolidated Gas Supply Corp., Salt Lick District, Bracton County, W. Va.	Contract 12-7-61 [15] Assignment 1-16-62 [16] Assignment 10-22-63 [16] Assignment 10-22-63 [16] Assignment 3-14-67 [16] Assignment 1-16-62 [16]	1 1 1 1 5	1 2 3 4 1
(C162-804) [16]	Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co.	do	do	do	do
C169-707 (C163-214) B 1-30-69	Federal Oil & Gas Co. [17]	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Notice of cancellation 1-29-69 [14]	[15] 1	1
C169-711 A 1-30-69 [18]	J. M. Huber Corp.	Natural Gas Pipeline Co. of America, acreage in Woodward County, Okla.	Contract 9-16-68 [11]	83	

See footnotes at end of table.

[1] Provides for 5-year makeup period for gas paid for but not taken in compliance with Commission Order Nos. 334 and 334-A.
[2] By letter filed Oct. 24, 1968 (dated Oct. 16, 1968), Applicant agreed to accept a permanent certificate containing conditions imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] By letter dated Jan. 27, 1969, Applicant indicated its willingness to accept a permanent certificate conditioned to a total initial rate of 16 cents per Mcf with a refund condition down to a floor of 14 cents of amounts collected in excess of the just and reasonable rate determined in Docket No. AR64-2. Applicant indicated its willingness to accept a certificate limiting buyer's take-or-pay obligation to a quantity based on a 1 to 7,300 reserves ratio and to make the issue of transportation of liquefiable hydrocarbons subject to the rule making proceedings in Docket No. R-338.
[4] Dedicates acreage to a depth limitation of 5,000 feet. Take-or-pay obligation is lesser of (a) ¾ of capacity (b) 2,000 Mcf/well or (c) 4,000 Mcf/day.
[5] Applicant has stated willingness to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[6] Presently on file as Pan American Petroleum Corp. FPC GRS No. 404.
[7] Partial assignment of acreage from Pan American. Cabot states that the assignment was effective Nov. 27, 1968.
[8] On file as Humble Oil & Refining Co. FPC GRS No. 185.
[9] On file as Humble Oil & Refining Co. FPC GRS No. 196.
[10] On file as Humble Oil & Refining Co. FPC GRS No. 223.
[11] On file as Humble Oil & Refining Co. FPC GRS No. 224.
[12] On file as Humble Oil & Refining Co. FPC GRS No. 225.
[13] On file as Humble Oil & Refining Co. FPC GRS No. 368.
[14] Currently on file as Tenneco Oil Co. (Operator) et al., FPC GRS No. 40.
[15] Assigns acreage from Tenneco Oil Co. et al., to Robert J. Wagner.
[16] Assigns ¾ interest of Robert J. Wagner to Farmers Royalty Pool.
[17] Source of gas depleted.
[18] Between Dominion Oil & Gas Co., as seller and Hope Natural Gas. Co. (now Consolidated), as buyer; also on file as Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co. FPC GRS No. 5.
[19] From Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co. to William E. Allen (Lease No. 581—120 acres).
[20] From Allen to Fred Fitzgerald by virtue of Court Decree.
[21] From Fitzgerald, et ux., to Okey F. Householder.
[22] From Householder, et ux., to Eastern Exploration and Development.
[23] No certificate filing made or necessary; only the related rate filing is being accepted for filing.
[24] The application is filed by Federal Oil & Gas Co., as successor to the interest of F. W. Fest. The certificate and rate schedule are still under the name of F. W. Fest.
[25] Production of gas no longer economically feasible.
[26] Rate of 20.75 cents effective subject to refund in Docket No. RI62-505.
[27] Applicant is filing for certificate to cover its own interest previously covered by the certificate issued to Irl A. Nichols in Docket No. CI60-138.
[28] On file as Irl A. Nichols FPC GRS No. 1.
[29] Adopts Oct. 19, 1959, contract to cover Applicant's interest.
[30] Establishes that a 50 percent working interest has reverted to and vested in Applicant.
[31] Rate of 9 cents effective subject to refund in Docket No. RI65-79.
[32] Rate of 15.6 cents effective subject to refund in Docket No. RI65-334.

Suggested General Undertaking in Accordance With Order No. 377:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this _____ day of _____, 196__.

(Name of Respondent)

By _____

Attest:

_____

[F.R. Doc. 69-5310; Filed, May 6, 1969; 8:45 a.m.]

[Docket No. CP69-270]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 30, 1969.

Take notice that on April 16, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-270 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities for the sale and delivery of natural gas to Iowa Power and Light Co. (Iowa Power), an existing customer, for resale and distribution in the communities of Harvey, Attica, and Pershing in Marion County, Iowa, and Martensdale and St. Marys in Warren County, Iowa, all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

The application indicates that Iowa Power has requested Applicant to establish three new points of delivery in Marion and Warren Counties for the delivery of volumes of natural gas heretofore authorized by this Commission for sale by Applicant to Iowa Power. Applicant states that one proposed new delivery point is required to sell and deliver natural gas to Iowa Power for resale and distribution in Harvey, another for the communities of Attica and Pershing and the third for the cities of Martensdale and St. Marys. The proposed facilities for these new delivery points will consist of three tap connections and three measurement facilities.

The application shows that the total estimated cost of the proposed facilities is $57,100, which cost will be financed from funds on hand.

Any persons desiring to be heard or to make any protest with reference to said application should on or before May 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5404; Filed, May 6, 1969; 8:45 a.m.]

[Docket No. CP69-276]

PENNSYLVANIA GAS CO.

Notice of Application

APRIL 30, 1969.

Take notice that on April 22, 1969, Pennsylvania Gas Co. (Applicant), 213 Second Avenue, Warren, Pa. 16365, filed in Docket No. CP69-276 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 6.5 miles of 12-inch storage pipeline, all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install the 6.5-mile line from its Keelor Storage Pool to its Roystone Compressor Station. Applicant states that the new line is required to utilize fully the potential of Applicant's Keelor Storage Field in meeting extreme winter-day and seasonal requirements.

The application indicates that the total estimated cost of the proposed project is $325,000, which cost will be financed from available company funds and from funds to be obtained by the issuance of notes or stock or both to Applicant's parent corporation, National Fuel Gas Co.

Any persons desiring to be heard or to make any protest with reference to said application should on or before May 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5405; Filed, May 6, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 2, 1969, through May 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5410; Filed, May 6, 1969; 8:45 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MAY 1, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 2, 1969, through May 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5411; Filed, May 6, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 705]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Collin County, Tex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on April 27, 1969.

OFFICE

Small Business Administration Regional Office, 411 North Akard Street, Dallas, Tex. 75201.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1969.

Dated: April 29, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-5435; Filed, May 6, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 549]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 2, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 104004 (Deviation No. 35), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed April 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 90 to Chicago, Ill.; (2) from New York, N.Y., over Interstate Highway 80 to Chicago, Ill.; (3) from junction Interstate Highways 90 and 84 (near Sturbridge, Mass.), over Interstate Highway 84 to Scranton, Pa.; (4) from New York, N.Y., over Interstate Highway 87 to Champlain, N.Y.; (5) from Detroit, Mich., over Interstate Highway 94 to junction Interstate Highway 80-90, thence over Interstate Highway 80-90, to Chicago, Ill.; and (6) from Fayetteville, N.C., over Interstate Highway 95 to Salisbury, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 20 to Albany, N.Y., thence over New York Highway 5 via Scotia, N.Y., to Buffalo, N.Y., thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to Ashtabula, Ohio, thence over unnumbered highway to junction Ohio Highway 45, thence over Ohio Highway 45 to junction Ohio Highway 84, thence over Ohio Highway 84 to junction Ohio Highway 85, thence over Ohio Highway 85 to Cleveland, Ohio (also from Ashtabula over U.S. Highway 20 to Cleveland), thence over U.S. Highway 20 to junction unnumbered highway, thence over unnumbered highway via Fremont, Ohio, to U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 51, thence over Ohio Highway 51 to Toledo, Ohio, thence over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill.;

(2) From New York, N.Y., over city streets to Jersey City, N.J., thence over U.S. Highway 1 to Newark, N.J., thence over New Jersey Highway 23 to junction U.S. Highway 46, thence over U.S. Highway 46 to Portland, Pa., thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 17 to Elmira, N.Y., thence over New York Highway 17E to Big Flats, N.Y., thence over New York Highway 17 to junction unnumbered highway, thence over unnumbered highway to the New York-Pensylvania State line, thence over unnumbered highway to Elkland, Pa., thence over Pennsylvania Highway 49 to Westfield, Pa., thence over Pennsylvania Highway 349 to Gaines, Pa., thence over U.S. Highway 6 via Coudersport, Pa., to Kane, Pa. (also from Elmira, N.Y., over New York Highway 328 to the New York-Pennsylvania State line, thence over Pensylvania Highway 328 to junction U.S. Highway 15, thence over U.S. Highway 15 to Mansfield, Pa., thence over U.S. Highway 6 to junction Pennsylvania Highway 446, thence over U.S. Highway 6 to Kane, Pa.), thence over U.S. Highway 6 via Sheffield, Clarendon, and Warren, Pa., to Union City, Pa., thence over Pennsylvania Highway 97 to Erie, Pa. (also from Union City, over Pennsylvania Highway 97 to junction U.S. Highway 19, thence over U.S. Highway 19 to Erie), (also from Elmira, N.Y., over New York Highway 17E to Big Flats, N.Y., thence over New York Highway 17 via Olean to Jamestown, N.Y., thence to Erie, Pa., as specified), thence over U.S. Highway 20 to Ashtabula, Ohio, thence over the route described in (1) above to Chicago, Ill.;

(3) From junction Interstate Highway 90 and Massachusetts Highway 15 near Sturbridge, Mass., over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to junction Connecticut Highway 19, thence over Connecticut Highway 19 via Stafford Springs, Conn., to West Stafford, Conn., thence over Connecticut Highway 30 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to Hartford, Conn., thence over U.S. Highway 6 (also Connecticut Highway 4) to junction U.S. Highway 202, thence over U.S. Highway 202 to Mill Plain, Conn., thence over U.S. Highway 6 to junction U.S. Highway 9 (also over U.S. Highway 6 to junction New York Highway 52, thence over New York Highway 52 to junction U.S. Highway 9) (also over U.S. 6 to junction New York Highway 301, thence over New York Highway 301 to junction U.S. Highway 9), thence over U.S. Highway 6 to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction New York Highway 32, thence over New York Highway 32 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction New York Highway 17, thence over New York Highway 17 to Suffern, N.Y., thence over U.S. Highway 202 to junction New Jersey Highway 23, thence over New Jersey Highway 23 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to Scranton, Pa. (also from junction U.S. Highway 6 and New York Highway 17 over U.S. Highway 6 to Scranton, Pa.); (4) from New York, N.Y., over U.S. Highway 9 (also U.S. Highway 9W to Albany, N.Y., thence over U.S. Highway 9 to Chazy, N.Y., thence over New York Highway 348 to Champlain, N.Y.; (5) from Detroit, Mich., over U.S. Highway 25 to Toledo, Ohio, thence over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill.; and (6) from Fayetteville, N.C., over U.S. Highway 401 to Raleigh, N.C., thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 1 to New Haven, Conn., thence over Alternate U.S. Highway 1 and U.S. Highway 1 via Boston, Mass., to Salisbury, Mass., and return over the same routes.

No. MC 108461 (Deviation No. 5), WHITFIELD TRANSPORTATION, INC., Post Office Drawer 9897, El Paso, Tex. 79989, filed April 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Sumner, N. Mex., over U.S. Highway 84 to junction U.S. Highway 66, 3 miles east of Santa Rosa, N. Mex., thence over U.S. Highway 66 to Clines Corner, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over the Dallas-Fort Worth Turnpike to Fort Worth, Tex., thence over U.S. Highway 180 to Snyder, Tex., thence over U.S. Highway 84 via Post, Tex., to Fort Sumner, N. Mex., thence over U.S. Highway 60 to Encino, N. Mex., thence over U.S. Highway 285 to Clines Corner, N. Mex., thence over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 521) (Cancels Deviation Nos. 397 and 465), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., with the following access routes: (1) From Carrollton, Ky., over U.S. Highway 227 to junction Interstate Highway 71; and (2) from junction U.S. Highway 42 and Interstate Highway 264, just northeast of Louisville, Ky., over Interstate Highway 264 to junction U.S. Highway 42, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Louisville, Ky., over unnumbered highway (formerly old U.S. Highway 42) via Harrods Creek to junction U.S. Highway 42 near Prospect, Ky., thence over U.S. Highway 42 via Carrollton, Ky., to Cincinnati, Ohio; and (2) from Louisville, Ky., over new U.S. Highway 42 to Prospect, Ky., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5437; Filed, May 6, 1969; 8:47 a.m.]

[Notice 1291]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 2, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 472) filed April 14, 1969, published in FEDERAL REGISTER issue of May 1, 1969, and republished this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic pellets, granules, and cubes*, in bulk, in tank or hopper type vehicles, from Henry, Ill., to points in Arkansas, Connecticut, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to reflect the hearing information.

HEARING: May 15, 1969, in Room 1630, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Joseph T. Fittipaldi.

No. MC 111401 (Sub-No. 277), filed April 17, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: May 26, 1969, in Room 978, Federal Office Building, 167 North Main Street, Memphis, Tenn., before Examiner Kenneth A. Jennings.

No. 114019 (Sub-No. 194), filed April 25, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and composition boards, and articles used or useful in the installation thereof* (except commodities in bulk); (a) from Carteret and Edgewater, N.J., Philadelphia and Pittston, Pa., and New York, N.Y., to points in Tennessee, West Virginia, Kentucky, Ohio, Mississippi, Alabama, Arkansas, Indiana, Michigan, Illinois, and Louisiana; (b) from Sunbury, Pa., to points in Mississippi, Alabama, Arkansas, Indiana, Michigan, Illinois, and Louisiana; (2) *composition boards and articles* used or useful in the installation thereof (except commodities in bulk), from Deposit, N.Y., to points in Indiana and Michigan; and (3) *returned shipments*, from the destination States named in (1) and (2) above to the origin points named in (1) and (2) above. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved.

HEARING: May 14, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before an examiner to be later designated.

No. MC 118831 (Sub-No. 63), filed April 18, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. 27262. Applicants' representative: E. Stephen Heisley, Suite 705, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant indicates tacking at points in South Carolina to serve points in North Carolina and other States. Applicant also indicates duplicating authority with its Sub 16. All such duplicating authority shall be surrendered.

HEARING: May 26, 1969, in Room 978, Federal Office Building, 167 North Main Street, Memphis, Tenn., before Examiner Kenneth A. Jennings.

No. MC 124078 (Sub-No. 376 (Republication) filed April 1, 1969, published in the FEDERAL REGISTER of April 24, 1969, and republished this issue. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, New Jersey, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. NOTE: This republication is to reflect the hearing information.

HEARING: May 26, 1969, in Room 978, Federal Office Building, 167 North Main Street, Memphis, Tenn., before Examiner Kenneth A. Jennings.

No. MC 808 (Sub-No. 40) (Republication) filed October 23, 1968, published FEDERAL REGISTER issue of November 14, 1968, and republished this issue. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. By application filed October 23, 1968, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of automobiles and trucks, in secondary movements, in driveaway and truckaway service, between points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. An order of the Commission, Operating Rights Board, dated April 17, 1969, and served April 28, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, *of automobiles and trucks*, in secondary movements, in driveaway and truckaway service, between points in Georgia, Florida, Alabama, Mississippi, Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, North Carolina, South Carolina, and the District of Columbia, under a continuing contract with General Motors Corp. will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118282 (Sub-No. 24) (Republication), filed April 14, 1969, published in FEDERAL REGISTER, issue of April 30, 1969, and republished this issue. Applicant: JOHNNY BROWN'S, INC., 6801 North west 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Notice of filing of this application was published in the FEDERAL REGISTER of April 30, 1969, and included therein was a provision setting the application for hearing on May 12, 1969, through May 29, 1969, at Los Angeles, Calif. The purpose of this republication is to postpone the hearing in this proceeding to a time and place to be hereafter fixed. Protests should be filed within 30 days from the date of this publication.

NOTICES OF FILING OF PETITIONS

Nos. MC 2862, MC 23939 (Sub 1, 2, and 3), MC 42487 (Sub-No. 302), MC 730 (Sub-No. 52), MC 88161, and MC 110252 and (Sub-No. 12) (Notice of Filing of Petition To Modify Certificates), filed April 1, 1969. Petitioners: ARROW TRANSPORTATION COMPANY OF DELAWARE, doing business as ARROW TRANSPORTATION COMPANY, Umatilla, Oreg. ASBURY TRANSPORTATION CO., Umatilla, Oreg. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Umatilla, Oreg. PACIFIC INTERMOUNTAIN EXPRESS CO., Umatilla, Oreg. INLAND TRANSPORTATION CO., INC., Umatilla, Oreg. JAMES J. WILLIAMS, INC., Umatilla, Oreg. Petitioner's representative: William B. Adams, 624 Pacific Building, Portland, Oreg. 97204. The above-named petitioners petition the Commission to modify and extend their respective authorities to operate out of Umatilla, Oreg., in the transportation of petroleum products in bulk so as to embrace the new and changed location of the bulk petroleum products shipment point near Umatilla, Oreg. The authorities as here pertinent read as follows: *Arrow Transportation Co.:* From Seattle, Richmond Beach, Tacoma, and Attalia, Wash., and Umatilla, Portland, Linnton, Willbridge, and The Dalles, Oreg., to points in Idaho, except those in Lemhi, Custer, Blaine, Minidoka, and Cassia Counties, and east thereof, and to points in Oregon and Washington, east of the summit of the Cascade Mountains. From Portland, Linnton, Willbridge, The Dalles, and Umatilla, Oreg., and Seattle, Richmond Beach, Tacoma, Attalia, and Spokane, Wash., to points in Lemhi County, Idaho.

Asbury Transportation Co.: I.C.C. CERT. MC-23939, Sub 1 Irregular Routes: Liquid Petroleum Products, in bulk from The Dalles, Oreg., to points and places in Lewis, Cowlitz, Clark, and Skamania Counties, Wash., and from Portland, Linnton, and Willbridge, Oreg., to points and places in Washington, those in Malheur County, Oreg., and those in Idaho except those in Lemhi, Blaine, Minidoka, and Cassia Counties, Idaho, and east thereof, and, from The Dalles and Umatilla, Oreg., and Attalia, Wash., to points and places in Oregon and Washington east of the summit of the Cascade Mountains, and those in Idaho as specified above. I.C.C. CERT. MC-23939, Sub 3, Irregular Routes: Liquid Petroleum Products, in bulk, from Portland, Linnton, Willbridge, The Dalles, and Umatilla, Oreg., and Attalia and Vancouver, Wash., to points and places in Lemhi, Blaine, Minidoka, Cassia, Clark, Butte, Power, Oneida, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Caribou, Franklin, Bear Lake, and Custer Counties, Idaho. *Consolidated Freightways Corporation of Delaware:* From Umatilla, Oreg., to points in Ada, Benewah, Bonner, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenai, Latah, Nez Perce, Payette, Shoshone, Washington, and Lewis Counties, Idaho, and those in Washington east of summit of the Cascade Mountains, with no transportation for compensation on return except as otherwise authorized. From Attalia, Wash., and Umatilla and The Dalles, Oreg., to points in Washington east of the summit of the Cascade Mountains, and those in Idaho north of a line beginning at the Idaho-Oregon State line west of Grangeville, Idaho, and extending eastward through Grangeville, Idaho, to the Idaho-Montana State line, with no transportation for compensation on return except as otherwise authorized.

Pacific Intermountain Express Co.: From Umatilla, Oreg., to points in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Lincoln, Spokane, Walla Walla, Whitman, and Yakima Counties, Wash., and Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, Idaho, Adams, Valley, Washington, Payette, Gem, Boise, Ada, Elmore, Camas, Gooding, Twin Falls, Owyhee, and Canyon Counties, Idaho, with no transportation for compensation on return except as otherwise authorized. *Inland Transportation Co., Inc.:* From The Dalles and Umatilla, Oreg., to points and places in Washington east of the summit of the Cascade Mountains. From Umatilla, Oreg., to Nez Perce, Latah, Idaho, Lewis, Clearwater, Ada, Canyon, Elmore, Gem, Owyhee, Payette, and Twin Falls Counties, Idaho. *James J. Williams, Inc.:* I.C.C. Certificate MC-110252 Irregular Routes, Liquid Petroleum Products, in tank vehicles, from Umatilla, Oreg., to Spokane, Wash. From Umatilla, Oreg., to points in Washington east of Cascade Mountains, except Spokane, Wash. I.C.C. Certificate MC-110252, Sub 12. From Attalia and Pasco, Wash., and Umatilla, Oreg., to points in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho. By the instant petition, petitioners request that their Certificates be modified so as to read: "liquid petroleum products, in bulk, from Umatilla, Oreg., and points within 5 miles thereof" to the areas respectively served by them under their existing authorities from Umatilla, Oreg. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 98572 (Sub-No. 3) (Notice of Filing of Petition Seeking Modification of Certificate), filed April 3, 1969. Petitioner: FILM TRANSFER COMPANY, INC., Dallas, Tex. Petitioner's representative: Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701. Petitioner states that it is authorized in MC 98572 (Sub-No. 3) to transport, over irregular routes, "General Commodities (except household goods), having an immediately prior or an immediately subsequent movement by air," Between the Houston, Tex., International Airport, and the Jefferson County, Tex., Airport, on the one hand, and, on the other, points in Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Leon, Liberty, Madison, Matagorda, Montgomery, Newton, Orange, Polk, San Jacinto, Trinity, Tyler, Walker, Waller, Washington, and Wharton Counties, Tex. "Restriction: The authority granted herein, to the extent it authorizes the transportation of Classes A and B explosives, shall be limited, in point of time, to a period expiring April 8, 1970." As indicated above, origin points in Harris County are limited to the "Houston Texas International Airport." The city of Houston is presently in process of constructing a new airport to be known as the Houston Intercontinental Airport. The name of the present airport has been changed from "Houston Texas International Airport" to "William P. Hobby Airport". When the new airport has been activated only limited operations will be conducted from William P. Hobby Airport. By the instant petition, petitioner requests the Certificate be modified to read as follows: "IRREGULAR ROUTES: *General commodities* (except household goods), having an immediately prior or an immediately subsequent movement by air, Between airports in Houston, Texas and the Jefferson County, Tex., Airport, on the one hand, and, on the other, points in Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Leon, Liberty, Madison, Matagorda, Montgomery, Newton, Orange, Polk, San Jacinto, Trinity, Tyler, Walker, Waller, Washington, and Wharton Counties, Tex. Restriction: The authority granted herein, to the extent it authorizes the transportation of Classes A and B explosives, shall be limited, in point of time, to a period expiring April 8, 1970." Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119988 (Sub-No. 6) (Notice of Filing of Petition for Modification of Certificate), filed April 18, 1969. Petitioner: GREAT WESTERN TRUCKING CO., INC., Lufkin, Tex. Petitioner's representatives: Mert Starnes and Pat H. Robertson, 904 Lavaca Building, Austin, Tex. 78701. Petitioner holds a certificate of public convenience and necessity in MC 119988 (Sub-No. 6), to transport, over irregular routes, dry animal and poultry feed and feed ingredients, in bulk, in vehicles other than tank or hopper vehicles, from Memphis, Tenn., and Hugo, Okla., and points in Otero, Bent, Prowers, Crowley, Cheyenne, and Kiowa Counties, Colo. that part of Arkansas on and east of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 65 to Little Rock, thence along U.S. Highway 67 to junction Arkansas Highway 25, and thence along Arkansas Highway 25 to the Arkansas-Missouri State line, and that part of Mississippi on, west, and north, of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 51 to Jackson, and thence along U.S. Highway 80 to the Mississippi-Louisiana State line, to points in Brazos, Nacogdoches, and Rusk Counties, Tex., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests the Commission to modify its certificate so as to remove the restriction in said certificate restricting it from the transportation of dry animal and poultry feed and feed ingredients in "hopper vehicles". Any interested person desiring to participate, may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 8515 (Sub-No. 10), filed April 10, 1969. Applicant: H. J. TOBLER TRANSFER, INC., 1012 Peoria Street, Peru, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, high explosives, livestock, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between the following points in Illinois; all points in Henry, Bureau, Knox, Peoria, Stark, Marshall, and Woodford Counties; that part of Rock Island County on and east of U.S. Highway 67; that part of Whiteside County on and north of Illinois Highway 2; that part of Lee County bounded by U.S. Highway 30 on the north and U.S. Highway 52 on the east, including all points on said highways; that part of La Salle County bounded by U.S. Highway 34 on the north and Illinois Highway 23 on the east, serving all points on said highways, but excluding Ottawa, Ill., and points in its commercial zone; those parts of Mercer and Warren Counties on and east of U.S. Highway 67; all points in Tazewell County on and north of Illinois Highway 122; and that part of Fulton County located on and north of a line beginning at the McDonough-Fulton County line, thence extending in an easterly direction over Illinois Highway 9 to junction with Illinois Highway 97, thence southerly over Illinois Highway 97 to junction with U.S. Highway 24, thence northeasterly over U.S. Highway 24 to the Fulton-Tazewell County line, serving all points on said highways; (2) between points in the Illinois territory described in (1) above, on the one hand, and, on the other, points in Illinois, restricted to traffic originating at or destined to points in Illinois within the area described in (1) above. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. This application is a matter directly related to MC–F–10449, published in the FEDERAL REGISTER issue of April 23, 1969. Applicant seeks to convert the certificate of registration of Graves Transfer Co., Inc., under MC 99710 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 36364 (Sub-No. 15), filed April 18, 1969. Applicant: MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC., doing business as M. K. & O. LINES, 321 South Cincinnati, Tulsa, Okla. 74103. Applicant's representatives: John L. Arrington, Jr., 510 Oklahoma Natural Building, Tulsa, Okla., and J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in one-way and roundtrip charter operations, beginning and ending at East St. Louis, Ill., St. Louis and Fort Leonard Wood, Mo., points in St. Louis County, Mo., and points on and within 5 miles of the following routes between Tulsa, Okla., and St. Louis, Mo., including Tulsa and St. Louis: From St. Louis over U.S. Highway 66 and Interstate Highway 44 to Springfield, Mo., thence over Interstate Highway 44 (formerly U.S. Highway 166) to Joplin, Mo., thence over U.S. Highway 66 to Tulsa, and extending to points in the United States (except Hawaii). NOTE: Applicant states that it now holds incidental charter authority under section 208(c) of the Act from the points named and all points on the above-described highways to all points in the United States in connection with its existing regular-route authority over those highways, and that the purpose of this application is not to obtain additional authority but is to convert its existing incidental rights into certificated rights. This application is directly related to MC–F–10455 published FEDERAL REGISTER issue of April 30, 1969. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

Finance Docket No. 25637. (Supplement) (DILLINGHAM CORPORATION and FOSS L&T CO.), filed April 14, 1969. This notice to show Applicants seek to include the acquisition of FOSS LAUNCH & TUG CO., No. MC–126249 Sub 1. Operating rights sought to be controlled: *General commodities*, in seasonal operations extending from April 1 to November 30, both dates inclusive, of each year, as a *common carrier*, over irregular routes, between beachlanding sites in Alaska, on the one hand, and, on the other, certain specified points in Alaska, with restriction.

No. MC–F–10464. Authority sought for purchase by CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, Iowa 51401, of a portion of the operating rights of BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158, and for acquisition by PAUL CROUSE, also of Carroll, Iowa, of control of such rights through the purchase. Applicants' attorney: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and commodities injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Chicago, Ill., and Hastings, Nebr., serving all intermediate points, and the off-route points of Ferguson, Mitchellville, and Kellogg, Iowa; *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), minimum 20,000 pounds, between Des Moines, Iowa, and the U.S. Ordnance Plant, near Ankeny, Iowa, serving no intermediate points; *groceries, canned goods, petroleum products, and paint*, between Marshalltown, Iowa, and Chicago, Ill., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Iowa and Nebraska. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10199 (CEDAR RAPIDS STEEL TRANSPORTATION INC.—Control and Merger—BOS LINES, INC.), published in the July 31, 1968, issue of the FEDERAL REGISTER, on page 10910.

No. MC–F–10465. Authority sought for control by ASSOCIATED FREIGHT LINES, 1700 24th Street, Oakland, Calif. 94607, of LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, 1901 Industrial Road, Las Vegas, Nev. 89102, and for acquisition by JOHN A. PIFER, also of Oakland, Calif., of control of LAS VEGAS TANK LINES, doing business as LAS VEGAS TRUCK LINES, through the acquisition by ASSOCIATED FREIGHT LINES. Applicants' attorney and representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104, and Ernest Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Operating rights sought to be controlled: *General commodities*, accepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Lakeview, Calif., and junction unnumbered highway and Interstate Highway 15, near Nipton, Calif., between Los Angeles, Calif., and Las Vegas, Nev., serving all intermediate points, serving the intermediate and certain off-route points; *ore and ore concentrates, machinery, supplies, and equipment used or useful in mining, including particularly petroleum products in containers, coal, and lumber*, between Searchlight, Nev., and Nipton, Calif., between Searchlight, Nev., and Oatman, Ariz., between Searchlight, Nev., and Boulder City, Nev., serving the intermediate and off-route points in Nevada within 25 miles of Searchlight, Nev.; mines ores, from Searchlight, Nev., to Chloride, Ariz., serving the intermediate point of Nelson, Nev., and the off-route points, *petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, over irregular routes, between Las Vegas, Nev., and the Nevada Test Site near Mercury, Nev., and *petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Las Vegas, Nev., and points within 10 miles thereof, to points in Arizona and Utah. ASSOCIATED FREIGHT LINES is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b). NOTE: MC–57254 Sub-No. 11 is a matter directly related.

No. MC–F–10466. Authority sought for control and merger by OLD DOMINION FREIGHT LINE, Post Office Box 1189, High Point, N.C. 27261, of the operating rights and property of WHITE TRANSPORT CORP., Post Office Box 1447, Greenville, S.C. 29602, and for acquisition by L. C. CROWDER, E. E. CONGDON, but also of High Point, N.C. 27261 and J. R. Congdon, of 109 Walsing Road, Richmond, Va., of control of such rights and property through the transaction. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be controlled and merged: Under certificates of registration, in Docket No. MC–97766 Sub-1, covering the transportation of property as a *common carrier*, in intrastate commerce, within the State of South Carolina. OLD DOMINION FREIGHT LINE is authorized to operate as a *common carrier* in Virginia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–107478 Sub-11, is a matter directly related.

No. MC–F–10467. Authority sought for control and merger by PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, Pa. 15034, of the operating rights and property of TRIPLE-M-TRANSPORTATION CORP., 234 Depot Road, Post Office Box 422, Milford, Conn. 16460, and for acquisition by F. T. HILLER, also of Dravosburg, Pa. 15034, of control of such rights and property through the transaction. Applicants' attorneys: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, and William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Operating rights sought to be controlled and merged: *Machinery and such commodities* as require special equipment and handling by reason of size or weight, and *office furniture, fixtures, equipment, and supplies* when handled in connection with the removal of an industrial establishment and as a part of such removal, as a *common carrier*, over irregular routes between New York, N.Y., and points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. PITTSBURGH & NEW ENGLAND TRUCKING CO. is authorized to operate as a *common carrier* in New York, Massachusetts, New Jersey, Connecticut, Pennsylvania, Ohio, Rhode Island, West Virginia, Maine, New Hampshire, Vermont, Delaware, Maryland, Michigan, Virginia, North Carolina, South Carolina, District of Columbia, Florida, and Georgia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10468. Authority sought for control by SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246, of LES JOHNSON CARTAGE, Post Office Box 305, Denmark, Wis. 54208, and for acquisition by FRED J. SCHWERMAN and CARL L. SCHWERMAN, both also of Milwaukee, Wis., of control of LES JOHNSON CARTAGE, through the acquisition by SCHWERMAN TRUCKING CO. Applicants' attorneys and representative: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis. 53246, Nancy J. Johnson and Les Johnson, both of 111 South Fairchild Street, Madison, Wis. 53703. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Denmark, Wis., on the one hand, and, on the other, those in the town of New Denmark, Brown County, Wis.; *machinery, materials, supplies, and equipment* used in connection with highway construction, between points in Wisconsin, on the one hand, and, on the other, those in that part of Michigan known as the Upper Peninsula of Michigan; *boilers, motors, portable mills and equipment* used in connection with logging operations, between points in that part of Wisconsin east and north of a line beginning at Ashland and extending along Wisconsin Highway 13 to Abbotsford, Wis., thence along Wisconsin Highway 29 to Green Bay, Wis., including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in the Upper Peninsula of Michigan; *machinery*, between points within 15 miles of Denmark, Wis., including Denmark; *cement*, from Green Bay and Manitowoc, Wis., to points in the Upper Peninsula of Michigan, from Manitowoc, Wis., to points in Illinois, Indiana, Iowa, North Dakota, South Dakota, Minnesota, and the Lower Peninsula of Michigan, from Madison, Wis., to points in Illinois, from Green Bay, Wis., to points in Minnesota; *such commodities* which, by reason of size or weight require the use of special equipment or special handling, between points in Wisconsin, except those on and south of Wisconsin Highway 33, and, on and east of U.S. Highway 51, on the one hand, and, on the other, points in the Upper Peninsula of Michigan; and *salt*, in bulk, from Green Bay, Wis., to points in the Upper Peninsula of Michigan. SCHWERMAN TRUCKING CO., is authorized to operate as a *common carrier*, in Kentucky, Tennessee, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Kansas, West Virginia, Nebraska, North Dakota, Oklahoma, Texas, Ohio, Michigan, South Dakota, Louisiana, Pennsylvania, Maryland, Virginia, Colorado, Montana, New Mexico, Vermont, Wyoming, Massachusetts, Connecticut, New Hampshire, Rhode Island, New Jersey, Delaware, California, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10469. Authority sought for purchase by ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, Minn. 55413, of the operating rights and property of WIDHOLM FREIGHTWAYS, INC., 1015 North Third Street, Minneapolis, Minn. 55401 and for acquisition by FRED J. WINES, Executor of the Estate of FRED B. WINES, DECEASED, also of Minneapolis, Minn., of control of such rights and property through the purchase. Applicants' attorney: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Stillwater, Minn., and St. Paul, Minn., serving the intermediate point of Lake Elmo, Minn., and certain off-route points, between St. Paul, Minn., and Mora, Minn., serving all intermediate points, between Minneapolis, Minn., and Savage, Minn., serving intermediate points, but serving the off-route point of St. Paul, Minn., from and to Minneapolis, Minn., serving all intermediate points and certain off-route points in Minnesota, over a circular route, between Minneapolis, Minn., and Stillwater, Minn., between Stillwater, Minn., and Lakeland, Minn., serving all intermediate points, between junction U.S. Highway 65 and Minnesota Highway 13, and Nichols, Minn., between Savage, Minn., and Valley Industrial Park, Minn. (located at a point approximately 6 miles west of Savage, on Minnesota Highway 101), serving no intermediate points, between Minneapolis, Minn., and Durand, Wis., serving all intermediate points in Wisconsin, and certain intermediate and off-route points in Minnesota, and Eau Galle, Wis., between Ellsworth, Wis., and Spring Valley, Wis., serving all intermediate points, and the off-route points of Olivet and El Paso, Wis., between Elmwood, Wis., and junction unnumbered highway and U.S. Highway 10 near Durand, Wis., serving the intermediate point of Eau Galle, Wis., between Minneapolis, Minn., and Ellsworth, Wis., serving certain intermediate points and certain off-route point of East Ellsworth, Wis., over one alternate route for operating convenience only;

General commodities, excepting among others, household goods and commodities, in bulk, over irregular routes between certain specified points in Wisconsin, on the one hand, and, on the other, certain points in Minnesota; *general commodities*, except commodities in bulk, to Burkhardt, Wis., from certain specified points in Minnesota; *feed*, from certain specified points in Minnesota to Burkhardt, Wis., and points within 10 miles; *livestock*, from Burkhardt, Wis., and points within 10 miles thereof, to South St. Paul, Minn.; *household goods, emigrant movables, and store stock, furniture, and fixtures*, between Hudson, Wis., and points in Wisconsin within 20 miles thereof, on the one hand, and, on

the other points in Iowa and Minnesota; and *ensilage cutters, hammer mills, portable feed grinders and coal stokers*, between West Bend, Wis., on the one hand, and, on the other, points in that part of Minnesota south of a line beginning at Duluth, Minn., and extending along U.S. Highway 210 to Motley, Minn., and thence along U.S. Highway 10 to the Minnesota-North Dakota State line, including points on the indicated portions of the highways specified, between Chippewa Falls, Wis., on the one hand, and, on the other, points in that part of Minnesota south of a line beginning at Duluth, Minn., and extending along U.S. Highway 210 to Motley, Minn., and thence along U.S. Highway 10 to the Minnesota-North Dakota State line, including points on the indicated portions of the highways specified (except points in Hennepin and Ramsey Counties, Minn.). Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Wisconsin, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10470. Authority sought for control by CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia, Pa. 19130, of RED LINE TRANSFER CO., INC., 2320 Monumental Road, Baltimore, Md. 21227 (This authority was granted pursuant to order in MC-FC-71016, consummated February 24, 1969, and certificate not yet issued), and for acquisition by SYLVIA MOLITCH and MATTHEW MOLITCH, both also of Philadelphia, Pa., of control of RED LINE TRANSFER CO., INC., through the acquisition by CLARK TRANSFER, INC. Applicants' attorney: V. Baker Smith, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa. 19109. Operating rights sought to be controlled: (Presently in the name of Philip S. Zanghi, doing business as Red Line Transfer Co.) *Bananas*, as a *common carrier*, over irregular routes, from Baltimore, Md., to Washington, D.C., and points in Maryland, Virginia, Pennsylvania, and New York, from Baltimore, Md., to Philadelphia, Pa., and Camden and Bridgeton, N.J., from ports in the New York, N.Y., commercial zone as defined by the Commission, to Baltimore, Md., Philadelphia and Easton, Pa., certain specified points in New Jersey and New York; and *fresh pineapples*, in mixed loads with bananas (otherwise authorized), from Baltimore, Md., to Washington, D.C., and to points in Maryland, Virginia, Pennsylvania, and New York, and Camden and Bridgeton, N.J., from points in that part of the New York, N.Y., commercial zone, as defined by the Commission, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), to Baltimore, Md., Philadelphia and Easton, Pa., certain specified points in New Jersey and New York, with restriction. CLARK TRANSFER, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10471. Authority sought for purchase by AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. 46206, of a portion of the operating rights of PARCEL DELIVERY & TRANSFER, INC., Post Office Box 3-126, Anchorage, Alaska 99501. Applicant's attorney: James L. Beattey, 130 East Washington Street No. 1021, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Household goods*, as defined by the Interstate Commerce Commission, as a *common carrier*, over regular routes, between Anchorage, Alaska, and Tok Junction, Alaska, between Valdez, Alaska, and Delta Junction, Alaska, between Big Delta, Alaska, and Northway, Alaska, between junction Alaska Highways 4 and 10, and Cordova, Alaska, serving all intermediate points, and certain off-route points. Vendee is authorized to operate as a *common carrier* in all points in the United States. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5438; Filed, May 6, 1969; 8:47 a.m.]

[Notice 826]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 2, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14552 (Sub-No. 31 TA), filed April 23, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44502. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated steel*, from Bellefontaine, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; and (2) *materials and supplies* used in the fabricating of steel, from the destination States named above to Bellefontaine, Ohio; restricted to traffic originating at or destined to plantsites of Carter Steel and Fabricating Co. at Bellefontaine, Ohio, for 150 days. Supporting shipper: Carter Steel and Fabricating Co., Carlisle Avenue, Bellefontaine, Ohio 43311. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 89523 (Sub-No. 15 TA), filed April 25, 1969. Applicant: MID-STATES TRUCKING CO., a corporation, 2517 North Grand, Enid, Okla. 73701. Applicant's representative: R. F. Hayes (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass beverage containers*, from Waxahachie and Palestine, Tex., to Golden, Colo., for 180 days. Supporting shipper: Adolph Coors Co., Golden, Colo. 80401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107496 (Sub-No. 732 TA), filed April 29, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in pneumatic tank vehicles, from Clayton, Iowa, to Winona, Minn., for 150 days. Supporting shipper: Clayton Silica Division, Martin Marietta Corp., 4096 First Avenue NE., Cedar Rapids, Iowa 52406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 110420 (Sub-No. 586 TA), filed April 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, from Lincoln, Nebr., to Fort Dodge, Iowa, for 180 days. Supporting shipper: Union Starch & Refining Co., 900 19th Street, Granite City, Ill. (R. L. Rahlfs, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116073 (Sub-No. 96 TA), filed April 28, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from LaGrande, Oreg., to points in Washington, Montana, South Dakota, Wyoming, and Idaho, for 180 days. Supporting shipper: Terry Industries of Oregon, Inc., Post Office Box 789, LaGrande, Oreg. 97850. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 119934 (Sub-No. 156 TA), filed April 29, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, in bulk, in tank vehicles, from Fortville, Ind., to Mexico, Mo., for 180 days. Supporting shipper: E. I. duPont de Nemours & Co., 10th and Market Streets, Wilmington, Del. 19898. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 123814 (Sub-No. 4 TA) (Correction), filed April 16, 1969, published FEDERAL REGISTER issue of April 25, 1969, and republished as corrected this issue. Applicant: GEORGE A. HALL CARTAGE CO., LTD., 1281 Conde Street, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 10ieme Etage, 200, rue St-Jacques, Montreal 126, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and *cement*, in bags, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, and New York, for 180 days. NOTE: The purpose of this republication is to add cement in bags, proposed to be transported, inadvertently omitted from previous publication. Supporting shipper: Ciments Lafarge Quebec Ltee, St. Constant, Province of Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 124658 (Sub-No. 3 TA), filed April 28, 1969. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, Wash. 98953. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal cans*, from Portland, Oreg., to Yakima, Wash., and *carbonated beverages*, from Yakima, Wash., to points in Sherman, Hood River, Multnomah, Clatsop, Clackamas, Marion, Linn, Lane, Benton, Washington, and Tillamook Counties, Oreg., limited to service under a continuing contract or contracts with Pepsi-Cola Bottling Co. of Yakima, Wash., and return of *damaged or rejected shipments*, for 180 days. Supporting shipper: Pepsi-Cola Bottling Co., Yakima, Wash. 98901. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 124988 (Sub-No. 2 TA) (Correction), filed April 14, 1969, published FEDERAL REGISTER, issue of April 23, 1969, and republished as corrected this issue. junction U.S. Highway 9W, thence over Applicant: H. H. HOCKER, doing business as TRUCK SERVICE COMPANY, 2111 Southwest Boulevard, Tulsa, Okla. 74107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, vermiculite* other than crude, *wood chips* not charred, *naphtha (distillate) lighter fluid*, in containers, *spices and sauces*, from Kingsford Co. plant and warehouse sites near Belle, Mo., and Ellis Spur, near Bland, Mo., to points in Arkansas and Oklahoma (except Tulsa and Oklahoma City), New Mexico, and Texas, for 180 days. NOTE: The purpose of this republication is to add certain commodities proposed to be transported, inadvertently omitted from previous publication. Support shippers: Kingsford Co. (Levern N. Forseth), 1122 Commonwealth Building, Post Office Box 1033, Louisville 1, Ky., and Rogers & Shirley Brokerage Co., Carl Rogers, General Manager, 2525 East 21st Street, Tulsa, Okla. 74152. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 127964 (Sub-No. 3 TA) (Correction), filed April 14, 1969, published FEDERAL REGISTER, issue of April 23, 1969, and republished as corrected this issue. Applicant: JOHN H. OSBORNE, doing business as OSBORNE TRUCKING CO., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in South Dakota and to those points in Nebraska, lying on and west of U.S. Highway 83, for 180 days. NOTE: The purpose of this republication is to show the correct origin point and to show that commodity is destined to points in Nebraska lying on and west of U.S. Highway 83, and not U.S. Highway 33. Supporting shipper: Star Studs, Inc., Post Office Box 517, Afton, Wyo. 83110. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 304, Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 127964 (Sub-No. 4 TA), filed April 28, 1969. Applicant: JOHN H. OSBORNE, doing business as OSBORNE TRUCKING CO., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3439 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Colorado, for 180 days. Supporting shipper: Star Studs, Inc., Post Office Box 517, Afton, Wyo. 83110. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 133154 (Sub-No. 1 TA), filed April 28, 1969. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Fred D. Preston, 5820 Wilshire Boulevard, Suite 605, Los Angeles, Calif. 90036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool insulation including batts, batting, blankets, fill, reinforced or not reinforced*, from Fontana, Calif., to points in Arizona and Nevada; (2) *expanded plastic articles*, from Napa, Calif., to points in Arizona and Nevada, for 180 days. Supporting shippers: American Flotation Corp., 2006 Solano Avenue, Napa, Calif. 94558; Mineral Wool Insulations, 13361 San Bernardino Avenue, Post Office Box 990, Fontana, Calif. 92335. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133587 (Sub-No. 1 TA), filed April 28, 1969. Applicant: DOMINIC A. MARCHESE, 217 Fourth Street, Troy, N.Y. 12180. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel*, in bulk, in dump trailers, from Waterbury, Conn., to Watervliet and Troy, N.Y., for 120 days. Supporting shipper: Anchor Fasteners, Post Office Box 2029, Waterbury, Conn. 06720. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 133635 (Sub-No. 1 TA), filed April 29, 1969. Applicant: MARVIN W. LEPPER, Radcliffe, Iowa 50230. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor wheels, wheel rims, and related mounting hardware, hubs, and clamps*, from Plainfield, Ill., to points in Iowa, Minnesota, Missouri, North Dakota, and South Dakota, for 150 days. Supporting shipper: Peterson Manufacturing Co., 213 Main Street, Plainfield, Ill. 60544. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133639 (Sub-No. 1 TA), filed April 29, 1969. Applicant: ARROW TRANSPORTATION, 831 East Broadway, Des Moines, Iowa 50313. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and drain tile*, from Kalo, Iowa, to Fort Dodge, Iowa, for 150 days. Supporting shipper: Kalo Brick & Tile Co., 1230 First Avenue, South Fort Dodge, Iowa 50501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133657 (Sub-No. 1 TA), filed April 29, 1969. Applicant: H. MONROE, INC., 736 Ann Street, Adams, Wis. 53910. Applicant's representative: Robert J. Kay, 433 West Washington Avenue, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the town of Quincy, Adams County, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; (2) *Machinery equipment and supplies* used in lumber mill operations, from points in Illinois, Indiana, Iowa, Michigan, and Minnesota to the town of Quincy, Adams County, Wis., for 150 days. Supporting shipper: Townsend Co., 2767 North Main Street, Decatur, Ill. 62526. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133659 TA, filed April 25, 1969. Applicant: CLIFF O. LIVINGSTON, SR., doing business as LIVINGSTON STORAGE & TRANSFER COMPANY, 4301 Allied Drive, Columbus, Ga. 31902. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as described by the Commission, restricted to traffic having a prior or subsequent movement in containers beyond the points authorized, and confined to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Early, Clay, Quitman, Stewart, Chattahoochee, Muscogee, Harris, Troup, Heard, Carroll, Coweta, Meriwether, Talbot, Marion, Webster, Terrell, Calhoun, Dougherty, Lee, Sumter, Schley, Taylor, Upson, Pike, Fayette, Spalding, Lamar, Monroe, Crawford, Macon, Dooly, Crisp, Houston, Peach, Bibb, Butts, Clayton, Fulton, Douglas, Randolph, Decatur, Miller, Baker, Seminole, Mitchell, and Grady Counties, Ga.; and Randolph, Chambers, Lee, Russell, Barbour, Henry, Dale, Clay, Tallapoosa, Coosa, Elmore, Macon, Montgomery, Bullock, Butler, Crenshaw, Coffee, Covington, Conecuh, Geneva, Pike, Houston, Escambia, and Lowndes Counties, Ala., and Okaloosa, Walton, Holmes, Jackson, Calhoun, Washington, Bay, Liberty, Leon, Franklin, Gadsden, Wakulla, and Santa Rosa Counties, Fla., for 180 days. Supporting shippers: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103; Imperial Household Shipping Co. Inc., 9674 Fourth Street North, Post Office Box 20124, St. Petersburg, Fla. 33702. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. NOTE: Traffic handled will be moving in freight forwarder service.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5439; Filed, May 6, 1969; 8:48 a.m.]

[Notice 340]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 2, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71060. By order of April 16, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Winkoma, Inc., Hospers, Iowa, of a portion of certificate No. MC-84511 (Sub No. 27) issued September 27, 1966, to Commercial Freight Lines, Inc., Kansas City, Mo., authorizing the transportation of: Meat, meat products, and articles distributed by meat packinghouses and dairy products, from points in Wisconsin and Minneapolis, Minn., to points in Kansas, Missouri, Iowa, Nebraska, Oklahoma, and Arkansas, and to East St. Louis, Ill. Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-71354. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Delbert L. McVay, Henderson, Iowa, of certificate No. MC-25614, issued July 14, 1952, to Howard Allensworth, doing business as Allensworth Transfer, Henderson, Iowa, authorizing the transportation of: Feed, building material, hardware, machinery, molasses, tankage, and general farm supplies, from Omaha, Nebr., to Macedonia, Iowa, and points in Pottawattamie, Mills, and Montgomery Counties, Iowa, within 15 miles of Macedonia; and feed and farm implements, from Omaha, Nebr., to Henderson, Iowa, and points within 20 miles thereof.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5440; Filed, May 6, 1969; 8:48 a.m.]

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PART II

RENEGOTIATION BOARD

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Renegotiation Rulings and Bulletins

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—THE RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

A new Part 1499 *Renegotiation Rulings and Bulletins* is hereby added to read as set forth below.

LAWRENCE E. HARTWIG,
Chairman.

APRIL 16, 1969.

Sec.

1499.1 Renegotiation Rulings.
1499.1–1 Renegotiation Ruling No. 1: Receipts or accruals; contract consideration partly paid by Government; extent renegotiable.
1499.1–2 Renegotiation Ruling No. 2: Receipts or accruals; recovery for breach of contract.
1499.1–3 Renegotiation Ruling No. 3: Receipts or accruals; value engineering incentive awards.
1499.1–4 Renegotiation Ruling No. 4: Prime contracts and subcontracts within scope of act; consignment sales.
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1499.1–8 Renegotiation Ruling No. 8: Competitively bid construction contracts; small business restricted advertising ("set-asides").
1499.1–9 Renegotiation Ruling No. 9: Federal Supply Schedule contracts; applicability of 30-day, $1,000 exemption.
1499.1–10 Renegotiation Ruling No. 10: Exemption, performance outside U.S.A.; effect of control over foreign corporation.
1499.1–11 Renegotiation Ruling No. 11: New durable productive equipment exemption; determination of average useful life.
1499.1–12 Renegotiation Ruling No. 12: Exemption of contracts where period of performance does not exceed 30 days; nonseparability of contract price or performance period.
1499.1–13 Renegotiation Ruling No. 13: Treatment of receipts or accruals under termination claims; year of accrual.
1499.1–14 Renegotiation Ruling No. 14: Renegotiation loss carryforward; effect of completion of renegotiation of expiration of period of limitations on examination of loss in later year.
1499.1–15 Renegotiation Ruling No. 15: Relationship of $1 million and $25,000 statutory "floors," and of gains or losses on sales under one floor to profits on sales above other floor.
1499.1–16 Renegotiation Ruling No. 16: Scope of term "fiscal year."
1499.1–17 Renegotiation Ruling No. 17: Fiscal year, termination of; stock acquisition by another corporation.
1499.1–18 Renegotiation Ruling No. 18: Joint venture; separate renegotiation status; subcontracts or assignments to or from members.
1499.1–19 Renegotiation Ruling No. 19: Renegotiation loss carryforward; effect on, when loss sustained on sales below the floor.
1499.1–20 Renegotiation Ruling No. 20: Common control; consolidated renegotiation of related contractors; effect of voting trusts.
1499.1–21 Renegotiation Ruling No. 21: Accounting methods; completed contract basis; time of accrual.
1499.1–22 Renegotiation Ruling No. 22: Final completion and acceptance; completed contract method of accounting; long-term contracts.
1499.1–23 Renegotiation Ruling No. 23: Special accounting agreement; status of agreement with merged contractor or predecessor partnership.
1499.1–24 Renegotiation Ruling No. 24: Government-furnished materials.
1499.1–25 Renegotiation Ruling No. 25: Accounting method, change in; distinguished from change in rate of depreciation.
1499.1–26 Renegotiation Ruling No. 26: Advertising expense; allocability to renegotiable business.
1499.1–27 Renegotiation Ruling No. 27: Computation of State tax credit for consolidated group; amount attributable to a member when no excessive profits are allocated to such member.
1499.1–28 Renegotiation Ruling No. 28: Costs allocable to and allowable against renegotiable business; costs of conversion and reconversion.
1499.1–29 Renegotiation Ruling No. 29: Consolidated renegotiation of partnership and successor corporation.
1499.1–30 Renegotiation Ruling No. 30: Tax credit, Federal; allocation of excessive profits when tax basis of accounting not used for renegotiation.
1499.1–31 Renegotiation Ruling No. 31: Consolidated renegotiation; elimination of intercompany transactions.
1499.1–32 Renegotiation Ruling No. 32: Standard commercial article exemption; composition of standard commercial class of articles.
1499.1–33 Renegotiation Ruling No. 33: Standard commercial service exemption; scope of term "service."
1499.1–34 Renegotiation Ruling No. 34: Standard commercial service exemption; application to leased equipment.
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1499.1–36 Renegotiation Ruling No. 36: Standard Form of Contractor's Report; subcontract classification.
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1499.2–1 Renegotiation Bulletin No. 1: Advertising.
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1499.2–3 Renegotiation Bulletin No. 3: Letter not to proceed.
1499.2–4 Renegotiation Bulletin No. 4: The Stock Item Exemption.
1499.2–5 Renegotiation Bulletin No. 5: Entertainment expenses, gratuities, and sales commission.
1499.2–6 Renegotiation Bulletin No. 6: Cost allowances and disallowances.
1499.2–7 Renegotiation Bulletin No. 7: Renegotiation of construction and architect-engineer contracts.
1499.2–8 Renegotiation Bulletin No. 8: Renegotiation shipping operations.
1499.2–9 Renegotiation Bulletin No. 9: Deferred payment of excessive profits pursuant to agreement.
1499.2–10 Renegotiation Bulletin No. 10: Treatment of shorts and seconds in segregation of subcontractors' sales in the textile industry.
1499.2–11 Renegotiation Bulletin No. 11: Computation of cost allowance for pig iron.
1499.2–12 Renegotiation Bulletin No. 12: Guide to the partial mandatory exemption for new durable productive equipment.
1499.2–13 Renegotiation Bulletin No. 13: Voluntary refunds and interim prepayments.
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1499.2–16 Renegotiation Bulletin No. 16: Allowance and allocation of advertising expenses.
1499.2–17 Renegotiation Bulletin No. 17: Procedure for exemption of contracts with Military Airlift Command under § 106(a)(4) of the act.
1499.2–18 Renegotiation Bulletin No. 18 Concurrent renegotiation.

AUTHORITY: The provisions of this Part 1499 issued under sec. 109, 65 Stat. 22; 50 U.S.C., App. 1219.

§ 1499.1 Renegotiation Rulings.

This section contains Renegotiation Rulings, consisting of interpretations of general applicability formulated and adopted by the Board. The rulings explain or construe specific provisions of the Renegotiation Act of 1951, as amended, or of these regulations. They may be cited by section number (e.g., RBR 1499.1–12) or by ruling number (e.g., R. Rul. No. 12).

§ 1499.1–1 Renegotiation Ruling No. 1: Receipts or accruals; contract consideration partly paid by Government; extent renegotiable (interprets act sections 101 and 102(a); § 1452.2 of this chapter).

(a) This section prescribes the extent of renegotiability of a contract entered into by a shipbuilder with a private customer and the Government, with the Government paying only a part of the total contract price.

(b) The contract calls for the construction of certain vessels by the shipbuilder for the ultimate owner. Under the authority of the Merchant Marine Act of 1936, the Maritime Administration becomes a party to the contract and agrees to share the cost of the vessels to the extent of a construction-differential subsidy and the cost of national defense features to be built into the vessels. The agreement provides that Maritime will pay a stated percentage of the purchase price of the vessels, plus the cost of the defense features. The remainder of the contract price is to be paid by the shipowner, and the vessels are to become the property of the shipowner. The question is whether all the receipts or accruals of the shipbuilder under the contract are subject to renegotiation, or only the portion resulting from payments by Maritime.

(c) Section 102(a) of the Renegotiation Act of 1951 subjects to renegotiation receipts or accruals under contracts with the named Departments, and related subcontracts. The fact that amounts are received or accrued by the shipbuilder from the ultimate shipowner under the same contract that provides the shipbuilder with receipts or accruals from the Government does not make the receipts or accruals from the shipowner renegotiable. If the two sets of obligations to pay the shipbuilder were set forth in two separate instruments, the receipts or accruals under the contract between the shipbuilder and the shipowner would not be subject to renegotiation, and those resulting from the contract between the shipbuilder and Maritime would be subject. The obligations of the two payers are clearly separable, and for renegotiation purposes they are separated.

(d) It follows that the Renegotiation Act applies only to the receipts or accruals of the shipbuilder from Maritime under the contract in question, and that the receipts or accruals of the shipbuilder from the shipowner are not subject to renegotiation.

§ 1499.1–2 Renegotiation Ruling No. 2: Receipts or accruals; recovery for breach of contract (interprets act section 102(a); § 1452.2 of this chapter).

(a) This section concerns the question whether an amount recovered in an action for damages for breach of a renegotiable contract or subcontract is subject to renegotiation.

(b) Section 102(a) of the act provides in part as follows:

> The provisions of this title shall be applicable (1) to all contracts with the Departments specifically named in section 103(a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, * * *.

(c) The question, therefore, is whether an amount recovered as damages for breach of a contract is an amount received or accrued within the meaning of section 102(a) of the act.

(d) In an action based upon the breach of a contract, it is customary in legal practice to allege that the plaintiff has been "damaged" by the failure or refusal of the defendant to pay, in whole or in part, the amount for which the suit has been brought. If the amount recovered, however, is only what the plaintiff was entitled to receive by the terms of the contract, ascribing the word "damages" to the recovery does not alter the nature of the recovery; nor does the fact that the result may be described in another way: "* * * Where the defendant is under * * * [an] obligation to pay a liquidated sum of money, the ordinary measure of damages for nonperformance is the sum of money itself with interest at the legal rate from the time when it was due." (Williston on Contracts, Rev. Ed., Vol. V, section 1410, p. 3925.)

(e) The distinction between an obligation to pay money and an obligation to do other things has always been recognized in the law. The same author points out that—

> * * * the common law in enforcing an obligation to pay an agreed sum of money conceived that the promise itself continued in effect after the time fixed for its performance had elapsed. On the other hand, when a promise to deliver goods or do anything other than pay money is broken, the law substitutes for the obligation a right of action for damages. (Id. § 1288, p. 3673.)

(f) In the light of these principles, section 102(a) of the act is interpreted as follows:

(1) If a contractor has fully performed his obligations under a renegotiable contract, but his customer refuses to pay the agreed contract price, a recovery of that amount by suit is merely a recovery of the amount to which the contractor is entitled under the contract. An amount so recovered is considered a receipt or accrual attributable to performance under the contract. So, too, if a Government contracting officer refuses a price increase under the "Changes" articles of a contract, and the contractor obtains by suit an increase in the contract price, the amount of the recovery is considered a receipt or accrual attributable to performance under the contract.

(2) If a contractor performs additional work not required by the terms of the contract, and the "extras" are accepted by his customer, the law implies from these acts a contract for the payment of the fair value of the services so performed. If the contractor sues and recovers judgment, the amount recovered is a receipt or accrual under the implied contract, although the contractor might assert that he has been "damaged" by the failure or refusal of his customer to pay. Such receipts or accruals are subject to renegotiation. So, too, are amounts received in settlement of such suits, or without suit.

(g) A somewhat similar problem may arise when a contract provides that certain materials will be furnished to the contractor within a stated time. Assume that defective materials are furnished, or that the materials are furnished late. As a result, the contractor incurs unanticipated additional costs for which he is refused compensation; he sues and recovers judgment. The amount recovered, since it is attributable to performance under the contract, is subject to renegotiation.

(h) To be distinguished from the foregoing are recoveries of consequential damages, or of punitive or exemplary damages. These are not receipts or accruals attributable to performance under a contract; accordingly, they are not renegotiable.

§ 1499.1–3 Renegotiation Ruling No. 3: Receipts or accruals; value engineering incentive awards (interprets act section 102(a); § 1452.2 of this chapter).

(a) The question is whether a value engineering incentive award received from a procurement Department is an amount "received or accrued" within the meaning of section 102(a) of the act.

(b) When a value engineering recommendation made by a contractor is adopted, the contract price is adjusted upward to allow the contractor a greater profit than he would otherwise have realized. The amount of the award thus becomes a receipt or accrual to the contractor pursuant to the terms of the contract, and, if the contract itself is subject to the act, the amount of the award is a renegotiable receipt or accrual. The efforts and accomplishments of the contractor underlying the value engineering award are appropriate subjects for consideration under the applicable statutory factors for determining excessive profits.

§ 1499.1–4 Renegotiation Ruling No. 4: Prime contracts and subcontracts within scope of act; consignment sales (interprets act section 102(a), and §§ 1452.2 and 1452.4 of this chapter).

(a) When a manufacturer consigns goods to another for sale or return, the terms of the arrangement between the manufacturer and the consignee will determine whether the transaction between them is a sale or a transfer of possession to an agent for the purpose of sale.

(b) If the ultimate sale to a third-party customer is accomplished by the consignee as agent of the manufacturer, and if the goods are sold for renegotiable use, the manufacturer is the principal and the proceeds of the sale are renegotiable receipts or accruals to him. The commission received by the consignee for his services is a renegotiable receipt or accrual to the consignee, whether such commission is deducted from the proceeds transmitted to the manufacturer or paid separately by him. In these circumstances, the amount received or accrued by the manufacturer is subject to

the $1 million "floor" prescribed in section 105(f)(1) of the act, and the commission received by the consignee is subject to the $25,000 floor provided in section 105(f)(2).

(c) Not infrequently, however, the transaction between the manufacturer and the consignee is itself a sale, in which title to the goods is transferred to the consignee. In such case, in the sale to the ultimate customer, the consignee is himself the principal, and the proceeds of the sale are renegotiable receipts or accruals to him. Thus, in instances of this type, the amount received by the consignee from the customer, and the amount received by the manufacturer from the consignee, are both subject to the $1 million floor.

(d) Whether a consignment amounts in law to a sale will be determined, not by the parties' own characterization of the transaction, but by the substantive attributes of the transaction. Important considerations include, among others, the following: The nature and extent of the consignee's authority to sell the goods (i.e., whether in his own or the manufacturer's name, whether at prices and on terms set by himself or prescribed by the manufacturer, etc.); the consignee's assumption or lack of assumption of the risk of the customer's credit and the risk of loss of the goods prior to their sale to the customer; the method adopted by the manufacturer and the consignee for the payment to each.

§ 1499.1–5 Renegotiation Ruling No. 5: Subcontracts within the scope of the act; sales and other transfers of patents (interprets act section 103(g)(1) and (2), 103(k); § 1452.6 of this chapter).

(a) Agreements between private persons for the sale or licensing of a patent are subject to the following rules:

(1)(i) Section 103(g)(2) of the act defines the term "subcontract" as including "any contract or arrangement covering the right to use any patented or secret method, formula, or device for the performance of a contract or subcontract; * * *." There is absent any reference to a transaction in which the owner by a present transfer divests himself of his title to the patented method, formula, or device. All that is dealt with is an arrangement under which the owner of the patent grants the contractor or subcontractor permission to use the method, formula, or device, retaining in himself the title thereto. In § 1452.6 (b) and (c) of this chapter the Board interprets section 103(g)(2) of the act to include only licenses and other similar arrangements involving royalty payments.

(ii) Section 103(g)(1) includes in the definition of a subcontract "any purchase order or agreement * * * to * * * furnish any materials, required for the performance of any other contract or subcontract, * * *." While the term "materials," as defined in section 103(k) of the act, may be broad enough to include patents, the Board is of the opinion that, by dealing specially with patents in section 103(g)(2), Congress thereby limited the renegotiable scope of transactions involving patents to licenses for the use thereof. Plainly, Congress did not intend that sales of patents, providing for the present unconditional transfer of title from the owner to the purchaser, should be subject to renegotiation.

(2) A present unconditional transfer by the holder of a patent of all his right, title and interest therein for its remaining life is one in which the transferee immediately acquires full rights of ownership, including the right to license others to use such patent, or to sell it and convey all his right, title and interests therein. The failure of a transfer to include either of these rights disqualifies the transaction as a present unconditional transfer. Accordingly, a transaction involving the retention of a security title to insure the vendor against loss upon a default in payment, or of a right of recapture upon default, would fall short of a present unconditional transfer of title to the patent, and would amount to no more than a "contract or arrangement covering the right to use" as described in section 103(g)(2) of the act. The fact that the payment is to be made by the transferee on the installment basis, or on the basis of a percentage of sales or profits from the sale of articles or services covered by the patent, does not affect the question. See § 1452.6 of this chapter.

(3) A licensing arrangement which qualifies under the capital gain and loss provisions of section 1235 of the Internal Revenue Code of 1954 may nonetheless be subject to renegotiation. Section 1235 covers the treatment to be accorded for tax purposes to the transfer of "all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights." Section 1.1235–2(b)(2) of the regulations under the 1954 Code (26 CFR 1.1235–2(b)(2)) includes within the meaning of rights which are not substantial, retention by the transferor of (i) legal title for the purpose of securing performance or payment by the transferee; and (ii) rights in the property which are not inconsistent with the passage of ownership, such as retention of a security interest (vendor's lien), or a reservation in the nature of a condition subsequent (provision for forfeiture on account of nonperformance).

(b) For renegotiation purposes, different rules prevail. The renegotiability of transactions involving patents is determined exclusively by the provisions of section 103(g)(2) of the act. As indicated in paragraph (a)(2) of this section, retention of legal title or of a right of recapture causes the transaction to fall short of a present unconditional transfer of title, and such a transaction is subject to renegotiation. On the other hand, retention of a vendor's lien is not inconsistent with an absolute sale and will not of itself subject the transaction to renegotiation.

§ 1499.1–6 Renegotiation Ruling No. 6: Raw materials cost allowance for unconsolidated affiliate (interprets act section 106(b); § 1453.2(c)(2) of this chapter).

(a) This section concerns the propriety of a cost allowance for pig iron purchased by members of a consolidated group from an affiliate not included as a member. The affiliate produces and sells pig iron to members of the consolidated group at a price less than the quoted market. The question is whether the group is entitled to a cost allowance as provided in section 106(b) of the act, in lieu of the actual cost of the pig iron.

(b) The statutory cost allowance is available to a contractor only if he produces or acquires the product of a mine and processes, treats, or refines such product "to" the first form or state suitable for industrial use, as well as "beyond" such first form or state. Pig iron is the first form or state of iron ore suitable for industrial use. If the affiliate were included in the consolidated proceeding, the group could claim that it had processed the iron ore to pig iron and beyond that state, thus complying with the requirements of section 106(b) of the act. But if the affiliate is not so included, there is no authority for attributing its activities to the members of the consolidated group. Accordingly, since the group does not produce or acquire the product of a mine and process such product to and beyond the first form or state suitable for industrial use, the group is not entitled to the statutory cost allowance.

§ 1499.1–7 Renegotiation Ruling No. 7: Competitively bid construction contracts; scope of exemption; nonapplicability to negotiated contracts (interprets act section 106(a)(7) and (9); §§ 1453.6 and 1453.7 of this chapter).

(a) Section 106(a)(9) of the act exempts:

(9) Any contract, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility, other than a contract for the construction of housing financed with a mortgage or mortgages insured under the provisions of title VIII of the National Housing Act, as now or hereafter amended.

(b) In accordance with the apparent legislative intent, the term "awarded as a result of competitive bidding" as used in the above exemption is interpreted in § 1453.7(b)(1)(iii) of this chapter to mean "awarded in conformity with the requirements for procurement by formal advertising set forth in section 3 of the Armed Services Procurement Act of 1947." (See S. Rept. 582, 84th Cong., first sess. 3 (1955).)

(c) Procurement by negotiation is to be distinguished from the formal advertising procedure contemplated by section 3 of the Armed Services Procurement Act of 1947 (now 10 U.S.C. 2305). In negotiated procurement, price quotations or proposals are commonly solicited from a number of potential sources. The negotiations that follow the submission of proposals are conducted without reference to the requirements of section 3 of the Armed Services Procurement Act. The authority for procurement in this manner is derived rather from exceptions (1) through (17) of section 2(c) of that act (now set forth as exceptions (1) through (17) of 10 U.S.C. 2304(a)).

(d) It follows that a negotiated contract is not a contract "awarded as a result of competitive bidding" within the meaning of paragraph (9) of section 106(a) of the Renegotiation Act, and therefore is not within the exemption provided in such paragraph (9).

(e) Generally, in considering whether a contract was let in conformity with the requirements for formal advertising, if the contract states that it was negotiated pursuant to one of the exceptions set forth in 10 U.S.C. 2304(a), the Board will accept and adhere to that determination for purposes of renegotiation; likewise, if the contract states or otherwise indicates that it was awarded pursuant to formal advertising in accordance with 10 U.S.C. 2304(a), the Board will accept and adhere to that determination for purposes of renegotiation.

(f) This exemption is limited to prime contracts for construction. Related subcontracts for construction are not within the exemption provided in section 106(a)(9) of the act. However, such a subcontract is exempt under section 106(a)(7) of the act (see § 1453.6 of this chapter); except that, if the prime contract is exempt only in part under section 106(a)(9) by reason of the provisions of § 1453.7 (c) or (d) of this chapter, the subcontract is exempt only if and to the extent that it relates to the exempt portion of the prime contract.

§ 1499.1–8 Renegotiation Ruling No. 8: Competitively bid construction contracts; small business restricted advertising ("set-asides") (interprets act section 106(a)(9); § 1453.7(b)(1)(iii) of this chapter).

(a) The exemption provided in section 106(a)(9) of the act is confined to prime contracts, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility (other than so-called Capehart housing). Under § 1453.7(b)(1)(iii) of this chapter, a contract is considered to have been awarded as a result of competitive bidding if it was awarded in conformity with the unrestricted formal advertising procedures prescribed in section 3 of the Armed Services Procurement Act of 1947 (now 10 U.S.C. 2305). This limitation was prescribed by the Congress at the time of the enactment of the exemption (see S. Rept. 582, 84th Cong., first session 3 (1955)).

(b) Section 1–706.5(b) of the Armed Services Procurement Regulation (32 CFR 1–706.5(b)) restricts invitations for bids and requests for proposals, under the small business set-aside program, to small business concerns. For purposes of renegotiation, the Board considers that contracts for total or partial small business set-asides, awarded as a result of small business restricted advertising, are negotiated procurements, rather than procurements by formal advertising. The same classification is provided in § 1–706.2 of the Armed Services Procurement Regulation (32 CFR 1–706.2), § 1.706–8 of the NASA Procurement Regulation (41 CFR 18–1.706–8), and §§ 1–1.701–9 and 1–1.706–8 of the Federal Procurement Regulations (41 CFR 1–1.701–9, 1–1.706–8).

(c) It follows that construction contracts entered into as a result of small business restricted advertising, under the set-aside program, are not within the exemption provided in section 106(a)(9) of the act.

§ 1499.1–9 Renegotiation Ruling No. 9: Federal Supply Schedule contracts; applicability of 30-day, $1,000 exemption (interprets act section 106(d)(2); §§ 1453.5(b)(8), 1455.3(b)(5) of this chapter).

(a) This section concerns the question whether individual orders, rather than Federal Supply Schedule contracts pursuant to which they are issued, should be scrutinized in determining the applicability of the "30-day, $1,000" exemption provided in § 1455.3(b)(5) of this chapter. The question arises under the type of Federal Supply Schedule contract which obligates the holder to deliver materials and services under the supply schedule, and obligates certain agencies of the Government to purchase all or some of their requirements of the listed materials or services from the contractors for a stated period.

(b) This type of procurement instrument is recognized as a contract under the renegotiation statute, and thus the "30-day, $1,000" exemption is not applicable to it. It is for this reason that § 1453.5(b)(8) of this chapter takes the form of an exemption of Federal Supply Schedule contracts to the extent that deliveries thereunder are made to agencies other than those named in the act, instead of exempting individual orders issued under such contracts.

(c) To be distinguished from the foregoing is the type of master instrument under which the contractor is not obligated to furnish any services or materials until he has agreed to specific job orders. In such a case, the master instrument is not a contract of which the renegotiation statute takes cognizance, but each job order issued pursuant thereto is considered a separate contract. Consequently, for purposes of the "30-day, $1,000" exemption, each such job order is considered separately.

§ 1499.1–10 Renegotiation Ruling No. 10: Exemption, performance outside U.S.A.; effect of control over foreign corporation (interprets act section 106(d)(1); § 1455.2(c–1) of this chapter).

(a)(1) Example (1):

X is a domestic corporation engaged in the manufacture of aircraft components which are sold in the United States under prime contracts with the Department of the Air Force. X also sells components to Y, a nonresident corporation incorporated under the laws of a foreign country, doing business there and reselling X's products in Europe. Y is entirely owned by individuals who are not nationals of the United States. A portion of Y's sales are to the Department of the Air Force in Europe. Some of these sales are from stock maintained in Europe by Y and some sales are by direct order from Y to X with instructions to ship to military bases in Europe. Y is not engaged in trade or business in the United States.

(2) With respect to Example (1), the sales of X under its prime contracts are subject to renegotiation, whether or not delivery is made abroad. The prime contract sales of Y are exempt from renegotiation under the "offshore" exemption provided in § 1455.2(c–1) of this chapter. The sales of X to Y of items resold by Y to the Department of the Air Force are renegotiable subcontracts, since the exemption available to Y under § 1455.2 of this chapter does not extend to related subcontracts (see § 1455.7 of this chapter).

(b) (1) Example (2):

X owns 60 percent of the voting stock of Y. Except for this difference in the stock ownership of Y, the facts are the same as in Example (1) (paragraph (a) of this section).

(2) In Example (2), the sales of X under both its prime contracts and its subcontracts are renegotiable. However, because X owns 60 percent of the voting stock of Y, the prime contract sales of that company are not exempt. The control of Y by X, a domestic corporation, removes one of the principal conditions required for exemption, namely, that prescribed by § 1455.2(c–1)(1)(iii) of this chapter.

§ 1499.1–11 Renegotiation Ruling No. 11: New durable productive equipment exemption; determination of average useful life (interprets act section 106(c)(1); § 1454.23 of this chapter).

(a) This section concerns the effect of the withdrawal of Bulletin F as a guide for determining depreciable lives for Federal income tax purposes, upon the partial mandatory exemption provided in section 106(c) of the Renegotiation Act of 1951.

(b) Section 106(c)(1) of the act prescribes that, in applying the exemption provided in the section, the average useful life of equipment shall be "as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board * * *."

(c) Revenue Procedure 62–21 (Treasury Department, Internal Revenue Service Publication No. 456 (7–62)), establishing depreciation guidelines and rules for Federal income tax purposes, includes in Part II, section 1, at page 22, the statement that "Bulletin F is withdrawn as a guide to examining officers for the determination of depreciable lives."

(d) The statutory adoption of the average useful life of equipment as set forth in Bulletin F, for purposes of partial mandatory exemption, is not affected by the action of the Treasury Department in withdrawing Bulletin F as a guide for determining depreciable lives for Federal income tax purposes. Accordingly, pursuant to this express statutory requirement, when the average useful life of equipment is set forth in Bulletin F, the Board will continue to use such life for the purposes of the partial mandatory exemption provided in section 106(c). In all other cases, the Board will estimate the average useful life of the equipment.

§ 1499.1–12 Renegotiation Ruling No. 12: Exemption of contracts where period of performance does not exceed 30 days; nonseparability of contract price or performance period (interprets act section 106 (d)(2); § 1455.3(b)(5) of this chapter).

(a) Pursuant to the authority conferred by section 106(d)(2)(C) of the act, the Board in § 1455.3(b)(5) of this chapter has exempted—

Any prime contract in which the aggregate amount involved does not exceed $1,000 and the period of performance will not be in excess of 30 days, such period to be measured from the date of such contract to the date of delivery specified in such contract.

In measuring the period of performance for the purposes of this exemption, it is the performance period specified in the contract that governs, without regard to the length of time actually consumed in performance. For example, if a contract for less than $1,000 calls for delivery in less than 30 days, but delivery actually does not occur until 35 days after the date of the contract, the contract is exempt. Conversely, if the agreed delivery date is 45 days from the date of the contract, the contract is not exempt, even if delivery is in fact made in less than 30 days.

(b) When a series of deliveries is to be made by the contractor, some within 30 days and some later, the contract is not partially exempt. Thus, if an $800 contract calls for the delivery of $200 of materials every 10 days, the contract is not exempt to the extent of $600; the exemption is not applicable at all, because the total period of performance exceeds 30 days. If a $1,400 contract calls for the delivery of $700 of materials in 20 days and $700 in 40 days, the exemption is wholly inapplicable, since the performance period exceeds 30 days and the contract price exceeds $1,000.

(c) Section 1455.3(b)(5) of this chapter is not applicable to subcontracts; the exemption provided therein is limited to prime contracts exclusively.

§ 1499.1–13 Renegotiation Ruling No. 13: Treatment of receipts or accruals under termination claims; year of accrual (interprets § 1457.6(b) of this chapter).

(a) It is necessary to determine whether, in the case of a contractor employing the accrual method of accounting, the income resulting from the termination of a defense contract should be included in the fiscal year in which the contract is terminated, or in the year in which the exact amount to be paid as a result of the termination is determined.

(b) The proper year for inclusion of such income is an important consideration for Federal tax purposes. Regulation § 1.451–1, issued under the Internal Revenue Code of 1954 (26 CFR 1.451–1), provides in pertinent part as follows:

Under an accrual method of accounting, income is includible in gross income when all the events have occurred which fix the right to receive such income and the amount thereof can be determined with reasonable accuracy.

(c) Pursuant to this provision, when a Government contract containing a standard termination article prescribed in the Armed Services Procurement Regulation (32 CFR Ch. I) is terminated for convenience of the Government, the Internal Revenue Service considers that the contractor's right to compensation is definitely fixed and the measure thereof is determinable with reasonable accuracy. Accordingly, for Federal income tax purposes, compensation for the termination constitutes income under the accrual method of accounting for the taxable year in which falls the effective date of the termination.

(d) The rule for renegotiation is the same as the tax rule. See § 1457.6(b) of this chapter.

§ 1499.1–14 Renegotiation Ruling No. 14: Renegotiation loss carryforward; effect of completion of renegotiation of expiration of period of limitations on examination of loss in later year (interprets act section 105(c); §§ 1465.2, 1465.3, 1498.6 of this chapter).

(a) This section considers whether the completion of renegotiation for a loss year, or the running of the period of limitations for such year, bars a subsequent decision by the Board that the loss, for carryforward purposes, was different from the amount shown in the contractor's filing for the loss year.

(b) The act itself, by providing that a renegotiation loss carryforward "shall be allowed as an item of cost" in the year in which it is claimed, makes the loss carryforward a part of the renegotiation of the year in which it is claimed as a cost. It follows that this, like other claimed costs, is subject to examination by the Board in connection with the year in which it is claimed.

(c) Nor does the Board, by its action in disposing of a loss year filing, commit itself to the amount of loss shown in such filing. There is nothing in the act, the regulations, or the clearance notice sent to a loss contractor, from which it may be inferred that the Board, by sending such an instrument, has accepted the amount of the loss shown in the contractor's filing. Indeed, the concluding provision of the notice itself completely negates any commitment on the part of the Board with respect to the amount of a loss, saying (see § 1498.6 (a) and (c) of this chapter):

This notice does not necessarily constitute an approval or disapproval of all the methods used by the Contractor in determining renegotiable sales and profits or losses, for the purpose of any subsequent fiscal year.

(d) With respect to the effect of the expiration of the periods of limitations prescribed in section 105(c), the language of the act is clear. The only effect is that the liability of the contractor to refund excessive profits realized in the year in question is discharged (see §§ 1465.2 and 1465.3 of this chapter). The expiration of the periods does not affect the right of the Board, for carryforward purposes in a later year, to call upon the contractor to substantiate the amount of a loss that occurred in such earlier year, and to limit the carryforward to the amount thus established.

§ 1499.1–15 Renegotiation Ruling No. 15: Relationship of $1 million and $25,000 statutory "floors," and of gains or losses on sales under one floor to profits on sales above other floor (interprets act section 105(f)(1) and (2); §§ 1458.2, 1490.2 of this chapter).

(a) This section concerns contractors who perform contracts or subcontracts subject to the $1 million "floor" provided in section 105(f)(1) of the act, and also perform contracts of a type described in section 103(g)(3), which are subject to the $25,000 minimum prescribed in section 105(f)(2). The question is whether profits realized on sales above the floor on either type of business may be augmented by profits realized, or offset by losses sustained, on sales below the floor on the other type of business.

(b) With respect to those sales which are below the applicable statutory minimum, the receipts or accruals derived therefrom may not "be renegotiated" (see section 105(f)(1) and (2)). If the contractor realizes excessive profits on such business, the excessive profits may not be recaptured by the Government. By the same token, when a loss is realized thereon, the loss may not be offset by the contractor against profits on his other renegotiable business. Under the act, the two floors are separate. Neither gains nor losses on business below either floor may be used to augment or offset profits realized on business above the other floor.

(c) This conclusion is equally applicable in the case of two affiliated or related contractors—one, for example, a manufacturing entity performing prime contracts or section 103(g)(1) subcontracts, the other an owned selling subsidiary performing section 103(g)(3) subcontracts. If the receipts or accruals of either of such corporations aggregate less than the applicable statutory minimum, such business may not be renegotiated. Accordingly, neither a consolidated nor a concurrent renegotiation would be appropriate; each corporation would be considered independently of the other.

§ 1499.1–16 Renegotiation Ruling No. 16: Scope of term "fiscal year" (interprets act sections 103(h), 105(a): §§ 1451.19, 1457.1 of this chapter).

The term "fiscal year" (except in the case of a partnership with a readjustment of interests, for which see § 1457.7 of this chapter) is defined in section 103(h) of the act to mean the "taxable year" of the contractor, as that term is used in the Internal Revenue Code. Under section 441(b) of the Internal Revenue Code of 1954, the term "taxable year" means the calendar year or the fiscal year of the taxpayer, as those terms are defined in the Code, or, in the case of a return for a fractional part of the year (less than 12 months), the period for which such return is made. Thus, the term "fiscal year" is not limited to accounting periods of 12 months, but includes accounting periods of less than 12 months whenever such a period comprises a taxable year under the Internal Revenue Code. The term "fiscal period" does not appear in either the act or the Internal Revenue Code and should not be used to designate or identify any renegotiation proceedings under the act.

§ 1499.1–17 Renegotiation Ruling No. 17: Fiscal year, termination of; stock acquisition by another corporation (interprets act section 103(h); § 1451.19 of this chapter).

(a) This section concerns the propriety of a filing made under the following circumstances: A Corporation and B Corporation both report for Federal income tax purposes on the calendar year basis. On July 15, the capital stock of A Corporation was wholly acquired by B Corporation. The two corporations thereafter filed a Federal income tax return on a consolidated basis for the taxable year ended December 31. A similar consolidated filing of the Standard Form of Contractor's Report was made for renegotiation purposes for the fiscal year ended December 31. In addition, A Corporation made a renegotiation filing for a stated fiscal year ended July 15. It is this filing that is here considered.

(b) Under section 103(h) of the Act, the fiscal year of a contract is its taxable year under the Internal Revenue Code. Accordingly, the filing of a A Corporation for the fiscal year ended July 15 is proper only if that is its taxable year for Federal income tax purposes. (See § 1451.19 of this chapter.)

(c) Section 1.1502–13(g) of the regulations under the Internal Revenue Code of 1954 (26 CFR 1.1502–13(g)) provides, in pertinent part, as follows:

Separate returns for periods not included in consolidated returns. If a corporation during its taxable year * * * becomes a member of an affiliated group, its income for the portion of such taxable year not included in the consolidated return of such group must be included in a separate return * * *.

(d) Section 1.1502–31(e) of such regulations (26 CFR 1.1502–31(e)) provides as follows:

Taxable year of less than 12 months. Any period of less than 12 months for which either a separate return or a consolidated return is filed under the provision of § 1.1502–13 shall be considered as a taxable year.

(e) Under the cited regulations, A Corporation was required to file a separate return for the period from January 1 to July 15, a period of less than 12 months; and such period is a taxable year. It is therefore a fiscal year for renegotiation purposes, and the filing in question is proper.

§ 1499.1–18 Renegotiation Ruling No. 18: Joint venture; separate renegotiation status; subcontracts or assignments to or from members (interprets act sections 103(j), 105(e); § 1457.4 of this chapter).

(a) This section concerns the necessity, for renegotiation purposes, of separating a joint venture from its component members.

(b) Section 105(e) of the Renegotiation Act of 1951 provides that every person having renegotiable business in excess of the prescribed minimum amount in a fiscal year must file a report with the Board. The term "person" as defined in section 103(j) includes a joint venture. Thus, receipts or accruals under renegotiable contracts and subcontracts held by a joint venture must be reported by the venture; receipts or accruals under contracts and subcontracts held by a member of the venture must be reported by the member in its own individual filing. In the determination and elimination of excessive profits, the joint venture is an entity separate and distinct from its members (see § 1457.4 of this chapter; Bass v. Stimson, 20 T.C. 428, 434 (1953)).

(c) In a typical case, two or more firms enter into a joint venture agreement to procure and perform a renegotiable contract or subcontract. Each member agrees to contribute working capital, or to perform a specified portion of the contract, or otherwise to further the object of the venture. The joint venture itself may or may not establish a central office and hire its own employees.

(d) For renegotiation, the joint venture is the contractor. It files the Standard Form of Contractor's Report with The Renegotiation Board. The report shows the aggregate amounts received or accrued by the venture under the contract. It shows the aggregate costs paid or incurred by the venture, including amounts paid to individual members in reimbursement of labor or material costs or other expenses incurred by any member for the venture. Costs incurred for materials supplied or work done by such member are costs of the venture, not of the member.

(e) It is improper in such a case for the joint venture to omit filing a report with the Board. It is equally improper for any member of the venture, in filing its own separate renegotiation report, to include as a renegotiable cost the amount of any expense reimbursed by the venture, or to include as a renegotiable receipt the amount of such reimbursement or the amount received from the joint venture as its distributive share of the profits of the joint venture.

(f) It is recognized that a joint venture may contract with one or more of its members individually. For example, it may lease equipment from a member when the furnishing of such equipment is no part of the member's capital contribution or other obligation as a participant in the venture. If a genuine subcontract is shown to exist between a joint venture and one of its members, the operations of the member under such subcontract must be included in its own separate renegotiation report.

(g) If a corporation (or any other contractor) obtains a renegotiable contract which thereafter is subcontracted to and performed by a joint venture of which it is a member, the joint venture must make a filing. But the corporation must file, too, even though its report may show a complete "wash" of its sales and costs on the contract, with zero profits.

(h) The assignment of a Government contract is prohibited by law (41 U.S.C. 15). However, in certain limited circumstances the Government will recognize a third party as the successor in interest to a Government contract (see, for example, Armed Services Procurement Regulation, § 1–1602(a) (32 CFR 1–1602(a)). Except when a third party has been so recognized by the contracting Department, a purported "assignment" of a Government contract will not be recognized by the Board.

§ 1499.1–19 Renegotiation Ruling No. 19: Renegotiation loss carryforward; effect on, when loss sustained on sales below the floor (interprets act sections 102(a), 103(m), 105(f)(1) and (2); § 1457.9 of this chapter).

(a) This section concerns the propriety of carrying forward a renegotiation loss sustained in a fiscal year, when the aggregate renegotiable sales of the contractor in such year are below the minimum amount or "floor" prescribed for renegotiation in section 105(f)(1) or (2) of the Renegotiation Act of 1951, as amended.

(b) The term "renegotiation loss" is defined in section 103(m) of the act as meaning, for any fiscal year, "the excess, if any, of costs * * * paid or incurred in such fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such fiscal year * * *." Receipts or accruals are subject to the provisions of the act whenever they are derived from contracts with any of the Departments named in or designated under section 102(a), or related subcontracts. Pursuant to section 105(f)(1) and (2), receipts or accruals may not "be renegotiated" when they do not exceed the applicable minimum amount provided in such section, but this involves the jurisdiction of the Board, not the coverage of the act.

(c) It follows that the right to carry forward a renegotiation loss is not affected by the fact that the loss is sustained in a fiscal year in which the renegotiable receipts or accruals of the contractor aggregate less than the minimum amount prescribed for renegotiation in section 105(f)(1) or (2) of the act.

§ 1499.1–20 Renegotiation Ruling No. 20: Common control; consolidated renegotiation of related contractors; effect of voting trusts (interprets act section 105(a) and (f); §§ 1458.6 and 1464.4(c) of this chapter).

(a) This section involves two questions relating to trusts: (i) The qualification of contractors for consolidated renegotiation under section 105(a) of the act and § 1464.4 of this chapter, and (ii) the existence of common control for the purposes of the floor provisions of section 105(f).

(1) *Consolidation.* Consolidated renegotiation of related contractors pursuant to § 1464.4 of this chapter permits commonly owned economic interests to be treated as a unit. Consolidation is allowed when at least 80 percent of the stock of each of two or more corporations is owned by the same person or group of persons. The trustee's interest in stock held in a voting trust is limited to legal title, coupled with voting power. The economic interest is in the depositing shareholders, not the trustee. Accordingly, under § 1464.4(c) of this chapter, in determining the ownership of stock for purposes of consolidation, the Board recognizes the depositing shareholders as the owners of stock held in a voting trust.

(2) *Control.* Different principles apply in determining control of a corporation under § 1458.6 of this chapter, when shares of corporate stock held in a voting trust are sufficient for control, either alone or with other shares. Such a determination may be necessary in order to decide whether the corporation is under common control with another contractor for purposes of the floor.

(b) Generally, if the voting trust is revocable by the shareholders, or if the trustee is governed by their instructions, control of the stock will rest in the shareholders. When the trust is irrevocable and it is evident that the trustee acts independently of the shareholders, the trustee generally will be found to control the stock. The Board will decide each case on the facts of that case. Among the matters that may be relevant in a given case are the terms of the trust agreement and the purposes of the trust; whether the trust is coupled with an interest (as when a bank requires a voting trust, to protect a loan); revocability; the powers granted to the trustee and those reserved by the depositing shareholders; the family relationships, if any, between the depositing shareholders or between any of them and the trustee; and the manner in which the trust is operated, including written or unwritten instructions to or understandings with the trustee.

§ 1499.1–21 Renegotiation Ruling No. 21: Accounting methods; completed contract basis; time of accrual (interprets act 103(f); §§ 1458.2(c) and 1459.1(b) of this chapter).

(a) This section concerns the time when the amount payable under a contract is an accrual to a contractor employing the completed contract method of accounting for renegotiation under the following circumstances: The A Company, a partnership, in its fiscal year ended December 31, 1959, had renegotiable sales aggregating only $123,456, all made to B Corporation, a commonly controlled company. During the calendar year 1959 B Corporation, which uses the completed contract method of accounting for renegotiation purposes, received or accrued $654,321 on renegotiable contracts. In November 1958, B completed a long-term shipbuilding contract at a total contract price in excess of $22 million. The fiscal year of B Corporation ends on September 30.

(b) The question is whether the $22 million shall be deemed to have been received or accrued by B at the time of the contract completion in November 1958, or whether such amount should be evenly distributed throughout the entire fiscal year of B in which such completion date fell, i.e., the fiscal year ended September 30, 1959. If the amount is to be prorated over B's entire 1959 fiscal year, a substantial portion thereof would fall within the same 12 months which comprised A's 1959 fiscal year and A would be subject to renegotiation (see § 1458.2(c)). Otherwise, after eliminating intercompany sales, the renegotiable receipts or accruals of A and B during A's 1959 fiscal year aggregated only $654,321 and A would not be subject to renegotiation for that period.

(c) The completed contract method of accounting is a method of deferred accounting of profits pursuant to which all amounts received or accrued under a contract are deemed to have been received or accrued during the fiscal year of the contractor in which such contract is completed. This does not mean that the total receipts or accruals under the contract are to be distributed over the fiscal year of completion; the definition merely prescribes the fiscal year in which the receipts or accruals are reportable for tax and renegotiation purposes.

(d) It follows that no portion of the contract price may be deemed to have been accrued by B at any time other than on the date of the completion of the contract. Therefore, no portion of the contract price may be deemed to have been accrued during A's fiscal year ended December 31, 1959, and that company is not subject to renegotiation for such fiscal year.

§ 1499.1–22 Renegotiation Ruling No. 22: Final completion and acceptance; completed contract method of accounting; long-term contracts (interprets act section 103(i); § 1459.1(b)(2)(iii) of this chapter).

(a) This section concerns the time when a long-term contract will be deemed "finally completed and accepted" for the purpose of applying the completed contract method of accounting in renegotiation proceedings before the Renegotiation Board.

(b) A diversity of opinion exists on this subject. Section 1.451–3. Income Tax Regulations, provides that, under the completed contract method of accounting, gross income derived from long-term contracts "may be reported for the taxable year in which the contract is finally completed and accepted." The regulation does not define "finally completed and accepted." The term is given literal application by the courts of appeals for the Sixth and Ninth Circuits (see E. E. Black, Limited v. Alsup, 211 F. 2d 879 (9th Cir. 1954), and Thompson-King-Tate, Inc. v. United States, 296 F. 2d 290 (6th Cir. 1961)). However, in the Tax Court of the United States a rule of substantial performance is employed. Thus, in the case of Hooper Construction Company v. The Renegotiation Board, 35 T.C. 837 (1961), the Tax Court said at page 847:

> • • • Finally completed and accepted means when the contractor has substantially performed his contract even though some minor particulars such as remedying defects may yet remain to be done. Ehret-Day Co., 2 T.C. 25 (1943); Standard Paving Co., 13 T.C. 425 (1949), aff'd. F. 2d 330 (C.A. 10, 1951), certiorari denied 342 U.S. 860 A. D. Irwin, 24 T.C. 722 (1955), aff'd. 238 F. 2d 874 (C.A. 3, 1956).

See also Luther G. Turner, 17 CCH Tax Ct. Mem. 914 (1958); N. Wohlfeld, 17 CCH Tax Ct. Mem. 677 (1958); Ben C. Gerwick, Inc., 13 P–H Tax Ct. Mem. 314 (1954); Mesta Machine Co., 12 B.T.A. 523 (1928).

(c) It will be noted that the prior decisions of the Tax Court relied upon by that court to support its holding in the Hooper case included two decisions which had been affirmed by the Courts of Appeals for the Third and Tenth Circuits, respectively.

(d) The Board adheres to the principles of substantial performance prevailing in the Tax Court, where a contractor aggrieved by a decision of the Board may petition for a redetermination of excessive profits. Thus, for the purposes of the completed contract method of accounting, the Board considers a long-term contract to be finally completed and accepted when it has been substantially performed, even though minor work of repair, cleanup, or rearrangement remains to be done, or minor defects remain to be remedied. In determining whether a contract or subcontract has been substantially performed, an important consideration will be whether the building, installation or other subject-matter of the contract or subcontract is capable of the use intended.

§ 1499.1–23 Renegotiation Ruling No. 23: Special accounting agreement; status of agreement with merged contractor or predecessor partnership (interprets act section 103(f); § 1459.1(b)(2)(i)(b) of this chapter).

(a) If a special accounting agreement is made under section 103(f) of the act and § 1459.1(b)(2)(i)(b) of this chapter between X Corporation and the Government, and thereafter merges into Y Corporation and becomes the X Division of Y Corporation, the special accounting agreement still applies to all renegotiation proceedings conducted with respect to receipts or accruals of the former X Corporation. However, the agreement does not apply to business performed by the X Division of Y Corporation.

(b) Similarly, a special accounting agreement with a partnership is not applicable to the business of a corporation which the partners thereafter form to incorporate the business.

§ 1499.1–24 Renegotiation Ruling No. 24: Government-furnished materials (interprets act sections 102(a) and 103(f)).

(a) This section pertains to the treatment of Government-furnished materials in renegotiation proceedings.

(b) Section 102(a) of the act subjects to renegotiation contracts with named Departments and related subcontracts "to the extent of the amounts received or accrued by a contractor or subcontractor" from such contracts and subcontracts.

(c) Section 103(f) of the act defines profits under renegotiable contracts and subcontracts as "the excess of the amount received or accrued under such contracts and subcontracts over the costs paid or incurred with respect thereto and determined to be allocable thereto."

(d) When a contractor receives materials from the Government for his use in performing a renegotiable contract, the contractor generally does not become the owner of the furnished materials. His acquisition of the materials is not a purchase, and he does not incur a cost in the amount of their value; and since his return of the materials in the form of a finished product is not a sale of the materials, the return transaction does not result in a receipt or accrual in the amount of their value.

(e) It follows that a contractor is not entitled to include the value of Government-furnished materials in renegotiable sales or costs. Ellis Coat Co. v. Secretary of War, 9 T.C. 1004 (1947); Stoner Manufacturing Corp. v. Secretary of War, 21 T.C. 200, 209 (1953). Further, a contractor may not use the value thereof for the purpose of overall allocation of overhead and other expenses between renegotiable and nonrenegotiable business. See Ellis Coat Co., supra. However, costs incurred by the contractor which are directly chargeable to the furnished materials, and items of indirect costs which are properly allocable thereto, are allowable.

(f) Under certain procurement practices, the contractor includes in his bid the value of the furnished materials he estimates he will need, and such amount is deducted in his invoices; final adjustment is made at the end of the contract, with the contractor realizing an increased profit for materials saved or a decreased profit for excess materials consumed. The contractor may be required to pay charges arising from the shipment of the Government materials, and he may be held liable for any loss or damage thereto from the time the materials are delivered to the carrier at the point of origin until they are returned to the Government. However, the contractor does not invest capital in the materials; he does not expend effort in nding and purchasing the materials; and legal title remains in the Government. Since the contractor does not purchase, and at no time owns, the Government-furnished materials, his return of the finished product does not constitute a sale of such materials. Therefore, the value of the furnished materials may not be included in renegotiable sales or costs.

(g) The Board will, however, give appropriate consideration in each case to the method of procurement employed, in evaluating the contractor's performance under the statutory factors. See Part 1460 of this chapter.

§ 1499.1–25 Renegotiation Ruling No. 25: Accounting method, change in; distinguished from change in rate of depreciation (interprets I.R.C. section 446(e) and regulation thereunder, 26 CFR 1.446–1(e)(2) and (3); § 1459.1(b)(4) of this chapter).

(a) This section concerns the acceptability, for renegotiation purposes, of certain changes made by a contractor in the rate and method of computing deductions for depreciation of machinery and equipment.

(b) In the case of certain equipment, which had been depreciated on the basis of 5- to 8-year lives, the change was to a straight 5-year life. With respect to other equipment, the change was from straight-line depreciation to declining-balance depreciation.

(c) Section 446(e) of the Internal Revenue Code of 1954 requires that "a change in the method of accounting on the basis of which a taxpayer regularly computes his income in keeping his books, shall, before computing taxable income under the new method, be approved by the Secretary of the Treasury or his delegate." Section 1.446–1(e)(3) (26 CFR 1.446–1(e)(3)) of the regulations under said code requires a taxpayer proposing to change its method of accounting to file an application therefor with the Commissioner of Internal Revenue within 90 days after the beginning of the taxable year in which the change is to be made.

(d) Under 26 CFR 1.446–1(e)(2)(i), a change in the method of accounting includes a change in the treatment of a material item. As an example of a change requiring the Commissioner's consent, subdivision (ii) of 26 CFR 1.446–1(e)(2) lists a change involving the method or basis used in the evaluation of inventories.

(e) Applying the foregoing provisions of the code and regulations, it is clear that a change in computing depreciation, from the straight-line method to the declining-balance method, would be a change in the method of accounting requiring the consent of the Commissioner. It follows that, unless an application for such change is made within the 90-day period referred to above, a change by a later amended return would be improper. Under § 1459.1(b)(4) of this chapter, costs not allowable under the Internal Revenue Code are not allowable in renegotiation. Accordingly, the change, since it results in costs not allowable under the code, is not acceptable for renegotiation.

(f) On the other hand, a change to a straight 5-year life from a 5- to 8-year life is a change in the rate of depreciation and not a change in the treatment of the item of equipment depreciation, however material the life of the equipment may be. Such a change does not require the approval of the Commissioner within the 90-day period. Thus, if the change in rate is allowable under the Internal Revenue Code, it will be acceptable for renegotiation purposes.

§ 1499.1–26 Renegotiation Ruling No. 26: Advertising expense; allocability to renegotiable business (interprets act section 103(f); § 1459.7(c)(1) of this chapter).

(a) Section 1459.7(c)(1) of this chapter reads as follows:

> (1) Items of advertising expense incurred solely for (i) the recruitment by the contractor of personnel required for the performance by the contractor of obligations arising under a renegotiable contract or subcontract, (ii) the procurement of scarce items required by the contractor for the performance of a renegotiable contract or subcontract, or (iii) the disposal of scrap or surplus materials acquired by the contractor in the performance of a renegotiable contract or subcontract, are recognized as costs allocable to renegotiable business in accordance with the method of accounting found by the Board to be acceptable under § 1459.1(b). The costs of publishing catalogues, technical pamphlets, house organs and other similar publications are not, for the purposes of this paragraph, considered advertising expenses; for the treatment of such expenses, see § 1459.8(f).

(b) In administering this regulation, the Board does not recognize advertising expenses of the types described as costs of renegotiable business unless, as the language itself indicates, a reasonable relationship is shown to exist between such expenses and such business.

(c) When, for example, "help wanted" advertisements are published in order to recruit employees solely for the manufacture of nonrenegotiable products of a contractor, no part of the expense of such advertising is allocable to renegotiable business. Similarly, advertising expense incurred in procuring scarce items relating solely to nonrenegotiable products of a contractor is allocable in its entirety to nonrenegotiable business; so, too, is the cost of disposing of scrap or surplus materials acquired by a contractor in connection with his nonrenegotiable business only.

(d) When advertising expense of a type described in the regulation is shown to relate to both the renegotiable and nonrenegotiable business of the contractor, an allocation of the amount is made in accordance with the method of accounting found by the Board to be acceptable under § 1459.1(b) of this chapter.

§ 1499.1–27 Renegotiation Ruling No. 27: Computation of State tax credit for consolidated group; amount attributable to a member when no excessive profits are allocated to such member (interprets act section 103(f); § 1459.9(a) of this chapter).

(a) This section concerns the proper method of computing the State tax credit attributable to a member of a consolidated group when no part of the excessive profits to be eliminated is allocated to such member.

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(b) Section 103(f) of the act and § 1459.9(a) of this chapter provide that the credit for taxes measured by income, other than Federal taxes, shall be computed on that portion of the renegotiable profits which is determined to be nonexcessive. Assuming that the member of the affiliated group referred to had renegotiable profits, the fact that no part of the excessive profits to be eliminated is allocated to such member indicates that the profits of such member were found to be nonexcessive. That being so, in determining the State tax credit of the consolidated group, there should be included in the aggregate amount thereof the tax credit attributable to all the renegotiable profits of the member to which no part of the excessive profits has been allocated.

§ 1499.1–28 Renegotiation Ruling No. 28: Costs allocable to and allowable against renegotiable business; costs of conversion and reconversion (interprets act section 103(f); §§ 1459.1(b)(3), 1459.10(e) of this chapter).

(a) The question is whether a loss in value of tooling abandoned during a contractor's fiscal year, and a writeoff of raw materials, purchased parts, work in process and finished goods during the year, may be allowed as costs of renegotiable business in such year, where the expenses were incurred in connection with business abandoned to make plant space available for the performance of renegotiable contracts.

(b) That the inventory losses might not have occurred but for the acceptance of the renegotiable contracts is too tenuous a basis on which to hold that such losses are costs of converting a plant to production for renegotiable business or are otherwise allocable to the performance of renegotiable contracts within the contemplation of section 103(f) of the act and § 1459.1(b)(3) of this chapter.

(c) There likewise seems to be no basis for concluding that any of the losses due to the abandonment of tooling are allocable to renegotiable business. Such losses are too remotely related to the performance of the renegotiable contracts to be deemed renegotiation costs.

(d) The regulations on reconversion provide something in the way of a guide for allocating conversion costs. See § 1459.10(e) of this chapter. The principle upon which reconversion costs are allocated can be stated as follows: Costs necessary to get the contractor out of renegotiable business will be deemed renegotiable costs in the year of discontinuance, but no part of the cost of getting the contractor back into civilian production will be allowed as a cost of renegotiable business. By the same token, costs necessary to get the contractor into renegotiable production will be allowed as renegotiable, but no part of the costs incurred for the sole purpose of getting the contractor out of civilian production, will be allocated to renegotiable business.

§ 1499.1–29 Renegotiation Ruling No. 29: Consolidated renegotiation of partnership and successor corporation (interprets act sections 103(h), 105 (a) and (e)(1); § 1451.19 and Part 1464 of this chapter).

(a) A business is operated as a partnership until November 1, at which time it is incorporated, the ownership interests remaining the same. The partnership and the corporation file a single Standard Form of Contractor's Report for the calendar year.

(b) Section 105(a) of the act and Part 1464 of this chapter do not authorize consolidated renegotiation in these circumstances unless the partnership continued in existence for the balance of the calendar year. Otherwise, the two entities did not exist concurrently at any time. A fiscal year is defined in section 103(h) of the act and § 1451.19 of this chapter to be the taxable year of the contractor under the Internal Revenue Code. Assuming the partnership did not continue for the balance of the calendar year, its taxable year was the period January 1 to October 31, and the act requires a report to be filed for that period of the partnership. Similarly, the taxable year of the corporation was the 2-month period ended December 31, and the act requires the corporation to file a report for that period.

(c) Thus, a single report covering the operations of both the partnership and the corporation is not authorized. Similarly, consolidated renegotiation of the partnership and the corporation is not authorized.

§ 1499.1–30 Renegotiation Ruling No. 30: Tax credit, Federal; allocation of excessive profits when tax basis of accounting not used for renegotiation (interprets act section 105(b)(8); § 1462.8(a) of this chapter).

(a) This section prescribes the taxable year or years to which excessive profits are to be allocated under the following circumstances: The contractor performed a long-term contract extending over several years. In its Federal income tax returns, filed on the accrual basis of accounting, the contractor reported most of its accruals under the contract as income in Year 4 when large claims in dispute were settled, and lesser amounts in Years 1, 2, and 3. For renegotiation purposes, the contractor used the completed contract method of accounting, under which the entire contract price was accrued in Year 3, the year of contract completion. The renegotiation is for Year 3.

(b) Section 1462.8(a) of this chapter provides as follows:

> When the contractor has reported earnings for Federal tax purposes on a basis different from the basis upon which renegotiation is conducted, the excessive profits to be eliminated will, for purposes of computing the allowable tax credit section 1481 of the Internal Revenue Code, be allocated to the contractor's taxable year or years in which the Board determines that such excessive profits were reported as income in the tax returns. This procedure is applicable, for example, when renegotiation has been conducted on a completed contract basis although the contractor has used some other method of accounting for Federal tax purposes in reporting income from some or all of the contracts covered by the renegotiation.

(c) The allocation required by § 1462.8(a) of this chapter is not made by prorating the contractor's sales after renegotiation to the years involved on the basis of receipts or accruals reported for tax purposes for such years, respectively, but is made by prorating the excessive profits to the taxable year or years for which the profits reported for tax purposes exceeded nonexcessive profits, as measured by the level of profits allowed in the renegotiation determination. After such allocation, the ratio of retained renegotiable profits to adjusted sales for each year to which excessive profits are allocated should be the same.

(d) This allocation method has been the established practice in renegotiation since it was first adopted by the War Contracts Price Adjustment Board under the Renegotiation Act of 1943 and published in section 444 of the regulations under that Act. It is not an allocation on a sales ratio basis or on a profit ratio basis, but on an excessive profits ratio basis. It is designed to avoid injustice to the contractor.

§ 1499.1–31 Renegotiation Ruling No. 31: Consolidated renegotiation; elimination of intercompany transactions (interprets act section 105(a); §§ 1464.6 and 1470.3(h) of this chapter).

(a) This section considers the propriety of eliminating, in consolidated renegotiation proceedings, intercompany commissions applicable to exempt sales of standard commercial articles. The commissions are paid by a manufacturing corporation to its own sales affiliate for selling such articles. Such subcontract commissions are subject to renegotiation because the exemption of contracts for standard commercial articles does not extend to related subcontracts.

(b) Section 105(a) of the act authorizes renegotiation "on a consolidated basis." Consolidated renegotiation proceeds upon the theory that the consolidated entities are to be treated as one. It follows that the income of the group is the income received or accrued from outside sources only, and does not include amounts received or accrued by any member of the group from any other member. By the same token, the costs incurred by the group are the amounts paid or payable to outside sources only (including salaries and wages to employees), and does not include amounts paid or payable by any member of the group to any other member. In short, consolidated renegotiation necessarily requires the elimination of intercompany transactions.

(c) Consistently with these principles, § 1470.3(h) of this chapter, provides in part as follows:

> • • • A consolidated Standard Form of Contractor's Report shall include (1) a statement of the consolidated financial information of the group made in the same manner *as if the group were a single contractor,* and (2) • • •. [Italics added]

(d) If a manufacturing company were to do its own selling—i.e., if the two companies were in fact a single entity—the standard commercial article sales of that entity would be exempt. These two companies have chosen, for renegotiation purposes, to be treated as one by consolidation. Once consolidation is approved, § 1464.6 of this chapter prescribes that the proceeding shall "remain consolidated for all purposes" connected with the renegotiation. Accordingly, the Board will give effect to all the proper attributes of consolidation, including the total elimination of intercompany transactions.

§ 1499.1–32 Renegotiation Ruling No. 32: Standard commercial article exemption; composition of standard commercial class of articles (interprets act section 106(e)(2) and (4)(f); §§ 1467.47, 1467.48, and 1467.51 of this chapter).

(a) This section explains the proper composition of a standard commercial class of articles (section 106(e)(2) of the act), in the following circumstances: The contractor files an Application for Commercial Exemption of its Group 3 fasteners. The contractor manufactures six basic groups of fasteners. Each group consists of fasteners of various sizes. All are offered for sale at stated list prices. The contractor is unable to supply sales data on individual articles.

(b) The questions presented by this application are these:

(1) May the contractor select as a class any limited group of articles meeting the statutory requirements of kind, content and price, or must he include in such class all articles that he sells which meet those requirements?

(2) Contrariwise, may the Board limit the class to a certain of such articles?

(3) May the Board deny an application for the class exemption whenever it appears that the contractor is able, either with or without undue effort or expense, to isolate and submit separate sales figures for each article in the class?

(c) Clearly, the Group 3 fasteners constitute more than a single "article." Each is a separate article (see § 1467.4 of this chapter). Since the contractor is unable to supply sales data on each article separately, he cannot self-apply the exemption for standard commercial articles (see § 1467.48 of this chapter).

(d) But the contractor can supply sales figures on the entire assortment of fasteners comprising Group 3. When, in assembling a group of articles for purposes of this exemption, the contractor reaches the first point at which his accounting records will yield sales data on a collective group basis, he has established a "class of articles" within the meaning and purpose of the act. More precisely, he has reached the first point at which he can apply the requirement of the statute that at least 55 percent of his sales of all articles in the class in the fiscal year be nonrenegotiable. To obtain the exemption, he must also demonstrate that at least one of the articles in the group is customarily maintained in stock or offered for sale in accordance with a price schedule regularly maintained; that all are of the same kind, are made of the same or substitute materials, and are sold at reasonably comparable prices; and that all were sold at a price or prices not in excess of the contractor's lowest commercial price for a similar quantity. With such proof, he has established a standard commercial class of articles, and is entitled to the exemption (see § 1467.51 of this chapter). It does not matter that he may make and sell other articles which are similar in kind and content and comparable in price to the articles in that class.

(e) Specifically, in the case at hand, it does not matter that the Group 1 fasteners might be shown to be similar in kind and content and comparable in price to those in Group 3. The statute does not require the contractor to claim the exemption for such other articles—his right to waive the exemption to any desired extent established the opposite. Nor does the statute compel him to include such other articles in the class for the purposes of the 55 percent computation. Finally, the statute does not require the Board to explore the entire roster of a contractor's products and to compress into a single class all such products which are found to possess the statutory similarity.

(f) On the other hand, if instead of limiting the class to Group 3 fasteners the contractor claimed exemption for a larger class consisting of Group 3 and one or more other groups, and submitted sales figures for such enlarged class, the Board would not reject his application merely on the ground that he had gone beyond the first point at which group figures were available. The Board would proceed to determine whether the added types were articles which met the statutory criteria of kind, content and price. When articles in a submitted class range widely in price, the Board may find not only that the prices are not all reasonably comparable, but also that the articles are not all of the same kind.

(g) Finally, if individual article sales figures are available, but will not all pass the 55 percent test separately, the contractor may assemble two or more such articles and apply for the class exemption. Although the primary purpose of the class exemption was to relieve the contractor who does not maintain sales records of individual articles, the statutory provision is not limited to such a person, and no such limitation can properly be read into it under any accepted rule of statutory construction. The class exemption is available to any contractor, regardless of his accounting system, who sells two or more articles which satisfy the several requirements prescribed in section 106(e)(4)(F). These criteria furnish adequate assurance against unreasonable classification.

§ 1499.1–33 Renegotiation Ruling No. 33: Standard commercial service exemption; scope of term "service" (interprets act section 106(e)(4)(C); § 1467.52 of this chapter).

(a) This section considers the applicability of the standard commercial service exemption provided in section 106(e) of the act under the following circumstances:

(1) The services performed by the contractor consist of maintenance, reconditioning and incidental repair of typewriters, under GSA Federal Supply Schedule contracts. The maintenance and reconditioning work, referred to generally as servicing consists of cleaning, oiling, adjusting, and otherwise keeping the machines in first-class operating condition. The incidental repair work consists of fixing or replacing worn, defective or missing parts where needed. Under certain contract items, replacement parts are billed separately; under others, they are included in the flat price, which is considerably higher.

(2) More than 55 percent of the contractor's receipts or accruals under these contracts are nonrenegotiable. Therefore, if the work performed by the contractor is a "service" as that term is defined in the act, it is a "standard commercial service."

(b) The term "service" is defined in the act to mean "any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person." The exemption of standard commercial services was first enacted when the act was extended through December 31, 1956. In reporting the provision, the Senate Committee on Finance said in part (S. Rep. No. 582, 84th Cong., first session 3): "It was brought to the attention of the committee that the standard commercial article exemption was limited to the sale of goods and thus excluded contractors or subcontractors who performed processing services of a standard commercial character upon goods belonging to other persons. Examples of this are textile finishing, heat treating, and plating."

(c) The term "processing" denotes a progressive action or a series of acts or steps in the regular course of making or performing something. The servicing of typewriters at a preestablished contract rate per machine involves such a series of steps, and is therefore a processing. Generally, typewriter overhaul is accomplished manually; the contractor does not execute identical actions with every machine in turn, as in the case of a mechanical manufacturing service performed by machinery. But there is nothing in the statute that restricts the exemption to operations characterized by a rigid and unvarying sequence of actions. The examples given by the Finance Committee do not involve such uniformity. The statutory definition of "service" embraces any systematic, repetitive action performed by chemical, electrical, physical,

or mechanical methods directly on materials owned by another person.

(d) It is important to distinguish between servicing, including incidental repairs, and "primary" repair work. Maintenance or reconditioning is a regular service which comprises a routine series of steps and can be contracted for in advance at fixed rates or charges; it is often accomplished with a check list. Primary repairs, on the other hand, whether of a typewriter or of any other article, are irregular and unique, following no pattern or check list. They differ necessarily from case to case, and so cannot be considered a processing or other similar operation.

§ 1499.1–34 Renegotiation Ruling No. 34: Standard commercial service exemption; application to leased equipment (interprets act section 106 (e) (1) (B) and (e) (4) (C); § 1467.52 of this chapter).

(a) This section concerns the applicability of the exemption of standard commercial services to leases of copying equipment.

(b) In a typical case, the contractor manufactures and leases the copying equipment. The equipment is used by the lessee on his own premises for the reproduction of anything written, printed, typed, or drawn onto offset masters. The material to be copied is, in each instance, the property of the lessee.

(c) Under these circumstances, the rental receipts are not exempt under section 106(e) (1) (B) of the act, which provides exemption for "a service which is a standard commercial service."

(d) The term "service" is defined in section 106(e) (4) (C) of the act to mean "any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person." Although the leased equipment processes materials owned by another person, the lease is not an agreement for the processing of such materials. The processing is, in fact, performed by the lessee, not by the contractor.

(e) This conclusion does not rest upon the fact that the operation of the equipment occurs generally on the premises of the lessee rather than in the plant of the contractor. Also, it is immaterial whether the lease rental is a flat sum or a sum computed on a unit basis. The lease provides only for the furnishing of equipment, and that is not a processing, any more than the leasing of a machine tool or machinery.

§ 1499.1–35 Renegotiation Ruling No. 35: Filing of financial statement by sole proprietor of two businesses (interprets act sections 103 (j) and 105 (e) (1); § 1470.2 of this chapter).

(a) Does the sole owner of two unincorporated companies make a single renegotiation filing, or a separate filing for each company?

(b) Under section 105(e) (1) of the act, every person who holds renegotiable contracts or subcontracts in excess of the stated minimum amount is required to file a financial statement. Most jurisdictions permit an individual to do business under a name other than his own if he chooses to do so, or under more than one name, but that does not make each such business a separate "person", as that term is defined in section 103(j) and § 1451.21 of this chapter. A natural person doing business under two names is thus not only permitted but required to report all his renegotiable business in a single filing.

§ 1499.1–36 Renegotiation Ruling No. 36: Standard Form of Contractor's Report; subcontract classification (interprets act section 105(e) (1); §§ 1470.3 and 1470.90 of this chapter).

(a) This section concerns the classification of subcontracts for the purpose of properly reporting renegotiable receipts or accruals.

(b) Receipts or accruals are to be classified for reporting purposes on the basis of the type of subcontract performed by the subcontractor making the report, not the type of contract held by his customer. Thus, if a contractor, holding a fixed-price contract, awards a subcontract on a cost-plus-a-fixed-fee basis, the subcontractor reporting receipts or accruals under that subcontract should report them as cost-plus-a-fixed-fee receipts or accruals. Conversely, a subcontractor, awarded a contract on a fixed-price basis by a cost-plus-a-fixed-fee prime contractor or higher-tier subcontractor, should report receipts or accruals under its subcontract as fixed-price receipts or accruals.

§ 1499.1–37 Renegotiation Ruling No. 37: Brokers and manufacturers' agents; full-time employee defined (interprets act section 103(g) (3) and § 1490.2(a) of this chapter).

(a) This section concerns the meaning to be assigned to the term "full-time employee" for the purposes of section 103(g) (3) of the act.

(b) The term "employee" for the purposes of renegotiation has the same meaning as "employee" under common law principles. This question was settled in the case of A. P. Dowell, Jr. v. Forrestal, 13 T.C. 845 (1949), a case dealing with the meaning of "full-time employee" under the Renegotiation Act of 1943, wherein the Tax Court said, at page 849:

• • • We think the purposes of the statute will be served if the term "employee" is given its ordinary and usual interpretation as comprising one who meets the test of the generally established concept of legal relationship of employer and employee. Such a relationship exists where the employer retains the right to direct the manner in which the business is to be done, as well as the result to be accomplished. Singer Manufacturing Co. v. Rahn, 132 U.S. 518, 523. An "independent contractor" is most frequently defined as one who contracts to do certain work according to his own methods and without being subject to the control of his employer, except as to the product or result of his work. 27 Am. Jur., Independent Contractor, § 2, p. 481.

(c) Often the employment contract will aid in establishing whether a person is an employee or an independent agent or contractor. The fact that compensation is paid wholly on a commission basis is not decisive either way.

§ 1499.1–38 Renegotiation Ruling No. 38: Brokers and manufacturers' agents; commission sales (interprets act section 103(g) (1) and (3) and § 1490.6 of this chapter).

(a) This section concerns the manner in which receipts or accruals of a manufacturer's agent are classified for purposes of renegotiation.

(b) A sales agent for a manufacturer of precision equipment is paid a commission on his sales of the manufacturer's products, some of which sales are renegotiable. Commissions paid to an agent for his services in obtaining contracts are subject to renegotiation under section 103(g) (3) of the act, in the same proportion as the sales of the manufacturer on which the commissions are paid. This is the case where the manufacturer receives the proceeds of the sales and remits the commissions to the agent. To the agent, it is only the commissions that constitute renegotiable receipts or accruals.

(c) On the other hand, if the agent acquires title to the products he sells, and thus assumes the risk of buying and reselling them, then he is a principal and his sales of such products to other contractors are subcontracts within the scope of section 103(g) (1) of the act to the extent that the products are applied to renegotiable use by such other contractors.

§ 1499.2 Renegotiation Bulletins.

This section contains Renegotiation Bulletins, consisting of statements of general policy formulated and adopted by the Board. The bulletins state Board policy with respect to specific provisions of the Renegotiation Act of 1951, as amended, or of these regulations, or other matters related to the conduct of renegotiation; some include interpretations of general applicability. They may be cited by section number (e.g., RBR 1499.2–12) or by bulletin number (e.g., R. Bull. No. 12).

§ 1499.2–1 Renegotiation Bulletin No. 1: Advertising.

This section explains how § 1459.7(b) (2) (ii) of this chapter will be applied in renegotiation proceedings.

(a) *Regulation.* Section 1459.7(b) (2) (ii) provides as follows:

(ii) In cases in which it can be demonstrated that a prime contractor or subcontractor engaged in renegotiable business to the detriment of its normal commercial business in the year under review, and thereby incurred the risk of loss of its competitive position in the industry concerned, the Board will allocate to renegotiable business that portion of the prime contractor's or subcontractor's normal advertising expense which the Board deems properly attributable to the effort by the prime contractor or subcontractor to forestall such loss of competitive position.

(b) *Application.* (1) A contractor will be regarded as having engaged in renegotiable business to the detriment of its normal commercial business when and to the extent that the volume of its normal commercial business decreases or is otherwise adversely affected as a direct result of its having accepted renegotiable prime contracts or subcontracts.

(2) Such a contractor will be regarded as having incurred the risk of loss of its competitive position in the industry concerned when any competitor during the same period continues to manufacture products which fill the same need as those of the contractor.

(3) However, a contractor who sells all or some of its normal commercial production to the Government under renegotiable prime contracts and subcontracts instead of to its customary civilian market will not be considered to have engaged in renegotiable business to the detriment of its normal commercial business, or to have incurred the risk of loss of its competitive position, if all other companies in the same industry have, to substantially the same extent, devoted their facilities to renegotiable business.

(c) *Examples.* The following are examples of situations in which the Board will allocate to renegotiable business a portion of the contractor's normal advertising expense:

1. A contractor who manufactures Product X has seriously curtailed its normal production in order to perform renegotiable contracts. Other manufacturers manufacturing Product X are not engaged in renegotiable business and continue to serve the civilian market.

2. All domestic manufacturers of Product Y are unable to produce sufficient amounts of Product Y for the civilian market because each one has diverted productive capacity to renegotiable business. Foreign manufacturers of Product Y, however, continue to supply the domestic civilian market.

3. A contractor who manufactures metal Product Z is unable to maintain its normal production thereof because it has devoted its facilities to renegotiable business. Manufacturers of wooden Product Z serving the same civilian market continue to produce their product, and their volume is not affected by the defense effort.

4. A contractor who manufactures a branded line of high quality kitchenware is unable to maintain its previous high standards and the special features of its normal product because it has devoted its facilities to renegotiable contracts, although it is able to produce as a substitute a lower quality product which partially meets the consumer demand.

§ 1499.2–2 Renegotiation Bulletin No. 2: Use of defense materials system program identification symbols in segregating renegotiable and nonrenegotiable subcontracts.

(a) Section 1456.3(b) (3) of this chapter indicates that subcontract may be identified as renegotiable if it contains a reference to "an allotment number under the Defense Materials System which can be identified from the symbols used as having been issued by a Department listed in § 1452.2 of this subchapter." This bulletin sets forth such identification symbols and suggests the manner in which they may be used as an aid to the segregation of subcontract sales.

(b) Program identification symbols under the Defense Materials System are issued by the Business and Defense Services Administration of the Department of Commerce. These symbols are set forth in Schedule II to DMS Reg. 1, as follows:

SCHEDULE II TO DMS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND ALLOTTING AGENCIES

• • • • •

The program identification symbols listed in this schedule are the only ones authorized for use under the Defense Materials System and must be used in accordance with this regulation and other applicable regulations and orders of BDSA.

The symbols are not listed in alphabetical or numerical sequence but are grouped by Allotting Agencies. Within each group, the Allotting Agencies listed in Column 3 are authorized to make allotments under one or more of the programs listed in Column 2 and to assign allotment numbers and ratings containing one or more of the program identifications listed in Column 1. Communications concerning rating, self-authorization and allotment authority should be addressed to the named agency, its procuring element, or as directed by the procuring element. The full names of the Allotting Agencies shown by initials in the following list are:

AEC—Atomic Energy Commission.
BDSA—Business and Defense Services Administration.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Agency.
NASA—National Aeronautics and Space Administration.

Column 1 Program identification	Column 2 Program	Column 3 Allotting agency
	For Department of Defense and associated programs	
A–1	Aircraft	Department of Defense: Army. Navy (including Coast Guard). Air Force.
A–2	Missiles	
A–3	Ships	
A–4	Tank-Automotive	
A–5	Weapons	
A–6	Ammunition	
A–7	Electronic and Communications Equipment	
B–1	Military Building Supplies	Associated Agencies of Department of Defense: CIA. FAA. NASA.
B–8	Production Equipment (for defense contractor's account)	
B–9	Production Equipment (Government-owned)	
C–2	Department of Defense Construction	
C–3	Maintenance, Repair and Operating Supplies (MRO) for Department of Defense Facilities.	
C–8	Controlled Materials for Naval Stock Account.	
C–9	Miscellaneous.	
	For Atomic Energy Commission programs	
E–1	Construction	AEC.
E–2	Operations—including Maintenance, Repair and Operating Supplies (MRO).	
E–3	Privately Owned Facilities.	
	For other Defense, Atomic Energy and related programs	
B–5	Certain self-authorizing consumers (see sec. 9(d) of DMS Reg. 1)	BDSA.
C–4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.	
C–5	Canadian Military Programs	
C–6	Certain direct defense needs of friendly foreign governments other than Canada.	
D–1	Controlled Materials Producers	
D–2 [1]	Approved state and local civil defense programs	
D–3	Further Converters (Steel)	
D–4	Private domestic production	
D–5	Private domestic construction	
D–6	Canadian production and construction	
D–7	Friendly foreign nations (other than Canada) production and construction.	
D–8	Distributors of controlled materials	
D–9	Maintenance, Repair and Operating Supplies (MRO) (see Dir. 1 to DMS Reg. 1).	
E–4	Canadian Atomic Energy Program	
K–1	General Services Administration's Stores Depot Program	
AM	Aluminum Controlled Materials Producers	
AM–9000	Aluminum Controlled Materials Distributors	
FC	Further Converters (steel and nickel alloys)	

[1] State and local governments will be authorized to use the program identification symbol D–2 only upon application to the Office of Civil Defense of the Department of Defense, sponsorship by the Office of Assistant Secretary of Defense (Installations and Logistics) and specific approval by BDSA.

(c) Program identification symbols, in some cases, are indicative of renegotiability, but in no case is such a symbol conclusive evidence of renegotiability. To illustrate: Program identification symbol A–7 is for the electronic and communications equipment program; but if used by CIA, for example, for the acquisition of such equipment, it would not indicate renegotiability. Other symbols, for example, D–2, D–4, D–5, and K–1, ordinarily denote nonrenegotiable programs. The absence of a symbol on an order does not necessarily mean that the order is nonrenegotiable.

§ 1499.2–3 Renegotiation Bulletin No. 3: Letter not to proceed.

An assigned case will be concluded by a letter from the Regional Board notifying the contractor that the Regional Board will not proceed further with the case (see § 1498.8 of this chapter) when it has been determined that:

(a) The renegotiable sales of the contractor and all related contractors, if any, were below the statutory minimum for the year under review. This may result from the making of a special accounting agreement, as well as from the correction of errors.

(b) The contractor had no renegotiable sales in the year under review, irrespective of the amount of renegotiable sales of related contractors. If a contractor having no renegotiable sales is a member of a consolidated group, it will be separated from the consolidated proceeding in accordance with § 1464.6 of this chapter. The foregoing shall not apply to the common parent corporation in a consolidated affiliated group.

§ 1499.2–4 Renegotiation Bulletin No. 4: the stock item exemption.

(a) *Amounts received or accrued on or before October 31, 1968.* Section 105(d)(5) of the Act authorizes the Board to exempt any subcontract or group of subcontracts if, in the opinion of the Board, it is not administratively feasible to determine and segregate the profits therefrom between renegotiable and nonrenegotiable business. Pursuant to this authority, in the early days of the act, the Board made a finding that sales segregation was not administratively feasible with respect to the following, which the Board therefore exempted (see § 1455.6(b) of this chapter):

• • • all subcontracts subject to the act which are for materials (including maintenance, repair and operating supplies) customarily purchased for stock in the normal course of the purchaser's business, except when such materials are specially purchased for use in performing one or more prime contracts or higher-tier subcontracts subject to the act.

By periodic extensions, this exemption has been made applicable to amounts received or accrued on or before October 31, 1968. The exemption requirements are explained below.

(1) *Subcontracts only.* The exemption is limited to subcontracts. It does not apply to prime contract sales, even though the procuring Department may place the materials in stock.

(2) *Materials only.* The exemption is limited to tangible materials. The materials may be of any kind, including maintenance, repair, and operating supplies. The exemption has no application to subcontracts for services.

(3) *Materials must be customarily purchased for stock.* (i) Normally, stock items are those customarily purchased for stock on a maximum-minimum inventory basis, and not those purchased on the basis of requirements to perform a particular order.

(ii) The exemption relates to stock of the purchaser, not of the seller; it is immaterial that the materials may be carried in stock by the seller. Also, if the purchaser does not maintain the materials in stock, it is immaterial that he may maintain an inventory of products manufactured from such materials; a sale of the materials to him under such circumstances is not exempt.

(iii) Sales to dealers and distributors of materials customarily maintained in stock by them are within the exemption; but in the case of drop shipments, the exemption applies only if the customer to whom the materials are shipped customarily places them in stock, and then only if they are not specially purchased.

(4) *Special purchases not exempt.* (i) A purchase of materials required in whole or in part for a particular renegotiable order is a special purchase. The sale of such materials is not exempt even though the purchaser places them in stock until he needs to use them. On the other hand, if materials are customarily acquired for stock and are not specially purchased for renegotiable use, exemption is not precluded by the fact that some portion of the materials is ultimately used by the purchaser on a renegotiable order.

(ii) Paragraph (c)(2) of § 1455.6 of this chapter sets forth certain common indications of a special purchase; other indicia may be found in the circumstances of the particular transaction. Among other things, a special purchase is indicated when all or substantially all the business in the purchaser's plant or facility is subject to renegotiation. By the term "substantially all" is meant such a preponderance of renegotiable business in a plant that only a negligible amount of purchased materials is used to fill nonrenegotiable orders. In applying this provision of the regulations, the Board employs the following working rule, subject to variation in special circumstances: If 90 percent or more of the business in a plant is subject to renegotiation, it will be considered, for purposes of the stock item exemption only, that all or substantially all the business in that plant is subject to renegotiation, and sales to that plant will not be allowed the exemption.

(iii) Generally, the fact that a purchase order includes an allotment symbol indicates that the transaction is a special purchase, but this is not so if the purchaser has used the allotment symbol, as he is entitled to do, to replenish his customary stock after withdrawing materials therefrom to fill a renegotiable order.

(5) *Customer information.* To determine whether sales under a subcontract are within the exemption, the contractor must obtain the necessary information from his customer, either through the order received from him or by direct inquiry. The Board will scrutinize with particular care representations by a contractor with respect to the purchasing practices of a customer in the same corporate family or other related group.

(b) *Amounts received or accurred after October 31, 1968.* With respect to amounts received or accurred after October 31, 1968, the Board has changed the rules governing the stock item exemption in several important respects. The new rules are set forth in paragraph (d) of § 1455.6 of this chapter, and are as follows:

(1) The provisions of paragraphs (b) and (c) of § 1455.6 do not apply to receipts or accruals after October 31, 1968.

(2) A contractor claiming the exemption must file with the Board an Application For Stock Item Exemption.

(3) The Board has removed its prior blanket finding that it is not administratively feasible to segregate the sales of a stock item. The Board will determine on the facts of the particular case whether segregation is feasible or not. Generally, circumstances formerly denoting a special purchase will indicate that sales segregation is feasible.

(4) Exemption will not be granted unless:

(i) In the opinion of the Board, based upon the circumstances of the particular case, the materials are customarily purchased for stock in the normal course of the purchaser's business; and

(ii) In the opinion of the Board, based upon the circumstances of the particular case, it is not administratively feasible to segregate the contractor's sales of such materials between renegotiable and nonrenegotiable sales.

§ 1499.2–5 Renegotiation Bulletin No. 5: Entertainment expenses, gratuities, and sales commissions.

(a) It is the purpose of the Board in issuing this section to insure that entertainment, gratuities, sales commissions, or other expenses which are not proper deductions for tax purposes or are not properly allocable to renegotiable business are not allowed in renegotiation. In the renegotiation process, careful scrutiny is given to such expenses to avoid improper allowances. Adjustments will be made for those items of a significant amount which are deemed to be unallowable.

(b) Entertainment, gratuities, and similar expenses, unless incurred for business purposes, are not allowable deductions for tax purposes, and therefore are not allowable under section 103(f) of the Renegotiation Act of 1951, as amended. For example, expenses incurred in the operation of a yacht for the contractor's personal enjoyment are not allowable in renegotiation. Of importance is the fact that even though an expense is deductible under the Internal Revenue Code, it may not be properly allocable to renegotiable business. Therefore, it is essential that the details of entertainment, gratuities, and similar expenses be made known to the Board so that proper allocation may be made. The contractor must demonstrate that the expenses were required for obtaining or performing renegotiable business and must establish the reasonableness of the amount allocated to renegotiable business.

(c) In renegotiation proceedings, Board personnel will endeavor to eliminate any improper charges for entertainment, gratuities, and similar expenses included in selling, general and administrative expenses, or otherwise charged in whole or in part to renegotiable business. Section 1459.7(a) of this chapter provides that selling expense will be allocated to renegotiable business only to the extent that it relates to certain specified purposes, none of which includes entertainment of or gratuities to persons acting on behalf of the Government. Irrespective of the classification, the allocation of entertainment expenses or gratuities to renegotiable business is subject to the limitations set forth herein.

(d) Section 1459.2(c) of this chapter provides that commissions paid or payable to brokers or agents, if estimated to be deductible under the Internal Revenue Code, will be allowed as a cost in renegotiation to the extent allocable to renegotiable business. Particular attention will be given to the specific tests prescribed in § 1459.2(c). If a commission arrangement violates the "covenant against contingent fees" required in practically all Government contracts, it must be disallowed as a charge against renegotiable business.

(e) The commissions received by an agent or broker are also subject to renegotiation. In renegotiating an agent or broker, any improper selling expenses incurred by him may be disallowed, as in the case of his principal.

(f) Pursuant to the Renegotiation Act and regulations, the Board considers available information concerning pertinent actions by the Internal Revenue Service, as well as allowances and disallowances of costs under other applicable governmental regulations. Thus, the Board endeavors to ascertain whether or not audits or examinations of the contractor's records have been made for the period under review by the Internal Revenue Service, the General Accounting Office, or other Government agencies. Necessary information in this connection may also be requested of the contractor, and copies of audit reports and other available data will be obtained for review in appropriate cases. The accounting section of the Report of Renegotiation generally will include a brief statement of any pertinent information obtained.

§ 1499.2–6 Renegotiation Bulletin No. 6: Cost allowances and disallowances.

(a) Section 103(f) of the Renegotiation Act of 1951 provides that all items estimated to be allowable as deductions and exclusions for Federal income tax purposes (excluding taxes measured by income) shall be allowed as items of cost in renegotiation to the extent allocable to renegotiable business. This principle is further developed in § 1459.1(b)(4) of this chapter, as follows:

When an item of cost is allocable in whole or in part to renegotiable business, the Board will estimate the amount allowable as a deduction or exclusion under chapter 1 of the Internal Revenue Code, and such estimated amount will be allowed as a cost of renegotiable business in the fiscal year under review to the extent that it is allocable to such business and such year in accordance with the principles set forth in this paragraph (b). No such item of cost will be allowed in an amount less than or in excess of that estimated to be deductible or excludable from income under the Internal Revenue Code, and all items of cost will be allocated to the fiscal year in which they are allowable in the determination of taxable income under said Code, except as otherwise provided in this paragraph (b).

(b) The two basic questions on the allowability of any item of cost are, therefore: (1) Is the cost a good income tax deduction? (2) Is the cost allocable to renegotiable business? For convenience of discussion, this section will be addressed particularly to problems of salary allowances and disallowances, but the principles expressed herein are intended to be applicable and adaptable to the allowance and disallowance of other items of cost as well. This section does not deal with the allocation of allowable costs, which is to be accomplished in accordance with the general principles set forth in § 1459.1(b) of this chapter.

(c) Section 1459.2(b) of this chapter states the rule to be applied in the treatment of salaries, bonuses, or other compensation for personal services paid by a contractor to its officers or employees. The key word is "reasonable"—the term which is also used in section 162(a)(1) of the Internal Revenue Code. The regulation clearly indicates that the Board is not to act arbitrarily, but also that it is not required to accept the contractor's determination of what is reasonable compensation.

(d) This rule is applicable equally to both publicly held and closely held corporations. As a practical matter, however, more careful scrutiny should be given to closely held corporations, in which the officers or employees may be the stockholders or relatives of stockholders, in order that it may be determined whether the compensation paid to such persons is an indirect method of distributing profits or making gifts rather than a fair measure of the worth of the recipients.

(e) On matters of general application, the cited regulation provides that published rulings of the Internal Revenue Service will be adhered to in estimating the deductibility or excludability of cost items under the Code. The Board is not bound, however, by the actual or anticipated allowance or disallowance of particular cost items or amounts by particular revenue agents. Especially is this true in a field such as compensation where the test is whether the amount paid is "reasonable." Therefore, although obviously it is desirable for the IRS and the Board, both acting for the Government, to reach the same result, it is possible that they may reach different results.

(f) In estimating the allowability of compensation paid, consideration will be given to the matters set forth in § 1459.2(b) of this chapter. In addition to such considerations, there might be added the relationship existing between the officer or employee and the stockholders (or other owners) of the contractor, the method of compensation (i.e., whether on a straight salary basis, a percentage of profits or sales, or other basis), the size of the contractor, the amount of its profits, and any other factors which might apply in a particular case.

(g) In the normal course of events, renegotiation occurs before the IRS audits the income tax return of the contractor for the year under review, and the Board is faced with the problem as a matter of first impression. The independent judgment thus required must be based upon an estimate of what the courts would do if the deductibility or excludability of the item were the subject of litigation.

(h) When both a cost item and the amount thereof are estimated to be deductible under the Internal Revenue Code, the Board is required by the renegotiation statute to allow such amount to the extent allocable to renegotiable business. When either an item or a portion of an item is estimated to be not deductible under the Internal Revenue Code, the Board is required by § 1459.1(b)(4) of this chapter to disallow such item either in whole or in part, as the case may be.

(i) A disallowance should not, in effect, be made by allocating to renegotiable business a lesser portion of a cost than would be allocated pursuant to established principles of allocation. For example, suppose that a particular executive's salary of $30,000 is estimated to be not allowable under the Internal Revenue Code to the extent of $10,000 and that one-half of his compensation is properly allocable to renegotiable business. His salary should be disallowed to the extent of $10,000 and the remaining $20,000 allocated one-half to renegotiable business and one-half to nonrenegotiable business. This result should not be achieved by allowing the salary in full and then allocating only $10,000 to renegotiable business.

(j) What effect such allowance will have in the renegotiation proceeding will depend upon the effect of the allowance upon the total comparative costs of the contractor. Section 1459.1(b)(4) of this chapter provides in this connection as follows:

• • • When it is clear that a contractor's deductions and exclusions under the Internal Revenue Code result in allowable costs of renegotiable business which are in the aggregate either high or low on a comparative basis, this circumstance will be considered in connection with the factor of the "reasonableness of costs" of the contractor and the determination of the amount of any profit adjustment to be required of the contractor. • • •

See also § 1460.10(b)(1) of this chapter.

§ 1499.2–7 Renegotiation Bulletin No. 7: Renegotiation of construction and architect-engineer contracts.

(a) *Scope of act and exemptions.*—(1) *Scope.* (i) The Renegotiation Act of 1951 applies to contracts with the Government agencies named in or designated pursuant to the Act, and to related subcontracts.

(ii) Renegotiation is conducted on an overall basis with respect to the amounts received or accrued under all renegotiable contracts and subcontracts of a contractor in his fiscal year. Determinations of excessive profits are made by the application of judgment to the facts of specific cases in the light of certain factors prescribed in the Act.

(iii) The statutory definition of the term "subcontract" is interpreted generally in § 1452.4 of this chapter. The specific application of the term to contracts for fixtures or improvements to or construction of real property is explained in § 1452.5 of this chapter.

(2) *Exemptions.* (i) By virtue of exemptions granted in or pursuant to the Act, certain classes of contracts are excluded from renegotiation. Exemptions

pertinent to construction and architect-engineer cases are included among those set forth in Parts 1453 and 1455 of this chapter.

(ii) Particular attention is directed to the exemption of prime contracts for construction awarded as a result of competitive bidding. This exemption, provided in section 106(a)(9) of the act, applies to "any contract awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility, other than a contract for the construction of housing financed with a mortgage or mortgages insured under the provisions of title VIII of the National Housing Act, as now or hereafter amended." The limitations of this exemption, as well as the meaning of the term "competitive bidding" as used therein, are explained in § 1453.7 of this chapter.

(b) *Consideration of construction cases*—(1) *Efficiency of contractor (§ 1460.9 of this chapter)*. (i) The organization and equipment for a job will be considered in the light of the nature, location and magnitude of the work.

(ii) Compliance with the plans and specifications generally is indicated by acceptance of the completed work by the Government or the prime contractor. Occasionally, however, the using agency will report defects which were not apparent at the time of acceptance and which may require corrective measures.

(iii) If a contractor fails to meet requirements, or appreciably exceeds minimum requirements without additional cost to the Government, the facts relating to such deficiencies or accomplishments will be considered in appraising the contractor's efficiency and the reasonableness of his costs.

(iv) Speed of construction is affected by weather, location, site conditions, availability of labor, material and equipment, and the provisions of the contract. Viewed in relation to such facts, the speed of construction may be indicative of the contractor's efficiency, risk assumed, and contribution to the defense effort, and may have a bearing on the reasonableness of costs and profits. Delays beyond the control of the contractor do not warrant unfavorable consideration, but the action taken to overcome such delays will be considered.

(2) *Reasonableness of costs and profits (§ 1460.10 of this chapter)*. (i) Comparisons are made of: (*a*) Contractor's costs and profits on renegotiable business in the review year with those of previous years, noting significant changes in salaries or bonuses or other variations in costs; (*b*) contractor's contract price with other contract prices or bids for like work; and (*c*) contractor's costs and profits with those of other contractors for like work.

(ii) Location of the work may be significant in evaluating reasonableness of costs. Work may be carried on at sites miles apart under common supervision. If a separate organization is required at each location and equipment must be duplicated or hauled back and forth, higher direct and indirect costs may properly be incurred. Difficulty of access and distance from the sources of supply may properly give rise to additional expenditures for the transportation of employees, equipment, and materials, and for housing, subsistence, and recreation facilities.

(iii) Changes in plans and specifications may cause abandonment of work partially completed or create difficulties in scheduling labor, equipment, and materials procurement. Such difficulties may affect not only the cost of the work involved in a change order, but also the cost of other work on the project.

(3) *Capital employed (§ 1460.11 of this chapter)*. Construction contractors usually have less net worth in relation to volume of business than manufacturers generally. Net worth, however, is not the only measure of the financial requirements of construction work since the owners of construction companies often use their credit standing, private funds or other investments to obtain performance and payment bonds, and bank credit. Thus, in the construction industry profits in relation to net worth are often high.

(4) *Extent of risk assumed (§ 1460.12 of this chapter)*. (i) The hazards of abnormal weather and unfavorable site conditions are risks peculiar to the construction industry. These risks include loss of time, causing increased labor and overhead costs and possibly liquidated damages; damage to or loss of equipment or materials; abnormal depreciation of equipment; and damage to completed work.

(ii) With respect to fixed-price contracts, the relation of price to particular hazards is analyzed. For example, unanticipated subsurface conditions; or unfavorable weather might affect costs materially.

(iii) With respect to cost-reimbursement type contracts, consideration is given to nonreimbursable costs and the extent to which the fee may be reduced thereby. For example, delays beyond the control of the contractor may increase such costs and reduce the margin of profit contemplated.

(iv) Consideration is given to contract terms, or changes in contract terms, affecting risk, such as the presence or absence of provisions for price escalation or liquidated damages.

(5) *Contribution to the defense effort (§ 1460.13 of this chapter)*. (i) Construction offers little opportunity for inventive or developmental contributions to the defense effort in comparison with other types of business.

(ii) When the contractor has been unusually cooperative in completing high priority and urgently needed work ahead of contract requirements at little or no additional cost to the Government, favorable consideration may be given under this factor.

(iii) If the contractor exceeds contract specifications in respects that are of exceptional value at little or no additional cost to the Government, the contractor may likewise be given favorable consideration.

(iv) With respect to contributions claimed under this factor, the Board will usually seek the comments of the contracting agency.

(6) *Character of business (§ 1460.14 of this chapter)*. Construction generally involves custom work, each job differing as to plans and specifications, site, physical conditions encountered, and skills required. As a rule, construction contractors maintain a relatively small permanent organization. Usually, labor available in the area of operations is employed, and at least some of the work, such as specialty work, is subcontracted. Because of the relatively small permanent organization and capital investment, fixed overhead costs and expenses are usually much less in relation to the volume of business in the construction industry than in most other industries. Important considerations are the nature and extent of subcontracting, know-how and skill required, and the relative complexity of the work.

(i) *Subcontracting*. The amount and type of work subcontracted vary principally with the nature of the construction involved. In considering the effect of subcontracting on the evaluation of efficiency, reasonableness of costs and profits, risk, and character of the business, recognition must be given to variances in subcontracting practices because of local rules or other reasons beyond the contractor's control. When subcontracting costs are significant, consideration is given to their reasonableness, especially where there is a relationship between the contractor and the subcontractor. See § 1460.14(b)(3) of this chapter for full discussion.

(ii) *Classification of construction*. It is reasonable that profits should increase as the complexity of the work increases, other conditions being similar. The following table classifies construction according to complexity. However, these classifications may not apply in the special circumstances of an individual case.

BUILDINGS	UTILITIES
SIMPLE	
Temporary—	Surface—
Housing.	Fencing runways.
Hospitals.	Clearing roads.
Warehouses.	Grading railroads.
Magazines.	Highway culverts.
Administration.	Parking areas.
Subsistence.	Simple bridges.
Shops.	Target ranges.
Fire stations.	Above ground—
	Electrical distribution.
	Telephone distribution.
	Steam distribution.
	Air distribution.
	Alarm systems.

SEMICOMPLEX	
Semipermanent or permanent—	Under ground—
Housing.	Sewers:
Hospitals.	Sanitary.
Warehouses.	Industrial.
Magazines.	Storm.
Administration.	Waterlines.
Subsistence.	Gaslines.
Shops.	Air lines.
Fire stations.	Powerlines.
Hangars.	Oil lines.
Laboratories.	
Manufacturing plants—	
Shell loading.	
Bag loading.	
Small arms.	
Armor plate.	
Tanks.	
Aircraft assembly.	
Truck assembly.	
Missile assembly.	
COMPLEX	
Processing, including installation of processing equipment—	Plant and structures—
TNT.	Sewage disposal.
Smokeless powder.	Water treatment.
Chlorine.	Steam.
Cast double base propellant.	Power.
Hydrogen peroxide.	Pumping stations.
Nuclear physical.	Complicated bridges.
Special chemical and biological.	Deep-cut utility lines.
Large and highly technical test facilities with equipment.	Tunnels.

SIMPLE, SEMICOMPLEX, OR COMPLEX
Heavy construction—
Dredging.
Piers.
Docks.
Wharves.
Jetties.
Dams.
Floodwalls.
Levees.
Locks.
Graving basins.

(c) *Consideration of architect-engineer cases*—(1) *Efficiency of contractor (§ 1460.9 of this chapter)*. Favorable consideration will be given for the following:

(i) Completion of plans and specifications in advance of the specified completion date.

(ii) Quality of plans and specifications as indicated by clearance and adequacy of details and plans; by coordination of plans; by economy of design and suitability of the facility for intended use; by feasibility of design for construction by practical and economical construction methods, and by a minimum of corrections or changes in plans and specifications required during construction.

(iii) Reduction of costs as indicated by reliable comparisons, if available, with similar work in the same or prior years or with similar work of other firms, under comparable conditions.

(iv) Full use of suitable equipment (electronic computers, aerial surveys, etc.) with resulting savings.

(2) *Reasonableness of costs and profits (§ 1460.10 of this chapter)*. Comparisons are made of: (i) Contractor's costs and profits on renegotiable business in the review year with those of previous years, noting significant changes in salaries or bonuses or other variations in costs; (ii) contractor's fees with the fees of other contractors for like work, and (iii) contractor's costs and profits with those of other contractors for like work.

(3) *Capital employed (§ 1460.11 of this chapter)*. Generally, relatively little invested capital is required by architect-engineer firms.

(4) *Extent of risk assumed (§ 1460.12 of this chapter)*. The risk factor is generally of little importance in architect-engineer cases.

(5) *Contribution to the defense effort (§ 1460.13 of this chapter)*. Favorable consideration will be given for the following:

(i) The extent to which the designs include or represent new techniques or processes of unusual merit.

(ii) The extent to which the designs provide for use of noncritical materials so that critical materials are made available for more urgent uses.

(6) *Character of business (§ 1460.14 of this chapter)*. Particular attention will be given to:

(i) The nature and extent of consultation services employed.

(ii) The class or classes of design services performed and the services required of architects and engineers according to complexity. However, these classifications may not apply in the special circumstances of an individual case.

SIMPLE
Requiring minimum time, involving minimum trained personnel, minimum risk, and generally repetitive in character; for example:
a. Temporary buildings and structures.
b. Above ground and surface utility construction.
SEMICOMPLEX
Requiring somewhat longer time and generally more and higher trained personnel and involving greater risk; for example:
a. Semipermanent and permanent buildings and structures.
b. Underground pipe work, plants, and structures.
c. Surface construction such as highways, roads, railroads, and bridges.
COMPLEX
Requiring longer time for design and generally highly trained specialists, and involving greater risk; for example, construction of chemical process plants such as TNT, smokeless powder, and highly specialized manufacturing.

It is stressed, however, that these examples may not apply under the special circumstances of an individual case.

§ 1499.2–8 Renegotiation Bulletin No. 8: Renegotiation shipping operations.

(a) *Purpose*. The purpose of this section is to assist contractors engaged in shipping and related services to prepare renegotiation reports.

(b) *Form of report*. (1) The Board's instructions for preparing the Standard Form of Contractor's Report (RB Form 1) are contained in the booklet, "Forms and Instructions for Filing Renegotiation Reports." However, section I, Income Statement for Renegotiation, of RB Form 1, ordinarily is not suitable for reporting shipping operations or related activities.

(2) Accordingly, Exhibit I, attached hereto,[1] should be used as a guide in reporting income for renegotiation purposes in lieu of section I of RB Form 1. This exhibit or information in similar form should accompany a filing on RB Form 1, which must be completed in all other respects.

(c) *Renegotiable receipts or accruals*. All amounts received or accrued under prime contracts with the Departments and related subcontracts for the transportation of cargo and passengers by water, or for related activities, are subject to renegotiation, except to the extent that such prime contracts or subcontracts are exempt.

(d) *Exemptions*. (1) Applicable exemptions are set forth in Parts 1453 and 1455 of this chapter, particularly §§ 1453.3 and 1455.3(b)(5).

(2) The following are exempt:

(i) Prime contracts and subcontracts for domestic and intercoastal transportation by water.

(ii) Prime contracts not exceeding $1,000 when the period of performance is not in excess of 30 days.

The following are exempt only if the Board has granted the exemption with respect to a particular period:

(iii) Prime contracts with the Military Sea Transportation Service for transportation of cargo at rates or charges based upon the manifest measurement or the manifest weight of such cargo.

(iv) Prime contracts for transportation by common carriers by water at, or at rates below, rates or charges filed with, fixed, approved or regulated by the Federal Maritime Commission.

It should be noted that the exemptions listed above do not apply to voyage, time, or bareboat charters.

(e) *Renegotiable subcontracts*. Agreements or orders relating to shipping operations are within the definition of "subcontract" contained in section 103(g)(1) of the Act if they are agreements or orders to perform services required for the performance of renegotiable prime contracts or subcontracts.

EXAMPLES: 1. Company A charters a vessel, either on a time or bareboat basis, to company B. During the period of the charter, B furnishes the vessel to MSTS on a voyage charter. A thus becomes a subcontractor to B. The charter hire received by A from B, to the extent that the vessel is used in renegotiable service, is subject to renegotiation even though A's charter to B is of long duration and antedates B's charter to MSTS.

In determining the extent of the renegotiable use of the vessel, it should be recognized that such use is not necessarily restricted to the period within which the renegotiable cargo is loaded and discharged. Assume that B under its charter with MSTS loads the Government cargo at the beginning of 1 month and discharges the same cargo at a foreign port at the beginning of the next month. It does not necessarily follow that

[1] Filed as part of the original document with the Office of the Federal Register.

only one-twelfth of the annual charter hire paid to A is renegotiable; if the return of the vessel in ballast to the United States is a necessary incident to the performance of B's charter, the number of voyage days required for the return voyage is included in determining the extent of renegotiable use.

2. Company C manages and operates vessels owned by company D under a long term managing agent agreement and such vessels are intermittently in the service of MSTS under renegotiable voyage or time charters. The fees received by C under the managing agent agreement, to the extent the vessels are used in renegotiable service, are renegotiable irrespective of the date of or the period covered by such agreement.

3. Company E regularly performs stevedoring, cargo handling, towing or other services for company F. To the extent that such services are required for the renegotiable business of F, the compensation to E is renegotiable.

4. Brokerage received or accrued in connection with renegotiable charters or the transporting of renegotiable cargo, and brokerage received from general agents for the account of the National Shipping Authority in connection with the operations of its vessels, is subject to renegotiation. (Brokerage agreements of this nature are subcontracts as defined in section 103(g)(3) of the Act, and are subject to the statutory minimum of $25,000 prescribed in section 105(f)(2) of the Act.)

(f) *Reporting of renegotiable receipts and accruals.* (1) In reporting renegotiable receipts or accruals from contracts for shipping operations and related services, a breakdown should be made for each type of service rendered. Thus, receipts and accruals derived from charter operations should be reported separately from receipts and accruals derived from stevedoring, cargo handling, towing, lighterage, tug, wharfage, terminaling and any other services rendered.

(2) Receipts or accruals representing reimbursement to the contractor by the Government for expenses incurred on behalf of the latter, may be reported separately or included with other receipts or accruals from renegotiable contracts. In the latter event, a footnote to the statement of income should state the estimated amount of such reimbursed costs.

(3) Agency, commission and brokerage fees received from other contractors in connection with vessel operations should be shown separately, together with a statement of the estimated costs and expenses deemed allocable to such revenue.

(g) *Costs and expenses allocable to renegotiable business*—(1) *In general.* Costs and expenses relating to vessel operations should be allocated to renegotiable and nonrenegotiable business in accordance with the contractor's established cost accounting method (§ 1459.1(b)(3) of this chapter). If, in accordance with such method, the contractor records direct vessel operating costs on the terminated voyage basis, they should be so reported for renegotiation. All other expenses, including general and administrative expenses, interest, and vessel depreciation, should be accounted for as period costs and allocated on an appropriate basis.

(2) *Inactive vessel expenses.* Inactive vessel expenses may be allocated to renegotiable business to the extent that they are incurred in connection with the performance of such business.

(3) *Branch office, traffic solicitation, entertainment and advertising expenses.* The extent to which branch office, traffic solicitation, entertainment, and advertising expenses may be allocated to renegotiable business should be determined in accordance with the provisions of § 1459.7 of this chapter.

(4) *Vessel repairs.* Included in direct expenses are costs of vessel repairs not covered by insurance. Except in cases where the practice of equalizing repair costs is followed, such costs are charged directly to a particular voyage of a vessel. Under this method of accounting, the cost of repairs may exceed or be less than the amount properly allocable to the voyage for renegotiation purposes. In such case there should be allocated to renegotiable charter operations reasonable repair costs, based on experience for the particular type of vessel used in such service.

(5) *General and administrative expenses.* (i) General and administrative expenses should be allocated to vessel and other operations, such as cargo handling, tug and lighterage, agency services, and terminal and nonshipping operations, on a basis most nearly reflecting the costs attributable to such operations.

(ii) General and administrative expenses applicable to vessel operations should be allocated to renegotiable and nonrenegotiable business on the basis of voyages terminated during the period. A method commonly employed for this purpose is based on weighted vessel days. This method is predicated on the assumption that overhead expenses accrue on a time basis to each vessel. In cases involving operations of owned or bareboat chartered vessels, each such ship is assigned a value of 1 for each vessel day. Vessels time chartered from others, where the operating functions are performed by the owner, are assigned a value of one-third for each vessel day. Vessels time chartered to others, where the owner is relieved of the functions of traffic solicitation and cargo handling, are assigned a value of two-thirds for each vessel day.

(6) *Interest expense.* Interest expense is allowed in accordance with the provisions of § 1459.6 of this chapter and generally should be allocated to voyages on the same basis as general and administrative expenses, except that interest on vessel mortgages may be allocated on the basis of accrual to the operations of each vessel subject to a mortgage. Interest on vessel mortgages should be shown separately from other interest.

(7) *Depreciation.* Vessel depreciation should be allocated to renegotiable and nonrenegotiable voyages on the basis of the number of terminated voyage days multiplied by the effective daily rate of depreciation for each vessel. The difference between the aggregate amount thus determined and the total amount of vessel depreciation recorded on the annual basis for the vessels involved should be assigned to nonrenegotiable business. Vessel depreciation applicable to idle status periods should be allocated to renegotiable and nonrenegotiable business on the same basis as other inactive vessel expenses.

§ 1499.2–9 Renegotiation Bulletin No. 9: Deferred payment of excessive profits pursuant to agreement.

(a) Section 1461.2(a) of this chapter states that a refund of excessive profits pursuant to an agreement may be made by the contractor in a single payment or in installments, as the agreement may provide. Deferred single payment or payment in installments will be permitted, upon request of the contractor, only when such terms are necessary to avoid undue hardship on the contractor and will not affect adversely the interests of the Government.

(b) Normally, an agreement will require the repayment of excessive profits in a single lump sum. The payment normally will be required within 40 days after the date of the agreement (i.e., the date upon which the agreement is executed on behalf of the Government), except that if the contractor makes prompt application, within the time stipulated in the agreement, for a computation from the Internal Revenue Service of the tax credit to which the contractor is entitled under section 1481 of the Internal Revenue Code, the payment will be due within 40 days after the date of the agreement or within 30 days after the contractor receives such tax credit computation, whichever is later. It will be only in the exceptional case that any further grace will be allowed to the contractor by the Board or by the Regional Board to which the case has been assigned.

(c) A contractor believing itself in need of installment or other deferred terms of payment should request such relief and must be prepared to establish to the Board or the cognizant Regional Board that payment in accordance with the provision customarily included in agreements would impose undue hardship upon the contractor. In order that the existence and extent of the claimed need may be properly evaluated and the risks to the Government carefully weighed, the contractor will be expected to furnish upon request current financial and other information pertaining to its ability to pay.

(d) Contractors requesting provision for deferred payments should note that they may be required to pay interest thereon. Normally, under § 1461.2 of this chapter interest will not accrue on excessive profits to be refunded by agreement unless and until a default occurs in the payment of the refund. However, when the refund is to be made in installments, interest is required upon each such installment (other than the first installment payable under the agreement) which is provided to be paid more than 2 years after the close of the fiscal year to which the agreement relates. In such case, interest will begin to accrue on the first day of the third year following

the close of the fiscal year to which the agreement relates, or on the due date of the first installment, whichever is later. Similarly, when a contractor requests postponement of its entire refund obligation to a date beyond such 2-year period, the contractor may be required to pay interest as a condition to the granting of such extended terms.

§ 1499.2–10 Renegotiation Bulletin No. 10: Treatment of shorts and seconds in segregation of subcontractors' sales in the textile industry.

(a) It is the practice in the textile industry for manufacturers to purchase fabrics in excess of amounts needed to perform specific Government contracts, due to the fact that during the course of manufacture some of the purchased fabrics are, or will become unsuitable for incorporation in end products delivered under renegotiable contracts. Such unsuitable fabrics are described as "shorts" if they are not of sufficient length to meet Government specifications, and, as "seconds" if they fail to meet Government specifications for any other reason than for length.

(b) Generally, shorts and seconds, while not accepted by the Government, have a commercial value substantially equivalent to the value of fabrics which are not defective in any respect. Therefore, even though they are originally purchased to perform defense contracts, they represent no loss to the purchaser of the type which he would charge against such defense contracts if they were of no use other than as scrap or waste.

(c) The Board has decided that, until further notice, it will permit contractors who make renegotiable sales of any of the fabrics specified below, to deduct from the receipts or accruals derived from such sales any amounts referable to fabrics which are diverted from the renegotiable contracts of their purchasers because the fabrics proved to be shorts or seconds.

(d) Since the computations necessary to determine the proper amount of such deductions would be complex in many cases, due to the fact that many sellers of fabrics have a substantial number of customers, the Board has also decided, at the request of representatives of the textile cotton industry, to permit any contractor selling cotton yarns to reduce its receipts or accruals by the percentage factors listed in the column headed "Grey" and to permit any contractor selling cotton grey goods to reduce its receipts and accruals by the percentage factors listed in the column headed "Mill finish." These factors have been developed on the basis of a survey made by representatives of the cotton textile industry and have been approved by the Board with respect to fiscal years ending on or after December 31, 1953.

	Grey (percent)	Mill finish (percent)
Cotton duck and allied fabrics	5.94	3.65
Sheetings and allied fabrics	5.64	4.66
Print cloth yarn fabrics (excluding bandage cloth, tobacco, and cheese cloth)	6.38	* 4.23
Bandage cloth, tobacco, and cheese cloth	.53	
Colored yarn fabrics	11.92	1.81
Napped fabrics	8.29	8.46
Fine cotton goods	6.29	5.49
Bed sheetings	6.06	2.41
Bedspread fabrics	7.30	
Corduroys	7.90	4.68

§ 1499.2–11 Renegotiation Bulletin No. 11: Computation of cost allowance for pig iron.

(a) *Scope.* Pursuant to section 106(b) of the act, § 1453.2(c) of this chapter provides a cost allowance for a contractor which, in the performance of renegotiable business, is engaged in an integrated process treating the product of a mine, oil or gas well, etc., to and beyond the last form or state in which the product is exempt as a raw material. This bulletin explains how an integrated steel producer should compute its cost allowance for pig iron and how the Board will apply the statutory factors to a contractor which is permitted such a cost allowance. However, the same principles may be applied to computation of an integrated steel producer's cost allowance for ferro-alloys such as ferromanganese, ferrosilicon, etc.

(b) *Segregation of materials to which cost allowance is applicable.* The cost allowance is computed separately with respect to each exempt material going into an end product, taking into consideration the fair market value of each. It is necessary, therefore, to determine the total quantity of each kind of material used in performing renegotiable business, with respect to which the cost allowance will be computed. Segregation of total quantity of a material according to the ratios of sales, between renegotiable and nonrenegotiable end products, is *not* acceptable for this purpose unless products and prices are the same. Normally, the cost allowance for pig iron must be based on the best separate estimate of the pig iron content of each of the contractor's renegotiable products. To this end, variations in the iron content of different renegotiable products must be taken into account. Where the contractor uses one of the general methods of segregating its renegotiable sales in accordance with § 1456.3 of this chapter, the quantity of iron contained in different kinds of steel products will be estimated necessarily on a composite basis. If, for example, the sales of a group of products are segregated according to an overall renegotiable percentage for such group, the contractor should estimate the quantities of steel products included in renegotiable sales of such group, and then estimate the iron content of such products on a composite basis.

(c) *Computation of cost allowance.* No form is prescribed for reporting to the Board the computation of a cost allowance with respect to exempt raw materials and agricultural commodities. A steel producer claiming such an allowance with respect to pig iron should furnish the Board with a detailed statement showing both the computation of the quantity of iron for which a cost allowance is claimed and the computation of the dollar amount of the allowance. The following form of computation of the amount of the allowance may be used as a guide with appropriate adaptation to the circumstances of each case:

COST ALLOWANCE ON PIG IRON

Fiscal year ending _____

NOTE.—A separate statement should be submitted for each blast furnace plant, and the quantity of iron going into renegotiable products from each plant should be estimated.

Net tons produced in plant _____

Net tons for cost allowance _____ [a]

	Total for plant	Amount for cost allowance	Amount per ton
Manufacturing cost (exclusive of adjustments shown below)	$	$	$
Adjustments (add appropriate amounts for following):			
Depreciation			
Amortization (indicate basis)			
Depletion (indicate basis)			
Provision for relining			
Pensions and group insurance			
Social security and property taxes			
Rentals of facilities			
Handling and selling expense (indicate basis of distribution)			
General and administrative expense (indicate basis of distribution)			
Interest (if allocable to operation of this plant)			
Cash discount			
By-product adjustments [b]			
Others: [c]			
Pigging cost for _____ gross tons: [d]			
Labor			
Indirect labor			
Materials			
Utilities			
Other:			
Total adjustments			
Total costs			
Market value of pig iron (@ _____ per ton) [e]			
Cost allowance (market value less total costs)			

[a] Submit separately a brief summary of the computation of the estimate of net tonnage from this plant upon which cost allowance is claimed. (See par. 2 of this bulletin.)

[b] By-product sales which have been credited to costs should be shown, and a corresponding adjustment should be noted on any profit and loss statement submitted for purposes of renegotiation.

[c] Show as other adjustments any costs or expenses from the profit and loss statement, as adjusted to the Federal income tax basis, which are necessary to reflect fully all costs (not otherwise shown on this computation) allocable to the cost of pig iron.

[d] To the extent that cost allowance is claimed for iron which has not been pigged, show estimated costs of pigging. Include all allocable supplies, repairs, railroad transfer to pig machine, and other direct or indirect expenses. Estimates should be made on the basis of all metal to be cast. The amounts of metal upon which estimates are based should include allowance for pigging loss, estimated to be 0.5 percent.

[e] Market value should be based on the published market price of pig iron at nearest point to the plant, exclusive of transportation charges. Explain separately the basis used for computing market value, taking into consideration any fluctuation of prices during the period involved. Set forth and justify any adjustments in the published market prices if higher prices are used because of the chemical characteristics of the metal produced.

(d) *Costs in excess of fair market value.* A contractor whose total costs, as shown above, exceed the fair market value of pig iron will be allowed to charge its costs to renegotiable business in accordance with Part 1459 of this chapter without limitation with respect to fair market value. The cost allowance benefits conferred by section 106(b) of the act would not be applicable in such a case. Where the contractor is engaged in processing iron ore in several plants, any excess of costs over fair market value ascertained with respect to one or more plants will, in the absence of unusual circumstances, be offset against the allowable amounts ascertained with respect to other plants in determining the net amount of the cost allowance for pig iron.

(e) *Application of statutory factors.* Generally, if a contractor's allowable costs are enhanced by the integrated producer's cost allowance, all processing up to the exemption line is regarded, in application of the statutory factors, as if it were nonrenegotiable business.

§ 1499.2–12 Renegotiation Bulletin No. 12: Guide to the partial mandatory exemption for new durable productive equipment.

(a) This section states certain principles adopted by the Renegotiation Board in connection with the partial mandatory exemption of prime contracts and subcontracts for new durable productive equipment (section 106(c) of the Renegotiation Act of 1951, as amended). In addition to the regulations set forth in Part 1454 and § 1456.4 of this chapter, this section may be used as a guide to the application of the exemption.

(1) "New". The term "new," as used in the Act, does not refer to the age of the equipment, but only to its use. For the purposes of this exemption, equipment is new when it is unused, without regard to the date when it was manufactured.

(2) "Durable". (i) Under the act, equipment is durable when it "has an average useful life of more than 5 years." The act provides that the average useful life of equipment is as set forth in Bulletin F of the Internal Revenue Service (1942 edition) or, if not so set forth, then as estimated by the Board.

(ii) In making such estimates, the Board considers all available evidence bearing upon the usable life of the equipment to users, including evidence of actual length of use, physical deterioration and economic obsolescence. The accounting practices of users in depreciating the equipment are also taken into consideration.

(3) "Productive". (i) For the purposes of this exemption, equipment sold under either a prime contract or a subcontract will be deemed productive if:

(*a*) It is used or designed to be used by the purchaser to manufacture tangible materials; or

(*b*) It has substantial industrial use and its principal industrial use is to manufacture tangible materials; or

(*c*) It is used or designed to be used to supply motive power directly to equipment which qualifies under either (*a*) or (*b*) above.

(ii) In determining whether equipment is productive, it is the equipment as sold that will be considered. For the purposes of (*b*) of subdivision (i) of this subparagraph, minor differences between the equipment as sold and other equipment with which it is compared will be disregarded.

(iii) The industry use test referred to in (*b*) of subdivision (i) of this subparagraph does not apply to any equipment with respect to which, at the time the seller is required to file its Standard Form of Contractor's Report for the fiscal year in which it has received or accrued payment for the equipment, the seller knows that the equipment has been or is intended to be used by the purchaser for purposes other than to manufacture tangible materials and in such a manner as to render the equipment incapable of being used thereafter to manufacture tangible materials.

(iv) An equipment part (see subparagraph (4) of this paragraph) is deemed productive if the equipment into which it is to be incorporated is productive under the principles stated above.

(4) *"Equipment".* (i) The term "equipment" includes not only machines fully equipped for actual operation, but all the parts of a machine as well. For reasons of adminstrative feasibility, standard materials (such as nuts, bolts, screws, etc.) having uses other than as parts of productive equipment, are excluded.

(ii) The rule of the Board with respect to the exemption of equipment parts is as follows:

A new durable accessory, component, subassembly or other portion of an item of productive equipment will qualify for the partial mandatory exemption if:

(a) It is to be physically incorporated in or attached to such other item, it is necessary to or customarily employed in the operation of such other item, and it has no other commercial or industrial use; or

(b) It is to be used to supply motive power to such other item.

It will be noted that an equipment part, to qualify for exemption, must, among other requirements, be durable. Section 1454.27 provides that the extent to which the act applies to a part "will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment of which it becomes a part."

(5) *"Convertible" to commercial use.* (i) Section 106(c) of the act and § 1454.28 of this chapter, read together, provide that prime contracts for new durable productive equipment are excluded from the exemption when the Board finds that the equipment cannot practicably be adapted, converted, or retooled for commercial use. This limitation does not apply to subcontracts.

(ii) The practicability of conversion to commercial use includes, in the opinion of the Board, both economic and engineering feasibility, as well as a willingness on the part of buyers generally to acquire the equipment. The Board has therefore adopted the following principles:

(*a*) When equipment can be applied to commercial use in its existing form or can be adapted to such use with only minor modifications, the Board will not make a finding that the equipment cannot practicably be adapted, converted, or retooled for commercial use unless the facts show that the equipment could not reasonably be expected to be used commercially in substantial quantity.

(*b*) When equipment cannot be applied to commercial use either in its existing form or with only minor modifications, the Board will not make a finding that the equipment cannot practicably be adapted, converted, or retooled for commercial use unless the facts show:

(*1*) That the engineering or other changes required to convert the equipment to commercial use are not feasible; or

(*2*) That the cost of making such changes would be unreasonable in relation to the cost of similar new equipment; or

(*3*) That the equipment in its converted state could not reasonably be expected to be used commercially in substantial quantity.

(iii) Important: Whenever a contractor believes that the partial mandatory exemption is applicable to any of its prime contracts or subcontracts for a fiscal year, the contractor is requested to submit to the Board, with its filing for such year, sufficient information and data to support its claim for exemption under the principles set forth in this bulletin. This will help the Board to make a proper and expeditious decision on the applicability of the exemption. The cooperation of contractors in this respect is solicited in their own interest.

§ 1499.2–13 Renegotiation Bulletin No. 13: Voluntary refunds and interim prepayments.

This section sets forth the rules adopted by the Board for determining when voluntary refunds by contractors and subcontractors shall be treated as reductions of renegotiable sales. Each type of voluntary refund is dealt with separately below. For convenience, the year in which the amount represented by a voluntary refund was originally received or accrued by the contractor will be referred to herein as "the related year." A voluntary refund made during such year, or at any time before the filing of the contractor's Federal income tax return for such year, will be referred to herein as a "current refund"; if made after the close of such year, and after the filing of the contractor's Federal income tax return for such year, it will be referred to herein as a "post-year refund."

(a) *Interim prepayment by prime contractor or subcontractor to The Renegotiation Board.* (1) A voluntary refund allocable to a given fiscal year, made by either a prime contractor or a subcontractor to The Renegotiation Board in the manner prescribed in Part 1463 of this chapter, is an interim prepayment of excessive profits for such fiscal year. When the prepayment is made during the related year, the amount is not included in income in the computation of the taxable income of the contractor for such fiscal year, and accordingly no tax credit is allowable thereon (see § 1463.90 of this chapter). When the prepayment is made after the close of the related year, by the use of the letter agreement set forth in § 1463.91 of this chapter, the contractor obtains a tax credit computation from the Internal Revenue Service and the prepayment made is the gross amount, less the amount of the tax credit so computed.

(2) In either case, if renegotiation is thereafter conducted with the contractor for the related year, the amount of the gross prepayment is included in renegotiable sales; upon such basis, excessive profits, if any, are determined; and upon such determination, the gross prepayment is applied in the elimination of the excessive profits so determined. The tax credit allowed to the contractor who made a prepayment after the close of the related year is, of course, the aggregate of the credit applicable to the prepayment and the credit applicable to the balance of the excessive profits so determined.

(b) *Refund by prime contractor or subcontractor to the procuring Department.* (1) When a prime contractor makes a voluntary refund to a Department, the payment is usually accomplished either by modification of the prime contract or contracts to which the refund relates, or (see I.T. 3671, set forth in 1944 C.B. 456 of the Bureau of Internal Revenue) by an exchange of correspondence between the contractor and the Department. Of course, in the case of a refund by a subcontractor direct to a Department, only the latter method is available. Either of these transactions, whether current or postyear, is a "renegotiation" as that term is used in section 1481 of the Internal Revenue Code of 1954. The contractor is, accordingly, entitled to a tax benefit on the amount so refunded. To obtain this benefit, in the case of a refund made after the related year, the contractor either obtains a tax credit computation in advance of the payment and then pays only the net amount after application of that credit, or pays the gross amount and then applies under section 1481(c) of the Internal Revenue Code of 1954 for a refund of taxes paid thereon. The amount of a current refund is excluded from taxable income.

(2) Such refunds are not interim prepayments of excessive profits. Thus, § 1463.2 of this chapter provides that no refund paid as a result of an amendment of a specific prime contract or subcontract will be treated as a payment or prepayment of excessive profits. A refund made by an exchange of correspondence, since not made in the manner prescribed in § 1463.3 of this chapter, is likewise not an interim prepayment (see § 1463.1 of this chapter). The renegotiation treatment is as follows:

(3) When a refund to a Department is made pursuant to a specific contract amendment, the gross amount before tax credit, if any, is treated in renegotiation as a reduction of sales for the related year. If the contractor is thereafter renegotiated for that year, the renegotiation is conducted on such reduced sales basis and the contractor is allowed a tax credit against any amount of excessive profits determined in the proceeding. No tax credit is allowable in the renegotiation on any amount voluntarily refunded during the related year, such amount having been excluded from taxable income. In the case of a postyear refund, the contractor is entitled to a tax credit, as indicated above.

(4) When a current or postyear voluntary refund to a Department is effected by a mere exchange of correspondence, without contract modification, here too the amount refunded will be treated in renegotiation as a reduction of renegotiable sales for the related year. As with refunds reflected by specific contract amendments, the contractor is entitled to a tax credit for a postyear refund (see subparagraph (3) of this paragraph (b)). In the case of a current refund, no tax credit is involved, the amount having been excluded from taxable income and no tax having been paid thereon.

(5) When, in accordance with the foregoing, renegotiable sales for the related year are reduced by the amount of a refund made to a procuring Department, the record will clearly reflect such action. This will preclude the amount being allowed a second time as a reduction of sales, or otherwise, for the fiscal year in which the amount was actually paid to the Department.

(c) *Refund by subcontractor to customer.* (1) When a refund is made by a subcontractor to a prime contractor or a higher tier subcontractor before the close of the related year, the amount is excluded in computing the taxable income of the subcontractor for the related year. Renegotiable sales for the related year are similarly reduced. The rule is the same whether or not the refund is made in connection with the amendment of a specific subcontract. No tax credit is involved, since no tax is paid on the amount refunded.

(2) When a refund is made by a subcontractor after the close of the related year, the subcontractor is entitled to a tax credit for such year under section 1481 only if the payment is made to the prime contractor as an agent of the subcontractor to transmit the payment to the Government and the payment is actually transmitted to the Government by the prime contractor, or if the payment is made under circumstances which make the prime contractor a trustee for the benefit of the Government (Rev. Rul. 54–82). When a refund is so made, the

taxable income of the subcontractor for the related year is reduced. Likewise, its renegotiable sales for that year are reduced. No special accounting agreement is needed.

(3) When a refund by a subcontractor to its customer after the close of the related year is not made under the conditions prescribed in Rev. Rul. 54–82, the subcontractor is not entitled to a tax credit in the related year. The Board will follow the tax treatment and allow the refund as a reduction of renegotiable sales for the year in which it is made, unless the circumstances warrant a special accounting agreement for other treatment.

§ 1499.2–14 Renegotiation Bulletin No. 14: The commercial exemption as applied to aluminum and steel standard mill products.

(a) Aluminum and steel standard mill products, as identified below, are frequently claimed by contractors to comprise standard commercial classes of articles within the exemption provided in section 106(e)(2) and (4)(F) of the Renegotiation Act of 1951, as amended. Because of the wide variety of such articles, the Board suggests to contractors for their use in filing applications for exemption certain classifications of these articles.

(b) The Board recognizes that a contractor may wish to propose, as a basis for exemption, a different classification from that set forth herein. Therefore, although the classifications specified below are considered acceptable, and their use is encouraged, they are not mandatory.

(c) In selecting these classifications, the Board has adopted the principle that aluminum and steel standard mill products should be classified according to their principal alloying element or elements, in conformity with well-established usage in the respective metal industries. It is the principal alloying element or elements in an aluminum or steel standard mill product that give the product its distinctive attributes and performance characteristics. Therefore, for the purposes of section 106(e)(4)(F) and § 1467.51 of this chapter, the Board considers that all standard mill products of the respective metals which contain the same principal alloying element or elements are articles of the same kind, are manufactured of the same or substitute materials, and are sold at reasonably comparable prices.

(d) A contractor may include in a single class all standard mill products in any alloy classification listed below, such as: ingots, billets, plates, strips, bars, and rods; and sheets, tubes, and wires of standard dimension. Extremely thin sheets (foils), tubes of very small diameters, and extremely fine wires are not deemed to be standard mill products for the purpose of this section. Accordingly, such sheets, tubes, and wires must be put in separate classes. Armor plate, and other products such as rings, discs, cups, receptacles, or forgings must also be separately classified.

(e) Following are the classifications:

Aluminum:

Major Alloying Element	*A.A. designation (Aluminum Association)*
Aluminum (pure)	1 XXX
Copper	2 XXX
Manganese	3 XXX
Silicon	4 XXX
Magnesium	5 XXX
Magnesium and silicon	6 XXX
Zinc	7 XXX
Other element	8 XXX

Steel:

Carbon and Alloy Types	*A.I.S.I. designation (American Iron and Steel Institute)*
Carbon	10 XX–11 XX
Manganese	13 XX
Nickel	23 XX–25 XX
Nickel-Chromium	31 XX–32 XX–33 XX
Manganese-Molybdenum	40 XX
Chromium-Molybdenum	41 XX
Chromium-Nickel-Molybdenum	43 XX
Nickel-Molybdenum	46 XX–48 XX
Chromium	50 XX–51 XX
Chromium-Vanadium	61 XX
Low Alloy: Chromium-Nickel-Molybdenum	86 XX–87 XX
Silicon-Manganese	92 XX
Boron	50 B XX–51 B XX

Stainless Steels:

Type Name	
Chromium-Nickel	201 to 299, inclusive.
Chromium-Nickel	301 to 308, inclusive.
Chromium-Nickel	309 to 399, inclusive.
Chromium	403 to 446, inclusive.
Chromium	501 and 502.

Tool Steels:

Type Name

Relatively Low Alloy.
Intermediate Alloy.
High-Speed Alloy.

(f) Copper alloy classifications are not included in this revised bulletin. It is suggested that contractors furnish the Board with the Copper Development Association, Inc. designations of the copper alloys in any products for which exemption is sought. Upon receipt of such information, the Board will indicate those alloys which may be combined for the purpose of the exemption.

§ 1499.2–15 Renegotiation Bulletin No. 15: Assignment or withholding of contractors' filings.

(a) Section 1471.1 of this chapter sets forth the Board's general policy governing the conditions under which, after a Standard Form of Contractor's Report has been received from a contractor, a case will be withheld from assignment to a regional board or will be assigned to such a board for further proceedings. This section provides in part as follows:

> No assignment will be made when the Board can readily decide on the basis of the information contained in the Standard Form of Contractor's Report that the contractor has not realized excessive profits for the fiscal year and that no purpose would be served by making an assignment to a Regional Board.

(b) The purpose of this § 1499.2–15 is to explain this general policy and the similarity in nature and effect between a withholding from assignment and a determination after assignment that no excessive profits were realized.

(c) Many filings are made with the Board by contractors whose renegotiable receipts or accruals for the fiscal year are below the statutory minimum or "floor." These filings of the Statement of Non-Applicability are optional (see section 105(a) of the act) and if not questioned, are set aside; a contractor who is under the floor may not be renegotiated (see section 105(f)). All contractors whose renegotiable sales for the fiscal year exceed the floor are required to file the Standard Form of Contractor's Report. These are either withheld from assignment or assigned to a regional board.

(d) The withholding of a filing signifies that the Board is satisfied that the contractor did not realize any excessive profits for the fiscal year represented by such filing, and that further proceedings are unnecessary. However, the assignment of a filing to a regional board does not necessarily mean that a finding of excessive profits will be made for the fiscal year.

(e) A filing is not withheld unless the Board can readily decide, on the basis of the information furnished by the contractor, that the contractor did not realize excessive profits for the fiscal year. If such a decision can be made without assignment of the case, and without the detailed proceedings that may follow upon an assignment, it is obvious that the Government and the contractor have been spared much time, effort and expense, and yet that the interests of the Government have been protected. Contractors, therefore, in their own interest, may wish to include in their initial filings for a fiscal year information and data tending to demonstrate that their profits are obviously not excessive.

(f) Whether a filing is withheld from assignment or a clearance is issued after assignment, the result is essentially the same. Both actions import that the Board is satisfied that the contractor did not realize any excessive profits for the fiscal year involved. In the one case, this conclusion is so obvious, in the opinion of the Board, from the information submitted by the contractor at headquarters, that further proceedings in a regional board are considered unnecessary; in the other, the conclusion is not arrived at until after an examination has been made by a regional board; but in neither case is the contractor called upon to refund any of his profits. In short, in the one case the contractor is cleared without assignment; in the other, after assignment.

(g) When the applicable period of limitations has expired, the legal effect is the same in either type of case. That is, if the Board, having withheld from assignment, fails to commence renegotiation within 1 year after a filing for a fiscal year, or, having commenced renegotiation after assignment, fails within 2 years after commencement to make an agreement or order determining excessive profits, then, in the absence of fraud or

malfeasance or willful misrepresentation of a material fact, all liabilities of the contractor for excessive profits for such fiscal year are thereupon discharged (see section 105(c)).

(h) In order to make clear the essential similarity between a clearance determination without assignment and a clearance determination after assignment, the Board has decided to employ a similar instrument to formalize an action of either type. The form of Clearance Notice Without Assignment and the forms of Clearance Notice After Assignment are set forth in § 1498.6 of this chapter, October 3, 1961.

§ 1499.2–16 Renegotiation Bulletin No. 16: Allowance and allocation of advertising expenses.

(a) As a result of legislation limiting allowable advertising costs of defense contractors (Department of Defense Appropriation Act, 1962; section 636, Public Law 87–144, approved Aug. 17, 1961), the Board has amended its regulations to reflect the changes effected by Congress.

(b) By amendments published in the FEDERAL REGISTER on March 21, 1962, the Board limited the application of § 1459.7(b) of this chapter to fiscal years ended on or before March 31, 1962, and added a new paragraph (c) applicable to fiscal years ending after March 31, 1962. The new provision is set forth in subparagraph (1) of paragraph (c). It provides for the allowance in renegotiation of advertising expenses incurred solely for (i) the recruitment by the contractor of personnel required to perform a renegotiable contract or subcontract, (2) the procurement of scarce items required for the performance of such a contract or subcontract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of such a contract or subcontract. These expenses are allocable to renegotiable business in accordance with the method of accounting found by the Board to be acceptable under § 1459.1(b) of this chapter.

(c) The new provision does not, of course, prohibit advertising, nor does it affect the deductibility of the cost of advertising for Federal income tax purposes. The new regulation precludes only the allocation of any part of such expenses to renegotiable business for purposes of renegotiation. This is consistent with the command of section 636 of Public Law 87–144 that the expense of advertising for which reimbursement is prohibited by the section "shall not be considered a part of any defense contract cost."

(d) It will be noted that the limitations of the new regulation are not confined to cost-reimbursement contracts, but apply to contracts and subcontracts of all types, including fixed-price. Although for procurement purposes the literal application of section 636 is necessarily limited to cost-reimbursement contracts, the policy reflected in that enactment is clear and broad. In the judgment of the Board, for purposes of renegotiation, this policy is equally applicable to all other contracts and subcontracts. By incorporating this principle, and not prescribing different rules for different types of contracts and subcontracts, the new regulation also avoids obvious inequities and administrative difficulties.

(e) The most significant change made by the Board's amendment concerns the expense of advertising in trade publications. Under the former regulation, now limited to fiscal years ended on or before March 31, 1962, such expense is allowed and allocated in renegotiation if incurred for advertising in trade publications "which are primarily directed to the dissemination of technical information within the contractor's industry." Paragraph (c)(1) of the new regulation, drawn to reflect the new congressional policy, makes no provision for such expense, and by such exclusion disallows it, even when it is incurred specifically in the hope of obtaining renegotiable business. For fiscal years ending after March 31, 1962, except for the additional advertising expenses described in paragraph (c)(2), only the three items of advertising expense sanctioned by the Congress will be considered allocable to renegotiable business.

(f) As indicated above, for fiscal years ending after March 31, 1962, additional allowable and allocable advertising expenses are set forth in paragraph (c)(2). These provisions for additional allowances are the same as those for fiscal years ending on or before March 31, 1962. Subdivisions (i) and (ii) of paragraph (c)(2) repeat without change the provisions already contained in subdivisions (i) and (ii) of paragraph (b)(2).

(g) Thus, no change has been made in subdivision (i), relating to the allowance of advertising costs of subcontractors whose renegotiable and nonrenegotiable products are substantially the same. Such products are often sold on purchase orders, which are expressly included in the statutory definition of the term "subcontract" (see act, section 103 (g)(1); § 1452.4 of this chapter). It is assumed that subcontract sales of such renegotiable products are affected by the extent of the subcontractor's advertising. It is therefore considered appropriate that such sales should bear an allocable portion of such expense.

(h) No change has been made in subdivision (ii), authorizing allocation of a portion of advertising expense incurred by either a prime contractor or a subcontractor to forestall a loss of competitive position. The Board has retained the provision for the allowance of such costs when it can be demonstrated that the contractor engaged in renegotiable business to the detriment of his normal commercial business in the fiscal year under review. On this subject, see Renegotiation Bulletin No. 1 (§ 1499.2–1).

(i) Subdivision (iii) of paragraph (b)(2) has not been carried over into paragraph (c)(2). This provision pertains to the allowance to prime contractors of the expense of advertising brand name products purchased by a Department for free issue to Government personnel. Such expense is no longer allowable under Public Law 87–144.

(j) One further change was effected by the amendments of March 21, 1962. Section 1459.7(b)(1) of this chapter provides for the allocation of the expense of catalogues and technical pamphlets designed to aid users of the contractor's products, and house organs and other publications directed to labor and personnel management and relations. Although many contractors record such expenses as advertising expenses, they are not generally considered to be such. Accordingly, these items have not been included in the new paragraph (c)(1) but now appear in § 1459.8(f) of this chapter, where provision is made for their allowance and allocation to renegotiable business.

§ 1499.2–17 Renegotiation Bulletin No. 17: Procedure for exemption of contracts with Military Airlift Command under § 106(a)(4) of the act.

(a) This section describes the procedure for the exemption of contracts with the Military Airlift Command (MAC) of the Department of the Air Force for air transportation of military cargo or personnel.

(b) Section 106(a)(4) of the Renegotiation Act of 1951, as amended, exempts "any contract or subcontract with a common carrier for transportation, * * * when made * * * at rates not in excess of published rates or charges filed with, fixed, approved, or regulated by a public regulatory body, State, Federal, or local * * *." Implementing regulations under this section are set forth in § 1453.3 of this chapter.

(c) Under its statutory authority and the authority of its regulations, the Civil Aeronautics Board has established minimum rates for certain military traffic. In establishing such minimum rates, the Civil Aeronautics Board takes into consideration the use by the carriers of certain military facilities, services, and personnel, and the fact that the carriers are thereby relieved, in whole or in part, from incurring certain expenses incident to ordinary commercial transportation.

(d) The fixing of such rates represents an exercise of the regulatory authority of the Civil Aeronautics Board under the Federal Aviation Act of 1958. As such, they are regulated rates within the meaning of section 106(a)(4) of the Renegotiation Act of 1951.

(e) Accordingly:

(1) In any case in which the Department of the Air Force has advised the Board that a contract was awarded at minimum rates established by the Civil Aeronautics Board, such contract will be considered exempt under § 1453.3(e)(1) of this chapter to the extent of performance at such minimum rates.

(2) In any case in which the Air Force has not advised the Board that a contract was awarded at minimum rates established by CAB, but the contractor claims that it was so awarded, the contractor will be asked to furnish the number and date of the contract, the type of load involved (cargo or personnel, or both), and the flight destination; to certify that the rate provided in the contract is the minimum rate authorized

to be charged; and to furnish evidence of the authority upon which such certification is based. If the contractor's certification is corroborated by the Air Force, the contract will be considered exempt under § 1453.3(e)(1) of this chapter to the extent of performance at such minimum rates.

(3) In any case in which a contract is performed in part at minimum rates established by the Civil Aeronautics Board, and in part at rates in excess of such minimum rates, the portion of the contract which is performed at rates in excess of such minimum rates will not be considered exempt under subparagraph (1) or (2) of this paragraph. Exemption of any such portion will be determined in accordance with the procedures described in subparagraph (4) of this paragraph.

(4) In any case in which the Air Force has not advised the Board that a contract was awarded at minimum rates established by CAB, and the contractor has not furnished a certification to that effect but claims an exemption of a contract for air transportation, the contractor will be asked to furnish a copy of the contract involved, a copy of the tariff with which the contract rate is to be compared, and an evaluation of any benefits available to the contractor under the contract. When received, such evaluation will be transmitted to the appropriate Air Force authority, to determine whether the contractor has evaluated all benefits under the contract, and, if so, whether such evaluation is fair and reasonable. If the Board concludes that the contract rate, aggregated with the prorated fair value of any Government-furnished benefits or other advantages, does not exceed the comparable regulated rate, the contract will be considered exempt under § 1453.3(e)(2)(ii) of this chapter.

(f) In order that exemption claims may be processed expeditiously, contractors are urged to observe the foregoing procedures and to avoid delay in furnishing required information.

§ 1499.2–18 Renegotiation Bulletin No. 18: Concurrent renegotiation.

(a) Section 105(a) of the act requires consolidated renegotiation upon the request of an affiliated group of contractors who consent to the Board's regulations, and authorizes it in the case of a related group. The Board has also authorized, in certain circumstances, consideration of commonly-owned contractors on a group basis without the formalities of consolidation. This is the procedure known as "concurrent renegotiation." In concurrent renegotiation, a loss or profit deficiency of one member of a group can be offset against excessive profits of any other member or members.

(b) The allowance and conduct of concurrent renegotiation will be subject to the following rules and conditions:

(1) Contractors desiring concurrent renegotiation for a fiscal year shall file a request therefor with the Board on or before the first date on which any member of the group files the Standard Form of Contractor's Report for such fiscal year. The Board may grant requests filed after that date if no inconvenience to the Board will result (*cf.* § 1464.7(a) of this chapter). The Board may conduct concurrent renegotiation of contractors upon its own motion if, in the opinion of the Board, such treatment is necessary or appropriate, but the Board will not do so in any case in which any member of the group sustained a renegotiation loss unless such member files a Waiver of Loss Carryforward as provided in subparagraph (5) below.

(2) Notwithstanding any other provisions of this section, the allowance of concurrent renegotiation to any group of contractors is subject to the discretion of the Board. Thus, even if the conditions prescribed in subparagraph (3) below exist, the Board in its discretion may deny concurrent renegotiation in a particular case.

(3) Concurrent renegotiation will not be allowed unless (i) all members of the group have the same fiscal year and were members of the group for such entire fiscal year, except that any differences resulting from the organization or dissolution of a member during such fiscal year will be disregarded; and (ii) all members of the group would, upon their request, be allowed consolidated renegotiation as a group for such fiscal year (see §§ 1464.2 and 1464.4 of this chapter).

(4) A renegotiation loss sustained in a prior fiscal year by a member of the group will be allowed as a carryforward to the concurrent renegotiation of the group for the fiscal year under review only if the members of the group would have qualified for consolidated renegotiation in the loss year; and the aggregate amount so allowed will be limited to the amount, if any, which would have been the consolidated renegotiation loss of the group in the loss year (*cf.* § 1464.12(d)(2) of this chapter).

(5) With the request for concurrent renegotiation, each loss member of the group shall file, in form acceptable to the Board, a waiver of any right to carry forward its loss, except to the same extent as that provided in § 1464.12(c) of this chapter for a contractor who was a loss member of a consolidated group in the loss year. The Board will not permit a loss to be used once in offsetting profits within the group for the year in which the loss was sustained, and then used a second time as a carryforward to the years following the loss year. Thus, as in consolidated renegotiation, both the profit deficiency of a loss member, as well as the loss of such member, will be included in the concurrent renegotiation for the loss year. The waiver shall be in substantially the following form:

Waiver of Loss Carryforward

A. The undersigned is a member of a group of contractors requesting concurrent renegotiation for the fiscal year of the group ended _____

B. The undersigned sustained a renegotiation loss, as that term is defined in section 103(m)(2)(B) of the Renegotiation Act of 1951, as amended, for its fiscal year ended _____

C. The undersigned hereby waives any and all rights that it has or may have to carry forward the amount of such renegotiation loss pursuant to section 103(m) of the act, except as provided in § 1464.12(c) of this chapter, if applicable, and agrees that the amount of loss carryforward so waived will not be claimed or included as a cost for renegotiation purposes in any fiscal year subsequent to the fiscal year ended _____

(Insert year shown in paragraph B above)

Dated _____ _____
(Name of Contractor)

Attest: By _____

_____ _____
Secretary (Title of Officer)
(Corporate Seal)

[F.R. Doc. 69–5341; Filed, May 6, 1969; 8:45 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 88

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Pages 7437–7491

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REFERENCE

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Hazardous Materials Regulations Board
Indian Affairs Bureau
Internal Revenue Service
Interstate Commerce Commission
Labor Department
Land Management Bureau
Maritime Administration
National Commission on Product Safety
Post Office Department
Securities and Exchange Commission
Transportation Department
Treasury Department

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Just Released

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(As of January 1, 1969)

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Title 20—Employees' Benefits (Revised) 3.50

Title 26—Internal Revenue (Parts 40–169) (Revised) ... 2.50

[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1969–70 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1969 CROP

The regulations contained in § 730.1509 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, section 301(b)(13), subparagraphs (D) and (F), of the Act provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice * * * shall be the average yield per acre of rice * * * for the county during the 5 calendar years immediately preceding the year for which such normal yield is determined * * * adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

* * * * *

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such 5-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1969 and the determination of county normal yields thereunder, public notice (33 F.R. 15555) was given in accordance with 5 U.S.C. 553. No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. Since farmers will be harvesting rice in areas prior to the date that county normal yields would ordinarily become effective (30 days after publication in the FEDERAL REGISTER), it is hereby found that the proclamations and determinations herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

Section 730.1509 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1969 crop of rice determined thereunder.

§ 730.1509 County normal yield for 1969 crop rice.

(a) *Regulations.* County normal yields for 1969 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1964 through 1968, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the 5-year (1964–68) average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the 5-year (1964–68) average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by adopting as the county normal yield the simple average of (1) the 1964–68 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1967–68 average yield per harvested acre of rice for the county, similarly adjusted, except that no trend adjustment shall be made unless the 2-year adjusted average is higher than the 5-year adjusted average. Notwithstanding the adjustments as indicated above, no county normal yield shall be less than the unadjusted 5-year (1964–68) average yield.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "the latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section shall be the latest official yields determined by the Statistical Reporting Service of the Department, on the basis of its estimate of harvested acres and production of rice in applicable counties of those States during each of the years 1964 through 1968, except that if such a yield for any year is not available, an appraised yield shall be used for such year. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of rice yields were available, the annual rice yields for the years 1964 through 1968 used in determining the county normal yields in this section for the applicable counties in these States shall be those obtained by special surveys covering all farms producing rice in any of the calendar years 1964 through 1968.

(c) *Proclamation of county normal yields.* County normal yields for 1969 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

1969 COUNTY NORMAL RICE YIELDS

ARKANSAS

County	Normal yield per harvested acre (Pounds)	County	Normal yield per harvested acre (Pounds)
Arkansas	4,513	Lafayette	3,466
Ashley	4,370	Lawrence	4,489
Chicot	4,217	Lee	4,173
Clark	3,660	Lincoln	4,476
Clay	4,398	Little River	4,224
Conway	4,098	Lonoke	4,464
Craighead	4,598	Miller	3,560
Crittenden	4,049	Mississippi	4,499
Cross	4,508	Monroe	4,389
Dallas	3,667	Perry	3,988
Desha	4,329	Phillips	4,060
Draw	4,222	Poinsett	4,647
Faulkner	3,929	Prairie	4,428
Grant	3,180	Pulaski	4,128
Greene	4,388	Randolph	4,348
Hot Springs	3,948	St. Francis	4,131
Independence	4,288	White	4,168
Jackson	4,314	Woodruff	4,248
Jefferson	4,214	State	4,408

CALIFORNIA

Butte	5,160	Riverside	4,100
Colusa	5,180	Sacramento	5,240
Fresno	4,400	San Joaquin	5,245
Glenn	5,355	Stanislaus	4,780
Imperial	4,000	Sutter	5,395
Kern	4,720	Tulare	4,240
Kings	2,662	Yolo	5,080
Madera	4,485	Yuba	5,020
Merced	5,245	State	5,184
Placer	4,815		

FLORIDA

Collier	1,182	Martin	900
Hendry	2,200	Palm Beach	1,216
Hillsborough	1,200	State	1,381
Lee	1,182		

ILLINOIS

Adams	3,000

LOUISIANA (PARISHES)

Acadia	3,912	Cameron	3,770
Allen	3,834	Catahoula	4,410
Ascension	3,352	Concordia	3,783
Assumption	2,800	East Carroll	3,940
Avoyelles	3,710	Evangeline	3,990
Beauregard	3,150	Franklin	3,948
Bossier	3,000	Grant	3,780
Calcasieu	3,322	Iberia	3,378

LOUISIANA (PARISHES)—continued

County	Normal yield per harvested acre (Pounds)	County	Normal yield per harvested acre (Pounds)
Iberville	3,305	St. John the Baptist	3,060
Jefferson Davis	3,932	St. Landry	3,992
Lafayette	3,720	St. Martin	3,546
Lafourche	1,900	St. Mary	3,007
Madison	4,280	St. Tammany	2,100
Morehouse	4,335	Tensas	4,308
Ouachita	3,300	Terrebonne	2,800
Pointe Coupee	3,626	Vermilion	3,752
Rapides	4,062	West Baton Rouge	3,560
Richland	3,771	West Carroll	4,024
St. Charles	2,300	State	3,786
St. James	3,280		

MISSISSIPPI

Bolivar	4,152	Quitman	3,902
Coahoma	4,220	Sharkey	4,422
De Soto	3,990	Sunflower	4,354
Hancock	2,500	Tallahatchie	4,054
Humphreys	4,106	Tate	4,193
Issaquena	3,000	Tunica	3,968
Leflore	4,168	Washington	4,350
Panola	4,048	State	4,181

MISSOURI

Butler	4,390	Pemiscot	4,546
Lewis	2,800	Ripley	4,399
Lincoln	3,268	St. Charles	4,184
Marion	4,290	Scott	4,654
Mississippi	3,100	Stoddard	4,652
New Madrid	4,538	State	4,493

NORTH CAROLINA

Brunswick	1,080	State	1,818
Hyde	2,046		

OKLAHOMA

McCurtain	3,184

SOUTH CAROLINA

Berkeley	2,473	Horry	1,500
Charleston	2,141	Jasper	2,036
Colleton	2,073	Kershaw	1,670
Georgetown	1,000	State	2,016

TENNESSEE

Dyer	3,787	Lauderdale	4,138
Fayette	2,300	State	4,105

TEXAS

Austin	5,120	Lavaca	5,085
Bowie	4,220	Liberty	4,380
Brazoria	4,080	Matagorda	5,014
Calhoun	4,780	Newton	3,876
Chambers	4,290	Orange	3,355
Colorado	5,260	Polk	2,800
Fort Bend	4,885	Travis	4,396
Galveston	4,095	Victoria	5,158
Hardin	3,930	Walker	2,700
Harris	4,760	Waller	4,965
Jackson	5,070	Washington	3,200
Jasper	3,540	Wharton	5,245
Jefferson	3,995	State	4,648

(Secs. 301, 375, 52 Stat. 38, as amended by 70 Stat. 212, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 1, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5454; Filed, May 7, 1969; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[849.2, Rev. 3, Supp. 2]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1967 AND SUBSEQUENT CROPS

Approved Local Areas for the 1968 Crop of Sugar Beets

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, § 849.11 is added to read as follows:

§ 849.11 Approved local areas for the 1968 crop of sugar beets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on 10 percent or more of the sugar beet farms in each area, or on an acreage equal to 10 percent or more of the number of acres planted to sugar beets on farms in each area, the planting of sugar beets was prevented because of drought, flood, storm, freeze, disease, or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations, in accordance with § 849.2.

(a) *Arizona.*

County and areas

Graham: Area 1.
Greenlee: Greenlee County.
Maricopa: Area 7.

(b) *California.*

County and areas

Riverside: Riverside County.
Sacramento: Area 1; Area 3.
Solano: Area 1; T. 5 N., R. 3 E.; T. 7 N.; R. 1 E.
Sutter: Area 1; Area 2.
Yolo: Area 5; Area 6; Area 7.

(c) *Colorado.*

County and areas

Adams: Area 1; Area 2.
Weld: Area 6; Area 7; T. 1 N., R. 65 W.; T. 3 N., R. 66 W.; T. 3 N., R. 67 W.

(d) *Michigan.*

County and areas

Sanilac: Area 1; Marlette.

(e) *Montana.*

County and areas

Carbon: Area 1.

(f) *Utah.*

County and areas

Utah: Area 1; Area 2, Community G; Community J.

(g) *Wyoming.*

County and areas

Washakie: Area 2.

Statement of bases and considerations. One of the conditions of eligibility of a sugar beet producer for prevented acreage credit, as provided in § 849.2 of this chapter, is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugar beets was adversely, seriously and generally affected by certain uncontrollable natural conditions on ten percent or more of the sugar beet farms in the area or on an acreage equal to 10 percent or more of the number of acres planted to sugar beets on farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1968 crop of sugar beets.

(Secs. 302, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C. on May 2, 1969.

GEORGE V. HANSEN,
Deputy Administrator, State and County Operations.

[F.R. Doc. 69-5531; Filed, May 7, 1969; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 275]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.575 Valencia Orange Regulation 275.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 9, 1969, through May 15, 1969, are hereby fixed as follows:

(i) District 1: 400,000 cartons;

(ii) District 2: 248,000 cartons;

(iii) District 3: 152,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5616; Filed, May 7, 1969; 12:04 p.m.]

[Grapefruit Reg. 62, Termination]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, which indicates that the demand for Indian River grapefruit now exceeds the supply as provided in Grapefruit Regulation 62 (34 F.R. 6965). Handlers should be afforded opportunity to take advantage of all such sales opportunity. Thus, it is hereby found that the limitation imposed by Grapefruit Regulation 62 should be removed.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this termination action until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this action is based became available and the time when this action must become effective is insufficient, and this action relieves restrictions on the handling of grapefruit grown in the Indian River District in Florida.

It is therefore, ordered That Grapefruit Regulation 62 (§ 912.362, 34 F.R. 6965) is hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 2, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5496; Filed, May 7, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 73—SCABIES IN CATTLE

Change in Permitted Dips

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126) § 73.10 of Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended to read as follows:

PERMITTED DIPS

§ 73.10 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for the treatment, as required in this part, of cattle affected with or exposed to scabies, are as follows:

(1) Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 12 pounds of unslaked lime (or 16 pounds of commercial hydrated lime, not airslaked lime) and 24 pounds of flowers of sulphur or sulphur flour to 100 gallons of water; or a specifically permitted proprietary brand of lime-sulphur dip.

(2) Dips made from specifically permitted proprietary brand emulsions of toxaphene and maintained throughout the dipping operation at a concentration between 0.50 and 0.60 percent toxaphene. Animals treated by such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Federal Meat Inspection Act (21 U.S.C., Supp. III, 601 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

(b) The dipping bath for lime-sulphur dip must be used at a temperature of 95° to 105° F., and must be maintained through the dipping operation at a concentration of not less than 2 percent of "sulphide sulphur", as indicated by the field test for lime-sulphur dipping baths approved by the Division.[1] The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°–80° F., and at a concentration between 0.50 and 0.60 percent throughout the dipping operations.[2]

(c) Proprietary brands of lime-sulphur or toxaphene dips may be used in official dipping only after specific permission therefor has been granted by the Director of Division.[3] Before a dip will be specifically approved as a permitted dip for the eradication of scabies in cattle, the Division will consider, among other things, whether the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of cattle in a bath of definite strength will effectually eradicate scabies infection without injury to the animals dipped.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment deletes Nicotine dip from the list of dips permitted by the Department for the

[1] The field test for lime-sulphur dipping baths is described in U.S. Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at 5 cents a copy.

[2] Care must be exercised in dipping animals and in maintaining the bath at the standard concentration. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

[3] Information as to the names of such dips may be obtained from the Division or a Division inspector.

treatment, under Division supervision, of cattle affected with or exposed to scabies. A tolerance for nicotine residue has not been established for nicotine dip under the Federal Food, Drug and Cosmetic Act and little use has been made of such dip in cattle scabies eradication programs in recent years in review of the availability of other satisfactory dips.

The amendment should be made effective promptly to remove dangers inherent in use of such dip. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-5529; Filed, May 7, 1969; 8:51 a.m.]

PART 74—SCABIES IN SHEEP

Change in Permitted Dips

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126) § 74.25 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended to read as follows:

PERMITTED DIPS

§ 71.24 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for the treatment, as required in this part, of sheep affected with or exposed to scabies, are as follows:

(1) Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 8 pounds of unslaked lime (or 11 pounds of commercial hydrated lime, not airslaked lime) and 24 pounds of flowers of sulphur or sulphur flour to 100 gallons of water; or a specifically permitted proprietary brand of lime-sulphur dip.

(2) Dips made from specifically permitted proprietary brands of wettable powders containing 25 percent lindane (gamma isomer of benzene hexachloride) as the active ingredient and maintained throughout the dipping operation at a concentration between 0.05 and 0.06 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Federal Meat Inspection Act (21 U.S.C., Supp. III, 601 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

(3) Dips made from specifically permitted proprietary brand emulsions of toxaphene and maintained throughout the dipping operation at a concentration between 0.50 and 0.60 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Federal Meat Inspection Act (21 U.S.C., Supp. III, 601 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

(b) The dipping bath for lime-sulphur dip must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than $1\frac{1}{2}$ percent of "sulphide sulphur" as indicated by the field test for such bath approved by the Division.[2] The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°–80° F., and at a concentration between 0.5 and 0.6 percent during dipping operations.[3] The dipping bath for lindane wettable powders must be constantly agitated by means of compressed air injected along the bottom and sides of the vat from a suitable air compressor that delivers sufficient air volume to cause bubbling of the vat contents along the entire length of the vat. The air compressor shall be connected by means of a hose or other satisfactory plumbing connections to a $1\frac{1}{4}$-inch pipe containing two rows of holes directed downward and outward. The holes shall be one-sixteenth inch in diameter and be spaced in 5-inch centers, and the pipe shall be situated along the center of the vat floor extending the entire length of the lowermost portion of the vat.

(c) Proprietary brands of lime-sulphur, lindane, or toxaphene dips may be used in official dipping only after specific permission therefor has been granted by the Director of Division.[4] Before a dip will be specifically approved as a permitted dip for the eradication of scabies in sheep, the Division will consider, among other things, whether the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of sheep in a bath of definite strength will effectually eradicate scabies infection without injury to the animals dipped.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment deletes Nicotine dip from the list of dips permitted by the Department for the treatment, under Division supervision, of sheep affected with or exposed to scabies. A tolerance for nicotine residue has not been established for nicotine dip under the Federal Food, Drug, and Cosmetic Act and little use has been made of such dip in sheep scabies eradication programs in recent years in view of the availability of other satisfactory dips.

This amendment should be made effective promptly to remove dangers inherent in use of such dip. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-5530; Filed, May 7, 1969; 8:51 a.m.]

[2] The field test for lime-sulphur dipping baths is described in U.S. Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at 5 cents a copy.

[3] Care must be exercised in dipping animals and in maintaining the bath at the standard concentration when using any permitted dip. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

[4] Information as to the names of such brands may be obtained from the Division or a Division inspector.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SW-20]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke R-3805, New Orleans, La. (Alvin Callender Field), Restricted Area/Military Climb Corridor (RA/MCC).

The Department of the Air Force has informed the Federal Aviation Administration that satisfactory scramble procedeures have been developed at NAS New Orleans to replace the RA/MCC procedures, and has requested that R-3805 be revoked. Such action is taken herein.

Since this amendment releases airspace to the public and benefits them thereby, notice and public procedure is unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 73.38 Louisiana (34 F.R. 4829), R-3805 New Orleans, La. (Alvin Callender Field) Restricted Area/Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 30, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5491; Filed, May 7, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Shoes

§ 15.347 Disclosure of origin of imported shoes.

(a) In response to a request for an advisory opinion, the Commission ruled that it would be necessary for the requesting party to make a clear and conspicuous disclosure of the foreign country of origin of its imported shoes.

(b) Under the factual situation present in the ruling, it was assumed that the shoes were entirely of foreign manufacture and after importation they were to be sold to the general public.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 7, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5500; Filed, May 7, 1969; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-116]

PART I—GENERAL PROVISIONS

Customs Field Organization

Fort Pierce, Fla., was designated a Customs station in the Customs district of Miami, Fla. (Region IV), on April 15, 1968.

Amistad Dam, Tex., was designated a Customs station in the Customs district of Laredo, Tex. (Region VI), effective April 13, 1969.

To reflect these designations, the table in § 1.3(d), Customs Regulations, is amended by adding "Miami, Fla." after "Wilmington, N.C." in the column headed "Districts," and by adding on the same line "Fort Pierce, Fla." in the column headed "Customs Stations," and "West Palm Beach" in the column headed "Port of Entry having supervision," and by adding "Amistad Dam, Tex." after "Houma, La." in the column headed "Customs Stations," for the district of "Laredo, Tex." and by adding on the same line "Del Rio," in the column headed "Port of Entry having supervision."

(80 Stat. 379, sec. 1, 37 Stat. 434; 5 U.S.C. 301, 19 U.S.C. 1)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 29, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-5526; Filed, May 7, 1969; 8:51 a.m.]

[T.D. 69-115]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of April 1969 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of April 1969, of approved fruit products and other approved products containing sugar amounts to Australian $85.80 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $85.80 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 69-48 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 29, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-5525; Filed, May 7, 1969; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C BLUE NO. 1

The Commissioner of Food and Drugs, based on a petition filed by the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, and other relevant material, finds that FD&C Blue No. 1 (identified below) is safe for use in or on foods and drugs under the conditions prescribed in this order and that certification is necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding § 8.206 to Subpart C and § 8.4021 to Subpart E, as follows:

§ 8.206 FD&C Blue No. 1.

(a) *Identity.* (1) The color additive FD&C Blue No. 1 is principally the disodium salt of ethyl[4-[*p*[ethyl(*m*-sulfobenzyl) amino]-α-(*o*-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene] (*m*-sulfobenzyl)ammonium hydroxide inner salt with smaller amounts of the isomeric disodium salts of ethyl[4-[*p*-[ethyl(*p*-sulfobenzyl) amino]-α-(*o*-sulfophenyl) benzylidene]-2,5-cyclohexadien - 1 - ylidene] (*p*-sulfobenzyl)ammonium hydroxide inner salt and ethyl[4-[*p*-[ethyl(*o*-sulfobenzyl)amino] - α - (*o*-sulfophenyl)benzylidene]-2,5-cyclohexadien - 1 - ylidene](*o*-sulfobenzyl) ammonium hydroxide inner salt.

(2) Color additive mixtures for food use (including dietary supplements) made with FD&C Blue No. 1 may contain only those diluents that are suitable and that are listed in Subpart D of this part as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* FD&C Blue No. 1 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C.) and chlorides and sulfates (calculated as sodium salts), not more than 15.0 percent.
Water-insoluble matter, not more than 0.2 percent.
Leuco base, not more than 5 percent.
Sum of *o*-, *m*-, and *p*-sulfobenzaldehydes, not more than 1.5 percent.
N-ethyl, *N*-(*m*-sulfobenzyl) sulfanilic acid, not more than 0.3 percent.
Subsidiary colors, not more than 6.0 percent.
Chromium (as Cr), not more than 50 parts per million.
Arsenic (as As), not more than 3 parts per million.
Lead (as Pb), not more than 10 parts per million.
Total color, not less than 85.0 percent.

(c) *Uses and restrictions.* FD&C Blue No. 1 may be safely used for coloring foods (including dietary supplements) generally in amounts consistent with good manufacturing practice except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of FD&C Blue No. 1 shall be certified in accordance with regulations in Subpart A of this part.

§ 8.4021 FD&C Blue No. 1.

(a) *Identity and specifications.* (1) The color additive FD&C Blue No. 1 shall conform in identity and specifications to the requirements of § 8.206 (a)(1) and (b).

(2) Color additive mixtures for ingested drug use made with FD&C Blue No. 1 may contain only those diluents that are suitable and that are listed in Subpart F of this part as safe for use in color additive mixtures for coloring ingested drugs.

(b) *Uses and restrictions.* The color additive FD&C Blue No. 1 may be safely used for coloring ingested drugs in amounts consistent with good manufacturing practice.

(c) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(d) *Certification.* All batches of FD&C Blue No. 1 shall be certified in accordance with regulations in Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date: This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d))

Dated: April 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5473; Filed, May 7, 1969; 8:46 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED NO. 3; FOR FOOD

The Commissioner of Food and Drugs, based on a petition filed by the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, and other relevant material, finds that FD&C Red No. 3 (identified below) is safe for use in or on foods and drugs under the conditions prescribed in this order and that its certification is necessary for the protection of the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding § 8.242 to Subpart C and § 8.4102 to Subpart E, as follows:

§ 8.242 FD&C Red No. 3.

(a) *Identity.* (1) The color additive FD&C Red No. 3 is principally the monohydrate of 9 (o-carboxyphenyl)-6-hydroxy - 2,4,5,7-tetraiodo-3H-xanthen-3-one, disodium salt, with smaller amounts of lower iodinated fluoresceins.

(2) Color additive mixtures for food use made with FD&C Red No. 3 may contain only those diluents that are suitable and that are listed in Subpart D of this part as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* FD&C Red No. 3 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Volatile matter (at 135° C.) and chlorides and sulfates (calculated as the sodium salts), total not more than 13 percent.
Water-insoluble matter, not more than 0.2 percent.
Unhalogenated intermediates, total not more than 0.1 percent.
Sodium iodide, not more than 0.4 percent.
Triiodoresorcinol, not more than 0.2 percent.
2(2',4'-Dihydroxy-3',5'-diiodobenzoyl) benzoic acid, not more than 0.2 percent.
Monoiodofluoresceins not more than 1.0 percent.
Other lower iodinated fluoresceins, not more than 9.0 percent.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 3 parts per million.
Total color, not less than 87.0 percent.

(c) *Uses and restrictions.* FD&C Red No. 3 may be safely used for coloring foods generally (including dietary supplements) in amounts consistent with good manufacturing practices except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of FD&C Red No. 3 shall be certified in accordance with regulations in Subpart A of this part.

§ 8.4102 FD&C Red No. 3.

(a) *Identity and specifications.* (1) The color additive FD&C Red No. 3 shall conform in identity and specifications to the requirements of § 8.242 (a)(1) and (b).

(2) Color additive mixtures for ingested drug use made with FD&C Red No. 3 may contain only those diluents that are suitable and that are listed in Subpart F of this part as safe for use in color additive mixtures for coloring ingested drugs.

(b) *Uses and restrictions.* FD&C Red No. 3 may be safely used for coloring ingested drugs in amounts consistent with good manufacturing practice.

(c) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(d) *Certification.* All batches of FD&C Red No. 3 shall be certified in accordance with regulations in Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date: This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d))

Dated: April 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5474; Filed, May 7, 1969; 8:46 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C YELLOW NO. 5

In the matter of listing FD&C Yellow No. 5 for food use (§ 8.275) and drug use (§ 8.4175):

An order published in the FEDERAL REGISTER of June 15, 1966 (31 F.R. 8369), stayed the effective date of an order published February 22, 1966 (31 F.R. 3008), listing FD&C Yellow No. 5 as a safe color additive for foods and drugs. Objections were made to the quantitative limit imposed on the use of FD&C Yellow No. 5 both in foods and drugs and to certain portions of the specifications. One objector, the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, also objected to the order because it failed to include a section listing FD&C Yellow No. 5 for topically applied drugs and cosmetics.

Consideration has been given to the objections received and the Commissioner of Food and Drugs concludes that the sections listing FD&C Yellow No. 5 for food and drug use should be amended as requested. The Commissioner also concludes that reasonable grounds have not been given for the objection to the order dealing with the listing of FD&C Yellow No. 5 for cosmetic use. In the opinion of the Food and Drug Administration the pharmacological data used to support dermal safety were and still are inadequate, as is also information about cosmetic use, and the CCIC did not state it was prepared to prove otherwise.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That §§ 8.275 and 8.4175 be revised to read as follows:

§ 8.275 FD&C Yellow No. 5.

(a) *Identity.* (1) The color additive FD&C Yellow No. 5 is 5-oxo-1-(*p*-sulfophenyl)-4-[*p*-sulfophenyl)azo]-2-pyrazoline-3-carboxylic acid, trisodium salt.

(2) Color additive mixtures for food use made with FD&C Yellow No. 5 may contain only those diluents that are suitable and that are listed in Subpart D of this part as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* FD&C Yellow No. 5 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Volatile matter (at 135° C.) and chlorides and sulfates (calculated as the sodium salts), total not more than 13.0 percent.
Water insoluble matter, not more than 0.2 percent.
Phenylhydrazine-*p*-sulfonic acid, not more than 0.1 percent.
Other uncombined intermediates, not more than 0.2 percent each.
Subsidiary dyes, not more than 1.0 percent.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 3 parts per million.
Total color, not less than 87.0 percent.

(c) *Uses and restrictions.* FD&C Yellow No. 5 may be safely used for coloring foods (including dietary supplements) generally in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of FD&C Yellow No. 5 shall be certified in accordance with regulations in Subpart A of this part.

§ 8.4175 FD&C Yellow No. 5

(a) *Identity and specifications.* (1) The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 8.275 (a)(1) and (b).

(2) Color additive mixtures for ingested drug use made with FD&C Yellow No. 5 may contain only those diluents that are suitable and that are listed in Subpart F of this part as safe for use in color additive mixtures for coloring ingested drugs.

(b) *Uses and restrictions.* FD&C Yellow No. 5 may be safely used for coloring ingested drugs generally in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) *Certification.* All batches of FD&C Yellow No. 5 shall be certified in accordance with regulations in Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date: This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d))

Dated: April 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5475; Filed, May 7, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC PARAFFIN AND SUCCINIC DERIVATIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2347) filed by Petrolite Corp., Bareco Division, 6910 East 14th Street, Tulsa, Okla. 74115, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a synthetic wax, described below, as a protective coating or component of protective coatings for certain fresh fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1228 Synthetic paraffin and succinic derivatives.

Synthetic paraffin and succinic derivatives identified in this section may be safely used as a component of food, subject to the following restrictions:

(a) The additive is prepared with 50 percent Fischer-Tropsch process synthetic paraffin, meeting the definition and specifications of § 121.1059, and 50

percent of such synthetic paraffin to which is bonded succinic anhydride and succinic acid derivatives of isopropyl alcohol, polyethylene glycol, and polypropylene glycol. It consists of a mixture of the Fischer-Tropsch process paraffin (alkane), alkyl succinic anhydride, alkyl succinic anhydride isopropyl half ester, dialkyl succinic anhydride polyethylene glycol half ester, and dialkyl succinic anhydride polypropylene glycol half ester, where the alkane (alkyl) has a chain length of 30–70 carbon atoms and the polyethylene and polypropylene glycols have molecular weights of 600 and 260, respectively.

(b) The additive meets the following specifications: Molecular weight, 880–930; melting point, 215°–217° F.; acid number, 43–47; and saponification number, 75–78.

(c) It is used or intended for use as a protective coating or component of protective coatings for fresh grapefruit, lemons, limes, muskmelons, oranges, sweetpotatoes, and tangerines.

(d) It is used in an amount not to exceed that required to produce the intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 30, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5476; Filed, May 7, 1969; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7011]

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Schedule of Taxable Gross Weights

On April 8, 1969, notice of proposed rule making with respect to the amendment of the Miscellaneous Excise Tax Regulations (26 CFR Part 41) under section 4482(b) of the Internal Revenue Code of 1954, relating to the schedule of taxable gross weights, was published in the FEDERAL REGISTER (34 F.R. 6244). After all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposd is hereby adopted.

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: May 2, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to revise the schedule of taxable gross weights prescribed under section 4482(b) of the Internal Revenue Code, the following amendment to 26 CFR Part 41 is made:

EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Section 41.4482(b)–1 is amended by revising so much of paragraph (c) as precedes the use tax schedule, and by adding a new paragraph (d), to read as follows:

§ 41.4482(b)–1 Definition of taxable gross weight.

* * * * *

(c) *Schedule of taxable gross weights for periods before July 1, 1969.* The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning before July 1, 1969:

* * * * *

(d) *Schedule of taxable gross weights for periods after June 30, 1969.* The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning on or after July 1, 1969. Any highway motor vehicle which falls in one of the categories shown in the following schedule shall be considered, for purposes of the regulations in this part, to have the taxable gross weight assigned to such category. Any highway motor vehicle which does not fall in one of the categories shown in the following schedule shall be considered, for purposes of the regulations in this part, to have a taxable gross weight of 26,000 pounds or less.

USE TAX SCHEDULE

	Taxable gross weight (in pounds)
1. Single units:	
(a) 2 axled truck equipped for use as a single unit with actual unloaded weight of 13,000 pounds or more	27,000
(b) 3 axled truck equipped for use as a single unit with actual unloaded weight of 13,000 pounds or more and less than 16,000 pounds	30,000
(c) 3 axled truck equipped for use as a single unit with actual unloaded weight of 16,000 pounds or more	40,000

USE TAX SCHEDULE—Continued

	Taxable gross weight (in pounds)
(d) 4 axled truck equipped for use as a single unit with actual unloaded weight of less than 22,000 pounds	55,000
(e) 4 axled truck equipped for use as a single unit with actual unloaded weight of 22,000 pounds or more and less than 30,000 pounds	68,000
(f) 4 axled truck equipped for use as a single unit with actual unloaded weight of 30,000 pounds or more	80,000
(g) More than 4 axled truck equipped for use as a single unit	2.5 times actual unloaded weight.
2. Tractor-trailer combinations:	
(h) 2 axled truck-tractor with actual unloaded weight of 5,500 pounds or more and less than 7,000 pounds	30,000
(i) 2 axled truck-tractor with actual unloaded weight of 7,000 pounds or more and less than 9,500 pounds	40,000
(j) 2 axled truck-tractor with actual unloaded weight of 9,500 pounds or more and less than 11,000 pounds	50,000
(k) 2 axled truck-tractor with actual unloaded weight of 11,000 pounds or more	60,000
(l) 3 or 4 axled truck-tractor with actual unloaded weight of less than 13,000 pounds	65,000
(m) 3 or 4 axled truck-tractor with actual unloaded weight of 13,000 pounds or more and less than 17,000 pounds	70,000
(n) 3 or 4 axled truck-tractor with actual unloaded weight of 17,000 pounds or more	74,000
(o) More than 4 axled truck-tractor	4.5 times actual unloaded weight.
3. Truck-trailer combinations:	
(p) 2 axled truck with actual unloaded weight of 9,000 pounds or more and less than 12,000 pounds and equipped for use in combinations	40,000
(q) 2 axled truck with actual unloaded weight of 12,000 pounds or more and equipped for use in combinations	55,000
(r) 3 or 4 axled truck with actual unloaded weight of less than 14,000 pounds and equipped for use in combinations	65,000
(s) 3 or 4 axled truck with actual unloaded weight of 14,000 pounds or more and less than 19,000 pounds and equipped for use in combinations	74,000
(t) 3 or 4 axled truck with actual unloaded weight of 19,000 pounds or more and equipped for use in combinations	76,000
(u) More than 4 axled truck equipped for use in combinations	4.5 times actual unloaded weight.
4. Buses: Actual unloaded weight of vehicle plus 150 pounds for each unit of seating capacity provided for passengers and driver.	

(Secs. 4482(b) (70 Stat. 390; 26 U.S.C. 4482(b)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954)

[F.R. Doc. 69-5527; Filed, May 7, 1969; 8:51 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–11A, Direction 2, Amdt. 1, May 8, 1969]

M–11A—COPPER AND COPPER-BASE ALLOYS

Domestic Refined Copper Set-Aside

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects Direction 2 to BDSA Order M–11A, as amended February 25, 1969, by changing the reserved portion of production, as set forth in section 8 of that direction, from 16 percent to 19 percent.

Section 8 of Direction 2 to BDSA Order M–11A of February 25, 1969, is hereby amended to read as follows:

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 19 percent of his average monthly production of domestic refined copper (as defined in sec. 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however,* That DX rated orders must be accepted in accordance with the provisos contained in sec. 6 (2) and (5) above.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90–370, 82 Stat. 279)

This amendment shall become effective May 8, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69–5553; Filed, May 7, 1969; 8:51 a.m.]

[BDSA Order M–11A, Rev. Schedule A, May 8, 1969]

M–11A—COPPER AND COPPER-BASE ALLOYS

Set-Aside Percentages

This amendment of Schedule A to BDSA Order M–11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment changes Revised Schedule A of November 5, 1968, to BDSA Order M–11A, as amended October 28, 1966, by designating July–December 1968, as the new base period, instead of calendar year 1965. This new base period is to be used by copper controlled material producers in computing the average shipment of a copper controlled material product.

This amendment further changes Revised Schedule A by decreasing the set-aside percentage for unalloyed seamless tube and pipe from 3 to 2 percent, for alloyed plate, sheet, strip, and rolls from 13 to 10 percent, for copper wire mill products (except shipboard cable) from 7 to 3 percent, and for copper foundry products from 6 to 4 percent, and by increasing the set-aside percentage for alloyed rod, bar, shapes, and wire from 15 to 16 percent.

This amendment applies to authorized controlled material orders calling for delivery after June 30, 1969.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; Sec. 1, Public Law 90–370, 82 Stat. 279)

Schedule A to BDSA Order M–11A is hereby amended to read as follows:

SCHEDULE A TO BDSA ORDER M–11A

Set-Aside Percentages
(See sec. 6(f) of BDSA Order M–11A)

Base period—July–December 1968
(See sec. 2(o) of BDSA Order M–11A)

Product	*Percentage for orders calling for delivery after June 30, 1969* [1]
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	5
Rod, bar, shapes, and wire	5
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip, and rolls	10
Rod, bar, shapes, and wire	16
Seamless tube and pipe	[2]
Military ammunition cups	[2]
Copper Wire mill products:	
Copper wire and cable:	
Bare and tinned	3
Weatherproof	3
Magnet wire	3
Insulated building wire	3
Paper and lead power cable	3
Paper and lead telephone cable	3
Asbestos cable	3
Portable and flexible cord	3
Communications wire and cable	3
Shipboard cable	[2]
Automotive and aircraft wire and cable	3
Insulated power cable	3
Signal and control cable	3
Coaxial cable	3
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	3
Copper foundry products	4
Unalloyed copper powder mill products	[2]
Copper-base alloy powder mill products	[2]

[1] Schedule A revised as of Nov. 5, 1968, to BDSA Order M–11A, as amended Oct. 28, 1966, applies to orders calling for delivery prior to July 1, 1969.

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M–11A does not apply to such authorized controlled material orders.

This revised schedule shall take effect May 8, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69–5554; Filed, May 7, 1969; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A—POST OFFICE SERVICES, DOMESTIC

PART 127—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

The regulations in Part 127 are amended to correct a reference, and to remove the general prohibition against the sending of firearms of all types to military post offices overseas. In the tabular data in § 127.2 a footnote relating to the prohibition of firearms to certain military post offices is added; and the tabular data is updated.

I. In § 127.1 *Preparation and handling* (33 F.R. 18441), make the following changes:

1. In paragraph (e)(4) the reference to "subparagraph (1)" should read "subparagraph (2)."

NOTE: The corresponding Postal Manual section is 127.154.

2. In paragraph (f)(1) amend subdivision (iv) to read as follows:

(f) *General prohibitions.* (1) • • •

(iv) Explosives and ammunition.

NOTE: The corresponding Postal Manual section is 127.161d.

3. Under paragraph (f) add new subparagraph (3) reading as follows:

(3) Firearms not specifically prohibited by footnote F of § 127.2 are subject to the provisions of §§ 125.5 and 125.9 of this chapter.

NOTE: The corresponding Postal Manual section is 127.163.

II. In § 127.2 *Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas,* make the following changes:

1. Footnote F at the end of the tabular data is reestablished, reading as follows:

F. Mail of all classes may not contain firearms of any type. See definition of firearms in § 125.9(a) of this chapter.

2. Amend the tabular data (except the footnotes at the end of the data) to read as follows:

Military post office number	See footnotes
09008	B–C–D
09009	B
09010	A–B–C–E
09011	A–B–C–E
09012	B–C–D
09013	B–C–D
09016	A–B–F–I
09017	A–B–C–E
09019	B–C–I [1]
09020	B
09025	B–C–D
09026	B–C–D
09028	B–C–D
09029	B–C–D
09031	B–C–D
09033	B–C–D
09034	B–C–D
09035	B–C–D
09036	B–C–D
09038	B–F–I
09039	B–C–D
09040	A–B–F–I
09045	B–C–D
09046	B–C–D
09047	B–C–D
09048	A–B*–C
09049	A–B*–C
09050	B–C–D
09051	A–B–F–I
09052	B–C–D
09053	B–C–D
09054	B–C–D
09055	B
09056	B–C–D
09057	B–C–D
09058	B–C–D
09059	B–C–D
09060	B–C–D
09061	B–C–D
09066	B–C–D
09067	B–C–D
09069	B–C–D
09070	B–C–D
09071	B–C–D
09072	B–C–D
09074	B–C–D
09075	A–B*–C
09078	B–C–D
09079	B–C–D
09080	B–C–D
09081	B–C–D
09082	B–C–D
09086	B–C–D
09088	B*
09090	B–C–D
09091	B–C–D
09093	B–C–D
09095	B–C–D
09098	B–C–D
09099	B–C–D
09101	B–C–D
09102	B–C–D
09106	B–C–D
09107	B–C–D
09108	B–C–D
09109	B–C–D
09110	B–C–D
09111	B–C–D
09114	B–C–D
09119	A–B–C–E
09120	A–B*–C
09123	B–C–D
09125	A–B*–C
09127	A–B*–C
09128	B–C–D
09130	B–C–D
09131	B–C–D
09132	B–C–D
09133	A–B–F–I
09137	B–C–D
09138	B–C–D
09139	B–C–D
09140	B–C–D
09141	B–C–D
09144	B–C–D
09146	B–C–D
09149	B–C–D
09150	A–B*–C
09154	B–C–D
09155	A–B
09158	B–C–D
09159	A–B
09160	B–C–D
09162	B–C–D
09164	B–C–D
09165	B–C–D
09166	B–C–D
09168	B–C–I [1, 2]
09169	B–C–D
09170	C–D
09171	B–C–D
09172	B–C–D
09173	B–C–D
09174	B–C–D
09175	B–C–D
09176	B–C–D
09177	B–C–D
09178	B–C–D
09179	A–B*–C
09180	B–C–D
09184	B–C–D
09185	B–C–D
09189	B–C–D
09193	A–B*–C
09194	A–B*–C
09197	A
09202	B*–C–J
09205	A–B
09210	A–B*–C
09218	A–B*–C
09220	B–C–D
09221	B–C–I [1, 3]
09223	A
09224	A–B–F–I
09227	B–C–D
09230	A–B–C–E
09231	A
09238	A–B*–C
09240	B–C–I [1]
09241	A–B*–C
09245	B–C–D
09252	B–C–D
09253	A–B–C–E
09254	A–B–F–I
09277	B–C–D
09281	B–C–D
09289	A–B–F–I
09291	A
09292	A–B
09293	B–C–I [1]
09294	A–B–F–I
09305	B–C–D
09319	B–C–D
09320	B–C–D
09321	B–C–D
09322	B–C–D
09324	A–B–F–I
09326	B–C–D
09329	A–B–F–I
09330	B–C–D
09332	B–C–D
09333	B–C–D
09338	A–B–F–I
09339	L
09378	A–B*–C
09380	A–B–F–I
09403	B–C–D
09405	A–B*–C
09407	B–C–D
09409	B–C–D
09411	B–C–D
09451	B–C–D
09460	B–C–D
09505	O
09510	A–B*–C–I
09511	A–B*–C–J
09512	A–B*–C–J
09514	A–C–D
09515	A–B*–C–J
09516	A–B*–C–I–J
09518	A–B*–C–J
09520	A–C–I
09521	A–C–I [1]
09522	A–C–I [1]
09523	A–C–I [1]
09524	A–C–I
09525	A
09527	A–N
09529	A–C–I [1]
09531	A–B–C–F–M
09544	A–B–C–E
09580	B
09584	B
09585	B
09607	A–B*–C
09611	C–D
09616	B–F–I
09633	B–C–D
09659	A–B*–C
09664	I
09665	A–B–F–I
09666	B–C–D
09667	B*
09672	B–F–I
09676	B–C
09678	B–I
09684	B–C–D
09686	A–B–C–E
09688	A–B–F–I
09689	B–C–I [1]
09690	A
09692	B–C–D
09693	A
09696	B–C–D
09697	B–F–I
09699	B–C–D
09742	C–D
09743	B–C–D
09751	B–C–D
09755	A–B*–C
09757	B–C–D
09777	A–B–C–E
09794	B–C–I [1]
09801	B–C–D
09807	B–C–D
09817	L
09825	B
09826	B
09827	B
09829	B
09832	B
09834	B
09837	B
09843	B–C–D
09872	B–C–D
09879	A–C–D–F–H–I–M
96201	A–F
96202	A–B
96203	A–F
96204	A–F
96205	A–F
96206	A–B
96207	A–B
96208	A–B
96209	A–B–H
96210	A–B
96211	A–B
96212	A–B
96213	A–B
96215	A–F
96216	A–F
96217	A–F
96218	A–B
96219	A–F
96220	A–B
96221	A–F
96222	A–F
96223	A–F
96224	A–B
96225	A–F
96226	A–F
96227	A–F
96228	A–F
96231	A–B
96236	A–F
96238	A–F
96240	A–F
96243	A–F
96250	A–F
96251	A–B
96256	A–F
96257	A–F
96258	A–F
96259	A–B
96260	A–F
96262	A–F
96264	A–B
96265	A–F
96266	A–F
96267	A–B
96268	A–F
96269	A–F
96270	A–B
96271	A–B
96274	K
96276	A–B
96277	K
96278	A–F
96279	A–F
96281	A–B
96284	P
96289	A–F
96291	A–F
96294	A–F
96295	A–F
96296	A–F
96297	A–F
96298	K
96299	A–B
96301	A–B
96302	A–B
96306	I
96307	A–F
96308	A–F
96309	A–F
96311	K
96312	A–F
96313	B–H–M
96314	A–F
96316	A–F
96317	A–F
96318	A–F
96320	A–F
96321	A–F
96322	A–F
96323	A–B
96324	A–B
96325	A–F
96326	A–F
96328	A–B
96332	A–F
96333	M
96335	A–B
96336	A–B
96337	A–F
96338	A–B
96343	A–B
96345	A–F
96347	A–F
96348	A–F
96349	A–F–H
96350	A–F
96353	A–F
96354	A–B
96355	A–F
96356	A–I
96357	A–F
96358	A–B
96359	A–F
96361	A–F
96362	A–F
96363	A–F
96368	A–F
96369	A–B–H
96370	A–F
96371	A–F
96372	A–F
96373	A–F
96374	A–F
96375	A–F
96376	A–F
96377	A–F
96379	A–F
96381	A–F
96383	A–F
96384	A–F
96385	A–F
96388	A–F
96390	A–B
96402	A–F
96444	A–B–F
96455	A–B
96460	A–B
96477	A–F
96490	A–F
96491	A–F
96492	A–F
96493	A–F
96495	A–F
96496	A–F
96499	A–F
96502	A–B
96503	A–B
96504	A–B
96519	A–B
96525	A–B
96528	K
96529	A–B
96530	A–F
96555	M
96570	A–B
96571	A–B
96594	A–B
96599	A–F
96605	O
96621	A–F
96622	A–F
96623	A–F
96624	A–F
96625	A–F
96626	A–F
96627	A–F
96628	A–F
96629	A–F
96638	A–F
96639	A–F
96641	A–F
96648	A–F
96650	A–K
96651	A–K
96652	A–K
96654	A–K
96656	A–K
96658	A–K
96660	A
96661	A–B
96662	A–B
96664	A–B
96666	A–B
96667	A–B
96668	A–B
96670	A
96672	A
96673	A
96680	A–B–H–Q
96690	B–H
96694	A–F
96695	A–F
96696	A–F
96697	A–F
96699	A–F
98760	A–B
98761	A–B
98762	A–B
98764	A–B
98765	A–B
98766	A–B
98767	A–B
98768	A–B
98769	A–B
98770	A
98772	A
98773	A
98781	A–B
98782	A–B

NOTE: The corresponding Postal Manual section is 127.2.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 706, 712)

DAVID A. NELSON,
General Counsel.

MAY 1, 1969.

[F.R. Doc. 69-5406; Filed, May 7, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

PART 50-201—GENERAL REGULATIONS

Conformable Change

Pursuant to section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40) and Secretary of Labor's Order No. 3-69 (34 F.R. 1203) and in order to conform § 50-201.1(f) of Title 41 of the Code of Federal Regulations to the other amendments of Part 50-201 published in the FEDERAL REGISTER on April 19, 1969 (34 F.R. 6687), § 50-201.1(f) of Title 41, Code of Federal Regulations, is amended in the manner as follows:

§ 50-201.1 Insertion of stipulations.

• • • • • •

(f) Any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of the contract, in the sum of $10 per day for each person under 16 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of the contract; and, in addition, the agency of the United States entering into the contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. • • •

• • • • • •

(Sec. 6, 49 Stat. 2038, as amended; 41 U.S.C. 40)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 5th day of May 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-5521; Filed, May 7, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1025]

PART 1033—CAR SERVICE

Regulations for Return of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of May 1969.

It appearing, that an acute shortage of covered hopper cars exists in all sections of the country; that shippers are being deprived of covered hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations thus creating great economic loss and reduced employment of their personnel; that covered hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1025 Regulations for return of covered hopper cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Covered hopper cars, in interline service (including intraterminal switch movements) after being unloaded shall be returned to the originating line via reverse of service route, billed on standard form waybills without charges, except as provided in subparagraph (3) of this paragraph:

(2) When a covered hopper car is released after handling on switching waybills which do not show the origin or complete reverse route, such car shall be returned empty to the line from which it was received loaded for further movement as required by subparagraph (1) of this paragraph.

(3) Exception. Empty covered hopper cars will be sent to other points upon instructions of the car owner given in writing, or orally, confirmed in writing. Such instruction shall include name of station to which car is to be sent and necessary routing authority.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any covered hopper car offered for movement contrary to the provisions of paragraph (a) of this section.

(c) The term covered hopper cars as used in this order means freight cars having a mechanical designation "LO" in the Official Railway Equipment Register, ICC R.E.R. No. 371 issued by E. J. McFarland, or successive issues thereof.

(d) Application: The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) Effective date: This order shall become effective at 12:01 a.m., May 6, 1969.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., June 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5502; Filed, May 7, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 306]

UNITED STATES SECURITIES

Book-Entry Procedure

Correction

In F.R. Doc. 69-4956 appearing at page 6930, in the issue for Friday, April 25, 1969, § 306.115(c) should read as follows:

(c) "Definitive Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in engraved or printed form.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 912]

[Docket No. AO-333-A3]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Amended Marketing Agreement and Order Regulating the Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The Public hearing, on the record of which the proposed amendment of the order is formulated, was instituted by the Consumer and Marketing Service as a result of proposals submitted by the Indian River Grapefruit Committee, the administrative agency established pursuant to the amended marketing agreement and order. A notice that such public hearing would be held in the Community Building, 21st Street and 14th Avenue, Vero Beach, Fla., was published in the FEDERAL REGISTER on January 25, 1969 (34 F.R. 1253).

Material issues. The material issues presented on the record of the hearing involved amendatory action relating to:

(1) Providing a method for computing the prorate bases for handlers based on total shipments within a representative period;

(2) Revising the overshipment provisions to permit handlers to overship to an accumulated total of 500 boxes, or any amount up to 1,000 boxes, if the Secretary so orders by appropriate rules and regulations;

(3) Revising the allotment loan provisions to provide that, in addition to permitting loaning of allotment, handlers may transfer all or part of the allotment; and

(4) Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

1. The order should be amended to authorize a new method for computing the prorate base for handlers. The new method should require that the prorate base for each handler be based on the total shipments made by the handler during a representative period. Currently, the order authorizes, for handlers who have made shipments in the immediately preceding season, that the amounts which each such handler may handle shall be based upon his shipments within the representative period. For those handlers who made no shipments during the immediately preceding season and handlers entering the business during the then current season, the order authorizes the calculation of the prorate base for each such handler to be based on his prior shipments, if any, grapefruit under contract, trade outlets, and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler.

The Agricultural Marketing Agreement Act of 1937, as amended, specifies that the allotment of the amount which each handler may market shall be based upon the amounts which each such handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative, or both.

It would not be appropriate or equitable at the present time to use amounts available for current shipment as the basis for computing the prorate bases for all handlers of Indian River grapefruit. Cash buyers who purchase grapefruit throughout the season plus the fact that there is a substantial quantity of grapefruit not under the control of handlers at the start of the season make current availability inappropriate for use in computing the prorate base for handlers. Likewise, it would be inappropriate to use a combination of current availability and past shipments for all handlers for the same reasons. Thus, prior shipments of handlers is the only method available to the industry at the present time. The new method uses prior shipments exclusively as the basis for determination of the prorate base.

Currently, the representative period is the three immediately preceding seasons. The past three seasons should be retained in the representative period because such period has proved to be satisfactory. The elapsed weeks of the current season should be added to the past three seasons to form the representative period. The addition of the elapsed weeks of the current season will include shipments made by all handlers during the then current season. Thus, shipments made by all of the handlers from the beginning of the representative period to date will be included in the total used for determining the prorate base of handlers.

Only those shipments that have been made in the immediately preceding seasons should be used in the total shipments for calculation of the prorate base for handlers. There are handlers who have shipped previously but did not ship during each of the three seasons of the representative period. For example, a handler may have shipped during the 1965-66 season, did not ship during the 1966-67 season, shipped during the 1967-68 season, and has made shipments during the current season (1968-69). The shipments made by such handler during the 1965-66 season would not be included in the total shipments used for computing his prorate base. Only the shipments such handler made during the 1967-68 season together with the shipments made during the current season (1968-69) would comprise his shipments for calculating the prorate base for such handler. Because a handler abstained from making shipments for an entire season, it is not likely that he would start anew at his same relative position in the industry. A catastrophe may necessitate his reentry on a very limited scale. Through reorganization or refinancing his new operation may handle a much greater volume. Whatever the situation is that results in a handler not

making any grapefruit shipments during a season, it would not be equitable or appropriate to use shipments made within any of the marketing seasons prior to the one during which he made no shipments because such prior shipments would not likely reflect his relative position with respect to all handlers.

The order should specify the new method to be used in computing a prorate base for handlers. Such method should specify that the computation be made by adding together the handler's shipments of grapefruit made in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. Such would provide a uniform rule, which would be applicable to all handlers, and based upon the amounts handled by the handler in the "prior period" as provided in the act.

The term "season" should mean that portion of a fiscal period which covers all the full weeks in such period. This would provide an appropriate number in determining the divisor for use in computing the prorate bases. It would not be feasible to use 52 weeks of the fiscal period because even though such period begins on August 1 of each year such date does not always coincide with Monday, the beginning day used for weekly shipping records by the industry. Shipments made during the week which comprises the ending days of one fiscal period and the beginning days of the following fiscal period are not identified, as hereinafter explained, as to the particular day on which made. Therefore, such shipments should be excluded.

The term "current season" should mean the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation, except that when the committee has obtained the official shipping records of the handlers through the third full week preceding the week of regulation, the current season shall extend through such third week.

It is desirable to use the term "full week" instead of "full calendar week" because the "calendar week" begins on Sunday and extends through Saturday and the shipping records are maintained on Monday through Sunday basis. The use of the term "full week" would make the weekly period coincide with the period used for keeping records within the industry.

The official records of shipments of handlers are provided to the committee by the Federal-State Inspection Service. Shipments are tabulated by said service after the conclusion of the weekly shipping period without reference to the particular day of the week the shipments are in fact made. When the tabulation has been completed, the report is furnished to the committee. The evidence of record shows that, on the basis of past performance, the information concerning handlers' shipments through the third full week preceding the week of regulation will generally be available when the committee meets to consider the need for such regulation. It is not possible, at the present time, to define the term "current season" so as to include in each instance shipments of said third week as there have been occasions, and may continue to be occasions, when the information concerning handler's shipments extend only through the fourth full week preceding the week of regulation.

It is important for the committee to have a record of the latest shipments of handlers for inclusion in the calculation of the prorate bases. Often the shipments made early in the season are of small volume due to lack of maturity, small size fruit, or for other reasons. Later shipments are often in larger amounts as more fruit becomes mature, size becomes larger, and the demand for such fruit may improve. Since the prorate base is to be computed each week, when volume regulation is likely to be recommended, it would be equitable and in keeping with the desires of the industry, to include all the shipments of record that have been made during the current season. Thus, it would not be appropriate to require the computation in each instance to include only those shipments made up to and including the fourth full week prior to the week of regulation if information concerning shipments made 1 week later was available to the committee. Accordingly, the prorate base computation, and the terms "representative period," "season," and "current season" should be on the basis as hereinbefore discussed and as hereinafter set forth.

2. The provisions of the order relating to overshipments should be amended as hereinafter set forth to provide more flexibility. Currently, order provisions permit the overshipment of an amount equivalent to 10 percent of the total allotment or 500 boxes, whichever is greater. Handlers with a small allotment generally use the 500 box overshipment. A handler may overship one box or the entire 500 boxes during the week. However, when he overships, he must repay the overshipment from the allotments issued to him for the next week and, when required, for successive weeks. The order should be amended to permit handlers to make successive overshipments until the overshipments total an authorized amount before such overshipments are charged against his allotments. This is for the reason that handlers who handle a limited quantity of grapefruit, are issued a small allotment each week of regulation, and should be afforded the opportunity to complete all of the shipments in a few weeks by taking advantage of the overshipment provisions as hereinafter set forth. Under the procedure of this amendment, such a handler could proceed with his shipments using his weekly allotments and making overshipments during each of the consecutive weeks of regulation until the total of such overshipments reaches 500 boxes. The subsequent weekly allotments issued to the handler would then be used to repay such overshipments. However, if the handler does not make any shipments of grapefruit during a weekly period for which an allotment was issued to him, the entire allotment should be used to offset, to the extent thereof, any permitted overshipment by such handler during the immediately preceding week or weeks of continuous regulation.

The evidence of record establishes that the 500 box overshipment permitted by the order should be retained. However, authority should be included in the order for the Secretary, on the basis of a recommendation of the committee or other available information, to increase the amount from 500 boxes up to but not more than 1,000 boxes so as to afford handlers greater flexibility in the handling of grapefruit during periods of regulation without the requirement for immediate offset of overshipment by current allotment. Record evidence shows that such an increase should be made effective, insofar as possible, at the start of a fiscal period and continue throughout the season. In any event, if the situation warrants such a change at any time, such change should be made promptly and the order should permit such action. In addition to providing authority for the Secretary to increase the total quantity that may be overshipped, the order should contain authority for him to decrease such amount but not below 500 boxes. Suppose, for example, that the amount was increased from 500 boxes to 1,000 boxes. Suppose further that, after a period of operation, the committee determines that the increase to 1,000 boxes is then too large an amount to be permitted to be continued for overshipment. For example, the 1,000 box overshipment was causing a greater aggregate quantity of grapefruit to be shipped than could be marketed in an orderly manner. The Secretary, on the basis of a committee recommendation or other available information, should be authorized by the order to prescribe such lesser amount as may be appropriate in the circumstances, as for example, 750 boxes or the original 500 boxes, instead of the 1,000 boxes.

Thus, it is concluded that the order should be amended as hereinafter set forth on the basis heretofore discussed.

3. The provisions of the order dealing with allotment loans should be retitled "allotment loans and transfers" and amended as hereinafter set forth. Currently, the order permits allotments to be loaned. Each such loan, prior to its consummation, shall be approved by the committee. The committee, prior to approval, shall be provided information by each party concerning the loan, including the date of repayment. There are a number of handlers of Indian River grapefruit who receive a small allotment during each week of regulation. Some of such handlers desire to ship a quantity of grapefruit in excess of the allotment plus permitted overshipment. To do so

the handler would have to borrow allotment from another handler. Because of the small quantity involved or for other reasons, the lending handler may not desire the repayment of the loan. Thus, an agreed repayment date late in the season is specified. By specifying such date, it is reasonable to believe the loan will not be repaid because in all probability at that date neither handler may have any fruit to ship or there may be no regulation in effect requiring allotments for shipments.

The provisions for loans of allotment should be retained in the order because such provisions are needed. There should be included in the order authority for the transfer of allotment from one person to another. Each party to the transfer should be required to notify the committee promptly so that proper entries on the record may be made. The prompt notification of the committee is important in the administration of the program and for enforcement purposes. The inclusion of authority for the transfer of allotment from one person to another should not interfere with the operation of the loaning of allotment. The two operations are compatible. With the addition to the order of the transfer provisions, it is anticipated that those persons desiring to have loans repaid will use the loan provisions while those not desiring repayment of the allotment will use the transfer provisions. Thus, it is concluded that the order should be amended to authorize the transfer of allotment among persons to whom allotments have been issued.

4. The amendment heretofore recommended will make necessary certain conforming changes in §§ 912.46 and 912.47. In these sections reference is made to the first "full calendar week." The word "calendar" should be deleted so that the reference will be to the first "full week" and such will refer to the same 7-day period as "full week" as used in revised § 912.48(d).

Rulings on proposed findings and conclusions. April 7, 1969, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing.

A brief was filed by Charles E. Davis of Fishback, Davis, Dominic, Troutman and Salfi, 170 East Washington Street, Orlando, Fla., attorneys for and on behalf of Schwey World Famous Citrus, Inc.

Each point in the brief was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in said marketing agreement and order, as amended and as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. The word "calendar" is deleted wherever it appears in § 912.46.

2. The word "calendar" is deleted wherever it appears in § 912.47.

3. Section 912.48 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 912.48 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51-week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the said "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted.]

4. Section 912.50 *Overshipments* is revised to read as follows:

§ 912.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or any other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

5. Section 912.52 *Allotment loans* is revised to read as follows:

§ 912.52 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with the transfer of allotment, each party shall promptly notify the committee so that proper adjustments of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

Dated: May 2, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-5498; Filed, May 7, 1969; 8:48 a.m.]

[7 CFR Part 1006]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Upper Florida marketing area is being considered for the period of May through August 1969.

The provisions proposed to be suspended are in § 1006.16(b), and are as follows:

1. The language in the introductory text which reads "in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant"; and

2. Subparagraphs (2), (3), and (4) in their entirety.

The proposed suspension would permit unlimited diversion of producer milk to nonpool plants from May through August 1969. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts applies to the operator of a pool plant. Also, the order now requires that at least 10 days' production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

Northeast Florida Milk Producers Association requested the suspension. The absence of available manufacturing facilities in the market will require diverting the excess milk to distant manufacturing outlets in other States. The cooperative contends that considerable hauling economies can be realized by diverting the milk that is produced nearest these outlets. It claims that without the suspension action additional hauling will be required in moving this milk to pool plants in order to keep its members qualified as producers under the order.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 2, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-5497; Filed, May 7, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-39]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Walterboro, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Walterboro transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Walterboro Municipal Airport.

The proposed transition area is required for the protection of IFR operations at Walterboro Municipal Airport in climb from 700 to 1,200 feet and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Walterboro Municipal Airport is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in East Point, Ga., on April 28, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-5493; Filed, May 7, 1969; 8:48 a.m.]

[14 CFR Part 103]

LOADING AND TRANSPORTING POISONS, CLASS A OR B WITH FOODSTUFFS

Proposed Restrictions

CROSS REFERENCE: For a document regarding proposed amendments concerning restrictions against loading and transporting certain poisons with foodstuffs, see F.R. Doc. 69-5522, Hazardous Material Regulations Board, 49 CFR Parts 174, 175, 177, *infra*.

[14 CFR Part 151]

[Docket No. 9575; Notice 69-20]

ALLOWABLE PROJECT COSTS FOR DONATED AND CERTAIN OTHER ITEMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 151 of the Federal Aviation Regulations to provide for the appraisal of project costs in certain cases after the grant agreement is executed, and downward adjustment of the U.S. share thereof where appropriate. This procedure would be used where the sponsor inadvertently or unknowingly failed to state in the project application, as required, that an estimated cost consisted of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24,

800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 9, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The last sentence of § 151.23 of the Federal Aviation Regulations states that if any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it. However, there are instances in which a grant agreement has been entered into where the sponsor has failed to observe this requirement, through inadvertence or because it did not know the item would be donated at the time of the project application.

The proposed changes would establish a specific procedure (similar to that in § 151.27 used before the grant agreement), for use after the grant agreement is entered into but before final grant payment is made, that would provide an appraisal procedure applicable to each of the items in question. A downward adjustment in the U.S. share of the project costs would be made to reflect any decrease in value of the item below the value stated in the project application. These procedures would be used only where the sponsor's inadvertence or lack of knowledge is discovered after the grant agreement is executed, thus supplementing § 151.27 for the situations in question. The sponsor would have the right to request reconsideration, as it has under the § 151.27 procedure, thus safeguarding its interest. This is the only adjustment that would be made, for no increase in the U.S. share would be made in these circumstances.

In consideration of the foregoing, it is proposed to amend Part 151 of the Federal Aviation Regulations as follows:

1. By striking out the third sentence of § 151.23.

2. By inserting a new § 151.24 following § 151.23 to read as follows:

§ 151.24 Procedures; application; information on estimated project costs.

(a) If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it.

(b) If, after the grant agreement is executed and before the final payment of the allowable project costs is made under § 151.63 of this part, it appears that the sponsor inadvertently or unknowingly failed to comply with paragraph (a) of this section as to any item, the Administrator—

(1) Makes or obtains an appraisal of the item, and if the appraised value is less than the value placed on the item in the project application, notifies the sponsor that it may, within a stated time, ask in writing for reconsideration of the appraisal and submit statements of pertinent facts and opinion; and

(2) Adjusts the U.S. share of the project costs to reflect any decrease in value of the item below that stated in the project application.

These amendments are proposed under the authority of sections 1–15 and 17–20 of the Federal Airport Act (49 U.S.C. 1101–1114, 1116–1119), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 1.4(b)(2) of the regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on April 24, 1969.

CHESTER G. BOWERS,
Director, Airports Service.

[F.R. Doc. 69-5494; Filed, May 7, 1969; 8:48 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 174, 175, 177]

[Docket No. HM-4; Notice No. 69-12]

LOADING AND TRANSPORTING POISONS, CLASS A OR B WITH FOODSTUFFS

Proposed Restrictions

The Hazardous Materials Regulations Board is considering amending Parts 174, 175, and 177 of Title 49 and Part 103 of Title 14 of the Department's Hazardous Materials Regulations (1) to clarify a previous amendment (Amendment 67–1, Docket HM–4) concerned with the carriage of poisons and foodstuffs and (2) to propose further amendments to the current loading and carriage requirements. An advance notice of proposed rule making will soon be published which will request public advice on the reasons for leakage of packages, the resulting safety hazards, and appropriate regulatory action.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket and notice number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before June 10, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Amendment 67–1 was issued on December 21, 1967 (32 F.R. 20982, 12–29–67) after a number of deaths occurred outside the United States due to eating food that was contaminated by an insecticide or pesticide. Many of the contamination incidents resulted from shipments originating in the United States. A number of injuries occurred in the United States from similar contamination incidents. Numerous petitions and complaints have been filed with the Board since issuance of Amendment 67–1 pointing out certain problems caused by the rule. In this notice the Board proposes to resolve some of these problems by making certain clarifying changes in language. In addition, the Board proposes to adopt additional restrictions on the comingling of shipments of poisons and foodstuffs.

One major difficulty in attempting to comply with the amendment was a lack of certainty as to how far a carrier was required to go in identifying foodstuffs, feeds, or any other material intended for consumption by humans or animals under the provisions of the amendment. The Board recognizes the difficulties inherent in attempting to segregate packages of foodstuffs under normal cargo handling procedures. It is proposed to clarify and relax this requirement. Only those foodstuffs and feed, etc., which are clearly marked as or are known to be such need be considered in applying these regulations.

Carriers have had difficulty in understanding the meaning of the terms "airtight and nonpermeable." Although the normal dictionary meaning of these terms was intended, the amount of confusion that has ensued warrants reconsideration of this requirement. In many cases, the mechanics of making on-the-spot field determinations of whether a particular packaging for foodstuffs was airtight or nonpermeable were impracticable. The practical result often was an operational restriction by carriers against loading any poisons with any foodstuffs, regardless of packaging. Several carrier representatives have suggested that the regulations be amended to that effect to reflect the practicalities of transportation.

Although the regulations in question at present deal only with poison, class B, several class A poisons are shipped as liquids. The Board therefore proposes to include all class A poisons in the restriction against loading with foodstuffs, feeds, or any other material intended for consumption by humans or animals. Accordingly, the Board proposes to place a total restriction on the transportation of all packages of poisons, class A or B, with packages of foodstuffs, feed, or any other material intended for consumption by humans or animals as discussed above.

Another clarifying change that is proposed would limit post-transportation inspection on aircraft to the compartment in which the poisonous material was carried. Aircraft have a number of isolated cargo compartments with no reasonable way for materials to leak from one compartment to another. Therefore, it is unreasonable to require inspection of an entire aircraft in every case.

In consideration of the foregoing, it is proposed to amend Parts 174, 175, 177, and 103 of the Department's Hazardous Materials Regulations as provided for herein. This proposal is made under the authority of sections 831–835 of title 18, United States Code; section 9 of the Department of Transportation Act (49 U.S.C. 1657); and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on May 5, 1969.

F. C. TURNER,
Administrator,
Federal Highway Administration.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

I. Part 174 would be amended as follows:

A. By amending paragraph (m) in § 174.532 to read as follows:

§ 174.532 Loading other dangerous articles.

* * * * * * *

(m) Material marked as or known to be poison, class A or B, must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

B. By amending subparagraph (a)(1) in § 174.566 to read as follows:

§ 174.566 Cleaning cars.

(a) * * *

(1) A car which has been used to transport material marked as or known to be poison, class A or B, must be inspected for contamination before reuse. A car which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to cars used solely for transporting such poisons so long as they are used in that service.

* * * * * * *

II. Part 175 would be amended as follows:

A. By amending paragraphs (k) and (l) in § 175.655 to read as follows:

§ 175.655 Protection of packages.

* * * * * * *

(k) Material marked as or known to be poison, class A or B, must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

(l) A car which has been used to transport material marked as or known to be poison, class A or B, must be inspected for contamination and must not be returned to service until such contamination has been removed.

III. Part 177 would be amended as follows:

A. By amending paragraph (e) in § 177.841 to read as follows:

§ 177.841 Poisons.

* * * * * * *

(e) Material marked as or known to be poison, class A or B, must not be transported in the same vehicle with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

B. By amending subparagraph (a)(1) in § 177.860 to read as follows:

§ 177.860 Accidents or leakage; poisons.

(a) * * *

(1) *Leakage.* A vehicle which has been used to transport material marked as or known to be poison, class A or B, must be inspected for contamination before reuse. A vehicle which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to vehicles used solely for transporting such poisons so long as they are used in that service.

* * * * * * *

IV. Part 103 of Title 14 would be amended as follows:

A. By amending § 103.35 in its entirety to read as follows:

§ 103.35 Special requirements for poisons.

(a) No operator of an aircraft may carry material marked as or known to be poison, class A or B, in the same cargo compartment of an aircraft with material which is marked as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals.

(b) No person may operate an aircraft that has been used to transport material marked as or known to be poison, class A or B, unless, upon removal of such poisonous material, the compartment in which it was carried is inspected for leakage, spillage, or other contamination. All contamination discovered must be either isolated or removed from the aircraft. The operation of an aircraft contaminated with such poisons is considered to be the carriage of poisonous materials under paragraph (a) of this section.

[F.R. Doc. 69-6522; Filed, May 7, 1969; 8:50 a.m.]

[49 CFR Part 177]

[Docket No. HM-24; Notice No. 69-13]

EXPLOSIVES ON VEHICLES IN COMBINATION

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending § 177.835 (c) of the Department's Hazardous Materials Regulations to permit class A explosives to be transported on one vehicle of a combination of motor vehicles when certain other hazardous materials are transported in another vehicle of the same combination.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before June 10, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Section 177.835(c)(1) of the Hazardous Materials Regulations presently provides in part as follows:

> No class A explosive may be loaded into or transported on any vehicle in any combination of vehicles if any vehicle in the same combination contains any explosive or other dangerous article which may not be loaded or stored with explosives class A under the provisions of § 177.848.

Section 177.848 contains a chart which indicates that a number of hazardous materials are prohibited from being loaded or transported in the same vehicle with class A explosives.

The Hazardous Materials Regulations Board has received two petitions requesting a relaxation of the complete prohibition quoted above. One petitioner states in support of this proposal that its adoption will permit expedited shipper-to-user service greatly reducing public exposure to small shipments of explosives which, at the present time, are frequently found being held at carriers' terminals or freight houses awaiting other compatible freight to provide economical loads. Another petitioner states that since there would be two vehicles involved, even though in combination, they could be easily and quickly detached from each other.

Several types of hazardous materials present potential hazards of a degree sufficient to warrant exclusion from this proposal. Examples include initiating explosives, certain radioactive materials, poisons, and bulk liquid shipments of hazardous materials. The presence of these materials could result in a greater hazard to the public than would be acceptable, either as contributants to the accident potential, or as additional hazards to the environment following accidents.

It is also proposed to revise the first portion of paragraph (c) to state simply the present restriction on the number of vehicles permitted in a combination of vehicles when class A explosives are to be carried in the combination.

In consideration of the foregoing, it is proposed to amend paragraph (c) in § 177.835 as follows:

§ 177.835 Explosives.

* * * * * * *

(c) *Explosives on vehicles in combination.* Class A explosives may not be

loaded into or carried on any vehicle of a combination of vehicles if:

(1) More than two cargo carrying vehicles are in the combination;

(2) Any full trailer in the combination has a wheel base of less than 184 inches;

(3) Any vehicle in the combination is a tank motor vehicle which is required to be marked or placarded under § 178.823, or

(4) Any other type of vehicle in the combination is loaded with any:

(i) Initiating explosive,

(ii) Packages of radioactive materials bearing "Yellow III" labels,

(iii) Class A and B poisons, or

(iv) Hazardous materials in a portable tank or a DOT specification 106A or 110A tank.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on May 5, 1969.

F. C. TURNER,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69–5523; Filed, May 7, 1969; 8:50 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 24; Notice 69–4]

STANDARD TIME ZONE BOUNDARIES

Proposed Relocation of Mountain-Pacific Standard Time Zone Boundary in the State of Nevada

The Legislature of Nevada, by a Joint Resolution approved by the Governor, has petitioned the Department of Transportation to amend § 71.8 of Title 49 of the Code of Federal Regulations to redefine the boundary line between the Pacific and mountain time zones so as to include White Pine and Lincoln Counties in the mountain time zone.

Under the current regulation, the entire State of Nevada is in the Pacific time zone. The eastern boundary of Nevada, with the western boundaries of the States of Utah and Arizona, is the boundary line between the Pacific and mountain time zones for that area.

The petition requests the change on the grounds that the residents of White Pine and Lincoln Counties "are deeply involved commercially with the residents of Utah counties bordering Nevada" and that "to place Lincoln and White Pine Counties in a time zone different from the commercial areas with which they deal will impoee a hardship on the residents of such counties, restrict and strain certain business transactions and create confusion".

Under the time zone Act originally enacted in 1918 (15 U.S.C. 261) as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard for "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce". Before taking final action to adopt, deny, or modify the proposed boundary which the petition requests, the Secretary of Transportation will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.

Communications received on or before June 30, 1969, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend § 71.8 (b) and (c) of Title 49 of the Code of Federal Regulations to read as follows:

§ 71.8 Boundary line between mountain and Pacific zones.

* * * * *

(b) *Utah-Nevada.* Beginning at the intersection of the Utah-Nevada boundary with the southern boundary of the State of Idaho; thence south along the Utah-Nevada boundary to the intersection of the northern boundary of White Pine County, Nev., with the Utah-Nevada boundary; thence west along the northern boundary of White Pine County to the northwest corner of White Pine County; thence southerly along the western boundary of White Pine County to the northern boundary of Lincoln County; thence south, west, and south along the boundary of Lincoln County to the southwest corner of Lincoln County; thence east along the southern boundary of Lincoln County to the Nevada-Arizona boundary.

(c) *Nevada-Arizona.* Beginning at the intersection of the southern boundary of Lincoln County, Nev., with the Nevada-Arizona boundary; thence south along the western boundary of the State of Arizona to the boundary between the United States and Mexico.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and Appendix A to Part 5 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on May 2, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 69–5501; Filed, May 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–8593]

DISCLOSURE OF CREDIT TERMS IN MARGIN TRANSACTIONS

Notice of Proposed Rule Making

The Securities and Exchange Commission announced that it has released for comment a rule under section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") which would require broker-dealers who extend credit to customers to finance securities transactions to furnish specified information with respect to the amount of and reasons for the credit charges.

The Truth in Lending Act, as passed by Congress, specifically exempts from its disclosure requirements broker's margin loans to customers. In Senate Report No. 392 (June 29, 1967), which accompanied the Senate bill, the Senate Committee on Banking and Currency noted:

> The committee has been informed by the Securities and Exchange Commission that the Commission has adequate regulatory authority under the Securities Exchange Act of 1934 to require adequate disclosure of the cost of such credit. The committee has also been informed in a letter from the SEC that "the Commission is prepared to adopt its own rules to whatever extent may be necessary."
>
> In recommending an exemption for stock-broker margin loans in the bill, the committee intends for the SEC to require substantially similar disclosure by regulation as soon as it is possible to issue such regulations.

The Report of the House Committee on Banking and Currency also refers to Commission authority to require disclosure under the Federal securities laws. It is in response to this mandate that Rule 10b–16 (17 CFR 240.10b–16) is being proposed. Proposed Rule 10b–16 (17 CFR 240.10b–16) would be adopted under the provisions of the Securities Exchange Act of 1934, and more particularly sections 10(b) and 23(a).

The proposed rule sets forth two types of disclosure, an initial disclosure when the account is opened and a periodic statement thereafter whenever there is activity in the account. Initial disclosure provisions are designed to insure that the investor, before his account is opened, understands the terms and conditions under which charges will be made. The periodic statement should enable the investor to accurately assess the actual cost of credit and to understand the computations involved.

Paragraph (a)(1) of Proposed Rule 10b–16 (17 CFR 240.10b–16). Initial Disclosure Requirements:

The stated purpose of the Truth in Lending statute is "to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit." At present the standard form of customer's agreement, which many firms require margin customers to execute, generally includes only the following disclosure: "Debit balances of the accounts of the undersigned shall be charged with interest, in accordance with your usual custom and with any increases in rates caused by money market conditions, and with such other charges as you may make to cover your facilities and extra services."

Under paragraph (a)(1) of the proposed rule the investor opening a new margin account would be entitled to receive, prior to execution of the initial margin transaction, disclosure of the following information: The initial rate of interest, the conditions under which an interest charge will be imposed, the method of computing the debit balance on which interest is to be charged, other credit charges which may be imposed, the nature of any interest or lien in property held as collateral by the broker-dealer, and the conditions under which additional security may be required. As part of this latter requirement, the broker or dealer would also be expected to disclose, if applicable, his practice with respect to "marking to the market." In addition, the broker would be required to state if the rate is subject to change without prior notice and the conditions under which it may be so changed. Where margin accounts are carried on a disclosed basis by another broker who is extending the credit, he would be responsible for seeing that the required disclosure is made.

Two of the items under paragraph (a)(1) of this rule require specificity in the disclosure. If the rate of interest is subject to change without notice, the broker must specify the particular conditions under which it may be changed. This provision is intended principally to deal with the general practice in the industry whereby interest rates charged on margin accounts change with shifts in call money rates. In addition, the broker must describe with particularity any other credit charges which may be imposed and the method of determining these charges. Included are such items as minimum charges, various service charges and activity charges.

Paragraph (a)(2) of Proposed Rule 10b–16 (7 CFR 240.10b–16). Periodic Disclosure Requirements.

Under the Truth in Lending law, periodic statements are required at the end of each "billing cycle" for open end accounts. Because of the nature of margin accounts, regular periodic payments are not required and, therefore, there is no equivalent to the "billing cycle." However, in other respects, the margin account is in effect "open end" and periodic statements will assure that the investor is kept abreast of the transactions in his account. Paragraph (a)(2) of the rule requires this type of statement to be furnished on any account in which there was an interest or other finance charge imposed during the period.

A quarterly statement period has been chosen. It is felt that such a period will not cause undue hardship on the firm and will keep the customer adequately informed. It is the same period as that applied by the Commission in Rule 15c3–2 (17 CFR 240.15c3–2) under the Securities Exchange Act of 1934, requiring quarterly notices of the use of free credit balances. It is also the frequency provided for by those exchanges which by rule require statements to customers. Those firms which at present furnish monthly statements could, of course, continue this practice.

Under paragraph (a)(2), the statements would have to show the debits and credits to the margin account during the period as well as the opening and closing balances. The customer would also be informed of the total interest charge and the figures on which the charge is based, namely the interest rate and the debit balance. Where the interest rate remains the same but the interest is computed more than once during the statement period and a different debit balance is used in each calculation, no objection would be raised if, when appropriate, an average balance for the entire period is shown. In addition to the interest charge, the rule would require specific disclosure of all other charges related, directly or indirectly, to the extension of credit during the period.

The proposed rule would also require that the customer be notified, in advance, of changes in the terms or conditions under which credit charges can be made, unless the changes are made in accordance with specific terms previously disclosed to the customer in the initial statement provided for in paragraph (a)(1) of the rule, or unless they are required by law.

Pursuant to the Securities Exchange Act of 1934, particularly sections 10(b) and 23(a) thereof, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereto a new section 240.10b–16. The text of the new sections will read as follows:

§ 240.10b–16 Disclosure of credit terms in margin transactions.

(a) It shall be unlawful for any broker or dealer to extend credit, directly or indirectly, to any customer in connection with any securities transaction unless such broker or dealer has established adequate procedures pursuant to which each customer to whom credit is extended or is to be extended will receive the following:

(1) An initial written statement at the time of opening the account (or within 90 days after the effective date of this section, in any case in which credit is being extended at that time), disclosing: The conditions under which an interest charge will be imposed and the initial annual rate of interest to be charged; if this rate of interest is subject to change without prior notice, the specific conditions under which it may be so changed; the method of computing the debit balance on which interest is to be charged (if no credit is to be given for credit balances in cash accounts, this should be stated); a specific statement as to each additional credit charge, if any, to be imposed, and the conditions under which it will be imposed; the nature of any interest or lien retained by the broker-dealer in the security or other property held as collateral by the broker-dealer; the conditions under which additional collateral may be required; and

(2) A statement, at least quarterly, for each account in which credit was extended, showing the following: The balance at the beginning of the period, the date and amount of each debit and credit during the period with a brief description of the nature of the item, and the closing balance; the total interest charge during the period, itemized to show the annual interest rate or rates charged and the debit balance or balances on which each interest calculation was based (or where appropriate, the average balance on which the interest calculation was based, provided that a separate average balance must be computed for each interest rate applied); all other charges related to the extension of credit in that account; and the fact (if applicable) that the interest rate is subject to change at any time.

(b) It shall be unlawful for any broker or dealer to make any changes in the terms and conditions under which credit charges will be made (as described in the initial statement made under paragraph (a) of this section), unless the customer shall have been given not less than thirty (30) days written notice of such changes, except that no such prior notice shall be necessary where such changes are required by law.

(Secs. 10(b) and 23(a), 48 Stat. 891, 901, as amended, 49 Stat. 1379; 15 U.S.C. 78j, and 78w)

All interested persons are invited to submit their views and comments on the Commission's proposed rule to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 1, 1969. All comments will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 2, 1969.

[F.R. Doc. 69–5489; Filed, May 7, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-5480, Federal Deposit Insurance Corporation, *infra*.

Office of the Secretary

CONCORD GRAPES FROM CANADA

Determination of Sales at Less Than Fair Value

APRIL 29, 1969.

Information was received on September 18, 1967, that Concord grapes from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 25, 1967.

After consideration of all information received and views and argument presented, I hereby determine that for the reasons stated below Concord grapes from Canada are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based: Importations to the United States were pursuant to arms-length transactions between firms not related within the meaning of section 207 of the Antidumping Act. Since two types of producers market the subject merchandise in Canada, producers selling to licensed processors under the Farm Products Marketing Act, and producers who sell on the open market, purchase price was compared with the applicable adjusted home market price for identical or similar merchandise, as appropriate.

Calculation of the adjusted home market price of both identical and similar merchandise was made on the basis of the delivered price to processors. With respect to identical merchandise, adjustment was made for a cost factor for rejected loads incurred in sales in Canada but not on sales to the United States. With respect to similar merchandise, in addition to the adjustment for rejected merchandise, allowance was also made for differences in the cost of producing the similar merchandise in Canada as compared with the cost of producing the merchandise exported to the United States.

Purchase price was computed on the basis of the f.o.b. United States destination per ton price, from which the applicable included United States duty was deducted.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-5528; Filed, May 7, 1969; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. B-459]

LOUIS BUFALO

Notice of Loan Application

MAY 2, 1969.

Louis Bufalo, 4200 Central Avenue, Sea Isle City, N.J. 08243, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 55-foot length over-all wood vessel to engage in the fishery for whiting, cod, flounders, porgy, sea bass, and industrial fish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-5481; Filed, May 7, 1969; 8:47 a.m.]

Bureau of Indian Affairs

ASSISTANT AREA DIRECTOR (ADMINISTRATION) AND ASSISTANT AREA DIRECTOR (EDUCATION) JUNEAU AREA OFFICE, ALASKA

Redelegation of Authority

1. The Assistant Area Director (Administration) and Assistant Area Director (Education), Bureau of Indian Affairs, Juneau Area Office, are hereby authorized to severally exercise all the power and authority of the Area Director, Juneau Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3.

2. In the absence of the Area Director, Assistant Area Director (Administration), and Assistant Area Director (Education), persons authorized to act in their stead may exericse any and all authority conferred upon him by the Commissioner of Indian Affairs.

3. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

4. The effective date of this delegation will be the date of signature by the Area Director.

Dated: April 23, 1969.

CHARLES A. RICHMOND,
Area Director, Bureau of Indian Affairs, Juneau Area Office, Juneau, Alaska.

Approved:

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[F.R. Doc. 69-5482; Filed, May 7, 1969; 8:47 a.m.]

Bureau of Land Management

WASHINGTON

Notice of Filing of Plat

MAY 1, 1969.

1. Plat of survey of the land described below will be officially filed in the Public Records, Portland, Oreg., effective at 10 a.m., June 6, 1969.

WILLAMETTE MERIDIAN

T. 34 N., R. 2 W.,
Sec. 10, two unnamed islands and Buck Island;
Sec. 14, four unnamed islands and Secor Island;
Sec. 15, two unnamed islands and Hall Island;
Sec. 22, Hall Island;
Sec. 23, one unnamed island and Iceberg Island.

The areas described aggregate 9.03 acres.

2. The character of these islands varies from barren rock to a scattering of grasses, undergrowth and juniper.

3. One island is withdrawn to the Fish and Wildlife Service for a national Wildlife Refuge and the remaining islands are leased to the State of Washington under the authority of the recreation and public purposes act.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-5483; Filed, May 7, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00266-90-46070. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Scanning electron microscope, Model Stereoscan Mark II A. Manufacturer: Cambridge Instruments Co., Ltd., United Kingdom. Intended use of article: The article will be used for education and research in biology, solid state physics and electronics, textiles, metallurgy, and ceramics. The education objectives are to familiarize students of different disciplines with a method investigation which will lead to results not obtainable by other techniques. The instrument will be of great importance for the following research projects: (1) frictional properties of cotton fibers; (2) studies in stress corrosion cracking; (3) interface phenomena in engineering materials; (4) neutron diffraction studies of tooth components and crystal growth supplement to neutron diffraction studies of tooth components. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. (See copy of applicant's purchase order dated May 17, 1968.) Reasons: The foreign article has a guaranteed resolution of 250 angstroms or better. The only known scanning electron microscope available at the time the applicant placed the order for the foreign article, was the "Ultrascan SM-1" which is manufactured by the K Square Corp. (K Square). The "Ultrascan SM-1" has a guaranteed resolution of 500 angstroms or better. (The lower the numerical rating in terms of angstrom units, the better the resolution.) We are advised by the National Bureau of Standards (memorandum dated Mar. 3, 1969) that the additional resolving power available in the foreign article is necessary to the accomplishment of the purposes for which the foreign article is intended to be used. Therefore, the additional resolving power is a pertinent characteristic. For this reason, we find that the K Square "Ultrascan SM-1" is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States and was available to the applicant within a reasonable time at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5436; Filed, May 7, 1969; 8:45 a.m.]

NORTHWESTERN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00255-33-46040. Applicant: Northwestern University, Cresap Biology Laboratory, Evanston, Ill. 60201. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for both educational and research purposes. Educational use will include a course in submicroscopic morphology—a four credit one quarter course offered to graduate students.

The following research projects will be carried out using the electron microscope:

(i) Ultrastructure of the synaptonemal complex in premeiotic cells of the egg chamber of Drosophilia melanogaster.

(ii) Ultrastructure of the skin of the lamprey eel.

(iii) Fine Structure and Reconstruction of the Nucleolus in wild type and the singed mutant of Drosophila melanogaster.

(iv) Ultrastructure of the Foot Pad Cells of Sarcophaga bullata and Musca domestica during cuticle formation.

(v) Ultrastructural analysis of mitotic patterns in the developing egg chamber of the fes mutant of Drosophila melanogaster.

(vi) Ultrastructural changes in insect nervous systems during metamorphosis.

(vii) Cytology of the Vitellogenic stages of oogenesis in Drosophila melanogaster.

(viii) Ultrastructure of the synaptonemal complex in Drosophila virilis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. (See purchase order of applicant dated June 17, 1968.) Reasons: The applicant requires an electron microscope for instruction in a course in submicroscopic morphology. This involves the examination of unfixed and unstained biological specimens for which the optimum contrast is obtained with a 25 kilovolt accelerating voltage. The only known comparable electron microscope being manufactured in the United States and available to the applicant at the time the foreign article was ordered, was the Model EMU-4 produced by the Radio Corporation of America (RCA). The RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. We are advised by the Department of Health, Education, and Welfare (HEW) that the 25 kilovolt accelerating voltage is necessary to the accomplishment of the purposes for which the foreign article is intended to be used and, therefore, is a pertinent characteristic. For this reason, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available to the applicant at the time the foreign article was ordered.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5457; Filed, May 7, 1969; 8:45 a.m.]

SLIPPERY ROCK STATE COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be

filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00472–33–46040. Applicant: Slippery Rock State College, Slippery Rock, Pa. 16057. Article: Electron microscope, Model JEM–T7, JEM–ACS–2 anti-contamination device, and No. 1701 Wray binocular. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by a central teaching facility which will allow training of professional and technical personnel in the preparation and interpretation of electron micrographs of biological material. This training will enable the biologists to obtain more structural information at the cellular level than is currently obtained from light microscopy. Application received by Commissioner of Customs: March 17, 1969.

Docket No. 69–00518–33–46040. Applicant: University of Iowa, College of Dentistry, Dental Research Laboratory (Oakdale), Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 51. Manufacturer: Siemens AG, West Germany. Intended use of Article: The article is intended to be used for controlling experimental procedures and for educational purposes in biological research projects in the academic disciplines of medicine and denistry. The outlines or projects in progress are as follows:

A. Fast processing of experiments and preparation procedures in ultrastructural fixation of nervous tissue.

B. Checking of preparation procedures in aerosol particle counts from dental drilling.

C. Fast processing of staining procedures for biological ultrastructure.

D. Training of postgraduate and graduate students in biological ultrastructure.

Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69–00522–99–46040. Applicant: Loyola University, 6525 North Sheridan Road, Chicago, Ill. 60626. Article: Electron microscope, Model JEM–50. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used by selected students from courses in Microbiology, Histology, and Embryology. A highly sophisticated electron microscope presently on hand is not suitable for initial training of undergraduate students. Application received by Commissioner of Customs: April 9, 1969.

Docket No. 69–00534–33–46040. Applicant: Washington University, Department of Biology, St. Louis, Mo. 63130. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily for high resolution studies of cell ultrastructure in conjunction with thin sectioning, negative staining, and shadowing techniques. Studies include the ultrastructure of sperm flagella and correlating differences in ultrastructure with differences in locomotory patterns. Resolving the substructure of sperm flagella, necessary for these analyses, requires an instrument which is capable of extremely high resolution. The article will also be used for studies concerning meiotic cell division in the fungus gnat *Sciara*. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69–00535–33–46500. Applicant: Texas A. & M. University, College of Veterinary Medicine, Department of Veterinary Pathology, College Station, Tex. 77843. Article: Ultramicrotome, Model Reichert SIDEA "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of Article: The article will be used for serial sectioning tissue in uniform thickness of about 50 angstroms for study under the electron microscope. This is in connection with study concerning the developmental pathogenesis of cytoplasmic membranous inclusions in neurons for experimental and spontaneous cerebrospinal lipodystrophies. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69–00539–99–46040. Applicant: California State College, Hayward, 25800 Hillary Street, Hayward, Calif. 94542. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for teaching and instruction. Simplicity of operation and the short training period required for the article will make it ideal for teaching. It will be necessary for students of limited background to be trained in the techniques of electron microscopy within a few weeks. The article will also be used for graduate research in the fine structure of biological or geological material. Application received by Commissioner of Customs: April 17, 1969.

Docket No. 69–00540–01–77040. Applicant: State University of New York at Albany, 1400 Washington Avenue, Albany, N.Y. 12203. Article: Mass spectrometer, Model MS 902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used to obtain mass spectra at both high and low resolution, and to help solve a wide variety of chemical and biological problems. Typical applications of the instrument will include structure determination of a wide variety of natural products, including compounds showing significant mammalian toxicity; structure determination of a wide variety of organic and inorganic reaction products and intermediates and studies of the decomposition of organic ions using metastable ions as a key technique. Application received by Commissioner of Customs: April 17, 1969.

Docket No. 69–00541–01–77040. Applicant: University of Wyoming, Department of Chemistry, Box 3838 University Station, Laramie, Wyo. 82070. Article: Mass spectrometer, Model CH–5. Manufacturer: Varian/Mat GmbH, West Germany. Intended use of article: The article will be used as a research instrument in graduate programs involving problems in organic, inorganic, and physical chemistry. Some of the intended applications are as follows:

a. Structure studies of high molecular weight metal-polypeptide complexes and alkaloids.

b. Identification of components of complex mixtures resulting from photochemical reactions by mass spectrometry-gas chromatography combination.

c. Structure studies on unstable organometallic compounds.

d. Studies of deuterium isotope effects and reaction mechanisms of organic compounds, requiring precise relative abundance measurements.

e. Measurement of metastable ions, appearance potentials, pyrolysis studies and ion structure studies.

Application received by Commissioner of Customs: April 17, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5458; Filed, May 7, 1969; 8:46 a.m.]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00316–00–00530. Applicant: University of Texas, M.D., Anderson Hospital and Tumor Institute, Houston, Tex. 77025. Article: Microwave linear accelerator components. Manufacturer: Compagnie General Telegraphie, Sans Fil, France. Intended use of article: The articles will be incorporated as components of a high energy medicallinac for radiotherapy in accordance with specification prepared and issued by the applicant. Comments: Comments have been received from Varian Associates (Varian) which note that the applicant's reply to question 10 of the application states that both Varian and one other domestic manufacturer had offered instruments that met the applicant's specifications and further, that these domestic instruments were rejected because their respectively quoted prices were higher than the price quoted by the lowest bidder. (See Varian's comments dated Feb. 11, 1969, and applicant's reply to question 10.) Decision: Application denied. Foreign articles are not eligible for duty-free entry under either tariff item 851.60 or 851.65. Reasons: (1) Section 6(c)(1) of the above-cited Act provides for duty-free entry of

Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes:

851.60 Instruments and apparatus, if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States (see headnote 6 to this part). * * *

851.65 Repair components for instruments or apparatus admitted under item 851.60. * * *

The foreign articles are components intended for incorporation in a linear accelerator that is being constructed in the United States by a domestic manufacturer which was awarded the contract for construction of the accelerator because its bid was lower than that quoted by other domestic manufacturers for linear accelerators that met the applicant's specifications. The low bidder is constructing the accelerator according to a design originally developed by a foreign affiliate of the low bidder, which is furnishing the components to which the application relates. The major portion of the overall component needs is being manufactured in the United States by the low bidder. The operative language of the statute and of the regulations issued under its authority both speak in terms of complete instruments or apparatus, and accessories and components for such instruments or apparatus that have been entered duty-free under tariff item 851.60. Neither the statute nor the reports of the House Committee on Ways and Means (Report No. 1779, 89th Congress) and the Senate Committee on Finance (Report No. 1678, 89th Congress) speak of components for instruments or apparatus being manufactured in the United States, although such instruments or apparatus are intended for the use of nonprofit institutions established for educational or scientific purposes. (2) We note that in answer to question 10 of the application, the applicant states that bids of two domestic manufacturers were rejected on the basis of cost although these bids were technically feasible and met the applicant's specifications. Hence, the record shows that at least two manufacturers were willing and able to produce an apparatus of equivalent scientific value to that which is being constructed by a third domestic manufacturer in accordance with § 602.1(f)(2) of above-cited regulations, without the need for specialized foreign components. (3) We also note that the applicant's reply to question 7 states that the domestic manufacturer to which the contract was awarded "has the capability to manufacture the CFS [Compagnie Generale de Telegraphie Sans Fil] portions however, in order to insure optimum performance and timely delivery these more specialized components were subcontracted to CSF."

For the foregoing reasons, we find that the specialized components to which the application relates are not eligible for duty-free entry under tariff item 851.60 within the purview of headnote 6 to part 4, schedule 8 of the Tariff Schedules of the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5459; Filed, May 7, 1969; 8:45 a.m.]

Maritime Administration

[Report No. 96]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through April 28, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (175 ships)	1,254,114
British (48 ships)	385,567
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jolity	8,819
**Kali Elpis (trip to Cuba as the Ardmore—British)	4,664
**Kelso (trip to Cuba as the Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,620
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
*Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Southgate (previous trips to Cuba as the Arlington Court—British)	9,662
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Cypriot (37 ships)	269,779
Acme	7,173
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papallos (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papallos	9,431
El Toro	5,949
Free Navigator (previous trips to Cuba as the Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Glee	7,237
Huntsfield (previous trips to Cuba—British)	9,483
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protokilitos	6,154
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Cziadz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Lebanese (12 ships)	84,610
Antonis	6,259
Astir	5,324
Atticos	7,257
Ciannis	5,270
Giorgos Tsakirogiou	7,240
Ilena	5,925
Marichristina	7,124
Mousse	9,307
Noelle	7,251
Tony	7,176
Toula	6,426
Yanzilas	10,051
Greek (12 ships)	85,207
**Aegis Luck—(tanker) (trip to Cuba as the Captain Papalios—Cypriot)	11,676
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Barbarino	7,084
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
Irena	7,232
**Lambros M. Patsis (trips to Cuba as the La Hortensia—British)	9,486

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Greek—Continued	
**Paralos (trip to Cuba as the Agios Therapon—Greek)	7,205
Redestos	5,911
Sophia	7,030
Panamanian (6 ships)	41,713
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
**Tynlee (trip to Cuba as the Ardenode—British)	7,036
**Yu Lee (trips to Cuba as the Dairen—British)	4,939
Yugoslav (7 ships)	46,150
Agrum	2,449
Bar	8,776
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
French (6 ships)	19,316
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Somali (6 ships)	37,746
Aragon	7,248
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
Stevo (previous trips to Cuba—Lebanese)	7,066
Thios Costas	7,258
Italian (4 ships)	33,275
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Finnish (3 ships)	20,966
Augusta Paulin	7,096
Ragni Paulin	6,823
Verna Paulin	7,047
Maltese (3 ships)	19,793
Ispahan	7,169
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trip to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	6,854
**Rama Lesmana (trip to Cuba as the Glaisdale—British)	6,854

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship
a. Since last report:
None.
b. Previous reports:
Flag of registry (total) — Number of ships: 124
British — 44
Cypriot — 3
Danish — 1
Finnish — 4
French — 1
German (West) — 1
Greek — 30
Israeli — 1
Italian — 13
Japanese — 1
Kuwaiti — 1
Lebanese — 9
Liberian — 1
Norwegian — 5
Somali — 1
Spanish — 6
Swedish — 1
Yugoslav — 1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Antonia II (Cypriot)	7,281
Athelmere (British)	7,524
Chung Thai (Panamanian)	3,352

b. Previous reports:

Flag of registry:	Broken up, sunk or wrecked
British	15
Cypriot	18
Finnish	2
French	1
Greek	13
Italian	4
Lebanese	31
Maltese	2

Flag of registry:	Broken up, sunk or wrecked
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	2
South African	2
Swedish	1
Yugoslav	6
Total	101

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through April 28, 1969.

Flag of registry	Number of trips: 1963	1964	1965	1966	1967	1968: Jan. thru Oct.	1968: Nov.	1968: Dec.	1969: Jan.	1969: Feb.	1969: Mar.	1969: Apr.	Total
British	133	180	126	101	78	53	5	4	2	3	4	2	691
Lebanese	64	91	58	25	16	13	1	2			1	1	272
Greek	99	27	23	27	29	6		1					212
Cypriot		1	17	27	42	57	4	7	6	7	4	4	176
Italian	16	20	24	11	11	8		2	1	1		1	95
Yugoslav	12	11	15	10	14	7	1	1			1	1	73
French	8	9	9	10	10	3	1		1		1		52
Finnish	1	4	5	11	12	6	2						41
Spanish	8	17											25
Norwegian	14	10											24
Moroccan	9	13	1										23
Maltese		2	6	1	4	7		1					21
Somali					2	8	1	2	1	1		3	18
Netherlands		4	2										6
Swedish	3	3											6
Kuwaiti		2	1										3
Israeli			2										2
Japanese	1					1							2
Danish	1												1
German (West)	1												1
Haitian			1										1
Monaco				1									1
Subtotal	370	394	290	224	218	169	15	20	11	12	11	12	1,746
Polish	18	16	12	10	11	7							74
Grand total	388	410	302	234	229	176	15	20	11	12	11	12	1,820

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. No. 95, appearing in the FEDERAL REGISTER issue of March 29, 1969.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: May 1, 1969.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-5533; Filed, May 7, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2404) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2592 *Rosins and rosin derivatives* (21 CFR 121.2592) be amended to provide for the safe use of glycerol ester of tall oil rosin in the manufacture of articles or components of articles intended for use in contact with food. The petition proposes that the glycerol ester of tall oil rosin be identified for the purpose of the proposed amendment as having an acid number of 5 to 12, as determined by ASTM Method D 465-59; a softening point of 80° C.-88° C., as determined by ASTM Method E 28-67; and a color of N or paler, as determined by ASTM Method D 509-55.

Dated: April 30, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5477; Filed, May 7, 1969; 8:46 a.m.]

HOFFMANN-LA ROCHE, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (41-740V) has been filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing the establishment of a food additive regulation (21 CFR Part 121) to provide for the safe use of a combination drug containing sulfadimethoxine and ormetoprim (2,4-diamino-5-[4,5-dimethoxy-2-methylbenzyl] pyrimidine) with arsanilic acid or 3-nitro-4-hydroxyphenylarsonic acid in the feed of broiler chickens (1) for prevention of certain bacterial diseases (infectious coryza and *E. coli* infections) and coccidiosis, (2) for growth promotion and feed efficiency, and (3) for improving pigmentation.

Dated: May 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5478; Filed, May 7, 1969; 8:46 a.m.]

2,4-DICHLOROPHENYL *p*-NITROPHENYL ETHER

Notice of Reinstatement of Temporary Tolerances

The Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on the raw agricultural commodities collards, kale, mustard greens, and turnip greens at 0.75 part per million, and alfalfa at 0.05 part per million that expired February 9, 1969.

The petitioner has requested a reinstatement of the temporary tolerances for these commodities, and the Commissioner of Food and Drugs has determined that such reinstatement will protect the public health.

A condition under which these temporary tolerances are reinstated is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

These reinstated temporary tolerances expire April 29, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 29, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5479; Filed, May 6, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT 3)

Order Confirming Reconvening of Hearing on May 13, 1969 and Designating Place To Be at Spring Vale Inn, Crueger, N.Y.

On May 2, 1969, the hearing in this proceeding was recessed to reconvene on May 13, 1969. The place designated on May 2d was the Buchanan, N.Y., Fire Hall in view of the indicated unavailability of the Spring Vale Inn auditorium where the hearings have been held. On May 5, 1969, space arrangements were completed which render the auditorium in the Spring Vale Inn available on May 13, 1969. This auditorium appears to be suitable for the requirements of the number of and the access by the persons participating and attending this hearing.

Wherefore, it is ordered, Pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, the hearing in this proceeding, as ordered by the Commission, shall resume and reconvene at 10 a.m., on May 13, 1969, in the Spring Vale Inn auditorium, Crueger, N.Y.

All communication media are requested to transmit the information of the date and place of this resumed hearing, so that the public may be fully informed.

Issued: May 5, 1969 at Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 69-5555; Filed, May 7, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20970; Order 69-5-18]

AERO SPECIAL AIR FREIGHT

Order of Investigation and Suspension Regarding Increased Valuation Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1969.

By tariff revision[1] marked to become effective May 7, 1969, Carl K. Sparks, doing business as Aero Special Air Freight (Aero), a freight forwarder, proposes to increase its excess valuation rate for air freight shipments. The proposal would increase such rates from 15 cents to 25 cents for each $100 (or fraction thereof) by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher. The forwarder does not present any justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rate may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Aero's proposal involves increasing its excess valuation rate by approximately 67 percent, but no basis has been advanced for the proposed rise.[2] With relatively few exceptions, air freight forwarders publish excess valuation rates for general domestic traffic amounting to 10 or 15 cents per $100 of declared value in excess of 50 cents per pound, subject to a minimum of $50 per shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charge in Rule No. 70(b) on 1st Revised Page 11 of Carl K. Sparks doing business as Aero Special Air Freight's CAB No. 1, and rules, regulations, and practices affecting such provisions and charge, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charge, and rules, regulations, or practices affecting such provisions and charge;

2. Pending hearing and decision by the Board, the provisions and charge in Rule No. 70(b) on 1st Revised Page 11 of Carl K. Sparks doing business as Aero Special Air Freight's CAB No. 1 are suspended and their use deferred to and including August 4, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. A copy of this order shall be filed with the tariff and served upon Carl K. Sparks doing business as Aero Special Air Freight, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5514; Filed, May 7, 1969; 8:50 a.m.]

[1] Revisions to Aero Special Air Freight's Tariff CAB No. 1.

[2] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Incorporated," 27 C.A.B. 542 (1958). The Board, after investigation, found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services were. In similar actions, the Board suspended, pending investigation (1) increased excess valuation charges proposed by REA (Order E-13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E-22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Airvan Co. (Order E-23746, May 27, 1966); (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69-2-10, Feb. 3, 1969); and (5) increased excess valuation rates proposed by Astro Air Express, Inc., and Comet Air Freight (Order 69-4-26, Apr. 4, 1969).

[Docket No. 20966; Order 69-5-8]

BRITISH EAGLE INTERNATIONAL AIRLINES LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of May 1969.

By Order E-26348, served February 14, 1968, the Board issued a foreign air carrier permit to British Eagle International Airlines Limited (Eagle Airlines), an air carrier of the United Kingdom of Great Britain and Northern Ireland, to engage in various types of charter foreign air transportation. It is our understanding that Eagle Airlines has ceased operations and that its operating authority granted by the United Kingdom Air Transport Licensing Board has lapsed.

Accordingly, the Board tentatively finds and concludes that it is in the public interest to cancel Eagle Airlines' foreign air carrier permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by British Eagle International Airlines Limited;

2. Any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: British Eagle International Airlines Ltd.; and the Ambassador of the Government of the United Kingdom.

[1] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5515; Filed, May 7, 1969; 8:50 a.m.]

[Docket No. 18650; Order 69-5-13]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority on May 5, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at the First Meeting of the Cargo Traffic Procedures Committee.

The agreement, among other things, would amend IATA resolutions relating to air waybills by (1) clarifying that charges made by a carrier for the preparation of air waybills may be assessed upon either a shipper or a consignee, and (2) altering the conditions of contract printed on the reverse side of air waybill forms so as to refer shippers to a carrier's conditions of carriage for a determination of whether or not carriage is international and therefore subject to liability limitations established by the Hague Protocol to the Warsaw Convention. Additionally, the agreement includes a new resolution which provides that a charge may be assessed, the amount to be determined at the Athens IATA Cargo Conference which convened in April, for the amendment of an air waybill at the request of a shipper or his agent after the dispatch of a consignment from the airport of departure.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It tentatively not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolutions*
20884, R-1	101(CTPC)512d.
	201(CTPC)512d.
	301(CTPC)512d.
	JT12(1)(CTPC)512d.
	JT23(1)(CTPC)512d.
	JT31(1)(CTPC)512d.
	JT123(1)(CTPC)512d.
20884, R-3	201(CTPC)512c.
	301(CTPC)512c.
	JT12(1)(CTPC)512c.

2. It is tentatively not found that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act; *Provided*, That, insofar as air transportation as defined by the Act is concerned, such approval shall be subject to the following condition:

Agreement CAB	*IATA resolutions*
20884, R-4	101(CTPC)600b.
	201(CTPC)600b.
	301(CTPC)600b.

Provided, That the level of charges established pursuant to these resolutions shall be filed with and approved by the Board prior to being placed into effect.

Accordingly, it is ordered, That: Action on Agreement CAB 20884, R-1, R-3, and R-4, be and hereby is deferred with a view toward eventual approval, subject to the condition stated in finding paragraph 2.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulation, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5516; Filed, May 7, 1969; 8:50 a.m.]

[Docket No. 20967; Order 69-5-9]

TRANSGLOBE AIRWAYS LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of May 1969.

By Order 68-9-145, served September 30, 1968, the Board issued a foreign air carrier permit to Transglobe Airways Limited (Transglobe), an air carrier of the United Kingdom of Great Britain and Northern Ireland, to engage in various types of charter foreign air transportation. It is our understanding that Transglobe has ceased operations and that its operating authority granted by the United Kingdom Air Transport Licensing Board has lapsed.

Accordingly, the Board tentatively finds and concludes that it is in the public interest to cancel Transglobe's foreign air carrier permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Transglobe Airways Limited;

2. Any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: Transglobe Airways Limited; and the Ambassador of the Government of the United Kingdom.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5517; Filed, May 7, 1969; 8:50 a.m.]

[1] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Report 438]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 5, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) Within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No.; applicant; call sign; and nature of application

6324–C2–P–69—Dakota Radio Paging, Inc.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: 18th and Bahnson Avenues, Sioux Falls, S. Dak.

6325–C2–P–69—Dakota Radio Paging, Inc.; (KQK777); C.P. to change antenna location from 805 North Main Avenue, Sioux Falls, S. Dak. To: 18th and Bahnson Avenues, Sioux Falls, S. Dak., operating on base frequency 152.03 MHz.

6326–C2–TC–69—Citizens Telephone Co.; (KIY762); Consent to transfer of control from Sam A. George, Transferor to Mid-Continent Telephone Corp., Transferee. (2-way station at Lexington, S.C.)

6327–C2–P–(2)–69—Southern Bell Telephone & Telegraph Co.; (KIF654); C.P. to install an additional channel to operate on base frequency 152.69 MHz at its station located at 81 St. Phillip Street, Charleston, S.C., and add frequency 157.95 MHz for test, test location same as base.

6328–C2–P–(2)–69—West Texas Telephone Co.; (KLB503); C.P. to change antenna system, replace transmitters operating on base frequencies 152.54 and 152.78 MHz also correct station coordinates. Location: 4.7 miles northeast of Barstow (4,687' east of intersection of Highways Nos. 80 and 285, Pecos, Tex.).

6357–C2–P–69—Raco, Inc.; (New); C.P. for a new 2-way station. Frequency: 152.18 MHz. Location: Mount Alto, Rome, Ga.

6358–C2–P–69—Bluegrass Radio-telephone; (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: 119 Stone Road, Lexington, Ky.

6359–C2–P–69—Chapman Radio & Television Co.; (KIF650); Consent to assignment of license from William A. Chapman and George K. Chapman, Transferors to Airsignal International, Inc., Assignee. (1-way-station at Birmingham, Ala.)

6360–C2–AL–69—Chapman Radio & Television Co.; (KIE953); Consent to assignment of license from William A. Chapman and George K. Chapman, Transferors to Airsignal International, Inc. (1-way station at Atlanta, Ga.).

6361–C2–P–(4)–69—The Redco Corp. and Roy M. Teel and Lowry McKee doing business as Mobilfone; (KFQ944); C.P. to install control facilities to operate on frequencies 454.15 and 454.30 MHz at location No. 1: south of Highway 31, 1.1 mile east of Krebs, Okla., and install a repeater station at a site to be identified as location No. 2: Buffalo Mountain, 8 miles west of Talihina, Okla., to operate on frequencies 459.15 and 459.30 MHz.

6362–C2–ML–69—The Redco Corp. and Roy M. Teel and Lowry McKee doing business as Mobilfone; (KKA341); Modification of license to change base frequency 152.03 MHz to 152.18 MHz at location No. 3: Buffalo Mountain, 8 miles west of Talihina, Okla.

6364–C2–P–69—Chibardun Telephone Cooperative, Inc.; (KSJ755); C.P. to change antenna system and replace transmitter operating on frequency 152.63 MHz at its station located 2 miles northeast of Cameron, Wis.

6363–C2–P–69—Chibardun Telephone Cooperative, Inc.; (KSJ756); C.P. to change antenna location from 3 miles north of Sand Creek, Wis., to approximately 3¼ miles north of Sand Creek, Wis., and replace transmitter operating on base frequency 152.75 MHz.

6383–C2–P–(9)–69—Radio Relay Corp.; (KEC745); C.P. to replace transmitters operating on frequency 43.22 MHz at the following locations: Location No. 1: 135 Eastern Parkway, Brooklyn, N.Y., location No. 2: 29–28 41st Avenue, Long Island City, N.Y., location No. 3: 1047 Beach 21st Street, Far Rockaway, N.Y., location No. 4: Jerusalem Avenue, west of Wantagh Avenue, North Watagh, N.Y., location No. 5: 67–00 192d Street, Flushing, N.Y., location No. 6: 3000 Bronx Park East, Bronx, N.Y., location No. 7: 135 St. Andrews Lane, Glen Cove, N.Y., location No. 8: northwest corner of 34th Street and Seventh Avenue, New York, N.Y., and location No. 9: 400 Benedict Avenue, Tarrytown, N.Y., also change emission designator to 15F2.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6385–C2–P–69—Beasley and Carlson, Inc.; (KIY588); C.P. to install an additional channel to operate on base frequency 152.21 MHz at its station located at Industrial Bank Building, Savannah, Ga.

6384–C2–(2)–69—Western California Telephone Co.; (New); C.P. for a new 2-way station. Frequencies: 454.45 and 454.60 MHz. Location: 15900 San Jose Avenue, Los Gatos, Calif.

6386–C2–P–69—Answerite Professional Telephone Service; (New); C.P. for a new 1-way-signaling station. Frequency: 152.240 MHz. Location: 841 North Florida Avenue, Lakeland, Fla.

6387–C2–P–69—James D. and Lawrence D. Garvey, doing business as Radiofone; (KKO349); C.P. to install an additional channel to operate on base frequency 454.35 MHz at its station located corner O'Keefe and Howard Streets, New Orleans, La.

6388–C2–P–69—AAA Anserphone, Inc.—Jackson; (New); C.P. for a new 2-way station. Frequency: 152.15 MHz. Location: WCBI–TV Tower, Highway No. 12, approximately 4 miles north-northeast of center of Columbus, Miss.

6390–C2–P–69—Carolina Telephone & Telegraph Co.; (KFL939); C.P. to install an additional channel to operate on base frequency 152.54 MHz at its station located 401 West Fifth Street, Greenville, N.C.

6403–C2–P–69—New England Telephone & Telegraph Co.; (KCC472); C.P. to change antenna system operating on base frequency 152.69 MHz at its station located Garrison Hill, Dover, N.H.

6404–C2–P–69—John E. Taylor, doing business as Selective Paging; (New); C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: 107 Delaware Avenue, Buffalo, N.Y.

6418–C2–P–(2)–69—General Telephone Co. of the Southeast; (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Locations: Location No. 1: 380' northeast of east end of McGill Place, Durham, N.C. Location No. 2: Intersection of Austin Avenue and U.S. 54, Lowes Grove, N.C.

6419–C2–P–(2)–69—General Telephone Co. of the Southeast; (New); C.P. for a new 1-way station. Frequencies: 152.24 and 152.78 MHz. Location: 380' northeast of the east end of McGill Place, Durham, N.C.

6420–C2–P–(2)–69—Jerry D. Vaughan; (New); C.P. for a new 2-way station. Frequencies and locations: Location No. 1: Walker Mountain near Clermont, Ga., base frequency 454.250. Location No. 2: 719 Broad Street, Gainesville, Ga. (Control) on 459.250 MHz. Renewal of licenses expiring April 1, 1969. Term: April 1, 1969, to April 1, 1974.

Licensee, State, and call sign

Radio Dispatch Service, Alabama, KIJ352.
Radio Communications Service, Georgia, KIJ349.

Major Amendment

6084–C2–P–69—Bertha C. Mathews doing business as Mathews Telephone answering service; Application amended to read: C.P. to change frequency 35.58 MHz to 158.70 MHz. All other particulars remain same as reported on public notice dated Apr. 21, 1969, Report No. 436.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Major Amendment

5463–C1–P–69—Ohio Bell Telephone Co.; Major amendment to change operating frequencies from 6137.9 and 11,135 MHz to 6108.3 and 10,935 MHz. All other particulars same as reported in public notice dated Mar. 24, 1969.

RURAL RADIO SERVICE

6365–C1–P/L–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequency: 158.07 MHz. Subscriber and location: Espy Ranch, 13.6 miles south-southwest of Rawlins, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

2318–C1–R–69—The Pacific Telephone & Telegraph Co.; (KMQ44); Renewal of Developmental station license expiring May 29, 1969. Term May 29, 1969, to May 29, 1970.

86–C1–R–69—Hawaiian Telephone Co.; (KUQ93); Renewal of Developmental station license expiring May 23, 1969. Term May 23, 1969, to May 23, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

Northwestern Bell Telephone Co.; Renewal of licenses expiring May 27, 1969. Term: May 27, 1969, to May 27, 1970. Stations: KYN36, KYN37, and KYN38.

6330–C1–P–69—New York Telephone Co.; (KEK86); C.P. to add frequencies 6226.9, 6330.7, 4130.0 and 11,385 MHz toward new point of communication Smartville, N.Y., at its station located 2.5 miles east of Amboy Center, N.Y.

6331–C1–P–69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 6019.3, 6123.1, 6152.8, 10,755.0, 10,975.0 MHz. Location: 3 miles northeast of Smartville, N.Y.

6332–C1–P–69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequency: 6375.2 MHz. Location: 3.8 miles northeast of Barnes Corners, N.Y.

6333–C1–P–69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 11,345.0, 11465.0, 11,625.0, 11,665, and 6301.0 MHz. Location: 2.5 miles west-northwest of Adams Center, N.Y.

6334–C1–P–69—New York Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 10,895.0, and 11,055.0 MHz. Location: 170 Stone Street, Watertown, N.Y.

American Telephone & Telegraph Co.; Thirteen (13) C.P.'s to construct an additional pair of type TD–3 telephone channels on the Adams-Roanoke-Houston, Tex., radio relay route and on the branch route between Roanoke and Forth Worth, Tex., as follows:

6366–C1–P–69—American Telephone & Telegraph Co.; (KKN23); Add frequency 3870 MHz toward Arcola, Tex., at its station located 1407 Jefferson Street, Houston, Tex.

6367–C1–P–69—American Telephone & Telegraph Co.; (KZA41); Add 3910 MHz toward Houston and toward Roseberg, Tex., at station located 2.1 miles northwest of Arcola, Tex.

6368–C1–P–69—American Telephone & Telegraph Co.; (KZA40); Add frequencies 3870 MHz toward Arcola and toward Pattison, Tex., at its station located 1.8 miles west of Rosenberg, Tex.

6369–C1–P–69—American Telephone & Telegraph Co.; (KZA39); Add 3910 MHz toward Rosenberg, Tex., and toward Independence, Tex., at station located 8.6 miles north of Pattison, Tex.

6370–C1–P–69—American Telephone & Telegraph Co.; (KZA38); Add 3870 MHz toward Pattison and Caldwell, Tex., at station located 1.9 miles east of Independence, Tex.

6371–C1–P–69—American Telephone & Telegraph Co.; (KZA37); Add 3910 MHz toward Independence, Tex., and toward Hammond, Tex., at station located 10 miles north of Caldwell, Tex.

6372–C1–P–69—American Telephone & Telegraph Co.; (KZA36); Add 3870 MHz toward Caldwell, Tex., and toward Riesel, Tex., at station located 0.5 mile west of Hammond, Tex.

6373–C1–P–69—American Telephone & Telegraph Co.; (KZA35); Add 3910 MHz toward Hammond, Tex., and toward West, Tex., at station located 2.4 miles east-southeast of Riesel, Tex.

6374–C1–P–69—American Telephone & Telegraph Co.; (KZA34); Add 3870 MHz toward Riesel, Tex., and toward Itasca, Tex., at station located 1 mile north of West, Tex.

6375–C1–P–69—American Telephone & Telegraph Co.; (KZA33); Add 3910 MHz toward West, Tex., and toward Kennedale, Tex., at station located 2.4 miles east of Itasca, Tex.

6376–C1–P–69—American Telephone & Telegraph Co.; (KYZ92); Add 3870 MHz toward Itasca, Tex., and toward Roanoke, Tex., at station located 3 miles south-southeast of Kennedale, Tex.

6377–C1–P–69—American Telephone & Telegraph Co.; (KYZ91); Add 3910 MHz toward Kennedale, Tex., Forth Worth, Tex., and toward Adams, Tex., at its station located 4.9 miles northwest of Roanoke, Tex.

6378–C1–P–69—American Telephone & Telegraph Co.; (KKH66); Add 3950 MHz toward Roanoke, Tex., at its station located at Adams, 3.5 miles northeast of Frisco, Tex.

6379–C1–P/ML–69—Southwestern Bell Telephone Co.; (KTQ67); C.P. and modification of license to add frequency 6112.5 MHz toward a new point of communication KTXT–TV, Lubbock, Tex., at its station located 1408 Broadway, Lubbock, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6380–C1–MP–69—Indiana Bell Telephone Co.; (KSN76); Modification of C.P. to change frequency 6204.7 MHz to 6382.6 MHz directed toward Frankfort, Ind., at station located 0.25 mile southeast of Lebanon, Ind.

6381–C1–MP–69—Indiana Bell Telephone Co.; (KSN77); Modification of C.P. to change frequency 5952.6 MHz to 6130.5 MHz directed toward Lebanon, Ind., at station located 0.5 mile north of Frankfort, Ind.

6406–C1–P–69—Communications Satellite Corp.; (New); C.P. for a new fixed station. Frequencies: 11,365, 11,525, and 11,685 MHz. Location: East of Talkeetna, Alaska.

6407–C1–P–69—Communications Satellite Corp.; (New); C.P. for a new fixed station. Frequencies: 6063.8, 6093.45, 6123.1, 6775, 6815, 6855 MHz. Location: 1.6 Km. west of Twelvemile Lake, Alaska.

6408–C1–P–69—Communications Satellite Corp.; (New); C.P. for a new fixed station. Frequencies: 6635, 6675, 6695, 10,755, 10,915, 11,075 MHz. Location: 9.5 Km. west of Talkeetna, Scotty Lake, Alaska.

6409–C1–P–69—Illinois Bell Telephone Co.; (KVU30); C.P. to change point of communication from north of Centralia, Ill. (KSJ56), to Centralia, Ill., for frequencies 6226.9 and 10,755 MHz, at station located 0.5 mile north-northwest of St. Rose, Ill.

6410–C1–P–69—Illinois Bell Telephone Co.; (KVH79); C.P. to change point of communication from north of Centralia, Ill. (KSJ56), to Centralia, Ill., for frequencies 6390.0, 6271.4 MHz and add frequencies 6360.3 and 10,795 MHz toward same point at its station located 0.7 mile south of Vandalia, Ill.

6411–C1–P–69—Illinois Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 6108.3, 11,525 MHz, 5960.0, 5974.8, and 11,685 MHz (relocated from KSJ56). Location: 211 North Oak Street, Centralia, Ill.

2306–C2–R–69—The Mountain States Telephone & Telegraph Co.; (KAR68); Renewal of Developmental station license expiring June 1, 1969. Term June 1, 1969, to June 1, 1970.

6421–C1–P–69—South Central Bell Telephone Co.; (KJK52); C.P. to add frequencies 6204.7, 6323.3 MHz toward Hale Knob, Ky., at station located approximately 5.2 miles west-southwest of Mount Vernon, Ky.

6422–C1–P–69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 5945.2, 6004.5 MHz. Location: 9.5 miles north-northeast of Boone, Iowa.

6423–C1–P–69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies 6197.2, 6256.5 MHz. Location: 1 mile south-southeast of Radcliffe, Iowa.

6424–C1–P–69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 5945.2, 5974.8, 6004.5, 6034.2 MHz. Location: 5 miles west-southwest of Hampton, Iowa.

6425–C1–P–69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 6197.2, 6226.9, 6256.5, 6286.2 MHz. Location: 3.5 miles east-northeast of Mason City, Iowa.

6426–C1–P–69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 5945.2, 6004.5 MHz. Location: 118 First Street SE., Mason City, Iowa.

6427–C1–P–69—General Telephone Co. of the Southwest; (KLG23); Modification of C.P. to add frequencies 6323.3 and 6264.0 MHz toward a new point of communication Katemcy, Tex., at its station located on old Mason Highway, 0.5 mile east from intersection of Highway No. 337 and old Mason Highway, Brady, Tex.

6428–C1–P–69—General Telephone Co. of the Southwest; (New); C.P. for a new fixed station. Frequencies: 5982.3, 6011.9, 6071.2, 6160.2, 10,755, and 11,075 MHz. Location: 4.2 miles south-southeast of Katemcy, Tex.

6429–C1–P–69—General Telephone Co. of the Southwest; (New); C.P. for a new fixed station. Frequencies: 11,285, and 11,605 MHz. Location: 206 Broad Street, Mason, Tex.

6430–C1–P–69—General Telephone Co. of the Southwest; (New); C.P. for a new fixed station. Frequencies: 11,325, 11,645, 6234.3, 6412.2 MHz. Location: 0.5 mile east of Junction, Tex.

6431–C1–P–69—General Telephone Co. of the Southwest; (New); C.P. for a new fixed station. Frequencies: 10,795, 11,115 MHz. Location: 211 North 10th Street, Junction, Tex.

[F.R. Doc. 69–5532; Filed, May 7, 1969; 8:51 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business April 30, 1969, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 469,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 191,[1] and shall send the same to the Federal Reserve Bank of the district wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 87,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition—First Call in 1969" and "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated April 1969.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Summary Instructions for the preparation of Report of Condition on FDIC Form 64—Call No. 87—First Call in 1969" and with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

K. A. RANDALL,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 69-5480; Filed, May 7, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1142]

GRIEVE & MITCHEL SHIPPING, INC.

Order of Revocation

By letter dated April 26, 1969, Grieve & Mitchel Shipping, Inc., 107 Camp Street, New Orleans, La., returned Independent Ocean Freight Forwarder License No. 1142 to the Commission for cancellation and advised business as an Independent Ocean Freight Forwarder will be discontinued effective April 30, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03.

It is ordered, That the Independent Ocean Freight Forwarding License No. 1142 of Grieve & Mitchel Shipping, Inc., be and is hereby revoked effective April 30, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director, Bureau of Domestic Regulation.

[F.R. Doc. 69-5518; Filed, May 7, 1969; 8:50 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND SHUN CHEONG STEAM NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. J. Finnan, Analyst Rates & Tariffs, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La.

Agreement No. 9624-4, between Lykes Bros. Steamship Co., Inc., and Shun Cheong Steam Navigation Co., Ltd., modifies the basic transshipment agreement between the parties by increasing Shun Cheong's portion of the through rates as specified therein.

Dated: May 5, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5519; Filed, May 7, 1969; 8:50 a.m.]

CITY OF LONG BEACH AND NATIONAL MOLASSES CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-2153 between the City of Long Beach (City) and National Molasses Co. (National), as amended by Agreement No. T-2153-1, grants to National the right to use certain premises as a bulk liquid terminal, including the preferential assignment of wharf space. Use of the wharf by National and other users will be in accordance with applicable charges appearing in the Port of Long Beach Tariff. All charges which are assessed and retained by National for services rendered in connection with liquid bulk cargoes shall be subject to review by the City, and City reserves the right to disapprove any rate, charge, regulation, or practice of National in its terminal operations.

Dated: May 5, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5520; Filed, May 7, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-721]

FERGUSON OIL CO.

Order Accepting Contract Agreement, Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 1, 1969.

On April 7, 1969, Bill Ferguson, doing business as Ferguson Oil Co. (Operator) et al. (Ferguson),[1] tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Letter Agreement, dated March 17, 1969.[2] (2) Notice of Change, dated April 3, 1969.

Purchaser and producing area: Panhandle Eastern Pipe Line Co. (Kingman County, Kans.).

Effective date: (1) April 7, 1969,[3] (2) April 7, 1969.[4]

Rate schedule designation: (1) Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6. (2) Supplement No. 3 to Ferguson's FPC Gas Rate Schedule No. 6.

Amount of annual increase: $331.

Effective rate: 16 cents per Mcf.[5]

Proposed rate: 18 cents per Mcf.

Pressure base: 14.65 p.s.i.a.

Ferguson requests waiver of the statutory notice and the shortest possible suspension period if the Commission should suspend his proposed rate increase. In view of the circumstances involved in this case, we conclude that it would be in the public interest to waive, to the extent necessary, the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit Ferguson's notice of change to be suspended from April 7, 1969, the date of filing, and the contract amendment be accepted for filing to be effective as of April 7, 1969, the date of filing of the notice of change in rate.

Ferguson proposes a 2-cent increase in rate from 16 cents to 18 cents per Mcf, amounting to approximately $331 annually, for a sale of gas to Panhandle Eastern Pipe Line Co. (Panhandle) from the No. 1 Freemer Well in Kingsman County, Kans. The 2-cent increase to be paid by Panhandle is for Ferguson's compression of the gas above the original contract pressure. Ferguson's proposed 18-cent rate exceeds the increased rate ceiling for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56) and should be suspended. However, in these special circumstances, we conclude that it would be in the public interest to suspend Ferguson's rate increase for only 1 day from April 7, 1969, the date of filing.

Concurrently with the filing of his notice of change in rate, Ferguson submitted a letter agreement dated March 17, 1969, designated as Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6, which provides for the increased rate. We believe that it would be in the public interest to accept for filing Ferguson's proposed letter agreement to become effective as of April 7, 1969, the date of filing of the notice of change in rate, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Ferguson's letter agreement dated March 17, 1969, designated as Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6, and for permitting such supplement to become effective on April 7, 1969, the date of filing of Ferguson's notice of change in rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Ferguson's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 2 to Ferguson's FPC Gas Rate Schedule No. 6 is accepted for filing and permitted to become effective on April 7, 1969, the date of filing of Ferguson's notice of change in rate.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Ferguson's FPC Gas Rate Schedule No. 6.

(C) Pending such hearing and decision thereon, Supplement No. 3 to Ferguson's FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until April 8, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Ferguson, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Ferguson shall execute and file under Docket No. RI69-721, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Panhandle Eastern Pipe Line Co., the purchaser. Unless Ferguson is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[6]

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] Filed as part of original document.

[1] Address is: 1505 Wichita Plaza Bldg., Wichita, Kans. 67202.

[2] Letter Agreement provides for buyer to pay seller 2 cents for compressing gas and for buyer to take up to 300 Mcf per day.

[3] The effective date for the contract amendment is the date of filing of the notice of change in rate.

[4] The effective date is the date of filing.

[5] Present rate is effective subject to refund in Docket No. RI69-637.

[6] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by Ferguson, then it would not be necessary for Ferguson to file an agreement and undertaking as provided herein. In such circumstances, Ferguson's proposed increased rate will become effective as of the expiration of the suspension period without any further action by Ferguson.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 13, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-5460; Filed, May 7, 1969; 8:45 a.m.]

[Docket No. CP69-140]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 1, 1969.

Take notice that on April 24, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-140 a petition to amend the order issued in said docket on February 24, 1969, by requesting that location of the Compressor Station No. 5 be changed and the installation of turbocharging kits be at Compressor Station No. 6, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct and operate certain facilities to increase the daily design delivery capacity of its Northwest Division Mainline System by approximately 50,000 Mcf per day. The construction of the Compressor Station No. 5 and the installation of the turbochargers at Compressor Station No. 4 were part of the authorized project.

Petitioner states that because of climatic conditions the original site of Compressor Station No. 5 would be accessable during the winter months only with great difficulty. Petitioner therefore proposes to relocate the site of the station approximately 5.5 miles upstream of the original site location.

Petitioner further states that, as a result of relocating Compressor Station No. 5, more effective utilization of horsepower available from turbocharging will be realized by installing turbocharging kits at its Compressor Station No. 6 in lieu of the authorized installation of such kits at Compressor Station No. 4.

No increase in cost is anticipated by Petitioner as a result of the relocation of Station No. 5 site. However, the proposed change in the turbocharging will result in an estimated net increase of $277,415 in the total estimated project cost due to the differences in the compressor units now proposed to be turbocharged.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-5461; Filed, May 7, 1969; 8:45 a.m.]

[Docket No. CP68-231]

COLUMBIA OFFSHORE PIPELINE CO. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

MAY 1, 1969.

Take notice that on April 22, 1969, Columbia Offshore Pipeline Co. (Columbia Offshore) and Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP68-231 a petition to amend the order issued in that docket on March 6, 1969, by authorizing the construction and operation of transmission facilities between Pecan Island and Egan, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Petitioners state that as a result of continued development of the engineering design of the proposed pipeline facilities from Egan to the Pecan Island Field, the facilities as originally proposed and certificated as Phase I in Docket No. CP68-231 on March 6, 1969, have been modified so that Petitioners now request authorization for 40.7 miles of 30-inch pipeline from Egan to the Pecan Island Area, a measuring station at that point, and supply lines from that point of the two delivery points in the Pecan Island Field, consisting of 4.4 miles of 18-inch pipeline and 2.7 miles of 16-inch pipeline.

The revised cost of the entire Egan-to-Pecan Island pipeline and appurtenant facilities is estimated to be $11,891,100, as compared with $12,951,500 estimated cost as shown in the applications in Dockets Nos. CP68-231 and CP69-121.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-5462; Filed, May 7, 1969; 8:45 a.m.]

[Docket No. CP69-274]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 1, 1969.

Take notice that on April 22, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-274 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain additional storage compressor facilities, all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate two additional 4,000 horsepower engines and related equipment at its existing Lightburn Compressor Station, which is used in the operation of its Fink-Kennedy Storage Pool in Harrison and Lewis Counties, W. Va.

Applicant states that the proposed development will enable it to cycle an estimated 6,700,000 Mcf of additional storage gas now required to be maintained as cushion gas in its Fink-Kennedy Storage Pool, without loss of storage deliverability at the end of winter withdrawal seasons. The application indicates that the proposed additional development, together with other pending storage development, is required to meet normal growth and increased storage service in its market.

Applicant further states that the total capacity of the Fink-Kennedy Storage Pool will remain unchanged, and, therefore, no additional gas supply is required in connection with the subject proposal and that no additional sales or services are proposed by the subject application.

The application indicates that the total estimated cost of the proposed project is $2,861,336, which cost will be financed from funds on hand and from funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

Any persons desiring to be heard or to make any protest with reference to said application should on or before May 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the mater finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-5463; Filed, May 7, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The Portage County Bank, Almond, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5465; Filed, May 7, 1969; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Adams County State Bank, Adams, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5466; Filed, May 7, 1969; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Adams County State Bank, Adams, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 29th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5467; Filed, May 7, 1969; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Westfield State Bank, Westfield, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5468; Filed, May 7, 1969; 8:46 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Peoples State Bank, New Holstein, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 29th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5469; Filed, May 7, 1969; 8:46 a.m.]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of Commercial Bank at Daytona Beach, Daytona Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5470; Filed, May 7, 1969; 8:46 a.m.]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of Peninsula State Bank at Daytona Beach Shores, Daytona Beach Shores, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5471; Filed, May 7, 1969; 8:46 a.m.]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of Holly Hill, Holly Hill, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 30th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5472; Filed, May 7, 1969; 8:46 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

[Public Law 90-146; 81 Stat. 466]

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Amendment of Advance Notice of Hearings

The advance notice of Hearings published December 11, 1968, in the FEDERAL REGISTER (33 F.R. 18414), is hereby amended to delete reference to the hearing entitled "Economics of Home Injuries." The hearing will be rescheduled at a later date.

Dated: May 5, 1969.

ARNOLD B. ELKIND, *Chairman.*

[F.R. Doc. 69-5499; Filed, May 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

MAY 2, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 5, 1969, through May 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5485; Filed, May 7, 1969; 8:47 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MAY 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 5, 1969, through May 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5486; Filed, May 7, 1969; 8:47 a.m.]

[812-2398, 811-1713]

GENERAL INTERNATIONAL CORP.

Notice of and Order for Hearing on Application of Act for Order Declaring That Company Not an Investment Company and for Order Terminating Its Registration

APRIL 30, 1969.

Notice is hereby given that General International Corp. ("applicant"), 227 South Seventh Street, Springfield, Ill., registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company, has filed an application (1) pursuant to section 3(b)(2) of the Act for an order declaring that applicant is

primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses and (2) pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized under the laws of Illinois on December 16, 1960. Applicant states that until December 1966 it was primarily engaged in the business of an insurance company through a majority-owned subsidiary. In December of 1966, applicant exchanged the stock of this majority-owned subsidiary and 10,000 shares of the applicant's stock for slightly less than 10 percent of the outstanding common stock of General Corporation of Ohio ("Ohio"), which was then primarily engaged in the business of an insurance company, through majority-owned subsidiaries. Applicant indicates that as a result of such acquisition it fell within the definition of an investment company under the Act, but states that it was excepted from such definition by virtue of the provisions of section 3(c)(8) of the Act, which affords such an exception to any company 90 percent or more of the value of whose investment securities are represented by securities of a single issuer primarily engaged, directly or through majority-owned subsidiaries in the business of an insurance company.

In October 1967, Ohio acquired an interest in a company which was not engaged in the business of an insurance company. As a result of this acquisition, Ohio ceased to be engaged primarily, directly or through majority-owned subsidiaries, in the business of an insurance company. Consequently, applicant states it ceased to be entitled to the exception from the definition of an investment company afforded by section 3(c)(8) of the Act; and on August 12, 1968, applicant registered as an investment company under the Act.

Later in 1968, applicant through its majority-owned subsidiaries acquired interests in various businesses. As of October 31, 1968, applicant owned 114,609 shares (approximately 11 percent) of the outstanding common stock of Ohio. The book cost of such interest to applicant aggregated $619,470, which was equivalent to about 48 percent of the cost of its total assets (exclusive of cash items and Government securities) at that date. At the same date, applicant also owned interests in four majority-owned subsidiaries as defined in the Act. Such interests consisted of an 80 percent interest in Frye-Williamson Press, Inc. ("Frye"), which is engaged in the printing business and an 84.375 percent interest in General International Industries, Inc. ("Industries"), which, in turn, owned a 100 percent interest in Vogt Appliance Corp. ("Vogt"), which is engaged in the business of manufacturing health products and an 80 percent interest in Safety Flames Corp. ("Safety"), which is engaged in the business of manufacturing patio torches and other items. The cost to applicant of such interests in its majority-owned subsidiaries aggregated $667,613, which was equivalent to about 51 percent of the book cost of its total assets (exclusive of cash items and Government securities) at October 31, 1968.

Applicant has valued its assets at October 31, 1968, taking its interest in its majority-owned subsidiaries on the basis of determinations made by applicant's board of directors and taking its interest in Ohio on the basis of bid price quotations in the over-the-counter market at September 30, 1968. On such basis, applicant's interest in Ohio had a value of $1,089,000 which was equivalent to 46 percent of the total adjusted value of its assets (exclusive of cash and Government securities) and its investment in its majority-owned subsidiaries aggregated $1,250,000 (as compared to cost in 1968 of $667,613) or 53 percent of the value of its total adjusted assets (exclusive of cash and Government securities) at the same date. On the foregoing basis, it appears that applicant is an investment company as defined in section 3(a)(3). However, applicant indicates that it would not be an investment company under section 3(a)(3) if its investment in Ohio and in its majority-owned subsidiaries were valued as described in the application; and that it is entitled to a finding that it is not an investment company because of the following circumstances.

Applicant represents that it acquired its interests in the businesses of its majority-owned subsidiaries with the intent of operating them on a long-term basis and not with an intent to sell them at any time in the foreseeable future.

Applicant states that it has selected all of the members of the board of directors of each of its majority-owned subsidiaries; that the board of directors of each majority-owned subsidiary consists of five members and that three directors of applicant are also members of the board of directors of each of its majority-owned subsidiaries. Applicant also states that its president is the vice president, assistant secretary, and assistant treasurer of each of its majority-owned subsidiaries; that the assistant secretary and assistant treasurer of applicant holds the same position with each of the majority-owned subsidiaries and that a director of applicant is secretary and treasurer of Industries, Safety, and Vogt. Applicant further states that each of the persons referred to above participates in the management of the various subsidiaries as described in the application and that applicant makes all policy and long range decisions for its majority-owned subsidiaries. Since acquiring Frye and Industries, the number of employees of applicant has increased from two to seven, all of whom now devote their entire working time to the business of Frye and Industries. Applicant's primary source of income is the management fee paid to it by Frye and Industries.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the application pursuant to sections 3(b)(2) and 8(f) of the Act;

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 26th day of May 1969, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 23d day of May 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination:

(1) Whether applicant is an investment company as defined in section 3(a)(3) of the Act, and, if so, whether applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly, or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

(2) Whether applicant has ceased to be an investment company.

(3) If applicant has ceased to be an investment company, whether it is necessary for the protection of investors that the order contain appropriate conditions.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to applicant, those persons who have requested a hearing, or who have requested to be notified if a hearing is ordered, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5487; Filed, May 7, 1969; 8:47 a.m.]

TELSTAR, INC.

Order Suspending Trading

MAY 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 5, 1969, through May 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5488; Filed, May 7, 1969; 8:47 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

MAY 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 4, 1969, through May 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5489; Filed, May 7, 1969; 8:47 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MAY 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1969, through May 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5490; Filed, May 7, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-5480, Federal Deposit Insurance Corporation, *supra*.

INTERSTATE COMMERCE COMMISSION

[Notice 1292]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 2, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 9325 (Sub-No. 41), filed April 11, 1969. Applicant: K LINES, INC., Post Office Box 567, Lake Oswego, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eugene, Oreg., to points in Del Norte, Siskiyou, and Modoc Counties, Calif., and Curry County, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 22167 (Sub-No. 25) (Amendment), filed January 6, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as amended, this issue. Applicant: CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif. 90641. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *classes A and B explosives*, between points in Arizona, California, New Mexico, Texas, Utah, the Louisiana Ordnance Plant at or near Doyline, La., Fort Sill and the Naval Ammunition Depot at or near Savannah-Haywood, Okla. NOTE: Applicant states that no duplicating authority is being sought. This republication is for the purpose of including the State of California as one of the States to be served. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 25798 (Sub-No. 186), filed April 10, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Jack H. Blanshan, 20 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 26739 (Sub-No. 63), filed April 11, 1969. Applicant: GROUCH BROS., INC., U.S. Highway 36, Elwood, Kans. 66024. Applicant's representative: George W. Keefer, Post Office Box 1059, St. Joseph, Mo. 64502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Shenandoah, Iowa, and Lincoln, Nebr., from Shenandoah over Iowa Highway 2 to the Iowa-Nebraska State line and thence over Nebraska Highway 2 to Lincoln and return over the same route, serving the intermediate points of Sidney, Iowa, and Nebraska City, Nebr., and the off-route points of Farragut, Hamburg, and Riverton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 29553 (Sub-No. 8), filed April 11, 1969. Applicant: LAMBERT'S EXPRESS, INC., 1000 South Fourth Street, Harrison, N.J. 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen sinks, and household and electrical appliances*, from Edison Township, N.J., to Newark, N.J., and *returned shipments* on return. NOTE: Applicant states it proposes to join the authority sought at Newark, N.J., with its Subs 3 and 5 certificates providing through service to points in Suffolk, Nassau, Westchester, Dutchess, Orange, Rockland, Ulster, Sullivan, and Putnam Counties, N.Y., and Hartford, New Haven, and Fairfield Counties, Conn. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61231 (Sub-No. 43) (Correction), filed March 28, 1969, published in the FEDERAL REGISTER of April 24, 1969, and republished as corrected this issue. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed supplements*, from Chicago Heights, Ill., to points in Missouri and Nebraska. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. This republication is for the purpose of showing Chicago Heights, Ill., as the origin point. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61396 (Sub-No. 216), filed April 17, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk and in bags, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 64932 (Sub-No. 474), filed April 21, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Granite City, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 68328 (Sub-No. 3), filed April 9, 1969. Applicant: JERSEY SEABOARD LINES, INC., Route 34, Post Office Box 1, Spring Lake, N.J. 07762. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Monmouth, Middlesex, and Ocean Counties, N.J., on the one hand, and, on the other, points in New Jersey in the New York, N.Y. commercial zone as defined by the commission, East Rutherford, Lyndhurst, Newark, Port Newark, Elizabeth, Port Elizabeth (Union County), and Kearny, N.J. (restricted to shipments having prior or subsequent movement in interstate commerce). NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 79080 (Sub-No. 10) (Correction), filed March 6, 1969, published FEDERAL REGISTER issue of April 10, 1969, corrected April 14, 1969, and republished as corrected, this issue. Applicant: AUSTGEN EXPRESS & STORAGE COMPANY, a corporation, Post Office Box 1528, Aurora, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic containers; container components and ends; and supplies* used in the manufacture and distribution of metal and plastic containers and container ends that move with metal and plastic containers and container ends; and *steel, plastic, tin, and aluminum tops and closures*, from points in Cook and Kane Counties, Ill.; Peoria and Danville, Ill.; St. Louis, Mo.; Mankato, Minn.; Milwaukee and Racine, Wis.; and Elwood, Ind., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Missouri, Iowa, Wisconsin, Minnesota; and Omaha, Nebr. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to reflect that Mankato is in the State of Minnesota, in lieu of Wisconsin, as shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 247), filed April 14, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, and J. P. Welsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe and connections or fittings, wrought iron conduit pipe and connections or fittings, flexible steel conduit, steel armored and steel and lead armored copper cable, and strip steel*, from Glen Dale, W. Va., and Carnegie, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 85465 (Sub-No. 18), filed April 21, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh hams*, from points in Indiana, Ohio, and Minnesota (except Austin), to Scottsbluff, Nebr., and Delphos, Ohio. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 86913 (Sub-No. 27), filed April 9, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Ohio, Maryland, and New York (except points in the New York, N.Y. commercial zone as defined by the Commission), and points in that part of Pennsylvania west and north of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 22, and thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to points in North Carolina east of U.S. Highway 1. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 216), filed April 9, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Wilmer B. Hill, 666 11th Street NW., Suite 705, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, when moving in mixed loads with meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Austin, Minn., to points in Virginia, North Carolina, those in that portion of West Virginia south of U.S. Highway 60, and the District of Columbia, restricted to traffic originating at the plantsite and warehouse facilities of Geo. A. Hormel & Co. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Chicago, Ill.

No. MC 96500 (Sub-No. 7), filed April 14, 1969. Applicant: HARRY'S EXPRESS COMPANY, INC., 545 West 25th Street, New York, N.Y. 10000. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stuffed toy animals, dolls and musical cases*, from applicant's terminal at New York, N.Y., and steamship piers in the New York, N.Y., commercial zone to Deer Park, N.Y., under a continuing contract or contracts with R. Dakin & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 97699 (Sub-No. 29), filed April 11, 1969. Applicant: BARBER TRANSPORTATION COMPANY, a corporation, 321 Sixth Street, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Marmarth, N. Dak., and Baker, Mont., over U.S. Highway 12, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baker, Mont.

No. MC 99090 (Sub-No. 8) (Correction), filed March 17, 1969, published FEDERAL REGISTER issue of April 17, 1969, corrected and republished as corrected, this issue. Applicant: YATES TRUCK LINES, INC., Maud, Ky. 40042. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rigid polyvinyl chloride pipe*, between the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky., on the one hand, and, on the other, points in the United States except points in Hawaii and Alaska; (2) *materials, equipment, and supplies* used in the manufacture of rigid polyvinyl chloride pipe, between points in the United States, except Hawaii and Alaska, on the one hand, and, on the other, the site of the plant of Universal Pipe and Plastic, Inc., near Springfield, Ky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to add "the United States, except points in Hawaii, and," which were inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 102567 (Sub-No. 131), filed April 18, 1969. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid paper and pulp mill products, byproducts and derivatives*, in bulk, in tank vehicles, from Bogalusa, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103191 (Sub-No. 26), filed April 21, 1969. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Beverley S. Simms, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Orlando, Fla., to North Charleston, S.C., and points within 10 miles of North Charleston, S.C. NOTE: Applicant states that no duplicating authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 103993 (Sub-No. 400), filed April 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movement from Putnam County, Ohio, to points in the United States (except Alaska and Hawaii), and (2) *buildings in sections*, mounted on their own or removable wheeled undercarriages in initial movement, from points in Putnam County, Ohio, to all points in the United States except Alaska, Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Lima, Ohio.

No. MC 105045 (Sub-No. 21) (Correction), filed March 18, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished in part, as corrected, this issue. Applicant: R. I. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47708. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. This partial republication is for the purpose of reflecting the correct Docket number as MC *105045 (Sub-No. 21)* in lieu of MC 10545 (Sub-No. 21) which was erroneously published. The rest of the application remains as previously published.

No. MC 105813 (Sub-No. 169), filed April 17, 1969. Applicant: BELFORD TRUCKING CO., INC., 1299 Northeast 23d Street, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite or storage facilities utilized by Great Markwestern Packing Co. at or near Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107295 (Sub-No. 194), filed April 14, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skylights, parts and accessories* used in installation thereof, from Garland, Tex., to points in the United States (except Texas, Alaska, and Hawaii). NOTE: Applicant states it intends to tack with MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107475 (Sub-No. 63), filed April 16, 1969. Applicant: DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati, Ohio 45203. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Greer, S.C., as an off-route point in connection with applicant's presently authorized regular route operation, for the purpose of interchange of traffic only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 108068 (Sub-No. 79), filed April 18, 1969. Applicant: U. S. A. C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows, curtain walls, doors, and parts;* (2) *tools, accessories or materials incidental to the installation thereof*, from Medley, Fla., to points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 108207 (Sub-No. 258), filed April 14, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, frozen foods, dressing, uncooked bakery goods, table sauces, and prepared salads*, in vehicles equipped with mechanical refrigeration, and (2) *foodstuffs* (except those described in (1) above), when moving in mixed loads with one or more of the commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from Rossville, Tenn., to Memphis, Tenn. NOTE: Applicant states it would tack at Memphis, Tenn., with its Sub 1 to serve points in Texas, Louisiana, Michigan, Oklahoma, Missouri, Arkansas, Illinois, and Mississippi; with its Sub 12 to serve points in Iowa, Kansas, and Nebraska; and with its Sub 217 to serve points in Mississippi. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Little Rock, Ark.

No. MC 108460 (Sub-No. 38), filed April 17, 1969. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Richard Hopewell, 511 Northwestern Bank Building, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the terminal outlet of the Mid-America Pipeline Co. (MAPCO, Inc.) at or near Whiting, Iowa, to points in Minnesota, Iowa, South Dakota, and North Dakota, restricted to Mid-America Pipeline Co. facilities only. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109337 (Sub-No. 10), filed April 16, 1969. Applicant: WATSON BROS. VAN LINES AND HEAVY HAULING CO., a corporation, 3514 South 25th Street, Omaha, Nebr. 68105. Applicant's representative: Samuel Zacharia, 711 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trench excavating machines*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no duplicating authority is being sought; and any authority granted herein, to the extent that it duplicates any authority now held by applicant, may be conditioned to confer but a single operating right. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 109397 (Sub-No. 359) (clarification), filed March 13, 1969, published FEDERAL REGISTER issue of April 10, 1969, clarified and republished as clarified this issue. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047 (4107 Bells Lane), Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from the plantsite of GAF Corp., Calvert City, Ky., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; and (2) from the plantsite of GAF Corp., Chattanooga, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Restricted in each instance to traffic originating at the indicated origins in (1) and (2). NOTE: Applicant states that no duplicating authority is being sought; and any authority granted herein, to the extent that it duplicates any authority now held by applicant, may be conditioned to confer but a single operating right. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 109430 (Sub-No. 15), filed April 14, 1969. Applicant: EQUIPMENT TRANSPORT, INC., Post Office Box 665, Columbia, S.C. 29169. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel, structural steel, angles, rounds, flats, bars, and joists*, between points in Richland and Lexington Counties, S.C., and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada and points in Louisiana west of the Mississippi River. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 110525 (Sub-No. 905), filed April 14, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, from Manheim, Pa., and Albany, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111201 (Sub-No. 15), filed April 14, 1969. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, Post Office Box 818, East Point, Ga. 30044. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures for glass containers, and corrugated boxes and paper containers*, in mixed loads with glass containers and closures for glass containers, from Mineral Wells, Miss., to points in Alabama, Arkansas, Georgia, Louisiana, Missouri, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111729 (Sub-No. 282), filed April 21, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds*, and *advertising material* moving therewith: (a) between points in Baldwin, Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dawson, De Kalb, Floyd, Forsyth, Fulton, Gilmer, Gordon, Hall, Murray, Pickens, Walker, and Whitfield Counties, Ga., on the one hand, and, on the other, points in Tennessee east of the westerly crossing of the Tennessee River bound on the north by Kentucky and Virginia, on the east by North Carolina and on the south by Alabama and Georgia; (b) between Anderson, Ind., on the one hand, and, on the other, Paris and Carbondale, Ill.; Oxford and Lucasville, Ohio; (c) between Akron, Ohio, on the one hand, and, on the other, points in Butler, Lawrence, and Mercer Counties, Pa.; (d) between points in New Haven County, Conn., on the one hand, and, on the other, points in Cumberland County, Maine; Hillsboro County, N.H.; Suffolk County, Mass.; Allegheny County, Pa.; and Union County, N.J.; (e) between points in Litchfield County, Conn., on the one hand, and, on the other, New York, N.Y.; and points in Dutchess, Nassau, and Westchester Counties, N.Y.; (f) between New York, N.Y., on the one hand, and, on the other, points in Blair County, Pa.; and (g) between Pittsburgh, Pa., on the one hand, and, on the other, points in Blair County, Pa., restricted to shipments having an immediately prior or subsequent movement by air.

(2) *Radiopharmaceuticals, radioactive drugs and medical isotopes*, between Jacksonville, Orlando, and Tampa, Fla., on the one hand, and, on the other, points in Florida, restricted to shipments having an immediately prior or subsequent movement by air. (3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (except motion picture film used primarily for theatre and television exhibition), between Findlay, Ohio, on the one hand, and, on the other, points in Whitley County, Ind. (4) *Cameras, projectors, tape recorders, electronic flash units, light meters, and other electronic components* related to the photographic business, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, between Findlay, Ohio, on the one hand, and, on the other, points in Whitley County, Ind. (5) *Sample syrups, sample bottles and machinery replacement parts—such as small gears, gaskets, precision tools, bearings, shims, pistons, and cylinders*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between points in New Haven County, Conn., on the one hand, and, on the other, points in Allegheny County, Pa.; Cumberland County, Maine; Hillsboro County, N.H.; Providence County, R.I.; Suffolk County, Mass.; and Union County, N.J.

(6) *Small computer replacement parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day; (a) between New York, N.Y., on the one hand, and, on the other, points in Blair County, Pa.; and (b) between Pittsburgh, Pa., on the one hand, and, on the other, points in Blair County, Pa., restricted to shipments having an immediately prior or subsequent movement by air; and (7) *research chemicals* which are nonhazardous and nonregulated requiring no labels, restricted to the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee on any one day, between New Martinsville, W. Va., and Pittsburgh, Pa. NOTE: Applicant states it intends to tack the sought authority with its presently held common carrier authority. Applicant holds contract carrier authority under MC 112750 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111785 (Sub-No. 42), filed April 15, 1969. Applicant: BURNS MOTOR FREIGHT, INC., U.S. Highway 219 North, Post Office Box 149, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets and lumber;* (a) from points in Tucker County, W. Va., to points in Missouri, Wisconsin, Louisiana, Iowa, and Arkansas; (b) from points in Cuyahoga County, Ohio, to points in Michigan, Indiana, Pennsylvania, Illinois, Kentucky, West Virginia, Wisconsin, Missouri, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Maine, and Rhode Island; (2) *lumber*, from points in Tucker County, W. Va., to points in Alabama, Michigan, New Jersey, North Carolina, South Carolina, Delaware, Georgia, Kentucky, Missouri, Arkansas, Wisconsin, Louisiana, and Iowa; and (3) *wooden pallets*, between points in West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 112520 (Sub-No. 198), filed April 16, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, including processed clay and ground clay*, in bulk, from points in Decatur County, Ga., to points in West Virginia. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112520 (Sub-No. 199), filed April 21, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil and tall oil products*, in bulk, in tank vehicles, from points in Early County, Ga., to points in Alabama and Florida. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112617 (Sub-No. 255), filed April 10, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from the plantsite of W. R. Grace & Co. at or near Owensboro, Ky., to points in Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112822 (Sub-No. 111), filed April 10, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representatives: Carl L. Wright, Jr. (same address as applicant), and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Washington, Oregon, California, Utah, Colorado, New Mexico, Nevada, and Arizona, restricted to traffic originating at the plantsite and or warehouses utilized by Great Markwestern Packing Co. at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113651 (Sub-No. 127), filed April 14, 1969. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47302. Applicant's representative: Rodney Tetrault (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa to points in Indiana, Ohio, Michigan, Kentucky, Pennsylvania, New Jersey, New York, Maryland, Delaware, District of Columbia, Rhode Island, Vermont, New Hampshire, Connecticut, Massachusetts, Maine, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 113843 (Sub-No. 149), filed April 17, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co. at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113855 (Sub-No. 189) (Amendment), filed February 4, 1969, published FEDERAL REGISTER issue of March 6, 1969, amended April 11, 1969, and republished as amended, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Classes A and B explosives and other dangerous articles*, except those in bulk, in tank trucks; (2) *commodities* which by reason of size or weight require the use of special equipment and (3) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk) between points in the United States, restricted to traffic moving to, from or between military installations and contractors' facilities. NOTE: Applicant states it holds authority under MC 113855 Sub 84 and Sub 70, to transport commodities, which because of their size or weight require the use of special equipment or special handling. Some of the traffic involved may fall within such authority. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. This republication is to add "and other dangerous articles, except those in bulk, in tank trucks" in (1) above and to add (2) and (3) to the commodity description, and redescribe the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 193), filed April 17, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report *in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite or storage facilities utilized by Great Markwestern Packing Co., at or near Hillsdale, Mich. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114045 (Sub-No. 327), filed April 17, 1969. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas (restricted to traffic originating at the plantsite or storage facilities utilized by Great Markwestern Packing Co., at or near Hillsdale, Mich. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114457 (Sub-No. 76) (Correction), filed March 6, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, and republished as corrected, this issue. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and byproducts, and such materials, supplies, and equipment* as are incidental to the production, packaging, and sale of dairy products and byproducts, from points in Minnesota, to points in Illinois, Indiana, Ohio; Waukasha, Milwaukee, Mount Horeb, Kansasville, and Madison, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. This republication is for the purpose of more clearly setting forth the commodity description and to reflect the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115092 (Sub-No. 8), filed April 10, 1969. Applicant: WEISS TRUCKING, INC., Post Office Box 0, Vernal, Utah 84080. Applicant's representative: William S. Richards, 1605 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from points in Sweetwater and Carbon Counties, Wyo., to pipeline receiving station at or near Rangley, Colo. NOTE: Applicant states that it intends to tack at points in Colorado on and west of U.S. Highway 85 and points in Utah serving appropriate Colorado-Utah points. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 116254 (Sub-No. 93) (Amendment), filed March 3, 1969, published FEDERAL REGISTER issue of March 27, 1969, amended April 15, 1969, and republished as amended this issue. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Port Birmingham, Ala., to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Applicant states it could tack with its presently held authorities in MC 116254 Sub 5 and Sub 52, wherein it is authorized to conduct operations in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. Applicant further states that no duplicating authority is sought. The purpose of this republication is to change the tacking formation. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or Atlanta, Ga.

No. MC 116273 (Sub-No. 115), filed April 14, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from the storage facilities of Allied Chemical Corp., located at or near Channahon (Smithbridge), Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it will tack with its Sub 5 at Joliet, Ill., to enable service to Iowa, Minnesota, and Missouri, with its Sub 48 at East Dubuque, Ill., to enable service to Iowa, Kansas, Missouri, Kentucky, Nebraska, Minnesota, and South Dakota and its Sub 61 at Niota, Ill., to enable service to Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117963 (Sub-No. 1), filed April 10, 1969. Applicant: JAMES VISCONTI AND PETER VISCONTI, a partnership, doing business as VISCONTI BROS., Morton Avenue, Rosenhayn, N.J. 08352. Applicant's representative: Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Bridgeton, N.J., to New York, N.Y., Philadelphia, Pa., Boston, Mass., Lewes and Wilmington, Del., Deer Park and Baltimore, Md., under contract with Leone Industries, South East Avenue, Bridgeton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 118282 (Sub-No. 24) (Republication), filed April 14, 1969, published in FEDERAL REGISTER, issue of April 30, 1969, and republished this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, and those of unusual value); (1) between Jacksonville, Fla., and San Diego, Calif.: From Jacksonville over U.S. Highway 90 to Mobile, Ala., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 80 to San Diego, and return over the same route (no intermediate points will be served between Jacksonville, Fla., and El Centro, Calif.); (2) between Jacksonville, Fla., and Los Angeles, Calif.: (a) From Jacksonville over U.S. Highway 90 to Van Horn, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Los Angeles, Calif., and return over the same route, and (b) over Interstate Highway 10 (no intermediate points will be served between Jacksonville, Fla., and Blythe, Fla.); (3) between Jacksonville, Fla., and Key West, Fla., over U.S. Highway 1; (4) between Miami Fla., and Tallahassee, Fla., over U.S. Highway 27 (no intermediate points will be served between Archer, Fla., and Tallahassee, Fla.). This route for joinder purposes only; (5) between Jacksonville, Fla., and Miami, Fla., over Interstate Highway 95;

(6) between Lake City, Fla., and Miami, Fla.: (a) Over U.S. Highway 41 (no intermediate points to be served between Archer, Fla., and Lake City, Fla.). This route for purposes of joinder only; and (b) from the intersection of Interstate Highway 75 and Interstate Highway 10, over Interstate Highway 75 to Wildwood, Fla., thence over the Sunshine State Parkway (Florida's Turnpike) to Miami, Fla., and return over the same route (no intermediate points to be served from the junction of Florida Highway 24 and Interstate Highway 75 to the junction of Interstate Highway 75 and Interstate Highway 10). This route for joinder purposes only; (7) between Wildwood, Fla., and Tampa, Fla., over Interstate Highway 75; (8) between Daytona Beach, Fla., and St. Petersburg, Fla., over Interstate Highway 4; (9) between Ocala, Fla., and Baldwin, Fla., over U.S. Highway 301; (10) between St. Petersburg, Fla., and Tallahassee, Fla., over U.S. Highway 19 (no intermediate points to be served between Otter Creek and Tallahassee). This route for joinder purposes only; (11) between Lebanon Station, Fla., and Dunnellon, Fla., over Florida Highway 336; (12) between Lakeland, Fla., and Punta Gorda, Fla.: From Lakeland over U.S. Highway 98 to Bartow, Fla., thence over U.S. Highway 17 to Punta Gorda, and return over the same route; (13) between Orlando, Fla., and Belle Glade, Fla., over U.S. Highway 441; (14) between Jacksonville, Fla., and Orlando, Fla., over U.S. Highway 17;

(15) between Palmetto, Fla., and Wildwood, Fla., over U.S. Highway 301; (16) between Fort Myers, Fla., and West Palm Beach, Fla.: From Fort Myers over Florida Highway 80 to junction of U.S. Highway 27, thence over U.S. Highway 27 to South Bay, Fla., thence over Florida Highway 827A to Belle Glade, Fla., thence over U.S. Highway 441 to West Palm Beach, and return over the same route; (17) between Tampa, Fla., and Vero Beach, Fla., over Florida Highway 60; (18) between Bradenton, Fla., and West Palm Beach, Fla.: From Bradenton over Florida Highway 64 to junction of Florida Highway 675, thence over Florida Highway 675 to junction Florida Highway 70, thence over Florida Highway 70 to junction of Florida Highway 710, thence over Florida Highway 710 to West Palm Beach, and return over the same route; (19) between Ocala, Fla., and Ormond Beach, Fla., over Florida Highway 40; (20) between Orlando, Fla., and Indiana River City, Fla., over Florida Highway 50; (21) between Orlando, Fla., and Tampa, Fla., over U.S. Highway 92; (22) between San Diego and Crescent City, Calif.: From San Diego over Interstate Highway 5 to Los Angeles, Calif., thence over U.S. Highway 101 to Crescent City, and return over the same route; (23) between Los Angeles and Weed, Calif., over U.S. Highway 99 and Interstate Highway 5; (24) between San Diego and Alturas, Calif., over U.S. Highway 395; (25) between San Francisco, Calif., and Reno, Nev., over Interstate Highway 80; (26) between Blythe and San Bernardino, Calif.: From Blythe over U.S. Highway 95 to Needles, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route; (27) between Santa Maria and Greenfield, Calif., from Santa Maria over California Highway 166 to junction California Highway 33, thence over California Highway 33 to junction California Highway 119, thence over California Highway 119 to Greenfield, and return over the same route;

(28) between Bakersfield and Barstow, Calif., over California Highway 58; (29) between Gilroy and Fairmead, Calif., over California Highway 152; (30) between Ventura, Calif., and junction California Highways 33 and 152, over California Highway 33; (31) between San Jose and Stockton, Calif., from San Jose over Interstate Highway 680 to junction U.S. Highway 50, thence over U.S. Highway 50 to Stockton, and return over the same route; and (32) between Mobile, Ala., and Jackson, Miss.: From Mobile over U.S. Highway 98 to Hattiesburg, Miss., thence over U.S. Highway 49 to Jackson, and return over the same route, serving Mobile, Ala., and Jackson, Miss., for purpose of joinder only. NOTE: Applicant states service will be performed at all intermediate points on the above described routes in Florida and California. All points in Florida and those in California not on the above described route will

be served as off-route points in connection with the otherwise authorized routes. No local operations will be performed between points in Florida or between points in California. Applicant holds contract carrier authority under MC-125811 and Sub 5, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. NOTE: The above issues were published in the FEDERAL REGISTER of April 30, 1969, and included therein was a provision setting the application for hearing on May 12, 1969, through May 29, 1969, at Los Angeles, Calif. The purpose of this republication is to postpone the hearing in this proceeding to a time and place to be hereafter fixed. Protests should be filed within 30 days from the date of this publication.

No. MC 119767 (Sub-No. 220), filed April 18, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude rubber*, between Burlington, Wis., and points in Michigan, Minnesota, Illinois (except Chicago), Iowa, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 147), filed April 15, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Theodore Polydoroff, Suite 110, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets and lumber*, from points in Cuyahoga County, Ohio, to points in Michigan, Indiana, Pennsylvania, Illinois, Kentucky, West Virginia, Wisconsin, Missouri, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Maine, and Rhode Island, (2) *wooden pallets*, from points in Tucker County, W. Va., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, New Mexico, Florida, Wisconsin, and Mississippi, and (3) *lumber*, from points in Tucker County, W. Va., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, New Mexico, Wisconsin, Mississippi, Alabama, Florida, Kentucky, Michigan, Maine, Delaware, South Carolina, and Georgia. NOTE: Applicant holds contract carrier authority under Docket No. MC 126970 Sub 1 and Sub 3, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 119793 (Sub-No. 6), filed April 16, 1969. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. 26287. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from the plantsite or facilities of Mullenax Lumber Co. at or near Parson, W. Va., Tucker County, to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, North Carolina, Tennessee, Kentucky, Ohio, and the District of Columbia under a continuing contract or contracts with The Atlantic Lumber Co., and (2) *charcoal* in bags and boxes, and *wood chips, lighter fluid and barbeque base material* (vermiculite other than crude) in mixed shipments in the same vehicle with charcoal, from the plant and facilities of Kingsford Co. at or near Parsons, W. Va., Tucker County to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Kentucky, Ohio, Indiana, and Michigan under continuing contract or contracts with Kingsford Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charleston, W. Va.

No. MC 123407 (Sub-No. 51), filed April 17, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, building materials and insulating materials, and materials and accessories* used in the installation thereof, from Port Clinton, Ohio, to points in Alabama, Georgia, Tennessee, Kentucky, Indiana, and Illinois. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123430 (Sub-No. 3), filed April 14, 1969. Applicant: BARRY TRANSPORTS, INC., 4425 Southwest Highway, Oak Lawn, Ill. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow, inedible grease, vegetable oils, including products and blends of said commodities*, in bulk, in tank vehicles, from Hammond, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it intends to tack with its present authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 374), filed March 24, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank and hopper type vehicles, from points in Vigo County, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Applicant states it could tack with MC 124078 (Sub-No. 52), at Louisville, Ky., to serve points in West Virginia. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 125497 (Sub-No. 5), filed April 14, 1969. Applicant: L. WOODS & SON TRANSPORT LTD., a corporation, 5005 Irwin Avenue, La Salle, Quebec, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from ports of entry on the United States boundary line between Canada and the United States to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, and that part of New York State east and north of U.S. Highway 15, beginning at Lake Ontario, at Rochester, N.Y., and extending to the intersection of U.S. Highway 15 with New York Highway 17 and continuing along U.S. Highway 17 to its intersection with the New York-New Jersey boundary line, including points on the highway boundary lines in New York. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 113), filed April 8, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, and lumber*, (1) from points in Madison County, Ill., and Belle Plaine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Ohio, and Wisconsin, (2) from Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin to points in Madison County, Ill., and Belle Plaine, Iowa, (3) from points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Fulton, Greene, Iroquois, Jasper, Jersey, Livingston, Logan, Macon, Macoupin, Madison, Mason, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sagamon, Schuyler, Scott, Shelby, Tazewell, Vermilion, Woodford Counties, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin and (4) from Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin to Illinois counties listed in part (3) above. NOTE: Applicant states Arkansas could be served by tacking if this application is granted in addition to the States sought in the instant application. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 125771 (Sub-No. 5), filed April 17, 1969. Applicant: CAYUGA SERVICE, INC., Post Office Box 74, South Lansing, N.Y. 14882. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral rock salt*, from Warwick Township, N.Y., to points in Connecticut, New Jersey, and Pennsylvania, under continuing contract or contracts with Cayuga Rock Salt Co., Inc., Myers, N.Y., and Highway Materials Co., Inc., South Lansing, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125952 (Sub-No. 9), filed April 7, 1969. Applicant: INTERSTATE DISTRIBUTORS CO., a corporation, 8311 Durango Street SW., Tacoma, Wash. 98489. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and insulation materials*, from Santa Clara and Pittsburg, Calif., to points in Washington west of the Cascade Range, under contract with Gray Co., Inc. NOTE: Applicant has common carrier authority in MC 117201, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tacoma, Wash.

No. MC 126305 (Sub-No. 17), filed April 8, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fungicide and herbicide*, except in bulk, from Metuchen, N.J., to points in Alabama, Georgia, Louisiana, Arkansas, and Texas. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127834 (Sub-No. 32), filed April 13, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment or handling, and (2) *ordnance materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii) and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127844 (Sub-No. 4), filed April 16, 1969. Applicant: L. B. BARNHILL AND L. S. JOHNSON, JR., doing business as B & J TRANSPORTATION, R.F.D. 1, Box 48 X-A, Sumter, S.C. 29150. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antiques, used furniture and office equipment*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to points in Georgia, North Carolina, Florida, Alabama, Mississippi, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127867 (Sub-No. 2), filed April 7, 1969. Applicant: TRANSOL COMPANY, a corporation, 116 Forest Avenue, Des Moines, Iowa 50314. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, (1) from Lemont, Roxana, and Wood River, Ill., Louisville, Ky.; Minneapolis, Minn.; St. Louis, Mo.; and South Charlestown, W. Va., to points in Iowa, Nebraska, South Dakota, points in that part of Missouri on and north of U.S. Highway 36, and points in that part of Illinois north of and bounded by a line beginning at Keokuk, Iowa, and extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highways 34 and 6, thence along U.S. Highways 34 and 6 to junction Illinois Highway 26, thence along Illinois Highway 26 to the Illinois-Wisconsin State line, including points on the highways specified, and (2) from Des Moines, Iowa; Potwin, Kans.; Roxana and Wood River, Ill., and points in Illinois in the St. Louis commercial zone, to points in Missouri on and north of U.S. Highway 36. Restriction: The operations specified herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Barton Naptha, Corp., Barton Solvents, Inc., and Barton Solvents, Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128273 (Sub-No. 46), filed April 18, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products, and materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment), between points in Erie County, Pa., on the one hand, and on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 48), filed April 21, 1969. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted leaf tobacco*, in hogsheads, from Spotswood, N.J., to St. Louis, Mo. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128581 (Sub-No. 1), filed April 16, 1969. Applicant: JOHN E. SPEARS, doing business as JOHN E. SPEARS TRUCKING COMPANY, Route 1, Owens Cross Roads, Ala. 35763. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, concrete blocks and brick*, from points in Georgia, Kentucky, Mississippi, North Carolina, and Tennessee, to Huntsville, Ala., under a continuing contract, or contracts, with General Shale Products Corp., Johnson City, Tenn., Huntsville, Ala., Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 128652 (Sub-No. 4), filed April 11, 1969. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9500 Bloomington Freeway, Minneapolis, Minn. 55431. Applicant's representative: Donald B. Taylor, 3462 Minnehaha Avenue, Minneapolis, Minn. 55406. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and synthetic piece goods, and finished cotton and synthetic*

men's underwear, and men's sportswear and other clothing moving in connection therewith, between plantsite of Munsingwear, Inc., Minneapolis, Minn., on the one hand, and, on the other, the plantsite of Munsingwear, Inc., Ashland, Wis., and Hominy, Okla., under contract with Munsingwear, Inc., Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128879 (Sub-No. 9), filed April 4, 1969. Applicant: C–B TRUCK LINES, INC., 1034 Humble Place, El Paso, Tex. 79915. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores*, (a) between El Paso, Tex., on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Washington, and Wyoming; and (b) between Socorro, N. Mex., on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Washington, and Wyoming. NOTE: Applicant states that the authority here sought could conceivably be joined to its presently held authority in MC 128879 Sub 4. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 129537 (Sub-No. 6), filed April 9, 1969. Applicant: REEVES TRANSPORTATION COMPANY, a corporation, 5144 West Idlewild, Tampa, Fla., mailing address: Post Office Box 153, Valrico, Fla. 33594. Applicant's representative: John C. Vogt, Jr., Post Office Box 21, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, between points in Floyd, Bartow, Chattooga, Gordon, Whitfield, Murray, Catoosa, and Walker Counties, Ga., on the one hand, and, on the other, points in Arkansas and Texas. NOTE: Applicant states it seeks to tack the authority sought from Arkansas and Texas to its authority held in Florida with interchange at Cartersville, Ga. If a hearing is deemed necessary, applicant requests it be held at Dalton, Ga., or Dallas, Tex.

No. MC 133038 (Sub-No. 2), filed April 11, 1969. Applicant: FIRST SCOTT STREET CORPORATION, 3900 Orleans Street, Detroit, Mich. 48207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Washington, Oregon, California, Utah, Colorado, New Mexico, Nevada, and Arizona, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co. at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 128634, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133038 (Sub-No. 3), filed April 14, 1969. Applicant: FIRST SCOTT STREET CORPORATION, 3900 Orleans Street, Detroit, Mich. 48207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co. at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 128634, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133432 (Sub-No. 2), filed April 15, 1969. Applicant: JOSEPH BERNARD FARRELL, Compton, Md. 20627. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in St. Marys County, Md., to Spring Grove, Pa., under contract with Charlotte Hall Lumber Co., Inc., Charlotte Hall (St. Marys County), Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133459, filed January 14, 1969. Applicant: GRADLYN KENNELS CORP. OF NEW JERSEY, Sykesville Road, Wrightstown, N.J. 08562. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pets and animals other than horses; and new and used crates for shipping pets and animals*, between points in Burlington County, N.J., on the one hand, and, on the other, Pennsylvania and New York. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Philadelphia, Pa.

No. MC 133038 (Sub-No. 4), filed April 14, 1969. Applicant: FIRST SCOTT STREET CORPORATION, 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Tennessee, and Kentucky, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant also holds contract authority under MC-128634 Sub-1, therefore dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133526 (Sub-No. 2), filed April 3, 1969. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, Rural Route No. 5, Napanee, Ontario, Canada. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sewage treatment plants on specially built semitrailers;* from ports of entry on the international boundary between the United States and Canada at or near Ogdensburg, Alexandria Bay, Niagara Falls, and Buffalo, N.Y., and Detroit and Port Huron, Mich., to points in New York, Pennsylvania, Michigan, Ohio, Vermont, Maryland, New Jersey, New Hampshire, Connecticut, Rhode Island, Delaware, West Virginia, Massachusetts, Maine, Virginia, and the District of Columbia, restricted to shipments originating in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 133581 (Correction), filed March 20, 1969, published in FEDERAL REGISTER issue of April 24, 1969, and republished as corrected this issue. Applicant: HOLDT POTATO COMPANY, INC., Rural Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from Red Cloud, Nebr., to points in Arizona, California, and Missouri, and (2) *materials and supplies* used in the manufacture and production of dairy products on return, under contract with Don Pauly Cheese, Inc. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, as shown above, in lieu of No. MC 13381, which was in error. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133613 (Amendment), filed April 1, 1969, published FEDERAL REGISTER issue of April 24, 1969, amended April 14, 1969, and republished as amended this issue. Applicant: AXTELL TRUCKING, INC., Route 2, Box 250 D, Salem, Wis. 53168. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dirt, gravel, sand, lime and stone, materialite, slag, and garylite*, between points in Walworth, Jefferson, Waukesha, Racine, Kenosha, and Milwaukee Counties, Wis., on the one hand, and points in Boone, McHenry, Lake, Cook, Du Page, Kane, Will, La Salle, Kendall, and De Kalb Counties, Ill., on the other. NOTE: The purpose of this republication is to show La Salle County, Ill., as an origin and destination point. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133630 (Sub-No. 1), filed April 10, 1969. Applicant: LEO KING, doing business as LEO KING TRUCKING SERVICE, Hubert Street, Ashkum, Ill. 60911. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bag and bulk, from Ashkum, Ill., to points in that part of Indiana on and north of Indiana Highway 28. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 133640 (Sub-No. 2), filed April 17, 1969. Applicant: CORRIDOR INTERURBAN TRANSPORT CORPORATION, 36–21 193 Street, Flushing, N.Y. 11358. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products, and articles, materials or equipment used in connection with the installation thereof* (except in bulk) from the plant and storage sites of Precast, Inc., and Concrete Conduit Corp. in New York, N.Y., to points in New Jersey and Connecticut and returned shipments, on return, under contract with Precast, Inc., and Concrete Conduit Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133649 (Sub-No. 1), filed April 18, 1969. Applicant: LARISON FARM SERVICE INC., Warner Street, Van Etten, N.Y. 14889. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from points in Chemung County, N.Y., to points in Bradford, Pike, Potter, Sullivan, Susquehanna, Tioga, and Wayne Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 133658, filed April 17, 1969. Applicant: R. L. BOOTH, 2800 Beekman Street, Cincinnati, Ohio. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forgings, castings, patterns and parts therefor*, between Cincinnati, Ohio, on the one hand, and, on the other, Connersville and Richmond, Ind., under contract with Buckeye Foundry Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133660, filed April 14, 1969. Applicant: JEFMOR TRUCKING CO., INC., 50–08 Morenci Lane, Little Neck, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, materials, equipment and supplies* used or useful in the manufacture or sale of paint; in containers, in insulated equipment, between the facilities and manufactures of Proctor Paint and Varnish Co., at New York, N.Y., and Yonkers, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); under contract with Proctor Paint and Varnish Co., at Yonkers, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133662, filed April 14, 1969. Applicant: NORVIE E. PAULK, doing business as MISSISSIPPI VAN & STORAGE CO., No. 1 Greyhound Road, Post Office Box 2392, Columbus, Miss. 39701. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22686, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Clay, Lee, Lowndes, Monroe, Oktibbeha, Prentiss, and Webster Counties, Miss., restricted (1) to the transportation of containerized shipments having an immediately prior or subsequent movement by rail, motor, water or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption; or (2) shipment having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133663, filed April 14, 1969. Applicant: SOUTHWEST MARKETING ASSOCIATION, a corporation, 5534 East Belknap, Post Office Box 1598, Fort Worth, Tex. 76101. Applicant's representative: Claude M. Welch, Post Office Box 1598, Fort Worth, Tex. 76101, and William W. Scott, 1625 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives* moving on Government bills of lading (except household goods as defined by the Commission, and book liquids), between points in Arkansas, Kentucky, Kansas, Texas, Louisiana, Illinois, Indiana, Missouri, and Oklahoma, on the one hand, and, on the other, points in the United States (except Arizona, California, Nevada, Utah, Washington, Alaska, and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex., or Oklahoma City, Okla.

MOTOR CARRIER OF PASSENGERS

No. MC 129644 (Sub-No. 2), filed April 14, 1969. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in door-to-door service, limited to the transportation of not more than 17 passengers in one vehicle (not including the driver thereof and children under 10 years of age who do not occupy a seat or seats), in one way and round-trip charter operations, (a) between points in Strafford and Rockingham Counties, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and New York, and (b) between Logan International Airport at East Boston, Mass., on the one hand, and, on the other, points in New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130085, filed March 19, 1969. Applicant: TOURTIME TRAVEL, INC., 219 Main Street, Lakewood, N.J. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. For a license (BMC 5) to engage in operations as a *broker* at Lakewood, N.J., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, beginning at points in Ocean County, N.J., and that portion of Monmouth County, N.J., west of the New Jersey Garden State Parkway and south of New Jersey Highway 33, (1) in regular-route operations, (2) in irregular-route charter operations, in both one-way and round-trip service, and (3) in special operations, including so-called all expense sightseeing and pleasure tours, beginning and ending at the points specified above, all extending to points in the United States, including Alaska and Hawaii, in both one-way and round-trip service.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5441; Filed, May 7, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41630—*Sulphuric acid to Nashville, Tenn.* Filed by O. W. South,

Jr., agent (No. A6094), for interested rail carriers. Rates on sulphuric acid, in tank carloads, as described in the application, from Cowan and Pepper, Va., to Nashville, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 76 to Southern Freight Association, agent, tariff ICC S–671.

FSA No. 41631—*Beet pulp from Lovell and Worland, Wyo.* Filed by Southwestern Freight Bureau, agent (No. B–33), for interested rail carriers. Rates on beet pulp, as described in the application, in carloads, from Lovell and Worland, Wyo., to points in southwestern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 5 to Southwestern Freight Bureau, agent, tariff ICC 4832.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5503; Filed, May 7, 1969; 8:48 a.m.]

[Section 5a Application No. 99]

NEBRASKA MOTOR CARRIERS' ASSOCIATION PETROLEUM CARRIERS' CONFERENCE, INC.

Notice of Application for Approval of Agreement

MAY 6, 1969.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: April 23, 1969, by: James E. Ryan, Attorney-in-Fact, 214 Sharp Building, Lincoln, Nebr. 68508.

Agreement between and among common carriers by motor vehicle governing the procedures for the joint consideration, initiation or establishment of rates, rules, regulations, and practices applicable to the transportation of commodities, in bulk, in tank vehicles, between points generally, but not limited to those, in the States of Arizona, Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5504; Filed, May 7, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 32–A]

ERIE-LACKAWANNA RAILWAY CO. ET AL.

Car Distribution

To: Erie-Lackawanna Railway Co., Chicago, Burlington & Quincy Railroad Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 32, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 32 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5505; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 54]

NORFOLK AND WESTERN RAILWAY CO. AND ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Norfolk and Western Railway Co. shall deliver to the Atchison, Topeka and Santa Fe Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5506; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 51]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Erie-Lackawanna Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5507; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 52]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5508; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 53]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co., shall deliver to the Chicago, Rock Island and Pacific Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–5509; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 34–A]

PENN CENTRAL CO. ET AL.

Car Distribution

To: Penn Central Co., Chicago, Burlington & Quincy Railroad Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 34, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 34 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be

filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5510; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 36-A]

PENN CENTRAL CO. ET AL.

Car Distribution

To: Penn Central Co., Chicago, Burlington & Quincy Railroad Co., Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 36, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 36 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5511; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 50]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., Chicago, Burlington & Quincy Railroad Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the Norfolk and Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Norfolk and Western Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., May 5, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filling it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5512; Filed, May 7, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 37-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., Chicago, Burlington & Quincy Railroad Co., Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 37, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 37 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5513; Filed, May 7, 1969; 8:49 a.m.]

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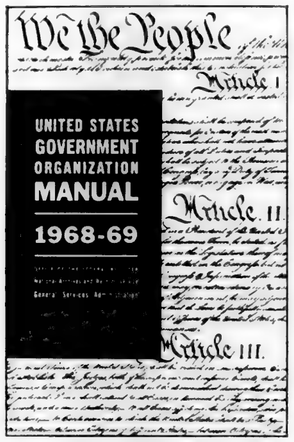

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1969

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Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM–1413, RM–1441; FCC 69–484]

PART 15—RADIO FREQUENCY DEVICES

Radiation Interference Limits

1. Section 15.63(c) of Part 15 of the Commission's rules provides that for television broadcast receivers the level of radio frequency radiation in the band 470–1000 Mc/s is increased from 500 to 1,000 microvolts per meter on a temporary basis until April 30, 1969. Upon repeated petition from industry, this more liberal limit has been extended by approximate 2 year periods since the provision was adopted in 1957. Radiation in the band of frequencies 470–1000 Mc/s concerned here is that radiation which is liable to cause harmful interference to radio operations. This regulation in no way relates to X-ray radiation or to the levels of radiation of X-rays.

2. The Commission has received two petitions in regard to § 15.63(c): (a) From Sarkes Tarzian, Inc., a large manufacturer of television tuners (received Feb. 17, 1969), and (b) from the Electronic Industries Association (EIA), representing a large segment of the television receiver manufacturing industry (received Apr. 11, 1969). Subsequently, Sarkes Tarzian has formally advised that they support the EIA petition and that if the Commission were to grant the relief EIA requests, Sarkes Tarzian will consider that their prior petition also has been granted.

3. In its petition, Sarkes Tarzian requests one more extension of time before the 500 microvolts per meter limit becomes effective—either to January 31, 1970, for all television broadcast receivers, or in accordance with a graduated schedule commencing May 1, 1969, and becoming fully effective at point of sale on February 1, 1970. Additionally, Sarkes Tarzian proposes the adoption of a somewhat more restrictive limit which would be obtained by a process of averaging a specified number of measurements over the UHF TV band. The impressive emphasis of the Sarkes Tarzian petition, however, is that without further extension of the existing temporary limit, "disruption" and "hardship" would be caused to the now well-established production and distribution processes. In short, certain electrical designs, and certain contractual arrangements between manufacturers and distributors would necessarily be disrupted unless a further extension of the temporary radiation limit is granted.

4. The EIA petition requests two actions: (a) That the Commission adopt a statistical averaging method of interpreting the measurement data regarding receiver radiation, and (b) that the present temporary 1,000 μV/m limit be extended until January 1, 1970. In its petition, EIA traces in detail the history of its efforts to reduce receiver radiation to comply with the Commissions regulations, and shows that early compliance is now practicable. EIA also asserts that the supply "pipeline" problem which Sarkes Tarzian describes makes it necessary that the temporary radiation limit be extended.

5. From the arguments and data set forth in the Sarkes Tarzian and EIA petitions, the Commission is persuaded that a radiation limit of 500 microvolts per meter at 100 feet, or even somewhat less, is practicable for television broadcast receivers of modern design; many receivers of current production, especially those of foreign manufacture, meet this requirement now. However because of the complexities of the receiver production and distribution process, it appears advisable to extend once more, and for a relatively brief period, the temporary 1,000 microvolt per meter limit. This extension is being granted solely to permit manufacturers to exhaust present component inventories, fulfill existing contractual arrangements, and accomplish a complete transition to full compliance with the 500 μV/m limit. In this regard, the Commission takes at face value the assurances implied in the petitions that further extensions will not be requested. It further appears that the adoption of a more rigorously described method of radiation measurement, which would involve statistical or averaging procedures, may have merit. The Commission intends to study this matter further.

6. Accordingly, the Commission proposes herein to grant the relief requested by Sarkes Tarzian and EIA, insofar as extending the period during which the temporary 1,000 microvolts per meter radiation limit is applicable. However, with respect to the statistical measurement approaches suggested by the petitioners, the Commission will study this matter further.

7. For the foregoing reasons and noting that the compliance date was April 30, 1969, the Commission finds that notice and public procedures are impracticable. Moreover, because this order will extend the relief of a restriction, compliance with the effective date provisions of 5 U.S.C. 553 are found to be unnecessary.

8. *It is ordered*, That, pursuant to authority contained in sections 4(i), 301, 303(f), and 303(r) of the Communications Act of 1934, as amended, § 15.63(c) of Part 15 of the rules is amended, effective May 1, 1969, to read as follows:

§ 15.63 Radiation interference limits.

* * * * *

(c) For television broadcast receivers the limit 500 μV/m is temporarily increased to 1,000 μV/m until January 31, 1970.

(Secs. 4, 301, 303; 48 Stat., as amended, 1066, 1081, 1082; 47 U.S.C. 154, 301, 303)

Adopted: May 2, 1969.

Released: May 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–5557; Filed, May 8, 1969; 8:46 a.m.]

[Docket No. 18345; FCC 69–482; RM–1329]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Waverly, Tenn.

Second report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Bay Shore, N.Y.; Lake Havasu City, Ariz., Eupora, Miss., Sledge, Miss., South Haven, Mich., Marksville, La., Waverly, Tenn., Livermore and Hayward, Calif., North East, Pa., Lawrenceburg, Ky., and Bardstown, Ky.); Docket No. 18345, RM–1236, RM–1320, RM–1321, RM–1325, RM–1327, RM–1328, RM–1329, RM–1331, RM–1334, RM–1336.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on October 4, 1968, FCC 68–995, and published in the FEDERAL REGISTER on October 9, 1968 (33 F.R. 15069), proposing a number of amendments to the FM Table of Assignments. All petitions were disposed of in a previous first report and order (FCC 68–1194), except for two: RM–1236, Bay Shore, N.Y., and RM–1329, Waverly and Centerville, Tenn. The subject decision concerns the latter petition. All population figures are those shown in the 1960 U.S. Census. All duly filed comments and data were considered in making the following determination.

2. On July 18, 1968, R. M. McKay, Jr., trading as Humphreys County Broadcasting Co., a prospective FM applicant at Waverly, Tenn., filed a petition requesting the reassignment of Channel 285A from Centerville to Waverly, as follows:

City	Channel No.	
	Present	Proposed
Centerville, Tenn	285A	
Waverly, Tenn		285A

Waverly, located about 55 miles west of Nashville and having a population of

[1] Commissioners Bartley and Johnson dissenting; Commissioner Robert E. Lee absent; Commissioner Cox abstaining from voting.

2,891 persons, is the largest community and the county seat of Humphreys County (population 11,511). The only local radio outlet available at present in the county is that of WPHC (daytime-only AM), licensed to petitioner. There are no FM assignments in the county. Centerville is located about 30 miles southeast of Waverly and about 45 miles southwest of Nashville, and, with a population of 1,678, is the largest community and county seat of Hickman County (population 11,862). Hickman County has one local radio outlet, Station WHLP (daytime-only AM), and one unoccupied FM assignment (under consideration here), both at Centerville.

3. The petitioner submits that the requested reassignment fully complies with the separation requirements, that no other Class A meeting such requirements is available, and that it would provide a first local FM service to Waverly and its environs. It is alleged that removal of the channel from Centerville would not involve a corresponding detriment to the public interest, since Centerville is a smaller community than Waverly and is an area of smaller present and prospective economic growth. Petitioner states that it is prepared to immediately apply for use of the channel at Waverly upon adoption of its proposal. A large number of comparative statistics between Centerville and Waverly as to population growth, wholesale and retail sales, manufacturing and commerce, and employment are given to support the petitioner's claim that Waverly presents a greater need and has a superior prospect for supporting an FM facility than does Centerville.

4. An opposition by Trans-Aire Corp., licensee of Station WHLP(AM), Centerville, was filed urging that the proposal be denied on the grounds that it anticipated filing an application for use of the channel at Centerville. An application, BPH-6470, submitted by Trans-Aire and accepted for filing on September 18, 1968, is pending.

5. In response to the notice in this proceeding, petitioner submitted comments with a further showing containing additional statistics to support its contention that the needs for a first local FM outlet in Waverly and its surrounding areas exceeds the corresponding needs of Centerville. Petitioner notes that Hickman County is primarily agricultural and that it experienced a decline of 11.2 percent in population between 1950 and 1960, whereas, in the same period, Humphreys County increased in population to only slightly less than that listed for Hickman County.

6. The petitioner's comments are accompanied by an engineering statement demonstrating that the proposed assignment at Waverly would provide a first ("white" area) and second ("gray" area) FM service (1 mv/m contour) to areas of 90 and 70 square miles (containing populations of 1,837 and 3,604 persons), respectively. It is also shown that the operation described in the opponent's pending application for a new station at Centerville would provide neither a first nor second FM service due to coverage presently provided by two Nashville FM stations, WSM-FM and WSIX-FM. For purposes of the comparison, petitioner assumes a 1 mv/m contour radius for the Waverly operation equivalent to that shown by the Centerville applicant in its application, which is less than the maximum permitted for Class A stations. It is further submitted that, as to the two cities themselves, Waverly presently receives FM service from one Nashville FM station, but Centerville receives two.[1]

7. The showings by petitioner as to first and second FM services are based on assumptions not entirely in accord with those previously accepted for such purposes. See Further Notice of Proposed Rule Making, RM-1034, Docket No. 17095, FCC 67-665, for criteria considered acceptable for this purpose in FM rule making proceedings. Accordingly, we have determined that if maximum facilities are assumed for all Class A assignments (3 kw., 300 feet) and 75 kw. at 500 feet, or actual authorized facilities, whichever is larger, is assumed for all Class C assignments in the area, the "white" and "gray" areas for the Waverly proposal would be approximately 149 and 235 square miles, respectively. Under these same assumptions, the Centerville assignment would serve corresponding areas of 78 and 18 square miles. Thus, it is apparent, from determinations using either the petitioner's or the preferred method, that use of the channel at Waverly would potentially provide more first and second FM services than would its corresponding use at Centerville.

8. After careful consideration of all comments and data filed in this proceeding, we find that the basis upon which to reach a fair and equitable decision is very close. Both communities are seats of their respective counties and the counties are essentially equal in population. Both the counties are presently limited to one local radio outlet, each being a daytime-only AM station. It does not appear that other channels are available to either community without deletions or changes in operating stations. Among factors weighing in favor of Waverly is that the community has a larger population than Centerville—1,213 more persons, or over 70 percent larger. Based on reasonable assumptions described above, Waverly is presently within the service range of one FM station; Centerville is within the service range of two. Finally, when both communities are assumed to operate with maximum permissible facilities on the channel in question, the Waverly operation, while not serving very large areas, would in comparison provide coverage to greater "white" and "gray" areas than would operation at Centerville. We therefore conclude that it would be in the public interest to assign the channel to Waverly.

9. In view of the foregoing, we are adopting petitioner's proposal by assigning Channel 285A to Waverly, Tenn., and deleting same from Centerville, Tenn.

10. Authority for adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

11. In view of the above: *It is ordered*, That effective June 10, 1969, § 73.202 of the Commission's rules and regulations is amended as follows:

(a) The following entry is deleted from the FM Table of Assignments:

City	Channel No.
Centerville, Tenn	285A

(b) The following entry is added to the FM Table of Assignments:

City	Channel No.
Waverly, Tenn	285A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 2, 1969.

Released: May 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5558; Filed, May 8, 1969; 8:46 a.m.]

[1] As for nighttime AM services, petitioner states that about 75 percent of the Waverly assumed FM service area would be covered by one Nashville AM station and that the assumed Centerville FM service area would be totally included within the service area of two Nashville AM stations.

[2] Commissioner Bartley dissenting; Commissioner Robert E. Lee absent; Commissioner Cox abstaining from voting.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Fresh Plums and Prunes[1]

STANDARD PACK

On page 5301 of the FEDERAL REGISTER of March 15, 1969, there was published a notice of proposed rule making to amend these grade standards by deleting subparagraphs (a)(3)(i) and (a)(4) and revising subparagraph (b)(1) of § 51.1527. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until April 20, 1969, to submit written data, views, or arguments regarding the proposal. No objections have been received and the proposed amended § 51.1527 of these standards is hereby adopted without change and is set forth below.

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1969 packing season for plums will begin shortly and it is in the interest of the public and the industry that this amendment be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this amendment on the part of members of the plum and prune industry or of others.

Accordingly this amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 5, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

STANDARD PACK

§ 51.1527 Standard pack.

(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) Four-basket crates: Four-basket crates shall not be packed more than three layers deep.

(i) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer; the arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer.

(ii) In the 3½—4 x 5 and 3½—4 x 4 packs the face of each half of the crate shall be packed as a unit, with no shim between the two baskets.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or subcontainer, or in terms of the four-basket crate designation for fruit of equivalent sizes. Size may also be shown in terms of maximum number of fruit for a specified weight, such as "8 per pound," "6.4 per pound" or "7⅔ per pound."

(i) *Four-basket crates.* The size of plums packed in four-basket crates shall be indicated in accordance with the arrangement in the top layer of the baskets, as follows: 6 x 6, 5 x 5, or 4 x 4 (square packs); 5 x 6, 4 x 5, or 3 x 4 (offset packs); 3½—4 x 5, 3—4 x 5, 3½—4 x 4, or 3—4 x 4 (diagonal packs).

(ii) *California peach boxes, lug boxes and small consumer packages.* In layer-packed California peach boxes or lug boxes, and in small consumer packages, the count of the entire contents shall be marked on the package. The number of plums or prunes in California peach boxes or lug boxes shall not vary more than 4 from the number indicated on the package.

(iii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the package, as "6 row", "8 row", etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter.

(2) When size is indicated in terms of minimum diameter, not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for standard pack.* In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for standard pack.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

[F.R. Doc. 69-5578; Filed, May 8, 1969; 8:48 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[945.327 Amdt. 2]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments, hereinafter set forth, will tend to effectuate the declared policy of the act.

The supply of potatoes available for dehydration outside the production area is nearly depleted for the current marketing season. The administrative committee requested this amendment to the limitation of shipments regulation to authorize the shipment of potatoes to destinations outside the production area for this outlet and to reduce the supply of potatoes available for market within the production area.

The administrative committee anticipates that as much as 50,000 hundredweight of production area potatoes will be shipped to the State of Washington for dehydration pursuant to this amendment.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions.

Order, as amended. In § 945.327 (33 F.R. 9531; 34 F.R. 495) paragraph (c) and the introductory text of paragraph (d) are amended to read as follows:

§ 945.327 Limitation of shipments.

* * * * *

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation;
(vii) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, seed pieces cut from stock eligible for certification, export, or potato chipping, pursuant to paragraph (c) of this section shall:

* * * * *

Dated: May 5, 1969, to become effective May 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5548; Filed, May 8, 1969; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Reports of Loss or Theft of Licensed Material

On October 23, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 15666) for comment a proposed amendment to its regulation, "Standards for Protection Against Radiation", 10 CFR Part 20, which would establish additional requirements regarding reports of loss or theft of licensed material.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments and other factors involved the Commission has adopted the proposed amendment. The text of the amendment set out below is identical with the text of the proposed amendment published on October 23, 1968.

Section 20.402 of 10 CFR Part 20 presently requires licensees of the Atomic Energy Commission to report to the Commission by telephone and telegraph any loss or theft of byproduct, source, or special nuclear material immediately after its occurrence becomes known to the licensee if it appears to the licensee that a substantial hazard may result to persons in unrestricted areas. Section 20.402 does not require that the licensee submit information as to the circumstances surrounding the loss or steps taken to recover the licensed material. The telegraphic report occasionally is incomplete or even misleading since it may have been filed with the Commission before the facts were fully developed.

The amendment of § 20.402 set forth below requires a licensee to file a written report in addition to the telephone and telegraph report presently required by § 20.402. The written report must be filed within 30 days from the date that the licensee learns of the loss or theft and would include the following information: Description of the licensed material including kind, quantity, chemical, and physical form; conditions under which loss or theft occurred; disposition or probable disposition of the radioactive material; known radiation exposures and circumstances under which they occurred; extent of possible hazard to persons in unrestricted areas; and steps which have been taken or will be taken to recover the material and to prevent a recurrence of the loss or theft. The amendment provides also that any report filed with the Commission pursuant to § 20.402 shall be so prepared that names of individuals who have received exposure to radiation are stated in a separate part of the report.

Subsequent to filing the written report the licensee would be required to report any substantive additional information which becomes available on the loss or theft within 30 days after he learns of such information.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 20, is published as a document subject to codification effective sixty (60) days after publication in the FEDERAL REGISTER.

Section 20.402 of 10 CFR Part 20 is amended by designating the present text as paragraph (a) and adding new paragraphs (b), (c), and (d). As revised, § 20.402 reads as follows:

§ 20.402 Reports of theft or loss of licensed material.

(a) Each licensee shall report by telephone and telegraph to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D, immediately after its occurrence becomes known to the licensee, any loss or theft of licensed material in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

(b) Each licensee who is required to make a telephonic and telegraphic report pursuant to paragraph (a) of this section shall, within 30 days after he learns of the loss or theft, make a report in writing to the Director, Division of Compliance, U.S. Atomic Energy Commission, Washington, D.C. 20545, with a copy to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D, setting forth the following information:

(1) A description of the licensed material involved, including kind, quantity, chemical, and physical form;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition or probable disposition of the licensed material involved;

(4) Radiation exposures to individuals, circumstances under which the exposures occurred, and the extent of possible hazard to persons in unrestricted areas;

(5) Actions which have been taken, or will be taken, to recover the material; and

(6) Procedures or measures which have been or will be adopted to prevent a recurrence of the loss or theft of licensed material.

(c) Subsequent to filing the written report the licensee shall also report any substantive additional information on the loss or theft which becomes available to the licensee, within 30 days after he learns of such information.

(d) Any report filed with the Commission pursuant to this section shall be so prepared that names of individuals who may have received exposure to radiation are stated in a separate part of the report.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 1st day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-5556; Filed, May 8, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 69-WE-4-AD; Amdt. 39-763]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Company Models 707 and 720

Amendment 731, Part 507 (29 F.R. 6614), AD 64-11-1, as amended by Amendment 39-739 (34 F.R. 5428), requires inspection and repair of the upper rear spar chords. After issuing Amendment 39-739, the Agency determined that clarification of certain part of the amendment was necessary. Therefore, the AD is being further amended to provide minor change to paragraph (7). Accomplishment of the pertinent instructions of paragraph (7) by affected operators would constitute terminating action for inspections required by Part (a) of AD 64-11-1.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 731, Part 507 (29 F.R. 6614), AD 64-11-1, as amended by Amendment 39-739 (34 F.R. 5428) is further amended by amending paragraph (7) to read as follows:

(7) Upon accomplishment of the repair or modification in accordance with one of the following, the inspections required by Part (a) of this AD may be discontinued:

Repair of chord in accordance with:
Boeing Drawing 65-40140.
Boeing Drawing 65-68328.
Boeing Drawing 65-68331.
Boeing Service Bulletin 2427, Part X.
Boeing Service Bulletin 2607.
Boeing Service Bulletin 2731.
Method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective May 9, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 29, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-5541; Filed, May 8, 1969; 8:45 a.m.]

[Airworthiness Docket No. 69-WE-5-AD; Amdt. 39-764]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell Corporation Models NA-265, NA-265-20, NA-265-30, NA-265-40, and NA-265-60

There have been five reported failures (three military and two civil) of the main landing gear piston approximately 6 inches above the axle center line with the origin of the failure occurring on the inner bore surface. These failures have been attributed to fatigue resulting from the cyclic loading of this part, with stress corrosion, tool marks, intergranular cracks, and surface decarburization as possible contributing factors which were present at the failure origin. As a result of the failures the manufacturer is investigating the service life of the main landing gear. The results of this investigation may necessitate the amending of this AD to include retirement times for gear components.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the inspection, rework or replacement, as necessary of the main landing gear pistons.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective on the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

NORTH AMERICAN ROCKWELL. Applies to NA-265 Series aircraft equipped with main landing gear pistons P/N 174447 (LH), 174448 (RH), 174981 (LH), 174982 (RH), 2573965 (LH), 2573966 (RH), 1127L011-1 (LH), or 1127L011-2 (RH) with serial numbers which have not been altered by the addition of the letter "L," "R," or "T" in accordance with the instructions contained in Los Angeles Division of North American Rockwell Corp. Sabreliner Field Service Bulletin No. 69-2, dated March 31, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main landing gear pistons, accomplish the following:

PART I

(a) Part I of this AD applies to landing gear pistons, P/N 174981 (LH) (Serial Nos. S-132A, S-145, S-148, S-153, S-158, S-162, S-169, and S-172) and 174982 (RH) (Serial Nos. S-144, S-149, S-154, S-157, S-159, S-161, S-164, S-165, S-166, and S-168).

(b) Within 15 hours time in service after the effective date of this AD accomplish the following:

(1) Rework and inspect the lower inside diameter of the piston in accordance with instructions contained in the above mentioned service bulletin No. 69-2, dated March 31, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region; or

(2) Replace main landing gear pistons with parts which have been identified in accordance with Service Bulletin 69-2 with the letter "L," "R," or "T" following the serial number on the lower outboard side of the piston, or with another approved piston.

PART II

(a) Part II of this AD applies to all affected landing gear pistons not listed in Part I above.

(b) Within the next 300 hours time in service after the effective date of this AD accomplish the following:

(1) Inspect the lower inside diameter of the piston and rework as necessary in accordance with instructions contained in the above mentioned service bulletin No. 69-2, dated March 31, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region; or

(2) Replace each main landing gear piston with a piston which has been identified in accordance with Service Bulletin No. 69-2 with the letter "L," "R," or "T" following the serial number on the lower outboard side of the piston or with another approved piston.

This amendment becomes effective May 9, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to North American Rockwell Corp., Los Angeles Division, International Airport, Los Angeles, Calif. 90009. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file of this airworthiness directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on April 29, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on May 8, 1969.

[F.R. Doc. 69-5542; Filed, May 8, 1969; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SW-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Controlled Airspace

On March 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5022) stating that the Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a joint-use restricted area near White Sands Proving Grounds, N. Mex., and alter the description of the continental control area by including the new restricted area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.151 (34 F.R. 4546) the Continental Control Area is amended by adding:

R-5107E White Sands Proving Grounds, N. Mex.

Section 73.51 (34 F.R. 4837) is amended by adding a new Restricted Area R-5107E as follows:

R-5107E WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries. From the point where an arc of 10 nautical miles radius centered at lat. 33°45'00" N., long. 106°26'30" W., intersects the western boundary of R-5107C, to lat. 33°54'00" N., long. 106°46'30" W.; to lat. 33°32'45" N., long. 106°58'45" W.; to lat. 33°26'50" N., long. 107°00'00" W.; to lat. 33°35'00" N., long. 106°48'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of use. As published in NOTAMs at least 12 hours in advance.

Controlling agency. FAA, Albuquerque ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C. on May 2, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5543; Filed, May 8, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9549; Amdt. 648]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to establish low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Boston VOR	SEW NDB (Lynnfield)	Direct	2000	T-dn%	300–1	300–1	200–½
Revere Int	SEW NDB	Direct	1800	C-dn#	600–1	600–1	600–1¼
Sandhills Int	SEW NDB	Direct	1800	S-dn–22L**	600–1	600–1	600–1
Danvers Int	SEW NDB (NOPT)	Direct	1500	A-dn	800–2	800–2	800–2
Bedford NDB	SEW NDB	Direct	1800				

Radar vectoring.
Procedure turn E side of crs, 035° Outbnd, 215° Inbnd, 1800′ within 10 miles of SEW NDB.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 215°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 4.8 miles after passing SEW NDB, climb to 2000′; direct BO LOM (Milton). Hold SW of BO LOM, 035° Inbnd, 1 minute, right turns.
CAUTION: 370′ stack, 1 mile SW; 505′ and 638′ buildings, 1.7 miles to 1.9 miles W; 845′ building, 3 miles W.
%Departures from Runway 27, make left turn to heading 260° as soon as practicable after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
**Reduction not authorized.
MSA within 25 miles of SEW NDB: 000°–180°—1600′; 180°–360°—2400′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Facility, SEW; Procedure No. NDB (ADF) Runway 22L, Amdt. Orig. Eff. date, 29 May 69

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Colorado Springs, Colo.—Peterson Field, ADF 1, Amdt. 14, 13 Mar. 1965 (established under Subpart C).
Houston, Tex.—William P. Hobby, NDB (ADF) Runway 3, Amdt. 25, 4 Feb. 1967 (established under Subpart C).
Houston, Tex.—William P. Hobby, NDB (ADF) Runway 21, Amdt. 4, 4 Feb. 1967 (established under Subpart C).
Memphis, Tenn.—Metropolitan, ADF 1, Amdt. 14, 9 Dec. 1965 (established under Subpart C).
Memphis, Tenn.—Metropolitan, NDB (ADF) Runway 35, Amdt. 7, 4 Feb. 1967 (established under Subpart C).
Pueblo, Colo.—Pueblo Memorial, ADF 1, Amdt. 4, 22 Jan. 1966 (established under Subpart C).
Pueblo, Colo.—Pueblo Memorial, ADF 2, Amdt. 1, 6 Mar. 1965 (established under Subpart C).
San Diego, Calif.—San Diego International/Lindbergh Field, NDB (ADF) Runway 9, Amdt. 8, 10 June 1967 (established under Subpart C).
Astoria, Oreg.—Clatsop County, VOR Runway 7, Amdt. 4, 1 July 1967 (established under Subpart C).
Astoria, Oreg.—Clatsop County, VOR Runway 13, Amdt. 7, 1 July 1967 (established under Subpart C).
Beckley, W. Va.—Raleigh County Memorial, VOR Runway 10, Amdt. 3, 20 May 1967 (established under Subpart C).
Chicago, Ill.—Pal-Waukee, VOR Runway 16, Amdt. 9, 28 Jan. 1967 (established under Subpart C).
Elkins, W. Va.—Elkins-Randolph County, VOR–1, Amdt. 3, 4 Apr. 1968 (established under Subpart C).
Memphis, Tenn.—Metropolitan, VOR Runway 35, Amdt. 20, 23 Dec. 1967 (established under Subpart C).
Ogden, Utah—Ogden Municipal, VOR 1, Amdt. 12, 26 Nov. 1966 (established under Subpart C).
Pueblo, Colo.—Pueblo Memorial, VOR 1, Amdt. 11, 6 Mar. 1965 (established under Subpart C).
Pullman, Wash.—Pullman-Moscow Regional, VOR Runway 5, Amdt. 2, 26 Aug. 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Boston, Mass.—General Edward Lawrence Logan International, NDB (ADF) Runway 22L, Amdt. 8, 6 Feb. 1969, canceled, effective 29 May 1969.

4. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Colorado Springs, Colo.—Peterson Field, TerVOR–35, Orig., 5 Nov. 1966, canceled, effective 29 May 1969.

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Houston, Tex.—William P. Hobby, VOR/DME–3, Amdt. 7, 2 July 1966 (established under Subpart C).
Houston, Tex.—William P. Hobby, VOR/DME–1, Amdt. 5, 4 June 1966 (established under Subpart C).
Houston, Tex.—William P. Hobby, VOR/DME Runway 21, Amdt. 11, 1 Apr. 1967 (established under Subpart C).
Houston, Tex.—William P. Hobby, VOR/DME–4, Amdt. 2, 4 June 1966 (established under Subpart C).

6. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Boston VOR	SEW NDB (Lynnfield)	Direct	2000	T-dn%	300–1	300–1	¢200–½
Revere Int	SEW NDB	Direct	1800	C-dn#	600–1	600–1	600–1¼
Sandhills Int	SEW NDB	Direct	1800	S-dn–22L**	500–1	500–1	500–1
Danvers Int	SEW NDB (NOPT)	Direct	1500	A-dn	800–2	800–2	800–2

Radar vectoring.
Procedure turn E side of crs, 035° Outbnd, 215° Inbnd, 1800′ within 10 miles of SEW NDB.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 215°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 4.8 miles after passing SEW NDB, climb to 2000′ direct BO LOM (Milton). Hold SW of BO LOM, 1 minute, right turns, 035° Inbnd.
CAUTION: 370′ stack, 1 mile SW; 505′ and 638′ buildings, 1.7 miles to 1.9 miles W; 845′ building, 3 miles W.
%Departures from Runway 27, make left turn to heading 260° as soon as practicable after takeoff.
¢RVR 2400′ authorized for Runways 4R and 33.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
**Reduction not authorized.
MSA within 25 miles of SEW NDB: 000°–180°—1600′; 180°–360°—2400′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., ILS; Ident., I-BOS; Procedure No. LOC (BC) Runway 22L, Amdt. 1; Eff. date, 29 May 69; Sup. Amdt. No. Orig.; Dated, 13 Jan. 68

7. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Colorado Springs, Colo.—Peterson Field, ILS–17, Amdt. 4, 5 Nov. 1966 (back course) (established under Subpart C).
Colorado Springs, Colo.—Peterson Field, ILS–35, Amdt. 20, 5 Nov. 1966 (established under Subpart C).
Houston, Tex.—William P. Hobby, ILS–3, Amdt. 26, 4 June 1966 (established under Subpart C).
Houston, Tex.—William P. Hobby, ILS–21, Amdt. 12, 4 June 1966 (back course) (established under Subpart C).
Memphis, Tenn.—Metropolitan, ILS–9, Amdt. 11, 9 Dec. 1965 (established under Subpart C).
Memphis, Tenn.—Metropolitan, LOC (BC) Runway 17, Orig., 28 Oct. 1967 (established under Subpart C).
Memphis, Tenn.—Metropolitan, ILS–27, Amdt. 11, 9 Dec. 1965 (back course) (established under Subpart C).
Memphis, Tenn.—Metropolitan, ILS Runway 35, Amdt. 8, 4 Feb. 1967 (established under Subpart C).
Pueblo, Colo.—Pueblo Memorial, ILS–7, Amdt. 6, 22 Jan. 1966 (established under Subpart C).
Pueblo, Colo.—Pueblo Memorial, ILS–25, (BC), Amdt. 4, 27 Mar. 1965 (established under Subpart C).
San Diego, Calif.—San Diego International/Lindbergh Field, ILS Runway 9, Amdt. 7, 10 June 1967 (established under Subpart C).
San Diego, Calif.—San Diego International/Lindbergh Field, LOC (BC) Runway 27, Amdt. 7, 10 June 1967 (established under Subpart C).

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Colorado Springs, Colo.—Peterson Field, Radar 1, Amdt. 6, 13 Mar. 1965 (established under Subpart C).
Houston, Tex.—William P. Hobby, Radar 1, Amdt. 15, 18 June 1966 (established under Subpart C).
Memphis, Tenn.—Metropolitan, Radar 1, Amdt. 14, 25 Dec. 1965 (established under Subpart C).
Odgen, Utah—Municipal, Radar 1, Amdt. 1, 13 June 1964 (established under Subpart C).

9. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AST VOR.
				Climbing right turn to 1500′ on R 246° within 10 miles.

Supplementary charting information:
Final approach crs intercepts runway centerline 4500′ from threshold. Runway 7, TDZ elevation, 10′.

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 1500′ within 10 miles of AST VOR.
Final approach crs, 066°.
Minimum altitude over AST VOR, 640′.
MSA: 000°–090°—4100′; 090°–180°—4300′; 180°–270°—2300′; 270°–360°—3200′.
%IFR departure procedures: Runway 21—400–1, Runway 13—500–1, Runways 3 and 7—800–1. Runways 3, 7, and 31, turn left; Runways 13, 21, and 25, turn right; intercept and climb Westbound on R–287° within 10 miles to cross VOR at or above 500′; 1500′ southeastbound V–27E.
#Air carrier visibility reduction not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–7#	640	1	630	640	1	630	640	1¼	630	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	660	1	649	660	1	649	780	1¼	769	NA
A	Standard.		T 2-Eng. or less—Runways 25 and 31, Standard.%				T over 2-eng.—Runways 25 and 31, Standard.%			

City, Astoria; State, Oreg.; Airport name, Clatsop County; Elev., 11′; Facility, AST; Procedure No. VOR Runway 7, Amdt. 5; Eff. date, 29 May 69; Sup. Amdt. No. 4; Dated, 1 July 67

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AST VOR.
AST VOR	Ilwaco Int	Direct	3000	Climb straight ahead to 800′ on R 107°, turn left, climb to 2500′ direct AST VOR, then on R 287° within 10 miles.
Ilwaco Int	Fort Stevens FM (NOPT)	Direct	1200	Supplementary charting information:
AST VOR	Fort Stevens FM	Direct	3000	Final approach crs intercepts runway centerline extended 300′ from threshold
				Chart holding pattern and MHA at Ilwaco Int in plan view.
				Runway 13, TDZ elevation, 10′.

*Procedure turn N side of crs, 287° Outbnd, 107° Inbnd, 2500′ within 10 miles of Fort Stevens FM.
Minimum altitude over Ilwaco Int., 2500′; over Fort Stevens FM, 1200′.
MSA: 000°–090°—4100′; 090°–180°—4300′; 180°–270°—2300′; 270°–360°—3200′.
*Procedure turn not authorized when restricted area 5705 active; final approach from holding pattern at Ilwaco Int must be used.
%IFR departure procedures: Runway 21—400–1, Runway 13—500–1, Runways 3 and 7—800–1. Runways 3, 7, and 31, turn left; Runways 13, 21, and 25, turn right; intercept and climb westbound on R#287° within 10 miles to cross VOR at or above 500′; 1500′ southeastbound V–27E.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–13	480	1	470	480	1	470	480	1	470	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	660	1	649	660	1	649	780	1¼	769	NA
A	Standard.		T 2-eng. or less—Runways 25 and 31, Standard.%				T over 2-eng.—Runways 25 and 31, Standard.%			

City, Astoria; State, Oreg.; Airport name, Clatsop County; Elev., 11′; Facility, AST; Procedure No. VOR Runway 13, Amdt. 8; Eff. date, 29 May 69; Sup. Amdt. No. 7; Dated 1 July 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BKW VOR.
				Climb to 5000′ on BKW R 107° within 10 miles and return to BKW VOR and hold.
				Supplementary charting information:
				Hold W, 1 minute, right turns, 107° Inbnd.
				Final approach crs intercepts runway centerline 3000′ from threshold.
				Runway 10, TDZ elevation, 2501′.

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 4700′ within 10 miles of BKW VOR.
Final approach crs, 107°
MSA: 000°–090°—5200′; 090°–180°—5200′; 180°–270°—4800′; 270°–360°—4500′.
CAUTION: Precipitous terrain underlying this procedure; turbulence of varying intensities may be encountered.
CAUTION: Sharp dropoff both ends of runway.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–10	3200	1	699	3200	1	699	3200	1¼	699	3200	1½	699
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3200	1	696	3240	1	736	3240	1½	736	3260	2	756
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Beckley; State, W. Va.; Airport name, Raleigh County Memorial; Elev., 2594′; Facility, BKW; Procedure No. VOR Runway 10, Amdt. 4; Eff. date, 29 May 69; Sup. Amdt. No. 3; Dated, 20 May 67

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing OBK VORTAC.
				Make left-climbing turn to 2500′ and return to OBK VORTAC.
				Supplementary charting information:
				796′ tower, 1 mile NNW of airport.
				894′ tower, 1.6 miles SE of airport.
				1027′ tower, 3.5 miles WNW of airport.
				Runway 16, TDZ elevation, 646′.

Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 2200′ within 10 miles of OBK VORTAC.
FAF, OBK VORTAC. Final approach crs, 162°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over OBK VORTAC, 1900′.
MSA: 045°–225°—3100′; 225°–315°—2400′; 315°–045°—2300′.
NOTES: (1) Radar vectoring. (2) Use Chicago O'Hare altimeter setting when control zone not effective. (3) Inoperative component table does not apply to HIRL, non-standard ALS and REILS Runway 16.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–16	1060	1	414	1060	1	414	1060	1	414	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1120	1	474	1120	1	474	1120	1¼	474	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Chicago; State, Ill.; Airport name, Pal-Waukee; Elev., 646′; Facility, OBK; Procedure No. VOR Runway 16, Amdt. 10; Eff. date, 29 May 69; Sup. Amdt. No. 9; Dated, 28 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing Coalton Int/6-mile DME. (11.4-mile DME Fix EKN R 102°).
				Climbing left turn to 5000′ direct to Elkins VORTAC and hold; or, when directed by ATC, climbing left turn to 6000′ direct to CKB VOR via the CKB VOR R 139°.
				Supplementary charting information:
				Hold W, 1 minute, right turns, 089° Inbnd.
				Final approach crs to center of landing area. Chart 3660′ tower located 38°52′52″ N. 79°55′54″ W.

Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 5000′ within 10 miles of EKN VORTAC.
FAF, Coalton Int/6-mile DME. Final approach crs, 102°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over EKN VORTAC, 5000′; over Coalton Int/6-mile DME, 4500′; over 9-mile DME Fix, 4100′.
MSA: 045°–135°—7500′; 135°–225°—5900′; 225°–315°—3900′; 315°–045°—4200′.
*Night minimums not authorized.
#Air carrier will not reduce takeoff visibility due to local conditions.
% Takeoffs all runways: Climb direct to RFC NDB, then via 030° bearing to intercept the EKN VORTAC R 074° (V–4) at or above 3300′, continue climb proceed as cleared; requires a minimum climb rate of 250′ per mile.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered. 4008′ terrain 6 miles ENE of airport, higher terrain beyond 10 miles E through S.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	4100	3	2113	4100	3	2113	4100	3	2113	NA
DME Minimums:										
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	3500	2½	1513	3500	2¾	1513	3500	3	1513	NA
A	2500–3.		T 2-eng. or less—1000–2.7%#				T over 2-eng.—1000–2.7%#			

City, Elkins; State, W. Va.; Airport name, Elkins-Randolph County; Elev., 1987′; Facility, EKN; Procedure No. VOR–1, Amdt. 4; Eff. date, 29 May 69; Sup. Amdt. No. 3, Dated, 4 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Gorham Int	Berlin VOR (NOPT)	Direct	5300	MAP: 9.5 miles after passing BML VOR or abeam ERR NDB. Make right-climbing turn to 5300'* direct BML VOR and hold. Supplementary charting information: Hold N of BML VOR, 1 minute, left turns, 192° Inbnd. CAUTION: 2752' terrain 2.5 miles N of airport.

Procedure turn E side of crs, 203° Outbnd, 023° Inbnd, 5300' within 10 miles of BML VOR.
FAF, BML VOR. Final approach crs, 023°. Distance FAF to MAP, 9.5 miles.
Minimum altitude over BML VOR, 5300.
MSA: 000°–090°—4800'; 090°–180°—5200'; 180°–270°—7400'; 270°–360°—5200'.
NOTE: Use Montpelier, Vt., altimeter setting.
#Night minimums not authorized.
*Minimum communications altitude, Boston ARTCC or Augusta FSS, 5000'.
**Abeam ERR NDB is missed approach point.
%IFR departure procedure: Depart over the airport at 2200' on R 023°, climb to 5000'* direct BML VOR. Hold N of BML VOR, 1 minute, left turns, 192° Inbnd. Climb in holding pattern to MSA or airway MEA.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C#	3100	3	1855	3100	3	1855	NA	NA
	VOR NDB Minimums:**							
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C#	2880	3	1635	2880	3	1635	NA	NA
A	Not authorized.		T 2-eng. or less—1000–1½%				T over 2-eng.—Not authorized.	

City, Errol; State, N.H.: Airport name, Errol; Elev., 1245'; Facility, BML; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 073°, MEM VORTAC CW	R 164° (NOPT)	8-mile DME Arc	1900	MAP: 5.4 miles after passing MEM VORTAC.
R 257°, MEM VORTAC CCW	R 164° (NOPT)	8-mile DME Arc	1900	
Independence Int	MEM VORTAC (NOPT)	Direct	1900	
Coldwater Int	MEM VORTAC (NOPT)	Direct	1900	Climb to 1900' to Stadium Int via R 350° MEM VORTAC and hold; or, when directed by ATC, climbing left turn to 1900' direct to ME LOM and hold W, 1 minute, right turns, 087° Inbnd. Supplementary charting information: Hold N, 1 minute, right turns, 170° Inbnd. HIRLs Runways 9/27, 17/35. VASI Runway 27. TDZL Runway 35. Runway 35, TDZ elevation, 331'.

Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 1900' within 10 miles of MEM VORTAC.
FAF, MEM VORTAC. Final approach crs, 344°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over MEM VORTAC, 1900'; over 3-mile DME Fix, 780'.
MSA: 000°–090°—2400'; 090°–180°—2000'; 180°–270°—1700'; 270°–360°—2400'.
NOTE: ASR.
*Increase visibility ¼ mile with inoperative ALS and HIRLS; inoperative component table does not apply to ALS and HIRLS.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	780	RVR 40	449	780	RVR 40	449	780	RVR 40	449	780	RVR 40	449
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	449	800	1	469	800	1½	469	900	2	569
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	700	RVR 40	369	700	RVR 40	369	700	RVR 40	369	700	RVR 40	369
A	Standard.		T 2-eng. or less—RVR 24', Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24', Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331'; Facility, MEM; Procedure No. VOR Runway 35, Amdt. 21; Eff. date, 29 May 69; Sup. Amdt. No. 20 Dated, 23 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
INL VORTAC	VNN VOR	Direct	2100	MAP: 4 miles after passing Nason Int. Climb to 2100' direct to VNN VOR.
Cartier Int	VNN VOR	Direct	2100	Supplementary charting information:
SAM VOR	VNN VOR	Direct	2300	Final approach crs crosses threshold Runway 5.
IVV VORTAC	VNN VOR	Direct	2300	Runway 5, TDZ elevation, 469'.
MWA VOR	Waltonville Int	V 179°	2400	
MWA VOR	Nason Int (NOPT)	Direct	2400	
Waltonville Int			1700	

Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2100' within 10 miles of Nason Int.
FAF, Nason Int. Final approach crs, 043°. Distance FAF to MAP, 4 miles.
Minimum altitude over Nason Int, 1700'.
MSA: 180°–270°—2400'; 270°–180°—2100'.
NOTE: Use Vandalia, Ill., altimeter setting when control zone not effective.
$Dual VOR receivers required.
*Circling and straight-in MDA increased 200' when control zone not effective except operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9-05*	800	1	331	800	1	331	800	1	331	800	1	331
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	920	1	440	940	1	460	940	1¼	460	1040	2	560
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Mount Vernon; State, Ill.; Airport name, Mount Vernon-Outland; Elev., 480'; Facility, VNN; Procedure No. VOR Runway 5, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
INL VORTAC	VNN VOR	Direct	2100	MAP: 2.9 miles after passing VNN VOR. Climbing left turn to 2100', return to VNN VOR.
Cartier Int	VNN VOR	Direct	2100	
SAM VOR	VNN VOR	Direct	2300	Supplementary charting information:
IVV VORTAC	VNN VOR	Direct	2300	Runway 23, TDZ elevation, 471'.
MWA VOR	Johnson Int	Direct	2400	
BIB VOR	VNN VOR (NOPT)	Direct	2300	
Johnson Int			1400	

Procedure turn E side of crs, 041° Outbnd, 221° Inbnd, 2100' within 10 miles of VNN VOR.
FAF, VNN VOR. Final approach crs, 221°. Distance FAF to MAP, 2.9 miles.
Minimum altitude over VNN VOR, 1400'.
MSA: 180°–270°—2400'; 270°–180°—2100'.
NOTE: Use Vandalia, Ill., altimeter setting when control zone not effective except operators with approved weather reporting service.
*Circling and straight-in MDA increased 200' when control zone not effective except operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9-23*	860	1	389	860	1	389	860	1	389	860	1	389
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	920	1	440	940	1	460	940	1¼	460	1040	2	560
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Mount Vernon; State, Ill.; Airport name, Mount Vernon-Outland; Elev., 480'; Facility, VNN; Procedure No. VOR Runway 23, Amdt. Orig.; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing OGD VORTAC.
Promontory Point Int	OGD R 260°/13-mile DME	Direct	8100	Climbing right turn to 6500′ direct to OGD VORTAC and hold.*
OGD R 260°/13-mile DME	OGD R 260°/10-mile DME	Direct	7000	
OGD R 260°, CW	OGD R 299°	10-mile Arc OGD, R 287° lead radial.	6800	Supplementary charting information: * Hold NW, 1 minute, right turns, 119° Inbnd.
OGD R 299°/17-mile DME	OGD R 299°/10-mile DME	Direct	6800	Runway 7, TDZ elevation, 4,444′.
OGD R 328°, CCW	OGD R 299°	10-mile Arc OGD, R 311° lead radial.	6800	
10-mile DME Arc	OGD VORTAC (NOPT)	119° crs	5500	

Procedure turn N side of crs, 299° Outbnd, 119° Inbnd, 6800′ within 10 miles of OGD VORTAC.
FAF, OGD VORTAC. Final approach crs, 088°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over OGD VORTAC, 5500′.
MSA: 150°–330°—8500′; 330°–150°—10,800′.
NOTES: (1) ASR. (2) Components inoperative table does not apply to REIL Runway 7. (3) Final approach from holding pattern at OGD VORTAC not authorized.
$Alternate minimums not authorized when OGD control zone not effective except operators with approved weather reporting service.
¢Use Hill AFB altimeter setting when OGD control zone not effective.
#Air carrier will not reduce landing visibility due to local conditions.
%IFR departure procedures: Climb on OGD VOR, R 260° within 10 miles to minimum crossing altitude for direction of flight: N, R 341°, 7500′; NE V–6, 10,000′; W V–6, 6000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–7‡‡	4900	1	456	4900	1	456	4900	1	456	4900	1	456
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4940	1	485	5060	1	605	5060	1½	605	5060	2	605
A	Standard.$		T 2-eng. or less—Runway 3, 400–1; Runway 16, 400–1½; Standard all other runways.%				T over 2-eng.—Runway 3, 400–1; Runway 16, 400–1½ Standard all other runways.%					

City, Ogden; State, Utah; Airport name, Ogden Municipal; Elev., 4455′; Facility, OGD; Procedure No. VOR Runway 7, Amdt. 13; Eff. date, 29 May 69; Sup. Amdt. No. VOR1, Amdt. 12; Dated, 26 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum Altitudes (feet)	MAP: 2.4 miles after passing VOR.
Rosebank VHF/DME	PUB VORTAC	Direct	7000	Climbing left turn to 7000′ direct PUB VORTAC and hold.*
Hanover Int	PUB VORTAC	Direct	7000	
PU LOM	PUB VORTAC	Direct	7000	Supplementary charting information:
Pinon Int	PUB VORTAC	Direct	7300	*Hold E, 248° Inbnd, right turns, 1 minute
Cedarwood Int	PUB VORTAC	Direct	7500	Runway 25R TDZ elevation, 466′.
R 331°, PUB VORTAC CW	R 068°, PUB VORTAC	13-mile Arc PUB R 059° lead radial.	¶7000	
R 203°, PUB VORTAC CCW	R 068°, PUB VORTAC	13-mile Arc PUB, R 077° lead radial.	7000	
13-mile Arc	Haynes Creek Fix	PUB R 068°	7000	
Ordway Int	Haynes Creek Fix	300° Mag and PUB, R 068° 10.2 miles	7000	
Haynes Creek Fix	PUB VOR (NOPT)	Direct	5500	

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 7000′ within 10 miles of PUB VORTAC.
FAF, PUB VORTAC. Final approach crs, 248°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over PUB VORTAC, 5500′.
MSA: 000°–180°—7300′; 180°–270°—8500′; 270°–360°—8000′.
NOTE: Final approach from holding pattern not authorized; procedure turn required.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245° MCA 7200′; R 313° MCA 5200′.
CAUTION: Tower 6320′, 5.5 miles NW of field.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–25R	5100	¾	436	5100	¾	436	5100	¾	436	5100	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, PUB; Procedure No. VOR Runway 25R, Amdt. 12; Eff. date, 29 May 69; Sup. Amdt. No. VOR 1, Amdt. 11; Dated, 6 Mar. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing PUW VOR.
Bishop Int	PUW VOR (NOPT)	Direct	4000	Climbing left turn to 4300′ direct PUW VOR and hold.$ Supplementary charting information: $Hold SW, 1 minute, left turns, 032° Inbnd. Runway extended 1800′ to the SW. LRCO, 122.1. Chart tree 46°44′26″/117°08′28″, 2751′. Chart lighted antenna 46°41′47″/117°14′44″, 2997′. Runway 5, TDZ elevation, 2537′.

Procedure turn W side of crs, 212° Outbnd, 032° Inbnd, 4300′ within 10 miles of PUW VOR.
FAF, PUW VOR. Final approach crs, 027°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over PUW VOR, 4000′.
MSA: 000°–090°—6000′; 090°–270°—6200′; 270°–360°—5400′.
NOTES: (1) Use Walla Walla altimeter setting when PUW altimeter setting not available. (2) Sliding scale not authorized.
*Circling and straight-in MDA increased 300′ and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
%IFR departure procedures: Climb direct to VOR before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5*	3100	1	563	3100	1	563	3100	1	563	3100	1¼	563
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	3100	1	540	3100	1	540	3100	1½	540	3160	2	600
A	Standard.*		T 2-eng. or less—Runways 5–23, 300–1.%				T over 2-eng.—Runways 5–23, 300–1.%					

City, Pullman; State, Wash.; Airport name, Pullman-Moscow Regional; Elev., 2551′; Facility, PUW; Procedure No. VOR Runway 5, Amdt. 3; Eff. date, 29 May 69; Sup. Amdt. No. 2; Dated, 26 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 mile DME Fix, R 329°.
R 095°, IAH VORTAC CCW	R 329°, IAH VORTAC	15-mile DME Arc	1700	Climb to 1800′ direct to IAH VORTAC; proceed on R 149° within 10 miles.
R 243°, IAH VORTAC CW	R 329°, IAH VORTAC	15-mile DME Arc	1700	Supplementary charting information:
15-mile Arc	8-mile DME Fix	R 329°, IAH VORTAC	1700	Final approach crs intercepts runway centerline 3000′ from threshold. 257′ control tower midfield. TDZ elevation, 95′.

Procedure turn not authorized.
Final approach crs, 149°.
Minimum altitude over 8-mile DME Fix, 1700′.
MSA within 25 miles of IAH VORTAC: 270°–180°—1600′; 180°–270°—2500′.
NOTE: ASR.
%RVR 18 authorized Runway 8.
* Inoperative table does not apply to HIRL Runway 14. HIRL inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–14*	460	1	365	460	1	365	460	1	365	460	1	365
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1¼	462	600	2	502
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 96′; Facility, IAH; Procedure No. VOR/DME Runway 14, Amdt. Orig.; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: IAH VORTAC.
R 292°, IAH VORTAC CCW	R 167°, IAH VORTAC	10-mile DME Arc	1800	Climb to 1700′ on R 331°, within 15 miles of IAH VORTAC.
R 061°, IAH VORTAC CW	R 167°, IAH VORTAC	10-mile DME Arc	1800	
10-mile Arc	5-mile DME Fix (NOPT)	R 167°	1400	Supplementary charting information: 257′ control tower midfield. TDZ elevation, 90′.

Procedure turn not authorized.
Final approach crs, 347°.
Minimum altitude over 5-mile DME Fix, 1400′.
MSA within 25 miles of IAH VORTAC: 270°–180°—1600′; 180°–270°—2500′.
NOTE: ASR.
% RVR 18′ authorized Runway 8.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	560	1	462	560	1	462	560	1½	462	600	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 96′; Facility, IAH; Procedure No. VOR/DME Runway 32, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 1-mile DME Fix, R 231°.
R 330°, HOU VORTAC CCW	R 231°, HOU VORTAC	16-mile DME Arc, R 240° lead radial.	2500	Climb to 1600′ direct to Monument Int. and hold.
R 134°, HOU VORTAC CW	R 231°, HOU VORTAC	16-mile DME Arc, R 222° lead radial.	2500	Supplementary charting information: Hold NE, 1 minute, right turns, 217° Inbnd.
16-mile DME Arc	10-mile DME Fix	R 231°	2000	TV tower 1549′ 13 miles SW of airport.
10-mile DME Fix	5-mile DME Fix (NOPT)	R 231°	1000	Runway 3, TDZ elevation, 47′.

Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 2500′ within 10 miles of 5-mile DME Fix.
Final approach crs, 051°.
Minimum altitude over 10-mile DME Fix, 2000′; over 5-mile DME Fix, 1000′.
MSA within 25 miles of HOU VORTAC: 000°–090°—1700′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—1800′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
5-3	440	RVR 24	393	440	RVR 24	393	440	RVR 24	393	440	RVR 50	393
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1½	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Facility, HOU; Procedure No. VOR/DME Runway 3, Amdt. 8; Eff. date, 29 May 69; Sup. Amdt. No. VOR/DME-3, Amdt. 7; Dated, 2 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 1-mile DME Fix, R 298°.
R 016°, HOU VORTAC	R 298°, HOU VORTAC	16-mile DME Arc, R 307° lead radial.	1800	Climb to 2200′ on HOU R 171° within 15 miles.
R 196°, HOU VORTAC CW	R 298°, HOU VORTAC	16-mile DME Arc, R 289° lead radial.	2500	Supplementary charting information: TV tower 1235′, 11 miles SSE of airport.
16-mile DME Arc	10-mile DME Fix	R 298°	1800	TV tower 13 miles SW of airport.
10-mile DME Fix	5-mile DME Fix (NOPT)	R 298°	1300	Runway 12, TDZ elevation, 48′.

Procedure turn S side of crs, 298° Outbnd, 118° Inbnd, 1800′ within 10 miles of 5-mile DME Fix.
Final approach crs, 118°.
Minimum altitude over 10-mile DME Fix, 1800′; over 5-mile DME Fix, 1300′.
MSA within 25 miles of HOU VORTAC: 000°–090°—1700′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—1800′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
5-12	460	1	412	460	1	412	460	1	412	460	1	412
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1½	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Facility, HOU; Procedure No. VOR/DME Runway 12, Amdt. 6; Eff. date, 29 May 69; Sup. Amdt. No. VOR/DME-1, Amdt. 5; Dated, 4 June 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 1-mile DME Fix, R 017°.
R 206°, HOU VORTAC CW	R 017°, HOU VORTAC	16-mile DME Arc, R 008° lead radial.	1800	Climb to 2500′ on HOU R 218° within 15 miles.
R 062°, HOU VORTAC CCW	R 017°, HOU VORTAC	16-mile DME Arc, R 026° lead radial.	1800	Supplementary charting information: TV tower 1549′, 13 miles SW of airport.
16-mile DME Arc	10-mile DME Fix	R 017°	1600	Runway 21, TDZ elevation, 44′.
10-mile DME Fix	6-mile DME Fix (NOPT)	R 017°	1000	

Procedure turn E side of crs, 017° Outbnd, 197° Inbnd, 1800′ within 10 miles of 6-mile DME Fix.
Final approach crs, 197°.
Minimum altitude over 6-mile DME Fix, 1000′; over 3.5-mile DME Fix, 540′.
MSA within 25 miles of HOU VORTAC: 000°–090°—1700′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—1800′.
NOTE: ASR.
#RVR 24′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
8-21	480	¾	436	480	¾	436	480	¾	436	480	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1½	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Facility, HOU; Procedure No. VOR/DME Runway 21, Amdt. 12; Eff. date, 29 May 69; Sup. Amdt. No. 11; Dated, 1 Apr. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1-mile DME Fix, R 134°.
R 264°, HOU VORTAC CCW	R 134°, HOU VORTAC	16-mile DME Arc, R 143° lead radial.	2500	Climb to 1800′ on HOU R 306° within 16 miles; or, when directed by ATC, climb to 2000′ on HOU R 279° within 16 miles.
R 066°, HOU VORTAC CW	R 134°, HOU VORTAC	16-mile DME Arc, R 125° lead radial.	1700	Supplementary charting information:
16-mile DME Arc	10-mile DME Fix	R 134°	1700	TV tower 1235′, 11 miles SSE of airport,
10-mile DME Fix	5-mile DME Fix (NOPT)	R 134°	1200	TV tower 1549′, 13 miles SW of airport. Runway 30, TDZ elevation, 44′.

Procedure turn S side of crs, 134° Outbnd, 314° Inbnd, 2200′ within 10 miles of 5-mile DME Fix.
Final approach crs, 314°.
Minimum altitude over 10-mile DME Fix, 1700′; over 5-mile DME Fix, 1200′.
MSA within 25 miles of HOU VORTAC: 000°–090°—1700′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—1800′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30	420	1	376	420	1	376	420	1	376	420	1	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1½	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Facility, HOU; Procedure No. VOR/DME Runway 30, Amdt. 3; Eff. date, 29 May 69; Sup. Amdt. No. VOR/DME–4, Amdt. 2; Dated, 4 June 66

10. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.2 miles after passing TBD VOR.
				Climb to 1500′ right turn, direct TBD VOR.
				Supplementary charting information:
				TDZ elevation, 11′.
				Steel tower 2 miles NW of airport, 447′.

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1500′ within 10 miles of TBD VOR.
FAF, TBD VOR. Final approach crs, 117°. Distance FAF to MAP, 10.2 miles.
Minimum altitude over TBD VOR, 1500′.
MSA: 000°–360°—1500′.
NOTES: (1) No weather service available. (2) Use New Orleans altimeter setting when Houma altimeter setting not available. (3) Circling and straight-in MDA increased 120′ when Houma altimeter setting not available.
CAUTION: Steel tower 187′ approximately ½ mile W of Runway 12 threshold.
•No runway lights on Runways 12/30.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12	900	1¼	889	900	1¼	889	900	1¼	889	900	2	889
	Day only.•											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1¼	889	900	1¼	889	900	1¼	889	960	2	949
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Houma; State, La.; Airport name, Houma Municipal; Elev., 11′; Facility, TBD; Procedure No. VOR Runway 12, Amdt. 5; Eff. date, 29 May 69; Sup. Amdt. No. VOR Runway 11, Amdt. 4; Dated, 18 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 11-mile DME Fix TBD, R 118°.
TBD VORTAC	16-mile DME Fix TBD, R 118°	Direct	1500	Climb to 1500′ direct TBD VORTAC.
				Supplementary charting information:
				TDZ elevation, 11′.
				Steel tower 2 miles NW of airport, 447′.

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 1500′ within 10 miles of 16-mile DME Fix.
Final approach crs, 298°. Distance FAF to MAP, 5 miles.
Minimum altitude over 16-mile DME Fix, 1000′.
MSA: 000°–360°—1500′.
NOTES: (1) No weather service available. (2) Use New Orleans altimeter setting when Houma altimeter setting not available. (3) Circling and straight-in MDA increased 120′ when Houma altimeter not available.
CAUTION: Steel tower 187′ approximately ½ mile west of Runway 12 threshold.
•No runway lights on Runways 12/30.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30	400	1	389	400	1	389	400	1	389	400	1	389
	Day only.•											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	489	500	1	48	500	1¼	489	760	2	749
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Houma; State, La.; Airport name, Houma Municipal; Elev., 11′; Facility, TBD; Procedure No. VOR/DME Runway 30, Amdt. 3; Eff. date, 29 May 69; Sup. Amdt. No. VOR/DME Runway 29, Amdt. 2; Dated, 18 Apr. 68

11. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Hilltop DME Fix CCW	Vincent Int	COS 15-mile DME Arc, R 341° lead radial.	10,000	Climb to 7300′ direct to CO LOM and hold; or, when directed by ATC, climbing left turn to 8000′ heading 075° to CO R 140° to Hanover Int and hold.
Vincent Int	Academy Int	Direct	9000	
Academy Int	Black Forest Int (NOPT)	Direct	8500	
COS VORTAC	Black Forest Int	Direct	9000	Supplementary charting information: *Hold S, 1 minute, right turns, 347° Inbnd. Runway 17, TDZ elevation, 6172′.
CO LOM	Black Forest Int	Via LOC	9000	

Procedure turn E side of crs, 347° Outbnd, 167° Inbnd, 9000′ within 10 miles of Black Forest Int
FAF, Black Forest Int. Final approach crs, 167°. Distance FAF to MAP, 6 miles.
Minimum altitude over Black Forest Int., 8500′; over Fannin Int., 7180′.
NOTES: (1) ASR/PAR. (2) Dual VOR receivers required for use of Fannin Int.
#Components inoperative table not applicable to HIRL Runway 17.
%IFR departure procedures: Takeoff all runways: Westbound 210° through 345°, climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC westbound at or above 14,100′, V–81 northbound cross COS VORTAC at or above 9000′. Runways 35 and 12, climb straight ahead to 6500′ MSL before turn.
CAUTION: Exceedingly high terrain beginning 6 miles W of localizer crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17#	7180	1½	1008	7180	1¾	1008	7180	2	1008	7180	2¼	1008
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	7180	1½	1008	7180	1¾	1008	7180	2	1008	7180	2¼	1008
LOC/VOR MINIMUMS:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17#	6760	1	588	6760	1	588	6760	1	588	6760	1¼	588
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6760	1	588	6760	1	588	6760	1½	588	6760	2	588
A	1200–2.		T 2-eng. or less—Runway 35, RVR 24′; Standard all other runways.%				T over 2-eng.—Runway 35, RVR 24′; Standard all other runways.%					

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Facility, I–COS; Procedure No. LOC (BC) Runway 17, Amdt. 5; Eff. date, 29 May 69; Sup. Amdt. No. ILS–17 (back crs), Amdt. 4; Dated, 5 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 095°, IAH VORTAC CCW	IAH LOC crs, R 081° lead radial (NOPT).	13-mile DME Arc	1800	Climb to 1800′ direct to Houston (IA) LOM and hold.
R 328°, IAH VORTAC CW	IAH LOC crs, R 065° lead radial (NOPT).	13-mile DME Arc	1800	Supplementary charting information: Hold W, 1 minute, right turns, 032° Inbnd.
13-mile Arc	Maxton Int	LOC crs	1600	257′ control tower midfield. 240′ water tower 3 miles E. TDZ elevation, 97′.

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 1800′ within 10 miles of Maxton Int.
FAF, Maxton Int. Final approach crs, 262°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Maxton Int, 1600′; over 3-mile Radar Fix, 560′.
NOTE: ASR.
%RVR 18′ authorized Runway 8.
*Inoperative table does not apply to HIRL Runway 26. HIRL inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–26*	560	1	463	560	1	463	560	1	463	560	1	463
LOC/Radar Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–26*	460	1	363	460	1	363	460	1	363	460	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1	462	660	2	563
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98′; Facility, I–IAH; Procedure No. LOC (BC) Runway 26, Amdt. Orig.; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
HOU VORTAC	PDA NDB	Direct	1600	Climb to 2000′ direct to HO LOM and hold; or, when directed by ATC, climb to 1800′ on HOU VORTAC R 306 within 15 miles.
La Porte Int	PDA NDB	Direct	1600	
Fry Int	PDA NDB	Direct	1600	
Monument Int	PDA NDB (NOPT)	Direct	1100	Supplementary charting information: Hold SW, 1 minute, right turns, 036° Inbnd. TV tower 1549′, 13 miles SW of airport. Runway 21, TDZ elevation, 44′.

Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 1600′ within 10 miles of PDA NDB.
FAF, PDA NDB. Final approach crs, 216°. Distance FAF to MAP, 4 miles.
Minimum altitude over PDA NDB, 1100′.
MSA within 25 miles of PDA NDB: 000°–090°—1600′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—1800′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–21	440	¾	396	440	¾	396	440	¾	396	440	1	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1¼	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Facility, I–HOU; Procedure No. LOC (BC) Runway 21, Amdt. 13; Eff. date, 29 May 69; Sup. Amdt. No. ILS–21 (back crs), Amdt. 12; Dated, 4 June 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 170°, MEM VORTAC CW	TSE LOC (BC)	17-mile Arc MEM, R 346° lead radial.	1900	Climb to 1900′ direct to TS LOM and hold; or, when directed by ATC, climbing right turn to 1900′ to ME LOM and hold W, 1 minute, right turns, 067° Inbnd.
R 170°, MEM VORTAC CCW	R 009°, MEM VORTAC	17-mile Arc	2300	
R 009°, MEM VORTAC CCW	TSE LOC (BC)	17-mile Arc	1900	
MEM VORTAC	Stadium Int	Direct	1800	Supplementary charting information: Hold S, 1 minute, right turns, 354° Inbnd. HIRLS Runways 9/27, 17/35. VASI Runway 27; TDZL Runway 35. Runway 17, TDZ elevation, 288′.
13-mile DME Arc	Stadium Int (NOPT)	LOC (BC)	1800	

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 1800′ within 10 miles of Stadium Int.
FAF, Stadium Int. Final approach crs, 174°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Stadium Int, 1800′.
NOTES: (1) ASR. (2) Back crs unusable below 1800′ MSL beyond Stadium Int.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9–27	640	¾	352	640	¾	352	640	¾	352	640	1	352
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	409	800	1	469	800	1¼	469	900	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24′, Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331′; Facility, I–TSE; Procedure No. LOC (BC) Runway 17, Amdt. 1; Eff. date, 29 May 69; Sup. Amdt. No. Orig.; Dated, 28 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Oakville Int.
MEM VORTAC	Oakville Int	Direct	1900	Climb to 1800′ direct to ME LOM and hold; or, when directed by ATC, climbing left turn to 1900′ to TS LOM and hold 8 1 minute, right turns, 354° Inbnd.
Collierville Int	Oakville Int (NOPT)	Direct	1600	
R 200°, MEM VORTAC CCW	MEM Localizer (BC)	12-mile DME Arc	1900	
12-mile DME Arc	Oakville Int (NOPT)	Localizer (BC)	1600	

Procedure turn S side of crs, 087° Outbnd, 267° Inbnd, 1900′ within 10 miles of Oakville Int.
FAF, Oakville Int. Final approach crs, 267°: Distance FAF to MAP, 4 miles.
Minimum altitude over Oakville Int, 1600′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	660	¾	369	660	¾	369	660	¾	369	660	1	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	409	800	1	469	800	1½	469	900	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24′, Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331′; Facility, I-MEM; Procedure No. LOC (BC) Runway 27, Amdt. 12; Eff. date, 29 May 69; Sup. Amdt. No. ILS-27 (back crs), Amdt. 11; Dated, 9 Dec. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing PCX NDB.
Rosebank Int	PCX NDB	Direct	7000	Climb to 7000′ direct to PU LOM and hold.* or, when directed by ATC, climbing left turn to 7000′ direct PUB VORTAC.
Ordway Int	Helberg Int	300° Mag and E crs PUB LOC 5.6 miles.	7000	
Helberg Int	PCX NDB (NOPT)	Direct	6700	
Cedarwood Int	PCX NDB	Direct	7500	
PUB VORTAC	PCX NDB	Direct	7000	
Hanover Int	PCX NDB	Direct	7000	
PU LOM	PCX NDB	Direct	7000	
PUB VORTAC R 203°/13 CCW	Helberg Int	13-mile Arc PUB, R 087° lead radial.	7000	
PUB VORTAC R 331°/13 CW	Helberg Int	13-mile Arc PUB, R 068° lead radial.	7000	
Pinon Int	PCX NDB	Direct	7300	

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7000′ within 10 miles of PCX NDB.
FAF, PCX NDB. Final approach crs, 255°. Distance FAF to MAP, 6 miles.
Minimum altitude over PCX NDB, 6700′.
MSA: 000°-180°—7300′; 180°-270°—7400′; 270°360°—7500′.

CAUTION: Tower 6320′, 5.5 miles NW of field.
#ADF required.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245°, MCA 7200′; R 313° MCA 8200′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R#	5060	¾	396	5060	¾	396	5060	¾	396	5060	1	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	5340	1	615	5340	1	615	5340	1¼	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, I-PUB; Procedure No. LOC (BC) Runway 25R, Amdt. 5; Eff. date, 29 May 69; Sup. Amdt. No. ILS-25 (BC), Amdt. 4; Dated, 27 Mar. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing Encanto FM/Int.
12-mile I SAN DME Fix on SAN R 076° CW	12-mile I SAN DME Fix on I SAN BC.	12-mile Arc I SAN DME Channel 46.	3700	Climb to 2500′ on localizer crs to Sargo Int; or, when directed by ATC, climbing right turn to 3000′ direct SAN VOR, then via R 326° to Mount Dad Int.
Bostonia Int	Sweetwater Int	Direct	3700	Supplementary charting information: Numerous obstructions penetrate 20:1 all runways. Chart I SAN DME distance at MAP. Chart Encanto FM. Chart 560′ obstruction at 32°43′.0″/117°08′00″.

Procedure turn not authorized. Approach crs (profile) starts at Sweetwater Int.
FAF, Encanto FM/Int. Final approach crs, 272°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Sweetwater Int, 3700′; over Spillway Int, 3300′; over Encanto FM/Int, 2000′.
NOTES: (1) Radar vectoring. (2) If DME is lost on Arc, proceed direct to SA LOM at 3700′. (3) DME should not be used to determine aircraft position over runway threshold or touchdown point. DME located at glide slope site.
%IFR departure procedure: All IFR departures must comply with published SIDs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	820	1	805	820	1¼	805	820	1½	805	860	2	845
A	900-2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.%				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15′; Facility, I-SAN; Procedure No. LOC (BC) Runway 27, Amdt. 8; Eff. date, 29 May 69; Sup. Amdt. No. 7; Dated, 10 June 67

12. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.7 miles after passing PNS, NDB.
NUN VOR	PNS NDB	Direct	1700	Climb to 1700′ direct to Gonzales Int and hold.
Gonzales Int	PNS NDB	Direct	1700	Supplementary charting information: Hold N, 1 minute, left turns, 163° Inbnd. Warning area 10 miles S of PNS NDB. Extensive VFR student training activity all quadrants. HIRLS Runways 16/34. Runway 34, TDZ elevation, 103′.

Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 1700′ within 10 miles of PNS NDB.
FAF, PNS NDB. Final approach crs, 343°. Distance FAF to MAP, 1.7 miles.
Minimum altitude over PNS NDB, 700′.
MSA within 25 miles of PNS NDB: 000°-270°—1600′; 270°-360°—2400′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	440	¾	337	440	¾	337	440	¾	337	440	1	337
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	379	580	1	459	580	1½	459	660	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2 eng.—Standard.					

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 121′; Facility, I-PNS; Procedure No. LOC (BC) Runway 34, Amdt. 1; Eff. date, 29 May 69; Sup. Amdt. No. Orig.; Dated, 4 Apr. 68

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ETT NDB.
Zenith Int	ETT NDB	Direct	6000	Climb to 5000′ on 099° crs from ETT NDB within 10 miles and return to ETT NDB and hold.
BLF VOR	ETT NDB	Direct	5600	
BKW Temporary VHF Int	ETT NDB	Direct	4700	

Supplementary charting information:
Hold W, 1 minute, right turns, 099° crs inbnd.
Final approach crs lies 500′ left of runway centerline at 3000′ from threshold.
Runway 10, TDZ elevation, 2501′.

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 4700′ within 10 miles of ETT NDB.
Final approach crs, 099°.
MSA: 000°–090°—5200′; 090°–180°—5200′; 180°–270°—4800′; 270°–360°—4500′.
CAUTION: Precipitous terrain underlying this procedure; turbulence of varying intensities may be encountered.
CAUTION: Sharp drop off both ends of runway.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–10	3240	1	739	3240	1	739	3240	1¼	739	3240	1¼	739
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3240	1	736	3240	1	736	3240	1½	736	3260	2	756
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Beckley; State, W. Va.; Airport name, Raleigh County Memorial; Elev., 2504′; Facility, ETT; Procedure No. NDB (ADF) Runway 10, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: VBW NDB.
Crawford Int	VBW NDB	Direct	3400	Climbing right turn to 3400′ direct VBW NDB and hold.
MOL VOR	VBW NDB	Direct	5200	

Supplementary charting information:
Hold SW, 1 minute, right turns, 035° Inbnd
Chart: 1742′ hill, 2 miles S of NDB; 1728′ hill, 2.2 miles NW of NDB.

Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 3400′ within 10 miles of VBW NDB.
Final approach crs, 035°.
MSA: 000°–090°—5100′; 090°–180°—4900′; 180°–270°—5500′; 270°–360°—5600′.
NOTES: (1) Use Charlottesville altimeter setting. (2) Night operations not authorized Runways 9/27.
% IFR departure procedure: Climb in holding pattern to 4000′ before proceeding as cleared.
CAUTION: Precipitous terrain underlying this procedure; turbulence of varying intensities may be encountered.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	2500	2	1320	2500	2¼	1320	NA	NA
A	Not authorized.		T 2-eng. or less—600–1.%				T over 2-eng.—600–1.%	

City, Bridgewater; State, Va.; Airport name, Bridgewater Airpark; Elev., 1180′; Facility, VBW; Procedure No. NDB (ADF–1), Amdt. Orig.; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing CO LOM.
COS VORTAC	CO LOM	COS VOR R 185°	8200	Climbing right turn to 7300′ direct to CO LOM and hold;* or, when directed by ATC, climbing right turn to 8000′ heading 085° to COS R 140° to Hanover Int and hold.
Hanover Int	CO LOM	Direct	8000	
Pueblo VORTAC	Midway Int	Direct	7300	
Midway Int	CO LOM (NOPT)	Direct	7100	

Supplementary charting information:
*Hold S CO LOM, 1 minute, right turns, 347° Inbnd.
Runway 35, TDZ elevation, 6070′.

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 7300′ within 10 miles of CO LOM.
FAF, CO LOM. Final approach crs, 347°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over CO LOM, 7100′.
MSA: 000°–090°—9000′; 090°–180°—7500′; 180°–360°—16,200′.
NOTE: ASR/PAR: Radar required when R–2601 in use.
% IFR departure procedures: Takeoff all runways westbound 210° through 345°, climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC westbound at or above 14,100′, V–81 northbound cross COS VORTAC at or above 9000′. Runways 35 and 12, climb straight ahead to 6500′ MSL before turn.
CAUTION: Exceedingly high terrain beginning 6 miles W of N–S runway centerline extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	6560	RVR 40	490	6560	RVR 40	490	6560	RVR 40	490	6560	RVR 50	490
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6680	1	508	6680	1	508	6680	1¼	508	6760	2	588
A	Standard.		T 2-eng. or less—Runway 35, RVR 24′; Standard all other runways.%				T over 2 eng.—Runway 35, RVR 24′; Standard all other runways.%					

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Facility, COS; Procedure No. NDB (ADF) Runway 35, Amdt. 15; Eff. date, 29 May 69
Sup. Amdt. No. ADF 1, Amdt. 14; Dated, 13 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Detroit Lakes NDB.
Strawberry Int	DTL NDB	Direct	3100	Climb to 3100′ on 122° bearing from DTL NDB within 10 miles; return to NDB.
Lida Int	DTL NDB	Direct	3100	

Supplementary charting information:
Final approach crs intercepts runway centerline 3060′ from runway threshhold.
1430′ AMSL drive-in theater screen, 1150′ NW of approach end of Runway 13.
Runway 13, TDZ elevation, 1396′.

Procedure turn S side of crs, 302° Outbnd, 122° Inbnd, 3100′ within 10 miles of DTL NDB.
Final approach crs, 122°.
MSA: 000°–180°—2900′; 180°–270°—3000′; 270°–360°—2700′.
NOTE: Use Fargo altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–13	1960	1	584	1960	1	584	1960	1	584	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1960	1	584	2040	1	644	2040	1¼	644	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Detroit Lakes; State, Minn.; Airport name, Detroit Lakes Municipal; Elev., 1396′; Facility, DTL; Procedure No. NDB (ADF) Runway 13, Amdt. Orig.; Eff. date 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing IA LOM at MM.
IAH VORTAC	IA LOM	Direct	1800	Climb to 1800′ direct to Maxton Int and hold.
Silver Int	IA LOM	Direct	1800	Supplementary charting information:
Conroe Int	IA LOM	Direct	1800	Hold E, 1 minute, right turns, 262° Inbnd.
Sheppard Int	IA LOM	Direct	1800	257′ control tower midfield.
Magnolia Int	IA LOM (NOPT)	Direct	1800	TDZ elevation, 98′.
Cypress Int	IA LOM (NOPT)	Direct	1800	

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1800′ within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 082°. Distance FAF to MAP, 5.4 miles at MM.
Minimum altitude over IA LOM, 1800′.
MSA within 25 miles of IA LOM: 270°–090°—1600′; 090°–270°—2500′.
NOTE: ASR.
%RVR 18′ authorized Runway 8.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8	500	RVR 40	402	500	RVR 40	402	500	RVR 40	402	500	RVR 50	402
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1½	462	660	2	562
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98′; Facility, IA; Procedure No. NDB (ADF) Runway 8, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing HO LOM.
Houston VORTAC	HO LOM	Direct	2000	Climb to 1600′ direct to Mounument Int and hold.
Blue Int	HO LOM	Direct	2500	Supplementary charting information:
Rosenberg Int	HO LOM	Direct	2500	Hold NE, 1 minute, right turns, 217° Inbnd.
Arcola Int	HO LOM (NOPT)	Direct	1300	TV tower 1549′, 13 miles SW of airport. Runway 3, TDZ elevation, 47′.

Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 2000′ within 10 miles of HO LOM.
FAF, HO LOM. Final approach crs, 036°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over HO LOM, 1300′.
MSA within 25 miles of HO LOM: 000°–090°—1800′; 090°–180°—2300′; 180°–360°—2600′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	480	RVR 40	433	480	RVR 40	433	480	RVR 40	433	480	RVR 50	433
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1½	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William R. Hobby; Elev., 48′; Facility HO; Procedure No. NDB (ADF) Runway 3, Amdt. 26; Eff. date, 29 May 69; Sup. Amdt. No. 25; Dated, 4 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing PDA NDB.
HOU VORTAC	PDA NDB	Direct	1600	Climb to 2000′ direct to HO LOM and hold; or, when directed by ATC, climb to 1800′ on R 306° HOU VORTAC within 15 miles.
La Porte Int	PDA NDB	Direct	1600	Supplementary charting information:
Fry Int	PDA NDB	Direct	1600	Hold SW, 1 minute, right turns, 036° Inbnd.
Monument Int	PDA NDB (NOPT)	Direct	1100	TV tower 1549′, 13 miles SW of airport. Runway 21, TDZ elevation, 44′.

Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 1600′ within 10 miles of PDA NDB.
FAF, PDA NDB. Final approach crs, 216°. Distance FAF to MAP, 4 miles.
Minimum altitude over PDA NDB, 1100′.
MSA within 25 miles of PDA NDB: 000°–090°—1600′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—1800′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21	480	1	436	480	1	436	480	1	436	480	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1½	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Facility, PDA; Procedure No. NDB (ADF) Runway 21, Amdt. 5; Eff. date, 29 May 69; Sup. Amdt. No. 4; Dated, 4 Feb. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.9 miles after passing LSO NDB.
Mayfield Int	LSO NDB	Direct	3700	Climbing right turn to 3300′ direct to LSO NDB and hold.$
Winlock Int	LSO NDB	Direct	4700	Supplementary charting information:
Longview Int	LSO NDB	Direct	3700	$Hold N, 1 minute, right turn, 171° Inbnd.
PDX VORTAC	LSO NDB	Direct	4000	

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 3300′ within 10 miles of LSO NDB.
FAF, LSO NDB. Final approach crs, 149°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over LSO NDB, 1800′.
MSA: 000°–090°—8000′; 090°–180°—5000′; 180–270°—4100′; 270°–360°—4200′.
%IFR departure procedures: Climb visually over the airport to 700′ then direct to LSO NDB. Continue climb in holding pattern so as to cross LSO NDB at or above: Southeastbound direct PDX VORTAC, 1500′; southwestbound direct Longview Int, 1500′; northwestbound direct Winlock Int, 2300′; northeastbound direct Mayfield Int, 2300′.
#Use Portland altimeter setting when Kelso-Longview altimeter setting not available. Circling MDA increased 160′, and alternate minimums not authorized when Kelso-Longview weather not available.
$Approach from holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C#	1200	1¾	1175	NA	NA	NA
A	1400–2. #		T 2-eng. or less—700–1.%		T over 2-eng.—700–1.%	

City, Kelso; State, Wash.; Airport name, Kelso-Longview; Elev., 25′; Facility, LSO; Procedure No. NDB (ADF) Runway 12, Amdt. Orig.; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.2 miles after passing ME LOM.
Porter Int	ME LOM	Direct	1800	Climb to 1900′ on 087° bearing of ME LOM within 15 miles; or, when directed by ATC, climbing right turn to 1900′ direct to TS LOM and hold S, 1 minute, right turns, 354° Inbnd.
Walls Int	ME LOM	Direct	1800	
Kerrville Int	ME LOM	Direct	1800	
Memphis VORTAC	ME LOM	Direct	1900	

Supplementary charting information:
HIRLS Runways 9/27, 17/35.
VASI Runway 27, TDZL Runway 35.
Runway 9, TDZ elevation, 259′.

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles of ME LOM.
FAF, ME LOM. Final approach crs, 087°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over ME LOM, 1500′.
MSA: 000°–090°—2400′; 090°–360°—1900′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9	740	RVR 40	481	740	RVR 40	481	740	RVR 40	481	740	RVR 50	481
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	409	800	1	469	800	1½	469	900	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24′, Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331′; Facility, ME; Procedure No. NDB (ADF) Runway 9, Amdt. 15; Eff. date, 29 May 69; Sup. Amdt. No. ADF 1, Amdt. 14; Dated, 9 Dec. 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.7 miles after passing TS LOM.
MEM VORTAC	TS LOM	Direct	1900	Climb to 1900′ on crs 354° of TS LOM to Stadium Int, and hold; or, when directed by ATC, climbing left turn to 1900′ direct to ME LOM and hold W, 1 minute, right turns, 087° Inbnd.
Independence Int	TS LOM (NOPT)	Direct	1900	
Coldwater Int	TS LOM (NOPT)	Direct	1900	
Walls Int	TS LOM	Direct	1900	
Porter Int	TS LOM	Direct	1900	

Supplementary charting information:
Hold N, 1 minute, right turns, 174° Inbnd.
HIRLS Runways 9/27, 17/35.
VASI Runway 27; TDZL Runway 35.
Runway 35, TDZ elevation, 331′.

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles of TS LOM.
FAF, TS LOM. Final approach crs, 354°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over TS LOM, 1900′.
MSA: 000°–090°—2400′; 090°–180°—2000′; 180°–270°—1700′; 270°–360°—2400′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	820	RVR 40	489	820	RVR 40	489	820	RVR 40	489	820	RVR 50	489
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	820	1	489	820	1	489	820	1½	489	900	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24′, Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331′; Facility, TS; Procedure No. NDB (ADF) Runway 35, Amdt. 8; Eff. date, 29 May 69; Sup. Amdt. No. 7; Dated, 4 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: PLD NDB.
Redkey Int	PLD NDB	Direct	2600	Climb on crs to 2600′; return to PLD NDB.
Berne Int	PLD NDB	Direct	2600	Supplementary charting information:
Bonnie Int	PLD NDB	Direct	2600	Final approach crs intercepts runway centerline 1406′ from runway threshold. Radio tower 2 miles SW of airport, 1154′. Runway 27, TDZ elevation, 923′.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2600′ within 10 miles of PLD NDB.
Final approach crs, 280°.
MSA: 090°–270°—2500′; 270°–090°—2200′.
NOTE: Use Fort Wayne altimeter setting.
%IFR departures Runway 27 maintain runway heading, climb to 1700′ MSL before turning left.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–27	1500	1	577	1500	1	577	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1500	1	577	1500	1	577	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Portland; State, Ind.; Airport name, Steed; Elev., 923′; Facility, PLD; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.5 miles after passing PU LOM.
PUB VORTAC	PU LOM	Direct	7000	Climb to 7000′ direct to PCX NDB and hold;* or, when directed by ATC, right-climbing turn to 7000′ to PU LOM and hold.
Pinon Int	PU LOM	Direct	7300	
Hanover Int	PU LOM	Direct	7300	
Cedarwood Int	PU LOM	Direct	7500	
PCX NDB	PU LOM	Direct	7000	Supplementary charting information:
Rosebank Int	PU LOM	Direct	7300	*Hold E, 255° Inbnd, right turns, 1 minute.
Stone Int, VHF/DME	PU LOM (NOPT)	Direct	7300	Runway 7, TDZ elevation, 4668′.

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000′ within 10 miles of PU LOM.
FAF, PU LOM. Final approach crs, 075°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over PU LOM, 6800′.
MSA: 000°–180°—7400′; 180°–270°—13,300′; 270°–360°—11,100′.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° clockwise to R 245° MCA 7200′; R 313° MCA 5200′.
CAUTION: 6320′ tower, 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–7L	5480	1	812	5480	1	812	5480	1¼	812	5480	1¾	812
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5480	1	755	5480	1¼	755	5480	1¼	755	5480	2	755
A	1000–2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, PU; Procedure No. NDB (ADF) Runway 7L, Amdt. 5; Eff. date, 29 May 69; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 22 Jan. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6 miles after passing PCX NDB.
PUB VOR	PCX NDB	Direct	7000	Climb to 7000′ direct to PU LOM and hold;* or, when directed by ATC, left climbing turn to 7000′ direct PCX NDB and hold.
PU LOM	PCX NDB	Direct	7000	
Hanover Int	PCX NDB	Direct	7000	
Cedarwood Int	PCX NDB	Direct	7500	
Rosebank VHF/DME Int	PCX NDB	Direct	7000	Supplementary charting information:
Pinon Int	PCX NDB	Direct	7300	*Hold W, 075° Inbnd, right turns, 1 minute.
Avondale Int	PCX NDB (NOPT)	Direct	6700	Runway 25R, TDZ elevation, 4664′.

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7000′ within 10 miles of PCX NDB.
FAF, PCX NDB. Final approach crs, 255°. Distance FAF to MAP, 6 miles.
Minimum altitude over PCX NDB, 6700′.
MSA: 000°–180°—7300′; 180°–270°—7400′; 270°–360°—7500′.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° clockwise to R 245° MCA 7200′; R 313° MCA 5200′.
CAUTION: Tower 6320′, 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	5220	1	556	5220	1	556	5220	1	556	5220	1¼	556
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, PCX; Procedure No. NDB (ADF) Runway 25R, Amdt. 2; Eff. date, 29 May 69; Sup. Amdt. No. ADF 2, Amdt. 1; Dated, 6 Mar. 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ROX NDB.
BDE VOR	ROX NDB	Direct	3000	Make right-climbing turn to 3000′ on 145° bearing from ROX NDB and hold.*
TVF VOR	ROX NDB	Direct	3000	Supplementary charting information:
PMB VORTAC	ROX NDB	Direct	3000	*Hold SE, 1 minute, right turns, 325° Inbnd. Final approach intercepts runway centerline 3000′ from threshold.
				Runway 34, TDZ elevation, 1059′.

Procedure turn E side of crs, 145° Outbnd, 325° Inbnd, 3000′ within 10 miles of ROX NDB.
Final approach crs, 325°.
MSA: 000°–360°—2900′.
CAUTION: TURF Runways 7/25 unlighted.
NOTE: Use Thief River Falls altimeter setting. Use Grand Forks altimeter setting when Thief River Falls altimeter setting not available. Circling and straight-in MDA increased 140′ when using Grand Forks altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-34	1900	1	841	1900	1¼	841	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1900	1	841	1900	1¼	841	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Roseau; State, Minn.; Airport name, Roseau Municipal; Elev., 1059′; Facility, ROX; Procedure No. NDB (ADF) Runway 34, Amdt. Orig.; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2 miles after passing SA LOM.
SAN VOR	SA LOM	Direct	2500	Immediate climbing left turn to 2000′ to Sargo Int via LOM 272° bearing; or, when directed by ATC, immediate climbing left turn to 3000′ on LMM 326° bearing within 15 miles.
Bostonia Int	SA LOM	Direct	4000	
Sargo Int	SA LOM (NOPT)	Direct	1000	Supplementary charting information: Numerous obstructions penetrate 20:1 all runways.
				Chart 317′ tree at 32°44′07.5″/117°14′05″.
				Chart 560′ obstruction at 32°43′30″/117°08′00″.
				Runway 9, TDZ elevation, 14′.

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 miles of SA LOM.
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 2 miles.
Minimum altitude over SA LOM, 1000′.
MSA: 050°–155°—5200′; 155°–320°—2100′; 320°–050°—4700′.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL or ALS Runway 9.
*Sliding scale not authorized.
%IFR departure procedures: All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-9	620	1	606	620	1	606	620	1	606	620	1¼	606
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	765	800	1¼	785	800	1½	785	860	2	845
A	900–2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500–1.%				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500–1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15′; Facility, SA; Procedure No. NDB (ADF) Runway 9, Amdt. 9; Eff. date, 29 May 69; Sup. Amdt. No. 8; Dated, 10 June 67

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.8 miles after passing BGM NDB.
BGM VORTAC	BGM NDB	Direct	3700	Climb to 3700′ on crs 338° left turn, direct BGM NDB and hold.
Greene Int	BGM NDB	Direct	3700	
Tyler Int	BGM NDB	Direct	3700	Supplementary charting information: Hold SE 1-minute right turns, 338° Inbnd. 2549′ tower 3.9 miles SW BGM NDB. 1949′ tower 2.1 miles NE BGM NDB. TDZ elevation, 1606′.

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 3700′ within 10 miles of BGM NDB.
FAF, BGM NDB. Final approach crs, 338°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over BGM NDB, 3700′.
MSA: 000°–090°—3600′; 090°–180°—3800′; 180°–360°—3600′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-34	2040	¾	434	2040	¾	434	2040	¾	434	2040	1	434
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2040	1	411	2060	1	451	2060	1½	451	2180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629′; Facility, BGM; Procedure No. NDB (ADF) Runway 34, Amdt. 9; Eff. date, 29 May 69; Sup. Amdt. No. 8; Dated, 2 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum Altitudes (feet)	MAP: 4.4 miles after passing PN LOM.
NUN VOR	PN LOM	Direct	1700	Climb to 1700′ on crs 163° from PN LOM, left turn direct to Gonzales Int and hold.
PNS NDB	PN LOM	Direct	1700	
Gonzales Int	PN LOM (NOPT)	Direct	1500	Supplementary charting information:
Harold Int	PN LOM	Direct	1700	Hold N, 1 minute, left turns, 163° Inbnd.
Elberta Int	PN LOM	Direct	1700	Warning area 10 miles S of PNS NDB.
				Extensive VFR student training activity all quadrants.
				HIRLS Runways 16/34.
				Runway 16, TDZ elevation, 121′.

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1700′ within 10 miles of PN LOM.
FAF, PN LOM. Final approach crs, 163°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over PN LOM, 1500′.
MSA within 25 miles of PN LOM: 000°–180°—1600′; 180°–360°—2400′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–16	520	¾	399	520	¾	399	520	¾	399	520	1	399
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	399	580	1	459	580	1½	459	680	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 121′; Facility, PN; Procedure No. NDB (ADF) Runway 16, Amdt. 14; Eff. date, 29 May 69; Sup. Amdt. No. 13; Dated, 4 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum Altitudes (feet)	MAP: 1.7 miles after passing PNS NDB.
NUN VOR	PNS NDB	Direct	1700	Climb to 1700′ direct to Gonzales Int and hold.
Harold Int	PNS NDB	Direct	1700	
				Supplementary charting information:
				Hold N, 1 minute, left turns, 163° Inbnd.
				Warning area 10 miles S of PNSNDB.
				Extensive VFR student training activity all quadrants.
				HIRLS Runways 16/34.
				Runway 34, TDZ elevation, 103′.

Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 1700′ within 10 miles of PNS NDB.
FAF, PNS NDB. Final approach crs, 343°. Distance FAF to MAP, 1.7 miles.
Minimum altitude over PNS NDB, 700′.
MSA within 25 miles of PNS NDB: 000°–270°—1600′; 270°–360°—2400′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–34	500	1	397	500	1	397	500	1	397	500	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	379	580	1	459	580	1½	459	680	2	559
A	Standard.		T 2-eng or less—Standard.				T over 2-eng.—Standard.					

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 121′; Facility, PNS; Procedure No. NDB (ADF) Runway 34, Amdt. 7; Eff. date, 29 May 69; Sup. Amdt. No. 6; Dated, 4 Apr. 68

15. By amending § 97.27 of Subpart C to cancel nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

Mount Vernon, Ill.—Mount Vernon-Outland, NDB (ADF) Runway 23, Amdt. 1, 3 Oct. 1968, canceled, effective 29 May 1969.

16. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 6270′; LOC 3.3 miles after passing CO LOM.
Vincent Int	Black Forest Int	LOC crs	9200	Climb straight ahead to 6600′, then climbing right turn to 8000′ heading 075° to intercept COS, R 140° to Hanover Int and hold;* or, when directed by ATC, climb to 10,000′ direct to Black Forest Int and hold.
Black Forest Int	OM	LOC crs	8200	
Hanover Int	CO LOM	Direct	8000	
COS VORTAC	CO LOM	Direct	8200	
COS VORTAC	Glen DME Fix	Direct	8000	
COS VORTAC	Bean DME Fix	Direct	8000	
Glen DME Fix CW	Bean DME Fix	COS 20-mile Arc	8000	Supplementary charting information:
Bean DME Fix CW	Midway DME Fix	COS 20-mile Arc, R 172 lead radial.	7300	*Hold N, 1 minute, left turn pattern, 171° Inbnd.
Pueblo VORTAC	Midway VHF/DME Int	Direct	7300	Runway 35, TDZ elevation, 6070′.
Midway VHF/DME Int	CO LOM (NOPT)	Direct	7100	

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 7300′ within 10 miles of CO LOM.
FAF, CO LOM. Final approach crs, 347°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over Midway Int, 7300′; over CO LOM, 7100′.
Minimum glide slope interception altitude, 7100′. Glide slope altitude at OM, 7078′; at MM, 6273′.
Distance to runway threshold at OM, 3.3 miles; at MM, 0.6 mile.
MSA: 000°–090°—9000′; 090°–180°—7500′; 180°–360°—16,200′.
NOTE: ASR/PAR: Radar required when R–2601 in use.
%IFR departure procedures: Takeoff all runways westbound 210° through 345°, climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC westbound at or above 14,100′, V–81, northbound cross COS VORTAC at or above 9000′. Runways 35 and 12, climb straight ahead to 6500′ MSL before turn.
CAUTION: Exceedingly high terrain beginning 6 miles W of N-S runway centerline extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–35	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 40	250
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6680	1	508	6680	1	508	6680	1¼	508	6760	2	588
A	Standard.		T 2-eng. or less—Runway 35, RVR 24′; Standard all other runways.%				T over 2-eng.—Runway 25, RVR 24′; Standard all other runways.%					

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Facility, I–COS; Procedure No. ILS Runway 35, Amdt. 21; Eff. date, 29 May 69; Sup. Amdt. No. ILS–35, Amdt. 20; Dated, 5 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
IAH VORTAC	IA LOM	Direct	1800	Climb to 1800′ direct to Maxton Int and hold.
Silver Int	IA LOM	Direct	1800	
Conroe Int	IA LOM	Direct	1800	Supplementary charting information:
Sheppard Int	IA LOM	Direct	1800	Hold E, 1 minute, right turns, 262° Inbnd.
Cypress Int	IA LOM (NOPT)	Direct	1800	257′ control tower midfield.
Magnolia Int	IA LOM (NOPT)	Direct	1800	TDZ elevation, 98′.

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1800′ within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 082°. Distance FAF to MAP, 6 miles.
Minimum altitude over IA LOM, 1800′.
Minimum glide slope interception altitude, 1800′. Glide slope altitude at OM, 1791′; at MM, 298′; at IM, 204′.
Distance to runway threshold at OM, 36,750′ (6 miles); at MM, 3,350′ (0.55 mile); at IM, 1170′ (0.19 mile).
MSA within 25 miles of IA LOM: 270°–090°—1600′; 090°–270°—2500′.
NOTE: ASR.
%RVR 18′ authorized Runway 8.
*Inoperative table does not apply to HIRL Runway 8. HIRL inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-8	298	RVR 18	200	298	RVR 18	200	298	RVR 18	200	298	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8*	440	RVR 40	342	440	RVR 40	342	440	RVR 40	342	440	RVR 40	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1¼	462	660	2	562
Category II Special Authorization Required:												
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-8	150	RVR 16	248	150	RVR 16	248	150	RVR 16	248	150	RVR 16	248
	RA152			RA152			RA152			RA152		
S-8	100	RVR 12	198	100	RVR 12	198	100	RVR 12	198	100	RVR 12	198
		RA103			RA103			RA103			RA103	
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98′; Facility, I-IAH; Procedure No. ILS Runway 8, Amdt. Orig.; Eff. date, 29 May 69

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
HOU VORTAC	HO LOM	Direct	2000	MAP: ILS DH, 247′; LOC 4.2 miles after passing HO LOM.
Blue Int	HO LOM	Direct	2500	Climb to 1600′ direct to Monument Int and hold.
Rosenberg Int	HO LOM	Direct	2500	Supplementary charting information:
Arcola Int	HO LOM (NOPT)	Direct	1300	Hold NE, 1 minute, right turns, 217° Inbnd.
				TV tower 1549′, 13 miles SW of airport.
				Tower 1235′, 11 miles SSE of airport.
				Runway 3, TDZ elevation, 47′.

Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 2000′ within 10 miles of HO LOM.
FAF, HO LOM. Final approach crs, 036°. Distance FAF to MAP, 4.2 miles.
Minimum glide slope interception altitude, 1300′. Glide slope altitude at OM, 1277′; at MM, 250′.
Distance to runway threshold at OM, 4.2 miles; at MM, 0.6 mile.
MSA within 25 miles of HO LOM: 000°–090°—1800′; 090°–180°—2300′; 180°–360°—2600′.
NOTE: ASR.
#RVR 2400′ authorized Runway 3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-3	247	RVR 24	200	247	RVR 24	200	247	RVR 24	200	247	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	440	RVR 24	393	440	RVR 24	393	440	RVR 24	393	440	RVR 40	393
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1¼	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex; Airport name, William P. Hobby; Elev., 48′; Facility, I-HOU; Procedure No. ILS Runway 3, Amdt. 27; Eff. date, 29 May 69; Sup. Amdt. No. ILS-3, Amdt. 26; Dated, 4 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 170°, MEM VORTAC CW	MEM localizer	13-mile DME Arc	1900	MAP: ILS DH, 459′; LOC 4.2 miles after passing ME LOM.
Kerrville Int	ME LOM	Direct	1800	Climb to 1900′ on crs 087° MEM LOC to Oakville Int and hold; or, when directed by ATC, climbing right turn to 1900′ direct to TS LOM and hold S, 1 minute, right turns, 354° Inbnd.
Porter Int	ME LOM	Direct	1800	
Walls Int	ME LOM	Direct	1800	
MEM VORTAC	ME LOM	Direct	1900	
13-mile DME Arc	ME LOM (NOPT)	LOC Crs	1500	Supplementary charting information:
				Hold E, 1 minute, left turns, 267° Inbnd.
				HIRLS Runways 9/27, 17/35.
				VASI Runway 27; TDZL Runway 35.
				Runway 9, TDZ elevation, 259′.

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles of ME LOM.
FAF, ME LOM. Final approach crs, 087°. Distance FAF to MAP, 4.2 miles.
Minimum glide slope interception altitude, 1500′. Glide slope altitude at OM, 1470′; at MM, 490′.
Distance to runway threshold at OM, 4.2 miles; at MM, 0.6 mile.
MSA: 000°–090°—2400′; 090°–360°—1800′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-9	459	RVR 24	200	459	RVR 24	200	459	RVR 24	200	459	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-9	700	RVR 24	441	700	RVR 24	441	700	RVR 24	441	700	RVR 40	441
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	409	800	1	469	800	1½	469	900	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24′, Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331′; Facility, I-MEM; Procedure No. ILS Runway 9, Amdt. 12; Eff. date, 29 May 69; Sup. Amdt. No. ILS-9, Amdt. 11; Dated 9 Dec. 65

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 356°, MEM VORTAC CW	TSE LOC	7-mile Arc	1900	MAP: ILS DH, 531′; LOC 4.7 miles after passing TS LOM.
R 356°, MEM VORTAC CCW	S crs TSE LOC	7-mile Arc MEM R 195° lead radial.	1900	Climb to 1900′ on crs 354° TSE LOC to Stadium Int and hold; or, when directed by ATC, climbing left turn to 1900′ direct to ME LOM and hold W, 1 minute, right turns, 087° Inbnd.
MEM VORTAC	TS LOM	Direct	1900	
Walls Int	TS LOM	Direct	1900	
Porter Int	TS LOM	Direct	1900	
7-mile DME Arc	TS LOM (NOPT)	LOC crs	1700	Supplementary charting information:
				Hold N, 1 minute, right turns, 174° Inbnd.
				HIRLS Runways 9/27, 17/35.
				VASI Runway 27; TDZL Runway 35.
				Runway 35, TDZ elevation, 331′.

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles of TS LOM.
FAF, TS LOM. Final approach crs, 354°. Distance FAF to MAP, 4.7 miles.
Minimum glide slope interception altitude, 1700′. Glide slope altitude at OM, 1694′; at MM, 531′.
Distance to runway threshold at OM, 4.7 miles; at MM, 0.6 mile.
MSA: 000°–090°—2400′; 090°–180°—2000′; 180°–270°—1700′; 270°–360°—2400′.
NOTES: (1) ASR. (2) Back crs unusable below 1800′ MSL beyond Stadium Int.
%Increase localizer minimum visibility ¼ mile for inoperative ALS and HIRLS; inoperative component table does not apply to ALS and HIRLS.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-35	531	RVR 24	200	531	RVR 24	200	531	RVR 24	200	531	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-35%	780	RVR 40	449	780	RVR 40	449	780	RVR 40	449	780	RVR 40	449
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	449	800	1	469	800	1½	469	900	2	569
A	Standard.		T 2-eng. or less—RVR 24′, Runways 9, 35, Standard all other runways.				T over 2-eng.—RVR 24′, Runways 9, 35, Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331′; Facility, I-TSE; Procedure No. ILS Runway 35, Amdt. 9; Eff. date, 29 May 69; Sup. Amdt. No. 8 Dated, 4 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH, 4868'; LOC 6.5 miles after passing PU LOM.
Stone Int	PU LOM (NOPT)	120° Mag and W crs PUB LOC 9.4 miles.	6900	Climb to 7000' on the back crs of PUB ILS to PCX NDB and hold;* or, when directed by ATC, continue straight ahead to 5000' then right-climbing turn to 7000' direct PU LOM and hold.
PUB VORTAC	PU LOM	Direct	7000	
Rosebank Int	PU LOM	Direct	7300	
Hanover Int	PU LOM	Direct	7300	
Pinon Int	PU LOM	Direct	7300	Supplementary charting information:
PCX NDB	PU LOM	Direct	7000	*Hold E, 255° Inbnd, right turns, 1 minute.
Cedarwood Int	PU LOM	Direct	7000	
Vigil Int	PU LOM	Direct	7000	Runway 7L, TDZ elevation, 4668'.
R 008°, PUB VORTAC CCW	PU LOM	10-mile DME Arc	7300	
R 133°, PUB VORTAC CW	Swallows Fix	17-mile DME Arc PUB, R 247° lead radial.	7000	
Swallows Fix	PU LOM (NOPT)	Direct	6900	

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000' within 10 miles of PU LOM.
FAF, PU LOM. Final approach crs, 075°. Distance FAF to MAF, 6.5 miles.
Minimum altitude over PU LOM, 6900'.
Minimum glide slope interception altitude, 6900'. Glide slope altitude at OM, 6834'; at MM, 4920'.
Distance to runway threshold at OM, 6.5 miles; at MM, 0.6 mile.
MSA: 000°–180°—7400'; 180°–270°—13,300'; 270°–360°—11,100'.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° clockwise to R 245°, MCA 7200' R 315°, MCA 8200'.
CAUTION: 6320' tower 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–7L	4868	½	200	4868	½	200	4868	½	200	4868	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–7L	5260	½	592	5260	½	592	5260	½	592	5260	¾	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725'; Facility, I-PUB; Procedure No. ILS Runway 7L, Amdt. 7; Eff. date, 29 May 69; Sup. Amdt. No. ILS–7, Amdt. 6; Dated, 22 Jan. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH, 414'; LOC 2 miles after passing LOM.
Sargo Int	SA LOM (NOPT)	Direct	*1500	Climbing left turn to 3000' direct SAN VOR, thence via SAN R 326° to Mount Dad Int.
Bostonia Int	SA LOM	Direct	4000	
SAN VOR	SA LOM	Direct	2500	Supplementary charting information:
R 326° SAN 6.8-mile DME Fix CCW	Front crs I SAN 10-mile DME Fix	10-mile Arc I SAN	2500	Numerous obstructions penetrate 20:1 all runways.
				Chart 281' tree at 32°44'33"/117°13'28".
				Chart 560' obstruction at 32°43'30"/117°-08'00".
				Chart I SAN DME at glide slope intercept 4.3 miles.
				Runway 9, TDZ elevation, 14'.

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles of SA LOM.
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 2 miles.
Minimum altitude over SA LOM, 1000'.
Glide slope interception altitude, 1500'. Glide slope altitude at OM, 1011'; at MM, 349'.
Distance to runway threshold at OM, 2.7 miles; at MM, 0.7 mile.
MSA: 050°–155°—5200'; 155°–320°—2100'; 320°–050°—4700'.
NOTES: (1) Radar vectoring. (2) Glide slope unusable below 414' MSL. (3) DME located at glide slope: DME should not be used to determine aircraft position at LMM, runway threshold or touchdown point. If DME is lost on Arc, proceed direct SA LOM Mat 3700'.
*1000' authorized when glide slope not used.
¢Turbojet minimum visibility 1 mile.
$Sliding scale not authorized.
%IFR departure procedures: All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–9¢	414	¾	400	414	¾	400	414	¾	400	414	1	400
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9¢	540	1	526	540	1	526	540	1	526	540	1¼	526
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	765	800	1¼	785	800	1¼	785	860	2	845
A	900–2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500–1.%				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500–1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15'; Facility, I-SAN; Procedure No. ILS Runway 9, Amdt. 8; Eff. date, 29 May 69; Sup. Amdt. No. 7; Dated, 10 June 67

17. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, [illegible] and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH, 1806'; LOC 6.8 miles after passing BGM NDB.
BGM VORTAC	BGM NDB/River Int	Direct	3700	Climb to 3700' left turn direct BGM VORTAC and hold.
Greene Int	BGM NDB	Direct	3700	
Tyler Int	BGM NDB	Direct	3700	Supplementary charting information: Hold W, 1-minute right turns, 095° Inbnd. 2549' tower 3.9 miles SW BGM NDB. 1949' tower 2.1 miles NE BGM NDB. TDZ elevation, 1606'.

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 3700' within 10 miles of BGM NDB.
FAF, BGM NDB/River Int. Final approach crs, 338°, Distance FAF to MAP, 6.8 miles.
Glide slope altitude at NDB, 3664'.
Minimum glide slope interception altitude, 3700'. Glide slope altitude at OM, 2742'; at MM, 1770'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA within 25 miles of BGM NDB: 000°–090°—3600'; 090°–180°—3800'; 180°–360°—3600'.
NOTE: ASR.
*Inoperative visual aids table for ALS does not apply for Categories A, B, C, add ¼ mile visibility when ALS inoperative.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–34	1806	½	200	1806	½	200	1806	½	200	1806	¾	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–34*	1860	¾	254	1860	¾	254	1860	¾	254	1860	¾	254
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2040	1	411	2080	1	451	2080	1½	451	2180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629'; Facility, I-BGM; Procedure No. ILS Runway 34, Amdt. 12; Eff. date, 29 May 69; Sup. Amdt. No. 11; Dated, 24 Apr. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 725'; LOC 7.2 miles after passing Madeira NDB.
Mason Int	Madeira NDB (NOPT)	DR 275° and N crs LUK LOC.	2700	Climb to 2700' to California Int via LUK LOC crs and CVG VOR R 105° and hold.
Hamilton Int	Madeira NDB	Direct	2700	Supplementary charting information:
CVG VORTAC	Madeira NDB	Direct	2700	Hold E, 1 minute, left turns, 285° Inbnd.
Scott DME Int	Madeira NDB	Direct	2700	TDZ elevation, 475'.

Procedure turn E side of crs, 021° Outbnd, 201° Inbnd, 2700' within 10 miles of Madeira NDB.
FAF, Madeira NDB. Final approach crs, 201°. Distance FAF to MAP, 7.2 miles.
Minimum altitude over Madeira NDB, 2700'.
Minimum glide slope interception altitude, 2700'. Glide slope altitude at OM, 1601'; at MM, 681'.
Distance to runway threshold at OM, 3.4 miles; at MM, 0.5 mile.
MSA: 000°–090°—2600'; 090°–180°—2200'; 180°–270°—2800'; 270°–360°—2600'.
NOTE: Radar vectoring.
%IFR departure procedures: Runway 2R, climb on N crs LUK LOC through 1000' before proceeding as cleared. Runway 6, climb via direct LUK RBN through 1000' before proceeding as cleared. Runway 20L, climb on S crs LUK LOC through 1100' before proceeding as cleared. This departure requires a minimum rate of climb of 370' per mile.
#Inoperative table does not apply to ALS Runway 20L. One mile visibility required with ALS inoperative except for Category D localizer only 1¼ miles required.
CAUTION: 1031' tower 1.6 miles S of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–20L #	725	½	250	725	½	250	725	½	250	725	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–20L #	1000	¾	525	1000	¾	525	1000	¾	525	1000	1	525
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	752	1340	1½	852	1340	1½	852	1340	2	852
A	900–2.		T 2-eng. or less—Standard Runways 2R, 6; Runway 20L, 400–1; all others, 600–1. %				T over 2-eng.—Standard Runways 2R, 6; Runway 20L; 400–1; all others 600–1.					

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal-Lunken Field; Elev., 488'; Facility, I-LUK; Procedure No. ILS Runway 20L, Amdt. 4; Eff. date, 29 May 69, Sup. Amdt. No. 3; Dated, 26 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 321'; LOC 4.4 miles after passing PN LOM.
NUN VOR	PN LOM	Direct	1700	Climb to 1700' on 8 crs of PNS LOC, left turn direct to Gonzales Int and hold.
PNS NDB	PN LOM	Direct	1700	
Gonzales Int	PN LOM (NOPT)	Direct	1500	Supplementary charting information:
Harold Int	PN LOM	Direct	1700	Hold N, 1 minute, left turns, 163° Inbnd.
Elberta Int	PN LOM	Direct	1700	Warning area 10 miles S of PNS NDB.
				Extensive VFR student training activity all quadrants.
				HIRLS Runways 16/34.
				Runway 16, TDZ elevation, 121'.

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1700' within 10 miles of PN LOM.
FAF, PN LOM. Final approach crs, 163°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 1500'. Glide slope altitude at OM, 1428'; at MM, 322'.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.5 mile.
MSA within 25 miles of PN LOM: 000°–180°—1600'; 180°–360°—2400'.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-16	321	½	200	321	½	200	321	½	200	321	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	480	¾	359	480	¾	359	480	¾	359	480	¾	359
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	379	580	1	459	580	1½	459	680	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 121'; Facility, I-PNS; Procedure No. ILS Runway 16, Amdt. 1; Eff. date, 29 May 69; Sup. Amdt. No. Orig.; Dated, 4 Apr. 68

18. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by COS ASR minimum altitude vectoring chart.										Descend aircraft to MDA after FAF. PAR Runway 35 FAF 3.3 miles from threshold. ASR Runway 35 FAF 3.3 miles from threshold. ASR Runway 30 FAF 5 miles from threshold. CAUTION: Exceedingly high terrain beginning 6 miles W of N–S runway centerline extended. #RVR 24 authorized for Runway 35. %IFR departure procedures: Takeoff all runways: Westbound 210° through 345° climb direct to COS VORTAC, then climb between COS VORTAC Kettle Int to cross COS VORTAC westbound at or above 14,100', V–81 northbound cross COS VORTAC at or above 9,000'. Runways 35 and 12, climb straight ahead to 6,500' MSL before turn.

Missed Approach:
ASR Runway 35 and PAR Runway 35: Climb straight ahead to 6600', then climbing right turn to 8000' heading 075° to intercept COS R 140° to Hanover Int and hold;* or, when directed by ATC, climb to 10,000' direct to Black Forest Int and hold.
ASR Runway 30: Climbing right turn to 8000' on 075° heading to intercept COS R 140° to Hanover Int and hold;* or, when directed by ATC, climbing right turn to 10,000' to intercept LOC (BC) direct to Black Forest Int, and hold.
Supplementary charting information: Runway 35. TDZ elevation, 6070'. Runway 30, TDZ elevation, 6150'.
*Hold N Hanover Int, 1 minute, left turns, 171° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
PAR:												
S-35	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200
Without glide slope:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
PAR:												
S-35	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 40	250
ASR:												
S-35	6500	RVR 24	430	6500	RVR 24	430	6500	RVR 24	430	6500	RVR 50	430
ASR:												
S-30	6520	1	370	6520	1	370	6520	1	370	6520	1	370
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6680	1	508	6680	1	508	6680	1½	508	6760	2	588
A	Standard.			T 2-eng. or less—Standard.%#			T over 2-eng.—Standard.%#					

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Facility, COS Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 29 May 69; Sup. Amdt. No. Radar 1, Amdt. 6; Dated, 13 Mar. 65

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Houston ASR minimum vectoring charts.										Descend aircraft to MDA after FAF, 5 miles from airport.

Missed approach: Climb to 1800' within 10 miles of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1¼	462	660	2	562
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98'; Facility, Houston Radar; Procedure No. Radar-1, Amdt. Orig; Eff. date, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Houston ASR minimum vectoring charts.										Descend aircraft to MDA at FAF 5-mile radius William P. Hobby Airport. #RVR 24' authorized Runway 3.

Missed approach: Climb to 2500', right or left turn as appropriate direct to HOU VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	432	500	1	452	500	1¼	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48'; Facility, Houston Radar; Procedure No. Radar-1, Amdt. 16; Eff. date, 29 May 69; Sup. Amdt.No. Radar 1, Amdt. 15; Dated, 18 June 66

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
040°.....	185°.....	0–20	1900							Descend aircraft after Passing FAF 5 miles from runway threshold. Minimum altitude over 3-mile fix, 1200' all runways.
185°.....	040°.....	0–20	1800							
000°.....	112°.....	20–40	1900							
112°.....	135°.....	20–40	2000							
135°.....	185°.....	20–40	1900							
185°.....	000°.....	20–40	1800							

Radar azimuths are clockwise with distance and altitudes based on antenna located on Memphis Metropolitan Airport. Radar will provide 1000' vertical clearance within 3-mile radius of following towers: 1340', 0.7 miles NE; 1340', 8 miles NE; 975', 9.2 miles NE; 1333', 8.7 miles NE.

Runway No.	TDZ elevation (feet)
9	259
17	288
21	253
27	291
35	331
3	260

HIRLS Runways 9/27, 17/35.
VASI Runway 27.
TDZL Runway 35.

Missed approach:
Runways 17, 21, 27—Climbing left turn to 1900' direct to MEM VORTAC and hold S, 1 minute, right turns, 346° Inbnd.
Runways 3, 9, 35—Climbing right turn to 1900' direct to MEM VORTAC and hold S, 1 minute, right turns, 346° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9	580	RVR 40	321	580	RVR 40	321	580	RVR 40	321	580	RVR 50	321
S–17	640	¾	352	640	¾	352	640	¾	352	640	1	352
S–21	640	1	387	640	1	387	640	1	387	640	1	387
S–27	660	1	369	660	1	369	660	1	369	660	1	369
S–35	680	RVR 40	349	680	RVR 40	349	680	RVR 40	349	680	RVR 50	349
S–3	680	1	420	680	1	420	680	1	420	680	1	420
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	409	800	1	469	800	1½	469	900	2	569
A	Standard.		T 2-eng. or less—RVR 24', Runways 9/35; Standard all other runways.				T over 2-eng. RVR 24', Runways 9/35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, Metropolitan; Elev., 331'; Facility, Memphis Radar; Procedure No. Radar-1, Amdt. 15; Eff. date, 29 May 69; Sup. Amdt. No. Radar 1, Amdt. 14; Dated, 25 Dec. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Hill AFB approach control minimum altitude vectoring chart.										1. Descend aircraft to MDA after FAF. 2. ASR Runway 3 FAF 5 miles from threshold. Runway 3, TDZ elevation, 4454'. 3. Components inoperative table does not apply to REIL Runway 3. *Hold NW, 1 minute, right turns, 119° Inbnd. $Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service. ¢Use Hill AFB altimeter setting when control zone not effective. #Air carrier reduction not authorized. %IFR departure procedures: Climb on OGD VOR R 260° within 10 miles to minimum crossing altitude for direction of flight, N R 341°, 7500', NE V–6, 10,000', W V–6, 6000'.

Missed approach: Climbing left turn to 6500', direct OGD VOR and hold.*

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9#	5000	1	546	5000	1	546	5000	1	546	5000	1¼	546
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	5000	1	545	5060	1	605	5060	1½	605	5060	2	605
A	Standard.$		T 2-eng. or less—Runway 3, 400–1; Runway 16, 400–1½; Standard all other runways.%				T over 2-eng.—Runway 3, 400–1; Runway 16, 400–1½; Standard all other runways.%					

City, Ogden; State, Utah; Airport name, Municipal; Elev., 4455'; Facility, Hill Approach Control; Procedure No. Radar-1, Amdt. 2; Eff. date, 29 May 69; Sup. Amdt. No. Radar 1, Amdt. 1; Dated, 13 June 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 22, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-5175; Filed, May 8, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture; Correction

In F.R. Doc. 69-5280 appearing in the FEDERAL REGISTER of May 2, 1969, on page 7231, the item under § 213.3113(a)(5), "11 agricultural commodity aids (cotton) in the Consumer and Marketing Service", should read "agricultural commodity aids (cotton) in the Consumer and Marketing Service". The number "11" appeared through error.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5581; Filed, May 8, 1969; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5)]

OI REG. 1—OIL IMPORT REGULATION

Allocations of Unfinished Oils—Districts I–IV Based on Production of Low Sulphur Residual Fuel Oil in Districts I–IV; Indefinite Suspension of Section 26

On December 5, 1968, the Secretary of the Interior issued Amendment 11 to Oil Import Regulation 1 (Revision 5) (33 F.R. 18374) adding a new section 26 "Allocations of unfinished oils—Districts I–IV based on production of low sulphur residual fuel oil in Districts I–IV." The section was subsequently amended by Amendment 13 to Oil Import Regulation 1 (Revision 5) on January 8, 1969 (34 F.R. 391).

In order to afford time for review in connection with the recently announced Cabinet Committee study of the Mandatory Oil Import Program, section 26 of Oil Import Regulation 1 (Revision 5), as amended, is hereby indefinitely suspended and the section shall not be operative until further notice.

WALTER J. HICKEL,
Secretary of the Interior.

APRIL 30, 1969.

[F.R. Doc. 69-5550; Filed, May 8, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Exploration and Development Expenditures

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). All sections of the regulations contained in the CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has for convenience been eliminated from the section references contained in this notice. The terms "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national".

Notice is hereby given that the Office of Foreign Direct Investments has amended proposed Subpart L as first published in the FEDERAL REGISTER on November 14, 1968 (33 F.R. No. 222). The proposed subpart is therefore being re-noticed, and interested persons are invited to submit written comments, suggestions, or objections concerning the proposed subpart as amended.

Proposed Subpart L (Exploration and Development Expenditures) will become effective when published in final form in the FEDERAL REGISTER. It will affect compliance under the Foreign Direct Investment Regulations (the "regulations") from January 1, 1969.

The basic provisions of proposed Subpart L (§§ 1201–1206) are as follows:

(a) Exploration and development expenditures are treated separately. Exploration expenditures are defined in § 1201(a) as those incurred before a determination is made that a commercially marketable deposit exists with respect to a particular reservoir or body of mineral resources. Development expenditures are defined in § 1201(b) as those thereafter incurred with respect to a particular reservoir or ore body to prepare it for production. It is recognized that these definitions will leave areas of doubt and may not conform entirely to categories already established by individual direct investors. Therefore, § 1201(c) provides that a DI may elect instead to categorize its expenditures as either exploration or development in accordance with its consistent practice so long as such categorization is reasonable and consistent with the purposes of Subpart L.

(b) Section 1202 deals with exploration expenditures. Its effect is to put all DIs, whether they capitalize or expense, on the same basis with respect to such expenditures. It does this by adjusting the § 504 historical and earnings allowables (as proposed in 34 F.R. No. 66, Apr. 8, 1969), and the § 506 incremental earnings allowables, of all DIs so that those allowables become what they would be if all DIs expensed exploration expenditures. To § 504 allowables as so adjusted is added an additional allowable in the amount of a DI's total exploration expenditures, whether expensed or capitalized, in either 1967 or 1968. (Each DI elects which year's expenditures it wishes to have apply.) Finally, all DIs, whether governed by § 503 or § 504, are treated under § 1202 as if they capitalized and deferred all exploration expenditures incurred in 1969 and succeeding years for purposes of calculating direct investment made during those years. That is, DIs are required to add to their calculation of direct investment in 1969 and succeeding years the amount of exploration expenditures which they expend or amortize during such years:

(c) Section 1203 deals with development expenditures. Unlike exploration expenditures, only development expenditures which are expensed are subject to Subpart L. (Expensed development expenditures include write-offs of deferred charges for development costs such as write-offs for developmental dry holes.) For 1969 and succeeding years, DIs are given an addition to their § 504 historical or earnings allowables in the amount of their expensed development expenditures in 1967 or 1968, whichever year's expenditures is elected. However, expensed development expenditures (like expensed exploration expenditures and amortization of such expenditures) incurred in 1969 and succeeding years are added to the direct investment made by a DI, whether it is governed by § 503 or § 504. These expenses are thus charged against the sum of the DI's allowables including the addition to allowables in the amount of 1967 or 1968 expensed development expenditures.

(d) Section 1204 provides that a DI must elect whether it will have 1967 or 1968 exploration and expensed development expenditures serve as the basis for the additions to allowables provided under §§ 1202 and 1203. The same year must be elected for purposes of measuring both the addition under § 1202 for exploration expenditures and the addition under § 1203 for expensed development expenditures. Generally, a DI will elect the year in which the sum of both types of expenditures is greater unless those expenditures are more helpfully distributed among the scheduled areas during the alternate year.

(e) Section 1205 states the point at which DIs electing to be governed by § 504(a) historical allowables during any year will make an "upstream" adjustment of those schedular allowables under § 504(c) in view of the adjustments to § 504(a) allowables provided for by §§ 1202 and 1203.

(f) Section 1206 provides for an elective addition to § 504(f) carry-forward allowables in 1969 for DIs whose 1968 allowables were less than they would have been if Subpart L had been in effect in 1968 with respect to exploration expenditures. The election is made by filing on or before August 15, 1969 (the date on which first quarter reports for 1969 are presently due) a reconciliation sheet showing what these allowables would have been in accordance with the rules set forth in § 1206.

Because the proposal requires an adjustment to § 504 historical and earnings allowables, and to § 506 incremental earnings allowables, DIs who intend to elect to be governed by § 504 (a) and (c), or (b), as provided in proposed § 502 (34 F.R. No. 66, Apr. 8, 1969), will be required to complete a special exploration and development supplement to Form FDI–102.

The principle features of the proposals are described in greater detail below:

1. *Section 1201 is a definitional section.* Paragraph (a) of § 1201 defines "exploration expenditures" and paragraph (b) defines "development expenditures." Exploration expenditures are defined as the DI's share of costs incurred by or for the benefit of AFNs to ascertain the existence, quantity or quality of a mineral resource and which are incurred prior to the determination that a commercially marketable discovery has been made with respect to a reservoir or body of mineral resources. Costs incurred with respect to a particular geological area of interest after a declaration has been filed with the host country that a marketable deposit has been discovered in that area would, for example, not generally be exploration costs.

Exploration expenditures include costs of acquiring exploration rights, leasing costs, bonuses, rentals, option costs, and related legal or other costs; cost of geological or geophysical surveys; exploratory core drilling; and, generally, tangible and intangible costs of drilling nonproductive exploratory wells. Access roads and other transportation and communication expenditures in support of exploratory drilling will generally be exploratory expenditures. Such expenditures, however, incurred after the determination that commercially marketable deposits exist will generally be development expeditures. Site preparation, clearing vegetation and other obstructions from an area to be developed, constructing access roads and ancillary installations preparatory to commencing production of a proved deposit, and removal and disposal of overburden will be considered development expenditures. Costs incurred to delineate the quantity or quality of a reservoir of gas or oil or of a body or ore or other minerals, which

reservoir or body has already been determined to have commercial potential, will generally be considered development expenditures.

The definitions of "exploration expenditures" and "development expenditures" given in paragraphs (a) and (b) correspond for the most part with usage in the extractive industries. Paragraph (c) provides that a DI may elect to follow its own practices in categorizing expenditures as either exploratory or developmental. In that event, parargaphs (a) and (b) will not apply. Such an election must be made on a DI's annual report (Form FDI–102F) for 1969 which is to be filed in 1970, and shall be effective for all purposes and years unless the consent of the Director is obtained to change the DI's method of categorization.

It should be noted that no restrictions are placed on a DI's own definition of expenditures with respect to a reservoir or body of mineral resource. That is, if a DI is unable to make a geological determination that particular costs are developmental of a particular proven reservoir or body and, consequently, treats an item of expenditure as exploratory, the Office will accept the classification the DI adopts even though another DI in similar circumstances might treat the expenditure as developmental, provided that the classification used is reasonable in the circumstances, consistently followed, and not adopted for the purpose of avoiding the regulations.

Paragraph (d) of § 1201 defines "expensed development expenditures" as that portion of development expenditures which, in accordance with generally accepted accounting principles consistently applied, are deducted from revenues in the computation of earnings (losses) in the year for which such expenditures are incurred. It also includes, however, write-offs for expenditures initially deferred or placed in a suspense account in the current or previous years. Thus, write-offs of deferred charges for intangible drilling and development costs with respect to developmental dry holes are included in "expensed development expenditures." The term does not include deductions from revenues for depreciation or amortization of capitalized expenditures. The treatment accorded any item of expenditure for 1968 and succeeding years must be determined as of the date that the annual report (Form FDI–102F) is required to be filed with the Office and retroactive adjustments may not thereafter be made. In effect, DIs have until the annual report is due—normally, 120 days after the calendar year—in which to make adjustments for that year. For the year 1969, however, DIs have until May 15, 1969 to file their annual report. That annual report does not require expensed development expenditures for 1968 to be separately reported but it does require that 1968 earnings and losses of AFNs be given and the treatment of development expenditures for 1968 as expensed or capitalized will necessarily be reflected in those figures. For the year 1967, DIs will report on a supplement to their first quarterly report for 1969 on FDI–102, presently due by August 15, 1969, the amount of expensed development expenditures for that year as well as separately itemizing such expenses for 1968. While adjustments to expensed development costs as carried on a DI's books as of the end of any calendar year may be made until such reports are due, such adjustments must, of course, also be in accordance with generally accepted accounting methods consistently applied.

Paragraph (e) of § 1201 defines "amortization" with respect to capitalized exploration expenditures. It has relevance only to exploration expenditures and not to development expenditures. "Amortization" means charges against current earnings (losses) for any year for capitalized or deferred exploration expenditures whether initially capitalized or deferred in that year or previous years. It includes write-offs of initially capitalized or deferred exploration expenditures when leaseholds or other property are surrendered or abandoned. Thus, "amortization" includes write-offs of deferred charges for drilling costs with respect to exploratory dry holes.

Paragraph (f) of § 1201 provides that exploration and development expenditures by or on behalf of Canadian AFNs are not affected by Subpart L. Paragraph (g) excludes from Subpart L, expenditures by or on behalf of AFNs engaged in contract drilling or other contract work for other persons. Thus, while exploratory and expensed development expenditures incurred for contract drilling by an AFN with a working interest in property are covered by Subpart L, expenditures to provide such services to others by an AFN who has no interest in the property are not covered by Subpart L.

2. *Additions to § 504 schedular allowables under §§ 1202(a) and 1203(a); election under § 1204.* Both §§ 1202(a) and 1203(a) provide for an addition to a DI's § 504 historical or earnings allowables. The total amount of the additions under the two sections to § 504 allowables in all scheduled areas is either the amount of exploration and expensed development expenditures in 1967 or the amount of such expenditures in 1968. Under § 1204, a DI elects which year's expenditures it wishes to have apply. The same year's total expenditures must be elected for exploration expenditures added to § 504 allowables under § 1202(a) and for expensed development expenditures added to those allowables under § 1203(a). Generally, it will be in the interest of a DI to elect the year of the larger total amount. However, since the additions to allowables are schedular, in some cases a DI may wish to elect the smaller total in order to have a large addition in a particular scheduled area. The election must be made on a DI's annual report for 1969 (Form FDI–102F) which is due 120 days after the end of the calendar year. The election is binding for purposes of calculating allowables not only in 1969 but in all subsequent years and may not thereafter be changed without the permission of the Director.

Example (1): During 1967 and 1968, DI had a wholly owned incorporated AFN (X) in Schedule C, a wholly owned unincorporated AFN (Y) in Schedule B, and a joint venture AFN (Z) in Schedule A in which DI held a 50 percent interest. Total exploration expenditures incurred by or on behalf of all such AFNs were $2,000,000 in 1967 and $2,500,000 in 1968, and total expensed development expenditures were so incurred in the amounts of $500,000 in 1967 and $100,000 in 1968. DI must elect a total addition to allowables under §§ 1202(a) and 1203(a) of either $2,500,000 or $2,600,000. DI elects the 1968 total of $2,600,000. Of said amount, $250,000 was expended by X for exploration rights and DI expended on behalf of X $250,000 for geological and geophysical surveys. DI expended $750,000 in Schedule B on behalf of Y for similar purposes and for exploratory drilling, and incurred $50,000 for improving access roads to a producing leasehold which DI expensed. DI's share in exploration expenditures incurred by Z in Schedule A during 1968 was $1,250,000 and expensed development costs were incurred in the amount of $50,000. DI's additions for exploration expenditures in Schedules C, B, and A under § 1202 (a) are accordingly $500,000, $750,000 and $1,250,000, respectively. DI's additions for expensed development expenditures in Schedules C, B, and A under § 1203(a) are accordingly zero, $50,000 and $50,000, respectively. DI's total additions to § 504 allowables under both §§ 1202(a) and 1203(a) are accordingly $500,000 in Schedule C, $800,000 in Schedule B, and $1,300,000 in Schedule A.

If 1967 total exploration and expensed development expenditures were greater in Schedules C or B, and DI did not believe it would have need for the greater allowables in Schedule A resulting from the election of 1968 expenditures, DI would instead elect the 1967 totals even though it would thereby lose $100,000 in its aggregate allowables for the three scheduled areas.

Note that the additions to § 504 schedular allowables under §§ 1202(a) and 1203(a) have the same value as any other authorization to make positive direct investment under § 504, and are not merely added for the purpose of offsetting exploration and development expenditures made in 1969 and succeeding years.

3. *Exploration expenditures and the calculation of authorized positive direct investment under § 1202.* The effect of § 1202 (a) and (b), together with § 1205, is to put all DIs on the same basis with respect to their §§ 504 and 506 allowables and their computation of direct investment so far as exploration expenditures are concerned; to put a ceiling on future exploration expenditures which may be expensed and therefore avoid regulation; and to increase the allowables of direct investors in the extractive industries.

This effect is accomplished as follows:

(a) Sections 1202(a) (1), (2), and (3), and 1205, provide for an adjustment of §§ 504 and 506 allowables to equal what they would have been if a DI had expensed exploration expenditures during the base period years 1965 through 1968.

(b) As already noted, § 1202(a) authorizes an additional allowable in each scheduled area in the amount of each scheduled area's exploration expenditures during 1967 or 1968, as the DI may elect under § 1204.

(c) Section 1202(b) requires that expensed and amortized exploration expenditures for 1969 and succeeding years

be added to the amount of direct investment made by a DI, thereby charging against general allowables in a scheduled area any exploration expenditures in 1969 or succeeding year in excess of the addition to allowables for exploration expenditures in 1967 or 1968 in that scheduled area.

Adjustment to § 504(a) historical allowables. The adjustments to allowables provided for in § 1202(a) are illustrated in the following examples:

Example (2): DI elects for 1969 under § 502 to be governed by its historical allowables provided by § 504(a). DI has unadjusted § 504(a) historical allowables in Schedules A and B of $2,200,000 and $650,000. (See line (1) in the table below.) Average direct investment in each scheduled area during 1965 and 1966, as reported by DI on line 15 of Form FDI–101, was $2,000,000 in Schedule A and $1,000,000 in Schedule B. (See line (2) below.) During 1965–66, DI's average annual capitalized exploration expenditures were $300,000 in Schedule A and $200,000 in Schedule B, and DI's annual average amortization of these and previously capitalized expenditures for exploration was $100,000 and $50,000, respectively. As shown on line (3), DI's average net capitalized exploration expenditures were accordingly $200,000 in Schedule A and $150,000 in Schedule B. After the adjustment to direct investment required by § 1202(a)(1), DI's 1965–66 adjusted direct investment is as shown on line (4). That is, average net capitalized exploration expenditures of $200,000 in Schedule A are subtracted from unadjusted average direct investment of $2,000,000 in Schedule A, and average net capitalized exploration expenditures of $150,000 in Schedule B are subtracted from $1,000,000 in average direct investment in Schedule B. Applying the authorized direct investment percentage of 110 percent in Schedule A and 65 percent in Schedule B, as provided in § 504(a) (1) and (2), DI has historical allowables, as adjusted under § 1202(a)(1), of $1,980,000 in Schedule A and approximately $552,000 in Schedule B. (See line (5) in the table below.) In 1967 and 1968, DI had total exploration and expensed development expenditures of $600,000 and $700,000, respectively. DI elects under § 1204 to have the larger amount incurred in 1968 added to its historical allowables. DI's total additional § 504 historical allowables for 1969 are accordingly $700,000, of which $400,000 was incurred by or for AFNs in Schedule A and $300,000 by or for AFNs in Schedule B. These additions to § 504 schedular allowables are shown on line (6) of the table. Under §§ 1202(a) and 1203(a), the amounts are added to DI's historical allowables as adjusted under § 1202(a)(1) to determine DI's total historical allowables under § 504(a) (see line (7) below).

	(000 omitted)	
	Schedule A	Schedule B
(1) Unadjusted § 504(a) historical allowables	$2,200	$650
(2) 1965–66 unadjusted av. direct investment	2,000	1,000
(3) 1965–66 av. capitalized exploration expenditure less amortization	200	150
(4) 1965–66 adjusted av. direct investment (line (2) less line (3))	1,800	850
(5) Adjusted historical allowables	1,980	552
(6) Addition for 1968 exploration and expensed development expenditures	400	300
(7) Total § 504(a) historical allowables	2,380	852

Note that if DI did not defer or capitalize but consistently expensed exploration expenditures, no adjustment to its historical allowables would result from the application of § 1202(a)(1). In that event, DI would simply add to its historical allowables, as already calculated, its exploration and expensed development expenditures in 1967 or 1968 in order to arrive at its total historical allowables under §§ 504(a), 1202(a), and 1203(a).

Example (3). Some facts as in Example (2) except that DI had no exploration expenditures in Schedule A during 1965 or 1966. During such years, however, DI amortized and charged against earnings in Schedule A $100,000 of exploration expenditures capitalized in 1964. Further, DI abandoned a nonproducing well and wrote-off an additional $200,000 in exploration expenditures incurred with respect to that venture in prior years and placed in a deferred account. The average of such amortization during 1965 and 1966 is accordingly $150,000 and DI will, under § 1202(a)(1), add said amount to its average direct investment in Schedule A as reported on line 15 of its Form FDI–101. After such addition, DI's adjusted historical allowable in Schedule A is $2,365,000 (110 percent times [$2,000,000 plus $150,000]) and its total § 504(a) historical allowable after adding its Schedule A exploration and expensed development expenditures in 1968 in Schedule A is $2,765,000.

If a DI has AFNs in Schedule C for which exploration expenditures are incurred, an adjustment under § 1202(a)(1) and (2) to the § 504(a)(3) historical allowable in Schedule C will involve two calculations. This is because the historical allowable in Schedule C is the lesser of (a) 35 percent of annual average direct investment in 1965–66, and (b) the annual average percent of earnings reinvested in 1964, 1965, and 1966 times current (i.e., 1969) total earnings of incorporated AFNs, and adjustment must be made in both calculations under § 1202(a) (1) and (2). The first calculation, based on 35 percent of 1965–66 average direct investment, is adjusted in the same manner as already illustrated for § 504 historical allowables in Schedules A and B in Examples (2) and (3). The second calculation, based on the ratio of reinvested earnings to total earnings in 1964 through 1966 times current year total earnings, is adjusted by subtracting capitalized exploration expenditures (less amortization) of incorporated AFNs from the total earnings of incorporated AFNs during the current year. No adjustment is made to the "reinvestment ratio," i.e., to the annual average percent of earnings reinvested in 1964, 1965, and 1966.

The following example illustrates the adjustment to § 504(a)(3) historical allowables in Schedule C under § 1202(a)(1) and (2):

Example (4). DI has a wholly owned incorporated AFN (X) in Schedule C. During 1965 and 1966, DI's average direct investment in Schedule C, as reported on line 15 of its Form FDI–101, was $1,000,000. DI's annual average capitalized exploration expenditures, less annual average amortization, during those years was $200,000. As adjusted under § 1202(a)(1), DI's annual average direct investment is accordingly $800,000, and its adjusted historical allowable under the first alternative of § 504(a)(3) is $280,000 (35 percent times $800,000).

During 1964, 1965, and 1966, X had average earnings of $400,000 of which an average of $300,000 was reinvested. DI's reinvestment ratio under § 504(a)(3)(ii) is accordingly 75 percent ($300,000 divided by $400,000). No adjustment is made to such reinvestment ratio under § 1202. During 1969, X has earnings of $500,000 and capitalized exploration expenditures, less amortization, of $100,000. As adjusted under § 1202(a)(2) for purposes of determining DI's historical allowable under § 504(a)(3)(ii), X's total earnings in 1969 are $400,000 ($500,000 less $100,000). DI's historical allowable under the second alternative calculation under § 504(a)(3) is accordingly $300,000 (75 percent of $400,000). Since this amount is greater than the amount calculated as 35 percent of adjusted average direct investment in 1965–66, DI's 1969 historical allowable in Schedule C is the latter amount of $280,000 to which is added DI's exploration and expensed development expenditures for Schedule C in 1967 or 1968 (i.e., the Schedule C portion of total worldwide exploration and expensed development expenditures in 1967 or 1968, whichever is elected).

Adjustment to § 504(b) earnings allowable. DIs who elect to be governed by the 30 percent of earnings allowable of § 504(b) have three calculations to make under §§ 504(b) and 1202(a): First, a DI's "annual earnings" in 1968 as determined under § 504(b)(4) are reduced by the amount of capitalized exploration expenditures (less amortization) incurred with respect to each scheduled area in 1968 (but not to an amount less than zero). Second, such adjusted annual earnings in each scheduled area are multiplied by 30 percent. Third, the exploration and expensed development expenditures in 1967 or 1968 (whichever is elected) for each scheduled area are added to 30 percent of adjusted annual earnings.

The following example is illustrative of § 1201(a) as it operates to adjust earnings allowables for DIs who elect to be governed by § 504(b):

Example (5). During 1968, DI had annual earnings, as calculated under § 504(b)(4), in each of the scheduled areas as follows: $2,000,000 in Schedule A, $500,000 in Schedule B, and $900,000 in Schedule C. (See line (1) below.) Accordingly, before adjustment under § 1202(a), DI's 30 percent of earnings allowable for 1969 under § 504(b) is $600,000 in Schedule A, $150,000 in Schedule B, and $270,000 in Schedule C. (See line (2) below.) During 1968, however, capitalized exploration expenditures (less amortization of such expenditures) were incurred by or on behalf of AFNs in Schedules A and B as follows: $500,000 in Schedule A, and $800,000 in Schedule B. In Schedule C, amortization of exploration expenditures capitalized either in 1968 or preceding years (including write-offs of initially capitalized or deferred exploration expenditures) exceeded by $100,000 exploration expenditures incurred and capitalized or deferred in 1968. (See line (3) below.) As adjusted under § 1202(a)(3), DI's annual earnings in each scheduled area are accordingly as follows: $1,500,000 in Schedule A ($2,000,000 less $500,000), a negative sum of $300,000 in Schedule B ($500,000 less $800,000), and $1,000,000 in Schedule C ($900,000 plus $100,000). (See line (4) below.) Consequently, DI has adjusted 30 percent of earnings allowables of $450,000 in Schedule A, zero in Schedule B, and $300,000 in Schedule C. (See line (5) below.)

DI's total exploration and expensed development expenditures incurred in 1967 and 1968 were $2,000,000 and $2,500,000, respectively. DI elects the 1968 amount under § 1204. In 1968 such expenditures were incurred by or on behalf of AFNs in Schedule A in the amount of $1,000,000, in Schedule B in the amount of $1,200,000, and in Schedule C in the amount of $300,000. (See line (6) below.) DI's allowables in 1969 under §§ 504(b), 1202(a), and 1203(a) are $1,450,000 in Schedule A, $1,200,000 in Schedule B, and $600,000 in Schedule C.

In tabular form, the above calculations are as follows:

	(000 omitted)		
	Schedule A	Schedule B	Schedule C
(1) 1968 annual earnings	$2,000	$500	$900
(2) 1969 unadjusted § 504(b) earnings allowable (30 percent of line (1))	600	150	270
(3) 1968 capitalized exploration expenditures less amortization	500	800	(100)
(4) 1968 adjusted annual earnings (line (1) less line (3))	1,500	(300)	1,000
(5) 1969 adjusted earnings allowable (30 percent of line (4))	450	0	300
(6) Addition for 1968 exploration and expensed development expenditures	1,000	1,200	300
(7) 1969 total § 504(b) allowables	1,450	1,200	600

Adjustment to § 506 incremental earnings allowable. Section 1202(a)(3) also provides for adjustment of "annual earnings" for purposes of calculating a DI's § 506 incremental earnings allowable. Section 506 provides for an additional worldwide allowable beginning in the year 1970 based on 40 percent of any increase in "aggregate annual earnings" in 1970 and succeeding years over "base period aggregate annual earnings," which are the average of "aggregate annual earnings" in 1966 and 1967. (See 33 F.R. No. 220, Nov. 9, 1968, and 34 F.R. No. 66, Apr. 8, 1969, for a full discussion of § 506.) "Aggregate annual earnings" is defined as the algebraic sum of "annual earnings" as defined in § 504(b)(4). Since § 1202(a)(3) requires an adjustment in the computation of "annual earnings"—and therefore of "aggregate annual earnings"—it affects the incremental earnings allowable of § 506.

The following example illustrates the adjustment of the § 506 incremental earnings allowable under § 1202(a)(3):

Example (6). During 1966 and 1967, DI had average annual earnings, before adjustment under § 1202(a)(3), in each of the scheduled areas as follows: $1,000,000 in Schedule A, $200,000 in Schedule B, and a negative sum (losses) of $300,000 in Schedule C. During those years, capitalized exploration expenditures (less amortization) were $200,000 in Schedule A, $50,000 in Schedule B, and $100,000 in Schedule C. As adjusted under § 1202(a)(3), DI's average annual earnings for 1966–67 are accordingly $800,000 in Schedule A, $150,000 in Schedule B, and the negative amount of $400,000 in Schedule C. DI's "base period aggregate annual earnings," before adjustment under § 1303(a)(3), are $900,000, and, after adjustment, they are $550,000.

In 1970, DI has annual earnings of $2,000,000 in Schedule A, $3,000,000 in Schedule B, and $200,000 in Schedule C. DI's capitalized exploration expenditures (less amortization) in that year are $500,000 in Schedule A, $250,000 in Schedule B, and zero in Schedule C. DI's aggregate annual earnings, as adjusted under § 1202(a)(3), are accordingly $4,450,000 ($1,500,000 plus $2,750,000 plus $200,000). DI's "incremental earnings" are $3,900,000 ($4,450,000 less $550,000) and its "incremental earnings allowable" is the amount by which $1,560,000 (40 percent of $3,900,000) exceeds the greatest of its aggregate allowables calculated under § 503, or § 504(a) or § 504(b) as such § 504 allowables themselves are adjusted under §§ 1202 and 1203.

4. "Upstream" adjustment of historical allowables under § 1205. Section 1205 of proposed Subpart L provides that the "upstream" adjustment to § 504(a) historical allowables under § 504(c) shall not apply until the adjustments to those allowables under §§ 1202(a) and 1203(a) have been made. Under § 504(c), DIs who elect to be governed by § 504(a) may have a portion of the allowables authorized by that section moved "upstream." (That is, Schedule A allowables may be shifted to Schedules B or C, and Schedule B allowables may be shifted to Schedule C.) The operation of § 504(c) is based upon a calculation of the difference between 30 percent of "annual earnings" (determined as provided in § 504(b)(4)) in the preceding year in the "upstream" scheduled area and historical allowables in that scheduled area, and it also depends on the amount of historical allowables in the "downstream" scheduled areas. For example, for 1969, Schedule A historical allowables, to the extent there are any, will be transferred to Schedule C to the extent that 30 percent of annual earnings in Schedule C in 1968 exceed Schedule C historical allowables in 1969. Both §§ 1202(a) and 1203(a) affect the operation of such "upstream" adjustment because those sections affect the amount of historical allowables in each scheduled area under § 504(a) and the amount of annual earnings in the preceding year in each scheduled area under § 504(b)(4). As already described, § 1202(a) affects allowables by excluding capitalized exploration expenditures (less amortization) from base period calculations of direct investment, and both §§ 1202(a) and 1203(a) affect the § 504(a) historical allowable in each scheduled area by adding thereto the 1967 or 1968 exploration and expensed development expenditures for each scheduled area. Under § 1202(a)(2) of proposed Subpart L, annual earnings in the preceding year must also be adjusted by subtracting capitalized exploration expenditures (less amortizations) from those earnings before the § 504(c) "upstream" adjustment of allowables is made. The operations of §§ 1202(a), 1203(a), and 504(c) are illustrated in the following example:

Example (7): For 1969, DI has total historical allowables including additions for 1967 or 1968 exploration and expensed development expenditures under §§ 504(a)(1), (2), and (3), 1202(a)(1), and (2), and 1203(a), as computed in Examples (2) and (4), of $2,380,000 in Schedule A, $852,000 in Schedule B, and $280,000 in Schedule C. Those allowables are before any "upstream" adjustment under § 504(c). During 1968, DI's AFNs in Schedule A had annual earnings (as calculated under § 504(b)(4)) of $1,500,000, its AFNs in Schedule B had annual earnings of $4,000,000 and its AFNs in Schedule C had annual earnings of $1,000,000. Also during 1968, capitalized exploration expenditures (less amortization) were incurred in each of the scheduled areas as follows: $500,000 in Schedule A, $200,000 in Schedule B, and zero in Schedule C. Under § 1202(a)(3), DI's adjusted annual earnings in each scheduled area are accordingly $1,000,000 in Schedule A ($1,500,000 less $500,000), $3,800,000 in Schedule B ($4,000,000 less $200,000), and $1,000,000 in Schedule C. Under § 504(c), DI's historical allowables in each scheduled area are shifted "upstream" to the extent that 30 percent of such adjusted annual earnings exceed the historical allowables in the "upstream" scheduled areas. Consequently, DI's final historical allowables in each scheduled area are $2,228,500 in Schedule A, $1,140,000 in Schedule B, and $300,000 in Schedule C. In tabular form, these adjustments are as follows:

	(000 omitted)			
	Schedule A	Schedule B	Schedule C	Total
(1) 1969 total § 504(a) historical allowables	$2,380	$852	$280	$3,512
(2) 1968 unadjusted annual earnings	1,500	4,000	1,000	-------
(3) 1968 capitalized exploration less amortization	500	200	0	-------
(4) 1968 adjusted annual earnings (line (2) less line (3))	1,000	3,800	1,000	-------
(5) 30 percent of line (4)	300	1,140	300	-------
(6) 1969 § 504(a) historical allowables after § 504(c) upstream adjustments	2,072	1,140	300	3,512

5. Carryforward adjustment. Under § 504(f), DI's may carry forward historical allowables not used in 1968 into 1969. Thus, if a DI had an historical allowable of $1,000,000 in Schedule A for 1968 and made positive direct investment of $800,000 in that scheduled area during 1968, it is authorized to make positive direct investment of $200,000 in Schedule A in 1969 or succeeding years in addition to whatever other allowables it may have under §§ 504, 1202(a) and 1203(a). Similarly, if a DI had not historical allowables in Schedule A in 1968 but incurred total losses in that scheduled area, or made a negative net transfer of capital to that scheduled area, resulting in negative direct investment, it would have an additional allowable in 1969 in the amount of such negative direct investment.

It is apparent that the amount of carryforward allowables in 1969 under present regulations is affected by whether a DI capitalized or expensed exploration expenditures in 1968 and prior years. Accordingly, § 1206 tends to equalize the amount of such carryforward allowables, prospectively and only for 1969, by treating all DIs in effect, as if they had under the 1968 program expensed exploration expenditures during 1968 and the base period years of 1965 and 1966. Section 1206 does not apply, however, if the result of equalization would be to decrease a DI's 1969 allowables. Also, § 1206 does not affect compliance in 1968 or change the regulations in effect for 1968. Its effect is to increase schedular allowables in

1969 for those DIs who would have had greater carryforward allowables in any particular schedular area if they had expensed and not capitalized exploration expenditures in prior periods. To qualify for this increase in 1969 allowables, however, a DI must file with the Office on or before the due date for the first quarterly report for 1969 (presently due Aug. 15, 1969) a carryforward adjustment computation on a special supplement to Form FDI–102. A copy of this supplement will be sent out to all DIs together with revised Form FDI–102 or a copy may be obtained directly from the Office.

Section 1206 (b) and (c) accomplishes equalization generally with respect to Schedules A and B by increasing allowables if capitalized exploration expenditures (less amortization) in 1968 were greater than average capitalized exploration expenditures (less amortization) in 1965 and 1966 times the Schedules A and B percentages of 110 and 65 percent. This equalizes carryforward as among DIs since the difference between these two sums is the measure of the advantages in any particular case of consistently expensing exploration expenditures. In general, a DI which had no allowables in 1968 simply adds to its 1969 carryforward allowables the amount by which 1968 capitalized exploration exceeded 1968 amortization.

In Schedule C, the same carryforward adjustment is made under § 1206(d)(1) as is made for Schedules A and B under § 1206 (b) and (c) if during 1968 a DI was governed by the first alternative calculation of allowables based on 35 percent of 1965–66 direct investment (§ 504(a)(3)(i)(*a*)). Also, as is generally the case for Schedules A and B, if a DI had no allowables in Schedule C in 1968, the amount to be added to 1969 reinvested earnings allowables, as provided in § 1206(d)(3), is the amount by which 1968 capitalized exploration expenditures of incorporated AFNs exceeded amortization with respect to such AFNs for that year. Section 1206(d)(2) deals with the DI who was governed by the second alternative calculation of allowables (§ 504(a)(3)(i)(*b*)). That calculation is based on a DI's average annual percent of reinvested earnings in 1964, 1965, and 1966 (the "reinvestment ratio") times the DI's share of total earnings of incorporated AFNs in Schedule C in 1968, and consequently § 1206(d)(2) provides that a revised 1968 allowable be calculated on the basis of the reinvestment ratio times total earnings in 1968 as adjusted by subtracting net capitalized exploration expenditures. If the revised 1968 allowable is less than DI's actual 1968 allowable, as will generally be the case, the difference is subtracted from capitalized exploration expenditures (less amortization) with respect to incorporated AFNs in 1968. Section 1206(e) provides for a carryforward adjustment for all DIs with respect to their unincorporated AFNs in Schedule C, again simply increasing a DI's Schedule C carryforward allowable by the amount of capitalized exploration expenditures and decreasing it by the amount of amortization with respect to such unincorporated AFNs.

The carryforward addition to 1969 Schedule C allowables under § 1206(d) increases the amount of earnings of incorporated AFNs which a DI is authorized to reinvest in 1969 because, during 1968, DIs were substantially only permitted to reinvest earnings in Schedule C and in only relatively rare instances could DIs make in 1968—or carryforward allowables which would permit them to make in 1969—positive direct investment in the form of a positive net transfer of capital to incorporated or unincorporated AFNs.

While the thrust of § 1206 is to increase § 504 allowables in 1969 for DIs who would have had larger allowables in 1968 if Subpart L had been in effect in 1968, the adjustments provided for in § 1206, particularly as they may affect Schedule C, are for convenience somewhat simplified over what they would be if the rationale were taken to its logical conclusion.

The following examples illustrate the application of § 1206:

Example (8): DI had 1968 allowables of $1,000,000 in Schedule A under § 504(a)(1) as in effect for 1968. During 1968, DI's sole AFN (X), a wholly owned incorporated subsidiary in Schedule A, capitalized $1,000,000 in exploration expenditures incurred in 1968 and amortized $200,000 of such expenditures which had been capitalized either in 1968 or prior years. During the years 1965–66, X incurred annual average amortization of $25,000. Under § 1206(b)(1), and provided that DI elects under § 1206(a), DI has $580,000 of additional § 504(f)(1) carryforward allowables in 1969, such amount being calculated as follows:

	(000 omitted) Schedule A
(1) 1968 capitalized exploration expenditures.	$1,000
(2) 1968 amortization	200
(3) 1968 net capitalized exploration expenditures (line (1) less line (2)).	800
(4) 1965–66 av. capitalized exploration expenditures.	225
(5) 1965–66 av. amortization	25
(6) 1965–66 net capitalized exploration expenditures (line (4) less line (5)).	200
(7) 110 percent of line (6)	220
(8) Carryforward adjustment added to § 504(f) allowables (line (3) less line (7)).	580

Note that if DI's 1968 Schedule A allowables had been less than the amount shown on line (7), the amount subtracted from line (3) would have been the amount of such allowables.

Example (9). Same facts as in Example (8) except that DI's sole AFN (X) is in Schedule B instead of Schedule A. DI has additional § 504(f)(2) allowables for 1969 in Schedule B under § 1206(c)(1) of $670,000 calculated as follows:

	(000 omitted) Schedule B
(1) 65 percent of line (6) of Example (8).	$130
(2) Carryforward adjustment added to § 504(f) allowables (line (3) of Example (8) less line (1) of this example).	670

Example (10). Same facts as in Example (8) except that DI's sole AFN (X) is in Schedule C instead of Schedule A. During 1968, DI was authorized to reinvest $1,000,000 in earnings in Schedule C computed as 35 percent of annual average direct investment during the years 1965 and 1966 under § 504(a)(3)(i)(*a*) as in effect for 1968. DI has additional § 504(f)(3)(ii) reinvested earnings allowables in 1969 in Schedule C under § 1206(d)(1) of $730,000 calculated as follows:

	(000 omitted) Schedule C
(1) 35 percent of line (6) of Example (8).	$70
(2) Carryforward adjustment added to § 504(f) allowables for reinvested earnings only (line (3) of Example (8) less line (1) of this example).	730

In certain cases, amortization during 1968, or 1965 and 1966, may be greater than capitalized exploration expenditures during those years resulting in a negative figure for purposes of calculating any increase or decrease of allowables under § 1206 (b) and (c). Any carryforward adjustment is nevertheless calculated in the same manner. The following example illustrates an instance in which amortization exceeds capitalized exploration expenditures in both 1968 and 1965–66:

Example (11): For 1968, DI has Schedule B allowables under § 504(a)(2), as in effect for 1968, of $1,000,000. DI has one AFN, a wholly owned unincorporated branch (X) in Schedule B. During 1968, capitalized exploration expenditures incurred on behalf of X equalled $50,000 and amortization for that year equalled $75,000. During 1965–66, $100,000 in capitalized exploration expenditures were incurred on behalf of X and $200,000 was amortized. For 1969, under § 1206(c)(1), DI's carryforward allowables in Schedule B are increased by $40,000.

In a tabular form that is shorter than that used in Example (8), these adjustments to allowables are as follows:

	(000 omitted) Schedule B
(1) 1968 capitalized exploration expenditures	50
(2) 1968 amortization	75
(3) 65 percent of 1965–66 capitalized exploration expenditures	65
(4) 65 percent of 1965–66 amortization	130
(5) Carryforward adjustment to be added to § 504(f)(2) allowables (line (1) less line (2) less line (3) plus line (4))	40

Section 1206(d)(2) provides for a carryforward adjustment for DIs who had Schedule C allowables in 1968 under the reinvestment ratio formula of § 504(a)(3)(i)(*b*). This adjustment is made by (a) adding 1968 capitalized exploration expenditures incurred by incorporated AFNs in Schedule C; (b) subtracting 1968 amortization with respect to such AFNs; and (c) recomputing what the DI's Schedule C allowable would have been if Subpart L had applied in 1968. If a DI's allowables in 1968 would have been greater had Subpart L applied, the difference between the hypothetical and the actual allowable is added to the algebraic sum of (a) and (b). If DI's allowables in 1968 would have been less, the difference between the hypothetical and actual allowable is subtracted from the algebraic sum of (a) and (b).

The following example illustrates how § 1206(d)(2) applies to DIs governed by the reinvestment ratio formula of § 504(a)(3)(i) during 1968:

Example (12). During 1964, 1965, and 1966, DI's wholly owned incorporated AFNs in Schedule C had annual average total earnings as calculated under § 306(c) of $500,000, of which earnings $250,000 were, on average, reinvested. Under § 504(a)(3)(i)(*b*), DI's reinvestment ratio is 50 percent, and for purposes of calculating its carryforward adjustment under § 1206(d)(2) that ratio remains at 50 percent.

During 1968, DI's incorporated AFNs have total earnings of $160,000 as calculated under § 306(c) and its reinvested earnings allowable for Schedule C was accordingly $80,000 (50 percent of $160,000). Also during 1968, such AFNs incurred capitalized exploration expenditures of $100,000 and amortization of $30,000. DI's allowable would accordingly have been $45,000 (50 percent times [$160,000 minus $70,000]) if net capitalized exploration expenditures had been excluded from the calculation of its allowables under § 504(a)(3)(i)(*b*) for 1968.

Section 1206(d)(2) provides in effect that § 504 allowables for reinvested earnings are to be (a) decreased by the difference between DI's 1968 allowable of $80,000 and its adjusted allowable of $45,000, (b) decreased by the amount of amortization in 1968 ($30,000), and (c) increased by the amount of capitalized exploration expenditure in 1968 ($100,000). Accordingly, DI's 1969 § 504 allowables are increased by the net amount of $35,000 ($35,000 plus $30,000 subtracted from $100,000).

If a DI had no 1968 historical allowable in a scheduled area, whether it be Schedule A, B, or C, § 1206(b)(2), (c)(2), and (d)(3) provide that its 1969 allowables under § 504(f)(1), (2), and (3)(ii) shall be increased by the amount of capitalized exploration expenditures incurred by or on behalf of AFNs during 1968 and decreased by the amount of amortization with respect to such AFNs during that year. In Schedules A and B a further refinement is added: a DI's 1969 § 504(f) allowables are increased to the extent it would have had allowables if amortization had not exceeded capitalized exploration expenditures during the years 1965 and 1966. This refinement is not made with respect to Schedule C because generally the absence of a 1968 Schedule C allowable is traceable to the alternate reinvestment ratio formula rather than to the 35 percent of earnings formula.

In Schedule C a distinction is made with respect to net capitalized exploration expenditures of incorporated and unincorporated AFNs. Section 1206(d)(3) provides that if a DI had no Schedule C historical allowable in 1968, its 1969 reinvested earnings allowable under § 504(f)(3)(ii) shall be increased by the amount of capitalized exploration expenditures (less amortization) incurred by or on behalf of incorporated AFNs during 1968. Section 1206(e) provides for a similar calculation except that it applies to all DIs, whether or not they had Schedule C historical allowables during 1968, but it applies only to capitalized exploration expenditures less amortization incurred by or on behalf of unincorporated AFNs.

The following examples illustrate the application of § 1206(b)(2), (c)(2), (d)(3), and (e):

Example (13). For 1968, DI had no § 504 historical allowables in Schedules A and B. During that year its AFNs in Schedule A incurred capitalized exploration expenditures (less amortization) of $500,000, and its Schedule B AFNs incurred capitalized exploration expenditures (less amortization) of $200,000. During the base period years of 1965 and 1966, DI had no AFNs and no direct investment in Schedule B, and it had negative direct investment in Schedule A of $100,000. During 1965 and 1966, average amortization in Schedule A exceeded average capitalized exploration expenditures by $200,000. Under § 1206 (b) and (c)(2), DI has additional § 504(f)(1) and (2) allowables of $620,000 in Schedule A, and $200,000 in Schedule B calculated as follows:

	(000 omitted) Schedule A	Schedule B
(1) 1968 net capitalized exploration expenditures	$500	$200
(2) 1965–66 excess amortization	200	0
(3) Schedular percentage of line (2)	220	0
(4) 1965–66 negative direct investment	100	0
(5) Carry forward adjustment to 1969 allowables under § 504 (f) (1) and (2) (line (1) plus line (3) less line (4))	620	200

Example (14). DI's sole AFNs are a wholly owned corporation and a branch in Schedule C. DI had no historical allowables for reinvested earnings in Schedule C during 1968 since the incorporated AFN had losses of $200,000 in 1968. During that year, DI's branch decreased its net assets by $50,000 and DI incurred $500,000 for exploration expenditures on behalf of the branch which were capitalized, and amortized $100,000 of capitalized exploration expenditures. DI's incorporated AFN had $300,000 in capitalized exploration expenditures and amortized $100,000 of previously capitalized expenditures for geological and geophysical surveys. Under § 504(f)(3)(i), DI has carryforward allowables for 1969 of $50,000 as a result of the decrease in branch assets and the consequent negative net transfer of capital to Schedule C as calculated under § 313(b). This allowable may be used to make a positive net transfer of capital or to reinvest earnings during 1969. DI also has a carryforward allowable under § 504(f)(3)(ii) for the $200,000 in losses incurred by its subsidiary. This carryforward, however, may only be used to offset reinvested earnings in 1969. As a result of § 1206(d)(3), the § 504(f)(3)(ii) carryforward allowable of $200,000 for reinvested earnings is adjusted to increase it by the $200,000 in net capitalized exploration expenditures with respect to the incorporated AFN. Under § 1206(e), DI's § 504(f)(3)(i) carryforward allowable, which may be used to make positive direct investment generally, is increased by $500,000 for capitalized exploration expenditures and decreased by $100,000 for amortization with respect to DI's branch, or a net increase of $400,000.

6. Additions to direct investment made under §§ 1202(b) and 1203(b). After a DI has adjusted its historical and earnings allowables by excluding capitalized exploration expenditures (less amortization) from their computation as provided in § 1202(a)(1), (2), and (3); has added its 1967 or 1968 exploration and expensed development expenditures to its allowables as provided in §§ 1202(a) and 1203(a); has made "upstream" adjustments to historical allowables as provided in §§ 504(c) and 1205; and has made any carryforward additions to 1969 allowables under § 1206; the last step under §§ 1202(b) and 1203(b) of Subpart L is to add to its direct investment in 1969, expensed exploration expenditures in that year, plus amortization of previously capitalized or deferred exploration expenditures for that year, plus expensed development expenditures for that year. Amortization includes write-offs for abandoned property for which exploration expenditures were initially capitalized or deferred. Expensed development expenditures include write-offs for deferred or capitalized development expenditures.

The following example will serve to summarize Subpart L with particular attention to the application of §§ 1202(b) and 1203(b):

Example (15). Same facts as in Example (7). That is, for 1969 DI has total allowables under § 504 (a) and (c), after adjustments to allowables and additions under §§ 1202(a) and 1203(a), and "upstream" adjustment as directed in § 1205, of $2,072,000 in Schedule A, $1,140,000 in Schedule B, and $300,000 in Schedule C.

Since 1968 net capitalized exploration expenditures in Schedule A were $500,000, and 110 percent of 1965–66 average net capitalized exploration expenditures was $220,000, DI also has $280,000 in additional Schedule A allowables under § 1206(d)(1) (assuming that 1968 Schedule A allowables were equal or greater than $220,000 so that the proviso to that subparagraph does not apply). Since 1968 net capitalized exploration expenditures of $200,000 in Schedule B exceeded 65 percent of average net capitalized exploration expenditures in 1965–66 of $150,000 ($97,500), DI also has additional 1969 allowables in Schedule B of $102,500 under § 1206(c)(1) (again assuming that the proviso to that subparagraph does not apply). In Schedule C, assuming DI had Schedule C allowables in 1968 and that it was governed by the 35-percent-of direct-investment alternative of § 504(a)(3)(i)(*a*) for 1968, its carryforward adjustment is calculated under § 1206(d)(1) in the same manner as for Schedules A and B. Since 1968 net capitalized exploration expenditures in Schedule C were zero, and 35 percent of 1965–66 average net capitalized exploration expenditures was $70,000, DI has no carryforward adjustment in Schedule C. (Zero less $70,000 would result in a reduction in carryforward allowables and § 1206(a) provides that a DI's allowables may only be increased by the operation of § 1206.) DI has no unincorporated AFNs in Schedule C and therefore § 1206(e) does not apply. After the provisions of § 1206 are applied, DI's 1969 allowables are accordingly $2,352,000 in Schedule A, $1,242,500 in Schedule B, and $300,000 in Schedule C plus any carryforwards DI may otherwise have for unused 1968 allowables under § 504(f)(1), (2), and (3).

During 1969, DI's branch (X) in Schedule A has net earnings of $2,000,000, none of which are remitted to DI, and X's net assets increase by that amount. Also, during 1969, DI renders geological and geophysical services to X valued at $300,000, all of which is expensed on DI's books for the branch. No other relevant transactions occur with respect to X. DI is within its allowables in Schedule A, since under §§ 313(b) and

1202(b), DI has made positive direct investment in Schedule A of $2,300,000. DI's unused allowable of $52,000 may be carried forward and used to offset positive direct investment in later years. The $300,000 in exploration expenses is treated as an addition to net transfer of capital to X.

During 1969, DI's branch (Y) in Schedule B has net earnings of $400,000 and has $200,000 in exploration and development expenses and $400,000 in amortization of capitalized exploration expenditures. Y remits no earnings and no other relevant transactions occurred with respect to Schedule B. As a result, Y's net assets increase by $400,000. DI has made a net transfer of capital of $1,000,000 ($400,000 plus $600,000) which is less than DI's allowables in Schedule B of $1,242,500. DI may carry forward its unused allowable of $242,500 for use in 1970 in Schedule B or A, or use it downstream in Schedule A in 1969, under § 504(d)(2). The $200,000 in exploration and development expenses, and the $400,000 in amortization for capitalized exploration expenditures, is added to DI's net transfer of capital to Y.

In Schelule C during 1969, DI's sole wholly owned incorporated AFN (Z) has earnings of $200,000 and has no expensed exploration expenditures or amortization of such expenditures previously capitalized. Z does have expensed development expenditures of $200,000 including $100,000 of previously deferred intangible drilling and development costs which it writes off in 1969. $100,000 in dividends are paid by Z to DI. DI has made positive direct investment to Schedule C in 1969 of $300,000. The expensed development costs are added to reinvested earnings of $100,000 in Z. DI has no carryforward allowable which it may use to make positive direct investment in Schedules B or A in 1969 or succeeding years, or for use in Schedules C in succeeding years, under § 504(d)(3) since its 1969 Schedule C allowable equalled 1969 positive direct investment.

[3] While expensed exploration expenditures and amortization, and expensed development expenditures, are added to reinvested earnings of incorporated AFNs (and to net transfer of capital to unincorporated AFNs) to determine direct investment made by a DI in 1969, they are not considered in determining "annual earnings" as computed under § 504(b)(4). Thus, for 1970, a DI which elects to be governed by the earnings allowable of § 504(b) will adjust "annual earnings" in 1969 to exclude capitalized exploration expenditures less amortization as those earnings and those net capitalized exploration expenditures appear on its books and records and in its financial reports, and it will not add to those earnings any expensed exploration expenditures or amortization, or expensed development expenditures, added to direct investment in 1969 under §§ 1202(b) and 1203(b).

7. *Section 503 minimum allowable.* Subpart L has limited affect on DIs who elect in 1969 or succeeding years to be governed by the § 503 $1,000,000 minimum allowable. No adjustments are made to that allowable, either to increase it or decrease it, under §§ 1202(a) and 1203(a), and therefore §§ 1204 and 1205 also do not apply. Section 1206 also has no application to a DI who elects the minimum allowable since § 503(c) eliminates carryforward allowables under § 504(f) for DIs electing the minimum allowable. Under §§ 1202(b) and 1203(b), however, expensed exploration expenditures plus amortization, and expensed development expenditures, are added to the direct investment made by a DI who elects to be governed by § 503. However, those sections also provide that any amount so added will be taken into account in determining "aggregate annual losses" of AFNs which otherwise under § 503(b) cannot be used to offset transfers of capital. The following example illustrates this application of Subpart L:

Example (16). For 1969, DI elects to be governed by the $1,000,000 minimum allowable provided by § 503. During 1969, DI transfers $1,000,000 to its sole unincorporated AFN and that AFN writes off deferred charges for exploratory and developmental dry holes in the amount of $750,000. In addition, as of December 31, 1969, the AFN has development work in progress for which $250,000 in expenditures have been incurred and placed in a suspense account. No other transactions occur. As a result of these transactions, the AFN's net assets as computed under § 313(b) have increased by $250,000 during the year 1969, and the AFN has net losses of $750,000 which must be disregarded under § 503(b). Consequently, DI has made a positive net transfer of capital and positive direct investment in the amount of $1,000,000 as provided in those sections. Under §§ 1202(b) and 1203(b), the $750,000 for expenditures written off and expensed is added to such amount, but such expenditures may be offset against the net losses in the same amount. DI's positive direct investment is therefore $1,000,000, and not $1,750,000, and within the minimum allowable.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to the Chief Counsel, Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Such communications concerning the proposed amendments will be considered if received within 30 days after publication of this notice in the FEDERAL REGISTER. Subsequent to such time, the proposed amendments, if adopted, will be published in the FEDERAL REGISTER in final form either as proposed or as they may be changed in light of comments received.

The texts of the proposed revisions are as follows:

Subpart L—Exploration and Development Expenditures

Sec.

1000.1201 Definitions.
1000.1202 Calculation of authorized positive direct investment and of direct investment; exploration adjustment.
1000.1203 Calculation of authorized positive direct investment and of direct investment; expensed development adjustment.
1000.1204 Election with respect to §§ 1000.1202 and 1203.
1000.1205 Effect on § 1000.504(c).
1000.1206 1969 authorized positive direct investment; optional carry forward adjustment.

AUTHORITY: The provisions of Subpart L issued under sec. 5, Act of October 6, 1917, 40 Stat. 415, as amended 12 U.S.C. 95a; E.O. 11387, January 1, 1968, 33 F.R. 47.

Subpart L—Exploration and Development Expenditures

§ 1000.1201 Definitions.

(a) The term "exploration expenditures" means a direct investor's share of all expenditures incurred by or on behalf or for the benefit of its affiliated foreign nationals which are primarily related and allocable to ascertaining the existence, location, extent or quality of a reservoir or body of gas, oil, ore or other mineral resource located in a foreign country, or on the continental shelf under the regime of a foreign country, and which are incurred prior to the determination that a commercially marketable deposit exists with respect to such reservoir or body.

(b) The term "development expenditures" means a direct investor's share of all expenditures incurred by or on behalf or for the benefit of its affiliated foreign nationals which are not primarily related and allocable to exploration expenditures and which are related and allocable to preparing for production or establishing facilities for the extraction and transportation of gas, oil, or other mineral resources located in a foreign country, or on the continental shelf under the regime of a foreign country.

(c) Notwithstanding paragraphs (a) and (b) of this section, a direct investor may elect to categorize its expenditures in accordance with its consistent usage and practice if such practice is reasonable, is in accordance with accounting principles generally accepted in the United States, and is consistent with the purposes of this subpart. An election made pursuant to this paragraph (c) shall, except with the consent of the Secretary, be binding and effective for all purposes of this subpart, and as to both exploration and development expenditures. Such election shall be made on Form FDI–102F timely filed for the year 1969 by the direct investor.

(d) The term "expensed development expenditures" means that portion of development expenditures which, in accordance with accounting principles generally accepted in the United States and consistently applied by a direct investor, is properly charged to the profit and loss account for the year in which such expenditures are incurred and as shall be reflected in total earnings or losses in the annual report for such year on Form FDI–102F filed by the direct investor pursuant to § 1000.602(b)(3). Expensed development expenditures do not include losses from sale of property, or depreciation, depletion or amortization of development expenditures initially capitalized. Expensed development expenditures do include write-offs of development expenditures initially deferred or capitalized such as write-offs for developmental dry holes.

(e) The term "amortization" during any year means any charge or write-off against earnings or losses for exploration expenditures (including dry holes and abandonments) incurred by or on behalf or for the benefit of affiliated foreign nationals in a scheduled area which were initially capitalized or deferred in such year or in preceding years.

(f) For the purposes of determining a direct investor's share of exploration or development expenditures, there shall be excluded any expenditures incurred by or on behalf or for the benefit of Canadian affiliates of the direct investor (as defined in § 1000.1101(a)).

(g) With respect to an affiliated foreign national which provides exploration or development contract services, this subpart shall not apply to expenditures incurred by or on behalf or for the benefit of such affiliated foreign national to provide such services to any other person, including contract drilling, field services and similar services.

§ 1000.1202 Calculation of authorized positive direct investment and of direct investment; exploration adjustment.

(a) For any year commencing with the year 1969, there shall be added to the amount of positive direct investment authorized to a direct investor in each scheduled area under § 1000.504 (a) and (b) an amount equal to that portion of total exploration and expensed development expenditures incurred in all scheduled areas in the year 1967 or 1968 which comprised exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in such scheduled area: *Provided*, That positive direct investment authorized under §§ 1000.504 (a) and (b) and 1000.506 shall first be adjusted as follows:

(1) In determining the amount of positive direct investment authorized under § 1000.504(a) (1), (2), and (3) (i), a direct investor shall deduct from direct investment made during the years 1965 and 1966 in each scheduled area the amount of all exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in such scheduled area which were capitalized or deferred during such years and shall add to such direct investment the amount of any amortization during such years.

(2) In determining the amount of positive direct investment authorized in Schedule C under § 1000.504(a)(3)(ii), a direct investor shall deduct from total earnings of incorporated affiliated foreign nationals in Schedule C during the year 1969 and all succeeding years, the amount of all exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule C which were capitalized or deferred during such year and shall add to such total earnings during such year the amount of any amortization during such years.

(3) In determining the amount of positive direct investment authorized under §§ 1000.504(b) and 1000.506, and in determining the amount by which authorized positive direct investment in each scheduled area shall be increased or decreased under § 1000.504(c), a direct investor shall deduct from annual earnings (as defined in § 1000.504(b)(4)) in each scheduled area the amount of all exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in such scheduled area which were capitalized or deferred during the year for which annual earnings are calculated and shall add to such annual earnings during such year the amount of any amortization during such year.

(b) During any year commencing with the year 1969, in calculating the amount of positive direct investment made by a direct investor in each scheduled area for purposes of §§ 1000.503, 1000.504, and 1000.506, the direct investor shall add to its share in the reinvested earnings of each incorporated affiliated foreign national (determined as provided in § 1000.306(b)) and to the net transfer of capital to each unincorporated affiliated foreign national (determined as provided in § 1000.313(b)) the amount of any exploration expenditures incurred by or on behalf or for the benefit of such affiliated foreign national which were expensed during such year plus an amount equal to any amortization during such year with respect to such affiliated foreign national. Such additions to reinvested earnings or net transfer of capital shall not be included in calculating annual earnings under § 1000.504(b)(4) or aggregate annual earnings under § 1000.506(a)(1), but shall be included in calculating aggregate annual losses under § 1000.503(b).

§ 1000.1203 Calculation of authorized positive direct investment and of direct investment; expensed development adjustment.

(a) For any year commencing with the year 1969, there shall be added to the amount of positive direct investment authorized to a direct investor in each scheduled area under § 1000.504 (a) and (b) an amount equal to that portion of total exploration and expensed development expenditures incurred in all scheduled areas in the year 1967 or 1968 which comprised expensed development expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in such scheduled area.

(b) During any year commencing with the year 1969, in calculating the amount of positive direct investment made by a direct investor for purposes of §§ 1000.503, 1000.504, and 1000.506, the direct investor shall add to its share in the total reinvested earnings of each incorporated affiliated foreign national (determined as provided in § 1000.306(b)) and to the net transfer of capital to each unincorporated affiliated foreign national (determined as provided in § 1000.313(b)) the amount of expensed development expenditures incurred in such year by or on behalf or for the benefit of such affiliated foreign national. Such additions to reinvested earnings or net transfer of capital shall not be included in calculating annual earnings under § 1000.504(b)(4) or aggregate annual earnings under § 1000.506(a)(1) but shall be included in calculating aggregate annual losses under § 1000.503(b).

§ 1000.1204 Election with respect to §§ 1000.1202 and 1000.1203

For purposes of determining the addition to authorized positive direct investment under §§ 1000.1202(a) and 1000.1203(a), a direct investor shall elect, commencing with the year 1969, to have either of the following amounts apply: (a) Its total exploration and expensed development expenditures in all scheduled areas during the year 1967, or (b) its total exploration and expensed development expenditures in all scheduled areas incurred during the year 1968. The election made pursuant to this section shall be binding and effective as to all (and not less than all) scheduled areas, and as to both exploration and expensed development expenditures. Such election shall be made on Form FDI–102F timely filed for the year 1969 by the direct investor and shall, except with the consent of the Secretary, be binding and effective for the year 1969 and all subsequent years.

§ 1000.1205 Effect on § 1000.504(c).

During any year commencing with the year 1969, § 1000.504(c) shall not apply until after the amount of positive direct investment authorized to be made by a direct investor under § 1000.504(a) has been adjusted as provided in §§ 1000.1202 (a) and 1000.1203(a), but shall apply before the amount of positive direct investment authorized to be made by a direct investor under § 1000.504 has been adjusted as provided in § 1000.1206.

§ 1000.1206 1969 authorized positive direct investment; optional carryforward adjustment.

(a) This section shall only apply to direct investors who file at the time first quarterly reports for the year 1969 are due a computation of their carryforward adjustment as provided in this section on a carryforward adjustment supplement to Form FDI–102. This section shall not in any event decrease the amount of positive direct investment authorized to be made in any scheduled area by a direct investor during the year 1969.

(b) For the year 1969, the amount of positive direct investment authorized to be made in Schedule A during the year 1969 or succeeding years under § 1000.504(f)(1) shall be adjusted as follows:

(1) If, during the year 1968, a direct investor was authorized to make positive direct investment under § 1000.504(a)(1)(i), as in effect on December 31, 1968, the amount of positive direct investment authorized to be made in Schedule A during the year 1969 shall be

(i) Increased by the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule A during the year 1968;

(ii) Decreased by the amount of amortization in Schedule A for the year 1968;

(iii) Increased by 110 percent of the amount of annual average amortization in Schedule A for the years 1965 and 1966; and

(iv) Decreased by 110 percent of the amount of annual average capitalized or

deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule A during the years 1965 and 1966: *Provided*, That any reduction in the amount of positive direct investment authorized to be made during the year 1969 resulting from the algebraic sum of subdivisions (iii) and (iv) of this subparagraph (1) shall not exceed the amount of positive direct investment authorized to be made by the direct investor during the year 1968 under § 1000.504(a)(1)(i).

(2) If, during the year 1968, a direct investor was not authorized to make positive direct investment under § 1000.504(a)(2)(i), as in effect on December 31, 1968, the amount of positive direct investment authorized to be made in Schedule A during the year 1969 shall be—

(i) Increased by the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule A during the year 1968;

(ii) Decreased by the amount of amortization in Schedule A during the year 1968;

(iii) Increased by 110 percent of the amount of annual average amortization in Schedule A for the years 1965 and 1966;

(iv) Decreased by 110 percent of the amount of annual average capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule A during the years 1965 and 1966; and

(v) Decreased by the average of negative direct investment by the direct investor in Schedule A during the years 1965 and 1966: *Provided*, That if the sum of subdivisions (iii), (iv), and (v) of this subparagraph (2) is negative, said subdivisions shall be disregarded.

(c) For the year 1969, the amount of positive direct investment authorized to be made in Schedule B during the year 1969 or succeeding years under § 1000.504(f)(2) shall be adjusted as follows:

(1) If during the year 1968, a direct investor was authorized to make positive direct investment under § 1000.504(a)(2)(i), as in effect on December 31, 1968, the amount of positive direct investment authorized to be made in Schedule B during the year 1969 shall be—

(i) Increased by the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule B during the year 1968;

(ii) Decreased by the amount of amortization in Schedule B for the year 1968;

(iii) Increased by 65 percent of the amount of annual average amortization in Schedule B for the years 1965 and 1966; and

(iv) Decreased by 65 percent of the amount of annual average capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule B during the years 1965 and 1966: *Provided*, That any reduction in the amount of positive direct investment authorized to be made during the year 1969 resulting from the algebraic sum of subdivisions (iii) and (iv) of this subparagraph (1) shall not exceed the amount of positive direct investment authorized to be made by the direct investor during the year 1968 under § 1000.504(a)(2)(i).

(2) If, during the year 1968, a direct investor was not authorized to make positive direct investment under § 1000.504(a)(2)(i), as in effect on December 31, 1968, the amount of positive direct investment authorized to be made in Schedule B during the year 1969 shall be—

(i) Increased by the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule B during the year 1968;

(ii) Decreased by the amount of amortization in Schedule B during the year 1968;

(iii) Increased by 65 percent of the amount of annual average amortization in Schedule B for the years 1965 and 1966;

(iv) Decreased by 65 percent of the amount of annual average capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule B during the years 1965 and 1966; and

(v) Decreased by the average of negative direct investment by the direct investor in Schedule B during the years 1965 and 1966: *Provided*, That if the sum of subdivisions (iii), (iv), and (v) of this subparagraph (2) is negative, said subdivisions shall be disregarded.

(d) For the year 1969, the amount of earnings of incorporated affiliated foreign nationals authorized to be reinvested in Schedule C during the year 1969 or succeeding years under § 1000.504(f)(3)(ii) shall be adjusted as follows:

(1) If, during the year 1968, a direct investor was authorized to reinvest earnings under § 1000.504(a)(3)(i)(*a*), as in effect on December 31, 1968, the amount of earnings of incorporated affiliated foreign nationals authorized to be reinvested in Schedule C in the year 1969 shall be—

(i) Increased by the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule C during the year 1968;

(ii) Decreased by the amount of amortization in Schedule C for the year 1968;

(iii) Increased by 35 percent of the amount of annual average amortization in Schedule C for the years 1965 and 1966; and

(iv) Decreased by 35 percent of the amount of annual average capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of affiliated foreign nationals in Schedule C during the years 1965 and 1966; *Provided*, That any reduction in the amount of earnings authorized to be reinvested during the year 1969 resulting from the algebraic sum of subdivisions (iii) and (iv) of this subparagraph (1) shall not exceed the amount of earnings authorized to be reinvested by the direct investor during the year 1968 under § 1000.504(a)(3)(i)(*a*).

(2) If, during the year 1968, a direct investor was authorized to reinvest earnings under § 1000.504(a)(3)(i)(*b*), as in effect on December 31, 1968, the amount of earnings of incorporated affiliated foreign nationals authorized to be reinvested in Schedule C during the year 1969 under § 1000.504(f)(3)(ii) shall be increased by the algebraic sum of the following amounts if such sum is positive:

(i) The amount of capitalized or deferred exploration expenditures incurred with respect to such incorporated affiliated foreign nationals during the year 1968; less

(ii) The amount of amortization with respect to such incorporated affiliated foreign nationals for the year 1968; less

(iii) An amount calculated as follows:

(*a*) The amount of earnings authorized to be reinvested by the direct investor in Schedule C during the year 1968 under § 1000.504(a)(3)(i)(*b*); less

(*b*) The direct investor's reinvestment ratio as determined under § 1000.504(a)(3)(i)(*b*) multiplied by the sum of (*i*) total earnings of incorporated affiliated foreign nationals in Schedule C during the year 1968 less (*ii*) capitalized or deferred exploration expenditures of such affiliated foreign nationals during such year plus (*iii*) amortization with respect to such affiliated foreign nationals during such year: *Provided*, That any reduction under this subdivision (iii) shall not exceed the amount calculated under subdivision (*a*).

(3) If, during the year 1968, a direct investor was not authorized to reinvest earnings under § 1000.504(a)(3)(i), as in effect on December 31, 1968, then the amount of earnings of incorporated affiliated foreign nationals authorized to be reinvested in Schedule C during the year 1969 under § 1000.504(f)(3)(ii) shall be increased to the extent that the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of incorporated affiliated foreign nationals in Schedule C during the year 1968 exceeds the amount of amortization with respect to such incorporated affiliated foreign nationals during such year.

(e) For the year 1969, the amount of positive direct investment authorized to be made in Schedule C during the year 1969 or succeeding years under § 1000.504(f)(3)(i) shall be increased to the extent that the amount of capitalized or deferred exploration expenditures incurred by or on behalf or for the benefit of unincorporated affiliated foreign nationals in Schedule C during the year 1968 exceeds the amount of amortization with respect to such unincorporated affiliated foreign nationals for such year.

DON D. CADLE,
Acting Director, Office of Foreign Direct Investments.

MAY 6, 1969.

[F.R. Doc. 69-5582; Filed, May 6, 1969; 4:43 p.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-22]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-197 from Palmdale, Calif., 1,200 feet AGL INT Palmdale 314° T (299° M) and Bakersfield, Calif., 137° T (121° M) radials; 1,200 feet AGL Bakersfield. The proposed airway segment between Palmdale and Bakersfield would reduce the en route mileage by approximately 7 miles. Numerous pilots currently request direct routing between Palmdale and Bakersfield. The proposed airway would eliminate the need for issuing direct clearances and radar vectors between the two points.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007 Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5544; Filed, May 8, 1969; 8:45 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-SW-9]

JET ROUTE

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would designate J-33 from Humble, Tex., via the INT of Humble 347° T (339° M) and Greater Southwest, Tex., 139° T (130° M) radials; to Greater Southwest. It is also proposed to realign J-87 (34 F.R. 6079) from Humble via the INT of Humble 332° T (324° M) and Greater Southwest 154° T (145° M) radials; to Greater Southwest. The designation of J-33 would expedite the movement of air traffic between Humble and Greater Southwest by providing a dual route with J-87. The alignment of the Greater Southwest radial of J-33 over the Red Oak Intersection would improve the handling of northbound traffic in the Dallas/Fort Worth terminal area by permitting use of this intersection as a handoff point for traffic destined for Dallas. It is necessary to realign J-87, 2° west to provide 15° angular separation between J-33 and J-87.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5545; Filed, May 8, 1969; 8:45 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 170-189]

[Docket No. HM-4]

TRANSPORTATION OF PESTICIDES

Advance Notice of Proposed Rule Making; Request for Public Advice

The use of liquid class B poisons (particularly pesticides) is increasing rapidly throughout the United States. From reported incidents, we believe the leakage of liquid pesticides during transportation is also increasing rapidly. Accordingly, it is important that the present regulations be reviewed to determine whether they provide an adequate level of safety for the transportation of these poisons.

This advance notice of proposed rule making invites the public to advise us on the reasons for the leakage, the resulting safety hazard, and appropriate regulatory action. We invite advice only on liquid poisons in this proceeding.

Recent regulatory action. On December 21, 1967, the Department published Amendment No. 67-1 (32 F.R. 20982) in Docket No. HM-4, Miscellaneous Restrictions Against Loading and Transporting Class B Poisonous Liquids or Solids with Foodstuffs. This regulation restricted transportation of any Class B poison in the same vehicle with foodstuffs, feeds, or any other material intended for consumption by humans or animals. The amendment also provided for inspection and decontamination of vehicles.

This regulation sought to minimize harm resulting from leaks, but it did nothing to prevent leaks. Further, it applies only to foodstuffs and feeds, not to clothing, cosmetics, and other consumer items capable of transmitting the poisons.

Numerous petitions and complaints were filed with the Board since issuance of Amendment 67-1. The Board has issued a notice of proposed rule making (Notice No. 69-12, Docket No. HM-4, 34 F.R. 7456) to resolve some of these problems by clarifying the language, adopting additional restrictions on the commingling of poisons and foodstuffs and making the rule also applicable to Class A poisons.

Facts. Our knowledge of the number of leaks and the quantities of poisons which escaped is limited to major spills. We do not have a system for collecting information on all accidents and incidents. We are developing such a system, but it is of no help in this instance.

From the limited information we have, we know that hundreds of containers of class B poisons leaked last year. This leads us to believe that thousands of leaks actually occurred during transportation. A substantial number of the leaks were of the more toxic class B poisons.

We do not know of any deaths in the United States resulting from these leaks, but there have been hundreds of deaths abroad from similar leaks.

The following examples of recent poison leaks were selected to show that leaks occur (i) in more than one container on some shipments, (ii) in drums of different sizes, built to different specifications, (iii) in seams, chimes, heads, and closures, and (iv) in both truck and train transport. The containers were made by different manufacturers, filled with different poisons by different shippers, and shipped via different carriers.

Date of incident	Number of leakers	Size and specification	Description of leaks	Kind of carrier
Jan. 16, 1969	3	30-gal. 17E	Side seams	Truck.
Jan. 28, 1969	2	55-gal. 17E	Seams and chimes	Train.
Feb. 7, 1969	2	55-gal. 17C	Seams and top chimes	Do.
Feb. 13, 1969	2	5-gal. 17E	Bottom heads	Do.
Feb. 17, 1969	2	55-gal. 17E	do	Truck.
Feb. 17, 1969	5	55-gal. 17E	do	Do.
Mar. 4, 1969	17	55-gal. 17C	Loose closures	Train.
Mar. 18, 1969	5	55-gal. 17C	Side seam and loose closures	Do.

Safety problems. During the past year we have worked with shippers, carriers, container manufacturers, and Federal and State govenment officials, seeking the precise causes of the leaks. The number of leaks indicate a need for regulation, but we need more precise information to determine what regulation is needed. The first step is to define the safety problems: the causes of the leaks.

The principal safety problems appear to be inadequacy of containers and carelessness of shippers. Theoretically, the authorized containers are adequate, if the manufacturers, shippers, and carriers carefully follow all regulatory requirements. Actually, many of the containers leak during transit. It follows that our safety standards are not high enough; they are not people-proof; they do not provide a margin for predictable error.

More particularly, these are areas of inquiry to define the safety problems:

1. Whether the authorized containers, such as Specification 17E and possibly others of the Specification 17 series, are adequate for the transportation of the more toxic materials. This inquiry covers everything which contributes to container integrity, such as gauge and quality of the steel, quality and resilience of lining material, the manufacturing process, inspection and quality control, and testing of finished containers.

2. Whether the leaks result from improper filling and closing of containers. If so, is it because the regulations are inadequate or because the regulations are not followed? If they are not followed, is it because of practical or other problems of complying with the regulations?

3. Whether the leaks result from damage in transit. If so, is it because the regulations are inadequate or because the regulations are not followed? If they are not followed, is it because of practical or other problems of complying with the regulations?

4. Whether regulatory standards should be higher for the more toxic class B poisons.

Possible solutions. As we have been defining the safety problems, we have been considering possible solutions. We have received specific recommendations from the California State Health Department, the National Agricultural Chemicals Association, and the Steel Shipping Container Institute. These are some of the regulatory solutions which we are considering:

1. Require shippers (where appropriate, this term includes the person who fills the container) to use containers produced by manufacturers approved by the Hazardous Materials Regulations Board. Provide for the Board to withdraw approval from manufacturers who do not meet regulatory standards.

2. Prohibit use of Specification 17E and possibly others of the Specification 17 series.

3. Improve integrity of presently authorized containers (for example, by raising the specification standards for gauge of steel or quality of steel, or both) with particular attention to drum heads.

4. Require manufacturing procedures which will not unduly stress the steel.

5. Require comprehensive nondestructive testing of each container and complete destructive testing of frequent random samples, relating test procedures to the actual use for which the container is built.

6. Establish quality standards for lining material, including sufficient resilience to withstand transportation shocks without cracking.

7. Require quality control procedures which will ensure that the manufacturer meets regulatory standards.

8. Require shippers to inspect each container before filling, to ensure that it has not been damaged in transit to him; prohibit use of damaged containers.

9. Require shippers to leave enough outage after filling so that container can be closed without overflow.

10. Require shippers to use fail-safe closure devices and attachment procedures.

11. Require shippers to inspect and clean each container after filling.

12. Require shippers to observe containers in both the upright and inverted positions long enough to detect leaks.

13. Require shippers to palletize or crate (bottom, side, and top protection) all shipments of small containers.

14. Require shippers to inspect each container after storage and before shipment.

15. Require shipper to furnish, and carrier to have, precise chemical name and emergency instructions with each shipment.

16. Prescribe stowage rules, including vertical bulkheads between poisons and other freight, horizontal partitions between layers of containers, and stack height limitations.

17. Prohibit trailer-on-flat-car carriage.

18. Require "poison" label on each package, even in truckload or carload lots, and placard on each truck, even when the amount of poison is less than 1,000 pounds.

19. Impose routing and stop-over restrictions, to limit extent of public exposure.

20. Require shipment in fully enclosed vehicles, to lessen chance of loss of containers.

21. Prohibit shipment on vehicles which have wooden floors, because of difficulty of decontamination after a leak.

22. Prescribe rules for handling contaminated freight and decontaminating vehicles.

Scope of notice. This is not a proposal to change the regulations. It is an effort to obtain public participation early in the rule-making process. It is an effort to develop facts upon which to base rational rule making. We invite the general public to advise us on all aspects of this subject.

We invite interested persons to give us their views by July 21, 1969. Advice (identifying the docket number) should be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., on May 5, 1969.

WILLIAM C. JENNINGS,
Director,
Office of Hazardous Materials.

[F.R. Doc. 69-5524; Filed, May 8, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18541; FCC 69-475]

FM BROADCAST STATIONS

Table of Assignments; Carthage, Miss., etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541, RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

1. Notice is hereby given of proposed rule making in the above-entitled matter, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the spacing requirements of the rules. Any proposed assignments which are within 250 miles of the United States-Canada border will require coordination with the Canadian Government under the terms of the Canadian-United States Agreement of 1947 and the Working Arrangement of 1963. All population figures are from the 1960 U.S. Census.

2. *RM-1396, Carthage, Miss.* (*Meredith Colon Johnston*); *RM-1398, Mifflinburg, Pa.* (*Wireline Radio, Inc.*); *RM-1401, Forest City, Iowa* (*Marvin L. Hull*); *RM-1410, Hampton, S.C.* (*Hampton County Broadcasters, Inc.*); *RM-1411, Tylertown, Miss.* (*Tylertown Broadcasting Co.*); *RM-1412, French Lick, Ind.* (*Wireless of Indiana*); *RM-1415, New Boston, Tex.* (*Bowie County Broadcasting Co., Inc.*); *RM-1421, Minocqua, Wis.* (*Tomahawk Broadcasting Co.*); *RM-1430, Charleston, Miss.* (*Dixie Broadcasting Co., Inc.*); *RM-1433, Southampton (Village), N.Y.* (*Ira Littman*). In the above 10 cases, interested parties seek the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities range in size from 1,532 persons for Tylertown, Miss., to 4,582 persons for Southampton (Village), N.Y. None of the communities are a part of an urbanized area (1960 Census) and each appears to warrant the proposed assignment. Comments are therefore invited on the additions to the table listed below:

City	Channel No.
French Lick, Ind	261A
Forest City, Iowa	272A
Carthage, Miss	252A
Charleston, Miss	272A
Tylertown, Miss	249A
Southampton, N.Y	237A
Mifflinburg, Pa	252A
Hampton, S.C	276A
New Boston, Tex	240A
Minocqua, Wis	240A

3. *RM-1419, Breckenridge, Minn.* On February 22, 1969, Interstate Broadcasting Corp., permittee of Station KKWB-FM, Breckenridge, Minn., filed a petition to substitute Channel 285A for 269A at Breckenridge. Since petitioner is authorized to operate KKWB-FM on Channel 269A, it also requests that the KKWB-FM authorization be modified to specify operation on Channel 285A in lieu of 269A.

4. The petitioner points out that the second harmonic of Channel 269A is 203.4 Mc/s, which falls within TV Channel 11 (198-204 Mc/s), used by Station KTHI-TV, Fargo, N. Dak., some 82 miles distant. Petitioner states that it conducted equipment tests between November 22 and December 19, 1968, for the purpose of evaluating what it anticipated might be a potential problem. Numerous complaints of interference to reception of Station KTHI-TV in the Breckenridge, Minn.-Wahpeton, N. Dak. area were reported during the test operation. Descriptive tabulations of the complaints are included with the petition. KKWB-FM states that during the equipment tests, a meeting was held with the TV servicemen of the area, at which time its engineers made recommendations for eliminating possible television interference because of the FM operation. The public was similarly informed through a release in the local newspaper. It is stated that the majority of interference complaints appeared to be caused by overloading of TV receivers by the primary signal of KKWB-FM, with the TV receivers, in turn, generating a second harmonic within themselves to cause direct interference to Channel 11 reception. It is the opinion of petitioner that a majority of the complaints could be eliminated by filters, applied at the TV receivers and tuned to KKWB-FM's fundamental frequency. However, it is claimed that many complainants are reluctant to go to the expense of a filter installation. It is therefore urged by petitioner that it would be in the public interest to permit the proposed change for KKWB-FM in order to avoid the TV interference experienced.

5. In the public notice of February 3, 1966, where our Policy to Govern the Change in FM Channels to Avoid Interference to Television Reception (FCC 66-106) was announced, it was indicated that petitioners should show that, if the change were adopted, no community would be deprived of a channel and that the change would not necessitate shifting the problem to another community. The petitioner has not made such showings in this case; however, our study reveals that there appear to be at least five other Class A channels available for assignment in the immediate area (221A, 224A, 285A, 288A, and 292A). Thus, it does not appear that any community in the immediate area having a probable future need would be deprived of a channel, nor is shifting the problem to another community evident. The petitioner's showing appears to otherwise conform with the announced policy.

6. We are of the view that a sufficient showing has been made by petitioner and that the proposal conforms with our announced policy in regard to FM channel changes to avoid second harmonic interference to TV reception. Institution of rule making in this case therefore appears to be in the public interest. Accordingly, we are inviting comments on the proposal to substitute Channel 285A for 269A at Breckenridge, Minn. Action looking toward modifying the KKWB-FM authorization will be withheld pending a final decision in this proceeding.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 10, 1969, and reply comments on or before June 20, 1969. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 1, 1969.

Released: May 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5559; Filed, May 8, 1969; 8:46 a.m.]

[1] Commissioner Wadsworth absent.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8595]

PURCHASES DURING TENDER OFFER

Notice of Revision of Proposed Rule

In Securities Exchange Act Release No. 8391, and in the FEDERAL REGISTER for September 14, 1968 (33 F.R. 13036), the Commission published its proposal to adopt proposed Rule 10b-13 (17 CFR 240.10b-13). It has received a number of helpful comments and suggestions in response to its invitation, and, in result, it has revised the proposed rule and is at this time publishing it for comment in revised form.

As originally proposed, the rule would have required a person making a tender offer to purchase all of the securities tendered at the highest price he paid during the tender period for the purchase of securities of the same class otherwise than pursuant to the tender offer or the tender offer price, whichever price was higher. The purpose of the proposal was to require a person making such a tender or exchange offer to treat the persons responding to the offer on a basis no less favorable than that accorded to other selling security holders if he purchases securities of the same class otherwise than pursuant to the tender offer. In those situations where securities are purchased for a consideration greater than that of the tender offer price, this works to the disadvantage of the securities holders who already deposited their securities and thus became unable to withdraw them in order to obtain the advantage of possible resulting higher market prices. On the other hand, as securities are purchased for a consideration less than that of the tender offer price, this may result in a reduction of the amount of tendered securities accepted if the tender offer is on a pro rata basis (customarily the case), or it may result in the rejection of all of the tendered securities if the person making the tender or exchange offer has satisfied his requirements outside of such offer. Some of the comments to the proposal pointed out the danger to a person making a tender or exchange offer who might make a single purchase outside of the tender offer and obligate himself to buy all of the tendered shares, irrespective of the fact that they may exceed his minimum specifications and regardless of his ability to meet such potential heavy financial obligations. It was also pointed out that the purchase by another person who might be deemed to be a member of a "group" within section 14(d)(3) of the Act might also have the same possible devastating result on the person that makes the tender offer, even in a situation where, in good faith, he might contend that he had neither any control over or interest in the purchase made by such other person.

To meet these comments and, at the same time, to preserve the basic objectives of the proposal, the proposed rule has been revised and would prohibit a person making a cash tender offer or exchange offer from purchasing equity securities of the same class during the tender offer period otherwise than pursuant to the offer itself. In this form, the rule would accomplish the same objective as the original proposal, which was to safeguard the interests of the persons who have tendered their securities in response to a cash tender offer or exchange offer; moreover once the tender offer has been made it would remove any incentive of holders of substantial blocks of securities to demand from the person making a tender offer or exchange offer a consideration greater than or different from that currently offered to public investors by the offer.

The proposed rule would apply to purchases of securities immediately convertible into or exchangeable for securities of the same class which are the subject of the offer. However, if the person making the tender offer or exchange offer is, at the time of making or announcing such offer, the owner of securities convertible into or exchangeable for securities of the class which are the subject of the offer, and if, during the offer period, he does convert or exchange such holdings into such securities, the transaction of conversion or exchange would not be deemed to be a prohibited purchase within the meaning of the rule as proposed.

The proposed rule deals with purchases or arrangements to purchase, directly or indirectly, which are made from the time of announcement or initiation of the tender offer or exchange offer, until the person making the offer is required either to accept or reject the tendered securities. Thus, any understanding or arrangement during that period, whether or not the terms and conditions thereof have been agreed upon, to make or negotiate such a purchase after the expiration of that period would be prohibited by the rule. Actual purchases made prior to the inception of that period are not specifically prohibited under the proposed rule, although disclosure of such purchases within a specific prior period is required to be filed in schedules filed under sections 13(d) and 14(d) of the Act. Such pretender purchases, of course, would be subject to the provisions of Rule 10b–5 (17 CFR 240.10b–5) under the Act.

The rule as proposed also applies to exchange offers, i.e., where one company is offering its own securities in exchange for the securities of another issuer. This provision is, in effect, a codification of existing interpretations under Rule 10b–6 (17 CFR 240.10b–6), which among other things, prohibits a person making a distribution from bidding for or purchasing the security being distributed or any right to acquire that security. These interpretations have pointed out that the security to be acquired in the exchange offer is, in substance, either a right to acquire the security being distributed or is brought within the rule under paragraph (b) thereof; and Rule 10b–6 (17 CFR 240.10b–6) prohibits the purchase of such security during the distribution except through the exchange offer, unless an exemption is available.

The proposed rule as revised would exempt purchases under specified conditions pursuant to "qualified stock options" or "employee stock purchase plans" as defined in sections 422 and 423 of the Internal Revenue Code of 1954, as amended, or "restricted stock options" as defined in section 424(b) of the Internal Revenue Code of 1954, as amended. In addition, it contains a provision that the Commission may, unconditionally or on terms and conditions, exempt any transaction from the operation of the rule, if the Commission finds that the exemption would not result in the use of a manipulative or deceptive device or contrivance or of a fraudulent, deceptive or manipulative act or practice comprehended within the purpose of the rule. It is contemplated that this exemptive provision would be narrowly construed and that an exemption would be granted by the Commission only in cases involving very special circumstances.

The proposed rule would be adopted pursuant to sections 10(b), 14 (d) and (e), and 23(a) of the Securities Exchange Act of 1934. The text of the proposed rule as revised is as follows:

§ 240.10b–13 Prohibiting other purchases during tender offer or exchange offer.

(a) No person who makes a cash tender offer or exchange offer for any equity security shall, directly or indirectly, purchase, or make any arrangement to purchase, any such security (or any other security which is immediately convertible into or exchangeable for such security), otherwise than pursuant to such tender offer or exchange offer, from the time such tender offer or exchange offer is publicly announced or otherwise made known by such person to holders of the security to be acquired until the expiration of the period, including any extensions thereof, during which securities tendered pursuant to such tender offer or exchange offer may by the terms of such offer be accepted or rejected: *Provided, however,* That, if such person is the owner of another security which is immediately convertible into or exchangeable for the security which is the subject of the offer, his subsequent exercise of his right of conversion or exchange with respect to such other security shall not be prohibited by this section.

(b) The term "exchange offer" as used in this section shall include a tender offer for, or request or invitation for tenders of, any security in exchange for any consideration other than for all cash.

(c) The provisions of this section shall not apply to a purchase of a security of the same class as that which is the subject of a cash tender offer or exchange offer (or of any other security which is immediately convertible into or exchangeable for such security) if such purchase is made, by the issuer, by participating employees of the issuer or the employees of its subsidiaries, or by the trustee or other person acquiring such security for the account of such employees, pursuant to (1) a stock option plan involving only "qualified stock options", or qualifying as an "employee stock purchase plan" as those terms are defined in sections 422 and 423 of the Internal Revenue Code of 1954, as amended, or "restricted stock options" as defined in section 424(b) of the Internal Revenue Code of 1954, as amended: *Provided, however,* That for the purposes of this paragraph an option which meets all of the conditions of that section other than the date of issuance shall be deemed to be "restricted stock options"; or (2) a savings, investment, pension or other stock purchase plan providing for both (i) periodic payments (or payroll deductions) for acquisition of securities by or on behalf of participating employees and (ii) periodic purchases of the securities by participating employees, or the person acquiring them for the account of such employees.

(d) This section shall not prohibit any transaction or transactions if the Commission, upon written request or upon its own motion, exempts such transaction or transactions, either unconditionally or on specified terms or conditions, as not constituting a manipulative or deceptive device or contrivance or a fraudulent, or deceptive or manipulative act or practice comprehended within the purpose of this section.

(Secs. 10(b), 23(a), 48 Stat. 891, 901; sec. 8, 49 Stat. 1379; sec. 2, Public Law 90–439; 15 U.S.C. 78j(b), 78n(d), 78w(a))

All interested persons are invited to submit their views and comments on the revised proposed Rule 10b–13 (17 CFR 240.10b–13), in writing, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before May 26, 1969. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 5, 1969.

[F.R. Doc. 69–5551; Filed, May 8, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69–117]

INVALID PRESIDENTIAL PROCLAMATION

Liquidation

MAY 5, 1969.

In the case of United States v. Cajo Trading, Inc., the U.S. Court of Customs and Patent Appeals held, in a decision dated February 15, 1968, published as C.A.D. 934, that a liquidation made pursuant to a Presidential proclamation later declared invalid is void, and therefore fails to start running the 60-day period provided in section 514, Tariff Act of 1930, for the filing of protests. Certiorari was denied on October 14, 1968.

Since the Supreme Court has denied certiorari in this case and since the Government does not intend to further litigate the questions involved, requests by importers to apply this decision and to reliquidate entries, or to certify stipulations regarding entries under protest and pending before the U.S. Customs Court shall be honored only where, (1) the original liquidation was made under a Presidential proclamation held to be void in a final decision of the U.S. Customs Court and (2) where the official original entry records are available to the District Director.

Such reliquidation or certification of a stipulation shall not be accomplished based upon unofficial entry documents.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

[F.R. Doc. 69–5567; Filed, May 8, 1969; 8:47 a.m.]

Internal Revenue Service

PETER W. BARRETT

Notice of Granting of Relief

Notice is hereby given that Peter W. Barrett, 8 Englewood Road, Rowayton, Conn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 7, 1945, by a General Court Martial, Order No. 106, Headquarters, European Theater of Operations, U.S. Army, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Peter W. Barrett, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Barrett to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Peter W. Barrett's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Peter W. Barrett be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of April 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[F.R. Doc. 69–5568; Filed, May 8, 1969; 8:47 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 189 (Rev.)]

DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY AND PRINCIPAL COMPLIANCE OFFICER

Designation

I hereby designate the General Counsel of the Department as Treasury's Director of Equal Employment Opportunity and Principal Compliance Officer. The General Counsel is delegated full authority to act for me on equal employment opportunity matters with respect to both Treasury and contractor personnel. This includes determining the organization and staffing requirements for meeting our equal employment opportunity objectives, selection and designation of personnel to perform such functions as are necessary, and issuing necessary instructions.

This order supersedes earlier instructions and orders on this subject including Order 189 and all circulars, including Administrative Circular 13, Revised, previously issued with reference to equal employment opportunity.

Dated: May 5, 1969.

[SEAL] DAVID M. KENNEDY, *Secretary of the Treasury.*

[F.R. Doc. 69–5569; Filed, May 8, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 181]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Duties and Responsibilities

The following order was issued by the Secretary of Commerce on May 1, 1969. This material supersedes the material appearing at 30 F.R. 11071 of August 26, 1965; 31 F.R. 16731 of December 30, 1966; 32 F.R. 3110 of February 21, 1967; and 33 F.R. 15563 of October 19, 1968.

SECTION 1. *Purpose.* This order prescribes the scope of authority and the duties and responsibilities of the Assistant Secretary for Domestic and International Business.

SEC. 2. *Administrative Designation.* The position of Assistant Secretary of Commerce established by Public Law 80–191 (15 U.S.C. 1505) shall continue to be designated as the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 The Assistant Secretary for Domestic and International Business shall exercise policy direction and general supervision over the Business and Defense Services Administration, the Bureau of International Commerce, the Office of Field Services, and the Office of Foreign Commercial Services. He shall exercise direct supervision over the Office of Administration for Domestic and International Business, and the Office of Publications and Information for Domestic and International Business.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the following authorities are hereby delegated to the Assistant Secretary for Domestic and International Business:

a. The authorities contained in the Trade Expansion Act of 1962 (Public Law 87–794 of Oct. 11, 1962), Executive Order 11075 of January 15, 1963, and Executive Order 11106 of April 18, 1963, including the authority to make certifications pursuant to sections 302(b)(1) and 302(c)

of the Act, and to issue rules and regulations under section 401.

b. The authorities contained in headnote 6(d) of the headnotes of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89–805, pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa, respectively. Such allocations shall be made jointly with the Secretary of the Interior or his designated official. These authorities may be redelegated

c. The authorities contained in title I of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071 et seq.), as conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, to issue or modify orders restricting transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T–1 and T–2. These authorities may be redelegated.

d. The authorities contained in Executive Order 11322 of January 5, 1967, and Executive Order 11419, dated July 29, 1968, as relate to carriage by vessel of commodities or products involving Southern Rhodesia. This delegation includes the power to amend or revoke the regulations issued by the Secretary on January 26, 1967, and Part 11 of Subtitle A, Title 15 of the Code of Federal Regulations. These authorities may be redelegated.

SEC. 4. *Duties and Responsibilities.* .01 The Assistant Secretary for Domestic and International Business shall serve as the principal adviser to the Secretary on all domestic and international aspects of the Department's responsibilities concerning industry, trade, investment, defense production and industrial preparedness of domestic industry, export control, and related economic matters. His particular duties and responsibilities shall include:

a. The policy direction, supervision, coordination, and evaluation of existing programs of the Department in the fields of domestic and international business, including United States participation in international trade fairs and expositions held in the United States and abroad;

b. The expansion and revision of such programs where deemed desirable to meet the national needs;

c. The development and implementation of new programs to accomplish national objectives for improving and expanding the economic strength and security of the United States;

d. Representing the Department on policy-level committees;

e. The coordination of the Department's domestic and international business activities with other agencies of the Government; and

f. Coordination of the Department's overseas activities.

SEC. 5. *Deputy Assistant Secretaries for Domestic and International Business.* .01 The Assistant Secretary shall be assisted by Deputy Assistant Secretaries as follows:

a. Deputy Assistant Secretary for Business Development shall assist in providing policy direction and general supervision over the Business and Defense Services Administration and the Bureau of International Commerce, particularly to assure the effective coordination of programs aimed at business development and trade expansion.

b. Deputy Assistant Secretary for International Trade Policy shall be the focal point of contact with Federal agencies on financial and international trade policy affecting U.S. business. He shall coordinate the development of Commerce's views on such policy issues, which may include, among others, such matters as export financing and foreign investment, barter programs, international commodity agreements, domestic and international tax policies affecting trade, governmental lending activities and other aspects of domestic financial operations, and shall represent the Department in multilateral and bilateral trade negotiations.

c. Deputy Assistant Secretary for Domestic Business Policy shall be principally responsible for the formulation of broad domestic business policy, and shall represent the Department in contacts with business leaders, industry associations and other Federal agencies in discussing and resolving Government/business policy issues, and shall participate in the development of basic programs in the marketing, distribution and service industries areas.

d. Deputy Assistant Secretary for Resources shall be principally responsible for the international commodity policy, petroleum import policy, the textile program including the chairmanship of the Interagency Textile Administrative Committee, and the stockpile programs on industrial materials.

.02 In carrying out their responsibilities, the Deputy Assistant Secretaries may draw on the resources in operating units under the Assistant Secretary to provide information, analysis, and other services as required.

Effective date: May 1, 1969.

Dated: May 6, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69–5570; Filed, May 8, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

List

For the purposes of determining eligibility for Federal assistance, pursuant to Public Law 82–550 and subsequent legislation, the U.S. Commissioner of Education hereby publishes a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by educational institutions either in a geographical area or in a specialized field.

This list supersedes the list previously promulgated by the Commissioner of Education on January 16, 1969; 34 F.R. 643.

REGIONAL ACCREDITING ASSOCIATIONS AND AGENCIES

Middle States Association of Colleges and Secondary Schools.
New England Association of Colleges and Secondary Schools.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Schools.
Western Association of Schools and Colleges.

NATIONAL SPECIALIZED ACCREDITING ASSOCIATIONS AND AGENCIES

Accrediting Association of Bible Colleges.
Accrediting Commission for Business Schools.
The American Association of Collegiate Schools of Business.
American Association of Nurse Anesthetists.
The American Association of Theological Schools.
American Bar Association.
American Chemical Society.
American Council on Education for Journalism.
American Council on Pharmaceutical Education.
American Dental Association.
American Library Association.
American Optometric Association.
American Osteopathic Association.
American Podiatry Association.
The American Public Health Association, Inc.
American Speech and Hearing Association.
American Veterinary Medical Association.
Association for Clinical Pastoral Education, Inc.
Council on Medical Education of the American Medical Association.
Council on Social Work Education.
Engineers' Council for Professional Development.
Liaison Committee on Medical Education.
National Architectural Accrediting Board.
National Association for Practical Nurse Education and Service, Inc.
National Association of Schools of Art.
National Association of Schools of Music.
National Association of Trade and Technical Schools.
National Council for Accreditation of Teacher Education.
National Home Study Council.
National League for Nursing, Inc.
Society of American Foresters.

OTHER

New York Board of Regents.

Any other agency or association which desires to be included in the list should request inclusion in writing. Each agency or association listed will be reevaluated by the Commissioner at his discretion but at least once every 4 years, pursuant to the criteria for "Nationally Recognized Accrediting Agencies and Associations": 34 F.R. 643, January 16, 1969.

Dated: May 6, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69–5566; Filed, May 8, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

AREA SUPERVISORS ET AL.

Delegation of Authority Regarding Annual Reports

Pursuant to the provisions of section 407(a) of the Packers and Stockyards Act, as amended (7 U.S.C. 228), the authority of the Administrator contained in 9 CFR 201.97 to grant a reasonable extension of filing date of annual reports for good cause shown, is hereby delegated as follows:

a. Requests for extensions of 30 days or less, to Area Supervisors;

b. Requests for extensions of more than 30 days, to the Directors of the Packer & Poultry and Livestock Marketing Divisions.

The Administrator retains the authority to grant waivers of the filing of annual reports and the authority to grant extensions on his own motion.

Done at Washington, D.C., this 5th day of May 1969.

DONALD A. CAMPBELL,
Administrator.

MAY 6, 1969.

[F.R. Doc. 69–5579; Filed, May 8, 1969; 8:48 a.m.]

SOUTHERN INDIANA LIVESTOCK EXCHANGE, INC. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
INDIANA	
Southern Indiana Livestock Exchange, Inc., Scottsburg, Nov. 19, 1965.	Southern Indiana Livestock, Exchange, Mar. 1, 1969.
IOWA	
Dunlap Livestock Auction, Inc., Dunlap, May 10, 1959.	Dunlap Livestock Auction, Mar. 31, 1969.
MISSOURI	
Douglas County Livestock Auction, Ava, May 27, 1959.	Ava Sales Company, Oct. 12, 1968.
Milan Livestock Auction, Milan, July 25, 1957----	Milan Livestock Auction, Inc., Jan. 27, 1969.
OKLAHOMA	
Antlers Livestock Auction, Antlers, November 29, 1949.	Farmers & Ranchers Livestock Commission Co., Jan. 16, 1969.
SOUTH DAKOTA	
Stockman's Commission Company, Inc., Rapid City, January 24, 1947.	Rapid City Livestock Market, Inc., Mar. 27, 1969.
TEXAS	
Grapevine Auction Company, Grapevine, April 17, 1967.	Grapevine Auction, Inc., Feb. 23, 1969.

Done at Washington, D.C., this 5th day of May 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69–5580; Filed, May 8, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia, Pa.) are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region II, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.

2. Director, Field Services Division.

This designation supersedes the designation effective September 1, 1963 (28 F.R. 11023, Oct. 15, 1963).

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 9th day of May 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69–5575; Filed, May 8, 1969; 8:48 a.m.]

ACTING DIRECTOR FOR NORTHWEST AREA OFFICE AT SEATTLE, REGION VI

Designation

The officials named herein and appointed to the following listed positions in the Northwest Area Office, Seattle, Wash., Region VI, are hereby designated to serve as Acting Director for Northwest Area Office, Region VI, during the present vacancy in the position of Director for Northwest Area Office, with all the powers, functions, and duties redelegated or assigned to the Director: *Provided*, That no officer is authorized to serve as Acting Director for Northwest Area Office unless all other officers whose names and titles precede his in this designation are unable to act by reason of absence:

(1) M. Perry Hobbs, Deputy Director, Northwest Area Office.

(2) Nile B. Paull, Director, Renewal Assistance Division, Northwest Area Office.

(3) Glenn H. Lathrop, Chief, Finance Branch, Northwest Area Office.

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective Jan. 10, 1967)

Effective as of the 1st day of March 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69–5576; Filed, May 8, 1969; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Program of Assistance for Housing in Alaska

Section A. The Assistant Regional Administrator and the Deputy Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development under section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3371), with respect to the Program of Assistance for Housing in Alaska, except the authority to:

a. Establish the rate of interest on Federal loans.

b. Approve the statewide program prepared by the State of Alaska or any duly authorized agency or instrumentality thereof.

(Redelegation by the Assistant Secretary for Renewal and Housing Assistance effective Apr. 11, 1969, 34 F.R. 6399, Apr. 11, 1969)

Effective date. This redelegation of authority is effective as of April 11, 1969.

ROBERT B. PITTS,
Regional Administrator,
Region VI.

[F.R. Doc. 69-5577; Filed, May 8, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-49]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 2, 1969 to April 9, 1969 (List No. 11-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

Approval No. 161.001/4/1, "COSLITE" automatic floating electric water light (with bracket for mounting), dwg. No. 16-59, Alt. 2, dated March 9, 1959, Specification 161.001 will be canceled on December 31, 1970, manufactured by Coston Supply Co., Inc., 44 Hudson Street, New York, N.Y. 10013, effective April 2, 1969. (It is an extension of Approval No. 161.001/4/1, dated Apr. 23, 1964.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/285/0, type 1700 series Maxiflow Safety Valves, maximum pressure 2000 p.s.i., maximum temperature 1020° F., dwg. No. 314613, dated March 19, 1969, approved for 1½", 2", 2½", and 3" sizes, manufactured by DRESSER Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, effective April 9, 1969.

PRESSURE-VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/69/2, figure No. 250, pressure only or vacuum only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron, bronze 85-5-5-5 (B62 Grade 4A), stainless steel (Type 304), Hastelloy B (B332), or Hastelloy C (B332), bodies, 4-inch size, dwg. No. 250A, Alt. 2, dated November 14, 1960, manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11105, effective April 9, 1969. (It is an extension of Approval No. 162.017/69/2, dated Apr. 10, 1964.)

Approval No. 162.017/77/1, figure No. 140, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, bronze, nickel cast iron or stainless steel body, dwg. No. 140-A, Rev. 1, dated January 31, 1958, approved for 8" size, manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11105, effective April 9, 1969. (It is an extension of Approval No. 162.017/77/1, dated Apr. 10, 1964.)

Approval No. 162.017/79/0, figure No. CG-AL-120, pressure only relief and spill valve, atmospheric pattern, weight-loaded poppets, aluminum alloy body and stainless steel poppets and fittings, dwg. No. CG-AL-120, dated March 2, 1955, approved for sizes 3", 4", 6", and 8", manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11105, effective April 9, 1969. (It is an extension of Approval No. 162.017/79/0, dated Apr. 10, 1964.)

Approval No. 162.017/80/0, figure No. CG-AL-130, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, aluminum alloy body and stainless steel poppets and fittings, dwg. No. CG-AL-130, dated March 2, 1955, approved for sizes, 3", 4", 5", and 6", manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11105, effective April 9, 1969. (It is an extension of Approval No. 162.017/80/0, dated Apr. 10, 1964.)

Approval No. 162.017/81/0, figure No. 160, pressure-vacuum relief valve, atmospheric pattern, weight-loaded poppets, bronze, nickel cast iron or stainless steel body, dwg. No. 160-A, Alt. 1, dated November 12, 1956, approved for 4" size, manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11105, effective April 9, 1969. (It is an extension of Approval No. 162.017/81/0, dated Apr. 10, 1964.)

Approval No. 162.017/83/0, figure No. CG-240-AL, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, aluminum body, dwg. No. CG-240-AL, dated January 15, 1957, approved for 4-inch size, manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11105, effective April 9, 1969. (It is an extension of Approval No. 162.017/83/0, dated Apr. 10, 1964.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/118/0, "NADIS CO" fibrous glass cloth-faced fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2180:FR3717, dated April 1, 1969, and Jamestown Fiber Glass Inc. letter, dated March 5, 1969, as Sample A, approved in a density of 4 pounds per cubic foot, manufactured by Jamestown Fiber Glass, Inc., 146 Blackstone Avenue, Jamestown, N.Y. 14701 (basic board is manufactured by Owens Corning Fiberglas Corp., Toledo, Ohio), effective April 9, 1969.

Approval No. 164.009/124/0, "Spray-Don" sprayed asbestos fiber type incombustible material identical to that described in Sprayon Research Corp., letter, dated March 3, 1969; approved without adhesive in a density of 11 through 15 pounds per cubic foot, manufactured for Sprayon Research Corp., 1101 Northeast 110th Street, Miami, Fla. 33161, by U.S. Gypsum Co., Plainfield, N.J., effective April 9, 1969.

Dated: May 2, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-5571; Filed, May 8, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-40-14]

CLEVITE CORP.

Notice of Filing of Petition

Notice is hereby given that the Clevite Corp., Piezoelectric Division, 232 Forbes Road, Bedford, Ohio, by letter dated April 16, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulation "Licensing of Source Material," 10 CFR Part 40.

The petitioner requests that the Commission amend § 40.13 of 10 CFR Part 40 to exempt from licensing requirements piezoelectric ceramic containing not more than 2 percent by weight source material. The basis for the requested exemption is to permit widespread marketing of piezoelectric transducer elements which contain uranium in the oxidic form.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 2d day of May 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-5534; Filed, May 8, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20915-20917; Order 69-5-16]

CAL-STATE AIRLINES, INC.

Establishment of Service Mail Rates; Order To Show Cause

Issued under delegated authority May 5, 1969.

The Postmaster General filed notices of intent April 17, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
20915	Mojave and Los Angeles, Calif.	89
20916	Bakersfield and San Francisco via Fresno, Calif.	60
20917	Las Vegas, Nev., and Los Angeles, Calif.	42

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rates are fair and reasonable rates of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Cessna, Model 402 Volpar Turboliner and Piper Aztec C twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rates per great circle aircraft mile to be paid to Cal-State Airlines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
20915	Mojave and Los Angeles, Calif.	89
20916	Bakersfield and San Francisco via Fresno, Calif.	60
20917	Las Vegas, Nev., and Los Angeles, Calif.	42

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f):

It is ordered, That:

1. Cal-State Airlines, Inc., the Postmaster General, Air West, Inc., Delta Air Lines, Inc., National Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Cal-State Airlines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Cal-State Airlines, Inc., the Postmaster General, Air West, Inc., Delta Air Lines, Inc., National Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5562; Filed, May 8, 1969; 8:47 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 18650; Order 69-5-12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority, May 5, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 18650, Agreement C.A.B. 20806, R-15.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter, dated March 14, 1969, names specific commodity rates for "Household Goods and Personal Effects" to/from or between Miami and a number of points within Central and South America.[1] Except for the rates to/from Miami-Caracas,[2] the proposed rates are approximately 125 percent of the applicable general cargo rates.

As justification, the proposing carrier states that these rates are established so as to increase revenues on bulky and awkward cargo. We do not believe this is adequate justification in and of itself to warrant approval of the proposed commodity rates. Further, we note that the data submitted with the agreement indicate that the shipments are expected to meet the density requirement of 8.9 pounds per cubic foot. Therefore, we will defer action on the agreement with a view towards (1) eventual disapproval of the agreement insofar as it would establish specific commodity rates at a level higher than the applicable general cargo rates and (2) eventual approval of the agreement insofar as it would permit rates equal to or lower than the applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is tentatively found that the agreement insofar as it would establish commodity rates listed in Attachment A hereto [3] is adverse to the public interest, and

2. It is tentatively not found that the agreement insofar as it would permit rates equal to the commodity rates listed in Attachment B [4] is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

[1] Intended to be effective Mar. 31, 1969.

[2] The Miami-Caracas rates are either equal to or lower than the applicable general cargo rates.

[3] Filed as part of the original document.

Accordingly, it is ordered, That: 1. Action on Agreement CAB 20806, R–15, with respect to those rates named in Attachment A hereto, be and hereby is deferred with a view toward eventual disapproval; and

2. Action on Agreement CAB 20806, R–15, with respect to those rates named in Attachment B hereto, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Economic Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5561; Filed, May 8, 1969; 8:48 a.m.]

[Docket No. 20781]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Prehearing Conference Relating to Transatlantic Fares

Agreement CAB 20848, Agreements adopted by Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA) relating to transatlantic fares.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 28, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington D.C., before Examiner Arthur S. Present.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before May 21, 1969, (1) motions; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., May 5, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–5564; Filed, May 8, 1969; 8:47 a.m.]

[Dockets Nos. 20912–20914; Order 69–5–11]

LEXINGTON AIR TAXI, INC.

Establishment of Service Mail Rates; Order To Show Cause

Issued under delegated authority May 5, 1969.

The Postmaster General filed notices of intent April 17, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
20912	Cincinnati, Ohio, and Nashville, Tenn., via Louisville, Ky.	50
20913	Evansville, Ind., and Louisville Ky.	50
20914	Ashland and Louisville, Ky., via Lexington, Ky.	50

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rates are fair and reasonable rates of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the markets. He states the air taxi plans to initiate this mail service with twin-engine Beechcraft, Model Super 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rates per great circle aircraft mile to be paid to Lexington Air Taxi, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
20912	Cincinnati, Ohio, and Nashville, Tenn., via Louisville, Ky.	50
20913	Evansville, Ind., and Louisville, Ky.	50
20914	Ashland and Louisville, Ky., via Lexington, Ky.	50

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That: 1. Lexington Air Taxi, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Lexington Air Taxi, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to a rate or rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have wavied the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Lexington Air Taxi, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5563; Filed, May 8, 1969; 8:47 a.m.]

[Docket No. 19078]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceedings is assigned to be held on June 17, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

The general subject of the hearing is whether the public convenience and necessity require, and the Board should order, the establishment of air service using VTOL, V/STOL, or STOL equipment between various metropolitan areas in the Northeast Corridor. A more detailed description of the issues may be found in the Board's Order E–25779 of October 4, 1967, Order E–26853 of May 29, 1968, and the Prehearing Conference Report issued herein on October 1, 1968.

Dated at Washington, D.C., on May 5, 1969.

[SEAL] E. ROBERT SEAVER,
Hearing Examiner.

[F.R. Doc. 69–5565; Filed, May 8, 1969; 8:47 a.m.]

[1] As this Order to Show Cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17624, etc; FCC 69–470]

FRED KAYSBIER ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regarding applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP–16965; Edward D. Hyman trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP–17487; For construction permits; Fred Kaysbier, for renewal of license of Station KXXI, Alamogordo, N. Mex., Docket No. 18537, File No. BRH–1725.

1. The Commission has before it for consideration: (a) The above-captioned application, as amended, of Fred Kaysbier for renewal of the license of Station KXXI, an FM station in Alamogordo, N. Mex., and; (b) an Official Notice of Violation dated November 13, 1968 issued to the licensee following inspection of Station KXXI on October 28, 1968.

2. The Commission has reviewed the Official Notice of Violation for 12 violations issued to the licensee in connection with his operation of Station KXXI. These violations include a failure to operate at 90 percent of authorized transmitter output power, failure to maintain operating, program and maintenance logs, and nonavailability of equipment performance measurements. The results of the Commission's inspection of KXXI raise substantial and material questions of fact as to whether the licensee has managed and operated Station KXXI in such a negligent or careless manner, or has evidenced such a disregard for the Commission's rules, that he cannot be relied upon to fulfill the responsibilities of a broadcast licensee.

3. The Commission has also reviewed the balance sheet dated May 10, 1968, submitted with the KXXI renewal application. This balance sheet, amended on December 5, 1968, raises a substantial and material question of fact as to whether the licensee can finance current operation of Station KXXI. While the December amendment purports to show current assets in excess of current liabilities, the licensee's testimony during February 1969, in connection with Docket 17624 (licensee's application for a new AM facility in Alamogordo) indicates that there may be other indebtedness not reflected on the balance sheet. Specifically, there was testimony during the hearing that Kaysbier is indebted to Arizona Factors, Inc. (approximately $5,250), to United Press International (approximately $8,800) and to the New Mexico Bureau of Revenue (approximately $893). Although Kaysbier denied any indebtedness to these alleged creditors, there exists a substantial question as to whether he has been candid with the Commission in his representations as to his financial status.

4. In the application for renewal of the license of KXXI, the licensee proposes a staff of two, apparently the licensee himself and a part-time engineer. In response to the Official Notice of Violation, the licensee represented that he has hired an additional part-time employee to review and file logs daily. The licensee proposes to operate Station KXXI on a 127 hour broadcast week, with the following types of programing:

Type	Hours	Minutes	Percent of total time on air
News	3	45	3
Public affairs	2	30	2
All other programs exclusive of entertainment and sports	5		4

The licensee stated that "one staff member" would gather news items. In light of the results of the October 28, 1968, inspection of Station KXXI, the Commission is of the view that there exists a substantial and material question of fact as to whether the licensee has proposed a sufficient staff to insure operation of KXXI in accordance with the Commission's rules and the licensee's programing proposals.

5. Because of the substantial issues raised with respect to these matters, and unresolved questions of fact going to these issues, we are unable to make the statutory finding that a grant of the application would serve the public interest. Mr. Kaysbier is presently in hearing (Docket 17624) with respect to his application to construct a new AM facility in Alamogordo. We are of the view that the most efficient and expeditious method of resolving the matters delineated above is to designate the KXXI application for hearing in a consolidated proceeding with the application for a new AM station.

6. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned renewal application is designated for hearing with the following issues in a consolidated proceeding with Dockets Nos. 17624 and 17625:

(1) Whether Fred Kaysbier has managed and operated Station KXXI in such a negligent or careless manner, or has evidenced such a disregard for the Commission's rules, that he cannot be relied upon to fulfill the responsibilities of a broadcast licensee.

(2) Whether Kaysbier is financially qualified to operate Station KXXI.

(3) Whether Kaysbier is indebted to Arizona Factors, Inc., United Press International and the State of New Mexico's Bureau of Revenue and, if so, whether his failure to disclose this indebtedness in the balance sheet, as amended, submitted as an exhibit to his application for renewal of license of Station KXXI evidences a lack of candor which reflects upon his basic qualifications to be the licensee of Station KXXI.

(4) Whether Kaysbier proposes in his application a staff sufficient to insure that operation of KXXI will be in accordance with the Commission's rules and his programing proposals.

(5) Whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of Kaysbier's application for renewal of the license of Station KXXI would serve the public interest, convenience and necessity.

7. *It is further ordered,* That the burden of coming forward with the introduction of evidence with respect to Issues 1, 2, 3, and 4 above shall be on the Broadcast Bureau. The burden of proof on all of the issues is on the licensee.

8. *It is further ordered,* That to avail himself of the opportunity to be heard, the licensee, pursuant to section 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the licensee herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by section 1.594 of the Commission's rules and regulations.

Adopted: May 1, 1969.

Released: May 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5560; Filed, May 8, 1969; 8:46 a.m.]

[1] Commissioner Wadsworth absent.

FEDERAL POWER COMMISSION

[Docket No. G–4117, etc.]

W. H. DORAN, JR., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MAY 1, 1969.

Take notice that each of the Applicants listed herein has filed an application or

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4117 E 4-22-69	W. H. Doran, Jr. (successor to Delta Drilling Co.), Post Office Box 648, Alice, Tex. 78332.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Alice Field, Jim Wells County, Tex.	15.0	14.65
G-4930 E 4-21-69	Permeator Corp. (successor to Westates Petroleum Co.), c/o Hoyt N. Wheeler, Attorney, Kay, Casto & Chaney, 511 Charleston National Bank Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	22.0	15.325
G-4931 E 4-21-69	Permeator Corp. (successor to Westates Petroleum Co.).	Pennzoil United, Inc., Elk District, Kanawha County, W. Va.	15.0	15.325
CI60-61 E 4-21-69	do	Consolidated Gas Supply Corp., Big Sandy District, Kanawha County, W. Va.	25.0	15.325
CI61-100 D 4-18-69	Horizon Oil & Gas Co. of Texas, 1216 Hartford Bldg., Dallas, Tex. 75201 (partial abandonment).	Transwestern Pipeline Co., East Farnsworth Field, Ochiltree County, Tex.	Depleted	-------
CI61-1142 E 4-21-69	Permeator Corp. (successor to Westates Petroleum Co.).	Pennzoil United, Inc., Big Sandy District, Kanawha County, W. Va.	15.0	15.325
CI62-511 E 4-21-69	G. N. Rupe (successor to Pentagon Corp., Inc. (Operator) et a.), 222 Brown Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., Acreage in Barber County Kans.	13.0	14.65
CI63-152 E 3-28-69	Burk Gas Corp. (successor to Novo Oil, Inc.[3]), 800 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	Cities Service Gas Co., Northwest Quinlan Field, Woodward County, Okla.	[4] 17.0	14.65
CI63-153 E 3-28-69	do.[3]	Panhandle Eastern Pipe Line Co., Southwest Anadarko Basin Area, Beaver County, Okla.	17.0	14.65
CI63-165 E 4-10-69	Dyna Ray Oil & Gas Co., Inc. (successor to Irving Pasternak), 4101 East Louisiana Ave., Denver, Colo. 80222.	El Paso Natural Gas Co., East Ross, Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025
CI63-775 E 4-14-69	Mineral Mining Co. (successor to Davidor & Davidor, Inc.), Post Office Box 95226, Oklahoma City, Okla. 73109.	Cities Service Gas Co., Northwest Doby Springs Field, Harper County, Okla.	[4] 17.0	14.65
CI63-955 E 4-14-69	do	Cities Service Gas Co., Northwest Vining Field, Grant County, Okla.	[4] 14.0	14.65
CI64-456 E 4-14-69	Mineral Mining Co. (Operator) et al. (successor to Davidor & Davidor, Inc. (Operator) et al.).	Cities Service Gas Co., Northeast Selman Pool, Harper County, Okla.	[4] 17.0	14.65
CI64-1147 E 3-28-69	Burk Gas Corp. (successor to Novo Oil, Inc.[3]).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	17.0	14.65
CI65-387 E 4-21-69	Permeator Corp. (successor to Westates Petroleum Co.).	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	25.0	15.325
CI66-1297 C 4-15-69	Thomas A. Dugan, Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Fruitland and Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
CI68-1110 C 4-21-69	Cleary Petroleum Corp. et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., North Salon Area, Ellis County, Okla.	17.0	14.65
CI68-1163 C 4-17-69	W. M. Gallaway et al., c/o Floyd J. Ray, Esq., 4101 East Louisiana Ave., Denver, Colo. 80222.	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	13.0	15.025
CI69-853 A 3-10-69	Cecil Townsend, Oxford, W. Va. 26414.	Equitable Gas Co., Union District, Ritchie County, W. Va.	27.0	15.325
CI69-965 A 4-16-69	Stetco '68, Ltd.,[5] Post Office Box 1828, 1107 Midland Savings Bldg., Midland, Tex. 79701.	Transwestern Pipeline Co., Crawford Field Area, Eddy County, N. Mex.	[7] 16.58	14.65
CI69-966 (CI68-274) F 4-15-69	King Resources Co. (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.), 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., North Thorndike Field, Gray County, Tex.	[7] 17.0	14.65
CI69-967 A 4-17-69	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio 43216.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 180 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI69-968 A 4-18-69	John H. Hill (Operator) et al., 100 Southland Center, Dallas, Tex. 75201.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	[7] 17.0	14.65
CI69-969 B 4-17-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.	Depleted	
CI69-970 A 4-17-69	Pennzoil United, Inc.,[8] % I. A. Harper, Manager, Gas Sales and Regulations, 900 Southwest Tower, Houston, Tex. 77002.	Transwestern Pipeline Co., Crawford Field Area, Eddy County, N. Mex.	[7] 16.58	14.65
CI69-971 A 4-21-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	[7] 18.0	14.65
CI69-972 (C165-1145) F 4-18-69	King Resources Co. (successor to Pan American Petroleum Corp.).	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	[9] 16.015	14.65
CI69-973 A 4-21-69	A. C. Black et al., 410 Praetorian Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., South Tegarden Field, Woods County, Okla.	[7] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-974 A 4-21-69	Roy Proffitt, Racine, Ohio 45771	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	27.0	15.025
CI69-975 A 4-21-69	Harry A. Holtom, 906 High St., Worthington, Ohio 43085.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-976 B 4-21-69	Cleary Petroleum Corp. (Operator) et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Kismet Field, Seward County, Kans.	Depleted	-------
CI69-977 B 4-21-69	Bachus Oil Co., 721 East Central, Wichita, Kans. 67202.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.	Depleted	-------
CI69-978 B 4-21-69	Cities Service Co., Post Office Box 300, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	(1)	-------
CI69-979 A 4-21-69	Texas Gas Exploration Corp., 1111 First City National Bank Bldg., Houston, Tex. 77052.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 180 Field, West Cameron Area, Offshore Louisiana.	[10] 20.0	15.025
CI69-980 A 4-21-69	Beacon Resources Corp. et al., 312 Union Center Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65
CI69-981 A 4-21-69	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 174, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI69-982 A 4-22-69	Jake L. Hamon, Post Office Box 663, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, and Kinta Field, Sequoyah County, Okla.	16.0	14.65
CI69-983 A 4-23-69	Appalachian Exploration & Development, Inc., c/o Boyd D. Taylor, Regional Counsel, Post Office Box 1473, Charleston, W. Va. 25325.	Mountain Gas Co., Poca District, Kanawha County, W. Va.	27.0	15.325
CI69-984 B 4-11-69	Fred Whitaker	South Texas Natural Gas Gathering Co., LaCopita Field, Starr County, Tex.	(11)	-------

[1] Formerly Delta Gulf Drilling Co.
[2] Successor in interest to Whitestone Petroleum Corp.
[3] Rate in effect subject to refund in Docket No. RI65-291.
[4] Rate in effect subject to refund in Docket No. RI67-47.
[5] Rate in effect subject to refund in Docket No. RI67-48.
[6] Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Rate in effect subject to refund in Docket No. RI69-103.
[9] Well has been plugged and abandoned.
[10] Applicant proposes 20 cents per Mcf or area rate, whichever is higher.
[11] Well has ceased to produce in commercial quantities.

[F.R. Doc. 69-5464; Filed, May 8, 1969; 8:45 a.m.]

[Docket No. CP69-279]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 2, 1969.

Take notice that on April 28, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69-279 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary to enable Applicant to render direct natural gas service to an industrial customer, Mobil Oil Corp., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a tap and delivery facilities on its 2-inch line EM-9 in Nevada County, Nev., in order to render the proposed service to Mobil pursuant to a gas sales contract, dated January 10, 1968.

Mobil's estimated third year peak day and annual natural gas requirements are 850 Mcf and 250,000 Mcf, respectively.

The application indicates that the total estimated cost of the proposed facilities is $3,574, which cost will be financed from cash on hand.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5536; Filed, May 8, 1969; 8:45 a.m.]

[Docket No. CP69-280]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MAY 2, 1969.

Take notice that on April 28, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-280 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1969, and operation of various "gas sales" facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the 12-month period commencing July 1, 1969, and operate taps, connecting lines, metering and regulating equipment, structures, and other such facilities as are necessary for the transportation, measurement, and delivery of natural gas. Applicant will sell natural gas to existing customers, and make direct sales to new customers in areas located outside of local distributor's franchise area with no single sale to exceed an annual 100,000 Mcf per customer. None of the gas will be used for boiler fuel purposes.

The total estimated cost of the proposed facilities will not exceed $300,000, and will be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5537; Filed, May 8, 1969; 8:45 a.m.]

[Docket No. RP69-1]

NORTHERN NATURAL GAS CO.

Notice of Filing of Settlement Proposal

MAY 2, 1969.

Notice is hereby given that the Northern Natural Gas Co. filed on April 29, 1969, a settlement proposal in the proceedings in Docket No. RP69-1.

The settlement proposal resolves all issues in the aforementioned proceedings. Generally, the proposal provides for specified reduced rates as of February 10, 1969, contingent refunds and/or rate reductions, and that Northern will not effectuate increases in its jurisdictional rates prior to December 27, 1970.

Comments or objections relating to the settlement proposal may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 16, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5538; Filed, May 8, 1969; 8:45 a.m.]

[Docket No. CP69-277]

PEOPLES NATURAL GAS DIVISION OF NORTHERN NATURAL GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MAY 2, 1969.

Take notice that on April 25, 1969, the Peoples Natural Gas Division of Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-277 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Respondent) to establish physical connection of its transmission system with the distribution systems to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Murray and Avoca, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate distribution facilities in the communities of Murray and Avoca, Nebr. Applicant seeks an order of the Commission directing Respondent to establish physical connection with these distribution facilities and to sell and deliver volumes of gas estimated to be in the third year of service 453 Mcf per day on a peak day and 43,101 Mcf annually.

The total estimated cost of Applicant's proposed facilities is $118,722, which will be financed from cash on hand, reserve accruals, and retained earnings.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5539; Filed, May 8, 1969; 8:45 a.m.]

[Dockets Nos. CS69-44, CS69-45]

SAMS OIL CORP. AND M. C. VINSON

Notice of Applications for "Small Producer" Certificates [1]

MAY 2, 1969.

Take notice that on April 14, 1969, Sams Oil Corp. and M. C. Vinson, both at the Mackey Building, Midland, Tex. 79701, filed in Dockets Nos. CS69-44 and CS69-45, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for "small producer" certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to to make any protest with reference to said applications should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5540; Filed, May 8, 1969; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's current economic policy directive issued at its meeting held on February 4, 1969.[1]

The information reviewed at this meeting suggests that expansion in real economic activity has been moderating, but that upward pressures on prices and costs are persisting. Prospects are for some further slowing in economic expansion in the period ahead. Market interest rates recently have fluctuated near the highs reached around the turn of the year. Bank credit contracted slightly in January on average, as the outstanding volume of large-denomination CD's continued to decline sharply, inflows of other time and savings deposits slowed, and growth in the money supply moderated. The U.S. balance of payments on the liquidity basis appears to have reverted to deficit in early 1969, but large inflows of Euro-dollars have had the effect of keeping the official settlements balance in surplus. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the current Treasury refunding, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets; provided, however, that operations shall be modified, to the extent permitted by the Treasury refunding, if bank credit appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 2d day of May 1969.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[1] The Record of Policy Actions of the Committee for the meeting of Feb. 4, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[F.R. Doc. 69-5541; Filed, May 8, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MAY 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 6, 1969, through May 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5552; Filed, May 8, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 22]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting Traffic in the Vicinity of Danville, Vt.

In the opinion of R. D. Pfahler, Agent, the St. Johnsbury & Lamoille County Railroad is unable to transport traffic over its lines in the vicinity of Danville, Vt., because of track damage.

It is ordered, That:

(a) Rerouting traffic: The St. Johnsbury & Lamoille County Railroad, being unable to transport traffic over its lines in the vicinity of Danville, Vt., because of track damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The St. Johnsbury & Lamoille County Railroad shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 3 p.m., May 5, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., May 9, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 5, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5572; Filed, May 8, 1969; 8:48 a.m.]

[Notice 827]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22254 (Sub-No. 51 TA), filed April 29, 1969. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. 60620. Applicant's representative: John J. Rapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used dictating machines and parts and accessories thereof*, between points in the United States including the District fo Columbia, for 180 days. Supporting shipper: International Business Machines Corp., New Circle Road, Lexington, Ky. 40507. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Court House, FOB Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 59680 (Sub-No. 170 TA), filed May 1, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and N explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., Baton Rouge and New Orleans, La., from Memphis over U.S. Highway 61 to Baton Rouge, thence over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate points of St. Francisville and Port Hudson, La., for 180 days. NOTE: Applicant intends to tack with (1) its presently held authority in Sub 117 to serve between Houston, Tex., and New Orleans, La., and (2) its authority presently held in its prime numbered certificates to serve Memphis, Tenn. Supporting shippers: There are approximately 62 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Bldg., 1214 Wood St., Dallas, Tex. 75202.

No. MC 75302 (Sub-No. 7 TA), filed April 22, 1969. Applicant: DOUDELL TRUCKING CO., 545 Queen's Row, San Jose, Calif. 95106. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives and general commodities*, moving on Government bills of lading, between the Sierra Army Depot at Herlong, Calif., and Sacramento, Calif., from Sacramento, to Reno, Nev., over

U.S. Interstate Highway 80, to junction of U.S. Highway 395, thence over U.S. Highway 395 to Road A-26 (north of Doyle, Calif.), thence over California County Road A-26 between said junction and Sierra Army Depot, Herlong, and return over the same route, for 180 days. NOTE: Applicant intends to tack at Sacramento, Calif., and operations will thereby extend over the routes of applicant as described in the certificate of registration in Docket No. MC 75302 (Sub-No. 6). Supporting shipper: Colonel Douglas M. Robinson, Chief, Operations Division, Directorate of Freight Traffic, Department of the Army, Headquarters, Military Traffic Management and Terminal Service, Washington, D.C. 20315. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 106398 (Sub-No. 397 TA), filed April 25, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Atlantic Homes—Tennessee Division of Champion Home Builders Co., Henry, Tenn., to points in Kentucky, Indiana, Illinois, and Missouri, for 180 days. Supporting shipper: Atlantic Homes—Tennessee Division of Champion Home Builders Co., 5573 East North Street, Dryden, Mich. 48428. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 398 TA), filed April 29, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, assembled, partially assembled or unassembled (except buildings, in sections, when transported on wheeled undercarriages equipped with hitch ball connectors, mobile homes and oil field and industrial buildings), from Phoenix, Ariz., to points in the United States (except Arizona, California, Nevada, New Mexico, Utah, Alaska, and Hawaii), for 180 days. Supporting shipper: Hydroculture, Inc., 1516 North Seventh Avenue, Phoenix, Ariz. 75007. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 110525 (Sub-No. 908 TA), filed April 29, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, from Washington, W. Va., to Gary, Ind., and Ottawa, Ill., for 180 days. Supporting shipper: Borg-Warner Corp., Marbon Division, Washington, W. Va. 26181. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Sts., Philadelphia, Pa. 19106.

No. MC 114897 (Sub-No. 84 TA), filed April 28, 1969. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex., 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Albuquerque, N. Mex., to Phoenix, Ariz., for 150 days. Supporting shipper: Doyle Siliman, Manager, Atlas Rendering Co., Post Office Box 332, Albuquerque, N. Mex. 87103. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 125194 (Sub-No. 11 TA), filed April 23, 1969. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, Mich. 49120. Applicant's representative: J. M. Neath, Jr., Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products and filled or imitation milk and dairy products, fruit drinks and salads*, (1) from Indianapolis, Ind., to Montpelier, Bryan, Lima, Celina, Van Wert, Defiance, St. Marys, and Wapakoneta, Ohio; and (2) from Livonia, Mich., to Angola, Kendallville, La Grange, Goshen, Nappanee, Warsaw, Elkhart, Plymouth, South Bend, Mishawaka, Michigan City, and La Porte, Ind., for 180 days. Supporting shipper: The Kroger Co., 1240 State Avenue, Cincinnati, Ohio 45204 (Mr. J. A. Cornett, Manager, Dairy Operations). Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 127689 (Sub-No. 27 TA), filed May 1, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., Post Office Box 1326, 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small electrical appliances*, such as *blankets*, electric; *warmers, serving dishes*, electric; *bulbs*, electric; *clocks*, electric; *coffeemakers*, electric; *electric blanket controls; controllers or controller parts; hair curlers*, electric; *heating pads*, electric; *hair clippers or kits*, home type, electric; *hair dryers*, electric; *heating pads*, electric; *heat caps*, electric; *vaporizers*, with or without medicines, electric; *irons*, electric; *manicure sets*, electric; *mask, sinus*, electric; *mittens*, electric; *mixers*, electric; *motors*, electric, *or parts* weighing less than 5 pounds each; *motors*, electric, *or parts* weighing each 5 pounds or more; *sheets*, electric; *shells*, electric; *blanket wired; sinus pads, socks*, electric; *steam baths; sterilizers*, other than cabinet, electric; *testers, blanket*, electric; *thermostats*, electric; *toothbrush, charger base*, electric; *toothbrush, power handle*, electric; *toothbrush*, electric; *vacuum cleaners*, electric; *vaporizers*, electric; *electrical appliances*, and *refused, rejected or defective electrical appliances, and material, equipment, and supplies* incidental to the manufacture thereof on return. *Advertising matter, bags, cotton*, rubberized;

Bags, plastic film, printed; *bags*, plastic film, unprinted; *boxes*, fibreboard, knocked down flat other than corrugated; *blanks*, unfinished shapes, *bus bars*, copper; *cabinets*, filing, steel, setup; *cleaning compound*, liquid, in carboys other than plastic; *electrical cord sets*, cores or tubes, paper or paperboard; *boxes or crates*, wood, setup, not nested; *boxes or crates*, wood, knocked down flat; *store display racks or stands*, wire, setup, in packages; *store display racks or stands*, wire, knocked down flat, in packages; *store display racks or stands*, fibreboard, knocked down flat, in packages; *store display racks or stands*, setup, in packages; *adhesive glue; tags or labels*, cloth; *labels; waste, cotton and rayon*, in machine pressed bales; *plastic articles*, granules; *plastic articles*, pellets; *plastic article*, powder; *cellulose film*, sheets, not printed, in rolls or sheets; *cellulose film*, sheets, printed, in rolls or sheets; *reels*, steel or wood, setup, old-used; *reels*, steel or wood, knocked down, old-used; *scissors or shears; dry goods*, electric blanket shells; *tape*, cotton or synthetic fibre; *circuit breakers; thread*, other than cotton on cones, in boxes; *thread*, cotton, on cones, in boxes; *plastic articles*, density of more than 4 but less than 6 pounds per cubic feet; *plastic articles*, density of more than 6 pounds per cubic feet; *plastic articles*, density of more than 6 but less than 12 pounds per cubic feet; *toothbrushes; wire*, copper, insulated, between the plantsites and warehouses of Neco Electrical Products Corp., at Bay Springs, DeKalb, Mt. Olive, Picayune, and Waynesboro, Miss., and Mobile, Ala., on the one hand, and, on the other, points in Alabama Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of the Columbia, for 180 days. Supporting shipper: Neco Electrical Products Corp., Bay Springs, Miss. 39422. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Room 212, 145 East Emite Bldg., Jackson, Miss. 39201.

No. MC 128058 (Sub-No. 5 TA) (Correction), filed March 28, 1969, published FEDERAL REGISTER, issued of April 15, 1969, and republished as corrected this issue. Applicant: LAUREL HILL TRUCKING COMPANY (a corporation), 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk), between Kansas City, Mo., Wichita, Kans.; Tulsa and Oklahoma City, Okla.; Amarillo, Tex.; Albuquerque, N. Mex.; Tucson and Phoenix, Ariz.; Las Vegas, Nev.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; Seattle, Wash.; Minneapolis and St. Paul, Minn., and Milwaukee, Wis.; restricted to the transportation of shipments having either origin or destination at a terminal of Trans World Airlines, Inc., for 180 days. NOTE: The purpose of this republication is to include territorial description, inadvertently omitted in previous publication. Supporting shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: District Supervisor, W. J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 128058 (Sub-No. 7 TA) (Republication), filed December 27, 1968, published FEDERAL REGISTER, issue of January 8, 1969, under No. MC 128633 (Sub-No. 6 TA), and republished under new number in this issue. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. A petition for reconsideration has been filed in No. MC 108633 (Sub-No. 6 TA). Temporary authority was requested in that proceeding to operate as a contract carrier, as set forth in the FEDERAL REGISTER, publication of January 8, 1969. That temporary authority was denied by order of the Commission, Motor Carrier Board, dated January 31, 1969. A petition for reconsideration has been filed, and applicant seeks temporary authority to operate as a *common carrier* and also amends the temporary authority to now request authority to transport *general commodities* (except commodities in bulk), between Pittsburgh, Pa.; Cleveland, Columbus, Cincinnati, and Dayton, Ohio; Detroit, Mich.; Louisville, Ky.; Indianapolis, Ind.; Chicago, Ill.; St. Louis, Mo.; Nashville, Tenn.; Atlanta, Ga.; Tampa and Miami, Fla., restricted to the transportation of shipments naving either an origin or destination at a terminal of Trans World Airlines, Inc., for 150 days. Applicant also desires to tack this authority to present authority in No. MC 128633 (Sub-No. 3), reassigned No. MC 128058 (Sub-No. 3). Supporting shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: W. J. Grossman, District Supervisor, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 128375 (Sub-No. 28 TA), filed April 21, 1969. Applicant: CRETE CARRIER CORP., Crete, Nebr. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air handling units, make-up air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems, and equipment, materials, and supplies* used in the manufacture and production thereof, between Hastings, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin, under continuing contract with Hastings Industries, Inc., a wholly-owned subsidiary of Dravo Corp., for 180 days. Supporting shipper: Dravo Corp., Pittsburgh, Pa. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133611 TA (Correction), filed April 7, 1969, published FEDERAL REGISTER, issue of April 23, 1969, and republished as corrected this issue. Applicant: KING TRANSPORT, INC., 753 Marion Road, Columbus, Ohio 43207. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles: bars; bar shapes; plates; structural plates; sheet; grating and expanded metal*, between Columbus, Ohio, ,on the one hand, and, on the other (1) points in West Virginia located in the region or on the boundary described as follows: On the north and west by the Ohio River and the south and east beginning at St. Marys, W. Va., extending along West Virginia Route No. 2 to junction of U.S. Highway No. 21 at Parkersburg, W. Va., thence along U.S. Highway 21 to junction U.S. Highway No. 33; thence along U.S. Highway 33 to junction West Virginia Highway No. 2; thence along West Virginia Highway No. 2 to junction U.S. Highway No. 60 at Huntington, W. Va.; thence along U.S. Highway 60 to Kentucky-West Virginia State line; (2) points in Kentucky located in the region or on the boundary described as follows: on the north by the Ohio River on the south beginning at the Kentucky-West Virginia State line at U.S. Highway No. 60; thence along U.S. Highway No. 60 to junction U.S. Highway No. 23; thence along U.S. Highway No. 23 to the Ohio-Kentucky State line at Portsmouth, Ohio. Restricted to the transportation of shipments weighing 15,000 pounds or less. The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts with The Brown Steel Company of Columbus, Ohio, for 180 days. NOTE: The purpose of this republication is to include commodity "Iron or Steel Articles," which was inadvertently omitted in previous publication. Supporting shipper: The Brown Steel Co., 753 Marion Road, Columbus, Ohio 43207. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 133423 (Sub-No. 2 TA), filed April 23, 1969. Applicant: S & Y, INC., Post Office Box 2, Stanton, Tenn. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags or bulk (other than tank vehicles), from Memphis, Tenn., to Boonesville, Como, Tupelo, Batesville, Water Valley, Amory, Sardis, and Coldwater, Miss.; Truman, Paragould, Winchester, Forest City, Searcy, Pine Bluff, Marianna, Marvel, and Osceola, Ark.; and Bowling Green, Owensboro, Russellville, Sedalia, and Clay, Ky., for 180 days. Supporting shipper: Mobil Chemical Co., 401 East Main Street, Richmond, Va. 23208 (Beverly C. Davis, Assistant Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 133656 TA, filed April 24, 1969. Applicant: REA BROTHERS TRANSPORT LTD., 322 Queen Street, South, Streetsville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick and tile*, on self unloading trailers, from ports of entry on the international boundary between the U.S. and Canada, at or near Buffalo, N.Y., to points in New York,

from Canton, Port Washington, Sugar Creek, and Somerset, Ohio, and Eastvale, Fallston, Reading, and Watsontown, Pa., to ports of entry on the international boundary between the United States and Canada at or near Buffalo, N.Y., for 180 days. Supporting shippers: Merkley Supply Ltd., 31 Rochester Street, Ottawa, Ontario, Canada; Canada Brick Co., Box 668, Streetsville, Ontario, Canada; Booth Brick Co. Ltd., 320 Horner Avenue, Toronto 14, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 133677, filed April 30, 1969. Applicant: KNOXVILLE TRUCKING COMPANY, a corporation, Cinder Lane, Knoxville, Tenn. 37914. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Crepe paper*, in trailer-load lots, between Knoxville, Tenn., and the port of entry on the international boundary line between the United States and Canada at Detroit, Mich., from Knoxville over Interstate Highway 75 (where completed—otherwise U.S. Highways 25 or 25 W.), through Kentucky, Ohio, and Michigan, to Detroit, Mich., and return over the same route, serving no intermediate points, for 180 days. Supporting shipper: Charles A. Lee Associates, Inc., 4620 Broadway NE., Knoxville, Tenn. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Room 803, 1808 West End Building, Nashville, Tenn. 37203.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 135 TA), filed April 25, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: M. J. O'Rourke, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and express and newspapers, in the same vehicle with passengers, between Ithaca, N.Y., and junction New York State Thruway and New York Highway 414 (at Interchange No. 41), restricted to serving the intermediate points located on New York Highway 89 in the Town of Seneca Falls, N.Y., including the site of Eisenhower College; from Ithaca over New York Highway 89 to junction New York Highway 5 approximately 3 miles northeast of Seneca Falls, N.Y., thence over New York Highway 5 to junction New York Highway 318, thence over New York Highway 318 to Mage, N.Y., thence over New York Highway 414 to junction New York State Thruway (Interchange No. 41), and return over the same route, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supported by: Students of Eisenhower College, Seneca Falls, N.Y. 13148; Seneca Falls Chamber of Commerce, 9 State Street, Seneca Falls, N.Y. 13148; Village of Seneca Falls, Seneca County, N.Y. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Court House, FOB Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5573; Filed, May 8, 1969; 8:48 a.m.]

[Notice 341]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 6, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71080. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Caravan Lines & Storage Co., Inc., 3535 E. Burnside Street, Portland, Oreg. 97214, Certificates Nos. MC-108340, MC-108340 (Sub-No. 13), and MC-108340 (Sub-No. 17), issued October 13, 1954, June 5, 1961, and May 23, 1963, respectively to Haney Truck Line, Forest Grove, Oreg. 97116, authorizing the transportation of: General commodities, and specifically named commodities of a general commodity nature, between points in Oregon and Washington.

No. MC-FC-71282. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Adams World Wide Movers, Inc., Paterson, N.J., of the operating rights in Certificates Nos. MC-36426 and MC-36426 (Sub-No. 1), issued June 5, 1963, and November 21, 1963, to Anthony Adam Fazio, doing business as Anthony Adams, Jr., and Adams World Wide Movers, Ramsey, N.J., authorizing the transportation of household goods, as defined by the Commission, between points in Bergen, Passaic, Essex, Hudson, Morris, and Union Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and household goods, between New York, N.Y., points in Orange and Rockland Counties, N.Y., and points in Bergen, Passaic, Morris, Essex, and Sussex Counties, N.J. John M. Zachara, Registered Practitioner, Post Office Box "Z", Paterson, N.J. 07509, representative for applicants.

No. MC-FC-71283. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Philip Kovler Co., a corporation, Philadelphia, Pa., of Certificates Nos. MC-35706 and MC-35706 (Sub-No. 2) issued March 5, 1957 and September 3, 1964, respectively, to Philip Kovler, Philadelphia, Pa., authorizing the transportation of: New furniture, household goods, and home, hotel and retail store furnishings, between points in Pennsylvania, New Jersey, Maryland, Delaware, New York, and the District of Columbia. Anthony C. Vance, 421 King St., Alexandria, Va. 22314, attorney for applicants.

No. MC-FC-71292. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Joseph Edward Leibold, doing business as J. M. Trucking, 3333 Asbury Road, Dubuque, Iowa 52001, of permit in No. MC-128142 (Sub-No. 1), issued December 21, 1967, to Vincent A. Conrad, doing business as W. C. Trucking Co., 3333 Asbury Road, Dubuque, Iowa 52001, authorizing the transportation of: Lumber, and building materials, as described, from Dubuque, Iowa, to points in Carroll, Jo Daviess, and Stephenson Counties, Ill., and Crawford, Grant, Iowa, and Lafayette Counties, Wis.

No. MC-FC-71300. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Tri-State Transport Corp., Wheeling, W. Va., of the permit in Nos. MC-117366, MC-117366 (Sub-No. 1), and MC-117366 (Sub-No. 2), issued January 29, 1964, December 24, 1964, and March 7, 1967, respectively to Richard J. Witsberger, Sr., doing business as Tri-State Transport Co., Wheeling, W. Va., authorizing the transportation of steel culvert pipe from Martins Ferry, Ohio, to Virginia, Delaware, Maryland, New Jersey, New York, Pennsylvania, and West Virginia; and from Beech Bottom, W. Va., to St. Louis, Mo., and points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin. D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003, representing applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5574; Filed, May 8, 1969; 8:48 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 25, 1969, reading in part as follows:

I have determined that the damage in those areas of the State of Iowa adversely affected by flooding beginning on or about March 20, 1969, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 25, 1969:

The Counties of:

Audubon.	Lyon.
Buena Vista.	Marion.
Carroll.	Marshall.
Cherokee.	O'Brien.
Clay.	Osceola.
Crawford.	Palo Alto.
Dallas.	Plymouth.
Dickinson.	Pocahontas.
Emmet.	Polk.
Greene.	Sioux.
Harrison.	Tama.
Humboldt.	Webster.
Jasper.	Woodbury.

Dated: May 1, 1969.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 69-5535; Filed, May 8, 1969; 8:45 a.m.]

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PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are further amended as provided herein.

Paragraph (a) of § 601.12 *Cost-Share Payments* is amended to read as follows:

(a) Cost-share payments shall be made at cost-share rates specified in the contract, at the average cost, or the actual cost not to exceed the average cost, or the actual cost not to exceed the specified maximum cost as set forth in the contract, *Provided*, That if the average cost or the specified maximum cost applicable at the time of initial action to carry out the identifiable unit is less than the average cost or specified maximum cost set forth in the contract, payment shall be made on the basis of such lower average cost or lower specified maximum cost: *Provided further*, That whenever the approved average cost or specified maximum cost in effect at the time of the initial action to carry out the identifiable unit is in excess of the average cost or specified maximum cost set out in the contract, such contract may be modified to reflect such increased average cost or specified maximum cost.

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C. 590d)

Done at Washington, D.C., this 7th day of May 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-5613; Filed, May 9, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 373]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.673 Lemon Regulation 373.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time as been disseminated among handlers of such lemons; it is necessary in order effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 11, 1969, through May 17, 1969, are hereby fixed as follows:

(i) District 1: 2,790 cartons;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 8, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5670; Filed, May 9, 1969; 8:50 a.m.]

[Grapefruit Reg. 64]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.364 Grapefruit Regulation 64.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of

the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 8, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period May 12, 1969, through May 18, 1969, is hereby fixed at 250,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 9, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5710; Filed, May 9, 1969; 11:19 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Increase in Expenses for the 1968–69 Fiscal Year

On April 15, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 6482) regarding a proposed increase in expenses previously approved for the fiscal year ending August 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 33 F.R. 11265), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments in connection with the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Olive Administrative Committee (established pursuant to said amended marketing agreement and order): *It is hereby ordered*, That the provisions of paragraph (a) of § 932.205 *Expenses and rate of assessment* (33 F.R. 15903) be amended to read as follows:

§ 932.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee, during the period September 1, 1968, through August 31, 1969, will amount to $340,880.

* * * * *

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) current olive production greatly exceeds said committee's preseason estimates, (2) additional advertising, publicity, and public relations are necessary in order to adequately assist the marketing of such production, (3) it is essential that the expenses specified herein be authorized immediately so that said committee can effect the timely performance of its duties and functions, within the fiscal year, in accordance with said amended marketing agreement and order, and (4) the increased expenses will necessitate no increase in the rate of assessment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5612; Filed, May 9, 1969; 8:47 a.m.]

[980 203, Amdt. 5]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

§ 980.203 Tomato import regulation.

Pursuant to the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), § 980.203 Tomato import regulations, as amended (33 F.R. 16440, 17310, 19161; 34 F.R. 128, 6326), is hereby amended as hereinafter set forth.

Order, as amended. In § 980.203 paragraph (a) is amended to read as follows:

(a) *Minimum grade and size requirements.* (1) U.S. No. 3 grade, 2$^{6}/_{32}$ inches minimum diameter; or

(2) U.S. No. 2 or better grade, 2$^{5}/_{32}$ inches minimum diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

* * * * *

Findings. This amendment conforms with the amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.306, Amdt. 5), under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida, which amendment became effective on April 25, 1969 (34 F.R. 7135).

This amendment to the tomato import regulation should have been made effective at the same time as the April 25 amendment of the limitation of shipments regulation on Florida tomatoes, however at that time the Department was under a temporary restraining order issued by the U.S. District Court in Dallas, Tex., under which the import regulations were the same as those in the April 25 amendment. The temporary restraining order was dissolved on May 6, therefore this amendment to the import regulation should be issued and become effective immediately.

It is hereby found that it is impracticable and unnecessary to give preliminary notice and engage in public rule-making procedure, and that good cause exists for making this amendment effective as hereinafter set forth and for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e–1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) the amendment relieves restrictions on the importation of tomatoes and the restrictions imposed by the amendment are the same as those in effect from the time the temporary restraining order was issued on April 24, 1969, by the U.S. District Court in Dallas, Tex.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1969, to become effective May 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5671; Filed, May 9, 1969; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

The second item of subparagraph (1) *Nonstatutory fees* of paragraph (b) *Additional fees* of § 103.7 *Fees* is amended to read as follows:

For filing application for transfer of petition for naturalization under section 335(1) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, Public Law 90–633 ..... $5.00

PART 214—NONIMMIGRANT CLASSES

The sixth and 11th sentences of subparagraph (1) *General* of paragraph (j) *Exchange aliens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* are amended to read as follows: "The exchange alien may also apply for an extension of stay for his spouse and child by furnishing, as an attachment to Form DSP–66, their Forms I–94 and a statement containing their names, dates, and places of birth; and their passport numbers, issuing countries, and expiration dates. * * * The accompanying spouse and minor children of a participant in a designated exchange program may be granted permission to accept employment in the United States but only if such employment is for the support (including, but not limited to, customary recreational and cultural activities and related travel) of the accompanying nonparticipating spouse and minor children in the United States."

PART 334—PETITION FOR NATURALIZATION

The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $10, unless the petitioner is exempt therefrom by section 344(h) of the Immigration and Nationality Act, or is exempt therefrom under section 3 of the Act of October 24, 1968."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: May 7, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–5621; Filed, May 9, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

1. In order to group current and future interpretations of this part according to their subject matter, the following sections are redesignated as follows:

Former section number	*New section number*
226.101	226.501
226.102	226.601
226.103	226.602
226.104	226.603
226.105	226.701

2. The following interpretations are added:

§ 226.401 Service charges on accounts not paid within a given period of time.

(a) Some vendors bill their customers for property or services purchased under the terms of a credit plan which requires that the full amount of each billing be paid within a stipulated period after billing, with no privilege of paying in instalments. If the bill is not paid within that stipulated period of time, the vendor imposes a service charge periodically on the unpaid balance until the account is paid in full. The question arises as to whether Regulation Z applies to such transactions.

(b) When in the ordinary course of business a vendor's billings are not paid in full within that stipulated period of time, and under such circumstances the vendor does not, in fact, regard such accounts in default, but continues or will continue to extend credit and imposes charges periodically for delaying payment of such accounts from time to time until paid, the charge so imposed comes within the definitions of a "finance charge" (§ 226.2(q)) applicable in each case to the amount of the unpaid balance of the account. Under such circumstances the credit so extended comes within the definition of "open end credit" in § 226.2(r), the vendor is a creditor as defined in § 226.2(m), and the disclosures required for open end credit accounts under § 226.7 shall be made.

(Interprets and applies 15 U.S.C. 1604 and 1605.)

§ 226.604 Inconsistent State requirements.

(a) Section 226.6(b) of Regulation Z indicates types of State law requirements that are inconsistent with Regulation Z, and § 226.6(c) indicates the methods of dealing with such inconsistent requirements of State law.

(b) Whether State laws are inconsistent with Regulation Z necessarily depends on the nature of the State laws. Section 226.6(b)(1) provides that State law is inconsistent to the extent that it "requires a creditor to make disclosures different from the requirements of this part with respect to form, content, terminology, or time of delivery." This refers to disclosures of the kinds of information covered by Regulation Z, and not to other or collateral information such as a statement telling the customer that he should read the contract carefully, or that there should be no blanks in the contract. Similarly, it does not refer to headings that State law may require on a contract such as "Retail Installment Contract." Similarly, a specification in a State law that certain size type must be used is not necessarily inconsistent with the requirements of Regulation Z.

(Interprets and applies 15 U.S.C. 1610.)

§ 226.702 Location of statement of how the balance was determined.

(a) Section 226.7(b)(8) requires the creditor of an open end credit account to disclose on the periodic statement, "the balance on which the finance charge was computed, and a statement of how that balance was determined." Under § 226.7(c) which relates to the location of disclosures there is no specific reference to the placement of the "statement of how that balance was determined" when separated from the balance to which it relates. The question arises as to where, under such circumstances, this required statement shall appear on the periodic statement.

(b) If separated from the balance to which it relates, the required statement of how the balance was determined may be placed on the face of the periodic statement, the reverse side of the periodic statement, or on an enclosed supplement; however, where such statement and balance do not appear together, the statement shall make clear the balance to which it refers.

(Interprets and applies 15 U.S.C. 1636)

§ 226.801 Location of disclosures when contract, security agreement, and evidence of transaction are combined in a single document.

(a) Some creditors incorporate the terms of a contract, a security agreement and evidence of a transaction in a single document. These documents are designed for processing by mechanical and electronic equipment. If all of the required disclosures under § 226.8 should be placed on the face of such a document, the creditor will be unable to utilize conventional accounting and record keeping equipment because of the size of the resulting document. The question arises as to whether required disclosures may be made on the face and the reverse side of such a document.

(b) Where a creditor elects to combine disclosures with the contract, security agreement, and evidence of a transaction in a single document, the disclosures required under § 226.8 shall, in accordance with § 226.6, be made on the face of that document, on its reverse side, or on both sides: *Provided*, That the amount of the finance charge and the annual percentage rate shall appear on the face of the document, and, if the reverse side is used, the printing on both sides of the document shall be equally clear and conspicuous, both sides shall contain the statement, "NOTICE: See other side for important information," and the place for the customer's signature shall be provided following the full content of the document.

(Interprets and applies 15 U.S.C. 1638)

§ 226.1001 Advertising of credit terms in other than open end credit.

(a) The statement of certain credit terms in advertisements such as "no

downpayment", the amount of any installment payments, dollar amount of finance charge, number of payments, etc., as provided in § 226.10(d)(2), requires that certain other terms also be stated in the same advertisement. The question arises as to how a creditor may advertise credit terms in a meaningful way when all of his credit sales or loans are not made on the same basis.

(b) The advertising of credit terms may be made by giving one or more examples of typical extensions of credit and stating all of the terms applicable to each example. In any such case, the advertiser shall set forth one or more examples which are, in fact, typical of the type of credit and terms usually and customarily made available by the creditor to present and prospective customers and each shall be clearly and conspicuously identified as examples of typical transactions.

(Interprets and applies 15 U.S.C. 1664)

§ 226.1002 Catalogs-tables or schedule of credit terms.

(a) Under § 226.10(b) in order that a catalog may qualify as a single advertisement, among other things, it must include a table or schedule of credit terms. It has been the practice of catalog houses to include such tables in catalogs; however, such tables generally state amounts of purchases, amounts of finance charges, and number and amount of payments for brackets up to a certain level and then contain an instruction to include a specified dollar amount in computing the finance charge by application of a percentage rate on any purchase in excess of that level. Tables to show the actual terms including annual percentage rates for all purchases into thousands of dollars would be unwieldy, present a formidable appearance, and may be more confusing than helpful to the user. The question arises as to whether a creditor who publishes a catalog is required to include tables in detailed amounts from the minimum up to, for example, $5,000, his highest priced cataloged merchandise.

(b) Tables or schedules of terms in catalogs must include all amounts up to a level of the more commonly sold higher priced property or services which are offered for sale, but in no event greater than $1,000 unless the creditor elects to do so. If the creditor offers property or service for sale at prices higher than the uppermost level covered by his table, he shall state the method by which the finance charge is computed on larger amounts, how the amount of payments and the number and periods of payments are determined and state, for each representative amount in increments of not more than $500 up to the highest priced property or service offered, the annual percentage rate. Any catalog which contains such a table or schedule of credit terms will comply with requirements of § 226.10(b) provided all other requirements are met and such catalog shall be considered adequate for the purpose of § 226.8(g)(1).

(Interprets and applies 15 U.S.C. 1661)

Dated at Washington, D.C., the 22d day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5614; Filed, May 9, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tupelo, Miss., transition area.

The Tupelo transition area is described in § 71.181 (34 F.R. 4637). In the description, reference is made to the Tupelo Municipal Airport. Since the name of this airport was changed to C. D. Lemons Municipal Airport, effective April 14, 1969, it is necessary to alter the description to reflect this change.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Tupelo, Miss., transition area is amended as follows: "* * * Tupelo Municipal Airport * * *" is deleted and "* * * C.D. Lemons Municipal Airport * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a) and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 30, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-5604; Filed, May 9, 1969; 8:46 a.m.]

[Airspace Docket No. 68-SW-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zone; Designation and Alteration

On April 9, 1969, F.R. Doc. 69-4112 (Airspace Docket No. 68-SW-55) was published in the FEDERAL REGISTER (34 F.R. 6280) amending Part 71 of the Federal Aviation Regulations. Contained in this document was the designation of the Houston, Tex. (Intercontinental Airport), control zone, effective May 29, 1969. Subsequent to publication of the document, the U.S. Coast and Geodetic Survey informed the Federal Aviation Administration that the Humble VORTAC 339° (true) radial, upon which the northerly control zone extension was based, should be corrected to the 337° radial. Action is taken herein to correct this error.

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedures thereon are considered unnecessary.

In consideration of the foregoing, F.R. Doc. 69-4112 is amended, effective immediately, as herein set forth.

In the description of the Houston, Tex. (Intercontinental Airport), control zone, "Humble VORTAC 339° radial" is deleted and "Humble VORTAC 337° radial" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on May 1, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-5605; Filed, May 9, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-25]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On March 13, 1969, F.R. Doc. 69-3039 was published in the FEDERAL REGISTER (34 F.R. 5157) which amends Part 73 of the Federal Aviation Regulations, effective 0901 G.m.t., May 1, 1969, in part, by designating a new Restricted Area R-2534B at Point Arguello, Calif. Subsequent to the publication of the document, it was determined that the area could be reduced along the southwestern boundary without adversely affecting the military mission for which the area was established.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, F.R. Doc. 69-3039 is amended, effective 0901 G.m.t., July 24, 1969, by redescribing the boundaries of R-2534B as follows:

Boundaries: Beginning at lat. 34°38'35" N., long. 120°31'20" W.; to lat. 34°24'40" N., long. 120°19'10" W.; to lat. 34°24'45" N., long. 120°27'20" W.; to lat. 34°35'00" N., long. 120°31'40" W.; to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 2, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5606; Filed, May 9, 1969; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 22]

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Customs Clearance at Ports of Origin and General Export Clearance Requirements

Part 379 of the Code of Federal Regulations is hereby amended as follows:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: May 14, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

The following paragraph is hereby added at the end of § 379.1 and designated (f):

§ 379.1 General export clearance requirements.

* * * * * *

(f) *Exception to clearance requirements for port-of-origin procedure.* Under circumstances specified in § 379.12 clearance of certain shipments may be effected at designated ports of origin before movement of the shipment to and through the port from which it will leave the United States.

Section 379.12 is hereby revised to read as follows:

§ 379.12 Customs clearance at ports of origin.

(a) *Scope of procedure.* A procedure is established, as an exception to the requirements set forth in § 379.1(a), for the export control clearance of certain shipments of commodities and technical data at the ports of origin designated in paragraph (d) of this section, prior to movement of the shipment to, and through, the port of export. Use of the port of origin procedure is optional.

(b) *Types of shipments eligible for clearance at port of origin.* The following types of shipments, except shipments to nonforeign areas and to Canada for consumption in Canada, are eligible to be considered for clearance at ports of origin:

(1) Air shipments laden aboard a domestic flight for transfer to an international flight at the port of export;

(2) Air shipments laden aboard an international flight for transfer to another international flight of the same airline at the port of export;

(3) Surface shipments, containerized and/or consolidated at freight terminals within the port of origin: *Provided,* That distance and/or other factors do not make it impractical for Customs Officers to travel to and from the site where the shipment is presented for inspection (see paragraph (e)(7) of this section); and

(4) Surface/air shipments; that is, shipments moving by air from the port of origin for transfer to surface transportation at the port of export, and shipments moving by surface transportation from the port of origin for transfer to an aircraft at the port of export.

(c) *Definitions of "port of origin" and "port of export".* For purposes of this § 379.12:

(1) Port of origin is a city at which the Customs Office is authorized to clear cargo for export prior to the loading of the cargo on a surface or air carrier for movement to the port of export and transfer to another carrier; and

(2) Port of export is a city where the merchandise is loaded on the aircraft or vessel which carries it abroad; or, in the case of exports moving to Mexico by surface transportation, the port at which the carrier departs from the United States.

(d) *Designated ports of origin.* The cities listed below are designated as ports of origin where Customs clearance of air or surface shipments may be effected prior to movement of the shipment to the port of export.

(1) *Ports of origin for clearance of either air shipments or surface shipments.*

Baltimore, Md.	Los Angeles, Calif.
Buffalo, N.Y.	New Orleans, La.
Chicago, Ill.	New York, N.Y.
Cleveland, Ohio.	Philadelphia, Pa.
Detroit, Mich.	St. Louis, Mo.
Houston, Tex.	San Francisco, Calif.

(2) *Ports of origin for clearance of air shipments only.*

Atlanta, Ga.	Newark, N.J.
Boston, Mass.	Oklahoma City, Okla.
Dallas, Tex.	Pittsburgh, Pa.
Denver, Colo.	Port Everglades, Fla.
Honolulu, Hawaii.	Portland, Oreg.
Kansas City, Mo.	San Diego, Calif.
Memphis, Tenn.	San Juan, P.R.
Miami, Fla.	Seattle, Wash.
Minneapolis, Minn.	Tucson, Ariz.

(3) *Ports of origin for clearance of surface shipments only.*

Charleston, S.C.	Jacksonville, Fla.

(e) *Clearance at port of origin*—(1) *Presentation for authentication.* A person who wishes to clear an export at a designated port of origin shall present the Shipper's Export Declaration and a validated export license, when required, to the Customs Office in accordance with the regulations set forth in this Part 379. The following special provisions must be complied with in addition to, or in lieu of, the usual requirements:

(i) Documents for individual shipments shall be presented sufficiently in advance of containerization or departure of the goods for the port of export, to permit inspection of the merchandise. Surface shipments must be made available for inspection at a freight terminal within port limits; air shipments, in an airline cargo room;

(ii) In the space on the Declaration for "Exporting Carrier," show ocean carrier; airline that is to carry the shipment abroad; or "rail," "truck," or "vehicle," etc., as appropriate, for land shipments to Mexico, along with the name of the transportation company that is to carry the merchandise across the border. If the name of the exporting carrier is unknown at the port of origin, this information may be inserted at the port of export by the exporting carrier;

(iii) In the space for "U.S. Port of Export," show port of actual export; not port of origin; and

(iv) Stamp or write "Port-of-Origin Procedure—copy on file at (insert port of origin)", across the bottom of columns 9 through 15.

(2) *Authentication of Declaration.* All copies of the Declaration which are required by the provisions of § 379.3(c) to be presented to the Customs Office, will be authenticated at the port of origin. One copy of the authenticated Declaration shall be retained by the Customs Office and the original and duplicate copy shall be returned to the exporter or his agent. The exporter or his agent is responsible for delivering these declarations to the carrier transporting the cargo to the port of exportation. This carrier, in turn, is responsible for delivering the copies to the exporting carrier for presentation to the Customs Office at the port of export with the outward foreign manifest (see paragraph (f) of this section).

(3) *Inspection at port of origin.* When an inspection is ordered at the port of origin the exporter or his agent will be required to provide personnel to open and close packages as necessary.

(4) *Additional copies of Declaration.* Additional copies of the Declaration when required by the Department of Commerce, shall be presented to the Customs Office at the port of origin, and, after authentication, forwarded by the Customs Office at the port of origin directly to the Department of Commerce in accordance with outstanding instructions.

(5) *Correction forms.* When a Form FT-7403, Export Declaration Correction Form, is required by the provisions of § 379.5(d), the form shall be presented in triplicate to the Customs Office at the port of origin which will retain one copy and forward two copies to the Customs Office at the port of export.

(6) *Outward foreign manifest for shipments laden aboard international flight at port of origin.* Copies of outward foreign manifests for shipments laden aboard an international flight for transfer to another international flight of the same airline at the port of export (see paragraph (b)(2), of this section), shall be prepared and filed with the Customs Office at the port of origin and the port of export in accordance with the procedure set forth in § 30.36 of Census Bureau's Foreign Trade Statistics Regulations.

(7) *Inconvenient site for inspection.* If it is impractical for the port of origin procedure to be used because of the location of the site where the shipment is presented for inspection, the Customs

Office will so notify the exporter and advise him to either present the merchandise at a more convenient location or have it cleared at the port of export.

(f) *Procedure at port of export*—(1) *Presentation of documents to Customs Office.* The original and duplicate copies of Declarations authenticated at ports of origin and forwarded by the exporter or his agent to the exporting carrier, shall be presented by that carrier to the Customs Office at the port of export with the outward foreign manifest. Where shipments move to Mexico by land or by ferry, the original and duplicate authenticated Declarations must be presented to the port of export Customs Office at the time of, or prior to, movement of the goods across the border. Presentation of the Declaration may be made by the exporter, his agent, or the transportation company responsible for carrying the goods abroad. All related documents to be retained at the port of export or to be certified as to completion of the export shall accompany the corresponding copies of the Declaration.

(2) *Detention and examination of shipments.* Notwithstanding any other provision of this § 379.12, the Customs Office at the port of export is authorized to detain any shipment for review of the Declaration or for physical examination of the goods whenever Customs deems such action to be necessary to assure compliance with the export regulations.

(g) *Change in port of export or exporting carrier.* Where the port of export or the exporting carrier designated in the authenticated Declaration is changed after clearance at a port of origin, the exporting carrier that will actually carry the goods abroad may revise the Declaration accordingly.

(h) *Effect of other provisions.* Insofar as consistent with the provisions of this section which relate specifically to clearance of exports at ports of origin, the other provisions of this Part 379 shall apply to exports cleared at ports of origin.

[F.R. Doc. 69-5636; Filed, May 9, 1969; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8586]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Proxy Statements; Material Transactions

The Securities and Exchange Commission has adopted a clarifying amendment to its proxy rules (Regulation 14A, 17 CFR 240.14a-1 et seq.) under the Securities Exchange Act of 1934. The amendment codifies a long-standing interpretation of item 7(f) of Schedule 14A (17 CFR 240.14a-101), which specifies the information to be included in proxy statements. Item 7(f) calls for information with respect to the interests of insiders in transactions to which the issuer or any of its subsidiaries was or is to be a party. Instruction 3 to that item permits the omission of information as to certain indirect interests, including those which arise from the ownership of a limited equity interest in another party to the transaction. The amendment makes it clear that a general partnership interest is regarded as being more than an "equity interest." It is regarded as the equivalent of the interest of a corporate officer who has an equity interest in the corporation.

Commission action. Instruction 3 to Item 7(f) of § 240.14a-1 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 240.14(a)-101 Schedule 14A. Information required in proxy statement.

* * * * * * *

Item 7. Remuneration and other transactions with management and others.

* * * * * * *

(f) * * *

Instructions. 1. * * *

2. * * *

3. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 7(f) where—

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (4) above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership.

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (4) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person.

4. * * *

5. * * *

6. * * *

* * * * * * *

(Secs. 14, 23(a), 48 Stat. 895 and 901, as amended; 15 U.S.C. 78n and 78w)

Effective date. The Commission finds that the amendment is an interpretative rule, does not involve a substantial change in Regulation 14A as heretofore interpreted, and that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. sec. 553) is not necessary. For the same reasons, the amendment may be made effective immediately. Accordingly, the amendment shall become effective upon publication April 28, 1969.

By the Commission, April 28, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5596; Filed, May 9, 1969; 8:46 a.m.]

[Release No. 34-8592]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions of Stock and Options Under Certain Stock Bonus, Stock Option, or Similar Plans

The Securities and Exchange Commission has adopted an amendment to Rule 16b-3 (17 CFR 240.16b-3) under the Securities Exchange Act of 1934. That rule exempts from section 16(b) of the Act the acquisition of certain securities pursuant to stock bonus, profit sharing, retirement, and similar plans which meet certain specified conditions. The rule exempts the acquisition of shares of stock other than stock acquired upon the exercise of options, warrants, or rights. It also exempts the acquisition of restricted, qualified, and employee stock purchase plan stock options, but not the acquisition of stock upon the exercise of such options.

Paragraph (d)(3) of Rule 16b-3 previously provided that the term "exercise of an option, warrant or right", as used in the rule, did not include the making of an election to receive under any plan an award of compensation in the form of stock or credits therefor, provided the election is made prior to the award and subject to certain other conditions. However, in some instances the election to receive stock under a plan is made annually with respect to the portion of the award relating to the particular year. For this reason paragraph (d)(3) of the rule has been amended to provide that an election made on an annual basis is not deemed to be the "exercise of an option, warrant or right", within the meaning of the rule, provided it is made either prior to the award or prior to the fulfillment of all conditions to the receipt of the compensation.

Commission action. Section 240.16b-3 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 240.16(b)-(3) Exemption from section 16(b) of acquisition of shares of stock and stock options under certain stock bonus, stock option or similar plans.

* * * * * * *

(d) * * *

(3) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this section shall not include (i) the making of an election to receive under any plan compensation in the form of stock or credits therefor provided that such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and, provided further, that such election is irrevocable until at least 6 months after termination of employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to the time for delivery of such stock after termination of employment, provided that such election is made at least 6 months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock; or (v) the acceptance of certificates for shares of such stock.

* * * * * * *

(Secs. 16(b) and 23(a); 48 Stat. 896, and 901, as amended; 15 U.S.C. 78p and 78w)

Effective date. The foregoing action, which is taken pursuant to sections 16(b) and 23(a) of the Securities Exchange Act of 1934, shall become effective upon publication May 1, 1969.

By the Commission, May 1, 1969.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5597; Filed, May 9, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Hawaii

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (33 U.S.C. 3), § 204.225a establishing and governing the use of a danger zone and two warning areas in the Pacific Ocean, Hawaii, is hereby amended in its entirety revoking the two warning areas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.225a Pacific Ocean at Barking Sands, Island of Kauai, Hawaii, missile range facility.

(a) *The danger zone.* The waters within an area beginning at latitude 22°03'15" N., longitude 159°47'15" W.; thence southerly along the shoreline to latitude 22°02'45" N., longitude 159°47'18" W.; thence westerly to latitude 22°02'30" N., longitude 159°51'30" W.; thence northeasterly to latitude 22°06'30" N., longitude 159°49'30" W.; and thence southeasterly to point of beginning.

(b) *Markers.* (1) Range markers at the control point at latitude 22°03'17.4" N., longitude 159°47'12.2" W., are separated 300 feet (one pole 95.5 feet northwest and the other pole 204.5 feet southeast of this point) along a line bearing 327°10' True.

(2) Range markers at the control point at latitude 22°02'44.5" N., longitude 159°47'16.4" W., are separated 300 feet (one pole 75 feet west and the other pole 225 feet east of this point) along a line bearing 266°20' True.

(3) The range marker poles seaward from each control point are 25 feet in height above ground level. The other two poles are 45 feet above ground level.

(4) Each range marker consists of a 10-foot equilateral triangle with alternate red and white diagonal stripes.

(c) *The regulations.* Entry into the area by any person, boat, vessel or other craft is prohibited at all times. Special permission for transit through the area by the most direct route may be obtainable on an individual basis, by prior arrangement with the Commanding Officer, Pacific Missile Range Facility, Hawaiian Area, Barking Sands, Kauai, Hawaii.

[Regs., Apr. 28, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266 and Ch. XIX, 40 Stat. 892; 33 U.S.C. 1, 2)

For the Adjutant General.

HAROLD SHARON, *Chief, Legislative and Precedent Branch, Management Division, TAGO.*

[F.R. Doc. 69-5583; Filed, May 9, 1969; 8:45 a.m.]

PART 207—NAVIGATION REGULATIONS

Jamaica Bay, Long Island, N.Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.37 is hereby amended with respect to paragraph (a) redescribing a seaplane restricted area in Jamaica Bay, Long Island, N.Y., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.37 Jamaica Bay, Long Island, N.Y., seaplane restricted area.

(a) *The restricted area.* An area in Jamaica Bay bounded as follows: Beginning at latitude 40°36'22" N., longitude 73°52'47" W.; thence 157° True, 1,125 yards to latitude 40°35'52" N., longitude 73°52'30" W.; thence 113° True, 3,020 yards to latitude 40°35'17" N., longitude 73°50'42" W.; thence 194° True, 250 yards to latitude 40°35'10" N., longitude 73°50'44" W.; thence 238° True, 3,270 yards to latitude 40°34'18" N., longitude 73°52'31" W.; thence 326° True, 465 yards to latitude 40°34'29" N., longitude 73°52'42" W.; thence 30° True, 875 yards to latitude 40°34'52" N., longitude 73°52'25" W.; thence 344° True, 3,000 yards to latitude 40°36'17" N., longitude 73°52'59" W.; and thence 60° True, 325 yards to the point of beginning; excluding therefrom Nova Scotia Bar defined by lines connecting the following: From latitude 40°35'33" N., longitude 73°52'12" W.; thence 112° True, 1,500 yards to latitude 40°35'17" N., longitude 73°51'17" W.; thence 163° True, 235 yards to latitude 40°35'10" N., longitude 73°51'14" W.; thence 236° True, 1,650 yards to latitude 40°34'43" N., longitude 73°52'08" W.; thence 345° True, 1,350 yards to latitude 40°35'22" N., longitude 73°52'21" W.; and thence 34° True, 440 yards to the point of beginning.

* * * * * * *

[Regs., Apr. 28, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON, *Chief, Legislative and Precedent Branch, Management Division, TAGO.*

[F.R. Doc. 69-5584; Filed, May 9, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 322—PUBLIC USE OF SALT PLAINS NATIONAL WILDLIFE REFUGE AND GREAT SALT PLAINS DAM AND RESERVOIR AREA, SALT FORK OF ARKANSAS RIVER, OKLA.

Public Use of Refuge and Reservoir Areas Under Control of Interior and Army Departments

Sections 322.6(a) and 322.11 are revised to read as follows:

§ 322.6 Hunting and fishing.

(a) Hunting will not be permitted except for special hunting seasons as may be estabilshed by the Regional Director, Bureau of Sport Fisheries and Wildlife on the Great Salt Plains National Refuge.

* * * * * * *

§ 322.11 Firearms and explosives.

Loaded firearms and explosives are prohibited in the refuge and reservoir areas except on the Great Salt Plains National Wildlife Area during the special hunting seasons as permitted in § 322.6.

[Regs., Apr. 14, 1969, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

HAROLD SHARON, *Chief, Legislative and Precedent Branch, Management Division, TAGO.*

[F.R. Doc. 69-5585; Filed, May 9, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–30—CONTRACT FINANCING

Subpart 1–30.4—Advance Payments

EXCLUSION FROM ADVANCE PAYMENT PROHIBITIONS

Section 1–30.419 is revised to read as follows:

§ 1–30.419 Excluded advance payments.

This Subpart 1–30.4 does not apply to advances authorized by law for payment of rent; payment of tuition; payment of authorized insurance premiums; expenses of investigations in foreign countries; extension or connection of public utilities for Government buildings or installations; subscriptions to newspapers, magazines, periodical, and other publications; small purchases of goods or services in foreign countries, when the purchase price does not exceed $2,500 (or equivalent amount of applicable foreign currency) and advance payment of the purchase price or a part thereof is required by and made in compliance with the laws or ministerial, i.e., governmental, regulations of the foreign country concerned; and the enforcement of the customs or narcotics laws.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: May 2, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–5587; Filed, May 9, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

MISCELLANEOUS AMENDMENTS TO CHAPTER

Part 701 is amended as follows:

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Paragraph (b) of § 701.12 is revised to read as follows:

§ 701.12 Staff organization.

• • • • •

(b) The staff organization of the Commission is as follows:

(1) *Office of the Staff Director.* Under the general direction of the Commission, the Office of the Staff Director plans the agency work programs; directs, supervises, and coordinates the work of offices; reports plans, work programs, and activities of the agency to the Commission; represents the agency in relationships with the Executive Office of the President, the Congress, other Federal agencies, the press, national civil rights organizations, other private and local groups, and the general public; and manages the administrative affairs of the agency.

(2) *Office of General Counsel.* The Office of General Counsel plans and conducts hearings to investigate and obtain information about civil rights denials; conducts studies and prepares reports in areas within the jurisdiction of the Commission, particularly in the areas of the administration of justice and voting; receives complaints alleging denials of civil rights, refers these to Federal agencies having jurisdiction and follows up on action taken; drafts or reviews proposals for legislative and executive action in civil rights and prepares testimony on civil rights legislation; reviews all agency publications for legal sufficiency; provides in-house legal counsel to the agency; and drafts and negotiates all agency contracts.

(3) *Office of Civil Rights Program and Policy.* The Office of Civil Rights Program and Policy conducts appraisals of Federal laws, policies, administration, and programs; maintains liaison with Federal agencies on civil rights policies, administration, and programs; provides technical research assistance to other Commission units and to public and private groups and individuals; plans and conducts or stimulates studies to advance basic knowledge about the extent, causes and socioeconomic consequences of civil rights denials, including, but not limited to the areas of housing, education, economic security and welfare; and prepares clearinghouse materials.

(4) *Office of Information and Publications.* The Office of Information and Publications prepares and disseminates information about the Commission and its studies and publications through various techniques of communication; prepares or assists in the preparation of clearinghouse publications; edits and prepares for printing all Commission publications, including hearing transcripts and reports; maintains liaison with news media; writes speeches and coordinates speaking engagements of Commission staff; maintains informational liaison with public and private groups and individuals interested in civil rights; and maintains a Technical Information Center for the storage, retrieval, and dissemination of information related to civil rights problems and minority groups.

(5) *Office of Management.* The Office of Management provides management services to the agency in the areas of personnel, financial management, program analysis, procurement, space, travel, reproduction, mail, and messenger services.

(6) *Office of Community Programing.* The Office of Community Programing plans and directs field offices and field programs of the Commission; develops, organizes, and supervises field activities including investigations, meetings, conferences, and the preparation of reports of State Advisory Committees to the Commission which are located in each State and the District of Columbia; assists other Commission units in carrying out hearings, meetings, studies, and clearinghouse functions in the field; maintains liaison with public and private organizations and individuals interested in civil rights at the regional, State, and local levels; and provides informational services to field offices, State Advisory Committees and other public and private groups whose goals and activities are consistent with those of the Commission.

(Secs. 101–06, 71 Stat. 634–36, as amended; 42 U.S.C. 1975–1975e)

PART 704—INFORMATION DISCLOSURE AND COMMUNICATIONS

1. Section 704.1 is amended to reflect the change in the Commission's address. Paragraphs (c), (d)(1)(i), (d)(2), and (g) are revised to read as follows:

§ 704.1 Material available pursuant to 5 U.S.C. 552.

• • • • •

(c) *Material maintained on file pursuant to 5 U.S.C. 552(a)(2).* Material maintained on file pursuant to 5 U.S.C. 552(a)(2) shall be available for inspection during regular business hours at the offices of the Commission at 1405 Eye Street NW., Washington, D.C. 20425. Copies of such material shall be available upon written request, specifying the material desired, addressed to Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425, and upon the prepayment of fees determined in accordance with paragraph (e) of this section.

• • • • •

(d) *Material available upon request pursuant to 5 U.S.C. 552(a)(3)—(1) Request procedure.* (i) Requests for records available pursuant to 5 U.S.C. 552(a)(3) shall be addressed in writing to Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425, and shall, (*a*) contain a sufficiently specific description of the record requested with respect to names, dates, and subject matter to permit it to be identified and located; (*b*) state whether copies are requested; (*c*) state when and where the records are requested to be examined or copies of records to be delivered.

• • • • •

(2) *Time and place of access to material.* Records or copies requested shall be made available at the offices of the Commission at 1405 Eye Street NW., Washington, D.C. 20425, during regular business hours.

• • • • •

(g) *Administrative appeal from denial of requests.* If a request conforming with the requirements of paragraph (d)(1) of this section is denied by the General Counsel, the denial is subject to review by the Staff Director of the Commission provided such review is requested by the person submitting a request for information in accordance with this paragraph (g) within 30 days after the date of the General Counsel's decision. The filing of a request for review may be accomplished by mailing to the Staff Director, U.S. Commission on Civil Rights, Washington, D.C. 20425, by certified mail, a copy of the initiating request for a record, a copy of the written denial issued under this paragraph, and a statement of the circumstances, reasons or arguments advanced for insistence upon disclosure of the originally requested record. Review will be made by the Staff Director on the basis of the written record described above. The decision after review will be in writing, will be promptly communicated to the person requesting review, and will constitute the final action of the Commission subject to judicial review as provided in 5 U.S.C. 552(a)(3).

• • • • •

2. Section 704.2 is revised to reflect the change in the Commission's address as follows:

§ 704.2 Complaints.

Any person may bring to the attention of the Commission a grievance which he believes falls within the jurisdiction of the Commission, as set forth in section 104 of the Act. This shall be done by submitting a complaint in writing to Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425. Allegations falling under section 104(a) (1) and (5) of the Act (discrimination or fraud in voting) must be under oath or affirmation. All complaints should set forth the pertinent facts upon which the complaint is based, including but not limited to specification of (a) names and titles of officials or other persons involved in acts forming the basis for the complaint; (b) accurate designations of place locations involved; (c) dates of events described in the complaint.

3. Section 704.3 is revised to reflect the change in the Commission's address as follows:

§ 704.3 Other requests and communications.

Requests for information and for Commission literature should be directed to Office of Information and Publications, U.S. Commission on Civil Rights, Washington, D.C. 20425. Communications with respect to Commission proceedings should be made pursuant to § 702.17 of this chapter. All other communications should be directed to Office of the Staff Director, U.S. Commission on Civil Rights, Washington, D.C. 20425.

(Secs. 101–06, 71 Stat. 634–36, as amended; 42 U.S.C. 1975–1975e; sec. 1, 81 Stat. 54–55; 5 U.S.C. 552)

PART 705—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Part 705 is amended by revising § 705.735–2(a)(3) as follows:

§ 705.735–2 Statements of employment and financial interests.

(a) • • •

(3) The Office Heads.

• • • • • •

(E.O. 11222, 30 F.R. 6469; 3 CFR, 1965 Supp.; 5 CFR 735.101 et seq.)

Effective date. These revisions and amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

THEODORE M. HESBURGH,
Chairman.

[F.R. Doc. 69–5586; Filed, May 9, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1026]

PART 1033—CAR SERVICE

St. Louis Southwestern Railway Co. Authorized To Operate Over Trackage of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of May 1969.

It appearing that because of damage to its bridge over the Red River at milepost K–450.34 in the vicinity of Shreveport, La., the St. Louis Southwestern Railway Co. is unable to operate trains over its line between Bossier City, La., and Shreveport, La.; that such St. Louis Southwestern Railway Co. trains can be operated over tracks of the Illinois Central Railroad Co. between a point of connection with the St. Louis Southwestern Railway Co. at Shreveport, La., and another point of connection at Bossier City, La., a distance of approximately 3 miles; that the Commission is of the opinion that operation by the St. Louis Southwestern Railway Co. over this trackage of the Illinois Central Railroad Co. is necessary to enable the St. Louis Southwestern Railway Co. to handle this traffic, in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1026 Service Order No. 1026.

(a) *St. Louis Southwestern Railway Co. authorized to operate over trackage of Illinois Central Railroad Co.* The St. Louis Southwestern Railway Co. be, and it is hereby authorized to operate over trackage of the Illinois Central Railroad Co. between a point of connection between these companies at Shreveport, La., and another point of connection at Bossier City, La., a distance of approximately 3 miles.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the St. Louis Southwestern Railway Co. over tracks of the Illinois Central Railroad Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the St. Louis Southwestern Railway Co. over these tracks of the Illinois Central Railroad Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., May 7, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended: 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5628; Filed, May 9, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 966, 980]

TOMATOES GROWN IN FLORIDA

Limitation of Shipments and Importation; Extension of Time

A notice of rule making on a proposed amendment to the limitation of shipments regulation for Florida tomatoes and minimum grade and size requirements for tomato imports was published in the May 1, 1969, FEDERAL REGISTER (34 F.R. 7170). It allowed 5 days after publication for filing data, views, or arguments.

Subsequent to publication of this notice, the Department received information to the effect that the increased volume of tomato shipments requiring the amendment would be delayed beyond the originally proposed effective date, on or about May 12, 1969, to about May 19, 1969.

Accordingly, the period for filing written data, views, and arguments to the said notice is hereby extended to May 12, 1969, and the proposed effective date of the amendment is changed to "on or about May 19, 1969."

Dated: May 8, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5669; Filed, May 9, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Withdrawal of Publication of Order

In the matter of color additive petitions submitted by The Toilet Goods Association, the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee, % Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing issuance of regulations to provide for the safe use of various color additives as follows:

Cap. No.	Color additive(s)	Use
26	Ext. D&C Yellow No. 7.	In drug and cosmetic products that are applied externally.
34	D&C Yellow No. 7 and D&C Yellow No. 8.	Do.
35	D&C Orange No. 4.	Do.
36	FD&C Red No. 2.	In foods, drugs, and cosmetics.
37	D&C Violet No. 2.	In drugs and cosmetics that are applied externally.
38	D&C Red No. 34.	Do.
39	D&C Red No. 17.	Do.
57	D&C Blue No. 6.	In ingested drugs, surgical sutures, lipsticks, and externally applied drugs and cosmetics.
58	D&C Red No. 30.	In ingested drugs, lipsticks, and drugs and cosmetics intended for external application.
61	FD&C Red No. 4.	In ingested drugs, marnschino cherries, and externally applied drugs and cosmetics.
62	D&C Yellow No. 10.	In ingested drugs, lipsticks, and drugs and cosmetics for external application.
63	D&C Yellow No. 11.	In ingested drugs and drugs and cosmetics for external application.
65	FD&C Green No. 3.	In food, ingested drugs, lipsticks, and externally applied drugs and cosmetics.
66	FD&C Yellow No. 6.	In foods, drugs, and cosmetics.
68	FD&C Violet No. 1.	In foods, dietary supplements, ingested drugs, and externally applied drugs and cosmetics.
84	D&C Green No. 5.	In ingested drugs, lipsticks, and externally applied drugs and cosmetics.
85	D&C Green No. 6.	Do.
86	D&C Red No. 33.	In ingested drugs, lipsticks, and drugs and cosmetics for external application.

An order denying the proposals of the petitioners to establish regulations under section 706(b) of the Federal Food, Drug, and Cosmetic Act to permit the use in cosmetics of the above-named color additives was published in the FEDERAL REGISTER on April 11, 1969 (34 F.R. 6396).

In response to the order one of the petitioners, The Toilet Goods Association, has requested that further procedures be deferred pending the litigation now on appeal in the U.S. Court of Appeals, Second Circuit, that will delineate the safety data that will be required.

In response to that request, the Commissioner of Food and Drugs hereby withdraws publication of the order which appeared in the FEDERAL REGISTER on April 11, 1969, without prejudice to the right to republish the same or a similar order at a later date.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399-407, as amended; 21 U.S.C. 376) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5676; Filed, May 9, 1969; 8:50 a.m.]

[21 CFR Part 31]

NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Proposed Listing of Enzyme Modified Soy Protein in a Carrier of Propylene Glycol as Optional Foaming Agent

Notice is given that a petition has been filed by the National Soft Drink Association, 1128 16th Street NW., Washington, D.C. 20036, proposing that the standard of identity for soda water (21 CFR 31.1) be amended to list enzyme modified soy protein in a carrier of propylene glycol as an optional foaming agent.

Grounds set forth in the petition in support of the proposal are that enzyme modified soy protein in a carrier of propylene glycol when used in small amounts in certain soda water products, such as root beer, birch beer, and cream soda, have proved desirable in producing a head of foam appealing to consumers without affecting taste.

Accordingly, it is proposed that § 31.1 (b)(7) be revised to read as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * * *

(b) * * *

(7) One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshuatree), yucca (Mohave), quillaia (soapbark) (Quillaja saponaria Mol.), and enzyme modified soy protein in a carrier of propylene glycol.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 5, 1969.

R. F. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5590; Filed, May 9, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-EA-37]

AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring a modification to the wing fuel access doors of the Fairchild Hiller F-27 type airplanes.

There have been reports of skin and doubler cracks around the holes for attaching screws and bolts of the nut retainer plate assembly. It is believed that this results from the working of the wing outer panel fuel access door attach bolts and screws. Since this is a condition which can exist or develop in airplanes of the same type design, an airworthiness directive would be issued to require the removal of nut retainer plate assembly screws to permit the use of sealant in lieu thereof and removal of rubber seals on the wing outer panel fuel access doors to be replaced by a new metal seal.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

1. Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to add a new airworthiness directive described as follows:

FAIRCHILD HILLER. Applies to F-27 Type Airplanes, Serial Nos. 1 through 75, Certificated in all categories.

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce working of the wing outer panel fuel access door attach bolts, and to prevent possible cracking of the lower skin radiating from the holes drilled for attaching screws of the nut retainer plate assembly, accomplish the following:

(a) For Serial Nos. 1 through 65 airplanes, comply with Fairchild Hiller Service Bulletin No. 57-4, Revision 2 dated October 31, 1963, or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) For serial Nos. 1 through 75 airplanes, comply with Fairchild Hiller Service Bulletin 57-5, Revision 1 dated April 21, 1966, or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on May 1, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5607; Filed, May 9, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Seymour, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

SEYMOUR, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°39'00" N., long. 99°20'00" W., thence to lat. 33°46'00" N., long. 99°23'00" W., to lat. 33°52'00" N., long. 99°07'00" W., to lat. 33°42'00" N., long. 99°03'00" W., to point of beginning.

The existing criteria will not permit the establishment of an instrument approach procedure to serve the Seymour Municipal Airport. The proposed transition area would provide controlled airspace for IFR aircraft en route to this airport to descend in the Seymour Intersection holding pattern to a lower minimum altitude and then proceed VFR, if possible, to the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Fort Worth, Tex., on May 1, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-5608; Filed, May 9, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-PC-4]

VOR FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate segments of VOR Federal airways Nos. 7, 20, and 23 in the Hawaiian Islands, and designate the Firepit reporting point.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace actions:

1. Designate V–20 Hawaii from Honolulu, Hawaii, with a 1,200-foot AGL floor to Kona, Hawaii, via the intersection of the Honolulu 134° T (123° M) and Kona 308° T (297° M) radials.

2. Designate V–23 Hawaii from Upolu Point, Hawaii, with a 1,200-foot AGL floor direct to the intersection of the Upolu Point 280° T (269° M) and Honolulu 134° T (123° M) radials.

3. Extend V–7 Hawaii from Lanai, Hawaii, with a 1,200-foot AGL floor to Kona via the intersection of Lanai 140° T (129° M) and Kona 323° T (312° M) radials.

4. Designate the Firepit Intersection (intersection of the Honolulu 134° T (123° M) and Upolu Point 280° T (269° M) radials) as a designated reporting point.

The proposed airways would be utilized when Restricted Area R–3104 and Warning Area W–324 are not being utilized for their established purposes. The proposed airways would provide additional routes for the expeditious movement of interisland air traffic and oceanic flights operating between Honolulu and Los Angeles, Calif.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 2, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–5609; Filed, May 9, 1969; 8:47 a.m.]

[14 CFR Part 135]

[Docket No. 9323; Notice No. 68–37B]

AIRPLANES CAPABLE OF CARRYING MORE THAN 10 OCCUPANTS

Extension of Compliance Date

On January 7, 1969, the Federal Aviation Administration issued a notice of proposed rule making (Notice 68–37; 34 F.R. 210) relating to additional requirements to be placed on reciprocating and turbopropeller powered small aircraft certificated to carry more than 10 occupants to be used in operations under Part 135 on and after June 1, 1972.

The notice proposed to apply the airworthiness provisions of Appendix A to airplanes type certificated after January 1, 1970. It is stated in the notice that "The date January 1, 1970, was selected on the assumption that applicants for certification of airplanes currently undergoing type certification under provisions other than those contained in Appendix A would be afforded sufficient time to complete such certification programs." A review of known certification projects now indicates that several may not be completed by January 1, 1970. It is, therefore, considered appropriate to propose extending this date by 6 months, i.e., until July, 1970.

All comments with respect to this supplement received on or before June 10, 1969, will be considered by the Administrator before taking action on the proposals contained herein and those contained in Notice 68–37. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Accordingly, the proposals contained in paragraphs (b) and (c) of § 135.144 of Notice 68–37 (34 F.R. 210), are changed by striking out "January 1, 1970," and inserting "July 1, 1970," in place thereof.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 6, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69–5610; Filed, May 9, 1969; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 22,784]

FEDERAL SAVINGS AND LOAN SYSTEM

Service Corporations

MAY 6, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) for the purpose of preventing a Federal association from investing in, or retaining an investment in, a service corporation which uses the words "National", "Federal", or "United States" or the initials "U.S." in its corporate name, which use could be misleading in the opinion of the Board and also may be in violation of the prohibitions contained in 18 U.S.C. 709. Accordingly, it is hereby proposed to amend said § 545.9–1 by adding at the end thereof a new paragraph (f), to read as follows:

§ 545.9–1 Service corporations.

* * * * * *

(f) *Corporate name.* No Federal association may invest in, or retain any investment in, the capital stock, obligations, or other securities of any service corporation the corporate name of which includes the words "National", "Federal", or "United States" or the initials "U.S.".

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by June 13, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–5631; Filed, May 9, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 504]

[Docket No. 69–6]

COLLECTION, COMPROMISE, AND TERMINATION OF ENFORCEMENT CLAIMS

Rescheduling of Filing Dates

At the request of Hearing Counsel, and good cause appearing, time for filing their reply to comments in this proceeding is hereby enlarged to and including June 4, 1969. Answers to Hearing Counsel's reply may be filed on or before June 16, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69–5618; Filed, May 9, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 249]

GUIDES FOR ADVERTISING OVER-THE-COUNTER DRUGS

Notice of Extension of Time for Submitting Comments Regarding Proposed Guides

Proposed Guides for Advertising Over-the-Counter Drugs were published in the FEDERAL REGISTER on March 19, 1969 (34 F.R. 5387).

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed Guides until June 19, 1969.

Approved: May 3, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–5637; Filed, May 9, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 84]

DIRECTOR OF MISSIONS

Collection of Claims Against Voluntary Agencies

1. Pursuant to the authority vested in me by section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 308 (31 U.S.C. 952), I hereby delegate to the Directors of Missions of the Agency for International Development (A.I.D.) and to the principal diplomatic officers of the United States in countries in which A.I.D. is not represented by a Mission the following functions and authorities with respect to claims against Voluntary Agencies arising under § 211.9 (d) and (e) of A.I.D. Regulation 11 (22 CFR Chapter II Part 211) in the implementation of an assistance program in the country to which such Directors or principal diplomatic officers are accredited:

(a) Administrative collection.

(b) Suspension or termination of collection action when the claim does not exceed $10,000.

(c) Compromise of any such claim when the claim does not exceed $20,000 and the amount to be relinquished does not exceed $10,000.

2. The foregoing authority may be redelegated.

3. The functions and authorities herein delegated shall be exercised in accordance with A.I.D. Regulation 13 (22 CFR Chapter II Part 213) and other Agency regulations, procedures, and policies relating thereto, as amended from time to time.

This Delegation of Authority is effective on the date of its publication in the FEDERAL REGISTER.

Dated: May 2, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-5603; Filed, May 9, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 16]

CENTRAL MUTUAL INSURANCE COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Central Mutual Insurance Company, Van Wert, Ohio, under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated, effective April 30, 1969.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Central Mutual Insurance Company.

Dated: May 6, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-5626; Filed, May 9, 1969; 8:48 a.m.]

Internal Revenue Service

CHRIS SIGURD SORENSEN

Notice of Granting of Relief

Notice is hereby given that Chris Sigurd Sorensen, 175 Sixth Avenue NW., Kalispell, Mont. 59901 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 27, 1938, in the District Court of Williams County, N. Dak., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Chris Sigurd Sorensen, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Sorensen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Chris Sigurd Sorensen's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Chris Sigurd Sorensen be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-5627; Filed, May 9, 1969; 8:49 a.m.]

POST OFFICE DEPARTMENT

NOTICE OF REORGANIZATION AT HEADQUARTERS

The Postmaster General has made the following organizational changes in the Post Office Department. The changes are effective at once.

The Bureau of Transportation and the Office of Regional Administration have been merged into the Bureau of Operations. The consolidated Bureau of Operations will consist of three principal divisions—Transportation, Regional Administration, and Field Services. Each Division will be headed by a Deputy Assistant Postmaster General.

A Bureau of Planning, Marketing, and Systems Analysis headed by an Assistant Postmaster General has been established. It is composed of the former Office of Planning and Systems Analysis, the former Customer Relations Division of the Bureau of Operations, and a new office dealing with Marketing.

Parts 821 and 822 of Title 39, Code of Federal Regulations, which relate to the Department's organization, will be appropriately amended to reflect the reorganization outlined above.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-5668; Filed, May 9, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ASSISTANT AREA DIRECTOR, MINNEAPOLIS AREA OFFICE

Redelegation of Authority

1. The Assistant Area Director, Bureau of Indian Affairs, Minneapolis Area Office, Minneapolis, Minn., is hereby authorized to exercise all the power and authority of the Area Director of the Minneapolis Area Office as delegated by the Commissioner of Indian Affairs in line with Secretarial Order No. 2508 and as provided in 10 BIAM 3.

2. In the absence of the Area Director and the Assistant Area Director, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

4. The effective date of this delegation will be the date of signature by the Area Director.

Dated: April 11, 1969.

OWEN D. MORKEN,
Area Director, Bureau of Indian Affairs, Minneapolis Area Office, Minneapolis, Minn.

Approved: May 2, 1969.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-5615; Filed, May 9, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEOMYCIN-VITAMINS FEED ADDITIVE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Neomycin Crumbles Fortified; each pound contains 2 grams of neomycin sulfate (equivalent to 1.4 grams of neomycin base), 350,000 U.S.P. units of vitamin A, 35,000 U.S.P. units of vitamin D_3, 35 international units of vitamin E; by Dr. LeGear & Co., 4161 Beck Avenue, St. Louis, Mo. 63116.

The Academy concludes that:

1. This product is probably not effective for prevention and treatment of enteric infections in cattle, sheep, goats, swine, chickens, turkeys, mink, and horses.

2. Label changes and more information are needed.

3. The effectiveness of the recommended dosage schedule has not been adequately documented.

4. Dose response curves are needed for many of the recommended uses.

5. Information is needed to document value of vitamins in this preparation.

6. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified, the claim must be dropped.

7. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

8. Each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as a therapeutic ingredient. This preparation has not satisfied these conditions.

9. The manufacturer's labels should warn that treated animals must actually be consuming enough medicated feed to provide a therapeutic dosage under the conditions that prevail. As a precaution, the labels should bear a statement of the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of the preparation in feed.

10. The disease claims for this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacologic properties of neomycin sulfate.

The Food and Drug Administration concurs with the above conclusions of the Academy.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the drug of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the drug are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204. The manufacturer of the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 5, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5591; Filed, May 9, 1969; 8:45 a.m.]

NITROPHENIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Megasul (Nitrophenide) Premix (25 percent); contains 25 percent nitrophenide; marketed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

The Academy concludes that this product is probably effective for preventing outbreaks of coccidiosis in chickens; however, it is not efficacious against all species of coccidia in poultry. Accordingly, label should list the host and the species of coccidia for which the drug is effective.

The Food and Drug Administration concurs with the Academy's conclusions.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food Drugs (21 CFR 2.120).

Dated: May 5, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5592; Filed, May 9, 1969; 8:45 a.m.]

PYRAHISTINE WITH PHENYLEPHRINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Pyrahistine with Phenylephrine; contains per milliliter 2.0 milligrams of phenylephrine hydrochloride and 25.0 milligrams of methapyrilene hydrochloride; marketed by Pitman-Moore, Division of The Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46077.

The Academy concludes that this product is probably not effective as a sympathomimetic and histamine antagonist in horses, cattle, and dogs and that no documentation supports the claims or dose schedule. The Food and Drug Administration concurs with the Academy's conclusions.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 5, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5593; Filed, May 9, 1969; 8:45 a.m.]

[Docket No. FDC–D–127; NDA No. 4–336V]

CHATHAM PHARMACEUTICALS, INC.

Koagamin Veterinary Parenteral Hemostat; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1611), the holder of the new-drug application for Koagamin Veterinary Parenteral Hemostat (a drug containing per milliliter 5.0 milligrams of oxalic acid and 2.5 milligrams of malonic acid) and any other interested person were invited to submit pertinent data on the drug's effectiveness. The information received, considered with other available information, does not provide substantial evidence of effectivness of the drug for its recommended use as a hemostat in animals.

Therefore notice is given to Chatham Pharmaceuticals, Inc., 901 Broad Street, Newark, N.J. 07102, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order, under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of new-drug application No. 4–336V and all amendments and supplements thereto held by Chatham Pharmaceuticals, Inc., for the drug Koagamin Veterinary Parenteral Hemostat on the grounds that:

Information before the Commissioner with respect to such drug, evaluated with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 4–336V should not be withdrawn. Promulgation of the order will cause any drug for animal use containing oxalic acid and malonic acid and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file such a written appearance of election within such 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 5, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5594; Filed, May 9, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

MAY 5, 1969.

Pursuant to Docket No. HM–1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of DOT Special Permits upon which Board action was completed during April 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
5936	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive material in the Dry Hole Charger Lead Shielded Cask.	Highway and rail.
5937	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model No. NFSX–1 Shipping Cask.	Rail.
5938	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model HNPF Cask.	Highway and rail.
5939	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the Model No. 1500 Shipping Cask.	Water, highway, and rail.
5940	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model EX–10 Shipping Cask.	Highway.
5941	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model No. ELC–102 Rail Shipping Cask.	Rail.
5942	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the Model 700 Shipping Cask.	Water, highway, and rail.
5946	Insta-Foam Products, Inc., for the shipment of a pressurized urethane foam in nonrefillable steel pressure vessels of up to 1,450 cubic inch capacity.	Highway and rail.
5947	Insta-Foam Products, Inc., for the shipment of a pressurized urethane foam product in small nonrefillable aluminum pressure containers.	Do.
5948	The Dow Chemical Co. for the shipment of fissile and large quantities of radioactive materials in a specially modified ATMX Series 600 rail car.	Rail.
5951	Shippers upon specific registration with this Board, for the shipment of chlorine in military Type A, D, or 52 ton-tanks, for which serial numbers have been filed with the Board.	Highway and rail.
5952	Shippers upon specific registration with this Board, for the shipment of chlorides in DOT–1K glass carboys, as these are presently authorized under 49 CFR 173.247 in other DOT specification carboys.	Do.
5953	Shippers upon specific registration with this Board, for the shipment of nitric oxide charged to not over 200 p.s.i.g. at 70° F., in DOT–106A500X tanks.	Do.
5954	Shippers upon specific registration with this Board, for the shipment of ammonium nitrate or ammonium nitrate fertilizers in a plastic bag constructed from Valeron cross-plastic tubing.	Do.
5955	Apogee Chemical, Inc., for the shipment of organic peroxide solutions in a non-DOT specification fiberboard box with an inside plastic container of not over 5-gallon capacity.	Do.
5956	Department of Defense, for the shipment of rocket ammunition in preformed fiberglass resin impregnated aluminum containers.	Do.
5957	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model BMI–1 Spent Fuel Shipping Cask.	Highway.
5958	Shippers upon specific registration with this Board, for the shipment of large quantities of krypton gas in the Model ICPP Krypton Shipping Container Package.	Highway and rail.
5959	Ethyl Corp., for the shipment of liquefied ethylene in four specially designed and insulated cargo tanks.	Highway.
5960	Shippers upon specific registration with this Board, for the shipment of flammable liquids having a flash point above 20° F., in non-DOT specification drums manufactured by the Inland Steel Container Co.	Highway and rail.
5963	Shippers upon specific registration with this Board, for the shipment of liquefied petroleum gases in DOT 2-Q containers.	Do.
5964	United Air Lines, for the shipment of nitrogen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
5965	Racon, Inc., for the shipment of monochlorodifluoromethane, dichlorodifluoromethane, nitrogen-pressurized dichlorotetrafluoroethane, nitrogen-pressurized trichloromonofluoromethane, and an azeotropic mixture of difluoroethane and dichlorodifluoromethane, in nonrefillable steel pressure vessels of up to 300 cubic inch capacity.	Do.
5968	Welders Supply Co., for the shipment of oxygen, argon, nitrogen, hydrogen, helium, and compressed air in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
5969	Butler Gas Products Co., for the shipment of oxygen, nitrogen, and argon in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
5973	Lockheed Missiles & Space Co., for the shipment of nitrogen pressurized sulfur hexafluoride in non-DOT specification steel spheres having not over 80 cubic inches of liquid content.	Highway.
5974	Nuclear Materials and Equipment Corp., for one shipment of a large quantity of radioactive material in the Model M–8 Field Irradiator.	Water and highway.
5977	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the NS *Savannah* Core II Fuel Element Shipping Container.	Highway.
6000	Shippers upon specific registration with this Board, for the shipment of fissile and "Type B" quantities of radioactive materials in the Model MRI Type B Protective Package.	Water, cargo-only aircraft, highway, and rail.

WILLIAM K. BYRD,
Alternate Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69–5611; Filed, May 9, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19958]

AVION, INC., ET AL., ENFORCEMENT PROCEEDING

Notice of Hearing

Avion, Inc., Avion Airways, Inc., Thomas J. Holmes, Ruth S. Holmes, John W. Hammett enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on June 5, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., May 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–5638; Filed, May 9, 1969; 8:50 a.m.]

[Docket No. 20950]

LUXAIR

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is scheduled to be held on May 22, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–5639; Filed, May 9, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18403 etc.; FCC 69R–195]

ATLANTIC VIDEO CORP. (WRTV) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Atlantic Video Corp. (WRTV), Newark, N.J., Docket No. 18403, File No. BMPCT–6282; for modification of construction permit; Vikcom Broadcasting Corp., Newark, N.J., Docket No. 18404, File No. BPCT–3892; Ultra-Casting, Inc., Newark, N.J., Docket No. 18448, File No. BPCT–4172; for construction permit for new television broadcast station.

1. This proceeding originally involved the mutually exclusive applications of Atlantic Video Corp. (WRTV) (Atlantic), for modification of its construction permit and Vikcom Broadcasting Corp. (Vikcom) for authorization to construct a new television broadcast station on Channel 68 at Newark, N.J. It was designated for hearing by order, FCC 68–1118, released December 20, 1968, on the standard comparative issue and a limited financial qualifications issue against Vikcom. A third application (BPCT–4172) for Channel 68 was submitted by Ultra-Casting, Inc. (Ultra-Casting), prior to the designation of the Atlantic and Vikcom applications. On December 18, 1968, Atlantic filed a petition to dismiss the Ultra-Casting application. However, by order, FCC 69–107, 34 F.R. 2215, published on February 14, 1969, the Commission designated the Ultra-Casting application for consolidated hearing with Atlantic and Vikcom. Presently before the Review Board is a petition to enlarge issues, filed January 13, 1969, by Vikcom.[1] The petitioner requests the addition of the following issues:

[1] Also before the Review Board are: (a) Opposition, filed Mar. 7, 1969, by Atlantic; (b) comments, filed Mar. 7, 1969, by the Broadcast Bureau; and (c) a letter, filed Apr. 24, 1969, by Atlantic.

(1) To determine the extent of involvement, proposed and existing, by The Walter Reade Organization, Inc., and related companies in the communications and entertainment fields, including the production, distribution, and exhibition of films and other program material;

(2) To determine whether the facts developed pursuant to the above issue established that grant of the instant application will discourage competition or be otherwise inconsistent with the public interest;

(3) To determine whether the facts developed pursuant to the above issues should result in disqualification of Atlantic Video Corp. as a licensee of the Commission, or result in the assessment of a comparative demerit;

(4) To determine with respect to the application of Atlantic Video Corp.:

(a) Whether the Walter Reade Organization, Inc., has available sufficient cash and/or liquid assets to meet its commitment to the applicant;

(b) Whether, in the light of the evidence adduced pursuant to the foregoing, Atlantic Video Corp. is financially qualified;

(5) To determine on a comparative basis the areas and populations that Vikcom Broadcasting Corp. and Atlantic Video Corp. will serve within their prospective Grade B contours.

The requested issues will be discussed seriatim.

Cross ownership issues. 2. Petitioner premises its request for cross ownership issues on the holdings and activities of Atlantic's parent corporation, The Walter Reade Organization, Inc. (Reade), as set out in Reade's 1967 Annual Report, portions of which Vikcom attaches to its petition. Petitioner claims that Reade's present holdings and future plans "militate toward vertical control" in the communications and entertainment industries, particularly in the Northern New Jersey area which is to be served by the proposed station. It relies on the fact that Reade produces, distributes and exhibits films, sells films to television, sells and distributes films to the educational and nontheatrical markets, and maintains music and concession and vending divisions. Vikcom notes that Reade's president states in the Annual Report that the organization benefits from real competitive advantages due to its diversified activities and that it is exploring added acquisitions in the communications and entertainment fields. Vikcom further notes that Reade operates more than 60 theaters throughout the United States, and contends that 17 of these theaters are located within the proposed Grade A contour of Atlantic's proposal and that an additional seven are between Atlantic's proposed Grade A and B contours. As an illustration of how competition will be lessened if Atlantic is awarded a television license for Newark, petitioner points to the statement in an amendment filed by Atlantic on November 18, 1968, that films will be supplied to the proposed station from Reade's film library on a deferred payment basis, with no payment due until 366 or more days after the station commences broadcasting. Finally, petitioner asserts that the activities of Reade are strikingly similar to those held to violate the Sherman Act in United States v. Paramount Pictures, 334 U.S. 131 (1947), and contends that even if such activities do not violate the Sherman Act, an issue is warranted to determine whether the activities will result in a lessening of competition.

3. In opposition, Atlantic contends that Vikcom is urging, in effect, that Reade's ownership of theaters and its production and distribution activities per se raise a disqualifying issue and argues that such a position is contrary to Commission policy and practice. Atlantic claims that any comparison between the activities of Reade and those dealt with in Paramount is fanciful since that case dealt with entities which exercised a stranglehold on virtually all phases of the motion picture industry, whereas Reade operates 65 theaters or 0.44 percent of all the motion picture theaters in the country. With respect to the New York and New Jersey areas, Atlantic points out that it operates no theaters in Newark, the city of license and the metropolitan area to which it must primarily look for its financial viability; that its closest theaters to Newark are in Morristown and Woodbridge, 15 miles away; that there are some 27 theaters in Newark operated by other exhibitors; and that, of the approximately 398 theaters in the New York Metropolitan Area and the 238 theaters in New Jersey, Reade operates only 21 theaters in New Jersey and 14 in the New York Metropolitan Area. Finally, the applicant states that Reade produced only one film in 1967 and no films in 1968, and that Reade obtained distribution rights to 11 films in 1967 and to 12 films the following year, and contends that this is not the record of a company threatening vertical control of the entertainment industry in the Northern New Jersey area.[2]

4. The Broadcast Bureau, in its comments, opposes the addition of cross ownership issues. It contends that Vikcom has neither alleged facts to establish that the degree of vertical integration which Reade would achieve by a grant of the Atlantic application would constitute proscribed vertical control in the communications and entertainment industries, nor established the existence of prohibited conduct through the fact that films will be supplied to Atlantic by Reade on a deferred payment basis.

5. The Review Board is of the view that petitioner's request for disqualifying issues regarding Reade's holdings and activities should be denied. Vikcom has failed to allege sufficient facts to raise a serious question of whether the holdings and activities of Atlantic's parent, either present or prospective, if combined with the acquisition of the television facility in Newark, would violate antitrust laws or constitute a proscribed cross ownership or concentration of control in the communications and entertainment industry, either nationally or in the Northern New Jersey area. As can be seen from its 1968 Annual Report, Reade is a growing company, but hardly a dominant factor on the national entertainment scene. It operates only 65 theaters throughout the country, out of a 1968 total of 14,365, for a share of 0.44 percent. Neither its theater chain nor its production and distribution activities are of sufficient scope to raise a substantial question of vertical control in the national communications and entertainment industries or to be analogized to the entities involved in Paramount Pictures, supra. Focussing, as does petitioner, on Northern New Jersey and Atlantic's proposed Grade A and Grade B contours, Vikcom's showing still falls far short of demonstrating that Reade's interests or activities constitute an adequate basis for the addition of disqualifying issues. Petitioner contends that Reade operates 17 theaters in the area encompassed by Atlantic's proposed Grade A contour and seven more between its proposed Grade A and Grade B contours. A map prepared by petitioner's engineer shows that 16 of these theaters are in New Jersey and that eight are in New York City. However, the uncontradicted figures provided by Atlantic in opposition show that in 1963 there were 398 motion picture houses in the New York Metropolitan Area and 238 in New Jersey, and that the number has probably increased since 1963. Thus, petitioner has not shown that a grant to Atlantic might result in Reade's acquiring vertical control of the communications and entertainment industry in Northern New Jersey or in the area of the Grade A and B contours of Atlantic. Cf. Hartford Phonovision Co., 30 FCC 301, 20 RR 754 (1961). The only fact alleged by petitioner to show that the grant of Atlantic's application would have an anticompetitive effect on the broadcast industry concerns the deferred payment basis on which Reade would supply its film library to Atlantic. This circumstance, standing alone and relating to a single station, does not warrant the addition of the requested issue since there is no indication that the arrangement is illegal or would have an adverse competitive effect on other stations in the area. We note that the petitioner is not foreclosed from pursuing the question of Reade's holdings in the entertainment and communications industry under the diversification criterion of the standard comparative issue. However, the addition of issues to this proceeding is not warranted.

Financial issue. 6. Petitioner points out that the Commission specified a financial issue against Vikcom because it is relying upon its parent organization to meet its cash requirements and because the balance sheet of that organization fails to establish that it will have available sufficient cash and/or liquid assets to meet its commitment to Vikcom. Vikcom contends that the same rationale is equally applicable to Atlantic. It notes that Atlantic is relying upon Reade to meet its cost of construction and initial operation.[3] Vikcom points out that Reade's balance sheet reveals cash of $517,395 (exclusive of cash held for "special purposes" and therefore not available for the proposed station) and a net balance of accounts receivable, inventory, and prepaid expenses of approximately $1 million, but argues that no information is supplied concerning the liquidity of the noncash items. Therefore, petitioner states that it cannot be determined whether Reade will have sufficient liquid assets to supply Atlantic with the cash needed for construction and initial operation.[4]

7. In opposition, Atlantic contends that the Commission was correct in specifying a financial issue against Vikcom, and also correct in not specifying one against Atlantic. It states that its cash requirement for the first year is $470,650, not $540,000 ($112,500 downpayment on equipment, $14,062 principal payment on equipment, $24,088 interest payment on equipment, $40,000 for other items and $280,000 for cost of operation), and that Reade's cash balance of $517,395 is more than ample to meet Atlantic's needs, without reliance on accounts receivable and inventory. The applicant explains that it overestimated its costs because it included 12 monthly principal payments for equipment, for a total of $84,000. However, it notes that the RCA letter of credit submitted in its application provides for a downpayment of 25 percent of the total price upon shipment (or $112,500) and the balance in 48 equal monthly installments, with a 12-month hiatus in principal payments from the date of shipment. Therefore, Atlantic states, in accordance with the Commission's requirement that payments of principal and interest during a 14-month period from the date of shipment be included in an applicant's first year costs, Atlantic calculates total principal payments of $14,062 (for 2 months) and total interest payments of $24,088 (for 14 months.) Finally, Atlantic notes that Reade has merged with The Rutland Corp. and that a balance sheet of the combined entities, adjusted to give effect to the agreement of merger and filed with an amendment to Atlantic's application (accepted by order, FCC 69M-192, released Feb. 17, 1969), shows cash and marketable securities of $913,000 and current assets in excess of $12 million offset by current liabilities of $7,499,000. Therefore, Atlantic argues that Reade has more than sufficient liquid assets to meet its commitment of $470,650 to Atlantic.

8. The Review Board finds that a financial qualifications issue against Atlantic is not warranted here. As the applicant has demonstrated through the RCA letter of credit, a copy of which is attached to its opposition (along with a reaffirmation of the credit terms in a letter from RCA, dated Sept. 30, 1968), it overestimated the sum which would be required for first year payments of principal on its purchases of equipment. Therefore, its cash requirement for construction and first year operations is $470,650, not the $540,000 relied upon by petitioner, and the $517,395 available cash shown on Reade's June 30, 1968, balance sheet is more than sufficient to cover Atlantic's needs without reliance on accounts receivable, inventory or related items. Moreover, Reade has merged with The Rutland Corp. since Atlantic filed its application and the new merged entity shows available cash and marketable securities of $913,000. Therefore, there can now be no question that Atlantic is financially qualified.

Coverage issue. 9. Petitioner requests that evidence of comparative coverage be admitted, either through a special issue or under the standard comparative issue, whichever way the Review Board determines to be appropriate. It premises its request on the statement of its engineer that Vikcom proposes to serve 388,491 more people and an area of 1,094 more square miles within its proposed Grade B contour than would be encompassed in Atlantic's Grade B contour. In opposition, Atlantic argues that an inquiry into comparative coverage should not be permitted since petitioner has failed as a threshold matter to show a substantial disparity in coverage. It does not significantly challenge petitioner's population and area figures, but contends that its own Grade B contour encompasses 97.91 percent of the population and 83.36 percent of the area encompassed by Vikcom's Grade B contour. Atlantic also asserts that two-thirds of the additional persons served by Vikcom are located outside of New Jersey, in Pennsylvania, Connecticut, and upstate New York. The Broadcast Bureau, in its comments, contends that the population difference is substantial and that compartive coverage can appropriately be considered under the general comparative issue.

10. The Review Board agrees with the Broadcast Bureau that the population difference in absolute numbers is of sufficient magnitude to warrant explanation at the hearing, whether we accept petitioner's figure of 388,491 or the figure of 320,617 calculated by Atlantic's engineer. Thus, in spite of the small percentage difference, Vikcom will be permitted to adduce evidence of coverage under the general compartive issue.

11. *Accordingly, it is ordered*, That the petition to enlarge issues, filed January 13, 1969, by Vikcom Broadcasting Corp., is granted to the extent that petitioner will be permitted to adduce evidence of coverage under the general comparative issue, and is denied in all other respects.

Adopted: May 5, 1969.

Released: May 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5633; Filed, May 9, 1969; 8:49 a.m.]

[Docket Nos. 18437, 18438; FCC 69R-198]

JAMES B. FRANCIS AND QUALITY BROADCASTING CORP.

Memorandum Opinion and Order Amending Issues

In re applications of James B. Francis, Las Vegas, Nev., Docket No. 18437, File No. BPH-6435; Quality Broadcasting Corp., Las Vegas, Nev., Docket No. 18438, File No. BPH-6522; for construction permits.

1. This proceeding originally involved the mutually exclusive applications of John R. and Jeannette B. Banoczi (Banoczi), James B. Francis (Francis), and Quality Broadcasting Corp. (Quality), for authorization to construct a new FM broadcast station at Las Vegas, Nev. It was designated for hearing by order, FCC 69-101, 34 F.R. 2441, published February 20, 1969, on issues, including, inter alia, a limited financial issue against Quality to determine whether that applicant has available to it the stockholder loan required to construct and operate for 1 year. By memorandum opinion and order, FCC 69M-421, released April 7, 1969, the Hearing Examiner removed the Banoczi application from hearing and returned it to the Commission's processing line. Presently before the Review Board is a motion to enlarge issues, filed March 7, 1969, by Francis, requesting legal qualifications and additional financial qualifications issues against Quality.[1]

2. In support of his request for a legal qualifications issue, Francis first notes that of a total of 2,500 authorized shares of stock in Quality, only 925 shares are issued and outstanding; and that at no place in its application does Francis indicate the stated or assigned value of the no-par stock. Francis contends that the source and nature of the $2,500 on deposit in the Nevada State Bank is not clear, since in Quality's application the entire sum is referred to as "existing capital", while in its balance sheet only $500 is shown as "capital" and $2,000 is

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[2] In its opposition Atlantic also contends that Vikcom has failed to inform the Commission of the details of its CATV franchises or about its acquisition of Krantz Films, Inc., a producer and distributor of television programs and cartoons. Atlantic suggests the addition of a § 1.65 issue on the basis of these allegations. However, the Review Board will not entertain a request for issues contained in a responsive pleading and it is dismissed as being improperly filed. See, e.g., Holston Broadcasting Corp., FCC 64R-88, 1 RR 2d 982.

[3] Petitioner states that Atlantic's cost of construction and first year operation is $540,000, but the actual figure reflected in Atlantic's application, as amended, is $537,546.

[4] In the body of its petition, Vikcom urges that if a financial issue against Atlantic is not added, the financial issue against Vikcom should be deleted. Petitioner has presented no basis for this request and it is denied.

[5] Review Board Member Nelson absent.

[1] Also before the Review Board are: (a) Opposition, filed Apr. 1, 1969, by Quality; (b) comments, filed Apr. 1, 1969, by the Broadcast Bureau; and (c) reply, filed Apr. 10, 1969, by Francis.

shown as "engineering and legal expense", and neither the $2,500 figure nor the $500 figure "ties in arithmetically" with the 925 issued and outstanding shares. Petitioner argues that if the inconsistencies are not clarified by Quality, an issue should be added to determine the nature and extent of the interests in Quality held by its stockholders.

3. In opposition, Quality argues that there is no basis for a legal qualifications issue and states that the $2,500 is the total consideration paid for the 925 outstanding shares of stock and that the $500 referred to in the balance sheet is the amount of capital which will remain after engineering and legal expenses of $2,000 are paid. The Broadcast Bureau, in its comments, opposes the addition of a legal qualifications issue. The Bureau argues that petitioner's designation of his allegations as directed toward "legal" qualifications is incorrect and that he is really seeking more information in regard to Quality's financial structure, a question which, the Bureau contends, the Commission has considered and limited in its designation order to the question of the availability of the stockholder loan. Further, the Bureau argues that the requested issue should not be granted because Quality has accurately and completely responded to all questions raised by Form 301 with respect to its corporate structure and that Francis seeks additional information without justification and in the hope that something might be found to be irregular.

4. The Review Board is of the opinion that there is no basis for the addition of a legal qualifications issue. Quality has provided complete answers to all questions regarding corporate structure in section II of Form 301, including the names of all stockholders and the number of shares and percentage of ownership held by each; and satisfactorily explains the nature and source of the $2,500 on deposit in the Nevada State Bank in its opposition pleading. The petitioner has not raised a substantial doubt as to the accuracy of this information, and we therefore find no valid basis for the addition of an issue to determine the nature and extent of the interests held in the applicant by its stockholders.

5. In support of its request for expansion of the financial inquiry, petitioner questions Quality's estimate of $56,313 for the costs of construction ($26,313) and first-year operation ($30,000).[2] First, Francis contends that the applicant's figure does not include the payment, which petitioner estimates at approximately $10,350, which will be due on the stockholder's loan at the end of the first year of operation. Second, petitioner, questions Quality's estimate of $30,000 for the initial cost of operation. Francis notes that Quality proposes a staff of seven employees[3] and a programing schedule of 119 hours per week, including a schedule of live programs, and contends that the applicant's estimate is insufficient to cover its first-year payroll. Francis attaches and affidavit of Mr. Robert D. Hanna, who is associated with the petitioner in the ownership and operation of Stations KRAM, Las Vegas, Nev., and KVIL AM–FM, Highland Park (Dallas) Tex. Mr. Hanna, an experienced broadcaster, asserts that Quality will need a staff of seven full-time employees as a bare minimum,[4] and estimates, after setting out the results of his experience as to salary ranges in the Las Vegas market, that Quality's payroll would amount to approximately $4,000 per month. Further, Mr. Hanna lists a number of operating expenses, including rental of tower space for the antenna and building space for the transmitter, advertising and promotional costs, legal fees, etc., which he contends are essential and necessary and which, he asserts, will require at least $30,000 per year. The Broadcast Bureau supports petitioner's request for additional financial issues.

6. In opposition, Quality relies on the affidavit of its president and 37 percent stockholder, who has pledged the $60,000 loan relied upon by the applicant, and who states in his affidavit that he has agreed to grant Quality an additional year without penalty within which to make any payments on the loan which would be due at the end of the first year of operation. In addition, the applicant points out that it has estimated first-year revenues of $40,000. In defense of its estimated cost of operation, Quality compares its $30,000 estimate with petitioner's estimate of $24,000 and asserts that its operation will be a highly integrated one with all four stockholders serving without salary until such time as the station shows a profit. It states that two of its stockholders will serve as general manager and traffic and continuity manager, respectively, on a full-time basis, while the remaining two will serve on a part-time basis as station and sales manager and program director.

7. In its reply, petitioner contends, first, that if Quality's $30,000 estimate were truly realistic the applicant could have opposed the motion by furnishing a breakdown of the estimate, which it has not done. Second, Francis argues that his estimate of $24,000 for the first year of operation cannot be meaningfully compared to Quality's estimate since he has an existing AM station in Las Vegas and his estimate is an "add-on" figure for the additional costs of integrating the proposed FM station into the existing operation, whereas Quality's station will be an independent operation. Finally, petitioner questions Quality's reliance on the free services of its four stockholders over an indefinite period of time. He states that to expect such free services is contrary to human experience and that Quality has failed to provide either the personal financial information or necessary affidavits to indicate that such services would be available.

8. The Review Board finds that a financial qualifications issue against Quality should be added. The applicant effectively meets through the affidavit of its president, petitioner's contention that approximately $10,350 on the stockholder loan is due at the end of the first year and that no provision has been made to pay it. However, petitioner, through the affidavit and cost estimates of Mr. Hanna, an experienced broadcaster with knowledge of the Las Vegas market, has nonetheless raised substantial questions concerning Quality's $30,000 estimate for operating expenses. These questions have not been satisfactorily answered by Quality in its opposition. Even assuming that its stockholders will, as Quality asserts, hold positions in the station's management at no salary, thereby considerably reducing payroll expenses, an appreciable gap between the applicant's estimate and the petitioner's estimate still remains. Quality has neither provided an analysis of its own estimate nor challenged any of the additional items characterized by Mr. Hanna as essential and necessary and priced at a minimum of $30,000 per year, exclusive of salary costs. Therefore, an issue inquiring into the basis of Quality's estimated costs of operation will be added. A contingent revenues issue will also be added, and the present availability of funds issue will be expanded to permit the adduction of evidence as to the ability of Quality to acquire added sums should its present cost estimates prove to be unrealistic.

9. *Accordingly, it is ordered,* That the motion to enlarge issues, filed March 7, 1969, by James B. Francis, is granted to the extent indicated below and is denied in all other respects; and

10. *It is further ordered,* That existing issue 4, as specified in the designation order herein (FCC 69–101, released Feb. 17, 1969) is amended to read as follows: To determine as to Quality Broadcasting Corp.:

(a) The basis of its estimated costs for the first year of operation;

(b) Whether it has available to it the additional $53,813 and such other funds as may be required in light of the evidence adduced under issue (a), above, to demonstrate its financial qualifications;

(c) In the event that it will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and 1 year's operating costs;

(d) On the basis of the evidence adduced under the aforesaid issues, whether it is financially qualified.

Adopted: May 6, 1969.

Released: May 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5634; Filed, May 9, 1969; 8:49 a.m.]

[Docket No. 18538; FCC 69–485]

CATV SYSTEM IN BLOOMINGTON AND NORMAL, ILL.

Order To Show Cause Designating Petition for Hearing

In the matter of petition by TeleCable Corp. to stay construction or operation of a CATV system in Bloomington and Normal, Ill., by GT&E Communications, Inc.; Docket No. 18538, File No. SR–3695–N.

1. The TeleCable Corp. has petitioned the Commission under the provisions of § 74.1109 of the rules and regulations and under section 4(i) of the Communications Act for a temporary order directed against GT&E Communications, Inc. to prevent the further construction or operation of CATV facilities in Bloomington and Normal, Ill. TeleCable's petition seeks to maintain the status quo until such time as the Commission acts on TeleCable's petition for permanent relief.[1]

2. The gravamen of the petition is that GT&E, a wholly owned subsidiary of General Telephone Co. of Illinois, has started or is about to start construction of CATV facilities without first having obtained the required section 214 authority under the Commission's decision in Docket 17333 (13 FCC 2d 448 (1968)). TeleCable alleges that, taken together, the actions of General and its wholly owned subsidiary in the Bloomington and Normal area have been anticompetitive, illegal in nature, and contrary to the public interest.

3. TeleCable alleges that in the spring of 1968, three companies—TeleCable, Bloomington-Normal Perfect Picture, and GT&E—applied for local CATV franchises in Bloomington and Normal. Prior to and in connection with these applications, TeleCable and Perfect Picture had sought agreements from General of Illinois, the local telephone company, to rent space on telephone company poles, a substantial portion of which are jointly used or controlled with the Illinois Power Co., for their proposed CATV facilities. It is further alleged that General refused to lease such space; that it would offer only to provide CATV facilities under its established tariff provisions; and that if TeleCable and Perfect Picture were to accept this offer, General would have its wholly owned subsidiary, GT&E, withdraw from the local CATV franchise competition. This offer was rejected by TeleCable and Perfect Picture and subsequently the local franchise was granted to GT&E.

4. After GT&E was awarded the franchise, General filed with the Commission an application (P–C–7213) under section 214 for authorization to construct and operate the facilities necessary to provide CATV channel service to GT&E. The grant of this application was opposed by TeleCable and Perfect Picture and has not yet been acted upon by the Commission. GT&E, it is alleged, has now begun or is about to begin the construction of its "own" facilities utilizing pole attachment rights to poles under the control, in whole or in part, of the Illinois Power Co. And, on April 9, 1969, General sought to withdraw its section 214 application since its proposed customer, its wholly owned subsidiary, had canceled its order for telephone company channel service.

5. TeleCable alleges that it has been or will be foreclosed from operating a CATV system in the Bloomington and Normal area by the actions of General and GT&E and seeks immediate relief to maintain the status quo until such time as the Commission rules on General's 214 application and TeleCable's petition for permanent relief.

6. While the petitioner makes reference to § 74.1109, it is apparent that its real complaint goes beyond the intent and scope of that section of our rules. However, although the facts alleged are not wholly identical, the problems raised in the petition here are similar to those involved in Dimension Cable TV, Inc. (16 FCC 2d 445 (1969)). We believe that this petition does raise substantial questions under the Communications Act of 1934, as amended.

7. In its decision in Docket 17333, supra, the Commission expressed its concern with the applicability of section 214 to the provision of channel service by telephone companies and there determined that section 214 required certification by the Commission prior to the construction and operation of such facilities. In the instant case, we are concerned with the actions of a local telephone company and its wholly owned subsidiary which, under the allegations here, operate to undermine our section 214 decision by permitting a telephone company either not to seek such a 214 certification or, as here, to withdraw a pending application and attempt to accomplish a substantially identical result through the "separate" actions of a wholly owned subsidiary. A further question is raised by the alleged actions of a local telephone company, under the mantle of its exclusive franchise, attempting to deny entry into the CATV field by refusing to make pole attachment agreements with independent operators while at the same time permitting a wholly owned subsidiary to enter the CATV field through pole attachment agreements with a local utility which jointly uses such poles with the local telephone company. In view of the specific allegations, a substantial question is raised whether the primary thrust of the local telephone company's actions is to retain to itself complete ownership and control of CATV distribution facilities within the community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct or operate their own distribution facilities through appropriate pole attachment arrangements. Such activities, if established, would substantially lessen competition or restrain commerce or unlawfully create a monopoly (see Mansfield Journal Co. v. FCC, 86 U.S. App. D.C. 102; cf. U.S. v. Griffith, 334 U.S. 100; Schine Chain Theatres v. U.S., 334 U.S. 110).[2]

8. We are here concerned with assuring compliance with the Communications Act of 1934, as amended, and Part 63 of our rules and find that the public interest requires that the situation in Bloomington-Normal, Ill., be resolved expeditiously. Accordingly, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the Examiner certify the record in this matter, upon its closing, immediately to the Commission for final decision. Expedition also requires that the parties file their proposed findings of fact and conclusions of law within twenty (20) calendar days after the date the record is closed.

9. In view of the foregoing, the Commission is of the view that the matter should be designated for hearing to explore the issues raised. *Accordingly, it is ordered,* That pursuant to sections 4(i), 4(j), 208, 214, 218, 312 (b) and (c), and 403 of the Communications Act of 1934 as amended, General Telephone Co. of Illinois and GT&E Communications, Inc. are directed to show cause why they should not be ordered to cease and desist from construction, operation and offering of CATV facilities in Bloomington and Normal, Illinois in violation of the Communications Act and that this matter is designated for hearing in the Commission's offices in Washington, D.C. on a date and before an Examiner to be specified in a subsequent order on the following issues:

(1) To determine all of the facts and circumstances surrounding:

(a) The negotiations and discussions for pole attachment agreements by and between TeleCable Corp. and Bloomington-Normal Perfect Picture on the one hand and General Telephone Co. of Illinois on the other hand;

(b) The relationship between GT&E Communications, Inc., and General Telephone Co. of Illinois;

(c) The request by General Telephone Co. of Illinois to withdraw its section 214 application (P–C–7213); and

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[1] It is unclear from Quality's application or its pleading whether the seven employees will be employed on a part-time or a full-time basis.

[2] To meet its $56,313 estimate, Quality relies upon $2,500 in existing capital and a $60,000 stockholder loan, which is already in issue, for a total of $62,500.

[3] However, petitioner states that it is not seeking to raise a staffing issue with respect to Quality's application.

[1] TeleCable's petition for a temporary restraining order was filed on Mar. 14, 1969. A second petition, for permanent relief, was filed on Mar. 26, 1969, but this petition has not yet been considered by the Commission.

[2] The Commission's continuing concern in this area is reflected in its notice of inquiry and notice of proposed rule making in Docket 18509, FCC 69–214, relating to affiliations between telephone companies and their CATV customers.

(d) The present and/or proposed plans or actions with respect to the construction and/or operation of CATV facilities in Bloomington and Normal, Ill., by GT&E Communications, Inc.

(2) To determine whether in view of the relationship between GT&E Communications, Inc., and General Telephone Co. of Illinois and the evidence adduced pursuant to issue 1 above, the proposed actions by GT&E Communications Inc., and General Telephone are such as to require prior section 214 certification by the Commission.

(3) To determine whether the actions of General Telephone Co. of Illinois and GT&E Communications, Inc. vis-a-vis the TeleCable Corporation, and Bloomington-Normal Perfect Picture are anticompetitive and monopolistic in nature, in contravention of the Communications Act or are otherwise contrary to the public interest.

(4) To determine whether in light of the evidence adduced pursuant to the foregoing issues, General Telephone Co. of Illinois and GT&E Communications, Inc., jointly or separately should be directed to cease and desist from providing CATV facilities or services in the communities of Bloomington and Normal, Ill.

(5) To determine in light of the foregoing whether any other action should be taken by the Commission and the nature thereof.

It is further ordered, That the burden of proof with respect to Issues 1(a), 2, and 3 is upon the petitioner and that the burden of proof with respect to Issues 1 (b), (c), and (d) is upon respondents, GT&E Communications, Inc., and General Telephone Co. of Illinois.

It is further ordered, That TeleCable Corp., Bloomington-Normal Perfect Picture, the Chief, Common Carrier Bureau and the Chief, CATV Task Force, are made parties to the proceeding.

It is further ordered, That upon the closing of the record, it shall be certified immediately to the Commission for final decision, and that the parties hereto shall file proposed findings of fact and conclusions of law within twenty (20) days after the time the record is closed.

It is further ordered, That General Telephone Co. of Illinois and GT&E Communications, Inc. are directed to appear and give evidence with respect to the matters described above at a hearing to be held in Washington, D.C., at a time and place and before an Examiner to be specified in a subsequent order, unless the hearing is waived, in which event a written statement may be submitted within thirty (30) days of the service of this order.

It is further ordered, That TeleCable Corp.'s petition is granted to the extent reflected herein, and otherwise is denied.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to General Telephone Co. of Illinois, GT&E Communications, Inc., TeleCable Corp., and Bloomington-Normal Perfect Picture.

It is further ordered, That to avail itself of the opportunity for hearing herein provided, General Telephone Co. of Illinois, GT&E Communications, Inc., TeleCable Corp., and Bloomington-Normal Perfect Picture shall file their appearances in accordance with § 1.91(c) of the Commission's rules.

Adopted: May 5, 1969.

Released: May 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5635; Filed, May 9, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

ALLSTATE ENTERPRISES, INC.

Notice of Receipt of Application for Permission To Acquire Control of Metropolitan Savings and Loan Association

MAY 7, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Allstate Enterprises, Inc., Northbrook, Ill., a wholly owned subsidiary of Sears Roebuck and Co. (Sears), for permission to acquire, by merger, Metropolitan Savings and Loan Association (Metropolitan), Los Angeles, Calif., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition is to be effected by the merger of Metropolitan, presently controlled by Sears, into Allstate Savings and Loan Association, an insured institution, controlled by Allstate Enterprises, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-5632; Filed, May 9, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-13]

LYKES BROS. STEAMSHIP CO., INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trade; First Supplemental Order; Investigation

By Original Order in this proceeding served April 11, 1969, the Commission entered into an investigation of certain increased rates named on tariff pages listed therein. On April 14, Lykes Bros. Steamship Co., Inc., respondent in this proceeding, filed with the Federal Maritime Commission, to become effective May 14, 1969, the following revised pages to its Tariff FMC-F No. 11 which contain additional increased rates:

Fourth Revised Page No. 33.
Second Revised Page No. 33-A.
First Revised Page No. 34.
Third Revised Page No. 35.
Eighth Revised Page No. 36.
Third Revised Page No. 37.
Sixth Revised Page No. 38.
Third Revised Page No. 38-A.
Fifth Revised Page No. 39.
Seventh Revised Page No. 40.
Sixth Revised Page No. 40-A.
Fifth Revised Page No. 41.
Third Revised Page No. 41-A.
Fifth Revised Page No. 42.
Eleventh Revised Page No. 43.
Fifth Revised Page No. 44.
First Revised Page No. 44-A.
Second Revised Page No. 45.
Seventh Revised Page No. 46.
Seventh Revised Page No. 47.
Fifth Revised Page No. 48.
Sixth Revised Page No. 49.
Second Revised Page No. 49-A.
Second Revised Page No. 50.
Third Revised Page No. 51.
Fifth Revised Page No. 52.
First Revised Page No. 54.
Fourth Revised Page No. 55.
Third Revised Page No. 56-A.
Second Revised Page No. 59.
Fifth Revised Page No. 61.
Second Revised Page No. 61-A.

Upon consideration of said schedules the Commission is of the opinion that the above designated increased rates should be included in the investigation in this proceeding to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

The increases represent a continuation of the carrier's managerial decision to increase all of its southbound rates on an individual basis in lieu of a flat, across-the-board percentage increase. The carrier has advised the Commission that it intends to continue in this manner until its rates have been increased an average of 15 percent. Due to the magnitude of the changes already involved herein, this proceeding should now be considered a general revenue case; and all rates, charges, classifications, rules, and regulations published in the tariff proper, and any future changes to the tariff filed pending the termination of this proceeding, should be included in this proceeding to determine the justness and reasonableness of the revised rate structure, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, the investigation in this proceeding is hereby expanded to include an investigation into the lawfulness of said additional increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the new matter hereby placed under investigation is further changed, amended, or reissued, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That all of the rates, charges, classifications, rules and regulations currently in effect in Tariff FMC-F No. 11, in addition to amendments thereto already subject to investigation in this proceeding and all future tariff changes filed during the conduct of this investigation be, and they are hereby included in this investigation;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent; (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5619; Filed, May 9, 1969; 8:48 a.m.]

[Docket No. 69-22]

TRANSMARES

Independent Ocean Freight Forwarder License Application

By certified letter dated December 26, 1968, Applicant, Violet A. Wilson (Mrs. C. V. Mandry) doing business as Transmares, Post Office Box 30385, New Orleans, La., was notified of the Federal Maritime Commission's intent to deny her application for an Independent Ocean Freight Forwarder License. The ground for denial of the application is that applicant would permit an unqualified person "directly or indirectly to participate, whether through ownership or otherwise in the control or direction of the freight forwarding business of the licensee" contrary to section 44 of the Shipping Act, 1916, and § 510.23(b) of the Commission's General Order 4.

Applicant has now requested the opportunity to show at a hearing that the denial of her application is not warranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)) that a proceeding is hereby instituted to determine whether the applicant possesses the necessary qualifications to be issued an Independent Ocean Freight Forwarder License.

It is further ordered, That Applicant be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and place to be announced.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and a copy thereof and notice of hearing be served upon respondent.

It is further ordered, That any persons, other than the respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to respondent; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5620; Filed, May 9, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-286]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 7, 1969.

Take notice that on May 5, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 12.8 miles of new 20-inch transmission pipeline, extending from Oxford Junction in Doddrige County, W. Va., to Ellenboro in Ritchie County, W. Va., to replace 12.54 miles of existing 16-inch pipeline between these two points.

The total estimated cost of the proposed facilities is $1,397,543, which will be financed from funds on hand and from funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5624; Filed, May 9, 1969; 8:48 a.m.]

[Docket No. E-7478]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

MAY 7, 1969.

Take notice that on May 2, 1969, Northwestern Public Service Co. (Applicant), filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue and sell at private sale $4 million principal amount of first mortgage bonds and issue not to exceed $2 million of short-term bank loans; or, in the alternative that if the officers of the company determine that it is not advisable to issue and sell bonds at this time, to issue $5,800,000 principal amount of short-term bank loans, which will include extension or renewal of the four presently outstanding bank loans aggregating $3,800,000.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Huron, S. Dak., and is engaged in the electric utility business in east central South Dakota, and the Applicant also distributes and sells natural gas in North Platte, Kearney, and Grand Island, and in Aberdeen, Huron, Mitchell, Madison, Brookings, and 19 other communities in South Dakota.

The proceeds from the issuance and sale of the $4 million of bonds and bank loans of not to exceed $2 million, or in the alternative the issuance of bank loans in the amount of $5,800,000 would be applied first to the payment of or the renewal or extension of the four presently outstanding bank loans aggregating $3,800,000, and any balance remaining from the sale of such bonds and the issuance of such bank notes would become treasury funds of the Applicant which will be used toward the payment of the company's 1969 construction program which totals approximately $4,400,000. The principal items in this program include $400,000 for a new 2,750 kw. diesel electric generating unit being installed at Faulkton, S. Dak.; approximately $537,000 for electric transmission line extension and replacement; and $225,000 for a new Yankton, S. Dak., substation.

It is proposed that the interest rate and terms of the bonds, the price to be paid for such bonds, and other terms and conditions of the bonds are to be determined by negotiation with prospective

purchasers. The bank loans will be evidenced by notes to be dated, the dates of their respective deliveries and expressed to mature within 360 days from their respective dates, except in the case of the extension or renewal notes which will mature 360 days from their respective date or September 1, 1970, whichever date shall be earlier. The interest rate for the renewal or extension of the four presently outstanding bank loans totaling $3,800,000 will be one-fourth of 1 percent above the prime commercial rate of The Chase Manhattan Bank as it exists from time to time during the term of such notes and the interest rate on the remaining $2 million of notes will be the prime commercial rate of The Chase Manhattan Bank as it exists from time to time during the term of such notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5625; Filed, May 9, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

SPECIAL REPORTS RELATING TO LARGE CORPORATE MERGERS

Requirements Concerning Notification and Submission

Notice is hereby given that the Federal Trade Commission will require firms undertaking large corporate mergers or acquisitions to notify the Commission and supply Special Reports pursuant to section 6 (a) and (b) of the Federal Trade Commission Act (15 U.S.C. 46 (a) and (b)).

The Commission's requirements apply to any merger or acquisition involving firms which (1) are subject to the Commission's jurisdiction, (2) have assets of $10 million or more, and (3) have combined assets of $250 million or more. For mergers and acquisitions meeting these criteria, the notification and reporting requirements are as follows:

(1) Within 10 days after any agreement or understanding in principle is reached to merge or to acquire assets of $10 million or more, and no less than 60 days prior to the consummation of the merger or acquisition, if the combined assets of the acquiring and acquired corporations are $250 million or more, the parties to the agreement shall notify the Commission of the proposed merger or acquisition; and any such party with assets of $250 million or more shall also be required to file a Special Report in response to an order of the Commission;

(2) Upon becoming a party to an agreement or understanding as defined in Item (1), above, any corporation with assets of less than $250 million may also be required to file a Special Report in response to an order of the Commission;

(3) With 10 days after amassing 10 percent or more of the voting stock of another corporation with assets of $10 million or more, any acquiring corporation with assets of $250 million or more shall notify the Commission of such stock holdings and shall also be required to file a Special Report in response to an order of the Commission; and any acquiring corporation with assets of less than $250 million, if the combined assets of the acquiring and acquired corporations are $250 million or more, shall notify the Commission and may also be required to file a Special Report;

(4) At least 60 days prior to effecting a stock acquisition which will result in the acquiring corporation holding 50 percent or more of the voting stock of another corporation with assets of $10 million or more, any acquiring corporation with assets of $250 million or more shall notify the Commission of the proposed acquisition and shall also be required to file a Special Report in response to an order of the Commission; and any acquiring corporation with assets of less than $250 million, if the combined assets of the acquiring and acquired corporations are $250 million or more, shall notify the Commission and may also be required to file a Special Report;

(5) Any corporation whose voting stock has been acquired in the amount set forth in Item (3), above, or whose voting stock is the subject of a proposed acquisition as set forth in Item (4), above, may be required to file a Special Report in response to an order of the Commission.

Notifications filed pursuant to these requirements will constitute a part of the public records of the Commission, but the Special Reports filed pursuant to order of the Commission will constitute a part of the Commission's confidential records. Special Reports will be made available to the Commission's staff and, upon a request complying with § 4.11(c) of the Commission's rules of practice and procedure, may be made available to the Department of Justice and other governmental agencies.

The foregoing requirements pertaining to notification will become effective for all corporations within the coverage of such requirements on the date of publication of this notice in the FEDERAL REGISTER, and this publication constitutes notice to all such corporations that they are required to comply therewith. Proper notification will consist of a letter indicating the names and mailing addresses of the corporations involved, the type of (proposed) transaction, the date of the agreement (if any), and the consummation date of the (proposed) merger or acquisition.

The effective date of the requirements pertaining to filing of Special Reports will be, for each corporation, the date upon which that corporation receives an Order Requiring Filing of Special Report from the Commission. The date upon which the Special Report must be filed will be the date designated as "Reporting Date" in the Special Report form.

The Commission's initiation of this procedure should not be interpreted to mean that corporations must request Commission approval prior to the consummation of any mergers or acquisitions, nor should the fact that the Commission has not challenged a merger or acquisition prior to its consummation be interpreted as Commission approval of the legality of the transaction. However, the Commission will continue to provide advisory opinions, as provided by its rules of practice and procedure, regarding the legality of particular mergers and acquisitions and invites those contemplating merger to avail themselves of this program in any situation in which they are uncertain as to the legality of the proposed transaction.

Issued: May 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5617; Filed, May 9, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4748]

BROCKTON EDISON CO.

Notice of Proposed Issue and Sale of First Mortgage and Collateral Trust Bonds at Competitive Bidding

MAY 6, 1969.

Notice is hereby given that Brockton Edison Co. ("Brockton"), 36 Main Street, Brockton, Mass. 02403, an electric utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rules 50 and 42(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Brockton proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $5 million principal amount of First Mortgage and Collateral Trust Bonds, ------ percent Series due 1999. The interest rate (which shall be a multiple of one-eighth of 1 percent), and the price, exclusive of accrued interest, to be paid to Brockton (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount) will be determined by the competitive bidding. The bonds will be issued under the Indenture of First Mortgage and Deed of Trust dated as of September 1, 1948, between Brockton and State Street Bank and Trust Co., successor Trustee, as heretofore supplemented and amended and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of June 1, 1969.

The net proceeds from the sale of the bonds will be used to repay advances on open account from EUA (Holding Company Act Release No. 16248) and to prepay in part, without premium, Brockton's short-term notes to banks, such borrowings from EUA and from banks having been incurred to provide funds for construction purposes (or to repay borrowings so incurred). The filing states that prepayment of such short-term notes may be temporarily delayed as to that part, if any, of the net proceeds which may be deposited with the Trustee under Brockton's Mortgage in compliance with the provisions thereof. The balance of the net proceeds, if any, will be used for construction purposes.

The filing further states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses related to the proposed transactions are estimated at $42,000, including printing expenses of $22,000, counsels' fees of $8,700, Trustee's fees and expenses of $4,000 and accountants' fees of $3,000. The fees and expenses of counsel for the underwriters, estimated to be $5,300, will be paid by the successful bidders.

Notice is further given that any interested person may, not later than May 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5598; Filed, May 9, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MAY 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 7, 1969, through May 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVILLE L. DUBOIS,
Secretary.

[F.R. Doc. 69-5599; Filed, May 9, 1969; 8:46 a.m.]

[70-4746]

OHIO POWER CO.

Notice of Proposed Acquisition of Utility Assets From Municipality

MAY 6, 1969.

Notice is hereby given that Ohio Power Co. ("Ohio Power"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 thereof as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ohio Power proposes to acquire from the Village of Caldwell, Ohio ("Caldwell"), the electric utility system of Caldwell which presently serves approximately 1,200 customers. The properties to be acquired, which will be conveyed free and clear of any indebtedness and encumberances, are not interconnected with any other utility and include generating units having an aggregate capacity of 3,055 KW and related facilities.

Ohio Power proposes initially to interconnect with the Caldwell properties at an estimated cost of $60,000, and subsequently to rebuild the system and install a second interconnection at an estimated additional cost of $240,000. The filing states that Caldwell's total revenue from electric operations for the year 1967 was $172,342 and for the year 1968, $175,336.

On November 5, 1968, the citizens of Caldwell approved a resolution authorizing the sale of the property for cash at competitive bidding at a price of not less than $1 million, and Caldwell has accepted Ohio Power's bid of $1,546,000. It is further stated that the amount of Ohio Power's bid was based on estimated original cost, present condition of the Caldwell properties, and the amount of present and expected revenues from these properties based on Ohio Power's present rates, and from expected new load development in the area.

Ohio Power estimated that for the first full 12-month period of its operation of the Caldwell system and for the 12-month period ending June 30, 1973 (the probable first full 12-month period to include street lighting revenues) gross revenue from the Caldwell property will be $204,000 and $275,000, respectively. It is stated that anticipated revenue would be increased substantially if the annual usage of Caldwell residential customers should increase to approximately the usage level of Ohio Power's residential customers.

Ohio Power proposes to record the acquired properties on its books at their original cost and to credit depreciation to the appropriate reserve account. The difference between the purchase price and the depreciated original cost will be recorded and disposed of in accordance with the accounting regulations and orders of the regulatory commissions having jurisdiction.

The application states that the only expenses to be incurred by Ohio Power are counsel fees estimated not to exceed $8,000, and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 27, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided

in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5600; Filed, May 9, 1969; 8:46 a.m.]

[File No. 1-2762]

PARVIN-DOHRMANN CO.

Order Suspending Trading

MAY 5, 1969.

The common stock, 50 cents par value, and the $2.50 dividend convertible preferred stock, $2.50 par value of Parvin-Dohrmann Co., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Parvin-Dohrmann Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 6, 1969, through May 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5601; Filed, May 9, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 6.1]

DEPUTY ASSISTANT ADMINISTRATOR (COMPTROLLER) ET AL.

Delegation of Authority Regarding Financial Activities

I. Pursuant to the authority delegated to the Assistant Administrator (Comptroller) by the Administrator (Delegation of Authority No. 6, 34 F.R. 6631, Apr. 17, 1969), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Deputy Assistant Administrator (Comptroller).* 1. To assign, endorse, transfer, deliver or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

B. *Director, Office of Budget and Finance; Chief, Accounting Operations Division and Chief, Fiscal Examination Branch.* Item I.A.1, above.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the Assistant Administrator for Administration to officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date herein.

Effective date; March 17, 1969.

W. P. TURPIN, *Assistant Administrator (Comptroller).*

[F.R. Doc. 69-5602; Filed, May 9, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 706]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Rock Island County, Ill.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about April 20, 1969, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 5, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-5622; Filed, May 9, 1969; 8:48 a.m.]

[License No. 12/12-0035]

MARYLAND CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Maryland Capital Corp. (Maryland), 116 New Montgomery Street, San Francisco, Calif. 94105, has pursuant to § 107.105 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company.

Maryland was incorporated on May 28, 1961, under the laws of the State of California, and was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Maryland is hereby accepted and accordingly, it is no longer licensed to operate as a small business investment company.

Dated May 6, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-5623; Filed, May 9, 1969; 8:48 a.m.]

TARIFF COMMISSION

[AA1921-56]

CONCORD GRAPES FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on May 5, 1969, that Concord grapes from Canada are being, or are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on June 24, 1969. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: May 7, 1969.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F.R. Doc. 69-5630; Filed, May 9, 1969; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Abourezk's Store, department store; Mission, S. Dak.; 2-1-69 to 1-31-70.

Geo. Ade Memorial Hospital, hospital; Brook, Ind.; 2-1-69 to 1-31-70.

Alexander's Super Market, foodstore; 2023 East Overland, Scottsbluff, Nebr.; 2-1-69 to 1-31-70.

Alfredo Santos Grocery, foodstore; 1901 Santa Maria Avenue, Laredo, Tex.; 1-29-69 to 1-28-70.

Alleghany County Memorial Hospital, hospital; Sparta, N.C.; 2-1-69 to 1-31-70.

All's Red & White, foodstore; Allendale, S.C.; 2-1-69 to 1-31-70.

Anderson's Food Center, foodstore; 523 Cothcaloga Street, Calhoun, Ga.; 2-1-69 to 1-31-70.

Andys Smorgasbord and Prime Rib, restaurant; 3550 Highland Drive, Salt Lake City, Utah; 2-1-69 to 1-31-70.

Apostolic Christian Home, nursing home; 511 Paramount Street, Sabetha, Kans.; 2-1-69 to 1-31-70.

Art's Super Valu, foodstore; 116 Lindbergh Drive, Little Falls, Minn.; 2-1-69 to 1-31-70.

Ashton Brothers Co., foodstore; Vernal, Utah; 1-29-69 to 1-28-70.

B. J.'s A.G. Food Store, foodstore; 2808 North 19th, Waco, Tex.; 1-22-69 to 1-21-70.

Babcock's IGA Foodliner, Inc., foodstore; 425 West Vienna Street, Clio, Mich.; 12-20-68 to 12-19-69.

Baenziger Model Market, foodstore; 510 Court, Seguin, Tex.; 2-1-69 to 1-31-70.

Bailey's, department store; Coffeeville, Miss.; 2-1-69 to 1-31-70.

Barbecue Inn, restaurant; 116 West Crosstimbers, Houston, Tex.; 1-10-69 to 1-9-70.

The Barrel Drive-In, Inc., restaurant; 2300 South Minnesota Avenue, Sioux Falls, S. Dak.; 2-1-69 to 1-31-70.

Barrow Nursing Home, Inc., nursing home; 1338 East Chocolate Avenue, Hershey, Pa.; 2-1-69 to 1-31-70.

Bayless Drug Store, drugstore; No. 89, Phoenix, Ariz.; 2-1-69 to 1-31-70.

A. J. Bayless Markets, Inc., foodstores from 2-1-69 to 1-31-70: No. 29, Goodyear, Ariz.; No. 3, Mesa, Ariz.; Nos. 2, 4, 5, 7, 11, 12, 16, 18, 19, 20, 21, 22, 23, 25, and 26, Phoenix, Ariz.; Nos. 31 and 38, Scottsdale, Ariz.; No. 6, Tempe, Ariz.; Nos. 33, 34, and 35, Tucson, Ariz.; Nos. 14 and 24, Yuma, Ariz.

H. Berkman and Co., department store; Simonton, Tex.; 1-24-69 to 1-23-70.

Biltmore Farms, agriculture; Biltmore, N.C.; 2-1-69 to 1-31-70.

Bishop Stoddard Cafeteria Co., restaurants from 2-1-69 to 1-31-70: Kimberly Road, Bettendorf, Iowa; 321 First Avenue SE., Cedar Rapids, Iowa; 4444 First Avenue NE, Cedar Rapids, Iowa; 4444 First Avenue NE., Cedar Davenport, Iowa; 4301 Fleur Drive, Des Moines, Iowa; Merle Hay Road at Douglas, Des Moines, Iowa; 524 Nebraska Street, Sioux City, Iowa; 210 East Fifth Street, Waterloo, Iowa; 1414 Douglas Street, Omaha, Nebr.

Blackburn Jobbing Co., foodstore; Mountain City, Tenn.; 1-5-69 to 1-4-70.

Bond Stores, Inc., apparel store; Garden State Plaza, Paramus, N.J.; 1-19-69 to 1-18-70.

J. Oviatt Bowers Co., Inc., hardware store; 2105 Second Street, Tuscaloosa, Ala.; 2-1-69 to 1-31-70.

Branneky & Sons Mercantile Co., Inc., hardware store; 11403 St. Charles Rk. Road, Bridgeton, Mo.; 2-1-69 to 1-31-70.

Broaddus Super Market, Inc., foodstore; Highway 21 West, Caldwell, Tex.; 2-1-69 to 1-31-70.

Bud and Luke Restaurant, Inc., restaurant; 1919 Madison Avenue, Toledo, Ohio; 2-1-69 to 1-31-70.

Burger Chef, restaurant; 61 Hendersonville Road, Ashville, N.C.; 2-1-69 to 1-31-70.

Burnette Food Town, foodstore; West Gate Plaza, Barnesville, Ga.; 2-1-69 to 1-31-70.

Burns Hyklas Grocery, foodstore; Braymer, Mo.; 2-1-69 to 1-31-70.

Butrus Food Center, Inc., foodstore; 4301 10th Avenue, North, Birmingham, Ala.; 2-1-69 to 1-31-70.

Cap's Super Market, foodstore; 1000 Allo Street, Marrero, La.; 2-1-69 to 1-31-70.

Carson Pirie Scott & Co., department store; 124 Southwest Adams, Peoria, Ill.; 2-1-69 to 1-31-70.

Carson's Hi-Way Market, Inc., foodstore; 1128 East Seventh Street, Winner, S. Dak.; 2-1-69 to 1-31-70.

Carty's Department Store, department store; 215 East Main Street, West Point, Miss.; 2-1-69 to 1-31-70.

Cheatham Stores, department store; 533 Harrison, Pawnee, Okla.; 2-1-69 to 1-31-70.

Clark Nursing Home, Inc., nursing home; Clark, S. Dak.; 2-1-69 to 1-31-70.

Coplon-Smith Co., apparel store; 232 Middle Street, New Bern, N.C.; 2-1-69 to 1-31-70.

Crockett & Gaunce, foodstore; Main Street, Carlisle, Ky.; 2-1-69 to 1-31-70.

Cronan's IGA Store, foodstore; 123 South Fourth, Lincoln, Kans.; 2-1-69 to 1-31-70.

Daniel's Red & White Store, foodstore; Hemingway, S.C.; 1-17-69 to 1-16-70.

Davis 5 & 10¢ Store, variety store; 4061 Barrancas Avenue, Warrington, Fla.; 2-1-69 to 1-31-70.

Eagle Stores Co., Inc., variety stores; 337 Hay Street, Fayetteville, N.C.; 2-1-69 to 1-31-70.

Egg-A-Day Farm Store, foodstore; 217 South 77th Street, Birmingham, Ala.; 2-1-69 to 1-31-70.

Ehlers of Redwood Falls, Inc., department store; Redwood Falls, Minn.; 2-1-69 to 1-31-70.

Eigenrauch's Tom Boy Market, foodstore; 121 East St. Louis Street, Nashville, Ill.; 1-17-69 to 1-16-70.

Eighteenth & Oak Market, Inc., foodstore; 902 Oak Street, Columbus, Ohio; 2-1-69 to 1-31-70.

Elkenberry's IGA Foodliners, Inc., foodstore; 117 Sater Street, Greensville, Ohio; 2-1-69 to 1-31-70.

Epps Super Market, Inc., foodstores from 2-1-69 to 1-31-70: 1356 Federal Road, Houston, Tex.; No. 2, Houston, Tex.; No. 3, Pasadena, Tex.

Ernst IGA Food Store, foodstore; Nixon, Tex.; 1-13-69 to 1-12-70.

F & F Grocery, foodstore; Lake View, S.C.; 2-1-69 to 1-31-70.

Family Department Store, variety store; No. 82, Yuma, Ariz.; 2-1-69 to 1-31-70.

Farmers Market, foodstore; Waukon, Iowa; 12-31-68 to 12-10-69.

Flynn Super Market, foodstore; 116 North Main, Pocahontas, Iowa; 1-18-69 to 1-17-70.

Food Town, foodstore; Ashland, Ala.; 1-8-69 to 1-7-70.

Francis Department Store, department store; Prestonsburg, Ky.; 1-17-69 to 1-16-70.

Frank's United Super, foodstore; Norborne, Mo.; 2-1-69 to 1-31-70.

Franz Store, foodstore; Mountain Lake, Minn.; 2-1-69 to 1-31-70.

Freeland-Brown Pharmacy, drugstore; 4508 South Peoria, Tulsa, Okla.; 1-17-69 to 1-16-70.

Gockel IGA, foodstore; St. Marys, Kans.; 2-1-69 to 1-31-70.

Goldblatt Brothers, Inc., department stores from 1-7-69 to 1-6-70 except as otherwise indicated: 9100 South Commercial Avenue, Chicago, Ill.; Hillside Shopping Center, Hillside, Ill; 645 Broadway, Gary, Ind. (1-24-69 to 1-23-70).

W. T. Grant Co., variety stores: No. 634, Pensacola, Fla., 1-3-69 to 1-2-70; No. 44, Macon, Ga., 1-15-69 to 9-18-69; No. 737, Kokomo, Ind., 1-3-69 to 1-2-70; No. 602, Calais, Maine, 1-2-69 to 12-7-69; No. 77, Worcester, Mass., 2-1-69 to 1-31-70; No. 283, Bloomfield, N.J., 2-1-69 to 1-31-70; No. 381, Elizabeth, N.J., 1-29-69 to 1-28-70; No. 3554, Bristol, Pa., 1-16-69 to 1-15-70.

Green Derby Restaurant, restaurant; 1510 Ellis Avenue, Jackson, Miss.; 1-30-69 to 1-29-70.

Gross Food Market, foodstore; 3012 Bosque Boulevard, Waco, Tex.; 2-1-69 to 1-31-70.

Grover Cronin, Inc., department store; 223 Moody Street, Waltham, Mass.; 2-1-69 to 1-31-70.

Haak Brothers, Inc., department store; 737-751 Cumberland Street, Lebanon, Pa.; 2-1-69 to 1-31-70.

Hahn's, Inc., foodstore; 101 West Main, Belle Plaine, Minn.; 2-1-69 to 1-31-70.

Headspring Farm, agriculture; Newberry, S.C.; 2-1-69 to 1-31-70.

Hickory Inn of Lubbock, Inc., restaurant; Monterey Center, Lubbock, Tex.; 2-1-69 to 1-31-70.

Highway Foods, Inc., foodstore; 3600 Military Highway, Norfolk, Va.; 1–19–69 to 1–18–70.

Hock's Vandalia Pharmacy, drugstore; 535 South Dixie Drive, Vandalia, Ohio; 2–1–69 to 1–31–70.

Hogan's Super Market, foodstore; 2936 Cypress Street, West Monroe, La.; 2–1–69 to 1–31–70.

Hollberg's, department store; 306–8–10 Main Street, Senoia, Ga.; 2–1–69 to 1–31–70.

Irving's Super Market, foodstore; 2029 Savannah Road, Augusta, Ga.; 2–1–69 to 1–31–70.

Jack's Market, foodstore; 214 Main, Fowler, Colo.; 1–14–69 to 1–13–70.

W. H. Jarrard Grocery, foodstore; Marietta, S.C.; 2–1–69 to 1–31–70.

Jay's IGA Foodliner, foodstore; 425 South Jefferson, Mexico, Mo.; 2–1–69 to 1–31–70.

Jitney Jungle, foodstore; 108 South Main Street, Magee, Miss.; 2–1–69 to 1–31–70.

Jordan's Market, foodstore; 3044 Isleta Boulevard SW., Albuquerque, N. Mex.; 1–27–69 to 1–26–70.

J's Foodland, foodstore; 324 East Pine Street, Fitzgerald, Ga.; 2–1–69 to 1–31–70.

Kelloff's Food Market, Inc., foodstore; La Jara, Colo.; 2–1–69 to 1–31–70.

Kemper Drug, drugstore; 323 Jackson Avenue, Elk River, Minn.; 2–1–69 to 1–31–70.

King Center Food Giant, foodstore; 4520 Holmes Road, Houston, Tex.; 2–1–69 to 1–31–70.

Klaus Department Store, department store; 2865 North Milwaukee Avenue, Chicago, Ill.; 1–19–69 to 1–18–70.

S. S. Kresge Co., variety stores: No. 262, Waterbury, Conn., 12–27–68 to 12–26–69; No. 232, Washington, D.C., 12–30–68 to 12–29–69; No. 4591, Chicago, Ill., 1–13–69 to 1–12–70; No. 4587, Hammond, Ind., 1–4–69 to 1–3–70; No. 707, Metairie, La., 1–26–69 to 1–25–70; No. 14, Wheaton, Md., 1–26–69 to 1–25–70; No. 560, Detroit, Mich., 1–17–69 to 1–16–70; No. 565, Detroit, Mich., 2–1–69 to 1–31–70; No. 699, Drayton Plains, Mich., 1–17–69 to 1–16–70; No. 4602, Marquette, Mich., 1–22–69 to 1–21–70; No. 4611, Sedalia, Mo., 12–30–68 to 12–17–69; No. 354, Akron, Ohio, 12–28–68 to 12–27–69; No. 495, Akron, Ohio, 1–3–69 to 1–2–70; No. 4529, Ashland, Ohio, 1–12–69 to 1–11–70; No. 4500, Cincinnati, Ohio, 1–21–69 to 1–20–70; No. 604, Columbus, Ohio, 1–23–69 to 1–22–70; No. 126, Philadelphia, Pa., 1–27–69 to 1–26–70; No. 592, Philadelphia, Pa., 1–19–69 to 1–18–70.

Langston's Grocery, foodstore; West Blocton, Ala.; 2–1–69 to 1–31–70.

Leggett's Super Market, foodstore; 403 John Small Avenue, Washington, N.C.; 2–1–69 to 1–31–70.

Leon's Food Mart, Inc., foodstore; 2200 Winthrop Road, Lincoln, Nebr.; 2–1–69 to 1–31–70.

Liberty Cash Grocery, foodstore; No. 17, Memphis, Tenn.; 2–1–69 to 1–31–70.

Long's IGA Food Market, foodstore; 1114 Main Street, Bastrop, Tex.; 1–29–69 to 1–28–70.

Lydia Mills Store, department store; Poplar Street, Clinton, S.C.; 2–1–69 to 1–31–70.

Lynch Motor Co., Inc., auto dealer; Lebanon, Va.; 1–28–69 to 1–27–70.

Mac's Store, foodstore; 202 Thomas Avenue, Chickamauga, Ga.; 2–1–69 to 1–31–70.

Mars Brothers, Inc., department store; Philadelphia, Miss.; 1–27–69 to 1–26–70.

Martin's apparel store; 658 Penn Street, Reading, Pa.; 2–1–69 to 1–31–70.

Mason Food Market, foodstore; 115 South Woodland, Riceville, Iowa; 1–10–69 to 1–9–70.

Mason's Market, foodstore; Minden, Nebr.; 2–1–69 to 1–31–70.

McCalmont IGA Store, foodstore; Sublette, Kans.; 2–1–69 to 1–31–70.

McCoy's Pharmacy, drugstore; 139 East North Frost, New Boston, Tex.; 2–1–69 to 1–31–70.

McCrory-McClellan-Green Store, variety stores: No. 460, Cedar Rapids, Iowa, 1–31–69 to 11–20–69; No. 1064, Des Moines, Iowa, 1–10–69 to 12–29–69.

McCulley's Big Saver, foodstore; 35 South Main Street, Montevallo, Ala.; 1–23–69 to 1–22–70.

McGinley Market, foodstore; 102 South Polk Street, Albany, Mo.; 2–1–69 to 1–31–70.

McKee's IGA Super Market, foodstore; 503 North Main, Blue Rapids, Kans.; 2–1–69 to 1–31–70.

McKey and Vine Grocery and Market, foodstore; Centreville, Miss.; 2–1–69 to 1–31–70.

Meador's Pharmacy, drugstore; 101 West Waterman, Dumas, Ark.; 2–1–69 to 1–31–70.

Meyers Department Store, Inc., department store; 4805 South Ashland Avenue, Chicago, Ill.; 1–11–69 to 1–10–70.

Minimax, foodstore; 1411 Ahrens Street, Houston, Tex.; 2–1–69 to 1–31–70.

Montross Pharmacy, Inc., drugstore; 118–20 North First Avenue, Winterset, Iowa; 2–1–69 to 1–31–70.

Morgan & Lindsey, Inc., variety stores from 1–22–69 to 1–21–70 except as otherwise indicated: No. 3024, Amite, La.; No. 3004, De-Ridder, La.; No. 3021, Hammond, La. (1–23–69 to 1–22–70); No. 3029, Jennings, La. (1–17–69 to 1–16–70); No. 3041, Kosciusko, Miss. (1–19–69 to 1–18–70).

J. Polk Morris & Sons, Inc., department store; 100 Avenue F, Kentwood, La.; 2–1–69 to 1–31–70.

Muir's General Store, variety store; Lebanon Junction, Ky.; 2–1–69 to 1–31–70.

Murphy's Cardinal Food Market, foodstore; 615 Third Street, Henry, Ill.; 2–1–69 to 1–31–70.

Myatt Brothers Food Store, foodstore; Purvis, Miss.; 2–1–69 to 1–31–70.

Neisner Brothers, Inc., variety store; No. 130, Pittsfield, Mass.; 1–22–69 to 1–21–70.

J. J. Newberry Co., variety store; No. 420, Macon, Ga.; 11–19–68 to 11–18–69.

Newman's, apparel store; 122 South Michigan Street, South Bend, Ind.; 1–7–69 to 1–6–70.

Nipple Convalescent Home, nursing home; Thompsontown, Pa.; 2–1–69 to 1–31–70.

Nu-Way Grocery, foodstore; 104 East Broadway, Drumwright, Okla.; 2–1–69 to 1–31–70.

O K Market Co., foodstore; 514 North Saginaw Street, Holly, Mich.; 1–29–69 to 1–28–70.

Pak-A-Sak Food Stores, Inc., foodstores from 2–1–69 to 1–31–70: 206 North East Street, Kinston, N.C.; 1400 Arendell Street, Morehead City, N.C.

Palmer's Super Market, foodstore; Parkersburg, Iowa; 2–1–69 to 1–31–70.

J. C. Penney Co., department store; No. 591, Waynesboro, Pa.; 12–23–68 to 12–22–69.

Peoples, Inc., department store; Espanola, N. Mex.; 2–1–69 to 1–31–70.

Perry's IGA Foodliner, foodstore; Wedowee, Ala.; 2–1–69 to 1–31–70.

Phelps Dodge Mercantile Co., foodstores from 2–1–69 to 1–31–70: Plaza, Ajo, Ariz.; Plaza, Bisbee, Ariz.; Main Street, Clifton, Ariz.; 1012 G Avenue, Douglas, Ariz.; Plantsite, Morenci, Ariz.; Stargo, Morenci, Ariz.; 405 Arizona Street, Warren, Ariz.

Phillips IGA, foodstore; Crescent, Okla.; 2–1–69 to 1–31–70.

Piggly Wiggly, foodstores from 2–1–69 to 1–31–70 except as otherwise indicated: Aliceville, Ala.; Senath, Mo.; Nos. 1 and 2, Denton, Tex. (1–10–69 to 1–9–70); 555 West Washington, Stephenville, Tex.

Polaykoff Food Market, foodstore; 1001 Court Street, Sioux City, Iowa; 2–1–69 to 1–31–70.

Prenger's, Inc., restaurant; 116 East Norfolk Avenue, Norfolk, Nebr.; 2–1–69 to 1–31–70.

Quinn Brothers Super Market, foodstore; 610 Southwest Third Street, Aledo, Ill.; 1–13–69 to 1–12–70.

Ralph's Super Valu, Inc., foodstore; 110 West Main Street, Beresford, S. Dak.; 1–10–69 to 1–9–70.

Ramsays, Inc., department store; 605 Commercial Street, Atchison, Kans.; 2–1–69 to 1–31–70.

Ream's Bargain Annex, foodstore; No. 3, American Fork, Utah; 1–10–69 to 12–13–69.

Reinhardt's IGA Foodliner, foodstore; Center Street and Red Arrow Highway, Coloma, Mich.; 1–14–69 to 1–13–70.

Richard's Food Center, foodstore; Blue Ridge, Va.; 1–29–69 to 1–28–70.

Rogerson's Red & White, foodstore; Andrews, S.C.; 12–23–68 to 12–22–69.

S & V Super Market, foodstore; Washington Street, Williamston, N.C.; 2–1–69 to 1–31–70.

Sacred Heart Hospital, hospital; West Fourth Street, Yankton, S. Dak.; 2–1–69 to 1–31–70.

St. John Hospital, hospital; Spalding, Nebr.; 2–1–69 to 1–31–70.

St. Joseph Hospital, hospital; North Church Street, Hazleton, Pa.; 2–1–69 to 1–31–70.

St. Paul Hermitage, nursing home; 501 North 17th Avenue, Beech Grove, Ind.; 2–1–69 to 1–31–70.

Salem Lutheran Home, nursing home; Elk Horn, Iowa; 2–1–69 to 1–31–70.

Sam's Super Market, foodstore; 2135 South Minnesota Avenue, Sioux Falls, S. Dak.; 2–1–69 to 1–31–70.

Sanitary Bakery, bakery store; 121 East Broadway, Little Falls, Minn.; 2–1–69 to 1–31–70.

Schensul's Cafeteria, Inc., restaurant; 1036 28th Street SW., Wyoming, Mich.; 2–1–69 to 1–31–70.

Schneider's IGA Market, foodstore; 512 South Blackhoof Street, Wapakoneta, Ohio; 1–27–69 to 1–26–70.

Serve-Well Super Market, foodstore; Snow Hill, N.C.; 2–1–69 to 1–31–70.

Sheheen Brothers Grocery, foodstore; 945 Broad Street, Camden, S.C.; 1–28–69 to 1–27–70.

Simmons Model Market, foodstore; Genevia, Ark.; 2–1–69 to 1–31–70.

Smathers Market, foodstore; 118 Main Street, Canton, N.C.; 1–23–69 to 1–22–70.

Smith Drug Stores, Inc., drugstore; 614 West Sixth Street, Junction City, Kans.; 2–1–69 to 1–31–70.

S. L. Spotto Co., hardware store; 805 West Crawford Avenue, Connellsville, Pa.; 2–1–69 to 1–31–70.

Spurgeon's, department stores: 804 North Side Square, Clinton, Ill., 1–24–69 to 1–23–70; 27–29 West Stephenson, Freeport, Ill., 2–1–69 to 1–31–70; 713 Story Street, Boone, Iowa, 12–27–68 to 12–26–69; 117 North Maple, Creston, Iowa, 12–30–68 to 12–29–69; 51 East Broadway, Fairfield, Iowa, 1–24–69 to 1–23–70; Fort Madison, Iowa, 12–30–68 to 12–29–69; 911 Main Street, Grinnell, Iowa, 1–10–69 to 1–9–70; 620 West Sheridan, Shenandoah, Iowa, 1–16–69 to 1–15–70; Pinecrest Shopping Center, Burlington, Wis., 1–12–69 to 1–11–70.

Stephens Foodliner, foodstore; 307 East Cotton Avenue, Millen, Ga.; 1–12–69 to 1–11–70.

Stephens Super Foods, foodstore; Vienna, Ga.; 2–1–69 to 1–31–70.

Sterling Stores Co., Inc., variety store; 106 College Street, Kennett, Mo.; 1–29–69 to 1–28–70.

Billy Sunday Retirement Home, nursing home; 6120 Morningside Avenue, Sioux City, Iowa; 2–1–69 to 1–31–70.

Sunlite Grocery, foodstore; 211 North Parramore, Orlando, Fla.; 2–1–69 to 1–31–70.

Sunnyway Foods, Inc., foodstore; 212 North Antrim Way, Greencastle, Pa.; 2–1–69 to 1–31–70.

T. G. & Y. Stores Co., variety store; No. 123, Wichita, Kans.; 1–22–69 to 1–21–70.

Temple Avenue Department Store, department store; 143 Temple Avenue, Newman, Ga.; 2–1–69 to 1–31–70.

Thompsons Foodland, foodstore; Grand Junction, Iowa; 2–1–69 to 1–31–70.

T. A. Turner & Co., Inc., foodstore; Pink Hill, N.C.; 2–1–69 to 1–31–70.

Umphenour's Super Market, foodstore; 227 West Court Street, Beatrice, Nebr.; 12–22–68 to 12–21–69.

V & M Drugs, drugstore; 108 South Main, Temple, Tex.; 2–1–69 to 1–31–70.

Vista at Manhattan, Inc., restaurant; 1911 Tuttle Creek Boulevard, Manhattan, Kans.; 2–1–69 to 1–31–70.

Wall Drug Store, Inc., drugstore; Wall, S. Dak.; 2–1–69 to 1–31–70.

Walter's, foodstore; Gibbon, Minn.; 1–20–69 to 1–19–70.

Waugh Drive Food Market, foodstore; 2002 Waugh Drive, Houston, Tex.; 1–17–69 to 1–16–70.

Wayside Market, foodstore; Route 2, Radford, Va.; 1–24–69 to 1–23–70.

Webb's City, Inc., department store; 128 Ninth Street, South, St. Petersburg, Fla.; 2–1–69 to 1–31–70.

Louis Weiner Memorial Hospital, hospital; Marshall, Minn.; 2–1–69 to 1–31–70.

Westside Grocery, foodstore; 1020 West First Street, Abilene, Kans.; 1–10–69 to 1–9–70.

M. K. Wherry Grocery, foodstore; McCrory, Ark.; 1–6–69 to 1–5–70.

Whitehurst and Son, foodstore; Hobgood, N.C.; 2–1–69 to 1–31–70.

Whittaker, Inc., foodstore; No. 1, Oklahoma City, Okla.; 1–19–69 to 1–18–70.

Wilharm Pharmacy, drugstore; 3759 Chicago Avenue, Minneapolis, Minn.; 2–1–69 to 1–31–70.

Wilke's Sure Save, foodstores from 2–1–69 to 1–31–70: 118 South Main, Elkader, Iowa; 108 West Center, Monona, Iowa.

Wilson Food Store, foodstore; 1033 North Second, Merkel, Tex.; 2–1–69 to 1–31–70.

Wolcottville Economy Store, Inc., foodstore; Wolcottville, Ind.; 2–1–69 to 1–31–70.

Wong's Foodland, foodstore; 520 Anderson Boulevard, Clarksdale, Miss.; 2–1–69 to 1–31–70.

Woodbury Market, foodstore; Woodbury, Tenn.; 2–1–69 to 1–31–70.

F. W. Woolworth Co., variety stores from 1–26–69 to 1–25–70 except as otherwise indicated: No. 2125, Newark, N.J. (1–22–69 to 1–21–70); No. 2214, Seaford, Del. (2–1–69 to 1–31–70); No. 75, Wilmington, Del. (2–1–69 to 1–31–70); No. 1201, Oelwein, Iowa; No. 2025, Bel Air, Md. (1–22–69 to 1–21–70); No. 37, Duluth, Minn. (1–25–69 to 1–24–70); No. 335, Fremont, Nebr.; No. 848, Devils Lake, N. Dak.; No. 102, Philadelphia, Pa. (1–30–69 to 1–29–70).

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Baenziger Model Market, foodstore; 580 Coreth Drive, New Braunfels, Tex.; stock clerk, packager, carryout; 10 percent; 2–1–69 to 1–31–70.

A. J. Bayless Markets, Inc., foodstores from 2–1–69 to 1–31–70, package clerk, service clerk, 22 percent except as otherwise indicated: No. 32, Apache Junction, Ariz. (24 percent); No. 53, Chandler, Ariz.; No. 37, Douglas, Ariz. (21 percent); No. 36, Flagstaff, Ariz.; No. 50, Mesa, Ariz.; No. 30, Phoenix; Ariz. (30 percent); Nos. 39, 40, and 54, Phoenix, Ariz.; No. 42, Phoenix, Ariz. (24 percent); No. 58, Phoenix, Ariz. (16 to 25 percent); No. 10, Sierra Vista, Ariz. (14 to 26 percent); No. 51, Tempe, Ariz.; Nos. 43, 44, 45, 46, 47, 49, 55, and 56, Tucson, Ariz.; No. 41, Youngstown, Ariz.

Best Super Market, foodstore; 5555 East Fifth Street, Tucson, Ariz.; carryout, clean up, stock clerk; 10 percent; 1–11–69 to 1–10–70.

Big John Discount Foods, foodstore; No. 3, Oblong, Ill.; stock clerk, bagger; 10 percent; 12–23–68 to 12–22–69.

Bill's Super Market, foodstore; Schleswig, Iowa; sacker, carryout; 15 percent; 1–27–69 to 1–26–70.

Bishop Stoddard Cafeteria Co., restaurant; 101 Omaha Mall, Omaha, Nebr.; counter server, tray carrier, bus help; 0 to 15 percent; 12–23–68 to 12–22–69.

Blooming Prairie Super Valu, foodstore; Blooming Prairie, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1–22–69 to 1–21–70.

Boogaart Super Market, foodstores from 2–1–69 to 1–31–70, carryout, maintenance, clerk, 17 to 38 percent except as otherwise indicated: 413 Buckeye, Abilene, Kans.; 219 West Main, Beloit, Kans.; 908 Fifth Street, Clay Center, Kans.; Seventh and Washington, Concordia, Kans.; Third and Kansas, Ellsworth, Kans.; 1103 Broadway, Goodland, Kans.; 1203 Baker Street, Great Bend, Kans.; 2410 Vine Street, Hays, Kans. (6 to 24 percent); 115 West Main, Lindsborg, Kans.; 112 North Center, Mankato, Kans.; 1500 Center Street, Marysville, Kans.; 401 West Second, Minneapolis, Kans.; 896 West Third Street, Phillipsburg, Kans.; 800 Fossill, Russell, Kans.; 109 South Madison, Smith Center, Kans.; 401 Russell, Wakeeney, Kans.; 232 Third Street, Washington, Kans.; 1308 Court Street, Beatrice, Nebr.; 1615 Second Avenue, Kearney, Nebr.

California Superama, Inc., foodstore; Fourth and Aztec, Gallup, N. Mex.; caddy clerk and meat helper; 10 percent; 1–22–69 to 1–21–70.

Calmar, Inc., foodstore; Uptown Plaza, Gallup, N. Mex.; caddy clerk and meat helper; 10 percent; 1–22–69 to 1–21–70.

Carson Pirie Scott & Co., department store; One South State Street, Chicago, Ill.; salesclerk, stock clerk, service desk clerk; 2 to 8 percent; 1–19–69 to 1–18–70.

Carter's Food Center, foodstore; 305 South McQuarrie, Wagoner, Okla.; sacker; 7 to 15 percent; 2–1–69 to 1–31–70.

Carter's Inc., department store; 114 West Illinois, Vinita, Okla.; stock clerk, maintenance; 5 to 17 percent; 2–1–69 to 1–31–70.

Carter's Shopping Center, foodstore; 120 West Illinois, Vinita, Okla.; sacker; 7 to 15 percent; 2–1–69 to 1–31–70.

Cooper & Ratcliff, Inc., foodstore; Brookdale Road, Martinsville, Va.; bagger, carryout; 10 percent; 1–2–69 to 1–1–70.

Diamond Food Store, foodstore; Ninth and Shawnee, Dewey, Okla.; sacker; 7 to 15 percent; 2–1–69 to 1–31–70.

Dillon Companies, Inc., foodstores from 1–2–69 to 1–1–70 except as otherwise indicated, cashier, checker, wrapper, clerk, carryout, maintenance except as otherwise indicated, 11 to 32 percent except as otherwise indicated: No. 106, Fayetteville, Ark.; No. 107, Rogers, Ark.; No. 50, Topeka, Kans. (cashier, carryout, wrapper, office clerk, maintenance, meat cutter, 2–1–69 to 1–31–70); Nos. 84 and 88, Topeka, Kans.; Nos. 85, 86, and 87, Wichita, Kans. (9 to 17 percent).

Disco Fair Operating Co., department stores from 2–1–69 to 1–31–70, cart clerk, box clerk, 1 to 6 percent: 6865 Hollister Avenue, Goleta, Calif.; 2505 Vineyard Avenue, Oxnard, Calif.

Don's Super Market, Inc., foodstore; Oberlin, Kans.; stock clerk, carryout, sacker, cleanup; 11 to 28 percent; 2–1–69 to 1–31–70.

Dyche Jones Food Store, foodstore; No. 4, Manchester, Ky.; bagger, carryout, cleanup, stock clerk; 5 to 10 percent; 1–12–69 to 1–11–70.

Eagle Stores Co., Inc., variety store; 217 East Main Street, Forest City, N.C.; stock clerk, salesclerk, checker; from 13 to 60 percent; 2–1–69 to 1–31–70.

Eikenberry's IGA Foodliners, Inc., foodstore; Wagner and Russ Roads, Greenville, Ohio; stock clerk, carryout; 16 to 17 percent; 2–1–69 to 1–31–70.

Epps Super Market, Inc., foodstores from 2–1–69 to 1–31–70, carryout, produce clerk, sacker, cleanup, stock clerk, checker, 10 percent: Nos. 4 and 5, Houston, Tex.

Erdman Supermarket, foodstore: 204 North Main Street, Stewartville, Minn.; courtesy clerk, cleanup, stock clerk, clerk; 10 percent; 2–1–69 to 1–31–70.

Foodtown, foodstore; 103 South 10th Street, Griffin, Ga.; bagger, stock clerk, salesclerk; 10 percent; 2–1–69 to 1–31–70.

Gaylord Super Valu, foodstore; Gaylord, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1–22–69 to 1–21–70.

Giant Foods, foodstores from 2–1–69 to 1–31–70, sacker, carryout, stock clerk, checker, produce clerk, 28 to 32 percent: 2655 South 11th, Beaumont, Tex.; 2006 Texas Avenue, Texas City, Tex.

Goldblatt Brothers, Inc., department stores for the occupations of salesclerk, stock clerk: 1084 Mount Prospect Plaza, Mount Prospect, Ill., 3 to 5 percent, 1–7–69 to 1–6–70; McKinley and Hickory Road, Mishawaka, Ind., 5 to 7 percent, 1–24–69 to 1–23–70.

W. T. Grant Co., variety stores from 2–1–69 to 1–31–70 except as otherwise indicated, salesclerk, stock clerk, office clerk, cashier except as otherwise indicated: No. 934, Phenix City, Ala., 3 to 17 percent; No. 732, San Fernando, Calif., 4 to 18 percent (salesclerk, stock clerk); No. 955, Wilmington, Del., 7 to 15 percent (salesclerk, stock clerk, office clerk); No. 933, Jacksonville, Fla., 11 to 18 percent (1–27–69 to 1–26–70); No. 624, Carpentersville, Ill., 2 to 19 percent; No. 951, Connersville, Ind., 6 to 9 percent (salesclerk, 12–27–68 to 12–26–69); No. 460, Burnham, Pa., 9 to 44 percent (1–29–69 to 12–31–69); No. 1136, Norristown, Pa., 11 to 24 percent (1–12–69 to 1–11–70); No. 476, Pittsburgh, Pa., 6 to 20 percent (salesclerk); No. 105, Provo, Utah, 1 to 15 percent (salesclerk, 1–10–69 to 1–2–70); No. 1046, Bennington, Vt., 0 to 14 percent (salesclerk); No. 19, Rutland, Vt., 1 to 13 percent (salesclerk, stock clerk, cashier).

H. E. B. Food Store, foodstores for the occupations of package clerk, sacker, bottle clerk, 10 percent: No. 116, Elsa, Tex., 2–1–69 to 1–31–70; No. 94, Portland, Tex., 1–4–69 to 1–3–70; No. 67, San Antonio, Tex., 12–31–68 to 12–30–69.

Haddad's, Inc., apparel store; 4825 McCorkle Avenue, South Charleston, W. Va.; salesclerk; 5 to 19 percent; 2–1–69 to 1–31–70.

Jennings Market, food store; 103 West Dakota Street, Butler, Mo.; stock clerk, carryout; 16 to 45 percent; 2–1–69 to 1–31–70.

Thomas Kilpatrick and Co., department store; 150 Central Park, Omaha, Nebr.; stock clerk, messenger, delivery clerk, marker, office clerk, salesclerk, wrapper; 1 to 8 percent; 1–2–69 to 1–1–70.

S. S. Kresge Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier; except as otherwise indicated: No. 4086, Birmingham, Ala., 3 to 11 percent, 1–9–69 to 1–8–70 (salesclerk); No. 4087, Florence, Ala., 11 to 22 percent, 12–26–68 to 12–25–69 (salesclerk, checker); No. 4052, Fort Smith, Ark., 7 to 18 percent, 1–14–69 to 1–13–70 (salesclerk, stock clerk, office clerk); No. 745, Carol City, Fla., 7 to 10

percent, 9–23–68 to 9–2–69 (salesclerk); No. 4070, Atlanta, Ga., 4 to 13 percent, 1–31–69 to 10–11–69 (salesclerk); No. 4072, Atlanta, Ga., 4 to 14 percent, 2–1–69 to 1–31–70 (salesclerk); No. 4230, Atlanta, Ga., 4 to 10 percent, 1–10–69 to 11–15–69 (salesclerk); No. 755, Decatur, Ga., 0.4 to 9 percent, 12–23–68 to 12–22–69 (salesclerk); No. 4211, Chicago Heights, Ill., 12 to 20 percent, 1–18–69 to 1–17–70 (salesclerk, stock clerk, office clerk, checker, cashier); No. 4221, Collinsville, Ill., 5 to 10 percent, 1–3–69 to 1–2–70; No. 4214, Des Plaines, Ill., 12 to 20 percent, 1–12–69 to 1–11–70; No. 4100, Lombard, Ill., 12 to 20 percent, 1–18–69 to 1–17–70; No. 4568, Niles, Ill., 18 to 39 percent, 1–24–69 to 1–23–70; No. 4228, Wheeling, Ill., 12 to 20 percent, 12–23–68 to 12–22–69; No. 4073, Clarksville, Ind., 3 to 7 percent, 1–3–69 to 1–2–70; 3810 Falls Avenue, Waterloo, Iowa, 9 to 16 percent, 2–1–69 to 1–31–70; No. 4171, Wichita, Kans., 16 to 25 percent, 1–14–69 to 12–4–69; No. 235, Louisville, Ky., 2 to 22 percent, 1–16–69 to 1–15–70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance); No. 4063, Alexandria, La., 3 to 15 percent, 1–14–69 to 1–13–70 (salesclerk); No. 4128, Lake Charles, La., 2 to 15 percent, 1–19–69 to 1–18–70 (salesclerk); No. 39, Hyattsville, Md., 10 percent, 1–29–69 to 1–28–70 (salesclerk); No. 4027, Detroit, Mich., 10 percent, 1–11–69 to 1–10–70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 4040, Flint, Mich., 10 percent, 1–23–69 to 1–22–70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 4066, Jackson, Mich., 10 percent, 1–3–69 to 1–2–70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 4015, Port Huron, Mich., 10 percent, 1–8–69 to 1–7–70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 4193, Bridgeton, Mo., 5 to 10 percent, 12–23–68 to 12–22–69; No. 4112, Asheville, N.C., 4 to 7 percent, 12–20–68 to 12–19–69 (salesclerk, checker); No. 4075, Raleigh, N.C., 11 to 22 percent, 2–1–69 to 1–31–70 (salesclerk); No. 4057, Fargo, N. Dak., 5 to 10 percent, 12–27–68 to 12–26–69 (salesclerk, stock clerk, office clerk); No. 4165, Cincinnati, Ohio, 7 to 22 percent, 1–15–69 to 1–14–70 (salesclerk); No. 4169, Massillon, Ohio, 6 to 10 percent, 1–19–69 to 1–18–70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 4234, 11 to 22 percent, 1–27–69 to 1–26–70 (salesclerk, cashier); No. 4603, Aberdeen, S. Dak., 14 to 31 percent, 1–24–69 to 12–17–69 (stock clerk, checker-cashier); No. 4004, Knoxville, Tenn., 2 to 17 percent, 1–6–69 to 1–5–70 (salesclerk, office clerk, stock clerk); No. 4033, Knoxville, Tenn., 2 to 17 percent, 12–23–68 to 12–22–69 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance); No. 4093, Madison, Tenn., 2 to 10 percent, 2–1–69 to 1–31–70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance); No. 4139, Dallas, Tex., 7 to 27 percent, 1–21–69 to 1–20–70 (salesclerk); No. 770, Fort Worth, Tex., 7 to 27 percent, 1–15–69 to 1–14–70 (salesclerk); No. 4236, Houston, Tex., 7 to 27 percent, 1–3–69 to 1–2–70 (salesclerk); No. 780, Midland, Tex., 7 to 27 percent, 1–21–69 to 1–20–70 (salesclerk); No. 4090, Charlottesville, Va., 5 to 9 percent, 2–1–69 to 1–31–70 (salesclerk, stock clerk, office clerk).

LeSueur Super Valu, foodstore; LeSueur, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1–22–69 to 1–21–70.

Manns Consumer Wholesale, Inc., department store; 1348 East Webb Avenue, Burlington, N.C.; salesclerk; 2 to 12 percent; 12–23–68 to 12–22–69.

McCrea Grocery, Inc., foodstore; King City, Mo.; stock clerk, carryout; 16 to 45 percent; 2–1–69 to 1–31–70.

McCrory-McLellan-Green Stores, variety stores for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 223, Sierra Vista, Ariz., 9 to 20 percent, 2–1–69 to 1–31–70; No. 221, Fort Lauderdale, Fla., 13 to 24 percent, 1–2–69 to 1–1–70; No. 211, Zephyr Hills, Fla., 2 to 6 percent, 2–1–69 to 1–31–70 (salesclerk, office clerk, stock clerk, porter); No. 357, Trenton, N.J., 3 to 9 percent, 1–1–69 to 12–31–69; No. 135, Mannington, W. Va., 5 to 22 percent, 1–28–69 to 1–27–70; No. 615, Merrill, Wis., 10 to 33 percent, 1–15–69 to 1–14–70.

Michigan IGA Markets, Inc., foodstore; 6121 Cass City Road, Cass City, Mich.; carryout, stock clerk; 13 to 20 percent; 2–1–69 to 1–31–70.

Mr. Smorgasbord, Inc., restaurants from 2–1–69 to 1–31–70, food preparer, busboy (girl), cashier, dishwasher, cleanup, 54 to 82 percent: 6933 Indianapolis Boulevard, Hammond, Ind.; 136 East McKinley Avenue, Mishawaka, Ind.

Morgan & Lindsey, Inc., variety stores from 2–1–69 to 1–31–70 except as otherwise indicated, salesclerk, stock clerk, office clerk except as otherwise indicated, 3 to 24 percent except as otherwise indicated: No. 3031, Camden, Ark. (salesclerk, stock clerk, 8 to 31 percent); No. 3104, Houma, La. (1–26–69 to 1–25–70); No. 3063, Thibodaux, La. (12–22–68 to 12–21–69); No. 3115, Angleton, Tex. (3 to 20 percent).

G. C. Murphy Co., variety store; No. 304, Atlanta, Ga.; salesclerk, office clerk, stock clerk, janitorial; 5 to 13 percent; 2–1–69 to 1–31–70.

Nacogdoches oFods, Inc., foodstore; 1028 South Street, Nacogdoches, Tex.; carryout, checker, stock clerk, bottle clerk, cleanup; 10 to 20 percent; 11–1–68 to 10–31–69.

Newman's, apparel store; 2346 Miracle Lane, Mishawaka, Ind.; stock clerk, office clerk, marker, fitting-room checker; 8 to 9 percent; 1–7–69 to 1–6–70.

Pak-A-Sak Food Stores, foodstore; Highway 24, Swansboro, N.C.; bagger, carryout; 9 to 10 percent; 2–1–69 to 1–31–70.

Pence Food Center, foodstores for the occupations of stock clerk, carryout, janitorial, bagger, cashier, 8 to 25 percent: 305 North Main, Ottawa, Kans., 1–30–69 to 1–29–70; 1605 South Main, Ottawa, Kans., 1–31–69 to 1–30–70.

Phelps Dodge Mercantile Co., foodstore; Bisbee, Ariz.; carryout, stock clerk, janitorial; 10 percent; 2–1–69 to 1–31–70.

Piggly Wiggly, foodstores from 2–1–69 to 1–31–70 except as otherwise indicated, bagger, stock clerk, checker, except as otherwise indicated, 19 to 20 percent except as otherwise indicated: Siloam Springs, Ark. (18 to 25 percent, 1–19–69 to 1–18–70); No. 4, Columbus, Ga. (janitorial, sacker, bottle clerk, 10 to 13 percent); Biscoe, N.C.; Mount Gilead, N.C.; 102 West Chestnut Street, Troy, N.C.; No. 3, Denton, Tex. (23 to 38 percent, 1–10–69 to 1–9–70); No. 4, Denton, Tex. (sacker, carryout, stock clerk, 32 to 42 percent, 1–10–69 to 1–9–70); 646 West Main, Lewisville, Tex. (sacker, carryout, stock clerk, 23 to 38 percent, 1–18–69 to 1–17–70).

Prairie View Leasing Corp., nursing home; Sanborn, Iowa; dishwasher, diningroom help, yard work; 9 to 12 percent; 2–1–69 to 1–31–70.

R–B North Side Clothing Stores, Inc., apparel store; 1237 North Milwaukee Avenue, Chicago, Ill.; stock clerk, wrapping clerk, will call clerk; 8 to 10 percent; 1–15–69 to 1–14–70.

Raylass Department Store, department stores from 2–1–69 to 1–31–70 except as otherwise indicated, salesclerk, stock clerk, office clerk, marker, janitorial, 13 to 34 percent except as otherwise indicated: Cedartown Shopping Center, Cedartown, Ga.; 438 North Commerce Street, Summerville, Ga.; 232 South Elm Street, Greensboro, N.C. (10 to 29 percent, 1–29–69 to 1–28–70); 29220 Westgate Shopping Center, Lancaster, S.C. (8 to 42 percent).

Ream's Bargain Annex, Inc., foodstores from 2–1–69 to 1–31–70, stock clerk, bagger, cleanup, 26 to 33 percent: No. 5, Bountiful, Utah; Nos. 2 and 6, Salt Lake City, Utah; 4750 South Redwood Road, Taylorsville, Utah.

The Record Bar, Inc., music stores from 1–2–69 to 1–1–70, salesclerk, 13 to 28 percent: Chapel Hill, N.C.; 201 East Main Street, Durham, N.C.; Cameron Village, Raleigh, N.C.; North Hills Shopping Center, Raleigh, N.C.

Rose's Stores, Inc., variety stores for the occupations of salesclerk, stock clerk: No. 19, Scotland Neck, N.C., 5 to 29 percent, 1–2–69 to 1–1–70; No. 87, Chase City, Va., 9 to 33 percent, 1–29–69 to 1–28–70.

Sam's Red & White, foodstore; 1804 South Island Road, Georgetown, S.C.; bagger; 15 percent; 1–10–69 to 1–9–70.

Saxons Sandwich Shoppe, restaurant; 2610 East Belt Line SE., Grand Rapids, Mich.; busboy (girl), dishwasher, short order cook, food preparer, counter worker; 49 to 77 percent; 2–1–69 to 1–31–70.

Schensul's Cafeteria, Inc., restaurant; 3635 28th Street SE., Grand Rapids, Mich.; busboy (girl), coffee girl (boy), counter worker, dishwasher, food preparer, short-order cook; 49 to 77 percent; 2–1–69 to 1–31–70.

Scott Store, variety stores from 12–30–68 to 12–29–69 except as otherwise indicated, salesclerk, stock clerk, checker, 11 to 38 percent except as otherwise indicated: No. 39, Dolton, Ill. (23 to 39 percent); No. 102, Effingham, Ill.; No. 60, Urbana, Ill.; No. 77, Blacksburg, Va. (2 to 23 percent, 12–27–68 to 12–26–69).

Seifert's, apparel store; 109 West Washington Street, Washington, Iowa; salesclerk, merchandising clerk, cleanup; 2 to 9 percent; 1–28–69 to 1–27–70.

Serv-All Food Store, foodstore; 214 East Austin Street, Kermit, Tex.; carryout; 20 percent; 12–24–68 to 12–23–69.

Spurgeon's, department stores from 2–1–69 to 1–31–70, salesclerk, stock clerk, receiving clerk, marker, janitorial: 109–111 West Madison Street, Pontiac, Ill., 8 to 10 percent; McGregor Plaza, Platteville, Wis., 9 to 15 percent.

Sterling Stores Co., Inc., variety stores from 1–29–69 to 1–28–70 except as otherwise indicated, salesclerk, stock clerk, janitorial, 12 to 43 percent: 4441 Highway 61 South, Memphis, Tenn. (1–27–69 to 1–26–70); 1421 First Street, Union City, Tenn.; Green Village Shopping Center, Dyersburg, Tenn.

T. G. & Y. Stores Co., variety stores for the occupations of salesclerk, stock clerk, office clerk: No. 139, Kansas City, Mo., 11 to 30 percent, 12–31–68 to 12–30–69; No. 427, Ardmore, Okla., 10 to 30 percent, 1–2–69 to 1–1–70; No. 415, Oklahoma City, Okla. 22 to 30 percent, 12–29–68 to 12–28–69.

Thrift Way Supermarket, foodstore; 1307 Experiment Street, Griffin, Ga.; bagger, stock clerk, salesclerk; 10 percent; 2–1–69 to 1–31–70.

Top Save Department Store, Inc., department store; Westgate Plaza, Streator, Ill.; salesclerk; 10 to 26 percent; 1–22–69 to 1–21–70.

Tower Super Market, Inc., foodstores from 1–27–69 to 1–26–70, checker, stock clerk, carryout, meat wrapper, produce wrapper: Prospect Park, Emporium, Pa., 9 to 32 percent; Million Dollar Highway, Weedville, Pa., 17 to 37 percent.

Wabasha Super Valu, foodstore; Wabasha, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1–22–69 to 1–21–70.

Walgren's Market, Inc., foodstores from 1–30–69 to 1–29–70, carryout, stock clerk, checker, meat clerk, 13 percent: 204 East Washington Street, Mount Pleasant, Iowa; West Main Street, New London, Iowa.

Whittaker, Inc., foodstore; No. 3, Bethany, Okla.; sacker, carryout; 15 percent; 1–19–69 to 1–18–70.

Willard's IGA, foodstore; Sixth and Pacific, Osawatomie, Kans.; stock clerk, sacker, carryout; 4 to 14 percent; 2–1–69 to 1–31–70.

Winnebago Super Valu, foodstore; Winnebago, Minn.; carryout, checker, cleanup, stock clerk; 14 to 21 percent; 1–22–69 to 1–21–70.

F. W. Woolworth Co., variety stores from 2–1–69 to 1–31–70 except as otherwise indicated, salesclerk, stock clerk, cleanup except as otherwise indicated: No. 2067, Denver, Colo., 2 to 22 percent; No. 1624, La Junta, Colo., 9 to 31 percent (salesclerk, stock clerk, checker, cleanup, 4–30–69 to 1–29–70); No. 270, Wilmington, Del., 1 to 8 percent (salesclerk); No. 413, Muscatine, Iowa, 2 to 9 percent (salesclerk, cleanup); No. 1668, Shenandoah, Iowa, 3 to 16 percent (salesclerk, checker, cleanup); No. 1020, Baltimore, Md., 7 to 26 percent (salesclerk); No. 678, Marquette, Mich., 4 to 25 percent (salesclerk, 1–19–69 to 1–18–70); No. 1225, Bemidji, Minn., 3 to 12 percent (salesclerk, stock clerk, cleanup, checker); No. 1928, International Falls, Minn., 0 to 7 percent (1–26–69 to 1–25–70); No. 2565, Minneapolis, Minn., 20 to 25 percent; No. 891, Owatonna, Minn., 8 to 15 percent (1–30–69 to 1–29–70); No. 578, St. Cloud, Minn., 3 to 20 percent (salesclerk, stock clerk, 1–29–69 to 1–28–70); No. 2657, St. Cloud, Minn., 5 to 18 percent (salesclerk, stock clerk, checker, cleanup, 1–29–69 to 1–28–70); No. 1717, Thief River Falls, Minn., 3 to 20 percent (salesclerk, stock clerk, 1–29–69 to 1–28–70); No. 1410, Columbus, Nebr., 2 to 8 percent (salesclerk, cleanup); No. 150, Sioux Falls, S. Dak., 5 to 18 percent (salesclerk, cleanup, checker); No. 2610, Madison, Wis., 10 to 27 percent (salesclerk, checker, stock clerk, cleanup); No. 2619, Milwaukee, Wis., 10 to 27 percent (salesclerk, checker, stock clerk, 1–26–69 to 1–25–70); No. 1495, Rhinelander, Wis., 4 to 26 percent (salesclerk); No. 166, Superior, Wis., 3 to 20 percent (salesclerk, 1–29–69 to 1–28–70); No. 536, Wausau, Wis., 3 to 20 percent (salesclerk, stock clerk, 1–29–69 to 1–28–70).

Wright's Foodliner, foodstore; Aukerman and Decatur Streets, Eaton, Ohio; carryout, checker, stock clerk; 20 percent; 1–10–69 to 1–9–70.

Zumbrota Super Valu, foodstore; Zumbrota, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1–22–69 to 1–21–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 5th day of May 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–5595; Filed, May 9, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 828]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 16 TA), filed April 30, 1969. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Earle Munger, Schwartz Building, 520 58th Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and container parts*, from points in Fond du Lac and Waukesha Counties, Wis., to Ivorydale, Ohio, and points in the Cincinnati, Ohio, commercial zone with *empty pallets and shrouds and damaged or rejected shipments*, on return, for 180 days. Supporting shipper: Carnation Co., Carnation Building, Los Angeles, Calif. 90036 (A. F. Davis, Jr., Assistant Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commisson, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 52709 (Sub-No. 308 TA), filed April 30, 1969. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton, 3201 Ringsby Court, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the *Reports in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Sioux Falls, S. Dak., to Cedar City, Utah, and Las Vegas, Nev., for 180 days. Supporting shipper: John Morrell & Co., Post Office Box 1266, Sioux Falls, S. Dak. 57101. Send protests to: District Supervisor Charles W. Buckner, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 103993 (Sub-No. 401 TA), filed May 1, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, transporting: *Truck campers, camp coaches and trailers* designed to be drawn by passenger automobiles, from points in Magoffin County, Ky., to points in the United States east of the Mississippi River, except Illinois, Louisiana, Michigan, Mississippi, and Wisconsin, for 180 days. Supporting shipper: Honorbuilt Division, W A R D Manufacturing, Inc., Post Office Box 509, Salyersville, Ky. 41465. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107064 (Sub-No. 71 TA), filed April 30, 1969. Applicant: STEERE TANK LINES, INC., 2808 Fairmount, Post Office Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feedstuffs*, in bulk, from Houston, Tex., to points in Louisiana, Arkansas, Oklahoma, New Mexico, and Arizona, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Red Barn Chemicals, Inc., Post Office Box 141, Tulsa, Okla. 74102. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 118959 (Sub-No. 42 TA), filed April 30, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: John Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials* (except in bulk), and *materials and accessories* used in the installation thereof, from Port Clinton, Ohio, to points in Kentucky, Tennessee, Alabama, and Georgia, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 126835 (Sub-No. 21 TA), filed April 30, 1969. Applicant: EDGAR

BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route No. 2, West Harrison, Ind. 45030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies and crated caskets* in mixed loads with uncrated caskets; from Modoc, Ind., to San Diego, Hollywood, and Santa Fe Springs, Calif.; Tucson and Phoenix, Ariz., El Paso, Tex.; Oklahoma City, Okla.; and Worcester, Mass., and *returned shipments* of above commodities from above destinations to Modoc, Ind., for 180 days. Supporting shipper: Elder Corp., Modoc, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis Ind. 46204.

No. MC 127170 (Sub-No. 6 TA), filed April 30, 1969. Applicant: CENTRAL STATES TRUCKING, INC., 1201 Main Street, Post Office Box 26, Donnellson, Iowa 52625. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fertilizers, fungicides, weed killing compounds, and hand applicators*, from Quincy, Ill., to points in Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Iowa, South Dakota, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: Chevron Chemical Division, Post Office Box 282 Ortho Way, Fort Madison, Iowa 52627. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127170 (Sub-No. 7 TA), filed April 30, 1969. Applicant: CENTRAL STATES TRUCKING, INC., 1201 Main Street, Post Office Box 26, Donnellson, Iowa 52625. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fertilizers, fungicides, and herbicides*, in packages, from Council Bluffs, Iowa, to points in Kansas, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, Iowa 52627. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127505 (Sub-No. 25 TA), filed April 30, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles*, from Belvidere, Ill., to points in Massachusetts and Maryland, for 180 days. Supporting Shipper: Apache Foam Products, 1005 McKinley Avenue, Belvidere, Ill. 61008. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Deaborn Street, Chicago, Ill. 60604.

No. MC 129938 (Sub-No. 2 TA), filed April 30, 1969. Applicant: WHITE SQUIRREL TRUCKING, INC., Rural Route No. 5, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat steel, strip steel, coil steel, wire, and tubing*, from points in Lake and Porter Counties, Ind., to Olney, Ill., for 180 days. Supporting shipper: American Machine & Foundry Co., AMF Wheel Goods Division, Post Office Box 344, Olney, Ill. 62450. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 133114 (Sub-No. 1 TA) (Correction), filed April 9, 1969, and published FEDERAL REGISTER issue of April 23, 1969, and republished as corrected this issue. Applicant: UNITED TOWING SERVICE, 8955 Atlantic Avenue, South Gate, Calif. 90280. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except passenger automobiles or trailers designed to be drawn by passenger vehicles), and *replacement vehicles* for wrecked or disabled motor vehicles, between points in Los Angeles County, and Orange County, Calif., on the one hand, and, on the other, points in Arizona, Nevada, and New Mexico, for 180 days. NOTE: The purpose of this republication is to include "Orange County, Calif.," as one of the origin points, which was inadvertently omitted from previous publication. Supporting shippers: Baker Commodities, Inc., 4020 Bandini Boulevard, Los Angeles, Calif. 90023, and Aerojet-General Corp., 11711 Woodruff Avenue, Downey, Calif. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5629; Filed, May 9, 1969; 8:49 a.m.]

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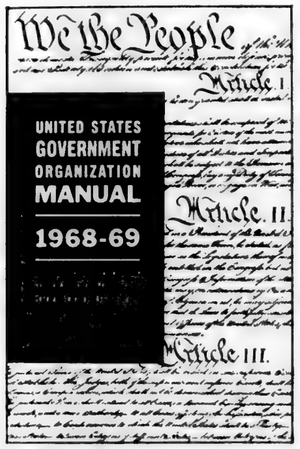

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FEDERAL REGISTER

VOLUME 34 • NUMBER 91

Tuesday, May 13, 1969 • Washington, D.C.

Pages 7603–7635

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OF MICHIGAN

MAY 1 0 1969

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Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
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1934

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[90th Cong., 1st Sess.]

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Director, Office of Congressional Relations, Economic Development Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (q) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(33) Director, Office of Congressional Relations.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5680; Filed, May 12, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 372, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.672 (Lemon Reg. 372, 34 F.R. 7283) are hereby amended to read as follows:

§ 910.672 Lemon Regulation 372.

* * * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 279,000 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 8, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5682; Filed, May 12, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 316—MARKING, BRANDING AND IDENTIFYING PRODUCTS

PART 317—LABELING

PART 328—DEFINITIONS AND STANDARDS OF IDENTITY

Label Statements of Ingredients

On August 10, 1968, there was published in the FEDERAL REGISTER (33 F.R. 11393) a notice of amendments of Parts 316, 317, and 328 of the Federal Meat Inspection Regulations (9 CFR Parts 316, 317, and 328) under the Federal Meat Inspection Act (21 U.S.C. Supp III 601 et seq.) requiring the display of ingredient statements on labels for products for which standards of identity have been established, e.g., products designated "corned beef hash" and "chopped ham." The notice stated that the amendments would become effective 6 months after their publication in the FEDERAL REGISTER.

The Department has been petitioned by many of the packers affected by these amendments for a delay in their implementation. These requests explain that the requirements of the Fair Packaging and Labeling Act have taxed the capacity of the label design and printing industry and this has delayed the development and procurement of labels to comply with the amendments. Also, the Department has announced that proposed regulations concerned with labels have been drafted and will appear soon as a FEDERAL REGISTER notice. It is pointed out that the adoption of these amendments might possibly cause further design changes.

These circumstances are deemed adequate to justify a postponement in the implementation of the amendments. Therefore, the effective date of said implementation is hereby postponed to October 1, 1969, pursuant to said Federal Meat Inspection Act.

In view of the circumstances explained above, this action must be made effective immediately. Therefore, in accordance with the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that publishing a notice of proposed rule making and other public participation in connection with this action are impracticable and good cause is found for making this action effective in less than 30 days after publication in the FEDERAL REGISTER.

This action shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., on May 8, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69–5681; Filed, May 12, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.201 Lay-Away Plans as extensions of credit.

(a) Many vendors offer Lay-Away Plans under which they retain the merchandise for a customer until the cash price is paid in full and the customer has no contractual obligation to make payments and may, at his option, revoke a purchase made under the plan and request and receive prompt refund of any amounts paid toward the cash price of the merchandise.

(b) A purchase under such a Lay-Away Plan shall not be considered an

extension of credit subject to the provisions of Regulation Z.

(Interprets and applies 15 U.S.C. 1602, 1604)

§ 226.402 Term of insurance coverage.

(a) Under § 226.4(a) (5) and (6) certain disclosures of insurance premium costs, if applicable, are required. The question arises as to whether such amounts of cost disclosed must include the cost of insurance for the full term of the transaction.

(b) Under § 226.4(h) the cost of insurance for the full period of insurance coverage which the creditor will require shall be disclosed if the cost of the insurance premium is required to be included in the finance charge. However, if the cost of insurance is not required to be included in the finance charge, the cost to be disclosed need only be the cost of premiums for the term of the initial policy or policies written in connection with the transaction, accompanied by a statement of the type of insurance and the term thereof.

(Interprets and applies 15 U.S.C. 1605)

§ 226.703 Finance charge based on average daily balance in open end credit accounts.

(a) Section 226.7(b)(8) requires that periodic statements for open end accounts shall disclose, among other things, "The balance on which the finance charge was computed, and a statement of how that balance was determined." In some instances, creditors compute a finance charge on the average daily balance by application of a monthly periodic rate. In such case, this information is adequately disclosed if the statement gives the amount of the average daily balance on which the finance charge was computed, and also states how the balance is determined. In other instances, the finance charge is computed on the balance each day by application of a daily periodic rate and such charges are accumulated and debited to the account in a single amount for the billing cycle. The question arises whether the periodic statement must show for each day of the billing cycle a balance on which a finance charge was computed.

(b) If a daily periodic rate is used, the balance to which it is applicable shall be stated as follows:

(1) A balance for each day in the billing cycle; or

(2) The sum of the daily balances during the billing cycle, or

(3) The average daily balance during the billing cycle in which case the creditor shall state on the face of the periodic statement, its reverse side, or on an enclosed supplement that the average daily balance is multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the finance charge.

In each case the annual percentage rate shall be determined and disclosed by multiplying the daily periodic rate by 365.

(Interprets and applies 15 U.S.C. 1636)

§ 226.704 Annual percentage rate computation where transaction charges are imposed on open end credit accounts.

(a) Section 226.7(b)(6) prescribes the method by which an annual percentage rate is computed where the creditor of the open end credit account imposes finance charges with respect to specific transactions during the billing cycle.

(b) In determining the denominator of the fraction under § 226.7(b)(6), no amount will be used more than once when adding the sum of the balances to which periodic rates apply to the sum of the amounts financed to which specific transaction charges apply. In every case the full amount of transactions to which specific transaction charges apply shall be included in the denominator. Other balances or parts of balances shall be included according to the manner in which a periodic rate is applied, as illustrated in the following examples of accounts on monthly billing cycles:

1. Previous balance—none.
A specific transaction of $100 occurs on first day of the billing cycle.
The average daily balance is $100.
A specific transaction charge of 3 percent is applicable to the specific transactions.
The periodic rate is $1\frac{1}{2}$ percent applicable to the average daily balance.
The numerator is the amount of the finance charge, which is $4.50. The denominator is the amount of the transaction (which is $100), plus the amount by which the balance to which the periodic rate applies exceeds the amount of specific transactions (such excess in this case is 0), totaling $100. The annual percentage rate is the quotient (which is 4.5 percent) multiplied by 12 (the number of months in a year), i.e., 54 percent.

2. Previous balance—$100.
A specific transaction of $100 occurs at midpoint of the billing cycle.
The average daily balance is $150.
A specific transaction charge of 3 percent is applicable to the specific transaction.
The periodic rate is $1\frac{1}{2}$ percent applicable to the average daily balance.
The numerator is the amount of finance charge, which is $5.25. The denominator is the amount of the transaction (which is $100), plus the amount by which the balance to which the periodic rate applies exceeds the amounts of specific transactions (such excess in this case is $50), totaling $150.
As explained in example 1, the annual percentage rate is $3.5\% \times 12 = 42\%$.

3. If, in example 2, the periodic rate applies only to the previous balance, the numerator is $4.50 and the denominator is $200 (the amount of the transaction, $100, plus the balance to which only the periodic rate is applicable, the $100 previous balance). As explained in example 1, the annual percentage rate is $2.25\% \times 12 = 27\%$.

4. If, in example 2, the periodic rate applies only to an adjusted balance (previous balance less payments and credits) and the customer made a payment of $50 at midpoint of billing cycle, the numerator is $3.75 and the denominator is $150 (the amount of the transaction, $100, plus the balance to which only the periodic rate is applicable, the $50 adjusted balance). As explained in example 1, the annual percentage rate is $2.5\% \times 12 = 30\%$.

5. Previous balance—$100.
A specific transaction (check) of $100 occurs at the midpoint of the billing cycle.
The average daily balance is $150.
The specific transaction charge is 25 cents per check. The periodic rate is $1\frac{1}{2}$ percent applied to the average daily balance.
The numerator is the amount of the finance charge, which is $2.50, and includes the 25 cents check charge and the $2.25 resulting from the application of the periodic rate. The denominator is the full amount of the specific transaction (which is $100) plus the amount by which the average daily balance exceeds the amount of the specific transaction (which in this case is $50), totaling $150. As explained in example 1, the annual percentage rate would be $1\frac{2}{3}\% \times 12 = 20\%$.

(c) Regardless of such method of computation, the annual percentage rate to be disclosed shall be not less than the periodic rate multiplied by the number of periods in a year or the rate as may otherwise be determined under § 226.5(a).

(Interprets and applies 15 U.S.C. 1636)

§ 226.802 Disclosures on mail or telephone orders.

(a) Under § 226.8(g), disclosures may be made at any time not later than the date the first payment is due under certain conditions. The question arises as to when disclosures shall be made on mail or telephone orders where the information outlined in § 226.8(g) (1) and (2) is not available to the customer or prospective customer.

(b) Under the circumstances set forth in the above question, the creditor shall make the disclosures required under Regulation Z as follows:

(1) With respect to credit sales, not later than at the time of delivery of the property or first performance of service ordered.

(2) With respect to loans, not later than at the time proceeds of the loan are disbursed.

(3) Except that if the transaction is subject to the provisions of § 226.9, the disclosures shall be made before the transaction is consummated.

(Interprets and applies 15 U.S.C. 1638)

§ 226.803 Disclosures when discounts apply for prompt payment.

(a) Under § 226.8(o), disclosures shall be made on the billing statement whereas under § 226.8(a) disclosures shall be made before the transaction is consummated. The question arises as to which provision prevails.

(b) The provisions of § 226.8(o) prevail under the conditions set forth in that paragraph unless the transaction is also subject to the provisions of § 226.9 in which event the disclosures shall be made before the transaction is consummated.

(Interprets and applies 15 U.S.C. 1638)

§ 226.804 Series of sales-content of agreement.

(a) Under § 226.8(h), if a credit sale is one of a series of transactions made under an agreement providing for the addition of a current sale to an existing outstanding balance and the customer has approved in writing the annual percentage rate or rates and certain other requirements are met, disclosures may be made at any time not later than the date the first payment for that sale is due.

(b) The question arises as to how the annual percentage rate or rates should be shown in an agreement where, for example, an 18 percent annual percentage rate applies to the first $500 of balance, a 12 percent annual percentage rate applies to all balances over $500, and the mix of the two rates on transactions over $500 will produce a gradually decreasing annual percentage rate as the amount of balance over $500 increases.

(c) In addition to meeting the other requirements of § 226.8(h), if two or more annual percentage rates apply, to ranges of balances, the agreement need only state each annual percentage rate and the range of balances to which it applies. However, the disclosures which must be made not later than the date the first payment is due must include the actual annual percentage rate applicable to that sale.

(Interprets and applies 15 U.S.C. 1638)

Dated at Washington, D.C., the 2d day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5687; Filed, May 12, 1969; 8:48 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,789]

PART 555—BOARD RULINGS

Use of Pledged Shares as Security for Real Estate Loans

MAY 6, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of revising paragraph (a) of § 555.4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.4(a)) for the purpose of making it consistent with the provisions of § 545.6-1(a)(4) of such regulations (12 CFR 545.6-1(a)(4)), hereby revises said paragraph (a) to read as follows:

§ 555.4 Real estate loans.

(a) *Security for; shares pledged for excess over 90 percent loaned, under § 545.6-1(a)(4).* A loan may not be made under § 545.6-1(a)(4) of this subchapter for an amount in excess of the maximum therein provided, with such excess secured by the pledge of a savings account as collateral. The maximum amount of the principal obligation of a loan made pursuant to that section is limited to (1) $31,500 or (2) 90 percent of the value of the real estate or, if the loan is made to finance the purchase of the real estate, 90 percent of such purchase price, whichever is lower. In other words, the amount of the principal obligation of a loan under this section is determined only by a formula which is strictly related to either the purchase price or the value of the property, with a ceiling of $31,500.

• • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-5685; Filed, May 12, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9453; Amdt. 39-765]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD), requiring replacement of the glass-cloth ducts on Vickers Viscount Models 744, 745D, and 810 Series airplanes and replacement of the right and left inboard nacelle fiber glass saddle bracket on Viscount Model 810 Series airplanes, was published in 34 F.R. 4894.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were recieved.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series airplanes.
Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.
To improve the fire protection of air system ducting adjacent to cabin compressor outlets in the engine nacelles, accomplish the following:

(a) For Viscount Models 744, 745D, and 810 Series airplanes, replace glasscloth ducts on the outlet side of the cabin compressor in the right inboard, the right outboard and the left inboard engine nacelle with aluminum alloy ducts in accordance with BAC Modification Bulletin No. D3198 Issue 2 (700 Series) or FG.2070 Issue 2 (810 Series) or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region.

(b) For Viscount Model 810 Series airplanes only, replace the right and left inboard nacelle fiber glass saddle brackets with stainless steel saddle brackets in accordance with BAC Modification Bulletin No. FG.2070 Issue 2 (800 Series) or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region.

This amendment becomes effective June 12, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 5, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-5666; Filed, May 12, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Oxford, Miss., transition area.

The Oxford transition area is described in § 71.181 (34 F.R. 4637 and 6038). In the description, an extension is predicated on the 276° bearing from the Oxford RBN. Since the final approach bearing of the NDB (ADF) RWY-9 instrument approach procedure will be changed from 276° to 280°, effective May 29, 1969, it is necessary to amend the description to reflect this change.

Since this amendment is minor in nature and requires no additional airspace, notice and public procedure hereon are unnecessary, and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Oxford, Miss., transition area (34 F.R. 6038) is amended as follows: "• • • 276° • • •" is deleted and "• • • 280° • • •" is substituted therefor.

(Sec. 307(a), the Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 5, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-5673; Filed, May 12, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8738 o]

PART 13—PROHIBITED TRADE PRACTICES

All-State Industries of North Carolina, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-235

Producer status of dealer or seller: 13.15–235(m) Manufacturer; § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–33 Demonstration reduction; 13.155–100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1800 *Demonstration reductions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, All-State Industries of North Carolina, Inc., et al., Greensboro, N.C., Docket 8738, Apr. 1, 1969]

In the Matter of All-State Industries of North Carolina, Inc., ABC Storm Window Co., Inc., All-State Industries of Tennessee, Inc., All-State Industries, Inc., and All-State Industries of Illinois, Inc., Corporations, and William B. Starr, Individually and as an Officer of said Corporations

Order requiring five affiliated companies selling residential aluminum siding and other home improvement products to cease using "bait and switch" tactics and fictitious pricing, falsely guaranteeing and implying that it manufactures its products, and failing to disclose that its sales contracts may be negotiated to a finance company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents All-State Industries of North Carolina, Inc., ABC Storm Window Co., Inc., All-State Industries of Tennessee, Inc., All-State Industries, Inc., and All-State Industries of Illinois, Inc., corporations, and their officers, and William B. Starr, individually and as an officer of each of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of residential aluminum siding, storm windows, storm doors, or any other products, or in connection with their business in such products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale, either before or after a contract has been signed for the purchase of such merchandise or services.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

6. Representing, directly or by implication, that any offer to sell products is limited as to time, or is limited in any other manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented limitation as to time or other represented restriction is actually imposed and adhered to by respondents.

7. Representing, directly or by implication, that respondents manufacture any of the home improvement products which they sell, or that respondents sell their home improvement products directly from their factory; or misrepresenting, in any manner, the nature or scope of respondents' business.

8. Representing, directly or by implication, that the home of any of respondents' customers, or prospective customers, has been selected to be used or will be used as a model home, or otherwise, for advertising or sales purposes.

9. Representing, directly or by implication, that any allowance, discount, or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

10. Representing, directly or by implication, that respondents' products are unconditionally guaranteed when in fact such guarantee is not an unconditional guarantee; or misrepresenting, in any manner, the nature, terms, or conditions of any guarantee.

11. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

12. Representing, directly or by implication, that respondents' products are guaranteed not to fade without clearly and conspicuously disclosing the limitations applicable to such guarantee; or misrepresenting, in any manner, the durability, performance, or quality of respondents' products.

13. Failing to disclose orally prior to the time of sale, and in writing on any conditional sales contract, promissory note or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to whom the purchaser will thereafter be indebted and against whom the purchaser's claims or defenses may not be available.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions and to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the allegations of subparagraphs 7 of paragraphs five and six of the complaint be dismissed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: April 1, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5653; Filed, May 12, 1969; 8:46 a.m.]

[Docket No. 8679]

PART 13—PROHIBITED TRADE PRACTICES

Consumers Products of America, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1505 *Operations as educational or religious;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Consumers Products of America, Inc., et al., Philadelphia, Pa., Docket 8679, Mar. 14, 1969]

In the Matter of Consumers Products of America, Inc., a Corporation, Eastern Guild, Inc., a Corporation, Keystone Guild, Inc., a Corporation, and Jack Weinstock, Nat Loesberg, Jack Gerstel, and Louis Tafler, Individually and as Officers of Said Corporation

Order modifying an earlier order, 32 F.R. 13454, dated September 7, 1967, which charged a seller of encyclopedias with certain deceptive practices, pursuant to a decision of the Court of Appeals, Third Circuit, 400 F. 2d 930, dated September 12, 1968, by eliminating from paragraph 10 the provisions requiring respondent to dismiss or withhold commissions from its salesmen.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Consumers Products of America, Inc., a corporation, and its officers, Eastern Guild, Inc., a corporation, and its officers, Keystone Guild, Inc., a corporation, and its officers, and Jack Weinstock, Nat Loesberg, Jack Gerstel, and Louis Tafler, individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of encyclopedias, books or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Discouraging the purchase of, or disparaging, any products or services which are advertised or offered for sale.

3. Representing directly or by implication, that any products or services are offered for sale when such offer is not a bona fide offer to sell such products or services.

4. Representing, directly or indirectly, that said merchandise will be delivered to prospective purchasers for a 5-day free examination or for any other period of time without clearly and conspicuously revealing all of the conditions, obligations, or requirements, pertaining to said offer.

5. Representing, directly or indirectly, that any merchandise is "free" or is delivered to or may be retained by purchasers or prospective purchasers without clearly and conspicuously revealing all of the terms, conditions, or obligations necessary to the receipt and retention of said merchandise.

6. Representing, directly or indirectly, that any offer is limited as to time: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such time restriction or limitation was actually imposed and in good faith adhered to by respondents.

7. Representing, directly or indirectly, that The First National Fidelity Co., Metropolitan Credit Bureau, or Vogt Collection Agency or any other fictitious name, or trade names owned in whole or in part by respondents or over which respondents exercise any direction or control, are independent, bona fide financing, collection, or credit reporting agencies; or representing in any other manner that delinquent accounts have been turned over to a bona fide, separate collection agency or to a credit reporting agency for collection or for any other purpose, unless respondents in fact have turned such accounts over to an agency of the nature represented.

8. Using the trade name "Educational Foundation" in connection with respondents' enterprises or representing, in any other manner, that respondents operate any nonprofit organization engaged in educational work.

9. Misrepresenting, in any manner, the kind of offer made to sell merchandise, the terms, limitations, or conditions of any offer, or the nature or status of respondents' business or of their collection operations.

10. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5654; Filed, May 12, 1969; 8:46 a.m.]

[Docket No. C-1520]

PART 13—PROHIBITED TRADE PRACTICES

Duesberg-Bosson Woolen Spinning Co. and Kenneth Cytron

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Duesberg-Bosson Woolen Spinning Co. et al., Jefferson, Mass., Docket C-1520, Apr. 24, 1969]

In the Matter of Duesberg-Bosson Woolen Spinning Co., a Corporation, and Kenneth Cytron, Individually and as an Officer of Said Corporation

Consent order requiring a Jefferson, Mass., manufacturer of wool and wool blend yarns to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Duesberg-Bosson Woolen Spinning Co., a corporation, and its officers, and Kenneth Cytron, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Duesberg-Bosson Woolen Spinning Co., a corporation, and its officers, and Kenneth Cytron, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any textile product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such textile product on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*

[F.R. Doc. 69-5655; Filed, May 12, 1969; 8:46 a.m.]

[Docket No. C-1519]

PART 13—PROHIBITED TRADE PRACTICES

Gibson Sales et al.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets and applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gibson Sales et al., Chicago, Ill., Docket C-1519, Apr. 24, 1969]

In the Matter of Gibson Sales, a Partnership, and Ruth Berdick and Frank W. James, Individually and as Copartners Trading and Doing Business as Gibson Sales

Consent order requiring a Chicago, Ill., distributor of punchboards and other lottery devices to cease selling or distributing these items in commerce.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gibson Sales, a partnership, and Ruth Berdick and Frank W. James, individually or as copartners trading and doing business as Gibson Sales or under any other trade name, and their agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punchboards or other devices, which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5656; Filed, May 12, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CLOPIDOL

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48641, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of clopidol alone or with 3-nitro-4-hydroxyphenylarsonic acid for specified conditions when administered in the feed of chickens intended for use as caged layer replacements.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.262(c) is amended by adding to table 1 a new item 1.12, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.11 * * *	* * *	* * *	* * *	* * *	* * *
1.12 3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	Clopidol.	113.5 (0.0125%)	For replacement chickens intended for use as caged layers; do not feed to laying chickens; do not feed to chickens over 16 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic.	Aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati*; growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* * *	* * *	* * *	* * *

2. Section 121.325(b) is amended by adding to the table new items 3 and 4, as follows:

§ 121.325 Clopidol.

* * * * * * *

(b) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
3. Clopidol	113.5 (0.0125%)			For replacement chickens intended for use as caged layers; do not feed to laying chickens over 16 weeks of age.	Aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*
4. Clopidol	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	For replacement chickens intended for use as caged layers; do not feed to laying chickens; do not feed to chickens over 16 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic.	Aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati*; growth promotion and feed efficiency; improving pigmentation.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objectives thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 5, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-5588; Filed, May 12, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

SULFACHLORPYRIDAZINE

A. The Commissioner of Food and Drugs, having evaluated the data in a petition filed by CIBA Pharmaceutical Co., Three Bridges, N.J. 08887, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sulfachlorpyridazine in an oral suspension for the treatment of diarrhea caused or complicated by *E. coli* (colibacillosis) in baby pigs. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.309(b) is amended by adding to the table a new item, as follows:

§ 121.309 Sulfachlorpyridazine.

* * * * * * *

(b) * * *

Amount	Limitations	Indications for use
Mg. per lb. body weight per day		
* * *	* * *	* * *
a. Sulfachlorpyridazine.. 20-35	For swine; administer individually in an oral suspension containing 50 milligrams of sulfachlorpyridazine per milliliter in divided doses twice daily for 1 to 5 days; treated swine must not be slaughtered for food during treatment or for 4 days after the last treatment.	Treatment of diarrhea caused or complicated by *E. coli* (colibacillosis).

* * * * * * *

B. Based on an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that the existing zero tolerances for residues of sulfachlorpyridazine in edible products of treated animals should be changed to 0.1 part per million (sensitivity of the method of analysis) for negligible residues of the additive. The negligible residue level is the basis upon which the "zero" tolerances were formerly established. Accordingly, § 121.1215 is revised to read as follows:

§ 121.1215 Sulfachlorpyridazine.

A tolerance of 0.1 part per million is established for negligible residues of sulfachlorpyridazine in uncooked edible tissues of calves and swine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: May 5, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-5589; Filed, May 12, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4970]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Expediting Registration Statements Filed Under Securities Act of 1933

The Securities and Exchange Commission in Securities Act Release No. 4934 (published on Nov. 21, 1968; 33 F.R. 17900, Dec. 3, 1968) outlined certain steps that are being taken to expedite the processing of its large backlog of unreviewed registration statements filed under the Securities Act of 1933. As a further step to reduce the amount of paper work and thereby expedite the processing of such statements, the Commission's Division of Corporation Finance has adopted the policy of sending only one copy of its letter of comments or other communications with respect to a registration statement to the issuer or its counsel, as designated on the cover page of the registration statement. If there are underwriters, provision may also be made for sending a copy of the letter of comments to the principal underwriter or its counsel. No additional copies will be sent. In view of the ready availability of office copying machines, the preparation of any additional copies needed would not appear to place any substantial burden on the persons receiving the communication.

By the Commission, May 1, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5660; Filed, May 12, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

1. In § 8-2.201, paragraph (g) is added to read as follows:

§ 8-2.201 Preparation of invitations for bids.

* * * * * * *

(g) The Notice of Requirement for Certification of Nonsegregated Facilities required by FPR 1-2.201(a)(29) will be modified in accordance with the footnote 2 under FPR 1-12.803-10 and prominently displayed in each invitation for bids covering supplies, equipment and services, including construction, estimated to cost in excess of $10,000.

PART 8-12—LABOR

2. In Part 8-12, Subpart 8-12.8 is revised to read as follows:

Subpart 8-12.8—Equal Opportunity in Employment

Sec.

8-12.803	Basic requirements.
8-12.803-2	Equal Opportunity clause.
8-12.806	Administration.
8-12.805-1	Duties of agencies.
8-12.805-2	Educational responsibility.
8-12.805-4	Reports and other required information.
8-12.805-5	Compliance reviews.
8-12.805-6	Complaints.
8-12.805-8	Assumption of jurisdiction by or referrals to the Director.
8-12.805-9	Sanctions and penalties.
8-12.805-10	Disputed matters related to the equal opportunity program.
8-12.806-11	Preaward notices.
8-12.807	Hearings.
8-12.807-1	General.
8-12.810	Affirmative action compliance programs.
8-12.812	Rulings and interpretations.

AUTHORITY: The provisions of this Subpart 8-12.8 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8-12.8—Equal Opportunity in Employment

§ 8-12.803 Basic requirements.

§ 8-12.803-2 Equal Opportunity clause.

The words "race, color, religion, sex, or national origin" will be used in lieu of the words, "race, creed, color, or national origin" wherever they appear in the Equal Opportunity clause (FPR 1-12.803-2).

§ 8-12.805 Administration.

§ 8-12.805-1 Duties of agencies.

(a) The Director, Investigation and Security Service, Central Office is the

VACCO (Veterans Administration Contract Compliance Officer). In this capacity he will develop and enforce the Veterans Administration program and procedures necessary to carry out the provisions of the Executive orders and directives of the Director, Office of Federal Contract Compliance (OFCC) dealing with this program.

(b) Prior to awarding a nonexempt contract, other than those specified in paragraph (d) of this section, the contracting officer will submit to the Veterans Administration Contract Compliance Officer (09) by teletype the information specified in FPR 1-12.805-1 (d) and in addition a brief description of the services or commodities covered by the proposed contract, the dollar value of the proposed contract and state the latest date by which he must be notified so that a contract may be awarded. On receipt of this information, the VACCO will:

(1) Advise the contracting officer that the evidence available to him indicates that the apparent low bidder or offeror and his subcontractor(s), if any, can comply with the Equal Opportunity clause in the plants specified in the contract and that a contract may be awarded; or

(2) Return the teletype submission to the contracting officer stamped "Awardable"; or

(3) Furnish the contracting officer a teletype listing the deficiencies in the proposed contractor or subcontractor's equal opportunity compliance status which must be corrected prior to an award.

(c) The contracting officer, on receipt of advice from the VACCO, will advise the prospective contractor in writing that:

(1) The award is being made; or

(2) Certain deficiencies, which are listed herein, have been found in his compliance with the equal opportunity program and that a contract cannot be awarded to him until such time as he has satisfied the VACCO that he has corrected or will correct such deficiencies.

If determined by the VACCO that the deficiencies noted will be corrected by the contractor during the life of the contract, and if requested by the VACCO, the contract will be modified to so provide.

(d) Contracting officers who have been advised by the VACCO in accordance with paragraph (b)(1) of this section may, for a period of 12 months thereafter, award subsequent nonexempt contracts involving the same plants of the same prime contractor and same subcontractors without notifying the VACCO. However, the contracting officer will, in each instance where an award is made, forward to the VACCO within 10 days VA Form 09-2140, Report of Contract Award.

§ 8-12.805-2 Educational responsibility.

The VACCO will develop informational and educational literature which he considers necessary to enable a contracting officer to properly administer a contract subject to the equal opportunity program. This literature will be distributed through the Director, Supply Service.

§ 8-12.805-4 Reports and other required information.

(a) *Requirements for prime contractors and subcontractors.* Contracting officers will advise each prime contractor meeting the filing requirements of FPR 1-12.805-4 with whom they have contracts to file a Standard Form 100 by the date required. When a contract is to be awarded to a contractor who meets the filing requirements of FPR 1-12.805-4, but who has indicated in his bid or offer that he has not complied with the filing requirements, the contracting officer shall advise him to complete and submit a Standard Form 100 to the address specified in the instructions within 30 days after award with a copy to the VACCO.

(b) *Requirements for bidders or prospective contractors.* Where a bidder or offeror indicates that required reports have not been filed, award will be withheld pending the receipt of a representation from the bidder or offeror that he has submitted all required compliance reports and that he will not make awards to proposed subcontractors until he has received signed statements from them that they have submitted required compliance reports, unless the circumstances in the particular case will not permit the award to be withheld. The file will be documented to show the basis upon which it is determined to make the award to the bidder or offeror without submission by him of the representation. This will not be interpreted to permit award to concerns known to be in established violation.

(c) *Noncompliance by a prospective contractor.* Where a prospective contractor indicates that he will not comply with the provisions of the clause, his bid or proposal must be rejected as nonresponsive. Reports of such instances and their consequences will be referred to the VACCO, through the Director, Supply Service, for such further action as may be indicated.

§ 8-12.805-5 Compliance reviews.

(a) Upon receipt of a bid or offer for supplies, equipment or services, other than construction, in an amount of $1 million or more, the contracting officer will furnish the following information, in addition to that required by FPR 1-12.805-1(d), to the VACCO through the Director, Supply Service.

(1) The name of the official signing the bid or proposal;

(2) The dollar amount of the bid or offer;

(3) The date on which the bidder's or offeror's bid or proposal will expire; and

(4) The date on which the contracting officer must receive advice from VACCO in order to award a valid and binding contract.

(b) The VACCO will comply with the requirements of FPR 1-12.805-5(d) and advise the contracting officer as to whether or not the apparent low bidder or offeror, and his known first tier subcontractors, can comply with the Equal Opportunity clause.

§ 8-12.805-6 Complaints.

(a) When a complaint involving the equal opportunity program is received by a contracting officer, he will, if the complaint is oral, advise the complainant to submit his complaint in writing to the VACCO. The complainant will be advised to include in his complaint the information required by FPR 1-12.805-6 (c). Written complaints received by a contracting officer will be forwarded immediately to the VACCO through the Director, Supply Service.

(b) Any apparent breach of the Equal Opportunity clause will be reported promptly by the contracting officer to the VACCO, through the Director, Supply Service, who shall furnish the contractor an opportunity to take the corrective action necessary to place him in compliance with the provisions of the clause.

§ 8-12.805-8 Assumption of jurisdiction by or referrals to the Director.

When the VACCO has been advised by the Director, OFCC that corrective action must be taken by a current Veterans Administration contractor, or that sanctions are to be imposed, the VACCO shall immediately notify the contracting officer, through the Director, Supply Service, of the action to be taken. The contracting officer shall advise the contractor and in turn the VACCO, through the Director, Supply Service, when the required action has been completed.

§ 8-12.805-9 Sanctions and penalties.

(a) When in the opinion of the VACCO, consideration should be given to terminating or canceling, in whole or in part, a current contract because of violations of the Equal Opportunity clause, he will request the contracting officer to forward to the contractor the notice required by FPR 1-12.805-9(b). The VACCO shall advise the contracting officer as to the final action to be taken against the contractor.

(b) The Director, Supply Service, on the basis of information furnished to him by the VACCO, will compile, maintain on a current basis, and distribute to all Veterans Administration contracting officers a list of those contractors and subcontractors who, because of violations of the program, have been declared ineligible to receive Government contracts by the Director, OFCC.

§ 8-12.805-10 Disputed matters related to the equal opportunity program.

All invitations for bids and requests for proposals, which will result in contracts subject to the Equal Opportunity clause, will contain the following:

DISPUTED MATTER—EQUAL OPPORTUNITY PROGRAM

Any dispute arising under this contract relating to matters pertaining to the equal opportunity program will be handled pursuant to the provisions of the Equal Opportunity clause of this contract (subcontract or agreement), rather than the Disputes clause contained therein.

§ 8-12.805-11 Preaward notices.

When the Veterans Administration has been requested by the Director, OFCC not to award a contract to a specific contractor, pending the conduct of a preaward survey, the VACCO shall immediately make this fact known to all contracting officers. He shall also advise the contracting officers when, as a result of a preaward survey, a contract may be awarded.

§ 8-12.807 Hearings.

§ 8-12.807-1 General.

All hearings dealing with violations of the Equal Opportunity clause will, with the approval of the Director, OFCC, be conducted by the VACCO or his designee.

§ 8-12.810 Affirmative action compliance programs.

(a) Invitations for bids and requests for proposals which will result in contracts of $50,000 or more will contain the following:

AFFIRMATIVE ACTION COMPLIANCE PROGRAM—EQUAL OPPORTUNITY PROGRAM

Contractors receiving a contract of $50,000 or more, and who have 50 or more employees, are required to develop and maintain an affirmative action compliance program. (See 41 CFR 1-12.810.) Such programs require identification and analysis of, and the taking of remedial action to solve, problem areas inherent in minority group employment and an evaluation of opportunities for utilization of minority group personnel. The program for each of the contractor's establishments will be developed within 120 days from the commencement of the contract and will be available for any compliance review that may be made.

(b) The contracting officer will, within 10 days after the award of such contract, forward to the VACCO, through the Director, Supply Service, VA Form 09-2140, Report of Contract Award.

§ 8-12.812 Rulings and interpretations.

Questions concerning the application or interpretation of instructions concerning the equal opportunity program in Government contracting will be referred to the VACCO through the Director, Supply Service. If a ruling or interpretation of a higher authority is required it will be secured and the contracting officer advised.

These regulations are effective immediately.

By direction of the Administrator.

Approved: May 7, 1969.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 69-5677; Filed, May 12, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-5]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Decorah, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Decorah, Iowa, Municipal Airport using a city-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Decorah, Iowa. The new procedure will become effective concurrently with the designation of the transition area. The La Crosse, Wis., Flight Service Station through the Waukon, Iowa, VOR will provide communications for IFR traffic into and out of Decorah Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

DECORAH, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 122° and 302° bearings from Decorah Municipal Airport, extending from 18½ miles southeast to 6 miles northwest of the airport; and within 5 miles each side of the 302° bearing from Decorah Municipal Airport, extending from the airport to 12 miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 22, 1969.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 69-5674; Filed, May 12, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-42]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mount Pleasant, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch. Any data, tion Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Mount Pleasant transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport; within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (lat. 35°33'20" N., long. 87°10'57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. Two prescribed instrument approach procedures to Maury County Airport, utilizing the Maury County (private) nondirectional radio beacon, are proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 5, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5675; Filed, May 12, 1969; 8:47 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 23; Notice 69-5]

MOUNTAIN-PACIFIC STANDARD TIME ZONE BOUNDARY IN STATE OF OREGON

Proposed Relocation

The Governor of Oregon has petitioned the Department of Transportation to amend Title 49, § 71.8(a), of the Code of Federal Regulations, to modify the boundary between the mountain and Pacific time zones, as it relates to Malheur County, Oreg.

Section 71.8(a) describes the present boundary between the mountain and Pacific zones, in the State of Oregon as follows:

• • • thence westerly and northerly along the main channel of the Salmon River to the western boundary of Idaho; thence southerly along the western boundary of Idaho to its intersection with the boundary line between Wallowa and Baker Counties, Oreg.; thence west along the north line of Baker County to meridian 117° west; thence south along said meridian to the Homestead branch of the Oregon Short Line Railroad; thence southerly immediately west of and parallel to said railroad to Blakes Junction, Oreg.; thence westerly immediately north of and parallel to the main line of said railroad to Huntington, Oreg.; thence easterly immediately south of and parallel to the said main line of railroad to the western boundary of Idaho; thence southerly along said western boundary to the main line of the Oregon Short Line Railroad between Payette, Idaho, and Ontario, Oreg.; thence southerly immediately west of and parallel to said main line of railroad to Nyssa, Oreg., crossing in said course the Oregon Eastern branch of the Oregon Short Line at Malheur Junction, Oreg.; thence southerly immediately west of and parallel to the Homedale branch of the same railroad to the west line of Idaho; thence south and east along the western and southern boundaries of Idaho to the Malad Valley branch of the Oregon Short Line Railroad near Woodruff, Idaho.

It should be noted that, under § 71.8(e), all municipalities located on the above-described line are considered to be within the mountain time zone, except Huntington, Oreg., which is considered to be within the Pacific time zone.

This line was set by a decision of the Interstate Commerce Commission on April 19, 1923 (78 I.C.C. 606). The line as so established was based primarily on lines of the Oregon Short Line (now Union Pacific) Railroad.

The Governor's petition concerns that part of the line in Malheur County, Oreg. It requests deletion of that part of the above description that reads as follows:

• • • thence easterly immediately south of and parallel to the said main line of railroad to the western boundary of Idaho; thence southerly along said western boundary to the main line of the Oregon Short Line Railroad between Payette, Idaho, and Ontario, Oreg.; thence southerly immediately west of and parallel to said main line of railroad to Nyssa, Oreg., crossing in said course the Oregon Eastern branch of the Oregon Short Line at Malheur Junction, Oreg.; thence southerly immediately west of and parallel to the Homedale branch of the same railroad to the west line of Idaho; • • •

and replacement with the following description:

• • • thence southerly to the northeast corner of Malheur County, Oreg.; thence westerly along the northern boundary of Malheur County to the northwest corner of Malheur County; thence southerly along the western boundary of Malheur County to the Seventh Parallel South; thence easterly along the said Seventh Parallel South to the western boundary of the State of Idaho • • •

The reasons stated in the petition for the change are as follows:

(1) The change would merely establish the boundary to be in such a location as it has been observed to be for such a period of time that no one can recall when or if it has ever been recognized as being elsewhere.

(2) The communities of Malheur County in the described area have long had such close contact with the communities immediately to the east that they wish to remain in the same time zone as those communities.

(3) The proposed change would not adversely affect any established interests which rely on the present boundary as is evidenced by the long practice of time zone observance.

(4) The present local practice of observing a time zone not established by law may result in confusion with regard to elections, bid openings, judicial proceedings, private contracts, insurance policies, liquor laws, and other matters which could require litigation to resolve the questions raised.

Two other matters concerning the Oregon-Idaho time zone boundary are of current concern to the Department. That part of the description, affecting Baker County, that uses the Homestead Branch and takes the boundary line to Blakes Junction and the western boundary of Idaho, is no longer valid due to the abandonment of that part of the railroad. Notice is hereby given that the Department intends to substitute a geographical description that encompasses the territory covered by the description of the abandoned railroad line. Secondly, a technical change is needed in the last part of the description to conform to the Utah-Nevada part of the boundary line set forth in § 71.8(b). Notice is hereby given that the Department intends to delete the words "thence south and east along the western and southern boundaries of Idaho to the Malad Valley branch of the Oregon Short Line Railroad near Woodruff, Idaho" and insert the following in place thereof "thence south and east along the western and southern boundaries of Idaho to the intersection of the Nevada, Utah, and Idaho boundaries". This change does not affect the territory covered by the description.

Under the time zone Act originally enacted in 1918 (15 U.S.C. 261) as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce". Before taking final action to adopt, deny, or modify the proposed boundary which the petition requests, the Secretary of Transportation will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.

Communications received on or before June 30, 1969, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend § 71.8(a) of Title 49 of the Code of Federal Regulations, as set forth above.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and Appendix A to Part 5 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on May 7, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 69-5678; Filed, May 12, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GEORGIA INSTITUTE OF TECHNOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00496–90–46040. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Electron microscope, Model JEM–50. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used primarily to obtain micrographs of solid particulates which have been produced and treated in various ways. It is well suited for its intended purposes, namely to produce low resolution micrographs on a routine basis. It will also serve as a tool in selecting the samples that should be studied with a high resolution electron microscope. Besides its research use, it will also serve as an educational tool to introduce students to electron microscopy by means of a simple, easily operated device. Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69–00532–91–46500. Applicant: Bowling Green State University, Department of Biology, Bowling Green, Ohio 43402. Article: Ultramicrotome, Model Reichert "SIDEA OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to section biological materials at thicknesses often less than 100 angstroms. Serial sections of about 50-angstrom thickness will be prepared for study under the electron microscope. It will also be used for training students in the use and theory of the thermal advance ultramicrotome. Research will include studies on the fine structure of developing pollen tubes. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69–00536–33–46500. Applicant: Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland, Ohio 44106. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections of equal thickness from 50 angstroms to 2 microns for electron microscope examination. Tissues to be examined include: Kidney, liver, heart, thyroid, brain, skin, lymph nodes, veins, and arteries. In kidney tissue, the primary study is basement membrane, and in skin, the primary study is collagen and the relationship of normal fibrils to diseased fibrils.

Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69–00542–33–46040. Applicant: Beth Israel Hospital, 330 Brookline Avenue, Boston, Mass. 02215. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in a large number of scientific investigations which include the following:

a. Cytochemical localization of several hydrolytic enzymes in smooth muscle cells, and their alterations in response to various physiologic, pharmacologic and pathologic stimuli.

b. Cytochemical study of lysosomal enzymes in platelets during aggregation.

c. Ionic movements in the turtle bladder preparation, including the effects of enzymatic poisons.

d. Studies of experimental injury to the gastrointestinal mucosa. In experimental injury to the gastric mucosa induced by generalized stress situations or local increase in intraluminal pressure, an ischemic factor appears important.

e. Analysis of the cellular transformations involved in hyperplasia, metaplasia and neoplasia of the gastrointestinal epithelium.

f. Composition of tubular casts encountered in experimental renal failure.

g. Structure and function of various subcellular fractions of myocardial cells in normal and in experimental cardiac hypertrophy.

h. Pathways and control mechanisms of mammalian epidermal protein synthesis.

i. Effects of various humoral and cellular enzymatic agents on isolated platelet organellar fractions.

j. Effects of various antimicrobial agents on Mycoplasma.

k. Structural and functional alterations in ribosomes and related subcellular organelles in tissue and organ cultures of various mammalian neoplasms.

Application received by Commissioner of Customs: April 18, 1969.

Docket No. 69–00543–33–46070. Applicant: Wayne State University, 5050 Cass Avenue, Detroit, Mich. 48202. Article: Scanning electron microscope, Model JSM–2 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for health-related research with special attention focused on details of membrane changes basic to understanding the pathophysiology of disease. Specific problems under study are membrane features and alterations of

a. Blood platelets, the smallest formed

b. Platelet responses to drugs and particles such as endotoxin and zymosan

c. Red blood cells of anemic subjects with hemolytic and thrombosis complications

d. Synovial lining from patients with arthritic disease

e. White blood cells and reticuloendothelial cells engaged in the processes of phagocytosis and pinocytosis

f. Bacterial surfaces and bacteria-cell interactions in response to drugs

g. Virus in tissue culture lines

Application received by Commissioner of Customs: April 18, 1969.

Docket No. 69–00544–00–41200. Applicant: University of California, Lawrence Radiation Laboratory, 7000 East Avenue, Livermore, Calif. 94550. Article: Klystron tubes, Type VC 104R (3 each). Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The articles will be used as direct replacement Klystrons for the 70 GC interferometer system, a diagnostic tool for plasma research. Application received by Commissioner of Customs: April 18, 1969.

Docket No. 69–00546–01–86300. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Viscoelastometer, Model DDV–II with low temperature bath equipment, Model DDV–LTE. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article will be used for both teaching and research purposes. In the plastics laboratory, the students make films of polyvinyl acetate, polyvinyl alcohol, and polystyrene in three experiments. The subsequent examination of these films in the Viscoelastometer will provide the student a means of learning about glass transition, low temperature relaxations and the application of dynamic mechanical testing. The article will also be used for research concerning intermolecular bonding in block copolymer elastomers. Experiments are planned on films of segmented polyester-urethanes and polyetherurethanes of various aromatic urethane composition. Application received by Commissioner of Customs: April 21, 1969.

Docket No. 69–00548–33–46040. Applicant: University of California, San Diego, La Jolla, Calif. 92037. Article: Electron microscope, Model Elmiskop 101, accessories and spare parts. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for the following studies:

1. Study of ultrastructure and biochemistry of the nervous system.
2. Study of molecular mechanisms of steroidegenesis in the adrenal.
3. Study of changes in the membranes of alveolar lining cells.

The article will also be used in the education of medical students and postdoctoral investigators. Application received by Commissioner of Customs: April 22, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5640; Filed, May 12, 1969; 8:45 a.m.]

GEORGIA INSTITUTE OF TECHNOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00545–68–44695. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Servomet spark machine, Model SMD. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article will be used for cutting fine precise cuts for scientific laboratory specimens which are required for electron microscopy and single crystal work. These small specimens must be undeformed on a submicroscopic scale so the metallurgical properties of a particular sample is not changed. Application received by Commissioner of Customs: April 21, 1969.

Docket No. 69–00549–33–46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Electron microscope, Model HU–11E–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used full time to screen for viral particles in human and animal tumor study materials as follows:

1. Fresh human tumor tissue.
2. Animal tumors.
3. Hamster tumors that may develop after human tumor transplantation.
4. Tissue culture cells exhibiting altered foci.
5. Moloney concentrates of tumors.
6. Intracellular localization of viral specific antigens.
7. Documentation of "rescue" of defective viral genomes.
8. Antigen labeling intracellularly (localization).
9. Negative stain—high resolution.

Application received by Commissioner of Customs: April 23, 1969.

Docket No. 69–00550–00–46040. Applicant: University of Chicago, Department of Medicine, 950 East 59th Street, Chicago, Ill. 60637. Article: Specimen airlock with electromagnetic beam deflection for Elmiskop 1A electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing Elmiskop 1A electron microscope used for research on heart muscle. Application received by Commissioner of Customs: April 23, 1969.

Docket No. 69–00551–01–77030. Applicant: Florida Atlantic University, Boca Raton, Fla. 33432. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for both teaching and research. Undergraduate and graduate courses include introductory and advanced organic chemistry, special topics in organic chemistry, physical chemistry, and instrumental analysis. The article will also be used for undergraduate research projects in chemistry providing professional majors with the opportunity to use nuclear magnetic resonance extensively in carrying out structure determination on unknown compounds which result from their synthetic investigations. Application received by Commissioner of Customs: April 24, 1969.

Docket No. 69–00552–00–77030. Applicant: East Tennessee State University, Johnson City, Tenn. 37601. Article: Hetero-nuclear spin decoupler, Model SD–HB for a NMR spectrometer. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for both instruction and research. The instructional use will be in connection with an instrumental analysis course, with an introductory organic chemistry course and with an nmr course. The initial use of the decoupler for research will be in connection with elucidating structures of fluorine compounds for the inorganic chemists, elucidating structures of some nitrogen containing compounds by N^{14} decoupling for an organic chemist and determining stereochemistry of deuterium containing bicyclic compounds synthesized by undergraduates and graduates by deuterium irradiation. Application received by Commissioner of Customs: April 24, 1969.

Docket No. 69–00553–33–46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Electron miscroscope, Model EM6B (demonstrator). Manufacturer: GEC-AEI (Electronics) Ltd., United Kingdom. Intended use of article: The article will be used for both research and training. The following specific uses are planned:

1. Radioautographic techniques at the ultrastructural level to trace the localization of pesticides in the target tissue.

2. Host-parasite interactions on the subcellular level such as our recent studies concerned with clarifying the nature of the attachment of a protozoan in the gut of a stored-product insect.

3. Insect blood cell phagacytosis studies with ferrotin, labeled pathogenic bacteria.

4. Taxonomic bacterial studies which necessitates determining the presence, location of attachment, number, etc. of flagella and pilli.

5. Micromorphology of insect sensory receptor cells.

6. Ultrastructure of insect ideal cells in an effort to explain their endoctrine function and photoperiodic cycles.

7. Use as a training instrument in graduate level courses in "Insect Pathology" and "Insect Transmission of Plant Diseases".

Application received by Commissioner of Customs: April 24, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5641; Filed, May 12, 1969; 8:45 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the

regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00458-00-77040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Field ion source, Type EF04B. Manufacturer: Atlas Mass und Analysen Technik, GMBH, West Germany. Intended use of article: The article will be used to determine two types of mass spectra without removing the ion course and breaking vacuum. Domestically manufactured similar items are not interchangeable nor compatible with the foreign items for which the foreign article is intended. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a mass spectrometer which had been previously imported by the applicant. The accessory is being furnished by the manufacturer with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or which can be adapted to the instrument with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5642; Filed, May 12, 1969; 8:45 a.m.]

PITTSYLVANIA COUNTY SCHOOLS, VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00473-00-61800. Applicant: Pittsylvania County Schools, Educational and Cultural Center, Chatham, Va. 24531. Article: Geocentric earth accessory for an existing Goto Planetarium. Manufacturer: Goto Manufacturing Co., Japan. Intended use of article: The article will be used as an accessory to an existing Goto Planetarium installed in the school last year. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a planetarium which had been priorily imported by the applicant. The accessory is being furnished by the manufacturer of the apparatus with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the planetarium with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5643; Filed, May 12, 1969; 8:45 a.m.]

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American President Lines, Ltd., has canceled certain previously approved cruises and has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, for certain additional cruises during 1969 and 1970.

Previously approved cruises which have been canceled are as follows:

Ship	Approximate cruise dates	Itinerary
President Roosevelt	Oct. 17, 1969-Jan. 14, 1970	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Kingston, Port Everglades, Bermuda, Ponta Delgada, Lisbon, Casablanca, Dakar, Capetown, Durban, Mombasa, Port Victoria (Seychelles), Bombay, Colombo, Singapore, Hong Kong, Kobe, Yokohama, Honolulu, San Francisco.
President Cleveland	Dec. 20, 1969-Feb. 23, 1970	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Wilson	Dec. 23, 1969-Jan. 4, 1970	San Francisco, Los Angeles, Acapulco, Los Angeles, San Francisco.
President Roosevelt	April 23, 1970-May 5, 1970	San Francisco, Los Angeles, Acapulco, Los Angeles, San Francisco.

New cruises for which approval is now being sought are as follows:

Ship	Approximate cruise dates	Itinerary
	1969	
President Wilson	Sept. 24-Oct. 12	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Mazatlan, La Paz, Los Angeles, San Francisco.
Do	Oct. 13-Oct. 20	San Francisco, Los Angeles, San Diego, Ensenada, Los Angeles, San Francisco.
President Roosevelt	Oct. 17-Nov. 13	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Balboa, Mazatlan, La Paz, San Francisco.
President Wilson	Oct. 27-Dec. 3	San Francisco, Los Angeles, Nukuhiva, Moorea, Papeete, Rarotonga, Nuku Alofa, Noumea, Suva, Pago Pago, Honolulu, Kahului, Hilo, San Francisco, Los Angeles.
President Roosevelt	Nov. 14-Dec. 14	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Curacao, Bridgetown, St. John's, Charlotte Amalie (St. Thomas), San Juan (Puerto Rico), Kingston, Cristobal, Balboa, Puerto Vallarta, Los Angeles, San Francisco.
President Wilson	Dec. 4-Dec. 22	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Mazatlan, La Paz, Los Angeles, San Francisco.
Do	Dec. 23-Dec. 26	San Francisco to sea and return to San Francisco.
President Cleveland	Dec. 23-Jan. 9, 1970	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Mazatlan, La Paz, San Francisco.
President Wilson	Dec. 27-Jan. 2, 1970	San Francisco, Los Angeles, San Diego, Ensenada, San Francisco.
	1970	
Do	Jan. 3-Mar. 11	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Cleveland	Jan. 10-Feb. 9	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Curacao, Bridgetown, St. John's (Antigua), Charlotte Amalie, San Juan, Kingston, Cristobal, Balboa, Puerto Vallarta, Los Angeles, San Francisco.
Do	Mar. 27-Mar. 31	San Francisco to sea and return to San Francisco.
President Roosevelt	Mar. 24-May 28	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Kingston, Piraeus, Rhodes, Haifa, Naples, Nice, Palma, Funchal, Charlotte Amalie, Cristobal, Balboa, Mazatlan, Los Angeles, San Francisco.
President Cleveland	Apr. 1-Apr. 16	San Francisco, Los Angeles, Mazatlan, Acapulco, Los Angeles, San Francisco.
President Roosevelt	May 29-June 2	San Francisco to sea and return to San Francisco.
President Cleveland	June 3-June 21	Los Angeles, San Francisco, Vancouver, Hilo, Kahului, Honolulu, Los Angeles, San Francisco.

Ship	Approximate cruise dates	Itinerary
President Wilson	June 4-June 8	San Francisco to sea and return to San Francisco.
Do	June 8-June 11	San Francisco to sea and return to San Francisco.
Do	June 12-June 17	San Francisco, Los Angeles, San Diego, Ensenada, Los Angeles, San Francisco.
Do	June 18-July 2	Los Angeles, San Francisco, Vancouver, Juneau, Skagway, Sitka, Victoria, Los Angeles, San Francisco.
Do	July 3-July 6	San Francisco to sea and return to San Francisco.
Do	July 7-Sept. 3	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Kingston, Bermuda, Lisbon, London, Oslo, Copenhagen, Stockholm, Helsinki, Kiel Canal, Amsterdam, Le Havre, Bermuda, Kingston, Cristobal, Balboa, Puerto Vallarta, Los Angeles, San Francisco.
President Roosevelt	Aug. 22-Sept. 8	Los Angeles, San Francisco, Vancouver, Hilo, Kahului, Honolulu, San Francisco, Los Angeles.
President Wilson	Sept. 4-Sept. 8	San Fransisco to sea and return to San Fransisco.
Do	Sept. 9-Sept. 23	San Francisco, Los Angeles, Acapulco, Mazatlan, Los Angeles, San Francisco.
President Roosevelt	Sept. 9-Oct. 16	San Francisco, Los Angeles, Nukuhiva, Moorea, Papeete, Rarotonga, Nuku Alofa, Noumea, Suva, Pago Pago, Honolulu, Kahului, Hilo, San Francisco.
Do	Oct. 17-Nov. 12	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Balboa, Mazatlan, La Paz, Los Angeles, San Francisco.
President Cleveland	Nov. 3-Jan. 8, 1971	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Wilson	Nov. 12-Dec. 13	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Curacao, Bridgetown, St. John's, Charlotte Amalie, San Juan, Kingston, Cristobal, Balboa, Puerto Vallarta, Los Angeles, San Francisco.
President Roosevelt	Nov. 13-Nov. 16	San Francisco to sea and return to San Francisco.
Do	Nov. 22-Dec. 22	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Curacao, Bridgetown, St. John's, Charlotte Amalie, San Juan, Kingston, Cristobal, Balboa, Puerto Vallarta, San Francisco.
President Wilson	Dec. 14-Feb. 17, 1971	Los Angeles, San Francisco, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco, Los Angeles.
President Roosevelt	Dec. 23-Jan. 6, 1971	San Francisco, Los Angeles, Acapulco, Mazatlan, Los Angeles, San Francisco.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on May 29, 1969. In the event an opportunity to present oral argument is also desired, specific reasons for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: May 8, 1969.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-5686; Filed, May 12, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADRENOCORTICOTROPIC HORMONE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Armour-Baldwin Labs., Division of Armour Pharmaceutical Co., 2465 North 16th Street, Omaha, Nebr. 68103:

1. Dynamone, an injectable containing per each 10-cubic centimeter vial 100 units of corticotropin to be mixed with 50 percent glucose.

2. D-40, an injectable containing per each 4-cubic centimeter vial 40 units of corticotropin to be mixed with 5 percent glucose in sodium chloride injection.

3. Adrenomone, a repository corticotropin injection containing 40 or 80 units of adrenocorticotropic hormone per cubic centimeter in a 16 percent gelatin.

The Academy concludes that these drugs are effective therapeutic agents for primary bovine ketosis and for stimulation of the adrenal cortex. The Food and Drug Administration concurs with the Academy's evaluation.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For stimulation of the adrenal cortex where there is a general deficiency of ACTH. As a therapeutic agent for primary bovine ketosis.

DOSAGE AND ADMINISTRATION

Repository corticotropin in 16 percent gelatin for intramuscular and subcutaneous injection. The product contains 40 or 80 units per cubic centimeter.

Cattle: Intramuscular or subcutaneous 200-600 units initially followed by daily or every other day with 200-300 units.

Small animals: Intramuscular or subcutaneous 1 unit per pound of body weight initially and repeat as indicated.

Corticotropin injection with glucose and/or glucose with sodium chloride injection. 100 units in a 10-cubic centimeter vial to be mixed with 50 percent glucose and 40 units in a 4-cubic centimeter vial to be mixed with 5 percent glucose in sodium chloride injection accomplished by aseptic transfer. Product is for immediate administration preferably for intravenous use by slow drip.

Cattle: Intravenous 200 to 600 units followed by daily or every other day intramuscular or subcutaneous injection of 200 to 300 units.

Small animals: Intravenous 1 unit per pound of body weight; repeat as necessary or follow up with intramuscular or subcutaneous injection.

Prolonged use in large animals should be supplemented with 5 to 10 grams of potassium chloride in the daily diet; small animals—1 gram potassium chloride daily.

CONTRAINDICATIONS

Do not use in animals showing adrenal insufficiency.

SIDE EFFECTS

Prolonged administration of large doses of ACTH induces hyperplasia and hypertrophy of the adrenal cortex.

CAUTION: Reduce or temporarily withdraw drug when untoward reaction appears from use of ACTH.

WARNING: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from drug-treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug applications for the subject drugs has been mailed a copy of the NAS-NRC reports. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat.

1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5657; Filed, May 12, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

HELLENIC LINES, LTD., AND COMPAGNIE MALGACHE DE NAVIGATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. N. Velokas, Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.

Agreement No. 9792, between Hellenic Lines, Ltd., and Compagnie Malgache De Navigation establishes a through billing arrangement for the movement of packaged general cargo consisting principally of tea, sisal, and coffee, from ports in the Malagasy Republic to U.S. ports in the Brownsville Key West range, inclusive, and the Jacksonville Boston range, inclusive, with transshipment at a port in South Africa, in accordance with the terms and conditions specified in the agreement.

Dated: May 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–5679; Filed, May 12, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

UTAH

Vacation of Withdrawal of Lands

APRIL 15, 1969.

Application has been filed by the U.S. Forest Service for vacation of the power withdrawal under the Federal Power Act pertaining to lands of the United States which were withdrawn pursuant to the filing on November 9, 1925, of an application for license for Project No. 671 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated November 19, 1925. The lands, described in accordance with GLO memorandum of June 14, 1945, which construed the withdrawal to conform to the extension survey and partial dependent resurvey in T. 4 S., R. 2 E., Salt Lake Meridian, Utah, accepted May 17, 1945, are as follows:

SALT LAKE MERIDIAN, UTAH

T. 4 S., R. 2 E.,
Sec. 4, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 8, lots 1, 2, 3, 5, 6, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$;
Sec. 9, lots 1, 2, 3, 4, 5, 6, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$.
(Approximately 801.62 acres.)

All portions of the following described tracts lying within 25 feet of the centerline of the 110-volt control line location shown on a map designated "Exhibits K & L" and entitled "Detailed Map of Alpine Project of Utah Power & Light Company, Showing Location of Dam, Power House, Lands, Centerline of Pipe and Power Lines and General Design Drawings," and filed in the office of the Federal Power Commission on November 9, 1925:

T. 4 S., R. 2 E.,
Sec. 4, $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 5, lot 5.
(Acreage undeterminable from the map.)

The portion of the following described tract lying within 50 feet of the centerline of the pipeline location shown on the above described map:

T. 4 S., R. 2 E.,
Sec. 9, $NE\frac{1}{4}NW\frac{1}{4}$.
(Acreage undeterminable from the map.)

The lands lie within the Uinta National Forest about 15 miles south-southeast of Salt Lake City and are located along or near Dry Creek (also known as Alpine Creek), a tributary of the Jordan River which is a tributary to Great Salt Lake.

While a Commission license for Project No. 671 was issued for the project for a period effective June 1, 1927, and terminating June 30, 1970, the licensee, finding that continued operation of the project would not be economical, applied for surrender of its license. By its order of September 17, 1965, the Commission accepted surrender of the license, effective August 31, 1966.

The $NE\frac{1}{4}SW\frac{1}{4}$ of sec. 8 of the subject lands is also withdrawn in Power Site Reserve No. 378 dated July 1, 1913, made to protect the Alpine Project prior to the withdrawal under section 24 of the Federal Power Act pursuant to the application for license for the project.

The Commission finds: Inasmuch as the lands have no power value the power withdrawals pertaining to the lands serve no useful purpose and should be revoked and vacated. Accordingly, it has no objection to restoration of Power Site Reserve No. 378.

The Commission orders: The withdrawal of the lands pursuant to the application for Project No. 671 is hereby vacated in its entirety.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5646; Filed, May 12, 1969; 8:45 a.m.]

[Docket No. RP69–34]

CARNEGIE NATURAL GAS CO.

Notice of Proposed Change in Rate and Charge

MAY 5, 1969.

Notice is hereby given that Carnegie Natural Gas Co. (Carnegie) on April 29, 1969, tendered for filing a proposed change in its FPC Gas Tariff, First Revised Volume No. 1, to become effective May 28, 1969. The proposed change would increase the rate from 20 cents to 25 cents per Mcf which is contained in Rate Schedule S–4, covering sales for resale of gas to United Fuel Gas Co. Rate Schedule S–4 is applicable to gas sales from production in Jackson County, W. Va.

In support of the proposed increased rate, Carnegie states it conforms to the area rates for independent producers and it submitted United Fuel's letter indicating that it is agreeable to the increase subject to the Commission's approval of the rate and effective date.

Any person desiring to be heard or to make any protest with reference to this rate filing should on or before May 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The rate filing is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5644; Filed, May 12, 1969; 8:45 a.m.]

[Docket No. CP69–278]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 6, 1969.

Take notice that on April 25, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69–278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities from its Main Pass-South Pass pipeline to enable it to receive gas to be purchased in Main Pass Blocks 273, 305, and 306, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to purchase gas produced in these blocks from Signal Oil and Gas Co., a division of The Signal Companies, Inc., The Louisiana Land & Exploration Co., Amerada Petroleum Corp., and Marathon Oil Co. (hereinafter referred to collectively as Sellers) pursuant to a contract, dated April 9, 1969.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) Approximately 3.2 miles of 18-inch pipeline extending in a generally south-southeasterly direction from Applicant's Platform "B" in Main Pass Block 293 to Sellers' Platform "D" in Main Pass Block 306;

(2) A receiving station on Sellers' said Platform "D", and

(3) Inlet and outlet side valves, block valves, and other related facilities to be located at a mutually satisfactory point on Applicant's pipeline onshore in South Louisiana, to enable Applicant to deliver gas to Sellers for processing for the extraction of liquefiable hydrocarbons and to accept redelivery of gas after such processing.

Applicant also requests authorization to transport gas for plant use, fuel, loss and shrinkage from Sellers' proposed delivery point to the onshore processing plant.

The application indicates the total estimated cost of the proposed project to be $1,826,210, which cost will be financed initially by bank loans which will be repaid from cash from current operations and/or from permanent financing.

Any persons desiring to be heard or to make any protests with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5647; Filed, May 12, 1969; 8:45 a.m.]

[Docket No. CP68–323]

TIDAL TRANSMISSION CO.

Notice of Petition To Amend

MAY 6, 1969.

Take notice that on April 29, 1969, Tidal Transmission Co. (Petitioner), 608 Gulf States Building, Dallas, Tex. 75201, filed in Docket No. CP68–323 a petition to amend the order issued in said docket on September 4, 1968, by requesting that its offshore pipeline system be extended approximately 16.6 miles to the High Island Area, Offshore Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks to have the aforementioned order amended to authorize the construction and operation of approximately 16.6 miles of 12-inch pipeline from its existing system in the vicinity of Block 165 in the West Cameron Area, Offshore Louisiana, to Block 129 in the High Island Area, Offshore Texas, in order to connect gas reserves dedicated to Natural Gas Pipeline Company of America (Natural) by Sun Oil Co. and others.

The total estimated cost of the proposed facilities is $1,842,000, which is to be financed initially through short-term loans and permanently through the issuance of long-term secured notes.

Further, Petitioner proposes to amend its existing Transportation Agreement dated September 23, 1968, with Natural and presently filed with the Commission as Petitioner's FPC Gas Tariff, Original Volume No. 1. The proposed amendment will reduce Petitioner's transportation rate for all volumes transported for Natural, including the additional transportation volumes resulting from the facilities proposed herein, from 4 cents per Mcf with 2 cents per Mcf for excess volumes to 3.3 cents per Mcf and increase the contract demand from 80,250 Mcf per day to 117,750 Mcf per day. Petitioner proposes to enter a new supplemental transportation Agreement with Natural providing for such reduced rates, and also signifies its willingness to eliminate the 2 cents per Mcf charge for excess transportation volumes, if the Commission will remove the condition contained in ordering paragraph (G) of its September 4, 1968, order providing for the submission of cost supporting its transportation rate within 20 months of reaching full operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5648; Filed, May 12, 1969; 8:45 a.m.]

[Docket No. CP69–283]

TOWN OF TISHOMINGO, MISS., AND ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 5, 1969.

Take notice that on May 1, 1969, the town of Tishomingo, Miss. (Applicant) filed in Docket No. CP69–283 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Alabama-Tennessee Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale and distribution in Tishomingo and environs, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it proposes to construct and operate a distribution system to render the proposed service and approximately 12.94 miles of 2-inch and 3-inch pipeline to connect said distribution facilities with Respondent's transmission line. The application indicates the estimated third year peak day and annual natural gas requirements to be 427.9 Mcf and 48,086 Mcf, respectively.

Applicant states that the total estimated cost of its proposed project is

$292,000, which cost will be financed from the sale of natural gas revenue bonds.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-5649; Filed, May 12, 1969; 8:45 a.m.]

[Docket No. CP69-282]

TRACY CITY, TENN., AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 6, 1969.

Take notice that on May 1, 1969, the city of Tracy City, Tenn. 37387 (Applicant) filed in Docket No. CP69-282 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas to Applicant for resale and distribution in Tracy, Tenn., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks to have the Commission order Respondent to tap its transmission line and to sell and deliver volumes of natural gas for resale and distribution in Tracy and environs. Applicant plans to construct and operate a distribution system which will utilize the Respondent's gas.

The estimated third year peak day and annual requirements of Applicant's system are 612 Mcf and 59,514 Mcf, respectively.

Applicant's distribution system is estimated to cost $278,000, which will be financed through the sale of gas revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5645; Filed, May 12, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bankers Trust New York Corp., New York, N.Y., for approval of acquisition of all of the voting shares (less directors' qualifying shares) of Peoples Bank of Long Island, National Association, Patchogue, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Bankers Trust New York Corp., New York, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of all of the voting shares (less directors' qualifying shares) of Peoples Bank of Long Island, National Association, Patchogue, N.Y.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

As discussed in the accompanying statement, the New York State Banking Board approved an application involving the same proposal in accordance with the recommendation of the New York State Superintendent of Banks, and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 27, 1969 (34 F.R. 2696), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5650; Filed, May 12, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Shares by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of at least 80 percent of the voting shares of St. Lucie County Bank, Fort Pierce, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of St. Lucie County Bank, Fort Pierce, Fla.

As required by section 3(b) of the Act, the Board notified the Florida Commissioner of Banking of receipt of the application and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1708), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5651; Filed, May 12, 1969; 8:46 a.m.]

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

GIRARD TRUST BANK

Order Approving Merger of Banks

In the matter of the application of Girard Trust Bank for approval of merger with South Penn Square Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Girard Trust Bank, Philadelphia, Pa., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with South Penn Square Bank, Philadelphia, Pa., under the charter of the latter and the title of Girard Trust Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[2] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of May 1969.

By order of the Board of Governors.[3]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5652; Filed, May 12, 1969; 8:46 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

WISCONSIN

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated May 1, 1969, reading in part as follows:

I have determined that the damages in those areas of the State of Wisconsin adversely affected by flooding beginning on or about March 25, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Wisconsin.

I do hereby determine the following areas in the State of Wisconsin to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 1, 1969:

The Counties of:

Ashland.	Lincoln.
Buffalo.	Pepin.
Crawford.	Pierce.
Dunn.	St. Croix.
Eau Claire.	Trempealeau.
Grant.	Vernon.
Iron.	Wood.
La Crosse.	

Dated: May 7, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-5658; Filed, May 12, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1767]

CHRISTOPHER PARTNERS

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 7, 1969.

Notice is hereby given that Christopher Partners ("Applicant"), 1 Chase Manhattan Plaza, New York, N.Y. 10005, a New York partnership registered as a management closed-end nondiversified investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was originally organized as an investment club and registered under the Act on November 21, 1968, because it proposed at that time to make a public offering. By reason of business considerations, Applicant has now abandoned the proposed public offering.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5661; Filed, May 12, 1969; 8:47 a.m.]

CONTINENTAL INVESTMENT CORP.

Order Suspending Trading

MAY 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Investment Corp. (an Arizona corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia.

[3] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

order to be effective for the period May 7, 1969, at 11:30 a.m., e.d.t., through May 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5662; Filed, May 12, 1969; 8:47 a.m.]

[File No. 24D-2825]

GREENWOOD MANAGEMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MAY 7, 1969.

I. Greenwood Management Corp. (issuer), a Utah corporation, 431 South Third East, Suite 102, Salt Lake City, Utah, with offices located at Salt Lake City, Utah, filed with the Commission on December 23, 1968, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of common stock, at 10 cents per share for an aggregate of $30,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Kenneth M. Hisatake of Salt Lake City was designated as agent for the issuer in connection with the sale of the shares offered and was to receive no commission. The offering commenced February 24, 1969.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The Form 1-A filed on behalf of the issuer fails to disclose Curtis Minerals as an affiliate of the issuer;

2. The Form 1-A fails to disclose sales of unregistered securities by its affiliates within 1 year prior to the filing of Form 1-A and present or proposed offerings of securities by affiliates;

3. The offering circular fails to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

4. The offering circular filed on behalf of the issuer fails to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

5. The offering circular fails to include accurate and adequate financial statements of the issuer.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to accurately and adequately disclose the assets and liabilities of the issuer;

2. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

3. The failure to disclose that a public offering of securities of an affiliated issuer was in progress at the time of the issuer's public offering pursuant to Regulation A;

4. The failure to accurately and adequately set forth the uses to which proceeds of the offering would be applied.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5663; Filed, May 12, 1969; 8:47 a.m.]

[File No. 7-3078]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 7, 1969.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Loew's Theatres, Inc., Warrants To Purchase Common Stock, $1 Par Value, File No. 7-3078.

Upon receipt of a request, on or before May 22, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5664; Filed, May 12, 1969; 8:47 a.m.]

[File No. 7-3077]

TECHNICAL OPERATIONS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 7, 1969.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Technical Operations, Inc., File No. 7-3077.

Upon receipt of a request, on or before May 22, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5665; Filed, May 12, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Amdt. 1; Los Angeles Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, LOS ANGELES, CALIF.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Rev. 1) (33 F.R. 10677) as amended (33 F.R. 14250), authority redelegated to the Manager of the Los Angeles Disaster Branch Office (34 F.R. 7100) is amended as follows:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA shares of $30,000 per household for repairs or replacements of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster Guaranted Loans in amounts of total loan not exceeding $350,000.

* * * * *

Effective date: April 21, 1969.

ALVIN P. MEYERS, *Regional Director, Los Angeles, Calif.*

[F.R. Doc. 69-5659; Filed, May 12, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 829]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20894 (Sub-No. 11 TA) (Correction), filed April 21, 1969, published FEDERAL REGISTER, issue of April 30, 1969, and republished this issue. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representative: Terrence L. Bowers (same address as above). NOTE: The purpose of this republication is to give the name of an additional shipper: General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022, which was inadvertently omitted from previous publication.

No. MC 97009 (Sub-No. 17 TA), filed April 30, 1969. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fireplace equipment*, from Greentown, Pa., to Binghamton, N.Y.; (2) *general commodities* (except household goods and classes A and B explosives, commodities in bulk, and those requiring special equipment), from Binghamton, N.Y., to South Canaan, Pa., for 150 days. NOTE: The above authority to be used in connection with interline service with other common carriers at Binghamton, N.Y. Supporting shippers: (1) Lockwood's General Store, South Canaan, Pa.; (2) Reichman Welding Co., Route 507 Rural Delivery, Greentown, Pa. 18426. Send protests to: District Supervisor Paul J. Kenworthy, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 100666 (Sub-No. 137 TA) (Correction), filed April 23, 1969, published FEDERAL REGISTER, issue of May 1, 1969, and republished as corrected this issue. Appplicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Max Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from Jacksonville, Ark., to Columbus, Ohio, for 180 days. NOTE: The purpose of this republication is to show that traffic will originate at Jacksonville, Ark., instead of at Jackson, Ark., which was in error in previous publication. Applicant states it does not intend to tack. Supporting shipper: Arkansas Precast Corp., Post Office Box 216, North Little Rock, Ark. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107515 (Sub-No. 656 TA), filed May 2, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach, Vice President (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Rocky Mount, N.C., to points in Virginia, West Virginia, Pennsylvania, Ohio, New York, Connecticut, Massachusetts, Maryland, District of Columbia, New Jersey, and Delaware, for 150 days. Supporting shipper: Hardee's Food Systems, Inc., 1233 North Church Street, Rocky Mount, N.C. 27801. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 114533 (Sub-No. 188 TA), filed May 2, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Audit media and other business records;* (1) between Crawfordsville, Ind., on the one hand, and, on the other, Wheaton, Ill.; and (2) between Birmingham, Mich., on the one hand, and, on the other, Middlebury, Ind.; (B) *proofs, cuts, copy, and other graphic arts material*, between Crawfordsville, Ind., on the one hand, and, on the other, Wheaton, Ill., for 180 days. Supporting shippers: (1) R. R. Donnelley & Sons Co., 2223 South Park Way, Chicago, Ill. 60616; (2) Abitibi Corp., 1400 North Woodward, Birmingham, Mich. 48011. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 116544 (Sub-No. 105 TA), filed May 1, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 as defined by the Commission (except commodities in bulk, in tank vehicles, and hides), from Friona, Tex., to points in Florida, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Post Office Box 1178, Friona, Tex. 79035. Send

protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118458 (Sub-No. 1 TA) (Correction), filed April 18, 1969, published FEDERAL REGISTER, issue of April 29, 1969, and republished as corrected this issue. Applicant: ROBERT G. FRAZIER, doing business as FRAZIER MOTOR COMPANY, 2012 Gihon Road, Parkersburg, W. Va. 26103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials and waste materials*, commonly dealt in by junk yard dealers; (1) from Parkersburg, W. Va., to points in Kentucky, Ohio, Pennsylvania, and Virginia; and (2) from points in Washington County, Ohio, to Parkersburg, W. Va. and points in Kentucky, Pennsylvania, and Virginia, for 180 days. NOTE: The purpose of this republication is to include territorial description, which was inadvertently omitted in previous publication. Applicant does not intend to tack with its existing authority in MC 118458. Supporting shipper: City Iron & Metal Co., corner of George and Jeanette Streets, Parkersburg, W. Va. 26101. Attention: Albert Corra, Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 123392 (Sub-No. 14 TA) (Correction), filed April 14, 1969, published FEDERAL REGISTER, issue of April 23, 1969, and republished as corrected this issue. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement, repossessed, and abandoned motor vehicles and trailers* (excluding trailer houses and/or mobile homes), together with parts and cargo related thereto, exclusively in wrecker service; between points in Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, and Wheeler Counties, Tex., and points in Colorado, Kansas, New Mexico, and Oklahoma, for 180 days. NOTE: The purpose of this republication is to include the five counties, Hemphill, Hutchinson, Lipscomb, Moore, and Ochiltree, which were inadvertently omitted in previous publication. Supporting shippers: Panhandle White Truck Service, 3810 Northeast Eighth Street, Amarillo, Tex.; Cummins Sales & Service, Inc., Post Office Box 5327, Amarillo, Tex. 79105; Forrester Truck Co., Box 546, Amarillo, Tex. 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124174 (Sub-No. 70 TA), filed May 1, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots or mufflers, and exhaust or tail pipe, with or without fittings*, between the plantsite and storage facilities of Maremont Corp., at or near Loudon, Tenn., on the one hand and, on the other, points in the States of Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Oklahoma, Texas, New York, and New Jersey, for 180 days. Supporting shipper: Maremont Corp., Loudon, Tenn. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126514 (Sub-No. 11 TA), filed May 2, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calendar mounts, pads, paper advertising materials, and calendars*, from Sidney, N.Y., to Los Angeles and San Francisco, Calif., for 180 days. Supporting shipper: Keith Clark, Inc., Union and Division Streets, Sidney, N.Y. 13838. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 128007 (Sub-No. 19 TA), filed May 1, 1969. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rutes, transporting: *Ammonium nitrate*, in bulk and/or bags, from the plantsite and/or warehouse facilities of Farmland Industries, Inc., at or near Lawrence, Kans., to points in Colorado, Iowa, South Dakota, Nebraska, Oklahoma, and Missouri, for 180 days. Supprting shipper: Farmland Industries, Inc., 3315 North Oak, Kansas City, Mo. 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128375 (Sub-No. 30 TA), filed May 1, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 15th and Main, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire rope and prestressed, reinforced strand cable*, from Trenton, N.J., and Palmer, Mass., and their commercial zones to Casper, Wyo.; Denver, Colo.; Pueblo, Colo.; Houston, Tex.; Tulsa, Okla.; Odessa, Tex.; Salt Lake City, Utah; and Phoenix, and their commercial zones, under contract with CF&I Steel Corp., for 180 days. Supporting shipper: CF&I Steel Corp., Denver, Colo. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133154 (Sub-No. 1 TA) (Amendment), filed April 28, 1969, published FEDERAL REGISTER issue, May 7, 1969, and republished as amended this issue. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Fred D. Preston, 5820 Wilshire Boulevard, Suite 605, Los Angeles, Calif. 90036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool insulation including batts, batting, blankets, fill, reinforced* or not reinforced; (a) from Fontana, Calif., to points in Arizona and Nevada; and (b) from Torrance, Calif., to points in Arizona; (2) *expanded plastic articles*, from Napa, Calif., to points in Arizona and Nevada, for 180 days. NOTE: The purpose of this republication is to add (b) above, and, an additional shipper. Supporting shippers: American Flotation Corp., 2006 Solano Avenue, Napa, Calif. 94558; Mineral Wool Insulations, 13361 San Bernardino Avenue, Post Office Box 990, Fontana, Calif. 92335; United States Gypsum Co., 525 South Virgil Avenue, Los Angeles, Calif. 90054. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133444 (Sub-No. 1 TA), filed April 30, 1969. Applicant: JOHN E. BRUNER AND JOHN P. BRUNER, doing business as BRUNER TRANSFER, 1545 Henry Avenue, Box 907, Beloit, Wis. 53511. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Engine parts and accessories, and motors and compressors*, in emergency shipments of 10,000 pounds or less, between Beloit, Wis., on the one hand, and, on the other hand, points in Arizona, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, Ohio, South Dakota, Texas, Virginia, and West Virginia under a continuing contract or contracts with Fairbanks Morse, Inc., Power Systems Division, of Beloit, Wis., for 180 days. Supporting shipper: Fairbanks Morse, Inc., Power Systems Division, Beloit, Wis. 53511. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133616 (Sub-No. 1 TA), filed May 2, 1969. Applicant: DESROSIERS CARTAGE CO., INC., 435 Norman Street, Ville St. Pierre, Montreal, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel bridge components*, from the United States-Canadian international boundary line to Worcester, Mass., and a 100-mile radius, for 150 days. Supporting shipper: Dominion Bridge Co., Ltd., Post Office Box 280, Montreal 3, Province of Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5683; Filed, May 12, 1969; 8:48 a.m.]

[Notice 342]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71215. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Raymond DiCaprio, Jr., Pittsburgh, Pa., of the operating rights in certificate No. MC-61344 issued January 10, 1963, to Hilda Leff, doing business as Belmar Moving Co., Pittsburgh, Pa., authorizing the transportation of household goods, as defined by the Commission, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. Jerome Solomon, 704 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-71269. By order of April 30, 1969, the Motor Carrier Board approved the transfer to A & M Transit Lines, Inc., Alliance, Ohio, of certificate No. MC-675 and MC-675 (Sub-No. 2) issued to Clyde B. Alexander, doing business as A. & M. Transit Lines, Alliance, Ohio, authorizing the transportation of: Passengers and their baggage, in a regular route operation between Akron and Alliance, Ohio, and in charter operations between points in Ohio and points in Virginia and New York, N.Y. Robert H. Stone, 302 First National Bank, Alliance, Ohio 44601, attorney for applicants.

No. MC-FC-71276. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Andico, Inc., Magna, Utah, of permit No. MC-129572 (Sub-No. 1), issued January 16, 1969, to Gayle E. Anderson, Magna, Utah, authorizing the transportation of: Pipe and pipe valves and fittings, tubing, beams, bar stock, and sheet and plate metals (except oilfield and pipeline commodities as defined in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459) and equipment, materials, and supplies used in the machining or installation of the above-described commodities between points in Utah, Idaho, Wyoming, Montana, Colorado, Arizona, New Mexico, Nevada, and California. Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-71305. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Lloyd Thompson, Bridgewater, Iowa, of certificate No. MC-53492 issued by Ivan Thompson and Lloyd Thompson, doing business as Thompson & Son, Bridgewater, Iowa, authorizing the transportation of: Livestock, agricultural commodities, building materials, agricultural implements, machinery and parts, feeds, and farm hardware, between Fontanelle, Iowa, and Omaha, Nebr., serving intermediate and off-route points within 15 miles of Fontanelle. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

No. MC-FC-71348. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Pendleton-Heppner Freight Line, Inc., Lexington, Oreg. 97839, of certificate No. MC-28394 issued December 3, 1967, to Otto Nooy, doing business as Pendleton-Heppner Truck Line, 1327 Southwest 41st Street, Pendleton, Oreg. 97801, authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Oregon.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5684; Filed, May 12, 1969; 8:48 a.m.]

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Tuesday, May 13, 1969 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

Office of Education

COLLEGE WORK-STUDY PROGRAM

No. 91—Pt. II——1

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 175—COLLEGE WORK-STUDY PROGRAM

Chapter I of Title 45 of the Code of Federal Regulations is hereby amended by adding a new part, Part 175.

Federal financial assistance made available pursuant to the regulations set forth below is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88–352).

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AUTHORITY: The provisions of this Part 175 issued under 82 Stat. 1014, 20 U.S.C. 1011, Public Law 89–329, Higher Education Act of 1965, as amended, Title IV, Part C.

§ 175.1 Purpose and objectives.

(a) The purpose of the College Work-Study Program is to stimulate and promote the part-time employment of students, particularly those from low-income families, who are in need of the earnings from such employment in order to pursue courses of study at eligible institutions.

(b) This purpose will be promoted through the development of student employment programs designed to meet the following objectives:

(1) Encourage eligible institutions to expand their efforts to enroll needy students, particularly those from low-income families;

(2) Increase the proportion of eligible high school graduates who continue their education in eligible institutions;

(3) Provide financial aid for eligible students through combining the earnings from part-time employment with other forms of financial assistance to enable students to meet their educational expenses without the necessity of incurring an unduly heavy burden of indebtedness; and

(4) Broaden the range of worthwhile job opportunities for qualified students in employment for the institution itself or for public or private nonprofit organizations, especially those engaged in health, education, welfare, and related public service activities.

§ 175.2 Definitions.

(a) "Act" means Title IV, Part C of the Higher Education Act of 1965, as amended (Public Law 89–329, 79 Stat. 1219).

(b) "Administrative expenses" means those direct costs incurred by an eligible institution which are necessary for the proper and efficient administration of a Work-Study Program conducted pursuant to an institutional agreement, but only to the extent that the items of cost are attributable to that portion of such program in which students are working for public or private nonprofit organizations other than the institution itself, including such items as salaries of staff, communications, supplies and printing, and travel; but exclusive of overhead, other indirect costs, and equipment.

(c) "Area vocational school" means;

(1) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(3) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(4) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State board, leading to immediate employment but not leading to a baccalaureate degree,

if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in subparagraph (3) or (4) of this paragraph, it admits as regular students both persons who have completed high school and persons who have left high school. The term "State Board" as used in this definition means the State board for vocational education designated or created pursuant to section 5 of the Smith-Hughes Act (that is the Act approved Feb. 23, 1917 (39 Stat. 929, ch. 114; 20 U.S.C. 11–15, 16–28)) to secure to the State the benefits of that Act.

(d) "Commissioner" means the U.S. Commissioner of Education or his designee.

(e) "Cooperative education" means a full-time course of study in an institution, under which all students in the institution, or a major subdivision thereof, may alternate periods of full-time attendance with periods of related full-time employment, upon the completion of which course of study a degree or other certificate is normally awarded.

(f) "Eligible institution" or "institution" means an institution of higher education or an area vocational school (as herein defined), except that no institution of the United States shall be eligible to enter into an institutional agreement with the Commissioner.

(g) "Family" means parents or other individuals (except foster parents) who stand in loco parentis.

(h) "Fiscal year" means the Federal fiscal year commencing on the first day of July and ending on the 30th day of the following June.

(i) "Full-time attendance" means compliance by a full-time student with the policies and regulations regarding attendance in effect at the institution in which he is enrolled.

(j) "Full-time student" means a student who is pursuing any combination of courses, research, or special studies (whether or not for credit) which, according to the standards and practices of the institution in which the student is enrolled, is considered full-time study.

(k) "Good standing" means the eligibility of a student to continue in full-time attendance in accordance with the standards and practices of the institution in which he is enrolled.

(l) "Institution of higher education" means an educational institution in any State which meets the requirements of section 435(b) of the Act. The term "educational institution" limits the scope of this definition to establishments where teaching is conducted and which have an identity of their own.

(m) "Institutional agreement" means the written agreement between an eligible institution and the Commissioner, which provides for the conduct of a Work-Study Program and which meets the conditions of section 444 of the Act.

(n) "Low-income family" means a family whose basic needs exceed its means to satisfy them primarily because its annual income is less than the minimum amount determined, according to standards promulgated by the Commissioner from time to time, to be necessary to maintain a decent standard of living.

(o) "National of the United States" means (1) a citizen of the United States, or (2) a person who though not a citizen of the United States owes permanent allegiance to the United States. (8. U.S.C.A. 1101(a)(22)).

(p) "Part-time employment" means hourly employment of a student under the Work-Study Program in accordance with the limits established in § 175.6. Work performed as a prerequisite to a degree or a certificate will not be considered employment except for not more than 120 days of work performed during any full-time work period of an organized cooperative education program.

(q) "Period of non-regular enrollment" means a summer vacation period or an equivalent period such as the full-time work period of an organized cooperative education program during which the student is enrolled in one or more classes.

(r) "Period of regular enrollment" means any period of time during which a particular student is normally expected by his institution to be pursuing a course of full-time studies, according to the usual standards and practices of the institution.

(s) "Private nonprofit" (as applied to any school, institution, organization or agency) means a school, institution, organization or agency, no part of whose earnings inures or lawfuly may inure directly or indirectly to the benefit of any private member, shareholder, or other individual.

(t) "Public organization" includes a school, agency, organization or institution of the United States.

(u) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

§ 175.3 Allotment of Federal funds to States.

(a) Initial allotments: From sums appropriated to carry out this part for a fiscal year, not to exceed 2 per centum shall be allotted by the Commissioner among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under this part. In addition to such sum, an amount shall be reserved to provide work-study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so reserved shall be allotted to eligible institutions and shall be available only for the purpose of providing work-study assistance to such students. The remainder of the sums shall be allotted among the remaining States as provided in paragraph (b) of this section. For the purposes of computing this allotment, the Commissioner will use information for the most recent year for which satisfactory data are available to him.

(b) Of the sums being allotted under this paragraph:

(1) One-third shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States;

(2) One-third shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 103(d)(3) of the Higher Education Facilities Act of 1963) of such State bears to the total number of such high school graduates of all the States; and

(3) One-third shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in such State bears to the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in all the States.

(c) Reallotment: The amount of any State's allotment which has not been granted to an institution at the end of the fiscal year for which appropriated shall be reallotted by the Commissioner in such a manner as he determines will best assist in achieving the purposes of the Act. Amounts reallotted under this paragraph shall be available for making grants until the close of the fiscal year next succeeding the fiscal year for which appropriated.

§ 175.4 Program eligibility.

(a) *General.* Work-Study Programs operated under an institutional agreement for the part-time employment of students may involve work for the institution itself or work for a public or private nonprofit organization in any State.

(1) Such programs:

(i) Must not result in the displacement of employed workers or impair existing contracts for services;

(ii) Must not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship.

(2) The work provided under such programs (i) must not involve any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election for public or party office, and (ii) must be governed by such conditions of employment, including compensation, as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, proficiency of the employee, and any applicable Federal, State, or local legislation.

(b) *Work for the institution itself.* To be eligible for Federal financial participation, work for the institution itself (including any nonprofit entity which is under the control of the governing board of the institution) must result in an expansion or broadening of the institution's student employment programs.

(c) *Work for a public or private nonprofit organization.* To be eligible for Federal financial participation, work for a public or private nonprofit organization other than the institution must (1) be in the public interest (devoted to the general, national or community welfare rather than that of a particular interest or group), and (2) be evidenced by a written agreement containing the conditions of such work between the institution and the organization. The institution is responsible for ensuring that any arrangements be with a reliable organization with professional direction and staff, and that the work performed by each student will be properly supervised, and consistent with the purposes of the Act.

(d) *Work in the public interest.* In no event shall work be considered to be in the public interest where (1) it is work for which the political support or affiliation of the student is a prerequisite or consideration for employment, (2) it is work to be performed for an elected official other than as part of the regular administration of Federal, State or local government or (3) it is work which is primarily for the benefit of the members of a limited membership organization (such as a credit union, fraternal order, or a cooperative), rather than the public.

§ 175.5 Eligibility and selection of student participants.

(a) *Eligibility.* A student is eligible for part-time employment under the Work-Study Program only during periods in which he meets all of the following conditions:

(1) Is a national of the United States, or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(2) Is in need of the earnings from such employment in order to pursue a course of study at the institution;

(3) Is capable, in the opinion of the institution, of maintaining good standing in such course of study while employed under this program; and

(4) Has been accepted for enrollment as a full-time student at the institution or, in the case of a student already enrolled in and attending the institution, is in good standing and in full-time attendance there, either as an undergraduate, graduate or professional student.

(b) *Eligibility of students attending area vocational schools.* A student enrolled in an area vocational school is eligible for employment under the College Work-Study Program only if he meets the following conditions in addition to the provisions described in paragraph (a) of this section:

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, and

(2) Is pursuing a program of education or training which requires at least 6 months to complete and is designed to prepare the student for gainful employment in a recognized occupation.

(c) *Determination of need.* In determining whether, and to what extent, a student is in need of the earnings from employment, the institution shall, at least annually, (1) determine what income, assets, and other resources (including other forms of aid) are available to the student for the time period

under consideration; (2) calculate according to standards published from time to time by the Commissioner what portion of the income, assets, and resources of the student's family may reasonably be expected to be made available to the student; and (3) determine the cost reasonably necessary for the student's attendance at the institution, including any special needs and obligations which directly affect the student's financial ability to attend the institution on a full-time basis. A student shall be considered to be in need to the extent that such costs of attendance exceed the sum of the amounts determined to be available to the student and the amounts, if any, which may reasonably be expected to be made available to him by his family.

(d) *Selection of students.* In the selection of students for employment under the Work-Study Program, an institution shall give preference to students from low-income families.

(e) *Availability of student employment.* Each institution shall make employment under the Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof.

(f) *Record of approval or disapproval.* Each institution shall maintain records which reflect the approval or disapproval of all or part of each student's application for employment under the program and which identify the institutional officer who made each such determination.

§ 175.6 Limitations on the number of hours of employment.

(a) During periods of regular enrollment, when classes in which a student is enrolled are in session, he shall be limited to working no more than an average of 15 hours per week under the program, averaged over the semester or other time period on the basis of which the institution in which he is enrolled awards academic credits. Work performed during any week when the student is on vacation shall not exceed 40 hours and shall not be counted as contributing toward the average of 15 hours per week established in the preceding sentence.

(b) During periods of nonregular enrollment, when classes in which a student is enrolled are in session he may be employed under the program for as many as 40 hours per week or such lesser number of hours per week as the institution may determine in accordance with its own standards and practices and considering (1) the extent of the student's financial need and (2) the harm or potential harm of a particular combination of hours of work and hours of study on a given student's health or academic progress.

(c) During periods not covered under paragraphs (a) and (b) of this section, a student may work up to 40 hours per week under the program.

§ 175.7 Use of funds.

(a) Federal funds made available on the basis of an approved application submitted pursuant to this part may be used only (1) to pay the Federal share of compensation to eligible students employed in eligible Work-Study Programs, and (2) to meet administrative expenses, as defined in § 175.2(b). The amount for such administrative expenses may not exceed 5 percent of that portion of the Federal payments used for compensation of students in work for public or private nonprofit organizations other than the institution itself.

(b) Interest, if any, earned on Federal funds shall be remitted to the Commissioner in accordance with instructions issued by him.

§ 175.8 Limitations on Federal share of student compensation.

(a) The Federal share of the compensation of students employed in any Work-Study Program under an institutional agreement shall not exceed 80 percent of such compensation for part-time employment, except that in unusual cases a Federal share in excess of 80 percent may be approved by the Commissioner, but only and to the extent that he determines, pursuant to such objective criteria as may be established in regulations, that a Federal share in excess of 80 percent is required to achieve the purposes of this part.

(b) The Federal share of compensation for part-time employment shall be calculated on the basis of the hourly rate paid the student for actual time on the job but such calculation shall not include any compensation paid which is in excess of such maximum hourly wage rate as may from time to time be set by the Commissioner, or any costs of the employer's contribution to Social Security, workmen's compensation, retirement, or any other welfare or insurance programs which may be paid by the employer on account of a student employed under the Work-Study Program.

§ 175.9 Minimum wage rate.

The minimum rate of compensation for a student employed under the Work-Study Program shall be

(a) $1.15 an hour for work performed through January 31, 1969;

(b) $1.30 an hour for work performed from February 1, 1969, through January 31, 1970;

(c) $1.45 an hour for work performed from February 1, 1970, through January 31, 1971; and

(d) $1.60 an hour for work performed thereafter;

(e) Or such higher minimum wage as may be required under any applicable Federal, State, or local legislation; except that the Commissioner may approve a lower rate of compensation in cases (1) where a lower minimum wage for such employees has been established by the Secretary of Labor, under the provisions of the Fair Labor Standards Act, or (2) where exceptional circumstances warrant a lower rate and where the approval of a lower rate is not precluded by law and is consistent with and promotive of the purposes of this part.

§ 175.10 Nature and source of institutional share of student compensation.

(a) An institution may use any source available to it to pay its share of the compensation paid to students employed under the Work-Study Program.

(b) No institution shall solicit or permit any public or private nonprofit organization with which it has an arrangement pursuant to § 175.4(c) to solicit from a student or any other person any fee, commission, or compensation of any kind, or the granting of a gift or gratuity of any kind, as a consideration or a prerequisite for the employment of any particular student under the program.

§ 175.11 Maintenance of level of expenditures.

In each fiscal year during which the institutional agreement remains in effect, the institution shall expend (from sources other than payments of Federal grants under this part) for the employment of its students (whether or not in employment eligible for assistance under this part) an amount that is not less than the institution's average annual expenditures for such employment during the three fiscal years preceding the fiscal year for which the institutional agreement is in effect.

§ 175.12 Coordination of student financial aid programs.

In order to carry out the purpose of the Work-Study Program, the institution shall provide for the coordination of this program with other programs of student financial aid, including the National Defense Student Loan and Educational Opportunity Grants Programs where the institution also participates in such programs. Responsibility for the general conduct of the operation of the Work-Study Program shall be assigned to an institutional official who has other student financial aid responsibility.

§ 175.13 Institutional agreement and application for funds.

(a) Applications for Federal funds under this part shall be approved only if there is in effect an institutional agreement. Such agreement shall be executed by an official of the institution who is legally authorized to commit the institution.

(b) Applications for Federal funds must be submitted to the Commissioner by an authorized official of the institution in such form and at such time as the Commissioner may prescribe.

§ 175.14 Criteria for approval of institutional applications.

In order to achieve equitable distribution of assistance as required by section 446 of the Act, institutional applications for the allocation of funds under this program shall be reviewed and approved, in whole or in part, on the basis of, but not limited to, the following criteria:

(a) Whether the institution employs under the program a large proportion of students from low-income families in relation to the total number of needy students employed under the program;

(b) Whether provision has been made for effective administration of the program, including effective coordination with institutional and other Federal programs of student financial aid;

(c) Whether public and private nonprofit organizations, especially those engaged in health, education, welfare, and related public service activities have been included;

(d) Whether the institution has demonstrated a strong commitment to enroll students from low-income families, as evidenced by (1) specialized recruitment and admission, such as that provided through the programs of Talent Search or Upward Bound, (2) remedial instruction, (3) specialized counseling, and (4) any other relevant factors;

(e) The anticipated number of students to be employed under this program as compared to the institution's anticipated enrollment;

(f) The anticipated average compensation of Work-Study students in relation to the institution's average educational costs;

(g) The institution's utilization of Work-Study Program funds, if any, allocated in previous years; and

(h) The institution's total request for Federal student financial aid funds (including Educational Opportunity Grants and National Defense Student Loans) in relation to the average cost of education at the institution and the institution's anticipated enrollment.

§ 175.15 Payment and reallocation of grant funds.

(a) *Payment of funds.* Funds will be made available in advance on the basis of substantiated need and periodic fiscal reports submitted by the institution.

(b) *Reallocation of unused Federal funds.* Any funds which are available to an institution but not used, or which the institution agrees will not be used, by the end of the period for which such funds were made available shall, in the discretion of the Commissioner, either remain available for use by the institution during a subsequent grant period or be made available for use by other eligible institutions.

(c) *No waiver.* Neither approval of any application nor any payment of funds to an institution shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the institution to observe, before or after such administrative action, any Federal requirement.

§ 175.16 Fiscal procedures, records, and reports.

(a) *Fiscal procedures.* (1) The institution shall administer the Work-Study Program in such a manner as to provide for an adequate system of internal controls. Wherever practical, the various administrative responsibilities shall be divided so as to prevent the handling of all aspects of the program by a single individual.

(2) If a fiscal agent is utilized by the institution, its function must be limited solely to the performance of ministerial acts. The responsibilities of the institution to make determinations relative to the eligibility of students for employment under the program cannot be delegated.

(3) Payments to students shall be made at least once a month. The institution is responsible for ensuring that students are paid the full amount of wages earned under the program, whether the work is for the institution itself or for a public or private nonprofit organization.

(b) *Records.* The institution shall maintain, on a current basis, adequate records which reflect all transactions with respect to the program, and shall establish and maintain such general ledger control accounts and related subsidiary accounts as are prescribed by the Commissioner. Such records shall:

(1) Meet at least the minimum standards prescribed by the Commissioner as set forth in the most recent official College Work-Study Manual and other official guidelines that may be issued from time to time;

(2) Be maintained in such a manner as to separately identify all program transactions from other institutional funds and activities; and

(3) Be maintained in such a manner as to be readily auditable. All records pertaining to activity during a given fiscal year, including applications of students for employment under the Work-Study Program during that fiscal year, shall be retained for a period of 5 years following the end of the fiscal year, or until audited by a representative of the Commissioner, whichever is earlier. Records involved in any claim or expenditure questioned by the Commissioner, or on audit, shall be retained until necessary adjustments have been reviewed and approved by the Commissioner.

(c) *Reports.* Institutions shall submit such reports and information as the Commissioner may reasonably require in connection with the administration of the Work-Study Program and shall comply with such procedures as he may find necessary to ensure the correctness and verification of such reports.

§ 175.17 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the Act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

Dated: April 10, 1969.

PETER P. MUIRHEAD,
U.S. Commissioner of Education.

Approved: May 7, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

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Title 3—THE PRESIDENT

Executive Order 11468

AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, Executive Order No. 11248 [1] of October 10, 1965, as amended, is further amended as follows:

1. Section 1 of that Order, placing certain positions in level IV of the Federal Executive Salary Schedule, is amended by deleting "(9) Executive Director, Cabinet Committee on Price Stability", and inserting in lieu thereof "(9) Deputy Under Secretary for International Labor Affairs, Department of Labor".

2. Section 2 of that Order, placing certain positions in level V of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(23) Deputy Assistant Postmaster General, Bureau of Operations, Post Office Department.

(24) Director, Office of Minority Business Enterprise, Department of Commerce.

Richard Nixon

THE WHITE HOUSE,
May 10, 1969.

[F.R. Doc. 69-5781; Filed, May 12, 1969; 1:22 p.m.]

[1] 30 F.R. 12999; 3 CFR, 1964–1965 Comp., p. 349.

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REGULATED AREAS

Under the authority of § 301.72–2 of the White-Fringed Beetle Quarantine regulations, 7 CFR 301.72–2, as amended, 33 F.R. 14356, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.72–2a, as follows:

§ 301.72–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as white-fringed beetle regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ALABAMA

(1) *Generally infested area.*

Autauga County. Those portions of Tps. 17 and 18 N., R. 12 E. lying within the county and that portion of the S½ of T. 19 N., R. 12 E. lying within the county; NE¼, T. 19 N., R. 13 E., NW¼, T. 19 N., R. 14 E., and SW¼, T. 20 N., R. 14 E.; secs. 23, 24, 25, 26, 35, and 36, T. 20 N., R. 15 E., and those portions of the county lying within Tps. 16, 17, 18, 19, and 20, N., R. 16 E.

Baldwin County. The entire county.

Barbour County. That portion of the county lying south of the north line of T. 11 N. and east of the west line of R. 28 E.; and that portion of the county lying west of the east line of R. 25 E. and south of the north line of T. 9 N.

Bibb County. That portion of the county lying east of the west line of R. 9 E., and that portion of the county lying east of the west line of R. 6 W.

Blount County. That portion of the county lying west of the east line of R. 1 E., and that portion of the county lying south of the north line of T. 12 S.

Bullock County. NE¼, T. 13 N., R. 23 E., and SE¼, T. 14 N., R. 23 E.; and that portion of the county lying within sec. 4, T. 14 N., R. 26 E.

Butler County. The entire county.

Calhoun County. The entire county.

Chambers County. T. 22 N., R. 26 E.; W½, T. 22 N., R. 27 E.; secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 23 N., R. 27 E.; secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 24 N., R. 27 E.; that portion of the county lying in the N½, T. 24 N., R. 28 E.; E½, T. 21 N., R. 28 E.; that portion of the county lying in SE¼, T. 22 N., R. 28 E.; that portion of the county lying in T. 21 N., R. 29 E.; and those portions of secs. 31 and 32, T. 22 N., R. 29 E., lying within the county.

Cherokee County. S½, T. 9 S., R. 6 E.; T. 10 S., R. 6 E.; S½, T. 9 S., R. 9 E.; T. 10 S., R. 9 E.; E½, T. 9 S., R. 10 E.; and that portion of T. 9 S., R. 11 E., lying within the county.

Chilton County. The entire county.

Choctaw County. The entire county.

Clarke County. The entire county.

Clay County. T. 21 S., Rs. 6 and 7 E.; T. 20 S., R. 8 E.; and all of the area lying within the corporate limits of the city of Lineville.

Cleburne County. Secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 17 S., R. 9 E.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 17 S., R. 10 E.; secs. 35 and 36 T. 16 S., R. 11 E.; E1/3 T. 17 S., R. 11 E.; secs. 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, 34, and 35, and those portions of secs. 14, 23, 26, and 36 T. 15 S., R. 12 E. lying within the county; S1/6 T. 16 S., R. 12 E.; and that portion of T. 17 S., R. 12 E. lying within the county.

Coffee County. That portion of the county lying south of the north line of T. 6 N.

Colbert County. That portion of the county lying east of the west line of R. 11 W.

Conecuh County. The entire county.

Coosa County. E1/3, T. 22 N., R. 18 E.; secs. 25, 26, 35, and 36, T. 23 N., R. 18 E.; E1/3, T. 21 N., R. 19 E.; W1/2, T. 22 N., R. 19 E.; secs. 35 and 36, T. 22 N., R. 19 E.; secs. 28, 29, 30, 31, 32, and 33, T. 23 N., R. 19 E.; E1/2, T. 24 N., R. 19 E.; W1/3, T. 21 N., R. 20 E.; secs. 81 and 32, T. 22 N., R. 20 E.; and T. 24 N., R. 20 E.

Covington County. The entire county.

Crenshaw County. The entire county.

Cullman County. The entire county.

Dale County. That portion of the county lying south of the north line of T. 6 N. and west of the east line of R. 23 E.

Dallas County. The entire county.

De Kalb County. That portion of the county lying west of the east line of R. 6 E.; secs. 19, 30, and 31, T. 8 S., R. 7 E.; secs. 6, 7, and 18, T. 9 S., R. 7 E.; that portion of the county lying within T. 4 S., R. 8 E.; that portion of the county lying within the N½, T. 5 S., R. 8 E.; secs. 5, 6, 7, and 8, T. 6 S., R. 8 E.; secs. 1, 12, 13, and 24, T. 7 S., R. 8 E.; sec. 31, T. 4 S., R. 9 E.; secs. 6 and 7, T. 5 S., R. 9 E.; S½, T. 6 S., R. 9 E.; and N⅔, T. 7 S., R. 9 E.

Elmore County. The entire county.

Escambia County. The entire county.

Etowah County. That portion of the county south of the north line of T. 11 S., in Rs. 6 and 7 E., including all of the corporate limits of the city of Gadsden.

Fayette County. Secs. 29, 30, 31, and 32, T. 15 S., R. 12 W.; W½, T. 16 S., R. 12 W., secs. 25, 26, 35, and 36, T. 15 S., R. 13 W.; and E½, T. 16 S., R. 13 W.

Franklin County. All of the area lying within the corporate limits of the city of Russellville.

Geneva County. The entire county.

Greene County. That portion of the county lying south of the north line of T. 19 N. and east of the west line of R. 2 E.; secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 21 N., R. 2 E.; secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 22 N., R. 2 E.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, T. 23 N., R. 3 E.; and secs. 31, 32, 33, 34, and 35, T. 24 N., R. 3 E.

Hale County. E½, T. 20 N., R. 4 E.; T. 20 N., R. 5 E.; NE¼, T. 23 N., R. 4 E.; and NW¼, T. 23 N., R. 5 E.

Henry County. That portion of the county lying south of the north line of T. 7 N.

Houston County. The entire county.

Jackson County. S½, T. 2 S., R. 5 E.; N½, T. 3 S., R. 5 E.; secs. 35 and 36, T. 3 S., R. 5 E.; E½, T. 4 S., R. 5 E.; secs. 31, 32, and 33, T. 3 S., R. 6 E.; W½, T. 4 S., R. 6 E.; that portion of T. 5 S., R. 6 E. lying south of the Tennessee River; W½, T. 5 S., R. 7 E.; that portion of W½, T. 2 S., R. 8 E. lying north of the Tennessee River; those portions of Tps. 4 and 5 S., R. 8 E., lying within the county; and all of the area lying within the corporate limits of the city of Stevenson.

Jefferson County. The entire county.

Lamar County. Tps. 14, 15, and 17 S., R. 15 W.; and that portion of T. 15 S., R. 16 W., lying within the county.

Lauderdale County. All of the area lying within the corporate limits of the city of Florence; and that portion of the county lying west of the east line of R. 11 W.

Lawrence County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 6 S., R. 7 W.; W⅔, T. 7 S., R. 7 W.; secs. 25 and 36, T. 6 S., R. 8 W.; and E¼, T. 7 S., R. 8 W.

Lee County. That portion of the county lying west of the east line of R. 26 E., and that portion of the county lying in the W½, of R. 27 E.

Limestone County. NW¼, T. 5 S., R. 3 W.; S½, T. 2 S., Rs. 3 and 4 W.; N½, T. 3 S., Rs. 3 and 4 W.; and SW¼, T. 1 S., R. 4 W.

Lowndes County. Tps. 13 and 14 N., Rs. 12 and 13 E.; S½, T. 12 N., R. 15 E.; and SW½, T. 12 N., R. 16 E.

Macon County. That portion of T. 16 N., R. 20 E., lying within the county; secs. 4, 5, 6, 7, 8, 9, 16, 17, 20, and 21, and that portion of secs. 18 and 19, T. 16 N., R. 21 E., lying within the county; N½, T. 16 N., Rs. 23, 24, and 25 E.; and that portion of the county lying north of the south line of T. 17 N., Rs. 23, 24, and 25 E.

Madison County. All of the county except T. 1 S., Rs. 1 and 2 W.; T. 2 S., R. 2 W.

Marengo County. Secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.; secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; that portion of the county lying south of the north line of T. 13 N.; and all of the area lying within the corporate limits of the town of Thomaston.

Marion County. Secs. 20 and 31, T. 10 S., R. 11 W.; secs. 6 and 7, T. 11 S., R. 11 W.; S½, T. 10 S., R. 12 W.; N½, T. 11 S., R. 12 W.; NW¼, and secs. 19, 20, and 21, T. 9 S., R. 12 W., and secs. 1, 12, 13, and 24, T. 9 S., R. 13 W.; S½, T. 10 S., R. 14 W.; N½, T. 11 S., R. 14 W.; and that portion of the county lying south of the north line of T. 12 S.

Marshall County. The entire county.

Mobile County. The entire county.

Monroe County. The entire county.

Montgomery County. That portion of the county lying north of the south line of T. 15 N.; S½, T. 13 N., R. 17 E.; and T. 12 N., R. 18 E.

Morgan County. Those portions of SW¼, T. 5 S., R. 1 E., SE¼, T. 5 S., R. 1 W., and NW¼, T. 6 S., R. 1 E. lying in the county; NE¼, T. 6 S., R. 1 W.; secs. 19, 30, and 31, T. 6 S., R. 2 W.; W½, T. 7 S., R. 2 W.; SE¼ and secs. 31, 32, and 33, T. 6 S., R. 3 W.; T. 7 S., R. 3 W.; that portion of W½, T. 8 S., R. 3 W. lying within the county; secs. 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 6 S., R. 4 W.; T. 7 S., R. 4 W.; that portion of E½, T. 8 S., R. 4 W., lying in the county; and secs. 25, 26, 35, and 36, T. 6 S., R. 5 W.

Perry County. W½, T. 17 N., R. 6 E.; E½, T. 19 N., R. 7 E.; S½, T. 20 N., R. 7 E.; Tps. 19 and 20 N., R. 8 E.; S½, T. 21 N., R. 8 E.; N½, T. 20 N., R. 9 E.; and S½, T. 21 N., R. 9 E.

Pickens County. T. 20 S., R. 13 W.; and all of the area lying within the corporate limits of the town of Aliceville.

Pike County. That portion of the county lying south of the north line of T. 10 N.

Randolph County. Secs. 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 18 S., R. 10 E.; N½, T. 22 S., R. 10 E.; S½, T. 19 S., R. 11 E.; T. 20 S.,

R. 11 E.; secs. 1 and 12, T. 21 S., R. 11 E.; secs. 14, 15, 16, 21, 22, 23, 26, 27, and 28, T. 18 S., R. 12 E.; SW¼, T. 20 S., R. 12 E.; W½, and SE¼, T. 21 S., R. 12 E.; N½, T. 22 S., R. 12 E.; S½, T. 21 S., R. 13 E.; N½, T. 22 S., R. 13 E.; and secs. 7 and 18, T. 22 S., R. 14 E.

Russell County. Secs. 1, 2, and 3, T. 14 N., R. 26 E.; and that portion of the county lying within secs. 25, 26, 27, 34, 35, and 36, T. 15 N., R. 26 E.

St. Clair County. The entire county.

Shelby County. The entire county.

Sumter County. That portion of the county lying south of the north line of T. 19 N., and west of the east line of R. 1 E.

Talladega County. E½, T. 21 S., R. 3 E.; that portion of E½, T. 22 S., R. 3 E., lying within the county; T. 21 S., R. 4 E.; that portion of T. 22 S., R. 4 E., lying within the county; that portion of the county lying east of the west line of R. 5 E., and north of the south line of T. 18 S.; and secs. 2, 3, 4, 5, and 6, T. 19 S., R. 5 E.

Tallapoosa County. N½, T. 22 N., R. 21 E.; T. 23 N., R. 21 E.; that portion of the county lying south of the north line of T. 18 N.; S½, T. 19 N., Rs. 22 and 23 E.; T. 21 N., R. 23 E.; S½, T. 22 N., R. 23 E.; and the NE¼, T. 24 N., R. 24 E.

Tuscaloosa County. That portion of the county lying within T. 24 N., R. 3 E.; that portion of the county lying within T. 20 S., Rs. 5 and 6 W., and T. 20 S., R. 7 W.; that portion of the county lying in Tps. 21 and 22 S., located east of the west line of R. 10 W.; SW¼, T. 20 S., R. 10 W.; secs. 23, 24, 25, 26, 35, and 36, T. 20 S., R. 11 W.; and the E½, T. 21 S., R. 11 W.

Walker County. That portion of the county lying east of the west line of R. 5 W.; S½, T. 13 S., Rs. 6 and 7 W.; T. 14 S., Rs. 6 and 7 W.; T. 15 S., Rs. 6 and 7 W.; that portion of T. 16 S., R. 6 W. lying within the county; T. 16 S., R. 7 W.; secs. 2, 3, 4, 9, 10, 11, 14, 15, and 16, T. 13 S., R. 8 W.; secs. 19, 20, 29, 30, 31, and 32, T. 13 S., R. 9 W.; and secs. 24, 25, and 36, T. 13 S., R. 10 W.

Washington County. The entire county.

Wilcox County. The entire county.

Winston County. Secs. 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, and 30, T. 11 S., R. 6 W.; secs. 12, 13, 24, and 25, T. 11 S., R. 7 W.; T. 9 S., R. 10 W.; and N½, T. 10 S., R. 10 W.

(2) *Suppressive area.*

None.

ARKANSAS

(1) *Generally infested area.*

None.

(2) *Suppressive area.*

Craighead County. Secs. 11, 12, 13, 14, 23, 24, 25, and 36, T. 14 N., R. 3 E.; secs. 1, 2, and 3, T. 13 N., R. 4 E.; secs. 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, and 36, T. 14 N., R. 4 E., including all of the town of Jonesboro; secs. 9, 10, 11, 14, 15, and 16, T. 13 N., R. 7 E., including all of the town of Caraway; secs. 27, 28, 33, and 34, T. 15 N., R. 7 E., including all of the town of Monette.

Crittenden County. All of the area lying within the corporate limits of the cities of Marion and West Memphis.

Greene County. Secs. 1, 2, 11, and 12, T. 16 N., R. 5 E.; secs. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 17 N., R. 5 E.; secs. 4, 5, 6, 7, 8, and 9, T. 16 N., R. 6 E.; secs. 28, 29, 30, 31, 32, and 33, T. 17 N., R. 6 E., including all of the town of Paragould.

Lee County. All of the area lying within the corporate limits of the city of Marianna.

Mississippi County. Secs. 7, 8, 9, and 17, T. 16 N., R. 8 E., including all of the town of Leachville; all of the area within the corporate limits of the town of Manila; all of the area within the limits of the Blytheville Air Force Base; secs. 2, 3, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, including all of the town of Blytheville, and that portion of secs. 4 and 8 lying outside of the Blytheville Air Force Base, T. 15 N., R. 11 E.; and secs. 8, 17, and 18, T. 15 N., R. 12 E.

Monroe County. All of the area lying within the corporate limits of the town of Brinkley.

Phillips County. All of the area lying within the corporate limits of the cities of Helena and West Helena.

Poinsett County. Secs. 1, 2, and 3, T. 10 N., R. 6 E., secs. 34, 35, and 36, T. 11 N., R. 6 E., including all of the town of Marked Tree; secs. 2, 3, 4, 9, 10, 11, 14, and 15, T. 11 N., R. 7 E.; secs. 33, 34 and 35, T. 12 N., R. 7 E., including all of the town of Lepanto.

St. Francis County. Secs. 3, 4, 5, and 6, T. 4 N., R. 3 E.; secs. 16, 17, 20, 21, 22, 26, 27, 28, 29, 31, 32, 33, 34, and 35, T. 5 N., R. 3 E., including all of the town of Forrest City.

FLORIDA

(1) *Generally infested area.*

Bay County. The entire county.

Calhoun County. The entire county.

Columbia County. Sec. 26, T. 3 S., R. 15 E.

Escambia County. The entire county.

Gadsden County. The entire county.

Gulf County. The entire county.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. That portion of the county lying north of the south boundary line of T. 1 S. and west of the east boundary line of R. 5 E.

Leon County. The entire county.

Liberty County. The entire county.

Madison County. That portion of T. 1 N., R. 6 E. lying in the county; and T. 1 N., R. 7 E.

Okaloosa County. The entire county.

Santa Rosa County. The entire county.

Suwannee County. E½, T. 2 S., R. 13 E. and W½, T. 2 S., R. 14 E., including the entire city of Live Oak.

Wakulla County. Secs. 31 and 32, T. 2 S., R. 1 W.

Walton County. The entire county.

Washington County. The entire county.

(2) *Suppressive area.*

None.

GEORGIA

(1) *Generally infested area.*

Baker County. Georgia Militia District 957, and that portion of Georgia Militia District 1722 lying west of the Chickasawhatchee Creek.

Baldwin County. The entire county, excluding Georgia Militia District 322.

Ben Hill County. Georgia Militia Districts 1537 and 1659.

Bibb County. The entire county.

Brooks County. Georgia Militia Districts 660 and 1650.

Bulloch County. Georgia Militia Districts 45, 48, 1209, 1575, and 1716.

Burke County. Georgia Militia Districts 60, 61, 62, 63, 64, 67, and 70.

Butts County. Georgia Militia Districts 614 and 615.

Candler County. The entire county.

Clarke County. The entire county.

Clayton County. Georgia Militia Districts 548, 1446, 1088, and 1644, excluding the Atlanta General Depot.

Cobb County. That portion of the county lying within the corporate limits of the city of Marietta and Dobbins Air Force Base and that area beginning at the intersection of Poplar Creek and U.S. Highway 41 and extending northwest along said highway, including an area 1 mile on each side of Highway 41, to the intersection with Georgia Highway 5, and that portion of county lying within the city limits of Mableton.

Coffee County. Georgia Militia Districts 748, 1127, and that portion of Georgia Militia District 1556 lying north of Georgia Highway 32, and that portion of Georgia Militia District 1170 lying within the corporate limits of the town of Nicholls.

Colquitt County. Georgia Militia Districts 1665, 1151, 1184, and 1759; that portion of Georgia Militia District 799 lying north of Secondary Road S1205; that portion of Georgia Militia District 1538 lying north of Secondary Road S1205 and that portion of Georgia Militia District 1510 lying east of Secondary Road S1252 and south of State Highway 37.

Coweta County. That area included within a circle having a 2-mile radius and center at the Newnan town square.

Crawford County. The lower half of the county lying southeast of U.S. Highway 80 and the adjoining area within a circle having a radius of 1½ miles with center at the intersection of U.S. Highways 80 and 341 at Roberta.

Crisp County. Georgia Militia District 1451; that portion of Georgia Militia District 1040 lying north of U.S. Highway 280; and that area within a circle having a 2-mile radius with the center at the intersection of Cedar Creek and the Albany and Northern Railroad.

Decatur County. Georgia Militia Districts 1805, 1325, 914, 694, 1392, and that portion of Georgia Militia Districts 513, 1361, and 1188 lying south of U.S. Highway 84, and that area lying within the corporate limits of the city of Bainbridge, and the town of Climax.

De Kalb County. That portion of the county lying west of I–285 highway.

Dodge County. That area within a circle having a radius of 5 miles with the center at the intersection of U.S. Highways 341 and 23 at Eastman.

Dooly County. The entire county.

Early County. Georgia Militia Districts 430 and 1572.

Emanuel County. Georgia Militia Districts 49 and 53.

Fulton County. That portion of the county lying south of I–285 Highway and east of the Chattahoochee River and State Highway 92 and 74 including all of the city of Fairburn.

Grady County. Georgia Militia Districts 753, 720, and 1641.

Greene County. Georgia Militia Districts 142, 143, 146, 148, and 163.

Gwinnett County. That portion of the county within a circle having a 3-mile radius with the center at the county courthouse in Lawrenceville.

Hancock County. Georgia Militia Districts 101, 116, and 117, and that area within a circle having a radius of 1½ miles from the courthouse at Sparta, as the center point.

Harris County. Georgia Militia District 934; that portion of Georgia Militia District 672 lying within a circle having a mile radius with the center at the County Court House in Hamilton; and beginning on the Muscogee County line and Georgia Highway 85 an area 1 mile on each side of said highway extending northeast to its intersection with Georgia Militia District 934.

Heard County. Georgia Militia District 1678.

Houston County. The entire county.

Irwin County. The entire county.

Jasper County. The entire county.

Jefferson County. That portion of the county lying south of the Savannah and Atlanta Railroad and all of Georgia Militia District 77.

Johnson County. Georgia Militia Districts 1201, 1820, 1405, and 1301.

Lamar County. Georgia Militia District 540; and that portion of the county between Milner and Barnesville bounded on the west by Central of Georgia Railroad and the east by Georgia Highway 36; and that portion of the county within a circle having a 2-mile radius, with the center at the intersection of U.S. Highway 41 and Georgia Highway 36 in Barnesville.

Laurens County. The entire county, excluding Georgia Militia Districts 343, 1368, and 1367.

Lowndes County. Georgia Militia Districts 662, 663, 1307, and 1246.

Macon County. That portion of the county lying east of Flint River; that area lying north of Toteover Creek; that portion of the county lying within Georgia Militia District 814; that area included within a circle having a 1½ mile radius with the center at the intersection of the Atlantic Coast Line Railroad and Georgia Highway 90 in Ideal; and that area lying within the corporate limits of Oglethorpe.

Meriwether County. Georgia Militia Districts 669, 809, 1281, 1400, 1406, and that area lying within the corporate limits of Manchester.

Miller County. That portion of the county lying south of Secondary Road S1193 and that portion of Georgia Militia District 903 lying south of Georgia Highway 91 and that portion of GMD 1029 lying north of Georgia Highway 91.

Monroe County. Georgia Militia Districts 480 and 557.

Montgomery County. The entire county.

Muscogee County. That portion of the corporate limits of Columbus south of Bull Creek between Cusseta Road and Chattahoochee River; and that portion of the county beginning at Fortson Road and Harris County line, extending east and south thence east again along Harris County line to a point due north of Pierce Chapel and Blackmond Road junction, thence south from this point to and south along Blackmond Road to the junction with Hancock Road, thence west along Hancock Road to the junction with U.S. Highway 27, thence southwest along U.S. Highway 27 to the junction of Fortson Road, thence north on Fortson Road to the point of beginning.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale; all of the area in the city of Covington; and that area included within a circle having a radius of 1 mile with the center at High Point Church on Georgia Highway 36.

Oconee County. Georgia Militia District 231.

Oglethorpe County. Georgia Militia Districts 227, 229, and 1303.

Peach County. The entire county.

Pike County. Georgia Militia Districts 580, 581, 1465, and 592.

Pulaski County. That portion of the county lying west of Ocmulgee River.

Putnam County. Georgia Militia District 389; and that portion of Georgia Militia District 368 lying east of U.S. Highway 129, including all of the town of Eatonton.

Richmond County. That portion of the county lying north of Butler Creek; that area lying south of Patterson Road and Secondary Road S2169 in Georgia Militia District 1434; and that area lying south of U.S. Highway 1 in Georgia Militia District 1760.

Screven County. That portion of the county within a circle having a 4-mile radius and center at the Screven County courthouse in Sylvania, including all of the city of Sylvania.

Seminole County. The entire county.

Spalding County. Georgia Militia Districts 1065, 1830, 1001, 1825, and 1069.

Sumter County. Georgia Militia Districts 789 and 687 and that portion of the county included within a circle having a 1½-mile radius with the center at the intersection of Georgia Highway 308 and Georgia Highway 49; that portion within the corporate limits of De Soto; and that portion of Georgia Militia District 993 lying west of the Central of Georgia Railroad.

Talbot County. Georgia Militia Districts 681, 685, 689, 894, 902, and 904; and that portion of Georgia Militia District 889 north of the South Fork Upatole Creek.

Taylor County. The entire county, excluding Georgia Militia Districts 737, 1656, and 1071.

Tift County. That portion of the county lying within Georgia Militia District 1314 south of Mill Creek; and that portion of Georgia Militia District 1550 lying south of Secondary Road S1980 and south of U.S. Highway 319 northeast of its intersection with Secondary Road S1980.

Toombs County. The entire county.

Treutlen County. Georgia Militia Districts 1386 and 1221.

Troup County. Georgia Militia Districts 655, 656, and 700.

Turner County. An area 2 miles wide with U.S. Highway 41 and State Highway 41 and State Highway 7 as centerline, beginning at the north and northwest boundaries of Ashburn Georgia Militia District 1624 and extending south to a line one-half mile south of Sycamore, including all of the towns of Ashburn and Sycamore.

An area 1 mile wide with Georgia Highway 32 as centerline beginning at Hat Creek and extending east to Gulley Branch.

An area 1 mile wide with State Highway 159 as centerline and extending northeastward along State Highway 159 from Deep Creek for a distance of 2 miles, including the town of Amboy.

Twiggs County. All of the county east of U.S. Highway 23.

Upson County. That portion of the county within a circle having a 4-mile radius, with the center at the county courthouse in Thomaston.

Washington County. All of Washington County, excluding Georgia Militia Districts 88, 90, 96, and 99.

Wheeler County. Georgia Militia Districts 1531, 393, 1450, and 394.

Wilcox County. Georgia Militia Districts 1321, 1103, 1598, 1442, and 1630.

Wilkinson County. Georgia Militia District 353.

Worth County. Georgia Militia Districts 1590 and 1806; that portion of Georgia Militia District 1428 lying south of U.S. Highway 82; that portion of the county lying within the corporate limits of the cities of Sylvester and Sumner that portion of GMD 1591 lying east of State Highway 33 and north of Secondary Road S1538; and that portion of the county included within a circle having a 2-mile radius with the center at the intersection of the Albany and Northern Railroad and State Highway 313.

(2) *Suppressive area.*

Berrien County. Georgia Militia District 1157.

Bleckley County. That portion of the county lying within a circle having a 2-mile radius with the center at the intersection of U.S. Highway 23 and Georgia Highway 26 at Cochran; and that portion of Georgia Militia District 1573, north and east of Rocky Creek.

Calhoun County. Georgia Militia District 626.

Jeff Davis County. That portion of the county lying within the corporate limits of the city of Hazelhurst; and that portion of Georgia Militia District 1364 lying north of the Southern Railroad Line.

Lanier County. That portion of the county lying within the corporate limits of the town of Lakeland.

McDuffie County. That portion of the county bounded on the south by Big Briar Creek, on the west by Sweetwater Creek, on the north by the Georgia Railroad, and on the east by Headstall Creek.

Randolph County. That area bounded on the north, east, south, and west by lines parallel to and one-half mile beyond the Cuthbert city limits, including all the city of Cuthbert.

Schley County. That portion of Georgia Militia District 882, north and east of U.S. Highway 19 and north of Georgia Highway 271.

Thomas County. Georgia Military Districts 637, 1212, and 1508.

Warren County. That portion of the county lying within a circle having a radius of 1 mile with the county courthouse at Warrenton as the center.

Webster County. That portion of the county lying within the corporate limits of the town of Weston.

LOUISIANA

(1) *Generally infested area.*

Acadia Parish. T. 7 S., Rs. 1 E. and 1 W.; secs. 13, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, and 43, T. 9 S., R. 1 E.; that portion of sec. 14 T. 9 S., R. 1 E., lying south of Bayou Wikoff; those portions of secs. 20, 29, 30, 31, and 44, T. 9 S., R. 1 E., lying south and east of Bayou Plaquemine Brule; secs. 3, 4, 5, 6, 7, 8, and 37, T. 10 S., R. 1 E.; and secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 S., R. 2 E.

East Feliciana Parish. That area bounded by lines lying 1 mile north and south of and parallel to Louisiana Highway 10 extending from the Amite River to Louisiana Highway 67, excluding that portion lying within the city limits of Clinton; that area bounded by lines lying 1 mile east and west of and parallel to Louisiana Highway 19 extending from the south line of the parish northward to Louisiana Highway 955; secs. 28, 33, 42, and 47, T. 2 S., R. 1 E.; and that area bounded by lines lying 1 mile east and west of and parallel to Louisiana Highway 19 extending from the south line of T. 1 S. to the north line of the parish.

Evangeline Parish. That area bounded by lines lying one mile west and east of and parallel to Louisiana Highway 13 extending from State Highway 1160 to the south line of the Parish.

Iberia Parish. That portion of the parish known as Avery Island, including secs. 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 36, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish. The entire parish.

Lincoln Parish. Secs. 6, 7, 18, 19, 20, 21, 28, 29, 30, and 31, T. 18 N., R. 2 W.; T. 18 N., R. 3 W.; and that portion of the parish lying within T. 20 N., Rs. 2 and 3 W.

Livingston Parish. Secs. 57 and 58, T. 5 S., R. 3 E.; that portion of the parish lying within T. 6 S.; and that portion of T. 7 S.; Rs. 6 and 7 E. lying within the parish.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Ouachita Parish. Secs. 4, 5, 6, 7, 8, 9, 16, and that portion of 54 lying north of State Road 3033, T. 17 N., R. 3 E.; secs. 25, 26, and 27, T. 18 N., R. 2 E.; that portion of T. 18 N., R. 3 E. lying west of the Ouachita River; and that area bounded by a line beginning at the point where the west line of sec. 39, T. 18 N., R. 4 E. intersects Bayou De Siard and extending east and north along said bayou to the south line of sec. 11, T. 18 N., R. 4 E., thence due east to State Road 139, thence northeast along said road to the intersection of Stubbs-Ritchie Road, thence east along the Stubbs-Ritchie Road to the intersection of State Road 594, thence south along State Road 594 to the crossing of the Illinois Central Railroad, thence west along said railroad to the west line of sec. 33, T. 18 N., R. 4 E., thence north along the west lines of secs. 33 and 39, T. 18 N., R. 4 E. to the point of beginning.

Plaquemines Parish. T. 18 S., R. 27 E.; and all that portion of the parish lying north of the south line of T. 16 S.

St. Bernard Parish. The entire parish.

St. Helena Parish. That portion of the parish lying east of the west line of R. 5 E., excluding that portion of T. 4 N., R. 5 E., lying south of Louisiana Highway 16.

St. John the Baptist Parish. All that portion of the parish lying between U.S. Highway 61 and the Mississippi River and all of secs. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 54, 55, 56, 59, 60, 61, and 62, T. 11 S., R. 7 E.

St. Landry Parish. That portion of the parish lying in T. 6 S. west of the east line of R. 2 E.; and sec. 30, T. 7 S., R. 6 E.; that portion of sec. 47 lying east of the Missouri Pacific Railroad; and sec. 61, T. 7 S., R. 5 E.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Union Parish. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 21 N., R. 1 E.; and secs. 21, 22, 23, 24, 25, 26, 27, 28, and 36, T. 21 N., R. 1 W.

Washington Parish. The entire parish.

(2) *Suppressive area.*

De Soto Parish. Secs. 8 and 17, T. 12 N., R. 13 W.; and those portions of secs. 9 and 16, T. 12 N., R. 13 W., lying west of the main line of the Kansas City Southern Railroad.

East Baton Rouge Parish. Sec. 48, T. 5 S., R. 1 W.; secs. 58 and 59, T. 6 S., R. 1 W.; that portion of the parish lying within T. 6 S., Rs. 1 E. and 1 W., south and west of U.S. Highway 190 (Airline Highway), and those portions of secs. 50, 51, and 64, T. 6 S., R. 1 E., lying east of said highway; and that portion of the parish lying within T. 7 S., Rs. 1 and 2 E. and 1 W.

Lafayette Parish. Secs. 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 9 S., R. 3 E., secs. 3, 4, 5, 8, 9, 10, 17, 18, 19, 20, 28, 29, 30, 31, 32, and 33, T. 9 S., R. 4 E.; that portion of the parish lying in T. 10 S., R. 5 E.; and that area bounded by a line beginning at a point where Butcher Switch Road intersects with (new) U.S. Highway 167, thence east along Butcher Switch Road to Bayou Vermilion, thence south along Bayou Vermilion to where the Breaux Bridge branch line of the Southern Pacific Railroad crosses said bayou, thence west along said railroad to the crossing of (new) U.S. Highway 167, thence in a northerly direction along said highway to the point of beginning.

Rapides Parish. That portion of sec. 1 outside of the corporate city limits of Pineville; and sec. 2, T. 4 N., R. 1 W.; secs. 35 and 36, T. 5 N., R. 1 W.

St. Charles Parish. That portion of the parish lying between U.S. Highway 61 and the Mississippi River.

St. James Parish. That portion of the parish lying between U.S. Highway 61 and the Mississippi River.

Terrebonne Parish. That area bounded by a line commencing where the Intercoastal Waterway crosses Bayou Terrebonne, thence north and east along said Waterway to the east line of R. 17 E., thence south along said line to intersection of East Houma City Limits, thence south along city limit line to intersection of Louisiana Highway 57, thence north and west along said highway to intersection of State Highway 24, thence west on State Highway 24 to point of beginning.

MISSISSIPPI

(1) *Generally infested area.*

Adams County. T. 7 N., R. 1 W.; that portion of T. 8 N., R. 1 W. lying in Adams County; T. 7 N., R. 2 W.; Tps. 5 and 6 N., R. 3 W.; and that portion of T. 7 N., R. 3 W. lying in Adams County.

Amite County. That portion of T. 4 N., R. 1 E. in Amite County; W½, T. 1 N., R. 2 E.; SW¼, T. 2 N., R. 2 E.; T. 3 N., R. 2 E.; W½, T. 4 N., R. 2 E.; S½, T. 1 N., R. 5 E.; S½, T. 3 N., R. 5 E.; sec. 13, T. 4 N., R. 5 E.; T. 1, S½, T. 2, Tps. 3 and 4, R. 6 E.

Attala County. Secs. 1, 2, 3, 4, 5, and 6, T. 13 N., R. 6 E.; S½, T. 14 N., R. 6 E.; secs. 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, and 26, T. 15 N., R. 6 E.; secs. 1, 2, 3, 4, 5, and 6, T. 13 N., R. 7 E.; T. 14 N., R. 7 E.; secs. 18, 19, and 30, T. 15 N., R. 7 E.; sec. 6, T. 13 N., R. 8 E.; NW¼, T. 14 N., R. 8 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; S½, T. 15 N., R. 8 E.; NE¼, T. 15 N., R. 8 E.; E½, T. 16 N., R. 8 E.; N½, T. 15 N., R. 9 E.; and T. 16 N., R. 9 E.

Benton County. Sec. 36, T. 1 S., R. 1 W.; and sec. 1, T. 2 S., R. 1 W.; secs. 31, 32, and 33, T. 1 S., R. 1 E.; secs. 4, 5, 6, 31, 32, 33, 34, 35, and 36, T. 2 S., R. 1 E.; T. 3 S., R. 1 E.; secs. 12 and 13, S½, T. 5 S., R. 1 E.; secs. 7, 8, 17, 18, 19, and 20, T. 5 S., R. 2 E.

Calhoun County. Secs. 4, 5, 8, and 9, T. 22 N., R. 9 E.; secs. 13, 14, 15, 22, 23, 24, 32, and 33, T. 23 N., R. 9 E.; and an area 2 miles wide with State Highway No. 9 as the centerline, beginning at the south line at T. 13 S., R. 1 W., and continuing to Savannah Creek in T. 11 S., R. 1 W.

Chickasaw County. Secs. 31, 32, and 33, T. 13 S., R. 3 E.; secs. 4, 5, and 6, NE¼, T. 14 S., R. 3 E.; and SE¼, T. 12 S., R. 5 E.

Choctaw County. SE¼, T. 17 N., R. 8 E.; SW¼, T. 17 N., R. 9 E.; N½, T. 16 N., R. 10 E.; S½, T. 17 N., R. 10 E.; secs. 3, 4, 9, and 10, T. 18 N., R. 10 E.; and W½, T. 17 N., R. 11 E.

Clarke County. The entire county.

Copiah County. That portion of the county lying east of the west line of R. 3 W., and R. 7 E.

Covington County. The entire county.

De Soto County. That portion of T. 1 S., Rs. 5, 6, 7, and 8 W. lying in De Soto County; SW¼, T. 2 S., R. 7 W.; W½, T. 3 S., R. 7 W.; SE¼, T. 2 S., R. 8 W.; and E½, T. 3 S., R. 8 W.

Forrest County. The entire county.

Franklin County. Tps. 5, 6, and 7 N., R. 1 E.; T. 6 N., R. 2 E.; T. 6 N., R. 3 E.; T. 6 N., R. 4 E.; T. 6 N., R. 5 E.; and secs. 6, 7, 18, 19, 30, and 31, T. 6 N., R. 6 E.

George County. The entire county.

Greene County. The entire county.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. That portion of S½, T. 3 N., R. 1 E. lying in Hinds County; S½, T. 3 N., Rs. 1, 2, and 3 W.; secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; T. 6 N., Rs. 2 and 3 W.; secs. 3, 4, 5, 8, 9, 10, 15, 16, and 17, T. 4 N., R. 3 W.; secs. 8, 9, 10, 15, 16, 17, 20, 21, and 22, T. 13 N., R. 4 W.; and that portion of Hinds County lying west of Pearl River bounded on the north by the south line of T. 7 N., on the west by the east line of R. 2 W., and on the south by the north line of T. 3 N.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. That portion of T. 8 N., R. 1 W. lying in Jefferson County; Tps. 8 and 9 N., R. 1 E.; Tps. 8 and 9 N., R. 2 E.; and that portion of T. 10 N., R. 2 E. lying in Jefferson County.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. Secs. 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 11 N., R. 16 E.; sec. 36, T. 9 N., R. 17 E.; secs. 4, 5, 6, and 31, T. 9 N., R. 18 E.; and SW¼, T. 10 N., R. 18 E.

Lafayette County. Secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 8 S., R. 3 W.; secs. 3, 4, 5, and 6, T. 9 S., R. 3 W.; secs. 13, 24, 25, and 36, T. 8 S., R. 4 W.; and sec. 1, T. 9 S., R. 4 W.

Lamar County. The entire county.

Lauderdale County. The entire county.

Lawrence County. The entire county.

Leake County. The entire county.

Lee County. E½, Tps. 9 and 10 S., R. 5 E., including all of the corporate limits of the city of Tupelo; E½, T. 11 S., R. 5 E.; secs. 1, 2, and 3, T. 7 S., R. 6 E.; W½, T. 8 S., R. 6 E.; Tps. 9 and 10 S., R. 6 E.; that portion of T. 11 S., R. 6 E. lying in Lee County; and secs. 19 and 30, T. 11 S., R. 7 E.

Lincoln County. The entire county.

Marion County. The entire county.

Montgomery County. Secs. 1 and 2, T. 18 N., R. 5 E.; secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, T. 19 N., R. 5 E.; secs. 23, 24, 25, 26, 35, and 36, T. 21 N., R. 5 E.; W½, T. 20 N., R. 6 E.; secs. 31 and 32, T. 21 N., R. 6 E.; N½, T. 18 N., R. 7 E.; secs. 25, 26, 35, and 36, T. 21 N., R. 7 E.; and NW¼, secs. 2 and 3, and that portion of secs. 1, 10, 11, and 12 lying in Montgomery County, T. 18 N., R. 8 E.

Neshoba County. Secs. 7, 8, 17, 18, 19, and 20, T. 10 N., R. 10 E.; S⅔, T. 12 N., R. 11 E.; N½, T. 10 N., Rs. 11 and 12 E.; T. 11 N., Rs. 11 and 12 E.; E½, T. 9 N., R. 12 E.; T. 9 N., R. 13 E.; and that portion of the corporate limits of the city of Union lying in Neshoba County.

Newton County. The entire county.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. The entire county.

Rankin County. T. 3 N., Rs. 2, and 3 E.; T. 5 N., R. 3 E.; NW¼, T. 5 N., R. 4 E.; T. 3 N., R. 5 E.; and that portion of the county lying east of the Pearl River bounded on the north by the south line of T. 7 N., on the east by the west line of R. 3 E., and on the south by the north line of T. 3 N.

Scott County. The entire line.

Simpson County. The entire county.

Smith County. The entire county.

Stone County. The entire county.

Tippah County. Secs. 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 4 S., R. 2 E.; NE¼, T. 3 S., R. 3 E.; secs. 7, 18, and 19, and NE¼, T. 4 S., R. 3 E.; secs. 31, 32, and 33, T. 5 S., R. 3 E.; secs. 28, 29, 30, 31, 32, and 33, T. 1 S., R. 4 E.; secs. 4, 5, and 6, T. 2 S., R. 4 E.; NW¼, T. 3 S., R. 4 E.; NW¼, T. 4 S., R. 4 E.; and secs. 13, 14, 15, 22, 23, 24, 25, 26, and 27, T. 5 S., R. 4 E.

Walthall County. The entire county.

Wayne County. The entire county.

Webster County. Sec. 6, T. 20 N., R. 8 E.; secs. 30 and 31, T. 21 N., R. 8 E.; NE¼, T. 19 N., R. 9 E.; SE¼, T. 20 N., R. 9 E.; and that portion of the county lying east of the west line of R. 10.

Wilkinson County. T. 1 N., R. 1 E. and S½, T. 2 N., R. 1 E.; T. 1 N., R. 1 W.; S½, T. 2 N., R. 1 W.; Tps. 1, 2, and 3, R. 2 W.; that portion of T. 4 N., R. 2 W. in Wilkinson County.

Winston County. Secs 3 and 4, T. 14 N., R 12 E.; and secs. 21, 22, 27, 28, 33, and 34, T. 15 N., R. 12 E.

An area one-half mile wide with State Highway 25 as centerline beginning at the Winston and Attala County line and extending northeastward along said highway to its intersection with Tallahoga Creek. W½, T. 14 N., R. 14 E.

(2) *Suppressive area.*

Alcorn County. Secs. 34, 35, and 36, T. 1 S., R. 7 E.; N½, T. 2 S., R. 7 E.; sec. 31, T. 1 S., R. 8 E.; secs. 6, 7, and 18, T. 2 S., R. 8 E.; secs. 31 and 32, T. 2 S., R. 9 E.; and secs. 5 and 6, T. 3 S., R. 9 E.

Bolivar County. Sec. 3 and NW¼, T. 21 N., R. 5 W.; secs. 15, 16, 17, 18, 22, 27, and 34, and SW¼, T. 22 N., R. 5 W., and secs. 8, 9, 16, 17, 20, and 21, T. 23 N., R. 5 W.

Carroll County. Secs. 13, 14, 15, 22, 23, and 24, T. 17 N., R. 5 E.

Claiborne County. All of the corporate limits of the city of Port Gibson in Tps. 11 and 12 N., R. 2 E.

Clay County. Secs. 22, 23, and 24, and NE¼, T. 17 S., R. 6 E.

Coahoma County. Secs. 18, 19, and 30, T. 27 N., R. 3 W.; and secs. 13, 14, 15, 22, 23, 24, 25, 26, and 27, T. 27 N., R. 4 W.

Grenada County. Secs. 12 and 13, T. 22 N., R. 4 E.; secs. 25, 26, 27, 34, 35, and 36, T. 23 N., R. 4 E.; secs. 14 and E½ sec. 15, T. 21 N., R. 5 E.; and secs. 7, 8, 17, and 18, T. 22 N., R. 5 E.

Holmes County. Secs. 25, 26, 27, 34, 35, and 36, T. 15 N., R. 2 E.; that portion of the NE¼, T. 12 N., R. 3 E. lying within the county; secs. 21, 22, 27, and 28, T. 13 N., R. 3 E.; secs. 17, 18, 19, and 20, T. 13 N., R. 4 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, and 23, T. 14 N., R. 4 E.; secs. 3 and 4, T. 15 N., R. 5 E.; and secs. 33 and 34, T. 16 N., R. 5 E.

Itawamba County. Secs. 23, 24, 25, 26, 35, and 36, and NW¼, T. 9 S., R. 8 E.; secs. 25 and 36, T. 7 S., R. 9 E.; sec. 1, T. 8 S., R. 9 E.; secs. 19, 20, 29, 30, 31, and 32, T. 9 S., R. 9 E.; secs. 29, 30, 31, and 32, T. 7 S., R. 10 E.; and secs. 5 and 6, T. 8 S., R. 10 E.

Lowndes County. Secs. 16, 17, 18, 19, 20, and 21, T. 18 N., R. 16 E.; and all of the area lying within the corporate limits of the city of Columbus.

Madison County. T. 8 N., R. 1 W.; T. 8 N., R. 2 W.; those portions of T. 9 N., R. 1 W., and T. 9 N., R. 2 W. lying in Madison County; secs. 27, 28, 33, and 34, T. 8 N., R. 2 E.; and that portion of T. 17 N., R. 2 E. lying within the county.

Marshall County. SW¼, T. 3 S., R. 2 W.; NW¼, T. 4 S., R. 2 W.; SE¼, T. 3 S., R. 3 W.; and NE¼, T. 4 S., R. 3 W.

Monroe County. Secs. 35 and 36, T. 11 S., R. 6 E.; SW¼, T. 15 S., R. 10 W.; sec. 32 and that portion of sec. 33, T. 13 S., R. 16 W., lying in Mississippi; sec. 5, T. 14 S., R. 16 W.; secs. 25, 26, 35, and 36, T. 14 S., R. 19 W.; and all of the areas lying within the corporate limits of the cities of Aberdeen and Amory.

Oktibbeha County. Secs. 5 and 6, T. 19 N., R. 12 E.; secs. 31 and 32, T. 20 N., R. 12 E.; secs. 1, 2, 3, 4, 9, 10, 11, and 12, T. 18 N., R. 14 E.; and secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 19 N., R. 14 E.

Panola County. S½, T. 7 S., R. 7 W.; N⅓ and S½, T. 8 S., R. 7 W.; and N½, T. 9 S., R. 7 W.

Pontotoc County. Secs. 10, 11, 14, and 15, T. 9 S., R. 1 E.; SE¼, T. 10 S., R. 1 E.; secs. 31, 32, 33, and 34, T. 9 S., R. 3 E.; and secs. 3, 4, 5, and 6, T. 10 S., R. 3 E.

Prentiss County. Secs. 35 and 35, T. 6 S., R. 6 E.; sec. 35, T. 4 S., R. 7 E.; secs. 2, 3, 4, 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 5 S., R. 7 E.

Tate County. W½, T. 5 S., R. 7 W., including all of the corporate limits of the city of Coldwater.

Tishomingo County. Secs. 28, 29, 32, and 33, T. 1 S., R. 10 E.; secs. 11, 12, 13, 14, 23, and 24, T. 3 S., R. 10 E.; SE¼, T. 6 S., R. 10 E.; NE¼, T. 7 S., R. 10 E.; secs. 7, 18, and 19, T. 3 S., R. 11 E.; secs. 19, 30, and 31, T. 6 S., R. 11 E.; and secs. 6, 7, and 18, T. 7 S., R. 11 E.

Tunica County. Secs. 32 and 33, T. 4 S., R. 11 W.; secs. 4 and 5, T. 5 S., R. 11 W.

Union County. Secs. 1, 2, 11, 12, 13, and 14, T. 7 S., R. 2 E.; secs. 4, 5, and 6, T. 6 S., R. 3 E.; W½, T. 7 S., R. 3 E.; secs. 22, 27, and 34, T. 7 S., R. 3 E.

Warren County. Secs. 6, 7, 9, 10, and 49, T. 14 N., R. 3 E.; those portions of Tps. 15 and 16 N., R. 3 E., lying in Warren County; and T. 16 N., R. 4 E.

Yalobusha County. Secs. 28, 29, 30, 31, 32, and 33, T. 10 S., R. 4 W.; secs. 4, 5, 6, 7, 8, and 9, T. 11 S., R. 4 W.

Yazoo County. Secs. 2 and 3, T. 11 N., R. 2 W.; secs. 34 and 35, T. 12 N., R. 2 W.; and that portion of T. 12 N., R. 3 E., lying within the county.

NORTH CAROLINA

(1) *Generally infested area.*

Anson County. The entire county.

Lenoir County. All that area included within the municipal and suburban boundary lines of the city of Kinston.

New Hanover County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad crosses the Northeast Cape Fear River, thence extending south along said railroad to its junction with State Highway 132, thence southeast and south along said highway to its junction with U.S. Highway 421, thence northwest along said highway to its junction with the city limits of the city of Wilmington, thence along said city limits west and north to its junction with the Cape Fear River, thence north along said river to its junction with the Northeast Cape Fear River, thence north and east along the Northeast Cape Fear River to its junction with the Atlantic Coast Line Railroad, to the point of beginning.

Pender County. That portion of the county lying west of the Northeast Cape Fear River.

Stanly County. The entire county.

Union County. The entire county.

Wayne County. That area included within the municipal and suburban boundary lines of the city of Goldsboro.

That area included within the municipal and suburban boundary lines of the city of Mount Olive.

(2) *Suppressive area.*

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U.S. Highway 117 with said highway as a centerline for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 1 mile wide bounded on the north by the Harnett-Wake County line and extending south along U.S. Highway 401 and said highway as a centerline for a distance of 5 miles.

Johnston County. That area bounded by a line beginning at a point where Fifth Street junctions with Brogden Road, in the city of Smithfield, thence extending north along said street to its intersection with Caswell Street, thence west to the end of said street, following a projected line to Smithfield city limits, thence east, south, and west along said city limits to its intersection with Brogden Road, thence north along said road to the point of beginning.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a centerline for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

Onslow County. That area included within the corporate limits of the city of Jacksonville.

Robeson County. That area included within a circle having a 5-mile radius and center at the Robeson County Courthouse in Lumberton, including all of the city of Lumberton.

That area beginning at a point where the Hoke-Robeson County line junctions with the Cumberland-Hoke-Robeson County line, extending southeast along the Cumberland-Robeson County line to its junction with the Cumberland-Robeson-Bladen County line, thence southeast along the Bladen-Robeson County line to its intersection with State Secondary Road 1006, thence west along said road to its junction with Interstate Highway 95, thence north along said highway to its intersection with Big Marsh Swamp, thence west along the Big Marsh Swamp to the Hoke-Robeson County line, thence northeast along said county line to the point of beginning, including all of the towns of St. Pauls, Lumber Bridge, and Parkton.

Scotland County. That area bounded by a line beginning at a point where Big Shoe Heel Creek intersects with State Secondary Road 1323, thence extending southeast along said road to the Scotland-Robeson County line, thence southwest along said county line to its intersection with Big Shoe Heel Creek, thence northwest along said creek to the point of beginning.

That area bounded by a line beginning at the intersection of U.S. Highway 401 and State Secondary Road 1323 and extending southeast along said road to its intersection with State Secondary Road 1433, thence southwest along said road to its intersection with the corporate limits of the city of Laurinburg, thence northwest along said corporate city limits to its intersection with U.S. Highway 401, thence northeast along said highway to the point of beginning.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U.S. Highway 401 and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U.S. Highway 401 with said highway as a centerline to the Wake-Harnett County line, including all of the town of Fuquay Springs.

SOUTH CAROLINA

(1) *Generally infested area.*

None.

(2) *Suppressive area.*

Calhoun County. That area bounded by a line beginning at the junction of a dirt road and State Secondary Highway 129, said junction being 0.5 mile northwest of the junction of said highway and State Secondary Highway 326, thence extending 1.1 miles southeast along State Secondary Highway 129 to its junction with a dirt road, thence 0.75 mile southwest along said dirt road to its junction with a second dirt road, thence 1.75 miles south and southwest along said second dirt road to its junction with State Primary Highway 267, thence 0.8 mile northwest along said highway to its junction with a dirt road, thence 0.4 mile southwest along said dirt road to its intersection with an unnamed branch, thence northwest along said branch to its intersection with State Primary Highway 33, thence 0.4 mile northeast along said highway to its junction with State Primary Highway 267, thence 0.2 mile north along said highway to its junction with a dirt road, thence 1.2 miles northeast along said dirt road to the point of beginning.

Horry County. That area bounded by a line beginning at a point where a dirt road junctions with U.S. Highway 501, said junction being 0.7 mile southeast of the junction of U.S. Highway 501 and State Secondary Highway 548, thence extending southeast along U.S. Highway 501 to its intersection with the east branch of Oakey Swamp, thence south along said branch to its junction with Oakey Swamp, thence northwest along said swamp to its junction with Carbtree Swamp, thence north along said swamp for 0.8 mile to its intersection with a dirt road, thence northeast along said road to the point of beginning.

TENNESSEE

(1) *Generally infested area.*

Davidson County. That portion of Civil District 1 bounded by a line beginning at the intersection of U.S. Highway 41A and Old Bernard Road; thence extending west 1 mile along Old Bernard Road; thence north in a straight line to U.S. Highway 41A; thence southeast along U.S. Highway 41A to Old Clarksville Pike; thence east along Old Clarksville Pike to Eatons Creek Road; thence south along Eatons Creek Road to U.S. Highway 41A; thence south along U.S. Highway 41A to the point of beginning.

That portion of Civil District 2 beginning at the mouth of Cooper Creek; thence extending up Cooper Creek to Bobby Avenue; thence east along Bobby Avenue to the Cumberland River; thence down the Cumberland River to the point of beginning.

That portion of Civil District 3 beginning at the corner of Rosedale and Mile End Avenues, thence west along Mile End Avenue to Stainback Avenue; thence extending north along Stainback Avenue to Marie Avenue, thence west along Marie Avenue to Meridian Street; thence north along Meridian Street to Edith Avenue; thence east along Edith Avenue to Lischey Avenue; thence north along Lischey Avenue to Joy Avenue; thence east along Joy Avenue to Jones Avenue; thence south along Jones Avenue to Oneida Avenue; thence east on Oneida Avenue to Rosedale Avenue; thence south on Rosedale Avenue to the point of beginning.

That portion of Civil District 8 beginning at the corner of Elysian Fields Road and Lynn Drive, thence south along Lynn Drive to Corning Drive; thence extending south along Corning Drive to Harding Place; thence west along Harding Place to Danby Drive; thence north along Danby Drive to Elysian Fields Road; and thence east along Elysian Fields Road to the point of beginning.

Franklin County. That area contained within the following bounds: Beginning at the Dry Creek Bridge on State Highway 50 (Winchester-Lynchburg Road), thence extending southeast along Dry Creek to the L&N Railroad Bridge, thence west in a straight line to the southwest corner of the Francis Sisk property, thence north 0.3 mile along the west boundary of the Francis Sisk property, thence west 0.65 mile along a gravel road, thence north 0.5 mile along a gravel road to its intersection with State Highway 50 at the Broadview Baptist Church, thence east along State Highway 50 to Shasteen Road, thence north 0.6 mile along Shasteen Road to Old Farm Road, thence east to a point 0.15 mile north of the bridge on Matthew Branch Road, thence due east along a straight line to Dry Creek, thence southeast along Dry Creek to the starting point. That area within the following bounds: Beginning at the intersection of Elk River Bridge with U.S. Highway 41A, extending southeast along the Elk River three-fourths mile to the Estill Springs Bend, thence extending due east to the Best Page Bridge Road, thence south along said road to its intersection with Bruner Crossing Road, thence west along said road to U.S. Highway 41A, thence south on U.S. Highway 41A to Hessy Branch, thence west along said branch to the Elk River, thence west and north along the Elk River to the point of beginning.

Greene County. That area within the following bounds: Beginning at a point where Flag Branch intersects Davy Crockett Lake; thence extending northeast along the south shore line of said lake to the intersection of Johes Bridge Road, thence southeast along said road to its intersection with the Cherokee National Forest, thence southwest along the forest boundary to the site of Unaka School; thence west along an unnamed county road to the Cornertown Church site; thence generally northwest along Flag Branch to the point of beginning.

Hardeman County. Civil Districts 1, 2, 8, and 9; that portion of Civil District 3 lying east of Pleasant Run Creek and north of Marshall Creek; that portion of Civil District 6 lying west of GM&O Railroad; and that portion of Civil District 7 lying south of the Hatchie River.

Lawrence County. All of Civil District 8, and that portion of Civil District 9 within the following bounds: Beginning at the intersection of U.S. Highway 64 and Airport Road; thence extending east along U.S. Highway 64 one-quarter mile to the intersection of unnamed county road; thence south along said road 0.7 mile to Shaw Cemetery Road; thence west along Shaw Cemetery Road 1.6 miles to the intersection of Civil District 8 boundary; thence north 1.8 miles along said boundary to its intersection with Gimlet Road; thence east-northeast along Gimlet Road to its intersection with Airport Road; thence south along Airport Road to the point of beginning.

Lincoln County. That portion of Civil Districts 2 and 19 bounded by line beginning at the junction of State Highway 110 and an unnamed road at Kirkland; thence extending southeast along said road to the TVA high line; thence southwest to Unity Church Road; thence northeast to State Highway 110; thence west to the junction of Milam Cemetery Road; thence due north to the Coldwater-Kirkland Road; thence northeast along said road to the point of beginning.

Madison County. Civil Districts 1, 5, and 10.

Marshall County. The city of Lewisburg and that area north and east of the city limits beginning at that point where the L&N Railroad intersects the northern city limits of Lewisburg, thence extending north along the L&N Railroad to its intersection with Double Bridges Road, thence east along said road to its intersection with the Old Farmington Road; thence southwest along said road to Snake Creek, thence southeast along Snake Creek to its intersection with the L&N Railroad, thence west along the L&N Railroad to the city limits.

Shelby County. The entire county.

Tipton County. Civil Districts 5, 6, and 7; and that area within the corporate limits of the town of Mason.

Weakley County. That portion of Civil District 11 north of new State Highway 22 and east of Local Road 8019.

(2) *Suppressive area.*

None.

VIRGINIA

(1) *Generally infested area.*

None.

(2) *Suppressive area.*

City of Hampton. That portion of the city bounded by a line beginning at a point where Interstate 64 intersects with the Newport News-Hampton city line, thence extending southeast along Interstate 64 to its junction with the Newport News Tunnel Connector Road, thence west and south along said road to its intersection with the Hampton and Newport News city line, thence south, west, and northward along said city line to the point of beginning.

City of Newport News. That portion of the city bounded by a line beginning where Museum Drive intersects with the James River, thence extending north along Museum Drive and continuing on J. Clyde Morris Boulevard to its intersection with Interstate 64, thence southeast along Interstate 64 to its intersection with the Newport News-Hampton city line, thence west and southward along said line to its intersection with Hampton Roads, thence southwest along the north boundary of Hampton Roads to its junction with the James River, thence northwest along the eastern shore of the James River to the point of beginning.

City of Norfolk. The entire city.

City of Virginia Beach. That portion of the city bounded by a line beginning at a point 500 feet north of the intersection of Virginia Beach Boulevard (U.S. Route 58) and the Norfolk-Virginia Beach city limits thence extending due east to the junction of Witch Duck Road and Lavender Lane, thence northeast along Witch Duck Road to a drainage ditch approximately 500 feet north of Holladay Road, thence east along said drainage ditch to that body of water known as Thalia Creek, thence northeast along Thalia Creek to that body of water known as Hebden Cove, thence easterly along Hebden Cove, thence due east from said cove to the Lynnhaven Methodist Church on Little Neck Road, thence southeast along said road to its junction with Little Haven Road, thence east on Little Haven Road to the Eastern Branch of Lynnhaven Bay, thence south along said branch and contiguous with London Bridge Creek to its intersection with Virginia Beach Boulevard (U.S. Route 58), thence east along Virginia Beach Boulevard (U.S. Route 58 and 58B) to its intersection with Birdneck Road, thence south on Birdneck Road to its junction with Bells Road, thence extending northwestward along a projected line from said junction to the south Lynnhaven Road Exit of the Virginia Beach Expressway, thence west along the southside of said expressway to its intersection with South Plaza Trail, thence southwest along South Plaza Trail to its intersection with Old Forge Road, thence westward along a projected line to the junction of Holland Road and Edwin Drive, thence southwest along Edwin Drive to its intersection with Princess Anne Road, thence northwestward along Princess Anne Road to its intersection with the Eastern Branch of the Elizabeth River, thence west along the northern bank of said river branch to the Norfolk city limits, thence northward along Norfolk city limits to the point of beginning.

That portion of the city bounded by a line beginning at a point where Virginia Beach-Norfolk city limits intersect the Norfolk-Southern Railroad, said point being 0.4 mile north of Northampton Boulevard, thence extending northward along said city limits one-half mile, thence extending along a line projected due east to Bayside Road, thence southeast along said road to Northampton Boulevard (State Route 166), thence northeast along Northampton Boulevard (State Route 166), to its junction with Shell Road, thence southwest along said road to its junction with Northampton Boulevard (State Route 166), thence southwest along said road to the Virginia Beach-Norfolk city limits, thence north along said city limits to the point of beginning.

That portion of the city bounded by a line beginning at a point where the Eastern Branch of the Elizabeth River intersects the Virginia Beach-Chesapeake city limits and extending eastward along the south bank of said river branch to a point one-fourth mile east of South Military Highway (U.S. Route 13), thence extending along a line projected due south to Gammon Road, thence south on the east side of said road to its junction with Indian River Road, thence northwest along said road to the Virginia Beach-Chesapeake city limits, thence northward along said city limits to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.72–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.72–2a, effective September 24, 1968.

The Director of the Plant Pest Control Division has determined that infestations of the white-fringed beetle exist or are likely to exist in the civil divisions and parts of civil divisions, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director has further determined that each of the quarantine States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the white-fringed beetle. Therefore, such civil divisions and parts of civil divisions listed above, are designated as white-fringed beetle regulated areas.

The purpose of this revision is to add to the regulated areas for the first time parts of the following counties, parishes, or cities: Crittenden and Monroe in Arkansas; Brooks, De Kalb, and Early in Georgia; Evangeline, Rapides, and Terrebonne in Louisiana; Bolivar, Clay, and Lowndes in Mississippi; Stanly in North Carolina; Greene and Marshall in Tennessee; and the cities of Hampton and Newport News in Virginia. Additional areas are added in some previously regulated counties.

This document imposes restrictions that are necessary in order to prevent the spread of the white-fringed beetle, and should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 9th day of May 1969.

[SEAL] J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 69–5720; Filed, May 13, 1969; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Revision of Certain Disposition Dates; Arizona and Texas

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the disposition date for cotton for Arizona, and for wheat in certain counties in Texas.

Since farmers need to know of these changes as soon as possible, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest. Accordingly, these changes will be effective upon publication of this amendment in the FEDERAL REGISTER. The Regulations Governing Determination of Acreage and Compliance, as amended (32 F.R. 9069, 9507, 11755, 17513, 33 F.R. 8722, 15857, 34 F.R. 6235, and 6572), are further amended as follows:

Paragraph (b) of § 718.27 is amended for certain States as follows:

Arizona—revise entire subparagraph (5).

Texas—revise entire subparagraph (1).

The revised subparagraphs read as follows:

§ 718.27 Crop disposition dates.

* * * * *

ARIZONA

* * * * *

(5) *Cotton. July 15.* All counties.

* * * * *

TEXAS

(1) ***Wheat, Barley, Oats, and Rye.*** (i) ***May 15.*** Archer, Armstrong, Baylor, Callahan, Carson, Castro, Childress, Clay, Coke, Collingsworth, Concho, Coryell, Crosby, Dallam, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gray, Hale, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hutchinson, Jones, King, Knox, Lamb, Lampasas, Lipscomb, Lubbock, McCulloch, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, San Saba, Shackleford, Sherman, Sterling, Swisher, Throckmorton, Wichita, Wilbarger, and Young.

(ii) ***May 1.*** All other counties.

* * * * *

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1373, 1374, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–5721; Filed, May 13, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peach Reg. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) The recommendation of the Industry Committee embodies its appraisal of the crop and the marketing outlook for 1969. Restrictions should be made effective on May 15, 1969, to prevent peaches smaller than 1¾ inches in diameter from being marketed. Some of the earlier maturing varieties are now reaching maturity and such peaches are generally smaller than later varieties. Commencing May 19, 1969, the size restrictions should prevent the shipment of peaches smaller than 1⅞ inches in diameter, in that, other varieties of peaches which normally attain a larger size will be maturing and will be available for market. The regulation with respect to grade is designed to provide consumers with good quality fruit consistent with the overall general quality of the crop. Hence, the regulation specifies a minimum of 85 percent U.S. No. 1 grade, except for peaches marketed in adjacent markets. The exception with respect to peaches in bulk shipped to destinations in adjacent markets follows the custom and pattern of prior years and is designed to provide those markets with peaches of lower grade, size, and quality without requiring inspection thereof, as contemplated by the provisions of said marketing agreement and order providing for such exceptions.

(3) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 15, 1969. The committee held an open meeting on May 8, 1969, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this

regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or about May 15, 1969, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 918.311 Peach Regulation 1.

(a) Order: (1) During the period May 15, 1969, through August 31, 1969, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which do not grade at least 85 percent U.S. No. 1 quality: *Provided*, That peaches with well healed hail marks, split pits that are not scored as serious damage, and not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 15, 1969, through May 18, 1969, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 19, 1969, through August 31, 1969, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent market during the period specified in paragraph (a)(1) of this section.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (a)(1) of this section.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised U.S. Standards for Peaches (§§ 51.1210—51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5808; Filed, May 13, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—1969-Crop Honey Loan and Purchase Program

The Honey Price Support Regulations for 1968 and Subsequent Crops (Rev. 1) (34 F.R. 6966) and any amendments thereto, issued by the Commodity Credit Corporation, which contain regulations of a general nature with respect to price support loan and purchase operations, are supplemented for the 1969 crop of honey as follows:

Sec.
1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Support rates.
1434.44 Discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1434.40 Purpose.

This Subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1968 and Subsequent Crops, (b) the Cooperative Marketing Association-Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to price support for 1969-crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1969-crop eligible honey on or before March 31, 1970.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a Purchase Agreement at the ASCS county office on or before April 30, 1970.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on April 30, 1970.

§ 1434.43 Support rates.

(a) Table and nontable honey. The support rate for the quantity of 1969-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color	For Montana, Wyoming, Colorado, New Mexico, and States west thereof	All States east of Montana, Wyoming, Colorado, and New Mexico
	Cents per pound	
Table honey:		
1 White and lighter	13.5	13.9
2 Extra light amber	12.5	12.9
3 Light amber	11.5	11.9
4 Other table honey	9.5	9.9
Nontable honey	9.5	9.9

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the support rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the support rate for nontable honey.

(d) *Substandard.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

Substandard account of Defects	*Discount (Cents per pound)*
	2

(b) *Moisture.* The support rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent)	*Discount (cents per pound)*
18.5	0.0
19.0	0.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–5711; Filed, May 13, 1969; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,791]

PART 531—STATEMENTS OF POLICY

Rescission of Statement of Policy on Advances for Purchase of Loans and Participation Interests in Loans

MAY 6, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of rescinding § 531.2 of the regulations for the Federal Home Loan Bank System (12 CFR 531.2) for the purpose of removing restrictions on advances to member institutions for the purchase of loan participations or whole loans secured by real estate located outside the member's normal lending territory, hereby rescinds said § 531.2, effective immediately.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69–5713; Filed, May 13, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR–38; Amdt. 1]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Certain Organizational Changes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1969.

Part 384 includes a general statement of the Board's functions and organizations, with cross references to more detailed organizational descriptions in the published CAB Manual. Certain organizational changes which were recently made are provided for herein. In addition, the position of Assistant Executive Director for Operations has been abolished.

Since the amendment is a rule of agency organization, notice and public procedure are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board, by its Chairman, hereby amends § 384.7 of Part 384 of the Organization Regulations (14 CFR Part 384) effective May 8, 1969, as follows:

§ 384.7 Organization and delegation of authority.

* * * * *

(a) The Office of the Executive Director, which assists the Chairman in the discharge of his functions as executive and administrative head of the agency; coordinates and directs the activities of the staff; and recommends and develops plans to achieve the Board's program objectives. Within the Office of the Executive Director or reporting to the Executive Director are:

* * * * *

(3) The Office of the Comptroller, which administers the Board's financial management system, including participation in the fundamental aspects of program development, execution, review and evaluation; performs fiscal and administrative accounting activities, including those relating to the budget and the payroll; and administers subsidy payment functions.

(4) The Office of Facilities and Operations, which is responsible for the provision of facilities and central operating and support services essential to the efficient and effective conduct of operations throughout the agency. The General Services Section within this Office deals with acquisition, planning and assignment of office space, procurement and supply. Also contained within this Office are the Communications Services Section, which maintains the Board's internal directives system and central fields system; and is concerned with records and paperwork management. The Records Services Section maintains records on air carrier authorities, schedules, route maps and mileages, and air carrier financial and operational statistical reports; it also maintains a Public Reference Room for use of the public in examining Board material. The Publications Services Section, which distributes public documents issued by the Board, and the Library are also included within this Office.

(5) The Office of Management Analysis, which conducts a continuing program of operational analysis; and analyzes and promotes improvement in program and management policies, practices, methods, procedures and organizational structures.

(6) The Office of Personnel and Security, which administers a personnel program designed to meet the needs of the Board and its employees and administers the agency's security programs.

(b) The Office of the Secretary, which functions as a clearing house and repository for Board documents. It receives, records, files, distributes and serves copies of official docket material and records; performs the functions involved in processing material from the staff requiring action by the Board; records Board actions; issues, digests and indexes official documents evidencing such actions; and authenticates Board records for any official purpose. Pursuant to the Federal Aviation Act of 1958, the Secretary has legal custody of records and documents as specified therein.

* * * * *

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481. Reorganization Plan No. 13 of 1950, 64 Stat. 1266. Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 (note). Sections 3 and 4 of the Administrative Procedure Act, as amended and recodified, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552, 553)

The Civil Aeronautics Board, by its Chairman.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5738; Filed, May 13, 1969; 8:49 a.m.]

[Reg. No. OR–39; Amdt. 3]

PART 387—ORGANIZATION AND OPERATION DURING EMERGENCY CONDITIONS

Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1969.

As a result of organization changes effective January 30, 1969, the position of Assistant Executive Director for Operations was abolished. This action makes it necessary that § 387.4(g) be amended to redesignate the line of succession for the Executive Director to be the (1) Assistant Executive Director and (2) the Comptroller, in that order.

Since the amendment provided for herein is a rule of agency organization, notice and public procedure are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board, by its Chairman, hereby amends Part 387 of the Organization Regulations (14 CFR Part 387) effective May 8, 1969, by revising paragraph (g) of § 387.4 to read as follows:

§ 387.4 Organization and delegation of authority.

During emergency conditions:

* * * * *

(g) Except as may be determined otherwise by the Chairman or his successor, the respective duties of the Executive Director shall be filled by the Assistant Executive Director or the Comptroller in that order; the duties of the Secretary and heads of offices and bureaus, and heads of field offices, shall be discharged, in the absence or incapacity of such persons during the emergency conditions, by the available staff member next in line of succession in that office or bureau. The head of each office and bureau shall designate the line of succession within his office or bureau. If no such designation has been made, or the designee is unavailable, such duties shall be assumed by the available subordinate officer or employee in the particular office or bureau who is highest in

grade and has served longest with the Board.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481. Executive Order No. 11090, February 26, 1963, 28 Fed. Reg. 1841. Reorganization Plan No. 13 of 1950, 64 Stat. 1266. Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 (note). Sections 3 and 4 of the Administrative Procedure Act, as amended and recodified, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552, 553)

The Civil Aeronautics Board, by its Chairman.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5739; Filed, May 13, 1969; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor [1]

PART 604—POLICIES OF THE MANPOWER ADMINISTRATION [1]

Employability Development Services

On page 3748 of the FEDERAL REGISTER of March 4, 1969, there was published a notice of proposed rule making to amend 20 CFR Part 604 by establishing a new § 604.21. Interested persons were given 15 days in which to submit written statements of data, views, or arguments. None were received. There has, however, been a reorganization within the U.S. Department of Labor since the proposal was issued. Accordingly, the proposal is hereby adopted with changes to reflect the reorganization (Tuesday, Apr. 15, 1969, 34 F.R. 6502).

As these regulations relate solely to agency policy, delay in effective date is not required by 5 U.S.C. 553 and is not deemed necessary. They shall, therefore, become effective upon publication in the FEDERAL REGISTER.

The new § 604.21 reads as follows:

§ 604.21 Employability development services.

(a) It is the policy of the Manpower Administration to be responsible for the provision of employability development services which shall include at least the following: Reaching out to, and orientation of, individuals who are chronically unemployed or underemployed or have poor employment prospects; assessment of their capabilities through interviewing, counseling, and testing techniques adapted to their special needs, arrangements for and referrals to other agencies for related supportive services such as health and welfare; selection and referral to employment and training; and followup to training and placement to assist such individuals in finding and keeping suitable jobs.

(b) In connection with the provision of employability development services, it is the policy of the Manpower Administration:

(1) To be responsible for the provision of the services authorized by this part tailored to the needs of individuals who are unable to obtain or retain suitable employment to enable them to become fully functioning participants in the labor force;

(2) To insure that methods designed to directly contact and inform individuals of services available to them and to encourage them to make use of such services are utilized (often known as programs of "Outreach");

(3) To receive and interview applicants, to help them to assess their employability development needs, and to establish their eligibility for relevant programs;

(4) To refer applicants to appropriate services, to employment, or to programs such as those provided under the Manpower Development and Training Act, the Vocational Education Act, the Social Security Act, and the Economic Opportunity Act;

(5) To refer or arrange for applicants to utilize community resources which provide medical, legal, welfare, daycare, family counseling, or other appropriate employability or employment related supportive services;

(6) To followup those referred to training or jobs to assure that the individuals' employability development and employment needs are being met;

(7) To provide orientation to job and training requirements through such services as exploration of vocational interests and aptitudes and furnishing information about community services;

(8) To provide coaching and individual support to help in solving training and job-related problems throughout the employability development process;

(9) To provide maximum feasible opportunities for employment and other forms of participation by representatives of the groups served in the planning, conduct, and evaluation of comprehensive work and training programs under Title I-B of the Economic Opportunity Act of 1964, as amended, and specifically as such programs relate to employability development services;

(10) To negotiate contracts or other appropriate agreements with sponsors of work and training programs under which it becomes responsible for supplying employability development, placement, and related services to participants in such programs.

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 7th day of May 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-5702; Filed, May 13, 1969; 8:46 a.m.]

[1] The headings for Chapter V and Part 604 are revised to read as set forth above.

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Consultation With the Bar on Legal Services Programs

Chapter X, Part 1061 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1061.2-1 Applicability of this subpart.
1061.2-2 Definitions.
1061.2-3 Policy.
1061.2-4 Procedures for soliciting comments on proposals.
1061.2-5 Evaluations.

AUTHORITY: The provisions of this subpart issued under section 222 and 602, 78 Stat. 530 and 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.2-1 Applicability of this subpart.

This subpart applies to all programs affording legal assistance to communities which are funded under section 222(a)(3) of the Economic Opportunity Act.

§ 1061.2-2 Definitions.

(a) A principal local bar association is one which has the following characteristics:

(1) It is composed of at least 50 percent of the members of the bar who reside in, or maintain an office in, a single city, county; or other political subdivision for which a legal services program is contemplated or established, whether or not that bar association also has members from other geographic areas not covered by the proposal.

(2) It is not limited to or related principally to social or library activities.

(3) It is not limited to a specialized field of law or practice, including provision of legal aid to the indigent.

(4) It maintains an active level of general bar activities and is not merely an administrative unit of the State bar.

(b) The State bar association is the integrated or organized bar of the State if there is one. Otherwise, it is the principal statewide bar association.

§ 1061.2-3 Policy.

The State bar association and the principal local bar associations must be given an opportunity to comment directly to OEO on proposed legal services projects before they are funded. They must also be given the opportunity to comment directly to OEO on the operations of ongoing programs. The same opportunities shall be afforded local bar associations composed primarily of lawyers from minority groups. In addition to these requirements, each local project is expected to maintain continuing cooperation with State and local bar associations, including consultation during the preparation of the grant application.

§ 1061.2-4 Procedure for soliciting comments on proposals.

(a) Prior to submitting a proposal for new Legal Services Projects, for refunding of existing projects, or for major modifications of existing work programs (including major changes in the structure of the Legal Services Project) to the appropriate OEO Headquarters or regional office, a grantee or applicant agency shall send copies of such proposals to the State bar association, the principal local bar associations and any minority bar associations it has identified in the area to be served. The grantee or applicant shall inform these bar associations that they have 20 days in which to review the proposal and that any comments or recommendations may be submitted directly to the appropriate OEO office.

(b) The grantee or applicant must include in the proposal which it sends to OEO a verification that it has complied with this requirement, including a list of the bar associations to whom the proposal was sent. Any comments sent from bar associations directly to the grantee or applicant shall be forwarded to the appropriate OEO office.

(c) OEO will respond to any recommendations or unfavorable comments prior to approving the proposal, and will send copies of such responses to the grantee or applicant.

(d) This procedure need not be followed for any bar association for which an authorized representative has previously indicated in writing to OEO or the grantee or applicant that his association has reviewed the final proposal.

§ 1061.2-5 Evaluations.

When making on-site evaluations of local Legal Services Programs, OEO officers should arrange, whenever reasonably possible, to consult representatives of the State and local bar associations. The views they express should be recorded in reports of such evaluations and such views will be duly considered in making decisions affecting the programs evaluated.

Effective date: This subpart shall become effective 30 days after this date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-5719; Filed, May 13, 1969; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Employment in the United States

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182), I hereby amend 29 CFR 60.6 by adding a new paragraph (k) to read as set forth below.

As this rule contains only general statements of policy, notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 553). I do not believe such participation and delay will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

The new 29 CFR 60.6(k) reads as follows:

§ 60.6 Matters to be considered.

* * * * * *

(k) Paragraphs (i) and (j) of this section shall not be applied to employment of a nonimmigrant alien who: (1) Had been granted the privilege of voluntary departure from the United States by the Immigration and Naturalization Services; (2) had established that he is unable or unwilling to return to his country of residence on account of race, religion, or political opinion, and is being permitted by the Immigration and Naturalization Service to remain in the United States; (3) had filed an application for adjustment of status or suspension of deportation with the Immigration and Naturalization Service; (4) had become the beneficiary of an approved petition for a preference status and is being permitted by the Immigration and Naturalization Service to remain in the United States; (5) had been granted a stay of departure by the Immigration and Naturalization Service pending disposition of legislation introduced on his behalf; (6) had been given written permission by the Immigration and Naturalization Service to work; or (7) is in the United States on parole status or as a conditional entrant.

(79 Stat. 911; 8 U.S.C. 1182)

Signed at Washington, D.C., this 7th day of May 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-5701; Filed, May 13, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1013]

[Docket No. AO-286-A14]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area, which was issued April 25, 1969 (34 F.R. 7173), is hereby extended to June 16, 1969.

Signed at Washington, D.C., on May 9, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-5737; Filed, May 13, 1969; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 19]

CUSTOMS WAREHOUSE OFFICERS

Proposed Reimbursable Compensation

Section 19.5(b) of the Customs regulations which relates to reimbursable charges for services of customs warehouse officers or customs employees temporarily assigned to act as customs warehouse officers at a customs bonded warehouse, provides that the hourly rate of reimbursement is equal to 1/1704 of the annual rate of regular pay of the particular employee. The basis of this rate does not include the contribution of the Government for the employee's uniform allowance, retirement, life insurance, and health benefits. To provide for reimbursement of these costs, it is proposed to prescribe that the hourly rate of reimbursable compensation be computed at a rate per hour equal to 134 percent of the hourly rate of regular pay of the employee.

Accordingly, notice is hereby given that under the authority of sections 555 and 624 of the Tariff Act of 1930 (19 U.S.C. 1555, 1624), it is proposed to amend § 19.5(b) as set forth in tentative form below:

Section 19.5(b) is amended by substituting the following in lieu of the first sentence:

§ 19.5 Customs warehouse officer; compensation of.

* * * * * *

(b) The charge to be made for the services of a customs warehouse officer or a customs employee temporarily assigned to act as a customs warehouse officer at a bonded warehouse on a regular workday during his basic 40-hour workweek shall be computed at a rate per hour equal to 134 percent of the hourly rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under 5 U.S.C. 5545. The rate per hour equal to 134 percent of the hourly rate of regular pay is computed as follows:

	Hours	Hours
Gross number of working hours in 52 40-hour weeks		2080
Less:		
8 national holidays—January 1, February 22, May 30, July 4, 1st Monday in September, November 11, 4th Thursday in November, and December 25	64	
Annual leave—26 days	208	
Sick leave—13 days	104	376
Net number of working hours		1704
Gross number of working hours in 52 40-hour weeks		2080
Working hour equivalent of Government contributions for employee uniform allowance, retirement, life insurance, and health benefits computed at 10 percent of annual rate of pay of employee		208
Equivalent annual working hour charge to customs appropriation		2288
Ratio of annual number of working hours charged to customs appropriation to net number of annual working hours 2288 / 1704 = 134 percent.		

* * * * * *

Prior to final action on the proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: May 5, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-5714; Filed, May 13, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY GAME BIRDS

1969-70 Hunting Season

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations.

Proposed amendments to the basic regulations.

Section 10.2 *Definition of terms* is revised to read:

§ 10.2 Definition of terms.

* * * * * *

(d) *Open season.* Time during which migratory game birds may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

* * * * * *

Section 10.4 *Open seasons, limits, and other provisions* is revised by redesignating paragraphs (c), (d), and (e) as paragraphs (f), (g), and (h); and inserting new paragraphs (a), (b), (c), (d), and (e) as follows:

§ 10.4 Open seasons, limits, and other provisions.

(a) Migratory game birds may be taken only in accordance with the daily bag limits during the open season and shooting hours prescribed annually under §§ 10.41 through 10.54, and when so taken, may be possessed only as prescribed in this part.

(b) No person may possess any freshly killed migratory game birds during the closed season.

(c) No person on the opening day of the season, may possess any freshly killed migratory game birds in excess of the daily bag limit or aggregate daily bag limit, whichever applies.

(d) No person may take in any one day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

(e) No person may possess more birds lawfully taken in the United States, than the possession limit or the aggregate possession limit, whichever applies.

(f) Nothing in this part shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), or any area of the United States set aside under any other law, proclamation, or executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge, or on any area designated as a closed area under the Migratory Bird Treaty Act except so far as may be permitted by the Secretary.

(g) No migratory bird may be taken at any time, by any means, from, on, or across any highway, road, trail, or other right-of-way, whether public or private, within the exterior boundaries of any established national wildlife refuge.

(h) Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

Section 10.6 *Transportation within a State, between States, or to foreign countries* is revised by amending the first sentence of paragraph (b) to read:

§ 10.6 Transportation within a State, between States, or to foreign countries.

* * * * * *

(b) One fully feathered wing or head must remain attached to all migratory game birds except doves at all times while being transported by any means whatsoever from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility. One fully feathered wing must remain attached to each migratory game bird, including doves, while being transported by any means whatsoever from the United States and/or any of its possessions to any foreign country.

* * * * * *

Section 10.9 *Tagging and record keeping requirements* is revised by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c) and inserting new paragraphs (a) and (b) as follows:

§ 10.9 Tagging and record keeping requirements.

(a) No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), unless such birds have a tag attached, signed by the hunter, stating his address, the total number and kinds of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

(b) No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under paragraph (a) of this section.

(c) Any commercial preservation facility receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this Part may enter such facilities at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of one year, following the close of the open season on migratory game birds prescribed for the State in which such commercial preservation facility is located.

* * * * * *

Proposed amendments to the schedule of hunting seasons, limits, and shooting hours. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1969-70 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coot), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States will be proposed for final adoption not later than August 1, 1969, to become effective on or before September 1, 1969. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1969, to become effective on or before October 1, 1969.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico, and for doves in the Virgin Islands, will be proposed for final adoption no later than June 10, 1969, to become effective on or after July 1, 1969.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MAY 9, 1969.

[F.R. Doc. 69-5740; Filed, May 13, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

VETERINARY PRESCRIPTION DRUGS

Directions for Use

Section 1.106(c)(2)(i) of the general regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act includes the prescription legend for veterinary drugs "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian." The intended purpose of the prescription legend is to insure the safe and effective use of the drug under the supervision of a veterinarian.

Surveys and studies reveal that in some instances the intended purpose of the prescription legend is being disregarded through the sale of prescription veterinary drugs by veterinarians without a personal knowledge of the disease conditions in the animals for which the drugs are intended.

Because the words "sale by" in the present prescription legend do not appear to preclude such practice, it is proposed to change "sale by" to "use by". The proposed change is based upon discussions with interested professional organizations and a recommendation from the Advisory Committee on Veterinary Medicine.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 1.106(c)(2)(i) be amended to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * * *

(c) * * *

(2) * * *

(i) The statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; and

* * * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be

accompanied by a memorandum or brief in support thereof.

Dated: May 5, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc 69-5695; Filed, May 13, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 68-SO-100]

CONTROL ZONES; TRANSITION AREA; AND SPECIAL USE AIRSPACE

Proposed Alterations and Designations

The Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter controlled airspace and Special Use airspace in the vicinity of Eglin Air Force Base, Fla.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Because of the increasing traffic volume, the demand and need for air traffic control service in the Eglin Air Force Base (AFB), Fla., complex, it is essential that additional controlled airspace be made available within that area. This would permit greater use of radar separation and random radar en route descents, establishment of simplified approach procedures, thereby decreasing the workload of air traffic control.

To achieve additional controlled airspace in the Eglin AFB area, adjustments must be made to Restricted Area R-2914 by the establishment of two joint-use restricted areas.

In conjunction with rule-making actions proposed in this docket, the following ancillary nonrule-making actions are proposed.

a. Warning Area W-151 would be amended to read:

W-151 VALPARAISO, FLA.

Beginning at lat. 30°20'15" N., long. 86°-48'00" W., thence 3 nautical miles from and parallel to the shoreline to lat. 30°20'30" N., long. 86°41'00" W., to lat. 30°09'20" N., long. 86°47'58" W., to lat. 30°05'00" N., long. 86°-47'58" W., to lat. 30°00'00" N., long. 86°44'-00" W., to lat. 30°00'00" N., long. 86°34'00" W., to lat. 30°06'00" N., long. 86°29'50" W., to lat. 30°14'45" N., long. 86°28'40" W., to lat. 30°07'30" N., long. 86°24'00" W., to lat. 30°13'00" N., long. 86°13'00" W., to lat. 30°-10'30" N., long. 86°07'30" W., to lat. 30°15'-00" N., long. 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 29°37'00" N., long. 85°22'00" W., to lat. 28°10'00" N., long. 84°30'00" W., to lat. 28°-10'00" N., long. 84°39'00" W., to lat. 28°36'-45" N., long. 86°21'00" W., to lat. 28°41'30" N., long. 86°48'00" W., to point of beginning.

Designated altitudes: Surface to unlimited.

Time of Designation: Continuous.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

b. Warning Area W-152 would be established as follows:

W-152 VALPARAISO, FLA.

Beginning at lat. 30°19'45" N., long. 86°-27'45" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'15" W., to lat. 30°10'30" N., long. 86°07'30" W., to lat. 30°07'30" N., long. 86°-13'00" W., to lat. 30°07'30" N., long. 86°24'-00" W., to lat. 30°14'45" N., long. 86°28'40" W., to point of beginning.

Designated altitudes: Surface to FL 240.

Time of Designation: Continuous.

Controlling Agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

c. Warning Area W-153 would be established as follows:

W-153 VALPARAISO, FLA.

Beginning at lat. 30°20'30" N., long. 86°-41'00" W., thence 3 nautical miles from and parallel to the shoreline to lat. 30°20'00" N., long. 86°31'30" W., to lat. 30°14'45" N., long. 86°28'40" W., to lat. 30°06'00" N., long. 86°-29'50" W., to lat. 30°00'00" N., long. 86°34'-00" W., to lat. 30°00'00" N., long. 86°44'00" W., to lat. 30°05'00" N., long. 86°47'58" W., to point of beginning.

Designated Altitudes: Surface to FL 240.

Time of Designation: Continuous.

Controlling Agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

d. Warning Area W-154 would be established as follows:

W-154 VALPARAISO, FLA.

Beginning at lat. 30°20'30" N., long. 86°-41'00" W., thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'15" W., to lat. 30°10'30" N., long. 86°07'30" W., to lat. 30°07'30" N., long. 86°-13'00" W., to lat. 30°07'30" N., long. 86°24'-00" W., to lat. 30°14'45" N., long. 86°28'40" W., to point of beginning.

Designation: FL 240 to unlimited.

Time of Designation: Continuous.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

In consideration of the foregoing, it is proposed to amend Parts 71 and 73 of the Federal Aviation Regulations as follows:

1. § 71.171 (34 F.R. 4557) is amended as follows:

a. Eglin AFB, Fla., control zone is amended to read:

EGLIN AFB, FLA.

Within a 5-mile radius of Eglin AFB (lat. 30°29'10" N., long. 86°31'50" W.); within 2 miles each side of the Eglin AFB TACAN 120° radial, extending from the 5-mile radius zone to 12 miles southeast of the TACAN; within 2 miles each side of the Eglin AFB ILS localizer southeast course, extending from the 5-mile radius zone to 12 miles southeast of the LMM; within 2 miles each side of the Eglin AFB TACAN 190° radial, extending from the 5-mile radius zone to 4 miles south of the TACAN; within a 3-mile radius of Destin-Ft. Walton Beach Airport (lat. 30°23'55" N., long. 86°28'20" W.), within 2 miles each side of the extended centerline of the Destin-Ft. Walton Beach Airport Runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

b. Add the following control zones:

EGLIN AF AUXILIARY NO. 9 (HURLBURT FIELD), FLA.

Within a 5-mile radius of Eglin AF Auxiliary No. 9 (Hurlburt Field) (lat. 30°25'40" N., long. 86°41'20" W.); within 2 miles each side of the 287° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to 1 mile west of the RBN; and within 2 miles each side of the Eglin AFB TACAN 255° radial extending from the 5-mile radius zone to the Eglin AFB 5-mile radius zone. The portion which coincides with the Eglin AFB control zone is excluded.

EGLIN AF AUXILIARY NO. 3 (DUKE FIELD), FLA.

Within a 5-mile radius of Eglin AF Auxiliary No. 3 (Duke Field) (lat. 30°39'00" N., long. 86°31'21" W.). The portion within a 5-mile radius of Bob Sikes Airport (lat. 30°-46'45" N., long. 86°31'10" W.) is excluded. This control zone is effective from 0700 to 1600 hours local time, Monday through Friday.

2. In § 71.181 (34 F.R. 4637) Eglin AFB, Fla., transition area is amended to read:

EGLIN, AFB, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eglin AFB (lat. 30°29'10" N., long. 86°-31'50" W.), within a 9-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'-40" N., long. 86°41'20" W.), within an 8-mile radius of Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'00" N., long. 86°31'21" W.), within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'55" N., long. 86°28'20" W.), excluding the airspace within R-2909, W-151, a 1.5-mile radius of the Fort Walton Beach Airport (lat. 30°24'-20" N., long. 86°49'45" W.) and a 9-mile radius of Bob Sikes Airport (lat. 30°46'45" N., long. 86°31'10" W.); and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line extending from lat. 30°15'00" N., long. 86°-06'15" W., to lat. 30°10'30" N., long. 86°07'-30" W., to lat. 30°07'30" N., long. 86°13'00" W., to lat. 30°07'30" N., long. 86°24'00" W., to lat. 30°14'46" N., long. 86°28'40" W., to lat. 30°06'00" N., long. 86°29'50" W., to lat. 30°00'00" N., long. 86°34'00" W., to lat. 30°00'00" N., long. 86°44'00" W., to lat. 30°-05'00" N., long. 86°47'58" W., to lat. 30°09'-20" N., long. 86°47'58" W., to lat. 30°20'30" N., long. 86°41'00" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning.

3. § 73.29 (34 F.R. 4819) is amended as follows:

a. Restricted Area R-2914 Valparaiso, Fla., is amended to read:

R-2914 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°43'45" N., long. 86°10'30" W.; to lat. 30°41'00" N., long. 86°05'10" W.; to lat. 30°24'00" N., long. 85°56'00" W.; to lat. 30°11'00" N., long. 85°-56'00" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'15" W., to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°30'45" N., long. 86°25'00" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at lat. 30°34'19" N., long. 86°12'56" W.

Designated altitudes: Surface to FL 500.

Time of Designation: Continuous.

Controlling Agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

b. The following Restricted Areas are added:

R-2918 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°43'10" N., long. 86°27'37" W.; to lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°33'00" N., long. 86°25'00" W.; to lat. 30°33'00" N., long. 86°25'30" W.; to lat. 30°37'00" N., long. 86°25'30" W.; to lat. 30°37'00" N., long. 86°27'37" W., to point of beginning.

Designated altitudes: Surface to FL 500.

Time of Designation: Continuous.

Controlling Agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°30'45" N., long. 86°25'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°15'00" N., long. 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'45" N., long. 86°23'45" W.; to lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°25'00" N., long. 86°25'00" W.; to point of beginning.

Designated altitudes: Surface to FL 500.

Time of Designation: Continuous.

Controlling Agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using Agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 6, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5707; Filed, May 13, 1969; 8:47 a.m.]

[14 CFR Part 157]

[Regulatory Docket No. 9322; Notice No. 69-21]

CONSTRUCTION, ALTERATION ACTIVATION AND DEACTIVATION OF AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 157 of the Federal Aviation Regulations to: (1) Separate the reporting standards for heliport proposals from proposals relating to fixed wing aircraft; (2) consider the airport or heliport proposals with regard to the effect of existing or proposed man-made objects and natural objects; (3) require notification to the FAA upon completion of an airport project.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 12, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rule Docket for examination by interested persons.

In the preamble of the final rule revising FAR Part 157, effective March 2, 1966, it was stated, in response to comments related to the question of helicopters being covered by the revision, that the FAA was making a further study to determine whether separate reporting standards are required for heliports. This study confirmed that it is unreasonable to impose the same reporting standards for both classes of landing areas, and that a more liberal standard would be appropriate. Thus, the new § 157.5(b) would specify those situations where the new reporting standards for heliports would apply.

The FAA, in its aeronautical studies, considers the effects of airport proposals upon existing and proposed man-made objects and natural objects within a predetermined area. Therefore, the regulation should be changed to reflect these factors since they could have an adverse effect upon the safety of aircraft and persons and property on the ground.

It is also proposed to include a new provision in Part 157 in which the FAA will be notified when the proposed airport construction is completed. This information is needed for cartographic purposes and to permit the orderly planning of airports, and to prevent the needless protection of airspace should completion of a project never be realized.

There are several other minor changes that have been proposed in this Notice. The first sentence of § 157.5(a) has been slightly reworded to clarify its meaning and application. Since a new section on heliports is proposed (§ 157.5(b)), the words "for fixed wing aircraft" would be inserted in the first sentence of § 157.5(a) to read: "a personal or private use airport for fixed wing aircraft * * *." The word "weather" would be inserted in that sentence after "VFR" to make it compatible with the new § 157.5(b). To maintain consistency in the Federal Aviation Regulations, the word "weather" would also be inserted after "VFR" in the second sentence of § 157.1.

In the proposed § 157.7(a), the word "exclusively" would be deleted since the aeronautical study would no longer be based solely on the safe and efficient use of airspace by aircraft.

Several editorial changes have been made in § 157.5 to clarify the use of the information received by the FAA on Form 7480-1.

In consideration of the foregoing, it is proposed to amend Part 157 as follows:

§ 157.1 [Amended]

1. By amending the second sentence of § 157.1 to read as follows:

* * * This Part does not apply to any project for which Federal aid has been requested under the Federal Airport Act or to any project involving a temporary airport which is intended to be used solely in VFR weather conditions for a period of less than 30 consecutive days with no more than 10 operations a day.

§ 157.5 [Amended]

2. By amending the first sentence of § 157.5 to read as follows:

Except as provided in paragraphs (a), (b), (d), and (e) of this section, the notice required by § 157.3 shall be submitted, in triplicate, on FAA Form 7480–1 to the nearest FAA Area Manager's Office or FAA Regional Office at least 90 days before work is to begin. * * *

3. By amending the first sentence of § 157.5(a) to read as follows: (a) Information concerning a personal or private use airport for fixed wing aircraft, used solely in VFR weather conditions and located more than 20 nautical miles from any airport for which an instrument approach procedure is authorized, and more than 5 nautical miles from any airport open to the public shall be submitted on FAA Form 7480–1 at least 30 days before work is to begin. * * *

4. By adding a new § 157.5(b) to read as follows: (b) Information concerning a personal or private-use heliport for use solely in VFR weather conditions if the location of the project is:

(1) Outside of a control zone, residential or business areas;

(2) More than 10 nautical miles from any airport or heliport for which an instrument approach procedure has been authorized;

(3) More than 3 nautical miles from any other airport; and

(4) More than 1 nautical mile from any other heliport, shall be submitted on FAA Form 7480–1 at least 30 days before work is to begin. (After stating whether the project is one of alteration or establishment, only Items A, B, D, and I of the form need be filled out.)

5. By adding a new § 157.5(c) to read as follows:

(c) Information received under paragraphs (a) and (b) of this section shall normally be used only for record purposes, unless the FAA determines that an aeronautical study is required.

6. By redesignating § 157.5(b) as § 157.5(d) and by amending it to read as follows:

(d) Except as provided in paragraph (e), information concerning the deactivation, discontinued use, or abandonment of an airport, runway, landing strip, or associated taxiway shall be submitted either by letter, or on FAA Form 7480–1, and prior notice is not required. Any information received under this section will be used for record purposes only unless the affected property is subject to any agreement with the United States requiring that it be maintained and operated as a public airport.

7. By adding a new § 157.5(e) to read as follows:

(e) Information concerning the deactivation, discontinued use or abandonment of an airport, runway or landing strip with an established instrument approach procedure shall be submitted at least 30 days prior to such deactivation, discontinued use, or abandonment on FAA Form 7480–1. (Copies of FAA Form 7480–1 may be obtained from the nearest FAA Area Manager's Office or Regional Office.)

8. By redesignating § 157.7 as § 157.7 (a); by redesignating § 157.7 (a), (b), and (c) as § 157.7(a) (1), (2), and (3) respectively, and by amending these sections to read as follows:

§ 157.7 FAA determination.

(a) The Federal Aviation Administration makes aeronautical studies of airport proposals and after consultations are held with interested persons, as appropriate, advises those concerned of the FAA determination. This determination will be based primarily on considerations of the safe and efficient use of airspace by aircraft. In making the determination, the FAA will consider, in addition, matters such as the effects it would have on existing or contemplated traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA and the effects it would have upon existing or proposed man-made objects and natural objects within the affected area. These determinations will fall within one of the following categories:

(1) No objection to the proposal;

(2) No objection to the proposal if certain conditions are met, such as the execution of aircraft operations in VFR weather conditions only, the establishment of traffic patterns compatible with those of adjacent airports, the exclusive use of the airport by the owner and such other conditions as the FAA may require; or

(3) Objectionable, including reasons for the objections.

The FAA may establish void dates for certain determinations to permit orderly planning. Determinations are furnished to the proponent, aviation officials of the State concerned, and, when appropriate, local political bodies and other interested persons.

9. By adding a new § 157.9 to read as follows:

§ 157.9 Notice of completion.

Within 30 days after completion of an airport or heliport project covered by Part 157, the construction proponent shall notify the nearest FAA Area Manager's Office or Regional Office by letter or post card of the fact of completion.

This amendment is proposed under the authority of sections 309 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1350 and 1354), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 7, 1969.

W. M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69–5708; Filed, May 13, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 91]

[Docket No. 18539; FCC 69–488]

POWER RADIO SERVICE

Interconnected or Coordinated Utility Systems Command Control Networks

In the matter of amendment of Parts 2 and 91 of the Commission's rules to provide frequencies and other particulars for interconnected or coordinated utility systems command control networks in the power radio service, Docket No. 18539; petitions filed by the National Committee for Utilities Radio to amend Parts 2 and 91 of the Commission's rules to provide for interconnected or coordinated electric utility systems command control networks, RM–1316, RM–1317.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The National Committee for Utilities Radio (NCUR) has filed two petitions for rule making (RM–1316 and RM–1317) to amend Parts 2 and 91 of the Commission's rules to provide for interconnected or coordinated utility systems command control networks in the power radio service. Since the two petitions are similar for the most part except for the order of frequency involved, they are being considered jointly in this proceeding.

3. The power failure in Northeast United States in November of 1965 forcibly demonstrated the dependency of cities upon the availability and continuity of electric power and has shown the need for use of all practical techniques insuring an adequate supply of power and increasing the reliability of the power distribution systems. The NCUR has described the importance of electric power relative to the need for establishing interconnected or coordinated utility systems command control networks in the power radio service as follows:

> The interruption of electric power constitutes a direct threat to the safety and livelihood of persons and the protection of property. For example, sudden loss of electric power to hospitals, military installations, airports, public safety and subway systems can imperil human life. The demoralizing effect caused by power outages, serious when conditions are normal, can be disastrous during storms, riots and/or periods of national strife.

4. According to the NCUR the increased use of and dependency upon the use of electricity has brought about generation plants of larger and larger capacity. The development of extra high voltage (EHV) power lines allows for the transmission of greater amounts of power over increasing distances. A need for the establishment of radio communication networks for the coordinated operation and control of inter-connected power systems has arisen. The radio networks would assist in reducing the possibility of wide-spread power outages.

5. NCUR describes the need for long and short to medium range (distances up to 750 miles) radio communication networks in the electric utility industry. The petitioner explains how adjacent power companies have interconnected certain facilities and formed "Power Pools" or "Power Groups." Power Pools have a central control center, while in a Power Group each company acts as a control center. It is necessary to have intercompany communications to insure an uninterrupted and adequate supply of power to the public. In a Power Pool each member is responsible for the generation and transmission of power for his own area. It is necessary that each control center be continually aware of neighboring systems or pools and their possible needs. They must supervise transmissions of power throughout the pool and assure security of the system. Control centers must coordinate scheduled and unscheduled shutdowns, and operations after disturbances, and monitor hydro conditions.

6. NCUR states that command control networks presently consist of private microwave systems, private telephone systems, private carrier systems and circuits leased from common carriers, using diverse routes where possible. Many of the facilities use equipment components which are commonly terminated and housed, and therefore subject to common failures. The frequencies requested by the petitioner would provide a communications system under the sole control of the utilities involved and would be completely independent of other private and common carrier point-to-point facilities. Availability of common frequencies would facilitate coordination after major systems interruptions and would provide instantaneous communications from a given location to multiple addresses, such as generating plants, substations, dispatching centers, and other control centers.

7. Due to the distances involved between stations in power pools and groups, NCUR requests nine frequencies in the frequency range between 3 and 10 MHz in order to achieve 24 hour operation. Three frequencies are requested in each of the frequency ranges 3 through 4 MHz, 5 through 6 MHz, and 7 through 9 MHz, for inter-pool operations, inter-utility operations and intra-utility operations. NCUR estimates that 200 stations will be used, at least initially. Single sideband suppressed carrier modes of transmission for radiotelephony and multichannel radiotelegraph (upper sideband only) are proposed with up to 1000 watts peak envelope power.

8. In the VHF band, NCUR requests assignment of 37.60 MHz (the original petition RM–1317 was amended on August 26, 1968, to specify 37.60 MHz in lieu of 37.64 MHz) and 37.84 MHz in the Power Radio Service exclusively for the command-control networks. Use of 37 MHz frequencies will serve to relieve demand for high frequencies. These frequencies would be made available for utility command control nets on a power radio servicewide basis to accommodate gas utilities and allow for coordination between gas and electric utilities since they are mutually involved in load shedding, heavy demand problems involved in resumption of service and other problems. NCUR indicates that the utilities will actively explore the possibility of dividing a 37 MHz channel into two, or possibly three, single sideband channels or extremely narrow FM channels to facilitate communication under "skip" conditions and minimize interference as more power pools use the frequencies.

9. The petitioner emphasizes that the frequencies would be used in day-to-day communication and would not be confined to "emergency only" use. To establish and maintain dispatcher familiarity with the use of the frequencies, they would be employed daily in connection with such matters as time and frequency correction instructions, warnings regarding major loss of generating or line capacity, forced outages or maintenance, and warnings of possible danger such as storms and hurricanes. The Commission, in initiating this rule-making proceeding, wishes to make it quite clear that the proposed network is not to be considered as a substitute for the Electric Power Industry Communications Emergency Plan (EPICEP) presently under development in the National Industry Advisory Committee (NIAC) structure. On the contrary, if such a network comes into being, it might serve as a convenient tool to the NIAC in the development of an emergency plan for the industry.

10. In 1947, the Administrative Radio Conference of the International Telecommunication Union (ITU) reduced by approximately one-third the amount of spectrum space allocated to the fixed service in the high frequency range (3–30 MHz). As a consequence it became the policy of the United States to deny the use of frequencies below 30 MHz for domestic fixed operations except where it could be shown that land line facilities did not exist and could not be made available because, for example, of the intervening terrain. This policy was based on the fact that there was an extensive, well-developed common carrier network within the United States to accommodate domestic needs and the fact that the reduced allocation to the fixed service was barely adequate to meet international fixed requirements. The Commission has adhered rigidly to this policy and has denied consistently all requests to permit domestic HF fixed operations. In recent years, however, with the advent of the communication-satellite service and expanding international cable systems, the pressures on the fixed bands have lessened insofar as non-Government requirements are concerned. It should be noted, however, that the requirements of the Federal Government have not lessened in this regard and are not expected to for some time.

11. Consequently, while we are not generally abandoning in this action at this time, the established policy with respect to domestic fixed operations, we are persuaded that the needs of the electric utility industry are sufficiently pressing to warrant a departure from that policy. Petitioner seeks a total of nine frequencies to provide a family of three frequencies (between 3 and 10 MHz) each for inter-utility, intra-utility and interpower pool communications noting that in addition to the domestic fixed service need, some limited mobile operation may also be required. To the extent practicable, we hope to meet that request. Ideally, such frequencies should be made available on a nationwide basis, but frequencies available in some areas may not be available in others because of existing assignments in this and other countries. The precise frequencies to be employed cannot be specified at this time. It is our intention, however, to amend Parts 2 and 91 to provide for the availability of a maximum of nine high frequencies in any specific power pool area to meet the stated need for three separate families of frequencies for fixed, base and mobile communications in the Power Radio Service for the network operation. A new US footnote will be applied to appropriate fixed service bands between 3 and 10 MHz in § 2.106, The Table of Frequency Allocations, Part 2 of the rules. The terms of that note, with respect to frequency availability, will be dependent upon the results of the study now to be undertaken in an effort to clear suitable frequencies. The high frequencies may be authorized for use by both Government and non-Government stations on a shared, equal access basis for communications pertinent to interconnected or coordinated electric utility systems for inter-utility, intra-utility and inter-power pool use. Emissions shall be limited to type A3J and A7J (upper sideband) with peak envelope power not to exceed 1 kW.

12. In addition, the frequency table in § 91.254(a) of Part 91, frequencies available for assignment in the Power Radio Service would be amended to indicate the availability of frequencies in the bands 3–5, 5–7, and 7–10 MHz for operational fixed, base and mobile stations with the following new limitation to apply in § 91.254(b):

(31) A maximum of nine frequencies, three in each of the bands 3–5, 5–7, and 7–10 MHz may be assigned in any specific power pool area to electric utility stations operating in interconnected or coordinated electric utility systems. Of the three frequencies in each of the bands, one is for inter-utility communications, one for intra-utility communications and one for inter-power pool communications. Frequency assignments will be made only upon the showing that

use will be in accordance with an established operational communications plan which sets forth the purpose for which each frequency is to be used and all points of communication. Authorizations at variance with an established operational communications plan will be made only in those cases where it is demonstrated that interference will not be caused to stations operating in accordance with the established plan.

13. We have not made provision for organizations or associations composed of interconnected electric utilities participating in command control networks to be licensees of stations to operate on the network frequencies as requested by the NCUR. Such a provision would appear to be unnecessary.

14. Existing rules concerning eligibility for and use of power radio stations seem to be adequate, except that there is no provision for use of mobile units installed in power pool vehicles. Accordingly, we propose to add a new rule (section 91.253(d)) which will make such provision.

15. This rule making anticipates that single sideband will be used on a regular licensing basis under Part 91 of the Commission's rules although amendments have not been included to provide suitable technical and operational standards for the use of single sideband emission. Rules to provide for single sideband operations in the Industrial Radio Services are the subject of a separate rule making proceeding (Docket No. 12221). It is expected that further rule making will be initiated in this docket at an early date.

16. The attached appendix contains our specific proposal for allocation of frequencies in the VHF band and other particulars to accommodate the power command control network concept under the Commission's rules. Stations now operating on 37.60 and 37.84 MHz and not participating in the networks would be allowed 1 year from the date of adoption of the rules to shift their operations to different frequencies.

17. U.S. Government stations participating in the power networks, such as those operated by the Bonneville Power Administration, Bureau of Reclamation, Southwestern Power Administration and the Tennessee Valley Authority would be given access to the frequencies proposed for use herein in the power networks. Access would be on an equal basis to the non-Government operations and intercommunication would be permitted as necessary for the command control operations.

18. The petitions filed by the NCUR (RM–1316 and RM–1317) are granted to the extent indicated herein and are denied in all other respects.

19. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

20. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before June 16, 1969, and reply comments on or before June 26, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

21. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: May 7, 1969.

Released: May 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

1. In § 91.253 a new paragraph (d) is added to read as follows:

§ 91.253 Station limitations.

* * * * * * *

(d) Communication units of a mobile station licensed to an electric utility for operation on one or more of the frequencies in § 91.254(a) that are subject to limitations 31 or 32, may be installed in any vehicle operated by an organization or association comprised of interconnected electric utilities forming interconnections, power pools or power groups, provided that precautions are taken to eliminate effectively the possibility of any licensed transmitter being operated during the period that the vehicle is not under the control of the licensee.

2. In § 91.254, the Frequency Table in paragraph (a) is amended by changing entries for the frequencies 37.60 and 37.84 Mc/s and adding new limitation 32 in proper numerical sequence in paragraph (b) to read:

§ 91.254 Frequencies available.

(a) * * *

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
* * *	* * *	* * *
Mc/s		
37.60	Base, mobile or operational fixed.	32
* * *	* * *	* * *
37.84	Base, mobile or operational fixed.	32
* * *	* * *	* * *

(b) * * *

(32) This frequency may be authorized only to utility stations operating in an interconnected or coordinated utility system. Assignment of this frequency will be made only upon the showing that its use will be in accordance with an established operational communications plan which sets forth all points of communications. Authorizations at variance with an established operational communications plan will be made only in those cases where it is demonstrated that interference will not be caused to stations operating in accordance with the established plan. Any station authorized use of this frequency prior to (date of adoption of this rule) must terminate any operation not in accordance with this limitation by (1 year from adoption of this rule).

[F.R. Doc. 69–5724; Filed, May 13, 1969; 8:48 a.m.]

[1] Commissioner Johnson concurring in the result.

[47 CFR Part 73]

[Docket No. 18453]

VHF TELEVISION BROADCAST CHANNEL

Mount Vernon, Ill.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules and regulations to add a VHF Television Broadcast Channel to Mount Vernon, Ill., Docket No. 18453, RM–1372.

1. The Commission has before it for consideration a request, filed on May 7, 1969, by Soillcom, Inc., the proponent of the above-captioned proposal to allocate VHF Channel 13 to Mount Vernon, Ill., for an extension of time for filing reply comments herein from May 12, 1969, to June 2, 1969. The time for filing comments herein expired April 30, 1969.

2. Soillcom, Inc., in support of its request for this extension of time to file reply comments, states that interested parties had been afforded 2½ months to file initial comments on the above-captioned proposal, and that, in addition to the Soillcom comments, seven other parties filed comments. Soillcom states that in view of the large number of comments and the extensive nature of some of them, an additional period of time is necessary to prepare its reply comments.

3. It appears that good cause exists for the requested extension of time and the public interest would be served thereby. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding is extended to June 2, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES O. JUNTILLA,
[SEAL] *Acting Chief, Broadcast Bureau.*

[F.R. Doc. 69–5726; Filed, May 13, 1969; 8:48 a.m.]

[47 CFR Part 97]

[Docket No. 18540; FCC 69–491]

AMATEUR EXTRA CLASS LICENSE

Licensing and Operating Experience Requirements

In the matter of amendment of Part 97 of the Commission's rules regarding licensing and operating experience requirements for the Amateur Extra Class license, Docket No. 18540, RM–1311.

1. The Commission has under consideration a petition for rule making in the above-entitled matter which has been submitted by Mr. Desmond Roy Hearsum (W8LUZ) of Dayton, Ohio. The petition is concerned with that part of rule § 97.51(a)(5) which provides for issuance of a two-letter station call sign to an Amateur Extra Class licensee first licensed by the Commission at least 25 years prior to the date of his application. Petitioner proposed amendment of § 97.51(a)(5) to extend eligibility for such two-letter call sign assignments to Amateur Extra Class licensees who were first licensed at least 25 years earlier by a foreign government. In most instances, the extended eligibility would apply to naturalized citizens of the United States, but some native born citizens who for various reasons were amateur licensees in foreign countries would also be involved.

2. Under the incentive licensing program and structure in the Amateur Radio Service, the provision for issuance of two-letter call signs to Amateur Extra Class licensees constitutes a special privilege in recognition of both longevity and high achievement in amateur licensing. It appears to the Commission that this longevity standard is satisfied by persons who were licensed at least 25 years earlier as amateur radio operators by any government pursuant to criteria established in international radio regulations. Accordingly, it is proposed that § 97.51(a)(5) be amended as requested by the petitioner to extend the call sign privilege to all such licensees.

3. Another problem concerns § 97.9(a)(1) of the rules. This section requires that an applicant for the Amateur Extra Class license must have held for at least 2 years, a valid Commission-issued amateur operator license of other than the Novice and Technician Class. The purpose of this rule is to help assure that applicants for the highest class amateur operator license have acquired practical operating experience for a reasonable period of time at an intermediate license level. One effect of the rule is to deny recognition for such experience when acquired under amateur licenses issued by other authorities. The Commission does not believe that this is justified any longer. Therefore, it is proposed to amend § 97.9(a)(1) to extend the eligibility for an Extra Class license to Commission licensees who submit proof of having held an amateur license issued by a foreign government equivalent to at least a General Class for a period of 2 years.

4. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before July 25, 1969, and reply comments on or before August 11, 1969. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this notice.

Adopted: May 7, 1969.

Released: May 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

I. Part 97 of the Commission's rules is proposed to be amended as follows:

1. Section 97.9(a)(1) is revised as follows:

§ 97.9 Eligibility for new operator license.

* * * * * * *

(a) *Amateur extra class.* * * *

(1) At any time prior to receipt of his application by the Commission has held for at least 2 years an amateur operator license of other than the Novice or Technician Class, issued by any agency of the U.S. government, or submits proof that he held for a period of 2 years an amateur operator license at least equivalent to a General Class license issued by a foreign government, or

* * * * * * *

2. Section 97.51(a)(5) is revised to read as follows:

§ 97.51 Assignment of call signs.

(a) * * *

(5) One unassigned two-letter call sign (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign, the prefix of which consisted of not more than a single letter. Additionally, a two-letter call sign may be assigned to an Amateur Extra Class licensee who submits evidence that he held any amateur radio operator or station license, issued by any agency of the U.S. government or by any foreign government, 25 years or more prior to the receipt date of an application for such assignment. Applicants for two-letter call signs are not permitted to select a specific assignment except in accordance with subparagraphs (1) and (2) of this paragraph.

* * * * * * *

[F.R. Doc. 69–5725; Filed, May 13, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 421]

MAILING OF UNSOLICITED CREDIT CARDS

Notice of Proposed Trade Regulation

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the mailing of unsolicited credit cards.

For purposes of this proceeding:

"Credit card" shall mean any card, plate, coupon book, or other credit device existing for the purpose of establishing the identity and credit of any person in connection with the acquisition of money, property, labor, or services on credit.

"Unsolicited credit card" shall mean a credit card which is mailed to a party without prior request for or consent to the mailing of such card by the recipient.

The Commission has initiated this proceeding having reason to believe that:

(1) Marketers of products and services such as gasoline companies, department stores, and all purpose credit card issuers have attempted to increase the use of credit cards through distribution of credit cards through the mails to persons who have not requested such cards or agreed to accept the same.

(2) A credit card holder is more likely to purchase at a retail outlet honoring his credit card.

(3) Unsolicited credit cards are often lost in the mails and the intended recipient is unaware there is a card or that an account is established in his name.

(4) Such credit cards are often misappropriated and fraudulently used by unknown parties and the intended recipient of the credit card is put to the often considerable burden of demonstrating to the billing company that the goods or services were not ordered or purchased.

(5) Billings resulting from fraudulent use of cards or billing errors cause concern among consumer recipients that their credit reputations may be jeopardized.

(6) As the result of an unsolicited credit card being issued, recipients are put to the burden of returning the unwanted credit card to the sender if they wish to indicate that the card is not desired.

(7) Credit card issuers who resort to the use of unsolicited mailings of credit cards may be placed at a competitive advantage over their competitors who do not utilize the unsolicited mailings, and therefore that:

(8) Such practices constitute unfair acts or practices, and unfair methods of competition in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

§ 421.1 The Rule.

The mailing by marketers of products or services or by others of credit cards to any party without first receiving an expressed written request from such party for the cards or expressed written

consent to the mailing of the cards constitutes an unfair act or practice, and an unfair method of competition in violation of section 5 of the Federal Trade Commission Act.

All interested persons are hereby notified that they may file written data, views, or arguments concerning the proposed rule set forth above in this notice, with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than August 12, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.d.t., September 10, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views, or arguments presented orally or in writing with respect to the proposed rule will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations or others (excluding banks, common and air carriers and others excepted under section 5(a)(6) of the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq.) engaged in the distribution through the mails of unsolicited credit cards in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

The Commission has reason to believe that the practices which would be prohibited by the proposed rule are widespread in the industries involved. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying therewith.

Retail department stores, marketers and retail dealers of gasoline, travel, and entertainment credit card establishments, other credit card issuers, the consuming public and other interested parties (exclusive of banks, common carriers and air carriers utilizing credit card mailings) are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: May 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5688; Filed, May 13, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 34-8601]

CERTAIN MEMBERS, BROKERS, AND DEALERS

Amendment to Form Requiring Information

The Securities and Exchange Commission has announced a proposal to amend Note 2 to Question 4 of Form X-17A-5 (17 CFR 249.617) to provide that the list of securities transactions in the "failed to deliver" accounts of broker-dealers which are outstanding 30 calendar days or longer be classified in accordance with the period such transactions have been outstanding. Other minor language changes would also be made in Note 2 to make it clear that the time periods involved are calendar days, and that two or more transactions may be combined if they involve the same security and are within the same aging classification. The proposed action would be taken pursuant to sections 17(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(a), 78w(a)).

A full discussion of these changes together with the text of the proposed amendment are set forth in Release No. 34-8601,[1] copies of which are being sent to all registered broker-dealers. Any interested person may obtain a copy of this release by writing to the Commission at the address given below.

All persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before June 9, 1969. All such comments will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 8, 1969.

[1] Copies of the release have been filed with the Office of the Federal Register; additional copies are obtainable from the Securities and Exchange Commission.

AMENDMENT OF BROKER-DEALER FORM X-17A-5 UNDER THE SECURITIES EXCHANGE ACT OF 1934

The Securities and Exchange Commission has announced that it proposes to amend Note 2 to Question 4 of Form X-17A-5 under the Securities Exchange Act of 1934 to conform its requirements to the recent change in Rule 15c3-1 (the net capital rule) providing for certain specified deductions based on outstanding items in the "failed to deliver" account. Form X-17A-5 specifies certain financial information required to be filed annually by members of national securities exchanges and other brokers and dealers. The amendment would provide that the list of securities transactions in "failed to deliver" accounts outstanding 30 calendar days or longer be classified in accordance with the period such transactions have been outstanding.

On January 30, 1969, the Commission amended Rule 15c3-1 by adding a new subparagraph (c)(2)(I) to provide that, in computing net capital, certain specified deductions should be made based on outstanding items in the "failed to deliver" account, as follows: 10 percent of the contract price on transactions outstanding 40-49 calendar days; 20 percent of the contract price on transactions outstanding 50-59 calendar days; and 30 percent of the contract price on transactions outstanding 60 or more calendar days. National securities exchanges whose members are exempt from Rule 15c3-1 by paragraph (b)(2) thereof, have also amended their rules to require their members to make similar deductions in the computation of net capital.

In order for members, brokers, and dealers to comply with the above requirements, they must necessarily have in their books and records information respecting outstanding items in their "failed to deliver" accounts which would enable them at any given time to make the necessary computations. The amendment of Note 2 to Question 4 of Form X-17A-5 would implement the recent amendments of Rule 15c3-1 and the net capital rules of national securities exchanges by requiring the financial reports filed by members, brokers, and dealers to contain information to indicate whether they are complying with such requirements.

Other minor language changes would also be made in Note 2 to make it clear that the time periods involved are calendar days, and that two or more transactions may be combined if they involve the same security and are within the same aging classification. These changes, however, are not substantive since they merely codify interpretations of existing requirements.

The above action would be taken pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23(a) thereof.

The text of Note 2 to Question 4 of Form X-17A-5, as amended, would read as follows:

2. State separately or in a footnote, description of security; ledger debit balances; ledger credit balances; long security valuations; short security valuations; with respect to each security transaction outstanding 30 calendar days or longer under Question 4. B. (Securities Failed to Receive). Such outstanding transactions included under Question 4. B. (Securities Failed to Deliver) shall be classified in accordance with the period that they have been outstanding: 30 to 39 calendar days; 40 to 49 calendar days; 50 to 59 calendar days; and 60 or more calendar days. Two or more transactions in the same security in any one of the foregoing classifications may be combined.

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before June 9, 1969. All such comments will be available for public inspection.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5703; Filed, May 13, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMMET A. JAMES

Notice of Granting of Relief

Notice is hereby given that Emmet A. James, 306 West Commercial Street, Springfield, Mo., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 18, 1933, in the Circuit Court of Greene County, Mo., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 925(a)(20). Unless relief is granted, it will be unlawful for Emmet A. James, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix) it would be unlawful for Mr. James to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Emmet A. James' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Emmet A. James from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Emmet A. James be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 8th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-5715; Filed, May 13, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

GLACIER BASIN AND MORAINE PARK IN ROCKY MOUNTAIN NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Paul H. Van Horn, authorizing him to continue to provide saddle livery facilities and services for the public at Glacier Basin and Moraine Park in Rocky Mountain National Park, Colo., for a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 7, 1969.

EDWARD A. HUMMEL,
Associate Director,
National Park Service.

[F.R. Doc. 69-5700; Filed, May 13, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2-CHLORO-4-CYCLOPROPYLAMINO-6-ISOPROPYLAMINO-1,3,5-TRIAZINE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

At the request of the Gulf Oil Corp., Pittsburgh, Pa. 15230, a temporary tolerance of 0.1 part per million is established for residues of the herbicide 2-chloro-4-cyclopropylamino - 6 - isopropylamino-1,3,5-triazine in or on the raw agricultural commodities fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), and corn forage and fodder (including sweet corn, field corn, and popcorn). The Commissioner of Food and Drugs has determined that this temporary tolerance is safe and will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Gulf Oil Corp. name.

This temporary tolerance will expire May 7, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-5690; Filed, May 13, 1969; 8:45 a.m.]

2-CHLORO-*N*-(ISOBUTOXYMETHYL)-2',6'-ACETOXYLIDIDE

Notice of Establishment of Temporary Tolerances

At the request of Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, temporary tolerances are established for negligible residues of the herbicide 2-chloro-*N*-(isobutoxymethyl)-2',6'-acetoxylidide and its metabolites calculated as 2-chloro-*N*-(isobutoxymethyl)-2',6'-acetoxylidide in or on the raw agricultural commodities sugar beet tops at 0.2 part per million and sugar beets at 0.05 part per million.

The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Monsanto Co. name.

These temporary tolerances expire May 7, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-5691; Filed, May 13, 1969; 8:45 a.m.]

INTRAGEL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Intragel, a sterile solution of gelatin for intravenous administration; contains 8 grams of pharmaceutical grade gelatin per 100 cubic centimeters in a 0.85 percent sodium chloride solution; marketed by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501.

The Academy concludes that (1) this product is probably not effective for dehydration; (2) it may be effective to restore circulatory volume and maintain blood pressure in large and small animals; (3) it requires most extensive label changes—revise dosage schedule on per pound basis, revise suggestion about subsequent dosage (do not use percent of first dose as guide), rate of administration should be contingent on specie, and side effects should include the possibility of allergic reactions. The Food and Drug Administration concurs with the conclusions of the Academy.

This announcement is published (1) to inform the holders of the new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 6, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-5692; Filed, May 13, 1969; 8:45 a.m.]

HAMPSHIRE CHEMICAL DIVISION OF W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1850) has been filed by Hampshire Chemical Division of W. R. Grace & Co., Poisson Avenue, Nashua, N.H. 03060, proposing that paragraph (d) of § 121.1088 *Boiler water additives* (21 CFR 121.1088(d)) be amended to provide for the safe use of trisodium nitrilotriacetate as a boiler water additive in the preparation of steam that will contact food except milk and milk products.

Dated: May 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-5693; Filed, May 13, 1969; 8:45 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2394) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of light petroleum naphtha (with boiling-point range of 125° F.–300° F.) as a solvent for petroleum wax for use as a protective coating on raw fruits and vegetables.

Dated: May 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-5694; Filed, May 13, 1969; 8:45 a.m.]

Social Security Administration

DOMINICAN REPUBLIC

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that the Dominican Republic does not have a social insurance system of general application in that a relatively small percentage of the paid labor force is covered under the social insurance system of the Dominican Republic.

Accordingly, it is hereby determined and found that the Dominican Republic does not have in effect a social insurance or pension system of general application which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

The provisions of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4)(A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the limitation on payment of monthly benefits to aliens included in section 202(t)(1) does not apply to citizens of the Dominican Republic receiving benefits on the earnings records of individuals who have 40 quarters of coverage under social security or who have resided in the United States for a period or periods aggregating 10 years or more.

This augments the finding with respect to the Dominican Republic published in the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5674).

Dated: May 2, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69-5696; Filed, May 13, 1969; 8:45 a.m.]

JAMAICA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5), for any month after they have been outside the United States for six consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Jamaica has in effect a social insurance system of general application which meets the requirements of section 202(t)(2)(A) in that it pays periodic benefits on account of old age, retirement, or death. On July 31, 1968, pursuant to an order issued by the Government of Jamaica, Jamaica removed all restrictions on the payment of benefits to qualified U.S. citizens, effective as of July 1, 1968, thus permitting payment of benefits to qualified U.S. citizens while outside the country without regard to the duration of the absence. Therefore, the social insurance system of Jamaica meets the requirements of section 202(t)(2)(B).

Accordingly, it is hereby determined and found that Jamaica has in effect beginning with July 1, 1968, a social insurance system of general application which meets the requirements of section 202(t)(2) (A) and (B) of the Social Security Act (42 U.S.C. 402(t)(2) (A) and (B)).

This revises the finding published in the FEDERAL REGISTER of November 29, 1962 (27 F.R. 11778).

Dated: May 2, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69-5697; Filed, May 13, 1969; 8:45 a.m.]

LIBYA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Libya has a social insurance system of general application in effect which pays periodic benefits on account of old age, retirement, or death, but that under its social insurance system citizens of the United States, not citizens of Libya, who leave Libya, are not permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Libya has in effect a social insurance system which is of general application in that country and which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

The provisions of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4) (A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the provisions of subparagraphs (A) and (B) of section 202(t)(4) do not apply to citizens of Libya.

This augments the finding with respect to Libya published in the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5674).

Dated: May 2, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69-5698; Filed, May 13, 1969; 8:46 a.m.]

VENEZUELA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Venezuela does not have a social insurance or pension system of general application in that a relatively small percentage of the paid labor force is covered under the social insurance system of Venezuela.

Accordingly, it is hereby determined and found that Venezuela does not have in effect a social insurance or pension system of general application which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

The provisions of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4) (A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the limitation on payment of monthly benefits to aliens included in section 202(t)(1) does not apply to citizens of Venezuela receiving benefits on the earnings records of individuals who have 40 quarters of coverage under social security or who have resided in the United States for a period or periods aggregating 10 years or more.

This augments the finding with respect to Venezuela published in the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5674).

Dated: May 2, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69-5699; Filed, May 13, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-50]

BEAUMONT, TEX.

Revocation of Designation as Port of Documentation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Beaumont, Tex., as a port of documentation and to conduct at, and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Federal Building-Custom House, Fifth and Austin Avenue, Port Arthur, Tex., such documentation activities as have been performed heretofore at Beaumont.

2. Accordingly, notice is given that under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designation of Beaumont, Tex., as a port of documentation; and

(b) Transfer the documentation records at Beaumont, to the office of the Officer in Charge, Marine Inspection, United States Coast Guard, Federal Building-Custom House, Fifth and Austin Avenue, Port Arthur, Tex.; and

(c) Make Port Arthur the home port of all vessels now having Beaumont as their home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before June 15, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (June 15, 1969). The acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: May 6, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-5728; Filed, May 13, 1969; 8:48 a.m.]

[CGFR 69-47]

PONCE AND MAYAGUEZ, PUERTO RICO

Revocation of Designations as Ports of Documentation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designations of Ponce, P.R., and Mayaguez, P.R., as ports of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, Federal Building, San Juan, P.R. 00904, such documentation activities as have been performed at Ponce and Mayaguez.

2. Accordingly, a notice is given that, under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23, Stat. 118, sec. 1, 43 Stat. 947, sec 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designations of Ponce, P.R., and Mayaguez, P.R., as parts of documentations; and

(b) Transfer the documentation records at Ponce and Mayaguez, to the office of the Officer in Charge, Marine Inspection, Federal Building, San Juan, P.R. 00904; and

(c) Make San Juan the home port of all vessels now having Ponce and Mayaguez as their home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before June 9, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (June 9, 1969). The acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: May 6, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-5729; Filed, May 13, 1969; 8:48 a.m.]

Federal Aviation Administration

PLANNING PROCEDURES AND ANNUAL PLANNING REVIEW CONFERENCE

Notice of Extension of Time for Record and Other Announcements

The Secretary of Transportation, John A. Volpe, announced that the record of the First Annual Planning Review Conference held in Washington, April 23-25, 1969, would be held open until May 26, 1969, for the submission of facts, opinions, and extended remarks and studies related to the subjects of aviation policies and plans discussed at the seminars and plenary session of the Conference. The Federal Aviation Administration will review carefully all submissions and prepare appropriate summaries or conclusions for inclusion in the official report of the First Annual Planning Review Conference. Announcement of the Conference and related procedures were issued in 33 F.R. 19205 and 34 F.R. 6019.

The Department announced that the supply of Books 1 and 2 of the National Aviation System Plan was exhausted and

that the public may purchase copies from the Clearinghouse for Federal, Scientific and Technical information, 5285 Port Royal Road, Springfield, Va. 22154. Transcripts of any plenary session or seminar are available for purchase through private sources on basis of cost per page; for further information on transcripts and availability, write the Office of Information Services, Federal Aviation Administration, Washington, D.C. 20590, mentioning specific subjects.

The Federal Aviation Administration has further announced that the administration is receptive to documented proposals, plans, and studies recommending changes in or additions to the National Aviation System Plan. Deadlines for the submission of studies and proposals are:

September 1, 1969: Submission by interested persons of changes and additions to the National Aviation System Plan, including data and analysis in support thereof.

October 15, 1969: Announcement of date of forthcoming Second Annual Planning Review Conference, the tentative agenda therefor, and distribution of appropriate working documents for circulation to aviation industry.

December 1, 1969: Receipt by FAA of industry comments on proposed agenda and related supporting documents.

January 30, 1970: Publication of changes in National Aviation System policies, issuance of 1970 National Aviation System Plan, and the final Conference agenda including supplemental documentation.

March 1970: Second Annual Planning Review Conference in Washington, D.C.

Issued in Washington, D.C., on May 8, 1969.

OSCAR BAKKE,
Associate Administrator for Plans.

[F.R. Doc. 69-5709; Filed, May 13, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-326]

REGENTS OF UNIVERSITY OF CALIFORNIA AT IRVINE

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on April 17, 1969 (34 F.R. 6626), the Atomic Energy Commission has issued, in the form set forth in that notice, Construction Permit No. CPRR-107 to The Regents of the University of California at Irvine. The construction permit authorizes the construction of the TRIGA Mark I pulsing research reactor on The University of California's campus at Irvine, California.

Dated at Bethesda, Md., this 5th day of May 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-5689; Filed, May 13, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20920]

COMPANIA MEXICANA DE AVIACION, S.A. (CMA) COZUMEL—MIAMI SERVICE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on May 21, 1969, at 10 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Dated at Washington, D.C., May 7, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-5723; Filed, May 13, 1969; 8:48 a.m.]

[Docket No. 20066; Order 69-5-34]

TRANS-TEXAS AIRWAYS, INC.

Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of May 1969.

On July 31, 1968, Trans-Texas Airways, Inc., filed an application pursuant to Subpart M of the Board's rules of practice for amendment of its certificate for route 82 so as to permit nonstop service between Dallas and San Antonio, Tex. The carrier is presently authorized to provide air transportation between these two cities over segments 2 and 8 of route 82. Condition 4(c) of the applicant's certificate, however, requires that it schedule service to a minimum of one intermediate point in this market.[1]

Answers were received from the Cities and Chambers of Commerce of Austin (the Austin Parties) and San Antonio (the San Antonio Parties), American Airlines, Inc., Braniff Airways, Inc., and Delta Air Lines, Inc. The San Antonio Parties support Trans-Texas' application; the Austin Parties neither support nor oppose the application but express their concern that the applicant may either downgrade service at Austin or fail to be responsive to future service needs of that city; and American, while agreeing with Trans-Texas that the Dallas-San Antonio market needs, and can support, effective competitive service, contends that first consideration should be given to removing the long-haul restriction on its own authority in the market. Braniff and Delta filed answers objecting to approval of the application. Trans-Texas filed a consolidated reply to both answers.[2]

American also filed a motion for consolidation of its application in Docket 20264 for the addition of a new segment on its route 4 between San Antonio and Dallas/Fort Worth, Tex. Answers opposing the American consolidation motion were filed by Braniff, Delta, and Eastern Air Lines, Inc. Trans-Texas filed an answer which does not oppose the motion for consolidation and the San Antonio parties answered in support of the motion. American filed a consolidated reply to these answers.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Trans-Texas' application for hearing.

However, we believe that it would be desirable for Trans-Texas to submit revised traffic forecast exhibits to take account of the route awards made by the Board in the Gulf States Midwest Points Service Investigation, Order 69-5-25.[3] A number of these awards may have an impact on the traffic available to support the service proposed by Trans-Texas.

We will also grant American's motion to consolidate its application for a San Antonio-Dallas segment. However, we have determined to impose a pretrial restriction which would prohibit certain beyond-segment services which American could otherwise provide. In its exhibits American proposes to combine a new San Antonio-Dallas segment with existing authority so as to provide single-plane service in a number of markets presently in issue in the Additional Service to San Antonio and Austin Investigation, Docket 19525.[4] We consider this overlap to be undesirable and, accordingly, we shall impose a pretrial restriction providing that any new authority awarded in this proceeding shall be subject to a restriction prohibiting single-plane service in the following San Antonio markets: New York, Newark, Washington, and Baltimore. American shall be given an opportunity to submit revised exhibits conforming with the amended scope of the proceeding.[5]

In view of the fact that American may be undertaking to revise its exhibits, we shall take this occasion to note that American's exhibits propose service which may be in violation of condition (22) of American's route 4.[6] This condition would necessarily govern flights over a new San Antonio-Dallas segment which proceeded beyond Dallas under American's existing route 4 authority to a point north of Houston (cf. Order E-26224, Jan. 5, 1968), and would appear to require such flights to originate or terminate in California. American's exhibits do not conform to this seeming requirement. If American believes condition (22) should be differently interpreted, it should submit a memorandum of law and a request for ruling to the examiner.

Accordingly, it is ordered, That:

1. The motion of Trans-Texas Airways, Inc., for leave to file an unauthorized document, be and it hereby is denied;

2. The application of Trans-Texas Airways, Inc., in Docket 20066, be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter designated;

3. The motion to consolidate the application of American Airlines, Inc., in Docket 20264, be and it hereby is granted;

4. Any award in this case will be subject to a restriction prohibiting any new single-plane service in the following San Antonio markets: New York, Newark, Washington, and Baltimore; and

5. Procedural dates not provided for in this order will be established by the examiner assigned to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5722; Filed, May 13, 1969; 8:48 a.m.]

[1] The Board did not take action to summarily dismiss the application within the 10-day period set forth in § 302.1305(a) and consequently the provisions of Subpart M became automatically applicable.

[2] Trans-Texas also filed a motion for leave to file an unauthorized document which we will deny.

[3] Opposing parties will have an opportunity to submit rebuttal exhibits. Dates for exchange of the revised direct and rebuttal exhibits will be set by the examiner assigned to the proceeding.

[4] American proposes service between San Antonio, on the one hand, and Washington, Baltimore, and the coterminal points New York and Newark, on the other hand, which service is in issue in the Additional Service to San Antonio and Austin Investigation, Docket 19525.

[5] Opposing parties will be given an opportunity to file exhibits rebutting American's revised exhibits. Dates for these exhibits will be set by the examiner.

[6] "Flights scheduled to serve San Antonio, Tex., on the one hand, and a point north of Houston, Tex., on the other hand, shall originate or terminate in California."

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-490]

FLIGHT TEST FREQUENCY

Coordination

MAY 8, 1969.

By report and order in Docket 18234 released January 14, 1969, the Commission amended Part 87, Aviation Services, to require, effective July 1, 1969, coordination of certain flight test frequencies.

The rules (§ 87.334) provide that this coordination may be effected by a field study made by the applicant or through a recognized frequency advisory committee.

Aerospace and Flight Test Radio Coordinating Council (AFTRCC) has requested the Commission to recognize the Council as a frequency advisory committee for the purposes of § 87.334. The Commission after reviewing the request and the information submitted therewith has determined that AFTRCC, whose membership consists of major companies in the aerospace manufacturing field, meets the criteria set forth in the rules to be a frequency advisory committee and so recognizes it. AFTRCC has stated that it will provide the service to all parts of the United States.

Persons desiring to have AFTRCC coordinate their flight test frequency matters should address their request to AFTRCC, Post Office Box 718, Hawthorne, Calif. 90250.

Action by the Commission, May 7, 1969. Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Wadsworth, and H. Rex Lee, with Commissioner Johnson concurring in the result.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5727; Filed, May 13, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-20; Agreement No. 7616 as Amended]

AFFIDAVITS OF FACT AND MEMORANDA OF LAW

Rescheduling of Filing Dates

At the request of counsel for respondents, and good cause appearing, time within which affidavits of fact and memoranda of law may be filed is enlarged to and including July 15, 1969. Replies thereto shall be filed on or before July 31, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5716; Filed, May 13, 1969; 8:47 a.m.]

[No. 69-18]

NORTH ATLANTIC/CONTINENT TRADES

Strike Surcharges; Postponement of Filing Date

At the request of counsel for respondent conferences, and good cause appearing, the date for filing requests for hearing, affidavits of fact, and memoranda of law is postponed until further notice, pending disposition of the conferences' motion to dismiss.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5717; Filed, May 13, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-48]

SECRETARY OF DEFENSE

Delegation of Authority in Service Rate Proceedings

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Service Commission of North Dakota in a proceeding involving telecommunications rates of the Northwestern Bell Telephone Co. (Docket No. 7554).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 7, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-5718; Filed, May 13, 1969; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

RAINY AND NAMAKAN LAKES

Regulation of Levels; Public Hearing

Notice is hereby given that the International Joint Commission will conduct a public hearing in the Civic Center, International Falls, Minn., on Tuesday, June 24, 1969, at 10 a.m., local time, on the regulation of the levels of Rainy and Namakan Lakes. All interested persons will be given opportunity to express their views orally or by written statements.

Where possible twenty (20) copies of the written statements will be filed with either Secretary ten (10) days in advance of the hearing, with thirty (30) additional copies to be deposited with them at the hearing.

The Commission has under consideration the modification of the current operating rule curves specified in its orders dated June 8, 1949, and October 1, 1957, in order to further reduce the frequency of extremely high or low levels.

Copies of the report by the International Rainy Lake Board of Control regarding further regulation of the levels of Rainy and Namakan Lakes are avail-

able on request to the Secretaries of the Commission.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

MAY 8, 1969.

[F.R. Doc. 69-5712; Filed, May 13, 1969; 8:47 a.m.]

METROPOLITAN CORPORATION OF GREATER WINNIPEG

Diversion of Additional Waters From Shoal Lake and Lake of the Woods

Notice is hereby given that the International Joint Commission received on May 9, 1969, an Application by the Metropolitan Corporation of Greater Winnipeg dated September 27, 1968, for approval of the diversion of additional waters from Shoal Lake and Lake of the Woods. The Applicant proposes to divert an additional 200 million gallons of water per day for domestic and sanitary purposes. The intake for such diversion will be located at Indian Bay, in Shoal Lake and within the Province of Manitoba. On January 14, 1914, this Commission approved an Application by the Applicant's predecessor, the Greater Winnipeg Water District, to divert 100 million gallons of water per day from the same source and for the same purposes.

Governments and interested persons, including municipalities, corporations, partnerships, associations and individuals, may present statements in response to the Commission prior to June 9, 1969, at either of the addresses noted below. Fifty (50) copies should be provided. The statements in response should set forth facts and arguments bearing on the subject matter of the application and tending to oppose or support the application in whole or in part. If it is desired that conditional approval be granted, the statement in response should set forth the particular condition or conditions desired.

Copies of the application are available on request from the Secretaries of the Commission.

The Commission will hold a hearing on the application at which all persons interested will be entitled to be heard. Time and place of such hearing will be announced subsequently.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

[F.R. Doc. 69-5767; Filed, May 13, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4751]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale at Competitive Bidding of First Mortgage Bonds

MAY 8, 1969.

Notice is hereby given that West Penn Power Co. ("West Penn"), Cabin Hill, Greensburg, Pa. 15601, an electric utility subsidiary company of Allegheny Power System, Inc. ("Allegheny"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

West Penn proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of its First Mortgage Bonds, Series X, ------ percent due July 1, 1999. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to West Penn (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture dated March 1, 1916, between West Penn and The Chase Manhattan Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of July 1, 1969.

The net proceeds realized from the sale of the bonds will be used to finance, in part, the construction program of West Penn and its subsidiary companies, including payment of $24 million of short-term notes incurred, or to be incurred, therefor. Construction expenditures for 1969, 1970, and 1971 are presently $81 million, $56 million, and $73 million respectively.

It is stated that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to the bonds is required for their issue and sale, that such securities certificate is being filed with that Commission, and that a copy of the securities certificate and order of that Commission will be filed herein by amendment. It is further stated that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses to be paid in connection with the proposed transaction are estimated at $51,000, including accountants' fees of $3,700 and legal fees of $10,000. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at $9,000.

Notice is further given that any interested person may, not later than June 13, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest the reasons for such request and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of any attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed, or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5704; Filed, May 13, 1969; 8:46 a.m.]

[70-4750]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

MAY 8, 1969.

Notice is hereby given that West Penn Power Co. ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pa. 15601, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to issue and sell, from time to time prior to June 1, 1970, to the banks named below its promissory notes, each of which will mature not later than 1 year from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The borrowings listed below exclude $17 million which may be issued pursuant to the 5 percent exemptive provision of section 6(b) of the Act.

Although no commitments or agreements for such borrowings have been made, West Penn expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks in an aggregate principal amount not to exceed $21 million, the maximum to be borrowed and outstanding at any one time from each such bank being as follows: First National City Bank, New York, N.Y., $10 million; Mellon National Bank & Trust Company, Pittsburgh, Pa., $8 million; and Pittsburgh National Bank, Pittsburgh, Pa., $3 million.

West Penn intends to utilize the proceeds from the sale of the proposed notes to aid in the financing of its construction program for 1969 and 1970, estimated to cost approximately $137 million.

The declaration states that the net proceeds from any permanent debt financing effected prior to the maturity of any of the $21 million of notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Med-Ed under this declaration will be reduced by an amount equal to the net proceeds of the permanent debt financing.

The fees and expenses to be paid by West Penn in connection with the issue and sale of the notes are estimated at $500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5705; Filed, May 13, 1969; 8:46 a.m.]

[812-2490]

STEIN ROE & FARNHAM BALANCED FUND, INC.

Notice of Filing of Application Exempting Sale by an Open-End Company of Its Securities at Other Than Public Offering Price

MAY 8, 1969.

Notice is hereby given that Stein Roe & Farnham Balanced Fund, Inc., 135 South La Salle Street, Chicago, Ill. 60603 ("Applicant"), a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a proposed transaction in which Applicant's redeemable securities may be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of Hathaway Brothers Co. ("Hathaway"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Hathaway is a corporation organized and existing under the laws of Illinois, all of whose outstanding stock is owned beneficially by two individuals. Prior to December 31, 1958, Hathaway was engaged in the production and sale of bottled pickled products under the name of Budlong Pickle Co. On that date it sold its operating assets to Green Bay Food Co., Green Bay, Wis., and changed its name to its present one. Since then, Hathaway has been primarily engaged in managing its securities portfolio. It is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Hathaway, substantially all of Hathaway's assets, with a value of approximately $1,572,146 as of February 14, 1969 (less a cash reserve not to exceed $85,000), will be transferred to Applicant in exchange for shares of its capital stock.

Applicant issues its shares to the public at net asset value without a sales charge. The number of its shares to be issued to Hathaway is to be determined by dividing the aggregate market value of the assets of Hathaway to be transferred to Applicant by Applicant's net asset value per share. Both are to be determined as of the valuation time, as defined in the agreement. Applicant represents that the transfer will be a tax-free reorganization and that Applicant's tax basis of the assets acquired from Hathaway will be the same as Hathaway's. Shares of Applicant to be received by Hathaway are to be distributed to Hathaway stockholders upon liquidation of Hathaway.

The agreement provides that if Hathaway has any unrealized net capital gain at the time of transfer, the value of its assets will be reduced by 25 percent of the amount, if any, by which such net unrealized capital gain exceeds the amount produced by multiplying the value of its assets by the ratio of Applicant's net unrealized gain to Applicant's value, and the number of Applicant's shares to be exchanged will be reduced accordingly. The agreement further provides that the value of Hathaway's assets, and accordingly, the number of Applicant's shares to be exchanged, will be reduced by an amount equal to the expenses of sale if certain portfolio securities which Hathaway has agreed to sell have not in fact been sold prior to the transfer.

If either of these adjustments are made, Applicant would be issuing shares to Hathaway at other than their public offering price. Had the transaction taken place on March 11, 1969, the date of the application, no tax adjustment would have been necessary.

Applicant represents that no affiliation exists between Hathaway, its officers, directors or stockholders and Applicant, its officers or directors, and that the agreement was negotiated at arm's length by the two companies. Stein Roe & Farnham acts as investment adviser to both Applicant and Hathaway. The Board of Directors of Applicant and the Board of Directors and shareholders of Hathaway have approved the agreement.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 23, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearng on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing), upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as

to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5706; Filed, May 13, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 46; Amdt. 1]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 11, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 9, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-5731; Filed, May 13, 1969; 8:49 a.m.]

[Notice 1293]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 9, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 52) (Republication), filed December 27, 1968, published in the FEDERAL REGISTER issue of January 24, 1969, and republished this issue. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. By application filed December 27, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of wet lap woodpulp, from Berlin, N.H., to Gilman, Vt. An order of the Commission, Operating Rights Board, dated April 17, 1969, and served April 30, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *woodpulp*, from Berlin, N.H., to Gilman, Vt.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115871 (Sub-No. 3) (Republication), filed December 18, 1968, published FEDERAL REGISTER issue of January 9, 1969, and republished this issue. Applicant: EVART ISAAC, doing business as EVART ISAAC TRUCK LINE, Fort Dodge Road, Dodge City, Kans. 67801. Applicant's representative: J. J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. By application filed December 18, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce as a common carrier, by motor vehicles, over irregular routes, transporting: Animal fat (tallow), from Dodge City, Garden City, Great Bend, Kansas City, and Pratt, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. An order of the Commission, Operating Rights Board, dated April 18, 1969, and served May 7, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: of *liquid tallow*, in bulk, in tank vehicles, (1) from Dodge City, Garden City, Great Bend, and Pratt, Kans., to those points in that part of Arkansas on or West of U.S. Highway 65, and points in Missouri, and (2) from Dodge City, Garden City, Great Bend, Pratt, and Kansas City, Kans., to points in Colorado, Nebraska, New Mexico, Oklahoma, and Texas that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133318 (Republication), filed December 2, 1968, published FEDERAL REGISTER issue of December 28, 1968, and republished this issue. Applicant: VAN DE HOGEN CARTAGE LIMITED, Route 4, Chatham, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed December 2, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities and from and to the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated April 17, 1969, and served May 1, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *building brick, stone, and tile*, from Brazil, Ind., Princess, Ky., Detroit, Mich., and points in Beaver County, Pa., to those ports of entry on the international boundary line between the United States and Canada located in Michigan and New York; (2) *building brick and tile*, from points in Ohio to those ports of entry on the international boundary line between the United States and Canada located in Michigan and New York; (3) *stone*, from Cleveland and Amherst, Ohio, to those ports of entry on the international boundary line between the United States and Canada located in Michigan and New York; and (4) *building brick, stone, and tile*, from those ports of entry on the international boundary line between the United States and Canada located in Michigan, to points in Michigan, under a continuing contract with Windsor Builders Supply Ltd., doing business as Canadian Builders Supply, of Windsor, Ontario, Canada; Ryancrete Products of Windsor, Ontario, Canada; and Geo. E. White and Son, Ltd., of Windsor, Ontario, Canada, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 119898 (Notice of Filing of Petition for Modification of Permit), filed April 3, 1969. Petitioner: W. G. McCARTY, 300 Locust Street, Trumann, Ark. Applicant's representatives James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Petitioner holds a permit in No. MC 119898 (that part here pertinent) authorizing the transportation, over irregular routes, of sewing machine desks, cabinets, carrying cases, tables, and parts thereof, woodwork, stools and chairs, from the plantsite of The Singer Company of New York, N.Y., in Trumann, Ark., to the warehouses of The Singer Company of New York, N.Y., at Forest Park, Ga., Dallas, Tex., Moberly, Mo., and Momence, Ill., and returned shipments of the above-described commodities, on return, under contract, or contract, with The Singer Company of New York, N.Y. By the instant petition, petitioner prays that this Commission modify his permit by substituting "Atlanta, Ga." for "Forest Park, Ga." where same appears in said permit. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 107478 (Sub-No. 11), filed April 28, 1969. Applicant: OLD DOMINION FREIGHT LINE, a corporation, Post Office Box 1189, High Point, N.C. 27261. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except petroleum products in bulk, in tank trucks, high explosives, and other dangerous commodities, and household goods as defined by the Commission), (a) between points in Anderson, Greenville, Laurens, and Spartanburg Counties, S.C., and points in South Carolina; and (b) from Charleston, S.C., to points in Oconee and Pickens Counties, S.C.; (2) *fertilizer and fertilizer material*, between points in Anderson, Charleston, Greenville, and Spartanburg Counties, S.C., and points in South Carolina; (3) *farm products and livestock*, between points in South Carolina; (4) *electrical equipment, fixtures, tools, materials and supplies*, between points in South Carolina; (5) *sizing compounds and materials*, from Charleston, S.C., to points in South Carolina, and return of *drums and barrels* to Charleston, and (6) *canned goods*, from points in Beaufort, Charleston, Georgetown, Marlboro, Richland, and Sumter Counties, S.C., to points in Cherokee, Chester, Greenwood, Oconee, Pickens, Union, and York Counties, S.C. NOTE: (1) Applicant states that this application is being filed to convert the registration certificate of White Transport Corp., to a certificate of public convenience and necessity to be issued to Old Dominion Freight Lines. A joint section 5 application is concurrently filed with this application for the merger of White Transport Corp., into Old Dominion Freight Lines. This application is a matter directly related to the section 5 application in MC-F-10466, published in the FEDERAL REGISTER issue of May 7, 1969. (2) Applicant states it intends to tack with present authority in Virginia, North Carolina, and Maryland. (3) Applicant further states no duplicating authority sought or held. (4) If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10329 (Supplement) (YELLOW TRANSIT FREIGHT LINES, INC.—Purchase (portion)—TRANSPORT MOTOR EXPRESS, INC.), published in the December 11, 1968, issue of the FEDERAL REGISTER, on page 18419. This notice to show that pursuant to supplemental order, dated April 24, 1969, by Review Board Number 5, YELLOW TRANSIT FREIGHT LINES, INC., is authorized to include the following additional authority: *Classes A, B, and C explosives*, as a *common carrier*, over regular routes, between Chicago, Ill., and Terre Haute, Ind., via U.S. Highway 41.

No. MC-F-10472. Authority sought for purchase by H. C. GABLER, INC., Rural Delivery 3, Chambersburg, Pa. 17201, of the operating rights of THE J. P. BRESLIN TRUCKING & TERMINAL CORPORATION (Preston A. Pairo, Trustee), 800 Court Square Building, Baltimore, Md. 21202, and for acquisition by HAROLD C. GABLER, also of Chambersburg, Pa., of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Operating rights sought to be transferred: *Canned goods, dried fruit and matches*, as a *common carrier* over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, within 300 miles of Baltimore. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, New Jersey, New York, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Ohio, Indiana, Illinois, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10473. Authority sought for purchase by P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, N.J. 08610, of a portion of the operating rights of PROSPECT TRUCKING CO., INC., 2129 Nottingham Way, Trenton, N.J. 08619, and for acquisition by PHILIP LIEDTKA, also of 110 Patterson Avenue, Trenton, N.J., of control of such rights through the purchase. Applicants' representative: Philip Liedtka, 110 Patterson Avenue, Trenton, N.J. 08610. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Trenton, N.J., and New York, N.Y., serving all intermediate points, between Trenton, N.J., and Burlington, N.J., serving the intermediate point of White Horse, N.J., and the off-route points of Bordentown, Fieldsboro, Groveville, Crosswicks, Yardsville, Florence, and Roebling, N.J. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10459 (MAIN TRUCKING & RIGGING CO., INC. — PURCHASE (Portion) — PROSPECT TRUCKING CO., INC.), published in the April 30, 1969, issue of the FEDERAL REGISTER, on page 7109.

No. MC-F-10474. Authority sought for purchase by MURPHY TRUCKING CO., INC., Post Office Box 65, Peru, Ind. 46970, of the operating rights of TRAYLOR GRAIN SALES, INC., 909 North Line, Loogootee, Ind. 47553, and for acquisition by EDWIN L. TIDD and PATRICIA TIDD, both of Rural Route No. 2, Lebanon, Ind., of control of such rights through the purchase. Applicants' attorney: Alki E. Scopelitis, 816 Merchants

Bank Building, Indianapolis, Ind. 46204, and Lesow & Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, from South Bend, Fort Wayne, and Evansville, Ind., Detroit, Mich., Peoria, Ill., Milwaukee, Wis., Louisville, Ky., and St. Louis, Mo., to points in that part of Indiana south of U.S. Highway 40, with restrictions. Vendee is authorized to operate as a *common carrier*, in Ohio, Indiana, Illinois, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10475. Authority sought for purchase by N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, N.J. 08902, of a portion of the operating rights of PROSPECT TRUCKING CO., INC., 2129 Nottingham Way, Trenton, N.J., and for acquisition by CARMINE LUIZZA, also of North Brunswick, N.J., of control of such rights through the purchase. Applicants' attorney: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Operating rights sought to be transferred: *Mineral and rock wool*, as a *common carrier*, over irregular routes, from West Stockbridge, Mass., and points within 3 miles thereof, to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; *mineral or rock wool, insulating materials, fiberboard and wallboard*, from Trenton, N.J., to Washington, D.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island; *refrigerators, store and restaurant fixtures and equipment*, from Trenton, N.J., to points in Connecticut, Maryland, Massachusetts, and New York; *potatoes*, from Trenton, N.J., to points in the New York, N.Y., commercial zone, as defined by the Commission; *fruits and vegetables*, from New York, N.Y., to Trenton, N.J.; *bituminous waterproofing materials and equipment* used in applying such materials, from Philadelphia, Pa., to New Haven, Conn., Wilmington, Del., Baltimore and Sparrows Point, Md., Charlestown and Quincy, Mass., Chicago, Ill., Whiting, Ind., Marietta, Ohio, Newport News, Norfolk, and Richmond, Va., and points in New Jersey and New York; *equipment* used in applying bituminous waterproofing materials, from the destination points specified immediately above, to Philadelphia, Pa.; *broomstraw, broomsticks, oil in barrels and in drums, grease, dyestuffs, waterproofing compounds and salt fish*, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., Wilmington, Del., Amsterdam and New York, N.Y., points in New Jersey, and that part of Pennsylvania east of U.S. Highway 15, and the District of Columbia; and *structural steel and iron, and wire and iron products*, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., and points in New Jersey. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Maryland, Pennsylvania, New York, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, Connecticut, Delaware, Maryland, Massachusetts, Pennsylvania, Rhode Island, Maine, New Hampshire, Ohio, Vermont, West Virginia, Virginia, North Carolina, Texas, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10473 (P. LIEDTKA TRUCKING, INC.—Purchase (Portion)—PROSPECT TRUCKING CO., INC.) published this same issue; and MC-F-10459 (MAIN TRUCKING & RIGGING CO., INC.—Purchase (Portion)—PROSPECT TRUCKING CO., INC.), published in the April 30, 1969, issue of the FEDERAL REGISTER, on page 7109.

No. MC-F-10476. Authority sought for purchase by J. E. COX AND SONS, INC., Post Office Box 2874, Abilene, Tex. 79604, of the operating rights of S & W TRUCKS, INC., Post Office Box 580, Hobbs, N. Mex. 88240. Applicants' attorney and representative: Jerry Prestridge and Richard Kissinger, both of Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, as a *common carrier*, over irregular routes, between points in Lea and Eddy Counties, N. Mex., and certain specified points in Texas; *oilfield and oil refinery machinery, materials, supplies, and equipment*, between certain specified points in New Mexico, on the one hand, and, on the other, points in New Mexico on and east of U.S. Highway 285, and certain specified points in Texas; *oilfield supplies and equipment*, between points in New Mexico and Texas within 200 miles of Hobbs, N. Mex.; and *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between certain specified points in New Mexico, on the one hand, and, on the other, points in New Mexico on and east of U.S. Highway 285, and certain specified points in Texas, between certain specified points in New Mexico and Texas. Vendee is authorized to operate as a *common carrier* in Texas, New Mexico, Louisiana, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5732; Filed, May 13, 1969; 8:49 a.m.]

[Notice 550]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 9, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Deviation No. 78), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed May 1, 1969. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between St. Louis, Mo., and Oklahoma City, Okla., over Interstate Highway 44, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to junction Missouri Highway 17 (formerly U.S. Highway 66), thence over Missouri Highway 17 to Waynesville, Mo., thence over unnumbered highway (formerly U.S. Highway 66) via Buckhorn, Mo., to junction U.S. Highway 66 at or near Hazelgreen, Mo., thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66), near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66 at or near Marshfield, Mo., thence over U.S. Highway 66 to Tulsa, Okla., and (2) from Oklahoma City, Okla., over U.S. Highway 66 to junction Oklahoma Highway 77 (formerly U.S. Highway 66), thence over Oklahoma Highway 77 to Edmond, Okla., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, Okla., thence over U.S. Highway 75 to junction Oklahoma Highway 23A (formerly U.S. Highway 75), thence over Oklahoma Highway 23A to Bartlesville, Okla., thence over Oklahoma Highway 75D (formerly U.S. Highway 75) to junction U.S. Highway 75, thence over U.S. Highway 75 to Independence, Kans., thence over U.S. Highway 169 to Cherryvale, Kans., thence over U.S. Highway 169 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Kansas Highway 7 (formerly U.S. Highway 169), thence over Kansas Highway 7 to Olathe, Kans., thence over Kansas Highway 150 (formerly U.S. Highway 169) to junction U.S. Highway 169, thence over U.S. Highway 169 to Kansas City, Mo. (also from junction U.S. Highways 59 and 169 near Garnett, Kans., over U.S. Highway 169 to junction Kansas Highway 7 (formerly U.S. Highway 169), thence as specified above to Kansas City, Mo., and return over the same routes.

No. MC 109847 (Deviation No. 2), BOSS-LINCO LINES, INC., 450 Genesee Building, 1 West Genesee Street, Buffalo, N.Y. 14240, filed May 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rochester, N.Y., over Interstate Highway 490 to junction New York Highway 96, thence over New York Highway 96 to junction New York Highway 14, thence over New York Highway 14 to junction New York Highway 224, thence over New York Highway 224 to junction New York Highway 96, thence over New York Highway 96 to junction New York Highway 17 at Owego, N.Y., thence over New York Highway 17 to junction New York Highway 32, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Rochester, N.Y., over New York Highway 31 to junction New York Highway 173, thence over New York Highway 173 to Syracuse, N.Y., (2) from Perth Amboy, N.J., over New Jersey Highway 35 (formerly U.S. Highway 9) to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over New York Highway 5 to Herkimer, N.Y., thence over New York Highway 28 to junction New York Highway 5S to Utica, N.Y., thence over New York Highway 5 to Syracuse, N.Y., and (3) from junction New York Highways 17 and 32 over New York Highway 32 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., and return over the same routes.

No. MC 109847 (Deviation No. 3), BOSS-LINCO LINES, INC., 450 Genesee Building, 1 West Genesee Street, Buffalo, N.Y. 14240, filed May 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Syracuse, N.Y., over U.S. Highway 11 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 32, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Perth Amboy, N.J., over New Jersey Highway 35 (formerly U.S. Highway 9) to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over New York Highway 5 to Herkimer, N.Y., thence over New York Highway 28 to junction New York Highway 5S, thence over New York Highway 5S to Utica, N.Y., thence over New York Highway 5 to Syracuse, N.Y., and (2) from junction New York Highways 17 and 32 over New York Highway 32 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., and return over the same routes.

No. MC 109847 (Deviation No. 4), BOSS-LINCO LINES, INC., 450 Genesee Building, 1 West Genesee Street, Buffalo, N.Y. 14240, filed May 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Syracuse, N.Y., over Interstate Highway 81 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 32, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Perth Amboy, N.J., New Jersey Highway 35 (formerly U.S. Highway 9) to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over New York Highway 5 to Herkimer, N.Y., thence over New York Highway 28 to junction New York Highway 5S, thence over New York Highway 5S to Utica, N.Y., thence over New York Highway 5 to Syracuse, N.Y., and (2) from junction New York Highways 17 and 32 over New York Highway 32 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., and return over the same routes.

No. MC 111594 (Deviation No. 14), C W TRANSPORT, INC., Hight Street, Wisconsin Rapids, Wis. 54494, filed May 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 12 and Wisconsin Highway 29 over Wisconsin Highway 29 to junction Wisconsin Highway 22 near Shawano, Wis., thence over Wisconsin Highway 22 to Oconto, Wis., and (2) from junction U.S. Highway 12 and Wisconsin Highway 29, over Wisconsin Highway 29 to junction Wisconsin Highway 22 near Shawano, Wis., thence over Wisconsin Highway 22 to junction U.S. Highway 141, thence over U.S. Highway 141 to Iron Mountain, Mich., and return over the same routes, for operating convenience only. The notices indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Minneapolis, Minn., over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 51, thence over U.S. Highway 51 to Portage, Wis., thence over Wisconsin Highway 33 to Addison, Wis., thence over Wisconsin Highway 175 to Milwaukee, Wis., thence over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to Chicago, Ill., (2) from Marshfield, Wis., over Wisconsin Highway 13 to junction U.S. Highway 10, thence over U.S. Highway 10 to Stevens Point, Wis., thence over U.S. Highway 51 to Plainfield, Wis., thence over Wisconsin Highway 73 to Wautoma, Wis., thence over Wisconsin Highway 21 to Oshkosh, Wis., thence over Wisconsin Highway 175 to Fond du Lac, Wis. (also from Oshkosh, Wis., over U.S. Highway 45 to Fond du Lac, Wis.), thence over U.S. Highway 45 to Milwaukee, Wis., thence over U.S. Highway 41 to Chicago, Ill., (3) from Green Bay, Wis., over Wisconsin Highway 54 to junction U.S. Highway 51, (4) from Green Bay, Wis., over U.S. Highway 41 via Menominee, Mich., to Escanaba, Mich. (also from Menominee over Michigan Highway 35 to Escanaba), thence over U.S. Highway 41 to Trenary, Mich., thence over Michigan Highway 67 to Chatham, Mich., thence over Michigan Highway 94 (formerly Michigan Highway 28) to Munising, Mich., and (5) from Iron Mountain, Mich., over U.S. Highway 2 to Spalding, Mich., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5733; Filed, May 13, 1969; 8:49 a.m.]

[Notice 830]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 9, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official

named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 283 TA), filed May 5, 1969. Applicant: DEATON, INC., Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, fiberboard, other than corrugated, and bottle carrying cartons*, from the plantsite and warehouses of the Mead Packaging Division of Mead Corp., in Fulton County, Ga., to points in Mississippi, Arkansas, Oklahoma, Louisiana, and Texas, for 180 days. Supporting shipper: Mead Packaging, Post Office Box 4417, Atlanta, Ga. 30302. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 51146 (Sub-No. 133 TA), filed May 5, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts and accessories* used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from Hamilton, Ohio, to Port Ivory, Staten Island, N.Y., for 120 days. Supporting shipper: National Can Corp., Midway Center, 5959 South Cicero Avenue, Chicago, Ill. 60638 (Roger F. Hermann, Central Area Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 52579 (Sub-No. 117 TA), filed May 5, 1969. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: W. Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture of wearing apparel, between Island Pond, Vt., and New York, N.Y., commercial zone, for 150 days. Supporting shipper: Island Pond Manufacturing Co., Island Pond, Vt. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad St., Newark, N.J. 07102.

No. MC 107064 (Sub-No. 72 TA), filed May 5, 1969. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, between points in Eddy, Lea, Chaves, and Roosevelt Counties, N. Mex., for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Mobil Oil Corp., Post Office Box 900, Dallas, Tex. 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood St., Dallas Tex. 75202.

No. MC 109397 (Sub-No. 168 TA), filed May 5, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, nitro-carbo-nitrate, blasting materials and supplies*, from Biwabik, Minn., to points in Alabama, Arizona, Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin, for 150 days. Supporting shipper: The Dow Chemical Co., General Office Building, 2030 Abbott Road Center, Midland, Mich. 48640. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 111729 (Sub-No. 28 TA), filed April 22, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between points in Baldwin, Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dawson, De Kalb, Floyd, Forsyth, Fulton, Gilmer, Gordon, Hall, Murray, Pickens, Walker, and Whitfield Counties, Ga., on the one hand, and, on the other, points in Tennessee east of the westerly crossing of the Tennessee River bound on the north by Kentucky and Virginia, on the east by North Carolina, and on the south by Alabama and Georgia; (b) between Anderson, Ind., on the one hand, and, on the other, Paris and Carbondale, Ill.; Oxford and Lucasville, Ohio; (c) between Akron, Ohio, on the other, points in Butler, Lawrence, and Mercer Counties, Pa.; (d) between points in New Haven County, Conn., on the one hand, and, on the other, points in Cumberland County, Maine; Hillsboro County, N.H.; Suffolk County, Mass.; Allegheny County, Pa.; and Union County, N.J.; (e) between points in Litchfield County, Conn., on the one hand, and, on the other, New York, N.Y.; and points in Dutchess, Nassau, and Westchester Counties, N.Y.; (f) between New York, N.Y., on the one hand, and, on the other, points in Blair County, Pa.; (g) between Pittsburgh, Pa., on the one hand, and, on the other, points in Blair County, Pa., restricted to shipments having an immediately prior or subsequent movement by air. (2) *Radio-pharmaceuticals, radioactive drugs, and medical isotopes*, between Jacksonville, Orlando, and Tampa, Fla., on the one hand, and, on the other, points in Florida, restricted to shipments having an immediately prior or subsequent movement by air. (3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (except motion picture film used primarily for theater and television exhibition), between Findlay, Ohio, on the one hand, and, on the other, points in Whitley County, Ind. (4) *Cameras, projectors, tape recorders, electronic flash units, light meters, and other electronic components related to the photographic business*, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any 1 day, between Findlay, Ohio, on the one hand, and, on the other, points in Whitley County, Ind. (5) *Sample syrups, sample bottles, and machinery replacement parts*—such as *small gears, gaskets, precision tools, bearings, shims, pistons, and cylinders*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any 1 day, between points in New Haven County, Conn., on the one hand, and, on the other, points in Allegheny County, Pa.; Cumberland County, Maine; Hillsboro County, N.H.; Providence County, R.I.; Suffolk County, Mass.; and Union County, N.J. (6) *Small computer parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any 1 day, (a) between New York, N.Y., on the one hand, and, on the other, points in Blair County, Pa.; (b) between Pittsburgh, Pa., on the one hand, and, on the other, points in Blair County, Pa., restricted to shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 189 TA), filed May 2, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Proofs, cuts, copy, and other graphic arts material*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, except Parsons and Lawrence, and (b) *audit media and other business records*, between Hutchinson, Kans., on the one hand, and, on the other, Omaha, Nebr., and St. Joseph, Mo., for 180 days. Supporting shippers: Heisler Engraving Co., Keystone Building, 1320–22 Main Street, Kansas City, Mo.; and Far-Mar-Co., Inc., 303 Kansas City Board of Trade, 4800 Main, Kansas City, Mo. 64112. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116077 (Sub-No. 265 TA), filed May 5, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feedstuff*, in bulk, from Houston, Tex., to points in Arkansas, Arizona, Louisiana, New Mexico, and Oklahoma, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Red Barn Chemicals, Inc. (Mr. C. D. Owen, Traffic Coordinator), Post Office Box 141, Tulsa, Okla. 74102. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 116325 (Sub-No. 61 TA), filed May 5, 1969. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel highway guard rail, guard rail posts, and other related products*, from Lima, Ohio, to points in Iowa, Missouri, Texas, Oklahoma, Arkansas, Colorado, Kansas, Nebraska, South Dakota, and New Mexico, for 180 days. Supporting shipper: Anderson "Safeway" Guard Rail Corp., 2610 North Dort Highway, Flint, Mich. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 117119 (Sub-No. 414 TA), filed May 5, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cooked diced eggs*, from Monroe City, Mo., to points in Massachusetts, New York, Pennsylvania, Maryland, Washington, D.C., Ohio, Indiana, Kentucky, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Oklahoma, Texas, Louisiana, Colorado, Arizona, California, Oregon, and Washington, for 180 days. Supporting shipper: Seymour Foods Co., Division of Norris Grain Co., P.O. Box 116, Topeka, Kans. 66601. Send protest to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 119226 (Sub-No. 73 TA), filed May 5, 1969. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid emulsifier*, in bulk, in tank vehicles; from Cincinnati, Ohio, to Midland, Mich., for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 128279 (Sub-No. 9 TA) (Correction), filed April 11, 1969, published FEDERAL REGISTER, issue of April 23, 1969, and republished as corrected this issue. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single or concentric cylinders or containers*, loaded or empty, which because of size, or construction, require special equipment or handling, and accessories, components, and related parts thereof moving in connection therewith, except such of the foregoing commodities as are used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between the Nevada test site of the U.S. Atomic Energy Commission located near Mercury, Nev., on the one hand, and, on the other, Los Alamos, N. Mex., for 180 days. Supporting shipper: Previous publication shows Atomic Energy Commission, Los Alamos, N. Mex., as the supporting shipper. This statement is not complete. That agency notes its position as follows: ". . . it is AEC policy that participation in proceedings related to carrier applications to regulatory bodies for temporary or permanent operating authority to operate in specified geographical locations shall be confined to statements and testimony in support of a need for service and shall not extend to the support of individual carriers or groups of carriers." Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 133656 TA (Correction), filed April 24, 1969, published FEDERAL REGISTER Notice No. 827, and republished as corrected this issue. Applicant: REA BROTHERS LIMITED, 322 Queen Street, S., Streetsville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. NOTE: The purpose of this republication is to show applicants correct name as above in lieu of REA BROTHERS TRANSPORT LTD. shown in previous publication.

No. MC 133688 TA, filed May 2, 1969. Applicant: CHARLES I. HERMAN, doing business as S. P. D. DELIVERY SERVICE, 754 Lyons Avenue, Irvington, N.J. 07111. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Astray passenger baggage*, including but not limited to luggage, clothing, clothing bags, skis, pets, hair dryers, and cartons, having a prior or subsequent movement by air, between Newark Airport, N.J., and points in New Jersey and Connecticut, and the counties of Bucks, Monroe, Montgomery, and Northampton, Pa.; and the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester, N.Y., for 150 days. Supporting shippers: Pan American World Airways, Newark Airport, Newark, N.J. 07114, Thomas H. Clark, Airport Manager; Braniff International, Newark Airport, Newark, N.J. 07114; Eastern Air Lines Incorporated, Newark Airport, Newark, N.J. 07114; Delta Air Lines, Inc., Newark Airport, Newark, N.J. 07114; Allegheny Airlines, Newark Airport, Newark, N.J. 07114; Northwest Airlines, Inc., Newark Airport, Newark, N.J. 07114; National Airlines, Inc., Newark Airport, Newark, N.J. 07114. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad St., Newark, N.J. 07102.

No. MC 133696 TA, filed May 5, 1969. Applicant: ANTELOPE VALLEY VAN & STORAGE CO., 602 East Avenue R, Palmdale, Calif. 93550. Applicant's representative: Ernest D. Salm, 3826 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kern and Los Angeles Counties, Calif., for 180 days. Supporting shippers: Furniture Forwarding, Inc., Post Office Box 55191, Indianapolis, Ind., American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, Calif. 90744; Getz Bros. & Co., Getzpak Division, Post Office Box 2230, Wilmington, Calif. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 133693 TA, filed May 5, 1969. Applicant: JOHN C. CAFFREY, doing business as VETERAN'S BUS CO., 54 North Main Street, Port Deposit, Md. 21904. Applicant's representative: John

C. Caffrey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* (Navy Personnel), in charter service, from U.S. Naval Training Center, Bainbridge, Md., to points in Delaware, District of Columbia, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, and return, for 180 days. Supporting shipper: U.S. Naval Training Center, Bainbridge, Md. 21905; R. F. Bergeron, Commander, U.S. Navy, Chief Staff Officer. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5734; Filed, May 13, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 9, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 3616 Sub 1, filed April 24, 1969. Applicant: HORTON AUSTIN KEY, doing business as, CARTHAGE FREIGHT LINE, Carthage, Tenn. 37030. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: General commodities (except household goods as defined by the Commission, class A and B exposives, commodities in bulk, and articles which because of their size or weight require special equipment), (1) between junction U.S. Highway 70 and Tennessee Highway 141 and Lancaster, Tenn., serving all intermediate points beyond the city limits of Lebanon, Tenn., and serving the off-route point of Hickman; (2) from the junction of Tennessee Highway 141 and Tennessee Highway 53 via Tennessee Highway 53 to Brush Creek, and return over the same route, serving all intermediate points; and (3) from Chestnut Mount over unnumbered road via Stonewall Junction with Tennessee Highway 141, and return over the same route, serving all intermediate points. All of said authority to be used in conjunction with all of applicant's presently authorized routes. Both intrastate and interstate authority sought.

HEARING: Thursday, May 29, 1969, at 10:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5735; Filed, May 13, 1969; 8:49 a.m.]

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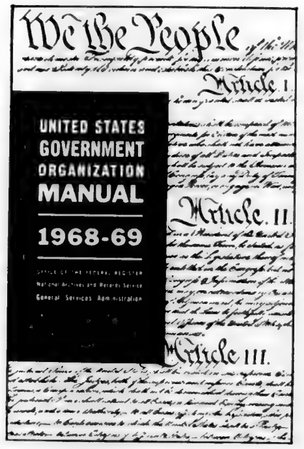

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1969

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CITIZENSHIP DAY AND CONSTITUTION WEEK, 1969

By the President of the United States of America

A Proclamation

The Constitution of the United States is often viewed as a revered document drawn in a far-off time by a group of exceedingly wise men we call the Founding Fathers. It is much more than that. The Constitution is a living set of principles, created during a hot Philadelphia summer in 1787 by men who were often passionate in their convictions and always jealous of the basic rights which had been secured by the American Revolution. This Constitution is not a museum-piece, but something as strong and as proud and as passionately alive today as were the men who created it almost 200 years ago.

As the foundation of our national life, the Constitution demands more than reverence. It demands the kind of active concern we show to anything we deeply care for. It demands our attention, our understanding of its character and of its fundamental place in our lives. This view of the Constitution will not allow us to pay honor to the idea unless we pay attention to the reality. It calls upon a citizen to not only be able to demand his rights, but also to know what they are.

United States citizenship, then, is also demanding. But the demands are more than matched by the benefits. Each citizen can help himself, his fellow citizens, and his nation if he takes some time out of his life to read and talk and think about the Constitution.

By a joint resolution of February 29, 1952 (66 Stat. 9), the Congress set aside the seventeenth day of September of each year as Citizenship Day, in commemoration of the signing of the Constitution on September 17, 1787, and in recognition of all who attained citizenship during the year. And by a joint resolution of August 2, 1956, (70 Stat. 932), the Congress requested the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, direct the appropriate Government officials to display the flag of the United States on all government buildings on Citizenship Day, September 17, 1969. I urge Federal, State, and local officials, as well as all religious, civic, educational, and other interested organizations to make arrangements for impressive, meaningful pageants and observations on that day to inspire all our citizens to rededicate themselves to the service of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1969, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether naturalized or natural-born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-5856; Filed, May 13, 1969; 5:05 p.m.]

Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148j—NOVOBIOCIN

Novobiocin-Tetracycline Combination Drugs; Calcium Novobiocin-Sulfamethizole Tablets

In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19203–04), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by The Upjohn Co., Kalamazoo, Mich. 49001:

1. Albamycin-T capsules containing tetracycline hydrochloride and sodium novobiocin.
2. Panalba capsules containing tetracycline phosphate complex and sodium novobiocin.
3. Panalba, half-strength capsules containing tetracycline phosphate complex and sodium novobiocin.
4. Albamycin-T flavored granules for suspension containing tetracycline hydrochloride and calcium novobiocin.
5. Panalba KM flavored granules for suspension containing tetracycline and calcium novobiocin.
6. Panalba KM drops, flavored granules for suspension containing tetracycline and calcium novobiocin.
7. Albamycin G.U. tablets containing calcium novobiocin and sulfamethizole.

The announcements stated that the Academy report found these products ineffective as a fixed combination for the indications specified in their labeling and that the Food and Drug Administration concurred that there is a lack of substantial evidence that each ingredient of the above combinations contributes to the claimed clinical effect. The panel noted the great frequency of adverse reactions (particularly skin rashes and hepatic dysfunction) from novobiocin. All interested persons were invited to submit within 30 days any pertinent data bearing on the proposal to amend the antibiotic drug regulations where necessary to delete the above antibiotic combinations from the list of drugs acceptable for certification.

Representatives of The Upjohn Co. promptly informed the Commissioner that the 30-day period was inadequate to enable them to supply additional information on the question of the efficacy of these drugs, and, acting on the representations made, the Commissioner agreed informally that the 30-day period for submission of new data could be extended for an additional period. The Commissioner received many testimonial type letters but no results of adequate and well-controlled studies which support the claimed clinical effectiveness of the drugs.

Accordingly, the Commissioner notified the manufacturer that reports of adequate and well-controlled studies would be required and that testimonial support for the claims was not acceptable. The response was that the company has no new data from controlled studies of the efficacy of these drugs and that it could not accumulate such data without the preparation of an elaborate and costly protocol for a clinical study that would require about 2 years for completion. The Commissioner, therefore, finds that substantial evidence of effectiveness required by law has not been presented.

On April 25, 1969, the Commissioner issued notice of the report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Albamycin capsules and syrups containing novobiocin. This report, in which the FDA concurred, would require markedly restricted indications for use for novobiocin in light of its limited spectrum of usefulness, its high incidence of side effects, and the rapid emergence of resistant organisms.

The Commissioner concludes from these reports that there are significant medical hazards, without evidence of effectiveness, in the use of Albamycin-T and Panalba; that novobiocin is not the drug of first choice in any infection and is not indicated in any combination product; that Panalba and Albamycin-T should be withdrawn from the market; and that Albamycin Syrup and Capsules should be promptly relabeled with the new indications.

Accordingly, the Commissioner concludes that the regulations for the certification of antibiotic drugs should be amended as foHows to delete the above-listed antibiotic combinations from the list of drugs acceptable for certification because of a lack of substantial evidence that the drugs will have the effectiveness they purport and are represented to have, and more particularly, that each ingredient in the above combinations contributes to the claimed clinical effect of the drugs. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for the combination drug should be revoked on the basis of the unwarranted hazard.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141c, 146c, and 148j are amended by repealing §§ 141c.234, 141c.238, 141c.239, 141c.261, 146c.234, 146c.238, 146c.239, 146c.261, and 148j.4 and certificates of safety and effectiveness issued under those regulations are revoked.

The Upjohn Co., having been informed of the Commissioner's intention, has requested that the matter be the subject of a public hearing. Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days of publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS–NRC evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for their intended uses.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 9, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–5780; Filed, May 14, 1969; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7012]

FILING OF CERTAIN MISCELLANEOUS RETURNS AND DOCUMENTS WITH SERVICE CENTERS

On March 11, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5067) in order to revise the rules for the filing of certain returns and other documents with service centers and to conform certain provisions of the regulations (26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301) to the amendments made by section 1 of the Act of November 2, 1966 (Public

Law 89–713, 80 Stat. 1108). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: May 9, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to revise the rules for the filing of certain returns and other documents with service centers and to conform certain provisions of the regulations to the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89–713, 80 Stat. 1107), the following regulations (26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301) are amended as set forth below. However, the amendments to such regulations do not make all of the changes necessitated by section 1 of such Act of November 2, 1966. Appropriate amendments to the regulations will be issued in the future to make the additional changes necessitated by such Act:

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Subdivisions (iv) (*a*) and (v) (*a*) (2) of paragraph (a) (2) of § 1.761–1 are amended to read as follows:

§ 1.761–1 Terms defined.

(a) *Partnership.* • • •

(2) *Exclusion of certain partnerships from provisions of subchapter K.* • • •

(iv) *Method of election—(a) Complete exclusion from subchapter K.* Any unincorporated organization described in subdivisions (i) and (ii) or (iii) of this subparagraph which wishes to be excluded from all of subchapter K must make the election provided in section 761(a) in a statement attached to a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the internal revenue officer with whom a partnership return, Form 1065, would be required to be filed if no election were made. Where, for the purpose of determining the proper internal revenue officer with whom Form 1065 must be filed, it is necessary to determine the internal revenue district (or service center serving such district) in which the electing organization has its principal office or place of business, the principal office or place of business of the operator shall be considered the principal office or place of business of the organization, unless the person filing for the organization is not the operator, in which case, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. For the first year with respect to which such unincorporated organization wishes to be excluded from subchapter K, its partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained). Unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be excluded will be effective. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T:I Washington, D.C. 20224, no later than 30 days after the beginning of the first taxable year to which the revocation is to apply. An unincorporated organization need not file an election to be excluded under section 761 for the first year of its existence but may do so at the time of filing the return for any taxable year for which exclusion from subchapter K is desired. Such unincorporated organization shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly make or incur any expenditures treated as deductions for Federal income tax purposes, whether or not electing to be excluded from the provisions of subchapter K. Where no annual accounting period has been adopted by such unincorporated organization, its taxable year shall be the calendar year in accordance with section 441(g).

• • • • • •

(v) *Information to be filed by organizations excluded under section 761.—(a)* • • •

(2) For each subsequent taxable year for which it is excluded: Form 1096 for the organization and a Form 1099 for each person who was a member of the organization during any part of the calendar year. Form 1099 shall show the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each Form 1099 shall state "Filed under section 761(a)" and the principal activity of the organization. Forms 1096 and 1099 shall be filed with the internal revenue officer designated in instructions applicable to such forms.

• • • • • •

PAR. 2. Paragraph (a) of § 1.852–9 is amended by revising subparagraphs (2) (i) and (3) to read as follows:

§ 1.852–9 Special procedural requirements applicable to designation under section 852(b)(3)(D).

(a) *Regulated investment company.* • • •

(2) *Return of undistributed capital gains tax—(i) Form 2438.* Every regulated investment company which designates undistributed capital gains for any taxable year beginning after December 31, 1956, in accordance with subparagraph (1) of this paragraph, shall file for such taxable year an undistributed capital gains tax return on Form 2438 including on such return the total of its undistributed capital gains so designated and the tax with respect thereto. The return on Form 2438 shall be prepared in duplicate and shall set forth fully and clearly the information required to be included therein. The original of Form 2438 shall be filed on or before the 30th day after the close of the company's taxable year with the internal revenue officer designated in instructions applicable to Form 2438. The duplicate copy of Form 2438 for the taxable year shall be attached to and filed with the income tax return of the company on Form 1120 for such taxable year.

• • • • • •

(3) *Payment of tax.* The tax required to be returned on Form 2438 shall be paid by the regulated investment company on or before the 30th day after the close of the company's taxable year to the internal revenue officer with whom the return on Form 2438 is filed.

PAR. 3. Paragraph (a) of § 1.1372–2 is amended to read as follows:

§ 1.1372–2 Manner and time for making election and filing shareholders' consent.

(a) *Manner of making election.* The election of a small business corporation should be made by the corporation by filing Form 2553, containing the information required by such form, and by filing, in the manner provided in § 1.1372–3, a statement of the consent of each shareholder of the corporation. The election form shall be signed by any person who is authorized to sign the return required under section 6037 and shall be filed with the internal revenue officer designated in the instructions applicable to Form 2553.

• • • • • •

PAR. 4. Section 1.1372–3 is amended to read as follows:

§ 1.1372–3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the internal revenue officer with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before October 26, 1962, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, see paragraph (c) of this section for extension of time for filing consents. In addition, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960.

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

(b) *New shareholders.* If a person becomes a shareholder of an electing small business corporation after the first day of the taxable year for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the consent of such shareholder shall be made in a statement filed (with the internal revenue officer with whom the election is filed) within the period of 30 days beginning with the day on which such person becomes a new shareholder. A copy of such consent should be furnished to the corporation by the new shareholder. If the new shareholder is an estate, the 30-day period shall not begin until the executor or administrator has qualified under local law to perform his duties, but in no event shall such period begin later than 30 days following the close of the corporation's taxable year in which the estate became a shareholder. The statement of consent shall set forth the name and address of the corporation and of such new shareholder, the number of shares of stock owned by such shareholder, the date on which such shares were acquired, and the name and address of each person from whom such shares were acquired. A copy of the consent of such new shareholder shall be filed with the return required to be filed under section 6037 for the taxable year to which such consent applies. For the effect of the failure of a new shareholder to consent, see paragraph (b) (1) of § 1.1372–4.

(c) *Extension of time for filing consents.* An election which is timely filed for any taxable year and which would be valid, or would not have terminated, except for the failure of any shareholder to file a consent within the time prescribed in paragraph (a) or (b) of this section will not be invalid, or will not be treated as having terminated, for such reason if—

(1) It is shown to the satisfaction of the district director or director of the service center that there was reasonable cause for the failure to file such consent and that the interests of the Government will not be jeopardized by treating such election as valid, or as not having terminated,

(2) Such shareholder files a proper consent to the election within such extended period of time as may be granted by the Internal Revenue Service, and

(3) New consents are filed within such extended period of time as may be granted by the Internal Revenue Service, by all persons who were shareholders of the corporation at any time during the taxable year with respect to which the failure to consent would (but for the provisions of this paragraph) cause the corporation's election to be invalid or to terminate, and by all persons who were shareholders of the corporation subsequent to such taxable year and prior to the date on which an extension of time is granted in accordance with this paragraph.

PAR. 5. Paragraph (b) of § 1.1372–4 is amended by revising subparagraphs (2) and (3). The revised provisions read as follows:

§ 1.1372–4 Termination of election.

• • • • • •

(b) *Method of termination.* • • •

(2) *Revocation.* An election under section 1372(a) may be revoked by the corporation for any taxable year of the corporation after the first taxable year for which the election is effective. A revocation can be made only with the consent of all the persons who are shareholders at the beginning of the day of revocation. Such revocation shall be made by the corporation by filing a statement that the corporation revokes the election made under section 1372(a), which statement shall indicate the first taxable year of the corporation for which the revocation is intended to be effective. The statement shall be signed by any person authorized to sign the return of the corporation under section 6037 and shall be filed with the internal revenue officer with whom the election was filed. In addition, there shall be attached to the statement of revocation a statement of consent, signed by each person who is a shareholder of the corporation at the beginning of the day on which such statement of revocation is filed, in which each such shareholder consents to the revocation by the corporation of the election under section 1372(a). For the time within which a revocation must be made to be effective for a particular taxable year of the corporation, see paragraph (c) of this section.

(3) *Ceases to be small business corporation.* An election under section 1372(a) terminates if at any time after the first day of the first taxable year of the corporation for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the corporation ceases to be a small business corporation as defined in section 1371(a). Thus, the election is terminated if an 11th person, a nonresident alien, or a trust, partnership, or corporation becomes a shareholder, or if another class of stock is issued by the corporation. In the event of a termination under this subparagraph the corporation shall immediately notify the internal revenue officer with whom the election under section 1372(a) was filed. Such notification shall set forth the cause of the termination and the date thereof. In addition, if the termination was caused by the transfer of stock to an 11th shareholder, to a nonresident alien, or to a trust, partnership, or corporation, the notification shall specify the number of shares transferred to such person, the name of such person (or in the case of a trust the names of the trustees and beneficiaries),

and the name of the shareholder who transferred such stock to such person. If the termination was caused by the issuance of a second class of stock, the notification shall indicate the number of shares of such new class issued and shall describe the differentiating characteristics of the new class of stock.

* * * * *

PAR. 6. Paragraphs (a) and (c) of § 1.1375–3 are amended to read as follows:

§ 1.1375–3 Treatment of family groups.

(a) *In general.* Pursuant to section 1375(c), any dividend received by a shareholder from an electing small business corporation (including any amount treated as a dividend under section 1373(b)) may be apportioned or allocated by the Internal Revenue Service between or among shareholders of such corporation who are members of such shareholder's family, if it determines that such apportionment or allocation is necessary in order to reflect the value of services rendered to the corporation by such shareholders. In determining the value of services rendered by a shareholder, consideration shall be given to all the facts and circumstances of the business, including the managerial responsibilities of the shareholder, and the amount that would ordinarily be paid in order to obtain comparable services from a person not having an interest in the corporation. The taxable income of the corporation shall be neither increased nor decreased because of the reallocation of dividends under section 1375(c). The amount reallocated shall be considered a dividend to the shareholder to whom it is reallocated.

* * * * *

(c) *Example.* The provisions of section 1375(c) may be illustrated by the following example:

Example. The stock of an electing small business corporation is owned 50 percent by F and 50 percent by S, a minor son of F. For the taxable year, the corporation has $70,000 of taxable income and earnings and profits. During the year, the corporation distributes dividends (including amounts treated as dividends under section 1373(b)) of $35,000 to F and $35,000 to S. Compensation of $10,000 is paid by the corporation to F for services rendered during the year, and no compensation is paid to S, who rendered no services. Based on the relevant facts, a reasonable compensation for the services rendered by F would be $30,000. In the discretion of the Internal Revenue Service, up to $10,000 of the $35,000 dividend received by S may, for tax purposes, be allocated to F.

* * * * *

PAR. 7. Paragraphs (d)(2) and (e)(1) of § 1.6031–1 are amended to read as follows:

§ 1.6031–1 Return of partnership income.

* * * * *

(d) *Partnerships having no United States business.* * * *

(2) *Returns of information with respect to partnership required of citizen or resident partners.* Where a U.S. citizen or resident is a partner in a partnership described in subparagraph (1) of this paragraph which is not required to file a partnership return, the district director or director of the service center may require such person to render such statements or provide such information as is necessary to show whether or not such person is liable for tax on income derived from such partnership. In addition, if an election in accordance with the provisions of section 703 (relating to elections affecting the computation of taxable income derived from a partnership) or section 761 (relating to the election to be excluded from the application of all or part of subchapter K, chapter 1 of the Code) is to be made by or for the partnership, a return on Form 1065 shall be filed for such partnership. See section 6063 and § 1.6063–1, relating to the authority of a partner to sign a partnership return. The filing of one such return for a taxable year of the partnership by a citizen or resident partner shall constitute a filing for the partnership of such partnership return.

(e) *Place and time for filing returns—*(1) *Place for filing—*(i) *Returns filed with district director or Director of International Operations.* The returns of partnerships doing business, or having income from sources, within the United States shall be filed with the district director for the internal revenue district in which the partnership has its principal office or principal place of business within the United States. If a partnership has no office, place of business, or agency within the United States, the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. A partnership return filed under the authority of paragraph (d)(2) of this section shall be filed with the internal revenue officer with whom the citizen or resident partner files his separate income tax return.

(ii) *Returns filed with service centers.* Notwithstanding subdivision (i) of this subparagraph, unless a return is filed by hand carrying, whenever instructions applicable to partnership returns provide that the return be filed with a service center, the return must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with subdivision (i) of this subparagraph.

* * * * *

PAR. 8. Paragraph (c) of § 1.6034–1 is amended to read as follows:

§ 1.6034–1 Information returns required of certain trusts claiming charitable or other deductions under section 642(c).

* * * * *

(c) *Time and place for filing return.* The return on Form 1041–A shall be filed on or before the 15th day of the fourth month following the close of the taxable year of the trust, with the internal revenue officer designated by the instructions applicable to such form.

* * * * *

PAR. 9. Paragraph (b) of § 1.6037–1 is amended to read as follows:

§ 1.6037–1 Return of electing small business corporation.

* * * * *

(b) *Time and place for filing return.* The return shall be filed on or before the 15th day of the third month following the close of the taxable year with the internal revenue officer designated in the instructions applicable to Form 1120–S. (See section 6072.)

* * * * *

PAR. 10. Section 1.6091–2 is amended by adding a cross reference at the end of paragraph (d) thereof:

§ 1.6091–2 Place for filing income tax returns.

* * * * *

(d) *Hand-carried returns.* Notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (c) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

See § 301.6091–1 of this chapter (Regulations on Procedure and Administration) for provisions relating to the definition of hand carried.

* * * * *

PAR. 11. Section 1.6091–3 is amended by revising paragraphs (b) and (i) to read as follows:

§ 1.6091–3 Income tax returns required to be filed with Director of International Operations.

* * * * *

(b) Income tax returns on an individual citizen of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States. A taxpayer's principal place of abode will be considered to be outside the United States if his legal residence is outside the United States or if his return bears a foreign address.

* * * * *

(i) Income tax returns of corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations) except in the case of consolidated returns filed pursuant to the regulations under section 1502.

* * * * *

PAR. 12. Paragraph (c)(3) of § 1.6109–1 is amended to read as follows:

§ 1.6109–1 Identifying numbers.

* * * * *

(c) *Applications.* * * *

(3) *Employer identification number.* Application for an employer identification number shall be made on Form SS–4. Form SS–4 will generally be furnished only on request and may be obtained from any district director or director of a service center, or any district office of the Social Security Administration.

The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. The application for an employer identification number should be filed approximately 1 month in advance of the first required use of the number to permit issuance of the number in time for compliance with such requirement. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. An employer identification number will be assigned to the applicant in due course upon the basis of information reported on the application.

* * * * *

SUBCHAPTER B—ESTATE AND GIFT TAXES

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PAR. 13. Section 25.2513–3 is amended to read as follows:

§ 25.2513–3 Revocation of consent.

If the consent to the application of the provisions of section 2513 for a calendar year was effectively signified on or before the 15th day of April following the close of the calendar year, either spouse may revoke the consent by filing in duplicate a signed statement of revocation, but only if the statement is filed on or before such 15th day of April. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), the statement shall be filed with the internal revenue officer with whom the gift tax return is required to be filed, or with whom the gift tax return would be required to be filed if a return were required. Therefore, a consent which was not effectively signified until after the 15th day of April following the close of the calendar year to which it applies may not be revoked.

PAR. 14. Paragraph (c) of § 25.2522(a)–1 is amended to read as follows:

§ 25.2522(a)–1 Charitable and similar gifts; citizens or residents.

* * * * *

(c) In order to prove the right to the charitable, etc., deduction provided by section 2522 the donor must submit such data as may be requested by the Internal Revenue Service. As to the extent the deductions provided by this section are allowable, see section 2524.

PAR. 15. Paragraph (a) of § 25.2523(a)–1 is amended to read as follows:

§ 25.2523(a)–1 Gift to spouse; in general.

(a) *In general.* In determining the amount of taxable gifts for the calendar year 1955 or any calendar year thereafter, in the case of a donor who was a citizen or resident of the United States at the time the gift was made, there may be deducted an amount equal to one-half the value of any property interest (except as otherwise provided in paragraph (b) of this section) transferred by gift to a donee who at the time of the gift was the donor's spouse. This deduction is referred to as the "marital deduction." No marital deduction is authorized with respect to a gift if the donor, at the time of the gift, was a nonresident not a citizen of the United States. However, if the donor was a citizen or resident of the United States at the time the gift was made, he is not deprived of the right to the marital deduction by reason of the fact that his spouse was a nonresident not a citizen. For convenience the donor's spouse is generally referred to in the feminine gender, but if the donor is a woman the reference is to her husband. The donor must submit such proof as is necessary to establish the right to the marital deduction, including any evidence requested by the Internal Revenue Service.

* * * * *

PAR. 16. Paragraph (b) of § 25.6001–1 is amended to read as follows:

§ 25.6001–1 Records required to be kept.

* * * * *

(b) *Supplemental data.* In order that the Internal Revenue Service may determine the correct tax the donor shall furnish such supplemental data as may be be deemed necessary by the Internal Revenue Service. It is, therefore, the duty of the donor to furnish, upon request, copies of all documents relating to his gift or gifts, appraisal lists of any items included in the total amount of gifts, copies of balance sheets or other financial statements obtainable by him relating to the value of stock constituting the gift, and any other information obtainable by him that may be necessary in the determination of the tax. See section 2512 and the regulations issued thereunder. For every policy of life insurance listed on the return, the donor must procure a statement from the insurance company on Form 938 and file it with the internal revenue officer with whom the return is filed. If specifically requested by an internal revenue officer, the insurance company shall file this statement direct with the internal revenue officer.

PAR. 17. Paragraph (b) of § 25.6011–1 is amended to read as follows:

§ 25.6011–1 General requirement of return, statement, or list.

* * * * *

(b) *Use of prescribed forms.* Copies of the forms prescribed by paragraph (b) of § 25.6001–1 and § 25.6019–1 may be obtained from district directors and directors of service centers. The fact that a person required to file a form has not been furnished with copies of a form will not excuse him from the making of a gift tax return, or from the furnishing of the evidence for which the forms are to be used. Application for a form should be made to the district director or director of a service center in ample time to enable the person whose duty it is to file the form to have the form prepared, verified, and filed on or before the date prescribed for the filing thereof.

PAR. 18. Paragraph (c) of § 25.6019–1 is amended to read as follows:

§ 25.6019–1 Persons required to file returns.

* * * * *

(c) *Ratification of return.* The return shall not be made by an agent unless by reason of illness, absence, or nonresidence, the person liable for the return is unable to make it within the time prescribed. Mere convenience is not sufficient reason for authorizing an agent to make the return. If by reason of illness; absence or nonresidence, a return is made by an agent, the return must be ratified by the donor or other person liable for its filing within a reasonable time after such person becomes able to do so. If the return filed by the agent is not so ratified, it will not be considered the return required by the statute. Supplemental data may be submitted at the time of ratification. The ratification may be in the form of a statement, executed under the penalties of perjury and filed with the internal revenue officer with whom the return was filed, showing specifically that the return made by the agent has been carefully examined and that the person signing ratifies the return as the donor's. If a return is signed by an agent, a statement fully explaining the inability of the donor must accompany the return.

PAR. 19. Paragraph (b) of § 25.6019–3 is amended to read as follows:

§ 25.6019–3 Contents of return.

* * * * *

(b) *Disclosure of transfers coming within provisions of section 2516.* Section 2516 provides that certain transfers of property pursuant to written property settlements between husband and wife are deemed to be transfers for full and adequate consideration in money or money's worth if divorce occurs within 2 years. In any case where a husband and wife enter into a written agreement of the type contemplated by section 2516, and the final decree of divorce is not granted on or before the due date for the filing of a gift tax return for the calendar year in which the agreement became effective (see § 25.6075–1), the transfer shall be disclosed by the transferor upon a gift tax return filed for the calendar year in which the agreement became effective and a copy of the agreement shall be attached to the return. In addition, a certified copy of the final divorce decree shall be furnished the internal revenue officer with whom the return was filed not later than 60 days after the divorce is granted. Pending receipt of evidence that the final decree of divorce has been granted (but in no event for a period of more than 2 years from the effective date of the agreement), the transfer will tentatively be treated as made for a full and adequate consideration in money or money's worth.

PAR. 20. Section 25.6075–1 is amended to read as follows:

§ 25.6075–1 Returns; time for filing gift tax returns.

The gift tax return required by section 6019 must be filed on or before the due date. The due date is the date on or before which the return is required to be filed in accordance with the provisions of section 6075(b) or the last day of the period covered by an extension of time granted, as provided in § 25.6081–1. Unless an extension of time has been granted, the due date is the 15th day of April following the close of the calendar year in which gifts were made. When the due date falls on Saturday, Sunday, or a legal holiday, the due date for filing the return is the next succeeding day which is not Saturday, Sunday, or a legal holiday. For definition of a legal holiday, see section 7503 and § 301.7503–1 of this chapter (Regulations on Procedure and Administration). As to additions to the tax for failure to file the return within the prescribed time, see section 6651 and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

PAR. 21. Section 25.6081–1 is amended to read as follows:

§ 25.6081–1 Extension of time for filing returns.

It is important that the donor file on or before the due date a return as nearly complete and final as it is possible for him to prepare. However, the district director or director of the service center is authorized to grant a reasonable extension of time for filing returns. Applications for extensions of time for filing gift tax returns must contain a full recital of the causes for delay. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), such application shall be made to the internal revenue officer with whom such return is required to be filed. Except in the case of donors who are abroad, no extension for filing gift tax returns may be granted for more than 6 months. An extension of time for filing a return does not operate to extend the time for payment of the tax or any part thereof, unless so specified in the extension. For extensions of time for payment of tax, see § 25.6161–1. No extension of time for filing a return may be granted unless the application is received by such internal revenue officer before the expiration of the time within which the return must otherwise be filed. The application should, when possible, be made sufficiently early to permit the internal revenue officer to consider the matter and reply before what otherwise would be the due date of the return.

PAR. 22. Section 25.6091 is amended by revising section 6091(b) and adding a historical note to read as follows:

§ 25.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*— • • •

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

• • • • • •

(4) *Hand-carried returns.* Notwithstanding paragraph (1) • • •, a return to which paragraph (1)(A) • • • would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) • • •.

(5) *Exceptional cases.* Notwithstanding paragraph (1) • • • or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1107)]

PAR. 23. Section 25.6091–1 is amended to read as follows:

§ 25.6091–1 Place for filing returns and other documents.

(a) *Returns filed with district director or Director of International Operations.* If the donor is a resident of the United States, the gift tax return required by section 6019 shall be filed with the district director for the district in which the legal residence or principal place of business of the donor is located. If the donor is a nonresident (whether or not a citizen), and his principal place of business is located in an internal revenue district, the gift tax return shall be filed with the district director for the internal revenue district in which the donor's principal place of business is located. If the donor is a nonresident (whether or not a citizen), and he does not have a principal place of business which is located in an internal revenue district, the gift tax return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, or with such other official as may be designated by instructions applicable to the return.

(b) *Returns filed with service centers.* Notwithstanding paragraph (a) of this section, unless a return is filed by hand-carrying, whenever instructions applicable to gift tax returns provide that the returns be filed with a service center, the returns must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with paragraph (a) of this section.

PAR. 24. Section 25.6151 is amended by revising section 6151(a) and adding a historical note to read as follows:

§ 25.6151 Statutory provisions; time and place for paying tax shown on return.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

• • • • • •

[Sec. 6151 as amended by sec. 1(b), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1108)]

PAR. 25. Paragraph (c) of § 25.6161–1 is amended to read as follows:

§ 25.6161–1 Extension of time for paying tax or deficiency.

• • • • • •

(c) *Application for extension.* An application for an extension of the time for payment of the tax shown on the return, or for the payment of any amount determined as a deficiency, shall be in writing and shall be accompanied by evidence showing the undue hardship that would result to the donor if the extension were refused. The application shall also be accompanied by a statement of the assets and liabilities of the donor and an itemized statement showing all receipts and disbursements for each of the 3 months immediately preceding the due date of the amount to which the application relates. The application, with supporting documents, must be filed with the applicable district director referred to in paragraph (a) of § 25.6091–1 regardless of whether the return is to be filed with, or the tax is to be paid to, such district director on or before the date prescribed for payment of the amount with respect to which the extension is desired. The application will be examined by the district director, and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. If an additional extension is desired, the request therefor must be made to the district director on or before the expiration of the period for which the prior extension is granted.

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SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 26. Paragraph (b)(3) of § 31.3121(k)–1 is amended to read as follows:

§ 31.3121(k)–1 Waiver of exemption from taxes.

• • • • • •

(b) *Execution and amendment of certificate.* • • •

(3) *Where to file certificate or amendment.* The certificate on Form SS–15 and accompanying list on Form SS–15a of an organization which is required to make a return on Form 941 pursuant to § 31.6011(a)–1 or § 31.6011(a)–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–15 and Form SS–15a. The Form SS–15 and Form SS–15a of any other organization shall be filed in accordance with the provisions of § 31.6091–1 which are otherwise applicable to returns. Each Form SS–15a Supplement shall be filed with the internal revenue officer with whom the related Forms SS–15 and SS–15a were filed.

• • • • • •

PAR. 27. Paragraph (a) of § 31.3504–1 is amended to read as follows:

§ 31.3504–1 Acts to be performed by agents.

(a) *In general.* In the event wages as defined in chapter 21 or 24 of the Internal Revenue Code of 1954, or compensation as defined in chapter 22 of such Code, of an employee or group of employees, employed by one or more employers, is paid by a fiduciary, agent, or other person, or if such fiduciary, agent, or other person has the control, receipt, custody, or disposal of such wages or compensation, the district director, or director of a service center, may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of such employer or employers under those provisions of the Internal Revenue Code of 1954 and the regulations thereunder which have application, for purposes of the taxes imposed by such chapter or chapters, in respect of such wages or compensation. If the fiduciary, agent, or other person is authorized by the district director, or director of a service center, to perform such acts, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to employers in respect of such acts shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person performs such acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to an employer in respect of such acts. Any application for authorization to perform such acts, signed by such fiduciary, agent, or other person, shall be filed with the district director, or director of a service center, with whom the fiduciary, agent, or other person will, upon approval of such application, file returns in accordance with such authorization.

• • • • • •

PAR. 28. Subdivision (iii) of paragraph (a)(1) of § 31.6011(b)–1 is amended to read as follows:

§ 31.6011(b)–1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general.* • • •

(iii) *Method of application.* The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center or any district office of the Social Security Administration. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4, or with the nearest district office of the Social Security Administration. The application shall be signed by (*a*) the individual, if the employer is an individual; (*b*) the president, vice president, or other principal officer, if the employer is a corporation; (*c*) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (*d*) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of the information reported on the application required under this section.

• • • • • •

PART 36—CONTRACT COVERAGE

PAR. 29. Paragraph (a) of § 36.3121(l)–0 is amended to read as follows:

§ 36.3121(l)–0 Introduction.

(a) The regulations in this part deal with the circumstances under which a domestic corporation may enter into an agreement with the Internal Revenue Service for the purpose of extending the insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States as employees of a foreign subsidiary of the domestic corporation, and with the obligations of a domestic corporation which enters into such an agreement. The provisions of the Internal Revenue Code of 1954, as amended, to which the regulations in this part pertain are contained in section 3121(l). The liabilities assumed under an agreement entered into pursuant to such section are based on the remuneration for services covered by the agreement. Such agreement may not be effective prior to January 1, 1955.

• • • • • •

PAR. 30. Paragraphs (a)(1), (b)(3), and (c) of § 36.3121(l)(1)–1 are amended to read as follows:

§ 36.3121(l)(1)–1 Agreements entered into by domestic corporations with respect to foreign subsidiaries.

(a) *In general.* (1) Any domestic corporation having one or more foreign subsidiaries may request the Internal Revenue Service to enter into an agreement for the purpose of extending the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed outside the United States by all citizens of the United States who are employees of any such foreign subsidiary. See § 36.3121(l)(8)–1, relating to the definition of foreign subsidiary. Except as provided in § 36.3121(l)(5)–1, relating to the effect of the termination of an agreement entered into pursuant to the provisions of section 3121(l), the Internal Revenue Service shall, at the request of a domestic corporation enter into such agreement on Form 2032 in any case where a Form 2032 is executed, and submitted by the domestic corporation in the manner prescribed in this section. A domestic corporation may not have in effect at the same moment of time more than one agreement on Form 2032.

• • • • • •

(b) *Form and contents of agreement.* • • •

(3) That the agreement shall become effective on the first day of the calendar quarter in which the Form 2032 is signed by the district director or director of the service center or on the first day of the next succeeding calendar quarter, whichever is specified in the agreement;

• • • • • •

(c) *Execution and filing of Form 2032.* The request of any domestic corporation that the Internal Revenue Service enter into an agreement with the corporation on Form 2032 shall be signified by the corporation by executing and filing Form 2032 in triplicate. Such form shall be executed and filed in accordance with the regulations in this part and the instructions relating to the form. Each copy of the form shall be signed and dated by the officer of the corporation authorized to enter into the agreement, shall show the title of such officer, and shall have the corporate seal affixed thereto. A certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing the authority of such officer so to act shall accompany the form. Form 2032 executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the service center and, upon such signing, the Form 2032 so executed and filed will constitute the agreement authorized in section 3121(l)(1). The Internal Revenue Service will return one copy of the agreement to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 31. Paragraphs (c) and (d) of § 36.3121(l)(1)–2 are amended to read as follows:

§ 36.3121(l)(1)–2 Amendment of agreement.

* * * * *

(c) A domestic corporation shall signify its desire to amend an agreement entered into by the corporation as provided in § 36.3121(l)(1)–1 by executing and filing Form 2032 Supplement in triplicate.

(d) Form 2032 Supplement shall be executed and filed in the manner and in conformity with the requirements prescribed in the instructions relating to such form and in § 36.3121(l)(1)–1(c) in respect of an agreement on Form 2032. Form 2032 Supplement executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the service center, and, upon such signing, the Form 2032 Supplement so executed and filed will constitute an amendment of the agreement entered into on Form 2032. The Internal Revenue Service will return one copy of the amendment to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 32. Section 36.3121(l)(2)–1 is amended to read as follows:

§ 36.3121(l)(2)–1 Effective period of agreement.

(a) *In general.* An agreement entered into as provided in § 36.3121(l)(1)–1 shall be in effect for the period beginning with the first day of the calendar quarter in which the agreement is signed by the district director or director of the service center, or the first day of the calendar quarter following the calendar quarter in which the agreement is signed by the district director or director of the service center, whichever is specified in the agreement. In no case, however, shall the agreement be effective for any calendar quarter which begins prior to January 1, 1955.

(b) *Amendment of agreement.* If an amendment on Form 2032 Supplement (filed by a domestic corporation to include in its agreement services performed for a foreign subsidiary not previously named therein) is signed by the district director or director of the service center, within the quarter for which the agreement is first effective or within the first calendar month following such quarter, the agreement shall be effective with respect to the subsidiary named in the amendment as of the date such agreement first became effective. However, if the amendment is signed by the district director or director of the service center after the last day of the fourth month for which the agreement is in effect, such agreement shall be in effect with respect to the subsidiary named in the amendment for the period beginning with the first day of the calendar quarter following the calendar quarter in which the amendment is signed by the district director or director of the service center.

PAR. 33. Paragraphs (a) and (b)(2) of § 36.3121(l)(3)–1 are amended to read as follows:

§ 36.3121(l)(3)–1 Termination of agreement by domestic corporation or by reason of change in stock ownership.

(a) *Termination by domestic corporation.* (1) A domestic corporation which has entered into an agreement under section 3121(l)(1) with respect to one or more of its foreign subsidiaries may terminate such agreement in part or in its entirety by giving (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located the principal place of business in the United States of the domestic corporation; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) 2 years' advance notice in writing of its desire so to terminate the agreement at the end of a specified calendar quarter: *Provided,* That, at the time of the receipt of such notice by such internal revenue officer, the agreement has been in effect with respect to the subsidiary or subsidiaries covered by the notice for at least 8 years. The notice of termination shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the name and address of each foreign subsidiary with respect to which the agreement is to be terminated, (v) the date on which the agreement became effective with respect to each such foreign subsidiary, and (vi) the date on which the agreement is to be terminated with respect to each such foreign subsidiary. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of termination. No particular form is prescribed for the notice of termination. The Internal Revenue Service will transmit one copy of the notice of termination to the Department of Health, Education, and Welfare.

(2) A notice of termination given by a domestic corporation in respect of any one or more of its foreign subsidiaries may be revoked by the corporation with respect to any such subsidiary or subsidiaries by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of revocation. The notice of revocation shall be filed with the internal revenue officer with whom the notice of termination was filed. Such notice of revocation shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice of revocation, (ii) the name, address, and identification number of the domestic corporation, (iii) the name and address of each foreign subsidiary with respect to which the notice of termination is revoked, and (iv) the date of the notice of termination to be revoked. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of revocation. No particular form is prescribed for the notice of revocation. The Internal Revenue Service will transmit one copy of the notice of revocation to the Department of Health, Education, and Welfare.

(b) *Termination by reason of change in stock ownership.* * * *

(2) A domestic corporation which has entered into an agreement as provided in § 36.3121(l)(1)–1 shall furnish (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located its principal place of business in the United States; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) written notification in the event that a foreign corporation named in the agreement, including any amendment thereof, as a foreign subsidiary of the domestic corporation ceases to be its foreign subsidiary. The written notification shall be furnished in duplicate on or before the last day of the first month following the close of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. Such notification shall be signed and dated by the president or other principal officer of the domestic corporation. The written notification shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the date on which the agreement was entered into, (v) the name and address of the foreign corporation with respect to which the notification is furnished, and (vi) the date on which the foreign corporation ceased to be a foreign subsidiary of the domestic corporation. No particular form is prescribed for the written notification. The Internal Revenue Service will transmit one copy of the written notification to the Department of Health, Education, and Welfare.

PAR. 34. Section 36.3121(l)(7)–1 is amended by revising subparagraphs (1), (2), and (3)(ii) of paragraph (a) and by revising subdivisions (i) and (iii) of paragraph (b)(2). The revised provisions read as follows:

§ 36.3121(l)(7)–1 Overpayments and underpayments.

(a) *Adjustments*—(1) *In general.* Errors in the payment of amounts for which liability equivalent to the employee and employer taxes with respect to any payment of remuneration is incurred by a domestic corporation pursuant to its agreement are adjustable by the domestic corporation in certain

cases without interest. However, not all corrections made under this section constitute adjustments within the meaning of the regulations in this part. The various situations in which such corrections constitute adjustments are set forth in subparagraphs (2) and (3) of this paragraph. All corrections in respect of underpayments and all adjustments or credits in respect of overpayments made under this section must be reported on a return filed by the domestic corporation under the regulations in this part and not on a return filed with respect to the employee and employer taxes imposed by sections 3101 and 3111, respectively. Every return on which such a correction (by adjustment, credit, or otherwise) is reported pursuant to this section must have securely attached as a part thereof a statement explaining the error in respect of which the correction is made, designating the calendar quarter in which the error was ascertained, and setting forth such other information as would be required if the correction were in respect of an overpayment or underpayment of taxes under the Federal Insurance Contributions Act. An error is ascertained when the domestic corporation has sufficient knowledge of the error to be able to correct it. An underpayment may not be corrected under this section after receipt from the district director or director of the service center of written notification of the amount due and demand for payment thereof, but the amount shall be paid in accordance with such notification.

(2) *Underpayments.* If a domestic corporation fails to report, on a return filed under the regulations in this part, all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation shall adjust the underpayment by reporting the additional amount due as an adjustment on a return or supplemental return filed on or before the last day on which the return for the return period in which the error is ascertained is required to be filed. The amount of each underpayment adjusted in accordance with this subparagraph shall be paid, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(3) *Overpayments.* * * *

(ii) A correction may not be made in one calendar year in respect of any part of an overpayment which was collected from an individual in a prior calendar year unless the domestic corporation has secured the written statement of the individual showing that he has not claimed and will not claim refund or credit of the amount so collected, and retains such receipt as a part of its records. See § 31.6413(c)–1 of this chapter, relating to claims for special credit or refund.

The correction constitutes an adjustment under this subparagraph only if it is reported on the return for the period in which the error is ascertained or on the return for the next following period, and then only if the correction is reported within the statutory period of limitation upon refund or credit of overpayments of amounts due under the agreement. See paragraph (b)(2)(iii) of this section relating to such statutory period. A claim for credit or refund may be filed in accordance with the provisions of paragraph (b)(2) of this section for any overpayment of an amount due under the agreement which is not adjusted under this subparagraph.

(b) *Errors not adjustable.* * * *

(2) *Overpayments.* (i) If more than the correct amount due from a domestic corporation pursuant to its agreement (including the amount of any interest or addition) is paid and the amount of the overpayment is not adjusted under paragraph (a)(3) of this section, the domestic corporation may file a claim for refund or credit. Except as otherwise provided in this subparagraph, such claim shall be made in the same manner and subject to the same conditions as to allowance of the claim as would be the case if the claim were in respect of an overpayment of taxes under the Federal Insurance Contributions Act. Refund or credit of an amount erroneously paid by a domestic corporation under its agreement may be allowed only to the domestic corporation.

* * * * *

(iii) No refund or credit of an overpayment of the amount due from a domestic corporation under its agreement will be allowed after the expiration of 2 years after the date of payment of such overpayment, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 2-year period.

* * * * *

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

PAR. 35. Paragraph (a)(1) of § 41.6109–1 is amended to read as follows:

§ 41.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person in whose name a highway motor vehicle is registered at a time, after September 30, 1962, when a taxable use of such vehicle occurs, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 45—MISCELLANEOUS STAMP TAXES

PAR. 36. Paragraph (a)(1) of § 45.6109–1 is amended to read as follows:

§ 45.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4461, 4471, 4821, or 4841, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 37. Paragraph (a)(1) of § 46.6109–1 is amended to read as follows:

§ 46.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any manufacturing or processing

operation with respect to which a tax is imposed by section 4501(a) or 4511, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 38. Paragraph (a)(1) of § 48.6109–1 is amended to read as follows:

§ 48.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, makes a sale of an article with respect to which a tax is imposed by chapter 31 or 32 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 39. Paragraph (a)(1) of § 49.6109–1 is amended to read as follows:

§ 49.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, receives a payment for a facility or service with respect to which a tax is imposed by chapter 33 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

PAR. 40. That part of paragraph (b) of § 147.1–1 which precedes subparagraph (1) is amended to read as follows:

§ 147.1–1 Credit or refund in case of insurance companies.

* * * * *

(b) *Credit or refund for overpayment of tax.* If an insurance company is entitled to a credit or refund (without interest) for overpayment of tax in 1964 or in any subsequent calendar year under paragraph (a) of this section, the company may, in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration), file a claim for refund on Form 843 or claim credit for such overpayment on any return made on Form 3780 after the close of such calendar year. Each claim for credit or refund must be accompanied by a statement which shall include the following information:

* * * * *

PAR. 41. Paragraph (c)(1) of § 147.2–1 is amended to read as follows:

§ 147.2–1 Credit or refund in case of direct investments.

* * * * *

(c) *Refund or credit for overpayment*—(1) *Filing of claim.* A claim for refund or credit (without interest) for an overpayment of tax under paragraph (b) of this section shall be made in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim of credit or refund must be accompanied by a statement setting forth the applicable information required by subparagraph (2) of this paragraph.

* * * * *

PAR. 42. Paragraph (c)(4) of § 147.4–1 is amended to read as follows:

§ 147.4–1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition of Canadian issues.* * * *

(4) *Extensions of time.* Extensions of time within which a notice of acquisition must be filed will be granted for good cause. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) the request for extension of time shall be made to the internal revenue officer (including the Director of International Operations, Washington, D.C. 20225) with whom the acquiring U.S. person files his income tax return.

* * * * *

PAR. 43. Paragraph (b)(1) of § 147.6–1 is amended to read as follows:

§ 147.6–1 Credit or refund in case of sales by underwriters and dealers to foreign persons.

* * * * *

(b) *Refund or credit for overpayment*—(1) *In general.* A claim for refund or credit for an overpayment of tax under paragraph (a) of this section shall be made in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim for credit or refund must be accompanied by a statement setting forth the applicable information required by paragraph (d) of this section.

* * * * *

PAR. 44. Paragraph (d) of § 147.8–1 is amended to read as follows:

§ 147.8–1 Interest equalization quarterly tax return.

* * * * *

(d) *Place for filing returns.* The return under paragraph (a) of this section shall be filed with the internal revenue officer designated in instructions applicable to such return.

PAR. 45. Paragraph (b) of § 147.8–3 is amended to read as follows:

§ 147.8–3 Reporting requirements for members of exchanges and associations.

* * * * *

(b) *Time and manner of filing information return.* The information referred to in paragraph (a) of this section shall be furnished on return Form 3845, Brokers' Quarterly Information Return. Each such return shall contain all of the information required by such form and the accompanying instructions. Form 3845 shall be filed with the internal revenue officer designated in instructions applicable to Form 3845. Form 3845 shall be filed on or before the last day of the month following the close of each calendar quarter beginning on or after July 1, 1964.

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

PAR. 46. Paragraph (c) of § 151.30 is amended to read as follows:

§ 151.30 Employer identification numbers.

* * * * *

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application on Form SS–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4721. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

* * * * *

PART 152—REGULATORY TAXES ON MARIHUANA

PAR. 47. Paragraph (c) of § 152.28 is amended to read as follows:

§ 152.28 Employer identification numbers.

* * * * *

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of service center. The application on Form SS–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

* * * * *

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 48. Section 301.6091–1 is amended by adding at the end thereof the following new paragraph:

§ 301.6091–1 Place for filing returns and other documents.

* * * * *

(c) *Definition of hand carried.* For purposes of this section and section 6091(b)(4) and the regulations issued thereunder, a return or document will be considered to be hand carried if it is brought to the district director by the person required to file the return or other document, or by his agent. Examples of persons who will be considered to be agents, for purposes of the preceding sentence, are: Members of the taxpayer's family, an employee of the taxpayer, the taxpayer's attorney, accountant, or tax advisor, and messengers employed by the taxpayer. A return or document will not be considered to be hand carried if it is sent to the Internal Revenue Service through the U.S. Mail.

[F.R. Doc. 69–5790; Filed, May 14, 1969; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 276]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.576 Valencia Orange Regulation 276.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 16, 1969, through May 22, 1969, are hereby fixed as follows:

(i) District 1: 517,000 cartons;

(ii) District 2: 385,000 cartons;

(iii) District 3: 198,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5882; Filed, May 14, 1969; 11:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Oat Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1), published at 31 F.R. 5941, and any amendments thereto, and the 1966 and Subsequent Crop Oats Loan and Purchase Program regulations published at 31 F.R. 4581 and any amendments thereto, which contain regulations of a general nature with respect to price support loan and purchase operations are further supplemented for the 1969 crop of oats as follows:

Sec.
1421.2661 Purpose.
1421.2662 Availability.
1421.2663 Maturity of loans.
1421.2664 Deduction of storage charges.
1421.2665 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1073, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 1421.2661 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops, the 1966 and Subsequent Crop Oats Loan and Purchase Program regulations, and any amendments thereto, apply to price support loans on and purchases of the 1969 crop of oats.

§ 1421.2662 Availability.

A producer desiring price support must request a loan on his 1969 crop of eligible oats on or before April 30, 1970, in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1970, in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1969 crop oats he will sell to CCC, on or before May 31, 1970, in the States named in this section and on or before April 30, 1970, in all other States.

§ 1421.2663 Maturity of loans.

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1970, and loans on oats stored in all other States mature on April 30, 1970.

§ 1421.2664 Deduction of storage charges.

(a) *Warehouses approved under Uniform Grain Storage Agreement.* Subject to the provisions of § 1421.2658, the following schedules of deductions shall apply to oats stored in an approved warehouse operating under the Uniform Grain Storage Agreement:

Maturity date, Apr. 30, 1970	Deduction (cents per bushel)	Maturity date, May 31, 1970
(1)	11	(2). Prior to May 8, 1969.
Prior to May 14, 1969	10	May 8–June 13.
May 14–June 19	9	June 14–July 20.
June 20–July 26	8	July 21–Aug. 26.
July 27–Sept. 1	7	Aug. 27–Oct. 2.
Sept. 2–Oct. 8	6	Oct. 3–Nov. 8.
Oct. 9–Nov. 14	5	Nov. 9–Dec. 15.
Nov. 15–Dec. 21	4	Dec. 16, 1969–Jan. 21, 1970.
Dec. 22, 1969–Jan. 27, 1970	3	Jan. 22–Feb. 27.
Jan. 28–Mar. 5	2	Feb. 28–Apr. 5.
Mar. 6–Apr. 30, 1970	1	Apr. 6–May 31, 1970.

[1] Dates storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible oats stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC:

Pennsylvania Railroad Co., Canton Elevator—Warehouse Code 9–2151, Baltimore, Md.

(2) Subject to the provisions of § 1421.2658, the following schedule of deductions shall apply to oats stored in the approved warehouse listed in subparagraph (1) of this paragraph:

Maturity date, Apr. 30, 1970	Deduction (cents per bushel)	Maturity date, May 31, 1970
(1)	(2)	(3).
Prior to June 25, 1969	16	Prior to July 26, 1969.
June 25–July 14	15	July 26–Aug. 14.
July 15–Aug. 3	14	Aug. 15–Sept. 3.
Aug. 4–Aug. 23	13	Sept. 4–Sept. 23.
Aug. 24–Sept. 12	12	Sept. 24–Oct. 13.
Sept. 13–Oct. 2	11	Oct. 14–Nov. 2.
Oct. 3–Oct. 22	10	Nov. 3–Nov. 22.
Oct. 23–Nov. 11	9	Nov. 23–Dec. 12.
Nov. 12–Dec. 1	8	Dec. 13, 1969–Jan. 1, 1970.
Dec. 2–Dec. 21	7	Jan. 2–Jan. 21.
Dec. 22, 1969–Jan. 10, 1970	6	Jan. 22–Feb. 10.
Jan. 11–Jan. 30	5	Feb. 11–Mar. 2.
Jan. 31–Feb. 19	4	Mar. 3–Mar. 22.
Feb. 20–Mar. 11	3	Mar. 23–Apr. 11.
Mar. 12–Mar. 31	2	Apr. 12–May 1.
Apr. 1–Apr. 30, 1970	1	May 2–May 31, 1970.

[1] Storage commence date, all dates inclusive.
[2] Charges shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

§ 1421.2665 Support rates.

(a) *Basic support rates.* The basic county support rates for use in making loans and for use in settling loans and for purchases are listed below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area." Marketing areas in Alaska shall be the areas established under the State Small Grain Incentive Program. Farm stored loans shall be made at the basic support rate for the county in which the oats are produced, adjusted by the Weed Control discount where applicable. Warehouse stored loans, farm stored loan settlements, and purchases shall be made on the basis of the basic support rate for the county in which the oats were produced adjusted by the premiums and discounts shown in paragraph (b) of this section and any other discounts established by CCC applicable to the grade and quality of the oats on which the loan or settlement is made. The basic county support rate applies to oats grading No. 3, having moisture not in excess of 14 percent.

ALABAMA

County	Rate per bushel
All counties	$0.74

ALASKA [1]

County	Rate per bushel	County	Rate per bushel
Delta	$0.63	Kenai-Soldotna	$0.71
Fairbanks	.62	Palmer	.75
Glenallen	.69	Talkeetna	.75
Homer	.66		

ARIZONA

County	Rate per bushel
All counties	$0.82

ARKANSAS

County	Rate per bushel
All counties	$0.72

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$0.77	Plumas	$0.73
Alpine	.75	Riverside	.77
Amador	.75	Sacramento	.75
Butte	.74	San Benito	.76
Calaveras	.75	San Bernardino	.77
Colusa	.75	San Diego	.77
Contra Costa	.77	San Francisco	.77
Del Norte	.73	San Joaquin	.76
El Dorado	.75	San Luis Obispo	.76
Fresno	.76	San Mateo	.77
Glenn	.74	Santa Barbara	.76
Humboldt	.75	Santa Clara	.77
Imperial	.77	Santa Cruz	.76
Inyo	.77	Shasta	.72
Kern	.77	Sierra	.73
Kings	.76	Siskiyou	.71
Lake	.75	Solano	.77
Lassen	.72	Sonoma	.76
Los Angeles	.78	Stanislaus	.76
Madera	.76	Sutter	.75
Marin	.77	Tehama	.73
Mariposa	.76	Trinity	.75
Mendocino	.75	Tulare	.76
Merced	.76	Tuolumne	.75
Modoc	.71	Ventura	.77
Mono	.76	Yolo	.76
Monterey	.76	Yuba	.74
Napa	.76		
Nevada	.73		
Orange	.77		
Placer	.74		

[1] In Alaska loan rates are for marketing areas.

COLORADO

County	Rate per bushel
All counties	$0.69

CONNECTICUT

County	Rate per bushel
All counties	$0.72

DELAWARE

County	Rate per bushel
All counties	$0.73

FLORIDA

County	Rate per bushel
All counties	$0.78

GEORGIA

County	Rate per bushel
All counties	$0.74

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.69	Gem	$0.69
Adams	.67	Gooding	.68
Bannock	.67	Idaho	.66
Bear Lake	.67	Jefferson	.65
Benewah	.67	Jerome	.68
Bingham	.65	Kootenai	.67
Blaine	.67	Latah	.68
Boise	.69	Lemhi	.65
Boone	.65	Lewis	.67
Bonneville	.65	Lincoln	.68
Boundary	.65	Madison	.65
Butte	.65	Minidoka	.68
Camas	.68	Nez Perce	.68
Canyon	.69	Oneida	.67
Caribou	.66	Owyhee	.69
Cassia	.68	Payette	.69
Clark	.65	Power	.67
Clearwater	.67	Shoshone	.65
Custer	.65	Teton	.65
Elmore	.69	Twin Falls	.68
Franklin	.67	Valley	.67
Fremont	.65	Washington	.68

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	Kane	$0.65
Alexander	.68	Kankakee	.65
Bond	.66	Kendall	.65
Boone	.65	Knox	.65
Brown	.65	Lake	.66
Bureau	.65	La Salle	.65
Calhoun	.66	Lawrence	.67
Carroll	.65	Lee	.65
Cass	.65	Livingston	.65
Champaign	.65	Logan	.65
Christian	.65	McDonough	.65
Clark	.66	McHenry	.65
Clay	.67	McLean	.65
Clinton	.67	Macon	.65
Coles	.65	Macoupin	.66
Cook	.67	Madison	.67
Crawford	.67	Marion	.67
Cumberland	.66	Marshall	.65
De Kalb	.65	Mason	.65
De Witt	.65	Massac	.68
Douglas	.65	Menard	.65
Du Page	.65	Mercer	.65
Edgar	.65	Monroe	.68
Edwards	.68	Montgomery	.66
Effingham	.66	Morgan	.65
Fayette	.66	Moultrie	.65
Ford	.65	Ogle	.65
Franklin	.68	Peoria	.65
Fulton	.65	Perry	.68
Gallatin	.69	Piatt	.65
Greene	.66	Pike	.65
Grundy	.65	Pope	.69
Hamilton	.68	Pulaski	.68
Hancock	.65	Putnam	.65
Hardin	.69	Randolph	.68
Henderson	.65	Richland	.67
Henry	.65	Rock Island	.65
Iroquois	.65	Saint Clair	.68
Jackson	.68	Saline	.69
Jasper	.67	Sangamon	.65
Jefferson	.68	Schuyler	.65
Jersey	.66	Scott	.65
Jo Daviess	.65	Shelby	.65
Johnson	.68	Stark	.65

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Stephenson	$0.65	Wayne	$0.68
Tazewell	.65	White	.68
Union	.68	Whiteside	.65
Vermilion	.65	Will	.66
Wabash	.68	Williamson	.68
Warren	.65	Winnebago	.65
Washington	.68	Woodford	.65

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.66	Lawrence	$0.68
Allen	.66	Madison	.66
Bartholomew	.67	Marion	.66
Benton	.65	Marshall	.66
Blackford	.66	Martin	.68
Boone	.66	Miami	.66
Brown	.68	Monroe	.68
Carroll	.66	Montgomery	.66
Cass	.66	Morgan	.66
Clark	.68	Newton	.65
Clay	.66	Noble	.66
Clinton	.66	Ohio	.69
Crawford	.68	Orange	.68
Daviess	.68	Owen	.66
Dearborn	.69	Parke	.65
Decatur	.67	Perry	.68
De Kalb	.66	Pike	.68
Delaware	.66	Porter	.66
Dubois	.68	Posey	.68
Elkhart	.67	Pulaski	.66
Fayette	.66	Putnam	.66
Floyd	.68	Randolph	.66
Fountain	.65	Ripley	.69
Franklin	.68	Rush	.66
Fulton	.66	Saint Joseph	.67
Gibson	.68	Scott	.69
Grant	.66	Shelby	.66
Greene	.68	Spencer	.68
Hamilton	.66	Starke	.66
Hancock	.66	Steuben	.67
Harrison	.68	Sullivan	.67
Hendricks	.66	Switzerland	.69
Henry	.66	Tippecanoe	.66
Howard	.66	Tipton	.66
Huntington	.66	Union	.66
Jackson	.68	Vanderburgh	.68
Jasper	.65	Vermillion	.65
Jay	.66	Vigo	.66
Jefferson	.69	Wabash	.66
Jennings	.69	Warren	.65
Johnson	.66	Warrick	.68
Knox	.68	Washington	.68
Kosciusko	.66	Wayne	.66
Lagrange	.67	Wells	.66
Lake	.66	White	.66
La Porte	.67	Whitley	.66

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.65	Dickinson	$0.63
Adams	.65	Dubuque	.65
Allamakee	.65	Emmet	.63
Appanoose	.65	Fayette	.65
Audubon	.64	Floyd	.64
Benton	.65	Franklin	.64
Black Hawk	.65	Fremont	.65
Boone	.64	Greene	.64
Bremer	.65	Grundy	.64
Buchanan	.65	Guthrie	.64
Buena Vista	.64	Hamilton	.64
Butler	.64	Hancock	.64
Calhoun	.64	Hardin	.64
Carroll	.64	Harrison	.64
Cass	.65	Henry	.65
Cedar	.65	Howard	.65
Cerro Gordo	.64	Humboldt	.64
Cherokee	.63	Ida	.63
Chickasaw	.65	Iowa	.65
Clarke	.65	Jackson	.65
Clay	.64	Jasper	.64
Clayton	.65	Jefferson	.65
Clinton	.65	Johnson	.65
Crawford	.63	Jones	.65
Dallas	.64	Keokuk	.65
Davis	.66	Kossuth	.64
Decatur	.65	Lee	.65
Delaware	.65	Linn	.65
Des Moines	.65	Louisa	.65

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Lucas	$0.65	Ringgold	$0.65
Lyon	.62	Sac	.64
Madison	.65	Scott	.65
Mahaska	.65	Shelby	.64
Marion	.65	Sioux	.62
Marshall	.64	Story	.64
Mills	.65	Tama	.64
Mitchell	.64	Taylor	.65
Monona	.63	Union	.65
Monroe	.65	Van Buren	.65
Montgomery	.65	Wapello	.65
Muscatine	.65	Warren	.65
O'Brien	.63	Washington	.65
Osceola	.62	Wayne	.65
Page	.65	Webster	.64
Palo Alto	.64	Winnebago	.64
Plymouth	.63	Winneshiek	.65
Pocahontas	.64	Woodbury	.63
Polk	.64	Worth	.64
Pottawattamie	.65	Wright	.64
Poweshiek	.64		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.68	Linn	$0.68
Anderson	.68	Logan	.69
Atchison	.68	Lyon	.68
Barber	.71	McPherson	.69
Barton	.69	Marion	.69
Bourbon	.69	Marshall	.67
Brown	.67	Meade	.71
Butler	.70	Miami	.68
Chase	.69	Mitchell	.67
Chautauqua	.70	Montgomery	.70
Cherokee	.70	Morris	.68
Cheyenne	.68	Morton	.71
Clark	.71	Nemaha	.67
Clay	.67	Neosho	.69
Cloud	.67	Ness	.69
Coffey	.68	Norton	.67
Comanche	.71	Osage	.68
Cowley	.70	Osborne	.67
Crawford	.69	Ottawa	.67
Decatur	.67	Pawnee	.69
Dickinson	.68	Phillips	.66
Doniphan	.68	Pottawatomie	.67
Douglas	.68	Pratt	.70
Edwards	.69	Rawlins	.68
Elk	.69	Reno	.69
Ellis	.68	Republic	.66
Ellsworth	.68	Rice	.69
Finney	.70	Riley	.67
Ford	.70	Rooks	.67
Franklin	.68	Rush	.69
Geary	.68	Russell	.68
Gove	.69	Saline	.68
Graham	.68	Scott	.69
Grant	.70	Sedgwick	.70
Gray	.70	Seward	.71
Greeley	.69	Shawnee	.68
Greenwood	.69	Sheridan	.68
Hamilton	.70	Sherman	.68
Harper	.71	Smith	.66
Harvey	.69	Stafford	.69
Haskell	.70	Stanton	.70
Hodgeman	.69	Stevens	.71
Jackson	.68	Sumner	.71
Jefferson	.68	Thomas	.68
Jewell	.66	Trego	.68
Johnson	.69	Wabaunsee	.68
Kearny	.70	Wallace	.69
Kingman	.70	Washington	.66
Kiowa	.70	Wichita	.69
Labette	.70	Wilson	.69
Lane	.69	Woodson	.68
Leavenworth	.69	Wyandotte	.69
Lincoln	.67		

KENTUCKY

County	Rate per bushel
All Counties	$0.74

LOUISIANA

Parish	Rate per bushel
All Parishes	$0.74

MAINE

County	Rate per bushel
All Counties	$0.72

MARYLAND

County	Rate per bushel
All Counties	$0.73

MASSACHUSETTS

County	Rate per bushel
All Counties	$0.72

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.65	Keweenaw	$0.66
Alger	.67	Lake	.67
Allegan	.67	Lapeer	.65
Alpena	.65	Leelanau	.66
Antrim	.66	Lenawee	.67
Arenac	.65	Livingston	.66
Baraga	.66	Luce	.67
Barry	.67	Mackinac	.67
Bay	.65	Macomb	.66
Benzie	.66	Mainstee	.67
Berrien	.66	Marquette	.66
Branch	.66	Mason	.67
Calhoun	.66	Mecosta	.66
Cass	.66	Menominee	.66
Charlevoix	.66	Midland	.65
Cheboygan	.66	Missaukee	.66
Chippewa	.67	Monroe	.67
Clare	.66	Montcalm	.66
Clinton	.66	Montmorency	.65
Crawford	.65	Muskegon	.67
Delta	.66	Newaygo	.67
Dickinson	.66	Oakland	.66
Eaton	.66	Oceana	.67
Emmet	.66	Ogemaw	.65
Genesee	.65	Ontonagon	.66
Gladwin	.65	Osceola	.66
Gogebic	.66	Oscoda	.65
Grand Traverse	.66	Otsego	.66
Gratiot	.66	Ottawa	.67
Hillsdale	.67	Presque Isle	.65
Houghton	.66	Roscommon	.65
Huron	.65	Saginaw	.65
Ingham	.66	Saint Clair	.66
Ionia	.66	Saint Joseph	.66
Iosco	.65	Sanilac	.65
Iron	.66	Schoolcraft	.67
Isabella	.66	Shiawassee	.65
Jackson	.66	Tuscola	.65
Kalamazoo	.67	Van Buren	.67
Kalkaska	.66	Washtenaw	.66
Kent	.67	Wayne	.66
		Wexford	.67

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.61	Jackson	$0.61
Anoka	.63	Kanabec	.62
Becker	.57	Kandiyohi	.61
Beltrami	.56	Kittson	.54
Benton	.61	Koochiching	.58
Big Stone	.58	Lac Qui Parle	.59
Blue Earth	.62	Lake	.63
Brown	.61	Lake of the Woods	.56
Carlton	.62	Le Sueur	.62
Carver	.63	Lincoln	.59
Cass	.59	Lyon	.59
Chippewa	.59	McLeod	.62
Chisago	.63	Mahnomen	.56
Clay	.56	Marshall	.55
Clearwater	.56	Martin	.61
Cook	.63	Meeker	.61
Cottonwood	.60	Mille Lacs	.61
Crow Wing	.60	Morrison	.60
Dakota	.63	Mower	.62
Dodge	.62	Murray	.59
Douglas	.59	Nicollet	.62
Faribault	.62	Nobles	.60
Fillmore	.63	Norman	.55
Freeborn	.62	Olmsted	.62
Goodhue	.62	Otter Tail	.58
Grant	.58	Pennington	.55
Hennepin	.63	Pine	.62
Houston	.63	Pipestone	.59
Hubbard	.58	Polk	.55
Isanti	.62	Pope	.59
Itasca	.59		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Ramsey	$0.63	Swift	$0.59
Red Lake	.55	Todd	.60
Redwood	.60	Traverse	.57
Renville	.61	Wabasha	.62
Rice	.62	Wadena	.59
Rock	.60	Waseca	.63
Roseau	.55	Washington	.63
Saint Louis	.62	Watonwan	.61
Scott	.63	Wilkin	.57
Sherburne	.62	Winona	.63
Sibley	.62	Wright	.62
Stearns	.61	Yellow Medicine	.59
Steele	.62		
Stevens	.58		

MISSISSIPPI

County	Rate per bushel
All counties	$0.73

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.67	Linn	$0.68
Andrew	.67	Livingston	.68
Atchison	.66	McDonald	.70
Audrain	.66	Macon	.67
Barry	.70	Madison	.69
Barton	.69	Maries	.69
Bates	.68	Marion	.65
Benton	.68	Mercer	.68
Bollinger	.69	Miller	.69
Boone	.68	Mississippi	.68
Buchanan	.69	Moniteau	.69
Butler	.69	Monroe	.66
Caldwell	.69	Montgomery	.68
Callaway	.68	Morgan	.69
Camden	.69	New Madrid	.69
Cape Girardeau	.68	Newton	.69
Carroll	.68	Nodaway	.66
Carter	.69	Oregon	.70
Cass	.68	Osage	.69
Cedar	.68	Ozark	.70
Charlton	.68	Pemiscot	.69
Christian	.70	Perry	.68
Clark	.65	Pettis	.69
Clay	.69	Phelps	.69
Clinton	.69	Pike	.65
Cole	.69	Platte	.69
Cooper	.69	Polk	.68
Crawford	.69	Pulaski	.69
Dade	.68	Putnam	.67
Dallas	.69	Ralls	.65
Daviess	.68	Randolph	.67
De Kalb	.68	Ray	.69
Dent	.69	Reynolds	.69
Douglas	.70	Ripley	.70
Dunklin	.69	Saint Charles	.67
Franklin	.69	Saint Clair	.68
Gasconade	.69	Sainte Genevieve	.68
Gentry	.67	St. Francois	.69
Greene	.69	Saint Louis	.68
Grundy	.67	Saline	.68
Harrison	.67	Schuyler	.67
Henry	.68	Scotland	.66
Hickory	.68	Scott	.68
Holt	.67	Shannon	.69
Howard	.68	Shelby	.66
Howell	.70	Stoddard	.69
Iron	.69	Stone	.70
Jackson	.68	Sullivan	.67
Jasper	.69	Taney	.70
Jefferson	.68	Texas	.69
Johnson	.68	Vernon	.68
Knox	.66	Warren	.68
Laclede	.69	Washington	.69
Lafayette	.68	Wayne	.69
Lawrence	.69	Webster	.69
Lewis	.65	Worth	.66
Lincoln	.67	Wright	.69

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.64	Carter	$0.56
Big Horn	.58	Cascade	.59
Blaine	.55	Chouteau	.57
Broadwater	.60	Custer	.55
Carbon	.59	Daniels	.52

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Dawson	$0.52	Musselshell	$0.57
Deer Lodge	.62	Park	.60
Fallon	.53	Petroleum	.56
Fergus	.57	Phillips	.54
Flathead	.62	Pondera	.58
Gallatin	.60	Powder River	.57
Garfield	.54	Powell	.62
Glacier	.59	Prairie	.54
Golden Valley	.58	Ravalli	.63
Granite	.63	Richland	.52
Hill	.56	Roosevelt	.51
Jefferson	.61	Rosebud	.56
Judity Basin	.58	Sanders	.64
Lake	.63	Sheridan	.51
Lewis and Clark	.61	Silver Bow	.62
Liberty	.57	Stillwater	.59
Lincoln	.64	Sweet Grass	.59
McCone	.53	Teton	.58
Madison	.62	Toole	.58
Meagher	.59	Treasure	.57
Mineral	.64	Valley	.53
Missoula	.63	Wheatland	.58
		Wilbaux	.58
		Yellowstone	.59

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.64	Jefferson	$0.65
Antelope	.61	Johnson	.66
Arthur	.62	Kearney	.64
Banner	.62	Keith	.63
Blaine	.61	Keya Paha	.60
Boone	.62	Kimball	.63
Box Butte	.62	Knox	.61
Boyd	.60	Lancaster	.65
Brown	.61	Lincoln	.63
Buffalo	.63	Logan	.62
Burt	.63	Loup	.61
Butler	.64	McPherson	.62
Cass	.65	Madison	.62
Cedar	.62	Merrick	.62
Chase	.65	Morrill	.62
Cherry	.61	Nance	.62
Cheyenne	.63	Namaha	.66
Clay	.64	Nuckolls	.65
Colfax	.63	Otoe	.65
Cuming	.63	Pawnee	.66
Custer	.62	Perkins	.64
Dakota	.63	Phelps	.64
Dawes	.62	Pierce	.61
Dawson	.63	Platte	.62
Deuel	.63	Polk	.63
Dixon	.63	Red Willow	.65
Dodge	.64	Richardson	.66
Douglas	.65	Rock	.61
Dundy	.66	Saline	.65
Fillmore	.64	Sarpy	.65
Franklin	.65	Saunders	.65
Frontier	.64	Scotts Bluff	.62
Furnas	.65	Seward	.64
Gage	.66	Sheridan	.62
Garden	.62	Sherman	.62
Garfield	.61	Sioux	.62
Gosper	.64	Stanton	.62
Grant	.61	Thayer	.65
Greeley	.62	Thomas	.61
Hall	.63	Thurston	.63
Hamilton	.63	Valley	.62
Harlan	.65	Washington	.64
Hayes	.65	Wayne	.62
Hitchcock	.66	Webster	.65
Holt	.61	Wheeler	.61
Hooker	.61	York	.63
Howard	.62		

NEVADA

County	Rate per bushel
All counties	$0.79

NEW HAMPSHIRE

County	Rate per bushel
All counties	$0.72

NEW JERSEY

County	Rate per bushel
All counties	$0.73

NEW MEXICO

County	Rate per bushel
All counties	$0.76

NEW YORK

County	Rate per bushel
All counties	$0.74

NORTH CAROLINA

County	Rate per bushel
All counties	$0.74

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.52	McLean	$0.50
Barnes	.54	Mercer	.50
Benson	.52	Mountrail	.49
Billings	.51	Morton	.51
Bottineau	.50	Nelson	.53
Bowman	.52	Oliver	.51
Burke	.49	Pembina	.52
Burleigh	.52	Pierce	.51
Cass	.54	Ramsey	.52
Cavalier	.52	Ransom	.54
Dickey	.54	Renville	.50
Divide	.49	Richland	.55
Dunn	.50	Rolette	.50
Eddy	.53	Sargent	.54
Emmons	.52	Sheridan	.51
Foster	.53	Sioux	.52
Golden Valley	.51	Slope	.51
Grand Forks	.53	Stark	.51
Grant	.51	Steele	.53
Griggs	.53	Stutsman	.54
Hettinger	.51	Towner	.51
Kidder	.53	Traill	.53
La Moure	.54	Walsh	.52
Logan	.53	Ward	.50
McHenry	.50	Wells	.52
McIntoch	.53	Williams	.49
McKenzie	.50		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.72	Licking	$0.69
Allen	.68	Logan	.69
Ashland	.69	Lorain	.70
Ashtabula	.73	Lucas	.68
Athens	.73	Madison	.69
Augulaize	.68	Mahoning	.73
Belmont	.74	Marion	.69
Brown	.71	Medina	.71
Butler	.68	Meigs	.73
Carroll	.73	Mercer	.66
Champaign	.69	Miami	.68
Clark	.69	Monroe	.74
Clermont	.70	Montgomery	.68
Clinton	.70	Morgan	.73
Columbiana	.73	Morrow	.69
Coshocton	.71	Muskingum	.72
Crawford	.69	Noble	.73
Cuyahoga	.71	Ottawa	.69
Darke	.67	Paulding	.67
Defiance	.67	Perry	.71
Delaware	.69	Pickaway	.69
Erie	.69	Pike	.72
Fairfield	.69	Portage	.72
Fayette	.69	Preble	.67
Franklin	.69	Putnam	.68
Fulton	.68	Richland	.69
Gallia	.73	Ross	.70
Geauga	.72	Sandusky	.69
Greene	.69	Scioto	.72
Guernsey	.73	Seneca	.69
Hamilton	.69	Shelby	.68
Hancock	.68	Stark	.72
Hardin	.68	Summit	.71
Harrison	.73	Trumbull	.73
Henry	.68	Tuscarawas	.72
Highland	.71	Union	.69
Hocking	.71	Van Wert	.67
Holmes	.71	Vinton	.72
Huron	.69	Warren	.69
Jackson	.72	Washington	.74
Jefferson	.74	Wayne	.71
Knox	.69	Williams	.68
Lake	.72	Wood	.68
Lawrence	.72	Wyandot	.69

OKLAHOMA

County	Rate per bushel
All counties	$0.72

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.68	Lake	$0.70
Benton	.73	Lane	.72
Clackamas	.73	Lincoln	.73
Clatsop	.73	Linn	.72
Columbia	.73	Malheur	.68
Coos	.72	Marion	.73
Crook	.71	Morrow	.70
Curry	.72	Multnomah	.73
Deschutes	.71	Polk	.73
Douglas	.72	Sherman	.71
Gilliam	.71	Tillamook	.73
Grant	.70	Umatilla	.69
Harney	.69	Union	.69
Hood River	.73	Wallowa	.68
Jackson	.72	Wasco	.71
Jefferson	.71	Washington	.73
Josephine	.72	Wheeler	.71
Klamath	.70	Yamhill	.73

PENNSYLVANIA

County	Rate per bushel
All counties	$0.74

RHODE ISLAND

County	Rate per bushel
All counties	$0.72

SOUTH CAROLINA

County	Rate per bushel
All counties	$0.74

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.57	Jackson	$0.56
Beadle	.57	Jerauld	.57
Bennett	.57	Jones	.56
Bon Homme	.59	Kingsbury	.57
Brookings	.58	Lake	.57
Brown	.55	Lawrence	.55
Brule	.57	Lincoln	.60
Buffalo	.57	Lyman	.56
Butte	.55	McCook	.58
Campbell	.54	McPherson	.54
Charles Mix	.58	Marshall	.55
Clark	.56	Meade	.55
Clay	.61	Mellette	.57
Codington	.57	Miner	.57
Corson	.54	Minnehaha	.59
Custer	.58	Moody	.58
Davison	.57	Pennington	.56
Day	.56	Perkins	.54
Deuel	.58	Potter	.55
Dewey	.55	Roberts	.56
Douglas	.58	Sanborn	.57
Edmunds	.55	Shannon	.58
Fall River	.58	Spink	.56
Faulk	.55	Stanley	.56
Grant	.58	Sully	.56
Gregory	.57	Todd	.57
Haakon	.56	Tripp	.57
Hamlin	.57	Turner	.60
Hand	.56	Union	.61
Hanson	.57	Walworth	.55
Harding	.54	Washabaugh	.57
Hughes	.56	Yankton	.60
Hutchinson	.59	Ziebach	.55
Hyde	.56		

TENNESSEE

County	Rate per bushel
All counties	$0.74

TEXAS

County	Rate per bushel
All counties	$0.74

UTAH

County	Rate per bushel
All counties	$0.76

VERMONT

County	Rate per bushel
All counties	$0.72

VIRGINIA

County	Rate per bushel
All counties	$0.73

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.68	Lewis	$0.73
Asotin	.68	Lincoln	.68
Benton	.70	Mason	.73
Chelan	.71	Okanogan	.71
Clallam	.73	Pacific	.73
Clark	.73	Pend Oreille	.66
Columbia	.68	Pierce	.73
Cowlitz	.73	San Juan	.73
Douglas	.70	Skagit	.73
Ferry	.69	Skamania	.73
Franklin	.68	Snohomish	.73
Garfield	.68	Spokane	.67
Grant	.69	Stevens	.67
Grays Harbor	.73	Thurston	.73
Island	.73	Wahkiakum	.73
Jefferson	.73	Walla Walla	.68
King	.73	Whatcom	.73
Kitsap	.73	Whitman	.67
Kittitas	.71	Yakima	.71
Klickitat	.71		

WEST VIRGINIA

County	Rate per bushel
All counties	$0.74

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	Marathon	$0.65
Ashland	.65	Marinette	.66
Barron	.63	Marquette	.65
Bayfield	.64	Menominee	.65
Brown	.64	Milwaukee	.67
Buffalo	.63	Monroe	.65
Burnett	.63	Oconto	.65
Calumet	.64	Oneida	.66
Chippewa	.64	Outagamie	.64
Clark	.64	Ozaukee	.66
Columbia	.65	Pepin	.63
Crawford	.66	Pierce	.63
Dane	.66	Polk	.63
Dodge	.65	Portage	.65
Door	.64	Price	.65
Douglas	.63	Racine	.67
Dunn	.64	Richland	.66
Eau Claire	.64	Rock	.66
Florence	.66	Rusk	.64
Fon du Lac	.64	Saint Croix	.63
Forest	.66	Sauk	.66
Grant	.66	Sawyer	.64
Green	.66	Shawano	.65
Green Lake	.65	Sheboygan	.65
Iowa	.67	Taylor	.65
Iron	.66	Trempealeau	.64
Jackson	.65	Vernon	.65
Jefferson	.66	Vilas	.66
Juneau	.65	Walworth	.66
Kenosha	.67	Washburn	.63
Kewaunee	.64	Washington	.66
LaCrosse	.64	Waukesha	.67
Lafayette	.67	Waupaca	.65
Langlade	.65	Waushara	.65
Lincoln	.65	Winnebago	.64
Manitowoc	.64	Wood	.65

WYOMING

County	Rate per bushel
All counties	$0.66

(b) *Premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	3

[1] Premiums shall not be applicable to "badly stained or materially weathered oats."

Discounts—Continued

	Cents per bushel
Grade No. 4 because of being "badly stained or materially weathered"-	7
No. 4 on the factor of test weight and because of being "badly stained or materially weathered"-	10
Garlicky	3
Weed control discount (where required by § 1421.74)	10

Other Factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the oats such as (but not limited to) low test weight foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour stones, musty, smutty, weevily, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain a schedule of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1969.

J-138 was being extended from San Antonio, Tex., direct to Humble, Tex., whereas it should have been extended from San Antonio direct to Houston, Tex., as proposed in the notice. Accordingly, action is taken herein to correct this discrepancy.

Since this action is taken to bring the final rule in conformity with the proposal in NPRM 68-SW-54, no further notice is necessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69-3959 (34 F.R. 6079), is amended, effective immediately, as follows:

Item 2, paragraph g., is amended to read:

g. In the caption Jet Route No. 138 "San Antonio, Tex." is deleted and "Houston, Tex." is substituted therefor, and in the text Jet Route No. 138 "To San Antonio, Tex." is deleted and "San Antonio, Tex., to Houston, Tex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, as amended (80 Stat. 937; 49 U.S.C. 1655(c)))

It is ordered, That respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 69-5759; Filed, May 14, 1969, 8:46 a.m.]

[Docket No. C-1622]

PART 13—PROHIBITED TRADE PRACTICES

Frank Chaimovits and Atlas Quilting Corp.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: § 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition. Subpart—Misbranding or mislabeling: § 13.1185-65 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185-95 Wool Products Labeling Act of 1939.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The Seeburg Corporation, Chicago, Ill., Docket 8682, April 10, 1969]

Order requiring a Chicago, Ill., manufacturer of vending machines to divest itself of a Chattanooga, Tenn., company in the same business, and refrain for a period of 10 years from acquiring any domestic vending equipment supplier without prior Commission approval.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

A. *It is ordered*, That respondent, The Seeburg Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date of service of this order, shall divest absolutely and in good faith all stock, assets, properties, rights and privileges, tangible or intangible, including but not limited to, all properties, plants, machinery, equipment, trade names, contract rights, patents, trademarks and good will acquired by The Seeburg Corp., of the assets

MAINE

County	Rate per bushel
All Counties	$0.72

MARYLAND

County	Rate per bushel
All Counties	$0.73

MASSACHUSETTS

County	Rate per bushel
All Counties	$0.72

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.65	Keweenaw	$0.66
Alger	.67	Lake	.67
Allegan	.67	Lapeer	.65
Alpena	.65	Leelanau	.66
Antrim	.66	Lenawee	.67
Arenac	.65	Livingston	.66
Baraga	.66	Luce	.67
Barry	.67	Mackinac	.67
Bay	.65	Macomb	.66
Benzie	.66	Mainstee	.67
Berrien	.66	Marquette	.66
Branch	.66	Mason	.67
Calhoun	.66	Mecosta	.66
Cass	.66	Menominee	.66
Charlevoix	.66	Midland	.65
Cheboygan	.66	Missaukee	.66
Chippewa	.67	Monroe	.67
Clare	.66	Montcalm	.66
Clinton	.66	Montmorency	.65
Crawford	.65	Muskegon	.67
Delta	.66	Newaygo	.67
Dickinson	.66	Oakland	.66
Eaton	.66	Oceana	.67
Emmet	.66	Ogemaw	.65
Genesee	.65	Ontonagon	.66
Gladwin	.65	Osceola	.66
Gogebic	.66	Oscoda	.65
Grand Traverse	.66	Otsego	.66
Gratiot	.66	Ottawa	.67
Hillsdale	.67	Presque Isle	.65
Houghton	.66	Roscommon	.65
Huron	.65	Saginaw	.65
Ingham	.66	Saint Clair	.66
Ionia	.66	Saint Joseph	.66
Iosco	.65	Sanilac	.65
Iron	.66	Schoolcraft	.67
Isabella	.66	Shiawassee	.65
Jackson	.66	Tuscola	.65
Kalamazoo	.67	Van Buren	.67
Kalkaska	.66	Washtenaw	.66
Kent	.67	Wayne	.66
		Wexford	.67

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.61	Jackson	$0.61
Anoka	.63	Kanabec	.62
Becker	.57	Kandiyohi	.61
Beltrami	.56	Kittson	.54
Benton	.61	Koochiching	.58
Big Stone	.58	Lac Qui Parle	.59
Blue Earth	.62	Lake	.63
Brown	.61	Lake of the Woods	.56
Carlton	.62	Le Sueur	.62
Carver	.63	Lincoln	.59
Cass	.59	Lyon	.59
Chippewa	.59	McLeod	.62
Chisago	.63	Mahnomen	.56
Clay	.56	Marshall	.55
Clearwater	.56	Martin	.61
Cook	.63	Meeker	.61
Cottonwood	.60	Mille Lacs	.61
Crow Wing	.60	Morrison	.60
Dakota	.63	Mower	.62
Dodge	.62	Murray	.59
Douglas	.59	Nicollet	.62
Faribault	.62	Nobles	.60
Fillmore	.63	Norman	.55
Freeborn	.62	Olmsted	.62
Goodhue	.62	Otter Tail	.58
Grant	.58	Pennington	.55
Hennepin	.63	Pine	.62
Houston	.63	Pipestone	.59
Hubbard	.58	Polk	.55
Isanti	.62	Pope	.59
Itasca	.59		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Ramsey	$0.63	Swift	$0.59
Red Lake	.55	Todd	.60
Redwood	.60	Traverse	.57
Renville	.61	Wabasha	.62
Rice	.62	Wadena	.59
Rock	.60	Waseca	.63
Roseau	.55	Washington	.63
Saint Louis	.62	Watonwan	.61
Scott	.63	Wilkin	.57
Sherburne	.62	Winona	.63
Sibley	.62	Wright	.62
Stearns	.61	Yellow Medicine	.59
Steele	.62		
Stevens	.58		

MISSISSIPPI

County	Rate per bushel
All counties	$0.73

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.67	Linn	$0.68
Andrew	.67	Livingston	.68
Atchison	.66	McDonald	.70
Audrain	.66	Macon	.67
Barry	.70	Madison	.69
Barton	.69	Maries	.69
Bates	.68	Marion	.65
Benton	.68	Mercer	.68
Bollinger	.69	Miller	.69
Boone	.68	Mississippi	.68
Buchanan	.69	Moniteau	.69
Butler	.69	Monroe	.66
Caldwell	.69	Montgomery	.68
Callaway	.68	Morgan	.69
Camden	.69	New Madrid	.69
Cape Girardeau	.68	Newton	.69
Carroll	.68	Nodaway	.66
Carter	.69	Oregon	.70
Cass	.68	Osage	.69
Cedar	.68	Ozark	.70
Charlton	.68	Pemiscot	.69
Christian	.70	Perry	.68
Clark	.65	Pettis	.69
Clay	.69	Phelps	.69
Clinton	.69	Pike	.65
Cole	.69	Platte	.69
Cooper	.69	Polk	.68
Crawford	.69	Pulaski	.69
Dade	.68	Putnam	.67
Dallas	.69	Ralls	.65
Daviess	.68	Randolph	.67
De Kalb	.68	Ray	.69
Dent	.69	Reynolds	.69
Douglas	.70	Ripley	.70
Dunklin	.69	Saint Charles	.67
Franklin	.69	Saint Clair	.68
Gasconade	.69	Sainte Genevieve	.68
Gentry	.67	St. Francois	.69
Greene	.69	Saint Louis	.68
Grundy	.67	Saline	.68
Harrison	.67	Schuyler	.67
Henry	.68	Scotland	.66
Hickory	.68	Scott	.68
Holt	.67	Shannon	.69
Howard	.68	Shelby	.66
Howell	.70	Stoddard	.69
Iron	.69	Stone	.70
Jackson	.68	Sullivan	.67
Jasper	.69	Taney	.70
Jefferson	.68	Texas	.69
Johnson	.68	Vernon	.68
Knox	.66	Warren	.68
Laclede	.69	Washington	.69
Lafayette	.68	Wayne	.69
Lawrence	.69	Webster	.69
Lewis	.65	Worth	.66
Lincoln	.67	Wright	.69

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.64	Carter	$0.56
Big Horn	.58	Cascade	.59
Blaine	.55	Chouteau	.57
Broadwater	.60	Custer	.55
Carbon	.59	Daniels	.52

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Dawson	$0.52	Musselshell	$0.57
Deer Lodge	.62	Park	.60
Fallon	.53	Petroleum	.56
Fergus	.57	Phillips	.54
Flathead	.62	Pondera	.58
Gallatin	.60	Powder River	.57
Garfield	.54	Powell	.62
Glacier	.59	Prairie	.54
Golden Valley	.58	Ravalli	.63
Granite	.63	Richland	.52
Hill	.56	Roosevelt	.51
Jefferson	.61	Rosebud	.56
Judity Basin	.58	Sanders	.64
Lake	.63	Sheridan	.51
Lewis and Clark	.61	Silver Bow	.62
Liberty	.57	Stillwater	.59
Lincoln	.64	Sweet Grass	.59
McCone	.53	Teton	.58
Madison	.62	Toole	.58
Meagher	.59	Treasure	.57
Mineral	.64	Valley	.53
Missoula	.63	Wheatland	.58
		Wilbaux	.58
		Yellowstone	.59

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.64	Jefferson	$0.65
Antelope	.61	Johnson	.66
Arthur	.62	Kearney	.64
Banner	.62	Keith	.63
Blaine	.61	Keya Paha	.60
Boone	.62	Kimball	.63
Box Butte	.62	Knox	.61
Boyd	.60	Lancaster	.65
Brown	.61	Lincoln	.63
Buffalo	.63	Logan	.62
Burt	.63	Loup	.61
Butler	.64	McPherson	.62
Cass	.65	Madison	.62
Cedar	.62	Merrick	.62
Chase	.65	Morrill	.62
Cherry	.61	Nance	.62
Cheyenne	.63	Namaha	.66
Clay	.64	Nuckolls	.65
Colfax	.63	Otoe	.65
Cuming	.63	Pawnee	.66
Custer	.62	Perkins	.64
Dakota	.63	Phelps	.64
Dawes	.62	Pierce	.61
Dawson	.63	Platte	.62
Deuel	.63	Polk	.63
Dixon	.63	Red Willow	.65
Dodge	.64	Richardson	.66
Douglas	.65	Rock	.61
Dundy	.66	Saline	.65
Fillmore	.64	Sarpy	.65
Franklin	.65	Saunders	.65
Frontier	.64	Scotts Bluff	.62
Furnas	.65	Seward	.64
Gage	.66	Sheridan	.62
Garden	.62	Sherman	.62
Garfield	.61	Sioux	.62
Gosper	.64	Stanton	.62
Grant	.61	Thayer	.65
Greeley	.62	Thomas	.61
Hall	.63	Thurston	.63
Hamilton	.63	Valley	.62
Harlan	.65	Washington	.64
Hayes	.65	Wayne	.62
Hitchcock	.66	Webster	.65
Holt	.61	Wheeler	.61
Hooker	.61	York	.63
Howard	.62		

NEVADA

County	Rate per bushel
All counties	$0.79

NEW HAMPSHIRE

County	Rate per bushel
All counties	$0.72

NEW JERSEY

County	Rate per bushel
All counties	$0.73

NEW MEXICO

County	Rate per bushel
All counties	$0.76

NEW YORK

County	Rate per bushel
All counties	$0.74

NORTH CAROLINA

County	Rate per bushel
All counties	$0.74

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.52	McLean	$0.50
Barnes	.54	Mercer	.50
Benson	.52	Mountrail	.49
Billings	.51	Morton	.51
Bottineau	.50	Nelson	.53
Bowman	.52	Oliver	.51
Burke	.49	Pembina	.52
Burleigh	.52	Pierce	.51
Cass	.54	Ramsey	.52
Cavalier	.52	Ransom	.54
Dickey	.54	Renville	.50
Divide	.49	Richland	.55
Dunn	.50	Rolette	.50
Eddy	.53	Sargent	.54
Emmons	.52	Sheridan	.51
Foster	.53	Sioux	.52
Golden Valley	.51	Slope	.51
Grand Forks	.53	Stark	.51
Grant	.51	Steele	.53
Griggs	.53	Stutsman	.54
Hettinger	.51	Towner	.51
Kidder	.53	Traill	.53
La Moure	.54	Walsh	.52
Logan	.53	Ward	.50
McHenry	.50	Wells	.52
McIntoch	.53	Williams	.49
McKenzie	.50		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.72	Licking	$0.69
Allen	.68	Logan	.69
Ashland	.69	Lorain	.70
Ashtabula	.73	Lucas	.68
Athens	.73	Madison	.69
Augulaize	.68	Mahoning	.73
Belmont	.74	Marion	.69
Brown	.71	Medina	.71
Butler	.68	Meigs	.73
Carroll	.73	Mercer	.66
Champaign	.69	Miami	.68
Clark	.69	Monroe	.74
Clermont	.70	Montgomery	.68
Clinton	.70	Morgan	.73
Columbiana	.73	Morrow	.69
Coshocton	.71	Muskingum	.72
Crawford	.69	Noble	.73
Cuyahoga	.71	Ottawa	.69
Darke	.67	Paulding	.67
Defiance	.67	Perry	.71
Delaware	.69	Pickaway	.69
Erie	.69	Pike	.72
Fairfield	.69	Portage	.72
Fayette	.69	Preble	.67
Franklin	.69	Putnam	.68
Fulton	.68	Richland	.69
Gallia	.73	Ross	.70
Geauga	.72	Sandusky	.69
Greene	.69	Scioto	.72
Guernsey	.73	Seneca	.69
Hamilton	.69	Shelby	.68
Hancock	.68	Stark	.72
Hardin	.68	Summit	.71
Harrison	.73	Trumbull	.73
Henry	.68	Tuscarawas	.72
Highland	.71	Union	.69
Hocking	.71	Van Wert	.67
Holmes	.71	Vinton	.72
Huron	.69	Warren	.69
Jackson	.72	Washington	.74
Jefferson	.74	Wayne	.71
Knox	.69	Williams	.68
Lake	.72	Wood	.68
Lawrence	.72	Wyandot	.69

OKLAHOMA

County	Rate per bushel
All counties	$0.72

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.68	Lake	$0.70
Benton	.73	Lane	.72
Clackamas	.73	Lincoln	.73
Clatsop	.73	Linn	.72
Columbia	.73	Malheur	.68
Coos	.72	Marion	.73
Crook	.71	Morrow	.70
Curry	.72	Multnomah	.73
Deschutes	.71	Polk	.73
Douglas	.72	Sherman	.71
Gilliam	.71	Tillamook	.73
Grant	.70	Umatilla	.69
Harney	.69	Union	.69
Hood River	.73	Wallowa	.68
Jackson	.72	Wasco	.71
Jefferson	.71	Washington	.73
Josephine	.72	Wheeler	.71
Klamath	.70	Yamhill	.73

PENNSYLVANIA

County	Rate per bushel
All counties	$0.74

RHODE ISLAND

County	Rate per bushel
All counties	$0.72

SOUTH CAROLINA

County	Rate per bushel
All counties	$0.74

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.57	Jackson	$0.56
Beadle	.57	Jerauld	.57
Bennett	.57	Jones	.56
Bon Homme	.59	Kingsbury	.57
Brookings	.58	Lake	.57
Brule	.57	Lawrence	.55
Buffalo	.57	Lincoln	.60
Butte	.55	Lyman	.56
Campbell	.54	McCook	.58
Charles Mix	.58	McPherson	.54
Clark	.56	Marshall	.55
Clay	.61	Meade	.55
Codington	.57	Mellette	.57
Corson	.54	Miner	.57
Custer	.58	Minnehaha	.59
Davison	.57	Moody	.58
Day	.56	Pennington	.56
Deuel	.58	Perkins	.54
Dewey	.55	Potter	.55
Douglas	.58	Roberts	.56
Edmunds	.55	Sanborn	.57
Fall River	.58	Shannon	.58
Faulk	.55	Spink	.56
Grant	.58	Stanley	.56
Gregory	.57	Sully	.56
Haakon	.56	Todd	.57
Hamlin	.57	Tripp	.57
Hand	.56	Turner	.60
Hanson	.57	Union	.61
Harding	.54	Walworth	.56
Hughes	.56	Washabaugh	.57
Hutchinson	.59	Yankton	.60
Hyde	.56	Ziebach	.55

TENNESSEE

County	Rate per bushel
All counties	$0.74

TEXAS

County	Rate per bushel
All counties	$0.74

UTAH

County	Rate per bushel
All counties	$0.76

VERMONT

County	Rate per bushel
All counties	$0.72

VIRGINIA

County	Rate per bushel
All counties	$0.73

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.68	Lewis	$0.73
Asotin	.68	Lincoln	.68
Benton	.70	Mason	.73
Chelan	.71	Okanogan	.71
Clallam	.73	Pacific	.73
Clark	.73	Pend Oreille	.66
Columbia	.68	Pierce	.73
Cowlitz	.73	San Juan	.73
Douglas	.70	Skagit	.73
Ferry	.69	Skamania	.73
Franklin	.68	Snohomish	.73
Garfield	.68	Spokane	.67
Grant	.69	Stevens	.67
Grays Harbor	.73	Thurston	.73
Island	.73	Wahkiakum	.73
Jefferson	.73	Walla Walla	.68
King	.73	Whatcom	.73
Kitsap	.73	Whitman	.67
Kittitas	.71	Yakima	.71
Klickitat	.71		

WEST VIRGINIA

County	Rate per bushel
All counties	$0.74

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	Marathon	$0.65
Ashland	.65	Marinette	.66
Barron	.63	Marquette	.65
Bayfield	.64	Menominee	.65
Brown	.64	Milwaukee	.67
Buffalo	.63	Monroe	.65
Burnett	.63	Oconto	.65
Calumet	.64	Oneida	.66
Chippewa	.64	Outagamie	.64
Clark	.64	Ozaukee	.66
Columbia	.65	Pepin	.63
Crawford	.66	Pierce	.63
Dane	.66	Polk	.63
Dodge	.65	Portage	.65
Door	.64	Price	.65
Douglas	.63	Racine	.67
Dunn	.64	Richland	.66
Eau Claire	.64	Rock	.66
Florence	.66	Rusk	.64
Fon du Lac	.64	Saint Croix	.63
Forest	.66	Sauk	.66
Grant	.66	Sawyer	.64
Green	.66	Shawano	.65
Green Lake	.65	Sheboygan	.65
Iowa	.67	Taylor	.65
Iron	.66	Trempealeau	.64
Jackson	.65	Vernon	.65
Jefferson	.66	Vilas	.66
Juneau	.65	Walworth	.66
Kenosha	.67	Washburn	.63
Kewaunee	.64	Washington	.66
LaCrosse	.64	Waukesha	.67
Lafayette	.67	Waupaca	.65
Langlade	.65	Waushara	.65
Lincoln	.65	Winnebago	.64
Manitowoc	.64	Wood	.65

WYOMING

County	Rate per bushel
All counties	$0.66

(b) *Premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	3

[1] Premiums shall not be applicable to "badly stained or materially weathered oats."

Discounts—Continued

	Cents per bushel
Grade No. 4 because of being "badly stained or materially weathered"	7
No. 4 on the factor of test weight and because of being "badly stained or materially weathered"	10
Garlicky	3
Weed control discount (where required by § 1421.74)	10

Other Factors: Amounts determined by COC to represent market discounts for quality factors not specified above which affect the value of the oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-5736; Filed, May 14, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-SO-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Revocation of Transition Areas

Correction

In F.R. Doc. 69-5182 appearing at page 7123 in the issue of Thursday, May 1, 1969, the agency bracket should read as set forth above.

[Airspace Docket No. 68-SW-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Designation of Federal Airways and Jet Routes; Amendment

On April 4, 1969, F.R. Doc. 69-3959 was published in the FEDERAL REGISTER (34 F.R. 6079) that amended Parts 71 and 75 of the Federal Aviation Regulations. These amendments will become effective May 29, 1969.

In Item No. 2, paragraph g., Jet Route No. 138 was altered. In this alteration of J-138 it was inadvertently stated that J-138 was being extended from San Antonio, Tex., direct to Humble, Tex., whereas it should have been extended from San Antonio direct to Houston, Tex., as proposed in the notice. Accordingly, action is taken herein to correct this discrepancy.

Since this action is taken to bring the final rule in conformity with the proposal in NPRM 68-SW-54, no further notice is necessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69-3959 (34 F.R. 6079), is amended, effective immediately, as follows:

Item 2, paragraph g., is amended to read:

g. In the caption Jet Route No. 138 "San Antonio, Tex." is deleted and "Houston, Tex." is substituted therefor; and in the text Jet Route No. 138 "to San Antonio, Tex." is deleted and "San Antonio, Tex.; to Houston, Tex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 12, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-5786; Filed, May 14, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1521]

PART 13—PROHIBITED TRADE PRACTICES

Atlas Quilting Corp.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Atlas Quilting Corp., Brooklyn, N.Y., Docket C-1521, April 28, 1969]

Consent order requiring a former Brooklyn, N.Y., manufacturer of quilted interlining material to cease misbranding and falsely invoicing its merchandise and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain and preserve records of fiber content by textile fiber products manufactured by it, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

It is further ordered, That respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of quilted interlining materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5759; Filed, May 14, 1969; 8:46 a.m.]

[Docket No. C-1522]

PART 13—PROHIBITED TRADE PRACTICES

Frank Chaimovits and Atlas Quilting Corp.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Frank Chaimovits, Brooklyn, N.Y., Docket C-1522, April 28, 1969]

Consent order requiring a former official of a Brooklyn, N.Y., manufacturer of quilted lining material to cease misbranding and falsely invoicing his merchandise and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Frank Chaimovits, individually and as a former officer of Atlas Quilting Corp., a corporation, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Frank Chaimovits, individually and as a former officer of Atlas Quilting Corp., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain and preserve records of fiber content of textile fiber products manufactured by him, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

It is further ordered, That respondent Frank Chaimovits, individually and as a former officer of Atlas Quilting Corp., a corporation, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of quilted interlining materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5760; Filed, May 14, 1969; 8:46 a.m.]

[Docket No. 8682 o]

PART 13—PROHIBITED TRADE PRACTICES

Seeburg Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The Seeburg Corporation, Chicago, Ill., Docket 8682, April 10, 1969]

Order requiring a Chicago, Ill., manufacturer of vending machines to divest itself of a Chattanooga, Tenn., company in the same business, and refrain for a period of 10 years from acquiring any domestic vending equipment supplier without prior Commission approval.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

A. *It is ordered,* That respondent, The Seeburg Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date of service of this order, shall divest absolutely and in good faith, all stock, assets, properties, rights and privileges, tangible or intangible, including but not limited to, all properties, plants, machinery, equipment, trade names, contract rights, patents, trademarks, and good will acquired by The Seeburg Corp., as a result of the acquisition by The Seeburg Corp., of the assets of Cavalier Corp., together with all plants, machinery, buildings, land, improvements, equipment and other property of whatever description that has been added to or placed on the premises of the former Cavalier Corp., so as to restore Cavalier Corp., as a going concern and effective competitor in the manufacture and sale of bottle vending machines.

B. *It is further ordered,* That pending divestiture, respondent shall not make any changes in any of the plants, machinery, buildings, equipment, or other property of whatever description of the former Cavalier Corp., which shall impair its present capacity for the production, sale and distribution of vending machines, or its market value.

C. *It is further ordered,* That by such divestiture, none of the assets, properties, rights or privileges, described in paragraph A of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, The Seeburg Corp., or any subsidiary or affiliated corporations of The Seeburg Corp., or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of The Seeburg Corp., or to any purchaser who is not approved in advance by the Federal Trade Commission.

D. *It is further ordered,* That respondent shall for a period of ten (10) years from the date of service of this order, cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, all or any part of the share capital or other assets of any corporation engaged in the manufacture and/or sale of vending machines in the United States.

E. *It is further ordered,* That respondent shall submit to the Commission periodically, within thirty (30) days from the date of service of this order and

every ninety (90) days thereafter, a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until all such assets have been divested with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

F. *It is further ordered*, That respondent notify the Commission of the names and addresses of all persons, firms or corporations who shall express to respondent any interest in purchasing the assets to be divested under the terms of this order, within thirty (30) days after having been informed of such interest.

G. *It is further ordered*, That respondent's motion to withdraw this matter from adjudication be, and it hereby is, denied.

Issued: April 10, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5761; Filed, May 14, 1969; 8:46 a.m.]

[Docket No. 8757]

PART 13—PROHIBITED TRADE PRACTICES

Michael M. Turin and International Yardage Fair

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act. § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Michael M. Turin, Costa Mesa, Calif., Docket 8757, April 11, 1969]

Consent order requiring a Costa Mesa, Calif., retailer of fabrics to cease misbranding its textile fiber products by failing to disclose on labels when the fabrics are "remnants of undetermined fiber content".

The order to cease and desist is as follows:

It is ordered, That respondent Michael M. Turin, an individual formerly trading as International Yardage Fair, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to disclose the required fiber content information as to remnants of fabrics which are for practical purposes of unknown or undetermined fiber content that are displayed for sale at retail by labeling such remnants of fabrics as "remnants of undetermined fiber content" or, in lieu of such individual labeling, by using, in immediate conjunction with such display, a conspicuous sign reading "remnants of undetermined fiber content".

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: April 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5762; Filed, May 14, 1969; 8:46 a.m.]

[1] Commissioners Dixon and Elman believe that, in view of the changed conditions now existing in the vending machine industry, the public interest would be served by disposing of the case on the basis of the consent order settlement submitted by respondent.

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 82—SILVER COIN REGULATIONS

Revocation of Part

The Silver Coin Regulations are being revoked. This revocation terminates the prohibitions on the melting, treating or exporting from the United States of silver coin of the United States. These prohibitions applied to the silver dollar, the clad 40 percent silver half dollar, and the half dollar, quarter, and dime minted of silver nine-tenths fine. The revocation will not be retroactive and, therefore, will not operate to authorize any melting, treating, or exportation of silver coin which took place in violation of Part 82. Because the revocation relieves existing restrictions, it is found, in accordance with 5 U.S.C. 553, that notice and public procedure thereon are unnecessary.

Accordingly, Part 82, Chapter I of Title 31 of the Code of Federal Regulations, is revoked. This revocation shall not be deemed to authorize any previous melting, treating, or exportation prohibited by Part 82, and all penalties, forfeitures, and liabilities under the regulations of this part or other applicable laws shall continue and may be enforced as if such revocation had not been made.

Effective date. This revocation shall be effective immediately.

Dated: May 12, 1969.

PAUL W. EGGERS, *General Counsel.*

[F.R. Doc. 69-5789; Filed, May 14, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., is permitted only on the Sprague-Mather Pool. The open area, approximately 2,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing permitted June 1, 1969, through September 30, 1969.

(2) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1969.

DAVID J. BROWN, *Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.*

MAY 9, 1969.

[F.R. Doc. 69-5764; Filed, May 14, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 61]

COTTONSEED

Fees and Linters Factor

Notice is hereby given in accordance with the Administrative Procedure Provisions in 5 U.S.C. 553 that the Consumer and Marketing Service is considering amendment of § 61.45 of the Regulations for Cottonseed Sold or Offered for Sale for Crushing Purposes (7 CFR Part 61, Subpart A) to increase the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them from 40 cents to 50 cents and § 61.102(b) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR Part 61, Subpart B) to revise the table of premiums and discounts for total linters content of cottonseed, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; U.S.C. 1621 et seq.).

Statement of considerations. The cost of administering the cottonseed regulations has increased materially since the last adjustment in the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them. Consequently, it is necessary to increase this fee from 40 cents to 50 cents for each certificate.

Both a quantity index and a quality index are used in determining the grade of cottonseed. The quantity index is a measure of the amount of oil, protein, and linters available from the seed. It is proposed that the table of premiums and discounts for total linters content of cottonseed contained in § 61.102(b) for determining the quantity index of cottonseed be amended because changes in prices for linters and cottonseed oil and meal have increased the value of linters in relationship to other products of cottonseed from 1.0 percent to 1.5 percent.

It is proposed that paragraph (b) of § 61.102 be revised to read as follows:

§ 61.102 Determination of quantity index.

* * * * *

(b) The premium or discount for total linters content of cottonseed to be used in paragraph (a) of this section will be according to the following table:

Total linters contents of cottonseed (percent) [1]	Premium or discount (quantity index units) [2]	Total linters content of cottonseed (percent) [1]	Premium or discount (quantity index units) [2]
20.0	+14.25	10.5	0
19.0	+12.75	10.0	−.75
18.0	+11.25	9.0	−2.25
17.0	+9.75	8.0	−4.75
16.0	+8.25	7.0	−7.25
15.0	+6.75	6.0	−9.75
14.0	+5.25	5.0	−12.25
13.0	+3.75	4.0	−14.75
12.0	+2.25	3.0	−17.75
11.0	+.75	2.0	−20.75
		1.0	−23.75

[1] Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

[2] Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed	Premium or discount factor
10.6 and over	Premium = (percent linters minus 10.5) × 1.5.
10.5	None.
10.4 to 9.0	Discount = (10.5 minus percent linters) × 1.5.
8.9 to 4.0	Discount = (9.0 minus percent linters) × 2.5 + 2.25.
3.9 to 0	Discount = 4.0 (minus percent linters) × 3.0 + 14.75.

It is proposed that these amendments would be made effective about July 1, 1969.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rulemaking shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: May 9, 1969.

G. R. GRANGE, *Deputy Administrator, Marketing Services.*

[F.R. Doc. 69-5778; Filed, May 14, 1969; 8:47 a.m.]

[7 CFR Parts 1003, 1004, 1016]

[Docket Nos. AO-293-A21, AO 160-A41, AO 312-A18]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on April 25, 1969 (34 F.R. 7171), giving notice of a public hearing to be held in the Academy Room, Emerson Hotel, Baltimore and Calvert Streets, Baltimore, Md., beginning at 9:30 a.m., on May 27, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

Proponent of the proposal for cooperative service payment provisions under the three respective orders has requested that the hearing be postponed for an indefinite period. Accordingly, notice is hereby given that the said hearing is postponed indefinitely to a date yet to be determined.

Signed at Washington, D.C., on May 12, 1969.

JOHN C. BLUM, *Deputy Administrator, Regulatory Programs.*

[F.R. Doc. 69-5779; Filed, May 14, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36]

[Docket No. 9337; Notice 69-1B]

NOISE STANDARDS; AIRCRAFT TYPE CERTIFICATION

Notice of Further Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-1, published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 453), to add a new Part 36 to the Federal Aviation Regulations containing type certification noise standards for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. The original comment period expired on March 12, 1969. This comment period was then extended to May 14, 1969, by Notice 69-1A, published in the FEDERAL REGISTER on March 6, 1969 (34 F.R. 4893).

By letter dated May 5, 1969, the Air Transport Association has requested a further extension of comment period to June 18, 1969. Petitioner states that its technical and economic data supporting the views of its members cannot be placed in the appropriate form for FAA

consideration by May 14, 1969. Because of the effect that the proposed rule may have on the air carriers, the FAA agrees that some extension of time should be given for the proper submission of their comments. However, because of the public interest in expeditious rule making to control aircraft noise, and the large volume of comments that will be received in response to the notice, an extension of the comment date to June 18, 1969, would unduly delay the schedule for the processing of this rule making action. Instead, it has been determined that if the petitioner submits either a summary of its comments to NPRM 69–1, or the conclusions it has reached with respect to the proposals in the NPRM, it may submit the detailed technical or economic information in support of its summary or conclusion at a later date without unduly delaying the processing of the rule.

Therefore, pursuant to the authority contained in sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423), section 611 of the Federal Aviation Act of 1958 (82 Stat. 395), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), the ATA, or any other interested person may, at any time prior to May 20, 1969, submit a summary of comments or conclusions with respect to the proposals contained in NPRM 69–1. In such case detailed technical or economic or other information supporting the comments or conclusions must be submitted prior to June 5, 1969.

Issued in Washington, D.C., on May 13, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69–5873; Filed, May 14, 1969; 10:05 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68–EA–50]

JET ROUTES

Proposed Alteration; Extension of Comment Period

In a supplemental notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1969 (34 F.R. 6289), it was stated that the Federal Aviation Administration (FAA) proposed to alter certain jet routes in the general vicinity of Cleveland, Ohio; Pittsburgh, Pa., and Washington, D.C.

In accordance with the terms of the notice, the time for public comment was to expire on May 9, 1969.

The Air Transport Association of America has requested an extension of the comment period so that they may properly evaluate and comment on the proposals contained in the notice. The FAA considers that such extension is justified. Accordingly, notice is hereby given that all comments received on Airspace Docket No. 68–EA–50 on or before May 23, 1969, will be considered by the FAA before action is taken on the regulatory actions proposed therein.

Communications should be submitted in triplicate to the Director, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 9, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–5787; Filed, May 14, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 20988; EDR–162]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reclassification of Local Service Carriers as Group III Route Carriers

MAY 12, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 241 which would reclassify the local service carriers as Group III route air carriers for reporting purposes. This amendment is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 26, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. By Notice the Board is proposing to reclassify the local service carriers, for purposes of reporting under the Uniform System of Accounts and Reports, from the Group II to the Group III Route Air Carriers. The principal effect of the reclassification will be a greater amount of detailed data maintained and reported under functional expense accounts 6400 "Aircraft and Traffic Servicing," and 6700 "Promotion and Sales."

The need to have the same information reported by the local service carriers and the trunk carriers has been apparent for some time. The rapid growth of the local service industry through mergers and other changes has resulted in more urgent demands for comparable data from the trunk carriers and the local service carriers to insure soundness of costing in route and rate matters. We believe that it would be advantageous not only to the Board but to the local service carriers individually and the industry as a whole to have all accounts and reports made at the same level of detail, to provide a comparable data base and to eliminate analytical problems arising from the lack of detail provided under the present rule.

It is proposed that the rule become effective July 1, 1969.

Proposed rule. It is proposed to amend section 04, Air Carrier Groupings and Standard Name Abbreviations, of Part 241 of the Economic Regulations (14 CFR Part 241) by reclassifying all local service carriers from Group II Route Air Carriers to Group III Route Air Carriers and updating the names of all of the reporting carriers, so that the section reads as follows:

Section 04—Air Carrier Groupings and Standard Name Abbreviations

GROUP I ROUTE AIR CARRIERS

Name	Abbreviation
Aspen Airways, Inc	Aspen.
Caribbean-Atlantic Airlines, Inc.	Caribair.
Chicago Helicopter Airways, Inc.	Chicago Helicopter.
Kodiak Airways, Inc	Kodiak.
Los Angeles Airways, Inc	LA Airways.
New York Airways, Inc	NY Airways.
Reeve Aleutian Airways, Inc.	Reeve.
San Francisco & Oakland Helicopter Airlines, Inc.	SFO Helicopter.
Washington Airways, Inc	Washington.
Western Alaska Airlines, Inc.	Western Alaska.
Wien Consolidated Airlines, Inc.	Wien.

GROUP II ROUTE AIR CARRIERS

Airlift International, Inc	Airlift.
Aloha Airlines, Inc	Aloha.
Trans Caribbean Airways, Inc.	Trans Car.

GROUP III ROUTE AIR CARRIERS

Air West, Inc	Air West.
Alaska Airlines, Inc	Alaska.
Allegheny Airlines, Inc	Allegheny.
American Airlines, Inc	American.
Braniff Airways, Inc	Braniff.
Continental Air Lines, Inc.	Continental.
Delta Air Lines, Inc	Delta.
Eastern Air Lines, Inc	Eastern.
The Flying Tiger Line Inc.	Flying Tiger.
Frontier Airlines, Inc	Frontier.
Hawaiian Airlines, Inc	Hawaiian.
Mohawk Airlines, Inc	Mohawk.
National Airlines, Inc	National.
North Central Airlines, Inc.	North Central.
Northeast Airlines, Inc	Northeast.
Northwest Airlines, Inc	Northwest.
Ozark Air Lines, Inc	Ozark.
Pan American World Airways, Inc.	Pan Americap.
Piedmont Aviation, Inc	Piedmont.
Seaboard World Airlines, Inc.	Seaboard.
Southern Airways, Inc	Southern.
Texas International Airlines, Inc.	Texas.
Trans World Airlines, Inc	Trans World.
United Air Lines, Inc	United.
Western Air Lines, Inc	Western.

GROUP I SUPPLEMENTAL AIR CARRIERS

Interstate Airmotive, Inc	Interstate.
Johnson Flying Service, Inc.	Johnson.
Purdue Airlines, Inc	Purdue.
Standard Airways, Inc	Standard.
Vance International Airways, Inc.	Vance.

GROUP II SUPPLEMENTAL AIR CARRIERS

American Flyers Airline Corp.	American Flyers.
Capitol International Airways, Inc.	Capitol.
Modern Air Transport, Inc.	Modern.
Overseas National Airways, Inc.	Overseas National.
Saturn Airways, Inc	Saturn.
Southern Air Transport, Inc.	Southern Air Transp.
Trans International Airlines, Inc.	Trans International.
Universal Airlines, Inc	Universal.
World Airways, Inc	World.

[F.R. Doc. 69–5792; Filed, May 14, 1969; 8:48 a.m.]

[14 CFR Part 288]

[Docket No. 20989; EDR–163]

EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Logair and Quicktrans Minimum Rates

MAY 12, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of the Economic Regulations to set new minimum rates for Logair and Quicktrans domestic cargo charters. The principal features of the proposed amendment are explained in the explanatory statement below, and the text of the proposed amendment is also set forth below. The amendment is proposed under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 28, 1969, will be considered by the Board before taking action. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. With this notice of proposed rule making the Board is proposing to revise the minimum rates for Logair and Quicktrans domestic cargo charters set forth in § 288.7(b) of the Economic Regulations and to establish minimum rates for additional aircraft proposed to be used for Logair and Quicktrans charters during fiscal year 1970. This action is part of a comprehensive review of the minimum rates applicable to transportation services performed by air carriers for the military. Revised minimum rates applicable to international operations will be proposed in a separate rule making proceeding.

Five carriers[1] have submitted cost forecasts and the Department of Defense has submitted its analyses of the carriers' costs, recommended adjustments, and proposals for new domestic minimum rates. Comments on the DOD submissions have also been received from the carriers and conferences were conducted with each carrier concerning adjustments to their cost data. All materials submitted by the carriers and DOD have been analyzed by the Board, and the carriers' forecasts have been adjusted in accordance with the broad policies developed in previous rate reviews. The forecasts and proposed adjustments are set forth in the appendices, together with explanatory notes setting forth the basis for each adjustment.

The most significant adjustments were those made to reflect reasonably attainable aircraft utilization; to eliminate unsupported costs and anticipatory cost increases; to apply standard depreciation costs appropriate for each aircraft type; to apply current military fuel prices; to reflect the stage lengths specified by the DOD as typical for Logair and Quicktrans; and to reflect comparable figures with respect to utilization, aircraft speed, and fuel consumption for the same aircraft type where forecasts of two carriers showed a wide disparity.

The depreciation adjustments reflect our current best judgment, in the light of available information, of the service lives and residual values of the various aircraft types. For the jet aircraft our proposed minimum rates reflect a 14-year service life and 10 percent residual value (in lieu of the 12 years and 15 percent reflected in fiscal year 1969 rates); for the L–100–20 aircraft (stretched, modified L–100 aircraft owned by Airlift since 1967), 10 years and 10 percent; for the L–188C aircraft, 6 years and 15 percent (in lieu of 5 years and 15 percent for fiscal 1969); and for the AW–650, 8 years and 10 percent (in lieu of 8 years and 15 percent). The DC–6A continues at 4 years and 15 percent. In reaching these conclusions, consideration has been given to the submissions of all parties, information received from an aircraft manufacturer, and current industry practices, all of which have been evaluated in the light of our knowledge of the cost and performance characteristics of the aircraft concerned and other competitive aircraft.

Subsequent to the submission of its cost forecast, universal submitted a contract with Hawker Siddeley for certain mandatory modifications of its AW–650 aircraft. Because of spar fatigue, four of the carrier's fleet of eight AW–650's are scheduled to be modified during fiscal year 1970 at an average cost of $107,500. The expense of these modifications is reflected by depreciating such costs on the basis of an 8-year service life and 10-percent residual.

Typical Logair stage length has been specified as 400 miles[2] and typical Quicktrans stage length as 450 miles. Adjustments to conform with those mileages, which were made for purposes of establishing group rates, are particularly significant in the case of World's B–727 aircraft, since that carrier's forecast was derived form its foreign experience with the B–727, which it indicated reflected a 750-mile stage. Accordingly, the appendices show the adjustments to World's forecast separately at 750 miles, 400 miles and 450 miles.[2a]

Consideration has been given to differences in stage length, fuel costs and utilization in arriving at proposed rates for Logair and Quicktrans services. We have used the current levels of 13.7 cents and 14.7 cents[3] per gallon, respectively, for Logair and Quicktrans fuel costs, have reflected cost differences related to the stage lengths, and have made utilization adjustments reflecting the greater frequency of schedules in Logair service (daily schedules) as opposed to Quicktrans service (often two or three schedules per week).

Finally, consistent with our practice in other years, we have arrived at aver-

[1] Airlift International, Inc.; Overseas National Airlines, Inc.; Saturn Airways, Inc.; Universal Airlines, Inc.; and World Airways, Inc.

[2] DOD specified a 350-mile stage for AW–650 Logair services. No Quicktrans services are forecast for the AW–650. No typical stage lengths were specified for the DC–6A, the DC–8–55F, or the DC–8–61CF, but this did not have an impact on our computations since individual rates, rather than group rates, are being established for these aircraft types. We have based the DC–6A line-haul rate on Saturn's forecast stage of 414 miles, and the DC–8–55F and DC–8–61CF line-haul rates on Universal's forecast of 650 miles.

[2a] Appendices filed as part of original document.

[3] Overseas presented data supporting somewhat higher fuel costs, which included transportation and overhead add-ons, but that carrier has not been a "regular" Quicktrans contractor, and our information reveals that the add-ons have not been applied to purchasers under "regular" or continuing contracts. Therefore, the 14.7 cents price has been used for all putative regular contractors, including Overseas.

age costs for each aircraft group by weighing the cost data in accordance with the number of aircraft offered by each carrier. The DOD suggested another weighing method, based on cost incentives and mobilization values, which is analogous to the formula which DOD has heretofore employed in making awards for international contracts. However, DOD's grouping of aircraft types is not the same as the grouping employed herein, which is based upon costs after the adjustments described above and in the appendices. Moreover, in Logair and Quicktrans service the increments of use and the operating factors appear too complex and to variable to permit our attempting to predict which aircraft will in fact be used, or our adopting the precise distinctions used by the DOD for purposes of providing incentives to the carriers to lower costs and to maintain an appropriate mobilization base. Therefore, we have continued to rely on the relative number of available aircraft for purposes of weighing the domestic cost data.

The adjusted carrier costs and weightings for each aircraft type and group for which cost data were submitted [4] are summarized below:

Carrier	Aircraft type	Number aircraft	Stage length		Adjusted cost per course flown statute mile	
			Logair	Quicktrans	Logair	Quicktrans
					Cents	*Cents*
Group A:						
Overseas	DC-9-30	5	400	450	180.87	181.00
Do	L-188C	8	400	450	183.22	182.48
Universal	L-188C	13	400	450	176.13	176.77
Weighted average					179.22	179.34
Group B:						
Airlift	L-100-20	3	400	450	208.78	210.01
World	B-727-100	3	400	450	211.28	211.90
Weighted average					210.03	210.96
All other:						
Saturn	DC-6A	3	414	414	145.54	145.54
Universal	AW-650	8	350		169.76	
Do	DC-8-55F	1	650	650	318.07	324.76
Do	DC-8-61CF	1	650	650	372.89	379.95

The minimum rate structure we propose is the same as in prior years, consisting of a line haul rate per course-flown statute mile plus a rate per directed landing for each aircraft type, based on the weighted average costs and stage lengths set forth in the preceding table. Because of the cost differences adverted to above, we propose to establish separate line haul rates for Logair and Quicktrans charters. The landing charges in effect for the various aircraft types during fiscal 1969 are proposed to remain the same for fiscal 1970. Although a change was proposed by Universal for the AW-650, it was not cost-supported. The $250 landing charge proposed for the newly offered DC-8-55F and DC-8-61CF appears to be a reasonable average for the two aircraft types, but because of their greatly differing capacities we believe it more appropriate to fix the separate landing charges of $225 for the DC-8-55F and $275 for the DC-8-61CF.

The current and proposed rates are compared in the following table:

Aircraft type	Per course-flown mile				Per directed landing [4]
	Current rates		Proposed rates		
	Logair	Quicktrans	Logair	Quicktrans	
Group A:					
DC-9-30	$1.6013	$1.6414	$1.4172	$1.4601	$150
L-188C	1.6013	1.6414	1.4172	1.4601	150
Group B:					
B-727-100	1.9076	1.9587	1.7253	1.7763	150
L-100	1.7534	1.7905			150
L-100-20			1.7253	1.7763	150
All other:					
AW-650	1.2654	1.3124	1.4119		100
DC-6A	1.2016	1.1559	1.1535	1.1535	125
DC-8-55F			2.8346	2.9014	225
DC-8-61CF			3.3058	3.3764	275

[4] No change is proposed.

It will be noted that the proposed minimum rates are, except for the AW-650, lower than the current rates. We propose that the revised rates be effective as of July 1, 1969.

Proposed rule. It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) by revising § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30	$1.4172	$1.4601	$150
L-188C	1.4172	1.4601	150
B-727-100	1.7253	1.7763	150
L-100-20	1.7253	1.7763	150
AW-650	1.4119		100
DC-6A	1.1535	1.1535	125
DC-8-55F	2.8346	2.9014	225
DC-8-61CF	3.3058	3.3764	275

* * * * *

[F.R. Doc. 69-5791; Filed, May 14, 1969; 8:48 a.m.]

[4] DOD recommended that current Logair/Quicktrans rates for the C-46, DC-6A, DC-7B/C BF/CF, L-1049H, and CL-44 be extended, since it "does not intend to procure the services of piston aircraft, except in those instances where there is insufficient turbine-powered equipment offered [and] there is no projected fixed (long-term) requirement for the CL-44 capabilities," but maintaining the rates "will afford the DOD the maximum flexibility to respond to emergency requirements when such requirements exceed the available capability of suitable turbine-powered aircraft or ACL requirements necessitate the capabilities of the CL-44." However, DOD has not furnished information as to the extent of its anticipated requirements nor has it stated that it will confine its use of the listed aircraft to emergency situations. On the other hand, of these aircraft, only the DC-6A has been offered for Logair-Quicktrans use, and cost information has been furnished for that aircraft type. Accordingly, we will establish a minimum rate for the DC-6A, but not for the remaining aircraft types listed, for which no cost projections have been made. Saturn has indicated that its DC-6A submission was made on the basis of costs for regular and continuing projects, and that the costs should not apply to services of a sporadic nature. While the Board recognizes that there may well be cost differences between the two types of services, we would point out that we are here establishing minimum rates only.

Finally, we note that the basis for World's DC-6A forecast was not shown (apparently since the carrier had no appreciable experience with this aircraft during the base period), and accordingly, we have not relied upon that submission.

[14 CFR Part 298]

[Docket No. 20984; EDR-161]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Confidentiality of Traffic Data in Reports of Commuter Air Carriers

MAY 9, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 298 of the economic regulations so as to withhold from public disclosure the traffic data of commuter air carriers set forth in reports filed by such carriers pursuant to Subpart F of this part. The principal features of the proposed amendments are explained in the attached explanatory statement below, and the text of the proposed amendments is also set forth below. The amendments are proposed under authority of sections 204, 416, and 1104 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 771, 797; 49 U.S.C. 1324, 1386, 1504).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before June 16, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

Explanatory statement. By ER-574, adopted April 23, 1969, effective July 1, 1969, the Board, inter alia, is requiring (1) all air taxi operators to register annually with the Board and (2) scheduled air taxis (designated therein as "commuter air carriers") to file quarterly reports with the Board which include traffic data. The only issue in that proceeding (Docket 19352) which has not been resolved is whether the traffic data in reports filed by commuter air carriers should be treated as confidential information and withheld from public disclosure, as certain commuter air carriers and two air taxi trade associations have requested in their comments filed in the above rule making proceeding, or whether they should be made available for public inspection like data in most reports which are filed with the Board. The Board in ER-574, supra, indicated that it would resolve that issue in a subsequent rule making proceeding. Hence this proceeding.

Essentially, the proponents of confidentiality argue that operations under Part 298 are conducted under conditions of free entry without any franchise protection, that the exposure to the public of an individual carrier's route information would provide data of value to a competitor or a potential competitor who, with the information as to the experience and results of the existing carrier, would have complete freedom to enter into a market which may have been pioneered and developed by that carrier. It is also argued that in some markets an air taxi operator competes solely with a purely intrastate carrier who would not be subject to the reporting requirements, and that it would be unfair to give such a carrier access to the air taxi's traffic data.

On the other hand, there are cogent arguments for full disclosure of traffic data. To begin with, any person considering commencing an operation in a particular market has access to the schedules of the various air taxi operators providing service therein, and thus can determine the capacity being offered.[1] Also, by monitoring enplanements at airports, a prospective competitor is in a position to ascertain traffic data as well. While a public report of traffic and capacity would undoubtedly make the information easier to obtain, the extent to which availability of this information would actually lead to uneconomic competition in the industry is not clear. Indeed, it is possible that the availability of this information would deter uneconomic competition in those markets where the disclosed traffic data indicated existing operations were marginal.

Moreover, the withholding of data from public disclosure would, to some extent at least, impair their usefulness. Reports of this nature may be of interest to the financial community, aircraft manufacturers, the certificated carriers (who themselves report their origin and destination data to the Board and whose data are available for use by air taxi operators), airport and community interests, and students of air transportation. Moreover, the utility of the information in the hands of the Board is enhanced by making it available to these segments of the public which are then in a position to make use of the information freely in Board proceedings and in documents filed with the Board. And, of course, disclosure of this information is in accord with public policy favoring the fullest possible disclosure and is in keeping with the Congressional intent in the Freedom of Information Act.

In resolving this issue, at least several alternatives are available to the Board. In the first place, it could either withhold the data completely or make them fully available to the public. Also, the Board could release the information to the public after a prescribed time period such as 6 months after the reports were due to be filed with the Board. A further possible solution would be to withhold the specific data and release periodic summaries of traffic without identifying a particular carrier's traffic in a particular market.

The Board specifically requests that persons who favor public disclosure file comments indicating their need for and the use they would make of such data. Those who seek confidential treatment of the data should set forth with specificity the adverse impact which they allegedly would suffer from the disclosure of such data.

The proposed rule is set forth in the alternative: Either (1) a complete withholding of date from public disclosure; or (2) a withholding of data for a prescribed period.

Proposed rule. It is proposed to amend Part 298 of the economic regulations (14 CFR Part 298) by adopting one of the two alternative rules below:

1. Amend the table of contents by adding § 298.66 as follows:

Sec.
298.66 Public disclosure withheld.
298.66 Public disclosure withheld for prescribed period.

2. Add new § 298.66 as follows:

§ 298.66 Public disclosure withheld.

Data reported on Schedule T-1 of CAB Form 298-C shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure, subject to its release in particular cases as the Board's regulatory needs may require, or in other situations where the Board finds that disclosure will no longer adversely affect the interests of the reporting carrier or is required in the public interest.

§ 298.66 Public disclosure withheld for prescribed period.

For a period of six (6) months from the date on which CAB Form 298-C is required to be filed with the Board, data reported therein on Schedule T-1 shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure: *Provided, however,* That prior to the end of such 6-month period, the data may be released in particular cases as the Board's regulatory needs may require, or in other situations where the Board finds that disclosure will no longer adversely affect the interests of the reporting carrier or is required in the public interest.

[F.R. Doc. 69-5793; Filed, May 14, 1969; 8:48 a.m.]

[1] Many commuter air carriers publish their schedules in the Official Airline Guide. In any event, the rule (ER-574, supra) requires commuter air carriers to file their current flight schedules with the Board.

Notices

DEPARTMENT OF STATE

Agency for International Development

STELIOS M. STELSON FOUNDATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration [1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Stelios M. Stelson Foundation, Inc., 3082 Allegheny Ave., Columbus, Ohio 43209.

Dated: May 7, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-5775; Filed, May 14, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-121; Customs Delegation Order 34]

REGIONAL COMMISSIONERS OF CUSTOMS

Delegation of Authority To Waive Claims for Erroneous Payments to Employees

MAY 8, 1969.

By virtue of the authority conferred upon me as Commissioner of Customs by Treasury Department Order No. 214 (Revision 1), dated April 17, 1969 (34 F.R. 6864), I hereby delegate to regional commissioners of customs insofar as the customs employees in their regions are concerned the authority of the Secretary of the Treasury under Public Law 90-616, October 21, 1968, 82 Stat. 1212, and the regulations of the Comptroller General in 4 CFR Part 201, 33 F.R. 20001, December 31, 1968, as corrected, 34 F.R. 303, January 9, 1969, to waive in whole or in part erroneous payments of pay to Treasury employees aggregating not more than $500 in conformity with the limitations and standards set forth in the aforesaid act and regulations.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-5788; Filed, May 14, 1969; 8:48 a.m.]

[1] Certificate filed as part of original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

LOUISE SOFIE SCHWABEDISSEN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. Louise Sofie Schwabedissen, Augusta Str. 3, Herford, Germany, Claim No. 58848, Vesting Order No. 10035, $13,536.36 in the Treasury of the United States.

Executed at Washington, D.C., on May 12, 1969.

For the Attorney General.

WILLIAM D. RUCKELSHAUS,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[F.R. Doc. 69-5807; Filed, May 14, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 0128555]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 7, 1969.

Notice of a Bureau of Mines, Department of the Interior application, Colorado 0128555, for withdrawal and reservation of lands for experimental purposes in connection with the development of oil shale processing techniques, was published as F.R. Doc. 66-7701, on page 9609 of the issue for Friday, July 15, 1966. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m. on June 12, 1969, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-5777; Filed, May 14, 1969; 8:47 a.m.]

[NM Misc. 18]

NEW MEXICO

Order Opening Lands to Entry and Patenting

MAY 8, 1969.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

GROUP I

T. 2 N., R. 1 E.,
Sec. 6, lots 1, 2, 3, 4, and N½.
T. 3 N., R. 1 W.,
Sec. 36.
T. 1 N., R. 3 W.,
Sec. 4, lots 1, 2, 3 and 4;
Sec. 5, lots 2, 3, 4, 6, SW¼NW¼, and W½SW¼.
T. 2 N., R. 3 W.,
Sec. 32, lots 1 to 7, inclusive, SW¼NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 36, N½, N½SW¼, SW¼SW¼, NE¼SE¼, and S½SE¼.
T. 2 N., R. 4 W.,
Sec. 16, N½, SW¼, NW¼SE¼, and S½SE¼.
T. 4 N., R. 11 W.,
Secs. 3, 10 and 13;
Sec. 14, E½ and SW¼;
Secs. 15 and 16;
Sec. 22, SW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Secs. 23 and 25;
Sec. 26, NE¼, N½NW¼, SW¼NW¼, and S½;
Secs. 27, 32, and 33;
Sec. 34, S½N½ and S½;
Secs. 35 and 36.
T. 6 N., R. 11 W.,
Sec. 32.
T. 8 N., R. 11 W.,
Sec. 1, lots 1, 2, 3, 4, and S½N½;
Secs. 3, 5 and 9.
T. 7 N., R. 12 W.,
Sec. 19, lot 1;
Sec. 29.
T. 8 N., R. 12 W.,
Sec. 5;
Sec. 7, lots 1, 2, 3, and 4;
Sec. 15, SW¼.
T. 7 N., R. 13 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 21;
Sec. 23, N½N½.
T. 8 N., R. 13 W.,
Secs. 1, 3, 11, 13, 25, 29, 31, and 33.
T. 1 N., R. 18 W.,
Sec. 2;
Sec. 16, E½, NW¼, and SE¼SW¼;
Sec. 32.
T. 2 N., R. 18 W.,
Sec. 1, lot 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 2;
Sec. 4, lots 2, 3, and 4;
Sec. 5, lot 1 and SE¼NE¼;
Sec. 6, lots 6 and 7;
Sec. 7, lots 1, 2 and 3;
Sec. 12, NW¼NE¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 13, N½NW¼, and SW¼NW¼;
Sec. 15, W½;
Sec. 16, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 20, S½NW¼;
Sec. 21;
Sec. 22, W½;
Sec. 27, W½;
Sec. 28, N½, NW¼SW¼, and SE¼;
Sec. 32;
Sec. 33, E½, SE¼NW¼, and SW¼;
Sec. 34, NW¼, W½SW¼, and SE¼SW¼;
Sec. 36.
T. 3 N., R. 18 W.,
Sec. 29, S½SW¼;
Sec. 31, lot 4, SE¼SW¼ and W½SE¼;
Sec. 32.
T. 1 N., R. 19 W.,
Sec. 2;
Sec. 16, N½, N½SW¼, and NW¼SE¼;
Sec. 36.
T. 2 N., R. 19 W.,
Sec. 1, SE¼;
Sec. 11, E½, E½W½, NW¼NW¼, and SW¼SW¼;
Sec. 12, N½, N½SW¼, and SE¼;
Sec. 13, NE¼;
Sec. 14, W½E½ and W½;
Sec. 15, 16, 32, and 36.
T. 3 N., R. 19 W.,
Sec. 24, E½, NE¼NW¼, W½W½, and SE¼SW¼;
Sec. 36, W½NE¼, NW¼, and S½.
T. 2 N., R. 20 W.,
Sec. 36, E½.
T. 21 S., R. 5 W.,
Sec. 19, lot 2, W½W½SW¼NE¼, SE¼NW¼.
T. 22 S., R. 7 W.,
Sec. 7, W½NE¼, SE¼NE¼, and SE¼;
Sec. 8, E½NW¼, SW¼NW¼, and SW¼;
Sec. 17, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 18, NE¼, E½NW¼, SW¼NW¼, N½SE¼, and SW¼SE¼.
T. 32 S., R. 15 W.,
Sec. 3, NW¼NW¼;
Sec. 4, N½N½;
Sec. 5, N½NE¼, E½NW¼, and NW¼SE¼;
Sec. 6, lot 1 and NE¼NW¼;
Sec. 8, E½, NE¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 9, N½NW¼, SW¼NW¼, and SW¼SW¼;
Sec. 11, NE¼NE¼ and NE¼NW¼;
Sec. 12, SW¼NW¼ and W½SW¼;
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 14, S½NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 15, NE¼NW¼, NW¼SE¼, and S½SE¼;
Sec. 16;
Sec. 17, N½NW¼, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, lot 2, S½NE¼ and N½SE¼;
Sec. 21, NW¼NE¼, S½NE¼, NE¼NW¼, and SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, N½S½, SW¼SW¼, and SW¼SE¼;
Sec. 23, SE¼NE¼, W½NW¼, N½SW¼, and SE¼;
Sec. 24;
Sec. 25, E½NE¼, NW¼, and S½;
Sec. 26, S½S½;
Sec. 27, NW¼NE¼ and W½NW¼;
Sec. 28, E½;
Sec. 29, N½SW¼ and SW¼SW¼;
Sec. 30, lots 2, 3, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 31, E½NE¼;
Sec. 33, NE¼NE¼;
Secs. 34, 35 and 36.
T. 33 S., R. 15 W.,
Sec. 2, lots 3, 4, S½NW¼, and N½SW¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, NW¼SW¼, NW¼SE¼, and S½S½;
Sec. 4, lots 1, 2, 3, 4, SW¼NW¼, and W½SW¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SW¼, S½SW¼, and N½SE¼.
T. 32 S., R. 16 W.,
Secs. 1 and 2;
Sec. 3, lots 1, 3, 4, S½N½, and S½;
Secs. 10, 11, 13, 14, 15, and 21;
Sec. 22, E½, NW¼NW¼, S½NW¼, and SW¼;
Secs. 23, 24, 25, 26, 27, 28, 33, 34, and 35.
T. 33 S., R. 16 W.,
Sec. 1, S½S½;
Secs. 2 and 3;
Sec. 4, lots 1, 2, 4, S½N½ and S½.
T. 1 S., R. 19 W.,
Sec. 2, lots 1 to 12, inclusive, and NW¼SW¼.
T. 4 S., R. 1 E.,
Sec. 36.
T. 5 S., R. 1 E.,
Sec. 2.
T. 20 S., R. 16 E.,
Sec. 25, W½SW¼;
Sec. 26, E½SE¼;
Sec. 33, SE¼SW¼ and S½SE¼;
Sec. 34, NE¼SW¼, NW¼SE¼, and S½S½;
Sec. 35, S½S½.
T. 20 S., R. 17 E.,
Sec. 8, N½, N½S½ and S½SE¼;
Sec. 9, W½;
Sec. 17, E½;
Sec. 20, NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 24, W½E½ and E½W½.
T. 18 S., R. 21 E.,
Sec. 29, NW¼.
T. 20½ S., R. 23 E.,
Sec. 35, lots 1, 2, 3, and S½S½.
T. 7 S., R. 26 E.,
Sec. 13, SE¼NE¼.
T. 16 S., R. 27 E.,
Sec. 5, E½SE¼.
T. 21 S., R. 27 E.,
Sec. 2;
Sec. 8, S½;
Sec. 9, SW¼, E½SE¼, S½NW¼SE¼, and SW¼SE¼;
Sec. 10, S½;
Sec. 11, S½;
Secs. 14, 15, 16, 17, 22, and 23.
T. 12 S., R. 29 E.,
Sec. 9, E½SE¼;
Sec. 10, W½SE¼.
T. 19 S., R. 31 E.,
Sec. 32.
T. 23 S., R. 31 E.,
Sec. 27, N½SE¼;
Sec. 32;
Sec. 35, SE¼NE¼;
Sec. 36.
T. 23 S., R. 32 E.,
Sec. 24, E½;
Sec. 25, E½;
Secs. 32 and 36.
T. 24 S., R. 32 E.,
Secs. 2, 16, and 32.
T. 25 S., R. 35 E.,
Sec. 32.

GROUP II

T. 11 N., R. 1 E.,
Sec. 16, lots 1, 2, 3, and 4;
Sec. 32, lots 1, 2, 3, E½, E½SW¼, and SW¼SW¼.
T. 15 N., R. 7 E.,
Sec. 2.
T. 16 N., R. 7 E.,
Sec. 36.
T. 20 N., R. 9 E.,
Sec. 2, lots 1 to 5, inclusive, SW¼NE¼, S½NW¼ and S½;
Sec. 36, lots 5, 6, 7, and 8.
T. 21 N., R. 9 E.,
Sec. 32.
T. 20 N., R. 10 E.,
Sec. 32.
T. 21 N., R. 10 W.,
Sec. 24, NE¼.
T. 21 N., R. 12 W.,
Sec. 24, SW¼.
T. 16 N., R. 20 W.,
Sec. 34, NW¼.
T. 4 S., R. 14 E.,
Sec. 36.
T. 4 S., R. 15 E.,
Sec. 16;
Sec. 31, NE¼ and N½SE¼;
Sec. 32.
T. 3 S., R. 16 E.,
Sec. 24, N½SW¼;
Sec. 30, lot 4 and SE¼SW¼;
Sec. 32;
Sec. 33, SE¼NE¼ and NE¼SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, S½S½;
Sec. 36.
T. 4 S., R. 16 E.,
Sec. 3, lot 1, SE¼NE¼ and E½SE¼;
Sec. 4, lot 4, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 6, lots 2, 4 and 5;
Sec. 7, SW¼SE¼;
Sec. 9, W½W½;
Sec. 12, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 16;
Sec. 20, N½SE¼;
Sec. 21, NW¼SW¼;
Secs. 32 and 36.
T. 3 S., R. 17 E.,
Sec. 23, SE¼SW¼ and S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 36.
T. 4 S., R. 17 E.,
Sec. 2, lots 3, 4, S½NW¼, and NW¼SW¼.
T. 3 S., R. 18 E.,
Sec. 32, W½.

The areas described aggregate 104,050.87 acres in Bernalillo, Catron, Chaves, Eddy, Hidalgo, Lea, Lincoln, Luna, McKinley, San Juan, Santa Fe, Socorro, Rio Arriba and Valencia Counties.

2. The topography of the lands described above varies from gently sloping to undulating sand dunes, rough and broken hill land and rough mountainous terrain. Vegetation consists of desert shrub type, which includes native grasses, sagebrush, salt cedar, shinery-oak and pinon-juniper. Soils range from shallow to sandy-rocky loams in the mountainous areas and deep sandy loams and clay loams on the undulating to gently sloping terrain.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described in group I and group II are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on June 24, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands described in group II shall also be open to applications and offers under the mineral leasing laws and to location and entry under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on June 24, 1969, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. As to the coal in NE¼ Sec. 34, T. 21 N., R. 10 W., this order does not affect the coal since this tract has always been open to coal leasing.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Post Office Box 1449, Santa Fe, N. Mex. 87501.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-5765; Filed, May 14, 1969; 8:46 a.m.]

[Wyoming 0266519]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 8, 1969.

Notice of a Bureau of Reclamation application, Wyoming 0266519, for withdrawal and reservation of lands for reclamation purposes in connection with the Yellowtail Reservoir, Missouri River Basin Project, Wyoming, was published as F.R. Doc. 64-1797, on page 2707 of the issue for February 26, 1964. The applicant agency has canceled its application insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 56 N., R. 94 W.,
Lots 53-A, -B, -C, -D.
T. 57 N., R. 94 W.,
Sec. 4, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 7, lots 3, 4, 5, SE¼NW¼, and E½SW¼;
Sec. 8, NE¼ and NE¼SE¼;
Sec. 9, N½, SE¼, N½SW¼, and SE¼SW¼;
Sec. 10, W½W½;
Sec. 15, W½NW¼;
Sec. 16, NE¼ and NE¼NW¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 19, lot 1, NE¼NW¼ and N½NE¼.
T. 58 N., R. 94 W.,
Sec. 19, lots 1, 2, 7, 8, S½NE¼ and SE¼;
Sec. 30, E½;
Sec. 31, N½NE¼ and SE¼NE¼;
Sec. 32, W½W½.
T. 57 N., R. 95 W.,
Sec. 2;
Sec. 3, lot 1, S½NE¼, and SE¼;
Sec. 10, E½;
Secs. 11 and 13;
Sec. 12, S½NE¼, NW¼, and S½;
Sec. 14, NW¼ and E½;
Sec. 24, N½N½.
T. 58 N., R. 95 W.,
Sec. 23, lots 1, 2, S½NE¼, and N½SE¼;
Sec. 24, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 25, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 34, NE¼;
Sec. 35, N½NW¼, SW¼NW¼, S½SW¼, and SE¼.

The areas described aggregate 9,067.31 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m. on June 9, 1969, will be relieved of the segregative effect of the above-mentioned application.

ED PIERSON,
State Director.

[F.R. Doc. 69-5766; Filed, May 14, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ECONOMIC POISONS CONTAINING CERTAIN PESTICIDE CHEMICALS FOR CERTAIN USES

Cancellation of Registration

Upon recommendation of the President's Science Advisory Committee and based on difficulties arising from zero tolerance and no residue registrations, the Agricultural Research Service of the U.S. Department of Agriculture and the Food and Drug Administration of the Department of Health, Education, and Welfare requested that a committee be appointed by the National Academy of Sciences, National Research Council, to evaluate the practice of registering economic poisons for use on food crops on a zero tolerance or no residue basis. The committee completed its study in June 1965, and submitted a report which included the following recommendation:

> The concepts of "no residue" and "zero tolerance" as employed in the registration and regulation of pesticides are scientifically and administratively untenable and should be abandoned.

After extensive consideration of the report, the Agricultural Research Service of the U.S. Department of Agriculture and the Food and Drug Administration of the Department of Health, Education, and Welfare agreed on a procedure to implement the Committee's recommendations.

A joint USDA-HEW Statement for Implementation of the NRC Pesticide Residues Committee's "Report on 'No Residue' and 'Zero Tolerance'" was published in the FEDERAL REGISTER on April 13, 1966 (31 F.R. 5723). It was agreed that registrations of all products specifying uses involving reasonable expectation of small residues on food or feed at harvest in the absence of a finite tolerance or exemption should be discontinued as of December 31, 1967, unless evidence was presented to support a finite tolerance or to show that enough progress had been made in the investigation to warrant the conclusion that the registration could be continued without undue hazard to the public health.

In accordance with the provision of section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135b) registrants were notified that registration of products containing certain pesticide chemicals bearing directions for use as specified were canceled effective 30 days following receipt of the notice, unless directions for such uses were immediately deleted from labeling of such products or other procedure invoked as provided in section 4 of the Act.

Registrations have been canceled for economic poisons containing the chemicals listed below which had labeling recommending the pesticide uses as follows. These cancellations are in addition to those listed in the FEDERAL REGISTER of May 11, 1968, as corrected May 21, 1968 (33 F.R. 7091, 7499):

NOTE: Page references below relate to pages in the "USDA Summary of Registered Agricultural Pesticide Chemical Uses."

Aldrin (pp. 5–10a): Almonds, avocados, beans (except seed treatment), blackberries, blueberries, boysenberries, buckwheat, cashews, chestnuts, cotton (except seed treatment), currants, dates, dewberries, figs, filberts, flax, gooseberries, guavas, hazelnuts, hickory nuts, hops, huckleberries, kumquats, loganberries, mint, okra, olives, papayas, passion fruit, peanuts (seed), pecans, persimmons, pomegranate, raspberries, safflower (except seed treatment), sorghum (except seed treatment), sugarcane (bait use only—0.25 lb. actual/A.), tangeloes, walnuts, youngberries, and greenhouse use.

Allethrin (pp. 15–20): Alfalfa, celery, clover, cucurbits, eggplants, peas, potatoes, spinach, beef cattle, dairy cattle, goats, sheep, swine, poultry, barns, dairy barns, milk rooms, animal pens, poultry houses, and grain bins.

3-Amino-2,5-dichlorobenzoic acid (pp. 23–24, 2d Ed.; I–A–3.1 to 3.2, 3d Ed.): Safflower (seed crop).

Anthracene oil (p. 29): Corn cribs, storage bins, poultry houses, and brooder houses.

BBC (Technical) (pp. 52–60): Barley, blueberries, buckwheat, cotton, cotton (seed), cranberries, currants, endive, flax, gooseberries, grasses, grass (pasture and range), hops, lespedeza, millet, milo, oats, oats (seed), pasture grass (all), pecans, rice, rye, safflower, sorghum, soybeans, sugar beets, sugarcane, vetch, walnuts, wheat, wheat (seed), beef cattle, goats, sheep, animal pens, and barns.

Calcium cyanamide (pp. 93–96, 2d Ed.; I–C–1 to 1.3, 3d Ed.): Uses on the following when applied later than 30 days before planting: Almonds, apples, apricots, asparagus, avocados, barley, beans, beets, blackeyed peas, blueberries, broccoli, brussels sprouts, cabbage, cantaloupes, carrots, cashews, cauliflower, celery, cherries, chestnuts, collards, corn, cowpeas, cucumbers, dates, eggplant, endive, figs, filberts, garlic, guavas, hazelnuts, hickory nuts, hops, horseradish, kale, kohlrabi, leeks, lettuce, mangoes, melons, mustard greens, nectarines, oats, okra, olives, onions, papayas, parsnips, passion fruit, peaches, pears, peas, peas (canning), pecans, peppers, persimmons, pimentoes, plums, pomegranate, potatoes, prunes, pumpkins, quinces, radishes, rice, rutabagas, rye, salsify, shallots, spinach, squash (summer and winter), sweet potatoes, swiss chard, timothy, tomatoes, turnips, walnuts, watermelons, and wheat.

Captan (pp. 101–107): Gooseberries.

Alpha isomer of 2-Carbomethoxy-1-methylvinyl dimethyl phosphate (pp. 115–117a): Asparagus, barley, cotton, flax, grass (pasture and range), oats, pumpkins, safflower, squash (winter), and wheat.

Carbophanothion (pp. 123–127): Blackberries, cranberries, currants, gooseberries, potatoes (white), and raspberries.

Chlorbenside (p. 136): Grapes and raspberries.

2-Chloro-1-(2,4-dichlorophenyl) vinyl diathyl phosphate (p. 148): corn (field).

1-Chloro-2-nitropropane (p. 154): Beets (table), cucumbers, and peas.

Citronella, oil of (p. 160b): Show stock (dairy and beef cattle).

Coal tar neutral oils and coal tar acid combination (pp. 161–162): Beef cattle, dairy cattle, goats, sheep, swine, and poultry.

Creosote (p. 198): Beef cattle, goats, poultry, sheep and swine.

Creosylic acid: Livestock.

Cyano (methylmercuri) guanidine (pp. 204–205). Potatoes and vegetable plantbeds.

DDT (pp. 219–227): Foliar preplant soil application, and bait uses on alfalfa (except when grown for seed only), barley, clover (except when grown for seed only), birdsfoot trefoil, grasses, lespedeza (except when grown for seed only), millet, milo, pasture grass, rice rye sorghum vetch (except when grown for seed only), and forage legumes.

DDVP (pp. 228–229a): Bananas.

Dameton (pp. 232–235): Cherries, pineapple, and watermelons.

Diammonium ethylene bisdithiocarbamate (pp. 236–237): Cotton.

Dicapthon (p. 245): Dairy barns and poultry houses.

Dichlone (pp. 246–247): Apricots, cabbage, potatoes, and raspberries.

2,3-Dichlorocallyl diisopropylthiolcarbamate (pp. 249–250, 2d Ed.; I–D–6.1 to 6.2, 3d Ed.): Potatoes.

2,4-Dichlorophenoxyacetic acid (pp. 255–260a, 2d Ed.; I–D–7.1 to 7.7, 3d Ed.): 4.0 lb. actual/A. spot treatment on resistant crops (such as grasses).

Dieldrin (pp. 276–286): Almonds, avocados, beans (except seed), blackberries, boysenberries, buckwheat, cantaloupes, cashews, chestnuts currants, dates, dewberries, figs, filberts, flax, gooseberries, guavas, hazelnuts, hickory nuts, hops, loganberries, mint, muskmelons, okra, olives, papayas, passion fruit, pecans, persimmons, pomegranate, pumpkins, raspberries, safflower, squash (winter), sugarcane, walnuts, watermelons, and youngberries.

Diethyl diphenyl dichloroethane (pp. 289–290): Dairy barns.

Diethyl dithiobis(thionoformate) (p. 291): Beans (snap).

0,0-Diethyl 0-[2-isopropyl-4-methyl-pyrimidyl(6)]thiophosphate (pp. 299–311b): Mung beans and pinto beans.

0,0-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3 (4H)ylmethyl]phosphorothithioate (pp. 317–321a): Safflower (seed crop) and vetch (seed crop).

0,0-Dimethyl-S-2-(ethylsulfinyl) ethylphosphorothioate (pp. 324–325): Barley, grasses, oats, wheat, celery, lettuce, peppers, radishes, rutabagas spinach and tomatoes all grown for seed only.

Endosulfan (pp. 374–378b): Clover.

Ethion (pp. 385–388): Clover (seed crop) and figs.

N - Ethylmercuri - 1,2,3,6-tetrahydro-3,6-ando-methano-3,4,5,6,7,7-hexachlorophthalimide (p. 392): Barley, flax, oats, rye, and wheat.

Ferbam (pp. 413–415): Sweet potatoes.

Folpet (pp. 412–419): Potatoes.

Heptachlor (pp. 426–429): Cucumber (seed).

Lead arsenate (pp. 455–458): Almonds, cabbage, lettuce, potatoes, spinach, and turnips.

Maleic hydrazide (pp. 492–492a, 2d Ed.; I–D–12.1 to 12.2, 3d Ed.): Beans (green and dry), beets, corn (field and sweet), lima beans, pasture, peas, strawberries, sugar beets, and tomatoes.

Maneb (pp. 493–495): Blackberries, cotton, peanuts, and raspberries.

6-Methyl-1-2,3-quinoxalinedithiol cyclic carbonate: Grasses (seed crop) and eggplants (seed crop).

Nabam (II) (p. 553): Cotton.

Nabam (IV) (pp. 555–556): Almonds, apples, apricots, cherries, grapes, nectarines, peaches, pears, plums, and prunes.

Nabam (VI) (pp. 559–562): Cotton, pecans, and sugar beets.

Nabam (VII) (pp. 563–565): Almonds, apples, apricots, cherries (excluding sour), cotton, macadamia nuts, nectarines, peaches, pears, pecans, and plums (prunes).

Maphthalene (p. 570): Chickens (in laying cages) and poultry.

N-1-Naphthyl phthalamic acid (pp. 573–574, 2d Ed.; I–N–4.1 to 4.2, 3d Ed.): Asparagus (seed beds and established beds).

N-1-Naphthyl phthalamic acid (sodium salt) (pp. 575–576, 2d Ed.; I–N–5.1 to 5.2, 3d Ed.): Asparagus (seed beds and established beds) and cotton.

Nicotine sulfate (pp. 579–588): Alfalfa, almonds, bananas, barley, birdsfoot trefoil, blueberries, buckwheat, carrots, cashews, chestnuts, clover, cotton, dates, endive, figs, filberts, flax, grasses, guavas, hazelnuts, hickory nuts, hops, horseradish, huckleberries, lespedeza, mangoes, millet, milo, oats, olives, papayas, passion fruit, pasture grass, peanuts, pecans, persimmons, pomegranate, potatoes, rice, rye, safflower, salsify, sorghum, soybeans, sugar beets, sugarcane, sweet potatoes, vetch, walnuts, wheat, beef cattle, goats, sheep, and swine.

N-Octyl bicycloheptene dicarboximide (p. 586): Stored grain (barley, corn, oats, rice, rye, sorghum (grain), and wheat).

Pentachlorophenol (pp. 618–622, 2d Ed.; I–P–2.1 to 2.2, 3d Ed.): Alfalfa and cotton.

Phenothiazine (p. 632): 15.0 percent powder application to beef cattle, goats, sheep, and swine.

Phenyl mercuri monoethanol ammonium acetate (p. 644): Apples and strawberries.

Phenyl mercury nitrate (p. 644a): Almonds and prunes.

Phenyl mercury urea (p. 646): Barley, corn, cottonseed, flax, oats, peas, rice, rye, sorghum, and wheat.

Potassium cresylate (p. 666): Beef cattle, dairy cattle, goats, and sheep.

8-Quinolinol benzoate (p. 678a): Beef cattle, dairy cattle, goats, sheep, and swine.

Sabadilla (pp. 689–691): Beef cattle, dairy cattle, goats, sheep, swine, and poultry.

Sodium cresylate (p. 710): Beef cattle, goats, and sheep.

Sodium dimethyl dithiocarbamate (I) (pp. 711–712): Potatoes.

Sodium dimethyl dithiocarbamate (II) (pp. 713–714): Potatoes.

Sodium fluosilicate (pp. 718–720): Cattle, hogs, and sheep.

TEPP (pp. 762–765): Barns, dairy barns, feed rooms, and milk rooms.

Tetradifon (pp. 771–775): Clover (seed crop only) and mangoes.

Zineb (pp. 829–883): Almonds, cotton, pecans, and sugar beets.

Ziram (pp. 834–836): Potatoes.

Done at Washington, D.C., this 12th day of May 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-5810; Filed, May 14, 1969; 8:50 a.m.]

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

May Sales List

Item 3 of the Notice to Buyer section of the CCC Monthly Sales List for May (34 F.R. 7291) is amended to read as follows:

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for May 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra-long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, raisins, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Signed at Washington, D.C., on May 12, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-5809; Filed, May 14, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ALDICARB

Notice of Extension of Temporary Tolerance

The Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017, was granted an extension of a temporary tolerance of 0.2 part per million for residues of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime) in or on cottonseed (notice was published in the FEDERAL REGISTER of June 5, 1968 (33 F.R. 8357)). The petitioner has requested further extension of the temporary tolerance for this commodity. The Commissioner of Food and Drugs has determined that a 1-year extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

This extension of the temporary tolerance expires May 24, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5763; Filed, May 14, 1969; 8:46 a.m.]

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction

of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, S.C. 29205, File No. 9/339/0001–T, to improve the facilities of noncommercial educational television station WRLK–TV on channel 31, Columbia, S.C., accepted as of April 1, 1969. Estimated project cost: $409,250. Grant requested: $306,250. Application signed by: Mr. Henry J. Cauthen, General Manager.

University of Utah, Salt Lake City, Utah 84112, File No. 9/339/0002–T, to expand the facilities of noncommercial educational television station KUED–TV on channel 7, Salt Lake City, Utah, accepted as of March 15, 1969. Estimated project cost: $79,000. Grant requested: $59,310. Application signed by: Mr. W. S. Partridge, Vice President for Research.

Spokane Public Schools, School District No. 81, West 825 Trent Avenue, Spokane, Wash. 99201, File No. 9/339/0003–T, to improve the facilities of noncommercial educational television station KSPS–TV on channel 7, Spokane, Wash., accepted as of April 14, 1969. Estimated project cost: $117,825. Grant requested: $69,670. Application signed by: Mr. Albert L. Ayars, Superintendent of Schools.

South Texas Educational Broadcasting Council, 205 Vaughn Plaza, Corpus Christi, Tex. 78401, File No. 9/339/0009–T, for the establishment of a new noncommercial television station on channel 38, Corpus Christi, Tex., accepted as of April 14, 1969. Estimated project cost: $636,738. Grant requested: $477,553. Application signed by: Mr. Don E. Weber, Chairman, Board of Directors, South Texas Educational Broadcasting Council.

Community Television, Inc., 2037 Main Street, Jacksonville, Fla. 32206, File No. 9/339/0010–T, to expand the facilities of noncommercial educational television station WJCT–TV on channel 7, Jacksonville, Fla., accepted as of April 14, 1969. Estimated project cost: $298,397. Grant requested: $223,797. Application signed by: Mr. Wilbur H. Shorts, President.

Board of Education of Jefferson County, 3332 Newburg Road, Louisville, Ky. 40218, File No. 9/339/0014–T, to improve the facilities of noncommercial educational television station WFPK–TV on channel 15, Louisville, Ky., accepted as of April 14, 1969. Estimated project cost: $860,808. Grant requested: $645,606. Application signed by: Mr. Richard VanHoose, Superintendent.

The Greater Washington Educational Television Association, Inc., 2600 Fourth Avenue NW., Washington, D.C. 20001, File No. 9/339/0015–T, to improve the facilities of noncommercial educational television station WETA–TV, on channel 26, Washington, D.C., accepted as of April 15, 1969. Estimated project cost: $303,104. Grant requested: $227,328. Application signed by: Mr. William J. McCarter, Vice President and General Manager.

WGBH Educational Foundation, 125 Western Avenue, Boston, Mass. 02134, File No. 9/339/0019–T, to expand the facilities of noncommercial educational television station WGBH–TV on channel 2, Boston, Mass., accepted as of April 15, 1969. Estimated project cost: $96,304. Grant requested: $72,228. Application signed by: Mr. Hartford N. Gunn, Jr., Vice President and General Manager.

The Twin City Area Educational Television Corp., 1640 Como Avenue, St. Paul, Minn. 55108. File No. 9/339/0020–T, to improve the facilities of noncommercial educational television station KTCA–TV on channel 2, St. Paul, Minn., accepted as of April 15, 1969. Estimated project cost: $389,300. Grant requested: $291,975. Application signed by: Mr. W. D. Donaldson, Assistant Secretary.

Long Island Educational Television Council, Inc., Ellington Avenue West, Garden City, N.Y. 11530, File No. 9/339/0022–T, to improve the facilities of noncommercial educational television station WLIW–TV on channel 21, Garden City, N.Y., accepted as of April 15, 1969. Estimated project cost: $159,190. Grant requested: $119,392. Application signed by: Mr. John C. Lackas, President.

West Virginia Educational Broadcasting Authority, 1033 Quarrier Street, room 701, Charleston, W. Va. 25301, File No. 9/339/0028–T, for the establishment of a new noncommercial educational television station on channel 9, Grandview, W. Va., accepted as of April 15, 1969. Estimated project cost: $480,961. Grant requested: $283,825. Application signed by: Mr. Harry M. Brawley, Executive Secretary.

Washburn University of Topeka, 17th and College, Topeka, Kans. 66621, File No. 9/339/0029–T, to improve the facilities of noncommercial educational television station KTWU–TV on channel 11, Topeka, Kans., accepted as of April 15, 1969. Estimated project cost: $99,227. Grant requested: $74,420. Application signed by: Mr. John W. Henderson, President, Washburn University of Topeka.

Yale New Haven Educational Corp., Inc., 1772 Yale Station, New Haven, Conn. 06520, File No. 9/339/0033–T, for the establishment of a new noncommercial educational television station on channel 65, New Haven, Conn., accepted as of April 15, 1969. Estimated project cost: $566,000. Grant requested: $340,000. Application signed by: Mr. Howard S. Weaver, President.

New Jersey Public Broadcasting Corp., State House, Trenton, N.J. 08625, File No. 9/339/0037–T, for the establishment of a new noncommercial educational television station on channel 19, New Brunswick, N.J., accepted as of April 15, 1969. Estimated project cost: $645,905. Grant requested: $320,000. Application signed by: Mr. William H. King, Acting Executive Director.

State Board of Directors for Educational Television, University of South Dakota, Vermillion, S. Dak. 57069, File No. 9/339/0038–T, for the establishment of a new noncommercial educational television station on channel 13, Eagle Butte, S. Dak., accepted as of April 15, 1969. Estimated project cost: $639,715. Grant requested: $479,715. Application signed by: Mr. Harry J. Oggen, Chairman.

Area ETV Foundation, 300 Harry Hines Boulevard, Dallas, Tex. 75201, File No. 9/339/0042–T, to expand the facilities of noncommercial educational television station KERA–TV on channel 13, Dallas, Tex., accepted as of April 15, 1969. Estimated project cost: $423,508. Grant requested: $200,000. Application signed by: Mr. Robert A. Wilson, Executive Vice President.

Northern California ETV Association, Inc., 1304 East Street, Post Office Box 9, Redding, Calif. 96001, File No. 9/339/0056–T, to expand the facilities of noncommercial educational television station KIXE–TV on channel 9, Redding, Calif., accepted as of October 14, 1968. Estimated project cost: $130,000. Grant requested: $97,500. Application signed by: Mr. William T. Reed, General Manager.

Texas A & M University, College Station, Tex. 77843, File No. 9/339/0057–T, for the establishment of a new noncommercial educational television station on channel 15, Bryan, Tex., accepted as of December 10, 1968. Estimated project cost: $88,258. Grant requested: $66,193. Application signed by: Mr. Earl Rudder, President.

EDUCATIONAL RADIO

Bay Area Educational Television Association, 525 Fourth Street, San Francisco, Calif. 94107, File No. 9/339/0004–R, for the establishment of a new noncommercial educational radio station KOED–FM on channel 203, San Francisco, Calif., accepted as of April 9, 1969. Estimated project cost: $35,468. Grant requested: $26,188. Application signed by: Mr. James Day, President.

Regents of New Mexico State University, Drawer 3J University Park Branch, Las Cruces, N. Mex. 88001, File No. 9/339/0006–R, to expand the facilities of noncommercial educational radio station KRWG–FM on channel 214, Las Cruces, N. Mex., accepted as of April 11, 1969. Estimated project cost: $154,595. Grant requested: $114,447. Application signed by: Mr. Harvey C. Jacobs, Head, Department of Journalism and Mass Communications.

School District 4, Lane County, 200 North Monroe Street, Lane County, Oreg. 97402, File No. 9/339/0007–R, to expand the facilities of noncommercial educational radio station KRVM–FM on channel 220, Eugene, Oreg., accepted as of April 11, 1969. Estimated project cost: $22,456. Grant requested: $16,842. Application signed by: Mr. Vernon W. Smith, Deputy Clerk, School District No. 4.

Pacifica Foundation, Inc., 2207 Shattuck Avenue, Berkeley, Calif. 94704, File No. 9/339/0011–R, to expand the facilities of noncommercial educational radio station KPFB–FM on channel 231, Berkeley, Calif., accepted as of April 14, 1969. Estimated project cost: $13,744. Grant requested: $9,744. Application signed by: Mr. Alfred E. Partridge, President.

University of South Florida, 4202 Fowler Avenue, Tampa, Fla. 33620, File No. 9/339/0013–R, to expand the facilities of noncommercial educational radio station WUSF–FM on channel 209, Tampa, Fla., accepted as of April 14, 1969. Estimated project cost: $64,410. Grant requested: $48,305. Application signed by: Mr. Gerhard C. Eichholz, General Manager, WUSF–FM.

Milwaukee Board of School Directors, 5225 West Vliet Street, Milwaukee, Wis. 53208, File No. 9/339/0016–R, for the establishment of a new noncommercial educational radio (FM) station on channel 205, Milwaukee, Wis., accepted as of April 15, 1969. Estimated project cost: $51,247. Grant requested: $26,247. Application signed by: Thomas A. Linton, Secretary-Business Manager, Milwaukee Board of School Directors.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 9/339/0017–R, for the establishment of a new noncommercial educational radio station WMEH–FM on channel 215, Bangor, Maine, accepted as of April 15, 1969. Estimated project cost: $96,288. Grant requested: $72,216. Application signed by: Winthrop C. Libby, Acting President, University of Maine.

The Curators of the University of Missouri, 206 Administration Building, 8001 Natural Bridge Road, File No. 9/339/0021–R, St. Louis, Mo. 63121, for the establishment of a new noncommercial educational radio station (FM) on Channel 214, St. Louis, Mo., accepted as of April 15, 1969. Estimated project cost: $140,487. Grant requested: $105,365. Application signed by: Mr. Dale O. Bowling, Business Manager, 116 Jesse Hall, Columbia, Mo.

The Curators of the University of Missouri, Jesse Hall, Columbia, Mo. 65201, File No. 9/339/0023–R, for the establishment of a new noncommercial educational radio station KBIA–FM on channel 217, Columbia, Mo., accepted as of April 15, 1969. Estimated project cost: $139,013. Grant requested: $104,260. Application signed by: Mr. Dale O. Bowling, Business Manager.

Augusta College, 2500 Walton Way, Augusta, Ga. 30904, File No. 9/339/0024–R, for the establishment of a new noncommercial educational radio station (FM) on channel 214, Augusta, Ga., accepted as of April 15, 1969. Estimated project cost: $64,785. Grant requested: $36,571. Application signed by: Mr. John H. Gleason, Dean.

Board of Regents for Northwest Missouri State College, Maryville, Mo. 64468, File No. 9/339/0025–R, for the establishment of a new noncommercial educational radio station (FM) on channel 213, Maryville, Mo., accepted as of April 15, 1969. Estimated project cost: $99,893. Grant requested: $74,893. Application signed by: Mr. Garvin Williams, President.

San Bernardino Junior College, 701 South Mt. Vernon Avenue, San Bernardino, Calif. 92403, File No. 9/339/0026–R, to expand the facilities of noncommercial educational radio station KVCR–FM on channel 220, San Bernardino, Calif., accepted as of April 15, 1969. Estimated project cost: $8,300. Grant requested: $6,225. Application signed by: Raymond F. Ellerman, Superintendent.

Washington State University, Pullman, Wash. 99163, File No. 9/339/0027–R, for the establishment of a new noncommercial educational radio station KWSC–FM on channel 214, Pullman, Wash., accepted as of April 15, 1969. Estimated project cost: $69,888. Grant requested: $52,415. Application signed by: Mr. Glenn Terrell, President.

The University of Washington, Seattle, Wash. 98105, File No. 9/339/0030–R, to expand the facilities of noncommercial educational radio station KUDW–FM on channel 235, Seattle, Wash., accepted as of April 15, 1969. Estimated project cost: $43,969. Grant requested: $32,969. Application signed by: Mr. George W. Farwell, Vice President for Research.

The Greater Washington Educational Television Association, Inc., 2600 Fourth Street NW., Washington, D.C. 20001, File No. 9/339/0035–R, for the establishment of a new noncommercial educational radio station WETA–FM, on channel 215, Washington, D.C., accepted as of April 15, 1969. Estimated project cost: $123,570. Grant requested: $84,678. Application signed by: Mr. William J. McCarter, Vice President and General Manager.

University of Massachusetts, Amherst, Mass. 01002, File No. 9/339/0036–R, to expand the facilities of noncommercial educational radio station WFCR–FM on channel 203, Amherst, Mass., accepted as of April 15, 1969. Estimated project cost: $15,692. Grant requested: $11,769. Application signed by: Mr. John W. Lederle, President.

Wisconsin State University, 18th and Weeks Avenue, Superior, Wis. 54880, File No. 9/339/0039–R, to improve the facilities of noncommercial educational radio station WSSU–FM on channel 217, Superior, Wis., accepted as of April 15, 1969. Estimated project cost: $17,335. Grant requested: $13,001. Application signed by: Mr. Karl W. Meyer, President.

Pacifica Foundation, Inc., 2207 Shattuck Avenue, Berkeley, Calif. 94704, File No. 9/339/0040–R, for the establishment of a new noncommercial educational radio station (FM) on channel 211, Houston, Tex., accepted as of April 15, 1969. Estimated project cost: $37,498. Grant requested: $26,066. Application signed by: Mr. Lawrence Lee, Houston Project Manager.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0041–R, to expand the facilities of noncommercial educational radio station WHKW–FM on channel 207, Chilton, Wis., accepted as of April 15, 1969. Estimated project cost: $2,545. Grant requested: $1,550. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0043–R, to expand the facilities of noncommercial educational radio station WHAD–FM on channel 214, Delafield, Wis., accepted as of April 15, 1969. Estimated project cost: $2,545. Grant requested: $1,700. Application signed by: Mr. William C. Kahl, Chairman.

Pasadena Area Junior College District, 1570 Colorado Boulevard, Pasadena, Calif. 91106, File No. 9/399/0044–R, to expand the facilities of noncommercial educational radio station KPCS–FM on channel 207, Pasadena, Calif., accepted as of April 15, 1969. Estimated project cost: $17,620. Grant requested: $13,215. Application signed by: Mr. Harold E. Salisbury, General Manager, KPCS.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0045–R, to expand the facilities of noncommercial educational radio station WHRM–FM on channel 219, Wausau, Wis., accepted as of April 15, 1969. Estimated project cost: $1,210. Grant requested: $800. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale, Madison, Wis. 53705, File No. 9/339/0047–R, to expand the facilities of noncommercial educational radio station WHMD–FM on channel 218, Suring, Wis., accepted as of April 15, 1969. Estimated project cost: $7,825. Grant requested: $5,280. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale, Madison, Wis. 53705, File No. 9/339/0048–R, to expand the facilities of noncommercial educational radio station WHHI–FM on channel 217, Highland, Wis., accepted as of April 15, 1969. Estimated project cost: $7,825. Grant requested: $5,280. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0050–R, to expand the facilities of noncommercial educational radio station WHWC–FM on channel 202, Colfax, Wis., accepted as of April 15, 1969. Estimated project cost: $7,825. Grant requested: $5,180. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0043–R, to expand the facilities of noncommercial educational radio station WHLA–FM on channel 212, Holmen, Wis., accepted as of April 15, 1969. Estimated project cost: $7,825. Grant requested: $5,280. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0051–R, to expand the facilities of noncommercial educational radio station WHSA–FM on channel 210, Brule, Wis., accepted as of April 15, 1969. Estimated project cost:

$7,825. Grant requested: $5,180. Application signed by: Mr. William C. Kahl, Chairman.

Northwest Mississippi Junior College, College Station, Senatobia, Miss. 38668, File No. 9/339/0052–R, for the establishment of a new noncommercial educational radio station (FM) on channel 208, Senatobia, Miss., accepted as of April 15, 1969. Estimated project cost: $23,244. Grant requested: $17,433. Application signed by: Mr. R. D. McLendon, President.

Montana State University, Bozeman, Mont. 59715, File No. 9/339/0053–R, to expand the facilities of noncommercial educational radio station KGLT–FM on channel 211, Bozeman, Mont., accepted as of April 15, 1969. Estimated project cost: $50,506. Grant requested: $37,879. Application signed by: Mr. Leon H. Johnson, President.

Newark Board of Education, 31 Green Street, Newark, N.J. 07102, File No. 9/339/0054–R, to expand the facilities of noncommercial educational radio station WBGO–FM on channel 202, Newark, N.J., accepted as of April 15, 1969. Estimated project cost: $27,247. Grant requested: $18,185. Application signed by: Mr. Franklin Titus, Superintendent of Schools.

Approved: May 12, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69–5806; Filed, May 14, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF NORTH DAKOTA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

Dated at Washington, D.C., this 9th day of May 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23–20.1–05 of chapter 23–20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Done at ----------, in triplicate, this ---------- day of ----------.

For the United States Atomic Energy Commission.

For the State of North Dakota.

FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23–20–02 through 23–20–06 of chapter 23–20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoefitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all nondental X-ray units across the State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 86–66–6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23–20.1–01 through 23–20.1–11 of chapter 23–20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

2.0 CURRENT ACTIVITIES

2.1 Registration of sources of radiation. The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23–20–02 through 23–20–06 of chapter 23–20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY [1]

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.)	126	166
Dentists	205	205
Other practitioners	50	51
Hospitals	192	254
Veterinary	5	5
Others	7	7
Total	585	688

[1] Exclusive of Federal agencies.

2.2 Radiation protection in X-ray facilities. Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a discussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

2.3 Environmental radiation surveillance. Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the

levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86-66-6) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

2.4 Radioactive materials. Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular intervals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses			Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material		
Medical	16	0	0	7	23
Educational	5	1	2	2	10
Civil defense	3	0	0	0	3
Industrial	3	0	0	1	4
State agencies	2	0	0	2	4
Uraniferous lignite ashing	0	2	0	0	2
Total	29	3	2	12	46

3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

3.1 Licensing and registration. The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

3.2 Inspection. Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on developments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—industrial, medical, academic—once each 12 months.
4. Other specific licenses—industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licensees and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

3.3 Compliance. If it is determined by the inspection that only minor items of noncompliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 28-32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23-20.1-10 of chapter 23-20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

3.4 Administrative procedures and judicial review. The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28-32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.

2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.

3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.

4. The rules of procedure for hearings.

5. That determinations of the agency may be appealed to the district courts.

6. The scope of and procedure on appeal from determination of the administrative agency.

7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

3.5 Radiological emergencies. The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive materials, lost through some accident or incident, can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occuring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.530 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensees premises is provided for in the Radiological Emergency Guide.

3.6 Instrumentation. The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

3.7 Effective date of license transfer and reciprocity. Subsection 2 of section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by people knowledgeable in all aspects of division responsibility and to provide manpower backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the interunit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[F.R. Doc. 69-5782; Filed, May 14, 1969; 8:47 a.m.]

[Docket No. 50-191]

BABCOCK & WILCOX CO.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 4, as set forth below, to Facility License No. CX-19. The license as previously issued authorized The Babcock & Wilcox Co., to possess, use and operate the critical experiment facility ("the facility") situated in Bay No. 1 of the Company's Critical Experiment Laboratory located in Campbell County, near Lynchburg, Va., for the conduct of certain critical experiments. The amendment, which revises the license in its entirety, (1) authorizes performance of the Plutonium Recycle Critical Experiments in the facility, (2) incorporates Technical Specifications into the license, and (3) authorizes the receipt, possession and use of 30 kilograms

of plutonium. The amendment was issued in accordance with the Company's application for license amendment dated January 30, 1969, and supplements thereto.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the Company's application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of May 1969.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License CX-19, Amdt. 4]

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR Chapter I;

B. The facility has been constructed in conformity with Construction Permit No. CPCX-18, and will be operated in conformity with the (a) application and (b) rules and regulations of the Commission;

C. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

D. The Babcock & Wilcox Co., is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for possession, use and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed by the Babcock & Wilcox Co., in its application will not be inimical to the common defense and security or to the health and safety of the public;

F. The Babcock & Wilcox Co., has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect and has executed an indemnity agreement pursuant to 10 CFR Part 140; and

G. Prior public notice of proposed issuance of this license amendment is not required since operation of the facility in accordance with the terms of this license, as amended, does not involve significant hazard considerations different from those previously evaluated.

2. Facility License No. CX-19, as amended, is hereby amended in its entirety to read:

A. This license applies to the critical experiment facility (herein "the facility") situated in Bay No. 1 of the Critical Experiment Laboratory which is owned by The Babcock & Wilcox Co. (hereinafter, "the licensee") and is located in Campbell County, near Lynchburg, Va., as described in the licensee's application for license dated September 11, 1961, as amended by subsequent amendments thereto (herein referred to as "the application"). Construction of the facility was authorized by Construction Permit No. CPCX-18.

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

(1) Pursuant to section 104c of the Act and 10 CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the facility as a utilization facility for the conduct of critcal experiments as described in the application, at the designated location near Lynchburg, Va., in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and 10 CFR Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the facility up to (1) 125.35 kilograms of contained uranium-235, (2) 30 kilograms of plutonium and (3) 80 grams of plutonium contained in encapsulated plutonium-beryllium neutron sources; and

(3) Pursuant to the Act and 10 CFR Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Critical experiment: The licensee may conduct the Plutonium Recycle Critical Experiments in the facility as described in the application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969.

(2) Maximum power level: The licensee may operate the facility at power levels up to a maximum of 50 kilowatts (thermal).

(3) The Technical Specifications contained in Appendix A to this license (hereinafter, "the Technical Specifications") are hereby incorporated in this license.[1] The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of Part 50.

D. This amended license is effective as of the date of issuance and shall expire at midnight, December 19, 1971, unless sooner terminated.

Date of issuance: May 5, 1969.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-5741; Filed, May 14, 1969; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 20772]

CHRISTMAN CORP. ET AL.

Notice of Proposed Approval

Application of Christman Corp. et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20772.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 12, 1969.

A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Christman Corporation, doing business as Christman Air Freight, Christman Trucking Corporation, et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20772.

By application filed February 27, 1969,[1] Christman Corp., doing business as Christman Air Freight (Christman), an applicant for domestic and international air freight forwarding authority, Mr. Walter L. Christman, Mrs. Audrey W. Christman, his wife, Mr. Dominic DiGrado and Christman Trucking Corp. (Trucking), request that the Board approve, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), the control relationships between Christman and its wholly owned subsidiary, Trucking, and the interlocking relationships created by reason of the offices and directorships held by the individual applicants.

Christman, a Pennsylvania corporation, is presently engaged in the business of owning and leasing real estate and items of personal property, and is a commission sales or operating agent for Domestic Air Express of Jamaica, N.Y. (DAX).[2] Trucking, also a Pennsylvania corporation, is an intrastate and interstate common carrier by motor vehicle and is engaged in the transportation of general commodities having either an immediately prior or immediately subsequent shipment by air carrier between certain specified airports situated in Pennsylvania, Ohio, and West Virginia, on the one hand,[3] and points in eastern Ohio, western Pennsylvania, northern West Virginia, and western Maryland, on the other hand.[3] Mr. Christman owns 99.9 percent of the stock of Christman, and is the president, treasurer and a director of both Christman and Trucking. Mrs. Christman owns 0.1 percent of the stock of Christman and is secretary and a director of both companies. Mr. DiGrado is vice president and a director of both companies.

No objection to the application has been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Christman is an air carrier and Trucking is a common carrier both within the meaning of section 408 of the Act, and the common control of both companies by Mr. Christman is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.

The common control by Mr. Christman of Christman and Trucking warrants approval. The Board previously has approved control and interlocking relationships between air freight forwarders and short-haul interstate motor carriers of general commodities. These decisions have been based essentially on the conclusion that the short-haul service of the motor carrier vis-a-vis the activities of the air freight forwarder does not involve prime air freight markets and, therefore, did not present conflicts of interest detrimental to the forwarder.[4] A similar conclusion is applicable in the instant case, particularly since Trucking's ICC and intrastate authorities are limited to pickup and delivery service having an immediately prior or immediately subsequent movement by air. It, therefore, appears that approval of the control relationships would not be inconsistent with the public interest. On the other hand, should the general character of Trucking alter in any significant respect through expansion of operations, new issues may be raised which could only be resolved upon the filing of a further application in the matter.

It is further concluded that interlocking relationships involving Christman and Trucking will result from the holding by the individual applicants of the positions hereinabove described. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of the relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationship should be approved under section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of the interlocking relationship, should be dismissed.

Accordingly, it is ordered:

1. That the control by Walter L. Christman of Christman and Trucking, be and it hereby is approved; and

2. That, except to the extent granted herein, the application in Docket 20772, be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5794; Filed, May 14, 1969; 8:48 a.m.]

[1] The application was supplemented by letter of Apr. 7, 1969.

[2] The applicants state that upon the Board's issuance of air freight fowarding authority to Christman, the company will terminate its agency relationship with DAX.

[3] The specified airports are as follows: The Greater Pittsburgh Airport and Allegheny County Airport, both in Allegheny County, Pa.; the Ohio County Airport in Ohio County, W. Va.; and the Cleveland-Hopkins Airport in Cuyahoga County, Ohio.

[4] It is not clear from the application whether the applicants contend that if the control relationship is approved Christman will be able to publish rates to points on Trucking's system beyond the terminal zone or whether the relationship will enable Trucking to provide improved service for Christman and other customers. It is sufficient to note that if Christman contemplates publishing rates to points beyond the established terminal zone, it must first comply with Part 222 of the Board's Economic Regulations.

[1] Air-Land Freight Consolidators, et al., Order 69-3-10, Mar. 4, 1969. See also Drake Motor Lines, Inc. and Shulman, Inc., Orders 68-9-24 and 68-9-111, Sept. 6 and Sept. 24, 1968, respectively; Novo Industrial Corp. and Boss-Linco Lines, Inc., Order 68-10-134 and 68-11-61, Oct. 25 and Nov. 14, 1968, respectively.

[Docket No. 20809; Order 69-5-38]

FLEET AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority on May 9, 1969.

Fleet Airlines, Inc. (Fleet), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-1-114, January 27, 1969, the Board approved Agreement CAB 20709 between North Central Airlines, Inc. (North Central), and Fleet. This agreement contemplates that Fleet will discharge North Central's certificate obligation to serve Mankato, Minn. through the operation of small aircraft between Mankato and Minneapolis/St. Paul, Minn. Fleet expects to initiate service with deHavilland Heron type aircraft.

No service mail rate is currently in effect for this service by Fleet. By petition filed March 12, 1969, Fleet requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Mankato and Minneapolis/St. Paul, Minn. Fleet requests that the multielement rates previously paid to North Central on this route pursuant to Orders E-25610 and E-17255 be established. On April 3, 1969, the Postmaster General filed an answer in support of Fleet's petition.[1]

The rate for the air transportation of mail applicable to service by North Central was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. This rate is the same as that requested in Fleet's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Fleet at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Fleet in the same manner as they were applicable to North Central in providing mail services between Mankato and Minneapolis/St. Paul, Minn.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including North Central) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Fleet that Fleet will receive the same compensation as North Central would for the same services, we propose to establish a temporary service rate for nonpriority mail for Fleet at the level established in Order E-17255, as amended. We will also make Fleet a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Fleet Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Mankato and Minneapolis/St. Paul, Minn. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

[1] The present rates are as follows: Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Mankato and 2.34 cents per pound at Minneapolis/St. Paul. Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Mankato and 1.66 cents per pound at Minneapolis/St. Paul.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

1. The fair and reasonable final service mail rate to be paid on and after March 12, 1969, to Fleet Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mankato and Minneapolis/St. Paul, Minn. shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after March 12, 1969, to Fleet Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mankato and Minneapolis/St. Paul, Minn. shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Fleet Airlines, Inc., the Postmaster General, and North Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Fleet Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Fleet Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Fleet Airlines, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5797; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–36]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 16, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R–63 through R–67, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5795; Filed, May 14, 1969; 8:48 a.m.]

[1] Filed as part of the original document.

[Docket No. 18650; Order 69–5–37]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisons of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 10, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, rates for a new commodity description, "Toys," have been specified.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R–16 through R–20, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5796; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–38]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

By Order 69–4–116, dated April 25, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–4–116 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R–61 and R–62, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5798; Filed, May 14, 1969; 8:49 a.m.]

[1] Filed as part of the original document.

[Docket No. 18650; Order 69–5–39]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

By Order 69–4–112, dated April 25, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons might file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69–4–112.

Accordingly, it is ordered, That:

Agreement CAB 20806, R–8 through R–14, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5799; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–26]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Rate Transportation for Cargo Sales Agent

Issued under delegated authority on May 8, 1969.

By Order 69–4–65, dated April 14, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to reduced rate transportation for cargo sales agents. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69–4–65.

Accordingly, it is ordered, That:

Agreements CAB 20805 and 20885 be, and they hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5800; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 20291; Order 69–5–45]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority on May 12, 1969.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB Agreement numbers.

The agreements would: (1) Reduce by $10.00 the round-trip economy class fares between San Juan and Barranquilla to reflect, on a shortest operating mileage basis, the nonstop service recently introduced by Avianca, and (2) increase, generally by $15, the 17-day round-trip excursion fares between New York/San Juan and Aruba/Bonaire/Curacao which the carriers by experience have found to be uneconomical. Although the latter fares would be increased, the agreement would still provide the traveling public with significant reductions. The New York fares would provide reductions of 38 percent and the San Juan fares of about 50 percent from the otherwise applicable round-trip economy class fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolutions*
20937	100 (Mail 581) 070.
20940	100 (Mail 583) 061.

Accordingly, it is ordered, That:

Action on Agreements CAB 20937 and 20940 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5801; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 20877; Order 69–5–42]

SHAWNEE AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate[1]

Issued under delegated authority on May 9, 1969.

By petition filed April 2, 1969, Shawnee Airlines, Inc. (Shawnee), requests the Board to establish final multielement service mail rates for the transportation of mail by air from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando, Fla., to Gainesville, Fla. No service mail rates are currently in effect for this service by Shawnee. Shawnee states that it is presently operating scheduled services between the aforesaid points as an air taxi operator under Part 298 of the Board's Economic Regulations; that it uses Beechcraft 99 turboprop aircraft for this service; and that there are no certificated carriers operating on the segments for which rates are requested.

On April 9, 1969, the Postmaster General filed an answer in support of Shawnee's petition and stating that it is to the Postmaster General's advantage to be provided with the services proposed at the rates requested.[1]

With respect to priority mail, Shawnee requests the rate for the air transportation of mail established in the Domestic Service Mail Rate Investigation, Docket 16349, by Order E–25610, August 28, 1967, as that rate may be amended. With respect to the air transportation of nonpriority mail, however, owing to the open-rate situation that has existed since April 6, 1967, when the Post Office petitioned for establishment of new nonpriority mail rates in Docket 18381, Shawnee requests the same compensation as that established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, Docket 10920, subjec to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide.

As previously stated, Shawnee has requested the establishment of mail rates

[1] The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Gainesville and Lakeland, and 2.34 cents per pound at Atlanta and Orlando.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Gainesville and Lakeland and 1.66 cents per pound at Atlanta and Orlando.

amendment, see (1) the Company's application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of May 1969.

For the Atomic Energy Commission

Dennis L. Ziemann
[illegible]

[illegible] to Amdt. 61

[illegible]

B. The facility has been constructed in accordance with Construction Permit No. CPCX-18 and will be operated in conformity with the application and the rules and regulations of the Commission.

C. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public.

D. The [illegible] will engage in the proposed activities in accordance with the Commission's regulations.

E. The issuance of this license, as amended, for possession, use and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed by the Babcock & Wilcox Co., in its application will not be inimical to the common defense and security or to the health and safety of the public;

F. The Babcock & Wilcox Co., has submitted proof of financial protection which satisfies the requirements of Commission regulations; and

G. The issuance of this license, as amended, is in accordance with 10 CFR Part 50, Section [illegible] of the Commission's regulations.

Therefore, pursuant to the Act and 10 CFR Chapter I, Part 50, Section [illegible] of the Commission's regulations, IT IS HEREBY ORDERED that Facility License No. CPCX-18, dated [illegible], is amended to read as follows:

A. This license applies to the [illegible] Critical Experiments Facility, a critical experiment facility [illegible] Virginia, and is known as the Babcock & Wilcox Critical Experiments Facility. The facility is described in the application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969.

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

(1) Pursuant to section 104c of the Act and 10 CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the facility as a utilization facility for the conduct of critical experiments as described in the application, at the designated location near Lynchburg, Va., in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and 10 CFR Chapter I, Part 70, Special Nuclear Material, to receive, possess and use in connection with operation of the facility up to (1) 125.35 kilograms of contained uranium-235, (2) 30 kilograms of plutonium and (3) 80 grams of plutonium contained in encapsulated plutonium beryllium neutron sources; and

(3) Pursuant to the Act and 10 CFR Chapter I, Part 30, Licensing of Byproduct Material, to receive, possess and use [illegible] of byproduct material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

C. This license shall be deemed to contain and be subject to the conditions specified in [illegible] of the Act and the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Critical experiment. The licensee may operate the Critical Experiments Facility in the facility as described in the application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969.

(2) Maximum power level. The licensee may operate the facility at power levels up to a maximum of 50 kilowatts (thermal).

(3) The Technical Specifications contained in Appendix A to this license (hereinafter, the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of Part 50.

D. This amended license is effective as of the date of issuance and shall expire at midnight, May 4, 1981.

For the Atomic Energy Commission

Peter A. Morris, Director
Division of Reactor Licensing

Date of issuance: May 5, 1969

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[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

Order To Show Cause Regarding Approval of Control and Interlocking Relationships

Issued under delegated authority

Application of Christman Corporation doing business as Christman Air Freight, Christman Trucking Corporation et al. for approval of route 1 and interstate, route 2 holdings under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed February 27, 1969, Christman Corporation doing business as Christman Air Freight (Christman), an applicant for domestic and international air freight forwarding authority, Mr. Walter L. Christman, Mrs. Audrey W. Christman, his wife, Mr. Dominic DiGrado, and Christman Trucking Corp. (Trucking) request that the Board approve pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), the control relationships between Christman and its wholly owned subsidiary, Trucking, and the interlocking relationships created by reason of the offices and directorships held by the individual applicants.

Christman, a Pennsylvania corporation, is presently engaged in the business of owning and leasing real estate and items of personal property, and is a commission sales or operating agent for Domestic Air Express of Jamaica, N.Y. (DAX).[1a] Trucking, also a Pennsylvania corporation, is an intrastate

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[1] The application was supplemented by letter of Apr. 7, 1969.

[1a] The applicants state that upon the Board's issuance of air freight forwarding authority to Christman, the company will terminate its agency relationship with DAX.

Board to the [illegible] 1 day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Christman is an air carrier and Trucking is a common carrier both within the meaning of section 408 of the Act, and the common control of both companies by Mr. Christman is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition.

Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.

The common control by Mr. Christman of Christman and Trucking warrants approval. The Board previously has approved control and interlocking relationships between air freight forwarders and short haul interstate motor carriers of general commodities. These decisions have been based essentially on the conclusion that the short-haul service of the motor carrier vis-a-vis the activities of the air freight forwarder does not involve prime air freight markets and therefore did not present conflicts of interest detrimental to the forwarder. A similar conclusion is applicable in the instant case particularly since Trucking's ICC and intrastate authorities are limited to pickup and delivery service having an immediately prior or immediately subsequent connection with air transportation.[2] Trucking presently has no operations beyond the terminal zone of Pittsburgh, Pa., and Cleveland, Ohio.[3] Trucking has no plans to extend its operations beyond the terminal zone and has no intention of applying for authority to do so.[4] Trucking has no employees and no equipment. Christman has agreed to provide Trucking with the necessary personnel and equipment to perform its operations.

Accordingly, it is found that the control relationship should be approved under section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of the interlocking relationship, should be dismissed.

Accordingly, it is ordered:

1. That the control by Walter L. Christman of Christman and Trucking, be and it hereby is approved; and

2. That, except to the extent granted herein, the application in Docket 20772, be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

[SEAL]

MABEL MCCART,
Acting Secretary

[F.R. Doc. 69-5764; Filed, May 14, 1969; 8:46 a.m.]

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[2] The specified airports are as follows: The Greater Pittsburgh Airport and Allegheny County Airport, both in Allegheny County, Pa.; the Ohio County Airport in Ohio County, W. Va.; and the Cleveland-Hopkins Airport in Cuyahoga County, Ohio.

[3] It is not clear from the application whether the applicants contend that if the control relationship is approved Christman will be able to publish rates to points on Trucking's system beyond the terminal zone or whether the relationship will enable Trucking to provide improved service for Christman and other customers. It is sufficient to note that if Christman contemplates publishing rates to points beyond the established terminal zone, it must first comply with Part 222 of the Board's Economic Regulations.

[4] Air-Land Freight Consolidators, et al., Order 69-3-10, Mar. 4, 1969. See also Drake Motor Lines, Inc. and Shulman, Inc., Orders 68-9-24 and 68-9-111, Sept. 6 and Sept. 24, 1968, respectively; Novo Industrial Corp. and Boss-Linco Lines, Inc., Order 68-10-134 and 68-11-61, Oct. 25 and Nov. 14, 1968, respectively.

[Docket No. 20809; Order 69-5-10]

FLEET AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority on May 9, 1969.

Fleet Airlines, Inc. (Fleet), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-1-114, January 27, 1969, the Board approved Agreement CAB 20709 between North Central Airlines, Inc. (North Central), and Fleet. This agreement contemplates that Fleet will discharge North Central's certificate obligation to serve Mankato, Minn. through the operation of small aircraft between Mankato and Minneapolis St. Paul, Minn. Fleet expects to initiate service with deHavilland Heron type aircraft.

No service mail rate is currently in effect for this service by Fleet. By petition filed March 12, 1969, Fleet requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Mankato and Minneapolis St. Paul, Minn. Fleet requests that the multielement rates previously paid to North Central on this route pursuant to Orders E-25610 and E-17255[1] be established. Fleet alleges that an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including North Central) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Fleet that Fleet will receive the same compensation as North Central would for the same services, we propose to establish a temporary service rate for nonpriority mail for Fleet at the level established in Order E-17255 as amended. We will also make Fleet a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Fleet Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Mankato and Minneapolis St. Paul, Minn. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

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[1] The present rates are as follows: Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Mankato and 2.34 cents per pound at Minneapolis St. Paul. Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Mankato and 1.66 cents per pound at Minneapolis St. Paul.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

1. The fair and reasonable final service mail rate to be paid on and after March 12, 1969, to Fleet Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mankato and Minneapolis/St. Paul, Minn. shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after March 12, 1969, to Fleet Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mankato and Minneapolis/St. Paul, Minn. shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Fleet Airlines, Inc., the Postmaster General, and North Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Fleet Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Fleet Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Fleet Airlines, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5797; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–36]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 16, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R–63 through R–67, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5795; Filed, May 14, 1969; 8:48 a.m.]

[1] Filed as part of the original document.

[Docket No. 18650; Order 69–5–37]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisons of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 10, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, rates for a new commodity description, "Toys," have been specified.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R–16 through R–20, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5796; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

By Order 69–4–116, dated April 25, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–4–116 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R–61 and R–62, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5798; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–39]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

By Order 69–4–112, dated April 25, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons might file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69–4–112.

Accordingly, it is ordered, That:

Agreement CAB 20806, R–8 through R–14, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5799; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–26]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Rate Transportation for Cargo Sales Agent

Issued under delegated authority on May 8, 1969.

By Order 69–4–65, dated April 14, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to reduced rate transportation for cargo sales agents. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69–4–65.

Accordingly, it is ordered, That:

Agreements CAB 20805 and 20885 be, and they hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5800; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 20291; Order 69–5–45]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority on May 12, 1969.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB Agreement numbers.

The agreements would: (1) Reduce by $10.00 the round-trip economy class fares between San Juan and Barranquilla to reflect, on a shortest operating mileage basis, the nonstop service recently introduced by Avianca, and (2) increase, generally by $15, the 17-day round-trip excursion fares between New York/San Juan and Aruba/Bonaire/Curacao which the carriers by experience have found to be uneconomical. Although the latter fares would be increased, the agreement would still provide the traveling public with significant reductions. The New York fares would provide reductions of 38 percent and the San Juan fares of about 50 percent from the otherwise applicable round-trip economy class fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolutions*
20937	100 (Mail 581) 070.
20940	100 (Mail 583) 061.

Accordingly, it is ordered, That:

Action on Agreements CAB 20937 and 20940 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5801; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 20877; Order 69–5–42]

SHAWNEE AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on May 9, 1969.

By petition filed April 2, 1969, Shawnee Airlines, Inc. (Shawnee), requests the Board to establish final multielement service mail rates for the transportation of mail by air from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando, Fla., to Gainesville, Fla. No service mail rates are currently in effect for this service by Shawnee. Shawnee states that it is presently operating scheduled services between the aforesaid points as an air taxi operator under Part 298 of the Board's Economic Regulations; that it uses Beechcraft 99 turboprop aircraft for this service; and that there are no certificated carriers operating on the segments for which rates are requested.

On April 9, 1969, the Postmaster General filed an answer in support of Shawnee's petition and stating that it is to the Postmaster General's advantage to be provided with the services proposed at the rates requested.[1]

With respect to priority mail, Shawnee requests the rate for the air transportation of mail established in the Domestic Service Mail Rate Investigation, Docket 16349, by Order E–25610, August 28, 1967, as that rate may be amended. With respect to the air transportation of nonpriority mail, however, owing to the open-rate situation that has existed since April 6, 1967, when the Post Office petitioned for establishment of new nonpriority mail rates in Docket 18381, Shawnee requests the same compensation as that established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, Docket 10920, subjec to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide.

As previously stated, Shawnee has requested the establishment of mail rates

[1] The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Gainesville and Lakeland, and 2.34 cents per pound at Atlanta and Orlando.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Gainesville and Lakeland and 1.66 cents per pound at Atlanta and Orlando.

on segments on which it is currently providing scheduled service as follows: From Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando to Gainesville, Fla. Since certificated air carrier service is available between Atlanta, Ga., and Orlando, Fla., Shawnee does not seek to provide mail service between these points, and the service mail rates proposed herein shall not be construed by any combination thereof as authorizing Shawnee to engage in the transportation of mail in any market served by an air carrier certificated by the Board.

Under these circumstances it appears that the proposed services of Shawnee will improve the mail services between the points where certificated carrier services are not available. The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Shawnee by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and, from Orlando to Gainesville, Fla. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order [2] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rates to be paid to Shawnee Airlines, Inc., pursuant to section 406 of the Act for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and, from Orlando to Gainesville, Fla., shall be the rates established by the Board in Order E–25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid to Shawnee Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and, from Orlando to Gainesville, Fla., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381;

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General; and

4. These rates shall apply to described mail services of Shawnee Airlines, Inc., to the extent it is authorized to provide such mail services as an air taxi operator pursuant to the provisions of Part 298 of the Board's Economic Regulations and shall not apply to segments served by certificated air carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Shawnee Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not publish the final and temporary rates specified above as the fair and reasonable rates of compensation to be paid to Shawnee Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. Shawnee Airlines, Inc., is hereby made a party in Docket 18381.

This order shall be served upon Shawnee Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5802; Filed, May 14, 1969; 8:49 a.m.]

[2] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Pt. 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20928; Order 69–5–28]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1969.

Passenger fare revisions proposed by American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Docket 20928.

By tariff filed March 18, 1969,[1] marked to become effective May 19, 1969, Trans World Airlines, Inc. (TWA), has proposed to revise its domestic fares by (1) adjusting its jet coach fares so that all fares would fall within 4 percent (plus or minus) of the present industry jet coach fare norm, and (2) adjusting its jet first-class fares to maintain the existing differential between coach and first-class fares.[2]

Subsequently, by tariff revisions marked to become effective May 19, 1969, Braniff Airways, Inc. (Braniff), and United Air Lines, Inc. (United), have filed to match TWA's proposal in part. Furthermore, American Airlines, Inc. (American), has filed to match TWA's proposal, as revised, and Western Air Lines, Inc. (Western), has filed to match the fares proposed by American, TWA, and United, but only in competitive markets. American, Braniff, and United, similarly to TWA, propose to adjust their jet coach fares to a level within 4 percent of the industry jet coach norm, as determined in the staff's study of the domestic fare structure published in January 1968, rounded and adjusted for the fare changes permitted by the Board in February of this year. These carriers also propose to make similar changes in jet first-class fares.

A complaint has been filed by the Honorable John E. Moss, M.C. (California), and 19 other Members of Congress requesting suspension and investigation of the proposals, the institution of a general rate proceeding to investigate the fare structure of air carriers, and the undertaking of a rulemaking procedure to amend Part 241 of Title 14 of the Code of Federal Regulations (and applicable schedules and definitions) to require submission of traffic and operations data on a revenue-hour basis. The complaint alleges that the proposed changes are unlawful because the Passenger Fare Study formula used as a standard, and the values upon which the formula is based, do not comply with the statutory standards of the Federal Aviation Act of 1958, the economic regulations of the Board, and/or the rules of rate-making previously enunciated by the Board. The complaint further alleges that, contrary to the applicants' contention, their proposal is not consistent with the staff's

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 101, 98, and 90.

[2] TWA also proposed to discontinue the common rating of Los Angeles and San Francisco. TWA proposed to do this by basing the new Los Angeles fares on the jet coach norm or the present fare, whichever is lower, and basing the new San Francisco fares on the Los Angeles fares per mile, subject to a maximum difference of $5. The city of San Francisco filed a telegraphic complaint, to be followed by a formal complaint, and on April 10, TWA notified the city and the Board of its decision to cancel this portion of its proposal.

recommendations regarding the elimination of extreme variations.

In support of their proposals, and in answer to the complaint, the carriers assert that the changes are being made to reflect desirable improvements and eliminate inequities in the present fare structure, and to generate needed additional revenue. TWA and United assert that while the fare increases permitted to become effective on February 20 and 26, 1969, provided some measure of relief, improved the relationship between fares and costs, and improved the fare differential between classes of service, they did not provide for sufficient increases in revenue. They allege that their increased revenues would be significantly less than the 3.8 percent estimated by the Board, due to the nature of their operations. TWA alleges that its proposal is consistent with the first recommendation in the staff's fare study of 1968, and that inconsistencies in the present fare structure should be removed prior to further study leading to the development of a new fare structure.

Moreover, the carriers assert that the basis for the suspension request is not that the proposed fares are prima facie unjust or outside the zone of reasonableness, but that the formula used in their construction, and the values used in the formula, may not comply with the Federal Aviation Act or with the Board's rules and regulations; that to the extent the complaint attacks the method used to construct the proposed fares, it ignores its own earlier statement that under the statutory standards of just and reasonable fares it is the result reached, not the method employed, which is controlling; and that in this regard the complaint has failed to show that the end result of the proposals contravenes the standards of the Act.

Upon consideration of the tariff proposals, the complaint and answers thereto, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

The Board is not opposed to elimination of extreme variations from the "norm", per se. However, we are not at this time prepared to conclude that the fare norm utilized by the carriers in developing their proposals is the most appropriate measure against which to make adjustments in the structure. In view of the advanced stage of the Board's informal investigation into cost oriented norms, and the expectation that an adequately tested formula may be arrived at during the time in which these proposed fares are being investigated, the Board is unwilling to permit the proposed fare changes to become effective at this time.

Aside from questions of fare structure, the tariff filings before us represent requests for an increase in revenue. Less than 3 months ago (Feb. 20, 1969, and various dates thereafter), the Board permitted a general fare increase which, it was estimated, will result in additional revenues approaching 4 percent for the trunkline industry.[3] It is true that this percentage of increased revenues is an "industry average" figure; and individual carriers may find inequities in their fare structures which will warrant some increase. We note that the carriers have recently filed to place a 7-day minimum stay requirement on their Discover America excursion fares, to become effective June 1, 1969. This limitation should lessen the diversionary effect of these fares and, according to earlier estimates, would have contributed additional revenues for the trunkline carriers of some $15 million based on 1967 traffic. In all these circumstances, the Board is unable at this time to approve without investigation a further revenue increase for the trunkline industry.

In this connection, the Board is very much concerned about a problem which it considers basic to the economic state of the industry, and which cannot be solved by a series of fare increases. This problem is the presently depressed level of load factors. Load factors for the domestic trunkline carriers have been dropping steadily since 1966. The 53 percent passenger load factor reported for the calendar year 1968 is the lowest reported for any of the past 20 years. This trend gains added significance in light of the substantial amount of traffic that traveled at discount fares last year (in excess of 40 percent). Moreover, estimates indicate that the domestic trunk load factor will drop to even lower levels during 1969.

The carriers have not erred in their basic traffic forecasts. Both the carriers and the Board have been surprisingly accurate in traffic forecasting. But the carriers have bought equipment despite (not by reason of) traffic forecasts.

As long as the industry's load factor continues its present downward trend, and inflationary pressures persist, the carriers may find themselves in a cost-revenue squeeze despite the introduction of more efficient aircraft and the adjustment of their fares. Another significant aspect of an unnecessary increase in unused capacity is the corresponding growth in the investment base and fixed charges. On the other hand, it cannot be expected that fare increases will stimulate additional traffic. The basic solution to the industry's present financial situation would appear to lie in exercising restraint in ordering new flight equipment and in the use of its available capacity, rather than in increasing its price to the public.

Returning to the question of fare structure, the Board is of the opinion that inconsistencies arising from the lack of published joint fares are inseparable from the inconsistencies which may exist in presently published local fares. We believe that correction of both should proceed simultaneously. A significant number of passengers are today traveling in markets where one carrier service is not available, and where no joint fare is published for inter-carrier connecting service. Passengers traveling in such markets must pay a combination of local fares, each of which reflects the February increases. Fares for these passengers, therefore, reflect a compounding of increases which the formula permitted by the Board in February 1969, was not intended to reflect. The Board finds no reason for continuing such inequity.

On the basis of the foregoing, the Board is of the opinion that the proposals now before it are, if nothing else, premature. It is probable that a more appropriate measure of consistency, in the form of a cost-oriented norm, will soon be adequately tested out. And the Board believes that elimination of inconsistencies in presently published fares should be accompanied by elimination of the inconsistencies which exist by reason of the lack of a published joint single-factor fare for connecting service. We view these two facets of the fare structure as inseparable, and believe that joint fares should be published in all markets where the volume of traffic averages one or more passengers a day.

In view of the above, we deem it advisable to defer action on the complainants' request that the Board institute a general rate proceeding to investigate the fare structure of air carriers pending further informal investigation into a cost-oriented formula. Complainants also request that the Board undertake a rule making proceeding to amend Part 241 of the economic regulations "to require submission of revenue-hour information (e.g., available seat-hours, available ton-hours, passenger-hours flown, ton-hours flown, etc.) in order that such data will be readily available for a comprehensive investigation of the fare structure."

At present, the carriers report over-all aircraft revenue hours for scheduled and nonscheduled services, separately, on a system basis. In addition, the Board has under consideration in a pending rulemaking proceeding proposed amendments to Part 241 which would, inter alia, require certificated carriers to report monthly on a flight stage basis revenue aircraft hours (airborne) and aircraft hours (ramp-to-ramp).[4] Such data, together with other data which would be required under the proposed rule, would provide the revenue-hour information specified by complainants on a flight segment basis. In light of the foregoing, complainants' request will be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[5] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable,

[3] Order 69–2–98, adopted Feb. 19, 1969.

[4] EDR–146, Sept. 25, 1968.

[5] Appendix A filed as part of original document.

unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[*] are suspended and their use deferred to and including August 16, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 20928 to the extent that it requests initiation of a rulemaking proceeding under Part 241 of Title 14, CFR is hereby denied; and such complaint to the extent that it requests a general rate proceeding to investigate the fare structure of air carriers is hereby deferred;

4. The complaints of the city of San Francisco and the San Francisco Chamber of Commerce, in Docket 20880, which are related to the Los Angeles-San Francisco common fares, are dismissed;

5. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[*]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5847; Filed, May 14, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 439]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MAY 12, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

File No.; applicant; call sign; nature of application

6657-C2-AL-69—Rochester Uni-Call Corp.; (KEC521); Consent to assignment of license from Rochester Uni-Call Corp., Assignor to: Tel-Page Corp., Assignee.

6658-C2-AL-(2)69—Autofone Co.; Consent to assignment of license from: Communication Enterprises, Inc., doing business as Autofone Co., Assignor, to: Ray Andrew Fields, Assignee. Stations: KOF910 Vancouver, Wash., KOP257 Portland, Oreg.

6660-C2-P-69—South Central Bell Tel Co.; (KIC344); C.P. to change the input power of transmitters operating on frequencies 152.51, 152.63, and 152.72 MHz at station located at Location No. 2: 201 Court Avenue, Memphis, Tenn.

6661-C2-P-69—Southwestern Bell Telephone Co.; (KKB395); C.P. to add a fifth channel to operate on frequency 152.72 MHz at station located at 5 miles south southeast of Goldsmith, Tex.

6662-C2-P-69—Dome Communications; (KLF516); C.P. to add a second channel to operate on frequency 152.15 MHz at station located at Location No. 2: 1432 Big Horn Ave, Sheridan, Wyo.

6663-C2-P-(3)69—Illinois Bell Tel Co.; (KSA752); C.P. to add a fourth channel to operate on frequency 152.72 MHz and change the antenna system located at 5 miles northwest of Rockford, Ill.

6405-C2-P/L-69—South Central Bell Telephone Co.; (KIC343); C.P. and modification of license to change the antenna system operating on frequencies 152.51, 152.63, 152.69, and 152.78 MHz located approximately 7.5 miles south of Nashville, Tenn.

6678-C2-P-69—Mobilfone; (New); C.P. for a new 1-way station to be located 2.5 miles north of U.S. Highway No. 83 on North Tenth Street, McAllen, Tex., to operate on frequency 152.24 MHz.

6679-C2-P-(2)69—Boca Mobilphone; (KFQ941); C.P. to add a second base channel to operate on frequency 454.200 MHz and relocate facilities operating on 454.35 MHz to 351 Southwest First Avenue, Boca Raton, Fla.

6670-C2-TC-69—Philadelphia Mobile Telephone Co.; (KGI775); Consent to transfer of control from Robert L. Starer and John B. Huffaker, Assignors, to: Teletech Corp., Assignee.

6688-C2-P-69—Gulf Mobilephone of Vicksburg; (New); C.P. for a new 2-way station to be located at 903 Clay Street, Vicksburg, Miss., to operate on base frequency 454.15 MHz.

6689-C2-P-69—Gulf Mobilphone of Vicksburg; (New); C.P. for a new 2-way station to be located on Highway No. 84, at the Mississippi River Bridge, Natchez, Miss.

6690-C2-P-69—Piedmont Telephone Co.; (KIM907); C.P. to replace the base transmitter operating on frequency 152.57 MHz located at State Routes No. 55 and No. 625, Haymarket, Va.

6695-C2-P-69—The Pacific Tel & Tel Co.; (KMA829); C.P. to change the antenna system and relocate facilities operating 35.58 MHz at Location No. 6 to: 530 "B" Street, San Diego, Calif.

6696-C2-P-69—Radio Page of Michiana, Inc.; (New); C.P. for a new 2-way station to be located at 106 West Monroe Street, South Bend, Ind., to operate on frequency 152.21 MHz.

6714-C2-P-69—Tuolumne Telephone Co.; (New); C.P. for a new 2-way station to be located at Shingletown, Calif., to operate on base frequency 152.54 MHz.

Major Amendment

5434-C2-P-69—Spencer Communications Service; (KIY446); Change frequency to read 454.225 MHz. All other particulars to remain the same as reported on public notice dated March 24, 1969, Report No. 432.

3626-C2-P-68—Communications Engineering, Inc.; (New); Amended to change the frequencies for the control and repeater facilities to specify 75.54 and 72.54 MHz, respectively. All other particulars to remain as reported on public notice dated January 29, 1968.

Corrections

6418-C2-P-(2)69—General Telephone Co. of the Southeast; (New); Correct to read: Frequency 152.84 MHz.

[*] Members Gilliland and Adams would not have suspended or investigated these fares.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

Correction

6596-C1-P-69—Illinois Bell Telephone Co.; (KYS94); Correct to add frequencies 6019.3 and 11545 MHz toward Albany, Ill., and add frequencies 6152.8 and 11685 MHz toward Rock Island, Ill. All other particulars same as reported in public notice dated February 10, 1969, Report No. 426.

6411-C1-P-69—Illinois Bell Telephone Co. (New); Correct to read C.P. for a new fixed station: Frequencies 6108.3 and 11526 MHz; 5960.0, 6078.6, 5974.8 and 11685 MHz (relocated from KSJ56). All other particulars same as reported in public notice dated May 5, 1969, Report No. 438.

6408-C1-P-69—Communications Satellite; (New); Correct frequencies to read: 6685, 6675, 6595, 10755, 10915, and 11075 MHz. All other particulars same as reported on public notice dated May 5, 1969, Report No. 438.

POINT TO POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

6391-C1-P-69—Microwave Service Co.; (New); C.P. for a new station to be located at the studio of KKBC(TV), Lubbock, Tex. (lat. 33°32'54" N., long. 101°51'39" W.), to operate on frequency 6404.8 MHz toward the KKBC(TV) transmitter site at Lubbock, Tex. (lat. 33°30'08" N. long. 101°52'20" W.), on azimuth of 191 degrees/45 minutes. (Informative: Applicant proposes to provide an STL service to KKBC(TV) that would supplant the existing KKBC(TV)-owned STL system. NOTE: Applicant has requested Special Temporary Authority.)

6692-C1-P-69—Western Microwave, Inc.; (New); C.P. for a new station on Fort Peck Indian Reservation, 15.5 miles north-northwest of Poplar, Mont., at 48°19'40" N., long. 105°17'55" W. Frequency 11305 MHz on azimuth 134 degrees/13 minutes.

6693-C1-P-69—Western Microwave, Inc.; (KSQ29); C.P. to add frequency at station located at Fox Creek, 9.4 miles west of Sidney, Mont. at lat. 47°42'30" N, long. 104°21'09" W. and to add new point of communications at Glendive Knob, Mont. Frequency 11175 MHz on azimuths 47 degrees/18 minutes, 89 degrees/42 minutes and 198 degrees/12 minutes.

6694-C1-P-69—Western Microwave, Inc.; (KSQ30); C.P. to add frequency 11305 MHz on azimuth 325 degrees/08 minutes at station located 5 miles south of Glendive, Mont. (Informative: Applicant proposes to provide the television signal of CKCK-TV of Saskatchewan, Canada, to Glendive Cable TV in Glendive; Community Service Television in Williston and Big Sky TV Cable, Inc. in Sidney, Mont.)

6716-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located 3.27 miles northwest of Lebanon, Mo., at lat. 37°42'39" N., long. 92°42'43" W. Frequencies: 10735 and 10895 MHz on azimuth 200 degrees/39 minutes.

6717-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located 1.14 miles southeast of Marshfield, Mo., at lat. 37°19'32" N., long. 92°53'40" W. Frequencies: 11425 and 11585 MHz on azimuth 243 degrees/30 minutes.

6718-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located at 6.4 miles southwest of Springfield, Mo., at lat. 37°08'58" N., long. 93°20'08" W. Frequencies: 10735 and 10895 MHz on azimuth 275 degrees/44 minutes.

6719-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located 1.28 miles west-northwest of Phelps, Mo., at lat. 37°11'43" N., long. 93°55'39" W. Frequencies: 11425 and 11585 MHz on azimuth 257 degrees/17 minutes.

(Informative: Applicant proposes to provide the television signals of stations KETC and KPLR-TV of St. Louis, Mo., to Joplin, Mo., for delivery to Midwest Cablevision, Inc.)

Major Amendment

1563-C1-P-69—Penn Service Microwave Co.; (New); Amended to change frequencies 11300, 11350, and 11400 MHz to 11225, 11385, and 11545 MHz toward Avis, Pa., on azimuth 274 degrees/30 minutes. Transmitter location: Bald Eagle Mountain, 3 miles south of Williamsport, Pa.

All other particulars same as reported in public notice dated September 30, 1968.

4184-C1-P-69—Penn Service Microwave Co.; (New); Amended to change frequencies 11300, 11350, and 11400 MHz to 11225, 11385, and 11545 MHz toward Cogan Station, Pa., on azimuth 325 degrees/30 minutes. Transmitter location: Bald Eagle Mountain, 3 miles south of Williamsport, Pa.

All other particulars same as reported in public notice dated March 31, 1969.

Corrections—Continued

6419-C2-P-(2)69—General Telephone Co. of the Southeast; (New); Correct to read: Frequencies 152.54 and 152.78 MHz. All other particulars same as reported in public notice dated May 5, 1969, Report No. 438.

RURAL RADIO SERVICE:

6664-C1-P-69—Pacific Power & Light Co.; (New); C.P. for a new station to be located at 15.7 miles north of Columbia Falls, Mont., to operate on frequency 157.95 MHz communicating with station KFL914, Kalispell, Mont.

6658-C1-AL-69—Autofone Co.; (KPX66); Consent to assignment of license from Communication Enterprises, Inc., doing business as Autofone Co., Assignor, to: Ray Andrew Fields, Assignee.

6680-C1-P/L-69—The Mountain Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber station to be located 36 miles southeast of Billings, Mont., to operate on frequency 157.80 MHz communicating with station KSV89, Billings, Mont.

6681-C1-ML-69—The Mountain Telephone & Telegraph Co.; (KSV89); Modification of license to add a rural subscriber: W. H. Willcut, located 36 miles southeast of Billings, Mont. All other terms of the existing license to remain the same.

6691-C1-P/L-(2)69—Central Telephone Co.; (New); C.P. and license for a new interoffice fixed station to operate with two units at any temporary-fixed location within the territory of grantee, to operate on frequencies 152.78 and 158.04 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIER)

6659-C1-P/ML-69—American Telephone & Telegraph Co.; (KEF72); C.P. and modification of license for a (developmental) temporary fixed station to add eight transmitters to operate on frequencies in the 3700-4200, 5925-6425, and 10700-11700 MHz frequency bands.

6665-C1-P-69—Southern Bell Telephone & Telegraph Co.; (KJH41); C.P. to add frequencies 6338.9 MHz toward Florence, S.C. (power split), at station located at 7 miles west of Hartsville, S.C.

6666-C1-P-69—Central Telephone Co.; (New); C.P. for a new fixed station to be located at Spirit Mountain, approximately 11.8 miles northwest of Bullhead City, Ariz., to operate on frequencies 6315.9 and 11285.0 MHz toward Mohave, Nev., and add frequencies 609.3 and 11115.0 MHz toward Searchlight, Nev.

6667-C1-P-69—Central Telephone Co.; (New); C.P. for a new fixed station to be located at Mohave, Nev., approximately 1.5 miles west of Bullhead City, Ariz., to operate on frequencies 6063.8 and 10835.0 MHz toward Spirit Mountain, Nev., and 6034.2 and 10755.0 MHz toward Christmas Tree Pass, Nev.

6668-C1-P-69—Central Telephone Co.; (KYN60); C.P. to add frequencies 5974.8 and 10995.0 MHz toward Christmas Tree Pass, Nev., at station located 3 miles west of Nelson, Nev.

6669-C1-P-69—Central Telephone Co.; (KYN49); C.P. to add frequencies 6286.2 and 11685.0 MHz toward Mohave, Nev., and 6226.9 and 11445.0 MHz toward Nelson, Nev., at station located at Christmas Tree Pass, Nev., approximately 12 miles northwest of Bullhead City, Ariz.

6682-C1-P-69—The Pacific Telephone & Telegraph Co.; (KMM97); C.P. to add frequencies 6330.7 and 11545 MHz toward Bicycle Hill, Calif., at station located at Turquoise, 15 miles northeast of Baker, Calif.

6683-C1-MP-69—Southwestern Bell Telephone Co.; (KYO86); Modification of C.P. to change frequencies from 5937.8 and 6056.4 MHz to 6115.7 and 6937.8 MHz toward Lytle Gap, Tex. All other terms of the existing C.P. to remain the same.

6684-C1-P-69—American Telephone & Telegraph Co.; (KGH97); C.P. to add frequency 3790 MHz toward Mt. Nebo, Pa., at station located at 416 Seventh Avenue, Pittsburgh, Pa.

6685-C1-P-69—American Telephone & Telegraph Co.; (KGO86); C.P. to add frequency 3830 MHz toward Pittsburgh & Butler, Pa., at station located 0.6 mile north of Mt. Nebo, Pa.

6686-C1-P-69—American Telephone & Telegraph Co.; (KGN92); C.P. to add frequency 3790 MHz toward Mt. Nebo, Pa., at station located at 5.2 miles east of Butler, Pa.

6715-C1-TC-(2)69—Beaver State Telephone Co.; Consent to transfer of control from Beaver State Telephone Co., Transferor, to: Telephone Utilities, Inc., Transferee. Stations: KPT38 Lakeview, Oreg., KPT39 Bly, Oreg.

Correction

6312-C1-MP-69—Western Microwave, Inc.; (KPQ42); Correct to read: Modification of C.P. to (a) change frequencies 5960.0 MHz and 6260.0 MHz to 6271.3 MHz and 6241.7 MHz toward Big Timber and Greenough, Mont., on azimuths of 251 degrees/12 minutes and 122 degrees/55 minutes, respectively; and (b) change frequency 6260.0 MHz to 6241.7 MHz toward Little Belt Mountain, Mont., on azimuth of 338 degrees/00 minutes. Transmitter location: 19 miles northeast of Greycliff, Mont.

[F.R. Doc. 69-5803; Filed, May 14, 1969; 8:49 a.m.]

[Docket Nos. 18547, 18548; FCC 69-503]

ERWIN O'CONNER BROADCASTING CO. AND NORMAN A. THOMAS

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Erwin O'Conner trading as Erwin O'Conner Broadcasting Co., Dayton, Tenn., requests: 104.9 mc, No. 285; 923 watts; 337 feet, Docket No. 18547, File No. BPH-6408; Norman A. Thomas, Dayton, Tenn., requests: 104.9 mc, No. 285; 3 kw; 198 feet; Docket No. 18548, File No. BPH-6479; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1-mv/m contour together with the availability of other primary aural services in such areas will be considered under the comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. According to his application Erwin O'Conner would require $30,000 to construct and operate his proposed station for 1 year without reliance on revenues. In fact, however, he indicated his intention to rely on revenues to cover part of his operating costs. His showing in this regard is not adequate in that the advertiser statements specify sums which appear to be excessively high. Without reliance on this item O'Conner has available a total of $15,800 in liquid assets as supplemented by a bank loan. Accordingly, an issue will be specified to determine the availability of the additional $14,200. If it is to be from advertisers, further documentation will be required to demonstrate that the advertisers could be relied on to spend the amounts specified.

4. According to his application Norman A. Thomas would require $4,690 to construct his proposed station and $4,260 to operate it for 1 year without reliance on revenues. The former figure has been adequately documented, but the latter figure which appears to be inordinately low has not been. In addition, he relies on existing capital of $5,000 and profits from existing operations of $4,500, but the application lacks substantiation for either amount. Accordingly, an issue will be specified to determine the costs for first-year operation and applicant's ability to meet this cost and that of construction.

5. In Suburban Broadcasters, 30 FCC 1020, 20 R.R. 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Norman A. Thomas does not appear to have made an adequate survey, nor has he adequately listed the suggestions received, or the programing he proposes to meet these needs as evaluated. Thus, we are unable at this time to determine whether Norman A. Thomas is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

6. Norman A. Thomas proposes 62.5 percent duplicated programing while Erwin O'Connor proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67-614 (1967).

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

8. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Erwin O'Connor has available to him the additional $14,200 required to construct and operate his proposed station for 1 year and thus demonstrate his financial qualifications.

2. To determine the amount reasonably required by Norman A. Thomas to operate his proposed station for 1 year without reliance on revenues and whether he has available to him the necessary funds for construction and first-year operation of his proposed station to thus demonstrate his financial qualifications.

3. To determine the efforts made by Norman A. Thomas to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine which of the proposals would on a comparative basis better serve the public interest.

5. To determine in the light of the evidence adduced pursuant to the foregoing issue, which if either of the applications for construction permit should be granted.

9. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 7, 1969.

Released: May 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5805; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 17243, etc.; FCC 69R-202]

KITTYHAWK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, et al., Docket Nos. 17244, 17245, 17247, 17249, 17250, File No. BP-16877; for construction permits.

1. Kittyhawk Broadcasting Corp. (Kittyhawk) is one of a number of applicants in this proceeding who are seeking authorizations for a new standard broadcast station in Ohio, Indiana, and Kentucky. They were designated for hearing by the Commission in an order released March 16, 1967 (FCC 67-256), and in addition to the areas and populations and 307(b) issues, a Suburban Policy issue was designated against Kittyhawk. A contingent comparative issue was also specified.

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox absent.

2. Gem City Broadcasting Co. (Gem City), another of the applicants, on March 5, 1969, filed a petition to enlarge issues against Kittyhawk as follows: [1]

(a) To determine the facts and circumstances with respect to Kittyhawk Broadcasting Corp. failure to notify the Commission, in connection with this proceeding, of the execution of an option agreement by Kittyhawk Television Corp., licensee of UHF television Station WKTR-TV, to sell such station to American Broadcasting Companies, Inc.

(b) To determine whether Kittyhawk Broadcasting Corp. has failed to to keep the Commission informed of substantial changes of decisional significance as required by § 1.65 of the Commission's rules.

(c) To determine the effect of the facts adduced pursuant to issues A and B above on the requisite and comparative qualifications of Kittyhawk Broadcasting Corp. to receive a grant of its application.

The petitioner supports its request for issues with the following factual allegations which Kittyhawk does not deny. On January 15, 1969, Kittyhawk Television Corp. granted an option to the American Broadcasting Companies, Inc. to purchase the assets of Kittyhawk's television station, WKTR-TV, channel 16, Kettering, Ohio. The option was filed with the Ownership Section of the Broadcast Bureau on February 14, 1969, but has never been filed in this docket proceeding. The stock ownership and officers and directors of Kittyhawk Broadcasting Corp. and Kittyhawk Television Corp. are almost identical, and the control of both corporations resides in the same individuals. Mr. John Kemper is president of one, chairman of the other, and largest single stockholder of both corporations. The studio location specified for the proposed Kittyhawk standard broadcast station is in the WKTR-TV television studio building. On February 2, 1968, Kittyhawk Television filed with the Commission an application which is still pending for permission to identify its television station as a Kettering-Dayton television station.

3. Petitioner states its understanding that the option has been exercised and argues that this would result in substantially revised plans for the AM proposal requiring an inquiry into the proposed location of the AM studio, the staffing of the AM facility and the resultant changes in financial requirements, all of which are clearly of decisional significance. It is also argued that the option indicates that the principals of Kittyhawk Broadcasting Corp. have no desire to serve the community of Kettering, a matter which allegedly bears substantially on the determination of the Suburban Community issue. Petitioner maintains that in order to comply with rule 1.65 an applicant must either amend its application or furnish a statement for the record containing the appropriate information, neither of which has been done here, and that the requirement of the rule is not met by filing information in the ownership report. Cleveland Broadcasting Co., Inc., 2 FCC 2d 717 (1966) and other cases are cited.

4. To show good cause for the late filing of this petition, Gem City states that it did not learn of the existence of the option to sell until after it had been filed with the Commission and after having read about it in a newspaper article dated February 14, 1969. Although the option agreement was filed with the Commission on February 14, the document was not available to petitioner until about March 3, 1969. It is asserted that the time since March 3, was consumed in a thorough investigation of the matter and the preparation of other steps necessary to document and support the factual assertions.

5. Kittyhawk, opposing the petition to enlarge, states that WKTR-TV and ABC never reached an agreement concerning the sale of the station and negotiations have ceased, and continues that there are no present plans to sell WKTR-TV to ABC or any other company or individual. It argues that the option would only have become a substantial matter of decisional significance if it had been accepted by ABC and if a final agreement had been entered into by the two parties. Kittyhawk construes rule 1.65 as not requiring the reporting of preliminary negotiations that have ceased and insists that the negotiations could not possibly be of significance in the 307(b) radio proceeding pending before the Review Board. Kittyhawk states that it complied with the requirements of § 1.613(a)(3) of the rules by filing the option with the Commission within 30 days after it was made, which filing made the correct information concerning the offer a matter of public record. However, since it was only an option, Kittyhawk argues that it fell far short of an agreement which would have come within the scope of 1.65 and that since the offer to ABC did not result in a final agreement, it was and is unnecessary to amend the application or in any other way burden the record with the details of the unilateral offer.

6. The Broadcast Bureau supports the petition to enlarge issues insofar as it seeks inquiry into Kittyhawk's 1.65 shortcomings on a comparative basis. According to the Bureau, Kittyhawk should have amended its application to reflect the changes because the requirements of rule 1.65 have not been satisfied by the filing of this information on the Commission's ownership form 323. Replying to the opposition, Gem City maintains that the fact that the option was not exercised is of no relevance and that the fact that a final sales contract, which would also have had to be filed, was not entered into does not relieve Kittyhawk of its obligation to keep the Commission fully informed of all activities which either result in changes in answers to the questions set forth in the pending application or concern matters which are of substantial and decisional significance in the proceeding. With respect to the Broadcast Bureau's comments supporting enlargement of the issues on only a comparative basis, Gem City submits that failure to comply with the rule reflects on the requisite qualifications of Kittyhawk and that, therefore, a disqualifying "failure to report" issue should be added.

7. It is well established that the filing of contracts pursuant to the terms of § 1.613 of the Commission's rules does not meet the requirements of rule 1.65. Cleveland Broadcasting Co., Inc., supra; Central Broadcasting Corp., 3 FCC 2d 577 (1966); Gordon Sherman, 4 FCC 2d 337 (1966). In light of the Suburban Community issue which has been specified here against Kittyhawk and of Kittyhawk's proposal to locate its standard broadcast studio at the studio of its television station, the transaction contemplated by the option was of sufficient significance to require that it be reported under the provisions of § 1.65. This being so, there can be no question but that Kittyhawk's failure to make the necessary report would require exploration at the hearing on the comparative issues. Our examination of the precedents, particularly that of A-C Broadcasters, 10 FCC 2d 256 (1967), indicates that the further specification of a qualifications issue on the basis of Kittyhawk's failure to report the granting of an option is not justified.[2] In A-C Broadcasters, an applicant had failed to disclose under the provisions of 1.65 its future intent to assign the construction permit and the Commission ruled that "serious as this violation is, we do not think it warrants the drastic remedy proposed" which was designation for hearing on character issues. The Commission there concluded that the reporting failure constituted an isolated infraction of the rules which could best be dealt with through the imposition of a monetary forfeiture. Of course, this remedy is not available to the Board, but under the circumstances of this case, and inasmuch as the option agreement has now expired, the Board feels that exploration of Kittyhawk's failure to report under the comparative issue, should that issue be reached, is sufficient.

8. *Accordingly, it is ordered*, That the petition to enlarge issues filed by Gem City Broadcasting Co. on March 5, 1969, is granted to the extent indicated below and in all other respects is denied: To determine the facts and circumstances with respect to Kittyhawk Broadcasting Corporation's failure to notify the Commission, pursuant to the provisions of § 1.65 of the Commission's rules, of the execution of an option agreement by Kittyhawk Television Corp. to sell UHF television station WKTR-TV to American Broadcasting Companies, Inc., and the effect thereof on the comparative qualifications of Kittyhawk Broadcasting Corp. under the contingent comparative issue specified in the Commission's designation order.

And

9. *It is further ordered*, That no further action on this enlargement is neces-

[1] Also before the Board are: Opposition, filed by Kittyhawk on Mar. 14, 1969; Broadcast Bureau comments, filed on Mar. 19, 1969; and Gem City reply, filed Apr. 1, 1969.

[2] But see, also, Vernon Broadcasting Co., 12 FCC 2d 946 (1968).

sary unless the Board's disposition of the exceptions to the Initial Decision herein so indicates.

Adopted: May 7, 1969.

Released: May 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5804; Filed, May 14, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

CENTURION TRANSPORT, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas E. Kimball, Lillick, McHose, Wheat, Adams, and Charles, 1625 K Street, NW., Washington, D.C. 20006.

Agreement No. T-2289 between Centurion Transport, Inc., General Steamship Corp., Ltd., California Maritime Services, Inc., and International Terminals, Inc. (the Parties) provides for the formation of a joint venture for the conduct of marine terminal and related operations at the Ports of Long Beach and Los Angeles, Calif. The joint venture will be known as California United Terminals. The agreement sets forth the means for the transaction of business of the joint venture, capitalization, determination and distribution of profits and losses, assessment of charges and other requirements for effectuating the agreement.

Dated: May 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5783; Filed, May 14, 1969; 8:48 a.m.]

CITY OF LONG BEACH AND CALIFORNIA UNITED TERMINALS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802

Agreement No. T-2295, between the Board of Harbor Commissioners of the City of Long Beach (City) and California Maritime Services, Inc., Centurion Transport Inc., General Steamship Corp., Ltd., and International Terminals, Inc., all doing business as California United Terminals (United), is a nonexclusive preferential and secondary assignment of certain wharf space and contiguous wharf premises together with one-half of a transit shed at Long Beach, Calif. The leased premises will be used by United to conduct a contract wharfage business. As compensation, City will receive a minimum of $337,500 during the first 12-month period of the agreement and a minimum of $387,500 during the second and third 12-month periods from all applicable tariff charges accruing from operations on the premises. After accrued tariff charges have reached $387,500 in each 12-month period, revenues will be divided between City and United as follows: 60 percent to City and 40 percent to United. City retains the right to make temporary berthing assignments at the premises to other users, and tariff charges in connection therewith will be the exclusive property of City and shall be credited to the respective account of United and City in accordance with the terms of the agreement.

Dated: May 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5784; Filed, May 14, 1969; 8:48 a.m.]

[Docket No. 69-23]

GULF-PUERTO RICO LINES, INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trade; Order of Investigation

There recently have been filed with the Federal Maritime Commission by Gulf-Puerto Rico Lines, U.S.A., Inc. Supplements Nos. 27 and 5 to its Freight Tariffs FMC-F Nos. 1 and 2 which generally increase rates and charges in the subject trade by 10 percent.[1]

Upon consideration of said schedules and protests thereto filed by the associations, firms, corporations or public bodies named in the appendix to this order, there is reason to believe that the above designated increased rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued such matter will be included in this investigation.

It is further ordered, That Gulf-Puerto Rico Lines, Inc. be named as respondent in this proceeding.

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondents and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[1] Gulf-Puerto Rico Lines, Inc. is the only participating party named in the tariff.

APPENDIX

Edward Schmeltzer and Mario F. Escudero, 1140 Connecticut Ave. NW., Washington, D.C. 20036
Attorneys for the Commonwealth of Puerto Rico
Southern Lumber Exporters Association, Inc., 308 Cigali Bldg., New Orleans, La. 70130.
American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202
McWane Cast Iron Pipe Co., Post Office Box 2601, Birmingham, Ala. 35202
United States Pipe and Foundry Co., Post Office Box 2651, Birmingham, Ala. 35202
Woodward Co. (A division of the Mead Corp.), Woodward, Ala. 35189

[F.R. Doc. 69-5785; Filed, May 14, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-289]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 8, 1969.

Take notice that on May 5, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of additional compressor facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to install and operate one 1,440 horsepower compression unit at its Mocane Station in Beaver County, Okla. Applicant states that this unit is the same size as the three existing units.

The total estimated cost of the proposed unit plus installation is $612,300, which will be financed from current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5743; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. CP69-292]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 9, 1969.

Take notice that on May 7, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in the State of New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 7.9 miles of 24-inch pipeline in Madison and Oneida Counties, N.Y., looping its existing line No. 30. Applicant states that the proposed facilities are required to meet normal growth in the peak flow requirements of its markets in New York during the 1969-70 winter season. No new sales or services are proposed in this application.

The application indicates that the estimated cost of the proposed project is $1,247,919, which cost will be financed in part from funds on hand in part by borrowing from Applicant's parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5744; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. CP69-281]

CITY OF MONTEAGLE, TENN., AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 7, 1969.

Take notice that on May 1, 1969, the City of Monteagle, Tenn. 37356, filed in Docket No. CP69-281 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (respondent) to establish physical connection of its transmission system with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas to Applicant for resale and distribution in Monteagle, Tenn., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in Monteagle, Tenn., and environs, and seeks an order of the Commission directing Respondent to sell and deliver to Applicant the volumes of gas necessary to serve Applicant's requirements.

The estimated third year peak day and annual requirements of Applicant's system are 350 Mcf and 27,986 Mcf, respectively.

The total estimated cost of Applicant's proposed system is $130,000, which will be financed through the sale of gas revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to

the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5742; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. CP69-285]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 8, 1969.

Take notice that on May 2, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-285 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to transport natural gas to be purchased from producers in a new supply area, Perry Bass Field, Pecos County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 16.0 miles of 12-inch pipeline to transport gas in an easterly direction from the Perry Bass Field to connect with Applicant's existing 16-inch line extension into the NE. Oates Field, all in Pecos County, Tex. Applicant will also construct and operate measurement facilities and various sizes of gathering lines to enable it to gather, transport and treat the purchased gas.

The application indicates that Applicant has entered into contracts with Perry R. Bass, Gulf Oil Corp., Sams Oil Corp., and M. C. Vinson to purchase the Perry Bass Field gas at an initial price of 17.5 cents per Mcf.

The application shows the total estimated cost of Applicant's proposed facilities to be $1,062,000, which cost will be financed from cash on hand.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5745; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. RP69-35]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

MAY 8, 1969.

Take notice that on May 5, 1969, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, original volume No. 1, to become effective on June 20, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by $21,550,768 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. The proposed increase would be applicable to Panhandle's Rate Schedules G-1, 2, 3; SG-1, 2, 3; LS-1, 2; S-1; SS-1; CS-1; and I-1, 2, 3.

Panhandle states that the reasons for the proposed rate increases are increased: (1) Operating and maintenance costs; (2) interest and other financial costs; (3) Federal and State income taxes, ad valorem and other taxes; (4) cost of supplies, materials, labor and services. The proposed rates include a claimed 7.5 percent rate of return.

Copies of the proposed tariff changes were served on all of Panhandle's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5746; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. G-3784 etc.]

SOHIO PETROLEUM CO. ET AL.

Findings and Order; Correction

MAY 1, 1969.

Sohio Petroleum Co. (Operator) et al (successor to Blanco Oil Co.), and other Applicants listed herein, Docket No. G-3784 et al.; Texaco, Inc., Dockets Nos. CI69-171 and (CI69-961).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued November 18, 1968, and published in the FEDERAL REGISTER, November 30, 1968 (33 F.R. 17858), on page 23, footnote 71: Delete that portion of footnote 71 beginning with "Rate" and ending with "RI67-423;".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5747; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. G-7214 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

Findings and Order; Correction

MAY 1, 1969.

Standard Oil Company of Texas, a Division of Chevron Oil Co., and other Applicants listed herein, Docket No. G-7214 et al.; Mobil Oil Corp., Dockets Nos. CI69-574 and (CI67-1626).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of surety bond, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing, issued March 11, 1969, and published in the FEDERAL REGISTER March 19, 1969 (34 F.R. 5397), on page 18, first column: Dockets Nos. CI69-574 and (CI67-1626) delete footnote "7".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5748; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. RI69-692, etc.]

SUN OIL CO. AND UNION OIL COMPANY OF CALIFORNIA

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MAY 7, 1969.

Sun Oil Co., Dockets Nos. RI69-692 et al.; Union Oil Company of California, Docket No. RI69-705.

In the order providing for hearings on and suspension of proposed changes in rates, issued April 16, 1969 and published in the FEDERAL REGISTER Apr. 25, 1969 (34 F.R. 6947), in Appendix "A", page 4, Union Oil Company of California: Docket No. RI69-705, under column headed "Docket No." change "RI60-705" to read "RI69-705."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5749; Filed, May 14, 1969; 8:45 a.m.]

[Project 405]

SUSQUEHANNA POWER CO. AND PHILADELPHIA ELECTRIC POWER CO.

Corrected and Clarified Notice of Application for Amendment of License for Constructed Project

MAY 8, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Susquehanna Power Co. and Philadelphia Electric Power Co. (correspondence to: Vincent P. McDevitt, Esq., and Eugene J. Bradley, Esq., 1000 Chestnut Street, Philadelphia, Pa. 19105) for constructed Conowingo Project No. 405, located on the Susquehanna River in York, Lancaster, Chester, Montgomery, and Delaware Counties, Pa., and Harford and Cecil Counties, Md., near Chester and Philadelphia, Pa., and Baltimore, Md.

The application seeks approval of a revised Exhibit K project map to show a change in the project boundary caused by the removal of an area of approximately 150 acres (not 26.2 acres as was stated in our notice issued Apr. 8, 1969) located on the westerly bank of the river about 9 miles above the Conowingo Dam. The land would be sold to Philadelphia Electric Co. for use in connection with two proposed nuclear thermal electric generating units of 1,100 mw (electrical output) each. The nuclear plant, known as Peach Bottom Nuclear Plant, would withdraw about 50,400 g.p.m. of water for station service uses, such as domestic water supply, fire protection, make-up water lost in boilers and other facilities, cooling of equipment, and 3,350 c.f.s. condenser cooling water—all of which, except for minor losses, would be returned to the reservoir. Three induced draft cooling towers would be constructed on the land to be sold to reduce the temperature of the used cooling water to an acceptable level before it is returned to the reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5750; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. RI69-740]

TEXACO, INC.

Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

MAY 9, 1969.

On April 16, 1969, Texaco, Inc. (Texaco), tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-740	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attention: R. E. Wright, Division Manager, Gas Division.	[1] [2] 433	.....	Phillips Petroleum Co.[3] (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	.....	4-16-69	[4] 5-17-69	(Accepted)	.....	.....	.....
		433	1		$555	4-16-69	[4] 5-17-69	[5] 5-18-69	9.8262	[6] [7] 12.0000	
	Texaco, Inc.	327	7	Kansas-Nebraska Natural Gas Co., Inc. (Bradshaw Gas Field, Hamilton County, Kans.).	5,148	4-16-69	[4] 5-17-69	[5] 5-18-69	12.5	[7] [8] [9] 13.5	

[1] Terminates all prior agreements between buyer and seller and, among other things, provides for rate of 12 cents beginning Mar. 5, 1969, and 1 cent periodic increase at the beginning of each 5-year period thereafter. Provides for primary term of 20 years beginning Mar. 5, 1969.
[2] Supersedes Texaco, Inc., Rate Schedule No. 71.
[3] The gas in not dedicated to any specific resale contract of Phillips. Phillips resells gas in the area from several plants at various rates which are in effect subject to refund.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Renegotiated rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the area increased rate ceiling of 16 cents per Mcf.
[9] Periodic rate increase.
[10] Subject to a downward B.t.u. adjustment.

Texaco requests waiver of the statutory notice to permit an effective date of April 17, 1969 for supplement No. 1 to Texaco's FPC Gas Rate Schedule No. 433, and an effective date of May 14, 1969, for supplement No. 7 to its FPC Gas Rate Schedule No. 327. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco's rate filings and such request is denied.

Texaco proposes a renegotiated rate increase from 9.8262 cents to 12.0000 cents per Mcf under its FPC Gas Rate Schedule No. 433 for a wellhead sale of gas to Phillips Petroleum Co. (Phillips), from the Guymon-Hugoton Field, Texas

County, Okla. (Panhandle Area). Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Texaco's proposed rate exceeds the area increased rate ceiling for the Oklahoma Panhandle Area as announced in the Commission's statement of general policy No. 61–1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Texaco's rate increase should be suspended for one day from May 17, 1969, the expiration date of the statutory notice.

Concurrently with the filing of its rate increase, Texaco submitted a superseding contract dated March 5, 1969, designated as Texaco's FPC Gas Rate Schedule No. 433, which provides for its proposed rate increase. We believe that it would be in the public interest to accept for filing Texaco's proposed contract, designated as Texaco's FPC Gas Rate Schedule No. 433, to become effective on May 17, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The contract related to Texaco's rate filing (Supplement No. 7 to Texaco's FPC Gas Rate Schedule No. 327) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed rate of 13.5 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the initial service ceiling of 16 cents per Mcf established for the area involved. We believe, in this situation, Texaco's proposed rate filing should be suspended for 1 day from May 17, 1969, the expiration date of the statutory notice.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Texaco's superseding contract dated March 5, 1969, designated as Texaco's FPC Gas Rate Schedule No. 433, and for permitting such rate schedule to become effective on May 17, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplements Nos. 1 and 7 to Texaco's FPC Gas Rate Schedules Nos. 433 and 327, respectively, to be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Texaco's superseding contract dated March 5, 1969, designated as Texaco's FPC Gas Rate Schedule No. 433, is accepted for filing and permitted to become effective as of May 17, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements Nos. 1 and 7 to Texaco's FPC Gas Rate Schedules Nos. 433 and 327, respectively.

(C) Pending a hearing and decision thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Texaco, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Texaco shall execute and file in Docket No. RI69–740, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchasers under the rate schedules involved. Unless Texaco is advised to the contrary within 15 days after the filing of their agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(D) Until otherwise ordered by the Commission, neither the supplements, nor the rate schedules sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension periods.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5756; Filed, May 14, 1969; 8:46 a.m.]

[Project 2239]

TOMAHAWK POWER & PULP CO.

Notice of Application for Amendment of License for Constructed Project

MAY 8, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Tomahawk Power & Pulp Co. (correspondence to: William H. Shockley, General Manager, Tomahawk Power & Pulp Co., R.F.D. No. 5, Tomahawk, Wis. 54487) for constructed Project No. 2239, known as Kings Dam, located on the Wisconsin River in Lincoln County, Wis.

The application seeks authorization to alter the project facilities of the project works by adding to Unit No. 3 a synchronous motor generator direct coupled to a pocket grinder (now part of the project) which is coupled to a repaired turbine. The effect of the alteration is to reduce the maximum output of the unit which had been rated under the license as 794 horsepower to 785 horsepower, based upon the available water supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5751; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. RP69–27]

TRANSWESTERN PIPELINE CO.

Order Regarding Revised Tariff Sheets

MAY 9, 1969.

Order rejecting revised tariff sheets, authorizing the filing of proposed alternative revised tariff sheets, providing for hearing and for suspension, allowing the proposed alternative revised tariff sheets to become effective subject to refund, and prescribing conditions.

On April 1, 1969, Transwestern Pipeline Co. (Transwestern) filed revised tariff sheets[1] to its FPC Gas Tariff First Revised Volume No. 1 which provide for an increase of 1.45 cents per Mcf over the rates currently in effect pursuant to the stipulation and agreement filed in FPC Docket No. RP67–8 and approved by the Commission by order issued November 14, 1967. The revised tariff sheets, proposed to become effective on May 16, 1969, would result in an estimated increase in jurisdictional revenues of approximately $3,916,400 annually.

Transwestern states that the proposed changes in rates are made solely to cover increases in the cost of purchased gas occasioned by certain supplier rate increase filings totalling approximately $3,935,925 annually. Of these supplier rate increases, $147,151 have already been effectuated, $138,204 can be placed into effect at any time, with the balance of $3,640,570 being under suspension. Included in the latter amount are increases of approximately $2,900,000 by Gulf Oil Corp. for which the suspension period will end on May 27, 1969.

Since some of the purchased gas cost increases sought to be included in Transwestern's cost of service are not currently effective, Transwestern has proposed an "alternative procedure" for the filing of revised tariff sheets. This procedure is patterned after that authorized for El Paso Natural Gas Company in Docket No. RP69–20. If authorized to do so, Transwestern agrees to withdraw its revised tariff sheets and in lieu thereof to file from time to time alternative revised tariff sheets increasing and decreasing its CDQ–1 and CDQ–2 rates up to a net aggregate increase of 1.45 cents per Mcf above its present rates. Transwestern proposes that refunds of any of the increased supplier rates relating to increases made in accordance with this "alternative procedure" be flowed through to its jurisdictional customers. Revised tariff sheets submitted in accordance with this proposal would become effective 30 days after filing. No change in rates would be made until the aggregate of increases in the supplier rates involved would produce an increase in Transwestern's rates of at least 1 mill per Mcf. Transwestern's right to make any rate changes under this proposal would terminate on March 31, 1970.

As support for its proposed increased rates, Transwestern submitted an earnings study based upon the 12 months ended November 30, 1968, with certain adjustments. However, the company did not include in its supporting materials a complete Statement F (data in support of the claimed rate of return) as required by § 154.63 of the Commission's regulations under the Natural Gas Act. Specifically: Statements F(2), F(4), and Schedules F(5)–1, F(5)–2, F(5)–3, and F(5)–4 were not included; Statement F(1) fails to give reasons in support of the claimed rate of return; and Statement F(3) does not show the weighted average cost of debt capital.

Protests or motions to reject either (or both) the revised tariff sheets and the "alternative procedure" were filed by the State of California and the Public Utilities Commission of the State of California (California); Pacific Lighting Service Co., Southern California Gas Co., and Southern Counties Gas Company of California (Pacific Lighting Companies); and the San Diego Gas and Electric Co. (San Diego).

California urges the Commission to reject Transwestern's revised tariff sheets because the potential supplier rate increases are not "known and measurable" changes as required by § 154.63 (e)(2) of the Commission's regulations. California protests the alternative procedure proposed by Transwestern for the following reasons: (1) The filing contains a purchased gas adjustment in violation of § 154.38(d)(3) of the regulations; (2) the filing is incomplete because it fails to include a complete rate of return statement; (3) the March 31, 1970 suggested cutoff date for increases is arbitrary; (4) Transwestern improperly seeks to limit the reflection of reductions in producer rates to those rate schedules with respect to which there have been rate increases; and (5) Transwestern would allow increases up to a net increase in cost of purchased gas of 1.45 cents per Mcf. It states that "Any increase in Transwestern's rates must be limited to a gross increase in cost of purchased gas of 1.45 cents per Mcf before any offsetting reductions in the cost of purchased gas are taken into account. Otherwise, Transwestern might be permitted to reflect producer increases in excess of the total exposure with respect to which it seeks relief."

Pacific Lighting Companies and San Diego urge that the Commission reject the revised tariff sheets filed by Transwestern because the company is incurring only a small portion of the potential increased purchased gas costs which were the basis for the filing. In the event that the Commission should accept Transwestern's alternative procedure, they request that the full 5-month suspension period be imposed in order that concomitant relief can be obtained from the California Public Utilities Commission.

In view of our acceptance herein of Transwestern's proposed "alternative procedure", it is unnecessary to consider the objections raised by California and the Pacific Lighting Cos. which relate solely to the acceptability for filing of Transwestern's revised tariff sheets which provide for a present rate increase of 1.45 cents per Mcf.

California also asserts that Transwestern's proposed alternative procedure contains a purchased gas cost adjustment prohibited by § 154.38(d)(3) of the Commission's regulations. Sections 154.38 and 154.39 of the regulations prescribe the details to be included in rate schedules filed with the Commission, and are generally designed to insure clarity and specificity in the setting forth of the service offered and the rates and conditions imposed by a rate schedule. Section 154.38(d)(3), to which California refers generally prohibits the inclusion in a rate schedule of complicated adjustment provisions or "clauses," which by their own weight purport to change the rate specified in such tariff.

Transwestern has proposed no tariff sheets containing terms which are unclear, rates which must be computed by formula, or rate levels which by virtue of the terms of the tariff itself may change according to circumstances. If the rates contained in the presently effective tariff of Transwestern are to be changed, they will be changed in a manner strictly in accordance with the Natural Gas Act. We conclude that Transwestern's proposed "alternative procedure" does not violate the provisions of § 154.38 of the regulations under the Natural Gas Act.

By accepting Transwestern's alternative proposal, we are indeed permitting the periodic adjustment of rates in response to changes in Transwestern's average cost of purchased gas. However, our action in this and other recent orders permitting during a limited period the tracking by pipeline companies of imminent supplier increases as of the date such increases are incurred, subject to the conditions of those orders, gives effect to the policy set forth in Texas Eastern, 39 FPC 630, that future refunds must be flowed through and that it is the responsibility of a pipeline to protect its rights by filing a tracking rate increase. Our action herein will not only assure the flowthrough of refunds, but will provide for the review of the cost of service of the pipeline in a single proceeding rather than requiring a series of redeterminations as tracking increases are filed.

We deem the objection raised by California relating to the calculation of Transwestern's average cost of purchased gas on a net basis to be without merit. California is correct that if a net basis is used, Transwestern might be permitted to reflect more than 1.45 cents per Mcf of producer increases, even though the maximum increase in Transwestern's rates would be 1.45 cents. It is not claimed, however, that increases in addition to those specifically named would not be legitimate costs to Transwestern; nor is there any suggestion by California that offsetting reductions be limited to those presently contemplated. Transwestern's "alternative procedure," unlike its basic filing, should not be limited to a reflection of producer increases "known" at the time of the filing, because it provides for no rate increases unless and until the costs are actually incurred.

Transwestern has proposed a cutoff date for increases under its alternative procedure of March 31, 1970. As noted above, California in one of its objections contends that this cutoff date is arbitrary. Considering that the authorization herein requested is substantially the same as allowed in El Paso's Docket RP69–20 by order issued March 20, 1969, and that Transwestern and El Paso serve many of the same customers, it is appropriate that filings under the proposed "alternative procedure" be permitted only until December 31, 1969, as allowed El Paso in Docket No. RP69–20.

As noted above, California criticizes the part of Transwestern's suggested ordering language that would limit the reflection of reductions in producer rates to those rate schedules with respect to which there have been prior rate increases. This objection has been met by the language contained in subparagraph (B)(2) herein.

It does not appear necessary in the public interest that the full 5-month suspension period be applied to Transwestern's alternative proposal. San Diego states that the California gas utilities "must be afforded an opportunity to reduce the impact on their operations" of these tracking increases. If this contention has merit, it would also apply to Transwestern's need to reduce the impact on its operations of producer rate

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

[1] Proposed Revised Tariff Sheets: Fifth Revised Sheet No. 4 and Second Revised Sheet No. 6.

increases. In addition, the question of possible rate relief for these companies appears more properly addressed to the California Public Utilities Commission.

The rates and charges to be contained in the revised tariff sheets filed pursuant to the procedure herein authorized have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists to grant Transwestern's request to file tariff sheets pursuant to the alternative procedure proposed in its filing submitted April 1, 1969, subject to the provisions of this order.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Transwestern's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by such revised tariff sheets, and that the first revised tariff sheets filed pursuant to this authorization be suspended and the use thereof be deferred subject to the conditions herein provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), permission is hereby granted for the filing of revised tariff sheets pursuant to Transwestern's "alternative procedure" as herein conditioned, and a public hearing be held at a date to be hereafter set.

(B) Pending such hearing and decision thereon, the first set of revised tariff sheets filed pursuant to this authorization is hereby suspended and the use thereof deferred for a period of 1 day following the proposed effective date thereof, and thereafter shall be effective upon the following conditions:

(1) Transwestern may, from time to time, until December 31, 1969, file with the Commission as part of its FPC Gas Tariff, First Revised Volume No. 1, revised tariff sheets made pursuant to this order, necessary to reflect increases or decreases in the rates thereunder based upon increases or decreases in the cost of Transwestern's purchased gas, computed in accordance with the following provisions of this paragraph (B).

(2) Increases or decreases in Transwestern's CDQ–1 and CDQ–2 rates made pursuant to this order shall only reflect those changes in the cost of gas purchased by Transwestern from fields and sources identified in Schedule H(1)–3.4 of Transwestern's filing herein and under those FPC gas rate schedules of suppliers now on file with this Commission and identified in said schedule; provided, however, that the aggregate net increase in Transwestern's CDQ–1 and CDQ–2 rates made pursuant to this order shall not exceed 1.45 cents per Mcf (at 14.73 p.s.i.a.).

(3) No change in rates shall be made hereunder until the net change in Transwestern's annualized cost of purchased gas under the supplier rate schedules identified in said Schedule H(1)–3.4, determined as herein provided, causes a total system increase in purchased gas cost of at least one-tenth of 1 cent (0.1-cent) per Mcf (at 14.73 p.s.i.a.), based on Transwestern's total system test year sales for the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of Transwestern's change in rates.

(4) The annualized cost of gas purchased by Transwestern under each supplier rate schedule shall be determined by application of the rates then in effect thereunder to the volume of purchased gas during the 12-month period ending not less than 60 nor more than 90 days preceding the effective date of such Transwestern increase or decrease, for each of such supplier rate schedules reflected in Schedule H(1)–3.4 of Transwestern's filing herein.

(5) The amount of any net change in the annualized cost of purchased gas shall be determined as the difference between the annualized cost of purchased gas computed in accordance with the above subparagraph (4), and the amount that would have been paid as determined by application of the last supplier rate used for a change in rates hereunder to the volume prescribed in subparagraph (4), or, if applicable, the amount used to compute any rate change made upon the commencement of service authorized in FPC Docket CP68–181 by Commission order issued February 4, 1969. For the purpose of the initial change in rates made hereunder, the base cost of purchased gas to be applied to the volume prescribed above shall be 16.14 cents per Mcf (at 14.73 p.s.i.a.) as reflected in Transwestern's rate reduction filing made effective October 1, 1968, pursuant to the provisions of stipulation and agreement approved by Commission order issued November 14, 1967, in Docket No. RP67–8, or if such initial rate change is made subsequent to the commencement of service under such authorization in Docket No. CP68–181, the gas purchase cost used to determine the rate filed upon the commencement of service thereunder. The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in cost by Transwestern's total sales made under its CDQ–1 and CDQ–2 rate schedules during the 12-month period used to determine the annualized cost of purchased gas. Such change in rates shall be uniformly applied to the commodity component of the CDQ–1 and CDQ–2 Rate Schedules of Transwestern's FPC Gas Tariff, First Revised Volume No. 1; provided, however, that the aggregate net increase shall not exceed 1.45 cents per Mcf.

(6) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as Transwestern proposes, except as otherwise provided in this paragraph (B), subject to refund in the event that the increased rates therein are ultimately determined to be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(7) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, Transwestern shall receive refunds, including interest under any supplier rate schedule applicable to increased rates collected thereunder which have been reflected in changes in Transwestern's CDQ–1 and CDQ–2 rates hereunder, Transwestern shall refund to its CDQ–1 and CDQ–2 customers, without further interest thereon, the jurisdictional portion of such amounts, upon accumulation of $250,000 or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is $12,500 or more.

(8) No filing shall be made pursuant to this order until all increased supplier rates included therein are actually effective; or until a motion to place such rates in effect has been filed with the Commission, provided that Transwestern's filing shall not provide for an effective date prior to the day on which the suspended supplier increases become effective by motion.

(C) As a condition of this order, Transwestern shall execute and file in triplicate with the Secretary of this Commission within twenty (20) days of the date of this order, its written agreement and undertaking to comply with the terms of subparagraphs (B)(6) and (B)(7) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding, as follows:

Agreement and undertaking of Transwestern Pipeline Company to comply with the terms and conditions of subparagraphs (B)(6) and (B)(7) of the Federal Power Commission order issued ----------, 1969, in Docket No. RP69–27.

In comformity with the requirements of the order issued ----------, 1969, in Docket No. RP69–27, Transwestern Pipeline Co., hereby agrees and undertakes to comply with the terms and conditions of subparagraphs (B)(6) and (B)(7) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this day of ----------, 1969.

Transwestern Pipeline Company.
By ----------

Attest:

(Secretary)

(D) The revised tariff sheets filed herein, providing for a present increase of 1.45 cents per Mcf, are hereby rejected.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5752; Filed, May 14, 1969; 8:45 a.m.]

[Docket No. CP69–284]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 9, 1969.

Take notice that on May 1, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69–284 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application seeks authorization to engage in a 3-year expansion program which will augment its ability to meet the increasing needs of its Shreveport and Jackson Division. Specifically, Applicant proposes to construct and operate approximately 38.4 miles of 30-inch loop lines, 118.4 miles of 24-inch transmission lines, and 2.7 miles of 10-inch line. Applicant also proposes to construct and operate two injection-withdrawal wells and appurtenances in the Bistineau Storage Field. There will also be made various rearrangements of existing facilities.

The application states that the added capacity to result from construction of the above facilities will be used to deliver increased volumes of natural gas to distributor customers of Applicant in its Shreveport and Jackson Divisions and to two existing industrial customers of Applicant, Mississippi Power & Light Co. and Gulf Power Co., and to deliver natural gas from south Louisiana into the northern part of Applicant's system in order to supplement declining supplies locally available in that area.

The total estimated cost of the proposed facilities is $31,944,000. The application states that it is proposed to finance the facilities initially through internally generated funds and short-term demand notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5753; Filed, May 14, 1969; 8:46 a.m.]

FEDERAL TRADE COMMISSION

SPECIAL REPORTS RELATING TO LARGE CORPORATE MERGERS

Requirements Concerning Notification and Submission

Correction

In F.R. Doc. 69–5617 appearing at page 7592 in the issue of Saturday, May 10, 1969, the first word of the paragraph designated "(3)" should read "Within" instead of "With".

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. D–17]

POSTMASTER GENERAL

Delegation of Authority With Regard to Contracts for Inspection and Maintenance of Fixed Equipment in Certain Post Office Buildings

1. *Purpose.* This regulation delegates authority to the Postmaster General to enter into contracts for periods not exceeding 3 years for the inspection and maintenance of fixed equipment in certain post office buildings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General under section 210(a)(14) of the Act to enter into contracts for periods not exceeding 3 years for the inspection and maintenance of fixed equipment in Federally owned buildings maintained and operated by the Post Office Department.

b. This delegation may be redelegated to any officer or employee of the Post Office Department.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited act and other applicable statutes and regulations.

Dated: May 8, 1969.

ROBERT L. KUNZIG, *Administrator of General Services.*

[F.R. Doc. 69–5776; Filed, May 14, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP SECURITIES, INC.

Order Suspending Trading

MAY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 10, 1969, through May 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5768; Filed, May 14, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MAY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 11, 1969, through May 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5769; Filed, May 14, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 12, 1969, through May 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5770; Filed, May 14, 1969; 8:47 a.m.]

[File No. 1-2762]

PARVIN-DOHRMANN CO.

Order Terminating Summary Suspension of Trading

MAY 8, 1969.

The common stock, 50 cents par value, and the $2.50 dividend convertible preferred stock, $2.50 par value, of Parvin-Dohrmann Co. being listed and registered on the American Stock Exchange and all other securities of Parvin-Dohrmann Co. being traded otherwise than on a national securities exchange; and

The Commission having, on May 5, 1969, issued an order pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 summarily suspending trading in said securities effective for the period May 6, 1969, through May 15, 1969; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after May 10, 1969:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of May 5, 1969, shall terminate effective on May 10, 1969.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5771; Filed, May 14, 1969; 8:47 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

MAY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 10, 1969, through May 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5772; Filed, May 14, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 708]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Kiowa County, Okla.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about May 4, 1969.

OFFICE

Small Business Administration Regional Office, 501 Mercantile Bldg., 30 North Hudson, Oklahoma City, Okla. 73102

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 6, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-5773; Filed, May 14, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 707]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Taylor County, Tex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about May 5, 1969.

OFFICE

Small Business Administration Regional Office, 1616 19th St., Lubbock, Tex. 79401

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 6, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-5774; Filed, May 14, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1294]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 9, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 504 (Sub-No. 95), filed April 25, 1969. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. 30635. Applicant's representatives: Guy H. Postell and Archie B. Culbreth, 1273 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and materials and supplies* used in the quarrying and finishing of granite, from points in Fairfield County, S.C., to points in Elbert County, Ga. NOTE: Applicant states it intends to tack at Elberton, Ga., to serve points in Illinois, Indiana, Michigan, Iowa, Wisconsin, Tennessee, Kentucky, Missouri, New York, New Jersey, Virginia, West Virginia, Pennsylvania, Maryland, Delaware, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Connecticut. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 730 (Sub-No. 307), filed April 16, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Richard N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Oregon and Washington, to points in California. NOTE: Applicant holds contract carrier authority under MC 133094, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 1838 (Sub-No. 7), filed April 25, 1969. Applicant: ALEX C. SMITH, INC., 13557 Bloomingdale Road, Akron, N.Y. 14001. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of the National Gypsum Co., near New Columbia, Pa., to Akron and Clarence Center, N.Y., and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in New York, to the plantsite of National Gypsum Co., near New Columbia, Pa., under a continuing contract, or contracts, with National Gypsum Co., of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 72), filed April 18, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 3062 (Sub-No. 29) (Correction), filed March 3, 1969, published in FEDERAL REGISTER issue of March 27, 1969, and republished as corrected, this issue. Applicant: L. A. TUCKER TRUCK LINES INCORPORATED, Post Office Box 538, Cape Girardeau, Mo. 63701. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing* on racks, and (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between Chaffee, Mo., and Rector, Ark., and (2) between the plantsite of Thorngate Ltd., at or near Chaffee, Mo., and the plantsite of Thorngate Ltd., at Rector, Ark. NOTE: Applicant states it will tack at Chaffee, Mo., for service to Missouri and Illinois points, and Memphis, Tenn. The purpose of this republication is to redescribe authority sought in (2) above. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 4405 (Sub-No. 472), filed April 14, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, and *container chassis* in initial truckaway and driveaway service, from Camden, N.J., to points in the United States excluding Hawaii, and (B) *tractors*, in secondary movements in driveaway service only when drawing trailers in initial movements, from Camden, N.J., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 10457 (Sub-No. 2), filed April 11, 1969. Applicant: BURGGRABE TRUCK LINES, INC., Old U.S. Highway 40, Warrenton, Mo. 63383. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, liquid fuels in bulk, commodities requiring special equipment) (1) Regular routes: Between junction Missouri Highway 47 and U.S. Highway 40 (Interstate Route 70) and Truxton, Mo., from junction Missouri Highway 47 and U.S. Highway 40 (Interstate Route 70) over Missouri Highway 47 to junction Lincoln County Route A, thence over Lincoln County Route A to Truxton, and return over the same route, serving all intermediate points and serving the junction of Missouri Highway 47 and U.S. Highway 40 (Interstate Route 70) for joinder only. (2) Irregular routes: *Beverages* in containers, from the plantsite of Warrenton

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Products, Inc., at or near Warrenton, Mo., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Jefferson City, Mo.

No. MC 14552 (Sub-No. 29), filed April 16, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Mahoning, Trumbull, Portage, Cuyahoga, and Franklin Counties, Ohio; and Allegheny, Beaver, Lawrence, and Mercer Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC-123991 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 14552 (Sub-No. 35), filed April 24, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44502. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated steel*, from Bellefontaine, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; and (2) *materials and supplies* used in the fabricating of steel, from points in the destination States named in (1) above, to Bellefontaine, Ohio, restricted to traffic originating at or destined to plantsites of Carter States named in (1) above, to Bellefontaine, Ohio. NOTE: Applicant states no duplicating authority is sought. Applicant holds contract carrier authority under MC 123991 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 14702 (Sub-No. 27), filed March 19, 1969. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing, and fittings therefor*, unloaded by mechanical devices furnished by the carrier, from Glendale, W. Va.; Carnegie, Ambridge, and New Kensington, Pa.; and Niles, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it can tack the existing authority at Warren, Ohio, so as to serve the Lower Peninsula of Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, West Virginia, Virginia, the District of Columbia, and the Chicago, Ill., commercial zone. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 30530 (Sub-No. 9), filed April 24, 1969. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between points in California, Colorado, Nebraska, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 30844 (Sub-No. 273), filed April 17, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and preserved foodstuffs*, from (1) Terre Haute, Ind., to points in Nebraska, Colorado, Kansas, and Missouri (except Kansas City, Kans.; Kansas City, Mo., and their commercial zones and St. Joseph, Mo., (2) from points in Michigan to points in Missouri, Kansas, and Arkansas, and (3) from Orrville, Ohio, to points in Missouri, Kansas, Nebraska, and Twin Cities, Minn. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that the purpose of this application is to eliminate the gateways and tacking which it must now observe (except from Terre Haute, Ind., to Kansas City, Kans.; Kansas City, Mo., and their commercial zones and St. Joseph, Mo.), which are already authorized to applicant and its affiliated companies. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 274), filed April 18, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from (1) York, Nebr., to points in Ohio and Covington, Ky., (2) Fort Dodge and Denison, Iowa, to points in Connecticut, Maine, New Hampshire, and Vermont, and (3) the plantsite and facilities of Sunflower Packing Co., Inc., at or near Wichita, Kans., to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Washington, D.C., Massachusetts, Vermont, Connecticut, Rhode Island, Maine, New Hampshire, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 31879 (Sub-No. 28), filed April 22, 1969. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock), restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location, on any one day, and (2) *motion picture film, materials, equipment, and supplies* used in connection with the exhibition of motion pictures, and concession items sold in motion picture theaters: (a) Between St. Louis, Mo., except those points within its commercial zone which are located in Illinois, on the one hand, and, on the other, points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo.; (b) between St. Louis, Mo., except those points within its commercial zone which are located in Illinois, on the one hand, and, on the other, all points in Kansas; and (c) between St. Louis, Mo., except those points within its commercial zone which are located in Illinois, on the one hand, and, on the other, points in Nebraska on, south, and 10 miles north of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30, and thence continuing over U.S. Highway 30 to the Nebraska-Iowa State line. NOTE: Applicant desires the right to tack the above operating authority with that now held or pending, and to interline with other motor common carriers. Applicant states joinder would be at any point in Kansas, to serve Denver, Colo. If a hearing is deemed necessary, applicant requests it convene at St. Louis, Mo., and terminate at Kansas City, Mo.

No. MC 31879 (Sub-No. 29), filed April 25, 1969. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock), between points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo.; points in Kansas, and points in Nebraska on, south, and 10 miles north of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30 and thence continuing over U.S. Highway 30 to the Nebraska-Iowa State line, restricted so that no service shall be rendered in the transportation of any parcel, package, or article weighing more than 100 pounds and further restricted against the transportation of any parcel, package, or article weighing in the aggregate of more than 200 pounds from any one consignor at any one location to any one consignee at any one location on any one day. NOTE: Applicant states it presently holds authority in all of the territory sought restricted against the transportation of more than 100 pounds in any one day from any one consignor to any one consignee at any given location. The effect of this application will be to raise the aggregate weight limit from 100 pounds to 200 pounds. Applicant desires the right to tack the above sought operating authority with that now held or pending, and to interline with other motor common carriers. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 33641 (Sub-No. 87), filed April 18, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of The Nestle Co., Inc., at Burlington, Wis., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or New York, N.Y.

No. MC 35628 (Sub-No. 297), filed April 28, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of Eastman Kodak Co. in and near Windsor, Colo., as off-route points in connection with applicant's authorized regular-route operations between Denver, Colo., and Cheyenne, Wyo., over U.S. Highway 85 as authorized at sheet 2 of certificate MC 35628 Sub 231. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 41404 (Sub-No. 82), filed April 28, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dairy products;* (2) *products manufactured, processed or distributed by milk processing centers, creameries and dairies;* and (3) *section 203(b)(6) commodities* when shipped in the same trailer and at the same time with commodities in (1) and (2), in mechanically refrigerated trailers, from the plantsite and processing facilities of the Ryan Milk Co. at or near Murray, Ky., to points in Alabama, Mississippi, Louisiana, Tennessee, Michigan, Indiana, Illinois, Wisconsin, Ohio, Missouri, Arkansas, Iowa, and Texas, restricted against the transportation of the above commodities in liquid or bulk form in tank vehicles. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Louisville, Ky., or Chicago, Ill.

No. MC 42487 (Sub-No. 713), filed April 16, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of R. R. Donnelley & Sons Co., at or near Glasgow, Ky., as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 42487 (Sub-No. 714), filed April 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, livestock and assembled automobiles), (1) regular routes, between Ames, Iowa, and Minneapolis, Minn., from Ames over U.S. Highway 69 to the junction of U.S. Highway 65 at or near Albert Lea, Minn., thence over U.S. Highway 65 to Minneapolis, and return over the same route, serving no intermediate points; and (2) alternate routes, between Kansas City, Mo., and Minneapolis, Minn., from Kansas City over Interstate Highway 35 to Minneapolis, and return over the same route, as an alternate route in connection with applicant's presently held regular route authority, serving no intermediate points, restricted to the transportation of traffic moving between Kansas City, Mo., and Minneapolis, Minn., and points beyond either, or both, of these points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D.C.

No. MC 42487 (Sub-No. 715), filed April 24, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa butter*, liquid, in bulk, in tank vehicles, from Salinas, Calif., to Chicago, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 44447 (Sub-No. 26), filed April 17, 1969. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant' representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives,

household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the warehousing and distribution facilities of the National Cash Register Co., located in Lemon Township of Butler County, Ohio, on Ohio Highway 63, as an off-route point in connection with applicant's authorized regular-route operations to and from Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Cincinnati, Ohio.

No. MC 51146 (Sub-No. 130), filed April 18, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, from Airlake Industrial Park, at or near Lakeville, Minn., to points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products, from the above destination States to the Airlake Industrial Park at or near Lakeville, Minn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57239 (Sub-No. 13), filed April 21, 1969. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Essex Wire Corp., located in Whitley County, Ind. (south of U.S. Highway 30), as an off-route point in connection with applicant's authorized regular-route operations to and from Fort Wayne, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 57315 (Sub-No. 15), filed April 16, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of Appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 206 and 766, from Boston, Mass., to Bethlehem, Bristol, Southington, Hartford, Thomaston, Watertown, Woodbury, and points in Fairfield and New Haven Counties, Conn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Hartford, Conn.

No. MC 59583 (Sub-No. 123), filed April 16, 1969. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between Abingdon, Va., and the junction of U.S. Highways 21 and 40 near Cambridge, Ohio: From Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 40, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Abingdon, Va., and Cambridge, Ohio, over U.S. Highways 11, 25–E, 25, 22, 62, and 40 and Kentucky Highway 490, serving no intermediate points. (2) Between Abingdon, Va., and Columbus, Ohio: (a) From Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 33 at or near Ripley, W. Va., thence over U.S. Highway 33 to Columbus, and return over the same route; (b) from Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 35 at or near Charleston, W. Va., thence over U.S. Highway 35 to the junction of U.S. Highway 23 at or near Chillicothe, Ohio; thence over U.S. Highway 23 to Columbus, and return over the same route, as alternate routes for operating convenience only in connection with applicant's authorized regular-route operations between Abingdon, Va., and Columbus, Ohio, over U.S. Highways 11, 25–E, 25, 22, and 62 and Kentucky Highway 490, serving no intermediate points. (3) Between Abingdon, Va., and Cincinnati, Ohio: From Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 60 at or near Charleston, W. Va.; thence over U.S. Highway 60 to the junction of U.S. Highway 52 at or near Huntington, W. Va.; thence over U.S. Highway 52 to Cincinnati, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Abingdon, Va., and Cincinnati, Ohio, over U.S. Highways 11, 25–E, and 25 and Kentucky Highway 490, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 61264 (Sub-No. 26), filed April 25, 1969. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C. 27102. Applicant's representative: William P. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the Sequoyah Nuclear Power Plant of the Tennessee Valley Authority near Daisy, Tenn., as an off-route point in connection with applicant's regular-route operations to and from Rossville, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Atlanta, Ga.

No. MC 61264 (Sub-No. 27), filed April 25, 1969. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C. 27102. Applicant's representative: William P. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the plant of Revere Copper and Brass, Inc., located on Alabama Highway 79 approximately 6 miles south of Scottsboro, Ala., as an off-route point in connection with carrier's regular-route operations to and from Fort Oglethorpe, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 61396 (Sub-No. 217), filed April 24, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Dennison, Iowa, to points in Minnesota, Missouri, Kansas, Nebraska, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 61396 (Sub-No. 218), filed April 28, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Memphis, Tenn.

No. MC 67450 (Sub-No. 31), filed April 21, 1969. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60602. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Food, foodstuffs, food preparations, cooking oils, shortening, matches, and advertising matter* when moving in conjunction with the foregoing commodities, and such *materials, equipment, and supplies* as are used by persons engaged in the manufacture, sale, and distribution of the foregoing commodities, between Cedar Rapids, Iowa, and St. Charles, Ill., from Cedar Rapids over U.S. Highway 30 to junction U.S. Highway 30A, thence over U.S. Highway 30A to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Highway 64, thence over Illinois Highway 64 to St. Charles, Ill., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 76032 (Sub-No. 241), filed April 16, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tularosa, N. Mex., and Albuquerque, N. Mex.; from Tularosa, over U.S. Highway 54 to junction U.S. Highway 380, thence over U.S. Highway 380 to junction Interstate Highway 25, thence over Interstate Highway 25 to Albuquerque, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 76987 (Sub-No. 5), filed April 25, 1969. Applicant: ORVILLE C. BADGER TRUCKING CO., INC., 15 Lexington Avenue, New Haven, Conn. 06513. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to Portsmouth, N.H., and (2) *scrap paper* and *materials and supplies* used in the manufacture and distribution of pulpboard, from points in Connecticut, Massachusetts, and Rhode Island to the plantsite of National Gypsum Co., near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Co. of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 84784 (Sub-No. 2), filed April 25, 1969. Applicant: GEROSA HAULAGE & WAREHOUSE CORPORATION, 101 Lincoln Avenue, Bronx, N.Y. 10454. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to New York, N.Y.; and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in Delaware, Columbia, Schoharie, Schenectady, Rensselaer, Albany, Greene, Ulster, Sullivan, Orange, Dutchess, Putnam, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties, N.Y., and points in New Jersey to the plantsite of National Gypsum Co. near Columbia, Pa., under a continuing contract or contracts with National Gypsum Company of Buffalo, N.Y. NOTE: Applicant is authorized to operate under MC 31357, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 86099 (Sub-No. 4), filed April 21, 1969. Applicant: CARL VAUGHT, 107 Kansas Avenue, Hiawatha, Kans. 66434. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those commodities injurious or contaminating to other lading), between St. Joseph, Mo., and Elwood, Kans. NOTE: Applicant states it now has pending an application to convert its certificate of registration to a certificate. If a hearing is deemed necessary, applicant requests it be held at St. Joseph, Mo.

No. MC 94201 (Sub-No. 69), filed April 14, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and corrugated boxes*, from the plantsite, storage, and warehouse facilities of Brockway Glass Co., Inc., located at Montgomery, Ala., and points within its commercial zone, to points in Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or Atlanta, Ga.

No. MC 94842 (Sub-No. 3), filed April 27, 1969. Applicant: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investers Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight requires the use of special equipment, and *related machinery parts and related contractors materials and supplies* when their transportation is incidental to the transportation of commodities, which because of size or weight, requires special equipment, and *ordnance equipment, materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), (1) between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic moving to or from U.S. Government Agencies, Military Installations or Defense Department Establishments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 100666 (Sub-No. 138), filed April 21, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from points in Pulaski County, Ark., to points in Mississippi, Louisiana, Oklahoma, Kansas, Ohio, Illinois, Texas, Tennessee, Kentucky, and Missouri (except St. Louis, Mo. and the commercial zone thereof). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 100666 (Sub-No. 139), filed April 25, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Cut stone*, from Shreveport, La., to points in Arkansas, Mississippi, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103926 (Sub-No. 20) (Amendment), filed March 19, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished, as amended, this issue. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, Post Office Box 43171, Industrial Branch, Atlanta, Ga. 30336. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, (2) *ordnance equipment, materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), and (3) *helicopters and helicopter parts and accessories* from, to, or between Military Installations, Defense Department Establishments, and/or Government Contractors located at points in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Red River Army Depot at Texarkana, Tex. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant also states that to a limited extent, the authority applied in part (1) of the instant application might duplicate the authority presently held in its Sub 8 certificate. The purpose of this republication is to more clearly set forth the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 104004 (Sub-No. 181), filed April 17, 1969. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, N.Y. 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), (1) between Glasgow and Bowling Green, Ky., from Glasgow over Kentucky Highway 80 to junction U.S. Highway 68, thence over U.S. Highway 68 to Bowling Green, (2) between Glasgow and Louisville, Ky., from Glasgow over Kentucky Highway 90 to junction U.S. Highway 31–W, thence over U.S. Highway 31–W to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville (also from Glasgow over U.S. Highway 31–E to Louisville), (3) between Glasgow, Ky., and Cincinnati, Ohio, from Glasgow over U.S. Highway 68 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, and (4) between Glasgow, Ky., and Evansville, Ind., from Glasgow to Bowling Green as specified above, thence over U.S. Highway 231 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and in connection with (1) thru (4) above, return over the same routes, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 105045 (Sub-No. 21) (Correction), filed March 18, 1969, published in the FEDERAL REGISTER issues of April 24, 1969, and May 8, 1969, and republished as corrected, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47708. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; (2) *ordnance equipment, materials, and supplies;* and (3) *quartermaster supplies* (except household goods and commodities in bulk), to, from, and between military installations or Defense Department establishments and Ports of Embarkation in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to show the phrase as "to, from, and between Military installations or Defense Department establishments" in lieu of the word of as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106089 (Sub-No. 12), filed April 25, 1969. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. 32205. Applicant's representative: McCarthy Crenshaw, Room 1205, Universal Marion Building, 21 West Church Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: (1) *Bakery products; and bakery advertising matter*, from Miami, Fla., to Greenville, S.C., and points within 15 miles thereof; and (2) *stale bakery products* not requiring refrigeration in transit, from said destination points in (1) above, to said origin point in (1) above. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Miami, Fla.

No. MC 106398 (Sub-No. 399), filed April 28, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages equipped with hitchball connector, from Phoenix (Maricopa County), Ariz., to points in the United States (except California, Nevada, Utah, New Mexico, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 107012 (Sub-No. 93), filed April 13, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988 (Lincoln Highway East and Meyer Road), Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum louvers, louvered-penthouses, ventilators, roof curbs, and footwalks*, uncrated, from points in Prince Georges County, Md., to points in the United States (except Alaska and Hawaii) with the privilege to stop off said commodities en route to complete processing. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 773), filed April 28, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, California, Illinois, Kansas, Kentucky, Michigan, South Carolina, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Houston, Tex.

No. MC 107496 (Sub-No. 730), filed April 23, 1969. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk; (1) from storage facilities of Allied Chemical Corp. located at or near Channahon (Smithbridge) Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; and (2) from Joliet, Ill., to points in Wisconsin, Indiana, Ohio, and Lower Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107496 (Sub-No. 731), filed April 23, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, from Mason City, Iowa, to points in Nebraska and Kansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 655), filed April 11, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated shellac* in bags, in vehicles equipped with mechanical refrigeration, from Memphis, Tenn., to Charlotte, N.C. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107541 (Sub-No. 26), filed April 25, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and boards and sheets composed of sawdust or ground wood with added resin binder, and fibreboard* (excepting gypsum board, paper board, and pulpboard), from points in Del Norte, Humboldt, Mendocino, Sonoma, Contra Costa, Alameda, Siskiyou, Shasta, Modoc, Lassen, Santa Clara, San Francisco, San Mateo, and Santa Cruz Counties, Calif., to points in Oregon, Washington, and Idaho. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107544 (Sub-No. 84), filed April 21, 1969. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, from Saltville, Va., to points in North Carolina and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 113959, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 107839 (Sub-No. 136), filed April 14, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Denver Club Building, Suite 420, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado to points in Arizona, California, and Nevada. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108207 (Sub-No. 259), filed April 30, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy and confectionery products* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Minneapolis-St. Paul, Minn., and their commercial zones, to St. Joseph and Kansas City, Mo.; Memphis, Tenn., and points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, New Mexico, and Arizona. NOTE: Applicant indicates joinder through Texas to serve points in Arizona, California, and New Mexico by tacking with the authority under its Sub 38, and joinder at Kansas City, Mo., to serve points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas by tacking with the authority under its Sub 198. All duplicating authority will be eliminated. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109324 (Sub-No. 20), filed April 21, 1969. Applicant: GARRISON MOTOR FREIGHT, INC., Post Office Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrison, Ark., and Jasper, Ark., over Arkansas Highway 7, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrison or Little Rock, Ark.

No. MC 109337 (Sub-No. 11), filed April 28, 1969. Applicant: WATSON BROS. VAN LINES AND HEAVY HAULING CO., a corporation, 3514 South 25th Street, Omaha, Nebr. 68105. Applicant's representative: Samuel Zacharia, 711 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), between points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic moving to or from military installations or Defense Department establishments. NOTE: Applicant states that no duplicating authority is being sought; and any authority granted herein, to the extent that it duplicates any authority now held by applicant, may be conditioned to confer but a single operating right. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 109435 (Sub-No. 60), filed April 25, 1969. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer "J" 116 North Allied Road, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer blends*, in bulk, from the plantsite and/or storage facilities of Monsanto Co., at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the named origins and destined to the named destination States. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109637 (Sub-No. 359) (Correction), filed March 13, 1969, published FEDERAL REGISTER issues of April 10, and May 8, 1969, and republished in part, as corrected, this issue. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). NOTE: The purpose of this partial republication is to reflect the correct

docket assigned as MC 109637 (Sub-No. 359), which was inadvertently shown as MC 109397 (Sub-No. 359) in its publication of May 8, 1969. The rest of the application remains as published on that date.

No. MC 110193 (Sub-No. 168), filed April 14, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Razor blades, safety razors, shaving cream, shaving soap, toilet preparations*, and (2) *advertising and display materials* when moving in mixed loads with the commodities named in (1) above, from Andover and Boston, Mass., to Chicago, Ill.; Cleveland and Cincinnati, Ohio; Indianapolis, Ind.; Minneapolis, Minn.; and St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 169), filed April 22, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Davenport and Perry, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Davenport and Perry, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110264 (Sub-No. 37), filed April 21, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road, Albuquerque, N. Mex. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Kentucky, Indiana, Nebraska, Illinois, Missouri, Arkansas, Louisiana, New Mexico, Texas, Oklahoma, Kansas, and Colorado, on the one hand, and, on the other, points in Washington, California, Nevada, Utah, New Mexico, and Arizona. Restriction: Service performed hereunder shall be restricted to traffic moving on government bills of lading or on commercial bills of lading containing endorsements approved in *Interpretation of Government Rate Tariff—Eastern Central*, 332 I.C.C. 161, 164, and 165. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 587), filed April 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and corn syrup blended with other products*, in bulk, from Lincoln, Nebr., to points in Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 110525 (Sub-No. 906), filed April 24, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rouseville, Pa., to Buffalo, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location

No. MC 110525 (Sub-No. 907), filed April 24, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Carroll County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 57), filed April 16, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Madison, Wis., to points in Connecticut, Delaware, Maryland (except Baltimore), Massachusetts, New Jersey, New York, Rhode Island, and West Virginia (except Charleston), restricted to traffic originating at Madison, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 52), filed April 21, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow and/or grease, vegetable oils, and blends und mixtures thereof*, from Hammond, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111302 (Sub-No. 53), filed April 21, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Chicago, Ill., or Washington, D.C.

No. MC 111785 (Sub-No. 43), filed April 15, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from points in Hertford County, N.C., to points in Virginia and West Virginia; and (2) *wooden posts, wooden rails, and wooden fencing*; (a) from points in West Virginia to points in Michigan, Wisconsin, Vermont, New Hampshire, and Maine; and (b) from points in Michigan to points in North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Ohio, Illinois, Indiana, Wisconsin, West Virginia, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 201), filed April 30, 1969. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Jacksonville, Fla., to points in Georgia. NOTE: Applicant states it will tack with its present authority in Sub 15, to provide service to El Dorado, Ark.; with its Sub-25 to provide service to points in Alabama, Arkansas, Florida, Indiana, Kentucky, Mississippi, Missouri, Ohio, and Illinois (except Jacksonville); with its Sub 62 to provide service to Mobile, Ala.; with its Sub 82 to provide service to points in Florida and Alabama; with its Sub 84 to provide service to points in Alabama; with its Sub 169 to provide service to points in Alabama and Florida; with its Sub 172 to provide service to points in Alabama, Florida, and Georgia; and with its Sub 186 to provide service to points in Georgia, Florida, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, and Maryland. If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla.

No. MC 112617 (Sub-No. 256), filed April 11, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of the Illinois Nitrogen Corp. at or near Marseilles, Ill., to points in Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 113267 (Sub-No. 215), filed April 10, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, Tennessee, and Kentucky, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co. at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. 113388 (Sub-No. 90), filed April 25, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 265, Bridgeville, Del. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products*, not frozen; and (2) *frozen foods*, in vehicles equipped with mechanical refrigeration; (a) from Moorefield, W. Va., to points in Georgia, Florida, North Carolina, South Carolina, Virginia, and points in Tennessee on and east of U.S. Highway 127; and (b) from points in New York on and west of U.S. Highway 15 to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 155), filed April 9, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, from Greensboro, N.C., to points in North Carolina, South Carolina, Virginia, Maryland, West Virginia, and the District of Columbia, on traffic having a prior movement by rail. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 194) (Correction), filed March 28, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments including but not confined to backhoe loaders, front-end loaders, ditchers, forklifts, buckets, and parts of the above-named commodities*, between Topeka, Kans., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, Washington, Oregon, and California. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. The purpose of this republication is to reflect the word "attachments", which appeared singular in the previous publication, also to include "front-end loaders" in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Chicago, Ill., or Salt Lake City, Utah.

No. MC 113974 (Sub-No. 33), filed April 17, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii) and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114789 (Sub-No. 23), filed April 16, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged food products*, from points in New York, New Jersey, Pennsylvania, Massachusetts, and Ohio, to St. Paul, Minn., under contract with Gourmet Foods, Inc. NOTE: Applicant has common carrier authority pending under MC 117940 (Sub 3), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 115162 (Sub-No. 172), filed April 15, 1969. Applicant: WALTER POOLE, doing business as POOLE

TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe and connections or fittings, wrought iron conduit pipe and connections or fittings, flexible steel conduit, steel armored and steel and lead armored copper cable and strip steel, plastic pipe and tubing and fittings, copper pipe and tubing and fittings*, from Glen Dale, W. Va.; Carnegie, Pa.; Footville, Wis.; and New Brunswick, N.J.; to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 115180 (Sub-No. 49), filed April 21, 1969. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Monmouth, Ill., to points in Connecticut, Massachusetts, New York, and Rhode Island. Restriction: The operations sought herein are restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Monmouth, Ill. and destined to the above-named destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 168), filed April 28, 1969. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units*, from points in the Borough of Media, Delaware County, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia, and *damaged or refused shipments* on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 115841 (Sub-No. 349), filed April 21, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except in bulk, and except hides), from Glenwood and Marshalltown, Iowa, to points in Kentucky, Tennessee, North Carolina, and South Carolina. NOTE: Applicant states that it intends to tack the authority sought herein with its presently held authority serving points in Georgia, Alabama, Mississippi, and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Nashville or Knoxville, Tenn., or Birmingham, Ala.

No. MC 115841 (Sub-No. 350), filed April 24, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Denison, Tex., to points in Arkansas, Mississippi, Tennessee, Alabama, and Florida west of the Apalachicola River. NOTE: Applicant indicates tacking possibilities with presently held authority to serve points in Georgia and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., and Jackson, Miss.

No. MC 117116 (Sub-No. 2), filed April 11, 1969. Applicant: BOAT CARRIER CORP., 101–53 124th Street, Richmond Hill, N.Y. 11419. Applicant's representative: Franklin Rand Weiss, 40–20 Junction Boulevard, Corona, N.Y. 11373. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories;* (1) from points in Penobscot County, Maine, to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; and (2) between points in New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, Vermont, New Hampshire, and Massachusetts. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 117408 (Sub-No. 1), filed April 25, 1969. Applicant: CROSBY EXPRESS, INC., 15 Lexington Avenue, New Haven, Conn. 06513. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co. near New Columbia, Pa., to New Haven, Conn.; and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in Delaware, Columbia, Schoharie, Schenectady, Rensselear, Albany, Greene, Ulster, Sullivan, Orange, Dutchess, Putnam, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties, N.Y., and points in Connecticut, Rhode Island, and New Jersey to the plantsite of National Gypsum Co. near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Co. of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 94) (Amendment), filed April 2, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished as amended this issue. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and animal feed* (except coffee), from Mobile, Ala., to points in Mississippi, Louisiana, Texas, Kansas, Missouri (except St. Louis and points in its commercial zone), South Dakota, Minnesota, Iowa, Nebraska, and North Dakota, restricted to traffic originating at Mobile, Ala. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. This republication is for the purpose of adding animal feed to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 117765 (Sub-No. 80), filed April 21, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer compounds, fertilizer ingredients, fertilizer materials, and urea*, other than liquid, from Oklahoma City, Okla., to points in Arkansas, Kansas, and Texas; (2) *Urea* from Oklahoma City, Okla., to points in Oklahoma, applicable on shipments having prior interstate movement by rail; and (3) *prepared animal and poultry feed* in bags and containers, from Oklahoma City, Okla., to points in Arkansas and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117883 (Sub-No. 123), filed April 14, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Urbana and Springfield, Ohio, to points in Illinois and Indiana, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of paper and paper products from points in Illinois and Indiana to Urbana and Springfield, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118142 (Sub-No. 29), filed April 22, 1969. Applicant M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67214. Applicant's representative: J. F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Wichita, Kans., to points in Arizona and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118263 (Sub-No. 11), filed April 14, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Union City, Tenn., to Reading, Pa., and points in New Jersey and New York, N.Y., restricted to traffic originating at Union City, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 111069 (Sub-No. 1) and subs thereunder, therefore, dual operations ma ybe involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., New York, N.Y., or Washington, D.C.

No. MC 118288 (Sub-No. 32), filed April 25, 1969. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Casper, Wyo., to points in Montana, Utah, Colorado, Idaho, Nevada, and California. NOTE: Applicant states shipments originating at Billings, Mont.; in Oregon and Washington could be tacked at Casper, Wyo. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Billings, Mont.

No. MC 119009 (Sub-No. 5), filed April 11, 1969. Applicant: F & K MILK SERVICE, INC., Post Office Box 67, Union Grove, Wis. 53182. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60656. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *chocolate drinks, chocolate milk, cottage cheese, fruit juices, fruit flavored milk, sour cream, sour cream dips and yogart* in containers, from the Borden, Inc., plant at or near Woodstock, Ill., to points in Wisconsin located on and south of U.S. Highway 10. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119305 (Sub-No. 8), filed April 21, 1969. Applicant: C. ROBERT NATTRESS AND DONALD NATTRESS, a partnership, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood, Delaware County, Pa. 19074. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from Marysville, Pa., to Newark, Elizabeth, Garfield, and Linden, N.J. and New York, N.Y., under contract with Specialty Bakers, Inc., Marysville, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 119531 (Sub-No. 115), filed April 16, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Easton, Ind., on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that tacking would tack place in conjunction with its Sub 7, at Cleveland, Ohio, to serve points in New York and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119547 (Sub-No. 23), filed April 28, 1969. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 47301. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and articles* used in the installation thereof (except commodities in bulk, and those which require special equipment to load, unload or transport), from Cambridge, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120021 (Sub-No. 1), filed April 16, 1969. Applicant: THE COTTER MOVING & STORAGE COMPANY, a corporation, 265–273 West Bowery Street, Akron, Ohio 44308. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Ohio, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121137 (Sub-No. 2), filed April 21, 1969. Applicant: JONES RIGGING & HEAVY HAULING, INC., U.S. Highway 65 South, Post Office Box 6427, Pine Bluff, Ark. 71601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, steel beams and girders*, except machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; *fabricated and nonfabricated steel, tanks, concrete and concrete products*, between points in Arkansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 123048 (Sub-No. 152), filed April 10, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson, Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*,

agricultural machinery, and parts for agricultural machinery, from the plantsite and warehouse facilities of Oliver Corp., located at or near South Bend, Ind., to ports of entry located on the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at South Bend, Ind., or Chicago, Ill.

No. MC 124111 (Sub-No. 21), filed April 17, 1969. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: M. A. Taylor (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Imported frozen meats,* from points in the New York, N.Y., commercial zone as defined by the Commission, Newark, N.J., points in the Philadelphia, Pa., commercial zone as defined by the Commission and Wilmington, Del., to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, and that part of Pennsylvania on and west of U.S. Highway 219, Covington and Louisville, Ky., and points in the St. Louis, Mo., commercial zone as defined by the Commission. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124813 (Sub-No. 67), filed April 25, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed, insecticides, animal and poultry tonics, livestock and poultry feeders, and related advertising matter and premium merchandise,* from the plant of Moorman Manufacturing Co., at Quincy, Ill., to points in Wright County, Iowa. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 118468 Sub 16, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125708 (Sub-No. 114), filed April 17, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, posts, and poles,* from points in Buchanan County, Mo., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New York, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant indicates tacking possibilities with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126183 (Sub-No. 2), filed April 21, 1969. Applicant: R. E. ROBINSON, doing business as BOWERS & SON, 2050 Blake Street, Denver, Colo. 80202. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated; refrigeration equipment, business machines, and related machines, and all types of fragile store and office fixtures and furniture,* between points in Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Kansas, New Mexico, Utah, Oklahoma, Texas, and Arizona. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127038 (Sub-No. 3) (Correction), filed April 2, 1969, published in FEDERAL REGISTER issue of May 1, 1969, and republished as corrected, this issue. Applicant: SAM N. COLE, doing business as ALABAMA-GEORGIA EXPRESS, 2616 Commerce Boulevard (Irondale), Post Office Box 6608, Birmingham, Ala. 35210. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives and commodities requiring special equipment), between the plantsite of Bibb Manufacturing Co., at Percale, Ga., on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham. NOTE: Applicant states that it would tack at Birmingham, Ala. The purpose of this republication is to show Birmingham, Ala., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 127049 (Sub-No. 4), filed April 30, 1969. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis. 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wool tops,* from South Barre and Holyoke, Mass., to Grafton, Wis., (2) *semi-processed yarn,* between Grafton and Hustisford, Wis., on the one hand, and, on the other, points in the United States (except Wisconsin, Alaska, and Hawaii), for the account of Badger Mills, Grafton, Wis., in Nos. (1) and (2) above, (3) *molded plastic products,* from Milwaukee, Pewaukee, and West Bend, Wis., to points in the United States (except Alaska, Hawaii, and Wisconsin), and (4) *expandable polystyrene,* from Leominster, Mass., Kobuta, Pa., Peru, Ill., and Midland, Mich., to Milwaukee and West Bend, Wis., for the account of Spectrum, Inc., Milwaukee, Wis., in Nos. (3) and (4) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127108 (Sub-No. 2), filed April 16, 1969. Applicant: J. HERBERT EWELL, Rural Delivery No. 2, Narvon, Pa. 17555. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Clay,* in bulk, from points in Lancaster County, Pa., to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., and points in Ashtabula, Cuyahoga, Franklin, Geauga, Lake, Licking, Lorain, Muskingum, Portage, Summit, and Wayne Counties, Ohio, (2) *Clay,* in containers, from points in Lancaster County, Pa., to points in Illinois, Indiana, Michigan, and Ohio, and (3) *Clay,* from points in Lancaster County, Pa., to points in Maine, New Hampshire, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127487 (Sub-No. 7), filed April 4, 1969. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, dairy products as defined by the Commission, and alcoholic beverages), between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa.; Audubon, Berlin, Beverly, Bridgeton, Collingswood, Camden, Delair, Gloucester, Gibbstown, Millville, Merchantville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westmont, Westfield, and Yardville, N.J.; Ocean City, N.J., and points within 10 miles thereof (except Atlantic City, N.J., and points in Cape May County, N.J.; and Wilmington and Yorklyn, Del. Restrictions: The above authority is limited to (1) transportation having a prior or subsequent movement by water, (2) transportation performed via "gateway" points within the Philadelphia, Pa., commercial zone, as defined by the Commission, and (3) local service between the points named and may not be joined or tacked with applicant's existing operating rights. NOTE: A motion to dismiss has been filed concurrently with this application. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 127748 (Sub-No. 3), filed April 16, 1969. Applicant: FOURMEN DELIVERY SERVICE, INC., 153-27 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representatives: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006 and Douglas Miller, Meadowbrook Bank Building, Malverne, N.Y. 11565. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or useful in the maintenance, repair and operation of aircraft (except aircraft engines and commodities in bulk), between LaGuardia Airport and John F. Kennedy International Airport at New York, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127840 (Sub-No. 23), filed April 23, 1969. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, Ill. 60480. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible tallow, inedible grease, vegetable oils, including products and blends of said commodities,* in bulk, in tank vehicles, from Hammond, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it could tack with its presently held authorities in MC 127840 and Sub 5, wherein it is authorized to conduct operations in the States of Illinois, Connecticut, Colorado, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 47), filed April 17, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cooling towers and/or fluid coolers, parts thereof, and materials and supplies used* or useful in the construction and/or installation of the above described articles, (1) from points in Johnson County, Kans., to points in the United States (except Alaska and Hawaii), and (2) from points in San Joaquin County, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128570 (Sub-No. 9), filed April 21, 1969. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 1122 Warner Building, E at 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Interoffice records and memoranda, accounting and billing records and media and documents,* between Wilmington, Del., on the one hand, and, on the other, Morristown, N.J. NOTE: Applicant holds contract carrier authority under MC 115601 and Subs, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 128801 (Sub-No. 1), filed April 27, 1969. Applicant: WILLIAM F. JONES, Rural Delivery No. 1, Stevens, Pa. 17578. Applicant's representative: Christian V. Graf, 407 Northfront Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats,* from points in Nebraska (except Scottsbluff), Iowa (except Denison and Sioux City), Missouri (except Rockport), Kansas, and South Dakota, to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized. Restriction: Said operations to be limited to a transportation service to be performed, under a continuing contract, or contracts, with A. Servetnick & Sons, of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128878 (Sub-No. 13), filed April 24, 1969. Applicant: SERVICE TRUCK LINES, INC., Post Office Box 961, Shreveport, La. 71102. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701 and C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* in bulk and in bags, from Nacogdoches, Tex., to points in Louisiana, Mississippi, Arkansas, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify location.

No. MC 129086 (Sub-No. 8), filed April 28, 1969. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254 A, Route 2, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, Post Office Box 3582, Baltimore, Md. 21214. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lime,* (a) from Strasburg, Va., to Keyser, W. Va., and Luke, Md., and (b) from Keyser, W. Va., to Luke, Md., (2) *limestone,* (a) from Strasburg, Va., to Keyser and Beryl, W. Va., and (b) from Keyser, W. Va., to Beryl, W. Va., (3) *lime,* (a) from Riverton, W. Va., to Keyser, W. Va., and Luke, Md., and (b) from Keyser, W. Va., to Luke, Md., and (4) *limestone,* from Riverton, W. Va., to Keyser, W. Va. NOTE: Applicant indicates tacking with its outstanding authority at points in Mineral County, W. Va., to provide a through service from Riverton, W. Va., to points in Maryland on lime, and from Strasburg, to points in Maryland on lime and limestone. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129102 (Sub-No. 2), filed April 17, 1969. Applicant: EDMIER TRANSPORTATION, INC., 1500 South Cicero Avenue, Cicero, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from points in the Chicago, Ill., commercial zone as defined by the Commission and Lemont, Ill., to points in Indiana and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129214 (Sub-No. 4), filed April 24, 1969. Applicant: CAVES TRUCKING COMPANY, INC., Post Office Box 206, Wild Rose, Wis. 54984. Applicant's representative: Gordon N. Caves (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corrugated pulpboard boxes, wooden box materials and fibreboard boxes with wooden frames,* from Wild Rose, Wis., to points in Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129282 (Sub-No. 5), filed April 25, 1969. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster St., Post Office Box 1824, Longview, Tex. 75601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages, also empty bottles, cans, cartons, kegs or other containers and pallets,* between Fort Worth, Longview, and San Antonio, Tex., and points in Louisiana and Texarkana, Ark. NOTE: Applicant also holds contract carrier authority under MC 128457, therefore dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Alexandria, La., or Longview, Tex.

No. MC 129307 (Sub-No. 15), filed April 24, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lactose,* (1) from Mayville, Wis., and Bongards,

Minn., to St. Louis, Mo., and points in Indiana, Michigan, and Ohio; and (2) from Winsted, Minn., to St. Louis, Mo., and points in Indiana and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority in MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129307 (Sub-No. 16), filed April 24, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehousing facilities of Pet, Inc., Frozen Foods Division, Frankfort, Mich., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant holds contract carrier authority under Docket No. MC 119394 therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133038 (Sub-No. 5), filed April 14, 1969. Applicant: FIRST SCOTT STREET CORPORATION, 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Oklahoma, Texas, Missouri, Kansas, Louisiana, and Arkansas, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Only Applicant also holds contract authority under MC 128634 Sub-1, therefore dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133039 (Sub-No. 2), filed April 22, 1969. Applicant: COLLIER TRUCKING COMPANY, INC., Rural Route No. 1, Coatesville, Ind. 46121. Applicant's representative: James D. Collins, 802 Board of Trade Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, in bulk and in bags (except liquid, in bulk, in tank vehicles), *livestock and poultry medication* (except liquid, in bulk, in tank vehicles), *grain*, from Lafayette, Ind., to points in Williams, Defiance, Paulding, Fulton, Henry, Putnam, Lucas, Wood, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Erie, Huron, Allen, and Van Wert Counties, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133065 (Sub-No. 5), filed April 25, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Post Office Box 156, Mead, Nebr. 68401. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, materials, supplies, and equipment* used by a general contractor, between points in Missouri, Nebraska, Iowa, Illinois, Ohio, Indiana, Mississippi, Arkansas, Oklahoma, Texas, Louisiana, Georgia, Alabama, Kansas, Washington, Oregon, Idaho, and Montana, under continuing contract with C. E. Miller and Associates. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133096 (Sub-No. 1), filed April 7, 1969. Applicant: HOMER OGLE, JR., doing business as OGLE'S TRANSFER SERVICE, Post Office Box 97, Yakutat, Alaska 99689. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and class A and B explosives), serving Yakutat, Alaska, and vicinity, to the extent that established highways permit operations. NOTE: Applicant states it intends to interline with F.M.C. water carrier at Yakutat. If a hearing is deemed necessary, applicant requests it be held at Yakutat, Alaska.

No. MC 133153 (Sub-No. 2), filed April 21, 1969. Applicant: SEAWAY TRANSPORTATION COMPANY, a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49444. Applicant's representative: John P. Boeschenstein, 810 Hackley Bank Building, Muskegon, Mich. 49440. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime hydrate or calcium carbide residue*, from the plantsite of E. I. DuPont Co., near Montague, Mich., to points in Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 133154 (Sub-No. 2), filed April 25, 1969. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Fred D. Preston, 5820 Wilshire Boulevard, Suite 605, Los Angeles, Calif. 90036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibre and metal drums*, from Santa Ana, Calif., to Las Cruces, N. Mex., (2) *mineral wool insulation including batts, batting, blankets, fill*, reinforced or not reinforced, from Fontana, Calif., to points in Arizona and Nevada, and (3) *expanded plastic articles*, from Napa, Calif., to points in Arizona and Nevada; under contract with American Flotations Corp., Napa, Calif.; Mineral Wool Insulation, Fontana, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133615 (Sub-No. 1), filed April 28, 1969. Applicant: RAYMOND L. NELSON & PATRICK D. FITZMORRIS, a partnership, doing business as BRICK CARTAGE CO., Tulsa, Okla. 74151. Applicant's representative: Raymond L. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Face brick, common brick, fire brick, cement brick, brick, ledge stone, cut stone, stone, concrete blocks, light weight blocks, blocks, drain tile, hollow building tile, fire proofing tile, glazed tile, conduits, clay tile, clay pipe, flue lining, wall coping, clay, fire clay, mortar color, cement, fireplace hardware and materially related items*, between points in Missouri, Oklahoma, Texas, Arkansas, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 133224, filed April 25, 1969. Applicant: FOLLMER TRANSPORT, INC., Post Office Box 55, West Milton, Pa. 17886. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia to the plantsite of National Gypsum Co., near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Co., of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133242 (Sub-No. 3), filed April 18, 1969. Applicant: C. AND V. CORPORATION, 10345 Rainbow Lane, Indianapolis, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel bars, angles, sheets, plates, I beams, and channels, and new and used machine tools*, from Indianapolis, Ind., to points in Kankakee, Iroquois, Ford, Champaign, Vermilion, Edgar, Coles, Clark, Crawford, and Lawrence Counties, Ill., and points in Jefferson County, Ky.; and (2) *new and used machine tools*, from the above destination points in (1) above to Indianapolis, Ind.; under contract with Indianapolis Machinery Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133314 (Sub-No. 2), filed April 24, 1969. Applicant: SILVAN TRUCKING COMPANY, INC., Route 2, Box 87, Pendleton, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Premixed cement and ingredients thereof*, between Indianapolis, Ind., on the one hand, and, on the other, points in Illinois, and (2) *fertilizer and fertilizer ingredients, including aqua ammonia, anhydrous ammonia, nitrogen fertilizer solutions and nitric acid*, from Seneca and Marseilles, Ill., to points in Indiana, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133568 (Sub-No. 1), filed April 17, 1969. Applicant: WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia, Pa. Applicant's representative: Alan Kahn, 1920 Tow Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations and materials used and useful in the manufacture and distribution of cosmetics and toilet preparations* between the plantsite and facilities of Kolmar Manufacturing Laboratories in Port Jervis, N.Y., on the one hand, and, on the other, the plantsite and facilities of the Menley and James Division of Smith, Kline & French Laboratories in Bellmawr, N.J., under a continuing contract with Menley and James Division of Smith, Kline & French Laboratories. Restrictions: (1) No single shipment shall exceed 10,000 pounds in weight; (2) the transportation authorized hereunder is restricted to that in which delivery is made on the same day as pickup. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 133578 (Amendment), filed March 17, 1969, published FEDERAL REGISTER issue April 24, 1969, amended April 18, 1969, and republished, as amended this issue. Applicant: M. GALLAGHER AIRPORT EXPRESS, INC., 7707 Woodside Avenue, Elmhurst, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and such personal property* usually carried by airline passengers, between Laguardia and John F. Kennedy International Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, and the District of Columbia. NOTE: The purpose of this republication is to include the state of Rhode Island as a destination point. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133587 (Sub-No. 2), filed April 27, 1969. Applicant: DOMINIC A. MARCHESE, 217 Fourth Street, Troy, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel* in bulk, in dump trailers, from Waterbury, Conn., to Watervliet and Troy, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 133592 (Sub-No. 2), filed April 16, 1969. Applicant: JAMES F. BARNER AND ASHLEY BARNER, a partnership, doing business as BARNER & SONS, Route 1, Box 262, Fordyce, Ark. 71742. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Log cores*, from Dodson and Ruston, La., to Crossett, Ark., under contract with Georgia Pacific Corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133632 (Sub-No. 2), filed April 15, 1969. Applicant: HENRY F. STALEY, doing business as H. F. STALEY'S TRUCKING SERVICE, 2319 51st Place, Tuxedo, Md. 20781. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence fittings and accessories, materials, supplies, and equipment* used in the manufacture of fence and fence accessories, and *reinforcing wire mesh, materials and supplies and equipment* used in the manufacture of reinforcing wire mesh, between Toledo, Ohio, Rock Hill, S.C., and Bladensburg, Md., and points in those States east of the Mississippi River, and Louisiana and Arkansas, not including Minnesota, restricted to a service to be performed under a continuing contract with the National Fence Manufacturing Co., Inc., Bladensburg, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133637, filed April 8, 1969. Applicant: McLAUGHLIN TRUCKING, INC., 9044 South Richmond Street, Evergreen Park, Ill. 60642. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Burns Harbor, Ind., to points in Chicago, Ill., under contract with Mid-Continent Coal & Coke Co., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133654, filed April 21, 1969. Applicant: LESTER MOVING & STORAGE CO., a corporation, Route 4, Box 34, Hood River, Oreg. 97031. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (a) between Hood River, Oreg., and The Dalles, Oreg.; and (b) between Hood River and The Dalles, Oreg., on the one hand, and, on the other, points in Hood River and Wasco Counties, Oreg., and Klickitat and Skamania Counties, Wash., restricted to shipments in trailers and having a prior or subsequent movement by railroad. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133661, filed April 14, 1969. Applicant: CARL UNDERWOOD, doing business as UNDERWOOD'S TOWING, 2260 Tod Avenue SW., Warren, Ohio 44485. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and replacement motor vehicles, and replacement and repair parts, and equipment* for wrecked and disabled motor vehicles, between points in Trumbull County, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133671, filed April 21, 1969. Applicant: MILLER BROS. CO., INC., Post Office Box No. 1, Hyrum, Utah 84319. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat packing house products and by-products*, from points in Cache County, Utah, to California and Nevada, under a continuing contract with E. A. Miller & Sons Packing Co., Inc.; Valley Rendering Corp., and Valley Hide Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133672, filed April 24, 1969. Applicant: BILL HUSBY, doing business as J & L TRUCKING COMPANY, 16 East 24th Street, Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I of the reports in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, Estherville, Iowa, Sioux Falls, S. Dak., and Madison, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near points named above and destined to the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago,

Ill., Estherville, Iowa, or Sioux Falls, S. Dak.

No. MC 133678, filed April 28, 1969. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route 5, Box 95A, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in vehicles equipped with mechanical refrigeration, from Rock Island, Ill., to the warehouse of Winn-Dixie Stores, Inc., located in the Great Southwest Industrial Area, Fulton County, Ga. (near Atlanta, Ga.). NOTE: Applicant holds contract authority under MC 125375 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133680, filed April 29, 1969. Applicant: AMERICAN WHOLESALERS, INC., 8415 Ardmore Road, Landover, Md. 20785. Applicant's representative: Gerald H. Sherman, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, bedding accessories, electrical appliances, carpets, rugs, carpet padding, cotton-felt*, between Landover, Md. and points in Maryland, Virginia, District of Columbia, and Delaware; under contract with American Appliances Wholesalers, Inc., and Serta of Washington, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133681, filed April 21, 1969. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials, and supplies* used in the preparation of the aforesaid commodities, between New York, N.Y., commercial zone, on the one hand, and, on the other, points in Hudson and Monmouth Counties, N.J., and (2) *returned and rejected shipments*, on return, under contract with Sacoma Cosmetiques, LCR Sales Services, B. H. Kaufear, Inc., and Vitabath Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133683, filed April 28, 1969. Applicant: WACHOVIA COURIER CORPORATION, Wachovia Building, Winston-Salem, N.C. 27102. Applicant's representative: David G. Macdonald and John Guandolo, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters, commercial papers, documents and records, bank stationery, sales, payroll and other accounting, audit and data processing media, and business, institutional and governmental records* (except currency, coin and bullion) such as are used in the business of banks and banking institutions, (1) between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., and (2) between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, those in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicoi, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Richmond and Columbia Counties, Ga., under contracts with persons, as defined in section 203(a) of the Interstate Commerce Act, who are engaged in the bank and banking institution business, and those in the business of furnishing data processing services. NOTE: Applicant has a pending application for common carrier authority under Docket No. MC 133682, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 73742 (Sub-No. 1), filed April 23, 1969. Applicant: WINN BUS LINES, INCORPORATED, 901 Catherine Street, Richmond, Va. 23220. Applicant's representative: Beverley H. Randolph, Jr., 1200 Travelers Building, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in connection with charter operations, from the pickup area of Richmond, Va., and 15 miles beyond the city limits of Richmond, Va., as presently granted applicant under existing interstate rights, to points in Louisiana, Mississippi, Alabama, Rhode Island, and Michigan. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

APPLICATION OF FREIGHT FORWARDER

No. FF–267 (Sub-No. 4), HONOLULU FREIGHT SERVICE EXTENSION—California, filed May 2, 1969. Applicant: HONOLULU FREIGHT SERVICE, 2425 Porter Street, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to extend operation as a freight forwarder, in interstate or foreign commerce through the use of the facilities of common carrier by water, motor, and rail, in the transportation of, *general commodities*, except household goods as defined by the Commission, unaccompanied baggage and used automobiles, between points in Hawaii, on the one hand, and, on the other, points in California, except those in the Counties of Alameda, Contra Costa, Imperial, Kern, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, or Ventura.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 136), filed April 21, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Ithaca, N.Y., and junction New York State Thruway and New York Highway 414 (at Interchange No. 41), from Ithaca over New York Highway 89 to junction New York Highway 5 approximately 1 miles northeast of Seneca Falls, N.Y., thence over New York Highway 5 to junction New York Highway 318, thence over New York Highway 318 to Magee, N.Y., thence over New York Highway 414 to junction New York State Thruway (Interchange No. 41), and return over the same route, restricted to serving the intermediate points located on New York Highway 89 in the Town of Seneca Falls, N.Y., including the site of Eisenhower College. Applicant presently holds the following authority under Docket No. MC 1515 (Sub-No. 79): Over regular routes in the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers as follows: Between Ithaca, N.Y., and junction New York State Thruway and New York Highway 414 (at Interchange No. 41), as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points; from Ithaca over New York Highway 89 to junction New York Highway 5 approximately 3 miles northeast of Seneca Falls, N.Y., thence over New York Highway 5 to junction New York Highway 318, thence over New York Highway 318 to Magee, N.Y., thence over New York Highway 414 to junction New York State Thruway (Interchange No. 41), and return over the same route. By the instant application, it seeks to amend the authority granted so as to permit service at certain intermediate points.

No. MC 133659 (Sub-No. 1), filed April 24, 1969. Applicant: CLIFF O. LIVINGSTON, SR., doing business as LIVINGSTON STORAGE & TRANSFER COMPANY, 4301 Allied Drive, Columbus, Ga. 31902. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as described by the Commission, between points in Early, Clay, Quitman, Stewart, Chattahoochee, Muscogee, Harris, Troup, Heard, Carroll, Coweta, Meriwether, Talbot, Marion, Webster, Terrell, Calhoun, Dougherty, Lee, Sumter, Schley, Taylor, Upson, Pike, Fayette, Spalding, Lamar, Monroe, Crawford, Macon, Dooly, Crisp, Houston, Peach, Bibb, Butts, Clayton, Fulton, Douglas, Randolph, Decatur, Miller, Baker, Seminole, Mitchell, and Grady Counties, Ga.; and Randolph, Chambers, Lee, Russell, Barbour, Henry, Dale, Clay, Tallapoosa, Coosa, Elmore, Macon, Montgomery, Bullock, Butler, Crenshaw, Coffee, Covington, Conecuh, Geneva, Pike, Houston, Escambia, and Lowndes Counties, Ala.; and Okaloosa, Walton, Holmes, Jackson, Calhoun, Washington, Bay, Liberty, Leon, Franklin, Gadsden, Wakulla, and Santa Rosa Counties, Fla., restricted to traffic having a prior or subsequent movement in containers beyond the points authorized, and confined to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved.

No. MC 133669, filed April 25, 1969. Applicant: ALLSUP TRUCKING, INC., 6608 Nicolette, Riverside, Calif. 92504. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, nonalcoholic, and (2) *glass containers*, from points in Los Angeles County, Calif., to Las Vegas, Nev., under continuing contract with American Drinks, Inc.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5730; Filed, May 14, 1969; 8:45 a.m.]

[Notice 831]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 73 TA), filed May 7, 1969. Applicant: WHEELER TRANSPORT SERVICE INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, from Omaha, Nebr., to Bensenville, Ill., and Georgetown, Ill., for 150 days. Supporting shipper: The Quaker Oats Co., 345 Merchandise Mart Plaza, Chicago, Ill. 60654, George A. Lains. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 220 TA), filed May 7, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th St., Post Office Box 189, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Illinois, for 150 days. Supporting shipper: The Quaker Oats Co., 345 Merchandise Mart Plaza, Chicago, Ill. 60645, George A. Lains. Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 107515 (Sub-No. 658 TA), filed May 6, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza, salad and sandwich spread*, from Greensboro, N.C., to points in Norfolk, Richmond, Alexandria, and Roanoke, Va.; Charleston, Huntington, Fairmont, and Bluefield, W. Va.; Lexington and Louisville, Ky.; Knoxville, Nashville, Memphis, and Chattanooga, Tenn.; Vicksburg, Jackson, and Meridian, Miss.; Huntsville, Birmingham, Mobile, and Montgomery, Ala.; Atlanta, Savannah, Columbus, and Albany, Ga.; Miami, Tampa, Jacksonville, and Tallahassee, Fla.; Charleston, Columbia, and Greenville, S.C., for 150 days. Supporting shipper: Made Rite Sandwich Co., 2414 Battleground Avenue, Greensboro, N.C. 27408. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113678 (Sub-No. 347 TA), filed May 5, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, from Sterling, Colo., to points in Kentucky, Ohio, Illinois, Michigan, Pennsylvania, New Jersey, Maryland, and Washington, D.C., for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123067 (Sub-No. 83 TA), filed May 7, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from Suffolk, Va., to points in North Carolina, for 120 days. Supporting shipper: Mobil Chemical Co., 401 East Main Street, Richmond, Va. 23208. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead—Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 126045 (Sub-No. 17 TA), filed May 7, 1969. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John Lavender (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois, for 180 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127093 (Sub-No. 11 TA), filed May 5, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, insulating materials, gypsum products* (except in bulk) *and materials and accessories* used in the installation thereof, from the plantsite of the Celotex Corp. at or near Fort Dodge, Iowa, to points in Arkansas, Kentucky, and the Upper Peninsula of Michigan, under contract with The Celotex Corp., for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133665 (Sub-No. 1 TA), filed May 5, 1969. Applicant: LES HUSKEY TRUCKING, INC., 6044 South Steele Street, Littleton, Colo. 80120. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat,*

meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 91 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, between Sterling, Colo., and points in Massachusetts, Kansas, Missouri, Connecticut, District of Columbia, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, Kentucky, Georgia, Utah, Arizona, California, Nevada, Oregon, and Washington, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133687 TA, filed May 2, 1969. Applicant: DAVID P. McCARTHY INC., 631–633 East 13th Street, New York, N.Y. 10009. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, gift sets, and model toy kits*, in containers or trailers, between the plantsites of Fred Bronner Corp. in Moonachie and Carlstadt, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, for 180 days. Supporting shipper: Fred Brooner Corp., 120 East 23d Street, New York, N.Y. 10010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133694 TA, filed May 5, 1969. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Carlyle C. Ring, Jr., Ring Building, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, electronic equipment, manufactured products, and general supplies* required in business of shipper (except explosives), between points within the area described as follows: Montgomery, Prince Georges, Anne Arundel Counties, Md.; District of Columbia; and Arlington, Fairfax, Loudoun, and Prince William Counties, and Alexandria, Fairfax, and Falls Church Cities, Va., for 180 days. Supporting shipper: E. M. Maney, Manager of IBM Traffic, International Business Machines Corp., 18100 Frederick Pike, Gaithersburg, Md. 20760. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenues NW., Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5811; Filed, May 14, 1969; 8:50 a.m.]

[Notice 343]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 12, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71135. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Philip E. Reedy, doing business as Valley Transfer, 312 Flavin, Elkhorn, Nebr. 68022, of Certificate No. MC–121293 (Sub-No. 1) issued August 31, 1964, to Robert R. Hanson, doing business as Valley Transfer, 310 West Highway, Valley, Nebr. 68064 authorizing the transportation of: General commodities, with the usual exceptions, between Omaha and Fremont, Nebr.

No. MC–FC–71233. By order of April 30, 1969, the Motor Carrier Board approved the transfer to H. Monroe, Inc., Adams, Wis., of Certificate No. MC–119270 (Sub-No. 5) issued December 4, 1964, to Rueben W. Hartje, doing business as Hartje's Transfer, La Valle, Wis., authorizing the transportation of: *Lumber* and *lumber products*, from the town of Quincy, Adams County, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; and *machinery, equipment, and supplies* used in lumber mill operations (except commodities because of size or weight requires the use of special equipment from points in Illinois, Indiana, Iowa, Michigan, and Minnesota, to the town of Quincy, Adams County, Wis. Robert J. Kay, 433 West Washington Street, Madison, Wis. 53703, attorney for applicants.

No. MC–FC–71299. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Carr's DeLuxe Coaches, Ltd., Owen Sound, Ontario, Canada, of the Certificate in No. MC–125399, issued July 20, 1964, to Mrs. Retta Carr, doing business as Carr's DeLuxe Coaches, Owen Sound, Ontario, Canada, authorizing the transportation of passengers and their baggage, in the same vehicle, in round-trip charter operations, from ports of entry on the United States-Canada boundary line, to points in the United States (except Alaska and Hawaii), and return. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C 20005, attorney for applicants.

No. MC–FC–71302. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Fiske Bros., Inc., Artesia, Calif., of the certificate in No. MC–123569 (Sub-No. 6), issued November 5, 1965, to Matich Transportation Company, a California corporation, Colton, Calif., authorizing the transportation of cement, in bulk, from Cushenbury, Calif., to Mercury Test Site, Nevada, and points in Clark County, Nevada. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

No. MC–FC–71322. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Calvin C. Rose, doing business as Calvin Rose Trucking, Hillsboro, Wis. 54634, of the operating rights in certificate No. MC–128204 (Sub-No. 1) issued September 15, 1967, to Richland Hardwoods, Inc., Post Office Box 134, Richland Center, Wis. 53581, authorizing the transportation, over irregular routes, of concrete slat feeding floors and concrete beams from Hollandale, Minn., to points in Indiana, Ohio, Michigan, and Missouri.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5812; Filed, May 14, 1969; 8:50 a.m.]

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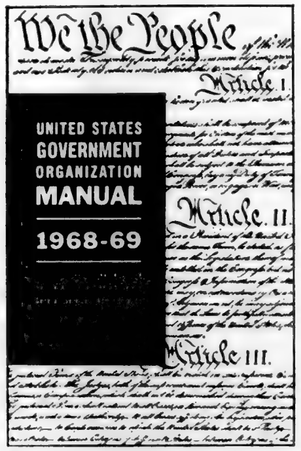

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[Reg. Docket No. 9576; Amdt. 649]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PAE VOR	BF LOM	Direct	3000	T-dn%	300-1	300-1	200-½
SEA VOR	BF LOM	Direct	3000	C-d	800-1	800-1	800-1½
Burton VHF Int	BF LOM	Direct	3000	C-n	800-2	800-2	800-2
Lofall VHF Int	BF LOM (final)	Direct	2200	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′; over LMM, 1000′.
Crs and distance, facility to airport, 128°—6.4 miles; LMM to airport, 128°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing BF LOM, climb straight ahead to intercept the 000° bearing from SE LOM, thence turn right climb to 2000′ direct to SE LOM.
%Takeoffs all runways: Climb visually over the airport to 300′ then climb direct to SEA VOR. Continue climb on R 265° SEA VOR within 10 miles to cross SEA VOR V-2N, 4300′; V-2, 2000′; V-28, 4000′; V-48, 4000′.
MSA within 25 miles of facility: 000°–180°—5500′; 180°–270°—6800′; 270°–360°—6100′.

City, Seattle; State, Wash.; Airport name, Boeing Field International; Elev., 17′; Fac. Class., LOM; Ident., BF; Procedure No. NDB (ADF) Runway 13R, Amdt. 9; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 13; Dated, 21 Oct. 67

PAE VOR	SZ LOM	Direct	3000	T-dn%	300-1	300-1	200-½
SEA VOR	SZ LOM	Direct	2600	C-d	800-1	800-1	800-1½
Burton VHF Int	SZ LOM	Direct	2800	C-n	800-2	800-2	800-2
Black Diamond VHF Int	SZ LOM	Direct	3200	A-dn	800-2	800-2	800-2
Lofall VHF Int	SZ LOM	Direct	3000				

Radar available.
Procedure turn S side of crs, 122° Outbnd, 302° Inbnd, 2000′ within 10 miles.
Minimum altitude over Tukwila Int on final approach crs, 1400′; over SZ LOM, 800′.
Crs and distance, Tukwila Int to airport, 302°—2.1 miles; SZ LOM on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing Tukwila Int, or within 6 mile after passing SZ LOM, climb to 2200′ direct to BF LOM.
%Takeoffs all runways: Climb visually over the airport to 300′ then climb direct to SEA VOR. Continue climb on R 265° SEA VOR within 10 miles to cross SEA VOR V-2N, 4300′; V-2, 2000′; V-28, 4000′; V-48, 4000′.
MSA within 25 miles of facility: 000°–180°—6200′; 180°–360°—4500′.

City, Seattle; State, Wash.; Airport name, Boeing Field International; Elev., 17′; Fac. Class., LOM; Ident., SZ; Procedure No. NDB (ADF) Runway 31L, Amdt. 9; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 31; Dated, 11 Apr. 68

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Barrow, Alaska—Wiley Post-Will Rogers Memorial, NDB (ADF)-1, Orig., 20 Jan. 1968 (established under Subpart C).
Battle Creek, Mich.—W. K. Kellogg Regional, NDB (ADF) Runway 22, Amdt. 3, 8 Apr. 1967 (established under Subpart C).
Daytona Beach, Fla.—Daytona Beach Municipal, NDB (ADF) Runway 6, Amdt. 8, 4 Nov. 1967 (established under Subpart C).
Galena, Alaska—Galena, NDB (ADF) Runway 25, Amdt. 11, 26 Sept. 1968 (established under Subpart C).
Houston, Tex.—Andrau Airpark, ADF 1, Amdt. 9, 14 Jan. 1967 (established under Subpart C).
Houston, Tex.—David Wayne Hooks Memorial, NDB (ADF) Runway 16, Orig., 15 July 1967 (established under Subpart C).
Ontario, Calif.—Ontario International, ADF 1, Amdt. 22, 9 July 1966 (established under Subpart C).
Owensboro, Ky.—Owensboro-Daviess County, ADF 1, Amdt. 1, 9 Apr. 1966 (established under Subpart C).
Sheboygan, Wis.—Sheboygan County Memorial, ADF 1, Orig., 18 Aug. 1966 (established under Subpart C).
Waco, Tex.—Waco Municipal, NDB (ADF) Runway 18, Amdt. 5, 14 Oct. 1967 (established under Subpart C).
Charlotte Amalie, St. Thomas, V. I.—Harry S. Truman, VOR 1, Amdt. 5, 9 Apr. 1966 (established under Subpart C).
Daytona Beach, Fla.—Daytona Beach Municipal, VOR Runway 16, Amdt. 7, 4 Nov. 1967 (established under Subpart C).
Galena, Alaska—Galena, VOR 1, Amdt. 4, 23 Apr. 1966 (established under Subpart C).
Madisonville, Ky.—Madisonville Municipal, VOR Runway 23, Amdt. 1, 29 Aug. 1968 (established under Subpart C).
Marshall, Mich.—Brooks Field, VOR Runway 28, Orig., 17 Aug. 1967 (established under Subpart C).
Medford, Oreg.—Medford-Jackson County, VOR 1, Amdt. 9, 5 Nov. 1966 (established under Subpart C).
Panama City, Fla.—Panama City-Bay County, VOR Runway 14, Amdt. 1, 14 Oct. 1967 (established under Subpart C).
Panama City, Fla.—Panama City-Bay County, VOR Runway 22, Amdt. 1, 14 Oct. 1967 (established under Subpart C).
Waco, Tex.—Waco Municipal, VOR 1, Amdt. 9, 16 Apr. 1966 (established under Subpart C).
Wixom, Mich.—Spencer Field, VOR Runway 36, Orig., 18 Nov. 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Montgomery, N.Y.—Orange County, VOR 1, Amdt. 2, 3 July 1965, canceled, effective 5 June 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Battle Creek, Mich.—W. K. Kellogg Regional, TerVOR-4, Amdt. 6, 13 June 1964 (established under Subpart C).
Battle Creek, Mich.—W. K. Kellogg Regional, TerVOR-22, Amdt. 4, 30 Nov. 1963 (established under Subpart C).
Battle Creek, Mich.—W. K. Kellogg Regional, TerVOR-31, Orig., 15 Aug. 1964 (established under Subpart C).
Muncie, Ind.—Delaware County/Johnson Field, TerVOR-14, Amdt. 1, 16 Apr. 1966 (established under Subpart C).
Muncie, Ind.—Delaware County/Johnson Field, TerVOR-32, Orig., 19 Mar. 1966 (established under Subpart C).
Owensboro, Ky.—Owensboro-Daviess County, TerVOR-5, Amdt. 3, 9 Apr. 1966 (established under Subpart C).
Owensboro, Ky.—Owensboro-Daviess County, TerVOR-35, Amdt. 3, 9 Apr. 1966 (established under Subpart C).

5. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Lancaster, Ohio—Anchor Hocking, TerVOR (R-090), Amdt. 1, 23 July 1966, canceled, effective 5 June 1969.

6. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Galena, Alaska—Galena, VOR/DME No. 1, Amdt. 1, 23 Apr. 1966 (established under Subpart C).
Medford, Oreg.—Medford-Jackson County, VOR/DME No. 1, Amdt. 4, 5 Nov. 1966 (established under Subpart C).
Medford, Oreg.—Medford-Jackson County, VOR/DME No. 2, Amdt. 2, 5 Nov. 1966 (established under Subpart C).
Waco, Tex.—Waco Municipal, VOR/DME Runway 32, Amdt. 2, 25 Mar. 1967 (established under Subpart C).

7. By amending § 97.17 of Subpart B to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude over 5-mile Radar Fix on final approach crs, 1500'.
Crs and distance, 5-mile Radar Fix to airport, 314°—5 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 5 miles after passing 5-mile Radar Fix or crossing 214° bearing from the UR LOM, climbing right turn to 4000' on LGA VOR, R 045° to Stamford Int and hold. Cross Scarsdale Int at 3000' or above. Hold NE, 1 minute, left turns, 225° Inbnd.
NOTES: Radar required.
Supplementary charting information: 369' building, 3.1 miles SE of airport; 328' building, 1.8 miles SE of airport.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Facility, I-GDI; Procedure No. LOC (BC) Runway 31, Amdt. Orig.; Eff. date, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LDA

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-15	700-2	700-2	700-2
				A-dn	1000-2	1000-2	1000-2
				VGS inoperative minimums‡			
				S-dn-15	700-2	700-2	700-2

Radar required.
Radar vectors will provided to intercept final approach crs.
NW of ‡VGS interception point.
Procedure turn not authorized.
Final approach crs, 146°.
Minimum altitude at ‡VGS interception Inbnd, 2500'.
Altitude of glide slope and distance to abeam approach end of runway at OM, 1820'—5.3 miles; at MM, 796'—2.1 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.5 miles after passing OM or at DH, make a right-climbing turn direct to Washington RBn at 1800'. Hold S, 1 minute, left turns, 001° Inbnd.
‡VGS (Vertical Guidance System) This guidance is provided by standard glide slope equipment and is paired in frequency with the localizer—no special tuning required.
CAUTION: 596' Washington Monument, 1.7 miles N of airport.
Jet operations restricted between hours of 2300 and 0700 local time. See AIM.
Inoperative components table does not apply to this procedure. Reductions for lighting aids not authorized.
Supplementary charting information: Start profile at approximately 8 miles from end of runway at MEA 2500'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Facility, I-ASO; Procedure No. LDA Runway 15, Amdt. Orig.; Eff. date, 5 June 69

				T-dn	300-1	300-1	200-½
				C-dn	NA	NA	NA
				LDIN-18*	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2
				VGS inoperative minimums‡			
				LDIN-18*	800-2	800-2	800-2

Radar required.
Radar vectors will be provided to intercept final approach crs.
NW of ‡VGS interception point.
Procedure turn not authorized.
Final approach crs, 146°.
Minimum altitude at ‡VGS interception Inbnd, 2500'.
Altitude of ‡VGS and distance to approach end of runway at OM, 1820'—5.4 miles; at MM, 796'—2.3 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.5 miles after passing OM or at DH, make right-climbing turn direct to Washington RBn at 1800'. Hold S, 1 minute, left turns, 001° Inbnd.
‡VGS (Vertical Guidance System) This guidance is provided by standard glide slope equipment and is paired in frequency with the localizer. No special tuning required.
*LDIN lights must be operational to execute this approach.
CAUTION: 596' Washington Monument, 1.7 miles N of airport.
Jet operations restricted between the hours of 2300 and 0700 local time. See AIM.
Inoperative components table does not apply to this procedure. Reductions for lighting aids not authorized.
Supplementary charting information: Start profile at approximately 8 miles from end of runway at MEA 2500'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Facility, I-ASO; Procedure No. LDA Runway 18, Amdt. Orig.; Eff. date, 5 June 69

8. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PAE VOR	BF LOM (final)	Via PAE VOR R 205 and NW crs BFI localizer.	2200	T-dn%	300-1	300-1	200-½
				C-d	800-1	800-1	800-1⅓
				C-n	800-2	800-2	800-2
				S-dn-13R*	400-¾	400-¾	400-¾
SEA VOR	BF LOM	Direct	3000	A-dn	800-2	800-2	800-2
Burton VHF Int	BF LOM	Direct	3000				
Lofall VHF Int	BF LOM (final)	Via 104° Mag crs and NW crs BFI localizer.	2200				

Radar available.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2118'—6.4 miles; at MM, 573'—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to intercept R 024°, SEA VOR, thence turn left, climb to 3000' to Sammamish Int via R 024° SEA VOR or, when directed by ATC, climb straight ahead to intercept the 000° bearing from SE LOM, thence turn right, climb to 2000' direct to SE LOM.
NOTE: Back crs unusable. Localizer unusable beyond 35° either side of front crs. Glide slope unusable beyond 6° E of front crs.
*Circling minimums authorized when glide slope inoperative. MM altitude 1000'.
*AIR CARRIER NOTE: Sliding scale not authorized for landing.
%Takeoffs all runways: Climb visually over the airport to 300' then climb direct to SEA VOR, continue climb on R 265°, SEA VOR within 10 miles to cross SEA VOR V-2N, 4300'; V-2, 2000'; V-28, 4000'; V-48, 4000'.
MSA within 25 miles of facility: 000°-180°—5500'; 180°-270°—6800'; 270°-360°—6100'.

City, Seattle; State, Wash.; Airport name, Boeing Field International; Elev., 17'; Facility, ILS; Ident., I-BFI; Procedure No. ILS Runway 13R, Amdt. 11; Eff. date, 5 June 69; Sup. Amdt. No. ILS Runway 13, Amdt. 10; Dated, 21 Oct. 67

9. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Battle Creek, Mich.—W. K. Kellogg Regional, LOC (BC) Runway 4, Amdt. 4, 8 Apr. 1967 (established under Subpart C).
Battle Creek, Mich.—W. K. Kellogg Regional, ILS Runway 22, Amdt. 3, 8 Apr. 1967 (established under Subpart C).
Daytona Beach, Fla.—Daytona Beach Municipal, ILS Runway 6, Amdt. 9, 4 Nov. 1967 (established under Subpart C).
Medford, Oreg.—Medford-Jackson County, ILS Runway 14, Orig., 21 Nov. 1968 (established under Subpart C).
Ontario, Calif.—Ontario International, ILS–7, Orig., 16 Oct. 1965 (BC) (established under Subpart C).
Ontario, Calif.—Ontario International, ILS–25, Amdt. 23, 18 June 1966 (established under Subpart C).
Waco, Tex.—Waco Municipal, ILS Runway 18, Amdt. 2, 27 Mar. 1969 (established under Subpart C).
Waco, Tex.—Waco Municipal, ILS–36, Orig., 10 Apr. 1965 (BC) (established under Subpart C).

10. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Galena, Alaska.—Galena, Radar 1, Orig., 4 Feb. 1967 (established under Subpart C).
Ontario, Calif.—Ontario International, Radar 1, Orig., 2 Sept. 1967 (established under Subpart C).

11. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BTL VORTAC.
AZO VOR	BTL VORTAC	Direct	2500	Climb to 3000′, proceed to Hickory Int. via BTL R 331°; or, when directed by ATC, climb on R 036° to 2400′, turn left, proceed to BTL VORTAC.
LFD VORTAC	BTL VORTAC	Direct	2500	
R–110 BTL VORTAC CW	R–216 BTL VORTAC	12 mile Arc	2500	
R–320 BTL VORTAC CCW	R–216 BTL VORTAC	12 mile Arc	3000	
12 mile DME Fix	West Int. (NOPT)	R–216 BTL VORTAC	1700	

Supplementary charting information: Final approach crs intercepts runway centerline 2200′ from runway threshold.
Runway 4, TDZ elevation, 941′.

Procedure turn E side of crs, 216° Outbnd, 036° Inbnd, 2500′ within 10 miles of BTL VORTAC.
Final approach crs, 036°.
Minimum altitude over West Int/4-mile DME Fix, *1420′ (*1700′ from 12-mile Arc).
MSA: 000°–180°—2700′; 180°–270°—2300′; 270°–360°—2900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4	1420	¾	479	1420	¾	479	1420	¾	479	1420	1	479
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	479	1420	1	479	1420	1¼	479	1500	2	569
	Dual VOR or VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4	1360	¾	419	1360	¾	419	1360	¾	419	1360	1	419
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1¼	459	1500	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941′; Facility BTL; Procedure No. VOR Runway 4, Amdt. 7; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR–4, Amdt. 6; Dated, 13 June 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BTL VORTAC.
AZO VOR	BTL VORTAC	Direct	2500	Climb to 3000′, turn left and proceed to Leroy Int via BTL VORTAC R 176°.
LFD VORTAC	BTL VORTAC	Direct	2500	
R 291°, BTL VORTAC CW	R 051°, BTL VORTAC	12-mile Arc	2600	
R 176°, BTL VORTAC CCW	R 051°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Arc	Morgan Int/4-mile DME Fix (NOPT).	R 051°, BTL VORTAC	1700	

Supplementary charting information: Final approach crs intercepts runway centerline 2300′ from end of runway.
Runway 22, TDZ elevation, 929′.

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 2400′ within 10 miles of BTL VORTAC.
Final approach crs, 231°.
Minimum altitude over Morgan Int/4-mile DME Fix, *1460′ (*1700′ from 12-mile Arc).
MSA: 000°–180°—2700′; 180°–270°—2300′; 270°–360°—2900′.
*Inoperative component table does not apply to ALS. With ALS inoperative increase visibility ¼ mile for all categories.
#Air carrier sliding scale and reduction for ALS less than ¾ mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22*	1460	¾	531	1460	¾	531	1460	¾	531	1460	1	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	519	1460	1	519	1460	1¼	519	1500	2	559
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22* #	1400	¾	471	1400	¾	471	1400	¾	471	1400	1	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1400	1	459	1400	1	459	1400	1¼	459	1500	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941′; Facility, BTL; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR–22, Amdt. 4; Dated, 30 Nov. 63

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BTL VORTAC.
AZO VOR	BTL VORTAC	Direct	2600	Climb to 3000′ and proceed to Hickory Int via BTL VORTAC R 331°; or, when directed by ATC, make right-climbing turn to 2600′ on BTL, R 036° then reverse crs to the left and return to BTL VORTAC.
LFD VORTAC	BTL VORTAC	Direct	2600	
Marshall Int	Clark Int (NOPT)	Direct	2000	
R 015°, BTL VORTAC CW	R 118°, BTL VORTAC	12-mile Arc	2600	
R 223°, BTL VORTAC CCW	R 118°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Fix	Clark 4-mile DME Fix (NOPT)	R 118°, BTL VORTAC	1700	

Supplementary charting information: Final approach crs intercepts runway centerline 2200′ from end of runway. Runway 31, TDZ elevation, 929′.

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2600′ within 10 miles of BTL VORTAC.
Final approach crs, 298°.
Minimum altitude over Clark Int/4-mile DME Fix, *1420′ (*1700′ from 12-mile Arc).
MSA: 000°–180°—2700′; 180°–270°—2300′; 270°–360°—2900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31	1420	1	491	1420	1	491	1420	1	491	1420	1	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	479	1420	1	479	1420	1¼	479	1500	2	559
	Dual VOR or VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31	1380	1	451	1380	1	451	1380	1	451	1380	1	451
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1¼	459	1500	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941′; Facility, BTL; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. TerVOR–31, Orig.; Dated, 15 Aug. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing STT VOR.
				If unable to proceed VFR to airport upon descent to 1000', turn left, climb to 2700' on R 163° within 15 miles of STT VOR, reverse crs direct to STT VOR and hold. Supplementary charting information: Hold S STT VOR, 1 minute, right turns, 343° Inbnd. High terrain N of Runways 9/27 extended. Depict following fixes on AL Chart: Whitefish, Van Dyke, Red Hook, Cruzan, and Culebra.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2600' within 10 miles of STT VOR.
Final approach crs (profile) starts at STT VOR reaching MAP at 5 miles, 1000'.
FAF, STT VOR. Final approach crs, 186°. Distance FAF to MAP, 5 miles.
Minimum altitude over STT VOR, 2000'.
MSA: 045°–135°—2600'; 135°–225°—2700'; 225°–045°—2600'.
NOTE: Visual flight required from MAP to airport.
*Circling Categories A, B, C, night 2000–3. All maneuvering for landing or turn after takeoff must be made S of airport.
#Night landing Runway 27 not authorized.
%Takeoff day 1000–2; night 2000–3.
@Day 1000–2; night 2000–3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C*#.....	1000	2	989	1000	2	989	1000	2	989	NA	
A.....	(@)		T 2-eng. or less—%.				T over 2-eng.—%.				

City, Charlotte Amalie; Island, St. Thomas, V.I.; Airport name, Harry S. Truman; Elev., 11'; Facility, STT; Procedure No. VOR-1, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 9 Apr. 66

Terminal routes				Missed Approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.4 miles after passing DAB VORTAC.
DAB LOM.....	DAB VORTAC.....	Direct.....	1500	Climb to 2000' on R 161° to Smyrna Int and hold.
DAB R 306°, CW.....	DAB R 336° (NOPT).....	7-mile Arc.....	1500	
DAB R 360°, CCW.....	DAB R 336° (NOPT).....	7-mile Arc.....	1500	Supplementary Charting Information:
7-mile Arc.....	DAB VORTAC (NOPT).....	DAB R 336°.....	1500	Hold S, 1 minute, left turns, 341° Inbnd. HIRL Runways 6L/24R. TDZ elevation, 34'.

Procedure turn W side of crs, 336° Outbnd, 156° Inbnd, 1500' within 10 miles of DAB VORTAC.
FAF, DAB VORTAC. Final approach crs, 156°. Distance FAF to MAP, 7.4 miles.
Minimum altitude over DAB VORTAC, 1500'; over Chambers Int., 700'.
MSA: 000°–090°—1400'; 090°–180°—1500'; 180°–270°—2000'; 270–360°—1300'.
*Visibility reduction not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16*.....	700	1	666	700	1	666	700	1¼	666	700	1½	666
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	700	1	666	700	1	666	700	1½	666	700	2	666
VOR/NDB or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16*.....	640	1	606	640	1	606	640	1	606	640	1¼	606
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	640	1	606	640	1	606	640	1½	606	640	2	606
A.....	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach municipal; Elev., 34'; Facility DAB; Procedure No. VOR Runway 16, Amdt. 8; Eff. date, 5 June 69; Sup. Amdt. No. 7; Dated, 4 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.5 miles after passing GAL VORTAC.
GAL NDB.....	GAL VORTAC.....	Direct.....	2100	Climb straight ahead to 2000' on R 245° within 10 miles.
20-mile DME, R 065°.....	10- mile DME, R 065°.....	Direct.....	2200	
R 051°, GAL VORTAC CW.....	R 065°, GAL VORTAC (NOPT).....	20-mile Arc GAL, R 059°, lead radial.	2100	

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 2100' within 10 miles of GAL VORTAC.
FAF, GAL VORTAC. Final approach crs, 245°. Distance FAF to MAP, 3.5 miles.
Minimum altitude over GAL VORTAC, 1400'.
MSA within 25 miles of facility: 050°–140°—3100'; 140°–230°—3700'; 230°–320°—2000'; 320°–050°—4300'.
NOTE: ASR/PAR

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	500	½	348	500	½	348	500	½	348	500	1	348
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	540	1	388	620	1	468	620	1¼	468	720	2	568
A.....	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, GAL; Procedure No. VOR Runway 25, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 23 Apr. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing CCT VOR.
				Climb to 2500' direct CCT VOR and hold. Supplementary charting information: Hold E, 1 minute, right turns, 253° Inbnd. Runway 23, TDZ elevation, 438'.

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2500' within 10 miles of CCT VOR.
FAF, CCT VOR. Final approach crs, 253°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over CCT VOR, 2100'.
MSA: 000°–090°—1900'; 090°–180°—2300'; 180°–270°—2600'; 270°–360°—1900'.
NOTE: Use Owensboro altimeter setting. When not available use Evansville, Ind., altimeter setting and increase MDA 100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-23.....	920	1	482	920	1	482	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	960	1	522	960	1	522	NA	NA
A.....	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Madisonville; State, Ky.; Airport name, Madisonville Municipal; Elev., 438'; Facility, CCT; Procedure No. VOR Runway 23, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing Albion Int.
BTL VORTAC	Albion Int	Direct	2700	Make left turn, climb to 3000', proceed to LFD VORTAC.
Marshall Int	Albion Int	JXN R 267°, BTL R 106°	2700	
JXN VORTAC	Concord Int	Direct	2700	
LFD VORTAC	Concord Int	Direct	2700	
Concord Int	Albion Int (NOPT)	Direct	2500	

Procedure turn S side of crs, 106° Outbnd, 286° Inbnd, 2700' within 10 miles of Albion Int.
FAF, Albion Int. Final approach crs, 286°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over Albion Int., 2500'.
MSA: 000°–180°—2700'; 180°–270°—2300'; 270°–360°—2900'.
NOTES: (1) Use Battle Creek altimeter setting. (2) Dual VOR receivers or DME required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-28	1400	1	460	1400	1	460	1400	1	460	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1440	1	500	1440	1	500	1440	1¼	500	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Marshall; State, Mich.; Airport name, Brooks Field; Elev., 940'; Facility, BTL; Procedure No. VOR Runway 28, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 17 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing MFR VOR TAC.
				Climbing right turn direct MFR VOR TAC, continue climb to 6000' in holding pattern. Supplementary charting information: Hold SE, 1 minute, right turns, 337° Inbnd.

Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 6300' within 10 miles of MFR VORTAC.
FAF, MFR VOR. Final approach crs, 146°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over MFR VOR, 4300'; over Table Int, 3600'—recommended altitude for ADF equipped aircraft.
MSA: 000°–090°—10,500'; 090°–180°—8600'; 180°–270°—8100'; 270°–360°—6600'.
%IFR departure procedures: All IFR departures must comply with Medford SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	1010	2340	1½	1010	2340	2	1010	2560	2½	1230
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2120	1	790	2240	1½	910	2340	2	1010	2560	2½	1230
A	Categories A, B, C, 1200–2; Category D, 1300–2½.		T 2-eng. or less Runway 14, RVR 24'; Standard all other runways.%			Runway 9, 1000–2;	T over 2-eng.—Runway 14, RVR 24'; Runway 9, 1000–2; Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Facility, MFR; Procedure No. VOR Runway 14, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 5 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.7 miles after passing Orange Int (9-mile DME).
Huguenot VOR	Orange Int (9-mile DME) (NOPT)	Direct	2500	Climb to 2000' on HUO VOR R 079°, right climbing turn to 3200' to R 079° to Orange Int (9-mile DME) and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 079° Inbnd. Runway 8, TDZ elevation, 361'.

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 3200' within 10 miles of Orange Int (9-mile DME).
FAF, Orange Int (9-mile DME). Final approach crs, 079°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over Orange Int (9-mile DME), 2500'.
MSA: 000°–090°—3700'; 090°–180°—2900'; 180°–270°—3100'; 270°–360°—3500'.
NOTES: (1) Radar vectoring. (2) Approach from a holding pattern not authorized. (3) Use Stewart AFB altimeter setting.
*Straight-in night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-8*	1180	1	819	1180	1¼	819	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1180	1	819	1180	1¼	819	NA	NA
A	Not authorized.		T 2-eng. or less—400–1 all runways.				T over 2-eng.—400–1 all runways.	

City, Montgomery; State, N.Y.; Airport name, Orange County; Elev., 361'; Facility, HUO; Procedure No. VOR Runway 8, Amdt. Orig.; Eff. date, 5 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIE VOR.
OKK VORTAC	MIE VOR	Direct	2500	Climb to 2500' on MIE R 140° within 10 miles, make left turn and return to VOR. Runway 14, TDZ elevation, 936'.
MZZ VOR	MIE VOR	Direct	2500	
MZZ VOR	Matthews Int	Direct	2400	
Matthews Int	Gaston Int (NOPT)	Direct	1600	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2400' within 10 miles of MIE VOR.
Final approach crs, 140°.
Minimum altitude over Gaston Int, 1300'.* (*1600' from Matthews Int.)
MSA: 000°–360°—2500'.
CAUTION: Unlighted 1043' power line ½ mile NW of Runway 14.
NOTE: Use Grissom AFB altimeter setting when control zone not effective; circling and straight-in MDA increased 200' except for operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8-14	1360	1	424	1360	1	424	1360	1	424	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	563	1500	1	563	1500	1¼	563	NA
	VOR/NDB Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
8-14	1300	1	364	1300	1	364	1300	1	364	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	563	1500	1	563	1500	1¼	563	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Muncie; State, Ind.; Airport name, Delaware County/Johnson Field; Elev., 937'; Facility, MIE; Procedure No. VOR Runway 14, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. TerVOR-14, Amdt. 1; Dated, 16 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: MIE VOR.
OKK VORTAC	MIE VOR	Direct	2500	Climb to 2500′ on MIE R 305° within 10 miles, make right turn and return to MIE VOR.
MZZ VOR	MIE VOR	Direct	2500	Supplementary charting information: Runway 32, TDZ elevation, 936′.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 2500′ within 10 miles of MIE VOR.
Final approach crs, 305°.
MSA: 000°–360°—2500′.
CAUTION: Unlighted 1043′ powerline ½ mile NW of Runway 14.
NOTE: Use Grissom AFB altimeter setting when control zone not effective; circling and straight-in MDA increased 200′ except for operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S–32	1480	1	544	1480	1	544	1480	1	544		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1500	1	563	1500	1	563	1500	1½	563		NA	
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Muncie; State, Ind.; Airport name, Delaware County/Johnson Field; Elev., 937′; Facility, MIE; Procedure No. VOR Runway 32, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR–32, Orig.; Dated, 19 Mar. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: OWB VOR.
Booneville Int	OWB VOR	Direct	2100	Climb to 2100′ on R 039°, left turn direct OWB VOR and hold.
Lamar Int	OWB VOR	Direct	2100	Supplementary charting information: Hold SW, 1 minute, right turns, 039° Inbnd.
Apalona Int	OWB VOR	Direct	2100	Final approach intercepts runway centerline 3000′ from threshold.
EVV VORTAC	OWB VOR	Direct	2400	803′ tower, 1.5 miles N of airport.
CCT VOR	OWB VOR	Direct	2100	827′ tower, 1.9 miles E of airport. Runway 5, TDZ elevation, 404′.

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 2100′ within 10 miles of OWB VOR.
Final approach crs, 039°.
Minimum altitude over Panther Int, 940′.*
MSA: 000°–090°—1900′; 090°–180°—2000′; 180°–270°—1900′; 270°–360°—2500′.
CAUTION: 803′ tower, 1.5 miles N and 827′ tower, 1.9 miles E of airport.
*Use Evansville altimeter setting when control zone not effective.
*Circling and straight-in MDA increased 100′ when control zone not effective.
#Standard alternate minimums apply for operators with approved weather reporting service.
%Runway 35 departures, climb on magnetic heading 340° to 1500′ before proceeding as cleared; runway 5 departures, climb on magnetic heading 050° to 1500′ before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5*	940	1	536	940	1	536	940	1	536		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	940	1	533	940	1	533	1120	1¼	713	1140	2	733
	VOR/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5*	840	1	436	840	1	436	840	1	436		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	840	1	433	860	1	453	1120	1¼	713	1140	2	733
A	Not authorized.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407′; Facility, OWB; Procedure No. VOR Runway 5, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR–5, Amdt. 3; Dated, 9 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: OWB VOR.
Booneville Int	OWB VOR	Direct	2100	Climb to 2100′ right turn direct OWB VOR and hold.
Lamar Int	OWB VOR	Direct	2100	Supplementary charting information:
Apalona Int	OWB VOR	Direct	2100	Hold N, 1 minute, right turns, 186° Inbnd.
EVV VORTAC	OWB VOR	Direct	2400	Final approach intercepts runway centerline 3000′ from threshold.
CCT VOR	OWB VOR	Direct	2100	803′ tower, 1.5 miles N of airport. 827′ tower, 1.9 miles E of airport. Runway 17, TDZ elevation, 407′.

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2100′ within 10 miles of OWB VOR.
Final approach crs, 169°.
MSA: 000°–090°—1900′; 090°–180°—2000′; 180°–270°—1900′; 270°–360°—2500′.
CAUTION: 803′ tower, 1.5 miles N and 827′ tower, 1.9 miles E of airport.
*Use Evansville altimeter setting when control zone not effective.
*Circling and straight-in MDA increased 100′ when control zone not effective.
#Standard alternate minimums apply for operators with approved weather reporting service.
%Runway 35 departures, climb on magnetic heading 340° to 1500′ before proceeding as cleared; Runway 5 departures, climb on magnetic heading 050° to 1500′ before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17*	1120	1	713	1120	1	713	1120	1¼	713	1120	1½	713
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1120	1	713	1120	1	713	1120	1½	713	1140	2	733
A	Not authorized.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407′; Facility, OWB; Procedure No. VOR Runway 17, Amdt. Orig.; Eff. date, 5 June 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: OWB VOR.
EVV VORTAC	OWB NDB	Direct	2400	Climbing left turn to 2100′ direct OWB NDB and hold.
CCT VOR	Nuckols Int	Direct	2100	Supplementary charting information:
Nuckols Int	OWB NDB (NOPT)	Direct	1700	Hold S, 1 minute, right turns, 360° Inbnd.
Apalona Int	OWB NDB	Direct	2100	803′ tower, 1.5 miles N of airport.
Booneville Int	OWB NDB	Direct	2100	827′ tower, 1.9 miles E of airport.
Lamar Int	OWB NDB	Direct	2100	Final approach intercepts runway centerline 3000′ from threshold. Runway 35, TDZ elevation, 401′.

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 2100′ within 10 miles of OWB NDB.
Final approach crs, VOR R 178°/358° Inbnd.
Minimum altitude over OWB NDB, 1700′.
MSA: 000°–090°—1900′; 090°–180°—2300′; 180°–270°—1900′; 270°–360°—2500′.
NOTE: Inoperative table does not apply to ALS or REIL's Runway 35.
CAUTION: 803′ tower, 1.5 miles N and 827′ tower, 1.9 miles E of airport.
*Use Evansville altimeter setting when control zone not effective.
*Circling and straight-in MDA increased 100′ when control zone not effective.
#Standard alternate minimums apply for operators with approved weather reporting service.
%Runway 35 departures, climb on magnetic heading 340° to 1500′ before proceeding as cleared; Runway 5 departures, climb on magnetic heading 050° to 1500′ before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35*	760	1	359	760	1	359	760	1	359	760	1	359
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	393	860	1	453	1120	1¼	713	1140	2	733
A	Not authorized.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407′; Facility, OWB; Procedure No. VOR Runway 35, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR–35, Amdt. 3; Dated, 9 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: PFN VOR.
Bruce Int.	PFN VOR	Direct	1600	Climb on PFN R 127° to 1000', left turn direct to PFN VOR at 1600' and hold.
Greenhead Int.	PFN VOR	Direct	1800	
Parker Int.	PFN VOR	Direct	1800	Supplementary charting information:
Wilma Int.	PFN VOR	Direct	1600	Hold NW, 1 minute, left turns, 127° Inbnd.
Chason Int.	PFN VOR	Direct	2000	Final approach crs intercepts runway centerline 26.2' from threshold.
				LRCO, 122.1, 122.2.
				HIRL Runways 14/32.
				Runway 14, TDZ elevation, 12'.

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1600' within 10 miles of PFN VOR.
Final approach crs, 127°.
MSA: 000°–090°—2100'; 090°–360°—1500'.
NOTES: (1) Radar vectoring. (2) Use Tyndall AFB altimeter setting when control zone not effective. (3) Inoperative table does not apply to HIRL Runway 14.
#Alternate minimums not authorized except for operators with approved weather reporting service when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	360	1	348	360	1	348	360	1	348	360	1	348
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	420	480	1	460	480	1¼	460	660	2	640
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Panama City; State, Fla.: Airport name, Panama City-Bay County; Elev., 20'; Facility, PFN; Procedure No. VOR Runway 14, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 14 Oct. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: PFN VOR.
Bruce Int.	PFN VOR	Direct	1600	Right-climbing turn to 1600' direct to PFN VOR and hold.
Green Head Int.	PFN VOR	Direct	1800	
Parker Int.	PFN VOR	Direct	1800	Supplementary charting information:
Wilma Int.	PFN VOR	Direct	1600	Hold NW, 1 minute, left turns, 127° Inbnd.
Chason Int.	PFN VOR	Direct	2000	Final approach crs intercepts runway centerline 3040' from threshold.
				LRCO, 122.1, 122.2.
				HIRL Runways 14/32.
				Tower 2 miles NE of airport on final approach, 322°.
				Runway 22, TDZ elevation, 14'.

Procedure turn N side of crs, 056° Outbnd, 236° Inbnd, 1600' within 10 miles of PFN VOR.
Final approach crs, 236°.
Minimum altitude over 1.5-mile Radar Fix, 660'.
MSA: 000°–090°—2100'; 090°–360°—1500'.
NOTES: (1) Radar vectoring. (2) Use Tyndall AFB altimeter setting when control zone not effective.
#Alternate minimums not authorized except for operators with approved weather reporting service when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	640	660	1	640	660	1¼	640	660	2	640
	Radar Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	420	480	1	460	480	1¼	460	660	2	640
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20'; Facility, PFN; Procedure No. VOR Runway 22, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 14 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 3 miles after passing ACT VOR TAC.
R 028°, ACT VORTAC CCW	R 321°, ACT VORTAC	7-mile Arc ACT, R 335° lead radial.	2000	Climb to 2000' on ACT R 136° within 20 miles or, turn right climb to 2000' on ACT R 187° within 20 miles.
R 306°, ACT VORTAC CW	R 321°, ACT VORTAC	7-mile Arc	2000	
7-mile DME Arc	ACT VORTAC (NOPT)	ACT, R 321°	1400	Supplementary charting information: Runway 14, TDZ elevation, 507'.

Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 2000' within 10 miles of ACT VORTAC.
FAF, ACT VORTAC. Final approach crs, 141°. Distance FAF to MAP, 3 miles.
Minimum altitude over ACT VORTAC, 1400'.
MSA: 090°–180°—2800'; 180°–270°—3500'; 270°–090°—2100'.
#RVR 24', Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	820	1	313	820	1	313	820	1	313	820	1	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1¼	465	1080	2	565
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Facility, ACT; Procedure No. VOR Runway 14, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 16 Apr. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 6.7 miles after passing SVM VORTAC.
R 080°, SVM VORTAC CW	R 199°, SVM VORTAC	7-mile DME Arc	2500	Make left-climbing turn to 2500' and return to SVM VORTAC.
R 300°, SVM VORTAC CCW	R 199°, SVM VORTAC	7-mile DME Arc	2600	
7-mile DME Arc	SVM VORTAC (NOPT)	Direct	2500	Supplementary charting information: Tower 1749', 4 miles ENE of airport: 42°31'42"/83°27'53".

Procedure turn W side of crs, 199° Outbnd, 019° Inbnd, 2500' within 10 miles of SVM VORTAC.
FAF, SVM VORTAC. Final approach crs, 019°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over SVM VORTAC, 2500'.
MSA: 000°–180°—2800'; 180°–270°—2500'; 270°–360°—2600'.
NOTES: (1) Use Willow Run altimeter setting. (2) Lights on request.
CAUTION: Trees 990', MSL 300' from approach end of Runway 36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1660	1	720	1660	1	720	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Wixom; State, Mich.; Airport name, Spencer Field; Elev., 940'; Facility, SVM; Procedure No. VOR Runway 36, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 18 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA; Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5-mile DME/R 245°, GAL VORTAC.
GAL NDB	GAL VORTAC	Direct	2100	Climb straight ahead to GAL VORTAC, continue climb to 2000′ on R 065° within 10 miles.
20-mile DME, R 245°	12-mile DME, R 245° (NOPT)	Direct	2000	
12-mile DME, R 245°	8-mile DME, R 245° (NOPT)	Direct	1000	
R 262°, GAL VORTAC CCW	R 245°, GAL VORTAC (NOPT)	12-mile Arc GAL, R 254° lead radial.	2100	Supplementary charting information: Runway 7, TDZ elevation, 147′.

Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 2000′ within 10 miles of 5-mile DME Fix.
Final approach crs, 065°.
Minimum altitude over 12-mile DME, 2000′; over 8-mile DME, 1000′.
MSA within 25 miles of facility: 050°–140°—3100′; 140°–230°—3700′; 230°–320°—2000′; 320°–050°—4300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	420	¾	273	420	¾	273	420	¾	273	420	1	273
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	388	600	1	448	600	1½	448	700	2	548
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152′; Facility, GAL; Procedure No. VORTAC Runway 7, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 23 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5-mile DME Fix R 146°.
MFR R 136°, 10-mile DME	MFR VORTAC	Direct	6000	Right-climbing turn direct to MFR VORTAC; continue climb to 6000′ in holding pattern.$
MFR R 157°, 10-mile DME	MFR VORTAC	Direct	6000	
MFR R 216°, CW	MFR R 333°	15-mile Arc MFR, R 325° lead radial.	6800	
MFR R 333°, 15-mile DME	MFR R 333°, 10-mile DME	Direct	5800	Supplementary charting information: $Hold SE, 1 minute, right turns, 337° Inbnd.
MFR R 333°, 10-mile DME	MFR R 333°, 7-mile DME (NOPT)	Direct	5000	
MFR R 333°, 7-mile DME	MFR R 333°, 3-mile DME	Direct	4000	Runway 14, TDZ elevation, 1309′.
MFR R 333°, 3-mile DME	MFR VORTAC	Direct	3300	

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5800′ within 12 miles of MFR VORTAC.
Final approach crs, 146°.
Minimum altitude over R 333°, 10-mile DME, 5800′; over R 333°, 7-mile DME, 5000′; over R 333°, 3-mile DME, 4000′; over MFR VORTAC, 3300′; over R 146°, 2-mile DME, 2600′.
MSA: 000°–090°—10,500′; 090°–180°—8600′; 180°–270°—8100′; 270°–360°—6600′.
NOTE: Inoperative table does not apply to HIRL or ALS Runway 14.
‡IFR departure procedures: All IFR departures must comply with Medford SID's.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14*	1840	RVR 50	531	2240	1½	931	2340	2	1031	2560	2½	1251
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	670	2240	1½	910	2340	2	1010	2560	2½	1230
A	Categories A and B, 1000–2; Category C, 1100–2; Category D, 1300–2½.		T 2-eng. or less—Runway 14, RVR 24′; Runway 9, 1000–2; Standard all other runways.%				T over 2-eng.—Runway 14, RVR 24′; Runway 9, 1000–2; Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330′; Facility, MFR; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 5 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5-mile DME Fix, R 146°.
MFR R 216°, CW	MFR R 316°	15-mile Arc MFR, R 308° lead radial.	6800	Right-climbing turn direct to MFR VORTAC; continue climb to 6000′ in holding pattern.$
MFR R 316°, 15-mile DME	MFR R 316°, 9-mile DME	Direct	5800	
MFR R 316°, 9-mile DME	MFR R 316°, 3-mile DME	Direct	4000	Supplementary charting information:
MFR R 316°, 3-mile DME	MFR VORTAC	Direct	3300	$Hold SE, 1 minute, right turns, 337° Inbnd.
				Runway 14, TDZ elevation, 1309′.

Procedure turn not authorized. Approach crs (profile) starts at MFR R 316°, 9-mile DME.
Final approach crs, 146°.
Minimum altitude over R 316°, 9-mile DME, 5800′; over R 316°, 3-mile DME, 4000′; over MFR VORTAC, 3300′; over R 146°, 2-mile DME, 2600′.
MSA: 000°–090°—10,500′; 090°–180°—8600′; 180°–270°—8100′; 270°–360°—6600′.
NOTE: Inoperative table does not apply to HIRL or ALS Runway 14.
‡IFR departure procedures: All IFR departure procedures must comply with Medford SID's.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-H*	1840	RVR 50	531	2240	1½	931	2340	2	1031	2560	2½	1251
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	670	2240	1½	910	2340	2	1010	2560	2½	1230
A	Categories A and B, 1000–2; Category C, 1100–2; Category D, 1300–2½.		T 2-eng. or less—Runway 14, RVR 24′; Runway 9, 1000–2; Standard all other runways.%				T over 2-eng.—Runway 14, RVR 24′; Runway 9, 1000–2 Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330′; Facility, MFR; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. date, 5 June 69; Sup. Amdt No. 2; Dated, 5 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1-mile DME Fix.
R 157°, ACT VORTAC CCW	R 141°, ACT VORTAC	13-mile Arc ACT, R 150° lead radial.	2700	Climb to 2000′ on R 141° direct ACT VORTAC.
R 028°, ACT VORTAC CW	R 141°, ACT VORTAC	13-mile Arc ACT, R 132° lead radial.	2700	Supplementary charting information: Runway 32, TDZ elevation, 515′.
Heart 13-mile DME	8-mile DME (NOPT)	ACT, R 141°	1700	
ACT VORTAC	8-mile DME Fix, R 141°	Direct	2700	

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2700′ within 10 miles of 8-mile DME Fix.
Final approach crs, 321°.
Minimum altitude over 8-mile DME, 1700′.
MSA: 090°–180°—2800′; 180°–270°—2500′; 270°–090°—2100′.
#RVR 24, Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	820	1	305	820	1	305	820	1	305	820	1	305
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1¼	465	1080	2	565
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515′; Facility, ACT; Procedure No. VOR/DME Runway 32, Amdt. 3; Eff. date, 5 June 69; Sup. Amdt. No. 2; Dated, 25 Mar. 67

12. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
EMR NDB	AGS VORTAC	Direct	2000	Climb to 2000′ on AGS R 158° to Shell Bluff Int.; or, when directed by ATC, climbing left turn to 2000′ direct to AGS VORTAC and hold. Hold NW, 1 minute, right turns, 142° Inbnd. Supplementary charting information: Final approach crs to center of landing area.
R 238°, AGS VORTAC (CW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	
R 072°, AGS VORTAC (CCW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	
10-mile DME Fix	AGS VORTAC (NOPT)	R 322°, AGS VORTAC	1700	

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2000′ within 10 miles of AGS VORTAC.
FAF, AGS VORTAC. Final approach crs, 136°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over AGS VORTAC, 1700′.
MSA: 000°–090°—2100′; 090°–180°—2900′; 180°–270°—2900′; 270°–360°—1900′.
NOTES: (1) Use AGS altimeter setting. (2) No weather reporting service.
*Night operations not authorized on Runways 5/23.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	1200	1	776	1200	1¼	776	1200	1½	776	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Augusta; State, Ga.; Airport name, Daniel Field; Elev., 424′; Facility, AGS; Procedure No. VOR–1, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. 5; Dated, 16 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
BUF VORTAC	Stafford Int/18-mile DME	Direct	3000	Climb to 3000′, right turn to R 311° GEE VORTAC to Stafford Int. and hold. Supplementary charting information: Hold SE of Stafford Int, 1 minute, right turns, 311° Inbnd. Tree in 7:1 on N side of runway. Chart 22.6-mile DME, R 311° in profile view. UNICOM 122.8.
ROC VORTAC	Stafford Int/18-mile DME	Direct	3000	
GEE VORTAC	Caledonia Int/10-mile DME	Direct	3000	
Caledonia Int/10-mile DME	Stafford Int/18-mile DME (NOPT)	GEE VOR R 311°, 8 miles	2600	

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 3000′ within 10 miles of Stafford Int/18-mile DME.
FAF, Stafford Int/18-mile DME. Final approach crs, 311°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over Stafford Int/18-mile DME, 2600′.
MSA: 000°–090°—2900′; 090°–180°—3300′; 180°–270°—3300′; 270°–360°—2900′.
NOTE: Use ROC altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1420	1	510	1420	1¼	510	NA	NA
A	Not authorized.		T 2-eng. or less—200–1 all runways.				T over 2-eng.—200–1 all runways.	

City, Batavia; State, N.Y.; Airport name, Genesee County; Elev., 910′; Facility, GEE; Procedure No. VOR–1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 5 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
CHS VORTAC, R 180° CW	CHS R 213°	CHS 10-mile DME Arc	1600	Climb to 2000′ on R 033° within 15 miles of CHS VORTAC. Supplementary charting information: Final approach crs intercepts runway centerline 2200′ from threshold. VASI Runways 21, 15, 33. TDZ elevation, 37′.
CHS VORTAC, R 302° CCW	CHS R 213°	CHS 10-mile DME Arc	1600	
10-mile DME Arc	5-mile DME Fix (NOPT)	CHS R 213°	580	

Procedure turn W side of crs, 213° Outbnd, 033° Inbnd, 1500′ within 10 miles of CHS VORTAC.
Final approach crs, 033°.
Minimum altitude over 5-mile DME Fix, 580′.
MSA: 000°–090°—3100′; 090°–180°—2100′; 180°–360°—1500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	580	1	543	580	1	543	580	1	543	580	1¼	543
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	535	580	1	535	580	1½	535	600	2	555
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	410	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1½	455	600	2	555
A	Standard.		T 2-eng. or less—RVR 24′, Runway 15; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 15; Standard all other runways.					

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45′; Facility, CHS; Procedure No. VOR Runway 3, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. 3; Dated, 19 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 006°, FLO VORTAC CW	R 055°, FLO VORTAC	8-mile Arc	1900	Left turn, climb to 2000′ direct to FLO VORTAC and hold. Supplementary charting information: Hold NE of FLO VORTAC, 235° Inbnd, right turn, 1 minute/7 miles.
8-mile Arc	FLO VORTAC (NOPT)	FLO R 055°	900	

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 1700′ within 10 miles of FLO VORTAC.
FAF, FLO VORTAC. Final approach crs, 235°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over FLO VORTAC, 900′.
MSA: 000°–360°—2000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	560	1	413	560	1	413	560	1	413	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	600	1	453	600	1	453	600	1½	453	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Florence; State, S.C.; Airport name, Municipal; Elev., 147′; Facility, FLO; Procedure No. VOR Runway 23, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 20 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.2 miles after passing Lion Int.
CYN VORTAC	Chatsworth Int	Direct	1700	Climbing left turn to 1700′ direct to Lion Int, and hold. When directed by ATC, climbing right turn to 2000′ via RBV R 230° to RBV VORTAC and hold SW, 1-minute right turns, 050° inbnd.
Chatsworth Int	Lion Int (NOPT)	Direct	1700	

Supplementary charting information:
Missed approach holding—Lion Int, hold SE 1-minute left turns, 324° inbnd.
Runway 60′ wide.

Procedure turn S side of crs, 144° Outbnd, 324° Inbnd, 1700′ within 10 miles of Lion Int.
FAF, Lion Int. Final approach crs, 324°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over Chatsworth Int, 1700′; over Lion Int, 1700′.
MSA: 000°–090°—1900′; 090°–180°—1600′; 180°–360°—2400′.
NOTES: (1) Radar vectoring. (2) Use McGuire altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	460	1	411	520	1	471	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Lumberton; State, N.J.; Airport name, Flying "W" Ranch; Elev., 49′; Facility, PNE; Procedure No. VOR-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 16 May 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MSN VOR.
MSN NDB	MSN VOR	Direct	2800	Climb to 2800′ on MSN VOR, R 137° within 10 miles. Return to MSN VOR.

Supplementary charting information:
2249′ tower, 43°03′30″/89°28′40″.
1141′ tank, 43°08′20″/89°22′25″.
Runway 13, TDZ elevation, 858′.

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2800′ within 10 miles of MSN VOR.
Final approach crs, 137°.
MSA: 000°–090°—2600′; 090°–180°—2500′; 180°–360°—3300′.
NOTE: Radar vectoring.
CAUTION: Runways 8/26 unlighted.
*Sliding scale not authorized.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500–2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249′ tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300′ MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13*	1440	1	582	1440	1	582	1440	1	582	1440	1¼	582
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other Runways.%				T over 2-eng.—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Facility, MSN; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. 5; Dated, 14 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MSN VOR.
MSN NDB	MSN VOR	Direct	2600	Climb to 2600′ on MSN VOR R 176° within 10 miles. Return to VOR.

Supplementary charting information:
2249′ tower, 43°03′30″/89°28′40″.
1141′ tank, 43°08′20″/89°22′25″.
Runway 18, TDZ elevation, 857′.

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2600′ within 10 miles of MSN VOR.
Final approach crs, 176°.
MSA: 000°–090°—2600′; 090°–180°—2500′; 180°–360°—3300′.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runway 18.
CAUTION: Runways 8/26 unlighted.
*Sliding scale not authorized.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500–2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249′ tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300′ MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18*	1400	1	543	1400	1	543	1400	1	543	1400	1¼	543
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%				T over 2-eng.—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Facility, MSN; Procedure No. VOR Runway 18, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 14 Nov. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MSN VOR.
MSN NDB	MSN VOR	Direct	2600	Climb to 2800′ on MSN VOR R 311° within 10 miles. Return to MSN VOR.

Supplementary charting information:
2249′ tower, 43°03′30″/89°28′40″.
1141′ tank, 43°08′20″/89°22′25″.
Runway 31, TDZ elevation, 859′.

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 2600′ within 10 miles of MSN VOR.
Final approach crs, 311°.
Minimum altitude over College Int, 1420′.
MSA: 000°–090°—2900′; 090°–180°—2500′; 180°–360°—3300′.
NOTE: Radar vectoring.
CAUTION: Runways 8/26 unlighted.
*Sliding scale below ¾ not authorized.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500–2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249′ tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300′ MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	1420	1	561	1420	1	561	1420	1	561	1420	1¼	561
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
	VOR/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1360	1	501	1360	1	501	1360	1	501	1360	1¼	501
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%				T over 2-eng—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Facility, MSN; Procedure No. VOR Runway 31, Amdt. 7; Eff. date, 5 June 69; Sup. Amdt. No. 6; Dated, 14 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum Altitudes (feet)	MAP: 3.6 miles after passing MAI VOR.
				Turn left, climb to 2000′ to Chipley Int via MAI VOR R 270° and hold. Supplementary charting information: hold W, 1 minute, left turns 090° inbnd. Final approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 107′.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 2000′ within 10 miles of MAI VOR.
FAF, MAI VOR. Final approach crs, 303°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over MAI VOR, 1000′.
MSA: 000°–180°—1500′; 180°–270°—2000′; 270°–360°—2500′.
NOTE: (1) Radar vectoring. (2) Use DHN FSS altimeter setting when control tower not in operation. (3) Straight-in MDA becomes 640′ and circling MDA 700′ when control tower not in operation. (4) Night minimums authorized runways 14–32 only.
#Alternate minimums not authorized when control tower not in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–32	520	1	413	520	1	413	520	1	413	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	560	1	447	580	1	467	580	1¼	467	NA
A	Standard.#		T 2-eng or less—Standard.				T over 2-eng.—Standard.			

City, Marianna; State, Fla.; Airport name, Marianna Municipal; Elev., 113′; Facility, MAI; Procedure No. VOR Runway 32, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 26 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing EOS VOR.
Waco Int	EOS VOR	EOS R 337°	3000	Climb to 2800′, right turn to EOS VOR and hold.* Supplementary charting information: *Hold NW, 1 minute, right turns, 122° inbnd. Final approach crs aiming point is the airport reference point.

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 2800′ within 10 miles of EOS VOR.
FAF, EOS VOR. Final approach crs, 123°. Distance FAF to MAP, 3 miles.
Minimum altitude over EOS VOR, 2500′.
MSA: 000°–270°—2800′; 270°–360°—3100′.
NOTE: Use Joplin, Mo., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA		VIS		VIS
C	1700	1	447	1720	1	467	1720	1¼	467	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Neosho; State, Mo.; Airport name, Neosho Memorial; Elev., 1253′; Facility, EOS; Procedure No. VOR–1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 6 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing Daniel Int.
EMR NDB	AGS VORTAC	Direct	2000	Climb to 2000′ on AGS R 158° to Shell Bluff Int.; or, when directed by ATC, climbing left turn to 2000′ direct to AGS VORTAC and hold. Hold NW, 1 minute, right turns, 142° inbnd. Supplementary charting information: Final approach crs to center of landing area.
R 238°, AGS VORTAC (CW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	
R 072°, AGS VORTAC (CCW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	
10-mile DME Arc	AGS VORTAC (NOPT)	R 322°, AGS VORTAC	1700	

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2000′ within 10 miles of AGS VORTAC.
FAF, Daniel Int/7.5-mile DME Fix. Final approach crs, 142°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over AGS VORTAC, 1700′; over Daniel Int/7.5-mile DME Fix, 1700′.
MSA: 000°–090°—2100′; 090°–180°—2900′; 180°–270°—2900′; 270°–360°—1900′.
NOTE: Operating DME or NDB receivers required.
#300–1 required on Runway 8/26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	1¼	575	720	2	575
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 145′; Facility, AGS; Procedure No. VOR/DME-4, Amdt. 9; Eff. date, 5 June 69; Sup. Amdt. No. VOR–1, Amdt. 8, Dated, 16 Jan. 69

13. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing Mendon Int.
Leroy Int	Mendon Int	LFD VORTAC R 293°	2500	Make climbing left turn to 3000′ and proceed to Hickory Int via BTL VORTAC R 331°; or, when directed by ATC, climb to 2500′ on NE crs ILS to BT LOM. Supplementary charting information: Runway 4, TDZ elevation, 941′.
BTL VORTAC	Mendon Int	Direct	2500	
R 115°, BTL VORTAC CW	R 223°, BTL VORTAC (NOPT)	12-mile Arc BTL, R 215° lead radial.	2500	
R 330°, BTL VORTAC CCW	R 223°, BTL VORTAC (NOPT)	12-mile Arc BTL, R 235° lead radial.	2500	
Vicksburg Int	Mendon Int (NOPT)	Direct	2500	

Procedure turn E side of crs, 224° Outbnd, 044° Inbnd, 2500′ within 10 miles of Mendon Int.
FAF, Mendon Int. Final approach crs, 044°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over Mendon Int, 2500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–4	1360	¾	419	1360	¾	419	1360	¾	419	1360	1	419
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	½	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941′; Facility, I-BTL; Procedure No. LOC (BC) Runway 4, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 8 Apr. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Brackett Int	Fairgrounds Int	Direct	3000	MAP: 4 miles after passing Narod Int. Climbing right turn to 4200′ direct to ONT VOR and hold.*

Supplementary charting information: *Hold E, 1 minute, right turns, 258° Inbnd. Runway 7, TDZ elevation, 942′.

Procedure turn not authorized. Approach crs (profile) starts at Fairgrounds Int.
FAF, Narod Int. Final approach crs, 075°. Distance FAF to MAP, 4 miles.
Minimum altitude over Fairgrounds Int, 3000′; over Narod Int., 2200′.
NOTES: (1) ASR. (2) Night minimums not authorized Runways 3/21. (3) Dual VOR receivers required for execution of this approach unless fixes provided by radar.
% Northbound and eastbound (278° through 105° CW) IFR departures must comply with published SID's.
# Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	1360	¾	418	1360	¾	418	1360	¾	418	1360	1	418
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1¼	528	1520	2	568
A	Standard.			T 2-eng. or less—Runway 25, RVR 24′; Standard all other runways.#%			T over 2-eng.—Runway 25, RVR 24′; Standard all other runways.#%					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952′; Facility, I-ONT; Procedure No. LOC (BC) Runway 7, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. ILS-7 (BC), Orig.; Dated, 16 Oct. 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
ACT VORTAC	Turner Int	ACT R 163°	2700	MAP: 4 miles after passing Turner Int. Climb to 2000′ direct to AC LOM, or, turn left, climb to 2000′ direct ACT VORTAC
TPL VOR	Lambert Int	TPL R 020°	2700	
Lambert Int	Turner Int (NOPT)	Direct	1700	Supplementary charting information: Runway 36, TDZ elevation, 510′.
Bostic Int	Turner Int (NOPT)	320° crs and LOC crs 006°	1700	

Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 2700′ within 10 miles of Turner Int.
FAF, Turner Int. Final approach crs, 005°. Distance FAF to MAP, 4 miles.
Minimum altitude over Lambert Int, 2700′; over Turner Int. 1700′.
#RVR 24′, Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	800	¾	290	800	¾	290	800	¾	290	800	1	290
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1¼	465	1080	2	565
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515′; Facility I-ACT; Procedure No. LOC (BC) Runway 36, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. ILS-36 (BC), Orig.; Dated, 10 Apr. 65

14. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
MSN VOR	Windsor Marker	LOC crs	2700	MAP: 4.5 miles after passing Windsor Marker. Climb to 2600′ direct to MS LOM. When directed by ATC, left-climbing turn to 2700′ on MSN VOR R 090° within 10 miles; return to VOR.

Supplementary charting information: 1020′ terrain, 43°13′52″/89°19′03″. 2249′ tower, 43°03′30″/89°28′40″. 1141′ tank, 43°08′20″/89°22′25″.
Chart in plan view—Final approach from holding at Windsor Marker not authorized, procedure turn required.
Runway 18, TDZ elevation, 857′.

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2700′ within 10 miles of Windsor Marker.
FAF, Windsor Marker. Final approach crs, 179°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Windsor Marker, 2200′.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runway 18. (3) Final approach from holding pattern at Windsor Marker not authorized, procedure turn required.
CAUTION: Runways 8/26 unlighted.
*Sliding scale not authorized.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500–2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249′ tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300′ MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18*	1220	1	363	1220	1	363	1220	1	363	1220	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
A	Not authorized.			T 2-eng. or less—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%			T over 2-eng.—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Facility, I-MSN; Procedure No. LOC (BC) Runway 18, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 14 Nov. 68

15. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.1 miles after passing PBA NDB. Climb to 1500′ on 199° bearing from PBA NDB within 15 miles of PBA NDB.

Supplementary charting information: Tower 155′, 1.4 miles NE of airport.

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 1600′ within 10 miles of PBA NDB.
FAF, PBA NDB. Final approach crs, 199°. Distance FAF to MAP; 3.1 miles.
Minimum altitude over PBA NDB, 700′.
MSA: 000°–360°—1300′.
NOTE: This procedure not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	417	500	1	457	500	1¼	457	600	2	557
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43′; Facility, PBA; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 20 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing BT LOM.
Hickory Int	BT LOM	Direct	2500	Make left-climbing turn to 3000' and proceed to the Leroy Int via BTL R 176.
Litchfield VORTAC	BT LOM	Direct	2500	
Battle Creek VORTAC	BT LOM	Direct	2500	Supplementary charting information: Runway 22, TDZ elevation, 929'.
Bellevue Int	BT LOM (NOPT)	Direct	2200	

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2500' within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 224°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over BT LOM, 2200'.
MSA: 000°-180°—2700'; 180°-270°—2400'; 270°-360°—2900'.
*Sliding scale less than ¾ mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*	1400	¾	471	1400	¾	471	1400	¾	471	1400	1	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1400	1	459	1400	1	459	1400	1½	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, BT; Procedure No. NDB (ADF) Runway 22, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. 3; Dated, 8 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing DA LOM.
DAB VORTAC	DA LOM	Direct	1500	Climbing right turn to 1500', direct to DA LOM and hold.
Barberville Int	DA LOM	Direct	1600	
Lake Helen Int	DA LOM	Direct	1600	Supplementary charting information:
Smyrna Int	DA LOM	Direct	1600	Hold SW, 1 minute, left turns, 065° Inbnd.
Woodruff Int	DA LOM (NOPT)	Direct	1400	HIRL Runways 6L/24R.
				TDZ elevation, 30'.

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over DA LOM, 1400'.
MSA: 000°-090°—1400'; 090°-180°—1500'; 180°-270°—2000'; 270°-360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	480	1	450	480	1	450	480	1	450	480	1	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1½	466	600	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, DA; Procedure No. NDB (ADF) Runway 6L, Amdt. 9; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 6, Amdt. 8; Dated, 4 Nov. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.7 miles after passing GAL NDB. Climb straight ahead to 2000' on 246° bearing within 10 miles.

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2000' within 10 miles of GAL NBD.
FAF, GAL NDB. Final approach crs, 246°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over GAL NDB, 1400'.
MSA within 25 miles of facility: 050°-140°—3100'; 140°-230°—3700'; 230°-320°—2000'; 320°-050°—4300'.
NOTE: ASR/PAR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	388	620	1	468	620	1½	468	720	2	569
A	Standard.		T 2-eng or less.—Standard.				T 2 over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, GAL; Procedure No. NDB ADF; Runway 25, Amdt. 12; Eff. date, 5 June 69; Sup. Amdt. No. 11; Dated, 26 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AAP NDB.
Houston VORTAC	AAP NDB	Direct	1800	Right turn, climb to 2000' on crs of 270° from AAP NDB within 10 miles.
Arcola Int	AAP NDB	Direct	2500	
Rosenberg Int	AAP NDB	Direct	1600	Supplementary charting information:
Blue Int	AAP NDB	Direct	1600	Clearance delivery frequency on field 121.7 MHz.
Silver Int	AAP NDB	Direct	1600	
Andrau Int	AAP NDB	Direct	1600	214' water tower 1 mile W of airport. 234' water tower 1.6 miles W of airport. UNICOM 122.8 MHz.

Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 1600' within 10 miles of AAP NDB.
Final approach crs, 164°.
Minimum altitude over AAP NDB, 680'.
MSA within 25 miles of AAP NDB: 090°-180°—2600'; 180°-090°—1800'.
NOTES: (1) Radar vectoring. (2) Use Houston altimeter setting when Andrau altimeter setting not received.
#MDA increased 40' when Andrau altimeter setting not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C#	680	1	600	680	1	600	680	1½	600	NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Houston; State, Tex.; Airport name, Andrau Airpark; Elev., 80'; Facility, AAP; Procedure No. NDB (ADF) Runway 16, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Amdt. 9; Dated, 14 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing DWH NDB.
Conroe Int	DWH NDB	Direct	1700	Right-climbing turn to 1700' direct to DWH NDB and hold.
Sheppard Int	DWH NDB	Direct	1700	
Magnolia Int	DWH NDB	Direct	1700	Supplementary charting information:
Sealy Int	DWH NDB	Direct	1700	Hold N, 1 minute, right turns, 167° Inbnd.
Cypress Int	DWH NDB	Direct	1700	REIL Runway 17.
Silver Int	DWH NDB	Direct	1700	UNICOM 122.8.
Humble VORTAC	DWH NDB	Direct	2000	

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 1700' within 10 miles of DWH NDB.
FAF, DWH NDB. Final approach crs, 167°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over DWH NDB, 800'.
MSA within 25 miles of DWH NDB, 1800'.
NOTES: (1) Radar vectoring. (2) Use Houston Intercontinental Airport altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-17	560	1	410	560	1	410	560	1	410	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	560	1	410	600	1	450	600	1½	450	NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Houston; State, Tex.; Airport name, David Wayne Hooks Memorial; Elev., 150'; Facility, DWH; Procedure No. NDB (ADF) Runway 17, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 16, Orig.; Dated, 15 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing AOH NDB.
Findlay VORTAC	AOH NDB	Direct	2700	Turn left, climb to 2600′ on crs 092° within 10 miles; return to AOH NDB and hold.
Rosewood VORTAC	AOH NDB	Direct	2800	
Neptune Int	AOH NDB	Direct	3000	Supplementary charting information: Hold E, AOH NDB, 1 minute, right turns, 272° Inbnd.
Bremen Int	AOH NDB	Direct	2800	CAUTION: Transmission lines and tower 1111′, 1.1 miles E of airport. Runway 27, TDZ elevation, 975′.

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2600′ within 10 miles of AOH NDB.
FAF, AOH NDB. Final approach crs, 272°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over AOH NDB, 1700′.
MSA: 000°–090°—2400′; 090°–180°—2900′; 180°–360°—2500′.
#When Allen County altimeter not available, use Findlay, Ohio, altimeter setting, straight-in and circling MDA increased 100′.
*Alternate minimums authorized for those operators having approved weather reporting service at the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
E–27#	1420	1	445	1420	1	445	1420	1	445		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C#	1420	1	445	1440	1	465	1440	1¼	465		NA	
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lima; State, Ohio; Airport name, Allen County; Elev., 975′; Facility, AOH; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 5 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.0 miles after passing ON LOM.
ONT VOR	Highgrove Int	Direct	4200	Climb straight ahead to 3000′, left turn direct to SB NDB at 4200′ and hold.*
RAL VOR	Highgrove Int	Direct	4200	
Highgrove Int	Colton NDB	Direct	4200	Supplementary charting information:
Moreno Int	Colton NDB	Direct	4200	*Hold E, 1 minute, right turns, 256° Inbnd. Runway 25, TDZ elevation, 929′.

Procedure turn not authorized. Approach crs (profile) starts at Colton NDB.
FAF, ON LOM. Final approach crs, 255°. Distance FAF to MAP, 5.0 miles.
Minimum altitude over Colton NDB, 4200′; over ON LOM, 2800′; over Dixon Int, 1600′.
MSA: 000°–090°—11,900′; 090°–270°—6700′; 270°–360°—11,100′.
NOTES: (1) ASR. (2) Night minimums not authorized Runways 3/21.
%IFR departure procedures: Northbound and eastbound (278° through 103° CW) published SID's must be used.
#Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–25	1600	RVR 40	671	1600	RVR 40	671	1600	RVR 50	671	1600	1½	671
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1600	1	648	1600	1	648	1600	1¼	648	1600	2	648
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–25	1460	RVR 40	531	1460	RVR 40	531	1460	RVR 40	531	1460	RVR 60	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1460	1	503	1480	1	528	1480	1¼	528	1520	2	568
A	Standard.		T 2-eng. or less—Runways 25, RVR 24′; Standard all other runways.%#				T over 2-eng.—Runway 25, RVR 24′; Standard all other runways.%#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952′; Facility, ON; Procedure No. NDB (ADF) Runway 25, Amdt. 23; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Amdt. 22, Dated, 9 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum *altitudes (feet)	MAP: 4.3 miles after passing OWB NDB.
EVV VORTAC	OWB NDB	Direct	2400	Climbing left turn to 2100′ direct OWB NDB and hold.
CCT VOR	OWB NDB	Direct	2100	Supplementary charting information: Hold S, 1 minute, right turns, 360° Inbnd. 803′ tower 1.5 miles N of airport. 827′ tower 1.9 miles E of airport. Runway 35, TDZ elevation, 401′.
Apalona Int	OWB NDB	Direct	2100	
Booneville Int	OWB NDB	Direct	2100	
Lamar Int	OWB NDB	Direct	2100	

Procedure turn E side of crs. 180° Outbnd, 360° Inbnd, 2100′ within 10 miles of OWB NDB.
FAF, OWB NDB. Final approach crs, 360°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over OWB NDB, 1700′.
MSA: 000°–090°—1900′; 090°–180°—2300′; 180°–270°—1900′; 270°–360°—2500′.
NOTE: Inoperative table does not apply to ALS Runway 35.
CAUTION: 803′ tower 1.5 miles N and 827′ tower 1.9 miles E of airport.
*Use Evansville altimeter setting when control zone not effective.
*Circling and straight-in MDA increased 100′ when control zone not effective.
#Standard alternate minimums apply for operators with approved weather reporting service.
%Runway 35 departures, climb on magnetic heading 340° to 1500′ before proceeding as cleared; Runway 5 departures, climb on magnetic heading 050° to 1500′ before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35*	800	1	399	800	1	399	800	1	399	800	1	399
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	393	860	1	453	1120	1½	713	1140	2	733
A	Not authorized.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407′; Facility, OWB; Procedure No. NDB (ADF) Runway 35, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 9 Apr. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SBM NDB.
MTW VOR	SBM NDB	Direct	2400	Climb to 2400′ on 205° bearing from SBM NDB within 10 miles; return to NDB.
Franklin Int	SBM NDB	Direct	2400	
OSH VOR	SBM NDB	Direct	2700	Supplementary charting information:
Belgium Int	SBM NDB	Direct	2400	Final approach crs intercepts runway centerline 3700′ from threshold. Runway 21, TDZ elevation, 746′.
Calvary Int	SBM NDB	Direct	2700	

Procedure turn W side of crs, 025° Outbnd, 205° Inbnd, 2400′ within 10 miles of SBM NDB.
Final approach crs, 205°.
MSA: 000°–180°—2100′; 180°–270°—2500′; 270°–360°—2700′.
NOTES: (1) Use Green Bay altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 200′.
*Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
8–21	1400	1	654	1400	1	654	1400	1¼	654		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1400	1	654	1400	1	654	1400	1½	654		NA	
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Sheboygan; State, Wis.; Airport name, Sheboygan County Memorial; Elev., 746′; Facility, SBM; Procedure No. NDB (ADF) Runway 21, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 18 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 4.5 miles after passing AC LOM.
ACT VORTAC	AC LOM	Direct	2000	Climb to 2700′ on AC LOM bearing 186° from AC LOM within 15 miles, or, turn right climbing to 2000′ direct ACT VORTAC.
Int AC bearing 185° and ACT VORTAC R 164°.	AC LOM	Direct	2000	
R 306°, ACT VORTAC CW	AC LOM bearing 005°	13-mile Arc ACT, R 010° lead radial.	2000	
13-mile DME Arc	AC LOM (NOPT)	AC LOM bearing 005°	1800	
Brandon Int	AC LOM bearing 005°	ACT R 028°	2000	
Int AC LOM bearing 005° and ACT VORTAC R 028°.	AC LOM (NOPT)	AC LOM bearing 005°	1800	

Supplementary charting information: Runway 18, TDZ elevation, 504′.

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2000′ within 10 miles of AC LOM.
FAF, AC LOM. Final approach crs, 185°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over AC LOM, 1800′.
MSA: 090°–270°—2800′; 270°–090°—2100′.
#RVR 24′, Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-18	840	RVR 40	336	840	RVR 40	336	840	RVR 40	336	840	RVR 50	336
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1¼	465	1080	2	565
A	Standard.		T 2 eng. or less—Standard.#				T over 2 eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515′; Facility, AC; Procedure No. NDB (ADF) Runway 18, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. 8; Dated, 14 Oct. 67

16. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE NDB

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: Cambridge NDB.
Choptank Int	Cambridge NDB	Direct	2000	Climb to 1600′, right turn direct to CGE NDB and hold.
Golden Hill Int	Cambridge NDB	Direct	2000	

Supplementary charting information: Hold SE of Cambridge NDB, 1 minute, right turns, 333° Inbnd.
Runway 34, TDZ elevation, 20′.

Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 1600′ within 10 miles of Cambridge NDB.
Final approach crs, 333°.
MSA: 000°–090°—1400′; 090°–180°—1700′; 180°–270°—1300′; 270°–360°—1400′.
NOTE: Use Salisbury, Md., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B VIS	C VIS	D VIS
S-34	560	1	540	NA	NA	NA
	MDA	VIS	HAA	VIS	VIS	VIS
C	560	1	540	NA	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.	T over 2-eng.—Standard.	

City, Cambridge; State, Md.; Airport name, Cambridge Municipal; Elev., 20′; Facility, CGE; Procedure No. NDB (ADF) Runway 34, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 17 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE NDB—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 3.9 miles after passing MSN LOM.
Morey Int	MSN NDB	Direct	2700	Climb straight ahead to 2600′ within 10 miles. Return to MSN NDB.
Marshall Int	MSN NDB	Direct	2600	
Albany Int	MSN NDB	Direct	2600	Supplementary charting information:
MSN VOR	MSN NDB	Direct	2600	2249′ tower, 43°03′30″/89°28′40″.
				1141′ tank, 43°08′20″/89°22′25″.
				1156′ tank, 43°04′00″/89°20′00″.
				Runway 36, TDZ elevation, 859′.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2600′ within 10 miles of MSN NDB.
FAF, MSN NDB. Final approach crs, 359°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over MSN NDB, 2000′.
MSA: 000°–090°—2600′; 090°–180°—2500′; 180°–360°—3300′.
NOTES: (1) Radar vectoring. (2) Final approach from holding pattern at NDB not authorized, procedure turn required. (3) RVR 6000′ required for Category D visibility when ALS inoperative.
CAUTION: Runways 8/26 unlighted.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500–2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249′ tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300′ MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-36	1360	RVR 40	501	1360	RVR 40	501	1360	RVR 40	501	1360	RVR 50	501
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
A	Standard.			T 2-eng. or less—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%			T over 2-eng.—RVR 24′, Runway 36; 200–1, Runway 13; 300–1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Facility, MSN; Procedure No. NDB (ADF) Runway 36, Amdt. 14; Eff. date, 5 June 69; Sup. Amdt No. 13; Dated, 14 Nov. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 5.7 miles after passing PB NDB.
PBI VORTAC	PB NDB/LOM	Direct	1600	Climb to 1600′ on crs 093° within 15 miles of PB NDB.
Andrews Int	PB NDB/LOM	Direct	2000	
Morgan Int	PB NDB/LOM	Direct	1600	Supplementary charting information:
Willy Int	PB NDB/LOM	Direct	1600	TDZ elevation, 17′.
Pompano Int	PB NDB/LOM	Direct	2000	
Shawnee Int	PB NDB/LOM (NOPT)	Direct	1600	
Pluto Int	PB NDB/LOM	Direct	1600	

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600′ within 10 miles of PB NDB.
FAF, PB NDB. Final approach crs, 093°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over PB NDB, 1600′.
MSA: 000°–090°—1700′; 090°–270°—2100′; 270°–360°—1400′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-9	520	¾	503	520	¾	503	520	¾	503	520	1¼	503
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	501	520	1	501	520	1¼	501	660	2	661
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19′; Facility, PB; Procedure No. NDB (ADF) Runway 9, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. 7; Dated, 16 May 68

17. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing LOM.
R 285°, BTL VORTAC CW.	BTL LOC (NOPT)	12-mile Arc BTL, R 054° lead radial.	2600	Make left-climbing turn to 3000' and proceed to Leroy Int via BTL VOR R 176°, or, when directed by ATC, climb to 2500' turn left and return to BT LOM.
R 160°, BTL VORTAC CCW.	BTL LOC (NOPT)	12-mile Arc BTL, R 034° lead radial.	2600	
BTL VORTAC	BT LOM	Direct	2500	
JXN VORTAC	Bellevue Int	Direct	2500	
LFD VORTAC	BT LOM	Direct	2500	
Bellevue Int	BT LOM (NOPT)	LOC crs	2200	
Hickory Int	BT LOM	Direct	2500	

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2500' within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 224°. Distance FAF to MAP, 3.7 miles.
Minimum glide slope interception altitud , 2200'. Glide slope altitude at OM, 2160'; at MM, 1155'.
Distance to runway threshold at OM, 3.7 miles; at MM, 0.5 mile.
MSA: 000°-180°—2700'; 180°-270°—2400'; 270°-360°—2900'.
*Inoperative component table does not apply to ALS for A, B, and C category aircraft. Increase visibility to 1 mile when ALS inoperative.
#Air carrier sliding scale and reduction for ALS less than ¾ mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-22	1129	½	200	1129	½	200	1129	½	200	1129	½	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*#	1340	¾	411	1340	¾	411	1340	¾	411	1340	¾	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1½	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, I-BTL; Procedure No. ILS Runway 22, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. 3; Dated, 8 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 230; LOC 4.4 miles after passing DA LOM.
DAB VORTAC	DA LOM	Direct	1500	Climb to 1500' on NE LOC crs, left turn, direct to DAB VORTAC via R 140° or, when directed by ATC, climbing right turn to 2000' to Smyrna Int via DAB R 161°.
Lake Helen Int	DA LOM	Direct	1600	
Smyrna Int	DA LOM	Direct	1600	
Barberville Int	DA LOM	Direct	1600	
Barberville Int CCW	LOC crs (NOPT)	16-mile Arc DAB, R 224° lead radial.	1600	
16-mile Arc	DA LOM (NOPT)	LOC crs	1400	Supplementary charting information: TDZ elevation, 30'.
Woodruff Int	DA LOM (NOPT)	Direct	1400	HIRL 6L-24R.

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1378'.
Distance to runway threshold at OM, 4.4 miles.
MSA: 000°-090°—1400'; 090°-180°—1500'; 180°-270°—2000'; 270°-360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-6L	280	¾	250	280	¾	250	280	¾	250	280	¾	250
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	380	1	350	380	1	350	380	1	350	380	1	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1½	466	600	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, I-DAB; Procedure No. ILS Runway 6L, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. ILS Runway 6, Amdt. 9; Dated, 4 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Categories A, B, and C—ILS DH, 1509', Category D—ILS DH, 1659'.
15-mile DME Fix, R 216° MFR VORTAC	15-mile DME Fix, R 316° MFR VOR TAC.	15-mile CW Arc MFR R 307° lead radial.	6800	Categories A, B, and C, climb straight ahead to 1860'; Category D, climb straight ahead to 2250'; right-climbing turn direct FR LMM, then direct MF LOM: Continue climb to 6500' in holding pattern.#
15-mile DME Fix, R 316° MFR VORTAC*	MF LOM (NOPT)	R 316°, MFR VORTAC and NW crs MFR localizer.	6500	
Lakecreek Int*	MF LOM (NOPT)	15-mile CCW Arc and NW crs MFR localizer. MFR R 325°, lead radial.	6500	
MFR VORTAC	MF OM	Direct	6500	Supplementary charting information: #Hold SE, 1 minute, right turns, 320° Inbnd.
Gold Hill Int	MF LOM	Direct	6200	
Klamath Junction Int	MF LOM	Direct	8000	Runway 14, TDZ elevation, 1309'.
Talent Int	MF LOM	Direct	8000	
MF LOM	Evans Creek FM	Direct	6500	

Procedure turn E side of crs, 320° Outbnd, 140° Inbnd, 6500' within 10 miles of Evans Creek FM.
Final approach crs, 140°.
Minimum glide slope interception altitude, 6000'. Glide slope altitude at Evans Creek, 5605'; at OM, 2688'; at MM, 1506'.
Distance to runway threshold at Evans Creek, 14.4 miles; at OM, 4.5 miles; at MM, 0.5 mile.
MSA: 000°-090°—10,500'; 090°-180°—8600'; 180°-270°—8100'; 270°-360°—6600'.
Notes: (1) Procedure not authorized with glide slope inoperative. (2) Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM; and further, the aircraft must be able to arrive over MF LOM at 2688' on-top.
%IFR departure procedures: Published SID's must be used.
*Descent on glide slope to cross OM at 2685' authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-14	1509	RVR 24	200	1509	RVR 24	200	1509	RVR 24	200	1659	RVR 40	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	670	2000	1	670	2000	1¼	670	2000	2	670
A	1000-2.		T 2-eng. or less—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%				T over 2-eng.—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Facility, I-MFR; Procedure No. ILS Runway 14, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 21 Nov. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1129'; LOC 5.9 miles after passing ON LOM.
ONT VOR	Highgrove Int	Direct	4200	Climb to 1300', turn left direct to ONT VOR at 4200' and hold.*
RAL VOR	Highgrove Int	Direct	4200	
Highgrove Int	Colton NDB	Direct	4200	Supplementary charting information: *Hold E, 1 minute, right turns, 258° Inbnd. Runway 25, TDZ elevation, 929'.
Moreno Int	Colton NDB	Direct	4200	

Procedure turn not authorized. Approach crs (profile) starts at Colton NDB.
FAF, ON LOM. Final approach crs 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Colton NDB, 4200'; over ON LOM, 2800'; over Baker Int, 1480'.
Minimum glide slope interception altitude, 2800'. Glide slope altitude at OM, 2732'; at MM, 1145'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.6 mile.
MSA: 000°-090°—11,900'; 090°-270°—6700'; 270°-360°—11,100'.
Notes: (1) ASR. (2) Night minimums not authorized Runways 3/21.
#Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.
%IFR departure procedures: Northbound and eastbound (278° through 105° CW) published SID's must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25	1129	RVR 24	200	1129	RVR 24	200	1129	RVR 24	200	1129	RVR 24	200
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	1480	RVR 24	551	1480	RVR 24	551	1480	RVR 24	551	1480	RVR 50	551
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1480	1	528	1480	1	528	1480	1¼	528	1520	2	568
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	1240	RVR 24	311	1240	RVR 24	311	1240	RVR 24	311	1240	RVR 40	311
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1¼	528	1520	2	568
A	Standard.		T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.% #				T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.% #					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, I-ONT; Procedure No. ILS Runway 25, Amdt. 24; Eff. date, 5 June 69; Sup. Amdt. No. ILS-25, Amdt. 23; Dated, 18 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
ACT VORTAC	AC LOM	Direct	2000	Climb to 2700′ on LOC crs 185° within 20 miles, or, turn right, climbing to 2000′ direct ACT VORTAC.
Int ACT LOC (BC) and ACT VORTAC, R 104°.	AC LOM	Direct	2000	
R 306°, ACT VORTAC CW	ACT LOC (FC)	13-mile Arc ACT, R 010° lead radial.	2000	Supplementary charting information: Runway 18, TDZ elevation, 504′.
13-mile DME Arc	AC LOM (NOPT)	LOC crs 185°	1800	
Brandon Int	ACT LOC (FC)	ACT R 028°	2000	
Int ACT LOC (FC) and ACT VORTAC R 028°.	AC LOM (NOPT)	LOC crs 185°	1800	

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2000′ within 10 miles of AC LOM.
FAF, AC LOM. Final approach crs, 185°. Distance FAF to MAP, 4.5 miles.
Minimum glide slope intercept altitude, 1800′. Glide slope altitude at OM, 1765′; at MM, 694′.
Distance to runway threshold at OM, 4.5 miles; at MM, 0.5 mile.
MSA: 090°–270°—2800′; 270°–090°—2100′.
#RVR 24′, Runway 18

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-18	704	RVR 24	200	704	RVR 24	200	704	RVR 24	200	704	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	780	RVR 24	276	780	RVR 24	276	780	RVR 24	276	780	RVR 40	276
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1½	465	1080	2	565
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515′; Facility, ACT; Procedure No. ILS Runway 18, Amdt. 3; Eff. date, 5 June 69; Sup. Amdt. No. 2; Dated 27 Mar. 69

18. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
Morey Int	LOM	Direct	2700	Climb to 2700′ on N crs MSN ILS direct to Windsor Marker. When directed by ATC, right-climbing turn to 2700′ on MSN VOR R 090° within 10 miles; return to LOM.
Marshall Int	LOM	Direct	2900	
Brooklyn Int	LOM (NOPT)	LOC crs	2100	

Supplementary charting information:
2249′ tower, 43°03′30″/89°28′40″.
1141′ tank, 43°06′20″/89°22′25″.
1156′ tower, 43°04′00″/89°20′00″.
Runway 36, TDZ elevation, 859′.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2600′ within 10 miles of MSN LOM.
FAF, MSN LOM. Final approach crs, 359°. Distance FAF to MAP, 3.9 miles.
Minimum glide slope interception altitude, 2100′. Glide slope altitude at OM, 1916′; at MM, 1056′.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.
MSA: 000°–090°—2600′; 090°–180°—2500′; 180°–360°—3300′.
NOTES: (1) Radar vectoring. (2) Final approach from holding pattern at LOM not authorized, procedure turn required.
CAUTION: Runways 4-26 unlighted.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500-2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249′ tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300′ MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-36	1059	RVR 24	200	1059	RVR 24	200	1059	RVR 24	200	1059	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1240	RVR 24	381	1240	RVR 24	381	1240	RVR 24	381	1240	RVR 40	381
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1½	601	1460	2	601
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; 200-1, Runway 13; 300-1, Runway 26, Standard all other runways.%				T over 2-eng.—RVR 24′, Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Facility, I-MSN; Procedure No. ILS Runway 36, Amdt. 15; Eff. date, 5 June 69; Sup. Amdt. No. 14; Dated, 14 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
OSH VOR	OS LOM	Direct	2600	Climb to 2600′ on E crs of ILS within 10 miles, return to LOM. When directed by ATC, make right-climbing turn to 2600′ on R 165° OSH VOR within 10 miles, return to LOM.
				Supplementary charting information: Runway 9 TDZ elevation 796′.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600′ within 10 miles of OS LOM.
FAF, OS LOM. Final approach crs, 089°. Distance FAF to MAP, 5.7 miles.
Minimum glide slope interception altitude, 2600′. Glide slope altitude at OM, 2498′; at MM, 1001′.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.
MSA: 000°–180°—2700′; 180°–360°—2400′.
NOTES: (1) Radar vectoring. (2) Runways 4/22 and 13/31 unlighted. (3) Use Green Bay altimeter setting when OSH control zone not effective. (4) Circling and straight-in LOC MDA and ILS DH increased 160′ except operators with approved weather reporting service.* (5) Alternate minimums not authorized when OSH control zone not effective except for operators with approved weather reporting service. (6) Inoperative component table does not apply to REIL Runway 9.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
8-9	1046	¾	250	1046	¾	250	1046	¾	250	1046	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-9	1160	¾	364	1160	¾	364	1160	¾	364	1160	1	364
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 806′; Facility, I-OSH; Procedure No. ILS Runway 9, Amdt. 12; Eff. date, 5 June 69; Sup. Amdt. No. 11; Dated, 6 Feb. 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
Kellyville Int	TU LOM	Direct	2700	MAP: ILS DH 849′; LOC 5.3 miles after passing TU LOM.
Coweta Int	TU LOM	Direct	2700	
TUL VORTAC	TU LOM	Direct	2700	Climb to 2500′ on bearing 355° from TU LOM within 15 miles; or, right turn, climbing to 2500′ via TUL VORTAC R 036° within 20 miles.
Shell Lake Int	TU LOM	Direct	2700	
Glenpool Int	TU LOM	Direct	2700	Supplementary charting information: TDZ elevation, 649′.
Stebbins Int	TU LOM	Direct	2700	
OKM VOR	TU LOM (NOPT)	OKM R 346° and TUL LOC (FC).	2200	

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 2700′ within 10 miles of TU LOM.
FAF, TU LOM. Final approach crs, 355°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 2200′. Glide slope altitude at OM, 2164′; at MM, 828′.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.5 mile.
MSA: 000°–090°—2300′; 090°–180°—3600′; 180°–360°—3200′.
NOTE: ASR.
% 300-1 required Runways 3L, 21R, 17R, and 35L.
#RVR 24′, Runway 35R.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
8-35R	849	RVR 24	200	849	RVR 24	200	849	RVR 24	200	849	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-35R	1040	RVR 24	391	1040	RVR 24	391	1040	RVR 24	391	1040	RVR 40	391
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	446	1140	1	466	1140	1½	466	1240	2	566
A	Standard.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#					

City, Tulsa; State, Okla.; Airport name, Tulsa International; Elev., 674′; Facility, I-TUL; Procedure No. ILS Runway 35R, Amdt. 16; Eff. date, 5 June 69; Sup. Amdt. No. 15; Dated, 19 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 317'; LOC 5.7 miles after passing LOM.
R 358°, PBI VORTAC CCW	PBI R 273°/LOC crs	10-mile arc PBI, R 283° lead radial.	1600	Climb to 1600' on E crs of ILS LOC within 15 miles.
R 181°, PBI VORTAC CW	PBI R 273°/LOC crs	10-mile arc PBI, R 263° lead radial.	2000	Supplementary charting information: Runway 9, TDZ elevation, 17'.
Willy Int	PB NDB/LOM	Direct	1600	
Morgan Int	PB NDB/LOM	Direct	1600	
Andrews Int	PB NDB/LOM	Direct	2000	
Sunshine Int	PB NDB/LOM	Direct	2000	
Pompano Int	PB NDB/LOM	Direct	2000	
Shawnee Int	PB NDB/LOM (NOPT)	Direct	1600	
10-mile Arc	PB NDB/LOM (NOPT)	LOC crs	1600	
Pluto Int	PB NDB/LOM	Direct	1600	

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles of PB NDB/LOM.
FAF, PB NDB/LOM. Final approach crs, 093°. Distance FAF to MAP, 5.7 miles.
Minimum glide slope interception altitude, 1600'. Glide slope altitude at OM, 1589'; at MM, 222'.
Distance to runway threshold at OM, 5.7 miles; MM, 0.6 mile.
MSA: 000°–090°—1700'; 090°–270°—2100'; 270°–360°—1400'.
NOTE: Glide slope unusable below 150'.
#Category D, 700–2.
*Inoperative table does not apply ALS Runway 9. Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			B			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9*	317	¾	300	317	¾	300	317	¾	300	317	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9*	480	¾	463	480	¾	463	480	¾	463	480	1	463
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	461	480	1	461	480	1½	461	680	2	661
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Facility, I-PBI; Procedure No. ILS Runway 9, Amdt. 11; Eff. date, 5 June 69; Sup. Amdt. No. 10; Dated, 16 May 68

19. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)								Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
										Supplementary charting information: Runway 7 TDZ elevation, 147'.

Missed approach:
Runway 25—Climb straight ahead to 2000' on 246° bearing GAL NDB, or, R 245° GAL VORTAC within 15 miles.
Runway 07—Climb straight ahead to GAL NDB or GAL VORTAC, continue climb to 2000' on 065° bearing/R 065° within 10 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
	Precision approach.											
S-25	352	½	200	352	½	200	352	½	200	352	½	200
	Military aircraft minimums:											
S-25	252	¼	100	252	¼	100	252	¼	100	252	¼	100
	Surveillance approach:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	560	½	408	560	½	408	560	½	408	560	½	408
S-7	460	½	313	460	½	313	460	½	313	460	½	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	408	600	1	448	600	1½	448	700	2	548
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, Galena Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Radar 1, Orig.; Dated, 4 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Ontario ASR minimum altitude vectoring chart.										

ASR Runway 25, FAF 6 miles from runway.
ASR Runway 7, FAF 6 miles from runway.
$Minimum altitude over 3-mile Radar Fix on final approach, 1700'.
¢Minimum altitude over 2-mile Radar Fix on final approach, 1700'.
#Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.
%IFR departure procedures: Northbound and eastbound (276° through 105° CW) published SID's must be used.
*Increase visability ¼ mile for Categories A, B, and C for inoperative ALS Runway 25.
Inoperative table does not apply to HIRL Runway 7.
Night minimums Runways 3/21 not authorized.

Missed approach:
Runway 25—Climbing left turn to 4200' direct to ONT VORTAC and hold.
Runway 07—Climbing right turn to 4200' direct to ONT VORTAC and hold.
Runway 25, TDZ elevation, 929'; Runway 7, TDZ elevation, 942'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25*$	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 50	491
S-7¢	1420	1	478	1420	1	478	1420	1	478	1420	1	478
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1¼	528	1520	2	558
A	Standard.			T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.%#			T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.%#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, ONT ASR; Procedure No. Radar-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Radar 1, Orig.; Dated, 2 Sept. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 1, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-5492; Filed, May 15, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended by adding a new paragraph (o) to provide an exception to the dual pay prohibition for certain athletic officials in Iceland.

§ 550.505 Specific exceptions.

* * * * *

(o) Pay for part-time or intermittent employment by the Department of the Navy as an athletic official in connection with nonappropriated fund activities at the U.S. Naval Station, Keflavik, Iceland.

(5 U.S.C. 5533)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5836; Filed, May 15, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Miscellaneous Amendments

On January 18, 1968 (33 F.R. 633-634) and December 18, 1968 (33 F.R. 18706-18707), there were published in the FEDERAL REGISTER notices with respect to proposed amendments to Part 78, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notices and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 123-126, 134-134h), said part is hereby amended in the following respects:

1. New paragraphs (p), (q), (r), (s), (t), (u), (v), and (w) are added to § 78.1 to read as follows:

§ 78.1 Definitions.

* * * * *

(p) *Shipping permit.* An official document issued by a State or Federal Inspector or by an accredited veterinarian on which are listed the identification tag, tattoo, backtag, or registration number, or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee.

(q) *Certificate.* An official document issued by a State or Federal inspector or by an accredited veterinarian at the point of origin on which are listed the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the requirements of § 78.12

(r) *Qualified herd.* A herd of cattle in a noncertified area for which the State has records showing that the herd has been subjected to official testing for brucellosis in accordance with the procedures for herd tests for initial modified area certification specified in Part IV, Section IA of the July 1967 "Recommended Uniform Methods and Rules for Brucellosis Eradication"[1] within 12 months prior to interstate movement, and that the herd is not known to be affected with brucellosis.

(s) *Official test.* Any test for brucellosis which is prescribed in Part II(F) of the "Recommended Uniform Methods and Rules for Brucellosis Eradication"[1] and which is conducted under the supervision of a Federal or State veterinary official or by an accredited veterinarian.

(t) *Noncertified area.* Any area not listed in § 78.13.

(u) *Owner's statement.* A statement signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the statement; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper.

(v) *Quarantined feedlot.*[2] A confined dry lot area for the finish feeding of cattle, from which cattle move only to immediate slaughter, and which is maintained, under the direct supervision and control of the State official responsible for animal health programs, in accordance with procedures established by such official to assure individual animal identification for all cattle entering or leaving the lot.

(w) *Herd known to be affected.* A herd in which any animals have been classified as reactors as defined in the "Recommended Uniform Methods and Rules for Brucellosis Eradication"[1] and which has not passed a negative test at least 60 days following the removal of all reactors, in accordance with such methods and rules.

2. Section 78.12 is amended to read as follows:

§ 78.12 Movement of cattle not known to be affected with brucellosis.[3][4]

Steers and spayed heifers over 6 months of age may be moved interstate without further restriction under this subpart if they are not known to be affected with brucellosis. Other cattle, including calves under 6 months of age, may be moved interstate in compliance with the applicable provisions of this section only if they are not known to be affected with brucellosis.

(a) *Movement of cattle to quarantined feedlots.* Cattle originating in any herd in any area may be moved interstate directly to a quarantined feedlot or to a public stockyard or specifically approved stockyard for sale and shipment to a quarantined feedlot if such cattle are accompanied by a shipping permit as defined in § 78.1(p). A separate shipping permit shall be required for the interstate movement from any such stockyard to a quarantined feedlot. The cattle covered by the shipping permit shall not be diverted en route for any other purpose.

(b) *Movement of cattle for immediate slaughter.*

(1) Cattle originating in herds known to be affected with brucellosis in any area, and cattle originating in herds of unknown status[4] in any noncertified area, may be moved interstate for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a slaughtering establishment specifically approved for such purpose in accordance with § 78.16(b) of this part or to a public stockyard or a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such cattle are accompanied by a shipping permit as defined in § 78.1(p). A separate shipping permit shall be required for the interstate movement from any such stockyard to a slaughtering establishment. The cattle covered by the shipping permit shall not be diverted en route for any other purpose.

(2) Cattle originating in herds not known to be affected with brucellosis in modified certified brucellosis areas and in qualified herds in noncertified areas may be moved interstate into any area for immediate slaughter, if such cattle are accompanied by a waybill or similar document, or an owner's statement as defined in § 78.1(u).

(c) *Movement of cattle for feeding, breeding, or other purposes.*—(1) *Movement from modified certified brucellosis areas.*

(i) Cattle originating in herds not known to be affected with brucellosis in any modified certified brucellosis area may be moved interstate into any area for any purpose, if such cattle are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(u).

(ii) Cattle originating in any herd known to be affected with brucellosis in any modified certified brucellosis area may be moved interstate from such area only in accordance with the provisions of paragraph (a) or (b) of this section.

(2) *Movement from noncertified areas.* (i) Cattle originating in certified brucellosis-free herds in any noncertified area may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q) which also states that the cattle originated in a certified brucellosis-free herd.

(ii) Cattle originating in qualified herds in any noncertified area may be moved interstate as follows:

(a) Official vaccinates under 30 months of age at the time of interstate movement which originate in qualified herds may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q).

(b) Other cattle originating in qualified herds may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q), provided such cattle, except calves under 6 months of age, were subjected to an official test for brucellosis and found negative not less than 30 days from the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement. The required certificate must show, in addition to items required under § 78.1(q), the test dates and results if an official test is required by this (b).

(iii) Cattle which originate in herds of unknown status[4] or in herds known to be affected with brucellosis in any noncertified area may be moved interstate only in accordance with the provisions of paragraph (a) or (b) of this section.

(d) *Handling in transit of certain cattle moved interstate from any area.* Cattle moving interstate subject to this section, except cattle consigned for immediate slaughter or to a quarantined feedlot, shall be moved only in clean vehicles and, if unloaded in the course of such movement, shall be handled only in clean pens at public stockyards or specifically approved stockyards, or in clean pens at feed, water, and rest stations.

(e) *Other movements.* The Director of Division may upon request in specific cases permit the movement, not otherwise provided for in this section, of cattle not known to have reacted to a test for brucellosis and not otherwise known to be affected with brucellosis, under such conditions as he may prescribe in each case to prevent the spread of brucellosis. The Director of Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

Statement of considerations. The foregoing amendments are based on recommendations made by the United States Livestock Sanitary Association (now the United States Animal Health Association) in 1965 that the regulations relating to brucellosis (Part 78, Title 9, Code of Federal Regulations) be amended to strengthen restrictions on the interstate movement of cattle into modified certified brucellosis areas from noncertified areas. These recommendations were thoroughly reviewed and discussed at the 1967 meeting of the United States Livestock Sanitary Association (now the United States Animal Health Association) with interested groups having the opportunity to express their views. The Association reaffirmed its recommendation at the 1968 meeting.

The amendments were first published as a Notice of Proposed Rule Making on January 18, 1968. Comments received from this publication were considered in the preparation of the second proposal, which was published on December 18, 1968. Additional changes have been made

[1] Copies of the current Uniform Methods and Rules for Brucellosis Eradication are available upon request from the Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[2] A list of quarantined feedlots in any State may be obtained from the State Veterinarian.

[3] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

[4] Brucellosis reactor cattle may be moved interstate only in accordance with the provisions of §§ 78.4-78.9.

[4] A herd of unknown status may become a qualified herd as defined in § 78.1(r) upon compliance with the provisions of § 78.1(r).

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in the amendments since publication of the second proposal which will permit the use of backtags as an alternate means of individual animal identification as required in this part and will permit the movement of steers and spayed heifers without restriction, if not known to be affected with brucellosis.

It is recognized that calves less than 6 months of age can be a factor in the spread of brucellosis. These animals may act as spreaders of the disease during transient infection following ingestion of milk from infected dams.

The primary purpose of the foregoing amendments is to provide livestock greater protection against brucellosis. Unrestricted movement of cattle of unknown status from noncertified areas into other areas jeopardizes the advanced status of the certified areas and provides a hazard to the eradication of brucellosis. With 95 percent of the Nation's counties now recognized as modified certified brucellosis areas, the amendments are designed to reduce the hazard from interstate movement of cattle originating in the noncertified areas.

It does not appear that further notice and public participation in the rule making procedure with respect to this amendment would provide additional information to this Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further procedure is unnecessary.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date. The foregoing amendments shall become effective on August 1, 1969. This delay in effective date is necessary in order to afford affected persons time to comply with the new requirements.

Done at Washington, D.C., this 12th day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-5837; Filed, May 15, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Grade Requirements for Wheat; Correction

The test weight per bushel requirements and the definition for sample grade wheat in the grades and grade requirements for all classes of wheat, except Mixed Wheat, in the Official Grain Standards of the United States were amended November 1, 1968 (33 F.R. 16065), effective January 31, 1969, after public rule-making proceedings in accordance with the administrative procedure provisions in 5 U.S.C. 553. The amendments were inadvertently not reflected in the revision of the official grain standards published on February 28, 1969 (34 F.R. 3591) and should be included in the revision when it becomes effective March 1, 1970, to effectuate the intent of the Department in this respect.

Therefore § 26.327 of the standards as revised (7 CFR 26.327) is hereby amended by changing paragraph (a) thereof to read as follows:

§ 26.327 Grades and grade requirements.

(a) *Grades and grade requirements for all classes of wheat except Mixed Wheat.* (See also § 26.328.)

Grade	Minimum test weight per bushel		Maximum limits of—						
			Defects					Wheat of other classes [1]	
	Hard Red Spring Wheat or White Club Wheat	All other classes and subclasses	Heat-damaged kernels	Damaged kernels (total)	Foreign material	Shrunken and broken kernels	Defects (total)	Contrasting classes	Wheat of other classes (total)
	Pounds	*Pounds*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	58.0	60.0	0.1	2.0	0.5	3.0	3.0	1.0	3.0
U.S. No. 2	57.0	58.0	.2	4.0	1.0	5.0	5.0	2.0	5.0
U.S. No. 3	55.0	56.0	.5	7.0	2.0	8.0	8.0	3.0	10.0
U.S. No. 4	53.0	54.0	1.0	10.0	3.0	12.0	12.0	10.0	10.0
U.S. No. 5	50.0	51.0	3.0	15.0	5.0	20.0	20.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be wheat which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain, or contains castor beans (*Ricinus communis*), stones, broken glass, animal filth, an unknown foreign substance(s), or a commonly recognized harmful or toxic substance(s); or which is musty, sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannotb e applied accurately; or which is otherwise of distinctly low quality.								

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheat of other classes.

The foregoing amendment makes the changes necessary to reflect the November 1, 1968, amendment in the standards and also makes a clarifying change in the column heading "All other classes" in the table of grades and grade requirements, which does not change the effect of the provisions in the table.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public participation in rule-making procedure in connection with the foregoing amendment are unnecessary. This amendment shall become effective on March 1, 1970, to coincide with the effective date of the revision of the official standards published on February 28, 1969.

(Sec. 4, 39 Stat. 482, as amended by 82 Stat. 762; 29 F.R. 16210, as amended; 33 F.R. 10750)

Done at Washington, D.C., this 13th day of May 1969.

JOHN E. TROMER,
Acting Deputy Administrator
Marketing Services.

[F.R. Doc. 69-5846; Filed, May 15, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards

Pursuant to the authority of section 10(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466g(c), the Secretary of the Interior hereby determines that the water quality standards adopted by the States listed, and contained in the documents identified in § 620.10, except as otherwise indicated, are consistent with paragraph (3) of section 10(c) of the Federal Water Pollution Control Act, as amended, and are such standards as protect the public health or welfare, enhance the quality of water and serve the purposes of the Federal Act; such standards shall hereafter be the standards applicable to the interstate waters for which adopted.

The documents containing such standards are incorporated herein and made a part hereof.

1. Section 620.10 is amended by adding the following:

ARIZONA

Water quality standards established by Arizona on July 18, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Quality Standards for Surface Waters in Arizona," together with supporting material.

CALIFORNIA

Water quality standards established by California in June 1967 for interstate waters subject to its jurisdiction and which are contained in the following documents:

1. Water Quality Control Policy for Klamath River in California, 1967.
2. Water Quality Control Policy for Smith River, 1967.
3. Water Quality Control Policy for Humboldt Bay, 1967.
4. Water Quality Control Policy for Humboldt-Del Norte Coast, 1967.
5. Water Quality Control Policy for Sonoma-Marin Coast, 1967.
6. Water Quality Control Policy for Mendocino Coast, 1967.
7. Lake Tahoe, Water Quality Control Policy, June 1966.
8. Water Quality Control Policy for East Walker River, 1967.
9. Water Quality Control Policy for West Fork Carson River, 1967.
10. Water Quality Control Policy for Truckee River, 1967.
11. Water Quality Control Policy for West Walker River and Lake Topaz, 1967.
12. Water Quality Control Policy for East Fork Carson River, 1967.
13. Statement of Policy for Water Quality Control of Minor California, Nevada Interstate Waters, April 1967.
14. Water Quality Control Policy for Pacific Ocean, 1967.
15. Water Quality Control Policy for San Diego Bay, 1966.
16. Water Quality Control Policy for Mission Bay including Tidal Prism of San Diego River and Agua Hedionda Lagoon, 1967.
17. Water Quality Control Policy for Tijuana River Basin in California, 1967.
18. Water Quality Control Policy for Sacramento-San Joaquin Delta, 1967.
19. Water Quality Control Policy for Goose Lake, Calif., January 1967.
20. Water Quality Control Policy for Tidal Waters Inland from the Golden Gate within the San Francisco Bay Region, 1967.
21. Water Quality Control Policy for Pacific Ocean, Pescadero Point to Mouth of Tomales Bay (Bolinas Lagoon, Drakes Estero, Limantour Estero, Portions of Tomales Bay and Tidal Portions of Coastal Streams), 1967.
22. Water Quality Control Policy for Coastal Waters, Point Piedras Blancas to Pescadero Point, 1967.
23. Water Quality Control Policy for Coastal Waters, Point Arguello to Point Piedras Blancas, 1967.
24. Water Quality Control Policy for Coastal Waters, Rincon Point to Point Arguello, 1967.
25. Water Quality Control Policy for Pacific Ocean Coastal Waters, Rincon Point to San Gabriel River, 1967.
26. Water Quality Control Policy for San Gabriel River Tidal Prism, 1967.
27. Water Quality Control Policy for Pacific Ocean Coastal Waters, 1967.
28. Water Quality Control Policy for Coastal Bays, Marinas & Sloughs, 1967.
29. Water Quality Control Policy for Colorado River in California, 1967.
30. Water Quality Control Policy for Alamo River in California, 1967.
31. Water Quality Control Policy for New River in California, 1967.

as amended, together with supporting material; except for temperature criteria and the minimum limit of the dissolved oxygen criteria for the near shore coastal waters of the Santa Ana Region.

COLORADO

Water quality standards established in Colorado on June 12, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Stream Classification for Surface Waters of Colorado, Including: Stream Quality Standards, Plan of Implementation, Enforcement Procedures," as amended; except for dissolved oxygen and temperature criteria for the Animas River below Durango and temperature-change limits for waters classified as "B–1" and "B–2".

FLORIDA

Water quality standards established by Florida on February 20, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled, "Rules of the Florida Air and Water Pollution Control Commission, Chapter 28–5, Pollution of Waters", as amended.

IOWA

Water quality standards established by Iowa on May 26, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Quality Criteria and Plan for Implementation and Enforcement for the Surface Waters of Iowa," as amended; except for the treatment requirements and implementation plan for waste discharges into the Mississippi and Missouri Rivers, the requirement for disinfection of controllable waste discharges which may be sources of bacteriological pollution, and the temperature criteria for the interstate waters of Iowa other than the Mississippi and Missouri Rivers.

NEBRASKA

Water quality standards established by Nebraska on November 18, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Information Bulletin for Public Hearings on Proposed Revisions of Water Quality Standards for Interstate and Intrastate Waters of Nebraska, October 1968," as amended.

TERRITORY OF PUERTO RICO

Water quality standards established by Puerto Rico on June 30, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled, "Sanitary Rules and Regulations No. 127, To Establish Classifications and Standards for the Coastal Waters of Puerto Rico in accordance with Article 8 of Act No. 142 Approved May 1, 1950, for the Water Pollution Control, as amended, and of Act No. 81 approved March 14, 1912, 'An Act to Reorganize the Sanitary Service', as amended," together with supporting material, as amended by Sanitary Regulation No. 128, adopted December 29, 1967 and further amended by Sanitary Regulation No. 129, adopted December 23, 1968.

SOUTH CAROLINA

Water quality standards established by South Carolina on November 7, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "General Water Quality Criteria and Specific Water Quality Standards, Implementation Plan," except for the dissolved oxygen criteria for waters classified as "B," "C," and swamp waters, the temperature-rise criteria for all freshwater classifications and the maximum temperature limit for all freshwater areas except the Savannah, Tugaloo, and Chatooga Rivers.

UTAH

Water quality standards established by Utah in June 1967, and amended in November 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Quality Standards and Implementation Plan," as amended.

VIRGINIA

Water quality standards established by Virginia for interstate waters subject to its jurisdiction and which are contained in the following documents:

1. "Plan for Management of Water Quality in the Clinch & Powell River Basins in Virginia, Publication No. WQ–4, March 29, 1967," adopted March 29, 1967.
2. "Plan for Management of Water Quality in the Holston River Basin in Virginia, Publication No. WQ–6, March 29, 1967," adopted June 13, 1967.
3. "Plan for Management of Water Quality in the Shenandoah River and its Tributaries from the West Virginia-Virginia State line to the Junction of the North & South Forks, South Fork to Route 619 Bridge, Potomac River Tributaries (Frederick and Clarke Counties) and Interstate Tributaries (Rockingham County) in Virginia, Publication No. WQ–9, June 5, 1967," adopted June 13, 1967.
4. "Plan for Management of Water Quality in the South Fork Shenandoah River in Warren, Page, Rockingham and Augusta Counties in Virginia, June 4, 1968," adopted January 17, 1968.
5. "Plan for Management of Water Quality in the tributaries of the Potomac River in Prince William, Stafford, King George, Westmoreland and Northumberland Counties in Virginia, Publication No. WQ–12, May 29, 1967," adopted May 29, 1967.
6. "Plan for Management of Water Quality in the Tributaries of the Potomac River in Fairfax County, East of the Western Fairfax-Arlington County Boundary and in Arlington and Prince William Counties, but not including Chopawamsic Creek, Publication No. WQ–13, June 5, 1967," adopted June 13, 1967.
7. "Plan for Management of Water Quality in the New River Basin in Virginia, Publication No. WQ–15, June 5, 1967," adopted June 13, 1967.
8. "Plan for Management of Water Quality in the Dan, Smith, Yadkin and Roanoke River Basins in Virginia, Publication No. WQ–18, June 30, 1967," adopted June 29, 1967.
9. "Plan for Management of Water Quality in the Chowan River Basin in Virginia, Publication No. WQ–20, May 29, 1967," adopted May 29, 1967.
10. "Plan for Management of Water Quality in the Rappahannock River Basin in Virginia, Publication No. WQ–22, May 29, 1967," adopted May 29, 1967.
11. "Plan for Management of Water Quality in the Big Sandy River Basin in Virginia, Publication No. WQ–24, June 5, 1967," adopted June 13, 1967.
12. "Plan for Management of Water Quality in the York River Basin in Virginia, Publication No. WQ–26, May 29, 1967," adopted May 29, 1967.
13. "Plan for Management of Water Quality in the James River Basin in Virginia, Publication No. WQ–30, June 30, 1967," adopted June 22, 1967.
14. "Plan for Management of Water Quality in the Back Bay, North Landing and Northwest Rivers and other Interstate Streams and their Tributaries in Virginia Beach, Chesapeake, and Nansemond County, Virginia, Publication No. WQ–32, June 16, 1967," adopted June 22, 1967.
15. "Plan for Management of Water Quality in the Chesapeake Bay and Atlantic Ocean Drainage Basins in Virginia, Publication No. WQ–34, June 16, 1967," adopted June 22, 1967.
16. "Plan for Management of Water Quality in the Tributaries of the Potomac River in Highland County, Virginia, Publication No. WQ–38, June 5, 1967," adopted June 13, 1967.

as amended, together with supporting documents; except for dissolved oxygen criteria for the open ocean and freshwater streams, the 95° F. maximum temperature limit, the chloride criteria for the North Fork Holston River, and certain parts of the implementation plan.

WYOMING

Water quality standards established by Wyoming on October 28, 1968, for interstate waters subject to its jurisdiction and which are contained in the document, "Water Quality Standards for Interstate Waters in Wyoming," together with supporting documents.

2. Section 620.10 is further amended by adding to the paragraph entitled "District of Columbia" the following:

An addendum to the water quality standards established by the District of Columbia which was adopted on December 16, 1968, by Commissioners' Order No. 68–801 and which is entitled "Revised Water Criteria and Uses (1972)".

3. Section 620.10 is further amended by deleting from the paragraph entitled "Maine" the phrase:

• • • and except for Hancock County interstate waters; and substituting therefor the

following: and except for Hancock County interstate waters designated as Class SC.

4. Section 620.10 is further amended by adding to the paragraph entitled "Montana" the following:

An addendum adopted on October 8, 1968, and made part of the water quality standards established by Montana.

5. Section 620.10 is further amended by adding to the paragraph entitled "New Mexico" the following:

An addendum adopted on October 9, 1968, and made a part of section 2, page 5 of the document "Implementation and Enforcement Plan for Water Quality Control in New Mexico, June 1967."

6. Section 620.10 is further amended by revising the paragraph "Oregon" to read as follows:

OREGON

Water quality standards established by Oregon on June 1, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Chapter 334, Oregon Administrative Rules, State Sanitary Authority, Division 1, Water Pollution, Subdivision 1, Standards of Quality for Public Waters of Oregon and Disposal therein of Sewage and Industrial Wastes," together with appendixes and supporting documents, and as amended on May 24, 1968, by a document entitled "Addendum, Adopted May 24, 1968, Implementation and Enforcement Plan for the Public Waters of the State of Oregon, May 1967."

7. Section 620.10 is further amended by deleting from the paragraph entitled "Rhode Island" the phrase:

• • • and except for the interstate waters within the jurisdiction of the Conference on the Pollution of the Blackstone and Ten Mile Rivers held pursuant to Section 10(d) of the Federal Water Pollution Control Act, as amended.

(Sec. f, 70 Stat. 506, as amended; 33 U.S.C. 466f)

Dated: May 7, 1969.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

NOTE: Incorporation by reference provisions in these regulations approved by the Director of the Federal Register on May 15, 1969.

[F.R. Doc. 69-5822; Filed, May 15, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Prescription-Drug Advertisements: Order Acting on Objections

The Commissioner of Food and Drugs published in the FEDERAL REGISTER of May 23, 1967 (32 F.R. 7533), a proposal to amend § 1.105 by revising and revoking several paragraphs. Numerous comments and objections were received which resulted in discussions between interested industry representatives and the Food and Drug Administration staff for clarification of the regulations and minimizing disagreement.

An order acting on the proposal was published in the FEDERAL REGISTER of June 27, 1968 (33 F.R. 9393). Within the 30-day period permitted by the order, the Pharmaceutical Manufacturers Association filed objections together with a request for a public hearing on § 1.105 (e) (2) (ii) and (iii), (3) (i), (5) (ii), (6) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (xiii), (xiv), (xvii), (xviii), and (xxi), and 1.105(i). Thus, portions not stayed by objections became effective on August 26, 1968. (Announcement of the stay of effectiveness of the above-specified portions was not heretofore published in the FEDERAL REGISTER.)

After discussing the objections with the Pharmaceutical Manufacturers Association, the Commissioner concludes that § 1.105(e) should be revised in the following ways:

1. The third sentence of subparagraph (3) (i) and all of subparagraph (5) (ii) should be revised to read as indicated below and subparagraph (6) (xxi) should be deleted. These changes eliminate the requirements for two levels of brief summary discussion, but the requirement of fair balance would continue to call for the same kind of a discussion, in terms of scope, depth, and detail, in presenting both the information relating to effectiveness and the information relating to side effects and contraindications.

2. Subparagraph (6) (viii) should be deleted and subparagraph (7) (xiii) added as indicated below to shift the provision to the "may be" false, lacking in fair balance, or misleading category. This change plus one above causes redesignation of subdivisions (ix) through (xxii) of subparagraph (6).

3. In subparagraph (6), subdivision (xiv), redesignated (xiii), should be revised as indicated below. The prohibition it contained against the use of a study on a small number of patients without disclosing the fact that a small number of patients were involved is deleted because it is adequately covered by subparagraph (6) (v).

4. A new sentence should be added to the end of subparagraph (1) and new closing text should be added to subparagraph (6) as indicated below.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 1.105 be amended by revising paragraphs (e) and (1) to read as follows:

§ 1.105 Prescription-drug advertisements.

• • • • • •

(e) True statement of information in brief summary relating to side effects, contraindications, and effectiveness:

(1) *When required.* All advertisements for any prescription drug ("prescription drug" as used in this section means drugs defined in section 503(b)(1) of the act and § 1.106(c), applicable to drugs for use by man and veterinary drugs, respectively), except advertisements described in subparagraph (2) of this paragraph, shall present a true statement of information in brief summary relating to side effects, contraindications (when used in this section "side effects, contraindications" include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc.) and effectiveness. Advertisements broadcast through media such as radio, television, or telephone communications systems shall include information relating to the major side effects and contraindications of the advertised drugs in the audio or audio and visual parts of the presentation and unless adequate provision is made for dissemination of the approved or permitted package labeling in connection with the broadcast presentation shall contain a brief summary of all necessary information related to side effects and contraindications.

(2) *Exempt advertisements.* The following advertisements are exempt from the requirements of subparagraph (1) of this paragraph under the conditions specified:

(i) *Reminder advertisements.* Reminder advertisements if they contain only the proprietary or trade name of a drug (which necessitates declaring the established name, if any, and furnishing the formula showing quantitatively each ingredient of the drug to the extent required for labels) and, optionally, information relating to dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug: *Provided, however,* That if the Commissioner finds that there is evidence of significant incidence of fatalities or serious damage associated with the use of a particular prescription drug, he may notify the manufacturer, packer, or distributor of the drug by mail that this exemption does not apply to such drug by reason of such finding.

(ii) *Advertisements of bulk-sale drugs.* Advertisements of bulk-sale drugs that promote sale of the drug in bulk packages in accordance with the practice of the trade solely to be processed, manufactured, labeled, or repackaged in substantial quantities and that contain no claims for the therapeutic safety or effectiveness of the drug.

(iii) *Advertisements of prescription-compounding drugs.* Advertisements of prescription-compounding drugs that promote sale of a drug for use as a prescription chemical or other compound for use by registered pharmacists in compounding prescriptions if the drug otherwise complies with the conditions

for the labeling exemption contained in § 1.106(k) and the advertisement contains no claims for the therapeutic safety or effectiveness of the drug.

(3) *Scope of information to be included; applicability to the entire advertisement.* (i) The requirement of a true statement of information relating to side effects, contraindications, and effectiveness applies to the entire advertisement. Untrue or misleading information in any part of the advertisement will not be corrected by the inclusion in another distinct part of the advertisement of a brief statement containing true information relating to side effects, contraindications, and effectiveness of the drug. If any part or theme of the advertisement would make the advertisement false or misleading by reason of the omission of appropriate qualification or pertinent information, that part or theme shall include the appropriate qualification or pertinent information, which may be concise if it is supplemented by a prominent reference on each page to the presence and location elsewhere in the advertisement of a more complete discussion of such qualification or information.

(ii) The information relating to effectiveness is not required to include information relating to all purposes for which the drug is intended but may optionally be limited to a true statement of the effectiveness of the drug for the selected purpose(s) for which the drug is recommended or suggested in the advertisement. The information relating to effectiveness shall include specific indications for use of the drug for purposes claimed in the advertisement; for example, when an advertisement contains a broad claim that a drug is an antibacterial agent, the advertisement shall name a type or types of infections and micro-organisms for which the drug is effective clinically as specifically as required, approved, or permitted in the drug package labeling.

(iii) The information relating to side effects and contraindications shall disclose each specific side effect and contraindication (which include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc.; see subparagraph (1) of this paragraph) contained in required, approved, or permitted labeling for the advertised drug dosage form(s); *Provided, however;*

(a) The side effects and contraindications disclosed may be limited to those pertinent to the indications for which the drug is recommended or suggested in the advertisement to the extent that such limited disclosure has previously been approved or permitted in drug labeling conforming to the provisions of § 1.106 (b) or (c); and

(b) The use of a single term for a group of side effects and contraindications (for example, "blood dyscrasias" for disclosure of "leukopenia," "agranulocytosis," and "neutropenia") is permitted only to the extent that the use of such a single term in place of disclosure of each specific side effect and contraindication has been previously approved or permitted in drug labeling conforming to the provisions of § 1.106 (b) or (c).

(4) *Substance of information to be included in brief summary.* (i) (a) An advertisement for a prescription drug covered by a new-drug application approved pursuant to section 505 of the act after October 10, 1962, or any approved supplement thereto, shall not recommend or suggest any use that is not in the labeling accepted in such approved new-drug application or supplement. The advertisement shall present information from labeling required, approved, or permitted in a new-drug application relating to each specific side effect and contraindication in such labeling that relates to the uses of the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(b) If a prescription drug was covered by a new-drug application or a supplement thereto that became effective prior to October 10, 1962, an advertisement may recommend or suggest:

(1) Uses contained in the labeling accepted in such new-drug application and any effective, approved, or permitted supplement thereto.

(2) Additional uses contained in labeling in commercial use on October 9, 1962, to the extent that such uses did not cause the drug to be an unapproved "new drug" as "new drug" was defined in section 201(p) of the act as then in force, and to the extent that such uses would be permitted were the drug subject to subdivision (ii) of this subparagraph.

(3) Additional uses contained in labeling in current commercial use to the extent that such uses do not cause the drug to be an unapproved "new drug" as defined in section 201(p) of the act as amended.

The advertisement shall present information from labeling required, approved, or permitted in a new-drug application relating to each specific side effect and contraindication in such labeling that relates to the uses of the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(ii) An advertisement for a prescription drug subject to certification under section 507 of the act shall not recommend or suggest any use that is not in the labeling covered by the certification or the applicable certification regulations or regulations providing for exemption from certification. The advertisement shall present information from such labeling covered by the certification or the applicable certification regulations or regulations providing for exemption from certification, relating to each specific side effect and contraindication in such labeling and such regulations for the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(iii) In the case of an advertisement for a prescription drug other than a drug the labeling of which causes it to be an unapproved "new drug" and other than drugs covered by subdivisions (i) and (ii) of this subparagraph, an advertisement may recommend and suggest the drug only for those uses contained in the labeling thereof:

(a) For which the drug is generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of such drugs; or

(b) For which there exists substantial evidence of safety and effectiveness, consisting of adequate and well-controlled investigations, including clinical investigations (as used in this section "clinical investigations," "clinical experience," and "clinical significance" mean in the case of drugs intended for administration to man, investigations, experience, or significance in humans, and in the case of drugs intended for administration to other animals, investigations, experience, or significance in the specie or species for which the drug is advertised), by experts qualified by scientific training and experience to evaluate the safety and effectiveness of the drug involved, on the basis of which it can fairly and responsibly be concluded by such experts that the drug is safe and effective for such uses; or

(c) For which there exists substantial clinical experience (as used in this section, this means substantial clinical experience adequately documented in medical literature or by other data (to be supplied to the Food and Drug Administration, if requested)), on the basis of which it can fairly and responsibly be concluded by qualified experts that the drug is safe and effective for such uses; or

(d) For which safety is supported under any of the preceding clauses in (a), (b), and (c) of this subdivision and effectiveness is supported under any other of such clauses.

The advertisement shall present information relating to each specific side effect and contraindication that is required, approved, or permitted in the package labeling by § 1.106 (b) or (c) of the drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(5) *"True statement" of information.* An advertisement does not satisfy the requirement that it present a "true statement" of information in brief summary relating to side effects, contraindications, and effectiveness if:

(i) It is false or misleading with respect to side effects, contraindications, or effectiveness; or

(ii) It fails to present a fair balance between information relating to side effects and contraindications and information relating to effectiveness of the drug in that the information relating to effectiveness is presented in greater scope, depth, or detail than is required by section 502(n) of the act and this information is not fairly balanced by a presentation of a summary of true information relating to side effects and contraindications of the drug; *Provided, however,* That no advertisement shall be

considered to be in violation of this section if the presentation of true information relating to side effects and contraindications is comparable in depth and detail with the claims for effectiveness or safety.

(iii) It fails to reveal facts material in the light of its representations or material with respect to consequences that may result from the use of the drug as recommended or suggested in the advertisement.

(6) *Advertisements that are false, lacking in fair balance, or otherwise misleading.* An advertisement for a prescription drug is false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the act, among other reasons, if it:

(i) Contains a representation or suggestion, not approved or permitted for use in the labeling, that a drug is better, more effective, useful in a broader range of conditions or patients (as used in this section "patients" means humans and in the case of veterinary drugs, other animals), safer, has fewer, or less incidence of, or less serious side effects or contraindications than has been demonstrated by substantial evidence or substantial clinical experience (as described in subparagraph (4)(iii) (*b*) and (*c*) of this paragraph) whether or not such representations are made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly or through use of published or unpublished literature, quotations, or other references.

(ii) Contains a drug comparison that represents or suggests that a drug is safer or more effective than another drug in some particular when it has not been demonstrated to be safer or more effective in such particular by substantial evidence or substantial clinical experience.

(iii) Contains favorable information or opinions about a drug previously regarded as valid but which have been rendered invalid by contrary and more credible recent information, or contains literature references or quotations that are significantly more favorable to the drug than has been demonstrated by substantial evidence or substantial clinical experience.

(iv) Contains a representation or suggestion that a drug is safer than it has been demonstrated to be by substantial evidence or substantial clinical experience, by selective presentation of information from published articles or other references that report no side effects or minimal side effects with the drug or otherwise selects information from any source in a way that makes a drug appear to be safer than has been demonstrated.

(v) Presents information from a study in a way that implies that the study represents larger or more general experience with the drug than it actually does.

(vi) Contains references to literature or studies that misrepresent the effectiveness of a drug by failure to disclose that claimed results may be due to concomitant therapy, or by failure to disclose the credible information available concerning the extent to which claimed results may be due to placebo effect (information concerning placebo effect is not required unless the advertisement promotes the drug for use by man).

(vii) Contains favorable data or conclusions from nonclinical studies of a drug, such as in laboratory animals or in vitro, in a way that suggests they have clinical significance when in fact no such clinical significance has been demonstrated.

(viii) Uses a statement by a recognized authority that is apparently favorable about a drug but fails to refer to concurrent or more recent unfavorable data or statements from the same authority on the same subject or subjects.

(ix) Uses a quote or paraphrase out of context to convey a false or misleading idea.

(x) Uses literature quotations or references that purport to support an advertising claim but in fact do not support the claim or have relevance to the claim.

(xi) Uses literature, quotations, or references for the purpose of recommending or suggesting conditions of drug use that are not approved or permitted in the drug package labeling.

(xii) Offers a combination of drugs for the treatment of patients suffering from a condition amenable to treatment by any of the components rather than limiting the indications for use to patients for whom concomitant therapy as provided by the fixed combination drug is indicated, unless such condition is included in the uses permitted under subparagraph (4) of this paragraph.

(xiii) Uses a study on normal individuals without disclosing that the subjects were normal, unless the drug is intended for use on normal individuals.

(xiv) Uses "statistics" on numbers of patients, or counts of favorable results or side effects, derived from pooling data from various insignificant or dissimilar studies in a way that suggests either that such "statistics" are valid if they are not or that they are derived from large or significant studies supporting favorable conclusions when such is not the case.

(xv) Uses erroneously a statistical finding of "no significant difference" to claim clinical equivalence or to deny or conceal the potential existence of a real clinical difference.

(xvi) Uses statements or representations that a drug differs from or does not contain a named drug or category of drugs, or that it has a greater potency per unit of weight, in a way that suggests falsely or misleadingly or without substantial evidence or substantial clinical experience that the advertised drug is safer or more effective than such other drug or drugs.

(xvii) Uses data favorable to a drug derived from patients treated with dosages different from those recommended in approved or permitted labeling if the drug advertised is subject to section 505 or 507 of the act, or, in the case of other drugs, if the dosages employed were different from those recommended in the labeling and generally recognized as safe and effective. This provision is not intended to prevent citation of reports of studies that include some patients treated with dosages different from those authorized, if the results in such patients are not used.

(xviii) Uses headline, subheadline, or pictorial or other graphic matter in a way that is misleading.

(xix) Represents or suggests that drug dosages properly recommended for use in the treatment of certain classes of patients or disease conditions are safe and effective for the treatment of other classes of patients or disease conditions when such is not the case.

(xx) Presents required information relating to side effects or contraindications by means of a general term for a group in place of disclosing each specific side effect and contraindication (for example employs the term "blood dyscrasias" instead of "leukopenia," "agranulocytosis," "neutropenia," etc.) unless the use of such general term conforms to the provisions of subparagraph (3)(iii) of this paragraph.

Provided, however, That any provision of this paragraph shall be waived with respect to a specified advertisement as set forth in a written communication from the Food and Drug Administration on a petition for such a waiver from a person who would be adversely affected by the enforcement of such provision on the basis of a showing that the advertisement is not false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the Act. A petition for such a waiver shall set forth clearly and concisely the petitioner's interest in the advertisement, the specific provision of this paragraph from which a waiver is sought, a complete copy of the advertisement, and a showing that the advertisement is not false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the act.

(7) *Advertisements that may be false, lacking in fair balance, or otherwise misleading.* An advertisement may be false, lacking in fair balance, or otherwise misleading or otherwise violative of section 502(n) of the act if it:

(i) Contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions.

(ii) Uses the concept of "statistical significance" to support a claim that has not been demonstrated to have clinical significance or validity, or fails to reveal the range of variations around the quoted average results.

(iii) Uses statistical analyses and techniques on a retrospective basis to discover and cite findings not soundly supported by the study, or to suggest scientific validity and rigor for data from studies the design or protocol of which are not amendable to formal statistical evaluations.

(iv) Uses tables or graphs to distort or misrepresent the relationships, trends, differences, or changes among the variables or products studied; for example, by failing to label abscissa and ordinate so that the graph creates a misleading impression.

(v) Uses reports or statements represented to be statistical analyses, interpretations, or evaluations that are inconsistent with or violate the established principles of statistical theory, methodology, applied practice, and inference, or that are derived from clinical studies the design, data, or conduct of which substantially invalidate the application of statistical analyses, interpretations, or evaluations.

(vi) Contains claims concerning the mechanism or site of drug action that are not generally regarded as established by scientific evidence by experts qualified by scientific training and experience without disclosing that the claims are not established and the limitations of the supporting evidence.

(vii) Fails to provide sufficient emphasis for the information relating to side effects and contraindications, when such information is contained in a distinct part of an advertisement, because of repetition or other emphasis in that part of the advertisement of claims for effectiveness or safety of the drug.

(viii) Fails to present information relating to side effects and contraindications with a prominence and readability reasonably comparable with the presentation of information relating to effectiveness of the drug, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.

(ix) Fails to provide adequate emphasis (for example, by the use of color scheme, borders, headlines, or copy that extends across the gutter) for the fact that two facing pages are part of the same advertisement when one page contains information relating to side effects and contraindications.

(x) In an advertisement promoting use of the drug in a selected class of patients (for example, geriatric patients or depressed patients), fails to present with adequate emphasis the significant side effects and contraindications or the significant dosage considerations, when dosage recommendations are included in an advertisement, especially applicable to that selected class of patients.

(xi) Fails to present on a page facing another page (or on another full page) of an advertisement on more than one page, information relating to side effects and contraindications when such information is in a distinct part of the advertisement.

(xii) Fails to include on each page or spread of an advertisement the information relating to side effects and contraindications or a prominent reference to its presence and location when it is presented as a distinct part of an advertisement.

(xiii) Contains information from published or unpublished reports or opinions falsely or misleadingly represented or suggested to be authentic or authoritative.

* * * * *

(l) (1) Advertisements subject to section 502(n) of the act include advertisements in published journals, magazines, other periodicals, and newspapers, and advertisements broadcast through media such as radio, television, and telephone communication systems.

(2) Brochures, booklets, mailing pieces, detailing pieces, file cards, bulletins, calendars, price lists, catalogs, house organs, letters, motion picture films, film strips, lantern slides, sound recordings, exhibits, literature, and reprints and similar pieces of printed, audio, or visual matter descriptive of a drug and references published (for example, the "Physicians Desk Reference") for use by medical practitioners, pharmacists, or nurses, containing drug information supplied by the manufacturer, packer, or distributor of the drug and which are disseminated by or on behalf of its manufacturer, packer, or distributor are hereby determined to be labeling as defined in section 201(m) of the act.

Since there are reasonable grounds for concluding that the basis for the principal objections of the Pharmaceutical Manufacturers Association to the order published in the FEDERAL REGISTER of June 27, 1968, has been eliminated by the foregoing revisions, this order shall become effective 31 days after its date of publication in the FEDERAL REGISTER. If the Pharmaceutical Manufacturers Association or other interested persons who may be adversely affected file objections to this order prior to its effective date, the portions objected to shall be stayed and provision will be made for a public hearing on the objections at an early date.

Objections should be filed with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, preferably in quintuplicate, and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 31 days from its date of publication in the FEDERAL REGISTER, except for any provisions that may be stayed as described above.

(Secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e))

Dated: May 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5819; Filed, May 15, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2334) filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (specified below) in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Polymethacrylic acid, sodium salt, having a viscosity in 30 percent-by-weight aqueous solution of 125–325 centipoises at 25° C. as determined by LV-series Brookfield viscometer (or equivalent) using a No. 2 Spindle at 60 r.p.m.	For use only as a coating adjuvant for controlling viscosity when used at a level not to exceed 0.3% by weight of coating solids.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: May 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5817; Filed, May 15, 1969; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chiefs of Station Fiscal Activities and Board on Collections and Compromises

In Part 2, §§ 2.88 and 2.89 are added to read as follows:

§ 2.88 Chiefs of station fiscal activities are delegated authority to compromise certain claims not exceeding $500 representing charges for medical services which have not been waived and to terminate or suspend collection action on certain debts incurred in connection with the Veterans Administration Medical Program.

This delegation of authority is identical to § 17.96a of this chapter.

§ 2.89 The Board on Collections and Compromises is delegated authority to waive salary overpayment debts of not more than $500 in the aggregate.

This delegation of authority is identical to § 17.300a of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-5833; Filed, May 15, 1969; 8:46 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. In § 13.200, paragraphs (b)(3) and (c)(1) and (3) are amended to read as follows:

§ 13.200 Central Office Board on Waivers and Compromises; field station committees.

* * * * *

(b) *Board on Waivers and Compromises.* * * *

(3) *Control and staff.* The professional and clerical staff of the Board will function under the supervision and administrative and quality control of the Director, Guardianship Service.

(c) *Committee on Waivers and Compromises*—(1) *Composition.* The Committee shall consist of a Chairman and five members at stations having loan guaranty activities or four members at other stations. Members shall be selected so that in each of the debt claims activities of compensation, pension and education; insurance, loan guaranty (at station having such activities), and finance, there is at least one member with special competence. At least one member shall be from the Office of the Chief Attorney. An alternate Chairman and alternate members may be designated to act in the absence of their principals at stations, when needed.

* * * * *

(3) *Control and staff.* The Committee and professional and clerical staff shall function under the administrative and quality control of the Chief Attorney.

* * * * *

2. In § 13.201, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 13.201 Jurisdiction.

The Central Office Board and field station Comittees are authorized, except as to determinations under § 2.6(d)(2) of this chapter where applicable, to consider and determine as limited in §§ 13.200 through 13.217, questions of school liability, compromise, and waiver concerning the following debts and overpayments:

* * * * *

3. Section 13.202 is revised to read as follows:

§ 13.202 Board and Committee authority.

(a) *Central Office Board.* On matters covered in § 13.201, the Central Office Board is authorized to determine the following issues:

(1) *Compromise.* Where approval of a compromise is recommended by the field station Committee, and the debt or overpayment exceeds $2,500, but not $20,000 exclusive of interest (except in loan guaranty matters, which, under 38 U.S.C. ch. 37, are unlimited as to amount).

(2) *School liability.* Where a field station Committee makes a recommendation concerning liability of a school, or liability of both the school and the veteran or eligible person, and the debt or overpayment exceeds $2,500, or, regardless of the amount, the school requests administrative review of its liability pursuant to § 13.214.

(3) *Jurisdiction assumed.* Where jurisdiction within § 13.201 is otherwise assumed.

(b) *Field station Committee*—(1) *Decisions.* On matters covered in § 13.201, the field station Committee is authorized to determine the following issues:

(i) *Waivers.* A decision may be rendered to approve or deny waiver.

(ii) *Compromises.* (a) Reject a compromise offer concerning a debt or overpayment exceeding $500, exclusive of interest; or, accept a compromise offer concerning a debt or overpayment exceeding $500 but not over $2,500, both amounts exclusive of interest.

(b) Accept or reject a compromise offer concerning a debt or overpayment of $500 or less, exclusive of interest, in those cases where there has been no prior denial of waiver.

(iii) *School liability.* A decision may be rendered as to school liability as provided in § 13.214, where the debt or overpayment is $2,500 or less.

(2) *Tentative decision.* When the Committee is not authorized to render a decision, a tentative decision will be prepared for approval by the Central Office Board.

(c) *Fiscal officer.* The chief of the fiscal activity has authority to:

(1) Suspend or terminate collection action of all debts of $20,000 or less, exclusive of interest.

(2) Accept or reject a compromise offer for all debts of $500 or less, exclusive of interest, in those cases where there has been a prior denial of waiver.

4. In § 13.207, the title, the introductory portion preceding paragraph (a), and paragraph (b)(9) are amended and paragraphs (b)(10) and (11) and (c) are added so that the amended and added material reads as follows:

§ 13.207 Waiver of overpayments.

The term "overpayment" means payments made and determined to be erroneous, indebtedness resulting from services erroneously furnished and indebtedness of a veteran-borrower who used his entitlement under the loan guaranty program or the indebtedness of his spouse, under laws administered by the Veterans Administration.

* * * * *

(b) The following debts or overpayments are excluded from waiver under this section:

* * * * *

(9) The indebtedness of an obligor under the loan guaranty program, other than the indebtedness of the veteran-borrower who used his entitlement or the indebtedness of the veteran-borrower's spouse.

(10) Disability compensation overpayment resulting from receipt of disability severance pay for the same disability.

(11) Any other debt or overpayment, waiver of which would result in duplication of payments, except as otherwise provided by law.

(c) In any case where there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, action on a request for waiver will be deferred pending appropriate disposition of the matter. However, the Committee may act on a request for waiver concerning such debts, after the Chief Attorney has determined that prosecution is not indicated, or the Department of Justice has notified the Veterans Administration that the alleged fraud, false claim or misrepresentation does not warrant action by that department, or the Department of Justice or the appropriate U.S. attorney specifically authorized action on the request for waiver.

5. In § 13.213, paragraphs (a) and (c) are amended to read as follows:

§ 13.213 Refunds.

(a) Voluntary payments and offsets whether voluntary or involuntary, made from Veterans Administration benefits on or after the date of receipt by the Veterans Administration of a request for waiver will be refunded if waiver is granted, except as provided in paragraph (b) of this section.

* * * * *

(c) Voluntary payments and offsets whether voluntary or involuntary, from Veterans Administration benefits made prior to the date of receipt by the Veterans Administration of a request for waiver will not be refunded and will be excluded from waiver.

6. In § 13.214, paragraph (a) is amended to read as follows:

§ 13.214 Educational benefits.

(a) *General.* The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by § 21.4203 or § 21.4204 of this chapter, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. If it appears that the falsity or misrepresentation was deliberate, no administrative collection may be pursued pending a determination whether the matter should be referred to the Department of Justice for possible criminal or civil action. However, the amount of the overpayment may be recovered from the school by administrative collection procedure when the false certification or misrepresentation is the consequence of an administrative error or a mistake of fact, or where it is determined that no criminal or civil action is warranted. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law (38 U.S.C. 1785).

* * * * *

7. Section 13.217 is revised to read as follows:

§ 13.217 Standards for compromise.

Decisions of the Board or Committee respecting acceptance or rejection of a compromise offer shall be in conformity with the standards in § 1.900 et seq. of this chapter. In loan guaranty cases the offer of a veteran or other obligor to effect a compromise must relate to an indebtedness established after the liquidation of the security, if any, and shall be reviewed by the Committee or Board within its respective authority. An offer to effect a compromise may be accepted if it is deemed advantageous to the Government.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: May 9, 1969.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-5834; Filed, May 15, 1969; 8:46 a.m.]

PART 17—MEDICAL

Collections, Compromises and Waivers

1. In § 17.62, paragraphs (a) and (b)(1) are amended to read as follows:

§ 17.62 Charges for care or services.

* * * * *

(a) *Furnished in error or on tentative eligibility.* Charges at rates prescribed by the Chief Medical Director shall be made for inpatient or outpatient care or services (including domiciliary care) authorized for any person on the basis of eligibility as a veteran or a tentative eligibility determination under § 17.35(a), but who was subsequently found to have been ineligible for such care or services as a veteran because the military service or any other eligibility requirement was not met, or

(b) *Furnished in a medical emergency.* Charges at rates prescribed by the Chief Medical Director shall be made for any inpatient or outpatient care or services rendered any person in a medical emergency who was not eligible for such care or services as a veteran, if:

(1) The care or services were rendered as a humanitarian service, under § 17.46(c)(1) to a person neither claiming eligibility as a veteran nor for whom the establishment of eligibility as a veteran was expected, or

* * * * *

2. Sections 17.64 and 17.65 are revised and § 17.65a is added to read as follows:

§ 17.64 Referrals of compromise settlement offers.

Any offer to compromise or settle any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *To Chiefs of Fiscal activities.* If the debt represents charges made under § 17.62(a), the compromise offer shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, pursuant to authority delegated in § 17.96a, provided:

(1) The debt does not exceed $500, and

(2) There has been a previous denial of waiver of the debt by a field station Committee on Waivers and Compromises.

(b) *To Committees on Waivers and Compromises.* If the debt represents charges made under § 17.62(a), but is not of a type contemplated in paragraph (a) of this section, then the compromise offer should be referred for disposition under §13.200 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action or refer the case to the Central Office Board on Waivers and Compromises, or

(c) *To Chief Attorneys.* If the debt in any amount represents charges for medical services for which there is or may be a claim against a third party tortfeasor or under workman's compensation laws or Public Law 87-693; 76 Stat. 593 (See § 1.903 of this chapter) or involves a claim contemplated by § 1.902 of this chapter over which the Veterans Administration lacks jurisdiction, the compromise offer (or request for waiver or proposal to terminate or suspend collection action) shall be promptly referred to the field station Chief Attorney having jurisdiction in the area in which the claim arose, or

(d) *To the Department of Medicine and Surgery Board on Collections and Compromises.* If the debt represents charges for medical services made under § 17.62(b) or a claim arising in connection with any transaction of the Department of Medicine and Surgery for which the referral instructions in paragraphs (a) through (c) of this section or in § 17.65a (c) or (d) are not applicable, the compromise offer should be referred to the Department of Medicine and Surgery Board on Collections and Compromises for consideration as provided for in §§ 17.300 through 17.306.

§ 17.65 Terminations and suspensions.

Any proposal to suspend or terminate collection action on any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62 (a) or (b) questions concerning suspension or termination of collection action shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, pursuant to authority delegated in § 17.96a, or

(b) *Of other debts.* If the debt is of a type other than those contemplated in paragraph (a) of this section, questions concerning suspension or termination of collection action shall be referred in accordance with the same referral procedures for compromises offers (except the Fiscal activity shall make final determinations in terminations or suspensions involving claims of $150 or less pursuant to the provisions of § 1.900 et seq. of this chapter.)

§ 17.65a Waivers.

Applications or requests for waiver of debts or claims asserted by the Veterans Administration in connection with the medical program generally will be denied by the station fiscal activity on the basis there is no legal authority to waive debts, unless the question of waiver should be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62(a), the application or request for waiver should be referred for disposition under § 13.200 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action, or

(b) *Of claims against third persons and other claims.* If the debt is of a type contemplated in § 17.64(c), the waiver question should be referred in accordance with the same referral procedures for compromise offers in such categories of claims, or

(c) *Salary overpayments.* If the debt represents erroneous payment of pay, the Fiscal activity having responsibility for collection shall review the circumstances of the overpayment and report to management any possible remedial action to prevent similar overpayments at the station level in the future. (Pay as used in the foregoing sentence is defined in 4 CFR 201.2 to mean salary, wages, pay, compensation, emoluments, and remuneration for services. It includes overtime pay; night, Sunday standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave, and severance pay. It does not include expenses of travel and transportation or expenses of transportation of household goods.) After such review and necessary development, all requests for waiver of Veterans Administration salary overpayments shall be referred before any determinations are made as to compromise or terminaton or suspension of collection action as follows:

(1) If the salary overpayment was more than $500 in the aggregate, the request for waiver shall be referred to the VA Controller for transmittal to the General Accounting Office, or

(2) If the salary overpayment was not more than $500 in the aggregate, the request for waiver shall be referred to the VA Controller for transmittal to the Board on Collections and Compromises, or

(d) *Other debts.* If the debt represents any claim or charges other than those contemplated in paragraphs (a), (b), and (c) of this section, and is a debt for which waiver has been specifically provided for by law or under the terms of a contract, initial action shall be taken at the station level for referral of the request for waiver through channels for action by the appropriate designated official. If, however, the question of waiver may also involve a concurrent opportunity to negotiate a compromise settlement or establish a basis for termination or suspension of collection action, the application shall be referred to the Board on Collections and Compromises.

3. Section 17.96a is added to read as follows:

§ 17.96a Authority to compromise claims and terminate or suspend collection action.

The Chief of the Fiscal activity at a Veterans Administration hospital or any other Veterans Administration field station is delegated authority to compromise claims not exceeding $500 representing charges made under § 17.62(a) in which there has been a prior denial or waiver by a field station Committee on Waivers and Compromises. Such officers are further delegated authority to terminate or suspend collection action of claims not over $20,000 representing charges made under § 17.62 (a) or (b). In exercising this authority, the standards in § 1.900 et seq. of chapter are to be applied. The authority under this section further involves the responsibility to comply with all reporting procedures which may be required by the VA Controller and the Comptroller General of the United States. Any action, other than a completed compromise settlement, of any Chief of the Fiscal activity of any field station under the exclusive jurisdiction of the Department of Medicine and Surgery is subject to reversal by the Department of Medicine and Surgery Board on Collections and Compromises.

4. Section 17.300, the headnote, the introductory portion preceding paragraph (a) and paragraph (c) are amended to read as follows:

§ 17.300 Establishment and jurisdiction.

There is established in the Department of Medicine and Surgery, under the supervision and administrative control of the Assistant Chief Medical Director for Management and Evaluation, a Board on Collections and Compromises. The Board shall consider and determine, except for determinations as to litigative probabilities and other legal considerations for which authority has been delegated to the General Counsel under § 2.6(d)(2) of this chapter, questions involving any offer to settle for less than liquidated value, and proposals to terminate collection action or to suspend collection action for 1 year or more, which are properly referred to the Board under §§ 17.64 and 17.65, in any claim asserted by the Veterans Administration on a debt or obligation owed the Veterans Administration, if:

* * * * *

(c) The offer of compromise or proposal to terminate or suspend collection action is not one which the station fiscal activity may approve or which should be referred to a field station Committee or the Central Office Board on Waivers and Compromises or to the Chief Attorney or other official or agency having jurisdiction, pursuant to the provisions of paragraph (a), (b), or (c) of § 17.64 or § 17.65.

5. Sections 17.300a and 17.300b are added to read as follows:

§ 17.300a Waiver jurisdiction.

The Board on Collections and Compromises is delegated authority to waive salary overpayment debts of not more than $500 in the aggregate under 5 U.S.C. 5584 and shall have jurisdiction over any application for such waiver or any other application for waiver which has been properly referred under § 17.65a (c) or (d). In exercising jurisdiction under this section, the Board shall be limited by and shall apply such provisions of title 5, United States Code, and regulations issued by the General Accounting Office, the Civil Service Commission and the Veterans' Administration as may be applicable, except reporting requirements and reviews for possible remedial administrative action in the case of salary overpayment debts shall be the responsibility of the station fiscal activities and the office of the VA Controller.

§ 17.300b Jurisdiction to review certain field station actions.

The Board on Collections and Compromises shall have jurisdiction to review any compromise offer not accepted, and any termination or suspension of collection action made by the chief of the fiscal activity exercising authority delegated under § 17.96a. Any reversals or other actions to assure uniform application of the standards in § 1.900 et seq. of this chapter shall be coordinated with the office of the VA Controller, with which the Chairman of the Board on Collections and Compromises shall maintain liaison for Department of Medicine and Surgery collection matters.

6. Section 17.302 is revised to read as follows:

§ 17.302 Selection of members.

The members of the Board on Collections and Compromises, and their alternates, shall be selected so that each organizational element headed by an Assistant Chief Medical Director, the Office of Administration and the Program Planning and Budgeting Service is represented on the Board. The chairman and his alternate shall be selected from the staff of the Assistant Chief Medical Director for Management and Evaluation.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: May 9, 1969.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-5835; Filed, May 15, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4657]

[Arizona 09391-C, 011812-A, 2729, 2735]

ARIZONA

Withdrawal for National Forest Administrative Sites and Roadside Zones; Partial Revocation of National Forest Roadside Zone Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

(A-2729)—TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

U.S. Highway No. 60, Roadside Zones

A strip of land 200 feet each side of the centerline as the road passes through the following subdivisions:

T. 2 N., R. 16 E. (unsurveyed),
Sec. 5, NE¼NE¼, S½NE¼, and E½W½SE¼;
Sec. 8, E½NW¼NE¼, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 17, E½NW¼ and SW¼;
Sec. 19, NE¼NE¼, S½NE¼, SE¼SW¼, N½SE¼;
Sec. 20, NW¼NW¼.

The areas described aggregate approximately 860 acres in Gila County.

Globe Administrative Site

T. 1 S., R. 16 E. (unsurveyed),
Sec. 5, that portion of the NW¼SW¼ lying south of Forest Service Roadside Zone witdrawal of January 30, 1963 (Public Land Order 2919) west of the surveyed centerline of State Highway right-of-way A-1588.

The area described contains approximately 13 acres in Gila County.

(A-2735)—PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Palace Station Administrative Site

T. 12 N., R. 1 W.,
Sec. 18, lot 6, and SE¼SW¼.

The area described contains 87.18 acres in Yavapai County.

(A-09391-C)—KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

U.S. Highway 66 (Interstate 40) Roadside Zones

A strip of land 300 feet on each side of the centerline as the road passes through the following subdivisions:

T. 22 N., R. 2 E.,
Sec. 32, NW¼NW¼ and N½SW¼NW¼.
T. 22 N., R. 3 E.,
Sec. 22, SE¼SE¼SE¼;
Sec. 25, S½SW¼NE¼, N½SE¼NW¼, NE¼NW¼SE¼, and E½NE¼SE¼.
T. 22 N., R. 4 E.,
Sec. 26, lot 9;
Sec. 29, S½SW¼;
Sec. 30, lot 3, SE¼SE¼, NE¼SW¼SE¼, and NE¼SW¼;
Sec. 32, N½NE¼ and N½NE¼NW¼;
Sec. 33, lots 1 and 2;
Sec. 34, N½NW¼.
T. 22 N., R. 5 E.
Sec. 33, SE¼NW¼NE¼ and E½SW¼NW¼NE¼.
T. 21 N., R. 1 W.,
Sec. 7, lot 3;
Sec. 10, N½SW¼.

The areas described aggregate approximately 759.39 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. Public Land Order No. 2919 of January 30, 1963, withdrawing national forest lands in aid of programs of the Department of Agriculture, is hereby revoked so far as it affects the following described lands:

(A-011812-A)—TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

U.S. Highway No. 60, Roadside Zones

A strip of land 200 feet on each side of the centerline of the road as it passes through the following subdivisions:

T. 2 N., R. 16 E. (unsurveyed),
Sec. 5, N½N½;
Sec. 6, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, and W½SE¼;
Sec. 7, W½NE¼, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 18, E½NE¼, NE¼SE¼, and S½SE¼;
Sec. 19, E½E½.
T. 3 N., R. 16 E. (unsurveyed),
Sec. 32, S½SW¼.

The areas released from withdrawal by this order aggregate approximately 1,120 acres.

4. At 10 a.m. on June 17, 1969, the lands described in paragraph 3 shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5823; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4658]

[Oregon 2019]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of June 18, 1940, withdrawing lands for the Klamath Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 40 S., R. 14 E.,
Sec. 6, SE¼SE¼.

The area described contains 40 acres. The land is included in a lease issued under the provisions of the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869; 869-4), as amended, to Klamath County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5824; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4659]

[Arizona 3431]

ARIZONA

Partial Revocation of Reclamation Withdrawal (Evergreen Reserve)

By virtue of the authority contained in section 13 of the act of June 25, 1910 (36 Stat. 858, 43 U.S.C. 148), it is ordered as follows:

The departmental order of November 29, 1913, so far as it withdrew the following described lands in the Salt River Indian Reservation for reclamation purposes (Evergreen Station) is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 5 E.,
Sec. 23, E½NE¼NE¼SW¼.

The area described contains 5 acres.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5825; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4660]

[Nevada 054599]

NEVADA

Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The order of the Acting Secretary of the Interior of July 26, 1906, withdrawing the following described public lands for use by the Forest Service as a tree planting area, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 28 E.,
Sec. 30, SW¼.

The area described contains 145.93 acres in Churchill County, Nev. The land remains withdrawn as a part of the Newlands Reclamation Project.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5826; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4661]

[Montana 10280(SD)]

SOUTH DAKOTA

Withdrawal for Waterfowl Production Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for management in connection with the waterfowl production area program authorized by the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718) as amended by the Act of August 1, 1958 (72 Stat. 486, 487; 16 U.S.C. 718d (b), (c)):

FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 115 N., R. 65 W.,
Sec. 4, SW¼;
Sec. 8, SW¼NE¼ and W½.
T. 127 N., R. 74 W.,
Sec. 27, NE¼SW¼, W½SW¼, and NW¼SE¼.
T. 121 N., R. 75 W.,
Sec. 14, lot 5;
Sec. 15, lot 7.

The areas described aggregate 680.20 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5827; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4662]

[Nevada 2385]

NEVADA

Withdrawal for Atomic Energy Seismic Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Atomic Energy Commission for a seismic station:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 64 E.,
Sec. 4, SE¼NE¼, NW¼SW¼.

Containing 2.5 acres in Clark County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5828; Filed, May 15, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1033, 1034, 1035, 1041, 1005]

[Dockets Nos. AO-166-A40, AO-175-A29, AO-176-A26, AO-72-A36, AO-177-A35]

MILK IN GREATER CINCINNATI, MIAMI VALLEY, OHIO, COLUMBUS, OHIO, NORTHWESTERN OHIO, AND TRI-STATE MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Imperial House-Arlington, 1335 Dublin Road (U.S. Route No. 33 NW.), Columbus, Ohio 43215, beginning at 1 p.m. local time, on June 2, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Cincinnati, Miami Valley, Ohio, Columbus, Ohio, Northwestern Ohio, and Tri-State marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal to expand the Greater Cincinnati marketing area by adding the marketing areas now defined in the Miami Valley, Ohio, Columbus, Ohio, Northwestern Ohio, and Tri-State orders and other areas not now under regulation, raises the issue whether the provisions of the Greater Cincinnati order would tend to effectuate the declared policy of the Act if they are applied to the entire marketing area as proposed, and, if not, what modifications of the provisions would be appropriate.

The issues raised by this proposal include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of one or more of the above marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) The adoption of any of the proposed provisions, or appropriate modification thereof, for any separate order or any combination of such orders, including a review of the appropriate pricing and pooling structure of the orders whether separate or in any combination. The issue of merging the marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Ohio Cooperative Milk Producers, Inc., Cincinnati Milk Sales Association, Inc., The Cooperative Pure Milk Association, Dairymen's Cooperative Sales Association, Huntington Interstate Milk Producers Association, Miami Valley Milk Producers Association, and Northwestern Ohio Cooperative Sales Association:

Proposal No. 1. Combine with the Greater Cincinnati marketing area, the Northwestern Ohio, Columbus, Ohio, Miami Valley, Ohio, and Tri-State marketing areas and additional unregulated territory as proposed. Also, rename the expanded marketing area as the "Ohio Valley marketing area". Merge the respective administrative, marketing service and producer-settlement funds and make such conforming changes as are necessary to integrate the five orders into a single order.

The complete regulatory terms for the merged Ohio Valley order are proposed as follows:

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EFFECTIVE TIME, SUSPENSION OR TERMINATION

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DEFINITIONS

§ 1033.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1033.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1033.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal

agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1033.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1033.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

§ 1033.6 Marketing area.

The "Ohio Valley marketing area", hereinafter called the "marketing area", means all of the territory geographically within the places listed below, and all territory that is occupied by government (municipal, State, or Federal) reservations, installations, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

OHIO COUNTIES

Adams.	Logan.
Allen.	Lucas.
Athens.	Madison.
Auglaize.	Marion.
Brown.	Meigs.
Butler.	Mercer.
Champaign.	Miami.
Clark.	Montgomery.
Clermont.	Morgan.
Clinton.	Morrow.
Coshocton.	Muskingum.
Crawford.	Noble.
Darke.	Paulding.
Defiance.	Perry.
Delaware.	Pickaway.
Fairfield.	Pike.
Fayette.	Preble.
Franklin.	Putnam.
Fulton.	Richland.
Gallia.	Ross.
Greene.	Sandusky (Woodville and Madison townships only).
Guernsey (except Londonderry, Oxford and Millwood townships).	Scioto.
	Seneca.
Hamilton.	Shelby.
Hancock.	Union.
Hardin.	Van Wert.
Henry.	Vinton.
Highland.	Warren.
Hocking.	Washington.
Jackson.	Williams.
Knox.	Wood.
Lawrence.	Wyandot.
Licking.	

KENTUCKY COUNTIES

Boone.	Greenup.
Boyd.	Harrison.
Bracken.	Johnson.
Carter.	Kenton.
Campbell.	Lawrence.
Floyd.	Lewis.
Grant.	Magoffin.
Martin.	Pike.
Mason.	Robertson.
Pendleton.	Rowan.

MICHIGAN COUNTIES

Lenawee (Blissfield, Deerfield, Ogden, Palmyra and Riga townships only).
Monroe (except Ash, Berlin, Dundee, Exeter, London, and Milan townships).

WEST VIRGINIA COUNTIES

Boone.	Mingo.
Braxton.	Monroe.
Cabell.	Nicholas.
Calhoun.	Pleasants.
Clay.	Putnam.
Fayette.	Ritchie.
Gilmer.	Roane.
Greenbrier.	Raleigh.
Jackson.	Summers.
Lincoln.	Wayne.
Logan.	Wirt.
Kanawha.	Wood.
Mason.	Wyoming.

INDIANA COUNTIES

Dearborn. Ohio.

§ 1033.7 Fluid milk product.

"Fluid milk product" means raw, pasteurized or sterilized milk, skim milk, flavored milk, milk drinks, buttermilk, whipping cream, cream (sweet), eggnog, concentrated, reconstituted or fortified milk, filled or imitation milk made from fresh fluid skim milk or nonfat dry milk, and any fluid mixture of cream and milk or skim milk, including fluid, frozen or semifrozen malted milk and milk shake mixtures containing less than 15 percent total milk solids. The term "fluid milk products" includes those products in fluid, frozen (except bulk cream), fortified or reconstituted form, regardless of the process or type of container, but does not include ice cream and frozen dessert mixes, pancake mix, yogurt, sour cream, frozen storage cream, evaporated or condensed milk, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added.

§ 1033.8 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1033.41(a) other than a delivery in bulk form to any milk processing plant.

§ 1033.9 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which contains stationary milk holding facilities and is operated exclusively for the bulk handling or processing of milk or milk products. The term "plant" does not include distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants).

§ 1033.10 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted health authority for the processing and packaging of milk for fluid consumption in the marketing area from which route disposition is made in the marketing area during the month.

§ 1033.11 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as milk or skim milk, to a distributing plant during the month.

§ 1033.12 Pool plant.

"Pool plant" means a plant specified under paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1033.56.

(a) A distributing plant with:

(1) Route disposition within the marketing area during the month of at least 15 percent of its total route disposition, such percentage to be exclusive of receipts from other plants of packaged fluid milk products priced as Class I milk under this or any other Federal order; and

(2) Total route disposition, exclusive of packaged fluid milk products received from other plants and priced as Class I milk under this or any other Federal order, amounting to not less than 50 percent of its total receipts of Grade A milk from dairy farmers, other plants (excluding receipts of packaged fluid milk products from other plants priced as Class I milk under this or any other Federal order and bulk fluid milk products transferred or diverted to it as Class III milk from other plants), and cooperative associations as handlers pursuant to § 1033.16(c) (but excluding any such milk diverted from such plant to a nonpool plant by the cooperative pursuant to § 1033.14(c)) except that:

(i) A plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month, and

(ii) A plant which operates routes all of which service only the campus of Ohio State University, Columbus, Ohio, shall be required to meet the 50 percent requirement only during the months of January, February, October, and November.

(b) A supply plant from which during the month the volume of fluid milk products shipped directly to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such supply plant within the marketing area, if any, is not less than 65 percent during the months of September through February and 35 percent during the months of March through August of the volume of Grade A milk received from dairy farmers at such plant (excluding receipts from other plants or as a diversion pursuant to § 1033.14).

(c) A plant, other than a distributing plant, operated by a cooperative association if, during the month, more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to one or more distributing plants of other handlers qualified under paragraph (a) of this section either from such plant of the cooperative association or pursuant to § 1033.16(c), except that on written request for nonpool status made to the market administrator prior to the beginning of any month, the plant shall be a nonpool plant for such month and for each of the succeeding 11 months in which it does not qualify pursuant to paragraph (a) or (b) of this section on the basis of shipments.

§ 1033.13 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with inspection requirements of a duly consituted health authority for fluid consumption in the marketing area, which milk is (a) received during the month at one or more pool plants, or (b) diverted during the month pursuant to § 1033.14. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1033.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act which is:

(a) Received during the month at one or more pool plants (in the event the milk is delivered from the same farm pickup tank truck to more than one plant, the entire load shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck).

(b) Diverted during the month by a handler from a pool distributing plant to another pool plant or to a nonpool plant, if received at such distributing plant in an amount not less than two (2) days' production of the producer, except in any months of September through February, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and the diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk. Milk diverted to another pool plant or to a nonpool plant shall be priced at the location of the pool plant or nonpool plant where physically received.

(c) Received by a cooperative association in its capacity as a handler pursuant to § 1033.16(c).

§ 1033.15 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

§ 1033.16 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted for its account from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk it delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates another order plant described in § 1033.56; and

(g) Any person who operates an unregulated supply plant.

§ 1033.17 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler and who has route disposition in the marketing area, but who receives no milk from other dairy farmers, or who receives skim milk and butterfat (including the skim equivalent of any product suitable for human consumption which is a derivative from skim milk or milk) from a pool plant or other order plant in an amount of not more than 2,500 pounds during the month: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a distributing plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1033.18 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except:

(1) Producer milk (including own farm production); and

(2) Fluid milk products received from other pool plants.

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged, converted into or combined with another product during the month, or for which other utilization or disposition is not established pursuant to § 1033.33.

§ 1033.19 Chicago butter price.

"Chicago butter price" means the average price per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 1033.20 Designation.

The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1033.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1033.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Pay, out of the fund provided by § 1033.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 1033.30 or has not made payments pursuant to §§ 1033.71 and 1033.73;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate).

(1) On or before the fifth day of each month the minimum price for Class I milk pursuant to § 1033.51(a) and the Class I butterfat differential pursuant to § 1033.52(a) both for the current month and the minimum prices for Class II and Class III milk pursuant to § 1033.51 (b) and (c), and the Class II and Class III butterfat differentials pursuant to § 1033.52 (b) and (c) all for the preceding months;

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 1033.61, and the producer butterfat differential computed pursuant to § 1033.74;

(i) On or before the 12th day after the end of each month;

(1) Notify each handler of his net obligation pursuant to §§ 1033.57 and 1033.60 and of any adjustments pursuant to § 1033.78; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 1033.72(c), to each pool plant. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of producer milk at such plant were used in each class, adjusted to eliminate transfers of fluid milk products to other pool plants;

(j) Prepare and disseminate for the benefit of producers, consumers and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1033.46(a)(9) and the corresponding step of § 1033.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1033.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

Reports, Records, and Facilities

§ 1033.30 Monthly reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler for each of his pool plants, and a cooperative association with respect to milk for which it is the handler, shall report for such month to the market administrator, in the detail and on forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk, including own farm production and quantities diverted to nonpool plants;

(2) Fluid milk products received from other pool plants;

(3) Other source milk, with the identity of each source; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month in bulk and in packaged form, separately;

(b) The utilization or disposition of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts, utilization or disposition as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer:

(1) The total pounds of milk with the average butterfat test thereof,

(2) the amount of the partial payment to such producer made pursuant to § 1033.73; and

(3) the nature and amount of deductions and charges made by the handler;

(e) The name and address of each new producer.

§ 1033.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler specified in § 1033.16(d) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1033.30 (a) through (c), except dairy farmer receipts of Grade A milk shall be reported in lieu of producer milk. Such report shall include a separate statement showing route disposition in the marketing area.

(c) On or before the seventh day after the end of the month each handler who operates a partially regulated distributing plant, except one who elects to make payments pursuant to § 1033.57(b), shall report to the market administrator on forms approved by the market administrator his dairy farmer payroll which shall show for each dairy farmer, the total pounds of milk received from him with the average butterfat content thereof, and the net amount of the payment made to such dairy farmer together with the price, deductions and charges involved.

(d) On or before the 22d day after the end of each month, each cooperative association with respect to milk of each member producer shall submit to the market administrator the association's completed producer payroll which shall list the pounds of milk received with the average butterfat content thereof, the rate and net amount of payment, together with the nature and amount of any deductions and charges involved.

(e) Each cooperative association or federation of cooperative associations qualified to receive payments pursuant to § 1033.72(d) shall:

(1) Submit to the market administrator a report of its activity in market management, pursuant to § 1033.72(d), including data on its receipts and expenditures of cooperative payment funds and a description of the services performed. Such report shall be made available for public inspection following verification by the market administrator.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of services and allocation of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for such program for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of § 1033.72(d).

§ 1033.32 Verification of handler reports.

Each handler shall make available to the market administrator or to his agent, or to such other persons as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 1033.30 and 1033.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 1033.33 Records and facilities.

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other content, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1033.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If, within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1033.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1033.30(a) shall be classified by the market administrator, subject to the provisions of §§ 1033.41 through 1033.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such product shall be included in classifying the total product weight.

§ 1033.41 Classes of utilization.

Subject to the conditions set forth in §§ 1033.43 and 1033.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (except as provided for fortified fluid milk products pursuant to § 1033.40) and butterfat disposed of (including packaged fluid milk products in ending inventory) in a form or manner not specified in paragraph (b) or (c) of this section.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce, added to or disposed of:

(i) Cottage cheese, cottage cheese curd, yogurt and sour cream, except cottage cheese and cottage cheese curd disposed of as livestock or dumped after prior notification to and opportunity for verification by the market administrator.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Ice cream, frozen desserts, frozen cream cheese, butter, and pancake mix;

(ii) Ice cream and frozen dessert mixes, excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids;

(iii) Any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added and which is disposed of as other than sour cream or yogurt;

(iv) Nonfat dry milk; and

(v) Evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans.

(2) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) of this section;

(3) Disposed of in bulk as milk, skim milk or cream to any processor of soup, candy or bakery products which are prepared only for consumption off the premises;

(4) Specifically accounted for as dumped, spilled, or disposed of for animal feed;

(5) Contained in inventories of bulk fluid milk products on hand at the end of the month;

(6) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § 1033.42(b)(1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1033.16(c), not to exceed the quantities calculated pursuant to subdivisions (i) through (vii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1033.16(c)) and milk diverted in bulk tank lots from another pool plant pursuant to § 1033.14;

(ii) Plus 1.5 percent of milk received by transfer from other pool plants in bulk;

(iii) Plus 1.5 percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1033.16(c), except that if the handler operating the pool plant files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(iv) Plus 1.5 percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class III utilization was requested by the operator of such plant and the handler;

(v) Plus 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk transfers of milk to a pool plant of another handler;

(vii) Less 1.5 percent of bulk transfers of milk to nonpool plants;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1033.42(b)(2).

§ 1033.42 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1033.41(c)(6); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1033.41(c)(6).

§ 1033.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product disposed of by a handler from a pool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1033.46 (a)(9) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1033.46(a)(4), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1033.46 (a)(8) or (9) and (b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) Movements in bulk to a pool supply plant from another pool plant, shall be Class III utilization to the extent such utilization is available at the receiving plant after the computations pursuant to § 1033.46 (a)(9) and (b);

(5) Movements in bulk between pool distributing plants shall be assigned to each class at the transferee plant in sequence beginning with Class III milk when the producer milk received during the month exceeds 115 percent of Class I milk at such plant after the computations pursuant to § 1033.46 (a)(9) and (b).

(b) As Class I milk, if moved from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that

is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1033.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products from such nonpool plants;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent that such utilization is available and then to Class III milk; and

(d) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2), or (3) of this paragraph:

(1) If transferred in consumer packages, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to the other class shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1033.41.

§ 1033.44 Responsibility of handler and reclassification of milk.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Producer milk in bulk delivered by a cooperative association as a handler under § 1033.16(c) to the pool plant of another handler or caused to be diverted by the cooperative association from one pool plant to another, shall be deemed to be received as producer milk at the receiving plant and shall be classified according to use or disposition thereat, and the value thereof at the class prices shall be included in the net pool obligation computed for such handler pursuant to § 1033.60. For purposes of location adjustments pursuant to § 1033.53 and administrative expense pursuant to § 1033.76, such milk shall be treated as producer milk of the receiving handler.

§ 1033.45 Skim milk and butterfat in each class.

The market administrator shall correct for mathematical and other obvious errors the monthly pool plant reports submitted under § 1033.30(a) and compute the pounds of skim milk and butterfat in each class for each such plant, subject to the following conditions:

(a) The skim milk disposed of in a product processed by removing water from milk shall be a quantity equivalent to the nonfat milk solids contained in such product plus all the water so removed;

(b) If a handler with two or more pool plants has no fluid milk products to be assigned under § 1033.46(a) (8) or (9), allocations under § 1033.46 and computation of obligations under § 1033.60 shall be determined separately for each of his pool plants;

(c) Except as specified in paragraph (b) above, the market administrator shall combine the receipts and utilization, other than movements between such plants where classification is agreed upon, at all pool plants of such handler for purposes of §§ 1033.46 and 1033.60; and

(d) The classification, allocation, and pool obligation with respect to producer milk for the account of a cooperative association pursuant to § 1033.16 (b) and (c) shall be determined separately from the operations of any pool plant operated by such cooperative association. The skim milk and butterfat so determined in each class shall be used under § 1033.46(c).

§ 1033.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1033.45, the market administrator shall determine the classification of producer milk received at each pool plant, and by a cooperative association in its capacity as a handler, each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1033.41(c)(6);

(2) Subtract from the remainder in each class, the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the remainder or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this subparagraph is effective with respect to each handler other than a handler regulated under the former Greater Cincinnati or Miami Valley, Ohio, order, subtract from the remainder in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) In the sequence specified below and beginning with Class III, subtract from the skim milk remaining in Class II and III milk, but not in excess thereof:

(i) Fluid milk products received from an unregulated supply plant:

(a) For which the handler requests Class II or Class III utilization; or

(b) Which exceed the difference between the pounds of skim milk remaining in Class I milk multiplied by 1.25 less the sum of skim milk in producer milk, skim milk received from other pool handlers and skim milk received in bulk from other order plants; and

(ii) Fluid milk products received in bulk from an other order plant in excess of any similar transfers to such plant, if Class II or Class III utilization was requested by both parties to the transfer;

(6) Subtract from the skim milk remaining in each class, in series beginning with Class III, skim milk in inventory of bulk fluid milk products (and for the first month this subparagraph is effective with respect to each handler other than a handler regulated under the Greater Cincinnati or Miami Valley, Ohio, order, fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the skim milk remaining in each class, pro rata to such quantities, any remaining skim milk in fluid milk products received from unregulated supply plants and not previously subtracted;

(9) Subtract from the skim milk remaining in each class, in the following order, any remaining skim milk in fluid milk products received in bulk from each other order plant, in excess of similar transfers to the same plant, and not previously subtracted;

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts of skim milk by the larger of (a) the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1033.22(k), or (b) the percentage that the remaining Class II and Class III utilization is of the total remaining utilization of skim milk of the handler;

(ii) From Class I, the remainder of such receipts;

(10) Subtract from the skim milk remaining in each class, the pounds of skim milk received in fluid milk products from other pool plants according to classification under § 1033.43(a); and

(11) If the skim milk remaining exceeds the pounds of skim milk in producer milk, subtract such excess from the skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1033.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purposes of computing Class I prices from the effective date hereof, the basic formula price shall be not less than $4.33.

§ 1033.51 Class prices.

Subject to the provisions of §§ 1033.52 and 1033.53, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.75.

(b) *Class II milk.* The Class II milk price shall be the Class III price plus 20 cents.

(c) *Class III milk.* The Class III milk price shall be the basic formula price computed pursuant to § 1033.50, but not to exceed an amount computed as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plant in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1033.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1033.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II and III milk.* Multiply the Chicago butter price for the month by 0.115.

§ 1033.53 Location differentials to handlers.

(a) For that skim milk and butterfat:

(1) In producer milk received at a pool plant located outside the marketing area and more than 65 miles by the shortest highway distance from the nearest point of the intersection of that highway with the boundary line of this marketing area, as determined by the market administrator, and which is (i) moved in the form of a fluid milk product to a pool distributing plant and assigned Class I location adjustment credit pursuant to paragraph (b) of this section or (ii) otherwise disposed of as Class I milk, and

(2) In other source milk for which a location adjustment credit is applicable, the handler's obligation pursuant to § 1033.60 shall be reduced at the rate set forth in the following schedule:

Distance from nearest point of highway intersection on the boundary of the marketing area	*Rate per hundredweight cents*
Less than 65 miles	0
65 miles but less than 100 miles	15
For each 10 miles or fraction thereof in excess of 100 miles, an additional	1.5

(b) (1) Fluid milk products received by a handler at a pool distributing plant from another pool plant under paragraph (a)(1) of this section shall be assigned, for Class I location adjustment credit, to the remaining Class I milk at the transferee plant after the application of § 1033.46(a) (1) through (9), on a pro-rata basis with the aggregate receipts at such plant of producer milk.

(2) If milk eligible for location credit under this paragraph is received from more than one plant, assignment shall be made in sequence beginning with the plant at which the least location adjustment would apply.

§ 1033.54 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

Application of Provisions

§ 1033.56 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1033.12 and a greater volume of fluid milk products is disposed of from such plant to pool plants and as route disposition in the Ohio Valley marketing area than in the marketing area regulated pursuant to such other order during the current month and the month immediately preceding. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with

respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1033.57 Obligations of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 14th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1033.31 (b) and (c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(f) and a credit in the amount specified in § 1033.71(b) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to § 1033.31 (b) and (c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1033.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

COMPUTATION OF UNIFORM PRICE

§ 1033.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, computed pursuant to § 1033.46(c), by the applicable class prices and add the resulting amounts. Subtract the location differential credits calculated pursuant to § 1033.53;

(b) Add the amounts obtained from multiplying the pounds of overage deducted from each class pursuant to § 1033.46(a)(11) and the corresponding step of § 1033.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I or Class II price for the current month, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(6) and the corresponding step of § 1033.46(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(3) and the corresponding step of § 1033.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1033.46(a)(4) and the corresponding step of § 1033.46(b);

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(8) and the corresponding step of § 1033.46(b).

§ 1033.61 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1033.60 for all handlers who filed the reports prescribed by § 1033.30 for the month and who made the payments pursuant to § 1033.71 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1033.75(a);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1033.74 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtract an amount computed pursuant to § 1033.72(d);

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1033.60(f);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 6 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year but that is not more than 25 cents;

(j) Add for each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (i) of this section for the preceding months of April through July;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS FOR MILK

§ 1033.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1033.57 (a) and (b) and 1033.71 shall be deposited in this fund, and all payments made pursuant to § 1033.72 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 1033.61(l) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 1033.61(j); and

(c) The difference between the amount added pursuant to § 1033.61(d) and the amount resulting from the subtraction pursuant to § 1033.61 (g) or (l) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 1033.71 Payments to producer-settlement fund.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1033.22(l)(1) which shall consist of the amount specified in paragraph (a) of this section minus the amount of the credit in paragraph (b) of this section, less the amount paid out to each producer in accordance with § 1033.73 and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll:

(a) The total of the net pool obligation computed pursuant to § 1033.60 for such handler, including any applicable location differential pursuant to § 1033.75(b);

(b) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1033.60(f).

In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 1033.73 (inclusive of the deductions and charges authorized by § 1033.73) will not exceed the total value of the milk received from such producer.

§ 1033.72 Payments to producers and cooperatives from producer-settlement fund.

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 1033.71, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 1033.61 adjusted by the location differential pursuant to § 1033.75 (a) and (b), and the butterfat differential pursuant to § 1033.74, and subtracting any charges and deductions made pursuant to §§ 1033.71 and 1033.77.

(b) On or before the 17th day of the following month, the market administrator shall pay direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

(c) On or before the 16th day of the following month, the market administrator shall pay to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payment.

(d) On or before the 18th day of each month, the market administrator shall pay to a cooperative association or to a Federation of qualified cooperatives, either of which has as members at least 40 percent of the producers whose milk is priced under the order and which is authorized to receive payment pursuant to paragraph (c) of this section, an amount obtained by multiplying the total pounds of producer milk received by handlers during the month by 2 cents per hundredweight: *Provided, however,* That a qualified cooperative or a Federation of qualified cooperatives, to be eligible to receive such funds, shall provide the following marketwide services:

(1) Analyze milk market conditions and publish the results of such analysis.

(2) Determine the need for amendments to the order, formulate proposed amendments, and propose the same.

(3) Participate in proceedings with respect to amendments to the order.

(4) Conduct a comprehensive educational program among producers—members and nonmembers alike—and to issue a publication available to members and to nonmembers on subscription containing relevant data and information about the order and its operation.

An additional 1 cent per hundredweight on the total pounds of producer milk received by handlers during the month shall be paid to qualifying cooperatives or a Federation of qualified cooperatives who operate plants or reload facilities which benefit all producers (except for such facilities used to produce dairy products distributed on routes operated by the cooperatives or Federation of cooperatives) and who as handlers pursuant to § 1033.16 (b) and (c) serve the requirements of distributing handlers either through the delivery of producer milk or the milk of producers or supplemental other source milk as contracts or shipping programs require.

§ 1033.73 Partial producer payments.

(a) On or before the 27th day of each month each handler shall pay to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, not less than $3.50 for each hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1033.5, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made 1 day in advance of the applicable payment date in paragraph (a), subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim with respect to such payments on the part of the cooperative association.

§ 1033.74 Butterfat differential to producers.

In computing the payments due each producer for milk pursuant to § 1033.72, there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 1033.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 1033.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 1033.75 Location differential to producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payment to producers or cooperative associations pursuant to § 1033.72, the uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1033.53(a).

(b) Add 5 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1033.16(c) at a pool plant located within the following counties:

OHIO

Coshocton.	Athens.
Muskingham.	Meigs.
Guernsey.	Gallia.
Morgan.	Jackson.
Noble.	Lawrence.
Washington.	Scioto.

KENTUCKY

Lewis.	Magoffin.
Greenup.	Floyd.
Carter.	Martin.
Lawrence.	Pike.
Johnson.	Boyd.

WEST VIRGINIA

Boone.	Mingo.
Braxton.	Monroe.
Cabell.	Nicholas.
Calhoun.	Pleasants.
Clay.	Putnam.
Fayette.	Raleigh.
Gilmer.	Ritchie.
Greenbrier.	Roane.
Jackson.	Summers.
Kanawha.	Wayne.
Lincoln.	Wirt.
Logan.	Wood.
Mason.	Wyoming.

When milk of an individual producer is physically received at more than one plant (including any nonpool plant) during the month, the location differential rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For the computations pursuant to § 1033.71 the weighted average price shall be adjusted at the rates set forth in § 1033.53(a) applicable at the location of the nonpool plant from which the milk is received.

§ 1033.76 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1033.16(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 14th day after the end of the month, four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own farm production);

(b) Other source milk allocated to Class I pursuant to §§ 1033.46(a)(4) and 1033.46(a)(8) and the corresponding step of § 1033.46(b); and

(c) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

§ 1033.77 Marketing services.

(a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 1033.72, with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The monies received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review by the Secretary.

§ 1033.78 Correction of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the fifth day after such notice.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1033.80 Effective time.

The provisions of this part, or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1033.81 Suspension or termination.

Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1033.82 Continuing power and duty of the market administrator.

If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct, and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1033.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1033.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1033.91 Separability of provisions.

If any provision of this part, or its application to any persons or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1033.92 Termination of obligation.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate 2 years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Proposed by the Babcock Dairy Co. et al.:

Proposal No. 2. That the present area, as described in milk marketing Order No. 41 in § 1041.6, be included in its entirety in a Federal milk marketing order merging the Columbus, Miami Valley, Northwestern Ohio, Tri-State, and Greater Cincinnati orders. The Northwestern Ohio marketing area to be included in the merged order is as follows:

§ 1041.6 Northwestern Ohio marketing area.

The "Northwestern Ohio marketing area" hereinafter called the "marketing area," means all the territory geographically within the places listed below, all waterfront facilities connected therewith, and all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments:

OHIO COUNTIES

Allen.	Morrow.
Fulton.	Crawford.
Henry.	Richland.
Putnam.	Van Wert (city of Delphos only).
Hancock.	Sandusky (Woodville and Madison townships only).
Wood.	
Lucas.	
Seneca.	
Marion.	

MICHIGAN COUNTIES

Monroe (except Ash, Berlin, Exeter, London, Milan and Dundee townships).
Lenawee (Riga, Ogden, Palmyra, Blissfield and Deerfield townships only).

Proposed by the Avoset Co:

Proposal No. 3. In § 1033.41(c), revise subparagraph (1)(iii) to read as follows:

§ 1033.41 Classes of utilization.

* * * * *

(c) Class III milk. Class III milk shall be all skim mik and butterfat:

(1) Used to produce:

* * * * *

(iii) Milk or skim milk and cream mixtures disposed of as a whipped or aerated product, or as a sterilized milk and milk product hermetically sealed in a container and so processed either before or after sealing as to prevent microbial spoilage.

* * * * *

Proposed by the Page Dairy Co.:

Proposal No. 4. Amend the definition of fluid milk product to read as follows:

§ ____.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), "fortified" products, "dietary" milk products, concentrated milk or skim milk, reconstituted milk, skim milk, or milk drinks (plain or flavored), and cream or any mixture in fluid form of cream, milk or skim milk (except eggnog, yogurt, milk shake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal or glass containers).

Proposal No. 5. Amend the classification sections to read as follows:

§ ____.40 Skim milk and butterfat to be classified.

Skim milk and butterfat which are required to be reported pursuant to § ____.30 shall be classified each month by the market administrator pursuant to the provisions of §§____.41 through ____.46.

§ ____.41 Classes of utilization.

Subject to the conditions set forth in § ____.42 through § ____.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, other than those classified pursuant to paragraph (b) (2), (3), (4), and (5) of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat contained in fluid milk products disposed of for livestock feed or in products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed glass or metal containers;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(6) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § ____.42(b) (2) and (3) for each pool plant, not to exceed the quantities calculated pursuant to subdivisions (i) through (vi) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat physically received direct from producers and milk in bulk by diversion from another pool plant pursuant to § ____.14;

(ii) Plus 1.5 percent of milk or skim milk received by transfer from other pool plants in bulk;

(iii) Plus 1.5 percent of receipts of milk or skim milk in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler;

(iv) Plus 1.5 percent of receipts of milk or skim milk in bulk from unregulated supply plant, exclusive of the quantity for which Class II utilization was requested by the handler;

(v) Less 1.5 percent of bulk transfers of milk or skim milk to a pool plant of another handler; and

(vi) Less 1.5 percent of bulk transfers of milk or skim milk to nonpool plants.

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § ____.42(b)(1).

Proposed by Beatrice Foods Co.:

Proposal No. 6. Amend § 1033.7 to read as follows:

§ 1033.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim

milk, buttermilk, concentrated milk, sweet cream, and any mixture of fluid cream and milk or skim milk. The term includes these products in fluid, frozen (except bulk cream) fortified or reconstituted form, but does not include ice cream and other frozen desserts, milk shake mix, ice cream mix, and other frozen dessert mixes (including all similar products containing vegetable fat); aerated cream products, frozen storage cream, sour cream, pancake mix, puddings, yogurt, eggnog, evaporated and condensed milk or skim milk in either plain or sweetened form, either in bulk or in hermetically sealed cans, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added.

Proposal No. 7. In § 1033.12 amend paragraphs (a) and (b) to read as follows:

§ 1033.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1033.56.

(a) A distributing plant from which during the month:

(1) Route disposition made within the marketing area is at least 15 percent of its total route disposition; and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1033.46(a)(5) (i)(a), (ii), and (10)), and cooperatives as handlers pursuant to § 1033.16, including any such milk diverted to other plants pursuant to § 1033.14 by the handler operating such plant, is route disposition during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1033.16(c) but not receipts of other milk on diversion pursuant to § 1033.14). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

* * * * *

Proposal No. 8. Amend § 1033.14 to read as follows:

§ 1033.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants;

(b) Diverted during the month by a handler from a pool plant to another pool plant; or

(c) Diverted by a handler from a pool distributing plant to a nonpool plant if received at such distributing plant in an amount not less than two (2) days' production of the producer, except in any month of September through February, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and the diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk. Milk diverted to another pool plant or to a nonpool plant shall be priced at the location of the pool plant or nonpool plant where physically received.

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1033.16(c).

Proposal No. 9. In § 1033.18, add a new subparagraph (a)(3) to read as follows:

§ 1033.18 Other source milk.

* * * * *

(a) * * *

(3) Sterilized products received and disposed of in the same container.

* * * * *

Proposal No. 10. In § 1033.41, amend paragraphs (a), (b), and (c)(1) to read as follows:

§ 1033.41 Classes of utilization.

Subject to the conditions set forth in §§ 1033.43 and 1033.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c)(2), (3), and (4) of this section;

(ii) Sterilized products disposed of in the same container in which received;

(iii) Fluid milk products which are fortified with the addition of milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content.

(2) Not accounted for as Class II milk, or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cottage cheese curd, cottage cheese and sour cream, except cottage cheese curd and cottage cheese disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Ice cream and other frozen desserts, milk shake mix, ice cream mix and other frozen dessert mixes (including all similar products containing vegetable fat);

(ii) Aerated cream products, frozen storage cream, cheese, butter, pancake mix, puddings, yogurt and eggnog;

(iii) Evaporated and condensed milk, or skim milk in either plain or sweetened form either in bulk or in hermetically sealed cans;

(iv) Any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added;

(v) Spray and roller process nonfat dry milk solids;

* * * * *

11. In § 1033.41, renumber paragraphs (b)(2), (3), (4), (5), (6), and (7) as (c)(2), (3), (4), (5), (6), and (7).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 12. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, Mr. C. T. McCleery, Hartman Building, Room 505, 79 East State Street, Columbus, Ohio 43215; Post Office Box 1195, Cincinnati, Ohio 45201; 434 Third National Bank Building, Dayton, Ohio 45402; 312 Davis Building, 151 Michigan Street, Toledo, Ohio 43624; Post Office Box 33, Gallipolis, Ohio 45631; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: May 13, 1969.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 69-5845; Filed, May 15, 1969; 8:47 a.m.]

[9 CFR Part 317]

COMPOSITIONAL AND LABELING REQUIREMENTS FOR CERTAIN SAUSAGE PRODUCTS

Announcement of Public Hearing

On December 25, 1968, there was published in the FEDERAL REGISTER (33 F.R. 19251) an announcement of oral public hearing to consider proposed amendments to the Federal Meat Inspection Regulations (9 CFR Ch. III, Subch. A) pertaining to frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

Requests were received from individuals and organizations to postpone the hearing on the basis that additional time was required to complete investigational and research activities being conducted to produce information and data germane to the subject matter of the hearing. On January 24, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1169) an announcement postponing the public hearing.

The investigational and research activities germane to the subject matter of the hearing that necessitated the postponement of the hearing have now been completed. Notice is hereby given that oral public hearing will be held with respect to the following proposed amendment to the Federal Meat Inspection Regulations pertaining to the fat content of frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

The hearing will commence at 10 a.m., on June 18, 19, and 20, 1969, in Room 218A, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C.

The Presiding Officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any interested person may present any data, views, or arguments he wishes to offer at the hearing. It will facilitate the conduct of the hearing if persons who wish to testify at the hearing will notify the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, in writing or by telephone (Area Code 703-557-4391) as soon as possible to that effect, stating they wish to testify and how long a time they would like to have to present their testimony. However, any person who wishes to testify at the hearing will be afforded opportunity to do so, whether he has given such advance notice or not. Testimony will not be under oath but cross-examination will be allowed.

Written comments and information relating to the proposal in lieu of, or in addition to, oral testimony are encouraged to be submitted. Participation in the hearing will not be necessary to have written evidence or comments fully considered. Written material may be submitted in duplicate by any interested person on or before June 27, 1969, to the Office of the Hearing Clerk, Room 112A of the U.S. Department of Agriculture, Washington, D.C. 20250, and will be available there for public inspection during normal office hours (9 a.m. to 5:30 p.m. Mondays through Fridays, except holidays).

The hearing will be open to the public. A stenographic transcript will be made of the hearing and copies of the transcript can be obtained from the reporter by any person upon request and payment of the cost of such copies. The transcript will be filed and available for public inspection in the Office of the Hearing Clerk as stated above.

Statement of consideration. Data accumulated by the Department reflect gradual increases in fat content of cooked sausages during recent years. They show a possible need to limit the amount of fat in products of this type to prevent adulteration with fat. The proposed fat content limitation is based on extensive analytical data accumulated by the Department's meat inspection laboratories through routine sample examinations for a number of periods extending beyond the past decade. It represents the maximum fat content that is currently normal to these sausage products. The fat limitation would provide for the continued production of products as now merchandised. Under this proposal it would be possible for processors to produce products with varied fat content as long as the expressed maximum limitation is not exceeded.

After the hearing, the Department will evaluate all relevant material presented at the hearing or otherwise in the possession of the Department, e.g. oral testimony and written submissions of comments, data, and information, and will determine what action should be taken with respect to the proposed amendment.

Information relating to the proposed amendment is on file in the office of the Hearing Clerk, Room 112A of the U.S. Department of Agriculture, Washington, D.C. 20250, where it is available for review during the normal office hours at 9 a.m. to 5:30 p.m., Mondays through Fridays, excepting holidays.

Section 317.8(c)(40) of the regulations (9 CFR 317.8(c)(40)) would be amended by adding at the end thereof a new sentence to read: "Cooked sausage such as frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages shall contain no more than 33 percent of fat."

Done at Washington, D.C., on May 15, 1969.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69-5937; Filed, May 15, 1969; 10:21 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18425]

OPERATION OF TELEVISION BROADCAST STATIONS BY REMOTE CONTROL

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of television broadcast stations by remote control, Docket No. 18425, RM-1340.

1. On January 17, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-48) inviting comments on a proposal to permit operation of VHF television stations by remote control. The date for filing comments has expired on April 25, 1969. The date designated for filing reply comments is May 9, 1969.

2. On May 2, 1969, A. Earl Cullum, Jr. and Associates (Cullum) requested the Commission to extend, for a period of two weeks, the date for filing reply comments. Cullum states that more time is needed to obtain and review comments filed, for summarizing the positions taken and reporting them to the affected stations, for obtaining reactions from the affected stations and for the preparation of reply comments.

3. It appears that the additional time requested is warranted. *Accordingly, it is ordered,* That the time for filing reply comments is extended from May 9, 1969, to and including May 23, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 9, 1969.

Released: May 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief,
Broadcast Bureau.

[F.R. Doc. 69-5850; Filed May 15, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

PURCHASING OR CARRYING REGISTERED STOCKS

Credit by Banks

Pursuant to the authority contained in the Securities Exchange Act of 1934

(15 U.S.C. 78g), the Board of Governors is considering amending Part 221 in the following respects:

Section 221.3 would be amended by adding paragraph (x) to read as follows:

§ 221.3 Miscellaneous provisions.

* * * * *

(x) *Third market maker exemption.* (1) In the case of credit extended to a Third market maker, as defined in subparagraph (2) of this paragraph (x), for the purpose of purchasing or carrying a stock that is registered on a national securities exchange (other than a convertible security described in § 221.3(t)(1) of this part) in order to conduct the market making activity of such a market maker, the maximum loan value of any such stock, except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of the Internal Revenue (Regs. section 1-1236-1(d)), shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall, at least 10 full business days prior to such extension of credit, have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market making activity, and all other reports required to be filed by Third market makers pursuant to a rule of the Securities and Exchange Commission, and except when such activity is unlawful shall not have ceased to engage in such market making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-3, executed by the Third market maker who is the recipient of such credit and executed and accepted in good faith [11] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market making activity, a bank may rely on such a statement, if executed and accepted in accordance with the requirements of this paragraph (x).

(2) A Third market maker with respect to a stock that is registered on a national securities exchange is a dealer who has and maintains net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)), of $250,000 for each such stock in respect of which he has filed and not withdrawn a notice with the Securities and Exchange Commission (but in no case does this subparagraph (2) require net capital of more than $1,500,000), who is in compliance with such rule of the Commission and who, except when such activity is unlawful, meets all the following conditions with respect to such stock: (i) He furnishes bona fide, competitive bid and offer quotations at all times to other broker/dealers on request, (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iii) he does no more than 25 percent of his business in the stock with other market makers and national securities exchanges and (iv) he has a reasonable average rate of inventory turnover on the stock.

The proposed change in § 221.3 is to provide an exemption for bank credit extended to broker/dealers that are not members of any national securities exchange in connection with their market making function in the "third market", that is, the "over-the-counter" market for exchange-listed stocks.

This proposal closely parallels a similar exemption, published for comment by the Board (FEDERAL REGISTER of February 15, 1969; 34 F.R. 2268, 2272) for broker/dealers making a market in certain stock, not registered on a national securities exchange (OTC stock), to be selected by the Board for inclusion on its list of OTC margin stock. Any broker/dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) would be eligible for the proposed "Third market maker" exemption if he met the standards set forth in the regulation (including maintaining certain minimum net capital), had filed with the Securities and Exchange Commission a notice of his intent to begin or continue such "market making" activity, and continued to file such other reports as were required pursuant to a rule respecting market makers in the "third market" that the Commission would adopt. The bank would have to obtain a statement on a new form designated F.R. Form U-3, from the market maker that he is properly registered and will use the credit obtained pursuant to the exemption to finance such activities.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be submitted to any Federal Reserve Bank, to be received not later than June 16, 1969. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

Dated at Washington, D.C., this 5th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5815; Filed, May 15, 1969; 8:45 a.m.]

[11] As described in § 221.3(a).

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

STATE UNIVERSITY OF NEW YORK AT BUFFALO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00559-01-77040. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, N.Y. 14214. Article: Mass spectrometer, Model RMU-6E with heated inlet system. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for confirmation and determination of structure of organic substances obtained by synthesis and from natural materials. The instrument will be used by graduate and undergraduate students, faculty, and post-doctoral fellows. Specific uses by research groups are as follows: (1) A study of the fragmentation of pyrimidine, such as 4-methylpyrimidine and 2-amino-5-formyl-4-pyrimidone related heterocyclic compounds, pyridines, quinolines, and pteridines. (2) A study to determine the isotopic composition of certain compounds as an aid in work on reaction mechanisms. (3) A study to determine structure identification, molecular weight determination and isotopic contents in mechanistic chemistry. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69-00561-33-46040. Applicant: The Rockefeller University, 66th and York Avenue, New York, N.Y. 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for high resolution studies of viruses, viral components, macromolecules such as proteins and nucleic acids, macromolecular complexes, and virus-infested cells and cellular organelles, particularly cell membranes. Viruses under study include polio, influenza, parainfluenza, reo, and adenoviruses. In addition to high resolution studies of the intact virus particles, extensive examination of components such as capsomeres, nucleocapsids, hemagglutinins, neuraminidase, and viral nucleic acids will be carried out. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00562-33-46040. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in a research program requiring the study of normal and diseased human lymphoid tissue, experimentally altered tissue in laboratory animals, and the distribution of foreign proteins in experimental animals. It will also be used for studying normal and pathological prostate and cardiac tissue of humans and experimental animals. Particular attention will be paid to the substructure of mitochondria. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00563-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michaelson special model with motor. Manufacturer: Sopra, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michaelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00564-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michaelson special model with motor. Manufacturer: Sopra, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michaelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00565-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michaelson standard model. Manufacturer: Sopra, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5813; Filed, May 15, 1969; 8:45 a.m.]

UNIVERSITY OF VIRGINIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00554–00–46040. Applicant: University of Virginia, Department of Materials Science, Thornton Hall, Charlottesville, Va. 22901. Article: Double-tilt heating stage for a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for research in metals. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69–00555–33–46040. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to study intracellular organelle differentiation following induction with reference to the effect of ionizing radiation upon the morphological changes. The organelles to be studied will be the meiotic spindle, changes of the morphology of the chromosomes when becoming compact to form the sperm head and alterations of the process of irradiation. The Golgi body forming the sperm acrosome will be studied. The formation of the nebenkern, and sperm tail middlepiece, from the mitochondria is now being investigated and will continue. High resolution study or proteins will be carried out. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69–00556–01–07730. Applicant: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103. Article: X-ray diffraction Guinier camera, Model XDC–700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for the identification of crystalline powders, and for research developing the methods of analyses by X-ray diffraction. The inherent features of the article make it possible to measure crystal lattice constants to a very high precision and to detect the presence of very small amounts of a particular crystal phase. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69–00557–65–07520. Applicant: University of California, Berkeley Campus, Berkeley, Calif. 94720. Article: Microcalorimeter, Model Mark II and accessories. Manufacturer: Microscal Ltd., United Kingdom. Intended use of article: The article will be used for research programs on the adsorption of surfactants on metals and for a study of the adsorption of surfactants of water-mineral surfaces. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69–00558–33–46040. Applicant: University of California, Davis, School of Veterinary Medicine, Davis, Calif. 95616. Article: Electron microscope, Model EM6B. Manufacturer: GEC–AEI Electronics, Ltd., United Kingdom. Intended use of article: The article will be used for both teaching and research. It is essential for the students obtaining advanced degrees in pathology, microbiology, parasitology, and immunology to be well trained in this area so that investigations on the molecular level can be carried out. Biomedical research will include the following areas:

a. Morphology and ultrastructure of animal viruses that produce disease and cancer in different kinds of animals.

b. Replication of animal viruses on the cellular level with emphasis on the sites and mode of virus reproduction.

c. Studies on feline and canine leukemia with special reference to the mode of transmission, cell types and sites of virus synthesis.

d. Effects of beta-lysins and other cationic proteins on morphological alterations of bacteria.

e. Changes in the pulmonary system in response to toxic and physical factors.

f. Study of glomerular lesions in canine pyometra and associated renal disorders.

g. Ultrastructure of macrophages in cellular immunity and antibody production.

Application received by Commissioner of Customs: April 28, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5814; Filed, May 15, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2407) has been filed by the CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.2 part per million for residues of the herbicide 1, 1 - dimethyl - 3 - (α,α,α - trifluoro - *m*-tolyl)-urea in bagasse resulting from concentration and carryover after application of the herbicide on the growing crop sugarcane.

Notice was given in the FEDERAL REGISTER of December 3, 1968 (33 F.R. 17927), that the same firm had filed a related pesticide petition (PP 9F0764) proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide in or on the raw agricultural commodity sugarcane.

Dated: May 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–5820; Filed, May 15, 1969; 8:45 a.m.]

[Docket No. FDC–D–125; NDA 9–807]

S. E. MASSENGILL CO.

Parterol; Notice of Withdrawal of Approval of New-Drug Application

An announcement pertaining to Parterol was published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1840).

The S. E. Massengill Co., Bristol, Tenn. 37620, sponsor of new-drug application No. 9–807 covering the drug Parterol (2.5 milligrams of dihydrotachysterol per milliliter), has requested that the Commissioner of Food and Drugs, without further notice, enter a final order withdrawing the application's approval.

The firm stated that they do not wish to avail themselves of an opportunity for a hearing as provided by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Parterol as covered by the subject application is intended to prevent relapses in uncomplicated milk fever.

Therefore, pursuant to the provisions of the act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner, at the request of the applicant and on the basis of the foregoing, withdraws approval of new-drug application No. 9–807 effective on date of signature of this document.

Dated: May 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5821; Filed, May 15, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16080; Order 69–5–47]

CONTAINERIZATION

Order Regarding Request for Extension of Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1969.

By telegram dated April 16, 1969, The Flying Tiger Line Inc. (Flying Tiger), requested a 30-day period for additional discussions among the air carriers concerning containerization, stating that the date for filing concurrences in a proposed new container agreement had passed, that affirmative votes had not been received from all interested carriers, and that additional discussions are necessary if the carriers are to reach an agreement acceptable to all carriers.

The Board has earlier approved discussions among the carriers and with shippers, frequent meetings have been held and minutes thereof have been filed with the Board and disseminated to all interested parties.[1] The latest effort of the carriers indicates that a new and substantially revised proposal was considered in March 1969, and was circulated to all interested air carriers for adoption as an agreement to be filed with the Board. The proposal has not received the necessary signatures and has not been filed with the Board.

American Airlines, Inc., and United Air Lines, Inc. (United), support the request of Flying Tiger for Board approval of an extension of the containerization discussions; United further states that it does not wish the present container agreements extended. No other party has opposed or supported the request of Flying Tiger.

Upon consideration of the carrier's request, the Board will extend the carrier's authority to hold discussions for an additional 30 days.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. The discussion period granted by ordering paragraph 2 of Order 69–2–15, dated February 4, 1969, is extended for an additional period of 30 days from the date of this order; and

2. All other terms and conditions of Order 69–2–15, supra, and Order 68–7–124 dated July 25, 1968, authorizing discussions continue unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5848; Filed, May 15, 1969; 8:47 a.m.]

[1] Order 69–2–15, dated Feb. 4, 1969, authorized discussions until Apr. 5, 1969, and approved the extension of the expiry date of the present container agreements (Agreements CAB Nos. 19981 and 19982, as amended) to May 6, 1969.

[Docket No. 20781; Order 69–5–46]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority May 12, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements would amend an IATA resolution relating to round-trip fares on North and Mid-Atlantic routes, which the Board has approved through March 31, 1970, and set for investigation in Order 69–4–138. This amendment, in conformity with the elimination of international round-trip discounts, would preclude the use of domestic round-trip discounts in countries where they are now offered in the construction of through international round-trip fares. Additionally, resolutions governing North and Mid-Atlantic 14–21-day excursion fares would be amended so as to clarify that children's discounts will apply with respect to weekend surcharges.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval shall be subject to the condition hereinafter ordered.

Agreement CAB	*IATA resolution*
20939	JT12(Mail 586)150a.
	JT123(Mail 586)150a.
20948	JT12(Mail 588)070d.
20954	JT12(Mail 589)070f.
	JT123(Mail 589)070f.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 20939, set forth in the above finding paragraph, is deferred with a view toward eventual approval provided such approval shall be limited through March 31, 1970; *Provided further*, That this agreement shall be incorporated into the investigation in this docket, instituted by Order 69–4–138; and

2. Action on Agreements CAB 20948 and CAB 20954, set forth in the above finding paragraph, is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–5849; Filed, May 15, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MAY 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1969, through May 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–5818; Filed, May 15, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18546; FCC 69–493]

BEACON RADIO, INC.

Order Designating Application for Oral Argument

In re application of Beacon Radio, Inc., Berlin, Wis., Docket No. 18546, File No. BMP–12479, for additional time to construct radio Station WISS, Berlin, Wis.

1. The Commission has before it the above captioned application for additional time to construct Station WISS, Berlin, Wis. The background of this matter is set forth below.

2. On July 1, 1966, Beacon Radio, Inc., filed an application for a new standard broadcast station at Berlin, Wis. The following were officers and stockholders in the applicant:

Name	Date of birth	Office held	Percentage of stock
Jeanne P. Donald, Shawano, Wis	Aug. 1, 1902	Treasurer	33⅓
Sherwood Lorenz, Clintonville, Wis	June 14, 1922	Vice President and Secretary	33⅓
Raymond G. Gruetzmacher, Shawano, Wis	Oct. 13, 1923	President	33⅓

Because these matters will be raised infra, it is apparent from the above table that none of the officers of the applicant were residents of Berlin. None made any commitment to move to Berlin. Additionally, the age of the officers at the time the application was filed is apparent from the birth date data filed and mentioned in the table.

3. Thereafter, on December 13, 1967, the Commission granted the aforementioned application and authorized construction of a new standard broadcast station at Berlin, Wis. The permit that was issued provided in part that the date of required commencement of construction was February 13, 1968 and the date of required completion of construction was August 13, 1968.

4. Subsequently on April 26, 1968, the permittee filed an application for Commission consent to the assignment of the construction permit of Station WISS to Kingsley H. Murphy (BAP–761). Reasons for assignment were given as follows:

The principals of Beacon Radio, Inc., have concluded that they are not at this time, in a position to construct the proposed station, place it in operation and give it the time and attention necessary to provide the best quality broadcast service for the community of Berlin. The principal consideration in reaching this decision has been the health and age of Mrs. Jeanne Donald, a one third owner in the company • • •

5. August 9, 1968, the permittee filed an application for additional time to complete construction of Station WISS (BMP–12479). The permittee stated its reason as follows:

There is presently pending an application to assign the WISS construction permit to Kingsley H. Murphy, Jr. (BAP–761). That application sets forth the reasons why the permittee has been unable to construct. It is the permittee's understanding that the proposed assignee stands ready to proceed with the construction.

6. On March 12, 1969, the Commission's Broadcast Bureau addressed a letter to the permittee which asked a number of questions. The permittee's response was filed on March 19, 1969. For convenience, each question is followed by the permittee's response.

Question 1: When was it first determined that you were unable to construct the station?

Answer: Early in 1968, January or early February we arrived at the decision not to construct the station.

Question 2: What is the matter with Mrs. Jeanne Donald's health? When did it develop? What is Mrs. Donald's age?

Answer: Mrs. Donald has been subject to severe tension headaches and much sleeplessness. Her doctor's opinion was that this was the result of overwork and stress. He advised against her taking on any further responsibilities in additional businesses. This can be substantiated with a statement from her physician if it is necessary.

Question 3: Why should the health and age of Mrs. Donald, a Treasurer and Director of the permittee, affect construction of the station?

Answer: First, Mrs. Donald's inability to participate in the actual work of operating the station would place a heavier load on the other two parties involved. We have delineated duties within the operation to specific people, best qualified of our group to handle them. If Mrs. Donald were not active, her share would have to be borne by others not as qualified as she. Further, even if Mrs. Donald were not actively engaged in the business, it would not lessen her concern for its success. In fact, it could heighten it. This concern, it was felt, was a good part of her problem. In a small broadcast operation with limited potential it is imperative that everyone involved be able and willing to carry his share of the load.

Question 4: The assignment application (BAP–761) contains a contract of sale dated April 3, 1968. Please state when negotiations for the assignment of the construction permit were initiated.

Answer: Negotiations for the assignment of the construction permit were initiated in February of 1968. Filing for the extension of time was necessary, of course, due to the long time involved in the application for transfer.

7. We note in regard to the permittee's response to Question 2 that according to Commission records Jeanne P. Donald is a 100 percent owner, treasurer, and director, Shawano County Leader Publishing Co., Shawano, Wis., which is the licensee of Station WTCH, Shawano, Wis.

8. On the basis of the information before us, we cannot determine whether the reasons advanced by the applicant in support of its request for an extension of time to complete construction, in light of Beacon Radio's statements in the original application, and its responses to the letter from the Commission's Broadcast Bureau supra constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended and § 1.534(a) of the Commission's rules.

9. Therefore, we believe that an oral argument is indicated. The copending assignment application will be held in abeyance pending the outcome of this argument. In view of the above, *It is ordered*, That the above captioned application is designated for oral argument before the Commission en banc in Washington, D.C., at 10 a.m. on June 16, 1969, on the following issue:

To determine whether the reasons advanced by the applicant in support of its request for an extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communication Act of 1934, as amended and § 1.534(a) of the Commission's rules.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission's rules, in person, or by its attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for the oral argument and present arguments on the issue specified and may file a brief or Memorandum of Law ten (10) days prior to the date set for oral argument.

Adopted: May 7, 1969.

Released: May 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5851; Filed, May 15, 1969; 8:48 a.m.]

[1] Commissioners Robert E. Lee and Wadsworth dissenting.

[Docket Nos. 18381, 18382; FCC 69R–206]

VIKING TELEVISION, INC., AND CALVARY TEMPLE EVANGELISTIC ASSOCIATION

Memorandum Opinion and Order Modifying Issues

In re applications of Viking Television, Inc., Minneapolis, Minn., Docket No. 18381, File No. BPCT–3772; Calvary Temple Evangelistic Association, Minneapolis, Minn., Docket No. 18382, File No. BPCT–4091; for Construction Permit for New Television Broadcast Station.

1. This proceeding involves the mutually exclusive applications of Viking Television, Inc. (Viking), and Calvary Temple Evangelistic Association (Calvary), which seek a construction permit for a new commercial television broadcast station to operate on Channel 23, Minneapolis, Minn. By order, FCC 68–1126, released November 26, 1968, these applications were designated for consolidated hearing under Suburban and financial issues against Calvary; a limited financial issue against Viking; and a standard comparative issue.[1] Presently before the Review Board are (a) petition to enlarge and to modify issues, filed December 16, 1968, by Calvary;[2] and (b) further petition to enlarge issues, filed February 28, 1969, by Calvary.[3]

2. In its first petition, Calvary seeks the addition of adequacy of staff and various financial issues against Viking and "modification" of the designation order herein with respect to Viking's first year operating costs. Calvary's further petition seeks misrepresentation, real party in interest, site availability and § 73.613(a) waiver (studio location) issues against Viking.[4]

COST ESTIMATE ISSUE

3. Calvary first requests the addition of an issue to determine the adequacy of Viking's estimate of first year operating costs. Calvary alleges that, by an amendment of July 12, 1967, Viking reduced its first year "operational expenses" (first year costs minus equipment payments) from approximately $583,000 to $217,000; that contrary to Viking's expressed intention to effect "drastic economies" in its programing, its revised program schedule reflects no substantial changes; and that therefore a substantial question is raised on the face of the application as to the adequacy of Viking's "revised" first year cost proposal and/or the applicant's ability to effectuate its proposed programing.[5] In addition, Calvary alleges that Viking cannot effectuate its proposal to broadcast national educational film programs. To support this allegation, Calvary submits a statement of the vice president for network affairs of National Educational Television, which indicates that NET programs are not generally available to commercial stations in markets with NET affiliates (as is the case in the Minneapolis market) and no program rights have been given to any Minneapolis commercial applicant. Since Viking contemplates 182 hours of such programing during its first year of operation, and its cost estimate purports to reflect the expense involved in airing these films, the unavailability of such programs, according to the petitioner, renders Viking's cost proposal even more suspect. Absent an explanation in opposition, the Broadcast Bureau supports the addition of a cost estimate issue.

4. In opposition, Viking argues that the petitioner's allegations are based on surmise, speculation and unsupported assumptions contrary to the requirements of § 1.229. Furthermore, Viking submits that its July 1967 amendment constituted, in effect, a new application reflecting various ownership, engineering and programing changes. Viking contends that it was this amended application which was considered and designated for hearing by the Commission, and that it is therefore incumbent upon petitioner to demonstrate that the cost estimates contained in its amended application are unreasonable, without regard to previous estimates whose reasonableness has never been established. Viking also submits the affidavit of one of its directors who indicates that, based on his 18 years' experience in television program production, free films of an educational and informational variety are available for use by the applicant and that the use of these free films and other low-cost films will not increase the predicted first-year operating costs of Viking.

5. The request for a cost estimate issue will be denied. The first-year cost estimates appearing in Viking's amended application are not unreasonable on their face, and petitioner has failed to raise questions about any of Viking's allocations which have not been satisfactorily explained by the applicant. The mere fact that Viking amended its application prior to designation and thereby reduced its first-year cost estimates is an insufficient basis for specifying the requested issue. See Snake River Valley Television, Inc., FCC 69R–86, 16 FCC 2d 613 (1969). Nor do petitioner's allegations, which are for the most part unsupported by the affidavits of persons with personal knowledge, warrant the requested Board action.

6. Viking's amendments also provide the basis for the allegations in support of this issue. Thus, Calvary argues that although Viking's program proposal has remained essentially unchanged, that applicant has failed to explain the manner by which it proposes to implement its program proposal with 14 full-time and 9 part-time employees when 25 full-time employees were originally contemplated. As noted by the Broadcast Bureau, Calvary has failed to allege any specific facts establishing that Viking's proposed staff is inadequate to effectuate its proposal. Calvary's allegations are, once again, not supported by affidavits of persons with personal knowledge and, in any event, are insufficient to warrant further consideration.

THE FINANCIAL ISSUE

7. Viking proposes to meet its construction and first year operating costs, in part, by a $200,000 bank loan and $300,000 in stock subscriptions. The bank loan from the First National Bank of Minneapolis is to be secured by specified collateral to be pledged by certain Viking stock subscribers. In designating Viking's application for hearing, the Commission found that stock subscribers Harold W. Bangert and Barbara D. Marmet are relying on some of the same assets to secure the loan and to establish their ability to meet their respective stock commitments; issues were therefore specified to determine whether these stock subscribers had current and liquid assets sufficient to meet their stock subscriptions and bank loan pledges. An issue was also specified to determine whether another Viking stock subscriber, Morton H. Henkin, has sufficient assets to meet his stock subscription. Calvary now seeks to expand these issues to include a determination of whether Morton Henkin and a fourth Viking stock subscriber, Irving Beaudoin, will have sufficient current liquid assets to meet both their stock and pledge commitments.

MORTON H. HENKIN

8. In support of his ability to meet his $66,667.50 stock subscription to Viking, Henkin submitted a financial statement in lieu of a balance sheet representing that he has $306,225 in assets and no liabilities with respect to the listed items.[6] Included among the assets described therein is an item—"Interest bearing items including certificates of deposit, promissory notes and other interest bearing items—$275,000." Calvary submits that Henkin has pledged a specified certificate of deposit valued at $50,000, to secure the bank loan. Petitioner questions whether this certificate has also been used to demonstrate Henkin's ability to meet his stock commitment; and, if so, whether Henkin will be able to meet his loan pledge obligation.

9. Petitioner correctly recognizes that evidence on the issue presently specified against Henkin may moot the necessity for further inquiry into the pledge matter. In fact, as noted by the Broadcast Bureau, in determining whether Henkin has sufficient current, liquid assets with which to meet his stock subscription commitment, the assets he has pledged as security for the bank loan will necessarily be considered. In the Board's view, therefore, an additional issue with respect to Henkin's ability to meet his pledge obligation would be redundant.

IRVING BEAUDOIN'S COMMITMENTS, REAL PARTY IN INTEREST AND MISREPRESENTATION ISSUES[7]

10. Calvary contends that, in order to meet his $90,999 stock subscription commitment to the applicant, Beaudoin has relied, in part, on the assets of his two corporate holdings—Southview Properties and Southview Buildings. However, petitioner submits and attempts to demonstrate that Beaudoin has also pledged all of the outstanding shares of these two corporations to the First

[1] By memorandum opinion and order, FCC 69R–134, ____ FCC 2d ____, released Mar. 18, 1969, the Review Board amended the financial issue against Calvary and specified a comparative efforts issue.

[2] The following related pleadings are also before the Board: (a) Comments, filed Jan. 31, 1969, by the Broadcast Bureau; (b) opposition, filed Feb. 6, 1969, by Viking; (c) supplement to opposition, filed Feb. 27, 1969, by Viking; (d) reply, filed Feb. 28, 1969, by Calvary; and (e) supplemental reply, filed Mar. 3, 1969, by Calvary.

[3] The following related pleadings are also before the Board: (a) Comments, filed Mar. 27, 1969, by the Broadcast Bureau; (b) opposition, filed Mar. 27, 1969, by Viking; and (c) reply, filed Apr. 16, 1969, by Calvary.

[4] Although Calvary's further petition to enlarge issues was not filed within the 15-day period provided by the rules, this petition resulted from Calvary's investigation of information contained in Viking's opposition of Feb. 6, 1969, and supplement thereto, filed Feb. 27, 1969. Inasmuch as the further petition was filed promptly thereafter, the Board finds that good cause for the late filing is present.

[5] While Calvary suggests that an "Evansville" issue may be warranted, the Board notes that the Commission has dispensed with the use of such procedure, and petitioner's suggestion is therefore superfluous. See memorandum opinion and order, FCC 67–812, 9 FCC 2d 26, adopted July 5, 1967.

[6] Based on this showing, the Commission specified an issue against Henkin as described above.

[7] Due to the interrelationship of the allegations and responses thereto concerning the financial, real party in interest and misrepresentation issues contained in both Calvary petitions, these issues will be treated together.

National Bank of Minneapolis as partial security for the Viking loan.[8] Calvary argues that the financial information concerning Beaudoin submitted with Viking's October 1, 1968, amendment shows that Beaudoin has net current assets over current liabilities of $121,000, of which $90,000 in assets are attributable to Southview Properties and Southview Buildings; and that without these Southview assets (which have been pledged to the bank as security), Beaudoin would be unable to meet his $90,999 stock subscription commitment. Calvary therefore requests issues to determine whether Beaudoin has sufficient current liquid assets to meet both his stock commitment and pledge obligation.

11. Calvary also seeks an issue to determine whether, in fact, Beaudoin will have available the value attributed to his Southview holdings. Calvary notes that Choban Realty & Insurance Co. has indicated its willingness to purchase from Beaudoin the outstanding shares of both Southview corporations for $90,000;[9] that Choban Realty has failed to demonstrate its ability to meet its commitment to Beaudoin as required by FCC Form 301; that Choban Realty's "bare assertion" that its liquid assets exceed its current liabilities by more than $200,000, is insufficient; and that therefore, Beaudoin may not properly rely on the availability of these funds.[10] In addition, Calvary avers that Beaudoin may not rely on "Accounts Receivable of Law Firm—$10,000" in order to meet his stock obligation. Reliance on such items, petitioner submits, is not permissible without a specific showing that such assets will, in fact, provide funds to meet proposed commitments.

12. Finally, although Calvary does not indicate the precise nature of the issue requested, petitioner questions the "sudden and unexplained appearance" of Southview Buildings, Inc. (with a gross value of $300,000, a net worth of $119,000, and a claimed liquid value of $50,000), among Beaudoin's assets. Petitioner avers that this asset appears for the first time in the financial portion of Viking's amendment of October 1, 1968,[11] and that previous balance sheets of Beaudoin reveal "a total absence of any capability on the part of Mr. Beaudoin to acquire such an asset." Beaudoin's sudden acquisition of this valuable asset, according to Calvary, requires "extraordinary scrutiny and, pertinently, the specification of an appropriate issue." The Broadcast Bureau supports the addition of an issue to determine whether Beaudoin has sufficient assets to meet his respective obligations.

13. In opposition, Viking contends that none of its stockholders have intended or now intend to rely upon the same collateral to be pledged to the bank in order to meet their respective commitments to Viking. Initially Viking notes that the bank pledge agreement contemplates that the bank will accept as security the specific collateral of each shareholder (as described in Viking's letter to the Commission, dated Feb. 27, 1968), or its then equivalent in market value at the time of tender.[12] Thus, in February, 1968, Beaudoin's pledge obligation of $75,000 would have been met by a pledge of 100 shares of Southview Properties ($40,000) and 100 shares of Southview Buildings ($35,000). However, Viking submits that the net worth of these two assets has risen substantially in the past year and that Beaudoin need now pledge only 63 shares of Southview Buildings, Inc. in order to satisfy his $75,000 pledge to the bank.[13] In assessing Beaudoin's ability to meet his $90,999 stock commitment, Viking contends that Beaudoin has the following current, liquid assets: $5,000 cash in banks; $5,000 cash surrender value on life insurance; 35 shares of Southview Buildings, Inc. valued at $50,000; 98 shares of Southview Properties, Inc. valued at $40,000;[14] and certain residential property for which Kassan Realty Co., has made an offer in an amount of $17,000.[15] Thus, Viking avers that Beaudoin has a minimum of $117,000 in current assets minus $6,000 in current liabilities, or $111,000 with which to meet his $90,999 stock commitment.

14. With respect to the increase in valuation of shares in Southview Properties and Southview Buildings, Viking submits that the buildings located on the properties owned by the two corporations were completed subsequent to the applicant's initial financial showing; and that a series of favorable economic and other factors have increased the net worth of Southview Buildings, Inc. The factors include favorable interest rates, waiver and discounts obtained from architect and general and subcontractors, favorable lease arrangements for office space, reduction in encumbrances and an increase in area land values due to the institution of a multimillion dollar area urban renewal project.

15. In reply, Calvary finds "incredulous" Choban Realty's willingness to almost triple its per-share offer for what would now be a minority interest (35 shares) in Southview Buildings, Inc., in a period of less than 4 months; and challenges Choban Realty's explanation (submitted with Viking's opposition) for its increased offer.[16] Calvary argues that Beaudoin's explanation for the rapid rise in the value of Southview Buildings lacks specificity and is suspect in that Southview Properties' land, which is adjacent to Southview Buildings' property, has not experienced a similar increase in value. In light of Viking's allegedly "incredible and distressingly vague representations made in the opposition", Calvary conducted an investigation which developed the following alleged facts: Choban Realty is wholly owned by one Michael Choban; Choban was Beaudoin's contractor for the buildings owned by the

[8] An explanatory letter contained in Viking's amendment of Dec. 18, 1967, indicates that the specified security pledged to the bank includes:

100 shares Southview Properties, Inc.	$40,000
100 shares Southview Buildings, Inc.	35,000
	75,000

[9] Contrary to petitioner's assertion, copies of the Choban Realty letters concerning Southview Properties and Southview Buildings appear in both the original and duplicate dockets.

[10] In addition, Calvary contends that, in a similar fashion, Kassan Realty has not shown that it can meet its offer of $17,000 for other Beaudoin real estate.

[11] Elsewhere in the instant petition Viking submits that neither Southview Properties nor Southview Buildings appeared separately in Beaudoin's initial balance sheet submitted with the application; the July 12, 1967, amendment lists only Southview Properties; the Feb. 23, 1968, amendment reveals an unencumbered value of $35,000 for 100 shares of Southview Buildings, Inc.; and the Oct. 1, 1968, amendment reflects a cash offer of $50,000 for Southview Building's stock.

[12] This contention is supported by the affidavit of Viking's board chairman and a letter from a bank official, attached to the instant opposition.

[13] The alleged net worth of Southview Buildings, Inc. is $119,000, or $1,190 per share; 63 shares would thus be valued at $74,970. Submitted with Viking's opposition is a letter indicating the bank's willingness to accept this stock as the agreed security. The alleged net worth of Southview Properties, Inc. is $45,500.

[14] The financial statement of Choban Realty Co., which has offered to purchase the Southview stock, is submitted in Viking's supplementary opposition.

[15] Exhibit 9 of the instant opposition contains a renewed verified offer by Kassan Realty to purchase the property and pledges funds represented by an unencumbered certificate of deposit issued by Northwestern National Bank of South St. Paul, Minn., for the sum of $19,200, in order to demonstrate its financial capability. In addition, Kassan Realty's president verifies that the current assets of Kassan Realty exceed its current liabilities by more than $100,000. This showing which has not been substantively challenged by petitioner, is sufficient to demonstrate this company's ability to meet its offering price.

[16] Choban Realty stated that " * * * the original purchase offer of Choban Realty Co. [for Southview Buildings' stock] was far below the then market value of the total number of shares, and this fact, together with the increase in valuation of the property owned by the corporation and your deduction in encumbrances against the property fully warrants, in our opinion, this offer * * *." Calvary questions the reliability of the initial offer and acceptance, and the reasons for Choban Realty's failure to offer less than market value for Southview Properties' shares.

Southview corporations; Beaudoin has deeded certain portions of these properties to Choban; Choban appears in the pertinent records as an owner of these properties and has executed mortgages thereon; and the 1969 tax assessment bills for both properties are in the name of Choban Realty Co.[17] Calvary contends that the foregoing raises substantial questions as to the actual interest of Beaudoin in these assets and as to whether the Choban Realty offers are valid, "armslength" offers upon which Beaudoin and Viking may rely. The allegations contained in Calvary's reply are incorporated by reference in that applicant's further petition to enlarge issues, wherein misrepresentation and real party in interest issues are requested. Petitioner argues that Viking has failed to disclose "the intimate and material relationship between, if not, a unity of, Messrs. Beaudoin and Choban"; and that therefore a misrepresentation issue is required; and further that, based on petitioner's showing, a substantial question exists as to whether Michael Choban is the real party in interest to the Viking application.

16. In opposition to Calvary's further petition to enlarge issues, Viking avers that Beaudoin has requested two independent appraisals of the properties owned by the Southview corporations, both of which allegedly substantiate Beaudoin's estimates.[18] Furthermore, Viking submits Beaudoin's affidavit which states that the Southview corporations, in fact, own the various properties described; that Choban Realty is the general contractor engaged by Beaudoin's two corporations; that in order to obtain construction mortgages and retain a security interest for the balances owed under the construction contracts, Choban Realty was made the fee title holder of certain properties; that Choban Realty has conveyed back to the two corporations the respective properties involved by way of contracts for deed,[19] and that Beaudoin has consistently reported all encumbrances on his property and has submitted current and complete financial information to the Commission. In addition, Beaudoin affirms that Choban has never had, does not now have, and will not have any interest in the Viking application.

17. In reply, Calvary contends that Viking's opposition clearly reflects that Beaudoin does not now and has not in the relevant past owned properties which previously were implied to be owned by him; that Beaudoin has no present right to such properties, such rights being vested in Choban; that Beaudoin is clearly precluded from dealing with the properties at will; and that Beaudoin has no alternative but to rely on Choban's "offers" to "purchase". Calvary finds it apparent that Viking "would not have apprised the Commission of Mr. Choban's involvement had it not been forced to do so" by Calvary's inquiry; and therefore Calvary renews its request for a misrepresentation and concealment issue. With respect to the real party in interest question, Calvary submits that Beaudoin and Choban have been intimately related in the past in common efforts to acquire various governmental entitlements.[20]

18. It appears from the instant pleadings that Choban Realty holds the fee title to the properties located at 450 Southview Boulevard and 412 Southview Boulevard. Based on the undisputed allegations contained in Viking's pleadings, the Board is persuaded that such title was conveyed to Choban Realty by Beaudoin in order to permit the former to obtain a construction mortgage and retain a security interest in the real estate for the sums due Choban Realty on construction contracts with Beaudoin.[21] It is equally evident, however, that there presently exists two enforceable contracts for deed by which Choban Realty is obligated to reconvey these properties to Beaudoin. Under these circumstances, the Board finds that the two subject properties have been properly claimed as assets by Beaudoin and may be relied upon to the extent to which they have been shown to be "liquid". Thus, Beaudoin has not misrepresented his interest in the properties described or concealed any encumbrances thereon, and a misrepresentation issue will not be specified.

19. With respect to the bona fides of the Choban Realty offers the Board is of the view that petitioner has not shown that they represent anything other than legitimate, "arms-length" transactions between Beaudoin and Choban Realty. Thus, the pleadings reveal that the net worth of Southview Properties, Inc. is approximately $45,500, or $455 per share.[22] The value of 98 shares of said corporation would be $44,590; Choban Realty's offer of $40,000 would appear reasonable. In a similar fashion, Southview Buildings, Inc. has a net worth of approximately $119,000, or $1,190 per share.[23] Thirty-five shares of this company would be worth $41,650; Choban Realty's offer of $50,000 again appears reasonable in light of the increase in value of the stock during recent months. While Calvary suggests that the applicant's failure to offer specifics as to a first mortgage on 450 Southview Boulevard (held by Twin City Federal Savings and Loan Association), may, in some manner, render the Choban offers suspect, it appears that all outstanding encumbrances on the assets held by the Southview corporations have been reported to the Commission and were known to Choban at the time the offers were made.[24] Thus, the Board is persuaded that the offers of Choban Realty are genuine and are based on reasonable business judgment; that the Beaudoin-Choban relationship revealed by the pleadings does not raise substantial questions as to the existence of any further, undisclosed interest held by Choban in the instant application; and, in light of the affidavits submitted with Viking's opposition, a real party in interest issue is therefore unwarranted.

20. While, as previously noted, the Board is satisfied that the Choban Realty offer of $90,000 for the stock of

[17] Affidavits and exhibits are submitted insupport of these contentions.

[18] Beaudoin's affidavit and letters of estimate indicate as follows:

	Beaudoin estimates	Appraiser 1	Appraiser 2
Southview Buildings, Inc.:			
450 Southview Blvd.	$250,000	$235,000	$242,900
200 5th Ave. South	20,000	20,000	18,000
202 3d Ave. South	30,000	30,000	30,000
Total	300,000	285,000	290,900
Southview Properties, Inc.:			
412 Southview Blvd.	110,000	102,000	109,250
814 2d Ave. North	18,500	18,500	19,250
Total	128,500	120,500	128,500

These figures allegedly represent the market value of the properties. The amounts of existing encumbrances have been deducted by Viking in order to arrive at the net worth figures. See footnote 13, supra.

[19] The contracts for deed are submitted with the opposition.

[20] Calvary submits excerpts from testimony by Beaudoin offered before the Federal Home Loan Bank Board, allegedly reflecting the "extent and intimacy of the Beaudoin-Choban relationship." According to petitioner, in 1965 Beaudoin and Choban sought authority from the State of Minnesota and the Federal Home Loan Bank Board to establish a savings and loan operation in South St. Paul.

[21] The Board need not determine whether this manner of construction financing is "normal" or "extraordinary". Petitioner has not demonstrated any impropriety with respect to the transfer of the fee title in order to secure supplemental financing.

[22] This "net worth" valuation (value minus encumbrances) appears in Beaudoin's September 1968 balance sheet. The property values for Southview corporation assets specified therein are generally consistent with the estimates offered by two independent appraisers submitted with Viking's opposition.

[23] The First National Bank of Minneapolis has indicated its present willingness to accept 63 shares of Southview Buildings, Inc., in satisfaction of Beaudoin's $75,000 pledge commitment. At $1,190 per share the pledge value would equal $74,970.

[24] Calvary's reply contains allegations as to various matters not previously considered. For example, Calvary's allegations with respect to Beaudoin's 1965 testimony before the Federal Home Loan Bank Board have been offered for the first time in its reply. Viking has not been afforded an opportunity to reply to such allegations, and they therefore may not, and will not be considered by the Board.

the Southview corporations is genuine, the balance sheet submitted by Choban does not demonstrate that company's ability to meet its offering price. The balance sheet reflects a total stockholder's equity of $296,745; however, Choban Realty claims an asset of $267,423 for "Net Equity in Contracts for Deed." Although Choban Realty's accountant indicates that this valuation is "reasonable" since "a significant portion of the above contracts are well seasoned," this explanation, without more, is insufficient to demonstrate the liquidity of this asset. The financial information submitted fails to indicate the manner in which such an asset would be converted into a "liquid" asset or the period of time necessary for such conversion. An issue will therefore be specified to determine whether the $90,000 offering price will be available to Beaudoin in order to meet his stock commitment to Viking.[25]

MCDERMOTT STOCK COMMITMENT

21. In Viking's October 1, 1968 amendment, the stock subscription obligation of Joseph T. McDermott was increased to $3,000. Calvary contends that inasmuch as McDermott has been afforded the election of fulfilling his commitment by cash or services, Viking cannot rely on this obligation in order to demonstrate its cash availabilities. An appropriate issue is therefore requested.

22. The balance sheet which accompanies McDermott's stock pledge indicates a net worth of $31,200, cash in banks of $21,000, and total liabilities of $8,800. These figures are unchallenged and indicate McDermott's ability to meet his stock commitment in cash. However, in the event that McDermott chooses to fulfill his obligation through services to Viking,[26] Viking's capital requirements would, as noted by the Bureau, thereby be proportionately reduced. Thus, any further inquiry with respect to McDermott's stock obligation is unwarranted.

MODIFICATION OF THE DESIGNATION ORDER

23. Calvary contends that the Commission overlooked certain matters and/or erred in arriving at a determination of Viking's "first year operating costs." In the instant designation order, the Commission (at footnote 1) stated that Viking would need $202,000 for first year operating costs and $15,000 for miscellaneous expenses. Calvary argues that Viking's application reveals that first year operating costs were estimated by the applicant at $217,000 and, in addition, $15,000 was allocated for "other" expenses, including legal, engineering fees and miscellaneous. Secondly, Calvary submits that the Commission erroneously added to Viking's asserted financing availabilities the amount of $14,242 for cash and prepaid expenses, although Viking's balance sheet of September 13, 1968 shows that $13,183.39 has already been expended for prepaid expenses and costs of acquisition. Finally, Viking's equipment down payment, according to petitioner, was incorrectly found to be $125,000 when, in fact, the actual amount required would be $126,970 (25 percent of the total cost of $507,880). Calvary requests that the Board modify the designation order with respect to these matters. The Broadcast Bureau argues that the Commission's computations are correct and the requested modifications are unwarranted.

24. In response, Viking states that the of the first year construction costs which correct operating cost estimate should be $217,000 "without legal and engineering fees and miscellaneous (which are part will have to be met by Viking)." However according to Viking, inasmuch as the designation order already shows an operating cost figure of $202,000 and a miscellaneous expenses figure of $15,000, no change in the total costs is necessary. In addition, Viking argues that the expenses which it has already incurred will reduce the amount of cash needed by Viking to meet its first year expenses. Viking agrees that the Commission erred in computing its equipment down payment estimate. The applicant concedes that the proper figure should be $126,970 and not $125,000; however, Viking also contends that the $7,880 estimated by the Commission to be required for "equipment not covered by deferred credit", is incorrect since the letter of credit from its equipment supplier contained in its application was intended to cover all equipment. Viking avers that the following allocations should be used as a guide to determine whether Viking can meet its first year expenses:

Down payment on equipment	$126,970
Payments and interest on equipment	37,458
Miscellaneous expenses	15,000
First year operating costs	217,000
	396,428

If the above modifications "are too complicated and would involve any procedural irregularities" Viking states that it will accept the Commission's finding that this applicant will require $389,292 for construction and first year operating costs.

25. By Order, FCC 69M–210, released February 20, 1969, the Examiner accepted an amendment to Viking's application which contains a supplemental financial statement regarding first year cost estimates. Therein, the applicant states that its first year operating expenses will amount to $217,000; "other" expenses, including legal, engineering and miscellaneous expenses, have been estimated at an additional $15,000; and $126,970 has been allocated for Viking's down payment on equipment totaling $507,897. Insofar as the instant pleadings are addressed to these allocations, further discussion is unnecessary in light of the Examiner's action herein. With respect to the matter of Viking's prepaid expenses, the Bureau correctly notes that expenses of this nature, already incurred, are properly credited to the applicant, as they are reflected in that applicant's total obligation. To the extent that a portion of its estimated costs are satisfied, Viking may be properly considered to have these funds "available."

STUDIO LOCATION WAIVER AND SITE AVAILABILITY ISSUES

26. Viking proposes to locate its studio at 4444 West 76th Street, Edina, Minn. Due to the location of the studio outside the corporate limits of Minneapolis, Viking, prior to designation, requested a waiver of Rule 73.613(a).[27] Calvary points out that the Commission did not act on the waiver request, and argues that a decision on the request must be made at some point in the proceeding and that the Board is empowered to provide for the necessary inquiry at hearing. The Broadcast Bureau notes that while Viking's waiver request specifies Edina as the station location, the engineering section of the application indicates that the street address is located in Minneapolis.[28] The Bureau supports the request for a waiver issue.

27. The Board finds that an immediate grant of the waiver request is warranted. Viking's studio location is located approximately 20 blocks from the nearest point of Minneapolis; is served by the Minneapolis post office; and is readily accessible to downtown Minneapolis. Good cause has been shown for the waiver of this rule, and a grant of the instant request is consistent with Commission precedent. Florida Gulfcoast Broadcasters, Inc., 32 FCC 197, 23 RR 1 (1962), affirmed 37 FCC 833, 4 RR 2d 1 (1964), reconsideration denied 38 FCC 1, 4 RR 2d 81 (1965), affirmed 352 F. 2d 726, 6 RR 2d 2001 (D.C. Cir. 1965); Erway Television Corp. 8 FCC 2d 24, 9 RR 2d 1376 (1967).

28. With respect to the availability of the site selected as Viking's studio location, Calvary alleges that the lessee of the site is Empire Photosound, Inc.; that said lessee has advised Calvary's affiant that the only discussions with Viking regarding the space had taken place approximately 2 years ago; that no lease or agreement had ever been signed or reached; and that said property is not now available, nor will it be available in the foreseeable future. Calvary submits a further affidavit of one Floyd Klang, who affirms that in telephone conversations with Empire Photosound's president, the latter evidenced his unwillingness to lease the subject facilities to Viking. The Bureau supports the requested issue on the basis of these affidavits.

29. In opposition, Viking submits the affidavit of the president of Empire Photosound, Inc., who states that although no formal lease or agreement has been executed, Empire's previous commitment to lease studio space to Viking has remained unchanged; that such commitment is reaffirmed; and that Empire's facilities are adequate to serve the needs of both Viking and Empire.

30. In reply, Calvary argues that the affidavit of Empire Photosound's president merely indicates that his company reaffirms its commitment "to lease if available necessary facilities and manpower * * *." Petitioner emphasizes the term "if available", and argues that Empire has not shown its ability to effect a sublease of the property or expand the existing facilities. Calvary submits a statement from the vice president of the owner (lessor) of the building in question, who states that no commitment has been made for a television studio; that the building space is entirely leased; and that no vacancies are anticipated for the next few years.

31. The Board notes that the unsworn statement of the building owner's officer does not indicate that Empire Photosound would be prevented from subleasing its existing facilities consistent with Empire's commitment to Viking. In addition, the affidavit submitted with Viking's opposition clearly indicates that Empire's commitment has remained unchanged and that the existing facilities are adequate to serve the needs of both Empire and Viking. Under these circumstances, the Board finds that Viking has demonstrated that it has reasonable assurance as to the availability of its specified site, and an issue will therefore not be specified.

32. *Accordingly, it is ordered*, That the petition to enlarge and to modify issues, and the further petition to enlarge issues, filed December 16, 1968, and February 28, 1969, respectively, by Calvary Temple Evangelistic Association, are granted to the extent indicated below and are denied in all other respects; and

33. *It is further ordered*, That the request for waiver of § 73.613(a) of the Commission's rules, filed July 12, 1967, by Viking Television, Inc., is granted; and that said rule is hereby waived; and

34. *It is further ordered*, That existing issue (1), is modified as follows:

(1) To determine with respect to the application of Viking Television, Inc.:

(a) Whether Harold W. Bangert, Morton H. Henkin, and Barbara D. Marmet, have sufficient current and liquid assets in excess of current liabilities to enable them to meet their stock subscription commitments to the applicant.

(b) Whether Barbara D. Marmet and Harold W. Bangert, in addition to those assets required in issue "a", have the necessary common stock available to be pledged to secure the $200,000 bank loan from the First National Bank of Minneapolis.

(c) Whether, in view of the evidence adduced under issue "b", the $200,000 bank loan from the First National Bank of Minneapolis will be available to the applicant.

(d) Whether Choban Realty Co. has available funds in an amount of $90,000; and in light thereof, whether Irving W. Beaudoin will have sufficient assets to meet his $90,999 stock commitment to Viking Television, Inc.

(e) Whether, in view of the preceding issues, the applicant is financially qualified.

Adopted: May 9, 1969.

Released: May 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5852; Filed, May 15, 1969; 8:48 a.m.]

[25] In its first petition, Calvary requested an issue to determine the terms and conditions of Viking's loan from the First National Bank of Minneapolis in light of the alleged "double commitments" of the Viking shareholders. As noted herein, an additional clarifying statement from the bank has been furnished with Viking's opposition. Furthermore, issues with respect to any alleged "double commitments," other than those specified in the designation order, are not warranted by the instant pleadings. The issue specified above relates only to Beaudoin's ability to meet his stock commitment and does not relate to his pledge obligation. Therefore, the additional requested issue will not be added. Moreover, although the ability of Kassan Realty to meet its offer has been demonstrated (see footnote 5, supra), such funds would appear unnecessary if Viking is able to meet the issues already specified.

[26] McDermott is vice-president and director of Viking and has had experience in television producing and directing.

[27] Rule 73.613(a) provides, in part, that:

The main studio of a television station shall be located in the principal community to be served.

[28] While there is some inconsistency as to the location of the street address, Viking's waiver request contains complete information as to the precise studio location, and the applicant's statements to the contrary must be considered erroneous.

FEDERAL MARITIME COMMISSION

INTER-AMERICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

David Orlin, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9648–A–2, between the member lines of the Inter-American Freight Conference, petitions extension of approval of Agreement No. 9648–A, as amended, beyond the present August 16, 1969 termination date.

The basic agreement is now scheduled to terminate on August 16, 1969 pursuant to the terms of the Commission's approval for a duration of 18 months in its order served February 16, 1968, in Docket No. 67–48, Inter-American Freight Conference Agreements Nos. 9648 and 9649 and other related agreements.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–5853; Filed, May 15, 1969; 8:48 a.m.]

CITY OF MILWAUKEE AND STEARNS MILWAUKEE SEAWAY, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. A. Seefeldt, Municipal Port Director, city of Milwaukee, Room 606, City Hall, Milwaukee, Wis. 53202.

Agreement No. T–2259–1 between the city of Milwaukee (City) and Stearns Milwaukee Seaway, Inc. (Stearns), amends the basic agreement between the parties which provides for the lease of certain marine terminal property in Milwaukee, Wis. The amendment provides for the exclusive use and occupancy of an open dock facility designated as South Pier 1 Open Dock (the premises), located on the Milwaukee outer harbor plus preferential but nonexclusive berthing privileges at adjacent docks. Rental will be a fixed monthly sum plus 30 percent of all gross storage income in excess of $30,000 annually earned by Stearns in operation of the premises. In addition Stearns will pay wharfage fees of 25 cents per gross ton for general cargo and steel products and 10 cents per gross ton for pig iron, scrap and bulk commodities moved across the dock to or from vessels at the premises. When the volume of general cargo and steel products combined exceeds 75,000 gross tons in any single calendar year, Stearns will pay wharfage of 50 cents per gross ton on all general cargo and steel products exceeding

75,000 tons. When other stevedores use the crane on the premises for cargo handling, applicable wharfage will not be counted in computing Stearns' wharfage fees.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5854; Filed, May 15, 1969; 8:48 a.m.]

U.S. NORTH ATLANTIC PORTS/SPANISH PORTS IN VIGO/PASSAJES RANGE FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Manager, Conferences and Rates, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement No. 9793, between Spanish Line, Fresco Line, and American Export Isbrandtsen Lines, Inc., provides for the formation of the U.S. North Atlantic Ports/Spanish Ports in the Vigo/Passajes Range Freight Conference, which will operate in the eastbound trade from North Atlantic ports of the United States (Hampton Roads/Maine Range) either direct or via transshipment to Spanish ports.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5855; Filed, May 15, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-722 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 7, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-722..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	443	2	El Paso Natural Gas Co. (Mendel Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	$2,799	4-7-69	[2] 5-8-69	10-8-69	11.28	[3] [4] 17.50	
	do	303	3	Panhandle Eastern Pipe Line Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	1,158	4-7-69	[2] 5-8-69	10-8-69	17.5	[4] [5] 18.5	RI68-554.
	do	456	6	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	607	4-7-69	[2] 5-8-69	10-8-69	[6] 17.25	[4] [5] [6] 19.5	RI68-133.
RI69-723..	Ainsle Perrault (Operator) et al., 301 Philtower Bldg., Tulsa, Okla.	1	2	El Paso Natural Gas Co., (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).		4-7-69	[2] 6-1-69	11-1-69	13.0	[7] [8] 14.0	RI64-452.
	do	2	2	El Paso Natural Gas Co., (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).		4-7-69	[2] 6-1-69	11-1-69	13.0	[7] [8] 14.0	RI64-452.
RI69-724..	Rincon Oil & Gas Corp., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201.	4	1	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	209	4-11-69	[9] 5-12-69	10-12-69	13.0	[9] [10] 14.0	
	do	5	2	do	642	4-11-69	[9] 5-12-69	10-12-69	13.0	[9] [10] 14.0	
RI69-725..	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	142	9	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	8,196	4-9-69	[9] 5-10-69	10-10-69	[11] 14.2679	[9] [10] [11] 15.2924	RI64-484.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-726..	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	239	36	Transwestern Pipeline Co. (Panhandle Area, various Counties, Tex.) (RR. District No. 10) (Oklahoma "Other" Area).	$374,531	4-7-69	[2] 5-8-69	10-8-69	[6] 17.0	[4] [6] [12] 19.5	
	do	121	30	Northern Natural Gas Co. (Hansford Field, Hansford and Hutchinson Counties, Tex.) (RR. District No. 10).	95,265	4-7-69	[2] 5-8-69	10-8-69	[6] 17.5	[4] [6] [12] 18.5	RI68-3.
RI69-727..	Humble Oil & Refining Co. et al.	309	8	Arkansas Louisiana Gas Co. (Chenier Brake Field, Ouachita Parish, La.) (North Louisiana Area).	1,372	4-7-69	[2] 5-8-69	10-8-69	[13] 18.333	[9] [12] [13] 19.333	
RI69-728..	Sun Oil Co.—DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	283	7	Arkansas Louisiana Gas Co. (Arkoma Area, Red Oak Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	240	4-7-69	[2] 5-8-69	10-8-69	15.0	[6] [12] 16.0	
	do	284	5	Arkansas Louisiana Gas Co. (Arkoma Area, George Carman "A" Unit, Pittsburg County, Okla.) (Oklahoma "Other" Area).	240	4-7-69	[2] 5-8-69	10-8-69	15.0	[4] [12] 16.0	
RI69-729..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	16	18	Natural Gas Pipeline Co. of America (Southeast Camrick Pool, Beaver County, Okla.) (Panhandle Area).	320	4-7-69	[2] 5-10-69	10-10-69	[6] 18.4	[4] [5] [12] 18.6	RI68-593.
	do	23	19	Natural Gas Pipeline Co. of America (Camrick Field, Boyd Area, Beaver County, Okla.) (Panhandle Area).	2,980	4-7-69	[2] 5-8-69	10-8-69	[6] 18.0	[4] [6] [12] 18.2	RI68-593.
RI69-730..	E. A. Obering (Operator) et al. Post Office Box 706, Mt. Vernon, Ill. 62864.	1	3	Michigan-Wisconsin Pipe Line Co. (Beene Gas Unit, Laverne Field, Harper County, Okla.) (Panhandle Area).	2,075	4-9-69	[9] 5-10-69	10-10-69	[13] 20.4	[4] [12] [13] 22.9	RI68-166.
RI69-731..	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	37	[14] 3	Texas Eastern Transmission Corp. (Deep Formations, Northeast Lisbon Field, Claiborne Parish, La.) (North Louisiana Area).	1,722	4-11-69	[9] 5-12-69	10-12-69	[15] 17.8519	[9] [15] 19.0	RI69-173.

[2] The stated effective date is the effective date requested by Respondent.
[3] Increase from applicable area ceiling rate to contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Respondent filing from fractured increased rate to full contract rate.
[6] Subject to a downward B.t.u. adjustment.
[7] Increase from rate inclusive of 1-cent minimum guaranteed payment for liquids to rate exclusive of 1-cent minimum guaranteed payment for liquids.
[8] Pressure base is 15.025 p.s.i.a.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Periodic rate increase.
[11] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[12] Includes 1.333 cents tax reimbursement.
[13] Includes base rate of 19.5 cents plus upward B.t.u. adjustment before increase and base rate of 22 cents plus upward B.t.u. adjustment after increase (1,000 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment
[14] Applicable only to acreage previously dedicated under Respondent's Rate Schedule No. 4.
[15] Renegotiated rate increase.
[16] Includes 1.75 cents tax reimbursement.

Rincon Oil & Gas Corp. requests a retroactive effective date of January 1, 1969, for its proposed rate increases. E. A. Obering (Operator) et al., request an effective date of May 7, 1969, and Hassie Hunt Trust requests an effective date of April 1, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co., Humble Oil & Refining Co. (Operator) et al., and Humble Oil & Refining Co. et al. (all referred to herein as Humble), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to their rate filings and such requests are denied.

The basic contracts related to the proposed rate increases filed by Ainsle Perrault (Operator) et al. (Perrault), contains a 1-cent-per-Mcf-minimum-guarantee-for-liquids provision but this 1 cent has been excluded from the proposed rate. Perrault is advised that a notice of change in rate will be required if he intends to collect the 1-cent-per-Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.

Tenneco Oil Co. (Tenneco) proposes a 15.2924 cents per Mcf rate increase which reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, Southern Union Gathering Co. (Southern Union), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. Southern Union questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While Southern Union concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to Tenneco's rate filing shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Humble in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-5754; Filed, May 15, 1969; 8:45 a.m.]

[Docket No. G-3891 etc.]

D. B. McCONNELL ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 8, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–3891 C 4–28–69	Mountain Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	Ben Gatlieman, d.b.a. Central-West Virginia Producers, Union District, Ritchie County, W. Va.	(1)	.....
G–7238 C 4–28–69	Rock Camp Oil & Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	do	(1)	.....
G–7239 C 4–28–69	Lucky Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	do	(1)	.....
G–7240 C 4–28–69	Twin Forks Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	do	(1)	.....
G–7241 C 4–25–69	Union Gas Co., c/o A. M. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	do	(1)	.....
G–7242 C 4–25–69	Richards Oil & Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	do	(1)	.....
G–7243 C 4–28–69	Low Gap Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 26337.	do	(1)	.....
G–7244 C 4–28–69	Standard Oil Co. of Texas, a Division of Chevron Oil Co., Post Office Box 1249, Houston, TX. 77001.	Transcontinental Gas Pipe Line Corp., High Island Area, Offshore, Jefferson County, Tex.	15.81	14.65
G–7245 C 4–25–69	Fred Roberts, 511 North Akard, Suite 1206A, Dallas, Tex. 75201.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	14.0	14.65
G–7246 C 4–24–69	Tom Cook, Jr.	Texas Eastern Transmission Corp., Hilltop Springs Field, Gregg County, Tex.	Depleted	.....
G–7247 C 4–28–69	Horizon Oil & Gas Co. of Texas, 1216 Hartford Bldg., Dallas, Tex. 75201.	Buck Gas Gathering System, Inc., Plank Field, Baca County, Colo.	[1] 14.60	14.65
G–7248 C 4–25–69	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Panhandle Eastern Pipe Line Co., Sherman-Lawrence Field, Beaver County, Okla.	[4] 19.55	14.65
G–16393 E 4–21–69	John H. Hill (Operator) (successor to Champlin Petroleum Co.), c/o Gordon L. Llewellyn, Attorney at Law, 905 Southland Center, Dallas, Tex. 75201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Moscow Field, Beaver County, Okla.	[3] 15.0	14.65
CI60–153 D 4–24–69	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Cities Service Gas Co., acreage in Seward County, Kans.	Assigned	.....
CI63–914 C 4–25–69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	[2] 17.0	14.65
CI68–1148 C 4–24–69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	28.0	15.325
CI69–985 A 4–23–69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 154 Field, Ship Shoal Area, Federal Offshore Louisiana.	21.25	15.025
CI69–986 A 4–23–69	David C. Bintliff (Operator) et al., 1308 Bank of the Southwest Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Bayou Boeuf Field, Lafourche Parish, La.	21.25	15.025

Provided, however, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given:

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–3891 C 4–28–69	D. B. McConnell (Operator) et al. c/o John M. Shuey, attorney, 604 Johnson Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Sligo Field, Bossier Parish, La.	[1] 11.466	15.025
G–7241 C 4–25–69	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
G–16393 E 4–21–69	Sun Oil Co. (successor to Van-Guard Oil Co.), 1608 Walnut St., Philadelphia, Pa. 19103.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sloane Field, Beaver County, Okla.	[2] 15.0	14.65
CI60–153 D 4–24–69	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Cities Service Gas Co., acreage in Seward County, Kans.	Assigned	.....
CI63–914 C 4–25–69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	[2] 17.0	14.65
CI68–1148 C 4–24–69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	28.0	15.325
CI69–985 A 4–23–69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 154 Field, Ship Shoal Area, Federal Offshore Louisiana.	21.25	15.025
CI69–986 A 4–23–69	David C. Bintliff (Operator) et al., 1308 Bank of the Southwest Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Bayou Boeuf Field, Lafourche Parish, La.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69–1011 A 4–28–69	Gulf Oil Corp. (Operator) et al.[5]	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills and Ellis Counties, Okla.	[6] 21.60	14.65
CI69–1012 A 4–28–69	David Fasken et al.,[10] c/o Richard S. Brooks, attorney, 608 First National Bank Bldg., Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, North Indian Basin Morrow Field, Eddy County, N. Mex.	[2] 16.0	14.65
CI69–1014 A 4–28–69	Robert C. Armstrong, 655 Fourth National Bank Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Edwards County, Kans.	[2] 16.0	14.65

[1] Subject to deduction for compression charges.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Nonpayment.
[4] Includes 2.55 cents upward B.t.u. adjustment.
[5] Predecessor, Champlin Petroleum Co., is presently collecting 17 cents per Mcf, effective subject to refund in Docket No. RI67–402.
[6] Subject to reduction for compression and/or treating costs if required.
[7] Applicant agrees to accept certificate at 16.5 cents per Mcf, conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[8] Applicant states its willingness to accept certificate with an initial price of 15 cents per Mcf, subject to B.t.u. adjustment, for acreage in Roger Mills County and 17 cents per Mcf, subject to B.t.u. adjustment, for acreage in Ellis County.
[9] Includes 3.60 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[10] Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468–A.

[F.R. Doc. 69–5755; Filed, May 15, 1969; 8:45 a.m.]

[Dockets Nos. RI69–732 etc.]

TEXACO INC. ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 9, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–732	Texaco Inc., Post Office Box 2420, Tulsa, Okla. 74102.	326	[2] 1	Kansas-Nebraska Natural Gas Co., Inc. (Northeast Boyd Field, Beaver County, Okla.) (Panhandle Area).	$1,968	4–16–69	[3] 5–27–69	10–27–69	[2] [6] 17.0	[2] [4] [5] [6] 18.0	
RI69–733	Reading & Bates Production Co. et al. (Operator), 1100 Philtower Bldg., Tulsa, Okla. 74103.	1	2	Natural Gas Pipeline Co. of America (Nobscot Field, Custer and Dewey Counties, Okla.) (Oklahoma "Other" Area).	520	4–16–69	[3] 5–17–69	10–17–69	[6] [7] 15.015	[4] [6] [7] 16.015	RI68–616.
RI69–734	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. Attention: Mr. John J. Carter.	346	[10] 11	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	10,000	4–16–69	[3] 5–17–69	10–17–69	[6] 17.0	[4] [6] 19.5	
	do	4	17	United Gas Pipe Line Co. (Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	119	4–15–69	[3] 6–19–69	11–19–69	13.1664	[4] [6] 14.1792	
	do	273	4	United Gas Pipe Line Co. (Normanna Field, Bee County, Tex.) (RR. District No. 2).	2,592	4–15–69	[3] 6–1–69	11–1–69	[6] 17.5	[4] [6] [11] 19.6850	[9]
	do	422	4	United Gas Pipe Line Co. (Karen Beauchamp Field, Goliad County, Tex.) (RR. District No. 2).	205	4–15–69	[3] 6–19–69	11–19–69	13.1664	[4] [6] 14.1792	
RI69–735	J. M. Huber Corp. (Operator) et al., 2401 East Second Ave., Denver, Colo. 80206.	35	2	Natural Gas Pipeline Co. of America (Twin (Marmaton) Field, Hansford County, Tex.) (RR. District No. 10).	112	4–16–69	[3] 5–17–69	10–17–69	17.0	[4] [6] 18.0	
RI69–736	Mull Drilling Co. (Operator) et al., Wichita Plaza Bldg., Wichita, Kans. 67202.	5	4	Panhandle Eastern Pipe Line Co. (South Hopewell Field, Pratt and Edwards Counties, Kans.).	1,200	4–21–69	[3] 7–1–69	12–1–69	16.0	[4] [6] 17.0	
RI69–737	Sun Oil Co.—DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	22	[9] 13	United Gas Pipe Line Co. (Burnell and North Pettus Fields, Karnes, Bee, and Goliad Counties, Tex.) (RR. District No. 2).	.....	4–14–69	[10] 5–15–69	(Accepted)	.....	.....	
		22	14		412	4–14–69	[3] 5–15–69	10–15–69	15.485	[4] [6] [11] 16.0	RI68–444.
RI69–738	Rincon Oil & Gas Corp., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201.	2	4	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	54	4–14–69	[10] 5–15–69	10–15–69	12.0495	[4] [12] 13.0536	
RI69–739	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	493	3	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	6,989	4–15–69	[3] 5–16–69	10–16–69	[11] 16.49	[5] [12] [13] 17.50	
		4,703	.....		.....	.....	.....	.....	[11] 14.48	[5] [12] [13] 16.49	

[2] Applicable to gas produced from below the base of the Wolfcampian Series of the Permian System.
[3] The stated effective date is the effective date requested by Respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes 0.015 cent tax reimbursement.
[8] Effective subject to refund in Docket No. RI68–2. Fractured rate. Contractually due a rate of 18.630 cents per Mcf.
[9] Contract Agreement dated Mar. 25, 1969, which provides, among other things, for a renegotiated rate of 16 cents for the 5-year period commencing Oct. 1, 1968, with 1 cent increases every 5 years thereafter, deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to file for any higher applicable area rate established by the Commission.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Renegotiated rate increase.
[12] Pressure base is 15.025 p.s.i.a.
[13] "Fractured" rate increase. Contract rate is 20.5 cents per Mcf.
[14] New gas-well gas and residue therefrom.
[15] Casinghead gas and residue gas not derived from new gas-well gas.
[16] Applicable to acreage added by Supplement No. 9.

Rincon Oil & Gas Corp. (Rincon), requests a retroactive effective date of January 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Rincon's rate filing and such request is denied.

Humble Oil & Refining Co. (Humble), requests that should the Commission suspend its proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a suspension period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filings and such request is denied.

Concurrently with the filing of its rate increase, Sun Oil Co.—DX Division (Sun), submitted a letter agreement dated March 25, 1969, designated as Supplement No. 13 to Sun's FPC Gas Rate Schedule No. 22, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Sun's proposed letter agreement to become effective on May 15, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Pan American Petroleum Corp., in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The Commission finds:

(1) Good cause has been shown for accepting for filing the letter agreement filed by Sun, as set forth above, and for permitting such supplement to become effective on May 15, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 13 to Sun's FPC Gas Rate Schedule No. 22 is accepted for filing and permitted to become effective on May 15, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5757; Filed, May 15, 1969; 8:45 a.m.]

[Docket No. E–7479]

DELMARVA POWER & LIGHT CO.

Notice of Application

MAY 13, 1969.

Take notice that on May 12, 1969, Delmarva Power & Light Co. (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to sell and dispose of certain electric transmission facilities to the town of Smyrna, Del.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Salisbury, Md., and is engaged in the electric utility business in the eastern part of the State of Maryland.

The facilities to be so sold consist of certain wood pole and steel structures, foundations, switches, insulators, wires, transformers, and accessories which constitute a part of Delmarva's existing "Smyrna-Clayton Substation". The part of this substation to be sold is presently used by Delmarva to transform from Delmarva's 23 KV (nominal) feeders to the 4 KV (nominal) supply to Smyrna, and to regulate and protect this 4 KV supply.

The original cost of the facilities to be sold by Applicant to Smyrna, installed at various dates, per Delmarva's books, is $119,494.75. The accrued depreciation for correspondingly varied lengths of time is $22,071.60. The net original cost is $97,423.15, which is the sale price offered by Applicant and accepted by Smyrna.

Delmarva presently supplies to Smyrna at 4 KV (nominal) its entire electric requirements under the terms of Delmarva's FPC Electric Tariff, Volume No. 2. Smyrna has requested that Delmarva supply to Smyrna its entire electric requirements at 23 KV (nominal) under the terms of the same Tariff. The change in delivery voltage requested by Smyrna will result in substantial reductions in purchased power cost to Smyrna by application of the standard provisions of Delmarva's FPC Electric Tariff relating to high tension service. In order to physically accomplish the acceptance of the requested new delivery voltage, it is necessary that Smyrna provide a suitable substation to transform, regulate and protect the high tension service to be delivered by Delmarva to Smyrna. Smyrna can accomplish this result by purchasing Delmarva's Smyrna-Clayton Substation which is dedicated to serving Smyrna.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5840; Filed, May 15, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. H–9]

SECRETARY OF STATE

Delegation of Authority To Exchange Property Leases With the U.S.S.R.

1. *Purpose.* This regulation delegates authority to the Secretary of State to consummate an exchange of a leasehold interest covering the site of the former Mount Alto Veterans Administration Hospital, Washington, D.C., for a leasehold interest in two separate sites in Moscow, Russia. In addition, effective upon completion of the exchange of property interests, this regulation transfers to the Department of State the leasehold interest acquired in the Moscow properties and the control of and accountability for the Mount Alto property as hereinafter provided.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Background.* The Department of State has arranged for the United States to acquire from the U.S.S.R. an 85-year firm term lease of two separate sites in Moscow for use in connection with U.S. diplomatic facilities. In exchange for the leasehold interest in the Moscow sites, the U.S.S.R. is to be given an 85-year firm term lease of the site of the former Mount Alto Veterans Administration Hospital located at 2650 Wisconsin Avenue NW., Washington, D.C., for use in connection with Soviet diplomatic facilities.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 205(d), authority is delegated to the Secretary of State to exchange an 85-year firm term lease of the site of the former Mount Alto Veterans Administration Hospital, containing approximately 12.5 acres of land, for an 85-year firm term lease of two separate sites in Moscow, Russia; one located on Konyushkovskaya Street directly behind the present U.S. Chancery, containing approximately 10.2 acres of land and the other located on Spasopeskovskaya Place, containing approximately 1.8 acres of land. All of the sites involved in the exchange of leaseholds are more particularly identified in the plot plans attached to the draft leasehold exchange agreement between the Governments of the U.S.S.R. and the United States, a copy of which is filed in the GSA File No. V–DC–441.

b. The Secretary of State may redelegate this authority to any officer, official, or employee of the Department of State.

c. A copy of any documents executed under this delegation shall be forwarded immediately to the Commissioner, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405.

5. *Transfers.* a. There are hereby transfered to the Department of State, without reimbursement, the following properties:

(1) The leasehold interest acquired by the United States in the two Moscow properties located on Konyushkovskaya Street and Spasopeskovskaya Place respectively. This transfer is made pursuant to section 402 of the Property Act, 40 U.S.C. 512, and is effective immediately upon execution of the exchange agreement by both parties.

(2) The control of and accountability for the former Mount Alto Veterans Administration Hospital site. This site is encumbered by the 85-year firm term lease to the U.S.S.R. This transfer is made pursuant to section 202 of the Property Act, 40 U.S.C. 483, and is effective on the date the U.S.S.R. is given possession of the Mount Alto property under the 85-year leasehold. The Department of State shall advise the Commissioner, Property Management and Disposal Service, GSA, of the effective date of this transfer as soon as that date is established.

b. The Department of State shall administer and manage the 85-year leasehold interest granted the U.S.S.R. in the former Mount Alto Veterans Administration Hospital.

ROBERT L. KUNZIG,
Administrator of General Services.

MAY 9, 1969.

[F.R. Doc. 69–5816; Filed, May 15, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 12/12–0045]

BETATRON CORP.

Notice of Order Revoking License

Notice is hereby given that Betatron Corp., Alameda, Calif., was incorporated on October 3, 1961, under the laws of the State of California and on February 2, 1962, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958, as amended.

The U.S. District Court for the Northern District of California entered an order dated August 26, 1968, in the United States of America v. Betatron Corporation, Civil Action No. 46848, by which the Court determined and adjudged that Betatron Corp. violated the provisions of the Act and of the regulations promulgated thereunder

Section 308(d) of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 12/12–0045 issued to Betatron Corp. be, and the same hereby is, revoked and all the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: May 8, 1969.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–5829; Filed, May 15, 1969; 8:46 a.m.]

[License No. 12/12–0031]

MONTEREY SMALL BUSINESS INVESTMENT CO.

Notice of Order Revoking License

Notice is hereby given that Monterey Small Business Investment Co. Salinas, Calif., was incorporated on April 24, 1961, under the laws of the State of California and on July 29, 1964, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958, as amended.

The U.S. District Court for the Northern District of California entered an order dated September 27, 1968, in the United States of America v. Monterey Small Business Investment Company, Civil Action No. 48569, by which the court determined and adjudged that Monterey Small Business Investment Co. violated the provisions of the Act and of the regulations promulgated thereunder.

Section 308(d) of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 12/12–0031 issued to Monterey Small Business Investment Co. be, and the same hereby is, revoked and all the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: May 8, 1969.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–5830; Filed, May 15, 1969; 8:46 a.m.]

RIO GRANDE CAPITAL CORP. ET AL.

Notice of License Revocations

Notice is hereby given that the corporations below listed each licensed by the Small Business Administration (SBA) to operate solely as small business investment companies (SBICs) under the Small Business Investment Act of 1958, as amended, were defendants in civil actions brought by the Small Business Administration. The complaint in each action alleged, among other matters, violations of the Act and the SBA regulations promulgated thereunder. In each action the court determined and adjudged that the respective corporations had violated, or failed to comply with, the Act and the regulations; in addition, the court appointed SBA as Receiver.

Name: Rio Grande Capital Corp.
Location: Roswell, N. Mex.
Licensing date: Aug. 13, 1965.
License No.: 11–0027.
Court, Docket Number and date of court order: U.S. District Court for New Mexico, Civil Action No. 7471, Sept. 10, 1968.

Name: Roswell Small Business Investment Co.
Location: Roswell, N. Mex.
Licensing date: Sept. 28, 1962.
License No.: 11–0019.

Court, Docket Number and date of court order: U.S. District Court for New Mexico, Civil Action No. 7613, Aug. 19, 1968.

Section 308(d) of the Act provides that the license of a small business investment company may be forfeited if such company is determined and adjudged by a court of the United States to have violated the provisions of the Act or regulations prescribed thereunder.

Pursuant to the above authority, and based upon the determination and adjudication of the Court in each noted case, SBA hereby revokes the licenses of the corporations identified above. All powers, privileges, rights, and franchises heretofore available to the corporations by virtue of the licenses are hereby forfeited.

This notice shall be served upon the Receiver in each case and published in the FEDERAL REGISTER.

Dated: May 8, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-5831; Filed, May 15, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 709]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Dallas and Johnson Counties, Tex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on May 6, 1969.

OFFICE

Small Business Administration Regional Office, 411 North Akard Street, Dallas, Tex. 75201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 9, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-5832; Filed, May 15, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 55]

KANSAS CITY SOUTHERN RAILWAY CO. ET AL.

Car Distribution

Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Missouri-Kansas-Texas Railroad Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Kansas City Southern Railway Co. and the Louisiana & Arkansas Railway Co. shall deliver to the Missouri-Kansas-Texas Railroad Co. a combined weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That car applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., May 14, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5841; Filed, May 15, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 13, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41632—*Soda ash to Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A6096), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, as described in the application, from Saltville, Va., to Memphis, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 140 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5842; Filed, May 15, 1969; 8:47 a.m.]

[Notice 832]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 135 TA), filed May 9, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard products*, from Adams, Wis., to points in Minnesota and Illinois, for 180 days. Supporting shipper: Lewis Container, Inc., Adams, Wis. 53910, E. W. Lewis, President. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwauke, Wis. 53203.

No. MC 112617 (Sub-No. 258 TA), filed May 2, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from (1) the plantsite of the Illinois Nitrogen Corp., at or near Marseilles, Ill., to points in Indiana; and (2) from the plantsite of Monsanto's Agricultural Center at or near Flora, Ind., to points in Illinois, Kentucky, Michigan, and Ohio, for 180 days. Supporting shippers: Tennessee Corp., 55 Marietta Street NW., Atlanta, Ga. 30303; Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114362 (Sub-No. 10 TA), filed May 8, 1969. Applicant: H. A. PIERCE AND R. E. SCHUSTER, a partnership, doing business as PIERCE-SCHUSTER TRUCK LINES, Freeborn, Minn. 56032. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete beams*, in shipper-owned trailers, from Wells, Minn., to Cordova, Ill., for 180 days. Supporting shipper: Wells Concrete Products Co., Wells, Minn. 56097. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 123415 (Sub-No. 17 TA), filed May 7, 1969. Applicant: JAMES STUFFO, INC., Box 1061, Merchantville, N.J. 08109. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Illuminated signs, fascia, and component parts* thereof, from the plantsite of Spangler Sign Corp., Philadelphia, Pa., to points in Connecticut, Delaware, District of Columbia, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Texas, Vermont, and West Virginia, for 180 days. Supporting shipper: Spangler Sign Corp., 3227-3261 B Street, Philadelphia, Pa. 19134. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133035 (Sub-No. 9 TA), filed May 7, 1969. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, from the plantsite of Cooperative Farm Chemicals Association located at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Oklahoma, South Dakota, and Missouri, for 150 days. Supporting shipper: Farmland Industries Inc., 3315 North Oak Street, Kansas City, Mo., Robert E. Chipley, Supervisor of Fertilizer Traffic. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133642 (Sub-No. 3 TA), filed May 8, 1969. Applicant: GARY A. CARLSON, doing business as CARLSON TRUCK LINE, Rural Route 4, Montevideo, Minn. 56265. Applicant's representative: Donald L. Maland, 102 Parkway Drive, Montevideo, Minn. 56265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed (except liquid molasses)*, from Montevideo, Minn., to the counties of Brown, Codington, Day, Dewey, Edmunds, Hamlin, Marshall, Perkins, and Spink in South Dakota, for 180 days. Supporting shipper: Agricultural Industries Co., Box 166, Montevideo, Minn. 56265. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133702 (Sub-No. 1 TA), filed May 9, 1969. Applicant: NORTHEASTERN LEASING CO., Post Office Box 605, Emerson, N.J. 07630. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers having a prior or subsequent movement by water, in interstate or foreign commerce, between points in the New York, N.Y. commercial zone as defined by the Interstate Commerce Commission, for 180 days. Supporting shipper: American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133706 TA, filed May 8, 1969. Applicant: ROBERT L. HARROLD, 420 East Park Street, Taylorville, Ill. 62568. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, grain drying and storage equipment, and component parts thereof*, from Taylorville, Ill., to points in Georgia, Iowa, Missouri, Minnesota, South Carolina, and Tennessee, for 180 days. Supporting shipper: Baughman-Oster, Inc., Box 368, Route 48, West, Taylorville, Ill. 62568. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 324 West Adams Street, Springfield, Ill. 62704.

No. MC 133709 TA, filed May 8, 1969. Applicant: HIAWATHA PRODUCE COMPANY, 3850 Fourth Street, Winona, Minn. 55987. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, knocked down, flat, in bundles, from Chicago, Ill., and Milwaukee, Wis., to Altura, Minn., restricted to service for the Hubbard Milling Co., Altura, Minn., for 180 days. Supporting shipper: Hubbard Milling Co., Altura, Minn. 55910. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133711 TA, filed May 8, 1969. Applicant: WORLD WIDE MOVING & STORAGE, 1131 Industrial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in the Los Angeles Harbor commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties; between Oxnard and Port Hueneme, on the one hand, and, on the other, points in Los Angeles County; between points in Santa Barbara and Ventura Counties, for 180 days. Supporting shipper: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5843; Filed, May 15, 1969; 8:47 a.m.]

[Notice 344]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 13, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71284. By order of April 30, 1969, the Motor Carrier Board approved the transfer to H & H Trucking, Inc., Hanover, Pa., of a portion of the rights in certificates Nos. MC-56167, and No. MC-56167 (Sub-No. 8) and all of the rights in No. MC-56167 (Sub-No. 7) issued September 1, 1960, March 25, 1968, and April 1, 1969, respectively, to David K. Hershey, Hanover, Pa., authorizing the transportation of: Brick, between specified points in Pennsylvania, Ohio, Connecticut, Maine, Massachusetts, Maryland, West Virginia, Delaware, Virginia, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and the District of Columbia. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-71291. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Hawkes Transfer & Storage Co., Inc., a Kansas corporation, Prairie Village, Kans., of the certificate in No. MC-53693, issued March 30, 1956, to Hawkes Transfer & Storage Co., Inc., an Idaho corporation, Pocatello, Idaho, authorizing the transportation of household goods between points in Idaho, on the one hand, and, on the other, points in Montana and Washington. Robert L. Elliott, 20 Prairie Village Mall, Prairie Village, Kans. 66208, attorney for applicants.

No. MC-FC-71307. By order of April 30, 1969, the Motor Carrier Board approved the transfer to O'Keeffe Movers, Inc., Springfield Gardens, N.Y., of certificate No. MC-93463 issued November 27, 1956, to Eugene Bly, doing business as Bly Moving & Storage, Woodside, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., and points on Long Island, N.Y., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, and those in that part of Pennsylvania on and east of U.S. Highway 15. Between New York, N.Y., on the one hand, and, on the other, points in Maryland, Virginia, North Carolina, and the District of Columbia. Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC-71310. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Whaling City Trucking, Inc., New London, Conn., of certificates Nos. MC-95024 and MC-95024 (Sub-No. 1) issued April 25, 1941, and July 4, 1945, respectively to George A. Trainor and John E. Trainor, Rita A. Trainor, Executrix for both partners, doing business as Trainor Brothers, 376 Smith Street, Cranston, R.I. 02910, authorizing the transportation of: New furniture, and household goods, between points in Rhode Island, Massachusetts, Connecticut, Maine, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania. John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106, attorney for transferee.

No. MC-FC-71315. By order of April 30, 1969, the Motor Carrier Board approved the transfer to John R. Slingsby, doing business as Illini-Gopher Truck Lines, 611 Hopkins Avenue, Granville, Ill. 61326, of permit in No. MC-127424 issued January 21, 1966, to Raymond R. Burlison, doing business as R. E. Burlison Trucking Co., 110 Union Street, Joliet, Ill. 60433; authorizing the transportation of: Malt beverages, from St. Paul, Minn.; to Joliet, Ill. Anthony T. Thomas, Chicago, Ill. 60608, representing applicants.

No. MC-FC-71318. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Halls Moving and Storage, Inc., 215 North Cleveland Street, Cushing, Okla. 74023, of the operating rights in certificate No. MC-40940 issued November 14, 1963, to C. E. Hall and Jurene Hall, a partnership, doing business as Halls Moving and Storage, Box 567, Cushing, Okla. 74023, authorizing the transportation of household goods as defined by the Commission, between points in Payne County, Okla., and points within 35 miles of the boundaries of said county, on the one hand, and, on the other, points in Kansas.

No. MC-FC-71335. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Mae P. Mattox, doing business as Mattox Trucking, Shelby, Iowa 51570; of certificate in No. MC-25155, issued September 15, 1955, to Warren Mattox, Shelby, Iowa 51570; authorizing the transportation of: feed, farm implements and parts thereof, and building materials, from Omaha, Nebr., to Shelby, Iowa.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5844; Filed, May 15, 1969; 8:47 a.m.]

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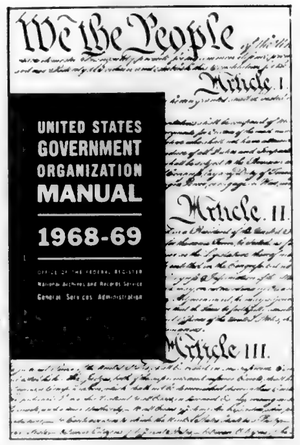

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PART 213—EXCEPTED SERVICE

Office of Emergency Preparedness

Section 213.3326 is amended to show that the position of Deputy Director, Office of Liaison is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (f) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Preparedness.

* * * * * * *

(f) *Office of Liaison.* * * *

(2) Deputy Director.

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(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5957; Filed, May 16, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SO–41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sarasota, Fla., control zone and transition area.

The Sarasota control zone is described in § 71.171 (34 F.R. 4557) and the Sarasota transition area is described in § 71.181 (34 F.R. 4637). In the descriptions, an arrival extension is predicated on the 299° radial of the Sarasota VOR. Since the final approach radial of AL 640–VOR–RWY 13 has been changed from the Sarasota VOR 299° radial to the 302° radial, it is necessary to alter the descriptions to reflect this change.

Since this amendment is minor in nature and does not require additional airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 3, 1969, as hereinafter set forth.

1. In § 71.171 (34 F.R. 4557), the Sarasota, Fla., control zone is amended as follows: "* * * Sarasota VOR 299° radial * * *" is deleted and "* * * Sarasota VOR 302° radial * * *" is substituted therefor.

2. In § 71.181 (34 F.R. 4637), the Sarasota, Fla., transition area is amended as follows: "* * * Sarasota VOR 299° radial * * *" is deleted and "* * * Sarasota VOR 302° radial * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c) Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 7, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–5867; Filed, May 16, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

USE OF ANTIBIOTICS IN ANIMALS

In the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5627), the Commissioner of Food and Drugs proposed certain new food additive regulations for injectable certifiable antibiotic drugs intended for use in food-producing animals. Also proposed were certain amendments to the antibiotic drug regulations to provide that those substances which were not covered by existing or proposed food-additive regulations not be eligible for certification when intended for use in animals raised for food production.

The basis upon which such action was proposed is contained in the statement of policy § 3.25 *Antibiotics used in food-producing animals*, also published April 11, 1968 (33 F.R. 5616), which establishes that all such products are food additives and accordingly may be used only when provided for by an appropriate food additive regulation. Further, that antibiotic preparations, other than those for topical and ophthalmic use applications, in food-producing animals which are not covered by food additive regulations will be subject to regulatory action within 180 days after publication of the final order.

Aproximately 300 comments were received in response to the proposal. They have been evaluated and are summarized as follows:

1. A substantial number of comments requested that final action on the proposal be deferred to provide additional time during which new research might be carried out with a view toward obtaining the necessary data for the establishment of appropriate withdrawal periods. The Commissioner concludes that a considerable period of time has elapsed since an initial request for information was published as a policy statement requesting such data. A statement of policy, § 3.55, was published in the FEDERAL REGISTER of August 23, 1966 (31 F.R. 11141), requesting such information. It is felt that ample time has already been made available for the submission of such data.

2. A number of comments requested that action be delayed pending an evaluation of the hazard attendant to antibiotic residues in food by a "blue ribbon panel" of scientists. The basis for much of the consideration given to publication of the subject proposal is found in the report of the Committee on the Veterinary Medical and Nonmedical Uses of Antibiotics, which was submitted to the Commissioner in May 1966. Members of that committee included representatives of the medical, veterinary medical, and public health areas of concern. The implementation of the antibiotic proposal incorporates the conclusions of that committee. It is, therefore, concluded that the aims of such a panel have already been met and that no useful purpose would be served by another review by a committee.

3. Numerous requests suggested that where the data established that unusually long withdrawal periods are required or that data have not established adequate withdrawal periods, such products be made available only upon the prescription of a veterinarian. On the basis of information available to the Commissioner, it is not felt that placing products on a prescription basis is necessary at the present time.

4. Suggestions indicated the possibility of extending withdrawal periods for 30 days or more. It is concluded that periods of withdrawal in excess of 30 days are generally impractical under actual conditions of use for most drugs. The Commissioner, however, has concluded on the basis of data made available to him, in consideration of a proposal to obtain specific data with regard to the safety of residues which may persist with a 30-day withdrawal period, and with the view toward the establishment of safe tolerances for dihydrostreptomycin, that certain injectable forms of these antibiotics, alone or in combination with certain specified penicillins, may be permitted on an interim basis in the absence of a food additive regulation provided that the labeling for these products includes a warning that the use of the drug must be discontinued for 30 days before treated animals are slaughtered for food.

5. It was suggested that tolerances be established to provide that residues of

certain antibiotics be considered as safe when found in edible products of treated animals. The Administration will consider proposals for tolerances provided adequate data are submitted to establish that the presence of residues in the edible products from treated animals are safe for human consumption. To date no data have been submitted to provide a basis for such an action.

6. The largest number of comments received expressed opposition to the proposed actions but offered no alternative courses of action. A number of comments offered qualified support of the Administration's position and several extended their full support.

Therefore, the Commissioner finds on the basis of all the information available to him, that the proposal should be adopted as initially published with the exception that certain injectable streptomycin or dihydrostreptomycin preparations alone or in combination with specified penicillins for injection may be continued to be used, on an interim basis, where labeling provides that the drug is to be discontinued for 30 days prior to treated animals being slaughtered for food. The use of such products will also be permitted in milk-producing dairy animals provided that the labeling bears the necessary milk discard statement.

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

A. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C four new sections, as follows:

§ 121.314 Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).

(a) Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt) comply with the requirements of § 146a.24 of this chapter.

(b) Each such additive is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements of § 146a.24 of this chapter.

(b) Each such additive is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

§ 121.315 Procaine penicillin for aqueous injection.

(a) Procaine penicillin for aqueous injection complies with the requirements of § 146a.47 of this chapter.

(b) It is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

§ 121.316 Procaine penicillin and buffered crystalline penicillin for aqueous injection.

(a) Procaine penicillin and buffered crystalline penicillin for aqueous injection comply with the requirements of § 146a.50 of this chapter.

(b) Each such additive is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

§ 121.317 *l*-Ephenamine penicillin G for aqueous injection.

(a) *l*-Ephenamine penicillin G for aqueous injection complies with the requirements of § 146a.66 of this chapter.

(b) It is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

SUBCHAPTER C—DRUGS

B. Pursuant to the provisions of the Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146a, 146b, 146c, 146d, and 146e of the antibiotic drug regulations are amended in the following respects:

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

1. By revising § 146a.19(c)(1)(iii) to read as follows:

§ 146a.19 Benzathine phenoxymethyl penicillin for aqueous injection veterinary.

* * * * *

(c) * * *

(1) * * *

(iii) The statement "Warning—Not for use in animals which are raised for food production."

* * * * *

2. By revising § 146a.24(c)(2) to read as follows:

§ 146a.24 Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.314 of this chapter.

* * * * *

3. By revising § 146a.25(c)(2) to read as follows:

§ 146a.25 Penicillin in oil and wax (calcium penicillin in oil and wax, crystalline penicillin in oil and wax).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

§ 146a.45 [Amended]

4. In § 146a.45 *Procaine penicillin G in oil:*

a. By deleting from the fifth sentence of paragraph (a) the words "or subcutaneous injection in fowl".

b. By deleting from the sixth sentence of paragraph (a) the words "or if packaged and labeled solely for subcutaneous injection in fowl, the procaine penicillin G used is exempt from the requirements of paragraph (a) (2) and (3) of that section".

c. By deleting from the first sentence of paragraph (b) the words "or subcutaneous injection in fowl".

d. By changing the comma after "laity" in paragraph (c)(2)(i) to a period and deleting the rest of the sentence.

e. By adding to paragraph (c)(2) a new subdivision (iii) reading as follows:

(iii) Each package shall bear on its label and labeling, unless it is intended for udder instillation in cattle, the statement "Warning—Not for use in animals which are raised for food production."

f. By deleting from paragraph (d)(2)(i) and (ii), respectively, the words "or subcutaneous injection in fowl".

5. By adding to § 146a.47(c)(2) a new subdivision, as follows:

§ 146a.47 Procaine penicillin for aqueous injection.

* * * * *

(c) * * *

(2) * * *

(iii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.315 of this chapter.

* * * * *

6. By revising § 146a.65(c)(2) to read as follows:

§ 146a.65 *l*-Ephenamine penicillin G in oil.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

7. By revising § 146a.66(c)(2) to read as follows:

§ 146a.66 *l*-Ephenamine penicillin G for aqueous injection.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.317 of this chapter.

* * * * *

8. By revising § 146a.75(c)(2) to read as follows:

§ 146a.75 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

9. By revising § 146a.77(c)(2) to read as follows:

§ 146a.77 Benzathine penicillin G for aqueous injection.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and

warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

10. By revising § 146a.80(c)(2) to read as follows:

§ 146a.80 Chloroprocaine penicillin O for aqueous injection.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

11. By revising § 146a.84(c) to read as follows:

§ 146a.84 Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary; procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution veterinary.

* * * * *

(c) *Labeling.* If it is a dry mixture it shall be labeled in accordance with the requirements prescribed by § 146a.58(c). If it is a suspension of the drug, it shall be labeled in accordance with the requirements prescribed by § 146a.67(c). If it contains benzathine penicillin G or chloroprocaine penicillin O, its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

12. By redesignating in § 146a.90 paragraphs (b) and (c) as (c) and (d), respectively, and by inserting a new paragraph (b), as follows:

§ 146a.90 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

* * * * *

(b) If it is intended for veterinary use, its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

13. By revising § 146b.101(c)(2) to read as follows:

§ 146b.101 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food." If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

* * * * *

14. By revising § 146b.106(c)(2) to read as follows:

§ 146b.106 Streptomycin sulfate solution; dihydrostreptomycin sulfate solution (crystalline dihydrostreptomycin sulfate solution).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food." If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for ------ hours (------ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

* * * * *

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

15. By revising § 146c.201(c)(2) to read as follows:

§ 146c.201 Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production" and shall comply with all the requirements prescribed by subparagraph (1) of this paragraph; except, if it is not intended for intravenous use, in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity. If it is intended for intravenous use, the labeling shall conform to the requirements prescribed by § 1.106(c) of this chapter and to the requirements of subparagraph (1) (i) and (ii) of this paragraph.

* * * * *

16. By revising § 146c.221(c)(2) to read as follows:

§ 146c.221 Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

17. By revising § 146d.301(c)(2) to read as follows:

§ 146d.301 Chloramphenicol.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii); and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), and bear on its label and labeling the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

18. By revising § 146d.307(c)(2) to read as follows:

§ 146d.307 Chloramphenicol solution; chloramphenicol for aqueous injection.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (iii); and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

19. By revising § 146e.401(c)(2) to read as follows:

§ 146e.401 Bacitracin.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* In addition to conforming with the requirements prescribed by subparagraph (1) (i), (ii), and (iii) of this paragraph and with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

Any person who will be adversely affected by the portion of this order (amendment A) promulgated under section 409(d) of the Act may at any time within 30 days from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by ground. legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER. Where applicable, antibiotic preparations which are not covered by food additive regulations will be subject to regulatory action 180 days after publication of this order in the FEDERAL REGISTER.

(Secs. 409(d), 507, 59 Stat. 463, as amended, 72 Stat. 1787; 21 U.S.C. 348(d), 357)

Dated: May 12, 1969.

HERBERT L. LEY, Jr.
Commissioner of Food and Drugs.

[F.R. Doc. 69-5861; Filed, May 16, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.8—Equal Opportunity in Employment

MISCELLANEOUS AMENDMENTS

The following sections are added to Subpart 9-12.8:

§ 9-12.805-51 Preaward contract actions—nonexempt contracts.

(a) *Formally advertised supply contracts.* Before the award of a formally advertised nonexempt contract of $1 million or more, the contracting officer shall determine by means of a preaward compliance review, as outlined in FPR 1-12.805-5(d), that the prospective contractor and each of his known first-tier subcontractors who will be awarded subcontracts of $1 million or more, are able to comply with the Equal Opportunity clause.

(b) *Other formally advertised or negotiated prime contracts.* (1) The procedures set forth in FPR 1-12.805-1(d) regarding the award of contracts shall be followed in all prime contracts for $500,000 or more.

(2) In prime contracts for less than $500,000, the procedures set forth in FPR 1-12.805-1(d) regarding the award of contracts may be applied at the discretion of the contracting officer.

(c) *Cost-type contractor procurements.* (1) Prior to approval of procurement transactions under cost-type contracts involving the operation, maintenance, servicing, management, or construction of AEC facilities (including research and development facilities), contracting officers shall:

(i) Comply with the procedures in FPR 1-12.805-5(d) with respect to any procurement of supplies of $1 million or more awarded under a competitive bid and award procedure.

(ii) Comply with the procedures in (FPR 1-12.805-1(d) with respect to all procurement actions of $500,000 or more.

(2) The extent to which the procedures in FPR 1-12.805-1(d) apply with respect to procurement actions under $500,000 shall be determined by contracting officers.

(d) *Preaward affirmative action requirements for construction work to be performed under AEC prime contracts and under subcontracts awarded by cost-type contractors.* In addition to the provisions of paragraphs (b) and (c) of this section and of FPR 1-12.810 (affirmative action compliance programs):

(1) Where the Director, OFCC, has designated specific contract construction affirmative action requirements for a particular labor area, the Invitation for Bids (IFB) or Request for Proposals (RFP) for construction work in such area shall include the specific affirmative action requirements established by OFCC and such additional requirements as the contracting officer determines necessary.

(2) Contracting officers are authorized with respect to construction work not covered by subparagraph (1) of this paragraph to include in the IFB's or RFP's for such work specific affirmative action requirements.

(3) Failure by a bidder to establish his ability to meet the affirmative action requirements included in an IFB or RFP constitutes grounds for determination that the bidder does not qualify as a responsible bidder, and for rejection of his bid. In the case of procurement actions by AEC prime cost-type contractors, this determination shall be made only with the approval of the contracting officer.

(e) *Available information.* "Available information" as used in FPR 1-12.805-1(d)(2) includes either a compliance review report (no older than 1 year) prepared by the AEC or another agency (when the AEC is not the compliance agency); or sufficient statistical information and other information (relevant to the contractor's or subcontractor's EEO compliance, and no older than 1 year) to permit a valid EEO evaluation. When the AEC is not the compliance agency, the agency which is the compliance agency shall be requested to furnish a compliance report.

§ 9-12.810-50 Affirmative action compliance programs.

As used in FPR 1-12.810,

(a) The term "employee" means any individual on the payroll of an employer who is an employee for purposes of the employer's withholding of Social Security taxes, except that such term shall not include persons who are hired on a casual or temporary basis for a specified period of time or for the duration of a specified job; and

(b) The term "establishment" means an economic unit which produces goods or services such as a factory, office, store, or mine and, in most instances, the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. The effective date of FPR 1-12.805-1 as implemented by AECPR 9-12.805-51 is not later than April 1, 1969, for applicable AEC direct procurements and contract actions initiated after that date, and not later than May 1, 1969, for all applicable contractor procurement transactions initiated after that date.

Dated at Germantown, Md., this 12th day of May 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 69-5859; Filed, May 16, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Limitation on CAA Administrative Costs

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1068.3-1 Applicability of this subpart.
1068.3-2 Definitions.
1068.3-3 Policy.
1068.3-4 Requirement for two reports during each program year.
1068.3-5 Reporting procedures.
1068.3-6 Source of data.
1068.3-7 Program period to be covered.
1068.3-8 Maintenance of records.
1068.3-9 Excessive administrative costs.
1068.3-10 Availability of forms and instruction.

AUTHORITY: The provisions of this subpart issued under sec. 244(7), 81 Stat. 708; 42 U.S.C. 2836.

§ 1068.3-1 Applicability of this subpart.

This subpart applies to all Community Action Agencies that receive financial assistance under title II of the Economic Opportunity Act.

§ 1068.3-2 Definitions.

(a) *Title II programs.* Programs that a Community Action Agency has been authorized to conduct or direct under title II of the Economic Opportunity Act. This includes programs authorized under sections 221, 222, 230, 231, 233, or 232 of the Act.

(b) *Programs assisted with title II funds.* All programs funded from sources other than title II of the EOA including titles I and III of the EOA, other Federal agencies, State or local governments, and private agencies, if the programs meet all the following criteria:

(1) The program is administered by a CAA, a delegate agency of the CAA, or by an agency in which the CAA has a role in determining policy and program direction.

(2) The CAA contributes developmental or administrative services to the program resulting in an expenditure of title II funds, or requiring the services of personnel employed under a title II program, or the use of facilities leased or obtained under a title II program.

(3) The program is designed to serve beneficiaries in the CAA's target population.

(4) The program is directed toward and consistent with the general objectives of mobilizing and coordinating community resources against the causes and effects of poverty; in other words, it can be considered an integral part of the community's antipoverty effort.

(c) *Program accounts.* The identifiable program units by which the CAA's and CAP describe and administer the total range of CAP programs. The system is explained and the program accounts defined in OEO Instruction 6100-1, "Program Account Structure," dated June 21, 1968.[1]

(d) *Expenditures.* Expenditures, for the purpose of preparing the Administrative Costs Report, are considered to be:

(1) All allowable disbursements (Federal and non-Federal, OEO and non-OEO) chargeable to any title II program and any program assisted with title II funds, plus

(2) The recorded dollar value of all unpaid invoices for material received and services rendered through the last date of the reporting period for these programs.

In addition, all volunteered services and in-kind materials used in the CAA's operations during the period covered by the report are considered to be expenditures in the month utilized. "Costs" and "expenditures" are considered to have the same definition for the purpose of preparing the Administrative Costs Report.

(e) *Trainee.* Any CAA employee or beneficiary who participates in training courses conducted either by or under the auspices of a CAA. In the case of employees, it includes only those who fall within the poverty income classification or who come within the poverty income classification immediately prior to employment, and who are receiving training as part of a program to increase their employability.

(f) *Administrative costs.* Administrative costs include all allowable expenditures incurred to develop and administer title II programs and all programs assisted with title II funds, if the expenditures cannot be directly allocated to an operating program or are not otherwise expressly excluded by this subpart. In particular, administrative costs include all expenditures charged to program accounts 01, 02, 03, 04, and 87 and any expenditures of funds received from title I or non-OEO sources that are clearly identified as administrative costs. However, the following expenditures are excluded from administrative costs even though incurred in programs funded under Program Accounts 01, 02, 03, 04, and 87:

NOTE: For purposes of completing the summary CAP Form 15d, these expenditures are not excluded from administrative costs.

(1) The personnel costs that are allocable to specific operating programs or to OEO program accounts other than 01, 02, 03, 04, and 87.

(2) Payments to any trainees, including salaries, stipends, and employer's share of fringe benefits;

(3) Salary payments to employees who fall within the poverty income classification. Also exclude salary payments to employees who fell within the poverty income classification immediately prior to their employment by the CAA, but only until the end of the first program year in which the employees were hired. These payments include the employer's share of fringe benefits.

(g) *Total costs.* All expenditures incurred in developing, administering, and operating title II programs and programs assisted with title II funds, whether the costs are met with OEO or none-OEO funds. Total costs include administrative costs as defined in paragraph (f) of this section, as well as payments to trainees and to employees formerly within the OEO poverty guidelines.

(h) *Administrative Costs Ratio.* The percentage obtained by dividing the total costs into the administrative costs. It should be noted that the definition of administrative cost and total costs requires that expenditures for all title II programs and for all programs assisted with title II funds (including those met with funds from agencies other than OEO) be included in each.

(i) *Operating programs.* Programs administered by a CAA that provide direct benefits to program participants or beneficiaries. For programs funded by OEO, it includes all programs under program accounts other than 01, 02, 03, 04, and 87. For programs funded from other sources, it includes all programs that are not primarily related to the development, planning, administration, or evaluation of the CAA.

§ 1068.3-3 Policy.

(a) Section 244(7) of the Economic Opportunity Act states that no funds may be provided to any Community Action Agency if its cost to develop and administer programs funded under title II or assisted with title II funds exceeds 15 percent of the total costs of these programs. The Director may require CAAs, as a condition to providing funds under title II of the Act, to take specific actions to reduce their administrative costs and improve their operational effectiveness.

(b) The Director may grant a waiver of this requirement for periods of 6 months when the initial planning and developing of programs for a new or reorganized CAA has resulted in unusually high costs for these purposes during a program year or an on-going CAA has incurred unusually high planning cost

[1] Not filed with the Office of the Federal Register.

in relation to the total cost of their programs in a program year and the benefits to be realized from such planning can be reasonably expected to extend over additional program years.

(c) CAAs must include all program costs, whether met with Federal or non-Federal funds (cash or in-kind contributions), in determining their administrative expenses except for the following:

(1) All costs incurred to conduct a specific operating program, such as Head Start or Legal Services, whether funded on a program account or component basis.

(2) Payments to trainees.

(3) Salary payments to employees whose incomes are within the OEO poverty guidelines. Also, salary payments to employees whose incomes were within the OEO poverty guidelines immediately prior to being employed, but only until the end of the first program year in which the employees were hired.

§ 1068.3-4 Requirement for two reports during each program year.

(a) CAA's must determine their administrative expenses, using the procedures and formats in this subpart, and submit Administrative Costs Reports to OEO twice during each program year, as follows:

(1) A report of the administrative costs incurred in the first 6 months of the program year will be submitted on CAP Form 15d, "Administrative Costs Report," when the Grantee Monthly Financial Report (CAP Form 15) for the basic CAA grant containing Program Account 01 is submitted for the sixth month of the program year.

NOTE: A CAA with a program year longer than 12 months should submit its initial CAP Form 15d 6 months prior to the end of its program year.

(2) A report of the administrative costs incurred during the entire program year will be submitted on CAP Form 15d when the final Grantee Monthly Financial Report for the basic CAA grant containing Program Account 01 is submitted for the program year. The final Grantee Monthly Financial Report shows all expenditures incurred for the program year and is due within 90 days after the end of the program year.

(b) In order to provide time for CAAs to analyze and, if necessary, allocate their administrative costs, no reports will be required until the CAP Form 15 reports are due for the month of September 1969. That is, a CAA whose sixth or 12th month of its program year ends on August 31, 1969, must submit a CAP Form 15d with its sixth-month CAP Form 15 report or with its final CAP Form 15 report for the program year, as applicable. Thereafter, the schedule described in paragraph (a) of this section will be followed.

(c) One copy of the Administrative Costs Report should be attached to each copy of the monthly financial report for the basic CAA grant containing Program Account 01 for the appropriate reporting period and submitted to the OEO address shown in paragraph H of Community Action Memo 44-A, "Grantee Monthly Financial Report," dated April 1, 1968.[1]

§ 1068.3-5 Reporting procedures.

(a) *Forms.* The following forms are to be used in reporting administrative costs:

(1) The Administrative Costs Report (CAP Form 15d) to be submitted to OEO with all six month and final Grantee Monthly Financial Reports. The data for this report may or may not be supported by CAP Form 15e, depending on the result of computations made in accordance with paragraph (b) of this section.

(2) Personnel Work Sheet (CAP Form 15e) provides a detailed format for allocating personnel costs to program accounts or equivalent nontitle II programs. It is prepared only if summary CAP Form 15d shows administrative costs to be in excess of 15 percent.

(b) *Procedure.* The reporting procedure is as follows:

(1) Prepare a summary CAP Form 15d. Include all nontitle II expenditures (non-OEO, titles I and III) and all title II expenditures during the reporting period and compute an Administrative Cost Ratio for the CAA as a whole.

(2) If the ratio is 15 percent or less, no further review of administrative costs is required, and the summary form should be submitted to OEO with the appropriate CAP Form 15 report.

(3) If the percentage computed in subparagraph (1) of this paragraph is over 15 percent, a further analysis of the administrative personnel costs must be made and reported. This analysis must also include a review of the CAA's programs to identify and exclude the non-administrative costs described in § 1068.-3-3(c) (2) and (3).

§ 1068.3-6 Source of data.

All expenditure data on the Administrative Cost Report must be taken from the grantee's books of account. Expenditures of OEO funded programs conducted by the CAA must agree in total with those for the same period reported on the CAP Forms 15 and 15a. Expenditures for other programs assisted with title II funds must agree in total with the expenditures reported by the CAA to the agency funding these programs during the report period.

§ 1068.3-7 Program period to be reported.

The Administrative Cost Report will be based on the expenditures incurred during the CAA's program year for its basic title II programs. Expenditures included in the report for other programs assisted with title II funds will be for the same period of time as the program year. This means that expenditures for these programs will be reported only for the appropriate months falling within the CAA's specific grant program year.

[1] Not filed with the Office of the Federal Register.

§ 1068.3-8 Maintenance of records.

(a) CAA's must retain a copy of each report required by this subpart as part of their permanent financial records. They must also retain completed copies of supporting work sheets (summary CAP Form 15d and CAP Form 15e) with each report, if these supporting forms are completed.

(b) If personnel costs are allocated among different programs in accordance with § 1068.3-5(b)(3), a written explanation must be maintained to explain the basis for classifying and allocating these costs. The explanation should also include the basis for excluding payments to trainees and poverty level employees from administrative costs. In common with other financial records, these reports must be available for examination by OEO authorized auditors, inspectors, evaluation teams, and analysts and by authorized representatives of the U.S. General Accounting Office.

§ 1068.3-9 Excessive administrative costs.

(a) If, after completing the analysis of administrative costs in accordance with § 1068.3-5(b)(3), the administrative costs ratio exceeds 15 percent, the CAA must submit a statement with the report explaining the reasons for the excessive rate, together with a plan of corrective action and target date for reducing the administrative costs ratio to an acceptable level. With the 6 months report, the statement should consider both the current and projected rates, for they may have a downward or upward trend during a program year.

(b) This information should be submitted to the OEO granting office that awarded the basic CAA grant containing Program Account 01. At that time, a determination will be made as to what further computations or corrective measures are appropriate and whether a request for waiver of the 15 percent limitation should be made. The Director of the Community Action Program (for Headquarters grants) and Regional Directors (for Regional grants) or their designees will determine whether waivers should be granted based upon the criteria in this subpart and such other criteria as may have been prescribed.

(c) If a CAA with excessive administrative costs has received and is operating under a written waiver from OEO, it should submit a copy of the waiver with the report and a statement explaining the actions taken and progress made in reducing the administrative costs ratio to an acceptable level.

§ 1068.3-10 Availability of forms and instructions.

OEO has prepared two forms, the Administrative Costs Report (CAP Form 15d) and the Personnel Work Sheet (CAP Form 15e) for use in complying with this subpart. OEO has also prepared detailed instructions for completing these forms, including standards for allocating personnel costs in accordance with § 1068.3-5(b)(3). Copies of

these forms and instructions may be obtained from the CAP Program Management Division, OEO Headquarters Office, 1200 19th Street NW., Washington, D.C., and from any OEO Regional Office.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-5857; Filed, May 16, 1969; 8:45 a.m.]

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

Subpart—Acquisition and Use of Excess Government Property

Chapter X, Part 1070 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart reading as follows:

Sec.
1070.3-1 Applicability of this subpart.
1070.3-2 Policy.
1070.3-3 Supplement to existing procedure.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1070.3-1 Applicability of this subpart.

This subpart applies to grantees receiving financial assistance under titles I-B, I-D, II, and III-B of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by OEO.

§ 1070.3-2 Policy.

(a) Community Action Program grantees are authorized to acquire excess Federal property in order to carry out their operations of approved CAP programs and to increase the utility of grant funds. This authority may not be used by grantees to acquire excess property that is not required for the current operation of approved programs. In addition, excess property that is no longer needed for use in such programs must be reported to the OEO Regional or Headquarters Property Administrator for instructions concerning disposition. Grantees must give the same careful consideration to the acquisition and retention of excess Federal property that they give to the acquisition and use of commercially-purchased property.

(b) Under no circumstances may excess Federal property be "stockpiled" by grantees on the basis of anticipated future needs, nor may excess Federal property no longer needed in an approved program be stored or disposed of other than in accordance with instructions of OEO Property Administrators.

§ 1070.3-3 Supplement to existing procedure.

The procedure grantees must follow to acquire excess Federal property, as outlined in Chapter III, section B(2) of CAP Grantee Financial Policy and Procedures Guide Vol. V: Property and Supply Management,[1] is supplemented by the following:

(a) All requisitions to acquire excess property (SF-122, "Transfer Order, Excess Personal Property") submitted to Regional and Headquarters Property Administrators must contain a certification, signed by an authorized official of the grantee, that the property to be acquired is either to be used in lieu of property that could have been properly purchased with grant funds under the terms of an OEO grant to the grantee, or to be acquired pursuant to a term or condition of an OEO grant specifically allowing the acquisition of such items of excess property.

(b) If grantees wish to acquire excess property other than that covered by paragraph (a) of this section, they must obtain specific written approval prior to the acquisition from the appropriate Regional or Headquarters granting office. Approval will only be granted for the acquisition of property to be used in carrying out an approved program under the terms of an OEO grant to the grantee. A copy of the approval document must be attached to the SF-122 submitted to the Regional or Headquarters Property Administrator.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-5858; Filed, May 16, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Two notices of proposed rule making were published (Mar. 14, 1969, 34 F.R. 5258, and Mar. 29, 1969, 34 F.R. 5950) to amend Part 280, Title 50, Code of Federal Regulations, which are the regulations governing the eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on April 10, 1969, and through submission of written material which was accepted through April 18, 1969.

The recommendations of the Inter-American Tropical Tuna Commission made at its 1969 annual meeting in San Diego, Calif., March 18-22, 1969 (34 F.R. 5950), were approved by the Secretaries of the Departments of State and the Interior on March 28, 1969.

[1] Not filed with the Office of the Federal Register.

An amendment to § 280.6(c) was adopted on May 3, 1969 (34 F.R. 7281), which made exceptions to the allowable 15 percent incidental catch of yellowfin tuna allowed during the closed season for fishing vessels of 300 short tons capacity and less. This is further amended to allow all bait boats to take yellowfin up to 50 percent of the vessels carrying capacity or 130 short tons, whichever is the lesser amount.

The proposed amendments of March 14, 1969 (34 F.R. 5258), did not receive general approval of the participating public who stated they realized the problems involved but felt that the proposed amendments would be unduly restrictive to developing new fishing areas outside the regulatory area.

Therefore a new paragraph (e) of § 280.6, which does not inhibit the development of new fishing areas but requires reporting when leaving and returning to the regulatory area, is adopted. In addition a new § 280.7 (the former § 280.7 is redesignated 280.8 and all subsequent sections are redesignated accordingly) is adopted so that the Director may take emergency action as was proposed in 34 F.R. 5258, if the provisions relating to fishing outside the regulatory area, are in his opinion, inadequate to insure the recommendations of the Commission are implemented.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated May 14, 1969.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limit.
280.4 Open season.
280.5 Closed season.
280.6 Restrictions applicable to fishing vessels.
280.7 Emergency action by Director.
280.8 Restrictions applicable to cargo vessels.
280.9 Restrictions applicable to purchasers.
280.10 Reports and recordkeeping.
280.11 Persons and vessels exempted.
280.12 Fish and Wildlife Service employees designated as enforcement agents.
280.13 State Officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zones.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(f) *Regional Director.* The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 300 South Ferry Street, Terminal Island, Calif., telephone number, area code 213, 831-9281, Extension 575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

(h) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonym: *Neothunnus macropterus*).

(i) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonymy: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

(j) *Fishing vessel.* Every kind, type, or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) *Cargo vessel.* Every kind, type, or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(m) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled, as defined in § 280.2(b)(3).

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna, when landed with one or more of the following fishes, usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations maintains records of the catches of yellowfin tuna made in the regulatory area from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the cumulative round weight of such yellowfin tuna catches and the estimated additional quantities of yellowfin tuna expected to be caught by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowfin tuna on board such vessel or to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing

prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations, by means of such vessel: *Provided*, That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna as provided for in subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Director by appropriate notice in the FEDERAL REGISTER may adjust the incidental catch rates provided for in subparagraphs (1), (2), and (3) of this paragraph to assure that the United States 4,000 ton yellowfin allotment for vessels of 300 short tons or less carrying capacity is not underutilized and the fifteen percent (15%) overall incidental catch is not exceeded. Any quantity of yellowfin tuna possessed or landed in excess of the limitations provided for in subparagraphs (1), (2), and (3) of this paragraph shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(1) Purse seiners of over 300 short tons carrying capacity may possess on board and land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3), but in no event shall the yellowfin tuna permitted to be possessed or landed by such vessels exceed fifteen percent (15%) by round weight when included with those species listed in § 280.2(b)(3).

(2) Purse seiners of 300 short tons carrying capacity or less may possess on board and land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna so permitted to be possessed or landed by such vessel exceed thirty percent (30%) by round weight when included with those species listed in § 280.2(b)(3); except that those purse seiners of 300 short tons capacity or less known as local wetfish boats that meet the following criteria, (i) do not possess mechanical refrigeration aboard, (ii) do not deliver any yellowfin tuna during the open yellowfin tuna fishing season and, (iii) make deliveries on a daily basis, may accumulate the thirty percent (30%) allowance by weight for incidental catches of yellowfin tuna for the separate period April 16 to April 30, inclusive, and for each separate period consisting of one calendar month thereafter: *Provided*, That when the catch of yellowfin tuna by purse seiners of 300 short tons carrying capacity or less reaches 4,000 tons, the incidental catch rate for those vessels will revert to fifteen percent (15%). A notice of reversion which will apply to purse seiners of 300 short tons of capacity or less leaving port after a selected date will be published in the FEDERAL REGISTER.

(3) Bait boats may possess on board and land in any port or place yellowfin tuna not to exceed fifty percent (50%) by round weight of the vessel's carrying in short tons or 130 short tons, whichever is the lesser amount: *Provided*, That when the catch of yellowfin tuna by bait boats reaches 1,500 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to fifteen percent (15%) of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(4) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries. Managing owners of purse seine vessels over 300 tons carrying capacity will be notified by registered mail that their vessel is in the large boat category and, therefore, that their incidental catch rate for yellowfin tuna caught in the eastern Pacific regulatory area on trips begun after the yellowfin closure will be fifteen percent (15%). Managing owners not receiving the above notification by registered mail can assume their vessel is in the category of 300 tons or less of carrying capacity. Except that to qualify for the bait boat yellowfin allocation described in § 280.6(c) managing owners of bait boats will, before the vessel departs on its first trip after the yellowfin closure, supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a fifteen percent (15%) incidental catch of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessels' capacity determined.

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in paragraph (c) of this section shall be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

(e) On voyages begun after the closure of the yellowfin tuna season, vessels which fish all or part of their voyage outside the regulatory area but in the Pacific Ocean shall:

(1) Report to the Regional Director by prepaid commercial radio message (either radiogram or ship-to-shore radiophone) within 24 hours before departing the regulatory area and within 24 hours before returning to the regulatory area. Such reports may be relayed to the Regional Director by the managing owner or his representative ashore.

(i) On departure from the regulatory area the radio message shall include the latitude of departure from the regulatory area, approximate time of departure, and the amount of yellowfin and the amount of other fish with which an incidental catch of yellowfin tuna may be made, which are aboard the vessel.

(ii) On returning to the regulatory area the radio message shall include the catch of yellowfin tuna and the catch of other species made on that trip outside the regulatory area.

(2) Any vessel which fishes outside of the regulatory area all or part of a voyage but fails to file the reports required in this section shall be restricted to the incidental catch limit of fifteen percent (15%) yellowfin for the entire fishing voyage.

§ 280.7 Emergency action by Director.

(a) If in light of developments during the closed season for yellowfin tuna the Director finds that the provisions relating to fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are implemented, he shall announce by appropriate notice in the FEDERAL REGISTER such determination and immediately thereafter:

(1) Every vessel at sea, which has yellowfin tuna aboard in excess of the fifteen percent (15%) allowable incidental catch, which were taken or are claimed to have been taken outside the regulatory area in the Pacific Ocean shall immediately return to its home port or port of departure to unload or to have its catch aboard certified by any Fish and Wildlife Service or State employee designated as an enforcement officer. Any vessel failing to return immediately to home port or port of departure for the purpose stated shall be permitted to land an amount of yellowfin not to exceed fifteen percent (15%) of its total catch.

(2) Fishing vessels which have fished at any time during the calendar year in the regulatory area and which depart port on a fishing voyage after the notice of the Director as described in this section and fish within the Pacific Ocean shall land only the allowable incidental catch as described in § 280.6(c).

§ 280.8 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States, tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other marketable species of fish received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.9 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section, after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the Bureau of Commercial Fisheries (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.10 Reports and recordkeeping.

(a) The master or other person in charge of a fishing vesesl or such person as may be authorized in writing to serve charge of a fishing vessel or such person shall—

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features) and the estimated quantities (in short tons, round weight), of tuna fish and other marketable fish, by species, which are taken on board the vessel: *Provided*, That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log.

(2) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc., 8805.6 kc., 12403.5 kc., or 16533.5 kc., or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 P.s.t. and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this subsection may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(3) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage, port of departure, and listing separately by species and round weight in pounds or short tons, the gross quantities of tuna fish and other marketable species of fish so sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided, further*, That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weigh-out has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as are required by the regulations in this part to be made, kept, or furnished (16 U.S.C. 956).

§ 280.11 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.10 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.12 Fish and Wildlife employees designated as enforcement agents.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.13 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Bureau Director or his delegate with the consent of the government concerned, is authorized to function as a Federal law

enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 915–961).

[F.R. Doc. 69–5884; Filed, May 16, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Various Processed Citrus Juices [1]

Notice of a proposal to amend several listed U.S. Standards for Grades of citrus juice products was published in the FEDERAL REGISTER of February 28, 1969 (34 F.R. 3630). The listed standards were:

Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281–52.1293).

Canned Orange Juice (7 CFR 52.1551–52.1562).

Canned Tangerine Juice (7 CFR 52.2071–52.2082).

Pasteurized Orange Juice (7 CFR 52.5641–52.5652).

Orange Juice from Concentrate (7 CFR 52.5681–52.5692).

Dehydrated Grapefruit Juice (7 CFR 52.3021–52.3032).

The amendments as proposed would change the method of expressing acid in each affected standard from—grams acid per 100 milliliters of juice—to—grams acid per 100 grams of juice. Interested persons were given until May 1, 1969, in which to submit written data, views, or arguments for consideration in connection with the proposed amendments. These actions would be taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of consideration leading to the change in expressing acid content. These grade standards—issued under the authority of the Agricultural Marketing Act of 1946—provide official U.S. Grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Grading service is also provided under this act upon request and payment of a fee to cover the cost of the service.

The purpose of the amendments (as proposed and hereby adopted) is to provide the same basis for calculating and reporting the acidity of these processed single strength juices as is generally employed for concentrated juices and for fresh citrus fruit evaluation.

During the time given the public to make comments only one commenting letter—from the Florida Canners Association—was received. This association recommended that the last digit of the compensating values for acid and ratio, as proposed, be rounded off to the nearest one half or whole number. For example: an acid value of 0.61 gm. would be rounded to 0.60gm.; or a ratio value of 11.6:1 would be given as 11.5:1.

The Department agrees that the changed values resulting from such a rounding would make no significant change in the quality levels. In consideration of this recommendation and in the interest of simplicity in application, numerous minor changes, because of the rounding procedure, are included in each of the amendments.

After consideration of all relevant information available, including the aforesaid notice and comments, and pursuant to the authority of the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627) the following actions are taken.

In Part 52 of Chapter I of Title 7 of the Code of Federal Regulations, the listed subparts are amended as follows:

Subpart—U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice is amended as follows:

1. In § 52.1289, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read:

§ 52.1289 Flavor.

(a) *(A) Classification.* • • •

(1) *Style I, unsweetened.*

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	9.5:1	18:1.
If Brix is 11.5° or more	8.5:1	18:1.

(2) *Style II, sweetened.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	18:1.
If Brix is 15° or more	No minimum.	18:1.

(b) *(C) Classification.* • • •

(1) *Style I, unsweetened.*

	Minimum	Maximum
Brix (degrees)	9.5°	
Acid (per 100 grams)	0.60 gm.	1.70 gms.
Brix-acid ratio	8:1	

(2) *Style II, sweetened.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.60 gm.	1.70 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	
If Brix is 15° or more	No minimum.	

• • • • • •

2. In § 52.1290 paragraph (b) is revised to read as follows and a new paragraph (c) is added:

§ 52.1290 Definition of terms.

• • • • • •

(b) "Acid" means grams of total acidity calculated as anhydrous citric acid, per 100 grams of the canned blended juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) The "brix-acid ratio" is the ratio of the degrees Brix of the canned blended grapefruit juice and orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.1293, score sheet, the sentence beginning on the tenth line of the score sheet is changed to read:

§ 52.1293 Score sheet for canned blended grapefruit juice and orange juice.

• • • • • •

Acid (grams/100 grams: Calculated as anhydrous citric acid.

• • • • • •

Subpart—U.S. Standards for Grades of Canned Orange Juice is amended as follows:

1. In § 52.1559, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.1559 Flavor.

(a) *(A) Classification.* • • •

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.70 gm.	1.40 gms.
Outside California or Arizona.	0.60 gm.	1.40 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	10.5:1	20.5:1.
If Brix is 11.5° or more	9.5:1	20.5:1.

(2) *With sweetener styles.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.70 gm.	1.40 gms.
Outside California or Arizona.	0.60 gm.	1.40 gms.
Brix-acid ratio:		
If Brix is less than 15°	12.5:1	20.5:1.
If Brix is 15° or more	9.5:1	20.5:1.

(b) *(C) Classification* • • •

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.55 gm.	1.55 gms.
Brix-acid ratio	9.5:1	20.5:1.

(2) *With sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.60 gm.	1.60 gms.
Outside California or Arizona.	0.60 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°	12.5:1	20.5:1.
If Brix is 15° or more	9.5:1	20.5:1.

• • • • • •

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

2. In § 52.1560, paragraph (b) and (c) are revised to read as follows:

§ 52.1560 Definitions of terms and methods of analyses.

• • • • • •

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of canned orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) *Brix-acid ratio.* The "brix-acid ratio" is the ratio of the degrees Brix of the canned orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

• • • • • •

3. In § 52.1562, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read as follows:

§ 52.1562 Score sheet for canned orange juice.

• • • • • •

Acid (grams/100 grams: Calculated as anhydrous citric acid).

• • • • • •

Subpart—U.S. Standards for Grades of Canned Tangerine Juice is amended as follows:

1. In § 52.2078, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.2078 Flavor.

(a) *(A) Classification.* (1) Canned tangerine juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned tangerine juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements:

	Minimum	Maximum
Brix (degrees)	10.5°	
Acid (per 100 grams)	0.65 gm.	1.35 gms.
Brix-acid ratio	10.5:1	19:1.

(2) Canned tangerine juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees)	12.5°	
Acid (per 100 grams)	0.65 gm.	1.35 gms.
Brix-acid ratio:		
If less than 16° Brix	11.5:1	19:1.
If 16° Brix or more	No minimum.	19:1.

(b) *(C) Classification.* (1) If the canned tangerine juice possesses a good flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned tangerine juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements:

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.55 gm.	1.50 gms.
Brix-acid ratio	9.5:1	

(2) Canned tangerine juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees)	12.5°	
Acid (per 100 grams)	0.60 gm.	1.50 gms.
Brix-acid ratio:		
If less than 16° Brix	11.5:1	
If 16° Brix or more	No minimum.	

• • • • • •

2. In § 52.2079, paragraph (b) is revised to read as follows and new paragraph (c) is added.

§ 52.2079 Definitions of terms.

• • • • • •

(b) "Acid" means grams of total acidity calculated an anhydrous citric acid per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) "Brix-acid ratio" is the ratio of the degrees Brix of the canned tangerine juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.2082, score sheet, the seventh line of the score sheet is changed to read:

§ 52.2082 Score sheet for canned tangerine juice.

• • • • • •

Acid (anhydrous citric: Grams per 100 grams).

• • • • • •

Subpart—U.S. Standards for Grades of Pasteurized Orange Juice is amended as follows:

1. In § 52.5649, paragraphs (a) (1) and (2), and (b) (1) and (2), are revised to read:

§ 52.5649 Flavor.

(a) *(A) Classification.* • • •

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11°	
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.	11.5:1	18:1.
From fruit grown predominantly outside California or Arizona.	12.5:1	20.5:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange solids (percent by weight of finished product).	11%	
Brix-acid ratio	12.5:1	20.5:1.

(b) *(B) Classification* • • •

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5°	
Brix-acid ratio	10.5:1	23:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange solids (percent by weight of finished product).	10.5%	
Brix-acid ratio	10.5:1	23:1.

• • • • • •

2. In § 52.5650, paragraph (b) is revised to read:

§ 52.5650 Definitions of terms and methods of analysis.

• • • • • •

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

• • • • • •

3. In § 52.5652, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5652 Score sheet for pasteurized orange juice.

• • • • • •

Acid (grams/100 grams: Calculated as anhydrous citric acid).

• • • • • •

Subpart—U.S. Standards for Grades of Orange Juice from Concentrate is amended as follows:

1. In § 52.5689 paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.5689 Flavor.

(a) *(A) Classification.* • • •

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11.8°	
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.	11.5:1	18:1.
From fruit grown predominantly outside California or Arizona.	12.5:1	20.5:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%	
Brix-acid ratio	12.5:1	20.5:1.

(b) *(B) Classification.* • • •

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11.8°	
Brix-acid ratio	11:1	23:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%.....	
Brix-acid ratio.....	11:1.....	23:1.

* * * * *

2. In § 52.5690, paragraph (b) is revised to read as follows:

§ 52.5690 Definitions of terms and methods of analysis.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

* * * * *

3. In § 52.5692, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5692 Score sheet for orange juice from concentrate.

* * * * *

Acid (grams per 100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Dehydrated Grapefruit Juice is amended as follows to correct a printing error. No other change is made.

In § 52.3028, paragraphs (a)(2) and (b)(2) are revised to change "ml." to "grams." As amended these paragraphs read:

§ 52.3028 Flavor.

(a) * * *

(2) Acid—not less than 0.85 gram per 100 grams.

* * * * *

(b) * * *

(2) Acid—not less than 0.70 gram per 100 grams.

* * * * *

Effective date. The amendments to each affected grade standard shall become effective on July 1, 1969.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: May 12, 1969.

JOHN E. TROMER,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-5838; Filed, May 16, 1969; 8:45 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Beans

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11046) on August 2, 1968, regarding a proposed revision of the U.S. Standards for Beans (7 CFR 68.101 et seq.) under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). Subsequently there was published on October 17, 1968 (33 F.R. 15432), a notice of an extension of time for comments and a proposed change in effective date of the revision if adopted.

Statement of considerations. This revision of the standards for beans is issued under authority of the Agricultural Marketing Act of 1946, which provides for official standards to designate the level of quality for voluntary use by producers, merchandisers, and consumers in the trading of beans. Official grading service is provided under this Act upon request of the applicant and payment of a fee to cover the cost of the service.

Over 900 copies of the notice of proposed rule making were sent to individuals, corporations, and associations interested in the production, marketing, and use of beans. Public hearings were not held, but all interested parties were given 105 days to submit written data, views, or arguments concerning the proposed revision. Consideration has been given to all written comments received and to other information available to the U.S. Department of Agriculture in the revision of the U.S. Standards for Beans. In response to the notice, seven letters of comment were received from bean growers, producers, merchandisers, canners, and other interested parties.

A majority of the responses supported or expressed little or no opposition to the following proposals which are adopted:

1. Change the format of the standards to set them forth as sections (e.g. 68.101, 68.102, etc.) rather than subdivisions of sections.

2. Delete the class names "Medium White beans," "Large White beans," "Old Fashioned Yelloweye beans," and "Bayo beans." Such varieties will be classified as "Miscellaneous beans."

3. Delete the class name "Western Red Kidney beans," which is a type of Light Red Kidney beans grown on the Pacific Coast. All types of Light Red Kidney beans will be classified as Light Red Kidney beans regardless of production area.

4. Change the definitions for badly damaged beans, classes that blend, contrasting classes, defects, stones, weevily beans, well screened, and U.S. Substandard.

5. Add a new table for the class Pea beans and include premium grades; i.e., U.S. Choice Handpicked and U.S. Prime Handpicked. The table provides for the following grades:

U.S. Choice Handpicked.
U.S. Prime Handpicked.
U.S. No. 1.
U.S. No. 2.
U.S. Substandard.
U.S. Sample grade.

6. Add "Black Turtle Soup beans" to Group (c) of the class names and to the grade table provided for in item 7.

7. Combine into one grade table the grade requirements and grade designations for the following groups of classes:

Group (a)—Blackeye, Cranberry, and Yelloweye beans.
Group (b)—Pinto beans.
Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, and Mung beans, and all classes of Miscellaneous beans.

8. Add, "lentils, peas, cowpeas other than Blackeye types," between "cereal grains" and "and all matter other than beans" in the definition for foreign material.

9. Change the definition for "U.S. Sample grade" in the grade tables by including "which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments."

10. Change the definition for "Basis of determination" to provide that all determinations shall be made on the basis of the beans as a whole, except that color and off-color shall be determined on the basis of the beans after the removal of defects.

11. Provide that "off-color" Pea beans be graded not higher than U.S. No. 2.

12. Change the definition for "Percentages" to provide that all percentages shall be determined upon the basis of weight and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

13. Change the maximum limits for stones from "trace" to "0.01 percent" for grade U.S. Extra No. 1 in the grade tables for Large Lima, Baby Lima, and Miscellaneous Lima beans.

14. Consolidate the information under the section on "Grade designations."

Some questions were raised or opposition expressed to the following proposals:

1. Delete the class names "Blackeye" and "Cranberry" from the list of beans that do not qualify under the Handpicked special grades. It was recommended that "Blackeye" be retained in the list of exceptions because it is not economically feasible for this class to be processed sufficiently to meet the requirements for the special grades "Choice Handpicked" or "Handpicked". Therefore only "Cranberry" is deleted from the list.

2. Provide that the wording "beans with a significant amount of dirt or dirt-like substance adhering to the seedcoat shall be considered as damaged beans" be added to the definition for damaged beans. A segment of the industry suggested that the phrase "a significant amount of dirt or dirt-like substance" is ambiguous and should not be a part of the standards, but should be included in instructions to inspectors.

In view of the comments received from the trade and additional information available to the Department, the proposal is not adopted. Further consideration will be given by the Department to the definition and maximum limits for beans with dirt or dirt-like substance adhering to the seedcoat. If warranted, a new proposal with respect to the definition and maximum limits for such beans will be published in the FEDERAL REGISTER.

3. Add "live" before "weevils" in the proposed definition for "weevily beans." It was suggested that the term should be "live and dead weevils." It is not necessary to include "dead" weevils in the definition because beans which contain "dead insects" are graded U.S. Sample grade on account of the presence of "insect filth." The definition for "weevily beans" is adopted as proposed.

4. Establish minimum requirements for good and fair color for the class Pea beans, and provide type samples for such colors. Most of the comments received on this proposal indicated that adding such color requirements for Pea beans would cause economic loss to the bean industry, particularly to producers, because such beans are prone to change in color while in storage. In view of this objection, the proposal is not adopted.

5. Provide that Handpicked beans may be electronically sorted. This proposal is not adopted because "Handpicked beans" is a descriptive term indicating that such beans meet certain standards of quality and it is unnecessary to show in the standards that the beans have been processed in any manner by handpicking, electronic sorting, or otherwise. Accordingly, the method of processing used to meet the requirements for handpicked beans will not be shown in § 68.138 of the standards.

6. Delete "Handpicked" from "U.S. Choice Handpicked" and "U.S. Prime Handpicked" in the grade table for Pea beans, and "Choice Handpicked" and "Handpicked" from the special grades section, and add the grade "U.S. Choice" above the grade "U.S. No. 1" in the combined table. This alternative proposal is not adopted because the comments received indicated that it would create undue difficulty in the domestic and foreign marketing of such beans.

Comments were received on the following items that were not included in the notice of proposed rule making:

1. Change "Pea beans (the type as grown in the Great Lakes region known as Navy beans)" to "Navy beans (the type as grown principally in Michigan)."

2. Add to the class name "Great Northern beans", the parenthetical phrase "(known as Large Navy beans)".

A change in the class designations for Pea beans and Great Northern beans was not proposed because certain segments of the trade indicated that Small White beans, Flat Small White beans, and Great Northern beans are also marketed as "Navy" type beans and restricting the term "Navy" to Pea beans would detract from the marketing of these classes. There is also opposition, by certain segments of the trade, to the addition of the parenthetical phrase "(known as Large Navy beans)" after "Great Northern beans."

3. Define and establish limits for cracked seedcoats in the grade table for Pea beans.

Further study will be required before limits for cracked seedcoats in Pea beans can be established.

Other changes of a minor editorial nature have been made as follows:

1. The class names under § 68.102 have been listed in the order in which they appear in the grade tables, except for the class "Mixed beans" which appears last.

2. The column "contrasting classes" in each grade table under §§ 68.133, 68.134, 68.135, and 68.136 has been placed between the columns "Foreign material" and "Classes that blend."

One of the proposals provided that, upon request, the words "Stated by the applicant to be (State) grown" may be shown under "Remarks" on bean certificates. It is concluded that this provision need not be incorporated in the standards but should continue to be included in instructions issued by the Department. The instructions provide that the applicant may request that such information be shown on the certificate as "remarks".

Section numbers 68.123 through 68.132 have been changed to 68.130 through 68.138, respectively, in order to leave section numbers 68.123 through 68.129 vacant for future use.

For a reasonable period of time after adoption of the revised standards, the inspector will, upon request, show on certificates the inspection results under both the new and the old standards.

It does not appear that further public rule making procedure with respect to the revision of the standards would make additional information available to the Department. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that such further rule making procedure is impracticable and unnecessary.

The standards are revised to read as follows:

Subpart B—U.S. Standards for Beans

TERMS DEFINED

Sec.
68.101 Beans.
68.102 Classes.
68.103 Grades.
68.104 Sound beans.
68.105 Defects.
68.106 Splits.
68.107 Damaged beans.
68.108 Badly damaged beans.
68.109 Foreign material.
68.110 Stones.
68.111 Contrasting classes.
68.112 Classes that blend.
68.113 Broken beans.
68.114 Blistered beans.
68.115 Wrinkled beans.
68.116 Weevily beans.
68.117 Clean-cut weevil-bored beans.
68.118 Well screened.
68.119 Good natural color.
68.120 $^{30}/_{64}$ sieve.
68.121 $^{28}/_{64}$ sieve.
68.122 $^{24}/_{64}$ sieve.
68.123–68.129 [Reserved]

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

68.130 Basis of determination.
68.131 Percentages.
68.132 Moisture.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

68.133 Grades and grade requirements for the class Pea beans.
68.134 Grades and grade requirements for the classes: Group (a)—Blackeye, Cranberry, and Yelloweye beans; Group (b)—Pinto beans; Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.
68.135 Grades and grade requirements for the class Large Lima beans.
68.136 Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans.
68.137 Grade designations.
68.138 Special grades, special grade requirements, and special grade designations for all classes of beans.

AUTHORITY: The provisions of this Subpart B issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart B—U.S. Standards for Beans[1]

TERMS DEFINED

§ 68.101 Beans.

Beans shall be dry threshed field and garden beans, whole, broken, and split, commonly used for edible purposes.

§ 68.102 Classes.[2]

Beans shall be divided into classes as follows, each of which, except Mixed beans, may contain not more than 2.0 percent of beans of contrasting classes and not more than 15.0 percent of beans of other classes that blend:

Pea beans (the type as grown in the Great Lakes region known also as Navy beans).
Blackeye beans (cowpeas of the Blackeye variety).
Cranberry beans (known also as Speckled Cranberry and Horticultural Pole).
Yelloweye beans.
Pinto beans (including the Mexican Pinto type but not the type known as Spotted Red Mexican).
Marrow beans (not including Red Marrow).
Great Northern beans.
Small White beans (the type as grown on the Pacific coast, not including Tepary beans).
Flat Small White beans (the type as grown in northern Idaho).
White Kidney beans.
Light Red Kidney beans.
Dark Red Kidney beans.
Small Red beans (known also as Red Mexican, California Red, and Idaho Red).
Pink beans.
Black Turtle Soup beans.
Mung beans.

Miscellaneous beans: Beans that are not otherwise classified in these standards shall be classified and designated according to the commonly accepted commercial name of such beans.

Large Lima beans (characteristic of the Large White Pole and Burpee Bush Lima type).
Baby Lima beans (characteristic of Small White Lima beans of the Henderson Bush and similar types).

Miscellaneous Lima beans: Lima beans that do not come within the classes Large

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of the class of beans does not imply any guarantee of varietal purity.

Lima or Baby Lima shall be classified and designated according to their commonly accepted commercial name.

Mixed beans: Mixed beans shall be any mixture of beans not provided for in the classes listed above.

§ 68.103 Grades.

Grades shall be the premium grades, numerical grades, substandard grades, sample grades, and special grades provided for in §§ 68.133–68.138.

§ 68.104 Sound beans.

Sound beans shall be beans that are free from defects.

§ 68.105 Defects.

Defects for the classes Baby Lima and Miscellaneous Lima beans shall be damaged beans, contrasting classes, and foreign material. Defects for all other classes of beans shall be splits, damaged beans, contrasting classes, and foreign material.

§ 68.106 Splits.

Splits shall be pieces of beans that are not damaged, each of which consists of three-fourths or less of the whole bean, and shall include any sound bean the halves of which are held together loosely.

§ 68.107 Damaged beans.

Damaged beans shall be beans and pieces of beans that are damaged by frost, weather, disease, weevils or other insects, or other causes.

§ 68.108 Badly damaged beans.

Badly damaged beans shall be beans and pieces of beans that are materially damaged or discolored by frost, weather, disease, weevils or other insects, or other causes so as to materially affect the appearance and quality of the beans.

§ 68.109 Foreign material.

Foreign material shall be stones, dirt, weed seeds, cereal grains, lentils, peas, cowpeas other than Blackeye types, and all matter other than beans.

§ 68.110 Stones.

Stones shall be concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

§ 68.111 Contrasting classes.

Contrasting classes shall be beans of other classes that are of a different color, size, or shape from the beans of the class designated.

§ 68.112 Classes that blend.

Classes that blend shall be sound beans of other classes that are similar in color, size, and shape to the beans of the class designated, and shall include white beans in the class Yelloweye which are similar in size and shape to the Yelloweye beans.

§ 68.113 Broken beans.

Broken beans shall be sound beans with some but less than one-fourth of each bean broken off or with one-fourth or more of the seedcoat removed.

§ 68.114 Blistered beans.

Blistered beans shall be sound beans with badly blistered or burst seedcoats.

§ 68.115 Wrinkled beans.

Wrinkled beans shall be sound beans that have deeply wrinkled seedcoats and/or are badly warped or misshapen.

§ 68.116 Weevily beans.

Weevily beans shall be beans that are infested with live weevils or other insects injurious to stored beans or that contain weevil-bored beans.

§ 68.117 Clean-cut weevil-bored beans.

Clean-cut weevil-bored beans shall be beans from which weevils have emerged, leaving a clean-cut open cavity free from larvae, webbing, refuse, mold, or stain.

§ 68.118 Well screened.

Well screened, as applied to the general appearance of beans, shall mean that the beans are uniform in size and are practically free from such small, shriveled, underdeveloped beans, splits, broken beans, large beans, and foreign material that can be removed readily by the ordinary process of milling or screening through the proper use of sieves.

§ 68.119 Good natural color.

Good natural color, as applied to the general appearance of beans, shall mean that the beans in mass are practically free from discoloration and have the natural color and appearance of the class of beans that predominates in the sample.

§ 68.120 30/64 sieve.

A $^{30}/_{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4687 ($^{30}/_{64}$) inch in diameter which are $^{11}/_{16}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.121 28/64 sieve.

A $^{28}/_{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4375 ($^{28}/_{64}$) inch in diameter which are $^{19}/_{32}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.122 24/64 sieve.

A $^{24}/_{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.3750 ($^{24}/_{64}$) inch in diameter which are $^{17}/_{32}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.130 Basis of determination.

The determination of "color" including "off-color" shall be upon the basis of the beans after the removal of defects. All other determinations shall be upon the basis of the beans as a whole.

§ 68.131 Percentages.

All percentages shall be determined upon the basis of weight, and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

§ 68.132 Moisture.

Moisture shall be determined by the use of equipment and procedures prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method that gives equivalent results. (Information thereon may be obtained from said Service.)

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.133 Grades and grade requirements for the class Pea beans.

(See also § 68.138.)

Grade	Maximum limits of—				Contrasting classes	Classes that blend
	Total defects	Badly damaged beans	Foreign material			
			Total	Stones		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Choice handpicked[1]	1.5	0.3	0.01		0.01	2.0
U.S. Prime handpicked[1]	3.0	0.3	0.01		0.01	2.0
U.S. No. 1[1]	2.0		0.4	0.2	0.5	4.0
U.S. No. 2[1 2]	3.0		0.8	0.4	1.0	4.0
U.S. Substandard[2]	U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Choice handpicked through U.S. No. 2 or U.S. Sample grade.					
U.S. Sample grade[2]	U.S. Sample grade shall be beans of this class which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.					

[1] The beans of this class in grades U.S. Choice handpicked, U.S. Prime handpicked, U.S. No. 1, and U.S. No. 2 shall be well screened.

[2] Provided that the special grade "off-color" may be applied to U.S. No. 2 and lower grades for this class. [See § 68.138(c).]

§ 68.134 Grades and grade requirements for the classes: Group (a)—Blackeye, Cranberry, and Yelloweye beans; Group (b)—Pinto beans; and Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.

(See also § 68.138.)

Grade	Maximum limits of—										Classes that blend
	Total defects (see applicable classes above).				Foreign material				Contrasting classes		
	Group				Total		Stones				
	(a)	(b)	(c)								
	Percent	*Percent*	*Percent*		*Percent*		*Percent*		*Percent*		*Percent*
U.S. No. 1[1 2 3 4]	4.0	3.0	2.0		1.0		0.2		0.5		5.0
U.S. No. 2[2 3 4]	6.0	4.0	4.0		1.5		0.4		1.0		10.0
U.S. No. 3[3 4]	8.0	7.0	6.0		1.6		0.6		2.0		15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.										
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.										

[1] The beans of any one of these classes shall be well screened.

[2] The beans of any one of these classes in the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, and U.S. No. 3 shall be well screened.

[3] The beans of any one of these classes in the grade U.S. Extra No. 1 shall be of good natural color, and may contain not more than 17 percent moisture.

§ 68.135 Grades and grade requirements for the class Large Lima beans.

(See also § 68.138.)

Grade	Maximum limits of—							Classes that blend
	Total blistered, wrinkled, and defects	Splits	Damaged beans		Foreign material		Contrasting classes	
			Total	Badly damaged	Total	Stones		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Extra No. 1[1]	4.0	2.0	1.0	0.2	0.2	0.01	0.2	2.0
U.S. No. 1[2]	6.0	3.0	2.0	0.6	0.6	0.3	0.5	4.0
U.S. No. 2[3]	8.0	6.0	4.0	1.0	1.0	0.3	1.0	10.0
U.S. Substandard	U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, or U.S. Sample grade.							
U.S. Sample grade	U.S. Sample grade shall be beans of this class which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.							

[1] U.S. Extra No. 1 shall be well screened and meet the following additional requirements:
(a) Contain not more than 17 percent moisture.
(b) Be of good natural color.
(c) Contain not more than 3.0 percent broken beans.
(d) Contain not more than 20 percent of beans that will pass through a 26/64 sieve of which not more than 5 percent will pass through a 28/64 sieve.

[2] U.S. No. 1 shall be well screened and meet the following additional requirements:
(a) Contain not more than 5.0 percent of broken beans.
(b) Contain not more than 25 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.

[3] U.S. No. 2 shall be well screened and meet the following additional requirements:
(a) Contain not more than 10 percent of broken beans.
(b) Contain not more than 40 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.

§ 68.136 Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans.

(See also § 68.138.)

Grade	Maximum limits of—								Classes that blend
	Blistered, wrinkled, and/or broken	Splits	Total defects	Badly damaged beans	Foreign material			Contrasting classes	
					Total	Stones			
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*		*Percent*	*Percent*
U.S. Extra No. 1[1 2]	2.0	2.0	1.0	0.5	0.2	0.01		0.2	2.0
U.S. No. 1[1]	4.0	3.0	2.0	1.0	0.5	0.2		0.5	5.0
U.S. No. 2[1]	6.0	4.0	3.0	1.5	1.0	0.3		1.0	10.0
U.S. No. 3[1]	8.0	8.0	5.0	2.0	1.5	0.6		2.0	15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.								
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.								

[1] The beans of any one of these classes in the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, and U.S. No. 3 shall be well screened.

[2] The beans of any one of these classes in the grade U.S. Extra No. 1 shall be of good natural color, and may contain not more than 17 percent moisture.

§ 68.137 Grade designations.

The grade designation for all classes of beans, except Mixed beans, shall include the letters "U.S.," the name or number of the grade, and the name of the class. In addition, the designation for the grade U.S. Substandard shall include the percentage each of sound beans, splits, damaged beans, contrasting classes, and foreign material. Mixed beans shall be graded according to the grade requirements of the class of beans which predominates in the mixture, except that the designation for the grade "classes that blend" and the factor of "contrasting classes" shall include the name and percentage of each class in the mixture. The name of each applicable special grade shall be shown as provided for in § 68.138.

§ 68.138 Special grades, special grade requirements, and special grade designations for all classes of beans.

(a) *Handpicked beans.*—(1) *Grade requirements.* The special grade "Handpicked" beans shall be applicable to beans of any one of the classes, except Pea, Blackeye, Large Lima, Baby Lima, Miscellaneous Lima, and Mixed beans, which meet the grade requirements for any of the grades U.S. No. 1, U.S. No. 2, or U.S. No. 3, and contain not more than 0.3 percent of badly damaged beans, not more than 0.01 percent contrasting classes, and not more than 0.01 percent of foreign material. Handpicked beans shall not include "off-color" beans.

(NOTE: The handpicked grades for Pea beans are shown in § 68.133.)

(2) *Grade designation.* Handpicked beans shall be graded and designated as provided in either subdivision (1) or (11) of this subparagraph as follows:

(i) *Choice handpicked.* Handpicked beans of all classes to which the special

grade Handpicked applies, except the class Pinto beans, which meet the grade requirements for the grade U.S. No. 1, and which do not contain more than 1.5 percent total defects, and Pinto beans which meet the grade requirements for the grade U.S. No. 1 and which do not contain more than 2.0 percent total defects, shall be graded and designated as "U.S. Choice Handpicked." Such designation shall precede the name of the class.

(ii) *Handpicked.* Handpicked beans which do not meet the grade requirements for the grade U.S. Choice Handpicked shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not handpicked, and there shall be added to and made a part of the grade designation, following the number of the grade, the word "Handpicked."

(b) *High moisture beans*—(1) *Grade requirements.* High moisture beans shall be beans of any class which contain more than 18 percent of moisture.

(2) *Grade designation.* High moisture beans shall be graded and designated according to the grade requirements of the standards otherwise applicable to such beans, and there shall be added to and made a part of the grade designation, following the name of the class, the words "high moisture," followed by a statement of the percentage of moisture in the beans.

(c) *Off-color beans*—(1) *Grade requirements.* Off-color beans shall be beans of any class that, in mass, are distinctly off-color due to age or to any other natural cause but which are not materially weathered.

(2) *Grade designations.* Off-color beans shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not off-color, and there shall be added to and made a part of the grade designation, following the name of the class, the word "off-color."

The foregoing standards supersede the U.S. Standards for Beans as amended effective September 1, 1959, and shall become effective August 1, 1969.

Done at Washington, D.C., this 12th day of May 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-5839; Filed, May 16, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 275, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provision in paragraph (b)(1) (i), (ii), and (iii) of § 908.575 (Valencia Orange Reg. 275, 34 F.R. 7442) are hereby amended to read as follows:

§ 908.575 Valencia Orange Regulation 275.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 525,000 cartons;

(ii) District 2: 325,000 cartons;

(iii) District 3: 200,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5883; Filed, May 16, 1969; 8:47 a.m.]

[Lemon Reg. 374]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.674 Lemon Regulation 374.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 18, 1969, through May 24, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 15, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5943; Filed, May 16, 1969; 8:49 a.m.]

[Lime Reg. 27, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective no later than May 19, 1969, because fresh lime shipments have increased substantially during the past week and market prices have declined severely. The quality of the developing crop has seasonally improved since the inception of the current regulation, hence, a higher minimum grade and larger minimum size regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable supply while providing consumers with more desirable limes of a larger size and better quality.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 19, 1969. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 27 (34 F.R. 6438) and unless sooner terminated, will continue to be so regulated through April 30, 1970; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to May 19, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on May 14, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 911.329 (Lime Regulation 27; 34 F.R. 6438) the introductory text of paragraph (a)(2) and subdivisions (ii) and (iii) thereof are amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period May 19, 1969, through April 30, 1970, no handler shall handle:

* * * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

* * * * * *

(Secs 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1969, to become effective May 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6039; Filed, May 16, 1969; 11:31 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 102]

GRAIN WAREHOUSES

Inspectors' and Weighers' Applications

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

Subparagraph (2), paragraph (b) of § 102.61, would be revoked and paragraph (b) would be amended to read:

§ 102.61 Inspectors' and weighers' applications.

* * * * *

(b) Each inspector's application shall contain—

(1) Evidence that he can correctly grade grain in accordance with the official standards of the United States, or in the absence of such standards in accordance with any standards approved by the Administrator, and

(2) Satisfactory evidence that he will be provided with such means or facilities for inspecting and grading grain as may be deemed necessary, for use in the locality in which the applicant expects to perform services as a licensed inspector.

* * * * *

The requirement of the regulations that the applicant must have passed his 21st birthday would be revoked in order to bring the regulations under the United States Warehouse Act in line with the requirements of the regulations under the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.).

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-5891; Filed, May 16, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146–147, 148a–149d]

ANTIBIOTIC DRUGS

Fee Schedules and Charges for Inspection of Foreign Firms

The Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as proposed below to revise the antibiotic drug fee schedules and to provide for charges for followup inspections of foreign firms because:

1. It is the policy of the U.S. Government to establish an equitable, uniform system of charges for rendering special services to persons or organizations outside the Federal Government.

2. An analysis of the present antibiotic drug fee system indicates some inequities and lack of uniformity in charging for performance of tests for certification or release of antibiotic drugs.

3. The cost of repeat inspections of foreign manufacturers in connection with the certification of antibiotic drugs they produce is substantially greater than the cost of inspection of plants in the United States.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the antibiotic drug regulations be amended:

1. By revising § 146.8(b) to read as follows:

§ 146.8 Fees.

* * * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the sum of the fees for all tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for antibiotic drug certification is as follows:

Test	Chargeable feet per test
Arquad content	$20
Butanol content	29
Candicidin potency	23
Color identity	4
Crystallinity	4
Cycloserine color assay	17
Dactinomycin potency	35
Disc potency	15
Doxycycline purity	872
Free chloride	26
Gas chromatography (lincomycin)	32
Gentamicin C	191
Heavy metals test	13
Histamine test	35
Infrared identity	17
Karl Fisher moisture	7
LD_{50} toxicity	240
Loss on drying	9
Melting point	5
Metal particles (ophthalmic ointments)	26
Microbiological assay, plate	14
Microbiological assay, turbidimetric	7
Micro-organism count	49
Nonaqueous titrations	11
Paper chromatographic identity	37
Penicillin chemical assay	9
Penicillin contamination	27
Penicillin G content	14
pH	3
Procaine colorimetric	3
Pyrogens test:	
3 rabbits	62
5 rabbits	100
8 rabbits	162
Residue on ignition	17
Residual streptomycin	8
Safety test	26
Specific rotation	30
Specific surface area	17
Sterility test	49
Sulfate content	11
Tablet disintegration	3
Total chlorine	58
Undecylenic acid content	20
Ultraviolet absorptivity	12
Vancomycin identity	53
Zinc titration	26

(2) In the case of a supplemental request submitted pursuant to the provisions of § 144.3 of this chapter, the fee shall be $4.

(3) In the case of persons using the certification services whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

2. By deleting all references to fees from Parts 146a through 146e, 147, 148a through 148z, and 149a through 149d.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 12, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5862; Filed, May 16, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Poplar Bluff, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Poplar Bluff, Mo., transition area the instrument approach procedure for Earl Fields Memorial Airport at Poplar Bluff, has been modified slightly. In addition, the criteria for designation of transition areas has been changed. Accordingly, it is necessary to alter the Poplar Bluff transition area to adequately protect aircraft executing the modified approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

POPLAR BLUFF, MO.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'30" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 009° and 189° bearings from Earl Fields Memorial Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport, extending from the airport to V-9, excluding the portion which overlies the Blytheville, Ark., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5868; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bellaire, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Antrim County Airport, Bellaire, Mich., utilizing a relocated privately owned radio beacon as a navigational aid. The present instrument approach procedure predicated on the navigational aid at its old location will be canceled when the new procedure becomes effective. Accordingly, the Bellaire, Mich., transition area must be altered to provide controlled airspace protection for aircraft executing the new procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BELLAIRE, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 49°59'10" N., longitude 85°11'55" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5870; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Independence, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal

Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Independence, Kans., transition area the criteria for the designation of transition areas has been changed. Accordingly, it is necessary to alter the Independence, Kans., transition area to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

INDEPENDENCE, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Bartlesville, Okla., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5871; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coffeyville, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Coffeyville, Kans., transition area, the criteria for the designation of transition areas has changed. Accordingly, it is necessary to alter the Coffeyville transition area to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

COFFEYVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles each side of the 163° bearing from Coffeyville Municipal Airport, extending from the 7-mile radius area to 8 miles south of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Coffeyville Municipal Airport extending from the airport to 18½ miles south of the airport; and the area northeast of Coffeyville bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516 and on the west by V-131.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5872; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Le Mars, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Le Mars, Iowa, Municipal Airport utilizing a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a transition area at Le Mars, Iowa. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

LE MARS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Le Mars Municipal Airport (latitude 42°46'40" N., longitude 96°11'40" W.); and with within 3 miles each side of the 345° bearing from Le Mars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 165° and 345° bearings from Le Mars Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5869; Filed, May 16, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 080047]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 12, 1969.

Notice of a U.S. Department of Agriculture application, Sacramento 080047, for withdrawal and reservation of land for a roadside zone along California State Highway No. 96, for the Ish Puk Campground, was published as F.R. Doc. 66-924 on page 1126 of the issue for January 27, 1966. The applicant agency has canceled its application insofar as it affects the following described land:

HUMBOLDT MERIDIAN

ROADSIDE ZONE ALONG CALIFORNIA STATE HIGHWAY NO. 96, ISH PUK CAMPGROUND

A strip of land 200 feet to the north and 500 feet south of the centerline of California State Highway No. 96 starting from Station A 1213+59 thence on up the Klamath River to Station A 1226+15, approximately 1,600 feet, through the following legal subdivisions:

T. 14 N., R. 6 E. (unsurveyed),
Sec. 16, SW¼.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-5880; Filed, May 16, 1969; 8:47 a.m.]

[New Mexico 8706]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 12, 1969.

The Agricultural Research Service, U.S. Department of Agriculture, has filed an application, Serial No. New Mexico 8706 for the withdrawal of lands described below from location and entry under the mineral leasing and the general mining laws (30 U.S.C., ch. 2). The surface of the lands is withdrawn by Executive Orders Nos. 1526, 2368, and 4266. The area is known as the Jornado Experimental Range. The present withdrawal is for the protection of the research installations which are scattered about the experimental range. These installations include livestock exclosures, quadrat locations and other experimental plots under study by the Crops Research Division of the Agricultural Research Service.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 1 E.,
Secs. 13, 14, and 15;
Sec. 16, E½ and SW¼;
Sec. 20, E½ and SW¼;
Secs. 21 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 20 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Sec. 8, N½NE¼;
Sec. 9, N½ and SE¼;
Secs. 10, 11, 12, and 13;
Sec. 14, E½, NW¼, and N½SW¼;
Sec. 15, NE¼ and E½NW¼;
Sec. 24, NE¼ and N½NW¼.
T. 18 S., R. 2 E.,
Secs. 13 to 36, inclusive.
T. 19 S., R. 2 E.
T. 20 S., R. 2 E.,
Secs. 1 to 18, inclusive;
Sec. 19, lots 1, 2, 3, E½, and E½W½;
Secs. 20 to 29, inclusive;
Secs. 32, 33, and 34.
T. 21 S., R. 2 E.,
Secs. 3, 4, and 5;
Secs. 8, 9, and 10;
Secs. 15, 16, and 17;
Sec. 20, lots 11 to 18, inclusive;
Sec. 21, N½.
T. 17 S., R. 3 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, SE¼;
Sec. 22, E½;
Secs. 23, 24, 25, and 26;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35 and 36.
T. 18 S., R. 3 E.,
Secs. 1, 2, and 3;
Sec. 4, SE¼;
Sec. 8, SE¼;
Secs. 9 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 19 S., R. 3 E.
T. 20 S., R. 3 E.,
Secs. 1 to 18, inclusive;
Secs. 19, 20, 21, and 22;
Sec. 23, N½, SW¼, and W½SE¼;
Sec. 24, lot 1;
Sec. 27, NW¼;
Sec. 28, N½;
Secs. 29 and 30.
T. 17 S., R. 4 E.,
Sec. 17, W½SW¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, W½W½;
Sec. 29, W½W½;
Sec. 30;
Sec. 31, lots 1 to 4, inclusive, NE¼, and E½NW¼.
T. 18 S., R. 4 E.,
Sec. 6, lots 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 7, 18, and 19;
Sec. 20, SW¼;
Secs. 29, 30, 31, and 32.
T. 19 S., R. 4 E.,
Sec. 4, lots 3, 4, S½NW¼, and SW¼;
Secs. 5, 6, 7, and 8;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17, 18, 19, and 20;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 to 33, inclusive;
Sec. 34, SW¼.
T. 20 S., R. 4 E.,
Sec. 3, lots 3, 4, S½NW¼, and S½;
Secs. 4 to 10, inclusive;
Sec. 14, W½;
Secs. 15, 16, 17, and 18;
Sec. 20, N½;
Sec. 21, N½ and N½S½;
Sec. 22, N½ and N½S½;
Sec. 23, NW¼NW¼.

The areas described aggregate 200,520 acres, more or less, in Dona Ana County.

HOWARD M. GROTBERG,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-5863; Filed, May 16, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-491]

DOUGLAS S. JOBSON

Notice of Loan Application

MAY 12, 1969.

Douglas S. Jobson, Box 772, Wrangell, Alaska 99929, has applied for a loan from

the Fisheries Loan Fund to aid in financing the purchase of a used 32.9-foot registered length wood vessel to engage in the fishery for salmon, crab, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69–5881; Filed, May 16, 1969; 8:47 a.m.]

National Park Service

BANDELIER NATIONAL MONUMENT, N. MEX.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Evelyn C. Frey authorizing her to provide concession facilities and services for the public at Bandelier National Monument, N. Mex., for a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed her obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice. Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 9, 1969.

EDWARD A. HUMMEL,
Associate Director, National Park Service.

[F.R. Doc. 69–5864; Filed, May 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 1, 1969, continuing in effect to and including June 30, 1970, an order issued on June 24, 1966 (25 A.D. 824), authorizing the respondent, Union Stock Yards Company of Omaha (Ltd.), to assess the current temporary schedule of rates and charges.

By a petition filed on May 5, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including May 31, 1971.

(A) Amend section 1 *Yardage charges*, in the following respects:

(i) To provide for an increase in basic yardage charges per head, as follows:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$1.20	$1.30
Bulls (minimum 700 lbs. or over)	1.75	1.90
Calves (maximum 400 lbs.)	.69	.74
Hogs	.44	.47
Sheep or goats	.25	.26
Horses or mules	1.20	1.30

(ii) To provide for an increase in the present yardage charges on slaughter livestock consigned direct to packers, as set forth in (c) under "Exceptions" to section 1 and to add the following note thereto:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$0.40	$0.65
Bulls (minimum 700 lbs. or over)	.58	.95
Calves (maximum 400 lbs.)	.23	.37
Hogs	.15	.24
Sheep or goats	.08	.13

NOTE: This item (c) does not apply to weighing for purpose of purchase or sale on any basis; see section 1 (a) and (b) above for applicable charges.

(iii) To amend items (d) and (e) of the "Exceptions" to section 1 to read in full as follows and to increase the yardage charges as proposed:

(d) Livestock resold or reweighed by local market dealers to buyers on the market, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$0.40	$0.43
Bulls (minimum 700 lbs. or over)	.57	.63
Calves (maximum 400 lbs.)	.23	.25
Hogs	.15	.15
Sheep or goats	.06	.06

(e) Livestock resold or reweighted by local market dealers in these yards for shipment off the market, other than through a commission firm, will be assessed the following yardage charges:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$0.18	$0.20
Bulls (minimum 700 lbs. or over)	.28	.30
Calves (maximum 400 lbs.)	.12	.12
Hogs	.00	.00
Sheep or goats	.03	.03

(B) Amend section 2 *Driving livestock to railroad chutes*, by increasing the various charges in (a) as proposed:

	Present rates	Proposed rates
Cattle or calves	$2.00 per car	$2.25 per car.
Hogs	1.00 per deck	1.15 per deck.
Sheep or goats	1.00 per deck	1.15 per deck.
Horses or mules	2.00 per car	2.25 per car.

and by adding the following additional sentence: "Under this section, 30 cattle, or 60 calves, or 25 horses or mules, or a fraction thereof, constitute a car; while 70 hogs, or 110 sheep or goats, or a fraction thereof, constitute a deck."

(C) By adding a new section, entitled "Use of Facilities and Services," as follows:

For the use of the facilities and services, other than provided for in section 1, the following charges will apply:

	Per head
Cattle (except bulls 700 lbs. or over)	$0.30
Bulls (minimum 700 lbs.)	.50
Calves (maximum 400 lbs.)	.15
Hogs	.10
Sheep or Goats	.06
Horses or Mules	.30

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of May 1969.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69–5951; Filed, May 16, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–244]

ROCHESTER GAS AND ELECTRIC CORP.

Order Extending Completion Date

Rochester Gas and Electric Corp. having filed a request, dated April 9, 1969, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–19 for construction of a 1300 megawatt (thermal) pressurized water nuclear reactor, designated as the Robert Emmett Ginna Nuclear Power Plant Unit No. 1, at the applicant's Brookwood site in Wayne County, N.Y., and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from June 1, 1969, to November 1, 1969.

Date of issuance: May 13, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69–5860; Filed, May 16, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Delegations of Authority

The Secretary's delegations of authority to the Director, Office of Urban Technology and Research, published at 32 F.R. 9325, June 30, 1967, as amended at 33 F.R. 3293, February 22, 1968, and at 34 F.R. 2681, February 27, 1969, are hereby further amended by deleting the title "Director, Office of Urban Technology and Research" wherever it appears and inserting in lieu thereof "Assistant Secretary for Research and Technology".

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment of delegations of authority is effective as of May 14, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69–5896; Filed, May 16, 1969; 8:48 a.m.]

HUD OFFICERS AND EMPLOYEES

Revocation of Temporary Suspension of Certain Delegations and Redelegations of Authority To Approve Grants, Contracts, Other Subsidies, Loans, Commitments, or Reservations

The notice published at 34 F.R. 1740, Feb. 5, 1969, relating to the temporary suspension of certain delegations and redelegations of authority to HUD officers and employees to approve, execute, or increase the amount of any grant, contract, subsidy, loan, commitment, or reservation is hereby revoked.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This revocation shall be effective as of May 14, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69–5895; Filed, May 16, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20665]

AIR WEST, INC., AND HUGHES TOOL CO.

Notice of Oral Argument

Acquisition of Air West, Inc., by Hughes Tool Co.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 4, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–5887; Filed, May 16, 1969; 8:48 a.m.]

[Docket No. 16242]

TRANSPACIFIC ROUTE INVESTIGATION (INTERNATIONAL PHASE)

"South Pacific Deferred Phase"; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the "South Pacific Deferred Phase" of the above-entitled proceeding,[1] will be heard by the Board on May 20, 1969, at 2 p.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

[1] See order 69–4–90, order 69–4–102, and letter of the President of the United States to the Chairman of the Board, dated Apr. 11, 1969.

Applicants, i.e., American Airlines, Inc., Continental Airlines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc., will be allotted 15 minutes each with no rebuttal permitted, and will appear in that order.

Intervenors with an interest in the "South Pacific Deferred Phase" will be allotted 5 minutes each upon request to the Chief Examiner's office on or before May 19, 1969. If any other carrier contends that it can be considered an applicant in this phase of the case, it should notify the Chief Examiner's office and other parties to the case before 12 noon, May 19, 1969.

Dated at Washington, D.C., May 15, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–5961; Filed, May 16, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16979; FCC 69–468]

INTERDEPENDENCE OF COMPUTER AND COMMUNICATIONS SERVICES AND FACILITIES

Report and Further Notice of Inquiry Regarding Regulatory and Policy Problems

1. This inquiry was begun by the Commission on its own motion by a notice of inquiry released on November 10, 1966. It was our objective to provide a public forum for the discussion, examination and resolution of a number of regulatory and policy questions that appeared to be emerging from the growing interdependence of computers and communications services and facilities. Accordingly, our notice identified a variety of specific issues with respect to which we invited interested persons to submit information, views and recommendations.

2. In broad outline, the areas of concern addressed by our notice included present and future computer uses of communications facilities and services; the adequacy of existing facilities and services of common carriers; the need for new and improved common carrier offerings; whether and under what circumstances the rendition by common carriers or others of data processing and other computer services involving the use of communications facilities should be free from or subject to governmental regulation; whether and under what conditions the entry into such services by common carriers and others should be controlled; and what measures, if any, are required to be taken by the computer industry, communications common carriers, or Government to protect the privacy of data stored in computers or transmitted over communications facilities. The date of March 5, 1968, was fixed for the submission of such responses.

3. We received about 60 responses representing a broad cross section of interest in computers and communications. Responses came from trade associations, Government agencies, professional organizations, communications common carriers, computer manufacturers, computer service organizations, computer users and others. In some instances, we were given extensive, well researched and comprehensive presentations. In other cases, respondents submitted thoughtful and provocative delineations of specific problems affecting their particular interests. Virtually all respondents acknowledged the timeliness of the inquiry because of the currency and importance of the problems which were arising out of the interaction of computer and communications technologies. They stressed a need to deal with the adaptation of existing communications services, regulations, facilities and practices to the data communications requirements now arising out of the growing use of computers and computer technology.

4. Since the inception of the inquiry in November 1966, a number of developments have occurred which are relevant to, and have impact upon, the issues involved in the computer inquiry. We therefore are of the view that it would be timely and useful to a proper public understanding of the current status of the inquiry and the issues involved therein to review these developments as they affect those issues and the Commission's regulatory responsibilities and required actions.

5. As indicated above, the notice of inquiry brought forth useful data and comment from a broad cross-section of interests. Our review of the responses made it clear that our available internal resources would not be sufficient to give the responses the expert treatment and attention which was necessary to assure the comprehensive consideration and analysis demanded by the matters involved.[1] We decided that research funds available could be usefully employed for an independent and expert study which would evaluate the responses and make recommendations to the Commission. We contracted with the Stanford Research Institute to conduct such a study.

6. SRI's study has now been completed. Its results are encompassed in a series of seven reports which have been published and are available to the public. The reports consist of summaries and analyses of the responses in the inquiry; information added by SRI to the material in the responses; a discussion of decision-making and research techniques SRI proposes as additional regulatory tools; and SRI's conclusions and recommendations as to the disposition or further regulatory treatment of the issues in the inquiry. Copies of the SRI study may be purchased from Clearing House for Federal Scientific and Technical Information of the Department of Commerce or may be inspected at the offices of the Commission in Washington, D.C.[2]

7. The Commission has not yet fully evaluated the findings and recommendations of SRI in the context of our regulatory responsibilities and the objectives and issues of the computer inquiry. In connection with this evaluation and the determinations yet to be made by us as to the further regulatory actions that may be required, we will welcome and are inviting comments on the SRI reports from respondents to this inquiry or any other persons who may be interested.

8. Although our evaluation of the responses to the inquiry and the SRI reports remains to be completed, we are in a position to make certain observations concerning the results thus far accomplished by the inquiry and the posture of the issues involved therein. First, it is evident that the responses as well as the SRI study provide the Commission and all segments of the computer and communications industries with a more informed basis upon which to gain an understanding of the problems that arise out of the growing interdependence of computers and communications. Second, both the responses and the SRI study serve as a significant point of departure for the more definitive identification and further consideration of the specific issues which confront the Commission and the industry and which must be resolved if communications and computer technologies are to be amalgamated in a fashion which will most effectively serve the public interest. Third, as will be noted hereinafter, the inquiry has already generated constructive actions by the communications common carriers in response to certain of the specific problems which have been crystallized by the responses to the inquiry. Fourth, the responses to the inquiry and the SRI study have enabled us to relate constructively various proceedings already instituted by the Commission with respect to the tariff rates, regulations, and practices of the common carriers to the problems arising out of the interaction of computers and communications. Fifth, the inquiry has pointed up those problems involved in the computer use of communications which need to be made the subject of further proceedings by the Commission, or which require the development of more information and experience before we can decide what measures can or should be taken to assure that the public interest will be served in this important field.

9. One subject which was already under examination by the Commission in a pending proceeding but which, nevertheless, evoked substantial comment from a number of respondents, concerned the tariff provisions of the telephone companies forbidding attachment of customer-owned devices and the interconnection of private communications systems with the common carrier switched network. The then existing tariff limitations against attachments and interconnection were held to be unlawful by the Commission in its decision in the Matter of Use of Carterfone Device in Message Toll Telephone Service, Docket No. 16942, 13 FCC 2d 420, June 26, 1968, petition for reconsideration denied, 14 FCC 2d 571, September 11, 1968.

10. Subsequently, the telephone companies filed revised tariffs which were allowed to become effective on January 1, 1969. These revisions, in effect, opened up the switched network to the interconnection of customer-owned devices and systems subject, however, to various conditions and limitations specified in the tariffs. At that time we made no determination as to the lawfulness of the revised tariffs, but we did recognize that there were a number of objections to various features of the new tariffs which warranted further consideration. Among other things, it was claimed that certain regulations of the new tariffs unduly restricted or interfered with the use of the switched communications network for computer purposes. Some of the questions are of a substantial nature and remain to be resolved. Nevertheless, the lifting of the ban on interconnection of customer-owned equipment and systems will expand greatly competitive opportunity for the manufacture and sale of peripheral and special communications equipment and systems for use in connection with the switched network.

11. By our memorandum opinion and order of December 24, 1968, we instructed the Chief of the Common Carrier Bureau to convene a series of technical and engineering conferences, to be participated in by all interested parties, for the purpose of considering the various questions. It is expected that the conferences will determine what further tariff modifications might be warranted and implemented without formal action by the Commission, or whether formal hearings should be held on unresolved issues. The Chief of the Common Carrier Bureau has begun to bring together representatives of all interests concerned with these problems.[3]

12. Thus, the problems arising out of restrictions on attachments and interconnection of customer-owned communications equipment and systems which may affect computer uses as well as other uses of the switched network are included within the scope of proceedings now underway. Computer interests are participating in these proceedings, and all those having an interest in these matters should communicate their views to the Chief of the Common Carrier Bureau.

13. One important consequence of the growing dependence of computer technology and use upon communications is that new questions have been raised regarding the rate structures and practices of communications common carriers. Respondents in the inquiry expressed various views regarding the adequacy or suitability of the carriers offerings for data transmission. For example, there is considerable complaint regarding the 3-minute minimum rate schedule applicable to message toll telephone service. Because large volumes of data can be transmitted over the switched network in bursts which consume seconds rather than minutes, the 3-minute minimum is regarded as uneconomical. In response, AT&T will shortly introduce a 1-minute initial period rate schedule on a trial basis in a limited number of locations. The offering will be available to both voice and data users of the switched network at substantial savings.

14. Computer technology has cast in an entirely new light existing restrictions upon customer sharing of communications facilities. Here again our inquiry has revealed that, so far as computer use of communications services is concerned, current tariff restrictions upon sharing are regarded as defeating the efficient and economic use of common carrier facilities and running counter to the developing needs of data users. Data users are not the only ones who have objected to limitations upon sharing of communications facilities. A partial response to the concerns expressed by the respondents in the inquiry is found in AT&T's recently filed tariff liberalizing the sharing of private line circuits of voice grade or less bandwidth.[4] Certain aspects of sharing regulations of the carriers are under examination in the Telpak Sharing case, Docket No. 17457, which is currently in a decisional status;[5] other aspects will be the subject of hearings in the private line rate investigation instituted on July 16, 1968, in Docket No. 18128. We intend to look to the responses of those who may communicate their views regarding the SRI reports to see if there is need for other proceedings or actions with respect to tariff provisions which affect sharing of communications facilities and services.

15. The most notable regulatory problem raised by the respondents and discussed by SRI in its study arises out of the rendition of data processing services by common carriers, and the provision of what are claimed to be communications services by unregulated data processing organizations. This problem breaks down into a number of issues. The first of these is whether communications common carriers should be permitted to sell data processing services and, if so, what safeguards should be imposed to insure that the carriers will not engage in anticompetitive or discriminatory practices. On the other side, we have the problem of the extent to which unregulated data processing organizations should be permitted to sell communications as a part of a data processing package not subject to regulation. This situation leads to the difficult problem of separating by definition what are communications services and what are data processing services. There does not appear to be any public need or demand for regulation of what is generally understood to constitute data processing. However, serious differences arise over what to do when data processing is part and parcel of a mixed offering which includes communication type functions, most notably message switching.

16. SRI contends that for the immediate future we should limit our regulatory action to assuring that in leasing facilities to Western Union for its use in furnishing data processing services, no preference is given to Western Union by AT&T compared to the terms upon which such facilities are supplied by AT&T to its other customers. SRI also advises that we keep a close watch on how other carriers operate their data services. Many of the respondents take a more urgent view of this problem, a number of them advocating that carriers be either totally barred from providing data processing services or subjected to rigorous safeguards designed to separate unregulated data processing services from regulated communications activities.

17. An aspect of this arose in connection with our consideration of Western Union's SICOM and INFOCOM tariffs. We allowed these tariffs to go into effect but without prejudice to our further examination of the question of regulation of computer functions and communications services. (In the Matter of Western Union Telegraph Co. Tariff FCC No. 251 Applicable to SICOM Service 11 FCC 201.) We will shortly initiate an appropriate proceeding as a basis for definitive decisions as to what requirements shall be imposed upon carriers with respect to data services; and whether computer services which involve data communications should be subject to regulation whether engaged in by carriers or others, and the specific form of any such regulation.

18. Privacy and security of data during both transmission and storage in computer memory are extremely important to many of those who answered the computer inquiry. We intend to give further consideration to the needs which may exist in this area and to the regulatory actions which may be required. We believe it would be best, however, to obtain more information regarding present and future needs and the technical, operational and economic implications involved in meeting those needs. Until we have given further analysis to the problem, we are leaving open for the time being the question of specific regulatory or other actions which might be usefully taken to assure privacy and security of data.

19. Responses to the inquiry and the SRI study have also pointed out an increasing number of technological problems relating to the adequacy of existing communications facilities to meet the needs of the growing computer technology. Thus, they raise questions as to the need for a digital transmission network designed specifically for data communications requirements, the need for greater transmission speed and accuracy, the need for greater variety of bandwidth configurations, the need for more sophisticated equipment to assure security of data, and the need for development of domestic satellite networks for data communications requirements and many others. Although the data produced by the computer inquiry and the SRI study provide a most valuable point of departure, more definitive and comprehensive technical data relative to these needs must be developed.

20. We are in an era of rapidly advancing technologies and an ever-present demand for expanded, improved, and new communications capabilities. In these circumstances, it is inevitable that difficulties and conflicts will arise as computer and communications technologies encounter each other as has happened during the past decade. The regulatory processes of Government, of course, stand ready to assist in the resolution of these problems and this inquiry is one example of regulatory initiative. However, of major importance is the establishment and maintenance of an appropriate dialogue between computer interests and communications common carriers so as to give each a better understanding of the existing and prospective needs, capabilities and limitations of the other. By this process, constructive accommodation can be reached for the benefit of all thereby minimizing the need for regulatory action and maximizing the effectiveness of voluntary, responsible actions within the private sector.

21. The computer inquiry has been a valuable first step toward making available to all concerned relevant and reliable information on a continuing basis. As an ongoing process, we intend to acquire data and information related to technological developments and trends in data communications. SRI underscores the need for systematic collection of such data as vital to the Commission, industry and computer users in understanding and anticipating problem areas. We are already taking steps to supplement the data accumulated in the computer inquiry in a number of areas. In addition, we propose to enlist the cooperation and participation of industry and professional organizations as part of the continuing effort to maintain an

[1] In its response, the Association for Computing Machinery, a professional organization in the field of computer technology, offered its assistance to the Commission. We accepted the ACM's offer, and it developed and presented to the Commission and its staff a series of seminars dealing with the technical aspects of computer use and the nature of the growing involvement of communications with computers. The seminars provided a most useful background for our consideration of the issues involved in the inquiry.

[2] By publishing the SRI reports, the Commission is not necessarily accepting, approving or rejecting any of SRI's conclusions and recommendations. As an independent research organization, SRI bears full responsibility for the content of the reports.

[3] The Commission will use the resources of a professional organization if suitable arrangements can be made, to assure maximum expert technical advice and objectivity in dealing with the problems.

[4] A new limited trial offering of a wideband private line service, providing, among other features, for unlimited customer sharing was recently filed by AT&T to be effective July 1, 1969. The Commission has not yet taken any action with respect to this tariff.

[5] A recommended decision was issued in this matter by the Chief of the Common Carrier Bureau on Apr. 25, 1969.

effective program for the public exposure of relevant data and the treatment of specific problems. The specific framework for these activities will be determined after opportunity for consultation. Here again, we will welcome specific suggestions from interested persons.

In summary, the computer inquiry has been an effective vehicle for the identification and better understanding by Government, industry, and computer users of the problems spawned by the confluence of computer and communication technologies which has taken place in the past decade. Certain of these problems have been, or are being, effectively dealt with in other proceedings before the Commission or by voluntary action taken by the industry. The treatment of other problems requires further proceedings or the acquisition of more information and experience before we can decide what further actions, if any, may be needed. Finally, we intend to establish procedures for the continued collection and evaluation of reliable data concerning existing and prospective developments in the data communications field.

We propose to keep this inquiry open for the filing by interested persons of:

(a) Comments regarding the SRI study, its information, conclusions, and recommendations;

(b) Comments and recommendations regarding the methods which will best promote the continuous availability of relevant and reliable technical and other information related to the interdependence of computers and communications.

Comments, proposals, and recommendations should be filed with the Commission not later than June 24, 1969. Upon consideration of these submissions, we will take such further actions as may then be indicated.

Adopted: May 1, 1969.

Released: May 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5888; Filed, May 16, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

P. D. MARCHESSINI & CO. (NEW YORK), INC., AND KOREA MARINE TRANSPORT CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. J. Magrino, P. D. Marchessini & Co. (New York), Inc., 26 Broadway, New York, N.Y.

Agreement No. 9794 is a through billing arrangement between the initial carrier, Korea Marine Transport Co., Ltd., and the delivering carrier, P. D. Marchessini & Co. (New York), Inc., applicable to cargo moving from Korea to the Atlantic Coast of the United States with transshipment in Japanese ports, in accordance with the terms and conditions set forth in the agreement.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5886; Filed, May 16, 1969; 8:47 a.m.]

P. D. MARCHESSINI & CO. (NEW YORK), INC., AND CHUN KYUNG SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. J. Magrino, P. D. Marchessini & Co. (New York), Inc., 26 Broadway, New York, N.Y.

Agreement No. 9795 is a through billing arrangement between the initial carrier, Chun Kyung Shipping Co., Ltd., and the delivering carrier, P. D. Marchessini & Co. (New York), Inc., applicable to cargo moving from Korea to the Atlantic Coast of the United States with transshipment in Japanese ports, in accordance with the terms and conditions set forth in the agreement.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5892; Filed, May 16, 1969; 8:47 a.m.]

SOUTH CHICAGO DOCK LEASING CO. AND TRANSOCEANIC TERMINAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John F. Donelan, Donelan, Cleary, and Caldwell, 914 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

Agreement No. T-182-2 between South Chicago Dock Leasing Co., a division of the Youngstown Sheet and Tube Co. (Present Youngstown), Transoceanic Terminal Corp. (Transoceanic), and South Chicago Dock Leasing Co., a division of Youngstown Sheet and Tube Co. (New Youngstown) amends the basic agreement between Present Youngstown and Transoceanic which provides for the lease of certain terminal property in Chicago. The purpose of the amendment is to assign the interest of South Chicago Dock Leasing Co., a division of The Youngstown Sheet and Tube Co., Lessor under the agreement, to South Chicago Dock Leasing Co., a division of Youngstown Sheet and Tube Co. This assignment is being made in connection with the agreement of merger between Lykes Corp. and The Youngstown Sheet and Tube Co., pursuant to which all of the assets of The Youngstown Sheet and Tube Co. are to be transferred to a wholly owned subsidiary of The Youngstown Sheet and Tube Co., which subsidiary will also assume all of the obligations and liabilities of The Youngstown Sheet and Tube Co.

Dated: May 14, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-5893; Filed, May 16, 1969; 8:48 a.m.]

WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William L. Hamm, Secretary, West Coast of India and Pakistan/U.S.A. Conference, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8040-7, between the member lines of the West Coast of India and Pakistan/U.S.A. Conference, modifies the basic agreement by amending the Preamble to extend the application of the agreement to cover ports in Puerto Rico and the Virgin Islands on cargo moving on through bills of lading for transshipment at U.S. Atlantic or Gulf of Mexico ports in accordance with approved transshipment agreements in instances in which cargoes are transshipped on vessels of nonconference carriers.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5894; Filed, May 16, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3620, etc.]

J. R. WELCH ET AL.

Findings and Order

MAY 7, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Coy Burnett, Applicant in Docket No. CI69-585, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-3699 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 303. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-23. Therefore, Applicant will be made co-respondent in said proceedings; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

Sinclair Oil Corp., Applicant in Docket No. CI69-812, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-12353 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 197. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-2, and Applicant has filed a motion to be made co-respondent in said proceeding. Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI68-2 and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by the New York Public Service Commission and petitions to intervene by the Long Island Lighting Co., The Brooklyn Union Gas Co. and Consolidated Edison Company of New York, Inc., were filed in Docket No. CI69-585, in the matter of the application filed on December 16, 1968, in said docket. The notice of intervention and the petitions to intervene have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on May 1, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

* Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI69–771 and CI69–775 should be canceled and that the applications filed therein should be treated as petitions to amend the orders issuing certificates in Dockets Nos. G–5739 and CI64–1452, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in the following dockets should be amended as hereinafter ordered and conditioned:

G–3072	G–11479	CI64–298
G–3620	G–12353	CI64–1452
G–3621	G–14893	CI65–228
G–3699	G–20138	CI65–1159
G–3894	CI60–176	CI65–1354
G–4971	CI61–1265	CI67–358
G–5316	CI61–1569	CI68–156
G–5716	CI62–193	CI68–686
G–5739	CI62–594	CI69–279
G–7223	CI62–1335	CI69–495
G–7643	CI63–1460	CI69–583
G–7858	CI64–151	CI69–591

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more full described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI69–349 should be terminated only with respect to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 209.

(11) The revenues received for sales at the increased rate under Pan American Petroleum Corp. FPC Gas Rate Schedule No. 165 which were collected subject to refund in Docket No. RI63–231 are de minimis; and, therefore, the proceeding pending in Docket No. RI63–231 should be terminated, and Pan American should be relieved from any refund obligation with respect to such sales.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Dockets Nos. RI67–51, RI68–9, RI68–618, RI69–502, and RI69–506 should be redesignated to reflect the change in name of the respondent from U.S. Natural Gas Corporation to U.S. Natural Resources, Inc.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Coy Burnett should be made a co-respondent in the proceeding pending in Docket No. RI62–23, that said proceeding should be redesignated accordingly, and that he should be required to file an agreement and undertaking in said proceeding.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sinclair Oil Corp. should be made a co-respondent in the proceeding pending in Docket No. RI68–2 and that said proceeding should be redesignated accordingly.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. G–3894, G–7223, G–11479, CI69–803, and CI69–804 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. G–3894, G–7223, G–11479, CI69–803, and CI69–804 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(c) Applicants in Dockets Nos. CI69–803 and CI69–804 shall advise the Commission of any contemplated processing of the gas under Article II, section 2 of the subject contracts.

(d) The initial rate for the sale authorized in Docket No. CI68–156 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(e) The initial rate for the sale authorized in Docket No. CI69–495 shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Further, the certificate is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(f) In the event that Applicant in Docket No. CI69–823 exercises the option to sell gas from additional wells to a third party pursuant to section 1, paragraph 4, of the contract, Applicant shall so advise the Commission at least 30 days prior to such sale or disposition.

(g) The authorization granted in Docket No. CI61–1265 involving the sale of gas by Southern Union Production Co., to its affiliate, Southern Union Gathering Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(h) The acceptance for filing of the related rate filing in Docket No. CI69–780 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(F) The orders issuing certificates in Dockets Nos. G–3894, G–5716, G–7223, G–7643, G–11479, G–20138, CI61–1265, CI64–298, CI65–228, CI65–1159, CI68–156, CI68–686, CI69–495, and CI69–591 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The orders issuing certificates in Dockets Nos. G–3072, G–3699, G–5316, G–12353, and G–14893 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–780, CI69–585, CI65–1159, CI69–812, and CI69–508, respectively.

(H) Dockets Nos. CI69–771 and CI69–775 are canceled.

(I) The orders issuing certificates in Dockets Nos. G–3620, G–3621, G–4971, G–5739, G–7858, CI60–176, CI62–193, CI62–1335, CI64–151, CI64–1452, CI65–1354, CI69–279, and CI69–583 are amended by substituting the successors in interest as certificate holders.

(J) The orders issuing certificates in Dockets Nos. CI61–1569, CI62–594, CI63–1460, and CI67–358 are amended to reflect the change in corporate name as indicated in the tabulation herein.

(K) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI69–830 shall not be construed to relieve Applicant of any refund obligation incurred in the related rate suspension proceeding pending in Docket No. RI67–295.

(M) Permission for and approval of the abandonment are granted in Docket No. CI69–850 and the related certificate in Docket No. G–13633 is terminated only with respect to Union Producing Co. FPC Gas Rate Schedule No. 163. Applicant shall not be relieved of any refund obligation in the related rate suspension proceeding pending in Docket No. RI69–333.

(N) The certificates heretofore issued in Dockets Nos. G–11053, G–12059, G–14224, G–17039, G–19340, CI61–450, CI62–311, CI62–521, and CI64–774 are terminated.

(O) The rate suspension proceeding pending in Docket No. RI69–349 is terminated only with respect to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 209.

(P) The rate suspension proceeding pending in Docket No. RI63–231 is terminated and Pan American Petroleum Corp. is relieved from any refund obligation in said docket.

(Q) The proceedings pending in Dockets Nos. RI67–51, RI68–9, RI68–618, RI69–502, and RI69–506 are redesignated to reflect the change in name of the respondent from U.S. Natural Gas Corp. to U.S. Natural Resources, Inc.

(R) Coy Burnett is made a co-respondent in the proceeding pending in Docket No. RI62–23, and said proceeding is redesignated accordingly.

(S) Within 30 days from the issuance of this order, Coy Burnett shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62–23 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) Coy Burnett shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI62–23 shall remain in full force and effect until discharged by the Commission.

(U) Sinclair Oil Corp. is made a co-respondent in the proceeding pending in Docket No. RI68–2 and said proceeding is redesignated accordingly. Sinclair shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(V) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3620 E 3–10–69	J. R. Welch (successor to Carl D. and Edith Rhyne Jackson, d.b.a. Jackson Brothers).	Cabot Corp., Murphy District, Ritchie County, W. Va.	Carl D. and Edith Rhyne Jackson, d.b.a. Jackson Brothers, FPC GRS No. 2.	4	
			Supplement Nos. 1–3	4	1–3
			Notice of succession 3–1–69.		
			Assignment 12–31–59 [1]	4	4
			Effective date: 12–31–59		
G–3621 E 3–10–69	do	do	Carl D. and Edith Rhyne Jackson, d.b.a. Jackson Brothers, FPC GRS No. 4.	5	
			Supplement Nos. 1–3	5	1–3
			Notice of succession 3–1–69.		
			Assignment 12–31–59 [1]	5	4
			Effective date: 12–31–59		
G–3894 C 2–6–69	Atlantic Richfield Co.[8]	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 12–5–68.[9]	62	15
G–4971 E 3–10–69	Dr. W. B. Wright et al. (successor to Frederick Oil & Gas Co.).	Cabot Corp., Murphy District, Ritchie County, W. Va.	Frederick Oil & Gas Co., FPC GRS No. 1.	1	
			Notice of succession 3–1–69.		
			Assignment 6–10–66 [1]	1	1
			Effective date: 6–10–66		
G–5716 D 5–6–68 D 6–6–68	Northern Natural Gas Producing Co.	Northern Natural Gas Co., Hugoton Field, Stevens and Haskell Counties, Kans.	Notice of partial cancellation 5–3–68.[4]	2	104
			Notice of partial cancellation 5–3–68.[5]	2	105
			Notice of partial cancellation 5–3–68.[6]	2	106
			Notice of partial cancellation 6–5–68.[7] [8]	2	107
G–5739 (CI69–771) E 2–10–69 [8]	Western Oil & Minerals Corp. (successor to John A. Egan).	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, San Juan County, N. Mex.	John A. Egan, FPC GRS No. 1.	3	
			Supplement Nos. 1–4	3	1–4
			Notice of succession (Undated).		
			Assignment 2–3–69	3	5
			Effective date: 1–1–69		
G–7223 C 2–5–69	Standard Oil Co. of Texas, a division of Chevron Oil Co.[8]	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Supplemental agreement 12–5–68.[9]	3	15
G–7643 D 5–20–68	Mobil Oil Corp.	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	Assignment 1–25–68 [8] [10]	282	12
G–7858 [11] E 3–10–69	Oral D. Smith (successor to McIntosh & Grimm).	Cabot Corp., Sherman District, Calhoun County, W. Va.	Hays and Co., Agent for McIntosh & Grimm, FPC GRS No. 250.[11]	315	
			Supplement Nos. 1–3	315	1–3
			Notice of succession 3–1–69.		
			Assignment 2–23–53 [12]	315	4
			Assignment 3–16–63 [13]	315	5
			Effective date: 3–16–63		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Sucession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–11479 ..... C 3–7–69	Pan American Petroleum Corp. (Operator) et al.[16]	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	Supplemental agreement 2–21–69.[3]	108	23
G–20138 ..... C 3–6–69 [15]	Pubco Petroleum Corp.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 12–10–68.[3]	4	29
CI60–176 ..... E 3–10–69	David E. Scull (successor to Richard A. Teichman, Jr.).	Cabot Corp., Burning Springs District, Wirt County, W. Va.	Richard A. Teichman, Jr., FPC GRS No. 1.	1	.....
			Notice of succession 3–1–69.	1	.....
			Assignment 9–9–66 [1]	1	1
			Effective date: 9–9–66.	.....	.....
CI61–1265 ..... C 2–5–69 [15]	Southern Union Production Co.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	Supplemental agreement 12–3–68.	3	26
			Supplemental agreement 3–5–69.[3] [10]	3	1–26
CI61–1569 ..... 1–6–69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	U.S. Natural Gas Corp., FPC GRS No. 1.	1	.....
			Supplements Nos. 1–2	1	1–2
			Effective date: 11–1–68.	.....	.....
CI62–193 ..... E 2–24–69	Betz Oil, Inc. (Operator) et al. (successor to McWood Corp. (Operator) et al.).[10]	Kansas-Nebraska Natural Gas Co., Inc., Flat Top Shawnee Field, Converse County, Wyo.	McWood Corp. (Operator) et al., FPC GRS No. 7.	3	.....
			Supplement Nos. 1–2	3	1–2
			Notice of succession 2–20–69.	.....	.....
			Assignment 3–1–67 [10]	3	3
			Assignment 6–3–68 [20]	3	4
			Effective date: 6–1–68.	.....	.....
CI62–594 ..... 1–6–69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Mountain Fuel Supply Co., Joyce Creek and Pretty Water Fields, Sweetwater County, Wyo.	U.S. Natural Gas Corp., FPC GRS No. 2.	2	.....
			Supplement Nos. 1–6	2	1–6
			Effective date: 11–1–68.	.....	.....
CI62–1335 ..... E 1–31–69	J. Gregory Merrion et al. (successor to Fred W. Pool (Operator) et al., d.b.a. Durango Syndicate).	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	Fred W. Pool (Operator) et al., d.b.a. Durango Syndicate, FPC GRS No. 1.	8	.....
			Supplement Nos. 1–7	8	1–7
			Notice of succession 1–14–69.	.....	.....
			Assignment 11–22–68	8	8
			Effective date: 12–1–68.	.....	.....
CI63–1460 ..... 1–6–69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Western Transmission Corp., Cow Creek and Cherokee Creek Fields, Carbon County, Wyo.	U.S. Natural Gas Corp., FPC GRS No. 3.	3	.....
			Supplement Nos. 1–5	3	1–5
			Effective date: 11–1–68.	.....	.....
CI64–151 ..... E 3–10–69	E. A. Dawson et al. (successor to Smith & Barker Oil & Gas Co., Inc.).	Cabot Corp., Sheridan District, Calhoun County, W. Va.	Smith & Barker Oil & Gas Co., Inc., FPC GRS No. 23.	1	.....
			Notice of succession 3–1–69.	.....	.....
			Assignment 8–11–64 [1]	1	1
			Effective date: 8–11–64.	.....	.....
CI64–208 ..... D 1–10–69	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Labbe Field, Duval County, Tex.	Notice of partial cancellation 11–20–68.[21]	341	5
			Effective date: 12–21–68.	.....	.....
CI64–1452 ..... (CI69–775) E 2–10–69 [22]	Western Oil & Minerals Corp. (successor to John A. Egan).	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, San Juan County, N. Mex.	John A. Egan, FPC GRS No. 5.	4	.....
			Supplement Nos. 1–4	4	1–4
			Notice of succession (undated).	.....	.....
			Assignment 2–3–69	4	5
			Effective date: 1–1–69.	.....	.....
CI65–228 ..... D 2–28–69	Horizon Oil & Gas Co. of Texas (partial abandonment).	Baca Gas Gathering System, Inc., Flank, Greenwood, and Midway Fields, Baca County, Colo.	Supplemental agreement 2–25–69.[1] [23] [24]	1	4

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
F CI65–1159 ..... (G–5316) C 3–10–69 [15]	Tenneco Oil Co. et al.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	Supplemental agreement 2–26–69.[3] [25]	176	19
CI65–1354 ..... E 11–21–68	Ray A. Jones (successor to Quaker State Oil Refining Corp.).	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Quaker State Oil Refining Corp., FPC GRS No. 9.	2	.....
			Notice of succession (undated).	.....	.....
			Assignment 10–21–68 [1]	2	1
			Effective date: 1–1–68.	.....	.....
CI67–358 ..... 1–6–69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Desert Springs Area, Sweetwater County, Wyo.	U.S. Natural Gas Corp., FPC GRS No. 4.	4	.....
			Supplement Nos. 1–4	4	1–4
			Effective date: 11–1–68.	.....	.....
CI68–156 ..... C 2–24–69 [15]	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	Amendment 1–22–68	404	2
			Amendment 11–1–68 [3]	[26] 404	3
CI68–686 ..... D 2–13–69	Mobil Oil Corp. (Operator) et al.	Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La.	Notice of cancellation 2–11–69.[1] [27]	412	4
CI69–270 ..... E 2–27–69	Camino Oil Corp. (successor to Viking Drilling Co.).	Florida Gas Transmission Co., Citrus Grove Field, Matagorda County, Tex.	Viking Drilling Co., FPC GRS No. 2.	5	.....
			Supplement Nos. 1–3	5	1–3
			Notice of succession 2–25–69.	.....	.....
			Assignment 9–13–68 [1]	5	4
			Effective date: 9–1–68.	.....	.....
CI69–495 ..... C 2–27–69 [15]	Texaco, Inc.	Natural Gas Pipeline Co. of America, West Lorena Field, Texas County, Okla.	Amendment 2–14–69.[1]	[28] 424	1
CI69–508 ..... (G–14893) F 11–12–68	G. E. Kadane & Sons (successor to L. B. Porter et al.).	United Gas Pipe Line Co., Maxie Pistol Ridge Field, Forrest County, Miss.	Agreement 11–1–68 [29]	4	.....
			Contract 4–13–55 [30]	4	1
			Amendment 3–27–68 [31]	4	2
			Assignment 1–30–68 [32]	4	3
			Assignment 1–30–68 [33]	4	4
			Effective date: 2–1–68.	.....	.....
CI69–583 ..... E 2–24–69	Prudent Resources Trust (successor to J. R. McDonald).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Placedo Field, Victoria County, Tex.	J. R. McDonald, FPC GRS No. 1.	1	.....
			Supplement Nos. 1–4	1	1–4
			Notice of succession 2–20–69.	.....	.....
			Assignment 11–29–68 [34]	1	5
			Contract 7–22–53	1	.....
CI69–585 ..... (G–3699) F 12–16–68 [35]	Coy Burnett (successor to Atlantic Richfield Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Mustang Island Field, Nueces County, Tex.	Notice of change 7–27–61.[3] [36]	1	1
CI69–591 ..... C 3–3–69 [15]	J. C. Baker & Son, Inc.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Letter agreement 2–20–69.[3]	6	1
CI69–778 ..... (CI64–298) B 11–19–68 [37]	M. A. Riddle and James Gottlieb.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Labbe Field, Duval County, Tex.	Notice of cancellation 11–18–68.[38] [39]	.....	.....
CI69–780 ..... (G–3072) F 2–17–69	Warren B. Pinney, Jr. (successor to Humble Oil & Refining Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kohler Field, Duval County, Tex.	Contract 8–1–52 [40]	1	.....
			Amendment 2–23–60	1	1
			Amendment 7–1–64	1	2
			Assignment 10–31–68 [41]	1	3
			Effective date: 11–1–68.	.....	.....
CI69–801 ..... (CI63–450) B 2–20–69	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Chegby Field, Lafourche Parish, La.	Notice of cancellation 2–18–69.[1] [38]	220	4
CI69–803 ..... A 2–26–69	Pennzoil United, Inc.[3]	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Contract 2–12–69 [3]	28	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69–804 ..... A 2–26–69	Stetco '68, Ltd.[42]	do	Contract 2–12–69 [1]	1	.....
CI69–812 ..... (G–12353) F 2–27–69	Sinclair Oil Corp. (successor to Humble Oil & Refining Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 3–19–56 [43]	402	.....
			Supplement 7–16–57	402	1
			Supplement 2–26–62	402	2
			Amendment 5–11–67	402	3
			Assignment 21–2–68 [44]	402	4
			Effective date: 12–2–68.	.....	.....
CI69–817 ..... (G–13340) B 2–28–69	Trice Production Co. (Operator) et al.	Florida Gas Transmission Co., West Helen Gohlke Field, De Witt County, Tex.	Notice of cancellation 2–26–69.[3] [23]	13	2
CI69–822 ..... (G–14224) B 3–3–69	Pan American Petroleum Corp.	Cities Service Gas Co., Northeast Rhodes Field, Barber County, Okla.	Notice of cancellation 2–27–69.[3] [23]	[45] 209	5
CI69–823 ..... A 3–3–69	Van Oil Co.	Pennsylvania Gas Co., Wetmore Township, McKean County, Pa.	Contract 2–27–69.	1	.....
CI69–824 ..... A 3–3–69 [15]	Lendel Rogers et al., d.b.a. Rogers and Scull.	United Fuel Gas Co., Washington District, Calhoun County, W.Va.	Contract 1–22–69 [3]	9	.....
CI69–826 ..... A 3–3–69 [15]	Texaco, Inc.	Northern Natural Gas Co., Share Field, Hansford County, Tex.	Contract 12–13–68 [3]	430	.....
CI69–828 ..... (G–11053) B 3–3–69	Pan American Petroleum Corp.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	Notice of cancellation 2–27–69.[3] [23]	[46] 165	5
CI69–830 ..... (CI62–521) B 3–4–69	J. C. Trahan, Drilling Contractor, Inc.	Texas Gas Transmission Corp., West Monroe Field, Union, Ouachita and Morehouse Parishes, La.	Notice of cancellation, 3–4–69.[3] [23]	18	6
CI69–835 ..... A 3–5–69 [15]	Sinclair Oil Corp.	Diamond Shamrock Corp., Farnsworth Field, Ochiltree County, Tex.	Contract 2–17–69 [3]	403	.....
CI69–839 ..... A 3–7–69 [15]	Brookwood Oil Co. (Operator) et al.	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.	Contract 1–9–69 [1]	1	.....
CI69–843 ..... A 3–10–69 [15]	Pan American Petroleum Corp.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Contract 1–20–69 [3]	532	.....
CI69–844 ..... A 3–10–69 [15]	Crown Petroleum, Inc.	Northern Natural Gas Co., Hansford (Lower Morrow) Field, Hansford County, Tex.	Contract 1–31–69.	3	.....
CI69–846 ..... (CI64–774) B 3–7–69	Skelly Oil Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Notice of cancellation (Undated).[3] [23]	193	1
CI69–848 ..... (CI62–311) B 3–6–69	Viersen & Cochran	Cities Service Gas Co., acreage in Grant County, Okla.	Notice of cancellation 3–5–69.[3] [23]	3	2
CI69–850 ..... (G–13633) [47] B 2–26–69	Union Producing Co.	United Gas Pipe Line Co., Monroe Field, Ouachita and Morehouse Parishes, La.	Notice of cancellation 2–24–69.[3] [23]	[48] 163	16
CI69–852 ..... (G–17039) B 3–7–69	Amerada Petroleum Corp.	Panhandle Eastern Pipe Line Co., Southwest Lenado Field, Reno County, Kans.	Notice of cancellation 3–4–69.[1] [23]	73	3
CI69–855 ..... (G–12057) B 3–7–69	Sabianna Oil Co., Inc., et al.	United Gas Pipe Line Co., Panola Field, Panola County, Tex.	Notice of cancellation 3–4–69.[1] [23]	1	3

[1] Instrument whereby Applicant acquired the properties involved.
[2] By letter filed Mar. 6, 1969, Applicant agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Assignment No. N–6326–AG. Assigns acreage to Petroleum, Inc., which advised the Commission that a test well was nonproductive.
[5] Assignment No. N–6326–AL. Assigns acreage to Helmerich & Payne, Inc. (Helmerich & Payne has advised that the acreage was nonproductive).
[6] Assignment No. N–6326–AM. Assigns acreage to Helmerich & Payne, Inc. (Helmerich & Payne has advised that the acreage was nonproductive).
[7] Assignment No. N–6326–AN. Assigns acreage to Helmerich & Payne, Inc., and Southern Natural Gas Co. (Helmerich & Payne, Inc., has advised that the acreage was nonproductive).
[8] Effective date: Date of this order.
[9] Application erroneously assigned Docket No. CI69–771 will be treated as a petition to amend the order issuing a certificate in Docket No. G–5739 and Docket No. CI69–771 will be canceled.
[10] Deletes acreage in sec. 15, T. 34 S., R. 36 W. assigned to Aikman Bros. Corp.
[11] The certificate was issued in the name of McIntosh & Grimm but the related FPC GRS No. 3 was redesignated as Hays and Co., Agent for McIntosh and Grimm FPC GRS No. 250.
[12] From McIntosh & Grimm to Dalph Fowler.
[13] From Dalph Fowler to Oral D. Smith.
[14] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[15] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[16] Deletes indefinite pricing provisions with regard to acreage covered by supplemental agreement Dec. 2, 1968.
[17] Amendment to the certificate to reflect change in name only.
[18] Predecessor to Occidental Petroleum Corp.; Occidental never made filings to cover the subject acreage.
[19] From McWood Corp. to Occidental Petroleum Corp.
[20] From Occidental Petroleum Corp. to Betz Oil, Inc. (Operator) et al.
[21] Contains assignment dated June 6, 1968, whereby Humble transferred certain acreage to M. A. Riddle. Riddle filed to abandon sales from this acreage in Docket No. CI69–778.
[22] Application erroneously assigned Docket No. CI69–775 will be treated as a petition to amend the order issuing a certificate in Docket No. CI64–1452 and Docket No. CI69–775 will be canceled.
[23] Source of gas depleted.
[24] Provides for deletion of various expired leases, some of which were previously productive.
[25] Covers a 25 percent working interest in certain acreage which was previously committed under contract dated Jan. 22, 1953, comprising Skelly Oil Co. (Operator) et al., FPC GRS No. 46. The Feb. 26, 1969, amendatory agreement deletes this interest from the Skelly contract of Jan. 22, 1953, and commits it along with the remaining 75 percent not previously dedicated to Tenneco's contract comprising its FPC GRS No. 176.
[26] Contract rate is 17 cents; however, Applicant is willing to accept permanent authorization at an initial rate of 15.082 cents (14.73 p.s.i.a.) subject to B.t.u. adjustment, which is equivalent to 15 cents at 14.65 p.s.i.a.
[27] Nonproductive lease expired by its own terms on Jan. 4, 1969, and returned to landowners.
[28] Contract rate is 18.5 cents subject to upward and downward B.t.u. adjustment; however, Applicant is willing to accept permanent authorization conditioned to 17 cents subject to upward and downward B.t.u. adjustment.
[29] Kadane and United agree that gas produced from the acquired acreage shall be exclusively subject to the Apr. 13, 1955, contract. This acreage also dedicated to Gulf Oil Corp. FPC GRS No. 77 (Docket No. G–7168), Humble Oil & Refining Co. FPC GRS No. 110 (Docket No. G–8816), and Marathon Oil Co. FPC GRS No. 16 (Docket No. G–11821).
[30] Between L. B. Porter and United; on file as L. B. Porter et al., FPC GRS No. 1.
[31] Dedicates additional acreage.
[32] Assigns acreage from L. B. Porter to G. E. Kadane & Sons.
[33] Assigns acreage from L. B. Porter et al., to Kadane & Sons to various depths.
[34] Assigns acreage from J. R. McDonald to Prudent Resources Trust.
[35] Applicant is filing to cover its interest in formation below 8,000 feet originally covered by contract dated July 22, 1953 between Coy Burnett and Tennessee; currently on file as Atlantic Richfield Co. FPC GRS No. 303. When Atlantic filed in Docket No. G–3699 to reflect its acquisition of interest above 8,000 feet, the filing was inadvertently processed as a complete succession.
[36] Provides for a price of 17.24347 cents per Mcf.
[37] Applicants propose to abandon sale of gas from acreage acquired from Humble Oil & Refining Co. in Docket No. CI64–298 (partially succeeds Humble's FPC GRS No. 341). Riddle and Gottlieb never received certificate authorization to cover the subject sale; therefore, the order issuing a certificate in Docket No. CI64–298 will be amended by deleting therefrom authorization to sell natural gas from the subject acreage.
[38] Production of gas no longer economically feasible.
[39] Contains assignment dated June 6, 1968, whereby Humble transferred certain acreage to M. A. Riddle. Humble filed to reflect deletion of the acreage from its FPC GRS No. 341 in Docket No. CI64–298.
[40] Between Humble Oil & Refining Co. and Tennessee; on file as Humble Oil & Refining Co. FPC GRS No. 11.
[41] Assigns acreage from Humble to Warren B. Pinney, Jr., to a depth of 2,520 feet.
[42] By letter filed Mar. 7, 1969, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[43] Currently on file as Humble Oil & Refining Co. FPC GRS No. 197.
[44] Assigns interest from Humble Oil & Refining Co. to Sinclair Oil Corp.
[45] Rate of 14 cents suspended in Docket No. RI69–349; therefore, the related rate suspension proceeding pending in Docket No. RI69–349 will be terminated only with respect to Pan American's FPC GRS No. 209.
[46] Rate of 10 cents in effect subject to refund in Docket No. RI63–231; Applicant had collected $73 prior to abandonment of well; therefore, the rate suspension proceeding pending in Docket No. RI63–231 will be terminated.
[47] Other sales covered under Docket No. G–13633; therefore, the certificate in said docket will be terminated only insofar as it covers Union's FPC GRS No. 163.
[48] Rate of 12 cents effective subject to refund in Docket No. RI69–333.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding

and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196--.

(Name of Respondent)
By ----------

Attest:

[F.R. Doc. 69-5758; Filed, May 16, 1969; 8:45 a.m.]

[Project 2264]

CHATANIKA POWER CO., INC.

Notice of Application for Surrender of License for Constructed Project

MAY 12, 1969.

Public notice is hereby given that application for surrender of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Chatanika Power Co., Inc. (correspondence to: Donald J. Lofquist, Lofquist & Lofquist, 606 Norton Building, Seattle, Wash. 98104), for constructed Project No. 2264, located on the Chatanika River in the Fourth Judicial Division, Alaska, in the vicinity of Chatanika, and affecting lands of the United States.

While the license was issued for a then constructed project, facilities of the project were destroyed in a 1967 flood, and the project works have been removed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5875; Filed, May 16, 1969; 8:46 a.m.]

[Project 2670]

CITY OF EAU CLAIRE, WIS.

Notice of Application for License for Constructed Project

MAY 12, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by city of Eau Claire, Wis. (correspondence to: R. E. Wachs, city attorney, city of Eau Claire, City Hall, Eau Claire, Wis. 54701) for constructed Project No. 2670, known as the Dells Project, located on the Chippewa River, in the city of Eau Claire in Eau Claire County, and towns of Hallie and Wheaton, in Chippewa County, Wis.

The existing Dells Project consists of: (1) A concrete dam with a 396-foot spillway and 13 tainter gates; (2) a reservoir extending about 8½ miles upstream with a surface area of 1,100 acres at a normal pool elevation of 795 feet above mean sea level; (3) a 162-foot long main powerhouse section integral with the dam containing five generating units (combined capacity 8,400 kw.); (4) a 61-foot wide concrete section at right angle from the dam extending 285 feet upstream and downstream along the left shore comprising flumes, bulkheads, and intakes for two auxiliary powerhouses each containing two generating units which provide an additional 1,800 kw. of capacity; (5) three proposed boat-launching sites and other recreational facilities; and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5876; Filed, May 16, 1969; 8:46 a.m.]

[Docket No. CP69-290]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MAY 12, 1969.

Take notice that on May 6, 1969, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP69-290 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Cameron Gas Co. (Cameron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to commence the sale and delivery of up to 1,100 Mcf of natural gas per day to Cameron on a firm basis through an existing point of interconnection in Liberty District, Marshall County, W. Va. Cameron resells and distributes natural gas in and around the city of Cameron, W. Va.

Applicant states that Cameron required the proposed service to supplement its own decreasing production reserves.

No new facilities will be required.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5877; Filed, May 16, 1969; 8:46 a.m.]

[Project 2672]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Constructed Project

MAY 12, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert deLuccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for constructed Project No. 2672, known as the Naches Project, located on Naches River in Yakima County, Wash., in the region of the city of Yakima and town of Naches.

The existing Naches Project consists of: (1) A log boom diversion and intake structure; (2) a concrete-lined power canal (known locally as the "Wapatox" Canal) about 8.2 miles long serving two power plants in tandem; (3) Drop Plant located 4.8 miles from intake of the power canal, operating under 54 feet of head and consisting of: (a) An 8-foot diameter steel penstock, 340 feet long; (b) a concrete powerhouse containing a generator rated at 1,400 kw.; and (c) a concrete-lined spillway, for bypass of plant; (4) Naches Plant (located 3.4 miles from Drop Plant) operating under approximately 150 feet of head and consisting of (a) two penstocks, each 545 feet long—one of steel, 6-foot diameter and one, partly wood stave, 8-foot diameter; (b) a concrete powerhouse containing two generators rated 3,000 kw. and 3,370 kw., respectively; (c) a concrete lined spillway for bypass of plant; and (d) an 800-foot long tailrace excavated in rock and earth; (5) a 12 kv., 3-mile long transmission line connecting the two plants; (6) landscaped parkway and picnic tables; and (7) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5878; Filed, May 16, 1969; 8:47 a.m.]

[Docket No. CP69-291]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 12, 1969.

Take notice that on May 7, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-291 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) Approximately 39.2 miles of 30-inch pipeline (approximately 37.2 miles of which will be loop line) extending from a point in the vicinity of United Gas Pipe Line Co.'s (United) Bayou Sale Compressor Station near Shadyside, La., to Applicant's White Castle Compressor Station;

(2) Approximately 38.5 miles of 30-inch loop pipeline extending from a point on Applicant's existing White Castle-Franklinton pipeline to Applicant's Franklinton Compressor Station;

(3) A 30-inch pipeline crossing of the Mississippi River near Applicant's White Castle Compressor Station;

(4) A new 3,600 horsepower compressor station, to be called the Shadyside Compressor Station, to be located in the vicinity of United's Bayou Sale Station on Applicant's line proposed in (1) above, and

(5) An additional 5,400 compressor horsepower at Applicant's existing White Castle Compressor Station.

Applicant states that by Commission order issued March 14, 1969, in Docket No. CP69-48, Sea Robin Pipeline Co. (Sea Robin) was authorized to construct and operate certain offshore Louisiana gas supply facilities and to sell gas to Applicant and United at an onshore delivery point near Erath, La. The three companies have entered into an exchange arrangement whereby Applicant and United have agreed to exchange volumes of natural gas at Erath and Bayou Sale with Sea Robin delivering gas to United for Applicant's account at Erath and United delivering equivalent volumes to Applicant at Bayou Sale. The application indicates that the construction of the facilities proposed will eliminate the necessity of constructing the facilities proposed by Applicant in pending Docket No. CP69-46.

Applicant further states that since the volumes of gas available to Sea Robin for sale to Applicant (and therefore available for delivery by United to Applicant) initially may be substantially less than the 354,000 Mcf per day capacity of the subject proposed facilities, Applicant requests authority to construct said proposed facilities over a 3-year period.

The application indicates the estimated cost of the proposed project to be $26,370,900, which cost will be financed initially by bank loans which will be repaid from cash from current operations and/or from permanent financing.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5879; Filed, May 16, 1969; 8:47 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146 (81 Stat. 466), the National Commission on Product Safety will hold public hearings at 9:30 a.m. on June 17, 1969, in Portland, Oreg., and June 19 and 20, 1969, in Los Angeles, Calif. Further information on the specific location of these hearings will be published subsequently in the FEDERAL REGISTER.

The subject of the hearings will be: Function and effectiveness of State and local laws in insuring the safety of household products. The subject will include consideration of the following:

(i) Scope, adequacy, and enforcement of State and local laws.

(ii) Uniformity, or lack of uniformity, of State and local laws and its effect on manufacturers and consumers.

(iii) The relationship of the Federal, State, and local governments to the promotion of product safety and the role of each in enacting and enforcing product safety statutes.

(iv) The feasibility of product testing facilities at the State and local level.

(v) Effectiveness of State and local laws in insuring safety of goods moving in interstate commerce.

(vi) Effectiveness of State and local laws in insuring safety of imported goods.

(vii) Utilization of the capabilities and resources of States and localities in promoting safety of household products.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than June 9, 1969. Such statements will be made a part

of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by June 9, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

Dated: May 14, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-5885; Filed, May 16, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

MINIATURE AND INSTRUMENT PRECISION BALL BEARINGS

Importation; Submission of Material in Connection With Investigation

On February 7, 1969, the Director of the Office of Emergency Preparedness issued a notice (34 F.R. 2162) that an investigation would be conducted, pursuant to section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, to determine whether Miniature and Instrument Precision Ball Bearings are being imported into the United States in such quantities or under such circumstances as to threaten to impair national security. That notice provided that interested parties could submit any comment, opinion, or data relative to the investigation within 45 days after the date of that notice, and that rebuttal to that material could be filed within 75 days after that date. Those filing dates were subsequently changed to April 25, 1969, for statements, May 26, 1969, for rebuttals, and June 11, 1969, for all data and comments and for the closing of the file.

The applicant for this investigation, the Anti-Friction Bearing Manufacturers Association, has waived the right to file a rebuttal to the comment, opinion, and data which have been submitted in response to the foregoing.

Pursuant to the provisions of section 8 of OEP Regulation No. 4, I hereby find that national security interests require that this investigation be concluded as promptly as feasible, and hereby give notice that any rebuttal or other material which any party proposes to submit in connection with this investigation should be submitted within 15 days after the date of publication of this notice in the FEDERAL REGISTER. The file in this investigation will be closed as of that date.

Dated: May 15, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-5952; Filed, May 16, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (New York), Amdt. 2]

NEW YORK AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (New York Area), 33 F.R. 10673, as amended (33 F.R. 15141), is hereby further amended by:

1. Revising Item I.E.1. to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator—*

1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Busisess Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. Regional Directors. * * *

B. *Development company assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on an interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. Regional Directors. * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

12. *Eligibility determination for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

4. Revising Items II.I. 3 and 4 and adding thereto a new Item II.1.5, to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

5. Revising Item III.12 to read as follows:

III. *Branch Manager — Buffalo, N.Y.* * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

Effective date: December 31, 1968.

CHARLES H. KRIGER,
Area Administrator,
New York Area.

[F.R. Doc. 69-5865; Filed, May 16, 1969; 8:45 a.m.]

R & D CAPITAL CO.

Notice of Surrender of License

Notice is hereby given that the Small Business Administration accepted on April 14, 1969, the surrender of the license issued to R & D Capital Co., San Leandro, Calif. (License No. 12/12-0107).

The surrender acceptance followed the merger of R & D Capital Co. into Western Business Assistance Corp. (License No. 12/12-0034), and approval of such merger by SBA on April 14, 1969.

Dated: May 9, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-5866; Filed, May 16, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 833]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 15 TA), filed May 9, 1969. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* on mechanically automated trailers and special tractors, from Millville, Salem, and Cliffwood, N.J., to The F. & M. Schaefer Brewing Co. plants at Brooklyn and Albany, N.J., for 180 days. Supporting shipper: The F. & M. Schaefer Brewing Co., 430 Kent Avenue, Brooklyn, N.Y. 11211. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 107515 (Sub-No. 659 TA), filed May 9, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza pie ingredients*, in straight or mixed shipments, and *pizza store supplies* when in mixed shipments with pizza pie ingredients, from Nashville, Tenn., to Bessemer, Birmingham, and Huntsville, Ala.; Little Rock, Ark.; Pensacola, Fla.; Atlanta, Ga.; Chicago, Ill.; Evansville, Ind.; Bowling Green, Louisville, and Paducah, Ky.; Shreveport, La.; Jackson, Miss.; Kansas City, Mo.; Asheville, Greensboro, and Hickory, N.C.; Cincinnati and Toledo, Ohio; Oklahoma City, Okla.; Charleston, S.C.; Dallas, Houston, and San Antonio, Tex.; Lynchburg, Richmond, Roanoke, and Norfolk, Va.; Charleston, W. Va., for 150 days. Supporting shipper: Pepe's Pizza, a division of Wholesale Pizza Co., Post Office Box 7654, Nashville, Tenn. 37209. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107541 (Sub-No. 27 TA), filed May 9, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, boards and sheets, with added resin binder, and fiberboard*, from points in Oregon to points in California, for 180 days. NOTE: Applicant intends to tack with No. MC 107541. Supporting shippers: Diamond Lumber Co., Post Office

Box 192, Tillamook, Oreg.; J. E. Higgins Lumber Co., 99 Bayshore Boulevard, Post Office Box 3161, San Francisco, Calif.; Industrial Lumber Co., Inc., Terminal Sales Building, Portland, Oreg.; Patrick Lumber Co., Terminal Sales Building, Portland, Oreg.; Tree Products Co., Post Office Box 280, Lake Oswego, Oreg.; Pacific Coast Hardwoods, Inc., Post Office Box 296, North Portland, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 108676 (Sub-No. 27 TA), filed May 9, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Central Building, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots or mufflers; exhaust and tail pipe*, with or without fittings, from the plantsite and storage facilities of the Maremont Corp. at or near Loudon, Tenn., to points in Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Colorado, Kansas, Nebraska, South Dakota, Texas, Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, and Vermont, for 180 days. Supporting shipper: Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 114969 (Sub-No. 28 TA), filed May 7, 1969. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Milford, Ohio 45150. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Robinson, Ill., to points in that part of Indiana south and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Kentland, Ind., thence along U.S. Highway 52 to Lafayette, Ind., thence along Indiana Highway 26 to Rossville, Ind., thence along Indiana Highway 39 to Frankfort, Ind., thence along Indiana Highway 28 to junction U.S. Highway 31 to Sellersburg, Ind., and thence along U.S. Highway 31E to Jeffersonville, Ind., including points on the indicated portions of the highways specified, for 180 days. Supporting shipper: Warren Petroleum Corp., Post Office Box 1589, Tulsa, Okla. 84102. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 124174 (Sub-No. 71 TA), filed May 7, 1969. Applicant: MOMSEN TRUCKING CO., Highways 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes, crusts, and pelts and pieces thereof*, (a) between points in Minnesota, South Dakota, Iowa, Nebraska, North Dakota, and St. Joseph and Phelps City, Mo.; (b) from points as set forth in (a) above to points in Kentucky, Tennessee, West Virginia, Virginia, Hazelwood, N.C., and Buford, Ga., for 180 days. NOTE: Applicant intends to tack with MC 124174, and Subs 18, 22, and 28. Supporting shippers: Bolles & Rogers, Inc., 709 South 13th Street, Omaha, Nebr. 68102; Needham Packing Co., Sioux City, Iowa 51101; Spencer Packing Co., Spencer, Iowa 51301. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126198 (Sub-No. 5 TA), filed May 9, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely, beer and ale; and carbonated beverages, namely, soda water, seltzer, and soft drinks*, from Fort Wayne, Ind., to Bessemer, and Houghton, Mich., and from Milwaukee, Wis., to Munising, Mich., and return movements with *empty containers*, for 180 days. Supporting shippers: John H. Gatiss, Jr., owner Gatiss Distributing Agency, Munising, Mich. 49862; Seraphino Fior, owner Fiori Beverage Co., Bessemer, Mich. 49911. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 129433 (Sub-No. 2 TA), filed May 9, 1969. Applicant: EDWARD W. EMERT, doing business as J. & E. CASKET DISTRIBUTORS, Route No. 2, Stones River Road, Lavergne, Tenn. 37086. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, burial cases, casket displays, and other funeral supplies*, between Nashville, Tenn., and points in New York, for 180 days. Supporting shipper: National Casket Co., Inc., 121 Woodland Street, Nashville, Tenn. 37213. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 133382 (Sub-No. 1 TA), filed May 7, 1969. Applicant: JACQUES POULIOT, doing business as POULIOT TRANSPORT, St. Camille, Bellechasse County, Quebec, Canada. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood shingles, and wood laths*, from ports of entry on the United States-Canada boundary line at or near Jackman, Maine; Derby Line, Beecher Falls, Highgate Springs, and Norton Mills, Vt.; and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Delaware, restricted to traffic originating at points in Montmagny and L'Islet Counties, Quebec, and restricted to a transportation service to be performed under a contract or continuing contracts with Clermont Pelletier, Longueuil, Chambly County, Quebec, for 180 days. Supporting shipper: Clermont Pelletier, 295 De Chateauguay, Longueuil, Chambly County, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 133621 (Sub-No. 1 TA), filed May 5, 1969. Applicant: FRONTIER ROCK & SAND, INC., doing business as FRONTIER TRANSPORTATION COMPANY, 608 West Fourth Avenue, Anchorage, Alaska 99501. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, management, producing, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and their byproducts; and (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, between points within Alaska, except points in the panhandle south of Haines, Alaska, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 133660 (Sub-No. 1 TA), filed May 5, 1969. Applicant: JEFMOR TRUCKING CO., INC., 50–08 Morence Lane, Little Neck, N.Y. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, materials, equipment, and supplies* used or useful in the manufacture or sale of paint, in containers in insulated equipment, between the facilities and manufacturers of Proctor Paint & Varnish Co., at New York, N.Y., and Yonkers, N.Y., on the one hand, and, on the other, Hartford, Conn.; Providence, R.I.; Boston, Mass.; Nashua, N.H.; Bangor, Maine; Burlington, Vt.; Little Falls, N.J.; York, Pa.; Cleveland, Ohio; Chicago, Ill.; St. Louis, Mo.; Baltimore, Md.; Washington, D.C.; Richmond, Va.; Indianapolis, Ind.; Los Angeles, Calif.; under contract with Proctor Paint & Varnish Co., at Yonkers, N.Y., for 150 days. Supporting shipper, Proctor Paint & Varnish Co., Inc., Yonkers, N.Y. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133705 TA, filed May 7, 1969. Applicant: FLETCHER'S FOOD SERVICE, INC., 1403 West Fifth Street, Pratt, Kans. 67124. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from Pratt, Kans., to points within the continental United States lying east of the Mississippi River, for 180 days. Supporting shipper: Armour & Co., 401 North Wabash, Chicago, Ill. 60611. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

MOTOR CARRIER OF PASSENGERS

No. MC 84690 (Sub-No. 22 TA), filed May 9, 1969. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Street, St. Paul, Minn. 55101. Applicant's representative: James A. Anderson, 1018 Northern Pacific Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspaper*, between Bozeman, Mont., and Logan, Mont., over Interstate Highway 90, serving no intermediate points, for 180 days. NOTE: Applicant intends to tack with its existing authority at Logan, Mont. Supporting shipper: North Pacific Railway Co., Missoula, Mont. Send protests to: District Supervisor A. E. Rather, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5889; Filed, May 16, 1969; 8:48 a.m.]

[Notice 345]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71231. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Bee Line Transportation Inc., Billings, Mont., of the operating rights in certificates Nos. MC–115931, MC–115931 (Sub-No. 3), and MC–115931 (Sub-No. 13) issued September 6, 1957, June 2, 1964, and August 28, 1967, respectively, to Babcock & Lee Transportation, Inc., Billings, Mont., and transferred to Tim M. Babcock, doing business as Babcock Transportation Co., Billings, Mont., pursuant to No. MC–FC–70094, authorizing the transportation, over irregular routes, of lumber from points in Big Horn, Rosebud, Flathead, Ravolli, Granite, and Missoula Counties, Mont., generally to points in Minnesota, South Dakota, Illinois, Iowa, and Wisconsin, and prefabricated steel buildings and parts from Monticello, Iowa, and points within 10 miles thereof, and Galesburg, Ill., and points within 10 miles thereof, to points in Montana and Wyoming. Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103, attorney for applicants.

No. MC–FC–71262. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Edlin Bros., Inc., New Haven, Ky., of permits Nos. MC–123371 and MC–123371 (Sub-No. 2) issued July 27, 1961 and April 13, 1966, respectively, to J. F. Edlin, Charles R. Edlin, and Joseph G. Edlin, doing business as J. F. Edlin and Sons, New Haven, Ky., authorizing the transportation of: Used empty whiskey barrels, and wooden barrels and parts, between points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee. James E. Bondurant, 108 South Walters Avenue, Hodgenville, Ky. 42748, attorney for applicants.

No. MC–FC–71272. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Robert E. Mack, Carl Brown, Sophie R. Mack, Estelle M. Funk, and Theresa R. Molloy, doing business as Mack Transportation Co., Philadelphia, Pa., of certificate No. MC–10223 and permits Nos. MC–105809 and MC–105809 (Sub-No. 11), issued January 5, 1967, January 5, 1967, and December 30, 1966, respectively, to Robert E. Mack, Harry Robson, Carl Brown, Sophie R. Mack, and Estelle M. Funk, doing business as Mack Transportation Co., Philadelphia, Pa., authorizing the transportation of general commodities, with the usual exceptions between points in Philadelphia, Pa.; such commodities as are dealt in by chain retail and mail-order department stores, plumbing and heating supplies, general commodities, coal tar products, in bulk, in tank vehicles, between and from and to Philadelphia and Tullytown, Pa., to points in Pennsylvania, New Jersey, Maryland, Delaware, New York, and Connecticut; and radios, televisions, phonographs, tape recorders, advertising materials, household appliances and related accessories therefor when moving in connection therewith, between King of Prussia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland (except Baltimore, Md.). Dual operations were authorized. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC–FC–71278. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Wichita Air Cargo Delivery, Inc., 6247 Indianapolis Avenue, Wichita, Kans. 67211, of certificate No. MC–121567 (Sub-No. 1), issued December 9, 1965, to Grey Transfer & Storage, Inc., 6247 Indianapolis Avenue, Wichita, Kans. 67211, authorizing the transportation of general commodities, with the usual exceptions, between Wichita Municipal Airport, Wichita, Kans., on the one hand, and, on the other, points in Butler, Cowley, Harvey, Kingman, Reno, Sedgwick, and Sumner Counties, Kans., and Kay County, Okla., except points within 25 miles of the Wichita Municipal Airport, restricted to traffic having a prior or subsequent movement by air.

No. MC–FC–71293. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Washington Coast Lines, Inc., Aberdeen, Wash., of the operating right in certificate No. MC–52330 issued March 29, 1957, to Harbor Lines, Inc., Hoquiam, Wash., and acquired by Grays Harbor Lines, Inc., Aberdeen, Wash., pursuant to approval and consummation in No. MC–FC–69838, authorizing the transportation of passengers and their baggage, and express, newspapers and mail in the same vehicles with passengers, between Olympia and Hoquiam, Wash., between Elma and Chehalis, Wash., and between Chehalis and South Bend, Wash., serving intermediate and offroute points. Jack L. Burtch, 106 East First Street, Aberdeen, Wash. 98520, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5890; Filed, May 16, 1969; 8:48 a.m.]

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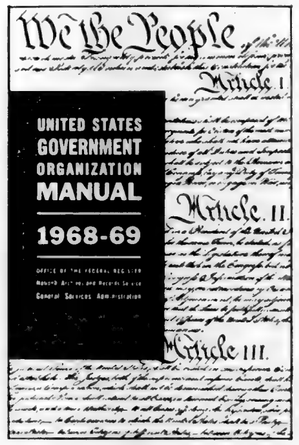

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PRAYER FOR PEACE, MEMORIAL DAY, 1969

By the President of the United States of America

A Proclamation

On Memorial Day it is customary for Americans to honor the memory of their fellow countrymen who have died in the defense of freedom. Meditating on their sacrifices, we honor not only their memory but also the principles of justice and freedom for which they gave their lives.

Yet honor is not enough. Although we cannot change the pattern of the past, we must do all we can to create a pattern of justice and peace for the future.

The Congress, by a joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during such day when the people of the United States might unite in such supplication.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Friday, May 30, 1969, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in such prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I urge also that on this consecrated day, all the people of America offer their prayers to the Almighty to make reason and good will prevail so that peace can once again bless our nation.

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the customary forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-6043; Filed, May 16, 1969; 3:08 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of the Executive Director and Deputy Executive Director of the President's Commission on Personnel Interchange are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added under § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

• • • • •

(e) *President's Commission on Personnel Interchange.*

(1) The Executive Director.

(2) One Deputy Executive Director.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5958; Filed, May 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Special Assistant to the Secretary (Communications) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (32) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(32) One Special Assistant to the Secretary (Communications).

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5959; Filed, May 19, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 67, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of seedless grapefruit grown in Florida.

Order. In § 905.506 (Grapefruit Reg. 67, 33 F.R. 14066, 14169, 17893, 18429), paragraph (a) (3) is deleted and the introductory text of paragraph (a) (2) and the provisions of paragraphs (a) (2) (iv) and (a) (2) (v) are amended to read as follows:

§ 905.506 Grapefruit Regulation 67.

(a) • • •

(2) During the period May 16, 1969, through September 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada or Mexico:

• • • • •

(iv) Any seedless grapefruit, grown in Regulation Area I, which are smaller than $3\frac{7}{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit; or

(v) Any seedless grapefruit, grown in Regulation Area II, unless such grapefruit grade at least Improved No. 2 and are not smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit: *Provided*, That seedless grapefruit, grown in Regulation Area II, which grade at least U.S. No. 1 Golden may be shipped if such grapefruit are not smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Grapefruit.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 14, 1969, to become effective May 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5946; Filed, May 19, 1969; 8:48 a.m.]

[Lemon Reg. 373; Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon

other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.673 (Lemon Reg. 34 F.R. 7569) are hereby amended to read as follows:

§ 910.673 Lemon Regulation 373.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 316,200 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 15, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5947; Filed, May 19, 1969; 8:48 a.m.]

[Grapefruit Reg. 10, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895) are hereby amended as follows:

The introductory text of paragraph (a) and paragraph (a)(2) are amended to read as follows:

§ 944.106 Grapefruit Regulation 10.

(a) On and after May 16, 1969, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2." shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of U.S. No. 1 grade as to shape (form) and color) and be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit: *Provided,* That seedless grapefruit which grade at least U.S. No. 1 Golden may be imported if such grapefruit are not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 67 (§ 905.506); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1969, to become effective May 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–5945; Filed, May 19, 1969; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 6]

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Upper Florida marketing area (7 CFR Part 1006), it is hereby found and determined that:

(a) The following provisions in § 1006.16(b) of the order will not tend to effectuate the declared policy of the Act for the period of May 1 through August 31, 1969:

1. The language in the introductory text which reads "in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant"; and

2. Subparagraphs (2), (3), and (4) in their entirety.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension will permit unlimited diversion of producer milk to nonpool plants from May 1 through August 31, 1969. Without the suspension action, the order would limit the quantity of producer milk that could be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts would apply to the operator of a pool plant. Also, the order would require that at least 10 days' production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

Northeast Florida Milk Producers Association requested the suspension and was supported in its request by Dairy Farmers Mutual and Central Florida Milk Producers Association. These producer groups represent a majority of the producers on the Upper Florida market.

The absence of available manufacturing facilities in the market will require diverting the excess milk to distant manufacturing outlets in other States. In addition to the closing of schools in the summer months, the situation is accentuated this year because of a sizeable loss of military sales to another market. Considerable hauling economies can be realized by diverting the milk that is produced nearest these outlets. Without the suspension action, additional hauling will be required in moving this milk to pool plants to assure that producers will remain qualified as such under the order.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (33 F.R. 7455). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective May 1, 1969.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period May 1 through August 31, 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1969.

Signed at Washington, D.C., on May 14, 1969.

RICHARD LYNG,
Assistant Secretary.

[F.R. Doc. 69–5948; Filed, May 19, 1969; 8:48 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders: Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on April 22, 1969 (34 F.R. 6738), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201)) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1970. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matter presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1970, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1970.

(a) *Expenses.* Expenses in the amount of $8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1970.

(b) *Rate of assessment.* The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at $1.20 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1970.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1969, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1969.

JACK THOMASON,
Director, Tobacco Division, Consumer and Marketing Service.

[F.R. Doc. 69–5949; Filed, May 19, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Revocation of Interpretation

1a. Effective immediately, § 217.121(c) is revoked.

b. Such section is obsolete in view of § 217.5(c), the provisions of which became effective January 15, 1962. That section permits payment of a savings deposit, whether in the form of a passbook or otherwise, to a third person in certain specified situations. One such situation is to permit payment to any person (except the depository bank in certain circumstances) who "has extended credit to the depositor on the security of the savings deposit, where such payment is made in order to enable the creditor to realize upon such security".

2. The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this revocation because, in the circumstances, such procedures would serve no useful purpose.

(12 U.S.C. 248(i) and 371b)

Dated at Washington, D.C., the 14th day of May 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–5908; Filed, May 19, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–WE–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Extension, and Revocation of VOR Federal Airway Segments

On February 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2612) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign and extend segments of VOR Federal airway No. 12 in the vicinity of Gaviota, Calif., and revoke V–25W between Santa Barbara, Calif., and Paso Robles, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

1. In V–12 all before "12 AGL Fillmore;" is deleted and "From Gaviota, Calif., 12 AGL Santa Barbara, Calif.; 12 AGL INT Santa Barbara 109° and Fillmore, Calif., 268° radials;" is substituted therefor.

2. In V–25 ", including a 12 AGL W alternate from Santa Barbara to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif." is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348; and sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 12, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–5932; Filed, May 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69–AL–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the transition area at Cape Decision, Alaska.

The special instrument approach procedure was canceled. With cancellation of this procedure there is no reason to retain the 700- and 1,200-foot floor transition area.

The following transition area is presently designated at Cape Decision, Alaska:

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 278° bearing from the Cape Decision RBN, extending from 6 miles west to 12 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles east of the RBN to the west boundary of Federal Airway Amber 1.

Since this action reduces the burden upon the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective June 26, 1969, as hereinafter set forth. In § 71.181 (34 F.R.

4659) the transition area at Cape Decision, Alaska is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348; and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on April 23, 1969.

H. H. STANLEY,
Acting Director, Alaskan Region.

[F.R. Doc. 69-5933; Filed, May 19, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-38, Amdt. 1]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Certain Organizational Changes

Correction

In F.R. Doc. 69-5738, appearing at page 7651 in the issue for Wednesday, May 14, 1969, in § 384.7(a)(4), line 14, the word "fields" should read "files".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1524]

PART 13—PROHIBITED TRADE PRACTICES

Chinchilla Breeders Co., Inc., and William R. Kinsel

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chinchilla Breeders Co., Inc., et al., Lafayette, Calif., Docket C-1524, Apr. 28, 1969]

In the Matter of Chinchilla Breeders Co., Inc., a Corporation, and William R. Kinsel, Individually and as an Officer of Said Corporation

Consent order requiring a Lafayette, Calif., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chinchilla Breeders Co., Inc., a corporation, and its officers, and William R. Kinsel, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, raising, and care of such animals.

3. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $35 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $25 to $40 each.

4. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Chinchillas are hardy animals or are not susceptible to disease.

6. Each female chinchilla purchased from respondents and each female offspring produce at least four live young per year.

7. The number of live offspring produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

8. A purchaser starting with 30 pairs of chinchilla breeding stock will have an annual gross income, earnings, return, or profits of $51,200 within 5 years after purchase.

9. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits, or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

10. Purchasers of respondents' chinchilla breeding stock will receive registered or graded chinchillas or high quality chinchillas.

11. Breeding stock purchased from respondents are warranted or guaranteed without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

12. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

13. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

14. Respondents will purchase all or any of the offspring raised by purchasers of respondents' breeding stock for $80 a pair; or that respondents will purchase said offspring for any other price unless respondents do in fact purchase all the offspring offered by said purchasers at the prices and on the terms and conditions represented; or representing, in any manner, that respondents will purchase chinchilla offspring raised by customers unless respondents do in fact purchase such offspring.

15. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel every 6 weeks or at any other interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

16. Respondents maintain facilities for or provide their purchasers with priming, pelting, tanning, dressing, or marketing services; or misrepresenting, in any manner, their facilities or services.

17. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

18. Breeding chinchillas by mated pairs will produce more or better quality offspring than by polygamous breeding.

B. Using the word "Breeders" or any other word of similar import or meaning in or as a part of respondents' trade or corporate name; or representing, directly or by implication, that respondents are chinchilla breeders; or misrepresenting, in any manner, the kind or nature of respondents' business.

C. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

D. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

E. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5912; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1523]

PART 13—PROHIBITED TRADE PRACTICES

Illinois Chinchilla Co. and Charles E. Wagner

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Illinois Chinchilla Co. et al., Springfield, Ill., Docket C-1523, Apr. 28, 1969]

In the Matter of Illinois Chinchilla Co., a Corporation, and Charles E. Wagner, Individually and as an Officer of Said Corporation

Consent order requiring a Springfield, Ill., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Illinois Chinchilla Co., a corporation, and its officers, and Charles E. Wagner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas, as a commercially profitable enterprise, can be achieved without previous knowledge or experience in the breeding, caring for, and raising of such animals.

3. The breeding stock consisting of four females and one male chinchillas purchased from respondents will produce live offspring of 16 the first year, 64 in the second year, 208 the third year, 640 the fourth year and 1,936 the fifth year.

4. The number of live offspring produced by or from respondents' chinchilla breeding stock is any number or range thereof; or representing, in any manner, the past number or range of numbers of live offspring produced by or from respondents' chinchilla breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflected the number or range of numbers of live offspring thereof produced by or from respondents' chinchilla breeding stock of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $25 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell for from $20 to $55 each.

6. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of pelts from chinchillas of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Purchasers of respondents' chinchilla breeding stock will receive choice quality chinchillas; or that respondents' chinchilla breeding stock has a market value of from $150 to $350 each or any amount, price, or range of prices unless respondents' purchasers do actually receive chinchillas of the represented market value, amount, price, or range of prices.

8. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year.

9. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the numbers or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

10. A purchaser starting with three mated pairs will have, from the sale of pelts, a minimum gross income, earnings, or profits of $12,000 at the end of the fifth year after purchase.

11. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

12. Breeding stock purchased from respondents is warranted or guaranteed without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

13. Purchasers of respondents' chinchilla breeding stock will be furnished with inspection services by respondents three times each year or as often as such services may be required by the purchaser unless the represented inspection services are actually furnished.

14. Chinchillas are hardy animals or are not susceptible to disease.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

B. Misrepresenting, in any manner, the assistance, training, services, or advice supplied by respondents to purchasers of their chinchilla breeding stock.

C. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5913; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1526]

PART 13—PROHIBITED TRADE PRACTICES

Levy Bros.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; 13.155–100 Usual as reduced, special, etc. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Levy Bros., San Mateo, Calif., Docket C-1526, Apr. 28, 1969]

Consent order requiring a San Mateo, Calif., department store to cease misbranding, falsely invoicing and advertising its fur products and failing to maintain required records in support of pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Levy Bros., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to disclose on a label that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

4. Failing to set forth separately on a label attached to such fur product composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

3. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

4. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondent on a regular basis for a reasonably substantial period of time in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondent.

5. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

6. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5914; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1527]

PART 13—PROHIBITED TRADE PRACTICES

Spencer Gifts, Inc.

Subpart—Advertising falsely or misleadingly: § 13.59 *Identity of product;* § 13.175 *Quality of product or service.* Subpart—Using misleading name—Goods: § 13.2300 *Identity;* § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Spencer Gifts, Inc., Atlantic City, N.J., Docket C-1527, Apr. 29, 1969.]

Consent order requiring an Atlantic City, N.J., retail jeweler to cease misrepresenting the identity or quality of its jewelry products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Spencer Gifts, Inc., a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of jewelry products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Use of the words "stone," "birthstone," or the name of any precious or semiprecious stone to describe any synthetic stone or imitation or simulated stone unless such word or name is immediately preceded, with equal conspicuity,

(a) With the word "synthetic" or words of similar meaning and import, if the stones have essentially the same optical, physical, and chemical properties as those so described;

(b) With the word "simulated" or "imitation," or words of similar meaning and import; if the stones are similar in appearance but do not have essentially the same optical, chemical, and physical properties as those so described.

(2) Use of the unqualified word "gold" to describe any product, unless such product, or any part thereof so described, is composed throughout of 24 karat gold.

(3) Misrepresenting, in any manner, the metallic content of any jewelry product, or the nature or quality of the stones contained therein.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: April 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5915; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1525]

PART 13—PROHIBITED TRADE PRACTICES

Stefani Bros. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; 13.155–100 Usual as reduced, special, etc. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stefani Bros. et al., San Francisco, Calif., Docket C-1525, Apr. 28, 1969]

In the Matter of Stefani Bros., a Corporation, and Aladino Stefani, A. C. Killian, and Fred F. Bellero, individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., manufacturer and wholesaler of fur products to cease misbranding, falsely invoicing and advertising its fur products and failing to maintain required records in support of pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stefani Bros., a corporation, and its officers, and Aladino Stefani, A. C. Killian, and Fred F. Bellero, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, or any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to disclose on a label that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

4. Failing to set forth separately on a label attached to such fur product composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

3. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

4. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondents' former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondents on a regular basis for a reasonably substantial period of time in the recent regular

course of business, or otherwise misrepresents the price at which such fur product has been sold or offered for sale by respondents.

5. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

6. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-5916; Filed, May 19, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-358; Order 381]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Area Rate Levels for Natural Gas Sales by Independent Producers

MAY 12, 1969.

By this order the Commission amends § 2.56 of its rules of practice and procedure, general policy and interpretations under the Natural Gas Act, promulgated by Title 18, Part 2, of the Code of Federal Regulations, to conform with current Commission policy as set forth in various recent opinions and orders of the Commission. The amendments will set forth the initial service area rates established by the Commission's Opinion No. 445, Docket No. G-8592, 32 FPC 1183, for the State of Mississippi; and will adopt the just and reasonable rates established by our Opinions Nos. 468 and 468-A, Docket No. AR61-1, 34 FPC 159, 1968, Opinions Nos. 546 and 546-A, Docket No. AR61-2, 40 FPC ------, issued September 25, 1968, and March 20, 1969, respectively, as the area rates for purposes of this statement of policy. In accordance with Order No. 367, issued September 17, 1968, the statements of area rate levels therein prescribed by paragraph (a), Table 1, and paragraph (d), Table 3, will be shown at 14.73 p.s.i.a. pressure base.[1]

This amendment reflects the application of the initial service area rate found in Opinion No. 445 (Table No. 1) as the Commission's policy rate and the anti-triggering level and duration for such level (Table No. 3) set forth on alternative measurement pressure bases, i.e., the pressure base used in such Opinion and the 14.73 p.s.i.a. measurement pressure used in Order No. 367. Additionally, the amendment reflects the just and reasonable base rates set forth in our Opinions Nos. 468, 468-A, 546, and 546-A (supra), subject to the additional requirements, restrictions and authorizations provided in those opinions, as the Commission's policy rates, also with the measurement pressure base set forth in the opinions and that used in Order No. 367 (Table No. 1). This amendment deletes Southern Louisiana from Table No. 3 because the just and reasonable rates have been determined, and moratorium periods established for increases.

The Commission finds: Adoption of the Statement of Policy established by this order is necessary and appropriate for administration of the Natural Gas Act, and does not prescribe any course of action on the part of any person but merely sets forth the Commission's contemplated course of action, therefore, notice under section 4 of the Administrative Procedure Act (5 U.S.C. 553) is not required, and the statement may be made effective upon issuance.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 830; 15 U.S.C. 717c, 717d, 717f, 717o), orders:

(A) Effective upon the issuance of this order, paragraph (a) of § 2.56, Part 2, Statements of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding the following paragraphs thereto:

§ 2.56 Area price levels for natural gas sales by independent producers.

(a) • • •

The base rates established by Opinions Nos. 468, 468-A, 546, and 546-A, are set forth in Table No. 1 and, subject to the additional requirements, restrictions, and authorizations provided in those opinions, represent the area rate levels for the areas involved.

• • • • • •

(B) Tables Nos. 1 and 3 referred to in paragraph (a) of this section are amended by substituting Tables Nos. 1 and 3 appended hereto.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Section 2.56(e) of the Commission's General Policy and Interpretations, rules of practice and procedure; 18 CFR 2.56.

TABLE NO. 1 REFERRED TO IN PARAGRAPH (a) OF § 2.56

NOTE: The area rate levels for natural gas sales by independent producers are set forth below.

Area	At 14.65 p.s.i.a		At 14.73 p.s.i.a.[1]	
	Initial service	Increased	Initial service	Increased
Texas, RR. Districts Nos.:				
1	15.0	14.0	15.08	14.08
2	16.0	14.0	16.09	14.08
3	17.0	14.0	17.09	14.08
4	16.0	14.0	16.09	14.08
5	14.50	14.50	14.58	14.58
6	15.0	14.0	15.08	14.08
7-b	14.50	11.50	14.58	11.56
9	14.50	14.50	14.58	14.58
10	17.0	11.0	17.09	11.06
Oklahoma:				
Carter-Knox	16.8	11.0	16.89	11.06
Other	15.0	11.0	15.08	11.06
Panhandle	17.0	11.0	17.09	11.06
Kansas	16.0	11.0	16.09	11.06
Wyoming	15.0	[2]12.7	15.08	[2]12.74
New Mexico, Permian Basin, Chaves, Eddy and Lea Counties: [3]				
Contracts dated				
After 12-31-60 (gas well gas)	[4]15.50	Same	[4]15.58	Same
Prior to 1-1-61 (gas well gas)	[4]13.50	Same	[4]13.57	Same
After 12-31-60 (oil well gas)	[4]13.50	Same	[4]13.57	Same
Prior to 1-1-61 (oil well gas)	[4]13.50	Same	[4]13.57	Same
Texas, Permian Basin, RR. Districts Nos. 7-c and 8: [3]				
Contracts dated				
After 12-31-60 (gas well gas)	[4]16.50	Same	[4]16.59	Same
Prior to 1-1-61 (gas well gas)	[4]14.50	Same	[4]14.58	Same
After 12-31-60 (oil well gas)	[4]14.50	Same	[4]14.58	Same
Prior to 1-1-61 (oil well gas)	[4]14.50	Same	[4]14.58	Same
	At 15.025 p.s.i.a.		*At 14.73 p.s.i.a.*[1]	
Colorado	15.0	13.0	14.71	12.74
Mississippi	20.6	14.0	20.20	13.73
New Mexico San Juan Basin	13.0	13.0	12.74	12.74
Louisiana, Northern	17.0	14.0	16.67	13.73
Louisiana, Southern, within State taxing jurisdiction: [3]				

See footnotes at end of table.

TABLE NO. 1 REFERRED TO IN PARAGRAPH (a) OF § 2.56—Continued

Area	At 14.65 p.s.i.a		At 14.73 p.s.i.a.[1]	
	Initial service	Increased	Initial service	Increased
Louisiana, Southern, within State taxing jurisdiction—Continued				
Contracts dated				
After 9-30-68 (gas well gas)	[4]20.0	Same	[4]19.61	Same
1-1-61 to 9-30-68 (gas well gas)	[4]19.50	Same	[4]19.12	Same
Prior to 1-1-61 (gas well gas)	[4]18.50	Same	[4]18.14	Same
After 9-30-68 (oil well gas)	[4]18.50	Same	[4]18.14	Same
1-1-61 to 9-30-68 (oil well gas)	[4]18.50	Same	[4]18.14	Same
Prior to 1-1-61 (oil well gas)	[4]18.50	Same	[4]18.14	Same
Within the Federal domain: [3]				
Contracts dated				
After 9-30-68 (gas well gas)	18.50	Same	18.14	Same
1-1-61 to 9-30-68 (gas well gas)	18.0	Same	17.65	Same
Prior to 1-1-61 (gas well gas)	17.0	Same	16.67	Same
After 9-30-68 (oil well gas)	17.0	Same	16.67	Same
1-1-61 to 9-30-68 (oil well gas)	17.0	Same	16.67	Same
Prior to 1-1-61 (oil well gas)	17.0	Same	16.67	Same
	At 15.325 p.s.i.a.		*At 14.73 p.s.i.a.*[1]	
West Virginia	28.0	25.0	26.91	24.03

[1] For conversion factors see: § 2.56(e) General policy and interpretations, rules of practice, and procedure; 18 CFR 2.56(e).

[2] 13 cents at 15.025 p.s.i.a.

[3] Subject to the additional requirements, restrictions and authorizations provided in Opinions Nos. 468, 468-A, 546, and 546-A, as applicable.

[4] Plus applicable State and local production taxes in effect as of Sept. 1, 1965.

[5] Inclusive of tax reimbursement.

TABLE NO. 3 REFERRED TO IN PARAGRAPH (d) OF § 2.56

RATE LEVELS AND DURATION OF ANTITRIGGERING CONDITION FOR VARIOUS RATE AREAS

Rate area	Antitriggering level[1] cents/Mcf at 14.65 p.s.i.a.	Antitriggering level[1] cents/Mcf at 14.73 p.s.i.a.[2]
Texas, RR. Districts Nos.:		
1	17.0	17.09
2	18.0	18.10
3	19.0	19.10
4	18.0	18.10
5	16.50	16.59
6	17.0	17.09
7-b	16.50	16.59
9	16.50	16.59
10	19.0	19.10
Oklahoma:		
Carter-Knox	19.0	19.10
Other	17.9	18.0
Panhandle	18.8	18.90
Kansas	18.0	18.10
Wyoming	17.0	17.09
	At 15.025 p.s.i.a.	*At 14.73 p.s.i.a.* [3]
Louisiana, Northern	20.75	20.34
Mississippi	24.0	23.53
New Mexico, San Juan Basin	15.0	14.71
Colorado	17.0	16.67
	At 15.325 p.s.i.a.	*At 14.73 p.s.i.a.*
West Virginia	30.0	28.84

[1] Effective duration of antitriggering conditions is Jan. 1, 1970, as provided for in Order No. 352, § 2.56(d)(3) and (4) of the Commission's general policy and interpretations, rules of practice, and procedure.

[2] For conversion factors see: 33 F.R. 14573, 4; 18 CFR 2.56(e).

[F.R. Doc. 69-5874; Filed, May 19, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 19—U.S. Information Agency

PART 19-60—DISPUTES AND APPEALS

Chapter 19 of Title 41 is amended by adding a new Part 19-60 reading as follows:

Sec.

19-60.000 Scope of part.

Subpart 19-60.1—Disputes

19-60.100 Scope of subpart.
19-60.101 General.
19-60.102 Determination of issues.
19-60.103 Decision of the contracting officer.

Subpart 19-60.2—Appeals

19-60.201 General.
19-60.202 Processing appeals.

Subpart 19-60.3—Board of Contract Appeals

19-60.301 Designation of authorized representative.
19-60.302 Agency support.

Subpart 19-60.4—Rules

19-60.401 Adoption of the rules of the ASBCA.
19-60.402 Amendment to rules for Agency application.

AUTHORITY: The provisions of this Part 19-60 is issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-60.000 Scope of part.

This part sets forth procedures governing the determination of disputes arising from Agency contracts and the delegation of authority to the Armed Services Board of Contract Appeals (referred to in this part as the "ASBCA") to hear and decide appeals of contractors from final decisions of contracting officers arising under disputes provisions of contracts awarded by the United States Information Agency and the rules applicable to such appeals.

Subpart 19-60.1—Disputes

§ 19-60.100 Scope of subpart.

This subpart sets forth the policy and procedures pertaining to disputes arising under contracts, the review of available facts pertinent to the dispute, and the rendering of a final decision thereon by the contracting officer.

§ 19-60.101 General.

Unless otherwise specified in a contract, any dispute concerning a question of fact under a contract shall be decided by the contracting officer who shall reduce his decision to writing and mail by certified mail, return receipt requested, or otherwise furnish a copy to the contractor.

§ 19-60.102 Determination of issues.

Before making a decision, the contracting officer shall consider all oral and written arguments or evidence as the contractor may present in support of his claim. He shall conduct such investigation as may be necessary to ascertain the facts. Based upon his review of all available facts and advice of legal counsel, he shall endeavor to resolve by mutual agreement a satisfactory settlement of the dispute. When questions are settled in this manner, an agreement shall be drawn up in the form of a letter or memorandum for the official records.

§ 19-60.103 Decision of the contracting officer.

When an agreement cannot be successfully negotiated, the contracting officer with the advice and assistance of the Office of the General Counsel shall render a decision in accordance with the disputes clause of the contract. The decision shall include a statement of the facts under dispute, a statement of the contractor's claim, a statement of the facts upon which the parties agree or disagree, a statement of the contracting officer's final decision, and a statement advising the contractor that decisions on disputed questions of fact and on other questions that are subject to the procedure of the disputes clause of the contract may be appealed in accordance with the provisions of that clause. The decision shall further advise the contractor that appeals must be in writing (in triplicate) and must be mailed or otherwise furnished the contracting officer within the time provided in the disputes clause of the contract or if none is designated within thirty days from the date of receipt of the final decision. See § 1-1.318. The decision will also advise the contractor that the Armed Services Board of Contract Appeals has been designated the authorized representative of the Director for the hearing of such appeals and that the regulations herein recited shall be applicable with regard to the procedure of such appeals before the Board.

Subpart 19-60.2—Appeals

§ 19-60.201 General.

An appeal to the ASBCA may be taken from the decision of a contracting officer rendered in connection with disputed questions of fact under contracts when the terms of the contract provide for the determination of such appeals by the Director or his duly authorized representative. When the express terms of the contract provide otherwise, appeals shall be taken in the manner provided.

§ 19-60.202 Processing appeals.

Appeals shall be prepared and submitted as set forth in the Preliminary Procedures, Part 2, Rules of the ASBCA, Appendix A to the Armed Services Procurement Regulations.

Subpart 19–60.3—Board of Contract Appeals

§ 19–60.301 Designation of authorized representative.

The Armed Services Board of Contract Appeals has been designated the authorized representative of the Director of the U.S. Information Agency to hear, consider, and determine appeals by contractors from final decisions of contracting officers on disputed questions arising under agency contracts pursuant to provisions of contracts requiring the determination of such appeals by the Director or his authorized representative.

§ 19–60.302 Agency support.

The office of the General Counsel shall ensure support by officers and employees of the Agency in processing appeals and ascertaining information to the extent required by the ASBCA and is authorized to require such officers and employees to cooperate in such support.

Subpart 19–60.4—Rules

§ 19–60.401 Adoption of the Rules of the ASBCA.

In acting under this designation, the ASBCA is authorized to follow the rules contained in Appendix A to the Armed Services Procurement Regulations, Title 32 Code of Federal Regulations 30.1, which are hereby adopted as amended.

§ 19–60.402 Amendment to rules for Agency application.

The following amendments to Part 2—Rules of the ASBCA shall be effective whenever such rules pertain to appeals arising from Agency contracts.

(a) Preface to rules of the Armed Services Board of Contract Appeals (Summary of Pertinent Charter Provisions) delete all references to the Secretary of Defense and the Secretaries of the Military Departments and substitute therefor the words "Director, U.S. Information Agency".

(b) Preface to rules of the Armed Services Board of Contract Appeals (Summary of Pertinent Charter Provisions) delete in its entirety the third paragraph pertaining to the requirement of the Secretary of Defense or the Secretary of a Military Department to personally render a decision on a matter in dispute based on findings and recommendations submitted by the ASBCA.

(c) Preliminary procedures, paragraph 3 (Forwarding Appeals)—after the word "Board" at the end of the first sentence, insert a comma in lieu of the period and add immediately thereafter the words "through the Office of the General Counsel, U.S. Information Agency".

(d) Preliminary procedures, paragraph 4 (Duties of the Contracting Officer)—delete the words "and to the Government Trial Attorney" and add in lieu thereof the words "through the Office of the General Counsel, U.S. Information Agency".

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER and shall apply to all appeals from Agency contracts presently pending before the ASBCA and to all appeals provided for under this part taken on and after the effective date hereof.

Issued: May 15, 1969.

BEN POSNER,
Assistant Director (Administration).

[F.R. Doc. 69–5935; Filed, May 19, 1969; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 415–69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 45—STANDARDS OF CONDUCT

Office of the Director, U.S. Marshals Service

By virtue of the authority vested in me by sections 509, 510, and 569(c) of title 28 and section 301 of title 5 of the United States Code, Chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

1. Section 0.17 of Subpart C of Part 0 is amended to read as follows:

§ 0.17 Office of the Director, U.S. Marshals Service.

The Office of the Director, U.S. Marshals Service, shall be under the supervision of the Deputy Attorney General and shall direct and supervise the U.S. Marshals, coordinate and direct the relationship of other organizational units of the Department with the offices of U.S. Marshals, and approve staffing requirements of such offices.

§ 45.735–22 [Amended]

2. Subdivision (xv) of paragraph (c) of § 45.735–22 of Part 45 is amended by substituting "Director, United States Marshals Service" for "Head, Executive Office for U.S. Marshals."

Dated: May 12, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69–5950; Filed, May 19, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Bacitracin Methylene Disalicylate

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by S. B. Penick & Co., 100 Church Street, New York, N.Y. 10007, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of bacitracin methylene disalicylate in the feed of feedlot beef cattle for specified conditions. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.252(d) is amended by adding thereto a new table 3, as follows:

§ 121.252 Bacitracin methylene disalicylate.

* * * * *

(d) * * *

TABLE 3.—*Bacitracin methylene disalicylate in cattle feed*

Amount	Limitations	Indications for use
Mg. per head per day		
Bacitracin..... 70	For feedlot beef cattle; administer continuously throughout the feeding period; as bacitracin methylene disalicylate.	Reduction in the number of liver condemnations due to abscesses in feedlot beef cattle.
Bacitracin 250	For feedlot beef cattle; administer continuously for 5 days then do not administer medicated feed for subsequent 25 days, repeat the pattern during the feeding period.	Do.

2. Based on an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that the existing "zero" tolerances for residues of bacitracin from bacitracin, zinc bacitracin, manganese bacitracin, or bacitracin methylene disalicylate in edible products of treated animals should be changed to 0.5 part per million (0.02 unit per gram—sensitivity of the method of analysis) for negligible residues of the additive. The negligible residue level is the basis upon which the "zero" tolerances were formerly established. It is also concluded that the negligible residue should be extended to include residues in the tissues of cattle based upon its use as provided for by the above amendment to § 121.252. Accordingly, § 121.1005 is revised to read as follows:

§ 121.1005 Bacitracin.

Tolerances for residues of the food additive bacitracin from bacitracin, zinc bacitracin, manganese bacitracin, or bacitracin methylene disalicylate are established at 0.5 part per million (0.02 unit per gram), negligible residue, in edible tissues of cattle, swine, chickens, turkeys, pheasants, and quail, and in milk and eggs.

3. Under the authority of the act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)), delegated as cited above, the Commissioner finds that cattle feed containing bacitracin methylene disalicylateylate need not comply with the requirements of section 507 of the act to assure its safety and efficacy when used in accordance with § 121.252 as amended herein. Therefore, § 144.26(b) is amended by adding thereto a new subparagraph, as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(28) It is a medicated feed for beef cattle containing bacitracin methylene disalicylate in the amounts and for the purposes specified in § 121.252 of this chapter and its labeling bears adequate directions and warnings for such use.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), (4), 507(c), 59 Stat. 463, as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4), 357(c))

Dated: May 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5917; Filed, May 19, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

SPECTINOMYCIN

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (38–661V) filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chcago, Ill. 60064, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of spectinomycin for the treatment of specified conditions in chickens.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.329 Spectinomycin.

The food additive spectinomycin may be safely used in accordance with the following prescribed conditions:

(a) Spectinomycin is the antibiotic substance produced by growth of *Streptomyces spectabilis* or the same antibiotic substance produced by any other means.

(b) The quantity of antibiotic listed is expressed in terms of the weight of the appropriate standard.

(c) It is used or intended for use as follows:

SPECTINOMYCIN IN DRINKING WATER

Amount	Limitations	Indications for use
Spectinomycin.... 2 grams per gallon.	For growing chickens; as spectinomycin dihydrochloride pentahydrate; administer as sole source of drinking water for the first 3 days of life and for 1 day following each vaccination; do not administer within 5 days of slaughter; do not administer to laying chickens.	As an aid in the prevention or control of losses due to chronic respiratory disease associated with *M. gallisepticum* (PPLO) infection.

(d) To assure safe use, the label and labeling of the additive, any combination of the additives, or any final dosage form prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

B. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that a tolerance limitation is required to assure that the edible tissues of chickens treated with spectinomycin are safe for human consumption. Therefore, Part 121 is amended by adding to Subpart D the following new section:

§ 121.1227 Spectinomycin.

A tolerance of 0.1 part per million is established for negligible residues of the food additive spectinomycin in the edible tissues of chickens.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: May 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5918; Filed, May 19, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Under sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208) and Reorganization

Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 605 (34 F.R. 1169) the Secretary of Labor appointed and convened Special Industry Committee No. 8 for American Samoa, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(a)(3) of the Fair Labor Standards Act of 1938 to employees in American Samoa subject thereto, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to matters referred to it.

Accordingly, pursuant to section 6(a)(3) and section 8(d) of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 and § 511.18 of Title 29, Code of Federal Regulations, the recommendations of Special Industry Committee No. 8 for American Samoa are hereby published as an amendment of § 697.1 of that title which changes all minimum wage rates specified therein, except that in paragraph (b)(1). In addition the Industry Committee recommended pursuant to section 8 of the Act separate classifications for the Laundry and Dry Cleaning Industry, the Bottling Industry and the Printing and Publishing Industry. For the purposes of this part, these three classifications are treated as separate industries. Further, pursuant to the same authority an effective date provision is added to Part 697, designated § 697.3, for easy reference.

1. As amended, § 697.1 reads as follows:

§ 697.1 Wage rates.

Every employer shall pay to each of his employees in American Samoa, who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.15 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.20 an hour thereafter.

(2) This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any byproduct thereof, and the manufacture of cans and related activities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(b) *Shipping and transportation industry.* The classifications of this industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including the operation of air terminals, piers, wharves, and docks, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and of travel and ticket agencies: *Provided, however,* That this industry shall not include bunkering of petroleum products: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(1) *Classification A (seafaring).* (i) The minimum wage for this classification is 55 cents an hour.

(ii) This classification of the shipping and transportation industry shall include all activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity.

(2) *Classification B.* (i) The minimum wage for this classification is $1.20 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.25 an hour thereafter.

(ii) This classification shall include all activities in the shipping and transportation industry other than those included in the seafaring classification of the industry.

(c) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.25 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.30 an hour thereafter.

(2) This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(d) *Construction industry.* (1) The minimum wage for this industry is 84 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 88 cents an hour thereafter.

(2) This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(e) *Hospitals and educational institutions industry.* (1) The minimum wage for this industry is 70 cents an hour for the period ending June 30, 1969, and 80 cents an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of a hospital, defined as an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, a school for the mentally or physically handicapped or the gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is public or private, or operated for profit or not for profit): *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(f) *Hotel industry.* (1) The minimum wage for this industry is 75 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 80 cents an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retail trade industry.* (1) The minimum wage for this industry is 90 cents an hour for a period of 1 year following the effective date specified in § 697.3 and 95 cents an hour thereafter.

(2) This industry shall include all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(h) *Laundry and Dry Cleaning Industry.* (1) The minimum wage for this industry is 85 cents an hour.

(2) The Laundry and Dry Cleaning Industry is that industry which is engaged in laundering, cleaning, pressing or repairing clothing or fabrics, except such activities as are engaged in by a hotel or motel on its own linens or on articles of its guests.

(i) *The Bottling Industry.* (1) The minimum wage for this industry is 95 cents an hour.

(2) The Bottling Industry is that industry which is engaged in the bottling, sale or distribution at wholesale of soft drinks in bottles or cans.

(j) *The Printing and Publishing Industry.* (1) The minimum wage for this industry is 95 cents an hour.

(2) The Printing and Publishing Industry is that industry which is engaged in printing, job printing, duplicating and publishing, other than the publishing of a weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(k) *Miscellaneous industry.* The classifications of this industry shall include every activity not included in any other industry defined in this § 697.1.

(l) *Previous coverage classification.* (i) The minimum wage for this classification is $1 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.05 cents an hour thereafter.

(ii) This classification of the miscellaneous industry shall include only those activities in the industry to which section 6 of the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(2) *1966 coverage classification.* (i) The minimum wage for this classification is 90 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 95 cents an hour thereafter.

(ii) This classification of the miscellaneous industry shall include only those activities in the industry to which section 6 of the Fair Labor Standards Act of 1938 applies only by reason of the Fair Labor Standards Amendments of 1966.

2. As added, § 697.3 reads as follows:

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective June 5, 1969.

(Secs. 6 and 8, 52 Stat. 1062, 1964, as amended; 29 U.S.C. 206, 208)

Signed at Washington, D.C., this 13th day of May 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 69-5953; Filed, May 19, 1969; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.87 paragraph (a) is amended to read as follows:

§ 200.87 Management Improvement Committee.

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of Management Division, Chairman; Staff Adviser to the Assistant Commissioner for Administration, Vice Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Property Disposition; Assistant Commissioner for Programs; Assistant Commissioner for Field Operations; and Director of Budget Division.

• • • • • •

In § 200.96 paragraph (b) is amended to read as follows:

§ 200.96 Field Office Directors, Deputy Directors, and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).

• • • • • •

(b) To act for the Commissioner in determining applicable mortgage limits for communities in the insuring office jurisdiction for all mortgage insurance programs for which the Commissioner is authorized to increase basic mortgage limits provided by law where cost levels so require.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., May 13, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-5941; Filed, May 19, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter B—Personnel; Military and Civilian

PART 41—ADMINISTRATIVE DISCHARGES

Reasons and Procedures for Discharge

1. Section 41.6(l) is amended to read as follows:

§ 41.6 Reasons for discharge.

• • • • • •

(l) *Unfitness.* Discharges by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a General or Honorable Discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child, or (vi) other indecent acts or offenses.

(3) Drug abuse as defined in DoD Directive 1300.11, Part 62 of this Subchapter.

(4) An established pattern for shirking.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

(7) Unsanitary habits.

• • • • • •

2. Section 41.7(d) is amended to read as follows:

§ 41.7 Procedures for discharge.

• • • • • •

(d) *Undesirable Discharge.* An Undesirable Discharge will be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. An Undesirable Discharge will be issued in accordance with this Directive and the following procedures and safeguards:

• • • • • •

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OSAD (Administration).

[F.R. Doc. 69-5970; Filed, May 19, 1969; 8:50 a.m.]

PART 80—PERMANENT-RESIDENCE ALIENS SERVING IN ARMED FORCES OF UNITED STATES TO FULFILL NATURALIZATION REQUIREMENTS; SEPARATION OF

The following revision to Part 80 has been approved:

Sec.
80.1 Purpose and applicability.
80.2 Definitions.
80.3 Policy.

AUTHORITY: The provisions of this Part 80 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 80.1 Purpose and applicability.

This part furnishes policy guidance to the Secretaries of the military departments governing discharge or release from active duty in the armed forces of the United States of permanent-residence aliens who desire to be naturalized as U.S. citizens under the provisions of Act of June 27, 1952, section 328 (66 Stat. 249; 8 U.S.C. 1439). The expeditious naturalization provisions of Part 205 of Subchapter A, however, take precedence for aliens serving during the Vietnam hostilities or during any future period of hostilities that may be designated by the President of the United States.

§ 80.2 Definitions.

(a) Permanent-residence Aliens are aliens admitted into the United States under an immigration visa for permanent residence; or aliens who, after admission without an immigrant visa, have had their status adjusted to that of aliens lawfully admitted for permanent residence.

(b) *Armed Forces of the United States* denotes collectively all components of the

Army, Navy, Air Force, Marine Corps, and Coast Guard.

§ 80.3 Policy.

(a) Under the provisions of Act of June 27, 1952, section 328 (66 Stat. 249; 8 U.S.C. 1439) an alien who has served in the armed forces of the United States for a period(s) totaling three (3) years may be naturalized if he:

(1) Has been lawfully admitted to the United States for permanent residence;

(2) Was separated from the military service under honorable conditions;

(3) Files a petition while still in the military service, or within six (6) months after the termination of such service; and

(4) Can comply in all other respects with the Immigration and Nationality Act of 1952, except that (i) no period of residence or specified period of physical presence in the United States or the State in which the petition for naturalization is filed is required, and (ii) residence within the jurisdiction of the court is not required.

(b) The prescribed 3-year period may be satisfied by a combination of active duty and inactive duty in a reserve status.

(c) Alien personnel desiring to fulfill naturalization requirements through military service shall not be separated prior to completion of three (3) full years of active duty unless:

(1) Their performance or conduct does not justify retention, in which case they shall be separated in accordance with the provisions of Part 41 of this Subchapter or Chapter 47, title 10, United States Code (Uniform Code of Military Justice) as appropriate; or

(2) They are to be transferred to inactive duty in a reserve component in order to

(i) Complete a reserve obligation under the provisions of Part 50 of this subchapter, or

(ii) Attend a recognized institution of higher learning under the early release program, as provided in Part 60 of this subchapter.

(d) Caution shall be exercised to ensure that an alien's affiliation with the armed forces of the United States, whether on active duty or on inactive duty in a reserve status, is not terminated even a few days short of the 3-year statutory period, since failure to comply with the exact 3-year requirement of Act of June 27, 1952, section 328 (66 Stat. 249; 8 U.S.C. 1439) will automatically preclude a favorable determination by the Immigration and Naturalization Service on any petition for naturalization based on an alien's military service.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MAY 14, 1969.

[F.R. Doc. 69-5900; Filed, May 19, 1969; 8:51 a.m.]

PART 101—PARTICIPATION IN RESERVE TRAINING PROGRAMS

Reserve Participation

Section 101.3(a) is revised to read as follows:

§ 101.3 Reserve participation.

(a) *Training Requirements under 10 U.S.C. 270(a).* (1) Each individual inducted, enlisted, or appointed in any armed force after August 10, 1955, who becomes a member of the Ready Reserve (by other means than through membership in the Army National Guard of the United States or of the Air National Guard of the United States (see § 101.3(b) below)) is required during his statutory period in the Ready Reserve to participate or serve as indicated:

(i) Individuals who have served less than two years on active duty (other than for training) shall:

(*a*) Except as provided in Part 102 of this Subchapter, participate or serve in at least forty-eight (48) scheduled drills or training periods and not less than fourteen (14) days (exclusive of travel-time) of active duty for training during each year; or

(*b*) Participate or serve on active duty for training for not more than thirty (30) days each year unless otherwise specifically prescribed by the Secretary of Defense.

(ii) Enlisted individuals who have served on active duty (other than for training), any part of which is served in a combat zone for hostile fire pay (DoD Directive 1340.6,[1] "Special Pay for Duty Subject to Hostile Fire," Aug. 1, 1968) or other area as prescribed by the Secretary of Defense, will not be required involuntarily to perform duty as described in § 101.3(a)(1)(i)(a), above. They may, however, be required to participate or serve on active duty for training for not more than thirty (30) days each year, unless otherwise specifically prescribed by the Secretary of Defense.

(iii) Enlisted individuals who have served 2 or more years on active duty (other than for training), none of which is served in a combat zone, will not be required to perform duty as described in § 101.3(a)(1)(i)(a), above, unless, after diligent recruiting effort, it is determined that a vacancy in a Ready Reserve unit cannot otherwise be filled.

(2) The policy stated in § 101.3(a)(1)(i)(a) and (b) is not applicable to graduates of the Federal and State Maritime Academies who are commissioned in the Naval Reserve.

(3) The policies stated in § 101.3(a)(1)(ii) and (iii) above, do not apply to those enlisted reservists who volunteer to serve in a reserve program, and who, by separate agreement, incur an obligation to participate in the Ready Reserve in an active training status during their statutory period of service in the Ready Reserve.

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MAY 14, 1969.

[F.R. Doc. 69-5971; Filed, May 19, 1969; 8:50 a.m.]

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120.

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 119—LICENSING OF OFFICERS

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 119 of Title 35, Code of Federal Regulations is amended as follows:

1. The table of contents is revised to read as follows:

Subpart A—General Provisions

Sec.
119.1 Classification and licensing of masters, mates, engineers, pilots, and motorboat operators.
119.2 Term of licenses.
119.3 Appeal from action refusing license.
119.4 Suspension or revocation of licenses.
119.5 Revocation for parting with license.
119.6 Citizenship and employment of licensees.
119.7 Original license defined.
119.8 Application form.
119.9 Service records and endorsements.
119.10 Age and literacy requirements.
119.11 Knowledge of first aid.
119.12 Physical and experience requirements.
119.13 Burden of establishing qualifications.
119.14 Applicant to appear for examination.
119.15 Reexamination.
119.16 Raise of grade.
119.17 Renewal of license.
119.18 Sea service as member of Armed Forces of the United States or on vessels owned by the United States as qualifying experience.
119.19 Evaluation of equivalent experience.
119.20 Increase in scope of license; removal of limitations.
119.21 Written statement of reasons for denying license.
119.22 Preparation of licenses.
119.23 Tonnage or horsepower; route.
119.24 Oath of licensee.
119.25 Duplicate of license.
119.26 Display of licenses.

Subpart B—Masters

119.61 Master, steam and motor vessels; experience required.
119.62 Same; examination.
119.63 Master, non-self-propelled floating equipment; experience required.
119.64 Same; examination.

Subpart C—Mates

119.101 Mate, non-self-propelled floating equipment; experience required.

Sec.
119.102 Same; examination.
119.103 Third mate, motor vessels (master—motor vessels not exceeding 75 feet in length); experience required.
119.104 Same; examination.
119.105 Second mate, motor vessels; experience required.
119.106 Same; examination.
119.107 First mate, motor vessels; experience required.
119.108 Same; examination.

Subpart D—Pilots

119.141 Pilot, Panama Canal; qualifications.
119.142 Same; examination.
119.143 Pilot, U.S. Government local vessel; employment requirement.
119.144 Same; examination.

Subpart E—Motorboat Operators

119.183 Motorboat operator.
119.184 Responsibility of parents respecting minors under 18 years of age.
119.185 Owner not to permit unlicensed minor to operate.
119.186 Examination for license as motorboat operator.
119.187 Operating test.

Subpart F—Engineers

119.221 Grade and type of engineer licenses issued; limitations placed thereon.
119.222 Chief engineer, steam vessels; experience required.
119.223 Chief engineer, motor vessels; experience required.
119.224 First assistant engineer, steam vessels; experience required.
119.225 First assistant engineer, motor vessels; experience required.
119.226 Second assistant engineer, steam vessels; experience required.
119.227 Second assistant engineer, motor vessels; experience required.
119.228 Third assistant engineer, steam vessels; experience required.
119.229 Third assistant engineer, motor vessels; experience required.

Subpart G—Penalties for Violation

119.251 Penalties for violation.

2. Section 119.2 is revised to read as follows:

§ 119.2 Term of licenses.

Licenses, except those issued to marine personnel of the Panama Canal Company for the period specified in § 119.4(e), shall be issued for a term of 3 years and shall be valid for that period unless earlier suspended or revoked under § 119.4.

3. The second sentence of § 119.3 is revised to read as follows:

§ 119.3 Appeal from action refusing license.

* * * The appeal must be entered within 15 days after the final action of the Board.

* * * * *

4. Section 119.4(e) is amended by adding a new sentence at the end, reading as follows:

§ 119.4 Suspension or revocation of licenses.

* * * * *

(e) * * * A licensee whose license is valid for the period of his employment with the Panama Canal Company in accordance with the provisions of this paragraph shall, at each 3-year interval after the original license is issued, file an official certificate of a physician of the Canal Zone Government attesting to the applicant's acuity of vision, color sense, and general physical condition.

5. Section 119.6(b) is revised to read as follows:

§ 119.6 Citizenship and employment of licensees.

* * * * *

(b) Only persons who are actually employed in, or conditionally eligible for appointment to, a position subject to licensing under this part, or who can establish that they have a bona fide intention to operate a motorboat for recreational or other private purposes within Canal Zone waters, may be issued an original license under this part. Renewals may be issued irrespective of the employment requirement, if in the judgment of the Supervising Inspector the likelihood of return to Canal Zone employment and other circumstances warrant renewal.

6. Section 119.10 is revised to read as follows:

§ 119.10 Age and literacy requirements.

A person who has reached the age of 19 years and who has the necessary experience is eligible for examination. However, an applicant for license as pilot, master, mate, first mate, second mate, third mate, chief engineer, first assistant engineer, second assistant engineer, or third assistant engineer must be able to read and write either English or Spanish and converse fluently in the English language. The examination will be given in either English or Spanish according to the choice of the applicant. To qualify for issuance of any license except third mate, third assistant engineer or motorboat operator, the applicant must have reached the age of 21 years.

7. Section 119.11 is revised to read as follows:

§ 119.11 Knowledge of first aid.

A candidate for an original license as master, mate, pilot, or engineer, may not be examined unless he presents satisfactory evidence to the Board that he has completed a course of instruction and passed an examination in the principles of first aid administered by a physician or surgeon of the Canal Zone Government. Possession of any valid U.S. Coast Guard license shall constitute satisfactory evidence of the applicant's compliance with this requirement.

8. Paragraphs (f) and (h) of § 119.12 are revised to read as follows:

§ 119.12 Physical and experience requirements.

* * * * *

(f) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Such period shall include, in addition to the 3 years specified, any service in the Armed Forces of the United States that immediately preceded or interrupted the last 3 years spent by the applicant in a civilian status prior to the date of the application. When an applicant for a license as engineer does not meet the requirement of this paragraph, but is otherwise qualified, the Board may examine him and recommend to the Supervising Inspector that he be licensed. In such cases a license may be issued provided the applicant has satisfactorily completed a 90-day period as trainee aboard applicable equipment of the Panama Canal Company.

* * * * *

(h) An applicant for a license, who is a naturalized citizen of the United States or Panama and who has obtained his experience on foreign vessels, may not be given a grade of license higher than that in which he has served. However, this paragraph shall not apply to persons qualifying for license under the Panama Canal Company master and engineer training programs.

9. Subpart B—Masters, is revised as follows: The title of § 119.61 is revised, present § 119.61 is revised and designated § 119.61(a), new paragraph § 119.61(b) is added, present § 119.62 is revised and designated § 119.62(a), new paragraph § 119.62(b) is added, and §§ 119.63 and 119.64 are revised. As revised Subpart B reads as follows:

Subpart B—Masters

Sec.
119.101 Mate, non-self-propelled floating equipment; experience required.
119.102 Same; examination.
119.103 Third mate, motor vessels (master—motor vessels not exceeding 75 feet in length); experience required.
119.104 Same; examination.
119.105 Second mate, motor vessels; experience required.
119.106 Same; examination.
119.107 First mate, motor vessels; experience required.
119.108 Same; examination.

AUTHORITY: The provisions of this Subpart C issued under 2 C.Z.C. sec. 1331, 76A Stat. 46; 35 CFR 3.3(a)(4).

§ 119.61 Master, steam and motor vessels; experience required.

(a) An applicant for license as master of steam and motor vessels shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has had 2 years of experience as a licensed officer in charge of a deck watch on steam or motor vessels over 75 feet in length. Tonnage limitations applicable to such prior service shall be evaluated by the Board.

(b) The license issued to an applicant under paragraph (a) of this section shall be limited to vessels not exceeding 1,500 gross tons if he passes the examination described in § 119.62(a). If the applicant passes the examination described in § 119.62(b), the license shall be limited to vessels not exceeding 500 gross tons.

§ 119.62 Same; examination.

(a) An applicant for license as master of steam and motor vessels not exceeding 1,500 gross tons must pass an examination as to his knowledge of the subjects listed in §§ 119.104, 119.106, 119.108, and paragraph (b) of this section and as

to his knowledge of the following subjects:

(1) Longitude by chronometer.

(2) Latitude by meridian altitude of the sun.

(3) Latitude by polaris.

(4) Dead reckoning.

(5) Azimuth of the sun from tables.

(6) Azimuth of stars from tables.

(7) Ocean winds, weather, tides, and currents.

(8) Aids to navigation in general use.

(b) An applicant for license as master of steam and motor vessels not exceeding 500 gross tons must pass an examination as to his knowledge of the subjects listed in §§ 119.104, 119.106, and 119.108 and as to his knowledge of the following subjects:

(1) Piloting.

(2) Ship sanitation.

(3) Lead line, sounding machine, and fathometer.

(4) Storm signals.

(5) Use of the Lyle gun for lifesaving.

(6) Ship construction including design and operating characteristics of motor vessels.

§ 119.63 Master, non-self-propelled floating equipment; experience.

An applicant for license as master of non-self-propelled floating equipment shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has had 1 year of qualifying experience as mate on non-self-propelled floating equipment while holding a license as mate of such equipment.

§ 119.64 Same; examination.

An applicant for license as master of non-self-propelled floating equipment must pass an examination as to his knowledge of the following subjects:

(a) Operation and maintenance of non-self-propelled floating equipment.

(b) Lifesaving equipment.

(c) Fire prevention and firefighting.

(d) The rules contained in Parts 103, 111, 113, 115, 117, 121, 123, 125, and 129 of this title.

(e) Ship construction.

(f) Ship sanitation.

(g) Such further examination of a nonmathematical character as the Board may require.

10. Subpart C—Mates, is amended by revising §§ 119.101 and 119.102 and by adding new §§ 119.103, 119.104, 119.105, 119.106, 119.107, and 119.108. As revised Subpart C reads as follows:

Subpart C—Mates

Sec.

119.61 Master, steam and motor vessels; experience required.
119.62 Same; examination.
119.63 Master, non-self-propelled floating equipment; experience.
119.64 Same; examination.

AUTHORITY: The provisions of this Subpart B issued under 2 C.Z.C. sec. 1331, 76A Stat. 46; 35 CFR 3.3(a) (4).

§ 119.101 Mate, non-self-propelled floating equipment; experience required.

An applicant for mate of non-self-propelled floating equipment shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has:

(a) Served a 4-year apprenticeship as mate, dredge; or

(b) Completed 2 years of qualifying experience in the deck department of non-self-propelled floating equipment and completed adequate apprenticeship training; or

(c) Such other experience as upon the recommendation of the Chief, Dredging Division is considered to be a satisfactory equivalent thereto.

§ 119.102 Same; examination.

An applicant for license as mate of non-self-propelled floating equipment must pass an examination as to his knowledge of the following subjects:

(a) Operation and maintenance of non-self-propelled floating equipment.

(b) Lifesaving equipment.

(c) Fire prevention and firefighting.

(d) The rules contained in Parts 103, 111, 113, 115, 117, 121, 123, 125, and 129 of this title.

§ 119.103 Third mate, motor vessels (master—motor vessels not exceeding 75 feet in length); experience required.

An applicant for license as third mate of motor vessels (master—motor vessels not exceeding 75 feet in length) shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he meets one of the following qualifying standards of experience:

(a) Satisfactory completion of 4 years of classroom and practical experience in the Panama Canal training program for license as master of motor vessels; or

(b) Satisfactory completion of 520 eight-hour watches aboard Panama Canal Company motor vessels as master—trainee, while holding a rating of rigger, or operating engineer (hoisting equipment), or mate—dredge, and completion of acceptable training in firefighting; or

(c) Has satisfactorily served in the rating of able seaman, seaman, motor vessel boatswain, or launch operator for a period of 2 years and completed adequate maritime training together with acceptable training in firefighting and completion of 260 eight-hour watches on motor vessels at any of these ratings.

§ 119.104 Same; examination.

An applicant for license as third mate of motor vessels (master—motor vessels not exceeding 75 feet in length) must pass an examination as to his knowledge of the following subjects:

(a) Compass deviation by ranges.

(b) Aids to navigation in Canal Zone waters and lighting of the Panama Canal.

(c) Tides, currents, wind, and weather in Canal Zone waters.

(d) International Rules of the Road.

(e) Rules for the Prevention of Collision in Canal Zone waters.

(f) Lock and Cut signals and operations in the locks and Cut.

(g) Seamanship and practical handling of motor vessels including ship and barge work and dredge tending.

(h) Lifesaving equipment.

(i) Fire prevention and firefighting.

(j) Depth of channels, anchorages, moorings, and harbors.

(k) Chart navigation.

(l) The rules contained in Parts 103, 111, 113, 115, 117, 121, 123, 125, and 129 of this title.

(m) Such further examination of a nonmathematical character as the Board may require.

§ 119.105 Second mate, motor vessels; experience required.

An applicant for license as second mate of motor vessels shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has completed 1 year of qualifying experience as third mate of motor vessels (master—motor vessels not exceeding 75 feet in length) on Panama Canal Company motor vessels, including at least 90 eight-hour training watches aboard a motor vessel while so licensed.

§ 119.106 Same; examination.

An applicant for license as second mate of motor vessels must pass an examination as to his knowledge of the subjects listed in § 119.104 and of the following subjects:

(a) Practical use of the magnetic compass.

(b) Instruments and accessories.

(c) Signaling by international code flags.

(d) Bearing and distance from a fixed object.

(e) A practical demonstration of his ability to operate a motor vessel properly and safely. Such demonstration shall be in the presence of and to the satisfaction of the Board of Local Inspectors.

§ 119.107 First mate, motor vessels; experience required.

An applicant for license as first mate of motor vessels shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has completed 1 year of qualifying experience on Panama Canal Company motor vessels as second mate of motor vessels.

§ 119.108 Same; examination.

An applicant for license as first mate of motor vessels must pass an examination as to his knowledge of the subjects listed in §§ 119.104 and 119.106 and of the following subjects:

(a) Use of local area charts in piloting.

(b) General traffic patterns including type of traffic to be encountered.

(c) Special and peculiar hazards to navigation in Canal Zone waters.

(d) Special rules, signals, and customs in Canal Zone waters.

§§ 119.181 and 119.182 [Revoked]

11. Sections 119.181 and 119.182 are revoked.

§ 119.221 [Amended]

12. Section 119.221 is amended by revoking paragraph (b).

13. Section 119.222 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended, § 119.222 reads as follows:

§ 119.222 Chief engineer, steam vessels; experience required.

The minimum experience required to qualify an applicant for license as chief engineer of a steam vessel is as follows:

(a) One year's experience as first assistant engineer of steam vessels; or

(b) Two years' experience as second assistant or junior first assistant engineer in charge of a watch on steam vessels while holding a license as first assistant engineer of steam vessels; or

(c) While holding a license as chief engineer of motor vessels, either—

(1) Six months' experience as first assistant engineer of steam vessels; or

(2) Six months' experience or 130 eight-hour watches as observer-chief engineer on steam vessels; or

(3) One year's experience as oiler, water tender, or junior engineer on steam vessels.

14. Section 119.223 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended, § 119.223 reads as follows:

§ 119.223 Chief engineer, motor vessels; experience required.

The minimum experience required to qualify an applicant for license as chief engineer of motor vessels is as follows:

(a) One year's experience as first assistant engineer of motor vessels; or

(b) Two years' experience as second assistant or junior first assistant engineer in charge of a watch on motor vessels while holding a license as first assistant engineer of motor vessels; or

(c) While holding a license as chief engineer of steam vessels, either—

(1) Three months' experience as first assistant engineer of motor vessels; or

(2) Three months' experience or 65 eight-hour watches as observer-chief engineer of motor vessels; or

(3) Six months' experience as oiler or junior engineer of motor vessels.

15. Section 119.224 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended § 119.224 reads as follows:

§ 119.224 First assistant engineer; steam vessels; experience required.

The minimum experience required to qualify an applicant for license as first assistant engineer of steam vessels is as follows:

(a) One year's experience as second assistant engineer of steam vessels; or

(b) Two years' experience as third assistant engineer in charge of a watch on steam vessels, while holding a license as second assistant engineer of steam vessels; or

(c) While holding a license as first assistant engineer of motor vessels, either—

(1) Six months' experience as second assistant engineer of steam vessels; or

(2) Six months' experience as observer-first assistant engineer on steam vessels; or

(3) One year's experience as oiler, water tender or junior engineer on steam vessels.

16. Section 119.225 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended § 119.225 reads as follows:

§ 119.225 First assistant engineer, motor vessel; experience required.

The minimum experience required to qualify an applicant for license as first assistant engineer of motor vessels is as follows:

(a) One year's experience as second assistant engineer of motor vessels; or

(b) Two years' experience as third assistant engineer in charge of a watch on motor vessels, while holding a license as second assistant engineer of motor vessels; or

(c) While holding a license as first assistant engineer of steam vessels, either—

(1) Three months' experience as second assistant engineer of motor vessels; or

(2) Three months' experience as observer-first assistant engineer of motor vessels; or

(3) Six months' experience as oiler or junior engineer on motor vessels.

17. Section 119.226 is revised to read as follows:

§ 119.226 Second assistant engineer, steam vessels; experience required.

The minimum experience required to qualify an applicant for license as second assistant engineer of steam vessels is as follows:

(a) One year's experience as third assistant engineer, while holding a license as third assistant engineer of steam vessels; or

(b) While holding a license as second assistant engineer of motor vessels, either—

(1) Six months' experience as third assistant engineer of steam vessels; or

(2) Six months' experience as observer-second assistant engineer on steam vessels; or

(3) One year's experience as oiler, water tender, or junior engineer on steam vessels; or

(c) Three years' experience as journeyman machinist engaged in the construction or repair of marine engines, together with 1 year's experience as oiler, junior engineer, or water tender on steam vessels.

18. Section 119.227 is revised to read as follows:

§ 119.227 Second assistant engineer, motor vessels; experience required.

The minimum experience required to qualify an applicant for license as second assistant engineer of motor vessels is as follows:

(a) One year's experience as third assistant engineer, while holding a license as third assistant engineer of motor vessels; or

(b) While holding a license as second assistant engineer of steam vessels, either—

(1) Three months' experience as third assistant engineer of motor vessels; or

(2) Three months' experience as observer-second assistant engineer on motor vessels; or

(3) Six months' experience as oiler or junior engineer on motor vessels; or

(c) Three years' experiences as journeyman machinist engaged in the construction or repair of marine engines, together with 1 year's experience as oiler or junior engineer on motor vessels.

19. Section 119.228 is amended as follows: Paragraphs (a) and (b) are revised, present paragraph (c) is revoked and a new paragraph (c) substituted therefor. As amended § 119.228 reads as follows:

§ 119.228 Third assistant engineer, steam vessels; experience required.

The minimum experience required to qualify an applicant for license as third assistant engineer of steam vessels is as follows:

(a) Three years' experience in the engine department of steam vessels as fireman, water tender, oiler, or other qualified member of the engine department and completion of adequate apprenticeship training and acceptable training in firefighting; or

(b) Completion of 260 8-hour watches in the engine room of Panama Canal floating equipment while the floating equipment is in service while holding a rating of journeyman machinist or electrician and completion of acceptable training in firefighting; or

(c) Four years of classroom and practical experience in the Panama Canal Company training program for chief engineer of steam vessels; or

(d) One year's service as oiler, water tender, or junior engineer on steam vessels while holding a license as third assistant engineer of motor vessels.

20. Section 119.229 is amended as follows: Paragraphs (a) and (b) are revised, present paragraph (c) is revoked and a new paragraph (c) substituted therefor and paragraph (d) is revised. As amended § 119.229 reads as follows:

§ 119.229 Third assistant engineer, motor vessels; experience required.

The minimum experience required to qualify an applicant for license as third assistant engineer of motor vessels is as follows:

(a) Three years' experience in the engine department of motor vessels as oiler or other qualified member of the engine department and completion of adequate apprenticeship training and acceptable training in firefighting; or

(b) Completion of 260 eight-hour watches in the engine room of Panama Canal floating equipment while the floating equipment is in service while holding

a rating of journeyman machinist or electrician and completion of acceptable training in firefighting; or

(c) Four years of classroom and practical experience in the Panama Canal Company training program for chief engineer of motor vessels; or

(d) One year's experience as oiler or junior engineer on motor vessels while holding a license as third assistant engineer of steam vessels.

§§ 119.230, 119.231, 119.232, 119.233 [Revoked]

21. Sections 119.230, 119.231, 119.232, and 119.233 are revoked.

22. Paragraph (a) of § 119.251 is revised to read as follows:

§ 119.251 Penalties for violation.

(a) Whoever violates the requirements of § 119.1 is subject to punishment as provided in 2 C.Z.C. § 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

* * * * * *

(2 C.Z.C. § 1331, 76A Stat. 46; 35 CFR 3.3(a)(4))

Date signed: April 28, 1969.

[SEAL] W. P. LEBER,
Governor of the Canal Zone.

[F.R. Doc. 69-5921; Filed, May 19, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

SUBSIDIZED OPERATORS

Guidelines for Payment

In F.R. Doc. 67-14066 (32 F.R. 16436, Nov. 30, 1967) comments by interested parties were invited to be submitted by December 18, 1967, relative to the guidelines set forth therein for payment of operating-differential subsidy to subsidized operators.

In F.R. Docs. 67-14669 (32 F.R. 17980), 68-1375 (33 F.R. 2531), 68-3671 (33 F.R. 4996), 68-7031 (33 F.R. 8744), 68-9746 (33 F.R. 11547), 68-14043 (33 F.R. 17315), and 69-2858 (34 F.R. 4973), the date of December 18, 1967, was extended to February 5, 1968; April 1, 1968; July 1, 1968; September 3, 1968; December 2, 1968; March 31, 1969, and May 29, 1969, respectively.

Notice is hereby given that the notices published as stated above are hereby canceled.

Dated: May 14, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-5936; Filed, May 19, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-13]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke a segment of V-61 from Wichita Falls, Tex., to Lawton, Okla. The annual Federal Aviation Administration peak day IFR airway traffic survey for the past two years indicated only one aircraft movement along this segment of V-61. Accordingly, this airway segment can no longer be justified as an assignment of airspace.

If this action is taken, no penalty would be imposed on IFR operations between Wichita Falls and Lawton as other controlled airspace is in effect and air traffic control service available.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5934; Filed, May 19, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[Docket No. 21002; EDR-164]

PRIORITY RULES, DENIED BOARDING COMPENSATION, TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Alternate Transportation Provided Passengers Denied Boarding

MAY 15, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 250 of its economic regulations (14 CFR Part 250) which would revise the exception to eligibility for denied boarding compensation where the carrier arranges alternate transportation for the passenger (§ 250.6(b)). In addition, other minor revisions of the rule are proposed.

The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 19, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Section 250.4 of the Economic Regulations provides that, subject to the exceptions set forth in § 250.6, carriers shall file tariffs providing compensation to qualified passengers holding confirmed reserved space where the flight for which the passenger holds such space is unable to accommodate them. Section 250.6(b) provides an exception where: "The carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover[1] earlier than, or not later than 2 hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation."

As noted, the exception literally applies only to alternate air transportation to the "next point of stopover". However, typical tariffs filed and accepted as conforming to § 250.4 refer to alternate air transportation "to the passenger's next point of stopover or if there is no next point of stopover, the passenger's destination". Although it has been routine administrative practice to consider such tariffs as complying with the regulation and it is the evident general understanding of the industry that it is within the intent of the rule that the exception extend to "destination", the Board considers it desirable to specifically so provide in order to avoid any possible future ambiguity on the question. Appropriate revision of § 250.6 is therefore being proposed.

The Board also tentatively finds that the term "stopover" should be amended

[1] "Stopover" is defined in § 250.1 as "a deliberate interruption of a journey by the passenger, agreed to in advance by the carrier, at a point between the place of departure and the place of destination."

and that criteria governing eligibility for denied boarding compensation for connecting passengers should be clarified. The present definition of "stopover" [2] is so broad as to cover two unlike situations: (1) An extended interruption of a trip between origin and destination made primarily to permit a passenger to engage in business or personal pursuits prior to continuing his onward journey; (2) a brief interruption of a journey at a junction point solely for the purpose of enabling the passenger to change to a connecting flight. In the first situation, the passenger is not under the exigency of making a connecting flight shortly after his planned arrival, and the impact of delay occasioned by denied boarding is similar to that where a passenger is delayed at his destination. In these circumstances, the passenger's inconvenience is to be measured in terms of when he arrives at the stopover, not destination, and the present regulation appears reasonable when applied to such a passenger.

This is not, however, the case with respect to a passenger whose stopover is solely for the purpose of making a connecting flight. If alternate transportation enables the passenger to make the connection, he can arrive at his destination at the planned arrival time, thus undergoing no real inconvenience. Nevertheless, under the present rule he can be eligible for denied boarding compensation under these circumstances. On the other hand, if the alternate transportation causes him to miss his connection, his arrival at his destination could be delayed considerably beyond 2 or 4 hours of his planned arrival. Thus, for example, under the present rules a passenger traveling via connection may be ineligible for compensation even though 6 hours late at his destination, whereas a denied boarding passenger traveling via single-plane service and only 2½ hours late at his destination is eligible.[3]

In view of the above, it is apparent that the present rules are inequitable in the case of connecting passengers. To remedy this situation, we propose (1) to revise the definition of "stopover" to apply only to an interruption, scheduled to exceed 4 hours, in a journel; [4] and (2) to amend § 250.6(b) so as to specifically include an exception where the carrier arranges for other transportation which is planned to arrive at the passenger's destination not later than 2 hours (or 4 hours) after the time the connecting flight on which the passenger holds confimed reserved space is planned to arrive.

In addition, a number of complaints have been filed with the Board indicating that the "alternate means of transportation" provided by carriers is frequently by light planes, buses, taxicabs in poor condition, or even "drive-ur-self" automobiles. Such alternate means of transportation are not comparable to the transportation purchased on the flight on which the passenger reserved space; and we do not believe that a carrier should escape liability for compensation by furnishing such transportation unless it is accepted by the passenger. We propose to amend § 250.6, therefore, to make the exception applicable where "the carrier arranges for comparable air transportation or other transportation accepted by the passenger". And "comparable air transportation" will be defined in § 250.1 as "transportation provided by air carriers or foreign air carriers holding certificates of public convenience and necessity or foreign permits issued by the Board".

It has also come to the Board's attention that alternate transportation has been provided to airports other than those at which passengers planned to arrive and even, in at least one instance, to an airport not serving the city specified as his destination on the ticket. Passengers can be severely inconvenienced by such arrangements. To remedy this situation, we propose to define "point", in connection with "point of stopover" or "destination point" in the exception, as the airport at which the direct or connecting flight on which the passenger holds confirmed reserved space is planned to arrive.

Finally, § 250.10 requires, inter alia, that carriers file, on a monthly basis, the information required by Appendix B of this Part (CAB Form 251). Item 2 of this report concerns "passengers who qualified for compensation in accordance with Part 250 and applicable tariff rules, but did not accept or were not offered compensation". Since it is a violation of the regulation not to offer qualified passengers compensation, the present wording of Item 2 is unsatisfactory. We propose to amend it to read: "Passengers who qualified for compensation in accordance with Part 250 and applicable tariff rules, but did not accept compensation offered." And a footnote would be added requiring carriers to append a statement as to any passengers not offered compensation and the reasons therefor.

Proposed rule. It is proposed to amend Part 250 of the Economic Regulations (14 CFR Part 250) as follows:

§ 250.1 [Amended]

1. Amend § 250.1 by revising the definition of "stopover" and adding definitions of "comparable air transportation" and "point" as follows:

"Comparable air transportation" means transportation provided by air carriers or foreign air carriers holding certificates of public convenience and necessity or foreign permits issued by the Board.

* * * * *

"Point" means the airport at which the direct or connecting flight, on which the passenger holds confirmed reserved space, is planned to arrive."

"Stopover" means a deliberate interruption of a journey by the passenger, scheduled to exceed 4 hours, at a point between the place of departure and the place of destination."

2. Amend § 250.6(b) to read as follows:

§ 250.6 Exceptions to eligibility for denied boarding compensation.

* * * * *

(b) The carrier arranges for comparable air transportation or other transportation accepted by the passenger, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover or, if none, at his destination point earlier than, or not later than 2 hours after, the time the direct or connecting flight, on which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after in the case of foreign air transportation, or

* * * * *

§ 250.9 [Amended]

3. Amend the third paragraph of the statement following § 250.9 to read as follows:

In order to qualify for such compensation a passenger must have complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and be acceptable for transportation under the carrier's tariff. However, a passenger is not eligible for compensation if (a) the flight for which the passenger holds confirmed reserved space is unable to accommodate him because of Government requisition of space or substitution of equipment of lesser capacity for operational and/or safety reasons; (b) the carrier arranges for comparable air transportation or other transportation accepted by the passenger, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover or, if none, at his destination point earlier than, or not later than 2 hours after, the time the direct or connecting flight, on which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after in the case of foreign air transportation; or (c) the passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

4. Amend the facing page of CAB Form 251 as set forth in the Appendix.[5]

[F.R. Doc. 69-5962; Filed, May 19, 1969; 8:49 a.m.]

[2] See footnote 1, supra.

[3] It is also to be noted that even where eligible for compensation, a connecting passenger receives only the value of his ticket between origin and connecting point, whereas the passenger traveling directly receives the value of his ticket between origin and destination.

[4] This definition has been adapted from Rule 28 of Local and Joint Passenger Rules Tariff No. PR-4 (CAB No. 43) providing "in no event will a stopover occur when the passenger departs from the intermediate or junction transfer point on a flight * * * [scheduled as] departing within 4 hours after his arrival at such point".

[5] Appendix filed as part of the original document.

FEDERAL TRADE COMMISSION

[16 CFR Part 408]

CIGARETTES IN RELATION TO THE HEALTH HAZARDS OF SMOKING

Unfair or Deceptive Advertising and Labeling

Noitce is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has reinstituted its proceeding for the promulgation of Trade Regulation Rules regarding unfair and deceptive acts or practices in the advertising of cigarettes.

On June 22, 1964, the Commission, pursuant to its statutory authority, and on the basis of the data, views, and arguments submitted to the Commission by interested parties, and other pertinent matters of fact, law, policy, and discretion set forth in the Statement of Basis and Purpose, issued a Trade Regulation Rule which required that, after a specified date, all packs and other containers in which cigarettes are sold to the public, and all cigarette advertisements, contain a warning statement that cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

The findings of fact which formed the basis for the rule included, but were not limited to, the following: [1]

(1) Cigarette smoking is a health hazard of significant importance in the United States to warrant appropriate remedial action.

(2) Cigarette smoking contributes substantially to mortality, to certain specific diseases, and to the overall death rate.

(3) Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other factors. The data for women, though less extensive, point in the same direction.

(4) Cigarette smoking is the most important of the causes of chronic bronchitis in the United States and increases the risk of dying from chronic bronchitis.

(5) The smoking of cigarettes is associated with an increased risk of dying from pulmonary emphysema.

On July 27, 1965, Congress enacted the Federal Cigarette Labeling and Advertising Act. The Act required that, effective January 1, 1966, every package of cigarettes display the following statement:

CAUTION: Cigarette Smoking May Be Hazardous to Your Health.

The Act also barred a requirement for any different statement relating to smoking and health on any cigarette package, and also barred a requirement for any statement relating to smoking and health in the advertising of cigarettes which had been labeled in conformity with the provisions of the Act. The provisions of the Act which bar such action in regard to cigarette advertising expire on July 1, 1969.

In view of the superseding provisions of the Federal Cigarette Labeling and Advertising Act, the Commission, on July 28, 1965, vacated the requirements of the Trade Regulation Rule referred to above. In vacating its rule, however, the Commission expressly declared that it was not "modifying the findings and conclusions underlying its Trade Regulation Rule" and noted that, in enacting the Federal Cigarette Labeling and Advertising Act, Congress had not rejected the basic factual premises of the Trade Regulation Rule and that the Act was consistent with "the basic factual findings and conclusions of the Commission contained in the Statement of Basis and Purpose of the Trade Regulation Rule."

Many of the Commission's findings which formed the basis for its Trade Regulation Rule were derived from the Report of the Surgeon General's Advisory Committee on Smoking and Health published on January 11, 1964. Since the issuance of the Surgeon General's Report, hundreds of additional studies have been made by public and private agencies regarding the adverse effects of cigarette smoking on health. The Report on Smoking and Health submitted to Congress by the Secretary of Health, Education, and Welfare in 1967 (which included the Surgeon General's Report to the Secretary on Current Information on the Health Consequences of Smoking) stated, inter alia:

(1) "In the three and one-half years since the publication of (the 1964 Surgeon General's Report), an unprecedented amount of pertinent research has been completed, continued, or initiated in this country and abroad under the sponsorship of governments, universities, industry groups, and other entities. This research has been reviewed and no evidence has been revealed which brings into question the conclusions of the 1964 report. On the contrary, the research studies published since 1964 have strengthened those conclusions and have extended in some important respects our knowledge of the health consequences of smoking."

(2) "'To say that smoking 'may be hazardous' is to ignore the overwhelming evidence that cigarette smoking is clearly hazardous to health."

(3) "Cigarette smoking is the most important of the causes of chronic non-neoplastic bronchopulmonary diseases in the United States. It greatly increases the risk of dying not only from both [sic] chronic bronchitis but also from pulmonary emphysema."

(4) "There is an increasing convergence of many types of evidence concerning cigarette smoking and coronary heart disease which strongly suggests that cigarette smoking can cause death from coronary heart disease."

Unless Congress should extend the provisions of the Federal Cigarette Labeling and Advertising Act expiring on July 1, 1969, so as to bar such action, the Commission, relying upon its 1964 Findings and having reason to believe that cigarette smoking creates hazards to health which should clearly be disclosed to the public in all cigarette advertisements, proposes to readopt its 1964 Trade Regulation Rule, modified to read as follows:

In connection with the sale, offering for sale, or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of cigarettes, it is an unfair or deceptive act or practice within the meaning of § 5 of the Federal Trade Commission Act (15 U.S.C. § 45) to fail to disclose, clearly and prominently, in all advertising that cigarette smoking is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, or pulmonary emphysema, and other diseases.

All interested persons, including members of the consuming public, are hereby notified that they may file written data, views, or arguments bearing on the question whether the above proposed rule should be promulgated by the Commission, or on whether the Trade Regulation Rule issued on June 22, 1964, should be modified or repealed because of changed conditions or the public interest. Submittals should be filed with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than June 20, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

A public hearing on the proposed rule and the subject matter of the proceeding will be held before the members of the Commission commencing at 10 a.m., e.d.t., on Tuesday, July 1, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C. At the hearing, interested persons may appear and express their views as to the proposed rule and the subject-matter of the proceeding. Any person desiring to present his views at the public hearing shall file with the Secretary of the Commission, no later than June 20, 1969, the written text or summary of his oral presentation and the estimated time required for delivery. The Commission may impose reasonable limitations upon the length of time allotted to any person; if by reason of the limitations imposed the person cannot complete the presentation of his views he may, within twenty-four (24) hours, file a written statement covering those relevant matters which he did not orally present. A transcript of the hearing shall be made and shall constitute a part of the record of the proceeding, which will remain open for thirty (30) days after the close of the hearing.

The data, views, or arguments presented orally or in writing with respect to the proposed rule will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C.

[1] See trade regulation rule for the prevention of unfair or deceptive advertising and labeling of cigarettes in relation to the health hazards of smoking and accompanying statement of basis and purpose of rule, issued by the Commission on June 22, 1964.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

All persons, firms, corporations, or others engaged in the sale or distribution of cigarettes in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rules promulgated in the course of this proceeding.

Issued: May 20, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6040; Filed, May 19, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILMOT HARRIS SMITH

Notice of Granting of Relief

Notice is hereby given that Wilmot Harris Smith, 2211 Fifth Street, Lubbock, Tex. 79401, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction by the District Court of Lubbock County, Tex. on November 29, 1955, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Wilmot Harris Smith, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Wilmot Harris Smith's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Wilmot Harris Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-5954; Filed, May 19, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 452]

ARIZONA

Notice of Filing of Plat of Survey

MAY 13, 1969.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., on June 17, 1969:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 20 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, and 4, S½N½ and S½.

The areas described aggregate 1,227.52 acres.

2. All of the above-described land is embraced in the Coronado National Forest by Public Land Order No. 924 of October 23, 1953.

3. The land is mountainous land with rocky, clay loam soil covered with bunch grass, rabbit brush, cacti, and oak brush. Juniper timber and mesquite are scattered throughout. The habitat is well suited to quail, javelina, and deer noted throughout the area.

4. Since the land is withdrawn for the Coronado National Forest, the described land is open to the operation of the mining laws; but is withdrawn from appropriation or entry under the other Public Land Laws.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 69-5922; Filed, May 19, 1969; 8:46 a.m.]

[Colorado 4577]

COLORADO

Opening of Lands

MAY 12, 1969.

1. In an order issued April 16, 1969, the Federal Power Commission vacated power withdrawals created pursuant to the filing of applications for licenses on September 29, 1922, for Project No. 375 and on November 21, 1923, for Project No. 451 for the following described lands:

A. PROJECT NO. 375

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

All portions of the following tracts lying within the project boundary location, except that part including the right-of-way of the saw mill transmission line outside of the boundary of the pipeline right-of-way (50 feet from the center thereof) and that part including the right-of-way of the transmission line following up Goose Creek to the concrete weir, as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6" Supply Pipe Line—Weir—Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.,—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 28, NE¼SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼NE¼, N½NW¼, SW¼NW¼.

All portions of the following tracts lying within 50 feet of the centerline of the transmission line locations from boundary of pipeline right-of-way to the saw mill and from powerhouse following up Goose Creek to the concrete weir as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6" Supply Pipe Line—Weir Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 32, SE¼SE¼;
Sec. 33, SW¼SW¼NE¼, W½SE¼SW¼NE¼, NW¼, N½SW¼, SW¼SW¼.

B. PROJECT NO. 451

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 1 E.,
Sec. 27, NE¼SW¼, NW¼SE¼;
Sec. 28, SE¼SE¼SE¼;
Sec. 34, NW¼NW¼.

T. 40 N., R. 1 E.,
Sec. 28, NE¼SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼NE¼, N½NW¼, SW¼NW¼.

All portions of the following tracts lying within 50 feet of the centerline of the transmission line locations from boundary of pipeline right-of-way to the saw mill and from powerhouse following up Goose Creek to the concrete weir as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6" Supply Pipe Line—Weir Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.,—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 32, SE¼SE¼;
Sec. 33, SW¼SW¼NE¼, W½SE¼SW¼NE¼, NW¼, N½SW¼, SW¼SW¼.

B. PROJECT NO. 451

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 1 E.,
Sec. 27, NE¼SW¼, NW¼SE¼;
Sec. 28, SE¼SE¼SE¼;
Sec. 34, NW¼NW¼.

The areas described aggregate approximately 201 acres.

2. The lands formerly in Projects No. 375 and 451 are national forest lands in the Rio Grande National Forest.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority delegated to me by Bureau Order No. 701 of July 23, 1964, as amended, it is ordered as follows:

3. At 10 a.m. on June 17, 1969, the lands described in paragraph 1 shall be open to such forms of disposition as may by law be made of national forest lands.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver Colo. 80202.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 69-5923; Filed, May 19, 1969; 8:46 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 13, 1969.

Notice of a U.S. Department of Agriculture application, Sacramento 080047, for withdrawal and reservation of land for a roadside zone along California State Highway No. 96, for the Ish Puk Campground, was published as F.R. Doc. No. 66-924 on page 1126 of the issue for January 27, 1966. The applicant agency has cancelled its application insofar as it affects the following described land:

HUMBOLDT MERIDIAN

Roadside Zone Along California State Highway No. 96, Ish Puk Campground.

A strip of land 200 feet to the north and 500 feet south of the centerline of California State Highway No. 96 starting from Station A 1213+59 thence on up the Klamath River to Station A 1226+15, approximately 1,600 feet, through the following legal subdivisions:

T. 14 N., R. 6 E (unsurveyed),
Sec. 16, SW¼.

Therefore pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on June 20, 1969, will be relieved of the segregative effect of the above-mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-5940; Filed, May 19, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. B-461]

JOHN FAULKINGHAM

Notice of Loan Application

MAY 13, 1969.

John Faulkingham, Beals, Maine 04611, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 37-foot length overall wood vessel to engage in the fishery for lobster and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-5956; Filed, May 19, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

OKLAHOMA

Notice of Authorization for Grazing and Harvesting of Hay on Diverted Acreage in Designated Counties

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Upland Cotton Program (7 CFR Part 722), in the counties specified in this notice. Grazing and haying on the diverted acreage shall be permitted only when specifically approved by the county ASC committee, or its designee. Grazing and haying shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

OKLAHOMA

Alfalfa.	Grant.
Beaver.	Harper.
Cimarron.	Texas.
Ellis.	Woods.
Garfield.	Woodward.

Signed at Washington, D.C., on May 9, 1969.

CHAS. M. COX,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5944; Filed, May 19, 1969; 8:48 a.m.]

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearing Regarding Application for Proposed New Market at Yadkinville, N.C.

Notice is hereby given of a public hearing to be held upon the applications of J. A. Miller, Sr., Post Office Box 96, Yadkinville, N.C., and the Yadkin County Tobacco Marketing Committee, Yadkinville, N.C., for tobacco inspection and price support services for a proposed new market at Yadkinville, N.C.

The hearing will be held in the courtroom of the Yadkin County Courthouse at Yadkinville, N.C., beginning at 10 a.m., on May 28, 1969.

The aforesaid public hearing will be conducted and evidence received pursuant to the concurrent and identical policy statements and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR Part 29, Subpart A).

Done at Washington, D.C., this 13th day of May 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-5983; Filed, May 19, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(69)-2]

INTERAGRA, S.A.

Order Denying Export Privileges for an Indefinite Period

In the matter of Interagra S.A., 16, Rue Auber, Paris 9, France, Respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondent since February 14, 1969 (34 F.R. 2514 and 6624).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent is a French corporation with a place of business in Paris, France, and is engaged in trading in agricultural goods; that the respondent imported into France approximately 12,000 tons of U.S.-origin triple superphosphate, an agricultural chemical; that the invoice issued by the U.S. supplier to respondent for the material bore a destination control statement showing France as the country of ultimate destination; that the material was shipped by vessel from the United States and arrived in Bordeaux, France, and was transloaded on to another vessel and was reexported to Cuba. The Investigations Division is conducting an investigation into the facts and circumstances of this transaction, including the details of respondent's participation therein and its dealings with other parties to the transaction. It is impracticable to subpoena the respondent, and relevant and material interrogatories were served on it pursuant to § 382.15 of the Export Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to the transaction. Said respondent has failed to furnish answers to said interrogatories and to furnish the documents requested as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 382.15 of the Export Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the temporary denial order issued against the above respondent on February 14, 1969 (34 F.R. 2514) and extended on April 11, 1969 (34 F.R. 6624).

II. The respondent, its successors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents, employees, representatives, partners, and to any person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers to the interrogatories heretofore served upon it and furnishes the documents requested therein or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: May 14, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-5939; Filed, May 19, 1969; 8:48 a.m.]

[Case No. 361; Files Nos. 22(69)-2, 22(69)-3]

ILMARI KOKKONEN ET AL.

Notice of Related Party Determinations

In the matter of Armas Kosonen, Rainco Oy, Industronic Oy, Hameentie 155 C Tavastvagen, Helsinki 56, Finland.

An order dated October 24, 1966, was entered by the Office of Export Control, Bureau of International Commerce, against Ilmari Kokkonen doing business as Tetalon, Helsinki, Finland, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of export controls. This order was published in the FEDERAL REGISTER on November 1, 1966 (31 F.R. 13949).

Section 382.1(b) of the Export Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section Armas Kosonen and the firms Rainco Oy and Industronic Oy, all located at the above address, are related parties to said Ilmari Kokkonen. Under these determinations the terms and restrictions of the order of October 24, 1966, are effective against said related parties.

The said related parties have been notified of these determinations and have been advised that if they contend that the rulings are not justified, they may make application to have the rulings reconsidered or terminated. Due notice will be given of any termination or change in these related party determinations.

Dated: May 14, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-5955; Filed, May 19, 1969; 8:49 a.m.]

Office of the Secretary

[Dept. Order 83, Amdt. 4]

ORGANIZATION OF THE DEPARTMENT OF COMMERCE

Chart

The following amendment to the order was issued by the Secretary of Commerce on May 2, 1969. This material further amends the material appearing at 32 F.R. 13422 of September 23, 1967; supersedes the material appearing at 32 F.R. 20819 of December 27, 1967, and 34 F.R. 770 of January 17, 1969; and supersedes the section 6 portion of the material appearing at 33 F.R. 4894 of March 22, 1968.

Department Order 83, dated September 13, 1967, is hereby further amended as follows:

In section 6. *Effect on other orders* paragraph .02 is revised to read:

.02 As organizational changes are made affecting the organization chart attached to this order,[1] the Assistant Secretary for Administration shall issue from time to time, over his signature, an updated chart replacing the attachment.

[1] Filed as part of the original document.

(The first such issuance is being distributed with this amendment.)

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-5898; Filed, May 19, 1969; 8:51 a.m.]

[Dept. Order 20]

OFFICE OF PUBLIC AFFAIRS

Establishment and Functions

The following order was issued by the Secretary of Commerce on April 30, 1969. This material supersedes the material appearing at 28 F.R. 9402 of August 27, 1963.

SECTION 1. *Purpose.* This order establishes the Office of Public Affairs and prescribes the general functions of the Office.

SEC. 2. *General.*

.01 The Office of Public Affairs is hereby established as a Departmental office to be headed by the Special Assistant to the Secretary for Public Affairs (the "Special Assistant").

.02 The Special Assistant shall be assisted by a Deputy Director of Public Affairs who shall perform the duties of the Special Assistant during the latter's absence.

.03 The Office of Public Information is hereby abolished. Its functions, and the duties heretofore assigned to the Special Assistant, are consolidated, and are to be performed by the Office of Public Affairs as described in this order.

SEC. 3. *Delegation of authority.* Subject to such policies and directive as the Secretary may prescribe, the Special Assistant is delegated full authority for the planning, development, and execution throughout the Department of effective programs of communication with the public covering all aspects of the Department's diverse programs and activities.

SEC. 4. *Functions.* The Office of Public Affairs shall:

a. Serve as the principal adviser to and representative of the Secretary in all matters related to fully and effectively communicating Department of Commerce policies, programs, actions, and information to the public, both directly and through the news media, and in matters concerned with maintaining effective relations with organizations primarily concerned with the Department's affairs;

b. Plan, develop, and implement a coordinated public affairs and information program throughout the Department;

c. Develop and issue such policy directives and instructions for the guidance of public affairs and information staffs of primary operating units of the Department as deemed necessary, and provide technical and such other direction and assistance as may be required to assure the fullest dissemination of information on Department activities in keeping with the principle of "an open Administration";

d. Act as the Department's principal liaison with appropriate officials of the White House and other agencies in assuring that Department of Commerce public information activities are consistent and properly coordinated with those of the entire Federal executive branch;

e. Perform all public information services required by the Secretary, the Under Secretary, other officials in the Office of the Secretary and, as appropriate, other officials of the Department, including handling of news conferences, arranging for radio and television broadcasts, preparation of speeches, and arranging for personal appearances;

f. Exercise functional supervision, including reviews for effectiveness, of public information activities of operating units, whether performed by information staffs or otherwise, and review and advise on the effectiveness of operating units in public affairs matters;

g. Review and approve for release all Commerce news items and other informational material, including speeches and publications; and

h. Take positive actions to assure the establishment and maintenance of effective and productive working relationships with all news media.

SEC. 5. *Savings provisions.*

.01 Nothing in this order shall affect the Departmental procedures and authorities established under and by Department Order 64, "Public Information" (32 F.R. 9734 of July 4, 1967).

.02 Any mention of or reference to the Office of Public Information in any other order shall be deemed to mention or refer to the Office of Public Affairs established hereunder.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-5899; Filed, May 19, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

IMPERIAL CHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2408) has been filed by Imperial Chemical Industries, Ltd., Mond Division, The Heath, Runcorn, Cheshire, England, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of chlorinated liquid paraffins (40–70 percent chlorinated) as components of food-packaging adhesives.

Dated: May 9, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5919; Filed, May 19, 1969; 8:46 a.m.]

CERTAIN TRADE CORRESPONDENCE ISSUANCES

Notice of Revocation

Beginning with the enactment of the Federal Food, Drug, and Cosmetic Act of 1938 (52 Stat. 1040), the Food and Drug Administration rendered informal opinions on many problems that arose under the act. These opinions, issued as Trade Correspondence (TC), represented the policy of the Food and Drug Administration based on specific problems and the application of the statute thereto.

Following passage of the Administrative Procedure Act of 1946 (60 Stat. 237), the Food and Drug Administration discontinued disseminating opinions as TC issuances, and since that time has published in the FEDERAL REGISTER statements of general policy or interpretation (21 CFR Part 3).

Opinions expressed in some TC issuances still serve as useful guidelines and accurately reflect present policies of the Food and Drug Administration; others need to be revised to reflect current policy; yet others have been superseded by amendments to the Federal Food, Drug, and Cosmetic Act, by enactment of the Poultry Products Inspection Act and the Fair Packaging and Labeling Act, or by regulations promulgated under these acts.

To avoid confusion as to the status of those TC issuances which have been superseded by laws which were later enacted or regulations which have since been promulgated, the Commissioner of Food and Drugs concludes that such TC issuances should be formally rescinded.

TC issuances not formally rescinded at this time are being reviewed, and the Food and Drug Administration plans to issue revised guidelines at the same time it rescinds TC issuances which do not accurately reflect current policies.

Therefore, notice is given that the following TC issuances are rescinded for the reasons indicated.

NOTE—the regulations cited, such as §1.106, § 3.44, § 131.15, etc., are all 21 CFR.

TC–1, 2, 3, and 4 *Sulfanilamide, Aminopyrine, cinchophen, neocinchophen, and related drugs for OTC use actionable under section 502(j) of the act.*

Superseded by the Durham-Humphrey Amendment (Public Law 82–215) to the Federal Food, Drug, and Cosmetic Act and the requirements for full disclosure information on prescription drugs.

TC–2 and 4.

As they relate to aminopyrine are further replaced by § 3.44 specifying how aminopyrine or dipyrone drug preparations may be marketed. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act and §§ 3.44 and 1.106(b)(3).

TC–13 *Notice to manufacturers of preparations of ovary.*

See § 3.3.

TC–14 *Warning statements for drug preparations.*

Superseded by § 131.15.

TC–29 *Trade (Brand) names, barbituric acid derivatives.*

Superseded by the Drug Amendments of 1962 (Public Law 87–781). See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.104.

TC–43 *Postponement regulation—cartons and lithographed labels.*

This was a transitional ruling which permitted continued use of cartons and labels completed prior to February 1, 1939, which complied with the Food and Drugs Act of 1906. It is now of historical interest only.

TC–44 *Citric acid (calcium citrate), arsenic, lead.*

Although no official tolerances have been established for arsenic and lead in citric acid and calcium citrate, these are now considered "food grade" if they meet the specifications in Food Chemicals Codex.

TC–47 *Goose-liver paste.*

Goose-liver paste is a poultry product subject to the Poultry Products Inspection Act, and to the extent that said act applies, it is exempt from the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act.

TC–49 *Chemicals in foods.*

This TC was superseded by the Food Additives Amendment of 1958 (Public Law 85–929) and regulations promulgated thereunder (Part 121).

TC–52 *Quantity of contents statement blown in bottle.*

Section 1.8(h), promulgated to implement the Fair Packaging and Labeling Act, prescribes lettering sizes for quantity of contents statements blown, embossed, or molded in glass or plastic

TC–58 *Certified Food Colors.*

The need for this TC issuance no longer exists due to the time that has elapsed since passage of the Federal Food, Drug, and Cosmetic Act of 1938 and its subsequent amendment by the Color Additives Amendment of 1960 (Public Law 86–618).

TC–64 *Frozen Desserts—exemption from ingredient statement.*

Following hearings in 1942 and 1951, standards of identity (Part 20) were promulgated for these foods under the names of ice cream, frozen custard, ice milk, fruit sherbets, and water ices.

TC–66 *Nonalcoholic carbonated beverages—exemption from ingredient statement.*

This TC was superseded by § 3.1 and a standard of identity for soda water (Part 31) has been promulgated.

TC–67 *Salad dressing.*

A standard of identity for salad dressing (§ 25.3) was promulgated after the issuance of this TC.

TC–69 *Sherbets and ices—declaration of artificial color.*

Standards of identity have been promulgated for sherbets and water ices (§§ 20.4, 20.5) that prescribe the declaration to be used when artificial coloring is added.

TC–72 *Ice cream—vanillin flavor.*

The standard of identity for ice cream (Part 20) prescribes the labeling thereof when flavor is derived in whole or in part from vanillin.

TC–82 *Anthelmintics for animals—warnings.*

Superseded by § 131.20.

TC–84 *Warnings—human drugs.*

Superseded by § 131.15.

TC–85 *Warnings.*

Superseded by § 1.106(b)(3), the full disclosure requirement.

TC–87 *Process cheese.*

A standard of identity for pasteurized process pimento cheese has been promulgated (§ 19.760).

TC–95 *New drugs.*

Superseded by the Drug Amendments of 1962 (Public Law 87–781). Amendments to sections 201(p) and 505 of the Federal Food, Drug, and Cosmetic Act redefined a new drug and provided for approval of applications.

TC–96 *Labeling of ice cream carton.*

Labeling requirements are now prescribed by regulations. Section 1.7 defines principal display panel and § 20.1(g) prescribes labeling which must accompany the words "ice cream" on principal display panel or panels.

TC–98 *Tincture of iodine U.S.P.*

Superseded by § 131.15 (antiseptics for external use) and section 502(e) of the Federal Food, Drug, and Cosmetic Act as amended by the Drug Amendments of 1962 which require a statement of the quantity of alcohol present in the article even though it is an official drug.

Article formerly designated Strong Tincture of Iodine is no longer an official drug.

TC–117 *Mercurochrome.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act. Official name of drug is Merbromin.

TC–123 *Official drugs—Exemptions from listing of ingredients.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC–136 *Arsenic—Fluorine—lead.*

The Federal Food, Drug, and Cosmetic Act of 1938 was subsequently amended by the Pesticide Amendment (Public Law 83–518) and the Food Additives Amendment (Public Law 85–929). Tolerances for residues of arsenic, fluorine, and lead on certain agricultural commodities have been established. The Food Chemicals Codex serves as a guide for specifications of impurities in "food grade" chemicals.

TC–144 *Caffeine in soft drinks such as "cola" beverages.*

A standard of identity (§ 31.1) has been promulgated for soda water. This standard requires that "cola" and "pepper" beverages contain caffeine and permits the addition of up to 0.02 percent caffeine to other soda waters with label declaration thereof.

TC–150 *Canned tomatoes—"solid pack".*

"Solid pack" tomatoes are now included in the standard of identity for canned tomatoes (§ 53.40).

TC–154 *Poultry;* TC–155 *Poultry — "milk fed"—"retail package";* and TC–156 *Undrawn poultry—labeling requirements.*

Poultry products and their labeling are now subject to the Poultry Products Inspection Act, and to the extent that said act applies, are exempt from the Federal Food, Drug, and Cosmetic Act and Fair Packaging and Labeling Act.

TC–166 *Macaroni products—noodles—ingredient declaration.*

Standards of identity have been promulgated for macaroni and noodle products (21 CFR Part 16) which prescribe composition and optional ingredient labeling for these products.

TC–171 *Flavoring compounds—coal-tar colors* and TC–182 *Coal-tar color certification procedure.*

The Color Additives Amendments of 1960 amended section 406(b) of the Federal Food, Drug, and Cosmetic Act by deleting references to "coal-tar colors." Part 8 prescribes procedures for the certification of color additives; § 8.30(b) exempts certain color additive mixtures from certification.

TC–186 *Sulfanilamide.*

Superseded by Durham-Humphrey Amendment and requirements for full disclosure. See section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC–188 *Digitalis preparations—potency declaration.*

Superseded by the requirements of U.S.P. XVII in which drug is now official.

TC–191 *Drug nomenclature—titles.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC–202 *Marmalade.*

This TC was rescinded by TC–342. No standard of identity has been promulgated for marmalade.

TC–208 *Rubbing alcohol—isopropyl—labeling.*

Superseded by the requirements in N.F. XII in which the names designated as official are "Rubbing Alcohol" for the ethyl alcohol preparation and "Isopropyl Rubbing Compound" for the isopropyl alcohol preparation.

TC–213 *Fish fillets—sodium nitrite.*

Conditions for safe use of sodium nitrite in certain smoked cured fish have been established by § 121.1064.

TC–219 *Flavoring compounds—coal-tar colors.*

The Color Additives Amendments of 1960 amended section 406(b) of the Federal Food, Drug, and Cosmetic Act. Regulations concerning color additives (Part 8) have been promulgated.

TC–227 *Sodium perborate.*

Superseded by § 131.15.

TC–228 *Use of color in tablets (sodium bicarbonate) described in national formulary.*

Superseded by the requirements of U.S.P. XVII in which drug is now officially listed.

TC–233 *Monosodium glutamate—artificial flavor.*

Section 3.10 reversed the position taken by this trade correspondence letter. The policy appearing in § 3.10 is reaffirmed and amplified by that appearing in § 3.23.

TC–237 *Process cheese—artificial color.*

The composition and labeling of process cheese is now prescribed by a standard of identity (§ 19.750).

TC–238 *Confectionery—resinous glaze—shellac, carnauba wax, and stearic acid.*

Section 402(d) of the Federal Food, Drug, and Cosmetic Act was amended by Public Law 89–477 to permit use of safe nonnutritive substances in confectionery under certain conditions.

TC–240 *Confectionery—assorted chocolates—labeling.*

Requirements for labeling of assortments, resulting in variations in ingredients, are in

§ 1.10(e) and the entire ingredient statement is required to appear on a single panel of the label by § 1.10(h).

TC–250 *Jurisdiction of act.*

Hawaii is now a State. Since 1946 the Philippine Islands have been a republic. Section 201(a) of the Federal Food, Drug, and Cosmetic Act was amended to include the Commonwealth of Puerto Rico in the definition of "State." Section 201(b) excludes Puerto Rico and the Canal Zone from the definition of "Territory."

TC–255 *Cane and maple syrups—blends—invert sugar.*

Section 1.10(d) prescribes the labeling of mixtures of food ingredients where the proportion of an expensive ingredient has a material bearing on price or consumer acceptance.

TC–258 *Fish—fish fillets.*

This TC was canceled by § 3.204 published December 4, 1962 (27 F.R. 11493), and revoked November 14, 1964 (29 F.R. 15287). Section 5.7 provides an exemption from the quantity of contents declaration on wrapped fish fillets of nonuniform weight to be marked with the correct weight at point of sale.

TC–261 *Carbonated water—mineral salts—"club soda".*

"Club soda" is now defined by § 31.1.

TC–276 *Process cheese.*

This TC was rescinded by TC–341. Section 19.750 defines pasteurized process cheese and prescribes its labeling.

TC–279 *Cottage cheese—creamed cottage cheese.*

Standards of identity have been established for cottage cheese (§ 19.525) and for creamed cottage cheese (§ 19.530).

TC–292 *Italian style peeled tomatoes with added puree—labeling* and TC–305 *Canned tomatoes with tomato paste.*

The standard of identity for canned tomatoes (§ 53.40) has been amended to provide for tomato puree and tomato paste as optional packing media for canned tomatoes with appropriate label declaration.

TC–307 *Salad dressing—specific starches.*

The composition and optional ingredient labeling of salad dressing is now prescribed by the standard of identity for salad dressing (§ 25.3).

TC–311 *Dulcin—saccharin.*

Nonnutritive sweeteners that are generally recognized as safe are listed in § 121.101(d)(4). Dulcin is regarded as a poisonous substance which has no place in any food (§ 3.14).

TC–313 *Digitalis—potency—cat units.*

Superseded by requirements of U.S.P. XVII in which drug is now official.

TC–314 *Ampuls—labeling.*

Superseded by the requirements of the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.104(h).

TC–317 *Sodium bisulphite—confectionery.*

Section 402(d) of the Federal Food, Drug, and Cosmetic Act was amended by Public Law 89–477 to permit nonnutritive substances in confectionery provided they are used under certain conditions.

TC–330 *Drugs dispensed on physician's prescription.*

Superseded by the Durham-Humphrey Amendment. See section 503(b)(2), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC–331 *Calomel and soda tablets, N.F.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act. Article is no longer an official drug.

TC–335 *Certified coal-tar colors.*

Procedural and interpretative regulations concerning color additives have been promulgated (Part 8, Subpart A).

TC–336 *Vegetable colors—chlorophyll, etc.*

Chlorophyll copper complex and chlorophyllic copper complex are listed in § 8.501(g) for provisional cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification. Alkanet root and cudbear extract are color additives for which no regulations have been promulgated to establish safe conditions of use.

TC–340 *Monsodium glutamate.*

Sections 3.10 and 3.23 supersede this TC.

TC–341 *Process cheese.*

A standard of identity has been promulgated for process cheese (§ 19.750) wherein composition and label declaration of optional ingredients are prescribed.

TC–343 *Ovarian substances administered orally.*

Superseded by § 3.3.

TC–346 *Canned applesauce.*

A standard of identity has been promulgated for applesauce (§ 27.80).

TC–351 *Laxative warnings—appendicitis.*

Superseded by § 131.15.

TC–353 *Foods exempt from ingredients declaration.*

Standards have been promulgated for some items. This TC was superseded by § 3.1 which terminated exemptions for many of the foods that had been granted exemptions.

TC–356 *Cincophen—neocinchophen.*

Superseded by regulation § 1.106(b)(3) requiring full disclosure information.

TC–360 *Aconite root—gelsemium—"laxative cold capsules".*

Superseded by § 3.516.

TC–370 *Magnesium citrate solution.*

Superseded by the requirements of N.F. XII in which article is now official and which permits use of "purified water" U.S.P. XVII.

TC–372 *Arsphenamine—directions for use.*

Superseded by the Durham-Humphrey Amendment and requirements for full disclosure information. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC–375 *Prescription legend—nondangerous drugs—liver preparations.*

Superseded by the Durham-Humphrey Amendment and the Drug Amendments of 1962 and regulations requiring full disclosure information. See sections 503(b) and 502(f)(1), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC–383 *Notice to manufacturers of digitalis preparations.*

Superseded by the requirements of U.S.P. XVII.

TC–391 *Digitalis.*

Superseded by the requirements of the Durham-Humphrey Amendment and the requirements of U.S.P. XVII. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC–393 *Notice to manufacturers of veterinary anthelmintics.*

Superseded by § 131.20.

TC–400 and 414 *Sulfathiazole—sulfanilamide.*

Superseded by letters which were issued in 1954 to all distributors of O-T-C sulfonamide preparations stating these would henceforth be regarded as prescription drugs and by the full disclosure requirements of § 1.106(b)(3).

TC–403 *Oils in canned tuna fish.*

The standard of identity for canned tuna specifies the label declaration of the oil used as an optional ingredient (§ 37.1(h)(3)).

TC–413 *Phenol (warning).*

Superseded by § 131.15.

TC–421 *Rectal ointments containing belladonna or stramonium (warning).*

Superseded by § 131.15.

TC–423 *Warning statements (placement).*

Superseded by § 131.10.

TC–425 *Ampuls and solutions for injection (labeling).*

Superseded by Drug Amendments of 1962 and regulations pertaining to statement of ingredients for drugs. See § 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.104(h).

TC–430 *Glandular preparations.*

Superseded by § 3.3 and the Durham-Humphrey Amendment and the full disclosure regulation. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC–3A *DDT in foods.*

Regulations prescribing tolerances for DDT have been promulgated (§§ 120.147, 120.147a, 120.147b, 120.147c, 121.1093, and 121.1093a).

TC–4A *Diethylstilbestrol (labeling).*

Superseded by the full disclosure requirements for drugs and the Durham-Humphrey Amendment. See §§ 1.106(b)(3) and 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act.

Dated: May 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–5920; Filed, May 19, 1969; 8:46 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., April 16, 1968), is hereby amended as follows:

8–B *Bureau of Data Processing and Accounts* (BDPA) through the *Division of Telecommunications Management*, BDPA, is superseded by the following:

Bureau of Data Processing and Accounts (BDPA). Directs the nationwide operations of a centralized EDP and telecommunications facility for SSA, including systems design and analysis, programing, computer operations, and data transmission. Establishes, performs various operations, computations and analyses on, and maintains the basic records supporting Social Security programs, including records and accounts for determining entitlement to and computation of retirement, survivors, and disability insurance benefits, and for determining entitlement to and utilization of health insurance benefits. Develops earnings reporting standards and procedures for employers and the self-employed. Investigates and resolves reporting and earnings record discrepancies. Furnishes necessary data to the Department of the Treasury for proper crediting of FICA contributions to the Trust Funds. Directs and operates a large scale system for compiling comprehensive statistical data for program and management studies. Participates in legislative planning.

Assistant Bureau Director, Administration, BDPA. Directs, coordinates and implements the Bureau's management programs, involving such areas as: Personnel, training and career development, organization planning, procurement, budget and finance, and general management and service functions. Plans and directs the Bureau's short- and long-range planning efforts and the Bureau's appraisal program; personally directs the Bureau's equal employment opportunity and union management relations activities.

Division of Plans and Analysis, BDPA. Coordinates the Bureau's current and long-range planning efforts to assure that the necessary resources—manpower, budget, and equipment—are available to meet current and anticipated workload requirements. Recommends to the ABD, Administration, options, and work-processing modifications in light of anticipated changes in equipment and skills. Translates resources into action plans. Assesses progress of programs by measuring actual performance against planning estimates; determines significant deviations from projected plans and recommends corrective action; assures that proposed new programs or projects are consistent with long-range plans and goals. Coodinates the development of the Bureau's work plans and develops the Bureau's budget.

Division of Management, BDPA. Develops and coordinates the Bureau's administrative management activities in such areas as personnel management, training and career development, organization planning, procurement and related management activities. Administers the Bureau's appraisal program; makes recommendations for improving the effectiveness, efficiency, and economy of the Bureau's operations. Provides a variety of Woodlawn-wide services such as control distribution of incoming and outgoing mail, messengers, electrical and mechanical repairs, special equipment fabrication, and laborers.

Assistant Bureau Director, Systems, BDPA. Directs the planning and development, and makes recommendations concerning the use of SSA EDP, telecommunications, and microphotographic facilities. Plans and directs a systems (IDP and ADP) program for the design development and implementation of policies, procedures, methods, and systems for all the Bureau's functions as well as the data processing activities of SSA components. Participates in continuing research involving the latest techniques and technological developments in the fields of office machines, wire transmission, microphotographic and EDP equipment, and considers possible applications to meet Social Security Administration needs. Analyzes proposed legislation and policy changes for procedural and operational implications and for administrative feasibility.

Division of Claims Systems, BDPA. Designs operating policies, procedures, systems, and instructions for processing requests for earnings record information and claims action; providing appropriate service and control operations for initial claims; using the earnings record and employer address files for reference capability. Plans and directs the design of systems (IDP and ADP) for: the initial establishment and the maintenance of the master beneficiary record file, the preparation and maintenance of related subsidiary tape and microfilm files and for the preparation of operational and administrative reports to facilitate systems analysis and management.

Division of Health Insurance Systems, BDPA. Designs operating policies, procedures, systems, and instructions for: Maintaining a master file of all individuals eligible for HI benefits; enrolling beneficiaries; issuing identification cards; processing utilization queries and provider bills to the master utilization files; issuing notices of utilization; maintaining systems accounting controls for audit of providers/carriers and for trust fund accounting; providing EDP support for the SSA intermediary operations; and assisting other SSA systems components.

Division of Earnings Systems, BDPA. Designs operating policies, procedures, systems, (IDP and EDP), and instructions for: Establishing the social security records, processing all earnings data to update these records, issuing earnings statements; reconciling disagreements regarding earnings statements; and administering contractual coverage of State and local government employees, including the collecting of and accounting for all related payments. Devises systems for furnishing Trust Fund information to the Treasury Department. Coordinates the Division's operating procedures with other SSA components and governmental agencies.

Division of Post-Entitlement Systems, BDPA. Designs operating policies, procedures, systems, and instructions for: Effectuating post-entitlement actions so as to service the beneficiary and appropriately adjust the related master benefit records to reflect the changes; premium billing, collection and accounting functions for the supplementary medical insurance program; maintaining a record of outstanding SSA benefit overpayments, and providing accounting control of the file; providing a file reference capability to service daily requests for data from the master benefit file; providing numerous services, control subsystems and data files concerned with the total post-entitlement system, and furnishing statistical, management and study data related thereto.

Division of Computer Technology, BDPA. Designs, adapts, and maintains all EDP utility programs and systems. Provides advice and assistance with respect to the technical aspects of EDP systems to SSA components, State, Federal, domestic, and foreign organizations. Evaluates, assesses, and recommends acquisition of data processing equipment and software systems, so as to provide the most efficient, economical, and timely overall system to satisfy the Bureau's data processing needs.

Division of Telecommunications Systems, BDPA. Conducts appraisals of and recommends acquisition of record and voice telecommunications systems to support SSA programs. Develops and implements policies and procedures to assure efficient, economical, and effective communications services and facilities. Develops and issues technical operating manuals, directories, and training programs. Reviews and approves major changes of SSA telephone plant. Manages and operates central office telephone systems. Maintains technical liaison with SSA components, Federal agencies, private concerns, carriers, and vendors with regard to policy set by legislation, directives, contracts, and tariffs.

Assistant Bureau Director, EDP Operations, BDPA. Plans and directs the nationwide operation of a complex, large scale computer processing operation and wire data transmission system which is connected to over 700 field stations ranging from Hawaii to Puerto Rico. Exercises technical surveillance over payment center EDP equipment including use, scheduling and configuration. The nationwide operation utilizes a large variety of sophisticated EDP equipment that is used for the establishment and maintenance of earnings accounts and beneficiary rolls; preparation of benefit computations and awards, and data to payment centers from Benefit-in-Force rolls; and establishment and maintenance of health insurance rolls and data. This operation generates, processes and maintains the basic data utilized throughout the Social Security Administration.

Division of EDP Central Operation, BDPA. Maintains an extensive, multisystem complex of computers with responsibility for accomplishing SSA EDP operations on a nationwide basis. Performs claims benefit computations, posts several hundred million earnings items yearly to approximately 200 million master accounts, reinstates incorrectly or incompletely reported earnings, prepares form correspondence, furnishes earnings statements to account number holders, produces statistical data for the

Administration and other Government agencies. Electronically processes health insurance data including enrollment cards, master file maintenance, premium billing materials, and statistical operations. Performs computer operations in connection with updating beneficiary records, file reference and post-entitlement operations.

Division of EDP Network Operations, BDPA. Conducts the coordination and scheduling of the electronic data processes for the central office and payment centers. Provides technical surveillance over payment center EDP equipment (including use, scheduling and configuration). Overviews the operation of the nationwide EDP and telecommunications network systems, including central office, payment centers, and district offices. Coordinates and facilitates the expeditious flow of data and administrative traffic between all points of the systems. Develops emergency routing procedures, assists in development of configuration changes to insure proper utilization of EDP facilities.

Assistant Bureau Director, Operations, BDPA. Directs the Bureau's clerical and EAM operations (preceding and subsequent to electronic data processing), involving the establishment and maintenance of employee applications for social security account numbers, employer applications for identification numbers, beneficiary applications for hospital insurance identification cards; the receipt and processing of social security earnings reports; adjustments or corrections to posted earnings items; the maintenance of eligibility records for the health insurance programs and the identification and reintroduction into operations of health insurance bills and hospital notices improperly identified; the analysis and certification of all data concerning individual earnings accounts and insured status.

Division of Claims Operations, BDPA. Analyzes and reviews earnings data, determinations of quarters of coverage, first quarter of eligibility, increment years, total earnings, closing dates, divisor months, primary insurance amounts and in disability cases determination of whether work requirements are met; certifies this information to the district offices and payment centers for adjudication of OASI and DIB cases; combines and certifies earnings data from Railroad Retirement Board and SSA records; certifies to the Railroad Retirement Board earnings data from Bureau records; and makes preliminary findings of jurisdiction on handling claims involving both agencies.

Division of Health Insurance Operations, BDPA. Receives and examines health insurance bills by auditing and controlling the processing of payment records, analyzes discrepancies and reconciles differences; audits the beneficiary microfilm record, reviewing and correcting notices of hospital utilization before mailing to the beneficiaries; maintains health insurance records and answers or initiates correspondence relating to them; identifies and reinstates health insurance inquiries, doctor bills, and hospital notices reported incorrectly or incompletely as to name or account number; issues replacements for lost or incorrect health insurance identification cards.

Division of Earnings Operations, BDPA. Receives and examines reports of earnings covered under the Social Security Act; microfilms such reports prior to ADP operations; using EAM equipment, transfers earnings data from reports to punch cards and performing all required sorting, listing, blocking and auditing operations; prepares correspondence concerning the correcting and processing of employer wage reports and self-employment income reports to employers and to the Internal Revenue Service; performs clerical operations necessary for the audit and control of the quarterly updating of employer earnings accounts and reinstating improperly reported earnings items.

Division of Adjustments Operations, BDPA. Reinstates earnings items reported incorrectly or incompletely; resolves discrepancies between SSA records and individuals' statements of earnings and employment; processes notices received from the Internal Revenue Service correcting prior reports; adjusts accounts when account holders' identities have been confused; reviews district office determinations or makes determinations based on evidence submitted by district offices as to whether alleged employment is employment as defined by the Social Security Act; maintains registers of accounts established, files of suspended and reinstated items, employer wage reports, self-employed income reports, and detailed earnings listings; and answers or initiates correspondence relating to earnings records.

Division of Registration Operations, BDPA. Establishes and maintains the files of employee applications for social security account numbers, employer applications for identification numbers, and files of the Bureau's correspondence; controls the printing and distribution of prenumbered account number cards; issues duplicate account number cards after determining the correct account number; answers correspondence concerning individual and employer numbers; initiates the Bureau's processing of claims and related actions, establishing and maintaining the Bureau's State and local government accounts; furnishes photographic services for SSA headquarters. Provides and maintains a storage area for key duplicate records to be used in the event basic records are destroyed.

Assistant Bureau Director, Statistical Services, BDPA. Directs the planning and design of operational systems, procedures, EDP programs, and automated and clerical processing to provide or support a variety of SSA statistical or management requirements, including: Health insurance, disability, routine and special management studies, claims, employee earnings or self-employment income, including employee lifetime employment history. Advises other Social Security Administration components, Government agencies and nongovernment organizations on availability and adequacy of Social Security Administration records which can be used to undertake projects. Advises on cost factor for reimbursable work for other Government agencies and for contract negotiations with private industry.

Division of Claims Statistical Data, BDPA. Designs systems, methods, procedures, and EDP programs for a variety of statistical projects covering claims data, such as: State and county tabulations of benefits paid; disability operations reports; diaries for followup on disability claims cases; various reports on family benefits involving beneficiary data from the payment centers combined into family units. Conducts studies jointly with other components on problems of mutual concern. Provides liaison with other components regarding requests for statistical data.

Division of Health Insurance Statistical Data, BDPA. Designs methods, programs, and procedures covering a variety of health insurance projects including: Periodic preparation of a directory of providers of service, maintenance and usage of a provider of service master file, eligibility and utilization data, continuous health sample data, Part "B" payment records, selection and compilation of a 0.1 percent actuarial sample for the Office of the Actuary, control file of facilities participating under Medicare, Part "A" bills returned to intermediary, surveys of joint commission on the accreditation of hospitals, and the preparation of a large variety of miscellaneous lists, mailing labels and studies.

Division of Management Statistical Data, BDPA. Designs methods, programs, and procedures covering a variety of management projects which include: Compiling data for the operations research group and for the evaluation and measurement system; supporting the intrabureau management planning, control, analysis and research program, controlling SSA supply inventories; coding and compiling personnel statistics covering journal actions, health services, SSA employee suggestions, blood donors, accidents, SSA employee locator file and parking assignments, preparing minority group statistics, maintaining and furnishing data from the continuous work history sample; compiling data on annual earnings for employees covered under the Social Security Act, preparing tabulations related to socio-economic studies, worker or retiree mobility, and earnings patterns for specific groups or industries. Negotiates contracts with and furnishes pertinent data to other governmental and State agencies.

Division of Statistical Processing, BDPA. Compiles statistical information for projects undertaken by the Bureau through the media of electrical accounting machine equipment and electronic data processing. Edits and codes source material and assembles data. Maintains operating schedules, balancing controls, and a statistical library containing preliminary and final tabulations on all projects processed. Conducts a continuing study of review procedures jointly with the Offices of Research and Statistics and the Actuary and with the Bureaus of Disability Insurance, Health Insurance, and District Office Operations, to improve the quality of data and to avoid duplication of efforts.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: May 13, 1969.

BERNARD SISCO,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-5962; Filed, May 19, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

ACCIDENTS NEAR BRADFORD, PA.

Notice of Hearing

In the matter of investigation of accident involving Allegheny Airlines Aircraft, Convair 580, of U.S. Registry N5802 which occurred 11.5 miles south of Bradford, Pa., December 24, 1968, Docket No. SA-410; in the matter of investigation of accident involving Allegheny Airlines Aircraft, Convair 580, of U.S. Registry N5825 which occurred 5.5 nautical miles south-southwest of Bradford, Pa., January 6, 1969, Docket No. SA-411.

Notice is hereby given that an Accident Investigation Hearing on the above matters will be held commencing at 9 a.m. (local time) on June 3, 1969, at the Holiday Inn, 100 Davis Street South, Bradford, Pa.

Dated this 14th day of May 1969.

[SEAL] THOMAS K. McDILL,
Hearing Officer.

[F.R. Doc. 69-5973; Filed, May 19, 1969; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-337]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 9, 1969 (34 F.R. 6300), the Atomic Energy Commission has issued License No. XR-69 to Westinghouse Electric International Co., Division of Westinghouse Electric Corp., authorizing the export of components of a 810-megawatt electric nuclear power reactor to Statens Vattenfallsverk, Stockholm, Sweden. The export of these components to Sweden is within the purview of the present agreement for cooperation Between the Governments of the United States and Sweden.

Dated at Bethesda, Md., this 2d day of May 1969.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 69-5938; Filed, May 19, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20878; Order 69-5-59]

DELTA AIR LINES, INC.

Order Providing for Further Proceedings Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1969.

On April 2, 1969, Delta Air Lines, Inc. (Delta), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for route 24 so as to add a new segment authorizing it to provide nonstop service between Atlanta, Ga., and Kansas City, Mo., points on Delta's routes 24 and 8, respectively.

Airlift International, Inc., has filed a statement requesting that the board dismiss that portion of Delta's application which relates to all-cargo authority.[1]

Upon consideration of the foregoing, we do not find that Delta's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406-302.1410, with respect to Delta's application.

Accordingly, it is ordered, That:

1. The application of Delta Air Lines, Inc., Docket 20878, be and it hereby is set for further proceedings pursuant to Rules 1406-1410 of the Board's procedural regulations:

2. The motion of Trans World Airlines, Inc., for leave to file an otherwise unauthorized pleading be and it hereby is granted, and its motion to defer the present proceeding be and it hereby is denied;

3. This order shall be served upon all parties served by Delta Air Lines in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-5963; Filed, May 19, 1969; 8:49 a.m.]

[1] In addition, Trans World Airlines, Inc. (TWA), has filed a motion requesting the Board to defer all Subpart N proceedings, including this one, until completion of the new O&D Survey reporting program. Delta and American Airlines, Inc., have filed answers to TWA's motion, and TWA has filed a motion for leave to file a "statement of clarification." We will grant TWA leave to file the latter document, but will deny TWA's motion to defer insofar as it concerns the present proceeding. In its general aspect, the motion raises contentions which should have been asserted in the rulemaking proceeding in which Subpart N was adopted.

[Docket No. 18650; Order 69-5-60]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Carriage of Live Animals

Issued under delegated authority on May 14, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act), and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at the 14th Meeting of the Traffic Handling and Accountancy Working Group (Cargo).

The agreement would supplement the IATA recommended practice[1] for the acceptance and handling of live animals with a publication entitled "IATA Manual for the Carriage of Live Animals by Air." This manual, which would not affect the present level of rates applicable to the movement of animals, incorporates the provisions of a previously Board-approved recommended practice. The manual also includes information for carriers and shippers on animal behavior; Government regulations—customs, health, and hygiene control; and general container requirements. While the manual contains various examples of containers and their specifications, this does not preclude the use of individual containers that conform to the basic requirements.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 20886 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-5964; Filed, May 19, 1969; 8:49 a.m.]

[1] While all IATA carriers may adhere to the agreement, a recommended practice is not binding upon the carriers.

[Docket No. 20976; Order 69-5-65]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension Regarding Certain Freight Rates

By tariff revisions[1] marked to become effective May 16 or 22, 1969, Pan American World Airways, Inc. (Pan American), proposes generally to raise numerous freight rates in the Miami-San Juan, Puerto Rico market, and from Seattle/Portland to Fairbanks, Alaska, as follows:

1. In the Miami-San Juan market, specific commodity rates on numerous commodities would be canceled and others would be increased.

2. From Portland/Seattle to Fairbanks, Pan American proposes to increase (a) minimum charges per shipment, (b) general commodity rates, and (c) numerous specific commodity rates (and to cancel others). Several rates on milk and cream would be reduced.

Pan American justifies the cancellation of numerous specific commodity rates in both markets on the ground that such rates have failed to produce significant traffic volume. It asserts, however, that if in the future shippers advise the carrier that there is a reasonable prospect of development of traffic in any of the commodities involved, the current rates would be reinstated.

The carrier claims, inter alia, that the increases proposed in general commodity rates and a number of specific commodity rates are warranted essentially by higher operating costs and the ability of the traffic to bear rates that more nearly cover costs.

Upon consideration of all relevant matters, the Board finds that the proposed increased rates to the extent that they apply on automobile engine hoods, fenders, and windshields and on furniture and parts from Seattle and Portland, Oreg., to Fairbanks and on wearing apparel and partly manufactured clothing from San Juan to Miami[2] may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. The remaining rate changes of lesser magnitude would be permitted to become effective without investigation.

We note that the carrier claims that both groups of commodities involve relatively high costs because of the large cubic capacity utilized in the aircraft due to unusual shapes and dimensions of the commodities and because nothing can be loaded on top of them. Nevertheless, the rates proposed from Seattle/Portland to Fairbanks on furniture and parts and on automobile hoods, fenders, and windshields would be between 67 and 80 percent above current levels. The current rates for furniture would be raised to the proposed increased general commodity rates and those for auto parts to 150 percent of such rates. The rates proposed on wearing apparel and partly manufactured clothing from San Juan to Miami would result in increases of 100 percent for shipments of 1,000–2,199 pounds and 40 percent for larger shipments.

While we are permitting more moderate increases on other commodities, we believe that increases of the magnitude proposed, over two-thirds of the current level, for furniture, auto parts, and wearing apparel, would have a significant impact upon certain shippers. The foregoing action is consistent with that taken in Order 69-3-94, March 26, 1969, in which the Board suspended pending investigation general commodity rates proposed by United Air Lines, Inc. (United), involving increases at certain weight breaks not exceeding 33⅓ percent. As we stated in that order, although the carrier may be entitled to some revenue increases from air freight, we are not prepared to permit rate increases as high as those now before us to become effective and will suspend them pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including August 13, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of the Commonwealth of Puerto Rico in Docket 20976 is dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Pan American World Airways, Inc., and the Commonwealth of Puerto Rico, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

APPENDIX A

TARIFF CAB NO. 364 ISSUED BY INTERNATIONAL AIR TRAFFIC TARIFFS CORP., AGENT

On 22d Revised Page 26–M:

The rates for Item No. 4217 from Portland, Oreg., to Fairbanks, Alaska;

The reference mark or symbol "X" denoting cancellation of the rate for Item No. 9910 from Portland, Oreg., to Fairbanks, Alaska.

On 22d Revised Page 26–N:

The rates for Item No. 4217 from Seattle, Wash., to Fairbanks, Alaska;

The reference mark or symbol "X" denoting cancellation of the rate for Item No. 9910 from Seattle, Wash., to Fairbanks, Alaska.

On 21st and 22d Revised Pages 26–N:

The rates for Item No. 2200 (subject to the reference marks "B" and "C") from San Juan, P.R., to Miami, Fla.

[F.R. Doc. 69-5965; Filed, May 19, 1969; 8:49 a.m.]

[Docket No. 20660]

SEABOARD WORLD AIRLINES, INC. AND CAPITOL INTERNATIONAL AIRWAYS, INC.

Notice of Hearing Regarding Enforcement Proceeding

Complaint of Seaboard World Airlines, Inc., Complainant, v. Capitol International Airways, Inc., Respondent, Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on June 9, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Dated at Washington, D.C., May 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-5966; Filed, May 19, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Interagency Relations).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-5960; Filed, May 19, 1969; 8:49 a.m.]

[1] Revisions to International Air Traffic Tariffs Corp., Agent, Tariff CAB No. 364, filed bearing the posting date of Apr. 7, 1969, or the filing date of Apr. 16, 1969.

[2] A telegram requesting suspension and investigation of the proposed increased rates on wearing apparel and partly manufactured clothing from San Juan to Miami was received May 7, 1969, subsequent to the time established in the Board's regulations for receiving complaints requesting suspension (14 CFR 302.505). The Board will consider this as a request for investigation. Since the Board is suspending this proposal on its own motion, the matter of the request for suspension is moot.

FEDERAL HOME LOAN BANK BOARD

FIRST HUNTSVILLE CORP.

Notice of Receipt of Application for Permission To Acquire Control of Huntsville Savings and Loan Association

MAY 15, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Huntsville Corp., Huntsville, Tex., for permission to acquire control of Huntsville Savings and Loan Association, Huntsville, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition is to be effected by the purchase of at least 80 percent of the capital stock of Huntsville Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-5972; Filed May 19, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-26]

SEA-LAND SERVICE, INC. General Increases in Rates in U.S. Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There has been filed with the Federal Maritime Commission by Sea-Land Service, Inc. Supplement No. 15 to Tariff FMC–F No. 2 (Pan-Atlantic Steamship Corp. FMC–F Series); Supplement No. 51 to Tariff FMC–F No. 3 (Pan-Atlantic Steamship Corp. FMC–F Series); Supplement No. 1 to Tariff FMC–F No. 18; and 1st Revised Page No. 52 and 3d Revised Page No. 60 to Tariff FMC–F No. 16, which generally increase rates and charges in the subject trade.

Upon consideration of said schedules, a protest thereto filed by the Commonwealth of Puerto Rico, and a reply filed by the carrier, there is reason to believe that the present level of rates and charges as well as the proposed increases may result in an unreasonably high rate of return and should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. Further, the Commission is of the opinion that the investigation in this proceeding should specifically include the issue as to whether the operating and financial relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., both wholly owned subsidiaries of McLean Industries, are proper under the shipping acts; and whether they should be treated as a single entity for regulatory purposes, and good cause appearing;

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed increase contained in the aforementioned supplements and revised pages, as well as the present rates and charges proposed to be increased thereby, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That the investigation in this proceeding shall specifically include the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single entity for regulatory purposes;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the tariff matter described on page one hereof is suspended and the use thereof be deferred to and including September 17, 1969, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to each of the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 18, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Sea-Land Service, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be consolidated for hearing and decision with Docket No. 69–23 (Gulf-Puerto Rico Lines, Inc.—General Increases in Rates in the U.S. Gulf/Puerto Rico Trade);

It is further ordered, That (I) a copy of this order shall forthwith be served on all respondents and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this consolidated proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5975; Filed, May 19, 1969; 8:50 a.m.]

[Docket No. 69-24]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There recently have been filed with the Federal Maritime Commission by Seatrain Lines, Inc., Supplements No. 47 and 22 to its Freight Tariffs FMC–F Nos. 1 and 3 bearing an effective date of May 16, 1969, which generally increase rates and charges in the subject trade by 10 percent.

Upon consideration of said schedules and a protest thereto, filed by the Commonwealth of Puerto Rico, there is reason to believe that the above-designated increased rates and charges should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said increased rates and charges is suspended and the use

thereof be deferred to and including September 15, 1969, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Seatrain Lines, Inc., consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 16, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Seatrain Lines, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein; (II) the said respondent and protestant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent;

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5976; Filed, May 19, 1969; 8:51 a.m.]

[Docket No. 69-27]

SIAM (THAILAND) RUBBER POOL

Order for Investigation and Hearing

Agreement 8061, the Siam (Thailand) Rubber Pool (hereinafter the Pool), was approved by the Commission's predecessor in service pursuant to section 15 of the Shipping Act, 1916, on February 29, 1956. Both the initial and continued approval of any agreement under section 15 are dependent upon a determination that the agreement is not unjustly discriminatory as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors or contrary to the public interest or otherwise in violation of the Shipping Act, 1916, as amended, and that it does not operate to the detriment of the commerce of the United States. One prerequisite for approval of an agreement is the existence of transportation circumstances in the trade covered by the agreement which warrant approval or continued approval.

Information supplied to the Commission by the Pool has been combined with that information contained in the initial decision of the presiding examiner in Docket 65-19, Transshipment Agreement between S. Thailand and U.S., 10 FMC 199 (1966). This combined information strongly indicates that the quantity of cargo encompassed by the Pool, both substantively and relative to the entire rubber trade from Southeast Asia to U.S. Atlantic and gulf ports,[1] has declined to the point where continued approval of Agreement 8061, as amended, no longer serves any useful purpose and should be disapproved. However, the Pool is entitled to come forward with whatever evidence it deems appropriate which would serve to justify continued approval.

Assuming that a continuing need for the Pool is shown, questions arise as to whether Agreement 8061 should be modified in the following minimal respects: (1) A definition of what constitutes "local Bangkok cargo" which is excluded from the Pool; (2) a provision requiring the filing of periodic reports with the Commission informing us of (a) the result of the operations of the lines under the Pool, and (b) the activities of the "Supervisory Committee", the Penang and Bangkok subcommittees, and the Haadyai office; (3) a definition of what constitutes a "sailing" in the trade. We think it necessary that the "short-sailings" provisions of Article 6 be reexamined to determine whether it comports with the criteria of approvability set forth in section 15, and, if not, to determine how and to what extent it should be modified. Article 7 is the "shippers' guarantee" clause and appears to contain some rather vague language which may have served to nullify the Pool's commitments to the rubber trade. We want to determine whether this clause has been honored over the years and what, if any, modification may be desirable.

Agreements 8061-12 and 8061-13 provide for the reapportionment of Pool shares arising out of the resignation of one line, and the admittance of another, to the Pool. Assuming a showing of continued need for the basic agreement, the Commission desires to determine the standards which were applied in allocating the individual shares, not only here for the present shares but also for the past, and to determine whether the result, as set forth in the subject modifications, is compatible with the criteria of approvability contained in section 15 and whether modifications of the basic Agreements 8061-12 and 8061-13 should be approved, disapproved, or modified.

Now therefore, it is ordered, That an investigation and hearing is hereby instituted pursuant to sections 15 and 22 of the Shipping Act to determine those matters discussed above; and

It is further ordered, That the lines listed in Appendix A hereto, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

APPENDIX A

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Barber-Fern Line-Fernley and Eger-Joint Service, Barber Steamship Lines, Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Barber-Fern Line-Fernley and Eger-Joint Service, Thoreson & Co. (Bangkok) Ltd., Bangkok, Thailand.
Hoegh Line, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.
Hoegh Lines, Diethelm & Co., Ltd., Bangkok, Thailand.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
Kawasaki Kisen Kaisha, Ltd., "K" Line New York, Inc., General Agents, 29 Broadway, New York, N.Y. 10004.
Kawasaki Kisen Kaisha, Ltd., "K" Line Bangkok Branch, Bangkok, Thailand.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.
A. P. Moller-Maersk Line, 67 Broad Street, New York, N.Y. 10004.
A. P. Moller-Maersk Line, Maersk Line (Bangkok Branch), Bangkok, Thailand.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y. 10004.
Mitsui O.S.K. Lines, Ltd., Thai Nava Co., Ltd., Bangkok, Thailand.

[1] The stabilizing influence of the Pool on the rest of the Southeast Asia rubber trade was offered as a justification for approval in 1955.

APPENDIX A—Continued

N. V. Nedlloyd Linen, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.
N. V. Nedlloyd Linen, Diethelm & Co., Ltd., Bangkok, Thailand.
Thai Mercantile Marine Ltd., States Marine-Isthmian Agency, Inc., General Agents, 90 Broad Street, New York, N.Y. 10004.
Thai Mercantile Marine Ltd., Bangkok, Thailand.

[F.R. Doc. 69-5974; Filed, May 19, 1969; 8:50 a.m.]

SAN FRANCISCO PORT COMMISSION AND PACIFIC FAR EAST LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Miss Miriam E. Wolff, Chief Counsel, Port of San Francisco, Ferry Building, San Francisco, Calif. 94111

Agreement No. T-2297 between the San Francisco Port Commission (Port) and Pacific Far East Line, Inc. (PFEL) provides for the 50-year lease of certain premises (subject to an option to cancel after 30 years) which PFEL will use as a marine terminal for the docking and servicing of vessels, particularly LASH vessels and containerized vessels, and the transfer, etc., of cargo and passengers in connection therewith. Rental for the first 30 years will be computed upon 7 percent of the value of land and water area within the leased premises, 6.7 percent of Port costs for improvements plus a fixed sum, estimated to be $374,000, for annual maintenance, overhead and insurance costs. If the agreement is not canceled at the end of the 30th year, rental for the balance of the term will be negotiated. PFEL must charge an amount equal to Port's applicable tariff to vessels and cargo using the leased premises. Except as specifically provided for in the agreement, PFEL may retain such charges. If on or after rent commences under the lease, any steamship company competing with PFEL in the trans-Pacific trade using a terminal facility in the San Francisco Bay area, assesses no wharfage charge on cargo handled at said facility or assesses a lesser wharfage charge than that which PFEL is required to assess hereunder, then PFEL shall not be required to assess or collect a wharfage charge greater than that assessed or collected by any such other steamship company. Port agrees that in setting tariff charges it will not at any time, or in any way, discriminate against the leased premises, and it will at all times endeavor to keep rates and charges to be assessed at the leased premises competitive with other ports and terminals in the Bay Area and, so far as possible, competitive with other parts and terminals on the Pacific Coast.

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5977; Filed, May 19, 1969; 8:51 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street N.W., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y.

Agreement No. 9615-3, between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference, amends the basic agreement (1) to delete from the Preamble the parenthetical phrase which specifically excludes Spanish olives from Conference carriage; (2) to delete the references made in Articles 4.1 and 16.3 to "Article XIII" and to substitute "Article 12.5(c)" in lieu thereof; (3) to make nonsubstantive changes in Articles 6.1 and 6.2; (4) to amend Article 11.1(A) to provide a new method for the selection of a Conference Chairman and Vice Secretary; (5) to add a new Article 11.5 dealing with the establishment of an "Olive Section" of the Conference; (6) to delete the present language of Articles 12 and 13 and to substitute in lieu thereof new language which provides for meetings and Conference action with respect to the transaction of Conference business and for separate meetings of those carriers which transport Spanish olives to be convened by the Secretary, Vice Secretary or Chairman thereof, and for changes in the voting requirements, and (7) to add a new Article 14.2 to provide for the retention by the Conference Secretary of a record of the votes taken by the Conference members, and for the renumbering of present Article 14.2 as Article 14.3.

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5978; Filed, May 19, 1969; 8:51 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE AND SPANISH/UNITED STATES NORTH ATLANTIC PORTS OLIVE CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9796 between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference (Agreement No. 9615, as amended) and the Spanish/United States North Atlantic Ports Olive Conference (Agreement No. 8160, as amended) provides that upon dissolution of the Olive Conference, its members which are not presently parties to Agreement No. 9615 will

be admitted to membership therein without obligation to pay an initiation fee. They will participate in Conference expenses and post the financial guarantee required. The effective date of this Agreement is conditioned upon (1) Section 15 approval of Agreement No. 9615–3; (2) Amendment of the Spanish Conference Tariff to name rates on olives and participation by the new members in the rates on commodities other than olives, and (3) notification of all contract signatories of the Olive Conference of the cancellation of their contracts.

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–5979; Filed, May 19, 1969; 8:51 a.m.]

SPANISH/UNITED STATES NORTH ATLANTIC PORTS OLIVE CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8160–2 between the member lines of the Spanish/United States North Atlantic Ports Olive Conference declares the Conference disbanded. The effective date of its dissolution and of the Conference's dual rate contract system is conditioned upon Commission approval thereof and of Agreement No. 9796 which provides for the consolidation of this Conference with the Spain/U.S. North Atlantic Westbound Freight Conference (Agreement No. 9615, as amended).

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–5980; Filed, May 19, 1969; 8:51 a.m.]

[Docket No. 69–25]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There has been filed with the Federal Maritime Commission by Transamerican Trailer Transport, Inc. a temporary "Strike Surcharge" (Original, 1st, and 2d Revised Pages 10–A to Freight Tariff FMC–F No. 1) which will generally increase rates in the subject trade by 10 percent during the period from May 17, 1969, to April 10, 1970.

The stated purpose of the temporary surcharge is to recover past losses, allegedly incurred during the strike of the International Longshoremen's Association from December 21, 1968, through February 14, 1969.

Upon consideration of said schedule and a protest thereto, filed by the Commonwealth of Puerto Rico, and a reply filed by the carrier, there is reason to believe that the above tariff filing may be unlawful and should be made the subject of a public investigation and hearing to determine its lawfulness under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 an investigation is hereby instituted to determine (1) whether a temporary strike surcharge designed to recover past losses incurred during the period of a strike, which has terminated, is an unjust, unreasonable, or otherwise unlawful practice under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933," and (2) if such a surcharge is not improper as a matter of law, whether the instant surcharge is unjust, unreasonable, or otherwise unlawful under said sections with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Original, 1st and 2d Revised Pages 10–A to Tariff FMC–F No. 1 are suspended and the use thereof be deferred to and including September 16, 1969, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Transamerican Trailer Transport, Inc., a consecutively numbered supplement to the aforesaid Tariff FMC–F No. 1 which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 17, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with Tariff FMC–F No. 1 in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Transamerican Trailer Transport, Inc., be named as respondent in this proceeding;

It is further ordered, That pursuant to section 21 of the Shipping Act, 1916 and in accordance with the commitment of respondent to furnish information to the Commission indicating the effect of the surcharge, if this proceeding has not been disposed of during the period of suspension, the respondent shall keep account of all monies recovered under the strike surcharge and submit, commencing on or before October 7, 1969, and continuing for each successive monthly period until and unless otherwise ordered by the Commission, a sworn statement showing the total revenue earned on all voyage terminations after September 17, 1969, to the end of the period commencing that date and ending with the close of the next preceding month and the related revenue earned as a result of the surcharge;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein; (II) the said respondent and protestant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69–5981; Filed, May 19, 1969; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69–287]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 13, 1969.

Take notice that on May 5, 1969, Arkansas, Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69–287 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities at a point on its 4-inch Line EM–1 in section 6, T. 14 S., R. 20 W., Nevada County, Ark., to effect the direct sale and delivery of natural gas for industrial consumption to Mobil Oil Corp. under an industrial sales contract.

The estimated third year peak day and annual deliveries through the proposed facilities are 950 Mcf and 275,000 Mcf, respectively.

The total estimated cost of the proposed facilities is $2,649, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5902; Filed, May 19, 1969; 8:45 a.m.]

[Docket No. CP69–288]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 13, 1969.

Take notice that on May 5, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69–288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a tap and delivery facilities on its 4-inch Line EM–1 in sec. 1, T. 14 S., R. 21 W., in Nevada County, Ark., which will be utilized to effect the direct sale and delivery of natural gas for industrial consumption to Mobil Oil Corp. under an industrial sales contract.

The estimated annual and peak day requirements of the aforementioned sale are in the third year 250,000 Mcf and 850 Mcf, respectively.

The estimated total cost of the proposed facilities are $2,450, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1969, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5903; Filed, May 19, 1969; 8:45 a.m.]

[Docket No. CP69–121]

COLUMBIA GULF TRANSMISSION CO.

Notice of Amendment to Application

MAY 14, 1969.

Take notice that on May 7, 1969, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Avenue, Houston, Tex. 77027, filed in Docket No. CP69–121 an amendment to the original application filed in the instant docket on October 25, 1968, requesting an alteration in the facilities originally proposed in this docket to be constructed and operated by Applicant, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

In its original application filed in this proceeding, Applicant requested authorization to construct facilities necessary to connect natural gas reserves in the Vermilion Block 162 Field, Offshore Louisiana, to the Western Shore Line of the Blue Water Project of Columbia Offshore Pipeline Co., application for which authorization was made in Docket No. CP68–231. Applicant states that it has now made arrangements with Sea Robin Pipeline Co. (Sea Robin) for Sea Robin to transport said natural gas reserves to onshore points in Louisiana.

Specifically, Applicant seeks authorization by the amendment to the application to construct and operate approximately 5.5 miles of 12.75-inch O.D. pipe extending from the Vermilion Block 162 Field to Sea Robin's offshore pipeline in Vermilion Block 180 Field, together with a measuring station and appurtenant facilities. In the amendment Applicant deletes its request for authorization to construct the onshore facilities originally proposed to connect the Western Shore Line with reserves from the Humble Pecan Island Field and to accept deliveries from the Western Shore Line at Egan, La., the necessity for the facilities being obviated by the authorization of the construction of Phase I in Docket No. CP68–231 and the new arrangement with Sea Robin to transport the Vermilion Block 162 Field reserves.

The total estimated cost of the facilities proposed in the amendment is $1,073,199.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5904; Filed, May 19, 1969; 8:45 a.m.]

[Project No. 2553]

CONSUMERS POWER CO.

Notice of Application for Withdrawal of Application for License for Constructed Project

MAY 13, 1969.

Public notice is hereby given that application for withdrawal of application for license has been filed under the rules of practice and procedure of the FEDERAL POWER COMMISSION by Consumers Power Co. (correspondence to: P. A. Perry, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201) for constructed Project No. 2553, known as the Sabin Project, located on the Boardman River in Grand Traverse County, Mich., in the vicinity of Traverse City.

According to the application, Applicant proposes to convey the project dam and land to the county of Grand Traverse, Mich., for public park and recreational uses. Applicant proposes to remove and salvage certain of the project generating equipment and make changes in the project dam to facilitate its operation by the County.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5905; Filed, May 19, 1969; 8:45 a.m.]

[Project No. 2549]

CONSUMERS POWER CO.

Notice of Application for Withdrawal of Application for License for Constructed Project

MAY 14, 1969.

Public notice is hereby given that application for withdrawal of application for license has been filed under the rules of practice and procedure of the Federal Power Commission by Consumers Power Co. (correspondence to: P. A. Perry, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201) for constructed Project No. 2549, known as the Boardman Project, located on the Boardman River in the townships of Blair and Garfield, in Grand Traverse County, Mich.

According to the application, Applicant proposes to convey the project dam and land to the county of Grand Traverse, Mich., for public park and recreational uses. Applicant plans to remove and salvage certain of the project generating equipment and make changes in the project dam to facilitate its operation by the county.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5906; Filed, May 19, 1969; 8:45 a.m.]

[Docket No. CP65-61]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 14, 1969.

Take notice that on May 8, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP65-61 a petition to amend the order issued in said docket on December 15, 1964, by authorizing the sale and delivery of natural gas through existing facilities to California-Pacific Utilities Co. (Cal-Pac), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to sell natural gas to Cal-Pac for resale on an interruptible basis to Winema Lumber Co. (Winema), near Beaver Marsh, Oreg. To implement such service, deliveries were authorized to be made by use of gas transported by Pacific Gas Transmission Co. (PGT) and delivered to Cal-Pac for the account of Petitioner. This service was subsequently discontinued.

Petitioner states that it has recently received a request from Cal-Pac to supply gas for resale to Boise Cascade Corp. (Boise) which will be used to satisfy the firm requirements of Boise at the reactivated lumber mill facilities formerly operated by Winema. Petitioner proposes to make the sale to Cal-Pac at the outlet of the existing measuring and regulating station located near Beaver Marsh, Oreg., formerly utilized to serve Cal-Pac for resale service to Winema.

Petitioner proposes to render its service pursuant to its Rate Schedule DI-2 contained in its FPC Gas Tariff, Original Volume No. 3.

The estimated third year peak day and annual requirements of the proposed service are 2,000 therms and 680,000 therms, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5907; Filed, May 19, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of The Fulton County National Bank and Trust Co., Gloversville, N.Y., a proposed new bank into which will be merged The Fulton County National Bank and Trust Company of Gloversville, Gloversville, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 12th day of May, 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5909; Filed, May 19, 1969; 8:45 a.m.]

FIRST NATIONAL CHARTER CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First National Charter Corp., Kansas City, Mo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The First National Bank of Kansas City, Kansas City, Mo., and 51 percent or more of the voting shares of Leawood National Bank of Kansas City, Kansas, City, Mo.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 12th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5910; Filed, May 19, 1969; 8:45 a.m.]

SHAWMUT ASSOCIATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Shawmut Association, Inc., which is a bank holding company located in Boston, Mass., for the prior approval of the Board of the acquisition by Applicant of up to 100 percent of the voting shares of First Bank and Trust Company of Hampden County, Springfield, Mass.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 12th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5911; Filed, May 19, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

MAY 15, 1969.

On February 28, 1969, the U.S. Government requested the Government of Malaysia to enter into consultations concerning exports to the United States of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia. In that request the U.S. Government indicated specific levels at which it considered that exports in these categories from Malaysia should be restrained for the 12-month period beginning February 28, 1969, and extending

through February 27, 1970. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing restraints at the levels indicated in that request for the 12-month period beginning February 28, 1969, and extending through February 27, 1970. These restraints do not apply to cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of May 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning February 28, 1969, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 15, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning February 28, 1969, and extending through February 27, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia, in excess of the following levels of restraint:

Category		12-month Level of Restraint[1]
49	dozen	1,700
55	do	16,500

In carrying out this directive, entries of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to February 28, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Categories 49 and 55, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-5984; Filed, May 19, 1969; 8:51 a.m.]

[1] These levels have not been adjusted to reflect any entries made on or after Feb. 28, 1969.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

MAY 14, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1969, through May 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5924; Filed, May 19, 1969; 8:47 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MAY 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1969, through May 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5925; Filed, May 19, 1969; 8:47 a.m.]

[811-1079]

SOUTHWESTERN RESEARCH AND GENERAL INVESTMENT CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 13, 1969.

Notice is hereby given that Southwestern Research and General Investment Co. ("Applicant") 10204 North 19th Avenue, Phoenix, Ariz. 85021, an Arizona corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Section 8(f) of the Act provides in pertinent part that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines as an investment company, an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities.

Section 3(a)(3) of the Act further defines as an investment company, an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant commenced operations in December 1961, and since its initial public offering on December 8, 1961, has operated as an investment company. At a stockholders' meeting on August 14, 1967, the stockholders of Applicant approved a change in Applicant's fundamental investment policies and authorized the taking of the necessary steps to come out from under the provisions of the Act, subject to further shareholder approval of the filing of an application pursuant to section 8(f) of the Act. Subsequent to the shareholders' meeting of August 14, 1967, Applicant proceeded to change its operations from that of a registered investment company to an operating company, and on March 18, 1969, at a special meeting of shareholders, the shareholders of Applicant authorized the filing of this Application. Applicant has 625,320 shares of common stock outstanding. Of those present at the March 18, 1969 meeting, 441,207 were cast for, and 727 were cast against the proposal.

Applicant represents that as of April 21, 1969, the fair value of its assets as determined by its board of directors is as follows:

	Percent of assets invested	Fair value expressed in dollars
	Percent	
Cash and receivables	1.1	$138,455
Investment securities	15.1	1,675,321
Real estate	67.3	7,452,335
Electronics manufacturing	10.0	1,121,370
Hydro-massage pool apparatus	1.6	178,150
Miscellaneous	4.9	536,406
	100.0	11,062,037

Not included in the above computation of its investment securities is a certificate of contingent interest issued by City Investing Co. which represents an interest in shares of City Investing Co. that may be issued after April 30, 1972, dependent upon the accumulated earnings of American Electric, Inc., a wholly owned subsidiary of City Investing Co. Applicant states that it did not fix a value on the certificate because it is too speculative and Applicant has received no information as to the earnings of American Electric for the first year of the 5-year period.

Applicant represents that its present status is that of a diversified business concentrating its efforts primarily in (1) developing real estate (2) through a wholly owned subsidiary, Dynamics Systems Electronics ("DSE"), manufacturing electronic equipment and systems, and to a much lesser extent (3) through a wholly owned subsidiary, Whirl Jet, constructing and selling hydro-massage pool apparatus. To expand the above activities Applicant has negotiated the acquisition of two companies, Midwec and Golden Valley Land Co., however both acquisitions are conditioned upon the prior deregistration of Applicant under the Act. The Golden Valley acquisition has a scheduled closing date of May 31, 1969.

Applicant represents that in recent months it has increased its administrative staff with the view of building and assisting its operations in real estate and in the electronics division. The increase in administrative staff included the appointment of five vice presidents, each with a designated area of responsibility: a vice president in charge of real estate, a financial vice president, a vice president in charge of public relations, a vice president in charge of manufacturing, and a vice president in charge of marketing. Applicant has also hired a controller and increased its accounting staff with a view to organizing the handling of financial information from the operating subsidiaries and divisions.

Applicant does not intend to make any further investments in "investment securities" as that term is defined in the Act.

Applicant represents that its sources of income for the 5 years and 3 months ended March 31, 1969 were as follows:

		YEARS ENDED DEC. 31				
	1-1-69 to 3-31-69	1968	1967	1966	1965	1964
	(unaudited)	(unaudited)	(audited)	(audited)	(audited)	(audited)
INCOME:						
Interest:						
Time certificates of deposit	$4,358	$111,576	$126,749	$153,305	$97,366	$61,236
Investment Securities	15,023	89,364	102,362	116,548	166,617	236,510
	19,381	200,940	229,111	269,853	263,983	297,746
Rentals	30,060	114,361	172,438	103,944		
Oil Leases		34,515	64,620	22,576		
Miscellaneous	34,041	17,552	1,161	2,944	59	461
Total income	84,482	367,368	467,330	399,317	264,042	298,207
Net realized gains on investment, less related income taxes		324,022	376,033	32,956		10,234

At the present time the management of Applicant divides its time approximately on the following basis: 40 percent on real estate operations, 40 percent on the manufacturing facilities of DSE, and 20 percent on supervising Applicant's investment securities. Most of the time devoted to supervising investment securities is spent on Hobo Joe's Inc., which is 27½-owned by Applicant and is Applicant's principal investment. Applicant is the second-largest shareholder of Hobo Joe's; however, Applicant believes it is in a position to control Hobo Joe's.

Notice is further given that any interested person may, not later than May 28, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-5927; Filed, May 19, 1969; 8:47 a.m.]

[812-2500]

TALLEY INDUSTRIES, INC.

Notice of and Order for Hearing on Application for Order Exempting Transactions Between Affiliates

MAY 14, 1969.

Notice is hereby given that Talley Industries ("Talley") 3500 North Greenfield Road, Mesa, Ariz., an affiliated person of American Investors Fund, Inc. ("American Investors"), registered as an open-end diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of Talley and General Time Corp. ("General Time"), also an affiliated person of American Investors. All interested persons are referred to

the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

At December 31, 1968, American Investors owned 210,000 shares (9.1 percent) of the common stock of General Time outstanding and 238,051 shares (7.2 percent) of the common stock of Talley outstanding. Talley and General Time, therefore, are each an affiliated person of American Investors within the meaning of section 2(a)(3) of the Act. Talley is also an affiliated person of General Time by virtue of its ownership of 257,937 shares of the common stock of General Time outstanding.

Talley, a Delaware corporation, is engaged, directly and through subsidiaries, in the manufacture and sale of products for the aerospace industry and plumbing, heating, electrical and hardware products, cable, wire and copper rods, wearing apparel, and custom-molded plastic parts and metal products. On February 25, 1969, Talley had issued and outstanding 3,352,325 shares of common stock which are listed on the New York Stock Exchange, and 207,330 shares of Series A Convertible Preferred Stock ("Talley A Preferred Stock") convertible into Talley common stock at the rate of 0.72 of a share of common for each share of Talley A Preferred Stock.

General Time, a Delaware corporation, is engaged primarily in the manufacture and sale of clocks and watches for consumer use, ordnances, and other items relating to national defense, and clocks, timers, and control devices for industrial use. On February 15, 1969, it had outstanding 2,328,921 shares of common stock, which are listed on the New York Stock Exchange and 5,395 shares of Series A Convertible Preferred Stock ("General Time Preferred Stock") convertible into General Time common stock at the rate of four shares of common stock for each share of General Time Preferred Stock.

In general, the proposed merger provides for the following:

1. Talley and General Time will merge and Talley will be the surviving company. Upon the effectiveness of the merger, Talley will possess the assets of the constituent companies and their debts and liabilities shall attach to Talley.

2. The authorized number of shares of Talley common stock will be increased from 5 million shares to 10 million shares; and the authorized number of shares of Talley preferred stock will be increased from 1 million shares to 3,500,000.

3. Talley proposes to issue additional common stock and a new Series B $1 Cumulative Convertible Preferred Stock ("Talley B Preferred Stock"). Each share of Talley B Preferred Stock will be entitled, in preference to the common stock of Talley, to receive cumulative annual dividends payable quarterly at the rate of $1 a year; and will be entitled to 9/10 of a vote per share with respect to the election of directors and on all other matters voted on by stockholders of Talley (except where otherwise provided by law).

Each share of Talley B Preferred Stock will be convertible at the option of the holder into 9/10 of a share of Talley common stock at any time after the effectiveness of the merger.

Commencing 5 years after the effectiveness of the merger, the Talley B Preferred Stock will be redeemable at any time, in whole or in part, at the option of Talley at the redemption price of $52.50 a share. Each share of Talley B Preferred Stock will be entitled to a liquidating preference of $20 in the event of involuntary liquidation and $52.50 in the event of the voluntary liquidation of Talley.

4. In the merger each share of capital stock of Talley outstanding will continue to be outstanding.

5. Upon effectiveness of the merger each share of General Time common stock outstanding (other than shares thereof held by Talley) will be converted into one share of Talley B Preferred Stock unless the holder thereof elects to receive, in lieu thereof, one share of Talley common stock. Each share of General Time Preferred Stock (other than shares held by dissenting stockholders) will be converted into four shares of Talley B Preferred Stock unless the holder thereof elects to receive, in lieu thereof, four shares of Talley common stock.

6. Upon the effectiveness of the merger, the 257,937 shares of General Time stock owned by Talley will be converted into shares of Talley stock at the ratio described above, and will become treasury stock; and all shares of General Time stock held in General Time's treasury will be canceled.

7. In the event that a stock dividend is paid on Talley common stock before the effectiveness of the merger, the number of shares of Talley common stock into which each share of General Time common stock is to be changed on the effectiveness of the merger as well as the number of shares of Talley common stock into which each share of Talley B Preferred Stock received in the merger is convertible thereafter, will be proportionately increased.

8. No fractional shares of Talley common stock will be issued. The merger agreement contains provisions for payment by Talley of cash in lieu of fractional shares.

9. The merger agreement has been approved by the boards of directors of both Talley and General Time, in the case of General Time acting without the vote of any of the three directors who are also directors of Talley. General Time has 10 directors, all of whom were supported for election by Talley in a proxy contest that resulted in these directors taking office on January 13, 1969.

10. The affirmative vote of two-thirds of the total number of outstanding shares of common stock and A Preferred Stock of Talley and the affirmative vote of two-thirds of the total number of outstanding shares of common stock and Preferred Stock of General Time are required for adoption of the merger.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provision of the Act and rules of the Commission thereunder be held on the 4th day of June 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW. Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding or proposing to intervene therein shall file with the Secretary of the Commission his application as provided by Rule 9 of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. A copy of such application shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Talley at the address noted above, and proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination.

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company as recited in its registration statement and reports filed under the Act; and

(3) Whether the proposed transaction is consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That Talley shall cause a copy of this notice to be mailed to each of the stockholders of Talley and General Time at each stockholder's last known address at least 14 days prior to the date set for said hearing.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to Talley, General Time, and American Investors and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-5928; Filed, May 19, 1969; 8:47 a.m.]

TELSTAR, INC.

Order Suspending Trading

MAY 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1969, through May 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-5929; Filed, May 19, 1969; 8:47 a.m.]

[812-2523]

WISCONSIN SECURITIES COMPANY OF DELAWARE ET AL.

Notice of Filing of Application for Order for Exemption

MAY 13, 1969.

In the matter of Wisconsin Securities Company of Delaware, 312 East Wisconsin Avenue, Milwaukee, Wis. 53202; Beloit Corp., Beloit, Wis.; The Black-Clawson Co., 200 Park Avenue, New York; Clement Construction Co., 312 East Wisconsin Avenue, Milwaukee, Wis. 53202.

Notice is hereby given that Wisconsin Securities Company of Delaware ("Wisconsin Securities"), a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified management investment company; Beloit Corp. ("Beloit"), having its principal place of business in Beloit, Wis.; The Black-Clawson Co. ("Black-Clawson"), having its principal place of business in New York, N.Y.; and Clement Construction Co. ("Clement"), having its principal place of business in Milwaukee, Wis. (herein collectively referred to as "Applicants"), have filed an application pursuant to section 6(c) of the Act for exemption from the provisions of section 17(d) of the Act and Rule 17d-1 thereunder to permit the continued holding by Wisconsin Securities of 100 shares of common stock of Sandusky Foundry and Machine Co. ("Sandusky") and 75,000 shares of common stock of NN Corp. ("NN"), as discussed below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

THE PARTIES

Wisconsin Securities owns 2,950 shares, or one-third of the outstanding common stock of Sandusky while Beloit and Black-Clawson each also own 2,950 shares or one-third of such stock. Clement owns approximately 23.5 percent of the outstanding shares of Wisconsin Securities. Section 2(a)(3) of the Act includes within the definition of "affiliated person" of another person, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person. Thus, Beloit and Black-Clawson are affiliated persons of an affiliated person (Sandusky) of Wisconsin Securities, a registered investment company, and Clement is an affiliated person of Wisconsin Securities, a registered investment company.

SANDUSKY SECURITIES

Sandusky, an Ohio corporation with its principal place of business in Sandusky, Ohio, manufactures and sells cast iron cylindrical shells. On May 9, 1967, its board of directors resolved to purchase for cash any or all of its shares then registered in the name of Peter L. Holm, trustee ("Trustee"), when offered from time to time to Sandusky by Trustee or his successor at a price of 80.21 percent of book value at the close of the month immediately preceding the date or dates of purchase. Applicants represent that the price was arrived at by arm's length bargaining between Sandusky and Trustee. At that time Trustee owned 400 shares or 4.3 percent of the 9,240 shares of common stock of Sandusky outstanding. Black-Clawson owned 3,000 shares or 32.5 percent, Beloit owned 3,000 shares or 32.5 percent and Wisconsin Securities owned 2,840 shares or 30.7 percent. Sometime after May 9, 1967, Wisconsin Securities indicated to Trustee its desire to purchase 160 of the shares of Sandusky at the same price Sandusky was willing to pay so that it would then own one-third of Sandusky. Wisconsin Securities states that the desire to purchase these shares was motivated by the opinion of its directors that its investment in Sandusky would have substantially greater value in case of a future sale if a buyer for the block could obtain equal ownership with the other two stockholders. On March 20, 1968, Wisconsin Securities purchased a total of 110 shares of Sandusky; 50 shares from each of Black-Clawson and Beloit and 10 Shares from Trustee who sold his remaining 390 shares to Sandusky. The purchase price per share was 80.21 percent of book value as of February 29, 1968, or $701.16 per share. No brokerage or other fees or costs were involved in the transactions. The sale by Beloit and Black-Clawson to Wisconsin Securities was a sale to a registered investment company by an affiliated person of such registered company within the meaning of section 17(a).

NN SECURITIES

Northwestern National Insurance Co. ("Northwestern"), an insurance company chartered by a special act of the Wisconsin legislature, is engaged directly or through substantially wholly owned subsidiaries in virtually all lines of fire and casualty insurance in all States of the United States, the District of Columbia and the Commonwealth of Puerto Rico, and in the life insurance business in a number of States, principally in the Midwest.

Clement, a Delaware corporation, has a total of 6,608 shares of common stock, no par value, issued and outstanding, all of which is held by two trusts. All of its assets consist of investments. Three of the four members of its board of directors are also directors of Wisconsin Securities, and, as stated above, Clement owns 15,000, or approximately 23.5 percent of the 63,573 shares of Wisconsin Securities outstanding.

From February 21, 1966, through September 11, 1967, Wisconsin Securities purchased a total of 50,100 shares of common stock of Northwestern and sold 100 shares at the prevailing prices in the over-the-counter market, leaving it with 50,000 shares or 5.63 percent of the outstanding shares of Northwestern. From December 4, 1967, through April 30, 1968, Clement purchased a total of 10,000 shares of Northwestern common stock at the prevailing prices in the over-the-counter market.

On February 15, 1968, NN was organized under the laws of Delaware as a result of a decision of the board of directors of Northwestern to reorganize Northwestern's corporate structure into a holding company organization. In July, 1968, NN offered to exchange one share of its common stock for each share of Northwestern stock outstanding, and in this connection, NN applied for and was granted an order of exemption from section 17(a) of the Act to make the exchange offer to Wisconsin Securities with which it was affiliated within the meaning of section 2(a)(3) of the Act. Pursuant to this exchange offer Wisconsin Securities exchanged its 50,000 shares of Northwestern for 50,000 shares of NN common stock, and Clement exchanged its 10,000 shares of Northwestern for 10,000 shares of NN. On July 12, 1968, Clement sold 5,000 shares of NN at a gain of $91,689.69. In August 1968, Wisconsin Securities received an additional 25,000 shares of NN common stock; and Clement, an additional 2,500 shares pursuant to a 3 for 2 stock split. At the present time, Wisconsin Securities holds 75,000 shares and Clement holds 7,500 shares

of common stock of NN. Applicants represent that there was no agreement or understanding between Wisconsin Securities and Clement concerning the acquisition of Northwestern stock and that both made the purchases in light of their own investment objectives.

Section 17(d) of the Act and Rule 17d–1 thereunder provide, inter alia, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in or to effect any transaction in which such registered company or a company controlled by such registered company is a joint or joint and several participant unless, prior thereto, an application regarding such transaction has been filed with and granted by the Commission. In passing upon such an application, the Commission must consider whether the participation of such registered or controlled company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary to appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The holding of Sandusky shares by Beloit and Black-Clawson concurrently with the holding by Wisconsin Securities of Sandusky shares may be considered a transaction in which Wisconsin Securities is a joint or joint and several participant with Beloit and Black-Clawson.

Wisconsin Securities, Beloit, and Black-Clawson state that the continued holding by Wisconsin Securities of Sandusky common stock meets the requirements of section 17(d) and Rule 17d–1 thereunder in that the purchase price paid by Wisconsin Securities was fair and reasonable and did not involve overreaching on the part of any person concerned and the purchases were initiated by Wisconsin Securities and not by Beloit or Black-Clawson; the continuing ownership of the 100 shares purchased from Beloit and Black-Clawson as well as the shares previously acquired by Wisconsin Securities and the maintenance of Wisconsin Securities' status as a one-third stockholder does not involve any overreaching on the part of any of the three stockholders as the ownership of Wisconsin Securities in Sandusky is on the same terms as the ownership of Beloit and Black-Clawson and is not less advantageous; and the continued ownership and one-third control of Sandusky by Wisconsin Securities is consistent with its investment policies and with the provisions, policies, and purposes of the Act.

Wisconsin Securities and Clement state that the continued holding by Wisconsin Securities of NN common stock meets the requirements of section 17(d) and Rule 17d–1 thereunder in that the purchases were made in the over-the-counter market at current fair market values and did not involve overreaching on the part of any person concerned; the purchases were deemed advisable in the independent judgment of the board of directors of Wisconsin Securities and were not subject of any understanding or agreement of Wisconsin Securities and Clement or any other affiliated person; the continued ownership of NN stock is consistent with the investment policies of Wisconsin Securities and with the provisions, policies, and purposes of the Act and is not on a basis different from or less advantageous than that of Clement; and, in the opinion of Wisconsin Securities, the continued ownership of NN common stock is not detrimental to its stockholders nor will it give rise to any injury to Wisconsin Securities or its stockholders.

Applicants further represent that the exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–5930; Filed, May 19, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 15, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41634—*Lumber articles from points in southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-35), for interested rail carriers. Rates on wood, built-up or combined, bent or straight, in carloads, as described in the application, from points in southwestern and western trunkline territories, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 69 to Southwestern Freight Bureau, agent, tariff ICC 4590.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41633—*Increased passenger fares—The Atchison, Topeka and Santa Fe Railway Co., et al.* Filed by H. B. Siddall, agent (No. 15), for interested rail carriers. This is in relation to the transportation of passengers, between points within Western Railroad Passenger Association territory and between points in this territory, on the one hand, and points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carriers and maintenance of depressed joint through rates.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5967; Filed, May 19, 1969; 8:50 a.m.]

[Notice 834]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 15, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1838 (Sub-No. 8 TA), filed May 12, 1969. Applicant: ALEX C. SMITH, INC., 13557 Bloomingdale Road, Akron, N.Y. 14001. Applicant's representative: W. J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building products*, from the plant of the National Gypsum Co. near Clarence Center, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *returned shipments* on return, for 150 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 518, Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 9325 (Sub-No. 42 TA), filed May 12, 1969. Applicant: K LINES, INC., Post Office Box 187, Lebanon, Oreg. 97355. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Oregon, for 180 days. NOTE: Applicant states its proposes to tack with its present authority in its Sub 35. Supporting shippers: Ideal Cement Co., 821 17th Street, Denver, Colo. 80202; Permanente Cement, 1500 Northeast Irving Street, Portland, Oreg. 97232. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 29886 (Sub-No. 249 TA), filed May 12, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC, 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, granulated, ground, pulverized, or lump*, from Bow, N.H., to Bath and Kittery, Maine; Boston, East Boston, and Quincy, Mass.; Groton, Conn.; and Portsmouth, N.H., for 180 days. Supporting shipper: H. B. Reed & Co., Inc., Post Office Box 2218, Hammond, Ind. 46323. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 42487 (Sub-No. 717 TA), filed May 12, 1959. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, liquid, in bulk, in tank vehicles, from Hawthorne, Calif., to West Springfield, Mass., for 150 days. Supporting shipper: Textilana Corp., 12607 Cerise Avenue, Hawthorne, Calif. 90250. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 52458 (Sub-No. 218 TA), filed May 12, 1969. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from terminal of Sulphur Terminals Co., Inc., at or near Wellsville, Ohio, to the plantsite of Globe Refractories, Inc., at or near Newell, W. Va., for 180 days. Supporting shipper: E. H. Ferree, Assistant Traffic Manager, Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 100666 (Sub-No. 140 TA), filed May 12, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Max Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials and gypsum products* (except in bulk), from the plantsite of the Celotex Corp. at or near Fort Dodge, Iowa, to points in Arkansas and Kentucky, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107799 (Sub-No. 8 TA), filed May 1, 1969. Applicant: J. O. RINGGENBERG, INC., Post Office Box 1236, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, from the terminal located on the ammonia pipeline of Mapco, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; restricted to the transportation of shipments which originate at the facilities of Mapco, Inc., located at or near Conway, Kans., and destined to points in the named destination States. (2) *Anhydrous ammonia*, from the plantsite of Hill Chemical, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas; restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States. (3) *Anhydrous ammonia*, from the terminal located on the ammonia pipeline of Mapco, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; restricted to the transportation of shipments which originate at the facilities of the Mapco, Inc., located at or near Greenwood, Nebr., and destined to points in the named destination States. (4) *Anhydrous ammonia*, from the terminals located on the ammonia pipeline of Mapco, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; restricted to the transportation of shipments which originate at the facilities of Mapco, Inc., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: Cominco American, Inc., 818 West Riverside Avenue, Spokane, Wash. 88201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 118446 (Sub-No. 3 TA), May 12, 1969. Applicant: PARCEL DELIVERY & TRANSFER, INC., Post Office Box 3–126, Anchorage, Alaska 99504. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alaska and Seattle, Wash., for 180 days. NOTE: Applicant states the proposed operations will be via barge or other water transportation. Supporting shippers: National Bank of Alaska, Box 600 Anchorage, Alaska 99501; Betz and Co., Inc., Post Office Box 3417, 1700 Stanford Drive, Anchorage, Alaska 99501, Addressograph Multigraph Corp., 213 Sixth Avenue, Anchorage, Alaska 99501, and Greater Anchorage Area Borough, 104 Northern Lights Boulevard, Anchorage, Alaska. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 119777 (Sub-No. 149 TA), filed May 12, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products including wallboard, laths, sheathings,*

plasters and plasterboard joint systems, from warehouse facility National Gypsum Co., Bowling Green, Ky., to points in Tennessee, and points in Indiana, Illinois, and Ohio, on and south of U.S. Highway 40, and *damaged or rejected shipments*, on return, for 180 days. Supporting shipper: H. C. Halm, Assistant Traffic Manager-Motor, National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 129656 (Sub-No. 3 TA), filed May 12, 1969. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson, Phoenix, Ariz. 85034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and gypsum wallboard*, from Apex and Blue Diamond, Nev., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., and Benson, Coolidge, Casa Grande, Douglas, Eloy, Florence, Globe, Havasu City, Miami, Nogales, Parker, Superior, Tucson, and Yuma, Ariz., for 180 days. Supporting shipper: The Flintkote Co., Blue Diamond Gypsum Division, 1650 South Alameda Street, Los Angeles, Calif. 90054. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133602 (Sub-No. 1 TA), filed May 12, 1969. Applicant: HUBBARD CARTAGE, INC., 3737 North Lincoln, Chicago, Ill. 60613. Applicant's representative: Milton J. Kolman, 11 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizers, ammonium nitrate fertilizer, ammonium phosphate fertilizer, urea fertilizer*, from Joliet, Ill., to points in Wisconsin, Indiana, Ohio, and the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133619 (Sub-No. 1 TA), filed May 12, 1969. Applicant: W. F. SMITH, doing business as W. F. SMITH TRUCKING CO., Route No. 1, Box 262, Sheridan, Ark. 72150. Applicant's representative: Art Givens, Jr., Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material and urea*, in bulk or in bags, from Shumaker, Ark., to points in Texas and Oklahoma, for 180 days. Supporting shipper: Arkla Chemical Corp., Arkla Plaza, 400 East Capitol, Little Rock, Ark. 72203. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133692 (Sub-No. 1 TA), filed May 12, 1969. Applicant: OTTO RONE, Logansport, Ky. 42258. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products including wallboard, laths, sheathings, plasters and plasterboard joint systems*, from Warehouse Facility National Gypsum Co., Bowling Green, Ky., to points in Tennessee, and points in Indiana, Illinois, and Ohio, on and south of U.S. Highway 40, and *damaged or rejected shipments*, on return, for 180 days. Supporting shipper: H. C. Halm, Assistant Traffic Manager-Motor, National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5968; Filed, May 19, 1969; 8:50 a.m.]

[Notice 346]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 15, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70998. By order of May 13, 1969, the Motor Carrier Board approved the transfer to TMX Corp., Fort Wayne, Ind., of the operating rights in certificates Nos. MC-107906 and subs thereunder issued to Transport Motor Express, Inc., Fort Wayne, Ind., authorizing the transportation of: general commodities, with usual exceptions, and specific commodities from, to, and between points in Pennsylvania, Illinois, Ohio, Indiana, West Virginia, Delaware, New York, New Jersey, Maryland, District of Columbia, Virginia, Massachusetts, Connecticut, Rhode Island, Wisconsin, Missouri, and Kentucky. Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5969; Filed, May 19, 1969; 8:50 a.m.]

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PART II

DEPARTMENT OF LABOR

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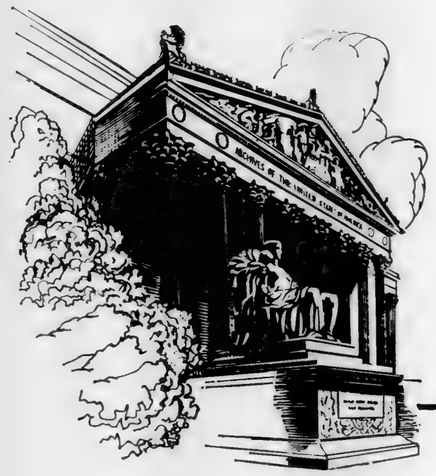
Safety and Health Standards



Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Safety and Health Standards

Following notice and opportunity for public participation, on January 17, 1969, a revision of Part 50–204 of Title 41, Code of Federal Regulations, and an amendment of § 50–201.502 of the same title were published in the FEDERAL REGISTER at 34 F.R. 788–796. On February 14, 1969, a document was published in the FEDERAL REGISTER at 34 F.R. 2207 postponing the effective date of the rules until May 17, 1969. The purpose of the postponement was to permit a careful review of the rules by the present Secretary of Labor. Further notice and general public participation were found unnecessary in view of the previous opportunities afforded, although an advisory committee with a broad representation of labor, management, and public groups interested in occupational safety and health was appointed to assist in the review and to make recommendations concerning the rules.

Consideration has now been given to the rules and to the data, views, and argument which had been submitted orally and in writing in response to the proposals published in the FEDERAL REGISTER on September 20, 1968 (33 F.R. 14258) and also to the recommendations of the advisory committee and the revision and amendment published in the FEDERAL REGISTER at 34 F.R. 788–796 are hereby adopted, subject to the changes indicated below. The listed changes in Part 50–204 include for easy reference the minor amendments to § 50–204.36 published on April 23, 1969 (34 F.R. 6779).

The changes are as follows:

1. In paragraph (a) of § 50–204.1, the first sentence is changed by adding the following sentence to the quotation from section 1(e) of the Walsh-Healey Public Contracts Act: "Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection."

2. In paragraph (b) of § 50–204.2, the address of the office in the Middle Atlantic Region listed in item No. 2 of the paragraph is changed to Room 410, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107.

3. Section 50–204.4 is changed.

4. In subparagraph (4) of paragraph (a) of § 50–204.5 the word "gullotine" is changed to read "guillotine".

5. Section 50–204.10 is amended.

6. Section 50–204.50 is amended.

7. Section 50–204.36 as changed at 34 F.R. 6779 is amended.

8. Section 50–204.80 is deleted.

9. A new § 50–204.1a is added.

Effective date. The revision of Part 50–204 and amendment of § 50–201.502 shall be effective May 17, 1969, or the date of their publication in the FEDERAL REGISTER, whichever is later. To the extent that any substantive rules may be considered involved, no further delay is provided, because the rules either remain unchanged from those published on January 17, 1969, for which a 90-day delay in effective date has been provided, or to the extent that they are changed, the rules are less restrictive than those previously published. In the event this document is published in the FEDERAL REGISTER subsequent to May 16, 1969, the rules revising Part 50–204 of Title 41, Code of Federal Regulations and amending § 50–201.502 of the same title referred to at 34 F.R. 2207 (Feb. 14, 1968) shall not be effective between May 17 and the date of the publication of this document.

Signed at Washington, D.C., this 14th day of May 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

Subpart A—Scope and Application

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50–204.1 Scope and application.
50.204.1a Variations.

Subpart B—General Safety and Health Standards

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Subpart C—Radiation Standards

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50–204.35 Application for variation from radiation levels.
50–204.36 Radiation standards for mining.

Subpart D—Gases, Vapors, Fumes, Dusts, and Mists

Sec.
50–204.50 Gases, vapors, fumes, dusts, and mists.
50–204.65 Inspection of compressed gas cylinders.
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Subpart E—Transportation Safety

50–204.75 Transportation safety.

AUTHORITY: The provisions of this Part 50–204 issued under secs. 1, 4, 49 Stat. 2036, 2038, as amended; 41 U.S.C. 35, 38; 5 U.S.C. 556.

Subpart A—Scope and Application

§ 50–204.1 Scope and Application.

(a) The Walsh-Healey Public Contracts Act requires that contracts entered into by any agency of the United States for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must contain, among other provisions, a stipulation that "no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection." (sec. 1(e), 49 Stat. 2036, 41 U.S.C. 35(e)). This Part 50–204 expresses the Secretary of Labor's interpretation and application of this provision with regard to certain particular working conditions. In addition, §§ 50–204.27, 50–204.30, 50–204.31, 50–204.32, 50–204.33, and 50–204.36 contain requirements concerning the instruction of personnel, notification of incidents, reports of exposures, and maintenance and disclosure of records.

(b) Except in the conduct of formal enforcement proceedings provided for in Part 50–203 of this chapter and as otherwise provided in this part, every investigator conducting investigations and every officer of the Department of Labor determining whether there are or have been violations of the safety and health requirements of the Walsh-Healey Public Contracts Act and of any contract subject thereto, and whether a settlement of the resulting issues should be made without resort to administrative or court litigation, shall treat a failure to comply with, or violation of, any of the safety and health measures contained in this Part 50–204 as resulting in working conditions which are "unsanitary or hazardous or dangerous to the health and safety of employees" within the meaning of section 1(e) of the Act and the contract stipulation it requires. Every such investigator or every such officer shall have technical competence in safety, industrial hygiene, or both as may be appropriate, in the matters under investigation or consideration.

(c) Whenever any applicable standard in this Part 50–204 is relied upon by the Department of Labor in a formal enforcement proceeding under section 5 of the Walsh-Healey Public Contracts Act to support a finding of violation of the safety and health provisions of the Act and of a contract subject thereto, any respondent in the proceeding shall have the right and shall be afforded the opportunity to challenge the legality, fairness or propriety of any such reliance.

(d) The standards expressed in this Part 50–204 are for application to ordinary employment situations; compliance with them shall not relieve anyone from the obligation to provide protection for the health and safety of his employees in unusual employment situations. Neither do such standards purport to describe all of the working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees. Where such other working conditions may be found to be unsanitary or hazardous or dangerous to the health and safety of employees, professionally accepted safety and health practices will be used.

(e) Compliance with the standards expressed in this Part 50–204 is not intended, and shall not be deemed, to relieve anyone from any other obligation he may have to protect the health and safety of his employees, arising from sources other than the Walsh-Healey Public Contracts Act, such as State, local law or collective bargaining agreement.

(f) Whenever this part adopts by reference standards, specifications and codes published and available elsewhere, it only serves to adopt the substantive, technical portions of such standards, specifications and codes.

§ 50–204.1a Variations.

(a) The safety and health standards expressed in this part are intended for the application of section 1(e) of the Walsh-Healey Public Contracts Act to ordinary employment situations. The Director of the Bureau of Labor Standards may apply variations from the provisions of this part in enforcing the Act whenever he finds that, under the particular facts and circumstances involved, the plants, factories, buildings, surroundings, or working conditions are not unsanitary or hazardous or dangerous to the health and safety of the employees involved. Interested persons may request such a variation by making application therefor to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(b) The provisions of paragraph (a) of this section shall not apply to §§ 50–204.35 and 204.36 which contain separate and specific variations procedures.

(c) Requests for exceptions or exemptions from the safety and health standards required by the Walsh-Healey Public Contracts Act, as permitted under section 6 of the Act, are processed under § 50–201.601 of this chapter.

Subpart B—General Safety and Health Standards

§ 50–204.2 General safety and health standards; incorporation by reference.

(a) Every contractor shall protect the safety and health of his employees by complying with the applicable standards, specifications, and codes developed and published by the following organizations:

United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
United States Governmental Agencies, including by way of illustration the following publications of the indicated agencies:

(1) U.S. Department of Labor

Title 29 (CFR):
Part 1501—Safety and Health Regulations for Ship Repairing.
Part 1502—Safety and Health Regulations for Shipbuilding.
Part 1503—Safety and Health Regulations for Shipbreaking.
Part 1504—Safety and Health Regulations for Longshoring.

(2) U.S. Department of Interior, Bureau of Mines

(i) Safety Code for Bituminous Coal and Lignite Mines of the United States, Part I—Underground Mines, and Part II—Strip Mines.
(ii) Safety Code for Anthracite Mines of the United States, Part I—Underground Mines, and Part II—Strip Mines.
(iii) Safety Standards for Surface Auger Mining.
(iv) Respiratory Protective Devices Approved by the Bureau of Mines, Information Circular 8281.

(3) U.S. Department of Transportation.

49 CFR 171–179 and 14 CFR 103 Hazardous materials regulation—Transportation of compressed gases.

(4) U.S. Department of Health, Education, and Welfare, Public Health Service.

(i) Publication No. 24—Manual of Individual Water Supply Systems.
(ii) Publication No. 526—Manual of Septic-Tank Practices.
(iii) Publication No. 546—The Vending of Food and Beverages.
(iv) Publication No. 934—Food Service Sanitation Manual.
(v) Publication No. 956—Drinking Water Standards.
(vi) Publication No. 1183—A Sanitary Standard for Manufactured Ice.
(vii) Publication No. 1518—Working with Silver Solder.

(5) U.S. Department of Defense.

(i) AFM 127–100—Air Force—Explosives Safety Manual.
(ii) AMCR 385–224—Army Material Command—AMC Safety Manual.
(iii) NAVORD OP5—Navy—Ammunition Ashore, Handling, Stowing, and Shipping.

(6) U.S. Department of Agriculture.

Respiratory Devices for Protection against Certain Pesticides—ARS 33–76–2.

(b) Information as to the standards, specifications, and codes applicable to a particular contract or invitation for bids and as to the places where such documents and those incorporated by reference in other sections of this part may be obtained and is available at the Office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, D.C. 20210, and at any of the following regional offices of the Bureau:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey and Puerto Rico).

2. Middle Atlantic Region, Room 410, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

3. South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee).

4. Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio and Wisconsin).

5. Mid-Western Region, 1906 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

6. West Gulf Region, Room 601, Mayflower Building, 411 North Akard Street, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

7. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington and Guam).

(c) In applying the safety and health standards referred to in paragraph (a) of this section the Secretary may add to, strengthen or otherwise modify any standards whenever he considers that the standards do not adequately protect the safety and health of employees as required by the Walsh-Healey Public Contracts Act.

§ 50–204.3 Material handling and storage.

(a) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.

(b) Storage of material shall not create a hazard. Bags, containers, bundles, etc. stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

(c) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation

control will be exercised when necessary.

(d) Proper drainage shall be provided.

(e) Clearance signs to warn off clearance limits shall be provided.

(f) Derail and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact other cars being worked, enter a building, work or traffic area.

(g) Covers and/or guard rails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

§ 50–204.4 Tools and equipment.

Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment which may be furnished by employees.

§ 50–204.5 Machine guarding.

(a) One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, in going nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—Barrier guards, two hand tripping devices, electronic safety devices, etc.

(b) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(c) Point of Operation Guarding.

(1) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(2) Where existing standards prepared by organizations listed in § 50–204.2 provide for point of operation guarding such standards shall prevail. Other types of machines for which there are no specific standards, and the operation exposes an employee to injury, the point of operation shall be guarded. The guarding device shall be so designed and constructed so as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(3) Special hand tools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(4) The following are some of the machines which usually require point of operation guarding:

Guillotine cutters.
Shears.
Alligator shears.
Power presses.
Milling machines.
Power saws.
Jointers.
Portable power tools.
Forming rolls and calenders.

(d) Revolving drums, barrels and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum or container cannot revolve unless the guard enclosure is in place.

(e) When the periphery of the blades of a fan is less than seven (7) feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one half (½) inch.

(f) Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

§ 50–204.6 Medical services and first aid.

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matter of plant health.

(b) In the absence of an infirmary, clinic or hospital in near proximity to the work place which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available.

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

§ 50–204.7 Personal protective equipment.

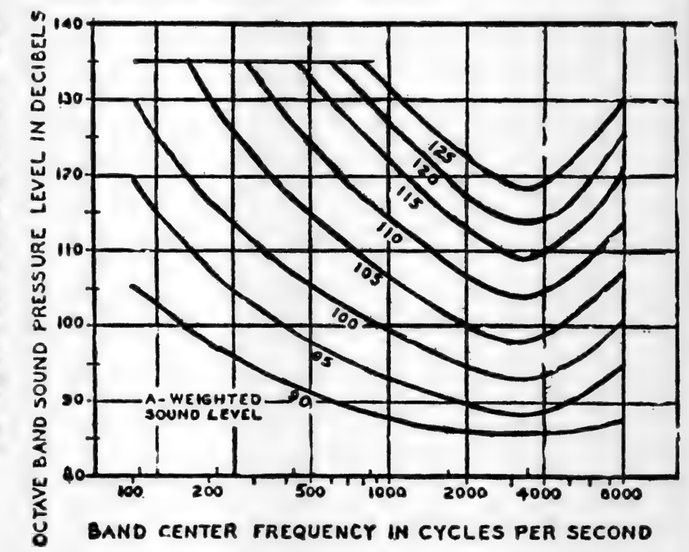
Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in function of any part of the body through absorption, inhalation or physical contact. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment. All personal protective equipment shall be of safe design and construction for the work to be performed.

§ 50–204.8 Use of compressed air.

Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

§ 50–204.10 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table I of this section when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:



Equivalent sound level contours. Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on this graph and noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, is used to determine exposure limits from Table I.

(b) When employees are subjected to sound exceeding those listed in Table I of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered intermittent. In such cases, where the duration of the maxima are less than 1 second, they shall be treated as of 1-second duration.

(d) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE I

PERMISSIBLE NOISE EXPOSURES [1]

Duration per day, hours	Sound level dBA
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C1/T1+C2/T2 \ldots Cn/Tn$ exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dBA peak sound pressure level.

Subpart C—Radiation Standards

§ 50–204.20 Radiation—definitions.

As used in this subpart:

(a) "Radiation" includes alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but such term does not include sound or radio waves, or visible light, or infrared or ultraviolet light.

(b) "Radioactive material" means any material which emits, by spontaneous nuclear disintegration, corpuscular or electromagnetic emanations.

(c) "Restricted area" means any area access to which is controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(d) "Unrestricted area" means any area access to which is not controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(e) "Dose" means the quantity of ionizing radiation absorbed, per unit of mass, by the body or by any portion of the body. When the provisions in this subpart specify a dose during a period of time, the dose is the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units used in this subpart are set forth in paragraphs (f) and (g) of this section.

(f) "Rad" means a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit of mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue (1 millirad (mrad) = 0.001 rad).

(g) "Rem" means a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of 1 roentgen (r) of X-rays (1 millirem (mrem) = 0.001 rem). The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions for irradiation. Each of the following is considered to be equivalent to a dose of 1 rem:

(1) A dose of 1 rad due to X- or gamma radiation;

(2) A dose of 1 rad due to X-, gamma, or beta radiation;

(3) A dose of 0.1 rad due to neutrons or high energy protons;

(4) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

(5) If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subparagraph (3) of this paragraph, 1 rem of neutron radiation may, for purposes of the provisions in this subpart be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there is sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to 1 rem may be estimated from the following table:

NEUTRON FLUX DOSE EQUIVALENTS

Neturon energy (million electron volts [Mev])	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm² per sec.)
Thermal	970×10⁶	670
0.0001	720×10⁶	500
0.005	820×10⁶	570
0.02	400×10⁶	280
0.1	120×10⁶	80
0.5	43×10⁶	30
1.0	26×10⁶	18
2.5	29×10⁶	20
5.0	26×10⁶	18
7.5	24×10⁶	17
10	24×10⁶	17
10 to 30	14×10⁶	10

(h) For determining exposures to X- or gamma rays up to 3 Mev., the dose limits specified in this part may be assumed to be equivalent to the "air dose". For the purpose of this subpart "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dosage rate.

§ 50–204.21 Exposure of individuals to radiation in restricted areas.

(a) Except as provided in paragraph (b) of this section, no employer shall possess, use, or transfer sources of ionizing radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from sources in the employer's possession or control a dose in excess of the limits specified in the following table:

	Rems per calendar quarter
1. Whole body: Head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
2. Hands and forearms; feet and ankles	18¾
3. Skin of whole body	7½

(b) An employer may permit an individual in a restricted area to receive doses to the whole body greater than those permitted under paragraph (a) of this section, so long as:

(1) During any calendar quarter the dose to the whole body shall not exceed 3 rems; and

(2) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5 (N–18) rems, where "N" equals the individual's age in years at his last birthday; and

(3) The employer maintains adequate past and current exposure records which show that the addition of such a dose will not cause the individual to exceed the amount authorized in this paragraph. As used in this paragraph "Dose to the whole body" shall be deemed to include any dose to the whole body, gonad, active bloodforming organs, head and trunk, or lens of the eye.

(c) No employer shall permit any employee who is under 18 years of age to receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in the table in paragraph (a) of this section.

(d) "Calendar quarter" means any 3-month period determined as follows:

(1) The first period of any year may begin on any date in January: *Provided*, That the second, third, and fourth periods accordingly begin on the same date in April, July, and October, respectively, and that the fourth period extends into January of the succeeding year, if necessary to complete a 3-month quarter. During the first year of use of this method of determination, the first period for that year shall also include any additional days in January preceding the starting date for the first period; or

(2) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete, consecutive calendar weeks; the third period in a calendar

year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of the previous year; or

(3) The four periods in a calendar year may consist of the first 14 complete, consecutive calendar weeks; the next 12 complete, consecutive calendar weeks, the next 14 complete, consecutive calendar weeks, and the last 12 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete week of the previous year.

(e) No employer shall change the method used by him to determine calendar quarters except at the beginning of a calendar year.

§ 50–204.22 Exposure to airborne radioactive material.

(a) No employer shall possess, use or transport radioactive material in such a manner as to cause any employee, within a restricted area, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table I of Appendix B to 10 CFR Part 20. The limits given in Table I are for exposure to the concentrations specified for 40 hours in any workweek of 7 consecutive days. In any such period where the number of hours of exposure is less than 40, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than 40, the limits specified in the table shall be decreased proportionately.

(b) No employer shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table II of Appendix B to 10 CFR Part 20. For purposes of this paragraph, concentrations may be averaged over periods not greater than 1 week.

(c) "Exposed" as used in this section means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size, except as authorized by the Director, Bureau of Labor Standards.

§ 50–204.23 Precautionary procedures and personnel monitoring.

(a) Every employer shall make such surveys as may be necessary for him to comply with the provisions in this subpart. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(b) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and shall require the use of such equipment by:

(1) Each employee who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 50–204.21; and

(2) Each employee under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 50–204.21; and

(3) Each employee who enters a high radiation area.

(c) As used in this subpart:

(1) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(2) "Radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirem; and

(3) "High radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirem.

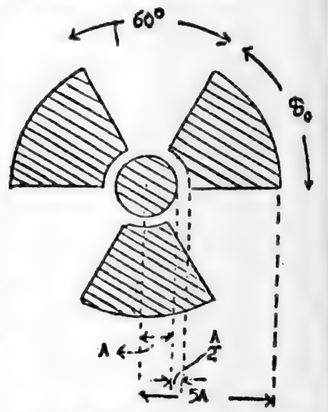
§ 50–204.24 Caution signs, labels, and signals.

(a) *General.* (1) Symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.

2. Background is to be yellow.



(2) In addition to the contents of signs and labels prescribed in this section, employers may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.

(b) *Radiation areas.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [1]
RADIATION AREA

(c) *High radiation area.* (1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [1]
HIGH RADIATION AREA

(2) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in 1 hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the employer or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(d) *Airborne radioactivity area.* (1) As used in the provisions of this subpart, "airborne radioactivity area" means (i) any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of radioactive material, exist in concentrations in excess of the amounts specified in column 1 of Table 1 of Appendix B to 10 CFR Part 20 or (ii) any room, enclosure, or operating area in which airborne radioactive materials exist in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in column 1 of the described Table 1.

(2) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
AIRBORNE RADIOACTIVITY AREA

(e) *Additional requirements.* (1) Each area or room in which radioactive material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in any amount exceeding 10 times the quantity of such material specified in Appendix C to 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding 100 times the quantity specified in Appendix C to 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any radioactive material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(2) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in column 2 of the described Table 1, or

(ii) For laboratory containers, such as beakers, flasks, and tests tubes, used transiently in laboratory procedures, when the user is present.

(4) Where containers are used for storage, the labels required in this paragraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

[1] Or "Danger".

[2] Or "Danger".

§ 50–204.25 Exceptions from posting requirements.

Notwithstanding the provisions of § 50–204.24:

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 12 inches from the surface of the source container or housing does not exceed 5 millirem per hour.

(b) Rooms or other areas in on-site medical facilities are not required to be posted with caution signs because of the presence of patients containing radioactive material, provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the provisions of this subpart.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than 8 hours: *Provided*, That (1) the materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the provisions of this subpart; and (2) such area or room is subject to the employer's control.

§ 50–204.26 Exemptions for radioactive materials packaged for shipment.

Radioactive materials packaged and labeled in accordance with regulations of the Department of Transportation shall be exempt from the labeling and posting requirements during shipment, provided that the inside containers are labeled in accordance with the provisions of § 50–204.24.

§ 50–204.27 Instruction of personnel posting.

Employers regulated by the AEC shall be governed by "§ 20.206" (10 CFR Part 20) standards. Employers in a State named in § 50–204.34(c) shall be governed by the requirements of the laws and regulations of that State. All other employers shall be regulated by the following:

(a) All individuals working in or frequenting any portion of a radiation area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the radiation area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or devices to minimize exposure; shall be instructed in the applicable provisions of this subpart for the protection of employees from exposure to radiation or radioactive materials; and shall be advised of reports of radiation exposure which employees may request pursuant to the regulations in this part.

(d) Each employer to whom this subpart applies shall post a current copy of its provisions and a copy of the operating procedures applicable to the work under contract conspicuously in such locations as to ensure that employees working in or frequenting radiation areas will observe these documents on the way to and from their place of employment, or shall keep such documents available for examination of employees upon request.

§ 50–204.28 Storage of radioactive materials.

Radioactive materials stored in a nonradiation area shall be secured against unauthorized removal from the place of storage.

§ 50–204.29 Waste disposal.

No employer shall dispose of radioactive material except by transfer to an authorized recipient, or in a manner approved by the Atomic Energy Commission or a State named in § 50–204.34(c).

§ 50–204.30 Notification of incidents.

(a) *Immediate notification.* Each employer shall immediately notify the Regional Director of the appropriate Wage and Labor Standards Administration, Office of Occupational Safety of the Bureau of Labor Standards of the U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20, § 50–204.34(b) of this part, or the requirements of the laws and regulations of States named in § 50–204.34(c), by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual to 150 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms of any individual to 375 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limit specified for such materials in Table II of Appendix B to 10 CFR Part 20.

(3) A loss of 1 working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each employer shall within 24 hours following its occurrence notify the Regional Director of the appropriate Wage and Labor Standards Administration, Office of Occupational Safety of the Bureau of Labor Standards of the U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20, § 50–204.34(b) of this part, or the requirements of the laws and applicable regulations of States named in § 50–204.34(c), by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet,

ankles, hands, or forearms to 75 rems or more of radiation; or

(2) A loss of 1 day or more of the operation of any facilities; or

(3) Damage to property in excess of $10,000.

§ 50–204.31 Reports of overexposure and excessive levels and concentrations.

(a) In addition to any notification required by § 50–204.30 each employer shall make a report in writing within 30 days to the Regional Director of the appropriate Wage and Labor Standards Administration, Office of Occupational Safety of the Bureau of Labor Standards of the U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20, or under section 50–204.34(b) of this part, or the requirements of the laws and regulations of States named in § 50–204.34(c), of each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this subpart. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved, the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(b) In any case where an employer is required pursuant to the provisions of this section to report to the U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement: "You should preserve this report for future reference."

§ 50–204.32 Records.

(a) Every employer shall maintain records of the radiation exposure of all employees for whom personnel monitoring is required under § 50–204.23 and advise each of his employees of his individual exposure on at least an annual basis.

(b) Every employer shall maintain records in the same units used in tables in § 50–204.21 and Appendix B to 10 CFR Part 20.

§ 50–204.33 Disclosure to former employee of individual employee's record.

(a) At the request of a former employee an employer shall furnish to the employee a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to § 50–204.32(a). Such report shall be furnished within 30 days from the time the request is made, and shall cover each calendar quarter of the individual's employment involving exposure to radiation or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analysis of radioactive material deposited in the body of the employee. The report shall be in writing and contain the following statement: "You should preserve this report for future reference."

(b) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

§ 50–204.34 AEC licensees—AEC contractors operating AEC plants and facilities—AEC agreement State licensees or registrants.

(a) Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of 10 CFR Part 20 shall be deemed to be in compliance with the requirements of this subpart with respect to such possession and use.

(b) AEC contractors operating AEC plants and facilities: Any employer who possesses or uses source material, byproduct material, special nuclear material, or other radiation sources under a contract with the Atomic Energy Commission for the operation of AEC plants and facilities and in accordance with the standards, procedures, and other requirements for radiation protection established by the Commission for such contract pursuant to the Atomic Energy Act of 1954 as amended (42 U.S.C. 2011 et seq.), shall be deemed to be in compliance with the requirements of this subpart with respect to such possession and use.

(c) AEC-agreement State licensees or registrants:

(1) *Atomic Energy Act Sources.* Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by, a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this part, insofar as his possession and use of such material is concerned, unless the Secretary of Labor, after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of this part. Such agreements currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, and Washington.

(2) *Other sources.* Any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this part, insofar as his possession and use of such material is concerned, provided the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of this part. Such determinations currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, and Washington.

§ 50–204.35 Application for variations from radiation levels.

(a) In accordance with policy expressed in the Federal Radiation Council's memorandum concerning radiation protection guidance for Federal agencies (25 F.R. 4402), the Director, Bureau of Labor Standards may from time to time grant permission to employers to vary from the limitations contained in §§ 50–204.21 and 50–204.22 when the extent of variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of radiation or atomic energy, (2) such benefit is of sufficient value to warrant the variation, (3) employees will not be exposed to an undue hazard, and (4) appropriate actions will be taken to protect the health and safety of such employees.

(b) Applications for such variations should be filed with the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

§ 50–204.36 Radiation standards for mining.

(a) For the purpose of this section, a "working level" is defined as any combination of radon daughters in 1 liter of air which will result in the ultimate emission of 1.3×10^5 million electron volts of potential alpha energy. The numerical value of the "working level" is derived from the alpha energy released by the total decay of short-lived radon daughter products in equilibrium with 100 pico-curies of radon 222 per liter of air. A working level month is defined as the exposure received by a worker breathing air at one working level concentration for 4⅓ weeks of 40 hours each.

(b) (1) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 2 working level months in any calendar quarter and no more than 4 working level months in any calendar year. Actual exposures shall be kept as far below these values as practicable.

(2) In enforcing this section, the Director of the Bureau of Labor Standards may at any stage approve variations in individual cases from the limitation set forth in subparagraph (1) of this paragraph to comply with the requirements of the Act upon a showing to the satisfaction of the Director by an employer having a mine with conditions resulting in an exposure of more than 4 working level months but not more than 12 working level months in any 12 consecutive months that (i) under the particular facts and circumstances involved the working conditions of the employees so exposed are such that their health and safety are protected, and (ii) the employer has a bona fide plan to reduce the levels of exposure to those specified in subparagraph (1) of this paragraph as soon as practicable, but in no event later than January 1, 1971.

(3) Whenever a variation under subparagraph (2) of this paragraph is sought, a request therefor should be submitted in writing to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, within 90 days following the end of the calendar quarter or year, as the case may be.

(c) (1) For uranium mines, records of environmental concentrations in the occupied parts of the mine, and of the time spent in each area by each person involved in underground work shall be established and maintained. These records shall be in sufficient detail to permit calculations of the exposures, in units of working level months, of the individuals and shall be available for inspection by the Secretary of Labor or his authorized agents.

(2) For other than uranium mines and for surface workers in all mines, subparagraph (1) of this paragraph will be applicable: *Provided, however,* That if no environmental sample shows a concentration greater than 0.33 working level in any occupied part of the mine, the maintenance of individual occupancy records and the calculation of individual exposures will not be required.

(d) (1) At the request of an employee (or former employee) a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to paragraph (c) of this section, shall be furnished to him. The report shall be in writing and contain the following statement:

This report is furnished to you under the provisions of the U.S. Department of Labor, Radiation Safety and Health Standards (41 CFR 50–204.36). You should preserve this report for future reference.

(2) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

Subpart D—Gases, Vapors, Fumes, Dusts, and Mists

§ 50–204.50 Gases, vapors, fumes, dusts, and mists.

(a) Exposures by inhalation, ingestion, skin absorption, or contact to any material or substance (1) at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1968" of the American Conference of Governmental Industrial Hygienists, except for the USASI Standards listed in Table I of this section and except for the values of mineral dusts listed in Table II of this section, and (2) concentrations above those specified in Table I and II of this section, shall be avoided, or protective equipment shall be provided and used.

(b) To achieve compliance with paragraph (a), feasible administrative or engineering controls must first be determined and implemented in all cases. In cases where protective equipment, or protective equipment in addition to other measures is used as the method of protecting the employee, such protection must be approved for each specific application by a competent industrial hygienist or other technically qualified source.

TABLE I

	8-hr. time weighted average
Toluene (Z37.12–1967)	200 p.p.m.
Formaldehyde (Z37.16–1967)	3 p.p.m.
Carbon tetrachloride (Z37.17–1967)	10 p.p.m.
Trichlorethylene (Z37.19–1967)	100 p.p.m.
Tetrachloroethylene (Z37.22–1967)	100 p.p.m.
Hydrogene fluoride (Z37.28–1966)	3 p.p.m.
Fluoride dust as F (Z37.28–1966)	2.5mg/M³
Carbon disulfide (Z37.3–1968)	20 p.p.m. acceptable ceiling concentrate.
Hydrogen sulfide (Z37.2–1966)	20 p.p.m.

TABLE II

MINERAL DUSTS

Substance	Mppcf*	Mg/M³
Silica:		
Crystalline—		
Quartz (Respirable)	250[1]	10mg/M³=
	%SiO₂+5	%SiO₂+2
Quartz (Total Dust)		30mg/M³
		%SiO₂+2
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz.		
Tridymite: Use ½ the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M³
		%SiO₂
Tremolite	5	20mg/M³
		%SiO₂
Silicates (less than 1% crystalline silica):		
Asbestos—12 fibers per milliliter greater than 5 microns in length[1] or	2	
Mica	20	
Soapstone	20	
Talc	20	
Portland Cement	50	
Graphite (natural)	15	
Coal Dust (Respirable fraction less than 5% SiO_2)		2.4mg/M³ or
For more than 5% SiO_2		10mg/M³
		%SiO₂+2
Inert or Nuisance Dust:		
Respirable Fraction	15	5mg/M³
Total Dust	50	15mg/M³

NOTE: Conversion factors

mppcf×35.3=million particles per cubic meter

=particles per c.c.

*Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

[1]The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

[1]As determined by the membrane filter method at 430 X phase contrast magnification.

=Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	% passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0
	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M^3 in the table for coal dust is 4.5 Mg/M^3.

§ 50–204.65 Inspection of compressed gas cylinders.

Each contractor shall determine that compressed gas cylinders under his control are in a safe condition to the extent that this can be determined by visual inspection. Visual and other inspections shall be conducted as prescribed in the Hazardous Materials Regulations of the Department of Transportation (49 CFR Parts 171–179 and 14 CFR Part 103). Where those regulations are not applicable, visual and other inspections shall be conducted in accordance with Compressed Gas Association Pamphlets C–6–198 and C–8–1962.

§ 50–204.66 Acetylene.

(a) The in-plant transfer, handling, storage, and utilization of acetylene in cylinders shall be in accordance with Compressed Gas Association Pamphlet G–1–1966.

(b) The piped systems for the in-plant transfer and distribution of acetylene shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G–1.3–1959.

(c) Plants for the generation of acetylene and the charging (filling) of acetylene cylinders shall be designed, constructed, and tested in accordance with the standards prescribed in Compressed Gas Association Pamphlet G–1.4–1966.

§ 50–204.67 Oxygen.

The in-plant transfer, handling, storage, and utilization of oxygen as a liquid or a compressed gas shall be in accordance with Compressed Gas Association Pamphlet G–4–1962.

§ 50–204.68 Hydrogen.

The in-plant transfer, handling, storage, and utilization of hydrogen shall be in accordance with Compressed Gas Association Pamphlets G–5.1–1961 and G–5.2–1966.

§ 50–204.69 Nitrous oxide.

The piped systems for the in-plant transfer and distribution of nitrous oxide shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G–8.1–1964.

§ 50–204.70 Compressed gases.

The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P–1–1965. Compressed

gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices which shall be installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 (with 1965 addenda) and S–1.2–1963.

§ 50–204.71 Safety relief devices for compressed gas containers.

Compressed gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963.

§ 50–204.72 Safe practices for welding and cutting on containers which have held combustibles.

Welding or cutting or both on containers which have held flammable or combustible solids, liquids, or gases, or have contained substances which may produce flammable vapors or gases will not be attempted until the containers have been thoroughly cleaned in strict accordance with the rules and procedures embodied in American Welding Society Pamphlet A–6.0–65, edition of 1965.

Subpart E—Transportation Safety

§ 50–204.75 Transportation safety.

Transportation in connection with public contracts, as listed in § 50–204.2(a)(3) shall be conducted in accordance with the U.S. Department of Transportation requirements. Where such requirements do not apply, Chapters 10, 11, 12, and 14 of the Uniform Vehicle Code of the National Committee on Uniform Traffic Laws and Ordinances, 1962 Edition, shall be used.

2. Section 50–201.502 is revised to read as follows:

§ 50–201.502 Record of injuries.

(a) Every person who is or shall become a party to a Government contract which is subject to the provisions of the Walsh-Healey Public Contracts Act and the regulations thereunder, or who is performing or shall perform any part of such contract subject to the provisions of such act or regulations, shall maintain the records specified below which shall be available for inspection by authorized representatives of the Secretary of Labor:

(1) Records of all injuries to employees, including a brief description of the manner of occurrence and the date and duration of disability.

(2) Records of injury frequency rates calculated annually on a calendar year basis commencing the first of January of each year, as defined in United States of America Standards Institute, Z16.1–1967 "Method of Recording and Measuring Work Injury Experience."

(3) Records of injury severity rates calculated annually on a calendar year basis commencing the first of January of each year, as defined in United States of America Standards Institute, Z16.1–1967 "Method of Recording and Measuring Work Injury Experience."

(b) The records required in paragraph (a) of this section shall be kept on file at least 3 years from the date of entry.

(c) Where records are kept on a fiscal or insurance year basis, they shall be accepted as being in compliance with subparagraphs (2) and (3) of paragraph (a) of this section.

(Sec. 4, 49 Stat. 2036; 41 U.S.C. 2038)

[F.R. Doc. 69–5931; Filed, May 19, 1969; 8:45 a.m.]

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Business and Defense Services Administration
Civil Aeronautics Board
Coast Guard
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Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
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Federal Reserve System
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Interstate Commerce Commission
Labor-Management and Welfare-Pension Reports Office
Land Management Bureau
Narcotics and Dangerous Drugs Bureau
Securities and Exchange Commission
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Treasury Department

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practice), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the U.S. Cotton Standards Act

SUBMISSION OF COTTON SAMPLES

On April 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6244) regarding the proposed amendment of § 28.25 of the Regulations Under the U.S. Cotton Standards Act (7 CFR Part 28, Subpart A).

Statement of considerations. This amendment deletes from the Regulations the requirement that cotton samples be mailed, shipped or delivered no later than the close of the next business day after sampling is completed.

Two communications were received pursuant to the notice. One was in favor of the amendment as proposed while the other thought that a definite time limit for shipping samples after sampling is completed should be stated in the regulations. After consideration of these comments it has been decided to make the amendment in the regulations as proposed in the notice of proposed rule making, pursuant to authority contained in the U.S. Cotton Standards Act, as amended (sec. 10, 42 Stat. 1519; 7 U.S.C. 61).

Paragraph (g) of § 28.25 is revised to read as follows:

§ 28.25 Samples for Form A determination.

* * * * *

(g) Samples shall be addressed to and mailed, shipped, or delivered direct to the Board serving the territory in which the warehouse is located. Samples shall in no case be consigned or routed through the owner or custodian of the cotton. Samples mailed or shipped shall be prepaid.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Effective date. This amendment shall become effective July 1, 1969.

Dated: May 16, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-6063; Filed, May 20, 1969; 8:52 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

On April 23, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 6787) regarding proposed expenses and the related rate of assessment for the period November 1, 1968, through October 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1968, through October 31, 1969, will amount to $264,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.012 per carton of Valencia oranges.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1968, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6065; Filed, May 20, 1969; 8:52 a.m.]

[Lime Reg. 3; Amdt. 10]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the introductory text of paragraph (a), and paragraph (a) (2) and (3) of § 944.202 (Lime Reg. 3; 33 F.R. 5039, 6096, 6518, 19248; 34 F.R. 6516) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) On and after May 26, 1969, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

* * * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color; or

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329), which becomes effective May 19, 1969; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by section 8e, is given with respect to such regulation; and (e) such notice is hereby determined under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 16, 1969, to become effective May 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6064; Filed, May 20, 1969; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–WE–18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On March 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5745) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego (Montgomery Field) control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the San Diego, Calif. (Montgomery Field) is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69–6020; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–WE–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On March 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5745) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, Calif. (San Diego County-Gillespie Field), control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the San Diego, Calif. (San Diego County-Gillespie Field) control zone is amended to read as follows:

SAN DIEGO, CALIF. (SAN DIEGO COUNTY-GILLESPIE FIELD)

Within a 3-mile radius of San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in The Airman's Information Manual.

[F.R. Doc. 69–6021; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SW–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 15, 1969, F.R. Doc. 69–4350 [Airspace Docket No. 69–SW–19] was published in the FEDERAL REGISTER (34 F.R. 6474) amending Part 71 of the Federal Aviation Regulations. This document revoked the 700-foot portion of the Guthrie, Tex., transition area. Subsequently, the agency learned that information which led to revocation of the controlled airspace was incorrect and this alteration should not have been effected. Action is taken herein to reestablish that portion of the transition area which was revoked.

Since this amendment reestablishes controlled airspace recently revoked and it is required to be effective immediately to prevent the data being removed from the Sectional Aeronautical Chart, notice and public procedures hereon are not practical and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In § 71.181 (34 F.R. 4696), the Guthrie, Tex., transition area 700-foot portion is redesignated as described therein.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–6022; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SW–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waco, Tex., transition area.

On March 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5953) stating the Federal Aviation Administration proposed to alter the Waco, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4780), the Waco, Tex., transition area 700-foot portion is amended in part by deleting "* * * lat. 31°27'00" N., long. 97°34'00" W.; to lat. 31°33'00" N., long. 97°28'00" W.; to lat. 31°46'00" N., long. 97°30'00" W.; to lat. 31°59'00" N., long. 97°24'00" W. * * *" and substituting therefor "* * * lat. 31°27'00" N., long. 97°34'00" W., to lat. 31°46'30" N., long. 97°41'50" W., to lat. 31°59'00" N., long. 97°24'00" W. * * *."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–6023; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–CE–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 5181 of the FEDERAL REGISTER dated March 13, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Plymouth, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendent as so proposed is hereby adopted, subject to the following change: The Plymouth Municipal Airport coordinates recited in the Plymouth, Ind., transition area designation as "latitude 41°21'55" N., longitude 86°18'05" W." are changed to read "latitude 41°22'00" N., longitude 86°18'10" W.".

This amendment shall be effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

PLYMOUTH, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); and within 2 miles each side of the Knox, Ind., VOR 080° radial, extending from the 5-mile radius area to 10 miles east of the VOR.

[F.R. Doc. 69–6024; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–CE–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 5181 and 5182 of the FEDERAL REGISTER dated March 13, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fort Scott, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Fort Scott Municipal Airport latitude coordinate recited in the Fort Scott, Kans., transition area designation as "latitude 37°47'50" N." is changed to read "latitude 37°47'45" N.".

This amendment shall be effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

FORT SCOTT, KANS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 69–6025; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 68–CE–120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 1402 and 1403 of the FEDERAL REGISTER dated January 29, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Perry, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Perry Municipal Airport latitude coordinate recited in the Perry, Iowa, transition area designation as "latitude 41°49'30" N." is changed to read "latitude 41°49'35" N.".

This amendment shall be effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

PERRY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 147° bearing from Perry Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portions which overlie the Jefferson, Iowa, transition area.

[F.R. Doc. 69–6026; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–WE–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6197) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Garfield County Airport, Colo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the following transition area is added:

RIFLE, COLO.

That airspace extending upward from 8,200 feet MSL within 2 miles south and 4 miles north of the 099° and 279° bearing from the Rifle radiobeacon (latitude 39°31'34" N., longitude 107°43'37" W.) extending from 4 miles west to 8 miles east of the radiobeacon; that airspace extending upward from 9,700 feet MSL within 6 miles south and 9 miles north of the 099° and 279° bearings from the Rifle radiobeacon extending from 8 miles west of the radiobeacon to longitude 107°30'00" W., that airspace east of Rifle bounded by a line beginning at latitude 39°37'45" N., longitude 107°30'00" W., to latitude 39°37'00" N., longitude 107°26'00" W., to latitude 39°30'00" N., longitude 107°21'00" W., to latitude 39°24'00" N., longitude 107°30'00" W., thence to point of beginning.

[F.R. Doc. 69–6027; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SW–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Vernon, Tex., transition area.

On April 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6001) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Vernon, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

VERNON, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (lat. 34°14'00" N., long. 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–6028; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 68–CE–124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration and Revocation of Federal Airway Segments

On March 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5180) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway between Roberts, Ill., and Knox, Ind.; redesignate and renumber VOR Federal airway No. 332 segment between Moline, Ill., and South Bend, Ind.; and revoke VOR Federal airway No. 177 segment between Chicago Heights, Ill., and Fort Wayne, Ind.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V–233 is added:

V–233 From Roberts, Ill., 12 AGL to Knox, Ind.

b. In V–177 all before "From Naperville, Ill.," is deleted.

c. In V–332 all before "From Lansing, Mich.," is deleted.

d. V–156 is added:

V–156 From Moline, Ill., 12 AGL Bradford, Ill.; 12 AGL Peotone, Ill.; 12 AGL INT Peotone 098° and Knox, Ind., 238° radials; 12 AGL Knox; 12 AGL South Bend, Ind.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on May 13, 1969.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6029; Filed, May 20, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Simazine

A petition (PP 9F0792) was filed with the Food and Drug Administration by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance of 0.25 part per million for residues of the herbicide simazine (2-chloro - 4,6-bis(ethylamino) - *s*-triazine) in or on the raw agricultural commodity filberts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.213 is amended by revising the paragraph "0.25 part per million * * *" to read as follows:

§ 120.213 Simazine; tolerances for residues.

* * * * *

0.25 part per million in or on almonds (hulls and nuts), apples, avocados, blackberries, blueberries, boysenberries, cherries, fresh corn including sweet corn (kernels plus cobs with husks removed), corn grain (including popcorn), corn forage or fodder (including field corn, sweet corn, and popcorn), cranberries, currants, dewberries, filberts, grapefruit, grapes, lemons, loganberries, macadamia nuts, olives, oranges, peaches, pears, plums, raspberries, strawberries, and walnuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the Federal Register.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 14, 1969.

J. K. Kirk,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6001; Filed, May 20, 1969; 8:46 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7013]

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

Furnishing of Window and Other Interior Displays by Industry Members to Retail Liquor Dealers

Notice of public hearing to be held in Washington, D.C., on April 2, 1969, with respect to a proposal to amend 27 CFR Part 6, Inducements Furnished to Retailers, was published in the Federal Register on January 23, 1969 (34 F.R. 1051). Upon the conclusion of the said hearing and after a study of the proposal in the light of relevant material submitted by interested persons thereat, the following conclusion has been reached:

1. It had been proposed to amend § 6.23, with respect to wines only, so as to increase from $10 to $15 the limitation contained therein on the cost of advertising matter for use at any one time in the windows or elsewhere in the interior of a retail establishment. The increased amount would be exclusive of the cost of transportation and installation of such materials provided such costs do not exceed those which are usual and customary in the particular locality.

Inasmuch as the proposed amendment had been urged by the California Wine Institute and the Wine Conference of America, trade associations whose memberships represent the major portion of the wine industry; as the proposal appears reasonable and not inconsistent with the purposes of statute (27 U.S.C. 205(b)(3)) under which this regulation is issued; and as there was no opposition to the proposal voiced at the hearing, 27 CFR Part 6 is amended as follows:

§ 6.23 [Amended]

Paragraph 1. Section 6.23 is amended by deleting the words "wine and" from the heading and by deleting the phrase "as a rectifier, blender, producer, bottler, importer, or wholesaler, of wine, or" in the first sentence thereof.

Par. 2. A new section, § 6.23b, is added, immediately following § 6.23a, to read as follows:

§ 6.23b Inside signs: wine.

Signs, posters, placards, designs, devices, decorations, or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a rectifier, blender, producer, bottler, importer, or wholesaler, of wine, if they have no value to the retailer except as advertisements and if the total value of all such materials furnished by any industry member and in use at any one time in any retail establishment does not exceed $15, exclusive of all expenses incurred directly or indirectly by any industry member in connection with the transportation and installation of such materials if such costs do not exceed those which are usual and customary in the particular locality: *Provided*, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

This amendment shall become effective 30 days after the date of publication in the Federal Register.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] Randolph W. Thrower,
Commissioner of Internal Revenue.

Approved: May 15, 1969.

Edwin S. Cohen,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–6044; Filed, May 20, 1969; 8:50 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefit Plans Utilizing Continental Assurance Co.

On March 13, 1969, there was published in the Federal Register (34 F.R. 5176) notice of a proposed variation under which employee benefit plans which utilize the services of the Continental Assurance Company of Chicago, Ill., and which do not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(A), that they attach a copy of the Continental Assurance Co. financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication. Although no objections have been received, a nonsubstantive change in the proposed variance has been made for the sake of clarity in paragraph (b), § 462.30 by striking the words "indicate that the financial report of said company is on file with the Office of Labor-Management and Welfare-Pension Reports," and substituting the words "place in Item 6 of said part and section the symbol 'VAR' in the space provided for the code number." In accordance with section 5(a) WPPDA, 29 U.S.C. 304(a), 29 CFR Part 462, Subpart A and Secretary's Order No. 16–68 (33 F.R. 15574) the variation, to appear as §§ 462.29 and 462.30 of 29 CFR Part 462, Subpart B, with an undesignated centerhead, is granted as follows:

Certain Employee Benefit Plans Utilizing the Continental Assurance Co.

§ 462.29 Rule of variation.

Every employee benefit plan which utilizes the Continental Assurance Co., 310 South Michigan Avenue, Chicago, Ill. 60604, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Continental Assurance Co. will no longer be required to do so, subject to § 462.30.

§ 462.30 Conditions of variation.

(a) The Continental Assurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the Continental Assurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Continental Assurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D of Department of Labor Annual Report Form D–2, or attachment thereto, the complete name and address of the Continental Assurance Co. and shall place in Item 6 of said Part and section the symbol "VAR" in the space provided for the code number.

(c) The Continental Assurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Continental Assurance Co. maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Continental Assurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

This variation shall be effective immediately upon publication in the Federal Register.

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 14th day of May 1969.

W. J. Usery, Jr.,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 69–6008; Filed, May 20, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 231—BANKING INSTITUTIONS SERVING DOD PERSONNEL ON MILITARY INSTALLATIONS

The Deputy Secretary of Defense approved the following revision to Part 231:

Sec.
231.1 Reissuance and purpose.
231.2 Applicability and scope.
231.3 Responsibilities.
231.4 Policy.
231.5 Logistical support and services.

Authority: The provisions of this Part 231 issued under 10 U.S.C. 136.

§ 231.1 Reissuance and purpose.

(a) This part reissues Part 231 to incorporate substantive changes (see § 231.5) and administrative changes necessary to update Department of Defense policies governing the establishment, operation and termination of "banking facilities," "banks," and "branch banks" serving on military installations worldwide.

(b) It also assigns responsibility for developing and monitoring adequate banking services for official and quasi-official DoD organizations and personnel.

§ 231.2 Applicability and scope.

The provisions of this part apply to all DoD Components worldwide.

§ 231.3 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller), in concert with the Fiscal Assistant Secretary of the Treasury Department, shall develop and monitor policies and procedures governing the establishment, operation and termination of banking institutions on military installations.

(b) The Assistant Secretary of Defense (Installations and Logistics) shall develop and monitor policies and procedures governing logistical support, including the use of DoD property and real estate furnished banking institutions on military installations.

§ 231.4 Policy.

Recognizing that the prudent administration of public moneys and the efficient management of private funds of DoD personnel require the services of a properly constituted and convenient banking institution, DoD Components will:

(a) Encourage regularly established banks or branch banks to provide complete banking and finance services on military installations worldwide where there is a demonstrated need for such services;

(b) Establish military banking facilities with the approval and assistance of the Treasury Department at military installations where a demonstrated and justified need cannot be met by off-base banks or branches;

(c) Provide the Treasury Department with full particulars concerning the requirements for banking services to facilitate the selection of a banking institution under prescribed competitive principles;

(d) Participate with the Treasury Department in evaluating banking and finance services being provided by banking facilities serving the DoD and DoD personnel in relation to (1) existing requirements at each location, and (2) operating changes needed to improve existing services or satisfy additional requirements; and

(e) Encourage the use of banking facilities on military installations as a means of:

(1) Assisting DoD personnel;

(2) Providing safe custody of official and quasi-official funds;

(3) Facilitating the paying and collection of official and quasi-official funds; and

(4) Eliminating the possibility of loss of funds by theft or otherwise.

§ 231.5 **Logistical support and services.**

In the interest of providing banking and finance services at a minimum cost to the DoD and DoD personnel, banking facilities, banks, and branch banks authorized to locate on military installations will be furnished such utilities and other logistical support as may be authorized under the provisions of DoD 4270.1–M "DoD Construction Criteria Manual"[1] and DoD Directive 4000.6.[2]

(a) Non-self-sustaining banking facilities—permits: Banking facilities certified as non-self-sustaining organizations by the Treasury Department will be furnished logistical support, including the use of DoD property and services, without charge; *Provided*, The properties and services are available from existing resources.

(1) Generally, DoD facilities will be furnished in support of banking facilities on a nonreimbursable permit for a period of 5 years subject to renewal for an additional 5 years by mutual agreement.

(2) Type and size of facilities shall be in accordance with criteria set forth in DoD 4270.1–M and DoD Directive 4000.6.

(3) The Secretary of the Military Department concerned shall have the right to terminate the permit at any time.

(4) In the event of a notice by the Treasury Department that a banking facility has become a self-sustaining organization, the nonreimbursable permit under which it occupies DoD facilities shall be terminated and a lease will be negotiated in accordance with paragraph (b)(2) of this section.

(b) Self-sustaining banking activities—leases:

(1) *Construction.* A lease of land for construction of a building by a self-sustaining banking activity shall be at fair rental value. The term of the lease will normally be 15 years. Any variation from a 15-year term will be effected only when there are unusual circumstances peculiar to a particular situation. Approval of Assistant Secretary of Defense (Installations and Logistics) will be obtained in advance whenever a term in excess of 15 years is to be considered. In no event, however, shall a term exceed 25 years.

(i) The right shall be reserved to terminate a lease in the event of national emergency, base closure, installation or a major portion thereof becomes excess, default by the lessee, or in the interest of national defense.

(ii) A lessee shall be required to provide written notice 90 days in advance of an intention to voluntarily terminate the lease.

(iii) Maintenance and the cost of utilities and services furnished shall be the responsibility of the lessee.

(iv) Whenever such a lease is terminated or when the term expires, the option shall be in the Government either to cause title in all improvements to be vested in the United States or to require the lessee to remove the improvements and restore the land.

(v) If title to improvements passes to the United States, arrangements may be made for continued occupancy for the extension of banking services by mutual assent under acceptable lease provisions to include fair rental value for the land, improvements, payment of utilities, and support services.

(2) *Government-furnished building.* A lease of existing structures to house a self-sustaining military banking facility, a bank, or a branch bank shall be at fair rental value for a period of 5 years, subject to renewal by mutual agreement for an additional 5-year term, and subject also to the right of the Secretary of the Military Department concerned to terminate the lease in accordance with the cancellation provisions set forth in subparagraph (1) of this paragraph. The lessee shall be responsible for interior maintenance, and reimbursement shall be made by the lessee for utilities, custodial, janitorial and other services to the extent such are furnished.

(3) *Existing leases.* Leases executed prior to the issuance of this part will not be disturbed unless a lessee (bank) specifically requests that a lease be renegotiated under the provisions of this § 231.5.

(c) The duration of leases as set forth in paragraph (b) of this section will (1) promote the interests of the national defense and the public, and (2) satisfy the determinations and findings required by section 2667(b)(1) of title 10 United States Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MAY 15, 1969.

[F.R. Doc. 69–6000; Filed, May 20, 1969; 8:46 a.m.]

[1] Not filed with original (bulky).

[2] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Pacific Ocean, Hawaii

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.807 is hereby prescribed establishing and governing the use and navigation of a restricted area in the Pacific Ocean at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.807 **Pacific Ocean, at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, Makai Undersea Test Range.**

(a) *The restricted area.* The waters within an area beginning at a point in latitude 21°18′50″ N., longitude 157°39′07″ W.; thence to latitude 21°20′33″ N., longitude 157°38′00″ W.; thence to latitude 21°22′02″ N., longitude 157°39′07″ W.; and thence to latitude 21°19′35″ N., longitude 157°40′46″ W.

(b) *The regulations.* (1) During critical testing phases of surface and submerged units, the operating officials of the Makai Test Range will mark in a conspicuous manner the location of the equipment which might be subject to damage from navigation and fishing activities or might represent a hazard to persons or property in the vicinity. During the display of signals in the restricted area, all surface craft will remain away from the area until such time as the signals are withdrawn. At all other times the area is open to unrestricted fishing, boating and general navigation.

(2) Operating officers and personnel of the Makai Test Range will be responsible for marking in a conspicuous manner the location of surface and underwater equipment which is subject to damage from navigation and fishing activities in the vicinity or represents a hazard to persons or property in the vicinity, and the location of the work area during critical testing phases. Surface communication by boat will be provided by the Makai Test Range during testing phases.

[Regs., Apr. 11, 1969, ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–5997; Filed, May 20, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18495; FCC 69–534]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Broadcast License Renewal Applications

Report and order. In the matter of amendment of § 1.580 of the rules, governing public notice of broadcast license renewal applications, and §§ 1.227, 1.516, 1.571, and 1.591, relating to applications mutually exclusive therewith, Docket No. 18495.

1. Our proposal to require local notice to the public before instead of after the filing of applications for renewal of broadcast station licenses was supported by all parties except American Broadcasting Co. and General Electric Broadcasting Co., Inc. Pointing out that broadcast licensees in given areas normally expire on a fixed, known date at 3-year intervals, these two parties contended that those desiring to file competing applications thus have ample notice without the prefiling publication. Storer Broadcasting Co. suggested that local publication within the 4 weeks (rather than the proposed 6 weeks) preceding the deadline for filing renewal applications would be ample.

2. We believe that local public notice prior to filing is preferable to postfiling notice because it gives more notice to the public and afford additional time for republication of defective notices. This will expedite the readying of renewal applications for grant prior to expiration of the current license terms. Stations which find a 4-week period ample, as suggested by Storer, may time their local notices accordingly. We retain the proposed 6-week leeway, however, for the benefit of stations who may find it more convenient to allow a longer time in which to assemble their renewal applications, including the required certification of the giving of local public notice.

3. All but two parties supported our proposal to establish deadlines for the filing of petitions to deny broadcast station license renewal applications and applications mutually exclusive therewith. A number of the parties urged, however, that the deadlines be advanced. We had proposed that in the case of timely filed renewal applications, this deadline be the 15th day of the last full calendar month of the expiring license term. This proposal was supported by Columbia Broadcasting System, McClatchy Newspapers, Golden West Broadcasters, Mullins Broadcasting Co., Palmer Broadcasting Co., WOC Broadcasting Co., and Westinghouse Broadcasting Co., Inc.

4. ABC and General Electric preferred a cutoff date 30, rather than 15, days before expiration of the current license term. This, they say, would leave enough time to dispose of "frivolous" petitions to deny, without deferring action on the renewal applications beyond the expiration of the current license term.

5. The law firm of Dempsey and Koplovitz urges that the filing of competing applications and petitions to deny be barred if filed more than 30 days after the Commission gives public notice of the acceptance of the renewal application for filing. This party suggests that the cutoff should in any event be no later than 60 days after the date renewal applications are required to be filed. This would leave the Commission free to act on renewal applications at any time within the last 30 days of the license term, as permitted under section 307(e) of the Communications Act.

6. Another group of parties urged that competing applications be barred unless filed by the date the renewal application is due to be filed. These included the National Association of Broadcasters, National Broadcasting Co., Storer Broadcasting Co., Taft Broadcasting Co., and the licensees of 102 AM, FM, and TV broadcast stations, in behalf of which two sets of joint comments were filed by their counsel. These parties urged principally that competitors for the facilities of existing stations should base their proposals on surveys of their communities, and that it is undesirable and inequitable to afford them the opportunity to examine the renewal application and then "outpromise" the proposals of existing stations. They believe that simultaneous filings are proper because the competing applicant knows in advance the date when the renewal application is due, and because competing proposals should be the product of familiarity with the community and independent evaluation of its broadcast needs.

7. We do not agree that it would give competing applicants undue advantage to see the renewal proposals of the existing station before filing a competing application. First, it is questionable whether the later filing would give competing applicant significant advantage. The program services of the existing station are publicly known. Few stations alter their proposals significantly at license renewal time. A satisfactory community survey, evaluation and preparation of a sound programing proposal would be difficult to prepare after a renewal application is filed.

8. We are now persuaded that it is desirable to fix the cutoff date at the first day of the last full month of the expiring licensee term, instead of the 15th day, as proposed. This will leave the Commission free to act on renewal applications otherwise ready for grant, at any time during the last 30 days of the current license term as permitted by the Act. We do not believe that a persuasive case has been made by parties favoring a cutoff 30 days after public notice of acceptance of the renewal application. It appears appropriate, in the public interest, to permit competing applications and petitions to deny renewal applications to be filed up to the date beyond which the orderly processing of and action upon the bulk of each area's renewal applications would be impeded by holding up all renewals against the possibility of such filings. The date we have chosen meets this test, and is not, we thing, unfair to existing stations or contrary to the principles of the Communications Act, which permit competition, at license renewal time, for existing facilities.

9. We have carefully considered the two oppositions, filed by the United Church of Christ and the National Citizens Committee for Broadcasting, to the establishment of a cutoff date for the filing of applications for existing broadcast station facilities for which a license renewal application is pending. These parties believe a cutoff to be adverse to the public interest because members of the public should have "every possible opportunity to file complaints and petitions to deny license renewal applications against broadcasters who fail to serve the public interest," and because a cutoff "would protect deficient licensees at the moment those deficiencies became known to the Commission and the public," among other related reasons.

10. On the first point, and to the extent that petitions to deny renewal applications may rest, in part, on the contents of renewal applications, including composite logs mentioned by the United Church of Christ, we think the 60-day interval between the filing (and substantially simultaneous local availability to the public) of a renewal application and the cutoff date is adequate for the purposes of evaluation of, and comment to the Commission on, renewal applications by parties seeking to oppose their grant. Nor would the cutoff on formal petitions to deny preclude the submission of, or our consideration of, informal complaints about a station which may be filed with the Commission at any time. Invariably, when such complaints have substance material to a pending license application, they are entertained and carefully considered despite their failure to meet the requirements of a formal petition to deny.

11. As for competing applications, we cannot agree with the contention that there is "hardship" in requiring their preparation and filing by a date 2 months after the license renewal application is filed. The United Church of Christ also suggests that the Commission's deferral of action on a renewal application may provide the first spur to the development of a competing application. But the mere circumstance that our action on a renewal application is deferred past the expiring term is not necessarily indicative to dereliction on the licensee's part of a kind which raises a presumption of unfitness. Invariably, among each bimonthly group of licensee renewals, action is deferred in some dozens of cases, mostly because of technical or procedural circumstances which can be, and are, remedied by the licensees, and which do not raise presumptions of unfitness or dereliction so serious as to disqualify the applicant or even to weigh materially against the applicant in a comparative hearing. In those cases where our investigations and hearing processes establish disqualification, the renewal application is denied and the facility becomes available for other applicants.

12. Where competitors for a facility rely upon deficiencies of existing service and upon programing proposals so significantly superior as to enable them to be given decisional weight in a comparative hearing, we see no hardship in looking to such competitors to commence their preparation—including the required community survey and the elaboration of programing proposals based upon careful evaluation of its results—early enough to permit the completion and filing of the competing application not later than 2 months after the renewal application is due to be filed and a month before the license term expires. The programing services of the existing station are matters of public knowledge, as are the dates when the license term expires and when renewal applications are due to be filed. We think that the cutoff date we now adopt

reasonably balances all the pertinent considerations of the public interest, administrative practicality and reasonable notice to prospective applicants, complainants, and licensees.

13. Several parties in their reply comments suggested that the rule should fix the cutoff, in the case of older renewal applications already on file, at 30 days after publication of the rule in the FEDERAL REGISTER. The rule changes we adopt herein will enter into effect on June 25, 1969. That will be the cutoff date for filing applications mutually exclusive with, and petitions to deny, then pending applications for renewal of licenses whose terms expired June 1, 1969 or earlier. This conforms substantially with the suggested provision, but designates a fixed cutoff date, embodied in the rule, applicable to now pending renewal applications on which action has been deferred past the expiration of the previous license term. The regular cutoff date prescribed in the rules (first day of the last full month of the expiring license term) will apply to pending applications for the renewal of licenses expiring August 1, 1969,[1] and thereafter.

14. We retain the proposed delay of the deadline for late-filed renewal applications.

15. In cases where renewal applications are deferred pending action on assignment and transfer applications, the deadlines applicable to the assignor or transferor will apply.

16. *Accordingly, it is ordered,* Under authority found in sections 4(i), 303(f), and 307 of the Communications Act of 1934, as amended, that effective June 25, 1969, the rule amendments set out below are adopted, and this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 14, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 1.227 is amended by inserting the words "except as provided in subparagraph (5) of this paragraph," in paragraph (b)(1) after the opening phrase "In broadcast cases," and by adding new paragraph (b)(5). The amended portions of § 1.227 read as follows:

§ 1.227 Consolidations.

* * * * *

(b)(1) In broadcast cases, except as provided in subparagraph (5) of this paragraph, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business on the day preceding the day the previously filed application or one of the previously filed applications is designated for hearing; or (ii) the close of business on the day preceding the day designated by public notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

NOTE: Subdivision (ii) of this subparagraph applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also §§ 1.571 (c) and (h) and 1.591(a).

* * * * *

(5) An application which is mutually exclusive with an application for renewal of license of a broadcast station will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 1.516(e).

2. Section 1.516 is amended by adding new paragraph (e), reading as follows:

§ 1.516 Specification of facilities.

* * * * *

(e)(1) Except as provided in subparagraph (2) of this paragraph an application for a construction permit for a new broadcast station or for modification of construction permit or license of a previously authorized broadcast station will not be accepted for filing if it is mutually exclusive with an application for renewal of license of an existing broadcast station unless it is tendered for filing by the end of the first day of the last full calendar month of the expiring license term: *Provided,* That if the license renewal application is not timely filed as prescribed in § 1.539(a), the deadline for filing applications mutually exclusive therewith is the 60th day after the Commission gives public notice that it has accepted the late-filed renewal application for filing: *And provided, further,* That if any deadline prescribed in this subparagraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full busines day thereafter.

NOTE: The dates when the licenses of standard, FM, noncommercial FM, television and TV translator broadcast stations regularly expire are listed in §§ 73.34, 73.218, 73.518, 73.630, and 74.15, respectively, of this chapter.

(2) Applications mutually exclusive with a pending application for renewal of license of a broadcast station for a new term commencing on or before June 1, 1969, will not be accepted for filing after June 25, 1969.

3. Section 1.571(c) is amended by changing the final period to a colon, and adding the following proviso:

§ 1.571 Processing of standard broadcasting applications.

* * * * *

(c) * * *: *Provided,* That applications which are mutually exclusive with applications for renewal of license of standard broadcast stations will not be so listed in such a public notice, but will be treated as available and ready for processing upon timely filing as provided in § 1.516(e).

* * * * *

4. Section 1.580 is amended by changing the headnote, changing the final period of paragraph (c) to a colon and adding an additional proviso to paragraph (c), revising the introductory texts of paragraphs (d) and (f), revoking subparagraph (f)(9), revising the second proviso to paragraph (i), adding paragraph (l) as "[Reserved]", and introducing new paragraph (m). The amended portions of § 1.580 read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(c) * * *

And provided further, That in the case of applications for the renewal of station licenses, but not amendments thereof, notice shall be published prior to filing as prescribed in paragraph (m) of this section, instead of after filing, as prescribed in this paragraph.

(d) If the application seeks modification, assignment or transfer of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), or is an amendment of an application for renewal of a broadcast station license, the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578. In the case of applications for the renewal of broadcast station licenses, but not amendment thereof, notice shall be broadcast at least once daily on 4 days of any single week starting not more than 45 days prior to the due date for filing the renewal application. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

* * * * *

(f) The notice required by paragraphs (c) and (d) of this section shall contain the following information, except as otherwise provided in paragraph (m) of this section in the case of license renewal applications:

* * * * *

(9) [Revoked]

* * * * *

(i) Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto: *Provided, however,* That in the case of applications for standard broadcast facilities, petitions to deny may be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; but where the Commission issues a public notice pursuant to the provisions of § 1.571(c) listing standard broadcast applications as available and ready for processing, no petitions to deny any such listed application will be accepted after the "cutoff" date specified in the public notice: *And provided further,* That in the case of applications for renewal of license, petitions to deny may be filed at any time up to the last day for filing mutually exclusive applications under § 1.516(e). Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party, in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

* * * * *

(l) [Reserved]

(m)(1) Paragraphs (a) through (k) of this section apply to applications for the renewal of station licenses except that:

(i) Notices required under paragraphs (c), (d), and (g) of this section shall be given to the public, in the prescribed manner, and at the prescribed times during the prescribed number of weeks, but during the 6-week period preceding the date specified in § 1.539(a) for the timely filing of license renewal applications, instead of after the application is filed.

(ii) The information contained in the public notice prescribed in paragraphs (f) and (g) of this section shall reflect the prospective (rather than the previous) filing of the license renewal application.

(iii) Notices for stations subject to paragraphs (c) and (d) of this section shall include the following statement, in addition to the information required under paragraph (f) (1) and (4) of this section.

The application of this station for renewal of its license to operate in the public interest is required to be filed with the Federal Communications Commission no later than (insert here the date prescribed in § 1.539(a)). Members of the public who desire to bring to the Commission's attention facts concerning the operation of this station should write to the Federal Communications Commission, Washington, D.C. 20554, not later than (insert here the date 30 days after the last day for timely filing of the license renewal application). Letters should set out in detail the specific facts which the writer wishes the Commission to consider in passing on the application.

A copy of the license renewal application and related material will, upon filing with the Commission, be available for public inspection at (state here the address where station records are made available for public inspection as required by § 1.526(d)) between the hours of ------ and ------. (Regular business hours.)

(iv) The statement containing the information prescribed in paragraph (h) of this section shall be filed with the license renewal application.

(2) Paragraphs (a) through (k) of this section apply, without change, to major amendments to license renewal applications, to which § 1.578(a) applies.

5. Section 1.591 is amended by changing the final period of paragraph (b) to a semicolon and adding new subparagraph (3) reading as follows:

§ 1.591 Grants without hearing of authorizations other than licenses pursuant to construction permits.

* * * * *

(b) * * * or (3) the date prescribed in § 1.516(e) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations.

* * * * *

§§ 73.34, 73.218, 73.518, 73.630, 74.15 [Amended]

6. The following identical note is added at the end of §§ 73.34, 73.218, 73.518, 73.630, and following paragraph (d) of § 74.15.

NOTE: For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see § 1.516(e) of this chapter.

[F.R. Doc. 69-6062; Filed, May 20, 1969; 8:51 a.m.]

[1] The August 1, 1969 expiration date applies to radio and regular television stations in Pennsylvania and Delaware, and to television translators in Montana.

[2] Commissioner Cox's concurring statement filed as part of the original document. Commissioner Johnson's dissenting statement to be released at a later date.

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Proposed Findings of Fact and Conclusions and Tentative Order Regarding Listing of Chlordiazepoxide and Its Salts and Diazepam as Subject to Control

In the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965 because of their having a potential for abuse due to their depressant effect on the central nervous system:

The "Drug Abuse Control Amendments of 1965" (Public Law 89–74, 79 Stat. 226), enacted July 15, 1965, amended the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) to establish special controls for "depressant and stimulant drugs". The term "depressant or stimulant drug" was defined to include any drug which the Secretary designates by regulation as having "a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect" (79 Stat. 227; 21 U.S.C. 321(v)).

On January 27, 1966, following its earlier publication as a proposal for comment, the Commissioner of Food and Drug published in the FEDERAL REGISTER (31 F.R. 1071) a final order amending the regulations under the Federal Food, Drug, and Cosmetic Act (Title 21 of the Code of Federal Regulations), to add a new Part 166 dealing with depressant and stimulant drugs and containing basic definitions, and procedural and interpretive regulations with reference thereto.

Earlier, on January 18, 1966, the Commissioner published in the FEDERAL REGISTER (31 F.R. 565) a proposal to amend Part 166 of the regulations under the Act (21 CFR Part 166), by adding thereto § 166.3 (b) and (c). The proposed amendment listed chlordiazepoxide (Librium) and diazepam (Valium) under § 166.3 (c)(1), as "depressant or stimulant drugs" having a potential for abuse because of their depressant effect on the central nervous system. This proposal was issued under the authority given to the Secretary of Health, Education, and Welfare by sections 201(v) and 511 of the Act (21 U.S.C. 321(v) and 360a), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120). The proposal was issued pursuant to the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371), and as provided in that Section, interested persons were invited to submit their views in writing regarding the proposal.

Thereafter, by letter of February 17, 1966, respondent Hoffmann-La Roche, Inc., a New Jersey corporation, which manufactures and distributes the drugs, chlordiazepoxide (Librium) and diazepam (Valium), submitted its comments on the proposed inclusion of Librium and Valium on the list of drugs subject to control as having a potential for abuse because of their depressant effect on the central nervous system.

On March 19, 1966, the Commissioner published in the FEDERAL REGISTER (31 F.R. 4679) the order proposed on January 18, 1966, amending Part 166 by adding § 166.3(c)(1) designating Librium and Valium as substances having a potential for abuse because of their depressant effect on the central nervous system, and thereby subjecting persons manufacturing and distributing Librium and Valium to the additional controls imposed under the Drug Abuse Control Amendments of 1965. The order provided that persons adversely affected might file written objections within 30 days following the date of its publication in the FEDERAL REGISTER.

Timely objections to the inclusion of Librium and Valium in § 166.3(c)(1) were filed by respondent by letter of April 18, 1966. Respondent's objections asserted that it is the manufacturer and distributor of Librium and Valium; and that the listing of these drugs as having such potential for abuse as to require controls comparable to those imposed on amphetamines and barbiturates is not justified by the nature of the drugs nor on the basis of the experience with the drugs, and would adversely affect respondent and be contrary to the public interest. Respondent specifically objected to the inclusion of the drugs on the basis that it has not been demonstrated or established that they have a potential for abuse as that phrase is used in section 201(v)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v)(3)), or even as it is defined in the regulations issued thereunder (21 CFR 166.2(e)).

Thereafter, on May 17, 1966, the Commissioner issued an order staying the effectiveness of his prior order with respect to Librium and Valium, finding that the objections of respondent stated reasonable grounds for a hearing, specifying the issues, and setting the matter for hearing before Mr. William E. Brennan as Presiding Officer, beginning on July 25, 1966.

The issues established to resolve the question of potentiality for abuse, pursuant to the foregoing directive, are as follows:

1. Whether there is evidence that individuals are taking the drug or drugs containing such substances in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community;

2. Whether there is evidence of significant diversion of the drug or drugs containing such substances from legitimate drug channels;

3. Whether there is evidence that individuals are taking the drug or drugs containing such substances on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; and

4. Whether, if chlordiazepoxide (Librium) has been the subject of abuse, diazepam (Valium), a newer drug, is so related to it as to make it likely that the drug will have the same potentiality for abuse.

Thereafter, on July 19, 1966, the Commissioner published in the FEDERAL REGISTER (31 F.R. 9752) an order rescheduling the hearing on the inclusion of Librium and Valium, to begin August 8, 1966, before Mr. Edgar A. Buttle, as Presiding Officer.

Following prehearing conferences on August 1 and August 5, 1966, hearings in this proceeding began on August 8, 1966, and finally concluded on November 18, 1966. During this period, there were 46 days of hearings and conferences, the transcript of which covers 5,167 pages. Thirty-four witnesses were called and 55 articles or extracts from the medical literature were introduced by the respondent. In addition, several hundred exhibits which consisted of reports of individual cases and incidents involving, or alleged to have involved, these drugs were admitted in evidence.

On February 6, 1968, President Johnson transmitted to the Congress of the United States of America, Reorganization Plan No. 1 of 1968. This plan provided for the transfer to the Department of Justice under the Attorney General all functions of the Secretary of the Treasury administered through or with respect to the Bureau of Narcotics and all functions of the Secretary of Health, Education, and Welfare under the Drug Abuse Control Amendments of 1965 (Public Law 89–74; 79 Stat. 226), except the function of regulating the counterfeiting of those drugs which are not controlled "depressant or stimulant" drugs. This plan became effective on April 8, 1968. Since the functions of the Bureau of Narcotics and the functions of the Bureau of Drug Abuse Control are now combined in the Bureau of Narcotics and Dangerous Drugs, under the Department of Justice, it was necessary to amend regulations previously promulgated by the former agencies by changing the titles of those individuals authorized to act to reflect the change in authority provided by the reorganization plan. It was also necessary to combine the regulations previously promulgated by the Secretary of Health, Education, and Welfare for the enforcement of the Drug Abuse Control Amendments of 1965 under Chapter I of Title 21 Code of Federal Regulations, with the regulations of the former Bureau of Narcotics under Chapter II of Title 21.

Amendment of these regulations was effected by publication in the FEDERAL REGISTER on October 3, 1968 (33 F.R. 14818). In accordance with the amendments, Part 166 of Chapter I of Title 21 of the Code of Federal Regulations was placed in Part 320 of Chapter II of Title 21 of the Code of Federal Regulations.

On the basis of the evidence received at the hearing, and after consideration of written arguments and proposed findings and conclusions, which are adopted in part or rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200):

FINDINGS OF FACT

THE NATURE, EFFECTS, AND USES OF LIBRIUM AND VALIUM

1. The benzodiazepines, of which chlordiazepoxide (Librium) was the first synthesized, are a new class of drugs, different chemically from the barbiturates or any other drugs known at the time of their syntheses (Zbinden, Tr. 2080–84; R–142C; R–119; Lofft, Tr. 531).

2. Chlordiazepoxide (Librium) is a benzodiazepine compound with the following chemical formula:

7-chloro-2-methylamino-5-phenyl-3H-1-, 4-benzodiazepine 4-oxide hydrochloride.

It is a colorless crystalline substance; is soluble in water and its molecular weight is 336.22 (R–119).

3. Diazepam (Valium) is a benzodiazepine derivative with the following chemical formula:

7-chloro-1, 3-dihydro-1-methyl-5-phenyl-2H-1, 4-benzodiazepine-2-one.

It is a colorless crystalline compound insoluble in water and its molecular weight is 284.74 (R–120).

4. Experimental studies of their effects in animals were conducted by the Respondent. These tests indicated that Librium and Valium are depressant drugs having a marked calming action on the central nervous system at lower doses. An increase in dose resulted in more pronounced effects on the central nervous system, i.e., drowsiness, motor incoordination or ataxia, and sleep. On the basis of specially designed experiments whereby excitation was induced by surgical or chemical means, or by putting the animals under stressful conditioned behavior situations, the benzodiazepines produced an antiexcitatory effect at dose levels below those that caused neurotoxicity or oversedation, thus suggesting a usefulness in the treatment of anxiety and tension. (Zbinden, Tr. 2199–2204; R–142; Lang (1963), R–145; Heise (1961), R–146).

5. The Respondent also presented evidence concerning the results of experimental tests on animals, designed to determine the primary site of action of the benzodiazepines. Primary site of action is defined to mean the location in the brain where a drug at the lowest dose will produce an effect. It is believed that the primary site of action of these drugs is in the subcortical structures of the brain. The precise site of action cannot be determined with certitude. Dr. Gerhard Zbinden of Roche Laboratories stated that their tests showed it to be in the hippocampus (Tr. 2187–88). However, Dr. Harold Himwich, another Respondent witness, testified that his tests showed that the area most sensitive to low doses of Librium and Valium, was in the transmission from the amygdala to the hippocampus. (Tr. 2677.) Moreover a doubling of the dose in these tests done at Roche Laboratories resulted in the drug effect spreading to the cortex, the area of the brain associated with judgmental functions. (Zbinden, Tr. 2187; R–142S.) When the dose was further increased the whole brain was involved. (Tr. 2188.)

6. Librium and Valium are widely used in the treatment of anxiety and tension, as muscle relaxants, as anticonvulsants, and as antidepressants.

7. Librium has been in general medical use since 1960 and more than 6 billion capsuls of the drug have been commercially distributed since its approval by the Food and Drug Administration (Bennett, Tr. 4135–36; R–222).

8. Librium is indicated whenever fear, anxiety and tension are significant components of the clinical profile.

In low oral doses, the drug is effective in mild to moderate anxiety and tension, tension headache, pre- and post-operative apprehension, premenstrual tension and mentrual stress, chronic alcoholism, behavior disorders in children, and whenever anxiety and tension are concomitants of gastrointestinal, cardiovascular, gynecologic or dermatologic disorders.

Skeletal muscle spasticity (resulting from spinal cord injury, congenital or acquired brain damage) and other debilitating neuromuscular disorders such as dystonia and athetosis frequently respond to Librium. Painful muscle spasm associated with myositis, fibrositis, bursitis, tenosynovitis, arthritis, fractures, intervertebral disc syndrome, whiplash injury, low back pain or postural strains is often benefited when emotional factors are present.

In higher oral doses, Librium is of value in the more severe anxiety and tension states, agitated depression and ambulatory psychoneuroses (e.g., acute and chronic anxiety states, phobias, obsessive-compulsive reactions and schizoid behavior disorders). In addition, it may be useful in certain types of acute agitation due to chronic alcoholism or alcoholic withdrawal (including delirium tremens), hysterical or panic states, paranoid states and acute stages of schizophrenia (R–119).

9. Diazepam (Valium) is of use in dealing with anxiety reactions stemming from stressful circumstances or whenever somatic complaints are concomitants of emotional factors. It is useful in psychoneurotic states manifested by anxiety, tension, fear and fatigue.

Valium may be of use to alleviate muscle spasm associated with cerebral palsy and athetosis (R–119).

10. Librium and Valium have also been used in the treatment of epilepsy. (Gibbs, Tr. 2241–42). Dr. Frederick E. Gibbs, a renowned expert in the field of electroencephalography, testified that he found Valium most effective in the treatment of petit mal variance, a condition usually associated with very severe convulsions with neurological signs and symptoms. (Gibbs, Tr. 2252). Valium has also been used in the management of status epilepticus (Gibbs, Tr. 2142–45).

11. Librium is considered by many physicians to be the drug of choice in the treatment of acute alcoholism (Chambers, Tr. 1625; Kissen (1961), R–91; Armour (1963), R–51). The concensus of medical opinion appears to be that Librium given intramuscularly at sufficient doses suppresses and prevents the symptoms of alcohol withdrawal, i.e., tremor, hallucinations, delerium tremens, and convulsive seizures. (Lofft, Tr. 532, 558, Chambers, Tr. 1625; D'Agostino, Tr. 3812–15; Armour (1963), R–51, p. 369–70, Hoff (1963), R–85, p. 152, Kissen (1961), R–91, p. 106, Morrison (1963), R–99, p. 431, Lawrence (1960), R–93). A minority view holds that Librium does not prevent all symptoms of alcohol withdrawal but only "makes the withdrawal from alcohol less painful" (Kendis, Tr. 2874); "makes [hallucinations] less terrifying" (Kendis, Tr. 2885; also Short and Moore (1965), R–227, p. 1204); and "calms the patient markedly, [and] diminishes anxiety and restlessness" (Rosenfield & Brizzoco (1964), R–228, p. 83).

PSYCHIC AND PHYSICAL DEPENDENCE, TOLERANCE, WITHDRAWAL SYMPTOMS, AND OTHER HAZARDS TO HEALTH AS FACTORS IN DETERMINING POTENTIALITY FOR ABUSE

12. The existence of psychic dependence is one of the elements in assessing abuse liability. Psychic dependence on a drug (habituation) has developed when "the effects produced by a drug, or the conditions associated with its use, are necessary to maintain an optimal state of well-being" (Jaffe (1965), R–133, p. 285). It involves "a belief on the part of the subject that he must experience the effect of a drug" (Deneau, Tr. 1028). It is "a situation in which getting the drug, taking the drug, safeguarding his supply, becomes one of his major motivations in life" (Isbell, Tr. 1546).

13. The World Health Organization Expert Committee on Addiction Producing Drugs has described the problem of psychic dependence in these terms: "[Individuals] may become dependent upon a wide variety of chemical substances

that produce central nervous system effects ranging from stimulation to depression. All of these drugs have one effect in common: They are capable of creating, in certain individuals, a particular state of mind that is termed 'psychic dependence'. In this situation, there is a feeling of satisfaction and a psychic drive that require periodic or continuous administration of the drug to produce pleasure or to avoid discomfort. Indeed, this mental state is the most powerful of all of the factors involved in chronic intoxication with psychotropic drugs, and with certain types of drugs it may be the only factor involved, even in the case of most intense craving and perpetuation of compulsive abuse" (Eddy, et al. (1965), G–81, p. 723; Tr. 1104–05).

14. The habitual use of a substance, per se, does not necessarily imply psychic dependence. Chronic diseases such as diabetes require continual drug treatment, and this does not imply psychic dependence. (Seevers (1962), R–131, p. 94; Deneau, Tr. 1035.) In sum, psychic dependence is "something more than simply symptomatic relief" (Eddy, Tr. 1105–06).

15. Substantial evidence of record establishes that individuals have developed psychic dependence to Librium and Valium. The uncontested testimony of physicians was that patients find the two drugs pleasant to take (Murray, Tr. 364; Barten, Tr. 454; Evans, Tr. 813–15, 829–30). They provide an inner sensorial feeling that is gratifying to the patient (Uzee, Tr. 907). Patients were reported to have been apprehensive about being without their supply of the medication and expressed to their physicians a reluctance to come off the drugs. Individuals have attempted unsuccessfully to discontinue taking Librium and Valium when a dependency has developed. Still other patients have gone to excessive lengths to maintain their supply of the two drugs. (Lofft, Tr. 1560; Evans, Tr. 817, 825; Uzee, Tr. 905–06; Galen, Tr. 1443–48; Chelton, Tr. 1672; Williams, Tr. 1757–59; Guile (1963), G–14; Lingjerde (1965), G–55; Wenkstetten (1965), G–91, Table 3; Kranz (1965), G–94, pp. 8–9). This experience confirms the opinion expressed by experts that Librium and Valium are drugs to which individuals can and do develop psychic dependence. (Eddy, Tr. 1077; Isbell, Tr. 1552–54; Eddy, et al (1965), G–81, 727).

16. Respondent has adduced evidence by the testimony of practicing physicians and reports from the medical literature that psychic dependence to Librium and Valium has not been encountered in extensive clinical use over many years (Cohen, Tr. 324; Feldman, Tr. 3683; D'Agostino, Tr. 3819; Stanfield, Tr. 3844; Schicle, Tr. 4933; Harris & Cohen (1969), R–81; Farb (1961), R–78; Cohen and Harris (1961), R–63; Moore (1962), R–98; Reiser (1962), R–86; Bragan (1963), R–58; Levy (1963), R–95; Burnett & Holman (1965), R–61). This does not rebut the evidence introduced by the Government. The doctors appearing on behalf of the Respondent were administering Librium and Valium generally at conservative therapeutic levels, not in excess of recommended doses, and were closely supervising the drug therapy of their patients.

Such evidence tends to confirm the following estimation set forth in the Final Report of the President's Advisory Commission on Narcotics and Drug Abuse of 1963:

> Drug abuse is not a uniform problem throughout the country, and even in the areas of the highest incidence few medical practitioners come into contact with the afflicted. It is estimated that most medical practitioners never see a habitual drug abuser [G. Ex. 331, p. 57].

17. Drugs which are capable of producing euphoria are particularly susceptible to being abused. Euphoria is defined as "an exaggerated sense of well being." (21 CFR 166.2(c)(2)). The evidence establishes that euphoria has been reported following use of Librium and Valium. (Barten, Tr. 454; Chambers, Tr. 1628; Domino, Tr. 4617; Zbinden et al. (1961), R–118, pp. 627, 634; Guile (1963), G–14, p. 57; Towler et al. (1962), R–73, p. 833; Darling (1963), G–48, p. 502.)

18. The Respondent introduced the results of two experimental studies designed to explore the capacity of Librium and Valium to produce psychic dependence. The experimental procedures used in these studies are in the early stages of their development and, although promising, have produced inconclusive results.

The study reported by Gerald A. Deneau involved the self-administration of Librium to five Rhesus monkeys. He has developed equipment which permits the animal to self-administer the drug but which still restrains the animal sufficiently for the purpose of the experiment. The number of injections of a drug which an animal self-administers is electronically recorded on a strip chart, from which it is possible to compute the total doses taken by the animal during a given period of time. Of the five monkeys tested, one monkey could not be induced to take any of the drug (Deneau, Tr. 2300, 2302–05). Two of the remaining four monkeys failed to take pentobarbital—a drug with a proven abuse liability and which was used as a control in the test—in any consistent way (Tr. 2306, 2308). The remaining two monkeys showed an erratic pattern of self-administration, sometimes taking no Librium for a period of several days and then spontaneously self-administered as much of the drug as they could physically withstand (Tr. 2309–10.) The experiments, which were complicated by several technical failures (Tr. 2305–07), are very difficult to interpret. (Tr. 2311.)

The study reported by Alberto Di Mascio, Ph. D., involved the observation of behavior effects in humans following administration of various central nervous system drugs, including d-amphetamine, secobarbital, meprobamate, Librium and Valium. The essential method of these studies is to administer a battery of standard tests to a group of subjects, then to administer the drug being tested to one group and placebo to another, and then to repeat the same tests, in order to compare the changes in the scores following administration of the drug, with the changes occurring after administration of the placebo. (Di Mascio et al. (1963), R–167). The test subjects were given mild, tranquilizing doses of Librium (5 mg. t.i.d./10 mg. t.i.d.) and Valium (2 mg. t.i.d./5 mg. t.i.d.). They received high, sleep-promoting doses of secobarbital (100 mg./200 mg.) (R–170 (F) (1) and (2)).

19. "Tolerance" is an adaptive process which contributes to abuse because, where it exists, a person tends continually to increase the amount of drug being taken. Tolerance has developed when, after repeated administration, a given dose of a drug produces a decreasing effect or, conversely, when increasingly larger doses must be administered to obtain the effects observed with the original dose (Jaffe (1965), R–13, p. 285; Deneau, Tr. 1009).

20. Tolerance occurs with a great many drugs which, on the basis of clinical experience, have been found to be both addicting and nonaddicting in character, and therefore, "the phenomenon of tolerance by itself is not a reliable index of abuse liability" (Deneau, Tr. 1010). However, "Tolerance enables the central nervous system to bear exposure to larger and larger concentrations of the drug, and it permits the optimal development of those adaptive processes, probably of a biochemical nature, which lead to physical dependence." (Seevers (1962), R–131, p. 95).

21. There was evidence of reports from the medical literature that drowsiness and ataxia in patients on given doses of Librium and Valium have disappeared within a few days with no reduction in dose (Grayson (1962), G–66, p. 10; Youngblood (1964), G–75, p. 2107; Scherbel (1961), G–29, p. 280; Domino, Tr. 4698–4701).

22. There was also evidence that patients have increased their dosage in order to maintain relief of anxiety (Uzee, Tr. 913, 919; Mr. E., Tr. 494–95; Lingjerde (1965), G–55, p. 3). To date, however, there have been few such reports in the medical literature and Respondent's witnesses have testified that tolerance to Librium and Valium has not been encountered in extensive use over many years (Gibbs, Tr. 2263–64; D. Feldman, Tr. 2532–33; Bercel, Tr. 2653–54, 2657; Scherbel, Tr. 2821; Goldman, Tr. 2914; Friend, Tr. 2937; Cohen, Tr. 3218, 3220; Schwab, Tr. 3383–84; D. Feldman, Tr. 3682; Knott, Tr. 3716; D'Agostino, Tr. 3817; Stanfield, Tr. 3844; Snell, Tr. 3884; Smith, Tr. 3924; Schiele, Tr. 4033; Greenberg, Tr. 4060). The evidence establishes that it is possible to develop tolerance to Librium and Valium but that it has not been frequently observed or reported.

23. The evidence shows that Librium has been used widely and with satisfactory results in the treatment and rehabilitation of alcoholic patients (Kendis, Tr. 2867; Rosenfeld, Tr. 3422; Hoff (1963), R–85, p. 152). There is some evidence that Valium has also been used with alcoholic patients without encountering abuse (Hoff (1963), R–85, pp. 150, 152; Burdine (1964), R–59, p. 591).

24. Although expert medical witnesses testified that they had not observed Librium or Valium to produce any sensorial effect that could be characterized as a "kick" or "high", there was substantial evidence adduced by the Government to the effect that patients with alcoholic problems had abused the two drugs either alone or in combination with alcohol to the point of intoxication. (Lofft, Tr. 536, 555, 557; Uzee, Tr. 907–08; Chambers, Tr. 1629; Chelton, Tr. 1669–70, 1673; Williams, Tr. 1741, 1747, 1749; Kjolstad (1964), R–92, p. 7).

25. Physical dependence is a major factor in causing drug abuse. The World Health Organization Expert Committee on Addiction-Producing Drugs has defined physical dependence as "an adaptive state that manifests itself by intense physical disturbances when the administration of the drug is suspended * * *. These disturbances, i.e., the withdrawal or abstinence syndrome, are made up of specific arrays of symptoms and signs of psychic and physical nature that are characteristic for each drug type. These conditions are relieved by readministration of the same drug or of another drug of similar pharmacological action within the same generic type." (Eddy et al. (1965), G–81, p. 723). The production of a withdrawal syndrome or a withdrawal illness upon discontinuation of the drug "is the only way one can demonstrate that physical dependence exists." (Deneau, Tr. 1011–12).

26. Discussing physical dependence, Dr. Martin Seevers states "Among depressant drugs, the order of magnitude of abuse is: (1) Alcohol, (2) the morphine-like analgesics, and (3) the barbiturate-like sedatives. With these drugs, abuse is enhanced by the development of physical dependence, and the compulsion to continue taking the drug is reinforced by fear of the mental and physical agonies of withdrawal. However, although physical dependence is only rarely a primary factor leading to compulsive abuse, in those drugs that induce it, it is a potent factor favoring continuance of abusive use." (R–131, p. 95).

27. Nonnarcotic drugs, such as the barbiturates, which produce demonstrable physical dependence usually do so only on extremely high doses continued over a long period of time. To produce physical dependence maximally, one must administer the drug frequently enough so that the subject is under continuous drug effect, and in doses such that the effect is rather pronounced, and for prolonged periods of time. (Deneau, Tr. 1014).

28. The demonstration of physical dependence, either experimentally or spontaneously, does not mean that the drug involved will necessarily produce psychic dependence. (Eddy, et al (1965), G–81, p. 723). Morphine, for example, has been administered to patients in hospitals thousands of times even over prolonged periods of time without the development of psychic dependence. This occurs because the patient accepts the drug for symptomatic relief and does not become personally involved in its administration. (Eddy, Tr. 1106–07). However, it is now generally accepted that physical dependence to a drug is a strong reinforcing factor for the development of psychic dependence. (Isbell, Tr. 1555, 1565, 1569–71, 1581).

29. Dr. Leo E. Hollister directed the only controlled study to determine whether it is possible to produce withdrawal reaction from Librium. In this study large doses of Librium were administered to 38 patients, most of whom were schizophrenics, over a 6-month period. In 11 of these patients, treatment with the drug was abruptly terminated by substituting a placebo, in a conscious attempt to determine whether they would experience withdrawal symptoms. The dosage used in these 11 patients ranged from 300 to 600 mg. daily; six patients received the latter dose. Duration of treatment varied from 2 to 6 months, 10 patients having been treated for 5 months or longer (G–16A, p. 64).

30. Dr. Hollister has summarized his observations as follows: "When they were withdrawn we found that 10 out of 11 patients experienced new symptoms or signs which could have been due to drug withdrawal. I emphasize 'could have been' because many of the symptoms of drug withdrawal are similar to those one ordinarily treats with these drugs, and there is also a problem in determining which is which." (Tr. 301–02.) "Although differentiating withdrawal reactions from recrudescent psychiatric symptoms after drug withdrawal is always difficult, a number of factors favored the former interpretation of the newly appearing symptoms and signs. First, the frequency (10 of 11 patients) of new symptoms or signs soon after withdrawal. Second, their coincidence with decreasing plasma levels of drug. Third, postwithdrawal seizures in two patients. Fourth, a slower onset and subtler development of this syndrome than that from meprobamate or barbiturates. This difference is consonant with the slower decline in plasma levels of chlordiazepoxide, whose half-life is 48 hours as compared with 24 hours for meprobamate (Hollister and Glazener, 1960b)." (Hollister, (1961), G–16A, p. 67).

31. Dr. Hollister stated that the withdrawal reactions "in general * * * would resemble withdrawal to alcohol, barbiturates or meprobamate, with the major distinguishing feature being the timing. The withdrawal syndrome here was attenuated and delayed. Instead of getting all symptoms early, as you usually get with the other drugs, within 24 to 48 hours, you did not begin to develop symptoms until after 48 hours. Then they appeared somewhat subtly and insidiously." (Tr. 307).

32. Dr. J. L. Bennett conducted a study in which Valium was administered to groups of schizophrenic patients for a period of 6 weeks (Hollister, Bennett, et al. (1963), G–69). The purpose of the study was "to test the effect after the completion of 6 weeks * * * of abrupt withdrawal of the drug from the patient, by the substitution of an inert placebo medication so that the patient was not aware the drug was being withdrawn." (Bennett, Tr. 229). These patients were given 30 mg. of Valium per day for the first week, with the dosage being progressively increased to 60 mg. per day, 80 mg. per day, and finally reaching 120 mg. per day in the fourth week of the study. In 13 patients the drug was abruptly stopped. Dr. Bennett described symptoms in six of the 13 patients which he attributed to the abrupt withdrawal of the drug, including one who had preconvulsive symptoms of tenseness, rigidity, and loss of consciousness, and another who had a grand mal seizure on the eighth day after withdrawal. Defining physical dependence as a state in which such physical symptomatology is manifested upon withdrawal, he concluded that such physical dependence could develop with Valium "at the dosage that was used" (Tr. 234).

33. Librium and Valium have been taken in excessive amounts for extended periods of time by individuals to the point that they have become physically dependent on the drug. When use of the drugs has been abruptly discontinued, some of these persons have experienced symptoms associated with the barbiturate abstinence syndrome (See Lofft, Tr. 534–35, 541; Eddy, Tr. 1096–97; Isbell, Tr. 1547–48; G–81, pp. 725–26; R–133, p. 297). These symptoms as evidenced include:

(a) Increased tension and anxiety (Mr. E., Tr. 501–02; Lofft, Tr. 546; Uzee, Tr. 919; Williams, Tr. 1747, 1749, 1750–51);

(b) Insomnia (Lofft, Tr. 544, 548–49; Williams, Tr. 1749);

(c) Restlessness (Barten, Tr. 448; Lofft, Tr. 543; Chelton, Tr. 1673; Williams, Tr. 1747, 1748, 1754);

(d) Tremulousness (Lofft, Tr. 543; Uzee, Tr. 908–09; 921);

(e) Muscle spasms (Mr. E., Tr. 502; Lofft, Tr. 544, 546);

(f) Hallucinations (Barten, Tr. 447–48; Lofft, Tr. 540–41; Uzee, Tr. 915; Williams, Tr. 1744);

(g) Grand mal seizures (Bennett, Tr. 241; Hollister, Tr. 305; Barten, Tr. 448; Lofft, Tr. 540, 611; Williams, Tr. 1751–52; and

(h) Confusion and disorientation (Barten, Tr. 447–48; Lofft, Tr. 540–43; Uzee, Tr. 907–08, 921).

34. Dr. John G. Lofft, a psychiatrist and specialist in the treatment of alcoholism and allied addictions, testified that the abstinence syndrome associated with Librium and Valium withdrawal compares to that experienced after abrupt withdrawal from barbiturates (Tr. 550). It is characterized in its mildest form by insomnia and increased anxiety (Tr. 548–49). When the patient has been taking elevated doses for long periods of time the withdrawal syndrome is marked by restlessness, tremulousness, muscle pains, perspiration, hallucinations, and sometimes, although not frequently, convulsive seizures (Tr. 540, 543, 547). The severity of the withdrawal is dependent upon the degree of dependence, and the amount of drug the person has been taking (Tr. 551–52; Jaffe

(1965), R–133, p. 289). Librium-Valium withdrawal differs from the barbiturate withdrawal syndrome in that it persists over a longer period of time (Lofft, Tr. 550–51).

35. The evidence also indicates that those individuals who showed signs of Librium or Valium dependence usually had experienced difficulty with similar drugs before-most often alcohol (Lofft, Tr. 553; Evans, Tr. 820; Uzee, Tr. 905; Chambers, Tr. 1626–29; Chelton, Tr. 1670, 1674). These "dependent personalities", as they have been characterized, look for chemical solutions to a variety of problems. They will reduce a dependency on alcohol by moving to a different but related dependency (Lofft, Tr. 552–53). Sometimes the pattern is one of multiple addiction, e.g., Librium and alcohol together, Librium and a barbiturate, etc. (Lofft, Tr. 536; Evans, Tr. 819–20; Uzee, Tr. 907; Isbell, Tr. 1558; Chambers, Tr. 1632; Chelton, Tr. 1671; Williams, Tr. 1741).

36. Substantial evidence of record demonstrates that Librium and Valium taken in excessive doses produce intoxication which is manifested by staggering gait, drowsiness, slurred speech, and poor coordination. (Bennett, Tr. 241–42; Barten, Tr. 447; Lofft, Tr. 539–40, 555; Evans, Tr. 812, 823–24; Galen, Tr. 1434–37; Chelton, Tr. 1669–70, 1673–75; Lemere (1960), G–20; J. Miller (1962), G–22; Murray (1960), G–23; Barten (1965), G–42).

37. There were further evidence that Libruim at moderate doses has some effect upon judgment and that at elevated doses it may reasonably be expected to impair a person's ability to operate an automobile with normal alertness required to insure safety (Bennett, Tr. 242; Murray, Tr. 329–45; Lofft, Tr. 554; Eddy, Tr. 1097; Chelton, Tr. 1675; J. Miller, Tr. 3349–54; 3374–75; J. Miller (1962), G–22; Murray (1960), G–23).

38. There was some evidence indicating that Librium may produce a paradoxical rage reaction, i.e., an excitable and exhilarated state whereby the individual may become a danger to himself and to others. This reaction has been manifested in isolated instances by a hostile and irritable mood to a point where the person taking Librium has become violent and has physcially threatened the lives of others (Murray, Tr. 355–56, 357–59, 360–63; Barten, Tr. 447; Lofft, Tr. 558; Gibbs, Tr. 2254–55; Stanfield, Tr. 3860–61; Murray (1962), G–24; Bowes (1965), G–44; p. 338; Krakowski (1963), G–51, p. 49; Dean (1962), R–70, p. 4).

39. Some physicians have prescribed Librium and Valium extensively for a wide variety of patients and have never encountered any difficulty in discontinuing the drugs or observed any withdrawal reaction. (Gibbs, Tr. 2258; D. Feldman, Tr. 2531; Rothman, Tr. 2586, 2622; Bercel, Tr. 2661–63; Scherbel, Tr. 2803; Goldman, Tr. 2912; Friend, Tr. 2936; Cohen, Tr. 3217, 3219–20, 3228; Meyerson, Tr. 3653–54; P. Feldman, Tr. 3683, 3690; Knott, Tr. 3717; Stanfield, Tr. 3849; Snell, Tr. 3888; Smith, Tr. 3925; Schiele, Tr. 4033; Greenberg, Tr. 4060; Bitman (1966), G–62). But this is not surprising since over evidence of physical dependence to say of the sedative drugs is not seen unless the individual has maintained a concentration in his organism well above the therapeutic level (Eddy, Tr. 112–13). Also see Finding No. 16.

DIVERSION FROM LEGITIMATE DRUG CHANNELS

40. The evidence indicates that some pharmacists are distributing amounts of Librium without authorization from physicians. During a 5-year period extending from 1961 through 1965, U.S. Food and Drug Administration records show that there were 35 completed prosecutions involving the drug chlordiazepoxide, all of which were terminated in convictions. These 35 cases involved 132 illegal buys of the drug, made either without a prescription or as requests for a refill when no refill was authorized. Investigation in three of these cases was initiated following complaints that a druggist had illegally dispensed Librium. (Clevenger, Tr. 1846). At the close of the investigations in 14 of these cases, Food and Drug Inspectors checked the records, invoices, and prescription files of the drugstores involved. On the basis of investigation it was estimated that in each case between 47 percent and 100 percent of the pharmacies' supply of chlordiazepoxide had been dispensed without authorization of a physician. An average of 75 percent of the total amount of the drug dispensed by the pharmacists involved in these instances could not be accounted for. This amounted to over 54,000 capsules (Clevenger, Tr. 1799–1807, 1815, 1834–36; G–268). See also Ashcraft, Tr. 1158, 1519; Witness X, Tr. 1895–97 for other evidence to the same effect.

41. In the foregoing connection, Agent "X", a regular employee of the Bureau of Drug Abuse Control, testified to illegal purchases made by him of five 25 mg. capsules of Librium from one "S.H." on August 19, 1966 (Tr. 1891) and another of thirty 25 mg. Librium capsules on August 23, 1966 (Tr. 1896) from a pharmacist.

42. Another FDA employee, Agent "Y", stated that he purchased one hundred 10 mg. capsules of Librium from a heroin addict on August 30, 1966, 2 days before he testified in this case (Tr. 1907).

43. Also, Mr. "B", a "part-time employee of the Food and Drug Administration and part-time hotel clerk, in Kansas City" (Tr. 1210), testified concerning six sales of Librium observed by him at various bars and on the street in Kansas City, Mo. These cases are pending and there have been no convictions. (Tr. 1217–1232; Ashcraft, Tr. 1166–69).

44. Respondent, on the other hand, adduced evidence on the subject of illicit traffic through witnesses; Alfred J. Murphy, Senior Inspector, Drug Control Section, Division of Food and Drugs, Massachusetts Department of Mental Health (Tr. 3749); Lt. James Hitchcock, Commanding Officer, Intelligence Unit, Kansas City Police Department (Tr. 3625); John E. Storer, Chief, California Bureau of Narcotic Enforcement (Tr. 3601); Willis A. Roose, Chief, Drug Section, Food and Drug Division of the Indiana State Board of Health (Tr. 3528) and Robert Merritt, Supervisor, Division of Investigation, California Department of Professional and Vocational Standards (Tr. 3463). These investigators testified that they had not encountered a significant illicit traffic in Librium in their communities. However, some diversion of the drug had been encountered. (Murphy, Tr. 3760–67; Hitchcock, Tr. 3637–38, 3643; Roose, Tr. 3539–40.)

45. There is evidence that individuals have obtained chlordiazepoxide in excess of the amounts prescribed and without authorization of a physician by:

(a) Returning for a renewal of a prescription before the supply of the drug would normally have run out (Mr. E., Tr. 496; Perras, Tr. 690–91; Lash, Tr. 723–24).

(b) Obtaining concurrent prescriptions for the drug from several physicians (Perras, Tr. 691; Lash, Tr. 722–23; Sagansky, Tr. 987–89; Galen, Tr. 1433, 1440; Williams, Tr. 1749, 1759).

(c) Receiving it from relatives and friends (Williams, Tr. 1748, 1750, 1759; Rothman, Tr. 2607; G–101, G–193).

(d) Illegal purchases of the drug (Cohen, Tr. 883–96; Mr. B., Tr. 1219, 1223, 1227–28; Fenton, Tr. 1395; Chambers, Tr. 1630).

(e) Stealing the drug (G–112; G–113; G–178).

46. Patients have increased the prescribed dosage of Librium on their own initiative for the relief of anxiety (Murray, Tr. 360; Mr. E., Tr. 494–95; Uzee, Tr. 908; Galen, Tr. 1434–38; Chelton, Tr. 1670, 1671, 1673; Williams, Tr. 1748, 1749, 1751; Guile (1963), G–14; Lingjerde (1965), G–55; G–112; G–113).

INDIVIDUALS TAKING DRUG ON THEIR OWN INITIATIVE RATHER THAN ON THE BASIS OF MEDICAL ADVICE

47. The evidence herein indicates that Librium and Valium have been taken in large amounts in what appeared to be a suicide attempt (Spellman, Tr. 649–51; Lash, Tr. 714–15, 719; Galen, Tr. 1440–42; Verhulst, Tr. 1488–1505; Chambers, Tr. 1633–36; Bercel, Tr. 2666; Stanfield, Tr. 3857–60; Clarke, et al. (1961), G–6; Ehlers (1963), G–9; Gilbert (1961), G–13; Smith (1961), G–32; Bowes (1965), G–44; Kranz (1965), G–94, p. 11; G–99; G–225(B); G–226(B); G–227(B); G–261; G–262; G–282; G–288; G–289; G–290; Stanfield (1961), R–111; Zbinden (1961), R–118; Boxall (1966), 198).

48. Studies of suicide and attempted suicide, and their general patterns, have been reported in the medical literature and were introduced into evidence. (Hirsch, Zauder and Drolette, "Suicide Attempts with Ingestants", Archives of Environmental Health, Vol. 3, July–December 1961, p. 212 (G–93); Grahan, J.D.P., "The Diagnosis and the Treatment of Acute Poisoning" (extracts), Oxford Medical Publications, 1962 (R–219); ibid. (Ch. 19), "Attempted Suicide by Poisoning" (R–219A).) These studies were supplemented in the evidence in this proceeding by the testimony of Dr. James A. Knight, Professor of Psychiatry and Assistant Dean of the Tulane University School of Medicine (Tr. 4351). Rather definite patterns exist across the spectrum of population, and what may be expected can be predetermined within these patterns regardless of the agent employed. There are demonstrable differences in age, sex, and occupation groups. The pattern of unsuccessful attempts is different from that where the attempt was successful (R–226). The distribution of the cases of attempted suicide with Librium and Valium, both by age and sex, conforms to the distribution shown in these studies, and that generally encountered in medical practice (Knight, Tr. 4346–47).

49. The testimony produced at the hearing dealing with cases in which Librium or Valium have been taken in a suicidal attempt or gesture, including that of the Government's witnesses, shows that these drugs appear sometimes as an agent used in suicidal attempts for the very reason of their known safety for use with a patient population in which there is a high incidence of such attempts (Lash, Tr. 739; Knight, Tr. 4354; Snell, Tr. 3887).

50. The Government has not contended that either Librium or Valium caused a patient to attempt suicide.

51. Numerous reports from the medical literature indicate that individuals have recovered following large overdoses of Librium and Valium (Clark (1961), G–6; Gilbert (1961), G–13, p. 309; Schaefer (1962), G–28, p. 164; Smith (1961), G–32; Ehlers (1963), G–9). However, this does not minimize the evidence that intentional overdosages of either Librium or Valium, taken alone or together with other sedative drugs (including alcohol), have depressed the central nervous system to the point of causing stupor, semicoma, coma, and in some instances, death. (Spellman, Tr. 649–51; Lash, Tr. 720; Snoddy, Tr. 1132–40; Galen, Tr. 1441; Chambers, Tr. 1633–36; Gilbert (1961), G–13; Schaefer (1962), G–28; G–99 (b) through (k); G–121; G–129; G–136; G–139; G–150; G–154; G–156; G–157; G–158; G–197; G–221 (a) through (l); G–225(B) (40), (48), (49), (54), (61), (63), (71), (74), (78), (81), (87), (88), (91), (97); G–226(b) (6), (7), (9), (11), (15); G–227(B) (1), (5), (10); G–241; G–259; G–261 (1), (4), (5), (7), (10), (12), (13), (15), (20), (21), (22), (23), (25), (28), (29), (30), (32), (36), (37), (40), (50), (52), (54), (55), (58); 262 (3), (4), (7), (8), (9), (12), (23), (24); G–288; G–289; G–290).

EVIDENCE OF SIMILARITY IN ACTION OF VALIUM TO LIBRIUM

52. The evidence is conclusive that Valium, a recently marketed drug, is similar in its effect on the central nervous system to that of Librium. Valium is a chemical analog of Librium which shows some quantitative but no significant qualitative differences from Librium (Hollister, Tr. 316; Shideman, Tr. 1301; Zfiden, Tr. 2214–15; Scherbel, Tr. 2796–2803; Schwab, Tr. 3381–88; Darling (1963), G–48; R–119; R–120). Those differences that were noted are not qualitative in nature and at best are of clinical significance only. (Chambers, Tr. 1652–53; Gibbs, Tr. 2242, 2245; P. Feldman, Tr. 3678–79; Bowes (1965), G–44, p. 336; Darling (1963), G–48, p. 503).

53. The World Health Organization Expert Committee on Addiction-Producing Drugs has classified drug dependence according to drug types, i.e., drug dependence of the morphine type, of the barbiturate-alcohol type, of the cocaine type, etc. (Eddy, et al. (1965), G–81). This classification is based partly on the ability of drugs within the group to substitute one for another. (Isbell, Tr. 1549). Substitution in this context refers to the ability of one drug to suppress partially if not completely the withdrawal symptoms of another drug. (Isbell, Tr. 1549). This same phenomenon has been referred to as cross-dependence. (Jaffe (1965), R–133, p. 289). Relying on this theory, physicians, as a matter of course, treat patients who show physical dependence on a certain drug by substituting in gradually tapered doses a more manageable drug of the same group. (Jaffe (1965), R–133, p. 289). In explanation there was expert medical testimony that drugs which depress the central nervous system act upon different neurons in the brain but that certain drugs have their effect within the same neuronal system. (Domino, Tr. 4550–55.)

54. The substantial evidence of record establishes that Librium and Valium are among those sedative drugs which substitute for the barbiturates and alcohol. Animal studies demonstrated that Librium effectively suppresses the barbiturate withdrawal syndrome. Further, considerable clinical experience in the treatment of acute alcoholism shows that the benzodiazepines, particularly Librium, effectively suppress the symptoms of the abstinence syndrome in alcoholic withdrawal. (Lofft, Tr. 532; Deneau, Tr. 998–1007; Isbell, Tr. 1586–87; Chambers, Tr. 1624–25; Thomas and Freedman (1964), G–295; D'Agostino, Tr. 3812–15; Domino, Tr. 4648–52, 4717–70; Deneau, G–235; Armour (1963), R–51; Burdine (1964), R–59, p. 591; Kissen (1961), R–91; Morrison (1963), R–99; Jaffe (1965), R–133).

55. There was expert medical testimony to the effect that individuals who abuse barbiturates or alcohol can be expected to turn to Librium and Valium whenever their drugs of choice are not readily available because the benzodiazepines are known to produce similar effects, to sustain physical dependence of the barbiturate-alcohol type and to prevent barbiturate-alcohol withdrawal. Likewise it is reasonable to assume that they will use Librium and Valium to reinforce the effects of barbiturates and alcohol (Isbell, Tr. 1556–58, 1577–79).

56. The legislative history of the Amendments reflects the expectation of Congress, in enacting this legislation, that Librium and similar tranquilizing drugs, would be expeditiously brought under the control of the Amendments because of their potential for abuse. Testimony taken before the House Committee on Interstate and Foreign Commerce demonstrated the need for bringing Librium under these controls. This Committee considered the advisability of listing chlordiazepoxide (Librium) among others by name, but decided not to single out this or any other drug. The Committee, however, stated that it expected the Secretary of Health, Education, and Welfare to take early action with respect to the consideration of bringing Librium and other drugs within the controls of the Amendments. A similar expectation was expressed by the Senate Committee on Labor and Public Welfare. (G–228, pp. 2–3; G–229, p. 13; G–230, pp. 24, 33, 38, 43–53, 54–56, 91–92, 101–105, 115–121).

CONCLUSIONS OF LAW

1. The Drug Abuse Control Amendments of 1965 are intended to protect the public health and safety by establishing special controls for depressant and stimulant drugs. This protection is to be accomplished through increased record keeping and inspection requirements, through providing for control over intrastate traffic in these drugs because of its effect on interstate traffic, and through making possession of these drugs [other than by the user] illegal outside of the legitimate channels of commerce.

2. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs with a depressant effect on the central nervous system. They may be legitimately dispensed only upon the prescription of a practitioner licensed by law to administer such drugs, and in full conformity with section 503(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 353(b).

3. The substantial, probative, and reliable evidence of record establishes that chlordiazepoxide (Librium) due to its depressant effect on the central nervous system has been abused in the past in the following ways:

(a) There has been significant use of chlordiazepoxide (Librium) in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant diversion of chlordiazepoxide (Librium) from legitimate channels.

(c) There has been significant use of Librium by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

4. Due to the past history of abuse of chlordiazepoxide (Librium), because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to increased controls of the amendments, it is reasonable to conclude that the abuse of chlordiazepoxide (Librium) will continue and increase unless this drug is similarly brought under the control of the amendments.

5. The substantial, probative, and reliable evidence of record establishes that diazepam (Valium) due to its depressant effect upon the central nervous system has been abused in the past in the following manner:

(a) There has been significant use of diazepam in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant use of diazepam (Valium) by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

6. Diazepam (Valium), a newer drug, is so related to chlordiazepoxide (Librium), a drug for which there is considerable evidence of past abuse, as to make it likely that it will have the same potentiality for abuse.

7. Due to past history of abuse of diazepam (Valium), because of its close relation to chlordiazepoxide (Librium), and because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to controls under the provisions of the Drug Abuse Control Amendments of 1965, it is reasonable to conclude that the abuse of diazepam (Valium) will continue and increase.

8. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs which because of their depressant effect on the central nervous system, have a substantial potential for significant abuse within the meaning of the Amendments, 21 U.S.C. 321(v)(3).

9. Chlordiazepoxide (Librium) and diazepam (Valium) are "depressant or stimulant drugs" within the meaning of 21 U.S.C. 321(v), and are therefore subject to the provisions of 21 U.S.C. 360a. Any drug which contains any quantity of chlordiazepoxide or diazepam is a "depressant or stimulant drug" within the meaning of 21 U.S.C. 321(v)(3) and is also subject to the provisions of 21 U.S.C. 360a.

Therefore, it is ordered, That the stay of effectiveness announced May 17, 1966 (31 F.R. 7174), on the listing of chlordiazepoxide and its salts and diazepam in § 166.3(c)(1) [redesignated § 320.3 (c)(1)] as a drug subject to control under the Amendments by the order of March 19, 1966 (31 F.R. 4679), be ended.

NOTE: The preceding sets forth a proposed order that includes findings of fact, conclusions, and the ending of a stay of effectiveness. It is contemplated that the subsequent final order in this matter will have an effective date that will be 30 days from its date of publication in the FEDERAL REGISTER.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the findings of fact and proposed order, and shall contain specified references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: May 19, 1969.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-6091; Filed, May 20, 1969; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TDE (OR DDD)

Proposed Reduction of Tolerances for Residues in or on Raw Agricultural Commodities

Following the spray residue public hearings held in 1950, and pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, tolerances for residues of the insecticide TDE (1, 1-dichloro-2, 2-bis (*p*-chlorophenyl) ethane) were established in Part 120 at a single level of 7 parts per million by an order published in the FEDERAL REGISTER of March 11, 1955 (20 F.R. 1473).

It is the policy of the Food and Drug Administration to review its pesticide tolerances with respect to new scientific data and information and in response to recommendations by recognized scientific bodies. The report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides.

A review of the TDE tolerances has been made. A reevaluation of the available TDE experimental residue data reflecting specified patterns of use shows that a tolerance of 7 parts per million is higher than necessary for many of the crops for which it was established in 1955.

The U.S. Department of Agriculture has advised that under current agricultural practices tolerances lower than 7 parts per million are adequate to provide for the residues likely to result in or on some of these commodities. That Department also advises that there are no registered uses for TDE on radishes, Swiss chard, and youngberries. Differences in tolerance levels on similar crops for TDE and the insecticide DDT are based on differences in registered patterns of use.

To bring the TDE tolerances into line with the policy that a pesticide tolerance should be no higher than the amount reasonably required to cover the residue when the USDA registered directions for use are followed, the Commissioner of Food and Drugs proposes to reduce tolerances for TDE from 7 parts per million to 3.5 parts per million or 1 part per million on those commodities where available residue data indicate that the currently registered uses do not require a higher level.

Based on consideration given to the above information, and other relevant material, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 120.187 be revised to read as follows:

§ 120.187 TDE (or DDD); tolerances for residues.

Tolerances for residues of the insecticide TDE (1, - dichloro - 2,2 - bis(*p*-chlorophenyl) ethane are established in or on raw agricultural commodities as follows:

7 parts per million in or on apples, apricots, beans, blueberries (huckleberries), cucumbers, eggplants, grapes, melons, nectarines, peaches, pears, peppers, pumpkins, quinces, rutabaga tops, squash, summer squash, tomatoes, and turnip greens.

3.5 parts per million in or on blackberries, boysenberries, cherries, citrus fruits, dewberries, loganberries, plums (fresh prunes), raspberries, strawberries, sweet corn (kernels plus cob with husks removed).

1 part per million in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohl-rabi, lettuce, peas, rutabagas (roots), spinach, and turnips (roots).

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical TDE may request, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 12, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6002; Filed, May 20, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-16]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bismarck, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Due to an increase in IFR air traffic in the Bismarck, N. Dak., terminal area, the existence of an Air Force Oil Burner Route northwest of Bismarck, and the location of navigational aids east and southeast of the Bismarck Municipal Airport, it is necessary to alter the Bismarck transition area to provide additional controlled airspace for the more efficient control of aircraft operating into and out of Bismarck, N. Dak.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.); within 8 miles northeast and 5 miles southwest of the Bismarck ILS southeast course, extending from the OM to 12 miles southeast of the OM; and within 8 miles north and 5 miles south of the Bismarck VOR 105° radial, extending from the VOR to 12 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Bismarck VOR, extending from the Bismarck VOR 204° radial clockwise to the Bismarck VOR 082° radial; and within a 33-mile radius of the Bismarck VOR, extending from the Bismarck VOR 082° radial clockwise to the Bismarck VOR 204° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 6, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6031; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-25]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the 700-foot transition area at Oklahoma City, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The proposed alteration will provide controlled airspace for aircraft executing new instrument approach/departure procedures proposed at Max Westheimer Field, Norman, Okla.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4738), the Oklahoma City, Okla., transition area 700-foot portion is amended in part by deleting "* * * lat 35°08'00" N., long. 97°42'00" W.; to lat. 35°08'00" N., long. 97°28'00" W.; to lat. 35°15'30" N., long. 97°28'00" W.; * * *" and substituting "* * * lat. 35°08'00" N., long. 97°42'00" W., to lat. 35°07'00" N., long. 97°30'00" W.; to point of beginning; * * *" therefor.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6032; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-35]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Blanding, Utah, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Subsequent to the designation of the Blanding, Utah, transition area the criteria for the establishment of such areas has been changed. Accordingly, it is necessary to alter the Blanding transition area to comply with the new criteria.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the description of the Blanding, Utah, transition area is amended to read as follows:

BLANDING, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°84'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah, RBN (latitude 37°81'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7

miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC. Excluding that portion within R–6410 during the times that R–6410 is in use.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 40 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–6033; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SW–18]

FEDERAL AIRWAYS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Redesignate a segment of V–163 from Corpus Christi, Tex., 1,200 feet AGL via a VOR to be installed in the vicinity of Three Rivers, Tex., at lat. 28°30'18" N., long. 98°09'03" W., including 1,200 feet AGL west alternate via the intersection of Corpus Christi 296° T (287° M) and Three Rivers 165° T (156° M) radials; 1,200 feet AGL via the intersection of Three Rivers 345° T (336° M) and San Antonio, Tex., 167° (158° M) radials; 1,200 feet AGL San Antonio, including a 1,200 feet AGL west alternate via the intersection of Three Rivers 330° T (321° M) and San Antonio 183° T (174° M) radials.

2. Revoke the segment of V–68 from San Antonio to McAllen, Tex.

3. Extend V–20 from Corpus Christi, 1,200 feet AGL via the intersection of Corpus Christi 181° T (172° M) and McAllen 039° T (030° M) radials; 1,200 feet AGL McAllen, including a 1,200 feet AGL south alternate from the intersection of Corpus Christi 181° T (172° M) and McAllen 039° T (030° M) radials to McAllen via Harlingen, Tex. The airspace above 14,000 feet MSL from 49 miles northeast of McAllen to McAllen and the airspace within Mexico would be excluded.

These actions would permit lower minimum en route altitudes between San Antonio and Corpus Christi and would provide for more precise navigation in an area of extensive military training. The extension of V–20 would merely renumber V–68 between Corpus Christi and McAllen and would retain the limitations associated with this segment of V–68.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on May 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6034; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jacksonville, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Jacksonville, Ill., Municipal Airport utilizing a privately owned VOR located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a transition area at Jacksonville, Ill. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

JACKSONVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'30" W.); and within 3 miles each side of the 309° bearing from Jacksonville Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 129° and 309° bearings from Jacksonville Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Springfield, Ill., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–6035; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ainsworth, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Ainsworth, Nebr., Municipal Airport, utilizing a State-owned VOR located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ainsworth, Nebr. The new procedure will become effective concurrently with the designation of the transition area. The Denver Air Route Traffic Control Center, through the O'Neill, Nebr., facilities, will control IFR air traffic into and out of the Ainsworth Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

AINSWORTH, NEBR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'20" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 6, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–6036; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SW–27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Kerrville, Tex. The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures

arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Ainsworth, Nebr., Municipal Airport, utilizing a State-owned VOR located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ainsworth, Nebr. The new procedure will become effective concurrently with the designation of the transition area. The Denver Air Route Traffic Control Center, through the O'Neill, Nebr., facilities, will control IFR air traffic into and out of the Ainsworth Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

AINSWORTH, NEBR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'20" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 6, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–6036; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SW–27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Kerrville, Tex. The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Kerrville Municipal Airport (Louis Schreiner Field), Kerrville, Tex. The southeasterly extension to the proposed transition area is based on the 134° true (125° magnetic) bearing from the Kerrville RBN.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Forth Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

KERRVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (lat. 29°58'41" N., long. 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (lat. 29°59'20" N., long. 99°03'50" W.) extending from the 5-mile radius area to 8 miles SE of the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–6037; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–EA–142]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the U.S. portion of Green Federal airway No. 1 and the Millinocket, Maine, radio beacon domestic low altitude reporting point.

The most recent FAA peak-day IFR air traffic survey showed no aircraft movement on Green airway No. 1. This airway also is no longer required for air traffic control purposes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These proposals are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6038; Filed, May 20, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397; FCC 69–515]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Memorandum Opinion and Order

In the matter of Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. The Commission has before it for consideration a number of pleadings seeking reconsideration, modification, or clarification of the interim processing procedures set forth in Part IV of the notice of proposed rule making and notice of inquiry, issued on December 13,

1968 (15 FCC 2d 417, 437–438, 441), and various responsive pleadings.[1] Also before us for consideration at this time are the oral presentations heard herein on February 3–4, 1969, insofar as they relate to the interim processing procedures.

A. CONTENTIONS OF THE PARTIES

2. In support of its request for temporary relief, NCTA asserts that the Commission's present CATV rules (adopted in 1966 in the Second Report and Order, 2 FCC 2d 725) and the interim processing procedures and proposed rules set forth in the December 13 notice (15 FCC 2d 417, 429–441), together confer a de facto license to operate in compliance with the proposed rules. It urges that the provisions of present §§ 74.1105(c) and 74.1109 permit a substantial delay in the inauguration of such implicitly authorized service and are unduly harsh on those who seek to operate consistently with the proposed rules. NCTA requests that the Commission require security or the posting of a reasonable bond in substitution for the so-called "automatic stay" provision of § 74.1105(c) or provide that the automatic stay will terminate within 30 days from the filing of a petition pursuant to § 74.1109 if the Commission does not find good cause for continuing the stay for a time certain. Other petitions on behalf of CATV interests request the Commission to vacate the notice and rescind the interim processing procedures as unlawful or, in the alternative, to modify the interim procedures by removing the automatic stay provision of § 74.1105(c) or by providing that the Commission will act within 60 days from the filing of a petition pursuant to § 74.1109.

3. Those broadcast interests seeking reconsideration—the NAB, ACTS, AMST, Eastern Educational Network (EEN), and WFRV, Inc.—challenge the substantive provisions of the proposed rules, and seek corresponding modification of the interim processing procedures insofar as they call for immediate processing of petitions and microwave applications that are consistent with the proposed rules. With respect to the proposed rules, it is asserted principally that: (1) Not enough attention has been paid to the factor of economic impact, (2) the proposed 35-mile zone is far too small, (3) too few communities have been designated in major markets, (4) all overlapping major market cases under footnote 69 of the second report should be held in abeyance, and there should be a similar "footnote 69" policy for smaller markets, (5) the definitions of "full network" and "independent" stations in the proposed rules should be changed, (6) in the proposed smaller market rules, there should be substitution rather than addition of any closer independent station that subsequently commences operation, and (7) the proposed rules are discriminatory against educational television stations and should be revised to provide the same treatment as for commercial stations. Procedurally, it is urged that the interim processing procedures should be revised to simplify the procedure for objecting to CATV proposals that are inconsistent with the proposed rules. They assert that elaborate and costly pleadings on the merits should not be required until such time as it is determined that the case will be processed on the merits.

4. Most, if not all, of the foregoing contentions with respect to the interim processing procedures were also raised in the oral presentations before the Commission, particularly the contentions relating to expeditious procedures for implementing consistent CATV proposals and simplified procedures for objecting to inconsistent CATV proposals. In addition, it was urged that the Commission should process all pending microwave applications filed prior to December 13, 1968, and all microwave applications and § 74.1109 petitions that are unopposed. It was further asserted that the Commission should not process petitions under the interim procedures until the backlog of pending carriage and nonduplication cases has been cleared up.

B. DISCUSSION

5. While the proposed rules have been challenged on their merits by both CATV and broadcast interests, we shall not undertake to consider the requested modifications of the rule-making proposals until we have received and evaluated the comments and reply comments of all interested persons on Part IV of the rule making. It is hoped that the written submissions will set forth the full and considered views of all parties, and will incorporate constructive suggestions and counterproposals. Pending consideration of such views and suggestions, we think it premature to embark on any piecemeal reappraisal of the proposals set forth in Part IV of the notice, at the instance of some of the parties (except as noted below).[2]

6. Accordingly, this memorandum opinion and order is directed towards the requests for procedural modifications in the interim processing procedures. Before discussing these requests we think that preliminary clarification of the nature of the interim processing procedures and the applicable legal requirements would be helpful in view of the contentions of some of the petitioners and others participating in the oral presentations.

1. NATURE AND PURPOSE OF THE INTERIM PROCESSING PROCEDURES

7. Unler the Administrative Procedure Act, 5 U.S.C. 551 et seq., and relevant judicial decisions,[3] the Commission is bound to follow its existing rules until they have been amended pursuant to the procedures specified by that Act or unless it finds in an individual case that a waiver of the rules is warranted. Thus, the rules adopted in the second report and order, 2 FCC 2d 725 (1966), as amended by subsequent orders, are governing during the pendency of the proposed rule making in this docket. These include the provisions of § 74.1105(c), with respect to the commencement of new service challenged in a § 74.1109 petition; the provisions of § 74.1107, prohibiting carriage of distant signals within the Grade A contour of any station in the top 100 television markets without Commission approval after a showing in an evidentiary hearing that such operation would be consistent with the public interest; and the provisions of § 74.1109, with respect to petitions for waiver of the rules or for additional or different requirements. In addition, in the case of applications for microwave facilities, section 309(e) of the Communications Act requires the Commission to designate the application for hearing if it is for any reason unable to make the requisite finding that the public interest will be served by a grant.

8. While the Commission has not, of course, reached any final conclusion as to the rules proposed in Part IV of the notice and will give careful consideration to suggestions and counterproposals that have been or may be submitted, the notice clearly raises substantial public interest questions with respect to the carriage of some television signals by CATV systems (see, e.g., paragraphs 33–42, 46, 59 and 56 of the notice). These public interest questions must be resolved before the Commission could, or would, authorize CATV systems to carry television signals to which these questions are pertinent, whether by way of a waiver of § 74.1107, a ruling on the merits of a § 74.1109 petition, or a grant of microwave facilities to enable the proposed CATV service.

9. Thus, in the absence of the interim processing procedures or if such procedures were to be rescinded, we believe that the Commission would have no choice during the pendency of this proceeding but to designate for hearing petitions for waiver of § 74.1107 involving the public interest questions set forth in the notice; § 74.1109 petitions with respect to proposed service at issue in the notice; and, pursuant to section 309(e) of the Communications Act, microwave applications involving service of this nature. Apart from the fact that such hearings would be burdensome and time-consuming for the Commission and all parties involved, we believe that the process would be largely futile in many instances. For, it appears unlikely that the Commission would be in a position to reach a decision on the merits before the broad policy issues in the rulemaking have been resolved.[4] Moreover, we do not regard further individual adjudicatory proceedings as appropriate vehicles for the formulation of future overall policies in these areas, which are of concern to a great many interested persons and affect the entire CATV and broadcast industries. Nor do we believe that those seeking a rescission of the interim processing procedures actually desire the foregoing consequences.

10. Rather than following that unpromising approach, the Commission attempted to devise an interim procedure which would avoid both large-scale hearings and also a "freeze" on all processing of petitions and applications during the pendency of the rule making. The interim processing procedures are designed generally to defer a determination as to whether questionable §§ 74.1107 and 74.1109 petitions and microwave applications should be designated for hearing until after the public interest questions involved in the rule making have been resolved and broad definitive policies have been established by rule. It may well turn out that a hearing is unnecessary in many instances, either because the petition or application comports with any rules and policies ultimately established or because it is so patently in conflict with such rules and policies as to warrant denial without hearing. While some hearings may still be required, we believe that they would be few.

11. The interim processing procedures are also designed to permit processing of petitions and applications which appear prima facie consistent with our present tentative view as to the public interest. The parties may raise any additional public interest questions in their pleadings, and questions of a substantial nature will be considered by the Commission in making its determination on the merits. The presumption in favor of authorizing consistent proposals will be controlling in the absence of a strong showing that this would be contrary to the public interest in the particular circumstances. We recognize that some service may be authorized during the pendency of this proceeding which would have been proscribed by any rules ultimately adopted, and that such service will be "grandfathered" in view of the impracticability of withdrawing service to which the public has become accustomed. However, we think that any resulting impact upon our responsibilities for the regulation of television broadcasting is likely to be insubstantial. Moreover, there is a countervailing consideration in the need of the public in some areas for additional services via CATV at an early date, which warrants continued processing in the situations set forth in the notice.

12. In this connection, we stress that the interim processing procedures do not call for operation under the proposed rules prior to their adoption. For example, the proposed rules would authorize carriage of distant and overlapping major market signals within the 35-mile zone in major markets, and additional distant signals in smaller markets, if the CATV system has retransmission consent of the originating station with respect to the programs. As stated in the Commission's order of January 17, 1969 (FCC 69–45), this proposed requirement is not presently applicable, and such operations will not be authorized on any general basis during the pendency of the rulemaking. Rather, the Commission has stated that it would grant very few requests for experimental operations, waiving the existing rules if need be, in order to gain valuable information concerning the actual operation of systems under the proposed requirement which might assist it in the resolution of the rulemaking. Similarly, under the interim processing procedures a waiver of present § 74.1107 is required for carriage of distant signals in major markets within the Grade A contour but outside of the proposed 35-mile zone, whereas such operations would be authorized by proposed § 74.1107(b) without further recourse to the Commission if the proposed rule is adopted.

13. With respect to the proposed 35-mile zone in major markets, the interim processing procedures provide that the Commission will continue to act on requests for waiver of present § 74.1107(a) and will use the standard of the proposal because "* * * waiver policies under the existing rules have largely paralleled the proposed 35-mile zone" (paragraph 51 of the notice).[4a] Similarly, action on any petition filed under § 74.1109 would be pursuant to that rule and the public interest standard embodied therein. To the extent that the proposed 35-mile zone is generally smaller than the Grade A contour, the interim processing procedures are not prejudicial to CATV systems. While some broadcasters may assert prejudice in the interim use of a 35-mile zone, we do not think there is any valid basis for such a claim in view of the considerations set forth in this paragraph and in paragraph 11 above.

14. There are no existing rules governing in smaller markets, "footnote 69," and "leap-frogging" situations (except to the extent that the pertinent community may lie within the Grade A contour of a major market station).[5] Where microwave is involved, the interim processing procedures for applications inconsistent with the proposed rules rest on the Commission's present inability to make the requisite public interest finding pursuant to section 309 of the Communications Act and the considerations set forth in paragraphs 7–11 above. The Commission's decision to process applications consistent with the proposed rules, in order to facilitate the growth of CATV in those areas where it can make such a marked contribution to the public interest, is similar to the approach followed by the Commission during the rule making on the carriage and nonduplication rules in Docket No. 14895, First Report and Order, 38 FCC 683, 684, footnote 2. This approach received judicial approval when challenged in the courts.[6]

15. In the nonmicrowave situation, where a § 74.1109 petition is filed, we think that the Commission's responsibility under § 74.1109(f) to make a public interest determination, and the considerations set forth in paragraphs 7–11 above, justify an approach analogous to the processing of microwave applications. Where neither microwave nor a § 74.1109 petition is involved, the proposed rules are not presently applicable. However, if adopted, there is always the question of what systems will be affected upon the effective date of the rules. The Commission has proposed a grandfathering cutoff of December 20, 1968—the date the rule making proposals were published in the FEDERAL REGISTER (see paragraphs 52–53, and 59 of the notice, and proposed § 74.1107(f) in Appendix C).

16. In short, we are acting under the present rules, with the exception of a

[1] These pleadings consist of: (a) A "Request for Temporary Relief and Expedited Consideration" filed by National Cable Television Association, Inc. (NCTA) on Dec. 30, 1968; (b) petitions for reconsideration or clarification filed on Jan. 13, 1969, by the National Association of Broadcasters (NAB), the Association of Maximum Service Telecasters, Inc. (AMST), the All-Channel Television Society (ACTS), the Eastern Educational Network, WFRV, Inc., Pueblo TV Power, Inc., Xenia Cable TV, Inc., Aiken Cablevision, Inc., TV Power of North County, Inc., and Alabama Cablevision Co. et al.; (c) petitions for reconsideration and modification filed by Hendersonville, Inc., and Clearview Corp. on Jan. 16, 1969; (d) a joint statement in support of the NCTA "Request for Temporary Relief and Expedited Consideration" filed on Jan. 16, 1969 by The Jerrold Corp., Cox Cable Communications, National Trans-Video and Television Communications Corp.; (e) oppositions to the NCTA request filed on Jan. 29, 1969 by NAB, ACTS, and AMST; and (f) a reply to those oppositions filed on Feb. 18, 1969, by The Jerrold Corp., Cox Cable Communications, National Trans-Video and Television Communications Corp.

[2] We are, however, undertaking to clarify on our own motion some aspects of the proposed rules and interim processing procedures in light of our experience with processing to date. We are also proposing a few modifications of a substantive nature, one at the instance of NCTA. See currently issued further notice of proposed rule making in Docket No. 18397 (FCC 69–516).

[3] See, e.g., Sangamon Valley Television Corporation v. U.S., 269 F. 2d 221, 225 (C.A.D.C.); Accardi v. Shaughnessy, 347 U.S. 260; Service v. Dulles, 354 U.S. 363, 372–373; Jefferson Amusement Co. v. F.C.C., 226 F. 2d 277 (C.A.D.C.); American Broadcasting Co. v. F.C.C., 179 F. 2d 437, 442–443 (C.A.D.C.).

[4] Since the same considerations apply to pending § 74.1107 hearings and proceedings on § 74.1109 petitions, the Commission also called a halt to such proceedings during the pendency of the rule making (see paragraph 51 of the notice).

[4a] The 35-mile standard reflects our past actions taken on the average. In individual instances we have, of course, waived at lesser as well as greater mileages. We have also designated for hearing at both greater and lesser mileages.

[5] Processing of some pleadings and applications that fall within the above-noted exception is justified, we believe, by the considerations discussed in paragraphs 11 and 13 herein.

[6] See, e.g., Idaho Microwave, Inc. v. F.C.C., 352 F. 2d 729 (C.A.D.C.).

few possible experiments with retransmission consent as noted above, and the public interest standard embodied in § 74.1109(f) of our rules and in section 309 of the Communications Act. The nature of our actions is based on our evaluation of the public interest, as we gain insight and experience in this complex area. Our decision to continue processing or to defer processing petitions, applications, and pending proceedings during the pendency of this rule making, rests on that evaluation and a desire to avoid needless or fruitless hearings. We believe that the interim processing procedures are well within the Commission's discretion to "conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice" (section 4(j)) of the Communications Act). See also, F.C.C. v. WJR, 337 U.S. 265, 282.[7]

2. MODIFICATION OF THE INTERIM PROCESSING PROCEDURES

17. As previously stated, NCTA and other CATV petitioners request the Commission to remove the automatic stay provision in § 74.1105(c), or to substitute a requirement for security or a bond, with respect to petitions which involve service consistent with the proposed rules and which thus would be processed during the pendency of the rule making. In the alternative, they request that we achieve the expeditious commencement of consistent service by providing that the automatic stay in § 74.1105(c) will terminate within 30 or 60 days of the filing of a § 74.1109 petition unless the Commission finds good cause for continuing the stay for a time certain.

18. We are in agreement that there should be expeditious processing of petitions involving consistent service, as a matter of equity and also from the standpoint of the public interest.[8] Otherwise there would seem to be little practical distinction between continuing to process and deferring processing during the pendency of the rulemaking. However, we cannot conclude that expedition can be appropriately achieved in the manner suggested.

19. In the first place, §§ 74.1105(c) and 74.1109 are existing rules which must be followed until they are amended. Even assuming that the automatic stay provision in § 74.1105(c) is procedural only, despite its substantial practical consequences for the parties and the public interest, and therefore subject to amendment without prior notice and an opportunity to be heard (section 4 (b) and (c) of the Administrative Procedure Act, 5 U.S.C. 553 (b) and (c)), we do not believe that such action would serve the public interest. We have previously set forth the basis for this provision: The necessity of resolving public interest questions before service is commenced in view of the general impracticability of withdrawing service to the public and our belief that this is "a more orderly manner in which to proceed, rather than permitting a challenged service to start and later interrupting it." See memorandum opinion and order denying reconsideration of the Second Report, 6 FCC 2d 309, 323, and opinions there cited; cf. United States v. Southwestern Cable Company, 393 U.S. 157, 178–181. These reasons are equally applicable to the processing of petitions under the interim procedures.

20. Secondly, the posting of a bond or other security is not an adequate substitute to protect the public interest and to permit orderly processing. Moreover, the suggestion that § 74.1105(c) automatically terminate after 30 or 60 days, in the absence of a Commission order continuing the stay for a time certain, does not afford sufficient time for the filing and consideration of pleadings allowed by § 74.1109 (d) and (e). Since the question of consistency may be at issue, the provisions of §§ 74.1105(c) and 74.1109 (d), (e), and (f), should be followed at least pending a decision on that issue. In addition, as noted in paragraph 11 above, there may be other public interest questions with respect to a petition involving consistent service, which should be considered prior to the commencement of service.

21. As earlier stated, we believe that equity and the public interest would be served by expeditious processing of petitions involving consistent service. Further, on the basis of the pleadings filed since the December 13 notice, it appears that the Commission will be able to keep abreast of the current workload. There are only a dozen or so pending cases of this nature, and we do not anticipate any sharp increase in the rate of new filings such as might lead to backlog delays. In short, the Commission will undertake to issue a decision on the merits of cases involving consistent service within 60 days after the expiration of the time for filing reply pleadings, or sooner if possible.

22. In order to avail themselves of this commitment to expeditious processing, CATV systems who are parties to proceedings instituted prior to December 13, 1968, or who filed pleadings prior to that date, should file a supplemental request for processing of such portion of the proposed service as is consistent with the proposed rules, if they have not already done so.[9] Such supplemental petition or any new petition and responsive pleadings should treat the question of consistency with proposed rules. In the interest of achieving expedition, the parties should refrain from seeking extension of the filing times except in extraordinary circumstances or with the consent of all parties. Priority in processing cases involving consistent service will be accorded to pleadings filed since December 13, 1968. However, in the event that such workload permits, the Commission may examine other pending proceedings in order of place on the processing line to determine whether they involve (in whole or in part) service which would be consistent with the proposed rules and may process any portion found to be consistent on the basis of the pleadings already on file. No guaranty of Commission action within any specified time period can be made, since we would lack the assistance of the parties on the question of consistency. Moreover, it is not known whether or to what extent the workload of cases filed since December 13 would permit such examination of the Commission's own initiative.[10]

23. We also see merit in the request of the NAB, ACTS, and AMST that we permit a simplified interim pleading procedure for objecting to proposed service which appears clearly inconsistent with the proposed rules. We see little point in requiring a full treatment of the merits in such cases until such time as it is determined that the proceeding will be processed on the merits. The outcome of the rule making might be such as to obviate the necessity for further pleadings on the merits in some instances. Where a proceeding is held in abeyance during the pendency of the rule making because of inconsistency with the proposed rules, the Commission will subsequently give notice of processing and will afford an opportunity for supplementary pleadings of the merits of such other pertinent questions, if any, as may then pertain. In the interim, persons filing petitions and responsive pleadings need address only the issue of inconsistency with the proposed rules unless: (a) The only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging" or (b) consistency is conceded or claimed by another party.[11] In the event of such a claim, persons choosing not to treat the full merits will do so at their own risk. For, the Commission will expeditiously process the proceeding and act on the merits where it resolves a disputed question in favor of consistency or finds good cause for "leap-frogging" within the meaning of proposed § 74.1107 (d) or (e). Thus, in the doubtful or close case, the full merits should be addressed.

24. In sum, we think that the procedures discussed above and set forth in the public notice below will facilitate expeditious and orderly processing during the pendency of the rule making by avoiding undue delays and lengthy presentations on the merits that may turn out to have been largely unnecessary. Such procedures will substantially accommodate the equities asserted by both sides, without prejudice to the requirements of due process and our determination as to the public interest. As stated at the outset (paragraphs 5–6), these procedures are not intended to meet contentions on the merits of the rule making proposals which seek a corresponding substantive modification in the interim processing standards, e.g. the substitution of a 50- or 60-mile zone for the proposed 35-mile zone.[12] The Commission will consider requests of this nature in conjunction with its evaluation of the written comments and reply comments on Part IV of the rule making. In the event that modification of the rule making proposals or of the interim processing standards should appear desirable prior to any final rule making action, the Commission will take appropriate steps at that time.

C. CONCLUSIONS

25. In light of the foregoing, we conclude that the public interest would be served by adoption of the public notice below, and that the requests of petitioners should otherwise be denied.

26. *Accordingly, it is ordered*, That the public notice set forth below is adopted.

27. *It is further ordered*, That the relief sought in the pleadings listed in footnote 1 herein is granted to the extent reflected herein and is otherwise denied.

Adopted: May 14, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE,
Secretary.

INTERIM PROCEDURES TO BE FOLLOWED DURING THE PENDENCY OF THE PROPOSED RULE MAKING IN PART IV OF THE NOTICE OF PROPOSED RULE MAKING AND NOTICE OF INQUIRY IN DOCKET NO. 18397, 15 FCC 2d 417, RELATIVE TO CATV

A. *Contents of pleadings.* Petitions for waiver of § 74.1107 of the Commission's rules, petitions filed pursuant to § 74.1109 for additional or different requirements (exclusive of petitions involving the provisions of § 74.1103), and responsive pleadings, should address the question of whether the proposed service is consistent or inconsistent with the rule making proposals in Part IV of the notice of proposed rule making and notice of inquiry in Docket No. 18397, 15 FCC 2d 417, and the further notice of proposed rule making in Docket No. 18397 (FCC 69–516). Where inconsistency is conceded, the pleadings need not discuss any other aspect of the merits unless the only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging." Where consistency is alleged, or the only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging," the pleadings should either address the merits in full or the party declining to do so proceeds at his own risk.

B. *Processing procedures.* Where consistency is conceded or found, or the only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging," the Commission will endeavor to act on the merits within 60 days from the expiration of the time for filing reply pleadings, or sooner if possible. Where inconsistency with the proposed rules in Part IV of Docket No. 18397 is conceded or found by the Commission, or where a claim of good cause for "leap-frogging" is resolved adversely to the claimant, the proceeding will be held in abeyance pending the issuance of a notice of processing, unless the Commission finds extraordinary circumstances requiring prompt action in the public interest. The notice of processing will specify the time allowed for filing supplementary pleadings on the merits of such other pertinent questions, if any, that may remain at that time.

C. *Adherence to time schedules.* In the interest of expedition, parties should not seek extension of the times for filing pleadings with respect to proposed service within the scope of these procedures unless all parties to the proceeding consent to such extension or extraordinary circumstances are shown.

D. *Pending proceedings.* In order to avail themselves of the expeditious processing procedures set forth above, parties to pending proceedings instituted prior to December 13, 1968, should file a supplementary request for processing of such portion of the proposed service as is consistent with the proposed rules in Docket No. 18397 and address the question of consistency with such proposed rules. Pleadings filed since December 13, 1968, need not be supplemented. The Commission may examine other pending proceedings in order of position in the processing line to determine whether they involve (in whole or in part) service which would be consistent with the proposed rules, and may process any portion found to be consistent on the basis of the pleadings already on file. However, no guaranty of Commission action within any specified time period can be made, and priority of processing will be accorded to pleadings filed since December 13, 1968.

[F.R. Doc. 69–6060; Filed, May 20, 1969; 8:51 a.m.]

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[7] It was urged during the oral presentations that the Commission should not defer processing of pending microwave applications and unopposed petitions for waiver of existing § 74.1107, even if the proposed CATV service is inconsistent with the proposed rules. For the reasons set forth above (particularly in paragraphs 8–10, 13–15, and in paragraph 19 below), we feel compelled to deny these requests. Such applications and petitions will be processed upon conclusion of Part IV of the rule making in accordance with the rules and policies pertaining at that time.

[8] Indeed, in paragraph 52 of the notice, the Commission indicated that CATV systems could request relief from § 74.1106(c) in order to commence consistent service.

[9] Pleadings filed since Dec. 13, 1968, need not be supplemented.

[10] While we have been urged to defer action under the interim processing procedures until the backlog of carriage and nonduplication cases has been eliminated, we do not think that this suggestion is appropriate; rather, it is important that both types of cases move forward as expeditiously as possible.

[11] We think that full treatment of the merits is warranted in the case of proposed § 74.1107(e), since that section contemplates flexibility for good cause shown. A similar situation would pertain for proposed § 74.1107 (d) where the only issue is alleged "leap-frogging," i.e. whether the signals authorized by proposed § 74.1107(d) would be obtained from the closest source in the region or in the State of the system. See concurrently issued further notice of proposed rule making (FCC 69–516).

[12] However, as previously noted, we are proposing some modifications on our own motion in the concurrently issued further notice of proposed rule making. While educational interests have asserted that the proposed rules and the interim processing procedures are discriminatory against ETV stations, we do not think that the interim burden is such as to require expedited consideration of this challenge to the merits of the proposed rules. Under the provisions of §§ 74.1105(a) and 74.1109(b), educational interests should receive notice of the proposed carriage of educational signals. A simple letter of objection, with service upon the relevant CATV system, would suffice to cause a deferral of processing pending the outcome of the rule making. In the event of a further notice of processing, an opportunity would be afforded for the filing of supplementary pleadings on the merits.

[13] Concurring statement of Chairman Hyde and dissenting statement of Commissioner Bartley filed as part of original document; concurring and dissenting statement of Commissioner Cox not filed as part of original document; Commissioner Johnson abstaining from voting; Commissioner H. Rex Lee dissenting.

[47 CFR Part 74]

[Docket No. 18397; FCC 69–516]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Further Notice of Proposed Rule Making

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and or legislative proposals; Docket No. 18397.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. In the course of processing requests for waiver of § 74.1107(a) pursuant to the interim processing procedures set forth in Part IV of the notice of proposed rule making and notice of inquiry issued herein on December 13, 1968 (15 FCC 2d 417, 33 F.R. 19028), the Commission has become aware that some confusion may exist with respect to two minor aspects of the proposed rules. We think it appropriate to clarify our proposals at this time, in order to assist persons filing comments in the rule making and those who may be concerned with the interim processing procedures.

3. First, proposed § 74.1107(d) does not accurately reflect the Commission's intended proposal with respect to carriage of commercial television signals by CATV systems in communities which are located within the proposed 35-mile zone of a noncommercial educational station, but outside of the proposed 35-mile zone of any commercial station. This section is phrased in terms of carriage of distant signals by a "CATV system operating in a community located in whole or in part within the specified zone of a television broadcast station assigned to a smaller television market." We did not intend to propose any restriction, other than the "leap-frogging" provisions in proposed

§ 74.1107(e), upon carriage of distant commercial signals by a CATV system which is located within the 35-mile zone of a noncommercial educational station only. The 35-mile zone of an educational station is pertinent only with respect to carriage of distant educational signals. We are accordingly proposing to modify proposed § 74.1107(d) as set forth below in Appendix A.[1]

4. Second, on the part of some persons there appears to be an erroneous impression that the Commission is proposing that television stations assigned to communities which are attributed by ARB to a major television market, but which are not designated in proposed § 74.1107 (a), would have no specified zone and would not come within the smaller market provisions of proposed § 74.1107(d). We intended to propose that every television station would have a specified zone, and that this zone would be a major or a smaller television market depending on whether the community of license is designated in proposed § 74.1107(a). In other words, the rules, rather than any rating of ARB, would be determinative. It appears that the ambiguity arises from the wording of the definitions of major and smaller television markets in proposed § 74.1101 (j) and (l). We are proposing to modify these definitions, as set forth in Appendix A below, to make clear that the term "smaller television market" means the specified zone of a television station assigned to any community which is not listed in proposed § 74.1107(a).

5. Processing under the interim procedures to date has also given rise to a third concern. The rules proposed in the December 13th notice, like the present rules, are geared to operating stations and do not propose a specified zone where there is an outstanding construction permit but no operating station. See Cedar Rapids Television Co. v. Federal Communications Commission, 387 F. 2d 228 (C.A.D.C.). However, it appears inconsistent with the considerations underlying the proposed rules to disregard entirely an outstanding construction permit. One of the important purposes of the proposed rules, as well as the present rules, is to encourage the development and healthy maintenance of new stations.

6. At the same time, we are not unmindful of the fact that the activation of some stations seems to take considerable time after the grant of the construction permit. We do not believe that the public interest would be served by precluding the provision of supplementary services by CATV in underserved areas for an indefinite period in the hope that a new local station will eventually result. In order to accommodate these competing considerations, we are proposing to accord a specified zone to a station authorized by an outstanding construction permit for a period of 18 months from the date of the grant, or 9 months from the date of this further notice, whichever occurs later. The provisions of proposed § 74.1107 would be applicable to that zone during such period. If the permittee receives program test authority within this period, it will be an operating station and the specified zone will continue in effect. If the permittee does not receive program test authority within this period, the specified zone will terminate until such time as the station does commence operation.[2] See proposed revision of proposed § 74.1101 (b) and (m) in Appendix A below. We are modifying our original proposal on our own motion at this time in order that interested persons may comment on this aspect in the comments and reply comments to be filed on Part IV. We shall also give appropriate consideration to this revised proposal in acting under the interim processing procedures.[2a]

6a. It should be noted that under the proposed revision of proposed § 74.1101 (m) in Appendix A, the pertinent community from which the specified zone extends is the community of license rather than the community or communities of assignment in § 73.606 of the rules. While the change makes no difference in most instances, our revised proposal takes account of the 15 mile provision of § 73.607(b) and those few instances where § 73.606 assigns channels to two or more communities listed in combination. It will ensure that each station has only one specified zone measured from the community of license. For purposes of the interim processing procedures and from the standpoint of equity, we are proposing prospective application of the revised proposal, i.e., only to pleadings filed after publication of this further notice in the FEDERAL REGISTER. Pleadings filed prior to that date need not be refiled, and will be processed in accordance with our original proposal as to the community or communities of assignment. However, parties may, if they wish, file supplementary pleadings. Intervening CATV service commenced since December 13, 1968, consistently with our original proposal of that date will be "grandfathered."

7. A further proposed revision stems from a matter which has been brought to our attention by the National Cable Television Association (NCTA). NCTA points out that there is no readily available list of post office locations (in terms of geographic coordinates) for use in computing distance separations where precise computation appears necessary. The U.S. Department of Commerce Special Publication No. 238, "Air-line Distances Between Cities in the United States," lists coordinates of, and distances between 492 cities. The reference point is not necessarily the main post office, and generally is the intersection of the two principal streets in the community. Moreover, not all of the communities with television stations in the major and smaller television markets are included on the list. NCTA has prepared a list which includes the post office locations for those communities not listed in Special Publication 238, as well as the reference points that are there listed. It has also explained the basis for the coordinates which it has added.

8. Since utilization of the list compiled by NCTA may well facilitate computations by interested persons, the Commission has no objection to the use of this list of reference points. Our proposal to use the main post office was intended to achieve certainty, and also to use a reference point that would be reasonably close to the center of the community. It appears that use of the NCTA list would accomplish both purposes, so long as it is the sole standard, and also facilitate the work of those making the computations. We are accordingly proposing to revise proposed § 74.1101(m) to provide that the specified zone is the area extending 35 miles from the listed reference point (see Appendix A below.[3] The list compiled by NCTA and its explanatory material are attached hereto as Appendix B.[4] If adopted, the reference point list would be contained in a new § 74.1108. In the absence of any substantial objection in the comments, we propose to authorize use of the calculation methods described by NCTA. Reference points for communities with outstanding construction permits, and for any omitted communities of license, would be added to the NCTA list as promptly as possible (see paragraphs 6 and 6a above).

9. In this connection, clarification of another related aspect appears appropriate. While the provisions of proposed § 74.1107 (b), (c), and (d) necessitate precise distance computations in zone

[1] The problem does not generally arise with respect to proposed § 74.1107 (b) and (c), since most designated communities in major television markets have operating commercial stations. In the event that a CATV system is located solely within the specified zone of an ETV station, we would propose similar treatment. The proposed revision of § 74.1107(d) in Appendix A also supplies the words "in the State or the region" which were inadvertently omitted from § 74.1107 (d) (3) in our original proposal.

[2] In that event, the proposed rules would be applicable, but any CATV service which had commenced in the interim would be grandfathered as to the signals then being carried.

[2a] As in the case of the next matter (footnote 3), we intend to proceed largely on a prospective basis, namely, pleadings filed after publication of this further notice in the FEDERAL REGISTER will be governed by this revised proposal insofar as interim processing is concerned; those filed before will be governed by our prior proposed criteria. We believe that this is an appropriate way to proceed, taking into account the equity of systems which made plans and the relatively minor consequences to the public interest based upon our overall evaluation of the pending cases. However, we would make an exception to this prospective application in the case of a new CATV service in the main community or one of the most important communities in a permittee's coverage area.

[3] Pleadings filed after publication of this Notice in the FEDERAL REGISTER should use the reference points in the proposed list. Pleadings filed prior to that date need not be changed, and will be resolved upon the basis of our original proposal.

[4] Appendix B filed as part of original document.

borderline cases, § 74.1107(e) contemplates some flexibility. In proposing to require that CATV systems refrain from "leap-frogging," we did not intend to propose that fractions of miles or de minimis (e.g., less than 5 miles) differences would be determinative. It should generally suffice to measure comparative distances on a map with a ruler or a pair of dividers, even though this method is not as accurate as computations based on geographical coordinates. In the rare instance where interested persons believe that a precise measurement of comparative distance would be important, the pertinent computation would be the distance between the listed reference point for the community to which the station is licensed and the main post office in the community of the CATV system. For purposes of the interim processing procedures, the Commission will determine "leap-frogging" issues raised in the pleadings, but will not undertake an exhaustive search for any other possible "leap-frogging" except for obvious instances which have been overlooked in the pleadings.

10. There is a further related matter. Unlike proposed § 74.1107(e), which looks toward waiver of the "leap-frogging" provisions for good cause shown, proposed § 74.1107(d) (2), (3), and (4) does not permit any flexibility as to the source of the authorized signals except in the case of in-State stations. While this parallels the exception in proposed § 74.1107(e) (2) (i), there is no provision comparable to § 74.1107(e) (2) (ii) for a showing of other good cause such as a greater community of interest. We are now proposing to modify our original proposal in proposed § 74.1107(d) (2), (3), and (4) by adding a new § 74.1107 (d) (6) containing a provision similar to proposed § 74.1107(e) (2) (see Appendix A), i.e., that the requirement for obtaining the authorized signals from the closest station in the region or in the State of the system may be waived for good cause shown. The discussion with respect to the measurement of distances in paragraph 9 above would apply also to the matter of alleged "leap-frogging" under proposed § 74.1107(d). Our interim processing procedures will, of course, take into account this proposed modification.

11. There is one further matter on which we specifically invite comment from interested persons. The list of designated communities in proposed § 74.1107 (a) does not follow the designations of ARB, but rather is intended to reflect what the Commission believes to be appropriate in view of the nature of the respective markets (see paragraph 47 of the notice). Communities may be added or deleted in light of the comments of the parties or the experience of the Commission pursuant to the interim processing procedures. For example, it appears that the proposed designations in five markets should be revised as follows:

13. Hartford-New Haven-New Britain, Conn.
42. Albany-Schenectady, N.Y.
49. Lansing-Onondaga-Jackson, Mich.
60. Salinas-Monterey-San Jose, Calif.
78. Des Moines-Ames, Iowa.

Moreover, in view of the provisions of proposed § 74.1107(c), it has become apparent that stations licensed to other communities should be attributed to the designated community in some markets for purposes of this section, e.g., Oakland should be attributed to San Francisco. In other words, the signals in the San Francisco market which could not be carried in another major market except in accordance with the provisions of proposed § 74.1107(c), would include the signal of the station licensed to Oakland. However, the San Francisco market would have only one specified zone, measured from the reference point in the designated community, San Francisco.[5]

12. We have reached no final determination on the above or indeed on the list as a whole, but it does appear to us that the outstanding proposal should be modified as indicated above (and in Appendix A). The parties are requested to comment on these revisions and to focus on what other modifications in the proposed list of designated communities would be appropriate. Indeed, we would hope that these revisions will spur such focus and comment, and make clear the proposed nature of the list. We do not plan any further modification during the proposal stage, since it does not appear to us that constant proposed revisions would be the most appropriate or orderly way to proceed in the circumstances.

13. It has also come to our attention that in some instances the listing in proposed § 74.1107(a) may lead to anomalous results. For example, the community of Flagler Beach, Fla., lies within the proposed 35-mile zone of Orlando-Daytona Beach, but beyond the Grade B contour of all stations except WESH–TV (NBC) in Daytona Beach and some of the stations in Jacksonville, another major market. Under the proposed rules, it would appear that a system in Flagler Beach would be limited to carrying one local station in the Orlando-Daytona market. A situation of this nature calls for some form of remedial action (including under § 1.3 during the interim period) and at the least full carriage of the networks. Comments are requested on what action would be appropriate in situations of this nature.

14. Authority for the further rule making proposals set forth herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, and 403 of the Communications Act.

15. All interested persons may file comments on the revised rule making proposals set forth herein, and in the attached Appendices A and B hereto,[6] on or before June 6, 1969, and reply comments in conjunction with their reply comments on Part IV of the notice of December 13, 1968; the time for filing such reply comments is hereby extended to July 18, 1969. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this further notice. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs and other documents filed in this proceeding shall be furnished to the Commission.

Adopted: May 14, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

Part 74, Subpart K, is amended as follows:

1. In § 74.1101, paragraph (b) is revised and paragraphs (j), (l), and (m) are added as follows:

§ 74.1101 Definitions.

* * * * *

(b) *Television station; television broadcast station; television translator station.* The terms "television station" and "television broadcast station" mean any television broadcasting station operating on a channel assigned by § 73.606 of this chapter or, for purposes of §§ 74.1105 and 74.1107, a television broadcast station which is authorized but not operating. The term "television translator station" means a television broadcast translator station as defined in § 74.701. A television translator station which is licensed to, and rebroadcasts the programing of, a television broadcast station within that station's Grade B contour, shall be deemed an extension of the originating station.

NOTE: For purposes of §§ 74.1105 and 74.1107, the term "signal of a television station" includes the signal of any television station operating by authority of a country other than the United States.

* * * * *

(j) *Major television market.* The term "major television market" means the

[5] Other markets where additional communities should be attributed to the designated community for purposes of proposed § 74.1107 (c), would include the following:

1. New York, N.Y. (including Newark, N.J.).
2. Los Angeles, Calif. (including Corona and Fontana, Calif.).
4. Philadelphia, Pa. (including Burlington, N.J.).
5. Boston, Mass. (including Cambridge, Mass.).
16. Cincinnati, Ohio (including Newport, Ky.).
20. Miami, Fla. (including Fort Lauderdale, Fla.).
27. Dayton, Ohio (including Kettering, Ohio).
61. Phoenix, Ariz. (including Mesa, Ariz.).
90. Fresno, Calif. (including Visalia, Calif.).
95. West Palm Beach, Fla. (including Palm Beach, Fla.).
97. Rockford, Ill. (including Freeport, Ill.).

[6] Concurring statement of Chairman Hyde and dissenting statement of Commissioner Bartley filed as part of original document; concurring and dissenting statement of Commissioner Cox not filed as part of original document; Commissioner Johnson abstaining from voting; Commissioner H. Rex Lee dissenting.

specified zone of a television station licensed to a community listed in § 74.1107 (a).

* * * * *

(l) *Smaller television market.* The term "smaller television market" means the specified zone of a television station licensed to a community which is not listed in § 74.1107(a).

(m) *Specified zone of television broadcast stations.* The term "specified zone of a television broadcast station" means the area extending 35 air miles from the listed reference point in the community to which that station is licensed by the Commission. The list of reference points is contained in § 74.1108 of this chapter. The specified zone of a television station which is authorized but not operating, terminates eighteen (18) months after the grant of the construction permit or on February 15, 1970, whichever occurs later, unless such station has received program test authority pursuant to § 73.629 of this chapter on or before the date of termination.

2. Section 74.1107 is revised to read as follows:

§ 74.1107 Requirements applicable to carriage of television broadcast signals in specified zones and in areas outside of specified zones.

(a) The major television markets and their designated communities are:

(1) New York, N.Y. (including Newark, N.J.).
(2) Los Angeles, Calif. (including Corona and Fontana, Calif.).
(3) Chicago, Ill.
(4) Philadelphia, Pa. (including Burlington, N.J.).
(5) Boston, Mass. (including Cambridge, Mass.).
(6) Detroit, Mich.
(7) San Francisco, Calif. (including Oakland, Calif.).
(8) Cleveland, Ohio.
(9) Washington, D.C.
(10) Pittsburgh, Pa.
(11) Baltimore, Md.
(12) St. Louis, Mo.
(13) Hartford-New Haven-New Britain, Conn.
(14) Providence, R.I.-New Bedford, Mass.
(15) Dallas-Fort Worth, Tex.
(16) Cincinnati, Ohio (including Newport, Ky.).
(17) Minneapolis-St. Paul, Minn.
(18) Indianapolis, Ind.
(19) Atlanta, Ga.
(20) Miami, Fla. (including Fort Lauderdale, Fla.).
(21) Buffalo, N.Y.
(22) Seattle-Tacoma, Wash.
(23) Kansas City, Mo.
(24) Milwaukee, Wis.
(25) Sacramento-Stockton, Calif.
(26) Houston-Galveston, Tex.
(27) Dayton, Ohio (including Kettering, Ohio).
(28) Columbus, Ohio.
(29) Johnstown-Altoona, Pa.
(30) Harrisburg-Lancaster-Lebanon-York, Pa.
(31) Tampa-St. Petersburg, Fla.
(32) Memphis, Tenn.
(33) Charlotte, N.C.
(34) Syracuse, N.Y.
(35) Toledo, Ohio.
(36) Portland, Oreg.
(37) Wheeling, W. Va.-Steubenville, Ohio.
(38) Grand Rapids-Kalamazoo, Mich.
(39) Denver, Colo.
(40) Birmingham, Ala.
(41) Nashville, Tenn.
(42) Albany-Schenectady, N.Y.
(43) New Orleans, La.
(44) Greenville - Spartanburg, S.C. - Asheville, N.C.
(45) Greensboro - Winston - Salem - High Point, N.C.
(46) Flint-Saginaw-Bay City, Mich.
(47) Louisville, Ky.
(48) Charleston-Huntington, W. Va.
(49) Lansing-Onondaga-Jackson, Mich.
(50) San Diego, Calif.
(51) Oklahoma City, Okla.
(52) Raleigh-Durham, N.C.
(53) Norfolk-Portsmouth-Newport News-Hampton, Va.
(54) Manchester, N.H.
(55) Omaha, Nebr.
(56) Wichita-Hutchinson, Kans.
(57) San Antonio, Tex.
(58) Tulsa, Okla.
(59) Salt Lake City-Ogden-Provo, Utah.
(60) Salinas-Monterey-San Jose, Calif.
(61) Phoenix, Ariz. (including Mesa, Ariz.).
(62) Davenport, Iowa-Rock Island-Moline, Ill.
(63) Portland-Poland Spring, Maine.
(64) Rochester, N.Y.
(65) Orlando-Daytona Beach, Fla.
(66) Richmond-Petersburg, Va.
(67) Roanoke-Lynchburg, Va.
(68) Shreveport, La.-Texarkana, Tex.
(69) Wilkes-Barre-Scranton, Pa.
(70) Green Bay, Wis.
(71) Little Rock, Ark.
(72) Champaign-Decatur-Springfield, Ill.
(73) Mobile, Ala.-Pensacola, Fla.
(74) Cedar Rapids-Waterloo, Iowa.
(75) Jacksonville, Fla.
(76) Spokane, Wash.
(77) Knoxville, Tenn.
(78) Des Moines-Ames, Iowa.
(79) Jackson, Miss.
(80) Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill.
(81) Columbus, Ga.
(82) Youngstown, Ohio
(83) Columbia, S.C.
(84) Baton Rouge, La.
(85) Springfield-Holyoke, Mass.
(86) Greenville-Washington-New Bern, N.C.
(87) Binghamton, N.Y.
(88) Madison, Wis.
(89) Lincoln-Hastings-Kearney, Nebr.
(90) Fresno, Calif. (including Visalia, Calif.).
(91) Chattanooga, Tenn.
(92) Evansville, Ind.
(93) Sioux Falls, S.C.
(94) South Bend-Elkhart, Ind.
(95) West Palm Beach, Fla. (including Palm Beach, Fla.).
(96) Fort Wayne, Ind.
(97) Rockford, Ill. (including Freeport, Ill.).
(98) Peoria, Ill.
(99) Augusta, Ga.
(100) Terre Haute, Ind.

(b) **Carriage of distant signals in major television markets:** No CATV system operating in a community located in whole or in part, within the specified zone of a television broadcast station assigned to a designated community in a major television market shall extend the signal of a commercial television broadcast station beyond the predicted Grade B contour of the station, unless such station has expressly authorized the system to retransmit the program or programs on the signal to be extended: *Provided, however,* That the system may carry the signal of any noncommercial educational station, in the absence of timely objection filed pursuant to § 74.1109 by any local educational station or by any local or state educational television agencies: *Provided, further,* That priority of carriage is afforded to the signals of educational stations located in the same State or closest to the system.

(c) **Carriage of signals from a major television market in another major market:** No CATV system operating in a community located wholly within the specified zone of a television broadcast station assigned to a designated community in a major television market shall carry the signal of a commercial television broadcast station assigned to a designated community in another major television market, unless the community of the CATV system is also located wholly within the specified zone of the station in the other major market or unless the system has the express authorization of the originating station to retransmit the program or programs on the signal to be extended: *Provided, however,* That the system may carry the signal of any noncommercial educational station assigned to such other major market, in the absence of timely objection filed pursuant to § 74.1109 by any local market educational station or by any local or State educational television agencies.

(d) **Carriage of distant signals in smaller television markets:**

(1) No CATV system operating in a community located, in whole or in part, within the specified zone of a commercial television broadcast station assigned to a smaller television market shall extend the signal of a television broadcast station beyond the predicted Grade B contour of such station, except as authorized in subparagraphs (2), (3), and (4) of this paragraph: *Provided, however,* That priority of carriage is afforded to the signals of educational stations located in the same State or closest to the system.

(2) A CATV system operating in a community located outside of the specified zones of all commercial television broadcast stations but within the specified zone of a noncommercial educational television station, in whole or in part, may carry the signals of commercial television broadcast stations in accordance with the provisions of paragraph (e) of this section, and may carry the signal of any noncommercial educational television station, in the absence of timely objection filed pursuant to § 74.1109 by the local educational station or by any local or State educational television agencies, provided that priority of carriage is afforded to signals of educational stations located in the same State or closest to the system.

(3) The system may carry the signal of any noncommercial educational television station, in the absence of timely objection filed pursuant to § 74.1109 by any local educational station or by any local or State educational television agencies, provided that priority of carriage is afforded to the signals of educational stations located in the same State or closest to the system.

(4) The system may carry the signal of one independent station obtained from the nearest community in the State or region with an operating independent station or stations. In the event that such community has more than one operating independent station, the system shall select the signal of whichever independent station it chooses to carry. The system may also carry the distant signal of any independent station that may subsequently commence operation at a location closer to the community of the system.

(5) The system may carry the signal of any noncommercial educational television station, in the absence of timely objection filed pursuant to § 74.1109 by any local educational station or by any local or State educational television agencies, provided that priority of carriage is afforded to the signals of educational stations located in the same State or closest to the system.

(6) The Commission may waive the requirement that distant signals carried pursuant to subparagraphs (2), (3), (4), and (5) of this paragraph shall be obtained from the closest relevant station in the State or in the region of the system for good cause shown in a petition filed pursuant to § 74.1109, such as a showing that the system's subscribers have a greater community of interest with the community of the more distant station.

(e) **Carriage of distant signals in areas outside any specified zone:**

(1) No CATV system operating outside the specified zones of all television broadcast stations shall extend the signal of any television broadcast station beyond the station's predicted Grade B contour unless the system is carrying the signals of all television broadcast stations in the same class that are operating in communities located closer to the system. The classes of television broadcast stations to which this subparagraph is applicable are the following:

(i) Stations that are full network stations of the same network.

(ii) Stations that are partial network stations of the same network or networks.

(iii) Independent stations.

(iv) Noncommercial educational stations.

(2) The Commission may waive the provisions of subparagraph (1) of this paragraph for good cause shown in a petition filed pursuant to § 74.1109, such as a showing that (i) the community of the more distant station is located in the same State or (ii) the system's subscribers have a greater community of interest with the region served by the more distant station.

(f) Applicability of this section: The provisions of this section do not apply to any signals which a CATV was supplying to subscribers in its community on December 20, 1968 (or pursuant to prior Commission authorization, whenever given), or to carriage of the same signals by any other CATV system that subsequently commences operation in the same community, unless it is proposed to extend lines into another community. Where a CATV system is limited by order of the Commission to carrying signals governed by this section only in particular geographic areas of a community, the provisions of this section shall apply to carriage of such signals by any CATV system in all other areas of that community.

[F.R. Doc. 69-6061; Filed, May 20, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 34]

DEPUTY ADMINISTRATOR

Delegation of Authority

Pursuant to the authority vested in me by Delegation of Authority No. 104, dated November 3, 1961, from the Secretary of State, the Deputy Administrator of the Agency for International Development is hereby designated to serve as full Deputy and alter ego to the Administrator and is responsible under my general direction for all aspects of the Agency's activities. In accordance with the foregoing, and to the extent consistent with law, the Deputy Administrator is authorized to represent, and to exercise the authority of the Administrator with respect to all functions now or hereafter conferred upon or held by the Administrator of the Agency for International Development by Delegation of Authority No. 104, as amended from time to time, or by or under any Agency Regulation, Manual Order, Directive, Notice, or other issuance, and all functions or authorities delegated or assigned to, or otherwise conferred upon or held by me, as Administrator, or as a head of an agency by law or regulation of any competent authority.

Delegation of Authority No. 34 from the Administrator, dated February 29, 1964 (29 F.R. 3240) is hereby rescinded.

This delegation of authority shall be effective immediately.

Dated: May 13, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69-6015; Filed, May 20, 1969; 8:47 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Addendum for Argentina

A. The Agency for International Development has issued a public Announcement, entitled "Reopening of the Latin American Housing Guaranty Program." This Announcement provides that competitive applications will be taken for new housing investment guaranty projects in Argentina from October 1 to October 15, 1969, and provides a tentative allocation of U.S. $6,000,000 of guaranty authority for this purpose.

B. *General requirements for all housing guaranty projects approved for Argentina*—1. *Government of Argentina guaranty.* The Government of Argentina shall provide a full faith and credit guaranty of repayment of the loan. The guaranty of the Government of Argentina shall be payable in U.S. dollars.

2. A.I.D. will require adjustable mortgage payments by homeowners based on a formula, acceptable to A.I.D., which will adjust the outstanding mortgage of each homeowner, periodically in accordance with an approved index which will reflect the trend of internal costs and prices in Argentina. The mortgages now being utilized by BHN in existing housing guaranty projects satisfy these conditions.

3. *Fees, reserves and charges*—a. *A.I.D. guaranty fee.* Pursuant to the Government of Argentina guaranty, the A.I.D. fee will be one-half of 1 percent per annum.

b. *Reserves.* In view of the Government of Argentina guaranty and adjustable mortgage payments by homeowners, no additional reserves will be required by A.I.D.

c. *Other charges.* Applicants should consult with the BHN as to their fees for performing the functions shown in paragraph C1 below, which will affect the total interest rate paid by the individual home purchasers when estimating the homeowner's monthly payments. In housing projects for lower income families, corresponding fees of the appropriate participating entity should be obtained.

C. *Guidelines for applicants under the five categories of applications which may be filed*—1. *Pilot Demonstration Projects.* All applicants shall obtain the approval of the Banco Hipotecario Nacional (National Mortgage Bank) of the proposed project prior to filing an application under this category. Such approval shall be in the form of a letter from the Banco Hipotecario indicating its approval, in principle, of the proposed housing guaranty project. Such letter shall be included with the application as Exhibit #12. All proposed projects approved by A.I.D. will be implemented with the participation of Banco Hipotecario (BHN). The BHN will participate in the following functions in connection with each Housing Guaranty Project approved by A.I.D.: (a) Approve plans and specifications; (b) provide the Government of Argentina guaranty; (c) act as borrower; (d) act as Administrator. The Maximum selling price of houses in the pilot or demonstration category which A.I.D. will approve at the time construction of the project commences is U.S. $7,500.

2. *Credit institution projects.* Applications under this category will not be accepted in Argentina at the present time.

3. *Housing projects for Lower income families.* Applicants under this category may obtain approval of proposed projects from participating entities such as the Housing Institute of the Province of Buenos Aires or from the appropriate office of the City of Buenos Aires or from other appropriate municipal entities in Argentina concerned with providing housing for lower income families.

Applicants may propose a basic home price ceiling under this category at the time construction of the project commences in amount of up to U.S. $4,000.

4. *Housing Projects that will promote the development of institutions important to the success of the Alliance for Progress.* All applicants shall obtain the approval of the Banco Hipotecario and the provisions in paragraph C1 above relative to the Banco Hipotecario shall apply to applications filed under this category.

Applicants may propose a basic home price ceiling under this category at the time construction of the project commences in an amount of up to U.S. $6,000.

5. *Local Participation Projects.* All applicants shall obtain the approval of the Banco Hipotecario and the provisions in paragraph C1 above relative to the Banco Hipotecario shall apply to applications filed under this category. The maximum selling price of houses in the local participation category which A.I.D. will approve at the time construction of the project commences is U.S. $6500.

D. *In closing.* For additional information on any of the above requirements or for information on any aspect of the housing guaranty program for Argentina, please communicate with:

The United States A.I.D. Mission to Argentina, c/o American Embassy, Buenos Aires, Argentina.
Stanley Grand, A.I.D. Representative.
Ronald Russel, Urban Development Officer.

Additional information concerning this program may be obtained from:

Housing and Urban Development Division, Latin America Bureau, Agency for International Development, Department of State, Room 2242, Washington, D.C. 20523.
Stanley Baruch, Director.
Peter M. Kimm, Deputy Director for Guaranties and Engineering.

STANLEY BARUCH,
Director, Housing and Urban Development.

[F.R. Doc. 69-6016; Filed, May 20, 1969; 8:47 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICA COUNTRIES

Special Addendum for Barbados

The Agency for International Development has issued a public announcement entitled "Reopening of the Latin American Housing Guaranty Program." That Announcement provides that competitive applications, for new Housing Investment Guaranty Projects in Barbados, will be received at the USAID Mission in Bridgetown from September 1 to September 15, 1969. In addition to the general requirements for competitive applications set forth in that Announcement the following requirements have been established specifically for Housing Investment Guaranty Projects proposed for Barbados.

1. Applications will be accepted only under subsection 224(b)(1) of the Foreign Assistance Act of 1961 as amended: pilot or demonstration private housing projects. This category is more fully described in paragraph C(1) of the Information for Applicants.

2. The Government of Barbados has set aside adequate undeveloped land for the development of a residential project or projects in the southern sector of the Cave Hill area of Barbados. The Cave Hill area is approximately three (3) miles north of Bridgetown, Barbados.

The land selected is wholly owned by the Urban Development Corporation, a semiautonomous agency of the Government of Barbados.

No applications will be accepted which do not propose development and construction of residences in the selected area.

Information regarding the site, undeveloped land cost, payment for the land, and other factors affecting site development must be obtained from Mr. Louis Redman, Manager, Urban Development Corporation, Bridgetown, Barbados.

3. Letters issued by the Urban Development Corporation and the Town and Country Planning Office, Ministry of Home Affairs, Government of Barbados expressing approval in principle of the proposed project must accompany each application.

4. In the competitive evaluation of applications special consideration will be given to projects which would provide (a) the highest dollar value in housing for the lower to middle income buyers, within the sales price ceiling set forth in the Information for Applicants; (b) creative innovations in design, building construction methods and/or use of native materials (this does not include unproven, experimental methods of construction); (c) clear evidence of ability to commence and complete the project in the shortest possible time.

5. Maximum sales prices shall be as described in paragraph C(1)(c) of the Information for Applicants.

6. The A.I.D. Guaranty fee shall be as described in paragraph F(1)(a), F(1)(b)(ii), and F(1)(c), of the Information for Applicants.

7. A.I.D. shall require the establishment of a reserve fund to cover defaults and delinquencies by individual homeowners through the assessment of an initial payment of 1½ percent of the mortgage amount at the time of closing. No monthly charge for this purpose will be assessed.

STANLEY BARUCH,
Director, Housing and Urban Development.

[F.R. Doc. 69-6017; Filed, May 20, 1969; 8:47 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Addendum for Colombia

The Agency for International Development has issued a public announcement, dated April 16, 1969, entitled "Reopening of the Latin American Housing Guaranty Program." That announcement provides that competitive applications, for new housing investment guaranty projects in Colombia, will be received at the USAID Mission in Bogota from November 1 to November 15, 1969. In addition to the general requirements for competitive applications set forth in that announcement the following requirements have been established specifically for housing investment guaranty projects proposed for Colombia.

Special addendum for Colombia.—1. *Government of Colombia guaranty.* The Government of Colombia shall provide a full faith and credit guaranty to A.I.D. assuring against any and all losses resulting to A.I.D. by virtue of its guaranty to the U.S. investor or investors. This guaranty by the Government of Colombia may be obtained through the Instituto de Credito Territorial (ICT).

2. *Fees, reserves and charges.*—A. A.I.D. guaranty fee: Pursuant to the Government of Colombia Guaranty, the A.I.D. Guaranty Fee will be one-half of 1 percent per annum. A.I.D. will not require additional reserves.

B. Applicants should consult with the ICT to determine additional fees and reserves that may be required by virtue of the participation of that institution directly or through any other institutions acting in a fiduciary or other participating role.

3. *Size of projects proposed.* It is desirable to have no less than 400 dwelling units in any one project.

4. *Unit prices.* Maximum prices shall be in accordance with the requirements of the individual categories of applications.

5. *Location of projects.* Applications will only be accepted for competitive projects proposed to be located in either Bogota, Medellin, Cali, or Barranquilla.

6. *Approvals.* All applications will require the approval, prior to submission to USAID/Bogota, of the Colombian National Department of Planning and of ICT which will act as agencies of the Government of Colombia in their respective fields to assure that each project will be:

A. Integrated into the overall national development plans; and

B. In accordance with local and regional housing policies and form part of an official, approved Urban Renewal program;

C. Guided by the prompt application of existing legislation and regulatory procedures relevant to it;

D. Supported by the municipal jurisdiction in which it is to be located with such financial and other resources which are necessary to provide utility, education, and community services required;

E. Composed of multifamily dwelling units in apartment groupings. Further information concerning the policies, plans, and program mentioned above may be obtained from ICT.

7. *Guidelines for applications under the five categories of applications which may be filed.* A. Pilot or Demonstration Projects: The maximum selling prices of houses in the pilot or demonstration category which A.I.D. will approve at the time construction of the project commences is U.S. $7,500.

B. Credit Institution Projects: Applications under this category must contain an explanation of the way in which the credit institution would preserve value of its investments and would attract savings to the institution.

C. Housing Project for Lower Income Families: Because of the current costs of financing and of the standards noted above, it is not anticipated that projects under this category would be viable at this time.

D. Housing projects that will promote the development of institutions important to the success of the Alliance for Progress: The maximum selling price of dwelling units in this category which A.I.D. will approve at the time construction of the project commences is U.S. $6,500.

E. Local Participation Projects: The maximum selling price of dwelling units in the local participation category which A.I.D. will approve at the time construction of the projects commences is U.S. $6,500.

8. *Administrator.* As of present time the only institution approved by A.I.D. to act as an Administrator for A.I.D. guarantied Housing Projects in Colombia is ICT.

9. *Additional information.* For additional information on any of the above requirements or for information on any aspect of the Housing Guaranty Program for Colombia, please communicate with:

The U.S. A.I.D. Mission to Colombia, c/o American Embassy, Bogota, Colombia. Attention: Housing and Urban Development Office.

STANLEY BARUCH,
Director, Housing and Urban Development.

[F.R. Doc. 69-6018; Filed, May 20, 1969; 8:47 a.m.]

LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the List.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 3 of a printed or published list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the list as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the list, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the list and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the list are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Aadal, Mr. Manoutchehr, 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

A-Dong Industrial Co., Ltd., Box 1613, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

All American Fabrics Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

American Asia Lines, 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Amerimpex Trading Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Ando, Mr. Hitachi [aka Chang, Chung Kyun], President, Osaka Koeki Co., Ltd., Dojima Bldg., 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967, 4/26/68–4/26/71.

Aqua International Corp., 29 Broadway, New York, N.Y. 10006, Mar. 26, 1965, 3/22/67–3/22/70.

Chao, Mr. L. Yuan, President-Manager, Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

Cheng Feng Trading Co., Ltd., Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 10/17/67–10/17/70.

Cheng, Mrs. Jean, Secretary-Treasurer, Osborne Engineering Co., 1899 South Seventh Street, Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Cheng, Mr. K. K., President, Osborne Engineering Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Chi, Mr. Chu-Hu, Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

Chie, Mr. C. F., Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

Chie Ho Industrial Co., Ltd., Cheng Teh Road 9–1, Lane 57, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

China Electrode Manufacturing Co., Ltd., 79–4 Chung Hwa Rd., Taipei, Taiwan, Jan. 29, 1968, 2/26/68–2/26/71.

Chung Kum Products, Ltd., Tai-Yang Bldg., 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Chunusa Co., Ltd., Room 1305, Yau Yue Bank Bldg., 127 Des Voeux Road C., Hong Kong, B.C.C., Aug. 29, 1967, 10/17/67–10/17/70.

DAI Industrial Co., Ltd., Room No. 303–306, Tai-Yang Bldg, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Darab, Mr. Nasrollah, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Eagan, Mr. Edward, 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.

Eastern Tinplate Distributors, 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

En Am Machinery Works, 43–3 Chung Hsiao St., Feng Yuan, Taichung Hsien, Taiwan, June 23, 1966, 10/17/67–10/17/70.

Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, Dec. 8, 1967, 1/20/69–1/20/72.

Fox, Mr. Arnold M., 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

Greene, Mr. Roy K., 415 East 52d St., New York, N.Y. 10022, Oct. 27, 1965, 4/14/67–4/14/70.

Han Gook Organ Needle Co., Ltd. [aka Korean Organ Needle Co., Ltd.], Onch'on-dong Tongnae-go, Pusan City, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Harfa Commercial Co., 170 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Hourcade, Mr. Jean, President, Marocaine D'Appareils de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, Mar. 8, 1968, 4/5/68–4/5/71.

International Manufacturers Agency, 129–131 Bui Huu Nghia St., Cholon, Saigon, South Vietnam, Aug. 29, 1967, 10/17/67–10/17/70.

International Tinplate Sales Co., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.

Kao Hsing Iron and Steel Co., Ltd., 31 Lih Hsing Rd., Koahsiung, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

K.B.S. Trading Co., Ltd., 1334 Young St., Honolulu, Hawaii, Mar. 31, 1967, 4/26/68–4/26/71.

Khotpanya, Mr. Thao, No. 513 Sam Sene Tkai Rd., Vientiane, Laos, Dec. 30, 1968, 2/1/69–2/1/72.

Kim, Mr. B. H. [aka Kim, Byong Hwan], DAI Industrial Co., Ltd., Room 303–306, Tai-Yang Bldg., 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Kwak, Mr. William [aka Kwak, Byong Soo], K.B.S. Trading Co., Ltd., 1334 Young St., Honolulu, Hawaii, Mar. 31, 1967, 4/26/68–4/26/71.

Ly, Mr. Kouang Sae, No. 513 Sam Sene Tkai Rd., Vientiane, Laos, Dec. 30, 1968, 2/1/69–2/1/72.

Marine Leasing, Ltd., 1624 Central Bldg., Pedder St., Hong Kong, B.C.C., Sept. 1, 1967, 11/1/68–11/1/71.

Marocaine D'Appareils de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, June 30, 1967, 4/5/68–4/5/71.

Monarch Processing Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Monarch Trading Co., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Monarch Trading Co., Inc., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Namdar, Mr. Faizollah, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

National Oxygen & Equipment Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Navarra, Mr. Guy, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, 9/23/68–9/23/71.

Navarra, Mr. Sauveur, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967; 9/23/68–9/23/71.

Nederlandse Radiateuren Fabriek au Maroc, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, 9/23/68–9/23/71.

North American Inspection Agency, 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

Osaka Koeki Co., Ltd., Dojima Bldg., 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967, 4/26/68–4/26/71.

Osborne Engineering Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Osborne Export-Import Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Priyathanaphong, Mr. Boonsak, Proprietor, Roong Riang Registered Ordinary Partnership, 535–537 Suntipaph Rd., Bangkok, Thailand, Dec. 30, 1968, 2/1/69–2/1/72.

Rafati, Mr. Hassan, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Richoux Co., Inc., 1133 Broadway, New York, N.Y. 10010, Dec. 8, 1967, 1/20/69–1/20/72.

Rodman, Mr. Norman, 1624 Central Bldg., Pedder St., Hong Kong, B.C.C., Sept. 1, 1967, 11/1/68–11/1/71.

Roong Riang Registered Ordinary Partnership, 535–537 Suntipaph Rd., Bangkok, Thailand, Dec. 30, 1968, 2/1/69–2/1/72.

Saharojn Weaving Factory Limited Partnership [aka Heh Heng Weaving Factory], No. 65 Buntuttong Rd., Trogput Lane, Bangkok, Thailand, Dec. 30, 1968, 2/1/69–2/1/72.

Steel Factories Co., 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

Tinmill Products Co., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.

Tinplate Association, Inc., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.

Transasia Carrier Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 11/12/67–11/12/70.

Transasia Marine Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Transasia Steamship Co., Inc., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Transasia Transportation Corp. 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Unico, J. E., Ltd., 3, Jalad Muang Rd., Bangkok, Thailand, July 31, 1967, 8/22/68–8/22/71.

United Steel and Wire Corp., 375 Park Ave., New York, N.Y. 10022, Oct. 27, 1965, 4/14/67–4/14/70.

Western National Fabrics Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Wewerka, Mr. Victor, President, Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, Dec. 8, 1967, 1/20/69–1/20/72.

Worldwide Export Co., 79 Wall St., New York, N.Y. 10005, May 23, 1964, 3/22/67–3/22/70.

Yuan Feng Trading Co., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

SEC. 4. *Suppliers suspended from A.I.D. financing.* The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Alabama Flour Mills, 2050 Market St. NE., Decatur, Ala., Mar. 5, 1969.

Apollo International Corp., 55 Northern Blvd., Greenvale, N.Y., Mar. 20, 1969.

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Bershad, Mrs. Carolyn, 8211 Streamwood Dr., Baltimore, Md. 21208, Sept. 26, 1967.

Bershad, Mr. Irving, 8211 Streamwood Dr., Baltimore, Md. 21208, Sept. 26, 1967.

Bogota Laboratories, Inc., Post Office Box 127, Somerset, N.J., Feb. 12, 1969.

Bottone, Dr. Caesar, 1209 Anderson Ave., Fort Lee, N.J., Nov. 9, 1966.

Cathay Steel Export Corp., 160 Broadway, New York, N.Y. 10038, Sept. 26, 1967.

Cerco, Inc., 1124 Ashford Ave., Santurce, P.R. 00907, Aug. 5, 1968.

Chusid, Mr. Gerald, 55 Northern Blvd., Greenvale, N.Y., Mar. 20, 1969.

Colony Steel Co., 122 East 42d St., New York, N.Y., Mar. 26, 1968.

Concepcion, Mr. Segismundo, 160 Broadway, New York, N.Y. 10038, Apr. 22, 1969.

Dixie Chick Co., 510 Davis St. SW., Gainesville, Ga. 30501, Mar. 5, 1969.

Eisler Engineering Co., Inc., 750 South 13th St., Newark, N.J. 07103, Mar. 26, 1968.

Empire Steel Trading Co., 80 Wall St., New York, N.Y., Feb. 12, 1969.

Flat Steel Products, Inc., 430 East 86th St., New York, N.Y., Apr. 8, 1969.

Franklin Stainless Corp., 605 Third Ave., New York, N.Y. 10016, Mar. 10, 1969.

Gubbay, Mr. Clement, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.

Higgins, Mrs. Mabel, 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.

Higgins, Mr. Thomas Edison, 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.

Inox Corp., 85 Harbor Rd., Port Washington, N.Y., Mar. 10, 1969.

International Enterprises, 160 Broadway, New York, N.Y. 10038, Apr. 22, 1969.

Kahn, Mr. Walter J., 80 Wall St., New York, N.Y., Feb. 12, 1969.

Lowens, Mr. Ernest, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Mane Fils, Inc., 250 Park Ave. South, New York, N.Y., Jan. 7, 1969.

Marciem, S.A., c/o Buffete Tapia, Calle 31 3–80, Panama City, Republic of Panama, Oct. 25, 1967.

Meoni, Mr. A., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Monarch Industrial Corp., 430 East 86th St., New York, N.Y. 10023, Aug. 16, 1968.

Mutual International, Inc., 420–444 Market St., San Francisco, Calif. 94111, Sept. 23, 1968.

Nadler, Mr. Ira, Proprietor, Flat Steel Products, Inc., 430 East 86th St., New York, N.Y., Apr. 8, 1969.

Navarro, Mr. Ben, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

North Georgia Feed and Poultry, Inc., 514 Davis St. SW., Gainesville, Ga. 30501, Mar. 5, 1969.

Palmetto Industry Co., 32 Broadway, Suite 808, New York, N.Y. 10004, Mar. 15, 1968.

Panmed Pharmaceuticals, Inc., 1209 Anderson Ave., Fort Lee, N.J. 07025, Nov. 9, 1966.

Pharma Scienta, 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, Dec. 19, 1966.

Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Sanyo Seiki Trading Co., Ltd., 35 Po Ai Rd., Taipei, Taiwan, Nov. 20, 1968.

Schuco Industries, Inc., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.

Schuco International Corp., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.

Schuco Laboratories, Inc., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.

Schuco Sales, Inc., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.

Schueler and Co., 110 Fifth Ave., New York, N.Y. 10011, Mar. 15, 1968.

Schueler, Mr. Hassan E., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.

Shalom, Mr. Raleigh, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Societe des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, Dec. 19, 1966.

Societe Tunisienne Compto, Rue Es Sadikia, Tunis, Tunisia, June 24, 1968.

Spe-D-Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.

Stuhr-Kennedy Shipping Co., 1320 Peralta St., Berkeley, Calif., Mar. 21, 1968.

Stuhr, Mr. Raymond H., 1320 Peralta St., Berkeley, Calif., Mar. 21, 1968.

Surplus Steel Exchange, Inc., 227 Fulton St., New York, N.Y. 10007, Jan. 16, 1968.

Szybalski, Mr. S., 1209 Anderson Ave., Fort Lee, N.J. 07025, Nov. 9, 1966.

Talve, I. D., Trading Co., Inc., 605 Third Ave., New York, N.Y. 10016, Mar. 10, 1969.

Talve, Mr. Isidore, 605 Third Ave., New York, N.Y. 10016, Mar. 10, 1969.

Tricon International, Inc., 160 Broadway, New York, N.Y. 10038, Apr. 22, 1969.

Tumay, Mr. Francis, President, Palmetto Industry Co., 32 Broadway, Suite 808, New York, N.Y. 10004, Mar. 15, 1968.

United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayagues, P.R., Dec. 19, 1966.

White Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.

Wong, P. C., & Co., 156 Funston St., San Francisco, Calif., Sept. 23, 1968.

Wong, Mr. Peter C., 156 Funston St., San Francisco, Calif., Sept. 23, 1968.

JAMES M. KEARNS,
Acting Assistant Administrator for Administration.

MAY 12, 1969.

[F.R. Doc. 69–6019; Filed, May 20, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 215]

ADVISORY COMMITTEE ON ETHICAL STANDARDS

Establishment

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and under the authority vested in me by Treasury Order No. 190, Revision 6, I hereby establish in the Office of the Secretary an Advisory Committee on Ethical Standards.

The Committee shall be composed of the General Counsel, who shall serve as Chairman, the Fiscal Assistant Secretary and the Director of the Office of Personnel. The deputy of any member may serve in the absence of his principal.

The Committee shall consider and advise upon the questions of conflict of interest and the matters of ethical judgment which may be stated for its consideration in the Standards of Conduct of the Treasury Department, 31 CFR Part 0, Treasury Personnel Manual, Chapter 735. Until those standards are revised, the Committee shall perform those functions now specified therein for the Ad Hoc Committee on Ethical Standards.

Treasury Department Order No. 188 (Revised) establishing the Ad Hoc Advisory Committee on Ethical Standards is hereby revoked.

Dated: May 13, 1969.

[SEAL] CHARLS E. WALKER,
Under Secretary of the Treasury.

[F.R. Doc. 69–6045; Filed, May 20, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1429]

CALIFORNIA

Opening of National Forest Land From Waterpower Withdrawals

MAY 13, 1969.

1. In an order issued January 22, 1969, the Federal Power Commission vacated

the power withdrawals created pursuant to the filing of an application for license for Project No. 185 for the following described land as well as other land in Project No. 185 and Project No. 1123 withdrawn for transmission line purposes:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 1 E.,
Sec. 8, W½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, and NE¼SE¼;
Sec. 14, SW¼NE¼ and SE¼NW¼;
Sec. 16, W½NE¼ and E½NW¼;
Sec. 18, lot 6, S½NE¼NW¼ (S½N½NW¼), and S½N½NE¼NW¼.

The areas described aggregate approximately 570 acres in San Bernardino County within the San Bernardino National Forest.

2. By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the finding and order of the Federal Power Commission and pursuant to the authority delegated to me by the Manager, June 25, 1968 (33 F.R. 9308), it is ordered as follows:

The land in transmission lines referred to in the January 22, 1969, order have been subject to the General Determination of the Federal Power Commission issued April 17, 1922.

At 10 a.m. on June 9, 1969, the land described in paragraph 1 herein will be open to such forms of disposition as may by law be made of national forest land, subject to valid existing rights and the provisions of existing withdrawals.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 69-6007; Filed, May 20, 1969; 8:47 a.m.]

[Serial No. I-2930]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 14, 1969.

The Geological Survey has filed an application, Serial Number I-2930 for the withdrawal for powersite classification purposes of the lands described below, from all forms of appropriation under the public land laws, subject to existing valid rights, excepting locations of mining claims as provided for in the Act of August 11, 1955 (69 Stat. 681), mineral leasing under the mineral leasing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended.

The classification is to protect the potential value of reservoir sites which may be developed along this stretch of the Snake River for conservation of water and for development of hydroelectric power.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Geological Survey.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

POWERSITE CLASSIFICATION NO. 460

BOISE MERIDIAN, IDAHO

T. 6 S., R. 12 E.,
Sec. 12, lot 11.

The area described is an island in the Snake River containing 4.96 acres between Gooding and Twin Falls Counties.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-6042; Filed, May 20, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CASE WESTERN RESERVE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00343-33-46500. Applicant: Case Western Reserve University, Medical School, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by graduate students and established investigators on our staff to prepare ultrathin sections of developing skeletal and cardiac muscle, normal and regenerating nerves, normal and regenerating neural retina of eyes, and mitochondrial and chloroplast fractions prior to their examination in the electron microscope. Many of these projects involve high resolution microscopy and the tracing of the morphological pathways of isotopic molecules by autoradiography. Consequently, a wide range of section thicknesses are required from 50Å to 2u. Frequently, serial sections of uniform thickness are required. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorval Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5986; Filed, May 20, 1969; 8:45 a.m.]

CLARKSON COLLEGE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00277-25-34095. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Generalised electrical machine set. Manufacturer: Mawdsley's Ltd., United Kingdom. Intended use of article: The article will be used for teaching and research pertaining to the theory of electrical rotating machines. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a motor-generator unit that is specifically designed to demonstrate the theory of electrical motors and generators on electrical rotating machines. The only comparable instrument known to be manufactured in the United States is the generalized machine manufactured by Westinghouse Electric Corp. This domestic apparatus is limited to a two-phase operation, whereas the foreign article is capable of three-phase operation. This difference is considered to be significant because it extends the range of electrical phenomena which can be demonstrated to students and, therefore, is a pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5987; Filed, May 20, 1969; 8:45 a.m.]

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00320-33-46500. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Ultramicrotome, Model LKB 8800A. Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the factors contributing to and influenced by regeneration and aging in vertebrate and invertebrates. A variety of tissues from several species are sectioned ultrathin for observation in the electron microscope. The object of the project is the explanation of those mechanisms promoting and controlling regeneration and aging. A range in section thickness of 50 angstrom units to 2,000 angstrom units is required to permit survey studies at the lower magnifications on thicker tissues, and high resolution at the higher magnifications on the ultrathin sections. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5988; Filed, May 20, 1969; 8:45 a.m.]

GEORGE WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00350-33-46500. Applicant: The George Washington University, 21st and G Streets NW., Washington, D.C. 20006. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning ultrathin epon-embedded ocular tissue on the following projects:

a. The relationship of morphology to transparency of the cornea;

b. Alterations in various layers of pathologic cornea obtained from the human eye;

c. Structural changes in ocular tisses resulting from photic and other types of injuries;

d. The movements of ions and water through the layers of the cornea of various aquatic species.

These projects require sections in the range of 50-600 angstroms thick. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of

specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 16, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5989; Filed, May 20, 1969; 8:45 a.m.]

LOYOLA UNIVERSITY (CHICAGO)

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00321–33–46500. Applicant: Loyola University (Chicago), Stritch School of Medicine, 1400 South First Avenue, Hines, Ill. 60141. Article: Ultramicrotome, Model LKB 4800 Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the development of the internal membrane structure in bacteria through an electron microscopic approach. Because of the nature of the studies the ultrathin section needed must be prepared in long series and must be cut in equal thickness throughout. It is imperative that the operator be able to quickly change the cutting thickness anywhere from 50 angstrom units of 2 microns. It is also intended to be used as a teaching instrument in graduate courses in microbial cytology, molecular genetics, and electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 2, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5990; Filed, May 20, 1969; 8:45 a.m.]

SINAI HOSPITAL OF BALTIMORE, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00314–33–46500. Applicant: Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore, Md. 21215. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for electron microscopic observations. Research consists of evaluation of fine structure of tumor cells and cytochemical localization of enzymes. In order to accomplish the experiments it is necessary to have an ultramicrotome with the greatest possible flexibility of operation which can cut long serial sections of equal thickness from 50 angstroms to 2 microns. It should be possible for the operator to easily and rapidly change serial section thickness as needed. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5991; Filed, May 20, 1969; 8:45 a.m.]

STATE UNIVERSITY COLLEGE AT ONEONTA, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00280–01–44795. Applicant: State University College at Oneonta, Oneonta, N.Y. 13820. Article: Dipolemeter, fixed frequency 2,000 kc. Manufacturer: Kahl Scientific Instrument Corp., West Germany. Intended use of article: The article will be used by students in physical chemistry to determine such parameters as dipole moments and molecular polarization. It can be used to determine the degree of hydrogen bonding. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a dipolemeter capable of determination of the dipole moments of gases and liquids for use in structural investigations by students in physical chemistry courses. We are advised by the National Bureau of Standards (NBS), in a memorandum dated March 31, 1968, that there is no known domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5992; Filed, May 20, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00295–33–46500. Applicant: University of California, San Francisco Medical Center, Parnassus Avenue at Arguello, San Francisco, Calif. 94122. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of biologic materials for electron microscopy. These studies in cellular immunology include the study of the distribution and biological properties of isoantigens present on the cell surface of erythrocytes, leukocytes and platelets. Short and long term cultures of human lymphocytes will be studied. The response of normal individuals, agammaglobulinemics and patients with dysproteinemias will be investigated. Electron microscopy will be correlated with biochemical and immunochemical parameters. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (memorandum dated Mar. 28, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5993; Filed, May 20, 1969; 8:45 a.m.]

UNIVERSITY OF CONNECTICUT ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00567–33–46500. Applicant: University of Connecticut, Health Center, Building No. 4, Farmington Avenue, Route 4, Farmington, Conn. 06032. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a project concerned with membranes and cell wall of bacterial cells. Thin sections of virus infected bacteria may be desired as well as general sections of whole bacterial cells. The accomplishment of these studies requires sections between 50 angstroms to 2 microns. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69–00568–33–46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare a variety of specimens for electron microscopic studies. Some of the specialized techniques which will be used in these studies include the following:

(1) Tracing foreign proteins (ferritin and horseradish peroxidase) in animal tissue.

(2) Arriving at a three-dimensional picture of individual blood cells, individual mitochondria, and the barrier between blood and lymphoid tissue.

A variety of tissues will be sectioned on this instrument, including lymphoid tissue, blood preparations, prostate, heart tissue, liver and kidney. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69–00569–33–46500. Applicant: University of Iowa, Dental

Research Laboratory, Oakdale Campus, Oakdale, Iowa 52319. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for serial and ultrathin sectioning of nerve, muscle and periodontal tissues for electron microscopy. Nerve tissue will be used for an analysis of the three dimensional relationship between nerve endings and muscle cells. Periodontal tissues will be studied with both light microscopy and high resolution electron microscopy. An extensive program is planned for development of tissue preparation for electron microscopy. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00570-33-74299. Applicant: University of Utah, Purchasing Department, Salt Lake City, Utah 84112. Article: Bed Scales, Number 719. Manufacturer: Alfred Hubscher, West Germany. Intended use of article: The article will be used in the treatment, training, development and testing of artificial kidneys of patients using artificial kidneys. The two purposes for which the article will be used are as follow:

1. The treatment and training of patients for home dialysis. Patients are connected to an artificial kidney for 6- to 8-hour dialysis treatment.

2. During the treatment of these patients in connection with artificial kidney use no changes or movement can be made by the patient. Since weight changes are important during these tests, the patient must remain in bed.

Application received by Commissioner of Customs: May 2, 1969.

Docket No. 69-00571-33-46040. Applicant: University of Pittsburgh, Fifth and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Electron microscope, Model EM 300 and accessory. Manufacturer: Philips electronic instrument, The Netherlands. Intended use of article: The article will be used for biological research and graduate student teaching concerning the following projects:

a. The characterization of the cell death process during insect and anuran metamorphosis.

b. Intracellular localization of lysosomal enzymes by electron microscope cytochemistry.

c. The ultrastructural characterization of pigment formation in the testes of genetic mutants of Ephestia.

d. Several projects will be performed as both teaching aids and dissertation research by graduate students.

Application received by Commissioner of Customs: May 2, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5994; Filed, May 20, 1969; 8:45 a.m.]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00315-33-46500. Applicant: University of Nebraska, College of Agriculture and Home Economics, Lincoln, Nebr. 68503. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with microscopic visualization of viral particles in a variety of mammalian tissues having different densities such as intestine and lung. Observations are to be made with both light and electron microscopes, and will of necessity involve the cutting of large areas which are essentially free of sectioning artefacts. The ultrathin sections needed must be prepared in a long series and must be cut in equal thickness throughout. It is imperative that the operator be able to quickly and easily change the cutting thickness with a range of 50 angstroms to 2.0 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advanced ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5995; Filed, May 20, 1969; 8:45 a.m.]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00287-33-46500. Applicant: Wayne State University, 1400 Chrysler Freeway, Detroit, Mich. 48207. Article: Ultramicrotome, LKE 8300A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in various research projects and in the instruction of graduate students in the intricacies of fine structure techniques. The research projects will involve studies on the development of the fine structure of virus particles in their intracellular milieu. Such studies require serial sections of uniform thickness to vary from 50 angstrom units to 2 microns depending on the requirements of the experiment. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Mar. 13, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5996; Filed, May 20, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NALORPHINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs marketed by Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486:

1. Injection Nalline HCl Adult Concentration, contains 5 milligrams of nalorphine hydrochloride per milliliter (NDA 8-279).

2. Injection Nalline HCl for Neonatal Use, contains 0.2 milligram nalorphine hydrochloride per milliliter (NDA 8-279).

The Food and Drug Administration concludes that nalorphine hydrochloride (1) is effective for the treatment of significant respiratory depression due to narcotics, for the diagnosis of possible narcotic addiction, and for the treatment of asphyxia neonatorum resulting from narcotization induced by morphine and its derivatives; and (2) is possibly effective in the prophylaxis of respiratory depression induced by morphine and its derivatives and in the prevention of asphyxia neonatorum.

The drug continues to be regarded as a new drug. Supplemental new-drug applications are required to revise the labeling and to update "deemed approved" applications providing for this drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. Nalorphine Hydrochloride for Adult Use

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards nalorphine hydrochloride as effective for the treatment of significant respiratory depression due to narcotics and for the diagnosis of possible narcotic addiction.

2. The drug is regarded as "possibly effective" in the prophylaxis of respiratory depression induced by morphine and its derivatives and in the prevention of asphyxia neonatorum.

B. *Form of drug.* Nalorphine hydrochloride preparations are in solution form suitable for intravenous, intramuscular, and subcutaneous injection and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

Description

Nalorphine (*N*-allylnormorphine) is a synthetic congener of morphine. In structure, it differs from morphine only in that the methyl group on the nitrogen atom is replaced by an allyl group. The adult concentration contains 5 milligrams per milliliter. (Additional information should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

Actions

In the presence of a strong narcotic effect, nalorphine hydrochloride behaves as a narcotic antagonist; in the absence of narcotic effect, it behaves as a narcotic in many respects; in the presence of narcotic addiction, it produces withdrawal symptoms. It has not been shown to cause addiction. Its effect is only against narcotic-induced respiratory depression.

Indications

For the treatment of significant respiratory depression induced by morphine and its derivatives including heroin, anileridine, meperidine, methadone, levorphan, and alphaprodine.

For the diagnosis of possible narcotic addiction.

Contraindications

Mild respiratory depression.

Narcotic addicts, except as a diagnostic test.

Warnings

The 5-milligram-per-milliliter concentration is for adult use only.

Precautions

Nalorphine hydrochloride does not counteract mild respiratory depression and may increase it.

The effect of nalorphine hydrochloride is gradually lost with successive doses and eventually gives way to respiratory depression equal to or greater than that produced by opiates.

Nalorphine hydrochloride is not effective against respiratory depression due to nonnarcotic agents and may increase it.

The following statement should be included if applicable to the formulation: Nalorphine hydrochloride is incompatible with solutions of meperidine as precipitation caused by the buffer in the nalorphine hydrochloride will result.

Adverse Reactions

Dysphoria, miosis, pseudoptosis, lethargy, drowsiness, and sweating. Pallor, nausea, and a sense of heaviness in the limbs may occur.

In high dosage nalorphine hydrochloride may produce psychotomimetic manifestations, such as weird dreams, visual hallucinations, disorientation, and feelings of unreality.

Dosage and Administration

To reverse respiratory depression—5 to 10 milligrams are given intravenously initially. Repeat at 10- or 15-minute intervals if necessary; not to exceed 3 doses.

The initial dose should not exceed 5 milligrams if there is doubt as to whether the respiratory depression is due to a narcotic.

To diagnose narcotic addiction—nalorphine hydrochloride may be used as a diagnostic test agent to determine narcotic addiction when it is essential that the question of narcotic addiction be resolved and other diagnostic methods are unavailable or inadequate.

In the narcotic addict, nalorphine hydrochloride can precipitate severe and exaggerated abstinence symptoms. For this reason, smaller doses must be used than in therapy. In strongly addicted individuals, symptoms may be severe enough to threaten life; thus, the test involves great risk and should be undertaken only by physicians experienced in dealing with narcotic addicts.

When nalorphine hydrochloride is given to a narcotic addict, abstinence symptoms usually appear within 20 minutes. Any manifestations of abstinence may occur, such as profuse perspiration, yawning, lacrimation mydriasis, hyperpnea, gooseflesh, nausea, vomiting, and defecation. Symptoms begin to wane in about 1 hour and disappear in about 3 hours.

Before the test is started, the following precautions should be taken with the individual to be tested:

1. Inform him of the risk involved and tell him he will become violently ill if he has been using narcotics.

2. Give him a complete physical examination and obtain a complete narcotic and medical history. In the presence of any serious organic disease, nalorphine hydrochloride is contraindicated since it may aggravate symptoms or cause severe or even fatal complications. Nalophine hydrochloride is also contraindicated in the presence of any abstinence symptoms.

The test should be performed only by a physician and it is suggested that for the protection of the physician, it be performed only in the presence of a dependable witness, preferably another physician. Bear in mind the following facts concerning the action of nalorphine hydrochloride as a diagnostic agent:

a. Withdrawal symptoms following nalorphine hydrochloride are particularly severe in methadone addicts. This is in contrast to the relatively mild symptoms produced by simply withdrawing the drug.

b. Nalorphine hydrochloride will not precipitate abstinence symptoms in meperidine addicts unless they are taking 1,600 milligrams or more daily.

c. Nalorphine hydrochloride may precipitate abstinence symptoms in persons who have received several doses of a narcotic for therapeutic analgesia.

d. The ability of nalorphine hydrochloride to detect addiction to codeine is unknown.

Test Procedure:

1. Administer nalorphine hydrochloride only by the subcutaneous route and only in the recommended doses. Use of the intravenous route or of larger doses in narcotic addicts is too hazardous for safe testing.

2. Inject 3 milligrams of nalorphine hydrochloride. If severe addiction is suspected, the initial dose should be only 1 milligram.

3. If withdrawal symptoms do not appear within 20 to 30 minutes after administration of nalorphine hydrochloride, discontinue the test unless the patient is in a hospital under medical observation.

4. If the patient is in a hospital and withdrawal symptoms do not appear within 20 to 30 minutes after administration of the initial dose of nalorphine hydrochloride, inject 5 milligrams and wait another 20 to 30 minutes.

5. If withdrawal symptoms do not appear, inject a dose of 8 milligrams and observe the patient for another 20 or 30 minutes.

If withdrawal symptoms are not apparent within 30 minutes after the third dose, it can be assumed that the individual has not recently been taking enough of any narcotic (with the exception of meperidine) to have become physically dependent. In this case, keep him under observation until the effects of the nalorphine hydrochloride have worn off, usually about 3 or 4 hours, or longer if the physician considers further observation necessary.

If necessary, the test may be terminated by administering 15 to 30 milligrams of morphine or equivalent amounts of other narcotics. Narcotics are rarely effective, however, if given before 2 hours after the last dose of nalorphine hydrochloride and by this time the abstinence symptoms have usually begun to disappear spontaneously.

If severe excitement and panic occur after the administration of nalorphine hydrochloride, they may be relieved by giving 100 or 200 milligrams of sodium pentobarbital intravenously.

Interpretation of test:

Positive: At any stage of the test, the appearance of abstinence symptoms indicates physical dependence on a narcotic.

Negative: When direct effects of nalorphine hydrochloride (such as ptosis, miosis, slurred speech, respiratory depression, etc.) are observed without any of the characteristic signs of abstinence, it can be assumed that the individual is not a narcotic addict or that he is not taking a large enough dose to have created a state of physical dependence.

OVERDOSAGE

Respiratory supportive measures, including a patent airway, oxygen administration, artificial respiration, and other supportive measures, should be used.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

F. *Marketing status.* The drug may continue to be marketed under the conditions described in III and IV below except that the labeling may include those claims for which the drug is considered to be possibly effective as described in paragraph D above.

II. NALORPHINE HYDROCHLORIDE FOR NEONATAL USE

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards nalorphine hydrochloride as effective for the treatment of asphyxia neonatorum resulting from narcotization induced by morphine and its derivatives.

2. The drug is regarded as possibly effective in the prophylaxis of respiratory depression induced by morphine and its derivatives.

B. *Form of drug.* Nalorphine hydrochloride preparations are in solution form suitable for intravenous, intramuscular, and subcutaneous injection and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "CAUTION: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

Nalorphine (*N*-allylnormorphine) is a synthetic congener of morphine. In structure, it differs from morphine only in that the methyl group on the nitrogen atom is replaced by an allyl group. The concentration for pediatric use contains 0.2 milligram per milliliter. (Additional information should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

In the presence of a strong narcotic effect, nalorphine hydrochloride behaves as a narcotic antagonist; in the absence of narcotic effect, it behaves in many respects as a narcotic. It has not been shown to cause addiction. Its effect is only against narcotic-induced respiratory depression.

INDICATIONS

Asphyxia neonatorum resulting from maternal narcotization induced by morphine and its derivatives, including heroin, anileridine, meperidine, methadone, levorphan, and alphaprodine.

CONTRAINDICATIONS

Mild respiratory depression.

WARNINGS

In the presence of asphyxia due to agents other than morphine and its derivatives, nalorphine hydrochloride should not be used.

PRECAUTIONS

Nalorphine hydrochloride does not counteract mild respiratory depression and may increase it.

It is not effective against respiratory depression due to nonnarcotic depression and may increase it.

The effect of nalorphine hydrochloride is gradually lost with successive doses and eventually gives way to respiratory depression equal to, or greater than, that produced by opiates.

The following statement should be included if applicable to the formulation: Nalorphine hydrochloride is incompatible with solutions of meperidine as precipitation caused by the buffer in nalorphine hydrochloride will result.

ADVERSE REACTIONS

Some irritability and a tendency to increased crying sometimes follow its use.

DOSAGE AND ADMINISTRATION

Preferably, inject directly into the umbilical vein as soon as narcosis is recognized; however, if the umbilical vein route cannot be used, injections may be made by an intramuscular or subcutaneous route.

Initial dose: 0.2 milligram in 1 cubic centimeter of solution, repeated at close intervals for a maximum of 0.5 milligram. If depression is severe, up to 0.5 milligram may be used initially.

NOTE: The 5 milligram-per-milliliter concentration is for adult use only and must be diluted with normal saline for use in newborn infants to 0.2 milligram per milliliter.

OVERDOSAGE

Respiratory supportive measures, including a patent airway, oxygen administration, artificial respiration, and other supportive measures, should be used.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following the publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

F. *Marketing status.* The drug may continue to be marketed under the conditions described in III and IV below, except that the labeling may include those claims for which the drug is considered to be possibly effective as described in paragraph D above.

III. PREVIOUSLY APPROVED APPLICATIONS

A. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting a supplement containing:

1. Revised labeling as needed to conform to the labeling conditions described herein for the drug.

2. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

3. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673).

B. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d), (e)) which permit certain changes to be put into effect at the earliest possible time.

2. 180 days for biologic availability data.

3. 60 days for updating information.

c. Marketing of the drug may continue until the supplemental applications submitted in accord with the paragraphs A and B above are acted upon, provided that within 60 days after publication hereof in the FEDERAL REGISTER, the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

IV. NEW APPLICATIONS

A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

B. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

1. Within 60 days after the date of publication hereof in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described herein.

2. The manufacturer, packer, or distributor of such drug submits, within 180 days after such date of publication, a new-drug application to the Food and Drug Administration.

3. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

4. The application has not been ruled incomplete or unapprovable.

V. UNAPPROVED USE OF FORM OF DRUG

A. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

B. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this notice. A request for such meeting should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC reports: Press Relations Office (CE–300).
Supplements: Office of Marketed Drugs (MD–300), Bureau of Medicine.
Original (abbreviated) new-drug applications: Office of Marketed Drugs (MD–300), Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–6003; Filed, May 20, 1969; 8:46 a.m.]

STREPTOMYCIN SULFATE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following streptomycin sulfate preparations for parenteral use:

1. Streptomycin Sulfate Powder, equivalent to 1.0 gram of streptomycin base per vial, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

2a. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per ampoule; and

b. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; both marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206.

3a. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial; and

b. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; both marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

4a. Streptomycin Sulfate Solution, Isoject, equivalent to 1.0 gram of streptomycin base per 2-cubic centimeter syringe;

b. Streptomycin Sulfate Solution, equivalent to 1.0 gram of streptocycin base per 2.5 cubic centimeters; and

c. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial; all three marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

5a. Streptomycin Sulfate Solution, equivalent to 0.4 or 0.5 gram of streptomycin base per cubic centimeter; and

b. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial; both marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

6. Streptomycin Sulfate Powder, equivalent to 1.0 gram of streptomycin base per vial; marketed as Merstrep by Merck and Co., Inc., Rahway, N.J. 07065.

7a. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; and

b. Streptomycin Sulfate Injection, equivalent to 1.0 gram of streptomycin base per 2.0 cubic centimeters; both marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

8a. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial;

b. Streptomycin Sulfate Solution Injection, equivalent to 0.4 gram of streptomycin base per cubic centimeter; and

c. Streptomycin Sulfate Solution Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; all three marketed by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

9a. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per milliliter; and

b. Streptomycin Sulfate Injection, equivalent to 1.0 gram of streptomycin base per 2.0 milliliters; both marketed by Roehr Products Co., Inc., 2010 New Daytona Road, DeLand, Fla. 32720.

The Food and Drug Administration concludes that streptomycin sulfate is effective for all forms of tuberculosis when the infecting organisms are susceptible and when the drug is used with other antituberculous drugs. It is also considered effective as an alternative drug when used alone or if indicated concomitantly with another antibacterial agent in the treatment of bacterial endocarditis; tularemia; plague; gram-negative bacillary bacteremia, meningitis, and pneumonias; granuloma inguinale; chancroid; acute gonorrhea; urinary tract infections due to *E. coli, Proteus, A. aerogenes,* or *Streptococcus faecales;* brucellosis; and *Hemophilus influenzae* infections.

Preparations containing streptomycin sulfate are subject to antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. Batches of the drug intended for parenteral use for which certification is requested should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement. The above-named firms and any other holders of antibiotic drug applications approved for a drug of the kind described above are requested to submit, within 60 days after publication of this announcement in the FEDERAL REGISTER, supplements to their antibiotic drug applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows (optional additional information applicable to the drug may be included under other appropriate paragraph headings and should follow the information given below):

STREPTOMYCIN

WARNING

The risk of severe neurotoxic reactions is sharply increased in patients with impaired kidney function or prerenal azotemia. These include disturbances of the auditory nerve, optic nerve, peripheral neuritis, arachnoiditis, and encephalopathy. Renal function should be carefully determined and patients with renal damage and nitrogen retention should have reduced dosage. The peak serum concentration in individuals with kidney damage should not exceed 20 to 25 micrograms per milliliter.

The concurrent systemic use of other neurotoxic and/or nephrotoxic drugs, particularly kanamycin, polymyxin B, polymyxin E (colistin), neomycin, and viomycin, should be avoided.

The neurotoxicity of streptomycin can result in respiratory paralysis from neuromuscular blockade, especially when the drug is given soon after anesthesia and the use of muscle relaxants.

The administration of streptomycin in parenteral form should be reserved for patients where adequate laboratory facilities are available and constant supervision of the patient is possible.

DESCRIPTION

Streptomycin is a water-soluble aminoglycoside derived from *Streptomyces griseus.* It is marketed as the sulfate salt of streptomycin. (Other descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Streptomycin sulfate is a bactericidal antibiotic in therapeutic dosage. The mode of action is the interference with normal protein synthesis and production of "faulty proteins."

Following intramuscular injection of 1 gram of the drug, a peak serum level of 25 to 50 milligrams per milliliter is reached within 1 hour, diminishing slowly to about 50 percent after 5 to 6 hours. Appreciable concentrations are found in all organ tissues except the brain. Significant amounts have been found in pleural fluid and tuberculous cavities. Streptomycin passes through the placenta with serum levels in the cord blood similar to maternal levels. Small amounts are excreted in milk, saliva, and sweat.

Streptomycin is excreted rapidly in the urine by glomerular filtration. In patients with normal kidney function, between 29 and 89 percent of a single 0.6-gram dose is excreted within 24 hours. Any reduction of glomerular activity results in decreased excretion of the drug and concurrent rise in serum and tissue levels.

Sensitivity plate testing: If the Kirby-Bauer method of disc sensitivity is used, a 10-microgram streptomycin disc should give a zone of over 15 millimeters when tested against a streptomycin-sensitive bacterial strain.

INDICATIONS

1. Myobacterium tuberculosis: Streptomycin may be indicated for all forms of this infection when the infecting organisms are susceptible. It should be used only in combination with other antituberculosis drugs. The common combined drug therapy is streptomycin, PAS, and isoniazid; this combination is effective only where the organisms are susceptible to the drugs being used in combination.

2. Nontuberculosis infections: Streptomycin should be used only in those serious nontuberculosis infections caused by organisms shown by in vitro sensitivity studies to be susceptible to it and when less potentially hazardous therapeutic agents are ineffective or contraindicated.

a. *Pasteurella pestis* (plague).
b. *Pasteurella tularensis* (tularemia).
c. *Brucella.*
d. *Donovanosis* (granuloma inguinale).
e. *H. ducreyi* (chancroid).
f. *N. gonorrhoeae* (acute).
g. *H. influenzae* (in respiratory, endocardial, and meningeal infections—concomitantly with another antibacterial agent).
h. *K. pneumoniae* pneumonia (concomitantly with another antibacterial agent).
i. *E. coli, Proteus, A. aerogenes, K. pneumoniae,* and *Streptococcus faecales* in urinary tract infections.
j. *Strep. viridans, Strep. fecalis* (in endocardial infections—concomitantly with penicillin).
k. Gram-negative bacillary bacteremia (concomitantly with another antibacterial agent).

CONTRAINDICATIONS

Streptomycin is contraindicated in those individuals who have shown previous toxic or hypersensitivity reactions to it.

WARNINGS

Ototoxicity—streptomycin may frequently affect the vestibular branch of the auditory nerve causing severe nausea, vomiting, and vertigo. The incidence is directly proportional to duration and amount of the drug administered. Advanced age and renal impairment predispose to ototoxicity. Symptoms subside and recovery is usually complete following discontinuance of the drug.

Loss of hearing has been reported following long term therapy; however, ototoxic effect on the auditory branch of the eighth nerve is infrequent and usually is preceded by vestibular symptoms. Hearing loss, when extensive, is usually permanent.

USAGE IN PREGNANCY: Since streptomycin readily crosses the placental barrier, caution in use of the drug is important to prevent ototoxicity in the fetus.

PRECAUTIONS

Baseline and periodic caloric stimulation tests and audiometric tests are advisable with extended streptomycin therapy. Tinnitus, roaring noises, or a sense of fullness in the ears indicates need for audiometric examination or termination of streptomycin therapy or both.

Care should be taken by individuals handling or preparing streptomycin for injection to avoid skin sensitivity reactions.

As with other antibiotics, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, appropriate therapy should be instituted.

ADVERSE REACTIONS

The following reactions are common: Ototoxicity—nausea, vomiting, and vertigo; paresthesia of face; rash; fever; urticaria; angioneurotic edema; and eosinophilia.

The following reactions are less frequent: Deafness, exfoliative dermatitis, anaphylaxis, azotemia, leucopenia, thrombocytopenia, pancytopenia, hemolytic anemia, muscular weakness, and amblyopia.

DOSAGE AND ADMINISTRATION

Intramuscular route only—

1. Tuberculosis—all forms when organisms are known or believed to be drug susceptible.

Adult, combined therapy: Streptomycin 1 gram daily with PAS 5 grams t.i.d. and isoniazid 200 to 300 milligrams daily. Elderly patients should have a smaller daily dose of streptomycin, based on age, renal function, and eighth nerve function. Ultimately the streptomycin should be discontinued or reduced in dosage to 1 gram 2 to 3 times weekly. Therapy with streptomycin may be terminated when toxic symptoms have appeared, when impending toxicity is feared, when organisms become resistant, or full treatment effect has been obtained. The total period of drug treatment of tuberculosis is a minimum of 1 year; however, indications for terminating therapy with streptomycin may occur at any time as noted above.

2. Tularemia: One to 2 grams daily in divided doses for 7 to 10 days until the patient is afebrile for 5 to 7 days.

3. Plague: Two to 4 grams daily in divided doses until the patient is afebrile at least 3 days.

4a. Bacterial endocarditis: In penicillin sensitive alpha and nonhemolytic streptococcal endocarditis (penicillin sensitive to 0.1 microgram per milliliter or less), streptomycin may be used for 2-week treatment concomitantly with penicillin. Streptomycin dosage is 1 gram b.i.d. for 1 week and 0.5 gram b.i.d. for the 2d week. If the patient is over 60 years of age, the dosage should be 0.5 gram b.i.d. for the entire 2-week period.

b. Enterococcal endocarditis: Streptomycin in doses of 1 gram b.i.d. for 2 weeks and 0.5 gram b.i.d. for 4 weeks is given in combination with penicillin. Ototoxicity may require termination of the streptomycin prior to completion of the 6-week course of treatment.

5. For use concomitantly with other agents to which the infecting organism is also sensitive: streptomycin in these conditions is considered as a drug of secondary choice: Gramnegative bacillary bacteremia, meningitis, and pneumonia; brucellosis; granuloma inguinale; chancroid; acute gonorrhea; and urinary tract infection.

For adults:

a. Severe fulminating infection: 2 to 4 grams daily, administered intramuscularly in divided doses every 6 to 12 hours.

b. With less severe infections and with highly susceptible organisms: 1 to 2 grams daily.

For children: 20 to 40 milligrams per kilogram of body weight daily (8 to 20 milligrams per pound) in divided doses every 6 to 12 hours. (Particular care should be taken to avoid excessive dosage in children.)

The Food and Drug Administration concludes that for the following labeling claims streptomycin sulfate is possibly effective: Effective against most gram-negative and against many gram-positive pathogens, including some strains that are resistant to penicillin; treatment of acute infections, such as peritonitis and urinary tract infections (other than those previously listed) caused by gram-negative or penicillin-resistant gram-positive organisms that are susceptible to streptomycin; as an adjunct to surgical management of peritonitis; liver abscesses; and cholangitis. To allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions for which it has been evaluated as possibly effective, batches of preparations containing streptomycin sulfate which bear labeling with these claims but are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

The Food and Drug Administration regards that substantial evidence is lacking to show that streptomycin sulfate is effective for the following claimed indications: As an adjunct to the surgical management of abscesses, osteomyelitis, hematomas, and wound infections caused by sensitive organisms; chronic pulmonary infections; empyema; surgical prophylaxis; enteritis due to susceptible strains of *Salmonella* and *Shigella;* and preoperative use for reduction of intestinal flora. Preparations containing streptomycin sulfate with labeling bearing these claims will no longer be acceptable for certification or release after publication of this announcement in the FEDERAL REGISTER.

Any person who would be adversely affected by deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described above, may request a hearing within 30 days after publication of this announcement in the FEDERAL REGISTER. Notice of hearing will be published in the FEDERAL REGISTER.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. A request for such meeting should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication of this announcement in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may also obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300).
Supplements: Division of Anti-Infective Drugs (MD–140), Office of New Drugs, Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–52, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–6004; Filed, May 20, 1969; 8:46 a.m.]

CARBOFURAN

Notice of Establishment of Temporary Tolerances

At the request of the FMC Corp., Middleport, N.Y. 14105, temporary tolerances are established for residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl methylcarbamate in or on alfalfa (hay) at 20 parts per million, alfalfa (fresh) at 5 parts per million, and in milk negligible residues of its metabolite) at 0.02 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the FMC Corp. name.

These temporary tolerances expire May 14, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6005; Filed, May 20, 1969; 8:46 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives Carbarsone, Zoalene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (38–879V) has been filed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of carbarsone (not U.S.P.) in combination with zoalene in turkey feed as an aid in the prevention of blackhead and for the prevention and control of coccidiosis.

Dated: May 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6006; Filed, May 20, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-48]

INTERNATIONAL PAPER CO.

Notice of Qualification as Citizen of the United States

1. This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1) the International Paper Co. of 220 East 42d Street, New York, N.Y. 10017, incorporated under the laws of the State of New York, did on April 19, 1969, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

2. The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

3. The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 9, 1969, issued to the International Paper Co. a certificate of compliance on Form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: May 9, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-6059; Filed, May 20, 1969; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

REGENTS OF UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 19, set forth below, to License No. R-28. The license authorizes The Regents of The University of Michigan to possess, use, and operate its Ford Nuclear Reactor located on the University's campus at Ann Arbor, Mich.

This amendment, effective as of the date of issuance, authorizes an increase from 15.0 kilograms to 16.1 kilograms in the total quantity of uranium-235 which the licensee may receive, possess, and use under this license.

By letter dated April 15, 1969, The Regents of The University of Michigan requested authorization to receive, possess, and use additional special nuclear material in the form of new fuel elements in connection with the operation of its reactor. The additional fuel elements will be stored in safe geometry racks until needed for partial refueling of the core in accordance with procedures which have previously been reviewed and approved by the Commission. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see the application dated April 15, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 12th day of May 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[LICENSE NO. R-28, AMDT. 19]

The Atomic Energy Commission has found that:

1. The application for license amendment dated April 15, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior to public notice of proposed issuance is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. R-28, as amended, which authorizes The Regents of The University of Michigan to operate the Ford Nuclear Reactor on the University's campus at Ann Arbor, Mich., is hereby further amended in the following manner:

Subparagraph 2.b.(1) of License No. R-28 is amended to read as follows:

"(1) 16.1 kilograms of contained uranium-235 for use in connection with operation of the reactor."

This amendment is effective as of the date of issuance.

Date of issuance: May 12, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-5985; Filed, May 20, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held May 26 is postponed to June 12, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., May 15, 1969.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-6046; Filed, May 20, 1969; 8:50 a.m.]

[Docket No. 20919; Order 69-5-64]

HENSON AVIATION, INC.

Order to Show Cause Regarding Establishment of Final and Temporary Service Mail Rates

Issued under delegated authority May 15, 1969.

Henson Aviation, Inc. (Henson), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-5-27, May 8, 1969, the Board approved Agreement CAB 19753 A-4 between Allegheny Airlines, Inc., and Henson. This agreement contemplates that Henson will discharge Allegheny's certificate obligation to serve Salisbury, Md., and supply scheduled air service between Salisbury and Baltimore, Md.; Salisbury, Md., and Washington, D.C.; and Hagerstown, Md.,[1] and Washington, D.C. Henson expects to initiate service with Beech 99 turboprop aircraft.

No service mail rate is currently in effect for this service by Henson. By petition filed April 17, 1969, Henson requested that the multi-element rates applicable to Allegheny for the transportation of priority and nonpriority mail between Salisbury and Baltimore, Md.; Salisbury, Md., and Washington, D.C.; and Hagerstown, Md., and Washington, D.C. be established. On May 1 the Board accepted the reply of the Postmaster General supporting the petition.

The rate for the air transportation of priority mail applicable to service by Allegheny and requested by Henson was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. Therefore, we propose to establish a service rate for the air transportation of priority mail by Henson at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Henson in the same manner as they were applicable to Allegheny in providing mail services on the segments specified above.[2]

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office Petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Henson that Henson will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Henson at the level established in Order E-17255, as amended. By Order E-26189 issued December 28, 1967, in Docket 19235, Henson has already been made a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Henson Aviation, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[4] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Henson Aviation, Inc., pursuant to section 406 of the Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Salisbury, Md., and Baltimore, Md.; Salisbury, Md., and Washington, D.C. and Hagerstown, Md., and Washington, D.C., shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Henson Aviation, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Salisbury, Md., and Baltimore, Md.; Salisbury, Md., and Washington, D.C.; and Hagerstown, Md., and Washington, D.C., shall be the rate established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Henson Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Henson Aviation, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and suporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Henson Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6047; Filed, May 20, 1969; 8:50 a.m.]

[1] Order E-25834, Oct. 13, 1967, approving CAB Agreement 19753 authorized Henson to discharge Allegheny's certificate obligation at Hagerstown and Order E-26189, Dec. 28, 1967, fixed final and temporary mail rates for the Hagerstown-Baltimore service.

[2] The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Salisbury and Hagerstown, and 2.34 cents per pound at Baltimore and Washington.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 3.32 cents per pound at Salisbury, 4.98 cents per pound at Hagerstown, and 1.660 cents per pound at Baltimore and Washington.

[4] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

FEDERAL MARITIME COMMISSION

STATE OF HAWAII AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Fujio Matsuda, Director, Department of Transportation, State of Hawaii, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No. T-2298 between the State of Hawaii (Hawaii) and Seatrain Lines, Inc. (Seatrain), provides for the lease of marine terminal space to Seatrain for use, primarily, as a container facility. Rental will be a fixed sum per year plus regular tariff charges, with a guaranteed minimum payment for the first 15 years of the lease. If Hawaii determines that containers of other carriers can be handled over the piers leased to Seatrain and loaded or unloaded by Seatrain's cranes, Seatrain shall, if requested, furnish this crane service at the rates and under the terms and conditions established by Seatrain and approved by Hawaii.

Dated: May 16, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6048; Filed, May 20, 1969; 8:50 a.m.]

[Docket No. 69-28]

PORT OF NEW YORK

Truck Detention

On February 25, 1969, the Federal Maritime Commission served its Report and Order in Docket No. 1153; Truck and Lighter Loading and Unloading Practices at New York Harbor. In that proceeding the Commission promulgated rules which provided that motor vehicles loading or unloading waterborne freight at piers or marine terminals of members of the New York Terminal Conference shall be entitled to receive compensation (detention charges) under certain circumstances for delays at piers. This time does not begin to run until shipping documents required by the terminal operator for release or acceptance of cargo are found to be complete (documentation). Since the date of the decision in Docket No. 1153, it has been said that the receiving and delivering of cargo at piers has not been accomplished in an orderly manner. Uncertainty has been said to have developed with respect to the time within which documentation shall be completed, the procedures for issuing gate passes (and whether detention should begin to run a stated time after issuance thereof), and the right and obligation of the terminal operator to turn motor vehicles away from the pier without detention running. The Commission wishes to give the terminal operators and the motor vehicle operators an opportunity to present evidence and argument upon these matters.

Now, therefore, it is ordered, That the Commission institute an investigation pursuant to section 17 and section 22 of the Shipping Act, 1916 (46 U.S.C. 816, 820), to determine whether just and reasonable regulations and practices should be determined, prescribed, and ordered enforced with respect to the aforementioned items.

It is further ordered, That the New York Terminal Conference and its members named in Appendix A, be made respondents in this proceeding and this proceeding be assigned by the Chief Examiner for an expedited hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and served upon respondents. Further notices, including notice of time and place of hearing or prehearing conference, shall be mailed to parties of record. Persons, other than respondents, who desire to become parties to this proceeding shall file promptly petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72), with a copy to parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

New York Terminal Conference, 17 Battery Place, New York, N.Y. 10004.
American Export-Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Bay Ridge Operating Co., Inc., 34 Whitehall Street, New York, N.Y. 10004.
Compania Sud-Americana De Vapores (Chilean Line), 24 Broadway, New York, N.Y. 10006.
Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.
International Terminal Operating Co., Inc., 2 Broadway, New York, N.Y. 10004.
States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
Maher Terminals, Inc., 80 Broad Street, New York, N.Y. 10004.
Marra Bros., Inc., 611 Smith Street, Brooklyn, New York, N.Y.
John W. McGrath Corp., 39 Broadway, New York, N.Y. 10006.
Nacirema Operating Co., Inc., 21 West Street, New York, N.Y. 10006.
Northeast Marine Terminal Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Pioneer Terminal Corp., 17 Battery Place, New York, N.Y. 10004.
Pittston Stevedoring Corp., 17 Battery Place, New York, N.Y. 10004.
Universal Terminal & Stevedoring Corp., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-6049; Filed, May 20, 1969; 8:50 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order Regarding Detention Claims

This order, effective this 16th day of May 1969, is made pursuant to the order of the U.S. Court of Appeals for the District of Columbia Circuit in American Export Isbrandtsen Lines, Inc., et al. v. Federal Maritime Commission and United States of America, No. 22,820, April 4, 1969.

The Federal Maritime Commission issued its report and order in this proceeding on February 25, 1969, in which it ordered that, pursuant to section 17 of the Shipping Act, 1916, the New York Terminal Conference include in its Truck Loading and Unloading Tariff No. 7, FMC-T No. 8, Vehicle Detention Rules for the port.

The New York Terminal Conference sought review in the above-mentioned court case of the Federal Maritime Commission's order in Docket 1153 and sought to enjoin the Commission's order pendente lite. The Court refused to grant injunctive relief and ordered:

> Ordered by the Court that the motion for stay be, and it is hereby denied. The Commission's order served February 25, 1969, will become effective Monday, April 7, 1969, except to the extent modified by this order, and it is
>
> Further ordered by the Court that the petitioners pay all claimed detention charges which petitioners challenge into an escrow fund established by, and under the supervision of, the Federal Maritime Commission, pending the outcome of the litigation, at which time the proceeds of the fund shall be disbursed in accordance with the holding of the Court. The Commission shall establish all necessary accounting and reporting procedures in conjunction with the fund to insure against double liability on the part of petitioners, and it is
>
> Further ordered by the Court that these detention payments be made to the escrow fund established by the Commission within 2 weeks after the submission of a claim for detention; said payments to be submitted each Monday following the end of the 2 week period.

Pursuant to this order, the Commission hereby promulgates the following sections 6-12 as rules governing detention claims during the pendency of the matter before the Court and until such time as the Court shall order. We are also repeating, for the convenience of persons referring to these rules, sections 1-5 of the Vehicle Detention Rules previously served by the Commission on February 25, 1969.

VEHICLE DETENTION RULES

SECTION 1. *General provisions.* Motor vehicles loading or unloading waterborne freight at piers or marine terminals of members of the New York Terminal Conference shall be entitled to receive detention charges [1] for delays occasioned at piers beyond the time set forth in section 4. Detention charges shall accrue in instances where the delays result through no disability, fault, or negligence on the part of the motor vehicle.

No detention will be allowed for delays or shutouts resulting from strikes or work stoppages. In such cases, it is expected that the terminal operator will attempt to inform all potential users of the pier by telephone or advertisement. Formal notification shall be made to the Federal Maritime Commission of all strikes or work stoppages resulting in delays or shutouts.

No detention will be allowed for delays resulting from severe or unusual weather

[1] Detention charge as used in this rule means compensation to be paid by marine terminal operators to motor vehicle operators for delays of motor vehicles at marine terminal facilities.

conditions. A board of arbitration will resolve disputes concerning whether conditions on a particular day will or will not excuse detention. The board of arbitration shall consist of a representative of the terminal conference, a representative of the truckers, and either a representative of the New York Waterfront Commission or a third party to be selected by the above-mentioned parties.

Work slowdowns due to insufficient labor shall not excuse the responsibility of the terminal operator under this rule.

SEC. 2. *Documentation.* Detention time does not begin to run until shipping documents [2] required by the terminal operator for release or delivery of cargo are found to be complete. The terminal operator will time stamp an appropriate document (once documentation is completed) which will begin the running of time for detention purposes. Each terminal operator shall specify the documentation necessary to receive or discharge cargo. The terminal operator shall determine whether documentation is adequate and may refuse to handle motor vehicles without full and proper documentation. The terminal operator may in its discretion waive the full documentation requirements, in which case, time shall commence upon granting such waiver.

SEC. 3. *Computation of time.* Time for detention purposes shall commence when the vehicle has completed documentation as provided in section 2.

Terminal operators shall establish an appropriate procedure for recording the time the vehicle has completed loading or unloading.

Detention will accrue during the regular business hours of the terminal, or additional hours if established by the terminal operator or steamship operator, provided the vehicle obtains a pass and has completed documentation as required by section 2 prior to 3 p.m.

The lunch period as set forth in the labor contract, but not exceeding 1 hour, shall not be included in calculating time or detention.

SEC. 4. *Time.* (a) When vehicles are loaded or unloaded within the time periods set forth below, there will be no detention charges paid. Vehicles designated will be entitled to detention charges if not completely serviced within the designated time periods on the following basis.

(1) *Non-appointment trucks.*

2,000 pounds or less	Not applicable.[1]
2,001 to 5,000 pounds	165 minutes.
5,001 to 10,000 pounds	195 minutes.
10,001 to 15,000 pounds	225 minutes.
15,001 to 20,000 pounds	255 minutes.
20,001 to 25,000 pounds	285 minutes.
25,001 to 30,000 pounds	300 minutes.
30,001 to 35,000 pounds	330 minutes.
35,001 to 40,000 pounds	360 minutes.
Over 40,000 pounds	390 minutes.

[2] Shipping documents as used in this rule generally include, but are not necessarily limited to, the carriers release, dock delivery order, dock receipt, weighing receipt, carrier certificate, container survey form, and other documents and/or notations required by Government authority, port customs, or trade association.

(2) *Appointment trucks.*

2,000 pounds or less	120 minutes.
2,001 to 5,000 pounds	135 minutes.
5,001 to 10,000 pounds	165 minutes.
10,001 to 15,000 pounds	195 minutes.
15,001 to 20,000 pounds	225 minutes.
20,001 to 25,000 pounds	255 minutes.
25,001 to 30,000 pounds	270 minutes.
30,001 to 35,000 pounds	300 minutes.
35,001 to 40,000 pounds	330 minutes.
Over 40,000 pounds	360 minutes.

[1] Nonappointment vehicles with shipments of 2,000 pounds or less shall not be entitled to detention charges.

(b) Containers handled as a single unit will be allowed 120 minutes, regardless of weight, before detention charges accrue.

(c) Motor vehicles unloaded by the operator of such vehicles will be entitled to detention charges if not spotted at a place convenient for unloading within 120 minutes after proper documentation. No detention will be allowed once such vehicles are spotted convenient for unloading.

(d) No detention will be paid when sorting or selection is requested or required by the motor carrier. The terminal operator is not absolved from liability under this rule when sorting or selection is done for his convenience.

SEC. 5. *Charges.* When the loading or unloading of freight is delayed beyond the time allowed in section 4, the vehicle shall apply to the terminal operator for detention charges and shall be entitled to $3 for each 15-minute period beyond the time designated in section 4.

SEC. 6. *Claims for detention.* Any motor vehicle operator, or any importer or exporter on whose behalf the motor vehicle operator is acting, who wishes to claim fees for detention, as provided in sections 1-5 set forth above, shall file a written claim with the terminal operator against whom such claim is made. The claim shall set forth the name of the terminal operator, location of the pier, truck identification or unit number, weight of shipment, date and time of arrival at the pier, free time, time of completion of documentation, time of completion of loading or unloading, and the amount of the detention charge claimed. Such claim shall be accompanied by a copy of the document time stamped by the terminal operator upon the completion of documentation as provided in section 2 and the time of completion of loading or unloading as provided in section 3. If the terminal operator has refused to tender a document showing the time of completion of documentation and/or the time of completion of loading and unloading, the motor vehicle operator shall submit a sworn statement that the terminal operator refused to tender an appropriate time stamped document and, in fact, documentation and/or loading or unloading was completed at a certain specified time. Claims for detention occurring between April 7, 1969, and May 14, 1969, shall be made on or before June 13, 1969. Claims occurring after May 14, 1969, shall be filed within 30 calendar days of the date of the detention. A copy of such claim or a summary of claims for a weekly period arranged so as to show claims submitted to each terminal operator separately shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573. Such claims shall be deemed to be made on the date of receipt of a copy of the claim by the Commission.

SEC. 7. *Acknowledgment of claims.* Upon receipt of a claim as set forth in section 6, a terminal operator, within seven (7) calendar days, shall acknowledge the receipt of the claim by letter to the motor vehicle operator submitting such claim. The acknowledgment shall include an account number serially assigned by the terminal operator to such claim and shall indicate whether such claim shall be contested by the terminal operator as not a proper claim under sections 1-5. A copy of such acknowledgment shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission.

SEC. 8. *Special accounts.* Each terminal operator shall establish an account (special account) in a national bank in the city of New York, which special account shall be maintained as a special account, until the U.S. Court of Appeals for the District of Columbia Circuit shall have directed that such funds shall be disbursed and upon the further order of this Commission. The funds in such special account shall not be withdrawn except upon the signature of an official of the terminal operator and the Atlantic Coast Director, Federal Maritime Commission, Room 603, 45 Broadway, New York, N.Y. 10006, or the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

SEC. 9. *Deposits.* Each terminal operator shall deposit into the special account established pursuant to section 8 an amount of money equal to all claims made pursuant to and in accordance with sections 1-6. The first deposit shall include an amount equal to claims received between April 7, 1969, and May 14, 1969, and shall be deposited to the special account on or before June 2, 1969. Subsequent deposits shall be made within 2 weeks after the submission of a claim in an amount equal to the sum of the claims received by the terminal operator during the 2-week period and shall be deposited each Monday following the end of the 2-week period.

SEC. 10. *Submission of data to the Commission.* After each deposit required under section 9, the terminal operator shall submit to the Commission a verified deposit slip with a list attached showing the name of the claimant, the account number, and the amount of each claim included in the deposit.

SEC. 11. *Records.* Each terminal shall maintain appropriate records of all claims, acknowledgments, escrow agreements, accounts, deposits, and all related correspondence and transactions. Such

records shall be made available upon request to representatives of the Federal Maritime Commission.

SEC. 12. *Reports.* At the end of each month each terminal operator shall submit a reconciliation of the balance of the special account, with a list of the claims deposited during the month broken down by name of claimant and claim number.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-6050; Filed, May 20, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-480]

ESTATE OF KAY KIMBELL ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

MAY 14, 1969.

On December 30, 1968, the Estate of Kay Kimbell (Operator) et al. (Kimbell), previously filed for rate increases which did not include the 1-cent minimum guarantee for liquids provided by the contracts. The previously proposed rate increases were suspended in Docket No. RI69-480 until June 30, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 21, 1969, Kimbell submitted seven revised notices of change in rates, designated as Supplement No. 1 to Supplements Nos. 4, 2, 3, 2, 2, 2, and 3 to Kimbell's FPC Gas Rate Schedule Nos. 1, 5, 6, 8, 10, 11, and 12, respectively, amending the supplements to the aforementioned rate schedules to provide for rate increases to 15 cents per Mcf instead of the 14 cents per Mcf rate previously filed. Kimbell did not include as part of its previously filed rates the 1 cent per Mcf minimum guarantee for liquids contained in the contracts. Kimbell was advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket Nos. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al. The proposed substitute rate filings are set forth in Appendix A hereof.

Kimbell's proposed 15 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Kimbell's revised notices of change in rates subject to the suspension proceeding in Docket No. RI69-480, with the suspension periods of such substitute rate filings to terminate concurrently with the suspension periods (June 30, 1969) of the original rate filings in said docket.

Kimbell requests an effective date of June 1, 1969, for its proposed 15 cents per Mcf rate. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit a June 1, 1969, effective date for Kimbell's revised rate filings and such request is denied.

The Commission orders:

(A) The suspension order issued January 22, 1969, in Docket No. RI69-480, is amended only so far as to permit the 15 cents per Mcf rate provided in Supplement No. 1 to Supplement Nos. 4, 2, 3, 2, 2, 2 and 3 to Kimbell's FPC Gas Rate Schedules Nos. 1, 5, 6, 8, 10, 11, and 12, respectively, to supersede Supplements Nos. 4, 2, 3, 2, 2, 2, and 3 to Kimbell's aforementioned rate schedules, subject to the suspension proceedings in Docket No. RI69-480. The suspension periods for such substitute rate filings shall terminate concurrently with the suspension periods (June 30, 1969), presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on January 22, 1969, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-480	Estate of Kay Kimbell (Operator) et al., Post Office Box 1540, Fort Worth, Tex. 76101.	1	1 to 4	El Paso Natural Gas Co. (Dakota Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$8,872	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	5	1 to 2	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.).	2,097	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	6	1 to 6	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.). (San Juan Basin Area).	438	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	8	1 to 2	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	2,462	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	10	1 to 2	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.). (San Juan Basin Area).	104	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	11	1 to 2	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.).	229	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	12	1 to 3	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.). (San Juan Basin Area).	1,039	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The end of the suspension period for the previously filed rate in Docket No. RI69-480.
[3] Respondent filing for 1 cent per Mcf minimum guarantee for liquids omitted from previous rate increase filing.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Rate suspended in Docket No. RI69-480 until June 30, 1969.

[F.R. Doc. 69-5901; Filed, May 20, 1969; 8:45 a.m.]

[Docket No. CP69-303]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 14, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-303 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a field compressor unit on existing gas supply facilities to enable it to continue to receive natural gas from Petroleum Management, Inc. (Petroleum), all as more fully set forth in the application which is on file with the Commission and is open to public inspection.

Specifically, Applicant seeks authorization to install and operate a skid mounted field compressor unit in East Aransas Pass Field, Aransas County, Tex., to enable it to continue to receive natural gas from said field when Petroleum exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant not in excess of 500 p.s.i.g. Applicant states that Petroleum has advised it that the contractual right will be invoked in the near future.

The total estimated cost of the proposed facilities is $35,000, which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6041; Filed, May 20, 1969; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FINANCIAL GENERAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Financial General Corp., which is a bank holding company located in Washington, D.C., for the prior approval of the Board of the acquisition by Applicant of 50 percent plus one share or more of the voting shares of The Bank of Tidewater, Norfolk, Va., which, prior to the acquisition of stock is to be converted from Norfolk Savings and Loan Corp., Norfolk, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 14th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5999; Filed, May 20, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4754]

CENTRAL INDIANA GAS CO., INC.

Notice of Proposed Issue and Sale of Bank Notes

MAY 15, 1969.

Notice is hereby given that Central Indiana Gas Co., Inc. ("Central"), 300 East Main Street, Muncie, Ind. 47305, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell to the American Fletcher National Bank and Trust Co. ("Bank"), commencing in June 1969, and from time to time prior to June 26, 1970, its unsecured promissory notes in an aggregate principal amount not to exceed $10 million outstanding at any one time. The notes will be dated as of the date of issuance, will be issued in varying amounts, and will mature on June 26, 1970. There is no commitment fee and the notes may be prepaid at any time without penalty. If any notes are prepaid, new notes may be issued and sold to the Bank. The notes will bear interest at the prime rate of the Bank in effect on the date of each borrowing and the interest rate will be adjusted to the prime rate in effect at the Bank at the beginning of each 90-day period subsequent to the date of the first borrowing. Central proposes to use the amounts borrowed on the notes to retire $7,500,000 of notes payable to banks maturing June 30, 1969, and to finance, in part, its 1969 construction program currently estimated at $4,479,000. Central plans to repay the notes at maturity through the proceeds from the sale of bonds.

Central's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,000, including legal fees of $500. The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 10, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6010; Filed, May 20, 1969; 8:47 a.m.]

[File No. 24W-2823]

PROFESSIONAL ACCEPTANCE CORP.

Order Permanently Suspending Exemption

MAY 15, 1969.

I. Professional Acceptance Corp. (issuer), Law & Finance Building, 429 Fourth Avenue, Pittsburgh, Pa., incorporated in the State of Delaware on April 4, 1967, filed with the Commission on June 30, 1967, a notification on Form 1-A and an offering circular relating to an offering of 2,890 shares of its $100 par value preferred stock at $100 per share and 1,039,000 shares of its $0.01 par value common stock for an aggregate offering price of $299,390, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was to be sold in units of 10 preferred shares and 1,000 common shares for a unit price of $1,010 per unit.

II. The Commission, on April 1, 1969, temporarily suspended the Regulation A exemption of Professional Acceptance Corp., stating that it had reasonable cause to believe, from information reported to it by the staff, that:

A. The notification and offering circular of Professional Acceptance Corp. contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The jurisdiction in which said securities would be offered and sold;

(2) The extent to which securities would be issued on other than a cash basis;

(3) The true financial condition of the issuer at the time of the commencement of the offering;

(4) The amount of the "faithful performance deposits" which would be obtained from franchisees;

(5) Sales of the issuer's securities during the course of the offering in a different common stock to preferred stock ratio than that in which it was offered to the public; and

(6) The sale of a large amount of the public offering to a wholly owned subsidiary of the issuer.

B. The offering was made in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, and no answer to the allegations contained in the temporary suspension order having been filed as ordered pursuant to Rule 7 of the rules of practice, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6011; Filed, May 20, 1969; 8:47 a.m.]

[811-785]

REAL SILK HOSIERY MILLS, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 15, 1969.

Notice is hereby given that Real Silk Hosiery Mills, Inc. ("Applicant"), 636 East North Street, Indianapolis, Ind. 46206, an Illinois corporation and a nondiversified closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On July 23, 1968, Applicant, desirous of changing its place of incorporation from Illinois to Indiana, caused a new corporation with the same name as Applicant to be organized under the laws of the State of Indiana with Applicant as the sole incorporator and sole shareholder, and on December 28, 1968, Applicant was merged with and into the new Indiana corporation, the surviving corporation in the merger.

Applicant represents that its separate existence as an investment company terminated upon said merger becoming effective, and that the Indiana corporation as the surviving corporation in the merger became vested with all the property, assets, and business of Applicant on December 28, 1968.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 6, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6012; Filed, May 20, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MAY 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 16, 1969, through May 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6013; Filed, May 20, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 710]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Marion County, Ind.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on May 10, 1969.

OFFICE

Small Business Administration Regional Office, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 12, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-6014; Filed May 20, 1969; 8:47 a.m.]

(d) Effective date: This order shall become effective at 10:30 a.m., May 15, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., May 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.D. Doc. 69-6051; Filed, May 20, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 48, Amdt. 1]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 48, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 48 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 18, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-6053; Filed, May 20, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 23]

SOUTHERN RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Southern Railway Co. is unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage.

It is ordered, That:

(a) Rerouting traffic: The Southern Railway Co., being unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Southern Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

[S.O. 1002; Car Distribution Direction 49, Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 49, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 49 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 18, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-6052; Filed, May 20, 1969; 8:50 a.m.]

[Notice 551]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 16, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 17), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407 Dallas, Tex. 75247, filed May 5, 1969. Carrier's representative: E. Larry Wells, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 30 to Little Rock, Ark. (traversing U.S. Highway 67 pending completion of portions of Interstate Highway 30), thence over Interstate Highway 40 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1)

From Dallas, Tex., over U.S. Highway 80 to Gladewater, Tex.; (2) from Gladewater, Tex., over U.S. Highway 80 to Longview, Tex.; (3) from Longview, Tex., over U.S. Highway 80 to Greenwood, La.; (4) from Greenwood, La., over U.S. Highway 79 to Shreveport, La.; (5) from Shreveport, La., over U.S. Highway 80 to Minden, La., thence over U.S. Highway 79 via Homer, La., to Haynesville, La.; (6) from Homer, La., over Louisiana Highway 115 to Junction City, La., thence over U.S. Highway 167 to El Dorado, Ark.; (7) from El Dorado, Ark., over U.S. Highway 82 to Strong, Ark; (8) from Crossett, Ark., over U.S. Highway 82 to Strong, Ark.; (9) from Hamburg, Ark, over unnumbered highway to junction U.S. Highway 82, thence over U.S. Highway 82 to Crossett, Ark.; and (10) from Hamburg, Ark., over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Memphis, Tenn., and return over the same routes.

No. MC 4941 (Sub-No. 4) (Deviation No. 2), QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02403, filed May 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence over Pennsylvania Highway 68 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 22, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 31389 (Deviation No. 8), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27102, filed May 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Pittsburgh, Pa., over Interstate Highway 79 to junction U.S. Highway 19 near Westover, W. Va., thence over U.S. Highway 19 (an access route) to junction U.S. Highway 119 at Morgantown, W. Va.; and (2) from Wheeling, W. Va., over Interstate Highway 70 to junction Pennsylvania Highway 51, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Winchester, Va., over U.S. Highway 50 to Romney, W. Va., thence over West Virginia Highway 28 to Ridgeley, W. Va., thence across the Potomac River to Cumberland, Md., thence over U.S. Highway 40 to Uniontown, Pa., thence over Pennsylvania Highway 51 to Pittsburgh, Pa.; (2) from Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, W. Va.; (3) from Washington, Pa., over U.S. Highway 40 to Uniontown, Pa.; (4) from Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, W. Va., thence over West Virginia Highway 2 to Parkersburg, W. Va., thence across the Ohio River to Belpre, Ohio, thence over Ohio Highway 7 to Chesapeake, Ohio, thence over U.S. Highway 52 to Ironton, Ohio; (5) from Uniontown, Pa., over U.S. Highway 40 to Washington, Pa.; (5) from Uniontown, Pa., over U.S. Highway 119 to Morgantown, W. Va., thence over West Virginia Highway 7 to Reedville, W. Va., thence over West Virginia Highway 92 to Belington, W. Va., thence over U.S. Highway 250 to Elkins, W. Va., thence over U.S. Highway 219 to Marlinton, W. Va., thence over West Virginia Highway 39 to junction West Virginia Highway 687 at or near Rimel, W. Va., thence southwesterly over West Virginia Highway 687 to White Sulphur Springs, W. Va., and return over the same routes.

No. MC 52709 (Deviation No. 23), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216, filed May 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Reno, Nev., over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to Silver Springs, Nev.; and (2) from Reno, Nev., over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to junction Alternate U.S. Highway 95, 9 miles west of Fallon, Nev., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Yerington, Nev., over Nevada Highway 3 to junction U.S. Highway 395, thence over U.S. Highway 395 to Reno, Nev.; (2) from Yerington, Nev., over Alternate U.S. Highway 95 to Fernley, Nev., thence over U.S. Highway 40 to Reno, Nev.; and (3) from Reno, Nev., over U.S. Highway 40 to junction Alternate U.S. Highway 95 (formerly U.S. Highway 95), thence over Alternate U.S. Highway 95 to junction U.S. Highway 95 near Fallon, Nev., thence over U.S. Highway 95 to Tonopah, Nev., and return over the same routes.

No. MC 108449 (Deviation No. 6), INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113, filed April 4, 1969, amended May 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 131 near White Pigeon, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to the Indiana-Michigan State line, thence over Michigan Highway 66 to junction U.S. Highway 131 near White Pigeon, Mich., and return over the same route.

No. MC 111594 (Deviation No. 15), C W TRANSPORT, INC., High Street, Wisconsin Rapids, Wis. 54494, filed May 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 51 and Interstate Highway 55 over U.S. Highway 51 to junction U.S. Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over Interstate Highway 55 to St. Louis, Mo.; (2) from Elgin, Ill., over Illinois Highway 31 to junction U.S. Highway 12, thence over U.S. Highway 12 to Lake Geneva, Wis.; and (3) from Chicago, Ill., over U.S. Highway 14 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 12, thence over U.S. Highway 12 to Madison, Wis., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6055; Filed, May 20, 1969; 8:51 a.m.]

[Notice 1295]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 16, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 187), filed May 2, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when moving in mixed shipments with meats, meat products and/or meat byproducts and/or articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Austin, Minn.; Fort Dodge, Iowa; and Fremont, Nebr.; to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. Applicant holds a pending application under MC 25798 (Sub-No. 162) which duplicates in part, the authority sought herein. All such duplicating authority shall be eliminated.

HEARING: June 23, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 109994 (Sub-No. 30), filed May 5, 1969. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in section A and C of appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* when moving in mixed truckloads with meats, meat products, meat byproducts and articles distributed by meat packinghouses, originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, and the District of Columbia, and (2) *meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, originating at the plantsite and/or warehouse facilities of the Rod Barnes Packing Co. at or near Huron, S. Dak., to points in Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: June 23, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 3647 (Sub-No. 406) (Republication), filed November 25, 1968, published FEDERAL REGISTER issue of December 19, 1968, and republished this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). By application filed November 25, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (1) between Clinton Township and Franklin Township, N.J., from junction U.S. Highway 22 and Interstate Highway 78 (Clinton Township), over Interstate Highway 78 to junction Interstate Highway 287, (Bedminister Township, N.J.), thence over Interstate Highway 287 to junction Weston Canal Road (Franklin Township), and return over the same route, serving all intermediate points, and (2) between points in Bridgewater Township, N.J., as follows: From junction Interstate Highway 287 and combined U.S. Highways 202–206, over combined U.S. Highways 202–206 to junction New Jersey Highway 28 at the Bridgewater Township-Raritan Borough boundary line, and return over the same route, serving all intermediate points, restricted (a) against the transportation of passengers to or from New York City, N.Y., except on trips which neither originate or terminate at any point in New Jersey, east of Clinton, N.J.; and

(b) Service via Highways 202–206 on the route described in (2) above may be performed only in connection with traffic moving over Highway 22, east of Somerville, N.J. An order of the Commission, Operating Rights Board, dated April 18, 1969, and served May 7, 1969, finds that operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, over regular routes of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between the junction of Interstate Highway 287 and U.S. Highways 202 and 206, and the junction of U.S. Highways 202 and 206, and New Jersey Highway 28, at Somerville, N.J., over U.S. Highways 202 and 206, serving all intermediate points, restricted to the transportation of passengers originating at or destined to points east of Somerville, N.J.; and (2) between the junction of U.S. Highway 22 and Interstate Highway 78 near Annandale, N.J., and the junction of Interstate Highway 287 and unnumbered highway near South Bound Brook, N.J., from junction U.S. Highway 22 and Interstate Highway 78 over Interstate Highway 78 to junction Interstate Highway 287, and thence over Interstate Highway 287 to junction unnumbered highway near South Bound Brook, N.J., and return over the same route, serving all intermediate points; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127337 (Sub-No. 4) (Republication), filed November 14, 1968, published FEDERAL REGISTER issue of December 5, 1968, and republished this issue. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. By application filed November 14, 1968, Chet's Transport, Inc., of Charlotte, Maine, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) fish packaging material, processed fish, and fresh or frozen fish, when moving in the same vehicle with processed fish, between Portsmouth, N.H., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; and (2) repair parts for fishing boats and fish plants, from Portsmouth, N.H., to ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; A Report of the Commission, Operating Rights Board, dated April 30, 1969, and served May 9, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) (a) *fish packaging material*, (b) *processed fish*, and (c) *fresh or frozen fish*, when moving in the same vehicle and at the same time with processed fish, between Portsmouth, N.H., on the one hand, and, on the other, those ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; and (2) *repair parts* for fishing boats and fish processing plants, between Portsmouth, N.H., and those ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an

interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128375 (Sub-No. 9) (Republication), filed May 5, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Charles J. Kimball, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. In the above-entitled proceeding, the examiner recommended the issuance to applicant of a permit, authorizing the operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. A decision and order of the Commission, Review Board No. 4, dated December 24, 1968, and served January 6, 1969, as modified, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, under a continuing contract with Tote Systems, Division of Hoover Ball and Bearing Co., of, (1) (a) *metal and fiberglass containers, industrial blenders and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators and nurse tank wagons;* and (b) *parts of the commodities* named in (a) above, from Lenox, Iowa, and Beatrice, Nebr., to points in the United States (except points in Alaska, Arizona, Hawaii, Kentucky, Montana, New Mexico, North Carolina, Tennessee, and Wyoming); and (2) *tools, parts, supplies, and partially fabricated products,* utilized in connection with the manufacturing of the commodities named in (1) (a) above, between Lenox, Iowa; Beatrice, Nebr.; and the port of entry on the United States and Canada boundary line at or near Detroit, Mich.; subject to the condition that a notice of the authority actually granted herein will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so perjudiced.

No. MC 133390 (Republication), filed December 23, 1968, published in the FEDERAL REGISTER issue of January 30, 1969, and republished this issue. Applicant: H. IMME & SONS, INC., S–67 West, 14584 Janesville Road, Muskego, Wis. 53150. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. By application filed December 23, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of potato chips, shoestring potatoes, popcorn, nut meats, corn twists, corn chips, carmel corn, cheese corn, pretzels and tomato juice from the site or warehouse facilities of Geiser's Potato Chip Co. at Milwaukee, Wis., to Waukegan, Ill., under a continuing contract with Geiser's Potato Chip Co. of Milwaukee, Wis.; An order of the Commission, Operating Rights Board, dated April 30, 1969, and served May 9, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *foods* from the plantsite and storage facilities of Geiser's Potato Chip Co., at Milwaukee, Wis., to Waukegan, Ill., under a continuing contract with Geiser's Potato Chip Co., of Milwaukee, Wis., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 120075 (Sub-No. 4), filed March 27, 1969. Applicant: THE TACOMA SUBURBAN LINES, INC., Post Office Box 117, Building 2197, Fort Lewis, Wash. Applicant's representatives: George H. Hart and Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between Tacoma and Du Pont, Wash., in a circuitous manner from Tacoma over Pacific Avenue to South Tacoma Way, thence over South Tacoma Way to U.S. Highway 99, thence over Union Avenue extension to McChord Air Force Base, return over Union Avenue extension to U.S. Highway 99, thence over U.S. Highway 99 to Gravelly Lake Drive, thence over Gravelly Lake Drive to Interstate Highway 5, thence over Interstate Highway 5 to Thorn Lane, thence over Thorn Lane to Union Avenue, thence over Union Avenue to Tillicum, Wash., thence over Berkley Street to Fort Lewis, Wash., thence over military reservation roads to Du Pont, and return over the same route, serving the intermediate points of McChord Air Force Base, Tillicum, and Fort Lewis, Wash.; (2) between Tacoma and McChord Air Force Base, Wash., from Tacoma over Pacific Avenue to Sales Road, thence over Sales Road to McChord Air Force Base, Wash.; (3) between Fort Lewis and Lakewood Center, Wash., in a circuitous manner from Fort Lewis over U.S. Highway 99 to Bridgeport Way, thence over Bridgeport Way, to Steilacoom Boulevard, thence over Steilacoom Boulevard, to Meadow Road, thence over Meadow Road to Alfaretta Avenue, thence over Alfaretta Avenue to Gravelly Lake Drive, thence over Gravelly Lake Drive to Veterans Drive, thence over Veterans Drive to Lakewood, Wash., thence over Vernon Avenue to Lawndale, thence via Lawndale to North Fort Lewis, thence return to Fort Lewis over Military Road; and (4) between Du Pont and Tacoma, Wash., over Interstate Highway 5 and Military Reservation Roads, serving the intermediate point of Fort Lewis, Wash. Restriction: No local service is authorized between the city limits of Tacoma, Wash., and the intersection of Pacific Avenue and Sales Road or between the intersection of U.S. Highway 99 and Bridgeport Way and the intersection of Lawndale and Nottingham Avenue. NOTE: The instant application is a matter directly related to MC–F–10433, published in the FEDERAL REGISTER issue of April 2, 1969, wherein applicant who controls Pacific National Lines, Inc., seeks to convert their certificates of registration under MC 84690 Subs 13 and 15 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10212 (Amendment) (HIGHWAY EXPRESS LINES, INC.—Control—NORTHERN HAULERS CORP.), published in the August 14, 1968, issue of the FEDERAL REGISTER, on page 11575. By amendment filed May 7, 1969, HIGHWAY EXPRESS LINES, INC., seeks to *control and merge* the operating rights and property of NORTHERN HAULERS CORPORATION, in lieu of control only. NOTE: In No. MC–F–10371 (Northern Haulers Corp.—Purchase (Portion)—George A. Taylor, Inc.), published in the January 29, 1969, issue of the FEDERAL REGISTER, on page 1421, NORTHERN HAULERS CORPORATION proposes to purchase certain operating rights of GEORGE A. TAYLOR, INC. If both applications are granted. HIGHWAY EXPRESS LINES, INC., would succeed to any authority acquired by NORTHERN HAULERS CORPORATION.

No. MC–F–10477. Authority sought for purchase by RISS INTERNATIONAL CORPORATION (formerly Riss & Company, Inc.), 903 Grand Avenue, Kansas City, Mo. 64106, of the operating rights of SHORT LINE DELIVERY CORP., Route 202, Garnerville, N.Y. 10923, and for acquisition by REPUBLIC INDUSTRIES, INC., also of Kansas City, Mo., and in turn by ROBERT B. RISS, 1012 Baltimore Avenue, Kansas City, Mo. 64105, and RICHARD R. RISS, Cripple Creek, Colo., of control of such rights through the purchase. Applicants' attorneys and representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102, Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106, and Mitchell Jelline, 350 Fifth Avenue, New York, N.Y. 10001. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over irregular routes, between points in Rockland County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, and Fairfield County, Conn.; *general commodities*, excepting, among others, household goods and commodities in bulk, between points in Rockland County, N.Y., on the one hand, and, on the other, certain specified points in Connecticut, between points in Rockland County, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; between points in Rockland County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, and Philadelphia, Pa., with restriction; and *general commodities*, except those of unusual value, classes A and B explosives, livestock, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and points in New Jersey and New York within 15 miles of New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Texas, Colorado, Iowa, Illinois, Nebraska, Oklahoma, Michigan, Iowa, West Virginia, Massachusetts, New Jersey, Connecticut, Pennsylvania, Maryland, Virginia, New York, Ohio, Indiana, Rhode Island, Delaware, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10478. Authority sought for purchase by CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502, of a portion of the operating rights of MOMSEN TRUCKING CO., Highways 71 and 18 North, Spencer, Iowa, and for acquisition by ARTHUR F. CROUCH, CLEO CROUCH, AND ROGER CROUCH, all of Elwood, Doniphan County, Kans., of control of such rights through the purchase. Applicants' attorneys: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006, and Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes from St. Paul, Minneapolis, Stillwater, Fairmont, Owatonna, Hopkins, and Mankato, Minn., to Swea City, Iowa, and points in Iowa within 25 miles of Swea City, between Estherville and Spencer, Iowa, on the one hand, and, on the other, St. Paul and Minneapolis, Minn., and between Anita, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, Omaha, Nebr. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Iowa, Kansas, Nebraska, Oklahoma, Arkansas, Indiana, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10479. Authority sought to purchase by ANDREW McDERMOTT, INC., 220 Murray Street, Newark, N.J. 07114. of the operating rights of TRINITY TERMINAL & TRANSPORTATION, INC., Box 1002, Brookdale Station, 20 Bay Street, Montclair, N.J., Bloomfield, N.J. 07003, and for acquisition by H. W. TAYNTON COMPANY, INC., and in turn, ROBERT E. TAYNTON, SR., ELIZABETH MARBLE, PAUL TAYNTON, FLORENCE TAYNTON, and the COMMONWEALTH BANK & TRUST CO. (TRUSTEES), all of 40 Main Street, Wellsboro, Pa., of control of such rights through the purchase. Applicants' attorneys: Robert De Kroyft, 24 Branford Place, Newark, N.J. 07102, and Bowes & Millner, 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N.Y., and points in Essex and Hudson Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6056; Filed, May 20, 1969; 8:51 a.m.]

[Notice 347]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71044. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Camall Trucking, Inc., South Gate, Calif., of certificate Nos. MC–36657 and MC–36657 (Sub-No. 1) and certificate of registration No. MC–36657 (Sub-No. 4), issued November 18, 1949, November 18, 1949, and April 2, 1964, respectively, to Clair E. Campbell, doing business as Camall Service, South Gate, Calif., authorizing transportation under the certificates of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Los Angeles and Los Angeles Harbor, Calif., commercial zone; hair curlers, toilet preparations, and scrap phonograph records, from Los Angeles, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif.; hair brushes and hardware, from Los Angeles Harbor, Calif., to Los Angeles, Calif.; and under the certificate of registration, of transportation corresponding to the certificate of public convenience and necessity granted in Decision No. 55901, dated December 3, 1957, by the Public Utilities Commission of the State of California. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, applicant's representative.

No. MC–FC–71270. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Laurel Transport Ltd., Montreal, Quebec, Canada, of certificate No. MC–36467 issued March 19, 1965, to Laurel Transport U.S., Inc., Montreal, Quebec, Canada, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, material, and supplies used in the conduct of such business, between Plattsburgh, N.Y., and Malone, N.Y., serving all intermediate points, and the off-route points of St. Regis Falls and Bombay, N.Y.; between Plattsburgh, N.Y., and Tupper Lake, N.Y., serving all intermediate points, and the off-route point of Faust, N.Y.; and between Plattsburgh, N.Y., and Ticonderoga, N.Y., serving all intermediate points; and general commodities, with the usual exceptions, between Plattsburgh, N.Y., on the one hand, and, on the other, points in Warren, Franklin, St. Lawrence, Clinton, and Essex Counties, N.Y. Richard B. Stewart, 701 Union Trust Building, Washington, D.C. 20005, attorney for applicants.

No. MC–FC–71285. By order of May 1, 1969, the Motor Carrier Board approved

the transfer to Jarvis Leasing & Transportation Co., a corporation, East Providence, R.I., of certificate No. MC–2149 issued May 17, 1968, to Curran Express, Inc., New Bedford, Mass., authorizing the transportation of: General commodities, with the usual exceptions, between points in Massachusetts and Rhode Island. John A. Tierny, 16 Seventh Street, New Bedford, Mass. 02743, Russell B. Curnett, 36 Circuit Drive, Providence, R.I. 02905, practitioners for applicants.

No. MC–FC–71353. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Gerald E. Branjord, doing business as M & M Transfer, New Richmond, Wis., of certificate No. MC–123234 issued January 27, 1964, to Vincent A. Moore, doing business as M & M Transfer, New Richmond, Wis., authorizing the transportation of: Various commodities of a general commodity nature, between points in Wisconsin and Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

No. MC–FC–71356. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Spear Trucking, Inc., Rockford, Ill., of certificate No. MC–129040 issued January 15, 1968, to Sewell R. Spear, doing business as S. R. Spear Trucking, Rockford, Ill., authorizing the transportation of: General commodities, with the usual exceptions, between Rockford, Ill., and points in specified counties in Illinois, in a radial movement. Hylan Cooper, 450 Seventh Avenue, New York, N.Y. 10001, attorney for applicants.

No. MC–FC–71080. Republication, by order of April 30, 1969, the Motor Carrier Board approved the transfer to Caravan Lines & Storage Co., Inc., 3535 East Burnside Street, Portland, Oreg. 97214, certificates Nos. MC–108340, MC–108340 (Sub-No. 13), and MC–108340 (Sub-No. 17), issued October 13, 1954, June 5, 1961, and May 23, 1963, respectively, to Haney Truck Line, Forest Grove, Oreg. 97116, authorizing the transportation of: General commodities, and specifically named commodities of a general commodity nature, between points in Oregon and Washington.

The purpose of this republication is to advise that a corrected order bearing the above date of April 30, 1969, is entered herein to correctly show that the operating rights acquired by transferee herein, pursuant to approval of this transaction is only a "portion" of the rights in certificate No. MC–108340 covering the transportation of household goods, as defined by the Commission, and transferor retains the remainder of the authority in that lead certificate and the entire certificates in Nos. MC–108340 (Sub-No. 13), and MC–108340 (Sub-No. 17). The portion of the rights transferred involves operations in a specified area of Washington and Oregon.

No. MC–FC–71258. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Jacob J. Vargo, Jr., Perkasie, Pa., of the operating rights in certificate No. MC–100387 issued May 20, 1941, to Jacob J. Vargo, Perkasie, Pa., authorizing the transportation of fertilizer from Carteret, N.J., to points in Pennsylvania within 25 miles of Perkasie, Pa., lumber from Newark, N.J., to the above destination points, and agricultural commodities from the above-specified destination points to Camden, N.J. Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6057; Filed, May 20, 1969; 8:51 a.m.]

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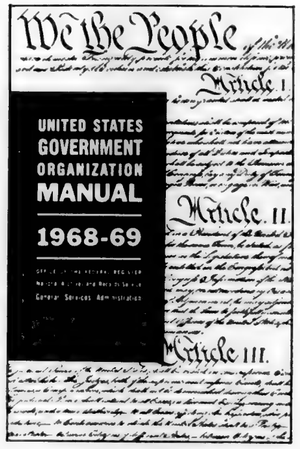

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Title 3—THE PRESIDENT

Proclamation 3913

WHITE CANE SAFETY DAY, 1969

By the President of the United States of America

A Proclamation

That blindness is a tragedy is known to all men. That courage and determination can help the blind to transcend that tragedy is not nearly as well known.

A symbol of the blind person's determination to help himself and to live a normal life is the white cane. More than a traveling aid for blind people, the familiar white cane has become—to those who can see—a reminder of the tremendous strides which have been made by the blind in adjusting to the world of sight.

A blind man or woman using a white cane can travel with greater confidence and safety on the Nation's streets. This confidence is reflected in other activities, such as education and employment, where the blind can make needed and highly valued contributions. Thus, the white cane helps the blind person to help himself by increasing the range of his activities.

To make our citizens more fully aware of the significance of the white cane, and of the need for motorists to exercise caution and courtesy when approaching its bearer, the Congress, by a joint resolution, approved October 6, 1964 (78 Stat. 1003), has authorized the President to issue annually a proclamation designating October 15 as White Cane Safety Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim October 15, 1969, as White Cane Safety Day.

I urge all Americans to observe this day by increasing their understanding of the problems of the blind, learning more about the accomplishments of the blind, and seeking ways in which the blind may add even more than they already have to their own personal fulfillment and to the progress of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-6169; Filed, May 20, 1969; 4:35 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[22,831]

PART 545—OPERATIONS

Fixed-Balance Bonus Accounts

MAY 15, 1969.

Resolved That the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 545.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.3) for the purpose of permitting Federal associations to compound earnings at the bonus rate on fixed-balance accounts after the 36-month qualifying period and to set the minimum amount of such accounts at any amount not less than $1,000, hereby amends paragraph (b) of said § 545.3 by revising the first sentence thereof and subparagraphs (1) and (3) thereof, to read as follows, effective May 22, 1969:

§ 545.3 **Bonus on monthly payment and fixed-balance accounts.**

* * * * *

(b) *Fixed-balance accounts.* The board of directors of a Federal association which has a charter in a form not inconsistent with the provisions of this section and which has bylaws which include the provisions of paragraph (e) of § 544.6 of this chapter may determine that, in addition to other earnings distributed on savings accounts, such association shall distribute a bonus on accounts of $1,000 or such greater minimum amount as may be determined in accordance with and subject to the provisions of this paragraph.

(1) Each such bonus account shall be evidenced by a separate certificate issued in the amount originally invested in the account;

* * * * *

(3) While the bonus account certificate remains outstanding, earnings other than the bonus shall be distributed by payment in cash to the account holder or by crediting the bonus account or another account at the regular distribution dates. The bonus on the amount originally invested in such bonus account shall be so distributed upon expiration of the 36-month qualifying period. Thereafter, all earnings, including any bonus, on the amount in such bonus account shall be so distributed at the regular distribution dates;

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., P. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in § 508.14 of such regulations (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-6093; Filed, May 21, 1969; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[22,830]

PART 563—OPERATIONS

Semiannual Credit Requirements for Federal Insurance Reserve

MAY 15, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 563.13 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.13), for the purpose of suspending the semiannual credit requirements for the Federal insurance reserve which are based on percentage of growth in specified assets, hereby amends paragraph (b) of said § 563.13 by adding a new subparagraph (6), immediately after subparagraph (5) thereof, to read as follows, effective May 22, 1969:

§ 563.13 **Required amounts and maintenance of Federal insurance reserve.**

* * * * *

(b) *Semiannual credits.*

* * * * *

(6) During the two semiannual periods ending June 30, 1969, and December 31, 1969, the semiannual credit requirements based on percentage of growth in specified assets in subdivisions (i) (b) and (c) and (ii) (b) of subparagraph (3) of this paragraph shall be suspended.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since the above amendment grants exemption from an existing requirement, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in § 508.14 of such regulations (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-6092; Filed, May 21, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 **Special regulations: Recreation; for the individual wildlife refuge areas.**

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE—SUPPLEMENT

Bathing and swimming are permitted in the designated area during the hours 10 a.m. to 6 p.m. from May 30 through June 30.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-6081; Filed, May 21, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VI of Title 32 is amended as follows:

PART 701—AVAILABILITY OF OFFICIAL RECORDS

Part 701 is amended as follows:

Section 701.3(a)(2) is revised to read as follows:

§ 701.3 Production of official records in the absence of court order.

(a) * * *

(2) *Provost marshal or base police reports of traffic accidents.* Local commanders are authorized to release copies of traffic accident investigative reports where service personnel are not involved and where no government vehicle is involved, provided the interest of the United States will not be prejudiced thereby. Release may be made to any properly interested party or his authorized representative. If it appears that the interests of the United States may be involved, then such requests shall be referred to the appropriate District Legal Officer (and in Guam, Staff Legal Officer) or the Judge Advocate General. (Charges will be made in accordance with the schedule of fees published in the Navy Comptroller Manual, paragraph 035887 (minimum fee $3). Fees collected will be credited as set forth in the Navy Comptroller Manual, paragraph 043145.)

* * * * *

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACTFINDING BODIES

Part 719 is amended as follows:

Subpart A—Nonjudicial Punishment

Section 719.101 is amended as follows:

§ 719.101 General provisions.

(a) *Authority to impose*—(1) *Multiservice commands.* In addition to the category of officers authorized to impose nonjudicial punishment under article 15(a) of the Code, the commander of a multiservice command to whose staff or command members of the naval service are assigned may designate one or more naval units and may for each such naval unit designate a commissioned officer of the naval service as commanding officer for the administration of discipline under article 15 of the Code. A copy of any such designation by the commander of a multiservice command shall be furnished to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General.

(2) *Members of the naval service.* Pursuant to the authority of article 15 of the Code and the provisions of chapter XXVI, MCM 1969, and except as provided in paragraph (b) of this section, nonjudicial punishment may be imposed in the naval service for minor offenses as follows:

(i) *Upon officers and warrant officers.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph above, may impose upon officers of his command admonition or reprimand and restriction to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days. Officers of the grade of major or lieutenant commander, or above, who are authorized to impose nonjudicial punishment, may, in addition to admonition or reprimand, impose restriction for not more than 30 consecutive days. Only an officer of general or flag rank in command may impose the additional punishments authorized by article 15(b)(1)(B) of the Code. (See also subparagraph (4) of this paragraph.) Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, orders of a flag or general officer in command (including one in command of a multiserwice command to which members of the naval service are attached).

(ii) *Upon other personnel.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached) or orders of the Senior Officer Present, may impose upon enlisted men assigned to his unit, admonition or reprimand and one or more of the punishments authorized by article 15(b)(2)(A) through (G) of the Code.

(3) *Jurisdiction over individual.* At the time nonjudicial punishment is imposed the accused must be a member of the command of the commanding officer, or of the unit of the officer in charge, who imposes the punishment. A person "is of the command" or "of the unit" if he is assigned or attached thereto.

(i) *Issuance of Letter of Censure to Party before fact-finding body.* A person who has been designated a party before a fact-finding body convened under the regulations in this part (see subpart J of this part) remains thereafter "of the command" of the unit or organization to which he was assigned or attached at the time of such designation for the purposes of imposition of the sole nonjudicial punishment of a letter of admonition or reprimand, even though for other purposes he may have been assigned or attached to another command before such letter was delivered to him. This status terminates automatically when all action contemplated by article 15 has been completed respecting the letter of admonition or reprimand.

(ii) *Action when accused no longer with command.* Except as provided in subdivision (i) of this subparagraph, if at the time nonjudicial punishment is to be imposed, the accused is no longer assigned or attached to the unit the alleged offense should be referred for appropriate action to a competent authority in the chain of command over the individual concerned. In the case of an officer, the referral normally should be to the officer who exercises general court-martial jurisdiction over him.

* * * * * *

(b) * * *

(6) *Extra duties.* Subject to the limitations set forth in paragraph 131c(6), MCM 1969, this punishment shall be considered satisfied when the enlisted person shall have performed extra duties during available time in addition to performing his military duties. Normally the immediate commanding officer of the accused will designate the amount and character of the extra duties to be performed. The daily performance of the extra duties before or after routine duties are completed satisfies the punishment whether the particular daily assignment requires one, two, or more hours but normally extra duties should not extend to more than 2 hours per day. (See article 1410, U.S. Navy Regulations, 1948, for provisions prohibiting (i) guard duty as a punishment and (ii) performance of extra duties on Sunday.)

(7) *Reduction in grade.* Subject to the provisions of paragraph 131c(7), MCM 1969, this punishment may not be imposed except to the next inferior grade. Reduction in grade may be imposed only if the condition concerning promotion authority specified in 131, MCM 1969, is met. See BuPers Manual, articles C-7202 and C-7211 and MarCorps Manual, paragraphs 1430 and 1450.

(8) *Arrest in quarters.* An officer or warrant officer undergoing this punishment may not be required to perform duties involving the exercise of authority over any person who is otherwise subordinate to him. (See article 1316, U.S. Navy Regulations, 1948.)

(9) *Forfeiture and detention.* As provided in paragraph 131c (8) and (9), MCM 1969, the monthly contribution from his pay ($40.00) that an enlisted person with dependents is required by law to make to entitle him to a basic allowance for quarters must be deducted before the net amount of pay subject to forfeiture or detention is computed. When a punishment of a person in pay grade E-4 (over 4 years' service) or above includes both reduction to pay grade E-4 (4 years' or less service) or below and forfeiture or detention, the same amount ($40.00) must similarly be deducted before computing the net amount of pay subject to forfeiture or detention.

(c) *Nonpunitive measures.* (1) Commanding officers and officers in charge are authorized and expected to use nonpunitive measures, including administrative withholding of privileges not extending to deprivation of normal liberty, in furthering the efficiency of their commands.

(2) These measures are not punishment and may be administered either orally or in writing. See paragraph 128c, MCM 1969. Nonpunitive letters of censure, other than those issued by the Secretary of the Navy, shall not be forwarded to the Bureau of Naval Personnel or the Commandant of the Marine Corps, quoted or appended to fitness reports, or otherwise included in the official Departmental records of the recipient.

(d) *Procedures.* (1) The procedures prescribed in paragraph 133b, MCM 1969, and in this section will be followed in imposing nonjudicial punishment. The requirements of § 719.102 (d) and (e) are also applicable if a letter of admonition or reprimand is to be imposed as punishment.

(2) If nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or other fact-finding body, a preliminary examination shall be made of such record to determine whether the individual concerned was accorded the rights of a party before such fact-finding body and, if so, whether such rights were accorded with respect to the act or omission for which nonjudicial punishment is contemplated. If the individual concerned was accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated, such punishment may be imposed without further proceedings. But see § 719.101 (b). If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, the impartial hearing prescribed in paragraph 133b, MCM 1969, must be conducted. In the alternative, the record of the fact-finding body may be returned for additional proceedings during which the individual concerned will be accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated.

(3) The officer who imposes punishment under article 15 shall require the offender to be fully informed of his right to appeal from such punishment.

(e) *Effective date and execution of punishment*—(1) *Forfeitures, detention, and reduction in grade.* As provided in paragraph 131e, MCM 1969, these punishments, if unsuspended, take effect on the date imposed. If suspended, and the suspension is later vacated, these punishments take effect for all purposes, on the date the suspension is vacated. However, if a forfeiture or detention is imposed while a prior punishment of forfeiture or detention is still in effect, the prior punishment will be completed before the latter begins to run.

(2) *Punishments involving restraint.* Normally, the punishment of arrest in quarters, correctional custody, confinement on bread and water or diminished rations, extra duties, and restriction, unless suspended, take effect when imposed. However, as with forfeiture and detention, any prior punishment involving restraint will be completed before the second begins to run. In addition, commanding officers and officers-in-charge at sea may, when the exigencies of the service require, defer execution of correctional custody and confinement on bread and water for a reasonable period of time, not to exceed 15 days, after imposition. When correctional custody is to be served in a regular confinement facility, the conditions of service and the provisions for release therefrom shall be as prescribed in the Corrections Manual (formerly Brig Manual). Otherwise correctional custody will be imposed and administered in accordance with SEC NAVINST 1640.7.

(3) *Admonition and reprimand.* These punishments take effect when imposed. A letter of censure is considered to be imposed when delivered to the offender.

(f) *Appeals*—(1) *Time* (i) In accordance with paragraph 135, MCM 1969, an appeal not made within a reasonable time may be rejected on that basis by the officer to whom the appeal was addressed. In the absence of unusual circumstances, an appeal made more than 15 days after the punishment was imposed may be considered as not having been made within a reasonable time. In computing this appeal period, allowance shall be made for the time required to transmit communications pertaining to the imposition of nonjudicial punishment and the appeal therefrom through the mails. This appeal period commences to run from the date of the imposition of the punishment, even though all or any part of the punishment imposed is suspended.

* * * * * *

(h) * * *

(2) If a letter of admonition or reprimand is canceled by superior authority before a copy of the original of such letter has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, no copy of the letter of admonition or reprimand will be filed in the member's official record; see Bureau of Naval Personnel Manual and Marine Corps Personnel Manual. If the cancellation occurs after the copy of the letter of admonition or reprimand has been forwarded to the Department, a copy of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Upon receipt of the copy of the letter of cancellation, copies of the letter of admonition or reprimand will not be filed in or will be removed from, as appropriate, the member's official record and will be destroyed. The order or letter of cancellation or a copy thereof shall not be filed in the member's official records. In other cases, physical removal of letters of admonition or reprimand and other documents in official records will normally be accomplished only by the Secretary of the Navy acting through the Board for Correction of Naval Records. (See Part 723 of the chapter.) However, if a letter of censure is filed inadvertently by reason of clerical error or mistake of fact, such document may be removed as authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(i) *Public reprimands—private reprimands.* For historical purposes and understanding of the captioned types of censure, brief comment is supplied thereon. Under article 24 of the Articles for the Government of the Navy (superseded by the Uniform Code of Military Justice), "private reprimand" was one of the punishments specified as being within the authority of a commanding officer to impose upon officers under his command. The word "private" was employed to distinguish a formal letter of reprimand addressed to an individual officer without general publicity from a "public reprimand", i.e., one published verbatim throughout the naval service. Omission of the word "private" preceding "admonition or reprimand" in article 15 of the Code does not constitute authority to commanding officers to issue "public reprimands," which are looked upon with disfavor by the Department of the Navy.

Subpart B—Convening Courts-Martial

Subpart B is revised to read as follows:

§ 719.103 Designation of additional convening authorities.

(a) *General courts-martial.* In addition to those officers authorized by article 22(a)(3) through (5) and (7) of the Code, the following officers are, under the authority granted to the Secretary of the Navy by article 22(a)(6) of the Code, designated as empowered to convene general courts-martial:

(1) All flag or general officers, or their immediate temporary successors, in command of units or activities of the Navy or Marine Corps.

(2) The following officers or their successors in command:

Chief of Naval Operations.
Commandant of the Marine Corps.
Commander, Service Group One.
Commander, Service Force, 6th Fleet.
Commanders, Fleet Air Wings.
Commanders, Fleet Air Commands.
Commander, Morocco—U.S. Naval Training Command.
Commanding Officer, U.S. Naval Support Activity, Naples.
Commander, U.S. Naval Activities, Spain.
Commanding Officer, Camp Butler, Okinawa.
Commander, U.S. Naval Training Center, Bainbridge, Md.
Commander, U.S. Naval Training Center, Great Lakes, Ill.
Commander, U.S. Naval Training Center, San Diego, Calif.
Commander, U.S. Naval Training Center, Orlando, Fla.

(3) The Commanding Officer, U.S. Naval Disciplinary Command, Portsmouth, N.H., is hereby designated as empowered to exercise limited general court-martial jurisdiction for the purpose of performing the functions described in paragraphs 100c, 102, and 107, MCM 1969. See § 719.122(a)(2) concerning the clemency powers of the Commanding Officer of the Naval Disciplinary Command.

(b) *Special courts-martial.* In addition to those officers otherwise authorized by article 23(a) (1) through (6) of the Code, the following officers are, under the authority granted to the Secretary of the

Navy by article 23(a)(7) of the Code, empowered to convene special courts-martial:

(1) Commanding officer of all battalions and squadrons.

(2) Any commander whose subordinates in the tactical or administrative chain of command have authority to convene special courts-martial.

(3) All commanders and commanding officers of units and activities of the Navy, except inactive-duty training Naval Reserve units.

(4) All commanding officers of enlisted personnel now or hereafter designated pursuant to article 0514, U.S. Navy Regulations by a commander (including the commander of a multiservice command to which members of the naval service are attached).

(5) All commanding officers and officers in charge of commands now or hereafter designated as separate or detached commands by a flag or general officer in command (including the commander of a multiservice command to which members of the naval service are attached).

(6) All directors, Marine Corps Districts.

(7) All officers in charge, Naval Inactive Ship Maintenance Facilities.

(8) All administrative officers, U.S. Naval Shipyards.

(9) All directors, Navy Recruiting, Navy Recruiting Areas.

(10) All Inspector-Instructors, Marine Corps Reserve Organizations.

(11) The following specifically designated officers:

Director, U.S. Naval Research Laboratory, Washington, D.C.
Administrative Officer, U.S. Naval Supply Center, Pearl Harbor, Hawaii.
Director, Administrative Services Department, U.S. Naval Supply Center, Oakland, Calif.
Administrative Officer, U.S. Naval Supply Center, Puget Sound, Bremerton, Wash.
Head, Military Personnel Department, U.S. Naval Station, San Diego, Calif.
Head, Military Personnel Department, U.S. Naval Station, Treasure Island, San Francisco, Calif.
Head, Military Personnel Department, U.S. Naval Station, Norfolk, Va.

Orders accomplishing a designation under subparagraph (5) of this paragraph shall reference this section but shall not reference either article 23(2)(6) of the Code or paragraph 5b(3), MCM 1969. If a determination of separation or detachment respecting a command is made pursuant to paragraph 5b(3), MCM 1969, such as when a group of detached units is placed under a single commander for disciplinary purposes as contemplated by article 23(2)(6) of the Code, only that paragraph of the MCM 1969 and article 23(a)(6) of the Code shall be referenced in such determination. Copies of orders accomplishing a designation under subparagraph (4) or (5) of this paragraph or accomplishing a determination under paragraph 5b(3) of the MCM 1969 shall be forwarded to the Judge Advocate General of the Navy and, in addition, in the case of Marine Corps units, to the Commandant of the Marine Corps.

(c) *Summary courts-martial.* Those officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

§ 719.104 Appointment of personnel from other Armed Forces.

The authority vested in the Secretary of the Navy under paragraph 4g(3) and 6a, MCM 1969, is delegated to the Judge Advocate General of the Navy or to the officer acting in his absence.

§ 719.105 Preparation of appointing orders.

(a) *General.* Appointing and amending orders should be in naval letter form from the convening authority to the president of the court or summary court officer (identified by name, grade, or address).

(b) *Contents.* The "Subject" line should indicate the contents of the order, e.g., "Appointing special court-martial." The text of the order is indicated by the forms in appendix 4, MCM 1969, and notes 1, 2, 7, 11, 12, and 14 therein. In the list of members appointed to the court the name of the addressee as president of the court should be clearly indicated. The order shall be personally subscribed by the convening authority and shall show his name, grade, and title, including organization or unit. A copy of the appointing or amending order should be sent to the trial counsel of the court.

§ 719.105a Changes in members after arraignment.

Article 29(a) of the Code provides that no member of a general or special court-martial may be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good reason. In addition the U.S. Court of Military Appeals has held that no members may be added after arraignment except by the convening authority for good reason. Whenever a court member is to be excused or added after arraignment, the convening authority shall issue a written modification to his appointing order setting forth both the desired change in membership and the specific reason for the change.

§ 719.106 Restrictions on exercise of court-martial jurisdiction.

(a) *Special and summary courts-martial generally.* In accordance with the provisions of paragraph 5b(4) and 5c, MCM 1969, exercise of authority to convene summary and special courts-martial may be restricted by a competent superior commander.

(b) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, while the unit is embarked therein, refrain from exercising any power he might possess to convene and order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sea Transportation Service vessels operating under a master.

(c) *Jurisdiction under article 2 (4), (5), and (6) and article 3 of the Code—*(1) *Policy.* Paragraph 11b, MCM 1969, provides, in part, that jurisdiction under article 3(a) of the Code should not be exercised without the consent of the Secretary of the Department concerned.[1] Extending this rule to all cases in which jurisdiction is dependent upon the provisions of article 2(4), 2(5), 2(6), or 3(c) of the Code, the following rules of policy are announced.

(2) *Authorization required.* (i) No case of a retired member of the regular component of the Navy or Marine Corps not on active duty but entitled to receive pay, a retired member of the Naval Reserve or Marine Corps Reserve not on active duty who is receiving hospitalization from an armed force, or a member of the Fleet Reserve or Fleet Marine Corps Reserve not on active duty will be referred for trial by court-martial without the prior authorization therefor of the Secretary of the Navy. This rule applies to offenses allegedly committed by such persons regardless of whether they were on active duty either at the time of the alleged offense or at the time they were accused or suspected of the offense.

(ii) No case in which jurisdiction is based on article 3 (b) or (c) of the Code will be referred for trial by court-martial without the prior authorization therefor of the Secretary of the Navy.

(iii) If authorization is withheld under subdivision (i) or (ii) of this subparagraph the Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(3) *Request for authorization.* Requests for authorization should contain the following information: The nature of the offense or offenses charged; a summary of the evidence in the case; the facts showing amenability of accused to trial by court-martial; whether civil jurisdiction exists; the military status of the accused or suspected person at the present and at the time of the alleged offense, and the reasons which make trial by court-martial advisable. Requests shall be addressed to the Secretary of the Navy and shall be forwarded by airmail or other expeditious means. If considered necessary, authorization may be requested directly by message or telephone.

(4) *Apprehension and restraint.* Specific authorization of the Secretary of the Navy is required prior to apprehension, arrest, or confinement of any person who is amenable to trial by court-martial solely by reason of the provisions of article 2 (4), (5), or (6) or article (3) of the Code.

(5) *Tolling statute of limitations.* The foregoing rules shall not impede the preferring and processing of sworn charges under article 30 of the Code when such preferring and processing are

[1] The exercise of court-martial jurisdiction over a civilian solely by reason of article 3(a) of the Code has been invalidated on Constitutional grounds by the Supreme Court of the United States. Toth v. Quarles, 350 U.S. 11(1955).

necessary to prevent the barring of trial by the statute of limitation (see art. 43 of the Code and pars. 29, 31, 33b, and 68c, MCM 1969.

(6) *Recall to active duty.* Members described in subparagraph (2)(i) of this paragraph may not be recalled to active duty solely for trial by court-martial.

(d) *Persons whose cases have been previously adjudicated in domestic or foreign criminal courts.*—(1) *Policy.* A person in the naval service who has been tried in a domestic or foreign court, whether convicted or acquitted, or whose case has been adjudicated by juvenile court authorities, shall not be tried by court-martial for the same act or acts, except in those unusual cases where trial by court-martial is considered essential in the interests of justice, discipline, and proper administration within the naval service. Such unusual cases, however shall not be referred for trial without specific permission therefor as provided herein.

(2) *Criteria.* Referral for trial within the terms of this policy shall be limited to cases involving substantial discredit to the naval service and which meet one of the following criteria:

(i) Cases in which punishment by civil authorities consists solely of probation, and local practice does not provide rigid supervision of probationers, or the military duties of the probationer make supervision impractical.

(ii) Cases in which civil authorities have, in effect, divested themselves of responsibility by an acquittal manifestly against the evidence, or by the imposition of an exceptionally light sentence on the theory that the individual will be returned to the naval service and thus removed as a problem to the local community.

(iii) Cases of homosexuality in which mild penalties have been imposed upon conviction. Homosexuality with its demoralizing effects is a more serious problem in the military society because of the close-contact living and working conditions of its members.

(iv) Other cases in which the interest of justice and discipline are considered to require further action under the Uniform Code of Military Justice; for example, cases where conduct leading to trial before a foreign court has reflected adversely upon the naval service itself.

(3) *Procedure.* (i) *General and special courts-martial.* No case described in subdivision (ii) of this subparagraph will be referred by trial by general court-martial or special court-martial without the prior permission therefor of the Secretary of the Navy. Requests for such permission shall be forwarded by the general court-martial authority concerned (or by the special court-martial authority concerned via the general court-martial authority) to the Secretary of the Navy via the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, and the Judge Advocate General.

(ii) *Summary courts-martial.* No case described in subsection (2) above will be referred for trial by summary court-martial without the prior permission therefor of the officer exercising general court-martial jurisdiction over the command. Grants of such permission shall be reported by the general court-martial authority concerned by means of a letter addressed to the Secretary of the Navy in which he shall describe the offense alleged, action by civil authorities, and the circumstances bringing the case within the exception to the general policy.

(iii) *Reporting requirements.* The provisions of this section do not affect reporting requirements or other actions required under other regulations in cases of convictions of service personnel by domestic or foreign courts and adjudications by juvenile court authorities.

(4) *Limitations.* Personnel who have been tried by courts which derive their authority from the United States, such as U.S. District Courts, will not be tried by court-martial for the same act or acts (see par. 68d, MCM 1969).

(e) *Cases involving cryptographic systems and publications.* See SECNAV Instruction 5511.4 series for policies relating to trial in such cases.

(f) *Major Federal offenses.*—(1) *Background.* The Federal civil authorities have concurrent jurisdiction with military authorities over offenses committed by military personnel which violate both the Federal criminal law and the Uniform Code of Military Justice. The Attorney General and the Secretary of Defense have agreed on guidelines for determining which authorities shall have jurisdiction to investigate and prosecute major crimes in particular cases. The administration of this program, on behalf of the naval service, has been assigned to the Naval Investigative Service; the guidelines are set forth in SECNAVINST 5430.13 series.

(2) *Limitation on court-martial jurisdiction.* Commanding officers receiving information indicating that naval personnel have committed a major Federal offense (including any major criminal offense, as defined in SECNAVINST 5430.13 series, committed on a naval installation) shall refrain from taking action with a view to trial by court-martial, but shall refer the matter to the commanding officer of the cognizant Naval Investigative Service Office or his nearest representative, for a determination in accordance with SECNAVINST 5430.13 series. In the event that the investigation of any such case is referred to a Federal civilian investigative agency, any resulting prosecution will normally be conducted by the cognizant U.S. attorney, subject however, to the exceptions set forth below.

(3) *Exceptions.* (i) Where it appears that naval personnel have committed several offenses, including both major Federal offenses and serious but purely military offenses, naval authorities are authorized to investigate all of the suspected military offenses, and such of the civil offenses as may be practicable, and to retain the accused for prosecution. Any such action shall be reported immediately to the Secretary of the Navy (Judge Advocate General) and to the cognizant officer exercising general court-martial jurisdiction.

(ii) When, following referral of a case a civilian Federal investigative agency for investigation, the cognizant U.S. attorney declines prosecution, the investigation will normally be resumed by the Naval Investigative Service, and the command may commence court-martial proceedings as soon as the circumstances so warrant.

(iii) If while investigation by a Federal civilian, investigative agency is pending, existing conditions require immediate prosecution by naval authorities, the officer exercising general court-martial jurisdiction will contact the cognizant U.S. attorney to seek approval for trial by court-martial. If agreement cannot be reached on the local level, the matter shall be referred to the Judge Advocate General for disposition.

(4) *Related matters.* See SECNAVINST 5430.13 series for procedures in cases involving civilian employees; § 720.6 of this chapter, concerning the interviewing of naval personnel by Federal investigative agencies; and § 720.4 of this chapter concerning the delivery of personnel to Federal authorities.

§ 719.107 Superior competent authority defined.

(a) Accuser in a Navy chain of command. Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such accuser, the area coordinator authorized to convene general or special courts-martial, as appropriate. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. When the cognizant area coordinator is not superior in rank or command to the accuser, however, or when the accuser is an area coordinator, or if it is otherwise impossible or impracticable to forward the charges as specified above, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i MCM 1969). An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the appropriate court-martial and is superior in rank or command to the accuser.

(b) Accuser in the chain of command of the Commandant of the Marine Corps. Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is defined as any superior officer in the chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not rea-

sonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1969).

Subpart C—Trial Matters

Subpart C is revised to read as follows:

§ 719.108 Trial guides.

For the conduct of summary and special courts-martial, guidance may be obtained in NAVPERS 10091 and NAVPERS 10096, trial guides for summary and special courts-martial, respectively. These publications are for assistance and do not have the mandatory effect of regulations.

§ 719.108a Reports and interpreters.

(a) *Appointment*—(1) *Reporters.* In each case before a general or special court-martial or military commission, the convening authority shall appoint a qualified court reporter or reporters who shall record in shorthand or by mechanical or other means the proceedings of and the testimony taken before such court or commission. A reporter may be appointed by the convening authority of a summary court-martial, by the officer who orders an investigation under article 32 of the Code, or by the officer who directs the taking of a deposition. The reporter, as directed by the trial counsel or summary court, shall preserve the complete shorthand notes or mechanical record of the proceedings until appellate review has been completed and shall prepare either a verbatim or summarized record as directed. Additional clerical assistants may be appointed when necessary.

(2) *Interpreters.* In each case before a court-martial or military commission, in each investigation conducted under article 32 of the Code, and in each instance of the taking of a deposition, the convening authority or the officer directing such proceeding shall appoint, when necessary, an interpreter who shall interpret for the court, commission, investigation, or officer taking the deposition.

(3) *Manner of appointment.* Appointment of reporters and interpreters by the convening authority or authority directing the proceedings may be effected personally by him or at his discretion by any other person. Such appointment may be oral or in writing.

(b) *Source and expenses.* Whenever possible, reporters, interpreters, and clerical assistants shall be detailed from either naval or civilian personnel serving under the convening authority or officer directing the proceeding, or placed at his disposal by another officer or by other governmental agencies. When necessary, the convening authority or officer directing the proceeding may employ or authorize the employment of a reporter or interpreter at the prevailing wage scale for duty with a general or special court-martial or military commission or at the taking of a deposition. No expense to the Government by the employment of a reporter, interpreter, or other person to assist in a court-martial, military commission, or the taking of a deposition shall be incurred except when authorized by the convening authority or officer directing the proceeding. When required reporters or interpreters are not available locally, the convening authority or officer directing the proceeding shall communicate with the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate requesting that such assistance be provided or authorized.

§ 719.109 Authority to grant immunity from prosecution.

(a) *General.* In certain cases involving more than one participant, in order to prevent the defeat of justice it may be advisable to grant immunity from prosecution to one or more of the participants in the offense in consideration of their testifying for the Government in the investigation of and upon the trial of the principal offender. The authority to grant immunity from prosecution to a witness is reserved to officers exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred and whether or not the matter has been referred for trial.

(b) *Procedure.* The written recommendation of the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other fact-finding body, or the investigator when no charges have been preferred, that a certain witness be granted immunity from prosecution in consideration for testimony deemed essential to the Government shall be forwarded to the cognizant officer exercising general court-martial jurisdiction. The recommendation shall state in detail why the testimony of the witness is deemed so essential or material that the interests of justice cannot be served without the grant of immunity. The officer exercising general court-martial jurisdiction shall act upon such request after referring it to his staff judge advocate for consideration and advice. The officer granting immunity to a witness is thereafter precluded from taking reviewing action the record of the trial before which the witness granted immunity testified.

(c) *Form of grant.* In any case in which a witness is granted immunity, the general court-martial convening authority should execute a written agreement substantially in the form set forth in § 719.222.

§ 719.109a Pretrial agreements in general and special courts-martial.

(a) *Legality of pretrial agreements.* Under the provisions of the Uniform Code of Military Justice, it is legal and proper for the convening authority to make a pretrial agreement as to charges and specifications upon which the accused will be tried and/or the maximum sentence which will be finally approved by the convening authority if the accused pleads guilty. Experience has shown that opportunities for advanced planning, savings in money and manpower, and a more expeditious administration of justice can be effected by such agreements.

(b) *Action by convening authorities.* Convening authorities and their staff judge advocates will take the necessary action to insure that the rights of accused persons are fully protected in cases where there is a pretrial agreement. To that end, the following procedures shall apply:

(1) *General courts-martial.* (i) The offer to plead guilty must originate with the accused and his counsel and should be submitted to the assigned trial counsel who will conduct all arrangements as to the offer and make recommendations to the convening authority through the staff legal officer with respect thereto. Whether or not the convening authority enters into such a pretrial agreement is a matter within his sound discretion. The agreement, if made, must be in writing and must be personally signed by the convening authority and the accused and witnessed on behalf of the accused by his counsel. A suggested form of such an agreement is set forth in § 719.223, but this form must be modified as appropriate to include all of the agreement made between the accused and the convening authority; and no matters "understood" between the parties should be omitted from the written agreement. The sentence which will ultimately be approved by the convening authority (under various sentences which may be adjudged by the court, if desired) will be set forth clearly and should, under all of the circumstances of the particular case, be appropriate for the offense or offenses.

(ii) The offer of the accused to plead guilty will not be accepted if the Government has reason to believe that the evidence which it will be able to produce at the trial will be insufficient to convict. Unreasonable multiplication of charges which might tend to persuade the accused to enter into a pretrial agreement shall be avoided; nor shall an accused be induced to plead guilty to a lesser included offense by preferring more serious charges—as, for example, preferring a charge of desertion where the evidence indicates that unauthorized absence is the appropriate charge.

(iii) Under no circumstances will the court be in any way informed of any negotiations between counsel and the convening authority on the subject of a pretrial agreement; of any such agreement existing at the time of trial; or of any such agreement made and later rejected by the accused to permit a plea of not guilty. A pretrial agreement will not preclude the accused from presenting matter in mitigation and extenuation; and defense counsel has a continuing duty, despite such agreement, to vigorously represent the accused before the court with respect to the sentence to be adjudged.

(iv) In all cases where there is a pretrial agreement followed by a guilty plea of the accused, the agreement in a form substantially similar to the form set forth in § 719.223 shall, where it has not been made a part of the record of proceedings as an appellate exhibit or otherwise, be made an enclosure to the review of the staff judge advocate prescribed by paragraph 85, MCM 1969.

(2) *Special courts-martial.* (i) The offer to plead guilty must originate with the accused and his counsel. The pretrial agreement proposed by the accused must be personally signed by the accused and must be witnessed on behalf of the accused by his counsel. In those cases wherein the agreement contemplates a punitive discharge, if counsel for the accused is not a lawyer within the meaning of article 27(b) of the Code, additional counsel so qualified will be made available to the accused, unless specifically waived by the accused. Such additional counsel will advise the accused relative to the pretrial agreement and will also witness the signature of the accused thereon.

(ii) The pretrial agreement proposed by the accused will be submitted to the assigned trial counsel who will conduct arrangements as to the offer and make recommendations to the convening authority with respect thereto. Whether or not the convening authority enters into such an agreement is a matter within his sound discretion. If entered into by the convening authority, the pretrial agreement must be personally signed by him. The sentence which will ultimately be approved by the convening authority pursuant to the agreement should, under all the circumstances of the particular case, be appropriate for the offense.

(iii) Practices which would be improper in cases where no pretrial agreement is involved must be scrupulously avoided. The offer of the accused to plead guilty will not be accepted if the Government has reason to believe that the evidence which it will be able to produce at the trial will be insufficient to convict. Unreasonable multiplication of charges which might tend to persuade the accused to enter into a pretrial agreement shall be avoided. Furthermore, an accused shall not be induced to plead guilty to a lesser included offense by preferring more serious charges where the evidence indicates that a lesser charge is more appropriate.

(iv) Under no circumstances will the court be officially informed of any negotiations between counsel and the convening authority on the subject of a pretrial agreement; of any such agreement existing at the time of trial; or of any such agreement made and later rejected by the accused to permit a plea of not guilty. Precaution shall also be taken to prevent the court, insofar as possible, from obtaining unofficial knowledge of the foregoing. While a pretrial agreement should not be referred to at the trial by the accused or his counsel, its existence will not preclude the accused from presenting matter in mitigation and extenuation; and counsel for the accused has a continuing duty, despite such an agreement, to represent the accused before the court as to the sentences.

(v) In all cases where there is a pretrial agreement, followed by a guilty plea of the accused, the agreement in a form substantially similar to the form set forth in §719.224 shall be included as an enclosure to the convening authority's action on the record of trial.

§ 719.110 Release of information pertaining to accused persons; spectators at judicial sessions.

(a) *Release of information*—(1) *General.* There are valid reasons for making available to the public information about the administration of military justice. The task of striking a fair balance between the protection of individuals accused of offenses against improper or unwarranted publicity pertaining to their case, and public understanding of the problems of controlling misconduct in the military service and of the workings of military justice, depends largely on the exercise of sound judgment by those responsible for administering military justice and by representatives of the press and other news media. At the heart of all guidelines pertaining to the furnishing of information concerning an accused or the allegations against him is the mandate that no statements or information will be furnished to news media for the purpose of influencing the outcome of an accused's trial, or which could reasonably have such an effect.

(2) *Applicability of regulations.* These regulations in this part apply to all persons who may obtain information as the result of duties performed in connection with the processing of accused persons, the investigation of suspected offenses, or the trial of persons by court-martial. These regulations are applicable from the time of apprehension, the preferral of charges, or the commencement of an official investigation looking toward court-martial action, until the completion of trial (court-martial sessions) or disposition of the case without trial, and prescribe guidelines for the release or dissemination of information to public news agencies, to other public news media, or to other persons or agencies for unofficial purposes.

(3) *Release of information.* (i) As a general matter, release of information pertaining to accused persons should not be initiated by persons in the naval service; instead, information of this nature should be released only upon specific request therefor, and, subject to the following guidelines, should not exceed the scope of the inquiry concerned.

(ii) Except in unusual circumstances, information which under this regulation is subject to release should be released by the cognizant public affairs officer; and requests for information received by others from representatives of news media should be referred to such officer for action. When an individual is suspected or accused of an offense, care shall be taken to indicate that the individual is alleged to have or suspected or accused of having committed an offense, as distinguished from stating or implying that the accused has committed the offense or offenses.

(4) *Information subject to release.* On inquiry the following information concerning a person accused or suspected of an offense or offenses may generally be released except as provided in subparagraph (6) of this paragraph:

(i) The accused's name, grade, age, unit, regular assigned duties, residence.

(ii) The substance of the offenses of which the individual is accused or suspected.

(iii) The identity of the victim of any alleged or suspected offense, except the victim of a sexual offense.

(iv) The identity of the apprehending and investigating agency, and the identity of counsel of the accused, if any.

(v) The factual circumstances immediately surrounding the apprehension of the accused, including the time and place of apprehension, resistance, pursuit, and use of weapons.

(vi) The type and place of custody, if any.

(vii) Information which has become a part of the record of proceedings of the court-martial in open session in the case.

(viii) The scheduling or result of any stage in the judicial process.

(ix) The denial by the accused of any offense or offenses of which he may be accused or suspected (when release of such information is approved by the counsel of the accused).

(5) *Prohibited information.* The following information concerning a person accused or suspected of an offense or offenses may generally not be released except as provided in subparagraph (6) of this paragraph:

(i) Subjective opinions, observations or comments concerning the accused's character, demeanor at any time (except as authorized in subparagraph (4)(iv) of this paragraph) or guilt of the offense or offenses involved.

(ii) The prior criminal record (including other apprehensions, charges or trials) or the character or reputation of the accused.

(iii) The existence or contents of any confession, admission, statement or alibi given by the accused, or the refusal or failure of the accused to make any statement.

(iv) The performance of any examinations or tests, such as polygraph examinations, chemical tests, ballistics tests, etc., or the refusal or the failure of the accused to submit to an examination or test.

(v) The identity, testimony, or credibility of possible witnesses (except as authorized in subparagraph (4)(iii) of this paragraph).

(vi) The possibility of a plea of guilty to any offense charged or to a lesser offense and any negotiations or any offer to negotiate respecting a plea of guilty.

(vii) References to confidential sources or investigative techniques or procedures.

(viii) Any other matter when there is a reasonable likelihood that the dissemination of such matter will affect the findings or sentence of a court-martial or otherwise prejudice the due administration of military justice either before, during or after trial.

(6) *Exceptional cases.* The provisions of this section are not intended to restrict the release of information designed

to enlist public assistance in apprehending an accused or suspect who is a fugitive from justice or to warn the public of any dangers that a fugitive accused or suspect may present. Further, since the purpose of this section is to prescribe generally applicable guidelines, there may be exceptional circumstances which warrant the release of information prohibited under subparagraph (5) of this paragraph or the nonrelease of information permitted under subparagraph (4) of this paragraph. In these cases the senior judge advocate of the command involved shall be responsible for determining whether questionable material shall be released.

(b) *Spectators*—(1) *At sessions of courts-martial.* The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent the dissemination of classified information to other than authorized persons, the law officer, president of a special court-martial, or summary court-martial, as appropriate, may direct that the spectators involved be excluded from a trial or a portion thereof. In all other situations, spectators or classes of spectators may be excluded only when the law officer, president of a special court-martial, or summary court-martial, in the exercise of the discretion reposed in him, determines such action to be legally necessary or proper.

(2) *At pretrial hearings.* In any preliminary hearing, including a hearing conducted pursuant to article 32, UCMJ, or a court of inquiry or investigation conducted pursuant to this Manual, the presiding officer, upon motion of the Government or the defense or upon his own motion, on the ground that dissemination of evidence, information or argument presented at the hearing may disclose matters that will be inadmissible in evidence at the subsequent trial by court-martial and is therefore likely to interfere with the right of the accused to a fair trial by an impartial tribunal, may direct that all or part of the hearing be held in closed session and that all persons not connected with the hearing be excluded therefrom.

§ 719.111 Preparation and forwarding of charges.

(a) *Enlisted pay grades.* The pay grade of an accused, e.g., E–1, E–2 etc., shall be indicated following the grade or rate of the accused on page 1 of the charge sheet.

(b) *Pay and allotment data.*—(1) *Longevity increases.* Under applicable provisions of chapter 4 of volume 4 of the Navy Comptroller Manual, certain periods, such as unauthorized absence, do not constitute "time served" for the purposes of determining the cumulative years of service creditable for longevity pay increases. Care shall be taken in recording the basic pay of the accused on page 1 of the charge sheet to insure that the entry accurately reflects only the longevity increase to which the accused is entitled.

(2) *Contribution to basic allowance for quarters.* Inasmuch as the monthly contribution of an enlisted person to basic allowance for quarters which is to be deducted prior to computing the net amount of pay subject to partial forfeitures or detention of pay is the minimum contribution as required by law in the particular case (see § 719.113a), only such minimum amount, regardless of the actual contribution of the accused, shall be entered in the appropriate place on page 1 of the charge sheet.

(c) *Forwarding of charges by an officer in a Navy chain of command.*—(1) *General court-martial cases.* When a commanding officer, in taking action on charges, deems trial by general court-martial to be appropriate, but he is not authorized to convene such court or finds the convening of such court impracticable, the charges and necessary allied papers will, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such commanding officer, be forwarded to the area coordinator actively exercising general court-martial jurisdiction. For mobile units, the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is actively exercising general court-martial jurisdiction.

(2) *Special and summary court-martial cases.* When an officer in command or in charge, in taking action on charges, deems trial by special or summary court-martial to be appropriate, but he is not authorized to convene such courts-martial, the charges and necessary allied papers will be forwarded to the superior in the chain of command authorized to convene the type of court-martial deemed appropriate unless an officer authorized to convene general courts-martial and superior in the chain of command to such officer in command or charge, on the basis of a local arrangement with the area coordinator, has directed that such cases be forwarded to the area coordinator. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. Subject to the terms of the local arrangement, forwarding to the area coordinator may also be resorted to even though the immediate or superior commanding officer of the accused is authorized to convene the type of court-martial deemed appropriate but finds such action impracticable. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the type of court-martial deemed appropriate.

(d) *Forwarding of charges by an officer in the chain of command of the Commandant of the Marine Corps.* When a commander, in taking action on charges, deems trial by general, special, or summary court-martial to be appropriate, but he is not empowered to convene a court as deemed appropriate for the trial of the case, the officer will forward the charges and necessary allied papers through the chain of command to an officer exercising the kind of court-martial jurisdiction deemed appropriate. See paragraph 32f and 33i, MCM 1969; see also § 719.107 for additional provisions in cases in which the forwarding officer is an accuser.

§ 719.107 Court-martial punishment of reduction in grade.

(a) *Automatic reduction.* Automatic reduction to the lowest enlisted pay grade under article 58A of the Code[1] shall not be effected in the naval service. It is the policy of the Department of the Navy that enlisted persons of other than the lowest enlisted pay grade who are sentenced to confinement exceeding 3 months or to dishonorable or bad-conduct discharge also be sentenced to reduction to the lowest enlisted pay grade. The sentence in such cases should expressly include reduction to the lowest enlisted pay grade.

(b) *Form of sentences to reduction in grade.* In adjudging a sentence which includes reduction to the lowest enlisted pay grade or to an intermediate pay grade, that portion of the sentence which relates to reduction should refer exclusively to the numerical designaton of the grade to which reduced. Thus, this portion of the sentence should read: "To be reduced to the grade of pay grade (E–1) (* * *)". The proper grade or rate title, occupational field, or apprenticeship or striker designation of the reduced pay grade shall be administratively determined by the convening authority, subject to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate.

[1] While article 58A of the Code is inoperative in the naval service by reason of the regulations in this section, the text of article 58A is quoted below for the sake of completeness:

"§ 858A. Art 58A Sentences; reduction in enlisted grade upon approval

"(a) Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a court-martial sentence of an enlisted member in a pay grade above E–1, as approved by the convening authority, that includes—

"(1) a dishonorable or bad-conduct discharge;

"(2) confinement; or

"(3) hard labor without confinement;

reduces that member to pay grade E–1, effective on date of that approval.

"(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or disapproved, or, as finally approved, does not include any punishment named in subsection (a) (1), (2), or (3), the rights and privileges of which he was deprived because of that reduction shall be restored to him and he is entitled to the pay and allowances to which he would have been entitled, for the period the reduction was in effect, had he not been so reduced."

(Act of July 12, 1960, Public Law 86–633, 74 Stat. 468)

(c) *Execution of sentence to reduction in grade.* If the sentence includes unsuspended, a dishonorable or bad conduct discharge or confinement for 1 year or more, execution of reduction included in the sentence shall not be accomplished until the sentence has been affirmed by a board of review and, in cases reviewed by it, the U.S. Court of Military Appeals.

§ 719.113 Forfeiture, detentions, fines.

(a) *Deduction of contribution to basic allowance for quarters.* Unless a punitive discharge or total forfeiture is adjudged, the monthly contribution to basic allowance for quarters of persons in pay grades E–1 through E–4 (4 years' service or less) with dependents, required by paragraph 126h(2), MCM 1969, to be deducted prior to computing the net amount of pay subject to forfeiture or detention, is $40 in all cases. The foregoing provisions is equally applicable to members in pay grades E–4 (more than 4 years' service) or higher with dependents who are sentenced to reduction to pay grade E–4 (4 years' service or less) or below in combination with partial forfeiture or detention of pay. In such cases the amount of $40 shall be deducted whether or not an allotment has been registered. Regardless of the pay grade of a member with dependents, the effect of any forfeiture or detention of pay on his ability to discharge his responsibility for the care of his dependents is a factor in considering the amount of forfeiture or detention.

(b) *Forfeiture imposed by a summary court-martial.* Forfeitures of pay adjudged by summary court-martial under article 20 of the Code may be apportioned over more than 1 month, but, as a matter of policy, the period of apportionment should not exceed 3 months.

(c) *Limitations.* In cases in which the sentence involves forfeiture of pay, detention of pay, or fine, the limitations prescribed by paragraph 126h, MCM 1969, shall be observed, as well as the procedures prescribed in section VIII, part B, chapter 4 of volume 4, Navy troller Manual.

§ 719.114 Preparation of records of trial.

(a) *General and special courts-martial.* The provisions of appendixes 9 and 10, MCM 1969, will be followed in the preparation, arrangement, and authentication of records of trial and allied papers, with the following modifications:

(1) *Copies of appointing orders.* Carbon copies or mimeographed copies of the appointing orders and amending orders may be utilized for insertion into records at the place where appendices 9a and 10a, MCM 1969 (pp. 526 and 531), require insertion of "literal copy".

(2) *Charge sheets.* The original of the charge sheet may be inserted into the original record and copies of the charge sheet into copies of the record in lieu of copying into the record the charges and specifications upon which the accused is to be tried, the name and description of the accuser, the affidavit and reference for trial. However, when the charges and specifications, the name and description of the accuser, his affidavit and reference for trial have been copied verbatim into the record, as recommended in the guide on page 507, MCM 1969 (appendix 8a), the original of the charge sheet is to be prefixed to the original of the record (appendix 9e, item 5, MCM 1969).

(3) *Staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM 1969, copies of the staff judge advocate's legal review will be attached to all copies of records of trial forwarded for review by a board of review.

(4) *Court-Martial Data Sheet.* Unless otherwise directed by the cognizant officer exercising general court-martial jurisdiction, the use of the Court-Martial Data Sheet (DD Form 494) is not required.

(5) *Request for appellate defense counsel.* When the statement of the accused concerning appellate representation before a board of review is required (see § 719.115), the original thereof will be prefixed to the original record and a copy thereof to each copy of the record.

(6) *Court-Martial Chronology/Prisoner Data Form, NAVJAG 420 (Rev. 5–65).* As provided in §§ 719.121a(a) and 719.226, this form will be prefixed to the originals of all records of trial by general court-martial and all records of trial by special court-martial which include a bad conduct discharge.

(7) *Recordings and notes of trial.* In general courts-martial, the trial counsel will, unless unavoidably impracticable, retain or cause to be retained any notes (stenographic or otherwise) or any recordings (mechanical or voice) from which the record of trial was prepared until such time as the convening authority takes action upon the case. In special courts-martial which include a bad conduct discharge, such notes and recordings will be retained until such time as the officer exercising general court-martial jurisdiction takes action on the case.

(8) *Authentication.* Nonverbatim records of trial by special courts-martial shall be authenticated in the same manner as verbatim records.

(b) *Summary courts-martial.* Unless otherwise prescribed by the convening authority or officer having supervisory authority, the evidence considered by a summary court-martial need not be summarized or attached to the record of trial. Strict compliance with the provisions of paragraph 79e, MCM 1969, concerning the listing of names of witnesses on the charge sheet is directed.

(c) *Security classification of records of trial.* Records of trial containing classified matter shall be properly classified in accordance with the provisions of paragraph 82d, MCM 1969, and the Department of the Navy Security Manual for Classified Information. Copies of such records for delivery to the accused shall be prepared and handled in accordance with paragraph 82g, MCM 1969. Attention is directed to the fact that, while article 0407.1 of the Security Manual requires that matter bear the classification, overall, of its highest component, that degree of classification is not then imparted to other components. Rather, articles 0407.1 and 0407.3 authorize and require that a component be marked with the classification it warrants (if any). Misunderstanding of these provisions may result in erroneously marking as classified each page of a voluminous record, rendering review for downgrading unnecessarily difficult and excision for delivery to the accused or counsel impossible.

Subpart D—Post Trial Matters

Sections 719.115 through 719.124 are revised to read as follows:

§ 719.115 Request for Appellate Defense Counsel.

Article 70(c)(1) of the Code provides that appellate defense counsel shall represent the accused, when requested by him, before a board of review or the Court of Military Appeals. Paragraph 48j(3), MCM 1969, requires the trial defense counsel, immediately after a trial which results in a conviction, to advise the accused generally as to his appellate rights. In order that each record of trial will show compliance with that paragraph, the following procedure will be followed: In all general courts-martial which result in a conviction, and in those special courts-martial involving a bad-conduct discharge, and within the period prescribed in paragraph 48j(3), MCM 1969, the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the form set forth in § 719.225. The original signed statement will be attached to the original trial record immediately following the appellate exhibits, and an unsigned copy will be similarly attached to each copy of the trial record.

§ 719.116 Review by Staff Judge Advocate.

(a) *Who may act.* Ordinarily the senior judge advocate attached to the command of an officer exercising general court-martial jurisdiction is the staff judge advocate of that command within the meaning of articles 34, 61, and 65(b) of the Code. If, however, more than one judge advocate is attached to such a command, and if it appears that the senior is or may become disqualified for any reason from acting as staff judge advocate in any particular case or for a specified period of time, a convening authority may, in addition to the action authorized by paragraph 85a, MCM 1969, designate, in writing, a junior to act as his staff judge advocate in any particular case or for a specified period of time if that junior officer is otherwise qualified.

(b) *Distribution of staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM 1969, and § 719.114(a)(3), a copy of the review of the staff judge advocate shall be forwarded to the command at which time the accused is to be confined in order that it may be available to those charged

with developing an institutional program for the individual. In addition to the foregoing, one copy of the review of the staff judge advocate shall be forwarded to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, in those cases wherein the sentence includes confinement for 8 months or more, or an unsuspended bad-conduct discharge.

§ 719.117 Action on courts-martial by convening authority.

(a) *Companion cases tried separately.* In court-martial cases where the separate trial of a companion case is ordered, the convening authority will so indicate in his action on the record in each case.

(b) *Suspension of sentences.* Convening authorities are encouraged to suspend, for a probationary period, all or any part of a sentence when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence adjudged.

(c) *Sentences including a punitive discharge.* In order that the best interests of the service as well as those of the accused may be served, the convening authority, in those cases where the sentence as approved by him extends to a punitive discharge whether or not suspended, shall include in his initial action a brief synopsis of the accused's conduct record during the current enlistment or current enlistment as extended. This synopsis should include in chronological order: dates, nature of offenses committed, sentences adjudged and approved, and nonjudicial punishment imposed. The synopsis should also include medals and awards, commendations, and any other information of a commendable nature. Although not required, similar action may, if circumstances are deemed appropriate, be taken in other cases. The foregoing requirement does not, in any way, affect the legal requirements as to the admissibility of records of previous convictions during the trial itself. See also paragraph (f) of this section.

(d) *Sentences including censure*—(1) *General.* Censures (reprimand and admonition, in descending order of severity) issued in execution of court-martial sentences are required to be in writing. Except as otherwise prescribed in this section, the provisions of § 719.102(e) (1), (2), and (3) shall be applicable to letters of censure issued in execution of court-martial sentence.

(2) *By whom issued.* Letters of censure in execution of sentences of summary courts-martial shall be issued by the convening authority. In those special and general court-martial cases wherein a sentence imposing censure is ordered executed by the convening authority, he shall issue the letter as part of his action on the record in accordance with the provisions of paragraph 89c(8), MCM 1969. Otherwise the letter shall be issued as part of the promulgating order of the officer who subsequently directs execution of the sentence.

(3) *Contents.* The letter shall include the time and place of trial, type of court, and a statement of the charges and specifications of which convicted. It shall also contain the following paragraph:

> A copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged to forward, within 15 days after receipt of this action, such statement concerning this letter as you may desire, also for inclusion in your record. If you elect not to submit a statement, you shall state so officially in writing within the time prescribed. In connection with your statement, attention is directed to article 1404.2 and 3, U.S. Navy Regulations, 1948.

(4) *Procedure for issuance.* The original letter will be delivered to the accused and a copy appended to the convening authority's action (or the promulgating order of the officer subsequently directing execution of the sentence). The action (or order) should refer to the letter, in tenor, as follows:

> Pursuant to the sentence of the court, as herein approved, a letter of (reprimand) (admonition) is this date being served upon the accused and a copy thereof is hereby incorporated as an integral part of this action.

(5) *Forwarding copy to Department.* Upon receipt of the accused's written statement or his written declaration that he does not desire to make a statement, an additional copy, together with the statement or declaration, shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(6) *Appeals.* Review, including appellate review, of letters of censure issued as part of an approved court-martial sentence will be accomplished as provided for by the Uniform Code of Military Justice, the Manual for Courts-Martial, and the Manual of the Judge Advocate General with respect to the proceedings of the particular court-martial which imposed the sentence. No separate appeal from these letters will be considered.

(e) *Designation of places of confinement.* The convening authority of a court-martial sentencing an accused to confinement is a competent authority to designate the place of temporary custody or confinement of naval prisoners. See also § 719.138.

(f) *Cases involving convictions of larceny or other offenses involving moral turpitude.* If a punitive discharge has been approved, whether or not suspended, in a case involving conviction of larceny or other offense or offenses involving moral turpitude, the convening authority shall include in his action on the record any facts which tend to extenuate, mitigate, or aggravate the offense or offenses and do not appear in the court record or in the papers accompanying the same. If the accused entered a plea of guilty, the convening authority shall also include a synopsis of the circumstances of the offense amplifying the allegations set forth in the specification, regardless of whether such facts are otherwise set forth in the record of trial. In all cases in which the information to be so set forth in the action of the convening authority is not exclusively extenuating or mitigating, the convening authority shall refer a copy of the information to the accused before taking action on the case, and shall afford the accused an opportunity to rebut any part or portion of the information. A comment that such opportunity to rebut was afforded shall be included in the action of the convening authority, and any statement made by the accused in rebuttal shall be appended to such action.

§ 719.118 Promulgating orders.

(a) *General and special courts-martial*—(1) *When promulgating orders required.* Any action taken on the proceedings, findings, or sentence of a general or special court-martial by the convening authority or any other party empowered to take such action shall be promulgated as prescribed in paragraphs 90 and 91, MCM 1969. Separate orders shall be issued for each accused in case of a joint or common trial. (See note, appendix 15a, MCM 1969, page 551.)

(2) *When supplementary order is not required.* Where the findings and sentence set forth in the initial promulgating order are affirmed without modification upon subsequent review of the case, no supplementary promulgating order is required except as necessary to order the execution of the sentence or to designate a place of confinement.

(3) *Supplementary orders in board of review cases.* If the sentence was ordered executed or suspended in its entirety by the convening or other authority, and the approved findings and sentence have been affirmed without modification by the board of review and, in appropriate cases, the Court of Military Appeals, no supplementary court-martial order is necessary. Although not necessary for the validity of the action taken, a supplementary court-martial order shall be issued in all other cases. Such orders shall be published as follows:

(i) Supplementary orders in cases involving flag or general officers, death sentences, and dismissals are issued by the Judge Advocate General by direction of the Secretary of the Navy.

(ii) Other supplementary orders shall be issued by the cognizant general court-martial authority. In cases not reviewed by the Court of Military Appeals (by petition or certification), orders should be issued immediately following accused's execution of a "Request for Immediate Release" (see § 719.128) or upon expiration of 30 days from the date of service of the board-of-review decision upon the accused. In cases considered by the Court of Military Appeals, supplementary orders shall be issued upon notification of completion of review by the Court.

(iii) All supplementary orders in board-of-review cases shall bear the "NCM" number appearing on the board-of-review decision.

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM 1969. In copying and including the action of the convening authority in the promulgating order, any synopsis of the accused's record and/or circumstances of the offense contained in the convening authority's action pursuant to § 719.117 (c) and/or (f) shall also be copied and included in the promulgating order. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade, and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title, and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade, and title of an officer.

(5) *Distribution.* All initial and supplementary promulgating orders shall be distributed as follows:

(i) Original to be attached to original record of trial.

(ii) Duplicate original to be placed in the service record or service record book of the accused, unless the court-martial proceedings resulted in acquittal of all chages, disapproval of all findings of guilty, or disapproval of the sentence by the convening authority when no findings have been expressly approved by him.

(iii) Certified copies:

(a) Three to be attached to the original record of trial.

(b) One to be attached to each copy of the record of trial.

(c) Two to the commanding officer of an accused who is ordered to a brig as a place of confinement; three if a disciplinary command is designated as a place of confinement. These copies should accompany the records of the accused to the place of confinement.

(d) One to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(e) One to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, if the sentence, as approved by the convening authority, includes a punitive discharge or confinement for 8 months or more.

(iv) Plain copies:

(a) One to the accused.

(b) One each to the law officer, trial counsel, and defense counsel of the court-martial before which the case was tried.

(c) One to the convening authority and, if the accused was serving in a command other than that of the convening authority at the time of the alleged offense, one to the command in which he was then serving.

(d) One to each appropriate subordinate unit and any other local distribution desired.

(b) *Summary courts-martial.* In accordance with paragraph 90e, MCM 1969, the results of a trial by summary court-martial need be promulgated only to the accused. The results of any review or action on a summary court-martial pursuant to § 719.119, subsequent to the initial action of the convening authority, shall be communicated to the convening authority and to the commanding officer of the accused for notation in the service record or service record book of the accused.

§ 719.119 Review of summary and special courts-martial.

(a) *Summary courts-martial and special courts-martial not involving a bad conduct discharge.* (1) *Officers having supervisory powers.* In addition to the officer immediately exercising general court-martial jurisdiction over a command, the Judge Advocate General, any Assistant Judge Advocate General, all officers exercising general court-martial jurisdiction, and the deputies or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of trial pursuant to article 65(c) of the Code and paragraph 94a(2), MCM 1969.

(2) *Selection of supervisory authorities.* (i) It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM 1969, will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review.

(a) For commands in a Navy chain of command, review pursuant to paragraph 94a(2), MCM 1969, will be accomplished if practicable, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial.

(b) (1) For commands in the chain of command of the Commandant of the Marine Corps, review pursuant to paragraph 94a(2), MCM 1969, will be accomplished within the chain of command if practicable.

(2) If such accomplishment of the review is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM 1969. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such request will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, they shall be accompanied by a letter stating the reasons why supervisory-authority action was not accomplished in the field.

(3) *Courts convened by officer exercising general court-martial jurisdiction.* (i) When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad-conduct discharge, his action thereon will be as convening authority only.

(a) At activities in a Navy chain of command, the record should then be forwarded, in the absence of specific direction to the contrary by a superior in the chain of command, to the area coordinator if superior in rank or command to the convening authority and authorized to convene general courts-martial; otherwise the record should be forwarded to any appropriate superior officer authorized to convene general courts-martial, or if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review. (For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding the record.)

(b) At activities in the chain of command of the Commandant of the Marine Corps, the record should then be forwarded to an appropriate superior officer exercising general court-martial jurisdiction or, if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review.

(4) *Identification of officer to whom record is forwarded for supervisory review.* In all cases, the action of the convening authority in forwarding the record for supervisory review shall identify the officer to whom the record is forwarded by stating his official title, such as "The record of trial is forwarded to the Commandant, First Naval District, for action under article 65(c), Uniform Code of Military Justice."

(5) *Review procedures.* (i) In accordance with the provisions of paragraph 94a(2), MCM 1969, the officer having supervisory authority will cause a judge advocate to review records of trial received for a review under article 65(c) of the Code. Unless, following such review, corrective or mitigating action by the officer having supervisory authority is required or recommended, no supervisory action need be taken. In lieu thereof, a notation may be made by the staff judge advocate on the record of trial, reciting the designation on the command in which the review was accomplished, the date, the result of the review, and the signature of the judge advocate; and in such cases notification of the review and the result thereof will be made to the convening authority, the accused and the commanding officer of the accused for notation in the service record or service record book of the accused. In cases in which corrective or mitigative action is required or recommended, action will be placed on the record over the signature of the supervisory authority and a supplemental promulgating order will be issued (see § 719.118(a)(2)).

(ii) If the officer having supervisory authority disagrees with the recommendation of the judge advocate as to a matter of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the judge advocate's recommendation by a letter

of transmittal giving his reasons for disagreement with the judge advocate's recommendation. When the question of law has been resolved by the Judge Advocate General, he may take action on the record as officer having supervisory authority, or he may return the record with a final determination as to the law of the case to the cognizant officer having supervisory authority for his action on the record.

(iii) Any action on the record by the officer having supervisory authority shall affirmatively indicate that the record was reviewed by a judge advocate by including the statement "This record has been reviewed in accordance with article 65(c), UCMJ."

(b) *Special courts-martial involving a bad-conduct discharge*—(1) *Action by convening authority who is an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad-conduct discharge, and if such discharge is approved by him, the record shall be forwarded direct to the Judge Advocate General for review by a board of review. In taking his action on the record, such a convening authority shall follow the procedures set forth in paragraph 85, MCM 1969.

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad-conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM 1969.

(i) For activities in a Navy chain of command, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, review will be accomplished by the area coordinator authorized to convene general-courts-martial. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial. As indicated above, a superior officer authorized to convene general courts-martial in the chain of command may direct otherwise; he may, e.g., direct that the records be forwarded to him for review.

(ii) For activities in the chain of command of the Commandant of the Marine Corps, review will be accomplished by the officer ordinarily exercising general court-martial jurisdiction over the command.

In the event review by any of the foregoing is impracticable—for instance, because of the absence or lack of a staff legal officer—any other officer authorized to convene general courts-martial may be requested to accept records of trial for review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded direct to the Judge Advocate General for review by a board of review. Is so forwarded, they shall be accompanied by a letter stating the reasons why review under article 65(b) was not accomplished in the field.

(3) *Disagreement between reviewing authority and his staff legal officer.* If the reviewing authority is in disagreement with his staff legal officer as to any matter of law, he shall nevertheless take such action on the record as is within his discretionary powers and unaffected by the disagreement, and shall transmit the record of trial, with an expression of his own views as to the matters of law involved in the disagreement, to the Judge Advocate General for review by a board of review.

(4) *Disapproval of bad-conduct discharge by reviewing authority.* If a reviewing authority determines that he will not approve that portion of the sentence which provides for a bad-conduct discharge, he shall, prior to placing his action upon the record, cause the record to be reviewed by a law specialist in accordance with article 65(c) of the Code, and in the manner set forth in § 719.119a(3).

(c) *Special courts-martial tried in joinder or in common.* When one or more of the sentences adjudged in cases tried in joinder or in common requires review only under paragraph 94a(2), MCM 1969 (not involving an approved bad-conduct discharge), and the remaining sentence or sentences require review under paragraph 94a(3), MCM 1969 (including an approved bad-conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM 1969. In his action on the sentence or sentences requiring review under paragraph 94a(3), MCM 1969, he shall state that the sentence or sentences requiring review only under paragraph 94a(2) have been reviewed in accordance with article 65(c) of the Code. The original of the action or review taken on the sentence or sentences requiring review only under paragraph 94a(2), MCM 1969, shall be filed with the copy or copies of the record in the files of the officer exercising general court-martial jurisdiction, and a copy of such action or review shall be attached to the record forwarding to the Judge Advocate General, together with the action taken on the sentence or sentences requiring review under paragraph 94a(3), MCM 1969.

§ 719.120 Action on special courts-martial by general court-martial convening authorities.

(a) *Suspension of sentences.* Officers exercising general court-martial jurisdiction are encouraged to suspend, for a probationary period, all or any part of a sentence when such action would promote discipline, and when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence which was adjudged and approved by the convening authority.

(b) *Designation of places of confinement.* The general court-martial convening authority who orders a sentence of confinement into execution subsequent to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.138.

§ 719.121 Supervision over court-martial records and their disposition after review in the field.

(a) *JAG supervision.* Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.

(b) *Board-of-review cases.* After completion of review in the field, all records requiring review by a board of review shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(c) *Other general court-martial cases.* General court-martial cases which do not require review by a board of review under article 66(b) of the Code shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(d) *Summary courts-martial and special courts-martial not involving a bad-conduct discharge.* The record of trial of such cases shall be filed as provided in § 719.129.

§ 719.121a Preparation of court-martial statistical forms.

(a) *General court-martial cases and special court-martial cases involving a bad-conduct discharge.* Effective January 1, 1966, all convening authorities and supervisory authorities, as appropriate, shall complete NAVJAG Form 420 (Rev. 5–65) during the review of all trials of general courts-martial and all trials of special courts-martial involving a bad-conduct discharge. The form will be prefixed to the original records of trial. NAVJAG Form 420 (6–58) is obsolete. Supplies of NAVJAG Form 420 (Rev. 5–65) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. 0105–100–0201. A form containing sample entries and the Punitive Article Identification Code to be used in completing the form are set forth in § 719.226.

(b) *Non-bad-conduct discharge, special courts-martial, and summary courts-martial.* Effective July 1, 1965, section A of NAVJAG Form 425 (Rev. 4–65) will be prepared by each supervisory authority for semi-annual submission to the Judge Advocate General, Navy Department, Washington, D.C. 20370. NAVJAG Form 425 (Rev. 1–60) is obsolete. The first semiannual report to be submitted on Section A of NAVJAG Form 425 (Rev. 4–65) should cover the period July 1, 1965 to December 31, 1965. Supplies of NAVJAG Form 425 (Rev. 4–65) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. 0105–100–0302. A sample form is set forth in § 719.227.

§ 719.122 Remission and suspension.

(a) *Authority to remit or suspend sentences*—(1) *General.* Pursuant to the provisions of article 74(a) of the Code and paragraph 97a, MCM 1969, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the Judge Advocate General, and all officers exercising general court-martial jurisdiction over the command to which the accused is attached are designated as empowered to remit or suspend any part or amount of the unexecuted portion of any sentence including all uncollected forfeitures, other than a sentence approved by the President, provided that the Judge Advocate General shall not exercise this power in cases involving flag or general officers, and that officers exercising general court-martial jurisdiction shall not exercise this power in cases involving officers or warrant officers. A sentence to death may not be suspended. The foregoing action may be taken without regard to whether the person acting has previously approved the sentence.

(2) *Authority of Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H.* Authority of the Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H., to take action pursuant to article 74a of the Code, other than remission or suspension of any part or amount of any sentence by summary court-martial or of a sentence by special court-martial which does not include a bad-conduct discharge, is limited to the following:

(i) Effecting actions directed by the Secretary following clemency review.

(ii) Remission of uncollected forfeitures in the cases of court-martial prisoners who are to be returned to duty.

(iii) Remission of confinement, not in excess of 5 days, for the purpose of facilitating administration by adjusting dates of transfer upon completion of confinement. Early releases in excess of 5 days may be granted when specifically authorized by the Chief of Naval Personnel.

(iv) In the event of an emergency, where, in the opinion of the commanding officer, the requirements to remit additional confinement or a punitive discharge is of such immediate nature as to preclude the normal or urgent processes of clemency as provided by SEC NAVINST 5815.3 series, the commanding officer may take such action following report of the circumstances to, and having received concurrence in such action of, the Secretary of the Navy (Naval Clemency and Parole Board).

(3) *Inferior courts-martial.* Paragraph 97a, MCM 1969, grants power to remit or suspend any part or amount of the unexecuted portion of a sentence by summary court-martial or of a sentence by special court-martial which does not include a bad-conduct discharge to the officer having supervisory authority § 719.119 and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence.

(b) *Probationary period.* All suspensions shall be of the conditional-remission type and shall be for a definite period of time. The running of the period of suspension of a sentence is interrupted either by the unauthorized (an unexcused) absence of the probationer or by commencement of proceedings to vacate suspension of sentence. The running of the period of suspension of a sentence resumes (1) as of the date the probationer's unauthorized (and unexcused) absence ends or (2) as of the initial date of the interruption if proceedings to vacate suspension of the sentence are concluded without vacation of the suspension. For instructions concerning voluntary extension of enlistment for the purpose of serving probation, see § 719.205.

(c) *Liaison with Naval Clemency and Parole Board.* Officers who take clemency action pursuant to the authority of § 719.122a on any sentence which includes a punitive discharge or confinement for 8 months or more shall coordinate such action with the Naval Clemency and Parole Board in accordance with the provisions of § 719.205.

§ 719.123 Effective date of confinement and forfeitures when previous sentence not completed.

(a) *Confinement.* When a prisoner serving a sentence to confinement adjudged by court-martial is convicted by a court-martial for another offense and sentenced to a term of confinement, the subsequent sentence, upon being ordered into execution, will begin to run as of the date adjudged and will interrupt the running of the prior sentence. After the subsequent sentence has been fully executed, the prisoner will resume the service of any unremitted interrupted sentence to confinement.

(b) *Forfeitures.* If forfeitures are being collected pursuant to a sentence adjudged by a previous court-martial at the time the convening authority takes action approving a sentence to forfeitures adjudged by a subsequent court-martial, he may, in his discretion, provide in his action that the application of forfeitures adjudged by the latter court-martial will be deferred until the date upon which the sentence to forfeitures adjudged by the previous court-martial has been fully executed.

§ 719.124 Vacation of suspension.

(a) *Form of order.* The forms prescribed in appendix 15e, MCM 1969, shall be used for promulgating orders vacating suspensions of sentences. In cases wherein article 71(c) of the Code is applicable and appellate review is not complete, the final sentence of the appropriate form may be modified to read: "Upon completion of appellate review pursuant to article 71(c), the sentence as affirmed may be executed without further order."

(b) *Distribution of order.* The promulgating order shall be distributed in accordance with the applicable provisions of § 719.118 except that in article 72(a) cases the original promulgating order and original report of proceedings to vacate suspension shall be forwarded to the Judge Advocate General for attachment to the record of trial.

Section 719.126(d)(4)(iv) is revised as follows:

§ 719.126 Service of decision of board of review on accused.

* * * * * * *

(d) * * *

(4) * * *

(iv) *Effect of constructive service.* Constructive service constitutes notification of the accused of the decision of the board of review and commences the running of the 30-day appeal period within which he may petition the U.S. Court of Military Appeals for grant of review. At the termination of the 30-day appeal period, action will be taken in the same manner as though the accused had been served personally or by registered mail on the date of the execution of the certificate of attempted service.

(v) *Form.* The form set forth in § 719.228 is recommended but may be modified as necessary to meet the requirements of a particular case.

Sections 719.127, 719.128, and 719.129 are revised to read as follows:

§ 719.127 Execution of sentence.

(a) *General.* When the sentence of an enlisted man or warrant officer as affirmed by the board of review includes, unsuspended, a dishonorable or bad-conduct discharge, or confinement for 1 year or more, it may not, except as provided in § 719.128, be executed until completion of appellate review; i.e., expiration of the 30-day appeal period, if no petition for review is filed, or final review by the Court of Military Appeals if a petition is filed. When such sentence as affirmed by the board of review does not include, unsuspended, dishonorable or bad-conduct discharge, or confinement for 1 year or more, it may be executed without further delay. See § 719.118 for requirements concerning issuance of promulgating orders.

(b) *Execution of punitive discharge.* In addition to the foregoing requirements, and notwithstanding the fact that the sentence may have been duly ordered executed, a punitive discharge may not in fact be executed until the provisions of SECNAV Instruction 5815.3 series have been complied with.

§ 719.128 Request for immediate execution of discharge.

(a) *General.* Prior to completion of appellate review, an accused may request immediate execution of the unexecuted portion of his sentence, following completion of the confinement portion thereof, if any, in those cases in which his sentence as affirmed by a board of review:

(1) Includes an unsuspended punitive discharge; and

(2) Either does not include confinement, or the confinement portion thereof has been or will be completed prior to 30 days from the date the accused is served with a copy of the board of review decision.

(b) *Conditions of approval.* Such requests may be approved by the officer exercising general court-martial jurisdiction subject to the following conditions:

(1) That the accused has received a copy of the decision of the board of review in his case;

(2) That the accused has had fully explained to him his right to petition the U.S. Court of Military Appeals for grant of review;

(3) That the accused does not have an appeal pending before the U.S. Court of Military Appeals;

(4) That the accused does not intend to appeal to the U.S. Court of Military Appeals but, nevertheless, understands that his request for immediate release does not affect his right seasonably to petition the U.S. Court of Military Appeals;

(5) That the accused has consulted counsel of his own choice, and

(6) Naval Clemency and Parole Board review, under the provisions of SECNAV Instruction 5815.3 series, if applicable, has been completed.

(c) *Execution of unexecuted portion of sentence.* Upon approval of such requests the officer exercising general court-martial jurisdiction will order the unexecuted portion of the sentence to be duly executed.

(d) *Form of request for immediate release.* The prescribed form is set forth in § 719.229. Three signed copies thereof will be transmitted to the Judge Advocate General.

§ 719.129 Filing of court-martial records.

(a) *General courts-martial.* All records of trial by general court-martial shall, after completion of final action, be filed in the Office of the Judge Advocate General.

(b) *Special courts-martial.* Records of trial by special courts-martial which (1) involve an officer accused or (2) have been acted upon by a board of review, including a rehearing of a case in which a board of review acted on the earlier record of trial, shall, after completion of final action, be filed in the Office of the Judge Advocate General. All other special court-martial records shall be filed in the manner provided below for summary courts-martial.

(c) *Summary courts-martial*—(1) *Shore activities.* Officers having supervisory authority over shore activities will retain original records for a period of 2 years after final action. At the termination of such retention period, they will transfer the original records of proceedings to the Navy Branch, Federal Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo. 63132.

(2) *Fleet activities.* Supervisory authorities who are in command of fleet activities, including Fleet Air Wings and Fleet Marine Forces, will retain original records of proceedings for a period of 3 months. At the termination of such retention period, such fleet officers will transfer the original records of proceedings to the Navy Branch, Federal Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo. 63132.

Subpart E—Miscellaneous Matters

Section 719.130 is revised to read as follows:

§ 719.130 Financial responsibility for costs incurred in support of courts-martial.

Financial responsibility for costs incurred as the result of necessary activities of appointees to or witnesses called before courts-martial will be governed by the following delineation:

(a) *Travel, per diem, and fees.* (1) The costs of travel and per diem of military personnel and civilian employees of the Navy, including that of JAG Task Force personnel but excluding that of personnel attached to the Office of the Director, U.S. Navy—Marine Corps Judiciary Activity, and branch offices thereof when acting as law officer of general courts-martial, will be charged to the operation and maintenance allotment which supports temporary additional duty travel for the convening authority of the court-martial. Such costs incurred by personnel attached to the Office of the Director, U.S. Navy—Marine Corps Judiciary Activity, and branch offices thereof when acting as law officer of general courts-martial will be charged to the operation and maintenance allotment of the Judge Advocate General.

(2) The costs of fees and mileage of civilians other than employees of the Navy will be charged to appropriation "Operations and Maintenance, Navy" funds administered by the Bureau of Naval Personnel.

(b) *Services and supplies.* (1) The following costs of services and supplies provided by an activity in support of courts-martial will be charged to the operation and maintenance allotment of the convening authority:

(i) In-house costs which are direct, out-of-pocket, identifiable, and which total $100 or more in a calendar month; and

(ii) Costs which arise under contracts which were entered into in support of courts-martial.

Section 719.229 is revised as follows:

§ 719.229 Form of—Request for Immediate Execution of Discharge.

UNITED STATES v. ---------- (Name, service number, grade or rate, and armed service)	SPCM (GCM) NCM ------ Request For Immediate Execution of (Bad Conduct) (Dishonorable) Discharge Adjudged on ---------- by (Special) (General) Court-Martial Convened by ---------- at (on Board) ----------

To: (Officer exercising general court-martial jurisdiction.)

1. I, the undersigned, the accused in the above-captioned case, hereby request the immediate execution of the above-described ---------- discharge and my release from the naval service.
(Dishonorable/Bad Conduct)

2. Naval Clemency and Parole Board review pursuant to SECNAV Instruction 5815.3 series (has been completed) (is not required). [Delete inapplicable alternative.]

3. I received a copy of the decision of the board of review in my case on ----------.

4. I have had fully explained to me and I understand my right, under article 67(c) of the Uniform Code of Military Justice, to petition the U.S. Court of Military Appeals for grant of review within 30 days from the date I received my copy of the decision of the board of review.

5. I do not have an appeal pending before the U.S. Court of Military Appeals at this time, nor do I now intend to appeal; however, I understand that, if this request is granted, it will not affect my right to appeal if I later change my mind and decided to appeal.

6. I have discussed this matter with ----------
(Name, grade, file number, branch of service)
counsel of my own choice.

(Name of accused)

CERTIFICATE

I, the undersigned officer of the grade, file number, and branch of service below stated, certify that the above-named accused personally appeared before me this ------ day of ----------, 19 --, at ----------; I explained to him his right, under article 67(c) of the
(Place)
Uniform Code of Military Justice, to petition the U.S. Court of Military Appeals for grant of review; I read aloud to him the foregoing request; and he thereafter signed the same in my presence and acknowledged that he did so as his free and voluntary act.

(Name, grade, file number, branch of service)

PART 720—PROCEEDINGS IN CIVIL COURTS

Section 720.1 (b) and (c) is revised as follows:

§ 720.1 Delivery when personnel beyond territorial limits of the requesting State.

• • • • • •

(b) *Waiver of extradition.* (1) Any person may waive formal extradition, as provided for in paragraph (a) of this section under any circumstances cognizable under paragraph (a) of this section. A waiver must be in writing and witnessed, and must include a statement that the person signing it has received counsel of either a military or civilian attorney prior to executing the waiver, and must further set forth the name and address of the attorney consulted.

(2) In every case where there is any doubt as to the voluntary nature of a waiver, such doubt shall be resolved against its use and all persons concerned will be advised to comply with the procedures set forth in paragraph (a) of this section.

(3) Prior to effecting delivery, the Judge Advocate General and the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, must be advised of the circumstances involved; must be furnished with a specific recommendation of the command as to whether or not waiver of extradition is desired which recommendation must include a statement of full compliance with the provisions of this subsection and § 720.3; and specific authority for the delivery must be obtained from the Judge Advocate General.

(4) Executed copies of all waivers will be mailed to the Judge Advocate General immediately after their execution. The form of waiver should be substantially as follows:

"I, ----------, U.S. Navy (U.S. Marine Corps), having been advised of my rights of formal extradition as provided for in JAG Manual section 1301a (32 CFR 720.1(a)) by ----------
(Name of military or civilian attorney)
of ----------, waive such rights
(Address of attorney)
and agree to accompany ---------- a representative of the State of ----------, into the territorial limits of said State. I have been advised that the crime which I am charged to have committed in the State of ---------- is as follows:

(Short description of crime charged.)

(Signature)

Witnessed:

(Signature of witness)

(c) *JAG authority.* The Judge Advocate General, the Deputy Judge Advocate General, and any Assistant Judge Advocate General are authorized each to act for the Secretary of the Navy in the performance of his functions under paragraph (a) and (b) of this section and §§ 720.2(b), 720.4(a), and 720.13.

Section 720.5 is hereby added to read as follows:

§ 720.5 Interviewing of naval personnel by Federal civilian investigative agencies.

Requests by the Federal Bureau of Investigation or other Federal civilian investigative agencies to interrogate persons in the naval service who are suspected or accused of crimes will be promptly honored. Any refusal of such requests shall be immediately reported to the Judge Advocate General.

Section 720.8(d)(3) is added to read as follows:

§ 720.8 Service of process upon personnel of the Naval Establishment.

• • • • • •

(d) • • •

(3) Under the laws of some countries (such as Sweden) the courts interpret an offer of service of process by the commanding officer or other officer of the U.S. military services to be an effective service, permitting the court to proceed to judgment. Upon receipt of foreign process with a request that it be served upon a member of his command, a commanding officer will immediately inform the Judge Advocate General of the details thereof and request guidance, taking care not to inform the defendant that such a document has been received.

• • • • • •

Section 720.12(d) is revised to read as follows:

§ 720.12 Interviewing of personnel of the Naval Establishment preliminary to litigation in matters pertaining to official duties.

• • • • • •

(d) *Admiralty matters.* Inquiries which relate to admiralty matters or to damage caused to Government property by merchant vessels or generally to maritime litigation, whether involving naval vessels or not, shall be sent to the Office of the Judge Advocate General (Deputy Assistant JAG (Admiralty)).

PART 726—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE

Section 726.3(a) is revised to read as follows:

§ 726.3 Authority of the Judge Advocate General to designate trustees to receive Federal monies to which incompetents are or may become entitled.

(a) *Delegation of authority.* Each of the following, to wit, the Judge Advocate General; the Deputy Judge Advocate General; any Assistant Judge Advocate General of the Navy; and the Officer in Charge, Navy Appellate Review Activity, Office of the Judge Advocate General, has been delegated authority by the Secretary of the Navy to designate at his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accrued or accumulated leave, or retired or retainer pay, otherwise payable to a member of the naval service who in the opinion of competent medical authority is mentally incapable of managing his affairs, and for whom no committee, guardian, or other legal representative has been appointed by a court of competent jurisdiction.

• • • • • •

PART 750—NAVY GENERAL CLAIMS

Section 750.16e(b) (2) and (3) is revised to read as follows:

§ 750.16e Approval or disapproval of claims.

• • • • • •

(b) • • •

(2) A claim in an amount not exceeding $10,000 may be approved or disapproved, and a claim in any amount may be compromised or settled in an amount not exceeding $10,000, by any of the following:

(i) Any Assistant Judge Advocate General.

(ii) Deputy Assistant JAG (Litigation and Claims).

(iii) Such other officers as may be designated by the Secretary of the Navy.

(3) A claim in an amount not exceeding $5,000 may be approved or disapproved, and a claim in any amount may be compromised or settled in an amount not exceeding $5,000, by any of the following:

(i) Deputy Assistant JAG (Litigation and Claims).

(ii) The commandant or the district legal officer of the naval district within which the claim arose or, if the claim arose in Guam, Commander Naval Forces Marianas or his staff legal officer.

(iii) The Legal Officer, U.S. Naval Base, Newport, R.I., and the Legal Officer, U.S. Naval Submarine Base, New London, Conn., for claims accruing to operators of fishing vessels for damage to nets, booms, lines, or other trawler impedimenta as a result of contact with naval ordnance (mines or torpedoes).

(iv) Such other officers as may be designated by the Secretary of the Navy.

Section 750.41 is amended by revising paragraphs (a) (3), (4), and (5), (b) (3) through (10), (d) (3), (4), and (5), (e) (3), (4), and (5), and (f) (3), (4), and (5) to read as follows:

§ 750.41 Approval of claims.

(a) • • •

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

• • • • • •

(b) • • •

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant, Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) Such other officers as may be designated by the Secretary of the Navy.

(7) The commandant or the district legal officer of the naval district within which the claims arose or, if the claims arose in Guam, Commander Naval Forces Marianas or his staff legal officer.

(8) The Officer in Charge, U.S. Sending State Office for Italy, and the Officer in Charge, U.S. Sending State Office for Australia.

(9) The Legal Officer, U.S. Naval Base, Newport, R.I., and the Legal Officer, U.S. Naval Submarine Base, New London, Conn., for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes).

(10) Foreign Claims Commissions to the extent authorized by current Department of Defense Directive published in the FEDERAL REGISTER.

• • • • • •

(d) • • •

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

* * * * *

(e) * * *

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

* * * * *

(f) * * *

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

* * * * *

Section 750.44 is revised to read as follows:

§ 750.44 Payment of claims.

Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, any Assistant Judge Advocate General, or the Deputy Assistant JAG (Litigation and Claims) as provided in § 750.41 shall be forwarded to the U.S. Navy Finance Center, Washington, D.C. 20390, for payment from appropriations designated for that purpose. Claims approved by the Officer in Charge, U.S. Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, the Legal Officer, U.S. Naval Base, Newport, R.I., the Legal Officer, U.S. Naval Submarine Base, New London, Conn., or a commandant, commander, or district or staff legal officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Comptroller of the Navy for payment from appropriations designated for that purpose. (30 F.R. 10978, Aug. 25, 1965)

Section 750.45(d)(1) is revised to read as follows:

§ 750.45 Claims in favor of the United States.

(d) * * *

(1) The Deputy Judge Advocate General; any Assistant Judge Advocate General; and the Deputy Assistant JAG (Litigation and Claims); for all purposes;

* * * * *

PART 751—NAVY PERSONNEL CLAIMS

§ 751.22 [Amended]

Section 751.22(b) is revised by substituting the words "NAVJAG 5890/118" for NAVJAG 518B.

Section 751.24(a) is revised to read as follows:

§ 751.24 Navy Service Personnel Adjudicating Authority.

(a) *Claims.* The Chief of Naval Personnel; Deputy Chief of Naval Personnel; Director, Policy Division, Bureau of Naval Personnel; Assistant Chief for Records and Assistant to Assistant Chief for Records, Bureau of Naval Personnel; Deputy Director, Operations Advisor, Technical Assistant, Heads and Assistant Heads of Branches ONE-FOUR, Enlisted Services and Records Division, Bureau of Naval Personnel; and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy service personnel for reimbursement in cash filed under this chapter.

* * * * *

Section 751.26(a) is revised to read as follows:

§ 751.26 Civilian Personnel Adjudicating Authority.

(a) *Claims.* The Judge Advocate General of the Navy; the Deputy Judge Advocate General; any Assistant Judge Advocate General; the Deputy Assistant JAG (Litigation and Claims); the Head, Operational Claims and Litigation Branch and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of civilian personnel of the Navy and Marine Corps for reimbursement in cash filed under this chapter.

* * * * *

PART 756—NONAPPROPRIATED FUND CLAIMS

Section 756.2 is revised to read as follows:

§ 756.2 Insurance.

(a) Many nonappropriated fund activities carry commercial insurance to protect them from claims for damages and injuries attributable to their operations. The Commandant of the Marine Corps, the Chief of Naval Personnel, and the Chief, Bureau of Supplies and Accounts, will determine whether nonappropriated fund activities within their cognizance shall carry liability insurance or become self-insurers, in whole or in part. Every liability insurance contract shall contain provisions which preclude the insurance carrier from pleading sovereign immunity in behalf of the nonappropriated fund activity, should legal action be instituted by a claimant.

(b) Headquarters, U.S. Marine Corps, and the Bureau of Naval Personnel issue separate instructions in pamphlet form for the administration of their respective composite nonappropriated fund insurance programs. The provisions of the pamphlets are to be complied with in conjunction with those set forth in this chapter. Where the pamphlets require immediate notification of an insurance firm, the message or other notification should, whenever appropriate, indicate that the claim has not yet been processed, investigated, etc. See also Navy Exchange Manual (Chap. 5, Part F, Sec. III). 29 F.R. 13193, September 23, 1964.

Section 756.3 is revised to read as follows:

§ 753.3 Processing of claims.

Except as otherwise prescribed in this chapter, every claim in the amount of $1,000 or less against a nonappropriated fund activity within the United States, and in territories and possessions of the United States, for damage to or loss of personal property or for personal injury or death caused by the negligent or wrongful act or omission of any employee of the nonappropriated fund activity, acting within the scope of his employment, will be processed in accordance with the Navy General Claims Regulations (chapter XX of this manual). Such claims shall be adjudicated by the naval district commandant or district legal officer (or, with respect to cases arising in Guam, Commander Naval Forces Marianas or his Staff Legal Officer) within their authority as set forth in Navy General Claims Regulations. Claims in excess of the commandant's or district legal officer's authority will be adjudicated by any of the following:

(a) The Judge Advocate General.

(b) The Deputy Judge Advocate General.

(c) Any Assistant Judge Advocate General (International and Administrative Law).

(d) Deputy Assistant Judge Advocate General (Litigation and Claims).

(e) The Director, Litigation and Claims Divisions, Office of the Judge Advocate General.

PART 757—MEDICAL CARE RECOVERY CLAIMS

Section 757.1(b) is revised to read as follows:

* * * * *

§ 757.1 Definitions.

* * * * *

(b) *JAG Designees.* "JAG Designees" are the Commandants of all Naval Districts; District Legal Officers; Commander, U.S. Naval Forces Marianas, and his Staff Legal Officer; Commander, U.S. Naval Forces, Iceland; Officer in Charge, U.S. Sending State Office for Italy; Officer in Charge, U.S. Sending State Office for Australia; Deputy Judge Advocate General; any Assistant Judge Advocate General; and the Deputy Assistant JAG (Litigation and Claims).

Section 757.4 (c), (e), and (f) are revised to read as follows:

§ 757.4 Authority of the Judge Advocate General and JAG designees.

* * * * *

(c) *Authority of JAG and JAG designees serving in JAG's Office.*

(1) The Judge Advocate General and JAG Designees serving in the Office of the Judge Advocate General may accept the full amount of a claim and execute a release therefor.

(2) A claim not in excess of $20,000 may be compromised or settled, and a release therefor executed, by either the Judge Advocate General or the Deputy Judge Advocate General.

(3) A claim not in excess of $10,000 may be compromised or settled, and a release therefor executed, by any Assistant Judge Advocate General.

(4) A claim not in excess of $7,500 may be compromised or settled, and a release therefor executed, by the Deputy Assistant Judge Advocate General (Litigation and Claims).

* * * * *

(e) *Waiver.* The Judge Advocate General, the Deputy Judge Advocate General, or a JAG Designee, when specifically authorized by either of the foregoing, may waive and in this connection release any claim not in excess of $20,000, in whole or in part, either for the convenience of the Government or if he determines that collection would result in undue hardship on the person who suffered the injury or disease giving rise to the claim. A request for waiver and the claim file will be forwarded to the Judge Advocate General. The claim file should contain the information required by § 757.7, and, in addition, the request for waiver should contain detailed information as to:

(1) The anticipated amount of gross recovery from the tortious third party.

(2) The degree and permanency of any disability and the extent to which the Government otherwise is obligated to compensate the injured party for such disability.

(3) Whether the injured party is entitled to continuing medical care at Government expense.

(4) Out-of-pocket expenses incurred or anticipated by the injured party, including litigation costs and counsel fees.

(5) The present and prospective assets, income, and obligations of the injured party.

(f) *Claims exceeding $20,000.* Claims in excess of $20,000 may be compromised, settled, and waived only with the prior approval of the Department of Justice.

* * * * *

Section 757.6(a) is revised to read as follows:

§ 757.6 Investigations.

(a) *When required.* Whenever medical care is furnished by the Department of the Navy, either in kind without reimbursement or by reimbursing another department, agency, private facility, or individual, under circumstances which may give rise to a claim against a third person, an investigation shall be conducted in the manner and form prescribed in Part 750 of this chapter. No investigation is required for the purpose of this part, however, if the medical care furnished does not exceed 3 inpatient days or 10 outpatient treatments. In cases where the Department of the Navy receives reimbursement from another department or agency for medical care furnished at a naval facility, that department or agency will normally be responsible for investigating the incident giving rise to the medical care and processing any resulting claim. See § 757.5(b) regarding the appropriate addresses of the other departments and agencies.

* * * * *

Section 757.7(e) is revised to read as follows:

§ 757.7 Determination, assertion, and collection of claims.

* * * * *

(e) *Claims file.* As indicated in 757.4(d), Action JAG Designees may accept the full amount of a claim and execute a release therefor, but otherwise have no authority to compromise or settle claims in excess of $5,000. In cases exceeding their settlement authority, Action JAG Designees shall take the action set forth in paragraphs (a) and (b) of this section; develop a claim file; and forward the file to the Judge Advocate General for action. The claim file should contain the following information:

(1) The name, address, and occupation of each person determined to be a third party.

(2) In those cases where the third party is a serviceman or an employee of the United States, a statement should be included regarding whether such person was acting within the scope of his official duties or employment at the time of the incident.

(3) The nature and extent of any insurance coverage of the third party with the name and address of the insurer.

(4) In vehicle accident cases, where the third party is uninsured:

(i) A report whether any injured party, owner, driver, or passenger had uninsured-motorist coverage and whether such coverage was mandatorily offered by the insurer in accordance with a State requirement.

(ii) Whether action has been taken under the financial-responsibility law of the situs.

* * * * *

JOSEPH B. MCDEVITT,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 69-6069; Filed, May 21, 1969; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Release From Custody by Special Inquiry Officer

Reference is made to the order published in the FEDERAL REGISTER of May 6, 1969 (34 F.R. 7327) which authorized determinations regarding custody or bond following the denial of such application to be made by a special inquiry officer. For the purpose of clarification, the following additional amendments are made:

1. The last sentence of paragraph (a) *Warrant of arrest* of § 242.2 *Apprehension, custody, and detention* is amended to read as follows: "The respondent shall be furnished Form I-286 containing the decision to detain or release and the circumstances under which a determination on that subject by a special inquiry officer may be requested."

2. The last sentence of paragraph (b) *Authorized officer* of § 242.2 *Apprehension, custody, and detention* is amended to read as follows: "The foregoing provisions regarding the renewal of an application or request for a determination by a special inquiry officer, and appeal therefrom to the Board of Immigration Appeals, shall not apply when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on June 1, 1969. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance because the above prescribed rules are clarifying in nature.

Dated: May 16, 1969.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 69-6083; Filed, May 21, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SW-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Big Sandy, Tex., transition area.

On December 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18198) stating the Federal Aviation Administration proposed to designate a transition area at Big Sandy, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) recommended that the approach procedure to serve Ambassador Field be independent of procedures serving Gregg County Airport, Longview, Tex., and that the proposed transition area be modified accordingly.

It is expected that the Ambassador Field procedure will be used only occasionally; therefore, in view of the anticipated volume of these approaches, the agency cannot foresee any adverse effect on IFR operations at the Gregg County Airport by the addition of the proposed instrument approach procedure to serve Ambassador Field.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

BIG SANDY, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ambassador Field (lat. 32°35'00" N., long. 95°03'45" W.), and within 2 miles each side of the Gregg County VORTAC 303° radial extending from the 5-mile radius area to 15 miles northwest of the VORTAC.

Issued in Fort Worth, Tex., on May 13, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-6089; Filed, May 21, 1969; 8:47 a.m.]

[Docket No. 9601; Amdt. 123-1]

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

Eligibility for Certification

The purpose of this amendment to Part 123 of the Federal Aviation Regulations is to clarify existing regulations by explicitly declaring ineligible for air travel club certification persons who hold operating certificates issued under Parts 121 or 135.

With the adoption of Part 123 new certification and operation rules were established specifically for air travel clubs, as distinguished from operations for compensation or hire which require certification under Parts 121 and 135.

In keeping with established policy, the FAA did not intend for Part 123 certificates to be issued to Part 121 or 135 certificate holders, since such dual certification is considered unnecessary and, in addition, would create unduly burdensome administrative and enforcement problems.

Since this amendment merely makes explicit established FAA policy and intent regarding the issuance of Part 123 air travel club certificates, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, § 123.17 of Part 123 of the Federal Aviation Regulations is hereby amended by adding a new paragraph (c) to read as follows, effective May 22, 1969:

§ 123.17 Issue of certificate.

* * * * *

(c) No person holding a certificate issued under Part 121 or 135 of this chapter is eligible for a certificate issued under this part.

(Sec. 313(a), 601, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1427, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 15, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-6090; Filed, May 21, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-40, Amdt. 11]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS; RELEASE OF INTERNATIONAL ORIGIN AND DESTINATION STATISTICS BY THE DIRECTOR, BUREAU OF ACCOUNTS AND STATISTICS

Release of International Origin and Destination Statistics by Director, Bureau of Accounts and Statistics

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1969.

In PS-39, adopted concurrently with this notice, the Board is issuing a policy statement, § 399.100, restricting the release of international origin and destination statistics. In implementation of that policy statement the Board has determined to delegate to the Director, Bureau of Accounts and Statistics, the authority to grant or deny requests for use of such data. Since the amendment provided for herein is a rule of agency organization, the Board finds that notice and public procedure are unnecessary and that the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385) by adding a new subsection (k) to § 385.17, effective May 16, 1969, to read as follows:

§ 385.17 Delegation to the Director, Bureau of Accounts and Statistics.

* * * * *

(k) Grant or deny requests for use of international origin and destination statistics in accordance with Board policy as set forth in § 399.100 of this chapter. Copies of the Board's magnetic tapes containing the international survey data banks and also computer-generated tabulations of such data for microfilming may be furnished to the Air Transport Association of America (ATA) by the Director, provided that ATA agrees in writing to release these data only to such persons as may be authorized in writing by the Director to receive them.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6109; Filed, May 21, 1969; 8:48 a.m.]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-39, Amdt. 18]

PART 399—STATEMENTS OF GENERAL POLICY

Release of International Passenger Origin and Destination Statistics

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1969.

In the past, published International Origin and Destination Survey data have been available to the general public. However, other information collected in the survey, but not published, has been available only within the Board from the carrier reports and magnetic tapes on which this information is contained, and has not been available to the general public. The new survey which became effective January 1, 1968, greatly expands the body of facts being collected from the U.S. carriers. In light of this expansion, and of our inability to obtain O&D information from most foreign carriers on a reciprocal basis, the Board has reexamined its policy regarding public disclosure of the international O&D survey data. It is clear that continued disclosure will enable each foreign flag carrier to readily identify the specific traffic most sensitive to competitive diversion, as well as provide new information as to fare basis which permits evaluation of the impact of specific fares on volume.[1] Because of this adverse competitive effect, we now find that disclosure of this information to foreign flag carriers on a unilateral basis is not in the national interest.

The Board therefore has determined to withhold international O&D survey data from foreign flag carriers who do not share their traffic statistics on a reciprocal basis. To be effective, however, this withholding of data must of necessity restrict the free access of data to many elements of the U.S. public. The attached Policy Statement sets out these restrictions and makes availability to the public dependent upon a showing that release of the data will serve specifically identified needs of U.S. users which are consistent with U.S. interests, or servicing for the account of a particular U.S. carrier participating in the survey.[2]

In consideration of the foregoing, the Board finds that disclosure of international origin and destination statistics, except as provided herein, would adversely affect the interests of U.S. air carriers, and is not required in the interest of the public. Since the amendment provided for herein is a general statement of policy, notice and public procedure are unnecessary and the amendment may be made effective immediately. Accordingly, the Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective May 16, 1969, as follows:

1. By amending the table of contents of Part 399 to include the new title of Subpart I and the title of the new policy statement as follows:

Subpart I—Policies Relating to Disclosure of Information

Sec.
399.100 Release of international passenger origin and destination statistics.

2. By adding a new Subpart I, the title of which shall read as follows:

Subpart I—Policies Relating to Disclosure of Information

3. By adding a new § 399.100 to read as follows:

§ 399.100 Release of international passenger origin and destination statistics.

(a) International data in the Civil Aeronautics Board's "Origin-Destination Survey of Airline Passenger Traffic" are contained in reports submitted by U.S. carriers to the Board, in data banks on magnetic tape maintained at the CAB, and in tabulations prepared from the data banks by CAB.

(b) Similar international passenger origin and destination survey data covering the operations of the non-U.S. carriers are not generally available to the Civil Aeronautics Board, the U.S. carriers, or U.S. interests. Therefore, because of the damaging competitive impact upon U.S.-flag carriers and the adverse effect upon the public interest that would result from unilateral disclosure of the U.S. survey data, the Civil Aeronautics Board has determined its policy to be that the international data in the CAB "Origin-Destination Survey of Airline Passenger Traffic" shall be disclosed only as follows:

(1) To an air carrier directly participating in, and contributing input data to, the survey; or to a legal or consulting firm or other organization designated by an air carrier to use on its behalf O&D data in connection with a specific assignment by such carrier.

(2) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(3) To agencies and other components of the U.S. Government.

(4) To other persons upon a showing that the release of the data will serve specifically identified needs of U.S. users which are consistent with U.S. interests.

(5) To foreign governments and foreign users as provided in formal reciprocal arrangements between the foreign and U.S. governments for the exchange of comparable O&D data.

(c) The Board reserves the right to make such other disclosure of the subject data as is consistent with its regulatory functions and responsibilities.

(Secs. 204(a) and 1104 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1504. Interpret or apply secs. 3 and 4 of the Administrative Procedure Act as amended and recodified, 80 Stat. 383, 81 Stat. 54; 5 U.S.C. 552, 553)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6110; Filed, May 21, 1969; 8:48 a.m.]

[1] The information is thus in the nature of "trade secrets," subject to the special provisions of the Freedom of Information Act, as codified in 5 U.S.C. 552(b)(4).

[2] By concurrent amendment of Part 385 (OR-40), the Board is delegating to the Director, Bureau of Accounts and Statistics, authority to grant or deny requests for the use of international origin and destination statistics, and further to provide to the Air Transport Association of America international survey data under such terms as he deems necessary to ensure that only persons authorized by the Director, will receive the data.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8608]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Fees for Brokers and Dealers Not Members of Registered National Securities Association

On April 11, 1969, in Securities Exchange Act Release No. 8569 and in the FEDERAL REGISTER for April 19, 1969 (34 F.R. 6700), the Securities and Exchange Commission published a proposal: (1) To amend paragraph (d) of Rule 15b9-2 (17 CFR 240.15b9-2) under the Securities Exchange Act of 1934; and (2) to set fees for the fiscal year 1969 for registered broker-dealers who are not members of the National Association of Securities Dealers (nonmember broker-dealers).

Section 15(b)(9) under the Securities Exchange Act of 1934 authorizes the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of regulatory duties required to be performed with respect to nonmember broker-dealers. Rule 15b9-2 (17 CFR 240.15b9-2) provides for the required annual fees. The amendment of Rule 15b9-2(d) (17 CFR 240.15b9-2 (d)) omits the $15,000 maximum fee previously set forth in that paragraph so that such maximum will be set each year on the Form SECO-4 for the particular fiscal year. As thus amended, the maximum fee to be paid by any one broker or dealer will include the office fees as well as the base fee and the fee for each associated person. This year's maximum as set forth on Form SECO-4-69 (17 CFR 249.504c) is $20,000.

The fees are due on June 1, and checks should be mailed to the Office of the Comptroller, U.S. Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

The full text of Rules 15b9-1 (17 CFR 240.15b9-1) and 15b9-2 (17 CFR 240.-15b9-2), which together contain all the fee requirements for nonmember broker-dealers, may be obtained by sending a written request to the Branch of Non-NASD Regulation, Division of Trading and Markets, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b)(9) and 23(a) thereof, deeming such action necessary and appropriate in the public interest, for the protection of investors, to prescribe reasonable fees for nonmember broker-dealers, and for the execution of the functions vested in the Commission by the Act, hereby amends paragraph (d) of § 240.15b9-2, and adds a new § 249.504c, under Chapter II of Title 17 of the Code of Federal Registration as set forth below. The Commission finds, pursuant to section 4(c) of the Administrative Procedure Act [5 U.S.C., sec. 553(c)], that in order to allow adequate time for collection of the annual fees provided for in Rule 15b9-2 (17 CFR 240.15b9-2) the Commission may, and hereby does, for good cause declare the above actions effective May 15, 1969.

§ 240.15b9-2 Annual fees for registered brokers and dealers not members of a registered national securities association.

* * * * *

(d) *Limitations.* In no case shall the total fees required by this rule exceed the limitation set each year on the Form SECO-4 provided for that particular fiscal year.

* * * * *

§ 249.504c Form SECO-4-69, 1969 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed, pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1969, on or before June 1, 1969, by every registered

broker-dealer not a member of a registered national securities association.

Incorporation by reference provisions approved by the Director of the Federal Register on May 21, 1969.

NOTE: Copies of the form have been filed with the Office of the Federal Register, and may be obtained from the Securities and Exchange Commission upon request.

(Secs. 15(b) and 23(a), 48 Stat. 895, 901, as amended, 49 Stat. 1379; 15 U.S.C. 78o and 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 15, 1969.

[F.R. Doc. 69-6009; Filed, May 21, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Allethrin

A petition (PP 9F0778) was filed with the Food and Drug Administration by Nationwide Chemical Corp., Post Office Box 775, Fort Myers, Fla. 33901, proposing an exemption from the requirement of a tolerance for residues from preharvest use of the insecticide allethrin in or on the raw agricultural commodities apples, citrus, peaches, pears, peppers, and tomatoes.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the exemption is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide in meat and milk from animals fed byproducts of the subject crops, tolerances are unnecessary regarding these items. The usage is classified in the category specified in § 120.6(a)(3).

2. The exemption from the requirement of a tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.1002 is revised to read as follows to add the subject items:

§ 120.1002 Allethrin (allyl homolog of cinerin I); exemption from the requirement of a tolerance.

The insecticide allethrin is exempted from the requirement of a tolerance for residues when used before harvest in the production of apples, beans, broccoli, brussels sprouts, cabbage, cauliflower, citrus, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, peaches, pears, peppers, radishes, rutabagas, tomatoes, and turnips.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 13, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-6077; Filed, May 21, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4647]

[I-2291]

IDAHO

Withdrawal for National Forest Streamside Zone-Administrative Site

Correction

In F.R. Doc. 69-4886, appearing at page 6848 in the issue of Thursday, April 24, 1969, the first two lines under "T. 43 N., R. 9 E." in the land description for Upper St. Joe River Streamside Zone should read "Sec. 28, SW¼SW¼SW¼NW¼, W½W½NW¼SW¼;".

[Public Land Order 4663]

[ES 4623 (Ark.)]

ARKANSAS

Partial Revocation of Public Land Order No. 628 of January 13, 1950

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 628 of January 13, 1950, withdrawing lands for the Blakely Mountain Reservoir Project, Department of the Army, is hereby revoked so far as it affects the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 1 N., R. 22 W.,
Sec. 33, S½NW¼NW¼.

The area described contains approximately 20 acres in Garland County.

2. At 10 a.m. on June 21, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH, *Assistant Secretary of the Interior.*

MAY 16, 1969.

[F.R. Doc. 69-6080; Filed, May 21, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18384; FCC 69-511]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Transmitter Frequency Tolerance Requirements

Report and order. In the matter of amendment of § 21.101 of Part 21 of the Commission's rules and regulations concerning transmitter frequency tolerance requirements, Docket No. 18384.

1. This proceeding was instituted on November 26, 1968, by a notice of proposed rule making (FCC 68-1131; 33 F.R. 18048), to amend § 21.101 of the Commission's rules and regulations, which prescribes frequency tolerance requirements for radio transmitters authorized in the Domestic Public Radio Services, to conform to the requirements of paragraph 671 of the International Telecommunication Union Radio Regulations, Geneva (1959) to which the United States of America is a party.

2. Section 21.101 of Part 21 of the Commission's rules now requires that transmitting equipment used for service within the frequency range 2,200–10,000 MHz maintain operating frequency within 0.05 percent of the assigned frequency, and within the frequency range 10,000–40,000 MHz within 0.75 percent of the assigned frequency. Under the rules proposed in the above referenced notice, which will require conformance with the more stringent Geneva regulations, the transmitter frequency in the 2,200–10,500 MHz and 10,500–40,000 MHz frequency ranges must be maintained, respectively, within tolerances of 0.03 percent and 0.05 percent of the assigned frequency. The notice proposed to require the new standards to be met on and after the effective date of the rules by all facilities in the frequency range 10,500–40,000 MHz. With respect to equipment authorized before the effective date of the proposed rules in the frequency range 2,450–10,500 MHz, it was proposed to defer for a short period of time, i.e., until February 1, 1971, the next common carrier microwave renewal date, the applicability of the new frequency tolerance standard. The delay in the imposition of the new standard in this area of the radio spectrum was proposed in consideration of the large number of transmitters authorized therein which may require replacement or modification.

3. Comments on the rule making have been received from American Telephone and Telegraph Co. (AT&T); GT&E Service Corp. (GT&E); Microwave Service Co.; Microwave Transmission Corp.; Telecommunications, Inc., and Telecommunications of Oregon, Inc.; and Western Microwave, Inc. (Western). Although all of the carriers are in general agreement with the objectives sought to be accomplished by the proposed amendment, only GT&E is in full agreement with the proposed rules. The carriers state that they are currently, and for some years have been, adding only equipment which meets the proposed frequency tolerance requirements. All of the commenting carriers (except perhaps GT&E) still operate a large number of radio transmitters which would not conform to the proposed standard, only a part of which could be modified to meet the new requirements. The comments state that manufacturers have found it uneconomical and impractical to develop modification kits for some of the older transmitters. AT&T indicates that many of its more than 900 nonconforming transmitters are used on remote routes where the circuit growth is not expected to exceed system capabilities for some years in the future. Therefore, the useful life of these transmitters is expected to extend for many years beyond 1971. Western, which operates 100 such transmitters, argues at length for an amortization period of at least 6 years. Western and the other carriers are in general accord that no compelling reason can be advanced for a required early write off of "perfectly sound transmitters" and that, conversely, there are strong practical reasons why an extended period for further operations should be allowed. AT&T estimates an initial investment of about $15 million for its 900 nonconforming transmitters and Western cites a cost in excess of $1.5 million for replacements of its 100 units. With respect to the transmitters which cannot be modified to conform, it is argued that deferring the applicability date past 1971 would allow the carriers to replace the transmitters on an orderly basis more consistent with their planned useful life. It is argued that this orderly conversion schedule is especially important to the small carriers who might have to institute rate increases to recoup the costs of equipment conversion. With respect to the transmitters which can be modified to comply, it is urged that an extension beyond the proposed 1971 date would allow the carriers or equipment manufacturers more time within which to have converted models type accepted, disseminate information on conversion, make and fill orders for conversions, draw up schedules for conversion of a percentage of the nonconforming transmitters per year or make required tests to obtain type acceptance under the new standard for presently licensed or modified equipment. A crash program in any of these areas could reasonably be expected to significantly increase service costs to the public. The carriers also argue that continued operation in the 2,450–10,000 MHz frequency range with the present tolerances will not cause interference to transmitters in the United States or other countries since all have been coordinated on an interference free basis and those near the United States-Canadian border have been frequency coordinated by the respective governments, and that, through the more than 60,000 common carrier frequency assignments now outstanding in this frequency range, we are too firmly committed to the existing situation to promptly achieve radio spectrum economies through the more stringent tolerance.

4. No carrier has urged that we extend the date after which no new nonconforming transmitters may be authorized, and, further, the responding carriers indicate that they have been adding only conforming equipment for several years. The central purpose of paragraph 671 of the ITU Radio Regulations is to provide for more efficient use of the radio spectrum. While we regret an additional period of noncompliance with our treaty obligations, we recognize our inability to gain immediate benefits in spectrum occupancy through the change and we further recognize the absence of interference to other countries as indicated by the absence of problems during the long history of use of this equipment. In view of the substantial expenditures which would be incurred by carriers through requiring conversion within the limited time period proposed initially, an expense which would ultimately be borne by the rate payer or subscriber; the absence of international or domestic impact; and in recognition of the time that will be needed to permit an orderly conversion of the many units in service to equipment which will comply with the new regulations, we will defer until February 1, 1967,[1] the applicability of the new frequency tolerance requirements for authorized equipment in the 2,450–10,500 MHz frequency range.

5. Authority for the rules adopted is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. Attached below is a list of transmitters operating in band 2,450–40,000 MHz now type accepted under Part 21, which are not rated as capable of compliance with frequency tolerances stated in new § 21.101 of the Commission's rules and for which type acceptance under Part 21 will be withdrawn as set out in Appendix I.

7. *Accordingly, it is ordered,* That effective June 23, 1969, § 21.101 of Part 21 of the Commission's rules and regulations is amended as set forth below.[2]

8. *It is further ordered,* That this proceeding is terminated.

9. *It is further ordered,* That the various requests in the pleadings, to the extent they may not have been granted herein, are otherwise denied.

(Secs. 4, 303, 48 Stat., as amended 1086, 1082; 47 U.S.C. 154, 303)

Adopted: May 14, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows: In § 21.101 the headnote, and the table in paragraph (a) and the footnotes to the table are revised to read as follows:

§ 21.101 Frequency tolerance.

(a) • • •

Frequency range (MHz)	Frequency tolerance (percent): All fixed and base stations	Mobile stations over 3 watts [1]	Mobile stations, 3 watts or less [1]
25 to 50	0.002	0.002	0.005
50 to 450	.0005	.0005	.005
450 to 470	.00025	.0005	.0005
470 to 1,000 [2]	.0005	.0005	.005
2,110 to 2,220	.001		
2,450 to 10,500	[3] 0.03	[3] 0.03	[3] 0.03
10,500 to 40,000	0.05	0.05	0.05

[1] Below 470 MHz, transmitter plate power input to the final frequency stage, as specified in the Commission's Radio Equipment List. Above 470 MHz transmitter power output, as specified in the Commission's Radio Equipment List.

[2] Beginning June 23, 1969, this tolerance requirement will govern the issuance of all authorizations for radio equipment. However, a frequency tolerance requirement of 0.05 percent will apply until Feb. 1, 1976, to radio equipment which was authorized before June 23, 1969. Licensees of radio equipment not immediately subject to the frequency tolerance requirement of 0.03 percent, and their successors or assignees in business, may continue to use such nonconforming equipment until Feb. 1, 1976: *Provided,* That operation of the nonconforming equipment does not cause interference to the operations of any other licensees: *And, provided further,* That licensees shall take prompt and effective remedial and preventive measures where any problems are or may be caused by the operation of such nonconforming equipment.

[3] Equipment authorized to be operated on frequencies between 890 and 940 MHz as of Oct. 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

• • • • •

[1] This date has been chosen because it is the next following date for license renewal in this service.

[2] In addition, Footnote 3 to § 21.101, which was previously Footnote 1 to this section (28 F.R. 13011) and which was inadvertently omitted in Commission order, amending Part 21 pursuant to Dockets Nos. 14712 and 14729 (4 FCC 2d 539), has been added to correct this previous inadvertence.

[3] Commissioner Johnson concurring in the result.

TRANSMITTERS OPERATING IN BAND 2,450-40,000 MHz TYPE ACCEPTED UNDER PART 21, WHICH ARE NOT RATED AS CAPABLE OF COMPLIANCE WITH FREQUENCY TOLERANCES STATED IN APPENDIX I AND FOR WHICH TYPE ACCEPTANCE UNDER PART 21 WILL BE WITHDRAWN AS SET OUT IN APPENDIX I

MANUFACTURER AND TYPE NUMBER:

COLLINS RADIO CO.

52A5–MW	52A5A–MW
552A–1	552A–6

CONTINENTAL ELECTRONICS MANUFACTURING CO.

CE–901

GENERAL ELECTRIC CO.

UM–5–A

LAMBDA PACIFIC ENGINEERING INC.

5200–KU	5900
5900–XC	6700
6900	

LYNCH COMMUNICATIONS SYSTEMS INC.

LMA–232	LMA–270
TFC–1	

MECHANICAL PRODUCTS INC.

5200–KU	5900
5900–XC	6700
6900	

MELABS

TFC–1

MICRO-LINK CORP.

5200–KU	5900
5900–XC	6700
6900	

MICROWAVE ASSOCIATES, INC.

MA–7A

MICROWAVE SERVICE CO.

TM6–10–C

MOTOROLA, INC.

FSTM–30 MA110	FSTM–30 PA6115
FSTM–30 MA117	FSTM–30 PA6116
FSTM–30 MA117AA	FSTM–30 PA6117
FSTM–30 MA127	FSTM–30 PA6118
FSTM–30 MA128	FSTM–30 PA6119
FSTM–30 MA129	FSTM–30 PA6132
FSTM–30 MA135	FSTM–30 PA6133
FSTM–30 MA136	FSTM–30 PA6134
FSTM–30 MA137	FSTM–30 PA6135
FSTM–30 MA156	FSTM–30 PA6136
FSTM–30 MA157	FSTM–30 PA6137
FSTM–30 MA159	FSTM–30 PA6144
FSTM–30 MA205	FSTM–30 PA6145
FSTM–30 MA253AA	FSTM–30 PA6146
FSTM–30 MA255	FSTM–30 PA6147
FSTM–30 MA255AB	MA232
FSTM–30 MA259AA	MA270
FSTM–30 PA6114	

PHILCO CORP.

CLR–7–DC1	TLR–3AP
CLR–7–PC1	TLR–4–MC1
CLR–7RP	TLR–5–TC1
CLR–7T	TLR–5–TC8
CLR–9–DC1	TLR–6–TC1
TLR–3	TLR–6–TC8
TLR–3A	

RADIO CORPORATION OF AMERICA

MM–26BW	TTR–1C
TTR–1A	TTR–1C–E
TTR–1A–E	TTR–1C–W
TTR–1A–W	TVT–1A
TTR–1B	TVT–1B
TTR–1B–E	TVT–1BX
TTR–1B–W	TVT–1C
TVM–6A	TVT–1CX

TELEVISION TRANSMISSION INC.

TL–220

WESTERN ELECTRIC

TE–T1	TE–T2

WESTERN UNION TELEGRAPH CO.

CW–1M	MLD–4B
CW–2M	SR–1B
MI–31517M	SR–1.1B

[F.R. Doc. 69–6100; Filed, May 21, 1969; 8:48 a.m.]

[Docket No. 18451; FCC 69–531]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Albuquerque, N. Mex.

Report and order. In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Albuquerque, N. Mex.), Docket No. 18451, RM–1342.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 69–132) issued in this proceeding on February 14, 1969, and published in the FEDERAL REGISTER on February 19, 1969 (34 F.R. 2358), proposing to add a Class C FM channel to Albuquerque, N. Mex., in response to a petition filed by Zia Telecommunications, Inc., licensee of Station KZIA (AM daytime-only), Albuquerque.

2. Albuquerque is the largest city of New Mexico with a population of 201,189 persons; its metropolitan area (Bernalillo County) has a population of 262,199 and its urbanized area contains a population of 241,216.[1] There are 10 AM stations authorized for Albuquerque: Seven unlimited-time and two daytime-only are in operation and one daytime-only is under construction. Five of the six Class C FM channels presently assigned to Albuquerque are licensed for operation; two applications are involved in a consolidated hearing proceeding for the unoccupied channel (Dockets 18213 and 18214).

3. In the original petition, the proposal was made to assign two additional Class C channels, 278 and 300, to Albuquerque. However, we stated in the notice that assignment of both channels did not appear warranted at this time, nor did petitioner make a showing to support assignment of two additional channels. Accordingly, we stated that we were limiting consideration in this proceeding to the assignment of either Channel 278 or 300, but not both. In support of its request, petitioner asserts that Albuquerque is rapidly becoming a significant manufacturing, distribution and research center of the country, and it includes projections of the anticipated growth pattern for Albuquerque and its area prepared by the University of New Mexico.

4. Opposition to the petition was filed by Hubbard Broadcasting, Inc., licensee of KOB–AM–FM–TV, Albuquerque, on the principal ground that the Albuquerque market is presently oversaturated with aural facilities to the extent that the viability of existing stations would be endangered by providing for two additional FM outlets in the market. Reference to the losses experienced by Albuquerque AM–FM stations for the years 1965–66 is made by Hubbard to support its contention. As indicated above (par. 3), we are only considering assignment of one additional channel here.

5. We stated in the notice to this proceeding that our decision on adopting an additional assignment to Albuquerque would be dependent on a showing that there would be no undue preclusive effect on future assignments in the area. Such showings are now required in petitions requesting additional channels in larger markets, as is the case here, pursuant to the "Policy To Govern Additional FM Assignments" released in a public notice of May 12, 1967 (FCC 67–577). In response, the petitioner submitted a detailed engineering statement pointing out that with respect to Channels 278 and 300, Channel 300 would offer the minimum preclusion impact, since it is the top channel in the band and would, therefore, involve consideration of only three adjacent channels. It is further shown that any city warranting consideration within the impact area resulting from the assignment of Channel 300 either has one or more FM assignments or else other assignments are available; thus it is concluded that the preclusion impact by assignment of Channel 300 to Albuquerque would be minimal. There were no other comments filed in response to the rule making notice.

6. After careful review of the comments and data submitted in this proceeding, we conclude that assignment of an additional FM channel to Albuquerque would serve the public interest and should be adopted. The assignment would be consistent with the population criterion used in establishing the FM Table of Assignments for a city the size of Albuquerque, for which the estimated 1968 population of 271,725 appears reasonable. Because of the reserve of unassigned channels and the relatively small number and size of other cities in the area, the preclusion impact from assignment of Channel 300 does not appear to be significant as to future needs of other communities. Since Channel 300 has a lesser number of adjacent channels to consider, we concur with petitioner that it is to be preferred over Channel 278. In consideration of the above, we are adopting the proposal to assign Channel 300 to Albuquerque, N. Mex.

7. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

[1] Populations listed herein, unless otherwise stated, are based on the 1960 U.S. Census. According to petitioner, the 1968 populations for Albuquerque and its metropolitan area are estimated to be 271,725 and 332,825, respectively, by the Albuquerque Industrial Development Service, Inc.

8. In view of the foregoing: *It is ordered,* That effective June 23, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	*Channel No.*
Albuquerque, N. Mex.	222, 227, 231, 242, 258, 262, 300.

9. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 14, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–6102; Filed, May 21, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White Fringed Beetle

REGULATED AREAS

Correction

In F.R. Doc. 69–5720 appearing at page 7643 in the issue for Wednesday, May 14, 1969, make the following changes:

1. Under the generally infested area in Mississippi, the description for Scott County should read:

Scott County. The entire county.

2. Under the suppressive area in Mississippi, in the first line of the description for Prentiss County, the second reference to "35" should read "36".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 277]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.577 Valencia Orange Regulation 277.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 20, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 23, 1969, through May 29, 1969, are hereby fixed as follows:

(i) District 1: 440,000 cartons;

(ii) District 2: 440,000 cartons;

(iii) District 3: 220,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 21, 1969.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 69–6207; Filed, May 21, 1969; 11:26 a.m.]

[1] Commissioner Cox dissenting and Commissioner Wadsworth concurring in the result.

PART 918—FRESH PEACHES GROWN IN GEORGIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period

Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 918.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1969, through February 28, 1970, will amount to $19,455.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at $0.01 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1969, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1969.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 69–6095; Filed, May 21, 1969; 8:47 a.m.]

[980.1 Potatoes, Amdt. 6]

PART 980—VEGETABLES; IMPORT REGULATIONS

Irish Potatoes

Notice of rule making regarding a proposed amendment, with a proposed effective date of June 8, 1969, of § 980.1 Import regulations; Irish potatoes (7 CFR 980.1, 33 F.R. 4106), applicable to the importation of Irish potatoes into the United States was published in the

April 11, 1969, daily issue of the FEDERAL REGISTER (34 F.R. 6396). The import regulations are effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1). The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than 30 days after publication. None was filed.

Under said section 8e whenever two or more marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Findings. (a) It is hereby found and determined that during the period June 5 through July 31 of each marketing year, imports into the United States of round type potatoes, other than of the red skinned round type, are in most direct competition with the same varieties as regulated under Marketing Order No. 953 (7 CFR Part 953), and that during the period August 1 through June 4 of the following year they are in most direct competition with all other round type potatoes produced in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (7 CFR Part 948).

(b) After consideration of all relevant matter presented, including the proposal (with its proposed effective date) set forth in the notice and other available information, it is hereby found that subparagraph (2) of § 980.1(a) (herein redesignated as § 980.1(b)) of the import regulations should be amended as hereinafter set forth and made effective June 5, 1968, so that the time periods specified in the regulations pertaining to potatoes of the round type, other than of the red skinned round type, will coincide with the effective period of regulation under Marketing Order No. 953 (7 CFR Part 953) which is to begin June 5 of each marketing year instead of June 15 of each marketing year.

(c) It is hereby further found that good cause exists for making this amendment effective as herein specified and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), in that (1) the requirements established by this amendment are mandatory under section 8(e) of the Act and are the same as those being made applicable to domestic shipments of Irish potatoes under Marketing Order No. 953 (7 CFR Part 953), beginning June 5, 1969 (34 F.R. 5059), (2) compliance with the amendment will not require any special preparation by importers which cannot be completed by the effective date thereof, (3) notice of the proposed amendment was published in the April 11, 1969, daily issue of the FEDERAL REGISTER (34 F.R. 6396) and all known importers of Irish potatoes were notified of the proposed amendment, and (4) the effective date hereof complies with the minimum 3 days notice requirement specified in section 8e of the Act and such notice is determined to be reasonable.

The provisions of § 980.1 *Import regulations; Irish potatoes* (7 CFR Part 980, 32 F.R. 9509, 33 F.R. 4106) are hereby amended by revising the provisions of subparagraph (2) of current § 980.1(a), redesignated as § 980.1(b) to read as hereinafter set forth; and as so amended the entire § 980.1 reads as follows:

§ 980.1 Import regulations; Irish potatoes.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 949 (Part 949 of this chapter), No. 945 (Part 945 of this chapter), No. 948 (Part 948 of this chapter), No. 947 (Part 947 of this chapter), No. 950 (Part 950 of this chapter), No. 946 (Part 946 of this chapter), and No. 953 (Part 953 of this chapter);

(ii) During the past several years, grade, size, quality, and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by the several seasonal categories, i.e., winter, early spring, late spring, early summer, late summer, and fall. The bulk of the fall crop is harvested and placed in storage in the fall and marketed over a period of several months extending into the following summer. But potatoes harvested from the other seasonal crops are generally marketed as the potatoes are harvested. The marketing seasons for these crops overlap.

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of red skinned, round type potatoes during the months of September through the following June are in most direct competition with the marketing of the same type potatoes produced in Area No. 2, Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter); and during the months of July and August the marketing of the same type potatoes is in most direct competition with the same type as produced in the area covered by Order No. 946 (Part 946 of this chapter.)

(ii) Imports of all other round type potatoes during the period June 5 through July 31 are in most direct competition with the marketing of the same type potatoes produced in the Southeastern States covered by Order No. 953 (Part 953 of this chapter); and during the period August 1 through June 4 of the following year they are in most direct competition with all other round type potatoes produced in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter): *Provided*, That for the period March 6 through June 14, 1968, imports of all other round type potatoes are in most direct competition with the marketing of the same type potatoes produced in the State of Maine covered by Order No. 950 (Part 950 of this chapter).

(iii) Imports of long type potatoes during each month of the marketing year are in most direct competition with potatoes of the same type produced in the area covered by Order No. 945 (Part 945 of this chapter).

(b) *Grade, size, quality, and maturity requirements.* On and after the effective date hereof importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements.

(1) For the period September 1 through the following June of each marketing year, the grade, size, quality, and maturity requirements of Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) applicable to potatoes of the red skinned round type; and for the months of July and August each marketing year the grade, size, quality, and maturity requirements of Marketing Order No. 946 (Part 946 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imported red skinned round type potatoes.

(2) During the period June 5 through July 31 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 953 (Part 953 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity requirements for imports of other round type potatoes; and during the period August 1 through the following June 4 of each year the grade, size, quality, and maturity requirements of Area No. 3, Colorado (northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imports of all other round type potatoes: *Provided*, That for the period March 6 through June 14, 1968, the grade, size, quality, and maturity requirements of Marketing Order No. 950, as amended (Part 950 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity for imports of other round type potatoes.

(3) Through the entire year the grade, size, quality, and maturity requirements of Marketing Order 945, as amended (Part 945 of this chapter) applicable to potatoes of all long types shall be the respective grade, size, quality, and maturity requirements for imported potatoes of all long types.

(4) The grade, size, quality, and maturity requirements as provided for in this paragraph shall apply to imports of similar types of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, as provided in this paragraph or 3 days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed.* Certified seed potatoes shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Research Branch, Canada Department of Agriculture.

(f) *Designation of governmental inspection services.* The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are hereby designated as governmental inspection services for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, into the United States under the provisions of section 8e of the Act.

(g) *Inspection and official inspection certificates.* An official inspection certificate certifying the potatoes meet the United States import requirements for Irish potatoes under section 8e (7 U.S.C. 608e) issued by a designated governmental inspection service applicable to a particular shipment of potatoes is required on all imports of potatoes other than certified seed.

(1) (i) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title), and each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(ii) Since inspectors may not be stationed in the immediate vicinity of a port, or point of entry, an importer of uninspected and uncertified Irish potatoes should make advance arrangements for inspection. Each importer should give at least the specified advance notice to one of the following applicable inspection offices prior to the time the Irish potatoes would be imported.

Ports and points	Inspection office	Advance notice (days)
All Maine ports and points.	Officer-In-Charge, Post Office Box 668, Caribou, Maine 04736 (Telephone—496–8511).	1
Port of Boston, Mass.	Officer-In-Charge, Room 725, 408 Atlantic Ave., Boston, Mass. 02210 (Telephone—223–7753).	1
Port of New York, N.Y.	Officer-In-Charge, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Telephone—991–7669 and 7668).	1
Port of Philadelphia, Pa.	Officer-In-Charge, Room 239, Produce Bldg., 3301 South Galloway St., Philadelphia, Pa. 19148 (Telephone—Dewey 6–0645).	1
Port of New Orleans, La.	Officer-In-Charge, Room 8027, Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Telephone—527–6741 and 6742).	1
All other ports and points.	Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, USDA, Washington, D.C. 20250 (Telephone—Dudley 8–5870).	3

(2) In the event the required inspection is performed prior to the arrival of the potatoes at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such potatoes for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(3) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the Certificate;

(v) The principal identifying marks of the containers;

(vi) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of Irish potatoes for the purpose of making it eligible for importation under the Act.

(i) *Definitions.* (1) For the purpose of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the U.S. Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive of this title) may be used.

(2) "Importation" means release from custody of the U.S. Bureau of Customs.

[26 F.R. 12280, Dec. 23, 1961, as amended by Amdt. 1, 28 F.R. 12199, Nov. 16, 1963, and Amdt. 2, 30 F.R. 13935, Nov. 4, 1965. Redesignated at 26 F.R. 12751, Dec. 30, 1961, 32 F.R. 8418, June 13, 1967, and 32 F.R. 9509, July 1, 1967]

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1969, to become effective June 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6115; Filed, May 21, 1969; 8:49 a.m.]

[CCC Grain Price Support Regs., 1969 Crop Dry Edible Bean Supp.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crops Dry Edible Bean Loan and Purchase Program regulations (31 F.R. 6904), which contain regulations of a general nature with respect to price support operations, are further supplemented for 1969 crop dry edible beans as follows:

Sec.
1421.2480 Purpose.
1421.2481 Availability.
1421.2482 Maturity of loans.
1421.2483 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2480 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) and any amendments thereto or revisions thereof, and the 1966 and Subsequent Crop Dry Edible Bean Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases for 1969 crop dry edible beans.

§ 1421.2481 Availability.

(a) *Loans.* A producer desiring a price support loan must request a loan on his eligible beans on or before March 31, 1970.

(b) *Purchases.* To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office on or before April 30, 1970,

a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1969 crop dry edible beans he will sell to CCC.

§ 1421.2482 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1970.

§ 1421.2483 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with paragraphs (b), (c), and (d) of this section, and adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved warehouse storage in a higher support rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be determined on the basis of the basic support rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.72.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds U.S. No. 1 in jute bags
Pinto:	
Area I—In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia	$6.57
Area II—Idaho, Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano and Las Animas and all counties east thereof in Colorada. In Wyoming the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico, the counties of McKinley and Valencia	6.37
Area IV—Arizona, California, Montana, South Dakota, and Utah. In Wyoming all counties not in Area II. In Colorado, all counties not in Area II. In New Mexico the counties of Rio Arriba, San Juan, and Taos	6.27
Area V—Washington	5.97
Area VI—Other States	6.07
Great Northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado all counties east of 106° longitude. In Wyoming the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming all counties not in Area I and in Oregon, Malheur County	7.01
Area III—Other States and counties	6.71
Pea (Navy) and Medium White:	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.65
Area II—Other States	6.15
Small White and Flat Small White	7.52
Dark Red Kidney	8.51
Light and Western Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho and Colorado	7.47
Area II—Washington	7.37
Area III—Other States	7.42
Large Lima	10.39
Baby Lima	5.59

(b) *Premium.*

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 pounds
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.*

In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollars per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 15, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-6097; Filed, May 21, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 1, 292]

DEFINITIONS, REPRESENTATION AND APPEARANCES

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code, notice is hereby given of the proposed issuance of the following rules pertaining to practice before the Service and the Board of Immigration Appeals. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 1—DEFINITIONS

Paragraphs (f), (g), and (i) of § 1.1 are amended and paragraph (k) is added to read as follows:

§ 1.1 Definitions.

As used in this chapter:

* * * * *

(f) The term "attorney" means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law.

(g) Unless the context otherwise requires, the term "case" means any proceeding arising under any immigration or naturalization law, Executive order, or Presidential proclamation, or preparation for or incident to such proceeding, including preliminary steps by any private person or corporation preliminary to the filing of the application or petition by which any proceeding under the jurisdiction of the Service or the Board is initiated.

* * * * *

(i) The term "practice" means the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the Service, or any officer of the Service, or the Board.

* * * * *

(k) The term "preparation," constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice, and auxiliary activities, including the incidental drawing up and completion of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed service forms by one whose remuneration, if any, is nominal and who does not hold himself out as specially qualified in law and in immigration and naturalization procedure.

PART 292—REPRESENTATION AND APPEARANCES

1. Paragraph (b) of § 292.1 is amended and paragraph (i) is added to read as follows:

§ 292.1 Representation of others.

* * * * *

(b) *Reputable individuals.* When a person is entitled to representation, he may be represented by any reputable individual of good moral character who is appearing without remuneration, directly or indirectly, and files a written declaration to that effect, if such representation is permitted by a regional commissioner, district director, officer in charge, special inquiry officer, the Commissioner, or the Board.

* * * * *

(i) *Limitations.* No other person or persons shall practice in any case.

§ 292.3 [Amended]

2. The first sentence of paragraph (a) *Grounds* of § 292.3 *Suspension or disbarment* is amended to read as follows: "The Board, with the approval of the Attorney General, may suspend or bar from further practice an attorney or representative if it shall find that it is in the public interest to do so."

3. The last sentence of paragraph (b) *Procedure* of § 292.3 *Suspension or disbarment* is amended to read as follows: "When the final order is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice until authorized by the Board."

4. Paragraph (b) of § 292.5 is amended to read as follows:

§ 292.5 Service upon and action by attorney or representative of record.

* * * * *

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who, except as otherwise specifically provided in Part 332 of this chapter, shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: May 16, 1969.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 69-6084; Filed, May 21, 1969; 8:46 am.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF NORTH DAKOTA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

Dated at Washington, D.C., this 9th day of May 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----------, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Done at ----------, in triplicate, this ---------- day of ----------.

For the United States Atomic Energy Commission.

For the State of North Dakota.

FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoefitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all nondental X-ray units across the State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 86-66-6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

2.0 CURRENT ACTIVITIES

2.1 Registration of sources of radiation. The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY [1]

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.)	126	166
Dentists	205	205
Other practitioners	50	51
Hospitals	192	254
Veterinary	5	5
Others	7	7
Total	585	688

[1] Exclusive of Federal agencies.

2.2 Radiation protection in X-ray facilities. Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a discussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

2.3 Environmental radiation surveillance. Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86-66-8) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

2.4 Radioactive materials. Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular intervals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses			Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material		
Medical	16	0	0	7	23
Educational	5	1	2	2	10
Civil defense	3	0	0	0	3
Industrial	3	0	0	1	4
State agencies	2	0	0	2	4
Uraniferous lignite ashing	0	2	0	0	2
Total	29	3	2	12	46

3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

3.1 Licensing and registration. The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

3.2 Inspection. Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on developments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—industrial, medical, academic—once each 12 months.
4. Other specific licenses—industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licensees and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

3.3 Compliance. If it is determined by the inspection that only minor items of noncompliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 28-32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23-20.1-10 of chapter 23-20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

3.4 Administrative procedures and judicial review. The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28-32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.
2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.
3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.
4. The rules of procedure for hearings.
5. That determinations of the agency may be appealed to the district courts.
6. The scope of and procedure on appeal from determination of the administrative agency.
7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

3.5 Radiological emergencies. The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive materials, lost through some accident or incident, can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occuring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.530 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensees premises is provided for in the Radiological Emergency Guide.

3.6 Instrumentation. The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

3.7 Effective date of license transfer and reciprocity. Subsection 2 of section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by people knowledgeable in all aspects of division responsibility and to provide manpower backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the interunit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[F.R. Doc. 69-5782; Filed, May 14, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plats of Survey

1. Plat of survey of omitted islands described below will be officially filed in the Land Office, Anchorage, Alaska effective at 10 a.m., June 1, 1969.

SEWARD MERIDIAN

T. 24 N., R. 4 W.,
Sec. 9, lots 5, 6, and 7.
Containing 0.75 acres.

2. These islands are located in Benka Lake. Lot 5 is covered with dense spruce and undergrowth consisting of willow and berry brush. Lots 6 and 7 contain a few scattered spruce and low undergrowth. The soil on the islands consists of vegetable mold humus over sand and gravel.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager,
Anchorage Land Office.

[F.R. Doc. 69-6078; Filed, May 21, 1969; 8:46 a.m.]

ALASKA

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in

the Land Office, Anchorage, Alaska, effective at 10 a.m., June 1, 1969.

SEWARD MERIDIAN

T. 11 N., R. 2 W.,
Sec. 27. SW¼;
Sec. 28, all.
Containing 760 acres.

2. The greatest portion of the lands consists of steep to precipitous mountain slopes, rough and stoney. The soil is thin sandy loam with a large percentage of gravel. There is a large stand of first and second growth spruces, hemlock, and birch on the northwest slope that comprises a portion of the southeast quarter of section 28 and the south half of the southwest quarter of section 27. The remainder of the lands has dense to scattered clumps of alder brush, some stands of birch and large cottonwoods.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager,
Anchorage Land Office.

[F.R. Doc. 69-6079; Filed, May 21, 1969; 8:46 a.m.]

National Park Service

GLACIER NATIONAL PARK, MONT.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Whitefish Clinic authorizing it to provide concession facilities and service for the public at Glacier National Park, Mont., for a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 14, 1969.

EDWARD A. HUMMEL,
Associate Director,
National Park Service.

[F.R. Doc. 69-6082; Filed, May 21, 1969; 8:46 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 28, 1969, beginning at 2 p.m. The hearing will be held in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia. The subject of the hearing will be a proposal to amend the Comprehensive Plan so as to include therein the following projects.

1. *Diamond Hill Estates Water Co.* A well water supply project to augment existing supplies to the Diamond Hill Estates service area in the township of Mansfield, Warren County, N.J. A total withdrawal of 430,000 gallons per day will be taken from three new wells and one existing well.

2. *Artesian Water Co.* A well water supply project to augment public supplies in the company's service area in New Castle County, Del. Designated as Well No. 7 of the Llangollen Estates well field, the project is expected to yield 650 gallons per minute.

3. *The Lakes Water Co.* A well water supply project to augment public supplies in the Lake Pine Development area of Medford Township, Burlington County, N.J. Two existing wells and one new well will be restricted to a maximum withdrawal of 10.5 million gallons per month.

4. *Landis Sewerage Authority.* A well water supply project to be developed for general purpose uses at the Landis Sewage treatment plant, Vineland, Cumberland County, N.J. The new facility will yield an average of 140,000 gallons per day.

5. *Myerstown Water Authority.* A water supply project involving the reactivation of an existing well and construction of a one-million-gallon-a-day filter plant for use by the Myerstown Water Authority, Jackson Township, Lebanon County, Pa. The well, designated as No. 4, is expected to yield 200 gallons per minute.

6. *Delaware River Port Authority.* A project to realign Pochack Creek in the section between the town of Delair and the Delaware River in Camden County, N.J. The mouth of the creek will be relocated approximately 460 feet upstream in order to facilitate construction of the Delair Bridge and to improve the hydraulic characteristics of the creek.

7. *New Jersey Department of Institutions and Agencies.* A sewage treatment project to serve the expansion of Leesburg State Prison, Maurice River Township, Cumberland County, N.J. The new facility will have a capacity of 235,000 gallons per day.

8. *Chalfont-New Britain Township Joint Sewage Authority.* A project to expand the Authority's existing sewage treatment plant in Bucks County, Pa. Capacity will be increased from 0.70 to 1.40 million gallons daily. Secondary treatment will be provided prior to discharge to Neshaminy Creek.

9. *Gloucester County Sewerage Authority.* A project to construct a 3.5-mile section of the Woodbury Creek interceptor. The facility is part of the Gloucester County Master Sewerage Plan. The line will be located adjacent to Woodbury Creek in the city of Woodbury, N.J.

10. *New Jersey Department of Conservation and Economic Development.* A project to modify the design of the proposed Hackettstown Reservoir on the Musconetcong River, Warren, Sussex, and Morris Counties, N.J. Spillway crest elevation will be raised 10 feet and the spillway will be widened. The proposed modification will reduce flood storage and increase storage available for streamflow releases for water supply to the Musconetcong Valley.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission, (609) 883-9500.

W. BRINTON WHITALL,
Secretary.

MAY 16, 1969.

[F.R. Doc. 69-6070; Filed, May 21, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1968 Price Support Programs; Correction

F.R. Doc. 69-5101, published at page 7091 in the issue dated April 30, 1969, is corrected by changing the final date for repayment oat loans in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and wheat loans in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming from "May 31" to "June 2".

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 15, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-6098; Filed, May 21, 1969; 8:47 a.m.]

Packers and Stockyards Administration

McNUTT LIVESTOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
McNutt Livestock Auction, Modesto, Calif., Aug. 28, 1963.
Queen City Livestock & Auction Co., Inc., Gainesville, Ga., May 25, 1959.
S. & M. Livestock Sales, Cambridge, Minn., Oct. 7, 1959.
Ava Sales Company, Ava, Mo., May 8, 1959.
Sikeston Auction Company, Sikeston, Mo., Feb. 6, 1940.
Smith Stock Yard of Columbia, Columbia, S.C., Feb. 17, 1960.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 16th day of May 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-6116; Filed, May 21, 1969; 8:49 a.m.]

SHELDON SALES COMPANY ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Sheldon Sales Company, Sheldon, Jan. 7, 1957.	Sheldon Livestock Company, Apr. 10, 1969.
KANSAS	
Overbrook Livestock Auction, Inc., Overbrook, May 27, 1959.	Overbrook Livestock Sale Co., Mar. 26, 1969.
NEBRASKA	
Ravenna Livestock Commission Company, Ravenna, Feb. 8, 1950.	Ravenna Livestock Commission Co., Apr. 1, 1969.
OKLAHOMA	
Apache Livestock Sale Company, Apache, Feb. 7, 1958.	Apache Livestock Sales Co., Mar. 14, 1969.
OREGON	
Hermiston Livestock Commission Co., Hermiston, Oct. 13, 1959.	Hermiston Livestock Auction, Inc., March 1, 1969.
TEXAS	
Wood County Livestock Auction Company, Mineola, Dec. 18, 1959.	Wood County Livestock Auction Co., Inc., Apr. 7, 1969.

Done at Washington, D.C., this 16th day of May 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-6117; Filed, May 21, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ADELPHI UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00566-33-46500 Applicant: Adelphi University, Biology Department, South Street, Garden City, N.Y. 11530. Article: Ultramicrotome, Model LKB 8800 with Table and Knife Maker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for electron-microscopical examination, thick (2 micron) sections for survey work, and thin sections of unfixed, frozen tissue. Projected studies include combined light and electron-microscopical study of a wide range of tissues including germinal tissues of the blood fluke *Schistosoma mansoni*, invertebrate chromosomes, mammalian lysosomes, somatic tissues of the newt and slime molds. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00572-33-46040 Applicant: University of Alabama in Birmingham, Biological Ultrastructure Laboratory, Department of Clinical Dentistry, 1919 Seventh Avenue, South, Birmingham, Ala. 35233. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for investigating bone growth and development in experimental animals at the ultrastructural level with two major problems in mind: (1) the morphogenesis and interrelationship of bone cells and (2) metabolic and biosynthetic activity associated with the development and function of bone cells. In addition to studies on bone growth and development, the article will be used in studies on the ultrastructural morphology and histochemistry of salivary glands in order to further correlate the structure and function of these tissues. Application received by Commissioner of Customs: May 5, 1969.

Docket No. 69-00574-00-46040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Accessories to an electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an attachment to an existing electron microscope to improve the quality of the electron micrographs obtained in studies concerning plant viruses, bacterial spores, Drosophila eggs, and lipid absorption of the jejunum. Application received by Commissioner of Customs: May 5, 1969.

Docket No. 69-00575-20-07795. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Two (2) Terrestrial wide angle cameras with accessories, Model BSG1. Manufacturer: Officine Galileo, Italy. Intended use of article: The article will be used for both instruction and research in photogrammetry on the undergraduate and graduate levels. In instruction, the article will be used for photogrammetric data acquisition by undergraduate students associated with courses in terrestrial and industrial photogrammetry and special problems in civil engineering. In research, the article will be used to investigate the topic "Universal Stereometric Systems of High Precision", which is expected to lead to the development of a new generation of stereometric cameras of more flexibility and higher accuracy than the contemporary stereometric cameras. Application received by Commissioner of Customs: May 5, 1969.

Docket No. 69-00577-50-02000. Applicant: University of Washington, Department of Atmospheric Sciences, Seattle, Wash. 98105. Article: Long period strip chart recorder, Sumner Mark II with auxiliary, anemometer attachment. Manufacturer: Rauchfuss Instruments and Staff, Australia. Intended use of article: The article will be used as part of a research project to determine the relationship between climate and the behavior of an alpine glacier. It will be installed on the slopes of Mount Olympus, Wash., to record climatic conditions during the winter when no observers are in the field. Application received by Commissioner of Customs: May 6, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6054; Filed, May 21, 1969; 8:45 a.m.]

CASE WESTERN RESERVE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00351-33-46500. Applicant: Case Western Reserve University, School of Medicine, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning mitochondrial structure. The mitochondria are derived from the livers of rats made deficient in riboflavin. Under these circumstances a relatively large preparation of the mitochondria become very greatly enlarged and seem to be unable to divide. When the animals are fed riboflavin these large mitochondria appear to undergo division via the formation of septa across the mitochondrial body. We are hoping to do a time study to determine the structural changes involved during the division process and how these changes are related to the formation of cristae from the inner membrane. This involves the use of serial sections of equal thickness in the range of 50Å to 2 microns and these can only be obtained with the LKB 8800A Ultratome III. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Helath, Education, and Welfare (memorandum dated Apr. 16, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6067; Filed, May 21, 1969; 8:45 a.m.]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00342-33-46500. Applicant: University of Minnesota, 402 Morrill Hall, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studying epidermal development in the mammalian skin. This tissue must be sectioned very thin with an ultramicrotome for observation under the electron microscope. It is hoped to learn the exact sequence and time relationships of the development of epidermal ultrastructures and to correlate these findings with the completion of the keratinization process. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6068; Filed, May 21, 1969; 8:45 a.m.]

CABINET TASK FORCE ON OIL IMPORT CONTROL

MANDATORY OIL IMPORT PROGRAM

Procedure and Inquiry

The Task Force on Oil Import Control was established to make a comprehensive review of the U.S. oil import control program. This study is being undertaken to consider the Mandatory Oil Import Program, its present effects and the impact to be expected from possible changes in the program. Several areas of inquiry were announced on April 8, 1969. Interested persons were invited to submit their views and urged on April 21 to begin immediately to prepare for their submissions. Formal notice was published in the FEDERAL REGISTER on May 2, 1969.

The present notice lists procedures in part One, general areas of inquiry in Part Two, and more detailed questions in Part Three. The general and more detailed questions reflect the Task Force's preliminary formulation of the issues and do not preclude either interested parties or the Task Force from broader, narrower, or differing formulations in response to submissions or to developments in its own thinking.

PART ONE: PROCEDURES

1. All persons interested in this subject are invited to submit economic data, both historical and projected, bearing on the questions listed in this notice. Submissions may be made by state or local governments, individuals, firms, or associations (which should state the character of their membership). Foreign governments should make submissions through the Department of State.

2. Interested persons may address themselves to any or all of the questions listed below, but no one should feel compelled to respond to every question. Many questions can be answered effectively only by Government agencies or by others with special knowledge. Nevertheless, the full list is being published in order to inform the public of the issues being canvassed by the Task Force.

3. For ease of comprehension and comparison, all submissions should, insofar as practicable, follow the outline of the general questions listed in Part Two. Comments, statements of views, and arguments addressed to or involving legal issues should be accompanied by a full citation to the source of authority—statute, Executive order, Proclamation, regulation, judicial or administrative decision—in question. Economic data and projections should also be fully identified in each instance as to source, date, and methodology of development. It is vital that all data be accompanied by an explicit statement of the methodology by which the underlying statistics were obtained and processed.

4. Persons with common interests are encouraged to make joint submissions to the maximum possible extent and to confine separate submissions to any views or facts peculiar to each. Whenever individual company data would disclose confidential cost or other data, such companies are encouraged to make joint submissions through organizations that can aggregate such data in a meaningful way without disclosure of confidential figures for or to individual companies.

5. All submissions to the Task Force from outside the Federal Government other than proprietary data will be made available to the public in the library of the Task Force, 726 Jackson Place NW., Washington, D.C. 20506. Twenty copies of each submission should be delivered to that address, of which two copies will be deposited in the library. Proprietary data, to avoid deposit in the library, must be submitted separately and identified as such. Any departure from this separate submission procedure—e.g., by including nonconfidential with confidential material—will be cause for deposit of the entire submission in the library.

6. Submissions should be preceded by a concise summary of not more than five (5) pages in length, followed by a text of not more than 50 pages. Within reason, there is no limit on the number of accompanying appendices, charts, or graphs. All pages should be 8½" x 11", with text in black type and double-spaced and must be suitable for reproduction on normal office copying machines. One copy should be in unbound and unstapled form to facilitate copying.

7. Any interested person may read all the submissions in the Task Force library and may, in addition, reproduce one (1) copy of any or all pages on the copying machine the Task Force expects to have available in the library by payment in cash of an appropriate user charge.

8. The Task Force will not accept any submissions in response to the questions listed below before June 16, 1969, or after July 15, 1969. These dates are firm.

9. The Task Force may, after reviewing the initial submissions, propound additional or repeated questions by publication of a similar notice in the FEDERAL REGISTER or by notice to individuals. Whether or not such additional or repeated questions are propounded, all interested parties are invited to submit additional or more refined data, comments, statements of views, and arguments by way of rebuttal, after their own review of initial submissions by other interested parties. For either of these purposes, the Task Force library will be open to receive second-round or rebuttal submissions no later than August 15, 1969. Interested persons may thereafter read and reproduce these second-round or rebuttal submissions as before, but no third-round is contemplated.

10. Any interested person considering himself or itself placed under hardship or at a competitive disadvantage by these procedures should so notify the Task Force in writing on or before June 3, 1969, specifying with particularity the nature of the hardship or disadvantage and the exact procedural change proposed. Any changes considered meritorious by the Task Force will be published promptly in the FEDERAL REGISTER.

11. Insofar as possible, submissions from Federal agencies will conform to the format and schedule stated above.

12. The Cabinet Task Force on Oil Import Control will make publicly available all information furnished to it which can be disclosed without jeopardy to the national security or undue hindrance to the carrying out of the Task Force's basic assignment. This disclosure policy embraces the factual and analytical submissions of Government agencies but not the personal interchange among Cabinet-level officials or Task Force staff. More precisely: All Task Force documents and information relating to the questions it has been asked to study shall be made available to the public unless their disclosure is prohibited by statute or would reveal:

(a) Classified information;

(b) Minutes and other records of the deliberations of the Task Force;

(c) Internal communications, memoranda, and drafts prepared by the individual members, observers, their personal representatives, and the Task Force staff; or

(d) Confidential commercial or financial data or trade secrets which are identifiable to a particular company, firm, or individual.

PART TWO: GENERAL QUESTIONS

I. What is the distinctive security interest of this Nation in maintaining secure petroleum supplies for the United States?

II. What would be the impact on domestic energy supplies of intensifying, reducing, or removing restrictions on oil imports?

III. What are the costs, including costs to ultimate consumers, and other detriments of achieving identified national security objectives by the present system of oil import controls?

IV. What practicable alternative means might be employed, other than import restrictions, to achieve identified national security objectives, and what would be the costs and other detriments of any such alternative means?

V. If import restrictions are necessary to achieve identified national security objectives, what alternative methods might be employed, other than the present quota system, and what would be the costs and other detriments of any such alternative methods?

VI. If an oil import quota system is to be maintained, how should it be implemented in the interests of efficiency and equity?

VII. If the present system of import controls were to be changed fundamentally or substantially, what transition steps would be necessary and appropriate to minimize disruption to affected persons?

VIII. What other significant and material issues should be considered by the Cabinet Task Force on Oil Import Control, and as to each such issue, what are the relative benefits and costs/detriments of the present system as compared with any suggested change?

PART THREE: DETAILED QUESTIONS

I. Security of supply.

1. How likely is it that a significant portion of foreign oil normally supplied to the United States and its allies will be disrupted for a significant period because of nuclear war, protracted limited war, brief or protracted conventional hostilities, or other serious interruption of supply?

2. In the event of such disruption, is it likely that this Nation's dependence on foreign oil would limit its capacity for military action and/or negotiations? Is any such risk reduced or could it be reduced by storing military oil and products in forward theatre positions?

3. For each contingency, which foreign sources that should be considered insecure to what extent? Are there domestic sources that should be considered insecure? That is, what domestic or foreign sources requiring sea transportation should we rely on? Should we rely on Canadian and Mexican overland imports?

4. Under which of the contingencies discussed above should the United States prepare for the petroleum needs of our allies? What arrangements now exist or should be made to meet those needs in a manner equitable to them and to the United States?

5. In the event of a serious interruption, to what extent would civilian demand be reduced as a result of price increases or rationing?

6. To what extent and with what speed could domestic production of crude oil be increased by drilling new wells on known reservoirs if required by a national emergency?

7. The following question should be answered under three alternative assumptions:

(1) That the present import control system is maintained indefinitely; or

(2) That overseas imports (other than residual fuel oil) have been doubled, and that the oil industry has adapted itself to the higher import level; or

(3) That overseas imports (other than residual fuel oil) have been quadrupled, and that the oil industry has had time to adapt itself to that import level.

How would your particular organization deal with the difficulties resulting from a sudden curtailment of overseas imports, and what means of adjustment could it find:

(a) If such imports were reduced (i) 50 percent or (ii) 100 percent; and

(b) If the curtailment were expected to last (i) for 6 months or (ii) for several years and perhaps indefinitely?

How would you suggest that the Nation deal with such emergencies?

8. If present import levels of residual fuel oil were suddenly discontinued completely for an indefinite period, how would your organization deal with the resulting difficulties, if any?

9. How and to what extent does the national security interest require the maintenance of an emergency reserve domestic production capacity? Over how long a period would full deliverability from this capacity be required? What transportation and refining capacity must be available to handle such supplies and where should it be located?

10. If a reserve production capacity is needed to meet emergency situations, should its size be determined by the Federal Government? Should its use be under the control, direct or indirect, of the Federal Government?

11. Is the location and design of U.S. domestic pipeline and refinery capacity such that it is presently capable of a sudden shift to exclusively domestic or North American overland supplies? If our dependence on foreign supplies were greater, could the resultant pipeline and refinery capacity adjust readily to an emergency shift back to greater domestic supplies (if available)?

12. In what ways, if any, would the Nation's dependence on overseas imports of residual fuel oil or other heating oil be more critical or less critical than any dependence on overseas imports of crude oil and oil products?

13. Are the dangers of interruption of overseas imports greater for oil than for other strategic materials for which we are more dependent on foreign supplies?

14. Do import restrictions conserve domestic reserves for possible emergency use? Do they encourage domestic exploration and thus discovery of significant new reserves sufficient to offset the additional depletion of domestic reserves caused by the substitution of domestic production for imports? Do they have effects on conservation and exploration in District V different from those in Districts I–IV?

II. Effect on domestic energy supplies of altered import control.

A. Supplies, prices, and imports.

15. What is your estimate of the supplies of crude oil likely to become available in the world outside Communist China, the Soviet Union, and other members of the Warsaw Pact:

(a) Production of crude oil, by major supply areas, 1970, 1975, and 1980;

(b) Spare productive capacity, by major supply areas, 1970, 1975, and 1980;

(c) Proved reserves of crude oil, by major supply areas, 1970, 1975, and 1980?

(Production, and productive capacity and proved reserves in the United States should be included as a major supply area; assume that present import restrictions continue through 1980. Exports from the Soviet Union to the non-Communist world, if any, should be estimated and included as a separate item.)

16. What is your estimate of the final consumption demand for crude oil and equivalent products in the world outside the Communist bloc in 1970, 1975, and 1980? Estimate by major market areas:

(a) Western Europe;
(b) Japan;
(c) Other Asia and Africa;
(d) United States;
(e) Other North America;
(f) Australia—New Zealand;
(g) South America;

(NOTE: Use crude-oil equivalent barrels for product demands. As in question 15, assume that present import restrictions in the United States continue through 1980.)

17. With respect to the above and similar questions, how reliable are the statistical estimates of proved reserves, ultimate reserves, productive capacity, maximum efficient rate of production, and deliverability?

18. If all import controls were removed, what would be the probable flow of petroleum and oil products into the United States by volume and as a percentage of domestic production—within 1 year; 5 years (1975); 10 years (1980)?

(a) What would be the effect on world oil prices? On "royalty" payments charged by foreign governments and others?

(b) To what extent, and for how long, would imports be inhibited by the cost of diverting or adding tankers? By the cost of constructing new deepwater terminals and refinery capacity? By pipeline capacity and/or the cost of converting product lines to reverse flow when appropriate?

(c) To what extent would imports be inhibited by the interest, if any, of the integrated major international oil companies in maintaining a domestic market for the output of their domestic wells even if the delivered cost of foreign oil is lower than that of such domestic output?

(d) What would be the effect on domestic oil prices?

19. What are the delivered costs of foreign crude oil and oil products, by types and grades, imported into the United States, by principal supply area and by principal points of delivery, and what are the main elements in those costs? What were those costs in 1955, 1960, 1965, and 1968? What would the cost be in 1975? 1980?

20. What is the average delivered cost of domestic oil and bulk oil products in the United States, by types and grades, by principal production area and market area, and what are the main elements in these costs (include data for most recent period available):

Well head costs, per barrel:
Exploration costs, including lease costs.
Drilling and equipment costs.
Production costs, including royalties.
Transportation costs (crude), including gathering cost.
Refining costs.
Transportation costs (products) to bulk terminals.
Specify taxes per barrel as a separate element.

Use as the sample production areas:

Louisiana—Texas Gulf Coast, including offshore.
Mid-Continent.
Permian Basin—West Texas.
California.
Southern Alaska.

Use as sample marketing areas:

New England.
Middle Atlantic.
Great Lakes: Chicago-Cleveland.
Seattle.
Los Angeles.
Hawaii.
Texas Gulf Coast, including points of transhipment.

B. Domestic petroleum production and exploration.

21. Taking account of what is known about the array of costs of production from most efficient (lowest cost) pools to the least efficient, what would be the annual volume of oil produced in the United States in the immediate future at the following average wellhead prices (assume that each pool is restricted only to its maximum efficient rate of production (MER) and that producers expect both the market price and money costs of labor and equipment to remain the same for an extended period of 10 years or so).

Per Barrel	
$10.00	$3.00
5.00	2.50
4.00	2.00
3.50	1.50

What would be the effect of these prices on available supply over time? Would the expected annual production at that price remain constant for the next 5 or 10 years, or would it increase or decrease and if so by how much, i.e., along what path?

(If estimates of production from North Alaska are made, they should be given separately and not mingled with the rest.)

22. Under existing production controls and prorationing systems, what is the array of wellhead costs of oil in the United States, from marginal wells to the most efficient pools? Can you estimate how much oil is produced under high-cost, median-cost, and low-cost conditions this year, indicating your own measures of these cost brackets? If your organization produces oil, how is that production distributed among these cost categories?

23. Would unrestricted imports tend to bring U.S. oil prices into closer parity with prevailing prices in other markets? Would such changed U.S. prices make unprofitable and thus discourage domestic exploration? If so:

(a) To what extent do significant discoveries result from existing exploration efforts motivated by the prospects of finding marginal reserves or supported from the profits of marginal operations?

(b) Would there be significantly less exploration for substantial discoveries such as those indicated in offshore areas or in Alaska? Or would such activity be undertaken even at world market prices?

(c) Might such exploration be encouraged by a relaxation of domestic production controls, if any, that inhibit efficient production at substantial pools? Would such relaxation tend to occur if import restrictions were reduced or removed?

Provide the same information with respect to effects on development of known domestic fields.

24. If production controls were relaxed, would domestic production increase or decrease?

(a) If imports continued at present levels; and

(b) If imports were unrestricted?

What would be the effect on ultimate recovery?

25. To what extent and in what manner do the answers to the two preceding questions vary in acordance with the following alternative sets of assumptions:

(a) State proration and conservation controls remain as at present or are changed so as to bring about reservoir production at maximum efficient rates;

(b) The present U.S. Federal and State tax incentives for exploration and production (expensing "intangible" drilling costs, depletion allowance, foreign tax credit) remain in effect or are substantially altered;

(c) Costs of labor and materials remain as at present or are materially increased;

(d) The technology of production, refining, and delivery remain as it is or becomes substantially more efficient;

(e) The need for conservation of domestic reserves remains as it is, becomes more acute, or is significantly relaxed?

(f) Prices of foreign crude increase substantially because of higher tax or royalty payments abroad or decrease because of increased competition?

26. What are the effects of Federal exploration, mineral leasing, royalty, and production control policies on the efficiency of the domestic petroleum industry? What are the corresponding consequences of State regulation? To what extent could domestic competitiveness be improved by specific changes in these policies?

27. What are the effects of U.S. maritime regulations (the Jones Act) on the competitiveness of domestic oil in U.S. markets? To what extent could any adverse consequences be reduced by specific changes in such regulation?

C. Impact on energy consumers and on related industries.

28. Assuming unrestricted imports have the effect of bringing U.S. oil prices into relative parity with prevailing prices in other markets, what would be the potential annual direct cost saving to domestic oil consumers, and how much of any such saving would in fact be reflected in domestic market prices? Please group the data according to principal market areas and in the following categories: Utilities; petrochemical production; other manufacturing; commercial operations; State or local government; households; automobile-driving public; and other transport?

29. What would be the annual budgetary saving to the Department of Defense and to other Federal agencies?

30. What would be the effect of unrestricted oil imports on existing and future international transportation facilities and marine transportation costs?

31. How would economic structures and economic interests associated with special quota allocations and foreign trade zones be affected by tightening, reducing, or eliminating oil import controls?

32. What would be the effect of unrestricted imports on the development of U.S. internal oil transportation capacity—e.g., pipelines, coastwise shipping, tank trucks and tank cars, barges, Great Lakes shipping, etc.?

D. Foreign relations and balance of trade and payments.

33. What would be the impact on our relations with each of the major oil producing nations outside Communist China, the Soviet Union, and other members of the Warsaw Pact, of tightening, reducing, or eliminating oil import controls?

34. Does the present import quota system result in lower or higher world oil prices for industrial competitors in other countries than they would otherwise have to pay?

(a) How would the international price of oil be affected by enlargement of U.S. import quotas?

(b) Can the modification or elimination of oil import quotas be so arranged as to result in equalization of the United States with the world price of oil?

35. What is the best estimate of the annual dollar outflow, if any, currently

and after 5 years, for imports of goods whose cost of production is affected by oil prices and whose delivered price advantage over the same or similar U.S.-manufactured goods (e.g., petrochemicals) may be significantly affected by the differential between current U.S. oil prices and prevailing world market prices?

36. What is the best estimate of the annual dollar loss, if any, currently and after 5 years, occasioned by inability to export such goods from the United States for similar reasons?

37. To what extent has or could the creation of special quota allocations or foreign trade zones eliminate any problems exposed by the preceding two questions? By what criteria are or should such exceptions or zones be created?

38. How and to what extent would increased oil imports and related U.S. investment abroad affect the U.S. balance of trade and payments in the short and long terms? What proportion of all U.S. expenditures for foreign oil, including related U.S. investment abroad, is returned to the United States in the form of company remittances or net purchases of U.S. goods for Canada, Venezuela, other Western Hemisphere producers, Eastern Hemisphere producers?

39. What would be the answer to the preceding question if present import controls were continued with the exception that imports of petrochemical feedstocks would be unrestricted.

40. By what annual dollar amounts are domestic percentage depletion deductions increased as a result of the maintenance of domestic petroleum prices at levels which are higher than would be reached in the absence of oil import quotas? What is the estimated annual dollar amount of the resulting tax losses?

41. What is the rationale for granting special U.S. tax benefits to foreign petroleum production, including royalty payments, percentage depletion, and the expensing of intangible drilling and development costs when imports of foreign oil are restricted by quota? What is the estimated annual dollar amount of the U.S. tax loss (a) attributable to the allowance of percentage depletion with respect to foreign production; (b) attributable to the expensing of foreign intangible drilling and development costs?

E. Implications of Alaskan and other North American discoveries.

42. As regards recent and apparently large oil discoveries in Alaska and possible additional discoveries elsewhere on the North American continent, what reasonable estimates are now possible about the following questions:

(a) The size of the several oil pools discovered;

(b) The per barrel cost of exploration, development, and extraction from those pools; and

(c) The costs of delivery of oil extracted from those wells:

(i) To the principal potential market areas in the United States;

(ii) To noncontiguous States and territories; and

(iii) To foreign nations.

43. What are the estimates of oil on the continental shelf of the United States up to 200 meters depth? What are the estimates for the shelf in waters deeper than 200 meters but less than 2,500 meters?

44. How accurate are the above estimates either in detail or in order of magnitude? When are such estimates likely to become substantially more accurate?

45. What is the probable course of development of the fields discussed in question 42? How does the answer vary if import quotas are maintained, tightened, relaxed, or removed? To what extent and how rapidly could the delivered output from such fields be increased in the event of urgent national need for production?

46. What will be the impact of these large discoveries on the remainder of the domestic industry? Will prorationing in the Southwest be curtailed or eliminated? Will U.S. prices be reduced? Will domestic reserves to production ratio be increased for the next decade?

F. Petroleum demand: Alternative energy sources.

47. What is the price elasticity of domestic demand for crude oil and its principal products?

48. Are actual or prospective Federal or State air pollution controls likely to induce significant shifts toward low-sulphur crude for heating or energy purposes? If so, to what degree and from foreign or domestic sources? If such crude is not available in adequate quantities, would sulphur extraction technology or other domestic energy sources be available?

49. Are changes in automobile consumption of gasoline likely to reduce the future demand for gasoline and if so, to what extent?

50. What practicable substitutes for petroleum are now or are likely to become important? What new technological developments or production plans do you know of in the field of petroleum substitutes? What share of the domestic energy market, and specifically, how much of petroleum's present market, would go to such substitutes by 1975 (1980)

(a) If the price of oil remains the same in the United States?

(b) If the price of oil rises by 30 percent? By 15 percent?

(c) If the price of oil falls by 30 percent? By 15 percent?

(Treat natural gas as a petroleum substitute, and indicate what projections you make of the price of natural gas and of other substitutes.)

51. What is the probable course of development of domestic oil shale? Would such development be accelerated or impeded if import quotas are maintained, tightened, relaxed, or removed? To what extent could such development be accelerated in the event of urgent national need for production? What are the best estimates of the unit cost of oil refined from domestic oil shales under efficient and possible conditions of production by 1975? By 1980?

52. What is the probable course of development of coal? Would such development be accelerated or impeded if import quotas are maintained, tightened, realized, or removed? To what extent could such development be accelerated in the event of urgent national need for production? What are the best estimates of the unit cost of oil from coal under efficient and possible conditions of production by 1975? By 1980?

53. To what extent does the cost of converting industrial, municipal, and household facilities from the use of petroleum to the use of alternative sources of energy operate as a barrier to such conversion?

54. Assuming that unrestricted oil imports have the effect of bringing U.S. prices into relative parity with prevailing prices in other markets, to what extent would this reduce the domestic demand for natural gas for heating and power generation purposes?

55. If domestic oil production declined, would natural gas production decline significantly? If domestic oil exploration is reduced, would natural gas discoveries in the United States diminish proportionately? How is the answer to this question affected by the answers to question 67?

III. Costs and Other Detriments of the Present Quota System

56. What portion of the annual cost to consumers and to defense expenditures (see questions 28, 29) represents payments to producers attributable to the quota system as such? To State or local governments?

57. To what extent does the present system of State production controls lead to excess capacity, excessive drilling, or failure to achieve lowest-cost production from efficient pools? Do import controls have any bearing on the effects of State production controls?

58. If the effect of any changes that might be made in oil import controls were to remove or reduce the economic rationale for State production controls, are there any Federal or interstate laws or programs that should be reviewed, and if so, what are they and what should be the outcome of such a review?

59. How does the present system of import control affect the efficiency and structure of the producing, refining, transportation, and marketing segments of the domestic petroleum industry? How, and to what extent, if at all, do world prices presently affect domestic exploration, production, and development? What would be the impact of tightening, relaxing, or eliminating such control?

60. What are the public and private costs and inefficiencies of administering the present quota system?

61. What is the impact on the import, export, and other operations of domestic petrochemical producers—and of other industries for which oil is a significant direct or indirect input—both now and in the future?

62. What is the effect of the present quota system on Venezuela, Mexico, and other Western Hemisphere countries; developing countries elsewhere; other countries generally?

63. How do present formal or informal controls on Canadian oil exports to the United States affect the economic and political relations between Canada and the United States?

64. Does the present system of oil import control affect the opportunities for U.S. exports of other products? How and to what extent? Consider petrochemical products in particular.

65. What is the likely effect of U.S. oil import controls—in present or altered form—on the developing energy policy of the European Common Market?

IV. Alternatives to import controls.

66. As regards each of the non-import-restricting alternatives (listed below in question 67), what would be its relative benefits and costs/detriments as compared to the present quota system in terms of:

(a) Contribution to national and allied security?

(b) Delivered prices of oil and oil products to U.S. consumers, by major market areas and by categories of consumers?

(c) The short-, medium-, and long-term effects on oil exploration and production in the United States, by major area of production, both inland and offshore, and by category of producer?

(d) Development of alternative sources of energy?

(e) Administrative inefficiencies and direct budgetary costs?

(f) Realization of effective competition within domestic oil markets?

(g) Effect on related industries and occupations?

(h) Effect on the U.S. balance of trade and payments, including in particular the import and export operations of domestic petrochemical producers?

(i) International political and economic repercussions including effect on GATT and other international trade commitments?

67. Among non-import-restricting alternatives that might be considered are the following. As to each of these alternatives, consider also what transition steps would be necessary and appropriate to minimize disruption to affected persons.

(a) Direct Government subsidies or bounty for domestic drilling or discovery.

(b) Direct Government drilling or special incentives for the creation and capping of inland and offshore wells to serve as a strategic oil reserve.

(c) Aboveground or underground storage by the Government or through special incentives.

(d) Development of adequate reserves of shale oil or synthetic fuel, technology or standby capacity, either by (i) direct Government operation; (ii) incentives or subsidies to private industry; or (iii) some form of mixed operation.

(e) Changes in U.S. tax laws that provide an incentive to produce abroad.

(f) Changes in Federal lands leasing policies.

(g) Other, non-import-restricting alternatives that may be suggested.

68. What are the most economical means of assuring the location of transportation and refinery capacity in the right places and with the right processes for a sudden shift of, say, 6- or 12-month duration to exclusively domestic or North American overland shipments of crude oil if made necessary by a national emergency? What would be the cost of such measures?

V. Nonquota import controls.

69. What nonquota trade controls or other Government programs have been employed by the United States and other countries to preserve the security of supply of strategic commodities such as oil?

70. As an alternative to import restrictions by means of quota, consideration might be given to the adoption of protective tariffs with or without special provision for North American or Western Hemisphere sources. What specific levels of tariffs would be protective? Assess the relative benefits and costs/detriments of this or any other nonquota alternative that may be proposed, in terms of the factors listed under question 66.

71. What would be the advantages and disadvantages to the United States of a North American common market for energy or a Western Hemisphere common market for energy?

VI. Administering a quota system.

72. By what criteria should quota levels be set and how often and by what means should these be adjusted to conform to changing circumstances?

73. Should quotas be allocated as to sources, either globally or by country of origin?

74. Should overland imports be within or outside the quota?

75. How should import licenses be allocated among possible recipients—by existing methods, by auction, or by some other means? Should sale of import allocations be permitted in addition to or in place of exchanges?

76. Is there need for separate treatment for District V in the future?

77. Should any special treatment be afforded to consuming interests in the noncontiguous States and territories or in economically depressed regions? To consuming industries suffering competitive disadvantage? To consumers of residual or heating oil? To others manifesting a clear need for such special treatment?

78. Should broader preference be granted to low-sulphur imports in the interest of air pollution control?

79. What other problems of definition and application of the present quota system exist and how should these be resolved?

80. What are the relevant points of contrast and comparison between the oil import quota system as presently administered and other raw material quota systems presently or previously adopted by the United States, e.g., for lead and zinc, sugar, cotton textiles, and others?

81. As to each suggested change in implementation of the present quota system, please assess the factors listed under question 66 above.

82. As to each such change, please also describe with particularity the proposed means of alteration of the present system and the legal authority for such alteration.

GEORGE P. SCHULTZ,
Secretary of Labor.

MAY 19, 1969.

[F.R. Doc. 69-6113; Filed, May 21, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19401]

AUSTIN-WEST SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 17, 1969, e.d.t., at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 16, 1969.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 69-6111; Filed, May 21, 1969; 8:49 a.m.]

[Docket No. 21024; Order 69-5-78]

SHULMAN AIR FREIGHT

Order of Investigation and Suspension Regarding Excess Valuation Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May 1969.

By tariff revisions filed April 21, 1969, and marked to become effective May 22, 1969, Shulman, Inc., doing business as Shulman Air Freight (Shulman), an air freight forwarder, proposes to increase its excess valuation rates and charges for shipments between the 48 contiguous States as follows:

(a) From 25 to 30 cents per $100 (or fraction thereof) on furs having a value of $1,000 or less.

(b) From 15 to 20 cents per $100 (or fraction thereof) on all other shipments by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher.

Shulman's proposals involve increasing its rates by from 20 to 33 percent. The forwarder, however, has made no showing

that its current rates are unduly low and that its proposed rates would not be unreasonably high. Shulman has furnished no data whatsoever on the relationship between revenues from current excess value charges and losses from claims paid on shipments for which such charges have been paid. Nor has the forwarder presented any data on the foregoing relationship for its proposed rates.[1]

Shulman's only justification for its proposed rate increases is that they reflect higher evaluations now shown by shippers. Higher valuations, however, will themselves result in increased charges paid by shippers at the current rate per $100 of valuation.

In these circumstances the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charges in Rule No. 55, 1(b) and the exception thereto on 8th Revised Page 5 of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. series), and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule No. 55, 1(b) and the exception thereto on 8th Revised Page 5 of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. series) are suspended and their use deferred to and including August 19, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Shulman, Inc., doing business as Shulman Air Freight, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6112; Filed, May 21, 1969; 8:49 a.m.]

[1] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Inc.," 27 CAB. 542 (1958). The Board, after investigation, found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services were. In similar actions, the Board suspended, pending investigation; (1) increased excess valuation charges proposed by REA (Order E-13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E-22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Airvan Co. (Order E-23746, May 27, 1966); (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69-2-10, Feb. 3, 1969); (5) increased excess valuation rates proposed by Astro Air Express, Inc., and Comet Air Freight (Order 69-4-26, Apr. 4, 1969); and increased excess valuation rates proposed by Aero Special Air Freight (Order 69-5-18, May 5, 1969).

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-533]

"TRADEOUT" CREDITS

Logging and Computation as Commercial Matter

MAY 15, 1969.

It has come to the attention of the Commission that some broadcast licensees have not been logging as commercial, or computing as commercial time in filing applications, certain kinds of announcements broadcast in return for receipt of "money, service or other valuable consideration," as required by section 317 of the Communications Act of 1934, as amended.

The particular circumstances to which this notice is addressed are those in which a network, program producer or station receives free transportation, prize merchandise or other goods or services in return "for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast." (section 317(a)).

The provisions of sections 317 and 508 of the Act, taken together, require the broadcast disclosure of receipt of consideration under such circumstances, whether received by the licensee, his employees, the network furnishing the program or others involved in the production or preparation of the program.

The Commission's rules require the logging of commercial matter. They define commercial continuity as "the advertising message of a program sponsor," and state that "A commercial announcement is any other advertising message for which a charge is made, or other consideration is received." Such messages are required to be logged as commercials and computed as commercial time in applications for an original grant or a renewal of license. The fact that a network, program producer or other party receives the consideration, rather than the licensee, does not exempt such messages from the commercial category.

Accordingly, all networks will be expected to report such matter to their affiliates as commercial for purposes of computing commercial time, and all licensees will be required to compute such messages as commercial time in their applications.

Action by the Commission May 14, 1969. Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Johnson and H. Rex Lee with Commissioner Wadsworth abstaining from voting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6103; Filed, May 21, 1969; 8:48 a.m.]

[Dockets Nos. 18542-18545; FCC 69-492]

WILLIAM GARRETT DRISKELL ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William Garrett Driskell for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Marietta, Ga., Docket No. 18542, File No. 4262-C2-P-67; Joseph D. Nix, doing business as Radio Telephone Service for a construction permit to modify the facilities of Station KIJ356 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., Docket No. 18543, File No. 1585-C2-P-69; for a renewal of licenses for Stations KIJ356, KIY509, and KIY583 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., Docket No. 18544, File No. 2003-C2-R-69; File No. 3830-C2-R-69, File No. 1397-C2-R-69; General Communications Service, Inc. for a renewal of licenses for Stations KIG296, KIY402, and KIY527 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., Docket No. 18545, File No. 1589-C2-R-69, File No. 3624-C2-R-69, File No. 5941-C2-R-69.

1. The Commission has before it for consideration (a) an application filed April 14, 1967, by William Garrett Driskell (Driskell), for a construction permit to establish new communications facilities in the Domestic Public Land Mobile Radio Service at Marietta, Ga., using the frequencies 454.30 Mc/s (base) and 459.30 Mc/s (mobile); (b) a "Joint Petition to Deny Application", filed on May 23, 1967, by Atlanta Radio Contact, Inc. (Contact), licensee of Station KIG296 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., and Joseph D. Nix, doing business as Radio Telephone Service (Nix or Petitioner), licensee of Station KIJ356 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga.; (c) an "Adoption of Joint Petition to Deny Application" filed July 16, 1968 by General Communications Service, Inc. (General or Petitioner), now the licensee of Station KIG296, at Atlanta, Ga.; (d) an application filed September 18, 1968 by Nix for a construction permit to modify the facilities of Station KIJ356 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga.; (e) applications by Nix for renewal of licenses for Stations KIJ356, KIY509, and KIY583 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., filed on February 11, 1969; and, (f) applications by General for renewal of licenses for Stations KIG296, KIY402, and KIY527 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., filed on February 20, 1969.

2. Contact, pursuant to consent to assignment of license granted by the Commission on June 13, 1968, consummated its assignment of Station KIG296 to General on July 1, 1968. Alpheus H. Stakely, director and vice president of the assignee, was the sole stockholder of Contact, the assignor. On July 16, 1968, General filed an adoption of Contact's joint petition to deny application as successor in interest to Contact's common carrier business. General, as licensee of Station KIG296, provides two-way common carrier services to mobile units, and is also authorized to provide dispatch station service in Clayton, Ga. (Station KIY402), and Decatur, Ga. (Station KIY527), for two of his subscribers to Station KIG296.[1]

3. Nix, as licensee of Station KIJ356, provides two-way common carrier services in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., and is also authorized to provide dispatch station service in Atlanta, Ga. (Stations KIY509 and KIY583) for two of his subscribers to Station KIJ356.[2] In his application for a construction permit[2] to modify the facilities of Station KIJ356, Nix proposes to change the location of transmitter site No. 1, change the transmitter at that site by replacing it with one of a higher power, change the antenna system and location, and add a new emission.

4. In their joint petition to deny application, Petitioners allege that a substantial percentage of their subscribers are within Driskell's proposed service area and that a grant of Driskell's application will cause them economic injury; that the city of Marietta, Ga., is a part of the general Atlanta metropolitan area, and that the principal market for the proposed station includes Atlanta; that Driskell has made no showing of need for the proposed facilities which could not be satisfied by the existing licensees in the Atlanta region; and, that for the above reasons Driskell's application should be designated for hearing.

5. Both Nix and General are established radio common carriers providing services similar to those proposed by Driskell and operating in the same general area. Petitioners' allegations that the proposed facilities of Driskell will be in direct competition with their existing operations and will cause them economic injury give petitioners standing to protest Driskell's application. Petitioners' allegations of insufficient public demand to support an additional carrier in the proposed area coupled both with Driskell's failure to show conclusively that existing operations in the area cannot satisfy current demands for new services and with Nix's application, which would increase the service area of Station KIJ356, are sufficient to raise an issue as to whether or not a grant of any or all of the applications would result in wasteful duplication of common carrier facilities. Thus, to the extent that the needs of the Atlanta-Marietta area may be determined to be insufficient to support three common carrier operations, the applications of Driskell, Nix, and General appear to be economically mutually exclusive. We find, therefore, that a hearing is required to determine whether a grant of any or all of the applications would serve the public interest, convenience, and necessity.

6. Section 21.504(a) of the rules and regulations of this Commission describes field strength contours of 37 and 39 decibels above 1 microvolt per meter as the limits of reliable service area for base stations engaged in two-way communications service in the 150-162 Mc/s and 450-460 Mc/s bands; and propagation data set forth in section 21.504(b) are a proper basis for establishing the location of the service contours (F50, 50) for the facilities involved in this proceeding.

7. Additionally, we find that except for the issues herein designated, the applicants are financially, technically, legally, and otherwise qualified to render the services they have proposed.

8. Accordingly, in view of our conclusions above: *It is ordered,* That, to the extent hereinafter provided, the "Joint Petition to Deny Application" is granted, and in all other respects, said Petition is denied.

9. *It is further ordered,* That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing, at the Commission's offices in Washington, D.C., on a date to be hereinafter specified upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by Driskell and Nix, including the rates, charges, practices, personnel, classifications, regulations, and facilities pertaining thereto.

(b) To determine the nature and extent of the services currently offered by Nix and General, including the rates, charges, practices, personnel, classifications, regulations, and facilities pertaining thereto.

(c) To determine, in accordance with the standards set forth in paragraph 6 above, the areas and populations which the Driskell and Nix applications propose to serve within their 39 and 37 dbu contours, and to determine the need for the proposed services in said areas.

(d) To determine, in accordance with the standards set forth in paragraph 6 above, the areas and populations which receive services from Station KIG296 within its 37 and 39 dbu contours, and from Station KIJ356 within its 37 dbu contour.

(e) To determine the present uses and demands for the services of Stations KIG296 and KIJ356 in said areas as determined in accordance with issue (d); and to determine the capacities of the said stations.

(f) To determine, in light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, convenience, or necessity would be served by a grant of any or all of the captioned applications.

11. *It is further ordered,* That the burden of proof on issues (a) and (c) is placed on Driskell and Nix; that the burden of proof on issues (b), (d), and (e) is placed on Nix and General insofar as said issues relate to their respective facilities; and the burden of proof on issue (f) is placed on all of the applicants.

12. *It is further ordered,* That the parties desiring to participate herein shall file their appearances in accordance with the provision of § 1.221 of the Commission's rules.

Adopted: May 7, 1969.

Released: May 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6104; Filed, May 21, 1969; 8:48 a.m.]

[1] These stations are authorized under § 21.519(b) of the Commission's rules.

[2] File No. 1585-C2-P-69.

[Docket No. 18405, File No. BPCT-3880; FCC 69R-218]

WLVA, INC.

Memorandum Opinion and Order Modifying Designation Order

1. This proceeding involves an application for change of facilities and a request for waiver of § 73.610(b)(1) of the Commission's rules, filed by WLVA, INC. (WLVA), licensee of television broadcast Station WLVA-TV, Channel 13, Lynchburg, Va. By memorandum opinion and order, 15 FCC 2d 757, 15 RR 2d 105, released December 27, 1968, the Commission designated the WLVA application for hearing under various issues which include inter alia:

(1) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

(2) To determine whether there is an area within which the applicant could locate its transmitter in conformity with all the requirements of the Commission's rules and provide service to the public equivalent to that proposed in the application.

(3) To determine whether the applicant can obtain an increase in tower height at its present transmitter location and, if so, the extent of such increase

and whether service could be provided to the public from that height equivalent to that proposed in the application.

The burden of proceeding with the introduction of evidence and the burden of proof with respect to these issues were placed upon the parties respondent by the Commission.[1] Presently before the Review Board are a petition for reconsideration of the designation order in this proceeding, addressed to the Commission, and a contingent motion for modification of the designation order, addressed to the Board, both of which were filed by the Association of Maximum Service Telecasters, Inc. (AMST) on January 13, 1969, and February 6, 1969, respectively, and which seek a revision of the designation order in order to reallocate the burden of proof with respect to Issues 1 and 4 to the applicant, WLVA.[2]

2. In support of its request, AMST contends that the Commission, in situations legally indistinguishable from this proceeding, has made clear that the general principle which requires an applicant requesting waiver of the provisions of § 73.610(b)(1) to bear the burden of proving all elements of its case applies specifically to the issue of the availability of an alternative site that meets separation requirements and to the issue of adverse impact on UHF development. Petitioner cites recent precedent involving the modification of designation orders in which the burden of proof with respect to such issues was shifted to the applicant by the Commission or the Review Board.[3] According to AMST, there is no reason and no factual basis for not following precedent here especially since the designation order in this proceeding offers no expressed rationale for the allocation of the burden of proof under these issues.

3. In opposition to the AMST position on the burden of proof under the alternative site issue, WLVA contends that the petitioner places an erroneous gloss on the Commission's holding in WTCN Television, Inc., supra, when it states that the burden of production is met when the alternative site issue is merely raised by the respondent and that the applicant's burden of proof constitutes a showing that no site meeting Rule 73.610 requirements could be satisfactorily utilized. It is WLVA's contention that, under the WTCN holding, a respondent must do more than merely raise an issue in its prehearing pleadings and then obtain Commission specification of that issue; rather, according to WLVA, a respondent has the burden of producing substantial evidence sufficient to demonstrate the reasonable possibility of available alternative sites which comply with Commission requirements and which will permit the applicant to provide a broadcast service equivalent to that obtainable from his proposed site. WLVA further argues that, at this point, the applicant then assumes the burden of countering the respondent's evidentiary showing with a preponderance of the evidence to the contrary. With respect to the burden of proof under the UHF impact issue, WLVA characterizes AMST's position as one that holds that the mere existence of UHF allocations restricts any operating VHF station from securing the maximum facilities authorized by the Commission's rules. This approach, WLVA contends, is clearly violative of sections 303 and 307 of the Communications Act which encourage the more effective use of radio frequencies. Ultimately, WLVA argues that the allocation of the burden of proof under the UHF impact issue was appropriate here and followed established Commission precedent. The Bureau, in its comments on the AMST requests, agrees with WLVA that there should be no modification of the burden of proof in regard to the UHF impact issue. The Bureau, while admitting that WLCY–TV, Inc., supra, supports AMST's request in this respect, points out that prior and subsequent precedent supports the Commission's allocation in this proceeding. In regard to the allocation of the burden of proof under the alternative site issue, however, the Bureau supports AMST's request on the basis of past precedent.

4. The procedural objections to AMST's earlier request of the Commission made by the Bureau and WLVA, as noted in footnote 2, supra, are well taken. AMST's request for reconsideration is precluded by the provisions of § 1.111(a) of the rules, and we note that AMST has not alleged reasons to support its request for waiver of the provisions of that rule. See WLCY–TV, Inc., supra. Since the petition is precluded by the rule and since the Board, in effect, is considering an identical request under its delegated authority on the basis of AMST's contingent motion, we will dismiss the pleading addressed to the Commission. Such action will render WLVA's related petition to dismiss moot, and it too will be dismissed by the Board. While we will dismiss these pleadings, we are, nevertheless, considering the substantive arguments contained in WLVA's motion to dismiss and the Bureau's comments since they apply with equal force to the contingent motion filed by AMST with the Board.

5. The precedent cited by AMST clearly supports its position that the applicant, in the context of a short-spacing proceeding, bears the ultimate burden of proof to demonstrate that an alternative site issue should be resolved in its favor. See WTCN Television, Inc., supra; Black Hawk Broadcasting Co. (KWWL–TV), supra; WLCY–TV, Inc., supra. The Board, therefore, will modify the designation order herein as requested by the petitioner to reallocate the burden of proof to the applicant. WLVA's extended discussion concerning the nature and extent of the showing required pursuant to the respondents' burden of proceeding with the introduction of evidence under the alternative site issue is not relevant to the precise question under consideration here which concerns the burden of proof. In this regard, however, the Board notes that its recent decisions in WTCN Television, Inc., 14 FCC 2d 870, 14 RR 2d 485 (1968), review denied, FCC 69–140 (1969), and WLCY–TV, Inc., 16 FCC 2d 506, 15 RR 2d 642 (1969), contain detailed analyses of the nature and extent of the showings required pursuant to the respondent's burden of proceeding with the introduction of evidence and the applicant's ultimate burden of proof under an alternative site issue. Since the same rationale which now prompts us to grant AMST's request with respect to the alternative site issue applies equally to the inquiry under Issue 5 herein, it would appear appropriate for the Board, on its own motion, to shift the burden of proof under that issue to the applicant as well. It will be so ordered.[4]

6. The precedent is not consistent with respect to the proper allocation of the burden of proof under the UHF impact issue. As the Bureau correctly notes, WLCY–TV, Inc., supra, supports AMST's request, but precedent prior and subsequent to that Commission action has seen the burden of proof allocated to the parties respondent. See WATR, Inc. (WATR–TV), 15 FCC 2d 103, 14 RR 2d 714 (1968); WSTE–TV, Inc. (WSTE), 11 FCC 2d 1013 (1968); and Central Coast Television (KCOY–TV), 2 FCC 2d 306, 6 RR 2d 719 (1966). This precedent, however, fails to afford a detailed consideration of the rationale involved in the allocation of the burden of proof, and, in fact, the designation orders in those cases did not specifically consider or discuss the factors inherent in such an allocation. The WLCY–TV precedent, on the other hand, presents a somewhat different situation. In that proceeding, the Commission initially placed the burden of proof under the UHF impact issue on the parties respondent and, thereafter, on its own motion, reconsidered the designation order for the purpose of reallocating the burden of proof under both the alternative site issue and the UHF impact issue to the applicant. In so doing, the Commission stated that, while the respondents should be required to apprise the applicant of the facts militating against grant of the application, the final burden of presenting evidence adequate to show that grant is in the public interest should rest with the applicant. In view of this recent instance of specific consideration by the Commission in a short-spacing context similar to the instant situation, the Board is persuaded to follow the WLCY–TV holding and to reallocate the burden of proof under the UHF impact issue to the applicant. Our action is not meant to suggest that the policy of encouraging competitive facilities in a community is paramount to the policy of encouraging the maximum utilization of broadcast facilities, as WLVA appears to have characterized AMST's position. As the Commission noted in its designation order herein, there is an apparent conflict as to which policy or policies should prevail in this proceeding, and we believe that a more appropriate course to take here where an applicant is requesting waiver of the separation requirements of § 73.610(b) of the rules is to place the ultimate burden of proof on the applicant to demonstrate that all facets of its proposal are in the public interest.

7. *Accordingly, it is ordered,* That the request for the Commission to reconsider designation order on its own motion on or before January 26, 1969, or, in the alternative, request for waiver of § 1.106(a) and § 1.111(a) to accept this pleading as petition for reconsideration, filed by the Association of Maximum Service Telecasters, Inc., on January 13, 1969, is dismissed; and

8. *It is further ordered,* That the motion to dismiss the AMST request, noted above, filed by WLVA, Inc., on January 31, 1969, is dismissed as moot; and

9. *It is further ordered,* That the contingent motion to the Review Board for modification of designation order, filed by the Association of Maximum Service Telecasters, Inc., on February 6, 1969, is granted, and that the allocation of the burden of proof under Issues 1, 4, and 5 in this proceeding is modified to show that said burden is placed upon the applicant, WLVA, Inc.

Adopted: May 15, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–6105; Filed, May 21, 1969; 8:48 a.m.]

[1] Charlottesville Broadcasting Corp., licensee of broadcast Stations WINA(AM) and WINA(FM) and permittee of television broadcast Station WINA–TV, Channel 29, Charlottesville, Va.; WCTV, Inc., permittee of television broadcast Station WVIR, Channel 64, Charlottesville, Va.; Roanoke Telecasting Corp., licensee of television broadcast Station WRFT–TV, Channel 27, Roanoke, Va.; and the Association of Maximum Service Telecasters, Inc., were made parties respondent to the proceeding.

[2] On Jan. 13, 1969, AMST filed "Request for the Commission to Reconsider Designation Order on its own Motion on or before Jan. 26, 1969, or, in the alternative, Request for Waiver of § 1.106(a) and § 1.111(a) to Accept this Pleading as Petition for Reconsideration." On Jan. 23, 1969, the Broadcast Bureau filed its comments on the AMST request, suggested therein that the petition is realistically a request for modification of the burden of proof and, as such, should be referred to the Review Board, and asked that its comments be associated with the pleading in the event it should be referred to the Board. On Jan. 31, 1969, WLVA filed a motion to dismiss the AMST request, based upon the same procedural ground noted by the Bureau, and requested an additional period of time within which to respond to AMST's request should the Commission consider the pleading on its merits. In its motion to dismiss, WLVA discussed the substantive merits of AMST's position. On Feb. 6, 1969, AMST filed a contingent motion with the Board which seeks the same relief requested in the earlier pleading to the Commission in the event the Commission fails to act on the earlier pleading. On Feb. 17, 1969, WLVA filed an opposition to the contingent motion wherein it incorporated by reference its earlier motion to dismiss. The AMST request for Commission action and related pleadings, noted above, have been referred to the Board for its consideration in conjunction with AMST's contingent motion.

[3] AMST cites WTCN Television, Inc., 1 FCC 2d 337, 5 RR 2d 573 (1965); Black Hawk Broadcasting Co. (KWWL–TV), 5 FCC 2d 383, 8 RR 2d 963 (1966); and WLCY–TV, Inc., 6 FCC 2d 550, 9 RR 2d 142 (1967). The Commission's action in WLCY–TV is cited to support petitioner's request for a shift in the burden of proof under the UHF impact issue.

[4] Although not argued by the parties in the pleadings under consideration, the Board must note that, even though the WLVA proposal would result in a small decrease in existing short-spacing and would attempt to provide equivalent protection to Station WHTN–TV, Channel 13, Huntington, W. Va., these factors would not justify retention of the existing allocation of the burden of proof. The more reasonable approach and the one that the Commission has followed in other cases and apparently overlooked here is to allocate the burden of proof to the applicant seeking waiver of the separation requirements, especially where the respondent has provided substantial allegations which have formed the basis for inclusion of an issue in the designation order.

[Report 440]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 19, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

6732–C2–P–69—General Communications Service Inc. (KOA265); C.P. to change the antenna system for the 152.18 MHz facilities at location No. 3: 7.5 miles south of Phoenix, Ariz.

6733–C2–P–69—Consolidated Telephone Co. (New); C.P. for a new 2-way station. Frequency: 152.69 MHz. Location: 0.5 mile north of Highway No. 18, 0.5 miles east of Brainerd, Minn.

6734–C2–P–69—Mobile Telephone Company of New Jersey (New); C.P. for a new 2-way station. Frequency: 454.200 MHz. Location: Cuthbert Colonial Builders, East Cuthbert Boulevard and MacArthur Boulevard, Westmont, N.J.

6743–C2–MP–69—General Communications Service Inc (KOH280); Modification of C.P. to install an additional channel to operate on frequency 152.24 MHz at a new site to be identified as location No. 3: 7.5 miles south of Phoenix, Ariz.

6819–C2–MP–69—RCC of Virginia, Inc. (KIY394); Modification of C.P. to relocate the 152.09 MHz base facilities to 1601 Crump Street, Richmond, Va., and replace transmitter for same.

6820–C2–P–69—Tel-Page Corp. (New); C.P. for a new 2-way station. Base frequency: 152.09 MHz. Location: Moss Hill Road, 3 miles east of Horseheads, N.Y.

6821–C2–P–69—Tel-Page Corp. (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: Moss Hill Road, 3 miles east of Horseheads, N.Y.

6822–C2–P–69—Muenster Telephone Corp. of Texas (KLB597); C.P. to change antenna location from corner of Second and Oak Streets, Muenster, Tex., to: 1 mile northeast of Muenster, Tex., and replace transmitter operating on base frequency 152.81 MHz, also change the antenna system.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6131-C1-R-69—Southern Bell Telephone & Telegraph Co. (KJA76); Renewal of Developmental station license expiring June 14, 1969. Term June 14, 1969, to June 14, 1970.

6746-C1-P-69—The Mountain States Telephone & Telegraph Co. (KXQ89); C.P. to add frequencies 6056.4 and 11,445 MHz toward a new point of communication Powell, Wyo., and change antenna system at its station located at McCullough Peak, 11.7 miles northeast of Cody, Wyo.

6747-C1-P-69—The Mountain States Telephone & Telegraph Co. (New); C.P. for a new fixed station. Frequencies: 6308.4 and 10,995 MHz. Location: 277 North Absaroka Street, Powell, Wyo.

6748-C1-P-69—General Telephone Co. of the Southeast (New); C.P. for a new fixed station. Frequency: 5945.2 MHz. Location: 3007 Roxboro Road, Durham, N.C.

6749-C1-P-69—General Telephone Co. of the Southeast (New); C.P. for a new fixed station. Frequency: 6063.8 MHz. Location: 301 West Main Sreet, Durham, N.C.

6825-C1-P/ML-69—New York Telephone Co. (KZI46); C.P. and modification of license to change the antenna location from Vestal, Vestal Plaza, N.Y., to 3 miles southwest of Binghamton, N.Y., operating on frequency 6404.8 MHz.

6826-C1-ML-69—New York Telephone Co. (KZI47); Modification of license to change point of communication from Vestal, N.Y., to Binghamton, N.Y., for frequency 6152.8 MHz at station located 6 miles west of Windsor, N.Y.

6827-C1-P-69—General Telephone Co. of Kentucky (KVD69); C.P. to add frequency 2112.4 MHz toward Dixon Knob, Ky., via passive reflector station located 131 Memorial Drive, Hazard, Ky.

6828-C1-P-69—General Telephone Co. of Kentucky (New); C.P. for a new fixed station. Frequencies: 2162.4 and 2172.0 MHz. Location: 4 miles south-southeast of Vicco, Dixon Knob, Ky.

6829-C1-P-69—General Telephone Co. of Kentucky (New); C.P. for a new fixed station. Frequency: 2122.0 MHz. Location: 0.5 mile northeast of intersection of State roads Nos. 699 and 221, Leatherwood, Ky.

6854-C1-P-69—Fidelity Telephone (New); C.P. for a new fixed station. Frequency: 2112.4 MHz. Location: 48 West Euclid, Sullivan, Mo.

6855-C1-P-69—Fidelity Telephone (New); C.P. for a new fixed station. Frequency: 2162.4 MHz. Location: Owensville, Mo.

6856-C1-P-69—Southern Bell Telephone & Telegraph Co. (KJA89); C.P. to add frequency 6152.8 MHz toward Anderson Mountain, N.C., at its station located 208 North Caldwell Street, Charlotte, N.C.

6857-C1-P-69—Southern Bell Telephone & Telegraph Co. (KJA90); C.P. to add frequency 6375.2 MHz toward Charlotte, N.C., and 6256.5, 6375.2 MHz toward Gastonia, N.C., at its station located 6.5 miles east-southeast of Malden, N.C.

6858-C1-P-69—Southern Bell Telephone & Telegraph Co. (KJL99); C.P. to add frequencies 6034.2 and 6152.8 MHz toward Anderson Mountain, N.C., at its station located 220 South Street, Gastonia, N.C.

Major Amendment

6272-C1-P-69—General Telephone Co. of the Northwest, Inc. (New); Change frequency 10,955 MHz (toward Cooks Mountain Passive and via Passive to Little Blacktail Mountain, Idaho) to read 10,995 MHz, all other particulars to remain the same as reported on public notice dated Apr. 28, 1969, Report No. 437.

Correction

6331-C1-P-69—New York Telephone Co. (New); Correct entry to read: C.P. for a new fixed station. Frequencies: 5989.7, 6019.3, 6123.1, 6152.8, 10,775, and 10,755.0 MHz, all other particulars to remain same as listed on public notice dated May 5, 1969, Report No. 438.

6333-C1-P-69—New York Telephone Co. (New); Correct entry to read C.P. for a new fixed station. Frequencies: 11,305, 11,465.0, 11,025.0, 11,685.0, and 6301.0 MHz. Location: 2.5 miles west-northwest of Adams Center, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6728-C1-P-69—East Texas Transmission Co. (KLH78); C.P. to add frequencies 10,715, 10,835, 10,955 MHz on azimuth 110°30' at station located 0.6 mile southwest of College Mound, Tex.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6847-C2-P-69—Radio Contact Corp. (New); C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: 1919 14th Street, Boulder, Colo.

6848-C2-P-69—Radio Contact Corp. (New); C.P. for a new 2-way station. Frequency: 454.20 MHz. Location: 1919 14th Street, Boulder, Colo.

6849-C2-P-69—The Redco Corp. & Roy M. Teel & Lowry McKee, doing business as Mobilfone (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: Broadway Tower Building, 114 East Broadway, Enid, Okla.

6850-C2-P-69—Andrew J. Dibrell (KLF536); C.P. to change the antenna location from 612 Allende Street, Laredo, Tex. to west of State Highway No. 35, north edge of Laredo, Tex., operating on base frequency 152.03 MHz.

6851-C2-MP-69—Radio Dispatch Co. (KGI774); Modification of C.P. to change the antenna location from Wilson Building, Broadway and Federal Streets, Camden, N.J. to Northeast Tower, Benjamin Franklin Bridge, Camden, N.J.

6860-C2-P-(2)-69—Mobilfone Communications, Inc. (KKX714); C.P. to install two additional channels to operate on frequencies 454.05 and 454.10 MHz at location No. 1: Top of hill, 1 mile west of city limits of Austin, Tex.

6861-C2-P-69—The Bell Telephone Co. of Pennsylvania (KGB868); C.P. to install a third channel to operate on frequency 152.810 MHz at its station located Hilltop, 3 miles southeast of Allentown, Pa. Also change the antenna system.

6862-C2-P-69—The Lincoln Telephone & Telegraph Co. (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: 321 North St. Joseph Avenue, Hastings, Nebr.

6867-C2-P-(2)-69—General Telephone Co. of Calif. (New); C.P. for a new 1-way-signaling station. Frequency: 158.100 MHz. Locations: Location No. 1: Pomona Central Office, 280 South Locust Street, Pomona, Los Angeles, Calif. Location No. 2: Ontario Central Office, 207 West D Street, Ontario, San Bernardino County, Calif.

Correction

6869-C2-P-69—Gulf Mobilphone of Vicksburg (New); Correct entry to read: C.P. for a new 2-way station. Frequency: 454.10 MHz. Location: On Highway No. 84, at the Mississippi River Bridge, Natchez, Miss. All other particulars to remain same as listed on public notice dated May 12, 1969, Report No. 439.

4435-C2-P-69—Tel-Car Inc. (New); Correct to read Tel-Car Inc. (KUA224), C.P. to install an additional channel at location No. 3 9.5 miles north-northeast of Emmett, Idaho, to operate on base frequency 152.09 MHz and repeater frequency 454.150 MHz. All other particulars to remain the same as reported on public notice dated Feb. 10, 1969, Report No. 426.

Major Amendment

5325-C2-P-69—The Township Telephone Co. of Chaumont, N.Y. (New); Amend to read to operate on a frequency of 152.72 MHz. All other particulars to remain the same as reported on public notice dated Mar. 17, 1969, Report No. 431.

RURAL RADIO SERVICE

6823-C1-P-69—Pacific Northwest Bell Telephone Co. (KTQ54); C.P. to replace transmitter operating on frequency 157.89 MHz at its station located 11.5 miles southwest of Madras, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

6735-C1-P-69—Bell Telephone Co. of Nevada (KYJ40); C.P. to add frequencies 11,565 and 6271.4 MHz toward a new point of communication at Spirit Mountain, Nev., at its station located 11.5 miles west-northwest of Searchlight, Nev.

6736-C1-P-69—American Telephone & Telegraph Co. (KIK64); C.P. to add frequency 3830 MHz toward Lanesville, Ind., at station located 521 West Chestnut Street, Louisville, Ky.

6737-C1-P-69—American Telephone & Telegraph Co. (KSJ47); C.P. to add frequency 3790 MHz toward Guston, Ky., and add 4110 MHz toward Louisville, Ky., at station located 3.8 miles southeast of Lanesville, Ind.

6744-C1-P-69—Hawaiian Telephone Co. (KUS23); Modification of C.P. to replace transmitter for frequency 2115.6 MHz at its station located at Kamuela, Hawaii.

6745-C1-P-69—Hawaiian Telephone Co. (KKU39); Modification of C.P. to replace transmitter for frequency 2165.6 MHz at station located summit of Mauna Kea, 18.6 miles southeast of Kamuela, Hawaii.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

6729-C1-P-69—East Texas Transmission Co. (KLH74); C.P. to add frequencies 11,245, 11,365, 11,485, and 11605 MHz on azimuth 115°00' at station located 1.3 miles northwest of Colfax, Tex.

6730-C1-P-69—East Texas Transmission Co. (KLH75); C.P. to add frequencies 10,715, 10,835, 10,955, and 11,075 MHz on azimuth 175°00' at station located at Tyler, Tex.

6731-C1-P-69—East Texas Transmission Co. (KLU31); C.P. to add frequencies 11,245, 11,365, 11,485, and 11,605 MHz on azimuth 236°06' at station located 2.5 miles northwest of Jacksonville, Tex. (Informative: Applicant proposes to provide the television signals of stations KMEC-TV, KFWT, KLIF, and KERA-TV of Fort Worth-Dallas area to Jack Kent Cooke, Inc., in Palestine, Tex.)

[F.R. Doc. 69-6099; Filed, May 21, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-742, etc.]

SINCLAIR OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 14, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-742..	Sinclair Oil Corp. et al., Post Office Box 521, Tulsa, Okla. 74102.	[4] 285	3	United Gas Pipe Line Co. (Normanna Field, Bee County, Tex.) (RR. District No. 2).	$11,429	4-21-69	[3] 6-22-69	11-22-69	15.00	[4] 19.665	
RI69-743	Pan American Petroleum Corp. (Operator) et al., Post Office Box 3092, Houston, Tex. 77001.	69	16	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (RR. District No. 3).	302,129	4-21-69	[3] 5-22-69	10-22-69	[8] 14.0	[5] [6] 16.37588	
.....do.....		363	[4] 26	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	207	4-21-69	[3] 5-22-69	10-22-69	13.0	[7] [10] 14.0	
.....do.....		397	[11] 6	El Paso Natural Gas Co. (Gallup Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	270	4-21-69	[3] 5-22-69	10-22-69	13.0	[7] [10] 14.0	
RI69-744..	Pan American Petroleum Corp.	421	6	Natural Gas Pipeline Co. of America (Old Ocean Field, Matagorda County, Tex.) (RR. District No. 3).	2,190	4-21-69	[3] 5-22-69	10-22-69	[8] [13] 15.5	[6] [13] 17.5	
RI69-745..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	124	15	Natural Gas Pipeline Co. of America (Camrick Field, Texas and Beaver Counties, Okla.) (Panhandle Area).	1,924	4-22-69	[3] 6- 5-69	11- 5-69	[9] [14] 18.415	[6] [7] [9] [14] 18.615	RI68-639.
RI69-746..	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	[12] [15] 47	9	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (RR. District No. 9).	316	4-21-69	[3] 7- 1-69	12- 1-69	[17] 14.49	[6] [7] [17] 16.10	
.....do.....		[11] [15] 140	12	Natural Gas Pipeline Co. of America (Grand Valley Field, Texas and Beaver Counties, Okla.) (Panhandle Area).	843	4-21-69	[3] 5-22-69	10-22-69	[8] 17.8	[6] [9] [14] [18] 18.615	RI66-165.
.....do.....		[12] [21] 178	6	Panhandle Eastern Pipe Line Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	851	4-21-69	[3] 5-22-69	10-22-69	17.4	[6] [14] [20] 18.415	RI68-620.
.....do.....		[12] [22] 218	4	.....do.....	1,208	4-21-69	[3] 5-22-69	10-22-69	17.6	[6] [14] [22] 18.415	RI66-165.
.....do.....		[15] [20] 263	4	Northern Natural Gas Co. (Ellis County, Okla. (Panhandle Area) and Lipscomb County, Tex. (RR. District No. 10).	1,667 1,049	4-21-69	[3] 5-22-69	10-22-69	[8] [24] 17.0 [8] [27] 17.0	[6] [7] [9] [14] 18.0 [6] [7] [9] [14] 18.015	
.....do.....		[20] 46	6	Mountain Fuel Supply Co. (Powder Wash Field, Moffat County, Colo.).	456	4-21-69	[3] 6-18-69	11-18-69	13.0	[7] [10] 14.0	
.....do.....		[20] 170	8	El Paso Natural Gas Co. (Tubbs and Blueby Fields, Lea County, N. Mex.) (Permian Basin Area).	1,078	4-21-69	[3] 5-22-69	10-22-69	14.88	[6] [20] [9] 16.879	
.....do.....		[20] 215	6	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	971	4-21-69	[3] 5-22-69	10-22-69	16.13	[6] [20] [20] [9] 16.832	
.....do.....		[20] 216	2	West Texas Gathering Co. (Emperor Devonian Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	2,144	4-21-69	[3] 5-22-69	10-22-69	16.39	[6] [20] 18.0	
.....do.....		[20] 290	5	El Paso Natural Gas Co. (Rojo Cabellos Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	7,044	4-21-69	[3] 5-22-69	10-22-69	16.5	[6] [20] 19.0	
.....do.....		[20] 398	2	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	23,798 9,997	4-21-69	[3] 5-22-69	10-22-69	[20] 16.49 [20] 14.48	[6] [21] 18.0 [6] [21] 18.0	

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-747..	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator).	7	13	El Paso Natural Gas Co. (Kelly-Snyder Field—Snyder Plant, Scurry, Tex.) (RR. District No. 8) (Permian Basin Area).	$22,293	4-18-69	[2] 5-19-69	10-19-69	16.30	[4] [26] 17.11	
RI69-748..	Standard Oil Co. of Texas, a division of Chevron Oil Co.	21	4	Transwestern Pipeline Co. (Chenot Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	10,782	4-18-69	[2] 5-19-69	10-19-69	14.40	[4] [26] 18.0	
	do	22	6	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin Area).	69,798	4-18-69	[2] 5-19-69	10-19-69	14.72	[4] [34] 18.0	
	do	23	5	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	21,985	4-18-69	[2] 5-19-69	10-19-69	14.86	[4] [34] 18.0	
	do	24	5	do	12,266	4-18-69	[2] 5-19-69	10-19-69	14.86	[4] [34] 18.0	
	do	25	5	do	407,572	4-18-69	[2] 5-19-69	10-19-69	14.86	[4] [34] 18.0	
RI69-749..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	344	3	Transwestern Pipeline Co. (Hailey Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	36,216	4-21-69	[2] 5-22-69	10-22-69	[36] 16.49	[4] [26] [34] 20.52	
					14,218				[37] 14.48	[4] [26] [34] 20.52	
RI69-750..	W. M. Gallaway et al., Post Office Box 630, Farmington, N. Mex. 87401.	2	[38] 3	El Paso Natural Gas Co. (Ignacio Dakota, La Plata County, Colo.).	840	4-24-69	[40] 5-25-69	10-25-69	13.0	[7] [13] 14.0	
RI69-751..	St. Clair Oil Co., 219 East Main St., St. Clairsville, Ohio 43950.	12	[41] 14	Equitable Gas Co. (Harrison, Lewis, and Upshur Counties, W. Va.).	[28]	4-22-69	[40] 5-23-69	10-23-69	25.0	[41] [43] 27.0	
RI69-752..	Sun Oil Co.—DX Division, 987 South Detroit Ave., Tulsa, Okla. 74120.	64	12	El Paso Natural Gas Co. (Monument Field, Lea County, N. Mex.) (Permian Basin Area).	10,903	4-21-69	[2] 5-22-69	10-22-69	14.31	[4] [26] [29] [44] 16.8793	
	do	81	16	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,837	4-21-69	[2] 5-22-69	10-22-69	14.50	[4] [26] 18.2430	
	do	92	40	El Paso Natural Gas Co. (Fullerton Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,876	4-21-69	[2] 5-22-69	10-22-69	15.19	[4] [26] 18.2430	
	do	93	12	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (RR. District No. 8A) (Permian Basin Area).	12,020	4-21-69	[2] 5-22-69	10-22-69	14.21	[4] [26] 18.2430	
	do	94	11	El Paso Natural Gas Co. (Slaughter Field, Hockley County, Tex.) (RR. District No. 8A) (Permian Basin Area).	2,727	4-21-69	[2] 5-22-69	10-22-69	14.50	[4] [26] 18.2430	
	do	101	9	El Paso Natural Gas Co. (Blinebry and Tubbs Fields, Lea County, N. Mex.) (Permian Basin Area).	5,521	4-21-69	[2] 5-22-69	10-22-69	14.99	[4] [26] [29] [44] 16.8793	
	do	133	7	El Paso Natural Gas Co. and Pecos Co. (Jack Jerbert and Amacker Tippett Fields, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	130	4-21-69	[2] 5-22-69	10-22-69	14.10	[4] [26] 15.2025	
	do	142	11	El Paso Natural Gas Co (Blinebry et al. Fields, Lea County, N. Mex.) (Permian Basin Area).	13,119	4-21-69	[2] 5-22-69	10-22-69	14.22	[4] [26] [29] [44] 16.8793	
	do	282	3	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	[45] 133,854	4-21-69	[2] 5-22-69	10-22-69	[46] 14.48	[4] [26] 20.5	
									[47] 16.49	[4] [26] 20.5	

[2] The stated effective date is the effective date requested by Respondent.
[3] From permanently certificated initial rate per Opinion No. 476 to contractually provided for periodic. (19-cent base and 0.665-cent tax reimbursement).
[4] Pressure base is 14.65 p.s.i.a.
[5] Atlantic Richfield Co. has filed to succeed to all of Sinclair's rate schedules on Mar. 17, 1969.
[6] Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 510.
[7] Periodic rate increase.
[8] Subject to a downward B.t.u. adjustment.
[9] Applies to acreage added by Supplement No. 25 only.
[10] Pressure base is 15.025 p.s.i.a.
[11] Applies to acreage added by Supplement No. 5 only.
[12] From settlement rate to contractually provided for periodic.
[13] Settlement rate as approved by Commission order issued Apr. 13, 1966, in Docket Nos. G-9279 et al.
[14] Includes 0.015-cent tax reimbursement.
[15] Atlantic Richfield Co. filed notice of succession to all of Sinclair's rate schedules on Mar. 17, 1969.
[16] Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 352.
[17] Includes 0.49-cent tax reimbursement before increase and 0.10-cent tax reimbursement after increase. Respondent is contractually due rate of 16.56 cents, inclusive of 0.56-cent tax reimbursement.
[18] Four-step periodic rate increase.
[19] Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 395.
[20] Five-step periodic rate increase.
[21] Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 422.
[22] Four-step periodic rate increase.
[23] Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 464.
[24] Texas production.
[26] Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 490.
[26] Tentatively designated as Atlantic Richfield Co. Rate Schedule Nos. 351(46), 417(170), 451(215), 452(216), 514(290), and 615(398).
[27] Oklahoma production.
[28] Filing from area ceiling rate to rate authorized by the contract.
[29] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[30] Subject to 0.4467 cent per Mcf reduction for low pressure gas.
[31] "Fractured" rate increase. Contract rate is 20.5 cents.
[32] Residue derived from new gas-well gas.
[33] Residue not derived from new gas-well gas.
[34] Fractured increase from applicable area ceiling rate. Contract rate is 21.8 cents per Mcf.
[35] Base rate of 20.5 cents adjusted for quality.
[36] New gas-well gas and residue derived therefrom.
[37] Casinghead gas and residue not derived from new gas-well gas.
[38] Does not apply to acreage added by supplemental agreement dated Mar. 27, 1969 (Supplements Nos. 1 and 2).
[39] Volume not given.
[40] The stated effective date is the first day after expiration of the statutory notice.
[41] Renegotiated rate increase.
[42] Pressure base is 15.325 p.s.i.a.
[43] Does not include gas from acreage added by Supplement No. 13. Includes wells stimulated by refracturing, cleaned out or drilled deeper.
[44] Subject to 0.4467-cent reduction for compression by buyer, if needed.
[45] No volume shown for casinghead gas.
[46] Casinghead gas.
[47] New gas-well gas.

W. M. Gallaway et al. (Gallaway), request a retroactive effective date of January 1, 1969, for their proposed rate increase. St. Clair Oil Co. (St. Clair) requests that its proposed rate increase be permitted to become effective as of May 3, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Gallaway and St. Clair's rate filings and such requests are denied.

Two of Sinclair Oil Corp. (Sinclair) and three of Sun Oil Co.—DX Division's (Sun) proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I, Part 2, § 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-5998; Filed, May 21, 1969; 8:45 a.m.]

[Docket No. CP68-276]

DELTA NATURAL GAS CO., INC., AND TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

MAY 15, 1969.

Take notice that on May 5, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-276 a petition to amend the order issued in said docket on June 17, 1968, by authorizing the use of existing facilities for the sale and delivery of natural gas to Delta Natural Gas Co., Inc., "Applicant" in the original order, instead of establishing a new connection on Petitioner's main line, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of June 17, 1968, Petitioner as the Respondent in Docket No. CP68-276 was ordered to establish physical connection of its transmission facilities with the facilities to be constructed by Delta Natural Gas Co., Inc., and to sell and deliver to Delta up to 369 Mcf per day of natural gas for distribution and resale in Clearfield, Ky., and environs.

Petitioner states that it is presently rendering up to 304 Mcf per day of natural gas to Delta for Delta's Salt Lick Service Area pursuant to authorization issued in Docket No. CP60-94.

Petitioner further states that Delta has now requested that Petitioner combine the maximum contract quantity of 369 Mcf which Petitioner was directed to deliver in Docket No. CP68-276 with the 304 Mcf now served by Petitioner pursuant to authorization issued in Docket No. CP60-94. According to the instant filing, Delta has encountered difficulty in obtaining right-of-way for its proposed transmission lateral originally planned to extend from a point on Petitioner's system to the town of Clearfield. Delta has also requested that the facilities utilized in delivering the Salt Lick service be used in serving the needs of the Clearfield distribution system.

Accordingly, Petitioner requests that the order heretofore issued in Docket No. CP68-276 be amended so as to provide that the quantity of gas which Petitioner was directed to serve Delta for the requirements of the town of Clearfield be combined with the existing authorized contract quantity of Delta's Salt Lick Service Area and that Petitioner be directed to serve Delta a total maximum contract demand of 673 Mcf per day of natural gas through existing delivery points.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6072; Filed, May 21, 1969; 8:45 a.m.]

[Docket No. CP69-295]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

MAY 15, 1969.

Take notice that on May 8, 1969, Eastern Shore Natural Gas Co. (Applicant), 114 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP69-295 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and certain changes in the authorized deliveries to existing customers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 3.3 miles of 10-inch loop pipeline from a point near Blackbird, Del., to a point near Green Spring, Del. Applicant states that the proposed loop will increase from 200 p.s.i. to 240 p.s.i. the daily average design pressure at the southern end of its system. The application indicates that this increase in pressure is necessary to absorb hourly pressure fluctuations and to reduce the need for peak shaving to a more economical level in rendering service to the Salisbury, Md., area.

The application indicates the total estimated cost of the proposed project to be $120,905, which cost will be financed from funds generated from operations.

Also, Applicant proposes to make the following changes in authorized deliveries to the following existing customers:

	Present	Proposed	Change
CD-1 Rate schedule deliveries:			
Cambridge Gas Co.	825	875	50
Chesapeake Utilities Corp., Dover Division	4,350	4,140	(210)
Easton, Md.	[1] 360	620	260
Elkton Gas Service (CD-E)	1,250	1,350	100
Total increase			200
GSS-1 Rate schedule deliveries:			
Cambridge Gas Co.	150	300	150
Chesapeake Utilities Corp.:			
Citizens Division	400	600	200
Dover Division	750	1,500	750
Sussex Division		100	100
Elkton Gas Service	200	300	100
Total increase			1,300
Direct Industrial Service:			
Stauffer Chemical Co.	6,550	7,050	500
Easton, Md.	740	630	(110)
Total increase			390

[1] Present deliveries being made under Applicant's G-1 Rate schedule.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further

notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6071; Filed, May 21, 1969; 8:45 a.m.]

[Dockets Nos. G-12221, CP68-350]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend Further

MAY 15, 1969.

Take notice that on May 5, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Dockets Nos. G-12221 and CP68-350 a petition to amend further the Commission's orders issued July 19, 1957, as amended, and September 3, 1968, as amended, respectively, so as to authorize the construction and operation of certain facilities in lieu of previously authorized facilities and to remove the volumetric limitation now imposed on the sale of gas to Washington Natural Gas Co. (Washington Natural) for resale in Grotto, Wash., and environs, all as more fully set forth in the petition to amend further, which is on file with the Commission and open to public inspection.

The order of July 19, 1957, as amended, authorized Petitioner to construct and operate certain facilities, including a 35.1 mile 6-inch lateral line, and to sell and deliver natural gas to Washington Natural for resale in Grotto and environs. The order of September 3, 1968, as amended, authorized Petitioner to construct and operate delivery facilities on the Grotto lateral and to sell and deliver natural gas to Washington Natural for resale in the communities of Sultan, Startup, and Goldbar, Wash., and their respective environs.

Petitioner states that it has been requested by Washington Natural to install a master measuring and regulating station near the upstream terminus of the Grotto lateral and, by means thereof, to measure and regulate singularly the entire stream of gas used for delivery at the individual delivery points serving the communities of Sultan, Startup, Goldbar, and Grotto. Accordingly, Petitioner proposes to construct and operate the master station in replacement of the measuring and regulating equipment authorized in Docket No. G-12221 and the individual meter stations authorized in Docket No. CP68-350, but never actually installed. The existing tap for Grotto and the individual taps for the three other communities will continue to be used as delivery facilities for gas to be measured at the proposed master station. Petitioner alleges that increased operational efficiencies will result from utilization of a single meter station at a single measurement point in lieu of four meters and measurement points otherwise required. The total estimated cost of the master station is estimated by Petitioner to be $14,250.

Petitioner states further that the order of July 19, 1957, originally authorized the construction and operation of facilities necessary for a direct sale of gas by Petitioner to a cement plant in Grotto. By subsequent amending orders this direct sale was converted to a sale to Washington Natural for resale to said plant and for resale and distribution in Grotto. A total maximum delivery limitation of 3,350 Mcf per day was fixed upon the sale. The petition indicates that, inasmuch as the cement plant has been shut down, the daily demand for Grotto is now quite small, and, accordingly, Petitioner believes that the volumetric limitation is no longer necessary and should be removed.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6073; Filed, May 21, 1969; 8:45 a.m.]

[Docket No. CP69-293]

TRUNKLINE GAS CO.

Notice of Application

MAY 15, 1969.

Take notice that on May 8, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-293 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to connect additional reserves to Applicant's existing marine system, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas purchase contract, dated November 27, 1968, with General Crude Oil Co., Hamilton Brothers Oil Co., Placid Oil Co., Highland Resources, Inc., Hunt Oil Co., Kewanee Oil Co., Transocean Oil, Inc., and Union Carbide Petroleum Corp. covering the purchase and sale of gas produced from leases located in Blocks 179 and 187, South Timbalier Area, offshore southern Louisiana.

Specifically, Applicant proposes to construct and operate approximately 9.8 miles of 12-inch pipeline extending from its existing Platform ST-175 in Block 175 to a platform to be constructed in Block 179 by the above named producers. The application indicates the total estimated cost of the proposed project to be $2,300,000, which cost will be financed initially from funds on hand and by bank borrowings. Permanent financing will be through the issuance of long term securities.

Applicant states that no additional markets have been contracted in reliance upon this additional supply and that said supply is intended merely to augment Applicant's gas reserves.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6074; Filed, May 21, 1969; 8:45 a.m.]

[Docket No. CP69-294]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 15, 1969.

Take notice that on May 8, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-294 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 440 horsepower compressor unit and appurtenant equipment located at Applicant's Sharon Compressor Station, Claiborne Parish, La., all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the Sharon Station was originally constructed to compress gas to be delivered by Applicant to Texas Gas Transmission Corp. from Applicant's low pressure Sareptа-Sterlington pipeline. Applicant further states that the gas supply on this low pressure system is declining and can be absorbed without compression in other markets connected to the system and that only one of the two 440 horsepower units at the Sharon Station is required by present and future projected operating conditions.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6075; Filed, May 21, 1969; 8:46 a.m.]

[Docket No. CP63-92 etc.]

UNITED GAS PIPE LINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Joint Petition To Amend

MAY 15, 1969.

Take notice that on May 8, 1969, United Gas Pipe Line Co. (United), Post Office Box 1701, Shreveport, La. 71102, filed a petition to amend the order issued in Docket No. CP63-92 on July 5, 1963, and Texas Eastern Transmission Corp. (Texas Eastern) filed a petition to amend the orders issued in Dockets Nos. CP61-203 and CP64-5 et al., by authorizing United to transport additional quantities of natural gas for Texas Eastern and to construct an additional point for receipt of natural gas from Texas Eastern for transportation and redelivery to Texas Eastern and by authorizing Texas Eastern to postpone construction of certain facilities, all as more fully set forth in the joint petition to amend which is on file with the Commission and open to public inspection.

By the order issued in Docket No. CP63-92 on July 5, 1963, as amended, United was authorized to transport and deliver natural gas to Texas Eastern. United requests that the order of July 5, 1963, be further amended so as to authorize an additional point for the receipt of gas from Texas Eastern for transportation and subsequent redelivery at an existing point of connection between the facilities of the parties located near Sharon in Claiborne Parish, La., and the transportation of additional quantities of gas for Texas Eastern. The increase in the quantities of gas transported would be from 55,000 Mcf to 75,000 Mcf per day for a period ending November 1, 1979.

If United's petition to amend is granted, then Texas Eastern requests that it be permitted to postpone the construction and operation of its proposed Castor-Monroe, La., 20-inch pipeline certificated by the order issued December 17, 1962, in Docket No. CI61-203, as amended by the order issued December 19, 1963 in Docket No. CP64-5 et al.

Any person desiring to be heard or to make any protest with reference to said joint petition to amend should on or before June 12, 1969 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6076; Filed, May 21, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CONTINENTAL INVESTMENT CORP.

Order Suspending Trading

MAY 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Investment Corp. (an Arizona corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1969, through May 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6087; Filed, May 21, 1969; 8:47 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MAY 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1969, through May 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6088; Filed, May 21, 1969; 8:47 a.m.]

[70-4749]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

MAY 16, 1969.

Notice is hereby given that Indiana & American Electric Power Co., Inc. Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Ind. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"),

designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60 million principal amount of its First Mortgage Bonds, ____ percent Series due 1974. The bonds will be dated as of the first day of the month in which they are issued. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price to be paid to I&M (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof, excluding accrued interest) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust, dated as of June 1, 1939, between I&M and Irving Trust Co., New York, N.Y. and E. J. McCabe (successor individual trustee), as Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued.

The net proceeds from the sale of the bonds, together with anticipated capital contributions from AEP in the amount of $15 million, made pursuant to prior authorization, will be used to finance construction, to prepay an estimated $36 million of short-term notes issued for such purpose, and to reimburse its treasury for payment at maturity on June 1, 1969, of $22,500,000 of the company's First Mortgage Bonds. Any remaining balance will be used for general corporate purposes.

The application states that the issue and sale of the bonds are subject to authorization by the Public Service Commission of Indiana, the State commission of the State in which I&M is organized and doing business, and by the Michigan Public Service Commission, the State commission of the State in which I&M is qualified to and is doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses relating to the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than June 4, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6085; Filed, May 21, 1969; 8:46 a.m.]

[70-4755]

NORTHEAST UTILITIES ET AL.

Notice of Proposed Issue and Sale of Notes to Bank by Subsidiary Company and Issue and Sale of Subordinated Notes by Subsidiary Company to Holding Company

MAY 16, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), Post Office Box 270, Hartford, Conn. 06101, a registered holding company, and The Connecticut Light & Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Masachusetts Electric Co. ("WMECO"), each an electric-utility subsidiary company of Northeast, and The Millstone Point Co. ("Millstone Point"), a subsidary company of Northeast, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(d), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECC (referred to collectively as the "Owners") own as tenants-in-common the Millstone Nuclear Power Station ("Station") with 53 percent, 28 percent, and 19 percent interests, respectively. Millstone Point is acting as their agent with respect to the construction and operation of the Station. The Owners have entered into a fuel contract with respect to their nuclear fuel requirements, and the estimated fabrication cost of the first nuclear fuel core is $9,250,000. The estimated cost of the second and third cores is $26,700,000 and $25,000,000, respectively.

The Owners propose to transfer and assign to Millstone Point their respective interests in the fuel contract and Millstone Point will reimburse Owners for all amounts theretofore paid by them under such contract. As of May 9, 1969, the amount so required to be reimbursed by Millstone to Owners was approximately $6,939,000 and the balance required to be paid for the nuclear fuel for the first core was approximately $2,313,000. The Owners have also agreed, in accordance with their respective ownership interests in the station, to reimburse Millstone Point each month for all amounts paid or accrued by it during the month with respect to nuclear fuel other than amounts paid to the nuclear fuel contractor under the fuel contract.

Millstone Point, in order to temporarily finance this undertaking, proposes to issue and sell from time to time up to an aggregate principal amount of $7,500,000 of short-term notes to banks and up to an aggregate principal amount of $2,750,000 of short-term subordinated notes to Northeast. The aggregate amount of such short-term notes at any one time outstanding, including both the bank notes and the subordinated notes, will at no time exceed $10,250,000. The proceeds of such notes will be used to finance its capital requirements until such time as permanent financing for nuclear fuel is completed. When permanent financing for nuclear fuel arrangements are completed, Millstone Point will retransfer and reassign to Owners, all of Millstone Point's interests in the fuel contract and in the nuclear fuel acquired thereunder and Owners will pay to Millstone Point an amount equal to its aggregate costs with respect to the fuel less any amount theretofore reimbursed by Owners. Such permanent financing, reassignment and retransfer will be the subject of a future filing with the Commission.

The $7,500,000 of notes to banks will each be dated as of the date of issue, will have maximum maturity dates of nine months with the right of renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, and will be subject to repayment at any time at Millstone Point's option without premium. The notes are to be sold to the following banks in the respective amounts shown:

The Connecticut Bank & Trust Co	$6,000,000
The Connecticut National Bank	1,500,000
Total	$7,500,000

The $2,750,000 of short-term subordinated notes will be similar in all respects to the notes to be sold to banks except that they will be subordinated to bank borrowings and any other indebtedness issued by Millstone Point to third parties.

Millstone Point presently has outstanding $150,000 aggregate principal amount of long-term unsecured notes which were acquired by Northeast in accordance with the Commission's order (Holding Company Act Release No. 15691). Millstone Point, prior to any bank borrowing, proposes to issue new long-term notes in substitution for the outstanding long-term notes. The substitute long-term notes will have the same terms as the outstanding notes, except that they will be subordinated to bank borrowings and any other indebtedness by Millstone Point to third parties.

Fees and expenses incident to the proposed transactions are estimated at $500, including legal fees of $300. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by Affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6086; Filed, May 21, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License 03/03-0023]

FIRST PITTSBURGH SMALL BUSINESS INVESTMENT CO.

Surrender of License To Operate

Notice is hereby given that First Pittsburgh Small Business Investment Co., Pittsburgh, Pa., has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), surrendered its license to operate as a small business investment company.

Notice is further given that the Small Business Administration did, on May 8, 1969, accept the surrender. Accordingly, First Pittsburgh Small Business Investment Co. is no longer licensed to operate as a small business investment company.

Dated: May 14, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-6094; Filed, May 21, 1969; 8:47 a.m.]

[Delegation of Authority 30 (Northeastern Area), Amdt. 1]

AREA COORDINATORS AND REGIONAL DIRECTORS

Delegation of Authority To Conduct Program Activities in the Northeastern Area

Pursuant to the Authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Northeastern Area), 33 F.R. 10666, dated July 26, 1968, is hereby amended by:

1. Revising Item I.E.1, to read as follows:

I. *Area Coordinators.* • • •

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.* • • •

B. *Development company assistance.* • • •

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(*Name*), *Administrator*

By: _____
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. *Regional Directors.* • • •

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* • • •

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

G. *Supervisory Loan Officer and/or Assistance Team Leader.* • • •

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance

with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

* * * * *

4. Revising Items II.I. 3 and 4 and adding thereto a new Item II.I.5, to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator

By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: December 31, 1968.

THOMAS J. NOONAN,
Area Administrator.

[F.R. Doc. 69-6096; Filed, May 21, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1296]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 16, 1969.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 16682 (Sub-No. 79), filed April 21, 1969. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, store fixtures and equipment, and environment controlled units*, between Des Moines, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 19227 (Sub-No. 133), filed April 27, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers* which because of size or weight require the use of special equipment, and *cooling towers, fluid coolers and parts and accessories* for cooling towers and fluid coolers which do not require the use of special equipment, when moving in the same vehicle with cooling towers and fluid coolers which because of size and weight require the use of special equipment, from the plantsite of the Marley Co., Louisville, Ky., to points in the United States (except Alaska, Hawaii, Virginia, West Virginia, Ohio, and Tennessee), and (2) *lumber*, including plywood, from the plantsite of the Marley Co., Stockton, Calif., to points in Illinois, Iowa, Kansas, Oklahoma, South Carolina, District of Columbia and points within 100-mile radius of South Bend, Ind., in the States of Indiana and Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Stockton, or San Francisco, Calif., and Louisville, Ky.

No. MC 20722 (Sub-No. 22), filed April 23, 1969. Applicant: M & G CONVOY, INC., 590 Elk Street, Post Office Box 218, Buffalo, N.Y. 14205. Applicant's representative: Walter N. Bieneman, 1 Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *parts thereof moving therewith*, in initial movements, in truckaway and driveaway service, from Westmoreland County, Pa., to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, Pennsylvania, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20872 (Sub-No. 12), filed May 1, 1969. Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, Ind. 46750. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware, and articles used in the manufacture, sale or distribution thereof*, between Huntington, Ind., on the one hand, and, on the other, the plant and warehouse sites of Corning Glass Works at or near Bluffton, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 29079 (Sub-No. 53) (Correction), filed March 27, 1969, published FEDERAL REGISTER issue of April 24, 1969, corrected and republished this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Hartford, Ky., to points in Illinois, Indiana, those in Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay, Mich., and points in Ohio. NOTE: The purpose of this republication is to reflect wooden "pallets" in lieu of wooden pellets, which was erroneously shown in previous publication. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 248), filed April 30, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* in driveaway service, from Portland, Oreg., to points in the United States (except Hawaii, Oregon, Idaho, Montana, and Washington), restricted however, to shipments moving in combination with new motor vehicles moving in initial movements, for which service applicant presently has authority. NOTE: Applicant states joinder would be at Portland, Oreg. Secondary traffic originated in Oregon, Washington, Idaho, and Montana, would be brought to Portland, Oreg., for furtherance beyond. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 31600 (Sub-No. 641), filed April 29, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and compressed gases* (except petroleum gases), in bulk, from the plantsites of Air Reduction Co., Inc., at or near Olean, N.Y., to points in New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Connecticut. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 35045 (Sub-No. 4), filed April 22, 1969. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or handling by reason of size or weight; and (2) *ordnance materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Alaska and Hawaii); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 42487 (Sub-No. 716), filed April 28, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alkyline oxydizer solution*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Cedar Rapids, Iowa, Minneapolis, Minn., and Springfield, Mo., and (2) *spent alkyline oxydizer solution*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, Minneapolis, Minn., and Springfield, Mo., to Santa Fe Springs, Calif. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or San Francisco, Calif.

No. MC 43716 (Sub-No. 27), filed May 6, 1969. Applicant: BIGGE DRAYAGE CO., a corporation, 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: R. A. Doty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States, and (b) between points in (a) above on the one hand, and, on the other, points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 46219 (Sub-No. 7), filed April 17, 1969. Applicant: STERNBERGER MOTOR CORPORATION, 44–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and household furnishings*, from points in Florida to points in Georgia, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, Delaware, Maryland, West Virginia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. NOTE: Applicant states that theoretical tacking is possible, however, no destination can be reached by tacking that is not directly applied for by this application. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 50069 (Sub-No. 421), filed April 28, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in McKean County, Pa., to points in Ohio and Michigan. NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 51146 (Sub-No. 131), filed April 18, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill., and D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disposable diapers and related premiums and advertising materials* when shipped with disposable diapers and *paper and paper products*, from Cheboygan, Mich., to points in Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, and Washington Counties, Ind.; Louisville, Ky.; and St. Louis, Mo.; and (2) *damaged, defective, rejected, or returned shipments of disposable diapers and materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 132), filed April 21, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill., and D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories and materials, equipment and supplies* used in the manufacture, sale, and distribution of metal containers and metal container ends, from Minneapolis-St. Paul commercial zone to points in Wisconsin, Illinois, Iowa, Missouri, North Dakota, South Dakota, Indiana, Ohio, Kansas, Nebraska, and Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 307), filed April 14, 1969. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery goods*, from Detroit and Livonia, Mich., to points in California, Colorado, Nevada, Oregon, Utah, and Washington. (2) *Frozen dessert topping* from Detroit and Dearborn, Mich., to points in California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 59640 (Sub-No. 16), filed April 21, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, from Woodbridge Township, N.J., to Waterbury, Conn. (2) *Ice cream* from Suffield, Conn., to the storage facilities of Supermarkets General Corp. at Jersey City, N.J. (3) *Frozen foods* from the storage facilities of Supermarkets General Corp. at Jersey City, N.J., to Waterbury, Conn. Restriction: The authority sought above is limited to a transportation service to be performed, under a continuing contract, or contracts with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 60987 (Sub-No. 14), filed April 11, 1969. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses, between Warsaw, Ind., and Willard, Ohio, on the one hand, and, on the other, points in that part of Illinois bounded on the south by U.S. Highway 6 beginning at the Illinois-Indiana State line and extending west to junction Illinois Highway 53; on the west by Illinois Highway 53 from said junction and extending north to junction unnumbered highway near Illinois Highway 22, thence north along unnumbered highway to junction Illinois Highway 22; and on the north by Illinois Highway 22 extending east from said junction of unnumbered highway to Lake Michigan; including points on the indicated portions of the highways specified; but excluding points in the Chicago, Ill., commercial zone as defined by the Commission, under contract with R. R. Donnelley & Sons Co., of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61396 (Sub-No. 219), filed April 28, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Box 189, Omaha, Nebr. 68101. Applicant's representatives: Dale G. Herman (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas and Mississippi. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61396 (Sub-No. 221), filed May 6, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from the storage facilities of Central Farmers Fertilizer Co. at or near Palmyra, Mo., to points in Illinois, Iowa, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 61592 (Sub-No. 139), filed May 2, 1969. Applicant: JENKINS TRUCK LINE, INC., 2708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggin, 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and tractor attachments and parts* for the commodities named above, from Temple, Tex., to points in the United States (except Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, on return. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 64932 (Sub-No. 475), filed April 23, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Huntington, Ind., to points in Ohio. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 69036 (Sub-No. 9), filed April 30, 1969. Applicant: HEARTLAND EXPRESS, INC., 911 West Sheridan, Shenandoah, Iowa 51601. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Immobile, nonmotorized farm equipment and supplies, and parts and accessories used in connection therewith*, from the plantsite or facilities of Farmaster Products, Inc., located at or near Shenandoah, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Missouri, Colorado, Illinois, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Shenandoah, Iowa.

No. MC 78228 (Sub-No. 25), filed May 1, 1969. Applicant: J. MILLER EXPRESS, INC., 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing, and fittings* therefor, unloaded by mechanical devices furnished by the carrier, from Ambridge and New Kensington, Pa.; Niles, Ohio; and Glen Dale, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82492 (Sub-No. 27), filed May 5, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsites and warehouse facilities of Swift & Co. at or near Glenwood, Iowa, to points in Indiana, Michigan, Ohio, and those points in Pennsylvania located on and west of U.S. Highway 15, restricted to the transportation of commodities originating at the above-specified origin point. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 85955 (Sub-No. 4), filed April 30, 1969. Applicant: WARREN FREIGHT LINES, INC., 1401 Fifth Avenue SE., Aberdeen, S. Dak. 57401. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wimbledon and Edgeley, N. Dak., from Wimbledon over North Dakota Highway 9 to junction North Dakota Highway 20, thence over North Dakota Highway 20 to Jamestown, thence over U.S. Highway 281 to Edgeley, and return over the same route, serving the intermediate point of Jamestown and the off-route points of Nortonville, Millarton, and Sidney, N. Dak. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo or Bismarck, N. Dak.

No. MC 94201 (Sub-No. 70), filed April 25, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, including tire cord, fiber, and synthetic fiber yarn, synthetic staple fiber, synthetic fiber, and synthetic plastic and containers* used for the transportation of such commodities, *polyester, textiles, textile products, chemicals, chemical products and containers, materials and supplies* used or consumed in production by a textile factor and *empty beams*, between the plantsites, warehouses, and storage facilities of the Monsanto Co. at or near Pensacola and Gonzalez, Fla.; Decatur and Huntsville, Ala.; on the one hand, and, on the other, points in Kentucky; and (2) *tire fabric* from Bowling Green, Ky., and points within a radius of 10 miles thereof to Memphis, Tenn., and Albany, Ga., and points within 10 miles of each. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96165 (Sub-No. 11), filed April 27, 1969. Applicant: T. DEL FARNO TRUCKING CO., a corporation, 10 Ward Avenue, North Providence, R.I. 02904. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel piling*, between Pawtucket, R.I., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., Boston, Mass., or New York, N.Y.

No. MC 103993 (Sub-No. 399), filed April 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements from Hempstead County, Ark., to points in the United States, except Alaska and Hawaii; and (2) *buildings* in sections, mounted on their own or removable wheeled undercarriages, in initial movements, from Hempstead County, Ark., to points in the United States, except Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, West Virginia, and Hawaii. NOTE: Applicant indicates the existence of tacking possibilities, however, it further indicates that it does not intend to tack and is apparently willing to accept a restriction against tacking if deemed necessary. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 105566 (Sub-No. 7), filed April 29, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, magazines and periodicals parts and sections, newspaper supplements, books, paper patterns, catalogs, and catalogs parts and sections*, from Dayton, Ohio, to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106644 (Sub-No. 97), filed May 2, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits, or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings, and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Arizona, Colorado, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas,

Utah, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it intends to tack the authority sought where possible with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107012 (Sub-No. 94), filed April 23, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East, and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, store fixtures and equipment, and environment control units*, between Des Moines, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant indicates that the authority sought herein may be tacked to one or more of its existing authorities, but does not explain the extent thereof. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 657), filed May 1, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 38, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Jackson, Ohio, to points in Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Lexington and Louisville Ky., and Evansville, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108053 (Sub-No. 85), filed April 17, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebraska 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; restricted to traffic originating at the plantsite or storage facilities utilized by Great Markwestern Packing Co., at or near Hillsdale, Mich. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108460 (Sub-No. 39), filed May 2, 1969. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Richard Hopewell, 511 Northwestern Bank Building, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Central Farmers Fertilizer Co. at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109095 (Sub-No. 18), filed April 30, 1969. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of Browning Arms Co. and the Tenbrook Co. at or near Arnold, Jefferson County, Mo., as offroute points in connection with carrier's presently held authority to and from St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109397 (Sub-No. 167), filed April 23, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Business I–44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproducts materials, radioactive materials, related reactor equipment, component parts, associated materials, and radioactive material containers*, between Fort St. Vrain Nuclear Generating Station near Platteville, Colo., the National Reactor Testing Station near Arco, Idaho, facilities of the Atomic Energy Commission in Anderson and Roane Counties, Tenn., Erwin, Tenn., the facilities of Kerr McGee near Cimarron, Okla., and the Peachbottom Nuclear Power Plant near Castle Fin, Pa., and the plantsite of Gulf General Atomic, Inc., Torrey Pines Mes, San Diego, Calif. NOTE: Applicant states it will tack with its Sub 67 to enable service to New Jersey, Ohio, California, Tennessee, and Idaho, with its Sub 82 to enable service to Idaho and Ohio, with its Sub 92 to enable service to Michigan and Idaho, with its Sub 150 to enable service to Idaho, California, Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, New Mexico, Pennsylvania, Tennessee, Utah, Virginia, New York, and the District of Columbia, with its Sub 104 to enable services to Michigan, New York, Idaho, Massachusetts, Illinois, Texas, Ohio, Virginia, Missouri, Maryland, Georgia, Iowa, Washington, New Jersey, Pennsylvania, South Carolina, and the District of Columbia, with its Sub 75 to enable services to Michigan and Idaho, with its Sub 127 to enable services to Idaho, Tennessee, and Kansas and with its Sub 32 to enable services to Idaho and California. Applicant has pending under MC 128814 and Subs thereunder, applications for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Denver, Colo., or Kansas City, Mo.

No. MC 109551 (Sub-No. 3), filed April 16, 1969. Applicant: MILLER TRUCKING, INC., 1001 South Fourth Street, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Gas City, Ind., to points in Kentucky (except Covington, Bardstown, Owensboro, Frankfort, Louisville, Clermont, and Taylor). NOTE: Applicant also holds contract carrier authority under MC 74598, therefore dual operations may be involved. Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 109637 (Sub-No. 361), filed April 21, 1969. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Carroll County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack with any appropriate authorities held, especially in its Sub 165 wherein it holds authority to transport chemicals in bulk, in tank vehicles, from Calvert City, Ky., and points in Marshall County, Ky., within 5 miles thereof, to points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee (except Elizabethton and Kingsport), Texas, West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties), and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110380 (Sub-No. 6), filed April 30, 1969. Applicant: BERSCHENS OF MADISON, INC., 241 South Segoe Road., Madison, Wis. 53705. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe, guard rail, metal culvert pipe coated, and supplies and accessories* incidental to the installation thereof, from Stoughton, Wis., to points in Illinois and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 110420 (Sub-No. 588), filed May 5, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, liquid chocolate, compound, confectioners coatings, cocoa bean and chocolate products, and liquid cocoa butter*, in bulk, from Milwaukee, Wis., to points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, and Virginia. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 110525 (Sub-No. 909), filed April 29, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from the plantsite of the Sun Oil Co. at Marcus Hook, Pa., to points in Kentucky. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify location.

No. MC 111401 (Sub-No. 278), filed May 2, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat products*, in bulk (except animal and poultry feeds), from Arkansas City, Kans., to points in Arkansas, Illinois, Iowa, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 111812 (Sub-No. 379), filed April 28, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical products, deodorants, germicides, and cleaning and household products and those articles* necessary to the utilization, display, advertising, and merchandising of the same (except in bulk), from Madison, S. Dak., to points in Oregon, Washington, California, Utah, Colorado, Indiana, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Virginia, Massachusetts, Connecticut, District of Columbia, Michigan, Iowa, Nebraska, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 112520 (Sub-No. 200), filed April 23, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Escambia County, Fla., to points in Alabama, Georgia, and Mississippi, on the south of U.S. Highway 80, and points in Florida west of the eastern boundary of Jefferson County, Fla. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112617 (Sub-No. 257), filed April 28, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Carroll County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 113), filed May 1, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and treated wood products*, from points in Wyoming to points in Colorado, Kansas, Oklahoma, and Texas. NOTE: Applicant states it can tack with MC 112822 (Sub-No. 70) through Colorado and serve points in Arizona and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 113678 (Sub-No. 348), filed May 1, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maryland, Delaware, and the District of Columbia, to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, West Virginia, Kentucky, Minnesota, Iowa, Missouri, Arkansas, Kansas, Oklahoma, Nebraska, South Dakota, North Dakota, Colorado, Idaho, Utah, Washington, Oregon, California, Arizona, and Nevada. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 156), filed April 30, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Wise County, Va., to points in North Carolina, Kentucky, Tennessee, and West Virginia. NOTE: Applicant states it would tack at Berkeley Springs, W. Va., to provide to Michigan, Ohio, and Delaware. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 157), filed May 1, 1969. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemical coating*, in bulk, from the plantsites and facilities of Conchemco, Inc., at or near Baltimore, Md., to Richmond and Lynchburg, Va., Weirton, W. Va., and Pittsburgh, Pa.; (2) *sodium bichromate and chromium sulphate solution*, in bulk, from Baltimore, Md., to Mercersburg, Pa.; (3) *helium and Government-owned trailers*, between Washington, D.C., Hellertown, Pa., and Riverton, N.J.; and (4) *sugars and syrups, and blends thereof*, in bulk, from Baltimore, Md., to Harlan, Hazard, and Pikeville, Ky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 72), filed April 30, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Applicant's representative: W. G. Chandler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and *portable buildings*, in sections, mounted on wheeled undercarriages with hitchball arrangement, in truckaway service, from points in Holmes County, Miss., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 114965 (Sub-No. 40) (Clarification), filed December 23, 1968, published in the FEDERAL REGISTER issue of January 16, 1969, and republished as clarified this issue. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, feed and feed ingredients, and industrial aqua ammonia;* (1) from the plantsite and/or storage facilities of Duesterhaus Fertilizer Co., Inc., at or near Palmyra, Mo.; and (2) from the facilities of Agriculture Chemicals, Inc., at or near Old Monroe, Mo., to points in Iowa, Illinois, Kansas, Nebraska, Minnesota, and Wisconsin.

No. MC 115116 (Sub-No. 19), filed May 8, 1969. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Middlesex, Somerset, and Mercer Counties, N.J., and extending to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant holds contract carrier authority under Docket No. MC 127542. If a hearing is deemed necessary, applicant requests it be held at Newark or East Brunswick, N.J.

No. MC 115793 (Sub-No. 7), filed April 29, 1969. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, N.C. 28645. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and furniture parts*, from points in Caldwell County, N.C., and the plantsites and warehouses of Broyhill Furniture Industries, its affiliates and subsidiaries, at or near Taylorsville, Conover, Newton, Marion, and Rutherfordton, N.C., to points in Missouri; (2) *furniture and furniture parts*, from points in Caldwell County, N.C., other than Lenoir, to points in Tennessee; and (3) *furniture parts and equipment, materials, and supplies* used in the manufacture of furniture and furniture parts, from points in Caldwell County, N.C., and the plants and warehouses of Broyhill Furniture Industries, its subsidiaries and affiliates, at or near Taylorsville, Conover, Newton, Marion, and Rutherfordton, N.C. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115841 (Sub-No. 351), filed April 21, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced or distributed by manufacturers and converters of paper and paper products; and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which because of size and weight require the use of special equipment); (a) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (b) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117686 (Sub-No. 95), filed May 5, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, not frozen, from the plantsite and storage facilities of Johnson Biscuit Co. at Sioux City, Iowa, to points in Florida. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 118831 (Sub-No. 64), filed April 28, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barytes, barites, and limestone*, in bulk, from Cartersville, Ga., to points in Florida, Illinois, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states a possible joinder in North Carolina to service Virginia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 119531 (Sub-No. 117), filed April 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by manufacturers, processors, or distributors of foodstuffs, washing and cleaning compounds, toilet preparations, and paper and paper products;* and (2) *advertising materials and premiums* used in connection therewith, from the plant and warehouse sites of the Procter & Gamble Co. and its subsidiaries at Cincinnati, Ohio, and its commercial zone, and points in Hamilton County, Ohio, to points in that part of Michigan on and east of U.S. Highway 27 and on and south of a line beginning at the junction of U.S. Highway 27 and Michigan Highway 20, thence along Michigan Highway 20 to Bay City, Mich., thence along the shore of Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron, Mich.; and points in De Kalb and Steuben Counties, Ind., and damaged or rejected shipments, on return, restricted to traffic originating at the named plant and warehouse sites, and further restricted against commodities shipped in bulk, in tank vehicles. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio.

No. MC 119765 (Sub-No. 16) (Amendment), filed March 24, 1969, published FEDERAL REGISTER issue of April 17, 1969, amended and republished this issue. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plant or warehouse facilities of Swift & Co. located in Glenwood, Iowa, to points in Kansas, Nebraska, Illinois, Indiana, Missouri, and Wisconsin. NOTE: The purpose of this republication is to add the State of Missouri to the destination territory. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Sioux City, Iowa, or Washington, D.C.

No. MC 119880 (Sub-No. 30), filed May 2, 1969. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (1) from Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to Menlo Park, Calif.; and (2) from Pekin, Ill., to points in New Jersey and New York, and to Williamson, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119895 (Sub-No. 20), filed April 28, 1969. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between Algona, Iowa, on the one hand, and, on the other, Austin, Minn.; Fremont, Nebr., and Des Moines, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

No. MC 121338 (Sub-No. 2) (Amendment), filed March 3,1969, published FEDERAL REGISTER issue of April 4, 1969, amended April 29, 1969, and republished in part, as amended, this issue. Applicant: PADRE FREIGHT LINES, a corporation, 1400 East Anaheim Street, Post Office Box 546, Wilmington, Calif. 90744. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except used household goods, commodities in bulk, livestock, and logs), * * *. NOTE: Applicant states it presently holds a certificate of registration under Docket No. MC 121338 (Sub-No. 1), and that the purpose of this application is to convert the certificate of registration to a certificate of public convenience and necessity. The purpose of this partial republication is to change the commodity description and to add the statement setting forth the purpose of the application. The rest of the application remains as published.

No. MC 123415 (Sub-No. 18), filed May 2, 1969. Applicant: JAMES STUFFO, INC., Box 1061 (Route 130 and Prince Avenue, Pennsauken, N.J.), Merchantville, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Illuminated signs, fascia, and component parts thereof*, from the plantsite of Spangler Sign Corp., located at Philadelphia, Pa., to points in Connecticut, Delaware, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Texas, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124078 (Sub-No. 379), filed May 2, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Dixon, Ill., to points in Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota. NOTE: Applicant indicates tacking possibilities with the authority sought herein with its presently held authority under Sub 225, at Dixon to serve points in North Dakota and South Dakota and with the authority under Sub 31, at Milwaukee to serve points in Missouri. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124211 (Sub-No. 126), filed April 29, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; buildings, knocked down, components* and/or *parts, materials, supplies, and fixtures*, thereof, and, *accessories, equipment, materials and supplies*, used in the erection, construction, and assembly of buildings, from Milwaukee, Wis., to points in the United States on and West of U.S. Highway 71, except Hawaii. NOTE: Applicant states it does not seek duplicating authority. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124221 (Sub-No. 24), filed April 10, 1969. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., Galveston, Tex., and Gulfport, Miss., to Peoria, Ill.; under a continuing contract or contracts with Super Valu Stores, Inc., Peoria, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Indianapolis, Ind.

No. MC 124236 (Sub-No. 30), filed May 2, 1969. Applicant: CEMENT EXPRESS INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Universal Atlas Cement Co. at Atco, McLennan County, Tex., to points in Arkansas, Colorado, Kansas, Missouri, and New Mexico. NOTE: Applicant proposes to tack the authority sought herein with its presently authorized operations. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 125925 (Sub-No. 9), filed May 6, 1969. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. Applicant's representative: Frank B. Hand, Jr., 12000 Leesburg Pike, Herndon, Va. 22070. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from the sand pit facilities of the Campbell Sand Co., Inc., located in Anne Arundel County, Md., to points in Fairfax, Prince William, and Arlington Counties, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126375 (Sub-No. 10), filed April 25, 1969. Applicant: CEL TRANSPORTATION COMPANY, a corporation, Post Office Box 447, Latrobe, Pa. 15650. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible animal fats, inedible animal grease and inedible animal oils, and products of such fats, grease and oils*, in bulk, in tank vehicles, between Penn Hills Township, Pa., on the one hand, and, on the other, points in Maryland, under a continuing contract with Far-Best Corp., (2) *inedible tallow and inedible grease*, in bulk, in tank vehicles, from Findlay Township, Allegheny County, Pa., to points in Maryland, Massachusetts, New Jersey, New York, Ohio, and West Virginia, under a continuing contract with Darling & Co., (3) *inedible tallow and inedible grease*, in bulk, in tank vehicles, from Cleveland, Ohio, to Pittsburgh, Pa., under a continuing contract with A. W. Stadler, Inc., and (4) *inedible tallow and inedible grease*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Jersey City and Weehawken, N.J., under a continuing contract with Jacob Stern

& Sons, Inc. NOTE: Applicant holds common carrier authority under MC 65134, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126514 (Sub-No. 12), filed April 28, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheets, pillow cases, blankets, bathrobes, spreads, and textiles*, from Biddeford and Lewiston, Maine; New York, N.Y., and Avenel, N.J., to Sparks and Reno, Nev., Phoenix, Ariz.; Los Angeles, San Diego, and San Francisco, Calif.; Seattle, Wash.; and Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 126736 (Sub-No. 58), filed May 1, 1969. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, Post Office Box 5809, Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in South Carolina and points in Georgia north of U.S. Highway Number 80. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Jacksonville, Fla., or Atlanta, Ga.

No. MC 127042 (Sub-No. 34) (Correction), filed April 2, 1969, published in the FEDERAL REGISTER of April 24, 1969, and republished as corrected this issue. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Iowa Beef Packers, Inc., at or near Emporia, Kans., to points in Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, North Dakota, and South Dakota, restricted to traffic originating at said plantsite and storage facilities. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to reflect Emporia, Kans., as the origin, also to reflect Missouri and Nebraska as destination States which were inadvertently omitted in the FEDERAL REGISTER publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or Kansas City, Mo.

No. MC 127042 (Sub-No. 35), filed May 5, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nevada, Oregon, Utah, Washington, and Wisconsin, restricted to traffic originating at the named origin and destined to the respective destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Kansas City, Mo.

No. MC 127689 (Sub-No. 28), filed May 5, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant or warehouse facilities of the Procter and Gamble Co. and its subsidiaries in Alexandria, La., or its commercial zone, on the one hand, and, on the other, points in Mississippi, those in Florida west of the Apalachicola River in Escambia, Santa Rosa, Oklaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, and Calhoun Counties, and those in Baldwin, Barbour, Bullock, Butler, Chocataw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Pike, Washington, and Wilcox Counties, Ala. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128375 (Sub-No. 29), filed April 28, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sprayers, spray equipment and conveyor systems; and equipment, materials, and supplies* used in the manufacture thereof, between Red Oak and Humboldt, Iowa; Columbus, Nebr.; Marianna, Ark.; Columbus, Tucker, Newnan, Carrollton, Adel, and Atlanta, Ga.; Cleveland, Miss.; Memphis, Tenn.; and Detroit, Mich., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (2) *Sewing machines, farm machinery, metal tanks, bomb parts (nonexplosive) and automobile parts, materials and supplies;* and equipment, materials, and supplies utilized in the manufacture thereof, between Red Oak, Iowa, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, New York, New Jersey, Colorado, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California.

(3) *Bomb parts (nonexplosive), and equipment, materials, and supplies* utilized in the manufacture thereof, between Columbus, Ga., on the one hand, and, on the other points in Arkansas, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California; (4) *Automobile parts, materials, and supplies, and equipment, materials and supplies* utilized in the manufacture thereof, (a) between Columbus, Nebr.; Marianna, Ark.; Columbus, Tucker, Newnan, and Carrollton, Ga.; Cleveland, Miss.; and Detroit, Mich., on the one hand, and on the other, points in Florida, Arkansas, Colorado, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (b) between Memphis, Tenn., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (c) between Atlanta and Adel, Ga., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (d) between Atlanta, Ga., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, and Iowa; (5) *Sewing machines, farm machinery, metal tanks, bomb parts (nonexplosive) and automobile parts, materials, and supplies; and equipment, materials, and supplies* utilized in the manufacture thereof, between Humboldt, Iowa, on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Colorado, Missouri, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, under contract with Douglas & Lomason Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128497 (Sub-No. 3), filed May 2, 1969. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and tails*, from Manchester, Iowa, to points in Illinois and Wisconsin (except Milwaukee) and Detroit, Mich., and Newark, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 124807, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128750 (Sub-No. 4), filed April 28, 1969. Applicant: PITT TRUCK, INC., Post Office Box 172, Augusta, Ill. 62311. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas* from the plantsite of Pro-Gas, Inc., Fort Madison, Iowa, to points in Illinois and Missouri. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129932 (Sub-No. 2), filed May 5, 1969. Applicant: PROCTOR J. BAKER, doing business as P. J. BAKER MOBILE HOME SERVICE, 1830 Cushman Street, Fairbanks, Alaska 99701. Applicant's representative: Julian C. Rice, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers, mobile homes, offices, dormitories, and presidential and commercial buildings* capable of being transported on wheels, between points in Alaska, and by way of available gateways thru Canada. NOTE: Applicant states the purpose of this application is to extend present authority to include points in Alaska by way of available gateways through Canada. Applicant further states that it intends to tack with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Fairbanks, Alaska.

No. MC 133041 (Sub-No. 1), filed April 7, 1969. Applicant: GRANICO TRANSPORT LTD., Post Office Box 252, Alma, Quebec, Canada. Applicant's representative: Paul E. Robitaille, Ville Bois, Alma, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan, to points in New Hampshire, New York, Maryland, Michigan, Illinois, Maine, Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, and New Jersey, under contract with National Granite, Ltd., and Columbia Granite, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held anywhere in New England.

No. MC 133423 (Sub-No. 3), filed April 21, 1969. Applicant: S & Y, INC., Post Office Box 2, Stanton, Tenn. 38069. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* in bags and bulk (other than tank vehicles) for the account of Mobil Chemical Co., Memphis, Tenn., from Memphis, Tenn., to Boonesville, Como, Tupelo, Batesville, Water Valley, Amory, Sarah, Sardis, and Coldwater, Miss., Truman, Paragould, Winchester, Forest City, Searcy, Pine Bluff, Marianna, Marvel, and Osceola, Ark., and Bowling Green, Owensboro, Russellville, Sedalia, and Clay, Ky., under contract with Mobil Chemical Co., Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 133452 (Sub-No. 1), filed May 5, 1969. Applicant: ROTH TRUCK LINES, INC., Jefferson, Colo. 80456. Applicant's representative: Bruce Ownbey, 111 South Madison Street, Suite 4, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from mining sites in Park Summit, and Saguache Counties, Colo., to Railroad Heads in Leadville, Kremmling, Buena Vista, and Salida, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fairplay or Denver, Colo.

No. MC 133492 (Sub-No. 1), filed April 28, 1969. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Adams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Miami, Fla., to Macon, Dublin, and Waycross, Ga.; and Phenix City, Ala.; (b) from Newark, N.J.; Peoria, Ill.; Milwaukee, Wis.; Baltimore, Md.; and Norfolk, Va., to Savannah, Dublin, and Waycross, Ga.; Phenix City, Ala., and Macon, Ga., and (c) from Evansville, Ind., to Macon, Ga.; (2) *Wines*, from Atlanta, Ga., to Phenix City, Ala., under contract with Southern Sales Co. Inc.; Dublin, Ga.; M & N Distributing Co., Macon, Ga., and Coastal Beverage Co., Savannah, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133501 (Sub-No. 2), filed May 1, 1969. Applicant: DON E. LESTER, JR., doing business as DEL ENTERPRISES, River Road, Natchitoches, La. 71457. Applicant's representative: Lamar Polk, 715 Johnson Street, Alexandria, La. 71301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Southern yellow pine plywood*, including both construction and standard grade, from the plantsite of South Ply, Inc., located 5 miles north of the city of Natchitoches in the parish of Natchitoches, La., to points in Texas, Arkansas, Mississippi, Alabama, Tennessee, Missouri, Georgia, Florida, Kentucky, Indiana, Illinois, and Oklahoma, under contract with South Ply, Inc., of Natchitoches, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Alexandria, La., Baton Rouge, La., or Shreveport, La.

No. MC 133508 (Sub-No. 1), filed April 28, 1969. Applicant: STANLEY JOHNSON, doing business as PORT SERVICE CO., 71 Murray Street, New York, N.Y. 10007. Applicant's representative: Stanley Johnson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, hollowware, flatware, and giftwares*, between points in New York, N.Y., commercial zone on the one hand, and, on the other, the warehouse of WMF of America, Inc., at Farmingdale, N.Y., under contract with WMF of America, Inc., 30 Price Parkway, Farmingdale, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133515 (Sub-No. 1) (Correction), filed April 7, 1969, published FEDERAL REGISTER issue of May 1, 1969, corrected and republished as corrected this issue. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yogurt, snack dips, ice cream, ice milk, fruit flavored drinks, dairy products and vegetable fat products*, (a) from Kansas City, Mo., to points in Iowa; Omaha, Nebr.; and Rock Island, Ill., (b) between Des Moines, Iowa, and Rock Island, Ill., and (2) *ice cream and ice milk products*, from Chicago, Ill., and Milwaukee, Wis., to points in Iowa, under contract with Borden, Inc. NOTE: The purpose of this republication is to show contract carrier in lieu of common carrier, as previously published. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133664, filed April 16, 1969. Applicant: NEW BORN TRUCKING CORP., 47 Chernucha Avenue, Merrick, Long Island, N.Y. 11566. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, commodities requiring special equipment, commodities of unusual value or those injurious or contaminating to other lading), between points in Nassau County, N.Y., on the one hand, and, on the other, New York, N.Y. (restricted to shipments moving to or from terminals of freight forwarders located in New York, N.Y.). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133666, filed April 16, 1969. Applicant: JACOBSON TRANSPORT, INC., Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) from the plantsite of Hill Chemicals, Inc., at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas, also New Mexico. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133673, filed April 21, 1969. Applicant: GEORGE T. MASON, doing business as MASON WRECKER SERVICE, 544 North Beverly, Casper, Wyo. 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecker, disabled, repossessed, or stolen motor vehicles, and tractors*, in secondary movements in truckaway service, between points in Colorado, Utah, Montana, Idaho, South Dakota, Nebraska, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 133674, filed April 23, 1969. Applicant: HAROLD STROMMEN, doing business as STROMMEN'S TRUCKING LINES, Rural Route 3, Glenwood, Minn. 56334. Applicant's representatives: Harold Strommen (same address as applicant) and C. David Nelson, 30 East Minnesota Avenue, Glenwood, Minn. 56334. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Glenwood, Minn., to Beaver Dam, La Crosse, Milwaukee, Eau Claire, and Green Bay, Wis.; Cedar Falls, Newton, Sioux City and Fort Dodge, Iowa; Chicago, Ill.; Rapid City and Sioux Falls, S. Dak.; and Bismarck, Jamestown, and Fargo, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Glenwood or Alexandria, Minn.

No. MC 133677 (Sub-No. 1), filed May 1, 1969. Applicant: KNOXVILLE TRUCKING COMPANY, a corporation, Cinder Lane, Post Office Box 2146, Knoxville, Tenn. 37901. Applicant's representative: Anna F. Hinds, Post Office Box 2526, Knoxville, Tenn. 37901. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Crepe paper*, in trailer load lots, between Knoxville, Tenn., and the port of entry on the international boundary line between the United States and Canada located at or near Detroit, Mich., over Interstate Highway 75 (also U.S. Highways 25 and 25W), serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Atlanta, Ga.

No. MC 133682, filed April 28, 1969. Applicant: WACHOVIA COURIER CORPORATION, Wachovia Building, Winston-Salem, N.C. 27102. Applicant's representative: John Guandolo, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and records, bank stationery, sales, payroll, and other accounting, audit and data processing media, and business, institutional and governmental records* (except currency, coin, and bullion), between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, those in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicoi, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Richmond and Columbia Counties, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C., or Washington, D.C.

No. MC 133689, filed April 30, 1969. Applicant: OVERLAND EXPRESS, INC., 498 First Street NW., New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in Illinois bounded by a line beginning at Peoria, Ill., and extending along U.S. Highway 24 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 267 (formerly portion Alternate U.S. Highway 67), thence along Illinois Highway 267 through Roodhouse, Carrollton, and Jerseyville, Ill., to junction U.S. Highway 67, thence along U.S. Highway 67 to Alton, Ill., thence along Alternate U.S. Highway 67 to East St. Louis, Ill., thence along Illinois Highway 3 to Cairo, Ill., thence along U.S. Highway 51 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to Danville, Ill., thence along U.S. Highway 150 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 24, and thence along U.S. Highway 24 to Peoria, including points on the indicated portions of the highways specified;

(2) *Bakery products and bakery supplies*, from Decatur, Ill., to Normal, Bloomington, Champaign, and Pana, Ill., with no transportation for compensation on return except as otherwise authorized; (3) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (A) between points within the territory bounded by a line beginning at South Beloit, Ill., and extending west through Warren, Ill., to Galena, Ill., thence in a southeasterly direction to Savanna, Ill., thence south to Galesburg, Ill., thence in a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to Warsaw, Ind., thence north to Goshen, Ind., thence in a northwesterly direction through Niles, Mich., to Bridgman, Mich., thence in a southwesterly and northwesterly direction along the shore of Lake Michigan to Winthrop Harbor, Ill., and thence west through Twin Lakes, Wis., to Beloit, including the points named; (B) between points within the territory bounded by a line beginning at Sidney, Iowa, and extending in a southwesterly direction to Nebraska City, Nebr., thence in a northwesterly direction through Fremont, Nebr., to Yankton, S. Dak., thence north through Watertown, S. Dak., and Fargo, N. Dak., to Grand Forks, N. Dak., thence in a southeasterly direction through Bemidji, Minn., to Duluth, Minn., thence south along the Minnesota-Wisconsin and Iowa-Wisconsin State lines to Dubuque, Iowa, thence in a southeasterly direction to Fulton, Ill., thence south through Galesburg to Macomb, Ill., thence west to Keokuk, Iowa, thence along the Iowa-Missouri State line to junction U.S. Highway 275, and thence north along U.S. Highway 275 to point of beginning; and (C) between points in the immediately above-described territory on the one hand, and, on the other, Kansas City and St. Louis, Mo., and Chicago, Ill.

Restriction: The operations sought next above are restricted against any service between Chicago, Ill., on the one hand, and, on the other, points in Iowa west of U.S. Highway 69, and points in the above-specified portion of Nebraska. (4) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, Milan, Silvis, and Carbon Cliff, Ill., on the one hand, and, on the other points in that part of Illinois on and north of U.S. Highway 24, except Chicago, and (5) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Minneapolis, Minn., to Champaign, Ill., with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states the purpose of the instant application is to convert all of its authority under MC 76025 and subs from contract to common carriage. Applicant further states that, by tacking with authority being sought in Sub-Nos. 8 and 9 it could provide service to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 133695, filed May 1, 1969. Applicant: WILLIAM F. NORDSTROM, 1518 Garst Street, Boone, Iowa 50036. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Perry, Iowa, to Boone, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133703, filed May 5, 1969. Applicant: WISCONSIN CHEESE SERVICE, INC., 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural and processed cheese; cheese products; smoked sausage and smoked meat products; pickles and sauerkraut*, from points in Wisconsin and Fredericksburg, Iowa, to points in the United States (except Hawaii and Alaska); and (2) (a) *fruits, vegetables, fish, sea foods, meats, juices, soups, bakery goods, prepared foods, dinners, pies, poultry, and toppings*, frozen and preserved, and (b) *cooking oils, shortenings, condiments, margarines and cheese products*, packaged and canned, from points in the United States (except Alaska and Hawaii), to points in Wisconsin; under contract or continuing contracts with Milwaukee Cheese Company of Waukesha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133704, filed May 5, 1969. Applicant: DEPENDABLE CONTAINER SERVICE, INC., c/o Moore McCormack Steamship Lines, Foot of 23d Street, Brooklyn, N.Y. 11232. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in containers or trailers, having prior or subsequent movement by water, (1) between points within the New York, N.Y., commercial zone, (2) between Millville, N.J., and Moore McCormack Lines, Inc., located in New York Harbor, N.Y., as defined by the Commission, (3) from piers of Moore McCormack Lines, Inc., located in New York Harbor, N.Y., as defined by the Commission to Moore McCormack Lines, Inc., at Philadelphia, Pa.; and (4) from piers of Moore McCormack Lines, Inc., at Philadelphia, Pa., to points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant has contract carrier application pending under MC 129730, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 83928 (Sub-No. 7), filed April 17, 1969. Applicant: COLONIAL COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicles with passengers, in round trip, special, and charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, and Washington, and extending to points in the United States (except Hawaii). NOTE: Applicant states it holds authority under Docket No. MC 83928 Sub. 4 for charter operations from points in Canada to points in the United States via points of entry in Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 108811 (Sub-No. 3), filed April 29, 1969. Applicant: THOMAS MOTOR TOURS, INC., Lothian, Md. 20820. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, (a) beginning and ending at points in Calvert County, Md., that part of Anne Arundel County, Md., on and south of U.S. Highway 50, and that part of Prince Georges, Md., on and east of U.S. Highway 301, and extending to points in Connecticut, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, Rhode Island, and South Carolina; (b) beginning and ending at Annapolis, Md., and points in Calvert County, Md., and extending to points in Connecticut, Florida, Georgia, Illinois, Indiana, Massachusetts, Michigan, Rhode Island, and South Carolina, Maryland, New Jersey, Delaware, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (c) beginning and ending in that part of the State of Maryland south and east of a line commencing at the Chesapeake Bay, and running west over Maryland Highway 176 and Maryland Highway 177 to their intersection with the Baltimore-Washington Parkway, thence south on the Baltimore-Washington Parkway to its intersection with Maryland Highway 175, thence east over Maryland Highway 175 to its intersection with the eastern boundary line of Fort George G. Meade, thence south over that line to its intersection with Maryland Highway 197, thence south on Maryland Highway 564 to its intersection with Maryland Highway 202, thence east over Maryland Highway 202 to its intersection with Maryland Highway 4, thence west over Maryland Highway 4 to its intersection with Maryland Highway 223, thence south over Maryland Highway 223 to its intersection with Maryland Highway 5, thence over Maryland Highway 5 to the Charles-Prince Georges Counties boundary line, thence east over that line to the Patuxent River including points on such boundary lines and extending to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states no duplicating authority is sought. Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129914 (Sub-No. 1), filed March 19, 1969. Applicant: YELLOW COACH LINES, INCORPORATED, 520 East Mary Street, Post Office Box 287, Bristol, Va. 24201. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Kingsport, Tenn.; Covington, Bluefield, Marion, Wytheville, Pulaski, and Salem, Va.; and Bluefield, W. Va., under contract with Appalachian League, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Nashville, Tenn.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12739 (Sub-No. 3), filed April 28, 1969. Applicant: PEAK TOURS, INC., 142A North Franklin Street, Hempstead, N.Y. 11550. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. For a license (BMC 5) to engage in operations as a *broker* at Hempstead, N.Y., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in round-trip, all-expense tours, in passenger motor vehicles operated by certificated carriers, and in related arrangements made with air, railroad, or water carriers of passengers, beginning and ending at points in Nassau, Suffolk, and Westchester Counties,

N.Y., and New York, N.Y., and points in Bergen, Essex, Hudson, Union, Passaic, and Middlesex Counties, N.J., and extending to points in the United States. Restriction: No round-trip tour between the New York-New Jersey base area and points in the United States shall be exclusively by motor carrier of passengers, except for ski tours originating in the said base area and extending to the New England States, New York, New Jersey, and Pennsylvania.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6058; Filed, May 21, 1969; 8:45 a.m.]

[Investigation and Suspension Docket No. M-23043]

NATIONWIDE BUS FARE INCREASE—1969

Assignment for Hearing and Directing Special Procedure

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of May 1969.

It appearing, that by order dated April 10, 1969, the Commission, Board of Suspension, instituted an investigation into and concerning the lawfulness of the increased fares, charges, and regulations contained in the schedules described in said order, and suspended the operation of said schedules to and including November 14, 1969;

It further appearing, that by order dated April 14, 1969, the Commission, Division 2, acting as an Appellate Division, vacated and set aside the order of April 10, 1969, insofar as it suspended the operation of the schedules designated therein but continued the investigation;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question of whether the resulting fares and charges would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and for good cause therefor:

It is ordered, That respondent Class I and Class II Intercity Motor Carriers of Passengers be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expenses and revenue for the year 1968. Also, submit data to show the effect of proposed increases on expenses and revenues for a constructive year giving effect to the proposed increases in 1969 for a 12-month period. They shall also produce operating ratios on a system basis for each of the previously mentioned two annual periods.

It is further ordered, That the Commission will take official notice of all respondent carriers' financial statements on file with the Commission.

It is further ordered, That the respondents shall produce evidence by carrier, of the sum of money needed to:

1. Pay total operating expenses.
2. Pay rent for lease of carrier property (Account 5400) less rent from carrier property (Account 5500).
3. Pay interest on debt incurred for the benefit of carrier operations.
4. Attract equity capital as needed for the conduct of carrier operations.
5. Pay the Federal and State income taxes associated with the earnings needed to attract equity capital referred to in item 4 above.

This evidence should include, without limitation, particularized reference to the respondents' reasonable interest, dividend and surplus requirements; a projection for calendar year 1969 and for a constructive year of any foreseeable financing and the anticipated rate of interest; and experienced, projected and needed rate of return on owners' equity.

It is further ordered, That all Class I and II Intercity Motor Carriers of Passengers, respondents herein, shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate, amount to $2,500 or more during the year 1968, the following information:

1. Name of each affiliate from which respondent, during the year 1968, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.
2. Kinds of property or service which each affiliate supplies to respondent.
3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.
4. Total charges by each affiliate to respondent during the year 1968 for:
   a. Lease of vehicles.
   b. Lease of terminals.
   c. Lease of other property.
   d. Pickup and delivery of shipments.
   e. Repair and servicing of vehicles.
   f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
   g. Property sold by affiliate to respondent.
5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1968.
6. A copy of the income statement for each affiliate for the year 1968 and the latest period of 1969 for which an income statement is available.
7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1968 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.
8. The term "affiliate" as used in this order means:
   a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.
   b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.
   c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.
   d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before August 29, 1969, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with rule 1.22(a) of the General Rules of Practice. The information with respect to carrier-affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted prepared testimony shall give notice to that effect, in writing, to the affiant and his counsel, if any, with a copy to this Commission on or before September 29, 1969.

It is further ordered, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter, or at some other location mutually agreeable to the parties, during normal office hours for inspection by any party of record desiring to do so; that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination; that all supporting working papers to permit a complete check of the procedures followed shall be filed with this Commission.

It is further ordered, That anyone desiring to become a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before August 15, 1969. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to a hearing examiner to be later designated for hearing commencing on October 20, 1969, at 9:30 o'clock a.m. District of Columbia daylight saving time at the Offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) Have appeared at a hearing.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6106; Filed, May 21, 1969; 8:48 a.m.]

[Notice 835]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 852 (Sub-No. 5 TA), filed May 13, 1969. Applicant: NORTH SHORE FREIGHT LINES, INC., 202 South 26th Avenue West, Duluth, Minn. 55806. Applicant's representative: A. A. Uzzolo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Duluth, Minn., and Grand Portage, Minn., over U.S. Highway 61, serving all intermediate points, and (2) between Grand Marais, Minn., over the Gunflint Trail to its end, near Sea Gull Lake, Minn., serving all intermediate points and off-route points within 10 miles of the Gunflint Trail, for 180 days. NOTE: Applicant states it intends to tack with No. MC 852. Supporting shippers: End of the Trail Lodge, Grand Marais, Minn., Chik-Wauk Lodge, Sen Island Lodge, Borderland Lodge, Gunflint Lodge, Inc., and Swanson's Lodge. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 34087 (Sub-No. 2 TA), filed May 14, 1969. Applicant: NORMAN HILLS, Angell Road, Silver Creek, N.Y. 14136. Applicant's representative: Robert G. Gawley, Post Office Box 184, Buffalo, N.Y. 14221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, feed, and grain products*, from Buffalo, N.Y., to points in Butler, Allegheny, and Westmoreland Counties, Pa., for 150 days. Supporting shipper: Peavey Co., Flour Mills, 87 Childs Street, Buffalo, N.Y. 14240. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 50069 (Sub-No. 422 TA), filed May 13, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar emulsion*, in bulk, from Cleveland, Ohio, to Buffalo and Rochester, N.Y.; Detroit and Flint, Mich., St. Louis, Mo., and Indianapolis, Ind., for 180 days. Supporting shipper: Koppers, Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 281 TA) (Correction), filed April 22, 1969, published in the FEDERAL REGISTER issue of May 14, 1969, under MC 111729 (Sub-No. 28 TA) and republished as part, as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). The sole purpose of this partial republication is to reflect the correct Docket Number assigned as MC 111729 (Sub-No. 281 TA) which Sub No. was inadvertently shown as No. 28 TA in the previous publication. The rest of the application remains as previously published.

No. MC 114885 (Sub-No. 14 TA), filed May 14, 1969. Applicant: TANK TRUCK TRANSPORT LIMITED, 610 Dixon Road, Rexdale, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the international boundary between the United States and Canada at the St. Clair River, to points in Ohio, Michigan, and Indiana, for 150 days. Supporting shipper: Canadian Industries Ltd., 130 Bloor Street West, Toronto 5, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 116632 (Sub-No. 12 TA), filed May 12, 1969. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue., Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber*, from the ports of entry on the international boundary line between the United States and Canada located at or near Fort Fairfield and Van Buren, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shippers: Fraser Cos., Ltd., Edmundston, New Brunswick, Canada; Anderson and Herrmann Inc., 6 Eastman Place, Melrose, Mass. 02176. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 118137 (Sub-No. 1 TA), filed May 14, 1969. Applicant: O. B. BARSH AND J. E. BARSH, a partnership, doing business as BARSH PRODUCE COMPANY, 25 North Trenton, Tulsa, Okla. 74120. Applicant's representative: O. B. Barsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Tulsa and Oklahoma City, Okla., for 180 days. Supporting shipper: Standard Fruit and Steamship Co., Clinton F. Kern, Assistant Regional Sales Manager, Post Office Box 50830, New Orleans, La. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 124987 (Sub-No. 12 TA), filed May 12, 1969. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Applicant's representative: F. W. Llegois, 925 South Third Street, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to points in Iowa except Cedar Rapids; those in Yankton, Turner, Minnehaha, Lincoln,

and Clay Counties, S. Dak.; Douglas, Lancaster, and Dodge Counties, Nebr., and Dakota, Scott, Carver, Washington, Hennepin, Anoka, and Ramsey Counties, Minn., for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 126603 (Sub-No. 5 TA), filed May 12, 1969. Applicant: R. MENARD TRANSPORT LTD., St. Philippe, County of Laprairie, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber and rough lumber*, from the ports of entry located on the United States-Canada boundary line at or near Champlain, N.Y., to points in Virginia, for 150 days. Supporting shippers: Cooper-Widman Quebec Ltd., 2745 Duchesne Street, St. Laurent, Montreal 9, Quebec, Canada; Furman Lumber, Inc., Top Floor, Transit Building, 108 Massachusetts Avenue, Boston, Mass. 02115. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128916 (Sub-No. 3 TA), filed May 12, 1969. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts and materials*, between Lima, Ohio, on the one hand, and, on the other, points in Indiana, Ohio, Illinois, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. Subject to restrictions (a) to the transportation of a single shipment, not weighing more than 2,400 pounds, from one consignor at one location to one consignee at one location in any one day. (b) restricted to the use of station wagons, pickup trucks, van-type pickup trucks, 1-ton flat bed stake trucks. (c) movements in express service, for 180 days. Supporting shipper: Lima Division, Baldwin-Lima-Hamilton Corp., a subsidiary of Armour and Co., Lima, Ohio 45802. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133423 (Sub-No. 2 TA) (Correction), filed April 23, 1969, published FEDERAL REGISTER issue of May 9, 1969, and republished as corrected, this issue. Applicant: S & Y, INC., Post Office Box 2, Stanton, Tenn. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags or bulk (other than tank vehicles), from Memphis, Tenn., to Booneville, Como, Tupelo, Batesville, Water Valley, Amory, Sarah, Sardis and Coldwater, Miss.; Truman, Paragould, Winchester, Forest City, Searcy, Pine Bluff, Marianna, Marvel, and Osceola, Ark.; and Bowling Green, Owensboro, Russellville, Sedalia, and Clay, Ky., for 180 days. NOTE: The purpose of this republication is to include the destination point of Sarah, Miss. which was inadvertently omitted in previous publication. Supporting shipper: Mobil Chemical Co., 401 East Main Street, Richmond, Va. 23208 (Beverly C. Davis, Assistant Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6107; Filed, May 21, 1969; 8:48 a.m.]

[Notice 348]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71035. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Joseph Salvatore and Angelina Salvatore, Jersey City, N.J., of permits Nos. MC-116958 and MC-116958 (Sub-No. 1) issued April 16, 1965, and January 13, 1966, respectively, to Salvatore Trucking & Truck Leasing Corp., Union, N.J., authorizing the transportation of such commodities as are dealt in by wholesale grocery houses, and certain specified commodities, between points in New York, New Jersey, Pennsylvania, and Connecticut. Annamarie V. Paterno, 665 Newark Avenue, Jersey City, N.J. 07306, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6108; Field, May 21, 1969; 8:48 a.m.]

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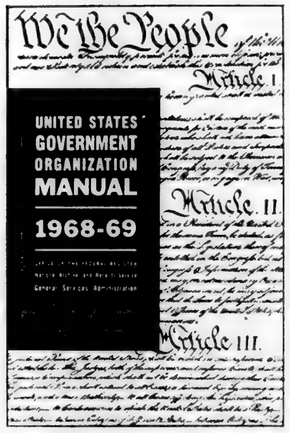

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VOLUME 34 NUMBER 99

Friday, May 23, 1969 Washington, D.C.

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MAY 29 1969

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Turpentine

§ 15.348 Disclosure of origin of imported turpentine.

(a) The Commission advised a company that a "Packaged in U.S.A." statement standing alone would not be sufficient, and that it would be necessary to make a clear and conspicuous disclosure on the package of the foreign country of origin of the imported turpentine.

(b) Under the factual situation presented for a ruling, the company plans to import turpentine from either Portugal or the U.S.S.R. After importation, the turpentine will be repackaged here in the United States into 1 gallon, 1 quart, and 1 pint containers for resale for general consumer use.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 23, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6182; Filed, May 22, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-359; Order 382]

PART 3—ORGANIZATION; OPERATIONS; INFORMATION AND REQUESTS; ETHICAL STANDARDS

Subpart A—Organization; Delegations of Authority

ACCEPTANCE OR REJECTION OF ALL REQUESTS FOR EXTENSION OF TIME FOR FILING SAFETY INSPECTION REPORTS

MAY 16, 1969.

The Commission has delegated to the Secretary the authority to pass upon all requests for extension of time for filing safety inspection reports required by Part 12 of the regulations under the Federal Power Act. This delegation of final authority should be reflected in the description of the Commission's organization as required by section 3 of the Administrative Procedure Act.

The Commission finds:

(1) The amendment to the Commission's general rules herein adopted is necessary and appropriate to carry out the provisions of the Federal Power Act.

(2) Since the amendment herein adopted involves matters of Commission organization and procedures, the notice, hearing and effective date provisions of section 4 of the Administrative Procedure Act are not applicable.

(3) The amendment herein adopted will effect economies, conserve manpower, and expedite the processing of the aforementioned requests for extension of time, and should be made effective forthwith.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly section 309 thereof (49 Stat. 858, 16 U.S.C. 825h), and in accordance with section 3 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 552), orders:

(A) Paragraph (a) of § 3.5 of Part 3, Organization, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

(a) The Secretary, or in his absence the Acting Secretary, to:

* * * * * * *

(10) Pass upon questions of extending time for electric public utilities, licensees, natural gas companies, and other persons to file required reports, data, and information and to do other acts required or allowed to be done at or within a specific time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of 6 months beyond the time or period originally prescribed: *Provided*, That upon recommendation of the Chief, Bureau of Power, the 6-month limitation shall not apply to extensions of time for filing safety inspections reports required by Part 12 of this chapter of the regulations under the Federal Power Act: *Provided further*, The Secretary may refer such requests for extension of time to the Commission when, in his judgment, such requests should be considered by the Commission.

* * * * * * *

(Sec. 309, 49 Stat. 858, 16 U.S.C. 825h; sec. 3, 60 Stat. 238, 5 U.S.C. 552)

(B) The amendment herein adopted shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6121; Filed, May 22, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Greater Metropolitan Cleveland Intrastate Air Quality Control Region

On February 12, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2053) to amend Part 81 by designating the Greater Metropolitan Cleveland Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on February 26, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.22, as set forth below, designating the Greater Metropolitan Cleveland Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.22 Greater Metropolitan Cleveland Intrastate Air Quality Control Region.

The Greater Metropolitan Cleveland Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Lorain County.	Portage County.
Cuyahoga County.	Summit County.
Lake County.	Medina County.
Geauga County.	Stark County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: May 19, 1969.

ROBERT H. FINCH, *Secretary.*

[F.R. Doc. 69-6180; Filed, May 22, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9583; Amdt. 650]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				T–dn–1*	700–2	700–2	700–2
				C–dn‡	700–2	700–2	700–2
				S–dn–10#	600–2	600–2	600–2
				A–dn	NA	NA	NA

‡Shuttle descent to 3600′ in 1-minute holding pattern, right turns, 286° Outbnd, 106° Inbnd. Shuttle descent below 3600′ not authorized, procedure turn required.
Procedure turn W side of crs, 286° Outbnd, 106° Inbnd, 2700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, #1600′.
Crs and distance, facility to airport, 106°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing GST LFR, climb to 4500′ on SE crs GST LFR within 20 miles, or when directed by ATC, turn right, climb to 3000′ on NW crs GST LFR within 10 miles.
NOTE: Use Juneau remote altimeter, no control zone. weather obesrvations not available.
*Turn right after takeoff.
#Descent to 800′ authorized after passing GAV RBN. Maneuvering N through E of airport not authorized, terrain to 3000′, 4.8 miles NE of airport, 4000′, 6.1 miles NE of approach crs, and 8.7 miles NW LFR. Mountainous terrain all quadrants.
MSA within 25 miles of facility: NE, 7300′; SE, 5900′; SW, 6500′; NW, 8000′.

City, Gustavus; State, Alaska; Airport name, Gustavus; Elev., 36′; Fac. Class., SBRAZ; Ident., GST; Procedure No. LFR–1, Amdt. 13; Eff. date, 12 June 69; Sup. Amdt. No. 12; Dated, 10 Apr. 69

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Columbus, Ga.—Muscogee County, ADF 1, Amdt. 15, 8 Oct. 1966 (established under Subpart C).
Fort Myers, Fla.—Page Field, ADF 1, Amdt. 4, 10 Nov. 1966 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, NDB (ADF) Runway 18R, Amdt. 2, 25 Apr. 1968 (established under Subpart C).
Melbourne, Fla.—Cape Kennedy Regional, ADF 1, Amdt. 1, 25 Dec. 1965 (established under Subpart C).
Columbus, Ga.—Muscogee County, VOR 1, Amdt. 9, 8 Oct. 1966 (established under Subpart C).
Dyersburg, Tenn.—Municipal, VOR 1, Amdt. 9, 6 Aug. 1966 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, VOR–1, Amdt. 1, 10 Feb. 1968 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, VOR–2, Orig., 18 Apr. 1968 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Bellaire, Mich.—Antrim County, ADF 1, Amdt. 1, effective 25 May 1963, canceled, effective 12 June 1969.
Russell, Kans.—Russell Municipal, VOR 1, Amdt. 8, effective 2 May 1964, canceled, effective 12 June 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Melbourne, Fla.—Cape Kennedy Regional, TerVOR–9, Amdt. 6, 25 Dec. 1965 (established under Subpart C).
Melbourne, Fla.—Cape Kennedy Regional, TerVOR–27, Orig., 26 Feb. 1966 (established under Subpart C).

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Fort Myers, Fla.—Page Field, VOR/DME–1, Amdt. 2, 10 Nov. 1966 (established under Subpart C).

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Columbus, Ga.—Muscogee County, ILS–5, Amdt. 9, 8 Oct. 1966 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, ILS Runway 18R, Amdt. 2, 25 Apr. 1968 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, LOC (BC) Runway 36L, Amdt. 2, 18 Apr. 1968 (established under Subpart C).

7. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				Precision approach			
All sectors	Radar site	0–20 miles	2500	T–dn%	300–1	300–1	200–½
		20–30 miles	3000	C–dn	500–1	500–1	500–1½
				S–dn–29L*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
				Surveillance approach			
				T–dn%	300–1	300–1	200–½
				C–dn 11R and 29 L	500–1	500–1	500–1½
				C–dn–22	600–1	600–1	600–1½
				S–dn–29 L@#	400–1	400–1	400–1
				S–dn–11R‡	400–1	400–1	400–1
				S–dn–22§	600–1	600–1	600–1
				C–dn–4	500–1	500–1	500–1½
				S–dn–4**	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 29L—climb to 2500′ on NW crs MSP ILS to Loretto Int or, when directed by ATC, make left-climbing turn, climb to 2600′ and return to MS LOM.
Runway 11R—climb to 2500′ on SE crs, MSP ILS within 10 miles of MS LOM.
Runway 4—Climb to 2500′ on NE crs, APL ILS within 10 miles.
Runway 22—Climb to 2300′ on SW crs, APL ILS within 10 miles of AP LOM.
CAUTION: On approach to Runway 11R do not descend below 1400′ until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.
‡400–¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft. Reduction not authorized for nonstandard REIL.
§RVR 2400′ authorized Runway 29L.
*RVR 2000′ 4-engine turbojets; 1800′ other aircraft, descent below 1040′ not authorized unless approach lights are visible.
#400–¾ authorized with operative high-intensity runway lights, 400–½ authorized with operative ALS, except for 4-engine turbojets.
**500–¾ authorized with operative high-intensity runway lights, 500–½ authorized with operative ALS, except for 4-engine turbojets.
$600–¾ authorized with operative high-intensity runway lights except for 4-engine turbojets. Reduction below ¾ mile not authorized. Reduction not authorized for nonstandard REIL.
@Do not descend below 1400′ until controller advises passing the Egan Tank Radar Fix 2-miles from approach end of Runway 29L.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840′; Fac. Class., Minneapolis Radar; Procedure No. 1 Amdt. 20; Eff. date, 12 June 69; Sup. Amdt. No. 19; Dated, 11 Mar. 67

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing CSG VOR.
Lawson NDB	CSG VOR	Direct	2100	Climbing left turn to 2200′ to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climbing left turn to 2200′ to CSG VOR via R 148° and hold. Hold NW, 1 minute, right turns, 148° Inbnd.
Columbus LOM	CSG VOR	Direct	2100	

Supplementary charting information:
Geneva Int hold E, 1 minute, right turns, 265° Inbnd.
HIRL Runways 5/23.
Depict restricted area R–3002A.

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 2100′ within 10 miles of CSG VOR.
FAF, CSG VOR. Final approach crs, 148°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over CSG VOR, 1700′; over Davis Int, 980′.
MSA: 000°–090°—3500′; 090°–180°—3300′; 180°–360°—2300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	980	1	583	980	1	583	980	1¼	583	980	2	583
VOR/NDB Minimums:												
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 307′; Facility, CSG; Procedure No. VOR–1, Amdt. 10; Eff. date, 12 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 8 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.1 miles after passing DYR VORTAC.
				Climb to 1900′ left turn direct to DYR VORTAC and hold. Supplementary charting information: Hold E, 1 minute, right turns, 254° Inbnd.

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 1900′ within 10 miles of DYR VORTAC;
FAF, DYR VORTAC. Final approach crs, 254°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over DYR VORTAC, 1400′.
MSA: 000°–180°—1900′; 180°–360°—1800′.

*Control zone effective 0600–2200 Local. Use MKL FSS altimeter setting when control zone not effective, and increase MDA 160′. Alternate minimums not authorized when Control zone not effective except operators having approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C*	700	1	363	800	1	463	800	1½	463	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Dyersburg; State, Tenn.; Airport name, Municipal; Elev., 337′; Facility, DYR; Procedure No. VOR-1, Amdt. 10; Eff. date, 12 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 6 Aug. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6 miles after passing Azusa Int.
				Climbing right turn to 4000′ heading 120° intercept and proceed via POM VOR R 256° to POM VOR and hold.* Supplementary charting information: *Hold W, 1 minute, right turn, 074° Inbnd. Chart 410′ MSL antenna at 34°04′43″/118°01′57″. Final approach crs to midpoint Runways 1/19.

Procedure turn not authorized. Approach crs (profile) starts at Pomona VOR.
FAF, Azusa Int. Final approach crs, 256°, Distance FAF to MAP, 6 miles.
Minimum altitude over POM VOR, 3000′; over Azusa Int, 2400′.
MSA: 075°–165°—6700′; 165°–255°—3800′; 255°–075°—11,000′.
NOTES: (1) Radar required to POM VOR. (2) Use Ontario altimeter setting except operators with approved weather reporting service.
°IFR departure procedures: Climb visually over El Monte Airport to 1000′ MSL, intercept and proceed via ONT VOR R 276° to ONT VOR, cross ONT at 3500′.
$1500-3 authorized for operators with approved weather service.
CAUTION: High terrain N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B VIS	C VIS	D VIS
C	1740	2¼	1450	NA	NA	NA
A	Not authorized.$		T 2-eng. or less—800–1.%		T over 2-eng.—800–1.%	

City, El Monte; State, Calif.; Airport name, El Monte; Elev., 290′; Facility, POM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: FMY VORTAC.
R 354°, FMY VORTAC CCW	R 212°, FMY VORTAC	8-mile Arc	1500	Turn right, climb to 2000′ on R 060° within 15 miles.
R 115°, FMY VORTAC CW	R 212°, FMY VORTAC	8-mile Arc	1500	Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from 454′ displaced threshold.
8-mile Arc	FMY VORTAC (NOPT)	R 212°	480	Runway 5, TDZ elevation, 15′.

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 1500′ within 10 miles of FMY VORTAC.
Final approach crs, 032°.
MSA: 000°–180°—2100′; 180°–270°—1400′; 270°–360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-5	480	1	465	480	1	465	480	1	465	480	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	463	480	1	463	480	1¼	463	580	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17′; Facility, FMY; Procedure No. VOR Runway 5, Amdt. 3; Eff. date, 12 June 69; Sup. Amdt. No. VOR/DME-1, Amdt. 2; Dated, 10 Nov. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: HYS VORTAC.
R 290°, HYS VORTAC CCW	R 152°, HYS VORTAC	9-mile Arc	3800	Climbing right turn to 3800′; return to HYS VORTAC.
R 077°, HYS VORTAC CW	R 152°, HYS VORTAC	9-mile Arc	3800	Supplementary charting information: Final approach crs crosses runway centerline extended 1980′ from threshold.
9-mile DME Arc	4-mile DME Fix (NOPT)	HYS, R 152°	2700	Steel towers 2.5 miles NW, 2843′ and 1.9 miles NW, 2310′.
Dundee Int	HYS VORTAC	Direct	3800	Runway 34, TDZ elevation, 1994′.

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800′ within 10 miles of HYS VORTAC.
Final approach crs, 332°.
Minimum altitude over 4-mile DME Fix, *2440′ (*2700′ from 9-mile DME Arc).
MSA: 000°–360°—3900′.
NOTE: Use Russell, Kans., altimeter setting when control zone not effective and all MDA's increased 100′ except operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
°IFR departure procedures: Takeoff Runway 34, climb on HYS VORTAC R 360° to 3800′ before turning westbound. Takeoff Runway 16, plan route to avoid tall towers NW of the airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-34	2440	1	446	2440	1	446	2440	1	446	2440	1	446
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2440	1	442	2460	1	462	2480	1½	482	2630	2	622
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	2300	1	306	2300	1	306	2300	1	306	2300	1	306
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hays; State, Kans.; Airport name, Municipal; Elev., 1998′; Facility, HYS; Procedure No. VOR Runway 34, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.8 miles after passing DCU VOR.
				Climbing right turn to 3000′ to DCU VOR and hold; or, when directed by ATC, climbing right turn to 3000′ proceed via S crs I HSV LOC to Bluff Int and hold S, 1 minute, right turns, 359° Inbnd. Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbnd. HIRLS Runways 18 L and R/36 L and R.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 3000′ within 10 miles of DCU VOR.
FAF, DCU VOR. Final approach crs, 090°. Distance FAF to MAP, 7.8 miles.
Minimum altitude over DCU VOR, 3000′.
MSA: 000°–090°—3100′; 090°–180°—2600′; 180°–270°—2300′; 270°–360°—2000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	511	1140	1	511	1140	1½	511	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629′; Facility, DCU; Procedure No. VOR-1, Amdt. 2; Eff. date, 12 June 69; Sup. Amdt. No. 1; Dated, 10 Feb. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10 miles after passing HSV VOR.
Bethel Int	HSV VOR	Direct	2600	Climb to 3000′ direct to DCU VOR and hold; or, when directed by ATC, climbing right turn to 2600′ to CWH NDB and hold N, 1 minute, right turns, 179° Inbnd. Supplementary charting information: Hold W, 1 minute, right turns, 060° Inbnd. MAP: 0.9 mile before reaching airport. HIRLS Runways 18 L and R/36 L and R.
Market Int	HSV VOR (NOPT)	Direct	2600	

Procedure turn W side of crs. 035° Outbnd, 215° Inbnd, 2600′ within 10 miles of HSV VOR.
FAF, HSV VOR. Final approach crs, 215°. Distance FAF to MAP, 10 miles.
Minimum altitude over HSV VOR, 2600′; over Atlas Int, 1700′.
MSA: 000°–180°—3100′; 180°–360°—2600′.
*Applies to Dual VOR or VOR/NDB minimums only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1¼	1071	1700	1¾	1071	1700	2	1071	1700	2¼	1071
Dual VOR or VOR/NDB Minimums:												
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	531	1160	1	531	1160	1½	531	1180	2	551
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629′; Facility HSV; Procedure No. VOR-2, Amdt. 1; Eff. date, 12 June 69; Sup. Amdt. No. Orig.; Dated, 18 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLB VOR.
MLB NDB	MLB VOR	Direct	1500	Climbing right turn to 1500′ on MLB VOR R 161° within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. Runway 9, TDZ elevation, 32′.

Procedure turn S side of crs, 262° Outbnd. 082° Inbnd, 1500′ within 10 miles of MLB VOR.
Final approach crs, 082°.
Minimum altitude abeam MLB NDB, 540′.
MSA: 000°–090°—1600′; 090°–270°—1500′; 270°–360°—1700′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9-0	540	1	508	540	1	508	540	1	508	540	1¼	508
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1½	548	600	2	568
VOR/NDB Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9-0	400	1	368	400	1	368	400	1	368	400	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1½	548	600	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32′; Facility, MLB; Procedure No. VOR Runway 9, Amdt. 7; Eff. date, 12 June 69; Sup. Amdt. No. TerVOR-9, Amdt. 6; Dated, 25 Dec. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLB VOR.
MLB NDB	MLB VOR	Direct	1500	Climbing left turn to 2000′ on MLB VOR R 260° to Deer Park Int and hold. Supplementary charting information: Hold SE 1 minute, left turns, 319° Inbnd. Final approach crs intercepts runway centerline 3250′ from threshold. Chart warning area W-497. Runway 27, TDZ elevation, 26′.

Procedure turn S side of crs, 100° Outbnd, 280° Inbnd, 1500′ within 10 miles of MLB VOR.
Final approach crs, 280°.
MSA: 000°–090°—1600′; 090°–270°—1500′; 270°–360°—1700′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9-27	580	1	554	580	1	554	580	1	554	580	1¼	554
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	548	580	1	548	580	1½	548	600	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32′; Facility MLB; Procedure No. VOR Runway 27, Amdt. 1; Eff. date, 12 June 69; Sup. Amdt. No. TerVOR-27, Orig.; Dated, 26 Feb. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Dundee Int	HYS VORTAC	Direct (HYS R 138°)	3800	Climb to 3500', right turn to 17-mile DME Fix HYS R 076°.
R 138°, HYS VORTAC CCW	R 076°, HYS VORTAC	7-mile Arc	3800	
HYS VORTAC	7-mile DME Fix	R 076°	3800	Supplementary charting information:
7-mile DME Fix	17-mile DME Fix (NOPT)	R 076°	3500	Final approach crs crosses airport reference point.

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 3500' within 10 miles of 17-mile DME Fix.
Final approach crs, 076°.
Minimum altitude over 7-mile DME Fix, 3800'; over 17-mile DME Fix, 3500'.
MSA: 000°–360°—3900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2440	1	577	2440	1¼	577	2440	1½	577	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Russell; State, Kans.; Airport name, Municipal; Elev., 1863'; Facility, HYS; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 12 June 69

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing GAG VOR TAC.
				Climb to 4000', left turn direct GAG VOR TAC and hold.
				Supplementary charting information: Hold W of GAG VORTAC on R 289°, 109° Inbnd, right turns, 1 minute.

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 4000' within 10 miles of GAG VORTAC.
FAF, GAG VORTAC. Final approach crs, 109°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over GAG VORTAC, 4000'.
MSA: 000°–180°—3900'; 180°–270°—4200'; 270°–360°—4000'.
* Runway lights for night operation on 17–35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C *	2760	1	537	2760	1	537	2760	1½	537	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Gage; State, Okla.; Airport name, Gage Municipal; Elev., 2223'; Facility, GAG; Procedure No. VOR-1, Amdt. 6; Eff. date, 12 June 69; Sup Amdt. No. 5; Dated, 1 May 69

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing Bluff Int.
HSV VOR	CWH NDB	Direct	3000	Climb to 2600' on N crs HSV LOC to CWH NDB and hold; or, when directed by ATC, climbing left turn to 3000' direct to DCU VOR and hold W, 1 minute, right turns, 090° Inbnd.
CWH NDB	Bluff Int	Direct	3000	
Rountree Int	LOC (BC) (NOPT)	075° DR Crs	3000	Supplementary charting information: Hold N, 1 minute, right turns, 179° Inbnd. HIRLS Runways 18 L & R/36 L & R. Runway 36L, TDZ elevation, 624'.
Fairview Int	LOC (BC) (NOPT)	R-148° DCU VOR	3000	

Procedure turn W side of crs, 179° Outbnd, 359° Inbnd, 3000' within 10 miles of Bluff Int.
FAF, Bluff Int. Final approach crs, 359°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Bluff Int, 2600'.
NOTE: Inoperative table does not apply to HIRL's Runway 36L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36L	1020	1	396	1020	1	396	1020	1	396	1020	1	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	451	1080	1	451	1080	1½	451	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, I-HSV; Procedure No. LOC (BC) Runway 36L, Amdt. 3; Eff. date, 12 June 69
Sup. Amdt. No. 2; Dated, 18 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing 5-mile Radar Fix.
R 341°, SJU VORTAC CW	SJU LOC (NOPT)	8-mile Arc SJU, R 060° lead radial.	1500	Climb to 1600' on LOC crs 255° to SJ NDB (LOM) and hold.
R 094°, SJU VORTAC CCW	SJU LOC (NOPT)	8-mile Arc SJU, R 088° lead radial.	1500	Supplementary charting information: Hold W, 1 minute, left turns, 105° Inbnd. HIRL Runways 7/25. Runway 25, TDZ elevation, 9'.
8-mile Arc	5-mile Radar Fix (NOPT)	LOC crs	1500	

Procedure turn not authorized.
FAF, 5-mile Radar Fix. Final approach crs, 255°. Distance FAF to MAP, 5 miles.
Minimum altitude over 5-mile Radar Fix, 1500'.
NOTE: Radar required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-25	400	1	391	400	1	391	400	1	391	400	1	391
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	471	480	1	471	480	1½	471	560	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9'; Facility, I-SGU, Procedure No. LOC (BC) Runway 25, Amdt. Orig.; Eff. date, 12 June 69

11. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing Lake Tyler Int.
Mount Sylvan Int	Lake Tyler Int	GGG R 266° and TYR LOC 127°	2000	Climb to 2000′ direct to TY LOM and hold.
GGG VORTAC	White House Int	Direct	2000	Supplementary charting information:
White House Int	Lake Tyler Int (NOPT)	Direct	1800	Hold NW of TY LOM on TYR LOC 307°–127° Inbnd, 1 minute, right turns. TDZ elevation, 544′.

Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 2000′ within 10 miles of Lake Tyler Int.
FAF, Lake Tyler Int. Final approach crs, 307°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over Lake Tyler Int, 1800′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31	940	¾	396	940	¾	396	940	¾	396		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	416	1000	1	456	1000	1½	456		NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Tyler; State, Tex.; Airport name, Pounds Field; Elev., 544′; Facility, I-TYR; Procedure No. LOC (BC) Runway 31, Amdt. 9; Eff. date, 12 June 69; Sup. Amdt. No. 8; Dated, 12 Dec. 68

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing ACB NDB.
TVC VOR	ACB NDB	Direct	2600	Climb to 2600′ on 020° bearing from ACB NDB and return to ACB NDB.
Jordan Int	ACB NDB	Direct	2600	
Gaylord VOR	ACB NDB	Direct	2800	

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 2600′ within 10 miles of ACB NDB.
FAF, ACB NDB. Final approach crs, 020°. Distance FAF to MAP, 5 miles.
Minimum altitude over ACB NDB, 2100′.
MSA: 045°–135°—2800′; 135°–225°—2700′; 225°–315°—2600′; 315°–045°—2700′.
NOTES: (1) Use Bellaire altimeter setting through UNICOM; when not available, use Traverse City altimeter setting and circling and straight-in MDA becomes 1420′.
(2) Inoperative component table does not apply to REIL's Runway 2.
CAUTION: Airport situated in hilly terrain, rapid rising terrain within 2 miles of airport in all quadrants.
%Takeoff Runway 2 or 20, maintain runway heading to 2000′ before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–2	1340	1	712	1340	1	712	1340	1¼	712	1340	1¼	712
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1340	1	712	1340	1	712	1340	1½	712	1340	2	712
A	Not authorized.		T 2-eng. or less—500–1.%				T over 2-eng.—500–1.%					

City, Bellaire; State, Mich.; Airport name, Antrim County, Elev., 628′; Facility, ACB; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing CS LOM.
Lawson NDB	CS LOM	Direct	2200	Climb to 2200′ direct to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climb to 2200′, left turn direct to CS LOM and hold. Hold SW, 1 minute, left turn, 053° Inbnd.
Columbus VOR	CS LOM	Direct	2200	
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Beale Int	CS LOM (NOPT)	Direct	2200	Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd. HIRL Runways 5/23. Depict restricted area R–3002A. Runway 5, TDZ elevation, 379′.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200′ within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum altitude over CS LOM, 2200′.
MSA: 000°–090°—3500′; 090°–180°—3300′; 180°–270°—1800′; 270°–360°—2300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	920	1	541	920	1	541	920	1	541	920	1¼	541
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1½	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397′; Facility, CS; Procedure No. NDB (ADF) Runway 5, Amdt. 16; Eff. date, 12 June 69; Sup. Amdt. No. ADF 1, Amdt. 15; Dated, 8 Oct. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing FMY NDB.
FMY VORTAC	FMY NDB	Direct	1500	Turn right, climb to 2000′ on FMY NDB 057° bearing within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from 454′ displaced threshold. Runway 5, TDZ elevation, 15′.

Procedure turn E side of crs, 218° Outbnd, 038° Inbnd, 1500′ within 10 miles of FMY NDB.
FAF, FMY NDB. Final approach crs, 038°. Distance FAF to MAP, 4 miles.
Minimum altitude over FMY NDB, 1000′.
MSA: 000°–180°—2100′; 180°–270°—1200′; 270°–360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	480	1	465	480	1	465	480	1	465	480	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	463	480	1	463	480	1¼	463	480	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17′; Facility, FMY; Procedure No. NDB (ADF) Runway 5, Amdt. 5; Eff. date, 12 June 69; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 10 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.3 miles after passing CWH NDB.
HSV VOR	CWH NDB	Direct	2600	Climbing right turn to 3000′ direct to DCU VOR and hold; or, when directed by ATC, climbing right turn to 2600′ direct to CWH NDB and hold N, 1 minute, right turns, 179° Inbnd.
Owens Int	CWH NDB	Direct	2600	
Bluff Int	CWH NDB	Direct	2600	
DCU VOR	CWH NDB	Direct	2600	
Tanner Int	CWH NDB	Direct	2600	
Bethel Int	Toney Int	Direct	2600	Supplementary charting information:
Delrose Int	CWH NDB (NOPT)	Direct	2600	Hold W, 1 minute, right turns, 090° Inbnd.
Toney Int	CWH NDB (NOPT)	Direct	2600	HIRL's Runways 18 L and R/36 L and R.
				Depict SV LMM 219KHz on AL chart.
				Runway 18R, TDZ elevation, 629′.

Procedure turn W side of crs, 359° Outbnd, 179°-Inbnd, 2600′ within 10 miles of CWH NDB.
FAF, CWH NDB. Final approach crs, 179°. Distance FAF to MAP, 7.3 miles.
Minimum altitude over CWH NDB, 2600′; over OM, 1220′.
MSA: 000°–180°—3100′; 180°–360°—2600′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R	1220	¾	591	1220	¾	591	1220	¾	591	1220	1	591
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	591	1220	1	591	1220	1½	591	1220	2	591
	NDB/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R	1120	¾	491	1120	¾	491	1120	¾	491	1120	1	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	491	1120	1	491	1120	1½	491	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629′; Facility, CWH; Procedure No. NDB (ADF) Runway 18R, Amdt. 3; Eff. date, 12 June 69; Sup. Amdt. No. 2; Dated, 25 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MML NDB.
Amiret Int	MML NDB	Direct	3000	Climb to 3000′ on 137° bearing from MML NDB within 10 miles; return to NDB.
Ghent Int	MML NDB	Direct	3000	Supplementary charting information:
				Final approach crs intercepts runway centerline 3000′ from threshold.
				Runway 12, TDZ elevation, 1177′.

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 3000′ within 10 miles of MML NDB.
Final approach crs, 137°.
MSA: 180°–270°—3400′; 270°–180°—2600′.
NOTE: Use Redwood Falls altimeter setting.
CAUTION: TURF Runways 17/35 and 8/26 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12	1800	1	623	1800	1	623		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1800	1	621	1800	1	621		NA			NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Marshall; State, Minn.; Airport name, Marshall Municipal; Elev., 1179′; Facility, MML; Procedure No. NDB (ADF) Runway 12, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing MLB NDB.
MLB VOR	MLB NDB	Direct	1500	Climbing right turn to 1500′ direct MLB NDB and hold.
				Supplementary charting information:
				Hold W, 1 minute, right turns, 087° Inbnd.
				Runway 9, TDZ elevation, 32′.

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1500′ within 10 miles of MLB NDB.
FAF, MLB NDB. Final approach crs, 087°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over MLB NDB, 600′.
MSA: 000–270°—1600′; 270°–360°—1700′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	400	1	368	400	1	368	400	1	368	400	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	560	1	548	560	1½	548	600	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32′; Facility, MLB; Procedure No. NDB (ADF) Runway 9, Amdt. 2; Eff. date, 12 June 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 25 Dec. 65

13. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 679′; LOC 6 miles after passing CS LOM.
Lawson NDB	CS LOM	Direct	2200	Climb to 2200′ direct to Geneva Int via 046° bearing from CS LOM and hold; or when directed by ATC, climb to 2200′, left turn direct to CS LOM and hold. Hold SW, 1 minute, left turns, 053° Inbnd.
Columbus VOR	CS LOM	Direct	2200	
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Seale Int	CS LOM (NOPT)	CSG LOC crs		Supplementary charting information:
				Geneva Int hold E, 1 minute, right turns, 268° Inbnd.
				HIRL Runways 5/23.
				Depict restricted area R-3002A.
				Runway 5, TDZ elevation, 379′.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200′ within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 2200′. Glide slope altitude at OM, 2200′; at MM 620′.
Distance to runway threshold at OM, 6 miles; at MM, 0.6 mile.
MSA: 000°–090°—3500′; 090°–180°—3300′; 180°–270°—1800′; 270°–360°—2300′.
NOTES: (1) Glide slope unusable below 679′. (2) LOC back crs unusable. (3) Inoperative component table does not apply to HIRL Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	679	¾	300	679	¾	300	679	¾	300	679	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	820	1	441	820	1	441	820	1	441	820	1	441
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397′; Facility, I-CSG; Procedure No. ILS Runway 5, Amdt. 10; Eff. date 12 June 69; Sup. Amdt. No. ILS-5, Amdt. 9; Dated, 8 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 829'; LOC 7.3 miles after passing CWH NDB.
HSV VOR	CWH NDB	Direct	2600	Climb to 3000' on 8 crs of I HSV LOC to Bluff Int and hold; or, when directed by ATC, climbing right turn to 3000' direct to DCU VOR and hold W, 1 minute, right turns, 090° Inbnd.
Owens Int	CWH NDB	Direct	2600	
Bluff Int	CWH NDB	Direct	2600	
DCU VOR	CWH NDB	Direct	2600	
Tanner Int	CWH NDB	Direct	2600	
Bethel Int	Toney Int	Direct	2600	Supplementary charting information:
Toney Int	CWH NDB (NOPT)	Direct	2600	Hold S, 1 minute, right turns, 359° Inbnd. HIRLS Runways 18L and R/36 L and R. Runway 18R, TDZ elevation, 629'.
Dellrose Int	CWH NDB (NOPT)	Direct	2600	

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles of CWH NDB.
FAF, CWH NDB. Final approach crs, 179°. Distance FAF to MAP, 7.3 miles.
Minimum glide slope interception altitude, 2600'. Glide slope altitude at OM, 1935'; at MM, 847'.
Distance to runway threshold at OM, 4.3 miles; at MM, 0.6 mile.
MSA: 000°–180°—3100'; 180°–360°—2600'.
*When ALS inoperative, increase visibility ¼ mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–18R	829	½	200	829	½	200	829	½	200	829	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–18R*	1160	¾	531	1160	¾	531	1160	¾	531	1160	1	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	531	1160	1	531	1160	1½	531	1180	2	551
	LOC/FM Minimums:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–18R*	1060	¾	431	1060	¾	431	1060	¾	431	1060	1	431
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	451	1080	1	451	1060	1½	451	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, I–HSV; Procedure No. ILS Runway 18R, Amdt. 3; Eff. date, 12 June 69; Sup. Amdt. No. 2; Dated, 25 Apr. 68

14. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 738. Localizer 4.6 miles after passing TY LOM.
Fruitvale Int	TY LOM (NOPT)	TYR LOC NW crs	2000	Climb to 2000' via LOC SE crs to Lake Tyler Int and hold.
GGG VORTAC	Whitehouse Int	Direct	2000	
Whitehouse Int	TY LOM	Direct	2000	Supplementary charting information:
Mount Sylvan Int	TY LOM (NOPT)	GGG R 266° and TYR LOC (FC).	2000	Hold SE of Lake Tyler Int on TYR LOC 127°–307° Inbnd, left turns, 1 minute.
GGG VORTAC	TY LOM	Direct	2100	TDZ elevation, 538'.

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles of TY LOM.
FAF, TY LOM. Final approach crs, 127°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1826'; at MM, 726'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.
MSA: 000°–360°—2200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–13	738	½	200	738	½	200	738	½	200		NA	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	860	½	322	860	½	322	860	½	322		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	416	1000	1	456	1000	1½	456		NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Tyler; State, Tex.; Airport name, Pounds Field; Elev., 544'; Facility, I–TYR; Procedure No. ILS Runway 13, Amdt. 8; Eff. date, 12 June 69; Sup. Amdt. No. 7; Dated, 12 Dec. 68

These procedures shall become effective on the dates specified therein.
(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 6, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69–5672; Filed, May 22, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMODITY EXCHANGE AUTHORITY

Central Office and Commodity Exchange Act

The Statement of Organization, Functions, and Procedures of the Commodity Exchange Authority, published at 32 F.R. 9648, July 4, 1967, is hereby amended by deleting the phrase "Accounting and Licensing Division," after the word "Administrator," in § 140.1(a), and substituting the phrase "Registration and Audit Division" for it, and by deleting the comma and the clause "and prepares certificates of registration issued by the Secretary (42 Stat. 1000, as amended; 49 Stat. 1495; 49 Stat. 1497; 7 U.S.C. 6f, 7, 7a).", after the word "brokers," in the first sentence of § 140.10(d), and substituting a period for it.

1. As so amended, § 140.1(a) will read as follows:

§ 140.1 Central office.

(a) *General.* The principal office of the Commodity Exchange Authority is located at Washington, D.C., in the Administration Building, U.S. Department of Agriculture, and consists of the Office of the Administrator, Registration and Audit Division, Compliance Division, and Trading Division.

* * * * *

2. As so amended, § 140.10(d) will read as follows:

§ 140.10 Commodity Exchange Act.

* * * * *

(d) The Commodity Exchange Authority reviews rules of contract markets to determine conformity with statutory requirements, and receives and considers applications for registration as futures commission merchants and as floor brokers. Application forms may be procured from the central office of the Commodity Exchange Authority or from any regional office thereof.

* * * * *

(Public Law 89–554, Sept. 6, 1966, 80 Stat. 383, Public Law 90–23, sec. 1, June 5, 1967, 81 Stat. 54, 5 U.S.C. 552; 25 F.R. 3926, 29 F.R. 339, 7 CFR 1.201; 29 F.R. 16210, sec. 40; 29 F.R. 16210, sec. 125, as amended at 33 F.R. 17856)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued: May 20, 1969.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 69–6167; Filed, May 22, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 169—COMMERCIAL OR INDUSTRIAL ACTIVITIES

The Deputy Secretary of Defense approved the following revision to Part 169 on April 17, 1969:

Sec.
169.1 Purpose and applicability.
169.2 Definitions.
169.3 Policy.
169.4 Responsibilities and delegations.
169.5 Objective.

AUTHORITY: The provisions of this Part 169 based on title 5 U.S.C. 301 and title 5 U.S.C. 552.

§ 169.1 Purpose and applicability.

This part implements BoB Circular A–76, "Policies for Acquiring Commercial or Industrial Products and Services for Government Use," August 30, 1967, and prescribes Department of Defense policy governing the establishment and operation of DoD commercial or industrial activities by the Military Departments and Defense Agencies (hereinafter referred to collectively as "DoD Components").

§ 169.2 Definitions.

(a) *DoD commercial or industrial activities.* Activities operated and managed by DoD Components to provide products or services for Government use which are obtainable from private commercial sources.

(b) *Private commercial sources.* Private business concerns which provide products or services available to Government Agencies, and which are located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) *New start.* (1) The term "new start" includes the following:

(i) A newly established DoD commercial or industrial activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more.

(ii) A reactivation, expansion, modernization or replacement of an activity involving additional capital investment of $50,000 or more or additional costs of production of $100,000 or more.

(iii) Construction, replacement, or reactivation of bakery, laundry and dry cleaning facilities and scrap metal facilities subject to provisions of DoD Directive 5126.8 (20 F.R. 8551) and DoD Directive 5126.15 (21 F.R. 273).

(2) *Exemptions:* Consolidation of two or more activities without increasing the overall total amount of products or services provided is not a "new start."

(d) *Contract support services.* Services procured from private commercial sources in support of DoD functions.

§ 169.3 Policy.

(a) Bureau of the Budget Circular A–76 outlines the principle that: (1) Government Departments and Agencies will rely on the private enterprise system for the provision of required products or services to the maximum extent consistent with effective and efficient accomplishment of their programs; and (2) in some circumstances, it is in the national interest for the Government to provide directly the products and services it uses, and that only under those circumstances will a Department or Agency continue the operation of a Government commercial or industrial activity, or initiate a "new start."

(b) In conformance with this principle, the Department of Defense will depend upon both private and Government commerical or industrial sources for the provision of products and services, with the objective of meeting its military readiness requirements with maximum cost effectiveness, as follows:

(1) DoD commercial or industrial activities may be continued in operation or initiated as "new starts" only when a clear determination is made that one or more of the following circumstances exist:

(i) Procurement of a product or service from a commercial source would disrupt or materially delay an agency's program.

(ii) It is necessary for the Government to conduct a commercial or industrial activity for purposes of combat support or for individual and unit retraining of military personnel or to maintain or strengthen mobilization readiness.

(iii) A satisfactory commercial source is not available and cannot be developed in time to provide a product or service when it is needed.

(iv) The product or service is not available from another Federal Agency nor from commercial sources.

(v) Procurement of the product or service from a commercial source will result in higher total cost to the Government.

(2) Within the limitation prescribed in subparagraph (1) of this paragraph, DoD Components will be equipped and staffed to carry out effectively and economically those commercial or industrial activities which must be performed internally in order to meet military readiness requirements. All other required products or services will be obtained in the manner least costly to the Government (by contract, by procurement from other Government Agencies, or from DoD commercial or industrial activities). Decisions based upon cost considerations shall be supported by cost comparison studies conducted in accordance with BoB Circular A–76, Part 169a of this subchapter.

(3) Although DoD Components will rely primarily upon private commercial sources for required products and services, this policy will not be used as authority for methods of contract personnel procurement not authorized by law, nor as a means of avoiding Government personnel or salary limitations.

(4) DoD Components will continue to perform for themselves those basic functions of management necessary to retain essential control over the conduct of their programs.

(i) These include selection, training and direction of Government personnel, assignment of organizational responsibilities, planning of programs, establishment of performance goals and priorities, and evaluation of performance.

(ii) Where required, commercial contract sources may be used to provide managerial, advisory and other support services related to these internal functions, provided that the Government's fundamental responsibility for controlling and managing its programs is not compromised or weakened.

§ 169.4 Responsibilities and delegations.

(a) The Assistant Secretary of Defense (Installations and Logistics) will:

(1) Provide the instructions necessary to implement the requirements of this part (see Part 169a of this subchapter);

(2) Approve or disapprove all requests for new starts of DoD commercial or industrial activities;

(3) Exempt selected DoD commercial or industrial activities from review, as provided in section 7c(1) of BoB Circular A–76;

(4) Maintain an inventory of DoD commercial or industrial activities and contract support service functions; and

(5) Conduct, in collaboration with the Assistant Secretaries of Defense (Comptroller) and (Manpower and Reserve Affairs), a continuing program for improving management and cost effectiveness in the performance of DoD commercial or industrial activities and contract support service functions.

(b) DoD Components: The Secretaries of the Military Departments and the Directors of Defense Agencies:

(1) Will carry out the requirements of this Directive in accordance with the instructions issued by the Assistant Secretary of Defense (I&L) under paragraph (a)(1) of this section, and

(2) Are authorized to act for the Secretary of Defense, except for "new starts," in making decisions to continue, discontinue, or curtail commercial or industrial activities operated by their respective Departments or Agencies. Within the Military Departments, this authority may be redelegated to an Assistant Secretary, and in Defense Agencies, to a Deputy Director, or an official or equivalent rank.

§ 169.5 Objective.

(a) It is intended that the continued implementation of this policy will:

(1) Result in the maximum practicable reduction in DoD commercial or industrial activities, consistent with § 169.4 (b)(1); and

(2) Provide economies in DoD procurement of products and services.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MAY 16, 1969.

[F.R. Doc. 69–6119; Filed, May 22, 1969; 8:45 a.m.]

PART 169a—OPERATION OF COMMERCIAL OR INDUSTRIAL ACTIVITIES

Miscellaneous Amendments

The following miscellaneous amendments to Part 169a were approved on April 17, 1969:

1. In § 169a.1(f), changes were made which read as follows:

§ 169a.1 Purpose.

* * * * *

(f) Obtain the approval of the Assistant Secretary of Defense (Installations and Logistics) prior to making a new start of a DoD commercial or industrial activity, as outlined in § 169a.6(a).

2. In § 169a.2 *Definitions,* changes were made to (c) which read as follows:

§ 169a.2 Definitions.

* * * * *

(c) *New start.* (1) New start includes the following:

(i) A newly established DoD commercial or industrial activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more.

(ii) A reactivation, expansion, modernization, or replacement of an activity involving additional capital investment of $50,000 or more or additional annual costs of production of $100,000 or more.

(iii) Construction, replacement, or reactivation of bakery, laundry and dry cleaning facilities and scrap metal facilities subject to provisions of DoD Directive 5126.8 (20 F.R. 8551) and DoD Directive 5126.15 (21 F.R. 273).

(2) Consolidation of two or more activities without increasing the overall total amount of products or services provided is not a "new start."

* * * * *

3. In § 169a.4(d), changes were made to (d) which read as follows:

§ 169a.4 Applicability.

* * * * *

(d) Managerial advisory services such as those normally provided by an office of general counsel, a management and organization staff, automatic data processing staff, or a systems analysis staff.

4. In § 169a.5, changes were made to (e) and (f), which read as follows:

§ 169a.5 Criteria.

* * * * *

(e) Obtaining the approval of ASD (I&L) prior to making any new start of a DoD commercial or industrial activity as defined in § 169a.1(c). Requests for new start approval will be submitted in triplicate, and will include documentation showing compliance with § 169a.1 (a), (b), and (c), and will include a comparative cost analysis if approval is being sought on the basis of the criterion specified in this § 169a.5(e). Where statutory authority and funds for construction are required before a new start can be initiated, ASD(I&L) approval for the new start will be obtained as provided herein prior to inclusion of the project in an annual authorization request or the annual budget estimates submitted to the Bureau of the Budget. This requirement is assigned Report Control Symbol DD–I&L(AR)733.

(f) Making a comparative cost analysis before procuring products or services from private commercial sources when the procurement will cause the Government to finance directly or indirectly more than $50,000 for costs of facilities and equipment to be constructed to Government specifications. Cost comparison reviews are also required prior to procurement from private commercial sources under certain other circumstances to assure that commercial procurement is economically justified; see § 169a.9(c)(1)(iii).

5. In § 169a.10, changes were made to (k), (q), (r), and (t) which read as follows:

§ 169a.10 Cost elements involved in procurement from private commercial sources.

* * * * *

(k) *Civilian personnel services.* (1) Enter on line 11 the cost of civilian personnel services involved directly in the work performed. The cost of civilian personnel paid at annual rates will be gross pay as shown in current pay tables, plus the Government's contribution for civilian retirement (or social security if applicable instead of civilian retirement), disability, health, and life insurance. These contributions should be determined by multiplying the following percentage factors to the base pay:

	Percent
Retirement and Disability (for employees under civil service retirement)	[1] 7.4
Health	1.0
Life Insurance	.3

[1] A lower factor for retirement and disability should be applied if a substantial part of the work force would be permanently subject to the Social Security Act rather than the Civil Service Retirement System. The rate to be applied for employees permanently under the Social Security System is 4.4 percent of base salary up to $7,800 of salary.

(2) If labor costs are determined on the basis of direct labor hours applied, the civilian pay rate increased by 29.6 percent to include leave and other benefits should be used. The 29.6 percent acceleration of civilian pay represents the average cost of leave (20.9 percent for sick leave taken and for annual, holiday and, other paid leave accruals), plus 8.7 percent for average Government contributions for other benefits.

* * * * *

(q) *Depreciation.* Enter on line 17 depreciation for the capital investment which will be required by the Government if commercial procurement is not utilized. Depreciation should be computed as a cost for any new or additional facilities or equipment, and for any rehabilitation, modification or expansion of existing facilities or equipment which will be required if a Government activity is started or continued. Depreciation will not be allocated for facilities acquired by the Government before the cost comparison study is started. However, if reliance upon a commercial source will cause Government-owned equipment or facilities to become available for other Federal use or for disposal as surplus, the cost comparison analysis should include as a cost of the Government activity, an appropriate amount based upon a cost of the estimated current market value of such equipment or facilities. In computing the depreciation cost of new or additional facilities on equipment to be acquired if a Government activity is started or continued, and in determining the comparative costs under lease-purchase alternatives, appropriate recognition should be given to estimated residual or salvage values of the facilities or equipment. The Internal Revenue Service publication, Depreciation; Guidelines and Rules, may be used in computing depreciation. A condensed listing of these depreciation rates is provided in § 169a.12. However, these rates are maximums to be used only for reference purposes and only when more specific depreciation data are not available. Accelerated depreciation rates permitted in some instances by the Internal Revenue Service shall not be used.

(r) *Interest.* Enter on line 18 the computed interest rate for any new or additional capital to be invested by the Government. This entry is used to estimate the rate of return that could have accrued to the Government for any capital investment which must be made by the Government because of this work and which would not have been made if the work were to be performed by private enterprise. The rate of interest will be the current interest for long term Treasury obligations. Yield rates are reported in the current issue of the Treasury Bulletin (Table 1 Average Yields of Treasury and Corporate Bonds by Periods) and shall be used in these computations regardless of any rates of interest which may be used by the agency for other purposes. The method of computation should provide for reduction in the capital investment to which interest is applied over the useful life of the asset on a straight line basis.

* * * * *

(t) *Other indirect costs.* Enter on line 20 the additional indirect costs incurred or to be incurred because commercial procurement is not utilized. These indirect costs consist of the various central administrative services above the installation level, such as centralized accounting, personnel, and legal assistance or other Government-wide services of such organizations as the Public Buildings Service, General Services Administration. It is not always feasible to determine the extent to which the costs of these types of central services should be allocated to a Government commercial or industrial activity on an individual basis. To cover these services, a cost factor of two per cent should be applied to the sum of all other elements identified with the activity under review, except lines 15, 16, 17, 18, and 20, and the result will be entered on line 20 of the Worksheet. In lieu of the 2 percent factor, a higher or lower amount may be used in unusual cases provided the basis for the substitution is fully justified in the cost comparison.

§ 169a.11 [Amended]

6. In § 169a.11, *Cost analysis worksheet,* the captions of items 15, 20, and 20a, have been amended by deleting the

parenthetical phrases. They now read as follows: "15. Insurance"; "20. Other Indirect Costs,"; and "20a. Total".

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MAY 16, 1969.

[F.R. Doc. 69-6120; Filed, May 22, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 151—FEDERAL FINANCIAL ASSISTANCE FOR RESEARCH AND RESEARCH RELATED ACTIVITIES IN THE FIELD OF EDUCATION AND FOR CONSTRUCTION OF NATIONAL AND REGIONAL RESEARCH FACILITIES

Miscellaneous Amendments

Part 151 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

1. The Table of Contents is amended as follows:

(a) Section 151.10 is deleted.

(b) Section 151.11 is revised to read "Termination of a Grant."

(c) Section 151.12 is deleted.

(d) Section 151.17 is deleted.

(e) Section 151.22 is revised to read "Contracting."

§ 151.10 [Revoked]

2. Section 151.10 is revoked.

3. Section 151.11 is revised to read as follows:

§ 151.11 Termination of a grant.

(a) A grant may be terminated by the Commissioner—

(1) If he determines that the program or project supported is no longer susceptible of productive results; or

(2) If the grantee fails to comply with any grant requirement or condition.

(b) When action is taken under this section, the Commissioner may authorize the expenditure of Federal funds in such amounts as he may deem necessary for the purpose of terminating the program or project financed by the grant which is being terminated.

(20 U.S.C. 331a(a))

§ 151.12 [Deleted]

4. Section 151.12 is deleted.

§ 151.17 [Deleted]

5. Section 151.17 is deleted.

6. Paragraph (a) of § 151.18 is revised to read as follows:

§ 151.18 Records.

(a) The grantee shall provide for keeping separate, intact, and accessible and will make available to the Commissioner on request, all records supporting claims under Federal grants or relating to the accountability for Federal funds:

(1) Until audit by or on behalf of the Department; or

(2) For 5 years after the close of the budget period, whichever is the lesser.

(20 U.S.C. 331a(a))

* * * * * *

7. Section 151.21 is revised to read as follows:

§ 151.21 Contracts.

In lieu of a grant under this part, the Commissioner may enter into a contract with any eligible party for the conduct of a program or project. Such contracts may include whatever provisions may be deemed necessary or desirable for the achievement of the purposes of the Act.

(20 U.S.C. 331a, 332a)

8. Section 151.22 is revised to read as follows:

§ 151.22 Contracting.

The Commissioner may authorize at the time of the grant award, or subsequently, contracting arrangements in connection with a program or project where he determines that such contracts will not be inconsistent with the objectives of the program or project, applicable provisions of the Act and this part, or other applicable Federal requirements.

(20 U.S.C. 331a, 332a)

9. Section 151.24 is revised to read as follows:

§ 151.24 Transfer of funds.

The Commissioner may, with the approval of the Secretary, transfer funds appropriated under section 3 of the Act to any other Federal agency (including any other constituent agency of the Department of Health, Education, and Welfare) for use by that agency for purposes for which the Commissioner could expend such funds under section 2 of the Act. Such a transfer will be made in accordance with an agreement between the Commissioner and the transferee agency and the transferred funds may be used by the agency alone, or in combination with its own funds. The Commissioner may also accept and expend funds transferred from any other Federal agency (including any other constituent agency of the Department of Health, Education, and Welfare) for the purposes stated in section 2 of the Act.

(20 U.S.C. 331a(c))

10. Section 151.25 is revised to read as follows:

§ 151.25 Eligible parties.

Only universities and colleges and other public or private agencies, institutions, and organizations are eligible parties under this subpart, except that no grant may be made to a private agency, institution, or organization other than a nonprofit one.

(20 U.S.C. 331a(b))

11. Paragraph (d) of § 151.29 is revised to read as follows:

§ 151.29 Assurances.

* * * * *

(d) The facility will be used only for research and research related purposes in accordance with the Act and this part for its useful life.

(20 U.S.C. 332a)

* * * * * *

12. Section 151.31 is revised to read as follows:

§ 151.31 Contract performance bonds.

The grantee shall require the contractor to furnish a performance bond in the amount of the contract price and a payment bond in the amount of at least one half of the contract price and shall itself, or require the contractor to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance (unless applicant furnishes evidence of other acceptable arrangements for any and all such insurance).

(20 U.S.C. 322a)

Dated: May 19, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

Approved:

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-6178; Filed, May 22, 1969; 8:50 a.m.]

PART 171—FINANCIAL ASSISTANCE FOR ACQUISITION OF EQUIPMENT TO IMPROVE UNDERGRADUATE INSTRUCTION IN INSTITUTIONS OF HIGHER EDUCATION

Definitions and Retention of Records

1. Paragraph (o) of § 171.1 which defines laboratory and other special equipment and materials is amended by eliminating the word "computers" from the last sentence thereof (thus making such items potentially eligible for inclusion in a project proposal). As so amended the last sentence of § 171.1(o) reads as follows:

§ 171.1 Definitions.

* * * * *

(o) * * * Not included under the term are such items as general-purpose furniture, radio or television broadcast apparatus, public address systems, or items for the maintenance and repair of equipment.

2. Section 171.8 dealing with retention of records is amended to limit the period provided for therein (in most cases to a maximum of 5 years). As so amended paragraphs (a)(1) and (b) of § 171.8 read as follows:

§ 171.8 Retention of records.

(a) *State Commissions.* (1) Accounts and documents supporting expenditures for expenses of State Commissions shall be maintained until notification of completion of Federal audits for the fiscal year concerned or for a period of 5 years after the end of such fiscal year, whichever is sooner, except that such records shall be maintained until any questions raised on audit have been resolved.

* * * * *

(b) *Institutions.* All accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, as specified in paragraph (b) of § 171.7, including bank deposit slips, canceled checks, and other supporting documents and contract awards (or microfilm facsimiles thereof), shall be retained intact for audit or inspection by authorized representatives of the Federal Government for a period of 5 years after completion of the project or until the applicant is notified of the Government's audit, whichever is sooner, except that such records shall be maintained until any questions raised on audit shall have been resolved.

Effective date: These amendments shall become effective 30 days after their publication in the FEDERAL REGISTER.

(Secs. 603, 605, 79 Stat. 1262, 1265; 20 U.S.C. 1123, 1125)

Dated: May 19, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

Approved: April 2, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-6179; Filed, May 22, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 5, Amdt. 3]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Central-Mountain Standard Time Zone Boundary in Cherry County, Nebr.

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the central time zone and the mountain time zone as it applies to Cherry County, Nebr.

On March 5, 1969, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 3852) requesting comments on a proposal based on petitions received from certain citizens of Cherry County, Nebr., organized as the "Committee for Central Standard Time". The petitions requested that the Department place eight of the precincts of the county (Crookston, German, Table, Valentine, Cleveland, Wood Lake, Kewanee, and Sparks) in the central time zone. The petitions stated that most of the area concerned had historically followed central time and that the general public, business, and social activities of the area were oriented to central time. The petitions were accompanied by the results of an informal election held in Commissioner District No. 1 on November 9, 1968, in which 910 votes were cast in favor of central time and 303 votes cast in favor of mountain time. The petitions were also supported by letters from the Mayor of Valentine, the Mayor of Wood Lake, the Valentine Chamber of Commerce, the Superintendent of Public Instruction of Cherry County, the Superintendent of Valentine City Schools, and Valentine Motor Lines.

Since the Department had an indication that other precincts in the eastern part of the county might also wish to be included in the central time zone, the notice also covered the precincts of Loup, Goose Creek, Pleasant Hill, and Elsmere.

In the notice the Department stated that it was generally the policy of the Department to establish time zone boundaries along State or county lines so far as possible, but that it noted that Cherry County presented a unique problem because of its extreme size and the major population concentration in the northeast corner.

Interested persons were given a 41-day period within which to comment on the proposal. Comments were received from common carriers, business firms, chambers of commerce, county and municipal officials, and individuals. A total of 325 separate comments were received, along with the notarized results of the informal election discussed above. The Department also received a notarized petition with 260 signatures (primarily from towns west of Valentine) favoring the present time line. The individual comments are broken down as follows:

1. Two comments were received from common carriers, both favoring central time.

2. Fifteen comments were received from business firms, all favoring central time.

3. Two comments were received from chambers of commerce, both favoring central time.

4. One comment was received from a radio station, favoring central time.

5. Two hundred nineteen individual comments favoring central time were received.

6. Seventy-five comments favoring mountain time were received (43 from Valentine; 14 from Crookston; six from Cody; seven from Kilgore; and five scattered).

7. Ten comments, all favoring central time, were received from Cherry County and Valentine officials including the mayor, the city manager, the county treasurer, the superintendent of public instruction, the clerk of the district court, the county commissioner for District No. 1, and the county assessor.

As a result of its evaluation of the comments and in view of the requirement imposed by the Uniform Time Act of 1966 that time zone boundaries be fixed "having regard for the convenience of commerce and existing junction points and division points of common carriers" the Department is of the opinion that the clear preference of commercial and transportation interests, as well as that of individual citizens concerned, is for central time in the 12 named precincts in accordance with the proposal. Furthermore, the Department considers that drawing the time zone boundary along established precinct lines, as the proposed rule would do, will provide the same long-term stability to the boundary in this extremely large county as drawing it along State or county lines does in other situations.

In consideration of the foregoing, § 71.5(c) of Title 49 of the Code of Federal Regulations is amended, effective at 2 a.m. on June 29, 1969, to read as follows:

§ 71.5 Boundary line between central and mountain zones.

* * * * *

(c) *Nebraska.* From the intersection of the Third Guide Meridian, West, and the north boundary line of the State of Nebraska; thence running west along the north boundary of the State of Nebraska to the intersection of the west line of R. 30 W.; thence south along the range line between Rs. 30 and 31 W. to the southwest corner of sec. 19, T. 33 N., R. 30 W.; thence easterly along section lines to the northeast corner of sec. 29 T. 33 N., R. 30 W.; thence southerly along section lines with their offsets to the northeast corner of sec. 17, T. 32 N., R. 30 W.; thence westerly along section lines to the northwest corner of sec. 18, T. 32 N., R. 30 W.; thence southerly along the range line to the southwest corner of T. 31 N., R. 30 W.; thence easterly along the township line to the northeast corner of T. 30 N., R. 30 W.; thence southerly along the range line to the southwest corner of T. 29 N., R. 29 W.; thence westerly along the township line to the northwest corner of sec. 4, T. 28 N., R. 30 W.; thence southerly along section lines to the southwest corner of sec. 33, T. 28 N., R. 30 W.; thence easterly along the township line to the northeast corner of sec. 4, T. 27 N., R. 30 W.; thence southerly along section lines to the southwest corner of sec. 22, T. 26 N., R. 30 W.; thence easterly along section lines to the southeast corner of sec. 24, T. 26 N., R. 30 W.; thence southerly along the range line to the north line of Thomas County; thence westerly along the north line of Thomas County to the west line of Thomas County; thence south along the west line of Thomas County to the intersection of the north line of McPherson County; thence west along the north line of McPherson County to the west line of McPherson County; thence south along the west line of McPherson County to the intersection of the north line of Keith County; thence east along the north line of Keith County to the intersection of the west line of Lincoln County; thence south along the west line of Lincoln County to the intersection of the north line of Hayes County; thence west along the north line of Hayes County to the west line of Hayes County; thence south along the west line of Hayes and Hitchcock Counties to the boundary line between Kansas and Nebraska.

This amendment does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966; 15 U.S.C. 260–267; sec. 6(e)(5), Department of Transportation Act; 49 U.S.C. 1655(e)(5))

Issued in Washington, D.C., on May 19, 1969.

JOHN VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-6162; Filed, May 22, 1969; 8:48 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 375—CONSUMER INFORMATION

Miscellaneous Amendments

Action on petitions for reconsideration—Amendment.

Regulations requiring manufacturers of passenger cars and motorcycles to provide information on vehicle stopping distance (§ 375.101), tire reserve load (§ 375.102), and acceleration and passing ability (§ 375.106) were issued by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 25, 1969 (34 F.R. 1246). Several petitions for reconsideration of these regulations were received. In response to these petitions, and in order to clarify and simplify the requirements and the information to be provided to purchasers, these regulations are hereby amended and reissued in the form set forth below.

Section 375.101 *Vehicle stopping distance.* This section required that manufacturers state the tire size, type and size of brake, method of brake actuation and auxiliary brake equipment, and maximum loaded and lightly loaded vehicle weights. The effect of stating these requirements was to greatly restrict the grouping of vehicles and options that was permitted for the purposes of furnishing information. It has been determined that in order to reduce the required number of different information documents, manufacturers should be permitted to group vehicles at their discretion, as long as each vehicle in the group can meet or exceed the performance levels indicated, and the vehicles in each group are identified in the terms by which they are normally described to the public. The requirement for specific descriptive information is therefore deleted.

Since the information must be valid for all vehicles in the group to which it applies, the requirement that it refer to the smallest tire size offered has been found unnecessary, and deleted. It has also been determined that variations in stopping distances between different vehicles at 30 m.p.h. are not as meaningful for comparison purposes as those at 60 m.p.h., and therefore information is required only for the latter speed.

It should be noted that the regulations establish the conditions under which the performance level represented by the information provided can be met or exceeded by every vehicle to which the information applies. They do not establish the procedures by which manufacturers should generate the information, although those procedures are to be inferred from the regulations. For example, both sections contain the condition that wind velocity is zero. This does not mean that manufacturers' tests must be conducted under still air conditions; it means that the performance level established must be attainable by all vehicles in the group under those conditions. One obvious method of satisfying the condition from the manufacturer's standpoint is to conduct verification tests under adverse wind conditions (tailwind for braking, headwind for acceleration). As another example, the condition that ambient temperature be between 32° F. and 100° F. means that the information presented must be attainable by all vehicles in the group at all temperatures within that range (when other conditions are as stated).

The amended section requires that stopping distances be those attainable without lockup on any wheel. This condition is the most meaningful from a safety standpoint, since steering control tends to be lost when wheels are locked. Several petitioners submitted data showing minimal differences in maximum and lightly loaded vehicle weight stopping distances to support their request for substitution of a single test weight. Their results, however, were apparently derived from tests conducted with locked wheels, under which conditions stopping distance becomes a function largely of vehicle velocity and the friction coefficient between the tire and the road, and has no relationship to vehicle weight. It is believed that the condition of no wheel lockup will result in data showing meaningful differences in stopping distances at different test weights. Accordingly, the requirement of information covering these two vehicle weight conditions is retained, and petitions on this point are denied.

The section as issued required performance information for a partially failed service brake subsystem ("emergency brake system") only at maximum loaded vehicle weight. It has been determined that in some cases the most adverse condition may occur at lighter loads. The amended rule therefore requires information for "the most adverse combination of maximum or lightly loaded vehicle weight and complete loss of braking in one or the other of the vehicle brake subsystems."

Several petitioners suggested that information be limited to one test weight, instead of requiring it for both lightly loaded and maximum loaded vehicle weight. It has been determined, however, that information on both conditions may reveal vehicles having superior brake balance, and the advantage of antiskid or load proportioning devices, and also aid purchasers who travel mainly in one or the other of the loading conditions. The petitions to that effect are therefore denied.

Section 375.102 *Tire reserve load.* The section required that manufacturers state the number of passengers and the cargo and luggage weight for two different loading conditions, and the actual vehicle weight within a range of no more than 100 pounds under those conditions. These requirements restricted the grouping of vehicles and options that was permitted for the purposes of furnishing information. It has been determined that in order to reduce the required number of different information documents, manufacturers should be permitted to group vehicles by recommended tire size designations regardless of weight, as long as the reserve load figure is met or exceeded by every vehicle in the group. The requirements for providing weight and loading information are therefore deleted.

Section 375.102 as issued required that reserve load figures be provided for the vehicle at normal vehicle weight (two or three persons and no luggage) as well as maximum loaded vehicle weight. It also required the furnishing of a "tire overload percentage," the percentage difference between the load rating of a tire at recommended inflation pressures for normal vehicle weight and the load on the tire at maximum loaded vehicle weight. Several petitions suggested that the providing of these various percentage figures would tend to confuse persons to whom the information is furnished, and therefore decrease its usefulness to the consumer. Representatives of consumer groups have also suggested, in earlier proceedings concerning the consumer information regulations, that for maximum usability the information should be as simple and clear as possible. In light of these considerations, it has been determined that the tire reserve load figure provided should be limited to a single percentage for each recommended tire size designation, at maximum loaded vehicle weight and the manufacturer's recommended inflation pressure. The requirements for tire reserve load at normal vehicle weight and for tire overload percentage accordingly are deleted.

Two further changes in the calculation methods have been made for simplicity and clarity. Instead of using the actual load on each wheel as the basis for calculation, the wheel load figure is changed to one-half of each axle's share of the maximum loaded vehicle weight. This reflects the method used in Standard No. 110 for determining the vehicle maximum load on the tire. Also, the denominator of the fraction representing the tire reserve load percentage is changed from the load on the wheel to the load rating of the tire. A tire with a load rating of 1,500 pounds, for example, used with a wheel load of 900 pounds, would have a reserve load percentage of 40 percent (600/1500×100) rather than 66⅔ percent (600/900×100). The former figure has been determined to be somewhat more meaningful in cases of large reserve loads.

Section 375.106 *Acceleration and passing ability.* The section as issued required that times be provided for acceleration from 20 to 35 m.p.h. and from 50 to 80 m.p.h., and times and distances for prescribed passing maneuvers involving two lane changes. On the basis of petitions submitted, and further consideration of the need for simplicity and clarity in the information presented, it has been determined that the most useful information would be in the form of passing distances and times for a simple straight-line passing maneuver at low and high speeds. In order to eliminate the difficulties of conducting a uniform passing maneuver involving a long pace vehicle and a limiting of the passing speed precisely to a specified level, the information required is to be derived on the basis of a time-distance plot of vehicle performance at maximum acceleration from 20 to 35 and 50 to 80 miles per hour.

For reasons discussed above in regard to § 375.101, the requirement of providing the weight of the vehicle is deleted from this section.

Because the amended section does not require information relating to an actual passing maneuver, but only that based on two straight-line acceleration maneuvers with a simple graphic computation, the exception of manufacturers of 500 or fewer vehicles annually from certain of the requirements is removed from this section.

Several petitioners contended that the requirement that information be provided under the condition of full-power operation of a vehicle air conditioner would lead to variable, nonrepeatable results. This may be true of the results achieved in manufacturers' tests. The information presented is not, however, to be simply the results of manufacturers' tests, but rather a minimum level of performance that can be met or exceeded by every vehicle to which the information applies. Manufacturers are free, therefore, to adjust the data to account for any variation in results that might be encountered. The degradation of acceleration ability by the use of an air conditioner may be significant in some cases, and therefore it is important from the standpoint of safety that it be reflected in the information provided. The petitions to the contrary are accordingly denied.

Some petitioners objected to the required use of a correction factor to ambient conditions in accordance with SAE Standard J816a, pointing out that the factor was designed to be applicable exclusively to engine dynamometer testing and not to road testing of vehicles. The contention has been found to have merit. In the section as amended, ranges of ambient conditions of temperature, dry barometric pressure, and relative humidity are provided, and the information is required to be valid at all points within those ranges.

In addition to the above, a new paragraph (c), containing specific definitions, is added to § 375.2 *Definitions.*

In order to allow adequate time for manufacturers to prepare the information, the three sections are effective for vehicles manufactured on or after January 1, 1970.

In consideration of the above, 49 CFR 375.101, 375.102, and 375.106 are amended, and a new paragraph (c) is added to § 375.2, to read as set forth below. This notice of action on petitions for reconsideration is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407) and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

MAY 19, 1969.

§ 375.2 Definitions.

* * * * *

(c) *Definitions used in this part.*

"Brake power unit" means a mechanism installed in a motor vehicle brake system that has a primary purpose of reducing the effort required by the operator to actuate the brake system, including both full-power and power-assist units.

"Lightly loaded vehicle weight" means—

(1) For a passenger car, curb weight plus 300 pounds (including driver and instrumentation), with the added weight distributed in the front seat area.

(2) For a motorcycle, curb weight plus 200 pounds (including driver and instrumentation), with added weight distributed on the saddle and in saddle bags or other carrier.

"Maximum loaded vehicle weight" is used as defined in Standard No. 110.

"Maximum sustained vehicle speed" means that speed obtainable by accelerating at maximum rate from a standing start for 1 mile.

"Skid number" means the frictional resistance measured in accordance with American Society for Testing and Materials Method E–274 at 40 miles per hour, omitting water delivery as specified in paragraph 7.1 of that Method.

§ 375.101 Vehicle stopping distance.

(a) *Purpose and scope.* This section requires manufacturers of passenger cars and motorcycles to provide information on vehicle stopping distances under specified speed, brake, loading, and pavement conditions.

(b) *Application.* This section applies to passenger cars and motorcycles manufactured on or after January 1, 1970.

(c) *Required information.* Each manufacturer shall furnish the information in subparagraphs (1) through (5) of this paragraph, in essentially the form illustrated in Figure 1, except that with respect to subparagraphs (2) and (3) of this paragraph, a manufacturer whose total motor vehicle production does not exceed 500 annually is only required to furnish performance information for maximum loaded vehicle weight. Each vehicle in the group to which the information applies shall be capable, under the conditions specified in paragraph (d) of this section, and utilizing the procedures specified in paragraph (e) of this section, of performing at least as well as the information indicates. The document provided with a vehicle may contain more than one table, but the document must clearly and unconditionally indicate which of the tables applies to the vehicle with which it is provided.

Example 1: Manufacturer X furnishes a document containing several tables, which apply to various groups of vehicles that it produces. The document contains the following notation on its front page: "The information that applies to this vehicle is contained in Table 5." The notation satisfies the requirement.

Example 2: Manufacturer Y furnishes a document containing several tables as in Example 1, with the following notation on its front page:

"Information applies as follows:
Model P, 6-cylinder engine—Table 1.
Model P, 8-cylinder engine—Table 2.
Model Q—Table 3."

The notation does not satisfy the requirement, since it is conditioned on the model or the equipment of the vehicle with which the document is furnished, and therefore additional information is required to select the proper table.

If a vehicle is unable to reach the speed of 60 miles per hour (m.p.h.), the maximum sustained vehicle speed shall be substituted for the 60 m.p.h. speed in the requirements specified below, and in the presentation of information as in Figure 1, with an asterisked notation in essentially the following form at the bottom of the figure: "The maximum speed attainable by accelerating at maximum rate from a standing start for 1 mile." The weight requirements indicated in subparagraphs (2), (3), and (4) of this paragraph are modified by the fuel tank condition specified in paragraph (d)(4) of this section.

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Minimum stopping distance with fully operational service brake system.* The minimum stopping distance attainable, expressed in feet, from 60 m.p.h., using the fully operational service brake system, at lightly loaded and maximum loaded vehicle weight.

(3) *Minimum stopping distance with partially failed service brake system.* (Applicable only to passenger cars with more than one service brake subsystem.) The minimum stopping distance attainable using the service brake control, expressed in feet, from 60 m.p.h., for the most adverse combination of maximum or lightly loaded vehicle weight and complete loss of braking in any one of the vehicle brake subsystems.

(4) *Minimum stopping distance with inoperative brake power unit.* (Applicable only to vehicles equipped with brake power unit.) The minimum

stopping distance, expressed in feet, from 60 m.p.h., using the service brake system, at maximum loaded vehicle weight, with the brake power unit rendered inoperative by disconnection of its power supply, and with any residual power reserve capability of the disconnected system exhausted. If the vehicle has more than one independent unit, the figure shall represent the most adverse performance with any one of the units disconnected.

(5) *Notice.* The following notice: "This figure indicates braking performance that can be met or exceeded by the vehicles to which it applies, without locking the wheels, under different conditions of loading and with partial failures of the braking system. The information presented represents results obtainable by skilled drivers under controlled road and vehicle conditions, and the information may not be correct under other conditions."

(d) *Conditions.* The data provided in the format of Figure 1 shall represent a level of performance that can be equaled or exceeded by each vehicle in the group to which the table applies, under the following conditions, utilizing the procedures set forth in paragraph (e) of this section.

(1) Stops are made without lockup on any wheel, except for such momentary lockup as may occur with an automatic skid control device.

(2) The tire inflation pressure and other relevant component adjustments of the vehicle are made according to the manufacturer's published recommendations.

(3) For passenger cars, brake pedal force does not exceed 150 pounds for any brake application. For motorcycles, hand brake lever force applied 1¼ inches from the outer end of the lever does not exceed 55 pounds, and foot brake pedal force does not exceed 90 pounds.

(4) Fuel tank is filled to any level between 90 and 100 percent of capacity.

(5) Transmission is in neutral, or the clutch disengaged, during the entire deceleration.

(6) The vehicle begins the deceleration in the center of a straight roadway lane that is 12 feet wide, and remains in the lane throughout the deceleration.

(7) The roadway lane has a grade of zero percent, and the road surface has a skid number of 70.

(8) All vehicle openings (doors, windows, hood, trunk, convertible tops, etc.) are in the closed position except as required for instrumentation purposes.

(9) Ambient temperature is between 32° F. and 100° F.

(10) Wind velocity is zero.

(e) *Procedures.* (1) Burnish:

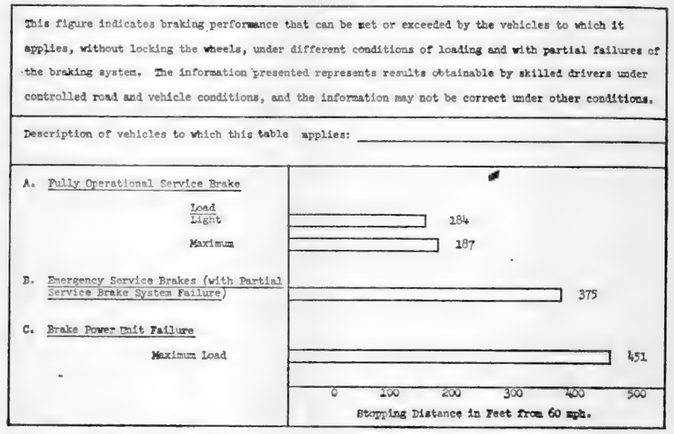
(i) *Passenger cars.* Burnish brakes once prior to first stopping distance test by conducting 200 stops from 40 m.p.h. (or maximum sustained vehicle speed if the vehicle is incapable of reaching 40 m.p.h.) at a deceleration rate of 12 f.p.s.p.s. in normal driving gear, with a cooling interval between stops, accomplished by driving at 40 m.p.h. for a sufficient distance to reduce brake temperature to 250 ° F., or for 1 mile, whichever occurs first. Readjust brakes according to manufacturer's recommendations after burnishing.

(ii) *Motorcycles.* Same as for passenger cars, except substitute 30 m.p.h. for 40 m.p.h. and 150° F. for 250° F., and maintain hand lever force to foot level force ratio of approximately 1 to 2.

(2) Insure that the temperature of the hottest service brake is between 130° F. and 150° F. prior to the start of all stops (other than burnishing stops), as measured by plug-type thermocouples installed according to SAE Recommended Practice J843a, June 1966.

(3) Measure the stopping distance as specified in paragraph (c) (2), (3), and (4) of this paragraph from the point of application of force to the brake control to the point at which the vehicle reaches a full stop.

FIGURE 1



§ 375.102 Tire reserve load.

(a) *Purpose and scope.* This section requires manufacturers of passenger cars to provide information as to the difference, expressed as a percentage of the tire load rating, between the load imposed on a tire at maximum loaded vehicle weight and the tire load rating set forth in Federal Motor Vehicle Safety Standard No. 109, the tire size designations recommended for use on the vehicle, and the recommended tire inflation pressures under maximum loading conditions.

(b) *Application.* This section applies to passenger cars manufactured on or after January 1, 1970.

(c) *Required information.* Each manufacturer shall furnish the information in subparagraphs (1) through (5) of this paragraph, in essentially the form illustrated in Figure 1. The table that is provided for a specific vehicle shall contain only information that is applicable to that vehicle. The tire reserve load percentage given for each tire size designation or combination of tire size designations shall not exceed the lowest value that is correct for all the vehicles in the group to which the table applies. A manufacturer may provide a document that contains more than one table, but the document must clearly and unconditionally indicate which one of the tables applies to the vehicle with which it is provided. See the examples in § 375.101(c).

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Recommended tire size designations.* All tire size designations and combinations of tire size designations, as listed in Standard No. 109, recommended by the manufacturer for use on the vehicle.

(3) *Recommended inflation pressure for maximum loaded vehicle weight.* Vehicle manufacturer's recommended inflation pressure for maximum loaded vehicle weight, for each recommended tire size designation.

(4) *Tire reserve load percentage.* The tire reserve load percentage for the vehicle, determined according to paragraph (d) of this section, for each of the tire size designations or combinations of tire size designations recommended by the manufacturer.

(5) *Warning.* The following statement, placed in proximity to the table:

WARNING. Failure to maintain the recommended tire inflation pressure or to increase tire pressure as recommended when operating at maximum loaded vehicle weight, or loading the vehicle beyond the capacities specified on the tire placard affixed to the vehicle, may result in unsafe operating conditions due to premature tire failure, unfavorable handling characteristics, and excessive tire wear. The tire reserve load percentage is a measure of tire capacity, not of vehicle capacity. Loading beyond the specified vehicle capacity may result in failure of other vehicle components.

(d) *Determination of tire reserve load percentage.* The tire reserve load percentage for a vehicle, required by paragraph (c) of this section, shall be determined as follows:

(1) Determine W_1, the vehicle maximum load on the tire, for the front and rear tires respectively. These figures are determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing that share by two.

(2) Find W_2, the load rating for each tire as installed, set forth in Standard No. 109, using the vehicle manufacturer's recommended inflation pressure for maximum loaded vehicle weight.

(3) Calculate the tire reserve load percentage for each tire as:

$$\frac{W_2 - W_1}{W_2} \times 100$$

(4) The tire reserve load percentage for the vehicle is the lowest of the percentages calculated in subparagraph (3) of this paragraph for each tire on the vehicle.

FIGURE 1

This table lists the tire size designations recommended by the manufacturer for use on the vehicles to which it applies, with the recommended inflation pressure for maximum loading and the tire reserve load percentage for each of the tires listed. The tire reserve load percentage indicated is met or exceeded by each vehicle to which the table applies.

Description of vehicles to which this table applies: .....

Recommended tire size designations					
Recommended cold inflation pressure for maximum loaded vehicle weight	Front				
	Rear				
Tire reserve load percentage [1]					

[1] The difference, expressed as a percentage of tire load rating, between (a) the load rating of a tire at the vehicle manufacturer's recommended inflation pressure at the maximum loaded vehicle weight and (b) the load imposed upon the tire by the vehicle at that condition.

WARNING. Failure to maintain the recommended tire inflation pressure or to increase tire pressure as recommended when operating at maximum loaded vehicle weight, or loading the vehicle beyond the capacities specified on the tire placard affixed to the vehicle, may result in unsafe operating conditions due to premature tire failure, unfavorable handling characteristics, and excessive tire wear. The tire reserve load percentage is a measure of tire capacity, not of vehicle capacity. Loading beyond the specified vehicle capacity may result in failure of other vehicle components.

§ 375.106 Acceleration and passing ability.

(a) *Purpose and scope.* This section requires manufacturers of passenger cars and motorcycles to provide information on vehicle acceleration and passing ability under low and high speed conditions.

(b) *Application.* This section applies to passenger cars and motorcycles manufactured on or after January 1, 1970.

(c) *Required information.* Each manufacturer shall furnish the information in subparagraphs (1) through (3) of this paragraph, in essentially the form illustrated in Figure 1. Each vehicle in the group to which the table of performance information applies shall be capable, under the conditions specified in paragraph (d) of this section, of performing at least as well as the table indicates. A manufacturer may provide a document that contains more than one table, but the document must clearly and unconditionally indicate which one of the tables applies to the vehicle with which it is provided. See the examples in § 375.101 (c).

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Passing Time and Distance.* The time in seconds and the distance in feet hypothetically required to pass a vehicle 55 feet long traveling at 20 and 50 miles per hour (m.p.h.), under the conditions of paragraph (d) of this section. If the vehicle for which information is provided would be unable to perform a passing maneuver because it cannot exceed 20 or 50 m.p.h., the notation "not capable" shall be entered.

(3) *Notice.* The following notice, placed in proximity to the figure: "The information presented represents results obtainable by skilled drivers under controlled road and vehicle conditions, and the information may not be correct under other conditions."

(d) *Conditions and procedures*—(1) *Vehicle, road, and ambient conditions.* The data provided in the format of Figure 1 shall represent a level of performance that can be equaled or exceeded by each vehicle in the group to which the table applies, under the following conditions:

(i) Vehicle is at maximum loaded vehicle weight, except that the fuel tank is filled to any level between 90 and 100 percent of capacity.

(ii) Fuel and lubricants are selected and adjustments are made according to the manufacturer's published recommendations.

(iii) Breakin period is completed according to the manufacturer's recommendations.

(iv) Engine is at normal operating temperature.

(v) The following accessories and equipment are operating at maximum power-consuming condition: Passenger cars; air conditioner, or heater if vehicle is not equipped with air conditioner, windshield wipers, and headlamps on high beam. Motorcycles: Headlamps on high beam.

(vi) Ambient temperature is between 59° F. and 85° F., ambient dry barometric pressure is between 28.50 in. hg. and 29.50 in. hg., and relative humidity is between 30 percent and 80 percent.

(vii) The roadway lane has a grade of zero percent, and the road surface has a skid number of 70.

(viii) Wind velocity is zero.

(2) *Hypothetical maneuvers.* The data provided shall represent the performance capability of the vehicle in performing the two hypothetical maneuvers described below. The passing distances are the distances traveled by the passing vehicle during the maneuvers described in subdivisions (i) and (ii) of this subparagraph. The passing times are the times required to travel the passing distances.

(i) The vehicle for which the information is provided ("passing vehicle") follows another vehicle ("pace vehicle") that is 55 feet long, with the leading edge of the passing vehicle 40 feet behind the trailing edge of the pace vehicle, and both vehicles travels at constant speed throughout. The passing vehicle is in a different lane from the pace vehicle. The passing maneuver begins when the passing vehicle accelerates at its maximum rate up to a limiting speed of 35 m.p.h., or to its maximum speed if less than 35 m.p.h. It maintains that speed, or maximum acceleration if unable to reach either the limiting or maximum speed, until the end of the maneuver, which occurs when its trailing edge is 40 feet ahead of the leading edge of the pace vehicle.

(ii) Same as subdivision (i) of this subparagraph, with the substitution of an initial speed of 50 m.p.h. (instead of 20 m.p.h.), a limiting speed of 80 m.p.h. (instead of 35 m.p.h.), and beginning and ending separation of 100 feet (instead of 40 feet).

(3) *Performance determination.* The determination of the vehicle's passing times and distances in performing the hypothetical maneuvers described in subparagraph (2) of this paragraph shall be based on the vehicle's actual performance capability in a maximum-rate acceleration, with transmission in gear and without use of clutch or brake before beginning the acceleration, as follows:

(i) Accelerate the vehicle as rapidly as possible from a constant speed of 20 m.p.h. to at least 35 m.p.h., or to the maximum speed if it is lower than 35 m.p.h.

(ii) Accelerate the vehicle as rapidly as possible from a constant speed of 50 m.p.h. to at least 80 m.p.h. or to the maximum speed if it is lower than 80 m.p.h.

(iii) Record the distance traveled (D) as a function of time (T) as determined in accordance with both subdivisions (i) and (ii) of this subparagraph.

(4) *Graphic determination of passing time and distance.* Ascertain the vehicle's capability to perform the hypothetical maneuvers by the following method.

Symbols: (All times are in seconds and all distances in feet. For the purposes of the determination speeds must be converted to feet per second.)

I = Separation between passing and pace vehicles at beginning and end of the maneuver: 40 feet for the low-speed pass and 100 feet for the high-speed pass.
L = Length of the passing vehicle.
V = Speed of the pace vehicle: 20 m.p.h. for the low-speed pass and 50 m.p.h. for the high-speed pass.
D = Distance.
T = Time.

(i) Plot a straight line having a slope equal to the speed (V) of the pace vehicle, starting at point T=0, D=2I+L+55, as illustrated in Figure 2.

(ii) Using the data obtained in subparagraph (3)(iii) of this paragraph, plot the distance vs. time curve for the passing vehicle at maximum acceleration, with starting point at T=0, D=0, and stopping at the point where the vehicle reaches the limiting speed (35 or 80 m.p.h. respectively) or its maximum speed if lower. If this curve intersects the

curve for the pace vehicle plotted in subdivision (i) of this subparagraph before the point where the passing vehicle reaches the limiting or maximum speed, it need not be plotted beyond the point of intersection.

(iii) If the curve plotted in subdivision (ii) of this subparagraph does not intersect the curve for the pace vehicle before the point where the passing vehicle reaches the limiting or maximum speed, extend the passing vehicle's curve from that point with a straight line whose slope equals either the limiting or maximum speed respectively.

(iv) The intersections of the curves for the pace vehicle and passing vehicle obtained in either subdivision (ii) or (iii) of this subparagraph, plotted for both the low-speed and the high-speed pass, represent the passing times and distances required to be provided in the form of Figure 1.

FIGURE 1

THIS FIGURE INDICATES PASSING TIMES AND DISTANCES THAT CAN BE MET OR EXCEEDED BY THE VEHICLES TO WHICH IT APPLIES, IN THE SITUATIONS DIAGRAMMED BELOW.

THE LOW-SPEED PASS ASSUMES AN INITIAL SPEED OF 20 MPH AND A LIMITING SPEED OF 35MPH. THE HIGH-SPEED PASS ASSUMES AN INITIAL SPEED OF 50 MPH AND A LIMITING SPEED OF 80 MPH.

NOTICE: THE INFORMATION PRESENTED REPRESENTS RESULTS OBTAINABLE BY SKILLED DRIVERS UNDER CONTROLLED ROAD AND VEHICLE CONDITIONS, AND THE INFORMATION MAY NOT BE CORRECT UNDER OTHER CONDITIONS.

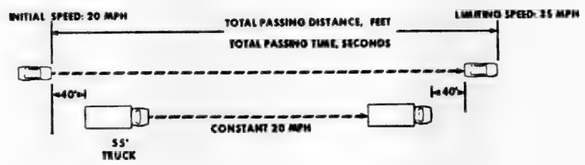
DESCRIPTION OF VEHICLES TO WHICH THIS TABLE APPLIES: _____

SUMMARY TABLE:

LOW-SPEED PASS.... _____FEET;_____SECONDS

HIGH-SPEED PASS.... _____FEET;_____SECONDS

LOW-SPEED



HIGH-SPEED

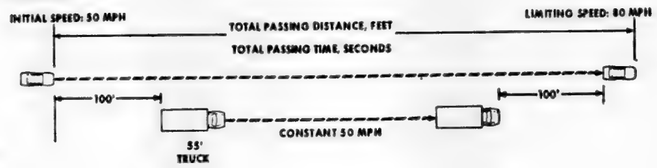
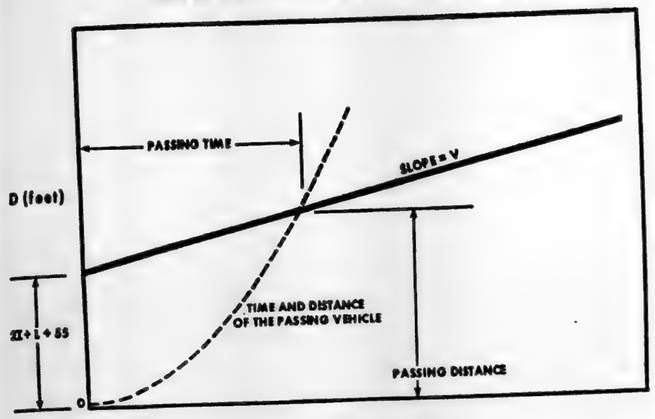


FIGURE 2

GRAPHIC DETERMINATION OF PASSING TIME AND DISTANCE



[F.R. Doc. 69-6114; Filed, May 20, 1969; 8:52 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-75]

PART 1003—LIST OF FORMS
PART 1047—EXEMPTIONS
Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of May 1969.

It appearing, that the Commission, on October 21, 1968, as corrected by notice entered October 24, 1968, issued a notice of proposed rulemaking and order in this proceeding, under the authority of part II of the Interstate Commerce Act, and more specifically sections 203(b)(5), and 204(a)(1) and (6) thereof, and sections 4 and 12 of the Administrative Procedure Act (now renumbered 5 U.S.C. 553 and 559) for the purpose of determining, in light of the provisions of sections 203(b)(5) and 220(g) of the Interstate Commerce Act, as amended July 26, 1968, whether certain proposed rules attached as an appendix to the said notice and order, or any other rules, should be prescribed to implement the provisions of Public Law 90-433 (82 Stat. 448 and 449), and for the taking of such other and further action as the facts and circumstances may require;

It further appearing, that the said notice and order entered October 21, 1968, as corrected by notice entered October 24, 1968, invited the representations of all interested persons setting forth their views with respect to the proposed rules; and that notice to all interested persons was given through publication of the said notice and order in the FEDERAL REGISTER of October 26, 1968 (33 F.R. 15876);

And it further appearing, that various parties have submitted their views and suggestions on the proposed rules and regulations and that the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof, and good cause appearing therefor:

It is ordered, That Part 1047 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding thereto §§ 1047.20 through 1047.23 as follows:

TRANSPORTATION AND NOTICE THEREOF BY AGRICULTURAL COOPERATIVE ASSOCIATIONS

§ 1047.20 Definitions.

As used in the regulations in this part the following terms shall have the meaning shown:

(a) *Cooperative association.* The term "cooperative association" means an association which conforms to the definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j). Associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b)(5) of the Interstate Commerce Act.

(b) *Federation of cooperative associations.* The term "federation of cooperative associations" means a federation composed of either two or more cooperative associations, or one or more cooperative associations and one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b)(5) of the Interstate Commerce Act.

(c) *Member.* The term "member" means any farmer or cooperative association which has consented to be, has been accepted as, and is a member in good standing in accordance with the constitution, bylaws, or rules of the cooperative association or federation of cooperative associations.

(d) *Farmer.* The term "farmer" means any individual, partnership, corporation, or other business entity to the extent engaged in farming operations either as a producer of agricultural commodities or as a farm owner.

(e) *Interstate transportation.* The term "interstate transportation" means transportation by motor vehicle in interstate or foreign commerce as defined in part II of the Interstate Commerce Act, as amended.

(f) *Member transportation.* The term "member transportation" means transportation performed by a cooperative association or federation of cooperative associations for itself or for its members, but does not include transportation performed in furtherance of the nonfarm business of such members.

(g) *Nonmember transportation.* The term "nonmember transportation" means transportation performed by a cooperative association or federation of cooperative associations other than member transportation as defined in (f) above.

(h) *Fiscal year.* The term "fiscal year" means the annual accounting period adopted by the cooperative association or federation of cooperative associations for Federal income tax reporting purposes.

§ 1047.21 Computation of tonnage allowable in nonfarm-nonmember transportation.

Interstate transportation performed by a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under part II of the act, shall be limited to that which is incidental to its primary transportation operation and necessary for its effective performance and shall in no event exceed 15 percent of its total interstate transportation services in any fiscal year, measured in terms of tonnage. A cooperative association or federation of cooperative associations may transport its own property, its members' property, of other farmers, and the property of other cooperatives or federations in accordance with existing law, except insofar as the provisions of § 1047.22 may be applicable with respect to the limit on member/nonmember transportation.

(a) The phrase "incidental to its primary transportation operation and necessary for its effective performance" means that the interstate transportation

of the cooperative association or federation of cooperative associations for nonmembers as described above is performed with the same trucks or tractors employed in a prior or subsequent trip in the primary transportation operation of the cooperative association or federation, that it is not economically feasible to operate the trucks or tractors empty on return trips (outbound trips in cases where the primary transportation operation is inbound to the association or federation), and that the additional income obtained from such transportation is necessary to make the primary transportation operation financially practicable.

(b) The base tonnage to which said 15-percent limitation is applied is all tonnage of all kinds transported by the cooperative association or federation of cooperative associations in interstate or foreign commerce, whether for itself, its members or nonmembers, for or on behalf of the United States or any agency or instrumentality thereof, and that performed within the exemption provided by section 203(b)(6) of the act.

§ 1047.22 Overall limitation of nonmember transportation.

No cooperative association or federation of cooperative associations which is required to give notice to the Commission under § 1047.23 may engage in nonmember interstate transportation for compensation in any fiscal year which, measured in terms of tonnage, exceeds its total interstate member transportation in such fiscal year.

§ 1047.23 Notice to the Commission.

A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are neither farmers, cooperative associations, nor federations of cooperative associations, under section 203(b)(5) of the Interstate Commerce Act, as amended July 26, 1968, which transportation is not otherwise exempt under part II of the act, shall notify the Commission of its intent to perform such transportation. Such notification shall be given within 30 days of the effective date of the regulations in this part by those already engaged in such operations, and prior to the commencement of such operations by all others, and shall be in the form, contain the information, and be served in the manner called for in Form BOp 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act (§ 1003.1 of this chapter). Significant changes in the information set forth in any such notice already on file with the Commission should be promptly brought to the Commission's attention by the timely filing of a supplemental Form BOp 102.

It is further ordered, That the following be, and it is hereby, added to the list of forms in paragraph (a) of § 1003.1 of Chapter X of Title 49 of the Code of Federal Regulations:

§ 1003.1 Motor carrier and broker forms.

(a) Application forms.

* * * * *

BOp 102 [1]

Notice to the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act, to be used by cooperative associations, or federations of cooperative associations, who or which perform or propose to perform interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations of cooperative associations.

CROSS REFERENCE: Part 1047.20 of this chapter.

* * * * *

It is further ordered, That this order shall become effective on July 7, 1969, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 82 Stat. 448 and 449; 49 U.S.C. 303(b)(5), 304(a)(1), (6))

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6156; Filed, May 22, 1969; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Export-Import Bank of Washington

Section 213.3342 is amended to show that one position of Private Secretary to the Special Assistant to the President and Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3342 as set out below.

§ 213.3342 Export-Import Bank of Washington.

* * * * *

(e) One Private Secretary to the Special Assistant to the President and Chairman.

[1] Form BOp 102 is available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6262 Filed, May 22, 1969; 11:25 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that four positions of Senior Assistant for Congressional Relations, Office of the Assistant to the Secretary for Congressional Relations, are excepted under Schedule C in lieu of the positions of Congressional Services Officer, Office of the Assistant Secretary for Model Cities and Governmental Relations; Special Assistant to the Assistant Secretary for Metropolitan Development; Director, Congressional Liaison Office, Office of the Assistant Secretary for Mortgage Credit and FHA Commissioner; and Congressional Liaison Assistant, Office of the Secretary. The section is also amended to show that one additional position of Assistant for Congressional Relations is excepted under Schedule C and that the titles of two positions of Congressional Liaison Assistant have been changed to Assistant for Congressional Relations. Effective on publication in the FEDERAL REGISTER, subparagraph (14) is revoked and subparagraphs (40) and (41) are added to paragraph (a), subparagraph (3) of paragraph (b) is revoked, subparagraph (11) of paragraph (d) is amended, and subparagraph (7) of paragraph (e) is revoked as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(14) [Revoked]

* * * * *

(40) Four Senior Assistants for Congressional Relations.

(41) Three Assistants for Congressional Relations.

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* * * *

(3) [Revoked]

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(11) One Special Assistant to the Assistant Secretary.

* * * * *

(e) *Office of the Assistant Secretary for Model Cities and Governmental Relations.* * * *

(7) [Revoked]

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6261; Filed, May 22, 1969; 11:25 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[980.203, Amdt. 6]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), § 980.203 Tomato Import Regulation, as amended (33 F.R. 16440, 17310, 19161; 34 F.R. 128, 6326, 7570), is hereby further amended as set forth below.

Tomato import regulation, as amended. In § 980.203, *Tomato import regulation,* paragraph (a) is amended to read as follows:

§ 980.203 Tomato import regulation.

* * * * *

(a) *Minimum grade, size, and maturity requirements.* (1) For mature green tomatoes: U.S. No. 3, or better grade, over $2\frac{9}{32}$ inches in diameter.

(2) For all other tomatoes: U.S. No. 3, or better grade, over $2\frac{17}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

* * * * *

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.306, Amdt. 6) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e-1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) notice of rule making regarding a proposed amendment to the import regulations was published in the FEDERAL REGISTER May 1, 1969 (34 F.R. 7170).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 22, 1969, to become effective May 27, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6256; Filed, May 22, 1969; 10:18 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

[Docket No. AO-353-A01-R01]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., on August 14–15, 1968, and January 8, 1969, after notice thereof published in the FEDERAL REGISTER (33 F.R. 10879, 18710; 34 F.R. 151) on proposed amendment of the marketing agreement and order (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on April 16, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69–4714; 34 F.R. 6693).

Ruling on exceptions. Exceptions to the recommended decision were filed by Charles E. Davis of Fishback, Davis, Dominick, Troutman, and Salfi, attorneys for and on behalf of Vaughn-Griffin Packing Co. The exceptions contend that the proposed amendment of §§ 913.41, 913.42, and 913.43 is not supported by the record and is not in accordance with law. These exceptions were carefully and fully considered, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein.

Also, the exceptions requested opportunity to present oral argument in support thereof. The aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and orders make no provision for oral argument at this stage of the promulgation proceeding. Such request is, therefore, denied.

To the extent that the findings and conclusions contained herein are at variance with the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The material issues, rulings, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69–4714; 34 F.R. 6693) are hereby approved and adopted as the material issues, rulings, findings, and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in the Interior District in Florida" and "Order Amending the Order Regulating the Handling of Grapefruit Grown in the Interior District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1968, through April 30, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Interior District in Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 90.400 et seq).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended by the annexed order, which will be published with this decision.

Dated: May 19, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Grapefruit Grown in the Interior District in Florida

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., August 14–15, 1968, and January 8, 1969, upon a proposed amendment of the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order, as hereby amended, as follows:

1. Section 913.25 *Procedure of committee* is revised to read as follows:

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraphs (c) and (d) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulation for any week following 3 or more weeks of continuous regulations, except as provided in paragraph (d) of this section.

(d) Not less than 100 percent of the committee shall concur to make a recommendation for regulation for any week following 10 weeks of regulations during any fiscal period. The requirements of paragraph (c) of this section and this paragraph (d) shall not apply to recommendations to amend an existing regulation.

(e) The vote of each member cast for or against any recommendation made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(f) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(g) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

2. Paragraph (a) in § 913.41 *Recommendation for volume regulation* is revised to read as follows:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided,* That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

* * * * *

3. Section 913.42 *Issuance of volume regulation* is revised to read as follows:

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulation during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

4. Section 913.43 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 913.43 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted]

5. Section 913.45 *Overshipments* is revised to read as follows:

§ 913.45 Overshipment.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided,* That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided,* That any time there is no volume regulaton in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

6. Section 913.47 *Allotment loans* is revised to read as follows:

§ 913.47 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with a transfer of allotment, each party shall promptly notify the committee so that proper adjustment of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

[F.R. Doc. 69–6138; Filed, May 22, 1969; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN INDIANAPOLIS INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Indianapolis Intrastate Air Quality Control Region as set forth in the following new § 81.29 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Indiana and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Indiana War Memorial, North East Room, 431 North Meridian Street, Indianapolis, Ind., beginning at 10 a.m., June 10, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.29 is proposed to be added to read as follows:

§ 81.29 Metropolitan Indianapolis Intrastate Air Quality Control Region.

The Metropolitan Indianapolis Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Boone County.	Johnson County.
Hamilton County.	Marion County.
Hancock County.	Morgan County.
Hendricks County.	Shelby County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: May 12, 1969

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69–5942; Filed, May 22, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 87]

[Docket No. 18550; FCC 69–512]

DEVELOPMENTAL PROGRAMS FOR AERONAUTICAL AND MARITIME PURPOSES

Proposed Provisional Suballocation of Certain Frequency Band

In the matter of amendment of Parts 2, 81, 83, and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535–1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes, Docket No. 18550; in the matter of a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system, RM–1201.

1. The Commission has under consideration a petition filed jointly on September 15, 1967, by the Air Transport Association of America (ATA) and Aeronautical Radio, Inc. (ARINC), for the amendment of §§ 2.106, 87.65(a)(7), 87.183(p), and 87.501(h)(3) so as to provide for the development and use of an airborne collision avoidance system.

2. Petitioners state that intensive efforts have been in progress since 1956 to develop an effective airborne collision avoidance system (CAS) and that the state of the art has now "* * * progressed to a point where a workable cooperative system can be built, whereas a self-contained system cannot. An essential requirement of a cooperative system is, of course, compatibility between the airborne CAS equipment of different manufacturers. A further necessity is freedom from any type of interference which the CAS will not be able to tolerate under the highest expected levels of use."

3. Accompanying the petition was a series of appendices dealing with: (a) A statement of airline policy requirements and a technical description of the system contemplated; (b) an analysis of spectral energy density requirements for collision avoidance systems; (c) an investigation of adjacent crosstalk level of the system; (d) bi-phase-Barker coded data transmission; and (e) analysis of warning times. Appendix A to the petition is described as reflecting the current best thinking of the industry team which has defined the system. It includes a detailed signal format and a related procedure for functionally testing collision avoidance systems. Petitioners state that, to provide an acceptable system capacity margin, four frequencies are required for the system to permit participation by a maximum of about 2,000 aircraft in any one area. They recommend center frequencies of 1575, 1580, 1585, and 1590 MHz with an overall allocated bandwidth of 30 MHz, extending from 1567.5 to 1597.5 MHz, to insure that 99 percent of all radiations would be contained therein. This would fall within the frequency band 1540–1660 MHz which is reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities in accordance with No. 352A of the International Radio Regulations.

4. Using the system proposed, petitioners state that in each three second interval, each aircraft in the community is expected to exchange data with each other aircraft in the community. This is characterized as one of the most demanding requirements ever placed on an airborne communication system proposed for use in civil aircraft. Because of the limited margin for error, the system will not be tolerant of interference and, in petitioners' view, should not share spectrum space with other devices which can provide redundant data and thus are less demanding in this regard.

5. In order to facilitate and make provision for the development and use of this system, petitioners suggest the following rule changes:

(a) The 1540–1660 Mc/s band of the Table of Frequency Allocations (§ 2.106) should be amended so as to add the notation "Airborne Collision Avoidance Systems" to columns 9 and 11 thereof.

(b) Allocation of the frequencies available to the airborne stations should be accomplished by amending § 87.183(p) to add a second sentence thereto: "Within this band, the band 1567.5–1597.5 MHz is reserved exclusively for airborne collision avoidance systems operating on center frequencies of 1575, 1580, 1585, and 1590 MHz."

(c) A similar allocation of the same frequencies to the associated ground stations should be accomplished by adding a second sentence to § 87.501(h)(3): "within this band, the band 1567.5–1597.5 MHz is reserved exclusively for ground-based facilities operating on center frequencies of 1575, 1580, 1585, and 1590 MHz which are directly associated with airborne collision avoidance systems."

(d) The required degree of tolerance should be assured by amending § 87.65(a)(7) so as to add a new footnote 8 thereto: "Airborne collision avoidance systems operating within the band 1567.5–1597.5 MHz shall have a tolerance of 0.000001 percent." (This is the equivalent of one part in 10^8.)

(e) A new provision should be added to Part 87 defining "Collison Avoidance System" as a new class of service and providing eligibility therefor.

6. The frequency band in question, 1540–1660 MHz, has been available for many years for both Government and non-Government users in the aeronautical radionavigation service. Except for radio altimeters accommodated in accordance with footnote US39, however, there have been no operational systems in the band. In more recent years, a number of developmental programs have been undertaken in the band by both Government and non-Government entities which, if carried to fruition without further guidance, could lead to mutually exclusive operational systems. Among the several systems planned and/or under development in this band are the CAS, an improved glide slope for instrument landing systems, and the use of space techniques for communication and navigation purposes. Since any or all of these devices, along with radio altimeters now in the band, could reasonably be expected to require accommodation on the same airframe, serious questions were raised as to their mutual compatibility.

7. Through the cooperation of other interested Government agencies and the Office of Telecommunications Management, the question of possible mutual interference among the several systems has been evaluated by the Electromagnetic Compatibility Analysis Center (ECAC) at Annapolis, Md. That evaluation, confirmed in part by joint Government/Industry tests of collision avoidance systems in the presence of various types of radio altimeters in use in the band, lead to the conclusion that the CAS, glide slope and space technique systems could be accommodated compatibly on the same airframe, within the same frequency band, but that radio altimeters should be phased out of the band 1540–1660 MHz in favor of the band 4200–4400 MHz. The latter band is generally conceded to be more appropriate for radio altimeters and is used extensively for that purpose.

8. The Commission and the Office of Telecommunications Management are persuaded that the CAS, the glide slope and the use of space techniques offer the potential for significant contributions in the national interest and, accordingly, should be afforded an interference-free environment in which to develop. It is proposed, therefore, to establish a provisional suballocation of the overall band to protect these specific developmental programs from harmful interference from others wishing to develop equipment for use in the band and to make it clear that even developments within the individual subbands would have to consider compatibility with each other when employed on a common airframe. If, within a reasonable period, developments progress satisfactorily, appropriate steps can be taken to remove the "provisional" connotation from the band.

9. In this regard, it should be noted that the Commission, in its fourth notice of inquiry in Docket No. 18294, has proposed that the international Table of Frequency Allocations be modified by expanding the band in question to 1535–1660 MHz and then suballocating that band so that the segments 1535–1557.5 MHz and 1637.5–1660 MHz would be available exclusively for the application of space techniques. It is the Commission's intention to incorporate that proposal in the provisional reallocation of the national Table of Frequency Allocations dealt with herein.

10. With regard to the reaccommodation of the radio altimeter function, it is not intended that such devices be required to vacate the band 1540–1660 MHz on a crash basis but rather that no new ones be authorized in the band after a specified date. Those in the band as of that date would be grandfathered-in for an unspecified period, recognizing that it may be necessary to establish a termination date for such devices in the future. At the present time radio altimeters are permitted in the band on the basis of footnote US39, which reads as follows:

US39 Within the band 1540–1660 Mc/s, radio altimeters are permitted to use only the portion 1600–1660 Mc/s and then only until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

11. In the frequency band 4200–4400 MHz, provisions for the accommodation of radio altimeters are now found in footnote US47, which reads as follows:

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

It is proposed to retain US39 unchanged except to make it applicable to the proposed expanded band 1535–1660 MHz but to indicate in Part 87 that radio altimeters not previously licensed in the band will not be authorized therein after a date specified. On the Government side, all new procurements of radio altimeters by Government agencies will be in a frequency band other than 1535–1660 MHz. Footnote US47 would be modified to read as follows:

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters.

It should be noted that the reaccommodation of radio altimeters is intended to be on a regular, rather than a provisional basis.

12. Of the three types of system for which provisional allocations are proposed, the ECAC evaluation referred to in paragraph 7 indicated the desirability of frequency changes to improve their mutual compatibility. As a result, provisional arrangements are proposed for the use of space techniques in the bands 1535–1557.5 and 1637.5–1660 MHz; for the glide slope in the band 1557.5–1567.5 MHz; and for CAS in the band 1592.5–1622.5 MHz. The remaining portions of the overall band 1540–1660 MHz would continue to be available for the aeronautical radionavigation service under the terms now prevailing nationally and internationally. The specific details of the proposal with respect to Parts 2, 81, 83, and 87 are set forth below.

13. In summary, while not meeting fully the relief requested by petitioners, provisional arrangements are proposed for an interference free environment in which potentially significant devices can be developed. Therefore, the petition RM–1201 is granted to the extent indicated by the proposals herein but in all other aspects is denied.

14. Authority for the proposals set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

15. Any interested person who is of the opinion that the proposed amendments should not be adopted in the form set forth herein may file with the Commission on or before June 20, 1969, written data, views, or arguments setting forth his comments. Comments in support of the proposals also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before June 30, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with § 1.419 of the Commission's rules, an original and 14 copies of all statements, views or comments filed shall be furnished the Commission.

Adopted: May 14, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Johnson concurring in the result.

The following amendments to Parts 2, 81, 83, and 87 of the Commission's rules are proposed.

1. Section 2.106, *Table of Frequency Allocations*, is amended with respect to columns 5 through 11, in the frequency band 1535–1660 MHz, to read as follows:

Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services (of stations)
5	6	7	8	9	10	11
1535–1537.5	G, NG. (352E) (US39)	1535–1537.5	MARITIME MOBILE. Aeronautical mobile (R).	Satellite-borne.		MOBILE using space techniques. (provisional).
1537.5–1557.5	G, NG. (352E) (US39)	1537.5–1557.5	AERONAUTICAL MOBILE (R). Maritime mobile.	Satellite-borne.		MOBILE using space techniques. (provisional).
1557.5–1567.5	G, NG. (352A) (352B) (US39)	1557.5–1567.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.		Glide path. (provisional).
1567.5–1592.5	G, NG. (352A) (352B) (US39)	1567.5–1592.5	AERONAUTICAL RADIONAVIGATION.			
1592.5–1622.5	G, NG. (352A) (352B) (US39) (US39A).	1592.5–1622.5	AERONAUTICAL RADIONAVITION.	Radionavigation land. Radionavigation mobile.		Collision avoidance. (provisional).
1622.5–1637.5	G, NG. (352A) (352B) (US39) (US39A)	1622.5–1637.5	AERONAUTICAL RADIONAVITION.			
1637.5–1657.5	G, NG. (352F) (US39) (US39A)	1637.5–1657.5	AERONAUTICAL MOBILE (R). Maritime mobile.			MOBILE using space techniques. (provisional).
1657.5–1660	G, NG. (352F) (US39) (US39A)	1657.5–1660	MARITIME MOBLIE. Aeronautical mobile (R).			MOBILE using space techniques. (provisional).

2. In the list of Geneva footnotes following the table, modify the texts of 352A and 352B to read as follows:

352A The bands 1557.5–1637.5 (provisionally), 4200–4400, 5000–5250 MHz, and 15.4–15.7 GHz are reserved on a worldwide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

352B The bands 1557.5–1637.5 (provisionally), 5000–5250 MHz, and 15.4–15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

3. Add new footnotes 352E and 352F, reading as follows:

352E Limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or navigation purposes. (This note is provisional, pending the results of the ITU Space WARC 1970/1971.)

352F Limited to transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or navigation purposes. (This note is provisional, pending the results of the ITU Space WARC 1970/1971.)

4. In the list of US footnotes, modify the text of US39, add US39A and modify the text of US47, respectively, to read as follows:

US39 Within the band 1535–1660 MHz, radio altimeters are permitted to use only the portion 1600–1660 MHz and then only until such time as international standardization of other aeronautical radio-navigation systems or devices require the discontinuance of radio altimeters in this band.

US39A The band 1592.5–1622.5 MHz is allotted provisionally, but on a primary basis, for the collision avoidance function, noting the continued use of existing altimeters in the band 1600–1660 MHz.

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters.

5. Amend Parts 81 and 83 of the rules by adding, respectively, new §§ 81.503(d) and 83.433(d), each of which will read as follows:

(d) Pending subsequent rule making and/or the results of the ITU Space WARC, 1970/1971, the following frequency bands may be used on a developmental basis in conjunction with the use of space radiocommunication techniques:

(1) 1535–1557.5 MHz—The use of this band is limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or navigation purposes, noting that the band segment 1537.5–1557.5 MHz is available for maritime use only on a secondary basis.

(2) 1637.5–1660 MHz—The use of this band is limited to transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or navigation purposes, noting that the band segment 1637.5–1657.5 MHz is available for maritime use only on a secondary basis.

6. Amend §§ 87.183(p) and 87.501(h)(3) to read as follows:

(p) 1535–1660 MHz: The use of this band shall be limited to the following functions:

1535–1557.5 MHz [1]—Transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or navigation purposes, noting that the band segment 1535–1537.5 MHz is available for aeronautical use only on a secondary basis.

1557.5–1567.5 MHz [1]—Reception of glide-path stations.

1567.5–1592.5 MHz—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1592.5–1622.5 MHz [1 2]—Airborne collision avoidance systems.

1622.5–1637.5 MHz [2]—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1637.5–1660 MHz [1 2]—Transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or navigation purposes, noting that the band segment 1657.5–1660 MHz is available for aeronautical use only on a secondary basis.

[F.R. Doc. 69–6101; Filed, May 22, 1969; 8:45 a.m.]

[1] Frequencies so designated are available on a developmental basis only, pending further rule making and/or the results of the ITU Space WARC, 1970/1971.

[2] Radio altimeters authorized to operate in the frequency band 1600–1660 MHz as of January 1, 1970, may continue to be so authorized, but no new authorizations will be granted after that date.

[47 CFR Part 73]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Order Extending Time for Filing Comments and Reply Comments

1. On April 25, 1969, the Commission released a notice of proposed rule making reopening the "clear channel" proceeding for the purpose of seeking a solution to the long-standing "KOB problem". The dates designated for the filing of comments and reply comments were June 9, 1969, and July 9, 1969, respectively.

2. On May 8, 1969, Hubbard Broadcasting, Inc. (Hubbard), by its attorneys, requested the Commission to extend the dates for filing comments to August 8, 1969, and for reply comments to September 8, 1969. It states that its engineering consultant requires a 2-month period for making the studies necessary for the evaluation of a counterproposal Hubbard has under consideration.

3. The Commission recognized in its notice of proposed rule making that conceivably Hubbard or another party could submit a counterproposal meriting consideration. Therefore, it appears appropriate to grant the requested extension to explore this possibility: *Accordingly, it is ordered*, That the time for filing comments and reply comments is extended to August 8, 1969, and September 8, 1969, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 15, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE E. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69–6153; Filed, May 22, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 408]

CIGARETTES IN RELATION TO HEALTH HAZARDS OF SMOKING

Unfair or Deceptive Advertising

Correction

In F.R. Doc. 69–6040 appearing at page 7917 of the issue for Tuesday, May 20, 1969, the headings should read as set forth above.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 30, 1969.

Dated: April 30, 1969.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 69-6132; Filed, May 22, 1969; 8:46 a.m.]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 5, 1969.

Dated: May 5, 1969.

FRANK DRAKE.

[F.R. Doc. 69-6133; Filed, May 22, 1969; 8:46 a.m.]

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Metropolitan Edison Co., 3.8 percent Preferred, 3 shares; First National Bank of Bernville, common, 4 shares; N.Y. State Electric & Gas Corp., common, 8 shares; General Public Utilities Corp., common, 93 shares; David Crystal Inc., common, 25 shares; Halls Motor Transport, common, 25 shares; A.T. & T., common, 10 shares; North American Rockwell Corp.,[1] common, 35 shares; Philadelphia Electric Co., common, 50 shares; Tenneco,[2] common, 30 shares.
(3) No change.
(4) No change.

This statement is made as of April 29, 1969.

Dated: April 29, 1969.

F. STUART FEHR.

[F.R. Doc. 69-6134; Filed, May 22, 1969; 8:46 a.m.]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 14, 1969.

Dated: April 30, 1969.

DONALD B. GREGG.

[F.R. Doc. 69-6135; Filed, May 22, 1969; 8:46 a.m.]

WILLIAM C. PORTER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 30, 1969.

Dated: April 30, 1969.

W. C. PORTER, Jr.

[F.R. Doc. 69-6136; Filed, May 22, 1969; 8:46 a.m.]

[1] Purchased 25 additional shares Mar. 21, 1969.

[2] Purchased Nov. 18, 1968.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Dockets Nos. SH-275, SH-276]

SUGARCANE IN LOUISIANA AND FLORIDA

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Houma, La., on June 26, 1969, in the Municipal Auditorium, 880 Verret Street, beginning at 9:30 a.m.;

At Belle Glade, Fla., on July 1, 1969, in the Holiday Inn, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 14, 1968 (33 F.R. 15013), and for Florida sugarcane fieldworkers in the wage determination which became effective November 18, 1968 (33 F.R. 16435), continue to be fair and reasonable under existing circumstances, or whether such determination(s) should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices to be paid for the 1969 crops of sugarcane in Louisiana and Florida, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to wages and prices.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair wages for fieldworkers and fair prices for sugarcane:

I. *Louisiana*—(a) *Wages.* (1) Need for changes in number of worker classifications and elimination of differential in wage rates for harvest and nonharvest workers.

(2) Wage rate differentials among unskilled, semiskilled, and skilled workers.

(b) *Prices.* (1) Periods to be used to determine the season's average prices of raw sugar and blackstrap molasses.

(2) Recommendations on matters pertaining to other pricing bases, such as the delivered average price.

II. *Florida*—(a) *Wages.* (1) Need for additional worker classifications such as workers employed in mechanical harvesting operations.

(2) Wage rate differentials among different classifications of workers.

(3) Written description of method used in setting piecework rates per row for cutting sugarcane and statement of total tons of cane cut by hand, total amount of wages paid cane cutters, total hours worked, and average earnings per worker per hour, by months, for the 1968-69 crop.

(b) *Prices.* (1) Methods of determining for each producer the quantity of trash delivered with sugarcane which has been harvested mechanically.

The hearings after being called to order at the times and places mentioned herein may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officer.

T. O. Murphy, A. A. Greenwood, D. E. McGarry, C. F. Denny, R. R. Stansberry, and C. B. Domire, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C. on May 19, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-6166; Filed, May 22, 1969; 8:49 a.m.]

Done at Washington, D.C., this 20th day of May 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-6168; Filed, May 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARGILL, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 9B2409 and 9B2410) have been filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522) be amended to provide for the safe use of caprolactone polyols and polytetramethylene ether glycols as reactants in the preparation of polyurethane resins for use in contact with dry bulk food.

Dated: May 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6129; Filed, May 22, 1969; 8:45 a.m.]

INDIAN JUTE INDUSTRIES' RESEARCH ASSOCIATION

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2415) has been filed by Indian Jute Industries' Research Association, c/o Esso Research & Engineering Co., Post Office Box 121, Linden, N.J. 07036, proposing that paragraph (d)(2) of § 121.2589 *Mineral oil* (21 CFR 121.2589) be amended to add shelled nuts (including peanuts) to the list of foods that may be used in contact with textile bags prepared from jute fiber processed with mineral oil as provided by that section.

Dated: May 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6130; Filed, May 22, 1969; 8:46 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order; Correction

On May 17, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7872) a notice of petition for modification of rate order filed by the Union Stock Yards Company of Omaha (Ltd.). Said notice should have been captioned as set forth above.

WARNER-JENKINSON MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9A2400) has been filed by Warner-Jenkinson Manufacturing Co., 2526 Baldwin Street, St. Louis, Mo. 63106, proposing that § 121.1056 *Disodium EDTA* (21 CFR 121.1056) be amended in paragraph (b)(1) to provide for the safe use of disodium EDTA in nonstandardized, noncarbonated juice drinks to promote color retention.

Dated: May 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6131; Filed, May 22, 1969; 8:46 a.m.]

Office of the Secretary

NATIONAL INSTITUTES OF HEALTH

Statement of Organization and Functions and Delegations of Authority; Revisions and Amendments

Part 9-A of the Statement of Organization, Functions, and Delegations of Authority (34 F.R. 170) is amended (1) to replace the statement of the Division of Research Services and (2) to add the Office of Engineering Services following the Office of Administrative Services, Office of the Associate Director of Administration.

Division of Research Services (8A-0402). Provides centralized research services including laboratory, instrumentation, library, medical arts and photography, translating, animal production and care, control of environmental factors and sanitary conditions, and other scientific and technical services to the NIH.

Office of Engineering Services (8A-0706). Provides engineering, architectural, craft, and labor services required for the operation and maintenance of the NIH facility, planning of NIH facilities and improvements, administration and inspection of NIH construction performed under direct contract, and liaison and inspection of projects administered by the Public Buildings Service of GSA.

Dated: May 19, 1969.

BERNARD SISCO,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-6181; Filed May 22, 1969; 8:50 a.m.]

BUREAU OF THE BUDGET

CERTAIN LANDS IN KENTUCKY

Transfer of Use, Possession, and Control

Order transferring to the Tennessee Valley Authority the use, possession, and control of certain lands and interests and rights in land from the Bureau of Sport Fisheries and Wildlife of the Department of the Interior.

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(15) of Executive Order 11230 of June 28, 1965, it is ordered that the use, possession, and control of the lands and interests and rights in land hereinafter described be, and they are hereby, transferred from the Bureau of Sport Fisheries and Wildlife of the Department of the Interior to the Tennessee Valley Authority, such transfer being deemed necessary and proper for the purposes of the Tennessee Valley Authority as stated in the Tennessee Valley Authority Act of 1933, as amended:

Those certain lands and interests and rights in land owned by the United States in Lyon and Trigg Counties, Ky., located within the boundaries of the Kentucky Woodlands National Wildlife Refuge as established by Executive Order 7966 of August 30, 1938, now revoked by Public Land Order 4585, and presently under the formal custody and control of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, comprising such lands and interests and rights in land within the said former Refuge boundaries as are reserved for the purposes of the Bureau of Sport Fisheries and Wildlife by Public Land Order 4560 of December 27, 1968, and also such lands and interests and rights in land within the said former Refuge boundaries as were under the formal custody and control of the Bureau of Sport Fisheries and Wildlife prior to, and were unaffected by, Public Land Order 4560.

The transfer includes all improvements on the lands hereby transferred and all rights and privileges of the Bureau of Sport Fisheries and Wildlife in and on lands reserved by Public Land Order 4560 for the purposes of the Corps of Engineers, and is subject to certain rights and privileges reserved to the Corps of Engineers by Public Land Order 4560, including the right to seep and flood the lands hereby transferred to an altitude of 378 feet mean sea level.

PHILLIP S. HUGHES,
Acting Director of the Bureau of the Budget.

MAY 17, 1969.

[F.R. Doc. 69-6118; Filed, May 22, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21025; Order 69-5-86]

BRITISH CARIBBEAN AIRWAYS, LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1969.

By Order E-2381, dated January 7, 1949, and approved by the President on January 14, 1949, the Board issued a foreign air carrier permit to British Caribbean Airways, Ltd. (BCA), which authorized it to engage in foreign air transportation with respect to persons, property, and mail between the terminal point Kingston, Jamaica, British West Indies, and the terminal point Miami, Fla. The United Kingdom Board of Trade has stated that BCA was declared defunct on April 1, 1950. In addition, the Board of Trade has stated that it has no objection to the cancellation of BCA's permit by the U.S. Government.

Based on the foregoing, the Board tentatively finds that the foreign air carrier permit now held by BCA should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by British Caribbean Airways, Ltd.

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: British Caribbean Airways, Ltd; and the Ambassador of the United Kingdom.

This order will be published in the FEDERAL REGISTER.

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6170; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 21026; Order 69-5-87]

EAGLE AIRWAYS (BERMUDA) LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1969.

By Order E-12227, adopted February 19, 1958, and approved by the President on March 6, 1958, the Board issued a foreign air carrier permit to Eagle Airways (Bermuda) Ltd. (Eagle Bermuda),[1] which authorized it to engage in foreign air transportation with respect to persons, property, and mail between a point or points in Bermuda, and the terminal point New York, N.Y. Subsequently, the route description in Eagle Bermuda's permit was changed to authorize service between a point or points in Bermuda, the intermediate points Washington, D.C., Baltimore, Md., New York, N.Y., and the terminal point Montreal, Quebec, Canada.[2]

The United Kingdom Board of Trade has stated that there is no current record of Eagle Bermuda as a legal entity in Great Britain, and it has no objection to the cancellation of Eagle Bermuda's permit by the U.S. Government.

Based on the foregoing, the Board tentatively finds that the foreign air carrier permit now held by Eagle Bermuda should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Eagle Airways (Bermuda) Ltd.

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [3]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Eagle Airways (Bermuda) Ltd.; and the Ambassador of the United Kingdom.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6171; Filed, May 22, 1969; 8:49 a.m.]

[1] On Nov. 2, 1960, the Board authorized Eagle Bermuda to do business under the name "Cunard Eagle Airways" (Order E-16985).

[2] Pursuant to Order E-13381, adopted Dec. 16, 1958, and approved by the President on Jan. 12, 1959.

[3] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 21027; Order 69-5-88]

LINEAS AEREAS TAXADER, S.A. (TAXADER)

Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1969.

Lineas Aereas Taxader, S.A. (Taxader), holds a foreign air carrier permit which authorizes foreign air transportation with respect to persons, property, and mail between a point or points in Colombia and the terminal point, Miami, Fla.[1] It appears that Taxader is now defunct and has abandoned service over its authorized route. The Government of Colombia has informed the United States that it has no objection to the cancellation of Taxader's foreign air carrier permit.

Based upon the foregoing, the Board tentatively finds that the foreign air carrier permit now held by Taxader should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions herein, which would, subject to the approval of the President cancel the foreign air carrier permit issued to Lineas Aereas Taxader, S.A. (Taxader);

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [2]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the Ambassador of the Government of Colombia and Lineas Aereas Taxader, S.A.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6172; Filed, May 22, 1969; 8:49 a.m.]

[1] Order E-19582, served May 15, 1963.

[2] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 20993; Order 69-5-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Matters

Issued under delegated authority, May 19, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which was adopted at the Athens Worldwide Cargo Conference for early effectiveness, has been assigned the above-designated CAB agreement number.

The agreement would amend the currently effective general cargo rate scale within Europe/Africa/Middle East by establishing rates between Le Havre and London/Southampton.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14, it is not found that the following resolution, which is incorporated in the agreement indicated and which does not directly affect air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
21006.....	552	Conference 2 General Cargo Rates-Expedited.	2

Accordingly, it is ordered, That:

Agreement CAB 21006 be and hereby is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6173; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-5-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority, May 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 8, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-21:

Commodity Item 0006—Foodstuffs, Spices, and Beverages, N.E.S., 30 cents per kg., minimum weight 1,000 kgs., Miami to Barbados.

R-22:

Commodity Item 1400—Floral and/or Nursery Stock and Bulbs, Flowers, Seeds, and Tubers, N.E.S., 17 cents per kg., minimum weight 200 kgs., Merida to New Orleans.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-21 and R-22, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6174; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-5-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority, May 19, 1969.

By Order 69-5-36, dated May 9, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-5-36 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-63 through R-67, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity-descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6175; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-5-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority, May 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 8, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, the agreement cancels rates between New York and Luanda and between New York and Addis Ababa, as indicated in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-68 through R-73, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6176; Filed, May 22, 1969; 8:50 a.m.]

[Docket No. 20884]

AIR PANAMA INTERNATIONAL S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 10, 1969, at 10 a.m., d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested parties are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 19, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-6177; Filed, May 22, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the positions of Chief, Business and Professional Division; Chief, Community Organization Division; Chief, Government Coordination Division in the Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6147; Filed, May 22, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant to the Assistant Administrator (Congressional and Legislative Affairs)" to "Director of Legislative and Congressional Affairs, Office of the Assistant Administrator".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6148; Filed, May 22, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6149; Filed, May 22, 1969; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of General Assistant to the Deputy Under Secretary for Policy Analysis and Program Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6150; Filed, May 22, 1969; 8:47 a.m.]

U.S. INFORMATION AGENCY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the U.S. Information Agency to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6151; Filed, May 22, 1969; 8:47 a.m.]

COMPUTER SCIENTIST, NATIONAL SECURITY AGENCY, FORT GEORGE G. MEADE

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on May 13, 1969, for the position of Computer Scientist, occupational specialty COSC-2414, at level GG-7 (comparable to GS-7), National Security Agency, Fort George G. Meade, Md. This finding is limited to appointees having a degree in computer science or comparable degree.

Assuming other legal requirements are met, appointees to these positions may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6152; Filed, May 22, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18551; FCC 69-535]

RANGE UNLIMITED

Order Designating Application for Hearing on Stated Issues

In re application of Robert M. Dickman doing business as Range Unlimited, Winona, Minn., for construction permit and license in the business radio service, Docket No. 18551, File No. 02272-IB-78.

1. The Commission has under consideration the above-captioned application and a petition for reconsideration filed by KWNO, Inc., licensee of Standard Broadcast Station, KWNO, Winona, Minn. (KWNO).

2. On September 15, 1967, the Commission issued an authorization in the Business Radio Service for Station KBV-336 to Robert M. Dickman, doing business as Range Unlimited. The authorization included a construction permit to erect a 199-foot radio tower for antenna installations in Winona, Minn. On October 11, 1967, KWNO filed a petition for reconsideration of this grant. While the petition was pending, the authorized tower was constructed. Sometime thereafter, the staff, under delegated authority, granted KWNO's petition in part, and set the grant aside pending further consideration of the matters alleged in KWNO's petition.

3. KWNO supported its petition by the affidavit of its engineering consultant. It states that KWNO operates on the frequency 1230 kc/s with a tower height of 400 feet located 410 feet from Dickman's proposed tower, and places a signal of about 3000 mv/m over the location of that tower; that Dickman's tower is an effective radiator on 1230 kc/s; that it has an electrical height of 90° and it is 184 electrical degrees northeast of KWNO's tower; and that it is well within its induction field. Petitioner concludes from the foregoing that the tower in question would create "severe" reradiation problems with KWNO, "badly distorting" its circular pattern and "* * * would result in drastic change in the prohibited overlap between KWNO and several other stations on 1230 kc/s * * *". The applicant has denied KWNO's allegations, but has not submitted any technical evidence to support his position. On the basis of the information before us, we find that a substantial and material question has been presented and we are unable to find that the public interest would be served by the grant of that above-captioned application.

4. *Accordingly, it is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Robert M. Dickman is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the tower proposed by the applicant will reradiate signals of Radio Station KWNO and distort its authorized omnidirectional pattern.

(2) To determine, in the event the foregoing issue is resolved in the affirmative, whether such distortion in the radiation pattern of Radio Station KWNO adversely affects the authorized operation of that station or the authorized operation of any other operating standard broadcast station.

(3) To determine, if it is found on the basis of the evidence adduced pursuant to Issues (1) and (2) above, that adverse problems of reradiation occur, what steps, if any, must be taken by the applicant to eliminate or minimize it.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

5. *It is further ordered,* That KWNO, Inc., is made a party to this proceeding.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence on Issues 1, 2, and 3 shall be on KWNO, Inc., since facts are available to it or it can obtain them without undue burden, but the burden of proof on all of the issues shall be on the applicant.

7. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and any party hereto, pursuant to § 1.221 (c) and (e) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Adopted: May 14, 1969.

Released: May 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6154; Filed, May 22, 1969; 8:48 a.m.]

[Dockets Nos. 18552, 18553; FCC 69-542]

RCA GLOBAL COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of the application of RCA Global Communications, Inc., ITT World Communications Inc., and Western Union International, Inc., for construction permit to establish a new satellite earth station in the Territory of Guam, Docket No. 18552, File No. 48-CSG-P-68; in the matter of the application of Communications Satellite Corp. for construction permit to establish a new satellite earth station in the Territory of Guam, Docket No. 18553, File No. 62-CSG-P-69.

Preliminary statement. 1. The Commission has before it the two above-captioned competing applications for authority pursuant to the Communications Act of 1934 and the Communications Satellite Act of 1962 to construct and operate satellite communications earth stations in the Territory of Guam.

2. Application File No. 48-CSG-P-68 (joint carrier application) was originally filed by RCA Global Communications, Inc. (RCA), on March 4, 1968, proposing the initial use of a 42-foot transportable earth station and its subsequent upgrading to a standard earth station.[1] This

[1] The Intelsat consortium has specified the characteristics of a standard earth station.

[1] Filed as part of the original document.

application was subsequently amended on August 8, 1968, to propose the initial construction of a standard earth station, and to include both ITT World Communications Inc. (ITT Worldcom), and Western Union International, Inc. (WUI), as additional applicants with ownership to be divided 53.4 percent, 23.3 percent, and 23.3 percent among RCA, ITT Worldcom, and WUI, respectively.

3. On May 1, 1968, Comsat filed a petition to deny the original RCA application, asserting that the public interest does not require the construction of a Guam earth station and alleging that requirements to serve Guam through 1973 can be provided by existing submarine cables to Guam and through satellite facilities, including those under construction, in the Pacific Ocean area. However, Comsat also contended that, if the application were granted, Comsat should share in the ownership and act as manager of the earth station.[3]

4. On May 21, 1968, RCA filed an opposition to the Comsat petition, and Comsat filed a reply thereto on May 29, 1968. On July 17, 1968, the Office of Judge Advocate General, Department of the Army, filed a letter on behalf of the Department of Defense (DoD) strongly supporting the need for an earth station at Guam. The DoD letter stated that it was placing heavy reliance on the existing Hawaii-Guam submarine cable and that multiple communication access media into areas of major military interests such as Guam are vital to the interests of the United States and the national defense. Comsat, by letter filed on August 7, 1968, conceded that DoD could have communications requirements to Guam which had not been divulged to Comsat, but again asserted that nothing in the DoD letter changed Comsat's conclusion that the Guam earth station may well be uneconomic. Comsat maintained its assertion that, if a Guam earth station were authorized, it should share in its ownership and act as manager.

5. On August 9, 1968, an informal meeting, sponsored by the Commission, was held among the interested parties in an effort to resolve the matter. At this meeting, both RCA and ITT Worldcom contended that the Guam earth station should be licensed only to them and WUI. WUI, however, indicated that it would agree to joint ownership with Comsat and management by Comsat, provided that this would not result in higher costs to WUI and it would obtain a meaningful participation in the station (i.e., that its share of the station ownership would not be unreasonably diluted beyond the range of 15 to 25 percent).[3]

6. Thereafter, on September 16, 1968, Comsat filed an application (File No. 62-CSG-P-69) for authority to construct a Guam earth station. Comsat stated that it was willing to set aside its basic objections to the construction of the Guam station if the issue of ownership and operation could be resolved by extension of the principles contained in the Commission's second report and order in Docket No. 15735, issued in 1966, concerning earth station ownership.[4] Comsat also stated that it had just completed a new study of Guam traffic requirements for the period 1969-73, which showed a demand signficantly greater than theretofore anticipated, and now believes that the public interest requires the establishment of a Guam earth station.

7. On October 3, 1968, Comsat filed a petition to deny the joint carrier application, asserting that construction, ownership, and operation of the Guam earth station should be in accordance with the principles of the Commission's second report and order; that Comsat's application was technically superior and economically preferable to that of the joint carriers; and that it could operate the proposed station more efficiently and at a lower cost than could the joint carriers.

8. Petitions to deny the Comsat application were filed by RCA and ITT Worldcom on October 18 and 31, 1968, respectively. Comsat's opposition was filed on November 12, 1968. Replies of ITT Worldcom and RCA were filed December 6 and 9, 1968, respectively.[5]

Need for earth station at Guam. 9. Guam, as is shown below, is a vital hub for transpacific communications, having cables extending to other points as follows:

(a) A 3,842-nautical-mile cable to Hawaii having 142 equivalent voice circuits, all in use. RCA has indefeasible right of user (IRU) in 15 circuits, ITT Worldcom in 12 circuits, and WUI in 5.5 circuits.

(b) A 1,403-nautical-mile cable to Japan having 138 circuits, of which approximately 33 are spare. RCA has IRU in 12 circuits, ITT Worldcom in 7.5 circuits, and WUI (which does not operate with Japan) in none.

(c) A 1,470-nautical-mile cable to the Philippines having 128 circuits, of which 41 are spare. RCA has IRU in 25 circuits, ITT Worldcom in 14 circuits, and WUI in 4 circuits.

(d) A 2,999-nautical-mile cable to Australia owned by British Commonwealth partners and having 160 circuits. The record carriers have interests in this cable, which can be connected at Australia to a 5,537-nautical-mile Commonwealth 80-circuit cable from Australia, via New Zealand, to Hawaii. The U.S. carriers have been authorized to lease Guam-Hawaii circuits by this diverse route since the Hawaii-Guam cable is filled.

(e) A 2,060-nautical-mile 80-circuit cable to Hong Kong which extends 1,975 nautical miles from Hong Kong via Borneo to Singapore. The record carriers have interests in this cable, which is also owned by the British Commonwealth.

10. All applicants agree that additional facilities are needed at Guam, and we also agree, in view of the critical importance of Guam and its strategic position in the Pacific communications complex. As shown above, there are four cables extending west and south from Guam (to Japan, Hong Kong, the Philippines, and Australia, and points beyond) with a total capacity of some 506 circuits. These are linked by a single 128-circuit cable extending from Guam to Hawaii, which latter point is a hub for four cables having a total capacity of some 336 circuits. Two of such cables extend to the Mainland, another to Canada, and a fourth to Australia. Thus, the Guam-Hawaii cable, a link between several cables at each end, serves as a vital conduit for traffic between points west and south of Guam, on the one hand, and points east and south of Hawaii, on the other. As we have noted, there is presently no spare capacity on the Hawaii-Guam cable, so that additional cable circuits between such points cannot be activated via the Guam-Hawaii route. While there is an alternative cable route available, i.e., via the Commonwealth cables extending between Hawaii and Guam via Australia, the cost to U.S. carriers of using such route is greater than that of the Hawaii-Guam link, and apparently greater than that of the proposed satellite facilities. Similarly, it is possible to reach Guam from Hawaii or the Mainland via satellite to the Philippines or Japan and then backhaul by cable, but this also appears to be a relatively costly routing. Obviously, to the extent such alternative routes are used, their higher costs will be reflected in rates to the public.

11. The Commission is also aware that the cables at Guam are required to provide critically important circuits for our Defense Department as well as for the general public, and that actual or potential interruptions to such circuits are a matter of great concern to the users.

12. Turning now to the proposals to establish an earth station at Guam, Comsat, and RCA estimate that the Guam earth station will be required to provide circuits to and from all points reached via Guam, as follows:

	Comsat estimates	RCA estimates
1969	25	26
1970	35	31
1971	45	33
1972	55	34
1973	67	35
5-year average	45.4	31.8

[3] Comsat also contended that the earth station should meet all criteria for a standard earth station, but this contention was rendered moot by the amended application of RCA, ITT Worldcom, and WUI filed on Aug. 8, 1968.

[4] RCA and ITT Worldcom confirmed their positions by letters dated Sept. 16, 1968.

[5] 5 FCC 2d 812. This provides that Comsat shall own 50 percent of all the existing and then proposed U.S. earth stations, with the remaining 50 percent being owned by U.S. carriers providing overseas service in proportion to the use each such carrier expects to make of each station.

[6] Subsequent to the filing of the foregoing pleadings the parties revised their capital investment, expense and revenue estimates. Accordingly, the substance of their present position is set forth in paragraphs 13 through 19 infra.

13. As recently as April 11, 1969, Comsat revised downward its estimated capital costs of the proposed station from $5.5 million to $4.6 million. The joint carriers, on April 17, 1969, have also revised their estimated capital costs to a figure of not over $4.4 million. The foregoing revisions have resulted in reductions in revenue requirements. While the financial estimates may bear further examination, a preliminary analysis indicates that they appear to be reasonable and that the operation of a Guam earth station should be competitive with existing cable facilities. It appears, therefore, that an earth station at Guam would be an economically viable undertaking.

14. On the basis of an 11-year service life, depreciation expense may be estimated at approximately $400,000 annually. We find in one application an estimate of preoperating costs of $300,000. Such an intangible cost to a going corporation should be amortized on a straight-line basis over a relatively short period, say 3 years. This produces an expense of $100,000 annually. In the light of conflicting claims in the applications as to operating and maintenance costs we will take Comsat's higher figure of $500,000 annually. There is even greater conflict in the competing applicants' estimates of general and administrative expenses and we will settle on $100,000 annually (which is a higher figure than estimated by either applicant) for present purposes. The average investment after accumulated depreciation in the earth station should be about $2,250,000, which we will use as the rate base. Without committing ourselves in any way as to what may be finally determined as a proper rate of return, we will use, arguendo, the high rate of 10 percent, which must be doubled to produce a return before income taxes. This calculation comes to 20 percent of $2,250,000 or $450,000 annually for income taxes and return. In summary, the annual revenue requirements accumulate as follows:

Depreciation	$400,000
Preoperating costs	100,000
Operations and maintenance	500,000
General and administrative	100,000
Taxes and return	450,000
Total	1,550,000

From the traffic demand estimates contained in paragraph 12 herein, we will assume an average annual demand for 35 circuits through the proposed earth station. With this we arrive at an indicated annual cost per circuit for earth station use of $44,300. We understand that Comsat is paying the owners of a one-half interest in one of its existing earth stations almost $1,200 per month per circuit established, or $14,400 per year which, doubled as it must be to reflect the half interest being compensated for, comes to $28,800 per year per circuit. This calculation and comparison indicates that service through the proposed earth station will be expensive. We are persuaded, however, that where the need is as great as in Guam the cost is not excessive.

15. An indication of this may be obtained by making comparisons with existing rates for service in the cables crossing Guam to various points. Thus, the present through voice channel rates in the cable are $192,000 and $144,000 annually between Guam, on the one hand, and California and Hawaii, on the other, respectively. Rates between Guam, on the one hand, and Japan and the Philippines, on the other, are published in tariffs for half-way only and such half rate is $54,000 annually on each of those routes. We would assume that most of the circuits which would be established through the proposed station would be to Hawaii and the U.S. mainland, with an average $160,000 annual rate on the cable. One half of this, or $80,000 annually, is assignable to Guam and there, for comparison, to costs of the proposed station plus the satellite space segment associated with it. The present space segment charge is $20,000 annually, which added to $44,300 for the earth station, totals $64,300, which, as will be readily seen, is well below the $80,000 cable half circuit charge.

Discussion of ownership. 16. Comsat and the joint carrier applicants are legally, technically, and financially qualified to construct the facilities and to render the services proposed. However, while Comsat is agreeable to a license being issued jointly to it and the carrier applicants, under the terms of our interim earth station policy (scheduled for review at the end of 1969) the carrier applicants, except for WUI, take the position that such policy should not be applied. Under our outstanding second report and order, establishing an interim earth station ownership policy, the six existing U.S. earth stations are licensed jointly to Comsat, which holds a 50 percent interest in each station and acts as manager, and the carriers, including the joint carrier applicants, directly serving the public, who hold the remaining 50 percent interest in proportion to their use, as follows:

QUOTAS FOR OWNERSHIP (PERCENT)

Company	Conterminous States	Hawaii	Puerto Rico-Virgin Islands
Comsat	50.0	50.0	50.0
American Telephone & Telegraph	28.5		
Hawaiian Telephone Co		30.0	
ITT Puerto Rico-ITT Virgin Islands			30.0
ITT World Communications, Inc	7.0	6.0	11.5
RCA Global Communications, Inc	10.5	11.0	4.0
Western Union International	4.0	3.0	4.5

17. RCA and ITT Worldcom assert that the major consideration which led to the formulation of the policy, i.e., the need for unified control in the operation of earth stations during the initial stage of satellite communications, no longer exists. In support, they refer to the proliferation of earth stations throughout the world, the rapid developments in satellite communication techniques, the establishment of a frequency plan for the global system, and the forthcoming availability of additional space segment capacity through use of the Intelsat III series satellites. Accordingly, they contend that the success of Comsat's early mission to establish a global system is not dependent on Comsat operation of an earth station on Guam.

18. RCA and ITT Worldcom emphasize that they do not now seek a reconsideration of the interim policy as it applies to the six U.S. earth stations. They believe, however, that a grant of their application would afford a useful opportunity to develop facts relevant to whether the existing policy should be continued or a new arrangement established. Since, under their proposal each of the carriers participating in ownership of the Guam station would render services directly through use of its respective share of those facilities, they feel that the Commission would be provided with a yardstick against which to measure Comsat's costs and performance as manager of the six stations against their own performance under their proposed operation.

19. Comsat, on the other hand, believes that the underlying rationale of the policy applies to any application for additional stations during the interim period. Accordingly, it reasons that the joint carriers raise the question of whether the arrangements prescribed by the interim policy are to be continued in force until late 1969, or are now to be prematurely reviewed. It denies that the need for unified earth station control will cease to exist with the implementation of the Intelsat III series satellites because the capacity they will provide for the Atlantic and Pacific Ocean areas will shortly be saturated. Thus, Comsat maintains that the operating conditions requiring unified earth station control will continue for the foreseeable future. Moreover, until the definitive Intelsat international agreements are concluded and operational experience thereunder is gained, it believes it unwise to depart from the earth station arrangement prescribed by the interim policy.

20. With regard to the so-called yardstick theory, Comsat contends that a cost and performance comparison of the existing earth stations with a Guam station under carrier ownership and operation would serve no useful purpose. It argues that since such a comparison would involve early generation earth station cost and operating factors with late generation earth station experience, absent the problems associated with the earlier developmental period, the results obtained would be meaningless. By way of example, Comsat notes that the Andover station cost approximately $13 million, the Brewster Flat and Paumalu stations approximately $10 million each, and the Jamesburg and Etam stations approximately $7 million each. Comsat states that this declining cost pattern is the result of advancing technology, in which it has played a part, and that it demonstrates that the developmental phase is largely completed. It asserts, therefore, that a Guam earth station should cost less than its predecessor stations and could be built either by Comsat or the

carriers at equivalent costs. Accordingly, Comsat concludes that its application, subject to carrier participation consistent with the outstanding policy, should be granted.

21. In view of the opposing views presented as to whether our interim earth station policy should be applied in this matter, we believe that further consideration is desirable. We do not intend that the hearing on the subject applications prematurely determine or supplant the need for a comprehensive review to be made of the interim earth station policy in late 1969, a date which will precede the operation of a station at Guam. On the other hand, we believe that the hearing herein ordered should provide useful and complementary information and data to such review without in any way prejudicing the outcome. We therefore will afford the competing applicants an opportunity to further develop their positions in this, and other respects, in the context of a comparative hearing on the competing applications.

22. While the divergent views of the applicants raise issues the resolution of which requires an evidentiary hearing, it is our strong desire to avoid any undue delay in the establishment of an earth station on Guam. The urgent requirement for multiple communication media access throughout the area of Guam, the inevitable saturation of existing facilities in the not-too-distant future, and the serious impact occasioned by interruptions of service in that area, strongly support prompt and expeditious action.

23. Accordingly, while we will order an expedited hearing, we think that the competing applicants should reach an agreement on the technical parameters of the station, and should agree among themselves on an arrangement under which construction can go forward while the hearing is being conducted. We therefore will require that they promptly meet under our aegis to immediately enter into negotiations to this end. If successful in this endeavor—and we most seriously stress our strong desire that every effort be made to reach agreement—they can then present us with a joint application for temporary authority to so proceed. This will benefit all concerned in advancing by a considerable time the date when the needed facilities are available. Should efforts toward this objective not result in success within a reasonable time, we shall be constrained to take such other measures as may be at our disposal to have construction started at the earliest possible time.

24. To expedite matters, we would expect to receive a joint application for authority to enter into joint construction of the earth station within 30 days from the release of this memorandum opinion and authorization. The urgency of reaching such agreement is underlined by the application of RCA filed May 16, 1969, to provide on an interim basis earth station facilities at Guam and requesting special temporary authority to proceed promptly with the construction of such facilities. The facilities are intended to provide the DoD by November 1, 1969, with a leased circuit via satellite facilities of 48 KHz bandwidth between Hawaii and Guam, usable either for a wide band data service or for alternate voice/record service, subdivided into voice grade circuits, in accordance with the needs of military operations. RCA anticipates that the DoD will communicate with the Commission to document the urgency of the proposed service.

25. In order to meet the DoD requirement, RCA proposes to install portable electronics equipment to be connected to a 97-foot antenna. RCA estimates that it can meet the DoD required service date if its application is granted promptly. It appears that the 97-foot antenna, which would be employed to meet the DoD November 1 requirement, is the same facility that would be used to furnish permanent service should the subject joint-carrier application be granted, and is similar to that proposed by Comsat in its application. In light of this, together with the need for additional facilities at Guam as soon as possible, and the competing posture of the subject applications, we think that the first step to be taken by the competing applicants is to reach agreement on the procurement of the antenna. In this connection it is to be noted that RCA informs us that this equipment must be ordered immediately if service is to be provided on or before November 1. Upon such agreement and necessary filing with us, we can issue an appropriate order permitting this step, which would be necessary for regular service whether or not we grant the new RCA application for interim authority.

26. Discussions to the above ends shall be conducted under the auspices of the Chief of our Common Carrier Bureau, who shall promptly convene on Monday, May 19, a meeting of the parties to start such discussions. Within 7 days of adoption of this order we shall expect agreement by the parties on the procurement of the station antenna, as well as such other matters as must be agreed on within that time period to allow construction to commence on a station operable by November 1 on an interim basis, should we grant authority for an interim station at Guam. During this period we shall hold in abeyance action on the new RCA application for interim authority. If no agreement is reached we will take such action as we find necessary to satisfy urgent and important national defense requirements.

27. Hopefully, the parties will reach agreement within such period on all other matters necessary to an immediate start of construction of the regular station pending the outcome of the hearing ordered herein. However, should such agreement not be reached within the 30 days mentioned above, we stress our determination to take such action as we believe to be appropriate.

28. Accordingly, in view of the foregoing, *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934 and section 201 (c) of the Communications Satellite Act of 1962, the captioned applications are designated for hearing, in a consolidated proceeding at the Commission's offices in Washington, D.C., before an examiner and on a date to be hereafter specified by separate order.

29. *It is further ordered*, That, without in any way limiting the scope of the proceeding, it shall include inquiry into the following issues, and into such other issues as the Commission may set out by further order:

(a) To determine, on a comparative basis, whether and to what extent, the joint application of RCA, ITT Worldcom, and WUI, or the application of Comsat would best serve the public interest with respect to the following:

(1) Capital investment, and operating, maintenance, depreciation, and other relevant costs, including administrative expenses, station personnel required, and corporate overheads;

(2) The effect on efficiency of operation and the quality, reliability, and cost of service;

(3) The charges, terms, and conditions, under which the facilities of the proposed earth station will be made available to others authorized to render communication-satellite services.

(b) To determine whether, and to what extent, if at all, the terms, conditions, and principles of the Commission's interim earth station ownership policy should be incorporated in any grant issued herein; or whether another licensing policy should be adopted, and if so, the terms and conditions thereof.

30. *It is further ordered*, That Communications Satellite Corp., RCA Global Communications, Inc., ITT World Communications Inc., Western Union International, Inc., and the Chief, Common Carrier Bureau, are made parties to the proceeding;

31. *It is further ordered*, That the Hearing Examiner designated to preside at the hearing shall take appropriate measures to expedite these proceedings;

32. *It is further ordered*, That the Hearing Examiner shall certify the record to the Commission for a final decision without preparing either an initial or a recommended decision;

33. *It is further ordered*, That the parties desiring to participate herein shall file notice of appearances in accordance with § 1.221 of the Commission's rules;

34. *It is further ordered*, That the parties are allowed 30 days after the record is closed to file proposed findings and conclusions in the form of a proposed final decision, and to file replies within 15 days thereafter;

35. *It is further ordered*, That oral argument be held before the Commission en banc commencing at a date and time hereafter to be specified on the matters placed in issue herein;

36. *It is further ordered*, That each party intending to participate in oral argument shall file a notice of intention to appear within 15 days after the record is closed;

37. *It is further ordered*, That, except to the extent granted herein, the petitions to deny filed by Comsat and RCA, ITT, and WUI are denied.

Adopted: May 16, 1969.

Released: May 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6155; Filed, May 22, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

VILLAIN AND FASSIO E COMPAGNIA INTERNAZIONALE DE GENOVA SOCIETÁ RIUNITE DI NAVIGAZIONE S.P.A. AND COSTA ARMATORI, S.P.A.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9797, between Villain & Fassio e Compagnia Internazionale de Genova Societá Riunite di Navigazione S.p.A. (Fassio Line) and Costa Armatori S.p.A. (Costa Line), establishes a joint service which will operate under the trade name of "Costa-Fassio Joint Service" in the eastbound and westbound trades between U.S. Atlantic ports and Mediterranean ports and ports on the Atlantic coasts of Spain, Portugal, and Morocco. The subject Agreement will, upon approval, cancel and supersede Agreement No. 9687, a sailing arrangement between these parties in the eastbound and westbound trades between Italian and U.S. North Atlantic ports.

[1] Commissioners Cox and Johnson absent.

Dated: May 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6163; Filed, May 22, 1969; 8:49 a.m.]

CEYLON/U.S.A. CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William L. Hamm, Secretary, Ceylon/U.S.A. Conference, New York Committee, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8050-6, between the member lines of the Ceylon/U.S.A. Conference, modifies Article 3 of the basic agreement to provide that no brokerage shall be paid except as set forth in the conference tariff and except as authorized by the members.

Dated: May 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6164; Filed, May 22, 1969; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 814]

VAN OPPEN & CO., INC.

Order of Revocation

By letter dated May 8, 1969, Mr. Samuel A. Briggs, Jr., former vice president and treasurer of Van Oppen & Co., Inc., 32 Broadway, New York, N.Y., advised that said corporation has been changed to a sole proprietorship; that the latter is not conducting business as an independent ocean freight forwarder; and that Van Oppen & Co., Inc., license Number 814 will be relinquished voluntarily.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 814 of Van Oppen & Co., Inc., be and is hereby revoked effective May 8, 1969.

It is further ordered, That Independent Ocean Freight Forwarder License No. 814 be returned promptly to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-6165; Filed, May 22, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-299]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-299 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of natural gas to two industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a measuring station to serve the Lexington Alfalfa Dehydrators, Inc., alfalfa dehydration plant near Darr, Nebr., and a measuring station to serve the Elm Creek De-Hy, Inc., alfalfa dehydration plant near Elm Creek, Nebr. Applicant states that the service to both of these customers will be during off-peak months and service to them will not affect service to any of Applicant's other customers.

The total estimated cost of the proposed facilities is $7,800, which will be financed from current working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6122; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-300]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing August 7, 1969, and the operation of certain natural gas facilities to enable Applicant to take into its certificated pipeline system additional natural gas supplies which will be purchased from producers thereof, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the producing areas into which its system now extends.

Applicant states that some of the projects to be constructed under the requested authorization will be offshore and, as a consequence, will be more expensive than onshore projects, and, therefore, it requests waiver of the cost limitations of section 2.58(a)(2) of the rules of practice and procedure and § 159.7(b)(1)(ii) of the regulations in order to permit expenditures of up to $1 million for any single offshore project.

The application indicates that the total cost of the facilities covered by this application will not exceed a maximum of $5 million, with the cost of any single onshore project not to exceed $500,000 and the cost of any single offshore project not to exceed $1 million.

Applicant proposes to finance the proposed project with cash on hand or cash which will be available from current operations.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by in in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6123; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-297]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-297 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities to connect natural gas reserves in Ship Shoal Block 154 Field, Offshore Louisiana, to the offshore supply system to be constructed by Applicant pursuant to the authorization received in Docket No. CP65-356. The facilities required are approximately 4.4 miles of 12-inch pipeline.

The total estimated cost of the proposed facilities is $906,900, which will be financed from general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practices and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6124; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-298]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-298 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale and delivery of natural gas to the city of Reklaw and the surrounding area in Cherokee, Nacogdoches, and Rusk Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a positive sales meter station and appurtenant facilities near mile post 31.3 on its existing Jacksonville to Longview main line. The facilities will be utilized in the sale and delivery of natural gas to the city of Reklaw, Tex., for distribution and resale.

The estimated third year peak day and annual requirements of the Reklaw system are 1,425 Mcf and 102,900 Mcf at 14.9 p.i.s.a., respectively.

The total estimated cost of Applicant's proposed facilities is $15,600, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6125; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP67-26]

UNITED GAS PIPE LINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

MAY 16, 1969.

Take notice that on May 8, 1969, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-26 a joint petition to amend the order issued in said docket on September 23, 1966, by requesting authorization to construct and operate two additional delivery points for the exchange of natural gas under exchange agreements dated August 5, 1948, and March 29, 1954, all as more fully set forth in the joint petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of September 23, 1966, United and Texas Eastern were authorized to construct and operate facilities for the exchange of natural gas in Lafourche Parish, La., and Jackson County, Tex. The parties now seek to have the order amended so as to authorize the construction and operation of the following facilities:

United to construct a measuring station and appurtenant facilities to connect Texas Eastern's 30-inch main line to a point of United's Leesville lateral, near Gillis, Beauregard Parish, La.

Texas Eastern to construct a tap and appurtenant facilities on its Beaumont-Kosciusko line to connect with United's facilities, Beauregard Parish, La.

United to construct a measuring station, 2,200 horsepower compressor station and appurtenant facilities to connect United's South Louisiana-North Louisiana 30-inch main line to Texas Eastern's 30-inch main line, St. Landry Parish, La.

Texas Eastern to construct a tap and appurtenant facilities on its 30-inch Beaumont-Kosciusko line to connect with United's facilities, St. Landry Parish, La.

The total estimated cost of the proposed facilities is $958,000, which will be financed by both parties from general funds.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6126; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-301]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

MAY 19, 1969.

Take notice that on May 12, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP69-301 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate (1) taps and tap valves in its existing pipeline in Mansfield, Conn., (2) approximately 1.1 miles of 4-inch lateral pipeline, and (3) a metering and regulating station. The facilities will be utilized to meet the requirements of Connecticut Natural Gas Corp. in supplying gas service to the University of Connecticut.

The total estimated cost of the proposed facilities is $143,185, which will be financed on an interim basis with cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6140; Filed, May 22, 1969; 8:47 a.m.]

[Docket No. CP69-302]

TOWN OF HOPE, IND., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 19, 1969.

Take notice that on May 14, 1969, the town of Hope, Ind. (Applicant) filed in Docket No. CP69-302 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan-Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the town of Hope and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is undertaking the construction and operation of a natural gas distribution system to serve the community of Hope and environs. In order to supply the system with its natural gas requirements, Applicant seeks by this application an order of the Commission directing Respondent to establish physical connection of its transmission facilities with Applicant's proposed system and to sell and deliver to Applicant its natural gas requirements.

The third year peak day and annual requirements of Applicant's system are estimated to be 1,623 Mcf and 86,635 Mcf, respectively.

The total estimated cost of Applicant's proposed facilities is $410,000, which will be financed through the sale of gas revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6141; Filed, May 22, 1969; 8:47 a.m.]

[Docket No. CP69-296]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 19, 1969.

Take notice that on May 9, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-296 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities required to connect natural gas reserves in Grand Isle Block 41 and 43 Fields, Offshore Louisiana, to the offshore supply system constructed by Applicant pursuant to the authorization received in Docket No. CP66-180. The facilities required are approximately 6.2 miles of 16-inch pipeline and 1,000 feet of 12-inch pipeline.

The total estimated cost of the proposed facilities is $2,224,900, which will be financed from general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6142; Filed, May 22, 1969; 8:47 a.m.]

FEDERAL TRADE COMMISSION

AUTOMOBILE PRICE ADVERTISING

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 through 1.16, will hold a public hearing on the subject of price advertising for automobiles.

The Commission is initiating this preliminary proceeding because it has reason to believe that some automobile manufacturers may be engaged in the following practices which, if they exist, may warrant issuance of a Trade Regulation rule or rules prohibiting unfair and deceptive acts and practices, or other appropriate enforcement actions.

1. Announcing or advertising prices of new automobiles which make comparisons, express or implied, with prices of previous corresponding models of a different year, or to corresponding models of the same model year, when such comparisons are not entirely based upon actual differences in price, but instead, at least in part, upon an undisclosed redesignation of items of standard equipment to optional at extra cost to the consumer;

2. Announcing or advertising of reduced prices on current models as compared to prices charged for previous models "comparably equipped" when such comparison is based upon a previous model differently equipped or upon a choice of certain selected items of optional equipment as predetermined by the manufacturer without a clear disclosure of the limited choices available to the consumer;

3. Announcing or advertising pricing actions with respect to new automobiles in such a manner as to conceal the fact that actual price increases, or the amount of such increases, have been hidden by concurrent reductions in warranty coverage, with resulting savings to the manufacturer and added costs to the consumer;

4. Advertising prices for new automobiles which do not include all the charges imposed for accessories depicted or described and which do not include all charges imposed for delivery, exclusive of taxes;

5. Announcing, advertising, or preticketing new automobiles with prices, including manufacturer's suggested retail prices which are required to be affixed to new automobiles by the Automobile Information Disclosure Act, 72 Stat. 325 (Public Law 85-506; July 7, 1958) which appreciably exceed the highest prices at which substantial sales are made at retail, such retail prices being determined, at least in part, in order to allow fictitiously high trade-in allowances for used cars in excess of their fair market value.

As a result of this practice, it would appear that manufacturers may be engaged in direct misrepresentation of prices as well as placing in the hands of dealers the means and instrumentality for deceiving consumers as to savings at the retail level.

For purposes of these proceedings:

(1) "Automobile" is defined as a motor vehicle with motive power designed primarily for carrying ten (10) persons or less.

(2) "Announcing" is defined as including statements of any kind which are intended to be made public and includes "news releases" or "press conferences" designed to be reproduced in whole or in part in news media.

(3) "Advertising" includes radio and television commercials and other oral or visual representations, newspaper and magazine advertisements, brochures and other manuals, and all other printed, graphic or other material used in promoting the sale of new passenger cars.

(4) "Standard equipment" is defined as those parts or pieces of apparatus with which an automobile is normally equipped and which are included in the basic price of the vehicle.

(5) "Optional equipment" is defined as those parts or pieces of apparatus with which an automobile may be equipped and which may be purchased at an additional cost over and above the basic vehicle price.

(6) "Manufacturer's suggested retail price" will be interpreted as is set forth in Guide III of the Guides Against Deceptive Pricing, adopted by the Commission December 20, 1963 (16 CFR 233.3).

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

In this industry the Commission has taken notice of the number and variety of practices which have been brought to its attention and has determined to institute this preliminary proceeding for the purpose of affording members of the industry and other interested and affected parties, particularly those having special knowledge of the practices listed above, with an opportunity to present orally or in writing their views with respect to such practices and with any data and evidence they may have in their possession with respect to the same. Following receipt and evaluation of this material, plus such other information as the Commission may gather from its own efforts during the pendency of these proceedings, a decision will then be reached as to the form and nature of any rule-making proceedings which may follow.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the practices described herein, as well as to suggest forms for rules to cover the same, with Joseph W. Shea, Secretary, Federal Trade Commission, Washington, D.C. 20580, not later than August 21, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are given notice of opportunity to orally present data, views, or arguments with respect to these practices at a public hearing to be held at 10 a.m., e.d.t., on September 16 and 17, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than September 5, 1969, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time alloted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before September 11, 1969.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All persons, firms, corporations, or others engaged in the sale or distribution of automobiles in commerce as "commerce" is defined in the Federal Trade Commission Act will be subject to the requirements of any Trade Regulation rules which may grow out of this proceeding, or such other regulatory action as the Commission may subsequently elect to take.

All interested parties, including the consuming public, are urged to express their views with respect to these practices, to the extent that they may exist and to submit any data or evidence which they may have or can obtain with respect to the same.

Issued: May 23, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6066; Filed, May 22, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

MAY 20, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea, for the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent, and for administrative arrangements. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of May 20, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs reducing the charges previously made against the level for Category 49, produced or manufactured in the Republic of Korea and exported to the United States for the 12-month period which began on January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

May 20, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive supplements and amends but does not cancel the directives issued to you on December 27, 1968, and April 28, 1969, regarding imports of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969. You were advised in the directive of December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee, that in the event there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea, which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, you are directed to reduce by 1,144 dozen the charges previously made against the current level of restraint for cotton textile products in Category 49, produced or manufactured in the Republic of Korea and exported to the United States during the period January 1, 1969, and extending through December 31, 1969.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69–6139; Filed, May 22, 1969; 8:46 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority Regarding National Summer Youth Sports Program

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964, as amended (hereinafter the "Act"), I hereby delegate to the Secretary of Health, Education, and Welfare (hereinafter the "Secretary") such authority pursuant to section 222(a) of the Act as may be necessary for the purpose of carrying out a program to provide sports instruction and competition and supplemental health and nutrition services during the summer of 1969 to youth living in metropolitan areas of concentrated poverty. The program shall be known as the "National Summer Youth Sports Program." The Director of the Office of Economic Opportunity (hereinafter the "Director") shall transfer to the Secretary such funds as the Director and the Secretary agree are necessary to finance this program.

2. In connection with the foregoing delegation, I further delegate to the Secretary authority under section 225(b) to provide a separate allotment, assuring an equitable distribution of funds reflecting the relative incidence in each State of the needs to which this program is directed, of the funds transferred to him for this program.

3. I further delegate to the Secretary such authority under sections 242, 244(2), 602, and 610–1(c) of the Act as may be necessary and appropriate in order to carry out his functions under this delegation.

4. The powers hereby delegated shall be exercised in accordance with the provisions of the Economic Opportunity Act and with such memoranda of understanding as may be entered into between the Secretary and the Director.

5. All operating information, evaluation reports, and other data concerning the program administered under this delegation shall be freely exchanged between the Department of Health, Education, and Welfare and the Office of Economic Opportunity pursuant to sections 602(d) and 633 of the Act.

6. The powers hereby delegated may be redelegated by the Secretary, with or without authority for further redelegation. The Director shall be advised of all such redelegations.

Dated: March 28, 1969.

BERTRAND M. HARDING,
Acting Director, Office of Economic Opportunity.

Approved: April 25, 1969.

RICHARD NIXON,
President of the United States.

[F.R. Doc. 69–6137; Filed, May 22, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MAY 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 20, 1969, through May 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–6143; Filed, May 22, 1969; 8:47 a.m.]

[70–4755]

NORTHEAST UTILITIES ET AL.

Notice of Proposed Issue and Sale of Notes to Bank by Subsidiary Company and Issue and Sale of Subordinated Notes by Subsidiary Company to Holding Company

MAY 16, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), Post Office Box 270, Hartford, Conn. 06101, a registered holding company, and The Connecticut Light & Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Massachusetts Electric Co. ("WMECO"), each an electric-utility subsidiary company of Northeast, and The Millstone Point Co. ("Millstone Point"), a subsidiary company of Northeast, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(d), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECO (referred to collectively as the "Owners") own as tenants-in-common the Millstone Nuclear Power Station ("Station") with 53 percent, 28 percent, and 19 percent interests, respectively. Millstone Point is acting as their agent with respect to the construction and operation of the Station. The Owners have entered into a fuel contract with respect to their nuclear fuel requirements, and the estimated fabrication cost of the first nuclear fuel core is $9,250,000. The estimated cost of the second and third cores is $26,700,000 and $25 million, respectively.

The Owners propose to transfer and assign to Millstone Point their respective interests in the fuel contract and Millstone Point will reimburse Owners for all amounts theretofore paid by them under such contract. As of May 9, 1969, the amount so required to be reimbursed by Millstone to Owners was approximately $6,939,000 and the balance required to be paid for the nuclear fuel for the first core was approximately $2,313,000. The Owners have also agreed, in accordance with their respective ownership interests in the Station, to reimburse Millstone Point each month for all amounts paid or accrued by it during the month with respect to nuclear fuel other than amounts paid to the nuclear fuel contractor under the fuel contract.

Millstone Point, in order to temporarily finance this undertaking, proposes to issue and sell from time to time up to an aggregate principal amount of $7,500,000 of short-term notes to banks and up to an aggregate principal amount of $2,750,000 of short-term subordinated notes to Northeast. The aggregate amount of such short-term notes at any one time outstanding, including both the bank notes and the subordinated notes, will at no time exceed $10,250,000. The proceeds of such notes will be used to finance its capital requirements until such time as permanent financing for nuclear fuel is completed. When permanent financing for nuclear fuel arrangements are completed, Millstone Point will retransfer and reassign to Owners, all of Millstone Point's interests in the fuel contract and in the nuclear fuel acquired thereunder and Owners will pay to Millstone Point an amount equal to its aggregate costs with respect to the fuel less any amount theretofore reimbursed by Owners. Such permanent financing, reassignment, and retransfer will be the subject of a future filing with the Commission.

The $7,500,000 of notes to banks will each be dated as of the date of issue, will have maximum maturity dates of 9 months with the right of renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, and will be subject to repayment at any time at Millstone Point's option without premium. The notes are to be sold to the following banks in the respective amounts shown:

The Connecticut Bank & Trust Co	$6,000,000
The Connecticut National Bank	1,500,000
Total	7,500,000

The $2,750,000 of short-term subordinated notes will be similar in all respects to the notes to be sold to banks except that they will be subordinated to bank borrowings and any other indebtedness issued by Millstone Point to third parties.

Millstone Point presently has outstanding $150,000 aggregate principal amount of long-term unsecured notes which were acquired by Northeast in accordance with the Commission's order (Holding Company Act Release No. 15691). Millstone Point, prior to any bank borrowing, proposes to issue new long-term notes in substitution for the outstanding long-term notes. The substitute long-term notes will have the same terms as the outstanding notes, except that they will be subordinated to bank borrowings and any other indebtedness by Millstone Point to third parties.

Fees and expenses incident to the proposed transactions are estimated at $500, including legal fees of $300. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–6146; Filed, May 22, 1969; 8:47 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

MAY 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 20, 1969, through May 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–6144; Filed, May 22, 1969; 8:47 a.m.]

[812–2492]

PIONEER FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

MAY 19, 1969.

Notice is hereby given that Pioneer Fund, Inc. ("Applicant"), 28 State Street, Boston, Mass. 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of the Comac Corp. ("Comac"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Comac, a Delaware corporation, is a personal holding company, all of whose outstanding stock is owned beneficially by two individuals. Comac is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Comac, substantially all of the assets of Comac which had total assets with a market value of over $3 million as of December 31, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares of Applicant to be issued to Comac is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the Plan and Agreement of Reorganization) of the assets of Comac to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on the business day preceding the date of transfer. When received by Comac, the shares of Applicant are to be distributed to the Comac shareholders and Comac will be dissolved. Applicant may sell a portion of the assets received from Comac.

There is no affiliation or relationship between Comac, or any officer, director or stockholder of Comac and the Applicant. The agreement was negotiated at arms-length by the two companies.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because the proposed transaction will enable Applicant to obtain securities at a better price than would otherwise be possible and also will increase the size of Applicant and thereby result in improved services and eventually in economies to stockholders of Applicant on a per share basis.

Notice is further given that any interested person may, not later than June 4, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–6145; Filed, May 22, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35099]

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Investigation of Rate Restrictions on Candy or Confectionery, etc.

MAY 14, 1969.

Notice is hereby given that the Industrial Traffic Committee of the Tulsa Chamber of Commerce, by its Secretary, C. D. Tidmore, 616 South Boston, Tulsa, Okla. 74119, has filed a petition with the Interstate Commerce Commission praying that the Commission enter into an investigation of the lawfulness of certain portions of Southwestern Motor Freight Bureau Tariff 1–Y, Supplement No. 32, MF–ICC No. 447. The portions of the tariff in question are note 1 of item, 15005–A, note 7 of item 15160–A, note 6 of item 15365–A, note 1 of item 15540–A, note 9 of item 15570–B, and note 8 of item 15573–B.

The petitioner alleges that by virtue of the above tariff items, shipments moving between points in the Southwest and Oklahoma points take higher rates than shipments moving between points in all other Southwestern States, excluding Oklahoma. It is stated, in the instant petition, that class rates are applicable on the former shipments, whereas lower commodity rates apply on the latter described shipments. This situation is caused by rate restrictions contained in the tariff items set forth above, which are, therefore, allegedly unjustly discriminatory or unduly preferential and prejudicial in violation of section 216 of the Interstate Commerce Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the above-named Secretary for the petitioner. Thereafter, a determination will be made as to whether an investigation is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6157; Filed, May 22, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41635—*Iron and steel articles from Kansas City, Mo.* Filed by Western Trunk Line Committee, agent (No. A–2585), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Kansas City, Mo., to Kenner, La.

Grounds for relief—Market competition.

Tariff—Supplement 136 to Western Trunk Line Committee, agent, tariff ICC A–4393.

FSA No. 41636—*Soda ash to points in Louisiana and Texas.* Filed by Western Trunk Line Committee, agent (No. A–2586), for interested rail carriers. Rates on soda ash, as described in the application, in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariffs—Supplement 96 to Western Trunk Line Committee, agent, tariff ICC A–4374, and supplement 6 to Southwestern Freight Bureau, agent, tariff ICC 4832.

FSA No. 41637—*Class and commodity rates from and to Holcomb, N.C., and Hatch, Ga.* Filed by O. W. South, Jr., agent (No. A–6097), for interested rail carriers. Rates on property moving on class and commodity rates, between Holcomb, N.C., and Hatch, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6158; Filed, May 22, 1969; 8:48 a.m.]

[Notice 836]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 112822 (Sub-No. 114 TA), filed May 13, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Garland, Utah, and Idaho Falls, Idaho, to points in Missouri on and west of U.S. Highway 65 (except Kansas City, Mo.), for 180 days. Supporting shipper: W. H. Cowles, Traffic Manager, Utah-Idaho Sugar Co., Post Office Box 2010, Salt Lake City, Utah. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 123392 (Sub-No. 15 TA), filed May 15, 1969. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, from Memphis, Tenn., and Birmingham, Ala., to points in Ohio, Pennsylvania, and West Virginia, for 90 days. Supporting shipper: Robert E. Petzinger, President, LNG Service University Science Center, 3113 Forbes Avenue, Pittsburgh, Pa. 15213. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 126514 (Sub-No. 13 TA), filed May 13, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheets, pillow cases, blankets, bathrobes, spreads, and textiles*, from Biddeford and Lewiston, Maine; New York, N.Y.; and Avenel, N.J., to Los Angeles and San Francisco, Calif., for 180 days. Supporting shipper: West Point Pepperell, Post Office Box 55, 111 West 40th Street, Midtown Station, New York, N.Y. 10018. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 126276 (Sub-No. 16 TA), filed May 13, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Bradley, Ill., to Munster, South Bend, and Indianapolis, Ind., and St. Paul, Minneapolis, and Faribault, Minn., for 150 days. Supporting Shipper: Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, Ill. 60623. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133276 (Sub-No. 1 TA), filed May 13, 1969. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, Oreg. 97210. Applicant's representative: F. Brock Miller, 480 Pittock Block, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers and their contents; general commodities* shipped in steamship cargo containers, having prior or subsequent movement by water transportation, no service to be performed for shippers served under permit authority, between points in Oregon and Washington, for 180 days. Supporting shippers: Johnson Line, 511 Board of Trade Building, Portland, Oreg. 97204; American Mail Line, 522 Pacific Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 133565 (Sub-No. 1 TA), filed April 30, 1969. Applicant: TRUE TRANSPORT, INC., 839 River Road, Edgewater, N.J. 07020. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in containers or trailers which have a prior or subsequent by water, between Edgewater and Weehawken, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction with U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York State Highway 17 to Horseheads, N.Y., thence along New York State Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York State Highway 5 to Schenectady, N.Y., thence along New York 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction with New York State Highway 149, thence along New York State Highway 149 to junction with U.S. Highway 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., and points in Rhode Island, for 180 days. Supporting shippers: Raymond International, Inc., 2 Pennsylvania Plaza, New York City, N.Y. 10001, plus 20 other shippers attached to application, which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133710 TA, filed May 8, 1969. Applicant: MALAN VAN & STORAGE, 715 South California Street, Stockton, Calif. 95203. Applicant's representative: Ray Malan, 715 South California Street, Stockton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; between points in San Joaquin, San Mateo, Santa Clara, Amador, Stanislaus, Solano, Alameda, Calaveras, Merced, Contra Costa, Sacramento, and Tuolumne Counties, Calif., for 180 days. Supporting shippers: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Alexandria, Va. 22304; Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, Ill. 60620. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133712 TA, filed May 9, 1969. Applicant: CONLEE BROTHERS MOVING & STORAGE, 600 South Bryan, Bryan, Tex. 77801. Applicant's representative: J. D. Conlee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Brazos, Grimes, Madison, Walker, Milam, Washington, Burleson, Robertson, and Lee Counties, Tex., for 180 days. Supporting shippers: VanPac Carriers, Inc., 2114 MacDonal Avenue, Richmond, Calif. 94801; The Texas A. & M. University System, College Station, Tex. 77843; Red Ball Motor Freight, Inc., 3177 Irving, Post Office Box 47407, Dallas, Tex. 75247; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. 11378. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 133714 TA, filed May 9, 1969. Applicant: MOELLER BROS. TOWING, 539 Lewelling Boulevard, San Leandro, Calif. 94579. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and inoperative motor vehicles, trucks, buses, and trailers* (except mobile homes or house trailers designed to be drawn by passenger vehicles) and *replacements thereof*, in towaway service by wrecker equipment only, between points in the counties of Santa Clara, San Mateo, Contra Costa, Alameda and the city and county of San Francisco, Calif., on the one hand, and points in Nevada and Oregon, on the other hand, for 180 days. Supporting shippers: Gillig Bros., Post Office Box 330, Hayward, Calif. 94543; East Bay Ford Truck Sales, Inc., 333 Filbert Street, Oakland, Calif. 94607; Universal Leaseway System, Inc., 2366 Alvarado Street, San Leandro, Calif. 94577; General Transport Equipment Co., Inc., 1221 Third Street, Oakland, Calif. 94607; Bay Area Kenworth Co., 1366 Doolittle Drive, San Leandro, Calif. 94577; Mack Trucks, Inc., 425 Market Street, Oakland, Calif. 94604; ENGS

Motor Truck Co., 295 Hegenberger Road, Oakland, Calif. 94621; International Harvester Co., Motor Trucks, 390 Doolittle Drive, San Leandro, Calif. 94577. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIERS OF PASSENGERS

No. MC 133726 TA, filed May 13, 1969. Applicant: CREATIVE SERVICES CORPORATION, 714 Ninth Avenue, Salt Lake City, Utah 84103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers (students and teachers of Travel Institute School, Inc.)*, between points in Utah, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, for 180 days. Supporting shipper: Travel Institute School, 714 Ninth Avenue, Salt Lake City, Utah 84103 (John C. Josephson, Board President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133727 TA, filed May 13, 1969. Applicant: WILLIAM EDWARD LILLISTON, doing business as OCEAN CITY TOUR CO., Box 1409, Ellegood Street, Route 5, Salisbury, Md. 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from Ocean City, Md., to Crisfield, Md., Tangier, Va., and Wallops-Chincoteague-Assateague, Va., and return; and Seaford, Del. (Delmarva Chicken Festival) and return, for 180 days. Supporting shippers: Town of Ocean City—Mayor and City Council of Ocean City, Md.; Charles J. Jackson, President, Ocean City Chamber of Commerce, Ocean City, Md., and statement of need for service signed by 26 supporters from Ocean City, Md. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6159; Filed, May 22, 1969; 8:48 a.m.]

[Notice 349]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71279. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Murtha Trucking, Inc., Naugatuck, Conn., of certificate of registration No. MC-99958 (Sub-No. 1), issued March 23, 1964, to Lawrence Leo Beck, doing business as Larry's Refrigerated Service, Waterbury, Conn., authorizing the transportation of meat and packinghouse products from Waterbury, Conn., on the one hand, to various points in Connecticut, on the other hand, including return damaged, rejected, or refused shipments. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-71333. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Cressona Trucking Co., a Pennsylvania corporation, Cressona, Pa., of the certificates in Nos. MC-25954 and MC-25954 (Sub-No. 3), issued February 7, 1961, and July 29, 1968, respectively, to McKinley Hoover, doing business as Cressona Trucking Co., Cressona, Pa., authorizing the transportation of various specific commodities from and to various points and areas in Pennsylvania, New Jersey, New York, Maryland, and Connecticut. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-71350. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Shima Transfer Co., a corporation, San Francisco, Calif., of the certificate of registration in No. MC-99463 (Sub-No. 1) issued August 9, 1965, to Motor Transport Terminals, Inc., San Francisco, Calif., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of California, corresponding in scope to the service authorized by certificate of public convenience and necessity granted in decision No. 51026, as amended by decision No. 51531, as transferred by decision No. 65634, dated July 2, 1963, issued by the Public Utilities Commission of the State of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94102, attorney for applicants.

No. MC-FC-71352. By order of May 9, 1969, the Motor Carrier Board approved the transfer to W. M. Burnett Truck Line, Inc., Haleyville, Ala., of the certificates of registration in Nos. MC-85578 (Sub-No. 1) and MC-85578 (Sub-No. 2) issued November 20, 1963, and March 29, 1966, respectively, to W. M. Burnett, doing business as Burnett Truck Lines, Haleyville, Ala., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Alabama, corresponding in scope to the service authorized in certificate of public convenience and necessity No. 496 dated September 11, 1942, and amendment thereto authorized by order dated February 3, 1964, issued by the Alabama Public Service Commission. J. Douglas Harris, 409-412 Bell Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC-FC-71357. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Junior W. Tschache, doing business as O-Bar-J Trailers, 900 North Seventh Street, Bozeman, Mont. 59715, of certificates Nos. MC-124790 and MC-124790 (Sub-No. 1) issued June 28, 1963, and December 20, 1963, to William Potts, doing business as Commercial Towing Service, Bozeman, Mont. 59716, authorizing the transportation of: mobile homes and house trailers, between specified points in Idaho, Montana, and Wyoming.

No. MC-FC-71358. By order of May 9, 1969, the Motor Carrier Board approved the transfer to John H. Smith, Inc., Allen Park, Mich., of the certificates in Nos. MC-125390, MC-125390 (Sub-No. 1), MC-125390 (Sub-No. 2), and MC-125390 (Sub-No. 3), issued November 29, 1963, March 16, 1964, May 6, 1964, and November 12, 1965, respectively, to J. A. McIntosh, Jr., doing business as McIntosh Bulk Haulers, New Baltimore, Mich., authorizing the transportation of coal tar pitch, coal, coke, and briquets from and to points and areas in Michigan, Ohio, Indiana, and New York. William B. Elmer, 22644 Gratiot Street, East Detroit, Mich. 48021, attorney for applicants.

No. MC-FC-71359. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Van Natta Trucking, Inc., Vesper, Wis., of the permit in No. MC-127590, issued January 19, 1968, to Maurice Leonard Conlon, Shiocton, Wis., authorizing the transportation of malt beverages, from St. Paul, Minn., to Milwaukee, Wis. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6160; Filed, May 22, 1969; 8:48 a.m.]

[Notice 349A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71406. By application filed May 19, 1969, WILEY TRANSFER AND STORAGE CO., 325 Elder Avenue, Seaside, Calif. 93955, seeks temporary authority to lease the operating rights of M. HARDY TRUCKING CO., 2338 Del Monte Avenue, Monterey, Calif. 93940, under section 210a(b). The transfer to WILEY TRANSFER AND STORAGE CO., of the operating rights of M. HARDY TRUCKING CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6161; Filed, May 22, 1969; 8:48 a.m.]

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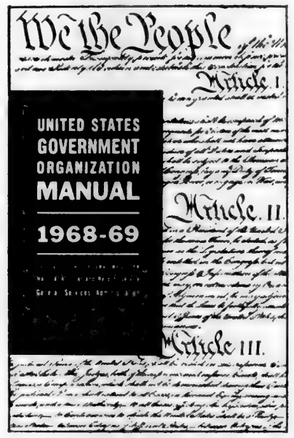

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Miscellaneous Amendments

Paragraph (b) of § 213.3101 and paragraph (b) of § 338.202 are revised to ease the restrictions on the summer employment of the children of civilian employees and military personnel when the family concerned is eligible for assistance under a public welfare program or has a total income not exceeding certain limits. Effective on publication in the FEDERAL REGISTER, Parts 213 and 338 are amended as set out below.

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

* * * * *

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218.)

* * * * *

§ 338.202 Restriction on sons and daughters.

* * * * *

(b) Paragraph (a) of this section does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, or (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property. Paragraph (a) does not apply to student employment of persons who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6302; Filed, May 23, 1969; 10:44 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 375]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.675 Lemon Regulation 375.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 20, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 25, 1969, through May 31, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 22, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6260; Filed, May 23, 1969; 8:49 a.m.]

[Plum Reg. 3]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter

set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Plum Commodity Committee reflect its appraisal of the plum crop and current and prospective market conditions. Shipments of Beauty and Burmosa varieties of plums are expected to begin on or about May 25, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after May 25, 1969, of any plums grading lower than the grade specified herein for all varieties, and of Beauty and Burmosa plums smaller in size than as hereinafter specified for such varieties, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 25, 1969. Shipments of plums are currently subject to regulation by grade pursuant to Plum Regulation 2 (33 F.R. 7441) through May 31, 1969, unless sooner terminated. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 15, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.415 Plum Regulation 3.

(a) *Order.* (1) During the period June 1, 1969, through May 31, 1970, no handler shall ship any lot of packages or containers of Beauty, Burmosa, Grand Rosa, Laroda, Santa Rosa, July Santa Rosa, El Dorado, Wickson, Duarte, Red Roy, Ace, Sharkey, Mariposa, Emby, Late Duarte, President, Nubiana, Simka, Arrosa, New Yorker, Queen Ann, Standard, Elephant Heart, or any other variety of plums not named in subparagraph (2) of this section, unless such plums grade at least U.S. No. 1.

(2) During the period June 1, 1969, through May 31, 1970, no handler shall ship:

(i) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade at least U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(ii) Any lot of packages or containers of Late Santa Rosa, Improved Late Santa Rosa, Casselman, Linda Rosa, Red Rosa, or Swall Rosa plums unless such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(iii) Any lot of packages or other containers of Late Tragedy plums unless such plums grade at least U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(3) During the period May 25, 1969, through October 31, 1969, no handler shall ship any package or other container of:

(i) Beauty plums unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or other container, contains not more than 98 plums;

(ii) Burmosa plums unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than 60 plums.

(b) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–1538 of this title; 34 F.R. 7498); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 21, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6225; Filed, May 23, 1969; 8:48 a.m.]

[966.306, Amdt. 6]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments regulation, to be made effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area, was published in the FEDERAL REGISTER May 1, 1969 (34 F.R. 7170). An amended notice was published in the FEDERAL REGISTER May 10, 1969 (34 F.R. 7578). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than May 12, 1969. Within the period specified, written comments were filed by L. W. Anderson, Dallas, Tex.; John Cox, Richardson, Tex.; Walter Holm & Co., Nogales, Ariz.; Harry H. Price & Son, Dallas, Tex.; Tricar Sales, Inc., Nogales, Ariz.; E. L. Farley, Fort Worth, Tex.; Jimmy Baum, Arlington, Tex.; Coast Marketing Co., Nogales, Ariz.; West Mexico Vegetable Distributors Association, Nogales, Ariz.; Reaves Brokerage Co., Dallas, Tex.; Buddies Super Markets, Fort Worth, Tex.; Ruskin Vegetable Corp., Ruskin, Fla.; C. E. Leisey, Ruskin, Fla.; C. E. Leisey, Jr., Ruskin, Fla.; Jim Sims, Ruskin, Fla.; H. Sims Farms, Inc., Tampa, Fla.; Pitts Farms, Inc., Tampa, Fla.; Villemaire Farms, Inc., Tampa, Fla.; Ray Thompson, Ruskin, Fla.; C. W. Williams, Ruskin, Fla.; W. T. Sauqs, Ruskin, Fla.; Florida Fruit and Vegetable Association, Orlando, Fla.; Dewey Gargiulo, Palmetto, Fla.; E. J. Beazley, Palmetto, Fla.; C. R. Burnett, Palmetto, Fla.; I. L. Tyler, Palmetto, Fla.; Ken Wooten, Palmetto, Fla., and Whisenant Farms, Palmetto, Fla.

After consideration of all relevant matters presented, including the written comments filed and the proposals set forth in the aforesaid notice, which were recommended by the Florida Tomato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that this amendment will tend to effectuate the declared policy of the act.

As of May 10, 1969, according to reports of the Statistical Reporting Service of the U.S. Department of Agriculture, there remained in Florida approximately 12,040 acres of tomatoes yet to be harvested of which 3,250 acres were to be harvested within the following 2-week period, and 4,330 acres with fruit set in which harvest would follow shortly thereafter.

The Florida seasonal shipping pattern for the past 3 years shows that shipments of tomatoes have generally peaked about mid-May. This year it is expected that Florida tomato shipments will reach their highest level about the last week in May or the first week in June. Supplies from Mexico also are expected to continue into June. In the absence of this regulation supplies from Florida and Mexico would be expected to exceed the 1,100 carloads per week level, considered to be the maximum quantity the market will take at a fair return to producers.

Heavy volume shipments during a short period beginning the last week of May could cause glutted markets and depressed prices to producers. To guard against this the slightly tighter regulations hereinafter set forth are necessary beginning on the date specified. If and when market conditions warrant, the regulations can be relaxed.

The committee reports that the percentage of vine-ripe tomato shipments from Florida is expected to increase due to hot weather which normally occurs during this period. Vine-ripe tomatoes are more mature than green tomatoes and are therefore generally larger. The difference required in the sizes of the tomatoes, as recommended by the committee, is to equalize the burden between mature-green and vine-ripe tomatoes, so that the percentage withheld from market by Florida producers will be approximately the same for each maturity. Returns to producers from large sizes of U.S. No. 2 and U.S. No. 3 grade tomatoes have generally exceeded returns from small sizes of U.S. No. 1 grade tomatoes. The smaller sizes normally sell for lower prices, and in periods of excessive supplies producers receive little, if any, returns from the smaller sizes. In periods of heavy supplies the small sizes depress returns to producers for the larger sizes. Accordingly, the regulation restricting the grade and sizes as hereinafter set forth is appropriate and will tend to effectuate the declared policy of the Act.

It is hereby found that good cause exists for not postponing the effective date of this amendment until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) tomatoes grown in the production area are currently being marketed and a greatly increased volume of shipments is expected beginning on or about the effective date hereof; (2) unless this amendment becomes effective in time for the anticipated increased shipments, returns to producers could be greatly depressed; and (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date.

Regulation, as amended. In § 966.306 (33 F.R. 16330, 17310, 19161; 34 F.R. 128, 6326, 7135, 7170, 7578), paragraphs (a) and (b) are hereby amended to read as follows:

§ 966.306 Limitation of shipments.

* * * * *

(a) *Minimum grade, size, and maturity requirements.* No person shall handle any lot of tomatoes for shipment outside the regulation area unless they meet the following minimum requirements:

(1) For mature green tomatoes: U.S. No. 3 or better grade, over $2^{2}/_{32}$ inches in diameter.

(2) For all other tomatoes: U.S. No. 3, or better grade, over $2^{17}/_{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Size classifications.* (1) No person shall handle for shipment outside the regulation area any tomatoes unless they are sized within one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the method prescribed in paragraph (c) of § 51.1860 of U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
6 x 7	Over $2^{8}/_{32}$ to $2^{17}/_{32}$, inclusive.
6 x 6	Over $2^{17}/_{32}$ to $2^{25}/_{32}$, inclusive.
5 x 6	Over $2^{25}/_{32}$.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 22, 1969, to become effective May 26, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6257; Filed, May 23, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Miscellaneous Amendments

On November 20, 1968, and April 3, 1969, there were published in the FEDERAL REGISTER (33 F.R. 17180 and 34 F.R. 6047) notices with respect to proposed amendments of Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. Said notices gave interested persons an opportunity to submit both written and oral comments. After due consideration of all relevant material in connection with such notices and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–128; 134–134h), said Part 76 is hereby amended in the following respects:

1. In § 76.1, paragraph (e) is amended, and a proviso is added at the end of paragraph (x), to read, respectively, as follows:

§ 76.1 Definitions.

* * * * *

(e) *Exposed swine.* Swine that have been in contact with animals known to be or suspected of being affected with hog cholera; and any swine which have been inoculated with modified live virus vaccine not approved under § 76.16(c) or other virulent hog cholera virus at any time or with any other live hog cholera virus vaccine after January 1, 1970, or any swine which have been in contact with such vaccinates.

* * * * *

(x) * * *: *Provided,* That any swine so vaccinated on or after July 1, 1969, shall not be deemed to be an official vaccinate after December 31, 1969.

* * * * *

2. The heading and paragraphs (b), (f), and (g) of § 76.2 are revised to read, respectively, as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(b) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of any hog cholera virus, with the exceptions as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

* * * * *

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Connecticut, Delaware, Florida, Maryland, and Oklahoma.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States: Alaska, Idaho, Michigan, Montana, Nevada, North Dakota, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming.

3. The center heading preceding § 76.4 is amended to read: "Movement of Hog Cholera Virus and Swine Treated with Such Virus."

4. The heading, introductory paragraph and paragraphs (a) and (b) of § 76.4 are amended and a new paragraph (c) is added to read, respectively, as follows:

§ 76.4 Interstate movement of hog cholera virus prohibited, except as provided.

Virulent hog cholera virus shall not be moved interstate, at any time, and any other hog cholera virus shall not be moved interstate on or after July 1, 1969, except that:

(a) In specific cases and under such conditions as he may impose, the Director of Division may authorize the interstate movement of stated quantities of virulent hog cholera virus and modified live hog cholera virus for particular purposes, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such movements shall be accompanied by a permit from the appropriate official of the State of destination and a certificate issued by the Animal Health Division specifying any such conditions imposed regarding the specific shipment.

(b) In specific cases and under such conditions as he may impose, the Director of the Veterinary Biologics Division may authorize the interstate movement of stated quantities of virulent hog cholera virus or modified live hog cholera virus for export, research, or biologics production, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such interstate movement for purposes other than export shall be accompanied by a permit from the appropriate official of the State of destination and all such movements shall be accompanied by a certificate issued by the Veterinary Biologics Division specifying any such conditions imposed regarding the specific shipment.

(c) Killed or inactivated hog cholera virus vaccine may be moved interstate into States which provide for such movement if such States are not cooperating in the eradication of hog cholera by the complete and prompt depopulation of all swine on infected premises.

5. In § 76.5 the heading, introductory paragraph, and paragraphs (a) and (b) are amended; and new paragraphs (c), (d), (e), and (f) are added, to read, respectively, as follows:

§ 76.5 Interstate movement of swine treated with nonapproved modified live virus vaccine or other virulent hog cholera virus or any other hog cholera virus prohibited, except as provided.

Swine treated with any hog cholera virus shall not be moved interstate except that:

(a) Swine treated with a nonapproved modified live virus vaccine, not of porcine origin, prior to July 25, 1967, or treated with other virulent hog cholera virus prior to April 1, 1966, and not known to be affected with or otherwise exposed to hog cholera may be moved interstate if:

(1) Such swine are consigned for immediate slaughter; or

(2) Such swine are accompanied by a permit from the appropriate official of the State of destination; are moved directly to a farm destination without contact with other swine during movement; are moved under such other conditions as may be imposed for the specific movement by the Director of Division in order to prevent such swine from endangering other swine or impairing the hog cholera eradication program; and are accompanied by a certificate issued by a Division inspector specifying any such conditions.

(b) Swine treated with virulent hog cholera virus or treated with any other hog cholera virus and not known to be affected with or otherwise exposed to hog cholera, may be moved interstate for research or biologic production if such swine:

(1) Are moved directly to a point of destination approved by an inspector of the Veterinary Biologics Division, without contact with other swine during movement;

(2) Are accompanied by a permit from the appropriate official of the State of destination;

(3) Are moved under such other conditions as may be imposed for the specific movement by the Director of the Veterinary Biologics Division in order to prevent such swine from endangering other swine or impairing the hog cholera eradication program; and

(4) Are accompanied by a certificate issued by an inspector of the Veterinary Biologics Division specifying any such conditions.

(c) Swine that are officially vaccinated prior to July 1, 1969, with a modified live virus vaccine that was approved under § 76.16(c) and that are not known to be affected with or otherwise exposed to hog cholera may be moved interstate at any time in accordance with § 76.7, § 76.9, or § 76.10.

(d) Swine that are officially vaccinated on or after July 1, 1969, with any modified live virus vaccine that was approved under § 76.16(c) prior to July 1, 1969, and that are not known to be affected with or otherwise exposed to hog cholera may be moved interstate:

(1) For feeding, breeding, or exhibition purposes in accordance with § 76.7 (c), § 76.9, or § 76.10 only until January 1, 1970; or

(2) For slaughter in accordance with § 76.7, § 76.9, or § 76.10 if vaccinated prior to January 1, 1970.

(3) For slaughter in accordance with § 76.6(c), or § 76.13 if vaccinated on or after January 1, 1970.

(e) Swine that are officially vaccinated prior to January 1, 1970, with a killed or inactivated hog cholera virus vaccine and that are not known to be affected with or otherwise exposed to hog cholera may be moved interstate in accordance with § 76.7, § 76.9(a), or § 76.10.

(f) Swine that are officially vaccinated on or after January 1, 1970, with a killed or inactivated hog cholera virus vaccine and that are not known to be affected with or otherwise exposed to hog cholera may be moved interstate: (1) In accordance with § 76.7, § 76.9, or § 76.10 from a State not cooperating in the eradication of hog cholera by the complete and prompt depopulation of all swine on infected premises, into any State the laws, rules or regulations of which provide for such treatment, or (2) in accordance with § 76.6 or § 76.13 from and to any State for slaughter.

6. Section 76.7 is amended by changing the introductory paragraph and paragraph (c)(7) and adding a new paragraph (d) to read, respectively:

§ 76.7 Movement to recognized slaughtering centers, licensed establishments, approved feed lots, public stockyards or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera (including swine subject to § 76.5 (c) or (e)) and swine subject to § 76.5 (d) or (f) may be moved interstate as provided in this section and shall not be diverted for any other purposes:

* * * * * * *

(c) * * *

(7) From any point not listed in subparagraphs (1) through (6) of this paragraph (c), in a State not cooperating in the eradication of hog cholera by the complete and prompt depopulation of all swine in infected herds, to a public stockyard or approved stockyard or livestock market in any other State if such swine have been officially vaccinated either at least 21 days prior to the date of shipment by methods specified in § 76.10 (a)(1) or (b)(2) or at least 14 days prior to date of shipment by methods specified in § 76.10(a)(2).

(d) Swine subject to § 76.5 (c), (d), (e), or (f) must comply with all the requirements of that section as well as this section.

7. Section 76.8 is amended to read:

§ 76.8 Interstate movement of swine for feeding, breeding, or exhibition purposes prohibited, except as provided.

No swine shall be moved interstate for feeding, breeding, or exhibition purposes, except as provided in §§ 76.5, 76.7, 76.9, and 76.10.

8. Section 76.9 is amended to read as follows:

§ 76.9 Movements from public stockyards or approved stockyards or livestock markets.

(a) Swine not known to be affected with or exposed to hog cholera (including swine subject to § 76.5 (c) or (e)) and swine subject to § 76.5 (d) or (f) may be moved interstate for feeding or breeding purposes from public stockyards or approved stockyards or livestock markets to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported swine for a period of not less than 21 days [1, 2], if:

(1) The swine are inspected by a Division inspector or an accredited veterinarian at such yard or market; and

(2) The swine upon such inspection are found to be free from symtoms of hog cholera and in a healthy condition and are treated in accordance with paragraph (b)(1) of this section prior to January 1, 1970, or are treated in accordance with paragraph (b)(2) of this section in a public stockyard by a veterinarian under Division supervision, or in an approved stockyard or livestock market by an accredited veterinarian, in a portion of the stockyard or market set aside for that purpose: *Provided*, That

(i) Swine officially vaccinated prior to inspection, in accordance with § 76.10(a) or (b)(2) or swine which have received serum prophylaxis in accordance with paragraph (b)(2) of this section, are not required to be so treated but are subject to the other provisions of this paragraph (a); and

(ii) Swine which originate in, and are moved interstate from public stockyards or approved stockyards or livestock markets located in, States designated in § 76.2 (f) or (g) are not required to be so treated if moved interstate without contact prior to or during movement with swine from States not so designated and if the interstate movement of such swine is continuous and is accomplished in the same vehicle in which movement of such swine commenced, but such swine are subject to the other provisions of this paragraph (a); and

(iii) Official serum prophylaxis will qualify swine for interstate movement under this paragraph (a) only to States the laws, rules, or regulations of which provide for such prophylaxis; and

(3) The swine required to be so treated are permanently identified as follows:

(i) Official vaccinates shall be identified by individual eartag (other than orange in color), ear notch, tattoo, or similar individual identification; and

(ii) Swine receiving official serum prophylaxis shall be identified by individual orange eartag, ear notch, tattoo, or similar individual identification; and

(4) The swine are accompanied by a health certificate issued by a Division inspector at the public stockyard, or by an accredited veterinarian at an approved stockyard or livestock market, showing place and date of issuance, destination of shipment, record of official vaccination or official serum prophylaxis when applicable, the permanent identification of the swine, and that the swine are apparently free from hog cholera and other contagious, infections or communicable diseases; and a copy of such certificate is forwarded to the appropriate livestock sanitary official of the State of destination; and

(5) The swine are transported in a cleaned and disinfected vehicle: *Provided, however*, That if the vehicle is not regularly used to transport livestock, disinfection is not required.

(b) Inoculation methods: Swine required under this section to be officially vaccinated or to receive official serum prophylaxis shall be inoculated by one of the following methods as appropriate:

(1) *Official vaccinates.* Swine required under this section to be officially vaccinated shall be given prior to January 1, 1970, simultaneous inoculation with anti-hog-cholera serum or hog cholera antibody concentrate and modified live virus vaccine prepared under license from the Secretary. Such vaccine must also be approved by the Director of Division pursuant to the provisions of § 76.18(c), prior to July 1, 1969. The dosage of serum or antibody concentrate and modified live virus vaccine shall be as follows:

(i) *Dossage of anti-hog-cholera serum or hog cholera antibody concentrate.* Except for swine under 20 pounds in weight, the dosage of serum should not exceed 1 cc. per pound body weight, or one-half cc. per pound body weight if antibody concentrate is used.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose of antibody concentrate (cubic centimeters)
Under 60	20	10
60-120	30	15
Over 120	40	20

(ii) *Dosage of modified virus vaccine.* The dosage of modified live virus vaccine shall be that recommended on the product label by the licensed manufacturer for use with the amounts of anti-hog-cholera serum or hog cholera antibody concentrate given in subdivision (i) of this paragraph.

(2) *Official serum prophylaxis.* Swine required under this section to receive official serum prophylaxis shall be inoculated with anti-hog-cholera serum or hog cholera antibody concentrate prepared under license from the Secretary, as provided below:

(i) Dosage of anti-hog-cholera serum or hog cholera antibody concentrate: Such swine shall be given the dosage of anti-hog-cholera serum or antibody concentrate provided in subparagraph (1)(i) of this paragraph; and

(ii) Such dosage shall be given within 5 days (120 hours) prior to interstate movement: *Provided, however*, That such swine shall receive at least one additional official serum prophylaxis inoculation in the amount provided in subparagraph (1)(i) of this paragraph during each additional 5-day (120-hour) period, or portion thereof, that expires after the first official serum prophylaxis inoculation until such interstate movement ends.

(c) Swine vaccinated in such stockyards or livestock markets or elsewhere which are subject to § 76.5 (c), (d), (e), or (f) must comply with all the requirements of that section as well as this section.

9. The introductory paragraph, paragraph (a), paragraph (b) (1) and (2) and paragraph (c) of § 76.10 are amended to read, respectively, as follows:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes or for sale for such purposes.

Swine which are not known to be affected with or exposed to hog cholera or any other contagious, infectious, or communicable disease may be moved interstate to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes in accordance with this section. Swine subject to § 76.5 (c), (d), (e), or (f) may be moved interstate in accordance with this section and § 76.5 (c), (d), (e), or (f), respectively.

(a) *Movement from any point of origin.* Swine, which otherwise qualify for interstate movement under the provisions of this section, may be moved interstate to any destination for feeding, breeding, or exhibition purposes, or for sales for such purposes, if such swine have been officially vaccinated prior to July 1, 1969, with:

(1) Modified live virus hog cholera vaccine prepared under a license issued by the Secretary, approved prior to July 1, 1969, under § 76.16(c), and administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than 2 years prior to date of shipment: *Provided, however*, That swine so treated on or after July 1, 1969, with vaccine approved prior to July 1, 1969, in accordance with § 76.16 (c), may be moved interstate until January 1, 1970, but shall not be so moved thereafter; or

(2) Killed or inactivated hog cholera vaccine prepared under a license issued by the Secretary and administered in accordance with the recommendations on the vaccine label: *Provided, however*, That swine so officially vaccinated shall receive at least two doses of such vaccine in the amounts recommended on the vaccine label at least 30 days but not more than 6 months apart: *And provided further*, That such official vaccination procedure shall be completed not less than 14 days nor more than 1 year prior to date of shipment: *And provided further*, That swine so officially vaccinated on or after July 1, 1969, may be moved interstate until January 1, 1970, but such swine shall not be so moved thereafter, except that swine which are located in States not cooperating in the eradication of hog cholera by the complete and prompt depopulation of all swine in infected herds, may be moved interstate on or after January 1, 1970, in accordance with § 76.5(f) when such swine have been vaccinated with at least two doses of killed or inactivated vaccine prior to such movement, as specified in this subparagraph (2).

(b) *Movement from farm of origin in any State.* Notwithstanding paragraph (a) of this section, swine which otherwise qualify for interstate movement under the provisions of this section, may

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

[2] In order to minimize possible stress associated with shipping, feeder and breeder swine should be in transit as short a time as possible, with not more than 72 hours between shipment and arrival at destination.

be moved interstate directly from the farm of origin in any State to any destination for feeding, breeding, or exhibition purposes, or for sale for such purposes, if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced; and

(1) Such swine have been officially vaccinated as provided in paragraph (a) of this section: *Provided, however,* That swine officially vaccinated as provided in paragraph (a)(1) of this section on or after July 1, 1969, may be moved interstate until January 1, 1970, but such swine may not be so moved thereafter; and swine officially vaccinated as provided in paragraph (a)(2) of this section on or after January 1, 1970, may be moved interstate only as provided in § 76.5(f); or

(2) Such swine have been officially vaccinated within 21 days prior to movement with the simultaneous inoculation of modified live virus hog cholera vaccine prepared under license issued by the Secretary, approved prior to July 1, 1969, under § 76.16(c), and administered in accordance with the dosage recommendations on the vaccine label with a minimum of 15 cc. of anti-hog-cholera serum or a minimum of 7.5 cc. of hog cholera antibody concentrate, also prepared under such license: *Provided, however,* That swine so officially vaccinated on or after July 1, 1969, may be moved interstate until January 1, 1970, but such swine may not be so moved thereafter; or,

* * * * *

(c) *Movement from a farm of origin located in a State designated in § 76.2 (f) or (g).* Notwithstanding paragraphs (a) and (b) of this section, swine which otherwise qualify for interstate movement under this section may be moved directly from the farm of origin in a State identified in § 76.2 (f) or (g) to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes if the interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced; and if

(1) Such swine are officially vaccinated prior to interstate movement as provided in paragraph (a) or (b) of this section: *Provided, however,* That swine officially vaccinated on or after July 1, 1969, may be moved interstate until January 1, 1970, but such swine may not be so moved thereafter except as provided in paragraph (a)(2) of this section; or

(2) Such swine have received official serum prophylaxis prior to interstate movement as provided in § 76.9(b)(2); or

(3) Such swine have not been officially vaccinated or have not received official serum prophylaxis prior to interstate movement, and are moved interstate in such a manner that they do not come into contact prior to or during such movement with swine from a State not designated in § 76.2 (f) or (g).

* * * * *

10. In § 76.16 a new sentence is added at the end of paragraph (b) and paragraph (c) is amended to read, respectively, as follows:

§ 76.16 Approval of stockyards and livestock markets; approval of modified live virus vaccines.

* * * * *

(b) * * * No approval will be granted or continued for any stockyard or livestock market if swine are inoculated therein with virulent virus at any time or with other modified live hog cholera virus on or after January 1, 1970.

(c) The Director of Division is authorized to approve modified live virus hog cholera vaccines, not of porcine origin, for the purposes of the regulations in this part when he determines that the interstate movement of such vaccines or swine treated therewith, will not constitute a threat to the hog cholera eradication program, and he is authorized to withdraw approval of any such vaccine when he determines that such action is necessary to effectuate the hog cholera eradication program: *Provided,* That the authority to approve any such vaccines shall not be effective after June 30, 1969. A list of modified live virus vaccines approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER and will appear in this part.

(Sec. 4, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 2, 32 Stat. 792, as amended, sec. 1, 75 Stat. 481, 76 Stat. 131; 21 U.S.C. 111, 112, 114g, 120, 125, 134c; 29 F.R. 16210, as amended, 33 F.R. 15485, as amended)

The foregoing amendments affect the interstate movement of approved modified live virus hog cholera vaccines and the interstate movement of swine vaccinated with such vaccines in the following ways:

1. Such vaccines shall not be moved interstate on or after July 1, 1969, except for export, research purposes or biologics production, or in other special cases.

2. Swine officially vaccinated with such vaccines prior to July 1, 1969, may be moved interstate indefinitely under stated conditions.

3. Swine officially vaccinated with such vaccines on or after July 1, 1969, and before January 1, 1970, may be moved interstate for slaughter purposes in accordance with this part indefinitely; however, such officially vaccinated swine may be moved interstate for feeding, breeding or exhibition purposes until January 1, 1970, but not thereafter.

4. Swine vaccinated with such vaccines on or after January 1, 1970, may be moved interstate as swine exposed to hog cholera in accordance with this part for slaughter.

The foregoing amendments also affect the interstate movement of killed or inactivated vaccines and the interstate movement of swine vaccinated with such vaccines in the following ways:

1. On or after July 1, 1969, such vaccines shall not be moved into States which have reached the level of the cooperative hog cholera eradication program which requires prompt and complete depopulation of swine on hog cholera infected premises.

2. Such vaccines may move interstate indefinitely into States which have not reached the level of the cooperative hog cholera eradication program which requires prompt and complete depopulation of hog cholera infected premises.

3. Swine officially vaccinated with such vaccines prior to January 1, 1970, may move interstate indefinitely under stated conditions from any State.

4. Swine officially vaccinated with such vaccine on or after January 1, 1970, may move interstate under stated conditions for slaughter indefinitely; however, such swine may move interstate for feeding, breeding, or exhibition purposes only from States which have not reached the level of the cooperative hog cholera eradication program which requires prompt and complete depopulation of hog cholera infected premises and into States with laws which provide for such treatment.

The amendments allow the interstate movement of killed or inactivated vaccines into States which have not reached the cooperative hog cholera eradication level which requires complete and prompt depopulation of infected herds and the official vaccination of swine in such States. It is expected that eventually complete elimination of all hog cholera vaccines will become necessary to effectuate the hog cholera eradication program. It is further expected that such action may become necessary not later than January 1, 1970. Therefore, it is important that States not presently at the program level requiring complete and prompt depopulation of infected herds bear this in mind.

Less than 30 percent of the Nation's swine are vaccinated against hog cholera as evidenced by only 22 million doses of vaccine sold in 1967. The use of vaccines is known to interfere with the eradication of hog cholera since 21 percent of all outbreaks in fiscal year 1968 were associated with vaccination. It is evident that as long as the use of vaccines is continued eradication efforts will be adversely affected.

The purpose of the amendments is to facilitate the eradication of hog cholera by eliminating a major source of outbreaks. These amendments do not impose new restrictions on the interstate movement or use of anti-hog-cholera serum or hog cholera antibody concentrate.

The foregoing amendments are the same as the proposals set forth in the notice of rule making except that the effective date prohibiting the interstate movement of vaccines has been changed from March 1 to July 1, 1969, and the effective date prohibiting the interstate movement of swine vaccinated with such vaccines has been changed from September 1, 1969, to January 1, 1970. Also, minor changes in language were made for clarification purposes; the State of Oklahoma was added to the list of States designated as hog cholera eradication States under § 76.2(f); and the States of North Dakota, Utah, Vermont, Wisconsin, and Wyoming were added to the list of States designated as hog cholera free States under § 76.2(g). These States were added to § 76.2(f) or § 76.2(g) as they now qualify for such designation.

Written comments were received during the period provided for public comment from all segments of the swine industry and others affected by the proposal. A public hearing was held on April 15, 1969, in Washington, D.C. Oral comments were presented by persons in attendance.

It does not appear that further notice and other public procedure with respect to the amendments would make additional information available to the Department. Therfore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Effective date. The amendments shall become effective July 1, 1969, except those provisions which state that they shall apply on and after January 1, 1970, which shall become effective on said date.

Done at Washington, D.C., this 21st day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-6264; Filed, May 23, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-33; Amdt. 39-768]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Pursuant to recommendations made by the National Transportation Safety Board, a reevaluation of the Bell Model 206A directional control system was conducted by a Federal Aviation Administration multiple expert opinion team. The recommendation followed three fatal accidents of undetermined cause, and two other fatal accidents, and one serious inflight incident involving loss of directional control, as reported by the National Transportation Safety Board.

Based on the findings of the team, the agency determined that the following items are required in the interest of safety for all Bell Model 206A helicopters:

(1) The installation of a directional control adjustable balance spring and a friction clamp.

(2) The proper adjustment of the spring and friction clamp.

(3) The installation of flat head screws in place of protruding head screws on the right and left side of the instrument console adjacent to the pilots' pedals.

Since there are helicopters of the same type design that do not have the spring and friction clamp installed, that do not have the proper adjustment of the spring and friction clamp and that have the protruding head screws in the instrument console adjacent to the pilots' pedals, an airworthiness directive is being issued to require the installation and proper adjustment of the adjustable spring and friction clamp and to replace three protruding head screws with flat head screws on each side of the instrument console on all Bell Model 206A helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Model 206A helicopters.

Compliance required as indicated.

To balance directional control pedal forces at cruise flight, to prevent pedal creep and to eliminate a possible interference between the pilots' feet and protruding head screws in the instrument console, accomplish the following:

a. Install and adjust the spring, P/N 206-001-721, and friction clamp, P/N 206-001-710, within 50 hours' time in service after the effective date of this AD, unless already accomplished, in accordance with the instructions in Bell Helicopter Co. Service Bulletin No. 206A-5, Revision A, dated May 15, 1969, or later FAA-approved revision or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

b. Inspect and adjust, if necessary, the spring, P/N 206-001-721, and friction clamp, P/N 206-001-710, within 50 hours' time in service after the effective date of this AD, unless accomplished within the last 50 hours' time in service, in accordance with Item 4 on Page 2 of Bell Helicopter Co. Service Bulletin No. 206A-5, Revision A, dated May 15, 1969, or later FAA-approved revision, or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

c. Replace the three protruding head screws on the right and left side of the instrument panel console that are adjacent to the pilots' pedals and install equivalent flat head screws within 50 hours' time in service after the effective date of this AD, unless already accomplished, in accordance with the instructions in Bell Helicopter Company Service Letter No. 206A-120, dated May 16, 1969, or later FAA-approved revision or in accordance with an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(Bell Helicopter Co. Model 206A Maintenance and Overhaul Instructions Interim Revisions No. 206A-69-20 and No. 206A-69-21 dated May 15, 1969, pertain to this subject.)

This amendment becomes effective May 28, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

HENRY L. NEWMAN,
Director, Southwest Region.

Issued in Fort Worth, Tex., on May 16, 1969.

[F.R. Doc. 69-6201; Filed, May 23, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-SW-35; Amdt. 39-769]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

There has been one improper installation of the cyclic stick balance spring clip, P/N 206-001-391, on the cyclic control system of the Bell Model 206A helicopters that resulted in partial restriction of the cyclic control system. Such restriction of the cyclic control system in flight could result in loss of control of the helicopter. Since this condition is likely to exist in other helicopters of the same type design, an airworthiness directive is being issued to require an inspection for the correct installation of the balance spring clip in the Bell Model 206A cyclic control system.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206A helicopters, Serial Nos. 4 through 408, having the cyclic stick balance spring installed.

Compliance required prior to the next flight after the effective date of this AD, unless already accomplished.

To prevent a possible restriction of the cyclic control system, accomplish the following one-time inspection and readjustment, if necessary:

a. Remove the copilot's seat, P/N 206-031-141, to expose the cyclic control left pivot and yoke.

b. Inspect and readjust, if necessary, the balance spring clip, P/N 206-001-391, for proper mounting on the yoke, left hand, P/N 206-001-322, in accordance with paragraph (c) below.

c. The clip, P/N 206-001-391, must be mounted on the left hand outboard side of the clevis of the yoke, P/N 206-001-322, with the 0.38 by 0.16 inch tang of the clip against the top surface of the yoke pointing inboard.

(Figure 1 in Bell Helicopter Co. Service Letter No. 206A-104, Revision B, dated Jan. 17, 1969, and Bell Helicopter Co. Information Letter dated May 16, 1969, pertain to this subject.)

This amendment becomes effective to all known owners of Bell Model 206A helicopters upon receipt of this AD and to all others on May 28, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on May 16, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-6202; Filed, May 23, 1969; 8:46 a.m.]

[Docket No. 69-WE-9-AD; Amdt. 39-766]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300B/300C Series Aircraft

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on April 12, 1969, and made effective immediately by telegram as to all known U.S. operators of Boeing 707-300B/300C series aircraft Serial Nos. 19969, 20017, 20030, 20031, 20033, 20034, 20035, 20123, and 20170. The directive was superseded by an airworthiness directive that was adopted on April 14, 1969, and made effective immediately by telegram as to all known U.S. operators of Boeing Model 707-300B/300C series aircraft Serial Nos. 20170, 20030, 20031, 20033, 20034, 20123, 20035, 19969, 20097, 19866, and Northwest Airlines, World Airways, Pakistan International Airlines, and Executive Jets airplane serial numbers on which rudder power control units purchased as spares from Bertea have been installed. This directive requires replacement of certain Bertea rudder power control units.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707-300B/300C series aircraft by individual telegrams dated April 12, 1969, and by superseding telegrams dated April 14, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

BOEING. Applies to Model 707-300B and 707-300C series airplanes listed as follows. AA Serial No. 20170, PA Serial Nos. 20030, 20031, 20033, and 20034, LU Serial No. 20123, OA Serial No. 20035, TP Serial No. 19969, LY Serial No. 20097, PK Serial No. 19866, NW, RD, PK, and EJ airplane serial numbers on which rudder power control units purchased as spares from Bertea have been installed.

Compliance required as indicated unless already accomplished.

To prevent cracking of the control rod end of the rudder power control unit, accomplish the following:

Prior to next flight, remove any rudder power unit, Boeing Part No. 10-60815, having Bertea Serial Nos. 760 through 818 and replace with a power unit of the same part number but of a different serial number than noted above. Power units Nos. 760 through 818 may be returned to service when the rod end, Bertea Part No. 60043-9 (Schafer Part Number YTD 112A), has been replaced in accordance with FAA-approved instructions from the manufacturer (Bertea). The airplane may not be ferried under the provisions of FAR 21.197 (b) and (c). Airplanes may be ferried after issuance of individual special flight permits under the provisions of FAR 21.197(a)(1) and FAR 21.199 after a pretakeoff determination that the rudder operates normally in the "Boost On" mode. Pursuant to FAR 21.199(a)(6), the limitations in the special flight permit will prohibit flights over congested areas or which may otherwise endanger persons or property on the ground.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 14, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 15, 1969.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[F.R. Doc. 69-6203; Filed, May 23, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-SW-31; Amdt. 39-767]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Model SA26-T and SA26-AT Airplanes

There have been two failures of cockpit side windows, P/N 26-21288-2, of Swearingen Model SA26-T and SA26-AT airplanes during pressurized flights, one of which resulted in injury to the copilot. Since this condition is likely to exist or develop in other airplanes of the same type design which could result in serious injury to the crew or passengers or in incapacitation of the crew with resultant loss of control of the airplane, an airworthiness directive is being issued to require a reduction in the maximum operating cabin pressure differential and preflight visual inspection of the cockpit side windows.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SWEARINGEN. Applies to Model SA26-T, S/N T26-2 through S/N T26-99, and Model SA26-AT, S/N T26-100 through S/N T26-142.

Compliance required as indicated.

To prevent failures of cockpit side windows, P/N 26-21288-1 and P/N 26-21288-2, accomplish the following:

(1) After the effective date of this AD:

(a) Operate aircraft with cabin pressure differential not in excess of 5 p.s.i.

(b) Prior to the first flight, install placard in full view of pilot calling out maximum allowable cabin pressure differential of 5 p.s.i.

(c) Prior to each flight, inspect cockpit side windows for cracks, with particular attention to all edges and corners.

(2) If any crack is found, airplanes may be operated unpressurized only.

(3) Upon installation of new cockpit side windows, P/N 26-21383-5 and -6, in accordance with Swearingen Aircraft Service Bulletin No. 26-68 dated April 28, 1969, or later FAA-approved revision or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, the 5 p.s.i. limiting placard may be removed and the requirements of this AD discontinued.

This amendment becomes effective May 26, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on May 15, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-6204; Filed, May 23, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Clovis, N. Mex., control zone.

The present description of the control zone (34 F.R. 4571) includes the coordinates of the Cannon RBN, although the RBN itself is not specifically mentioned. A southwesterly extension of the control zone is based on the RBN coordinates to provide controlled airspace for aircraft utilizing the RBN to execute instrument approaches to Cannon AFB. Recently submitted surveyed data disclosed that minor corrections of these coordinates are necessary to more accurately describe the exact location of the RBN. Action is taken herein to provide the corrected coordinates.

Since the change is minor in nature and this amendment will impose no undue burden on the public, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4571), the Clovis, N. Mex., control zone is amended by deleting "* * * lat. 34°18'48" N., long. 103°25'12" W. * * *" wherever it appears and substituting "* * * lat. 34° 18'45" N., long. 103°24'32" W. * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on May 15, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-6200; Filed, May 23, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Keyhole Dam and Reservoir, Belle Fourche River, Crook County, Wyo.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood control purposes in the Keyhole Reservoir on the Belle Fourche River, Crook County, Wyo., and the operation of the Keyhole Dam for flood control purposes.

§ 208.49 Keyhole Dam and Reservoir, Belle Fourche River, Crook County, Wyo.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Regional Director, hereinafter referred to as the Regional Director, shall operate the Keyhole Dam and Reservoir in the interest of flood control as follows:

(a) The flood control storage capacity of the reservoir, which presently amounts to 140,200 acre-feet, between elevations 4,099.3 and 4,111.5 shall be regulated to restrict releases insofar as practicable to a maximum of 3,000 cfs, unless otherwise directed by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer. Whenever the water surface is in the flood-control storage zone, releases shall be made in accordance with instructions issued to the Regional Director by the District Engineer. Such instructions shall be for achievement of the necessary local flood control below the dam. Oral instructions from the District Engineer to the Regional Director shall be confirmed in writing under date of the day issued.

(b) The discharge characteristics of the outlet tunnel and the spillway (having a combined capacity of about 4,350 c.f.s. with reservoir level at elevation 4,111.5) shall be maintained in accordance with the as-built construction plans (Bureau of Reclamation Drawings Nos. 486-D-28 as revised Oct. 2, 1951, and 486-D-29 as revised Aug. 2, 1950) so as to provide their full design discharge characteristics.

(c) Flood control operations shall not restrict releases necessary for conservation purposes.

(d) Proposed schedules of conservation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Regional Director. These data shall be tabulated daily and furnished periodically as required, and shall include such items as: reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(e) Whenever the reservoir level rises to elevation 4,099.3, or whenever flood discharges appear imminent, the Regional Director shall report at once to the District Engineer by telephone, telegraph, or radio, and as requested thereafter until the reservoir level falls to elevation 4,099.3 or below, and flood discharges cease.

(f) Nothing in the regulations of this section shall be construed to require that releases shall be made at rates or in a manner inconsistent with requirements for protecting the dam and reservoir from major damage.

(g) All elevations stated in this section are at the Keyhole Dam and are referred to a datum giving 4,099.3 as the elevation of the spillway crest.

[Regs., Apr. 21, 1969, ENGCW-EY] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6217; Filed, May 23, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION OF THE DEPARTMENT

Inquiries and Schedule of Fees

I. Part 113 is amended to include health officials within the definition of law enforcement agencies as respects the release of address information.

1. In § 113.1, subdivision (viii) of paragraph (e)(1) is amended to read as follows:

§ 113.1 Inquiries.

* * * * * *

(e) *Exemptions.* (1) * * *

(viii) The names, addresses, and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order issued after the litigant has made a showing of special need. For the purpose of this subdivision and § 113.5(d)(iv), in addition to generally recognized law enforcement organizations, such as the FBI, State and local police, Federal regulatory agencies, and Federal and State taxing authorities, Federal, State, and local public health officials when such officials state that the person whose name, address, and telephone number they are seeking is a post office box holder and that such person is infected with or was exposed to contagious diseases, are also deemed to be law enforcement agencies.

* * * * * *

NOTE: The corresponding Postal Manual section is 113.15h.

2. In § 113.5, paragraph (d) is amended to read as follows:

§ 113.5 Schedule of fees.

* * * * * *

(d) *Waiver of fees.* (1) If it is determined to be in the interest of and for the convenience of the Department to furnish a copy of any particular record, publication, etc., except a copy of a change of address or information in connection therewith, only the Bureau, office or installation head having jurisdiction over such record may waive the fees set out in paragraphs (a) and (b) of this section. In addition the General Counsel may, for good cause shown, permit waiver of said fees.

(2) Specifically, the fee for change of address information requested under § 113.3(a)(3) is waived for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government;

(ii) Federal, State, and local public health officials when such officials state that the persons whose forwarding addresses are being sought are infected with or were exposed to contagious diseases;

(iii) Federal, State, and local law enforcement officials, upon certification by the representatives of such law enforcement organization that the change of address is required for law enforcement purposes (see § 113.1(e)(1)(viii)); and

(iv) Federal agencies, upon certification by the representative of such agency that the change of address is required for official business and all other known sources for obtaining the change of addresses have been exhausted. (Examples of other sources are city directories, telephone books, mailing lists, etc.)

(3) The fees for furnishing authorized information concerning postal savings accounts is waived for news media helping to accelerate the withdrawal of deposits. See § 113.1(e)(1)(xi).

NOTE: The corresponding Postal Manual section is 113.54.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

MAY 16, 1969.

[F.R. Doc. 69-6210; Filed, May 23, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

RESPONSIBILITY OF SMALL BUSINESS CONCERNS

Instructions for making a determination of "nonresponsibility" of a small business concern based upon lack of integrity, perseverance, or willingness to perform as differentiated from the capacity and credit of the concern.

PART 5A–1—GENERAL

The table of contents for Subpart 5A–1.7 is amended to add the following:

Sec.
5A–1.708 Certificate of competency program.

Subpart 5A–1.3—General Policies

Section 5A–1.310–6 is revised to read as follows:

§ 5A–1.310–6 Determination of responsibility.

(a) Where by virtue of the terms of any invitation for bids, a contractor will be required to meet estimated or stated peak monthly requirements, consideration shall be given, in making determinations of responsibility, to the bidder's ability to meet these peaks, as contrasted with his ability to meet the average monthly requirements.

(b) While poor past performance can form the basis for a finding of nonresponsibility, it should be emphasized that poor performance usually is a symptom of some other difficulty such as a lack of capacity, integrity, perseverance, etc., and the basic cause of the poor performance must be determined. It is also important to bear in mind that when poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidders' current capabilities or willingness to perform. Where there have been repeated instances of poor performance on the part of a contractor, debarment is the proper remedy and repeated findings of nonresponsibility should not be used as a substitute for debarment pursuant to §§ 1–1.604 and 5–1.604–1.

(c) FSS contracting officers shall submit proposed determinations of nonresponsibility to the appropriate Review Committee in accordance with §§ 5A–75.201(c)(3) and 5A–75.401(e). After review, the letter of rejection shall be issued promptly to the bidder. A memorandum to the Office of Audits and Compliance transmitting a copy of the determination shall then be prepared for the signature of the Regional Director, FSS, or the Director, Procurement Operations Division, as appropriate. Copies of the memorandum and determination shall be distributed to each other FSS buying activity. If the basis for rejection includes lack of financial responsibility, copies shall be furnished to the Chief, Finance Division, in the appropriate regional accounting center or Director, Credit and Finance Division, Office of Finance, OAD, as appropriate.

Subpart 5A–1.7—Small Business Concerns

Section 5A–1.708 is added to read as follows:

§ 5A–1.708 Certificate of competency program.

(a) Section 1–1.708(a)(4) provides that the certificate of competency procedure does not apply where the contracting officer determines that a small business concern is not responsible for reasons other than capacity or credit.

(b) A finding of nonresponsibility on grounds other than lack of capacity and credit may be justified by the conviction of a bidder of a criminal offense which clearly indicates a lack of integrity. A bidder's poor past performance may also form a basis for such a finding. However, substantial evidence of lack of integrity, tenacity, or perseverance is required to support a finding of nonresponsibility for such reasons. Prior unsatisfactory performance, standing alone, will not justify rejection of a small business bidder without reference to SBA since such unsatisfactory performance may well have been the result of a lack of capacity or credit. Where the case is not submitted to SBA for consideration, it is essential that the file contain substantial evidence which does establish that the prior unsatisfactory performance was unrelated to capacity or credit and, therefore, is outside the scope of the certificate of competency program. A mere statement in the finding that the bidder's prior unsatisfactory performance was caused by factors not included within the terms "capacity or credit" will not suffice (see also § 5A–1.310–6). Probative evidence that the poor past performance was caused by factors other than a lack of capacity or credit may consist of a showing of repeated poor performance despite the fact that the bidder possesses adequate capacity, technical know-how, and credit; or a showing that commercial orders were filled while Government orders were delinquent; or a showing that a bidder became delinquent because it delayed production or delivery on orders in order to aggregate a sufficient number to warrant an economic production run or to take advantage of carload or truckload delivery rates.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: May 15, 1969.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[F.R. Doc. 69–6211; Filed, May 23, 1969; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

BILLINGS, PAYMENTS, ADJUSTMENTS, AND ADVANCES FOR GSA SUPPLIES AND SERVICES

This amendment provides instructions to Government agencies for billings, payments, adjustments, and advances covering reimbursement for GSA supplies and services.

Subchapter A is amended by the addition of a new Part 102–2, as follows:

PART 101–2—PAYMENTS TO GSA FOR SUPPLIES AND SERVICES FURNISHED GOVERNMENT AGENCIES

Subpart 101–2.1—Billings, Payments, and Adjustments

Sec.
101–2.100 Scope of subpart.
101–2.101 Background.
101–2.102 Billing procedures.
101–2.103 Payment procedures.
101–2.104 Adjustments.
101–2.105 Statement of account.

Subpart 101–2.2—Advances

101–2.100 Scope of subpart.
101–2.201 Types of advances.
101–2.201–1 Advance of funds; insufficient capital.
101–2.201–2 Advance for specific purposes.
101–2.201–3 Advance of funds; mutual agreement.

Subpart 101–2.49—Forms and Reports

101–2.4900 Scope of subpart.
101–2.4901 Standard forms.
101–2.4901–1080 Standard Form 1080, Voucher for Transfer between Appropriations and/or Funds.
101–2.4901–1081 Standard Form 1081, Voucher and Schedule of Withdrawals and Credits.
101–2.4902 GSA forms.
101–2.4902–740 GSA Form 740, Invoice for Job Order Work.
101–2.4902–743 GSA Form 743, Invoice for Rent.
101–2.4902–789 GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits.

AUTHORITY: The provisions of this Part 101–2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–2.1—Billings, Payments, and Adjustments

§ 101–2.100 Scope of subpart.

This subpart deals with the procedures and forms used by GSA in billing for supplies and services furnished Government agencies, and the procedures for payment and adjustment of these billings.

§ 101–2.101 Background.

(a) GSA provides supplies, equipment, services, space, communications, motor vehicles, printing, and other miscellaneous items for Government agencies on a reimbursable basis. These supplies and services are financed from revolving, management, or working funds, and reimbursement from agencies is obtained through periodic billings and collections intended to permit GSA to operate these programs with a minimum amount of appropriated capital.

(b) The General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, title 7, chapter 2, section 8.5, provides that billings of GSA shall be paid in accordance with regulations issued by GSA.

§ 101–2.102 Billing procedures.

(a) Bills are rendered biweekly, monthly, or quarterly after the fact or in advance on approved billing forms. GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits (illustrated at § 101–2.4902–789); GSA Form 743, Invoice for Rent (illustrated at § 101–2.4902–743); and GSA Form 740, Invoice for Job Order Work (illustrated at § 101–2.4902–740), are generally used for this purpose. Certification of such bills by GSA is not required. Except for those bills which are rendered in advance, bills will be forwarded only after there is evidence of actual delivery of material or services, or after receipt of evidence of shipment. In this respect, bills for direct delivery shipments will be rendered based upon payment to the vendor and proof of shipment.

(b) GSA will not normally attach signed receipts to the bills for supporting documentation. Rather, documents or billing cards will generally be furnished which will contain the necessary information to permit the agency to identify its requisition, purchase order, travel order, or other obligating documents.

(c) GSA may, at its discretion, process requisitions of $1 or less without billing. Therefore, any agency having such items unbilled 60 days after receipt of the material may assume that they will not be billed and cancel the obligation accordingly.

§ 101–2.103 Payment procedures.

(a) All GSA invoices or billings, including those representing partial shipments, shall be paid promptly by check or transfer document. This requirement is mandatory to (1) assist GSA in managing its revolving fund operations with a minimum of appropriated capital; (2) reduce the cost of collection in GSA; and (3) reduce the cost of payment for other agencies. In order to expedite reimbursement and reduce the cost of billings and payments, agencies are requested to have GSA bills directed to the office authorized to make payment. This will avoid the costly and time consuming handling of the bills at consignee and intermediary offices.

(b) Since the reimbursements requested are between Government agencies, bills shall be paid as rendered without preaudit or receipt verification, subject only to availability of funds and adjustments for obvious, significant errors in dollar amount. The agencies are responsible for establishing an adequate followup system to ensure that goods and material paid for are received.

(c) Agencies may use GSA Form 789 (illustrated at § 101–2.4902–789) in processing payments to GSA in all cases where disbursing offices can place the credit to the appropriate account without the transmittal of a check to the GSA billing office. Agency accounting stations for which offices of the Department of the Treasury disburse will send the original and two copies of the GSA Form 789 to the Treasury regional office for processing in accordance with the instructions contained in Treasury Department Circular No. 945, Second Revision, Procedures Memorandum No. 1, as amended. Those agencies making payments by check shall arrange for one copy of the GSA Form 789 to be transmitted with the check when it is forwarded to GSA.

§ 101–2.104 Adjustments.

(a) Exceptions noted, either at time of payment or in postaudit (subject to the provisions of automatic adjustment procedures in § 101–2.104(c)), shall be brought to the attention of GSA either by notation on the billing statement or by separate communication. Approved adjustments will be reflected appropriately in subsequent billings.

(b) Agencies are advised to notify GSA immediately of shortages, damaged shipments, or nonreceipt so that appropriate action may be taken.

(c) Adjustments of billings or payments are not required, and should not be requested or made by civilian agencies or GSA, whenever the net difference involved, resulting from over and under deliveries or over or under charges, represents an amount of $10 or less on any one bill. This is not to be construed to eliminate billings and payments for requisitioned items of $10 or less. By interagency agreement between DoD and GSA, no adjustment in billing or payment should be requested when the difference involved represents an amount of $5 or less on any one line item (see § 101–26.307–2). To minimize followup, research, and collection costs on intragovernment transactions, agencies are urged to follow the most liberal policy possible in determining whether or not to request adjustments. To further expedite settlement of accounts between GSA and the billed agencies, such settlement may be made by mutual agreement, regardless of amount, without reference to the General Accounting Office.

(d) Credit adjustments for return sales will be issued by GSA upon receipt of the returned material. The credit will be included on the next bill issued.

§ 101–2.105 Statement of account.

A statement of account is mailed monthly to each agency billed office for unpaid items outstanding on each major revolving fund of GSA. Agencies shall make appropriate notations on the statement regarding the status of each item classified as delinquent and return the statement to GSA.

Subpart 101–2.2—Advances

§ 101–2.200 Scope of subpart.

This subpart prescribes the procedures for providing advances of funds by agencies obtaining supplies and services from GSA to the revolving, management, or working funds operated by GSA.

§ 101–2.201 Types of advances.

§ 101–2.201–1 Advance of funds; insufficient capital.

(a) Whenever GSA determines that the capital in a particular fund is insufficient to finance the general program needs for supplies and services to be requisitioned by agencies supported by a particular fund, the affected agencies will be advised of the amount requested to be deposited to the credit of the fund. Advances will be returned to the agencies by GSA when the need for them no longer exists.

(b) When the amount to be advanced has been determined by mutual agreement, GSA will bill the requisitioning agency by means of Standard Form 1080, Voucher for Transfer Between Appropriations and/or Funds (illustrated at § 101–2.4901–1080), accompanied where appropriate by Standard Form 1081, Voucher and Schedule of Withdrawal and Credits (illustrated at § 101–2.4901–1081), in accordance with the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, title 7, chapter 2, section 8. Upon receipt in the agency, a cash transfer or payment by check, as appropriate, shall be accomplished in the normal manner.

§ 101–2.201–2 Advance for specific services.

Advance billings are rendered for the following transactions:

(a) Quarterly advance bills are rendered for reimbursable space occupancy and related costs on GSA Form 743, Invoice for Rent (illustrated at § 101–2.4902–743), at fixed rates per square foot based on estimated costs. Itemization of the elements of costs is not shown in the advance bill, nor is the bill adjusted to actual costs.

(b) Bills rendered on GSA Form 740, Invoice for Job Order Work (illustrated at § 101–2.4902–740), are normally based on actual costs after completion of the job, without itemization of the elements of costs. However, in the case of specific jobs of significant dollar size, advance bills may be rendered to avoid impairment of GSA working capital. In such instances, a final settlement will be made at completion of the job to adjust the billing to actual costs.

§ 101–2.201–3 Advance of funds; mutual agreement.

Whenever circumstances are such that the financing of prospective agency transactions through a fund by means of an advance is advantageous, even though the capital of the fund is adequate, the agency concerned and GSA may mutually agree to such financing

of the transactions. This type advance may be necessary to provide financing for specific large dollar value transactions which otherwise may result in a temporary depletion of available cash. In these circumstances, the procedures for effecting payment shall be set forth in a letter of agreement.

(a) The advances may be self-liquidating or for the duration of the circumstances requiring the advance. Self-liquidating advance agreements will generally provide that GSA will apply the amount of billings therefor directly against such advance, and that GSA will periodically render an accounting for the status of the advance to the agency concerned. Upon completion of the transaction, a settlement will be made between the two agencies to close out the transaction.

(b) If the advance is not self-liquidating, the agreement will generally only provide for final settlement between the two agencies and return of all of the unliquidated portion of the advance.

Subpart 101–2.49—Forms and Reports

§ 101–2.4900 Scope of subpart.

This subpart contains illustrations of forms prescribed or available for use in connection with subject matter covered in other subparts of Part 101–2.

§ 101–2.4901 Standard forms.

(a) Standard forms are illustrated in this § 101–2.4901 to show their text, format, and arrangement, and to provide a ready source of reference. The subsection numbers in this section correspond with the Standard form numbers.

(b) Supplies of Standard forms may be obtained from the nearest GSA supply depot.

§ 101–2.4902 GSA forms.

(a) The GSA forms are illustrated in this section to provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

(b) Supplies of GSA forms may be obtained by addressing requests to the General Services Administration, Region 3, Office of Administration, Printing and Publications Division—3 BRD, Washington, D.C. 20407.

NOTE: The GSA and Standard forms referenced in §§ 101–2.102, 101–2.103, 101–2.201–1, and 101–2.201–2 are filed as part of the original document. Copies of the GSA forms may be obtained from the General Services Administration, Region 3, Office of Administration, Printing and Publications Division—3 BRD, Washington, D.C. 20407. Copies of the Standard forms may be obtained from the nearest GSA supply depot.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–6212; Filed, May 23, 1969; 8:47 a.m.]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Revision of Billing, Payment, and Adjustments for GSA Supplies and Services

This amendment provides with respect to Government agencies for the direct payment to GSA contractors, increases the adjustment allowance on delivery discrepancies from $5 to $10, and deletes billing and payment instructions which are included in new Part 101–2.

The table of contents for Part 101–26 is amended by the addition of the following new and revised entries:

101–26.102–4 Direct payment to GSA contractors.
101–26.103 [Reserved]

Subpart 101–26.1—General

Section 101–26.102–4 is added and § 101–26.103 is deleted, as follows:

§ 101–26.102–4 Direct payment to GSA contractors.

In instances involving direct delivery, when arrangements have not been made for advance payments to GSA pursuant to Subpart 101–2.2, the requisitioning agency may, by mutual agreement with GSA, elect to make direct payment to the GSA contractor for the items procured under the provisions of this subpart.

§ 101–26.103 [Reserved]

Subpart 101–26.3—Procurement From GSA Supply Depots

Section 101–26.307–2 is revised to read as follows:

§ 101–26.307–2 Adjustments.

GSA will adjust any damage or other discrepancy resulting from over or under deliveries or from over or under charges. For civilian agencies when the difference involved represents an amount of $10 or less on any one shipment manifest, no adjustment should be requested. By interagency agreement between DoD and GSA, no adjustment should be requested when the difference involved represents an amount of $5 or less on any one line item. (See § 101–2.104(c).)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–6213; Filed, May 23, 1969; 8:47 a.m.]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Procurement of Motor Vehicles

This amendment provides for the participation of the Department of Defense in the motor vehicle procurement program. Changes are made to the time schedule for submission of requisitions and instructions relating to the consolidated purchases program are clarified.

The table of contents for Part 101–26 is amended by the addition of new and revised entries as follows:

Sec.
101–26.500 Scope and applicability of subpart.
101–26.501–1 General.
101–26.501–3 Submission of requirements.
101–26.4902–6317 Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.
101–26.4903 [Deleted]
101–26.4903–195 [Deleted]

Subpart 101–26.5—GSA Procurement Programs

Section 101–26.500 is added and § 101–26.501 and §§ 101–26.501–1 through 101–26.501–6 are revised as follows:

§ 101–26.500 Scope and applicability of subpart.

This subpart prescribes policies and procedures relating to GSA procurement programs other than the GSA supply depot and Federal Supply Schedule programs. They are applicable to executive agencies except as otherwise specifically indicated. Other Federal agencies may participate in these programs and are encouraged to do so.

§ 101–26.501 Purchase of new motor vehicles.

With respect to the procurement of new sedans and station wagons, it shall be the policy to procure Type I, as described in Federal Standard No. 122, unless another type is specifically required. Agencies requiring sedans and station wagons other than Type I shall justify the need for such requirement and shall retain the justification in their files. (Federal Standard No. 122 as used in this section means the latest edition and includes any Interim Standard being used temporarily as a replacement.)

§ 101–26.501–1 General.

Executive agencies shall submit to GSA for procurement their requirements for new passenger and freight carrying motor vehicles to be purchased in the United States as follows:

(a) *Department of Defense.* All commercial passenger carrying vehicles and trucks up to 10,000 pounds gross vehicle weight (GVW) except the following:

Buses, convertible to ambulances.
Trucks, convertible to ambulances.
Trucks, 4 x 4, dump, 9,000 GVW, with cutdown cab.

(b) *Executive agencies other than Department of Defense.* All passenger carrying vehicles and trucks; all trailers not less than 5,000 pounds and not more than 50,000 pounds payload. Specifically included are sedans, station wagons, carryalls, ambulances, and buses.

§ 101–26.501–2 Consolidated purchases program.

(a) To achieve maximum benefits and economies, GSA makes a volume procurement of sedans and station wagons of the type covered by Federal Standard No. 122 based on requirements received as early as practicable after July 1 but not later than October 1. Another volume procurement of these vehicles is made based on requirements received subsequent to October 1 but not later than February 15. Similarly, a volume procurement of light trucks of the types covered by Federal Standard No. 122 is made on the basis of requirements received as early as practicable after July 1 but not later than August 15. A second volume procurement of these types of trucks is made based on requirements received after August 15 but not later than December 31. A third volume procurement is made based on requirements received not later than April 15. To obtain greatest possible savings, approximately 75 percent of an agency's total annual requirements for these vehicle types should be included in these procurements.

(b) Agency requirements for (1) sedans, station wagons, and light trucks not covered by Federal Standard No. 122 or (2) those covered by that standard but which are received after the final dates shown in (a) above, will be consolidated and procured on a monthly basis.

(c) Requisitions for sedans, station wagons, and light trucks not covered by Federal Standard No. 122 shall conform with the provisions of § 101–26.501–3 (a) and (b).

§ 101–26.501–3 Submission of requirements.

Requirements shall be submitted to the General Services Administration, Federal Supply Service, Office of Procurement, Procurement Operations Division—FPNM, Washington, D.C. 20406, and shall contain consignment and shipping instructions including the names and addresses of persons to receive purchase documents if different from consignees.

(a) Requisitions covering vehicle types not included in Federal Standard No. 122, in a military specification or in an agency specification on file with GSA, shall contain complete descriptions of the vehicles required, the intended use of the vehicle, and terrain where the vehicle will be used.

(b) Requisitions for vehicles within the category of Federal Standard No. 122 but for which deviations from Federal Standard No. 122 are required, unless already waived by the Commissioner, Federal Supply Service, shall include with the requisition a justification supporting each deviation from the Standard and contain a statement of the intended use of the vehicles including a description of the terrain where the vehicles will be used. Prior approval of deviations shall be indicated on the requisition by citing the waiver authorization number.

(c) GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice (illustrated at § 101–26.4902–1781) has been specifically designed for agency use to expedite ordering vehicles covered by Federal Standard No. 122. The form is also used by GSA as a purchase order and an interagency invoice and by the consignee as a receiving report. Agencies are requested to use GSA Form 1781 as a "single-line-item requisition" for standard-type vehicles. Submission of GSA Form 1781, properly completed, will satisfy the requirements regarding submission of requisitions as set forth in § 101–26.501–3(a). If it is not feasible to accomplish the GSA Form 1781 as a purchase authority, agencies may prepare the form as an attachment code sheet, identifying each line item on their request. Whether accomplished as a requisition, or attachment thereto, the GSA Form 1781 permits agencies to eliminate lengthy vehicle descriptions. Instructions for preparation of GSA Form 1781 are printed on the reverse of the form.

(d) Each requisition shall indicate the appropriation to be charged and must be signed by an officer authorized to obligate funds cited.

(e) Separate requisitions shall be submitted for each vehicle category.

§ 101–26.501–4 Procurement time schedules.

(a) *Volume consolidated purchases.* Requisitions covering vehicle types included in Federal Standard No. 122 received within the time frames specified in § 101–26.501–2(a) will be consolidated for volume procurement on the dates shown in the time schedule below unless there is included a statement justifying the need for delivery earlier than the delivery time indicated in § 101–26.501–5. Requisitions containing such statement of justification will be handled on a monthly basis in accordance with paragraph (b)(1) of this § 101–26.501–4.

TIME SCHEDULE

Vehicle category	Volume consolidation dates	
	Passenger vehicles	Trucks
Sedans; station wagons; and trucks of types covered by Federal Standard No. 122.	Oct. 1 Feb. 15	Aug. 15 Dec. 31 Apr. 15

(b) *Monthly consolidated purchases.* (1) Requirements for vehicles not received by GSA in time for inclusion in the volume procurements as indicated in § 101–26.501–2(a) must be received by GSA by the dates indicated in the schedule set forth below in this § 101–26.501–4 (b)(1). Requirements received after these dates will be carried over to the following month's purchase unless accompanied by a request that they be retained for inclusion in the next volume procurement. In the interest of timely and orderly preparation of solicitations, ordering agencies are urged to submit each requirement as soon as finalized rather than hold for submission with later requirements. Such requisitions need not specify a delivery date since delivery will be in accordance with delivery schedule shown in § 101–26.501–5. Requests for special handling of other than strictly emergency requirements shall not be submitted.

TIME SCHEDULE

Vehicle category	Monthly consolidation date
(i) Sedans; station wagons; and trucks or types covered by Federal Standard No. 122.	10th of each month.
(ii) Passenger carrying vehicles; light trucks of types not covered by Federal Standard No. 122; and ambulances.	20th of each month.
(iii) Buses; trucks (other than light trucks in category (ii), above); and trailers of not less than 5,000 lbs.	Last day of each month.
(iv) All other categories and types of vehicles.	Last day of each month except June.

(2) Solicitations issued in June for the consolidated purchase of vehicles in categories (i), (ii), and (iii) of § 101–26.501–4(b)(1) will cover only the requirements of those executive agencies whose requisitions are required by § 101–26.501–1 to be placed with GSA. (Submission of requirements for vehicles in categories (i), (ii), and (iii) is mandatory to the extent provided in § 101–26.501–1.)

(3) With respect to categories (i) and (ii) of § 101–26.501–4(b)(1), no assurance can be given as to price and time of delivery of vehicles on requisitions received by GSA after the 15th of April. This is because of industry practice of closing out the production of the current year's model and retooling for new models. Agencies should bear this in mind when programing their last quarter requirements.

(c) *Emergency requirements.* Emergency requirements will receive special handling only when the requisitions are accompanied by adequate justification for individual purchase action. Every effort will be made to meet the delivery date specified in the requisition.

§ 101–26.501–5 Delivery of vehicles.

(a) *Volume consolidated purchases.* Bids will be opened at a date to permit award to be made for delivery of vehicles on the following schedule based on the types and cutoff dates established in § 101–26.501–4(a):

Cutoff date	Delivery
Passenger vehicles:	
Oct. 1	January, February, and March.
Feb. 15	June and July.
Trucks:	
Aug. 15	December, January, and February.
Dec. 31	April, May, and June.
Apr. 15	July and August.

(b) *Monthly consolidated purchases.* Bid opening dates normally will be from 40 to 60 days after the dates shown in § 101–26.501–4(b)(1). Delivery will normally range from approximately 120 to 180 days after the bid opening date depending on the type of vehicle. Buses,

ambulances, and special equipment will be delivered within 255 days.

§ 101–26.501–6 Forms used in connection with delivery of vehicles.

(a) *GSA Form 6317; Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.* These instructions, a copy of which is attached to the consignee copy of the GSA purchase order for the vehicle and a copy of which accompanies the vehicle to its destination, advise the consignee relative to (1) inspection and receipt; (2) corrective action to be taken in the event of damage, abuse, or missing equipment; (3) applicable warranty contract clause; and (4) precautionary measures to be taken prior to use of vehicle. The form is illustrated at § 101–26.4903–6317.

(b) *GSA Form 1398; Motor Vehicle Purchase and Inspection Label.* The contractor is required to (1) perform preshipment inspection and servicing of each vehicle; (2) complete the label, GSA Form 1398 (illustrated at § 101–26.4902–1398); and (3) affix the label to the right side of the dash. The label, which bears the date of final checkout of vehicle by the manufacturer and signature of plant inspector authorizing release of vehicle, should remain in place during life of the warranty to permit prompt identification of vehicles requiring dealer repair pursuant to such warranty.

(c) *GSA Form 1718; Unsatisfactory Equipment Report.* GSA is constantly striving to improve customer service and the quality of motor vehicles for which it contracts. In order to inform contractors of the deficiencies that are noted during the life of the vehicles, GSA Form 1718 (illustrated at § 101–26.4902–1718) should be prepared by the consignee and sent to GSA describing details of vehicle deficiency and action taken for correction. Agencies are urged to report all deficiencies to GSA irrespective of satisfactory corrective action by the manufacturer's authorized dealer. If the dealer refuses to take corrective action on any vehicle within its warranty period, the report should so state and include an explanation of the circumstances. GSA Form 1718 should also be used to report all noncompliance with specifications or other requirements of the purchase order.

Subpart 101–26.49—Illustrations of Forms

Section 101–26.4902–6317 is added, §§ 101–26.4902–1398, 101–26.4902–1718, and 101–26.4902–1781 are revised, and § 101–26.4903 is deleted, as follows:

Sec.

101–26.4902–6317 GSA Form 6317: Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.

101–26.4902–1398 GSA Form 1398: Motor Vehicle Purchase and Inspection Label.

101–26.4902–1718 GSA Form 1718 (Multi-Carboned): Unsatisfactory Equipment Report.

101–26.4902–1781 Motor Vehicle Requisition-Delivery Order-Invoice.

101–26.4903 [Deleted]

101–26.4903–195 [Deleted]

NOTE: The forms in §§ 101–26.4902–6317, 101–26.4902–1398, 101–26.4902–1718, and 101–26.4902–1781 are filed as parts of the original document. Current editions of the forms are: GSA Form 6317, April 1968; GSA Form 1398, November 1967; GSA Form 1718, January 1965; and GSA Form 1781, March 1969. Prior editions of these forms are obsolete.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–6214; Filed, May 23, 1969; 8:47 a.m.]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Bedding and Upholstered Furniture

Part 101–45 is amended by the addition of new § 101–45.309–8, previously reserved, to provide procedures and instructions for the sale of surplus bedding and upholstered furniture and for executive agencies to assist State authorities by advising purchasers of such material to comply with State sanitation standards. Part 101–45 is further amended by the addition of new § 101–45.4927 to provide a list of State health agencies to receive information on sales of surplus bedding and upholstered furniture.

The table of contents for Part 101–45 is amended as follows:

Sec.

101–45.309–8 Bedding and upholstered furniture.

101–45.4927 State health agencies.

Subpart 101–45.3—Sale of Personal Property

Section 101–45.309 is amended as follows:

§ 101–45.309–8 Bedding and upholstered furniture.

(a) Requirements under State law placed on the purchase and resale of used bedding and upholstered furniture vary from State to State. Some of the restrictions are: (1) Requirement for sterilization and disinfection of used or secondhand bedding; (2) requirement for an annual license or registration fee as a supply dealer or renovator; (3) option of using stamps or a stamp exemption permit; and (4) requirement for the manufacturer's or vendor's name and address on the tag. Purchasers of Government surplus bedding and upholstered furniture normally are advised to comply with applicable State laws relating to the resale or reuse of such items.

(b) Procedures and instructions are provided herein for selling agencies to assist State health agencies by advising purchasers of surplus bedding and upholstered furniture to comply with State sanitation standards.

(c) The following terms have the meaning set forth in this § 101–45.309–8:

(1) *Bedding.* Any box spring, comforter, cushion, davenport, hammock pad, lounge, mattress, mattress pad, mattress protector, pillow, quilt, quilted pad, sleeping bag, sofa, studio couch, or upholstered spring bed used for sleeping, resting, or reclining purposes.

(2) *Upholstered furniture.* Any article of furniture, wholly or partially stuffed or filled with any concealed material, which is intended for use for sitting, resting, or reclining purposes.

(3) *Filling material.* African fibre, bamboo, cotton, down, excelsior, feathers, felted cotton, fibre, foam rubber, hair, husks, jute, kapok, Louisiana tree moss, sea moss, shoddy, wool, or any other soft material.

(d) Surplus bedding and upholstered furniture which are considered to be detrimental to public health or safety shall be destroyed in accordance with the provisions of Subpart 101–45.5.

(e) Surplus bedding and upholstered furniture will be sold in accordance with §101–45.304 and this § 101–45.309–8.

(f) Sales of surplus bedding material and upholstered furniture shall be processed as follows:

(1) The invitation for bids shall include information advising purchasers of surplus bedding and upholstered furniture to comply with the State laws pertaining to sterilization, resale, and reuse of such items and filling materials as required by State laws.

(2) The invitation for bids shall contain a notice to bidders substantially as follows:

Mattressess, Bedding, or Upholstered Furniture. For any mattresses, bedding, or upholstered furniture offered in this invitation, the purchaser is advised to procure and affix tags, labels, or stamps required by law or otherwise to comply with the State laws pertaining to sterilization, resale, and reuse of such items and filling material as required by State law.

(3) Selling agencies shall be required to provide the State health agency for the State in which a successful bidder maintains its business, with a written notice of such sale to include the name and address of the purchaser and the types, quantities, and locations of the articles sold. A copy of the award document or similar notification would serve the purpose.

(4) A list of State health agencies to receive information on sales of surplus bedding and upholstered furniture is provided in § 101–45.4927.

Subpart 101–45.49—Illustrations

Section 101–45.4927 is added to provide a list of State health agencies to receive information in connection with sales of surplus bedding and upholstered furniture, as follows:

§ 101–45.4927 State health agencies.

STATE HEALTH AGENCIES (FOR BEDDING AND UPHOLSTERED FURNITURE INFORMATION)

ALABAMA

Director, Division of Environmental Health, Alabama State Department of Health, State Office Building, Montgomery, Ala. 36104.

ALASKA

Chief, Branch of Environmental Health, Division of Public Health, Alaska Department of Health and Welfare, Pouch H, Juneau, Alaska 99801.

ARIZONA

Director, Division of Sanitation Environmental Health Services, Arizona State Department of Health, 4019 North 33d Avenue, Phoenix, Ariz. 85017.

ARKANSAS

Director, Bureau of Environmental Engineering, Arkansas State Department of Health, Little Rock, Ark. 72201.

CALIFORNIA

Chief, Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, 1021 O Street, Room A–198, Sacramento, Calif. 95814.

COLORADO

Senior Sanitarian, Colorado State Department of Health, 4210 East 11th Avenue, Denver, Colo. 80220.

CONNECTICUT

Factory Inspection Deputy Commissioner, State Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Conn. 06109.

DELAWARE

Director, Bureau of Environmental Health, Delaware State Board of Health, Dover, Del. 19901.

DISTRICT OF COLUMBIA

Chief, Bureau of Community Hygiene, District of Columbia Department of Public Health, 801 North Capitol Street, NE., Washington, D.C. 20001.

FLORIDA

Director, Office of Registration and Drug Administration, Florida State Board of Health, Post Office Box 210, Jacksonville, Fla. 32201.

GEORGIA

Director, Industrial Hygiene Service, Georgia Department of Public Health, 47 Trinity Avenue SW., Atlanta, Ga. 30334.

HAWAII

Executive Officer, Environmental Health Division, Hawaii State Department of Health, Post Office Box 3378, Honolulu, Hawaii 96801.

IDAHO

Chief, Sanitation Section, Idaho Department of Health, Statehouse, Boise, Idaho 83707.

ILLINOIS

Chief, Sanitary Engineer, Division of Sanitary Engineering, Illinois State Department of Public Health, Springfield, Ill. 62706.

INDIANA

Chief, Sanitary Bedding Section, Division of Weights and Measures, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Ind. 46206.

IOWA

Secretary, Iowa State Department of Agriculture, State Capitol Building, Des Moines, Iowa 50319.

KANSAS

Director, Food and Drug Division, Kansas State Department of Health, State Office Building, Topeka, Kans. 66612.

KENTUCKY

Director, Environmental Services Program, Division of Environmental Health, Kentucky Department of Health, 275 East Main Street, Frankfort, Ky. 40601.

LOUISIANA

Director, Bedding and Upholstered Furniture Inspection Division, Louisiana State Department of Health, Post Office Box 60630, New Orleans, La. 70160.

MAINE

Director, Division of Bedding, Upholstering, Furniture, and Stuffed Toys, Maine State Department of Labor and Industry, Augusta, Maine 04330.

MARYLAND

Chief, Bedding and Upholstery Section, Consumer Protection Division, Maryland State Department of Health, 2305 North Charles Street, Baltimore, Md. 21218.

MASSACHUSETTS

Director, Division of Food and Drugs, Massachusetts Department of Public Health, Statehouse, Boston, Mass. 02133.

MICHIGAN

Chief, Section of Environmental Health, Division of Engineering, Michigan State Department of Public Health, 3500 North Logan, Lansing, Mich. 48914.

MINNESOTA

Chief, Section of Hotels, Resorts and Restaurants, Minnesota State Department of Health, 435 State Office Building, St. Paul, Minn. 55101.

MISSISSIPPI

Director, Division of Sanitary Engineering, Mississippi State Board of Health, Jackson, Miss. 39205.

MISSOURI

Director, Division of Industrial Inspection, Division of Health of Missouri, Broadway State Office Building, Jefferson City, Mo. 65101.

MONTANA

Director, Division of Environmental Sanitation, Montana State Department of Health, Helena, Mont. 59601.

NEBRASKA

Chief, Environmental Health Services, Nebraska State Department of Health, Statehouse Station, Box 94757, Lincoln, Nebr. 68509.

NEVADA

Chief, Bureau of Environmental Health, Nevada State Department of Health and Welfare, 790 Sutro Street, Reno, Nev. 89502.

NEW HAMPSHIRE

(No need to notify.)

NEW JERSEY

Director, Division of Environmental Health, New Jersey State Department of Health, John Fitch Plaza, Post Office Box 1540, Trenton, N.J. 08625.

NEW MEXICO

Director, Environmental Services Division, New Mexico State Department of Health and Social Services, Post Office Box 2348, Santa Fe, N. Mex. 87501.

NEW YORK

Director, Division of Licensing Services, New York Department of State, 270 Broadway, New York, N.Y. 10007.

NORTH CAROLINA

Chief, Insect and Rodent Control Section, Sanitary Engineering Division, North Carolina State Board of Health, Post Office Box 2091, Raleigh, N.C. 27602.

NORTH DAKOTA

Chief, Environmental Health and Engineering Services, North Dakota State Department of Health, State Capitol, Bismarck, N. Dak. 58501.

OHIO

Chief, Ohio Department of Industrial Relations, Division of Bedding and Upholstered Furniture, 200 Parsons Avenue, Room 200, Columbus, Ohio 43215.

OKLAHOMA

Head, General Sanitation Section, Oklahoma State Department of Health, 3400 North Eastern, Oklahoma City, Okla. 73105.

OREGON

Program Supervisor, Furniture and Bedding Program, Oregon State Board of Health, Post Office Box 231, Portland, Oreg. 97207.

PENNSYLVANIA

Director, Bureau of Inspection, Division of Bedding and Upholstery, Department of Labor and Industry, Seventh and Forster Streets, Harrisburg, Pa. 17120.

PUERTO RICO

Director, Program of Environmental Health, Puerto Rico Department of Health, Ponce de Leon Avenue 1306, Box 9342, Santurce, P.R. 00908.

RHODE ISLAND

Chief, Division of Upholstery, State of Rhode Island Department of Business Regulation, 49 Westminster Street, Room 420, Providence, R.I. 02903.

SOUTH CAROLINA

State Environmental Sanitation Consultant, Division of Environmental Sanitation, South Carolina State Board of Health, J. Marion Sims Building, Columbia, S.C. 29201.

SOUTH DAKOTA

Director, Division of Sanitary Engineering, South Dakota State Department of Health, State Capitol, Pierre, S. Dak. 57501.

TENNESSEE

Director, Workshops and Factories, Tennessee Department of Labor, C1–128 Cordell Hull Building, Nashville, Tenn. 37219.

TEXAS

Director, Bedding—Law Division, Texas State Department of Health, 1100 West 49th Street, Austin, Tex. 78756.

UTAH

Supervisor, Bedding and Upholstering Division, Utah State Department of Agriculture, Room 412, State Capitol Building, Salt Lake City, Utah 84114.

VERMONT

Director, Bureau of Environmental Sanitation, Vermont State Department of Health, 115 Colchester Avenue, Burlington, Vt. 05401.

VIRGINIA

Supervisor, Bedding and Upholstered Furniture, Virginia State Department of Health, 109 Governor Street, Richmond, Va. 23219.

VIRGIN ISLANDS

Director, Division of Environmental Health, Virgin Islands Department of Health, Post Office Box 1442, Charlotte Amalie, V.I. 00801.

WASHINGTON

Chief, Chemical and Physical Hazards Section, Furniture and Bedding Inspection, Washington State Department of Health, 311 Public Health Building, Olympia, Wash. 98501.

WEST VIRGINIA

Director, Consumer Protection, West Virginia Department of Labor, State Capitol, 1800 Washington Street East, Charleston, W. Va. 25305.

WISCONSIN

Director, Department of Industry, Labor and Human Relations, 651 Hill Farms State Office Building, Madison, Wis. 53702.

WYOMING

Director, Division of Markets and Industry, Wyoming State Department of Agriculture, 308 Capitol, Cheyenne, Wyo. 82001.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-6216; Filed, May 23, 1969; 8:47 a.m.]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Utilization and Disposal of Historic or Artistic Items

Subpart 101-43.3 was amended effective November 22, 1968, to add a new paragraph (f) to § 101-43.302 advising of the interest and responsibilities of the Smithsonian Institution in collecting historic items and works of art and requesting agencies having excess personal property with possible historic or artistic value to notify the nearest General Services Administration regional office for instructions concerning their disposition. This revision of Subpart 101-43.3 should preclude the loss to the Government of valuable historic or artistic items of personal property. However, the Government still may lose such historic and artistic items through their disposition as a part of the realty. This amendment of Subpart 101-47.2 is intended to ensure that Federal agencies, including the Smithsonian Institution, are afforded the opportunity of obtaining a transfer of items separately from the real property through personal property procedures in appropriate instances.

New § 101-47.202-2(b)(7) requires the specific identification and description of such items on the Report of Excess Real Property, and revised § 101-47.203-6 gives disposal agencies discretion to designate, for disposal as personal property, certain fixtures and other items that are a part of a structure being demolished.

The table of contents for Part 101-47 is amended by the revision of the following entry:

Sec.
101-47.203-6 Designation as personal property.

Subpart 101-47.2—Utilization of Excess Real Property

1. Section 101-47.202-2(b) is amended by adding new subparagraph (7), as follows:

§ 101-47.202-2 Report forms.

* * * * * *

(b) * * *

(7) The specific identification and description of fixtures and related personal property that have possible historic or artistic value.

* * * * * *

2. Section 101-47.203-6 is revised to read as follows:

§ 101-47.203-6 Designation as personal property.

(a) Prefabricated movable structures such as Butler-type storage warehouses, quonset huts, and housetrailers (with or without undercarriages) reported to GSA with the land on which they are located may, in the discretion of GSA, be designated for disposition as personal property for off-site use.

(b) Related personal property may, in the discretion of the disposal agency, be designated for disposition as personal property. Consideration of such designation shall be given particularly to items having possible historic or artistic value to ensure that Federal agencies, including the Smithsonian Institution (see § 101-43.302), are afforded the opportunity of obtaining them through personal property channels for off-site use for preservation and display. Fixtures such as murals and fixed sculpture which have exceptional historical or artistic value may be designated for disposition by severance for off-site use. In making such designations, consideration shall be given to such factors as whether the severance can be accomplished without seriously affecting the value of the realty and whether a ready disposition can be made of the severed fixtures.

(c) When a structure is to be demolished, any fixtures or related personal property therein may, at the discretion of the disposal agency, be designated for disposition as personal property where a ready disposition can be made of these items through such action. As indicated in (b), above, particular consideration should be given to designating items of possible historical or artistic value as personal property in such instances.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-6215; Filed, May 23, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-12; Amdt. 173-5]

PART 173—SHIPPERS

Shipment of Anhydrous Hydrazine; Correction

Docket No. HM-12 published April 12, 1969 (34 F.R. 6437) was shown as Amendment 173-1. The Amendment number is corrected to read, "173-5."

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69-6224; Filed, May 23, 1969; 8:48 a.m.]

[Docket No. HM-13; Amdt. 178-4]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Welded Aluminum Cylinders

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to relax a restriction imposed on the manufacture of DOT Specification 4E welded aluminum cylinders.

On February 15, 1969, the Hazardous Materials Regulations Board issued a notice of proposed rule making, Docket No. 13; Notice No. 69-1 (34 F.R. 2257), requesting public comment on a proposal to amend the Hazardous Materials Regulations to eliminate the word "center" from the "center circumferential weld" requirement for DOT Specification 4E welded aluminum cylinders in § 178.68-2(a).

Two comments were received as a result of this notice. One commenter indicated that the reason for the center circumferential weld requirement was to provide for equalized stresses within the two non-stress-relieved shells and that material strength was obtained through work hardening of the shell rather than through heat treatment. A longer cup would require more working than the shorter cup resulting in a difference in the residual stress between them. The commenter recommended that the test requirements be revised to assure that tests be performed on areas of cylinders which have maximum residual stresses. Section 178.68-14 is amended accordingly to require a more stringent flattening test to be made on sections which include the circumferential weld when such welds are not located midlength of a cylinder.

Another commenter pointed out that with the "center" requirement removed, without further limitation as to the location of a circumferential weld, there would be no prohibition against the joining of shells in the shoulder area of a cylinder. This commenter recommended a modification of the proposed change that would prohibit the location of a circumferential weld closer to the point of tangency of the cylindrical portion of the cylinder with the shoulder than 20 times the cylinder wall thickness. This restriction is considered necessary and reasonable and therefore is made a part of this amendment.

Interested persons were afforded an opportunity to participate in this rule making and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, 49 CFR Part 178 is amended, effective September 3, 1969. However, compliance with the regulations as amended herein is authorized immediately.

In §§ 178.68-2 and 178.68-14 paragraph (a) is amended to read as follows:

§ 178.68 Specification 4E; welded aluminum cylinders.

§ 178.68-2 Type, size and service pressure.

(a) *Type and size.* Must be constructed of not more than two seamless drawn shells with no more than one circumferential weld. The circumferential weld must not be closer to the point of tangency of the cylindrical portion with the shoulder than 20 times the cylinder wall thickness. Cylinders or shells closed in by spinning process and cylinders with longitudinal seams are not authorized. Authorized for not over 1,000 pounds water capacity (nominal).

* * * * * *

§ 178.68-14 Flattening test.

(a) After hydrostatic testing, a flattening test is required on one section of a cylinder, taken at random out of each lot of 200 or less as follows:

(1) If the weld is not at midlength of the cylinder, the test section must be no less in width than 30 times the cylinder wall thickness. The weld must be in the center of the section. Weld reinforcement must be removed by machining or grinding so that the weld is flush with the exterior of the parent metal. There must be no evidence of cracking in the sample when it is flattened between flat plates to no more than 6 times the wall thickness.

(2) If the weld is at midlength of the cylinder, the test may be made as specified in subparagraph (1) of this paragraph or must be made between wedge shaped knife edges (60° angle) rounded to a ½-inch radius. There must be no evidence of cracking in the sample when it is flattened to no more than 6 times the wall thickness.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)).

Issued in Washington, D.C., on May 19, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

F. C. TURNER,
Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-6223; Filed, May 23, 1969; 8:48 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1009, Amdt. 3]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of May 1969.

Upon further consideration of Service Order No. 1009 (33 F.R. 15120, 17178, 18649), and good cause appearing therefor:

It is ordered, That:

Section 1033.1009 *Service Order No. 1009* (Railroad operating regulations for freight car movement) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1009 Service Order No. 1009.

* * * * * *

(e) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6220; Filed, May 23, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69–SW–30]

AIRWORTHINESS DIRECTIVES

Cessna Models 170, 172, and 175 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Cessna Model 170, 172, and 175 series airplanes modified in accordance with Supplemental Type Certificates by incorporating a Piper Muffler Assembly, P/N 10308–00, with the installation of a Lycoming engine. (Airworthiness Directive 68–5–1 applies to the same muffler assembly installed on Piper airplanes.) There have been reports of cracking of the muffler assemblies on some of the modified Cessna airplanes which could result in dangerous concentrations of carbon monoxide entering the cabin or engine compartment fires in flight. Since this condition is likely to exist or develop in other Cessna airplanes similarly modified, the proposed airworthiness directive would require inspection and repair, as necessary, of the muffler assembly involved.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 30, 1969, will be considered by the Director, before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

CESSNA. Applies to all Cessna Models 170, 172, and 175 series airplanes modified in accordance with Supplemental Type Certificates SA3–13, SA3–126, SA3–571, SA3–672, SA3–674, SA135CE, SA420CE, SA421 CE, or SA424CE, incorporating a Piper Muffler Assembly, P/N 10308–00, with the installation of a Lycoming engine.

Compliance required as indicated.

To detect cracks in the muffler assembly, accomplish the following:

(a) Inspect muffler assemblies with less than 950 hours' time in service on the effective date of this AD, in accordance with paragraph (c) below within the next 50 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until accumulation 950 hours' time in service, then comply with paragraph (b) below.

(b) Inspect muffler assemblies with more than 950 hours' time in service on the effective date of this AD, in accordance with paragraph (c) below within the next 50 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(c) Inspect the engine exhaust muffler and shroud assembly (including the internal baffle tube and tail pipe), carburetor heat shroud and air duct, support braces, clamps and brackets, exhaust stacks and manifolds. Remove muffler assembly, disconnect air ducts, stacks, and shrouds as necessary, and visually inspect exterior and interior surfaces with a probe light and mirror for signs of cracks, corrosion, burn-throughs, heat damage, collapsed stack, or weld separations. Special attention should be given to the exhaust stack under the carburetor heat shroud. Except for the initial inspection, the muffler assembly need not be removed from the airplane if the shroud is opened for inspection of external portions of the muffler and the internal portions are inspected through the muffler tail pipe outlet and one end of the muffler at the stack connection.

CAUTION: Do not alter these mufflers to remove the internal baffle tube without prior FAA approval.

(Piper Service Letter No. 324B describes the critical areas.)

(d) Replace or repair parts having any of the defects listed in paragraph (c) before further flight, and thereafter comply with the inspection requirements of paragraph (a) or (b), whichever is applicable. Make welding repairs and pressure test in accordance with Advisory Circular AC 43.13–1 or an FAA-approved equivalent. Care should be exercised when reinstalling the exhaust system components to prevent distortion or preloading of parts.

Issued in Fort Worth, Tex., on May 14, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–6205; Filed, May 23, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Airworthiness Docket No. 69–WE–7–AD]

AIRWORTHINESS DIRECTIVES

Douglas Model DC–3, DC–3A, DC–3C, and DC–3D Series Aircraft

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all Douglas Model DC–3, DC–3A, DC–3C, and DC–3D series aircraft. These model designations include the numerous military aircraft absorbed into the civil aircraft fleet. There have been failures in the wing center section skin in the area between Stations 94.250 and 127.750, left and right sides, and from the lower front spar cap aft to the lower center spar. Cracks or failures have also occurred in the wing stringers in the same area, in both angles forming its lower front spar cap, and in the strap which connects those two angles. If the cracks multiply or grow to critical length, catastrophic failure is possible. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require initial and repetitive inspection, reinforcement and/or repair of the affected area in accordance with the manufacturer's service bulletins and repair manual, or equivalent action approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

DOUGLAS. Applies to all DC–3, DC–3A, DC–3C, and DC–3D Series Aircraft.

Compliance required as indicated.

To detect cracks or failures in the center section skin in the vicinity of Stations 94.250 and 127.750, left and right sides, in the wing stringers in the same area, in the angles forming the lower front spar cap, or in the spar cap connecting strap, accomplish the following:

(a) Within 250 hours time in service after the effective date of this AD, unless already accomplished within the last 250 hours time in service, and prior to further flight after each exposure to severe turbulence and after each hard landing, inspect the lower front spar cap and the lower center section skin and stringers back to the lower center spar cap in the vicinity of wing Station 94.250 and wing Station 127.750, left and right sides. After thoroughly cleaning the affected area, inspect all inaccessible portions of the lower front spar cap, the front spar web, the strap connecting the angles forming the lower front spar cap, and the lower wing skin and wing stringers in accordance with the X-ray inspection procedures instructions outlined in paragraph 2A of McDonnell Douglas DC–3 Service Bulletin No. 263, Revision No. 3, dated March 10, 1963, or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. Inspect visually and by dye penetrant methods all accessible portions of the lower wing skin, the lower front spar cap and the spar web between Stations 94.250 and 127.750. Repair or replace any elements found cracked in the skin, the lower front spar cap, the spar cap connecting strap, the spar web or stringers prior to further flight, as follows:

(1) On wings which have not previously been reinforced or repaired at Station 127.750 per McDonnell Douglas Service Bulletin No. 229, or by an equivalent repair or reinforcement at Station 94.250, repair cracks in the lower wing skin in accordance with Figure 2, Sheets 1 through 6, of McDonnell Douglas DC–3 Service Bulletin No. 263, or later FAA-approved revisions.

(2) On wings which have previously been reinforced or repaired at Station 127.750 per McDonnell Douglas Service Bulletin No. 229, or by an equivalent reinforcement or repair at Station 94.250, repair any crack which has progressed beyond the stop hole drilled per that Service Bulletin or equivalent reinforcement or repair or which has developed and grown to within the last three rows of rivets from the aft end of the doubler installed per that Service Bulletin or equivalent reinforcement or repair. Repair by removing the previously installed doubler and accomplishing the repair instructions described by Figure 2 of McDonnell Douglas Service Bulletin No. 263 or later FAA-approved revision.

(3) Repair or replace cracked stringers in accordance with the McDonnell Douglas DC–3 Structural Repair Manual.

(4) Repair cracked spar caps and spar webs in accordance with the Douglas DC–3 Structural Repair Manual.

(5) Replace cracked spar cap connecting straps.

(6) Repair or replace cracked elements in another manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) At intervals not to exceed 900 hours time in service after the last inspection, reinspect per (a), above, all wings on which the wing skin at both Stations 94.250 and 127.750 has not been repaired per (a)(1) or has not been reinforced either in accordance with McDonnell Douglas Service Bulletin No. 263 or a combination of Service Bulletin No. 263 and McDonnell Douglas Service Bulletin No. 229 or equivalent. Any crack detected in the wing skin and any new, unrepaired crack found in any element of the lower front spar cap, spar cap connecting strap, spar web or stringer must be repaired or replaced per (a), above, prior to further flight.

(c) Within the next 2,000 hours time in service after the first inspection per (a), above, and at intervals thereafter not to exceed 2,000 hours time in service, reinspect per (a), above, all wings on which the wing skin at both Stations 94.250 and 127.750 was repaired per (a)(1), which has been otherwise reinforced in accordance with Service Bulletin No. 263 or later FAA-approved revision, or which has been otherwise reinforced at Station 127.750 in accordance with McDonnell Douglas Service Bulletin No. 229 and reinforced at Station 94.250 in a manner equivalent to Service Bulletin No. 229 or in accordance with Service Bulletin No. 263 or later FAA-approved revision. Any previously unrepaired cracks detected by these reinspections of spar caps, spar web, spar cap connecting strap or stringers must be repaired or the elements replaced per (a) (3), (4), (5) or (6), above, prior to further flight. Any new crack detected in the wing skin or any crack progression beyond a stop drill hole at a station repaired or reinforced per Service Bulletin 229 or equivalent must be repaired per Service Bulletin No. 263. Any new crack detected in the wing skin or any crack progression beyond a stop drill hole at a station repaired or reinforced per Service Bulletin No. 263, must be repaired prior to further flight in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) An airplane which has been subjected to severe turbulence or to a hard landing may be flown in accordance with FAR 21.197 to a base where X-ray inspection per (a) and repair if necessary, can be performed: *Provided*, That a close visual inspection per (a) shows no evidence of cracking or failure in the front spar elements or other areas that can be inspected visually. An airplane inspected in this manner or by X-ray per (a) and is found to have one or more failed elements, may be flown in accordance with FAR 21.197(a)(1) to a base where repair can be performed, subject to the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on May 15, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69–6206; Filed, May 23, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 150–70]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority To Perform Functions Under Interest Equalization Tax Act

MARCH 20, 1969.

The purpose of this order is to formalize the authority of the Commissioner of Internal Revenue with respect to the administration of the interest equalization tax.

The authority conferred upon the Secretary of the Treasury in the Interest Equalization Tax Act (Public Law 88–563), approved September 2, 1964 (and any extension or amendment thereof), relating to the interest equalization tax, other than the final approval of proposed regulations, is hereby delegated to the Commissioner of Internal Revenue, with the right to redelegate such authority to any officer or employee of the Internal Revenue Service.

To the extent that any action heretofore taken by the Commissioner of Internal Revenue or his delegate consistent with the delegation set forth in the preceding paragraph may require ratification, such action is hereby affirmed and ratified.

Dated: March 20, 1969.

DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69–6219; Filed, May 23, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 059360]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 19, 1969.

Notice of an application, Serial No. M 059360, for withdrawal and reservation of lands was published in F.R. Doc. 63–706 on pages 7569–7570 of the issue for July 25, 1963. The applicant agency has canceled its application. Therefore, the proposed withdrawal is hereby terminated. By Act of Congress, Public Law 89–664, October 15, 1966, most of the lands included in the proposed withdrawal were made part of the Big Horn Canyon National Recreation Area and are not subject to disposal under the public land laws.

The following described lands which were included in the proposed withdrawal are located outside the Big Horn Canyon National Recreation Area:

CARBON COUNTY

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 28 E.,
Sec. 4, W½E½, SE¼SE¼ lying west of the Big Horn National Recreation Area.
Sec. 9, E½E½ lying west of the Big Horn National Recreation Area.
Sec. 10, SW¼SW¼ lying west of the Big Horn National Recreation Area.
Sec. 15, W½NW¼, SW¼NW¼, and E½SW¼ lying west of the Big Horn National Recreation Area.
Sec. 22, E½NW¼ lying west of the Big Horn National Recreation Area.

The area described contains approximately 280 acres.

The above-described lands will not become subject to appropriation under the public land laws until an opening order has been issued by the authorized officer.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69–6209; Filed, May 23, 1969; 8:47 a.m.]

National Park Service

[Order 6, Amdt. 1]

PARK SUPERINTENDENTS ET AL., NORTHEAST REGION

Delegation of Authority

This amendment adds "finance" to certain sentences in Order No. 6, published in the FEDERAL REGISTER of April 30, 1969, at 7090. The sentences are as indicated below.

The last sentence of section 5 shall read:

SEC. 5. This authority may be exercised by the Regional Chief, Division of Property Management and General Services in behalf of any area or office for which the Northeast Regional Office serves as the field finance office.

The last sentence of section 6 shall read:

SEC. 6. This authority may be exercised by the Supervisory General Supply Specialist in behalf of any area or office for which the Northeast Regional Office serves as the field finance office.

The last sentence of section 7 shall read:

SEC. 7. This authority may be exercised by the Procurement Agent in behalf of any area or office for which the Northeast Regional Office serves as the field finance office.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535; 16 U.S.C. sec. 2)

Dated: May 14, 1969.

LEMUEL A. GARRISON,
Regional Director, Northeast Region.

[F.R. Doc. 69–6192; Filed, May 23, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

May Sales List

Item 4 of the Notice to Buyer section of the CCC Monthly Sales List for May (34 F.R. 7291) is amended to read as follows:

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

Signed at Washington, D.C., on May 19, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–6226; Filed, May 23, 1969; 8:48 a.m.]

Forest Service

UTAH

Notice of Closure of Wasatch National Forest Lands in Red Butte Canyon to Public Use Except as May Be Authorized

Pursuant to the Secretary of Agriculture's Regulation T–9(1), 36 CFR 261.11(i), *Occupancy trespass*, it is hereby ordered that the Red Butte Canyon area as described below be closed to all public use and entry, effective May 1, 1969, except as authorized by the Forest Supervisor or his designee.

All of the National Forest lands within the Red Butte Canyon drainage consisting of 4,750 acres and more particularly described as follows:

Starting at the southwest corner of the northwest quarter of the southwest quarter of sec. 2, T. 1 S., R. 1 E., Salt Lake Meridian; thence northeasterly up the ridge south of George's Hollow and along the main ridge between Red Butte Canyon and Emigration Canyon; thence continuing northerly on the main ridge around the head of Red Butte Canyon; thence following the ridge west along the crest of Black Mountain; thence following southerly and westerly along the main ridge to the north of Red Butte Canyon to the Forest boundary; thence east one-half mile and south one-fourth mile and east one-fourth mile and south one-half mile along the forest boundary to the point of beginning.

Closure is to assure protection of ecological and botanical values and to promote scientific investigations of these natural phenomena.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 69–6227; Filed, May 23, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COMMUNITY TRUST OF SANTA CLARA COUNTY, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00301–33–54500. Applicant: Community Trust of Santa Clara County, Medical Research & Equipment Trust Fund Committee, 1785 Alum Rock Avenue, San Jose, Calif. 95116. Article: Light coagulator, Model 5000. Manufacturer: Carl Zeiss Jena, West Germany. Intended use of article: The article will be used for the following reasons:

1. Surgery within the vitreous (or back portion of the eye).

2. Continuous viewing of the work described in (1).

3. Free both hands to perform intricate maneuvers.

4. Photograph selected sights and actions to illustrate to others what can be seen only by the surgeon.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a light coagulator which provides direct visual control of the photocoagulation process in the vitreous while freeing the surgeon's hands through the use of integrated stereoscopic optics and a xenon arc source. We are informed by the Department of Health, Education, and Welfare (HEW) in a memorandum dated April 3, 1969 that the foreign article's design which permits continuous viewing while freeing both of the surgeon's hands, a controlled xenon arc source and prefocused camera is unique. HEW advises there are no known domestic manufacturers of light coagulators covering the broad visible spectrum according to recognized ophthalmologists in the area of eye research.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–6185; Filed, May 23, 1969; 8:45 a.m.]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00297–33–46500. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Ultramicrotome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used in connection with the following investigations:

a. An examination of differentiating tracheary elements in lignified secondary cell walls of Coleus blumei Benth;

b. A survey of selected ciliated protozoans to obtain illustrations for an atlas of ciliate fine-structure;

c. An examination of sexual morphogenesis of Schizophyllum commune, including information of clamp connections and migration of nuclei;

d. An investigation of the ultrastructural relationships of muscle fibers in the right ventricular muscle of canine hearts at different points in the length-tension curve.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 ultramicrotome provides a minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare, in its memorandum dated March 18, 1969, that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article provides a thermal advance, whereas the Sorvall Model MT–2 provides a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–6186; Filed, May 23, 1969; 8:45 a.m.]

HAWAII TECHNICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00328-98-2600. Applicant: Hawaii Technical School, 1175 Manono Street, Hilo, Hawaii 96720. Article: Dr. Clemenz standard construction device for the theory of electricity, Model EG ZA/ZT B a, B b. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles. The advantage of this device is that it teaches electricity by actual practice by the student and gives a basic understanding of the theory underlying the experiments. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for demonstrating the construction and operation of AC and DC generators, three-phase asynchronous slip ring motors, three-phase squirrel cage motors and other three-phase applications of electrical phenomena. We are advised by the National Bureau of Standards (memorandum dated Mar. 21, 1969) that no instrument or apparatus is being manufactured in the United States, which is capable of simulating three-phase electrical applications.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6189; Filed, May 23, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00281-60-78010. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Spectrophotometer, Model MPS-50L. Manufacturer: Shimadzu Seisakusho Ltd., Japan. Intended use of article: The instrument will be used in conjunction with a research program in photosynthetic electron transport and energy conversion. In those experiments it is necessary to measure the absorption spectra of pigments in optically dense highly scattering preparation of whole cells of photosynthetic bacteria and algae, as well as chloroplasts and intact leaves. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a recording spectrophotometer with the capability of absorption measurements of optically dense pigments composed of whole cells of photosynthetic bacteria and algae. We are informed by the Department of Health, Education and Welfare (memorandum dated Mar. 12, 1969), as well as by the National Bureau of Standards (memorandum dated Mar. 18, 1969) that the ability of the foreign instrument to accept placement of the sample to within one centimeter of the detector is a pertinent characteristic of the foreign instrument and they further advise there is no known domestic instrument which is capable of fulfilling the purpose for which the foreign article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6187; Filed, May 23, 1969; 8:45 a.m.]

SCHOOL DISTRICT NO. 1, MULTNOMAH COUNTY, OREG.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00311-98-26000. Applicant: School District No. 1, Multnomah County, 546 Northeast 12th Avenue, Portland, Oreg. 97208. Article: Dr. Clemenz standard construction device for the theory of electricity, Model EG ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles as indicated in the brochure. The advantages of this device are that it teaches electricity by actual practice by the student and gives a basic understanding of the theory underlying the experiments. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for demonstrating the construction and operation of AC and DC generators, three-phase asynchronus slip ring motors, three-base squirrel cage motors and other three-phase applications of electrical phenomena. We are advised by the National Bureau of Standards (memorandum dated Mar. 21, 1969) that no instrument or apparatus is being manufactured in the United States, which is capable of simulating three-phase electrical applications.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6188; Filed, May 23, 1969; 8:45 a.m.]

STANFORD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00578-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft G.m.b.H., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Application received by Commissioner of Customs: May 6, 1969.

Docket No. 69-00679-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft G.m.b.H., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Application received by Commissioner of Customs: May 6, 1969.

Docket No. 69-00580-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft G.m.b.H., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus used to study the kinetics of fast reactions in solution. Application received by Commissioner of Customs: May 6, 1969.

Docket No. 69-00582-00-46040. Applicant: University of Missouri, Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Wide angle tilting device, Model HK-3A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as an attachment to an existing electron microscope, Model HU-11A, to study defects in high purity aluminum specimens. Application received by Commissioner of Customs: May 6, 1969.

Docket No. 69-00583-46040. Applicant: Purdue University, Department of Biological Sciences, Lafayette, Ind. 47907. Article: Electron microscopes, Model EM 300 (2 each). Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The articles will be used to educate 700 undergraduate majors, 280 graduate students, and about 24 post-doctorates per year. The main purposes are as follows: (1) To educate teachers for secondary schools, (2) to educate technicians for academic, industrial, governmental, and technical laboratories, (3) to educate scientists at the Ph. D. level for independent positions in universities, industry, and Government and (4) to educate preprofessional (pre-vet, pre-med, pre-dent, and lab technicians) students.

The department is strong in the areas of molecular biology, cell biology, including microbiology, developmental biology, neurobiology and other areas. Application received by Commissioner of Customs: May 6, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6190; Filed, May 23, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00268-33-46500. Applicant: The University of Texas, M. D. Anderson Hospital and Tumor Institute, 6723 Bertner Avenue, Houston, Tex. 77025. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies of synovial fibroblasts grown in tissue culture, from both normal and rheumatoid patients. A study is currently under way defining the differences between the two groups of cells at the ultrastructural level. For this purpose, very thin sectioning is required for observation under the electron microscope. The fibroblasts must be carefully fixed and embedded so that the ultrathin sections needed must be prepared in long series and sectioned in equal thickness. This work requires changing the cutting thickness readily anywhere between 50 angstrom units to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to produce sections to be used in experiments related to the study of synovial fibroblasts in tissue culture, to determine whether there are detectable differences between tissue taken from rheumatoid patients and tissue taken from those free of this ailment. For this purpose, the applicant requires the thinnest possible sections, consistent with accuracy and uniformity of consecutive sections cut from the same specimen block, because the thinner the section, the greater are the possibilities of utilizing the maximum available resolving capability of the electron microscope under which the specimens will be examined and, consequently, the largest possible amount of attainable information. The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable ultramicrotome being manufactured in the United States is the Ivan Sorvall, Inc. (Sorvall) Model MT-2 which has a guaranteed minimum thickness capability of 100 angstroms. For the purposes for which the foreign article is intended to be used, we find that the lower minimum thickness capability of the article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6191; Filed, May 23, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Extending Completion Date

Consolidated Edison Company of New York, Inc., having filed a request dated April 22, 1969, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-21 for construction of a 2,758 megawatt (thermal) pressurized water nuclear reactor, designated as the Indian Point Nuclear Generating Unit No. 2, at the applicant's site on the Hudson River in the village of Buchanan, Westchester County, N.Y., and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from June 1, 1969, to June 1, 1970.

For the Atomic Energy Commission.

Date of issuance: May 19, 1969.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6206; Filed, May 23, 1969; 8:47 a.m.]

PLUTONIUM AND URANIUM ENRICHED IN U^{233}

Charges

1. General: The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Plutonium and Uranium Enriched in U^{233}; Charges" as published in the FEDERAL REGISTER on May 29, 1963 (28 F.R. 5314), and as amended in 33 F.R. 11685 of August 16, 1968 and 33 F.R. 15353 of October 16, 1968.

2. Paragraph 6 of the notice is revised to read as follows: The standard chemical form of plutonium or of uranium enriched in U^{233} distributed by the AEC or for such material returned to the AEC under lease agreements is the nitrate. If

the AEC is requested and agrees to distribute plutonium or uranium enriched in U^{233} in any other chemical form, the AEC may make a charge for converting the nitrate to that other form. The total charge, including the use charge, for conversion of plutonium nitrate to metal is $1.50 per gram of plutonium metal distributed, plus a charge for loss of an amount of plutonium during conversion equal to 1 percent of the plutonium metal distributed multiplied by the base charge set forth in paragraph 3 or 5 above, as applicable. The total charge, including the use charge, for conversion of plutonium nitrate to the dioxide is $1.20 per gram of plutonium delivered, plus a charge for loss of an amount of plutonium during conversion equal to eight-tenths of 1 percent of the plutonium distributed as dioxide multiplied by the base charge set forth in paragraph 3 or 5 above, as applicable. The charges for supplying uranium enriched in U^{233} in the dioxide and metal form are being developed and, when available, will be supplied on request. In addition to the nitrate, acceptable forms for return to the AEC of leased plutonium or uranium enriched in U^{233} are the dioxide and the metal, but the credit for materials returned in these forms shall be the same as for the nitrate.

3. Paragraph 7 of the notice is revised to read as follows: The specifications for plutonium and uranium enriched in U^{233} distributed by the AEC and for material returned to the AEC under lease agreements are given below. These specifications shall apply to the contents of individual shipping containers.

(a) For plutonium nitrate:

(1) The plutonium shall be in an aqueous nitrate solution containing between 50 and 250 grams of plutonium per liter and having a free nitric acid concentration between 2 and 10 molar.

(2) Total impurities of uranium and other metals (excluding plutonium isotopes) shall not exceed 5,000 parts per million parts of plutonium. Total impurity content shall not exceed the "equivalent boron content" (EBC) of 10 parts per million parts of plutonium.

(3) The insoluble residue remaining after filtering the solution through a 100-micron filter and leaching the solids in 50 percent nitric acid at 25° C. for 1 hour shall not exceed 5,000 parts per million parts of plutonium.

(4) No visible organic phase shall be present.

(5) Chloride and sulfate content shall be minimized consistent with the use of technical grade chemicals. However, total halide content shall not exceed 150 parts per million parts of plutonium and sulfate content shall not exceed 1,000 parts per million parts of plutonium.

(6) The microcuries of gamma emitting fission products whose parent isotopes have half lives of 30 days or greater shall be limited to a maximum of 40 microcuries per gram of plutonium. The contribution of zirconium-niobium-95 shall not exceed 5 microcuries per gram of plutonium.

(b) For plutonium dioxide:

(1) The plutonium shall pass the following reactivity test: A sample of weight 2–5 grams when hydrofluorinated for 2 hours at 450° C. with hydrogen fluoride and a trace of oxygen will convert to greater than 90 percent plutonium tetrafluoride.

(2) The total plutonium content shall be not less than 85 percent by weight.

(3) Metallic impurities shall not exceed 5,000 parts per million parts of plutonium. Total impurity content shall not exceed the "equivalent boron content" (EBC) of 5 parts per million parts of plutonium.

(4) The microcuries of gamma emitting fission products have half lives of 30 days or greater shall be limited to a maximum of 8 microcuries per gram of plutonium, of which not more than 2.5 microcuries per gram of plutonium shall be contributed by zirconium-niobium-95.

(c) For plutonium metal:

(1) The plutonium shall be in the form of solid metal buttons, free of slag, reductant, and mold fragments. The buttons shall weigh 2,000 grams plus or minus 200 grams.

(2) The total plutonium content shall be not less than 99.5 percent by weight. The total impurity content shall not exceed the "equivalent boron content" (EBC) of 5 parts per million parts of plutonium.

(3) In any button, the microcuries of gamma emitting fission products whose parent isotopes have half lives of 30 days or greater shall be limited to a maximum of 8 microcuries per gram of plutonium, of which not more than 2.5 microcuries per gram of plutonium shall be contributed by zirconium-niobium-95.

(d) For uranyl nitrate containing uranium enriched in U233:

(1) The uranyl nitrate shall be contained in an aqueous nitrate solution containing between 175 and 225 grams of uranium per liter and having a free nitric acid concentration between 1 and 3 molar.

(2) Nitrate ion shall constitute not less than 98 percent by weight of the total anions in the solution. Chloride and sulfate content shall be minimized consistent with the use of technical grade chemicals.

(3) Total metallic impurities (excluding uranium isotopes) shall not exceed 5,000 parts per million parts of total uranium.

(4) The carbon content shall not exceed 200 parts and the phosphorous content shall not exceed 250 parts, respectively, per million parts of total uranium.

(5) Gamma plus beta activity from fission products shall not exceed 10 microcuries per gram of total uranium. Specifications for uranium metal and dioxide containing U233 will be supplied on request.

4. Paragraph 9 of the notice is revised to read as follows: Any correspondence involving this notice, except as stated at the end of paragraph 5 above, should be addressed as follows:

URANIUM ENRICHED IN U^{233}

AEC Materials Leasing Officer, Oak Ridge Operations Office, U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. 37830.

PLUTONIUM

AEC Materials Leasing Officer, Richland Operations Office, U.S. Atomic Energy Commission, Post Office Box 550, Richland, Wash. 99352.

Effective date. This notice will become effective 180 days after publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–6183; Filed, May 23, 1969; 8:45 a.m.]

PLUTONIUM AND URANIUM ENRICHED IN U^{233}

Guaranteed Purchase Prices

1. General: The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Plutonium and Uranium Enriched in U^{233}; Guaranteed Purchase Prices" as published in the FEDERAL REGISTER on March 25, 1965 (30 F.R. 3886) and as amended in 32 F.R. 18119 of December 18, 1967.

2. Paragraph 7 of the notice is revised to read as follows: The specifications for plutonium and uranium enriched in U^{233} for which the above guaranteed purchase prices are applicable are given below. These specifications shall apply to the contents of individual shipping containers. Plutonium and uranium enriched in U^{233} shall be in aqueous nitrate solution or in dioxide or as metal or in such additional forms as AEC may specify from time to time. The AEC may accept material not meeting the applicable specifications and may, in such case, make a charge for the processing of such material to bring it into conformance with specifications or to cover additional costs associated with using material not meeting such specifications.

(a) For plutonium nitrate:

(1) The plutonium shall be in an aqueous nitrate solution containing between 50 and 250 grams of plutonium per liter and having a free nitric acid concentration between 2 and 10 molar.

(2) Total impurities of uranium and other metals (excluding plutonium isotopes) shall not exceed 5,000 parts per million parts of plutonium. Total impurity content shall not exceed the "equivalent boron content" (EBC) of 10 parts per million parts of plutonium.

(3) The insoluble residue remaining after filtering the solution through a 100-micron filter and leaching the solids in 50 percent nitric acid at 25° C. for 1 hour shall not exceed 5,000 parts per million parts of plutonium.

(4) No visible organic phase shall be present.

(5) Chloride and sulfate content shall be minimized consistent with the use of technical grade chemicals. However, total halide content shall not exceed 150 parts per million parts of plutonium and sulfate content shall not exceed 1,000 parts per million parts of plutonium.

(6) The microcuries of gamma emitting fission products whose parent isotopes have half lives of 30 days or greater shall be limited to a maximum of 40 microcuries per gram of plutonium. The contribution of zirconium-niobium-95 shall not exceed 5 microcuries per gram of plutonium.

(b) For plutonium dioxide:

(1) The plutonium shall pass the following reactivity test: A sample of weight 2–5 grams when hydrofluorinated for 2 hours at 450° C. with hydrogen fluoride and a trace of oxygen will convert to greater than 90 percent plutonium tetrafluoride.

(2) The total plutonium content shall be not less than 85 percent by weight.

(3) Metallic impurities shall not exceed 5,000 parts per million parts of plutonium. Total impurity content shall not exceed the "equivalent boron content" (EBC) of 5 parts per million parts of plutonium.

(4) The microcuries of gamma emitting fission products whose parent isotopes have half lives of 30 days or greater shall be limited to a maximum of 8 microcuries per gram of plutonium, of which not more than 2.5 microcuries per gram of plutonium shall be contributed by zirconium-niobium-95.

(c) For plutonium metal:

(1) The plutonium shall be in the form of solid metal buttons, free of slag, reductant, and mold fragments. The buttons shall weigh 2,000 grams plus or minus 200 grams.

(2) The total plutonium content shall be not less than 99.5 percent by weight. The total impurity content shall not exceed the "equivalent boron content" (EBC) of 5 parts per million parts of plutonium.

(3) In any button, the microcuries of gamma emitting fission products whose parent isotopes have half lives of 30 days or greater shall be limited to a maximum of 8 microcuries per gram of plutonium, of which not more than 2.5 microcuries per gram of plutonium shall be contributed by zirconium-niobium-95.

(d) For uranyl nitrate containing uranium enriched in U^{233}:

(1) The uranyl nitrate shall be contained in an aqueous nitrate solution containing between 175 and 225 grams of uranium per liter and having a free nitric acid concentration between 1 and 3 molar.

(2) Nitrate ion shall constitute not less than 98 percent by weight of the total anions in the solution. Chloride and sulfate contents shall be minimized consistent with the use of technical grade chemicals.

(3) Total metallic impurities (excluding uranium isotopes) shall not exceed 5,000 parts per million parts of total uranium.

(4) The carbon content shall not exceed 200 parts and the phosphorus content shall not exceed 250 parts, respectively, per million parts of total uranium.

(5) Gamma plus beta activity from fission products shall not exceed 10 microcuries per gram of total uranium.

Specifications for uranium metal and dioxide containing U^{233} will be supplied on request.

Effective date. This notice is effective 180 days after publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–6184; Filed, May 23, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69–5–80]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 19, 1969.

By Order 69–5–37, dated May 9, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–5–37 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R–16 through R–20, be, and it hereby is, approved; *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6231; Filed, May 23, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–5–90]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority on May 20, 1969.

By Order 69–5–13, dated May 5, 1969, action was deferred, with a view toward eventual approval (subject to condition) on certain resolutions adopted by the International Air Transport Association (IATA) as a result of the first meeting of the Cargo Traffic Procedures Committee. The resolutions included amendments intended to clarify charges made for the preparation of air waybills; to clarify the conditions of contract printed on air waybill forms; and to provide for the assessment of a charge, the amount of which was to be determined at the Athens Conference, for the amendment of an air waybill after dispatch of a consignment.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69–5–13 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20884, R–1, R–3, and R–4, be, and it hereby is, approved: *Provided,* That, insofar as air transportation as defined by the Act is concerned, approval shall be subject to the following condition:

Provided, That any agreements as to charges reached pursuant to any of the foregoing resolutions shall be filed with and approved by the Board prior to being placed into effect.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6232; Filed, May 23, 1969; 8:49 a.m.]

[Docket No. 20950]

LUXAIR

Notice of Postponement of Prehearing Conference

By letter dated May 14, 1969, counsel for Luxair, Societe Anonyme Luxembourgeoise de Navigation Aerienne has asked that the prehearing conference scheduled in this proceeding for May 22, 1969, be postponed until a date late in June. The prehearing conference in this proceeding is hereby postponed to June 19, 1969, at 10 a.m., e.d.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., May 20, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69–6228; Filed, May 23, 1969; 8:48 a.m.]

[Docket No. 16606, etc.]

REOPENED OZARK ROUTE REALIGNMENT INVESTIGATION SERVICE TO SEDALIA, MO.

Notice of Prehearing Conference

In order 69–2–97, the Board reopened the record in this case for further hearing to determine whether Sedalia, Mo.,

shall be deleted from Ozark's certificate for route 107. Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 10, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner E. Robert Seaver.

Information requests, motions, and proposed procedural dates should be filed with the Examiner and served on other parties on or before June 5, 1969.

Dated at Washington, D.C., May 20, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6229; Filed, May 23, 1969; 8:49 a.m.]

[Docket No. 20066]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on July 8, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., May 21, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6230; Filed, May 23, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-754 etc.]

TEXACO INC. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 16, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 2, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-754	Texaco, Inc., Post Office Box 430, Bellaire, Tex. 77401, Attention: Mr. J. L. Sleeper, Jr.	131	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Deckers Prairie Field, Montgomery County, Tex.) (RR. District No. 3).	$50	4-30-69	[3] 5-31-69	10-31-69	[4] 15.6	[4] [5] 16.6	RI66-233.
	do	132	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Chesterville Field, Colorado County, Tex.) (R.R. District No. 3).	2,600	4-30-69	[3] 5-31-69	10-31-69	[4] [6] 15.6	[4] [5] [6] 16.6	RI66-333.
	do	137	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Nelsonville Field, Austin County, Tex). (RR. District No. 3).	2,490	4-30-69	[3] 5-31-69	10-31-69	[4] [6] 15.6	[4] [5] [6] 16.6	RI66-333.
	do	141	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Rock Island Field, Colorado County, Tex.) (RR. District No. 3).	500	4-30-69	[3] 5-31-69	10-31-69	[4] [6] 15.6	[4] [5] [6] 16.6	RI66-333.
	do	257	14	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Chesterville Field, Colorado County, Tex.) (R.R. District No. 3).	3,600	4-30-69	[3] 5-31-69	10-31-69	[4] [6] 15.6	[4] [5] [6] 16.6	RI66-333.
	do	160	10	Texas Eastern Transmission Corp. (Del Grullo and East White Point Fields, Kleberg and San Patricio Counties, Tex.) (RR. District No. 4).	17,500	4-30-69	[3] 5-31-69	10-31-69	[4] 15.6	[4] [5] 16.6	RI64-220.
	do	274	10	Texas Eastern Transmission Corp. (Chapman Ranch Field, Nueces County, Tex.) (RR. District No. 4).	20,000	4-30-69	[3] 5-31-69	10-31-69	[4] 15.6	[4] [5] 16.6	RI64-229.
	do	235	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Nelsonville Field, Austin County, Tex.) (RR. District No. 3).	250	4-30-69	[7] 5-31-69	10-31-69	[4] [6] 16.0	[4] [5] [6] 16.5	
	do	311	3	Natural Gas Pipeline Co. of America (Lundell Field, Duval County, Tex.) (RR. District No. 4).	7,000	4-30-69	[7] 5-31-69	10-31-69	[4] [6] 16.0	[4] [5] [6] 17.0	
RI69-755	Texaco Inc. (Operator) et al.	170	10	Texas Eastern Transmission Corp. (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	60,000	4-30-69	[3] 5-31-69	10-31-69	[4] 15.6	[4] [5] 16.6	RI64-230.
	do	380	2	Lone Star Gas Co. (Danville Field, Rusk and Gregg Counties, Tex.) (RR. District No. 6).	18,000	4-30-69	[3] 5-31-69	10-31-69	15.0	[8] [9] 17.0	
RI69-756	Bright & Schiff (Operator) et al., 2355 Stemmons Bldg., Dallas, Tex. 75207.	4	2	South Texas Natural Gas Gathering Co. (Monte Christo Field, Hidalgo County, Tex.) (RR. District No. 4).	600	5-1-69	[3] 6-1-69	11-1-69	[4] 15.5	[4] [5] 16.5	RI64-678.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-757	Koch Industries, Inc. (Operator), Post Office Box 2256, Wichita, Kans. 67201.	14	2	Arkansas Louisiana Gas Co. (Pontotoc County, Okla.) (Oklahoma "Other" Area).	$675	4-28-69	[2] 5-29-69	10-29-69	15.0	[3] [4] 16.0	
RI69-758	Union Texas Petroleum, a division of Allied Chemical Corp. et al. (Operator), Post Office Box 2120, Houston, Tex., 77001.	10	9	Lone Star Gas Co. (Sandusky Plant, Grayson County, Tex.) (RR. District No. 9).	51,000	4-30-69	[2] 7-1-69	12-1-69	14.5	[3] [4] 16.0	
RI69-759	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	235	2	Panhandle Eastern Pipe Line Co. (Tangiers Field, Woodward County, Okla.) (Panhandle Area).	1,912	4-30-69	[2] 5-31-69	10-31-69	[11] [12] 18.069	[3] [4] [11] [12] 19.131	RI68-390.
	do	240	2	Lone Star Gas Co. (Fox-Grahm Field, Stephens and Carter Counties, Okla.).	2,200	5-2-69	[2] 6-2-69	11-2-69	16.01	[3] [4] 17.01	RI68-393.
RI69-760	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	57	3	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	2,068	[13] 4-18-69	[2] 5-19-69	10-19-69	17.0	[3] [4] 18.01	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Subject to 0.2163¢ cent deduction for dehydration.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] From settlement rate to contractually provided for periodic.
[9] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Dockets nos. G-8969 et al.
[10] "Fractured" rate increase. Contractually due 17.595 cents (17 cents base rate plus 0.595 cent tax reimbursement).
[11] Includes 17 cents base rate, plus 0.015 cent tax reimbursement, plus 1.054 cents upward B.t.u. adjustment (1,062 B.t.u. gas) before increase and base rate of 18 cents, plus 0.015 cent tax reimbursement, plus 1.116 cents upward B.t.u. adjustment after increase.
[12] Base rate subject to upward and downward B.t.u. adjustment.
[13] Filing completed on Apr. 28, 1969, by correction letter dated Apr. 24, 1969.

Texaco Inc. (Texaco), requests that Supplement Nos. 4 and 3 to its FPC Gas Rate Schedule Nos. 235 and 311, respectively, be permitted to become effective as of April 30, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's aforementioned supplements and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-6127; Filed, May 23, 1969; 8:45 a.m.]

[Docket Nos. G-2730 etc.]

HILDA B. WEINERT ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 16, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G 2730 E 4-1-69	Hilda B. Weinert and Jane W. Blumberg et al. (successor to H. H. Weinert Estate et al.).	Natural Gas Pipeline Co. of America, Laclede Field, Jim Wells and Brooks Counties, Tex.	(2)	.....
		Transcontinental Gas Pipe Line Corp., acreage in Laclede and Bee Counties, Tex.	13.0	14.65
C160 1030 B 5-6-69	Sohio Petroleum Co., 970 First National Bldg., Oklahoma City, Okla. 73102.	Coastal States Gas Producing Co., Tiger Field, Duval County, Tex.	Uneconomited	.....
G 4598 E 1-3-69	do	United Gas Pipe Line Co., North Pettus Field, Bee et al. Counties, Tex.	1 14.0	14.65
G 10571 E 5-5-69	Gulf Oil Corp. (successor to Shasta Oil Co. (Operator) et al.), Post Office Box 1589, Tulsa, Okla. 74102.	Union Texas Petroleum, a division of Allied Chemical Corp., Emmett Field, Jefferson County, Tex.	12.0	14.65
C 10334 D 5-6-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Colorado County, Tex.	(3)	
C164 1311 C 5-5-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	South Texas Natural Gas Gathering Co., Section 37, Ranch Field, Hidalgo County, Tex.	17.0	14.65
C166-304 E 5-5-69	Consolidated Production Corp. (successor to GMC Oil & Gas Corp.), 540 Hightower Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., acreage in Dewey and Woodward Counties, Okla.	5 17.0	14.65
C167-286 C 5-2-69	Monsanto Co. (Operator) et al., 1300 Main St., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Hanson Area Sequoyah County, Okla.	15.0	14.65
C168-1202 D 2-25-69	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	(3)	
C169-982 A 9-12-68	Humble Oil & Refining Co.,[6] Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., West Willow Field, Reeves County, Tex.	16.5	14.65
C169-1015 A 4-30-69	Victor P. Smith, Operator, 230 Bldg., Post Office Box 2434, Jackson, Miss. 39205.	United Gas Pipe Line Co., Jackson Field, Hinds County, Miss.	15.5	15.025
C169-1018 (C162-1184)	Tenneco Oil Co. (Successor to Sinclair Oil Corp.), Post Office Box 2511, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	16.0	14.65
C169-1019 A 5-1-69	Curt Weaver (Operator) et al., 924 National Bank of Commerce Bldg., New Orleans, La. 70112.	Florida Gas Transmission Co., Rogers, Gully Field, Jefferson Davis Parish, La.	21.25	15.025
C169-1020 A 5-2-69	Central Equipment Rentals, Inc., Post Office Box 5283, O.C.S., Lafayette, La. 70501.	Michigan Wisconsin Pipe Line Co., North Caeiba Field, St. Martin Parish, La.	21.25	15.025
C169-1021 A 5-2-69	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	7 15.0	14.65
C169-1022 B 5-2-69	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Northwest Mocane Field, Hansford County, Tex.	Depleted	
C169-1023 B 5-2-69	Sinclair Oil Corp. (Operator) et al.[5]	Transwestern Pipeline Co., East Wilco Field, Hansford County, Tex.	Depleted	
C169-1024 A 5-1-69	Dansby & Waters, c/o Dewey Waters, agent, 913 North 6th Ave., Pensacola, Fla. 32503.	United Fuel Gas Co., acreage in Floyd County, Ky.	25.0	15.325
C169-1025 A 5-2-69	Bivins & Caldwell, c/o Frank Silvers, agent, Houston, W. Va. 26627.	United Fuel Gas Co., acreage in Clay County, W. Va.	1 20.0	17.325
C169-1026 A 5-5-69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Ship Shoal Block 206, Offshore Terrebonne and St. Mary Parishes, La.	21.25	15.025
C169-1027 A 5-5-69	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	United Fuel Gas Co., Block 162 Field, Vermilion Area, Offshore Louisiana.	11 21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] An increase in rate to 16 cents per Mcf has been suspended in Docket No. R169-473 but has not been made effective.
[2] Gas shortage released to E. J. Gurney et al.
[3] Subject to upward and downward B.t.u. adjustment.
[4] No permanent certificate issued; temporary authorization granted only.
[5] Leases terminated due to lack of production.
[6] By letter filed Mar. 21, 1969, Applicant agreed to accept certificate conditioned to Opinion No. 468, as modified by Opinion No. 468-A.
[7] Subject to deduction for compression and treating costs.
[8] Subject to deduction for compression, if buyer compresses gas.
[9] Includes 2-cent-per-Mcf transportation charge.
[10] Applicant proposes 21.25 cents per Mcf or area rate, whichever is higher.
[11] Well is no longer capable of producing gas and is now classified as an oil well.
[12] Applicant is willing to accept permanent certificate conditioned to an initial price of 17 cents per Mcf at 14.65 p.s.i.a., subject to adjustment for B.t.u. content.

FEDERAL HOME LOAN BANK BOARD

TRANS-WORLD FINANCIAL CO.

Notice of Receipt of Application for Permission To Acquire Control of Loyalty Savings and Loan Association

MAY 21, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Trans-World Financial Co., Beverly Hills, Calif., for permission to acquire control of Loyalty Savings and Loan Association, Sacramento, Calif., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition is to be effected by the exchange of at least 67 percent of the outstanding stock of Loyalty Savings and Loan Association for Trans-World Financial Co.'s stock. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-6128; Filed, May 23, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 711]

ALASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Cordova, Alaska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city, suffered damage or destruction resulting from fires occurring on May 10, 1969.

OFFICE

Small Business Administration Regional Office, Suite 450, 632 Sixth Avenue, Anchorage, Alaska 99501.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 15, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-6193; Filed, May 23, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MAY 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 21, 1969, through May 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6196; Filed, May 23, 1969; 8:46 a.m.]

[70-4752]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Proposed Acquisition of Notes and Capital Stock of Subsidiary Companies, Open Account Advances to Subsidiary Companies, Issue and Sale of Commercial Paper and Short-term Notes to Banks, and Extension of Maturity of Construction Bank Loan by Holding Company

MAY 20, 1969.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary companies, Consolidated Gas Supply Corp. ("Gas Supply"), The East Ohio Gas Co. ("East Ohio"), The Peoples Natural Gas Co. ("Peoples"), The River Gas Co. ("River"), and West Ohio Gas Co. ("West Ohio"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are refered to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to make loans aggregating up to $50 million to the subsidiary companies set forth below, for the purpose of financing plant construction expenditures. The proposed loans will be initially made in the form of open account advances, payable on or before December 31, 1969, and will bear interest at the lowest prime rate available to Consolidated in the city of New York on the date of the first advance to the respective subsidiary company. Consolidated plans to issue and sell debentures during 1969, and, following such sale, the open account advances outstanding to subsidiary companies at that time will be converted into long-term notes of such subsidiary companies, and, thereafter, Consolidated's loans to subsidiary companies in 1969 for construction will be evidenced by long-term notes of such subsidiary companies. The subsidiary companies purpose to issue to Consolidated, and Consolidated proposes to acquire, such long-term notes, which will bear interest at a rate substantially equal to the effective cost of money to Consolidated through the issuance and sale of its debentures in 1969, in principal amounts set forth below. The long-term notes will be repaid in equal installments during the years 1974 to 1993, with the remaining notes to mature in 1994.

Consolidated also proposes to issue and sell up to $55 million of short-term notes to 41 banks during 1969. Such notes will bear interest at the prime commercial rate in effect from time to time at The Chase Manhattan Bank, with changes in the interest rate becoming effective on the business day following the corresponding change in the prime rate at that bank. Prepayments may be made in whole or in part, from time to time, upon 5 days' notice, without penalty or premium. The notes will mature not more than 12 months from the date of the first borrowing. The proceeds will be used to finance the seasonal increase in gas storage inventories of subsidiary companies.

Consolidated proposes to make open account advances to its subsidiary companies aggregating up to $55 million for gas storage inventories, payable not more than 12 months from the first advance to each such subsidiary company. The advances to subsidiary companies will bear interest at the same rate as the related borrowings by Consolidated and will be made in amounts as set forth below. Consolidated further proposes to make open account advances of $15 million on similar terms to subsidiary companies for the purpose of supplying them with working capital. The principal amounts of the open account advances are also set forth below.

In addition, Consolidated proposes to extend for a period of 1 year (to Oct. 25, 1970) the maturity of its construction bank loan for $20 million authorized by order of the Commission on June 16, 1966 (Holding Company Act Release No. 15504), and previously extended on October 6, 1967 (Holding Company Act Release No. 15866). Such loan will bear interest at the prime commercial rate in effect from time to time at The Chase Manhattan Bank, with changes in the interest rate becoming effective on the business day following the corresponding change in the prime rate at that bank. Prepayments may be made, in whole or in part, from time to time, upon 5 days' notice, without penalty or premium. In connection with such loan, Consolidated proposes to extend for 1 year the October 25, 1969, maturity of the outstanding balance of open account construction advances made in 1966 pursuant to said order of the Commission to such subsidiary companies at the rate of interest to be paid by Consolidated with respect to the extension of the maturity of its related construction bank loan, as indicated in the table below.

Subsidiary company	Advances for construction purposes to be converted into long-term notes	Advances for seasonal increase in gas storage inventories	Advances for working capital requirements	Outstanding advances for construction purposes
Gas Supply	$34,800,000	$32,000,000	$3,500,000	$8,800,000
East Ohio	4,900,000	17,000,000	2,500,000	5,500,000
Peoples	8,500,000	6,000,000	2,500,000	5,500,000
West Ohio	1,500,000		500,000	
River	300,000			200,000
Total	50,000,000	55,000,000	15,000,000	20,000,000

Consolidated further proposes to acquire, and the subsidiary companies set forth below propose to issue and sell to Consolidated, capital stock up to the following amounts at the par value thereof:

Subsidiary company	Number of shares	Aggregate par value
Gas Supply	27,000 ($100 par)	$2,700,000
East Ohio	62,000 ($50 par)	3,100,000
Peoples	15,000 ($100 par)	1,500,000
Total		7,300,000

The proceeds derived from the proposed sale of stock will be used for construction purposes. Peoples proposes to increase its authorized capital stock from $51,635,000 to $56,635,000 so that after such increase its authorized capital stock will consist of 566,350 shares, par value $100. The subsidiary companies' plant expenditures for the year 1969 are estimated at $66,370,000 for Gas Supply, $26,505,000 for East Ohio, $14,030,000 for Peoples, $610,000 for River, and $1,350,000 for West Ohio.

Consolidated requests, for the period commencing on the granting of this application-declaration and ending May 15, 1970, that the exemption from section 6(a) of the Act afforded to it by section 6(b) thereof, relating to the issue and sale of short-term notes, be increased from 5 percent to 17 percent to permit Consolidated to have outstanding at any one time up to $85 million principal amount of short-term notes. This increase would permit Consolidated to have outstanding the commercial paper and/or bank notes described below plus $60 million of notes to banks previously authorized by the Commission (Holding Company Act Release No. 16090 (June 12, 1968)).

Consolidated proposes to issue and sell commercial paper, in the form of short-term promissory notes payable to bearer, in the aggregate face amount not to exceed $25 million outstanding at any one time to a dealer in commercial paper from time to time up to May 15, 1970. Such commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $1 million directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities sold to commercial paper dealers. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sale.

No commission or fee will be payable by Consolidated in connection with the issue and sale of such commercial paper notes. The dealer, as principal, will reoffer such notes at a discount not to exceed one-eighth of 1 percent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 100 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by the dealer, such paper will be reoffered to others in the group of 100 customers. The issue and sale of commercial paper is to provide up to $15 million for the making of working capital advances to subsidiary companies and up to $10 million for working capital requirements of Consolidated.

Consolidated proposes, to the extent that it becomes impracticable to issue such commercial paper, to borrow, repay, and reborrow from commercial banks, from time to time up to May 15, 1970, an aggregate principal amount not to exceed $15 million outstanding at any one time, at the prime commercial rate of interest in effect on the date of each borrowing, upon the promissory note or notes of Consolidated having a maturity date not more than 90 days from the date of each borrowing, and with the right of prepayment in whole or in part at any time or from time to time without prior notice and without premium. The amount of commercial paper notes and notes payable to commercial banks will not collectively exceed $25 million outstanding at any one time. The issue and sale of such bank notes is subject to further order of the Commission upon receipt of an amendment supplying the names of the lending banks.

Consolidated also requests exemption from the competitive bidding requirements of Rule 50 with respect to the commercial paper, stating that such commercial paper will have maturities of 9 months or less, that current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications, and that it is not practical to invite competitive bids for commercial paper. In addition, Consolidated proposes that the Rule 24 certificate of notification regarding the issue and sale of the commercial paper be filed on a quarterly basis.

The application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the proposed long-term and short-term borrowings of Gas Supply and that the Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio, River, and West Ohio. It is further stated that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to not exceed $5,750, including $5,000 for service company charges, at cost.

Notice is further given that any interested person may, not later than June 11, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6194; Filed, May 23, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

MAY 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co., a Nevada corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 20, 1969, through May 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6198; Filed, May 23, 1969; 8:46 a.m.]

[812-2398]

GENERAL INTERNATIONAL CORP.

Order Postponing Hearing

MAY 20, 1969.

General International Corp. has made application to the Securities and Exchange Commission pursuant to section 3(b)(2) of the Investment Company Act of 1940, for an order declaring that it has ceased to be an investment company within the meaning of the Act. By order of April 30, 1969 (Release IC-5668), the said application was scheduled for hearing on May 26, 1969. Upon request of company counsel, and without objection:

It is ordered, That the hearing is hereby postponed to June 11, 1969, at the same hour and place.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6197; Filed, May 23, 1969; 8:46 a.m.]

[812-2481]

GRAY LINE CORP.

Notice of and Order for Hearing on Application for Order Declaring That Company Is Not Investment Company

MAY 20, 1969.

Notice is hereby given that Gray Line Corp. ("Applicant"), 111 West Washington Street, Chicago, Ill. 60602, a New York corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses. The application, which appears to assume that under section 3(b)(2) of the Act the filing of the instant application has resulted in exempting Applicant for a period of 60 days from all provisions of the Act, also requests an order of the Commission extending the period of exemption until the Commission issues an order determining the status of Applicant pursuant to section 3(b)(2). All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

The Applicant states that it has a "majority stock interest in the Gateway National Bank of Chicago (66.2 percent)" and that its "'investment securities' (if any) are in Fifth Avenue Coach Lines, Inc., stock." Fifth Avenue Coach Lines, Inc., is registered as a closed-end, nondiversified management investment company under the Act.

The Applicant also states that its only income during the "last fiscal year came completely from dividends paid by Gateway National Bank of Chicago." It appears that Applicant contends that it is primarily engaged, directly or through majority-owned subsidiaries, in the business of a bank.

It appears to the Commission that it is appropriate in the public interest, and in the interest of investors that a hearing be held with respect to said application.

The Commission has been advised by the Division of Corporate Regulation that the Division is of the view that unless an application under section 3(b)(2) is filed in good faith, the 60 day exemption from all provisions of the Act provided by such section does not become operative.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provision of the Act and the rules of the Commission thereunder be held on the 16th day of June 1969 at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, his application as provided by Rule 9 of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. A copy of such application shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or in case of an attorney at law, by certificate) filed contemporaneously with the application.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the Applicant is an investment company within the meaning of section 3(a)(3) of the Act.

(2) Whether Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

(3) Whether Applicant, upon the filing of the instant application, became exempt for a period of 60 days from all provisions of the Act and, if so, whether the Commission should extend the period of exemption for an additional period or periods.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of such notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6195; Filed, May 23, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 837]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 21, 1969.

The following are notices of filing of applications for temporary authority under section 201a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 275 TA), filed May 15, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from Terre Haute, Ind., to points in Missouri, Kansas, Nebraska, and Colorado, for 180 days. Supporting shipper: HCA Food Corp., 8323 Pulaski Highway, Baltimore, Md. 21237. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 76987 (Sub-No. 6 TA), filed May 15, 1969. Applicant: ORVILLE C. BADGER TRUCKING CO., INC., 15 Lexington Avenue, New Haven, Conn.

06513. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials*, from the plant of National Gypsum Co. near Clarence Center, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, with *returned shipments* in return movement, for 150 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 115311 (Sub-No. 100 TA), filed May 14, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Clyde W. Carver, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, accessories and material, equipment and supplies used in the installation thereof*, from Marrero, La., to points in Georgia, Alabama, Mississippi, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, West Virginia, Missouri, Illinois, Indiana, Ohio, Pennsylvania, Maryland, District of Columbia and Delaware, for 30 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 118159 (Sub-No. 67 TA), filed May 14, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in *descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lubbock, Tex., to points in Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and Tennessee, for 180 days. Supporting shipper: Kain Cattle Co., Box 285, Lubbock, Tex. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 121158 (Sub-No. 2 TA), filed April 24, 1969. Applicant: WAGNER FREIGHT LINES, INC., 200 East 28th Street, Chattanooga, Tenn. 37410. Applicant's representative: Walter Harwood, Suite 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except household goods, commodities in bulk, and articles requiring special equipment), between the plantsite of the United States Stove Co. at Bridgeport, Ala., and South Pittsburg, Tenn., said authority to be tacked with applicant's present authority at South Pittsburg, Tenn. (also sought to be converted in this application) for movement to and from Chattanooga, Tenn., and for interchange with other carriers at that point; (2) *General commodities*, between Chattanooga and Palmer, Coalmont, and Tracy City, Tenn., as follows: From Chattanooga over Tennessee Highway 27 to its junction with Tennessee Highway 108 near Whitwell, Tenn., thence over Tennessee Highway 108 to its junction with Tennessee Highway 56, thence over Tennessee Highway 56 to Tracy City, Tenn., serving all intermediate points, and return over same route; also from Tracy City, Tenn., over Tennessee Highway 56 to its junction with U.S. Highway 41 to Chattanooga and return over same route, with closed doors between Monteagle and Chattanooga;

(3) *General commodities*, between Chattanooga and Pikeville, Tenn., as follows: From Chattanooga over Tennessee Highway 27 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to Pikeville, and return over same route, serving all intermediate points; (4) *General commodities*, between Chattanooga and Richard City, Tenn., over Tennessee Highway 27, serving all intermediate points; (5) *General commodities* (except liquid commodities in bulk, in tank vehicles, dry cement in bulk, and fertilizer in bulk), over the following routes: a. Between Chattanooga and Sewanee, Tenn., over U.S. Highway 64 serving all intermediate points; b. Between Chattanooga and Jasper, Tenn., over Tennessee Highway 27, serving all intermediate points; c. Between Pikeville and Jasper, Tenn., over Tennessee Highway 28, serving all intermediate points; d. Between Whitwell, Tenn., and Junction of Tennessee Highways 8 and 28, from Whitwell over Tennessee Highway 108 to its junction with Tennessee Highway 27, thence over Tennessee Highway 27 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with Tennessee Highway 8, and return over same route, serving all intermediate points, and operating over unnumbered Highway known as Whitwell-Dunlap Road about 1 mile south of Dunlap, Tenn., serving all intermediate points on said road; e. Between Junction Tennessee Highways Nos. 8 and 27 at or near Valdeau, Tenn., and Junction of Tennessee Highways Nos. 8 and 28 about 5 miles south of Dunlap, Tenn., over Tennessee Highway No. 8, serving all intermediate points; f. Between Junction of Tennessee Highways Nos. 150 and 27 about 1 mile north of Jasper, Tenn., and Tracy City, Tenn., over Tennessee Highway 150, serving all intermediate points;

g. Between Junction of Tennessee Highways Nos. 27 and 108 about 2 miles south of Whitwell, Tenn., and Junction of Tennessee Highways Nos. 56 and 108 about 2 miles west of Gruetli, Tenn., over Tennessee Highway 108, serving all intermediate points; h. Between Junction of Tennessee Highways Nos. 56 and 108 about 2 miles of Gruetli, Tenn., and Tennessee-Alabama State line about 1 mile south of Anderson, Tenn., over Tennessee Highway No. 56, serving all intermediate points; i. Between Junction U.S. Highway 64 and Tennessee Highways Nos. 134 and 156 at or near Guild, Tenn., and South Pittsburg, Tenn., over Tennessee Highway 156, serving all intermediate points; j. Between Junction U.S. Highway 64 and Tennessee Highways 134 and 156 at or near Guild, Tenn., and Tennessee-Georgia State line, about 2 miles east of Whitewise, Tenn., over Tennessee Highways 134 and 156, serving all intermediate points; k. Between Kimball, Tenn., and Tennessee-Alabama State line, over U.S. Highway 72, serving all intermediate points; l. Serving Bennett Lake on West Side of Tennessee River between Tennessee Highways Nos. 28 and 27, and U.S. Highway 64, as an off-route point, for 180 days. NOTE: Authority to be tacked with applicant's present authority at South Pittsburg, Tenn. (also to be converted in this application) for movement to and from Chattanooga, Tenn., and for interchange with other carriers at that point. Supporting shipper: United States Stove Co., South Pittsburg, Tenn. 37380. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commision, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 124078 (Sub-No. 382 TA), filed May 14, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible beef tallow*, in bulk, from Gastonia, N.C., to Marietta, Ga., for 150 days. Supporting shipper: North Chemical Co., Inc., Post Office Box 769, Marietta, Ga. 30060 (Brantly M. Callaway). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124679 (Sub-No. 23 TA), filed May 14, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Syracuse, N.Y., to that part of Pennsylvania west of a line drawn from north to south through the towns of Towanda, and Lebanon, Pa., for 180 days. NOTE: Applicant intends to tack with Sub 17. Supporting Shipper: Empire Freezers of Syracuse, Inc., Post Office Box 770, Syracuse, N.Y. 13201 (James Davitt, Vice-President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 126758 (Sub-No. 3 TA), filed May 14, 1969. Applicant: EUGENE J. GLOSIER AND LEROY F. SOMMER, a partnership doing business as GLOSIER SERVICE CO., Post Office Box 366, St. Charles, Mo. 63302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Peoria, Ill., and its commercial zone to Springfield, Mo., and its commercial zone, for 180 days. Supporting shipper: Stag Distributing Co., Post Office Box 3593 Glenstone Station, Springfield, Mo. 65804. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 128083 (Sub-No. 2 TA), filed May 15, 1969. Applicant: R. P. CARRIERS, INC., 7551 West 111th Street, Worth, Ill. 60482. Applicant's representative: James R. Madler, Suite 408, 189 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, fom Shelbyville, Ind., to Harvard, Dixon, and Chicago, Ill., and *fiberboard, corrugated containers, and interior packing forms*, from Chicago, Ill., to Shelbyville, Ind., for 180 days. Supporting shipper: Admiral Corp., 3800 Cortland Street, Chicago, Ill. 60647. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133436 (Sub-No. 1 TA), filed May 14, 1969. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 97, Venango, Nebr. 69168. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa and dehydrated alfalfa products*, from points in Nebraska on and west of U.S. Highway 281 to points in Colorado, Wyoming, and Kansas, for 180 days. Supporting shipper: Western Alfalfa Corp., 4800 Main, Kansas City, Mo. 64112. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133655 (Sub-No. 1 TA), filed May 15, 1969. Applicant: TRANS-NATIONAL TRUCK INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Jack Ahrens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, from Toccoa, Ga., to Atlanta, Ga., for 180 days. Supporting shipper: Western-Stickley, 3757 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-6221; Filed, May 23, 1969; 8:48 a.m.]

[Notice 350]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71329. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Laidlaw Transport, Ltd., a corporation, Hagersville, Ontario, Canada, of the operating rights in certificates Nos. MC-113784 (Sub-No. 7) and MC-113784 (Sub-No. 16) both issued April 10, 1969, to Canal Cartage (1968), Ltd., Hagersville, Ontario, Canada, authorizing the transportation of scrap metal, in dump-type vehicles, between ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., on the ohe hand, and, on the other, points in Chautauqua, Erie, and Niagara Counties, N.Y.; commodities in bulk (other than cement, dry sugar, and liquid commodities), in dump vehicles and in tank vehicles, between the above specified ports of entry, on the one hand, and, on the other, points in New York; urea and ammonium nitrate, cullet, grinding balls, pig iron, and scrap metal, from ports of entry in Michigan and New York, to points in Illinois, Indiana, Ohio, New Jersey, and Pennsylvania, and various other commodities from or to points in Michigan, New York, Illinois, Indiana, Ohio, and Pennsylvania through ports of entry in Michigan and New York. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-71330. By order of May 13, 1969, the Motor Carrier Board approved the transfer to Western Milk Transport, Inc., Tulare, Calif., of the corrected certificate of registration in No. MC-121626 issued November 12, 1968, to Kings County Truck Lines, a corporation, Tulare, Calif., evidencing a right to engage in transportation in interstate commerce corresponding to the grant of authority in certificate No. 73891, dated March 26, 1968, as amended July 16, 1968, issued by the California Public Utilities Commission. Marvin Handler, Handler, Baker & Greene, 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-71351. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Atlantic Interstate Messengers, Inc., Greenwich, Conn., of the operating rights in certificate No. MC-123797 (Sub-No. 1) issued August 3, 1967, to Theodore Pachios, doing business as Atlantic Interstate Messengers, Greenwich, Conn., authorizing the transportation, over irregular routes, of general commodities in packages or parcels not exceeding 50 pounds each in weight, limited to shipments weighing in the aggregate not more than 100 pounds from one consignor at one location to one consignee at one location at any one time, in express service, between points in Fairfield County, Conn., on the one hand, and, on the other, points in Massachusetts, New Jersey (except Newark, N.J., Airport), Rhode Island, the District of Columbia, and points in those parts of Pennsylvania and New York (except La Guardia Airport and New York International, Kennedy Airport, formerly Idlewild Airport) on and east of U.S. Highway 15, restricted against the transportation of (1) non-negotiable instruments, commercial papers, cash letters, and checks moved therewith on behalf of banks and banking institutions, (2) negotiable instruments, currency, or bullion, and (3) classes A and B explosives. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, representative for applicants.

No. MC-FC-71355. By order of May 12, 1969, the Motor Carrier Board approved the transfer of the stock, and control of the brokerage operations in No. MC-12319, High Adventure Tours, Inc., Mechanicville, N.Y., to Syratour Corp., and TTS Holding Corp., Waterford, N.Y., covering the transportation of passengers and their baggage, and the arrangement of such transportation as a broker, at specified points in New York, and extending between points in New York, Vermont, New Hampshire, Massachusetts, and a portion of Pennsylvania, on the one hand, and, on the other, points in the United States. James H. Glavin III, Post Office Box 40, Waterford, N.Y. 12188, attorney for applicants.

No. MC-FC-71361. By order of May 9, 1969, the Motor Carrier Board approved the transfer to William L. Emmel, doing business as Noyce Transfer Co., 2820 East 4135 South, Salt Lake City, Utah 84117, of the certificate of registration in No. MC-120529 (Sub-No. 1), issued December 20, 1963, to Jack W. Noyce, doing business as Noyce Transfer Co., 736 West Third South, Salt Lake City, Utah 84104, authorizing the transportation of general commodities between points in a described area of Utah.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-6222; Filed, May 23, 1969; 8:48 a.m.]

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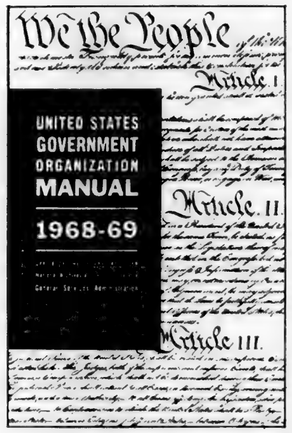

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Title 3—THE PRESIDENT

Executive Order 11469

EXTENDING THE LIFE OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11412 of June 10, 1968, entitled "Establishing a National Commission on the Causes and Prevention of Violence", is hereby amended by substituting for the last sentence thereof the following: "The Commission shall terminate thirty days following the submission of its final report or on December 10, 1969, whichever is earlier."

Richard Nixon

THE WHITE HOUSE,
May 23, 1969.

[F.R. Doc. 69-6373; Filed, May 26, 1969; 10:54 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that the positions of Deputy Director (Policy and Plans), and Associate Director (Policy and Plans), are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (g) and (h) are added to § 213.3328 as set out below.

§ 213.3328 U.S. Information Agency.

• • • • • •

(g) Deputy Director (Policy and Plans).

(h) Associate Director (Policy and Plans).

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6267; Filed, May 26, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (d) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

• • • • • •

(d) *Office of the Assistant Secretary for Metropolitan Development.* • • •

(15) Deputy Assistant Secretary for Metropolitan Development.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6268; Filed, May 26, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Chauffeur to the Secretary and one position of Chauffeur to the Under Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (14) and (15) are added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(14) One Chauffeur to the Secretary.

(15) One Chauffeur to the Under Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6285; Filed, May 26, 1969; 8:49 a.m.]

PART 451—INCENTIVE AWARDS

Miscellaneous Amendments

Sections 451.201, 451.302, and 451.303 are amended to provide a new scale of incentive awards, and to require use of normal management review processes for identification of contributions warranting award consideration.

§ 451.201 Agency plans.

• • • • • •

(c) *Agency administration.* • • •

(5) Use of the normal management review processes for identification of program areas with superior results that warrant award consideration, and use of this data by management to obtain award recommendations for employees who have made a significant contribution to program success.

(d) *Award over $5,000.* An agency head may not grant a cash award above $5,000 without prior approval of the Commission. The maximum cash award is $25,000.

§ 451.302 Cash award, tangible benefits.

(a) *The award.* An agency may grant an employee a cash award for a contribution that exceeds job requirements and that results in tangible benefits exceeding a minimum level selected by the agency. The amount of the award is based on the estimated net money benefit for the first year the contribution is used, and is determined by the table in paragraph (c) of this section, except that an agency head for special reasons may decide a different amount is justified. He shall document his reasons in support of the different amount.

(b) *Optional minimum award levels.* (1) Three minimum award levels are provided to allow agencies to choose the minimum level which would be most appropriate to the circumstances in which the agency operates. The minimum award level selected by the agency must be incorporated in the agency plan.

(2) The optional minimum award levels are:

	Minimum award	Based on minimum tangible benefits totaling
Option A	$25	$250
Option B	50	500
Option C	100	1,000

A cash award shall not be granted for a contribution which does not meet the minimum award level selected by the agency. A cash award at the rate shown in paragraph (c) of this section shall be granted for a contribution which meets the minimum award level selected by the agency.

(c) *Award scale.* The amount of a cash award for tangible benefits shall be based on the following table, except when a different amount is justified for special reasons.

Tangible benefits	*Amount of award*
$250–$1,000	Minimum award in accord with agency plan, plus $5 for each additional $50 of tangible benefits, or fraction thereof, above the minimum benefits required by agency plan.
$1,001–$10,000	$100 for the first $1,000 in benefits plus $5 for each additional $100 or fraction thereof.
$10,001–$20,000	$550 for the first $10,000 in benefits plus $5 for each additional $200, or fraction thereof.
$20,001–$100,000	$800 for the first $20,000 in benefits plus $5 for each additional $1,000, or fraction thereof.
$100,001 or more	$1,200 for the first $100,000 in benefits plus $5 for each additional $5,000 or fraction thereof.

§ 451.303 Cash award, intangible benefits.

• • • • • •

(b) *Amount of award.* The amount of a cash award under this section shall be

based on the benefit or value of the contribution to Government operations, considering the extent and scope of the contribution, its significance, and the importance of the programs it affects. The minimum cash award is the same for either tangible or intangible benefits. The minimum award for intangible benefits may be granted when the contribution compares favorably with the minimum level of tangible benefits selected by the agency under § 451.302.

(c) *Award scale.* The amount of a cash award must be based on the table below, except that the head of an agency may specify in his agency's award plan a lesser award amount that must be used.

EXTENT OF APPLICATION

Value of benefit	Limited	Extended	Broad	General
	Affects functions, mission, or personnel of one office, facility, installation, or an organizational element of a headquarters. Affects a small area of science or technology.	Affects functions, mission, or personnel of several offices, facilities, or installations. Affects an important area of science or technology.	Affects functions, mission, or personnel of an entire regional area or command. May be applicable to all of an independent agency or a large bureau. Affects a broad area of science technology.	Affects functions, mission, or personnel of several regional areas or commands, or an entire department or large independent agency, or is in the public interest throughout the Nation or beyond.
Moderate value. Change or modification of an operating principle or procedure which has moderate value sufficient to meet the minimum standard for a cash award; an improvement of rather limited value of a product, activity, program, or service to the public.	25-50[1]	50-100	100-200	200-400
Substantial value. Substantial change or modification of an operating principle or procedure; an important improvement to the value of a product, activity, program, or service to the public.	50-100	100-200	200-400	400-1000
High value. Complete revision of a basic principle or procedure; a highly significant improvement to the value of a product, major activity, or program, or service to the public.	100-200	200-400	400-1000	1000-2500
Exceptional value. Initiation of a new principle or major procedure; a superior improvement to the quality of a critical product, activity, program, or service to the public.	200-400	400-1000	1000-2500	2500-5000[2]

1. The minimum award for tangible benefits can be granted only when the benefits reach or exceed $250. The minimum award for intangible benefits should require a comparably high standard. In determining cash awards for contributions with intangible results, the value to the Government must be comparable to those contributions receiving equivalent awards on the basis of tangible results.
2. Awards in excess of $5,000 must be certified to the U.S. Civil Service Commission for approval.

(5 U.S.C. 4506)

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6284; Filed, May 26, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

FOREIGN NURSERIES CERTIFIED AS PRODUCING SPECIFIED DISEASE-FREE MATERIAL

Pursuant to § 319.37-28 of the regulations supplemental to the Nursery Stock, Plants, and Seeds Quarantine (Notice of Quarantine No. 37, 7 CFR 319.37-28), issued under the authority of sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162), administrative instructions designated as § 319.37-28a (7 CFR 319.37-28a, 34 F.R. 5373) are hereby revised to read as follows:

§ 319.37-28a Administrative instructions designating foreign nurseries eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States.

The following nurseries have been designated by the Director of the Plant Quarantine Division as eligible to ship disease-free Malus, Prunus and Pyrus material to the United States.

BRITISH NURSERIES

Blackmoor Estate, Ltd.; Blackmoor, Liss, Hampshire, England.

Brinkman Bros., Ltd., Walton Nurseries; Bosham, Chichester, Sussex, England.

Coates Co., Ltd., The Firs; Emneth, Wisbech, Cambs., England.

Darby Bros., Broad Fen Farm; Methwold Hythe, Thetford, England.

East Malling Research Station; Maidstone, Kent, England.

Hammond, D. H.; Ware Street, Bearsted, Maidstone, Kent, England.

Hilling, T. & Co., Ltd., The Nurseries; Chobham, Woking, Surrey, England.

Lauritzen, H., Epping Green Orchard; Epping, Essex, England.

Long Ashton Research Station; University of Bristol, Long Ashton, Bristol, England.

Matthews, F. P., Ltd.; Berrington Court, Tenbury Well, Worcestershire, England.

Matthews Fruit Trees Ltd.; Thurston, Bury St. Edmunds, Suffolk, England.

Roger, R. V., Ltd., The Nurseries; Pickering, Yorkshire, England.

CANADIAN NURSERIES

Blue Mountain Nurseries & Orchards Ltd.; Clarksburg, Ontario, Canada.

Brookdale-Kingsway Ltd.; 145 Duke Street, Bowmanville, Ontario, Canada.

Byland's Nursery; Rural Route No. 1, Westbank, British Columbia, Canada.

Day Nursery; Rural Route No. 4; Kelowna, British Columbia, Canada.

Downham, H. C., Nursery Co., Ltd.; Strathroy, Ontario, Canada.

Hertel Gagnon; Compton, Quebec, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

V. Kraus Nurseries, Ltd.; Carlisle, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4, Kelowna, British Columbia, Canada.

Oliver Nursery; Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Department of Agriculture; Ottawa, Ontario, Canada.

Reimer's Nursery; 4586 Dyke Road, Yarrow, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Saanichton, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Department of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Vineland Station, Ontario, Canada.

Hans Rhenisch, Fairview Orchards Ltd.; Keremeos, British Columbia, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Bros. Nurseries, Ltd.; 1546 Bernard Avenue, Kelowna, British Columbia, Canada.

Traas Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

Western Ontario Fruit Testing Association; Harrow, Ontario, Canada.

DUTCH NURSERIES

Gebroeders Janssen; Nederweert, Limburg, Netherlands.

Jan Kloosterhuis en Zoon; Winschoten, Groningen, Netherlands.

F. Kuiper; Veendam, Groningen, Netherlands.

Gebroeders Oosterwijk; Sappemeer, Groningen, Netherlands.

J. J. Saes; Nederweert, Limburg, Netherlands.

Firma P. Slits-Brouns; Venray, Limburg, Netherlands.

Plantenziektekundige Dienst; Wageningen, Netherlands.

GERMAN NURSERIES

W. Bornholdt, Baumschulen; 2082 Tornesch, West Germany.

H. Cordes, Baumschulen; 2 Wedel/Holstein, West Germany.

H. Neuhoff, Baumschulen; 2084 Rellingen, Ellerbeker Weg 4-6, West Germany.

Claus Stahl, Baumschulen; 2082 Tornesch, Ahrenloher Strasse, West Germany.

G. Strobel & Co., Baumschulen; 20 Pinneberg, Wedeler Weg, West Germany.

F. Timmermann KG., Baumschulen; 2 Wedel/Holstein, West Germany.

Walther Uhl, Baumschulen; 208 Kummerfeld Krs. Pinneberg, West Germany.

W. Walper, Baum- und Rosenschulen; 2082 Uetersen, Lesekampstr 11, West Germany.

Hans Wunderlich, Obstbaumschulen; 208 Pinneberg, Schulenhorn 10, West Germany.

(Secs. 7, 9, 37 Stat. 317, 318; 7 U.S.C. 160 162; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.37-28)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

These instructions add 3 additional Canadian nurseries and 7 nurseries from the Netherlands and 9 nurseries from West Germany to the list of nurseries designated as eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States. Section 319.37-28 of the regulations provides for such designation of nurseries certified by the plant protection service of the country of origin as producing such material from parent plants that have been tested and found to be free of significant diseases, when such certification is satisfactory to the Director of the Plant Quarantine Division. Such admissible material may enter under permit. The above list includes all foreign nurseries that have been certified to date by their respective plant protection services as fulfilling the prescribed conditions.

Determination of the satisfactory compliance of the listed nurseries with the conditions imposed by § 319.37-28 depends entirely upon facts within the knowledge of the Department of Agriculture. These instructions relieve a restriction and in order to be of maximum benefit to persons desiring to import this material, they should be made effective promptly. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on the instructions are impracticable and unnecessary and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 21st day of May 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-6263; Filed, May 26, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 276, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.576 (Valencia Orange Reg. 276, 34 F.R. 7697) are hereby amended to read as follows:

§ 908.576 Valencia Orange 276.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 588,000 cartons;

(ii) District 2: 437,000 cartons;

(iii) District 3: 225,000 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 22, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6266; Filed, May 26, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-EA-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Dover, Del. control zone (34 F.R. 4577).

The Dover Airpark has been abandoned and therefore its exclusion from the control zone is no longer necessary.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Dover, Del. control zone the phrase "excluding a 1-mile radius of the center 39°11'15" N., 75°32'00" W. of Dover Airpark, Dover, Del.,".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on 15 May, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6252; Filed, May 26, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Fort Devens, Mass., control zone (34 F.R. 5430).

The Fort Devens, Mass., control zone description includes a reference to the Ayer, Mass., radio beacon. The name of the facility has been changed to Devens radio beacon and requires alteration of the Fort Devens, Mass., control zone to reflect this change.

Since the amendment is editorial in nature, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Fort Devens, Mass., control zone, "Ayer, Mass., RBN" and insert in lieu thereof "Devens, RBN".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on 15 May, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6253; Filed, May 26, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9606; Amdt. 95-180]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective June 26, 1969 as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Chattanooga, Tenn., VOR; Georgetown INT, Tenn.; 3,000.
Crossville, Tenn., VOR; Little Tennessee, Tenn.; 5,000.
Etowah INT, Tenn.; Knoxville, Tenn., VOR; *4,000. *3,200—MOCA.
Georgetown INT, Tenn.; *Etowah INT, Tenn.; 3,500. *5,500—MCA Etowah INT, southeastbound.
Laurel, Miss., VOR; Louin INT, Miss.; *2,300. *18,000—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Beatty, Nev., VORTAC; Lee INT, Nev.; *15,000. Via BTY R 115 and LAS R 267. *13,100—MOCA.
Flaxman, Alaska, NDB; Barter Island, Alaska, NDB; *2,000. *1,200—MOCA.
Lee INT, Nev.; *Las Vegas, Nev., VORTAC; eastbound, 7,000; westbound, 13,000; *10,200—MCA Las Vegas VORTAC westbound.
Lonley, Alaska, NDB; Oliktok, Alaska, NDB; *2,000. *1,300—MOCA.
Oliktok, Alaska, NDB; Flaxman, Alaska, NDB; *2,000. *1,300—MOCA.
Point Barrow, Alaska, NDB; Lonley, Alaska, NDB; *2,000. *1,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Fairbanks, Alaska, LFR; Beaver INT, Alaska; *7,000. *5,300—MOCA.
Gainesville, Fla., VOR; Navy Cecil Field, Fla., VOR; *2,000. *1,900—MOCA.
Greenhead INT, Fla.; Marianna, Fla., VOR; 2,000.
Homestead, Fla., VOR; Harvey INT, Fla.; *1,500. *1,300—MOCA.
Juniper INT, Alaska; Flaxman Island, Alaska, NDB; 2,000.
Prudhoe Bay, Alaska, NDB; Hills INT, Alaska; *3,000. *1,200—MOCA.
Prudhoe Bay, Alaska, NDB; Toolik INT, Alaska; 3,000.
Sagwan, Alaska, NDB; Juniper INT, Alaska; 4,000.
*Sagwan, Alaska, NDB; Prudhoe Bay, Alaska, NDB; 4,000. *4,000—MCA Sagwan NDB, southeastbound.

Bahama Routes is amended to read in part:

4 Lima:
Nassau, Bahama, RBN; King INT, Bahama; *2,000. *1,400—MOCA.

Puerto Rico Routes

Route 11:
*Ponce, P.R., VOR; Vega INT, P.R.; 5,000. *3,500—MCA Ponce VOR, northbound.
*Vega INT, P.R.; San Juan, P.R., VORTAC; 2,500. *5,000—MCA Vega INT, southbound.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Mullan Pass, Mont., VOR; Alberton DME Fix, Mont.; *9,600. *9,300—MOCA.
Alberton DME Fix, Mont.; Missoula, Mont., VOR; 9,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **2,000. *3,000—MRA. **1,300—MOCA.
Bunnell INT, Fla.; St. Augustine INT, Fla.; *2,000. *1,200—MOCA.
St. Augustine INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Hill City INT, Idaho, via N alter.; *Kinzie INT, Idaho, via N alter.; **12,500. *11,200—MCA Kinzie INT, northwestbound. **9,200—MOCA.
Kinzie INT, Idaho, via N alter.; Burley, Idaho, VOR, via N alter.; *8,000. *7,000—MOCA.
Boise, Idaho, VOR via S alter.; Canyon Creek INT, Idaho; via S alter.; 7,000.
Canyon Creek INT, Idaho, via S alter.; Jerome INT, Idaho, via S. alter.; 8,000.
Jerome INT, Idaho, via S alter.; Burley, Idaho, VOR via S alter.; 6,500.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Dublin, Ga., VOR via W alter.; Macon, Ga., VOR via W alter.; 2,300.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Birmingham, Ala., VOR; Johney INT, Ala.; *2,800. *2,200—MOCA.
Johney INT, Ala.; Muscle Shoals, Ala., VOR; *2,700. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Trimble INT, Ala., via E alter.; *2,800. *2,200—MOCA.
Trimble INT, Ala., via E alter.; Rountree INT, Ala., via E alter.; *3,000. *2,300—MOCA.
Rountree INT, Ala., via E alter.; Muscle Shoals, Ala., VOR via E alter.; *2,400. *2,000—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to delete:

Scotland, Ind., VOR via E alter.; Paragon INT, Ind., via E alter.; *2,600. *2,200—MOCA.
Paragon INT, Ind., via E alter.; Brooklyn INT, Ind., via E alter.; *2,400. *2,200—MOCA.
Brooklyn INT, Ind., via E alter.; Indianapolis, Ind., VOR via E alter.; *2,400. *2,000—MOCA.
Scotland, Ind., VOR via W alter.; Cloverdale INT, Ind., via W alter.; *2,600. *2,100—MOCA.
Cloverdale INT, Ind., via W alter.; Indianapolis, Ind., VOR via W alter.; *2,500. *2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

*Grabill INT, Ind.; Edgerton INT, Ohio; **3,000. *4,000—MRA. **2,600—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Union INT, Iowa, via E alter.; Ackley INT, Iowa, via E alter.; *3,000. *2,400—MOCA.
Ackley INT, Iowa, via E alter.; Mason City, Iowa, VOR via E alter.; *3,000. *2,500—MOCA.
Lufkin, Tex., VIR via E alter.; Logansport INT, La., via E alter.; *5,500. *1,700—MOCA.
Lydia INT, Minn., via W alter.; Minneapolis, Minn., VOR via W alter.; *2,500. *2,100—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Independence INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; *3,500. *1,800—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Sweetwater INT, Tenn., via S alter.; Knoxville, Tenn., VOR via S alter., *3,000. *2,400—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR; *Redwood INT, Miss.; **2,000. *3,800—MOCA. **1,900—MOCA.
Redwood INT, Miss.; *Flora INT, Miss.; **2,000. *3,600—MRA. **1,400—MOCA.
Girard INT. La., via N alter.; *Phoenix INT, Miss., via N alter.; 2,300. *2,800—MRA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Palacios, Tex., VOR via N alter., Rosenberg INT, Tex., via N alter.; *2,000. *1,400—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Ventura, Calif., VOR; Henderson INT, Calif.; *5,000. *4,800—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Albany, Ga., VOR; Macon, Ga., VOR; *2,000. *61,800—MOCA.
Anderson, S.C., VOR; Clemson INT, S.C.; 2,500.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Flint, Mich., VOR via E alter.; Bloomer INT, Mich., via E alter.; *3,000. *2,500—MOCA.

Section 95.6049 *VOR Federal airway 49* is amended to read in part:

Vanleer INT, Tenn.; Thomasville INT, Tenn.; *4,000. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **2,000. *3,000—MRA. **1,300—MOCA.
Bunnell INT, Fla.; St. Augustine INT, Fla.; *2,000. *1,200—MOCA.
St. Augustine INT, Fla.; Jacksonville, Fla., VOR; 2,000.
Georgetown INT, Tenn.; Norma INT, Tenn.; 3,000.
Norma INT, Tenn.; Crossville, Tenn., VOR; 5,000.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Crandall INT, Ga.; Murphy INT, N.C.; *7,000. *6,000—MOCA.
Murphy INT, N.C.; Harris, Ga., VOR; *7,000. *5,700—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Augusta, Ga., VOR; Columbia, S.C., VOR; 2,300.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Abilene, Tex., VOR; Clyde INT, Tex.; 3,200.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Hobbs, N. Mex., VOR via S alter.; Goldsmith INT, Tex., via S alter.; *5,200. *5,000—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Biscoe INT, Ark.; Hillemann INT, Ark.; *3,000. *1,700—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended by adding:

Eufaula, Ala., VOR; via N alter.; Macon, Ga., VOR via N alter.; *3,000. *2,000—MOCA.
Macon, Ga., VOR via N alter.; Dublin, Ga., VOR via N alter.; 2,300.
Dublin, Ga., VOR via N alter.; Oconee INT, Ga., via N alter.; *2,000. *1,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

*Butler INT, Tex.; Paige INT, Tex.; **2,500. *3,000—MRA. **1,700—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Shep INT, Tex.; Abilene, Tex., VOR; 3,800.
*Wichita Falls, Tex., VOR; Fort Sill INT, Okla.; **2,900. *3,000—MCA Wichita Falls VOR, southwestbound. **2,500—MOCA.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

Hobbs, N. Mex., VOR; *Welch INT, Tex.; **7,000. *7,000—MRA. **5,400—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR via E alter.; *Palo Duro INT, Tex., via E alter.; **5,000. *8,500—MRA. **4,800—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Farmington, Minn., VOR; Rochester, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Bethany INT, Tex.; Elm Grove, La., VOR; *1,800. *1,500—MOCA.
Elm Grove, La., VOR; Jamestown INT, La.; *1,800. *1,500—MOCA.

Section 95.6096 *VOR Federal airway 96* is amended by adding:

Waterville, Ohio, VOR; United States-Canadian border; 3,000.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; Kinzie INT, Idaho; *8,000. *700—MOCA.
Kinzie INT, Idaho; Int 305° M rad, Burley VOR and 269° M rad, Pocatillo VOR; *12,500. *9,200—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended by adding:

Chattanooga, Tenn., VOR via W alter.; Sweetwater INT, Tenn., via W alter; 3,000. Sweetwater INT, Tenn., via W alter.; Knoxville, Tenn., VOR via W alter.; *3,000. *2,400—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Chattanooga, Tenn., VOR; Knoxville, Tenn., VOR; 3,000.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Whitman, Mass. VOR; Skipper INT, Mass.; *2,000. *1,400—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Dayton INT, Md.; Woodstock INT, Md.; 6,000.
Woodstock INT, Md.; Towson INT, Md.; 7,000.
Dyersburg, Tenn., VOR; Burns INT, Tenn.; *3,500. *2,300—MOCA.
Burns INT, Tenn.; Nashville, Tenn., VOR; 3,000.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Ipswich INT, Mass.; Manchester, N.H., VOR; *2,500. *1,900—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Macon, Ga., VOR; Dublin, Ga., VOR; 2,300.
Dublin, Ga., VOR; Oconee INT, Ga.; *2,000. *1,700—MOCA.
Oconee INT, Ga.; Lotts INT, Ga.; 2,000.
Lotts INT, Ga.; Savannah, Ga., VOR; *2,000. *1,500—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Alma, Ga., VOR; Allendale, S.C., VOR; 2,000.
Allendale, S.C., VOR; Vance, S.C., VOR; 2,000.

Section 95.6158 *VOR Federal airway 158* is amended to read in part:

Savanne INT, Ill.; *Wacker INT, Ill.; **2,700. *4,000—MRA. **2,000—MOCA.
Wacker INT, Ill.; Polo, Ill., VOR; *2,700. *2,000—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Louisville, Ky., VOR via N alter.; Martinsburg, INT, Ind., via N alter.; 2,900.
Martinsburg INT, Ind., via N alter.; Livonia INT, Ind., via N alter.; *2,700. *2,000—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Stevens Point, Wis., VOR; Duluth, Minn., VOR; *6,000. *3,000—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Stevens Point, Wis., VOR; Wausau, Wis., VOR; *3,000. *2,500—MOCA.
Wausau, Wis., VOR; Duluth, Minn., VOR; *6,000. *3,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Brookley, Ala., VOR; Saufley, Fla., VOR; *2,000. *1,400—MOCA.
Saufley, Fla., VOR; Crestview, Fla., VOR; *2,000. *1,500—MOCA.

Section 95.6209 *VOR Federal airway 209* is amended to read in part:

Birmingham, Ala., VOR; Trimble INT, Ala.; *2,800. *2,200—MOCA.
Trimble INT, VOR; Rountree INT, Ala.; *3,000. *2,300—MOCA.
Rountree INT, Ala.; Decatur, Ala., VOR; *3,000. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Decatur, Ala., VOR via E alter.; *3,000. *2,600—MOCA.
Birmingham, Ala., VOR via, W alter.; Johney INT, Ala., via W alter.; *2,800. *2,200—MOCA.
Johney INT, Ala., via W alter.; Decatur, Ala., VOR via W alter.; *3,000. *2,100—MOCA.
Decatur, Ala., VOR; Tanner INT, Ala.; *2,500. *2,000—MOCA.
Tanner INT, Ala.; Graham, Tenn., VOR; *3,000. *2,200—MOCA.
Graham, Tenn., VOR; Vanleer INT, Tenn.; *3,000. *2,200—MOCA.
Vanleer INT, Tenn.; Thomasville INT, Tenn.; *4,000. *2,200—MOCA.
Thomasville INT, Tenn.; Bowling Green, Ky., VOR; 3,000.

Section 95.6214 *VOR Federal airway 214* is amended to read:

Richmond, Ind., VOR; *Liberty INT, Ohio; 2,700. *3,000—MCA Liberty INT, northbound.
Int, 238° M rad, Appleton, Ohio, VOR and 277° M rad; Zanesville, Ohio, VOR; 3,000.
Zanesville, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.
Bellaire, Ohio, VOR; Allegheny, Pa., VOR; 3,000.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Charlotte INT, Iowa; *Wacker INT, Ill.; **4,000. *4,000—MRA. **2,200—MOCA.
Wacker INT, Ill.; Janesville, Wis., VOR; *2,700. *2,000—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

Missoula, Mont., VOR; Arlee DME Fix, Mont.; 9,200.
Arlee DME Fix, Mont.; *Charlo INT, Mont.; **11,000. *11,000—MCA Charlo INT, southbound. **10,000—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Bowling Green, Ky., VOR; Cloverport INT, Ky.; *2,800. *2,100—MOCA.
Cloverport INT, Ky.; Apalona INT, Ind.; *4,000. *1,800—MOCA.
Alma, Ga., VOR via E alter.; Vienna, Ga., VOR via E alter.; *2,100. *1,800—MOCA.
Vienna, Ga., VOR via E alter.; Macon, Ga., VOR via E alter.; *2,000. *1,800—MOCA.

Section 95.6246 *VOR Federal airway 246* is added to read:

Nodine, Wis., VOR; Milliston INT, Wis.; *3,000. *2,800—MOCA.

Milliston INT, Wis.; Stevens Point, Wis., VOR; *2,900. *2,400—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Roy INT, Fla.; Shand INT, Fla.; *2,500. *1,200—MOCA.
Shand INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Gadsden, Ala., VOR via N alter.; Hobbs INT, Ala., via N alter.; *3,000.
Hobbs INT, Ala., via N alter.; Decatur, Ala., VOR via N alter.; *3,000. *2,600—MOCA.

Section 95.6330 *VOR Federal airway 330* is amended by adding:

Kinzie INT, Idaho; Alkali INT, Idaho; *8,000. *7,800—MOCA.

Section 95.6332 *VOR Federal airway 332* is amended to read in part:

Mount Pleasant, Mich., VOR; Lansing, Mich., VOR; *2,600. *2,300—MOCA.

Section 95.6337 *VOR Federal airway 337* is amended to read in part:

Bloomer INT, Mich.; Saginaw, Mich., VOR; *3,000. *2,500—MOCA.

Section 95.6345 *VOR Federal airway 345* is amended to read:

Dells, Wis., VOR; Milliston INT, Wis.; *3,500. *2,400—MOCA.
Milliston INT, Wis.; Eau Claire INT, Wis.; *3,500. *3,300—MOCA.

Section 95.6484 *VOR Federal airway 484* is amended by adding:

Kinzie INT, Idaho; Twin Falls, Idaho, VOR; *8,000. *7,400—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Hollister INT, Calif.; Gilroy INT, Calif.; *6,000. *4,000—MOCA.
Gilroy INT, Calif.; Lick INT, Calif.; *5,000. *4,000—MOCA.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

Manchester, N.H., VOR; Ipswich INT, Mass.; *2,500. *1,900—MOCA.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho; 8,000. *7,000—MCA Boise VOR, eastbound.
Arrow Rock INT, Idaho; Hill City, Idaho, VOR; *11,500. *9,800—MOCA.

Section 95.7138 *Jet Route No. 138* is amended to delete:

From, to, MEA, and MAA

San Antonio, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended by adding:

San Antonio, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Section 95.7501 *Jet Route No. 501* is amended to delete:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7501 *Jet Route No. 501* is amended by adding:

Oakland, Calif., VORTAC; Ukiah, Calif., VORTAC; 18,000; 45,000.
Ukiah, Calif., VORTAC; Medford, Oreg., VORTAC; 18,000; 45,000.
Medford, Oreg., VORTAC; Hoquiam, Wash., VORTAC; #22,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Hoquiam, Wash., VORTAC; Neah Bay, Wash., RBN; 18,000; 45,000.
Neah Bay, Wash., RBN; United States-Canadian border; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to delete:

Annette Island, Alaska, VOR; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Neah Bay, Wash., RBN; 18,000; 45,000.
Neah Bay, Wash., RBN; Hoquiam, Wash., VORTAC; 18,000; 45,000.
Hoquiam, Wash., VORTAC; Medford, Oreg., VORTAC; #22,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Medford, Oreg., VORTAC; Ukiah, Calif., VORTAC; 18,000; 45,000.
Ukiah, Calif., VORTAC; Oakland, Calif., VORTAC; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to read:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Malcom Island, Alaska, VOR; 18,000; 45,000.
Malcolm Island, Alaska, VOR; Annette Island, Alaska, VOR; 18,000; 45,000.
Annette Island, Alaska, VOR; Sisters Island, Alaska, VOR; 18,000; 45,000.
Sisters Island, Alaska, VOR; Burwash Landing, Yukon Territory, LFR; #18,000; #45,000. #For that airspace over U.S. territory.
Burwash Landing, Yukon Territory, LFR; Northway, Alaska, VOR; #18,000; #45,000. #For that airspace over U.S. territory.
Northway, Alaska, VOR; Fairbanks, Alaska, VORTAC; 18,000; 45,000.
Fairbanks, Alaska, VORTAC; Kotzebue, Alaska, VOR; #27,000; 45,000. #MEA is esttablished with a gap in navigation signal coverage.

Section 95.7523 *Jet Route No. 523* is amended by adding:

Neah Bay, Wash., NDB; Sandspit, British Columbia, Canada; #18,000; #45,000. #For that airspace over U.S. territory.
Sandspit, British Columbia, Canada; Annette Island, Alaska, VOR; #18,000; #45,000. #For that airspace over U.S. territory.

Section 95.7525 *Jet Route No. 525* is added to read:

Sandspit, British Columbia, Canada, LFR; Annette Island, Alaska, LFR; #18,000; #45,000. #For that airspace over U.S. territory.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway changeover points:*

Airway segment: From; To—Changeover point: Distance; from

V–7 is amended to delete:
Evansville, Ind., VOR; Lewis, Ind., VOR; 38; Evansville.
V–54 is amended by adding:
Chattanooga, Tenn., VOR; Harris, Ga., VOR; 36; Chattanooga.
V–177 is amended to delete:
Stevens Point, Wis., VOR; Duluth, Minn., VOR; 68; Stevens Point.
V–141 is added to read:
Boston, Mass., VOR; Hyannis, Mass., VOR; 22; Boston.
V–191 is amended by adding:
Ironwood, Mich., VOR; Duluth, Minn., VOR; 32; Ironwood.
V–209 is amended to read in part:
Birmingham, Ala., VOR; Decatur, Ala., VOR; 35; Birmingham.
V–430 is amended by adding:
Duluth, Minn., VOR; Ironwood, Mich., VOR; 55; Duluth.

Section 95.8005 *Jet routes changeover points:*

J–86 is amended to delete:
Houston, Tex., VORTAC; Grand Isle, La., VOR; 111; Houston.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on May 19, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-6199; Filed, May 26, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Action on Objections; Public Hearing; Partial Stay of Effective Date; Confirmation of Effective Date

The Federal Trade Commission published proposed enforcement regulations (16 CFR Part 500) with respect to the requirements of the Fair Packaging and Labeling Act (Public Law 89–755) in the FEDERAL REGISTER of June 27, 1967 (32 F.R. 9109). An order adopting the proposed regulations, as amended, was published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718).

Pursuant to the requirements of section 6 of the Fair Packaging and Labeling Act (80 Stat. 1300; 15 U.S.C. 1455), the terms of § 500.25(a) of the regulations issued under the Fair Packaging and Labeling Act (16 CFR 500.25(a) permitted any person adversely affected by the order adopting the regulations to file objections thereto within 30 days from the date of its publication, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections are deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which, if valid and factually supported, may be adequate to justify the relief sought.

The Commission has carefully reviewed and considered the objections and requests for hearings which it has received, and concludes as follows:

(1) Objection was taken to § 500.5, *Name and place of business of manufacturer, packer, or distributor*, which requires that when the person whose name appears on the label is not the manufacturer of the commodity the name be qualified with the connection that such person has with such commodity. The objection was based on an erroneous interpretation by the objector that the regulation would require that the manufacturer be identified on the label in such a case as well as the packer or distributor. It is therefore deemed not to warrant further consideration.

(2) Objections were also filed to § 500.5 which requires that (1) the actual corporate name of the manufacturer, packer, or distributor be set forth even when a packaging, manufacturing, or distributing division of the corporation also is identified on the package or label; (2) words such as "incorporated" when a part of the legal name must be included in the name that appears on the label or package and (3) in the case in which New York City is the place of business, the fact that it is in New York State also must be shown. In prescribing the method of listing the name and place of business of the manufacturer, packer, or distributor for the purpose of adequately informing consumers, the Commission has determined that the legal name and the State of location must also be shown on labels and packages. Further, the Commission has determined that the request to exempt the listing of New York City because of its common identification with New York State is more properly the subject of a request for exemption from the regulation on the basis that it is impracticable or unnecessary for adequate protection of consumers (See § 500.3(e) of FTC's FPLA regulations).

Therefore, the Commission has determined that these objections to the regulations promulgated March 19, 1968, are not based upon the reasonable and legally relevant grounds which would warrant a public hearing. Basically, these objections involve questions of law, consequently, they are not properly subjects for a public hearing inasmuch as they do not properly raise any factual issues which could be resolved through a public hearing process.

(3) An objection was also entered to § 500.5(c) which does not require inclusion of the street address of the manufacturer, packager, or distributor when such is shown in a current city or telephone directory. As to this objection, the Commission has determined that no persuasive showing was made of the inadequacy of the present requirement that the zip code must be set forth on all labels or packages of consumer commodities and that street address of the manufacturer, packager, or distributor only need be set forth if it is not listed either in a current city directory or telephone directory. (§ 500.5(c).) In addition, the Commission is of the opinion that the term "place of business" used in section 4(a)(1) of the FPLA does not require the listing of the street address of the manufacturer, packager, or distributor, particularly after the Commission has determined, as it has, that on the basis of presently available information purchasers of consumer commodities will, in fact, be able to contact the responsible packager, labeler, or distributor by use of the presently required address on labels and packages, if need therefor arises.

(4) An objection was entered to § 500.5(e) insofar as it requires initial articles (such as "the") to be included as a part of the full corporate name. The Commission has determined that this regulation may be interpreted as not requiring the inclusion of initial articles in the corporate disclosure statement; therefore, further consideration of the objection is deemed unnecessary.

(5) Objections were entered to the part of § 500.7, *Net quantity of contents, method of expression*, which indicates by way of a parenthetical example that multiunit packages of bar soap shall bear a declaration of net quantity in terms of numerical count and weight per bar. The Andrew Jergens Co. and The Soap and Detergent Association object to the parenthetical statement which declares that multiunit packages of bar soap most declare both net weight per bar and numerical count. The objections allege that § 500.7 permits net quantity statements in terms of weight, measure, or numerical count. Further, that § 500.7 permits use of a firmly established consumer usage or trade custom such as declaring a solid by numerical count and that declarations of quantity of bar soap in terms of count only ("four bars") has been uniformly permitted by all States. Finally the objections allege that the high amount of moisture in the formulation of soap results in subsequent moisture loss (resulting in weight loss of up to 10%) during storage and distribution under normal room temperature and moisture conditions. This, it was alleged, will frequently cause a net weight statement on a package of soap to be inaccurate on the date of retail purchase. The Commission has determined that the objections are supported by reasonable grounds and that the objections merit a public hearing. Therefore, § 500.7 is stayed as to its effective date, insofar as by parenthetical expression a declaration of both numerical count and net weight per bar is required for multiunit packages of bar soap.

(6) Objection was entered to the requirements of § 500.12, *Measurement of commodities by length and width, how expressed*, in that subsection (c) requires declaration of length, and width measuring more than 24 inches, to be stated in terms of the largest whole unit or units of measure. The Commission has determined that no legally sufficient or reasonable grounds were forwarded to support this objection. This section fulfills the express mandate of section 4 of FPLA which requires that the net quantity declaration be stated in terms of the largest whole unit, and an objection to a requirement of the Act may not be made through the procedures provided for in section 6(b) of FPLA and § 1.16 (g) of the Commission's rules of practice. Therefore, a public hearing on the objection is not merited.

(7) An objection was entered to § 500.12 on the erroneous assumption that a declaration of square area was required for narrow fabric products such as ribbon, as well as length and width measurements. Subsection (c)(1), however, excludes bidimensional commodities of less than 4 inches in width from the requirement of a square measure declaration. The objection is therefore deemed not to warrant further consideration.

(8) An objection was entered to § 500.18, *Type size in relationship to the area of the principal display panel*, subsection (a), which stated that the regulation would prohibit the petitioners from utilizing larger type sizes on cartons of a similar size which contained commodity rolls of different net contents. The Commission has determined that the intent of the Act is to regulate the minimum type size required and that, in the case described, the regulation in question does not prohibit the use of type sizes larger than the minimum size prescribed by the regulations. The objection is therefore deemed not to warrant further consideration.

(9) Objection was entered to § 500.18(a)(3) in that the provision that states that tops, bottoms, flanges, shoulders, and necks be excluded in calculating the principal display area, as positioned, is misleading in that it seems to apply to § 500.18(a)(3) only instead of to all of the subparts of § 500.18(a). The Commission is in accord with the argument set forth, and the regulation has been rewritten to correct this section. The corrected subsection appears as part of the Commission's final order.

(10) An objection was entered to § 500.20, *Supplemental statements*, which stated that requiring supplemental statements of quantity to appear at locations other than the principal display panel was an arbitrary and unreasonable interpretation of sections 4(a)(2) and 4(b) of the Fair Packaging and Labeling Act. The Commission has determined that the specific requirement of the Act for a separate statement of net quantity in a uniform location on the principal display panel, unaccompanied by any qualifying words or phrases permits the Commission to implement the requirement by prohibiting supplemental quantity statements from the principal display panel. Section 4(b) of the Act permits such statements at "other places" on the package and the Commission interprets "other places" to be places other than the principal display panel. It is the determination of the Commission that reasonable grounds were not forwarded by the petitioners, as are required by section 6(b) of the Act and § 1.16(g) of the Commission's rules of practice,

and, therefore, the objection does not warrant a public hearing.

(11) Objection was also made to § 500.20 on the grounds that the applicable section of FPLA (section 4(b)) was self-executing and the regulation went beyond the authority given to the Commission by the Act. The Commission has determined that specific legislative authority is present in sections 4 and 6 of the Act which empowers the Commission to promulgate regulations implementing the interpreting section 4 of the Act, and, therefore, the objection is not based on reasonable grounds and does not warrant a public hearing.

(12) A further objection was entered to § 500.20 which stated that the regulation required the use of all length panels—as opposed to width panels or end flaps—of aluminum foil cartons as principal display panels. The Commission has determined that this interpretation is erroneous and that only those length panels used as principal display panels will be considered such and that supplemental statements of a nondeceptive nature may be placed on other panels including other length panels. Therefore, the Commission has determined that the objection does not warrant further consideration.

(13) Objection was entered to § 500.21, *Metric equivalent*, which was based upon the "free space" requirement of § 500.6 (b), *Net quantity of contents declaration, location*. The petitioner stated that the "free space" requirement should not apply to statements of metric equivalents, which § 500.21 of the regulations permits to be placed on the principal display panel. The Commission has determined that the "free space" requirement is necessary in this instance in order to maintain the intent of the Fair Packaging and Labeling Act to establish a standard declaration of net quantity statements which is easily ascertainable and undestandable to the consumer. Therefore, the Commission has determined that the objection is not based on reasonable grounds and does not warrant a public hearing.

(14) An objection was entered to § 500.22, *Net quantity, average quantity, permitted variations*, insofar as subsection (b) places the responsibility on the manufacturer, packer, or distributor for stated weight or measure until the goods are introduced into interstate commerce. The Commission has determined that the regulation recognizes that the manufacturer, packer, or distributor has physical control over his commodity up to the time he relinquishes possession of it as it enters interstate commerce. The regulation, therefore, prescribes that the manufacturer should be reasonably expected to assure that the stated weight or measure without variation should be the initial weight or measure of the commodity stated on the package or label until it leaves his possession and enters interstate commerce. Therefore, the Commission has determined that the objection is not based upon legally sufficient and reasonable grounds and does not warrant a public hearing.

(15) An objection was entered to § 500.23, *Representations of servings, uses, applications*, which stated that "servings" was only applicable to foods and beverages and that the Commission had no authority to issue the regulation. The Commission has determined that the clear intent of section 4(a)(4) of FPLA is to cover all commodities which fall under the Act and, if the nonfood or nonbeverage commodity has a statement on the label or package which indicates numbers or amounts of servings (uses or applications), that the requirements of section 4(a)(4) of FPLA should apply. Therefore, the Commission has determined that the objection is not based on legally sufficient and reasonable grounds and that a public hearing is not warranted.

(16) Objections were filed against § 500.25, *Filing of objections and effective date*, insofar as it does not provide procedures for requesting extensions of the time in which to comply with the FPLA and the regulations. The Commission has determined that the Act does not give the authority to provide for such extensions and that, therefore, the objections are not based on legally sufficient and reasonable grounds which would merit a public hearing.

It is ordered, That the regulations as published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718), are adopted pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4 and 6, 80 Stat. 1297, 1299, 15 U.S.C. 1453, 1455) except for that portion the effective date of which is stayed as specified above. Section 500.18 is amended and adopted to read:

§ 500.18 Type size in relationship to the area of the principal display panel.

(a) The statement of net quantity of contents shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package or commodity and shall be uniform for all packages or commodities of substantially the same size. For this purpose, "area of the principal display panel" means the area of the side or surface that bears the principal display panel, exclusive of tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles and jars. This area shall be:

* * * * *

(3) In the case of any otherwise shaped container or commodity, 40 percent of the total surface of the container or commodity: *Provided, however*, That where such container or commodity presents an obvious "principal display panel" such as the top of a triangular or oval shaped contanier, the area shall consist of the entire top surface.

* * * * *

Pursuant to the authority vested in the Commission by section 6(b), Fair Packaging and Labeling Act (80 Stat. 1300) notice is hereby given that a public hearing will be held for the purpose of receiving evidence relevant and material to the issues as set forth above with respect to the labeling of multiunit packages of bar soap both as to numerical count and weight per bar.

The hearing will commence on June 30, 1969, in Room 532, of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., at 10 a.m., e.d.t.

Interested persons are hereby invited to file notice of intention to participate in the proceeding with the Secretary, Federal Trade Commission, as is specified in § 3.13, *Adjudicative hearings on issues arising in rule-making proceedings under the Fair Packaging and Labeling Act*, of the Commission's rules of practice.

Written data, views, or arguments concerning the subject matter of the hearing may be filed with the Secretary, Federal Trade Commission, not later than June 10, 1969. Twenty copies shall be filed, in accordance with § 4.2, *Requirements as to form and filing of documents other than correspondence*, of the Commission's rules of practice.

If any interested person desires to be heard through a representative, such person or representative should file with the Secretary, Federal Trade Commission, a written notice of appearance setting forth the name, address, and employment of such person. These written notices of appearances should be filed on or before June 15, 1969.

The data, views, or arguments presented orally or in writing will be available for examination by interested persons at the Federal Trade Commission, Washington, D.C.

All notices of appearance and all written submissions should be filed with the Secretary, Federal Trade Commission, Washington, D.C. 20580.

This order shall become effective upon publication. The subject order, insofar as subsection (c)(1) of § 500.25, *Filing of objections and effective date*, refers to an effective date of January 1, 1969, for all new packages, new label designs, and labels being reordered, is revised to agree with the date of publication of this final order.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300, 15 U.S.C. 1453, 1455)

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6250; Filed May 26, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-127]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Containers, etc., by Certain Finnish Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Finland extends to vessels of the United States in ports of Finland privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of Finland are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "Finland" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: May 20, 1969.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69-6279; Filed, May 26, 1969; 8:48 a.m.]

[T.D. 69-123]

PART 14—APPRAISEMENT

Antidumping; Azobisformamide From Japan

MAY 16, 1969.

The Bureau of Customs published a notice of intent to revoke the finding of dumping with respect to Azobisformamide from Japan for the reasons stated in that notice. No comments were received in response thereto.

The finding of dumping was made in Treasury Decision 56414 which was published in the FEDERAL REGISTER on May 28, 1965 (30 F.R. 7187). The notice of intent to revoke the finding of dumping was published in the FEDERAL REGISTER on March 13, 1969 (34 F.R. 5186).

Accordingly, it having been found that Azobisformamide from Japan is no longer being, nor is likely to be, sold in the United States at less than fair value, the finding of dumping as to such merchandise is hereby revoked.

Section 53.43 of the Customs Regulations is amended by deleting the following from the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Azobisformamide	Japan	56414

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69-6278; Filed, May 26, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2313) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (specified below) in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Poly(1,2-dimethyl-5-vinylpyridinium methyl sulfate) having a nitrogen content of 5.7 to 7.3 percent and a sulfur content of 11.7 to 13.3 percent by weight on a dry basis and having a minimum viscosity in 30-percent-by-weight aqueous solution of 2,000 centipoises at 25° C., as determined by LV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 60 r.p.m.	For use only as an adjuvant employed in the manufacture of paper and paperboard prior to the sheet-forming operation.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 20, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-6241; Filed, May 26, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYMER MODIFIERS IN SEMIRIGID AND RIGID VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2379) filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, and other relevant material, concludes that § 121.2597 should be amended to provide for the safe use of the polymer modifiers listed therein as components of semirigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride-ethylene copolymers regulated under § 121.2609. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2597 is amended by revising the introductory text to read as follows:

§ 121.2597 Polymer modifiers in semirigid and rigid vinyl chloride plastics.

The polymers identified in paragraph (a) of this section may be safely admixed, alone or in mixture with other

permitted polymers, as modifiers in semi-rigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride homopolymers and/or from vinyl chloride copolymers complying with § 121.2608 and/or § 121.2609, in accordance with the following prescribed conditions:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6240; Filed, May 26, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Antibiotics for Diagnostic Use

No comments were received in response to the notice published in the FEDERAL REGISTER of March 25, 1969 (34 F.R. 5605), proposing that § 144.14 of the antibiotic drug regulations be revised for specified reasons. The Commissioner of Food and Drugs concludes that the revision should be adopted as proposed.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 144.14 is revised to read as set forth below.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

Section 144.14 is revised to read as follows:

§ 144.14 Antibiotics for diagnostic use.

Antibiotics packaged for the withdrawal of individually weighed portions and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(1) and 507 of the act if they comply with all the following conditions:

(a) The potency, moisture content, and identity comply with the standards prescribed for the antibiotic by the specific regulations issued in this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not more than 1 gram.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statements "For the withdrawal of individual portions of antibiotic. Each portion must be weighed before use. Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date _____," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

CROSS REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.

[F.R. Doc. 69-6239; Filed, May 26, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 103—ENLISTMENT, APPOINTMENT AND ASSIGNMENT OF INDIVIDUALS IN RESERVE COMPONENTS

The Deputy Secretary of Defense approved the following revision to Part 103 on March 21, 1969:

Sec.
103.1 Purpose and applicability.
103.2 Policy.
103.3 Reports.

AUTHORITY: The provisions of Part 103 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 103.1 Purpose and applicability.

This part provides standards, procedures, and priority guidelines for enlistment, assignment, or appointment of individuals in units of the Reserve Components of the Military Departments.

§ 103.2 Policy.

(a) Physical and mental standards for male personnel enlisted in the basic enlistment pay grade will not be higher than those prescribed by the Military Selective Service Act of 1967, or DoD Directive 1145.1,[1] "Qualitative Distribution of Military Manpower," September 13, 1967, which establish minimum standards for acceptability into the regular services. High physical and mental standards may be specified by the appropriate Secretary for initial enlistment in a grade higher than the basic enlistment pay grade or for enlistment in a program leading to a commission.

(b) The appropriate Secretary shall, except as otherwise provided by law, prescribe physical, mental, moral, academic attainment, professional and age qualifications for appointment of reserve members of the Armed Forces of the United States.

(c) The enlistment of individuals under the provisions of section 511(d) of title 10, United States Code and the assignment of applicants in units of the Selected Reserve shall be made in the following priority:

(1) Members of the Selected Reserve who desire to reenlist.

(2) Members of Selected Reserve units applying for transfer from another locality.

(3) Members of the Selected Reserve who were relieved from assignment to units due to reorganization, inactivation, or relocation of their units.

(4) Members of the Ready Reserve Pool.

(5) Prior service applicants.

(6) Nonprior service applicants between the ages of 17 and 18½.

(7) Nonprior service applicants between the ages of 18½ and 20.

(8) Nonprior service applicants over age 20, only after the unit commander concerned has determined that qualified applicants in higher priority categories are not available.

(d) Within each of the above priority categories, it shall be normal practice to accept the earliest applicant for enlistment in a unit of the Reserve Components who meets the minimum qualifications for a vacancy.

(e) Exceptions to the policies in paragraphs (c) and (d) of this section may be made when in the best judgment of those responsible for the procurement of Reserve personnel, an individual's prior active or reserve military service, or significant civilian experience in the occupational skill concerned, is considered to warrant it. Notation as to the basis of the exception shall be made on the individual's service record.

(f) All applicants now on Reserve enlistment waiting lists in the lowest priority group, who were between the ages of 18½ and 20 at the time of acceptance on the waiting list will be placed in priority group 7, as described above.

[1] Filed as part of the original document.

(g) Nonprior service applicants for Reserve enlistment who are accepted on Reserve unit waiting lists will be retained in their original priority age group regardless of subsequently exceeding the maximum age of the particular priority age group concerned. Upon enlistment, such individuals will be reported under the provisions of § 103.3 as members of their priority age group regardless of their actual age.

(h) Prior to enlisting a draft-liable individual in one of the Reserve Components, the applicant shall be required to sign a written statement to the effect that he has not received orders to report for induction, that any subsequent receipt of such orders will be reported to his unit commander, and that he understands he is subject to an induction order if issued before he enlists.

(i) An individual who enlists in a Reserve Component and who subsequently receives orders to report for induction, the issuing date of which precedes his date of enlistment, shall be discharged from his Reserve Component for the purpose of induction into the Armed Forces. The discharge should be effected concurrently with the induction so as to continue the individual's military obligation consistent with § 50.2(d) of this subchapter. The date of issuance of orders to report for induction shall be considered to be the date of mailing of such orders by appropriate authority in the Selective Service System.

(j) Individual applicants for assignment or enlistment in the Reserve Components shall not be accepted unless there is reasonable assurance that they will be available and able to participate satisfactorily in the unit concerned. In this respect careful consideration shall be given to the geographical location, future plans, and possible conflicts with the civilian occupation of the individual applicant.

(k) Reserve members who have enlisted under the provisions of section 511(d), title 10, United States Code, and who incur a legitimate temporary religious missionary obligation during their obligated period of service, may be reenlisted upon completion of an initial period of active duty for training under the provisions of section 511(a), title 10, United States Code provided:

(1) Certification as to the religious obligation is made by the recognized church body concerned;

(2) Reenlistment contracts for these individuals include an agreement to serve for a period of time which will include the missionary tour plus the remaining service left under section 511(d), title 10, United States Code. (These contracts will assure that each individual will serve a total of 6 years of reserve service in a unit of the Ready Reserve even though such period of reserve service may be interrupted for up to 30 months by a one-time bona fide missionary obligation tour); and

(3) The individual reservist concerned is carried as a member of the inactive National Guard or the Ready Reserve Pool during the period of a missionary tour (§ 100.3(c)(2) of this subchapter, as appropriate.

§ 103.3 Reports.

The Military Departments will submit to the Assistant Secretary of Defense (Manpower and Reserve Affairs) a monthly report in duplicate of the number of enlistments of nonprior service individuals in each of the Reserve Components (see format below). Reports will be forwarded not later than sixty (60) days following the month covered by the report. This reporting requirement has been assigned Report Control Symbol DD-M(M) 769.

Format:

REPORT OF ENLISTMENTS OF NONPRIOR SERVICE INDIVIDUALS IN RESERVE COMPONENTS

Month of _____, 19__

Enlistment group	*Total enlisted*	*Number enlisted as exception to policies in § 103.2 (c) and (d)*
Age 17–18½		
Age 18½–20		
Over age 20		
Totals		

Dated: May 20, 1969.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-6235; Filed, May 26, 1969; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Advances of Federal Funds for State Procurement

Section 1801.7 of Title 32 of the Code of Federal Regulations is revised to read as follows:

§ 1801.7 Advances of Federal funds for State procurement.

In those cases where the State certifies that under its laws and regulations it is required to obtain an advance of Federal funds to match the State share prior to disbursement of the funds of the State (or political subdivision, as the case may be) for the particular project, an advance of funds toward the Federal share of the proposed disbursement may be made subject to the following general criteria and such supplemental criteria and procedures as are promulgated in OCD guidance material.

(a) Advances shall be so limited in amounts and so timed as to accord with the actual cash disbursement requirements of the applicant State or, as the case may be, of a political division which joined in the project application. Advances will be withheld by the United States until such time as the amount requested is actually needed by the State or political subdivision for the payment of an obligation incurred in carrying out an OCD approved project. One of the aspects of this requirement is that advances toward the Federal share of an approved project involving a substantial period of performance (e.g., construction of a civil defense facility) shall be made only as the performance progresses.

(b) Advances shall be properly accounted for as Federal funds in the accounts of the State. In each case the State shall render regular authenticated reports to the OCD covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by OCD. The Director of Civil Defense, and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the Federal contribution or to any advances of Federal funds.

(c) Advances may be withdrawn or transferred by the State only upon the certification of its authorized official, and then only for the payment of items covered by a project application against which such funds are advanced, or for advance to a political subdivision under its agreement to accept them subject to the provisions set forth in this section.

(d) Advances not timely expended as provided under the criteria set forth in OCD guidance material or otherwise held contrary to the terms and conditions of the advance shall forthwith be repaid by the State to OCD.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

JOSEPH ROMM,
Director of Civil Defense.

[F.R. Doc. 69-6234; Filed, May 26, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

San Pablo Bay, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.216 establishing and governing the use and navigation of a danger zone in San Pablo Bay, Calif., is hereby amended with respect to "Note" at the end of paragraph (a) to extend the period of use as follows:

§ 204.216 San Pablo Bay, Calif.; gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.

(a) * * *

NOTE: The danger zone shall be used until June 2, 1970, after which it shall be subject to review to determine the future need thereof.

* * * * *

[Regs., May 14, 1969, ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–6233; Filed, May 26, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1023]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

Supersedes Revised Service Order No. 1023, Service Date April 17, 1969.

At a session of the Interstate Commerce Commission, Division 3, acting as an Appellate Division, held at its office in Washington, D.C., on the 19th day of May 1969.

It appearing, that petitions seeking modification of Revised Service Order No. 1023 to require that demurrage computations at Atlantic and Gulf ports be on a comparable basis as at other ports have been filed with the Interstate Commerce Commission by the Chicago Association of Commerce on May 2, 1969; the Board of Harbor Commissioners of the city of Milwaukee, Wis., filed on May 12, 1969; the State of Illinois, Department of Business and Economic Development, filed on May 12, 1969; The International Association of Great Lake Ports, filed on May 12, 1969; and the Brown County Board of Harbor Commissioners (Green Bay, Wis.) filed on May 14, 1969; that because of basic differences in the underlying demurrage, storage, and detention rules, regulations, and charges lawfully in effect at the various ports, Revised Service Order No. 1023 would result in substantially higher demurrage charges on traffic subject to progressive demurrage rates than on traffic subject to nonprogressive demurrage rates.

It further appearing, that acute shortages of freight cars still exist throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for loading, unloading, or instructions for movement, in excess of the free time periods established by the applicable demurrage and detention tariffs; that such practices immobilize large numbers of freight cars needed by shippers for transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

§ 1033.1023 Service Order No. 1023.

(a) Demurrage and detention charges on freight cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its demurrage and detention rules, practices, and charges.

(b) Description of cars subject to this order: Except as otherwise provided in paragraph (c) of this section shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(c) Exceptions:

(1) The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical designation: SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical designation: XT.

(2) The provisions of this order shall not apply to freight cars while subject to the provisions of Agent B. B. Maurer's Tariffs 8–0, ICC H–30; 551–F, ICC H–40; 552–0, ICC H–24; and 719–D, ICC H–27; nor to perishable protective charges published in Agent W. T. Jamison's National Perishable Protective Tariff No. 18, ICC 37; supplements thereto, or reissues thereof.

(d) Cars not subject to average demurrage agreement:

(1) When car detention or demurrage is subject to a graduated or progressive rate per car per day, the charges shall be:

(i) The lowest car detention or demurrage rates published in the applicable tariff for such period of time as is provided in the tariff.

(ii) $25 per car per day, or fraction of a day, for all cars subject to the next level of charges published in the applicable tariff for such period of time as is provided in the tariff.

(iii) $50 per car per day, or fraction of a day, for all subsequent detention.

(2) Where car detention or demurrage is subject to a nongraduated or single-factor charge, or is computed on a weight, bushel, or other measurement basis, the charges shall be:

(i) The applicable tariff rate for each of the first 4 chargeable days, or fraction of a day.

(ii) $25 per car per day, or fraction of a day, for each of the next 4 chargeable days.

(iii) $50 per car per day, or fraction of a day, for each subsequent chargeable day.

(e) Cars subject to an average agreement: When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days, or fraction of a day and $50 per car per day, or fraction of a day, will be made for all subsequent detention.

(f) If the application of the detention or demurrage rules published in any tariff lawfully in effect results in detention or demurrage charges greater than those provided in this order, such greater charges shall apply.

(g) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) Regulations suspended.— announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(i) Effective date: This order shall become effective at 7 a.m., May 26, 1969.

(j) Expiration date: This order shall expire at 6:59 a.m., July 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, acting as an Appellate Division.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–6286; Filed, May 26, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 3 to the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed in duplicate with the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 30-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, (see sections 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations as follows:

(1) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1969.

(2) Change the conversion factor for flour derived in a 72 percent extraction rate type operation to reflect the actual average extraction of those processors reporting on the conversion factor basis during the marketing year beginning July 1, 1967.

(3) Change the conversion factor for semolina and farina to reflect the same conversion factor provided for flour since these products are often produced as coproducts of flour.

(4) Provide the refund rate for flour second clears not used for human consumption for the marketing year beginning July 1, 1969.

The proposed amendment would read as follows:

1. Section 777.5(a) is amended by changing the last sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1969.

* * * * *

2. Section 777.14(c) is amended by the conversion factors of the following products to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344

* * * * *

3. Section 777.19(e) is amended by changing the third sentence to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* * * * The refund rate for the marketing years beginning July 1, 1968, and July 1, 1969, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240 multiplied by the applicable certificate cost rounded to the nearest cent. * * *

* * * * *

Effective date. It is proposed that the provisions of this amendment shall be effective with respect to processing report periods beginning on and after July 1, 1969.

Signed at Washington, D.C., on May 21, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–6265; Filed, May 26, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING OF CERTAIN CRABMEATS

Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6441), proposing a revision of § 3.34, a statement of policy regarding the labeling of certain crabmeats, provided for the filing of comments thereon within 30 days following the publication date.

The Commissioner of Food and Drugs has received a request for an extension of such time, and good reason therefor appearing, the time for filing comments on said proposal is hereby extended to June 11, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i)(1), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6244; Filed, May 26, 1969; 8:45 a.m.]

[21 CFR Part 19]

CREAM CHEESE, IDENTITY STANDARD

Liquid, Dried, and Condensed Forms of Whey as Optional Ingredients

Notice is given that a petition has been filed by Borden, Inc., 350 Madison Avenue, New York, N.Y. 10017, proposing that the standard of identity for cream cheese (21 CFR 19.515) be amended to list cheese whey and its dried and condensed forms as optional ingredients for cream cheese. Grounds given in support of the proposal are that:

1. Cheese whey, whether an unconcentrated liquid or reconstituted liquid obtained from the condensed or dried form by addition of water, is useful to adjust the moisture content, fat content, and consistency of the product prior to packaging.

2. While certain of the presently permitted dairy ingredients for cream cheese could be used, the use of cheese whey for this purpose maintains a desirable flavor and texture in the product.

Accordingly, it is proposed that § 19.515(b)(3) be revised to read as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, cheese whey, concentrated milk, concentrated skim milk, concentrated cheese whey, nonfat dry milk, and dried cheese whey. If concentrated milk, concentrated skim milk, concentrated cheese whey, nonfat dry milk, or dried cheese whey is used, water may be added in a quantity not in excess of that removed when the milk, skim

milk, or cheese whey was concentrated or dried.

* * * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 20, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6242; Filed, May 26, 1969; 8:45 a.m.]

[21 CFR Part 29]

FRUIT BUTTER, IDENTITY STANDARD

Optional Addition of Sorbic Acid and Certain Salts Thereof

Notice is given that the National Tea Co., 1000 Crosby Street, Post Office Box 6970-A, Chicago, Ill. 60680, has filed a petition proposing that the definition and standard of identity for fruit butter (21 CFR 29.1) be amended to provide for optional addition of the chemical preservatives sorbic acid, sodium sorbate, and potassium sorbate, singly or in combination, so that the total quantity does not exceed 0.1 percent by weight of the finished food. Also, it is proposed that label declaration of such use be required in accordance with section 403(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(k)).

Grounds submitted by the petitioner in support of the proposal are that following the opening of a commercially sterile container of fruit butter by the consumer, conditions are favorable for mold growth and visible mold will in fact develop in 5 to 10 days. Frequently before the product can be consumed it becomes unusable. The petitioner states that the subject ingredients in the quantity proposed can prevent the mold development.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 20, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6243; Filed, May 26, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-44]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Mount Pocono, Pa., transition area (34 F.R. 4732).

A revision to the NDB (ADF)-1 instrument approach procedure for Mount Pocono Airport, Mount Pocono, Pa., requires alteration of the Mount Pocono, Pa., transition area to provide airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communication should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Mount Pocono, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to in the description of the Mount Pocono, Pa., transition area, delete all after the words "within 2 miles each side of the" and insert the following in lieu thereof, "333° bearing from the Tobyhanna RBN (41° 12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on 15 May, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6254; Filed, May 26, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Empire Aero Services Airport, Skaneateles, N.Y.

A new VOR/DME instrument approach procedure has been developed for the airport predicated on the Syracuse, N.Y. VORTAC. We will require designation of a 700-foot floor Skaneateles, New York transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Skaneateles, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Skaneateles, N.Y., transition area described as follows:

SKANEATELES, N.Y.

That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N.Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 2 miles each side of the Syracuse VORTAC 215° radial, extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 15, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6255; Filed, May 26, 1969; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

SMALL ARMS AMMUNITION AND COMPONENTS

Labels of Consumer Commodities; Proposed Exemption From Certain Requirements of Fair Packaging and Labeling Act

Notice is given that the Sporting Arms Ammunition Manufacturers' Institute, New York City, N.Y., has submitted a petition requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (16 CFR Part 501) be amended to exempt small arms ammunition and components of small arms ammunition from the requirements of the regulations of Part 500 of this chapter.

Grounds given in the petition in support of the requested exemption are that technical compliance with the Act is not necessary for protection of consumers since ammunition is now packaged in a manner that satisfies the basic purposes of the Act, there is little variation in the types of packages in which a given ammunition product is marketed and the nature of the product is such that the consumer is unlikely to be confused. In addition, full compliance is impracticable because of possible conflicts with necessary safety information required by the Federal Hazardous Substances Labeling Act, and compliance with the technical requirements of the Fair Packaging and Labeling Act would impose an unnecessary and costly burden on the manufacturers while adding nothing of value for the consumer.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (Sections 5(b), 6(b), 80 Stat. 1298, 1300, 15 U.S.C. 1454, 1455) and under the Commission's procedures and rules of practice (16 CFR 1.16), it is proposed that Part 501 be amended by adding thereto a new section as follows:

§ 501.13 **Small arms ammunition.**

Small arms ammunition, including shot shells, metallic cartridges, and blanks, and components of small arms ammunition, including empty unprimed cases and shells, bullets, primers, and wads, shall be exempt from the requirements of the regulations in Part 500 of this chapter.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6295; Filed, May 26, 1969; 8:49 a.m.]

[16 CFR Part 501]

PAINTS PACKAGED IN PRESSURIZED CONTAINERS

Labels of Consumer Commodities; Proposed Exemption From Certain Labeling Requirements

Notice is given that Seymour of Sycamore, Inc., 917 Crosby Avenue, Sycamore, Ill. 60178, has filed a petition requesting an exemption of 1 year's duration for paints packaged in aerosol containers from the requirements of § 500.20 of the Commission's Part 500 regulations (16 CFR 500.20) prohibiting supplemental statements of net quantity from appearing on the principal display panels of packaged consumer commodities.

Grounds given in the petition in support of the requested exemption are that aerosol paint containers have traditionally been labeled in terms of weight, but that because of different specific gravities of specific paints and the great difference in specific gravities of the two basic types of propellants which may be used, the volumes of different paints mixed with one of the two basic propellants may vary greatly. It is the petitioner's position that by placing both net weight and liquid volume on the labels of pressurized paint containers, the consumer will have a better concept of the quantity of the product which is being purchased. Petitioner further feels that volume is the most meaningful declaration of quantity to the consumer and desires to be permitted 1 year in which it may continue to label in terms of liquid volume as well as net weight during which time petitioner would hope that the Commission and the industry can study the possibility of labeling pressurized containers of paint by both weight and liquid volume on a permanent basis.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1453, 1455), the following regulation is proposed:

§ 501.14 **Paints packaged in aerosol containers.**

Paints including lacquers and enamels packaged in aerosol containers for retail sale shall be exempt from the prohibition contained in § 500.20 of this chapter that supplemental statements of net quantity may not appear on the principal display panel of the package: *Provided*, That the only supplemental statement of net quantity which may appear on the principal display panel shall be an accurate statement of the liquid volume of the contents of the container which will appear in the manner prescribed by the regulations in Part 500 of this chapter. This section shall terminate 1 year from its effective date.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6296; Filed, May 26, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-126; Customs Delegation Order 1 (Rev. 1)]

ASSISTANT COMMISSIONER OF CUSTOMS, OFFICE OF REGULATIONS AND RULINGS, ET AL.

Performance of Functions

MAY 20, 1969.

1. By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), as amended, the following officers in the headquarters office of the Bureau of Customs are hereby authorized to make decisions and perform functions as follows:

A. Assistant Commissioner of Customs, Office of Regulations and Rulings:

Decisions approving requests for information under 5 U.S.C. 552 and decisions and functions relating to all matters in which authority also is delegated by this order to the Director, Division of Tariff Classification Rulings, the Director, Division of Entry Procedures and Penalties, and the Director, Division of Carriers, Drawback, and Bonds.

(a) *Director, Division of Tariff Classification Rulings.* (1) Decisions relating to the tariff classification, free and dutiable status of merchandise, including matters arising out of the Tariff Schedules of the United States, the qualification for the free entry of merchandise under section 321, Tariff Act of 1930, as amended, and the Trade Fair Act of 1959, and authorizations for liquidation or reliquidation of entries in matters relating to the above.

(2) Decisions other than those enumerated heretofore in subparagraph (a), in matters arising under provisions of law administered in the Division of Tariff Classification Rulings.

(b) *Director, Division of Entry Procedures and Penalties.* (1) Decisions with respect to the legal aspects of the entry or valuation of merchandise.

(2) Decisions with respect to (i) any claims (including liquidated damages) except as otherwise provided in Treasury Department Order No. 165, Revised, as amended (supra), (ii) mitigation or remission of claims, fines, penalties (including forfeitures) incurred or arising out of any laws administered by the Bureau of Customs in amounts not exceeding $20,000 in the aggregate in any one case and (iii) offers in compromise under 19 U.S.C. 1619, as amended, if recommended by the Chief Counsel.

(3) Decisions, other than those enumerated heretofore in this subparagraph (b), in matters arising under provisions of law administered in the Division of Entry Procedures and Penalties.

(c) *Director, Division of Carriers, Drawback, and Bonds.* (1) Decisions relating to the legal aspects of entry, clearance, use, and dutiability of vessels and aircraft, vehicles, and other carriers, their equipment and repairs and other maritime activities, connected with the administration of the laws administered by the Bureau of Customs.

(2) Decisions with respect to the legal aspects of control over instruments of international traffic.

(3) Decisions relating to legal questions about bonds, bonded warehouses, the entry of articles under items 820.40, 820.50, and Schedule 8, Part 5, Subpart C, Tariff Schedules of the United States, and drawback rates and collateral drawback matters.

(4) Decisions, other than those enumerated heretofore in this subparagraph (c), in matters arising under provisions of law administered in the Division of Carriers, Drawback, and Bonds.

B. Assistant Commissioner of Customs, Office of Operations:

Decisions and functions relating to all matters in which authority also is delegated by this order to the Director, Division of Inspection and Control, and the Director, Division of Appraisement and Collections.

(a) *Director, Division of Inspection and Control.* (1) Decisions concerning (i) requests for permission for scheduled aircraft to land elsewhere than at an international airport, and (ii) the establishment and changing of hours of service at ports of entry, stations, and offices.

(2) Decisions, other than those heretofore enumerated in this subparagraph (a), regarding procedural and operational matters relating to the functions administered by the Division of Inspection and Control.

(b) *Director, Division of Appraisement and Collections.* (1) Decisions interpreting and applying factual information concerning matters of value (value decisions, final list, etc.).

(2) Decisions regarding the proper statistical classification of merchandise.

(3) Decisions, other than those heretofore enumerated in this subparagraph (b), regarding procedural and operational matters relating to the functions administered by the Division of Appraisement and Collections.

2. Each of the officials hereby designated will perform under this authority in his own capacity and under his own title and shall be responsible for referring to the Commissioner of Customs any matter of exceptional importance or which involves some special factor requiring that action be taken by the Commissioner of Customs.

3. The delegations made by this order relate to decisions to be made and functions to be performed at the headquarters office of the Bureau of Customs, and no such delegation to these officers shall be interpreted as revoking or modifying any delegation made to the Customs field officers.

4. Customs Delegation Order No. 1 (T.D. 53161; 17 F.R. 11705), as amended by T.D. 53694, 19 F.R. 8756; T.D. 53914, 20 F.R. 7554; T.D. 54654, 23 F.R. 5962; T.D. 55431, 26 F.R. 6628; T.D. 55543, 27 F.R. 262; T.D. 55823, 28 F.R. 1267; T.D. 55946, 28 F.R. 7611; T.D. 56262, 29 F.R. 13350; T.D. 56293, 29 F.R. 14860; and T.D. 66-4, 31 F.R. 226, is rescinded. However, all delegations of authority to Customs officers and employees, whether in the headquarters office of the Bureau of Customs in Washington, or in the field, heretofore made in the Customs Regulations of 1943, as amended (19 CFR, Chapter II), or any other regulation, order, or instruction, other than those in Treasury Decisions 52209, 52330, 52331, and 52394 (14 F.R. 2244, 6533, 6534, 15 F.R. 589), heretofore superseded, are continued in effect unless and until otherwise prescribed. Further, all functions which immediately prior to the effective date of Reorganization Plan No. 26 of 1950 (15 F.R. 4935) were vested by law in Customs officers other than the Commissioner of Customs (which have been performed by such officers or by their successors under Reorganization Plan No. 1 of 1965 (3 CFR 1964-1965 Comp.) and under Treasury Order No. 120, dated July 31, 1950 (15 F.R. 6521)), shall continue to be performed by such officers or by their successors unless and until otherwise prescribed.

(191.1)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-6280; Filed, May 26, 1969; 8:48 a.m.]

Internal Revenue Service

THEODORE W. FIDLER

Notice of Granting of Relief

Notice is hereby given that Theodore W. Fidler, 7646 Southeast Morrison Street, Portland, Oreg. 97215, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 26, 1932, by the Circuit Court, Clackamas County, Oregon City, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Theodore W. Fidler because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Fidler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Theodore W. Fidler's application and have found:

(1) The conviction was made upon a charge which did notinvolve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144(c), it is ordered that Theodore W. Fidler be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-6281; Filed, May 26, 1969; 8:48 a.m.]

GEORGE NORTON

Notice of Granting of Relief

Notice is hereby given that George Norton, 2201 Wright Street, Gary, Ind., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 2, 1962, in the U.S. District Court, Northern District of Indiana of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George Norton, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Norton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George Norton's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that George Norton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-6282; Filed, May 26, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 7490]

UTAH

Notice of Proposed Withdrawal and Reservation of Land

MAY 20, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Utah 7490, for the withdrawal of the lands described below, from all forms of appropriation except operation of the mining and mineral leasing laws.

The stated purpose of the withdrawal is to extend the boundaries of the Wasatch National Forest to include lands that are suitable for watershed management, public recreational development and fire protection under Forest Service administration.

The lands described include approximately 250 acres of nonpublic lands which the Forest Service intends to acquire. This proposed boundary modification would make valuable watershed lands in private ownership available for acquisition under existing authority for administration by the Forest Service.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 2 N., R. 1 E.,
Sec. 17, SW¼SW¼SE¼;
Sec. 21, N½NW¼.
T. 1 S., R. 3 E.,
Sec. 8, N½S½.

R. D. NIELSON,
State Director.

[F.R. Doc. 69-6248; Filed, May 26, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on May 7, 1968 (27 A.D. 587), continuing in effect to and including May 31, 1970, an order issued on February 7, 1966 (25 A.D. 166), authorizing the respondents, Market Agencies at Fort Worth Stock Yards, Fort Worth, Tex., to assess the current schedule of rates and charges.

On April 23, 1969, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current rates and charges for stockyard services as indicated below:

ARTICLE II

CURRENT SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Per head
T.B. or Bangs:	
Bulls, cattle and calves regardless of weight	$2.00
Bulls:	
One head or more	2.50
Calves:	
Consignment of one head and one head only	1.00
Consignment of more than one head:	
First 15 head in each consignment	.90
Each head over 15 in each consignment	.75
Cattle:	
Consignments of one head and one head only	1.65
Consignments of more than one head:	
First 15 head in each consignment	1.55
Each head over 15 in each consignment	1.35

The proposed schedule of rates and charges for cattle and calves under Article II is as follows:

ARTICLE II

PROPOSED SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Per head
T.B. or Bangs:	
Bulls, cattle and calves regardless of weight	$2.50
Bulls:	
One head or more	2.75
Cattle:	
One head or more	1.65
Calves:	
One head or more	1.00

Extra service charges in Article III are modified as follows:

	Present	Proposed
Each additional check, each additional account sale, each proceeds deposit, or bank credit over one (1) per owner	$0.05	$0.25

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter should notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of May 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

MAY 21, 1969.

[F.R. Doc. 69-6291; Filed, May 26, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DAPSONE AND SULFABENZ MEDICATED PREMIX

Drugs for Veterinary Use, Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfa Veterinary; contains 4 percent 4,4'-diaminodiphenylsulfone and 20 percent *N*¹-phenylsulfanilamide; by Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616.

The Academy concludes that this drug is probably effective for coccidiosis in chickens and turkeys but that the documentation furnished is adequate only for its use in the control of *E. acervulina* in chickens and *E. meleagridis* in turkeys and that label changes are needed to list species of coccidia controlled.

The Academy also concludes that this drug is probably effective as an antibacterial medicated premix for chicks but label changes are needed. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified, the claim must be dropped. The manufacturer's label should warn that treated animals must actually be consuming enough medicated feed to provide a therapeutic dosage under the conditions that prevail. As a precaution, the label should indicate the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of the preparation in feed.

The Food and Drug Administration concurs with the above conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For control of intestinal coccidiosis (*Eimeria acervulina*) in chickens and coccidiosis (*Eimeria meleagridis*) in turkeys.

DOSAGE AND ADMINISTRATION

Chickens: Administer 0.12 percent for 2 days, repeat 3 to 4 days later.

Turkeys: Administer 0.24 percent for 3 to 5 days.

PRECAUTION

Mix thoroughly and give only as recommended.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6245; Filed, May 26, 1969; 8:46 a.m.]

OXYTETRACYCLINE HYDROCHLORIDE TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Terramcycin Pet Formula Tablets; each tablet contains 50 milligrams of oxytetracycline hydrochloride; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy concludes that (1) this drug is probably effective for certain infectious diseases in caged birds and tropical fish; (2) label change is needed—each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)"; and (3) if the disease cannot be so qualified, the claim must be dropped. The Food and Drug Administration concurs with the Academy's conclusions.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6247; Filed, May 26, 1969; 8:46 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2411) has been filed by Humble Oil & Refining Co., Houston, Tex. 77001, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of petroleum alicyclic hydrocarbon resins or the hydrogenated products thereof, complying with the identity prescribed in § 121.2526(b)(2), as components of paper and paperboard intended for use in contact with dry food.

Dated: May 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6246; Filed, May 26, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia, Pa.) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region II, during the absence of the Assistant Regional Administrator for Program Coordination and Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided*, That no officer is authorized to serve as Assistant Regional Administrator for Program Coordination and Services unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant to the Assistant Regional Administrator for Program Coordination and Services.
2. Director, Planning Division.
3. Director, Relocation Division.

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 27th day of May 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-6292; Filed, May 26, 1969; 8:49 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Program Coordination and Services.
3. Regional Counsel.
4. Assistant Regional Administrator for Administration.

This designation supersedes the designation effective October 21, 1968 (33 F.R. 18305–06, Dec. 10, 1968).

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 5th day of May 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-6293; Filed, May 26, 1969; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION ET AL., REGION II (PHILADELPHIA)

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations Evidencing Loans Under Title I of the Housing Act of 1949, as Amended

The Assistant Regional Administrator for Administration, the Deputy Assistant Regional Administrator for Administration, and the Director, Financial Review and Accounting Division, Region II (Philadelphia), Department of Housing and Urban Development, each is authorized within such Region to execute on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective March 22, 1966 (31 F.R. 5849, Apr. 15, 1966).

(Secretary's delegation effective Mar. 22, 1966, 31 F.R. 4814)

Effective as of the 27th day of May 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-6294; Filed, May 26, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21032; Order 69-5-105]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Order of Investigation and Suspension Regarding Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of May 1969.

By tariff revisions[1] filed April 21, 1969, and marked to become effective May 24, 1969, Caribbean-Atlantic Airlines, Inc. (Caribair), proposes the following freight rate changes in its Puerto Rico and Virgin Islands markets:

(1) Increase the minimum charge per shipment between Puerto Rico and the Virgin Islands; and

[1] Revisions to Caribbean-Atlantic's Tariff CAB No. 13.

(2) Increase general commodity rates within Puerto Rico and the Virgin Islands and between those islands.

In support of its proposals, Caribair states that it is in dire need of additional revenues. It incurred an operating loss of $1 million in 1967 and slightly less than $3 million in 1968. In the first quarter of 1969 its operating loss after income taxes was $1.3 million; for the 12 months ended March 31, 1969, the loss was $3.3 million. The carrier claims that it has not been able to implement the new route authority granted by the Board in the United States-Caribbean-South America Route Investigation, Docket 12895 et al., because of the unwillingness of foreign governments to grant landing rights in key markets.

Upon consideration of all relevant matters, the Board finds that the proposed increased rates per pound to the extent that they involve increases exceeding 20 percent may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful, and should be suspended pending investigation. The remaining rate proposals, involving increases per pound of lesser magnitude and the increases in minimum charges will be permitted to become effective without investigation.[2]

We shall permit to become effective without investigation Caribair's proposed increases in minimum charge per shipment from $5 to $8. This is consistent with prior actions wherein minimum charges as high as $10 or the charge for 50 pounds, whichever is higher for domestic services (Order 68-8-77, Aug. 19, 1968, and Order 68-10-116, Oct. 21, 1968).

The higher rates per pound proposed by the carrier involve increases ranging from 14 to 67 percent. Increases in excess of 20 percent appear excessive and may have a significant effect upon shippers. In these circumstances we will not permit them to become effective without investigation. By Order 69-3-94, March 26, 1969, the Board suspended, pending investigation, general commodity rates proposed by United Air Lines, Inc. (United), involving increases at certain weight breaks not exceeding 33 percent. However, we shall permit the carrier to put into effect those proposals which effect increases up to and including 20 percent.

Caribair claims that the percentage increases proposed appear large because the base is so low but that in absolute amounts the increases are small. Nevertheless, the increases will be significant to the shipper who makes recurrent use of the transportation as well as to those who pay for large shipments. For example, the current rate between St. Thomas and San Juan is 3 cents a pound for shipments 1,100 pounds and over. The proposed rate is 5 cents per pound, involving an increase of 67 percent. While the 3-cent rate appears to be an extremely small base, if a shipment involves 2,000 pounds, the shipper's current charge would be $60 and the increased charge would amount to $100. There is no valid reason why the increased rate should be proposed as whole cents and not include fractions. If the increase is limited to 20 percent, the proposed rate would be 3.6 cents.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates described in Appendix A attached hereto,[3] and rules, regulations, and practices affecting such rates, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, and rules, regulations, or practices affecting such rates;

2. Pending hearing and decision by the Board, the rates described in Appendix A hereto[3] are suspended and their use deferred to and including August 21, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Caribbean-Atlantic Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6283; Filed, May 26, 1969; 8:49 a.m.]

[2] For technical reasons, we are suspending and setting for investigation all of Caribair's proposed per-pound increases. We shall permit the carrier, on less-than-statutory notice, to refile those proposals involving increases of 20 percent or less.

[3] Appendix A filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of May 3, 1969, F.R. Doc. 69-5358, the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the positions of Deputy Assistant Secretary for International Trade and Financial Policy, and Deputy Assistant Secretary for Business Development Programs in the Office of the Assistant Secretary for Domestic and International Business. This is notice that the titles of these two positions have been changed to Deputy Assistant Secretary for International Trade Policy, and Deputy Assistant Secretary for Business Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6269; Filed, May 26, 1969; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary of Defense (Far Eastern Affairs)" to "Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs)".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6270; Filed, May 26, 1969; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Deputy Assistant Secretary of Metropolitan Development. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6271; Filed, May 26, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF MILWAUKEE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. A. Seefeldt, Municipal Port Director, City of Milwaukee, Room 606, City Hall, Milwaukee, Wis. 53202.

Agreement No. T-2262-2 between the City of Milwaukee (City), Pluswood Industries (Pluswood), and Pier, Inc. (Pier), modified the basic agreement which covers the lease of certain premises at Municipal General Cargo Terminal 2, Milwaukee, Wis. The purpose of the modification is to permit Pier to sublet the leased premises to Hansen Seaway Service, Ltd., and Stearns Milwaukee Marine Terminal, Inc.

Dated: May 21, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6259; Filed, May 26, 1969; 8:47 a.m.]

ROBBINS FORWARDING CO. AND EVERETT W. FLEISIG CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Bernard Robbins, Robbins Forwarding Co., 30 Church Street, New York, N.Y. 10007.

Agreement No. FF-3 between Bernard Robbins and Everett Fleisig provides for the merger of the Robbins Forwarding Co. (FMC No. 880) and the Everett W. Fleisig Co. (FMC No. 1230) for the purpose of forming a new corporation, Robbins Fleisig Forwarding, Inc. Mr. Fleisig will acquire 50 percent of the outstanding stock of the new corporation, and will relinquish his independent ocean freight forwarder license upon approval by the Commission of the merger. The new corporation will operate under the existing license number of the Robbins Forwarding Company.

Dated: May 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6258; Filed, May 26, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2676]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for License for Constructed Project

MAY 20, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Connecticut Light and Power Co. (correspondence to: Warren A. Greten, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101) for constructed Project No. 2676, known as the Taftville Project, located on the Shetucket River in Lisbon and Sprague Townships, near the city of Norwich and the town of Taftville, all in New London County, Conn.

The existing Taftville Project consists of: (1) A composite dam structure approximately 860 feet long including: (a) A canal headgate section about 70 feet long containing five gated, masonry, arch-type openings 10 feet wide by 10 feet high, with a canal leading approximately 400 feet downstream; (b) an earthen embankment 222 feet long; (c) a fixed-crest masonry overflow section approximately 440 feet long; and (d) a fixed-crest, concrete-gravity, overflow spillway 128 feet long; (2) a reservoir covering about 107 acres and extending 1.9 miles upstream at normal full pond elevation 52.3 feet (U.S.G.S. datum) normal drawdown being 5 feet; (3) five generating units with a total capacity of 1,760 kw., one unit located in an applicant-owned powerhouse and the others owned by Applicant but located in a factory building owned by GN Papers, Inc.; (4) proposed recreational development of the Shetucket River for canoeing and construction of a ramp for small boats; and (5) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6238; Filed, May 26, 1969; 8:45 a.m.]

[Docket No. RI69-720]

SOHIO PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund; Correction

MAY 15, 1969.

In the order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund, issued April 23, 1969, and published in the FEDERAL REGISTER May 1, 1969 (34 F.R. 7196), in Appendix A, page 3, line 1, Docket No. RI69-720, Sohio Petroleum Co.: Under column headed "Supp. No." change "2" to read "3".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6237; Filed, May 26, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

COLORADO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated May 19, 1969, reading in part as follows:

I have determined that the damages in those areas of the State of Colorado adversely affected by severe storms and flooding beginning on or about May 4, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Colorado.

I do hereby determine the following areas in the State of Colorado to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 19, 1969:

The counties of:

Adams.	Jefferson.
Arapahoe.	Larimer.
Boulder.	Logan.
Clear Creek.	Morgan.
Denver.	Park.
Douglas.	Sedgwick.
El Paso.	Washington.
Gilpin.	Weld.

Dated: May 21, 1969.

FRED J. RUSSELL,
Deputy Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-6272; Filed, May 26, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 22, 1969, through May 31, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6275; Filed, May 26, 1969; 8:48 a.m.]

[812-2414]

F. S. SMITHERS & CO.

Notice of Filing of Application for Exemption

MAY 21, 1969.

Notice is hereby given that F. S. Smithers & Co. ("applicant"), 45 Wall Street, New York, N.Y. 10005, prospective representative of a group of underwriters of a proposed offering of shares of Inventure Capital Corp., formerly called Ivy Capital Corp. ("Fund"), a registered closed-end investment company, has filed an application for an exemptive order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"). Applicant requests that it, and its counderwriters to the extent necessary, be exempted from section 30(f) of the Act to the extent that it adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in connection with their transactions incident to the distribution of Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund shares are to be purchased by the underwriters at a price of $18.30 per share, pursuant to an underwriting agreement to be entered into between the Fund and the underwriters represented by applicant. Upon the effective date of the Fund's registration statement under the Securities Act of 1933 the shares will be sold to the public at a maximum offering price of $20 per share, the group underwriting commission thus being $1.70 per share. Sales to selected dealers may be made by applicant, but not by other underwriters, at the offering price less a maximum concession of $1.30 per share. The several underwriters are to pay applicant a fee of 20 cents per share for its management of the offering and its assumption of certain expenses of the organization of the Fund and of the offering of the shares.

Each underwriter, irrespective of its expected underwriting commitment, will be obligated to purchase only the number of shares for which purchase orders have been received by a specified date prior to the closing. The applicant will be entitled to purchase, to cover additional purchase orders received up to the closing date, any remaining shares of its expected underwriting commitment plus any shares not purchased by other underwriters. Each underwriter, except the applicant, must pay 25 cents per share to the Fund for any excess of its expected underwriting commitment over the number of shares it actually purchases

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Exchange Act upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16(b) of the Exchange Act contains provisions for accountability for profits from purchases and sales or sales and purchases within 6 months of any equity security of the related issuer by those persons covered thereby.

It is expected that applicant and at least one other underwriter will each acquire more than 10 percent of the outstanding shares of the Fund (thereby becoming "insiders" subject to section 16(b) of the Exchange Act).

Rule 16b-2 under the Exchange Act exempts certain underwriters from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase by applicant and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

This applicant and its counderwriters, however, are not exempted from section 16(b) by the operation of Rule 16b-2. They do not meet the requirement stated in paragraph (a)(3) of Rule 16b-2, that the aggregate participation of underwriters not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of underwriters receiving the exemption under Rule 16b-2, since it is proposed that applicant and another underwriter expected to take more than 10 percent of the shares will acquire more than 50 percent of the outstanding shares of the Fund.

In addition to purchases from the Fund and sales to customers there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, overallotments, purchases to cover overallotments, and sales of shares purchased in stabilization.

Applicant states that no underwriter has any inside information, that there is no possibility of using inside information and, in fact, that there is no inside information in existence since the Fund, prior to the initial distribution, will have virtually no assets or business of any sort. No director or officer of any underwriter is a director or officer of the Fund.

Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It states that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 5, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6276; Filed, May 26, 1969; 8:48 a.m.]

[70-4753]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding and Increase in Authorized Shares of Common Stock and Sale Thereof to Holding Company

MAY 21, 1969.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, Suite 4950, New York, N.Y. 10020, a registered holding company, and one of its subsidiary companies, Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and Rules 43 and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First Mortgage Pipe Line Bonds, ------ percent Series due 1989. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be received by Michigan Wisconsin (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) are to be determined by the competitive bidding. The bonds are to be issued under Michigan Wisconsin's Mortgage and Deed of Trust dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank, trustee, as heretofore supplemented and as to be further supplemented by a 20th Supplemental Indenture to be dated as of July 1, 1969.

Michigan Wisconsin also proposes to increase its authorized shares of common stock, par value $100 per share (all of which are owned by American Natural), from 1,185,000 shares to 1,255,000. Michigan Wisconsin further proposes to issue and sell, and American Natural proposes to acquire, the 70,000 additional shares of common stock of Michigan Wisconsin at a price of $100 per share, or for an aggregate price of $7 million.

Michigan Wisconsin presently has outstanding $55 million of notes payable to banks, maturing March 31, 1970. The net proceeds from the sale of the bonds and common stock will be applied to the retirement of approximately $25 million of the notes outstanding and will be used to finance, in part, Michigan Wisconsin's 1969 expansion program estimated to cost $67 million.

The fees and expenses to be paid in connection with the proposed transactions are to be filed by amendment. Michican Wisconsin has applied to the Michigan Public Service Commission for authority to issue and sell the proposed bonds and common stock. A copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permited to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6274; Filed, May 26, 1969; 8:48 a.m.]

[70-4735]

NATIONAL FUEL GAS CO.

Notice of Filing and Order for Hearing Regarding Acquisition by Holding Company of Common Stock of Nonassociate Company

MAY 21, 1969.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding a proposed offer by National to exchange shares of its common stock for the outstanding common stock of Producers Gas Co. ("Producers"), a nonassociate gas utility company. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National, a New Jersey corporation, owns all of the capital stock of three gas utility companies located principally in the western portion of the State of New York and the area in the adjacent northwestern portion of the Commonwealth of Pennsylvania. A small portion is located in the adjoining State of Ohio. In addition, National owns all of the outstanding securities of a natural gas production company, which sells natural gas to one of National's gas utility subsidiary companies, and a small gasoline extraction company. At December 31, 1968, National and its subsidiary companies had consolidated gross property, plant, and equipment, stated at original cost, of $357,661,000, and related reserves for depreciation of $92,089,000, and for the year then ended consolidated operating revenues amounted to $156,004,000. National has 5,093,715 shares of common stock outstanding, par value $10 per share, which shares are traded on the New York Stock Exchange.

Producers distributes natural gas at retail in the western portion of the State of New York to approximately 4,900 residential, commercial, and industrial customers in 14 communities in Allegheny and Cattaraugus Counties. At December 31, 1968, Producers had gross property, plant, and equipment, stated at original cost, of $1,661,000, and related reserves for depreciation of $483,000, and for the year then ended operating revenues were $1,345,000. Producers has 48,000 shares of $10 par value common stock outstanding held by approximately 82 stockholders.

Pursuant to an agreement dated January 28, 1969, between National and 25 stockholders of Producers who own

39,892 shares of common stock (83 percent of those outstanding), National proposes, subject to Commission approval after a hearing, to acquire all 48,000 of the shares of common stock of Producers for 28,800 shares of National's authorized but unissued $10 par value common stock, or at the rate of 0.6 of a share of National's common stock for each share of Producers. No fractional shares will be issued by National. An agent will be designated to purchase and sell fractional shares. It is stated that the proposed exchange was the result of arm's-length bargaining between Producers and National.

Under the agreement, National will acquire the 39,892 shares of Producers common stock from the 25 stockholders and within a 15-day period after Commission authorization will offer, upon the same terms, to acquire the remaining 8,108 shares (17 percent). The offer will remain open for a period of 30 days, unless extended. It is stated that if for any reason any holders of the 17 percent remaining outstanding stock of Producers do not exchange their stock for National stock, there will exist a publicly held minority interest, and, in this event, National agrees to eliminate such minority interest pursuant to a plan under section 11(e) of the Act or pursuant to such other procedure as the Commission may direct.

The filing states that the utility assets of Producers are located in or adjacent to the same service area in which gas utility assets already owned and operated by Iroquois Gas Corp. ("Iroquois"), a gas utility subsidiary company of National, and another National gas utility subsidiary company are located. Two of Iroquois' transmission pipelines run through the center of Producers' service area, and Producers' Sanford Station is located about one-half mile from Iroquois' 24-inch transmission pipeline. Producers' natural gas requirements are purchased from Consolidated Gas Supply Corp., a nonaffiliate natural gas company, under a contract which expires July 1, 1981. It is further stated that the acquisition of Producers and its eventual merger into Iroquois will, among other things, make it possible for the companies to achieve economies in operations.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $7,250, including legal fees and expenses of $5,000. It is stated that the Public Service Commission of the State of New York has jurisdiction over the acquisition of the stock of Producers and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transaction; that the stockholders of Producers and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on June 17, 1969, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale of common shares of National satisfy the requirements of section 7 of the Act.

(2) Whether the proposed acquisition by National of the outstanding shares of common stock of Producers meets the standards of section 10 of the Act, and particularly the requirements of sections 10(b) and 10(c).

(3) Whether exemption from compliance with the competitive bidding requirements of Rule 50 should be granted as to the common shares of National to be issued pursuant to the exchange offer.

(4) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(5) Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

(6) What terms or conditions, if any, the Commission's order should contain.

(7) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before June 16, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to National, Producers, the Public Service Commission of the State of New York, and the Federal Power Commission; that National shall mail copies of this notice and order, not later than 15 days prior to the date of the hearing herein, to the stockholders of record of Producers; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6277; Filed, May 26, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

DELTA CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to §§ 107.701 and 107.903 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control and reorganization of Delta Capital Corp., 550 Pontchartrain Drive, Slidell, La. 70458, a Federal licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 10/10-0086.

Delta was licensed on November 29, 1961, and is registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as a nondiversified, closed-end, management investment corporation. As of March 31, 1969, Delta had paid-in capital and paid-in surplus from private sources amounting to $1,711,462, and had 151,049 shares of issued and outstanding common stock. A.V.C. Corp. (A.V.C.), proposes to purchase the majority of Delta's assets. Included in this transaction will be the transfer of Delta's name and license to a wholly owned subsidiary of A.V.C. which will operate as a licensed small business investment company. There are approximately 2,406 stockholders of A.V.C. which is presently a registered investment company under the Investment Company Act of 1940 and regulated by the Securities Act of 1933. The proposed transaction is subject to and contingent upon approval of SBA. The proposed new officers and directors are as follows:

President, director; Frank H. Reichel, Jr.
Executive vice president, secretary, director; John Laslie.
Vice president, Treasurer, and director; Alexander Wilkins, Jr.
Chairman of the Board; Frank H. Reichel, Jr.
Assistant Treasurer, Assistant secretary, and director; William R. Starnes.

All of the above persons with the exception of Mr. Laslie are either officers or employees of A.V.C. The Licensee's principal office will be initially located at 550 Pontchartrain Drive, Slidell, La. 70458, and a branch office will be located at 1200 North Carolina National Bank Building, 200 South Tryon Street, Charlotte, N.C. 28202. If SBA approves the proposed transfer of control, Delta plans to move its principal office to a major office building in downtown New Orleans, La. A.V.C.'s subsidiary will have $1,250,000 in paid-in capital and surplus. There are no plans to increase the private capital during the first few years of operations.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, within ten days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such comunication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW. Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in New Orleans, La., and Charlotte, N.C.

For SBA (pursuant to delegated authority).

Dated: May 20, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-6249; Filed, May 26, 1969; 8:46 a.m.]

SOUTH TEXAS SMALL BUSINESS INVESTMENT CO.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On April 2, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 6020) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of South Texas Small Business Investment Co., 204 North Brownson Street, Victoria, Tex. 77901, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 10/10-0019, to Victoria Loan and Investment Co. (Victoria), Victoria, Tex. Victoria will acquire 100 percent of the issued and outstanding common stock and move the main office of the licensee to 121 South Main Street, Victoria, Tex.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

Dated: May 19, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-6273; Filed, May 26, 1969; 8:48 a.m.]

[Delegation of Authority No. 30; Minot, N. Dak., Disaster]

MANAGER OF DISASTER BRANCH OFFICE, MINOT, N. DAK.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (33 F.R. 10680) as amended (34 F.R. 7054), there is hereby redelegated to the Manager of the Minot, N. Dak., Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA shares of $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster Guaranteed Loans in amounts of total loan not exceeding $350,000.

2. To execute loan authorizations for Washington, area, and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date. May 1, 1969.

ROGER B. PHELPS,
Regional Director.

[F.R. Doc. 69-6251; Filed, May 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 24]

SOUTHERN RAILWAY CO.

Rerouting and Diverting of Traffic

In the opinion of R. D. Pfahler, agent, the Southern Railway Co. is unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage.

It is ordered, That:

(a) Rerouting traffic: The Southern Railway Co., being unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Southern Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 9:30 a.m., May 21, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., May 23, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 21, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-6287; Filed, May 26, 1969; 8:49 a.m.]

[Notice 838]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 138 TA), filed May 14, 1969. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras Street, Dallas, Tex. 75202. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Houma, La., and Lafayette, La., over U.S. Highway 90, serving only termini and no intermediate points, for 180 days. NOTE: Applicant intends to tack with its existing authority MC 30319 and Subs. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, Tex. 75202.

No. MC 42487 (Sub-No. 718 TA), filed May 15, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden (same address above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acid esters*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Paterson, N.J., and Suffern, N.Y., for 150 days. Supporting shipper: Emery Industries, Inc., Post Office Box 54368, Terminal Annex, Los Angeles, Calif. 90054. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 69397 (Sub-No. 9 TA) (Correction), filed April 23, 1969, published FEDERAL REGISTER issue of May 6, 1969, and republished as corrected, this issue. Applicant: JAMES H. HARTMAN & SON, INC., R.F.D. 2, Box 334, Pocomoke City, Md. 21851. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and piling* from points in Somerset County, Md., to points in New Jersey and New York (except those points within 50 miles of New York, N.Y.); Connecticut, Virginia, North Carolina, and points in Pennsylvania on and west of the Susquehanna River, for 180 days. NOTE: The purpose of this republication is to include the State of New York, which was inadvertently omitted by Applicant. Supporting shipper: Chesapeake Bay Plywood Corp., Post Office Box 154, Pocomoke City, Md. 21851. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 82063 (Sub-No. 25 TA), filed May 14, 1969. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 130102 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sodium hypochlorite*, in bulk, in tank vehicles, from the plantsite of Vertex Chemical Corp., at Dupo, Ill., to Cedar Rapids and Keokuk, Iowa; Springfield, St. Louis, and Kansas City, Mo.; Springdale, Ark.; Paducah, Ky.; and Kansas City, Kans., for 180 days. Supporting shipper: Vertex Chemical Corp., Dupo, Ill. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 111729 (Sub-No. 283 TA), filed May 14, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, restricted to traffic having an immediately prior or subsequent movement by air, between Los Angeles Airport, San Diego Airport, and San Francisco Airport, Calif., on the one hand, and, on the other, points in California; (2) *blood specimens and urine specimens*, restricted to traffic having an immediately prior or subsequent movement by air, between points in Indiana; between points in Kentucky, for 180 days. Supporting shippers: (1) Cambridge Nuclear Corp., 131 Portland Street, Cambridge, Mass. 02139; (2) Biochemical Procedures, 12020 Chandler Boulevard, North Hollywood, Calif. 91607. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115826 (Sub-No. 193 TA), filed May 15, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: James F. Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in the *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa; Omaha, Nebr.; Wichita, Kans.; and Trenton, Mo., to points in California, Arizona, and Nevada, for 180 days. Supporting shipper: Cudahy Co., 100 West Clarendon, Phoenix, Ariz. 85013. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116073 (Sub-No. 97 TA), filed May 15, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *pickup campers*, in initial movement, from Hillsboro, Oreg., to points in Washington, Idaho, California, Montana, Utah, and Colorado, for 180 days. Supporting shipper: Aladdin Trailer Co., Post Office Box 296, Hillsboro, Oreg. 97123. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 117698 (Sub-No. 7 TA), filed May 15, 1969. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, ice cream products, ice confections, and ice mix*, from Suffield, Conn., to Eatontown, Mount Holly, Ocean City, Middlesex, Paterson, Newark, and Woodbridge, N.J.; Farmingdale and Holtsville, Long Island, N.Y.; (2) *meats, seafood, and packaged entrees and food*, in refrigerated trailers and not in bulk or tank vehicles, from Boston, Mass., to points in Otsego, Delaware, Schoharie, and Chenango Counties, N.Y., for 150 days. Supporting shippers: H. P. Hood & Sons, Suffield, Conn.; Fulton Packing Co., Inc., Boston, Mass. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6288; Filed, May 26, 1969; 8:49 a.m.]

[Notice 351]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71103. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Klappert Moving & Storage, Inc., Covington, Ky., of the operating rights in certificate No. MC-649 issued May 2, 1961, to Klappert Moving & Storage, Inc., Covington, Ky., authorizing the transportation of household goods, as defined by the Commission, between points in Campbell, Kenton, and Boone Counties, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Ohio, Tennessee, and West Virginia. James W. Hengelbrok, 805 Tri-State Building, Cincinnati, Ohio 45202, attorney for applicants.

No. MC-FC-71267. By order of May 13, 1969, the Motor Carrier Board approved the transfer to N. Geneva Vaughn, doing business as Vaughn's Transfer, Monmouth, Ill., of the certificate No. MC-68610 issued September 6, 1966, to Kenneth E. Vaughn, doing business as Vaughn's Transfer, Monmouth, Ill., authorizing the transportation of: Petroleum products, and gasoline station supplies, and household goods, between points in Illinois and Iowa. Kenneth E. Critser, 108 East Broadway, Monmouth, Ill. 61462, attorney for applicants.

No. MC-FC-71308. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Bestway, Inc., Farmington, Minn., of permits Nos. MC-119784, MC-119784 (Sub-No. 2), and MC-119784 (Sub-No. 3), issued February 21, 1961, October 31, 1963, and September 21, 1965, respectively, to Austin Lively, State Center, Iowa, authorizing the transportation of: Linseed meal and linseed screenings, between specified areas in Minnesota and Iowa. Robert R. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa, 50309, attorney for applicants.

No. MC-FC-71317. By order of May 13, 1969, the Motor Carrier Board approved the transfer to Brooks Terminal Co., a corporation, Oakland, Calif., of the certificate and certificate of registration in No. MC-127434 and MC-127434 (Sub-No. 1), both issued March 8, 1968, to Dale C. Hansen, doing business as Modern Transportation, Santa Clara, Calif.; the certificate authorizes the transportation of general commodities, with the usual exceptions, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; between points in San Francisco County, Calif., and between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; the certificate of registration evidences a right to engage in transportation in interstate commerce corresponding in scope to the authority granted in Decisions Nos. 50995 and 53064, as amended, and transferred by Decision No. 73331 dated November 14, 1967, issued by the Public Utilities Commission of the State of California. Marvin Handler, Esq., Handler, Baker and Greene 405 Montgomery Street, San Francisco, Calif. 94104, and Bertram S. Silver, Esq., 104 Montgomery Street, San Francisco, Calif. 94104, attorneys for applicants.

No. MC-FC-71331. By order of May 14, 1969, the Motor Carrier Board approved the transfer to H. B. Nelson & Sons, Inc., Alexandria, Minn., of the operating rights in certificates Nos. MC-100300 (Sub-No. 2) and MC-100300 (Sub-No. 3) issued February 7, 1961, and October 19, 1964, respectively, to Armand A. Hansen, doing business as A. A. Hansen, Foxhome, Minn., authorizing the transportation of used bluegrass stripping machines between designated portions of Iowa, Minnesota, Missouri, Nebraska, and South Dakota; bags for bluegrass strippings and seeds from Kansas City, Mo., and Barnsville, Minn., to portions of Minnesota and South Dakota; and malt beverages from Minneapolis, Minn., to Wahpeton, N. Dak. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary,

[F.R. Doc. 69-6289; Filed, May 26, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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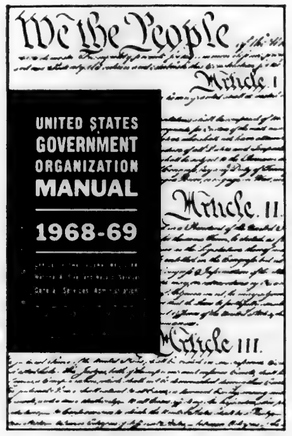

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Title 3—THE PRESIDENT

Executive Order 11470

PRESCRIBING ARRANGEMENTS FOR THE STRUCTURE AND CONDUCT OF A NATIONAL PROGRAM FOR VOLUNTARY ACTION

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *The national voluntary action program.* There shall be undertaken within the executive branch of the government, as provided in this order, a national voluntary action program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems. That program shall supplement corresponding action by private and other non-Federal organizations. As used in this order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens. Such contributions or applications of resources are deemed "voluntary" to the extent they are made without legal compulsion or compensation.

SEC. 2. *Cabinet Committee on Voluntary Action.* (a) There is hereby established a Cabinet Committee on Voluntary Action (hereinafter referred to as "the Committee").

(b) The Committee shall be composed of the following:

The Secretary of Housing and Urban Development (hereinafter referred to as "the Secretary")

The Attorney General

Secretary of Agriculture

Secretary of Commerce

Secretary of Labor

Secretary of Health, Education, and Welfare

Director of the Office of Economic Opportunity and such other heads of departments and agencies as the President may from time to time direct.

(c) The Secretary shall be the Chairman of the Committee.

SEC. 3. *Functions of the Committee.* The Committee shall advise and assist the President with respect to the national voluntary action program and shall perform such other duties as the President may from time to time prescribe. In addition to such duties, the Committee is directed to:

(a) Foster cooperation among the various departments and agencies on programs related to voluntary action.

(b) Promote more widespread reliance on and recognition of voluntary activities.

(c) Provide a focal point through which voluntary organizations can better make their needs and concerns known to the Federal Government.

(d) Advise and participate in the development of new Federal initiatives for encouraging voluntary action.

SEC. 4. *Functions of Secretary of Housing and Urban Development.* The Secretary shall:

(a) Encourage the development and implementation of Federal and non-Federal voluntary activities directed toward the solution or mitigation of problems associated with conditions of urban living or with poverty.

(b) Provide for the development and operation of a clearinghouse for information on private voluntary action, and on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs dealing with problems of urban living or poverty, and coordinate, as consistent with law, Federal activities involving such action.

(d) Cooperate with private organizations in their efforts to stimulate more widespread and effective private voluntary action for attacking problems of urban living or poverty.

(e) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative private voluntary action programs directed toward problems associated with conditions of urban living or poverty.

(f) Perform such other duties with respect to the voluntary action program as the Secretary deems advisable.

SEC. 5. *Responsibilities of departments and agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Secretary, shall, to the extent of authority and available funds, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this order.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting the voluntary action program.

SEC. 6. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
May 26, 1969.

[F.R. Doc. 69-6397; Filed, May 26, 1969; 4:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that an additional position of Special Assistant to the Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (d) of § 213.3384 is amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

* * * * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(6) Two Special Assistants to the Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6319; Filed, May 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Administrator is now designated as Principal Special Assistant to the Administrator, and that the position of one Confidential Assistant to the Principal Special Assistant is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (b) is amended and paragraphs (m) and (n) are added to § 213.3332 as set out below.

§ 213.3332 **Small Business Administration.**

* * * * * * *

(b) Three Special Assistants to the Administrator.

* * * * * * *

(m) One Principal Special Assistant to the Administrator.

(n) One Confidential Assistant to the Principal Special Assistant to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6320; Filed, May 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Private Secretary to the Counselor is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (u) is added under § 213.3304 as set out below.

§ 213.3304 **Department of State.**

* * * * * * *

(u) Office of the Counselor.

(1) One Private Secretary to the Counselor.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6321; Filed, May 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant to the Assistant Secretary for Urban Systems and Environment is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (16) is added under paragraph (a) of § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

(a) *Office of the Secretary.* * * *

(16) One Special Assistant to the Assistant Secretary for Urban Systems and Environment.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6322; Filed, May 27, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Changes in Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof and U.S. Specifications for Classes, Standards, and Grades With Respect Thereto (7 CFR Part 54), the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below:

Statement of considerations. The cost of supervising and administering the resident voluntary poultry and egg grading service and providing fringe benefits for resident graders has steadily risen. During the past few years, the grading program has operated on a deficit basis, and the reserve in the Trust Fund has been utilized to cover costs not recovered from industry. The Agricultural Marketing Act of 1946, under which the program

is conducted, requires that fees charged substantially cover the cost of the program.

The cost of supervising and administering the program is recovered primarily in the administrative volume charges. These have not been adjusted since January 1, 1959.

Fringe benefits for graders are provided by adding a percentage factor to the salary. This factor has not been changed since 1960.

Administrative costs for travel are recovered by adding a percentage factor to the amount charged to plants. This factor also has not been changed since 1960.

On the other hand, since 1959, the salaries of supervisory and clerical personnel have increased 62 percent by congressional action.

The costs of travel allowances and public transportation have substantially increased. Other costs such as printing, postage, and related office costs have also markedly increased.

In 1960, a factor of 20 percent of the graders' base salary was established for recovering the agency costs for annual leave, sick leave, retirement, life insurance, and related administrative costs. Since that time, added benefits such as severance pay and special moving cost allowances have been granted to employees.

The previous factor of 20 percent of the base annual salary is equal to 22 percent of the salary charged to the plant. This is true because the plant is not billed while the grader is on annual or sick leave. The amendments increase this factor from 22 to 25 percent to recover the costs for severance pay and special moving allowances and the costs for travel and per diem of all relief graders. Previously, actual travel and per diem costs incurred by relief graders have been charged to the plants. This has not been equitable since the costs were dependent upon the location of the plant.

The amendments raise the administrative volume charges to cover the increases in the salary of supervisors and clerks, increases in supervisory travel costs, clerical costs and other office costs. The percentage increase for the larger plants is greater than for the small plants; however, the per pound or dozen cost remains smaller for the large plants than for the small plants.

The 3 percent increase in the percentage factor for overtime, extra graders, and expenses is in line with the increase in costs of administering the program at both the field and national level.

The cost of inaugurating service in a plant exceeds $500. Previously, a fee of $150 was charged for the final survey and inauguration of service. In addition, charges were made for the initial survey. These fees have been eliminated. The amendments establish a fee of $200 which is paid at the time the application for service is signed. The balance of the cost is recovered over a period of time from the administrative volume charges. This cost cannot be recovered if an application for service is terminated after only a short period of active use. To offset this portion of the unrecovered cost, a charge of $300 has been established for plants that terminate within 12 months from the inauguration of service.

The egg products inspection program has unusual costs peculiar to that program since both USDA laboratories and, in some cases, non-USDA laboratories require special supervision. To recover the costs of this supervision, the amendments provide for a monthly fee of $35 in USDA plants, requiring an inspector who is qualified to perform laboratory analyses, and a $400 yearly fee for non-USDA laboratories requesting approval to perform Salmonella tests.

The total cost of grading per 1,000 pounds of product was reduced from $1.01 per 1,000 pounds in fiscal year 1960 to a low of 76 cents per 1,000 pounds in fiscal year 1967. Although it increased a few cents per pound in 1968 and 1969, the cost based on the new rates will be considerably less per pound than in 1960.

The amendments are as follows:

As to Part 54:

1. Section 54.108 is amended to read:

§ 54.108 Continuous grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 54.102.

(a) *Charges.* The charges for grading of domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed.[1] If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader will be at the same rate of the grader's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader assigned to the plant while rendering grading service for the applicant.

(5) A charge equal to the rate specified in § 54.101, plus actual cost to C&MS for expenses incurred in rendering service for:

(i) Peak workloads or special work that cannot be performed by graders assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's base salary charged to the plant to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader in excess of one regular grader and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

(8) An administrative service charge based upon the aggregate weight of the total monthly volume of all live and ready-to-cook rabbits handled in the plant, and computed in accordance with the following:

$50 for 0 to 100,000 pounds;[1] $71 for 100,001 to 400,000 pounds plus $7 additional for each 100,000 pounds, or fraction thereof, in excess of 400,000 pounds up to 3,000,000 pounds with no additional charge in excess of 3,000,000 pounds.

[1] Also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS; *Provided*, That in no instance may the graders assume the duties of management.

2. Section 54.111 is hereby deleted.

As to Part 55:

1. A new § 55.65 is added to read:

§ 55.65 Approved laboratory charges.

A charge of $400 shall be made for each non-USDA laboratory requesting approval to perform salmonella tests as required in § 55.77(p) at the time approval is requested and a $400 renewal charge shall be made each July 1st.

2. A new § 55.67 is added to read:

§ 55.67 Charges for continuous inspection performed on a nonresident basis.

When egg products service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 55.68 are applicable with the exception of those in § 55.68(a) (1), (5), (7) (i), (ii), (8), and (9). An administrative charge shall be made by adding 25 percent of the first grader's or inspector's salary costs and 15 percent of each additional assigned grader's or inspector's salary costs. When similar services are furnished to the same applicant under Part 56 or Part 70, the charges listed in this section shall not be repeated.

3. Section 55.68 is amended to read:

§ 55.68 Continuous inspection performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 55.62.

(a) *Charges.* The charges for grading and inspection of egg products shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader or inspector assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader or inspector ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader or inspector will be at the same rate of the grader's or inspector's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader or inspector assigned to the plant while rendering grading or inspection service for the applicant.

(5) A charge equal to the rate specified in § 55.61, plus actual costs to C&MS for expenses incurred in rendering service for: (i) Peak workloads or special work that cannot be performed by graders or inspectors assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's or inspector's base salary charged to the plant to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader or inspector in excess of one regular grader or inspector, and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders or inspectors assigned to the applicant.

(8) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg) of all egg products handled in the plant and computed in accordance with the following:

$50 for 0 to 100,000 pounds;[1] $70 for 100,001 to 200,000 pounds, plus $15 for each additional 100,000 pounds, or fraction thereof, in excess of 200,000 pounds up to 1 million pounds and $15 for each additional 250,000 pounds, or fraction thereof, thereafter with no additional charge in excess of 2,250,000 pounds.

[1] Also applies where an approved application is in effect and no product is handled.

(9) A charge of $35 per month when the applicant requests an inspector who is qualified to perform any of the laboratory analyses listed in § 55.66.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader or inspector with such information as may be necessary for the performance of the grading and inspection service.

(2) C&MS will provide, as available, an adequate number of graders or inspectors to perform the grading and inspection service. The number of graders or inspectors required will be determined by C&MS based on the expected demand for service.

(3) The grading and inspection service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading and inspection service; or

(iv) Termination of the services pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading and inspection services shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws rules and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders or inspectors will be required to confine their activities to those duties necessary in the rendering of grading and inspection services and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders or inspectors assume the duties of management.

§ 55.70 [Deleted]

4. Section 55.70 is hereby deleted.

As to Part 56:

1. Section 56.52 is amended to read:

§ 56.52 Continuous grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 56.47.

(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader will be at the same rate of the grader's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader assigned to the plant while rendering grading service for the applicant.

(5) A charge equal to the rate specified in § 56.46, plus actual costs to C&MS for expenses incurred in rendering service for: (i) Peak workloads or special work that cannot be performed by graders assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's base salary charged to the plant to cover the cost of C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader in excess of one regular grader and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

(8) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per month and computed in accordance with the following:

$50 for 0 to 1,000 cases [1] plus $5 for each additional 1,000 cases, or fraction thereof, per month with no additional charge in excess of 45,000 cases.

[1] Also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders assume the duties of management.

2. Section 56.54 is amended to read:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

When shell egg grading service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 56.52 are applicable with the exception of those in § 56.52(a) (1), (5), (7) (i), (ii), and (8). An administrative charge shall be made by adding 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary cost. When similar services are furnished to the same applicant under Part 55 or Part 70, the charges listed in this section shall not be repeated.

As to Part 70:

1. Section 70.137 is amended to read:

§ 70.137 Charges for continuous grading performed on a nonresident basis.

When poultry grading service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 70.138 are applicable with the exception of those in § 70.138(a) (1), (5), (7) (i), (ii), and (8). An administrative charge shall be made by adding 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary cost. When similar services are furnished to the same applicant under Part 55 or Part 56, the charges listed in this section shall not be repeated.

2. Section 70.138 is amended to read:

§ 70.138 Continuous grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.132.

(a) *Charges.* The charges for grading of poultry and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 at the time the application for service is signed. If service is not installed within 6 months from the date application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated. A new application may be filed. A charge of $300 if the application is terminated at the request of the applicant within 12 months from date of inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge equal to the cost of the salary paid to each grader assigned to the applicant's plant by C&MS: *Provided*, That (i) no charge will be made for the salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant, and (ii) the charge for the relief grader will be at the same rate of the grader's salary who is replaced.

(4) A charge for the actual cost to C&MS for any expenses incurred at the applicant's request for each grader assigned to the plant while rendering grading service for the applicant.

(5) A charge equal to the rate specified in § 70.131, plus actual cost to C&MS for expenses incurred in rendering service for: (i) Peak workloads or special work that cannot be performed by graders assigned to the plant on a continuing basis, and (ii) for intermediate surveys to firms without grading service in effect.

(6) A charge equal to 25 percent of each grader's base salary charged to the plant to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.), for Old Age Survivor's Benefits under the Social Security System, retirement benefits, insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, severance pay, sick leave, annual leave, and related servicing costs.

(7) A charge of 10 percent of: (i) The overtime salary, (ii) the salary paid to each grader in excess of one regular grader and (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

(8) An administrative service charge based upon the aggregate weight of the total monthly volume of all live and ready-to-cook poultry handled in the plant, and computed in accordance with the following:

$50 for 0 to 100,000 pounds,[1] $71 for 100,001 to 400,000 pounds, plus $7 additional for each 100,000 pounds, or fraction thereof, in excess of 400,000 pounds up to 3,000,000 pounds, and $7 for each 1,000,000 pounds, or fraction thereof, per month in excess of 3,000,000 pounds with no additional charge in excess of 6,000,000 pounds.

[1] Also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders assume the duties of management.

§ 70.142 [Deleted]

3. Section 70.142 is hereby deleted.

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), be reasonable and shall, as nearly as possible, cover the cost of such services.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Issued at Washington, D.C., this 23d day of May, 1969, to become effective on July 1, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-6303; Filed, May 27, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Ouachita, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West

Baton Rouge, West Feliciana, and Winn Parishes;

Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Madison, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State:
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmonds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Palm Beach County in Florida; Ouachita Parish in Louisiana; Grant, Lincoln, Morrill, Sheridan, and Thomas Counties in Nebraska; Cleveland and Comanche Counties in Oklahoma; Brule County in South Dakota; Austin, Nacagdoches, Panola, Upshur, and Wood Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of May 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-6340; Filed, May 27, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-CE-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5658) stating that the Federal Aviation Administration proposed an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200 feet AGL east alternate to VOR Federal airway No. 73 from Wichita, Kans., to Salina, Kans.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

In V–73, all after "184° radials;" is deleted and "12 AGL Salina, including a 12 AGL last alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6336; Filed, May 27, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate controlled airspace for the safety of aircraft conducting instrument flight rule operations in the North Slope area of Alaska.

On April 11, 1969, F.R. Doc. 69-4374 was published in the FEDERAL REGISTER (34 F.R. 6376) amending Parts 71 and 75 of the Federal Aviation Regulations by designating certain terminal and en route controlled airspace to support

instrument flight rule operations in the North Slope area of Alaska. Due to the rapid increase in air traffic and the severe weather conditions in this area, an additional route is necessary to provide increased access to the North Slope area. Therefore, action is taken herein to designate an additional control area from Fort Yukon, Alaska, to Flaxman Island, Alaska, to accommodate a direct route between these two points.

Since this amendment is in the interest of safety and is needed immediately, the Administrator has determined that notice and procedure hereon are impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following is added:

FORT YUKON, ALASKA

From the Fort Yukon, Alaska, VOR 12 AGL to Flaxman Island, Alaska, RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6338; Filed, May 27, 1969; 8:48 a.m.]

[Airspace Dockets Nos. 68-EA-75, 68-WA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration, and Revocation of Transition Areas; Correction

On March 26, 1969, F.R. Doc. 69-3509 was published in the FEDERAL REGISTER (34 F.R. 5647) that amended Part 71 of the Federal Aviation Regulations. Subsequently, on April 4, 1969, F.R. Doc. 69-3961 (34 F.R. 6076) was published amending that same part. Both regulatory actions contained typographical errors in the description of the designation of controlled airspace. Accordingly, action is taken herein to correct these discrepancies.

Airspace Docket No. 68-EA-75 (F.R. Doc. 69-3509) erroneously recited a geographic position in the West Virginia transition area. In Airspace Docket No. 68-WA-15 (F.R. Doc. 69-3961), a portion of the description of the 2,000-foot floor portion of the Florida transition area southwest of Fort Myers, Fla., is in error.

Since these corrections do not designate additional controlled airspace and are minor in nature, notice and public procedure hereon is unnecessary, and for those reasons may be made effective in less than 30 days.

Inasmuch as these corrections may be made effective in less than 30 days, the effective date of the aforementioned Airspace dockets will remain May 29, 1969.

In consideration of the foregoing, F.R. Doc. 69-3509 and F.R. Doc. 69-3961 are amended, effective immediately, as hereinafter set forth:

1. F.R. Doc. 69-3509 is amended as follows:

In the West Virginia transition area (34 F.R. 5647), delete "lat. 38°24'10" N." and substitute "lat. 39°15'10" N." therefor.

2. F.R. Doc. 69-3961 is amended as follows:

In the 2,000-foot portion of the Florida transition area (34 F.R. 6076), delete "* * * 25-mile radius circle centered on the Fort Myers VORTAC" and substitute "20-mile radius circle centered on the Fort Myers VORTAC" therefor.

(Sec. 307(a), 1110 Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6339; Filed, May 27, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-46]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the name of the controlling and using agencies of Restricted Area R–5202 Gardiner's Island, N.Y.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure hereon are unnecessary and for that reason this amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 73.52 (34 F.R. 4840) is amended, effective immediately, as follows:

In R–5202 "Controlling agency: FAA, New York ARTC Center." and "Using agency: Commander, Suffolk Air Force Base, N.Y." are deleted and "Controlling agency: FAA, Quonset RATCC." and "Using agency: Commander, Fleet Air Quonset, Naval Air Station, Quonset Point, R.I." are substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6337; Filed, May 27, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following citations of authority are amended to read as set forth below.

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

1. The citation of authority for Part 532 is changed to read as follows:

AUTHORITY: The provisions of this Part 532 issued under secs. 602(f), and 603, 76 Stat. 483, 484; 37 U.S.C. 602(f), 603.

PART 533—CLAIMS OF SURVIVORS OF DECEASED PERSONNEL

2. The citation of authority for §§ 533.20–533.24, in Part 533, is changed to read as follows:

AUTHORITY: Sections 533.20 to 533.24 issued under secs. 2771, 3012, 70A Stat. 155, 157; 10 U.S.C. 2771, 3012.

PART 536—CLAIMS AGAINST THE UNITED STATES

3. The citation of authority for §§ 536.50–536.57 is changed to read as follows:

AUTHORITY: Sections 536.50 to 536.57 issued under secs. 1481, 3012, 70A Stat. 112, 157, sec. 5742, 80 Stat. 507; 5 U.S.C. 5742, 10 U.S.C. 1481, 3012.

4. The citation of authority for §§ 536.70–536.78 is changed to read as follows:

AUTHORITY: Sections 536.70 to 536.78 issued under sec. 3012, 70A Stat. 157, secs. 2101–2105, 72 Stat. 1222–1224; 10 U.S.C. 3012, 38 U.S.C. 2101–2105.

SUBCHAPTER C—MILITARY EDUCATION

PART 542—SCHOOLS AND COLLEGES

5. The citation of authority for Part 542 is changed to read as follows:

AUTHORITY: The provisions of this Part 542 issued under secs. 3012, 4651, 70A Stat. 157, 260, sec. 201, 78 Stat. 1069; 10 U.S.C. 2111, 3012, 4651.

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

6. The citation of authority for Part 562 is changed to read as follows:

AUTHORITY: The provisions of this Part 562 issued under secs. 2001, 3012, 70A Stat. 119, 157, secs. 2031, 2101–2111, 78 Stat. 1064; 10 U.S.C. 2001, 2031, 2101–2111, 3012.

SUBCHAPTER F—PERSONNEL

PART 581—PERSONNEL REVIEW BOARDS

7. The citation of authority for § 581.1 is changed to read as follows:

(Sec. 1554, 72 Stat. 1267, sec. 3012, 70A Stat. 157; 10 U.S.C. 1554, 3012)

8. The citation of authority for § 581.2 is changed to read as follows:

(Sec. 1553, 72 Stat. 1267, sec. 3012, 70A Stat. 157; 10 U.S.C. 1553, 3012)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6299; Filed, May 27, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Lower Monumental Dam Navigation Lock and Approach Channels, Snake River, Wash.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.717 is hereby prescribed governing the use, administration, and navigation of the Lower Monumental Dam Navigation Lock and Approach Channels in Snake River, Wash., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.717 Lower Monumental Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation.

(a) *General.* The lock and its approach channels, and all its appurtenances, shall be under the jurisdiction of the District Engineer, Corps of Engineers, U.S. Army, in charge of the locality. His representative at Ice Harbor Dam shall be the Project Engineer, who shall customarily give orders and instructions to the lock master and assistant lock masters in charge of the lock. Hereinafter, the term "lock master" shall be used to designate the lock official in immediate charge of the lock at any given time. In case of emergency and on all routine work in connection with the operation of the lock, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instructions from the Project Engineer.

(b) *Immediate control.* The lock master shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. It shall be the duty of the Project Engineer to establish lines of succession for the men operating the lock on all shifts in order that in case of absence or accident to the designated lock master, one of his assistants will immediately assume the position of lock master.

(c) *Authority of lock master.* No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lock master or his assistants.

(d) *Signals*—(1) *Sound.* All craft desiring lockage shall signal by two long and two short blasts of their whistle, delivered at a distance of one-half mile from the lock. When the lock is ready for entrance, notice will be given by one long blast. Permission to leave the lock will be given by one short blast.

(2) *Visual.* Visual signals are located outside each lock gate and will be used in conjunction with the sound signals. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock cannot be made ready immediately and the vessel shall stand clear.

(3) *Radio.* The lock is equipped with two-way radio operating on frequencies of 156.8000 MHz and 156.6500 MHz. These frequencies are monitored by the lock master. Vessels equipped with two-way radio may communicate with the crew operating the lock but communications or signals so received will only augment and not replace the sound and visual signals.

(e) *Permissible dimensions of boats.* Single tows aggregating 650 feet or less in length and 84 feet or less in width will be permitted to lock through without disassembly. At normal pool elevation of 540 feet above m.s.l., the depth of water over the upstream gate sill will be 19 feet. The upstream sill elevation is 521 feet m.s.l. The depth of water over the downstream gate sill will depend upon the flow in the river but will usually exceed 18 feet when Ice Harbor Pool is at 440 feet m.s.l. The downstream gate sill elevation is 422 feet m.s.l. Gauges are located on the guide walls at each end of the lock and on the lock walls at each end. These gauges indicate water surface elevations in feet above m.s.l. Depth of water over the sills should be calculated before entrance into the lock. A craft must not attempt to enter the lock if its beam and length are greater than the above-indicated dimensions or if its draft exceeds the calculated depth over the sills with adequate allowances for safe clearances.

(f) *Precedence at lock.* Ordinarily the boat arriving before all others at the lock will be locked through first; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lock master if boats are approaching from the opposite direction and are within reasonable distance of the lock at the time of the approach by the first boat. When several boats are to pass, precedence shall be given as follows:

First. Boats and craft owned by the United States and engaged upon river and harbor improvement work.
Second. Freight and tow boats.
Third. Rafts.
Fourth. Passenger boats.
Fifth. Small vessels and pleasure craft.

(g) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(h) *Multiple lockage.* The lock master shall decide whether one or more vessels may be locked through at the same time.

(i) *Speed.* Vessels shall not be raced or crowded alongside another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(j) *Lockage of small boats*—(1) *General.* The lockage of pleasure boats, skiffs, fishing boats, and other small craft will be coordinated with the lockage of commercial craft, other than barges handling petroleum products or highly hazardous materials. If no commercial craft are scheduled to be locked through within a reasonable time not to exceed one hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(2) *Signal stations.* Pull-cord signal stations marked by large instructional signs are located near the end of the upstream and downstream lock entrance walls. Small boat operators desiring lockage may pull the cord to signal the lock master.

(3) *Entering and exit signals.* Visual signal lights are located outside each lock gate. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock is not ready for entrance and the vessel shall stand clear. In addition to the above visual signals, the lock master will signal that the lock is ready for entrance by sounding one long blast on the lock air horn. The lock master will signal that the lock is ready for exit by sounding one short blast on the air horn.

(k) *Mooring in lock.* All boats, rafts, and other craft when in the locks shall be moored by head and spring lines and such other lines as may be necessary to the fastenings provided for that purpose, and the lines shall not be released until the signal is given for the vessel to leave the lock. (Do not moor to stationary bits or ladders.)

(l) *Mooring in approaches prohibited.* The mooring or anchoring of boats or other craft in the approaches to the lock where such mooring will interfere with navigation through the lock is prohibited. Rafts to be passed through the lock shall be moored so as not to interfere with navigation through the lock or its approaches, and, if the raft is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lock master. After passing through the lock, the sections shall be reassembled at such a distance from the entrance so as not to obstruct or interfere with navigation through the lock and approaches.

(m) *Waiting for lockage.* Boats and tows waiting downstream of the dam for lockage shall wait in the clear downstream of the navigation lock approach channel, or contingent upon prior radio clearance of the lock master, may at their own risk lie inside the 250-foot approach channel alongside the north shore: *Provided*, That a 150-foot wide open channel is maintained between the boat or tow and the offshore guide wall. Vessels waiting upstream of the dam for lockage may lay to against the offshore floating guide wall provided they remain not less than 400 feet upstream of the upstream lock gate. In either event, a clear channel not less than 150 feet wide shall be kept open to accommodate passing traffic.

(n) *Delay in lock.* Boats or barges must not obstruct navigation by unnecessary delay in entering or leaving the lock.

(o) *Damage to lock or other structures.* The regulations contained in this section shall not affect the liability of the owners and operators of vessels for any damage by their operations to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtence thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All boats with metal nosings or projecting irons, or rough surfaces which may damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(p) *Tows.* Persons in charge of vessel towing a second vessel or barge by lines shall take the second vessel or barge alongside at a distance of at least 300 feet from the lock gate toward which the vessel is approaching and keep it alongside until at least 300 feet clear of the gate at the end from which it is departing.

(q) *Crew to move craft.* The masters in charge of tows and the persons in charge of rafts and other craft must provide a sufficient number of men to move barges, rafts, and other craft into and out of the lock easily and promptly.

(r) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the lock master, shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock, but the lock master may call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance, the men so employed shall be strictly under the orders of the lock master. Masters of boats refusing to give such assistance when it is requested of them may be denied the use of the lock by the lock master.

(s) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operations of the lock. Freight and baggage consigned to Lower Monumental Project shall be landed only at such places as are designated by the lock master or his assistants.

(t) *Refuse in locks.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited in the lock area.

(u) *Statistics.* On each passage through the lock, masters or pursers of vessels shall make to the lock master such written statement of passengers, freight, and registered tonnage and other information as are indicated on forms furnished such masters or pursers by the lock masters.

(v) *Persistent violation of regulations.* If the owner or master of any boat persistently violates the regulations of this section after due notice of the same, the boat or master may be refused lockage by the lock master at the time of violation or subsequent thereto if deemed necessary in the opinion of the lock master to protect Government property and works in the vicinity of the lock.

(w) *Restricted areas.* (1) All the waters described in subparagraphs (2) and (3) of this paragraph are restricted to all boats except those of the U.S. Coast Guard and Corps of Engineers.

(2) All of the waters downstream of the dam which are bounded on the north by the dam, on the south by the guide wall, on the east by the shore of the river, and on the west by a line approximately one-fourth mile downstream of the dam, the south end of which is indicated by the downstream end of the guide wall and thence on a line bearing 320°24'09" True to the north shore.

(3) All waters within a distance of about 2,220 feet above the dam lying north of the navigation channel leading to the lock. This restricted area is bounded by a line commencing at the upstream end of the fixed guard wall and running in a direction of 80°25'47" True for a distance of 740 yards, thence 320°-24'09" True across the river to the north shore.

[Regs., May 8, 1969, 1507-32 (Snake River, Wash.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6300; Filed, May 27, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

REVISION OF GSA FORM 1424, GSA SUPPLEMENTAL PROVISIONS, AND MISCELLANEOUS AMENDMENTS OF CHAPTER

Chapter 5A is amended as follows:

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

1. Section 5A-1.311 is amended to read as follows:

§ 5A-1.311 Priorities, allocations, and allotments.

(a) Guidelines and procedures for the application of DO priority ratings to FSS contracts and delivery orders are set forth in GSA Order FSS 2800.13A, dated June 13, 1967. When the contract or any delivery order thereunder is to be priority rated, the appropriate rating symbol (DO K-1, DO D-7, etc.) or notation "see delivery order", shall be entered in Block 3 of SF 33, Solicitation, Offer, and Award, and the following clause shall be included in each solicitation:

PRIORITIES, ALLOCATIONS, AND CONTROLLED MATERIALS

If this contract or any delivery order thereunder is rated and certified for national defense use (see Block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of BDSA Regulation 2 and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract.

(b) Criteria and procedures for requesting assistance from the U.S. Department of Commerce, Business and Defense Services Administration (BDSA) under the Defense Materials System are set forth in GSA Order. FSS 2800.21, dated April 26, 1968.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

1. Subparagraph (e) (1) of § 5A-2.201-70 is amended to read as follows:

§ 5A-2.201-70 Forms to be used.

* * * * *

(e) Supplemental provisions and special program bidding terms.

(1) GSA Form 1424, GSA Supplemental Provisions, March 1969 edition. This form shall be incorporated by reference in each invitation for bids by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, March 1969, edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

* * * * *

2. Paragraph (d) of § 5A–2.201–71 is amended to read as follows:

§ 5A–2.201–71 Special minimum bid acceptance time requirements.

* * * * *

(d) Where the use of a special bid acceptance time requirement has been approved, the provision in § 1–2.201(a)(15), with the appropriate number of days to be inserted shall be included in the Invitation for Bids. The number of days to be inserted shall be the minimum reasonable necessary for prompt evaluation and award under the circumstances.

§ 5A–2.201–72 [Reserved]

3. The text of § 5A–2.201–72 is deleted.

4. Section 5A–2.201–73 is amended to read as follows:

§ 5A–2.201–73 "All or None" bids.

(a) Where an invitation provides for award on an item-by-item basis, it is not considered in the Government's interest to be required by an "all or none" bid, to evaluate the bids as though an aggregate award was being made. If estimated quantities are set forth in the solicitation, any award made using such estimates as a basis for bid evaluation can be subject to attack if the estimates are inaccurate. Therefore, when an invitation calls for item-by-item awards, a bid on an all or none basis will not be considered unless the bid is low on all items to which the all or none qualification applies. It is only under these circumstances that we can be sure that the award is being made to the low bidder.

(b) On the other hand, where an invitation calls for awards in the aggregate for various groups of items, dependable and accurate weights must be included in the solicitation. If we have enough faith in those estimates to rely upon them for the purpose of making the award of the aggregate group, then there is no reason not to award to an all or none bidder offering the lowest overall prices, simply because that bidder is not low on each aggregate.

(c) Therefore, the general rule should be that where an all or none qualification applies only to groups of items being procured in the aggregate, the bid may be considered even if it is not low on each group. On the other hand, where the all or none qualification applies to individual items or to a combination of individual items and aggregate groups of items, the bid should not be considered unless it is low on all the individual items.

(d) The following clause shall be included in solicitations where estimated quantities are to be used as a basis for bid evaluation. See §§ 1–2.404–5 and 5–2.407–50 for additional instructions concerning "All or None" bids.

"ALL OR NONE" BIDS

(Applicable only to requirements and indefinite quantity contracts.) A bid submitted on an "all or none" or similar basis will not be considered unless the bid is low on each item to which the "all or none" bid is made applicable. The term "item" as used in this clause refers only to items which, under the terms of the solicitation, may be independently awarded and does not include any group of items on which an award is to be made in the aggregate.

5. Section 5A–202–70 is revised to read as follows:

§ 5A–2.202–70 Unsolicited samples, descriptive literature, or brand name references.

The following provision shall be inserted in each invitation for bids:

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

If bid samples, descriptive literature, or references to brand names are not required by the invitation for bids, but are furnished with a bid, they will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention to so qualify the bid. The Government, under these circumstances, will not be responsible for determining in advance of award whether an offered item complies with specifications. Therefore, a bid will be considered qualified and will be rejected forthwith and without examination or testing of the item offered, whenever such bid, as submitted, will require the Government to accept performance in accordance with the sample, descriptive literature, or brand reference rather than permitting the Government to insist on performance in accordance with specifications.

PART 5A–7—CONTRACT CLAUSES

1. The table of contents and §§ 5A–7.000, 5A–7.101, 5A–7.101–2, 5A–7.101–4, 5A–7.101–5, 5A–7.101–6, 5A–7.101–8, 5A–7.101–10, 5A–7.101–11, 5A–7.101–23, 5A–7.101–35, 5A–7.101–71, 5A–7.101–72, 5A–7.101–73, 5A–7.101–75, 5A–7.101–76, 5A–7.101–77, 5A–7.101–78, 5A–7.101–79, 5A–7.101–80, 5A–7.101–81, 5A–7.101–83, 5A–7.101–84, 5A–7.170, 5A–7.170–1, 5A–7.170–3, 5A–7.170–5, 5A–7.170–7, 5A–7.170–11, and 5A–7.170–12, are amended to read as follows:

Sec.
5A–7.000 General

Subpart 5A–7.1—Fixed-Price Supply Contracts

5A–7.101 Clauses.
5A–7.101–2 Changes (Delivery Options).
5A–7.101–4 Variation in quantity.
5A–7.101–5 Inspection.
5A–7.101–6 Responsibility for Supplies (Rejected Supplies).
5A–7.101–8 Assignment of claims.
5A–7.101–10 Examination of records.
5A–7.101–11 Default.
5A–7.101–22 Federal, State, and local taxes.
5A–7.101–23 Liquidated damages.
5A–7.101–35 Late offers and modifications or withdrawals.
5A–7.101–70 Notice of shipment.
5A–7.101–71 Offer of former Government property.
5A–7.101–72 Interpretation of contract requirements.
5A–7.101–73 Delivery terms (meaning of).
5A–7.101–74 Patent indemnification.
5A–7.101–75 Marking provisions.
5A–7.101–76 Preservation, packaging, and packing.
5A–7.101–77 Price reduction provision.
5A–7.101–78 (Reserved)
5A–7.101–79 Packing list.
5A–7.101–80 Advertising of Award.
5A–7.101–81 Notice to the Government of labor disputes.
5A–7.101–82 Guaranteed shipping Weight and Cube.
5A–7.101–83 Gratuities.
5A–7.101–84 Deliveries beyond the contractual period—placing of orders.
5A–7.170 Clauses to be used when applicable.
5A–7.170–1 Special discount terms.
5A–7.170–2 (Reserved)
5A–7.170–3 Price escalation.
5A–7.170–4 (Reserved)
5A–7.170–5 Standard pack items.
5A–7.170–6 Patents, royalty payments, and copyrights.
5A–7.170–7 USDA Certificates of Quality and Condition—subsistence purchases.
5A–7.170–8 USDA inspection of roasted whole bean coffee.
5A–7.170–9 (Reserved)
5A–7.170–10 (Reserved)
5A–7.170–11 (Reserved)
5A–7.170–12 Indefinite delivery type contracts.
5A–7.170–13 Brand names.
5A–7.170–14 Federal Hazardous Substances Labeling Act.

§ 5A–7.000 General.

Prior to execution, all proposed contracts which involve nonstandard financial provisions shall be cleared with the appropriate finance office in accordance with § 5–30.212(c).

Subpart 5A–7.1—Fixed Price Supply Contracts

§ 5A–7.101 Clauses.

(a) Except for small purchases made pursuant to Subpart 1–3.6, or as otherwise provided, the contract clauses prescribed in this subpart shall be used in all contracts for the procurement of personal property and nonpersonal services.

(b) The contract clauses contained in Standard Form 32, General Provisions (Supply Contract), shall be used in all contracts not exempted in paragraph (a) of this section. The solicitation portion of Standard Form 33, Solicitation, Offer, and Award, incorporates Standard Form 32 by reference.

§ 5A–7.101–2 Changes (Delivery Options).

Except for Federal Supply Schedule contracts, the following clause shall be used to amplify the Changes article of Standard Form 32.

CHANGES—DELIVERY OPTIONS AND ADJUSTMENTS IN TRANSPORTATION COSTS (Applicable except for Federal Supply Schedule contracts)

Within the scope of Article 2 of Standard Form 32, the right is reserved by the Government at its option to:

(a) Direct deliveries to destinations or to consignees other than those originally named in the contract for any part or all of the quantities originally stipulated in the contract;

(b) Direct shipments in quantities which will require a differential in rates from those on which the contract prices are based; and

(c) Direct the Contractor to ship by a mode of transportation other than stipulated in the contract.

The rights reserved above may be exercised with respect to individual orders by any office authorized to place orders under the contract. When delivery to a destination other than one named in the contract is directed, the contractor shall deduct from his invoice the lowest transportation charges that would have applied for the diverted quantity as a separate shipment to the contract destination, and shall add, as a separate item, the lowest transportation charges applicable to the quantity delivered. Except where the adjustment is less than $25, such determinations shall be augmented by the contractor's submission of (i) his calculations of the lowest transportation charges that would have applied for delivery to the original destination and (ii) any freight bills or express receipts issued reflecting payments actually made. If no such bills or receipts were issued, an explanatory statement shall be submitted. If more than one destination is named in the contract, the charges that would have applied shall be those applicable to the destination named in the contract which is nearest the destination to which delivery is actually made. Distances between destinations shall be determined by reference to the current Household Goods Carriers' Bureau Mileage Guide. If two or more contract-named destinations are equidistant from the destination to which delivery is actually made, the destination yielding the lowest price to the Government shall be used. In making the foregoing computations, the transportation charges used will, in all cases, be the lowest regularly established rates on file with the Interstate Commerce Commission, the U.S. Maritime Commission, any State Regulatory Body, or Legal Contract Carrier Rates, provided a certified copy of such Legal Contract Carrier Rates is on file with this Administration or accompanies the Contractor's invoice for payment.

§ 5A–7.101–4 Variation in quantity.

(a) The following variation in quantity clause shall be used to provide a standard or usual percentages of variation in quantity which may be authorized when the variation is caused by conditions specified in Article 4 of Standard Form 32.

VARIATION IN QUANTITY

A variation in quantity, when caused by the conditions specified in Article 4 of Standard Form 32 will be accepted: *Provided*, That such variation is not in excess of three percent of the quantity ordered. Before any quantity in excess of the exact quantity specified in the order is shipped, the contractor shall advise the contracting officer (or ordering officer in the case of Federal Supply Schedule contracts) of his intentions and furnish such information as the contracting officer (or ordering officer in the case of Federal Supply Schedule contracts) may deem necessary to determine that the variation was caused by the conditions specified in Article 4 of Standard Form 32. If the contractor fails to obtain the specific approval of the overshipment by the contracting officer (or ordering officer in the case of Federal Supply Schedule contracts) prior to making shipment, any excess over the exact amount of the order shall be rejected forthwith and shall be conclusively presumed to have been a variation not caused by the conditions specified in Article 4 of Standard Form 32.

(b) The Variation in Quantity clause set forth in (a) above, is included in GSA Form 1424, Supplemental Provisions, solely for the purpose of administrative convenience in avoiding the need to amend contracts or purchase orders when an overshipment or an undershipment is determined to be acceptable. The inclusion of the standard clause is in no way intended to establish a general policy with respect to the extent to which FSS or the agencies it serves will accept variations in quantity. The standard clause shall be modified to substitute a lower or higher percentage wherever necessary or appropriate in the light of known industry conditions. For example, a higher percentage may be appropriate when procuring bulk commodities such as coal, sand, gravel, etc. On the other hand, there is no need to provide for variations in quantity in contracts for such items as motor vehicles, heavy equipment, and office machines.

(c) When no variation in quantity will be permitted, the following clause shall be included in the solicitation.

VARIATION IN QUANTITY

Article 4, Variation in Quantity, of GSA Form 1424, Supplemental Provisions, March 1969 Edition, is hereby deleted and no variation in quantity shall be permitted in deliveries under this contract.

(d) For stock items, if the stock item purchase description card (see § 5A–72.102) bears a notation indicating that no variation or a different percentage variation is to be permitted, the clause in paragraph (a) above shall be modified to show the permissable variation for the particular item being procured or the clause in paragraph (c) used when no variation is to be permitted.

§ 5A–7.101–5 Inspection.

In addition to Article 5 of Standard Form 32, the following clause shall be used:

INSPECTION

(a) *Additional Costs of Inspection and Testing.* The Contractor will be charged for any additional costs of Government inspection and test when (1) supplies are not ready at the time such inspection and test is requested by the Contractor, or (2) when reinspection or retest is necessitated by prior rejection. See Article 5(c) of Standard Form 32. When such inspection and test is performed by or under the direction of the General Services Administration, charges will be at the rate of $7 per man-hour if the inspection is at a GSA depot, $10 per man-hour, plus travel costs incurred, if the inspection is at any other location, and $10 per man-hour for laboratory testing; except that when a testing facility other than a Federal Supply Service laboratory performs all or part of the required tests, the Contractor shall be assessed the actual amount of the costs incurred by the Government as a result of testing in such a facility. When inspection is performed by or under the direction of any agency other than the General Services Administration, the same charges may be used or such agency may assess their costs for performing the inspection and testing.

(b) *Contractor Inspection Responsibility.* The inspection system required to be maintained by the Contractor under Article 5(e) of Standard Form 32 may be the Contractor's own facilities or any other inspection facilities or services acceptable to the Government. It shall be utilized to perform all inspection and tests of materials and components prior to incorporation into end articles and for such end articles prior to offering the end articles for delivery under the contract. The right is reserved to the Government to evaluate the acceptability and effectiveness of the Contractor's inspection system prior to award and periodically during the contract period. In no event shall the Government's right to inspect and test completely any and all lots offered for delivery under the contract be waived. Failure of the Contractor to maintain an acceptable inspection system as provided in Article 5(e) and in this clause may result in termination of the contract under Article 11 of the General Provisions.

(c) *Quality Assurance Agreement.* All of the terms and conditions of any existing Quality Assurance Agreement entered into by the Contractor and/or his supplier and the Government are hereby incorporated in this contract and made a part thereof.

(d) *Inspection and Receiving Reports.* When supplies will be inspected on the premises of the Contractor or a subcontractor, the Contractor shall be responsible for preparation and distribution of inspection documents as follows: (i) DD Form 250, Material Inspection and Receiving Report, for deliveries to military agencies, or (ii) GSA Form 308, Notice of Inspection, for deliveries to GSA or other civilian agencies. When required, the Contractor will be furnished a supply of GSA Form 308 and/or DD Form 250, and complete instructions for their accomplishment and distribution.

(e) *Point of Acceptance.* (See clause in § 5A–14.203.)

§ 5A–7.101–6 Responsibility for Supplies (Rejected Supplies).

The following shall be inserted in all solicitations for supplies.

RESPONSIBILITY FOR SUPPLIES (REJECTED SUPPLIES)

As provided in Article 6 of Standard Form 32, the Contractor shall bear all risks as to rejected supplies after notice of rejection. The Contractor shall be liable for all costs, including but not limited to storage costs, incurred by the Government in taking such measures as are expedient to save unnecessary loss to the Contractor. Should the Contractor upon due notice fail to remove or provide instructions for the removal of such rejected supplies within the period specified by the Government, the supplies may be sold to the highest bidder on the open market and the proceeds shall be applied against the accumulated storage and other costs, including costs of the sale.

§ 5A–7.101–8 Assignment of claims.

(a) See FPR Subpart 1–30.7 concerning policies and procedures relating to assignment of claims.

(b) When entering into requirement type of indefinite quantity contracts, the Assignment of Claims clause, prescribed in § 1–30.703 shall be supplemented by the addition of the following clause:

ASSIGNMENT OF CLAIMS

If this is a requirements or indefinite quantity contract, Article 8(a) of Standard Form 32 is inapplicable and the following is substituted therefor:

In order to prevent confusion and delay in making payment, no claim or claims for all moneys due or to become due under this contract shall be assigned by the Contractor; but it shall be permissible for the Contractor to assign separately to a bank, trust company, or other financing institution, including any Federal lending agency, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), all moneys due or to become due under any particular purchase order amounting to $1,000 or more issued by any Government activity or agency under this contract. Any such assignment shall be

effective only if and when the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with the officer issuing such purchase order, in addition to complying with the filing requirements set forth in clause 4 of the proviso in said Act, as amended. Notwithstanding any other provisions of this contract, payments to an assignee of any moneys due or to become due under any purchase order assigned as provided herein shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff.

(c) Procedure upon receipt of notice of assignment. The contracting officer shall obtain advice from the Regional Counsel or General Counsel, as appropriate, as to the legality of the assignment and the true copy of the instrument of assignment in accordance with § 1–30.706.

§ 5A–7.101–10 Examination of Records.

In addition to the Examination of Records clause in Standard Form 32, the clause, Examination of Records by GSA, shall be used on a case-by-case basis as prescribed in § 5–53.303.

§ 5A–7.101–11 Default.

In addition to Article 11 of Standard Form 32, the following clause shall be included in Federal Supply Schedule contracts:

DEFAULT

In addition to Article 11 of Standard Form 32, the following shall apply with respect to Federal Supply Schedule contracts only:
(a) • • •
(b) • • •

§ 5A–7.101–23 Liquidated damages.

See FPR 1–1.315 and 5A–1.315–2.

§ 5A–7.101–35 Late offers and modifications or withdrawals.

The following provision shall be included in all invitations for bids:

MEANING OF GOVERNMENT INSTALLATION

The term "government installation," as used in paragraph 8 of Standard Form 33A, shall mean only the offices, buildings, or facilities of the Government which are normally serviced by the same mailroom which services mail addressed in compliance with the instruction of Block 8 of Standard Form 33. Delivery to any other office, building, or facility of the Government shall not constitute delivery to the "government installation" for the purpose of paragraph 8 of Standard Form 33A, notwithstanding any relationships which may be shown to exist between the government installation to which the mail should have been delivered and the destination to which it was in fact delivered or any reason which may be advanced to explain the delivery to other than the specified "government installation."

§ 5A–7.101–71 Offer of former Government property.

The following clause shall be included in all solicitations:

• • • • •

§ 5A–7.101–72 Interpretation of contract requirements.

The following clause shall be included in all solicitations:

INTERPRETATION OF CONTRACT REQUIREMENTS

No interpretation of any provision of this contract, including applicable specifications, shall be binding on the Government unless furnished or agreed to in writing by the Contracting Officer or his designated representative.

§ 5A–7.101–73 Delivery terms (meaning of).

Standard contract delivery terms shall be used in accordance with the provisions of FPR 1–19.3. The following clause shall be used to make reference to these delivery terms:

MEANING OF DELIVERY TERMS

The meaning of standard delivery terms used in this contract, such as f.o.b. destination, f.o.b. origin, f.a.s. Vessel, Port of Shipment, etc., shall be as stated in 41 CFR 1–19.3.

§ 5A–7.101–75 Marking provisions.

The following clause shall be included in all solicitations:

MARKING PROVISIONS

(a) • • •
(b) *Deliveries to military agencies.* Marking of shipments for delivery to military agencies shall be as otherwise specified in the contract or in purchase orders issued under the contract but, if not so specified, the exterior shipping containers shall be marked in accordance with Military Standard 129D, as amended.
(c) *Improperly marked material.* In the event any shipment is not marked in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 of Standard Form 32 to: (1) Reject the shipment; or (2) perform the required marking by use of Government personnel and charge the Contractor therefor at a rate of $5 per man-hour, with a minimum charge of $5; or (3) have the marking performed by an independent Contractor and charge to the Contractor the cost occasioned the Government thereby. In connection with any prompt payment discount offered, time will be computed from the date of completion of such remarking services.

§ 5A–7.101–76 Preservation, packaging, and packing.

The following clause shall be included in all solicitations:

PRESERVATION, PACKAGING, AND PACKING

Unless otherwise specified, all items shall be packaged in accordance with Preservation and Packaging Level B, and packed in accordance with Packing Level B, both as defined in Federal Standard 102. Where special or unusual packing is specified in an order, but not specifically provided for by contract, such packing details must be the subject of an agreement independently arrived at between the ordering agency and the Contractor.

§ 5A–7.101–77 Price reduction provision.

The following provision shall be inserted in all solicitations for indefinite quantities, except where special escalation features are authorized:

PRICE REDUCTIONS

Applicable only to requirements and indefinite quantity contracts).
(a) • • •
(b) • • •

§ 5A–7.101–78 [Reserved]

§ 5A–7.101–79 Packing list.

The following clause shall be included in all solicitations:

• • • • •

§ 5A–7.101–80 Advertising of Award.

The following clause shall be included in all solicitations:

ADVERTISING OF AWARD

The contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.

§ 5A–7.101–81 Notice to the Government of labor disputes.

The following clause shall be included in all solicitations.

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.
(b) The Contractor agrees to insert the substance of this clause, including the paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

§ 5A–7.101–82 Guaranteed shipping weight and cube.

A clause substantially as follows shall be inserted in the Schedule in conjunction with the space provided for bidders to insert guaranteed shipping weights and/or dimensions when such are required for realistic evaluation of freight costs (see § 1–19.202–3).

GUARANTEED MAXIMUM SHIPPING WEIGHTS (AND DIMENSIONS IF APPLICABLE)

The guaranteed maximum shipping weights (and dimensions if applicable) are required for determination of transportation costs. Bidder must state his guaranteed weights (and dimensions if applicable) in the bid or it will be rejected. If delivered items exceed the guaranteed maximum shipping weights (and dimensions if applicable), the bidder agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for bid evaluation purposes based on the bidder's guaranteed maximum shipping weights (and dimensions if applicable) and the transportation costs that should have been used for bid evaluation purposes based on correct shipping data. In this regard, Seller's Invoices shall show the actual shipping weight (and actual cube, where applicable), in addition to the other requirements of Article 13, Standard Form 33A, Solicitation Instructions and Conditions.

§ 5A–7.101–83 Gratuities.

The following clause shall be included in all contracts under which orders may

be placed by or for the military departments.

GRATUITIES

(This Gratuities clause is applicable to all orders placed by or for the military departments. In subparagraphs (a) and (b), below, the term "contract" shall be deemed to refer to any order placed under this contract by or for a military department. Where the right of the Contractor to proceed with an order is terminated in accordance with this Gratuities clause by any military department office, the Government may, in addition to the rights under this Gratuities clause, by written notice to the Contractor, terminate the whole or any part of this contract in the same manner as provided in paragraph (a) (i) of the clause entitled "Default" (Article 11 of Standard Form 32) in which case the Government shall be entitled to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract.)
(a) • • •
(b) • • •
(c) • • •

§ 5A–7.101–84 Deliveries beyond the contractual period—placing of orders.

The following clause shall be inserted in all solicitations covering requirements and indefinite quantity contracts.

DELIVERIES BEYOND THE CONTRACTUAL PERIOD—PLACING OF ORDERS

(Applicable to requirements and indefinite quantity contracts only)

• • • • •

§ 5A–7.170 Clauses to be used when applicable.

In addition to the clauses prescribed in Subpart 1–7.1 and § 5A–7.101, the clauses set forth in this section shall be inserted in fixed-price supply contracts when applicable.

§ 5A–7.170–1 Special discount terms.

When it is known in advance that final acceptance cannot be accomplished within the normal period of time from the date of delivery due to the time required for laboratory tests and for analyses of deliveries, the following clause shall be used. The number of days to be entered in the blank space in the clause shall be the maximum number of days needed for testing and/or analysis, as determined by the contracting officer in cooperation with the quality control activity. Except in most unusual cases, such period shall not exceed 30 days.

SPECIAL DISCOUNT TERMS

(The conditions as stated herein supersede those headed "Discounts" under the Solicitation Instructions and Conditions, Standard Form 33A.) Prior to final acceptance, the supplies described in this solicitation will be tested or analyzed for conformance with the specifications cited. It is estimated that scheduling and performing such tests and/or analyses will require a maximum of _____ calendar days, and any discount period will begin that same number of calendar days after the date of arrival of the supplies at destination or port of embarkation, or on the date a correct invoice or voucher is received in the office specified by the Government, if the latter date is later than the date of final acceptance.

§ 5A–7.170–3 Price escalation.

(a) It is the policy of the General Services Administration to enter into contracts, whether negotiated or advertised, on a fixed-price basis whenever economical and practicable. It is recognized, however, that instances may arise in which this type of pricing, owing to conditions affecting a particular commodity or industry, may not be practicable or in the best interests of the Government. Illustrative of such an instance would be the use of a contract with extended deliveries covering commodities with respect to which the supplier cannot estimate, with any reasonable accuracy, the cost of manufacture and may, therefore, quote fixed prices at excessive figures to protect himself against cost contingencies. In such cases, it would be to the Government's interest to invite bids and to contract using escalation clauses designed to reduce the price by eliminating the necessity for contingency allowances. In general, when numerous suppliers include escalation clauses in bids in response to an invitation for bids so that effective competition is not secured, it is an indication that the best interest of the Government may be served by utilizing appropriate escalation clauses.

(b) Price escalation clauses, except those authorized for use in Federal Supply Schedule contracts, shall not be included in solicitations without the prior approval of the Assistant Commissioner for Procurement. When, with respect to individual cases, and based on the policy stated above, it is deemed advisable to use a price escalation clause, a request for an appropriate clause together with a statement of the justifying circumstances, shall be submitted to the Assistant Commissioner for Procurement.

(1) When a price escalation clause is used, careful consideration must be given to the ultimate cost of the proposed purchases and to the availability of sufficient funds, above the quoted price, to allow for subsequent increases.

(2) Solicitations containing price escalation clauses must also state the basis on which offers will be evaluated (see § 1–2.407–4).

§ 5A–7.170–5 Standard pack items.

The following clause shall be included in solicitations for stores stock items for which standard packs have been established:

STANDARD PACK ITEMS

To facilitate the distribution and handling of certain items of stores stock, the General Services Administration has established standard packs of specified number of units per container. Where standard unit packing has been cited for an item in the Schedule or the referenced specification, such packing is necessary. A bid offering to furnish an item in other than the pack specified shall be considered nonresponsive with respect to that particular item.

§ 5A–7.170–7 USDA Certificates of Quality and Condition—subsistence purchases.

The following clause shall be used in contracts subject to the policy stated in § 5A–72.106–4:

• • • • •

§ 5A–7.170–11 [Reserved]

§ 5A–7.170–12 Indefinite delivery type contracts.

Except as otherwise provided in GSA Order FSS 2818.5 for contracts containing a standby-stock clause, each indefinite delivery type contract for stores stock items (see § 5A–72.105) shall contain one of the following clauses to set forth the scope of the contract.

• • • • •

PART 5A–16—PROCUREMENT FORMS

Subpart 5A–16–9—Illustrations of Forms

1. The table of contents is revised to include the amended title of GSA Form 1424.

Sec.
5A–16.950–1424 GSA Form 1424, GSA Supplemental Provisions.

§ 5A–16.950–1424 [Amended]

2. Section 5A–16.950–1424 is amended to include an illustration of the March 1969 edition of GSA Form 1424.

NOTE: The form illustrated in 5A–16.950–1424 is filed as a part of the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective 60 days after publication in the FEDERAL REGISTER, but may be observed earlier upon availability of revised GSA Form 1424.

Dated: May 16, 1969.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[F.R. Doc. 69–6312; Filed, May 27, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4662]

[Nevada 2385]

NEVADA

Withdrawal for Atomic Energy Seismic Station

Correction

In F.R. Doc. 69–5828 appearing at page 7810 in the issue of Friday, May 16, 1969,

in the table under the center heading "Mount Diablo Meridian," the second comma should be deleted in the second line.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18479; FCC 69-545]

PART 1—PRACTICE AND PROCEDURE

Restricted Adjudicative and Rule Making Proceedings

Report and order. In the matter of amendments of §§ 1.1203 and 1.1207, rules and regulations, Docket No. 18479.

1. A notice of proposed rule making in the above-captioned proceeding was released on March 14, 1969 (FCC 69-220, 34 F.R. 5384, March 19, 1969), inviting interested persons to file comments on or before April 11, 1969. Timely comments opposing the proposed rules were filed by the American Telephone and Telegraph Co. Additional comments have not been filed.

2. In the notice, the Commission proposed that §§ 1.1203 and 1.1207 of the rules be amended to classify domestic telegraph consolidation or merger proceedings conducted under section 222 (b)-(d) of the Communications Act as rule making. AT&T notes that proceedings conducted under section 222 (b)-(d) involve application to the Commission for an "order approving and authorizing" a consolidation or merger, and argues, on this basis, that such proceedings constitute licensing (and thus adjudication), as defined in the Administrative Procedure Act.[1] It concludes that such proceedings cannot properly be classified as rule making.

3. Although an application to the Commission under section 222 (b)-(d) seeks "approval" of a proposed consolidation or merger, and it can be argued that proceedings conducted under that section fall within the definition of licensing, there are several characteristics of such proceedings which appear to fall within the definition of rule making. Thus, rule making is defined as an agency process for formulating a—

statement of * * * particular applicability and future effect designed to implement, interpret, or prescribe law or policy [and as including] the approval * * * for the future of * * * wages, corporate or financial structures or reorganizations thereof, * * * facilities, * * * services * * * or practices bearing upon any of the foregoing.

The determination of an application for approval of a consolidation or merger under section 222 (b)-(d) is based primarily on broad considerations of public policy.[2] Generally, such applications do not involve disputed questions of fact; and if such questions are presented, they are of minor importance by comparison with policy considerations. The effect of approval, among other things, is that "any law or laws making consolidations and mergers unlawful shall not apply to the proposed consolidation or merger." (Section 222(c)) Action on such applications is in a true sense "designed to implement, interpret, or prescribe law or policy" for the future. A merger or consolidation, moreover, may well involve the reorganization of "Corporate or financial structures"; and under section 222(c), the Commission is expressly enjoined to consider the "financial soundness" and therefore the "financial structure" of the carrier resulting from the consolidation or merger. Determinations with respect to "wages" are expressly required by section 222(f). The "facilities" to be maintained and the "services" to be provided by the resulting carrier are primary considerations in making the public interest determination required by section 222(c). Thus, approval of a consolidation or merger clearly involves approval for the future with respect to a number of the matters specifically listed in the Administrative Procedure Act as constituting rule making. Though approval for the future with respect to certain of these matters may also be consistent with the Act's more general definition of licensing, it should be clear from the foregoing that consolidation or merger proceedings are at least equally consistent with the definition of rule making, and thus that an element of discretion enters into the classification of such proceedings.

4. It is recognized that the Administrative Procedure Act definitions of "licensing" and "rule making" overlap. It is also generally accepted that proceedings dominated by policy considerations can fairly and most effectively be conducted under procedures governing rule making. In the case of proceedings which qualify either as licensing or as rule making, moreover, the suitability of rule making or adjudicatory procedures to the proceeding is a valid consideration in its classification.[3] Within this framework and in view of the considerations discussed above, we conclude that section 222 (b)-(d) consolidation or merger proceedings can properly and most appropriately be classified as rule making. It follows that the proposed amendments to §§ 1.1203 and 1.1207 of the rules and regulations should be adopted. The amended rules are set out below.

5. Authority for adoption of these amendments is contained in sections 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), and 303(r), and in section 2(c) of the Administrative Procedure Act, 5 U.S.C. 551 (4) and (5). Because the amendments involve matters of procedure, they may be made effective upon publication in the FEDERAL REGISTER.

6. In view of the foregoing: *It is ordered:* Effective May 28, 1969, that §§ 1.1203 and 1.1207 of the rules of practice and procedure are amended as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 21, 1969.

Released: May 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 1.1203(a)(5) is revised to read as follows:

§ 1.1203 Restricted adjudicative proceedings.

(a) * * *

(5) Any proceeding conducted pursuant to the provisions of Sections 206, 207, 212, 214(a) or 221(a) of the Communications Act.

* * * * *

2. § 1.1207(a) is revised to read as follows:

§ 1.1207 Restricted rule making proceedings.

* * * * *

(a) Any proceeding conducted pursuant to the provisions of Sections 201(a), 204, 205, 213(a), 214(d), 221(c), or 222 of the Communications Act.

* * * * *

[F.R. Doc. 69-6316; Filed, May 27, 1969; 8:46 a.m.]

[1] The pertinent definitions are set out as follows in Section 2 of the Administrative Procedure Act, 5 U.S.C. 551 (4)-(9):

"Section 551 Definitions.

"(4) Rule means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

"(5) Rule making means agency process for formulating, amending, or repealing a rule;

"(6) Order means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

"(7) Adjudication means agency process for the formulation of an order;

"(8) License includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

"(9) Licensing includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;"

[2] In the only proceeding heretofore conducted under section 222 (b)-(d), the Commission's determination was based primarily on questions of public policy. See *Application for Merger of the Western Union Telegraph Company and Postal Telegraph, Inc.*, 10 FCC 148 (1943). Determination of Western Union's pending application to acquire the Bell System's TWX facilities is also expected to center on broad questions of public policy.

[3] For discussion of these factors, and of the classification of consolidation and merger proceedings, see *Attorney General's Manual on the Administrative Procedure Act* (1947), at pages 13-16; Ginnane, *"Rule Making," "Adjudication" and Exemptions Under the Administrative Procedure Act*, 95 U. Pa. L. Rev. 621 (1947); and Davis, *Administrative Law Treatise* (1958 ed.), § 5.02.

[4] Commissioner Johnson concurring in the result.

[Docket No. 18384]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Transmitter Frequency Tolerance Requirements

In the matter of amendment of § 21.101 of Part 21 of the Commission's rules and regulations concerning transmitter frequency tolerance requirements, Docket No. 18384.

In the last sentence of paragraph 4 of the Report and Order, in the above-entitled matter, FCC 69-511, released May 19, 1969, and published in the FEDERAL REGISTER on May 22, 1969, 34 F.R. 8041, change "February 1, 1967" to "February 1, 1976."

Released: May 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6318; Filed, May 27, 1969; 8:46 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Correction

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397.

In Appendix A of the Commission's further notice of proposed rulemaking in Docket No. 18397, released on May 16, 1969 (FCC 69–516, 34 F.R. 7984, May 21, 1969), proposed § 74.1107 is corrected to include the following note at the end of paragraph (a):

§ 74.1107 Requirements applicable to carriage of television broadcast signals in specified zones and in areas outside of specified zones.

(a) • • •

NOTE: The communities listed in parentheses in paragraph (a) are relevant only to paragraph (c) of this section; other than for purposes of paragraph (c) the specified zone of such communities is relevant to paragraph (d) and not to paragraph (b) of this section.

• • • • •

Released: May 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–6317; Filed, May 27, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards: Plasma (Human) and Packed Red Blood Cells (Human); Notice of Extension of Time for Comments

On March 13 a notice of proposed rule making proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for the manufacture of plasma separated from human blood and amending the Additional Standards in Part 73 applicable to Packed Red Blood Cells (Human) was published in 34 F.R. 5177 through 5180.

Notice was also given that inquiries, data, views, and arguments relating to the proposed amendments might be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014, and that all relevant material received not later than 30 days after publication of such notice would be considered.

Requests from numerous interested parties for an extension of time to submit comments having been received, notice is hereby given by the Director, National Institutes of Health, that the time provided for submission of such inquiries, data, views and arguments is hereby extended an additional 30 days from the date of publication of this notice in the FEDERAL REGISTER and all additional relevant material received within such period will be considered.

Any amendments that are adopted shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: April 22, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: May 21, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–6335; Filed, May 27, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM–2, Notice 69–14]

SHIPPERS

Packaging of Certain Radioactive Materials

The Hazardous Materials Regulations Board is considering amending §§ 173.394 and 173.395 of the Hazardous Materials Regulations to simplify the procedures for obtaining approval of packaging for Type B quantities and large quantities of both special form and normal form radioactive materials.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before July 22, 1969, will be considered by the Board before taking final action on the notice. All comments will be available for examination by interested persons at the Office of the Secretary of the Board both before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

Amendment 173–3 (Docket HM–2) contained a major revision of the requirements for packaging of radioactive materials. One part of that revision was the adoption of what are in effect performance type packaging requirements for certain types of radioactive materials. Section 173.398(c) contains the "Type B" packaging requirements. However, notwithstanding the adoption of these performance type requirements, the Board required that before Type B quantities or large quantities of special form or normal form radioactive materials could be shipped, the packaging must be approved by the Department. In the case of large quantities the Type B packaging must also meet either the U.S. Atomic Energy Commission standards or the 1967 regulations of the International Atomic Energy Agency. The regulations further specify that the Departmental approval of large quantity packaging must be issued under Part 170 of the Department's regulations (i.e., a special permit). As a matter of practice all approvals, whether for Type B quantities or for large quantities, have been treated as requests for special permits.

Upon a review of the procedure for handling the above described approvals, the Board has concluded that it is inappropriate to continue treating requests of this type as requests for special permits since in fact no exception from the Hazardous Materials Regulations is involved. What is involved is a review by the Department's Office of Hazardous Materials (in cooperation with the U.S. Atomic Energy Commission) of whether in fact the proposed packaging complies with the performance specification requirements of § 178.398. The document issued by the Department is in effect a statement to the effect that the Department agrees that a certain described packaging is for certain stated contents consistent with the Department's regulations. In view of the recommended International Atomic Energy Agency requirement that for international shipments the "national competent authority" certify (with an identifying symbol) as to the packaging adequacy and that the package be so marked, the Board believes that the required approval should take the form of a "Certificate of Approval" with an identifying number. Thus persons who obtain such approval will be assured that they can comply with international requirements in those countries that have adopted the above described recommended practice.

In addition, certain requirements now routinely included in special permits would be made a part of the regulations, such as prior notifications by the shipper and special unloading instructions.

In consideration of the foregoing it is proposed to amend Part 173 of the Hazardous Materials Regulations as follows:

1. By adding a new paragraph (b) to § 173.22 to read as follows:

§ 173.22 Shipper's responsibility.

• • • • • •

(b) Prior to each shipment of fissile radioactive materials, and Type B, or large quantities of radioactive materials, the shipper shall notify the consignee of the dates of shipment and expected arrival. The shipper shall also notify each consignee of any special loading/unloading instructions prior to his first shipment.

2. By amending paragraphs (b)(3) and (c)(2) of § 173.394 to read as follows:

§ 173.394 Radioactive material in special form.

• • • • • •

(b) • • •

(3) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(c) • • •

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

• • • • •

3. By amending paragraphs (b)(2) and (c)(2) of § 173.395 to read as follows:

§ 173.395 Radioactive material in normal form.

• • • • •

(b) • • •

(2) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(c) • • •

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

This amendment is proposed under the authority of sections 831–835 of title 18 of the United States Code, section 9 of the Department of Transportation Act, and title VI and section 902(h) of the Federal Aviation Act (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on May 20, 1969.

F. C. TURNER,
Administrator,
Federal Highway Administration.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard,
by direction of Commandant,
U.S. Coast Guard.

[F.R. Doc. 69–6304; Filed, May 27, 1969; 8:45 a.m.]

[49 CFR Part 178]

[Docket No. HM–25; Notice No. 69–15]

SHIPPING CONTAINER SPECIFICATIONS

Fiberboard Boxes

The Hazardous Materials Regulations Board is considering amending § 178.205–37 of the Department's Hazardous Materials Regulations to specify certain requirements for packagings of acid electrolyte consistent with the terms of special permits which have been issued by the Department for more than 5 years.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before July 22, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Experience gained in the shipping of several million packages under the provisions of special permits issued by the Department indicates that the packaging under consideration is reliable and provides for an adequate and safe package consistent with the degree of hazard of the material to be shipped.

The present requirements in section 178.205–37 of the Hazardous Materials Regulations relate only to a package size limitation of 5 gallons. The packaging proposed would provide two quantity limitations, 6 quarts and 5 gallons, consistent with present day shipping practices. For a package of 6 quarts or less capacity, there would be a 75-pound reduction in the strength of fiberboard required for the DOT Specification 12B box, and for capacities from 6 quarts to 5 gallons there would be an increase in fiberboard strength of 75 pounds. Also, it is proposed to reduce the minimum wall thickness for each bag of a double insert from 0.004 inch to 0.003 inch thickness based on special permit experience.

In consideration of the foregoing, it is proposed to amend paragraphs (a) and (b), paragraphs (c) (1) and (2) of § 178.205–37 to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205–37 Special box: authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box must comply with this specification except as follows: Box must be of one-piece construction of slotted style and may have die-cut areas of minimum size to provide access to an inside closure part. Box must have two polyethylene or other suitable plastic bags, one within the other, and a closure adequate to prevent leakage under conditions incident to transportation. Each bag must be formed from tubing of virgin plastic material not less than 0.003 inch thick with joints heat sealed.

(b) Boxes must be center special slotted style, except that regular slotted style boxes may be used if fitted with full top and bottom pads. If any metal is used in the box construction, full liners and top and bottom pads are required. Any metal closure for a discharge tube must be installed so as to prevent contact with the polyethylene bag. Discharge tubes must be plugged or heat sealed. Maximum volumetric capacity must not exceed 5 gallons (nominal).

(1) For boxes having capacities of 6 quarts (nominal) or less, fiberboard of at least 200-pound test is required for construction. Pads must be of fiberboard of at least 200-pound test or of equivalent material such as chipboard.

(2) For boxes having capacities in excess of 6 quarts, fiberboard of at least 350-pound test is required. Pads must be of fiberboard of at least 350-pound test or of equivalent material such as chipboard.

(c) • • •

(1) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on May 21, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[F.R. Doc. 69-6305; Filed, May 27, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 243]

DECORATIVE WALL PANELING INDUSTRY

Proposed Guides; Notice of Opportunity To Present Written Views Suggestions or Objections

Proposed Guides for the Decorative Wall Paneling Industry were originally made public by the Commission on February 20, 1968, and were published in the FEDERAL REGISTER on that date at page 3190. In response to the invitation to industry members and other interested parties to submit written comments concerning the proposed Guides, a number of suggestions, criticisms and objections were received. After giving due consideration to these comments and other pertinent information received, the proposed Guides have been revised as hereinafter set forth. These revised proposed Guides are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C., secs. 41–58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for the Decorative Wall Paneling Industry to present to the Commission their views concerning the proposed Guides, including such pertinent information, suggestions or objections as they may desire to submit. For this purpose, additional copies of the proposed Guides may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than June 27, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and other sellers of decorative wall panels in avoiding violations of the Federal Trade Commission Act, as amended (15 U.S.C. secs. 41–58), in labeling and advertising their products. Their purpose will be to encourage voluntary compliance with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce. Proceedings to prevent deceptive practices in the sale of decorative wall panels may be brought under the Federal Trade Commission Act.

Text of the proposed Guides follows:

NOTE: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed Guides.

Sec.

243.0 Definitions.
243.1 Deception (general).
243.2 Disclosures and qualifications.
243.3 Wood and wood imitations.
243.4 Deceptive use of wood names.
243.5 Imitations of materials other than wood.
243.6 Misleading illustrations.
243.7 Deceptive use of trade or corporate names, coined names, trademarks, etc.
243.8 Passing off through imitation or simulation of trademarks, trade names, etc.
243.9 Guarantees, warranties, etc.
243.10 Deceptive pricing.
243.11 Size markings and designations.
243.12 Removal, obliteration, or alteration of marks or labels.
243.13 Misrepresenting products as conforming to standard or specification.
243.14 Deception as to origin.

AUTHORITY: The provisions of this Part 243 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

§ 243.0 Definitions.

For the purpose of this part the following definitions shall apply:

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the manufacture, sale or distribution of industry products as such products are hereinafter defined.

(b) *Industry products.* Industry products include all products which are suitable for use as interior decorative wall panels. Industry products may be composed of any material or combinations of materials including, but not limited to, solid wood, plywood, wood byproducts, plastics, metals, etc., and may be textured, prefinished, partially finished or unfinished.

§ 243.1 Deception (general).

Industry members should not sell, offer for sale, or distribute industry products by any method, or under any representation, circumstance or condition which has the capacity and tendency or effect of misleading purchasers or prospective purchasers as to the grade, type, kind, character, content, construction, composition, process or technique used in preparation or fabrication, origin, size, thickness, quality, quantity, value, price, serviceability, resistance, performance, durability, color, finish, manufacture, or distribution of any product of the industry or component part of such product, or in any other material respect.

[Guide 1]

§ 243.2 Disclosures and qualifications.

(a) In order to prevent deception the Commission may require affirmative disclosure of material facts concerning merchandise which, if known to prospective purchasers, would influence their decisions of whether or not to purchase. The failure to disclose such information as may be required is an unfair trade practice violative of section 5 of the Federal Trade Commission Act. Two of the situations in which disclosures of material facts concerning wall panels should be made are (1) when the appearance of a product could mislead potential purchasers, and (2) when a representation is made which is susceptible of at least one misleading interpretation unless it is clearly qualified. (Representations which cannot be qualified without the qualification amounting to a contradiction should not be used.) The purpose of affirmative disclosures provided for in the following sections in this Part 243 is to inform potential and ultimate purchasers of certain facts considered to be material.

(b) The necessary disclosures should appear on each industry product (except when it is sold and used for industrial purposes and the industrial purchaser is otherwise fully informed of the material facts involved). Such disclosures should be on, or on a tag or label attached to, the industry product and be of such permanency as to remain on, or attached to, the product until consummation of the sale to the ultimate purchaser. Conspicuous disclosures may appear on backs of wall panels, but in instances where such disclosures would not be readily noticeable to casual observers, such as on certain point of sale samples and displays where panel backs are not easily viewed, disclosures should be made on the front or face of panels.

(c) The disclosure should also appear in any advertising relating to an industry product irrespective of the media used whenever statements, representations or depictions are used in such advertising which, in the absence of such disclosure, serve to create a false impression that the product, or any part thereof, is of a certain kind or composition.

(d) In all cases the disclosure should be in close conjunction with any representation making it necessary and should be of sufficient clarity, conspicuousness and audibility (when spoken) as to be noted by prospective purchasers.

[Guide 2]

§ 243.3 Wood and wood imitations.

(a) In connection with the sale of industry products made of wood, or which are not wood but have an appearance simulating that of wood, members of the industry should not use any display, exhibit, sample, sales method, depiction, or representation which could directly or indirectly convey to purchasers or potential purchasers an impression which:

(1) Is false. Examples would include:

(i) Describing an oak panel as "pecan";

(ii) Describing as "solid birch" or "genuine birch" a panel made with laminations of all birch plies. Proper descriptions would include "all birch plywood" or "birch plies";

(iii) Describing a flakeboard, particleboard, hardboard, fiberboard, chipcore or plywood panel as "solid wood";

(iv) Describing as "natural wood grain" a simulated grain design which has been printed on, attached to or simulated in any other manner on the surface of an industry product;

(v) Describing a nonlumber product, such as hardboard, fiberboard, chipcore, flakeboard and products of similar composition, as "wood". Although such products are composed of wood byproducts or wood fibers, they should not be represented without qualification as "wood" but may be described as "hardboard", "fiberboard", "wood product", whichever is applicable, or by any nondeceptive descriptive word or term; or

(2) Is likely to mislead because of a half-truth. Examples would include:

(i) Describing as "walnut", "in walnut", or "genuine walnut" a panel having only a face veneer of walnut. Proper descriptions would include "walnut veneer face", "walnut veneer surface", "walnut veneer", or "walnut veneered plywood".

NOTE: Unqualified terms such as "walnut," "genuine walnut" and "in walnut" imply that the product so described is solid walnut;

(ii) Describing as "walnut veneer" a panel having a face veneer not entirely of walnut.

NOTE: If a wood name is used to describe a panel having more than one kind of wood in the face veneer then all of the woods in the face veneers should be named or otherwise identified (e.g., "walnut and cherry veneers" or "walnut and other hardwood veneers");

(iii) Using unqualified phrases such as "woodpattern" or "woodgrain finish" to describe a panel having a wood surface which has been stamped, rolled, pressed or otherwise processed in such manner as to change the natural wood grain design. Proper descriptions would include "simulated woodgrain finish," "imitation grain figure," or "simulated walnut grained finish on birch face veneer";

(iv) Describing as "hardwood plywood" a panel made of hardwood plywood but having a vinyl film surface simulating a wood finish. Proper descriptions would include "hardwood plywood with simulated wood grain on vinyl surface" or "simulated wood surface on plywood";

(3) Is false or has the capacity and tendency to mislead because of the failure to affirmatively disclose facts[1] concerning the composition of a product having the appearance of wood, or of a certain kind of wood, when it is not wood, or the kind of wood which it appears to be. Examples would include failure to disclose when an industry product or part thereof:

(i) Has an exposed surface of plastic, metal, vinyl, hardboard, flakeboard, or other material not possessing a natural wood growth structure but which has an appearance simulating that of wood. Depending on the composition, proper descriptions would include "simulated walnut finish on plastic face," "vinyl surface with simulated pecan finish," "simulated birch finish on hardboard," "mahogany grained plastic," or other nondeceptive phrases;

(ii) Has a wood surface finished by means of staining, decalcomania, printing, paper coating, or other process so as to have the appearance of a different kind of wood. Depending on the composition, proper descriptions would include "mahogany finished gum plywood," "walnut stained plywood," "walnut finish on pecan veneer face," or "cherry grain design on hardwood plywood";

(iii) Has an appearance which could mislead potential purchasers in any material respect.

(b) Disclosures provided for by this section may be accomplished by stating either the true composition (e.g., "mahogany grained hardboard" or "simulated walnut grain on plastic"), or by making a disclaimer of composition (e.g., "imitation wood" or "simulated wood finish").

[Guide 3]

§ 243.4 Deceptive use of wood names.

(a) Industry members should not use any direct or indirect representation concerning the identity of the wood in industry products which is false or likely to mislead purchasers as to the actual wood composition.

[1] See § 243.2.

(b) The unqualified word "walnut" should not be used to describe wood other than genuine solid walnut (Juglans).

(c) The unqualified word "mahogany" should not be used to describe wood other than genuine solid mahogany (Swietenia).

(d) The word "mahogany" may be used to describe wood of the genus Khaya, but only when prefixed by the word "African" (e.g., "African mahogany").

(e) In naming or designating the seven Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the word "mahogany" may be used but only when prefixed by the word "Philippine" (e.g., "Philippine mahogany"). Examples of improper use of the word "mahogany" include reference to Red Lauan as "Lauan mahogany" or White Lauan as "Blonde Lauan mahogany". Such woods, however, may be described as "Red Lauan" or "Lauan" or "White Lauan", respectively. The term "Philippine mahogany" may be used to describe the seven woods named above only when they are grown in the Philippine Islands. Such term should not be used to describe any other wood.

(f) The word "mahogany", with or without qualification, should not be used to name or identify any wood except as provided above.

NOTE: Nothing in this section should be construed as prohibiting the nondeceptive use of wood names to describe the color, stain, simulated finish or appearance of industry products, provided that appropriate qualifications are made in accordance with provisions in § 243.3.

(g) When a wood name is used in advertising or labeling to describe the grain and/or color of a stain finish or other type of simulated finish which has been applied to a surface composed of something other than solid wood of the type named, it should be made clear that the wood name used is merely descriptive of the grain design and/or color or other simulated finish.

(h) Under this section, unqualified phrases such as "walnut finish," "in walnut," "fruitwood," "oak," and "mahogany finish," and others terms of similar import or meaning, will not be adequate. But statements such as "walnut grained plastic face," "walnut color," "walnut stain," "maple stained finish," "mahogany finish on gum," "fruitwood finish on selected hardwood veneer" and "walnut finish on other hardwoods" (or "softwoods," as the case may be) will satisfy this provision if such statements are factually correct and appear in contexts which are otherwise nondeceptive.[2]

[Guide 4]

§ 243.5 Imitations of materials other than wood.

Industry members should not misrepresent the composition of any industry product, or part thereof, or fail to disclose any material fact[1] concerning the composition of an industry product when the failure to do so has the capacity and

tendency or effect of deceiving purchasers or prospective purchasers. For example:

(a) A hardboard panel having an imitation marble finish should not be described, without qualification, as "marble," "onyx," "travertine," or "travertine marble finish." Proper descriptions would include "simulated marble finish," "imitation marble-textured," "marble pattern on plastic faced hardboard," "simulated travertine on hardboard," or "marble pattern on vinyl-faced hardboard";

(b) A fiberboard panel having an imitation burlap finish should not be described without qualification as "burlap" or "burlap finish." Proper descriptions would include "imitation burlap weave finish," "simulated burlap design on fiberboard," "simulated burlap finish on fiberboard," or "burlap pattern on embossed vinyl surface."

NOTE: A representation concerning the composition of a particular part of a product should clearly indicate the part to which the representation is properly applicable.

[Guide 5]

§ 243.6 Misleading illustrations.

Industry members should not use any picture, illustration, diagram, or other depiction, either alone or in conjunction with words or phrases, which would have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning any material fact relating to an industry product.

[Guide 6]

§ 243.7 Deceptive use of trade or corporate names, coined names, trademarks, etc.

Industry members should not use any deceptive or misleading trademarks, trade names or coined names in designation of industry products or of materials used therein.

[Guide 7]

§ 243.8 Passing off through imitation or simulation of trademarks, trade names, etc.

Industry members should not pass off the products of one industry member as and for those of another through the imitation or simulation of trademarks, trade names, brands, labels or otherwise.

[Guide 8]

§ 243.9 Guarantees, warranties, etc.

(a) Industry members should not represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee; and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and

(3) The manner in which the guarantor will perform thereunder; and

(4) The identity of the guarantor.

(b) A seller or manufacturer should not advertise or represent that a product is guaranteed when he cannot or does not promptly and scrupulously fulfill his obligations under the guarantee.

(c) A specific example of refusal to perform obligations under the guarantee is use of "Satisfaction or your money back" when the guarantor cannot or does not intend promptly to make full refund upon request.

(d) Guarantees should not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(e) This section has application not only to "guarantees" but also to "warranties", to purported "guarantees" and "warranties", and to any promise or representation in the nature of a "guarantee" or "warranty".

NOTE: The Commission's Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations and are to be considered as supplementing this section. See 16 CFR Part 239 for Guides Against Deceptive Advertising of Guarantees.

[Guide 9]

§ 243.10 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. See 16 CFR Part 233 for the Guides Against Deceptive Pricing.

[Guide 10]

§ 243.11 Size markings and designations.[2]

Industry members should not:

(a) Mark or otherwise represent, directly or by implication, any industry product as being of a certain size which is not in fact the true size thereof; or

(b) Fail to disclose in advertising and on industry products the true size thereof when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the size of such products. For example, consumers generally assume that decorative wall panels are 4' x 8' when advertised without disclosure of dimensions. Therefore, if the dimensions of such panels are not the customary 4' x 8', an affirmative disclosure of the correct size should be made.

[Guide 11]

§ 243.12 Removal, obliteration, or alteration of marks or labels.

Industry members should not:

(a) Remove, obliterate, deface, change, alter, conceal, or make illegible any information this part provides be disclosed on industry products, without replacing the same before sale, resale or distribution for sale with a proper mark or label meeting the provisions of this part; or

(b) Sell, resell, or distribute any industry product without its being marked or labeled and described in accordance with the provisions of this part.

[Guide 12]

§ 243.13 Misrepresenting products as conforming to standard or specification.

Members of the industry should not misrepresent in advertising, labeling, or otherwise, that any product conforms to any applicable standard or specification.

[Guide 13]

§ 243.14 Deception as to origin.

(a) Industry members should not make any direct or indirect representation which is false or likely to mislead prospective purchasers concerning the origin of industry products, or any substantial parts thereof, either domestic or foreign.

(b) Industry members should clearly and conspicuously disclose that industry products, or any substantial parts thereof, were produced or manufactured in an identified foreign country when the failure to make such disclosure has the capacity and tendency or effect of deceiving prospective purchasers. Such disclosures should be in the form of a legible mark, stamp or label on the product, and any samples thereof, and should be of such size, conspicuousness and permanency as to remain noticeable and legible upon casual inspection until consumer purchase.

[Guide 14]

Issued: May 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6306; Filed, May 27, 1969; 8:45 a.m.]

[2] Officially established Commercial Standards and Product Standards concerning the various products are recognized as giving proper guidance for determining measurements of industry products (e.g., SC157-56; CS176-58; CS35-61; CS251-63; CS236-66; and PS1-66).

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MAY 21, 1969.

1. The Plats of Survey of Lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on June 27, 1969.

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 17 N., R. 33½ E. (Group 441).
b. T. 18 N., R. 33½ E. (Group 441).
c. T. 17 N., R. 34 E. (Group 441).
d. T. 18 N., R. 34 E. (Group 441).
e. T. 19 N., R. 34 E. (Group 441).

2. a. The surveyed area in T. 17 N., R. 33½ E. aggregates 3,102.46 acres. The plat was accepted April 9, 1969. The terrain is nearly level with elevations averaging about 4,200 feet above sea level. The soil ranges from sandy clay to clay sand. Vegetation is comprised chiefly of sagebrush, shadscale, and sandgrass. There is no timber. Access is provided by U.S. Highway No. 50 and a number of trail roads.

b. Surveyed area in T. 18 N., R. 33½ E. aggregates 3,090.24 acres. The plat was accepted April 9, 1969. The terrain varies from gently rolling to mountainous with elevations from 4,250 to 5,000 feet above sea level. The soil ranges from sandy clay to rocky. Vegetation is comprised of brush and sparse grasses; there is no timber. Access is limited to several trail roads branching from the Dixie Valley Road.

c. The surveyed area in T. 17 N., R. 34 E. aggregates 22,972.23 acres. The plat was accepted April 9, 1969. The elevation varies from 4,100 to 5,200 feet above sea level. The terrain varies from nearly level to mountainous. The soil ranges from sand to rocky alluvium. Vegetation is comprised of brush and grasses; there is no timber. There has been mining activity in the area. Drainage is generally to the north. Access to the area is provided by U.S. Highway No. 50.

d. The surveyed area in T. 18 N., R. 34 E. aggregates 22,880.22 acres. The plat was accepted April 9, 1969. The elevation varies from 3,900 to 6,400 feet above sea level. The terrain varies from gently rolling to mountainous. The soil ranges from sandy clay to rocky. Vegetation is comprised of brush and grasses; there is no timber. There is mining activity in sections 1 and 2. Drainage is generally to the north. Access is provided by the Dixie Valley Road.

e. The surveyed area in T. 19 N., R. 34 E. aggregates 22,683.95 acres. The plat was accepted April 9, 1969. The elevation ranges from 3,700 to 5,200 feet above sea level. The terrain varies from nearly level to mountainous. The soil consists of sandy clay and gravel alluvium. There is no timber. There are numerous mining claims in the southeast portion. Access is provided by the Dixie Valley Road.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., June 27, 1969, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Nevada Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

S. JOHN HILLSAMER,
Acting Manager, Nevada Land Office.

[F.R. Doc. 69-6301; Filed, May 27, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

SECTION 5 LOANS

Availability

A. Section 5 loans may be made only to borrowers of funds loaned for electric facilities under the provisions of section 4 of the Rural Electrification Act which have demonstrated the need for such loans. Loans will not be made in competition with private sources of credit or as a substitution for loan funds available under other Federal programs. REA will not approve the use of section 5 funds where the necessary financing is available from other sources. Section 5 funds may not be used for financing wiring, plumbing, or electrical appliances or equipment for commercial or industrial enterprises.

B. Where a borrower requests a section 5 loan the letter of application should explain the need for the loan, the general purposes for which the loan will be used, and state the rate of interest the electric borrower intends to charge on consumer loans. The letter should also include evidence that the necessary credit is not available in the area to finance the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment for the electric borrower's members. This shall consist of:

(1) A written statement summarizing the terms and conditions under which credit, if any, is available to the borrower's consumers. The statement should describe the credit in terms of any limits on the amount which will be financed, the percentage of the installed cost which will be financed, the term for which the financing is available, the repayment period, the interest and other charges associated with the credit, and any other pertinent facts.

(2) Written statements from at least two banks or other sources of consumer credit outlining the terms and conditions under which they will provide such credit. These may be local institutions or those within a reasonable distance of the area which are authorized under State and Federal laws to provide such financing.

(3) A written statement from one or more appliance dealers evaluating the need for credit in the area.

C. All consumer loans in excess of $2,500 require prior REA approval. In requesting such approval, the electric borrower should provide REA with the information considered by its credit committee and board of directors in giving tentative approval to the proposed financing. This should include the basis on which it was determined that the necessary credit is not available from other sources:

D. The Committee on Appropriations of the U.S. Senate will be notified of requests for section 5 loan funds.

E. When a section 5 loan is made, the Administrator will certify to the Secretary of Agriculture the necessity for making the loan. The Committee on Appropriations of the U.S. Senate will be furnished a copy of such certification.

F. If REA determines a loan application need not or cannot be processed for loan approval, or the applicant withdraws or cancels the application, the loan application shall be considered "closed without loan" and removed from official records of pending loan applications. The loan applicant and the Committee on Appropriations of the U.S. Senate will be notified accordingly.

This notice supersedes the notice on section 5 Loans published in 29 F.R. 3172–3173.

Issued this 20th day of May 1969.

DAVID A. HAMIL,
Administrator.

[F.R. Doc. 69-6342; Filed, May 27, 1969; 8:49 a.m.]

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Designation of County

Designation of county within the Great Plains Area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

MONTANA

Meagher.

Done at Washington, D.C., this 23d day of May 1969.

T. K. COWDEN,
Assistant Secretary.

[F.R. Doc. 69-6343; Filed, May 27, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 117-A, Amdt. 4]

MARITIME ADMINISTRATION, MARITIME SUBSIDY BOARD

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on May 26, 1969. This material further amends the material appearing in the FEDERAL REGISTER issue of June 8, 1966 (31 F.R. 8087), and supersedes the material appearing in the issue of January 5, 1968 (33 F.R. 158).

Department Order 117-A of May 20, 1966, as amended, is hereby further amended as follows:

SEC. 2. *General—.02 Maritime Subsidy Board.* The Maritime Subsidy Board is continued within the Maritime Administration. The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the General Counsel of the Maritime Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board unless the Secretary of Commerce designates another person. In case of the absence or disability of a member of the Board, the Secretary of the Maritime Administration and Maritime Subsidy Board or any other persons designated by the Secretary of Commerce shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Commerce and exercise judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

Effective date: May 26, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-6379; Filed, May 27, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Issuance of Amended Provisional Facility License

The Atomic Energy Commission has issued Amendment No. 4, set forth below, to Provisional Facility License No. DPR-11. The provisional license as previously issued authorized Northern States Power Co. (NSP) of Minneapolis, Minn., to possess and operate the Pathfinder nuclear reactor located near Sioux Falls, S. Dak. The amendment, effective as of the date of issuance, authorizes NSP to possess, but not to operate, the deactivated Pathfinder facility and incorporates revised Technical Specifications in the amended license. The amendment was issued in accordance with NSP's Application Amendment No. 47 dated November 25, 1968, as modified by Amendment No. 48 dated March 10, 1969, and application for byproduct material license dated March 10, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Concurrent with the issuance of this amended provisional facility license, the Commission has issued Byproduct Material License No. 22-08799-02 which authorizes NSP to (1) possess, use and store certain byproduct materials formerly covered by the facility license and (2) possess and store the byproduct materials induced and entrained in the steam cycle turbine equipment which was formerly considered a part of the Pathfinder nuclear facility.

For further details with respect to this license amendment, see (1) NSP's Application Amendments Nos. 47 and 48 and the application for byproduct material license, (2) the related Safety Evaluation prepared by the Commission's Division of Reactor Licensing, (3) the revised Technical Specifications, and (4) Byproduct Material License No. 22-08799-02, all of which are available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License DPR-11, Amdt. 4]

AMENDED PROVISIONAL FACILITY LICENSE

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that the reactor facility can be possessed in the described condition at the location designated in the application without endangering the health and safety of the public;

C. The Northern States Power Co. is technically and financially qualified to engage in the activities authorized by the amended provisional facility license in accordance with the Commission's regulations;

D. The issuance of the amended license will not be inimical to the common defense and security or to the health and safety of the public;

E. The Northern States Power Co. has furnished proof of financial protection which satisfies the requirements of 10 CFR Part 140; and

F. Prior public notice of the proposed issuance of this amended license for possession of the deactivated Pathfinder nuclear reactor and its nuclear fuel does not involve significant hazard considerations different from those previously evaluated.

2. Provisional Facility License No. DPR-11, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the controlled recirculation boiling water reactor owned by the Northern States Power Co. (hereinafter, "NSP") and designated by NSP as the Pathfinder nuclear reactor. The facility is located near Sioux Falls, S. Dak., and is described in NSP's application dated March 30, 1959, and amendments thereto, including Amendment No. 47 dated November 25, 1968, as modified by Amendment No. 48 dated March 10, 1969 (herein collectively referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses NSP:

(1) Pursuant to § 104.b of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, but not to operate, the reactor as a utilization facility;

(2) Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material," to possess and store at any one time up to (a) 800 kilograms of contained uranium-235 and (b) 224 grams of plutonium encapsulated as two 1-curie and two 6-curie plutonium-beryllium neutron sources; and

(3) Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess and store at any one time up to 200 curies of antimony-124 as antimony-beryllium neutron sources, and to possess, but not to separate, such byproduct material as may have been produced by operation of the facility or may be contained in the component parts of the facility.

C. This license shall be deemed to contain and be subject to the conditions specified in 10 CFR Part 20, § 30.34 of 10 CFR Part 30, §§ 50.54 and 50.59 of 10 CFR Part 50 and § 70.32 of 10 CFR Part 70 of the Commission's regulations, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect and to the additional conditions specified below:

(1) NSP shall not reactivate the facility or any system which is open to the reactor pressure vessel without prior approval of the Commission.

(2) NSP shall not dispose of the facility or the property occupied by the facility without prior approval of the Commission.

(3) *Technical Specifications.* The Technical Specifications contained in Appendix A, designated as Change No. 19, are herby incorporated in this license. NSP shall maintain the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications except as otherwise permitted by this license, by the Act, and by the Commission's rules and regulations.

(4) *Records.* In addition to the records heretofore required under this license and by applicable AEC regulations, including § 20.401 of 10 CFR Part 20, NSP shall keep the following:

a. Records of inspections of the deactivated facility, including the results of surveys of radioactivity levels.

b. Records showing radioactivity released or discharged into the air or water beyond the effective control of NSP as measured at or prior to the point of such release or discharge.

(5) *Reports.* In addition to those reports required by applicable AEC regulations, NSP shall submit the following:

a. A report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, NSP shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20, and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

b. A report to the Director, Division of Reactor Licensing, of the status of the deactivated Pathfinder facility, including the results of the surveys of radioactivity levels and the status of the special nuclear and byproduct materials stored on the Pathfinder nuclear reactor facility site. The first report shall be filed 6 months after issuance of this amended facility license and each 6 months thereafter until such time as NSP files with the Commission's Division of Reactor Licensing its plan for dismantling of the facility, pursuant to § 50.82 of 10 CFR Part 50, and receives Commission approval thereof.

D. This provisional facility license, as amended, is effective as of the date of issuance and shall expire at midnight, March 12, 1970.

Attachment: Appendix A—Technical Specifications.[1]

Date of Issuance: May 14, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6297; Filed, May 27, 1969; 8:45 a.m.]

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Order

The Atomic Energy Commission has issued an order, as set forth below, authorizing Westinghouse Electric Corp. to partially dismantle the Westinghouse Testing Reactor located near Waltz Mill, in Westmoreland County, Pa. Facility License No. TR-2, as amended, authorizes possession, but not operation, of the reactor.

A copy of the application dated April 29, 1969, as amended, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

ORDER AUTHORIZING PARTIAL DISMANTLING OF FACILITY

By application dated April 29, 1969, and supplement dated May 5, 1969, Westinghouse Electric Corp. requested authorization to partially dismantle the shutdown Westinghouse Testing Reactor (WTR).

Operation of the WTR was discontinued in 1962 and it was deactivated by removing all the fuel and draining the reactor pressure vessel.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the proposed removal and disposal of the head tank and supporting structure, the fence surrounding the base of the tank and the associated piping above ground will have no effect on the integrity of the remaining shutdown facility or structures. The dismantling and disposal of contaminated material will be in accordance with the approved health physics provisions of Special Nuclear Material License No. SNM-770 and 10 CFR Part 20. Therefore, the partial dismantling and disposal of the specified portions of the retired facility will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that the Westinghouse Electric Corp. may proceed, in accordance with the terms and conditions of its application, with the partial dismantling of the WTR covered by Facility License No. TR-2, as amended, and disposing of the dismantled components in accordance with the provisions of Special Nuclear Material License No. SNM-770 and 10 CFR Part 20.

Dated: May 19, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6298; Filed, May 27, 1969; 8:45 a.m.]

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application dated April 29, 1969 for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 21st day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6307; Filed, May 27, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21037; Order 69-5-114]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension Regarding Increased Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1969.

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

By tariff revisions[1] described below, American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Trans World Airlines, Inc. (TWA), propose increases in freight rates throughout their domestic systems as follows:

(1) American's proposal, bearing the posting date of April 28, 1969, and marked to become effective June 27, 1969, would increase all general[2] and specific commodity rates for shipments of 100 pounds and over by 7.5 percent, subject to a minimum increase of $1 per 100 pounds for specific commodity rates; the rates for shipments under 100 pounds would be raised by from 5.8 to 11.1 percent.

(2) Eastern's proposal, bearing the posting date of April 7, 1969, and marked to become effective June 1, 1969, would increase both general and specific commodity rates for 100-pound shipments by $2 per 100 pounds. Eastern also would establish 200-pound weight breaks $1.50 per 100 pounds above the current 100-pound rates and 500-pound weight breaks $1 per 100 pounds above the current 100-pound rates. General commodity rates for shipments under 100 pounds would be increased 1 cent per pound only when necessary to make such rates above the rates for 100-pound shipments;

(3) TWA's proposal, bearing the posting date of March 12, 1969, and marked to become effective June 1, 1969, proposes to increase its general commodity freight rates at all current weight breaks. In addition, the carrier proposes to establish weight breaks at 200 and 500 pounds, generally above the applicable rates currently in effect.

Numerous complaints requesting investigation and suspension of the proposals were submitted by shippers and their representatives and forwarders.[3] Several statements were submitted wholly or partially in support of or in opposition to certain of the proposals.

The shipper complaints variously assert, inter alia, that the proposed rate increases (1) would have a serious impact upon shippers and the marketability of their products, (2) would significantly restrict the volume of air freight, (3) are based upon questionable factual data, and (4) would be unjustly discriminatory to the extent that the increases would be confined to certain rates, such as those on small shipments.

The forwarder complaints, directed against the proposals of American and TWA but not against Eastern's, variously claim, inter alia, that the rate increases for larger shipments are not reasonably related to costs and would not give forwarders the volume spreads between weight breaks necessary for the forwarders' viable operations.

In support of their proposals and in answer to the complaints, all three carriers assert, inter alia, that (1) their current freight rates are not compensatory, as indicated by continued operating losses or inadequate profits from all-cargo aircraft operations, and (2) rate increases are needed to make their all-cargo operations less uneconomic (especially since labor and capital unit costs are rising) but that the proposals would not by themselves suffice to yield adequate profits for such operations. Based upon total 1968 freight revenues, the carriers estimate the following increases in revenues that would have resulted from their current proposals: American—$5.5 million, 7.4 percent of total freight revenues; Eastern—$1.7 million, 7.3 percent; and TWA—$4 million, 10.2 percent, assuming no diversion to forwarders, and $2.7 million, 6.8 percent, after deducting such diversion.

The proposals of Eastern and TWA involve much sharper percentage increases for small shipments and shorter hauls than for relatively large shipments (Eastern's proposal includes no increases for shipments of 1,000 pounds and over) and for longer hauls. Both carriers claim that their proposals are properly related to costs. American's proposal involves across-the-board increases of generally uniform magnitude, but the carrier states that rate structure adjustments along the line of that proposed by TWA are required. American considers that its current filing will provide interim relief only.

Upon consideration of the complaints and all other relevant matters, the Board finds that the rate proposals filed by Eastern and TWA may be unjust, unreasonable, or unjustly discriminatory, or unjustly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

Eastern's proposal involves increases in both general and specific commodity rates up to 33 percent for shipments below 1,000 pounds. The sharpest increases would occur for the shortest hauls and for shipments from 100 to 199 pounds. The increases would decline for larger shipments, the smallest increases being applied to shipments between 500–999 pounds, and for longer hauls. TWA's proposal involves increases in general commodity rates at all current weight breaks ranging up to 37 percent. The sharpest increases would typically occur in markets involving hauls of about 1,000 miles or less. In a number of instances, reductions are proposed for shipments of 500–999 pounds for medium and long hauls and in a few long-haul markets at other weight breaks.

By order 69–3–94, adopted March 26, 1969, the Board suspended pending investigation general commodity rates proposed by United Air Lines, Inc. (United), involving increases up to 33 percent for shipments below 1,000 pounds.[4] The Boards suspension was based upon the apparent significant impact upon certain shippers, according to complaints submitted by them. We stated that, "Although the carrier may be entitled to some revenue increases from air freight, we are not prepared to permit the proposals as those now before us to become effective and will suspend them pending investigation."

For essentially the foregoing reasons, the Board will suspend Eastern's and TWA's proposals. TWA's proposed rates are practically identical to United's suspended rates for shipments under 100 pounds and for shipments with minimum weights of 100 and 200 pounds. TWA's rates for shipments with a minimum weight of 500 pounds would be either identical to United's applicable proposed rates or somewhat lower. For shipments of 1,000 pounds and over, however, TWA's proposal involves increases up to 37 percent over its own current rates, while United's proposal did not affect such rates.

Eastern's proposal similarly involves increases for shipments up to 33 percent, although this percent declines faster than for TWA as shipment size and distance increase.

With respect to American's proposal, on the other hand, upon consideration of all relevant matters, the Board finds that the complaints do not set forth facts sufficient to warrant investigation, and the request therefor, and consequently the request for suspension, will be denied.

American's proposal would involve increases that for the most part are equal to only 7.5 percent. It appears to us that such increases would not have a sharp impact upon numerous shippers and would provide a reasonable compromise between the carrier's requirement for additional revenues and the shippers' need that sharp rate increases not be imposed upon them at one step.

Although there were a number of shipper complaints against the proposals of both Eastern and TWA, in addition to forwarder complaints against TWA's filing, the only complaints, with one exception, against American's proposal were from forwarders. The latter criticized the increases proposed by American for larger shipments, alleging that such increases were not justified by costs and would threaten the viability of forwarder operations.

The only shipper complaint against American's proposal was from Allied-American Bird Co., which assailed the premium rates on birds. These rates, 250 percent of the applicable general commodity rates, are said by the complainant to be exorbitant and the increase proposed (indicated as 7.73 percent) is alleged to be unduly burdensome, and not warranted by American's costs. It should be noted, however, that a number of other carriers have a premium rate of 250 percent of the general commodity rates for live birds (except baby poultry) and certain other types of live animals.

The Society of American Florists and Ornamental Horticulturists, which had complained against United's suspended proposal and Eastern's current filing, filed a statement asserting that it is not opposed in principle to increasing rates by 7.5 percent upon clear justification for additional revenue. It opposes, however, the proposed minimum increase of $1 per 100 pounds in specific commodity rates. The Society favors an expiry date for American's proposal of 1 year from date of effectiveness, during which period a broad investigation into air freight rates should be conducted.

For calendar year 1968, American reported a gross operating profit for its all-cargo airlift operations of $339,000 before taxes and $164,000 after taxes. The carrier estimates that, based on 1968 operations, its proposal would have yielded additional gross revenues of $5.5 million, which would result in a net return after provision for taxes of $3.7 million or 3 percent return on its average investment for 1968. The trunkline carriers (both passenger/cargo and all-cargo) reported that their all-cargo domestic aircraft services in the calendar year 1968 incurred an operating loss before income taxes of $11,192,000. All-cargo operations account for about 54 percent of total trunkline freight revenues, and as such, are a fair indication of the economics of cargo operations. In the light of these facts, the increases proposed, which in general are not in excess of 7½ percent, should improve the relationship of overall freight revenues to expenses and should not result in unreasonable rates. By the same token, we do not deem it appropriate to require the carrier to place an expiry date on its tariff.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto[5] (except rates applying to or from Canadian points) are suspended and their use deferred to and including August 29, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Airborne Freight Corp. in Dockets 20834 and 20987, Allied-American Bird Co. in Docket 20957, Aquarium Supply Co. in Dockets 20842 and 20921, Domestic Air Express, Inc., in Dockets 20841 and 20986, Emery Air Freight Corp. in Docket 20839, National Fisheries Institute, Inc., in Docket 20927, Secretary of the Interior in Dockets 20846 and 20918, Society of American Florists and Ornamental Horticulturists in Docket 20922, Western Regional Floral Traffic Conference, Inc., in Docket 20835, Wings and Wheels Express, Inc., in Docket 20844, and WTC Air Freight in Dockets 20840 and 20979 are hereby dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., Airborne Freight Corp., Allied-American Bird Co., Aquarium Supply Co., Domestic Air Express, Inc., Emery Air Freight Corp., National Fisheries Institute, Inc., Secretary of the Interior, Society of American Florists and Ornamental Horticulturists, Western Regional Floral Traffic Conference, Inc., Wings and Wheels Express, Inc., and WTC Air Freight, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6324; Filed, May 27, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-5-98]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 22, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 9, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R–74 through R–77, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6325; Filed, May 27, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-5-95]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on May 21, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 9, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R–23 through R–25, be and hereby is deferred with a view toward eventual approval:

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariffs CAB Nos. 8, 12, and 26 (Agent J. Aniello series) and 115.

[2] Including general commodity rates applicable to parcel post shipments, i.e., those consigned to a U.S. Post Office. The increases proposed in these rates are subject to a minimum of $1 per 100 pounds.

[3] Complaints against American's proposal were filed by Airborne Freight Corp., Allied-American Bird Co., Domestic Air Express, Inc., and WTC Air Freight. Complaints against Eastern's proposal were submitted by Aquarium Supply Co., National Fisheries Institute, Inc., the Secretary of the Interior, and the Society of American Florists and Ornamental Horticulturists. Complaints against TWA's proposal were filed by Airborne Freight Corp., Aquarium Supply Co., Domestic Air Express, Inc., Emery Air Freight Corp., the Secretary of the Interior, Western Regional Floral Traffic Conference, Inc., Wings and Wheels Express, Inc., and WTC Air Freight.

[4] United canceled its suspended tariffs pursuant to special tariff permission granted by the Board.

[5] Filed as part of the original document.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

Provided, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6326; Filed, May 27, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

AFFILIATED BANK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Affiliated Bank Corp., Madison, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of Madison and Hilldale State Bank, both of Madison, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Affiliated Bank Corp., Madison, Wis., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of Madison and Hilldale State Bank, both of Madison, Wis.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banking of the State of Wisconsin of receipt of the application and requested his views and recommendation. The Commissioner made no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1707), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6308; Filed, May 27, 1969; 8:46 a.m.]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Delmar Bank of University City, University City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), and application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Delmar Bank of University City, University City, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1968 (33 F.R. 19211), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6309; Filed, May 27, 1969; 8:46 a.m.]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of The Kirkwood Bank, Kirkwood, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of The Kirkwood Bank, Kirkwood, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1968 (33 F.R. 19211), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6310; Filed, May 27, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the Application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Union State Bank, St. Charles, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Union State Bank, St. Charles, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1968 (33 F.R. 19211), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6311; Filed, May 27, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations, Temporary Reg. H-10]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to dispose of surplus real property at Selfridge Air Force Base, Clinton Township, Macomb County, Mich.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Background.* a. On August 30, 1967, the President established a Special Task Force composed of the Secretary of Defense, the Secretary of Housing and Urban Development, the Attorney General, and the Administrator of General Services, to survey surplus and potentially surplus Federal properties throughout the Nation, and, with State and local officials, to evaluate the prospects for transferring these lands into vital and useful community resources, primarily to satisfy critical urban needs for housing.

b. Two of the properties selected for such purposes are situated within the Selfridge Air Force Base and consist of approximately 19.36 acres of land at Installation No. 1478, Joy Communication Facility Annex, and approximately 29.10 acres of land at Installation No. 1479, Selfridge Housing Annex No. 1.

c. It is considered that the proper development of these properties to serve the Government's program may be accomplished more expeditiously if direct control is exercised by the Department of Housing and Urban Development over all disposal actions affecting its program. The delegation of authority provided in this regulation is designed to afford the Department of Housing and Urban Development such control.

4. *Delegation.* a. Pursuant to the authority vested in me by section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), authority is delegated to the Secretary of Housing and Urban Development to dispose of the following described properties, together with any improvements and related personal property located thereon:

(1) Installation No. 1478, Joy Communication Facility Annex, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated October 11, 1967, and the two amendments thereto, dated January 19, 1968, and February 6, 1968, respectively, from the Department of the Army (GSA Control No. D-Mich-603A).

(2) Installation No. 1479, Selfridge Housing Annex No. 1, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated April 4, 1967, from the Department of the Army (GSA Control No. D-Mich-603).

The General Services Administration has determined this property to be surplus to the needs and responsibilities of the Government. Any portion of this property not disposed of as surplus property by the Department pursuant to this delegation or pursuant to section 108 of the Housing Act of 1949, as amended, shall, on notice from the Department of Housing and Urban Development, be released from the purview of this delegation.

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. The authority conferred in this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. Disposals accomplished under this delegation of authority may include conveyances for commercial and industrial development purposes provided such use of the property will be integrally related to the expected needs of the HUD program. A right-of-way for an underground telephone cable is reserved to the Government at Installation No. 1478, and any disposal of the property shall be made subject to that reservation. The Department of Housing and Urban Development, as the disposal agency, shall be responsible for securing any necessary appraisals in accordance with FPMR 101-47.303-4. The Department shall assume the expense of care, handling, protection, and maintenance of the property.

d. The Department of Housing and Urban Development shall submit to the Commissioner, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405, a record of each separate disposition of property accomplished under this delegation in the format specified by the Commissioner, Property Management and Disposal Service.

Dated: May 22, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-6313; Filed, May 27, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1804]

ASSOCIATED INVESTORS SECURITIES, INC.

Notice of Filing of Application for Order That Company Is Not an Investment Company

MAY 22, 1969.

Notice is hereby given that Associated Investors Securities, Inc. ("Associated") Broadway at Second, Little Rock, Ark., an Arkansas corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Empire Life Insurance Company of America ("Empire"), a life insurance company organized under the laws of Alabama, owns 42.30 percent of Associated's voting securities outstanding. In addition, Empire owns indirectly 15.72 percent of Associated's voting securities outstanding.

A summary of Associated's assets as of June 30, 1968, on the basis of values assigned by Associated, shows total assets $4,243,637. Of this amount, $538,206 is represented by 25.62 percent of the outstanding voting securities of First Equity Corp. ("First Equity"); and $3,582,418 is represented by 35.30 percent of the outstanding voting securities of National Investors Life Insurance Co. ("NILIC").

Investment securities represented by Associated's holdings of securities of First Equity and NILIC aggregate $4,120,624 or approximately 98 percent of total assets exclusive of cash and Government securities. Consequently it appears that Associated is an investment company, as defined in section 3(a)(3) of the Act.

However, Associated claims that it is entitled to a finding that it is not an investment company because of the circumstances discussed below.

Table I shows (1) the interests of Associated in First Equity and NILIC, (2) the interests of First Equity and NILIC in certain other companies, and (3) for each company, the percentage of stock ownership and the nature of its business.

TABLE I

Company [1]	Percent voting securities owned	Nature of business
Associated Investors Securities, Inc.		
National Investors Life Insurance Co.	35.30	Life insurance.
Great Atlantic Life Insurance Co.	80.00	Do.
Investors Equity of the West, Inc.	35.66	Holding company.
National Equity Life Insurance Co. of Hawaii.	87.46	Life insurance.
National Investors Fire & Casualty Insurance Co.	62.67	Fire & casualty insurance.
First Equity Corp.[2]	25.62	Holding company.
National Investors Life Insurance Co. of Arizona.	52.23	Life insurance.
Investors Equity Life Insurance Co. of Hawaii, Ltd.	53.03	Do.
National Investors Life Insurance Co. of Georgia.	63.80	Do.
National Investors Life Insurance Co. of Nebraska.	55.95	Do.
National Investors Life Insurance Co. of Colorado.	54.37	Do.

[1] Indentation of name denotes ownership by company appearing above.
[2] Also owns 3.97% of Associated's voting securities.

Associated states that it controls each of the other companies listed in Table I; that officers and directors of Associated participate in the management of each of such other companies; and, accordingly, that Associated is primarily engaged in the insurance business through such other companies.

Section (3)(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than June 12, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Associated at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6314; Filed, May 27, 1969; 8:46 a.m.]

[812-2522]

SCHRODERS INC. ET AL.

Notice of Filing of Application

MAY 21, 1969.

In the matter of Schroders Inc., 57 Broadway, New York, N.Y. The Estate Fund Management Corp., 235 South Main Street, Salt Lake City, Utah 84111, and Industry Fund of America, Inc., 235 South Main Street, Salt Lake City, Utah 84111; 812-2522.

Notice is hereby given that The Estate Fund Management Corp. ("Management"), a Utah corporation which is the principal investment adviser to Industry Fund of America, Inc. ("IFA"), an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Schroders Inc. ("Schroders"), a Delaware corporation which under contract with Management is the subadviser to IFA, have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15 of the Act to the extent said provisions may prevent Schroders from acting as a subinvestment adviser to IFA pursuant to an investment advisory contract with Management until such contract has been approved or disapproved by the vote of a majority of the outstanding voting securities of IFA at the next annual stockholders meeting of IFA, or August 31, 1969, whichever first occurs. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On January 31, 1969, an order of the Commission was entered exempting Schroders, which had acquired the investment advisory business of Naess & Thomas, from the provisions of section 15 of the Act to the extent said provisions prevented Schroders from acting as investment adviser to several funds including IFA, from January 31, 1969, until the respective investment advisory contract relating to each of such funds had been approved or disapproved by the vote of a majority of the outstanding voting securities thereof at the respective next annual meeting thereof, or May 1, 1969, whichever first occurred. The annual meeting of the stockholders of IFA, which was to be held during February 1969, has not been called because The South Dakota Corp., a South Dakota corporation ("South Dakota"), has negotiated an agreement with Management whereby South Dakota will make a tender offer for Management stock and Management will sell to South Dakota that number of Management shares which together with the shares of Management tendered to South Dakota will give South Dakota at least a majority of the outstanding stock of Management. The obligation of South Dakota to acquire the stock is conditioned on the approval by the shareholders of IFA of a management contract between Management and IFA when Management is under the control of South Dakota.

The directors of IFA and the directors of Management have voted in favor of having Schroders continue to render investment advisory services to Management to assist Management in advising IFA so long as such action is lawful.

Section 15(a) of the Act provides, in part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.

It is requested that an exemption from section 15 of the Act be granted to the extent necessary to permit Schroders to continue as subadviser to IFA pursuant to Schroders contract with Management from May 1, 1969, until such time as such contract is approved or disapproved by the vote of a majority of the outstanding voting securities of IFA at the next annual meeting thereof, or August 31, 1969, whichever first occurs, so that all of these matters; i.e., a subadvisory contract with Schroders, an advisory contract with Management when it is under the control of South Dakota, and an underwriting contract with a subsidiary of Management when Management is under the control of South Dakota, may be considered by the shareholders of IFA at the same meeting.

Schroders has agreed, if this application is granted, to extend its contract with Management, pursuant to which services are rendered approximately at cost (computed by reducing by 25 percent the fee previously paid to Naess & Thomas), to August 31, 1969, or the date of the shareholders meeting of IFA, whichever is first.

Section 6(c) of the Act provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 11, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6315; Filed, May 27, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 23, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41638—*Phosphatic fertilizer solution from and between points in southern territory.* Filed by O. W. South, Jr., agent (No. A6099), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points in southern territory; also from points in southern territory, on the one hand, to points in Wyoming, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplements 49, 51, and 56 to Southern Freight Association, agent, tariff ICC S-762, and supplements 23 and 30 to Southern Freight Association, agent, tariff ICC S-754.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6329; Filed, May 27, 1969; 8:47 a.m.]

[Notice 552]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 23, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 39406 (Deviation No. 7), CENTRAL MOTOR LINES, INC., Post Office Box 1067, Charlotte, N.C. 28201, filed May 16, 1969. Carrier's representative: Stewart E. Fulk, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Richmond, Va., and Florence, S.C., over Interstate Highway 95 (traversing the following highways pending completion of Interstate Highway 9: U.S. Highway 301 from junction Interstate Highway 95 near Battleboro, N.C., and junction Interstate Highway 95 near Kenley, N.C.; U.S. Highway 301 from junction Interstate Highway 96 near Fayetteville, N.C., and junction Interstate Highway 95 approximately 9 miles south of Fayetteville, N.C., and U.S. Highway 301 from junction Interstate Highway 95 near the North Carolina-South Carolina State line and junction Interstate Highway 95 near Dillon, S.C.), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., via the Holland Tunnel to Jersey City, N.J., thence over Business and Truck U.S. Highway 1 to junction U.S.

Highway 1 at Newark, N.J., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Raleigh, N.C., thence over unnumbered highway (formerly portion U.S. Highway 1) via Cary, N.C., to junction U.S. Highway 1 near Apex, N.C., thence over U.S. Highway 1 to junction U.S. Highway 15–501, near Sanford, N.C., thence over U.S. Highway 15–501 to Carthage, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 21 to Rock Hill, S.C., thence over South Carolina Highway 72 to Chester, S.C., thence over U.S. Highway 321 to West Columbia, S.C., thence over U.S. Highway 1 to junction South Carolina Highway 421, thence over South Carolina Highway 421 via Clearwater, S.C., to junction South Carolina Highway 125, thence over South Carolina Highway 125 to North Augusta, S.C.

(2) From Henderson, N.C., over Alternate U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, N.C.; (3) from Raleigh, N.C., over U.S. Highway 70 (portion formerly Alternate U.S. Highway 70), to junction U.S. Highway Business 70 east of Hillsborough, N.C., thence over U.S. Highway Business 70 to junction U.S. Highway 70 west of Hillsborough, N.C., thence over U.S. Highway 70 (portion formerly Alternate U.S. Highway 70 to Greensboro, N.C.; (4) from Greensboro, N.C., over U.S. Highway 220 to Asheboro, N.C., thence over U.S. Highway 64 to Siler City, N.C.; (5) from Asheboro, N.C., over U.S. Highway 220 to Rockingham, N.C., thence over U.S. Highway 1 to Wallace, S.C.; and (6) from Wallace, S.C., over U.S. Highway 1 to Cheraw, S.C., thence over U.S. Highway 52 to Florence, S.C., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6330; Filed, May 27, 1969; 8:47 a.m.]

[Notice 1297]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 23, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 30204 (Sub-No. 27 (Republication), filed September 4, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, and republished this issue. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02740. Applicant's representative: Carroll B. Jackson, 5600 Midlothian Turnpike, Richmond, Va. 23225. By application filed September 4, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Moore Business Forms, Inc., at or near Thurmont, Md., as an off-route point in connection with its presently held authority. By order of the Commission, dated November 7, 1968, and served November 14, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 3, decided May 12, 1969, and served May 16, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *business forms* from the plantsite of Moore Business Forms, Inc., at Thurmont, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) of *materials and supplies* used in the manufacture of business forms from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to the plantsite of Moore Business Forms, Inc., at Thurmont, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107515 (Sub-No. 628) (Republication), filed September 10, 1968, published FEDERAL REGISTER issue of October 3, 1968, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). By application filed September 10, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plastic material, liquid, and film on sheeting other than cellulose, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Norwalk, Conn., to Marietta, Ga., Marion and Alexandria, Va., Orlando, Fla., Nashville, Tenn., Cincinnati, Akron, and Columbus, Ohio, Indianapolis, Ind., Wichita, Kans., Tulsa, Okla., St. Louis, Mo., Lincoln, Nebr., Fort Worth, Tex., and Lansing, Mich. A report of the Commission, Review Board No. 2, decided May 15, 1969, and served May 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *adhesives, epoxy impregnated fabrics, molding compounds, and thinners*, except in bulk, in vehicles equipped with mechanical refrigeration, from Norwalk, Conn., to Marietta, Ga., Portsmouth, Akron, and Columbus, Ohio, Fort Worth, Tex., and Wichita, Kans.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107818 (Sub-No. 29) (Republication), filed June 10, 1963, published in FEDERAL REGISTER issue of September 18, 1963, and republished this issue. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Gulf Life Tower, Jacksonville, Fla 32207. On October 12, 1965, applicant was issued a certificate in Docket No. MS 107818 (Sub-No. 29), which reads as follows: Irregular routes: *Fresh, frozen, and canned meats, and dairy products*, restricted to mixed loads of meats and dairy products, from St. Paul, Minn., Chicago, Ill., and points in Wisconsin, to points in Alabama, Florida, Georgia, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized. Protestants herein subsequently filed a petition seeking, inter alia, reopening for further hearing, which petition was denied by order dated

November 3, 1967, and said protestants subsequently filed a complaint seeking judicial review of the Commission's action. On February 4, 1969, the U.S. District Court for the Northern District of Georgia, Atlanta Division, entered its judgment in its Civil Action No. 11402, Refrigerated Transport Co., Inc. v. United States, et al., remanding this matter to the Commission for republication of notice in the FEDERAL REGISTER of the scope of authority granted in said certificate dated October 12, 1965, and for further hearing thereafter, and applicant has no objection thereto. An order, of the Commission, dated April 7, 1969, and served May 19, 1969, decrees that the above-styled proceeding be, and it is hereby, reopened; and that after publication in the FEDERAL REGISTER, this proceeding be set for further hearing, in a manner consistent with the court's opinion at a time and place to be hereafter determined by the Commission.

No. MC 117698 (Sub-No. 6) (Republication), filed December 9, 1968, published in FEDERAL REGISTER issue of December 28, 1968, and republished this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Brooman, 140 Main Street, Oneonta, N.Y. 13820. By application filed December 9, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) ice cream, ice cream products, ice confections, ice mix, such as ice cream in bulk (not over 5 gallons) and in small containers, fudgsicles, popsickles, cones, candied ice cream sherberts in bulk (not over 5 gallons) or in small containers, or insticks, to be transported in refrigerated trailers and not in bulk or tank vehicles, from Suffield, Conn., to Worcester, Mass., Providence, R.I., Ellenville, N.Y., and Rockville and Gaithersburg, Md. No return movement unless rejected products are returned to the plant at Suffield, Conn.; and (2) milk, cream, cheese, and milk products packaged in paper cartons or glass, to be transported in refrigerated trailers and not in bulk or tank vehicles, from Agawam, Mass., to Hartford and New Haven, Conn. An order of the Commission, Operating Rights Board, dated April 17, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *ice cream, ice cream products, ice confections, ice mix, fudgsicles, popsickles, cones, and candied ice cream sherberts* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Suffield, Conn., to Worcester, Mass., Providence, R.I., Ellenville, N.Y., and Rockville, Md.; and

(2) *Milk, cream, cheese, and milk products*, in containers, in vehicles equipped with mechanical refrigeration, from Agawam, Mass., to Hartford and New Haven, Conn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118282 (Sub-No. 17) (Republication), filed August 7, 1968, published FEDERAL REGISTER, issue of August 29, 1968, and republished this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. In the above-entitled proceeding, as modified, the examiner recommended the issuance to applicant, a certificate authorizing the operations, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of plastic or rubber articles, plastic or rubber articles combined with wood and/or metal, carpets or carpeting made of synthetic fiber, and incidental accessories for such articles (except commodities in bulk), from the sites of the plant and warehouse of Rubbermaid Commercial Products, Inc., at or near Winchester, Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas. A Decision and Order of the Commission, Review Board Number 3, dated May 9, 1969, and served May 16, 1969, as modified, finds that operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *plastic and rubber articles, and synthetic fiber carpeting*, from the plantsites and warehouses of Rubbermaid Commercial Products, Inc., at or near Winchester, Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127141 (Sub-No. 4) (Republication), filed July 19, 1968, published FEDERAL REGISTER issue of September 6, 1968, and republished this issue. Applicant: ERNEST FALEN, Route 6, Caldwell, Idaho 83605. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. By report and order entered in the above-entitled proceeding, the examiner recommended the issuance to applicant a certificate of public convenience and necessity, authorizing the operation, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served April 22, 1969, and effective May 12, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, in the transportation of *canned or preserved foodstuffs, malt beverages, wine, bananas, frozen foods, and agricultural commodities*, the transportation of which is partially exempt from regulation under section 203(b)(6) of the Interstate Commerce Act when transported in the same vehicle and at the same time with the foregoing commodities, from points in California, to Nyssa, Oreg., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted to traffic destined to Nyssa, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Provided further, however, that notice of the foregoing authority shall be published in the FEDERAL REGISTER and the issuance of a certificate in this proceeding shall be withheld for a period of not less than 30 days from the date of such publication, during which period any interested party may file an appropriate petition for leave to intervene in this proceeding, such petition setting forth in detail the precise manner in which petitioner may have been prejudiced by the lack of proper notice of this application.

No. MC 133243 (Sub-No. 1) (Republication), filed November 14, 1968, published in FEDERAL REGISTER issue of December 5, 1968, and republished this issue. Applicant: GOSSELIN EXPRESS LTD., 8535 Pascal Gagnon Street, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien Roger Paquette, 200 St. James Street West, Suite 1010, Montreal, Province of Quebec, Canada. By application filed November 14, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of motorized snowmobiles (except commodities in bulk, in tank vehicle) by

specially designed low-bed trailers, between ports of entry on the international boundary line between the United States and Canada located in New York and Michigan on the one hand, and, on the other, points in New York, Michigan, and Minnesota: under contract with Sno Jet, Inc., of Thetford Mines, Province of Quebec, Canada. An order of the Commission, Operating Rights Board, dated April 30, 1969, and served May 20, 1969, finds that operations by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *snowmobiles* from those ports of entry on the international boundary line between the United States and Canada, located in New York and Michigan, to points in New York, Michigan, and Minnesota, under a continuing contract with Sno Jet, Inc., of Thetford Mines, Quebec, Canada, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 56679 (Sub-No. 28) (Notice of Filing of Petition for Clarification of Certificate), filed May 8, 1969. Petitioner: BROWN TRANSPORT CORP., Atlanta, Ga. Petitioner's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Petitioner, as successor in interest to Osborn, Inc., seeks a clarification of the certificate of public convenience and necessity that was issued on August 2, 1966, to Osborn, Inc., in No. MC–119268 (Sub-No. 49), which has now been transferred to petitioner and is a part of petitioner's certificate in No. MC 56679 (Sub-No. 28) (sheet 4 thereof). Said certificate, Sheet 4, authorized the holder thereof to operate in interstate or foreign commerce, as a common carrier, over irregular routes, as follows: "*Rugs, carpets, carpeting,* and *tufted textile products,* from Chattanooga, Tenn., and points in Georgia except those south and east of a line beginning at the South Carolina-Georgia State line and extending west along U.S. Highway 278 to junction Georgia Highway 20 at Conyers, Ga., thence south along Georgia Highway 20 to junction U.S. Highway 23 at McDonough, Ga., thence south along U.S. Highway 23 to junction Interstate Highway 75 at or near Bolingbroke, Ga., thence along Interstate Highway 75 to the Georgia-Florida State line, to points in Iowa, Minnesota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted against the transportation of shipments destined to points in Illinois." By the instant petition, petitioner seeks the clarification of said certificate, in one respect, and that is in connection with the commodity description now contained in said certificate as "tufted textile products", so that the same will henceforth read when clarified as "textile products and related articles." Any interested person desiring to participate may file an original and six copies of his written representations, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124254 and No. MC 124254 (Sub-No. 2), (Notice of Filing of Petition for Modification of Permit), filed May 5, 1969. Applicant: NORTHERN MAINE TRANSPORT, INC., 108 Hildreth Street, Post Office Box 1404, Bangor, Maine 04401. Petitioner is authorized in No. MC 124254 to conduct contract carrier operations, over irregular routes, transporting: *Malt beverages and advertising materials* when moving in connection therewith, from Natick and Boston, Mass., Albany and New York, N.Y., Newark, N.J., and Baltimore, Md., to Bangor, Caribou, and Presque Isle, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Bangor Bottling Co., Inc., Bangor, Maine, Briggs, Inc., Brewer, Maine, Aroostook Beverage Co., Caribou, Maine, Northern Maine Distributors, a corporation, Presque Isle, Maine. In No. MC 124254 (Sub-No. 2), over irregular routes transporting: *Malt beverages and advertising materials* when moving in connection therewith, from Lawrence, Mass., to Presque Isle, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with Northern Maine Distributors, Presque Isle, Maine. From Rochester, N.Y., and Cranston, R.I., to Caribou, Maine, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Aroostock Beverage Co., Caribou, Maine. From Lawrence, Mass., and Cranston, R.I., and Rochester, N.Y., to Bangor, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Briggs, Inc., Brewer, Maine. From Newark, N.J., and Rochester and Albany, N.Y., to Bangor, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Artic Spring Bottling Co., Bangor, Maine. *Carbonated beverages and flavoring syrup* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from Waltham, Mass., to Caribou, Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Aroostock Beverage Co., Caribou, Maine. From Waltham, Mass., to Bangor, Maine, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Bangor Bottling Co., Inc. By the instant petition, petitioner seeks to remove the name of Artic Spring Bottling Co., from its existing permit, because that company is out of business. Also, Bangor Bottling Co., Inc., of Bangor, Maine, and Northern Maine Distributors, a corporation of Presque Isle, Maine, have been merged and the surviving corporation is Bangor Beverage Distributors, a corporation, of Bangor, Maine. Petitioner also desires to add an additional contracting shipper, Anderson Beverage Co., for traffic moving from Cranston, R.I., to Caribou, Maine. Petitioner also requests the Commission to modify its contract carrier permit by adding as a named shipper, Maine Distributors, a corporation of 90 Miller Street, Bangor, Maine, to its authority to transport malt beverages and advertising materials when moving in connection therewith, from New York, N.Y., Newark, N.J., and Baltimore, Md., to Bangor, Caribou, and Presque Isle, Maine. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129467 (Notice of Filing of Petition To Add Additional Shipper), filed April 29, 1969. Petitioner: BACON, INCORPORATED, Refinery and Industrial Road, Post Office Box 1134, Ardmore, Okla. Petitioner's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. Petitioner is authorized in permit No. MC 129467 to conduct operations as a motor contract carrier, by motor vehicle, over irregular routes, transporting Industrial Asphalt, in bulk, in tank vehicles, from El Dorado, Kans., to Kansas City, Mo., under contract with Trumbull Asphalt Co. of Kansas City, Mo. By the instant petition,

petitioner seeks to add American Petrofina Co. of Texas as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10464. (Correction), (CROUSE CARTAGE CO.—Purchase (Portion)—BOS LINES, INC.), published in the May 7, 1969, issue of the FEDERAL REGISTER, on page 7406. This notice to show the authority sought to be transferred to read in lieu of the prior description: *General commodities,* except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and commodities injurious or contaminating to other lading, as a *common carrier,* over regular routes, between Chicago, Ill., and Des Moines, Iowa, serving all intermediate points, and the off-route points of Ferguson, Mitchellville, and Kellogg, Iowa; etc.

No. MC–F–10478. (Correction), (CROUCH BROS., INC.—Purchase—MOMSEN TRUCKING CO.), published in the May 21, 1969, issue of the FEDERAL REGISTER, on page 8011. This notice to show the correct authority sought to be transferred should read in lieu of the prior description: *General commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Esterville, Iowa, on the one hand, and, on the other, St. Paul and Minneapolis, Minn.

No. MC–F–10480. Authority sought for purchase by P. WAJER & SONS EXPRESS CO., INC., Post Office Box 460, rights of DALEY TRUCKING COMPANY, INC., 5 Ashworth Terrace, Haverhill, Mass. 01830, and for acquisition by ROBERT WAJER, ROMAN WAJER, and JOSEPH WAJER, all also of Webster, Mass. 01570, of control of such rights through the purchase. Applicants' attorney: Martin Werner, Werner & Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: Under certificates of registration, in Docket No. MC–57779 Sub-1, covering the transportation of general commodities as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–53946 Sub-No. 4 is a matter directly related.

No. MC–F–10481. Authority sought to purchase by WILLIS SHAW FROZEN EXPRESS, INC., Box 188, Elm Springs, Ark. 72728, of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., Box 12388, Norfolk, Va. 23502, and for acquisition by WILLIS D. SHAW, also of Elm Springs, Ark., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004 and Harry C. Ames., Jr., 705 McLachlen Bank Building, Washington, D.C. 20001. Operating rights sought to be transferred: *Frozen foods,* as a *common carrier* over irregular routes, from Crozet, Va., to points in Missouri, from Crozet, Va., to points in Iowa, from Crozet, Va., to points in Colorado, Kansas, Nebraska, North Dakota, and South Dakota; *foodstuffs,* from points in that part of Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Ohio and West Virginia, and those points in that part of Pennsylvania on and west of U.S. Highway 220. Vendee is authorized to operate as a *common carrier* in Arkansas, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Washington, Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, Wisconsin, Connecticut, Montana, South Dakota, North Dakota, Wyoming, West Virginia, Maine, Massachusetts, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10482. Authority sought for control by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502, of M. & E. TRANSPORTATION CORP., Box 248, Dover, N.H., and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta, Ga. 30303, of control M. & E. TRANSPORTATION CORP., through the acquisition by INTERSTATE MOTOR FREIGHT SYSTEM. Applicants' attorneys: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502, Edward K. Wheeler and Richard H. Strodel, both of Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities,* except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over regular routes, between Boston, Mass., and Springvale, Maine, between Boston, Mass., and Milton Mills, N.H., between Boston, Mass., and Portsmouth, N.H., between Rochester, N.H., and Farmington, N.H., serving all intermediate points; *general commodities,* with exceptions as specified above, over irregular routes, between Brockton and Taunton, Mass., and points in Essex, Middlesex, Suffolk, and Norfolk Counties, Mass., on the one hand, and, on the other, points in York County, Maine, and those in Strafford and Rockingham Counties, N.H. INTERSTATE MOTOR FREIGHT SYSTEM is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10483. Authority sought for purchase by ANDREW McDERMOTT, INC., 220 Murray Street, Newark, N.J. 07003, of a portion of the operating rights of WM. McCULLOUGH TRANSPORTATION CO., INC., 11000 U.S. Highway No. 1, Elizabeth, N.J. 07201, and for acquisition by H. W. TAYNTON CO., INC., and in turn by ROBERT E. TAYNTON, SR., ELIZABETH MARBLE, PAUL TAYNTON, FLORENCE TAYNTON, and COMMONWEALTH BANK & TRUST CO. (Trustees Under Voting Trust), all of 40 Main Street, Wellsboro, Pa., of control of such rights through the purchase. Applicants' attorneys: Robert De Kroyft, 24 Branford Place, Newark, N.J. 07102. Bowes & Millner, both of 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Newark, N.J., and points in New Jersey within 25 miles of Newark, between Newark, N.J., and points within 25 miles of Newark, on the one hand, and, on the other, Camden and Trenton, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, and Connecticut. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10484 (WM. McCULLOUGH TRANSPORTATION CO., INC.—Purchase (Portion)—ANDREW McDERMOTT, INC.), published this same issue.

No. MC–F–10484. Authority sought for purchase by WM. McCULLOUGH TRANSPORTATION CO., INC., 11000 U.S. Highway No. 1, Elizabeth, N.J. 07201, of a portion of the operating rights of ANDREW McDERMOTT, INC., 220 Murray Street, Newark, N.J. 07003, and for acquisition by J. J. McDONNELL, 180 Central Park South, New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: Robert DeKroyft, 24 Branford Place, Newark, N.J. 07102, Bowes & Millner, both of 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities,* except those of unusual value, commodities which, because of their size or weight, require the use of special equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious

or contaminating to other lading, as a *common carrier*, over irregular routes, from points in Essex, Union, Hudson, Monmouth, and Passaic Counties, N.J., to Newark, N.J., and points in that part of New Jersey within 150 miles of Newark (from points in New Jersey within 150 miles of Newark, N.J., to points in Essex, Hudson, Monmouth, and Passaic Counties, N.J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Rhode Island, Pennsylvania, and Connecticut. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC-F-10483 (ANDREW McDERMOTT, INC.—Purchase (Portion)—WM. McCULLOUGH TRANSPORTATION CO., INC., published this same issue.

No. MC-F-10485. Authority sought for (1) control by EDGAR F. HURFF CO., 215 Fremont Street, San Francisco, Calif. 94119, of (A) FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902, and (B) D & O—FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902, and for acquisition by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, Calif. 94119, of control of FAIRCHILD GENERAL FREIGHT, INC., and D & O—FAIRCHILD, INC., through the acquisition by EDGAR F. HURFF CO.; and (2) merger into FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902, of the operating rights and property of D & O—FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicants' attorneys: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901, and George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be (1) controlled and (2) merged: (1)(A) *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points within 3 miles of Yakima, Wash., including Yakima; *livestock*, between points in that part of Washington on and east of a line extending north and south from Roslyn, Wash., on the one hand, and, on the other, points in Oregon and Idaho; *wool*, from points in Washington, on and east of a line extending north and south of Roslyn, Wash., to Portland, Oreg.; *glass bottles and jars, and covers, stoppers, and tops* for glass bottles and jars, as a *contract carrier*, over irregular routes, from Portland, Oreg., to points in Washington, with restrictions; and *fiberboard containers and packing forms*, from Portland, Oreg., to points in that part of Washington east of a line formed by the western boundaries of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, with restrictions; and (1)(B) and (2) *box shook*, as a *common carrier*, over irregular routes, from the plantsite of the Chelan Box & Manufacturing Co. near Manson, Wash., to points in California and to Medford, Oreg., and points within 30 miles thereof, to Hood River, Oreg., and points in Oregon within 20 miles of Hood River, and points in Idaho and Montana; and *fiberboard, paper, and pulpboard boxes and partitions*, from Longview and Yakima, Wash., to The Dalles and Hood River, Oreg. EDGAR F. HURFF CO., holds no authority from this Commission. However, its controlling stockholder is affiliated with (1) ENCINAL TERMINALS, 1521 Buena Vista Avenue, Alameda, Calif., which is authorized to operate as a *common carrier* in California: NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, N.J., which is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, and New York; and SHIPPERS EXPRESS COMPANY, Post Office Box 5790, San Jose, Calif., which is authorized to operate as a common carrier under a certificate of registration, within the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10486. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham, Ala. 35233, and for purchase by MATLACK, INC., of the operating rights of BAGGETT BULK TRANSPORT, INC., and for acquisition by INTERNATIONAL BULK DISTRIBUTION CORPORATION, also of Lansdowne, Pa., of control of such rights through the transaction. Applicants' attorneys and representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and John Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Operating rights sought to be controlled and transferred: *Lime and limestone*, in bulk and in packages, and *cement*, in packages, as a *common carrier*, over irregular routes, from Longview, Ala., to points in Georgia (except lime, in bulk, from Longview, Ala., to Atlanta, Ga.); *sulfate of alumina*, dry, in bulk, from North Chattanooga, Tenn., to Coosa Pines, Ala.; *lime*, in bags, when moving in the same vehicle with cement, from the plantsite of National Cement Co. at Ragland (St. Clair County), Ala., to points in Alabama, Georgia, Florida, North Carolina, Mississippi, South Carolina, and Tennessee; *cement*, from the plantsite of Universal-Atlas Cement Division, United States Steel Corp., at Leeds (Jefferson County), Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee, from the plantsite of National Cement Co., at Ragland (St. Clair County), Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, and Tennessee; from the plantsite of the Alpha Portland Cement Co., at Birmingham, Ala., to points in Georgia and Mississippi, certain specified points in Florida, South Carolina, North Carolina, and Tennessee, with restriction;

Cement and lime, from the plantsite of the Southern Cement Co., Division of Martin-Marietta Corp., at Roberta, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee, from the plantsite of Southern Cement Co., division of Martin-Marietta Corp. (Magnolia), Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; *cement and lime*, in bags, from the plantsite of the Southern Cement Co., Division of Martin-Marietta Corp., at North Birmingham, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee; *cement, lime, and limestone*, from Longview, Shelby County, Ala., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *fly ash*, in bulk, from Wilsonville, Ala., to points in Mississippi and Tennessee; *fly ash*, in packages, from Wilsonville, Ala., to points in Mississippi, Tennessee, that part of Georgia on and west of U.S. Highway 129, and certain specified points in Florida; *dry cement*, between points in Alabama, between points in Georgia (except from the plantsite of the Atlantic Cement Co. at Savannah, Ga.), between points in North Carolina, between points in South Carolina, between points in Florida, between points in Louisiana, between points in Tennessee, with restriction; *cement*, in bulk, and in bags, from Decatur, Ala., to points in Alabama, Georgia, Kentucky, Mississippi, points in that part of North Carolina on and west of U.S. Highway 21, points in that part of South Carolina on and west of U.S. Highway 21, and points in Tennessee, from the site of the Missouri Portland Cement Co., in Louisville, Ky., to points in Kentucky, Indiana, Ohio, Tennessee, and points in that part of West Virginia, and west of Interstate Highway 77; *dry cement*, in bulk, from the plantsite of Universal Atlas Cement Division, United States Steel Corp., at Chamblee, Ga., to points in South Carolina, from the plantsite of Universal Atlas Cement Division, United States Steel Corp., at Huntsville, Ala., to points in Georgia, Mississippi, and Tennessee; and *lime and limestone*, from the plantsite of the U.S. Gypsum Co. at or near Montevallo, Ala., to points in Florida, Georgia, North Carolina, Mississippi, South Carolina, Tennessee, and that part of Louisiana on and east of the Mississippi River. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10487. Authority sought for purchase by WEATHERS BROS. TRANSFER CO., INC., 2728 Northeast Freeway NE., Atlanta, Ga. 30329, of the operating rights of MARTIN VAN LINES, INC. (JOSEPH O. EARP, Trustee in Bankruptcy), 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104, and for acquisition by R. L. WEATHERS, W. M. WEATHERS, GLORIA DOBBS, all also of Atlanta, Ga., SARAH ANN HOBSON, 3821 Miruelo Circle North, Jacksonville, Fla., and L. W. WEATHERS, 1268 Druid Park Avenue, Augusta, Ga., of control of such rights through the purchase. Applicants' attorneys and representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, R. J. Reynolds III, 604 Healey Building, Atlanta, Ga. 30303, and Jerome Shulkin, 3102 Smith Tower, Seattle, Wash. 98104. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, from certain specified points in Montana, to points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, from points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, to all points in Montana, between certain specified points in Montana, on the one hand, and, on the other, points in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, Washington, and Montana, between Forsyth, Mont., on the one hand, and, on the other, points in Montana more than 125 miles from Forsyth, and those in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, and Washington, between points in California, Oregon, and Washington, between certain specified points in Oregon, on the one hand, and, on the other, points in Idaho and Nevada; and *general commodities*, excepting, among others, household goods and commodities in bulk, between points within 3 miles of Portland, Oreg., including Portland. Vendee is authorized to operate as a *common carrier* in Tennessee, Alabama, Delaware, Florida, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, Arkansas, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, Ohio, Rhode Island, Oklahoma, Connecticut, West Virginia, Georgia, Arizona, California, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10488. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenue, Carlstadt, N.J. 07072, of NATIONAL TRANSPORTATION COMPANY, doing business as NATIONAL TRANSPORT 101, 251 State Street Extension, Bridgeport, Conn. 06603, and for acquisition by NANTAM SYSTEM, INC., and, in turn by DANIEL E. SHEVELL and MYRON P. SHEVELL, all also of Carlstadt, N.J., of control of NATIONAL TRANSPORTATION COMPANY, doing business as NATIONAL TRANSPORT 101, through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorneys: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, and Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Perth Amboy, N.J., and Hartford, Conn., serving all intermediate points, and certain off-route points, between New Haven, Conn., and Hartford, Conn., serving certain intermediate and off-route points, between Bridgeport, Conn., and Torrington, Conn., between New Haven, Conn., and Willimantic, Conn., serving all intermediate points, and certain off-route points, between Bridgeport, Conn., and New Milford, Conn., serving certain intermediate and off-route points; between New Freedom, Pa., and junction U.S. Highways 1 and 9 near Woodbridge, N.J., serving all intermediate points in Pennsylvania, between junction Pennsylvania Highway 516 and unnumbered highway (formerly U.S. Highway 111), and junction U.S. Highways 1 and 9 near Woodbridge, N.J., serving the intermediate points of Camden, N.J., and Baltimore, Md., with restriction; between Waterbury, Conn., and Albany, N.Y., between Springfield, Mass., and Schenectady, N.Y., serving certain intermediate and off-route points, between Springfield, Mass., and West Suffield, Conn., serving the intermediate points of Agawam, Mass., and Suffield, Conn., and the off-route point of Feeding Hills, Mass.; between Hartford, Conn., and Greenfield, Mass., serving certain intermediate and off-route points, with restriction; between Boston, Mass., and Framingham, Mass., serving certain intermediate and off-route points, between New London, Conn., and Providence, R.I., serving certain intermediate and off-route points; between Baltimore, Md., and Alexandria, Va., serving all intermediate points, and certain off-route points, with restriction; over two alternate routes for operating convenience only;

General commodities, except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Greenfield, Mass., and Boston, Mass., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Massachusetts, between certain specified points in Massachusetts, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 5 and west of the Cape Cod Canal; between New York, N.Y., Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, certain specified points in New Jersey, between Newark, N.J., on the one hand, and on the other, points in Middlesex County, N.J., between certain specified points in New Jersey, on the one hand, and, on the other, certain specified points in New York, and those in Fairfield County, Conn., and certain specified points in Pennsylvania, with restrictions; *castor oil*, in bulk, in tank trucks, from Bridgeport, Conn., and Boonton, N.J., New York, N.Y., Philadelphia, Pa., points in Delaware County, Pa., certain specified points in New Jersey, and those in Massachusetts and Rhode Island; and *general commodities*, except classes A and B explosives, between Voorheesville, N.Y., on the one hand, and, on the other, Albany and Rensselaer, N.Y. EASTERN FREIGHT WAYS, INC., is authorized to operate as a *common carrier* in Vermont, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Virginia, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-6331; Filed, May 27, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 23, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-5010, filed May 6, 1969. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. 72201. Applicant's representative: Charles J. Lincoln, Tower Building, Little Rock, Ark. 72201. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, over regular routes, between Hot Springs, Ark., and "Y" City, Ark.; U.S. Highway 270, Hot Springs, Ark., to "Y" City, Ark., and return over the same route, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 2, 1969 at 10 a.m., Hearing Room, Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. H-5014, filed April 8, 1969. Applicant: CEDAR-RAPIDS-OTTUMWA EXPRESS, INC., 2800 Fleur Drive, Des Moines, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa. Certificate of public convenience and necessity sought to operate a freight service

as follows: *General commodities*, between Cedar Rapids, Oskaloosa, and Ottumwa, Iowa, and serving the intermediate and off route points of Fairfax, Walford, Amana, Homestead, South Amana, Conroy, Williamsburg, Parnell, North English, South English, Webster, Sigourney, Hayesville, Martinsburg, Hedrick, Highland Center, U.S. Naval Reserve Aviation Base (near Ottumwa), Rutledge, Delta, and Rose Hill, and between Ottumwa and Oskaloosa via U.S. Highway 63, serving no intermediate or off route points and for operating convenience only. Both intrastate and interstate authority sought.

HEARING: Tuesday, July 8, 1969 at Office of Iowa State Commerce Commission, Des Moines, Iowa. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa Commerce Commission, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

State Docket No. C–13718 Case No. 1, filed December 19, 1968. Applicant: PAUL E. ARMS, doing business as SALINE CAB CO., 126 East Michigan Avenue, Saline, Mich. 48176. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Certificate of registration sought to operate a freight service as follows: transporting *Property* (except exposed and processed film and prints, microfilm, commercial papers, documents, written instruments, office records, loading tickets and reports, and bills-of-lading), in same day deliveries: (1) From the plantsite of Hoover Ball and Bearing Co. (Manchester Division) within 1 mile of Manchester, Mich.; to Detroit, Mich., and its commercial zone as defined by the Interstate Commerce Commission, limited to one shipment of 1,000 pounds or less per vehicle and restricted against the transportation of freight having an immediately prior or subsequent movement by air, except as otherwise authorized; (2) from the plantsite of Hoover Ball and Bearing Co. on State Road approximately 2½ miles northeast of Saline, Mich., to Detroit, Mich., and its commercial zone as defined by the Interstate Commerce Commission, limited to one shipment of 1,000 pounds or less per vehicle and restricted against the transportation of freight having an immediately prior or subsequent movement by air.

(3) From the plant site of Hoover Ball and Bearing Co. (Universal Die Casting Division) at Saline, Mich., to Detroit, Mich., and its commercial zone as defined by the Interstate Commerce Commission, limited to one shipment of 500 pounds or less per vehicle and restricted against the transportation of freight having an immediately prior or subsequent movement by air. *Coolant*, from Miller Supply, Inc., Jackson, Mich., and *hydraulic oil*, in drums, from Detroit and Taylor Township to the plant of Hoover Ball and Bearing on State Road approximately 2½ miles northeast of Saline, Mich., limited to one shipment of 900 pounds or less per vehicle. NOTE: A BOR–100 application has been filed under section 206(a)(6) of the Interstate Commerce Act in No. MC–121621 (Sub-No. 1). Applicant seeks a certificate of registration corresponding in scope to the intrastate rights granted by certificate No. C–13718 Case No. 1, to the extent that the Michigan Public Service Commission found that public convenience and necessity require applicant's operations in interstate or foreign commerce. Processing of the application will be withheld for a period of 30 days from date of publication during which period any proper party in interest may file an appropriate pleading with this Commission.

State Docket No. 35813, filed May 7, 1969. Applicant: JOHN L. CLARK, R.F.D. No. 3, Montpelier, Ohio. Applicant's representative: William R. White, 100 East Broad Street, Columbus, Ohio. Certificate of public convenience and necessity sought to operate a property service as follows: *Property*, from and to Williams, Fulton, Defiance, and Henry Counties, Ohio, restricted to transportation of Piggy back trailers, loaded or empty, having an immediately prior or subsequent movement by rail. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

State Docket No. M–38950 Sub No. 1, filed here May 8, 1969. Applicant: EDWARD B. WILLARD, doing business as TEN SLEEP SERVICE CO., Post Office Box 1016, Worland, Wyo. 82401. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Certificate of public convenience and necessity sought to operate a passenger service as follows: *Passengers and their baggage*, in charter and special service, between points and places in Washakie, Johnson, and Big Horn Counties, Wyo. Both intrastate and interstate authority sought.

HEARING: Tuesday, June 17, 1969, at 9:30 a.m., at the Washakie District Court Room, Courthouse, Worland, Wyo. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo. 82001, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6332; Filed, May 27, 1969; 8:48 a.m.]

[Notice 352]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71137. By order of May 15, 1969, the Motor Carrier Board approved the transfer to David A. Perrotti, doing business as Exchange Transportations Co., 200 Exchange Street, Malden, Mass., 02148, of certificate of registration in No. MC–121165 (Sub-No. 1), issued December 18, 1967, to Joseph F. Perrotti, doing business as Exchange Transportation Co., 200 Exchange Street, Malden, Mass., 02148, corresponding to the grant of intrastate authority to transferor in Common Carrier Certificate No. 6108, dated December 3, 1968, issued by the Department of Public Utilities of the Commonwealth of Massachusetts.

No. MC–FC–71376. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Brooks Moving & Storage, Inc., Paterson, N.J., of the certificates Nos. MC–38049 and MC–38049 (Sub-No. 1), issued September 3, 1940 and January 4, 1951, respectively, to Joseph Brooks, Paterson, N.J., authorizing the transportation of household goods between specified areas of New Jersey, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, New Hampshire, Vermont, the District of Columbia, Maine, Virginia, and Ohio. John M. Zachara, Post Office Box "Z", Paterson, N.J. 07509, representative for applicants.

No. MC–FC–71377. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Paul H. Liskey, Kearneysville, W. Va., of the certificate in No. MC–48576, issued November 29, 1941, to James A. Dailey, Charles Town, W. Va., authorizing the transportation of specified commodities from, to and between points in West Virginia, Virginia, Maryland, and Pennsylvania. Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157, representative for applicants.

No. MC–FC–71385. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Speed Freight Lines, Inc., Newark, N.J., of certificate No. MC–85233 (Sub-No. 4), issued by the Commission on January 17, 1968, to Metro Carrier Corp., acquired by transferor herein pursuant to No. MC–FC–69701, approved August 9, 1967, and consummated September 11, 1967, and assigned No. MC–129317, authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring refrigeration, and those requiring special equipment, between Newark, N.J., on the one hand, and, on the other, North Bergen, West New York, and Union City, N.J., restricted against the transportation of rayon piece goods from West New York, N.J., to Newark, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, applicant's representative.

No. MC–FC–71386. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Speed Freight Lines, Inc., Newark, N.J., of a portion of the operating rights in certificate No. MC–41688, issued March 27, 1943, to Robert E. Thompson and Charles C. Thompson, a partnership, doing business as Thompson Bros., North Hackensack, N.J., authorizing the transportation of: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points and places in Bergen County, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, applicant's representative.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6333; Filed, May 27, 1969; 8:48 a.m.]

[S.O. 994; ICC Order No. 24–A]

SOUTHERN RAILWAY CO.

Rerouting Traffic

Upon further consideration of ICC Order No. 24 (Southern Railway Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 24 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10 a.m., May 22, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 22, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69–6334; Filed, May 27, 1969; 8:48 a.m.]

[Ex Parte No. MC 19 Sub-No. 7]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Prohibition Against Carrier Participating in Local and Joint Rates at Certain Differing Levels

MAY 15, 1969.

Notice is hereby given that the Household Goods Carriers' Bureau, by its attorney, Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006, has filed a petition with the Interstate Commerce Commission praying that the Commission institute a rule-making proceeding under the modified procedure for the purpose of considering a proposed amendment to the Commission's rules and regulations covering motor common carriers of household goods. The proposed amendment reads as follows:

§ 1056.15 Prohibition against carrier participating in local and joint rates at differing levels for transportation between the same points in the same direction.

No motor common carriers of household goods shall have in effect for its account more than one level of rates, whether local or joint, for the same transportation service in interstate or foreign commerce between the same two points in the same direction.

The petitioner is supported in a statement filed by the Movers' and Warehousemen's Association of America, Inc., by its Executive Secretary, Carroll F. Genovese, 1101 Warner Building, Washington, D.C. 20004.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon both the petitioner and the supporting Association through the attorney or Executive Secretary, respectively. Thereafter, a decision will be made as to whether institution of a rule-making proceeding is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6328; Filed, May 27, 1969; 8:47 a.m.]

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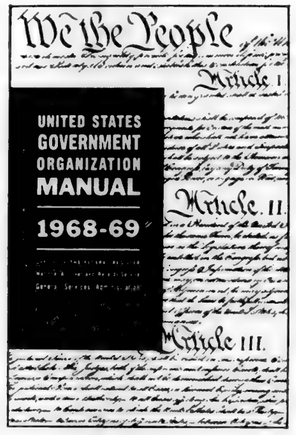

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Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–96]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia; Correction

MAY 22, 1969.

In F.R. Doc. 69–4307, which was published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6418), a line was inadvertently omitted from the first paragraph. The first paragraph is hereby corrected to read:

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of March 1969, of approved fruit products and other approved products containing sugar amounts to Australian $88.40 per 2,240 pounds of sugar content.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69–6393; Filed, May 28, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

AVAILABILITY OF SUITABLE HOUSING A FACTOR IN LOCATING FEDERAL FACILITIES

Many suburban sections of urban centers lack adequate housing for low and middle income Government employees within a reasonable proximity of the employees' place of work. This works a hardship on these employees, particularly when the section is not readily accessible from other areas of the urban center. To preclude agency requests for locations in such sections, this revision notifies agencies of the requirement for adequate employee housing.

PART 101–17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

Subpart 101–17.1—General

Section 101–17.102 is amended by adding a new paragraph (h) to read as follows:

§ 101–17.102 Basic policy.

• • • • •

(h) In selecting sites for public buildings in urban centers, GSA will avoid locations which will work a hardship on employees because (1) there is a lack of adequate housing for low and middle income employees within a reasonable proximity and (2) the location is not readily accessible from other areas of the urban center.

— —

PART 101–18—ACQUISITION OF REAL PROPERTY

Subpart 101–18.1—Acquisition by Lease

Section 101–18.102 is amended by adding a new paragraph (d) to read as follows:

§ 101–18.102 Basic policy.

• • • • •

(d) GSA will avoid locations which will work a hardship on employees because (1) there is a lack of adequate housing for low and middle income employees within a reasonable proximity and (2) the location is not readily accessible from other areas of the urban center.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: May 23, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–6354; Filed, May 28, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9615; Amdt. 39–770]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon and Fan Jet Falcon Series D Airplanes

There have been a number of cases reported where the T2 aspirator flexible hose connecting each nacelle air inlet to the engine main fuel control unit on certain Avions Marcel Dassault airplanes has collapsed. Collapse of these hoses will cause an improper response to power lever movement and can result in a serious thrust loss at certain altitudes. In view of the serious consequences of such a failure and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive is being issued to require inspection of the existing aspirator hoses, and replacement if necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to all Fan Jet Falcon and Fan Jet Falcon Series D airplanes.

Compliance required as indicated unless already accomplished.

To prevent a power loss resulting from defective T2 aspirator hoses, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 75 hours' time in service from the date of the last inspection, visually inspect the T2 aspirator hose, P/N MY 20 510.001 or P/N MY 20 510.001A, in each nacelle to see if the hose is collapsed, if the fabric is loose from the hose coil, or if the hose is twisted.

(b) If during the inspection required in paragraph (a) either hose is found to be defective, before further flight, replace the defective hose with a new hose of the same part number, or with either hose P/N MY 20 510.001/2 or hose P/N AWF 1.11.1.2.1.

(c) The repetitive inspections required by paragraph (a) may be discontinued after the installation of either hose P/N MY 20 510.-001/2 or hose P/N AWF 1.11.1.2.1 on each nacelle, in accordance with Avions Marcel Dassault Service Bulletin No. 374, Revision 1, dated March 27, 1969, or later SGAC-approved revision or an FAA approved equivalent.

This amendment becomes effective June 2, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 601(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–6367; Filed, May 28, 1969; 8:47 a.m.]

[Docket No. 9617; Amdt. 30–771]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Model T.53.B Glider

It has been determined that structural modifications are necessary in the region of the fuselage center section on Slingsby Model T.53.B Gliders. In view of the serious consequences of such a structural failure and since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive (AD) is being issued to require modification of the center section of the glider before further flight.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SLINGSBY. Applies to all Slingsby Model T.53.B Gliders.

Before further flight after the effective date of this AD, modify the fuselage center section structure in accordance with Slingsby Technical Instruction No. 39, dated March 1969, or later ARB-approved issue or FAA-approved equivalent.

This amendment becomes effective June 2, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 601(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 22, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–6368; Filed, May 28, 1969; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69–SO–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6486), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Asheville, N.C., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 35°26'05" N., long. 82°32'20" W.) for Asheville Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the control zone description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Asheville, N.C., control zone is amended to read:

ASHEVILLE, N.C.

Within a 5-mile radius of Asheville Airport (lat. 35°26'05" N., long. 82°32'20" W.); within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBN's.

In § 71.181 (34 F.R. 4637), the Asheville, N.C., transition area is amended to read:

ASHEVILLE, N.C.

That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from the Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 8 miles east and 5 miles west of the Asheville ILS localizer south course, extending from Broad River RBN to 12 miles south of the RBN; within 2 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8 miles north of the RBN; within 2 miles each side of the Asheville VORTAC 230° radial, extending from the VORTAC to the Broad River RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 19, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–6369; Filed, May 28, 1969; 8:47 a.m.]

[Airspace Docket No. 69–WE–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 19, 1969, F.R. Doc. 69–4677 was published in the FEDERAL REGISTER which altered the Walla Walla, Wash., transition area. Subsequent to the publication of this document it was determined that recently updated survey data required that a minor alteration to the contents be made. Action is taken herein to effect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date as originally adopted may be retained.

In consideration of the foregoing F.R. Doc. 69–4677 is amended by deleting "168° radial," where it appears in the text and substituting "165° radial," therefor.

Issued in Los Angeles, Calif., on May 20, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) amend the description of the Walla Walla, Wash., transition area by deleting "* * *, excluding the portion within the Pendleton, Oreg., transition area." and substitute therefor ", * * * within 5 miles east and 10 miles west of the Walla Walla 165° radial, extending from the 19-mile radius area to the northeast edge of V–298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V–112 to the southeast edge of V–112W, excluding the portion within the Pendleton, Oreg., transition area.".

[F.R. Doc. 69–6370; Filed, May 28, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SO–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Elizabeth City, N.C., control zone.

The Elizabeth City control zone is described in § 71.171 (34 F.R. 4557) and is presently effective 24 hours per day. Since the Flight Service Station will begin operating from 0700 to 2200 hours, local time, daily, effective June 15, 1969, it is necessary to alter the description to redesignate it as a part-time control zone.

Since this amendment is less restrictive in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 15, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Elizabeth City, N.C., control zone is redesignated as follows:

ELIZABETH CITY, N.C.

Within a 5-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 2 miles each side of the Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 19, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–6371; Filed, May 28, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9598; Amdt. 651]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Fayette Int.	ONO RBn.	Direct	5000	T–dn	300–1	300–1	200–½
				C–dn	1100–1	1100–1	1100–1¼
				A–dn*	1100–2	1100–2	1100–2

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 4300' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 3300'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ONO RBn, turn right, climb to 4300' on crs of 140° Outbnd within 15 miles.
*Alternate minimums authorized when Ontario weather is available.
MSA: 000°–090°—7900'; 090°–180°—6500'; 180°–270°—8500'; 270°–360°—8500'.

City, Ontario; State, Oreg.; Airport name, Ontario Municipal; Elev., 2189'; Fac. Class., MHW; Ident., ONO; Procedure No. NDB (ADF)–1, Amdt. 6; Eff. date, 19 June 69; Sup. Amdt. No. 5; Dated, 29 Aug. 64

Woodstown VOR	LOM	Direct	1700	T–dn	300–1	300–1	200–½
				C–dn	800–2	800–2	800–2
				B–dn–1	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2
				If Stack Int received the following minimums apply:			
				C–dn	500–1	500–1	500–1¼
				B–dn–1	500–1	500–1	500–1

Procedure turn W side of final approach crs, 194° Outbnd, 014° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 014°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, make climbing left turn to 1700' and return to Wilmington LOM. Hold S, Wilmington LOM, 1-minute right turns, 014° inbnd.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—2100'; 180°–270°—1600'; 270°–360°—2000'.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79'; Fac. Class., LOM; Ident., IL; Procedure No. NDB (ADF)–1, Amdt. 9; Eff. date, 19 June 69; Sup. Amdt. No. 8; Dated, 29 Oct. 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Baraboo, Wis.—Baraboo-Wisconsin Dells, VOR–1, Amdt. 2, 23 Dec. 1967 (established under Subpart C).
Decatur, Ill.—Decatur, VOR 1, Amdt. 5, 14 Jan. 1967 (established under Subpart C).
Indianapolis, Ind.—Bob Shank, VOR–1, Amdt. 1, 15 Aug. 1968 (established under Subpart C).
Pierre, S. Dak.—Pierre Municipal, VOR 1, Amdt. 9, 16 July 1966 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Bloomington, Ind.—Monroe County, VOR Runway 24, Amdt. 5, 20 Mar. 1969, canceled, effective 19 June 1969.

4. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Pierre, S. Dak.—Pierre Municipal, VOR/DME–1, Orig., 10 Nov. 1966 (established under Subpart C).

5. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Rochelle Int	LOM (final)	Direct	2000	T–dn**	300–1	300–1	200–½
PLL VOR	LOM	Direct	2500	C–dn	500–1	500–1	500–1¼
RFD VOR	LOM	Direct	2000	S–dn 36#$	300–¾	300–¾	300–¾
Belvedere Int	LOM	Direct	2500	A–dn	600–2	600–2	600–2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	South crs ILS (final)	Via R 150°, RFD VOR.	2000				
RFD VOR, R 240° counterclockwise	RFD VOR, R 158°	Via 15-mile DME arc.	2500				
5-mile DME Fix RFD VOR, R 158°	LOM (final)	Direct	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude at glide slope and distance to approach end of runway at LOM, 1860′—4.1 miles; at MM, 916′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, make left-climbing turn to 2500′, proceed direct to RFD VOR or, when directed by ATC, (1) climb to 2500′ on N crs of ILS within 10 miles; (2) make left-climbing turn to 2000′ direct to LOM.
CAUTION: High-tension powerline 894′ AMSL 0.7 mile N of outer marker.
#400–¾ required when glide slope not utilized.
*2000′ after passing RFD VOR R090°.
**RVR 2400′ authorized Runway 36.
$RVR 4000′.
MSA within 25 miles of RF LOM: 000°–090°—2300′; 090°–180°—2500′; 180°–270°—2300′; 270°–360°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735′; Fac. Class., ILS; Ident., I–RFD; Procedure No. ILS Runway 36, Amdt. 11; Eff. date, 19 June 69; Sup. Amdt. No. 10; Dated, 10 Apr. 69

Woodstown VOR	LOM	Direct	1700	T–dn**	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1¼
				S–dn–14*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn W side S crs 194° Outbnd, 014° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1631′—5.3 miles; at MM 284′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing left turn to 2000′ on EWT R 270° to Elkton Int, hold W, 1-minute right turns, 090° Inbnd.
**RVR 2400 authorized Runway 1.
#RVR 2400′. Descent below 279′ not authorized unless approach lights are visible.
*300–¾ required with glide slope inoperative.
MSA within 25 miles of LOM: 000°–090°—2100′; 090°–180°—2100′; 180°–270°—1600′; 270°–360°—2000′.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79′; Fac. Class., ILS; Ident., I–ILG; Procedure No. ILS–1, Amdt. 10; Eff. date, 19 June 69; Sup. Amdt. No. 9; Dated, 29 Oct. 66

6. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.3 miles after passing DLL VOR TAC.
R 284°, DLL VORTAC CW	R 007°, DLL VORTAC	7-mile Arc	3000	Climb to 3000′ on R 187° DLL VORTAC within 10 miles; return to VORTAC.
R 140°, DLL VORTAC CCW	R 094°, DLL VORTAC	7-mile Arc	3300	
R 094°, DLL VORTAC CCW	R 007°, DLL VORTAC	7-mile Arc	3000	Supplementary charting information:
7-mile Arc	DLL VORTAC (NOPT)	R 007°, DLL VORTAC	1900	2280′ steel tower 7 miles SE of airport.

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2900′ within 10 miles of DLL VORTAC.
FAF, DLL VORTAC. Final approach crs, 187°. Distance FAF to MAP, 1.3 miles.
Minimum altitude over DLL VORTAC, 1900′.
MSA: 000°–090°—2300′; 090°–180°—3300′; 180°–270°—2800′; 270°–360°—2300′.
NOTES: (1) Use Lone Rock altimeter setting. (2) Final approach from holding pattern at DLL VORTAC not authorized. Procedure turn required.
CAUTION: Runways 4/22 unlighted.
% IFR departure procedure. When weather is below 1300–2, aircraft departing southeastbound, flight below 2800′ beyond 2 miles from airport is prohibited between radials 110° and 180° inclusive of the DLL VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAA	MDA	VIS	HAA	VIS		
C	1600	1	621	1600	1	621	1600	1½	621	NA		
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Baraboo; State, Wis.; Airport name, Baraboo-Wisconsin Dells; Elev., 979′; Facility, DLL; Procedure No VOR–1, Amdt. 3; Eff. date, 19 June 69; Sup. Amdt. No. 2; Dated, 23 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing DEC VOR
Henton Int	DEC VOR (NOPT)	Direct	2300	Climbing right turn to 2300′ direct to DEC VOR. Supplementary charting information: 866′ elevator 1.4 miles NNW of airport. 911′ elevator 1.6 miles NW of airport. 1004′ elevator 1.8 miles NW of airport. 1749′ tower 6.9 miles N of airport. Runway 36, TDZ elevation, 677′.

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2300′ within 10 miles of DEC VOR.
FAF, DEC VOR. Final approach crs, 348°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over DEC VOR, 2300′.
MSA: 045°–225°—2100′; 225°–315°—2600′; 315°–045°—2800′.
NOTES: (1) Inoperative component table does not apply to REILS Runway 36. (2) Use Champaign altimeter setting when control zone not effective. (3) Circling and straight-in MDA raised 120′ when control zone not effective except operators with approved weather reporting service.
% IFR departures: For northbound departures when weather is below 1100–1 flight beyond 6 miles N of airport between R 345° to R 017° below 2300′ not authorized.
Restriction due to 1740′ tower 7 miles N.
*Alternate minimums not authorized when control zone not effective except operators with approved weather service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–36	1060	1	383	1060	1	383	1060	1	383	1060	1	383
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	441	1220	1	541	1220	1¼	541	1320	2	641
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Decatur; State, Ill.; Airport name, Decatur; Elev., 679′; Facility, DEC; Procedure No. VOR Runway 36, Amdt. 6; Eff. date, 19 June 69; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 14 Jan. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing IND VOR TAC.
				Make left-climbing turn to 2500′ and return to IND VORTAC. Supplementary charting information: Towers: 1852′, 4 miles NNE; 1104′, 2 miles ENE; 1173′, 3 miles ENE; 1043′, 1.1 miles N.

Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 2500′ within 10 miles of IND VORTAC.
FAF, IND VORTAC. Final approach crs, 080°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over IND VORTAC, 2500′.
MSA: 135°–225°—3100′; 225° 315°—2300′; 315°–135°—2900′.
NOTES: (1) Radar vectoring. (2) Use Indianapolis (Weir-Cook) altimeter setting.
% Plan IFR departures N and NE to avoid 1043′ tower 1.1 miles N and several 1852′ towers 4.6 to 7 miles NNE.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS		
C	1360	1	584	1360	1	584	1360	1½	584	NA		
A	Not authorized.		T 2-eng. or less—400–1 required Runway 3; Standard Runway 21.%				T over 2-eng.—400–1 required Runway 3; Standard Runway 21.%					

City, Indianapolis; State, Ind.; Airport name, Bob Shank; Elev., 776′; Facility, IND; Procedure No. VOR 1, Amdt. 2; Eff. date, 19 June 69; Sup. Amdt. No. 1; Dated 15 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing PIR VORTAC.
R 040°, PIR VORTAC CW	R 076°, PIR VORTAC	7-mile Arc	3500	Climb to 4000' on R 242° within 10 miles; return to VORTAC.
R 100°, PIR VORTAC CCW	R 076°, PIR VORTAC	7-mile Arc	3500	
7-mile DME Fix, R 076°	PIR VORTAC (NOPT)	Direct	3200	Supplementary charting information: Runway 25, TDZ elevation, 1717'.

Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 3500' within 10 miles of PIR VORTAC.
FAF, PIR VORTAC. Final approach crs, 256°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over PIR VORTAC, 3200'; over 2-mile DME Fix, 2080'.
MSA: 090°–180°—3400'; 180°–270°—3500'; 270°–090°—3000'.
NOTE: Inoperative table does not apply to REILs Runway 25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	2080	1	363	2080	1	363	2080	1	363	2080	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2140	1	399	2200	1	459	2200	1¼	459	2300	2	559
	VOR/DME Minimums:											
S-25	2000	1	283	2000	1	283	2000	1	283	2000	1	283
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Pierre; State, S. Dak.; Airport name, Pierre Municipal; Elev., 1741'; Facility, PIR; Procedure No. VOR Runway 25, Amdt. 10; Eff. date, 19 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 16 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9-mile DME Fix, R 254°.
PIR VORTAC	10-mile DME Fix, R 254°	Direct	3600	Climb direct to PIR VORTAC, continue climb to 3500' on R 076° within 10 miles; return to VORTAC.
R 291°, PIR VORTAC CCW	R 254°, PIR VORTAC	17-mile Arc	3600	
R 242°, PIR VORTAC CW	R 254°, PIR VORTAC	17-mile Arc	3600	
17-mile DME Fix, R 254°	10-mile DME Fix, R 254° (NOPT)	Direct	2600	Supplementary charting information: *Chart in plan view. Runway 7, TDZ elevation, 1734'.

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 3600' within 10 miles of 10-mile DME Fix.
Final approach crs., 074°.
Minimum altitude over 10-mile DME Fix, R 254°, 2600'.
MSA: 090°–180°—3400'; 180°–270°—3500'; 270°–090°—3000'.
*Final approach from holding pattern at 10-mile DME Fix, R 254° not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	2100	1	366	2100	1	366	2100	1	366	2100	1	366
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2140	1	399	2200	1	459	2200	1¼	459	2300	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Pierre; State S. Dak.; Airport name, Pierre Municipal; Elev., 1741'; Facility, PIR; Procedure No. VOR/DME Runway 7, Amdt. 1; Eff. date, 19 June 69; Sup. Amdt No. VOR/DME-1, Orig.; Dated, 10 Nov. 66

7. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CHS VORTAC.
R 222°, CHS VORTAC CW	R 334°, CHS VORTAC	CHS 10-mile DME Arc	1800	Climb to 2000' on R 154° CHS VORTAC within 15 miles of CHS VORTAC.
R 052°, CHS VORTAC CCW	R 334°, CHS VORTAC	CHS 10-mile DME Arc	1800	
10-mile DME Arc	CH LOM/5.8-mile DME (NOPT)	CHS, R 334°	480	Supplementary charting information: Final approach crs intercepts runway centerline 3500' from threshold. VASI Runways 21, 15, 33. TDZ elevation, 44'.

Procedure turn W side of crs, 334° Outbnd, 154° Inbnd, 1300' within 10 miles of CHS VORTAC.
Final approach crs, 154°.
Minimum altitude over CH LOM or 5.8-mile DME Fix, 480'.
MSA: 000°–090°—3100'; 090°–180°—2100'; 180°–360°—1500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	480	RVR 24	436	480	RVR 24	436	480	RVR 24	436	480	RVR 50	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1¼	455	600	2	555
	VOR/DME/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	440	RVR 24	396	440	RVR 24	396	440	RVR 24	396	440	RVR 50	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1¼	455	600	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 15; Standard all other runways.				T over 2-eng.—RVR 24', Runway 15; Standard all other runways.					

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Facility, CHS; Procedure No. VOR Runway 15, Amdt. 3; Eff. date, 19 June 69; Sup. Amdt. No. 2; Dated, 19 Dec. 68

8. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing CH LOM.
CHS VORTAC	CH LOM	Direct	1500	Climb to 2000' on 149° bearing from CH LOM within 15 miles.
Rockville Int	CH LOM	Direct	1800	
Jacboro Int	CH LOM	Direct	1800	Supplementary charting information: VASI Runways 21, 15, 33. TDZ elevation, 44'.
Walterboro Int	CH LOM	Direct	1800	
Givhans Int	CH LOM	Direct	1800	
Gillyard Int	CH LOM	Direct	1800	
Cooper Int	CH LOM	Direct	1800	
Wando Int	CH LOM	Direct	1800	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1300' within 10 miles of CH LOM.
FAF, CH LOM. Final approach crs, 149°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over CH LOM, 1300'.
MSA: 000°–180°—3100'; 180° 270°–1500'; 270° 360°—1500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	440	RVR 40	396	440	RVR 40	396	440	RVR 40	396	440	RVR 50	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1¼	455	600	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 15; Standard all other runways.				T over 2-eng.—RVR 24', Runway 15; Standard all other runways.					

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Facility, CH; Procedure No. NDB (ADF) Runway 15, Amdt. 10; Eff. date, 19 June 69; Sup. Amdt. No. 9; Dated, 19 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MQB NDB.
BRL VORTAC	MQB NDB	Direct	2500	Climb to 2300', right turn to MQB NDB.
Canton Int	MQB NDB	Direct	2500	Supplementary charting information:
Webster Int	MQB NDB	Direct	2500	Final approach crs crosses runway centerline extended 3000' from threshold. Steel tower 3 miles SW to 1209'.

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 2300' within 10 miles of MQB NDB.
Final approach crs, 260°.
MSA: 000°–360°—2300'.
NOTE: Use Burlington, Iowa, altimeter setting.
%IFR departure procedures; Runways 26 and 8—When weather below 500–2, climb straight ahead to 2300' before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–26	1240	1	537	1240	1	537	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1240	1	537	1240	1	537	NA	NA
A	Not authorized.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %	

City, Macomb; State, Ill.; Airport name, Municipal; Elev., 703'; Facility, MQB; Procedure No. NDB (ADF) Runway 26, Amdt. 1; Eff. date, 19 June 69; Sup. Amdt. No. NDB (ADF) Runway 27, Orig.; Dated, 1 May 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing IA LOM.
Buffalo VORTAC	IA LOM	Direct	2000	Climb straight ahead to 2000' within 10 miles, right turn direct IA LOM and hold.
Grand Island Int	IA LOM	Direct	2500	Supplementary charting information:
Wolcottsville Int	IA LOM (NOPT)	Direct	1800	Hold E of IA LOM, 1-minute right turns, 278° Inbnd. TDZ elevation, 589'. Numerous obstructions penetrating 40:1 all runways except 28R and 10L.

Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 1800' within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 278°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over IA LOM, 1800'.
MSA: 090°–150°—2600'; 150°–240°—3700'; 240°–330°—2600'; 330°–090°—1800'.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to ALS.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–28R	1000	RVR 50	411	1000	RVR 50	411	1000	RVR 50	411	1000	RVR 50	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	490	1080	1	490	1080	1½	490	1140	2	550
A	Standard.		T 2-eng. or less—RVR 24', Runway 28R, 1 mile required, Runways 10R–28L. Standard all others.				T over 2-eng.—RVR 24', Runway 28R, 1 mile required, Runways 10R–28L. Standard all others.					

City, Niagara Falls; State, N.Y.; Airport name, Niagara Falls International; Elev., 590'; Facility, IA; Procedure No. NDB (ADF) Runway 28R, Amdt. 11; Eff. date, 19 June 69; Sup. Amdt. No. 10; Dated, 11 Apr. 69

9. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 244'; LOC 4.5 miles after passing CH LOM.
CHS VORTAC, R 211° CW	CHS LOC	10-mile Arc CHS, R 320° lead radial.	1800	Climb to 2000' on R 149° CHS VORTAC within 15 miles of CHS VORTAC, or, when directed by ATC, climbing right turn to 3000' on R 211°, CHS VORTAC to Rockville Int and hold.
CHS VORTAC, R 052° CCW	CHS LOC	10-mile Arc CHS, R 340° lead radial.	1800	
10-mile DME Arc	CH LOM (NOPT)	LOC crs	1300	
CHS VORTAC	CH LOM	Direct	1500	Supplementary charting information:
Rockville Int	CH LOM	Direct	1800	Hold SW, 1 minute, right turns, 031° Inbnd.
Jarboro Int	CH LOM	Direct	1800	VASI Runways 21, 15, 33.
Walterboro Int	CH LOM	Direct	1800	TDZ elevation, 44'.
Givhans Int	CH LOM	Direct	1800	
Gillyard Int	CH LOM	Direct	1800	
Cooper Int	CH LOM	Direct	1800	
Wando Int	CH LOM	Direct	1800	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1300' within 10 miles of CH LOM.
FAF, CH LOM. Final approach crs, 149°. Distance FAF to MAP, 4.5 miles.
Minimum glide slope interception altitude, 1300'. Glide slope altitude at OM, 1281'; at MM, 233'.
Distance to runway threshold at OM, 4.5 miles; at MM, 0.6 mile.
MSA: 000°–180°—3100'; 180°–270°—1500'; 270°–360°—1500'.
NOTE: ASR.
LOC (BC) unusable.
Front crs not usable above 5000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–15	244	RVR 24	200	244	RVR 24	200	244	RVR 24	200	244	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–15	400	RVR 24	356	400	RVR 24	356	400	RVR 24	356	400	RVR 40	356
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1½	455	600	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 15; Standard all other runways.				T over 2-eng.—RVR 24', Runway 15; Standard all other runways.					

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Facility, I-CHS; Procedure No. ILS Runway 15, Amdt. 11; Eff. date, 19 June 69; Sup. Amdt. No. 10; Dated, 19 Dec. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 793'. LOC 4.1 miles after passing IA LOM.
Wolcottsville Int	IA LOM (NOPT)	Direct	1800	Climb straight ahead to 2000' within 10 miles, right turn direct IA LOM and hold.
Grand Island Int	IA LOM	Direct	2500	Supplementary charting information:
Buffalo VOR	IA LOM (NOPT)	BUF VOR R 360°/E crs ILS	2000	Hold E of IA LOM, 1-minute right turns, 278° Inbnd. TDZ elevation, 589'. Numerous obstructions penetrating 40:1 all runways except 28R and 10L.

Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 1800' within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 278°. Distance FAF to MAP, 4.1 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1755'; at MM, 805'.
MSA: 090°–150°—2600'; 150°–240°—3700'; 240°–330°—2600'; 330°–060°—1800'.
NOTES: (1) Radar vectoring. (2) Back crs unusable.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–28R	789	RVR 24	200	789	RVR 24	200	789	RVR 24	200	789	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–28R	960	RVR 24	371	960	RVR 24	371	960	RVR 24	371	960	RVR 40	371
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	490	1080	1	490	1080	1½	490	1140	2	550
A	Standard.		T 2-eng. or less—RVR 24', Runway 28R, 1 mile required, Runways 10R–28L. Standard all others.				T over 2-eng.—RVR 24', Runway 28R, 1 mile required, Runways 10R–28L. Standard all others.					

City, Niagara Falls; State, N.Y.; Airport name, Niagara Falls International; Elev., 590'; Facility, I-IAG; Procedure No. ILS Runway 28R, Amdt. 14; Eff. date, 19 June 69; Sup. Amdt. No. 13; Dated, 28 Nov. 68

10. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Detroit ASR minimum vectoring charts.										1. Descend aircraft after passing FAF. 2. Runway 33, FAF 6 miles from threshold. 3. Runway 15, FAF 6 miles from threshold.

Missed approach: Runway 33—Climb to 2800' direct to DE LOM. Runway 15—Climb to 2000' direct to QG VOR.

DAY AND NIGHT MINIMUM

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C	1200	1	575	1200	1	575	1200	1½	575		NA
A	Standard.		T 2-eng. or less—300-1 required all runways.				T over 2-eng.—300-1 required all runways.				

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625'; Facility, Detroit Metro Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 19 June 69; Sup. Amdt. No. 1; Dated, 5 Sept. 68

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Los Angeles ASR minimum altitude vectoring charts.										1. Descend aircraft after passing FAF. 2. Runway 24—FAF 6.3 miles from threshold. Minimum altitude over 2-mile Radar Fix, 780'. TDZ elevation, 120'. 3. Runway 25L—FAF 5.4 miles from threshold. Minimum altitude over 1.9-mile Radar Fix 620'. TDZ elevation, 100'. 4. Runway 7R—FAF 6 miles from threshold TDZ elevation, 124'. 5. Runway 6—FAF 6 miles from threshold. TDZ elevation, 110'. ‡IFR departure procedures: Northbound (240° CW through 060°) unless otherwise directed by ATC, published SID's must be used. *PAR unusable W of ILS MM (DH 324') for aircraft below 12,500 pounds gross weight.

Missed approach:
Runway 24—Climb on heading 250° to intercept LAX R 276° to 2000' within 15 miles.
Runway 25L—Climb to 2000' direct to LAX VOR then via R 248° within 15 miles.
Runway 7R—Climb to 2000' direct to Downey NDB. Alternate missed approach: Climb to 2000' via LAX R 068° to Firestone Int.
Runway 6—Climb to 2000' direct to Downey NDB. Alternate missed approach: Climb to 2000' via LAX R 068° to Firestone Int.
NOTE: Components inoperative table does not apply to HIRL's and SAL's Runway 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
PAR:*												
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
ASR:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25L	520	RVR 40	420	520	RVR 40	420	520	RVR 40	420	520	RVR 40	420
S-24	560	RVR 50	440	560	RVR 50	440	560	RVR 50	440	560	RVR 50	440
S-7R	600	RVR 40	476	600	RVR 40	476	600	RVR 40	476	600	RVR 40	476
S-6	560	RVR 50	450	560	RVR 50	450	560	RVR 50	450	560	RVR 50	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.		T 2-eng. or less—Runways 16/34, and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'. ⅞				T over 2-eng.—Runways 16/34, and 6 Standard; Runway 7L/R, RVR 50'; Runway 24 RVR 40'; Runway 25L R, RVR 24'. ⅞					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, LAX Radar; Procedure No. Radar-1, Amdt. 23; Eff. date, 19 June 69; Sup. Amdt. No. 22; Dated, 6 Feb. 69

These procedures shall become effective on the dates specified therein.

(Sec. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on May 13, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-6030; Filed, May 28, 1969; 8:45 a.m.]

[Reg. Docket No. 9576; Amdt. 649]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 69-5492 appearing at page 7763 in the issue of Friday, May 16, 1969, the following correction should be made. In the "Day and Night Minimums" table for Charleston, S.C., appearing on page 7779, the figure in the second column now reading "410" should read "440".

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4598]

[Oregon 3209]

OREGON

Reservation for Constructed Forest Service Road

Correction

In F.R. Doc. 69-4492, appearing at page 6584, in the issue for Thursday, April 17, 1969, make the following changes:

1. In paragraph 1, line 8, insert the word "leasing" preceding the word "laws".

2. In paragraph 2:

a. The word "of" in line 3 should read "or".

b. The word "or" in line 4 should read "of".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1528]

PART 13—PROHIBITED TRADE PRACTICES

Brand & Puritz et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 70, 69f, 68) [Cease and desist order, Brand & Puritz et al., Kansas City, Mo., Docket C-1528, May 5, 1969]

In the Matter of Brand & Puritz, a Partnership, and Hyman Brand, David Levitch, Frances B. Levitch, Arthur A. Brand, and Carl Puritz, Individually and as Copartners Trading as Brand & Puritz

Consent order requiring a Kansas City, Mo., manufacturer of women's, misses', and children's apparel to cease misbranding its fur, wool and textile fiber products, falsely advertising its textile fiber products, and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Brand & Puritz, a partnership, and Hyman Brand, David Levitch, Frances B. Levitch, Arthur A. Brand, and Carl Puritz, individually and as copartners trading as Brand & Puritz, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying any textile fiber products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to label samples, swatches, or specimens of textile fiber products subject to the Act, which are used to promote or effect sales of such textile fiber products, in such a manner as to show their respective fiber contents and other required information.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

C. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the rules and regulations promulgated thereunder.

It is further ordered, That respondents Brand & Puritz, a partnership, and Hyman Brand, David Levitch, Frances B. Levitch, Arthur A. Brand, and Carl Puritz, individually and as copartners trading as Brand & Puritz, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or in connection with the sale, transportation, distribution, delivery for shipment, shipment, or offering for sale in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

A. Failing to securely affix to or place on each such product a stamp, tag, label,

or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Failing to set forth the generic names of manufactured fibers established in Rule 7 of the regulation promulgated under the Textile Fiber Products Identification Act, in naming such fibers in required information on stamps, tags, labels or other means of identification attached to wool products.

C. Failing to affix labels to samples, swatches, or specimens of wool products used to promote or effect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Brand & Puritz, a partnership, and Hyman Brand, David Levitch, Frances B. Levitch, Arthur A. Brand, and Carl Puritz, individually and as copartners trading as Brand & Puritz, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction, manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on a label attached to any such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in such fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 5, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6352; Filed, May 28, 1969; 8:45 a.m.]

[Docket No. C-1529]

PART 13—PROHIBITED TRADE PRACTICES

Goldline Fashions, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Goldline Fashions, Inc., et al., New York, N.Y., Docket C-1529, May 5, 1969]

In the Matter of Goldline Fashions, Inc., a Corporation, and Briarlee Modes, Inc., a Corporation, and Louis Goldstein and William Wertlieb, Individually and as Officers of Said Corporations

Consent order requiring two affiliated New York City manufacturers of women's and misses' apparel to cease misbranding, falsely invoicing and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Goldline Fashions, Inc., a corporation, and its officers, and Briarlee Modes, Inc., a corporation, and its officers, and Louis Goldstein and William Wertlieb, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Goldline Fashions, Inc., a corporation, and its officers, and Briarlee Modes, Inc., a corporation, and its officers, and Louis Goldstein and William Wertlieb, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 5, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6353; Filed, May 28, 1969; 8:45 a.m.]

PART 240—GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

The following Guides were adopted by the Federal Trade Commission and become effective June 1, 1969.

Introduction. These Guides are designed to highlight legal problems that may be encountered by businessmen who want to utilize promotional or advertising allowances and similar merchandising payments or services to stimulate the sale of their products. The Guides are not intended to serve as a comprehensive statement of the law or as a legal treatise, but are instead intended to serve as a practical manual—in the form of basic rules of thumb, specific examples, and carefully considered suggestions—for the honest businessman who wants to conform his conduct to the requirements of the law without giving up the benefits that can be derived from this form of promotional activity. The Guides are designed to furnish guidance and assistance for the businessman seeking to comply with the law and to avoid even inadvertent violations.

Simply stated, what the law requires, in essence, is that those who grant promotional and advertising allowances treat their customers fairly and without discrimination, and not use such allowances to disguise discriminatory price discounts. In interpreting and enforcing the law, the Commission will recognize the practicalities of business while preventing the kind of discriminatory practices at which the law was aimed. Realistic and reasonable enforcement of the law will enable the Commission to enlist the aid of businessmen in eliminating undesirable practices and abuses without interfering with legitimate promotional and merchandising activities.

What the Guides are meant to do. These Guides can be of great value to businessmen who want to avoid violating the laws against giving or receiving improper promotional allowances, including advertising or special services, for promoting products. The Guides will make possible a better understanding of the obligations of sellers and their customers in joint promotional activities.

The Commission's responsibility is to obtain compliance with these laws. It has a duty to move against violators.[1] However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the laws enforced by the Commission, the greater the likelihood that voluntary compliance with the laws will be obtained.

For the Commission to perform its responsibilities properly, and for business to avoid violation of the law, it is necessary that every effort be made to furnish individual businessmen a better understanding of these laws. It will help businessmen—and the Commission's law enforcement efforts—if they have a good general knowledge of what they can and cannot do in the field of promotional allowances and services.

What the Guides are not meant to do. It should be made clear too that the Guides are not meant to do several things:

(1) They are not meant to cover every situation. Decided cases dealing with unusual situations are not covered.

(2) They are not a substitute for sound legal advice

(3) They are not intended to be a legal treatise. They should be read as a nontechnical explanation of what the law means.

(4) They do not make it mandatory (nor does the law itself) that sellers provide promotional allowances, services, or facilities to any customer. They only come into play when the seller determines to employ such promotional practices.

(5) The omission in these final guides of any portion which appeared in a previous version should not be construed as necessarily reflecting any change in policy by the Commission.

What the law covers generally. The Robinson-Patman Act is an amendment to the Clayton Act. It is directed at preventing competitive inequalities that come from certain types of discrimination by sellers in interstate commerce. Sections 2 (d) and (e) of the Act deal with discriminations in the field of promotional payments and services made available to customers who buy for resale. Where the seller pays the buyer to perform the service, section 2(d) applies. Where the seller furnishes the service itself to the buyer, section 2(e) applies. Both sections require a seller to treat competing customers on proportionally equal terms in connection with the resale of the seller's products of like grade and quality.

Other law involved. In several places, the Guides are concerned with laws other than section 2 (d) and (e):

(1) A seller who pays a customer for services that are not rendered, or who overpays for services which have been rendered, may thereby violate section 2(a) of the Clayton Act, as amended. (See § 240.11.)

(2) A customer who receives discriminatory or other improper payments, services, or facilities may thereby violate section 2(f) of the Clayton Act, as amended by the Robinson-Patman Act, or section 5 of the Federal Trade Commission Act. (See §§ 240.11 and 240.14.)

(3) A third party who helps a customer claim reimbursement greater than that to which he is entitled under a seller's program (by furnishing the customer with a false invoice or other statement, for instance), may thereby violate section 5 of the Federal Trade Commission Act. (See § 240.15.)

(4) A third party who devises and/or administers a promotional assistance program on behalf of one or more sellers may violate section 5 of the Federal Trade Commission Act if the use, administration, or operation of the program results in violation of law. (See § 240.13.)

(5) The examples are not intended to be all-inclusive. The Guides do not purport to set forth all the legal rules governing a seller's promotional practices or other vertical arrangements, but are directed primarily to the seller's obligation in making promotional offers to notify, and offer proportionally equal terms to, his competing customers. Related practices, not directly involving notification or proportionalization, are not necessarily covered by these Guides.

Sec.
240.1 When does the law apply?
240.2 Who is a seller?
240.3 Who is a customer?
240.4 What is interstate commerce?
240.5 What are services or facilities?
240.6 Need for a plan.
240.7 Proportionally equal terms.
240.8 Seller's duty to inform.
240.9 Availability to all competing customers.
240.10 Need to understand terms.
240.11 Checking customer's use of payments.
240.12 Competing customers.
240.13 Wholesaler or third party performance of seller's obligations.
240.14 Customer's liability.
240.15 Third party liability for double billing.
240.16 Meeting competition.
240.17 Cost justification.

AUTHORITY: The provisions of this Part 240 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 240.1 When does the law apply?

Sections 2 (d) and (e) apply to a seller of products in interstate commerce, if he either directly or through an intermediary (a) pays for services or facilities furnished by a customer in connection with the distribution of his products [section 2(d)], or (b) furnishes such services or facilities to a customer [section 2(e)] who competes with any other customer in the resale of the seller's products of like grade and quality.

[Guide 1]

§ 240.2 Who is a seller?

"Seller" includes anyone (manufacturer, wholesaler, distributor, etc.) who sells products for resale, with or without further processing. Selling candy to a

[1] The Commission has issued many orders to cease and desist which include proscriptions under section 2(d) and/or 2(e) of the amended Clayton Act that antedate the the Supreme Court's decision in the matter of Federal Trade Commission v. Fred Meyer, Inc., et al., 390 U.S. 341 (1968). In this regard, it should be noted that future obligations of those companies and individuals under those orders shall be measured against said decision, as supplemented by these Guides.

retailer is a sale for resale without processing. Selling corn syrup to a candy manufacturer is an example of a sale for resale with processing.

[Guide 2]

§ 240.3 Who is a customer?

(a) A "customer" is someone who buys for resale directly from the seller, the seller's agent or broker; and, in addition, a "customer" is any buyer of the seller's product for resale who purchases from or through a wholesaler or other intermediate reseller. In this part, the word "customer" which is used in section 2(d) of the Act includes "purchaser" which is used in section 2(e).

NOTE: In determining whether a seller has fulfilled his obligations toward his customers, the Commission will recognize that there may be some exceptions to this general definition of "customer." For example, the purchaser of distress merchandise would not be considered a "customer" simply on the basis of such purchase. Similarly, a retailer who purchases solely from other retailers, or one who makes only sporadic purchases, or one who does not regularly sell the seller's product or who is a type of retail outlet not usually selling such products (e.g., a hardware store stocking a few isolated food items) will not be considered a "customer" of the seller unless the seller has been put on notice that such retailer is selling his product.

(b) "Competing customers" are all businesses that compete in the resale of the seller's products of like grade and quality at the same functional level of distribution regardless of whether they purchase direct from the supplier or through some intermediary.

Example 1: A manufacturer sells to some retailers directly and to others through wholesalers. Retailer "X" purchases the manufacturer's product from a wholesaler and resells some of it to retailer "Y." Retailer "X" is a customer of the manufacturer. Retailer "Y" is not a customer unless the fact that he purchases the manufacturer's product is known to the manufacturer.

Example 2: A manufacturer sells directly to some independent retailers, sells to the headquarters of chains and of retailer-owned cooperatives, and also sells to wholesalers. The direct-buying independent retailers, the headquarters of chains and of retailer-owned cooperatives, and the wholesalers' independent retailer customers are customers of the manufacturer. Individual retail outlets which are part of the chains or members of the retailer-owned cooperatives are not customers of the manufacturer.

[Guide 3]

§ 240.4 What is interstate commerce?

This term has not been precisely defined in the statute. In general, if there is any part of a business which is not wholly within one State (for example, sales or deliveries of products, their subsequent distribution or purchase, or delivery of supplies or raw materials), the business may be subject to the Robinson-Patman Act. Sales in the District of Columbia are also covered by the Act.

[Guide 4]

§ 240.5 What are services or facilities?

These terms have not been exactly defined by the statute or in decisions. The following are merely examples—the Act covers many other services and facilities.

(a) The following are some of the services or facilities covered by the Act where the seller pays the buyer for furnishing them:

Any kind of advertising, including cooperative advertising;
Handbills;
Window and floor displays;
Special sales or promotional efforts for which "push money" is paid to clerks, salesmen, and other employees of the customers;
Demonstrators and demonstrations.

(b) Here are some examples of services or facilities covered by the Act when the seller furnishes them to a customer:

Any kind of advertising;
Catalogs;
Demonstrators;
Display and storage cabinets;
Display materials;
Special packaging, or package sizes;
Accepting returns for credit;
Prizes or merchandise for conducting promotional contests.

NOTE: In this part, the term "services" is used to encompass both "services and facilities."

[Guide 5]

§ 240.6 Need for a plan.

If a seller makes payments or furnishes services that come under section 2 (d) or (e) of the Clayton Act, as amended, he should do it under a plan that meets several requirements. In addition, if there are many competing customers to be considered, or if the plan is at all complex, the seller would be well advised to put his plan in writing. Briefly, the requirements are:

(a) The payments or services under the plan should be available on proportionally equal terms to all competing customers. (See § 240.7.)

(b) The seller should take action designed to inform all of his competing customers of the existence of and essential features of the promotion plan in ample time for them to take full advantage of it. (See § 240.8.)

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some customers competing in the resale of the seller's products of like grade and quality with those being furnished payments or services, alternatives that are functionally available should be offered to such customers. (See § 240.9.)

(d) In informing customers of the details of a plan, the seller should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished. (See § 240.10.)

(e) The seller should take reasonable precautions to see that the services are actually performed and that he is not overpaying for them. (See § 240.11.)

[Guide 6]

§ 240.7 Proportionally equal terms.

The payment or services under the plan should be made available to all competing customers on proportionally equal terms. This means that payments or services should be proportionalized on some basis that is fair to all customers who compete in the resale of the seller's products. No single way to proportionalize is prescribed by law. Any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example 1: A seller may properly offer to pay a specified part (say 50 percent) of the cost of local advertising up to an amount equal to a set percentage (such as 5 percent) of the dollar volume of purchases during a specified time.

Example 2: A seller may properly place in reserve for each customer a specified amount of money for each unit purchased, and use it to reimburse those customers for the actual cost of their advertising of the seller's product.

Example 3: A seller should not select one or a few customers to receive special allowances (e.g., 5 percent of purchases) to promote his product, while making allowances available on some lesser basis (e.g., 2 percent of purchases) to customers who compete with them.

Example 4: A seller's plan should not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as, for instance, 1 percent of the first $1,000 purchases per month, 2 percent of second $1,000 per month, and 3 percent of all over that.

Example 5: A seller should not identify or feature one or a few customers in his own advertising without making the same service available on proportionally equal terms to customers competing with the identified customer or customers.

Example 6: A seller who makes his employees available or arranges with a third party to furnish personnel for purposes of performing work for a customer should make the same offer available on proportionally equal terms to all other competing customers. In addition the seller should offer usable and suitable alternatives of equivalent measurable cost to those competing customers to whom such services are not usable and suitable.

[Guide 7]

§ 240.8 Seller's duty to inform.

(a) The seller should take reasonable action, in good faith, to inform all his competing customers of the availability of his promotional program. Such notification should include all the relevant details of the offer in time to enable customers to make an informed judgment whether to participate. In the alternative, such notification should include a summary of the essential features and a specific source to contact for further details on a specific promotion. Where such one-step notification is impracticable, the seller may, in lieu thereof, maintain a continuing program of first notifying all competing customers of the types of promotions offered by the seller and a specific source for the customer to contact in order to receive full and timely notice of all relevant details of the supplier's promotions. Such notice should also inform all competing customers that the seller offers advertising allowances and/or other promotional assistance that are

usable in a practical business sense by all retailers regardless of size. When a customer indicates his desire to be put on the notification list, the seller should keep that customer advised of all promotions available in his area as long as the customer so desires. The seller can make the required notification by any means he chooses, but if he wants to be able to show later that he gave notice to a certain customer, he is in a better position to do so if it was given in writing.

(b) If more direct methods of notification are impracticable, a seller may employ one or more of the following methods, the sufficiency of which will depend upon the nature of the industry and the complexity of his own distribution system. Different sellers may find that different notification methods are most effective for them.

(1) The seller may enter into contracts with his wholesalers, distributors, or other third parties which conform to the requirements of § 240.13.

(2) The seller may place appropriate announcements on product containers or inside thereof with conspicuous notice of such enclosure on the outside. Where this notification procedure is utilized, however, the seller should take whatever steps are necessary to help insure that the notice will come to the attention of the customer's managerial personnel.

(3) The seller may publish notice of the availability and essential features of a promotional plan in a publication of general distribution in the trade.

NOTE: Whatever procedure is used to give notice to the customer it should prove to be effective in practice. In many instances where customers of wholesalers or other intermediaries are involved and it is necessary to coordinate buying for a promotion such as a one-time buy promotion, a minimum lead time for notification may be 60 days or more.

Example 1: A seller has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The seller may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailers in accordance with § 240.13, or by using the wholesalers' customer lists for direct notification by the seller.

Example 2: A seller has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly and he offers the plan to them. Others purchase his products through wholesalers. The seller may satisfy his notification obligations to them by undertaking, in good faith, one or more of the following measures:

A. Placing on a shipping container or a product package that can reasonably be expected to come to the attention of the managerial personnel of all retailing customers handling the promoted product in time to enable them to participate in the program a conspicuous notice of the availability and essential features of his proposal, identifying a specific source for further particulars and details. In lieu of identifying a source for further particulars, brochures describing the details of the offer may be included in the shipping containers. If it is impractical to include the essential features of the proposal on or in the shipping container, the seller may substitute in the notice, as stated above, a summary of the types of promotions offered (e.g., allowances for advertising in newspapers, hand bills, or envelope stuffers; allowances for radio or television advertising; short term display allowances, etc.) and a statement that such promotions are usable in a practical business sense by all retailers regardless of size. In order to insure that such notices will come to the attention of the appropriate personnel it may well be necessary for the seller to supplement notices on shipping containers, especially during the initial stages of such a procedure, with additional notices, such as trade journal publications, invoice notices, envelope stuffers for use by wholesalers, etc.

B. If a promotional plan simply consists of providing retailers with display materials, including the materials within the product container.

C. Advising customers from accurate and reasonably complete mailing lists. If the product may be sold lawfully only under Government license (alcoholic beverages, etc.), informing all license holders would be sufficient.

D. Placing an announcement of the availability and essential features of promotional programs, and identifying a specific source for further particulars and details, at reasonable intervals in publications which have general and widespread distribution in the trade, and which are recognized in the trade as means by which sellers announce the availability of such programs.

Example 3: The seller has a wholesaler-oriented plan whereby he pays wholesalers to advertise the seller's product in the wholesalers' order books, or in the wholesalers' price lists directed to retailers purchasing from the wholesalers. He should notify all competing wholesalers of the availability of this plan, but the seller is not required to notify retailing customers.

Example 4: A seller who sells on a direct basis to some retailers in an area, and to other retailers in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the seller directly notifies not only all competing direct purchasing retailers, but also all competing retailers purchasing through the wholesalers, as to the availability, terms and conditions of the plan, the seller is not required to notify his wholesalers.

Example 5: A seller regularly promotes his products at the retail level, and during the year he has various special promotional offers. His competing customers include large direct-purchasing retailing customers and smaller customers who purchase through wholesalers. Many of the promotions he offers can best be used by his smaller customers if the funds to which the smaller customers are entitled are pooled and used by the wholesalers in their behalf (newspapers advertisements, for example). The seller may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. If a wholesaler or other intermediary by written agreement with a retailer is actually authorized to collect promotional payments from suppliers, the seller may assume that notice of, and payment under, a promotional plan to such a wholesaler or intermediary constitutes notice and payment to the retailer.

(c) A seller who follows any procedure reasonably designed to inform all his competing customers of his promotional program, including any of the procedures illustrated under Example 2 above, will be considered by the Commission to have fulfilled his "good faith" obligation under this section if he accompanies such procedure with the following supplementary measures: At regular intervals (of at least every 90 days) during the year, a seller who conducts promotional programs takes affirmative steps to verify the effectiveness of his notification procedure by making spot checks designed to reach a representative cross section of his indirect-buying customers. Whenever such spot checks indicate that the notification procedure is deficient, in that some customers who purchase through wholesalers or other intermediaries are not receiving actual notice of the promotion, the seller takes immediate steps to expand or to supplement his notification procedure in a manner reasonably designed to eliminate the repetition or continuation of any such deficiency in the future.

[Guide 8]

§ 240.9 Availability to all competing customers.

(a) The plan should be such that all types of competing customers may participate. It should not be tailored to favor or discriminate against a particular customer or class of customers, but should in its terms be usable in a practical business sense by all competing customers. This may require offering all such customers more than one way to participate in the plan or offering alternative terms and conditions to customers for whom the basic plan is not usable and suitable. The seller should not either expressly, or by the way the plan operates, eliminate some competing customers, although he may offer alternative plans designed for different customer classes. If he offers alternative plans, all of the plans offered should provide the same proportionate equality and the seller should inform competing customers of the various alternative plans.

(b) With respect to promotional plans offered to retailers, the seller should insure that his plans or alternatives do not bar any competing retailer customers from participation whether they purchase directly from him or through a wholesaler or other intermediary.

(c) When a seller, in good faith, offers a basic plan, including alternatives, which is reasonably fair and nondiscriminatory, and refrains from taking any steps which would prevent any customer, or class of customers, from participating in his program, he shall be deemed to have satisfied his obligation to make his plan "functionally available" to all customers, and the failure of any customer or customers to participate in the program shall not be deemed to place the seller in violation of the Act.

Example 1: A manufacturer offers a plan of short term store displays of varying sizes, including some which are suitable for each of his competing customers and at the same time are small enough so that each customer is reasonably able to satisfy the requirements. The plan also calls for certification of performance by the retailer. Because

they are reluctant to process any paperwork, many small retailers do not participate. This fact is not deemed to place the manufacturer in violation of § 240.9 and he is under no obligation to provide additional alternatives.

Example 2: A manufacturer offers a plan for cooperative advertising on radio, television, or in newspapers of general circulation. The purchases by some of his customers are too small to permit effective use of this offer in promoting the manufacturer's product. The manufacturer may offer them a "functionally available" alternative on proportionally equal terms, such as envelope stuffers, handbills, or other usable services furnished by the manufacturer.

Example 3: The seller's plan provides for furnishing demonstrators to large department store customers. He should provide usable and suitable alternatives on proportionally equal terms to those competing customers who cannot use demonstrators. The alternatives may be usable and suitable services furnished by the seller, or payments by the seller to customers for their advertising or promotion of the seller's product.

[Guide 9]

§ 240.10 Need to understand terms.

In informing customers of the details of a plan, the seller should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished.

[Guide 10]

§ 240.11 Checking customer's use of payments.

(a) The seller should take reasonable precautions to see that services he is paying for are furnished and also that he is not overpaying for them. Moreover, the customer should expend the allowance solely for the purpose for which it was given. If the seller knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services should be discontinued.

(b) A seller who, in good faith, takes reasonable and prudent measures to verify the performance of his competing customers will be deemed to have satisfied his obligations under the Act. Also, a seller who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of § 240.13 shall be deemed to have satisfied this obligation. If a seller has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost or value of services performed by him shall not alone be deemed to place a seller in violation of the Act.

Example: A manufacturer gives "functionally available" promotional allowances for cooperative advertising which require placing advertisements in whatever medium the customer normally utilizes—e.g., radio, newspapers, magazines, handbills, etc. The manufacturer requires that each customer's request for payment be signed and attest that the required performance was rendered. Further, whenever evidence of the advertising—such as a tear sheet or a copy of the invoice from the radio station—is readily available to the customer, the manufacturer requires that such evidence accompany the request for payment. In cases in which such verification is not readily available, the manufacturer spot checks in a manner designed to reach a representative cross section of participating retailer customers to ascertain proof of performance. The manufacturer has satisfied his obligations of verification under the Act.

[Guide 11]

§ 240.12 Competing customers.

The seller is required to provide in his plan only for those customers who compete with each other in the resale of the seller's products of like grade and quality. Therefore, a seller should make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly, should make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a seller can limit the area of his promotion. However, this section is not intended to deal with the question of a seller's liability for use of an area promotion where the effect may be to injure the seller's competition.

Example 1: Manufacturer A, located in Wisconsin and distributes shoes nationally, sells shoes to three retailers who compete with each other and sell only in the Roanoke, Va., area. He has no other customers selling in Roanoke or its vicinity. If he offers his promotion to one Roanoke customer, he should include all three, but he can limit it to them. The trade area selected should be a natural one and not drawn arbitrarily so as to exclude competing retailers.

Example 2: A national seller has direct-buying retailing customers reselling exclusively within the Baltimore City trade area, and other customers within that area purchasing through wholesalers. The seller may lawfully engage in a promotional campaign confined to the Baltimore area, provided he affords all of his retailing customers within the area the opportunity to participate, including those who purchase through wholesalers.

Example 3: A seller manufactures and sells men's suits and sport jackets (of one quality level) to retail stores nationally. He may restrict allowances to Philadelphia area retailers for their promotion of sport jackets during a particular season. He should not restrict allowances in the Philadelphia area for the promotion of certain styles of sport jackets unless all retailers of his sport jackets in the area are offered the opportunity to purchase the promoted styles and participate in the promotion.

NOTE: The seller should be careful here not to discriminate against customers located on the fringes but outside the area selected for the special promotion, since they may be actually competing with those participating.

[Guide 12]

§ 240.13 Wholesaler or third party performance of seller's obligations.

(a) A seller may, in good faith, enter into written agreements with intermediaries, such as wholesalers, distributors or other third parties, including promoters of tripartite promotional plans, which provide that such intermediaries will perform all or part of the seller's obligations under this part. However, the interposition of intermediaries between the seller and his customers does not relieve the seller of his ultimate responsibility of compliance with the law. The seller, in order to demonstrate his good faith effort to discharge his obligations under this part, should include in any such agreement provisions that the intermediary will:

(1) Give notice to the seller's customers in conformity with the standards set forth in § 240.8;

(2) Check customer performance in conformity with the standards set forth in § 240.11;

(3) Implement the plan in a manner which will insure its functional availability to the seller's customers in conformity with the standards set forth in § 240.9. (This must be done whether the plan is one devised by the seller himself or by the intermediary for use by the seller's customers);

(4) Provide certification in writing and at reasonable intervals that the seller's customers have been and are being treated in conformity with the agreement.

(b) A seller who negotiates such agreements with his wholesalers, distributors or third party promoters will be considered by the Commission to have justified his "good faith" obligations under this section if he accompanies such agreements with the following supplementary measures: At regular intervals (of at least every 90 days) during the year, the seller takes affirmative steps to verify that his customers are receiving the proportionally equal treatment to which they are entitled by making spot checks designed to reach a representative cross section of his customers. Whenever such spot checks indicate that the agreements are not being implemented in such a way that his customers are receiving such proportionally equal treatment, the seller takes immediate steps to expand or to supplement such agreements in a manner reasonably designed to eliminate the repetition or continuation of any such discriminations in the future.

Example 1: A seller should not buy advertising time from a radio station and have the station furnish free radio time only to certain favored customers of the seller.

Example 2: A seller should not participate in a tripartite promotional plan providing for in-store promotion of his products unless all his competing customers are given an opportunity to participate in the intermediary's basic plan and, in the event some cannot use the basic plan, a suitable and usable alternative is made available on proportionally equal terms. A seller may demonstrate his good faith effort to discharge his obligations, in the event the intermediary operates a nondiscriminatory program in a discriminatory manner, by establishing that he has an agreement with the intermediary as described above and has fulfilled his duty to conduct periodic checks of the intermediary's performance.

Example 3: A seller should not participate in a tripartite plan involving many sellers if the customers to whom the plan is offered is required to purchase the products of other participating sellers before they are eligible to receive the benefits of the promotional program. The customer of any one seller should not be required to purchase or promote other sellers' products as a condition to receiving promotional payments or services from the seller, even though a tripartite program is involved.

(c) Intermediaries administering promotional assistance programs on behalf of a seller may violate section 5 of the Federal Trade Commission Act if they have agreed to perform the seller's obligations under the law with respect to a program which they have represented to be usable and suitable for all the seller's competing customers if it should later develop that the program was not offered to all or, if offered, was not usable or suitable, or was otherwise administered in a discriminatory manner.

Example: Promoter A devises a program for in-store advertising of grocery products on shopping carts. No alternative means of participation are provided. Seller B enters into a contract with A for participation in the program. In fact, some of Seller B's competing customers do not have shopping carts. Assuming that Seller B is in violation of section 2(d) of the Clayton Act, as amended, Promoter A may be in violation of section 5 of the Federal Trade Commission Act for his participation in the program which resulted in B's violation.

[Guide 13]

§ 240.14 Customer's liability.

Section 2 (d) and (e) apply only to sellers and not to customers. However, a customer who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same seller's products, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition.

Example 1: A customer should not induce or receive advertising allowances for special promotion of the seller's products in connection with the customer's anniversary sale or new store opening, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them if the basic offer is not suitable for and usable by them.

Example 2: A customer should not induce or receive seller contributions to the cost of his institutional advertising, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them if the basic offer is not suitable for and usable by them.

Example 3: A customer, an experienced buyer, is offered an allowance of 25 percent of his purchase volume by a seller for cooperative advertising to be paid for 100 percent by the seller. The customer knows, or should know, that most cooperative advertising programs in the industry allow payments of from 3 to 7 percent of purchases, and require 50–50 sharing by the seller and the customer. He would be on notice to inquire of the seller and to take such other affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products.

Example 4: A customer should not receive from a seller or intermediary services such as those performed in connection with a store opening, remodeling or special sales promotion, etc., unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such services are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them if the basic offer is not suitable for and usable by them.

Example 5: Frequently the employees of sellers or third parties such as brokers perform in-store services for their grocery retailer customers such as stocking of shelves, building of displays and checking or rotating inventory, etc. A customer operating a retail grocery business should not induce or receive such services when the customer knows or should know that such services are not available on proportionally equal terms to all of the other customers of the seller competing with him in the distribution of the seller's products.

Example 6: Where a customer has entered into a contract, understanding, or arrangement for the purchase of advertising with a newspaper or other advertising media which provides for a deferred rebate or other reduction in the price thereof, he should advise any seller from whom he claims reimbursement for such advertising that the claimed rate of reimbursement is subject to a deferred rebate or other reduction in price. In the event that any rebate or adjustment in the price is received, the customer should refund to the seller the amount of any excess payment or allowance.

[Guide 14]

§ 240.15 Third party liability for double billing.

An advertising medium (newspaper, broadcast station, printer of catalogs, etc.) which (a) publishes a rate schedule containing fictitious rates or rates which are not reasonably expected to be applicable to a representative number of advertisers, or (b) furnishes a customer or his representative with an invoice that does not reflect the customer's actual net advertising cost, or that does not clearly state the discounts, rebates, earned rebates, etc., to which the invoice amount may be subject, or to which the invoiced party may be entitled, may violate section 5 of the Federal Trade Commission Act if the customer uses such deceptive schedule or invoice for a claim for an advertising allowance, payment or credit greater than that to which he is entitled under the terms of the supplier's promotional program.

Example 1: Newspaper A has a "national" rate of $1.50 per inch and a "local" rate of $1 per inch. Retailer B places an advertisement with Newspaper A for a product sold to him by Supplier C, from whom he is later to seek reimbursement under Supplier C's cooperative advertising plan. Newspaper A should not furnish two bills to Retailer B, one at the "national" rate of $1.50 per inch, the other at the "local" rate of $1 per inch actually charged Retailer B.

Example 2: Newspaper A has various published rates. Retailer B is a large advertiser who in the past has earned the lowest rate. Newspaper A should not submit monthly invoices to Retailer B at a high rate agreed to by the parties unless the invoice discloses that Retailer B may receive a rebate.

Example 3: Radio Station A has a flat rate of $10 for 30-second spot announcements, subject to volume discounts ranging up to 50 percent. Retailer B buys enough spots to qualify for the 50-percent discount. Radio Station A should not furnish Retailer B with an invoice that does not show either the $5 net cost to Retailer B or the 50-percent discount to which the $10 amount is subject.

Example 4: Advertising Agent A purchases a large volume of newspaper advertising space at a low, unpublished negotiated rate. Agent A subsequently sells such space to various retailers at a rate lower than each could purchase the space from the newspaper. Agent A should not furnish the retailers invoices showing a rate charge higher than that actually paid him by the retailers.

[Guide 15]

§ 240.16 Meeting competition.

A seller charged with discrimination in violation of section 2(d) or section 2(e) may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing seller to the particular customer, or to meet equivalent services furnished by a competing seller to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating either section 2(d) or 2(e) solely on the basis that competition in a particular industry is very keen, requiring that special allowances be given to some customers if a seller is "to be competitive."

[Guide 16]

§ 240.17 Cost justification.

It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a seller to show that such payment, service, or facility could be justified through savings in the cost of manufacture, sale or delivery.

[Guide 17]

Promulgated by the Federal Trade Commission May 29, 1969.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6378; Filed, May 28, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[S.D. 845.2, Supp. 8]

PART 845—MAINLAND CANE SUGAR AREA

Approved Local Areas for 1968 Crop

§ 845.10 Approved local areas for the 1968 crop.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1968 crop sugarcane pursuant to paragraph (c) of § 845.2, as amended (23 F.R. 9255), the local parish ASC committees in Louisiana and the Glades County ASC Committee in Florida have determined that

the extent of crop damage as specified and provided in subparagraph (1) (iii) of paragraph (c) of § 845.2 has occurred in the following local producing areas:

LOUISIANA

Parishes approved in their entirety:
Pointe Coupee.
St. Charles.
Terrebonne.
West Baton Rouge.

Individual local producing areas approved:
Iberville: Area 3.
Lafayette: Area 2; Area 4.
St. Mary: Area 1; Area 4.

FLORIDA

All of Florida.

Statement of bases and considerations. This supplement provides public notice of the local producing areas in Louisiana and Florida where due to drought, flood, storm, freeze, disease, or insects, the 1968 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment and deficiency payments. Producers on these farms who have not filed application for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before December 31, 1970, as provided in 7 CFR 892.7 (32 F.R. 8413).

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on May 23, 1969.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 69-6374; Filed, May 28, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 278]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.578 Valencia Orange Regulation 278.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 27, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 30, 1969, through June 5, 1969, are hereby fixed as follows:

(i) District 1: 280,000 cartons;
(ii) District 2: 368,000 cartons;
(iii) District 3: 152,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6480; Filed, May 28, 1969; 11:30 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Rye Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Rye, Loan and Purchase Program regulations (31 F.R. 6406), and any amendments thereto, which contain regulations of a general nature with respect to price support operations, are further supplemented for the 1969 crop of rye as follows:

Sec.
1421.2851 Purpose.
1421.2852 Availability.
1421.2853 Maturity of loans.
1421.2854 Warehouse charges.
1421.2855 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2851 Purpose.

This supplement contains program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) and the 1966 and Subsequent Crops Rye, Loan and Purchase Program regulations, and any amendments thereto, apply to price support loans and purchases with respect to the 1969 crop of rye.

§ 1421.2852 Availability.

A producer desiring a price support loan must request a loan on his eligible rye on or before March 31, 1970. To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office, on or before April 30, 1970, a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1969 crop rye he will sell to CCC.

§ 1421.2853 Maturity of loans.

Unless demand is made earlier, all loans on rye will mature on April 30, 1970.

§ 1421.2854 Warehouse charges.

Subject to the provision of § 1421.2847, the schedules of deductions set forth in this section shall apply to rye stored in an approved warehouse operating under the Uniform Grain Storage Agreement and an approved warehouse operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES

Maturity date Apr. 30, 1970	*Deduction (cents per bushel)*
[1]	---
Prior to May 16, 1969	13
May 16–June 12	12
June 13–July 10	11
July 11–Aug. 7	10
Aug. 8–Sept. 4	9
Sept. 5–Oct. 2	8
Oct. 3–Oct. 30	7
Oct. 31–Nov. 27	6
Nov. 28–Dec. 25	5
Dec. 26, 1969–Jan. 22, 1970	4
Jan. 23–Feb. 19	3
Feb. 20–Mar. 19	2
Mar. 20–Apr. 30, 1970	1

[1] Dates storage charges start, all dates inclusive.

(b) *Warehouse operated by an Eastern common carrier.* (1) Eligible rye stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC:

Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9–2151, Baltimore, Md.

(2) Schedule of deductions for storage charges:

Maturity date Apr. 30, 1970	*Deduction (cents per bushel)*
[1] [2]	---
Prior to June 25, 1969	16
June 25–July 14	15
July 15–Aug. 3	14
Aug. 4–Aug. 23	13
Aug. 24–Sept. 12	12
Sept. 13–Oct. 2	11
Oct. 3–Oct. 22	10
Oct. 23–Nov. 11	9
Nov. 12–Dec. 1	8
Dec. 2–Dec. 21	7
Dec. 22, 1969–Jan. 10, 1970	6
Jan. 11–Jan. 30	5
Jan. 31–Feb. 19	4
Feb. 20–Mar. 11	3
Mar. 12–Mar. 31	2
Apr. 1–Apr. 30, 1970	1

[1] Charges shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

[2] Storage commence date, all dates inclusive.

§ 1421.2855 Support rates.

(a) *Basic terminal rates.* The following rates for rye grading No. 2 or better, or No. 3 on the factor of test weight only, for loans and settlement purposes are to be applied in accordance with § 1421.2849 to rye stored in approved terminal warehouses at the following terminal markets:

1969 RYE PRICE SUPPORT PROGRAM

(Terminal Markets and Basic Price Support Rates Grading No. 2 or Better, or Grading No. 3 on the Basis of Test Weight Factor Only)

Terminal market	*Rate per bushel*
Omaha, Nebr	$1.18
Sioux City, Iowa	1.18
Duluth, Minn	1.22
Minneapolis, Minn	1.22
Saint Paul, Minn	1.22
Superior, Wis	1.22
Atchison, Kans	1.21
Kansas City, Mo	1.21
St. Joseph, Mo	1.21
Chicago, Ill	1.31
Milwaukee, Wis	1.31
Memphis, Tenn	1.32
St. Louis, Mo	1.32
Galveston, Tex	1.31
Houston, Tex	1.31
Port Arthur, Tex	1.31
Beaumont, Tex	1.31
Long Beach, Calif	1.34
Los Angeles, Calif	1.34
Oakland, Calif	1.34
San Francisco, Calif	1.34
Stockton, Calif	1.34
Wilmington, Calif	1.34
Astoria, Oreg	1.32
Kalama, Wash	1.32
Longview, Wash	1.32
Portland, Oreg	1.32
Seattle, Wash	1.32
Tacoma, Wash	1.32
Vancouver, Wash	1.32
Albany, N.Y	1.45
Baltimore, Md	1.45
New York, N.Y	1.45
Norfolk, Va	1.45
Philadelphia, Pa	1.45

(b) *County support rates.* The following basic county support rates per bushel for loan and settlement purposes for farm stored and country warehouse stored rye, are established for rye grading No. 2 or better, or No. 3 on factor of test weight only.

1969 RYE PRICE SUPPORT PROGRAM—BASIC COUNTY PRICE SUPPORT RATES

ALABAMA

County	*Rate per bushel*
All counties	$1.15

ARIZONA

County	*Rate per bushel*
All counties	$1.05

ARKANSAS

County	*Rate per bushel*
All counties	$1.03

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Colusa	$1.19	Riverside	$1.16
Contra Costa	1.20	San Joaquin	1.22
Glenn	1.18	Shasta	1.07
Kern	1.17	Sierra	1.01
Lassen	1.02	Siskiyou	1.07
Marin	1.20	Sonoma	1.19
Merced	1.21	Stanislaus	1.21
Modoc	1.07	Yuba	1.19
Plumas	1.09		

COLORADO

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.88	Las Animas	$0.88
Arapahoe	.88	Lincoln	.88
Baca	.90	Logan	.88
Bent	.89	Morgan	.88
Boulder	.88	Otero	.88
Cheyenne	.91	Phillips	.90
Crowley	.88	Prowers	.90
Denver	.88	Pueblo	.88
Douglas	.88	Sedgwick	.91
Elbert	.88	Washington	.88
El Paso	.88	Weld	.88
Jefferson	.88	Yuma	.90
Kiowa	.90	All other counties	.89
Kit Carson	.90		
Larimer	.88		

CONNECTICUT

County	*Rate per bushel*
All counties	$1.14

DELAWARE

County	*Rate per bushel*
All counties	$1.14

FLORIDA

County	*Rate per bushel*
All counties	$1.20

GEORGIA

County	*Rate per bushel*
All counties	$1.20

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$1.04	Gem	$1.04
Adams	1.04	Gooding	1.01
Bannock	.95	Idaho	1.10
Bear Lake	.92	Jefferson	.92
Benewah	1.12	Jerome	1.00
Bingham	.93	Kootenai	1.11
Blaine	.97	Latah	1.12
Boise	1.03	Lemhi	.92
Bonner	1.07	Lewis	1.10
Bonneville	.92	Lincoln	.99
Boundary	1.05	Madison	.91
Butte	.93	Minidoka	.99
Camas	.97	Nez Perce	1.12
Canyon	1.04	Oneida	.95
Caribou	.94	Owyhee	1.04
Cassia	.98	Payette	1.04
Clark	.91	Power	.96
Clearwater	1.10	Shoshone	.97
Custer	.93	Teton	.90
Elmore	1.03	Twin Falls	.98
Franklin	.95	Valley	1.03
Fremont	.90	Washington	1.04

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$1.12	Lake	$1.17
Alexander	1.10	La Salle	1.17
Bond	1.13	Lawrence	1.08
Boone	1.17	Lee	1.17
Brown	1.12	Livingston	1.15
Bureau	1.16	Logan	1.12
Calhoun	1.11	McDonough	1.10
Carroll	1.15	McHenry	1.17
Cass	1.10	McLean	1.13
Champaign	1.13	Macon	1.11
Christian	1.10	Macoupin	1.13
Clark	1.09	Madison	1.14
Clay	1.10	Marion	1.13
Clinton	1.15	Marshall	1.15
Coles	1.11	Mason	1.11
Cook	1.18	Massac	1.09
Crawford	1.10	Menard	1.11
Cumberland	1.11	Mercer	1.14
De Kalb	1.17	Monroe	1.12
De Witt	1.12	Montgomery	1.12
Douglas	1.12	Morgan	1.12
Du Page	1.18	Moultrie	1.12
Edgar	1.10	Ogle	1.16
Edwards	1.11	Peoria	1.14
Effingham	1.10	Perry	1.10
Fayette	1.10	Piatt	1.12
Ford	1.15	Pike	1.12
Franklin	1.10	Pope	1.08
Fulton	1.13	Pulaski	1.10
Gallatin	1.05	Putnam	1.14
Greene	1.13	Randolph	1.10
Grundy	1.18	Richland	1.09
Hamilton	1.09	Rock Island	1.14
Hancock	1.10	St. Clair	1.13
Hardin	1.04	Saline	1.05
Henderson	1.13	Sangamon	1.11
Henry	1.14	Schuyler	1.12
Iroquois	1.15	Scott	1.12
Jackson	1.10	Shelby	1.11
Jasper	1.11	Stark	1.14
Jefferson	1.17	Stephenson	1.16
Jersey	1.13	Tazewell	1.12
Jo Daviess	1.14	Union	1.10
Johnson	1.06	Vermilion	1.14
Kane	1.18	Wabash	1.11
Kankakee	1.17	Warren	1.14
Kendall	1.17	Washington	1.10
Knox	1.14	Wayne	1.13

ILLINOIS—continued

County	Rate per bushel	County	Rate per bushel
White	$1.05	Williamson	$1.11
Whiteside	1.16	Winnebago	1.17
Will	1.17	Woodford	1.14

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.04	Lawrence	$1.05
Allen	1.04	Madison	1.05
Bartholomew	1.02	Marion	1.03
Benton	1.11	Marshall	1.07
Blackford	1.06	Martin	1.04
Boone	1.04	Miami	1.07
Brown	1.01	Monroe	1.08
Carroll	1.08	Montgomery	1.06
Cass	1.08	Morgan	1.02
Clark	1.00	Newton	1.13
Clay	1.08	Noble	1.04
Clinton	1.07	Ohio	1.03
Crawford	1.11	Orange	1.09
Daviess	1.01	Owen	1.02
Dearborn	1.03	Parke	1.05
Decatur	1.01	Perry	1.11
De Kalb	1.04	Pike	1.08
Delaware	1.04	Porter	1.11
Dubois	1.12	Posey	1.09
Elkhardt	1.07	Pulaski	1.09
Fayette	1.03	Putnam	1.03
Floyd	1.10	Randolph	1.05
Fountain	1.04	Ripley	1.01
Franklin	1.04	Rush	1.03
Fulton	1.08	St. Joseph	1.07
Gibson	1.10	Scott	1.00
Grant	1.06	Shelby	1.02
Greene	1.02	Spencer	1.11
Hamilton	1.04	Starke	1.09
Hancock	1.03	Stueben	1.04
Harrison	1.10	Sullivan	1.09
Hendricks	1.04	Switzerland	1.01
Henry	1.04	Tippecanoe	1.07
Howard	1.07	Tipton	1.05
Huntington	1.04	Union	1.03
Jackson	1.01	Vanderburgh	1.14
Jasper	1.11	Vermillion	1.14
Jay	1.04	Vigo	1.15
Jefferson	1.00	Wabash	1.07
Jennings	1.01	Warren	1.10
Johnson	1.02	Warrick	1.13
Knox	1.06	Washington	.99
Kosciusko	1.07	Wayne	1.04
Lagrange	1.05	Wells	1.04
Lake	1.14	White	1.10
La Porte	1.09	Whitley	1.06

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.99	Fayette	$1.04
Adams	1.00	Floyd	.98
Allamakee	1.03	Franklin	1.01
Appanoose	1.05	Fremont	1.00
Audubon	.99	Greene	.98
Benton	1.04	Grundy	1.02
Black Hawk	1.03	Guthrie	.98
Boone	.99	Hamilton	1.01
Bremer	1.02	Hancock	.98
Buchanan	1.03	Hardin	1.01
Buena Vista	.97	Harrison	1.00
Butler	1.02	Henry	1.06
Calhoun	.98	Howard	1.02
Carroll	.98	Humboldt	.98
Cass	.98	Ida	.97
Cedar	1.06	Iowa	1.04
Cerro Gordo	.98	Jackson	1.09
Cherokee	1.00	Jasper	1.02
Chickasaw	1.02	Jefferson	1.05
Clarke	1.02	Johnson	1.06
Clay	.97	Jones	1.06
Clayton	1.04	Keokuk	1.03
Clinton	1.07	Kossuth	.98
Crawford	1.00	Lee	1.08
Dallas	1.00	Linn	1.05
Davis	1.06	Louisa	1.06
Decatur	1.02	Lucas	1.02
Delaware	1.04	Lyon	.96
Des Moines	1.07	Madison	1.01
Dickinson	.97	Mahaska	1.03
Dubuque	1.05	Marion	1.03
Emmet	.99	Marshall	1.02

IOWA—continued

County	Rate per bushel	County	Rate per bushel
Mills	$1.00	Scott	$1.08
Mitchell	.99	Shelby	1.00
Monoma	.99	Sioux	.98
Monroe	1.05	Story	1.01
Montgomery	1.00	Tama	1.03
Muscatine	1.08	Taylor	1.01
O'Brien	.96	Union	1.02
Osceola	.97	Van Buren	1.06
Page	1.01	Wapello	1.04
Palo Alto	.97	Warren	1.02
Plymouth	.99	Washington	1.04
Pocahontas	.97	Wayne	1.04
Polk	1.01	Webster	.99
Pottawattamie	1.00	Winnebago	.99
Poweshiek	1.03	Winneshiek	1.03
Ringgold	1.00	Woodbury	.98
Sac	.99	Worth	.99
		Wright	.98

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.03	Linn	$1.03
Anderson	1.03	Logan	.94
Atchison	1.03	Lyon	1.03
Barber	.98	McPherson	1.00
Barton	.98	Marion	1.00
Bourbon	1.03	Marshall	1.03
Brown	1.03	Meade	.94
Butler	1.00	Miami	1.03
Chase	1.02	Mitchell	1.00
Chautauqua	1.02	Montgomery	1.03
Cherokee	1.03	Morris	1.02
Cheyenne	.93	Morton	.90
Clark	.94	Nemaha	1.03
Clay	1.01	Neosho	1.03
Cloud	1.01	Ness	.97
Coffey	1.03	Norton	.98
Comanche	.96	Osage	1.03
Cowley	1.00	Osborne	.99
Crawford	1.03	Ottawa	1.00
Decatur	.96	Pawnee	.98
Dickinson	1.00	Phillips	.98
Doniphan	1.03	Pottawatomie	1.03
Douglas	1.03	Pratt	.98
Edwards	.98	Rawlins	.94
Elk	1.02	Reno	.99
Ellis	.98	Republic	1.01
Ellsworth	.99	Rice	.99
Finney	.94	Riley	1.03
Ford	.96	Rooks	.98
Franklin	1.03	Rush	.98
Geary	1.02	Russell	.98
Gove	.96	Saline	1.00
Graham	.97	Scott	.95
Grant	.93	Sedgwick	1.00
Gray	.95	Seward	.92
Greeley	.93	Shawnee	1.03
Greenwood	1.03	Sheridan	.96
Hamilton	.93	Sherman	.93
Harper	.99	Smith	.99
Harvey	1.00	Stafford	.98
Haskell	.94	Stanton	.92
Hodgeman	.97	Stevens	.92
Jackson	1.03	Sumner	1.00
Jefferson	1.03	Thomas	.95
Jewell	1.00	Trego	.97
Johnson	1.03	Wabaunsee	1.03
Kearny	.93	Wallace	.93
Kingman	1.00	Washington	1.02
Kiowa	.98	Wichita	.94
Labette	1.03	Wilson	1.03
Lane	.96	Woodson	1.03
Leavenworth	1.03	Wyandotte	1.03
Lincoln	.99		

KENTUCKY

County	Rate per bushel
All counties	$1.14

LOUISIANA

County	Rate per bushel
All parishes	$1.05

MAINE

County	Rate per bushel
All counties	$1.14

MARYLAND

County	Rate per bushel
All counties	$1.14

MASSACHUSETTS

County	Rate per bushel
All counties	$1.14

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.96	Leelanau	$0.94
Alger	.97	Lenawee	1.07
Allegan	1.05	Livingston	1.05
Arenac	1.00	Luce	.88
Barry	1.05	Mackinac	.93
Bay	1.02	Macomb	1.06
Benzie	.96	Manistee	.98
Berrien	1.07	Marquette	.97
Branch	1.06	Mason	.99
Calhoun	1.06	Mecosta	1.00
Cass	1.07	Menominee	1.01
Charlevoix	.91	Midland	1.00
Cheboygan	.91	Missaukee	.98
Chippewa	.93	Monroe	1.07
Clare	1.00	Montcalm	1.02
Clinton	1.03	Montmorency	.94
Crawford	.96	Muskegon	1.02
Delta	.99	Newaygo	1.00
Dickinson	1.00	Oakland	1.05
Eaton	1.05	Oceana	1.00
Emmet	.91	Ogemaw	.98
Genesee	1.03	Ontonagon	.96
Gladwin	1.00	Osceola	1.00
Gogebic	.97	Oscoda	.96
Grand Traverse	.96	Ottawa	1.03
Gratiot	1.02	Presque Isle	.91
Hillsdale	1.07	Roscommon	.98
Huron	1.03	Saginaw	1.02
Ingham	1.05	St. Clair	1.05
Ionia	1.03	St. Joseph	1.04
Iosco	.98	Sanilac	1.03
Iron	.97	Schoolcraft	.98
Isabella	1.00	Shiawassee	1.08
Jackson	1.06	Tuscola	1.03
Kalamazoo	1.06	Van Buren	1.06
Kalkaska	.96	Washtenaw	1.08
Kent	1.03	Wayne	1.08
Lake	1.00	Wexford	.98
Lapeer	1.03	All other counties	.94

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.10	Koochiching	$1.02
Anoka	1.09	Lac Qui Parle	1.06
Becker	1.03	Lake of the Woods	1.00
Beltrami	1.05	Le Sueur	1.09
Benton	1.09	Lincoln	1.04
Big Stone	1.05	Lyon	1.06
Blue Earth	1.09	McLeod	1.09
Brown	1.08	Mahnomen	1.01
Carlton	1.10	Marshall	.99
Carver	1.09	Martin	1.07
Cass	1.07	Meeker	1.09
Chippewa	1.07	Mille Lacs	1.09
Chisago	1.09	Morrison	1.07
Clay	1.01	Mower	1.09
Clearwater	1.04	Murray	1.05
Cottonwood	1.06	Nicollet	1.09
Crow Wing	1.08	Nobles	1.02
Dakota	1.09	Norman	1.00
Dodge	1.09	Olmsted	1.09
Douglas	1.06	Otter Tail	1.05
Faribault	1.08	Pennington	1.00
Fillmore	1.06	Pine	1.09
Freeborn	1.08	Pipestone	1.02
Goodhue	1.09	Polk	1.01
Grant	1.05	Pope	1.07
Hennepin	1.09	Ramsey	1.09
Houston	1.04	Red Lake	1.01
Hubbard	1.04	Redwood	1.08
Isanti	1.09	Renville	1.08
Itasca	1.09	Rice	1.09
Jackson	1.06	Rock	1.00
Kanabec	1.09	Roseau	.97
Kandiyohi	1.09	St. Louis	1.08
Kittson	.96		

MINNESOTA—continued

County	Rate per bushel	County	Rate per bushel
Scott	$1.09	Wadena	$1.06
Sherburne	1.09	Waseca	1.09
Sibley	1.09	Washington	1.09
Stearns	1.09	Watonwan	1.08
Steele	1.09	Wilkin	1.03
Stevens	1.06	Winona	1.09
Swift	1.07	Wright	1.09
Todd	1.07	Yellow Medicine	1.07
Traverse	1.04		
Wabasha	1.09		

MISSISSIPPI

County	Rate per bushel
All counties	$1.14

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.07	Linn	$1.06
Andrew	1.02	Livingston	1.03
Atchison	1.02	McDonald	1.02
Audrain	1.09	Macon	1.07
Barry	1.05	Madison	1.15
Barton	1.03	Maries	1.10
Bates	1.04	Marion	1.09
Benton	1.05	Mercer	1.02
Bollinger	1.14	Miller	1.07
Boone	1.09	Mississippi	1.11
Buchanan	1.05	Moniteau	1.07
Butler	1.12	Monroe	1.09
Caldwell	1.02	Montgomery	1.11
Callaway	1.09	Morgan	1.06
Camden	1.11	New Madrid	1.11
Cape Girardeau	1.14	Newton	1.03
Carroll	1.05	Nodaway	1.02
Carter	1.03	Oregon	1.03
Cass	1.04	Osage	1.09
Cedar	1.04	Ozark	1.04
Chariton	1.07	Pemiscot	1.10
Christian	1.04	Perry	1.16
Clark	1.08	Pettis	1.05
Clay	1.03	Phelps	1.15
Clinton	1.02	Pike	1.10
Cole	1.08	Platte	1.04
Cooper	1.07	Polk	1.06
Crawford	1.16	Pulaski	1.12
Dade	1.05	Putnam	1.00
Dallas	1.08	Ralls	1.10
Daviess	1.05	Randolph	1.09
De Kalb	1.04	Ray	1.05
Dent	1.13	Reynolds	1.11
Douglas	1.05	Ripley	1.11
Dunklin	1.10	St. Charles	1.17
Franklin	1.14	St. Clair	1.06
Gasconade	1.11	St. Francois	1.17
Gentry	1.02	St. Genevieve	1.17
Greene	1.08	St. Louis	1.18
Grundy	1.00	Saline	1.06
Harrison	1.02	Schuyler	1.06
Henry	1.06	Scotland	1.08
Hickory	1.06	Scott	1.12
Holt	1.03	Shannon	1.03
Howard	1.08	Shelby	1.08
Howell	1.03	Stoddard	1.12
Iron	1.16	Stone	1.03
Jackson	1.03	Sullivan	1.01
Jasper	1.03	Taney	1.03
Jefferson	1.18	Texas	1.03
Johnson	1.05	Vernon	1.03
Knox	1.07	Warren	1.14
Laclede	1.11	Washington	1.17
Lafayette	1.05	Wayne	1.13
Lawrence	1.05	Webster	1.09
Lewis	1.09	Worth	1.01
Lincoln	1.14	Wright	1.05

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.90	Cascade	$0.89
Big Horn	.77	Chouteau	.87
Blaine	.79	Custer	.78
Broadwater	.93	Daniels	.73
Carbon	.87	Dawson	.79
Carter	.81	Deer Lodge	.95

MONTANA—continued

County	Rate per bushel	County	Rate per bushel
Fallon	$0.81	Petroleum	$0.82
Fergus	.86	Phillips	.73
Flathead	.99	Pondera	.87
Gallatin	.95	Powder River	.76
Garfield	.76	Powell	.95
Glacier	.88	Prairie	.79
Golden Valley	.87	Ravalli	.94
Granite	.94	Richland	.78
Hill	.83	Roosevelt	.76
Jefferson	.93	Rosebud	.81
Judith Basin	.86	Sanders	.97
Lake	.94	Sheridan	.75
Lewis and Clark	.87	Silver Bow	.95
Liberty	.85	Stillwater	.87
Lincoln	.99	Sweet Grass	.90
McCone	.77	Teton	.87
Madison	.95	Toole	.87
Meagher	.90	Treasure	.82
Mineral	.97	Valley	.72
Missoula	.97	Wheatland	.88
Musselshell	.85	Wibaux	.82
Park	.93	Yellowstone	.87

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.00	Jefferson	$1.02
Antelope	1.00	Johnson	1.03
Arthur	.92	Kearney	.98
Banner	.86	Keith	.92
Blaine	.95	Keyapaha	.96
Boone	1.00	Kimball	.88
Box Butte	.89	Knox	1.00
Boyd	1.00	Lancaster	1.03
Brown	.96	Lincoln	.94
Buffalo	.99	Logan	.95
Burt	1.00	Loup	.97
Butler	1.00	McPherson	.94
Cass	1.03	Madison	1.00
Cedar	1.00	Merrick	1.00
Chase	.91	Morrill	.88
Cherry	.93	Nance	1.00
Cheyenne	.88	Nemaha	1.03
Clay	1.00	Nuckolls	1.00
Colfax	1.00	Otoe	1.03
Cuming	1.00	Pawnee	1.03
Custer	.97	Perkins	.90
Dakota	1.00	Phelps	.98
Dawes	.88	Pierce	1.00
Dawson	.97	Platte	1.00
Deuel	.91	Polk	1.00
Dixon	1.00	Red Willow	.95
Dodge	1.00	Richardson	1.03
Douglas	1.01	Rock	.96
Dundy	.91	Saline	1.03
Fillmore	1.02	Sarpy	1.01
Franklin	.98	Saunders	1.02
Frontier	.95	Scotts Bluff	.86
Furnas	.97	Seward	1.01
Gage	1.03	Sheridan	.90
Garden	.89	Sherman	.99
Garfield	.98	Sioux	.87
Gosper	.97	Stanton	1.00
Grant	.90	Thayer	1.02
Greeley	1.00	Thomas	.94
Hall	1.00	Thurston	1.00
Hamilton	1.00	Valley	.98
Harlan	.98	Washington	1.00
Hayes	.92	Wayne	1.00
Hitchcock	.93	Webster	.99
Holt	.99	Wheeler	1.00
Hooker	.92	York	1.00
Howard	1.00		

NEVADA

County	Rate per bushel
All counties	$0.95

NEW HAMPSHIRE

County	Rate per bushel
All counties	$1.14

NEW JERSEY

County	Rate per bushel
All counties	$1.14

NEW MEXICO

County	Rate per bushel
All counties	$0.90

NEW YORK

County	Rate per bushel
All counties	$1.15

NORTH CAROLINA

County	Rate per bushel
All counties	$1.18

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.87	Mclean	$0.86
Barnes	.96	Mercer	.86
Benson	.89	Morton	.89
Billings	.85	Mountrail	.82
Bottineau	.83	Nelson	.94
Bowman	.86	Oliver	.87
Burke	.82	Pembina	.95
Burleigh	.90	Pierce	.87
Cass	.98	Ramsey	.91
Cavalier	.90	Ransom	.98
Dickey	.97	Renville	.82
Divide	.81	Richland	1.01
Dunn	.85	Rolette	.86
Eddy	.92	Sargent	1.00
Emmons	.91	Sheridan	.88
Foster	.93	Sioux	.89
Golden Valley	.82	Slope	.87
Grand Forks	.97	Stark	.87
Grant	.88	Steele	.96
Griggs	.95	Stutsman	.94
Hettinger	.87	Towner	.87
Kidder	.91	Traill	.97
La Moure	.95	Walsh	.96
Logan	.92	Ward	.83
McHenry	.86	Wells	.91
McIntosh	.93	Williams	.81
McKenzie	.79		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	Licking	$1.07
Allen	1.06	Logan	1.06
Ashland	1.08	Lorain	1.08
Ashtabula	1.11	Lucas	1.07
Athens	1.07	Madison	1.06
Auglaize	1.05	Mahoning	1.11
Belmont	1.08	Marion	1.07
Brown	1.06	Medina	1.08
Butler	1.06	Meigs	1.05
Carroll	1.08	Mercer	1.05
Champaign	1.05	Miami	1.05
Clark	1.05	Monroe	1.08
Clermont	1.05	Montgomery	1.05
Clinton	1.05	Morgan	1.06
Columbiana	1.09	Morrow	1.07
Coshocton	1.08	Muskingum	1.08
Crawford	1.07	Noble	1.08
Cuyahoga	1.08	Ottawa	1.07
Darke	1.06	Paulding	1.05
Defiance	1.05	Perry	1.07
Delaware	1.07	Pickaway	1.06
Erie	1.07	Pike	1.05
Fairfield	1.07	Portage	1.08
Fayette	1.06	Preble	1.05
Franklin	1.07	Putnam	1.06
Fulton	1.05	Richland	1.08
Gallia	1.05	Ross	1.06
Geauga	1.11	Sandusky	1.07
Greene	1.06	Scioto	1.05
Guernsey	1.08	Seneca	1.07
Hamilton	1.05	Shelby	1.05
Hancock	1.07	Stark	1.08
Hardin	1.07	Summit	1.08
Harrison	1.08	Trumbull	1.11
Henry	1.06	Tuscarawas	1.08
Highland	1.05	Union	1.07
Hocking	1.07	Van Wert	1.05
Holmes	1.06	Vinton	1.07
Huron	1.07	Warren	1.06
Jackson	1.05	Washington	1.08
Jefferson	1.10	Wayne	1.08
Knox	1.08	Williams	1.06
Lake	1.10	Wood	1.07
Lawrence	1.06	Wyandot	1.07

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.98	Le Flore	$0.94
Alfalfa	.98	Lincoln	.98
Atoka	.98	Logan	.98
Beaver	.97	Love	1.00
Beckham	.98	McClain	.98
Blaine	.98	McCurtain	.94
Bryan	.97	McIntosh	.98
Caddo	.98	Major	.97
Canadian	.98	Marshall	.98
Carter	.98	Mayes	1.02
Cherokee	.99	Murray	.98
Choctaw	.94	Muskogee	.98
Cimmarron	.97	Noble	.98
Cleveland	.98	Nowata	1.03
Coal	.98	Okfuskee	.98
Commanche	.98	Oklahoma	.98
Cotton	.98	Okmulgee	.98
Craig	1.03	Osage	1.00
Creek	.99	Ottawa	1.03
Custer	.98	Pawnee	.98
Delaware	1.02	Payne	.98
Dewey	.97	Pittsburg	.98
Ellis	.97	Pontotoc	.98
Garfield	.98	Pottawatomie	.98
Garvin	.98	Pushmataha	.94
Grady	.98	Roger Mills	.94
Grant	.98	Rogers	1.02
Greer	.98	Seminole	.98
Harmon	.98	Sequoyah	.98
Harper	.96	Stephens	.98
Haskell	.96	Texas	.97
Hughes	.98	Tillman	.98
Jackson	.98	Tulsa	1.01
Jefferson	.98	Wagoner	1.00
Johnston	.98	Washington	1.03
Kay	.99	Washita	.98
Kingfisher	.98	Woods	.97
Kiowa	.98	Woodward	.97
Latimer	.94		

OREGON

Baker	$1.12	Lake	$1.06
Benton	1.16	Lane	1.11
Clackamas	1.17	Lincoln	1.06
Clatsop	1.11	Linn	1.16
Columbia	1.14	Malheur	1.04
Coos	1.01	Marion	1.19
Crook	1.15	Marrow	1.17
Curry	1.04	Multonomah	1.19
Deschutes	1.15	Polk	1.18
Douglas	1.05	Sherman	1.19
Gilliam	1.17	Tillamook	1.20
Grant	1.16	Umatilla	1.15
Harney	1.00	Union	1.13
Hood River	1.20	Wallowa	1.11
Jackson	1.05	Wasco	1.20
Jefferson	1.17	Washington	1.20
Josephine	1.05	Wheeler	1.17
Klamath	1.07	Yamhill	1.19

PENNSYLVANIA

County	Rate per bushel
All counties	$1.14

RHODE ISLAND

All counties	$1.14

SOUTH CAROLINA

All counties	$1.20

SOUTH DAKOTA

Aurora	$0.96	Codington	$1.02
Beadle	.99	Corson	.90
Bennett	.91	Custer	.88
Bon Homme	.99	Davison	.97
Brookings	1.02	Day	1.01
Brown	.99	Deuel	1.04
Brule	.97	Dewey	.90
Buffalo	.97	Douglas	.97
Butte	.87	Edmunds	.97
Campbell	.94	Fall River	.86
Charles Mix	.97	Faulk	.98
Clark	1.01	Grant	1.04
Clay	1.00	Gregory	.98

SOUTH DAKOTA—continued

County	Rate per bushel	County	Rate per bushel
Haakon	$0.93	Miner	$0.99
Hamlin	1.02	Minnehaha	.99
Hand	.98	Moody	1.02
Hanson	.97	Pennington	.90
Harding	.86	Perkins	.88
Hughes	.97	Potter	.97
Hutchinson	.98	Roberts	1.02
Hyde	.97	Sanborn	.97
Jackson	.92	Shannon	.90
Jerauld	.97	Spink	1.00
Jones	.95	Stanley	.96
Kingsbury	1.01	Sully	.97
Lake	1.00	Todd	.96
Lawrence	.87	Tripp	.97
Lincoln	.99	Turner	.98
Lyman	.96	Union	1.00
McCook	.97	Walworth	.95
McPherson	.96	Washabaugh	.92
Marshall	1.00	Yankton	.98
Meade	.87	Ziebach	.89
Mellette	.96		

TENNESSEE

All counties	$1.15

TEXAS

Archer	$0.99	Hunt	$1.04
Armstrong	.98	Jack	1.02
Bailey	.98	Johnson	1.07
Baylor	.98	Jones	.99
Bosque	1.09	Karnes	1.11
Bowie	1.03	King	.98
Briscoe	.98	Knox	.98
Brown	1.05	Lamb	.98
Callahan	1.01	Lampasas	1.09
Carson	.98	Limestone	1.13
Cass	1.04	Lipscomb	.97
Castro	.98	Lubbock	.98
Childress	.98	Lynn	.98
Clay	1.01	McCulloch	1.05
Cochran	.98	McLennan	1.11
Collin	1.06	Mason	1.05
Collingsworth	.98	Mitchell	.98
Comanche	1.05	Montague	1.02
Concho	1.05	Moore	.97
Coryell	1.10	Motley	.98
Cottle	.98	Newton	1.14
Dallam	.97	Nolan	.98
Dawson	.98	Ochiltree	.97
Deaf Smith	.98	Oldham	.98
Denton	1.05	Palo Pinto	1.03
Dickens	.98	Parker	1.06
Donley	.98	Parmer	.98
Eastland	1.03	Potter	.98
Fannin	1.04	Randall	.98
Fisher	.98	Reeves	.89
Floyd	.98	Roberts	.97
Foard	.98	Runnels	1.01
Gaines	.98	San Saba	1.05
Gillespie	1.06	Scurry	.98
Gray	.98	Sherman	.97
Grayson	1.04	Smith	1.09
Hale	.98	Stonewall	.98
Hall	.98	Swisher	.98
Hansford	.97	Tarrant	1.07
Hardeman	.98	Taylor	1.00
Hartley	.97	Terry	.98
Haskell	.98	Wheeler	.98
Hemphill	.97	Wichita	1.00
Hidalgo	1.02	Wilbarger	.98
Hockley	.98	Wise	1.05
Hood	1.05	Yoakum	.98
Howard	.98	Young	1.02

UTAH

County	Rate per bushel
All counties	$0.90

VERMONT

All counties	1.14

VIRGINIA

All counties	1.14

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.15	Lewis	$1.12
Asotin	1.12	Lincoln	1.14
Benton	1.17	Mason	1.11
Chelan	1.15	Okanogan	1.13
Clallam	1.04	Pacific	1.11
Clark	1.19	Pend Oreille	1.07
Columbia	1.15	Pierce	1.17
Cowlitz	1.16	San Juan	1.14
Douglas	1.14	Skagit	1.14
Ferry	1.10	Skamania	1.20
Franklin	1.15	Snohomish	1.15
Garfield	1.15	Spokane	1.12
Grant	1.15	Stevens	1.08
Grays Harbor	1.11	Thurston	1.12
Island	1.15	Wahkiakum	1.16
Jefferson	1.05	Walla Walla	1.15
King	1.18	Whatcom	1.13
Kitsap	1.09	Whitman	1.13
Kittitas	1.19	Yakima	1.18
Klickitat	1.19		

WEST VIRGINIA

All counties	$1.14

WISCONSIN

Adams	$1.11	Marathon	$1.06
Ashland	1.07	Marinette	1.07
Barron	1.05	Marquette	1.11
Bayfield	1.01	Menominee	1.09
Brown	1.11	Milwaukee	1.17
Buffalo	1.02	Monroe	1.08
Burnett	1.09	Oconto	1.09
Calumet	1.12	Oneida	1.04
Chippewa	1.05	Outagamie	1.11
Clark	1.05	Ozaukee	1.15
Columbia	1.13	Pepin	1.02
Crawford	1.06	Pierce	1.04
Dane	1.14	Polk	1.08
Dodge	1.14	Portage	1.08
Door	1.05	Price	1.04
Douglas	1.10	Racine	1.17
Dunn	1.05	Richland	1.11
Eau Claire	1.05	Rock	1.16
Florence	1.00	Rusk	1.06
Fond Du Lac	1.13	St. Croix	1.05
Forest	1.05	Sauk	1.13
Grant	1.09	Sawyer	1.03
Greene	1.15	Shawano	1.09
Green Lake	1.12	Sheboygan	1.14
Iowa	1.12	Taylor	1.04
Iron	1.03	Trempealeau	1.05
Jackson	1.06	Vernon	1.07
Jefferson	1.15	Vilas	1.04
Juneau	1.10	Walworth	1.16
Kenosha	1.18	Washburn	1.03
Kewaunee	1.08	Washington	1.15
La Crosse	1.07	Waukesha	1.16
Lafayette	1.12	Waupaca	1.10
Langlade	1.07	Waushara	1.11
Lincoln	1.05	Winnebago	1.12
Manitowoc	1.12	Wood	1.07

WYOMING

All counties	$0.90

(c) *Discounts.* The basic support rate shall be adjusted by discounts as follows: Rye containing more than three-tenths of 1 percent ergot (ergoty rye containing in excess of 1 percent is not eligible for warehouse-storage loans):

Ergot content (percent):	Discount (cents per bushel)
0.31–0.40	1
0.41–0.50	2
0.51–0.60	3
0.61–0.70	4
0.71–0.80	5
0.81–0.90	6
0.91–1.00	7

Rye grading No. 4 on the factor of test weight only:

Test weight (pounds):	Discount (cents per bushel)
51.0–51.9	5
50.0–50.9	10
49.0–49.9	15

Rye grading No. 3 on account of being "thin":

"Thin" rye (percent):	Discount (cents per bushel)
15.1–17.0	1
17.1–19.0	2
19.1–21.0	3
21.1–23.0	4
23.1–25.0	5

Rye grading No. 4 on account of being "thin":

The discounts shall be 5 cents per bushel plus 1 cent for each 2 percent of "thin" rye or fraction thereof, in excess of 25 percent.

	Discount (cents per bushel)
Weed control discount (where required by § 1421.17)	10

Other Factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value or rye, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established approximately 1 month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at ASCS county officers approximately 1 month prior to the loan maturity date or as soon thereafter as practicable.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 21, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6290; Filed, May 28, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18051, RM-1220; FCC 69-570]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Rockford, Mendota, and Peru, Ill.

Second report and order. In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Hollister, Calif.; Dexter, Mo., Liberty, Ky., Rockford, Mendota, and Peru, Ill., Livingston, Tex., La Crosse, Wis., Wichita, Great Bend, El Dorado, and Hutchinson, Kans., Marion, Ill., and Vero Beach, Fla.), Dockets Nos. 18051, RM-1235, RM-1239, RM-1248, RM-1220, RM-1238, RM-1244, RM-1245.

1. In a first report and order in this proceeding issued on May 3, 1968 (FCC 68-486), the Commission disposed of all the matters before it except for RM-1220, pertaining to assignment of a Class A channel to Rockford, Ill., as discussed below. The present document deals with that remaining matter. The determination made herein includes consideration of all the comments, data, and reply comments submitted in response to the notice. All population figures referred to herein are from the 1960 U.S. Census.

2. Our proposal in the notice of proposed rule making herein was based on a petition for rule making filed by Greater Rockford Sound, Inc., then an applicant for a new FM station at Rockford, Ill., requesting the addition of a third FM assignment to Rockford by making two other necessary changes in the table, as follows:

City (all in Illinois)	Channel No. Present	Channel No. Proposed
Rockford	248, 265A	248, 265A, 285A
Mendota	265A	261A
Peru	261A	265A

Rockford has a population of 126,706 and its Standard Metropolitan Statistical Area (Winnebago County) has a population of 209,765. One FM station operates on Class B Channel 248 in Rockford; the city also has three AM stations, one unlimited-time and two daytime-only. The Peru channel is unoccupied. The second FM channel, 285A, listed in the Table for Rockford, has been authorized for a new station at Belvidere, Ill. (Docket 17593, File No. BPH-5755), under the former "25-mile" provision of § 73.203(b).[1] Belvidere is some 12 miles east of Rockford, in a different county and not in either the Rockford SMSA or the urbanized area as shown in the 1960 U.S. Census. There are two other Class A FM stations in the Rockford SMSA, at Loves Park and Winnebago.

3. Petitioner states that the facts elicited in a previous rule making proceeding to assign the second FM channel to Rockford (Docket No. 16762, First Report and Order issued on Oct. 7, 1966, 5 FCC 2d 188) establish the need and merit for a third FM assignment to the city. The criterion used for a city of this size in setting up the table, four to six assignments, is cited as evidence of this. Petitioner also submits that this assignment would not preclude assignments on any of the six adjacent channels due to existing stations in the general area. Channel 265A itself, if not assigned to Rockford, could be used in one of a few other places in the area; of these, Freeport (pop. 26,628) and Loves Park (pop. 9,086) have FM assignments (Class B and Class A, respectively) and the others are all of less than 2,000 persons (one of these, Winnebago, has an FM station). Since the proposal would require the existing station at Mendota to shift channels, if it also requested that the licensee of WGLC-FM be ordered to show cause why its license should not be modified to specify Channel 261A instead of 265A.

4. Jel-Co Radio, Inc., licensse of Station WGLC-FM, Channel 265A, Mendota, Ill., opposes the substitution of Channel 261A for 265A at Mendota on several grounds. First, it urges that there has been no compelling showing of need for the additional assignment in Rockford to warrant the change in assignment for WGLC-FM. Second, it asserts that there would be a direct monetary cost to WGLC-FM and other costs involved in the disruption to its operations. Third, it contends that Rockford, with its two assigned FM channels and a third FM station in operation at Loves Park (adjacent to Rockford and within its SMSA and urbanized area), has no need for an additional assignment. And finally, it submits that proponent has not shown that there is no preferable means of accomplishing the proposed result with lesser cost to the public interest. Jel-Co also urges the Commission to await the establishment of the Rockford FM station on the newly assigned channel, 285A, in order to determine whether there is a need for another FM facility in that city. It is also asserted that at present WGLC-FM has a distinct advantage in the compatibility of the frequencies for the AM and FM stations, 1090 kc/s for WGLC and 100.9 for WGLC-FM. With respect to the preclusion showing made by petitioner, Jel-Co states that it is admitted that Channel 265A would be precluded from assignment to other communities which have no FM assignments or other larger ones which have a single FM channel. Jel-Co provides an itemized estimate that it will cost $9,740 to shift WGLC-FM to a new frequency.

5. In response to the question raised in the Notice on the need of an additional Rockford assignment, Greater Rockford Sound submits exhibits on the growth pattern of the Rockford SMSA, asserting that it is due to Rockford's mushrooming population, and urges thereby that Rockford should not be deprived of its fair share of FM assignments. Letters supporting the assignment are also included from the mayor of Rockford and the assistant to the director, Illinois Department of Mental Health. Regarding the invitation in the notice for comments on the willingness of petitioner to "defray the reasonable costs of the channel change for WGLC-FM", petitioner states that it would be willing to defray the "minimum cost" for such change in the event Channel 265A is assigned to Rockford and subsequently granted to Greater Rockford Sound.

6. In reply comments, Jel-Co claims that the proponent's limited response to the Commission's specific invitation for comments on (1) the need for the additional assignment and (2) its willingness to meet reasonable costs for WGLC-FM's channel change, fail to provide and adequate supportive showing on which to base a decision adopting petitioner's proposal.

7. During the pendency of this rule making proceeding, the second FM assignment at Rockford, Channel 285A, was granted to an applicant for construction of a new station at Belvidere (see paragraph 2 above and footnote 1). As mentioned earlier, Belvidere (the county seat of Boone County) is not located within the Rockford SMSA or county, or urbanized area, and under the present more restrictive "10 mile" rule (§ 73.203(b)) adopted in 1968 a station to be assigned to that city would not be entitled to use a Rockford channel. This substantially limits the extent to which Rockford can be regarded as

[1] The Belvidere authorization was granted by a decision released Sept. 30, 1968 (FCC 68R-399), subsequent to the filing of petition, comments and reply comments in this proceeding.

having two channels assigned now, or three if the proposal herein is adopted.[2]

8. We have carefully considered the proposal outlined above, and the opposition thereto, and conclude that the additional FM assignment by the changes required would serve the public interest and should be adopted. It would provide, in effect, a second local FM broadcast service for a large and growing city (the second largest in Illinois). Since cities of the size of Rockford were assigned, where possible, four to six channels in the Table of Assignments adopted in 1963, the provision of this channel as a second assignment is obviously in line with overall allocation principles. While there are three other channels and stations in the general area, we cannot regard them for this purpose as the same as Rockford assignments, and, even if they were so regarded, the total would be less than the maximum number of channels set forth in the criterion mentioned. With respect to the preclusion effect on other assignments, no comments were filed proposing use of the channel at any other community. This is a factor only on the one channel involved (265A), and the only other possible use of this channel warranting mention is possible assignment as a second channel at Freeport (population 26,628). We conclude that provision for a second Rockford FM station far outweighs possible use at the much smaller city of Freeport. The proposed channel is the only one which could be used at Rockford without involving either deletion of other stations or one or more short separations with other stations for which it does not appear that substitute channels could be provided.

9. The action taken here will necessitate a change in the operating frequency for WGLC–FM. Jel-Co submitted an estimate that the costs for the change would total $9,740. Although Greater Rockford Sound stated that it would defray "minimum costs" of the change (if it were the successful applicant for the channel), it does not state what it considers a reasonable amount, nor does it reply to the Jel-Co estimate. We do not here pass on what should be considered reasonable; we have, however, on other occasions stipulated which items of expense are appropriate for reimbursement and which are not. See, for example, second report and order in Docket 16662, released May 12, 1967, FCC 67–578, 8 F.C.C. 2d 159. However, we do believe that Jel-Co should be reimbursed for reasonable costs incurred by it in changing the WGLC–FM operation from Channel 265A to 261A. We have further repeatedly held in similar cases that reimbursement should come from the party which becomes the permittee on the new channel (see 3 F.C.C. 2d 605). We expect that parties eventually involved will attempt in good faith to reach agreement on what constitutes a reasonable settlement.

10. Since the change in the WGLC–FM channel is in the public interest, the licensee of WGLC–FM shall file its December 1, 1970, renewal application specifying operation on Channel 261A rather than 265A. Transcontinent Television Corp. v. FCC, 113 U.S. App. D.C. 284, 308 F. 2d 339, 23 R.R. 2064 (1962). The station may continue to operate on Channel 265A until December 1, 1970, or until such earlier time as, upon its request, the Commission authorizes interim operation under special operating authority on Channel 261A, following which it shall submit, within 30 days, the measurement data normally required of an applicant for an FM broadcast station license. On and after the date on which such interim operation is authorized to commence, the Commission will view the request of WGLC–FM as a relinquishment of Channel 265A and a waiver of any rights it may possess with regard to that channel. Channel 265A is being assigned to Rockford as of December 1, 1970, or such earlier date as the Commission may authorize interim operation on Channel 261A to WGLC–FM as mentioned above.

11. An application field by George W. Yazell, File No. BPH–6576, is pending for Channel 261A at Peru, Ill. Since action being taken here changes the Peru assignment to Channel 265A, the Peru application may be amended to specify Channel 265A, after which time the application will be processed in the usual manner. In the event an application is granted for Channel 265A at Peru, commencement of operation of the station will be subject to the provisions of the footnote to the table for the assignments indicated in paragraph 13 below.

12. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

13. In view of the foregoing: *It is ordered*, That effective June 30, 1969, the FM Table of Assignments, §73.202 of the rules and regulations of the Commission, is amended, insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Illinois:	
Mendota	261A[1]
Peru	265A[1]
Rockford	248, 265A,[1] 285A

[1] Effective 3 a.m. central standard time, December 1, 1970 (concurrently with expiration of the outstanding license for Station WGLC–FM on Channel 265A at Mendota, Ill.), or such earlier date as Station WGLC–FM may, upon its request, cease operation on Channel 265A at Mendota, Ill.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 21, 1969.

Released: May 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–6383, Filed, May 28, 1969; 8:48 a.m.]

[Docket No. 18125; FCC 69–571]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Glasgow, Ky., and Columbia, S.C.

Second report and order. In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations. (Camden, S.C., Brinkley, Ark., Concord, N.H., Pontiac, Ill., Du Quoin, Ill., Glasgow, Ky., Norman and Duncan, Okla., Glendive, Mont., Brandon and Sarasota, Fla., Columbia, S.C., Lynchburg, Va., Upper Sandusky and Galion, Ohio, and Altavista, Va.), Docket No. 18125, RM–1254, RM–1257, RM–1261, RM–1263, RM–1266, RM–1255, RM–1282, RM–1258, RM–1262, RM–1249, RM–1264, RM–1269, RM–1268.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on April 12, 1968, FCC 68–382, and published in the FEDERAL REGISTER on April 17, 1968 (33 F.R. 5888), proposing a number of changes in the FM Table of Assignments advanced by various interested parties. In a previously issued first report and order (68–737), all petitions except for RM–1261, Concord, N.H.; RM–1255, Glasgow, Ky.; and RM–1264, Columbia, S.C., were disposed of. The subject decision concerns two of the remaining three petitions. All population figures, unless otherwise stated, are those shown in the 1960 U.S. Census. All duly filed comments and data were considered in making the following determinations.

2. *RM–1255, Glasgow, Ky.* In a petition for rule making filed on February 13, 1968, John M. Barrick, licensee of daytime-only Station WCDS(AM), Glasgow, Ky., requested the assignment of a second FM channel to Glasgow, as follows:

City	Channel No.	
	Present	Proposed
Glasgow, Ky.	236	236, 288A

Glasgow has a population of 10,069 and Barren County, of which it is the seat and largest community, has a population of 28,303.[4] In addition to an FM station operating on Channel 236, it has two AM stations, a Class IV and a daytime-only. Barrick submits that Glasgow is in the heart of an agricultural area in south-central Kentucky, that there are 300 retail trade establishments in it, that the total retail sales in 1960 were $22 million, and that its trading area population is about 100,000.[5] It is urged that the proposal would provide a much needed additional FM station without requiring any other changes in the table.

3. Petitioner submits an engineering statement showing that there would be no areas precluded from assignment by virtue of the addition of Channel 288A to Glasgow, on any of the six adjacent channels due to existing stations and assignments in the general area. With respect to Channel 228A itself, there would be a "preclusion" area of about 40 square miles which contains no community with a population of 1,000 or more persons.[6] Petitioner concludes that the assignment of the channel would not have an adverse effect on future needed assignments in other communities. Finally, noting that a site about 6 miles south of Glasgow would be required so as to meet the spacing requirements of the rules, petitioner indicates that sites are available from which all the requirements of the rules can be met.

4. Glasgow Broadcasting Co., licensee of Stations WKAY (unlimited-time AM) and WGGC–FM in Glasgow, opposes the proposed assignment on the grounds that there is no showing of need for an additional Glasgow outlet; that no assignment should be made until the rule making in Docket 18110 relating to common ownership of multiple outlets in the same community is resolved; and that operation of a station at the distance from Glasgow required to meet the spacing requirements would result in a marginal operation at best, both technically and financially. It is noted in an engineering statement submitted with the opposition comments that a hypothetical maximum Class A station (3 kw. E.R.P. 300 feet a.a.t.) located within the limited area meeting the minimum spacing requirements would barely provide a theoretical city grade signal over the far city limits of Glasgow. It is further illustrated by a terrain profile graph that intervening terrain between the site and city would prevent line-of-sight transmission from an assumed antenna height of 321 feet[7] over portions of the city. The opposition questions, therefore, whether the requirements of § 73.315(b) of the rules would be met and whether, as a practical matter, a principal-city signal would be obtainable from such a site, the conclusion being drawn therefrom that such a restrictive assignment would represent an inferior allocation.

5. In support of its contention as to lack of need, the opponent calls attention to the two AM and one FM stations already in Glasgow, a daily and weekly newspaper there, service from radio and TV stations elsewhere and a Glasgow CATV system, and circulation in the area of other newspapers. It is asserted that TV Station WLTV, Bowling Green, Ky. (a city some 30 miles away) provides local coverage of Glasgow news and events. It is asserted that these media adequately serve any needs which may exist, and that petitioner's showing certainly falls far short of the "convincing showing of need" required by our May 1967 Public Notice concerning additional FM channel assignments, particularly where the proposal is for a second channel in a rather small community (see FCC 67–577, 9 R.R. 2d 1245). It is urged that there is adequate economic support for existing media but would not be for an additional one, at least without material financial injury to other media and resulting curtailment of service to the public. It is said that the possibility of adequate economic support is particularly dubious in view of the technical requirements the proposed operation would have to meet—a tall antenna tower needed to provide coverage of Glasgow, from the distance the station would have to be located south of the city, and impossibility of using the WCDS(AM) site. With respect to the pending Docket 18110 rule making proceeding, it is recognized that the Commission's outstanding proposal does not contemplate preventing daytime AM and FM combinations; but it is asserted that such a prohibition might ultimately be adopted, and that independent FM operation—the only alternative use of the channel—is out of the question in view of the size of the market and number of stations.

6. In reply to the opponent's contentions, petitioner submits that since the present two nighttime Glasgow stations are operated by the opposition, adoption of its proposal would permit establishment of a "first competitive nighttime broadcast service" to the community. Various statistics provided by the opposition pertaining to Glasgow, together with the fact that other smaller Kentucky communities have been assigned two FM assignments[8] are cited to support petitioner's contention that Glasgow is sufficiently important to warrant assignment of a second FM channel. Petitioner asserts that the opposition's allegations of economic injury lack supportive evidence. Finally, petitioner urges that, in view of the limited area from which the proposed channel may be assigned, if the proposed assignment is not made it will lie fallow in an underserved area of Kentucky.[9]

7. After careful review of the comments and data submitted in this case, we come to the conclusion that the proposal to assign Channel 288A to Glasgow would serve the public interest and should be adopted. Such action would provide a means of implementing a second local FM service and a second source of nighttime programing to a community of over 10,000 people and its surrounding rural area. We recognize that the location required to satisfy all spacing requirements (5 to 6 miles south of Glasgow city limits) necessitates selection of a site less than ideal with respect to the primary objective of serving Glasgow. However, there has been no evidence submitted in this proceeding to indicate that terrtain obstacles could not be adequately overcome by a reasonable antenna height over that assumed by the opposition in its comments (with a corresponding reduction in E.R.P.), or that, in fact, the minimum required signal would not be provided to the community, even with the antenna height assumed. Line of sight over the entire city, while it is highly desirable, is not an absolute prerequisite to authorization of an FM station.

8. While the showing as to "need" may be less than that in other cases, we are persuaded that under the circumstances here provision for a second local nighttime service establishes it sufficiently, particularly where, as noted above, there is no other use of the channel which would otherwise be possible. We agree with petitioner that the arguments as to possible economic injury to existing media are much too speculative to warrant restrictive action here. We would also note that our review of the financial reports for the Glasgow stations does not provide a basis for rejecting the new assignment. As to the argument that we should not make the assignment as long as Docket 18110 is pending, this warrants little discussion here, especially since the petitioner (and potential applicant) would not be precluded under the rule as proposed. Even if we were to assume that there are no other potential applicants, it cannot be assumed that operation by petitioner, a daytime-only AM licensee, would be contrary to the public interest.

9. We also believe that the assignment of a Class A channel as a second assignment at Glasgow is warranted even though it will mean a mixture of Class A and Class C assignments in the same community, something which, as a general principle, we have tried to avoid. It does not appear that any Class C assignment is available. Accordingly, we are assigning Channel 288A to Glasgow, Ky. Its use must, of course, comply with applicable technical rules.

10. *RM–1264, Columbia, S.C.* In a petition filed on March 1, 1968, Cosmos Broadcasting Corp., licensee of fulltime Station WIS (AM), Columbia, S.C., requests the addition of Class A Channel 228 to Columbia to the two Class C assignments there, as follows:

City	Channel No.	
	Present	Proposed
Columbia, S.C.	250, 284	228A, 250, 284

[2] The site authorized for Belvidere is about 7 miles west thereof in order to meet the spacing requirements of the rules. This places it about 5.5 miles from Rockford, from which location the predicted 3.16 mv/m contour includes most, if not all, of the city of Rockford. If the assignment of Channel 265A is made at Rockford as proposed herein, it can be used only for a station assigned to that city, since § 73.203(b) as amended in 1968 limits the number of assignments available elsewhere under the "10-mile" rule to one.

[3] Commissioner Cox abstaining from voting; Commissioner Wadsworth absent.

[4] Petitioner states that, according to information by the Glasgow Chamber of Commerce, the Glasgow population in 1967 was in excess of 14,000 persons.

[5] The opponent of the proposal asserts that, as Chamber of Commerce figures, these are of limited reliability, and calls attention to 1963 U.S. Census Bureau (Business Census) figures. These show Glasgow with 238 retail establishments with sales of $26,642,000; 108 service establishments with receipts of $2,516,000; and 43 wholesale businesses with sales of $32,601,000.

[6] The "preclusion area" on Channel 288A was substantially reduced during the pendency of this proceeding, by assignment of Channel 288A to Liberty, Ky. (RM–1248, Docket 18051, FCC 68–486).

[7] This represents the maximum height above ground permitted to provide 300 feet above average terrain at the assumed site, which is the maximum antenna height a.a.t. permitted with the maximum effective radiated power (3 kw.). With lesser power a greater height could be used. See §§ 73.211(b) and 73.333 (fig. 3) of the rules.

[8] Corbin (population 7,119) and Prestonburg (3,133), and also Madisonville, Ky. (13,110), only slightly larger than Glasgow.

[9] A supplemental engineering statement by petitioner pertaining to its reply comments was filed Sept. 16, 1968, some 3 months after the last date specified for such comments. Since the statement was not accompanied by a showing of good cause for acceptance of the late filing, it is not being considered in this proceeding.

Columbia, the capital of South Carolina, has a population of 97,433 and its SMSA has a population of 300,102. The two Class C FM assignments are in operation as are five AM stations, two unlimited time, two Class IV, and one daytime-only.

11. Cosmos states that the growth of Columbia and its county have been significant and estimates the 1967 population of the city as 107,300 and that of the county as 236,700 persons. It submits that the total retail sales for 1966 were $255,949,000 and $380,044,000 for the city and county, respectively. It urges that the additional FM assignment falls within the general city population criteria used in making up the table. An engineering showing is submitted showing that no assignments will be precluded on the six pertinent adjacent channels. On Channel 228A itself, a very small area would be precluded in the event it is assigned to Columbia, the only community of any significant size contained therein (outside the Columbia area) being Camden.[7] Thus, Cosmos concludes that the assignment of a third FM channel to the large and growing community of Columbia would have no adverse effects on future needed assignments elsewhere.

12. Palmetto Radio Corp., licensee of Stations WNOK–AM–FM–TV, Columbia, opposes the proposed assignment primarily on the grounds that it would result in mixture of Class A and C channels in the same community contrary to the Commission's stated position in this respect; that a Class A assignment to the Columbia Metropolitan Area would be inappropriate in view of the primary purpose intended for Class A channels, i.e., to serve smaller communities some distance from metropolitan centers; and that the assignment would severely restrict site selection in using Channel 229 at Charleston, S.C. Finally, Palmetto contends that adoption of the proposal would be premature at this time, since Cosmos is a licensee of fulltime AM and TV stations in Columbia and action on an application by Cosmos for the channel could not, therefore, be taken under the interim policy adopted by the Commission in Docket 18110.[8]

13. Cosmos acknowledges that the pending rule making proceeding (and the interim procedure adopted therein) in Docket 18110 would present impediments to its filing an application for Channel 228A if its proposed assignment were adopted. Cosmos therefore notes that it filed a "Petition for Declaratory Ruling" on May 10, 1968, seeking removal of similar impediments to its acquisition of the authorization of Class C FM Station WFIG, Channel 267C, Sumter, S.C., so as to enable Cosmos to bring a Class C service to the area.[9] Cosmos further submits that, even though Channel 228A would not have the priority of a Class C channel, it is shown to be technically feasible in the area and urges its assignment in addition to any other Class C service available to the city.

14. A proposal is outstanding in another notice of proposed rule making released March 6, 1969 (RM–1376, Docket 18476, FCC 69–207), to assign Channel 244A to Cayce, S.C., an adjacent Columbia urbanized community of 8,517 population. In comments filed in the latter proceeding by the Cayce petitioner, Lexington County Broadcasters, Inc. (WCAY(AM)), it is proposed to assign Channel 228A to Cayce in lieu of its original proposal for 244A in order to avoid a potential harmonic interference relationship with Television Station WIS–TV, Channel 10, Columbia. Supporting comments for the change in the Cayce assignment were also filed by Cosmos, the Columbia petitioner and licensee of Station WIS–TV. It is to be noted that until such time as a channel may be assigned to Cayce, if Channel 228A is assigned to Columbia it will be available for applications at Cayce under the "10-mile" rule (73.203(b)). Furthermore, it appears that still another Channel, 261A, would meet the separation requirements at Cayce; thus, even assuming the concern for the interference potential of Channel 244A has merit, assigning Channel 228A to Columbia would not foreclose availability of a channel for applications at Cayce.[10]

15. After careful consideration of petitioner's proposal outlined above, and the opposition thereto, we are of the view its adoption would serve the best interests of the public and should be adopted. A third FM assignment at Columbia would conform to the general criteria used in making the table and appears to be warranted by the city's size and importance. In view of the size of Columbia and its metropolitan area, a Class C channel is to be preferred to a Class A assignment; however, in this case a Class C channel does not appear available without making deletions or changes in existing operating stations. Under these circumstances, departure from our usual policy of avoiding mixture of classes of stations in the same community, or making a Class A assignment to the principal city of a metropolitan area, appears warranted. We take special notice here of the fact that no community having a need will be precluded from a channel if the proposal is adopted. Aside from Camden, S.C., where an FM assignment has already been provided in this proceeding, the only communities of significant size where an assignment could otherwise be made are close to Columbia itself (including Cayce, mentioned above) and the new assignment will be available to potential applicants under the "10-mile" rule (§ 73.203(b)). The fact that petitioner may be barred from a grant of an application for the channel under the interim policy (Docket 18110) does not detract from the merit of assigning the channel, since any qualified applicant may apply for the channel when added to the table. As to the alleged restriction that the assignment would have on siting of an antenna for a Channel 229 station at Charleston, S.C., the assignment as adopted meets the minimum spacing requirements of the rules, and we do not have evidence that it would be unduly restrictive. Indeed, because of the very limited area to which Channel 228A may be used around Columbia and meet the minimum spacing requirements of the rules, its assignment there will add to the overall efficiency of the FM assignment plan.

16. In view of the foregoing, we are assigning Channel 228A to Columbia, S.C.

17. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. In accordance with the foregoing determinations: *It is ordered*, That effective June 30, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	*Channel No.*
Kentucky:	
Glasgow	236, 288A
South Carolina:	
Columbia	288A, 250, 284

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 21, 1969.

Released: May 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–6384; Filed, May 28, 1969; 8:48 a.m.]

[7] Camden was assigned Channel 232A in this proceeding, RM–1254, First Report and Order, Docket 18125, FCC 68–737.

[8] Rule making in Docket 18110 (FCC 68–332, March 1968) would, 'inter alia, preclude grant of an FM license to a party licensed an unlimited-time AM station in the same market. The interim policy simultaneously adopted in the notice makes the proposed rules applicable pending finalization of the proceeding.

[9] Cosmos' "Petition for Declaratory Ruling" was dismissed on May 24, 1968, on the grounds that it constituted a request for reconsideration of the interim policy adopted in Docket 18110 and was, therefore, not timely filed.

[10] A petition, RM–1452, received May 14, 1969, from Midland Valley Investment Co., Inc., contains a plan for assigning Channel 261A to Burnettown, S.C., which, if adopted, would preclude assignment of Channel 261A to Cayce, S.C. Accordingly, the Burnettown petition will be considered with any proposal to assign Channel 261A to Cayce.

[11] Commissioner Cox abstaining from voting; Commissioner Wadsworth absent.

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—WHALING

PART 230—WHALING PROVISIONS

Fin and Sei Whale Quotas for North Pacific

On March 29, 1969, a notice of proposed rule making (34 F.R. 5950), was published to amend Part 230, Title 50, Code of Federal Regulations, the U.S. Whaling Regulations. It was proposed to add a new § 230.25 to the regulations which would establish a catch quota for fin and sei whales for the North Pacific. The proposal was published pursuant to the Whaling Convention Act of 1949 which authorizes the Secretary of the Interior to adopt such regulations as may be necessary to carry out the purposes and objectives of the International Whaling Convention.

Interested persons were given the opportunity to submit written comments to the Director, Bureau of Commercial Fisheries, Department of the Interior. Written comments were accepted through April 29, 1969.

Several comments were received. The need to regulate this fishery through the establishment of international catch quotas, overrides the objections raised to the quota imposed on the U.S. whaling company involved. Under the terms of an international agreement, if this quota system is not adopted by the United States for 1969, there will be no limitation on the number of fin and sei whales taken in the North Pacific by any nation during the coming season. This could result in a disastrous reduction of the total population of these two species.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

The new section will be added following the existing § 230.22, and the new section reads as follows:

CATCH QUOTAS

§ 230.25 Fin and sei whale quotas for the North Pacific.

Beginning with the 1969 season for taking baleen whales, it is forbidden for U.S. citizens to take more than 44 fin whales, plus or minus 10 percent, and 60 sei whales from the waters of the North Pacific Ocean.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated May 23, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69–6375; Filed, May 28, 1969; 8:47 a.m.]

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Restrictions Applicable to Fishing Vessels

The document revising Part 280, Title 50, of the Code of Federal Regulations, published in the FEDERAL REGISTER on May 17, 1969, at 34 F.R. 7856, is corrected by inserting in § 280.6(c)(3) the word "capacity" between the words "vessel's carrying" and "in."

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (34 F.R. 11685) and dated May 23, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69–6358; Filed, May 26, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–SO–32]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. 51, 159, 267, and 492.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration is considering the following airspace actions:

1. Realign V–51 and V–267 segments from Miami, Fla., with a 1,200-foot AGL floor via the intersection of Miami 343° T (343° M) and Pahokee, Fla., 169° T (169° M) radials; to Pahokee.

2. Realign V–159 segment from Miami with a 1,200-foot AGL floor via the intersection of Miami 343° T (343° M) and Palm Beach, Fla., 222° T (222° M) radials; to Palm Beach.

3. Realign V–492 south alternate segment from La Belle, Fla., with a 1,200-foot AGL floor via the intersection of La Belle 113° T (112° M) and Palm Beach 252° T (252° M) radials; to Palm Beach.

These proposed airway realignments would facilitate the transition of high altitude arrival and departure traffic in the Miami terminal area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 20, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6372; Filed, May 28, 1969; 8:47 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM–23; Notice No. 69–16]

NEW SPECIFICATION 8BW CYLINDER FOR ACETYLENE

Notice of Extension of Time To File Comments

On April 23, 1969 the Hazardous Materials Regulations Board published a notice of proposed rule making (34 F.R. 6797) proposing to add a new cylinder specification 8BW (49 CFR 178.62) for shipping acetylene, to the Hazardous Materials Regulations of the Department of Transportation. That notice stated that all comments received before May 29, 1969, would be considered by the Board before taking final action on the notice.

The Pressed Steel Tank Co., Inc., by letter dated May 2, 1969, has requested the Board to extend the period for filing comments to June 30, 1969. The petitioner occupies a major role in the fabrication of acetylene cylinders and desires additional time to facilitate its technical review of the proposed cylinder specification.

The Board believes that the petitioner has shown a substantive interest in the matter and that the request made is justified. Therefore, the time within which comments on Docket No. HM–23; Notice No. 69–11 will be received is extended to June 30, 1969.

Issued in Washington, D.C., on May 26, 1969.

J. B. MCCARTY, JR.,
Captain, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

MERRITT D. BOYLE,
For Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69–6382; Filed, May 28, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CHINESE TYPE FOODSTUFFS

Importation Directly From Taiwan (Formosa); Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of the Republic of China under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following commodities:

Broad beans, flavored, fried.
Allium bakeri, seasoned.

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 69–6394; Filed, May 28, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 22, 1969.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, Sacramento 079877, for withdrawal and reservation of lands for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, was published as F.R. Doc. 65–11539 on pages 13747 and 13748 of the issue for October 28, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 10 E.,
Sec. 28, lot 5.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on June 26, 1969, will be relieved of the segregative effect of the above-mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69–6359; Filed, May 28, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MAINLAND CANE SUGAR AREA

1970 Crop Proportionate Shares

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the need for establishing proportionate shares for the 1970 sugarcane crop in the Mainland Cane Sugar Area (Louisiana and Florida).

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in the area will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determinations may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted at the Americana Hotel, Miami Beach, Fla., beginning at 10 a.m., e.d.t., on June 6, 1969.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing, in triplicate, at the hearing, or may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250 so as to be received not later than June 30, 1969. Interested persons will be given the opportunity at the hearing to appear and submit orally data, views, and arguments in regard to the establishment of proportionate shares.

The farm proportionate shares in effect for the 1969 crop of sugarcane limit sugarcane acreage on farms in the Mainland Cane Sugar Area in total to 15 percent less than the proportionate share acreage established for the 1968 crop.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 23, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–6387; Filed, May 28, 1969; 8:48 a.m.]

Rural Electrification Administration

ORGANIZATION AND FUNCTIONS

The organization and functions of the Rural Electrification Administration are as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–15, 921–924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. He functions as the chief administrative official of the agency under the general supervision and direction of the Assistant Secretary, Rural Development and Conservation. He is aided directly by a Deputy Administrator and Assistant Administrators for the Electric Program, for the Telephone Program and for Administration. The work is carried on through the offices and divisions described in succeeding paragraphs.

JOINT ELECTRIC AND TELEPHONE PROGRAM ACTIVITIES

Office of Legislative and Regulatory Consultant. This office counsels and advises the Administrator as to policy, program, and procedural implications of Federal and State legislative and regulatory matters relating to the REA program. Maintains liaison with agencies of the Department of Agriculture and other Government agencies concerning such matters. The director of this office reports to the Deputy Administrator.

Joint Program Operations Staff. The Joint Program Operations Staff administers activities carried on by the program specialists working in both the rural electric and telephone programs. The staff activities included are: Labor relations, architectural engineering, borrowers' safety and training, equal employment and civil rights, member services, community development, loan review and borrowers' insurance. The director of this staff reports to the Deputy Administrator.

Borrowers' Financial Management Division. This division administers REA

activities concerned with electric and telephone borrowers' accounting and with the auditing of borrowers' records. The director of this division reports to the Deputy Administrator.

ADMINISTRATIVE ACTIVITIES

The administrative activities of the agency, as follows, are directed by the Assistant Administrator for Administration.

Office of Budget. This office administers the administrative and loan budget program of the agency and participates in program planning and evaluation. Maintains liaison on budgetary matters with Congressional Committees, the staff of the Department of Agriculture, the Bureau of the Budget, and other Government agencies.

Office of Program Analysis. This office analyzes and evaluates economic and statistical data concerning agency programs. Provides advice and assistance to the Office of the Administrator and to divisions and area offices to facilitate sound and effective program planning and appraisal. Conducts special program studies and analyses.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification and rural telephone programs.

Personnel Management Division. The division administers the personnel program of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Accounting and Administrative Services Division. The division administers agency activities concerned with: administrative and loan accounting and centralized statistical and data processing activities of the Agency; management analysis, cost reduction and operations improvement; and the general administrative service functions of the Agency pertaining to procurement, space, records management, and communications.

ELECTRIC PROGRAM ACTIVITIES

The electric program activities of REA are administered under the direction of the Assistant Administrator—Electric.

Electric Area Offices. The line activities of REA in the electric program are carried out primarily through five area offices with headquarters in Washington. Field employees have their homes as headquarters and operate under supervision of the area office in Washington. Within its assigned geographic area, each area office is responsible for: the appraisal of loan applications and the preparation of loan recommendations to the Administrator; the advance of loan funds to borrowers; the analysis of engineering and construction plans, designs, specifications and contracts; the review and approval of completed construction; appraisal of the financial and operating performance of borrowers' systems; and advice and assistance to borrowers concerning design, construction, management, operation, and maintenance of electric systems. The Power Supply Division supplements the work of the area offices by carrying out line and staff activities of REA related to construction of the facilities of Power Supply Borrowers.

The designation of the five area offices and the assigned geographic areas are as follows: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, Delaware, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona, and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, California, and Alaska.

Power Supply Division. This division provides technical staff assistance to the area offices, and to borrowers as requested, with respect to borrowers' electric generation and transmission systems. It also has the responsibility for both the line and staff activities of REA concerned with construction of the facilities of Power Supply Borrowers included in approved loans. The division maintains liaison with other organizations concerning the subject matter areas for which it is responsible.

Electric Operations and Standards Division. This division administers electric program staff activities for the processing by REA of electric loan applications and the development of proposed policies, standards, and procedures concerning the design, construction, management, technical operation, and retail rates of the electric distribution systems of REA borrowers. The division provides advice and assistance on the above subject matter to the electric area offices, and to borrowers as requested, and maintains liaison for REA with other organizations on matters within its functional responsibility.

TELEPHONE PROGRAM ACTIVITIES

The telephone program activities of REA are administered under the direction of the Assistant Administrator—Telephone.

Telephone Area Offices. The line activities of REA in the telephone program are carried out through five area offices with headquarters in Washington. The area offices employ field specialists, supervised from Washington, who have their homes as headquarters centrally located in areas they serve. Each area office, within its assigned geographic area: Appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; administers advance of funds to borrowers; and provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

The designation of the five area offices and the assigned geographic areas are as follows: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, Delaware, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona, and Western Area Office administering the program in the States of Kansas, Nebraska Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, California, and Alaska.

Telephone Operations and Standards Division. The division administers the staff activities of REA pertaining directly to the telephone program. It is responsible for developing proposed policies, standards, and procedures concerning loans and the engineering, construction, management and operation of the rural telephone systems of borrowers. This includes studies and analyses regarding rates, toll traffic agreements, valuation and acquisition of facilities; and systems designs and costs. The division is responsible for the development of standards, specifications and other technical data relating to rural telephone systems. The division staff provides advice and assistance within their subject matter responsibility to agency officials and to borrowers as requested. The division maintains liaison with other organizations on matters concerned with its functions.

Submittals, requests and information: Submittals, requests, and informational inquiries may be made to the Administrator or to any affected officer or organizational unit set forth above. The person or organizational unit should be addressed at the Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice supersedes the notice on REA Organization published in 32 F.R. 10817–10818.

Issued this 23d day of May 1969.

E. C. WEITZELL,
Acting Administrator.

[F.R. Doc. 69–6389; Filed, May 28, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 184–B]

OFFICE OF FOREIGN DIRECT INVESTMENTS

Organization and Functions

The following order was issued by the Secretary of Commerce on May 19, 1969. This material supersedes the material appearing at 33 F.R. 4222 of March 6, 1968.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the Office of Foreign Direct Investments (the "Office").

SEC. 2. *Organization structure.* The organization structure and line of authority within the Office shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with the original of this document with the FEDERAL REGISTER.)

SEC. 3. *Office of the Director.* .01 The Director, as head of the Office, directs and is responsible for all operations of the Office.

.02 The Deputy Director for Operations assists the Director in the management of the Office, is responsible for the coordination of the activities of the Authorizations Division and the Compliance Division and assumes the functions of the Director during the latter's absence.

.03 The Deputy Director for Planning assists the Director in the management of the office and is responsible for coordination of the activities of the Reports Analysis and Policy Division and, consistent with Department Order 104, of the Legal Division.

.04 The Assistant Director shall assist the Director by representing the Office in contacts with representatives of foreign governments and commercial and banking communities and maintaining liaison with U.S. banking, business and trade associations and with agencies of the U.S. Government, as directed.

.05 The Special Assistant to the Director shall perform such duties as the Director will assign.

SEC. 4. *Staff offices.* .01 The Administrative Officer shall arrange for and facilitate the provision of administrative services from the Office of the Secretary, develop and maintain the internal administrative management system of the Office, and perform other specific administrative assignments as directed by the Director.

.02 The Information Officer shall provide public information services for the Office.

SEC. 5. *Reports Analysis and Policy Division.* The Reports Analysis and Policy Division shall:

a. Measure the effect of the Foreign Direct Investments Program on the U.S. balance of payments and on relevant national indices;

b. Formulate recommendations concerning policy issues;

c. Conduct studies on foreign borrowing trends and problems associated with financing direct investment abroad, on particular industries with distinct direct investment problems, and on the relation of the Foreign Direct Investment Program to other U.S. Government Balance of Payments Programs, utilizing the advice and assistance of the Office of Business Economics, as appropriate;

d. Plan and coordinate internal information flows, computer and data requirements, and prepare special periodic internal analytical reports and special studies requested by the Director; and prepare data on the program for publication;

e. Provide policy input in the specific authorization and exemption process; and

f. Plan, coordinate and prepare reporting forms and respective instructions; answer inquiries about reporting forms or instructions; review direct investors' reports for completeness, accuracy, validity, and timely filing; contact reporters regarding problems encountered on their report or delinquent reporting; and assure orderly processing of reports and timely provision of data.

SEC. 6. *Legal Division.* The Legal Division shall:

a. Provide legal advice on applications for specific authorization or exemption and prepare necessary correspondence for transmitting recommendations and decisions;

b. Participate in the determination of need for amendments to the Foreign Direct Investment Regulations (the "Regulations") and prepare such amendments;

c. Prepare and issue general bulletins to the public containing detailed interpretations of the Regulations and policy statements of the Office;

d. Prepare and issue to applicants interpretative opinions concerning the Regulations;

e. Provide legal review and advice on internal documents and on documents for public release; and provide legal advice and assistance, as may be required, to officials of the Office, the Foreign Direct Investments Appeals Board, and the Department; and

f. Participate in the determination of need for reporting forms and changes in reporting forms and in the preparation of such forms.

SEC. 7. *Authorizations Division.* The Authorizations Division shall:

a. Review and recommend action on applications from direct investors for specific authorization or exemption;

b. Review quarterly reports from direct investors for consistency with specific authorizations or exemptions previously granted and to determine if significant errors, which have an impact on the validity of office data, or potential compliance problems are involved;

c. Provide assistance and advice to current or potential investors regarding any problems they may have under the Regulations and to help them proceed with their investment plans within the context of the goals of the Foreign Direct Investment Program;

d. Maintain central files of specific authorization and exemption cases, of direct investor reports regarding conditions attached to authorizations and exemptions, and of certificates regarding foreign borrowing filed by direct investors; and

e. Develop statistical and special reports with respect to specific authorizations or exemptions and foreign borrowings certified to the Office.

SEC. 8. *Compliance Division.* The Compliance Division shall:

a. Conduct routine and special audits and investigations to determine whether direct investors are complying with the requirements of the Foreign Direct Investment Program and take appropriate action;

b. Develop and present evidence in any administrative proceeding instituted for the enforcement of the Foreign Direct Investment Program;

c. Examine investigation reports and information from other sources for possible violations of the Regulations or other agency actions and prepare materials for use in connection with proceedings in the Federal Courts; and

d. Advise and assist in the preparation of forms required to be filed by direct investors and advise other divisions on general accounting matters.

SEC. 9. *Support Services.* The Office of the Assistant Secretary for Administration shall provide personnel, budget, finance, and administrative services to the Office.

Effective date: May 19, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69–6377; Filed, May 28, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NOVOBIOCIN FOR USE IN CHICKEN AND TURKEY FEED

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Albamix; each pound contains 25 grams of novobiocin; by Tuco Products Co., Division of The Upjohn Co., Kalamazoo, Mich. 49001.

The Academy concludes that (1) this product is probably effective for use in chicken and turkey feed for the treatment of synovitis, generalized infections, and breast blisters associated with staphylococci infections; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to novobiocin" and, if the disease cannot be so qualified, the claim must be dropped; (3) the label should warn that

treated animals must actually be consuming enough medicated feed to provide a therapeutic dosage under the conditions that prevail; and (4) as a precaution the label should indicate the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of the preparation in feed.

The Food and Drug Administration concurs with the above conclusions of the Academy.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6355; Filed, May 28, 1969; 8:46 a.m.]

MERCAPTOCAINE CREME

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations: Mercaptocaine Creme; contains 2 percent 2-mercaptobenzothiazole, 5 percent benzocaine, and 0.2 percent 2-chloro-4-phenylphenol (all by weight); marketed by Pitman-Moore, Division of The Dow Chemical Co., Research Center, Post Office Box 10, Zionsville, Ind. 46077.

The Academy concludes that: (1) This product is probably effective as an antiseptic and a topical anesthetic for animals; (2) there is incomplete documentation for its use on animals, especially as a fungicide, and this term should be made more specific; and (3) warnings should be included about the possible sensitizing effect of benzocaine. The Food and Drug Administration concurs with the Academy's conclusions.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6356; Filed, May 28, 1969; 8:46 a.m.]

STERWIN LABORATORIES, INC.

Notice of Filing of Petition for Food Additive Nalidixate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (41–835V) has been filed by Sterwin Laboratories, Inc., Subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of nalidixate (sodium 1-ethyl-1,4-dihydro-7-methyl-4-oxo-1,8-naphthyridine-3-carboxylate monohydrate) in the drinking water of chickens as an aid in the control of gram-negative bacterial infections in chronic respiratory disease (air-sac infection).

Dated: May 21, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–6357; Filed, May 28, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR, URBAN RENEWAL DEMONSTRATION PROGRAM

Redelegation of Authority With Respect to Urban Renewal Demonstration Program; Revocation

SECTION A. *Redelegation of authority.* The Director, Urban Renewal Demonstration Program, is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the urban renewal demonstration program under section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a):

1. To execute grant contracts and amendments thereto within the amounts and conditions of allocation orders approved by the Assistant Secretary for Research and Technology.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

SEC. B. *Revocation.* The redelegation of authority by the Director, Office of Urban Technology and Research, to the Director, Urban Renewal Demonstration Program, published at 32 F.R. 9325, June 30, 1967, is hereby revoked.

(Secretary's delegation to Assistant Secretary for Research and Technology effective May 14, 1969 (34 F.R. 7873, May 17, 1969))

Effective date. This redelegation of authority shall be effective as of May 26, 1969.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 69–6395; Filed, May 28, 1969; 8:49 a.m.]

DIRECTOR, LOW-INCOME HOUSING DEMONSTRATION PROGRAM

Redelegation of Authority With Respect to Low-Income Housing Demonstration Program; Revocation

SECTION A. *Redelegation of authority.* The Director, Low-Income Housing Demonstration Program, is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the low-income housing demonstration program under section 207 of the Housing Act of 1961, as amended (42 U.S.C. 1436):

1. To execute grant contracts and amendments thereto within the amounts and conditions of allocation orders approved by the Assistant Secretary for Research and Technology.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

SEC. B. *Revocation.* The redelegation of authority by the Director, Office of Urban Technology and Research, to the Director, Low-Income Housing Demonstration Program, published at 32 F.R. 9326, June 30, 1967, is hereby revoked.

(Secretary's delegation to Assistant Secretary for Research and Technology effective May 14, 1969 (34 F.R. 7873, May 17, 1969))

Effective date. This redelegation of authority shall be effective as of May 26, 1969.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 69–6396; Filed, May 28, 1969; 8:49 a.m.]

DIRECTOR, URBAN PLANNING RESEARCH AND DEMONSTRATION PROGRAM

Redelegation of Authority With Respect to Urban Planning Research and Demonstration Program; Revocation

SECTION A. *Redelegation of authority.* The Director, Urban Planning Research and Demonstration Program, is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to studies, research, and demonstration projects on comprehensive urban planning, and grants for research on State statutes affecting local governments under section 701(b) of the Housing Act of 1954, as amended (40 U.S.C. 461(b)):

1. To execute grant contracts and amendments thereto within the amounts and conditions of allocation orders approved by the Assistant Secretary for Research and Technology.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

SEC. B. *Revocation.* The redelegation of authority by the Director, Office of Urban Technology and Research, to the Director, Urban Planning Research and Demonstration Program, published at 32 F.R. 9326, June 30, 1967, is hereby revoked.

(Secretary's delegation to Assistant Secretary for Research and Technology effective May 14, 1969 (34 F.R. 7873, May 17, 1969))

Effective date. This redelegation of authority shall be effective as of May 26, 1969.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 69–6398; Filed, May 28, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18439, 18440; FCC 69R–239]

CHRISTIAN BROADCASTING ASSOCIATION, INC., AND K & M BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Christian Broadcasting Association, Inc., Huntington, W. Va., Docket No. 18439, File No. BPH–6437; Edgar Kitchen and Hal Murphy, doing business as K & M Broadcasting Co., Catlettsburg, Ky., Docket No. 18440, File No. BPH–6466; for construction permits.

1. This proceeding involves the above captioned mutually exclusive applications for construction permits to establish new FM broadcast stations on Channel No. 300 in Huntington, W. Va., and Catlettsburg, Ky. By order, 16 FCC 2d 594, released February 17, 1969, the Commission designated the applications for hearing on various issues, including a section 307(b) issue and a contingent comparative issue. Presently before the Review Board is a petition to enlarge issues, filed March 7, 1969, by Christian Broadcasting Association, Inc. (Christian), which seeks the addition of a suburban community issue and of a Suburban issue to this proceeding in regard to the proposal of K & M Broadcasting Co. (K & M).[1]

Suburban community issue. 2. In support of its request for a suburban community issue, Christian notes that: (1) K & M proposes to establish an FM facility at Catlettsburg, Ky., a community of 3,874 persons, utilizing a Class B FM channel assigned to Huntington, W. Va., with an effective radiated power of 50 kilowatts; (2) K & M's 1 mv/m contour, as disclosed in its engineering report, will include no less than 189,990 persons, and its 3.16 mv/m city-grade contour covers all of Huntington, W. Va. (83,627 population) and Ashland, Ky. (31,283 population); (3) Catlettsburg is in the heart of the Huntington-Ashland Urbanized Area; (4) K & M's proposed transmitter site is not located in Catlettsburg or in the community's home county (Boyd County) but in Cabell County, W. Va., where it is closer to Huntington than a site located in Catlettsburg; (5) both of K & M's partners reside in Ashland, Ky.; and (6) Catlettsburg is now without any FM, AM or TV broadcast station while Huntington has several broadcast facilities. On this factual basis, the petitioner argues that K & M's proposal to use a Class B FM channel, which is intended by the Commission to serve metropolitan centers and wide areas, in the small community of Catlettsburg is, in reality, an attempt to serve the two larger communities of Huntington and Ashland and the Huntington-Ashland Urbanized Area. Christian contends that the addition of a suburban community issue here is necessary in order to prevent the grant of an FM facility in a contested proceeding to an applicant claiming a section 307(b) preference as a first local station in a small community when, in fact, the applicant's proposal is tailored to serve an entire urbanized area with a population many times that of the designated station location. Finally, petitioner notes that, although the Commission's Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), refers to AM applications, the same policy has been extended to FM proposals, citing Berwick Broadcasting Corp., 12 FCC 2d 8, 12 RR 2d 665 (1968).

3. In opposition, K & M contends that, entirely aside from the fact that the Commission's Policy Statement does not apply to FM applications, Christian's petition must be denied since its supporting assumptions are untrue. In this regard, K & M points out that the only assigned FM channel in the area which could be used at Catlettsburg is a Class B channel and that the proposed transmitter site was selected to meet station separation requirements imposed by the Commission's rules and not because the applicant did not wish to serve the community of Catlettsburg.[2] K & M points to an alleged basic inconsistency in Christian's petition, i.e., on the one hand, Christian asserts that K & M's failure to make a sufficient number of program contacts outside of Catlettsburg supports the requested Suburban issue while, on the other hand, Christian argues that K & M's proposal is tailored to serve an entire urbanized area. K & M also states that, subsequent to the filing of the Christian petition, its consulting engineer studied the feasibility of eliminating the conflict between the Christian and K & M applications through the allocation of an FM channel to Catlettsburg; that, as a result of the study, K & M

[1] Also before the Review Board are: (a) Opposition of K & M, filed Mar. 18, 1969; (b) comments of the Broadcast Bureau, filed Mar. 20, 1969; and (c) reply of Christian, filed Mar. 25, 1969.

[2] K & M contends that the Berwick precedent, cited by the petitioner in support of its request, is inapposite here since that proceeding involved an application by an AM licensee, located in the central community, for an FM facility in a suburban community.

is simultaneously filing a petition for rule making to allocate Channel 224A to the community of Catlettsburg; and that, if the channel is assigned to the community, it will file an application therefor. K & M contends that its action in this regard completely belies the speculative allegations contained in the petition to enlarge issues.

4. The Broadcast Bureau, in its comments on this facet of Christian's petition, also opposes the addition of a suburban community issue to this proceeding. While it agrees that the considerations underlying the Commission's Policy Statement are applicable in FM proceedings, citing Berwick Broadcasting Corp., supra, and Christian Voice of Central Ohio, 15 FCC 2d 308, 14 RR 2d 791 (1968), it contends that the petitioner has failed to support its request with an adequate showing. According to the Bureau, a substantially stronger showing is required to support the addition of a suburban community issue to an FM proceeding than that which is required in an AM proceeding where a presumption of service to a larger community may arise on the basis of only station location and engineering factors such as signal strength. In an FM proceeding, the Bureau asserts, it must be specifically demonstrated that the objectives of section 307(b) would be frustrated by the award of a preference to an applicant for providing a local broadcast outlet to a community which the applicant will not realistically serve. The Bureau also notes that § 73.203 of the rules provides for the utilization of FM channels outside of listed communities and that the Commission did not intend to impose stringent curbs on the use of FM channels outside of listed communities. According to the Bureau, the Commission insured that assignments would be utilized for the benefit of the area immediately surrounding the listed community by providing for specified minimum powers coupled with shorter distances between the listed and unlisted communities. The Bureau contends that no particular significance should attach to the location of K & M's transmitter site since the selection factors of an FM site differ from those for an AM site due primarily to propagation characteristics and since mileage separation requirements were considered by K & M in selecting a site southeast of Catlettsburg.[3] In regard to applicable precedent, it is the Bureau's position that Berwick does not support petitioner's request since, in that proceeding, there were other considerations which indicated a proposal to serve the listed community and which are not present here[4] and that Christian Voice is distinguishable since there the applicant conceded that its proposal was intended to serve the listed community and surrounding area. In summary, the Bureau asserts that, since Christian has shown no more than site location and engineering details of K & M's proposal, which while ordinarily sufficient to raise a presumption in an AM context do not meet the tests set forth in Berwick and Christian Voice, and since this proceeding is essentially similar to Almardon Incorporated of Florida, 16 FCC 2d 395, 15 RR 2d 500 (1969), where the Board denied a request to add a suburban community issue, Christian's request should be denied.

5. In reply, Christian points out that K & M has not chosen to discuss its reasons for proposing such great coverage with a 50-kilowatt station in order to serve a community of only 3,874 persons. The petitioner asserts, in this regard, that the non-availability of other channels did not compel K & M to propose power far in excess of that required to serve Catlettsburg and that the defect in K & M's application is its proposal to serve some 189,990 persons while limiting its programing survey to the needs and interests of Catlettsburg. In regard to K & M's rule making petition, Christian notes that the requested FM channel was available when K & M filed its application and that, therefore, an issue is required to determine whether K & M's failure to make a frequency search prior to the filing of Christian's instant petition constitutes an abuse of process, especially since K & M continues to prosecute its application here while promising to file for the new channel upon its allocation to Catlettsburg.

6. The Board agrees with the Broadcast Bureau that Christian's showing is insufficient to warrant the addition of a suburban community issue against the K & M proposal. The factors noted by the petitioner in support of its request, i.e., the location of K & M's transmitter site and its proximity to Huntington; Catlettsburg's location within the Huntington-Ashland Urbanized Area; the Ashland residence of K & M's partners; the placement of a city-grade signal over Huntington and Ashland; and the power requested, standing alone, do not raise the question of whether K & M will provide a realistic local transmission service to Catlettsburg in the context of this FM proceeding. See Almardon Incorporated of Florida, supra. More specifically, the Board finds that the residence of K & M's partners and the location of Catlettsburg within the Huntington-Ashland Urbanized Area are of little significance in terms of whether K & M will serve its specified community. It appears that the applicant's transmitter site was selected primarily to meet the separation requirements of the Commission's rules rather than to serve the listed community of Huntington and Ashland. The strength of the signal to be provided to Huntington and Ashland is also unpersuasive since such coverage is contemplated by the Commission in the utilization of FM channels by unlisted communities. See Report and Order in Docket No. 17969, 12 FCC 2d 660, 12 RR 2d 1612 (1968). In contrast to the petitioner's allegations, the filing of K & M's rule making petition and its pending application for an AM station in Catlettsburg seem to negate any claimed intent of K & M to serve the listed community of Huntington.[5] As the Bureau points out, the Berwick precedent is inapposite here since there is no AM ownership in the listed community by the FM applicant and since the transmitter site location was apparently dictated primarily by mileage separation requirements imposed by the Commission's rules. In addition, there were other factors inherent in the Berwick proceeding, as indicated in footnote 4, supra, which reflected an intent to serve the listed community and which are not present here. Similarly, Christian Voice is distinguishable from the instant case since there the applicant conceded its intention to serve the listed community. Finally, while we note that the deficiencies in K & M's ascertainment of community program needs will be made the subject of a Suburban inquiry herein and may be relevant to our consideration of the suburban community request, they do not serve as an adequate basis for the addition of a suburban community issue since the deficiencies relate to efforts outside of Catlettsburg. Almardon Incorporated of Florida, supra. Since the petitioner's allegations are not sufficient to raise a substantial question of whether K & M will provide a realistic local transmission service to Catlettsburg, the request for a suburban community issue will be denied.

Suburban issue. 7. In support of its request of a Suburban issue against K & M, Christian contends that K & M's decision to specify such wide coverage carries with it the responsibility to ascertain the needs and interests of the entire service area and to make a reasonable effort to meet such needs and interests through proposed programing, citing Long Island Video, Inc., 12 FCC 2d 905, 13 RR 2d 88 (1968), and Minshall Broadcasting Company, 11 FCC 2d 796, 12 RR 2d 502 (1968). It is petitioner's position that the K & M application discloses no effort by the applicant to ascertain the needs and interests of those communities outside of the immediate Catlettsburg area and that such failure to survey communities within the applicant's proposed primary service area other than the community of station location is cause for denial of the application. Christian also notes that K & M cannot claim an identity of interest throughout its proposed service area since significant portions thereof lie outside of Kentucky and since several large communities are included therein. The Broadcast Bureau supports Christian's request for a Suburban issue.

8. The Review Board is of the opinion that a sufficient showing has been made to warrant the addition of a Suburban issue against the K & M proposal. The petitioner and the Broadcast Bureau correctly note that K & M, in ascertaining the needs and interests of the area proposed to be served by the Catlettsburg station, apparently limited its survey to Catlettsburg residents. In its application, K & M submits the results of interviews with 21 community leaders of Catlettsburg. However, we must note that the applicant's proposed coverage area includes not only the community of Catlettsburg but also the cities of Huntington, W. Va., and Ashland, Ky., as well as the rural areas contiguous to the Huntington-Ashland Urbanized Area. In fact, both cities lie well within the applicant's proposed 1 mv/m contour and both apparently are encompassed by K & M's 3.16 mv/m contour. As a result, it does not appear that K & M's survey included all of the area to be served by the Catlettsburg station even though an applicant is expected to ascertain the programing needs and interests of its entire proposed service area. See Minshall Broadcasting Company, supra; Long Island Video, Inc., supra; Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68-847, 13 RR 2d 1903 (1968). Since we cannot assume that an identity of interest exists within the entire proposed service area insofar as needs and interests are concerned and since the facts available to us on the basis of the pleadings and K & M's application seem to indicate the absence of a community of interest, a Suburban issue is required and will be specified herein.[6]

9. *Accordingly, it is ordered,* That the petition to enlarge issues, filed March 9, 1969, by Christian Broadcasting Association, Inc., is granted to the extent indicated below and is denied in all other respects; and

10. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine the efforts made by K & M Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet such needs and interests.

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be on K & M Broadcasting Co.; and

12. *It is further ordered,* That the request for enlargement of issues contained in the reply pleading, filed March 25, 1969, by Christian Broadcasting Association, Inc., is dismissed.

Adopted: May 22, 1969.

Released: May 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-6385; Filed, May 28, 1969; 8:48 a.m.]

[3] The Bureau notes that K & M's application, as originally filed, was returned because of a separation shortage with Station WDAO, Dayton, Ohio, which lies northwest of Catlettsburg. The application was refiled specifying the present site presumably to avoid the separation problem and not primarily to increase the applicant's coverage of the listed community.

[4] The Bureau points to the following factors which were noted by the Board in the Berwick proceeding: The common ownership of an AM station in the listed community; some duplication of programing; the joint use of staff personnel; and the location of the transmitter in order to obtain maximum coverage of the listed community. The Bureau dismisses, as irrelevant, the fact that K & M also has an application (BP-18042) pending for an AM station in Catlettsburg with a transmitter site near the community since it relates to a pending application and to a station in the community as opposed to the Berwick situation.

[5] Christian's related request, contained in its reply pleading, for an issue which would inquire into whether K & M's delay in making its frequency search is an abuse of the Commission's process will not be entertained. Such a request should be made in an original pleading. See Lorenzo W. Milam and Jeremy D. Lansman, FCC 64R-561, 4 RR 2d 463 (1964).

[6] The Board notes that K & M, in its opposition to the petitioner's requests, did not contest the allegations of need for a Suburban inquiry.

[7] Review Board Member Nelson absent; Board Member Berkemeyer dissenting to failure to add 307(b) policy statement issue.

[Docket No. 17605, etc.; FCC 69R-238]

VIRGINIA BROADCASTERS ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kenneth S. Bradby and Gilbert L. Granger doing business as Virginia Broadcasters, Williamsburg, Va., Docket No. 17605, File No. BP-16829; Rosa Mae Springer, trading as Suffolk Broadcasters, Suffolk, Va., Docket No. 17606, File No. BP-17274; James River Broadcasting Corp., Norfolk, Va., Docket No. 18375, File No. BP-17268; for construction permits.

1. This proceeding involves three mutually exclusive applications for construction permits to establish new standard broadcast stations, operating on 1110 kHz during daytime hours only. By Memorandum Opinion and Order, FCC 68-1098, released November 15, 1968, the Commission consolidated into this proceeding for hearing on various issues the application of James River Broadcasting Corp. (James River) with the two previously designated applications. Presently before the Review Board are a petition to intervene and a petition to enlarge issues, filed December 12, 1968, by KFAB Broadcasting Co., licensee of Station KFAB, Omaha, Nebr., and a petition to enlarge issues, filed by the Broadcast Bureau, January 9, 1969, all with reference to the James River application.[1] By Order, FCC 69M-177, released February 12, 1969, the Hearing Examiner certified to the Review Board the KFAB petition to intervene for such action as it deems proper in its ruling on the KFAB petition to enlarge issues. Since all of the petitions relate to the same allegations, they will all be considered in this document.

2. KFAB, licensee of a Class I-B station, contends that the James River proposed operation would cause objectionable interference to KFAB's normally protected contour during critical hours and that it is entitled to intervene in the proceeding. In a separate petition but based on the same factual allegations, KFAB requests enlargement of the issues to inquire whether the James River proposal would cause objectionable interference to KFAB and whether the conditional clause specified in the memorandum opinion and order designating the James River application for hearing will fully protect KFAB during critical hours. Based on its engineering studies, KFAB contends that because of the design characteristics of James River's proposed directional antenna system, it will be impossible for James River to maintain the pattern with sufficient precision to afford KFAB the degree of protection to which it is entitled by the rules even with the use of the most sensitive monitoring equipment and the most accurate control devices. Moreover, KFAB notes that James River has not proposed such equipment in its application nor does it appear from the application that sufficient funds have been allocated to purchase such equipment. KFAB further argues that even if the very best monitoring equipment presently available were used, it would not be capable of detecting repeatedly the variations within the narrow limits between the specified MEOV's (maximum expected operating values) and the theoretical design values required to maintain the operation of the proposed directional antenna system. In support of these contentions, KFAB notes that the Nems-Clarke PPM 101A phase monitor or equivalent equipment is capable of measuring relative phase and relative field variations as small as plus or minus 0.1° in relative phase and plus or minus 0.1 percent in relative field. However, KFAB argues that there is no guarantee that at the time of initial adjustment the meter would be at the midpoint of permissible drift. Thus, it is possible that the degree of variation may be as great as plus or minus 0.2° in relative phase and plus or minus 0.2 percent in relative field.[2] KFAB notes further that Commissioner Long Island Video, Inc., 12 FCC 2d 905, 13 RR 2d 88 (1968), and Minshall Broadcasting Company, 11 FCC 2d 796, 12 RR 2d 502 (1968). It is petitioner's position that the K & M application discloses no effort by the applicant to ascertain the needs and interests of those communities outside of the immediate Catlettsburg area and that such failure to survey communities within the applicant's proposed primary service area other than the community of station location is cause for denial of the application. Christian also notes that K & M cannot claim an identity of interest throughout its proposed service area since significant portions thereof lie outside of Kentucky and since several large communities are included therein. The Broadcast Bureau supports Christian's request for a Suburban issue.

8. The Review Board is of the opinion that a sufficient showing has been made to warrant the addition of a Suburban issue against the K & M proposal. The petitioner and the Broadcast Bureau correctly note that K & M, in ascertaining the needs and interests of the area proposed to be served by the Catlettsburg station, apparently limited its survey to Catlettsburg residents. In its application, K & M submits the results of interviews with 21 community leaders of Catlettsburg. However, we must note that the applicant's proposed coverage area includes not only the community of Catlettsburg but also the cities of Huntington, W. Va., and Ashland, Ky., as well as the rural areas contiguous to the Huntington-Ashland Urbanized Area. In fact, both cities lie well within the applicant's proposed 1 mv/m contour and both apparently are encompassed by K & M's 3.16 mv/m contour. As a result, it does not appear that K & M's survey included all of the area to be served by the Catlettsburg station even though an applicant is expected to ascertain the programing needs and interests of its entire proposed service area. See Minshall Broadcasting Company, supra; Long Island Video, Inc., supra; Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68-847, 13 RR 2d 1903 (1968). Since we cannot assume that an identity of interest exists within the entire proposed service area insofar as needs and interests are concerned and since the facts available to us on the basis of the pleadings and K & M's application seem to indicate the absence of a community of interest, a Suburban issue is required and will be specified herein.[6]

9. *Accordingly, it is ordered,* That the petition to enlarge issues, filed March 9, 1969, by Christian Broadcasting Association, Inc., is granted to the extent indicated below and is denied in all other respects; and

10. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine the efforts made by K & M Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet such needs and interests.

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be on K & M Broadcasting Co.; and

12. *It is further ordered,* That the request for enlargement of issues contained in the reply pleading, filed March 25, 1969, by Christian Broadcasting Association, Inc., is dismissed.

Adopted: May 22, 1969.

Released: May 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-6385; Filed, May 28, 1969; 8:48 a.m.]

[1] Also before the Review Board are: (a) Opposition to petition to intervene, filed Jan. 9, 1969, by James River; (b) Broadcast Bureau's comments on petition to intervene, filed Jan. 9, 1969; (c) reply to oppositions to petition to intervene, filed Jan. 21, 1969, by KFAB; (d) opposition to KFAB's petition to enlarge issues, filed Jan. 9, 1969, by James River; (e) Broadcast Bureau's opposition to KFAB's petition to enlarge issues, filed Jan. 9, 1969; (f) opposition to Bureau's petition to enlarge, filed Jan. 22, 1969; and (g) Bureau's reply to James River's opposition, filed Feb. 3, 1969.

[2] Petitioner notes that the same permissible drift problem exists with respect to the Nems-Clarke 112 phase monitor (which is less expensive than the PPM 101A and is likely to be used by James River in view of its budget), except that the accuracy of this monitor is considerably less, permitting variations of plus or minus 1.0° in relative phase and plus or minus 2.0 percent in relative field. Thus, if the meter were at one extremity or the other of the permissible variation at the time of initial calibration, variation of as much as 2.0° in relative phase and 4.0 percent in relative field would be possible.

sion rules permit the field ratios of directional antenna system to exceed the values specified in the license by as much as 5 percent.[3] It contends that given this potential for deviation and assuming the Nems-Clarke 112 meter were used, James River would over an arc of 10° exceed its allowable field intensity in the direction of KFAB. Additionally, James River would exceed its MEOV's over an arc that includes most of the null areas of its directional antenna. Furthermore, KFAB argues that even proceeding on the assumption that the Nems-Clarke PPM 101A meter is used, the MEOV's still would be exceeded over the null areas of the pattern and the permissible radiation toward KFAB during critical hours of operation would be exceeded. KFAB also argues that the directional antenna design proposed by James River is inherently unstable and that a number of characteristics of the proposed site (proximity to bridges and power lines, effect of changing tides, bodies of water, and variable conductivity of surrounding soil, etc.) will make the installation difficult to prove and maintain. In view of these allegations, KFAB contends that it should be permitted to intervene and the issues enlarged to permit full exploration of potential interference to KFAB and James River's ability to comply with the conditions limiting radiation toward KFAB to 477.9 mv/m at 291.5° true.

3. In opposition to the petition, James River contends that its directional antenna design is very similar to a directional antenna design developed by KFAB's engineer for another applicant and that KFAB's engineer has testified that, by using a precision phase monitor, he can maintain that array within ±0.5° and 0.5 percent tolerance. James River argues that, since the ratio of maximum to minimum for its proposed directional antenna is less than that in the array designed by KFAB's engineer, its proposed array must be regarded as more stable. James River concedes that, in the worst possible combination of circumstances, it is possible that during critical hours its radiation toward KFAB will exceed the maximum prescribed in the designation order. It argues, however, that this should not be decisive since the odds against this combination of circumstances occuring are 730 to 1 and that the area in which the interference would occur is already subjected to interference of a greater magnitude from two existing stations. Moreover, James River argues, it will make every effort to avoid interference to KFAB by retaining highly skilled technical personnel and obtaining the best monitoring and control equipment capable of maintaining phase and current ratios within a tolerance of ±1° and ±1 percent.[4] Insofar as the characteristics of its site are concerned, James River contends that its engineer personally selected the site and does not believe that there are any conditions present which will preclude successful adjustment of the directional antenna.

4. The Bureau also opposes the petition to intervene and petition to enlarge on the grounds that KFAB has conceded that if sufficient funds are expended for equipment, proof of the array, and continuing maintenance, harmful interference to KFAB during critical hours may be avoided. The Bureau contends that in view of the long standing practice of imposing on each construction permit for a directional antenna conditions requiring a properly designed phase monitor, a complete nondirectional proof of performance, a complete directional proof of performance, the availability of field strength measuring equipment at all times and that field strength measurements be made at each of several specified monitoring points every 7 days, KFAB will be adequately safeguarded. However, the Bureau noted that KFAB's observations concerning MEOV's raised questions which should be explored in hearing and that it was simultaneously filing a petition to enlarge issues.

5. In its petition to enlarge issues, the Bureau noted that it had carefully examined KFAB's allegations concerning the MEOV's in a sector of the pattern from 220° to 265° and was in agreement that even with the best available monitoring equipment it would be impossible to maintain the radiation within the specified MEOV's. Accordingly, it requests an issue to determine whether James River Broadcasting Corp. would be able to adjust and maintain the proposed directional antenna system within the specified MEOV's. James River opposes on the ground that "the method of analysis utilized by the Bureau is specious and fundamentally fallacious * * * that the Commission's rules contain no provisions requiring a directional antenna system to be subjected to any such analysis and any such requirement constitutes an attempt, in effect, to write new rules not warranted by either empirical or theoretical considerations." In support of this contention, James River observes that it is only recently that computer technology has made such an analysis possible and that to use this procedure with respect to its application imposes an undue burden upon it as opposed to thousands of applications which have been granted without such analysis. Moreover, it argues that even should the analysis be accepted, the odds that the combination of circumstances which would result in exceeding the MEOV's are only 1 to 730 and even should this occur, no interference would result to WBT, the station most likely to be affected.

6. From the foregoing, we conclude that there are substantial questions concerning James River's ability to construct and maintain its proposed directional antenna within the radiation values proposed, and thus provide the necessary protection to KFAB. Moreover, there is a clear question concerning James River's ability to maintain the radiation from its proposed station within the MEOV's which it proposes. These questions can best be resolved on the basis of a hearing record. However, KFAB's contentions concerning possible adverse effects due to applicant's proposed site are not sufficiently substantiated to warrant inquiry into this matter. Since the issues here added concern interference to KFAB, its petition to intervene will be granted.

7. *Accordingly, it is ordered,* That the petition to intervene, filed December 12, 1968, by KFAB Broadcasting Co., is granted; that the petition to enlarge issues, filed December 12, 1968, by KFAB Broadcasting Co., is granted; that the petition to enlarge issues, filed by the Broadcast Bureau January 9, 1969, is granted; and that the issues in this proceeding are enlarged as follows:

To determine whether James River Broadcasting Corp. would be able to adjust and maintain its proposed directional antenna system within the maximum expected operating values of radiation which it specifies.

To determine whether during critical hours radiation from the James River Broadcasting proposal toward the 0.1 mv/m contour of Station KFAB would exceed that permitted by the provisions of § 73.187 of the Commission's rules.

To determine whether the condition proposed in the Commission's memorandum opinion and order of November 15, 1968, that the inverse distance field at 1 mile from the James River Broadcasting proposal toward the service area of Station KFAB at a bearing of 291.5° true shall not exceed 477.9 millivolts per meter, will fully protect KFAB during critical hours, and, if not, what value and other conditions would be required in order to protect KFAB during critical hours.

and;

8. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and of proof under the issues added herein are on James River Broadcasting Corp.

Adopted: May 22, 1969.

Released: May 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-6386; Filed, May 28, 1969; 8:48 a.m.]

[3] Section 73.57(b) of the Commission's rules (47 CFR 73.57(b)).

[4] James River suggests such a condition on its grant.

[5] Review Board Member Nelson absent.

ATOMIC ENERGY COMMISSION

STATE OF NORTH DAKOTA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

Dated at Washington, D.C., this 9th day of May 1969.

For the Atomic Energy Commission.

W. B. MCCOOL, *Secretary.*

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspen-

sion is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

For the State of North Dakota.

_____

FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23–20–02 through 23–20–06 of chapter 23–20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoefitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all nondental X-ray units across the State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 86–66–6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23–20.1–01 through 23–20.1–11 of chapter 23–20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

2.0 CURRENT ACTIVITIES

2.1 Registration of sources of radiation. The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23–20–02 through 23–20–06 of chapter 23–20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY [1]

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.)	126	166
Dentists	205	205
Other practitioners	50	51
Hospitals	192	254
Veterinary	5	5
Others	7	7
Total	585	688

[1] Exclusive of Federal agencies.

2.2 Radiation protection in X-ray facilities. Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a discussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

2.3 Environmental radiation surveillance. Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86–66–6) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

2.4 Radioactive materials. Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular intervals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses			Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material		
Medical	16	0	0	7	23
Educational	5	1	2	2	10
Civil defense	3	0	0	0	3
Industrial	3	0	0	1	4
State agencies	2	0	0	2	4
Uraniferous lignite ashing	0	2	0	0	2
Total	29	3	2	12	46

3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

3.1 Licensing and registration. The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

3.2 Inspection. Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on developments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—industrial, medical, academic—once each 12 months.
4. Other specific licenses—industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licensees and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

3.3 Compliance. If it is determined by the inspection that only minor items of noncompliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23–20.1–01 through 23–20.1–11 of chapter 23–20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 28–32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23–20.1–10 of chapter 23–20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

3.4 Administrative procedures and judicial review. The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28–32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.

2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.

3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.

4. The rules of procedure for hearings.

5. That determinations of the agency may be appealed to the district courts.

6. The scope of and procedure on appeal from determination of the administrative agency.

7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

3.5 Radiological emergencies. The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive materials, lost through some accident or incident, can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occuring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.530 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensees premises is provided for in the Radiological Emergency Guide.

3.6 Instrumentation. The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

3.7 Effective date of license transfer and reciprocity. Subsection 2 of section 23–20.1–05 of chapter 23–20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by people knowledgeable in all aspects of division responsibility and to provide manpower backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the interunit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[F.R. Doc. 69–5782; Filed, May 14, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–6931 etc.]

STAR GAS CO. ET AL.

Findings and Order

MAY 20, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Palm Resource Corp. (Operator) et al., Applicant in Docket No. CI62–585, proposes to continue sales of natural gas heretofore authorized in said docket to be made pursuant to Palm Petroleum Corp. (Operator), et al., FPC Gas Rate Schedule Nos. 2 and 5. Said rate schedules will be redesignated as those of Applicant. The presently effective rate under the predecessor's FPC Gas Rate Schedule No. 2 is in effect subject to refund in Docket No. RI66–364, and the presently effective rate under the predecessor's FPC Gas Rate Schedule No. 5 is in effect subject to refund in Docket No. RI66–365. Applicant has filed motions to be made co-respondent in said proceedings. Therefore, Applicant will be made co-respondent; the proceedings will be redesignated accordingly; and Applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings.

H. H. Champlin, et al., Applicants in Docket No. CI68–63, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Joe N. Champlin, Trustee, FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI66–228, and Applicants have submitted an agreement and undertaking to assure the refund of any amounts collected by them[1] in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicants will be made co-respondents in the proceeding pending in Docket No. RI66–228; said proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Estate of W. G. Rogers and Bee-Kay Co., both Applicants in Dockets Nos. CI69–531 and CI69–532, propose to continue in part sales of natural gas heretofore authorized in Dockets Nos. G–12600 and G–12578, respectively, to be made pursuant to Texaco Inc., FPC Gas Rate Schedule No. 148 and Marathon Oil Co. FPC Gas Rate Schedule No. 31, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of Applicant. The presently effective rate under Texaco's rate schedule is in effect subject to refund in Docket No. RI67–44, and the presently effective rate under Marathon's rate schedule is in effect subject to refund in Docket No. RI67–466. Therefore, Applicants will be made co-respondents in said proceedings; the proceedings will be redesignated accordingly; and Applicants will be required to file agreements and undertakings to assure the refunds of any amounts collected by them in excess of the amounts determined to be just and reasonable in said proceedings.

[1] Applicants state in their certificate application that they will assume the total refund obligation; however, in their agreement and undertaking they limit their assumption of the refund obligation to sales made by them.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on May 15, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record:

The Commission finds:

(1) Each Applicant herein is a natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in the following dockets should be amended as hereinafter ordered and conditioned:

G–3913	CI62–230	CI67–69
G–6931	CI62–585	CI67–90
G–9358	CI62–1251	CI67–717
G–9396	CI63–489	CI67–1039
G–12578	CI64–557	CI67–1224
G–12600	CI65–1145	CI67–1795
G–15912	CI66–377	CI68–63
G–19958	CI66–470	CI68–702
CI61–516	CI66–942	CI69–49
CI61–704	CI66–1077	

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Palm Resource Corp. (Operator) et al., should be made co-respondent in the proceedings pending in Dockets Nos. RI66–364 and RI66–365; that said proceedings should be redesignated accordingly; and that Palm Resource Corp. (Operator) et al. should be required to file agreements and undertakings.

(10) It is necessary and appropriate in carrying out the provisions of th Natural Gas Act that H. H. Champlin et al., should be made co-respondents in the proceeding pending in Docket No. RI66–228; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by them in said proceeding should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Estate of W. G. Rogers and BeeKay Co., should be made co-respondents in the proceedings pending in both Dockets Nos. RI67–44 and RI67–466, that said proceedings should be redesignated accordingly, and that they should be required to file agreements and undertakings.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction

of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) Any increases in rate authorized in Dockets Nos. G–9358 and CI69–851 under the subject contract amendments in excess of the rates now in effect under the rate schedules involved herein shall not become effective until a notice of change in rate is filed with respect thereto as required under section 4 of the Natural Gas Act.

(b) The sale authorized in Docket No. CI61–704 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(c) The sale authorized in Docket No. CI69–683 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a.

(d) The initial rate for the sale authorized in Docket No. CI69–841 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket. Applicant shall file a revised billing statement reflecting the 15 cents rate as required by the regulations under the Natural Gas Act.

(e) Sales authorized in Docket No. CI66–470 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, from the newly dedicated acreage and from acreage acquired from the certificate holder in Docket No. CI65–1145; and 15.015 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, from acreage acquired from the certificate holder in Docket No. CI62–1251, subject to the same refunding obligations imposed on Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. in Docket No. RI68–659.

(f) The initial rate for the sales authorized in Dockets Nos. CI66–942 and CI69–878 shall be 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to upward and downward B.t.u. adjustment.

(g) The initial rate for the sale authorized in Docket No. CI69–546 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Further, the certificate is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(F) The orders issuing certificates in Dockets Nos. G–6931, G–9396, G–15912, G–19958, CI61–516, CI61–704, CI62–230, CI63–489, CI66–470, CI66–942, CI66–1077, CI67–1795, and CI69–49 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The order issuing a certificate in Docket No. G–9358 is amended to revise average daily contract quantity, extend the contract term and provide for price schedule to apply during extended term pursuant to the amendatory agreement dated October 3, 1968.

(H) The orders issuing certificates in Dockets Nos. G–3913[2], G–12578, G–12600, CI62–1251, CI65–1145, CI67–69, and CI67–90 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. G–6931,[1] CI69–532, CI69–531, CI66–470, CI66–470, CI69–836, and CI69–49, respectively.

(I) The orders issuing certificates in Dockets Nos. CI62–585, CI64–557, CI66–377, CI67–717, CI67–1039, CI67–1224, CI68–63, and CI68–702 are amended by substituting the successors in interest as certificate holders.

(J) Applicant in Docket No. CI62–585 shall file a revised billing statement to reflect the 17 cents rate for all of the gas sold under its FPC Gas Rate Schedule No. 1 (28.266 percent of the Gilbert Unit) as required by the regulations under the Natural Gas Act.

(K) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI69–863 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceeding pending in Docket No. RI65–475.

(M) Permission for and approval of the abandonment are granted in Docket No. CI69–709 and the certificate heretofore issued in Docket No. G–6125 is terminated only with respect to Commonwealth Gas Corp. FPC Gas Rate Schedule No. 5.

(N) The certificates heretofore issued in Dockets Nos. G–3970, G–11177, G–12594, G–13256, G–19570, CI62–362, CI62–838, and CI65–475 are terminated.

(O) Palm Resource Corp. (Operator) et al., is made co-respondent in the proceedings pending in Dockets Nos. RI66–364 and RI66–365 and said proceedings are redesignated accordingly.

(P) Within 30 days from the issuance of this order Palm Resource Corp. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI66–364 and RI66–365 to assure the refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

[2] Partial succession with respect to Ashland Oil & Refining Co.'s certificate in Docket No. G–3913 and complete succession with respect to Ashland's FPC Gas Rate Schedule No. 92 (formerly United Carbon Co. FPC Gas Rate Schedule No. 14).

(Q) Palm Resource Corp. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by it in Dockets Nos. RI66–364 and RI66–365 shall remain in full force and effect until discharged by the Commission.

(R) H. H. Champlin et al., are made co-respondents in the proceeding pending in Docket No. RI66–228; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by them in said proceeding is accepted for filing.

(S) H. H. Champlin et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by them in Docket No. RI66–228 shall remain in full force and effect until discharged by the Commission.

(T) The Estate of W. G. Rogers and BeeKay Co., are made co-respondents in the proceedings pending in both Dockets Nos. RI67–44 and RI67–466, and said proceedings are redesignated accordingly.

(U) Within 30 days from the issuance of this order the Estate of W. G. Rogers and BeeKay Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI67–44 and RI67–466 to assure the refunds of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(V) The Estate of W. G. Rogers and BeeKay Co., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by them in Dockets Nos. RI67–44 and RI67–466 shall remain in full force and effect until discharged by the Commission.

(W) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–6931 (G–3913) F 1–30–69 [3]	Star Gas Co. (successor to United Carbon Co. [4]).	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Assignment 6–30–55 [5] Effective date: 6–30–55	16	6
G–9358 3–6–69 [6]	Monsanto Co., et al.	Natural Gas Pipeline Co. of America, Old Ocean Field (Larsen Reservoir), Brazoria and Matagorda Counties, Tex.	Amendatory agreement 10–3–68 [5]	65	9
			Letter agreement 11–8–68 [5 6]	65	10
G–9396 D 5–19–65	Skelly Oil Co.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Letter agreement 3–17–65 [7 6]	90	11
G–15912 C 5–19–65	do	do	Letter agreement 3–17–65 [7 6]	131	6
			Notice of change 4–3–69 [6] Effective date: 5–8–69	131	7
G–19958 D 1–31–69	Magna Oil Corp. (partial abandonment).	Southern Natural Gas Co., East Happytown Field, Iberville Parish, La.	Notice of partial cancellation 1–31–69 [7 10]	7	8
CI61–516 D 3–14–69	Pan American Petroleum Corp. (Operator) et al. (partial abandonment).	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Notice of partial cancellation 3–12–69 [7 11]	330	37
CI61–704 C 2–17–69 [12]	Union Oil Co. of California (Operator).	Lone Star Gas Co., Caddo Plant, Springer Field, Carter County, Okla.	Amendatory agreement 11–15–68	135	5
			Letter 2–12–69 [13]	135	6
			Compliance 3–26–69 [14 13]	135	7
			Notice of partial cancellation 3–13–69 [7 10]	273	10
CI62–230 D 3–14–69	Mobil Oil Corp. (partial abandonment).	Arkansas Louisiana Gas Co., West Marlow Field, Stephens County, Okla.			
CI62–585 E 2–25–69	Palm Resource Corp. (Operator) et al. (successor to Palm Petroleum Corp. (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla. [15]	Palm Petroleum Corp. (Operator) et al., FPC GRS No. 2	1	
			Supplements Nos. 1–5	1	1–5
			Notice of succession (undated).		
			Assignment 1–28–69 [17]	1	6
			Effective date: 1–1–69		
CI62–585 E 2–25–69	Palm Resource Corp. (Operator) et al. (successor to Palm Petroleum Corp. (Operator) et al.).	Panhandle Eastern Pipe Line Co., Camrick Field, Texas County, Okla. [16]	Palm Petroleum Corp. (Operator) et al., FPC GRS No. 5.	2	
			Supplements Nos. 1–2	2	1–2
			Notice of succession (undated).		
			Assignment 1–28–69 [17]	2	3
			Effective date: 1–1–69		
CI63–489 C 3–17–69 [12]	Ashland Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., West Chester Field, Woodward County, Okla.	Amendatory agreement 2–28–69 [15]	81	16
CI64–557 E 3–17–69	Midhurst Oil Corp. (successor to Camerina Petroleum Corp.).	Cities Service Gas Co., West Waynoka Field, Woodward and Woods Counties, Okla.	Camerina Petroleum Corp., FPC GRS No. 2.	22	
			Supplement No. 1	22	1
			Notice of succession 3–13–69		
			Conveyance 6–19–68 [18]	22	2
			Effective date: 6–19–68		
CI66–377 E 3–19–69	Sierra Trading Corp. (Operator) et al. (successor to Wind River Drilling Co. (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee-Flat Top Field, Converse County, Wyo.	Wind River Drilling Co. (Operator) et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–5	1	1–5
			Notice of succession 3–12–69.		
			Plan and agreement of reorganization 5–31–68.	1	6
			Effective date: 5–31–68		
C CI66–470 (CI62–1251) (CI65–1145)	Sun Oil Co. (DX Division) (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore and Pittsburg Counties, Okla.	Letter agreement 9–23–68 [20]	259	9
			Letter agreement 11–4–68 [21]	259	10
			Compliance 3–7–69 [15 22]	259	11
			Amendatory agreement 2–7–69 [18]	79 449	16
CI66–942 C 3–12–69 [12]	Pan American Petroleum Corp. (Operator) et al.	Northern Natural Gas Co., North Salon Field, Ellis County, Okla.	Amendment 2–26–69	1	9
CI66–1077 C 3–13–69 [12]	John C. Oxley et al.	Arkansas Louisiana Gas Co., South Pocola Field, Pittsburg and Latimer Counties, Okla.			
CI67–717 E 3–12–69	Midhurst Oil Corp. et al. (successor to Camerina Petroleum Corp. et al.).	Northern Natural Gas Co., North Gate Lake Field, Harper County, Okla.	Camerina Petroleum Corp. et al., FPC GRS No. 4.	23	
			Notice of succession 3–11–69.		
			Conveyance 6–19–68 [18]	23	1
			Effective date: 6–19–68		
CI67–1039 E 2–7–69	Estate of W. G. Rogers and BeeKay Co. (successor to W. G. Rogers et al.).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	W. G. Rogers et al., FPC GRS No. 1.	1	
			Notice of succession 2–5–69.		
			Effective date: 6–14–68		
CI67–1224 E 1–29–69	H. H. Champlin et al. (successor to Joe N. Champlin).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Joe N. Champlin, FPC GRS No. 3.	2	
			Notice of succession (undated). [23]		
			Effective date: 2–5–68		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-869 (CI65-475) B 3-17-69	Milton S. Yunker (Operator) et al.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	Notice of cancellation 3-12-69 [11]	2	1
CI69-870 (CI62-362) B 3-14-69	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	Notice of cancellation 3-12-69 [10]	306	5
CI69-872 A 3-17-69 [11]	O. V. Stonestreet et al., d.b.a. Stonestreet Oil Co.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Contract 11-22-68 [11]	4	
CI69-873 (G-11177) B 3-17-69	Phillips Petroleum Co.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Notice of cancellation 3-14-69, [10]	256	9
CI69-874 (G-3870) B 3-17-69	E. G. Thompson	Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	Notice of cancellation 3-14-69, [10]	1	11
CI69-875 (G-12960) F 11-25-68	Shell Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Atchafalaya Bay Field, St. Mary and Terrebonne Parishes, La.	Notice of cancellation 3-14-69 [10]	220	3
CI69-878 A 3-18-69 [11]	Nielson Enterprises, Inc.	Michigan Wisconsin Pipe Line Co., North West Quinlan Field, Woodward County, Okla.	Contract 2-12-69 [12] [13]	7	
CI69-879 A 3-18-69 [11]	Mareve Oil Corp., et al.	Consolidated Gas Supply Corp., Ritchie District, Tyler County, W. Va.	Contract 4-17-68 [13]	6	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-1758 C 1-27-69 [11]	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	Supplemental agreement 10-7-68 [9]	8	3
CI68-63 E 1-29-69	H. H. Champlin et al. (successor to Joe N. Champlin, Trustee).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Joe N. Champlin, Trustee, FPC GRS No. 3. Supplement Nos. 1-5.	4	1-5
CI68-702 E 2-7-69	Estate of W. G. Rogers and BeeKay Co. (successor to W. G. Rogers et al.).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	Notice of succession (undated) [10] Effective date: 2-5-68 W. G. Rogers et al., FPC GRS No. 2. Notice of succession 2-5-69. Effective date: 6-14-68	2	
F CI69-40 (CI67-90) C 3-13-69	John C. Oxley	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Assignment 12-22-67 [14]	3	5
CI69-531 (G-12960) F 11-25-68	Estate of W. G. Rogers and BeeKay Co. (successor to Texaco, Inc.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane-Laverne Area, Beaver County, Okla.	Contract 8-16-56 [3] Amendment 4-23-57. Supplemental agreement 5-16-67. Assignment 11-6-67 [3] [4]. Contract 4-8-57 [7] Supplemental agreement 5-16-67. Assignment 10-16-67 [3] [4]. Contract 2-25-68 [3] Letter agreement 2-5-69 [3] Compilation 3-27-69 [3] [6]. Contract 1-13-60. Letter agreement 2-17-69 [4]. Compilation 3-19-69 [3] [5]. Notice of cancellation 1-23-69 [11]	3	1
CI69-546 A 12-9-68 [12]	Federal Petroleum, Inc.	Transwestern Pipeline Co., acreage in Hansford County, Tex.		3	2
CI69-683 A 1-22-69 [13]	Tenneco Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.		4	2
CI69-709 (G-6125) [14] B 1-29-69	Commonwealth Gas Corp.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.		234	1
CI69-739 (CI62-838) B 2-10-69	Blaine Hart et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 2-6-69 [11]	234	2
CI69-787 A 2-24-69 [13]	Shield Petroleum Corp.	Ponova Interests, Murphy District, Ritchie County and Burning Springs District, Wirt County, W. Va.	Contract 11-1-68. Letter agreement. 2-18-69 [13]	3	1
CI69-834 (G-12364) B 3-5-69	Mobil Oil Corp.	United Fuel Gas Pipe Line Co., Monroe Field, Ouachita and Morehouse Parishes, La.	Notice of cancellation 3-3-69 [10]	117	17
CI69-836 (CI67-66) F 2-27-69	James W. Staples (successor to James H. Helland).	United Gas Pipe Line Co., Fortitude (Pettus) Field, Bee County, Tex.	Contract 7-14-66 [14] Assignment 11-20-68 [3].	2	1
CI69-841 A 3-7-69 [11]	Sun Oil Co. [8]	Arkansas Louisiana Gas Co., Northeast Mayfield Field, Beckham County, Okla.	Contract 12-16-68 [11]	246	
CI69-851 A 3-6-69 [11]	Monsanto Co. et al.	Natural Gas Pipeline Co. of America, Chapel Field (Chapel Reservoir), Brazoria and Matagorda Counties, Tex.	Contract 10-3-68 [7] Letter agreement 11-5-68 [13].	95 105	1
CI69-862 A 3-12-69 [11]	Gas Marketing, Inc. (Operator).	Panhandle Eastern Pipe Line Co., Kiowa Plant, Kiowa County, Kans.	Contract 1-14-69 [11].	2	
CI69-863 (G-13266) B 3-13-69	Shell Oil Co.	Southern Natural Gas Co., Lobel Field, Iberia and St. Mary Parishes, La.	Notice of cancellation 3-11-69 [10]	179	4

See footnotes at end of table.

[1] Predecessor in interest to Ashland Oil & Refining Co.
[2] Partial succession with respect to Ashland's certificate in Docket No. G-9013 and complete succession with respect to Ashland Carbon Co. (CI62-1284) and Ashland Gas Co. Corp. (CI62-1285) in Docket No. G-15912 previously covered by United Carbon Co. FPC GRS No. 14 which was redesignated as Ashland's FPC GRS No. 52.
[3] Amendment to the certificate to reflect terms of amendatory agreement dated Oct. 3, 1968.
[4] Extends term of basic contract from Dec. 2, 1971 to Dec. 1, 1980; decreases aggregate daily contract quantity from 114,000 Mcf to 70,000 Mcf during 1969-71; 25,000 Mcf during 1972; 20,000 Mcf during 1973; 15,000 Mcf during 1974; 13,000 Mcf during 1975 and 10,000 Mcf during 1976-80. Provides for 5-year make-up period. Provides that price will be 14 cents from Dec. 2, 1967 to Dec. 2, 1971; 15 cents from Dec. 2, 1971 to Dec. 2, 1976; 16 cents from Dec. 2, 1976 to Dec. 2, 1980; 17.25 cents from Dec. 2, 1971 to Dec. 2, 1976 and 18.25 cents from Dec. 2, 1976 to Dec. 2, 1980), such prices do not include applicable tax reimbursement; price increases to any higher applicable area rate.
[5] Provides that terms of amendatory agreement will not be effective unless acceptable authorization is received for both applications (Dockets Nos. G-6836 and CI69-851).
[6] Effective date: Date of this order.
[7] Transfers the properties from Sun Oil Co. No. 26, Dakota Formation, Jicarilla C Lease from dedication under a high pressure contract (FPC GRS No. 90) to low pressure contract (FPC GRS No. 131) in Docket No. G-15912.
[8] Filed Apr. 7, 1969, provides for a reduction in rate from 14.0536 cents to 12.9035 cents for production transferred from FPC GRS No. 90 to FPC GRS No. 131.
[9] Source of gas depleted.
[10] Production of gas no longer economically feasible.
[11] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[12] Amends basic contract to provide 5-year make-up period applicable to sales under Nov. 15, 1968 amendatory agreement in lieu of contractual 3-year make-up period.
[13] Complies with temporary certificate issued Mar. 21, 1969. Applicant states willingness to accept permanent authorization for the additional acreage at 15.0 cents Mcf and conditioned to limit the buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.
[14] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[15] 62.929 percent of gas until dedicated to Kansas-Nebraska Natural Gas Co., Inc., and 37.071 percent is dedicated to Panhandle Eastern Pipe Line Co.
[16] Conveys acreage to Palm Resource Corp. from Palm Petroleum Corp.
[17] Transfers Cameron's interest in the subject properties to Midhurst Oil Corp.
[18] Sales from a portion of each unit are being proposed as initial service (140 acres in lieu of the 500 acres authorized in the temporary certificate issued Feb. 7, 1969) and sales from the remainder as a partial succession (160 acres-Pan American Petroleum Corp. and 620 acres-Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.). Jan. 1, 1970, moratorium applicable to the 780 acres covered by Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. FPC GRS No. 10 in Docket No. CI62-1251.
[19] Portion of acreage covered by Pan American Petroleum Corp. FPC GRS No. 419 in Docket No. CI65-1145.

[8] Applicant states willingness to accept permanent authorization at 15 cents including tax reimbursement for the newly dedicated acreage.
[9] Contract rate is 18 cents plus 0.018-cent tax reimbursement; however, Applicant proposes a rate of 17 cents subject to upward and downward B.t.u. adjustment.
[10] Court decree by which Applicants acquired their interests.
[11] Assigns acreage from Amax Petroleum Corp. to Applicant.
[12] Basic contract between buyer and Texaco, Inc.; on file as Texaco, Inc. FPC GRS No. 148.
[13] Basic contract between buyer and Marathon Oil Co.; on file as Marathon Oil Co. FPC GRS No. 31.
[14] From Texaco, Inc. to Applicant.
[15] From Marathon Oil Co. to Applicant.
[16] Eliminates indefinite-pricing provisions.
[17] Complies with temporary certificate issued Mar. 14, 1969; Applicant states willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceeding in Docket No. R-338.
[18] Deletes acreage previously dedicated to Sinclair Oil Corp. contract dated Mar. 18, 1962; on file as Sinclair's FPC GRS No. 251.
[19] Complies with temporary certificate issued Mar. 14, 1969; Applicant states willingness to accept a permanent certificate at 15 cents.
[20] Other sales covered under the certificate in Docket No. G-6125; therefore, said certificate will be terminated only insofar as it pertains to Commonwealth Gas Corp. FPC GRS No. 5.
[21] Basic contract between James H. Helland and buyer; currently on file as James H. Helland FPC GRSNo. 3.
[22] Basic contract between James Helland to James W. Staples to a depth of 4,500 feet.
[23] Transfers acreage from James Helland to James W. Staples to accept a permanent certificate conditioned to the area ceiling rate of 15 cents plus B.t.u. adjustment in lieu of the initial contract rate of 16 cents plus B.t.u. adjustment.
[24] By letter dated Mar. 21, 1969, Applicant expressed willingness to accept a permanent certificate conditioned to the initial service ceiling for the Oklahoma Panhandle Area.
[25] Provides for 100 percent take-or-pay of seller's part of daily contract quantity with 5-year makeup period and a 75-125 percent swing in daily takes; daily contract quantity is 45,000 Mcf during 1969, 1970, and 1971; 30,000 Mcf during 1972-74; 15,000 Mcf during 1975-78 and 10,000 Mcf during 1979-88.
[26] Contract provides for an initial base rate of 19.5 cents plus tax reimbursement; however, Applicant has expressed willingness to accept a permanent certificate at an initial rate of 17 cents including tax reimbursement which is equal to the initial service ceiling for the Oklahoma Panhandle Area.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) Docket No.

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ---------- 196---.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 69-6236; Filed, May 28, 1969; 8:45 a.m.]

[Docket No. E-7484]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

MAY 21, 1969.

Take notice that on May 19, 1969, an Application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Co. (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota, Wyoming, and Montana, with its principal business office at Rapid City, S. Dak., seeking an order authorizing the issuance of $5 million principal amount of First Mortgage Bonds, Series O. Applicant proposes to issue and sell the aforesaid Series O First Mortgage Bonds, to be dated June 1, 1969, and to mature June 1, 1999, at a negotiated price of 100 percent of principal amount, and an interest rate of 7.80 percent. The aforesaid Series O First Mortgage Bonds will be sold by Applicant through its agent, Eastman Dillon, Union Securities & Co., to eight institutions. The fee to be paid by Applicant to Eastman Dillon, Union Securities & Co. for its services and expenses in securing purchasers for the proposed Bonds, negotiating the sale thereof, and the rates and provisions pertaining thereto is the sum of $20,000. Such bonds will be secured by and issued under Applicant's indenture of mortgage and deed of trust to The Hanover Bank, as trustee (presently Manufacturers Hanover Trust Co. through merger with Manufacturers Trust), dated as of September 1, 1941, as supplemented and amended by various supplemental indentures to and including the supplemental indenture dated as of May 1, 1963 and by a proposed supplemental indenture to be dated as of June 1, 1969. The new bonds cannot be refunded out of proceeds from the issuance of securities at an interest rate lower than interest rate of the bonds for a period of 5 years.

Applicant states that it proposes to use the proceeds from the sale of the First Mortgage Bonds, Series O, for payment of additions and improvements to its properties, including the repayment of interim bank loans obtained for such purposes. Applicant's construction program for the year ending October 31, 1969, estimated at $4,966,935, includes the completion of a 20,000 kw. steam turbine generator unit at its Wyodak plant and a 35-mile, 69 kv. transmission line from Colony, Wyo. to Alzada, Mont.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining ahe appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6344; Filed, May 28, 1969; 8:45 a.m.]

[Docket No. CP64-76]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 22, 1969.

Take notice that on May 14, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP64-76 a petition to amend the order issued in said docket as part of the Commission's Opinion 500 issued July 26, 1966 (36 F.P.C. 176) by requesting that certain facilities that Petitioner has constructed and installed be authorized in lieu of the facilities authorized in the aforementioned order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of July 26, 1966, Petitioner was authorized to construct and operate various natural gas transmission facilities and appurtenances as part of a major pipeline expansion program. Petitioner states in the instant filing that certain changes were necessary when actual construction of the proposed facilities was carried out due to changes in locations of gas wells, inability to acquire certain materials, and incorrect estimates of the transmission system's needs.

Petitioner states that the revisions to the authorized facilities resulted in no appreciable increase in the total capacity of its Southern Mainline System.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6345; Filed, May 28, 1969; 8:45 a.m.]

[Docket No. E-7417]

IOWA POWER AND LIGHT CO.

Notice of Application

MAY 22, 1969.

Take notice that on May 19, 1969, Iowa Power and Light Co. (Applicant) of Des Moines Iowa, filed an application seeking authority pursuant to section 204 of the Federal Power Act to increase to $34 million the amount of short-term promissory notes authorized to be issued, of which aggregate amount up to $17 million may be in the form of commercial paper, and to extend to no later than

September 30, 1970, the final maturity date of notes authorized to be issued under the Commission's order of June 27, 1968, and the supplemental order issued August 13, 1968, in Docket No. E–7417. In that order and supplemental order the Commission authorized Applicant to issue up to $25 million short-term promissory notes, of which aggregate amount up to $10 million could be in the form of commercial paper, with final maturities no later than September 30, 1969.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

The notes are to be issued from time to time to banking institutions and/or sold through commercial paper dealers.

Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities of not more than 180 days from their dates and in any event on or before September 30, 1970, and are to bear interest at the prime rate in effect at the time of issuance.

Commercial paper will be issued as unsecured promissory notes through established commerical paper dealers. Commercial paper notes are to have maturities of not more than 270 days from their dates and in any event on or before September 30, 1970, and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance.

The proceeds from the issuance of notes will be used as interim financing of the Applicant's construction program to September 30, 1970, which is estimated to total $27,147,000. The increase in authorization to $34 million and the extension of 1 year to September 30, 1970, will allow Applicant more freedom in selecting the most appropriate time to go into the market with new permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6346; Filed, May 28, 1969; 8:45 a.m.]

[Docket No. CP69–44]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Motion To Amend

MAY 22, 1969.

Take notice that on May 15, 1969, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69–44 a motion to amend the Commission's order issued January 17, 1969, in said docket by authorizing the installation of different size compressor units in lieu of those heretofore authorized in this proceeding, all as more fully set forth in the motion to amend which is on file with the Commission and open to public inspection.

The order of January 17, 1969, among other things, authorized Michigan Wisconsin to construct and operate certain facilities in order to meet the increased peak day requirements of its customers commencing in the fall of 1969. Included in the facilities authorized were single 7,500 horsepower reciprocating compressor units at the Cottage Grove and Portland Compressor Stations. Michigan Wisconsin states that the most economical proposal for the unit at Cottage Grove was submitted by an engine manufacturer whose unit carries a nominal rating of 7,800 horsepower. Accordingly, Michigan Wisconsin requests authority to construct and operate one 7,800 horsepower unit at Cottage Grove in lieu of the 7,500 horsepower unit heretofore authorized. Michigan Wisconsin states further that the most economical proposal for the additional compression at the Portland Station was submitted by an engine manufacturer which does not manufacture a 7,500 horsepower class unit. In lieu of such a unit, it was proposed to install two 5,950 horsepower units. However, the motion indicates that in recognition of the fact that this proposal would result in the installation of more horsepower than Michigan Wisconsin requires at this time, the manufacturer agreed that Michigan Wisconsin would now pay for only the equivalent of a 7,500 horsepower unit, with the balance being deferred until such time as Michigan Wisconsin requires the additional horsepower which time is estimated to be in 1971. Accordingly, Michigan Wisconsin requests authorization to construct and operate two 5,950 horsepower compressor units at the Portland Station in lieu of the 7,500 horsepower unit heretofore authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6347; Filed, May 28, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CHARTER CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First National Charter Corp., Kansas City, Mo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquistion of 80 percent or more of the voting shares of The First National Bank of Kansas City, Kansas City, Mo., and of 51 percent or more of the voting shares of Leawood National Bank of Kansas City, Kansas City, Mo.

Section 3(c) of the Act, as amended: Provides, That the Board shall not approve (1) any acquistion or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquistion may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 23d day of May 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69–6351; Filed, May 28, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

MAY 23, 1969.

On May 22, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Malaysia that it was renewing for an additional 12-month period beginning May 24, 1969, and extending through May 23, 1970, the restraint on imports into the United States of cotton textiles in Category 22, produced or manufactured in Malaysia. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of May 23, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 22, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 24, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 23, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 24, 1969, and for the 12-month period extending through May 23, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 22, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 242,550 square yards.

In carrying out this directive, entries of cotton textiles in Category 22, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to May 24, 1969, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 24, 1968, through May 23, 1969. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 22 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–6376; Filed, May 28, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3909]

BSF CO.

Order Suspending Trading

MAY 23, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 25, 1969, through June 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–6361; Filed, May 28, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MAY 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 25, 1969, through June 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–6362; Filed, May 28, 1969; 8:46 a.m.]

[812–2489]

EATON & HOWARD BALANCED FUND

Notice of Filing of Application for Exemption

MAY 23, 1969.

Notice is hereby given that Eaton & Howard Balanced Fund ("applicant"), 24 Federal Street, Boston, Mass. 02110, a common law trust existing under the laws of Massachusetts registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Mutual Bankers Corp. ("Mutual").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Mutual, a Delaware corporation, is an investment company, all of the outstanding stock of which is owned by 19 stockholders, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Mutual, substantially all of the cash and securities owned by Mutual, with a value of approximately $4,921,698 as of January 17, 1969, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Mutual to be transferred to applicant by the net asset value per share of applicant both to be determined as of a valuation time, as defined in the agreement. If the valuation under the agreement had taken place on January 17, 1969, Mutual would have received 400,001 shares of applicant's stock.

When received by Mutual, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Mutual stockholders on the liquidation of Mutual. Applicant has been advised by the management of Mutual that the stockholders of Mutual have no present intention of redeeming any of applicant's shares following the proposed transaction.

There is no affiliation between applicant and Mutual. Mutual is not an affiliated person of any affiliated person of applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Trustees approved the agreement as being beneficial to its shareholders, because among other things, applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 9, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6363; Filed, May 28, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

MAY 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 25, 1969, through June 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6364; Filed, May 28, 1969; 8:46 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MAY 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1969, through June 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6365; Filed, May 28, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MAY 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 26, 1969, through June 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6366; Filed, May 28, 1969; 8:46 a.m.]

TARIFF COMMISSION

[337-23]

FREEZE DRIED COFFEE

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission on December 19, 1968, by Struthers Scientific and International Corp. of New York, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of freeze dried coffee by General Foods Corp. of White Plains, N.Y. and possibly others, which unfair methods or acts have the effect or tendency to substantially injure, or prevent the establishment of, an industry in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Complainant alleges, inter alia, that General Foods Corp.:

(a) Has engaged in unfair acts and unfair methods of competition by the importation and sale in the United States of freeze dried coffee which is produced by a foreign manufacturer in accordance with the claims of U.S. Letters Patent No. 3,381,302 and/or No. 3,404,007 owned by the complainant;

(b) Has engaged in unfair acts and unfair methods of competition by the importation and sale in the United States of freeze dried coffee manufactured abroad in misuse of trade secrets that were obtained for use in only certain domestic production of the freeze dried coffee, and has engaged in other unfair acts in the importation of freeze dried coffee;

(c) Has caused complainant to suffer injury by virtue of repeated acts of such unfair competition in the importation and sale of freeze dried coffee.

Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on the 14th of May, ordered;

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of freeze dried coffee.

(2) A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

The Commission is not at this time recommending that a temporary exclusion order be issued.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for January 23, 1969 (34 F.R. 1091), and the complaint was served on the party named in the complaint and others and has been available for inspection by interested persons continuously since issuance of the notice, at the office of the Secretary located in the Tariff Commission Building, and also in the New York City Office of the Commission located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

By order of the Commission.

Issued: May 26, 1969.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-6380; Filed, May 28, 1969; 8:47 a.m.]

[337-22]

TRACTOR PARTS

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission on November 1, 1968, by Albert Levine Associates of Jamaica, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of certain crawler tractor parts, which unfair methods or acts have the effect or tendency to restrain or monopolize trade and commerce in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Complaint alleges, inter alia, that the partnerships, corporations, or associations hereinafter named through their respective officers and agents:

(a) Have all participated in and acted in unlawful combinations or conspiracies in restraint of the trade and commerce in certain imported tractor parts in the United States;

(b) Have all participated in a joint and collaborate action and agreement whereby the foreign manufacturer and the U.S. importer-distributors conspired to and did effect a complete boycott and cutting off of complainant and others from importing and selling certain tractor parts in the United States.

Those partnerships, corporations, and associations alleged to be engaged in the activities in violation of section 337 hereinbefore described include:

Bertoni & Cotti S.p.A. Officine Meccaniche of Copparo, Ferrara, Italy.
Jackson Tractor Parts Co., Inc. of Jackson, Miss.
Tupes of Saginaw, Inc., of Saginaw, Mich.
Wilson Parts and Equipment Co. of Raleigh, N.C.
Shaull Equipment and Supply Co. of Lemoyne, Pa.
Burgman Supply Co. of Jacksonville, Fla.
Seaboard Equipment Co., Inc., of Westbury, N.Y.
International Steel Products, Inc., and/or Tru-Rol Co., Inc., of Baltimore, Md.

Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on the 14th day of May 1969, ordered:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of tractor parts produced by Bertoni & Cotti of Italy.

(2) A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on July 15, 1969, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

The Commission is not at this time recommending that a temporary exclusion order be issued.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for December 17, 1968 (33 F.R. 18638), and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the office of the Secretary located in the Tariff Commission Building, and also in the New York City Office of the Commission located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: May 26, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-6381; Filed, May 28, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by

all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

A & R Food Store, Inc., foodstores from 2–15–69 to 2–14–70: 930 Oxmoor Road, Birmingham, Ala.; 202 Seventh Street South, Clanton, Ala.

Ace Tailors, apparel store; 323 23d Street, Galveston, Tex.; 2–25–69 to 2–24–70.

Ackemann Brothers, Inc., department store; 168 East Highland Avenue, Elgin, Ill.; 2–16–69 to 2–15–70.

Aero Pharmacy, Inc., drugstore; 2100 Orems Road, Middle River, Md.; 2–3–69 to 1–31–70.

Allen's Big Star, foodstore; Corner Second Avenue and Sixth Street North, Amory, Miss.; 2–3–69 to 2–2–70.

Alta Foodland, foodstore; Alta, Iowa; 2–26–69 to 2–25–70.

B & B Super Service, foodstore; 103 Victoria Street, Kenedy, Tex.; 2–27–69 to 2–26–70.

Regel Baker's IGA Food Store, foodstore; Highway 79, McKenzie, Tenn.; 2–20–69 to 2–19–70.

E. W. Banks Co., department store; 20–22 North Jackson, Forsyth, Ga.; 2–26–69 to 2–25–70.

Becker's Super Valu, foodstore; Morgan, Minn.; 2–12–69 to 2–11–70.

Ben Franklin Store, variety store; 200 East Main Street, Anamosa, Iowa; 2–5–69 to 2–4–70.

Bernhardt Hardware, Inc., hardware store; 113 North Main Street, Salisbury, N.C.; 2–3–69 to 1–31–70.

Best Food Store, foodstore; 4737 Marlboro Pike, Coral Hills, Md.; 2–10–69 to 2–9–70.

Big Bee Market, foodstore; Marysville, Pa.; 2–10–69 to 2–9–70.

Bob's Grocery, foodstore; 200 First Avenue NE., Cairo, Ga.; 2–7–69 to 1–31–70.

Brestwoode Inn, restaurant; 1410 East 23d, Fremont, Nebr.; 2–13–69 to 2–12–70.

Browns Market, foodstore; 3117 East 13th, Wichita, Kans.; 2–13–69 to 2–12–70.

Burke Pharmacy, Inc., drugstore; 1812 North Cleburn, Grand Island, Nebr.; 2–26–69 to 2–25–70.

Cambridge Nursing Home, Inc., nursing home; 548 West First Street, Cambridge, Minn.; 3–1–69 to 2–28–70.

Canfield Co., department store; George West, Tex.; 2–14–69 to 2–13–70.

Carmel Home, nursing home; 2501 Old Hartford Road, Owensboro, Ky.; 2–27–69 to 2–26–70.

Carney's variety store; 128 South Main Street, Marysville, Ohio; 2–25–69 to 2–24–70.

Carson Pirie Scott & Co., department store; 1520 Fifth Avenue, Moline, Ill.; 3–1–69 to 2–28–70.

Carter Brothers, agriculture; 709 North First Street, Rolling Fork, Miss.; 2–17–69 to 2–16–70.

Chambers Super Market, foodstore; Wink, Tex.; 2–27–69 to 2–26–70.

Cherokee Food Town, Inc., foodstore; 427 Cherokee Boulevard, Chattanooga, Tenn.; 2–24–69 to 2–23–70.

Colorado Drumstick, Inc., restaurants from 2–26–69 to 2–25–70: 6301 East Colfax Avenue, Denver, Colo.; 6501 West Colfax Avenue, Denver, Colo.; 1490 South Colorado Boulevard, Denver, Colo.; 4095 South Santa Fe Drive, Englewood, Colo.; 74 Federal Boulevard, Westminster, Colo.

Conoco Cafe, restaurant; Grand Island, Nebr.; 2–21–69 to 2–20–70.

Cornerstone Farm & Gin Co., agriculture; Pine Bluff, Ark.; 3–1–69 to 2–28–70.

Cosentino Brothers Market, foodstore; 4300 Blue Ridge Boulevard, Kansas City, Mo.; 2–14–69 to 2–13–70.

Costa's Super Market, foodstore; 323 Water Street, Smethport, Pa.; 2–3–69 to 2–2–70.

Craft's Drug Store, drugstores from 3–1–69 to 2–28–70: No. 5, Gaffney, S.C.; Nos. 1, 2, 3, and 4, Spartanburg, S.C.

D & L Market, foodstore; 201 Main Street, Forreston, Ill.; 2–10–69 to 2–9–70.

Denny's Department Store, department store; 420–422 Gallatin Street, Vandalia, Ill.; 2–27–69 to 2–26–70.

The Diamonds, restaurant; Villa Ridge, Mo.; 2–13–69 to 2–12–70.

Dickson's, hardware store; 201 East Chambers Street, Cleburne, Tex.; 2–27–69 to 2–25–70.

Dillon Companies, Inc., foodstores from 2–24–69 to 2–23–70: Nos. 2 and 12, Dodge City, Kans.; No. 15, Garden City, Kans.; Nos. 3 and 20, Great Bend, Kans.; No. 22, Greensburg, Kans.; No. 23, Lyons, Kans.; No. 17, McPherson, Kans.; No. 32, Mulvane, Kans.; No. 6 and 24, Newton, Kans.; No. 21, Pratt, Kans.; No. 11, St. John, Kans.; Nos. 5, 27, and 41, Salina, Kans.; No. 7, Sterling, Kans.; Nos. 4, 18, 19, 26, 28, 29, 30, 31, 33, 36, and 42, Wichita, Kans.

Dow-Rummel Village, nursing home; 1000 North Lake Avenue, Sioux Falls, S. Dak.; 2–27–69 to 2–26–70.

Drake-Mangrum Super Market, foodstore; Batesville, Miss.; 2–16–69 to 2–15–70.

Dutch's Shopping Mart, foodstore; No. 1, Ada, Okla.; 2–26–69 to 2–25–70.

Erdman Supermarkets, foodstore; Chatfield, Minn.; 2–21–69 to 2–20–70.

Eschbach Music House, music store; 302 Main Street, Ames, Iowa; 2–7–69 to 2–6–70.

Farmers Trading Post, foodstore; Salem, S. Dak.; 2–19–69 to 2–18–70.

Ferri Super Market, Inc., foodstore; Old William Penn Highway, Murrysville, Pa.; 2–9–69 to 2–8–70.

Fischer's Colonial Pharmacy, drugstore; Publix Shopping Center, Kendallville, Ind.; 2–6–69 to 2–5–70.

Food Fair Super Market, foodstore; 890 Second Street, Macon, Ga.; 2–21–69 to 2–20–70.

Foodland, foodstore; Lexington, Okla.; 2–12–69 to 2–11–70.

John Francis Restaurant, restaurant; 7148 West 80th Street, Overland Park, Kans.; 2–5–69 to 2–4–70.

Frank's Inc., foodstore; 113 West McCord Avenue, Albertville, Ala.; 2–5–69 to 2–4–70.

Giant Food Market, foodstores from 3–1–69 to 2–28–70: No. 6, Bristol, Tenn.; No. 7, Elizabethton, Tenn.; Nos. 2 and 4, Johnson City, Tenn.; No. 3, Kingsport, Tenn.

Gibson General Hospital, Inc., hospital; Trenton, Tenn.; 2–11–69 to 2–10–70.

Wm. Y. Gilmore & Sons, Inc., department store; 137 North Oak Park Avenue, Oak Park, Ill.; 2–14–69 to 2–13–70.

Goldblatt Brothers, Inc., department store; 3149 North Lincoln Avenue, Chicago, Ill.; 2–26–69 to 2–25–70.

Graham's Department Store, Inc., department store; 124–126 South Main Street, Red Springs, N.C.; 2–19–69 to 1–31–70.

Grand Pacific Hotel, hotel; 205 North Fourth Street, Bismarck, N. Dak.; 2–13–69 to 2–12–70.

W. T. Grant Co., variety store; No. 265, Kansas City, Mo.; 2–10–69 to 2–9–70.

John Gray and Son Big Star, foodstore; No. 8, Memphis, Tenn.; 2–15–69 to 2–14–70.

Handy Andy, Inc., foodstores from 2–14–69 to 2–13–70: Nos. 131 and 132, Austin, Tex.; Nos. 41, 42, and 43, Corpus Christi, Tex.; Nos. 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, San Antonio, Tex.

Harold W. Hardy Super Market, Inc., foodstore; Shepherdsville, Ky.; 2–13–69 to 2–12–70.

Harmon Food Center, foodstore; Lake Mills, Iowa; 2–13–69 to 2–12–70.

Harrods Thrift Market, foodstore; 330 North White Street, Athens, Tenn.; 2–25–69 to 2–24–70.

Hayden House, Inc., restaurant; Eppley Airfield, Omaha, Nebr.; 2–28–69 to 2–27–70.

Henderson Rexall Drugs, drugstore; 270 Delta Avenue, Clarksdale, Miss.; 2–26–69 to 2–25–70.

Holcomb Pharmacy, drugstore; 1209 Second Street, Perry, Iowa; 2–28–69 to 2–27–70.

Hollywood Market, Inc., foodstore; 2458 Chelsea, Memphis, Tenn.; 2–7–69 to 2–6–70.

Holzaepfel Brothers, department store; 102 Columbus Avenue, Sandusky, Ohio; 2–19–69 to 2–18–70.

Hooks Foods, Inc., foodstores: Grundy Center, Iowa, 2–23–69 to 2–22–70; Reinbeck, Iowa, 2–21–69 to 2–20–70.

Howland-Hughes Co., department store; 120–140 Bank Street, Waterbury, Conn.; 3–1–69 to 2–28–70.

Hudson's Big Country Store, Inc., department store; Coalgate, Okla.; 2–27–69 to 2–26–70.

Joe's Party Store; party supply store; 8320 West Davison, Detroit, Mich.; 2–20–69 to 2–19–70.

John's Market, foodstore; 838 North Fourth, Big Rapids, Mich.; 2–20–69 to 2–19–70.

Johnson Department Store, department store; Main Street, Jamestown, Tenn.; 2–13–69 to 2–12–70.

Johnson's Super Market, foodstore; Mountain Home, Ark.; 2–12–69 to 2–11–70.

Kay Baum, Inc., apparel store; 166 West Maple, Birmingham, Mich.; 2–19–69 to 2–18–70.

Kewanee Public Hospital, hospital; 719 Kewanee Street, Kewanee, Ill.; 3–1–69 to 2–28–70.

Kirssin's Department Store, Inc., department store; 32 East King Street, Shippensburg, Pa.; 2–24–69 to 2–23–70.

S. S. Kresge Co., variety-department store; 2–6–69 to 2–5–70 except as otherwise indicated: No. 717, Atlanta, Ga. (2–21–69 to 2–20–70); No. 2258, Indianapolis, Ind.; No. 117, Terre Haute, Ind.; No. 588, Youngstown, Ohio (2–15–69 to 2–14–70).

Landers Brothers Co., foodstore; Nowata, Okla.; 2–27–69 to 2–26–70.

Langhorne Pharmacy, Inc., drugstore; 220 West Main Street, Salem, Va.; 2–3–69 to 2–2–70.

Lesman's Market, Inc., foodstore; 119 East Paterson Street, Kalamazoo, Mich.; 2–6–69 to 2–5–70.

Liberty Cash, foodstore; No. 42, Winona, Miss.; 2–18–69 to 2–17–70.

Long's Market, Inc., foodstore; 43 Abbitt Avenue, Roxboro, N.C.; 2–5–69 to 1–31–70

Loole's IGA, foodstore; 113 North Main, George, Iowa; 2–7–69 to 2–6–70.

Lumbard-Leschinskt Studio, camera store; 109 East Third Street, Grand Island, Nebr.; 2–5–69 to 2–4–70.

Manly Drug, drugstore; 621 G Avenue, Grundy Center, Iowa; 2–19–69 to 2–18–70.

Marsh's, Inc., drugstore; 30 Seventh Avenue, St. Cloud, Minn.; 2–16–69 to 2–15–70.

J. E. Mayes, agriculture; Mayesville, S.C.; 2–12–69 to 2–11–70.

McClains, foodstore; Shepherd, Tex.; 2–25–69 to 2–24–70.

McNeely IGA Store; foodstore; Geary, Okla.; 2–18–69 to 2–17–70.

S. P. McRae Co., Inc., department stores from 2–6–69 to 2–5–70: 200 West Capitol Street, Jackson, Miss.; 905 Ellis Avenue, Jackson, Miss.; 353 Meadowbrook Road, Jackson, Miss.

Mecca Convalescent Home of Mecca, Inc., nursing home; 190 Southwest U.S. No. 1, Vero Beach, Fla.; 2–20–69 to 2–19–70.

Louis Menotti Food Store; foodstore; 1508 Moody, Galveston, Tex.; 2–3–69 to 2–2–70.

Messer Drug Co., drugstore; 2 East Peoria, Paola, Kans.; 2–28–69 to 2–27–70.

Micka's Market, Inc., foodstore; 199 Cole Road, Monroe, Mich.; 2–27–69 to 2–26–70.

Miller Drug Store, Inc., drugstore; 2309 Como Avenue, St. Paul, Minn.; 2–5–69 to 2–4–70.

Millers Fairway, foodstore; Maple Plain, Minn.; 2–10–69 to 2–9–70.

Miller's Supermarket, Inc., foodstore; 702 South Main, Moab, Utah; 2–13–69 to 2–12–70.

Minimax, foodstores from 3–1–69 to 2–28–70: 209 East Main Street, Edna, Tex.; No. 1, Liberty, Tex.; 1137 East Ninth Street, Mission, Tex.

Moore's Super Market, foodstore; 1326 Vultee Boulevard, Nashville, Tenn.; 3–1–69 to 2–28–70.

Morey's Clothes Shop, apparel store; 620 Fourth Street, Sioux City, Iowa; 2–2–69 to 2–1–70.

G. C. Murphy Co., variety-department stores from 2–13–69 to 2–12–70: No. 216, McConnellsburg, Pa.; No. 217, Mercersburg, Pa.

J. J. Newberry Co., variety-department stores: No. 157, Keyport, N.J., 2–24–69 to 2–23–70; No. 27, Coatesville, Pa., 3–1–69 to 2–28–70.

Newman Park Pharmacy, Inc., drugstore; 401 East 103d, Chicago, Ill.; 2–26–69 to 2–25–70.

Nicholas Drug Store, Inc., drugstore; 123 West Third Street, Grand Island, Nebr.; 2–28–69 to 2–27–70.

Bob Nolan's Super Market, Inc., foodstore; 1029 South Sixth Street, Paducah, Ky.; 2–16–69 to 2–15–70.

O'Brien's Drugs, drugstore; 11856 South Western Avenue, Chicago, Ill.; 2–26–69 to 2–25–70.

Osborn Market, foodstore; Miller, S. Dak.; 2–17–69 to 2–16–70.

Park 'N Shop Food Mart, Inc., foodstores: 301 Robeson Street, Fayetteville, N.C., 3–1–69 to 2–28–70; East Broad Street, St. Pauls, N.C., 2–24–69 to 2–23–70.

Parkway Super Market, Inc., foodstore; 111 Pfaff Street, St. Albans, W. Va.; 3–1–69 to 2–28–70.

Pence Food Center, Inc., foodstore; Highway 59 North, Garnett, Kans.; 2–5–69 to 2–4–70.

Piggly Wiggly, foodstores from 2–28–69 to 2–27–70 except as otherwise indicated: Dunlap Avenue, Guntersville, Ala. (2–24–69 to 2–23–70); Heflin, Ala. (2–3–69 to 2–2–70); 111 South Pearl Street, Carthage, Miss.; 300 Southeast Washington, Idabel, Okla.; 707 West Main Street, Clarksville, Tex.; 1322 North Main, Cleburne, Tex. (1–18–69 to 1–17–70); Washington and Bonham, Commerce, Tex.; 1310 11th Street, Huntsville, Tex.; New Boston, Tex. (2–27–69 to 2–26–70); Nos. 2, 3, 4, and 5, Waco, Tex.; Grundy, Va. (2–24–69 to 2–23–70).

Powell's Red and White, foodstore; St. Stephen, S.C.; 2–10–69 to 1–31–70.

Powers Market, foodstore; 301 Hillsboro Highway, Manchester, Tenn.; 2–15–69 to 2–14–70.

Pratho's, department store; Giddings, Tex.; 3–1–69 to 2–28–70.

Preston Poultry and Feed, agriculture; Reedsville, W. Va.; 3–1–69 to 2–28–70.

Pruett's Food Town, Inc., foodstores from 2–24–69 to 2–23–70: 2108 East Third Street, Chattanooga, Tenn.; Daisy, Tenn.

Raymond's Clothes Shop, apparel store; 614 Fourth Street, Sioux City, Iowa; 2–2–69 to 2–1–70.

Richardsons Super Food Market, foodstore; Estes Park, Colo.; 2–12–69 to 2–11–70.

Rickaby IGA Market, foodstore; Stephenson, Mich.; 2–18–69 to 2–17–70.

Rite-Way Foodliners, Inc., foodstore; 315 East Eufaula Street, Norman, Okla.; 3–1–69 to 2–28–70.

Rollings Jewelry Co., jewelry store; 623 Main Street, Hattiesburg, Miss.; 2–11–69 to 2–10–70.

S & M Super Market, foodstore; 935 Broad Street, Camden, S.C.; 2–27–69 to 2–26–70.

St. Joseph Hospital of the Plains, hospital; 602 West Sixth Street North, Cheyenne Wells, Colo.; 2–21–69 to 2–20–70.

St. Louis Hospital, hospital; 324 School Street, Berlin, N.H.; 3–1–69 to 2–28–70.

Samhat Brothers Food Mart, foodstore; 27222 Grand River, Detroit, Mich.; 2–18–69 to 2–17–70.

Scallan's Super Mart, foodstore; Marksville, La.; 2–3–69 to 2–2–70.

Schulenberg's Super Valu, Inc., foodstore; Wells, Minn.; 2–3–69 to 2–2–70.

Seikel's Department Store, department store; McLoud, Okla.; 2–12–69 to 2–11–70.

Shadid's Food Store, foodstore; 2918 North Pennsylvania, Oklahoma City, Okla.; 2–28–69 to 2–27–70.

Shaver's Food Mart, foodstores from 3–1–69 to 2–28–70: 7266 North 30th Street, Omaha, Nebr.; 2615 South 90th Street, Omaha, Nebr.; 4232 Redman Avenue, Omaha, Nebr.

Sherry Hardware, hardware store; 1716 West Fourth Street, Davenport, Iowa; 2–17–69 to 2–16–70.

Sholor Thrifty Foods, foodstore; First Avenue, Cairo, Ga.; 2–7–69 to 1–31–70.

Shop Rite, Inc., foodstores from 2–28–69 to 2–27–70: Lafayette Road, Fort Oglethorpe, Ga.; Ringgold, Ga.

Silvy's Food Market, foodstore; 1202 West Ponca, Ponca City, Okla.; 2–17–69 to 2–16–70.

Singmon-Valentine Market, Inc., foodstore; 511 East 135th, Kansas City, Mo.; 2–26–69 to 2–25–70.

Snyder's, department store; Winslow, Ind.; 2–10–69 to 2–9–70.

Spendthrift Farm, agriculture; Lexington, Ky.; 3–1–69 to 2–28–70.

Spurgeon's, department stores: East Side of Square, Canton, Ill., 2–26–69 to 2–25–70; 413 Chestnut Street, Atlantic, Iowa, 2–17–69 to 2–16–70; 112–114 North Main Street, Charles City, Iowa, 2–5–69 to 1–23–70; 117 East Second Street, Muscatine, Iowa, 2–5–69 to 1–31–70.

Stephersons Big Star, foodstore; 4625 Poplar, Memphis, Tenn.; 3–1–69 to 2–28–70.

Sturm's Youth World, apparel store; 535 Main Street, Oak Ridge, Tenn.; 2–4–69 to 2–3–70.

The Sumter Dry Goods Co., Inc., department store; 1 South Main Street, Sumter, S.C.; 2–24–69 to 2–23–70.

Super Drive Ins, foodstores from 2–19–69 to 2–18–70: No. 3, Clarksville, Tenn.; No. 1, Nashville, Tenn.

Sutton Super Market, foodstore; Williamsburg, Ky.; 2–15–69 to 2–14–70.

T & E Tractor Co., farm implement store; Seguin, Tex.; 2–3–69 to 2–2–70.

T. G. & Y. Stores Co., variety-department stores: No. 223, Baton Rouge, La., 2–28–69 to 2–27–70; No. 150, Kansas City, 3–1–69 to 2–28–70.

Taylor Drug Store, drugstore; G–5543 Richfield Road, Flint, Mich.; 2–28–69 to 2–27–70.

Tom Thumb Stores, Inc., foodstores from 2–24–69 to 2–23–70: No. 58, Cleburne, Tex.; Nos. 1, 2, 3, 4, 5, 7, 11, 12, 15, 17, 18, 21, and 22, Dallas, Tex.; No. 57, Gainesville, Tex.

E. W. Thomson Drug Co., Inc., drugstore; 119 West South First Street, Delhi, La.; 2–12–69 to 2–11–70.

Tomlinson Stores, Inc., department store; 155 North Dargan Street, Florence, S.C.; 2–27–69 to 2–26–70.

Tull Drug Co., drugstore; 6 West Ohio Street, Butler, Mo.; 2–19–69 to 2–18–70.

Union Grocery Co., Inc., foodstore; Gary, W. Va.; 2–13–69 to 2–12–70.

Variety Foods, foodstore; 44th and South Walker, Oklahoma City, Okla.; 2–27–69 to 2–26–70.

Victoria Pharmacy, drugstore; Victoria, Tex.; 2–14–69 to 2–13–70.

Warren's IGA Supermarket, foodstore; Medford, Okla.; 2–18–69 to 2–17–70.

Wehner's IGA, foodstore; Sharon Springs, Kans.; 2–6–69 to 2–5–70.

Welch's Red & White, foodstore; Charleston, S.C.; 2–11–69 to 1–31–70.

Weskota Manor, nursing home; Wessington Springs, S. Dak.; 2–24–69 to 2–23–70.

Westgate Pharmacy, drugstore; Norfolk, Nebr.; 2–19–69 to 2–18–70.

P. Wiest's Sons, department store; 14–20 West Market Street, York, Pa.; 2–10–69 to 2–9–70.

Wineland's IGA Foodliner, Inc., foodstore; 403 East Christiana Street, Martinsburg, Pa.; 2–25–69 to 2–24–70.

F. W. Woolworth Co., variety-department store; No. 43, Wilmington, Del.; 2–5–69 to 2–4–70.

Young's Food Market, foodstore; 614 North Mechanic, El Campo, Tex.; 2–27–69 to 2–26–70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of fulltime students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A & R Food Store, Inc., foodstores for the occupations of stock clerk, produce clerk, meat clerk, carryout, 19 to 25 percent, 2–15–69 to 2–14–70: Brent, Ala.; Calera, Ala.; Selma, Ala.

Ashcraft Market, foodstore; 202 East Cedar Street, Gladwin, Mich.; stock clerk, carryout; 15 to 27 percent; 2–7–69 to 2–6–70.

Boogaart Super Market, foodstore; 516 Fifth Street, Fairbury, Nebr.; carryout, clerk, maintenance; 17 to 38 percent; 2–14–69 to 2–13–70.

Carson Pirie Scott & Co., department store; 3232 Lake Avenue, Wilmette, Ill.; salesclerk; stock clerk, wrapper; 2 to 6 percent; 3–1–69 to 2–28–70.

Craft's Drug Store, drugstores for the occupation of salesclerk, 8 percent, 3–1–69 to 2–28–70: No. 10, Greer, S.C.; Nos. 6 and 9, Spartanburg, S.C.

Crook's Food Mart, foodstore; Senoia, Ga.; stock clerk, checker, bagger, produce clerk, janitorial; 26 to 31 percent; 2–14–69 to 2–13–70.

DeBroeck's Big Star Market, foodstore; 400 Dix Road, Jefferson City, Mo.; cashier, clerk, carryout, wrapper, maintenance, meat cutter; 11 to 32 percent; 3–1–69 to 2–28–70.

Dillon Cos., Inc., foodstores for the occupations of cashier, checker, carryout, clerk, wrapper, maintenance, 11 to 32 percent except as otherwise indicated, 2–24–69 to 2–23–70: No. 101, Fayetteville, Ark.; No. 103, Ozark, Ark.; No. 102, Paris, Ark.; No. 104, Prairie Grove, Ark.; No. 49, Lawrence, Kans. (8 to 28 percent); No. 76, Manhattan, Kans. (8 to 28 percent); No. 78, Topeka, Kans. (8 to 28 percent); No. 75, Valley Center, Kans.; Nos. 35 and 72, Wichita, Kans. (9 to 17 percent); No. 77, Wichita, Kans. (11 to 30 percent).

Dutch's Shopping Mart, foodstore; No. 2, Ada, Okla.; stock clerk, package clerk, cleanup; 11 to 22 percent; 2–26–69 to 2–25–70.

Erdman Supermarket, Inc., foodstores for the occupations of checker, stock clerk, carryout, cleanup, 10 percent except as otherwise

indicated, 2–21–69 to 2–20–70 except as otherwise indicated; 19 Second Avenue NW., Kasson, Minn. (5 to 8 percent); 404 Fourth Street SE., Rochester, Minn. (2–24–69 to 2–23–70); 1402 North Broadway, Rochester, Minn. (2–24–69 to 2–23–70); 1652 Highway 52 North, Rochester, Minn.

Giant Food Market, foodstores for the occupations of stock clerk, cashier, carryout, 20 to 22 percent, 3–1–69 to 2–28–70: No. 12, Greenville, Tenn.; No. 10, Johnson City, Tenn.; No. 9, Kingsport, Tenn.; No. 11, Morristown, Tenn.

W. T. Grant Co., variety stores for the occupation of salesclerk except as otherwise indicated, 3–1–69 to 2–28–70 except as otherwise indicated: No. 667, Decatur, Ill., 2 to 13 percent (salesclerk, stock clerk, cashier, 2–8–69 to 2–7–70); No. 1243, Houlton, Maine, 0 to 10 percent (2–10–69 to 2–9–70); No. 1018, Fargo, N. Dak., 3 to 16 percent (salesclerk, stock clerk, cleanup, checker, 2–19–69 to 11–7–69). Replacement; No. 63, Hazelton, Pa., 9 to 44 percent (salesclerk, cashier, office clerk, stock clerk); No. 90, Pottsville, Pa., 8 to 19 percent.

Handy Andy, Inc., foodstores for the occupations of stock clerk, product clerk, bottle sorter, bakery salesclerk, office cashier, checker, packager, porter, dairy stock clerk, 27 percent except as otherwise indicated, 2–14–69 to 2–13–70: Nos. 33 and 134, Austin, Tex.; No. 44, Corpus Christi, Tex.; Nos. 3, 24, 26, and 27, San Antonio, Tex.; No. 25, San Antonio, Tex. (31 percent).

Hunts Store, foodstores for the occupations of stock clerk, packager, 11 to 14 percent, 2–24–69 to 2–23–70: Nos. 408, 409, and 432, Dallas, Tex.

Huntsville Grocery Co., Inc., foodstore; 1310 Avenue L, Huntsville, Tex.; stock clerk, checker, sacker, clerk; 10 percent; 2–28–69 to 2–27–70.

Kay Baum, Inc., apparel stores for the occupation of stock clerk, 4 to 21 percent, 2–19–69 to 2–18–70: Liberty at Thompson, Ann Arbor, Mich.; 16822 Kercheval, Detroit, Mich.; 1550 Woodward Avenue, Detroit, Mich.

Kelloff's Food Market, Inc., foodstore; Antonito, Colo.; stock clerk, carryout; 4 to 28 percent; 2–20–69 to 2–19–70.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, checker-cashier, maintenance except as otherwise indicated: No. 4039, South Bend, Ind., 10 percent, 2–7–69 to 2–6–70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4020, Detroit, Mich., 10 percent, 2–27–69 to 2–26–70; No. 246, Grand Rapids, Mich., 2 to 11 percent, 2–28–69 to 2–27–70; No. 4038, Saginaw, Mich., 10 percent, 2–6–69 to 2–5–70; No. 4022, Grand Forks, N. Dak., 6 to 14 percent, 2–11–69 to 9–2–69 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4153, Cincinnati, Ohio, 7 to 22 percent, 2–3–69 to 2–2–70 (salesclerk, stock clerk, checker-cashier, maintenance, office clerk); No. 4175, Canton, Ohio, 6 to 17 percent, 2–24–69 to 2–23–70; No. 721, Anderson, S.C., 11 to 22 percent, 2–2–69 to 2–1–70 (salesclerk); No. 4246, Chattanooga, Tenn., 2 to 17 percent, 2–20–69 to 2–19–70 (salesclerk, office clerk, checker-cashier, stock clerk, maintenance); No. 4161, Dallas, Tex., 7 to 27 percent, 2–4–69 to 2–3–70 (salesclerk); No. 553, Hampton, Va., 0 to 32 percent, 2–3–69 to 2–2–70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance); No. 4084, Lynchburg, Va., 3 to 10 percent, 2–10–69 to 2–9–70 (salesclerk).

Kuhn Brothers Co., Inc., variety-department store; No. 54, Kingsport, Tenn.; salesclerk, stock clerk, office clerk; 4 to 15 percent; 2–18–69 to 2–17–70.

Land of Oz Grocery, foodstore; 126 East Main Street, Yukon, Okla.; sacker, carryout, stock clerk, checker; 15 percent; 2–14–69 to 2–13–70.

LeCari Market, foodstore; 2800 Hilton, Ferndale, Mich.; carryout, cleanup; 8 to 18 percent; 2–21–69 to 2–20–70.

Lineville IGA Food Store, foodstore; Lineville, Ala.; stock clerk, bagger, checker, wrapper, janitorial; 17 to 32 percent; 2–7–69 to 2–6–70.

Little Store, foodstore; West Sullivan Street, Kingsport, Tenn.; carryout, cashier, stock clerk; 20 to 22 percent; 3–1–69 to 2–28–70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of sales clerk, stock clerk, office clerk except as otherwise indicated: No. 338, Fort Lauderdale, Fla., 13 to 27 percent, 2–5–69 to 1–31–70; No. 258, St. Petersburg, Fla., 4 to 15 percent, 2–11–69 to 2–10–70 (salesclerk, office clerk, stock clerk, porter); No. 269, Munster, Ind., 7 to 16 percent, 3–1–69 to 2–28–70; No. 264, Augusta, Maine, 19 to 36 percent, 2–15–69 to 2–14–70; No. 398, Feasterville, Pa., 11 to 26 percent, 3–1–69 to 2–28–70; No. 284, Stephenville, Tex., 18 to 39 percent, 2–11–69 to 2–10–70 (salesclerk, stock clerk).

Minimax, foodstore; Highway 124, Winnie, Tex.; sacker, carryout, stock clerk; 11 to 16 percent; 3–1–69 to 2–28–70.

Minyard Food Stores, Inc., foodstores for the occupation of package clerk, 11 to 16 percent except as otherwise indicated, 2–20–69 to 2–19–70: Nos. 12 and 20, Arlington, Tex.; Nos. 1, 2, 4, 6, 8, 10, 11, 14, 15, 18, and 19, Dallas, Tex.; Nos. 22 and 23, Dallas, Tex. (11 to 19 percent); Nos. 3 and 17, Irving, Tex.; No. 9, Lancaster, Tex.; No. 16, Lewisville, Tex.; No. 7, Mesquite, Tex.

Moore's Super Market, foodstores for the occupations of stock clerk, sacker, 8 percent, 3–1–69 to 2–28–70; Hermitage Hill, Hermitage, Tenn.; 157 Lafayette Street, Nashville, Tenn.

Morgan & Lindsey, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 2–5–69 to 2–4–70: No. 3079, Abbeville, La., 4 to 22 percent; No. 3075, Silsbee, Tex., 10 to 27 percent.

Newman Pharmacy, Inc., drugstore; 14201 Chicago Road, Dolton, Ill.; stock clerk, clerk, cashier, delivery clerk, records clerk; 19 to 25 percent; 2–26–69 to 2–25–70.

Newman's, apparel store; 4027 Franklin Street, Michigan City, Ind.; office clerk, stock clerk, marker, fitting-room checker; 8 to 9 percent; 2–3–69 to 2–2–70.

Piggly Wiggly, foodstores for the occupations of checker, stock clerk, sacker, clerk except as otherwise indicated, 10 percent except as otherwise indicated, 2–28–69 to 2–27–70 except as otherwise indicated: No. 21, Texarkana, Ark.; Town and Country Shopping Center, Pikeville, Ky. (sacker, carryout, stock clerk, 20 to 32 percent, 2–24–69 to 2–23–70); No. 45, Hampton, S.C. (sacker, checker, market clerk, 2–11–69 to 8–11–69); Highway 6 and Rosemary, Bryan, Tex.; 407 South Main, Henderson, Tex.; 532 Commerce Street, Jacksonville, Tex.; No. 10, Rockdale, Tex.; No. 11, Temple, Tex.; No. 19, Texarkana, Tex.; Nos. 6, 8, and 9, Waco, Tex.; Williamson, W. Va. (sacker, carryout, stock clerk, 20 to 32 percent, 2–24–69 to 2–23–70).

Pikes Peak Drumstick, Inc., restaurant; 1104 South Circle Drive, Colorado Springs, Colo.; waiter (waitress), busboy (girl), counter helper, kitchen helper, host (hostess), takeout clerk; 38 to 63 percent; 2–25–69 to 2–24–70.

Pruett's Food Town, Inc., foodstores for the occupation of sacker, 10 percent, 2–24–69 to 2–23–70 except as otherwise indicated: No. 4, Dayton, Tenn.; 5738 Ringgold Road, East Ridge, Tenn.; 4852 Hixson Pike, Hixson, Tenn. (2–26–69 to 2–25–70).

Raylass Department Store, variety-department store; 3621 Dayton Boulevard, Chattanooga, Tenn.; cleanup, salesclerk, stock clerk, office clerk, marker; 13 to 34 percent; 2–12–69 to 2–11–70.

Rose's Stores, Inc., variety-department stores from 11 to 27 percent: No. 85, Forest City, N.C., salesclerk, 2–5–69 to 1–31–70; No. 117, Kinston, N.C., salesclerk, checker, 2–15–69 to 2–14–70.

Scott Foods Inc., foodstore; Oneida, Tenn.; bagger, meat clerk, produce clerk, stock clerk; 19 to 26 percent; 3–1–69 to 2–28–70.

Shaver's Food Mart, foodstores for the occupation of carryout, 10 to 27 percent, 3–1–69 to 2–28–70; 169 Bennett Avenue, Council Bluffs, Iowa; 133 West Broadway, Council Bluffs, Iowa; 3813 South 27th Street, Lincoln, Nebr.; 101 South Poplar, Millard, Nebr.; 139 South 40th Street, Omaha, Nebr.; 1937 South 42d Street, Omaha, Nebr.; 5739 North 60th Street, Omaha, Nebr.; 1420 South 60th Street, Omaha, Nebr.; 8005 Blondo Street, Omaha, Nebr.; 7820 Dodge Street, Omaha, Nebr.; 4110 Grover Street, Omaha, Nebr.; 4001 Harrison Street, Omaha, Nebr.; 7803 Military Avenue, Omaha, Nebr.; 7591 Main Street, Ralston, Nebr.

Shop Rite, Inc., foodstores for the occupations of stock clerk, bagger, 10 percent, 2–28–69 to 2–27–70 except as otherwise indicated: Chatsworth, Ga.; West Vallanow Street, La Fayette, Ga.; South Commerce Street, Summerville, Ga. (3–1–69 to 2–28–70).

Spurgeon's, department store; 816 Fifth Avenue, Antigo, Wis.; salesclerk, stock clerk, janitorial, marker, receiving clerk; 8 to 15 percent; 2–26–69 to 2–25–70.

Sterling Stores Co., Inc., variety store; Albert Pike Shopping Center, Hot Springs, Ark.; salesclerk, stock clerk, cleanup; 6 to 22 percent; 2–6–69 to 2–5–70.

Style Shop of Elkhart, Inc., apparel store; 420 South Main Street, Elkhart, Ind.; office clerk, stock clerk, marker, fitting-room checker; 8 to 9 percent; 2–3–69 to 2–2–70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk: No. 1601, Prichard, Ala., 15 to 30 percent, 2–28–69 to 2–27–70; No. 1200, Little Rock, Ark., 11 to 30 percent, 2–28–69 to 2–27–70; No. 1800, Denver, Colo., 19 to 30 percent, 2–15–69 to 2–14–70; No. 316, Baton Rouge, La., 6 to 22 percent, 2–28–69 to 2–27–70; No. 827, Clovis, N. Mex., 13 to 24 percent, 2–13–69 to 2–12–70; No. 10, Ada, Okla., 20 to 30 percent, 2–28–69 to 2–27–70; No. 1000, Miami, Okla., 20 to 30 percent, 2–15–69 to 2–14–70; No. 448, Tulsa, Okla., 24 to 30 percent, 2–5–69 to 2–4–70; Nos. 471, 472, and 473, Tulsa, Okla., 24 to 30 percent, 2–8–69 to 2–7–70; Nos. 813 and 821, Houston, Tex., 30 percent, 3–1–69 to 2–28–70; No. 739, Kilgore, Tex., 30 percent, 3–1–69 to 2–28–70; No. 762, Marshall, Tex., 30 percent, 3–1–69 to 2–28–70.

Tom Thumb Stores, Inc., foodstores for the occupation of package clerk, 9 to 13 percent, 2–24–69 to 2–23–70: Nos. 8, 10, 23, 27, 28, 30, 32, 33, 34, and 35, Dallas, Tex.; No. 9, Farmers Branch, Tex.; Nos. 25 and 29, Garland, Tex.; No. 24, Grand Prairie, Tex.; No. 26, Richardson, Tex.

Tomlinson Stores, Inc., department store; West Main Street, Dillon, S.C.; salesclerk, stock clerk, porter; 6 to 20 percent; 2–13–69 to 2–12–70.

Wood's 5 & 10¢ Stores, variety store; West Hudson Street, Fayetteville, N.C.; salesclerk, stock clerk; 9 to 20 percent; 2–3–69 to 2–2–70.

F. W. Woolworth Co., variety-department stores for the occupations of salesclerk, stock clerk, cleanup except as otherwise indicated, 5 to 15 percent except as otherwise indicated, 2–16–69 to 2–15–70 except as otherwise indicated: No. 2418, Aurora, Colo.; No. 2176, Denver, Colo.; No. 599, Virginia, Minn. (salesclerk, cleanup, stock clerk, checker, 3 to 12 percent, 2–19–69 to 2–18–70).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 20th day of May 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–6360; Filed, May 28, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1298]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 23, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 852 (Sub-No. 4), filed April 18, 1969. Applicant: NORTH SHORE FREIGHT LINES, INC., 202 South 26th Avenue West, Duluth, Minn. 55806. Applicant's representative: A. A. Uzzolo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Duluth, Minn., and Grand Portage, Minn., over U.S. Highway 61, serving all intermediate points; and (2) between Grand Marais, Minn., and the end of the Gunflint Trail, at or near Sea Gull Lake, Minn., over the Gunflint Trail (County Highway 12), serving all intermediate points and off-route points within 10 miles of the Gunflint Trail, in seasonal operations extending from April through November of each year. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn., or Grand Marais, Minn.

No. MC 1222 (Sub-No. 34), filed May 14, 1969. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic foam*, from Ironton, Portsmouth, and Hamilton Township, Lawrence County, Ohio, to points in Indiana, Kentucky, West Virginia, that part of Michigan on and south of Michigan Highway 55, and that part of Pennsylvania on and west of U.S. Highway 219. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2202 (Sub-No. 370), filed May 8, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: Douglas Faris, Post Office Box 471, Akron, Ohio 44309, and William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Amity Hall, Pa., and Buffalo, N.Y., from Amity Hall over U.S. Highway 15 to Wayland, N.Y., thence over New York Highway 63 to junction U.S. Highway 20 near Bethany, N.Y., thence over U.S. Highway 20 to Buffalo, and return over the same route as an alternate route in connection with applicant's regular route authority, serving no intermediate points and serving Amity Hall for joinder purposes only; and (2) between Amity Hall, Pa., and Rochester, N.Y., over U.S. Highway 15 (also U.S. Highway 15A), as an alternate route in connection with applicant's authorized regular-route operations, serving no intermediate points and serving Amity Hall for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 371), filed May 12, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Richmond, Va., and the junction Interstate Highway 81 and Virginia Highway 311 near Roanoke, Va.: From Richmond over U.S. Highway 60 to junction Virginia Highway 24, thence over Virginia Highway 24 to junction U.S. Highway 460, thence over U.S. Highway 460 to Lynchburg, Va., thence over Virginia Highway 297 to Bedford, Va., thence over U.S. Highway 460 to Roanoke, Va., thence over Virginia Highway 311 to Interstate Highway 81 and return over the same route as an alternate route serving no intermediate points and serving the junction of Virginia Highway 311 and Interstate Highway 81 for joinder purposes only. NOTE: If a hearing is

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 74), filed May 5, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 National Bank Building, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, from Omaha, Nebr., to points in Illinois. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2607 (Sub-No. 12), filed May 1, 1969. Applicant: L. F. BERRY, doing business as BERRY VAN LINES, 312 North Aurora Street, Easton, Md. 21601. Applicant's representative: Harry C. Ames, Jr., McLachlen Bank Building, Suite 705, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Delaware; (2) between Dover, Del., on the one hand, and, on the other, points in Accomack and Northampton Counties, Va.; (3) between points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 55), filed May 9, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the manufacture, production, distribution, and sale of such commodities, restricted against the transportation of commodities in bulk, between Lawnside, Pennsville, and Vineland, N.J., on the one hand, and, on the other, points in Florida, Georgia, and South Carolina. NOTE: Applicant states it would tack to and from points in the northeastern United States. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2962 (Sub-No. 39), filed May 8, 1969. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: James T. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction Indiana Highways 64 and 162 and Jasper, Ind.: From junction Indiana Highways 64 and 162 over Indiana Highway 162 to Jasper, Ind., and return over the same route, serving the termini in connection with carrier's authorized regular-route operations, for the purposes of joinder only, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 3252 (Sub-No. 58), filed May 1, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in bulk, in tank vehicles, from Plattsburgh, N.Y., to points in Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Montpelier, Vt.

No. MC 7228 (Sub-No. 34), filed May 8, 1969. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1960 Southeast 10th Avenue, Portland, Oreg. 97214. Applicant's representative: Nick I. Goyak, 1408 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in Oregon and Washington. NOTE: Applicant states that it presently has authority to transport frozen fruit, frozen berries, and frozen vegetables from points in Santa Clara and Santa Cruz Counties, Calif., to points in Washington under certificate MC 7228 Sub 23, and that if authority applied for herein is granted, it will submit its Sub 23 for reissue revoking duplicate portion of authority. Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 8948 (Sub-No. 85), filed May 2, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Phoenix and Tucson, Ariz., to points in Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 10173 (Sub-No. 10), filed May 12, 1969. Applicant: MARVIN HAYES LINES, INC., Hayes Circle, Guthrie Highway, Post Office Box 468, Clarksville, Tenn. 37040. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between Clarksville, Tenn., and Louisville, Ky., from Clarksville over U.S. Highway 79 to Russellville, Ky., thence over U.S. Highway 68 to Bowling Green, Ky., thence over U.S. Highway 31W to Louisville, and return over the same route, serving no intermediate points. NOTE: Applicant will tack, at Clarksville, Tenn., with its presently held authority under MC 10173. Applicant also states that no duplicating authority is being sought. The purpose of this application is to remove the restriction contained in applicant's certificate in Docket No. MC 10173 Sub 6. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 11207 (Sub-No. 284), filed May 6, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits and pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings, and accessories* necessary to the installation thereof; in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 11207 (Sub-No. 285), filed May 13, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of U.S. Plywood-Champion Paper, Inc., near Courtland, Ala., to points in Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 14552 (Sub-No. 30), filed April 17, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, between Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 15. NOTE: Applicant states it could tack at Cleveland, Ohio, with its presently held authority in MC 14552, and under a combination of regular and irregular route authority it could serve northeastern Ohio, and northwestern Pennsylvania. Applicant presently holds contract carrier authority under MC 123991 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14552 (Sub-No. 34), filed April 23, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, between Cleveland, Ohio, on the one hand, and, on the other, points in West Virgina on and north of a line beginning at the Ohio River, thence east on U.S. Highway 50 to junction U.S. Highway 50 and U.S. Highway 19, thence south on U.S. Highway 19 to junction U.S. Highway 33, thence east on U.S. Highway 33 to junction U.S. Highway 33 and U.S. Highway 219, thence northeast on U.S. Highway 219 to the Maryland-West Virginia State line. NOTE: Applicant states it intends to tack the sought authority at Cleveland, Ohio, to its presently held authority in MC 14552 (here pertinent), to serve points in Ohio and Pennsylvania. Applicant holds contract carrier authority under MC 123991 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21966 (Sub-No. 2), filed May 14, 1969. Applicant: GLENN W. STOWELL, Leverett Road, R.F.D. No. 3, Amherst, Mass. 01002. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags and in bulk, from Albany, N.Y., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Albany, N.Y.

No. MC 22195 (Sub-No. 137), filed May 5, 1969. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk; (1) from the storage facilities of Gulf Central Pipeline Co. located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin; and (2) from the storage facilities of Central Farmers Fertilizer Co. located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 22214 (Sub-No. 18), filed May 13, 1969. Applicant: ACCELERATED TRANSPORT-PONY EXPRESS, INC., Fifth and Vine Streets, Sunbury, Pa. 17801. Applicant's representatives: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, and Russell R. Sage, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Hagerstown, Md., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: The only purpose of this application is to provide an additional gateway at Hagerstown, Md., in connection with applicant's present general commodities authority at MC 22214, between points in Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in the above-named States. No additional authority is being sought, and applicant will agree to a restriction against tacking the proposed authority with its present authority between Berkeley and Jefferson Counties, W. Va., and the named States to preclude issuance of duplicate authority. Applicant's terminal is located in the Hagerstown commercial area approximately 7 road miles from Berkeley County. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 23441 (Sub-No. 10), filed May 13, 1969. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: William A. Landau, 1415 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles, snow blowers, lawnmowers, yard or garden tractors, and accessories, attachments, and parts* for snowmobiles, snow blowers, lawnmowers, and yard or garden tractors, from the plantsite and warehouse facilities of Wheel Horse Products, Inc., at or near Des Moines, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 25798 (Sub-No. 188), filed May 11, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of U.S. Plywood Champion Papers, Inc., near Courtland, Ala., to points in Florida and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 26739 (Sub-No. 63) (Correction), filed April 11, 1969, published in FEDERAL REGISTER issue of May 8, 1969, corrected May 12, 1969, and republished as corrected this issue. Applicant: CROUCH BROS., INC., U.S. Highway 36, Elwood, Kans. 66024. Applicant's representative: George W. Keefer, Post Office Box 1059, St. Joseph, Mo. 64502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Shenandoah, Iowa, and Lincoln, Nebr., from Shenandoah over Iowa Highway 2 to the Iowa-Nebraska State Line and thence over Nebraska Highway 2 to Lincoln and return over the same route, serving the intermediate points of Sidney, Iowa, and Nebraska City, Nebr., and the off-route points of Farragut, Hamburg, and Riverton, Iowa. NOTE: The purpose of this republication is to show applicant's name as CROUCH BROS., INC. in lieu of GROUCH BROS., INC. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 29120 (Sub-No. 106), filed May 7, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57101. Applicant's representatives: H. Lauren Lewis (same as above), and David Axelrod, 39 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and hides and skins), between Sioux Falls, S. Dak., and St.

Louis, Mo.: (a) From Sioux Falls, S. Dak., over Interstate Highway 29 to junction with U.S. Highway 275, thence over U.S. Highway 275 to junction with U.S. Highway 59, thence over U.S. Highway 59 to junction with U.S. Highway 71, thence over U.S. Highway 71 to junction with Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving no intermediate points, and serving points in Madison and St. Clair Counties, Ill., and Clayton County, Mo., as off-route points; and (b) from Sioux Falls, S. Dak., over Interstate Highway 29 to junction with Interstate Highway 80, thence over Interstate Highway 80 to junction with Iowa Highway 163, thence over Iowa Highway 163 to junction with U.S. Highway 63, thence over U.S. Highway 63 to junction with Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving no intermediate points, and serving points in Madison and St. Clair Counties, Ill., and Clayton County, Mo., as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 29566 (Sub-No. 132), filed May 2, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Coffeyville, Kans., to points in Illinois, Iowa, Minnesota, Nebraska, Oklahoma, and Wisconsin. NOTE: Applicant controls Direct Transports, Inc., and states it could tack the authority sought herein at St. Joseph, Mo., with Direct Transports, Inc., to render a through service to points in Iowa and Nebraska. This route is circuitous in some instances. Applicant further states that it will accept any restriction deemed necessary by the Commission as a result of the duplicating routes. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 29910 (Sub-No. 80), filed May 7, 1969. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in Arkansas, Oklahoma, Texas, Louisiana, and Mississippi; and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Arkansas, Oklahoma, Texas, Louisiana, and Mississippi, to the plant and warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 30470 (Sub-No. 6), filed April 30, 1969. Applicant: CONSOLIDATED MOTOR FREIGHT, INC., 1411 West Second Street, Post Office Box 947, Hastings, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading); (1) between Holdrege and Maywood, Nebr., over Nebraska Highway 23, serving all intermediate points; and (2) serving points in Nebraska, west of U.S. Highway 281 and south of the Platte and South Platte Rivers as off-route points in connection with applicant's regular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 31389 (Sub-No. 108), filed May 8, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving points in Hancock County, Ky., as off-route territory in connection with applicant's existing regular-route operations between Cincinnati, Ohio, and Fulton, Ky., including those conducted over U.S. Highway 60 between Louisville and Owensboro, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31809 (Sub-No. 6), filed May 14, 1969. Applicant: CLAY'S TRANSFER CO., INC., Post Office Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, preengineered structural products*, laminated or not laminated, treated or not treated, including *hardware* necessary for erection; *roof decking*, laminated or not laminated, treated or not treated; *prefabricated or machined wooden products*, laminated or not laminated, treated or not treated; *boat docks*, (a) between points in Nash and Edgecombe Counties, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) between points in Wake County, N.C., on the one hand, and, on the other, points in Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Connecticut, Maine, Massachusetts, Rhode Island, Vermont, and New Hampshire. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 35320 (Sub-No. 108), filed May 8, 1969. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Post Office Box 6723, Lubbock, Tex. 79413, and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment) serving the plantsite of Eastman Kodak Co. near Windsor, Colo., as an off-route point in connection with carrier's present authority to serve Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41404 (Sub-No. 83), filed May 5, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Fulton Highway, Post Office Box 440, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, fresh and frozen, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (b) *dairy products*, (c) *canned or packaged foods*, (d) *bread making compounds, flour, coffee, tea, and food ingredients*, (e) *confectioneries*, (f) *prepared foods, foodstuffs, and food preparations, fresh or frozen*, (g) *fish or seafoods*, (h) *articles* described in section C of appendix I, 61 M.C.C. 209 and 766, and (i) *groceries*, from Chicago, Ill., and points in its commercial zone as defined by the Commission, to points in Kentucky, North Carolina, and South Carolina. NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42919 (Sub-No. 8), filed May 9, 1969. Applicant: COASTAL TRUCKWAYS, INC., Post Office Box 2915, Raleigh, N.C. 27602. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and batteries*, from Cumberland, Md., to Wilson, N.C. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 47142 (Sub-No. 104), filed May 5, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 4417 Earl Court, Huntington, W. Va. 25702. Applicant's representative: George Joline, Suite 117, 2500 North Van Dorn Street, Alexandria, Va. 22302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives and blasting supplies*, between points in Delaware, Maryland, Tennessee, Virginia, and the District of Columbia. NOTE: Applicant states it will tack with its MC 47142 at Bristol, Va., enabling service between present authority and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 51146 (Sub-No. 134), filed May 5, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials, and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from Birmingham, Ala.; Bartow and Orlando, Fla.; Atlanta, Ga.; Spartanburg, S.C.; and Forth Worth, Tex.; to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority could be tacked with various subs under MC 51146 and pending subs. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52869 (Sub-No. 91), filed May 12, 1969. Applicant: NORTHERN TANK LINE, a corporation, Post Office Box 970, Miles City, Mont. 59301. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Butte County, S. Dak., to points in Montana, North Dakota, Nebraska, South Dakota, Colorado, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Denver, Colo., or Minneapolis, Minn.

No. MC 52657 (Sub-No. 663), filed May 5, 1969. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bierberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except trailers and parts and accessories thereof), when moving with the vehicles being transported, in initial movements in truckaway and driveaway service, from Boyertown, Pa., to points in the United States, including Alaska (but excluding Hawaii), restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles; (2) *motor vehicles* (except trailers and parts and accessories thereof), when moving with vehicles being transported, in secondary movements in truckaway service, between Boyertown, Pa., and points in the United States, including Alaska (but excluding Hawaii), restricted to the transportation of vehicles which have been manufactured or assembled at Boyertown, Pa., and further restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 58902 (Sub-No. 13), filed May 9, 1969. Applicant: MANLEY TRANSFER COMPANY, INC., 1410 Intercity Trafficway, Kansas City, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, wallboard molding, wallboard cement, aluminum and vinyl molding, and plywood* with not more than two coats of lacquer, from Pittsburg, Kans., to points in Missouri and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 59856 (Sub-No. 33), filed April 30, 1969. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Thermopolis and Cody, Wyo., from Thermopolis over Wyoming Highway 120 to junction U.S. Highways 14, 16, and 20, approximately 2 miles east of Cody, thence over U.S. Highways 14, 16, and 20 to Cody, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 59967 (Sub-No. 5), filed May 5, 1969. Applicant: LASHAM CARTAGE CO., a corporation, 2601 South Archer Avenue, Chicago, Ill. 60608. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in bulk, and commodities which, because of size or weight require special equipment, between Palm Beach, Port Everglades, Port Laudania, and Miami, Fla., on the one hand, and, on the other, points in Palm Beach, Broward, and Dade Counties, Fla. (restricted to the transportation of traffic having a prior or subsequent movement by water). NOTE: The applicant states it possesses general commodity authority between the points named in this application but with the general exceptions including the two named above which it is seeking in this proceeding. Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 61231 (Sub-No. 44), filed May 5, 1969. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Chicago Heights and Bartonville, Ill., to points in Kansas, Missouri, and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61624 (Sub-No. 6), filed May 6, 1969. Applicant: KIRBY & KIRBY, INC., 1052 Spruce Street, Trenton, N.J. 08638. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning supplies*, from Briston, Pa., to points in Nassau

and Suffolk Counties, and Mount Kisco, N.Y.; (2) *toys and dolls*, from Harrison, N.H., to points in Nassau and Suffolk Counties, N.Y.; and (3) *canned foods*, from Camden, N.J., to points in Nassau and Suffolk Counties, and Mount Kisco, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 473), filed April 21, 1969. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from the storage facilities of Allied Chemical Corp. located at or near Channahon, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 476), filed May 9, 1969. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dupo, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, and Tennessee. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 65941 (Sub-No. 30), filed May 7, 1969. Applicant: TOWER LINES, INC., Post Office Box 907, Wheeling, W. Va. 26003. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., to points in Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify location.

No. MC 66886 (Sub-No. 12), filed May 12, 1969. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 73688 (Sub-No. 32), filed May 9, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., to points in Georgia, Kentucky, Louisiana, Mississippi, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify location.

No. MC 75212 (Sub-No. 3), filed April 21, 1969. Applicant: SHANAHAN TRUCKING, INC., Main Road, Gill, Mass. 01376. Applicant's representative: Frank J. Weiner, 536 Granite Street, Investors Building, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oil, lubricating oil, and distillates*, in bulk, in tank vehicles, from Rensselaer, N.Y., to points in Salem, Haverhill, Taunton, Hyannis, Attleboro, Fitchburg, Greenfield, and Boston, Mass., and Warwick, R.I., under contract with American Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Albany, N.Y.

No. MC 76032 (Sub-No. 242), filed May 7, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, heavy machinery, livestock, fresh fish, coal, ore, sand, gravel, and commodities requiring special equipment), serving the plantsite, warehouses, and facilities of Eastman Kodak Co. near Windsor, Colo., as an off-route point in connection with carrier's existing regular-route operations. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 76032 (Sub-No. 243), filed May 12, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Rio Rancho Estates near Albuquerque, N. Mex., as an off-route point in connection with carrier's present regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 76177 (Sub-No. 322), filed May 8, 1969. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35223. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives and blasting supplies, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., as an off-route point in connection with carrier's regular-route operation between Decatur and Florence, Ala., over Alabama Highway 20. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 87909 (Sub-No. 11), filed May 5, 1969. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling devices including air circulators, parts, accessories, and materials* used in the manufacture and installation of heating and cooling devices and air circulators and advertising matter when shipped in mixed shipments with the above commodities, from the plantsite, warehouses, and facilities of Lennox Industries at Marshalltown, Iowa, to Twin Cities, Minn., restricted to shipments originating at Lennox Industries. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deem necessary, applicant requests it be held at Minneapolis, Minn., Des Moines, Iowa, or Washington, D.C.

No. MC 90373 (Sub-No. 29), filed April 21, 1969. Applicant: C. & R. TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, for the account of the Mobil Oil Corp., between North Brunswick, N.J., on the one hand, and, on the other, New York, N.Y.; points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., points in Fairfield County, Conn.; and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-New York

State line. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Mobil Oil Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 94265 (Sub-No. 217), filed April 11, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Wilmer B. Hill, 666 11th Street NW., Suite 705, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, to points in Pennsylvania, New York, Maryland, New Jersey, and the District of Columbia; and (2) *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Estherville, Iowa, to points in Maryland and the District of Columbia (restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near the points named above and destined to the named territories). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 100463 (Sub-No. 25), filed April 21, 1969. Applicant: SMITH TRANSPORT (U.S.) LIMITED, a corporation, 20 Toronto Street, Toronto, Ontario, Canada. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum and aluminum products*, including, but not limited to, *coils, sheet, and scrap*, between the Alcan, Inc., plantsite located in or near Oswego, N.Y., and the junction of U.S. Highway 11 and Interstate Highway 81, near Pulaski, N.Y., from the Alcan, Inc., plantsite located in or near Oswego, N.Y., over Oswego County Highway 1 to junction County Highway 29, thence over County Highway 29 to junction U.S. Highway 104, thence over U.S. Highway 104 to junction U.S. Highway 104B, thence over U.S. Highway 104B to junction New York Highway 3, thence over New York Highway 3 to junction New York Highway 13, thence over New York Highway 13 to the village of Pulaski, N.Y., thence over city streets of the village of Pulaski, N.Y., to junction U.S. Highway 11 and Interstate Highway 81, and return over the same route, serving no intermediate points (restricted to shipments moving in foreign commerce to points in Canada only). NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 102817 (Sub-No. 13), filed May 7, 1969. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, Ind. 46202. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Florida, to points in Indiana, (2) from points in Georgia, to points in Indiana, and (3) from points in Mississippi, to points in Indiana. NOTE: Applicant states it intends to tack, the authority requested at points in Indiana with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 103993 (Sub-No. 402), filed May 13, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Camp coaches and truck campers*, from points in Creek County, Okla., to points in the United States (except Alaska and Hawaii) and (2) *trailers* designed to be drawn by passenger automobiles from points in Creek County, Okla., to points in the United States (except Hawaii, Alaska, Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106398 (Sub-No. 399) (Amendment), filed April 28, 1969, published FEDERAL REGISTER issue of May 15, 1969, amended and republished as amended this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, building parts and materials*, from Phoenix (Maricopa County), Ariz., to points in the United States (except California, Nevada, Utah, New Mexico, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 106398 (Sub-No. 400), filed May 2, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* in sections, equipped with hitchball connector, in initial movements, from points in Hempstead County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 106398 (Sub-No. 401), filed May 8, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, in initial movements, from points in Yamhill County, Oreg., to points in California, Washington, Idaho, Montana, Nevada, Utah, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107064 (Sub-No. 73), filed May 2, 1969. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, between points in New Mexico. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 107295 (Sub-No. 195), filed May 2, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems, including accessories, parts, and fittings incidental to completion, erection, and installation thereof*, from Kansas City, Mo., to points in the United States (except Alaska, Hawaii, and Missouri). NOTE: Applicant states it will tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 108380 (Sub-No. 76), filed May 7, 1969. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 100, 808 Birch Street, Newcastle, Wyo. 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Butte County, S. Dak., to points in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Casper, Wyo.

No. MC 108676 (Sub-No. 28), filed May 7, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel containers*, and (2) *accessorial commodities* used in the installation and/or operation of steel containers, from the plantsite of Car-Rack Corp., Macedonia, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 108676 (Sub-No. 29), filed May 7, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, sign parts, and accessories therefor*, from the plantsite of Acme-Wiley Corp., Elk Grove Village, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 108859 (Sub-No. 52), filed April 28, 1969. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, Mich. 49829. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper bars, billets, cakes, ingots, and slabs;* and (2) *materials, equipment, and supplies* used in the mining and manufacturing of the commodities in (1) above (except commodities in bulk), between points in Houghton and Ontonagon Counties, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, restricted against the transportation of commodities which because of size or weight require the use of special equipment. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110420 (Sub-No. 589), filed May 12, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, from the plantsite of Archer Daniels Midland Co., at or near Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it would tack at Lincoln, Nebr., to serve Amsterdam, N.Y.; Boston, Salem, and Peabody, Mass.; Chicago, Ill.; Conshohocken, Pa.; Cudahy, Wis.; Indianapolis, Ind.; Louisville, Ky.; Newark, N.J.; and Red Wing, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 110683 (Sub-No. 59), filed May 8, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highways 25 and 227 approximately 5 miles north of Richmond, Ky., and U.S. Highways 60 and 227, at or near Winchester, Ky., over U.S. Highway 227, serving the junctions for joinder only. NOTE: Applicant states the purpose of the application is to join with applicant's existing alternate routes between Lexington, Ky., and Mount Vernon, Ky., over U.S. Highways 25 and between Lexington and Ashland, Ky., over U.S. Highway 60, and thereby avoid Lexington city traffic and reduce the operating distance between applicant's terminals beyond, including its Huntington, W. Va., and Knoxville, Tenn., terminals by approximately 14 miles. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 28), filed May 9, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordinance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk); (a) between military installations or defense establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112391 (Sub-No. 34), filed May 14, 1969. Applicant: HADLEY AUTO TRANSPORT, a corporation, 7428 Paramount Boulevard, Post Office Box 96, Pico Rivers, Calif. Applicant's representative: Phil Johnson, 510 West Sixth Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, buses, chassis, and farm type tractors*, in secondary movement, in truckaway and driveaway, from points in Orange County, Calif., to points in California, Nevada, and Arizona, under a continuing contract with Ford Motor Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 113362 (Sub-No. 162), filed May 14, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, mats, matting, or rugs, and equipment for installation thereof*, from Marietta, Pa., to Davenport and Des Moines, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113678 (Sub-No. 349), filed May 5, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Terre Haute, Ind., to points in Michigan, Iowa, Nebraska, Colorado, Minnesota, Kentucky, Wisconsin, North Dakota, South Dakota, Missouri, Kansas, and Arizona. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 350), filed May 7, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from Sterling, Colo., to points in Nebraska, Kansas, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, Virginia, Maine, Delaware, Rhode Island, Maryland, Georgia, New Jersey, Kentucky, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114019 (Sub-No. 195), filed May 9, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Holland, Mich., and Canajoharie, N.Y. NOTE: Common control may be involved. Applicant states it would tack at Canajoharie, N.Y., with MC 114019 Sub 38 and other subs, serving primarily the State of New York and portions of New Jersey and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114194 (Sub-No. 151), filed May 2, 1969. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Donald D. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt syrup*, in bulk, in tank vehicles, from Peoria, Ill., to points in Michigan, and (2) *syrup coloring* (burnt sugar caramel), in bulk, in tank vehicles, from the plantsite of Sethness Products Co. at Clinton, Iowa, to Chicago, Ill., and points in its commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 114211 (Sub-No. 123) (Correction), filed April 7, 1969, published FEDERAL REGISTER issue of May 1, 1969, and republished in part, as corrected, this issue. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. * * * (1) from ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich. * * * The purpose of this partial republication is to show Port Huron, Mich., in lieu of Fort Huron, Mich., as previously published. The rest of the application remains as previously published.

No. MC 114273 (Sub-No. 42), filed May 8, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), (1) from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, and Missouri, and (2) from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Esterville, Iowa, to points in Illinois, Indiana, Michigan, Missouri, New York, Ohio, and Pennsylvania, restricted to traffic originating at the above-named origins and destined to the named territories. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 43), filed May 12, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and hides, from Omaha, Nebr., and Council Bluffs, Iowa, to points in Colorado, Connecticut, Delaware, District of Columbia, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114737 (Sub-No. 6), filed April 30, 1969. Applicant: O. A. WOODY, doing business as O and A FILM LINES, 14th and Avenue G, Lubbock, Tex. 79401. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock), restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day. Between points located in an area bounded by a line beginning at the Texas-New Mexico State line near Farwell, Tex., extending along U.S. Highway 84 to Sweetwater, Tex.; thence southerly along Texas Highway 70 to the junction of U.S. Highway 277; thence along U.S. Highway 277 to San Angelo, Tex., thence along U.S. Highway 67 to Barnhart, Tex., thence along Texas Highway 163 to Ozona, Tex., thence westerly along U.S. Highway 290 to junction U.S. Highway 80 (east of Kent, Tex.); thence along U.S. Highway 80 (through El Paso, Tex.) to the New Mexico-Texas State line (near Anthony, N. Mex.), thence along a line bounded by the counties of Curry, De Baca, Roosevelt, Lincoln, Chaves, Dona Ana, Eddy, and Lea, N. Mex.; and points on U.S. Highway 80 from Sweetwater, Tex., to Dallas and Fort Worth, Tex. NOTE: Applicant states that it desires the right to interline with other motor common carriers. Applicant further states that it would tack with its present authority at Dallas, Tex., to serve Oklahoma City, Okla. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 115181 (Sub-No. 12) (Correction), filed April 28, 1969, published FEDERAL REGISTER issue of May 15, 1969, as MC 110193 Sub 168, and republished as corrected, this issue. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units*, from points in the Borough of Media, Delaware County, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia, and *damaged or refused shipments* on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show the correct docket number. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 115311 (Sub-No. 99), filed May 8, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, cement products and lime*, (1) from points in Muscogee County, Ga., to points in Alabama, Florida, and Georgia, (2) from Chattanooga, Tenn., to points in Muscogee County, Ga. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116325 (Sub-No. 62), filed May 9, 1969. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel highway*

guard rails, guard rail post and other related products, from Lima, Ohio, to points in Iowa, Missouri, Texas, Oklahoma, Arkansas, Colorado, Kansas, Nebraska, South Dakota, and New Mexico. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 116763 (Sub-No. 149), filed May 15, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay tile and related items*, from Lakeland, Fla., to points in Colorado, Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *commodities* used in the manufaturing distribution, and/or installation of clay tile (except in bulk), on return. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 117031 (Sub-No. 7), filed May 14, 1969. Applicant: BROWN YANCEY, New Bloomfield, Mo. 65063. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feed*, in bags and in bulk, between points in Cole, Callaway, Boone, and Osage Counties, Mo., on the one hand, and, on the other, points in Linn, Johnson, Jones, Cedar, Muscatine, and Scott Counties, Iowa. NOTE: Applicant states it could tack at points in Cole, Callaway, and Osage Counties, Mo., permitting the destination named above to be served from East St. Louis, Ill., Leavenworth, Kans., and Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 117304 (Sub-No. 16), filed May 7, 1969. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust and shavings*, in bulk, in special equipment, between points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, and Nez Perce Counties, Idaho. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 117883 (Sub-No. 124), filed April 30, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Madison, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Madison, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118527 (Sub-No. 6), filed May 12, 1969. Applicant: SOURDOUGH EXPRESS, INC., Post Office Box 288, Fairbanks, Alaska 99701. Applicant's representative: John M. Stern, Jr., Box 1672, Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in Alaska north of the south bank of the Yukon River. NOTE: Applicant states tacking or joinder is intended at all points on the Yukon River common with present and intended authority, and service between points in present authority including Fairbanks and points in intended authority would be provided. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fairbanks or Anchorage, Alaska.

No. MC 118785 (Sub-No. 5), filed May 9, 1969. Applicant: AMERICAN CASKET EXPRESS CO., a corporation, 1010 Second National Building, Cincinnati, Ohio 45202. Applicant's representative: Theodore K. High, 2208 Central Trust Tower, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffins and burial caskets*, from Connersville, Ind., to points in the United States (except Indiana, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 119531 (Sub-No. 116), filed April 23, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, and accessories; and materials, equipment, and supplies* used in the manufacture, sale, and distribution of metal containers and metal container ends; (1) from Chicago and Rockford, Ill.; Detroit, Mich.; Minneapolis, Minn.; Cleveland, Hamilton, and Marion, Ohio; and Green Bay, Wis.; to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Texas, West Virginia, and Wisconsin; (2) from Danbury, Conn.; Baltimore and Cambridge, Md.; Edison, N.J.; Long Island City and Maspeth, N.Y.; and Fairless and Hanover, Pa.; to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119767 (Sub-No. 221), filed May 5, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lactose*, from Bongards and Winsted, Minn., and Mayville, Wis., to St. Louis, Mo., and points in Indiana, Michigan, and Ohio. NOTE: Applicant indicates joinder at the above origins to serve additional Minnesota and South Dakota origins. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 119777 (Sub-No. 148), filed April 30, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and particleboard*, from the plantsite of Georgia Pacific Corp. at or near Taylorsville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin; (2) *particleboard*, from the plantsite of Georgia Pacific Corp. at or near Taylorsville, Miss., to points in Kentucky, Tennessee, and Louisiana. NOTE: Applicant is authorized to operate as a contract carrier under MC 129670, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 119777 (Sub-No. 150), filed May 9, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood fiberboard, wood fiberboard faced or finished with decorative or protective materials;* and (2) *accessories and supplies* used in the installation of the commodities in (1) above, from Elkhart, Ind., to points in North Dakota, South Dakota, Nebraska, Colorado, and New Mexico and points in all States east thereof. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 126970 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 153), filed May 12, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul Martinson, Post Office Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural and food processing and handling machinery and implements*, (2) *metal boxes, street cleaners, beach cleaners and rock pickers*, and (3) *parts and attachments* for (1) and (2) above, from Gering, Nebr., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (B) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities described in (A) above, from points in the destination States named in (A) above, to Gering, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or, Cheyenne or Laramie, Wyo.

No. MC 123048 (Sub-No. 154), filed May 13, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. and Paul Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, and farm equipment*, from Hernando, Miss., to points in the United States (except Alaska); and (2) *parts of the commodities* described in (1) above, from Boise, Idaho, to Hernando, Miss. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123060 (Sub-No. 4), filed April 23, 1969. Applicant: AIR LINE EXPRESS, INC., 1110 Hempstead Turnpike, Uniondale, N.Y. 11553. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between John F. Kennedy International Airport and La-Guardia Airport, New York, N.Y., Westchester County Airport, White Plains, N.Y., McArthur Airport, Islip, N.Y., Newark Municipal Airport, Newark, N.J., and McGuire Air Force Base, Wrightstown, N.J., on the one hand, and, on the other, points in Winchester, Rockland, Duchess, Orange, and Putnam Counties, N.Y., and all points in Connecticut; restricted to shipments having an immediately prior or subsequent movement by air, over irregular routes. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123282 (Sub-No. 7), filed April 21, 1969. Applicant: McKINLAY TRANSPORT LIMITED, 1185 Dundas Highway East, Cooksville Post Office, Dixie, Ontario, Canada. Applicant's representative: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. 14201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between ports of entry on the United States-Canada boundary line on the Niagara River, on the one hand, and, on the other, Niagara Falls and Buffalo, N.Y., and restricted to the transportation of shipments moving to or from points in Canada. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 123393 (Sub-No. 200), filed May 5, 1969. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. 65803. Applicant's representative: Bill Bilyeu, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Centralia and Ashley, Ill., to points in Arizona, California, Nevada, New Mexico, and Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 123405 (Sub-No. 25), filed May 8, 1969. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from McAllen, Tex., to New Freedom, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123993 (Sub-No. 8), filed May 2, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, dry fertilizer, dry fertilzer ingredients, and dry fertilizer materials, fertilizer, fertilizer solutions and materials, herbicides, fungicides, pesticides, industrial urea, in bags, dried fruits and nuts, in containers, and foodstuffs, in cans or bottles), between the plant or warehouse facilities of the Procter & Gamble Co. and its subsidiaries in Alexandria, La., or its commerical zone, on the one hand, and, on on the other, points in Mississippi, those in Florida west of the Apalachicola River in Escambia, Santa Rosa, Oakaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, and Calhoun Counties, those in Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Pike, Washington, and Wilcox Counties, Ala. NOTE: Applicant holds contract carrier authority under Docket No. MC 41116 and Subs, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 128), filed May 6, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), and *foodstuffs*, from Council Bluffs, Iowa, Omaha, Nebr., and points in their respective commercial zones, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland,

Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, and Wyoming; Restrictions: The authority sought herein is restricted (1) against tacking or joining with carriers present authority for purposes of performing a through service; and (2) to the extent that it duplicates any authority heretofore granted to or now held by carrier, shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124813 (Sub-No. 67), (Amendment), filed April 25, 1969, published in FEDERAL REGISTER issue of May 15, 1969, amended April 24, 1969, and republished as amended this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, insecticides, animal and poultry tonics, livestock and poultry feeders, and related advertising matter and premium merchandise*, from the plant of Moorman Manufacturing Co., at Alpha and Quincy, Ill., to points in Wright County, Iowa. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. Applicant holds contract authority under MC 118468 Sub 16, therefore dual operations may be involved. The purpose of this republication is to add Alpha, Ill., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125375 (Sub-No. 4) (Correction), filed April 28, 1969, published FEDERAL REGISTER, issue of May 15, 1969, as No. MC 133678, and republished as corrected this issue. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route 5, Box 95A, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Cottage cheese*, in vehicles equipped with mechanical refrigeration, from Rock Island, Ill., to the warehouse of Winn-Dixie Stores, Inc., located in the Great Southwest Industrial Area, Fulton County, Ga. (near Atlanta, Ga.), under contract with Borden, Inc. NOTE: The purpose of this republication is to show that applicant seeks to operate as a contract carrier, rather than as a common carrier as shown in previous publication; and also to show the new docket number assigned thereto. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125473 (Sub-No. 8), filed May 8, 1969. Applicant: YAZOO TRUCKING CO., INC., 1633 Highway 49 E, Post Office Box 625, Yazoo City, Miss. 39194. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer and urea*, in bulk, from Canton, Hattiesburg, Meridian, New Albany, Pascagoula, and Yazoo City, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Missouri, Tennessee, and Texas, under contract with Mississippi Chemical Corp. and Coastal Chemical Corp. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 125708 (Sub-No. 113) (Correction), filed April 8, 1969, published in FEDERAL REGISTER issue of May 8, 1969, and republished, as corrected, this issue. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and lumber;* (1) from points in Madison County, Ill., and Belle Plaine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Ohio, and Wisconsin; (2) from Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin to points in Madison County, Ill., and Belle Plaine, Iowa; (3) from points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Fulton, Greene, Iroquois, Jasper, Jersey, Livingston, Logan, Macon, Macoupin, Madison, Mason, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermilion, Woodford Counties, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin; and (4) from Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, to Illinois counties listed in part (3) above. NOTE: Applicant states Arkansas could be served by tacking if this application is granted in addition to the States sought in the instant application. The purpose of this republication is to include the State of Kansas in the destination territory in (3) above which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 126142 (Sub-No. 4), filed May 8, 1969. Applicant: GLEASON TRANSPORTATION CO., INC., Rockingham Road, Rockingham, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salted butter*, from Ogdensburg and Champlain, N.Y., to Burlington and Rutland, Vt. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 15) (Amendment), filed March 6, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, and republished as amended this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Paolos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends; and steel, tin, and aluminum tops and closures*, from the plantsite and/or facilities of Crown Cork & Seal Co., Inc., at Kankakee and Bradley, Ill., to points in Indiana, Michigan, Kentucky, Missouri, Iowa, Wisconsin, and Minnesota, under contract with Crown Cork & Seal Co., Inc. NOTE: The purpose of this republication is to include Minnesota as a destination State. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126597 (Sub-No. 1), filed April 30, 1969. Applicant: ARTHUR HARVEY, doing business as A. HARVEY TRUCKING, 2571 Fischer, Detroit, Mich. 48214. Applicant's representative: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire brick and fire clay*, from the plantsite of Robinson Clay Products Co., at or near Parral, Ohio, to points in the Lower Peninsula of Michigan; (2) *flue lining and drain tile*, from the plantsite of Malvern Flue Lining, Inc., at or near Malvern, Ohio, and the plantsite of Kopp Clay Co., at or near Mineral City, Ohio, to points in the Lower Peninsula of Michigan, under a continuing contract with L. T. Elsey & Son, Grosse Pointe Woods, Mich., in Nos. (1) and (2) above; (3) *brick*, from points in Scioto, Lawrence, Gallia, Jefferson, Jackson, Stark, Tuscarawas, Mahoning, Carroll, and Columbiana Counties, Ohio, and Clay, Morgan, and Greene Counties, Ind., to points in Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich.; (4) *brick*, from points in Ohio, Indiana, and Illinois, to points in Genessee, Bay, Midland, and Saginaw Counties, Mich., under continuing contracts with Cadillac Brick Co., and Metropolitan Clay Products Co., Detroit, Mich., in Nos. (3) and (4) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 126956 (Sub-No. 1), filed May 14, 1969. Applicant: NORTHLAND TRANSPORT, INC., 1803 42d Avenue East, Superior, Wis. 54884. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits and frozen berries*, from points in the Lower Peninsula of Michigan and points in Door, Kewaunee, and Brown Counties, Wis., to Duluth, Minn.; and (2) *new and used empty containers*, from Duluth, Minn., to points in the Lower Peninsula of Michigan and points in Door, Kewaunee, and Brown Counties, Wis.; under contract with Jeno's Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 127215 (Sub-No. 46), filed April 17, 1969. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, from Granite City, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128083 (Sub-No. 1), filed May 13, 1969. Applicant: R. P. CARRIERS, INC., 7551 West 111th Street, Worth, Ill. 60482. Applicant's representative: James R. Madler, 189 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cabinets*, from Shelbyville, Ind., to Harvard, Dixon, and Chicago, Ill.; and (2) *fiberboard, corrugated containers and interior packing forms*, from Chicago, Ill., to Shelbyville, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128404 (Sub-No. 1), filed May 8, 1969. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., 104 Busbee Road, Knoxville, Tenn. 27920. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products with accessories*, from Knoxville, Tenn., to points in Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Missouri, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 129198 (Sub-No. 4), filed April 23, 1969. Applicant: GLASGOW TRANSPORT, INC., 123 West Park Place, Newark, Del. 19711. Applicant's representative: Philip F. Hudock, 2400 Wilson Boulevard, Suite 300, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, prepared roofing materials and accessories*, from Philadelphia, Pa., to points in Virginia (except points in the Washington, D.C., commercial zone), and *supplies, materials, and equipment* used in the manufacture of asphalt and prepared roofing materials, on return; and (2) *wood chips* used in the manufacture of asphalt and prepared roofing materials, from Salisbury, Md., to Philadelphia, Pa., under contract with Celotex Corp., of Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129387 (Sub-No. 7), filed April 28, 1969. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, S. Dak. 57350. Applicant's representative: Mead Bailey, 809 National Bank of South Dakota Building, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in appendix I section A and *articles distributed by meat packinghouses* as described in appendix I section C of Ex Parte MC-45 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from meat packinghouse plantsites or warehouse facilities at or near Huron, S. Dak., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Huron or Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 129387 (Sub-No. 8), filed May 5, 1969. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, S. Dak. 57350. Applicant's representative: Mead Bailey, 809 National Bank of South Dakota Building, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in appendix I section A and *articles distributed by meat packinghouses* as described in appendix I section C of Ex Parte MC-45 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from meat packinghouse plantsites or warehouse facilities at or near Huron, S. Dak., to points in California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Huron or Sioux Falls, S. Dak.

No. MC 129574 (Sub-No. 1), filed May 8, 1969. Applicant: FRANK R. CHULLINO, doing business as MIDWEST TRANSPORTATION COMPANY, 2802 Avenue B, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), in containers from points in Massachusetts, New Jersey, Maryland, Connecticut, and Missouri, to Omaha, Nebr., under contract with Sterling Distributing Co., Omaha, Nebr., and United Distillers Products Co., Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129809 (Sub-No. 4), filed May 8, 1969. Applicant: A & H, INC., Footville, Wis. 53537. Applicant's representative: David J. MacDougall, 1 East Milwaukee Street, Suite 305, Janesville, Wis. 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, butter, and yeast*, from points in Wisconsin to points in Massachusetts, New York, Pennsylvania, Connecticut, New Jersey, and Rhode Island, for the account of Universal Foods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 133176 (Sub-No. 1), filed May 2, 1969. Applicant: E. P. I. TRANSPORT CO., a corporation, 1844 Ardmore Boulevard, Pittsburgh, Pa. 15221. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formed metal building products, metals, and materials* used in the manufacture thereof (except commodities in bulk), from the plantsite of Epic Metals Corp. at Braddock, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, District of Columbia, North Carolina, West Virginia, Kentucky, Tennessee, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and Arkansas; and (2) *materials* used in the manufacture of formed metal building products (except commodities in bulk), from points in the destination States named above, to the said plantsite of Epic Metals Corp. at Braddock, Pa., under continuing contract with Epic Metals Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 133224 (Correction), filed April 25, 1969, published in FEDERAL REGISTER, issue of May 15, 1969, and republished as corrected this issue. Applicant: FOLLMER TRANSPORT, INC., Post Office Box 55, West Milton, Pa. 17886. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co. near Columbia, Pa., to points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia, and Portsmouth, N.H., and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard from points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut Massachusetts, and the District of Columbia to the plantsite of National Gypsum Co. near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Company of Buffalo, N.Y. NOTE: The purpose of this republication is to show Portsmouth, N.H., as a destination point in (1) above and to include paragraph (2) above inadvertently omitted. If a hearing is deemed

necessary, applicant requests it be held at Washington, D.C.

No. MC 133412 (Sub-No. 1), filed May 12, 1969. Applicant: DON FRIDAY, doing business as CLINTON TRUCKING COMPANY, 258 21st Place, Clinton, Iowa 52732. Applicant's representative: George W. Pillers, Jr., 200 Joyce Building, Clinton, Iowa 52732. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dead farm animals and mixed scraps, bones and parts thereof*, not fit for human consumption and nonedible, between points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clinton or Davenport, Iowa.

No. MC 133450 (Sub-No. 1), filed May 8, 1969. Applicant: CLARK COUNTY WHOLESALE MERCANTILE COMPANY, a corporation, 512 South Main Street, Las Vegas, Nev. 89101. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, gypsum plaster, gypsum lath, and gypsum wallboard*, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 133490 (Sub-No. 1), filed May 9, 1969. Applicant: LEE'S TRUCKING, INC., 1 19th Avenue South, Minneapolis, Minn. 55404. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut homes*, knocked down, and *finishing materials therefor*, from Minneapolis, Minn., to points in Wisconsin, Illinois, Upper Peninsula of Michigan, Iowa, Missouri, Nebraska, North Dakota, South Dakota, and Montana; under contract with President Homes Division, Harvey Builders, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133515 (Sub-No. 1) (Amendment), filed April 7, 1969, published FEDERAL REGISTER, issues of May 1, 1969, and May 22, 1969, amended and republished as amended this issue. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yogurt, snack dips, ice cream, ice milk, fruit flavored drinks, dairy products, and vegetable fat products*, (a) from Kansas City, Mo., and Pekin, Ill., to points in Iowa, Nebraska, South Dakota, and Rock Island, Ill., (b) between Des Moines, Iowa, and Rock Island, Ill., and (2) *ice cream and ice milk products*, from Chicago, Ill., and Milwaukee, Wis., to points in Iowa, under contract with Borden, Inc. NOTE: The purpose of this republication is to broaden the territory sought in (1)(a) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133533 (Sub-No. 2), filed April 30, 1969. Applicant: B G A TRANSPORT, INC., 13544 Settlemant Acres Drive, Brookpark, Ohio 44142. Applicant's representative: Bernard S. Goldfarb, 1625 Illuminating Building, 55 Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans* with or without tops; *plastic pipe and fittings; plastic articles*, such as *pails, dishes and fabricated plastic articles; injection molding machines; infra red gas heaters*, from the warehouses and plantsites of The Van Dorn Co., at Cleveland and Conneaut, Ohio; Leetsdale, Pa.; Elizabeth, N.J., and Tampa, Fla., on the one hand, and on the other, points in Connecticut, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia and *materials, supplies and equipment* used in the manufacture of the above commodities, on return, under contract with Van Dorn Co., Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 133542 (Sub-No. 1), filed May 8, 1969. Applicant: FLOYD WILD, Post Office Box 91, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice drinks, imitation maple flavored syrup, pancake mixes, and frozen foods*, from Marshall, Minn., to points in Illinois, Indiana, Iowa, Michigan, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, under contract with Vita-Sun Distributing Co., and Schwan's Sales Enterprises, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 133581 (Correction), filed March 20, 1969, published in FEDERAL REGISTER issues of April 24, 1969, and May 8, 1969, and republished as corrected, this issue. Applicant: HOLDT POTATO COMPANY, INC., Rural Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from Red Cloud, Nebr., to points in Arizona, California, and Missouri; and (2) *materials and supplies* used in the manufacture and production of dairy products on return, under contract with Don Pauly Cheese, Inc. NOTE: The purpose of this republication is to show authority sought as a contract carrier, in lieu of common carrier. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133666 (Sub-No. 1), filed May 12, 1969. Applicant: JACOBSON TRANSPORT, INC., Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Central Farmers Fertilizer Co. located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133684, filed April 28, 1969. Applicant: GORDON FAST FREIGHT, INC., 605 41st Avenue NE., Puyallup, Wash. 98372. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors*, in containers, from Vancouver, Wash., to Tacoma and Seattle, Wash., restricted to the transportation of shipments having an immediately subsequent movement by water. NOTE: Applicant states that this instant application for common carrier authority duplicates the contract carrier permit authority now held by applicant which is restricted to service for the account of General Brewing Corp. Applicant further states that if the Commission grants the common carrier authority herein sought, it will surrender his contract carrier permit No. MC 128418 for cancellation. The purpose of this instant application is that applicant is filing concurrently, an application to transfer the certificate now held by Tacoma Hauling Co., Inc., No. MC 64798 (Sub-No. 6). Since this involves common carrier authority to haul malt liquors, it is necessary for applicant to "convert" its contract carrier authority to common carrier authority to avoid being involved in dual operations. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133700, filed May 2, 1969. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, N.C. 28803. Applicant's representative: Philip G. Carson, Suite 705, First Union National Bank Building, 82 Patton Avenue, Asheville, N.C. 28802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by Stanley Home Products consisting of *assorted beauty and household cleaning supplies and goods*, from Charlotte and Asheville, N.C., to points in Avery, Buncombe, Cherokee, Clay, Burke, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey Counties, N.C.; and Spartenburg and Cherokee Counties, S.C.; under contract with Stanley Home Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville or Charlotte, N.C.

No. MC 133701, filed May 5, 1969. Applicant: TAN LINE, INC., a corporation, 2 Johnsfield Court, Huntington Station, N.Y. 11745. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and such personal property* usually carried by airline passengers, between La Guardia, John F. Kennedy International, Westchester, MacArthur Airports, N.Y., Newark, Teterboro Airports, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133702, filed May 5, 1969. Applicant: NORTHEASTERN LEASING CO., a corporation, Post Office Box 605, Emerson, N.J. 07630. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in containers or trailers having a prior or subsequent movement by water in interstate or foreign commerce, between points in the New York, N.Y., commercial zone, as defined by the Interstate Commerce Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133728, filed May 7, 1969. Applicant: THE TORVIK DISTRIBUTING COMPANY, a corporation, 401 West Dakota Avenue, Pierre, S. Dak. 57501. Applicant's representative: Ober L. Torvik, 341 North Evans Street, Post Office Box 207, Pierre, S. Dak. 57501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers and supplies, signs, and materials* used in the sale and distribution thereof from Minneapolis and St. Paul, Minn., Milwaukee, Wis., Omaha, Nebr., and St. Louis, Mo., to Winner, S. Dak. Restriction: The operations requested will be limited to a transportation service to be performed under a continuing contract or contracts with Ober L. Torvik, doing business as The Torvik Distributing Co. of Winner, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 133730, filed May 12, 1969. Applicant: FREDERICKSEN TANK LINES, INC., Post Office Box 717, West Sacramento, Calif. 95691. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from points in Contra Costa, Solano, Sacramento, and Yolo Counties, Calif., to points in Washoe, Humboldt, Pershing, Lander, Churchill, Storey, Lyon, Douglas, Mineral, and Ormsby Counties, Nev., and (2) from Sparks, Nev., to points in Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Alpine, Mono, and Solano Counties, Calif., under contract with Humble Oil and Refining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133732, filed May 12, 1969. Applicant: D. E. WADE, doing business as V. F. CARTER DELIVERY SERVICE, 750 Gardenia Lane, Jacksonville, Fla. 32208. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, from Jacksonville, Fla., to points in Ware and Loundes Counties, Ga.; under contract with General Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

MOTOR CARRIERS OF PASSENGERS

No. MC 88080 (Sub-No. 11), filed May 9, 1969. Applicant: ANZAC TRANSPORTATION CO., a corporation, 1001 Boardman Drive, Gallup, N. Mex. 87301. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter or special operations, between points in McKinley, San Juan, and Valencia Counties, N. Mex., and points on the Navajo and Hopi Indian Reservations, Ariz., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, New Mexico, Oregon, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 124568 (Sub-No. 3), filed May 1, 1969. Applicant: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY, a corporation, doing business as PACIFIC STAGE LINES AND ROYAL BLUE LINE MOTOR TOURS, 150 Dunsmuir Street, Vancouver 3, British Columbia, Canada. Applicant's representative: W. W. McAulay (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in one way and round trip charter operations, beginning and ending at ports of entry in Washington, on the international boundary line between the United States and Canada and at ports of entry in Washington which are the termini of ferry services operating between the United States and Canada, and extending to points in Idaho and Nevada. NOTE: Applicant states it intends to tack at the boundaries of California, Oregon, and Washington, to serve Idaho and Nevada. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

APPLICATION OF FREIGHT FORWARDERS

No. FF-370, DE WITT FREIGHT FORWARDING, Freight Forwarder Application, filed May 9, 1969. Applicant: DE WITT FREIGHT FORWARDING, 6060 North Figueroa Street, Los Angeles, Calif. 90042. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of (a) *used household goods*, (b) *used automobiles*, and (c) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

No. FF-371, HIGA FAST PAC, INC., Freight Forwarder Application, filed May 14, 1969. Applicant: HIGA FAST PAC, INC., 465 California Street, San Francisco, Calif. 94104. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of (a) *used household goods*, (b) *used automobiles*, and (c) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

No. FF-372, SUDDATH ENTERPRISES, INC., freight forwarder application, filed May 19, 1969. Applicant: SUDDATH ENTERPRISES, INC., Post Office Box 6699, Jacksonville, Fla. 32205. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder in interstate or foreign commerce, in the forwarding of (a) *household goods*, (b) *unaccompanied baggage*, and (c) *used automobiles*, between points in the United States, including Alaska and Hawaii.

APPLICATION OF WATER CARRIERS

No. W-318 (Sub-No. 3), EDWIN A. BEERS AND WILLIAM G. MINNIS, doing business as, BEERS & MINNIS EXTENSION—TOWAGE (2) filed May 8, 1969. Applicant: EDWIN A. BEERS AND WILLIAM G. MINNIS, a partnership, doing business as BEERS & MINNIS, 142 World Trade Center, San Francisco, Calif. 94111. Applicant's representative: J. Thomas Rosch, 601 California Street, San Francisco, Calif. 94108. Application of Beers & Minnis filed May 8, 1969, subject to Part III of the Interstate Commerce Act, for a revised certificate authorizing extension of its operations to include operation as a *common carrier*, in interstate or foreign commerce, by towing vessels in the towage of *non-self-propelled vessels*, loaded and empty, between ports and points on San Francisco, San Pablo, and Suisan Bays, the Sacramento River, and on the San Joaquin River below and including Stockton, Calif., and their tributaries.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2633 (Sub-No. 54), filed May 7, 1969. Applicant: CROSSETT, INC., Post Office Box 946, Warren, Pa.

16365. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in McKean County, Pa., to points in Ohio and Michigan.

No. MC 124211 (Sub-No. 127), filed May 4, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box H, Council Bluffs, Iowa 51501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, food products, and grain products*, between Lincoln, Nebr., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states no duplicating authority is being sought. Applicant states tacking would be done only as an incidental or secondary purpose and the primary purpose of this application is to provide the proposed services to the supporting shippers.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6327; Filed, May 28, 1969; 8:45 a.m.]

[Notice 839]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 369 TA), filed May 15, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment* (such as electric outdoor signs, either internally or externally illuminated, and parts thereof including poles and brackets; also, digital readout signs, including but not limited to athletic scoreboards, time and temperature units), requiring the use of special equipment between Pardeeville, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: General Indicator Corp., Pardeeville, Wis. 53954 (G. M. Helbing, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 40757 (Sub-No. 10 TA), filed May 19, 1969. Applicant: CREECH BROTHERS TRUCK LINES, INC., 312 West Cherry Street, Troy, Mo. 63379. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum structural forms and aluminum airplane wing skins*, from Tullahoma, Tenn., to St. Louis, Mo., for 180 days. Supporting shipper: McDonnell Douglas Corp., St. Louis, Mo. 63166, Attention: John R. Johnson, Traffic Supervisor. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 103993 (Sub-No. 405 TA), filed May 19, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Undercarriages, frames, and roofs*, from Decatur, Ala., to Anna, Ill., for 180 days. Supporting shipper: Riblet Products, Inc., Elkhart, Ind. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 733 TA), filed May 16, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Memphis, Tenn., to points in Arkansas, Mississippi, and Charleston, Hunterville, Essex, Kennett, East Prairie, and Portageville, Mo., for 120 days. Supporting shippers: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166; USS Agri-Chemicals, Inc., Post Office Box 1685, Atlanta, Ga. 30301; Mobil Chemical Co., 401 East Main Street, Richmond, Va. 23208. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 660 TA), filed May 14, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, from (1) Knoxville, Tenn., to points in Michigan, Ohio, Indiana, Illinois, Missouri, Kentucky, Wisconsin, Minnesota, New York, New Jersey, Pennsylvania, Delaware, Connecticut, Rhode Island, Massachusetts, Kansas, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, District of Columbia, Iowa, Nebraska, North Dakota, and South Dakota; (2) Atlanta, Ga., to points in Michigan, Ohio, Indiana, Illinois, Kentucky, Wisconsin, New York, New Jersey, Pennsylvania, Delaware, Connecticut, Rhode Island, Massachusetts, Kansas, Oklahoma, Texas, Virginia, West Virgina, Maryland, Distriet of Columbia, Iowa, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Kinser's Foods, Suite 260, 3376 Peachtree Road NE., Atlanta, Ga. 30326. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 118263 (Sub-No. 12 TA), filed May 16, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Union City, Tenn.; to Reading, Pa., and New York, N.Y., and points within its commercial zone, for 180 days. Supporting shipper: Reelfoot Packing Co., Union City, Tenn. 38261. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119443 (Sub-No. 22 TA), filed May 19, 1969. Applicant: P. E. KRAMME, Main Street, Monroeville, N.J. 08343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate coating, chocolate, confectionery coating, chocolate compounds, candy coating* other than chocolate and cocoa butter, in bulk, in tank vehicles, from Lititz, Pa., to points in Minnesota, for 180 days. Supporting shipper: Wilbur Chocolate Co., Inc., Lititz, Pa. 17543. Send protests to: Raymond T. Jone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 124221 (Sub-No. 25 TA), filed May 19, 1969. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Peoria, Ill., for 180 days. Supporting shipper: Super Valu Stores, Inc., 8201 North University Avenue, Box 3257, Peoria, Ill. 61614. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 125035 (Sub-No. 18 TA), filed May 19, 1969. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE., North Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 600 Cleve-Tusc. Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections and ice water confections*, from Wheeling W. Va., to Detroit, Mich, for 180 days. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., 20545 Center Ridge Road, Cleveland, Ohio 44116. Send protests to: A. M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125760 (Sub-No. 4 TA), filed May 19, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Youngstown, Ohio, to Quaker Markets in Venango, Clarion, Jefferson, and Clearfield Counties, Pa., for 180 days. Supporting shipper: Quaker Markets, Inc., Post Office Box 438, Punxsutawney, Pa. 15767. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128772 (Sub-No. 1 TA), filed May 22, 1969. Applicant: STAR BULK TRANSPORT, INC., 827 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Clarkfield, Minn., to Chicago, Ill., and, on return, *dairy equipment, dairy supplies, and dairy materials*, from Chicago, Ill., to Clarkfield, Minn., for 150 days. Supporting shipper: Five Star Dairyland Cooperative, New Ulm, Minn. 56073. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 133736 TA, filed May 16, 1969. Applicant: FLOYD MATHESON, doing business as MATHESON WHOLESALE MEAT AND PROCESSING CO., 200 West 500 North Street, Cedar City, Utah 84720. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Cedar City, Utah, to points in Iron, Washington, Beaver, and Millard Counties, Utah, for 180 days. NOTE: Applicant states that fresh and frozen meat and meat products will be delivered for interline at applicant's storage plant in Cedar City, Utah, from Sioux Falls, N. Dak., and transported to destinations in the four counties by applicant. Supporting shipper: John Morrell & Co., Sioux Falls, S. Dak. (Claude Stewart). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133737 TA, filed May 16, 1969. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 5563 Northwest Drive, Omaha, Nebr. 68104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Omaha, Nebr., to Harland, Denison, and Atlantic, Iowa, for 180 days. Supporting shipper: Nixon & Co., 2619 N Street, Omaha, Nebr. 68107, Charles D. Dickhute. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133745 TA, filed May 22, 1969. Applicant: TIMOTHY DAVID PERSON, doing business as ALLSTATES AMERICAN VAN LINES, 5740 Easton Avenue, St. Louis, Mo. 63136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and household goods in containers, new furniture, store fixtures, institutional equipment, electronic equipment and computers, aerospace equipment, food servicing equipment, displays and exhibits, art objects, and shows on tours, industrial and manufacturing equipment*, skidded but uncrated, *coin operated equipment, musical equipment and instruments*, all or any part of load uncrated, between points in the United States, including Alaska, Hawaii, and Washington, D.C., for 180 days. Supported by: There are approximately 15 statements of support attached to the application, which statements may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof may be examined at the field office named below. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

MOTOR CARRIER OF PASSENGERS

No. MC 133729 TA, filed May 14, 1969. Applicant: WILLIAM E. KERSHAW, JR., doing business as WILDERNESS TRAVEL CAMP, 259 East Evergreen Avenue, Philadelphia, Pa. 19118. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in all-expense camping and sightseeing tours, from June 21 to September 1, 1969, limited to those under age 18, (1) from Philadelphia, Pa., to Los Angeles, Calif., and return, with stopovers in the following cities and National Parks, Detroit, Mich., Rocky Mountain National Park, Colo., Mesa Verde National Park, Colo., Grand Canyon National Park, Ariz., Las Vegas, Nev., San Francisco, Calif., Yosemite National Park, Calif., Salt Lake City, Utah, Grand Teton National Park, Wyo., Yellowstone National Park, Wyo., Ely, Minn., and Chicago, Ill.; and (2) from Philadelphia, Pa., to port of entry on the international boundary line between the United States and Canada at Derby Line, Vt., and return from Rouses Point, N.Y. (port of entry) to Philadelphia, with stopovers at Mashamoquet State Park, near Putnam, Conn., Intervale, N.H., Bolton Landing, and Thacher State Park, N.Y., for 90 days. Supported by: There are approximately 26 statements from parents of potential passengers supporting the application, which are attached to the application, which statements may be examined here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6390; Filed, May 28, 1969; 8:48 a.m.]

[Notice 353]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71312. By order of May 20, 1969, the Motor Carrier Board approved the transfer to City Express, Inc., Streator, Ill., of certificates Nos. MC-79080, MC-79080 (Sub-No. 5), and No. MC-79080 (Sub-No. 7), issued July 7, 1960, December 20, 1968, and March 19, 1969, to Austgen Express & Storage Co., a corporation, Aurora, Ill., authorizing the transportation of specified commodities to, from, and between specified points in

Illinois, Wisconsin, Indiana, Michigan, Missouri, and Ohio. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-71367. By order of May 21, 1969, the Motor Carrier Board approved the transfer to Mervin Mewes, Inc., Highmore, S. Dak., of the certificate No. MC-107614 issued January 27, 1966, to Mervin B. Mewes, doing business as Mewes Trucking, Highmore, S. Dak., authorizing the transportation of Livestock, emigrant movables, and various farm commodities between specified points in South Dakota, Iowa, Minnesota, and Nebraska. Ruben R. Widmayer, 108 West Second Street, Miller, S. Dak. 57362, attorney for applicants.

No. MC-FC-71374. By order of May 16, 1969, the Motor Carrier Board approved the transfer to Pool Freight Line, Inc., Greenville, S.C., of certificate of registration No. MC-93138 (Sub-No. 1) issued May 20, 1965, to Edward Pool, doing business as Pool Freight Line, Greenville, S.C., authorizing the transportation of commodities in general, with specified exceptions and specified commodities between specified points in South Carolina. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, attorney for applicants.

No. MC-FC-71380. By order of May 20, 1969, the Motor Carrier Board approved the transfer to Jack Armas and Jean Armas, a partnership, doing business as Mariposa Express, Merced, Calif., of certificate of registration No. MC-96793 (Sub-No. 1), issued October 8, 1964, to Glenn Scholl and Orlina C. Ryan, a partnership, doing business as Mariposa Express, Merced, Calif., authorizing the transportation in interstate and foreign commerce, pursuant to Certificate of Public Convenience and Necessity No. 55326, issued by the Public Utilities Commission of the State of California. Eugene A. Mash, 630 West 19th Street, Merced, Calif. 95340, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6391; Filed, May 28, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 26, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41639—*Sulphur from southwestern producing points.* Filed by Southwestern Freight Bureau, agent (No. B-34), for interested rail carriers. Rates on sulphur (brimstone), crude, unground and unrefined, in carloads, as described in the application, from southwestern producing points, to Clifton, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff ICC 4795.

FSA No. 41640—*Sand to Lebanon, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-39), for interested rail carriers. Rates on sand, in carloads, as described in the application, from specified points in Arkansas, Missouri, Oklahoma, and Texas, to Lebanon, Pa.

Grounds for relief—Modified short-line distance formula.

Tariff—Supplement 37 to Southwestern Freight Bureau, agent, tariff ICC 4797.

FSA No. 41641—*Ethylene glycol to Fiberton and Earl, N.C.* Filed by Southwestern Freight Bureau, agent (No. B-37), for interested rail carriers. Rates on ethylene glycol, in tank carloads, from Taft, La., to Fiberton and Earl, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 76 to Southwestern Freight Bureau, agent, tariff ICC 4722.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6392; Filed, May 28, 1969; 8:48 a.m.]

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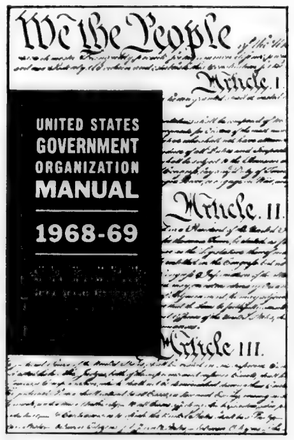

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RELATING TO THE IMPLEMENTATION OF THE CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS

The Convention on the Service Abroad of Judicial and Extrajudicial Documents was ratified by the United States of America and proclaimed by the President on January 8, 1969. It came into force on February 10, 1969. The Contracting States have now undertaken to designate authorities to give effect to the Convention's provisions.

In order that the Government of the United States of America may give full and complete effect to the Convention, it is expedient and necessary that several departments of the Executive Branch of that Government perform certain functions.

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is ordered as follows:

SECTION 1. *Designation of Central Authority.* The Department of State is designated as the Central Authority to receive requests for service from other Contracting States and to proceed in conformity with articles 3-6 of the Convention.

SEC. 2. *Designation of Authority To Complete Certificate.* The Department of State, the Department of Justice and the United States Marshal or Deputy Marshal for the judicial district in which service is made are designated as authorities to complete the certificate in the form annexed to the Convention.

SEC. 3. *Additional Designations.* The Secretary of State, with the concurrence of the Attorney General in cases involving designations of authority to officers of the Department of Justice, is authorized to make additional designations provided for in the Convention or to modify the designations made by this order.

Richard Nixon

THE WHITE HOUSE,
May 28, 1969.

[F.R. Doc. 69-6521; Filed, May 28, 1969; 4:48 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Semiannual Assessment Rate; Rates on Charges for Special Services; Branch Filing Fee

The Comptroller of the Currency has determined pursuant to the authority contained in R.S. 5240, as amended, 12 U.S.C. 482; section 3, 47 Stat. 1566, 26 D.C. Code 102 that the following revised assessments are necessary and hereby finds that public procedure thereon is impracticable, unnecessary, and contrary to the public interest. The amended assessments will become effective July 1, 1969.

Part 8, Chapter 1, Title 12 of the Code of Federal Regulations, is amended by deleting § 8.7 and by revising §§ 8.2, 8.3, 8.5, and 8.6, to read as follows:

§ 8.2 Semiannual assessment rate.

The semiannual assessment rate is a basic assessment of $200 plus 4½ cents per $1,000 of total assets, and $50 for each branch.

§ 8.3 Filing fee for applications for branches.

A filing fee of $500 is assessed for investigating and processing each application for a branch.

§ 8.5 Daily rate for examinations of affiliates and for special examinations and investigations.

The assessment rate for examinations of affiliates and for special examinations and investigations is $140 a day for the Examiner-in-charge and $80 a day for each additional Examiner.

§ 8.6 Daily rate for trust examinations and investigations.

The assessment rate for trust examinations and investigations of applications for trust powers is $140 a day for the person in charge of the examination and $80 a day for each of the assisting personnel. The minimum rate for the examination of a trust department is $25.

§ 8.7 [Deleted]

Dated: May 26, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 69-6443; Filed, May 29, 1969; 8:49 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Guaranty as Extension of Credit; Correction

Section 207.103 published in the FEDERAL REGISTER on April 29, 1969 (34 F.R. 7005), is corrected by changing the reference in paragraph (f) from "§ 207.2(a)" to "§ 207.1(a)".

Dated at Washington, D.C., this 26th day of May 1969.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6417; Filed, May 29, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Package Containing Single Consumer Commodity

Section 500.6 of the regulations issued pursuant to section 4 of the Fair Packaging and Labeling Act requires the label of a consumer commodity to bear a declaration of the net quantity of contents separately and accurately stated. Section 500.7 of the regulations requires the net quantity of contents to be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight, size, or measure.

Many inquiries have been received by the Commission relating to the labeling of a package containing a single unit where net quantity is correctly expressed in terms of count alone. The questions center on the requirement of the regulations that the label of such package bear a net quantity statement in addition to a statement of identity which reflects the fact that it is a single unit. An example would be that of a single soap dish contained in a package bearing an identity statement, "soap dish." The question is whether § 500.6 contemplates the statement of content "1 soap dish" in addition to the statement of identity which effectively expresses the singular nature of the content of the package.

The Commission concludes there is no requirement to state the content of a package as "one" when the statement of identity affords the consumer adequate quantity information and no additional information is afforded by the use of the net content statement.

Accordingly, pursuant to the provision of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1298; 15 U.S.C. 1453, 1455) Subpart E, Part 503 is amended by adding thereto the following new section:

§ 503.4 Net quantity of contents, numerical count.

To clarify the requirement for declaration of net quantity in terms of count for the purpose of §§ 500.6 and 500.7 of the regulations in Part 500, the following interpretation is rendered.

(a) When a consumer commodity is properly measured ir terms of count only, or in terms of a combination of count plus weight, volume, area of dimensions, the regulations are interpreted not to require the declaration of the net content of a single packaged unit as "one", provided the statement of identity clearly expresses the fact that the package contains one unit. Thus, one packaged soap dish identified on the label as "soap dish" does not require an additional and separate net content statement which lists "content 1 soap dish". Also a packaged garden hose having a length of 50 feet is not required to have a declaration of contents on the package such as "1 garden hose". However, there still exists the necessity, in the case of the garden hose, to declare the net quantity of length as "50 ft. (16.66 yds.)." Any multicomponent package or a package containing two or more units of the same commodity shall bear the net quantity statement in terms of count as well as weight, size, or measure as required by the regulations. This interpretation does not preclude the option to enumerate a unit count on a singly packaged commodity, if so desired.

Issued: May 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6444; Filed, May 29, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2377) filed by General Mills, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (specified below) in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Hydroxypropyl guar gum having a viscosity of 5,000–7,000 centipoises at 25° C. as determined by RV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 20 r.p.m. and using a test sample prepared by dissolving 5 grams of moisture-free hydroxypropyl guar gum in 495 milliliters of a 70 percent by weight aqueous propylene glycol solution.	For use only as a dry strength and formation aid agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 1.5 percent by weight of finished dry paper or paperboard fibers.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6418; Filed, May 29, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 80—PERMANENT-RESIDENCE ALIENS SERVING IN THE ARMED FORCES OF THE UNITED STATES TO FULFILL NATURALIZATION REQUIREMENTS; SEPARATION OF

The following revision to Part 80 has been approved:

Sec.
80.1 Purpose.
80.2 Applicability and scope.
80.3 Policy and procedure.

AUTHORITY: The provisions of this Part 80 issued under sec. 301, 80 Stat. 371; (5 U.S.C. 301).

§ 80.1 Purpose.

This part establishes uniform procedures to facilitate the naturalization of aliens who have served honorably in an active duty status in the Armed Forces of the United States during the Vietnam hostilities or during any other future period of hostilities that may be designated by the President.

§ 80.2 Applicability and scope.

(a) Provisions of this part apply to the Military Departments and cover all aliens who have rendered honorable service on active duty during the period beginning February 28, 1961, and ending on a date designated by the President by Executive order as the date of termination of the Vietnam hostilities.

(b) This part shall also apply during any future period which the President by Executive order shall designate as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.

(c) Under section 329 of the Immigration and Naturalization Act, as amended by Public Law 90–633 (8 U.S.C. 1440), an alien member who has served honorably in active duty status at any time during the qualifying periods, and who is otherwise eligible, may be naturalized whether or not he has been lawfully admitted to the United States for permanent residence, if the member was inducted, enlisted, or reenlisted in the United States (inclusive of Puerto Rico, Guam, Virgin Islands, Canal Zone, American Samoa, or Swains Island).

(1) The induction, enlistment, or reenlistment in the United States or its stated possessions must actually be in these land areas, in ports, harbors, bays, enclosed sea areas along their coasts or within a marginal belt of the sea extending from the coastline outward 3 geographical miles.

(2) Although enlistment or reenlistment aboard a ship on the high seas or in foreign waters does not meet the requirements of section 329 of the Immigration and Naturalization Act, as amended by Public Law 90–633 (8 U.S.C. 1440), the provisions of Part 80 of this subchapter may apply.

(d) Residence in the United States or a specified period of physical presence in the United States is not required. In addition, an alien seeking naturalization under section 329 of the Immigration and Naturalization Act, as amended by Public Law 90–633 (8 U.S.C. 1440), is exempt from all federal naturalization fees associated with the filing of a petition or the issuance of a certificate of naturalization.

§ 80.3 Policy and procedure.

Each Military Department will establish procedures containing the provisions outlined in paragraph (a) and (b) of this section. In addition, each qualifying alien shall be advised of the liberalized naturalization provisions of section 329 of the Immigration and Naturalization Act, as amended by Public Law 90–633 (8 U.S.C. 1440), i.e., that the usual naturalization requirements concerning age, residence, physical presence, court jurisdiction and waiting period are not applicable, and be given appropriate assistance in processing his naturalization application in consonance with procedures issued by the Department of Justice, Immigration and Naturalization Service.

(a) Military basic training and orientation programs shall include advice and assistance to interested aliens in completing and submitting the application and other forms required to initiate naturalization proceedings. In addition, applicants should be advised that:

(1) Under the laws of certain foreign countries, military service in the U.S. Armed Forces may result in the loss of their native country citizenship but that this same service may make them eligible for U.S. citizenship.

(2) Their eligibility for naturalization, based upon the honorable service in active duty status described in section 329 of the Immigration and Naturalization Act, as amended by Public Law 90–633 (8 U.S.C. 1440) will be retained, even though they apply for naturalization after their return to the United States following the termination or completion of their overseas assignment, or after their honorable discharge from the Armed Forces of the United States.

(3) If they are stationed at a base in continental United States, Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands, they should apply for citizenship only if they expect to be stationed at the base for at least 60 days following application. Unless the Immigration and Naturalization Service has at least 60 days in which to complete the case, there is no assurance that it can be completed before the applicant is transferred, since the processing procedures outlined below take time and are not entirely within the control of the Immigration and Naturalization Service.

(i) Every naturalization application must be processed when received by the Immigration and Naturalization Service. The Immigration and Naturalization Service has made special arrangements to expedite the processing of petitions of alien members of the Armed Forces.

(ii) After processing, the alien applicant and two citizen witnesses must personally appear for examination by an officer of the Immigration and Naturalization Service in connection with the filing of a petition for naturalization in court.

(iii) Finally, the applicant must again appear in person before the naturalization court on a date set by the court so that he may be admitted to citizenship.

(4) If they are scheduled for overseas assignment where naturalization courts are not available, they should apply for naturalization on the earliest possible date but no later than 60 days before departure for overseas assignments. While the Immigration and Naturalization Service will accord these cases every possible priority, there is no assurance that they will be completed before the applicant's departure unless the Immigration and Naturalization Service has at least 60 days in which to accomplish the matter.

(i) An alien serviceman who is serving overseas, and has submitted or submits the required naturalization application and forms to the Immigration and Naturalization Service, may not be granted ordinary leave, or Rest and Recuperation (R&R) leave (where authorized in overseas areas) for naturalization purposes, unless a written notification from the Immigration and Naturalization Service has been received by the serviceman informing him that the processing of his application has been completed, and requesting him to appear with two U.S. citizen witnesses before a representative of the Immigration and Naturalization Service at a designated location for the purpose of completing the naturalization.

(ii) If possible, applicants granted leave for such purposes should advise the Immigration and Naturalization Service when they expect to arrive in the leave area and, in any event, should contact the Immigration and Naturalization Service office immediately upon arrival in that area. The Immigration and Naturalization Service will make every effort to complete the naturalization within the leave period.

(5) The following forms required for naturalization purposes may be obtained from any office of the Immigration and Naturalization Service:

a. N–400 Application to File a Petition for Naturalization (must be submitted in triplicate).

b. G–325 Biographic Information (must be submitted in duplicate).

c. G–325B Biographic Information (must be submitted in duplicate).

d. FD–258 Applicant Fingerprint Card.

e. N–426 Certificate of Military or Naval Service (should be handled on a priority basis so as to avoid prejudicing the early completion of the naturalization process (particularly for an alien who may receive an overseas assignment)).

(b) "Naturalization Requirements and General Information" published by the U.S. Department of Justice (Form N–17) describes the naturalization requirements and lists Immigration and Naturalization offices which process applications.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MAY 26, 1969.

[F.R. Doc. 69-6404; Filed, May 29, 1969; 8:46 a.m.]

PART 111—ROTC PROGRAMS FOR SECONDARY EDUCATIONAL INSTITUTIONS

The following revision to Part 111 has been approved:

Sec.
111.1 Purpose.
111.2 Applicability and scope.
111.3 Definitions.
111.4 Policy and responsibilities.

AUTHORITY: The provisions of this Part 111 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 111.1 Purpose.

This part prescribes uniform Department of Defense policies for organization and administration of the Junior Reserve Officers' Training Corps program in all secondary schools.

§ 111.2 Applicability and scope.

The provisions of this part apply to the Military Departments in the operation and administration of the Junior ROTC programs at the secondary educational level of public and private institutions. This includes those institutions with established Junior ROTC units.

§ 111.3 Definitions.

(a) *Junior ROTC.* All ROTC programs conducted at the secondary level of education are considered to be Junior ROTC.

(b) *Military Junior Colleges (MJC Schools).* Essentially military schools which provide high school and college instruction but do not confer baccalaureate degrees. Units established at these schools meet all other requirements of Class MC (military colleges) institutions as defined in Part 110 of this subchapter and accept and maintain a specially designated program of instruction prescribed by the appropriate Secretary for this class of institution. The secondary level of MJC schools is classified as Junior ROTC.

(c) *Military Institutes (MI Schools).* Essentially military schools at the secondary level of instruction which:

(1) Require a course in military training throughout 4 years of education at secondary level.

(2) Organize their military students as a Corps of Cadets under constantly maintained military discipline.

(3) Require all members of the Corps including those members enrolled in the military training to be habitually in uniform when on campus.

(4) Have as their objectives the development of the students' character by means of military training and the regulation of their conduct in accordance with the principles of military discipline; and in general meet military discipline; and in general meet military standards similar to those maintained at the Service Academies.

(d) *High Schools (HS Schools).* Public or private secondary educational institutions which do not fall under the definition for MJC and MI Schools.

(e) *Unit.* The organized group of ROTC students and faculty at one secondary school.

(f) *Multiple Unit.* Any group of units organized and sponsored under one school system where the Junior ROTC program is conducted concurrently in more than one school.

§ 111.4 Policy and responsibilities.

(a) *General.* (1) The Junior ROTC program will be conducted at a minimum of expense to the Department of Defense. It will provide meaningful military training that will be of benefit to the student, and of value to the Departments of the Army, Navy, or Air Force.

(2) The Secretaries of the Departments of Army, Navy, and Air Force will each conduct a Junior ROTC program. Services will provide for a fair and equitable geographical distribution of their units. No school will be permitted to have an ROTC unit from more than one Service.

(3) The Secretaries of the Military Departments will prescribe the ROTC curriculum for their Junior ROTC units.

The program of instruction for each of the Military Departments will be of at least 3 academic years in duration. Students will be offered one of the following alternative programs:

(i) *Academic Track (College Preparatory)*. A minimum of a 3-year program with 96 hours per year of military instruction offered in conjunction with academic courses leading to entrance into college. This alternative will be offered only in those schools which have a fully accredited program of academic studies, completion of which will qualify the student for entry in a college offering Senior ROTC.

(ii) *Technical Track (Non-College Preparatory)*. A minimum of a 3-year program with 96 hours per year of military instruction coordinated with technical courses having a military application. Certain of these courses may be integrated into the required 96 hours of ROTC instruction upon approval of the Secretary of the Military Department concerned.

(4) Students presenting evidence of successful completion of either the Academic or Technical Track of Junior ROTC under any Military Department will be entitled to advanced promotion at least to the grade of E–2 upon initial enlistment in an active or reserve component of the Armed Forces. Additionally, those students presenting evidence of successful completion of a 3-year Junior ROTC program (either Track) are entitled to not less than 1 year of credit in the basic course of Senior ROTC when the student enters college.

(b) *Establishment of Junior ROTC at Schools*. Secondary educational institutions desiring to establish ROTC units or to continue established units will agree:

(1) To maintain an ROTC enrollment of no less than 100 physically fit male students who are at least 14 years of age and are citizens of the United States.

(2) To employ retired officers and enlisted men whose qualifications are approved by the Secretary of the Military Department concerned to administer the basic military orientation courses.

(i) Retired personnel so employed shall receive their retired or retainer pay and an additional amount equal to the difference between their retired pay and the active duty pay and allowances, excluding hazardous duty pay, which they would receive if ordered to active duty. The institution is the employing agency and shall pay the full additional amount due to the individual employed. One-half of the additional amount shall be paid to the institution by the Secretary of the Military Department concerned from funds appropriated for that purpose.

(ii) Any duties desired by the institution in addition to those connected with ROTC instruction, and the operation and administration of the ROTC program must be separately contracted between the school and the individual ROTC instructor at no cost to the Military Department. This does not preclude ROTC instructors from serving on routine committees or performing other extra-curricular duties normally performed by other faculty members. Where an individual employed as an ROTC instructor enters into a contract with the institution to provide services which are not part of ROTC instruction, these services must be performed outside the scope of and the hours prescribed for his ROTC duties if any additional sum is paid for these services.

(iii) The institution is responsible for advising the Secretary of the Military Department concerned of any change of employment status of retired personnel employed at that institution.

(3) To provide suitable safeguards for the Government property provided. Such safeguards will include, but not be limited to, employment of clerical and maintenance personnel required to issue, account for and maintain the Government property provided; bonds and/or insurance to cover loss and damage of the property.

(4) Not to discriminate against students or instructors on the grounds of race, color, or national origin.

(5) To provide adequate facilities for classroom instruction, storage of arms and other equipment which may be furnished in support of the unit, and adequate drill areas at or in the immediate vicinity of the institution, as determined by the Secretary of the Military Department concerned.

(6) To provide the required courses of instruction and maintain the standards prescribed by the Secretary concerned.

(c) *Instructors*. (1) The Secretary of the Department may authorize one active duty officer, O–4 or below, and one active duty enlisted man, E–7 or below, for an assignment as instructors at each military institute or high school level of MJC schools. Additional instructors desired by military institutes and the secondary level of MJC schools will be acquired through the employment of retired personnel on the same basis as any other school conducting the Junior ROTC program. Active duty personnel assigned to military institutes and the high school level of MJC schools count against student instructor ratio as set forth below.

(2) Retired officer and noncommissioned officer instructors whose qualifications and subsequent performance of duty meet the standards prescribed by the Secretary concerned, will be authorized as follows:

(i) Single and multiple units will be authorized one retired officer instructor per 500 enrolled ROTC students or major fraction thereof and one retired enlisted instructor per 100 enrolled ROTC students or major fraction thereof.

(ii) As exceptions to the above, any school qualifying for a Junior ROTC unit will be authorized at least one officer, and where necessary the Secretary of the Military Department concerned may authorize substitution of officer for enlisted instructors, and vice versa, within the above authorizations.

(iii) Supervisory personnel for multiple units will be obtained by organizing the multiple unit in such a way that these limitations are not exceeded.

(iv) Multiple unit organization and management will be established wherever possible, thereby minimizing the number of instructors required and reducing costs to both the schools and Military Departments concerned.

(v) For fiscal year 1968 and fiscal year 1969 any additional instructors employed under § 111.4(c)(2)(ii), above, as revised, will be financed within resources otherwise available. Beginning with fiscal year 1970 additional instructor requirements will be programed, budgeted, and financed in accordance with existing procedures.

(vi) Retired instructors are employees of the school and are responsible to school authorities for conduct of the program. They must meet Service requirements and maintain standards acceptable to the Military Department concerned. The Secretary concerned will hold the school authorities responsible for the conduct of the program as prescribed.

(d) *Students*. (1) Students must be male citizens at least 14 years of age who meet the physical standards prescribed by the Secretary of the Military Department concerned to enroll in the Junior ROTC.

(2) Tests and cutoff scores to qualify for the Junior ROTC training may be prescribed by the Secretary concerned.

(e) *Supply and maintenance*. The Secretaries of the Military Departments may authorize equipment to be issued to a designated official of the educational institution concerned.

(1) He may authorize the issuance of any military equipment needed for the military training program prescribed by him, provided the equipment is not needed for training of the regular and reserve components of that Department.

(2) Where the Secretary concerned considers the military requirement for individuals trained in a technical skill to warrant the action, he may provide excess and surplus military equipment to schools for the particular technical training courses allied to military requirements.

(3) Spare parts, tools, cleaning materials, technical publications, and other materials deemed necessary for the maintenance of the equipment may be issued.

(4) The Secretaries concerned will authorize the issuance of necessary text materials, individual equipment, and uniforms.

(5) Transportation charges for shipment to and from the institution, including packaging and handling charges, will be paid by the Military Department concerned. All other costs incident to maintenance and local storage and safeguarding of the property will be paid by the institution.

(f) *Disestablishment of Junior ROTC Programs*. When a Secretary determines that a Junior ROTC unit does not meet the standards desired, school authorities concerned will be notified that the unit will be placed on a 1-year probationary status not later than the beginning of the next academic year. Disestablishment of unit will be effective at the conclusion of the probationary year provided the reason for the probationary status has not been resolved.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

MAY 23, 1969.

[F.R. Doc. 69-6405; Filed, May 29, 1969; 8:46 a.m.]

SUBCHAPTER E—DEFENSE CONTRACTING

PART 169a—OPERATION OF COMMERCIAL OR INDUSTRIAL ACTIVITIES

Miscellaneous Amendments

1. In the miscellaneous amendments to Part 169a published at 34 F.R. 8109, item 4., *Preamble*, should have read:

4. In § 169a.6 changes were made to (e) and (f), which read as follows:

2. The section number for § 169a.5 is changed to read § 169a.6.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

MAY 26, 1969.

[F.R. Doc. 69-6906; Filed, May 29, 1969; 8:46 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

Certificate

Sections 360 and 1052 of title 33, United States Code, provide that the requirements of the Inland, Great Lakes, and Western Rivers Rules, and of the International Regulations for Preventing Collisions at Sea, as to the number, position, range, or arc of visibility of the lights required to be displayed by vessels, shall not apply to any vessel of the Navy with respect to which the Secretary shall certify that, by reason of special construction, it is not possible to comply with the statutory regulations.

A recent study has disclosed that the functional design of the Nuclear Powered Research Vehicle, hull designation NR–1, precludes installation of the masthead (20-point white) light at the minimum height required by Rule 2(a)(iii) of the International Rules (33 U.S.C. 1062(a)(iii)).

I hereby certify that said vessel is a submersible vessel of the U.S. Navy and that, by reason of her special construction, she cannot comply with Rule 2(a)(iii) of the International Regulations for Preventing Collisions at Sea (33 U.S.C. 1062(a)(iii)).

Further, I do certify that positioning the masthead light at ten (10) feet above the hull complies as closely as possible with the rule in question.

Therefore, I do direct that the tabulation set forth as Table One of § 706.2, Title 32, Code of Federal Regulations, be amended by the addition of another Vessel Class, entitled "Submersibles", and by adding, immediately beneath this class, the following line:

	1st Column	2d Column	3d Column	4th Column
SUBMERSIBLES: NR-1 (Nuclear-Powered Research Vehicle).	10	After white light neither required nor carried.		

I specify that the foregoing amendment shall be effective as of the date of the publication of this document in the FEDERAL REGISTER (33 U.S.C. 360, 1052).

Dated: May 17, 1969.

JOHN W. WARNER,
Acting Secretary of the Navy.

[F.R. Doc. 69-6403; Filed, May 29, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Pactola Dam and Reservoir, Rapid Creek, Pennington County, S. Dak.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood control purposes in Pactola Reservoir on Rapid Creek, Pennington County, S. Dak., and the operations of Pactola Dam for flood control purposes.

§ 208.47 Pactola Dam and Reservoir, Rapid Creek, Pennington County, S. Dak.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Regional Director or duly designated representative, hereinafter referred to as the Regional Director, shall operate Pactola Dam and Reservoir in the interest of flood control as follows:

(a) The flood control storage capacity of the reservoir which initially amounts to 43,053 acre-feet between elevations 4,580.2 and 4,621.5 feet m.s.l. shall be regulated to restrict releases insofar as practicable to a maximum of 1,000 c.f.s. unless otherwise directed by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer. Whenever the reservoir water surface is in the flood control storage zone, releases shall be made in accordance with instructions issued to the Regional Director by the District Engineer. Oral instructions from the District Engineer to the Regional Director shall be confirmed in writing under the date of the day issued.

(b) The discharge characteristics of the outlet works which serves the function of a service spillway for discharging flood storage (capable of discharging 1,000 c.f.s. throughout the range of elevations comprising the flood control zone) shall be maintained in accordance with the construction plans (Bureau of Reclamation Drawing No. 494–D–41 dated July 30, 1952, as revised Dec. 20, 1956).

(c) Flood control operations shall not restrict releases necessary for municipal water supply at Rapid City, S. Dak., for irrigation, or for maintenance of the downstream fishery.

(d) Whenever the reservoir level reaches or exceeds elevation 4,580.2, or flood discharges appear imminent, the Regional Director shall report at once to the District Engineer by telephone, telepgraph, or radio and as requested thereafter until the reservoir level falls to elevation 4,580.2 or below and flood discharges cease.

(e) Proposed schedules of releases for downstream use and storage changes, if available, and current operating data, shall be provided to the District Engineer by the Regional Director. Operating data shall be tabulated daily and furnished periodically as required, and shall include such items as: Reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(f) Nothing in the regulations of this section shall be construed to require that releases shall be made at rates or in a manner inconsistent with the requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow design flood.

(g) All elevations stated in this section are at Pactola Dam and Reservoir, and are referred to a datum giving elevation 4,621.5 feet m.s.l. as the elevation of the spillway crest.

[Regs., May 12, 1969, ENGCW-EY]

(Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch Management Division, TAGO.

[F.R. Doc. 69-6402; Filed, May 29, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Carlsbad Caverns National Park, N. Mex.; Cave Entry

A proposal was published at page 16647 of the FEDERAL REGISTER of November 15, 1968, to revise § 7.47 of Title 36 of the Code of Federal Regulations. The effect of the revision is to clarify restrictions on entry into undeveloped portions of caves within the park and to eliminate special regulations on speed.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. Consideration has been given to all relevant matters presented.

The revision is adopted with the following change:

The permit requirements for exploration of undeveloped sections of caves have been modified. This change does not impose additional restrictions on the public. Therefore, the revision shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 46 Stat. 279; 16 U.S.C. 407a)

Section 7.47 is revised to read as follows:

§ 7.47 Carlsbad Caverns National Park.

(a) *Cave entry*—(1) *Closed arecs.* With the exception of the regular trips into Carlsbad Caverns under the guidance or supervision of employees of the National Park Service, no person shall enter any cave or undeveloped part or passageway of any cave without a written permit from the Superintendent.

(2) *Permits.* The Superintendent may issue written permits for cave entry without escort only to persons engaged in scientific or educational investigations. The Superintendent shall approve issuance of a permit provided:

(i) That the investigation planned will have demonstrable value to the National Park Service in its management or understanding of park resources, and

(ii) That the permit applicant is adequately equipped and experienced so as to ensure the protection and preservation of park resources.

(3) *Solo exploration.* Solo exploration or investigation is not permitted in any cave or undeveloped part or passageway of any cave within the park.

PHILIP F. VAN CLEAVE,
Acting Superintendent,
Carlsbad Caverns National Park.

[F.R. Doc. 69-6426; Filed, May 29, 1969; 8:47 a.m.]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Harpers Ferry National Historical Park, W. Va., and Md.; Cliff Climbing

On page 8039 of the FEDERAL REGISTER of June 3, 1967, there was published a proposal of rulemaking to add a new section to Part 7 of Title 36 of the Code of Federal Regulations. The purpose of the new section was to regulate climbing on the cliff face of Maryland Heights and exploration of John Brown Cave. The restrictions were considered to be necessary for the safety of the public visiting the park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections. One suggestion was received with respect to administration of the regulation, which does not involve any change in the wording of the regulation. Two objections were received to the proposed regulation on the grounds that this restriction would impose undue inconveniences upon the visiting public and that some persons would be denied the opportunity to climb the cliff face.

The National Park Service has been informed that the entrance to the John Brown Cave, which is located on lands owned by the B & O Railroad, has been closed by the owner. Therefore, the restriction on cave exploration, no longer needed, has been deleted from this final notice of rulemaking.

The proposed permit system for climbing on the cliff face of Maryland Heights has been changed to a registration system.

The above changes do not increase restrictions on the public. Therefore, the regulations in this final notice will take effect on the 30th day following the date of publication in the FEDERAL REGISTER.

Part 7 of Chapter 1, Title 36 of the Code of Federal Regulations is amended by the addition of a new section reading as follows:

§ 7.78 Harpers Ferry National Historical Park.

(a) All persons shall register at park headquarters before climbing any portion of the cliff face of Maryland Heights. A registrant shall check out, upon completion of climbing, in the manner specified by the registering official.

BENJAMIN H. DAVIS,
Superintendent, Harpers
Ferry National Historical Park.

[F.R. Doc. 69-6427; Filed, May 29, 1969; 8:47 a.m.]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.

Notice is hereby given that, pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3) and the Act of May 7, 1894 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), as amended, Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, § 7.13 of Title 36 of the Code of Federal Regulations is hereby amended as set forth below.

The purpose of this amendment is to permit children 12 years of age and younger to fish with worms in certain waters of Yellowstone National Park and to permit the possession of worms on or adjacent to such waters by a child 12 years of age or under, or by a person in the immediate company of such child, for the sole purpose of enabling the child to fish with such bait.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, public comment is here deemed to be unnecessary and not in the public interest, since this amendment relaxes restrictions on the public. This amendment shall take effect immediately upon its publication in the FEDERAL REGISTER, to insure that the regulations are in effect at the start of the 1969 fishing season, and to provide the benefits of this amendment to the public as soon as possible.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73; 16 U.S.C. 26)

Section 7.13(e)(6) of Title 36 of the Code of Federal Regulations is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing.* * * *

(6) *Restriction on use of lines, bait, and lures.* (i) Each person fishing in park waters shall use only one rod or line.

(ii) Only artificial lures to which is attached no more than one single, double, or treble hook shall be used in park waters except as specified below in subdivisions (iii) and (iv) of this subparagraph.

(iii) Only artificial flies with no more than a single hook may be used for fishing in the Firehole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls.

(iv) Children 12 years of age and younger are permitted to fish with worms in park waters, except in the waters named above in subdivision (iii) of this subparagraph.

(v) When in the possession of any fishing equipment and while immediately adjacent to or on waters of the park, no person shall possess any fish bait (e.g. worms, insects, minnows, fish eggs, or other organic matter, or parts thereof) or fish lures, except as provided for in subdivisions (ii) and (iii), of this subparagraph: *Provided,* That in places other than the waters or shorelines of the waters named above in subdivision (iii) of this subparagraph, a child 12 years of age or younger, or another person in the immediate company of such child, may possess worms for the sole purpose of providing bait for such child to fish.

* * * * *

JACK K. ANDERSON,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 69-6465; Filed, May 29, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.54—Conduct of Employees and Consultants of AEC Cost-Type Contractors and Certain Other Contractors

MISCELLANEOUS AMENDMENT

Section 9-12.5400, *Scope of subpart,* is revised to read as follows:

§ 9-12.5400 Scope of subpart.

This subpart establishes the policies of the Atomic Energy Commission concerned with maintaining satisfactory standards of conduct on the part of employees and consultants employed on AEC contract work by its cost-type contractors and certain other contractors specified in § 9-12.5401. Contracts with colleges and universities, which have adopted conflict-of-interest policies consistent with AEC-AAUP standards and which do not involve the operation of Government-owned facilities on Government owned or leased land, are governed by the "Policy of the Federal Council for Science and Technology Relating to Conflicts of Interest by Staff Members of Colleges and Universities" (adopted Mar. 29, 1966) and are not subject to this subpart.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 23d day of May 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 69-6399; Filed, May 29, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 158—FOLLOW THROUGH PROGRAM

Chapter I of Title 45 of the Code of Federal Regulations is hereby amended by adding a new part, Part 158.

Federal financial assistance made available pursuant to the regulations set forth below is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88-352).

Sec.
158.1 Applicability.
158.2 Non-Federal share.
158.3 Waiver of the non-Federal share.

AUTHORITY: The provisions of this Part 158 issued under sec. 225 (c) and (d), 81 Stat. 672, 702; 42 U.S.C. 2812 (c) and (d); Public Law 88-452, Economic Opportunity Act of 1964, as amended, Title II, Part B.

§ 158.1 Applicability.

The regulations in this part implement the non-Federal share requirements contained in section 225(c) of the Economic Opportunity Act of 1964, as amended, and apply to Follow Through project grants made by the Commissioner of Education under the authority of sections 222(a)(2) and 621 of said Act.

§ 158.2 Non-Federal share.

(a) *Requirement for non-Federal share.* Subject to the provisions of § 158.3, the grantee shall share part of the costs of the Follow Through project. Such share (hereinafter, "non-Federal share") shall be an amount equal to a specified percentage of the project grant awarded the grantee from funds appropriated under the Economic Opportunity Act of 1964, which percentage shall be not less than: (1) 25 per centum of the grant award if the project comprises one grade level; (2) 20 per centum of the grant award if the project comprises two grade levels; (3) 16 per centum of the grant award if the project comprises three grade levels; and (4) 14 per centum of the grant award if the project comprises four or more grade levels. Once the project has reached its highest grade level (at least four grades, unless no kindergarten is in operation in the school district) and has operated at that level for a period of 2 grant years, the non-Federal share shall increase again up to the maximum 25 per centum, rising in the same increments (one per year) in which it decreased to its lowest point.

(b) *Allowability of in-kind contributions.* Subject to paragraph (d) of this section, any portion of the non-Federal share may consist, in lieu of cash, of in-kind contributions to the Follow Through project, including facilities, equipment, supplies, and services.

(c) *Evaluation of in-kind contributions.* The value of in-kind contributions to a Follow Through project shall be determined as follows:

(1) Facilities (including related utilities, maintenance, and similar services) which are contributed to the grantee by a third-party for use in the Follow Through project, or which are contributed by the grantee but were held for commercial or revenue-producing purposes prior to their use in the project, shall be deemed to have a value equal to the lowest reasonable cost at which those or comparable facilities could be procured on the open market in the locality of the Follow Through project for the grant period or, if shorter, the period for which such facilities shall be used in the project. Facilities (other than commercial or revenue-producing facilities) which are contributed to the project by the grantee shall be deemed to have a value equal to that part of their acquisition cost which is reasonably allocable (through depreciation or use allowances) to the use of such facilities in the project.

(2) Equipment which is contributed to the grantee by a third-party for use in the Follow Through project shall be deemed to have a value equal to the lowest reasonable cost at which it could be procured on the open market for use during the grant period or, if shorter, the period for which such equipment shall be used in the project. Equipment which is contributed to the project by the grantee shall be deemed to have a value equal to that part of its acquisition cost which is reasonably allocable (through depreciation or use allowances) to the use of such equipment in the project.

(3) Supplies shall be deemed to have a value equal to the lowest reasonable cost at which they could be procured on the open market for use in the project.

(4) Services of volunteers shall be valued at a rate equal to the rate at which the grantee pays regular employees or consultants performing comparable work, or, if there are no such employees or consultants, the prevailing rate which is paid locally for such services. In no case shall the rate used be less than the prevailing Federal minimum wage.

(d) *Limitations on the sources and amounts of contributions includable as non-Federal share.* (1) Contributions from any source may be included in the non-Federal share, except that federally owned facilities or equipment, facilities or equipment purchased or constructed with Federal funds (to the extent of Federal participation), and Federal financial assistance to the grantee or any donor to the project conducted by the grantee may not be included unless such facilities, equipment, or assistance was provided from or purchased with sums paid by the Federal Government in lieu of taxes (or comparable payments). (2) Contributions may be included in the non-Federal share only to the extent they are actually used in the Follow Through project. If facilities, equipment, supplies, or services used in the Follow

Through program are also used for other purposes, only that portion of their cost or value (determined in accordance with paragraph (c) of this section in the case of in-kind contributions) which is fairly attributable to the provision of Follow Through services may be included in the non-Federal share. (3) Contributions in cash or in kind which detract from or substitute for services regularly provided by the grantee (or by any public or private school whose children are served by the grantee) for the grades to be served by the Follow Through project, or which are diverted from other programs designed to meet the needs of the poor within the community, may not be included in the non-Federal share.

(e) *Documentation of non-Federal share.* As part of the project application, the grantee shall submit letters of commitment from the various agencies, organizations, institutions, or persons (except non-professional volunteers) providing cash or in-kind contributions to the Follow Through project which the grantee will include as part of the required non-Federal share. These letters shall be signed by the contributor and shall describe the contribution to be made, the way in which it will be rendered, and the time period during which it will be made. The grantee shall also maintain records (such as vouchers, receipts, and time and effort reports) demonstrating that the contributions described in the letters of commitment, as well as the contributions of non-professional volunteers and the grantee's own contributions to the non-Federal share, were actually made.

§ 158.3 Waiver of the non-Federal share.

(a) *Eligibility for waiver.* (1) The Commissioner may reduce the non-Federal share required of a grantee by § 158.2(a):

(i) If the annual per capita income of the county in which the Follow Through project is located is less than $750, by an amount not in excess of 25 per centum of the grant award;

(ii) If the annual per capita income of the county in which the project is located is $750 or more but less than $1,000, by an amount not in excess of 15 per centum of the grant award;

(iii) If the grantee can demonstrate, using the most reliable available data, that the annual per capita income of the political subdivision of the county in which the project is located, or of the geographic area or areas served by the project (hereinafter, "project area"), is less than the annual per capita income of the county and that the annual per capita income of the political subdivision or project area is within the dollar limitations in either subdivision (i) or (ii) of this subparagraph, by the amount specified therein;

(iv) If, in the case of a project serving migrants or reservation Indians, the annual per capita income of the group or groups served is within the dollar limitations in either subdivision (i) or (ii) of this subparagraph, by the amount specified therein.

(2) The Commissioner may also make an appropriate reduction in the non-Federal share required of a grantee if it is demonstrated to his satisfaction that:

(i) There has occurred a simultaneous increase in both the percentage of the non-Federal share and the overall costs of the Follow Through project, such as occasioned by a rise in per capita income beyond the limits prescribed in subparagraph (1) (i) and (ii) of this paragraph during a period in which there has been a significant increase in the number of children served; or

(ii) The financial or human resources which would otherwise be available for use in the Follow Through project have been significantly reduced by natural disaster or other unusual circumstances affecting the project area or the larger community in which it is located.

(b) *Application for waiver.* A grantee that is unable to contribute the full amount of its required non-Federal share, after having made every reasonable effort to do so, may request a reduction of its non-Federal share pursuant to paragraph (a) of this section. Such request shall be submitted in writing with the application for a project grant, or at such time thereafter as the grantee determines that it is unable to provide the entire non-Federal share, and shall describe: (1) The circumstances which justify a reduction of the non-Federal share under paragraph (a) of this section, (2) the source or sources of the grantee's information on per capita income (if such information is relied upon in the request), (3) the effort which the grantee has made to provide its non-Federal share, and (4) the amount of the non-Federal share which the grantee is able to provide and the extent to which this contribution is in kind.

(c) *Period of waiver.* The Commissioner shall not approve the reduction of a non-Federal share for any period in excess of 1 year, but may renew such approval upon a grantee's resubmission of a written request that complies with subsection (b) of this section.

Effective date: These regulations shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: May 20, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

Approved:

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

MAY 28, 1969.

[F.R. Doc. 69-6498; Filed, May 29, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 376]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.676 Lemon Regulation 376.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 27, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 1, 1969, through June 7, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6516; Filed, May 29, 1969; 8:49 a.m.]

[Nectarine Reg. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Nectarine Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of nectarines from the production area are expected to begin on or about June 1, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after June 1, 1969, of any nectarines of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The size requirements for each variety reflect the size pattern of that variety and the necessity for eliminating the least desirable sizes, as well as the committee's estimate of the percentage of the fruit in each variety that will be eliminated by such requirement, and the quantity of the more desirable sizes which will be available for shipment after such elimination.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 16, 1969.

§ 916.339 Nectarine Regulation 1.

(a) *Order.* (1) During the period June 1, 1969, through May 31, 1970, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle 3/8 inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter.

(2) During the period June 1, 1969, through October 31, 1969:

(i) No handler shall handle any package or container of Grand River, June Grand, Red June, or June Belle nectarines unless:

(a) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(b) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box; or

(c) Such nectarines, when packed in any container other than the containers specified in subdivisions (a) and (b) of this subparagraph (2) (i), measure not less than one and fourteen-sixteenths ($1\frac{14}{16}$) inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(ii) No handler shall handle any package or container of Sunrise or Sunbright nectarines unless:

(a) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(b) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box; or

(c) Such nectarines, when packed in any container other than the containers specified in subdivisions (a) and (b) of this subparagraph (2) (ii), measure not less than two (2) inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(iii) No handler shall handle any package or container of Rose, Early Sun Grand, Independence, Sun Grand, Star Grand I, Star Grand II, Red King, Sun Flame, or Grandandy nectarines unless:

(a) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(b) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than two and one-eighth ($2\frac{1}{8}$) inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(iv) No handler shall handle any package or container of Grand Prize, Granderli, Royal Grand, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, Red Grand, Clinton-Strawberry, Sun Free, Richards Grand, September Grand, or Regal Grand nectarines, unless:

(a) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(b) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than

two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(3) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (7 CFR 51.3145–51.3160); "standard basket" shall mean the standard basket set forth in section 43592 of the Agricultural Code of California; "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6479; Filed, May 29, 1969; 8:49 a.m.]

[Plum Reg. 4]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Plum Commodity Committee reflect its appraisal of the California plum crop and the current and prospective market conditions. Shipments of the plum varieties named herein are expected to begin on or after June 1, 1969. The size requirements specified herein are necessary to prevent the handling, on and after May 31, 1969, of plums of the named varieties that are smaller than the minimum size prescribed, by count, for each such variety so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 31, 1969. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 15, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about June 1, 1969; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.416 Plum Regulation 4.

(a) *Order.* (1) During the period May 31, 1969, through October 31, 1969, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A—variety	*Column B—plums-per-sample*
Ace	58
Casselman	68
Duarte	64
El Dorado	73
Elephant Heart	56
Emily	62
Grand Rosa	60
July Santa Rosa	72
Kelsey	48
Laroda	60
Late Duarte	62
Late Santa Rosa (including Improved Late Santa Rosa, Linda Rosa, Red Rosa, Swall Rosa)	68
Late Tragedy	106
Mariposa	62
Nubiana	50
President	62
Queen Ann	50
Red Roy	58
Santa Rosa	72
Sharkey	58
Sim-ka, Arrosa, New Yorker	50
Standard	86
Tragedy	116
Wickson	52

(2) Terms used herein shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5926; Filed, May 29, 1969; 8:48 a.m.]

[Cherry Reg. 8]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Washington Cherry Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of sweet cherries from the production area are expected to begin on or about June 2, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after June 2, 1969, of any cherries grading lower than the grade herein specified, and smaller in size than as herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The requirements herein that pertain to to containers and the packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger, are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. Individual shipments, not exceeding 100 pounds, of cherries sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 2, 1969. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until May 14, 1969; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee on May 14, 1969, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until May 5, 1969; shipments of the current crop of such cherries are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 923.308 Cherry Regulation 8.

(a) *Order.* (1) During the period June 2, 1969, through May 31, 1970, no handler shall, except as provided in subparagraph (2) of this paragraph, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(i) *Minimum grade.* U.S. No. 1: *Provided*, That the contents of individual packages in a lot are not limited as to the percentage of defects but the average of the defects of the entire lot shall be within the tolerances specified for such grade.

(ii) *Minimum size.* At least 95 percent, by count, shall measure not less than $^{48}/_{64}$ inch in diameter.

(iii) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, shall measure not less than $^{54}/_{64}$ inch in diameter.

(iv) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(2) *Exceptions.* Notwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 923.41 (Assessments), and of § 923.55 (Inspection and Certification):

(i) The shipment consists of cherries sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) *Definitions.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order;

(2) "U.S. No. 1" and "diameter" shall have the same meaning as when used in the U.S. Standards for Sweet Cherries (7 CFR 51.2646–51.2657); and

(3) "Faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 27, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5897; Filed, May 29, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Rev. 1, Amend. 12]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

FEES AND CHARGES

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 5941, 32 F.R. 7843, 9301, 10910, and 13376, and 33 F.R. 222, 299, 2564, 5659, 6097, 8220, 12821, and 16142, and 34 F.R. 1228 containing the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities are hereby amended.

Paragraph (b)(1) of § 1421.60 is amended to provide that a producer shall pay a fee of $8 for each farm storage loan disbursed and $4 for each warehouse storage loan disbursed. The amended paragraph (b)(1) reads as follows:

§ 1421.60 Fees and charges.

* * * * * * *

(b) * * *

(1) *Loan service fee.* A producer shall pay a fee of $8 for each farm storage loan disbursed and $4 for each warehouse storage loan disbursed. The loan service fee is not refundable.

* * * * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1421, 1423, and 1425)

Effective date: This amendment is effective June 1, 1969.

Signed at Washington, D.C., on May 28, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-6524; Filed, May 29, 1969; 9:32 a.m.]

[OOC Farm Storage and Drying Equipment Loan Program Regulations, Amdt. 4]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

The subpart of Part 1474, Title 7, Code of Federal Regulations published in the FEDERAL REGISTER of July 1, 1967 (32 F.R. 9510), and amended in the FEDERAL REGISTERS of December 14, 1967 (32 F.R. 17888), June 1, 1968 (33 F.R. 8221), and January 24, 1969 (34 F.R. 1132), is further amended as follows:

§ 1474.1 [Amended]

1. Section 1474.1 is amended to delete the word "remodeling".

§ 1474.4 [Amended]

2. In § 1474.4, paragraph (a) is amended to delete the word "remodeling".

3. In § 1474.4, paragraph (b) is revised to change the manner in which needs are determined. The revised paragraph reads as follows:

§ 1474.4 Eligible borrowers.

* * * * * * *

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however*, That in making this determination (1) production shall not be included from any acreage devoted to

commodities subject to voluntary adjustment programs if the applicant fails to indicate an intention to participate in such programs, (2) not more than 1 year's estimated production of eligible crops shall be used in determining whether the proposed drying equipment is needed, and (3) the maximum storage space on which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for the storage of eligible commodities is less than the storage capacity necessary to store 1 year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. A loan for obtaining farm storage of a greater capacity than the storage space needed by the applicant may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

4. In § 1474.5, paragraph (a) is revised to delete oxygen-free silos and other types of structures designed primarily for "wet" storage as eligible structures, to delete the remodeling provisions, and to redefine the term "drying equipment". The revised paragraph reads as follows:

§ 1474.5 Loans to purchase eligible storage or drying equipment.

(a) *General.* Loans will be made only for the purchase, construction, erection, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. The term "farm storage" means new or newly constructed conventional storage structures (cribs, bins, or buildings), or used storage structures (including the real estate upon which located, if any) to be purchased from CCC. The term "drying equipment" means new mechanical dryers, dryers with wagons or trailers, air circulators, ventilators, tunnels, and power fans, or any combination thereof, provided such items are an integral part of the dryer, or used drying equipment (including the real estate upon which located, if any) to be purchased from CCC.

§ 1474.5 [Amended]

5. In § 1474.5, paragraph (b)(4) is amended to delete the words "or remodeling existing" and paragraph (b)(8) is deleted.

6. In § 1474.5, paragraph (c) is revised to include the provision that loan proceeds shall not be available to cover foundations, cost of wiring, and items of conditioning, handling, and operating equipment including (but not limited to) elevators, conveyors, or augers, legs, dumping pits, and stirators. The revised paragraph reads as follows:

(c) *Loan proceeds not available.* Loan proceeds shall not be available for:

(1) Foundations, costs of electrical wiring, items of conditioning, handling, and operating equipment, including (but not limited to) augers, conveyors or elevators, dumping pits, legs, or stirators.

(2) Storage or drying equipment for commercial use or the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

§ 1474.8 [Amended]

7. In § 1474.8, paragraph (a)(1) is amended to delete the words "or the remodeling of existing storage structures".

8. In § 1474.8, paragraph (b) is revised to delete the reference to oxygen-free storage and to revise the amount which may be loaned on dryers. The revised paragraph reads as follows:

* * * * *

(b) *Amount of loan.* The amount of any loan shall not result in an aggregate outstanding balance in excess of $25,000 and shall not exceed (1) 85 percent of the net cost of the applicant's needed farm storage, (2) 65 percent of the net cost of the applicant's needed drying equipment or $2,500 whichever is the lesser, or (3) the prorated cost for the applicant's needed farm storage when a farm storage structure has a larger bushel capacity than the applicant's needed farm storage.

9. In § 1474.8, paragraph (d) is revised to permit the Executive Vice President, CCC, or his designee, to extend the loan approval. The revised paragraph reads as follows:

* * * * *

(d) *Expiration of approvals.* If there has been no disbursement 4 months after the date of the loan approval, the approval shall become null and void unless it is extended in writing by the approving State or county committee for a stated period not to exceed an additional 4 months: *Provided,* That the Executive Vice President, CCC, or his designee, may extend the approval for such additional periods of time as he may deem justified by the circumstances.

10. § 1474.10 is revised to raise the interest rate and to delete the grace period for repayments made on a nonworkday. The revised section reads as follows:

§ 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest on the unpaid balance from date of disbursement or date of last repayment at 50 cents for each whole unit of $100 or fraction thereof (stated to the nearest 10th) for each calendar month or fraction thereof, from and including the calendar month of disbursement, or month to which interest has been paid, to but excluding the calendar month of repayment. The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, money order, or by deduction from the amounts of any price support loans, incentive payments, reseal storage payments, or payments for purchases by CCC which may be due the borrower: *Provided, however,* That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month pay period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instrument, the county committee shall, upon request by the borrower, release or obtain the release of such instrument. The chairman of each county committee or the county office manager is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

§ 1474.14 [Revoked]

11. Section 1474.14, requiring the payment of a service fee, is revoked.

(Secs. 4 and 5(b), 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b, 714c(b))

Effective date: This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 13, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-6341; Filed, May 29, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 5]

SANFORD RECREATION AREA, TEX.

Alcoholic Beverages

Notice is hereby given that pursuant to the authority contained in the act of August 31, 1964 (78 Stat. 744; 43 U.S.C. 600d), section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to add § 7.57 to Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish restrictions on the use of alcoholic beverages.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Sanford Recreation Area, Post Office Box 325, Sanford, Tex. 79078, within 30 days of the publication of this notice in the FEDERAL REGISTER.

A new section 7.57, is added to this part as follows:

§ 7.57 Sanford Recreation Area.

(a) *Alcoholic beverages.* (1) The sale or gift of an alcoholic beverage to a person under 21 years of age is prohibited.

(2) Possession of alcoholic beverages by persons under 21 years of age is prohibited.

MICHAEL J. BECKER,
Superintendent,
Sanford Recreation Area.

[F.R. Doc. 69-6428; Filed, May 29, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 55]

EGG PRODUCTS

Grading and Inspection

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. Presently, the regulations list only the pasteurization temperature and holding time for whole eggs. All other egg products are required to be flash heated to such temperatures and held for such times as will give equivalent effects and result in salmonellae negative product. The proposal lists specific pasteurization temperatures and holding times for other products in addition to whole eggs in convenient chart form. Provision is made for approval of other pateurization methods giving equivalent results including methods of pasteurization for products not listed on the chart.

The proposal would establish heat treatment temperatures, holding times, and facility requirements for heat treating rooms for spray dried and pan dried albumen.

Changes in facility and operating requirements are being proposed to minimize the possibility of contaminating egg products during processing and packaging operations. The proposed amendments would require a separate draw-off room for packaging liquid eggs except products packaged in an automatic, closed system. A separate blending-packaging room or closed blending facilities would also be required for blending dried egg products or adding dry ingredients. Openings into the drying unit would have to be closed to the extent possible during drying operations and when the drier contains powder and is not to be used for over 18 hours. Drying units, conveyors, and sifters would be cleaned when encountering wet powder or other conditions which would adversely affect the product. This equipment would be cleaned by either wet washing or dry cleaning but not by a combination of the two methods unless the equipment is completely detached.

Because of the physical properties of liquid egg products with 10 percent or more salt added, some adjustments would be made in the cooling requirements for such products to facilitate processing.

The regulations currently prohibit the use of the official shield-shaped egg products inspection mark on egg products produced from shell eggs of other than current production, or shell eggs of the turkey, duck, goose, or guinea. A rectangular mark is provided for such product. The proposed amendments would eliminate the rectangular mark and permit such egg products to be identified with the official inspected egg products mark provided a qualifying statement on the label clearly indicates the type of eggs used in the product, e.g., "Manufactured from eggs of other than current production" or "Frozen Whole Turkey Eggs."

An alternate official egg products inspection mark is being proposed which would contain only "USDA Inspected Egg Products" within the shield design, with the option of including the plant number. It is also proposed that any official identification to be applied to containers of product be printed or lithographed.

The condition inspection of product produced in nonofficial plants would no longer be limited to frozen whole eggs, but would include all frozen egg products. No certification would be made other than reporting the number of satisfactory and unsatisfactory containers examined organoleptically.

Provision would be made for fowl ova from official poultry plants to enter official egg products plants. Such product could be processed as ova or incorporated in egg products: *Provided,* That in either case, the product was properly labeled and identified.

The section of the regulations dealing with the potable water supply in official plants would be amended to provide that the applicant, when required, would furnish a water report certifying to the potability of the water supply. These reports would be issued by a State or municipal health agency.

Certain other minor changes would be made in sections concerned with facilities and operating procedures in accordance with improved processing techniques and other changes would be made for the sake of clarity.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than August 1, 1969.

All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 55.2, the definitions for the terms: "Eggs of current production," "Sanitize," and "Shell Eggs," would be changed to read respectively as follows:

§ 55.2 Terms defined.

* * * * *

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and have not been held in refrigerated storage in excess of 60 days.

* * * * *

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying microorganisms, including pathogens.

* * * * *

"Shell eggs" means the shell eggs of the domesticated chicken, turkey, duck, goose, and guinea.

* * * * *

2. In § 55.2a, paragraphs (c) and (e) would be revised to read as follows:

§ 55.2a Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

* * * * *

(c) "Official mark" means the grade mark, inspection mark, and any other mark or symbol formulated pursuant to the regulations in this part, stating that the product was graded or inspected, or for the purpose of maintaining the identity of the product.

* * * * *

(e) "Official device" means a printed label, or other method as approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Paragraph (e) of § 55.4 would be revised to read as follows:

§ 55.4 Kinds of service available.

* * * * *

(e) Condition inspection, sampling, and laboratory analysis of frozen egg products which were prepared in nonofficial plants.

* * * * *

4. In § 55.6, paragraph (a) would be amended by deleting the words "circuit supervisor" in the second sentence of the paragraph and substituting in lieu thereof the words "egg products supervisor," and a new paragraph (c) would be added to read:

§ 55.6 Basis of service.

* * * * *

(c) Condition inspection of frozen egg products prepared in nonofficial plants shall be on a container by container basis. No certification of product shall be made other than the reporting of the organoleptic condition for the containers of product in the lot, as determined by examination of the product.

5. Section 55.17 (a) and (b) would be amended by adding a new paragraph (a)(6), revising paragraph (a)(5), and deleting paragraph (b)(6) as follows:

§ 55.17 Authority and duties of inspectors performing service on a resident inspection basis.

(a) * * *

(6) To use retention tags or other devices and methods as may be approved by the Administrator for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product, equipment, utensil, room or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector or grader.

(b) * * *

(5) The types and quantities of egg products processed in the official plant.

* * * * *

5a. In § 55.23, subparagraph (2) of paragraph (b) would be deleted.

6. In § 55.30, the first sentence of paragraph (a) would be amended and paragraph (b) would be revised to read as follows:

§ 55.30 Denial of service.

(a) The following acts or practices or the causing thereof are violations and may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him:

* * * * *

(b) In any situation where the integrity of the service would be seriously jeopardized if service were continued pending a decision in the proceeding, service to any person, including any agents, officers, subsidiaries, or affiliates of such person, may be suspended effective on or after the third day after mailing of notice thereof to such person's last known or designated address or upon actual receipt of such notice, whichever is earlier. In any case of actual or threatened physical violence to an inspector or grader, service to any person, including any agents, officers, subsidiaries, or affiliates of such person, may be suspended prior to the transmittal of written notice to such person. A written notice shall be given as promptly as circumstances permit.

7. Section 55.35 would be revised to read as follows:

§ 55.35 Approval of official identification.

(a) Any label, container or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs of the turkey, duck, goose, or guinea, or from other egg products which were produced from edible shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs." Egg products labeled without qualifying words as to type of shell egg used in the products shall be produced only from the edible shell egg of the domesticated chicken.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

8. In § 55.36(b), the text would be revised and Figures 2 and 3 would be amended as follows:

§ 55.36 Form of official identification symbol and inspection mark.

* * * * *

(b) The inspection marks which are permitted to be used on egg products shall be contained within the outline of a shield and with the wording and design set forth in either Figure 2 or 3 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

* * * * *

FIGURE 2.

FIGURE 3.

9. Section 55.37 would be revised to read as follows:

§ 55.37 Products that may bear the inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products eligible to bear the inspection mark and may contain other edible ingredients. The official mark, when used, shall be printed or lithographed and applied as a part of the principal display panel of the container, but shall not be applied to a detachable cover.

10. Section 55.38 would be revised to read:

§ 55.38 Use of other official identification.

All nonpasteurized egg products shipped from an official plant in packaged form shall be marked with the identification set forth in Figure 4 of § 55.39. Such mark shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 55.36, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consumptive channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment in an official plant. After such pasteurization or treatment, the product may bear the official inspection mark as shown in § 55.36.

11. Section 55.39 would be revised to read as follows:

§ 55.39 Form of other identification.

Egg products prepared in accordance with § 55.38 shall be marked with the identification of the wording and design set forth in Figure 4, except that the plant number may be omitted from the identification if applied elsewhere on the container.

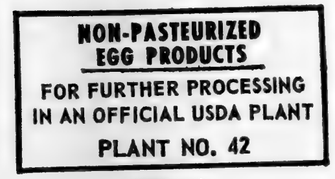

FIGURE 4.

* * * * *

12. Section 55.40 would be revised to read as follows:

§ 55.40 Processing turkey, duck, goose, or guinea eggs.

Edible turkey, duck, goose, or guinea eggs may be processed in the official plant and may be identified with the official mark shown in § 55.36. Such egg products shall be labeled as required in § 55.35.

13. Section 55.41 would be revised to read as follows:

§ 55.41 Processing ova.

(a) Ova from slaughtered birds may be brought into the official plant for processing: *Provided*, That the ova is from poultry inspected in a plant operating under the Poultry Products Inspection Act, as amended: *And provided further*, That the containers of such ova are properly labeled and bear official identification.

(b) The ova shall be handled, processed, cooled, and pasteurized in the same manner as liquid, frozen, or dried egg yolk.

(c) Labeling and identification for all ova product or egg product containing ova shall be approved by the Administrator prior to use.

14. The heading preceding § 55.75 would be revised and in § 55.75, paragraph (h) would be deleted; a sentence would be added to the end of paragraphs (i) and (n), and a chart would be added at the end of paragraph (m) to read as follows:

SANITARY AND PROCESSING REQUIREMENTS

§ 55.75 Plant requirements.

* * * * *

(i) * * * A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

* * * * *

(m) * * * The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 person in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(n) * * * The hand washing facilities in the processing areas shall be operated by other than hand operated controls and the facility drains shall be trapped and connected to the plumbing system.

* * * * *

15. In § 55.77, paragraphs (a) and (n) would be revised, the fourth sentence of paragraph (d) and the last sentence of subparagraph (o)(2) would be amended to read as follows:

§ 55.77 General operating procedures.

(a) All operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as practicable. Pasteurization, heat treatment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in microbial growth and deterioration of the egg products.

* * * * *

(d) * * * Such products or other noninspected packaged products may be brought into an official plant for storage and reshipment. * * *

* * * * *

(n) All utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be cleaned and sanitized at the start of processing operations. All equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) * * *

(2) * * * The containers of such nonpasteurized products shall be marked with the identification mark shown in Figure 4 of § 55.39.

* * * * *

16. In § 55.78, paragraphs (c), (f), and (g) would be revised to read as follows:

§ 55.78 Candling and transfer-room facilities.

* * * * *

(c) Ventilation shall be provided by means of an approved forced air exhaust system.

* * * * *

(f) Containers made of a material and of such design that is conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that is conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

* * * * *

17. In § 55.80, paragraphs (b) and (e) would be revised to read as follows:

§ 55.80 Classifications of shell eggs used in the processing of egg products.

* * * * *

(b) Shell eggs having strong odors or eggs received in cases having strong

odors shall be candled and broken separately to determine their acceptability.

• • • • •

(e) Incubator reject eggs shall not be brought into the official plant.

18. In § 55.81, paragraph (d) would be deleted and paragraph (a)(6) would be revised to read as follows:

§ 55.81 Egg cleaning operations.

(a) • • •

(6) Immersion-type washers shall not be used.

• • • • •

19. Paragraph (n) of § 55.82 would be revised to read as follows:

§ 55.82 Breaking room facilities.

• • • • •

(n) A separate draw-off room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closed packaging systems. Such facilities shall be provided in all new or remodeled construction prior to approval and shall be provided in all other plants prior to March 1, 1971.

20. In § 55.83 paragraphs (m), (q), (w), (x), (y), (z), (dd), and (ee) would be revised to read as follows:

§ 55.83 Breaking room operations.

• • • • •

(m) All inedible eggs or egg products shall be placed in a clearly identified container containing a denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Not withstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

• • • • •

(q) All ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

• • • • •

(w) Cups, knives, racks, separators, trays, spoons, liquid egg pails, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(x) Utensils shall be drained on aerated drain racks and shall not be nested.

(y) Dump tanks, draw-off tanks, and churns shall be cleaned at least every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be sanitized prior to placing in use.

(z) Strainers, clarifiers, and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operation.

• • • • • •

(dd) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(ee) Mechanical egg breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

• • • • •

21. In § 55.85, paragraphs (d), (e), (f), and (g) would be deleted and paragraph (c) revised to read as follows:

§ 55.85 Liquid egg cooling.

• • • • •

(c) Liquid egg products shall be cooled and maintained at the temperatures specified in Table I of this section:

TABLE I—MINIMUM COOLING REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Temperature within 2 hrs. from time of breaking: Liquid (other than salt product) to be held 8 hrs. or less	Liquid (other than salt product) to be held in excess of 8 hrs.	Liquid salt product to be held 24 hrs. or less	Liquid salt product to be held in excess of 24 hrs.	Temperature within 2 hrs. after pasteurization	Temperature within 3 hrs. after stabilization
Whites (not to be stabilized)	55° F. or lower	55° F. or lower			55° F. or lower	
Whites (to be stabilized)	70° F. or lower	55° F. or lower			55° F. or lower	(1).
All other product (except product with 10% or more salt added).	45° F. or lower	40° F. or lower			If to be held 8 hrs. or less, 45° F. or lower. If to be held in excess of 8 hrs., 40° F. or lower.	If to be held 8 hrs. or less, 45° F. or lower. If to be held in excess of 8 hrs., 40° F. or lower.
Unpasteurized liquid egg product with 10% or more salt added.			65° F. or lower	55° F. or lower		
Pasteurized liquid egg product with 10% or more salt added.					65° F. or lower [2]	

[1] Stabilized liquid whites shall be dried as soon as possible after removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

[2] If to be held in excess of 24 hrs., product shall be cooled and maintained at 55° F. or lower within 4 hrs. after pasteurization.

22. Paragraph (b) of § 55.86 would be revised to read as follows:

§ 55.86 Liquid egg holding.

• • • • •

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

• • • • •

23. Paragraph (b) of § 55.87 would be revised to read:

§ 55.87 Freezing facilities.

• • • • •

(b) Adequate air circulation shall be provided in all freezing rooms.

24. Paragraph (b) of § 55.88 would be revised to read as follows and paragraph (e) would be deleted:

§ 55.88 Freezing operations.

• • • • •

(b) *Requirements.*

(1) All nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) All pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the products not solidly frozen shall be taken at the center of the container to determine compliance with this section.

• • • • •

25. Paragraphs (a), (c), and (e) in § 55.90 would be revised to read as follows:

§ 55.90 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

• • • • •

(c) Frozen whites may be defrosted at room temperature.

• • • • •

(e) Sanitary methods shall be used in handling containers and removing egg product.

(1) Partially emptied containers shall not be stacked on one another prior to final removal of egg product.

(2) Paper or fiber containers of frozen egg product shall not be placed in water to speed defrosting except when product is contained in sealed waterproof liners.

• • • • •

26. Paragraphs (a), (g), and (j) in § 55.91 would be revised and a new paragraph (k) would be added to read as follows:

§ 55.91 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

• • • • •

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

• • • • •

(j) All openings into the drier around ports, augers, high pressure lines, etc., shall be closed to the extent possible during the drying operation to prevent entrance of nonfiltered air.

(k) All openings into the drying unit shall be closed when the drier is not to be used for a period of 18 hours or longer except when the drying unit has been completely emptied of powder and wet-washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports augers, etc.

27. In § 55.92, paragraphs (a), (b), and (c) would be amended to read as follows and paragraphs (f), (g), (h), and (i) would be deleted.

§ 55.92 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high- and low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable in-place cleaning methods or dismantled and cleaned after use or whenever not in operation for periods of over 2 hours.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

• • • • •

(c) Drying units, conveyors, and sifters shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of powder when such equipment is not to be used for a period of 24 hours or longer.

(2) Bags for bag collectors shall be cleaned as often as needed to maintain them in an acceptable clean condition.

• • • • •

28. In § 55.93, paragraph (a)(5) and paragraph (b) would be revised and new paragraphs (c) and (d) would be added to read as follows:

§ 55.93 Spray process powder; definitions and requirements.

(a) • • •

(5) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 55.96 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with such procedures as may be prescribed by the Administrator.

(1) Edible dried egg powder obtained from the dust house, sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall not be dry blended or officially identified unless reconstituted, repasteurized, and redried.

(2) Approximately the first and last 175 pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

29. Section 55.96 would be revised to read:

§ 55.96 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) *General.* All processing rooms shall be maintained in a clean condition and free of flies, insects, and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, or other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces which form pockets for accumulation of water or dirt.

(2) The intersections of the walls and floor shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging of spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of outside filtered air.

(2) All blending and packaging equipment and accessories which come into contact with the dried product shall be constructed without open seams and of materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and all metal surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechnically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

30. Section 55.97 would be revised to read:

§ 55.97 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

31. Subparagraph (1) in § 55.99(b) would be revised to read as follows:

§ 55.99 Cleaning and sanitizing requirements.

• • • • •

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval prior to use.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solutions, containing a maximum strength of 200 p.p.m. of chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

• • • • •

32. Paragraph (g) of § 55.100 would be revised to read as follows:

§ 55.100 Health and hygiene of personnel.

• • • • •

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

• • • • •

33. Section 55.101 would be revised to read as follows:

§ 55.101 Pasteurization of egg products.

(a) *Pasteurization facilities.* The facilities for pasteurization of egg products shall be of adequate and approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve with attached thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid egg product at the flow diversion valve shall be continuously and automatically recorded during the process.

(b) *Pasteurizing operations.* All products must be heated to the required temperature and held at that temperature for the required length of time for it to be considered pasteurized under the requirements of this part. The temperatures and holding times listed in Table II of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time.

TABLE II—PASTEURIZATION REQUIREMENTS [1]

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements
	° F.	*Minutes*
Albumen (without use of chemicals)	134	3.5
	132	6.2
Whole egg	140	3.5
Whole egg blends (less than 2% added nonegg ingredients)	142	3.5
	140	6.2
Fortified whole egg and blends (24-38% egg solids—2-12% added nonegg ingredients)	144	3.5
	142	6.2
Salt whole egg (with 2% or more salt added)	146	3.5
	144	6.2
Sugar whole egg (2-12% sugar added)	142	3.5
	140	6.2
Plain yolk	142	3.5
	140	6.2
Sugar yolk (2% or more sugar added)	146	3.5
	144	6.2
Salt Yolk (2-12% salt added)	146	3.5
	144	6.2

[1] Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the National Supervisor when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a Salmonellae negative product.

34. Section 55.103 would be revised to read as follows:

§ 55.103 Heat treatment of dried whites.

Where heat treatment of dried whites is required, the product shall be heated throughout for such times and at such temperatures as will result in Salmonellae negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment of spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held at this temperature not less than 7 days and until it is Salmonellae negative.

(2) Pan dried albumen shall be heated throughout to a temperature of not less than 125° F. and held at this temperature not less than 5 days and until it is Salmonellae negative.

(3) Methods of heat treatment of spray dried or pan dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the National Supervisor upon receipt of satisfactory evidence that such methods will result in Salmonellae negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of Salmonellae as required in § 55.77(p) (2).

(d) Records shall be maintained of the following:

(1) Type of product;

(2) Lot number;

(3) Heat treatment room temperature;

(4) Product temperatures;

(5) Length of time product is held in heat treatment room;

(6) Results of all laboratory analyses made for the presence of Salmonellae.

35. Section 55.125 would be revised to read as follows:

§ 55.125 Preparation of samples for palatability test.

Reconstitute 33 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a suitable, clean container. Add the water and mix until the mixture is smooth and free from lumps. Place the container in gently boiling water and stir the mixture while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for the palatability test.

Signed at Washington, D.C., this 26th day of May 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-6388; Filed, May 29, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 33]

[Docket No. 9620; Notice 69-22]

DUAL ELECTRIC IGNITION TYPE CERTIFICATION REQUIREMENT FOR TURBINE AIRCRAFT ENGINES

Proposed Deletion

The Federal Aviation Administration is considering amending Part 33, section 33.69, to delete the type certification requirement for at least two igniters and two separate secondary electric circuits in the electric ignition systems of turbine aircraft engines.

Interested persons are invited to participate in the proposed rule change by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 27, 1969, will be considered by the Administrator before taking action on the proposed rule change. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Notice 66-3, published in the FEDERAL REGISTER (31 F.R. 2485) on February 8, 1966, proposed to amend Parts 27 and 29 to allow single engine, turbine engine powered helicopters to have electric ignition systems with one secondary circuit and igniter and proposed to amend § 33.69 to except engines intended for installation in single engine helicopters from the requirement to have at least two igniters and two separate secondary electric circuits for each electric ignition system. These proposals were withdrawn in Miscellaneous Powerplant Design Requirements for Aircraft Engines and Propellers, published in the FEDERAL REGISTER (32 F.R. 3733) on March 4, 1967. These withdrawals were based on industry comments indicating that dual ignition may also be unnecessary for turbine engine powered aircraft other than single engine helicopters, in which case further amendment of Part 33 would be appropriate rather than amendment of the aircraft type certification standards.

After further study, the FAA believes that comments responding to Notice 66-3 have merit and that two igniters and two separate secondary electric circuits need not be required for any turbine engine electric ignition systems. The characteristics of turbine aircraft engines are such that no significant increase in reliability is likely to be achieved by electric ignition system redundance. Unlike the reciprocating engine ignition system (which must provide ignition for each power stroke), the turbine engine electric ignition system remains inoperative except for starting and restarting. The FAA believes that the degree of redundance that an electric ignition system already provides as a backup to the self-sustaining characteristics of turbine engine ignition need not be compounded by requiring dual electric ignition system components.

On the other hand, there are certain unfavorable ambient conditions (turbulence, rain, icing, slush on the runways, etc.) which can cause inflight flameout in turbine engines. However, rapid and reliable relighting can be achieved by the continued operation of the ignition system during such conditions. Since the occurrence of the unfavorable ambient conditions can be generally anticipated, it is considered appropriate to require that if a single electric ignition system is provided, it must have the capability of operating for extended periods without malfunction or failure. The FAA considers that such a capability can be demonstrated by showing, during the endurance tests, that the ignition system operated continuously without malfunction or failure.

In consideration of the foregoing, it is proposed to amend § 33.69 of Part 33 of the Federal Aviation Regulations to read as follows:

§ 33.69 Ignition system.

Each engine must be equipped with an ignition system for starting the engine on the ground and in flight. If a single electric ignition system is provided having one igniter and one secondary electric circuit, it must be shown that the ignition system operated continuously during the endurance test specified in § 33.87 without failure or malfunction.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 23, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-6437; Filed, May 29, 1969; 8:48 a.m.]

[14 CFR Part 39]

[Airworthiness Docket No. 69-SW-22]

AIRWORTHINESS DIRECTIVE

Bell Model 206A Helicopters

Amendment 39-746 (34 F.R. 6472), AD 69-7-3, requires an inspection for cracks and replacement of cracked magnesium cyclic bellcrank support assemblies, P/N 206-001-521, on Bell Model 206A helicopters. After issuing AD 69-7-3, the agency evaluated and approved the new replacement aluminum cyclic bellcrank support assemblies, P/N 206-001-544, for an interim replacement time of 600 hours' total time in service and determined that the Model 206A fleet can be retrofitted with aluminum supports by July 15, 1969. The agency also determined that the torque readings specified previously for the bellcrank support attaching bolts should be revised and applied to the attaching nuts.

Therefore, the agency is considering superseding Amendment 39-746 with a new AD that retains the daily inspection and the replacement of cracked supports as required therein until the aluminum support is installed. In addition, the new AD will require the installation of the new aluminum cyclic bellcrank support assemblies, P/N 206-001-544, within 100 hours' time in service after the effective date of the AD. Corrected torque limits for the nuts on the support assembly mounting bolts are also included.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 28, 1969, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available for examination by interested persons before and after the closing date for comments, in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 206A helicopters equipped with magnesium cyclic bellcrank support assemblies.

Compliance required as indicated.

To prevent failure of the magnesium cyclic bellcrank support assemblies, P/N 206-001-521, due to fatigue cracks, accomplish the following:

(a) Inspect the right- and left-hand support assemblies, P/N 206-001-521, that have accumulated 25 hours' total time in service after April 15, 1969, before the first flight of each day as follows:

(1) Remove the upper forward cowling, P/N 206-061-801, to expose the hydraulic power cylinders.

(2) Inspect the attachment of the support assemblies to the fuselage for firmness. Torque the nut on the NAS 1304-9 bolt to 80 to 100 inch-pounds and the nut on the NAS 1305-9 bolt to 120 to 145 inch-pounds if the support assembly is loose.

(3) Inspect visually the right- and left-hand support assemblies, P/N 206-001-521, for cracks in the spotfaced areas around the attachment bolts and in the fillet radii between the base and vertical section of the supports, using a flashlight or equivalent. Both the forward and aft flange fillet radii and spotfaced areas must be inspected.

(4) Smooth out any nicks or corrosion visible in the forward and aft flange fillet radii and the spotfaced areas, using a fine file and crocus cloth.

(b) Remove and replace the support assembly before further flight if cracks are found. Inspect cyclic control rigging in accordance with paragraph 4-30 of the Model 206A Maintenance and Overhaul Instructions when the support assembly is replaced.

(c) Remove and replace right- and left-hand magnesium support assemblies with new aluminum support assemblies, P/N 206-001-544, within 100 hours' time in service after the effective date of this AD in accordance with the procedures in Bell Helicopter Co. Service Bulletin No. 206A-11 dated May 9, 1969, or in accordance with a procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(d) The inspections in Paragraph (a) are no longer required when aluminum bellcrank supports are installed in accordance with Paragarph (c).

(Bell Model 206A Maintenance and Overhaul Manual Interim Revision No. 206A-69-16 pertains partially to this subject.)

This supersedes Amendment 39-746 (34 F.R. 6472), AD 69-7-3.

Issued in Fort Worth, Tex., on May 20, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6434; Filed, May 29, 1969; 8:48 a.m.]

[14 CFR Part 39]

[Airworthiness Docket No. 69-SW-32]

AIRWORTHINESS DIRECTIVE

Bell Model 204B, 205A, and 205A-1 Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 204B, 205A, and 205A-1 helicopters equipped with Float Kit Installations, Part No. 204-706-053, or Part No. 205-706-050. Two failures of the aft cross tube, P/N 204-706-053-5, have occurred during landings of Bell Model 204B helicopters. These failures were attributed to fatigue cracks possibly initiated by corrosion or stress-corrosion in the lower external surface of the aft cross tubes. The design stress levels of the aft cross tubes for the Bell Models 205A and 205A-1 helicopters are higher than those of the Model 204B.

Since this condition is likely to exist or develop in other Model 204B helicopters and is likely to develop in the Model 205A and 205A-1 helicopters, the proposed airworthiness directive would require replacement, within specified limitations, of aft cross tubes having 1,000 hours' time in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 30, 1969, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available for examination by interested persons before and after the closing date for comments, in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and

603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 204B, 205A, and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 204-706-053, or Part No. 205-706-050.

Compliance required as indicated.

To prevent possible failure of the aft cross tube, Part No. 204-706-053-5, or Part No. 205-050-114-1, due to fatigue cracks, accomplish the following:

(a) Remove and replace aft cross tubes with 900 or more hours' time in service on the effective date of this AD within the next 100 hours' time in service.

(b) Remove and replace aft cross tubes with less than 900 hours' time in service on the effective date of this AD, prior to accumulating 1,000 hours' time in service.

(c) Remove and replace all subsequent replacement aft cross tubes prior to accumulating 1,000 hours' time in service.

(d) Operators not having kept time in service records on individual cross tubes should use float kit hours' time in service for the purposes of paragraphs (a), (b), and (c) above.

(Bell Helicopter Co. Service Bulletin No. 204B-5, 205A-3 pertains to this subject.)

Issued in Fort Worth, Tex., on May 20, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6435; Filed, May 29, 1969; 8:48 a.m.]

[14 CFR Parts 61, 67]

[Docket No. 7775; Notice 69-23]

CARDIOVASCULAR STANDARDS; FIRST-CLASS MEDICAL CERTIFICATE FOR CERTAIN COMMERCIAL PILOTS; AND CHANGE IN DURATION OF FIRST-CLASS MEDICAL CERTIFICATES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61 and 67 of the Federal Aviation Regulations: (1) To require from each applicant for a first-class medical certificate an initial, baseline resting electrocardiographic examination, and double Master's exercise electrocardiograms initially, and when he is 35, 40, 45, and 50, and annually after he is 50 years of age; (2) to require a commercial pilot serving as a pilot of an aircraft operated under Part 121 or 127 to hold a first-class medical certificate; and (3) to extend the duration of first-class medical certificates to 12 months when the holder is less than 50 years of age upon issuance.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 28, 1969 will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 2, 1966, an advance notice of proposed rule making and notice of public hearing (Notice 66-42; 31 F.R. 15324) was issued inviting the views of all interested persons on certain proposals to modify Part 67 of the Federal Aviation Regulations with respect to the examination procedures for determining the presence of cardiovascular disease in applicants for, or holders of, first-class and second-class medical certificates. Notice 66-42 proposed principally to require greater frequency and broader coverage of the standard resting electrocardiographic examinations, and to add exercise electrocardiography.

It is generally agreed that the identification of cardiovascular disease in aviation personnel is of prime importance to the safety of civil aviation. Pathologically and retrospectively, the progression of the disease from an asymptomatic or mild form to symptomatic or incapacitating coronary heart disease is reasonably well understood. However, clinically it appears that the medical profession's ability to identify the current extent of the disease process, or to anticipate its rate of accession, in a given individual falls short of the accuracy and finality desired.

The electrocardiogram (EKG), even under resting conditions, is generally regarded as the best single diagnostic aid to alert the examining physician to the possibility of cardiac disease. In this setting, a baseline EKG plays an important role in providing meaningful cardiographic history; and it is accepted medical practice to place more credence in the importance of changes detected in the comparison of serial tracings, than in the notation of a variation or anomaly on a single tracing. Thus, the diagnostic significance of individual changes in an EKG can be determined with far greater precision with the aid of serial tracings, including an early baseline EKG.

The views expressed at the public hearing held on February 15, 1967, generally confirmed the need to modify the current medical requirements so as to specifically provide the means by which applicants with cardiovascular disease may be recognized earlier and evaluated in greater detail.

The positions of all persons who filed comments in response to Notice 66-42 or appeared at the public hearing, and all other available data, have been evaluated and rule making is proposed, as follows:

Resting Electrocardiographic Examination. It is proposed to require an applicant for a first-class medical certificate to provide a resting electrocardiographic examination on his first medical examination, regardless of his age (as well as on the first examination after his 35th birthday, and annually after his 40th birthday). The resting EKG can indicate an absence of myocardial infarction, coronary heart disease, or other cardiovascular abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction or sudden incapacitation. If the applicant is less than 35 years of age and holds a first-class medical certificate, this proposal would advance the time for the first resting EKG to his next medical examination, even if this occurs before his 35th birthday. The proposal also would make it necessary to show by resting EKG an absence of evidence of cardiovascular abnormality short of myocardial infarction. This would involve combining present §§ 67.13(e)(2) and 67.13(e)(3) in proposed § 67.13(e)(3) that would require the electrocardiographic examinations to show an absence of "cardiovascular disease or abnormality", instead of an absence only of myocardial infarction, as now required. This proposal would reflect current medical policies and procedures in reference to conditions (such as paroxysmal atrial tachycardia) that are classically regarded as suddenly incapacitating, yet are not related to myocardial infarction. In addition, this change would add two new features to the provision on acceptability of the EKG. To be acceptable the EKG would be accompanied by measurements and be made according to standards and techniques approved by the Federal Air Surgeon.

In this regard, it is also proposed to change §§ 67.13(e)(1)(ii), 67.15(e)(1)(ii), and 67.17(e)(1)(ii) to provide that an applicant for a medical certificate is disqualified by any cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction. It is also proposed to add new §§ 67.13(e)(2), 67.15(e)(2), and 67.17(e)(2) to provide that an applicant for a medical certificate is disqualified by any cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to sudden incapacitation. Presently, the disqualifying provisions cover only angina pectoris or other evidence of coronary heart disease. If other disqualifying heart diseases are added, further evaluation and attention would be given to high risk factors (such as hypertension, obesity, and high cholesterol level).

Exercise Electrocardiographic Examination. Many of the medical commentators on the proposals in Notice 66-42 expressed the opinion that in determining the eligibility of an applicant for FAA medical certification, a resting EKG alone is inadequate to effectively identify those airmen who have asymptomatic cardiovascular disease. It was their belief that this inadequacy could be reduced to a more acceptable level by the additional use of exercise EKG's. If the airman examined is at rest, only the more severe abnormal conditions are reflected in the EKG. Dangerous diseased areas may be masked by the minimum functional demand placed upon them. It therefore is believed important to supplement resting EKG's, initially and periodically thereafter, with exercise electrocardiographic procedures. The double Master's exercise EKG is generally accepted as being capable of detecting electrical changes indicating myocardial ischemia. Accordingly, it is proposed to require each applicant for a first-class medical certificate to provide one of these exercise tests on his first (or next) examination, at ages 35, 40, 45, and 50, and annually thereafter (unless medically contraindicated by the physician conducting the resting EKG). These EKG's would be submitted to the FAA with the application for medical certification.

Some of the comments made at the public hearing, and in response to Notice 66-42, objected to the double Master's exercise EKG. The principal objections to that exercise test are discussed here.

(1) Some comments complained of the increased expense for additional examinations. However, this cost would be offset by the additional proposal contained in this notice which would reduce the frequency of the first-class medical examinations.

(2) It was asserted that the denial of certification to an individual on the basis of an electrocardiographic finding, without the benefit of historical and clinical judgment, would not be a sound medical procedure. It is pointed out that denials would not be issued in this manner. The FAA recognizes the limitations of the value of electrocardiography in a clinical evaluation of cardiovascular status of an individual. The EKG can only supplement a thorough medical history and a physical examination that are required of all applicants for medical certificates. Thus, the EKG is a diagnostic aid, and if found abnormal, it is the indicator for a further complete cardiovascular evaluation, in which all aspects of clinical findings and historical information are considered in making a determination on certification.

(3) It was asserted that the test and its interpretation are unreliable, with many false-positive and false-negative readings. It appears that the principal criticism in this respect has been based upon interpretation of these EKG's using the original and empirical suggestions of certain original users of the procedure. However, there is a greater concurrence of expert opinion on the basis of more recent modification of the criteria for normality, at least for the elimination of the false-positive interpretations. Thus, as more data have become available for long-term analysis during the years in which the double Master's test has been used, more exacting diagnostic criteria for electrocardiographic interpretation have been developed, and this has been aided by the accumulation of EKG's taken on healthy, asymptomatic populations. As a result, the science of Electrocardiography has progressed to the point where false-positive and false-negative readings have now been reduced to a tolerable minimum.

(4) It was asserted that the double Master's test would not adequately stress the cardiovascular system in well-conditioned persons, thus a progressive exercise tolerance test would be considerably more valid. Further development of a progressive type exercise testing may prove to be a more selective and sensitive diagnostic procedure. For the present, the double Master's test is the best known type of exercise test, and it is relatively easy to perform.

(5) It was asserted that no cardiovascular examination procedure, with the possible exception of cine-angiocardiography, could offer any factor of predictability of an incapacitating incident for a particular individual. This objection is without sufficient grounds. Prognostication of a future incapacitating or catastrophic medical event will always be based upon statistical probability and the known natural course of a disease as revealed by all available medical findings. Exact time-referenced predictions admittedly are inaccurate, but they will become more exact as additional information is gained from multiple areas of scientific inquiry. The double Master's test here would be only one additional scientific aid in making a reasonable estimation of the presence or absence of a potentially significant hazardous condition.

(6) Finally, it was asserted that it would be administratively impossible to handle the great number of EKG's involved. The FAA plans to provide all physicians, who conduct electrocardiographic examinations of applicants for first-class medical certificates, with standards and techniques for measuring the tracings and for determining when further cardiovascular evaluation is indicated. Air carriers with medical departments now provide EKG's for many active airline transport pilots, and they have the expertise necessary to perform these examinations and to measure these tracings in accordance with the FAA standards.

First-Class Medical Certificate for Commercial Pilots in Parts 121 and 127 Operations. It is also proposed to provide, by an addition to § 61.131, that a commercial pilot may not act as a pilot of an aircraft operated under Part 121 (Certification and Operations: Domestic Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft) or Part 127 (Certification and Operations of Scheduled Air Carriers with Helicopters), unless he holds a first-class medical certificate. At the present time, only the pilot in command (also the second in command of an aircraft in a flag or supplemental air carrier or commercial operator operation that requires three or more pilots) must hold an airline transport pilot certificate and, accordingly, a first-class medical certificate. The other pilot in this situation needs only a commercial pilot certificate and, accordingly, a second-class medical certificate. Under this proposal, each pilot flight crewmember aboard the aircraft would have the same medical qualifications. At this time, the proposal is limited to pilots in Parts 121 and 127 operations. The FAA will continue to consider any possible need to modify medical qualifications for pilots in other air carrier and commercial operator operations.

Duration of First-Class Medical Certificates for Pilots under 50 Years of Age. At the same time, it is also proposed that, with the introduction of the additional cardiovascular requirements, the duration period of first-class medical certificates for operations under Part 121 or 127 would be lengthened to 12 months while the airman is less than 50 years of age. This would lessen the burden on first-class medical certificate holders within that age group, as well as counterbalance some of the anticipated increase in workload upon the FAA with the adoption of the proposals concerning resting and exercise electrocardiograms.

This action would be at variance with the present standards of Annex 1 to the Convention on International Civil Aviation. However, it appears that a similar change has been, and will continue to be, under consideration by the ICAO Medical Study Group. Scientific studies conducted in Australia and elsewhere tend to show that, up to age 50, an annual examination would be just as effective as a semestral examination in eliciting disqualifying defects.

Some comments on Notice 66-42 made additional suggestions that go beyond the scope of the proposals made in that notice. These principally would extend the procedures to applicants for third-class medical certificates; use certain stressful aircraft operating tests or exercise tests other than the double Master's (such as a bicycle test); demand more complete historical data from applicants; and review all phases of incapacitation instead of only cardiovascular. These items have been duly noted for continuing study in the future.

Notice 66-42 also suggested requiring a 2-hour postprandial blood sugar test, taken annually after the 40th birthday, in view of the known relationship of diabetes mellitus and coronary heart disease. Although commentators on the notice agreed that the use of the test would be of great importance, it has been determined that this proposal should not be pursued further at the present time. However, in the event that an applicant's electrocardiogram shows significant deviation from normal, a comprehensive cardiovascular evaluation would be necessary. This evaluation may include a 2-hour postprandial or other blood sugar determination.

The FAA also has under consideration rule making in the future that would require the medical certification of air carrier flight crewmembers by physicians (provided by the air carriers) who would be designated and given delegated authority to examine and to issue or deny FAA medical certificates in the same manner as Aviation Medical Examiners. Although this action is not proposed at the present time, the FAA solicits comments on it from all interested persons to assist in determining whether rule making of this kind should be proposed in the future.

In consideration of the foregoing, it is proposed to amend Parts 61 and 67 of the Federal Aviation Regulations as follows:

1. By amending subparagraphs (1) and (2) of § 61.43(a) to read as follows:

§ 61.43 Medical certificates: duration.

(a) * * *

(1) The sixth month after the month in which it is issued, for operations as a required pilot flight crewmember under Part 121 or 127 of this chapter when the holder has reached his 50th birthday upon issuance;

(2) The 12th month after the month in which it is issued, for operations as a required pilot flight crewmember under Part 121 or 127 of this chapter when the holder has not reached his 50th birthday upon issuance, and for any other operations requiring a commercial pilot certificate; and

* * * * *

2. By striking out the references "(b) and (c)" in § 61.131(a) and inserting the references "(b), (c), and (d)" in place thereof, and by adding a new paragraph (d) to § 61.131 to read as follows:

§ 61.131 General privileges and limitations.

* * * * *

(d) Unless he holds a first-class medical certificate issued under Part 67 of this chapter, a commercial pilot may not act as a pilot of an aircraft operated under Part 121 or 127 of this chapter. This paragraph does not apply to a commercial pilot who holds a second-class medical certificate on (the effective date of the amendment), until the end of the last day of the 12th month after the month in which it is issued.

3. By amending subdivision (1)(ii), subparagraphs (2) and (3), and the flush paragraph at the end of § 67.13(e) to read as follows:

§ 67.13 First-class medical certificate.

* * * * *

(e) * * *

(1) * * *

(ii) Angina pectoris, or evidence of coronary heart disease or other cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) No established medical history or clinical diagnosis of cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to sudden incapacitation other than myocardial infarction.

(3) The applicant must show an absence of cardiovascular disease or abnormality—

(i) On resting electrocardiographic examinations on his first examination (regardless of his age), on the first examination after his 35th birthday, and annually after his 40th birthday; and

(ii) On double Master's exercise electrocardiographic examinations on his first examination (regardless of his age), on each of the first examinations after his 35th, 40th, and 45th birthdays, and annually after his 50th birthday, each performed in conjunction with his resting electrocardiographic examination. However, this examination is not required if the physician conducting the resting electrocardiographic examination advises the FAA in writing that it would be unsafe to the applicant, because of the applicant's pathological condition, to conduct the double Master's exercise electrocardiographic examination.

* * * * *

A resting standard 12 lead electrocardiogram and a double Master's exercise electrocardiogram (accompanied by measurements thereof) made, according to standards and techniques approved by the Federal Air Surgeon, no more than 30 days before the examination for a first-class medical certificate must accompany the application for a medical certificate when they are required by subparagraph (3) of this paragraph.

4. By amending subdivision (1)(ii) of § 67.15(e) and by adding a new subparagraph (2) to § 67.15(e), to read as follows:

§ 67.15 Second-class medical certificate.

* * * * *

(e) * * *

(1) * * *

(ii) Angina pectoris, or evidence of coronary heart disease or other cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) No established medical history or clinical diagnosis of cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to sudden incapacitation other than myocardial infarction.

* * * * *

5. By amending subdivision (1)(ii) of § 67.17(e) and by adding a new subparagraph (2) to § 67.17(e), to read as follows:

§ 67.17 Third-class medical certificate.

* * * * *

(e) * * *

(1) * * *

(ii) Angina pectoris, or evidence of coronary heart disease or other cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) No established medical history or clinical diagnosis of cardiovascular disease or abnormality that the Federal Air Surgeon finds may reasonably be expected to lead to sudden incapacitation other than myocardial infarction.

* * * * *

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 23, 1969.

P. V. SIEGEL, M.D.,
Federal Air Surgeon.

[F.R. Doc. 69-6436; Filed, May 29, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

BORAX AND BORIC ACID

Proposed Establishment of Pesticide Tolerance

A request was submitted to the Food and Drug Administration by the Sunkist Growers, Ontario, Calif. 91764, an association of citrus growers of California and Arizona, proposing the establishment of a tolerance for naturally occurring boron and for residues of boron from the postharvest application of the fungicides borax (sodium tetraborate decahydrate) and boric acid in or on the raw agricultural commodity citrus fruits at 8 parts per million.

The Secretary of Agriculture has concluded that these fungicides are useful for the purpose for which the tolerance is sought.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes:

1. That while there is reasonable expectation of boron in meat, milk, and eggs from residues in pulp feed from the treated citrus, a tolerance on these raw agricultural commodities is not necessary to protect the public health. Moreover, there is a variable amount of boron in these foods from naturally occurring boron in other feed and forage items; thus, it would not be practical to establish tolerances regarding meat, milk, or eggs.

2. The tolerance proposed herein is safe and would protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 120 be amended by adding to Subpart C the following new section:

§ 120.____ Borax and boric acid; tolerances for residues.

A tolerance of 8 parts per million is established for total boron in or on citrus fruits, such tolerance to be calculated as elemental boron and to cover residues from the postharvest application of the fungicides borax and boric acid to, plus the naturally occurring boron in, citrus fruits.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6419; Filed, May 29, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

McCLURE-BURNETT COMMISSION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
McClure-Burnett Commission Company, Atlanta, Ga., May 14, 1959.
The Guernsey Livestock Sales, Cambridge, Ohio, June 2, 1959.
Warren County Sales Barn, Inc., Lebanon, Ohio, May 29, 1959.
London Stockyards Co., London, Ohio, June 1, 1959.
Oak Harbor Livestock Sales, Oak Harbor, Ohio, Dec. 4, 1959.
Farmers & Ranchers Livestock Commission Company, Denton, Tex., June 17, 1966.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not desposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 23d day of May 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-6451; Filed, May 29, 1969; 8:49 a.m.]

BAKERSFIELD CATTLE AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Bakersfield Cattle Auction, Bakersfield, Calif.
S & M Livestock Sales, Mora, Minn.
Knauff Auction Horses & Tack, Apison, Tenn.
Midland Livestock Market, Midland, Tex.
Dixie Livestock Sales, Inc., St. George, Utah.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 23d day of May 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-6450; Filed, May 29, 1969; 8:49 a.m.]

BUREAU OF THE BUDGET

TRANSFER OF CERTAIN FUNCTIONS RELATING TO COMMERCIAL FISHERIES TO THE DEPARTMENT OF THE INTERIOR

Modification of Determination of March 22, 1958

Pursuant to authority vested in the Director of the Bureau of the Budget by section 6(a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), section 3 of the determination of March 22, 1958, as modified (23 F.R. 2304; 32 F.R. 3783), is hereby further modified to read as follows:

"3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of Title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279): *Provided*, That the amount of loans outstanding under this transferred authority shall not exceed $25 million at any one time."

Dated: May 23, 1969.

ROBERT P. MAYO,
Director.

[F.R. Doc. 69-6448; Filed, May 29, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ISOPROPYL 4,4'-DIBROMOBENZILATE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Geigy Chemical Corp., Ardsley, N.Y. 10502, a temporary tolerance of 5 parts per million is established for residues of the insecticide isopropyl 4,4'-dibromobenzilate in or on the raw agricultural commodity group citrus fruits.

The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Geigy Chemical Corp. name.

This temporary tolerance expires May 21, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6420; Filed, May 29, 1969; 8:46 a.m.]

DOW CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additive Ruelene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Dow Chemical Co., Midland, Mich. 48640, has withdrawn its petition (13514V), notice of which was published in the FEDERAL REGISTER of

March 26, 1968 (33 F.R. 5019), proposing the issuance of a food additive regulation to provide for the safe use of ruelene (4-*tert* - butyl - 2 - chlorophenyl methyl methylposphoramidate) as a drench in cattle for the control of internal parasites including grubs.

Dated: May 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6421; Filed, May 29, 1969; 8:47 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348 (b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, has withdrawn its petition (FAP 8B2213), notice of which was published in the FEDERAL REGISTER of September 23, 1967 (32 F.R. 13423), proposing an amendment to § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) to provide for the safe use of 2,2-dimethyl-1,3-pentanediol and 2,2,4-trimethyl-1,3-pentanediol in the production of polyester resins used as components of resinous and polymeric food-contact coatings.

Dated: May 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6422; Filed, May 29, 1969; 8:47 a.m.]

HOPCON, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2413) has been filed by Hopcon, Inc., 274 Madison Avenue, New York, N.Y. 10016, proposing that § 121.1044 *Methyl alcohol residues* (21 CFR 121.1044) be amended in paragraph (b) to permit residues of methyl alchohol from the extraction of hops at a level not to exceed 2.2 percent by weight in hops extract to be used in the manufacture of beer.

Dated: May 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6423; Filed, May 29, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-46]

INTERNATIONAL CHEMICAL AND NUCLEAR CORP., TRACERLAB TECHNICAL PRODUCTS DIVISION, WALTHAM, MASS.

Notice of Receipt of Application for Byproduct, Source, and Special Nuclear Material License

Please take notice that an application for a byproduct, source, and special nuclear material license has been filed by International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154. The activities which are the subject of this application are the same as those formerly conducted under license No. 20-01382-14 which was held by Laboratory for Electronics, Inc., Tracerlab Division, located at the same address.

The application proposes the receipt of packaged waste radioactive material at customers' facilities in any state of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, storage of the packages at a facility located at 1601 Trapelo Road, Waltham, Mass., and disposal of the packaged waste radioactive material by transfer to authorized land burial sites. A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., May 23, 1969.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director, Division of Materials Licensing.

[F.R. Doc. 69-6400; Filed, May 29, 1969; 8:45 a.m.]

[Docket No. 27-29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed issuance of amendment to Byproduct, Source, and Special Nuclear Material License, the Atomic Energy Commission has this date issued Amendment No. 20 to the Byproduct, Source, and Special Nuclear Material License held by Radiological Service Co., Inc., which authorizes the following:

1. A change in the business address of the licensee from 35 Urban Avenue, Westbury, N.Y. 11590, to 50 Van Buren Avenue, Westwood, N.J. 07675.

2. A change in the license number from 31-1672-1 to 29-1672-1.

3. Establishment of a facility at 1300 Miller Road, Avon, Ohio 44011, for storage of packaged radioactive waste materials.

4. A change in the designation of those individuals who may conduct operations of the licensee.

The license amendment is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on May 3, 1969, 34 F.R. 7319.

Dated at Bethesda, Md., May 23, 1969.

For the Atomic Energy Commission,

LYALL JOHNSON,
Acting Director, Division of Materials Licensing.

[F.R. Doc. 69-6401; Filed, May 29, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20976]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Prehearing Conference

Increased freight rates between Miami and San Juan and from Seattle/Portland to Fairbanks proposed by Pan American World Airways, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 4, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Dated at Washington, D.C., May 27, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6441; Filed, May 29, 1969; 8:48 a.m.]

[Docket No. 20291; Order 69-5-120]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority on May 26, 1969.

By Order 69-5-45, dated May 12, 1969, action was deferred with a view toward eventual approval on certain resolutions adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The resolutions included amendments to reduce the round-trip economy-class fares between San Juan and Barranquilla, and to increase the 17-day round-trip excursion fares between New York/San Juan and Aruba/Bonaire/Curacao. Although the latter fares would be increased, the agreement would still provide the traveling public with significant reductions from the otherwise applicable round-trip economy-class fares.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69-5-45 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 20937 and CAB 20940 be, and they hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6442; Filed, May 29, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 441]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 26, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

6927-C2-P-69—Empire Communications Co. (New), C.P. for a new 1-way station to be located Capitol Tower Building, corner State and Liberty Streets, Salem, Oreg., to operate on 152.24 MHz.

6928-C2-P-69—Electronics Unlimited Corp. (Mobilfone of St. Croix Division) (New), C.P. for a new 2-way station to be located 0.6 mile south of the intersection of Centerline Road and Old Airport Road, St. Croix, V.I., to operate on base frequency 152.12 MHz and repeater 459.025 MHz and to operate control facilities on frequency 454.025 MHz to be located at Signal Hill, St. Thomas, V.I.

6929-C2-MP-(2)69—Long Island Telephone Co. (KEJ885), Modification of C.P. to add base frequency 454.175 MHz at location No. 1: Wheatley Road, 0.35 mile southwest of Cedar Swamp Road, Brookville, N.Y., and location No. 2: Southeast corner of Sunrise Highway and Ocean Avenue, Rockville Centre, N.Y. All other terms of the existing C.P.'s to remain the same.

6939-C2-P-69—Clifton Forge-Waynesboro Telephone Co. (New), C.P. for a new 2-way station to be located approximately 3 miles north of Waynesboro, Va., to operate on frequency 152.54 MHz.

6940-C2-P-69—Lett Electronics, Inc. (KEK275), C.P. to relocate base facilities that are operating on frequency 152.21 MHz to 800 North Halstead, Hutchinson, Kans.

6941-C2-P-(2)69—American Radio-Telephone Service, Inc. (KGA248), C.P. for two additional channels to operate on frequencies 454.15 and 454.225 MHz located at a new site described as location No. 4: Washington Cathedral, Wisconsin and Massachusetts Avenues NW., Washington, D.C.

6942-C2-P-(2)69—The Mountain States Telephone & Telegraph Co. (KFL936), C.P. to relocate transmitting facilities at location No. 1 to: 228 West Adams Street (lat. 33°26'58" N., long. 112°04'35" W.) and redescribe location No. 6: 0.7 mile north of Tempe Butte, Ariz. (lat. 33°25'41" N., long. 111°56'06" W.), operating on frequency 35.58 MHz at both locations.

6962-C2-(4)69—The Chesapeake and Potomac Telephone Co. (New), C.P. for a new 2-way station to be located at 1420 Columbia Road NW., Washington, D.C., to operate on frequencies 454.375, 454.425, 454.475, and 454.525 MHz.

6963-C2-P-(3)69—Southwestern Bell Telephone Co. (KKD283), C.P. to add three 2-way channels to operate on frequencies 454.375, 454.450, and 454.500 MHz at station located near Aledo, 6.5 miles northwest of Aledo, Tex.

6964-C2-MP-69—Blue Mountain Mobile Phone Co. (KFQ922), Modification of C.P. to change the antenna system and relocate the control facilities operating on 75.50 MHz at location No. 2 to: 802 Main Avenue, Libby, Mont.

6965-C2-P-(3)-69—Page Call, Inc. (KEC935), C.P. for an additional transmitter to operate on frequency 35.58 MHz at each of the following locations: Location No. 1: Raymond Commerce Building, 1180 Raymond Boulevard, Newark, N.J. Location No. 2: 2 Rock Spring Road, West Orange, N.J. Location No. 3: 280 Prospect Avenue, Hackensack, N.J. (1-way).

7011-C2-P-(3)-69—Texas Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at 3101 Senior Road, near Houston, to operate on base frequencies 454.075, 454.125, and 454.175 MHz.

7012-C2-P-69—James G. Prestwood, Jr. (New), C.P. for a new 1-way station to be located at 1305 Georgia Avenue, North Augusta, S.C., to operate on base frequency 152.24 MHz.

7013-C2-P-69—Mahaffey Message Relay (New), C.P. for a new 1-way station to be located at 165 Madison Avenue, Memphis, Tenn., to operate on base frequency 158.70 MHz.

7014-C2-P-69—Radiofone (KLB571), C.P. to add a second base channel to operate on base frequency 454.150 MHz at station located 0.5 mile south Intracoastal Canal on Bayou LaCarte, Houma, La.

7015-C2-AL(2)-69—Mercer & Dunbar Armored Car Service, Inc., Consent to assignment of license from Mercer & Dunbar Armored Car Service, Inc., Assignor, to: Henry M. Zachs, doing business as Massachusetts-Connecticut Mobile Telephone Co., Assignee. Stations: KCA514 Hartford, Conn., KCA746 Waterbury, Conn.

Major Amendment

5711-C2-P-69—Gerard T. Uht (KGH857), To operate on frequency 152.12 MHz all other particulars to remain the same as reported in public notice dated Mar. 31, 1969, Report No. 433.

*Informative**

*NOTE: Hereafter, the fact that two or more Domestic Public Land Mobile Radio Service applications are filed for authority to serve the same area will not result in a listing that they appear to be mutually exclusive by reason of potential economic competition.

RURAL RADIO SERVICE

6930-C1-P-69—Pacific Northwest Bell Telephone Co. (KOB51), C.P. to replace transmitter operating on frequency 157.77 MHz communicating with station KOA732, Seattle, Wash., station location, Tillicum Village, Blake Island, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

6750-C1-ML-69—West Texas Telephone Co. (KRR34), Modification of license to change frequency from 6390.0 to 6019.3 MHz toward Fritch, Tex., and correct the geographic coordinates for station located at 116 West Seventh Street, Dumas, Tex. (lat. 35°51'33" N., long. 101°58'26" W.).

6751-C1-P-69—West Texas Telephone Co. (KRR35), C.P. to change frequencies 6019.3 and 6271.3 MHz to 6271.3 and 6389.9 MHz toward Dumas, Tex., and change the antenna system located at the Telephone Company Office, Fritch, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7024–C1–P–69—Carolina Telephone and Telegraph Co. (KNZ44), Add 6397.4 MHz toward Fayetteville, N.C., and 6367.7 MHz toward Warsaw, N.C. Station location: 2 miles west of Roseboro, N.C.

7025–C1–P–69—Carolina Telephone and Telegraph Co. (KNZ45), Add 6145.3 MHz toward Roseboro, N.C., and 6115.7 MHz toward Fountain Crossroads, N.C. Station location: 4.5 miles south-southwest of Warsaw, N.C.

7026–C1–P–69—Carolina Telephone and Telegraph Co. (KNZ46), Add 6397.4 MHz toward Warsaw, N.C., and 6367.7 MHz toward Jacksonville, N.C. Station location: 1.6 miles south-southwest of Fountain Crossroads, N.C.

7027–C1–P–69—Carolina Telephone & Telegraph Co. (KJJ95), Add 6115.7 MHz toward Fountain Crossroads, N.C., and 6011.9 MHz toward Maysville, N.C. Station location: 300 New Bridge Street, Jacksonville, N.C.

7028–C1–P–69—Carolina Telephone & Telegraph Co. (KNZ47), Add 6249.1 MHz toward New Bern, N.C. and 6293.6 MHz toward Jacksonville, N.C. Station location: 3 miles west-northwest of Maysville, N.C.

7029–C1–P–69—Carolina Telephone & Telegraph Co. (KJG35), Add 6026.7 MHz toward Maysville, N.C., and 5967.4 and 6086.0 MHz toward Calico, N.C. Station location: 501 Broad Street, New Bern, N.C.

7030–C1–P–69—Carolina Telephone & Telegraph Co. (KJG34), Add 6189.8 and 6308.4 MHz toward Greenville and New Bern, N.C. Station location: 1.7 miles east of Calico, N.C.

7031–C1–P–69—Carolina Telephone & Telegraph Co. (KJG33), C.P. to replace the transmitters now operating on 5967.4 and 6086.0 MHz toward Calico, N.C. Station location: 401 West Fifth Street, Greenville, N.C.

Major Amendment

4743–C1–P–69—Florida Telephone Corp. (KJB37), Change geographic coordinates from lat. 28°50'10'' N., long. 82°20'20'' W. to lat. 28°30' 12'' N., long. 82°19'51'' W. Station location: Inverness, Fla. All other particulars same as reported in public notice dated Feb. 17, 1969, Report No. 427.

Correction

6411–C1–P–69—Illinois Bell Telephone Co. (New), Add frequency 6078.6 MHz. All other terms same as reported in public notice dated May 5, 1969, Report No. 438.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6938–C1–AL–(6)–69—Microwave Communications, Ltd., Consent to assignment of license from Microwave Communications, Ltd., Assignor, to: Microwave Communications, Inc., Assignee. Stations: KNM53 St. John Mountain, Calif.; KNM54 Mount Caca, Calif.; KNM66 Oroville, Calif.; KYZ87 Spanish Peak, Calif.; KYZ88 Mount Hough, Calif.; KYZ89 Black Mountain, near Milford, Calif.

6042–C1–P–69—Pacific Telatronics, Inc. (KPQ99), Resubmitted C.P. to add frequency 6412.1 MHz on azimuth 318°54' directed toward King Mountain. Transmitter location: lat. 42°03'54'' N. long. 122°26'39'' W., 13 miles southwest of Ashland, Oreg.

6043–C1–P–69—Pacific Telatronics, Inc. (KPN74), Resubmitted C.P. to add frequencies 6011.9 and 6130.5 MHz on azimuth 6°47' directed toward Harness Mountain. Transmitter location: lat. 42°41'49'' N., long. 123°13'39'' W., King Mountain, 8 miles east of Wolf Creek, Oreg.

6044–C1–P–69—Pacific Telatronics, Inc. (KPQ92), Resubmitted C.P. to add frequencies 6293.6 and 6412.2 MHz on azimuths 309°46' and 359°00' toward Roman Nose and Blanton Heights, Oreg. Transmitter location: Lat. 43°31'28'' N., long. 123°05'39'' W. Harness Mountain, 19 miles south of Cottage Grove, Oreg. (Informative: Applicant proposes to provide television signals of station KBHK–TV and KTVU of San Francisco to Teleprompter Corp., in Coos Bay, Coquille, and Myrtle Point, Oreg. A waiver of section 21.701(1) is requested.)

6982–C1–P–69—Eastern Microwave, Inc. (KYZ75), C.P. to add new point of communications via power split in Scranton, Pa. Transmitter location: High Knob, 1.5 miles west of Pecks Pond, Pa., at lat. 41°18'00'' N., long. 75°07'31'' W. Frequency 5960.0 MHz on azimuth 285°22'. (Informative: Applicant proposes to provide the television signal of WPIX of New York City to Scranton, Pa., for delivery to WDAU–TV.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6931–C1–P–69—North Florida Telephone Co. (KIP52), C.P. to delete frequency 897.3 MHz and add frequencies 6286.2 and 11,405.0 MHz toward White Springs, Fla., at station located at White Avenue and Court Street, Live Oak, Fla.

6932–C1–P–69—North Florida Telephone Co. (KIP65), C.P. to delete frequency 922.1 MHz and add frequencies 6034.2 and 10,955.0 MHz toward Live Oak, Fla., and add frequencies 5974.8 and 10,755 MHz toward Lake City, Fla., station location: White Springs, Fla.

6933–C1–P–69—The Mountain Telephone & Telegraph Co. (KVD66), C.P. to add frequency 11,605 MHz toward Squaw Butte, Idaho, and change the antenna system located at 204 East Main Street, Emmett, Idaho.

6934–C1–P–69—The Mountain Telephone & Telegraph Co. (KPT32), C.P. to change the antenna system for station located at 2.8 miles south of Emmett, Idaho.

6935–C1–P–69—The Mountain Telephone & Telegraph Co. (KGG29), C.P. to change frequency and point of communication to: 11,155 MHz toward Emmett, Idaho, at station located at 5 miles west of Sweet, Idaho.

6943–C1–P–69—Illinois Bell Telephone Co. (KZA71), C.P. to add 6330.7 MHz toward Jacksonville, Ill., at station located 4.5 miles northwest of Berlin, Ill.

6953–C1–P–69—United Inter-Mountain Telephone Co. (KJB45), C.P. to add 6093.5 MHz toward (East Tennessee State University) Johnson City, Tenn., at station located at the corner of North Roan and Commerce Streets, Johnson City, Tenn.

6954–C1–ML–69—Southern Bell Telephone & Telegraph Co. (KJB47), Modification of license to change frequencies from 6220.9 and 6339.5 MHz to 6249.1 and 6367.8 MHz toward Spring Hill, S.C., at station located at U.S. Highway No. 1, Blaney, S.C.

6955–C1–ML–69—Southern Bell Telephone & Telegraph Co. (KJB48), Modification of license to change frequencies from 5939.2 and 6057.8 MHz to 5997.1 and 6115.7 MHz toward Blaney, S.C., at station located 2 miles southeast of intersection of County No. 7 and No. 37, Spring Hill, S.C.

6967–C1–P–69—Northwestern Bell Telephone Co. (KBD88), C.P. to change the antenna system and relocate facilities to 129 South Dakota Avenue, Sioux Falls, S. Dak., operating on frequencies 6256.5, 6375.2, and 6323.3 MHz toward Humboldt, S. Dak.

6968–C1–P/ML–69—American Telephone & Telegraph Co. (KGF64), C.P. and modification of license to add frequency 3930 MHz toward Southampton, Pa., at station located at 900 Race Street, Philadelphia, Pa.

6969–C1–P/ML–69—American Telephone & Telegraph Co. (KGN38), Same as above, except add 4060 MHz toward Plumsteadville, Pa., at station located at 0.7 mile south of Southampton, Pa.

6970–C1–P/ML–69—American Telephone & Telegraph Co. (KGN37), Same, except to add 4090 MHz toward Lanark, Pa., at station located at 1.45 miles southwest of Plumsteadville, Pa.

6971–C1–P/ML–69—American Telephone & Telegraph Co. (KGN36), Same, except to add 4190 MHz toward Bethlehem, Pa. (WLVT–TV), at station located 3 miles southeast of Allentown, Pa.

6972–C1–P/ML–69—American Telephone & Telegraph Co. (KGH88), Same, except to add 3790 MHz toward Ransom, Pa., at station located at 3.8 miles northeast of Gouldsboro, Pa.

6973–C1–P/ML–69—American Telephone & Telegraph Co. (KVU42), Same, except to add 3910 MHz toward Scranton, Pa., at station located at 7.5 miles northeast of Ransom, Pa.

6974–C1–P/ML–69—American Telephone & Telegraph Co. (KGA37), Same, except to add 4190 MHz toward Hershey, Pa., at station located at 7 miles northwest of Carlisle, Pa.

6975–C1–P/ML–69—American Telephone & Telegraph Co. (KGF98), Same, except to add 4070 MHz toward Erie, Pa., at station located at 4 miles northwest of Waterford, Pa.

7016–C1–MP–69—Southwestern Bell Telephone Co. (KEB37), Modification of C.P. to add frequency 3870 MHz toward Roanoke, Tex., at station located at 1116 Houston Street, Fort Worth, Tex.

Carolina Telephone and Telegraph Co., Nine (9) applications for C.P.'s to provide an additional 2-way RF channel between Fayetteville and New Bern, N.C., over the point-to-point microwave facilities existing in that section, as follows:

7023–C1–P–69—Carolina Telephone and Telegraph Co. (New), C.P. for a new fixed station to be located at 719 McGilvary Street, Fayetteville, N.C. Frequencies: 5937.8, 5997.1, 6056.4, and 6115.7 MHz toward Roseboro, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

6983–C1–P–69—Eastern Microwave, Inc. (KEA64), C.P. to power split frequencies 6212.1 and 6271.4 MHz toward New Scotland, N.Y., on azimuth 105°08'. Transmitter location: 4 miles southeast of Cherry Valley, N.Y. (Informative: Applicant proposes to provide the television signal of WPIX to WRGB–TV and the signal of WOR–TV to WTEN–TV in New Scotland, N.Y.)

6984–C1–P–69—Eastern Microwave, Inc. (KEM95), C.P. to add a new point of communication via power split at Syracuse, N.Y., using frequency 6019.3 MHz on azimuth 354°45'. Transmitter location: Sentinel Heights, N.Y., at lat. 42°56'40'' N., long. 76°07'08'' W. (Informative: Applicant proposes to provide television signal of WPIX to Syracuse for delivery to WSYR–TV.)

7010–C1–P–69—American Television Relay, Inc. (KNK67), C.P. to intercept frequency 6271.3 MHz on azimuth of 134°00' at a new point of communication at studio of television station KECC–TV, El Centro, Calif. (lat. 32°47'31'' N., long. 115°33'35'' W.) NOTE: The proposed receiver at the KECC–TV studio will intercept one of eight signals transmitted from Toro Peak (KNK67) to El Centro (KNK68). Transmitter location: Toro Peak, Calif. (Informative: Applicant proposes to provide ABC network television programing to KECC–TV from station KNK67 instead of station KNK68, the present service point.)

7019–C1–P–69—Southwest Texas Transmission Co. (KLR38), C.P. to replace equipment and change frequency at station 1.3 miles south-southeast of D'Hanis, Tex. at lat. 29°18'46'' N., long. 99°16'09'' W. Frequencies: 5960.0, 5989.7, 6019.3, 6078.6, and 6078.9 MHz on azimuth 262°54'.

7020–C1–P–69—Southwest Texas Transmission Co. (KKY46), C.P. to replace equipment and change frequencies at station 3 miles northeast of Brackettville, Tex., at lat. 29°21'33'' N., long. 100°23'11'' W. Frequencies: 5960.0, 6019.3, 6182.4, 6241.7, on azimuths 187°18' and 268°16'.

7021–C1–P–69—Southwest Texas Transmission Co. (KKY45), C.P. to replace equipment and change frequencies at station 3.5 miles northeast of Uvalde, Tex., at lat. 29°15'38'' N., long. 99°44'57'' W. Frequencies: 6301.0, 6360.3, 6330.7, and 6390.0 MHz on azimuth 280°10'.

[F.R. Doc. 69–6438; Filed, May 29, 1969; 8:48 a.m.]

[Dockets Nos. 18204, 18205; FCC 69R–241]

SUMITON BROADCASTING CO., INC., AND CULLMAN MUSIC BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Sumiton Broadcasting Co., Inc., Sumiton, Ala., Docket No. 18204, File No. BP–17108; Dan Cole Mitchell and Leon A. Murphree doing business as Cullman Music Broadcasting Co., Cullman, Ala., Docket No. 18205, File No. BP–17193; for construction permits.

1. This proceeding involves the mutually exclusive applications of Sumiton Broadcasting Co., Inc. (Sumiton), and Cullman Music Broadcasting Co. (Cullman Music), seeking construction permits to establish new standard broadcast stations in Sumiton and Cullman, Ala., respectively. By order (FCC 68–576), released June 4, 1968, the applications were designated for consolidated hearing. Presently before the Review Board is a petition for relief, filed January 8, 1969, by interveners Hudson C. Millar, Jr., and James Jerdan Bullard (Millar-Bullard), requesting the Review Board to "make clear" by adding a specific issue or taking whatever action it deems appropriate that the Hearing Examiner has authority to hear evidence relevant to a motion to dismiss (the Cullman Music application) filed by Sumiton on October 31, 1968.[1]

2. A brief chronology of the events leading up to the filing of the subject petition will aid in understanding the problem raised therein. On June 24, 1968, Cullman Music petitioned to enlarge issues including a request for a "strike application" issue against Sumiton based on allegations that Millar-Bullard,[2] who are associated with Station WKUL (AM) in Cullman, Ala., instigated (by directly promoting, preparing and filing) the Sumiton application in order to "block" the Cullman Music application. By Board order, 14 FCC 2d 256, released August 7, 1968, Millar-Bullard were permitted to file a pleading in response to those allegations. By order, 15 FCC 2d 400, released December 6, 1968, the Review Board added a "strike" issue and made Millar-Bullard parties to the proceeding limited solely to the "strike" issue. In addition, the Board refused to consider allegations of prohibited overlap (in violation of Rule 73.37) of Cullman Music's proposal with Station WLCB, Moulton, Ala., which constituted the basis of a request by Millar-Bullard for dismissal of Cullman Music's application.[3] Thereafter, Sumiton, based on the Millar-Bullard technical showing of overlap, filed the motion to dismiss, noted in the preceding paragraph.[4] At a December 6, 1968, prehearing conference, the Hearing Examiner indicated that he was assuming jurisdiction of the Sumiton motion to dismiss, and tentative arrangements were made to adjudicate the alleged violation of section 73.37. However, at a December 17, 1968, prehearing conference, it became clear that the parties were in basic disagreement over the scope of the Examiner's authority with respect to the Sumiton dismissal request. On January 22, 1969, the Examiner released a memorandum opinion and order, FCC 69M–83, granting Millar-Bullard's request to be made full-fledged parties.[5]

3. In the instant petition for relief, the petitioners request the Board to "cut through the procedural maze which has snarled consideration of this issue to date" and take whatever action it considers appropriate to make possible a determination, based on evidence of record, as to whether Cullman Music's proposal is inconsistent with Rule 73.37, and, if so, whether the application should be dismissed or denied. The petitioners contend that it is irrelevant whether overlap evidence is heard pursuant to the Examiner's inherent authority or a specific issue.[6] Finally, the petitioners point out that neither the Commission nor the Board nor the Examiner has yet considered this technical evidence even though it obviously raises a fundamental issue.

4. Cullman Music and the Broadcast Bureau oppose the petition on substantially the same grounds. Both contend that the petition cannot be granted because: (a) The petitioners, who are limited intervenors, have no "standing" to file the present petition; and (b) Sumiton's motion to dismiss the Cullman Music application (based on Millar-Bullard's overlap allegations) was withdrawn by Sumiton at the December 17, 1968, prehearing conference. Moreover, the Bureau points out that, at the December 17, 1968, and January 14, 1969, prehearing conferences, counsel for Sumiton stated that it would undertake to file a petition to enlarge issues, requesting an overlap issue, but that it has not done so.

5. The Review Board will grant the petition for relief to the extent of adding the overlap issue set forth below. Such action will render moot Sumiton's motion to dismiss Cullman Music's application,

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[1] Also before the Review Board are: (a) Errata, filed Jan. 9, 1969, by Millar-Bullard; (b) Broadcast Bureau's response, filed Jan. 17, 1969; (c) opposition filed Jan. 22, 1969, by Cullman Music; and (d) reply, filed Jan. 30, 1969, by Millar-Bullard.

[2] Millar, Jr., is president, director, and majority stockholder of Airmedia, Inc., which, in turn, controls Cullman Broadcasting Co., Inc., licensee of WKUL (AM). Bullard is vice president, treasurer, director, and stockholder of Airmedia, Inc., and president and director of WKUL.

[3] These allegations were made by Millar-Bullard in their supplementary comments, filed Sept. 3, 1968, and were based on WLCB's measurement data, whereas Cullman Music's proposed contours are based on the Commission's soil conductivity map. Millar-Bullard contended that the Cullman Music application should not have been accepted for filing and that it should have been summarily dismissed.

[4] This motion was originally entitled "Petition for Reconsideration [of the Commission's designation order] and to Dismiss" and was addressed to the Commission. The Office of Opinions and Review referred the motion to the Hearing Examiner.

[5] This order was issued prior to Millar-Bullard's reply herein, but subsequent to the other pleadings.

[6] The petitioners assert that the parties are in agreement that the Examiner should be free to consider whether circumstances exist warranting a waiver of Rule 73.37 should he find that there is a rule violation.

if such motion is still pending before the Examiner. However, a provision is being included which will permit a showing to be made of unusual facts which might warrant a waiver of the rule, recognizing, of course, that the Commission has been strict in its application of the rule. In our view, the facts that Millar-Bullard are no longer limited participants in this proceeding, and that they have raised a substantial question as to violation of § 73.37 are clearly sufficient to overcome any procedural infirmities which existed previously. The engineering basis for adding the overlap issue is as follows: Since Cullman Music's proposed contours are based upon the Commission's conductivity map (Figure M–3), both Millar-Bullard and Cullman Music have taken measurements to determine the extent of overlap, if any, between the 0.5 mv/m contours of the Cullman Music proposal, operating at Cullman, Ala., on 1540 kHz with 1 kw. power during noncritical hours and 500 watts power during critical hours, and of Station WLCB (AM), operating at Moulton, Ala., on 1530 kHz during noncritical daytime hours with 250 watts power.[7] Figure 4 of Millar-Bullard's allocation study reveals that measurements along radials were made in the 96° true, 112° true, 129.5° true, and 140° true directions, indicating an overlap of the 0.5 mv/m contours of more than 3 miles. Map 8, page 20 of Cullman Music's allocation study shows that measurements along radials were made in the 98° true, 108° true, 118° true, 128° true, and 140° true directions, indicating that the 0.5 mv/m contours of Cullman Music's proposal and WLCB are merely tangent. Millar-Bullard's technical data shows further that a full radial and two stub radials measured on WAAY (1550 kHz), Huntsville, Ala., indicated overlap of the proposed Cullman Music and WAAY 0.5 mv/m contours to a maximum depth of 1 mile. The problems presented by the contrary technical showings as to overlap with Station WLCB can best be resolved after hearing under an appropriate issue. Five Cities Broadcasting Co., Inc., FCC 62R–153, 24 RR 743, 745.

6. *Accordingly, it is ordered*, That the petition for relief, filed January 8, 1969, by Hudson C. Millar, Jr., and James Jerdan Bullard is granted to the extent indicated below and is denied in all other respects, and that the issues in this proceeding, are enlarged by the addition of the following issue: To determine whether the proposal of Cullman Music Broadcasting Co., Inc., is in compliance with § 73.37 of the Commission's rules with respect to overlap and, if not, whether unusual facts exist which would warrant a waiver of said section.

7. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the above issue are placed on Cullman Music Broadcasting Co., Inc.

Adopted: May 23, 1969.

Released: May 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–6439; Filed, May 29, 1969; 8:48 a.m.]

[7] The petitioners have submitted their technical showing not only in the present petition, but also in their earlier pleadings. Cullman Music's technical showing has also been submitted in an earlier pleading (see footnote 3, supra). The question of overlap has also been discussed on the record by the parties. The Board will take official notice of the earlier pleadings which discuss the overlap question as well as the pertinent discussions of record.

[8] Board member Nelson absent.

FEDERAL MARITIME COMMISSION

GRAIN OPERATORS MECHANIZATION FUND AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Roscoe E. Watts, Attorney, Pacific Northwest Grain Elevator Operators, 0112 Southwest Pennoyer Street, Portland, Oreg. 97201.

Agreement No. T–2303 between A–D–M Grain Co., Cargill, Inc., Continental Grain Co., Louis Dreyfus Corp., Peavey Co. (Operators) provides for a fixed annual payment for 5 years into a jointly trusteed ILWA–PMA modernization and Improvement Fund (the Fund), pursuant to the Operators' obligation under their Grain Handlers Agreement.

Dated: May 26, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–6425; Filed, May 29, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–16139 etc.]

GULF OIL CORP., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MAY 22, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–16139 D 5–9–69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Panhandle Area, Hemphill County, Tex.	(1)	.....
C165–229 D 5–5–69	Horizon Oil & Gas Co. of Texas (Operator) et al., 1216 Hartford Bldg., Dallas, Tex. 75201 (partial abandonment).	Baca Gas Gathering System, Inc., Plank, et al., Fields, Baca County, Colo.	(2)	.....
C166–917 E 1–30–69[3] 5–16–69[4]	Herbert H. Champlin et al. (successor to Joe N. Champlin, Trustee), 700 First National Bank Bldg., Enid, Okla. 73701.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[5] 17.9	14.65
C169–197 C 5–12–69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
C169–315 C 5–7–69	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	15.0	14.65
C169–904 A 3–27–69	Perry R. Bass (Operator), et al.,[6] 1211 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Northern Natural Gas Co., Bass Devonian Field, Pecos County, Tex.	[5] 17.5	14.65
C169–1017 (G–16645) F 4–21–69	Larry Bedford (successor to El Paso Products Co.), c/o Tom Dugan, Esq., Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., San Juan Basin Area, San Juan County, N. Mex.	12.0495	15.025
C169–1034 A 5–7–69	Crown Petroleum, Inc., 505 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex.	[7] 13.0	14.65
C169–1035 A 5–7–69	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio 43216.	United Fuel Gas Co., Block 162 Field, Vermilion Area, Offshore Louisiana.	[5] 21.25	15.025
C169–1036 A 5–8–69	Robert Mosbacher et al., 21st Floor, Capital National Bank Bldg., Houston, Tex. 77002.	Trunkline Gas Co., North Hurricane Field, Beauregard Parish, La.	20.0	15.025
C169–1037 A 5–12–69	Southwest Gas Producing Co., Inc., 1309 Louisville Ave., Monroe, La. 71201.	Transcontinental Gas Pipe Line Corp., Nancy Field, Clarke County, Miss.	21.5	15.025
C169–1038 A 5–12–69	Rogers and Scull, c/o Lendol Rogers, Arnoldsburg, W. Va. 25234.	Harry C. Boggs, Washington District, Calhoun County, W. Va.	22.0	15.325
C169–1039 A 5–14–69	Colorado Oil & Gas Corp., Box 749, Denver, Colo. 80201.	Kansas-Nebraska Natural Gas Co., Inc., Pony Creek Field, Fremont County, Wyo.	[5] 15.0	14.65
C169–1040 A 5–14–69	Rogers and Scull	Harry C. Boggs, Washington District, Calhoun County, W. Va.	22.0	15.325
C169–1041 A 5–14–69	Quaker State Oil Refining Corp., Quaker State Bldg., Oil City, Pa. 16301.	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	27.0	15.025
C169–1043 A 5–14–69	Glenn H. Breen (Operator) et al., 525 Audubon Dr., Evansville, Ind. 47715.	Texas Gas Transmission Corp., Dalton Field, Hopkins County, Ky.	15.0	15.025
C169–1044 A 5–14–69	Great Yellowstone Corp., Operator, 1910 Mercantile Bank Bldg., Dallas, Tex. 75201	Transcontinental Gas Pipe Line Corp., Ravenswood Field, Pointe Coupee Parish, La.	19.0	15.025
C169–1045 A 5–15–69	Caroline Hunt Sands and Loyd B. Sands, 1401 Elm St., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Southeast Pritchett Area, Upshur County, Tex.	[9] 12.47 [10] [11] 11.97	14.65
C169–1046 B 9–3–68	C. H. Lyons, Sr. et al	Lone Star Gas Co., Carthage Field, Panola County, Tex.	(12)	
C169–1047 B 9–3–68	do	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	(12)	
C169–1048 A 5–15–69	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., acreage in Clarke County, Miss.	[5] 21.5	15.025
C169–1049 A 5–16–69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[5] 17.0	14.65
C169–1050 (C164 300) F 5–1–69	Sun Oil Co. (DX Division) (successor to Lawrence Oil, Inc. (Operator) et al.), Post Office Box 2039, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Port Barre-Naka Field, St. Landry Parish, La.	15.3	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Deletes acreage assigned to Phillips Petroleum Co.
[2] Source of gas depleted.
[3] Application previously noticed Feb. 24, 1969, in Dockets Nos. G–3784 et al., at a total initial rate of 15 cents per Mcf, subject to upward and downward B.t.u adjustment.
[4] Amendment to application filed to reflect a total initial rate of 17.9 cents per Mcf in lieu of 15 cents per Mcf.
[5] Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Includes downward B.t.u. adjustment.
[8] Applicant proposes rate of 21.5 cents per Mcf or area rate, whichever is higher.
[9] For sweet gas.
[10] For sour gas.
[11] Subject to deduction for compression should Buyer compress gas.
[12] Properties sold in 1957.
[13] Properties sold to Oil & Gas Property Management, Inc.

[F.R. Doc. 69–6348; Filed, May 29, 1969; 8:45 a.m.]

[Docket No. CP69–105]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application To Amend

MAY 22, 1969.

Take notice that on May 16, 1969, Kentucky Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25325, filed in Docket No. CP69–105 an application to amend the Commission's order issued March 17, 1969, by authorizing Applicant to sell and deliver the increased maximum quantities of natural gas set forth in the appendix to this notice in lieu of those maximum quantities authorized by and set forth in the appendix to said order, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of March 17, 1969, among other things, authorized Applicant to construct and operate certain facilities and to sell and deliver increased maximum quantities of natural gas to its customers commencing with the 1969–70 season. The appendix to said order set forth the volumetric limitations on the increased sales authorized. Applicant states that it has now determined that said level of volumetric limitations is inadequate to provide its customers' most recent estimates of gas requirements for the 1969–70 season, and, accordingly, Applicant requests that the order of March 17, 1969, be amended to authorize the sales as set forth in the appendix to this notice.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

APPENDIX

KENTUCKY GAS TRANSMISSION CORPORATION

(Maximum daily deliveries under rate schedules providing firm service to jurisdictional customers)

Jurisdictional customers with total daily entitlements over 5,000 Mcf per day	Maximum daily deliveries during 1969–70 winter season (Mcf per day at 14.73 p.s.i.a.)	
	Authorized in FPC Docket No. CP69–105	Requested herein
Cincinnati Gas & Electric Co., The	409,000	427,000
Columbia Gas of Kentucky, Inc.	158,900	170,400
Richmond, Ky., The Board of Public Works of the city of	7,900	7,900
Union Light, Heat & Power Co., The	98,300	102,500
Jurisdictional customers with total daily entitlements of less than 5,000 Mcf per day	**Authorized in FPC Docket No. CP69–105**	**Proposed initial level of deliveries**
City of Augusta	1,050	1,100
City of Brooksville Utilities System	350	300
City of Carlisle	2,025	2,100
City of Flemingsburg	1,400	1,400
City of North Middletown	325	300
Cumberland Valley Pipe Line Co.	3,000	3,500
Delta Natural Gas Co.	2,925	3,000
Delta Natural Gas of Stanton, Inc.	2,125	2,000
Elam Utility Co., Inc.	900	800
Mount Olivet Natural Gas Co., Inc.	400	400
Pendleton County Water District	900	1,200
Petroleum Exploration	3,600	1,500
Shawnee Pipeline Co.		[1] 2,000
Vanceburg Electric Light, Heat & Power System	1,200	1,100
Western Lewis-Rectorville Water District	600	700
Total of proposed initial levels of deliveries to customers with total daily entitlements of less than 5,000 Mcf per day	21,900	22,000
Adjustment to allow for minor revisions of such customers' estimates and unscheduled growth (approximately 6%)		1,200
Total requested volumetric levels of maximum daily deliveries to all juridictional customers with total daily entitlements of less than 5,000 Mcf per day		23,200

In lieu of establishing individual customer limitations, Kentucky Gas Transmission Corp. herein requests authority to increase the maximum daily delivery of any of such existing customers (listed above) provided the sum of the total daily entitlements under rate schedules providing firm service to all such customers does not exceed 23,200 Mcf per day.

[1] Authorized at FPC Docket No. CP69–173.

[F.R. Doc. 69–6349; Filed, May 29, 1969; 8:45 a.m.]

[Docket No. RI69–762]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 21, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–762	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	362	[3] 3	Southern Natural Gas Co. (Main Pass and South Pass Areas, Offshore Louisiana).	$49,206	4–21–69	[5] 5–22–69	[6] 5–23–69	[8] 19.36381	[9] [10] 21.07237	

[3] Special by virtue of Commission Order in Opinion No. 546–A (issued Mar. 20, 1969) for producers transporting gas from the Federal Domain to a point offshore prior to delivery to pipeline.

[5] Date of expiration of statutory notice.

[6] The suspension period is limited to 1 day from date of expiration of statutory notice.

[8] Pressure base is 15.025 p.s.i.a.

[9] Area base rate as adjusted for 1,196 B.t.u. gas.

[10] 18.5 cents area base offshore rate applicable pursuant to Opinion No. 546–A for subject sale. (Casinghead gas) area base rate subject to upward and downward B.t.u. adjustment.

[11] Area base rate for casinghead gas produced in the Federal Domain. Area base rate subject to upward and downward B.t.u. adjustment.

On April 21, 1969, Shell Oil Co. (Shell), pursuant to ordering paragraph (C) of Opinion No. 546–A issued March 20, 1969, filed a notice of change in rate reflecting the applicable onshore area base rate (plus B.t.u. adjustment) established by ordering paragraph (A) of Opinion No. 546. The gas involved is casinghead gas sold to Southern Natural Gas Co. from the Main Pass and South Pass Areas, Offshore Louisiana. Shell was authorized to sell the gas produced in the Federal Domain for delivery onshore under a temporary certificate issued October 11, 1968, in Docket No. CI69–242 until Southern Natural has constructed its facilities to take Shell's gas offshore. The temporary certificate conditioned the sale of casinghead gas to a total initial rate of 17 cents per Mcf for gas produced in the Federal Domain, subject to upward and downward B.t.u. adjustment. The proposed increase, from 19.36381 cents (17-cent offshore base rate plus 2.36381-cent upward B.t.u. adjustment) to 21.07237 cents (18.5-cent onshore base rate plus 2.57237-cent upward B.t.u. adjustment, amounts to $49,206 annually. Under the circumstances we conclude that Shell's proposed rate increase should be suspended for one day from May 22, 1969, the date of expiration of statutory notice. All amounts collected above 17 cents plus B.t.u. adjustment will be subject to refund.

[F.R. Doc. 69–6350; Filed, May 29, 1969; 8:45 a.m.]

[Docket No. CP69–307]

ATLANTIC SEABOARD CORP.

Notice of Application

MAY 23, 1969.

Take notice that on May 16, 1969, Atlantic Seaboard Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25325, filed in Docket No. CP69–307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the sale and delivery of certain maximum daily quantities of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of its increased gas requirements on the design peak day for the 1969–70 winter season, Applicant's existing transmission system will be deficient by 11,500 Mcf after the construction of facilities authorized by the Commission's order issued March 17, 1969, in Docket No. CP69–106. Therefore, Applicant proposes by the subject application to construct and operate approximately 7.4 miles of 36-inch pipeline loop in Shenandoah County, Va., in order to provide the necessary capacity to supply the increased requirements of its customers.

Further, under rate schedules providing for firm service, Applicant proposes to sell and deliver the following maximum daily quantities to the customers listed below:

Customer	Presently authorized (Mcf @ 14.73 p.s.i.a.)	Proposed (Mcf @ 14.73 p.s.i.a.)
Baltimore Gas and Electric Co.	371,000	387,000
City of Charlottesville	15,900	16,200
Commonwealth Natural Gas Corp.	175,000	181,700
Cumberland & Allegheny Gas Co.	29,900	8,200
Virginia Pipe Line Co.	9,700	10,500
The Manufacturers Light & Heat Co.	54,000	54,000
Roanoke Gas Co.	26,000	27,000
Virginia Gas Distribution Corp.	79,400	85,000
Washington Gas Light Co.	580,000	582,500

The application indicates the total estimated cost of the proposed facilities to be $1,718,825, which cost will be financed by the sale of equity and/or debt securities to Applicant's parent, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6408; Filed, May 29, 1969; 8:46 a.m.]

[Docket No. CP69–308]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 23, 1969.

Take notice that on May 16, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69–308 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain transmission facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities for the transportation of wet gas to its new extraction and fractionation plant at Hastings, Wetzel County, W. Va., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 20.1 miles of 12-inch pipeline to extend from the Cornwell compressor station in Clay County to Minnora Junction in Calhoun County and 0.13 mile of 10-inch pipeline to join together Lines H–171 and TL–272 in Kanawha County, all in the State of West Virginia.

Applicant states that these transmission facilities are designed to connect its southern and northern West Virginia wet gas systems. In addition, Applicant seeks authorization to relocate a 440 horsepower compressor engine from the Jackson compressor station to the Cornwell compressor station to enable Applicant to inject directly into the proposed Cornwell-to-Minnora pipeline the wet gas obtained in the Cornwell area. Upon completion of the proposed construction, Applicant proposes to transport its southern wet gas supply to its new extraction and fractionation plant at Hastings, Wetzel County, W. Va., to be processed with the wet gas from its northern West Virginia wet gas system.

Applicant further seeks permission and approval to abandon approximately 12 miles of pipeline constructed in 1924 and 1925, which, Applicant alleges, will no longer be needed upon completion of the proposed transmission facilities.

The estimated cost of the proposed transmission facilities is $1,210,289, which will be financed in part from funds on hand and in part by borrowing from its parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party to any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6409; Filed, May 29, 1969; 8:46 a.m.]

[Dockets Nos. E-7482 and E-7481]

NORTHERN STATES POWER CO. ET AL.

Notice of Application

MAY 23, 1969.

Take notice that on May 14, 1969, Northern States Power Co., a Minnesota corporation, Otter Tail Power Co., a Minnesota corporation, and Minnkota Power Cooperative, Inc., a Minnesota corporation (Applicants), filed a joint application in Docket No. E-7482, for an order pursuant to section 202(e) of the Federal Power Act for authorization to transmit electric energy from the United States to Canada.

Northern States, an electric utility, operates in Minnesota, North Dakota, and South Dakota with its principal place of business in Minneapolis, Otter Tail, an electric utility, operates in Minnesota, North Dakota, and South Dakota with its principal place of business in Minneapolis, Minnkota, an electric utility, operates in the States of Minnesota and North Dakota with its principal place of business in Grand Forks, N. Dak.

The three Applicants have entered into a coordinating agreement with Manitoba Hydro Electric Board of Winnipeg, Manitoba, Canada, whereby electric energy will be transmitted to Canada over the proposed Winnipeg-Grand Forks 230-kv. transmission line to Manitoba Hydro. Pursuant to the agreement, electric energy will also be transmitted from Manitoba Hydro to the Applicants.

The source of the energy to be transmitted to Manitoba Hydro will be the system resources of the Applicants. The actual quantities of energy transmitted will be dependent upon such factors as system needs, price per kw.-hr., and the ability of the systems to accommodate energy flows.

The point of delivery to Manitoba Hydro will be the proposed interconnection between Manitoba Hydro and Northern States at the Canada-United States boundary near Emerson, Manitoba, and for which connection, Northern States has applied for Presidential permit in Docket No. E-7481. Energy will be delivered at the nominal voltage of 230,000 volts.

Applicants state that the proposed transmission of electric energy to Canada in exchange for power supply from Manitoba Hydro would improve the reliability and security of electric supply within both the United States and Canada. Applicants further state that the proposed transmission will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6410; Filed, May 29, 1969; 8:46 a.m.]

[Docket No. CP69-186]

UNITED GAS PIPE LINE CO.

Notice of Continuance

MAY 23, 1969.

Notice is hereby given that the hearing scheduled to commence at 10 a.m., e.d.t., on May 27, 1969, in the above-designated matter is continued until further notice.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6411; Filed, May 29, 1969; 8:46 a.m.]

INDIAN CLAIMS COMMISSION

CLAIMS

Hearings and Determinations

The Indian Claims Commission was created by act of August 13, 1946 (60 Stat. 959; 25 U.S.C. 70), to hear and determine claims against the United States on behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the United States. The Commission consists of a Chairman and four Commissioners, appointed by the President by and with the advice and consent of the Senate.

These Commissioners are:

John T. Vance, Chairman.
Jerome K. Kuykendall, Commissioner.
Richard W. Yarborough, Commissioner.
Margaret H. Pierce, Commissioner.
Brantley Blue, Commissioner.

The claims which the Commission is to hear and determine are as follows: (1) Claims in law or equity arising under the Constitution, laws, treaties of the United States, and Executive orders; (b) all other claims in law or equity, with respect to which the claimant would have been entitled to sue in a court of the United States if the United States was subject to suit; (3) claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, or any other ground cognizable by a court of equity; (4) claims arising from the taking by the United States, whether as the result of a treaty of cession or otherwise, of lands owned or occupied by the claimant without the payment of compensation agreed to by the claimant; and (5) claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity. No claim accruing after August 13, 1946, shall be considered by the Commission.

No claim not presented by August 13, 1951, may thereafter be submitted to any court, administrative agency, or Congress for consideration.

Deductions which shall be made in determining the quantum of relief are specified in the act.

The final determination of the Commission shall be filed with the Clerk. Within 3 months either party may appeal to the Court of Claims.

After the proceedings have been finally concluded on each claim, the Commission shall submit its report to Congress. Such report shall have the effect of a final judgment of the Court of Claims. The payment of any such claim shall be a full discharge of the United States of all claims and demands touching any of the matters involved in the controversy.

The Indian Claims Commission adjudicates those claims filed before it by the Indian tribes, bands, or identifiable groups under the terms of the jurisdictional act described above. The General Rules of Procedure of the Commission may be found in the FEDERAL REGISTER, Volume 33, No. 121, Part II, June 21, 1968, as amended in the FEDERAL REGISTER, Volume 34, No. 78, April 24, 1969.

The principal and only place of business of the Indian Claims Commission is 726 Jackson Place NW., Washington, D.C. 20506. Information and copies of records may be obtained from the clerk in Room 5002 between the hours of 8

a.m. and 5 p.m., or by writing to the clerk at the above address.

Approved:

JOHN T. VANCE,
Chairman.

[F.R. Doc. 69-6424; Filed, May 29, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2498]

BLOCK ENGINEERING INC.

Notice of Filing of Application for Order Exempting Proposed Transaction From Provisions of Investment Company Act

MAY 26, 1969.

Notice is hereby given that Block Engineering Inc. ("applicant"), 19 Blackstone Street, Cambridge, Mass. 02139, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act certain proposed transactions whereby applicant would merge with Dunn Associates Inc. ("Dunn"), a Maryland corporation, and enter into certain transactions with S. Thomas Dunn ("Mr. Dunn"), principal stockholder of Dunn. Applicant would be the surviving corporation.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Christiana Securities Co. ("Christiana"), a Delaware corporation and a registered closed-end, nondiversified investment company, owns approximately 29 percent of the outstanding common stock of E. I. duPont de Nemours and Co., which in turn owns approximately 40 percent of applicant's outstanding common stock. Applicant owns 47 percent of the outstanding common stock of Dunn and Mr. Dunn, an officer and director of Dunn, owns the remaining 53 percent. Under section 2(a)(9) of the Act it may be presumed that applicant is "controlled" by Christiana and under section 2(a)(3), Dunn is an affiliated person of Christiana and Mr. Dunn is an affiliated person of Dunn.

Section 17(a) of the Act makes it unlawful, with certain exceptions, for any affiliated person of a registered investment company or any affiliated person of such a person to sell to or purchase from any company controlled by such registered company any security or other property, or to borrow from such company, unless the Commission, upon application pursuant to section 17(b), grants an order of exemption from such prohibitions, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Applicant, Dunn and Mr. Dunn have entered into formal agreements, subject to the grant of an exemption by the Commission for the merger of Dunn into applicant and for other transactions as specified. Pursuant to the terms of the proposed merger, Mr. Dunn's 53 percent common stock interest in Dunn will be exchanged for 15,000 shares of applicant's common stock, of which approximately 7,500 shares will be escrowed with delivery to Mr. Dunn conditioned upon the accuracy of the representations contained in the merger documents and upon Mr. Dunn's continued employment with applicant. Applicant's 47 percent common stock interest in Dunn will be canceled. The market value of the common stock of applicant in the over-the-counter market on May 19, 1969 was approximately 22¼ per share. In addition, applicant has agreed, upon effectiveness of the proposed merger, among other things, that Mr. Dunn will serve as a vice president of applicant, in charge of its Analytic Instrument Division, at a salary of $35,000 per year; that he will receive certain stock options for shares of applicant and will receive a $30,000 loan from applicant. Certain unsecured loans which have been granted from applicant to Dunn for working capital, which on March 21, 1969 totaled $35,000, will be canceled upon effectiveness of the proposed merger, at which time Dunn has agreed to enter into certain noncompetition agreements with and assigned a certain patent to applicant.

Applicant was incorporated under the laws of Delaware in 1962 and at that time acquired the manufacturing, as distinguished from the research assets, of Block Associates, Inc., a Massachusetts corporation founded in 1956. In March of 1968, Block Associates, Inc., was merged into applicant. Applicant is principally engaged in research relating to, and the development, manufacturing, and marketing of, electro-optical and biomedical instruments. As a result of a public sale of 176,440 shares in May of 1968, applicant's common stock is traded in the over-the-counter market. For the fiscal year ended May 31, 1968, applicant's net sales were $3,559,182 and its income per share before extraordinary items was $0.07.

Dunn was incorporated under the laws of Maryland in 1965 but remained generally inactive until the middle of 1967. At this time, applicant and Mr. Dunn purchased, as original issues, 47 percent and 53 percent, respectively, of the common stock of Dunn. Dunn has issued no additional stock to date and none of the stock originally issued has been transferred. Contemporaneously with the purchase of stock, applicant appointed Dunn its sales representative in respect to certain products and areas. Dunn's activities at the present time are in two general areas: (1) Acting as a sales representative with respect to products and services for applicant and others generally in the Washington, D.C. area, and (2) the assembly and marketing of commercial interferometer spectrometer systems. Approximately one-half of Dunn's gross revenue is attributable to activity carried on with applicant. Dunn's gross income from commission and fees for the 9-month period ended September 30, 1968, was $329,653.52 and its earnings per share for the same period were approximately $0.78.

Applicant considers that the terms of the acquisition of Dunn and of the related transactions are reasonable and fair to all parties concerned.

Notice is further given that any interested persons may, not later than June 16, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such services by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6429; Filed, May 29, 1969; 8:47 a.m.]

CONTINENTAL INVESTMENT CORP.

Order Suspending Trading

MAY 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Investment Corp., an Arizona corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities

exchange be summarily suspended, this order to be effective for the period May 27, 1969, through June 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6430; Filed, May 29, 1969; 8:47 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MAY 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc., formerly Jodmar Industries, Inc., may be known as American Lima Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 27, 1969, through June 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6431; Filed, May 29, 1969; 8:48 a.m.]

[812-2534]

VARIABLE ANNUITY LIFE INSURANCE CO. ET AL.

Notice of Application for Exemptions From Provisions of Investment Company Act

MAY 26, 1969.

Notice is hereby given that the Variable Annuity Life Insurance Co., of Houston, Tex. ("Valic Texas"), a Texas life insurance company, the Variable Annuity Life Insurance Co. Separate Account One ("Valic Separate Account One") and the Variable Annuity Life Insurance Co. Separate Account Two ("Valic Separate Account Two"); 2727 Allen Parkway, Houston, Tex. 77006 (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from certain provisions of sections 15(a), 16(a), 22(e), 27(a), 27(c), and 32(a)(2) of the Act. Each of the separate accounts is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

In furtherance of a change of domicile from the District of Columbia to Texas, Valic Texas was organized as a stock life insurance company under the Texas Insurance Code on August 20, 1968, to succeed to the business of Variable Annuity Life Insurance Company of America, of Washington, D.C. ("Valic Washington").

Since 1959, Valic Washington has been a registered investment company under the Investment Company Act of 1940. Valic Texas acquired all the assets of Valic Washington and all of its variable and fixed annuities and life insurance business in force, assumed all of Valic Washington's liabilities and reinsured all of Valic Washington's variable and fixed annuities and life business in force. Valic Texas established Valic Separate Account One and Valic Separate Account Two and each separate account has become a registered investment company under the Investment Company Act of 1940 and each has filed a registration statement under the Securities Act of 1933 covering the variable annuity contracts issued in connection with such separate accounts. The application alleges that no substantive difference between Valic Texas and Valic Washington was created as a result of the change in domicile, except the form of registration under the Investment Company Act of 1940.

Sections 15(a), 16(a), and 32(a)(2), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders and shareholder ratification of the selection of independent public accountants, respectively. Applicants request a temporary exemption from the requirements of sections 15(a), 16(a), and 32(a)(2) to allow Valic Separate Account One and Valic Separate Account Two to operate without such approval until the first annual or special meetings of contract owners are held, at which time all such matters will be submitted for a vote and the requirements of those sections will be met. Applicants represent that such meetings will take place as soon as it is feasible to do so, and, in any event, prior to July 31, 1969. The application states that meeting dates have not as yet been established because of the disruption connected with the physical transfer of home office personnel and books and records from the District of Columbia to Texas.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants state that the mortality tables employed in the contracts issued in connection with the separate accounts are derived from studies of mortality among annuitants under contracts which contain the option of terminating and obtaining cash only prior to the annuity commencement date. The tables are based on the assumption that once the annuity payments commence, the annuitant will continue in the group and payments will be made until his death and that this assumption is used in determining the amount of annuity payments. No surrender benefits following the commencement of payments have been considered in arriving at the formula for annuity payments which may be made under the various annuity options and if provision for any such benefits were made, the periodic payments would be significantly reduced. Applicants request an exemption from sections 22(e) and 27(c)(1) to eliminate the right to redeem once an annuity has been provided at retirement.

Section 27(a)(4), as here pertinent, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20 or any subsequent payment is less than $10. In order to avoid additional expense for employers in making payroll deductions, Applicants request an exemption to permit the first payment by or for a contract owner or participant to to be in an amount not less than $10.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Applicants request an exemption from these requirements to permit the proceeds of all payments under the variable annuity contracts to be held by Valic Texas on the grounds that its status as a regulated insurance company, and its obligations as an insurance company to its variable annuity contract owners provide substantially the protection contemplated by these requirements.

Applicants have consented that the requested exemption may be made subject to the conditions (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Applicants have further agreed that any exemptions which the Commission may grant pursuant to the application will terminate as of August 1, 1969, if the meetings of contract holders (discussed, supra) have not by that date been held.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 9, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if order) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6432; Filed, May 29, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 840]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56388 (Sub-No. 31 TA), filed May 20, 1969. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 21774. Applicant's representative: Glenn R. Rippeon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated lime* in shipper-owned vehicles or in pneumatic tank trucks, from Frederick, Md., to points in Augusta County, Va., for 180 days. Supporting shipper: M. J. Grove Lime Co., Frederick Sales Office, Box 656, Frederick, Md. 21701. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2210, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 59396 (Sub-No. 20 TA), filed May 19, 1969. Applicant: BUILDERS EXPRESS, INC., Limecrest Road, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bags and in bulk, from the plantsite of H. B. Reed Corp., Kearny, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, and Maryland, and the District of Columbia, for 180 days. Supporting shipper: H. B. Reed Corp., 339 Central Avenue, Kearny, N.J. 07032. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 83539 (Sub-No. 249 TA), filed May 20, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments and parts* when moving in connection therewith, from Wilbur, Oreg., to points in California, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Ramey Hydraulic Loaders, Post Office Box 458, Roseburg, Oreg. 97470. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 94350 (Sub-No. 223 TA), filed May 19, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Columbus County, N.C., to points in South Carolina, Virginia, Georgia, Tennessee, and North Carolina, for 180 days. Supporting shipper: Columbus Homes Corp., Whitesville, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601a Federal Building, 901 Sumter Street, Columbia, S.C. 29210.

No. MC 111941 (Sub-No. 15 TA), filed May 19, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in tank vehicles, from Midland, Mich., to points in Indiana, for 180 days. Supporting shipper: Dow Chemical Co., 2030 Abbott Road Center, Midland, Mich. 48640. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 117686 (Sub-No. 96 TA), filed May 15, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or packaged animal feed*, when moving in the same vehicle and at the same time with shipments of

canned goods (presently authorized), from the plantsite and warehouse facilities of Mavar Shrimp and Oyster Co., Ltd., at or near Biloxi, Miss., to points in Kansas, Missouri, South Dakota, Iowa, Nebraska, Arkansas, Minnesota, and North Dakota, for 180 days. NOTE: Applicant states that the purpose of this application is to add animal feed to his presently authorized canned goods authority for the transportation of mixed shipments. Supporting shipper: Mavar Shrimp & Oyster Co., Ltd., Victor Mavar, Manager, Biloxi, Miss. 39533. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 117686 (Sub-No. 97 TA), filed May 19, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3224 U.S. Highway 75 North, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, not frozen, from the plantsite and storage facilities of Johnson Biscuit Co., at Sioux City, Iowa, to points in Florida, for 180 days. Supporting shipper: Johnson Biscuit Co., Fifth and Floyd Boulevard, Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC118318 (Sub-No. 15 TA, filed May 19, 1969. Applicant: IDA-CAL FREIGHT LINES, INC., Post Office Box 422, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Salmon, Idaho, and points within 4 miles thereof, to points in Nevada and California, for 180 days. NOTE: Applicant does not intend to tack or interline authority herein sought. Supporting shipper: City Packing Co., Post Office Box 1359, Salmon, Idaho 83467. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 128586 (Sub-No. 2 TA), filed May 19, 1969. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. 35976. Applicant's representative: D. H. Markstein, Room 512, Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry offal meal*, in bulk, from the plantsites of Ralston Purina Co. at Geraldine, Ala., and at Trussville, Ala., to the plantsite of Ralston Purina Co. at Denver, Colo., for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133634 (Sub-No. 1 TA), filed May 19, 1969. Applicant: CALDWELL-ALLISON INVESTMENT CO., doing business as A PUBLIC BONDED WAREHOUSE, 6191 Choctaw Drive, Baton Rouge, La. 70805. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Woodpulp* in five hundred (500) pound bales, from Port Hudson, La., to Greater Baton Rouge Port Commission, Port Allen, La., for 180 days. Supporting shipper: Louisiana Forest Products Corp., Port Hudson Mill., Post Office Box 430, Zachary, La. 70791.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6446; Filed, May 29, 1969; 8:49 a.m.]

[Notice 354]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71237. By order of May 26, 1969, the Motor Carrier Board approved the transfer to Grove City Bus Lines, Inc., Grove City, Pa., of the operating rights in certificate No. MC-126121 (Sub-No. 2) issued February 17, 1969, to Arthur C. Santee, Warrensville Heights, Ohio, authorizing the transportation, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Ravenna, Ohio, and Cleveland, Ohio, serving all intermediate points. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, atorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6447; Filed, May 29, 1969; 8:49 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 104

Friday, May 30, 1969 • Washington, D.C.

PART II

Department of Health,
Education, and Welfare
Office of Education

•

National Defense Student Loan Program

State Lists of Schools

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL DEFENSE STUDENT LOAN PROGRAM

List of Schools Determined To Have a High Concentration of Students From Low Income Families

Pursuant to the provisions of section 205(b)(3)(A) of the National Defense Education Act of 1958 as amended (20 U.S.C. 425(b)(3)(A), notice is hereby given of the public and other nonprofit elementary and secondary schools which have been listed in accordance with the regulations governing the administration of the National Defense Student Loan Program (45 CFR 144.8(1)(2)) as being in school districts of local educational agencies eligible for assistance pursuant to Title II of Public Law 874, 81st Congress, as amended (title I of the Elementary and Secondary Education Act of 1965), and as having high concentrations of children from low income families during the school year 1968–69.

Teachers with outstanding indebtedness under the National Defense Student Loan Program are entitled to the 15 percent per annum rate of loan cancellation for each complete academic year (or equivalent) of full-time service performed in a public or other nonprofit elementary or secondary school which for that year has been designated by the U.S. Commissioner of Education as having a high concentration of students from low-income families.

The purpose of the lists published under this notice is to incorporate the 1968–69 changes in the basic lists which appeared in the FEDERAL REGISTER, Volume 33, Number 106, Part II, Thursday, May 30, 1968. Changes in each State's lists published a year ago appear under the heading of additions to, or deletions from, the referenced list. The reference headings below each State's title should enable users of this document to identify the previous list of that State's schools to which the changes apply. For those States in which the basic lists changed so radically as to render the listing of additions and deletions impractical, a complete list of the schools designated for 1968–69 is presented.

The school lists appear in alphabetical order by State. The lists for the Trust Territory, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands appear following the lists for the State of Wyoming.

Despite the fact that every reasonable precaution has been taken to assure the accuracy of these lists, it is possible that some errors may occur. Should an apparent discrepancy be noted, inquiry may be made to the appropriate State education agency and the Loans Branch, Division of Student Financial Aid, U.S. Office of Education, Washington, D.C. 20202.

Dated: May 8, 1969.

PRESTON VALIEN,
Acting Associate Commissioner for Higher Education.

Approved: May 23, 1969.

PETER P. MUIRHEAD,
Acting Deputy Commissioner of Education.

[F.R. Doc. 69-6323; Filed, May 29, 1969; 8:45 a.m.]

ALABAMA

1968–69 Deletions From 1966–67 List

Location (city or town), name of school, and county or district

Andalusia; Woodson, HS; Andalusia City.
Annemanie; Annemanie, HS; Wilcox.
Ashford; Grimsley, HS; Houston.
Athens:
  Clements, HS; Limestone.
  East Limestone, HS; Limestone.
  Owens, JHS; Limestone.
  Piney Chapel, JHS; Limestone.
Attalla; Norris, HS; Attalla City.
Balleyton; Balleyton, JHS; Cullman.
Bay Minette; Frisco Consolidated, EL; Baldwin.
Bear Creek; Phillips, HS; Marion.
Bellamy; Bellamy, JHS; Sumter.
Bessemer; Red Ore, EL; Jefferson.
Birmingham:
  Banks, HS; Birmingham City.
  Cahaba Heights, EL; Jefferson.
  Erwin, HS; Jefferson.
  Parker, HS; Birmingham City.
  Shades Valley, HS; Jefferson.
Boligee:
  Jameswood, JHS; Greene.
  Mount Hebron, EL; Greene.
Brantley; Brantley, JHS; Crenshaw.
Bremen; Cold Springs, HS; Cullman.
Brewton; Boykin, HS; Escambia.
Brilliant; Brilliant, HS; Marion.
Brundidge; Pike County, HS; Pike.
Camden; Holy Cross Lutheran School; Private.
Cedar Bluff; Cherokee County Training, EL; Cherokee.
Chatom; North Central, HS; Washington.
Citronelle:
  Charity Chapel, JHS; Washington.
  Rosa A. Lott, HS; Mobile.
Clayton:
  Britt Rosenwald, JHS; Barbour.
  Louisville, EL; Barbour.
  Shady Grove, EL; Barbour.
Collinsville; Gregory, JHS; De Kalb.
Cooper; Cooper, EL; Chilton.
Cuba; Kinterbish II, EL; Sumter.
Cullman:
  Fairview, HS; Cullman.
  Good Hope, JHS; Cullman.
Dadeville; Councill, HS; Tallapoosa.
Dawson; Skirum, JHS; De Kalb.
Detroit; Detroit, EL; Lamar.
Dothan; Spann, EL; Houston.
Douglas; Douglas, EL; Marshall.
Dozier; Dozier, JHS; Crenshaw.
Eclectic; Carver Eclectic, EL; Elmore.
Elba; Mulberry Heights, EL; Elba City.
Eufaula:
  Center Ridge, HS; Barbour.
  Zion Hill, JHS; Barbour.
Fairford; Pleasant View, HS; Washington.
Farmersville; Cabaniss, EL; Lowndes.
Fayette; Kirkland, JHS; Fayette.
Five Points; Phillips, HS; Chambers.
Florence:
  Burrell-Slater, HS; Florence City.
  Handy, EL; Florence City.
  Rogers, HS; Lauderdale.
Fort Payne; High Point, JHS; De Kalb.
Fulton; Fulton, JHS; Clarke.
Gadsden:
  Burton, EL; Gadsden City.
  Dwight, EL; Gadsden City.
  James L. Cain, EL; Gadsden City.
  Johnson, EL; Gadsden City.
Geneva; Riverside Heights, HS; Geneva.
Grady; Helicon, HS; Crenshaw.
Grant; Hebron, EL; Marshall.
Greenville; Greenville, HS; Butler.
Guin:
  Guin, EL; Marion.
  Marion County, HS; Marion.
Guntersville; Warrenton, EL; Marshall.
Hackleburg; Hackleburg, HS; Marion.
Hamilton; New Home, EL; Marion.
Hartford; Hartford, HS; Geneva.
Hayneville; Hayneville, HS; Lowndes.
Hazel Green:
  Hazel Green, HS; Madison.
  New Sharon, JHS; Madison.
Hodges; Hodges, JHS; Franklin.
Holly Pond; Holly Pond, HS; Cullman.
Huntsville:
  Calvary Hill, JHS; Huntsville City.
  Davis Hills, JHS; Huntsville City.
  Lincoln, EL; Huntsville City.
  Madison Pike, EL; Huntsville City.
  Monrovia, JHS; Madison.
Jasper; West Jasper, EL; Jasper City.
Kennedy; Kennedy Training, EL; Lamar.
Lafayette; White Plains, JHS; Chambers.
Lester; West Limestone, HS; Limestone.
Letohatchie; Lily Baptist, EL; Lowndes.
Linden; George P. Austin, HS; Linden City.
Lower Peach Tree; Lower Peach Tree, HS; Wilcox.
Loxley; Loxley, JHS; Baldwin.
Madison; New Hope, JHS; Limestone.
Madrid; Madrid, JHS; Houston.
Marion:
  Hanna, JHS; Perry.
  Hopewell, JHS; Perry.
  Morning Star, JHS; Perry.
McIntosh:
  Hill Springs, HS; Washington.
  McIntosh Union, HS; Washington.
Melvin; Melvin, JHS; Choctaw.
Meridianville; Meridianville, EL; Madison.
Millport; Millport, EL; Lamar.
Mobile:
  Brazier, EL; Mobile.
  Cadwell, EL; Mobile.
  Dunbar, JHS; Mobile.
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Montgomery:
  Booker Washington, JHS; Montgomery.
  Hale, EL; Montgomery.
  McDavid, EL; Montgomery.
  McIntyre, JHS; Montgomery.
  Resurrection Catholic School; Private.
Moundville; Frierson, EL; Tuscaloosa.
Mount Vernon; Belsaw, JHS; Mobile.
Newbern; Reynolds Chapel, EL; Perry.
Newville; Newville, HS; Henry.
Northport; Riverside, HS; Tuscaloosa.
Opelika:
  Carver, EL; Opelika City.
  Darden, HS; Opelika City.
  Jeter Street, EL; Opelika City.
  Sanford, HS; Lee.
Pine Hill; Pine Hill, JHS; Wilcox.
Plateau; Our Mother of Mercy, EL; Private.
Prestwick; Prestwick, HS; Washington.
Prichard:
  Carver, EL; Mobile.
  Cedar Grove Academy; Private.
  Palmar, EL; Mobile.
Roanoke; Randolph Country Training, HS; Randolph.
Rock Mills; Rock Mills, JHS; Randolph.
Russellville:
  Frankfort, JHS; Franklin.
  Mount Star, JHS; Franklin.
Salem; Wacoochee, HS; Lee.
Scottsboro; Carver, HS; Scottsboro City.
Seale; Sandfort, JHS; Russell.
Selma; Ala. Lutheran Academy and College; Private.
Sheffield:
  Alabama Avenue, EL; Sheffield City.
  Sterling, HS; Sheffield City.
Slocomb; Geneva County Training, HS; Geneva.

Smiths; Smiths, EL; Lee.
Stockton; Vaughn, JHS; Baldwin.
Sulligent; Sulligent, EL; Lamar.
Talladega:
  Lane Chapel, EL; Talladega.
  Westside, HS; Talladega City.
Tanner:
  Dogwood, JHS; Limestone.
  Tanner, HS; Limestone.
Theodore; Davies-Union, EL; Mobile.
Thomasville; A. L. Martin, HS; Thomasville City.
Tuscaloosa:
  17th Street, EL; Tuscaloosa City.
  32d Avenue, EL; Tuscaloosa City.
  East End, EL; Tuscaloosa City.
  Taylorville, EL; Tuscaloosa.
Tuscumbia; Trenholm, HS; Tuscumbia City.
Tuskegee; Notasulga, EL; Macon.
Verbena; Enterprise, JHS; Chilton.
Vernon:
  Crossville, EL; Lamar.
  Todd, HS; Lamar.
Wadley:
  Pleasant Grove, EL; Randolph.
  Wadley, HS; Randolph.
Ward; Judkins, JHS; Sumter.
Wedowee; Wedowee, HS; Randolph.
Winfield:
  Bobo, JHS; Fayette.
  Wayside, JHS; Fayette.
Woodland; Mount Carmel, EL; Randolph.

1968–69 Additions to 1966–67 List

Location (city or town), name of school, and county or district

Abbeville:
  Abbeville, EL; Henry.
  Abbeville, JHS; Henry.
Albertville; Ashbury, JHS; Marshall.
Alma; Alma, JHS; Clarke.
Andalusia; Andalusia Kindergarten, EL; Andalusia City.
Annemannie; Annemannie, EL; Wilcox.
Arab; Ruth School, EL; Marshall.
Arley; Meek, EL, HS; Winston.
Athens; Pleasant Grove, EL; Limestone.
Atmore; Freemanville, EL; Escambia.
Bankston; Bankston, JHS; Fayette.
Bayou La Batre; Alba, HS; Mobile.
Beatrice; Beatrice, HS; Monroe.
Bexar; Gravel Springs, JHS; Marion.
Birmingham; Woodward, JHS; Jefferson.
Blountsville; Rock Springs, EL; Blount.
Brent; Faucett, EL; Bibb.
Brewton; Booker T. Washington, HS; Brewton City.
Bridgeport; Bridgeport, HS; Jackson.
Brighton; Brighton, EL; Jefferson.
Camden; Wilcox County, HS; Wilcox.
Castleberry:
  Castleberry, JHS; Conecuh.
  Conecuh County, HS; Conecuh.
Clanton; Concord, JHS; Chilton.
Cleveland; Nectar, EL; Blount.
Collinsville; Collinsville, HS; De Kalb.
Crane Hill; Dowling, JHS; Cullman.
Cullman; Welti, JHS; Cullman.
Decatur:
  Flint, EL; Morgan.
  Priceville, HS; Morgan.
  Westlawn, EL; Decatur City.
Docena; Docena North, EL; Jefferson.
Dothan:
  Carver, HS; Dothan City.
  Lake Street, JHS; Dothan City.
  Montana Street, EL; Dothan City.
  Stringer Street, EL; Dothan City.
Elba; Mulberry, JHS; Elba City.
Eufaula; Van Buren, EL; Eufaula City.
Evergreen:
  China, JHS; Conecuh.
  Evergreen, EL; Conecuh.
  Evergreen, HS; Conecuh.
  Little Zion, JHS; Conecuh.
  Lyeffion, HS; Conecuh.
  Marshall, HS; Conecuh.
  Sandy Graves, JHS; Conecuh.
  Southside, EL; Conecuh.
Excel; Excel, HS; Monroe.
Florence:
  Oakland, JHS; Lauderdale.
  West End, HS; Lauderdale.
Frisco City; Frisco City, HS; Monroe.
Fyffe; Fyffe, HS; De Kalb.
Garden City; Garden City, EL; Cullman.
Georgiana; B. L. Austin, HS; Butler.
Grady; Helicon, JHS; Crenshaw.
Greensboro; Greensboro, HS; Hale.
Greenville; Southside, HS; Butler.
Hamilton; Ada Hanna, EL; Marion.
Hayneville; White Hall, JHS; Lowndes.
Headland; Headland, EL; Henry.
Holy Trinity; St. Peter Claver, EL; Private.
Huntsville:
  Brownsboro, JHS; Madison.
  East Clinton, EL; Huntsville City.
  Farmers Capital, JHS; Madison.
Ider; Ider, HS; De Kalb.
Jackson:
  Harper, HS; Clarke.
  Lilly Valley, EL; Clarke.
  Woodville, HS; Jackson.
Jacksonville; Eastwood, EL; Jacksonville City.
Jefferson; Jefferson, EL; Marengo.
Jemison; Jemison, JHS; Chilton.
Joppa; Joppa, JHS; Cullman.
Laceys Spring; Laceys Spring, EL; Morgan.
Leighton; Leighton Training, HS; Colbert.
Lineville; Clay County Training, HS; Clay.
Lower Peachtree; Monroe, HS; Monroe.
Loxley; Ellisville, EL; Baldwin.
Madison; Greenbriar, JHS; Limestone.
Magnolia Springs; Magnolia Springs, EL; Baldwin.
Maplesville; Maplesville, EL, HS; Chilton.
Marion:
  Lincoln, EL; Marion City.
  Marion, EL; Marion City.
  Marion, HS; Marion City.
  Westside, HS; Perry.
Marion Junction; Hazen-Harrell, HS; Dallas.
Mobile; Child Guidance, EL; Mobile.
Monroeville; Union, HS; Monroe.
Mount Vernon; Calcedeaver, HS; Mobile.
Mulga; Mulga, JHS; Jefferson.
New Market; Buckhorn, HS; Madison.
Normal; Councill, HS; Madison.
Owens Cross Roads; Owens Cross Roads, JHS; Madison.
Ozark; D. A. Smith, EL; Ozark City.
Pine Hill:
  Pine Hill Consolidated, HS; Wilcox.
  Pine Hill, HS; Wilcox.
Pisgah; Section, HS; Jackson.
Powderly; Ishkooda Primary, EL; Jefferson.
Putnam; Putnam, EL; Marengo.
Rainsville; Plainview, HS; De Kalb.
Remlap; Remlap, EL; Blount.
Repton; Nichburg, JHS; Conecuh.
  Repton, HS; Conecuh.
Roanoke:
  Handley, EL; Roanoke City.
  Knight Enloe, EL; Roanoke City.
Robertsdale; Elsanor, EL; Baldwin.
Russellville; Waco, EL; Franklin.
Sayreton; Hooper City, EL; Jefferson.
Sheffield; Southeast, EL; Sheffield City.
Shorter; Shorter, EL; Macon.
Stevenson; Stevenson, HS; Jackson.
Sylacauga:
  Mountainview, EL; Sylacauga City.
  Sylavon, EL; Sylacauga City.
Sylvania; Sylvania, HS; De Kalb.
Tanner; Mooresville-Belle Mina, JHS; Limestone.
Theodore; Burroughs, EL; Mobile.
Toney; Toney, JHS; Madison.
Trafford; Sterling, EL; Blount.
Troy:
  Academy Street, HS; Troy City.
  Oakland Heights, EL, JHS; Troy City.
  Southside, EL; Troy City.
Tuscaloosa:
  Castle Hill, EL; Tuscaloosa City.
  Central, EL; Tuscalossa City.
  Hillcrest, EL; Tuscaloosa.
  Stillman Heights, EL; Tuscaloosa City.
  Westlawn, JHS; Tuscaloosa City.
  20th Street, EL; Tuscaloosa City.
Tuskegee; Nichols, JHS; Macon.
Uriah; J. U. Blacksher, HS; Monroe.
Walnut Grove; West End, HS; Etowah.
Warrior; Mount High, EL; Blount.
West Blocton; West Blocton Heights, EL; Bibb.
Whatley; Whatley, EL; Clarke.

ALASKA

1968–69 Deletions From the 1966–67 List

Location, name of school, LEA district

Akutan; Akutan, EL, JHS; State-operated.
Aleknagik; Aleknagik, EL; State-operated.
Anaktuvuk Pass; Anaktuvuk Pass, EL, JHS; State-operated.
Angoon; Angoon, EL, JHS; State-operated.
Bethel; Bethel, EL, JHS; State-operated.
Chitina; Chitina, EL; State-operated.
Cordova:
  Mt. Eccles, EL, JHS; Cordova CSD.
  Cordova, HS; Cordova CSD.
Dillingham; Dillingham City School; Dillingham CSD.
Egegik; Egegik, EL, JHS; State-operated.
Fairbanks; Hunter, EL; BSD.
Gakona; Gakona, EL; State-operated.
Juneau; Capital, EL; Greater Juneau BSD.
Kenai; Kenai Central, HS; Kenai BSD.
King Cove; King Cove, EL; King Cove CSD.
Kokhanok; Kokhanok, EL, JHS; State-operated.
Kwethluk; Moravian Children's Home, EL, JHS; Private.
Metlakatla:
  Metlakatla, EL, JHS; State-operated.
  Metlakatla, HS; State-operated.
Ninilchik; Ninilchik, EL, HS; Kenai BSD.
Nondalton; Nondalton, EL, JHS; State-operated.
Nome; Nome, EL; Nome CSD.
Northway; Northway, EL, JHS; State-operated.
Pauloff Harbor; Pauloff Harbor, EL, JHS; State-operated.
Perryville; Perryville, EL, JHS; State-operated.
Petersburg; Petersburg, EL, JHS, HS; Petersburg CSD.
Pilot Point; Pilot Point, EL, JHS; State-operated.
Seldovia; Seldovia, EL, HS; Kenai BSD.
Seward; Seward, EL, HS; Kenai BSD.
South Naknek; South Naknek, EL, JHS; Bristol Bay BSD.
Tatitlek; Tatitlek, EL, JHS; State-operated.
Tenakee; Tenakee, EL, JHS; State-operated.
Unalaska; Unalaska, EL, HS; Unalaska CSD.
Valdez; Valdez, EL, JHS, HS; Valdez CSD.
Yakutat; Yakutat, EL; Yakutat CSD.

1968–69 Additions to the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, name of school, and LEA district

Akiachak; Akiachak, EL, JHS; BIA.
Akiak; Akiak, EL; BIA.
Alakanuk; Kobuk School; State-operated.
Aleknagik; Bristol Bay Mission, EL, JHS, HS; Private.
Allakaket; Allakaket School; State-operated.
Arctic Village; Arctic Village, EL; BIA.
Barter Island; Barter Island School; BIA.
Beaver; Beaver, EL; BIA.
Brevig Mission; Brevig Mission, EL, JHS; BIA.
Buckland; Buckland, EL, JHS; BIA.
Cantwell; Cantwell School; State-operated.

Chalkyitsik; Chalkyitsik School; BIA.
Chefornak; Chefornak, EL, JHS; BIA.
Chevak; Chevak School; BIA.
Chignik Lake; Chignik Lake School; State-operated.
Deering; Deering School; BIA.
Diomede; Diomede School; BIA.
Elim; Elim, EL, JHS; BIA.
Emmonak; Emmonak, EL; BIA.
English Bay; English Bay, EL; BSD.
Galena; Galena School; BIA.
Gambell; Gambell School; BIA.
Georgetown; Georgetown School; State-operated.
Golovin; Golovin, EL; BIA.
Goodnews Bay; Goodnews Bay, EL, JHS; BIA.
Healy; Healy School; State-operated.
Hooper Bay; Hooper Bay School; BIA.
Hope; Hope, EL; BSD.
Hughes; Hughes School; State-operated.
Kaltog; Kaltog School; BIA.
Kasigluk; Kasigluk, EL, JHS; BIA.
Kiana; Kiana School; BIA.
Kipnuk; Kipnuk, EL, JHS; BIA.
Kivalina; Kivalina, EL, JHS; BIA.
Kodiak; Ouzinkie, EL, JHS; Kodiak Island; BSD.
Kotlik; Kotlik School; BIA.
Koyuk; Koyuk, EL, JHS; BIA.
Kwethluk; Kwethluk School; BIA.
Kwigillingok; Kwigillingok School; BIA.
Kwinhagak; Kwinhagak School; BIA.
Lower Kalskag; Lower Kalskag, EL, JHS; BIA.
McGrath:
  McGrath, EL; State-operated.
  McGrath, HS; State-operated.
Manley Hot Springs; Manley Hot Springs School; State-operated.
Mekoryuk; Mekoryuk, EL, JHS; BIA.
Minto; Minto, EL, JHS; State-operated.
Mountain Village; Mountain Village School; BIA.
Napakiak; Napakiak, EL, JHS; BIA.
Napaskiak; Napaskiak, EL; BIA.
Newtok; Newtok, EL, JHS; BIA.
Nightmute; Nightmute School; BIA.
Nikolai; Nikolai School; State-operated.
Noorvik; Noorvik, EL, JHS; BIA.
Northeast Cape; Northeast Cape School; BIA.
Notak; Notak School; BIA.
Nunapitchuk; Nunapitchuk School; BIA.
Oscarville; Oscarville School; BIA.
Palmer; Glacier View, EL, JHS; Matanuska-Susitna.
Pilot Station; Pilot Station, EL, JHS; BIA.
Platinum; Platinum School; State-operated.
Red Devil; Red Devil School; State-operated.
Russian Mission; Russian Mission School; State-operated.
Savoonga; Savoonga, EL, JHS; BIA.
Scammon Bay; Scammon Bay, EL, JHS; BIA.
Selawik; Selawik, EL, JHS; BIA.
Shageluk; Shageluk School; BIA.
Shaktoolik; Shaktoolik School; BIA.
Sheldon Point; Sheldon Point School; BIA.
Shishmaref; Shishmaref School; BIA.
Shungnak; Shungnak School; BIA.
Sleetmute; Sleetmute, EL; BIA.
Stebbins; Stebbins, EL; State-operated.
Steven's Village; Steven's Village, EL, JHS; BIA.
St. Mary's:
  St. Mary's School; Private.
  St. Mary's Kindergarten; State-operated.
St. Michael; St. Michael School; BIA.
Suntrana; Suntrana-Usibelli School; State-operated.
Talkeetna; Trapper's Creek, EL, JHS; Matanuska-Susitna BSD.
Tanacross; Tanacross, EL; State-Operated.
Tetlin; Tetlin, EL, JHS; BIA.
Tuluksak; Tuluksak, EL; BIA.
Tuntutuliak; Tuntutuliak, EL, JHS; BIA.
Tununak; Tununak, EL, JHS; BIA.
Unalakleet; Unalakleet School, BIA.
Venetie; Venetie, EL; BIA.
Wales; Wales School; BIA.

ARIZONA

1968–69 List of Schools

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and district or county

Bapchule; St. Peter's Mission School, EL; Pinal.
Buckeye; Buckeye, EL; Buckeye.
Bylas; Our Savior's Evangelical Lutheran, EL; Graham.
Casa Grande:
  Eleven Mile Corner, EL; Pinal.
  St. Anthony School, EL; Pinal.
Chambers; Wide Ruins, EL (boarding school); Apache.
Chandler; Seton, HS; Maricopa.
Chinle:
  Chinle, EL (boarding school); Apache.
  Chinle, EL; Chinle.
  Chinle, HS; Chinle.
  Chinle, JHS; Chinle.
  Cottonwood, EL (day school); Apache.
  Low Mountain, EL (boarding school); Apache.
  Many Farms, EL (boarding school); Apache.
  Many Farms, EL; Chinle.
  Rock Point Boarding School, EL; Apache.
  Round Rock, EL;
Cibecue; Cibecue Day School, EL; Navajo.
Coolidge; Kenilworth, EL; Kenilworth.
Douglas:
  Loretto, EL; Cochise.
  Sarah Marley, EL; Douglas.
Eagar; Eagar, EL; Eagar.
Eloy:
  Central, EL; Eloy.
  Eloy, JHS; Eloy.
  South, EL; Eloy.
  West, EL; Eloy.
Flagstaff; Tuba City Agency, EL; Coconino.
Fort Apache; Theodore Roosevelt, EL; Navajo.
Fort Defiance:
  Crystal, EL (boarding school); Apache.
  Fort Defiance, EL; Window Rock.
  Fort Defiance, JHS; Window Rock.
  Window Rock, EL; Window Rock.
  Window Rock, HS; Window Rock.
Fort Thomas; Fort Thomas, EL; Fort Thomas.
Ganado:
  Ganado, EL; Ganado.
  Greasewood, EL (boarding school); Navajo.
  Kinlichee, EL (boarding school); Apache.
  Toyei, EL (boarding school); Apache.
Glendale:
  Isaac E. Imes, EL; Glendale.
  Harold W. Smith, EL; Glendale.
  Southwest Indian School, EL; Maricopa.
  Glendale Unit I, EL; Glendale.
  Glendale Unit IV, EL; Glendale.
Hayden; Winkelman, EL; Copperbelt.
Higley; Higley, EL; Higley.
Holbrook:
  Holbrook, EL; Holbrook.
  Holbrook, HS; Holbrook.
Hotevilla; Hotevilla, EL (day school); Navajo.
Houck; Pine Springs, EL (boarding school); Apache.
Kaibeta; Kaibeto, EL (boarding school); Coconino.
Kayenta:
  Kayenta, EL (boarding school); Navajo.
  Kayenta, EL; Kayenta.
  Monument Valley, HS; Monument Valley.
Keams Canyon:
  Keams Canyon, EL (boarding school); Navajo.
  Keams Canyon, EL; Keams Canyon.
Lakeside; Pinetop-Lakeside, EL; Pinetop-Lakeside.
Laveen:
  St. Johns Indian, EL, JHS; Maricopa.
  St. Johns Indian, HS; Maricopa.
Leupp; Leupp Boarding School, EL; Coconino.
Maricopa; Maricopa, EL; Maricopa.
Mesa:
  Christ the King, EL; Maricopa.
  Queen of Peace, EL; Maricopa.
Oraibi; Hopi Day School, EL; Navajo.
Page; Page, EL, HS; Page.
Parker:
  Blake, EL; Yuma.
  LePera, EL; Yuma.
  Wallace, EL; Yuma.
Peach Springs; Peach Springs, EL; Peach Springs.
Peoria:
  Dysart, EL; Dysart.
  Dysart, HS; Dysart.
  El Mirage, EL; Dysart.
  Peoria, EL; Peoria.
  Peoria, HS; Peoria.
Phoenix:
  Dunbar, EL; Phoenix.
  Jackson, EL; Phoenix.
  Longfellow, EL; Phoenix.
  Longview, EL; Osborne.
  Lowell, EL; Phoenix.
  Most Holy, Trinity, EL; Maricopa.
  Murphy No. 1, EL; Murphy.
  Murphy No. 3, EL; Murphy.
  Ann Ott, EL; Phoenix.
  Palmdale, EL; Roosevelt.
  Phoenix Indian School, HS; Maricopa.
  Phoenix Union, HS; Phoenix.
  Riverside, EL; Riverside.
  Sahuaro, EL; Washington.
  St. Agnes, EL; Maricopa.
  St. Gregory, EL; Maricopa.
  St. Jerome, EL; Maricopa.
  St. Vincent De Paul, EL; Maricopa.
  Shaw Butte, EL; Washington.
  Skiff, EL; Wilson.
  South Mountain, HS; South Mountain.
  Sullivan, EL; Murphy.
  Wilson, EL; Wilson.
Picacho; Picacho, EL; Picacho.
Pinon; Pinon Boarding, EL; Navajo.
Pisnemo; Pisnemo EL; Pima.
Queen Creek; Queen Creek, EL; Queen Creek.
Sacaton:
  Pima Central, EL; Pinal.
  Sacaton, EL; Sacaton.
St. Michaels; Hunter's Point Boarding, EL; Apache.
San Carlos:
  Rice, EL; Rice.
  Rice, HS; Rice.
Sahuarita; Sahuarita EL, HS; Sahuarita.
Sanders:
  Puerco, EL; Puerco.
  Valley, HS; Apache.
Scottsdale; Salt River Day, EL; Maricopa.
Sells:
  Covered Wells Mission, EL; Pima.
  Indian Oasis, EL; Indian Oasis.
Shonto; Shonto Boarding, EL; Navajo.
ShowLow; ShowLow, EL; ShowLow.
Somerton; O. L. Carlisle, EL; Somerton.
Stanfield; Stanfield, EL; Stanfield.
Solomon; Solomonville, EL; Solomonville.
Supai; Supai Day, EL; Coconino.
Teec Nos Pos; Teec Nos Pos Boarding, EL; Apache.
Tolleson:
  Tolleson Unit No. 1, EL; Tolleson.
  Tolleson Unit No. 2, EL; Tolleson.
  Union, EL; Union.
Tempe:
  Holdeman, EL; Tempe.
  Kyrene, EL; Kyrene.
Tonalea; Red Lake Day, EL; Coconino.
Topawa; Topawa, EL; Pima.
Tucson:
  Amphitheater, HS; Amphitheater.
  Amphitheater, JHS; Amphitheater.
  Homer Davis, EL; Flowing Wells.
  Flowing Wells, JHS; Flowing Wells.
  E. C. Nash, EL; Amphitheater.

Tucson:
  L. M. Prince, EL; Amphitheater.
  Sacred Heart School, EL; Pima.
  Walter Douglas, EL; Flowing Wells.
Tuba City:
  Tuba City Boarding, EL, JHS; Coconino.
  Tuba City, EL; Tuba City.
  Tuba City, HS; Tuba City.
Whiteriver:
  Alchesay, HS; Alchesay.
  East Fork Mission, EL; Navajo.
  Seven Mile, EL; Whiteriver.
  Whiteriver, EL; Whiteriver.
Willcox; Willcox, EL; Willcox.
Winslow:
  Dilcon, EL, JHS; Navajo.
  Ft. Defiance-Winslow, EL, JHS, HS; Navajo.
  Jefferson, EL; Winslow.
  Roosevelt, EL; Winslow.
  St. Joseph, EL; Navajo.
  Seba Dalkai Boarding, EL; Navajo.
  Washington-Lincoln, EL; Winslow.
  Winslow, HS; Winslow.
  Winslow, JHS; Winslow.
Yuma; Immaculate Conception, EL; Yuma.

ARKANSAS

1968–69 List

Location, city or town, name of school, and LEA district

Alicia; Alicia, EL; Walnut Ridge.
Altheimer; Gethsemane, EL; Wabbaseka.
Arkadelphia; Peake, 1–12; Arkadelphia.
Arkansas City; J. B. Payne, EL, JHS; Arkansas City.
Armorel:
  Armorel, 1–12; Armorel.
  Haraway, EL; Armorel.
Ashdown:
  Brown, EL; Ashdown.
  Morris, EL; Ashdown.
  Wood, JHS, HS; Ashdown.
Aubrey; Newsome, EL, JHS; Marianna.
Augusta:
  Augusta, EL; Augusta.
  Carver, 1–12; Augusta.
Bald Knob; Bald Knob, 1–12; Bald Knob.
Batesville; Batesville, JHS; Batesville.
Bearden; Ouachita County, 1–12; Bearden.
Beedeville; Beedeville, EL, JHS; Beedeville.
Blevins; Blevins, 1–12; Blevins.
Blytheville:
  Franklin, EL; Blytheville.
  Harrison, JHS, HS; Blytheville.
  Robinson, EL; Blytheville.
  Yarbro, EL; Blytheville.
Bradley; Bumpham, 1–12; Bradley.
Brickeys; Nathan Hale, EL, JHS; Marianna.
Brinkley:
  Marian Anderson, 1–12; Brinkley.
  C. B. Partee, EL; Brinkley.
Bruno; Bruno, 1–12; Marion County.
Burdette; Burdette, EL, JHS; Burdette.
Cabot; Cabot, 1–12; Cabot.
Camden:
  Carver, EL; Camden.
  Lincoln, JHS, HS; Camden.
  Nelson, EL; Camden.
  Northside, EL; Camden.
  Whiteside, EL, JHS; Camden.
Cherry Valley; Cross County, JHS, HS; Cross County.
Clarkedale; Clarkedale, EL; Marion.
Concord; Concord, 1–12; Concord.
Conway; Conway Middle, JHS; Conway.
Corning; Corning, 1–12; Corning.
Cotton Plant:
  Cotton Plant, 1–12; Cotton Plant.
  Cotton Plant Vocational, 1–12; Cotton Plant.
Crawfordsville; McNeil, 1–12; Crawfordsville.
Cushman; Cushman, 1–12; Cushman.
Dalton; Dalton, EL; Randolph County.
Deer; Deer, 1–12; Deer.
Delaplaine; Delaplaine, 1–12; Delaplaine.
Dell; Dell, 1–12; Dell.
Dermott; Chicot County, 1–12; Dermott.
De Witt:
  De Witt Middle, JHS; De Witt.
  Key, EL; De Witt.
Dumas; Avery, EL, JHS; Wells Bayou.
Dumas; A. L. Reed, 1–12; Dumas.
Dyess; Dyess, 1–12; Dyess.
Earle; Dunbar, 1–12; Earle.
Edmondson; Wedlock, EL; Hulbert-West Memphis.
Emerson; McMittress, 1–12; Emerson.
Emmet; Emmet Key, EL; Emmet.
England; Gartrell, EL; England.
Eudora; East, 1–12; Eudora.
Fifty-Six; Fifty-Six, El, JHS, Stone County.
Fordyce; J. E. Wallace, 1–12; Fordyce.
Foreman; Unity, EL; Foreman.
Forrest City:
  Evans, EL; Forrest City.
  Lincoln, JHS; Forrest City.
  Lincoln, HS; Forrest City.
  Stewart, EL; Forrest City.
Fort Smith:
  Darby, JHS; Fort Smith.
  Howard, EL; Fort Smith.
  Northside, HS; Fort Smith.
Frenchmans Bayou; J. M. Speck, 1–12; Shawnee.
Garland; Garland, 1–12; Garland.
Gould; Gould, 1–12; Gould.
Grady; Kennedy, 1–12; Grady.
Greenway; Greenway, 1–12; Greenway.
Harrisburg; Harrisburg, 1–12; Harrisburg.
Helena; Helena Crossing, EL; Helena-West Helena.
Helena:
  Lake View, 1–12; Phillips County.
  North End, EL; Helena-West Helena.
  Southland, EL; Helena-West Helena.
Hensley; Hensley, EL; Pulaski County.
Hindsville; Hindsville, EL; Huntsville.
Holly Grove; Holly Grove Vocational, 1–12; Holly Grove.
Hope:
  Guernsey, EL; Hope.
  Hopewell, EL; Hope.
  Paisley, EL; Hope.
  Shover Street, EL; Hope.
  Yerger, JHS, HS; Hope.
Hughes:
  Arthur Evans, EL; Hughes.
  Mildred Jackson, 1–12; Hughes.
Hulbert:
  Dabbs, EL; Hulbert-West Memphis.
  Mack, EL; Hulbert-West Memphis.
Huntsville:
  Huntsville, JHS; Huntsville.
  Huntsville, HS; Huntsville.
  Watson, EL; Huntsville.
Jasper:
  Compton, EL, JHS; Newton County.
  Jasper, 1–12; Jasper.
Joiner; Shawnee, 1–12; Shawnee.
Keiser; Keiser, 1–12; Keiser.
Kingston; Kingston, 1–12; Kingston.
Lafe; Lafe, 1–12; Lafe.
Lake City; Dixie, EL; Dixie.
Lake Village; Central, 1–12; Lakeside.
Lepanto; Lepanto, 1–12; Lepanto.
Lewisville:
  Foster, 1–12; Lewisville.
  Lewisville, 1–12; Lewisville.
Little Rock:
  Booker, JHS; Little Rock.
  Carver, EL; Little Rock.
  Central, HS; Little Rock.
  College Station, EL; Pulaski County.
  Dunbar, JHS; Little Rock.
  Gibbs, EL; Little Rock.
  Granite Mountain, EL; Little Rock.
  Horace Mann, HS; Little Rock.
Lonoke; Carver, 1–12; Lonoke.
Luxora:
  Luxora, JHS, HS; Luxora.
  Northside, EL; Luxora.
  Southside, EL; Luxora.
McCrory:
  McCrory, 1–12; McCrory.
  Williams, EL; McCrory.
McGehee; Desha, 1–12; McGehee.
Madison; Butler, EL; Forrest City.
Magnolia:
  Calhoun Heights, EL; Magnolia.
  Columbia, 1–12; Magnolia.
Manila; Manila, 1–12; Manila.
Marianna:
  Anna Strong, 1–12; Marianna.
  Rondo, EL; Marianna.
Marianna; Spring Grove, EL; Marianna.
Marion; Phelix, 1–12; Marion.
Marked Tree:
  Carver, EL; Marked Tree.
  Marked Tree, 1–12; Marked Tree.
Marmaduke; Marmaduke, 1–12; Marmaduke.
Marvell:
  M. M. Tate, 1–12; Marvell.
  Turner, EL; Marvell.
Menifee; East Side, 1–12; East Side.
Monticello:
  Monticello, JHS, HS; Monticello.
  W. C. Whaley, EL; Monticello.
Moro; Carver, EL, JHS; Marianna.
Morrilton:
  Center, EL, JHS; Conway County.
  Morrilton, JHS; Morrilton.
  Morrilton, HS; Morrilton.
  West Side Demonstration, EL; Morrilton.
Moscow; Linwood, EL; Linwood.
Mount Judea; Mount Judea, 1–12; Mount Judea.
Mountain Home; Nelson-Wilkes, EL; Mountain Home.
Mountain View; Mountain View, 1–12; Mountain View.
Murfreesboro; Pike County, EL; Pike County.
Newport:
  Albright, EL; Newport.
  Blackville, EL, JHS; Newport.
  Branch, 1–12; Newport.
  Newport, JHS; Newport.
  Newport, HS; Newport.
  Newport; Rutherford, EL; Newport.
North Little Rock:
  Carver, EL; North Little Rock.
  Harris, 1–12; Pulaski County.
  St. Augustine's, EL, JHS; North Little Rock.
  Woodson, EL; North Little Rock.
Oark; Oark, 1–12; Oark.
Okolona; Simmons, 1–12; Okolona.
Oneida; Oneida, EL, JHS; Barton-Lexa.
Osceola:
  East, EL; Osceola.
  Grider, EL; Osceola.
  Osceola, JHS; Osceola.
  Rosenwald, 1–12; Osceola.
  West, EL; Osceola.
Palestine:
  Palestine, 1–12; Palestine.
  Palestine Training, EL, JHS; Palestine.
Paragould:
  Baldwin, EL; Paragould.
  East, EL; Greene County Tech.
  Elmwood, EL; Paragould.
  Greene County, Tech, JHS, HS; Greene County Tech.
  Paragould, JHS; Paragould.
  South, EL; Greene County Tech.
  Stanford, 1–12; Stanford.
  West, EL; Greene County Tech.
Parkin; Central, 1–12; Parkin.
Patmos; Patmos, EL; Patmos.
Piggott; Piggott, JHS, HS; Piggott.
Pine Bluff:
  Carver, EL; Pine Bluff.
  Coleman, 1–12; Watson Chapel.
  Greenville, EL; Pine Bluff.
  Indiana, EL; Pine Bluff.
  Merrill, JHS, HS; Pine Bluff.
  Southeast, JHS, HS; Pine Bluff.
  Thirty Fourth Avenue, EL; Pine Bluff.
  Townsend Park, 1–12; Dollarway.
Pleasant Grove; Pleasant Grove, EL; Mountain View.
Pocahontas; Pocahontas Public, 1–12; Pocahontas.
Pollard; Pollard, EL; Piggott.
Portland; Tillis, EL, JHS; Portland.
Poughkeepsie; Poughkeepsie, 1–12; Sharp County.
Prairie View; Prairie View, EL; Scranton.
Prescott; McRae, 1–12; Prescott.

Pyatt; Pyatt, 1–12; Marion County.
Rogers; St. Vincent DePaul, EL, JHS; Rogers.
Rohwer; Desha Central, 1–12; Desha Central.
Rushing; Rural Special, 1–12; Stone County.
St. Francis; St. Francis, EL; Piggott.
Scott:
  Nelson, EL; Pulaski County.
  Scott, 1–12; Pulaski County.
Scranton; St. Ignatius, EL; Scranton.
Sherrill; Pastoria, EL; Sherrill.
Sherrill; Rosenwald, EL, JHS; Sherrill.
Snow Lake; Carrie I. King, EL, JHS; Desha County.
Springdale:
  Jones, EL; Springdale.
  Washington, EL; Springdale.
Star City; Lincoln, 1–12; Star City.
Stephens; Carver, 1–12; Stephens.
Stuttgart:
  Holman, 1–12; Stuttgart.
  Lincoln, EL; Stuttgart.
Taylor; C. S. Woodard, EL; Taylor.
Texarkana:
  Carver, EL; Texarkana.
  Washington, JSH, HS; Texarkana.
Tillar; B. C. Prewitt, EL, JHS; Desha Drew.
Timbo; Timbo, 1–12; Stone County.
Trumann; Trumann, 1–12; Trumann.
Tucker; Tucker Rosenwald, EL, JHS; Plum Bayou Tucker.
Tuckerman; Tuckerman, 1–12; Tuckerman.
Turrell; Wm. R. Golden, EL, JHS; Turrell.
Tyronza:
  Tyronza, 1–12; Tyronza.
  Tyronza Consolidated, EL; Tyronza.
Vanndale; Vanndale, EL; Cross County.
Waldo; Westside, 1–12; Waldo.
Walnut Ridge; Central, EL; Walnut Ridge.
Watson:
  Gentry, EL; Watson.
  Watson, 1–12; Watson.
Western Grove; Western Grove, 1–12; Western Grove.
West Helena:
  Eliza Miller, JHS; Helena-West Helena.
  Eliza Miller, HS; Helena-West Helena.
  South Side, EL; Helena-West Helena.
  West Side, EL; Helena-West Helena.
West Memphis:
  Jackson, EL; Hulbert-West Memphis.
  Wonder, 1–12; Hulbert-West Memphis.
West Ridge; Etowah Public, 1–12; Etowah.
Wheatley; Wheatley, 1–12; Wheatley.
Widener; DeRossitt, EL; Forrest City.
Wilburn; Wilburn, 1–12; Cleburne County.
Willisville; Willisville, 1–12; Willisville.
Wilson:
  Wilson, 1–12; Wilson.
  Wilson Trade, 1–12; Wilson.
Wright; Plum Bayou, 1–12; Plum Bayou Tucker.
Wrightsville; J. C. Cook, EL; Pulaski County.
Wynne:
  Childress, 1–12; Wynne.
  Wynne, 1–12; Wynne.

CALIFORNIA

1968–69 List of Schools

Location, city or town, name of school

Alameda:
  Chipman, El.
  Encinal, HS.
  Haight, EL.
  Longfellow, EL.
  Woodstock, EL.
  Saint Barnabus, EL.
  Saint Joseph Boys, HS.
  Saint Joseph, EL.
  Albany, HS.
  Cornell, EL.
Alhambra:
  Mark Keppel, HS.
  William Northrup, EL.
  Fremont, EL.
  Granada, EL.
Alcampo:
  Houston, EL.
  Oak View, EL.
Alderpoint; Alice Jewett, EL.
Alpaugh:
  Alpaugh, EL.
  Alpaugh, HS.
Alturas; Modoc, HS
Alviso; George Mayne, EL.
Anaheim:
  George Washington, EL.
  Anaheim, HS.
  Apollo, JHS.
  Dale, JHS.
  Fremont, JHS.
  Centralia, EL.
  Sycamore, JHS.
  Magnolia, HS.
Anderson; Happy Valley, EL.
Angels Camp; Bret Harte, HS.
Angwin; Howell Mountain, EL.
Annapolis; Horicon, EL.
Antioch; Fremont, EL.
Anza; Hamilton, EL.
Arcadia:
  Bonita Park, EL.
  First Avenue, JHS.
Arcata:
  Arcata Continuation, HS.
  McKinleyville, HS.
  Bloomfield, EL.
  Stewart, EL.
  Sunset, EL.
  St. Mary's, EL.
Armona; Armona, EL.
Arroyo Grande:
  Orchard, JHS.
  Arroyo Grande, HS.
Artesia; William P. Elliott, EL.
Artois; Artois, EL.
Arvin:
  Arvin, HS.
  Haven Drive, EL.
  Meridian, EL.
  Sierra Vista, EL.
Atascadero:
  Lewis Avenue, EL.
  Lewis Avenue, JHS.
Atherton; Menlo-Atherton, HS.
Atwater:
  Aileen Colburn, EL.
  Mitchell, EL.
Auberry; Auberry, EL.
Auburn:
  E.V. Cain, EL.
  Lincoln Way, EL.
  Placer, HS.
Avenal:
  Avenal, EL.
  Avenal, HS.
Azusa:
  Charles H. Lee, EL.
  Slauson, JHS.
Bakersfield:
  Beardsley, EL.
  Beardsley, JHS.
  North Beardsley, EL.
  Casa Loma, EL.
  Colonel Thomas Baker, EL.
  Fremont, EL.
  Jefferson, EL.
  Leo G. Pauly, EL.
  Lincoln, EL.
  McKinley, EL.
  Mount Vernon, EL.
  Potomac, EL.
  Sierra, EL.
  Wayside, EL.
  Williams, EL.
  Alicante Avenue, EL.
  Mountain View, EL.
  Myrtle Avenue, EL.
  Christ the King, EL.
  Our Lady of Guadalupe, EL.
  Lerdo, EL.
  Panama, EL.
  Rosedale, EL.
  Wingland, EL.
  Sunset, EL.
  Vineland, EL.
  Edison, EL.
  Fairfax, EL.
  Virginia Avenue, EL.
  Bakersfield, HS.
  East Bakersfield, HS.
  Greeley, EL.
Baldwin Park:
  De Anza, EL.
  Elwin, EL.
  Geddes, EL.
  Landis, JHS.
  North Park Continuation, HS.
  Pleasant View, EL.
  Sierra Vista, HS.
Ballico; Ballico, EL.
Bangor; Bangor, EL.
Banning:
  Central, EL.
  Hemmerling, EL.
  Hoffer Street, EL.
  Susan B. Coombs, JHS.
  Precious Blood Parochial.
Barstow:
  Thomson, EL.
  Waterman, EL.
  Henderson, EL.
Bear Valley; Bear Valley, EL.
Beaumont:
  Palm, EL.
  Sixth Street, EL.
  Wellwood, EL.
Bella Vista; Bella Vista, EL.
Bell; Bell, HS.
Bellflower:
  Albert Baxter, EL.
  Ramona, EL.
  Will Rogers, EL.
Bell Gardens:
  Bell Gardens, EL.
  Bell Gardens, JHS.
  Bell Gardens, HS.
  Suva, EL.
  St. Gertrude's, EL.
Benicia:
  Benicia, HS.
  Mary Farmar, EL.
  Mills, EL.
  Robert Semple, EL.
Berkeley:
  Berkeley, HS.
  Berkeley, HS (east).
  Berkeley HS (west).
  Columbus, EL.
  Cragmont, EL.
  Cragmont, Primary.
  Emerson, EL.
  Franklin, EL.
  Garfield, JHS.
  Hillside, EL.
  Hillside, Primary.
  Jefferson, EL.
  John Muir, EL.
  LeConte, EL.
  Lincoln, EL.
  Longfellow, EL.
  Oxford, EL.
  Thousand Oaks, EL.
  Washington, EL.
  Whittier University, EL.
  Willard, JHS.
Big Bear Lake; Big Bear Lake, EL.
Biggs:
  Biggs, EL.
  Biggs, HS.
  Richvale
Big Pine:
  Big Pine, EL.
  Big Pine, HS.
Bishop:
  Bishop, HS.
  Home Street, EL.
  Line Street, EL.
  Pine Street, EL.
Blocksburg; Casterlin, EL.
Bloomington:
  Gerald A. Smith, EL.
  Ruth Grimes, EL.
Blue Lake; Greenpoint, EL.
Blythe; Felix J. Appleby, EL.
Bolinas; Bolinas, EL.
Bonsall; Bonsall, EL.
Boonville:
  Anderson Valley, EL.
  Anderson Valley, HS.
Brentwood:
  Brentwood, EL.
  Edna Hill, EL.
  Liberty, HS.

Brawley:
  Brawley, HS.
  Barbara Worth, EL.
  J. W. Oakley, EL.
  Miguel Hidalgo, EL.
  Ruth Reid, EL.
Broderick:
  Alyce Norman, EL.
  Elkhorn Village, EL.
  Washington, EL.
  Washington, HS.
Bryte:
  Holy Cross, EL.
  Bryte, EL.
Buena Park:
  John F. Kennedy, HS.
  La Palma, JHS.
  Walker, JHS.
  Raymond Temple, EL.
  Walter Knott, EL.
Burbank:
  McKinley, EL.
  Miller, EL.
Burrell; Burrell, EL.
Butte; Butte City, EL.
Byron; Byron Union, EL.
Calexico:
  Calexico, HS.
  De Anza, JHS.
  Dool, EL.
  Hoffman, EL.
  Jefferson, EL.
  Rockwood, EL.
California Hot Springs; Hot Springs, EL.
Calipatria; Fremont, EL.
Calpella; Calpella, EL.
Camarillo; Pleasant Valley, EL.
Camino; Camino, EL.
Campbell:
  Capri, EL.
  Hamilton, EL.
  Hazelwood, EL.
  San Tomas, EL.
Campo:
  Mountain Empire, JHS.
  Campo, EL.
Canby; Arlington, EL.
Cantua; Cantua, EL.
Capistrano Beach; Palisades, EL.
Carlotta; Cuddeback, EL.
Carmichael; Carmichael, EL.
Carpinteria; Aliso, EL.
Caruthers:
  Alvina, EL.
  Caruthers, HS.
Casmalia; Casmalia, EL.
Castro Valley; Strowbridge, JHS.
Castroville:
  Castroville, EL.
  Elkhorn, EL.
  Joseph Gambetta, EL.
Cathedral City; Cathedral City, EL.
Cathey's Valley; Cathey's Valley, EL.
Cazadero; Fort Ross, EL.
Cayucos; Cayucos, EL.
Cedarville:
  Surprise Valley, EL.
  Surprise Valley, HS.
Central Valley:
  Central Valley, JHS.
  Deer Creek, EL.
  Central Valley, HS.
Ceres:
  Caswell, EL.
  Don Pedro, EL.
Cerritos; Cabrillo Lane, EL.
Challenge; Yuba Feather, EL.
Chico:
  Chapman, EL.
  Chico, JHS.
  Chico, HS.
  Citrus Avenue, EL.
  Hooker Oak, EL.
  Oakdale, EL.
  Parkview, EL.
  Rosedale, EL.
China Lake:
  Desert Park, EL.
  Groves, EL.
Chino:
  El Rancho, EL.
  Gird Primary, EL.
Chowchilla:
  Alview, EL.
  Dairyland, EL.
  Chowchilla, HS.
Chualar; Chualar, EL.
Chula Vista:
  Fred H. Rohr, EL.
  Harborside, EL.
  J. Calvin Lauderbach, EL.
  John J. Montgomery, EL.
  Precious Blood, EL.
Cimmarron Station; Twenty-fourth Street, EL.
Citrus Heights; Mariposa Avenue, EL.
City of Industry; Torch, JHS.
Claremont:
  Oakmont, EL.
  Sycamore, EL.
  Vista del, Valle EL.
Clearlake Highlands; Burns Valley, EL.
Clearlake Oaks; East Lake, EL.
Clovis:
  Sierra Vista, EL.
  Weldon, EL.
  Clovis, HS.
Coachella:
  Dateland, EL.
  Valley View, EL.
  Coachella Valley, HS.
Coalinga:
  Coalinga, JHS.
  Coalinga, HS.
Coarsegold; Coarsegold, EL.
Colfax; Colfax, EL.
Colton:
  Alice Birney, EL.
  Grant, EL.
  Lincoln, EL.
  Woodrow Wilson, EL.
  Washington, EL.
Columbia; Columbia, EL.
Colusa:
  Colusa, EL.
  Colusa, JHS.
Comptche; Comptche, EL.
Compton:
  Anderson, EL.
  Bunche, JHS.
  Kennedy, EL.
  Centennial, HS.
  Martin Luther King, EL.
  Compton, HS.
  Willowbrook, JHS.
  McKinley, EL.
  Pioneer, EL.
Cool; Northside, EL.
Corcoran:
  Bret Harte, EL.
  Corcoran, HS.
  Fremont, EL.
  John Muir, EL.
  Mark Twain, EL.
Corning:
  Corning, EL.
  Olive View, EL.
  Corning, HS.
Coronado:
  Glorietta, EL.
  Silver Strand, EL.
Costa Mesa:
  Pomona, EL.
  Whittier, EL.
Courtland; Bates, EL.
Covelo:
  Round Valley, EL.
  Round Valley, HS.
Covina; Manzanita, EL.
Cressey; Cressey, EL.
Crockett; John Swett, HS.
Cucamonga:
  Central, EL.
  Cucamonga, EL.
  Los Amigos, JHS.
Cudahy:
  Elizabeth Street, EL.
  Park Avenue, EL.
Culver City:
  Betsy Ross, EL.
  Culver, EL.
  La Ballona, EL.
  Washington, EL.
  Braddock Drive, EL.
Cupertino:
  D. J. Sedgwick, EL.
  Doyle, EL.
  Garden Gate, EL.
  Monta Vista, EL.
Cutler; Cutler, EL.
Cypress; Oxford, JHS.
Daly City:
  Our Lady of Perpetual Help, EL.
  Woodrow Wilson, EL.
Danville:
  Charlotte Wood, JHS.
  John Baldwin, EL.
  San Ramon, HS.
Delano:
  Albany Park, EL.
  Fremont, EL.
  Valle Vista, EL.
  Delano, HS.
  St. Mary's, EL.
Delhi:
  El Capitan, EL.
  Schendel, EL.
Del Rey; Del Rey, EL.
Denair:
  Denair, EL.
  Gratton, EL.
Dinuba:
  Grand View, EL.
  Jefferson, EL.
  Lincoln, EL.
  Washington, EL.
  Wilson, EL.
  Dinuba, HS.
Dobbins; Dobbins, EL.
Downey:
  Alameda, EL.
  Central, HS.
  Imperial, EL.
Duarte:
  Andreas Duarte, EL.
  Maxwell, EL.
Ducor; Ducor, EL.
Dunlap; Dunlap, EL.
Dunnigan; Dunnigan, EL.
Earlimart:
  Earlimart, EL.
  Earlimart, JHS.
  Allenworth, EL.
East Palo Alto; Ravenswood, HS.
East Nicolaus; Marcum-Illinois, EL.
El Cajon:
  Bostonia, EL.
  John Ballantyne, EL.
El Centro:
  McKinley, EL.
  Washington, EL.
  Wilson JHS.
El Dorado; Charles F. Brown, EL.
Elk; Greenwood, EL.
El Monte:
  El Monte, HS.
  Baker, EL.
  E. J. Shirpser, EL.
  Le Gore, EL.
  Portrero, EL.
  Cogswell, EL.
  Miramonte, EL.
  Mountain View, EL.
El Nido; El Nido.
Elsinore:
  Elsinore, EL.
  Machado, EL.
  Elsinore, HS.
Elverta; Elverta, EL.
Empire; Empire, EL.
Encinitas:
  Central, EL.
  Ocean Knoll, EL.
  Pacific View, EL.
Escalon:
  Burwood, EL.
  Dent, EL.
  Van Allen, EL.

Escondido:
Central, EL.
Escondido, HS.
Esparto:
Esparto, EL.
Esparto, HS.
Etiwanta:
Etiwanta, EL.
Summit, EL.
Etna; Etna, EL.
Eureka:
Ridgewood, EL.
Alice Birney, EL.
Franklin, EL.
Jefferson, EL.
Lincoln, EL.
Catherine L. Zane, JHS.
Eureka Continuation, HS.
Eureka, HS.
George C. Jacobs, JHS.
Sacred Heart, EL.
St. Bernard's, EL, JHS, HS.
Exeter:
Lincoln, EL.
Wilson, EL.
Wilson, JHS.
Exeter, HS.
Fairfax:
Fairfax Central, EL.
Fairfax Deer Park, EL.
Fairfax Manor, EL.
Fairfax White Hill, EL.
Fairfield:
Armijo, HS.
Mark G. Woods, EL.
Waterman, EL.
Farmersville:
George L. Snowden, EL.
J. E. Hester, EL.
Feather Falls; Feather Falls, EL.
Fetters Hot Springs; Flowery, EL.
Fillmore; Sespe, EL.
Firebaugh:
Las Deltas, EL.
Arthur E. Mills, EL.
Parkside, EL.
Riverview, JHS.
Five Points; Westside, EL.
Flournoy; Flournoy, EL.
Folsom:
Blanche Sprentz, EL.
Theodore Judah, EL.
Fontana:
Juniper, EL.
Jurupa Hills, EL.
Live Oak, EL.
North Tamarind, EL.
Oleander, EL.
Poplar, EL.
Randall-Pepper, EL.
Redwood, EL.
West Randall, EL.
Forestville:
Forestville, EL.
El Molino, HS.
Forks of Salmon; Forks, EL.
Fort Bragg:
Dana Gray, EL.
Fort Bragg, JHS.
Redwood, EL.
Fort Ord; Seaside, HS.
Fortuna:
Fortuna, EL.
South Fortuna, EL.
Rohner, EL.
Toddy Thomas, EL.
Fowler; Marshall, EL.
Fremont:
E. M. Grimmer, EL.
J. Haley Durham, EL.
Vallejo Mill, EL.
French Camp; French Camp, EL.
French Gulch; French Gulch-Whiskeytown, EL.
Fresno:
Madison, EL.
Sunset, El.
El Capitan, JHS.
McKinley, EL.
Roosevelt, EL.
Monroe, EL.
Addams, EL.
Addams, JHS.
Aynesworth, EL.
Calwa, EL.
Carver, EL.
Columbia, EL.
Edison, HS.
Emerson, EL.
Figarden, EL.
Franklin, EL.
Irwin, JHS.
Jefferson, EL.
Kirk, EL.
Lane, EL.
Lincoln, EL.
Lowell, EL.
Roosevelt, HS.
Rowell, EL.
Sequoia, JHS.
Tellman, EL.
Webster, EL.
Winchell, EL.
Lone Star, EL.
Orange Center, EL.
Pacific Union, EL.
Teague, EL.
Washington Colony, EL.
Central, HS.
Houghton-Kearney, EL.
Herndon, EL.
Fresno Colony, EL.
Ivy, EL.
Western, EL.
Malaga, EL.
Washington, HS.
West Park, EL.
American, EL.
Biola-Pershing, EL.
St. Alphonsus, EL.
Friant; Friant, EL.
Fullerton:
Maple Avenue, EL.
La Vista Continuation, HS.
Galt; Galt, HS.
Gardena:
Gardena, HS.
Peary, JHS.
Garden Grove:
Alamitos, JHS.
Bryant, EL.
Earl Warren, EL.
Ocia A. Peters, JHS.
Wakeham, EL.
LeRoy L. Doig, JHS.
Gaviota; Vista Del Mar, EL.
Gazelle; Gazelle, EL.
Georgetown; Georgetown Divide, EL.
Geyserville:
Geyserville, EL.
Geyserville, HS.
Gilroy:
Brownell, JHS.
Eliot, EL.
Gilroy, HS.
Glen View, EL.
Mt. Madonna, HS.
Rucker, EL.
San Ysidro, EL.
St. Mary's, EL.
Glendale:
Cerritos, EL.
Columbus, EL.
Edison, EL.
Mann, EL.
Marshall, EL.
Muir, EL.
Roosevelt, JHS.
Glendora:
Gordon, EL.
Roosevelt, EL.
Stanton, EL.
Williams, EL.
Glenn; Bayliss, EL.
Goleta:
Goleta, EL.
Isla Vista, EL.
Gompers; Gompers, JHS.
Gonzales:
Gonzales, EL.
Gonzales, HS.
Goshen; Goshen, EL.
Greenville; Greenville Community, EL.
Gridley:
Gridley, HS.
McKinley, EL.
Sycamore, EL.
Wilson, EL.
Groveland; Tenaya, EL.
Grover City:
Grover City, EL.
Grover Heights, EL.
Guadalupe:
Guadalupe, EL.
Main Street, EL.
Guasti; Guasti, EL.
Hamilton City:
Hamilton, EL.
Hamilton, HS.
Hanford:
Hanford, HS.
Delta View, EL.
Lincoln, EL.
Roosevelt, EL.
Pioneer, EL.
Kit Carson, EL.
Kings River-Hardwick, EL.
Gardenside, EL.
Lakeside, EL.
Harbor City:
Narbone, HS.
Normont, EL.
Hawaiian Gardens:
Bloomfield, EL.
M. T. Killingsworth, JHS.
Hawthorne:
Hawthorne, JHS.
Yukon, JHS.
Zela Davis, EL.
Hayfork; Hayfork Valley, EL.
Hayward:
All Saints Parochial, EL.
Saint Clements Parochial, EL.
Bowman, EL.
Bret Harte, JHS.
Burbank, EL.
Cherryland, EL.
Fairview, EL.
Harder, EL.
Kimball, EL.
Longwood, EL.
Peixoto, EL.
Sequoia, EL.
Shepherd, EL.
Winton, JHS.
Sunset, EL.
Healdsburg:
Alexander Valley, EL.
Fitch Mountain, EL.
Healdsburg, EL.
Healdsburg, HS.
Healdsburg, JHS.
West Side, EL.
Heber; Heber, EL.
Helm; Helm, EL.
Hemet:
Hemet, EL.
Hemet, HS.
Hemet, JHS.
Hermosa Beach:
Prospect Heights, EL.
South, EL.
Our Lady of Guadalupe, EL.
Hesperia; Hesperia, JHS.
Hickman; Hickman, EL.
Hilmar:
Elim, EL.
Hilmar, JHS.
Hilt; Hilt, EL.
Hollister:
Fremont, EL.
R. O. Hardin, EL.
Sunnyslope, EL.
Southside, EL.
Hollywood; Selma Avenue, EL.
Holt; Rindge, EL.
Hoopa:
Pecwan, EL.
Hoopa, HS.
Hoopa Valley, EL.
Hoopa, HS.
Hornbrook; Hornbrook, EL.

Hornitos; Hornitos, EL.
Horse Creek; Klamath River, EL.
Hughson:
Hughson, EL.
Hughson, HS.
Huntington Beach; Oak View, EL.
Huntington Park:
Charles W. Nimitz, JHS.
Gage, JHS.
Middleton Street, EL.
Miles Avenue, EL.
Huron; Huron, EL.
Hydesville; Hydesville, EL.
Imperial; Ben Hulse, EL.
Imperial Beach; Mar Vista, HS.
Independence:
Owens Valley, EL.
Owens Valley, HS.
Indio:
Dwight Eisenhower, EL.
Herbert Hoover, EL.
Indio, HS.
Martin Van Buren, EL.
Theodore Roosevelt, EL.
Inglewood:
Center Park, EL.
Centinela, EL.
Inglewood, HS.
Kelso, EL.
Monroe, JHS.
Woodworth, EL.
Irvindale; Merwin, EL.
Isleton; Isleton, EL.
Jackson; Jackson, EL.
Jacumba; Jacumba, EL.
Jamestown:
Chinese Camp, EL.
Jamestown, EL.
Johnsondale; Johnsondale, EL.
Julian:
Julian, EL.
Julian, HS.
Kelseyville; Kelseyville, EL.
Kerman:
Kerman, HS.
Kerman-Floyd EL.
Kerman-Floyd, JHS.
Kerman-Floyd, Primary.
Kettleman; Kettleman City, EL.
Keyes; Keyes, EL.
King City:
San Lorenzo, EL.
Santa Lucia, EL.
Kingsburg:
Kings River, EL.
Lincoln, EL.
Washington, EL.
Kingsburg, HS.
Knightsen; Knightsen, EL.
Laguna Beach; El Morro, EL.
La Habra:
Las Lomas, EL.
Tierra Rica, EL.
Walnut Street, EL.
Lake Isabella; Woodrow W. Wallace, EL.
Lakeport:
Lakeport Main Street, EL.
Lakeport Terrace, EL.
Clear Lake, HS.
Lakeside; Lindo Park, EL.
La Mesa; La Mesa, EL.
Lamont; Lamont, EL.
Lancaster; Antelope Valley, HS.
La Puente:
Don Julian, EL.
Ethel D. Keenan, EL.
Hudson, EL.
Northam, EL.
Villacorta, EL.
Yorbita, EL.
La Puente, HS.
Nogales, HS.
Valley, HS.
Lathrop; Lathrop, EL.
Laton:
Laton, EL.
Laton, HS.
La Verne; Grace Miller, EL.
Lawndale:
Betsy Ross, EL.
Jane Addams, EL.
Jonas Salk, EL.
Kit Carson, EL.
Lucille J. Smith, EL.
William Green, EL.
Will Rogers, JHS.
William Anderson, EL.
Le Grand; Le Grand, EL.
Lemon Grove:
Golden Avenue, EL.
Lemon Grove, JHS.
Vista La Mesa, EL.
Sequoia, EL.
Lemoore:
Central, EL.
Island, EL.
Jefferson, EL.
Lincoln, EL.
Meadow Lane, EL.
Washington, EL.
Lemoore, HS.
Likely; South Fork, EL.
Lincoln:
Glen Edwards, EL.
Mary Beermann, EL.
Lindsay:
Jefferson, EL.
Lindsay, JHS.
Washington, EL.
Litchfield; Shaffer, EL.
Littlerock:
Almondale, EL.
Alpine, EL.
Antelope, EL.
Live Oak:
Encinal, EL.
Live Oak, EL.
Live Oak, HS.
Luther, EL.
Livermore; Fifth Street EL.
Lodi:
Garfield EL.
Lincoln EL.
Lodi HS.
Senior EL.
Woodbridge EL.
Loleta; Loleta EL.
Lomita:
Eshelman Avenue EL.
Fleming JHS.
Lone Pine:
Lo-Inyo EL.
Lone Pine HS.
Long Beach:
Barton EL.
Burnett EL.
College Intermediate EL.
(Orange Avenue EL.)
Edison EL.
Franklin JHS.
Lindburgh JHS.
Lincoln EL.
Polytechnic HS.
Roosevelt EL.
Signal Hill EL.
Washington JHS.
Whittier EL.
Los Alamos; Los Alamos EL.
Los Angeles:
Adams JHS.
Alain LeRoy Locke HS.
Albion Street EL.
Aldama EL.
Alexandria Avenue EL.
Allesandro EL.
Alta Loma EL.
Angeles Mesa EL.
Ann Street EL.
Aragon Avenue EL.
Arlington Heights EL.
Ascot Avenue EL.
Atwater Avenue EL.
Audubon JHS.
Avalon Gardens EL.
Beethoven Street EL.
Belmont HS.
Belvedere EL.
Belvedere JHS.
Berendo JHS.
Betsy Ross HS.
Breed Street, EL.
Bridge Street, EL.
Brockton Avenue, EL.
Brooklyn Avenue, EL.
Buchanan Street, EL.
Budlong Avenue, EL.
Burbank, JHS.
Burnside Avenue, EL.
Bushnell Way, EL.
Carver, EL.
Carver, JHS.
Castelar Street, EL.
Cienega, EL.
City Terrace, EL.
Clay, JHS.
Clifford Street, EL.
Compton Avenue, EL.
Cortez Street, EL.
Crenshaw, HS.
Dacotah Street, EL.
Dayton Heights, EL.
Dorris Place, EL.
Dorsey, HS.
Drew, JHS.
Eastman Avenue, EL.
Edison, JHS.
El Sereno, EL.
Elysian Heights, EL.
Emerson, JHS.
Euclid Avenue, EL.
Evergreen Avenue, EL.
Farmdale, EL.
Fifty-ninth Street, EL.
Fifty-second Street, EL.
Figueroa Street, EL.
First Street, EL.
Fletcher Drive, EL.
Florence Avenue, EL.
Ford Boulevard, EL.
Forty-ninth Street, EL.
Forty-second Street, EL.
Forshay, JHS.
Fourth Street, EL.
Franklin, HS.
Fremont, HS.
Garden Gate, HS.
Garfield, HS.
Garvanza, EL.
Gates Street, EL.
Glassell Park, EL.
Glen Alta, EL.
Glenfeliz Boulevard, EL.
Gumpers, JHS.
Graham, EL.
Grant, EL.
Grape Street, EL.
Gravois Avenue, EL.
Griffin Avenue, EL.
Griffith, JHS.
Hammel Street, EL.
Harrison Street, EL.
Harte, JHS.
Hillside, EL.
Hobart Boulevard, EL.
Hollenbeck, JHS.
Holmes Avenue, EL.
Hooper Avenue, EL.
Hoover Street, EL.
Huntington Drive, EL.
Humphreys Avenue, EL.
Hyde Park Boulevard, EL.
Irving, JHS.
Jackson, HS.
Jefferson, HS.
Jordan, HS.
King, JHS.
Lincoln, EL.
La Salle Avenue, EL.
Latona Avenue, EL.
Laurel, EL.
Le Conte, JHS.
Lillian Street, EL.
Lincoln, HS.
Lockwood Avenue, EL.
Logan Street, EL.
Lorena Street, EL.
Loreto Street, EL.
Los Angeles, HS.

Mark Twain, EL.
Magnolia Avenue, EL.
Main Street, EL.
Malabar Street, EL.
Manchester Avenue, EL.
Mann, JHS.
Manual Arts, HS.
Marianna Avenue, EL.
Marina Del Rey, JHS.
Mark Twain, JHS.
Markham, JHS.
Marshall, HS.
Marvin Avenue, EL.
Mayberry Street, EL.
Menlo Avenue, EL.
Micheltorena Street, EL.
Miramonte, EL.
Monte Vista Street, EL.
Mount Vernon, JHS.
Mt. Washington, EL.
Muir, JHS.
Multnomah Street, EL.
Murchison Street, EL.
Nevin Avenue, EL.
Nightingale, JHS.
Ninety-fifth Street, EL.
Ninety-ninth Street, EL.
Ninety-second Street, EL.
Ninety-seventh Street, EL.
Ninety-sixth Street, EL.
Ninety-third Street, EL.
Normandie Avenue, EL.
Norra Sterry, EL.
Norwood Street, EL.
One Hundred Eighteenth St., EL.
One Hundred Eleventh St., EL.
One Hundred Ninth Street, EL.
One Hundred Second St., EL.
One Hundred Seventh St., EL.
One Hundred Sixteenth St., EL.
One Hundred Twelfth St., EL.
One Hundred Twenty-second St., EL.
Parmelee Avenue, EL.
Pasteur, JHS.
Ramona, EL.
Ramona, HS.
Raymond Avenue, EL.
Riggin Avenue, EL.
Riis, HS.
Ritter, EL.
Robert Hill Lane, EL.
Roosevelt, HS.
Rosemont Avenue, EL.
Rowan Avenue, EL.
Russell, EL.
San Pedro Street, EL.
Santa Barbara Avenue, EL.
Santa Monica Boulevard, EL.
Second Street, EL.
Seventy-fifth Street, EL.
Seventh-ninth Street, EL.
Sheridan Street, EL.
Sierra Park, EL.
Sierra Vista, EL.
Sixth Avenue, EL.
Sixty-eighth Street, EL.
Sixty-first Street, EL.
Sixty-sixth Street, EL.
Solano Avenue, EL.
Soto Street, EL.
South Park, EL.
Stevenson, JHS.
Tenth Street, EL.
Thirty-second Street, EL.
Thirty-sixth Street, EL.
Trinity Street, EL.
Twentieth Street, EL.
Twenty-eighth Street, EL.
Union Avenue, EL.
Utah Street, EL.
Venice, HS.
Vermont Avenue, EL.
Vine Street, EL.
Virgil, JHS.
Wadsworth Avenue, EL.
Washington, HS.
Weigand Avenue, EL.
West Vernon Avenue, EL.
Western Avenue, EL.
Wilson, HS.
Winter Gardens, EL.

Los Gatos:
Lexington, EL.
Louise Van Meter, EL.
Los Molinos; Los Molinos, EL.
Lucerne Valley; Lucerne Valley, EL.
Lynwood:
Lincoln, El.
Lindbergh, EL.
Will Rogers, EL.
Madera:
Dixieland Berenda, EL.
Eastin-Arcola Webster, EL.
George Washington, EL.
Howard, EL.
James Madison, EL.
James Monroe, EL.
John Adams, EL.
La Vina, EL.
Madera, HS.
Millview, EL.
Ripperdan, EL.
Sierra Vista, EL.
Thomas Jefferson, JHS.
Manteca:
Yosemite, EL.
New Haven-Calla, EL.
Nile Garden, EL.
Sequoia, EL.
Marina; Marina del Mar, EL.
Mariposa:
Mariposa, EL.
Woodland, EL.
Markleeville:
Clay, EL.
Diamond Valley, EL.
Lincoln, EL.
Martinez:
John Muir, EL.
Las Juntas, EL.
Martinez, EL.
Morello, EL.
Mountain View, EL.
Vine Hill, EL.
Marysville:
Mary Covillaud, EL.
Cedar Lane, EL.
Mayfield; Loma Vista Avenue, EL.
McFarland:
Browning Road, EL.
Kern Avenue, EL.
McKinleyville:
Dow's Prairie, EL.
McKinleyville, EL.
Morris, EL.
Mecca; Mecca, EL.
Mendota:
McCabe, EL.
McCabe, JHS.
Washington, EL.
Mendocino:
Mendocino, EL.
Mendocino, HS.
Menlo Park:
O'Connor, EL.
Belle Haven, EL.
Merced:
Franklin, EL.
Galen Clark, EL.
Margaret Sheehy, EL.
Tenaya, EL.
McSwain, EL.
Livingston, HS.
Merced, HS.
Yosemite, HS.
Plainsburg, EL.
Middletown:
Middletown, HS.
Minnie Cannon, EL.
Millville; Millville, EL.
Mill Valley:
Tamalpais, HS.
Homestead, EL.
Tamalpais Valley, EL.
Milpitas:
Joseph Weller, EL.
Robert W. Randall, EL.
Mira Loma; Troth Street, EL.
Miranda:
Miranda, JHS.
Piercy, EL.
South Fork, HS.
Whitethorn, EL.

Modesto:
Bret Harte, EL.
Franklin, EL.
Mark Twain, JHS.
Marshall, EL.
Orville Wright, EL.
Robertson Road, EL.
Shackelford, EL.
Tuolumne, EL.
Washington, EL.
Modesto, HS.
Westport, EL.
Shiloh EL.
Josephine Chrysler, EL.
Mojave; Mojave, EL.
Monrovia:
Clifton, EL.
Huntington, EL.
Montague; Montague, EL.
Monterey; Junipero Memorial, HS.
Monterey Park:
Hillcrest, EL.
Monterey Vista, EL.
Ynez, EL.
Moorpark:
Flory, EL.
Poindexter, EL.
Moorpark Memorial, HS.
Morgan Hill:
Encinal, EL.
Nordstrom, EL.
Morongo Valley; Morongo Valley, EL.
Morro Bay:
Morro, EL.
Morro Bay, HS.
Del Mar, EL.
Mountain View:
Adlai Stevenson, EL.
Powell, EL.
San Ramon, EL.
Whisman, EL.
Mariano Castro, EL.
Mountain View, HS.
Murrietta; Murrietta, EL.
Napa:
Carneros, EL.
Dee T. Davis, EL.
Lincoln, EL.
McPherson, EL.
Phillips, EL.
Ridgeview, JHS.
Salvador, EL.
Shearer, EL.
West Park, EL.
Westwood, EL.
National City:
Central, EL.
El Toyon, EL.
Highland, EL.
Kimball, EL.
Granger, JHS.
National City, JHS.
Needles:
D Street, EL.
Grace Henderson, EL.
Vista Colorado, EL.
Nestor; Southwest, JHS.
Nevada City:
Nevada City, EL.
Seven Hills, JHS.
Newark:
F. A. Muller, EL.
M. D. Silva, JHS.
New Pine Creek, Oregon; State Line, EL.
Nipomo:
Nipomo, EL.
William Dana, JHS.
North Hollywood:
Lankershim, EL.
Reed, JHS.
Norwalk:
Excelsior, HS.
Grayland Avenue, EL.
John H. Glenn, HS.
Norwalk-La Mirada Opportunity, HS.
Ralph Nottingham, EL.
Ramona, EL.
Oakdale:
Cloverland, EL.
Fair Oaks, EL.
Oakdale, HS.

Oakland:
Clawson, EL.
Cole, EL.
Durant, EL.
Havenscourt, JHS.
Highland, EL.
Hoover, JHS.
Lafayette, EL.
Lazear, EL.
Lockwood, EL.
Lowell, JHS.
McClymonds, HS.
Prescott, EL.
Ralph J. Bunche, EL.
Willow Manor, EL.
Woodland, EL.
Oakley:
Gehringer, EL.
Oakley, EL.
Oak Run; Oak Run, EL.
Occidental; Harmony, EL.
Oceano; Oceano, EL.
Oceanside; Laurel, EL.
Oildale:
Standard, EL.
Standard, JHS.
Ojai:
Meiners Oaks, EL.
Ojai, EL.
Olancha; Olancha, EL.
Olivehurst:
Ella, EL.
Olivehurst, EL.
Ontario:
Bon View, EL.
Central, EL.
De Anza, JHS.
Euclid, EL.
Lincoln, EL.
Mariposa, EL.
Mission, EL.
Sultana, EL.
Orange:
Esplanade, EL.
Jordan, EL.
Killefer, EL.
Orange Cove:
Citrus, EL.
L. W. McCord, EL.
Sheridan, EL.
Orangevale:
Orangevale, EL.
Louis Pasteur, JHS.
Orcutt; May Grisham, EL.
Orick; Orick, EL.
Orland:
C. K. Price, JHS.
Fairview, EL.
Mill Street, EL.
Plaza, EL.
Orlean; Orleans, EL.
Orosi:
El Monte, EL.
Orosi, HS.
Palm, EL.
Oroville:
Concow, EL.
Nelson Avenue, EL.
Honcut, EL.
Poplar Avenue, EL.
Sierra Avenue, EL.
Las Plumas, HS.
Oroville, HS.
Bird Street, EL.
Burbank, EL.
Central, EL.
Ophir, EL.
Stanford Avenue, EL.
Helen M. Wilcox, EL.
Palermo, EL.
Oxnard:
Ocean View, EL.
Tierra Vista, EL.
Channel Islands, HS.
Oxnard, HS.
Our Lady of Guadalupe, EL.
El Rio, EL.
Pacifica:
Sharp Park, EL.
Westview, EL.
Pacific Grove; Robert H. Down, EL.

Pacoima:
Filmore Street, EL.
Haddon Avenue, EL.
Maclay, JHS.
Pacoima, EL.
Pacoima, JHS.
Telfair Avenue, EL.
Palmdale:
Palmdale, HS.
Roy R. Maryott, EL.
Yucca, EL.
Palm Springs:
Katherine Finchy, EL.
Raymond Cree, JHS.
Vista del Monte, EL.
Palo Alto:
Brentwood, EL.
Garden Oaks, JHS.
Green Oaks, JHS.
Kavanaugh, EL.
Ravenwood, EL.
Addison, EL.
Ventura, EL.
Paradise; Paradise, EL.
Paramount; Lincoln, EL.
Parlier:
Parlier, HS.
Tuolumne, EL.
Central, EL.
Mendocino, EL.
Pasadena:
Cleveland, EL.
Garfield, EL.
Lincoln, EL.
Madison, EL.
Muir, HS.
Washington, EL.
Washington, JHS.
Paso Robles:
Paso Robles, HS.
Georgia Brown, EL.
Marie Bauer, EL.
Patterson:
Las Palmas, EL.
Northmead, EL.
Pauma Valley; Pauma, EL.
Penryn; Penryn, EL.
Perris:
Good Hope, EL.
Perris, EL.
Perris, HS.
Perris Valley, JHS.
Mead Valley Team, EL.
Val Verde, EL.
Petaluma:
Two Rock, EL.
Wilson, El.
Laguna, El.
Pico Rivera:
North Ranchito, EL.
Pio Pico, EL.
Montebello Gardens, EL.
Pinecrest; Pinecrest, EL.
Pinedale; Nelson, EL.
Pismo Beach; Frances Judkins, JHS.
Pittsburg:
Central, JHS.
Ambrose, EL.
Bel Air, EL.
Pacifica, HS.
Riverview, JHS.
Shore Acres, EL.
El Pueblo, EL.
Marina, EL.
Village, EL.
Saint Peter Martyr, EL.
Pixley; Pixley, EL.
Placerville:
Gold Trail, EL.
Herbert C. Green, EL.
Edwin Markham, EL.
Louisiana Schnell, EL.
Sierra, EL.
Platina; Wildwood, EL.
Point Arena; Point Arena, HS.
Point Reyes Station:
Inverness, EL.
West Marin, EL.
Pollock Pines:
Pinewood, EL.
Pollock Pines, EL.

Pomona:
Arroyo, EL.
Hamilton, EL.
Lexington, EL.
Madison, EL.
North San Antonio, EL.
Washington, EL.
Pond; Pond, EL.
Porterville:
Pleasant View, EL.
Alta Vista, EL.
Bartlett, JHS.
John J. Doyle, EL.
Olive Street, EL.
Pioneer, JHS.
Vandalia, EL.
Burton, EL.
Citrus South Tule, EL.
Woodville, EL.
Porterville, HS.
Monache, HS.
Port Hueneme; Hueneme, EL.
Princeton; Princeton, EL.
Project City; Project City, EL.
Quincy:
Pioneer, EL.
Quincy, EL.
Railroad Flat; Railroad Flat, EL.
Raisin; Raisin City, EL.
Red Crest; Holmes, EL.
Redding:
Columbia, EL.
Buckeye, EL.
Grant, EL.
Magnolia, EL.
Nova, HS.
Pioneer Continuation, HS.
Redlands:
Lincoln, EL.
Lugonia, EL.
Redondo Beach; Birney, EL.
Redway; Redway, EL.
Redwood City:
Fair Oaks, EL.
Hoover, EL.
Monroe, EL.
Washington, EL.
Sequoia, HS.
Redwood Valley; Redwood Valley, EL.
Reedley:
Alta-Smith Mountain, EL.
Jefferson, EL.
Navelencia-Great Western, EL.
Reedley, HS.
Rialto:
Kelly, EL.
Watts, EL.
Richgrove; Richgrove, EL.
Richmond:
Saint Paul Catholic, EL.
Coronado, EL.
Cortez, EL.
Dover, EL.
Gompers, HS.
Lincoln, EL.
Nystrom, EL.
Peres, EL.
Pullman, EL.
Roosevelt, JHS.
Verde, EL.
Rio Dell:
Rio Dell Primary.
Rio Dell, EL.
Rio Linda:
Rio Linda, JHS.
Rio Linda, HS.
Dry Creek, EL.
Orchard, EL.
Rio Linda, EL.
Vineland, EL.
Westside, EL.
Ripley; Ripley, EL.
Riverbank:
California Avenue, EL.
Cardozo, EL.
Riverbank, HS.
Riverdale:
Riverdale, Primary.
Riverdale, EL.
Riverdale, HS.

Riverside:
Arizona, JHS.
Arlanza, EL.
Continuation, HS.
La Granada, EL.
Myra Linn, EL.
Norte Vista, HS.
Terrace, EL.
Wells, JHS.
Ina Arbuckle, EL.
Jurupa, JHS.
Mission, JHS.
Rubidoux, HS.
Edgemont, EL.
West Riverside, EL.
Adams, EL.
Bryant, EL.
Central, JHS.
Emerson, EL.
Fremont, EL.
Grant, EL.
Harrison, EL.
Hawthorne, EL.
Jackson, EL.
Jefferson, EL.
John W. North, HS.
Liberty, EL.
Longfellow, EL.
Madison, EL.
Magnolia, EL.
Monroe, EL.
Mountain View, EL.
Pachappa, EL.
Palm, EL.
University Heights, JHS.
Victoria, EL.
Washington, EL.
Rocklin; Rocklin, EL.
Rodeo:
Garretson Heights, EL.
Hillcrest, EL.
Rohnert Park; Waldo Rohnert, EL.
Rosamond; Rosamond, EL.
Rosemead:
Dan T. Williams, EL.
Dewey Avenue, EL.
Eldridge Rice, EL.
Fern, EL.
Frances E. Willard, EL.
Ralph Waldo Emerson, EL.
Margaret Duff, EL.
Richard Garvey, EL.
Roseville:
Kaseberg, EL.
Vernon Street, EL.
Woodbridge, EL.
Eureka, EL.
St. Rose, EL.
Roseville, HS.
Round Mountain; Cedar Creek, EL.
Sacramento:
Del Paso, JHS.
Grant, HS.
Las Palmas, JHS.
Norte Del Rio, HS.
Rio Tierra, JHS.
Anna Kirchgater, EL.
Florin, EL.
Del Paso Heights, EL.
Fairbanks, EL.
Garden Valley, EL.
Morey Avenue, EL.
North Avenue, EL.
American Legion, HS.
Bret Harte, EL.
Camellia, EL.
Donner, EL.
Earl Warren, EL.
Elder Creek, EL.
Ethel Phillips, EL.
Hiram W. Johnson, HS.
Jedediah Smith, EL.
Lincoln, EL.
Maple, EL.
Oak Ridge, EL.
Peter Lassen, JHS.
Sacramento, HS.
Washington, EL.
Will C. Wood, JHS.
Woodbine, EL.
Bishop Manogue, HS.
Holy Angels, EL.
St. Peter's, EL.
Salida; Salida, EL.
Salinas:
Alisal, EL.
Bardin, EL.
Boronda, EL.
Lincoln, EL.
Roosevelt, EL.
Sherwood, EL.
Prunedale, EL.
Fremont, EL.
Sanborn, EL.
Alisal, HS.
El Sausal, JHS.
San Bernardino:
Alessandro, EL.
Burbank, EL.
California, EL.
Franklin, JHS.
Fremont, JHS.
Harding, EL.
Lyman, EL.
Monterey, EL.
Mount Vernon, EL.
Ramona, EL.
Richardson, JHS.
Roosevelt, EL.
San Bruno; North Brae, EL.
San Diego:
Baker, EL.
Balboa, EL.
Bandini, EL.
Bell, JHS.
Brooklyn, EL.
Burbank, EL.
Central, EL.
Chollas, EL.
Crockett, EL.
Dewey, EL.
Emerson, EL.
Fremont, EL.
St. Rita's, EL.
Horton, EL.
Kennedy, EL.
Lincoln, HS.
Linda Vista, EL.
Logan, EL.
Lowell, EL.
Mead, EL.
Memorial, JHS.
Midway, HS.
Montgomery, JHS.
Morse, HS.
O'Farrell, JHS.
Perry, EL.
San Diego, HS.
Sherman, EL.
Snyder Continuation, HS.
Stockton, EL.
Washington, EL.
Wright Brothers, HS.
Our Lady of Angels, EL.
Our Lady of Guadalupe, EL.
St. Jude's Academy, EL.
San Dimas; Fred Ekstrand, EL.
San Fernando:
O'Melveny, EL.
San Fernando, EL.
San Fernando, JHS.
San Fernando, HS.
Vaughn Street, EL.
San Francisco:
Andrew Jackson, EL.
Anza, EL.
Balboa, HS.
Bayview, EL.
Benjamin Franklin, JHS.
Bessie Carmichael, EL.
Bret Harte, EL.
Bryant, EL.
Burnett, EL.
Candlestick Cove, EL.
Daniel Webster, EL.
Dudley Stone, EL.
Emerson, EL.
Everett, JHS.
Fairmount, EL.
Farragut, EL.
Galileo, HS.
Golden Gate, EL.
Hancock, EL.
Hawthorne, EL.
Horace Mann, JHS.
Hunters Point 1, EL.
Hunters Point II, EL.
Irving M. Scott, EL.
James Denman, JHS.
James Lick, JHS.
Jedediah Smith, EL.
John McLaren, EL.
John Muir, EL.
John Swett, EL.
Junipero Serra, EL.
Kate Kennedy, EL.
Le Conte, EL.
Lincoln, EL.
Luther Burbank, JHS.
Marshall Annex, EL.
Marshall, EL.
McKinley, EL.
Mission, HS.
Patrick Henry, EL.
Pelton, JHS.
Polytechnic, HS.
Portola, JHS.
Raphael Weill, EL.
Redding, EL.
Roosevelt, JHS.
Samuel Gompers, HS.
Sanchez, EL.
Sheridan, EL.
Sir Francis Drake, EL.
Starr King, EL.
Woodrow Wilson, HS.
St. Teresa, EL.
San Gabriel; John Marshall, EL.
Sanger:
Jefferson, EL.
Lincoln, EL.
Centerville, EL.
Madison, EL.
Sanger, HS.
Washington, JHS.
Wilson, EL.
San Jacinto; San Jacinto, EL.
San Jose:
Berryessa, EL.
Piedmont, JHS.
Toyon, EL.
Farnham, EL.
Steindorf, EL.
Andrew P. Hill, HS.
William C. Overfelt, HS.
Katherine R. Smith, EL.
A. J. Dorsa, EL.
Clyde Arbuckle, EL.
Donald J. Meyer, EL.
Grandin Miller, EL.
Harry Sionaker, EL.
Mayfair, EL.
Mildred Goss, EL.
O. S. Hubbard, EL.
San Antonio, EL.
O. B. Whaley, EL.
Quimby Oak, JHS.
Franklin, EL.
McKinley, EL.
Santee, EL.
Oak Grove, EL.
Luther Burbank, EL.
Elvira Castro, JHS.
Fred Marten, EL.
Anne Darling, EL.
Gardner, EL.
Grant, EL.
Horace Mann, EL.
Longfellow, EL.
P. Burnett, JHS.
San Jose, HS.
Selma Olinder, EL.
T. Roosevelt, JHS.
Washington, EL.
W. Wilson, JHS.

San Juan Capistrano; San Juan, EL.
San Leandro:
Ashland, EL.
Fairmont, EL.
McKinley, EL.
Hillside, EL.
San Lorenzo:
Edendale, JHS.
San Lorenzo, HS.
San Luis Obispo:
Emerson, El.
Hawthorne, EL.
San Luis Obispo, JHS.
San Luis Obispo, HS.
Sunnyside, EL.
San Marcos:
San Marcos, EL.
San Marcos, JHS.
San Martin; San Martin, EL.
San Mateo; Audubon, EL.
San Miguel; Lillian Larsen, EL.
San Pablo:
Bayview, EL.
Lake, EL.
San Pedro:
Bandini Street, EL.
Barton Hill, EL.
Cabrillo Avenue, EL.
Dana, JHS.
Fifteenth Street, EL.
Park Western Place, EL.
San Pedro, HS.
Seventh Street, EL.
San Rafael:
Bahia Vista, EL.
John M. MacPhail, EL.
Laurel Dell, EL.
Short, EL.
San Ysidro:
Beyer, EL.
Sunset, EL.
Willow, EL.
Santa Ana:
Heritage, EL.
Newhope, EL.
R. F. Hazard, EL.
Edison, EL.
Franklin, EL.
Fremont, EL.
Lathrop, JHS.
Lincoln, EL.
Lowell, EL.
McKinley, EL.
Monroe, EL.
Monte Vista, EL.
Roosevelt, EL.
Smedley, JHS.
Spurgeon, EL.
Edward Russell, EL.
Rosita, EL.
Stephen R. Fitz, JHS.
Santa Barbara:
Franklin, EL.
Lincoln, EL.
McKinley, EL.
Wilson, EL.
Our Lady of Guadalupe, EL.
El Camino, EL.
Santa Clara:
Agnew, EL.
Cabrillo, JHS.
Monticello, EL.
Scott Lane, EL.
Washington, EL.
Santa Cruz:
Laurel, EL.
Del Mar, EL.
Green Acres, EL.
Live Oak, EL.
Santa Fe Springs; Rancho Santa Gertrudes, EL.
Santa Margarita; Santa Margarita, EL.
Santa Maria:
Cook Street, EL.
El Camino, EL.
Fairlawn, EL.
Oakley, EL.
Robert Bruce, EL.
Santa Maria, HS.
Santa Monica:
Edison, EL.
Grant, EL.
John Adams, JHS.
John Muir, EL.
McKinley, EL.
Washington, EL.
Will Rogers, EL.
Kennedy Center, EL.
St. Anne's, EL.
Santa Paula:
Barbara Webster, EL.
Grace S. Thille, EL.
Isbell, EL.
McKevett, EL.
Santa Rosa:
Mark West, EL.
San Miguel, EL.
Wright, EL.
Sheppard, EL.
Burbank, EL.
Doyle Park, EL.
Lincoln, EL.
South Park, EL.
Cook, JHS.
Santa Rosa, JHS.
Willowside, EL.
Santee:
Carlton Hills, EL.
Chet F. Harritt, EL.
Prospect Avenue, EL.
Santee, EL.
Grossmont Continuation Adjustment, HS.
Saugus; Mint Canyon, EL.
Sausalito:
Central, EL.
Martin Luther King, EL.
Seaside:
Del Rey Woods, EL.
Fremont, JHS.
Highland, EL.
Juan Cabrillo, EL.
Manzanita, EL.
Seaside, EL.
Martin Luther King, JHS.
Noche Buena, EL.
Ord Terrace, EL.
Sebastopol:
Analy, HS.
Oak Grove, EL.
Brook Haven, EL.
Park Side, EL.
Pine Crest, EL.
Twin Hills, EL.
Selad Valley; Selad, EL.
Selma:
Eric White, EL.
George Washington, EL.
Indianola, EL.
Roosevelt, EL.
Selma, HS.
Thomas Jefferson, EL.
Shafter:
Maple, EL.
Richland Intermediate, EL.
Richland Primary, EL.
Richland, JHS.
Shasta; Shasta, EL.
Sheridan; Sheridan, EL.
Snelling:
Hopeton, EL.
Snelling-Merced Falls, EL.
Soledad:
Main Street, EL.
San Vicente, EL.
Somerset; Pioneer, EL.
Sonoma; Altimira, JHS.
Sonora:
Bellview, EL.
Sonora, EL.
Ward's Ferry, EL.
South Laguna; Aliso, EL.
South San Francisco; Los Cerritos, EL.
Spring Valley:
Bancroft, EL.
La Presa, EL.
Springville; Springville, EL.
Stanton; Savanna, EL.
Stevenson; Merquin, EL.
Stewarts Point; Reservation, EL.
St. Helena:
St. Helena, EL.
Robert Louis Stevenson, EL.
Stockton:
Edison, HS.
Fair Oaks, EL.
Franklin, HS.
Fremont, JHS.
Garfield, EL.
Hamilton, JHS.
Marshall, JHS.
McKinley, EL.
Taylor, EL.
Van Buren, EL.
Holt, EL.
Stratford; Stratford, EL.
Strathmore:
Strathmore, EL.
Strathmore, HS.
Sunnyside, EL.
Suisun:
Crescent, EL.
Crystal, EL
Sultana; Monson-Sultana, EL.
Summit City; Toyon, EL.
Sunnymead:
Allesandro, JHS.
Armada, EL.
Sunnymead, EL.
Midland, EL.
Moreno, EL.
Moreno Valley, HS.
Sunnyvale:
Adair, EL.
Bayside, EL.
Bishop, EL.
Fairwood, EL.
Marian A. Peterson, HS.
Patrick Henry, JHS.
Sutter; Brittan, EL.
Sutter Creek; Plymouth, EL.
Taft:
Conley, EL.
Taft, EL.
Tehama; Tehama, EL.
Temple City; Cloverly, EL.
Templeton:
Templeton, EL.
Templeton, HS.
Terra Bella:
Saucelito, EL.
Terra Bella, EL.
Thermal; John Kelley, EL.
Thornton; New Hope, EL.
Tollhouse; Sierra, HS.
Tomales:
Tomales Bay, EL.
Tomales, HS.
Torrance:
Crenshaw, EL.
Magruder, EL.
Torrance, EL.
Carson, HS.
Van Deene Avenue, EL.
White, JHS.
Tranquillity; Tranquillity, HS.
Traver; Traver, EL.
Trinidad; Trinidad, EL.
Tulare:
Lincoln, EL.
Maple, EL.
Tulare Continuation, HS.
Tulare, HS.
Tulare Western, HS.
Palo Verde, EL.
Tulelake:
Newell, EL.
Tulelake, EL.
Tulelake, HS.
Tuolumne:
Summerville, EL.
Summerville, HS.

Turlock:
Chatom, EL.
Mountain View, EL.
Cunningham, EL.
Osborn, EL.
Wakefield, EL.
Turlock, HS.
Ukiah:
Pomolita, JHS.
Frank Zeek, EL.
River, EL.
South Valley, HS.
Yokayo, EL.
St. Mary's, EL.
Upland:
Upland, EL.
Upland, JHS.
Upper Lake:
Upper Lake, EL.
Upper Lake, HS.
Union City:
Alvarado, EL.
Decoto, EL.
Henry Barnard, JHS.
Manuel White, EL.
Searles, EL.
Vacaville:
Elm, EL.
Ulatis, EL.
Vallejo:
Beverly Hills, EL.
Curry, EL.
Farragut, EL.
Franklin, JHS.
Grant, EL.
Lincoln, EL.
McKinley, EL.
Solano, JHS.
Valley Springs; Valley Springs, EL.
Van Nuys:
Sylvan Park, EL.
Van Nuys, JHS.
Venice:
Nightingale, EL.
Broadway, EL.
Theodore Roosevelt, EL.
Westminster Avenue, EL.
Ventura:
Avenue, EL.
De Anza, JHS.
E. P. Foster, EL.
Lincoln, EL.
Sheridan Way, EL.
Victorville; Eva Dell, EL.
Vina; Vina, EL.
Visalia:
Crowley, EL.
Elbow Creek, EL.
Stone Corral, EL.
Green Achres, JHS.
Houston, EL.
Redwood, HS.
Union, EL.
Webster, EL.
Walnut Grove; Walnut Grove, EL.
Wasco:
Karl P. Clemens, EL.
Palm Avenue, EL.
Thomas Jefferson, EL.
Wasco, HS.
Waterford; Waterford, EL.
Watsonville:
Freedom, EL.
J. W. Linscott, EL.
Mintie White, EL.
Pajaro, EL.
W. R. Radcliff, EL.
Moss Landing, EL.
Waukena; Waukena, EL.
Weed; Weed, EL.
Weitchpec; Weitchpec, EL.
Weldon; South Fork, EL.
Weott; Weott, EL.
West Covina:
Giano, JHS.
Cortez, EL.
Monte Vista, EL.
San Jose, EL.
Westley; Grayson, EL.
Westminster:
L. P. Webber, EL.
Neomia Willmore, EL.
Russell I. Johnson, JHS.
Seventeenth Street, EL.
Willis Warner, JHS.
Blessed Sacrament, EL.
Westmorland; Westmorland, EL.
West Point; West Point, EL.
West Sacramento; Yolo, HS.
Westwood:
Fletcher Walker, EL.
Westwood, HS.
Wheatland; Wheatland, EL.
Whittier:
Evergreen, EL.
Carmela, JHS.
Benjamin Franklin, EL.
Lydia Jackson, EL.
Mill, EL.
Sunnyside, EL.
Whittier, HS.
Wildomar; Wildomar, EL.
Williams; Williams, EL.
Willow Creek; Trinity-Valley, EL.
Willows:
Kanawha, EL.
Murdock, EL.
Wilmington:
Banning, HS.
Fries Avenue, EL.
Gulf Avenue, EL.
Hawaiian Avenue, EL.
Wilmington, JHS.
Wilmington Park, EL.
Winchester; Winchester, EL.
Windsor:
Starr, EL.
Windsor, EL.
Winterhaven:
San Pasqual Valley, EL.
San Pasqual Valley, HS.
Winters:
Waggoner, EL.
Winters, HS.
Winton:
Almond Avenue, EL.
Winton, EL.
Washington, EL.
Woodlake; Woodlake, HS.
Woodland:
Beamer Park, EL.
Gibson, EL.
Yettem; Yettem, EL.
Yolo; Cacheville, EL.
Yountville; Yountville, EL.
Yreka:
Gold Street, EL.
Jackson Street, EL.
Yuba City:
Bridge Street, EL.
Park Avenue, EL.
Yucca Valley; Yucca Valley, HS.

1968–69 Special Schools

Location, and name of school

Auburn; Juvenile Hall School.
Banning; Twin Pines, HS.
Beaumont:
Boys' Town of the Desert, School.
Ettie Lee Home (School) for Delinquent Boys.
Belmont:
Girl's Day Facility, School.
Hillcrest Juvenile Hall School.
Burnt Ranch; Burnt Ranch School.
Camarillo; Ventura School for Girls, K–12.
Chino:
Church of Christ Children's Home (School).
Youth Training School, K–12.
Colton; Ettie Lee Homes (School).
Corona; Good Samaritan Boys' Home (School), K–12.
Corte Madera:
Loma-Alta Juvenile Hall School, K–12.
St. Vincent's School for Boys, K–12.
Elsinore; Lakeside Lodge School, K–12.
Fairfield; Juvenile Hall School, K–12.
Fontana:
Neil Howard Home for Boys (School), K–12.
Bryan Ellsworth School for Boys, K–12.
Gilroy; Odd Fellow-Rebekah Children's Home (School), K–12.
Grass Valley; Mount St. Mary's Orphanage School, K–12.
Hollister:
San Benito County Migrant School, K–12.
San Benito School for Boys, K–12.
Ione; Preston School of Industry, HS.
La Honda:
Glenwood Boys' Ranch, K–12.
Log Cabin, K–12.
Las Colinas; Sierra Vista Girls', HS.
Los Gatos; Ming Quong Home (School), K–12.
Mariposa; Mount Bullion Youth Conservation School, K–12.
Marysville; Yuba County Juvenile Hall School, K–12.
Napa; Juvenile Hall (School), K–12.
Nevada City; Washington Ridge Youth Conservation School, K–12.
Norwalk; Southern Reception Center School, K–12.
Orange:
J. P. Greely School, K–12.
Otto A. Fischer School, K–12.
Paso Robles; Paso Robles School for Boys, K–12.
Pine Grove; Pine Grove Youth Conservation School, K–12.
Rancho Del Campo; Rancho Del Campo High School for Boys.
Redding; Juvenile Hall School, K–12.
Riverside; F. H. Butterfield Juvenile Hall School, K–12.
Sacramento; Northern Reception Center School, K–12.
Salinas:
Juvenile Hall School, K–12.
Natividad Boys' Ranch School, K–12.
San Andreas; Fricot Ranch School for Boys, K–12.
San Bernardino:
Boys Republic School, K–12.
Burton Thrall Juvenile Hall School, K–12.
Hubert S. Bailey Juvenile Hall School, K–12.
San Diego:
San Diego Children's Home School, K–12.
San Diego County Juvenile Hall School, K–12.
San Francisco:
Convent of the Good Shepherd School, K–12.
Edgewood Protestant Orphanage School, K–12.
Homewood Terrace School.
Mount St. Joseph's School for Girls, K–12.
San Jacinto; Waterflow Ranch School, K–12.
San Jose:
Arbutus Ranch School, K–12.
James Ranch Schools I and II, K–12.
Muriel Wright Girls' Ranch School, K–12.
Osborne School, K–12.
San Luis Obispo; Sunnyacres Juvenile Hall School, K–12.
Santa Ana; David R. McMillan School, K–12.
Santa Barbara:
La Posada Juvenile Hall, K–12.
Los Prieto, HS.
Santa Cruz:
Juvenile Hall School, K–12.
Ben Lomond Youth Conservation School, K–12.
Santa Rosa:
Juvenile Hall School, K–12.
Los Guilucos School for Girls, K–12.
Santee; Grossmont Continuation Adjustment, HS.
Sonoma; Hanna Boys' Center School, K–12.

Stockton:
Karl Holton School for Boys, K–12.
Northern California Youth Center School, K–12.
Close School for Boys, K–12.
Children's Home of Stockton, Inc. (School), K–12.
Suisun City; Gomer School, K–12.
Trabuco Canyon:
Joplin, HS.
Potrero, JHS.
Vacaville; Sierra Children's Home School, K–12.
Visalia:
Juvenile Hall School, K–12.
Robert K. Meyers, HS.
Weaverville; Denny School, K–12.
Weimar; Sierra Hills School, K–12.
Whittier; Fred C. Nelles School for Boys, K–12.
Woodland; Dan Jacobs Juvenile Hall School, K–12.
Yucaipa; Guadalupe Home for Boys (School), K–12.

COLORADO

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, LEA district

Arvada; Arvada, HS; Jefferson, R–1.
Fort Collins:
Cache La Poudre, JHS; Poudre, R–1.
Fort Collins, HS; Poudre, R–1.
Mountain View, EL; Poudre, R–1.
Remington, EL; Poudre, R–1.
Fort Logan; Fort Logan, JHS; Arapahoe, 2.
Greeley; Meeker, JHS; Weld, 6.
Lakewood; Jefferson, HS; Jefferson, R–1.
Montrose; Montrose, HS; Montrose, Re–1J.
Sterling; Campbell, EL; Logan, Re–1.

1968–69 Additions to the 1966–67 List

Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.

Location, city or town, name of school, and LEA district

Denver:
East, HS; Denver.
North, HS; Denver.
Fort Logan; Fort Logan, EL; Arapahoe, 2.
Ignacio; Ignacio BIA School; La Plata, 11 Jt.
Lakewood; Central Lake, EL; Jefferson, R–1.
Mapleton:
Bertha Held, EL; Adams, 1.
Mapleton, HS; Adams, 1.
Sheridan; Sheridan, JHS; Arapahoe, 2.
Westminster; Hodgkins, JHS; Adams, 50.
Woodland Park; Woodland Park, U; Teller, Re–2.

CONNECTICUT

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, and LEA district

Beacon Falls; Laurel Ledge; Beacon Falls.
Bozrah; Fields Memorial; Bozrah.
Branford:
Brushy Plain; Branford.
Canoe Brook; Branford.
Harbor Street; Branford.
New Short Beach; Branford.
Old Short Beach; Branford.
Stony Creek; Branford.
Bridgeport; Jackson; Bridgeport.
Bristol:
Edgewood; Bristol.
Callen; Bristol.
Stafford; Bristol.
Brookfield; Brookfield, HS; Brookfield.
Brooklyn; Brooklyn; Brooklyn.
Canterbury; Baldwin; Canterbury.
Canton; Canton; Canton.
Chaplin; Chaplin; Chaplin.
Columbia; Porter; Columbia.
Danbury; Roberts Avenue; Danbury.
Deep River; Valley Regional, HS; Regional High School, District 4.
Eastford; Eastford; Eastford.
East Hartford:
Burnside; East Hartford.
Hockanum; East Harford.
Silver Lane; East Hartford.
East Haven; Overbrook; East Haven.
Easton:
Keller Middle; Easton.
Staples; Easton.
East Windsor; Broad Brook; East Windsor.
Ellington:
Center; Ellington.
Windermere; Ellington.
Enfield; Enfield Intermediate; Enfield.
Goshen; Goshen Center; Goshen.
Greenwich:
Byram; Greenwich.
Julian Curtiss; Greenwich.
Western, JHS; Greenwich.
Groton:
Eastern Point; Groton.
Fitch, JHS; Groton.
Fitch, HS; Groton.
Fort Hill; Groton.
Poquonock Bridge; Groton.
West Side, JHS; Groton.
Hamden:
Hamden, HS; Hamden.
Whalen, JHS; Hamden.
State Street; Hamden.
Hampton; Hampton Consolidated; Hampton.
Ledyard:
Gales Ferry; Ledyard.
Ledyard Center; Ledyard.
Litchfield; Bantam; Litchfield.
Madison; Madison, JHS; Madison.
Mansfield:
Vinton; Mansfield.
Buchanan; Mansfield.
Southeast; Mansfield.
Meriden; Hanover; Meriden.
Middlefield; Middlefield Public; Middlefield.
Middletown:
Bielefield; Middletown.
Eckersley Hall; Middletown.
Snow; Middletown.
Morris; James Morris; Morris.
Naugatuck; Hillside, JHS; Naugatuck.
New Canaan; East; New Canaan.
New Hartford:
Bakersville Consolidated; New Hartford.
New Hartford; New Hartford.
Newington; Elizabeth Green; Newington.
New London:
Edgerton; New London.
Waller; New London.
New Milford:
East Street; New Milford.
St. Francis; New Milford.
Norfolk; Norfolk Center; Norfolk.
North Stonington:
North Stonington; North Stonington.
Wheeler, HS; North Stonington.
Norwalk:
Norwalk, HS; Norwalk.
St. Joseph's; Norwalk.
Old Saybrook; Goodwin; Old Saybrook.
Oxford; Centralized; Oxford.
Plainfield; Moosup Wauregan; Plainfield.
Portland; Portland, HS; Portland.
Prospect; Algonquin; Prospect.
Redding:
Joel Barlow, HS; Regional High School District 9.
Redding; Redding.
Rocky Hill; Center; Rocky Hill.
Scotland; Scotland; Scotland.
Seymout:
Bungay; Seymour.
Chatfield; Seymour.
Maple; Seymour.
Seymour, JHS; Seymour.
Seymour, HS; Seymour.
Shelton:
Ferry; Shelton.
Lafayette; Shelton.
Simsbury:
South; Simsbury.
Tariffville; Simsbury.
Southington; Holcomb; Southington.
Stafford; Stafford, HS; Stafford.
Stonington; Old Mystic; Stonington.
Stratford:
Johnson, JHS; Stratford.
Stratford, HS; Stratford.
Torrington:
Riverside; Torrington.
Torringford; Torrington.
Trumbul:
Center; Trumbull.
Edison; Trumbull.
Tashua; Trumbull.
Vernon:
Rockville, HS; Vernon.
St. Bernard; Vernon.
St. Joseph; Vernon.
Vernon Center, JHS; Vernon.
Voluntown; Central; Voluntown.
Wallingford; Hammarskjold; Wallingford.
Washington; Washington Consolidated; Washington.
Waterford:
Quaker Hill; Waterford.
Southwest; Waterford.
Watertown; South; Watertown.
Westbrook; Westbrook, HS; Westbrook.
West Hartford; Plant, JHS; West Hartford.
West Haven:
Colonial Park; West Haven.
First Avenue; West Haven.
Forest; West Haven.
Haley; West Haven.
Mackrille; West Haven.
Molloy; West Haven.
Pagels; West Haven.
Stiles; West Haven.
Thompson; West Haven.
Union; West Haven.
Washington; West Haven.
West Haven, HS; West Haven.
Windham; Noble; Windham.
Woodbury:
Mitchell; Woodbury.
Woodbury, HS; Woodbury.
Woodstock; Woodstock, JHS; Woodstock.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and LEA district

Ansonia:
Assumption; Nonpublic.
St. Joseph; Nonpublic.
St. Peter and St. Paul; Nonpublic.
Bethel:
Berry; Bethel.
Bethel, HS; Bethel.
St. Mary; Nonpublic.
Bridgeport:
Kolbe, HS; Bridgeport.
St. Andrew; Nonpublic.
St. Augustine; Nonpublic.
St. Cyril and Methodius; Nonpublic.
St. John the Baptist; Nonpublic.
St. Michael; Nonpublic.
St. Patrick; Nonpublic.
St. Raphael; Nonpublic.
Bristol:
Eastern, HS; Bristol.
Memorial Boulevard; Bristol.
South Side; Bristol.
St. Stanislaus; Nonpublic.

Cheshire; Cheshire, HS; Cheshire.
Cornwall; Cornwall Consolidated; Cornwall.
Danbury:
Danbury, JHS; Danbury.
Roberts-Locust; Danbury.
St. Peter; Nonpublic.
Derby; St. Michael; Nonpublic.
Durham; Korn; Durham.
East Hampton; Center; East Hampton.
East Hartford; St. Rose; Nonpublic.
East Haven:
Gillis; East Haven.
Highland; East Haven.
Ellington; Ellington, HS; Ellington.
Enfield:
Angels Academy; Nonpublic.
Crandall; Enfield.
Fairfield:
Holy Family; Nonpublic.
St. Anthony; Nonpublic.
St. Emery; Nonpublic.
Greenwich:
Sacred Heart; Nonpublic.
Sr. Roch; Greenwich.
Griswold; St. Mary; Nonpublic.
Guilford; Calvin Leete; Guilford.
Hamden:
Bleesed Sacrament; Nonpublic.
Sacred Heart Academy; Nonpublic.
St. Stephen; Nonpublic.
Hartford:
Cathedral St. Joseph; Nonpublic.
Immaculate Conception; Nonpublic.
Lady of Sorrows; Nonpublic.
South Catholic; Nonpublic.
St. Ann; Nonpublic.
St. Augustine; Nonpublic.
St. Justin; Nonpublic.
St. Peter's; Nonpublic.
Killingly:
Memorial; Killingly.
St. James; Nonpublic.
Manchester; St. James; Nonpublic.
Meriden; St. Laurent; Nonpublic.
Middletown; St. John; Nonpublic.
Milford:
Fannie Beach; Milford.
Seabreeze; Milford.
Simon Lake; Milford.
St. Gabriel; Nonpublic.
Walnut Beach, Milford.
Montville; Palmer Memorial, Montville.
New Britain:
DiLoreto; New Britain.
Franklin; New Britain.
Jefferson; New Britain.
Sacred Heart; Nonpublic.
Slade, JHS; New Britain.
Smalley; New Britain.
St. Mary; Nonpublic.
St. Maurice; Nonpublic.
New Fairfield:
Meeting House Hill; New Fairfield.
New Fairfield Consolidated; New Fairfield.
New Hartford; St. Mary; Nonpublic.
New Haven:
Sacred Heart; Nonpublic.
St. Anthony; Nonpublic.
St. Francis; Nonpublic.
St. John the Baptist; Nonpublic.
St. John the Evangelist; Nonpublic.
St. Martin DePorres; Nonpublic.
St. Mary; Nonpublic.
St. Peter; Nonpublic.
St. Rose; Nonpublic.
St. Stanislaus; Nonpublic.
New London:
Bulkeley, JHS; New London.
St. Mary; Nonpublic.
North Haven; Temple; North Haven.
Norwalk; Washington; Norwalk.
Norwich; St. Joseph, Nonpublic.
Plainfield:
All Hallows; Nonpublic.
Sacred Heart; Nonpublic.
Putnam; St. Mary; Nonpublic.
Rocky Hill; Stevens; Rocky Hill.
Simsbury; St. Mary; Simsbury.
Southbury; Southbury; Southbury.
South Windsor; Pleasant Valley; South Windsor.
Sprague:
Holy Family Academy; Nonpublic.
Sayles; Sprague.
Stafford; Stafford Middle; Stafford.
Stamford:
Hart; Stamford.
Sacred Heart; Nonpublic.
St. John; Nonpublic.
Stratford; St. James; Stratford.
Suffield; Spaulding; Suffield.
Thomaston; St. Thomas; Nonpublic.
Thompson; St. Joseph; Nonpublic.
Tolland; Meadowbrook; Tolland.
Torrington:
Southwest; Torrington.
Vogel; Torrington.
Wetmore; Torrington.
Waterbury:
St. Ann; Nonpublic.
St. Lucy; Nonpublic.
St. Margaret; Nonpublic.
St. Mary; Nonpublic.
St. Thomas; Nonpublic.
West Hartford; St. Brigid; Nonpublic.
West Haven; Victory, JHS; West Haven.
Winchester:
Greenwoods; Winchester.
Hinsdale; Winchester.
Pearson; Winchester.
Windham; St. Joseph; Nonpublic.
Wolcott:
Alcott; Wolcott.
Frisbie; Wolcott.
Lewis; Wolcott.
Tyrrell; Wolcott.
Walelee; Wolcott.

DELAWARE

1968–69 Deletions From the 1966–67 List

Location (city or town), name of school, and local school district

Bridgeville; North Bridgeville, EL; Woodbridge.
Delmar; Delmar, JHS, HS; Delmar.
Dover:
Central Dover, EL; Dover Special.
Dover Central Middle; Dover Special.
William Henry Middle; Dover Special.
Harrington; Harrington, HS; Harrington Special.
Houston; Houston Public; Houston.
Milford:
Milford, JHS; Milford Special.
Lakeview, EL; Milford District.
New Castle:
Colwyck, EL; DeLaWarr.
John G. Leach Unit, Colwyck, EL; DeLaWarr.
Seaford:
Blades, EL; Seaford Special.
Central, JHS; Seaford Special.
Frederick Douglass Intermediate; Seaford Special.
Katie L. Handy Middle; Seaford Special.
Selbyville:
Phillip C. Showell, EL; Selbyville.
Selbyville School; Selbyville.
Smyrna:
Clayton, EL; Smyrna Special.
East Smyrna, EL; Smyrna Special.
John Bassett Moore, HS; Smyrna Special.
Smyrna, JHS; Smyrna Special.
Wilmington; Richardson Park, EL, JHS; Richardson Park.

1968–69 Additions to the 1966–67 List

Location (city or town), name of school, and local school district

Dover; Fairview, EL; Dover.
Frankford; Frankford, EL; Indian River.
Laurel:
West Laurel, EL; Laurel.
North Laurel, EL; Laurel.
Laurel Central, JHS, HS; Laurel.
Lewes; Lewes, JHS, HS; Lewes.
Middletown; Middletown, EL; Middletown.
Newark; Brookside, EL; Newark.
New Castle:
Carrie Downs, EL; New Castle.
Dunleith Community, EL; DeLaWarr.
Minquadale, EL; DeLaWarr.
Newport; H. J. Krebs, EL; Newport.
Rehoboth Beach; West Rehoboth, EL; Rehoboth.
Seaford; Seaford Central, EL; Seaford.
Smyrna; Thomas D. Clayton, EL; Smyrna.
Wilmington:
Charles B. Lore Community; Wilmington.
Stanton Central, EL; Stanton.
Sacred Heart; Nonpublic.
St. Patrick-St. Mary; Nonpublic.
St. Paul; Nonpublic.
St. Peter's Cathedral; Nonpublic.
St. Thomas; Nonpublic.
Thomas F. Bayard, JHS; Wilmington.

FLORIDA

1968–69 Deletions From the 1967–68 List

Location, city or town, name of school, and county

Arcadia:
Nocatee, EL; De Soto.
Smith-Brown, EL, JHS; DE Soto.
Brooksville; Hernando, HS; Hernando.
Bunnell; Carver, JH, HS; Flagler.
St. Mary, EL; Washington.
Chipley:
St. Mary's, EL; Washington.
Roulhac, HS; Washington.
Cocoa:
Poinsetta, EL; Brevard.
Monroe, JH, HS; Brevard.
Cottondale; Cottondale, EL; Jackson.
Crawfordville; Wakulla County, HS; Wakulla.
Cross City; Jena, EL; Dixie.
De Funiak Springs:
Valley View, EL, JHS; Walton.
Mount Zion, EL; Walton.
De Land:
Southwestern, JH, HS; Volusia.
De Land, HS; Volusia.
Eustis; Bates, EL, JH, HS; Lake.
Florala; Paxton, EL; Walton.
Forest City; Bear Lake, EL; Seminole.
Fort Lauderdale; Blanche Ely, EL; Broward.
Fort Pierce; Garden City, EL; St. Lucie.
Fort Walton Beach:
W. E. Cowles, JHS; Okaloosa.
Brooks, EL; Okaloosa.
Freeport; Freeport, EL, HS; Walton.
Gifford; Gifford, EL; Indian River.
Graceville; Graceville, EL; Jackson.
Green Cove Springs; Dunbar, HS; Clay.
Greenville; Greenville Training, EL, HS; Madison.
Hawthorne; Oak Grove, EL; Putnam.
Hialeah; Hialeah, H.S.; Dade.
Hilliard; Hilliard, HS; Nassau.
Holly Hill; Holly Hill, EL; Volusia.
Immokalee:
Bethune, EL; Collier.
Pinecrest, EL; Collier.
Jacksonville:
Brentwood, EL; Duval.
D. Anderson, EL, HS; Duval.
Pineforest, EL; Duval.
Ephesus Academy, EL, HS; Duval.
Jacksonville Beach; Jacksonville Beach, EL, JHS; Duval.
Jacksonville; Forest Park, EL; Duval.
Key West; Key West, HS; Monroe.
Lakeland; Webster Avenue, EL; Polk.
Lake Monroe; Brookertown, EL; Seminole.
Leesburg; Carver Heights, JHS, HS; Lake.
Live Oak:
Suwannee, HS; Suwannee.
O'Brien, HS; Suwannee.
Welborn, EL; Suwannee.
Clayland, EL; Suwannee.
Lynn Haven; Lynn Haven, EL; Bay.
Macclenny; Macclenny, EL; Baker.
Madison; Madison, EL; Madison.
Marianna; Long Branch, EL; Jackson.
Melbourne:
Cuyler; Brevard.
Pine Grove, EL; Brevard.
Cervita, EL; Brevard.
Summitt, EL; Brevard.
Normandy; Brevard.
Melrose; Melrose, EL, HS; Putnam.
Merritt Island; Edgewood, JHS; Brevard.
Miami:
Miami, HS; Dade.
Washington, HS; Dade.
Citrus Grove, JHS; Dade.
Miami Edison, HS; Dade.
A. L. Louis, EL; Dade.
Miami Edison, JHS; Dade.
Corpus Christi; Dade.
St. Francis Xavier; Dade.
Middleburg; Hall, EL; Clay.
Mims; Mims, EL; Brevard.
Myakka City; Myakka City, EL; Manatee.
Naples:
Carver, EL; Collier.
Naples, JHS; Collier.
Newberry; Newberry, HS; Alachua.
North Fort Myers; North Fort Myers, JHS; Lee.
Ocala; Matthew-Scippio; Marion.
Orlando:
Callahan, EL; Orange.
Evans, JHS; Orange.
Howard, JHS; Orange.
St. Margaret Mary; Orange.
Palatka:
Exceptional Child, EL; Putnam.
Palatka, JHS; Putnam.
Central Academy, EL; Putnam.
East Palatka, EL; Putnam.
Panama City; Glenwood, EL; Bay.
Pensacola:
Brown Barge, EL; Escambia.
Woodham, HS; Escambia.
Perry; Gladys Morse, EL; Taylor.
Pinetta; Pinetta, EL; Madison.
Plant City:
Tomlin, EL; Hillsborough.
Burney, EL; Hillsborough.
Point Washington; Bay, EL; Walton.
Ponce DeLeon; Chappel Hill, EL, JHS; Walton.
Port St. Joe; Washington, HS; Gulf.
Punta Gorda:
Charlotte, JHS; Charlotte.
Pre-School Child Development Center; Charlotte.
Quincy:
St. Johns, EL; Gadsden.
Quincy, EL, HS; Gadsden.
Richmond Heights; Richmond Heights, JHS; Dade.
Riviera Beach; Inlet Exceptional, EL; Palm Beach.
Rubonia; Rubonia, EL; Manatee.
Ruskin; Ruskin, EL; Hillsborough.
Safety Harbor; Safety Harbor Union; Pinellas.
St. Augustine; Excelsior, EL; St. Johns.
Samoset; Samoset, EL; Manatee.
Sarasota:
Amaryllis, EL; Sarasota.
Brooker, JHS; Sarasota.
Seville; Seville, HS; Volusia.
Sparr; Sparr, EL; Marion.
St. Petersburg:
Harris, EL; Pinellas.
Seventy-fourth Street, EL; Pinellas.

Tallahassee:
Raney, EL; Leon.
Southwest, EL; Leon.
Raa, JHS; Leon.
Tampa:
Special Education; Hillsborough.
Progress Village, EL; Hillsborough.
Robinson, EL; Hillsborough.
St. Claver; Hillsborough.
Christ The King, EL; Hillsborough.
Titusville; Givson, EL, JHS; Brevard.
Trenton; John Morse, HS; Gilchrist.
Vernon; Shady Grove, EL; Washington.
Vero Beach:
Clemens Special Education, EL; Indian River.
Citrus Special Education, EL; Indian River.
Wabasso; Douglas, EL; Indian River.
Washington; Anderson, EL; Escambia.
Wauchula:
Zolfo, EL; Hardee.
Hardee, JHS; Hardee.
Wausau; Wausau; Washington.
West Palm Beach:
Palmview, EL; Palm Beach.
Central, EL; Palm Beach.

1968–69 Additions to the 1967–68 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and county

Altha; Altha, EL, HS; Calhoun.
Alva; Alva, EL; Lee.
Apalachicola; Chapman, HS; Franklin.
Auburndale; Bridgers Avenue, EL; Polk.
Avon Park; Avon Park, HS; Highlands.
Baker; Baker, HS; Okaloosa.
Bowling Green; Duette, EL; Manatee.
Bunnell; Bunnell II, JHS; Flagler.
Campbellton; Graceville, EL; Jackson.
Chiefland; Chiefland, JHS; Levy.
Chipley:
Washington County, HS; Washington.
Chipley, JHS; Washington.
Citra; Citra, EL; Marion.
Clarksville; Carr, EL; Calhoun.
Cocoa; Clearlake, JHS; Broward.
Coral Gables; Coral Gables, HS; Dade.
Crawfordville; Crawfordville, EL; Wakulla.
Crescent City; Middleton, EL; Putnam.
Dade City; Mickens, HS; Pasco.
DeLand; Euclid Avenue, EL; Volusia.
East Palatka; East Palatka, EL; Putnam.
Eau Gallie; Johnson, JHS; Brevard.
Ellenton; Ellenton, EL; Manatee.
Eloise; Snively, EL; Polk.
Eustis; Eustis, HS; Lake.
Fort Lauderdale:
Larkdale, EL; Broward.
Parkway, JHS; Broward.
Fort Walton Beach; Choctawhatchee, HS; Okaloosa.
Goulds; May, HS; Dade.
Green Cove Springs; Clay, JH, HS; Clay.
Haines City; Central Avenue, EL; Polk.
Havana; St. Johns, EL; Gadsden.
Hialeah:
St. John The Apostle, EL, JHS; Dade.
Hialeah, EL; Dade.
Homestead:
A. L. Lewis, EL; Dade.
Leisure City, EL; Dade.
N. K. Cooper, EL; Dade.
Immokalee:
Lake Tafford, EL; Collier.
Immokalee Middle, EL; Collier.
Jacksonville:
Thomas Jefferson, EL; Duval.
S. A. Hull, EL; Duval.
Biltmore, EL; Duval.
Pinedale, EL; Duval.
Corinne Scott, EL; Duval.
Beulah Beal, EL; Duval.
Lake Placid:
Lake Placid, HS; Highlands.
Lake Placid, EL; Highlands.
Longwood; Longwood, EL; Seminole.
Lynn Haven; Mowat, JHS; Bay.
Macclenny; Keller, EL, HS; Baker.
Madison:
Madison, HS; Madison.
Greenville, HS; Madison.
Marianna; Cottondale, EL; Jackson.
Melbourne; Melbourne, HS; Brevard.
Miami:
C. R. Drew, JHS; Dade.
Immaculata-LaSalle, HS; Dade.
R. E. Lee, JHS; Dade.
Jackson's Toddle Inn; Dade.
Archbishop Curley, HS; Dade.
Marian School, EL, HS; Dade.
Milton; Milton, HS; Santa Rosa.
Monticello; Jefferson County, HS; Jefferson.
Moore Haven; Moore Haven, EL; Glades.
Mount Dora; Mount Dora, HS; Lake.
New Port Richey; Gulf, HS; Pasco.
New Smyrna Beach; Kimball, EL; Volusia.
Ocala:
N. H. Jones, EL; Marion.
Fellowship, EL; Marion.
Opa Locka; N. Young, EL; Dade.
Orange City; Coleman, EL; Volusia.
Oviedo; Jackson Heights, EL; Seminole.
Palatka:
Palatka, HS; Putnam.
Campbell, EL; Putnam.
Melrose, EL; Putnam.
Panama City:
Springfield, EL; Bay.
A. D. Harris, EL; Bay.
Drummond Park, EL; Bay.
Our Lady of Grace, EL, JHS; Bay.
Parrish; Parrish, EL; Manatee.
Pensacola:
Oakcrest, EL; Escambia.
Spencer Bibbs, HS; Escambia.
N. B. Cook, EL; Escambia.
Perrine; Our Lady of the Holy Rosary; Dade.
Pinetta; Pinetta, JHS; Madison.
Plant City; Tomlin, JHS; Hillsborough.
Pompano Beach:
Blanche Ely, HS; Broward.
Sanders Park, EL; Broward.
Punta Gorda; Sallie Jones, EL; Charlotte.
Riviera Beach; Washington, EL; Palm Beach.
Rockledge:
Cocoa, HS; Brevard.
Kennedy, JHS; Brevard.
Safety Harbor; Sixteenth Street, JHS; Pinellas.
Sanford; Westside Grammar, EL; Seminole.
Sarasota:
McIntosh, JHS; Sarasota.
Sarasota, JHS; Sarasota.
Seffner; Juvenile Home, EL, HS; Hillsborough.
South Bay; South Bay, EL; Palm Beach.
Southport; Southport, EL; Bay.
St. Petersburg:
Lynch, EL; Pinellas.
Harris, EL; Pinellas.
Immaculate Conception, EL, JHS; Pinellas.
Fairmount Park, EL; Pinellas.
St. Raphael's Catholic, EL, JHS; Pinellas.
Tallahassee; Pineview, EL; Leon.
Tallevast; Prospect, EL, HS; Manatee.
Tampa:
Robinson, HS; Hillsborough.
Brewster Vocational, HS; Hillsborough.
Jackson Heights, EL; Hillsborough.
Dorothy Thomas, EL, HS; Hillsborough.
St. Patrick, EL, JHS; Hillsborough.
St. Paul United Methodist, EL; Hillsborough.

Tarpon Springs; Union Academy, EL, JHS; Pinellas.
Vernon; Vernon, EL; Washington.
Warrington; Judy Andrews, EL; Escambia.
West Bay; West Bay, EL; Bay.
West Hollywood; Carver Ranches, EL; Broward.
West Palm Beach; Marian Day School, EL, HS; Palm Beach.
Youngstown; Waller, EL; Bay.
Zolfo Springs; Zolfo, EL; Hardee.

GEORGIA

1968–69

There are no deletions from or additions to the 1966–67 list.

HAWAII

1968–69 Deletions From the 1966–67 List

Location (city), name of school, and LEA district

Honolulu; Kuhio, EL; Honolulu.

1968–69 Additions to the 1966–67 List

Location (city), name of school, and LEA district

Paauilo; Paauilo Intermediate and Elementary School; Hawaii.

IDAHO

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, and LEA number and county

Boise:
Garfield, EL; No. 1, Ada.
Pierce Park, EL; No. 1, Ada.
St. Joseph's, EL; [1] Ada.
Whittier, EL; No. 1, Ada.
North, JHS; No. 1, Ada.
Boise, SHS; No. 1, Ada.
Caldwell; Greenleaf EL; [1] No. 139 Canyon.
Coeur D'Alene:
Central, EL; No. 271, Kootenai.
Coeur D'Alene, JHS; No. 271, Kootenai.
Cottonwood:
Prairie, EL; No. 242, Idaho.
St. Joseph's EL; [1] Idaho.
Prairie, HS; No. 242, Idaho.
Craigmont; Winchester, EL; No. 305, Lewis.
Culdesac; Our Lady of Lourdes, EL; [1] Nez Perce.
Genesee:
Genesee, EL; No. 282, Latah.
St. Mary's, EL; [1] Latah.
Glenns Ferry; Glenns Ferry, HS; No. 192, Elmore.
Grace; Grace, JHS; No. 148, Caribou.
Grandview; Bruneau, EL; No. 365, Owyhee.
Harrison; St. Thomas, EL; [1] Kootenai.
Kamiah; Kamiah, EL; No. 304, Lewis.
Lewiston:
Orchards, EL; Ind. No. 1, Nez Perce.
Webster, EL; Ind. No. 1, Nez Perce.
Malad; Holbrook, EL; No. 351, Oneida.
Meridian; Meridian, JHS; No. 2, Ada.
Montpelier; Emerson, EL; No. 33, Bear Lake.
Mullan; Mullan, EL; No. 392, Shoshone.
Nampa; West, JHS; No. 131, Canyon.
Pocatello:
Roosevelt, EL; No. 25, Bannock.
Franklin, JHS; No. 25, Bannock.
Post Falls; Post Falls, EL; No. 273, Kootenai.
Preston; Whitney, EL; No. 201, Franklin.
Rathdrum:
Brown, EL; No. 272, Kootenai.
Lakeland, JHS; No. 272, Kootenai.
Rexburg:
Hibbard, EL; No. 321, Madison.
Union-Lyman, EL; No. 321, Madison.
Rockland; Rockland EL; No. 328, Power.
Rupert; Acequia, EL; No. 331, Minidoka.
St. Anthony:
Ashton, EL; No. 215, Fremont.
Central, EL; No. 215, Fremont.
St. Maries; St. Maries, JHS; No. 41, Benewah.
Sandpoint:
Clark Fork, EL; No. 82, Bonner.
Clark Fork, SHS; No. 82, Bonner.
Sugar City; Central, EL; No. 322, Madison.
Twin Falls; O'Leary, JHS; No. 211, Twin Falls.
Wallace; Wallace, EL; No. 393, Shoshone.
Wendell; Wendell, HS; No. 232, Gooding.
Weston; Weston, EL; No. 202, Franklin.

[1] Private school.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and LEA number and county

Arco; Butte, JHS; No. 111, Butte.
Arimo:
Arimo, EL; No. 21, Bannock.
McCammon, EL; No. 21, Bannock.
Bancroft; North Gem, EL; No. 149, Caribou.
Blackfoot:
Elmwood, EL; No. 55, Bingham.
St. Margaret's, EL; [1] Bingham.
Bonners Ferry; Mount Hall, EL; No. 101, Boundary.
Caldwell:
Dixie, EL; No. 139, Canyon.
St. Paul's, EL; [1] Canyon.
Washington, EL; No. 132, Canyon.
Woodrow Wilson, EL; No. 132, Canyon.
Challis; Challis, EL; No. 181, Custer.
Craigmont; Craigmont, EL; No. 305, Lewis.
Driggs; Victor, EL; No. 401, Teton.
Emmett; Hanna-Letha, EL; No. 221, Gem.
Glenns Ferry; Glenns Ferry, EL; No. 192, Elmore.
Grace; Grace, HS; No. 148, Caribou.
Grand View; Grand View, HS; No. 365, Owyhee.
Idaho Falls:
Holy Rosary, EL; [1] Bonneville.
Ucon, EL; No. 93, Bonneville.
Irwin; Swan Valley, EL; No. 92, Bonneville.
Kamiah; Kamiah, HS; No. 304, Lewis.
Lewiston; Our Lady of Lourdes, [1] Nez Perce.
Mackay; Mackay, HS; No. 182, Custer.
Malad; Malad, EL; No. 351, Oneida.
McCall; McCall, EL; No. 421, Valley.
Melba:
Melba, EL; No. 136, Canyon.
Melba, HS; No. 136, Canyon.
Meridian; Eagle, EL; No. 2, Ada.
Middleton:
Middleton, EL; No. 134, Canyon.
Middleton, HS; No. 134, Canyon.
Moscow; St. Mary's, EL; [1] Latah.
Nampa; Kenwood, EL; No. 131, Canyon.
Parma:
Roswell, EL; No. 137, Canyon.
Parma, JHS; No. 137, Canyon.
Pocatello:
Hawthorne, EL; No. 25, Bannock.
Jefferson, EL; No. 25, Bannock.
St. Joseph's, EL; [1] Bannock.
Preston; Jefferson, EL; No. 201, Franklin.
Rathdrum:
Athol, EL; No. 272, Kootenai.
Spirit Lake, EL; No. 272, Kootenai.
Rigby:
Midway, EL; No. 251, Jefferson.
Roberts, JHS; No. 251, Jefferson.
Rupert; Heyburn, EL; No. 331, Minidoka.
St. Maries; St. Maries, SHS; No. 41, Benewah.
Salmon; Brooklyn, JHS; No. 291, Lemhi.
Sandpoint:
Idaho Hill, EL; No. 82, Bonner.
Sagle, EL; No. 82, Bonner.
Shelley; Dean Goodsell, EL; No. 60, Bingham.

[1] Private school.

ILLINOIS

1968–69 Deletions From the 1967–68 List

County, district, and school

Henry; Geneseo Community Unit, School District 228; Geneseo.
Johnson; Belknap School District 70; Belknap.
Massac; Unionville School District 40; Unionville.

1968–69 Additions to the 1967–68 List

There are no additions to the 1967–68 list.

INDIANA

1968–69

There are no deletions from or additions to the 1967–68 list.

IOWA

1968–69 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, name of school, and district

Afton:
Afton, EL; East Union.
Arispe, EL; East Union.
East Union, SHS; East Union.
Lorimor, EL; East Union.
Thayer, EL; East Union.
Akron:
Akron, JHS; Akron.
Akron, SHS; Akron.
Akron, EL; Akron.
New, EL; Akron.
Albert City:
Albert City, SHS; Albert City-Truesdale.
Albert City, EL; Albert City-Truesdale.
Truesdale, EL; Albert City-Truesdale.
Albia:
Albia, JHS; Albia.
Albia, SHS; Albia.
Grant, EL; Albia.
Jefferson, EL; Albia.
Lincoln, EL; Albia.
Lovilia, EL; Albia.
Melrose, EL; Albia.
Washington, EL; Albia.
Alburnett; Toddville, EL; Alburnett.
Alleman:
Elkhart, EL; North Polk.
Polk City, EL; North Polk.
Sheldahl, EL; North Polk.
Ames; Lincoln, EL; Ames.
Anthon:
Anthon, JHS; Anthon-Oto.
Anthon, SHS; Anthon-Oto.
Oto, EL; Anthon-Oto.
Atlantic; Marne, EL; Atlantic.
Bagley:
Bagley, EL; Yale-Jamaica-Bagley.
Yale, EL; Yale-Jamaica-Bagley.
Yale-Jamaica-Bagley, SHS; Yale-Jamaica-Bagley.
Barnum:
Northwest Webster, EL; Northwest Webster.
Northwest Webster, HS; Northwest Webster.
Bedford:
Bedford, EL; Bedford.
Bedford, JHS; Bedford.
Bedford, SHS; Bedford.
Blockton, EL; Bedford.
Gravity, EL; Bedford.

Belle Plaine:
Belle Plaine, JHS; Belle Plaine.
Belle Plaine, SHS; Belle Plaine.
Central, EL; Belle Plaine.
Lee, EL; Belle Plaine.
Lincoln, EL; Belle Plaine.
Longfellow, EL; Belle Plaine.
Bellevue:
Bellevue, HS; Bellevue.
Bellevue, EL; Bellevue.
Bennett; Bennett, EL; Bennett.
Blairsburg:
Blairsburg, EL; Northeast Hamilton.
Kamrar, EL; Northeast Hamilton.
Williams, EL; Northeast Hamilton.
Bloomfield:
Bloomfield, EL; Davis County.
Bloomfield, JHS; Davis County.
Davis County Community, HS; Davis County.
Boone; Garfield, EL; Boone.
Burlington:
Burlington, SHS; Burlington.
Flint Hills, EL; Burlington.
Grimes, EL; Burlington.
James Madison, JHS; Burlington.
North Hill, EL; Burlington.
Oak Street, JHS; Burlington.
Salter, EL; Burlington.
St. Patrick, EL; Private.
Washington, EL; Burlington.
Burt:
Burt, HS; Burt.
Burt, EL; Burt.
Cedar Falls; Miner, EL; Cedar Falls.
Cedar Rapids:
Fillmore, EL; Cedar Rapids.
Harrison, EL; Cedar Rapids.
Jackson, EL; Cedar Rapids.
McKinley, JHS; Cedar Rapids.
Palo, EL; Cedar Rapids.
Tyler, EL; Cedar Rapids.
Centerville:
Centerville, SHS; Centerville.
Cincinnati, EL; Centerville.
Garfield, EL; Centerville.
Hope, EL; Centerville.
Howar, JHS; Centerville.
Mystic, EL; Centerville.
St. Mary, EL; Private.
Clearfield:
Clearfield, SHS; Clearfield.
Clearfield, EL; Clearfield.
Clinton; St. Boniface, EL; Private.
College Springs:
Bradyville, EL; South Page.
Coin, EL; South Page.
South Page, JHS, SHS; South Page.
Corning:
Corning, JHS; Corning.
Corning, SHS; Corning.
Corning, EL; Corning.
Corydon:
Corydon, EL; Wayne.
Wayne, JHS, SHS; Wayne.
Council Bluffs:
Bloomer, EL; Council Bluffs.
Edison, EL; Council Bluffs.
Edison, JHS; Council Bluffs.
Longfellow, EL; Council Bluffs.
Roosevelt, EL; Council Bluffs.
Thomas Jefferson, SHS; Council Bluffs.
Tinley, EL; Council Bluffs.
Wilson, JHS; Council Bluffs.
Cresco:
Central, EL; Howard-Winneshiek.
Crestwood, SHS; Howard-Winneshiek.
Elma, EL; Howard-Winneshiek.
Lime Springs, EL; Howard-Winneshiek.
Ridgeway, EL; Howard-Winneshiek.
Creston:
Burton R. Jones, JHS; Creston.
Creston, SHS; Creston.
Cromwell, EL; Creston.
Franklin, EL; Creston.
Jefferson, EL; Creston.
Crystal Lake:
Woden, EL; Woden-Crystal Lake.
Woden-Crystal Lake, JHS, SHS; Woden-Crystal Lake.
Davenport:
Assumption, SHS; Private.
Central, SHS; Davenport.
F. L. Smart, JHS; Davenport.
J. B. Young, JHS; Davenport.
Jefferson, EL; Davenport.
Lincoln, EL; Davenport.
Monroe, EL; Davenport.
Sacred Heart, EL; Private.
St. Alphonsus, EL; Private.
St. Anthony, EL; Private.
St. Joseph, EL; Private.
St. Mary, EL; Private.
Taylor, EL; Davenport.
Decorah:
East Side, EL; Decorah.
Hesper, EL; Decorah.
John Cline, EL; Decorah.
West Side, EL; Decorah.
North Winneshiek, EL; North Winneshiek.
North Winneshiek, JHS, SHS; North Winneshiek.
Des Moines:
All Saints, EL; Private.
Bird; EL; Des Moines.
Callanan, JHS; Des Moines.
Casady, EL; Des Moines.
Dowling, SHS; Private.
Dunlap, EL; Des Moines.
East, SHS; Des Moines.
Hiatt, JHS; Des Moines.
Irving, JHS; Des Moines.
Lucas, EL; Des Moines.
Moulton, EL; Des Moines.
North, SHS; Des Moines.
St. Albert Central, SHS; Private.
St. Anthony, EL; Private
St. Augustin, EL; Private.
St. John, EL; Private.
St. Joseph, EL; Private.
St. Joseph Academy, SHS; Private.
St. Peter, EL; Private.
Tech, SHS; Des Moines.
Visitation, EL; Private.
Wallace, EL; Des Moines.
Willard, EL; Des Moines.
Wilson, JHS; Des Moines.
Canary Lake, EL; Saydel.
Cornell, EL; Saydel.
Norwoodville, EL; Saydel.
Saydel, SHS; Saydel.
Saylor Center, EL; Saydel.
Woodside, JHS; Saydel.
Diagonal:
Diagonal, JHS, SHS; Diagonal.
Diagonal, EL; Diagonal.
Dubuque:
Bryant, EL; Dubuque.
Dubuque, SHS; Dubuque.
Fulton, EL; Dubuque.
Jefferson, JHS; Dubuque.
Lincoln, EL; Dubuque.
Marshall, EL; Dubuque.
Prescott, EL; Dubuque.
Dumont:
Dumont, SHS; Dumont.
Dumont, EL; Dumont.
Dunlap:
Dunlap, SHS; Dunlap.
Dunlap, EL; Dunlap.
Durant:
Durant, JHS, SHS; Durant.
Durant, EL; Durant.
Eldridge:
Alan Shepard, EL; North Scott.
Edward White, EL; North Scott.
North Scott, JHS, SHS; North Scott.
Elgin; Wadena, EL; Valley.
Elkader; Littleport, EL; Central Clayton.
Epworth:
Bernard, EL; Western Dubuque.
Cascade, EL; Western Dubuque.
Epworth, EL; Western Dubuque.
Farley, EL; Western Dubuque.
Holy Cross, K; Private.
Fairbank; Fairbank, EL; Wapsie Valley.
Fairfield:
Lincoln, EL; Fairfield.
Roosevelt, EL; Fairfield.
Farragut:
Farragut, JHS, SHS; Farragut.
Farragut, EL; Farragut.
Riverton, EL; Farragut.
Fenton:
Fenton, EL; Sentral.
Lone Rock, EL; Sentral.
Sentral, JHS, SHS; Sentral.
Fontanelle:
Bridgewater-Fontanelle, JHS, SHS; Bridgewater-Fontanelle.
Bridgewater-Fontanelle, EL; Bridgewater-Fontanelle.
Fort Dodge:
Arey, EL; Fort Dodge.
Badger, EL; Fort Dodge.
Butler, EL; Fort Dodge.
Carpenter, EL; Fort Dodge.
Coalville, EL; Fort Dodge.
Cooper, EL; Fort Dodge.
Duncombe, EL; Fort Dodge.
Fort Dodge, SHS; Fort Dodge.
Hawley, EL; Fort Dodge.
Highland Park, EL; Fort Dodge.
Hillcrest, EL; Fort Dodge.
Otho, EL; Fort Dodge.
Pleasant Valley, EL; Fort Dodge.
Riverside, EL; Fort Dodge.
South, JHS; Fort Dodge.
Wahkonsa, EL; Fort Dodge.
Fort Madison:
Aquinas, SHS; Private.
Sacred Heart, EL; Private.
Galva:
Galva, EL; Galva.
Galva, SHS; Galva.
Garnavillo:
Garnavillo, SHS; Garnavillo.
Garnavillo, EL; Garnavillo.
Gillett Grove:
South Clay, EL; South Clay.
Webb, EL; South Clay.
Goose Lake:
Charlotte, EL; Northeast.
Elvira, EL; Northeast.
Goose Lake, EL; Northeast.
Graettinger:
Graettinger, EL; Graettinger.
Graettinger, JHS, SHS; Graettinger.
Grinnell; Davis, EL; Grinnell-Newburg.
Gruver:
Dolliver, EL; Lincoln Central.
Lincoln Central, JHS, SHS; Lincoln Central.
Hamburg:
Hamburg, JHS, SHS; Hamburg.
Marnie Simons, EL; Hamburg.
Hawarden; West Sioux, JHS, SHS; West Sioux.
Humeston:
Garden Grove, EL; Mormon Trail.
Humeston, EL; Mormon Trail.
LeRoy, EL; Mormon Trail.
Mormon Trail, JHS; Mormon Trail.
Mormon Trail, SHS; Mormon Trail.
Huxley; Ballard, JHS; Ballard.
Independence:
East, EL; Independence.
Independence, JHS; Independence.
Independence, SHS; Independence.
South, EL; Independence.
West, EL; Independence.
Iowa City:
Regina, SHS; Private.
St. Patrick, EL; Private.
Jesup; Jesup, EL; Jesup.
Kellerton:
Grand River, EL; Grand Valley.
Grand Valley, SHS; Grand Valley.
Kellerton, EL; Grand Valley.

Keokuk:
Cardinal Stritch, SHS; Private.
Keokuk, JHS; Keokuk.
St. Mary, EL; Private.
St. Vincent, EL; Private.
Washington Central, EL; Keokuk.
Wells-Carey, EL; Keokuk.
Lake Park:
Excelsior, EL; Harris-Lake Park.
Harris-Lake Park, EL; Harris-Lake Park.
Harris-Lake Park, SHS; Harris-Lake Park.
Lakota:
Lakota, EL; Lakota.
Lakota, SHS; Lakota.
Lansing:
Kee, JHS, SHS; Eastern Allamakee.
Lansing, EL; Eastern Allamakee.
New Albin, EL; Eastern Allamakee.
Le Mars; Merrill, El; Le Mars.
Lenox:
Lenox, EL; Lenox.
Lenox, JHS, SHS; Lenox.
Leon:
Central, JHS, SHS; Central Decatur.
Davis City, EL; Central Decatur.
North, EL; Central Decatur.
South, EL; Central Decatur.
Little Rock:
Little Rock, EL; Little Rock.
Little Rock, JHS, SHS; Little Rock.
Logan-Magnolia; Magnolia, EL; Logan-Magnolia.
Lone Tree:
Lone Tree, SHS; Lone Tree.
Lone Tree, EL; Lone Tree.
Lost Nation:
Lost Nation, EL; Lost Nation.
Lost Nation, JHS, SHS; Lost Nation.
Malvern:
Chantry, EL; Malvern.
Malvern, JHS, SHS; Malvern.
Manly:
Hanlontown, EL; North Central.
Manly, EL; North Central.
North Central, SHS; North Central.
Plymouth, EL; North Central.
Mapleton:
Castana, EL; Maple Valley.
Danbury, EL; Maple Valley.
Maple Valley, JHS; Maple Valley.
Maple Valley, SHS; Maple Valley.
Mapleton, EL; Maple Valley.
Maynard:
Maynard, EL; West Central.
West Central, JHS, SHS; West Central.
McGregor:
Mar-Mac, SHS; Mar-Mac.
Marquette, EL; Mar-Mac.
McGregor, EL; Mar-Mac.
Massena:
C and M, EL; C and M.
C and M, JHS, SHS; C and M.
Millersburg:
Deep River-Millersburg, SHS; Deep River-Millersburg.
Deep River-Millersburg, EL; Deep River-Millersburg.
Millersburg, EL; Deep River-Millersburg.
Monona; MFL, JHS; MFL.
Moorhead:
East Monona, EL; East Monona.
East Monona, SHS; East Monona.
Moravia:
Moravia, SHS; Moravia.
Moravia, EL; Moravia.
Mount Pleasant; Salem, EL; Mount Pleasant.
Murray:
Murray, SHS; Murray.
Murray, EL; Murray.
Muscatine:
Central, JHS; Muscatine.
Franklin, EL; Muscatine.
Garfield, EL; Muscatine.
Hayes Catholic, HS; Private.
Jefferson, EL; Muscatine.
Lincoln, EL; Muscatine.
McKinley, EL; Muscatine.
Muscatine, SHS; Muscatine.
St. Mary, EL; Private.
West, JHS; Muscatine.
New Market:
New Market, EL; New Market.
New Market, SHS; New Market.
New Providence; New Providence, SHS; New Providence.
Newell:
Newell-Providence, EL; Newell-Providence.
Newell-Providence, SHS, JHS; Newell-Providence.
Newton:
Aurora Heights, EL; Newton.
Central, JHS; Newton.
Emerson Hough, EL; Newton.
Lincoln, EL; Newton.
Newton, SHS; Newton.
Nora Springs:
Nora Springs, EL; Nora Springs-Rock Falls.
Nora Springs-Rock Falls, JHS, SHS; Nora Springs-Rock Falls.
Rock Falls, EL; Nora Springs-Rock Falls.
Ocheyedan:
Ocheyedan, EL; Ocheyedan.
Ocheyedan, JHS, SHS; Ocheyedan.
Olin:
Olin, EL; Olin.
Olin, JHS, SHS; Olin.
Onawa; Lark, EL; West Monona.
Orient:
Macksburg, EL; Orient-Macksburg.
Orient, EL; Orient-Macksburg.
Orient-Macksburg, SHS; Orient-Macksburg.
Richland, EL; Orient-Macksburg.
Osceola:
Clarke, SHS; Clarke.
Clarke, JHS; Clarke.
East, EL; Clarke.
Weldon, EL; Clarke.
West, EL; Clarke.
Woodburn, EL; Clarke.
Oskaloosa:
Jefferson, EL; Oskaloosa.
Rose Hill, EL; Oskaloosa.
Webster, EL; Oskaloosa.
Ottumwa:
Agassiz, EL; Ottumwa.
Evans, JHS; Ottumwa.
Ottumwa, SHS; Ottumwa.
Sacred Heart, EL; Private.
St. Patrick, EL; Private.
Walsh, SHS; Private.
Washington, JHS; Ottumwa.
Wilson, EL; Ottumwa.
Oxford Junction:
Oxford Junction, EL; Oxford Junction.
Oxford Junction, SHS; Oxford Junction.
Panora:
Linden, EL; Panora-Linden.
Panora, EL; Panora-Linden.
Panora-Linden, SHS; Panora-Linden.
Peterson:
Linn Grove, EL; Sioux Valley.
Peterson, EL; Sioux Valley.
Sioux Valley, SHS; Sioux Valley.
Pleasantville:
East, EL; Pleasantville.
Intermediate, EL; Pleasantville.
North, EL; Pleasantville.
Pleasantville, SHS; Pleasantville.
Preston:
Preston, EL; Preston.
Preston, SHS; Preston.
Rembrandt:
Rembrandt, EL; Rembrandt.
Rembrandt, SHS; Rembrandt.
Renwick:
Hardy, EL; Boone Valley.
Vernon, EL; Boone Valley.
Riceville:
Riceville, Intermediate; Riceville.
Riceville, EL; Riceville.
Russell:
Russell, EL; Russell.
Russell, SHS; Russell.
Ruthven:
Ruthven, EL; Ruthven.
Ruthven, SHS; Ruthven.
Shelby:
Shelby, EL; Shelby.
Shelby, SHS; Shelby.
Sibley:
Central, EL; Sibley.
Franklin, EL; Sibley.
Sibley, SHS; Sibley.
Sibley, JHS; Sibley.
Sidney; Sidney, EL; Sidney.
Sigourney:
Delta, EL; Sigourney.
Sigourney, JHS; Sigourney.
Sigourney, SHS; Sigourney.
Sigourney, EL; Sigourney.
Sioux City:
Bancroft, EL; Sioux City.
Irving, EL; Sioux City.
St. Boniface, EL; Private.
St. Joseph's, EL; Private.
Webster, EL; Sioux City.
Woodrow Wilson, JHS; Sioux City.
Sloan:
Sallx, EL; Westwood.
Smithland, EL; Westwood.
Stanwood:
Lincoln, EL; Lincoln.
Lincoln, JHS, SHS; Lincoln.
Strawberry Point:
Arlington, EL; Starmont.
Lamont, EL; Starmont.
Starmont, JHS; Starmont.
Starmont, SHS; Starmont.
Strawberry Point, EL; Starmont.
Sumner:
Durant, EL; Sumner.
Sumner, JHS; Sumner.
Sumner, SHS; Sumner.
Tabor:
Randolph, EL; Fremont-Mills.
Tabor, EL; Fremont-Mills.
Tabor, SHS; Fremont-Mills.
Thurman, JHS; Fremont-Mills.
Tama:
Chelsea, EL; South Tama.
Montour, EL; South Tama.
Tama, EL; South Tama.
Tama-Toledo, SHS; South Tama.
Toledo, EL; South Tama.
Sac & Fox, BIA.
Thornburg; What Cheer, EL; Tri-County.
Titonka:
Titonka, EL; Titonka.
Titonka, SHS, JHS; Titonka.
Troy Mills:
Coggon, EL; North Linn.
Coggon, SHS; North Linn.
Coggon, JHS; North Linn.
Troy Mills, SHS; North Linn.
Troy Mills, JHS; North Linn.
Walker, EL; North Linn.
Walker, JHS; North Linn.
Walker, SHS; North Linn.
Underwood:
Underwood, EL; Underwood.
Underwood, SHS; Underwood.
Van Horne; Blairstown, EL; Benton.
Ventura:
Ventura, EL; Ventura.
Ventura, SHS; Ventura.
Ventura, JHS; Ventura.
Villisca:
Lincoln, EL; Villisca.
Sylvia-Enarson, EL; Villisca.
Villisca, EL; Villisca.
Villisca, JHS; Villisca.
Villisca, SHS; Villisca.
Walnut:
Walnut, EL; Walnut.
Walnut, SHS; Walnut.
Waterloo:
Bunger, JHS; Waterloo.
East, SHS; Waterloo.
Grant, EL; Waterloo.
Hawthorne, EL; Waterloo.

Jewett, EL; Waterloo.
Logan, JHS; Waterloo.
Longfellow, EL; Waterloo.
McKinstry, JHS; Waterloo.
Roosevelt, EL; Waterloo.
Waukon:
Dorchester, EL; Allamakee.
Harpers Ferry, EL; Allamakee.
Waterville, EL; Allamakee.
Waukon, EL; Allamakee.
Waukon, JHS; Allamakee.
Waukon, SHS; Allamakee.
Wayland; Waco Middle School; Waco.
West Branch:
Hoover, EL; West Branch.
North EL; West Branch.
Springdale, EL; West Branch.
West Branch, JHS; SHS; West Branch.
West Burlington; St. Mary, EL; Private.
Westside; Vail, EL; Ar-We-Va.
Wilton Junction:
Wilton, EL; Wilton.
Wilton, HS; Wilton.
Winterset; Patterson, EL; Winterset.
Wyoming:
Center Junction, EL; Midland.
Midland, JHS; Midland.
Midland, SHS; Midland.
Monmouth, EL; Midland.
Onslow, EL; Midland.
Wyoming, EL; Midland.

KANSAS

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, LEA district

Abilene:
Abilene, JHS; USD 435.
McKinley, EL; USD 435.
Almena; Long Island, HS; USD 212.
Altamont; Bartlett, EL; USD 506.
Altoona-Midway:
Midway, HS; USD 387.
Altoona, EL; USD 387.
Altoona, HS; USD 387.
Atchinson:
Washington, EL; USD 409.
Atchinson, JHS; USD 409.
Bazine; Bazine, HS; USD 304.
Belleville; Republic, EL; USD 427.
Burden; Burden, EL; USD 462.
Cherryvale:
Cherryvale, HS; USD 447.
Billings, EL; USD 447.
Pleasant Dale, EL; USD 447.
Clay Center; Garfield, EL; USD 379.
Colony-Kincaid; Lone Elm, EL; USD 479.
Columbus (Cherokee):
Center, EL; USD 493.
Treece, EL; USD 493.
Concordia; Garfield, EL; USD 333.
Conway Springs:
Viola, EL; USD 356.
Conway Springs, HS; USD 356.
Conway Springs, EL; USD 356.
Cuba-Agenda-Narka; Cuba, EL; USD 455.
Desota; Sunflower, EL; USD 232.
Dodge City; Wright, EL; USD 443.
Effingham; Sunny Grove, EL; USD 377.
Elk City; Elk City, HS; USD 283.
Erie; Erie, EL; USD 414.
Eskridge; Maple Hill, EL; USD 330.
Eureka; Eureka, JHS; USD 389.
Florence:
Florence, HS; U 4.
Florence, EL; U 4.
Ft. Scott:
Bunker Hill, EL; USD 234.
Hammond, EL; USD 234.
Humboldt, EL; USD 234.
Marmaton, EL; USD 234.
Galena; Union Chapel, EL; USD 499.
Girard; Hapler, EL; USD 248.
Grainfield:
Gove, HS; USD 292.
Grainfield, HS; USD 292.
Park, HS; USD 292.
Great Bend; Roosevelt, JHS; USD 426.
Holton:
Holton, JHS; USD 336.
Holton, HS; USD 336.
Hutchinson:
Graber, EL; USD 308.
Central, JHS; USD 308.
Jewell; Athens, EL; USD 279.
Junction City; Junction City, HS; USD 475.
Kansas City:
Emerson, EL; USD 500.
Franklin, EL; USD 500.
L. M. Alcott, EL; USD 500.
Lindberg, EL; USD 500.
Stony Point South, EL; USD 500.
John Fiske, EL; USD 500.
J. J. Ingalls, EL; USD 500.
Morse, EL; USD 500.
Quindaro, EL; USD 500.
La Crosse; Leibenthal, EL; USD 395.
Linn:
Barnes-Greenleaf, EL; USD 223.
Hanover, EL & HS; USD 223.
Linn, EL & HS; USD 223.
Logan; Densmore, EL; USD 326.
Lost Springs; Ramona; USD 397.
Louisburg; Bucyrus, EL; USD 416.
Mayetta; Hoyt, HS; USD 337.
Melvern; Quenemo, HS; USD 456.
Meridan; Meridan, HS; USD 340.
Neodesha:
Neodesha, HS; USD 461.
Central, EL; USD 461.
North Lawn, EL; USD 461.
Newton; Lincoln, EL; USD 373.
Nickerson:
South Hutchinson, EL; USD 309.
Nickerson, EL; USD 309.
North Reno, EL; USD 309.
Osborne; Osborne, HS; USD 392.
Ottawa; Eugene Field, EL; USD 290.
Pittsburg; Washington, EL; USD 250.
Plainville; Codell, EL; USD 270.
Pomona; Pomona, HS; USD 287.
Portis; Portis Public Schools; District 19.
Rozel; Rozel, EL; USD 496.
Salina:
Bartlett, EL; USD 305.
Roosevelt-Lincoln, JHS; USD 305.
Scandia-Courtland:
Courtland, EL; USD 426.
Scandia, EL; USD 426.
Scandia, HS; USD 426.
Selden:
Selden, EL; Jt. 2 RHS.
Selden, HS; Jt. 2 RHS.
Solomon; Solomon, EL; USD 393.
St. Marys; Rossville, HS; USD 321.
Sylvan Grove; Vesper, EL; USD 299.
Topeka:
Lyman, EL; USD 501.
Holy Name, EL; USD 501.
Vermillion:
Centralia, EL; USD 380.
Centralia, HS; USD 380.
Frankfort, EL; USD 380.
Frankfort, HS; USD 380.
Vermillion, EL; USD 380.
Wamego; St. Bernard's, EL; USD 320.
Washburn; Wakarusa, EL; USD 437.
Washington; Washington, HS; USD 222.
Wichita:
Our Lady of Guadalupe, EL; USD 259.
St. Anthony's, EL; USD 259.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, LEA district

Admire:
Admire, EL; USD 251.
Bushong, EL; USD 251.
Allen, EL; USD 251.
Alma:
Paxico, HS; USD 329.
Maple Hill, EL; USD 329.
Alma, HS; USD 329.
McFarland, EL; USD 329.
Almena; Long Island, JHS; USD 212.
Atchison; Fairgrounds, EL; USD 409.
Barnes:
Linn-Palmer, EL; USD 223.
Hanover, EL; USD 223.
Barnes, EL; USD 223.
Hollenberg, EL; USD 223.
Beloit; Simpson, EL; USD 273.
Bonner Springs:
Sinai-Timmons, EL; USD 204.
McDanield, EL; USD 204.
Edwardsville, EL; USD 204.
Bonner Springs, JHS; USD 204.
Bonner Springs, HS; USD 204.
Southwest, EL; USD 204.
Burr Oak; Burr Oak, HS; USD 277.
Caldwell; Caldwell, EL; USD 360.
Caney:
Lincoln Memorial, EL; USD 436.
Caney, HS; USD 436.
Havana, EL; USD 436.
Tyro, EL; USD 436.
Pleasant Hill, EL; USD 436.
Centralia-Frankfort:
Centralia, EL; USD 380.
Centralia, HS; USD 380.
Frankfort, HS; USD 380.
Frankfort, HS; USD 380.
Vermillion, EL; USD 380.
Chanute:
Murray Hill, EL; USD 413.
Fairfield, EL; USD 413.
Roosevelt, EL; USD 413.
Chapman; Navarre, EL; USD 473.
Cherryvale:
Cherryvale, JHS; USD 447.
Lincoln Central, EL; USD 447.
Cimarron; Cimarron Public Schools; USD 370.
Clay Center:
Oakhill, EL; USD 379.
Longford, EL; USD 379.
Industry, EL; USD 379.
Coffeyville:
McKinley, JHS; USD 445.
Whittier, EL; USD 445.
Field McKinley, HS; USD 445.
Columbus (Cherokee):
Columbus, HS; USD 493.
Spencer, EL; USD 493.
Green Lawn, EL; USD 493.
Central, EL; USD 493.
Concordia; Lincoln, EL; USD 333.
Cottonwood Falls:
Cedar Point, EL; USD 284.
Strong City, EL; USD 284.
Courtland-Scandia:
Scandia, EL; USD 426.
Scandia, HS; USD 426.
Courtland, EL; USD 426.
Courtland, HS; USD 426.
Cunningham:
Willowdale, EL; USD 332.
Zenda, EL; USD 332.
Dexter; Dexter, EL; USD 471.
Easton; Easton, EL; USD 449.
Effingham; Shannon, EL; USD 377.
Elwood:
Elwood, HS; USD 486.
Elwood, EL; USD 486.
Eureka:
Toronto, EL; USD 389.
Mulberry, EL; USD 389.
Kindergarten, EL; USD 389.
Fowler; Fowler, EL; USD 225.
Fredonia; Fredonia, HS; USD 484.
Frontenac; Washington, EL; USD 249.
Garden City:
Lincoln, EL; USD 457.
Garfield, EL; USD 457.
Jones, EL; USD 457.
Pierceville, EL; USD 457.
Georgia Matthews, EL; USD 457.

Garnett; Westphalia, EL; USD 365.
Girard:
Greenbush, EL; USD 248.
Hepler, EL; USD 248.
Farlington, EL; USD 248.
Lowell, EL; USD 248.
Emerson, EL; USD 248.
Haysville:
Nelson, EL; USD 261.
Freeman, EL; USD 261.
Herington:
Herington, EL; USD 487.
Herington, JHS; USD 487.
Herington, HS; USD 487.
Hiawatha; Hamlin, EL; USD 415.
Hill City:
Bogue, EL; USD 281.
Bogue, HS; USD 281.
Hill City, EL; USD 281.
Hill City, HS; USD 281.
Hillsboro; Suncrest, EL; USD 410.
Hoisington:
Lincoln, EL; USD 431.
Roosevelt, EL; USD 431.
Hope:
White City, EL; USD 481.
Hope, EL; USD 481.
White City, HS; USD 481.
Horton:
Horton, HS; USD 430.
Horton, EL; USD 430.
Willis, EL; USD 430.
Everest, JHS; USD 430.
Everest, EL; USD 430.
Howard; Severy, EL; USD 282.
Iola:
Jefferson, EL; USD 257.
Lincoln, EL; USD 257.
McKinley, EL; USD 257.
La Harpe, EL; USD 257.
Gas City, EL; USD 257.
Kansas City:
Abbott, EL; USD 500.
Prescott, EL; USD 500.
Riverview, EL; USD 500.
Stanley, EL; USD 500.
Argentine, HS; USD 500.
Northwest, JHS; USD 500.
Hawthorne, EL; USD 500.
Kincaid:
Crest East, EL; USD 479.
Crest, JHS; USD 479.
Crest Central, EL; USD 479.
Crest West, EL; USD 479.
Kinsley:
Kinsley, HS; USD 347.
Kinsley-Offerle, JHS; USD 347.
Offerle, EL; USD 347.
Southside, EL; USD 347.
Lincoln, EL; USD 347.
Kiowa:
Hardtner, HS; USD 255.
Hazelton, EL; USD 255.
Kirwin; Eastern Heights; USD 324.
La Cygne:
La Cygne Public Schools; USD 362.
Parker Public Schools; USD 362.
Centerville, EL; USD 362.
Fontana Public Schools; USD 362.
Lakin; Lakin, EL; USD 215.
Lawrence; Central, JHS; USD 497.
Lenora:
Edmond, EL; USD 213.
New Almelo, EL; USD 213.
Lenora, EL; USD 213.
Lenora, HS; USD 213.
Liberal:
Garfield, EL; USD 480.
South, JHS; USD 480.
McDermott, EL; USD 480.
Lost Springs:
Pilsen, EL; USD 397.
Tampa, EL; USD 397.
Lyndon; Lyndon, EL; USD 421.
Lyons; Park, EL; USD 405.
Madison:
Madison, EL; USD 386.
Madison, HS; USD 386.
Mahaska:
North Central (Haddam), EL; USD 221.
North Central (Morrowville), HS; USD 221.
Maize; Vermillion, EL; USD 266.
Marysville; Home, EL; USD 364.
Mayetta; Denison, HS; USD 337.
Medicine Lodge; Sharon, HS; USD 254.
Minneapolis:
Ada, EL; USD 239.
Lamar, EL; USD 239.
Mound City:
Mound City, EL; USD 346.
Mound City, HS; USD 346.
Blue Mound, EL; USD 346.
Blue Mound, HS; USD 346.
Natoma; Natoma, EL; USD 391.
Ness City; Ness City, EL; USD 303.
Osawatomie; Osawatomie, HS; USD 367.
Osborne; Alton, HS; USD 392.
Peabody:
Burns, EL; USD 398.
Peabody, EL; USD 398.
Pomona; Appanoose, EL; USD 287.
Powhattan; Powhattan Public Schools; USD 510.
Pretty Prairie; Partridge Public Schools; USD 311.
Randolph:
Blue Valley, HS; USD 384.
Randolph, EL; USD 384.
Olsburg, EL; USD 384.
Rexford; Selden, EL; USD 316.
Riverton; Riverton, HS; USD 404.
Russell:
Bickerdyke, EL; USD 407.
Simpson, EL; USD 407.
Dorrance, EL; USD 407.
Gorham, EL; USD 407.
Salina; Oakdale, EL; USD 305.
Sawyer; Sawyer, EL; USD 438.
Seaman; Kaw Valley, EL; USD 345.
Sharon Springs; Wallace, EL; USD 241.
Solomon:
New Cambria, EL; USD 393.
Solomon, HS; USD 393.
Spearville, EL; USD 381.
St. Marys:
Emmett, EL; USD 321.
Delia, EL; USD 321.
Stafford; Stafford, EL; USD 349.
Sylvan Grove:
Sylvan Grove, EL; USD 299.
Hunter, EL; USD 299.
Topeka:
Boswell, JHS; USD 501.
Avondale East, EL; USD 501.
Hudson, EL; USD 501.
Highland Park South, EL; USD 501.
Troy:
Spring Grove, EL; USD 429.
Troy, HS; USD 429.
Uniontown:
Uniontown, EL; USD 235.
Uniontown, HS; USD 235.
Redfield, EL; USD 235.
Valley Center; West, EL; USD 262.
Wamego; Louisville, EL; USD 320.
Washington; Greenleaf, EL; USD 222.
Wellington; Madison, EL; USD 353.
Wichita:
Dodge, EL; USD 259.
Washington, EL; USD 259.
Finn, EL; USD 259.
Horace Mann, JHS; USD 259.
Brooks, JHS; USD 259.
Kechi Children's School; USD 259.
St. Patrick's, EL; USD 259.
Winona; Winona Attendance Center; USD 275.
Yates Center; Perry, EL; USD 366.

KENTUCKY

1968–69 Deletions From the 1966–67 List

Location, city or town, and name of school

Anchorage; Ormsby Village, EL.
Annville; Annville Institute, EL.
Barbourville:
Clate, EL.
Goodin, EL.
Barnetts Creek; Green Valley, EL.
Barwick; Strong Branch, EL.
Baptist; Baptist, EL.
Bethany; Pence Branch, EL.
Blaine:
Blaine, HS.
Boggs, EL.
Boones Camp:
Hurricane Greasy, EL.
Three Fork Greasy, EL.
Campton:
Callaboose, EL.
Mullins Point, EL.
Quillen Chapel, EL.
Rocky Branch, EL.
Spring Branch, EL.
Vortex, EL.
Cawood; Johnson Little Creek, EL.
Cecilia; St. Ambrose, EL.
Central City; St. Joseph, EL.
Coalgood; Mary Helen, EL.
Columbia:
Columbia, JHS.
Grassy Springs, EL.
Melson Ridge, EL.
Conley; Bear Tree, EL.
Cromona; Haymond, EL.
Crown; Upper Dry Fork, EL.
Denver; Denver, EL.
Dry Creek; Left Dry Creek, EL.
East Bernstadt; East Bernstadt, HS.
Evarts; Red Bud, EL.
Falcon; Little Paint, EL.
Fount; Spruce, EL.
Frakes; Laurel Fork, EL.
Fritz; Burgett, EL.
Girdler; Callebs, EL.
Grayson; Buckeye, EL.
Hager Hill; America, EL.
Heidelberg; Caves Branch, EL.
Hellier; Hellier, HS.
Hestand; Bradley Springs, EL.
Hollonville:
Bailey Field, EL.
Hunting Fork, EL.
Houston; Houston Mission, EL.
Jackson:
Oakdale Christian, EL.
Oakdale Christian, HS.
Stray Branch, EL.
Jeremian; Blair Branch, EL.
Jeff; Combs Memorial, EL.
Lee City; Lee City Mission, EL.
Leitchfield; St. Paul, HS.
LeRoose; LeRoose, EL.
Liberty:
Liberty, EL.
Liberty, HS.
Lickburg; Head of Buffalo, EL.
Lincoln; Upper Buzzard, EL.
Louisa; Evergreen, EL.
Louisville:
Bishop David Memorial, EL.
Breckinridge, EL.
St. Boniface, EL.
St. Philip Nero, EL.
Mary:
Antioch, EL.
Bloody Creek, EL.
Manchester:
Panama, EL.
St. Ann, EL.
Meally; Buffalo, EL.
Millard; Lower Pompey, EL.
Mistletow; Rockhouse, EL.

Mount Herman; Hackers Branch, EL.
Mumfordville; Mumfordville, HS.
Oil Springs; Oil Springs, HS.
Olive Hill; Olive Hill, EL.
Oneida; Oneida Baptist Institute, EL.
Pigeon Roost; Pigeon Roost, EL.
Pilgrim; Head of Meathouse, EL.
Quicksand; Quicksand, EL.
Rogers; Smith, EL.
Saldee; Lick Branch, EL.
Salt Gum; Bargo, EL.
Sidell; Upper Radar, EL.
Sitka; Puncheon, EL.
Smithboro; H. Smith Branch, EL.
South Irvine; Rosses Creek, EL.
Staffordsville; Little Mud Lick, EL.
Thelma; Thelma, EL.
Three Forks; Three Forks, EL.
Tremont; Pine Flat, EL.
Tompkinsville:
Willow Springs, EL.
Bray, EL.
Cloyd, EL.
Kettle Creek, EL.
Merryville, EL.
Oak Hill, EL.
Old Mount Herman, EL.
Red Hill, EL.
Rock Ridge, EL.
Rush Point, EL.
Tinsley Hill, EL.
Union Hill, EL.
White, EL.
Van Lear:
Johns Creek, EL.
Lower Daniel Creek, EL.
Upper Miller Creek, EL.
Webbville; Hicksville, EL.
West Prestonburg; Clark, EL.
Whitesburg; Pert Creek, EL.
Williamsport; Meade Memorial, HS.
Willisburg; Willisburg, HS.
Win; Little Paint, EL.
Woodbine; Dowis, EL.
Woolum; Haven, EL.

1968–69 Additions to the 1966–67 List

Location, city or town, and name of school

Adams; Norris, EL.
Albany:
Clinton County, HS.
Cole, EL.
Five Springs, EL.
Irwin, EL.
Mount Vernon, EL.
New Ida, EL.
Shipley, EL.
Allegre; Allegre, EL.
Amba; Left Toler, EL.
Amburgy; Scuddy, EL.
Artemus; Artemus, EL.
Ary; Robinson, EL.
Ash Camp; Sycamore, EL.
Asher; Rye Cove, EL.
Banner; Daniels Creek, EL.
Barbourville:
Barbourville, EL.
Barbourville, HS.
Barwick; Millers Branch, EL.
Baxter; Ross Point, EL.
Bear Branch; Big Creek, EL.
Beattyville:
Beattyville, EL.
South Side, EL.
Bethel; Bethel, EL.
Beverly; Red Bird, HS.
Big Rock; Persimmon Fork, EL.
Blackey; Blackey, EL.
Blair; Blair, EL.
Bonnieville; Bonnieville, EL.
Bonnyman; Blue Diamond, EL.
Brodhead:
Brodhead, HS.
Livingston, HS.
Well Hope, EL.
Brown's Fork; Brown's Fork, EL.
Buckhorn:
Buckhorn, EL.
Buckhorn, HS.
Middle Squabble, EL.
Otter Creek, EL.
Bulan; Combs, EL.
Burnside; Burnside, EL.
Buey:
Big Willard, EL.
Briar Fork, EL.
Solar, EL.
Sulphur Springs, EL.
Butterfly; Butterfly, EL.
Campbellsville:
Campbellsville, EL.
Campbellsville, HS.
Our Lady of Perpetual Help, EL.
Carcassonne; Carcassonne, EL.
Carpenter; Popular Creek, EL.
Catlettsburg:
Buchanan, EL.
Fallsburg, EL.
Causey; Baker Fork, EL.
Chappell; Elk, EL.
Chavis; Chavis, EL.
Clifty; Clifty, EL.
Climax; Climax, EL.
Colson; Colson Consolidated, EL.
Columbia; Shepherd Grade Center, EL.
Columbus; Columbus, EL.
Combs; Big Creek, EL.
Confluence; Wilder Branch, EL.
Coopersville; Rocky Branch, EL.
Corbin; Felts, EL.
Cornettsville; Halcomb, EL.
Covington:
Covington Latin, HS.
Holmes, HS.
LaSalette Academy, HS.
Crab Orchard:
Broughtontown, EL.
Crab Orchard, EL.
Crane Nest; Bethel, EL.
Creston; Phillips, EL.
Dawson Springs; Charleston, EL.
Debord; Venters Branch, EL.
Decoy; Decoy, EL.
Dorton; Dorton, HS.
Drift; Drift, EL.
Dry Creek; Right Dry Creek, EL.
Dundee; Dundee, EL.
East Bernstadt; Viva, EL.
East Point; East Point, EL.
Edmonton:
Menifee County, HS.
Metcalfe County Upper, EL.
Emlyn; Emlyn, EL.
Eolia:
Eolia, EL.
Upper Cumberland, EL.
Essie; Bowen Creek Lower, EL.
Eubank; Woodstock, EL.
Flat Lick; Flat Lick, EL.
Fleming; Fleming Neon, HS.
Fogertown; Fogertown, EL.
Fonde; Fonde, EL.
Fount; Fount, EL.
Four Mile:
Lone Jack, EL.
Lone Jack, HS.
Frakes:
Henderson Settlement, EL.
Henderson Settlement, HS.
Frankfort; Holmes Street, EL.
Frenchburg; Botts, EL.
Galveston; Head of Branhams Creek, EL.
Garner; Big Branch of Ball, EL.
Garrard:
Chop Bottom, EL.
Lockards Creek, EL.
Paces Creek, EL.
Gay's Creek; Upper Second Creek, EL.
Ghent; Ghent, EL.
Girdler; Girdler, EL.
Gregory; Sinking Consolidated, EL.
Hallie; Campbells Branch, EL.
Happy; Robert W. Combs, EL.
Hardshell; Caney Consolidated, EL.
Harlan:
Harlan, EL.
Harlan, HS.
Hawesville; Hawesville, EL.
Hazard:
Bee Hive, EL.
Cordia, EL–HS.
Lost Creek, EL.
Upper Pigeon Roost, EL.
Town Mountain, EL.
Grigsby, EL.
Hull, EL.
Glomawr, EL.
Cornett Hill, EL.
Forked Mouth, EL.
Davidson, EL.
Dennis C. Wooton, EL.
Sonia, EL.
Hazel Green; Red River Valley, EL.
Hector; Head of Hector, EL.
Hickman; Western, EL.
Hisel; Hisel, EL.
Honey Bee; Eagle, EL.
Horse Cave:
LeGrande, EL.
Northtown, EL.
Hulen; Blackmont, EL.
Hustonville:
Cox, EL.
Hustonville, EL.
Hustonville, HS.
Inghram; Buckeye, EL.
Irvine; Hargett, EL.
Isom:
Cow Branch, EL.
Middle Collie, EL.
Isonville; Isonville, EL.
Jabez; Union, EL.
Jackhorn; Hamphill, EL.
Jackson:
L.B.J., EL.
Jackson, EL.
Jackson, HS.
Big Rock, EL.
Mount Carmel, EL.
Jamestown; Union Chapel, EL.
Jeff; Combs Memorial, HS.
Jellico, Tennessee; Boston, EL.
Job; Grassy, EL.
Kingscreek; Lower Kingscreek, EL.
Kings Mountain; Kings Mountain, EL.
Knifley; Knifley Grade Center, EL.
Krypton; Krypton, EL.
Lackey; Lackey, EL.
Lamont; Campbells Creek, EL.
Leatherwood:
Leatherwood, EL.
Leatherwood, HS.
Letcher; Letcher, EL.
Lewisburg; Lewisburg, EL.
Lewis Creek; Greasy Mission, EL.
Lexington; Carver, EL.
Liberty:
Casey County, HS.
Douglas, EL.
Ligon; Ligon, EL.
Lily; Lily, EL.
Line Fork; Kingdom Come Settlement, EL.
Livingston:
Red Hill, EL.
Cave Ridge, EL.
London; High Top, EL.
Lost Creek; Marie Roberts, EL.
Louisville:
Byck, EL.
Shawnee, HS.
Lowmansville; Lowmansville, EL.
Loyall; Loyall, EL.
Madisonville; Seminary, EL.
Majestic; Majestic, EL.
Manchester:
Manchester, EL.
Manchester "B," EL.
Marrowbone; Marrowbone, EL.
Mayking; Mayking, EL.
McKee; McKee, EL.
McKinney:
McKinney, EL.
McKinney, HS.

Middlesboro; Yellow Creek Center, EL.
Monticello:
  Dry Hollow, EL.
  Monticello, HS.
  Wayne County, HS.
Morgantown:
  Fifth District, EL.
  Fourth, EL.
Mount Olivet:
  Deming, EL.
  Deming, HS.
Mount Vernon:
  Blue Springs, EL.
  Mount Vernon, HS.
  Poplar Gap, EL.
  Roundstone, EL.
  Sand Springs, EL.
Mousie; Jones Fork, EL.
Nancy; Nancy, HS.
Napfor; Meadow Branch, EL.
Ogle; Lower Otter Creek, EL.
Olive Hill; Clark Hill, EL.
Oneida; Oneida Baptist Institute, HS.
Orlando:
  Cove, EL.
  Johnetta, EL.
  Owen Allen, EL.
Osborne; Right Toler, EL.
Oscaloosa; Kingdom Come, EL.
Paducah:
  Jetton, JHS.
  Concord, EL.
Park City; Red Cross, EL.
Paw Paw; Paw Paw, EL.
Pembroke; Pembroke, EL.
Pikeville:
  Big Shoal, EL.
  Right Fork of Island Creek, EL.
  Upper Hurricane, EL.
Pilgrim; Mouth of Pigeon Roost, EL.
Pine Knot; Pine Knot, HS.
Pinetop; Neely, EL.
Pineville:
  Pineville, EL.
  Dorton Branch, EL.
  Harmony, EL.
Pippapass; Caney, EL.
Powersburg; Powersburg, EL.
Quality; Boston, EL.
Ravenna; Ravenna, EL.
Revelo; Revelo, EL.
Richmond; Mayfield, EL.
Roark:
  Bowans Creek Upper, EL.
  Jacks Creek Settlement, EL.
Rogers; Rogers, EL.
Rouseau; Rouseau, EL.
Russell Springs:
  Russell Springs, EL.
  Salem, EL.
Salt Lick; Salt Lick, EL.
Salyersville:
  Salyers, EL.
  Ivyton, EL.
Sand Gap; Sand Gap, EL.
Saylor:
  Saylor, EL.
  Spruce Pine, EL.
Sizelock; Elkhorn, EL.
Slemp; Daisy, EL.
Smith; Smith, EL.
Somerset:
  Central, EL.
  Memorial, EL.
Southdown; Upper Collie, EL.
South Irvine; South Irvine, EL.
South Shore; McKell, HS.
Stanford:
  Stanford, EL.
  Stanford, HS.
Stoney Fork; Right Fork, EL.
Sulphur Well; North Metcalfe, EL.
Summer Shade; Summer Shade, EL.
Talcum:
  Stacy, EL.
  Lick Branch, EL.
Teges; Bryce Abner, EL.
Tollesboro; Trinity, EL.
Tomahawk; Tomahawk, EL.
Tompkinsville; Joe Harrison Carter, EL.
Roulouse; Grassy Branch Lower, EL.
Tram; Tram, EL.
Trenton; Trenton, EL.
Typo; Typo, EL.
Urban; Hacker, EL.
Utvah; Delphia, EL.
Van Lear; Van Lear, EL.
Varney; Brushy, EL.
Viper:
  Barrett, EL.
  Stratton, EL.
Waynesburg:
  Waynesburg, EL.
  Highland, EL.
  Memorial, HS.
Webbville; Webbville, EL.
Weeksburg; Weeksburg, EL.
West Irvine; West Irvine, EL.
Wheelwright; Wheelwright, HS.
Whitesburg:
  Ermine, EL.
  Whitesburg, HS.
Williamsburg:
  Jellico Creek, EL.
  Liberty, EL.
Windsor; Phelps, EL.
Wooton; Flackey, EL.
Yerkes; Yerkes, EL.
Yosemite; Garrett, EL.

LOUISIANA

1968–69 School List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, school name, parish or city system

Abbeville:
  Forked Island, EL; Vermilion.
  Herod, James A., HS; Vermilion.
Abita Springs; Abita Springs, EL; St. Tammany.
Albany:
  Albany, HS; Livingston.
  East Livingston, HS; Livingston.
  West Livingston, HS; Livingston.
Alexandria:
  Kelso, EL; Rapides.
  Lincoln Road, EL; Rapides.
  Lincoln Road, JHS; Rapides.
  Peabody, EL; Rapides.
  Poland, HS; Rapides.
  Reed Avenue, EL; Rapides.
  Robinson, C. E., EL; Rapides.
  South Alexandria, EL; Rapides.
Allemands; Allemands, EL; St. Charles.
Amite:
  Fifth Ward, EL; St. Helena.
  West Side, HS; Tangipahoa.
Angie; Wesley Ray, HS; Washington.
Arcadia; Crawford, HS; Bienville.
Archibald; Pardue, EL; Richland.
Athens; Hillcrest, HS; Claiborne.
Bains; Dawson, John S., HS; West Feliciana.
Baldwin; Hamilton, G. W., EL; St. Mary.
Basile; Stewart, W. W., HS; Evangeline.
Baton Rouge:
  Alsen, EL; East Baton Rouge.
  Arlington, EL; East Baton Rouge.
  Buchanan, EL; East Baton Rouge.
  Greenville, EL; East Baton Rouge.
  Harding, EL; East Baton Rouge.
  Hollywood, EL; East Baton Rouge.
  Mayfair, EL; East Baton Rouge.
  McKinley, EL; East Baton Rouge.
  McKinley, JHS; East Baton Rouge.
  McKinley, HS; East Baton Rouge.
  Nicholson, EL; East Baton Rouge.
  North Scotlandville, EL; East Baton Rouge.
  Park, EL; East Baton Rouge.
  Perkins, EL; East Baton Rouge.
  Polk, EL; East Baton Rouge.
  Reddy, EL; East Baton Rouge.
  Rosenwald, EL; East Baton Rouge.
  Scott, EL; East Baton Rouge.
  South Boulevard, EL; East Baton Rouge.
  South Greenville, EL; East Baton Rouge.
  South Scotlandville, EL; East Baton Rouge.
  Valley Park, EL; East Baton Rouge.
  Zion City, EL; East Baton Rouge.
Belcher; Herndon, HS; Caddo.
Belle Chasse; Scottville, HS; Plaquemines.
Benton; Irion, C. H., HS; Bossier.
Bernice; Mount Olive, EL; Claiborne.
Bienville; Central, EL; Bienville.
Bogalusa:
  Central Memorial, HS; City of Bogalusa.
  Long Avenue, EL; City of Bogalusa.
  North Avenue, EL; City of Bogalusa.
  Poplas, EL; City of Bogalusa.
Bossier City:
  Bossier, EL; Bossier.
  Butler, EL; Bossier.
  Mitchell, Charlotte, HS; Bossier.
Boyce; Wettermark, A., HS; Rapides.
Branch; Branch, EL; Acadia.
Breaux Bridge:
  Carver, HS; St. Martin.
  Huron, EL; St. Martin.
Bridge City; Riverside, EL; Jefferson.
Broussard; Drexel, Katharine, EL; Lafayette.
Brusly; Lukeville, EL; West Baton Rouge.
Bush; Fifth Ward, EL; St. Tammany.
Campti; Campti-Creston, HS; Natchitoches.
Carencro; Carencro Heights, EL; Lafayette.
Carlisle; Phoenix, HS; Plaquemines.
Charenton; Charenton, EL; St. Mary.
Chataignier:
  Carver, EL; Evangeline.
  Chataignier, HS; Evangeline.
Church Point; West Church Point, HS; Acadia.
Clarence; Clarence, HS; Natchitoches.
Cloutierville; Springhill, HS; Natchitoches.
Colfax; Colfax, HS; Grant.
Convent; Central, HS; St. James.
Covington:
  Covington Rosenwald, EL; St. Tammany.
  Lee Road Consolidated, EL; St. Tammany.
  Pine View, HS; St. Tammany.
Cullen; Cullen, EL; Webster.
Delcambre; Delcambre, HS; Iberia.
DeQuincy:
  DeQuincy, EL; Calcasieu.
  Grand Avenue, HS; Calcasieu.
DeRidder; Third Street, EL; Beauregard.
Donaldsonville:
  Donaldsonville, EL; Ascension.
  Lowery, HS; Ascension.
  West Ascension, EL; Ascension.
Dubach; Dubach, HS; Lincoln.
Dubberly; Central, HS; Webster.
Duson:
  Duson, EL; Lafayette.
  Judice, HS; Lafayette.
Edgard:
  Second Ward, EL; St. John.
  Second Ward, HS; St. John.
Egan; Egan, EL; Acadia.
Empire; Sunrise, HS; Plaquemines.
Ethel; Spears, EL; East Feliciana.
Evans; Evans, HS; Vernon.
Farmerville:
  Eastside, HS; Union.
  Farmerville, HS; Union.
Ferriday:
  Sevier, JHS; Concordia.
  Washington, Ernestine, EL; Concordia.
Fields; Hyatt, HS; Beauregard.
Folsom:
  Folsom Consolidated, EL; St. Tammany.
  Folsom Rosenwald, EL; St. Tammany.
Franklin:
  Park Avenue, HS; St. Mary.
  Verdunville, EL; St. Mary.
  Willow Street, EL; St. Mary.
Franklinton; Washington Parish, HS; Washington.

Gibson:
  Gibson, EL; Terrebonne.
  Greenwood, EL; Terrebonne.
Glenmora:
  Plainview, HS; Rapides.
  Southwest Rapides, HS; Rapides.
Gloster; Second Ward, HS; DeSoto.
Grand Cane; Grand Cane Community, EL; DeSoto.
Greensburg:
  Centerville, EL; St. Helena.
  Greensburg, HS; St. Helena.
  Rocky Hill, EL; St. Helena.
Gretna:
  Douglas, Frederick, EL; Jefferson.
  McDonogh No. 27, EL; Jefferson.
Gueydan; Gueydan, HS; Vermilion.
Hahnville; Hahnville, EL; St. Charles.
Hammond:
  Mooney Avenue, EL; Tangipahoa.
  Pine Ridge, EL; Tangipahoa.
Harvey; Elm Grove, EL; Jefferson.
Homer; Mayfield, HS; Claiborne.
Houma:
  Ardoyne, EL; Terrebonne.
  Boudreaux Canal, EL; Terrebonne.
  Dulac, EL; Terrebonne.
  Dularge, EL; Terrebonne.
  Mechanicville, EL; Terrebonne.
  Southdown, HS; Terrebonne.
Independence:
  Burgher, HS; Tangipahoa.
  Fourth Ward, EL; Livingston.
Jackson; Polk Rosenwald, EL; West Feliciana.
Jeanerette:
  Boley, F. M., HS; Iberia.
  Canal Street, EL; Iberia.
Jena; Jena, EL; LaSalle.
Jennings:
  Jefferson Davis, HS; Jefferson Davis.
  Jennings West End, EL; Jefferson Davis.
  Ward, James, EL; Jefferson Davis.
Jonesboro:
  Hawk, EL; Jackson.
  Jackson, HS; Jackson.
  Weston, HS; Jackson.
Kaplan:
  Kaplan, EL; Vermilion.
  Meaux, HS; Vermilion.
Kenner:
  Washington, EL; Jefferson.
  Woods, G. T., EL; Jefferson.
Killona; Killona, EL; St. Charles.
Kinder; Carver, HS; Allen.
Kraemer; Bayou Boeuf, EL; Lafourche.
Labarre; Labarre, EL; Pointe Coupee.
Lacombe; Chahta-Ima, HS; St. Tammany.
Lafayette:
  Breaux, Paul, EL; Lafayette.
  James, J. W., EL; Lafayette.
  St. Antoine, EL; Lafayette.
  Teche, EL; St. Martin.
  Truman, EL; Lafayette.
Lafitte:
  Fisher No. 1, EL; Jefferson.
  Lafitte, EL; Jefferson.
Lake Arthur; Adams, Charles P., EL; Jefferson Davis.
Lake Charles:
  Boston, HS; Calcasieu.
  Cherry Street, EL; Calcasieu.
  Eastwood, EL; Calcasieu.
  Fisherville, EL; Calcasieu.
  Jackson Street, EL; Calcasieu.
  Lincoln, EL; Calcasieu.
  Mill Street, EL; Calcasieu.
  Opelousas Street, EL; Calcasieu.
  Reynaud, JHS; Calcasieu.
  Riverside, EL; Calcasieu.
  Washington, HS; Calcasieu.
Lakeland; St. Alma, EL; Pointe Coupee.
Lake Providence:
  Griffin, EL; East Carroll.
  Griffin, HS; East Carroll.
LaPlace; Milesville, EL; St. John.
Lawtell; Woodson, Carter G., HS; St. Landry.
Lecompte; Rapides, HS; Rapides.
Leesville:
  East Leesville, EL; Vernon.
  Vernon, HS; Vernon.
Leonville; Drexel, Katherine, EL; St. Landry.
Lillie; Westside, HS; Union.
Loranger:
  Loranger, HS; Tangipahoa.
  Union Training, EL; Tangipahoa.
Loreauville; Sparrow, Clara, EL; Iberia.
Lucy; Lucy, EL; St. John.
Lutcher; Cypress Grove, EL; St. James.
Mangham:
  Egypt, EL; Richland.
  Mangham, EL; Richland.
Marksville:
  Bethune, HS; Avoyelles.
  Fifth Ward, HS; Avoyelles.
Marrero:
  Boulevard, SU; Jefferson.
  Fourth Ward, EL; Jefferson.
  Julian, Percy, EL; Jefferson.
  Lincoln, HS; Jefferson.
Marthaville; Marthaville, HS; Natchitoches.
Maurepas; Maurepas, HS; Livingston.
Melrose; St. Matthew, HS; Natchitoches.
Melville:
  Melville, HS; St. I .ndry.
  Wheatley, Phillis, HS; St. Landry.
Meraux; Trist, EL; St. Bernard.
Mermentau; Mermentau, EL; Acadia.
Merryville; Merryville, HS; Beauregard.
Metairie:
  Bunche Village, EL; Jefferson.
  Lakeside, SU; Jefferson.
Minden:
  Moore, Jerry A., EL; Webster.
  Phillips, JHS; Webster.
  Webster, HS; Webster.
Monroe:
  Carroll, HS; City of Monroe.
  Carroll, JHS; City of Monroe.
  Carver, EL; City of Monroe.
  Clark, EL; City of Monroe.
  Lincoln, EL; City of Monroe.
  Mount Nebo, EL; Ouachita.
  Ouachita, JHS; Ouachita.
  Robinson, ·L; Ouachita.
  Washington, B. T., EL; Ouachita.
Monterey; Monterey, HS; Concordia.
Montgomery; Gaines, J. W., HS; Grant.
Mora; Clifton, EL; Rapides.
Moreauville; Moreauville, HS; Avoyelles.
Morgan City; Jacquet, Edward F., EL; St. Mary.
Mount Hermon; Vernon, HS; Washington.
Natalbany; Natalbany Eastside, EL; Tangipahoa.
Natchez; Natchez, HS; Natchitoches.
New Iberia:
  Henderson, HS; Iberia.
  Livingston, J. B., EL; Iberia.
  Pemilton, Florence, EL; Iberia.
  Simon, A. B., EL; Iberia.
New Orleans:
  Audubon, John J., EL; Orleans.
  Banneker, Benjamin, EL; Jefferson.
  Bauduit, Agnes L., EL; Orleans.
  Chester, Florence J., EL; Orleans.
  Craig, Joseph A., EL; Orleans.
  Derham, James, JHS; Orleans.
  Dunn, Henderson H., EL; Orleans.
  Edwards, Helen S., EL; Orleans.
  Fischer, W. J., EL; Orleans.
  Fisk, Abijah, EL; Orleans.
  Guste, William J., EL; Orleans.
  Harney, Edgar P., EL; Orleans.
  Henderson, Murray, EL; Orleans.
  Jackson, Andrew, EL; Orleans.
  Johnson, James W., EL; Orleans.
  Landry, L. B., HS; Orleans.
  Lawton, Peter S., EL; Orleans.
  Lewis, James, EL; Orleans.
  Martyn, John, HS; Jefferson.
  McDonogh No. 10, EL; Orleans.
  McDonogh No. 24, EL; Orleans.
  McDonogh No. 30, EL; Orleans.
  McDonogh No. 32, EL; Orleans.
  McDonogh No. 35, HS; Orleans.
  McDonogh No. 38, EL; Orleans.
  McDonogh No. 41, JHS; Orleans.
  Moton, Robert R., EL; Orleans.
  Nelson, Medard H., EL; Orleans.
  Phillips, Edward H., EL; Orleans.
  Phillips, JHS; Orleans.
  Ricard, Fortunatus P., EL; Orleans.
  Rosenwald, Julius, EL; Orleans.
  Washington, Booker T., HS; Orleans.
  Wheatley, Phillis, EL; Orleans.
  Williams, Sylvanie F., EL; Orleans.
  Woodson, Carter G., JHS; Orleans.
Norwood; Norwood, EL; East Feliciana.
Oakdale; Oakdale, HS; Allen.
Oberlin; Adams, HS; Allen.
Opelousas:
  Andrepont, EL; St. Landry.
  Hyland, James, EL; St. Landry.
  North, EL; St. Landry.
Patterson; Watts, Hattie A., HS; St. Mary.
Pelican:
  All Saints, HS; DeSoto.
  Pelican, HS; DeSoto.
Pineville; Crepe Myrtle, HS; Rapides.
Pitkin; Pitkin, HS; Vernon.
Plain Dealing; Martin, Carrie, HS; Bossier.
Plaquemine:
  Crescent Bend, EL; Iberville.
  Gay, E. J., EL; Iberville.
  Iberville, EL; Iberville.
  Seymourville, EL; Iberville.
Ponchatoula; Perrin, JHS; Tangipahoa.
Port Allen:
  Cohn, EL; West Baton Rouge.
  Cohn, HS; West Baton Rouge.
Port Barre; Port Barre, EL; St. Landry.
Princeton; Princeton, HS; Bossier.
Raceland:
  Raceland, JHS; Lafourche.
  Raceland Lower, EL; Lafourche.
  Raceland Upper, EL; Lafourche.
Rayne:
  Armstrong, HS; Acadia.
  Mier, EL; Acadia.
Rayville; Rhymes, HS; Richland.
Robeline; Allen, HS; Natchitoches.
Rodessa; Pine Valley, EL; Caddo.
Rosedale; Levy, T. A., HS; Iberville.
Roseland; Mount Canaan, EL; Tangipahoa.
Ruston:
  Cypress Springs, EL; Lincoln.
  Greenwood, EL; Lincoln.
  Lewis, I. A., JHS; Lincoln.
  Lincoln, EL; Lincoln.
St. Bernard; Gauthier, J. F., EL; St. Bernard.
St. Martinville; Charles, EL; St. Martin.
St. Maurice; New Enterprise, EL; Winn.
St. Rose; Pecan Grove, EL; St. Charles.
Schriever:
  Price, Andrew, EL; Terrebonne.
  Smithridge, EL; Terrebonne.
Shongaloo; Thomas and Rhone, EL; Webster.
Shreveport:
  Bethune, HS; Caddo.
  Brooks Street, EL; Caddo.
  Central, EL; Caddo.
  Clark, J. S., JHS; Caddo.
  Eden Gardens, EL; Caddo.
  Eden Gardens, HS; Caddo.
  Eighty-First Street, EL; Caddo.
  Ingersoll, EL; Caddo.
  Linear, JHS; Caddo.
  Northside, EL; Caddo.
  Pierre Avenue, EL; Caddo.
  Pine Grove, EL; Caddo.
  Queensborough, EL; Caddo.
  Smith, Newton, EL; Caddo.
  Stoner Hill, EL; Caddo.
  Valencia, HS; Caddo.
  Walnut Hill, HS; Caddo.
  Washington, B. T., HS; Caddo.
Sikes; Sikes, HS; Winn.
Simmesport; Dunbar, HS; Avoyelles.
Springfield; Springfield, EL; Livingston.
Springhill; Brown, HS; Webster.
Starks; Starks, HS; Calcasieu.
Sterlington; Myles, HS; Ouachita.
Sulphur; Lewis, JHS; Calcasieu.

Sunset; Carver, George Washington, HS; St. Landry.
Swartz; Burks, EL; Ouachita.
Tallulah:
Thomastown, HS; Madison.
Wright, EL; Madison.
Thibodaux:
Choctaw, EL; Lafourche.
Lafargue, W. S., EL; Lafourche.
Thibodaux, EL; Lafourche.
Thibodaux, HS; Lafourche.
Trout; Goodpine, HS; LaSalle.
Urania; Urania, EL; LaSalle.
Vacherie:
Magnolia, EL; St. James.
Magnolia, HS; St. James.
Valverda; Valverda, EL; Pointe Coupee.
Varnado; Jones Creek, EL; Washington.
Vidalia; Concord, HS; Concordia.
Ville Platte; Stephens, James, HS; Evangeline.
Vinton:
Vinton, EL; Calcasieu.
Vinton, HS; Calcasieu.
Violet:
Borgnemouth, EL; St. Bernard.
Violet Consolidated, HS; St. Bernard.
Washington; Grand Prairie, HS; St. Landry.
Welsh; Bethune, HS; Jefferson Davis.
Westlake; Mossville, HS; Calcasieu.
West Monroe:
Okaloosa, EL; Ouachita.
Pinecrest, EL; Ouachita.
Richardson, HS; Ouachita.
Tim Tippit, EL; Ouachita.
Westwego:
Avondale Gardens, EL; Jefferson.
Waggaman, SU; Jefferson.
Whiteville; Whiteville, EL; St. Landry.
Winnfield, Union Hill, EL; Winn.
Woodland; Eighth Ward, EL; East Feliciana.
Youngsville; Lindon, Green T., EL; Lafayette.
Zachary:
Chaneyville, HS; East Baton Rouge.
Northwestern, HS; East Baton Rouge.
Port Hudson, EL; East Baton Rouge.

MAINE

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, and LEA district

Alfred; Elementary; District 57.
Alton; Grammar; School Union 90.
Andover:
High School; SAD 44.
Elm Street; SAD 44.
Arundel; Consolidated; Union 4.
Baileyville:
Barker; Union 106.
St. Croix; Union 106.
Woodland, HS; Union 106.
Bangor:
Valentine; City.
St. John; Private.
St. Mary; Private.
John Baptist Regional, HS; Private.
Bath:
Huse; Union 47.
Junior High; Union 47.
St. Mary; Private.
Belgrade; Central; EL, HS; SAD 47.
Biddeford; St. Joseph; Private.
Bradley; Viola Rand; Union 90.
Brownville; Brownville Junction, EL; Union 85.
Buckfield; High School; SAD 39.
Caribou; Sincock; Town.
Carmel; Carvel, JHS; SAD 23.
Caswell Plantation:
Pleasant Ridge.
St. Mary's.
Corinna; Corinna Union Academy; SAD 48.
Cornville; Consolidated; SAD 54.
Detroit; Elementary; SAD 53.
Dover-Foxcroft; Elementary; Union 84.
Durham; Elementary; Union 30.
Ellsworth; High School; Union 92.
Embden; Elementary; Union 57.
Etna; SAD 38, EL; SAD 38.
Exeter; Consolidated; Union 34.
Fort Fairfield; Junior High; SAD 20.
Fryeburg; Sadie F. Adams; Union 19.
Gardiner; Pray Street; SAD 11.
Gouldsboro; Grammar; Union 96.
Greenbush; Helen S. Dunn; Union 90.
Greenville; Elementary; SAD 2.
Guilford; Primary; SAD 4.
Hallowell; Hall-Dale, JHS; SAD 16.
Hancock; Grammar; Union 92.
Hartland; Hartland Academy; SAD 48.
Haynesville; Webster; Union 108.
Houlton:
Bowdoin Street; SAD 29.
Central; SAD 29.
Lambert; SAD 29.
Junior High; SAD 29.
High School; SAD 29.
St. Mary; Private.
Island Falls; Houlton Street; Union 114.
Lamoine; Consolidated; Union 92.
Lee; Junior High; SAD 30.
Levant; Consolidated; SAD 23.
Lewiston:
St. Peter; Private.
St. Dominic High (Girls); Private.
Limerick; Consolidated; SAD 57.
Limestone:
School No. 1; Town.
School No. 2; Town.
School No. 3; Town.
Limington; Harold B. Emery, Jr., Memorial; SAD 6.
Lincoln:
Ella P. Burr; Union 111.
Primary; Union 111.
Mattanawcook Academy; Union 111.
Littleton; Consolidated; SAD 29.
Madison; High School; SAD 59.
Mattawamkeag; Consolidated; Union 111.
Mercer; Elementary; SAD 54.
Merrill; Lincoln; Union 114.
Milford; Dr. Lewis S. Libby; Union 90.
Milo; Elementary; SAD 41.
Mount Desert; High School; Union 98.
Newburgh; Consolidated; SAD 22.
Newport; Junior High; SAD 48.
Oakland; Williams, HS; SAD 47.
Old Town:
St. Joseph; Private.
St. Mary; Private.
Otisfield; Central; SAD 17.
Oxford; Welchville; SAD 17.
Palermo; Consolidated; Union 67.
Plymouth; Elementary.
Porter; Porter, HS; SAD 55.
Portland:
Woolson; City.
Sacred Heart; Private.
St. Patrick; Private.
Presque Isle; Cunningham, JHS; SAD 1.
Rockland; District, SHS; SAD 5.
Sanford:
Edison; Town.
Emerson; Town.
Hamlin; Town.
Lincoln; Town.
Longfellow; Town.
Roosevelt; Town.
Junior High; Town.
High School; Town.
Holy Family; Private.
Notre Dame; Private.
St. Ignatius (Boys); Private
St. Ignatius (Boys and Girls); Private.
St. Ignatius, HS (Boys); Private.
St. Ignatius, HS (Girls); Private.
Searsport:
Elementary; SAD 56.
District, HS; SAD 56.
Somerville Plt.; Sand Hill; Union 51.
Stacyville; Elementary; SAD 25.
Thomaston:
Green Street Grammar; SAD 50.
Georges Valley, HS; SAD 50.
Union; High School; SAD 40.
Veazie; John R. Graham; Union 87.
Waldoboro; High School; SAD 40.
Webster; Elementary; Union 30.
West Bath; Elementary; Union 47.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and LEA district

Addison; Elementary; SAD 37.
Appleton; Village; Union 69.
Auburn; Chamberlain; City.
Augusta; Smith; City.
Bangor; Fourteenth Street; City.
Bar Harbor:
Ethel Connors; Union 98.
High School; Union 98.
Benedicta; Elementary; Union 115.
Biddeford; Sacred Heart; Private.
Brooksville; Elementary; SAD 73.
Brunswick:
Hawthorne; Town.
Union Street; Town.
St. John; Private.
Carmel; Grammar; SAD 23.
Casco:
Memorial; SAD 61.
High School; SAD 61.
Charleston; Elementary; SAD 68.
Cherryfield; Elementary; SAD 37.
Clinton; Elementary; SAD 49.
Columbia Falls; Elementary; SAD 37.
Damariscotta; Castner; Union 74.
Deer Isle; Elementary; SAD 73.
Dover-Foxcroft; Mayo Street; SAD 68.
Eagle Lake; Elementary; SAD 27.
Eustis; Elementary; SAD 58.
Garland; Elementary; SAD 46.
Guilford; Grade; SAD 4.
Harmony; Consolidated; Agent.
Harrington:
Elementary; SAD 37.
Narraguagus, HS; SAD 37.
Hiram:
Mount Cutler; SAD 55.
Sacopee Valley, HS; SAD 55.
Hodgdon; Elementary; SAD 70.
Hope; Elementary; Union 69.
Jackman; Forest Hills, JHS; SAD 12.
Lincolnville; Central; Union 69.
Lubec; Hilltop; SAD 19.
Mexico; Abbott; SAD 43.
Milbridge; Elementary; SAD 37.
Monmouth; Monmouth Academy; Private.
Monson; Monson Academy; Private.
Mount Desert; Elementary; Union 98.
Naples; Elementary; SAD 61.
Newcastle; Franklin Grammar; Union 74.
New Limerick; Tannery; Union 117.
New Portland; Central, EL; Union 57.
New Sharon; Elementary; SAD 9.
Nobleboro; Central; Union 74.
Norridgewock; Elementary; SAD 54.
Norway:
Elementary; SAD 17.
Rowe; SAD 17.
Oakfield; Grammar; Union 114.
Patten:
Grammar; SAD 25.
Primary; SAD 25.
Pittsfield; Grammar; SAD 53.
Porter; Milliken, EL; SAD 55.
Portland; Sherman, EL; City.
Rumford; Virginia, EL; Union 25.
Saco:
Burns; Union 7.
Notre Dame; Private.
Thornton Academy; Private.
St. George; Elementary; SAD 50.
St. John; Elementary; SAD 37.
Sherman; Junior High; SAD 25.
South Bristol; Elementary; Union 74.
Southwest Harbor; Pemetic, EL; Union 98.
Stacyville; Katahdin, HS; SAD 25.
Stonington; Elementary; SAD 73.
Strong; Elementary; SAD 58.
Sullivan; Grammar; Union 96.

Union; Junior High; SAD 40.
Vassalboro:
C. B. Lord; Union 52.
Riverside; Union 52.
Waldoboro:
Miller Grade; SAD 40.
A. D. Gray, JHS; SAD 40.
Warren; Primary; SAD 40.
Wilton; Primary; SAD 9.
Wiscasset; Elementary; Union 48.

MARYLAND

1968–69 Public School List

Location, name of school, and county

Aberdeen; Hall's Cross Roads, EL; Harford.
Abingdon:
Old Post Road, EL; Harford.
William Paca, EL; Harford.
Accident:
Accident, EL; Garrett.
Northern Garrett County, JHS, HS; Garrett.
Adamstown; Carroll Manor, EL; Frederick.
Annapolis:
Adams Park, EL; Anne Arundel.
Annapolis, EL; Anne Arundel.
Eastport, EL; Anne Arundel.
Germantown, EL; Anne Arundel.
Parole, EL; Anne Arundel.
Annapolis, JHS; Anne Arundel.
Bates, JHS; Anne Arundel.
Arnold:
Arnold, EL; Anne Arundel.
Cape St. Clair, EL; Anne Arundel.
Baltimore:
Pumphrey, EL; Anne Arundel.
No. 01, Edgar Allan Poe, EL; Baltimore City.
No. 02, David E. Weglein, EL; Baltimore City.
No. 07, Cecil, EL; Baltimore City.
No. 08, City Springs, EL; Baltimore City.
No. 10, James McHenry, EL; Baltimore City.
No. 11, Eutaw, EL; Baltimore City.
No. 13, Tench Tilghman, EL; Baltimore City.
No. 16, Johnston Square, EL; Baltimore City.
No. 19, Lexington Terrace, EL; Baltimore City.
No. 20, Sir Robert Eden, EL; Baltimore City.
No. 22, George Washington, EL; Baltimore City.
No. 25, Capt. Henry Fleete, EL; Baltimore City.
No. 26, Madison Square, EL; Baltimore City.
No. 27, Commodore John Rodgers, EL; Baltimore City.
No. 30, George Street, EL; Baltimore City.
No. 32, Guilford Avenue, EL; Baltimore City.
No. 35, Harlem Park, EL; Baltimore City.
No. 37, Patrick Henry, EL; Baltimore City.
No. 59, Louisa M. Alcott, EL; Baltimore City.
No. 61, John Eager Howard, EL; Baltimore City.
No. 66, Mount Royal, EL; Baltimore City.
No. 74, Oliver Cromwell, EL; Baltimore City.
No. 86, EL; Baltimore City.
No. 88, Lyndhurst, EL; Baltimore City.
No. 94, EL; Baltimore City.
No. 95, Franklin Square, EL; Baltimore City.
No. 97, Collington Square, EL; Baltimore City.
No. 99, Columbus, EL; Baltimore City.
No. 100, Joseph Harrison Lockerman, EL; Baltimore City.
No. 101, Elmer A. Henderson, EL; Baltimore City.
No. 102, Thomas G. Hayes, EL; Baltimore City.
No. 103, Henry Highland Garnet, EL; Baltimore City.
No. 104, Robert Brown Elliott, EL; Baltimore City.
No. 109, Broadway, EL; Baltimore City.
No. 111, Frances Ellen Harper, EL; Baltimore City.
No. 112, William M. Alexander, EL; Baltimore City.
No. 113, Benjamin Banneker, EL; Baltimore City.
No. 116, EL; Baltimore City.
No. 118, Harriet Beecher Stowe, EL; Baltimore City.
No. 119, John H. Murphy, EL; Baltimore City.
No. 121, Daniel A. Payne, EL; Baltimore City.
No. 122, Samuel Coleridge Taylor, EL; Baltimore City.
No. 125, Henry Winter Davis, EL; Baltimore City.
No. 126, EL; Baltimore City.
No. 129, EL; Baltimore City.
No. 135, Samuel Chase, EL; Baltimore City.
No. 137, Druid Hill, EL; Baltimore City.
No. 138, Robert Fulton, EL; Baltimore City.
No. 139, Charles Carroll of Carrollton, EL; Baltimore City.
No. 140, Mary McLeod Bethune, EL; Baltimore City.
No. 141, Abraham Lincoln, EL; Baltimore City.
No. 146, Preston, EL; Baltimore City.
No. 148, Rosedale, EL; Baltimore City.
No. 149, Rutland, EL; Baltimore City.
No. 156, Mt. Winans, EL; Baltimore City.
No. 159, Cherry Hill, EL; Baltimore City.
No. 160, Carter Godwin Woodson, EL; Baltimore City.
No. 161, Fannie L. Barbour, EL; Baltimore City.
No. 162, Josiah Diggs, EL; Baltimore City.
No. 163, Patapsco, EL; Baltimore City.
No. 164, Arundel, EL; Baltimore City.
No. 225, Westport, EL.; Baltimore City.
No. 238, Victory, EL; Baltimore City.
No. 240, Graceland Park-O'Donnel Heights, EL; Baltimore City.
No. 243, Armistead Gardens, EL; Baltimore City.
No. 301, William S. Baer, EL; Baltimore City.
No. 003, William Patterson, JHS; Baltimore City.
No. 009, Alicia Crossland, JHS; Baltimore City.
No. 49, Robert E. Lee, JHS; Baltimore City.
No. 57, Lombard, JHS; Baltimore City.
No. 72, General Henry Lee, JHS; Baltimore City.
No. 78, Harlem Park, JHS; Baltimore City.
No. 90, Clifton Park, JHS; Baltimore City.
No. 91, Gwynns Falls Park, JHS; Baltimore City.
No. 96, Nathaniel Ramsay, JHS; Baltimore City.
No. 106, Harvey Johnson, JHS; Baltimore City.
No. 115, Venable, JHS; Baltimore City.
No. 130, Booker T. Washington, JHS; Baltimore City.
No. 176, Francis M. Wood, JHS; Baltimore City.
No. 180, Cherry Hill, JHS; Baltimore City.
No. 181, Charles Hamilton Houston, JHS; Baltimore City.
No. 182, Saratoga, JHS; Baltimore City.
No. 183, Carrollton, JHS; Baltimore City.
No. 294, Woodrow Wilson, JHS; Baltimore City.
No. 296, Jane Addams, JHS; Baltimore City.
No. 298, Samuel Gompers, JHS; Baltimore City.
No. 451, Joseph C. Briscoe, JHS; Baltimore City.
No. 453, Fairmount Hill, JHS; Baltimore City.
No. 133, Paul Lawrence Dunbar, HS; Baltimore City.
No. 450, Frederick Douglass, HS; Baltimore City.
Chase, EL; Baltimore.
Chesapeake Terrace, EL; Baltimore.
Dundalk, EL; Baltimore.
Edgemere, EL; Baltimore.
Fullerton, EL; Baltimore.
Glenmar, EL; Baltimore.
Gray Manor, EL; Baltimore.
Hawthorne, EL; Baltimore.
Logan, EL; Baltimore.
Middleborough, EL; Baltimore.
Middlesex, EL; Baltimore.
Orems, EL; Baltimore.
Sparrows Point, EL; Baltimore.
Victory Villa, EL; Baltimore.
Deep Creek, JHS; Baltimore.
Dundalk, JHS; Baltimore.
Holabird, JHS; Baltimore.
Middle River, JHS; Baltimore.
North Point, JHS; Baltimore.
Sparrows Point, JHS, HS; Baltimore.
Stemmers Run, JHS; Baltimore.
Dundalk, HS; Baltimore.
Kenwood, HS; Baltimore.
Patapsco, HS; Baltimore.
Barton; Barton, EL; Allegany.
Bel Alton:
Bel Alton, EL; Charles.
Bel Alton, JHS; Charles.
Beltsville; Beltsville, EL; Prince Georges.
Berlin; Flower Street, EL; Worcester.
Bethesda:
Clara Barton, EL; Montgomery.
Seven Locks Road, EL; Montgomery.
Bladensburg; Bladensburg, EL; Prince Georges.
Boonsboro; Boonsboro, EL; Washington.
Boyds; Edward U. Taylor, EL; Montgomery.
Bowie; High Bridge, EL; Prince Georges.
Brandywine:
Brandywine, EL; Prince Georges.
Gwynn Park, JHS; Prince Georges.
Broomes Island; Broomes Island, EL; Calvert.
Brunswick; Brunswick, EL; Frederick.
Bryantown; T. C. Martin, EL; Charles.
Burtonsville; Burtonsville, EL; Montgomery.
Bushwood; Bethune, EL; St. Marys.
Cambridge:
St. Clair, EL; Dorchester.
Mace's Lane, JHS, HS; Dorchester.
Capitol Heights:
Lyndon Hill, EL; Prince Georges.
Maryland Park, JHS; Prince Georges.
Cardiff; Slate Ridge, EL; Harford.
Catonsville; Catonsville, EL; Baltimore.
Cecilton; Cecilton, EL; Cecil.
Centreville; Kennard, EL; Queen Annes.
Chaptico; Dynard, EL; St. Marys.
Charlestown; Charlestown, EL; Cecil.
Chesapeake City:
Chesapeake City, EL; Cecil.
Bohemia Manor, JHS; Cecil.
Chestertown; Chestertown, EL; Kent.
Chewsville; Chewsville, EL; Washington.
Church Hill; Church Hill, EL; Queen Annes.
Clarksburg; Clarksburg, EL; Montgomery.
Clarksville; Clarksville, JHS; Howard.
Clear Spring; Clear Spring, EL; Washington.
Conowingo; Conowingo, EL; Cecil.
Cordova; Cordova, EL; Talbot.
Crellin; Crellin, EL; Garrett.
Crisfield:
Woodson, EL; Somerset.
Woodson, JHS, HS; Somerset.
Cumberland:
Centre Street, EL; Allegany.
Columbia Street, EL; Allegany.
East Side, EL; Allegany.
John Humbird, EL; Allegany.
Northeast, EL; Allegany.
Pennsylvania Avenue, EL; Allegany.
Virginia Avenue, EL; Allegany.
Braddock, JHS; Allegany.
Washington, JHS; Allegany.
Fort Hill, HS; Allegany.
Damascus; Damascus, EL; Montgomery.

Dames Quarter; Dames Quarter, EL; Somerset.
Darlington; Darlington, EL; Harford.
Deal Island:
Deal Island, EL; Somerset.
Deal Island, JHS–HS; Somerset.
Delmar; Delmar, EL; Wicomico.
Denton:
Denton, EL; Caroline.
Riverview, JHS; Caroline.
Dickerson; Monocacy, EL; Montgomery.
Easton:
Glenwood, EL; Talbot.
Mount Pleasant, EL; Talbot.
Easton, HS; Talbot.
Eckhart; Eckhart, EL; Allegany.
Edgewater; Ralph J. Bunche, EL; Anne Arundel.
Elkridge:
Elkridge, EL; Howard.
Waterloo, JHS; Howard.
Elkton:
Elkton, EL; Cecil.
Gilpin Manor, EL; Cecil.
Elkton, JHS; Cecil.
Elkton, HS; Cecil.
Ellicott City:
Ellicott City, EL; Howard.
Waterloo, EL; Howard.
Ellicott City, JHS; Howard.
Emmitsburg; Emmitsburg, EL; Frederick.
Falkner; Glasva, EL; Charles.
Federalsburg:
Federalsburg, EL; Caroline.
Federalsburg, JHS; Caroline.
Colonel Richardson, HS; Caroline.
Forest Hill; Forest Hill, EL; Harford.
Fort Meade; Brock Bridge, EL; Anne Arundel.
Frederick:
East Frederick, EL; Frederick.
Elm Street, EL; Frederick.
South Frederick, EL; Frederick.
Urbana, EL; Frederick.
Friendsville; Friendsville, EL; Garrett.
Frostburg:
Hill Street, EL; Allegany.
Route 40, EL; Garrett.
Fruitland; Fruitland, EL; Wicomico.
Gaithersburg:
Darnestown, EL; Montgomery.
Gaithersburg, EL; Montgomery.
Travilah, EL; Montgomery.
Galena; Galena, EL; Kent.
Gambrills; Carver, EL; Anne Arundel.
Germantown:
Cedar Grove, EL; Montgomery.
Germantown, EL; Montgomery.
Glen Burnie:
Freetown, EL; Anne Arundel.
Marley, EL; Anne Arundel.
Quarterfield, EL; Anne Arundel.
Solley, EL; Anne Arundel.
Marley, JHS; Anne Arundel.
Glenwood; Glenwood, JHS; Howard.
Grantsville; Grantsville, EL; Garrett.
Grasonville; Grasonville, EL; Queen Annes.
Greensboro; Greensboro, EL; Caroline.
Hagerstown:
Antietam-Bester, EL; Washington.
Broadway, EL; Washington.
Conococheague, EL; Washington.
Emma K. Doub, EL; Washington.
Salem Avenue, EL; Washington.
Washington, EL; Washington.
Winter Street, EL; Washington.
Woodland Way, EL; Washington.
Hancock:
Hancock Primary, EL; Washington.
Hancock Intermediate, EL; Washington.
Hanover; Harman, EL; Anne Arundel.
Havre de Grace; Havre de Grace, EL; Harford.
Hebron; Westside, EL; Wicomico.
Huntingtown; Huntingtown, EL; Calvert.
Hurlock:
Hurlock, EL; Dorchester.
North Dorchester, JHS, HS; Dorchester.
Indian Head:
J. C. Parks, EL; Charles.
Pomonkey, JHS, HS; Charles.
Jessup:
Guilford, EL; Howard.
Jessup, EL; Anne Arundel.
Keedysville; Keedysville, EL; Washington.
Kensington; Kensington, EL; Montgomery.
Kitzmiller; Kitzmiller, EL; Garrett.
Knoxville; Pleasant Valley, EL; Washington.
Landover:
Kenmoor, EL; Prince Georges.
Thomas Pullen, JHS; Prince Georges.
Lanham; Glenarden Woods, EL; Prince Georges.
La Plata; La Plata, HS; Charles.
Laurel:
Laurel, EL; Prince Georges.
O. W. Phair, EL; Prince Georges.
Scaggsville, EL; Howard.
Laytonsville; Laytonsville, EL; Montgomery.
Leonardtown; Leonardtown, EL; St. Marys.
Lexington Park; Felix Johnson Educational Center, EL; St. Marys.
Libertytown; Liberty, EL; Frederick.
Lisbon; Lisbon, EL; Howard.
Lonaconing:
Central, EL; Allegany.
Valley, JHS; Allegany.
Lothian; Southern, JHS; Anne Arundel.
Loveville; Banneker, EL; St. Marys.
Manchester; Manchester, EL; Carroll.
Mardela:
Northwestern, EL; Wicomico.
Mardela, JHS, HS; Wicomico.
McCoole; McCoole, EL; Allegany.
Mechanicsville:
Mechanicsville, EL; St. Marys.
Oakville, EL; St. Marys.
White Marsh, EL; St. Marys.
Midland; Midland, EL; Allegany.
Millington; Millington, EL; Kent.
Mitchellville:
Tall Oaks, EL; Prince Georges.
Woodmore, EL; Prince Georges.
Mount Airy; Mount Airy, EL; Carroll.
Mountain Lake Park; Loch Lynn Heights EL; Garrett.
Mount Rainier; Mount Rainier, JHS; Prince Georges.
Mount Savage:
Mount Savage, EL; Allegany.
Mount Savage, JHS, HS; Allegany.
Nanjemoy:
Mount Hope, EL; Charles.
Nanjemoy, EL; Charles.
Newark; Cedar Chapel, EL; Worcester.
Newburg; Wayside, EL; Charles.
New Windsor; New Windsor, EL; Carroll.
North East:
Bay View, EL; Cecil.
North East, EL; Cecil.
North East JHS, HS; Cecil.
Oakland:
Center Street, EL; Garrett.
Red House, EL; Garrett.
Odenton; Waugh Chapel, EL; Anne Arundel.
Oldtown:
Oldtown, EL; Allegany.
Oldtown, JHS; Allegany.
Olney; Olney, EL; Montgomery.
Owings; Mount Harmony, EL; Calvert.
Park Hall; Park Hall, EL; St. Marys.
Pasadena:
Fort Smallwood, EL; Anne Arundel.
High Point, EL; Anne Arundel.
Jacobsville EL; Anne Arundel.
Pasadena, EL; Anne Arundel.
Riviera Beach, EL; Anne Arundel.
Pittsville; Pittsville, EL; Wicomico.
Pocomoke City; Pocomoke, EL; Worcester.
Pocomoke City; Stephen Long, EL; Worcester.
Poolesville; Poolesville, EL; Montgomery.
Port Republic; Island Creek, EL; Calvert.
Port Tobacco; Port Tobacco, EL; Charles.
Powellville; Powellville, EL; Wicomico.
Preston:
Preston, EL; Caroline.
Preston, JHS; Caroline.
Prince Frederick:
Brooks, EL; Calvert.
Calvert County, JHS; Calvert.
Princess Anne:
Greenwood, EL; Somerset.
Princess Anne, EL; Somerset.
Somerset, JHS, HS; Somerset.
Reisterstown; Franklin, EL; Baltimore.
Ridge; Ridge, EL; St. Marys.
Rock Hall; Rock Hall, EL; Kent.
Rockville:
Maryvale, EL; Montgomery.
Park Street, EL; Montgomery.
Twinbrook, EL; Montgomery.
West Rockville, EL; Montgomery.
Sabillasville; Sabillasville, EL; Frederick.
Salisbury:
Salisbury, EL; Wicomico.
West Salisbury, EL; Wicomico.
Bennett, JHS; Wicomico.
James M. Bennett, HS; Wicomico.
Wicomico, JHS; Wicomico.
Wicomico, HS; Wicomico.
Sandy Spring; Sherwood, EL; Montgomery.
Savage; Savage, EL; Howard.
Seat Pleasant; Seat Pleasant, EL; Prince Georges.
Shady Side; Lula G. Scott, EL; Anne Arundel.
Silver Spring:
Cloverly, EL; Montgomery.
New Hampshire, EL; Montgomery.
Viers Mill, EL; Montgomery.
Smithsburg; Smithsburg, EL; Washington.
Snow Hill; Ross Street, EL; Worcester.
Solomons; Solomons, EL; Calvert.
Sparks; Sparks, EL; Baltimore.
Sparrows Point; General John Stricker, JHS; Baltimore.
St. Michaels:
Frederick Douglass, EL; Talbot.
St. Michaels, EL; Talbot.
Stevensville; Kent Island, EL; Queen Annes.
Street:
Dublin, EL; Harford.
Highland, EL; Harford.
Stockton; Church Street, EL; Worcester.
Sudlersville; Sudlersville, EL; Queen Annes.
Sunderland; Mount Hope, EL; Calvert.
Swanton; Swanton, EL; Garrett.
Sykesville:
Freedom Districk, EL; Carroll.
Sykesville, EL; Carroll.
Takoma Park; Takoma Park, EL; Montgomery.
Tall Timbers; Piney Point, EL; St. Marys.
Taneytown; Taneytown, EL; Carroll.
Tilghman; Tilghman, EL; Talbot.
Towson; Towson, EL; Baltimore.
Tracy's Landing; Tracy's, EL; Anne Arundel.
Union Bridge; Elmer A. Wolfe, EL; Carroll.
Union Bridge; Francis Scott Key, HS; Carroll.
Uniontown; Uniontown, EL; Carroll.
Upper Marlboro:
Douglass, EL; Prince Georges.
Marlboro, EL; Prince Georges.
Vienna; Vienna II, EL; Dorchester.
Waldorf:
Malcolm, EL; Charles.
Malcolm, JHS; Charles.
Washington, D.C.:
Fairmount Heights, EL; Prince Georges.
Mary M. Bethune, JHS; Prince Georges.
Washington Grove; Washington Grove, EL; Montgomery.
Westernport; Bruce, JHS; Allegany.
West Friendship; West Friendship, EL; Howard.
Westminster:
Charles Carroll, EL; Carroll.
Winfield, EL; Carroll.
Westover; Westover Consolidated, EL; Somerset.
West River; Owensville, EL; Anne Arundel.
Williamsport; Williamsport, EL; Washington.

1968–69 Nonpublic School List

Location, name of school, and county

Avenue; Holy Angels, EL; St. Marys.
Baltimore:
Corpus Christi, EL; Baltimore City.
Holy Cross, EL; Baltimore City.
John XXIII, EL; Baltimore City.
St. Ann Special Education School, EL; Baltimore City.
St. Bernard, EL; Baltimore City.
St. Cecilia, EL; Baltimore City.
St. James/John, EL; Baltimore City.
St. Katherine Special Education School, EL; Baltimore City.
St. Leo, EL; Baltimore City.
St. Martin, HS; Baltimore City.
St. Mary Star of the Sea, EL; Baltimore City.
St. Michael, EL; Baltimore City.
St. Patrick, EL; Baltimore City.
St. Peter Claver, EL; Baltimore City.
St. Phillip/James, EL; Baltimore City.
St. Pius V, EL; Baltimore City.
St. Stanislaus, EL; Baltimore City.
St. Wenceslaus, EL; Baltimore City.
Bethesda; St. Maurice Special Education, EL; Montgomery.
Bryantown; St. Mary's, EL; Charles.
College Park; Holy Redeemer, EL; Prince Georges.
Cumberland:
St. Patrick, EL; Allegany.
St. Mary, EL; Allegany.
Dundalk; St. Rita, EL; Baltimore.
Easton; St. Peter & Paul, HS; Talbot.
Elkridge; St. Augustine, EL; Howard.
Elkton:
Elkton Christian, EL; Cecil.
Immaculate Conception, EL; Cecil.
Emmitsburg; Mother Seton, EL; Frederick.
Essex; St. Clare, EL; Baltimore.
Gaithersburg; St. Martin, EL; Montgomery.
Gray Manor; Our Lady of Hope, EL; Baltimore.
Havre de Grace; St. Patrick, EL; Harford.
Helen; Mother Catherine Spalding, EL; St. Marys.
Kennedyville; Harmony School, EL; Kent.
Landover; St. Mary, EL; Prince Georges.
Middle River:
Our Lady of Mt. Carmel, HS; Baltimore.
Our Lady Queen of Peace, EL; Baltimore.
Midland; St. Joseph, EL; Allegany.
Pasadena; St. Jane Frances, EL; Anne Arundel.
Ridge; St. Michael's, EL; St. Marys.
Rockville; St. Mary, EL; Montgomery.
Salisbury; St. Francis De Salles, EL; Wicomico.
Seat Pleasant; St. Margaret, EL; Prince Georges.
Solomons; Our Lady Star of the Sea, EL; Calvert.
Sparrows Point; St. Luke, EL; Baltimore.
Taneytown; St. Joseph, EL; Carroll.
Timonium; Our Lady Queen of Angels, EL; Baltimore.
Upper Marlboro; St. Mary, EL; Prince Georges.

MASSACHUSETTS

1968–69 Deletions From the 1967–68 List

City or town, and name of school

Amesbury; Sacred Heart, EL.[1]
Amherst:
Kellogg East, EL.
Spaulding, EL.
Ashby; Ashby, EL.
Attleboro:
Bishop Feehan, HS.[1]
St. Josephs, EL.[1]
Boston:
Arron Davis, EL.
Asa Gray, EL.

[1] See footnote at end of list.

Brockton; Cardinal Spellman, HS.[1]
Charlemont; Charlemont, HS.
Chicopee:
Alvord, EL.
Lambert Lavoie Memorial, EL.
Clinton; St. Johns, EL.[1]
Dalton; Wahconah Regional, HS.
Danvers:
Danvers, JHS.
Annunciation, EL.[1]
Dartmouth; Elmer Poole, JHS.
Deerfield:
Conway, EL.
Sunderland, EL.
East Bridgewater:
East Bridgewater, HS.
Intermediate School.
Fairhaven:
Fairhaven, HS.
Fairhaven, JHS.
Fall River:
Espirito Santo, EL.
St. Louis, EL.[1]
Framingham; Lincoln, JHS.
Grafton:
Grafton, SHS.
Our Lady of Holy Rosary.[1]
Hanson; Indian Head, EL.
Hingham; West, EL.
Hudson; Hudson Catholic, HS.[1]
Huntington; Murrayfield, EL.
Lancaster; Center, EL.
Marlboro; Marlboro, JHS.
Maynard; St. Bridgets, EL.[1]
Middleboro:
Central District, EL.
Northern District, EL.
Southern District, EL.
Milford:
St. Marys, HS.[1]
St. Marys, EL.[1]
Millbury:
Millbury, SHS.
West Millbury, EL.
New Bedford:
Our Lady of Perpetual Help School.[1]
St. Hyacinth, EL.[1]
Newburyport:
Newburyport, HS.
Brown, EL.
Jackson, EL.
New Salem; Erving Center, EL.
North Attleboro:
North Attleboro, SHS.
North Attleboro, JHS.
Fall, EL.
Roosevelt, EL.
Woodcock, EL.
Northbridge:
Northbridge, EL.
Rockdale, EL.
St. Peter's, EL.[1]
West, EL.
North Brookfield:
Grove, EL.
St. Joseph's, EL.[1]
North Reading; North Reading, HS.
Pittsfield:
St. Joseph's Center, HS.[1]
North Junior, HS.
Notre Dame, EL.[1]
Our Lady of Mt. Carmel.[1]
St. Charles', EL.[1]
St. Joseph's, EL.[1]
Plainville; Jackman, EL.
Quincy:
Quincy Vocational, HS.
Broad Meadows, JHS.
Quincy Point, JHS.
Elene, EL.
Great Hill, EL.
Hough, EL.
Pollard, EL.
Quincy, EL.
St. Joseph's, EL.[1]
Snug Harbor, EL.
Daniel Webster, EL.
Willard, EL.
Raynham:
Center, EL.
Merrill, EL.
Scituate:
Scituate, SHS.
Scituate, JHS.
Jenkins, EL.
Wampatuck, EL.
Sharon; Sharon, JHS.
Shrewsbury:
Coolidge, EL.
North Shore, EL.
Somerset; Chace Street, EL.
Somerville:
St. Anthony's, EL.[1]
St. Joseph's, EL.[1]
St. Polycarp's, EL.[1]
Southampton:
Norris, EL.
Primary School.
Southbridge:
Marianhill, HS.
Southbridge, HS.
Wells, JHS.
Charlton Street, EL.
Notre Dame, EL.[1]
Pleasant Street, EL.
St. Joan of Arc, EL.[1]
St. Mary's, EL.[1]
West Street, EL.
Spencer; St. Mary's, EL.[1]
Springfield:
Cathedral, HS.[1]
Sacred Heart, HS.[1]
Our Lady of the Rosary.[1]
Sacred Heart, EL.[1]
St. Joseph's, EL.[1]
St. Matthew's, EL.[1]
St. Thomas Aquinas, EL.[1]
Stockbridge; Plain, EL.
Stoughton; Central, EL.
Stow; Central, EL.
Sturbridge:
Burgess, EL.
Wales, EL.
Waltham:
South, JHS.[1]
Fitchburg, EL.
Plympton, EL.
Robbins, EL.
Warren, EL.
Watertown:
St. Patrick's, HS.[1]
Sacred Heart, EL.[1]
St. Patrick's, EL.[1]
Webster:
St. Louis', HS.[1]
St. Anne's, EL.[1]
Westboro:
Armstrong, EL.
Harvey, EL.
Westfield:
St. Mary's, HS.[1]
Fort Meadow, EL.
Holy Trinity, EL.[1]
St. Anne's, EL.[1]
St. Mary's, EL.[1]
Southampton Road, EL.
West Newbury:
Pentucket Regional, HS.
Groveland, EL.
Merrimac, EL.
Westport:
Factory, EL.
Greenwood, EL.
Macomber, EL.
West Springfield:
West Springfield, HS.
West Springfield, JHS.
Main Street, EL.
Williamsburg:
Williamsburg, HS.
Dunphy, EL.
Haydenville Center, EL.
Worcester; Worcester Vocational, HS.
Worthington; Conwell, EL.

[1] Nonpublic school.

1968–69 Additions to the 1967–68 List

City or town, and name of school

Amesbury:
Whittier, EL.
Bartlett, EL.
Amherst:
Center Complex.
East Street, EL.
Attleboro:
Attleboro, HS.
Brennan, JHS.
Studley, EL.
Willett, EL.
South Attleboro, JHS.
Finberg, EL.
Lincoln, EL.
Washington, EL.
Tiffany, EL.
Farmers, EL.
Briggs Corner, EL.
Barnstable:
Hyannis, EL.
Marstons Mills, EL.
Belmont:
Kendall.
Daniel Butler.
Payson Park.
Beverly; St. Mary, EL.[1]
Boston:
Dorchester, HS.
Fitton Central, HS.
Julie Belhart, HS.
Mission, HS.[1]
Mission Grammar.[1]
St. Catherine, EL.[1]
St. Anthonys, EL.[1]
St. Mary, EL.[1]
Bridgewater; Bridgewater-Raynham Regional, HS.
Braintree:
Monatiquot, EL.
Torrey Perkins, EL.
Lincoln, EL.
Ross, EL.
Watson, EL.
Brockton; Mater Dei Academy.[1]
Brookline:
Lincoln.
Pierce.
Cambridge:
Webster, EL.
High and Latin, HS.
Harrington, EL.
Morse, EL.
Roberts, EL.
Rindge Technical, HS.
Houghton, EL.
Putnam, EL.
Saint Francis of Assisi.[1]
Notre Dame.[1]
Immaculate Conception School.[1]
Abraham Lincoln, EL.
Notre Dame, HS.[1]
Central Berkshire; Wahconah Regional, HS.
Chelsea; Assumption School.[1]
Chester:
Chester, Grammar.
Chester, HS.
Concord:
Rose Hawthorne Central Catholic School.[1]
Xavier, HS.[1]
Dartmouth; Middle, EL.
Dracut:
Senior, HS.
Junior, HS.
Greenmont Avenue, EL.
Parker Avenue, EL.
Collinsville, EL.
Dracut Center School.
Columbus, EL.
Goodhue, EL.
Kenwood, EL.

[1] See footnote at end of list.

Duxbury:
Duxbury, HS.
Duxbury, Primary.
Duxbury, Intermediate.
Dorchester:
St. Mark, EL.[1]
St. Margaret's, EL.[1]
East Boston:
Fitton Grammar.
St. Mary, Star of the Sea, EL.[1]
East Longmeadow:
High School.
Birchland Park.
Mapleshade, EL.
Easton:
Center, EL.
North Easton Grammar.
Eastondale, EL.
Furnace Village, EL.
Everett:
Everett, HS.
Parlin, JHS.
Immaculate Conception.[1]
Lafayette, EL.
Hamilton, EL.
Our Lady of Grace.[1]
Webster, EL.
Hale, EL.
Centre, EL.
Horace Mann, EL.
Devens, EL.
St. Anthonys, EL.[1]
Everett Vocational, HS.
Winslow, EL.
Lewis, EL.
Lincoln, EL.
Nichols, EL.
Adams, EL.
Evans, EL.
St. Josephs, EL.[1]
Franklin, EL.
Fairhaven; Elizabeth I. Hastings, JHS.
Freetown-Lakeville; Apponequet Regional, HS.
Fall River:
Saint Anne School.[1]
St. Patrick, EL.[1]
St. Michael, EL.[1]
St. Marys Cathedral School.[1]
Blessed Sacrament School.[1]
Mount St. Joseph, EL.[1]
St. Joseph School.[1]
John J. McDonough, EL.
St. Roch.[1]
Fowler, EL.
St. Stanislaus, EL.[1]
Holy Cross.[1]
St. Vincents Orphans Home School.[1]
Falmouth; Lawrence, HS.
Franklin:
J. F. Kennedy Memorial.
Junior HS.
Theron Metcalf, EL.
Gardner:
School Street, EL.
Coleman Street, EL.
Waterford Street, EL.
Gloucester:
Gloucester, HS.
West Parish, EL.
Beeman, EL.
Hovey, EL.
Forbes, EL.
Groton; Groton, EL.
Holbrook:
High School.
Franklin, EL.
Belcher, EL.
Garfield, EL.
Roberts, EL.
Holyoke:
John J. Lynch, JHS.
Highland, EL.
Lt. Elmer J. McMahon, EL.
Kirtland, EL.
Joseph Metcalf, EL.
Trade, HS.
Lt. Clayre P. Sullivan, EL.
E. N. White, EL.
Springdale, EL.
Hudson:
J. F. Kennedy, EL.
Hudson, HS.
Hamman, EL.
Felton Street, EL.
Broad Street, EL.
Packard Street, EL.
High Street, EL.
Hyde Park; Lieutenant J. P. Kennedy, Jr. Memorial School.
Jamaica Plain:
Blessed Sacrament, EL.[1]
Blessed Sacrament, HS.[1]
Lawrence:
Holy Trinity School.[1]
Emily G. Witherbee, EL.
Sacred Heart, HS.[1]
Lexington; Lexington Academy of Holy Family.[1]
Lowell:
Saint Louis School.[1]
Sacred Heart, EL.[1]
St. Joseph, HS.[1]
St. Patrick, EL.[1]
Lunenburg; Thomas C. Passios, EL.
Manchester:
Memorial, EL.
Jr.-Sr. High School.
Marlborough; St. Anne Academy.[1]
Maynard; Coolidge, EL.
Medfield:
Dale, EL.
Junior, HS.
High School.
Memorial, EL.
Medford:
Medford H.S.
Roberts, JHS.
Lincoln, JHS.
Swan, EL.
Osgood, EL.
Columbus, EL.
Methuen; Our Lady of Mt. Carmel.[1]
Middleboro:
Memorial, HS.
Union Street, EL.
Mayflower, EL.
School Street, EL.
West Side, EL.
Pratt Free, EL.
South Middleboro School.
Rock, EL.
Flora M. Clark, EL.
Plymouth Street, EL.
Pleasant Street, EL.
Milford:
Stacy, EL.
Plains, EL.
Spruce, EL.
Oliver, EL.
Chapin, EL.
Purchase, EL.
West, EL.
Millbury; Dorothy Manor, EL.
Milton; Saint Agatha, EL.[1]
Montague:
Montague-Center, EL.
Highland, EL.
Central Street, EL.
Martha's Vineyard; Martha's Vineyard School.
Masconomet; Masconomet Regional, JHS, HS.
Mohawk; Mohawk Trail Regional, HS.
Nahant:
Valley Road, EL.
Junior High School.
Johnson, EL.
Wilson, EL.
New Bedford:
St. Joseph, EL.[1]
Clark Street, EL.
St. James, EL.[1]
Saint Kilian School.[1]
Saint Anne School.[1]
St. Mary, EL.[1]

Newton:
Day, JHS.
Hyde, EL.
Burr, EL.
Davis, EL.
Carr, EL.
Horace Mann, EL.
North Andover:
North Andover, HS.
St. Michaels, EL.[1]
Atkinson, EL.
Kittredge, EL.
Franklin, EL.
Thompson, EL.
High School.
Bradstreet, EL.
Northbridge; Balmer, EL.
Norton:
Norton, HS.
L. G. Nourse, EL.
Norton, EL.
Orleans; St. Joan of Arc, EL.[1]
Oxford:
Oxford, HS.
Allen Joslin, EL.
Alfred Chaffee, EL.
Oxford, JHS.
Clara Barton School.
Palmer; Thorndike Street, EL.
Pelham; Pelham EL.
Pittsfield:
Pomeroy, EL.
Plunkett, EL.
Crane, EL.
Hibbard, EL.
Highland, EL.
Rice, EL.
Redfield, EL.
Stearns, EL.
Mercer, EL.
Russell, EL.
Plainville; Jackson, EL.
Plymouth:
Nathaniel Morton, EL.
Manomet.
Mount Pleasant.
Provincetown; St. Peters, EL.[1]
Reading; Austin Prep School.[1]
Salem:
High School.
Saltonstall, EL.
Bowditch, EL.
Horace Mann Training, EL.
Phillips, EL.
Pickering, EL.
Bentley, EL.
Endicott, EL.
Carlton, EL.
Sheridan, EL.
Cogswell, EL.
Oliver, EL.
Vocational, HS.
Saugus:
Junior High School.
High School.
Veterans Memorial, EL.
Lynnhurst, EL.
Central, EL.
Oaklandvale, EL.
Sweetser, EL.
Ballard, EL.
Armitage, EL.
North Saugus, EL.
Sharon; Sacred Heart, EL.[1]
Shirley; St. Anthonys, EL.[1]
Somerset; Village, EL.
Somerville; St. Clement, EL.[1]
Southborough; Mary E. Finn, EL.
Spencer:
Lake Street, EL.
Junior High School.
Swampscott:
Stanley, EL.
Machon, EL.

[1] See footnote at end of list.

Swansea:
St. Michael, EL.[1]
St. Louis De France, EL.[1]
Taunton:
Sacred Heart, EL.[1]
St. Anthony, EL.[1]
Tewksbury:
Tewksbury Memorial, HS.
Foster, EL.
Heath Brook, EL.
Center, EL.
North Street, EL.
Wakefield:
Junior High School.
Greenwood, EL.
Montrose, EL.
Franklin School.
Dolbeare, EL.
Lincoln, EL.
High School.
Walton, EL.
Warren, EL.
Hurd, EL.
Yeuell, EL.
Doyle, EL.
Woodville, EL.
West Ward, EL.
Walpole; Blessed Sacrament, EL.[1]
Watertown:
West, JHS.
Hosmer School.
James R. Lowell, EL.
East, JHS.
Cunniff, EL.
Browne, EL.
Wellesley:
Elizabeth Seton, HS.
Academy of the Assumption.[1]
Westford:
Nabnasset.
North Middle.
Westford Academy.
Frost, EL.
Roudenbush, EL.
Cameron, EL.
Sargent, EL.
Westwood; Xaverian Brothers, HS.[1]
Whitman:
Forest Street, EL.
Park Avenue, EL.
Gurney, EL.
Wilmington:
West Intermediate School.
Woburn Street, EL.
North, Intermediate School.
Swain, EL.
Buzzell, EL.
Mildred Rogers, EL.
Walker, EL.
Whitefield, EL.
Center, EL.
West, EL.
Winchester:
Noonan, EL.
Washington, EL.
Lincoln, EL.
Winthrop:
Center, EL.
E. B. Newton, EL.
Shirley Street, EL.
Highlands, EL.
Worcester:
Sacred Heart Academy.[1]
East Kendall Street, EL.
Downing Street, EL.
Freeland Street, EL.
Abbott Street, EL.
Millbury Street, EL.
Edgeworth Street, EL.
Whitman-Hanson; Whitman-Hanson Regional, HS.
West Roxbury; Catholic Memorial, HS.[1]

[1] Nonpublic school.

MICHIGAN

1968–69 List

Location, city or town, name of school, and school district or sponsor

Ada; Ada, EL; Forest Hills Public Schools.
Addison:
Addison, HS; Addison Community Schools.
Addison, JHS; Addison Community Schools.
Wayne Gray, EL; Addison Community Schools.
Adrian; Madison School, K–12; Madison Schools.
Akron; Akron, EL; Akron-Fairgrove Schools.
Alanson; Littlefield, K–12; Littlefield Public Schools.
Alba; Alba, K–12; Alba Public Schools.
Albion:
Albion, HS; Albion Public Schools.
Corwell, EL; Albion Public Schools.
Dayrymple, EL; Albion Public Schools.
Algonac:
Algonac, EL; Algonac Community Schools.
Algonac, HS; Algonac Community Schools.
Roy G. Gilbert, JHS; Algonac Community Schools.
Allegan:
Blackman, EL; Allegan Public Schools.
Southward, EL; Allegan Public Schools.
Westward, EL; Allegan Public Schools.
Alma; Hillcrest, EL; Alma Public Schools.
Almont:
Almont, EL; Almont Community Schools.
Almont, 8–12; Almont Community Schools.
Alpena:
Hinks, EL; Alpena Public Schools.
Lincoln, EL; Alpena Public Schools.
Alpha; Forest Park, JHS; Forest Park Schools.
Alto; Kettle Lake, EL; Caledonia Community Schools.
Ann Arbor:
Angell, EL; Ann Arbor Public Schools.
Bach, EL; Ann Arbor Public Schools.
Burns Park, EL; Ann Arbor Public Schools.
Lakewood, EL; Ann Arbor Public Schools.
Mack, EL; Ann Arbor Public Schools.
Applegate; Applegate, EL; Crosswell-Lexington Schools.
Arcadia; Arcadia, EL; Onekama Public Schools.
Ashley:
Ashley, EL; Ashley Community Schools.
Ashley, HS; Ashley Community Schools.
Athens:
Athens, EL; Athens Area Schools.
Athens, HS; Athens Area Schools.
East LeRoy, EL; Athens Area Schools.
Atlanta; Atlanta, K–12; Atlanta Community Schools.
Au Gres; Au Gres Sims, K–12; Au Gres-Sims Schools.
Au Train; Deerton, EL; Au Train Township School District.
Avoca; Avoca; EL; Yale Public Schools.
Bad Axe:
Bad Axe, EL; Bad Axe Public Schools.
Bad Axe, HS; Bad Axe Schools.
Bad Axe, JHS; Bad Axe Schools.
Baldwin:
Baldwin, EL; Baldwin Community Schools.
Baldwin, JHS; Baldwin Community Schools.
Baldwin, HS; Baldwin Community Schools.
Bannister; Bannister, EL; Ovid-Elsie Area Schools.
Baraga; Baraga, 7–12; Baraga Township Schools.
Barryton; Barryton, EL; Chippewa Hills Schools.
Barton City; Barton City, EL; Alcona Community Schools.
Battle Creek:
Brownlee Park, EL; Battle Creek School District.
Franklin, EL; Battle Creek School District.

Ann J. Kellogg, EL; Battle Creek School District.
Lincoln, EL; Battle Creek School District.
McKinley, EL; Battle Creek School District.
Pennfield Poulsen, EL; Pennfield Schools.
Roosevelt, EL; Battle Creek School District.
Wattles, EL; Harper Creek Community Schools.
Wattles Park, JHS; Harper Creek Community Schools.
Wilson, EL; Battle Creek School District.

Bay City:
Auburn, EL; Bay City School District.
Bangor, JHS; Bangor Township Schools.
Central, EL; Bangor Township Schools.
Central, HS; Bay City School District.
Dolson, EL; Bay City School District.
Dorland, EL; Bay City School District.
Farragut, EL; Bay City School District.
Fremont, EL; Bay City School District.
Garfield, EL; Bay City School District.
John Glenn, HS; Bangor Township Schools.
Handy, HS; Bay City School District.
Lincoln, EL; Bay City School District.
Lindsay, JHS; Bay City School District.
MacGregor, JHS; Bay City School District.
Mt. Vernon, EL; Bangor Township Schools.
Munger, EL; Bay City School District.
South, EL; Bangor Township Schools.
Trombley, EL; Bay City School District.
Wenona, EL; Bay City School District.
Woodside, EL; Bay City School District.

Bay Port; Bay Port, EL; Elkton-Pigeon-Bay Port Schools.

Beal City:
Beal City, K–12; Beal City Public Schools.
St. Joseph, EL; Catholic Diocese of Grand Rapids.

Belding:
Cooks Corners, EL; Belding Area Schools.
Ellis, EL; Belding Area Schools.
St. Joseph, EL; Catholic Diocese of Grand Rapids.
Smyrna, EL; Belding Area Schools.

Belleville:
Elwell, EL; Van Buren Public Schools
Sumpter, EL; Van Buren Public Schools.
Van Buren, JHS; Van Buren Public Schools.

Benton Harbor:
Bard, EL; Benton Harbor School District.
Benton Harbor, JHS; Benton Harbor School District.
Benton Harbor, HS; Benton Harbor School District.
Boynton, EL; Benton Harbor School District.
Calvin Britain, EL; Benton Harbor School District.
Columbus, EL; Benton Harbor School District.
Hull, EL; Benton Harbor School District.
Seeley, McCord, EL; Benton Harbor School District.
Henry C. Morton, EL; Benton Harbor School District.
Nickerson, EL; Benton Harbor School District.
Stump-Alma, EL; Benton Harbor School District.

Benzonia:
Benzie Central, 8–12; Benzie County Central Schools.
Crystal Lake, EL; Benzie County Central Schools.

Berrien Springs:
Berrien Springs, JHS; Berrien Springs Public Schools.
Berrien Springs, HS; Berrien Springs Public Schools.
Lower, EL; Berrien Springs Public Schools.
Upper, EL; Berrien Springs Public Schools.

Bessemer; Washington, EL; Bessemer Public Schools.

Big Bay; Powell, EL; Powell Township Schools.

Big Rapids:
Eastwood, EL; Big Rapids Public Schools.
Hillcrest, EL; Big Rapids Public Schools.
Pineview, EL; Pineview School District.

Blanchard; Blanchard, EL; Montabella Community Schools.

Bloomingdale:
Bloomingdale, EL; Bloomingdale Public Schools.
Bloomingdale, 7–12; Bloomingdale Public Schools.
Burrows, EL; Bloomingdale Public Schools.
Grand Junction, EL; Bloomingdale Public Schools.
Pullman, EL; Bloomingdale Public Schools.

Boyne City:
Boyne City Central, EL; Boyne City Public Schools.
Boyne City, 7–12; Boyne City Public Schools.

Breckenridge:
Breckenridge, 7–12; Breckenridge Community Schools.
East, EL; Breckenridge Community Schools.
West, EL; Breckenridge Community Schools.

Brethren; Brethren, 7–12; Kaleva-Norman-Dickson Schools.

Brevort; Brevort, EL; Brevort Township School District.

Bridgeport; Brucker, EL; Bridgeport Community Schools.

Brimley; Brimley, K–12; Brimley Public Schools.

Bronson:
Anderson, EL; Bronson Community Schools.
Ryan, EL; Bronson Community Schools.

Brown City:
Brown City, EL; Brown City Community Schools.
Burnside, EL; Brown City Community Schools.

Bruce Crossing; Bruce Crossing, EL; Ewen-Trout Creek Consolidated School District.

Brunswick; St. Michael, EL; Catholic diocese of Grand Rapids.

Buchanan; Moccasin, EL; Buchanan Public Schools.

Buckley; Buckley Community School, K–12; Buckley Community Schools.

Burt; Albee, EL; Chesaning Union Schools.

Byron Center:
Marshall, EL; Byron Center Public Schools.
Rider, EL; Byron Center Public Schools.

Cadillac:
Cass, EL; Cadillac Area Public Schools.
Cooley, EL; Cadillac Area Public Schools.
Forest View, EL; Cadillac Area Public Schools.
Lincoln, EL; Cadillac Area Public Schools.
St. Ann, EL; Catholic Diocese of Grand Rapids.

Caledonia:
Caledonia, EL; Caledonia Community Schools.
Dutton, EL; Caledonia Community Schools.

Calumet:
Charles Briggs, EL; Calumet Public Schools.
Calumet, HS; Calumet Public Schools.
Centennial, EL; Calumet Township School District No. 2.
Copper City, EL; Calumet Township School District No. 2.
M. M. Morrison, EL; Calumet Public Schools.
Washington, EL; Calumet Public Schools.

Capac:
Capac, EL; Capac Community Schools.
Capac Kindergarten, EL; Capac Community Schools.
Capac, HS; Capac Community Schools.
Capac, JHS; Capac Community Schools.

Carney; Carney-Nadeau, K–12; Carney-Nadeau School District.

Caro:
Caro, JHS; Caro Community Schools.
Ben H. McComb, EL; Caro Community Schools.
Frank E. Schall, EL; Caro Community Schools.

Carson City:
Carson City, EL; Carson City-Crystal Area Schools.
Carson City-Crystal, 7–12 Carson City-Crystal Area Schools.

Carsonville; Carsonville, K–12; Carsonville Community Schools.

Cass City; Campbell, EL; Cass City Public Schools.

Cassopolis:
Brookside, JHS; Cassopolis Public Schools.
Cassopolis, HS; Cassopolis Public Schools.
Geneva, EL; Cassopolis Public Schools.
Red Brick, JHS; Cassopolis Public Schools.
Salisbury, EL; Cassopolis Public Schools.
Squires, EL; Cassopolis Public Schools.

Cedar Springs:
Beach, EL; Cedar Springs School District.
Cedar Springs, JHS; Cedar Springs School District.

Central Lake; Central Lake, K–12; Charlevoix-Emmett Inter. District.

Cedar; Holy Rosary, EL; Catholic Diocese of Grand Rapids.

Champion; Diorite, EL; Ely Township School District.

Channing; Channing, EL; North Dickinson County School No. 3.

Charlevoix:
Charlevoix, EL; Charlevoix Public Schools.
Charlevoix, 7–12; Charlevoix Public Schools.

Chase; Chase, EL; Reed City Public Schools.

Chassel; Chassel, HS; Chassel Township Schools.

Chatham; Rock River, EL; Rock River Township School District.

Cheboygan:
Black River, EL; Cheboygan Area Schools.
Catholic Central, HS; Catholic Diocese of Grand Rapids.
Cheboygan, HS; Cheboygan Area Schools.
Cheboygan, JHS; Cheboygan Area Schools.
East, EL; Cheboygan Area Schools.
Inverness, EL; Cheboygan Area Schools.
West, EL; Cheboygan Area Schools.

Chesaning:
Chesaning, EL; Chesaning Union Schools.
Chesaning Union, HS; Chesaning Union Schools.

Clare; St. Cecilia, EL; Catholic Diocese of Grand Rapids.

Clarkston:
Andersonville, EL; Clarkston Community Schools.
Sashabaw, EL; Clarkston Community Schools.

Clarksville; Lake, EL; Campbell Township School District.

Clayton; Clayton, EL; Hudson Area Schools.

Clio; George A. Lacure, EL; Clio Area School District.

Coldwater:
Edison, EL; Coldwater Community Schools.
Franklin, EL; Coldwater Community Schools.
Girard, EL; Coldwater Community Schools.
Jefferson, EL; Coldwater Community Schools.
Lakeland, EL; Coldwater Community Schools.
Lincoln, EL; Coldwater Community Schools.
Washington, EL; Coldwater Community Schools.

Coleman; Coleman, EL; Coleman Community Schools.

Coloma:
Coloma, EL; Coloma Community Schools.
Pier, EL; Coloma Community Schools.
Washington, EL; Coloma Community Schools.

Comstock:
Eastern, EL; Comstock Public Schools.
Western, EL; Comstock Public Schools.

Cooks; Cooks, EL; Big Bay De Noc Public Schools.

Coopersville; St. Michael, EL; Catholic Diocese of Grand Rapids.

Coral; Coral, EL; Lakeview Community Schools.

Cornell; Cornell, EL; Escanaba Area Public Schools.

Covert:
Covert, EL; Covert Public Schools.
Covert, 7–12; Covert Public Schools.

Croswell:
Croswell-Lexington, HS; Croswell-Lexington Schools.
Croswell-Lexington, JHS; Croswell-Lexington Schools.

Frostick, EL; Croswell-Lexington Schools.

Crystal; Crystal, EL; Carson City-Crystal Area School.

Crystal Falls:
Forest Park, EL; Forest Park Schools.
Forest Park, HS; Forest Park Schools.

Curtis; Curtis, EL; Tahquamenon Area Schools.

Dansville; Dansville, K–12; Dansville Agricultural School.

Dafter:
Bruce, EL; Sault Ste. Marie Public Schools.
Dafter, EL; Sault Ste. Marie Public Schools.

Davison; Gates, EL; Davison Community Schools.

Dearborn; Salina, K–9; Dearborn Public Schools.

Decatur; Decatur, EL; Decatur Public Schools.

Decker; Evergreen, EL; Cass City Public Schools.

Deckerville; Deckerville, K–12; Deckerville Community Schools.

Deford; Deford, EL; Cass City Public Schools.

Detroit:
Addams, EL; Detroit Public Schools.
Alger, EL; Detroit Public Schools.
Amos, EL; Detroit Public Schools.
Angell, EL; Detroit Public Schools.
Balch, EL; Detroit Public Schools.
Barbour, JHS; Detroit Public Schools.
Beard, EL; Detroit Public Schools.
Bell, EL; Detroit Public Schools.
Bellevue, EL; Detroit Public Schools.
Bennett, EL; Detroit Public Schools.
Berea Lutheran, EL; Lutheran Church-Missouri Synod.
Berry, EL; Detroit Public Schools.
Biddle, EL; Detroit Public Schools.
Birney, EL; Detroit Public Schools.
Birney Annex, EL; Detroit Public Schools.
Boynton, EL; Detroit Public Schools.
Brady, EL; Detroit Public Schools.
Breitmeyer, EL; Detroit Public Schools.
Bunche, EL; Detroit Public Schools.
Burroughs, JHS; Detroit Public Schools.
Burton, EL; Detroit Public Schools.
Butzel, JHS; Detroit Public Schools.
Campau, EL; Detroit Public Schools.
Campbell, EL; Detroit Public Schools.
Cary, EL; Detroit Public Schools.
Central, HS; Detroit Public Schools.
Chadsey, HS; Detroit Public Schools.
Chandler, EL; Detroit Public Schools.
Chaney, EL; Detroit Public Schools.
Cleveland, JHS; Detroit Public Schools.
Clinton, EL; Detroit Public Schools.
Clippert-Lyster, EL; Detroit Public Schools.
Columbian, EL; Detroit Public Schools.
Columbian Primary, EL; Detroit Public Schools.
Condon, JHS; Detroit Public Schools.
Cooper, EL; Detroit Public Schools.
Courtis, EL; Detroit Public Schools.
Couzens, EL; Detroit Public Schools.
Craft, EL; Detroit Public Schools.
Crosman, EL; Detroit Public Schools.
Custer, EL; Detroit Public Schools.
Davison, EL; Detroit Public Schools.
Doty, EL; Detroit Public Schools.
Duffield, EL; Detroit Public Schools.
Durfee, JHS; Detroit Public Schools.
Dwyer, EL; Detroit Public Schools.
Earhart, JHS; Detroit Public Schools.
Edmonson, EL; Detroit Public Schools.
Ellis, EL; Detroit Public Schools.
Estabrook, EL; Detroit Public Schools.
Fairbanks, EL; Detroit Public Schools.
Farrand, EL; Detroit Public Schools.
Ferry, EL; Detroit Public Schools.
Field, EL; Detroit Public Schools.
Fisher, EL; Detroit Public Schools.
Foch, JHS; Detroit Public Schools.
Foster, EL; Detroit Public Schools.
Franklin, EL; Detroit Public Schools.
Garfield, EL; Detroit Public Schools.
George, EL; Detroit Public Schools.
Gethsemhne Lutheran, EL; Lutheran Church-Missouri Synod.
Glazer, EL; Detroit Public Schools.
Goldberg, EL; Detroit Public Schools.
Gompers, EL; Detroit Public Schools.
Greusel, JHS; Detroit Public Schools.
Hamilton, EL; Detroit Public Schools.
Hancock, EL; Detroit Public Schools.
Hanneman, EL; Detroit Public Schools.
Harding, JHS; Detroit Public Schools.
Harms, EL; Detroit Public Schools.
Harris, EL; Detroit Public Schools.
Herman, EL; Detroit Public Schools.
Higginbotham, EL; Detroit Public Schools.
Higgins, EL; Detroit Public Schools.
Hilliger, EL; Detroit Public Schools.
Holmes, A. L., EL; Detroit Public Schools.
Holmes, O. W., EL; Detroit Public Schools.
Howe, EL; Detroit Public Schools.
Hunter, EL; Detroit Public Schools.
Hutchins, JHS; Detroit Public Schools.
Hutchinson, EL; Detroit Public Schools.
Irving, EL; Detroit Public Schools.
Ives, EL; Detroit Public Schools.
Jackson, JHS; Detroit Public Schools.
Jacoby, EL; Detroit Public Schools.
Jamieson, EL; Detroit Public Schools.
Jefferson, EL; Detroit Public Schools.
Jeffries, EL; Detroit Public Schools.
Joffee, EL; Detroit Public Schools.
Jones, EL; Detroit Public Schools.
Joy, JHS; Detroit Public Schools.
Joyce, EL; Detroit Public Schools.
Keating, EL; Detroit Public Schools.
Keidan and Annex, EL; Detroit Public Schools.
Kennedy, EL; Detroit Public Schools.
Kennedy Annex, EL; Detroit Public Schools.
Kettering and Annex, HS; Detroit Public Schools.
Knudson, JHS; Detroit Public Schools.
Krolik, EL; Detroit Public Schools.
Lillibridge, EL; Detroit Public Schools.
Lingemann, EL; Detroit Public Schools.
Logan, JHS; Detroit Public Schools.
Longfellow, EL; Detroit Public Schools.
Lynch, EL; Detroit Public Schools.
MacCulloch, EL; Detroit Public Schools.
Mackenzie, HS; Detroit Public Schools.
Marcy, EL; Detroit Public Schools.
Mark Twain, EL; Detroit Public Schools.
Martin Luther King, HS; Detroit Public Schools.
Marzhausen, EL; Detroit Public Schools.
Maybee, EL; Detroit Public Schools.
Maybury, EL; Detroit Public Schools.
McGraw and Annex, EL; Detroit Public Schools.
McKerrow, EL; Detroit Public Schools.
McKinstry, EL; Detroit Public Schools.
McMichael, JHS; Detroit Public Schools.
McMillen, JHS; Detroit Public Schools.
Miller, JHS; Detroit Public Schools.
Monteith, EL; Detroit Public Schools.
Moore, EL; Detroit Public Schools.
Morley, EL; Detroit Public Schools.
Munger, JHS; Detroit Public Schools.
Murray Wright, HS; Detroit Public Schools.
Neinas, EL; Detroit Public Schools.
Newberry, EL; Detroit Public Schools.
Nichols, EL; Detroit Public Schools.
Noble, JHS; Detroit Public Schools.
Northeastern, HS; Detroit Public Schools.
Northern, HS; Detroit Public Schools.
Northwestern, HS; Detroit Public Schools.
Norvell, EL; Detroit Public Schools.
Owen, EL; Detroit Public Schools.
Palmer, EL; Detroit Public Schools.
Parke, EL; Detroit Public Schools.
Pattingill, EL; Detroit Public Schools.
Peck, EL; Detroit Public Schools.
Pelham, JHS; Detroit Public Schools.
Pershing, HS; Detroit Public Schools.
Pingree, EL; Detroit Public Schools.
Potter, EL; Detroit Public Schools.
Preston, EL; Detroit Public Schools.
Priest, EL; Detroit Public Schools.
Roosevelt, EL; Detroit Public Schools.
Rose, EL; Detroit Public Schools.
Ruthruff, EL; Detroit Public Schools.
St. Clair and Annex, EL; Detroit Public Schools.
St. John Lutheran, EL; Lutheran Church—Missouri Synod.
St. Philip Lutheran, EL; Lutheran Church—Missouri Synod.
Sampson, EL; Detroit Public Schools.
Sanders, EL; Detroit Public Schools.
Scripps, EL; Detroit Public Schools.
Scripps Annex, EL; Detroit Public Schools.
Sherrard, JHS; Detroit Public Schools.
Sherrill, EL; Detroit Public Schools.
Sill, EL; Detroit Public Schools.
Southeastern, HS; Detroit Public Schools.
Southwestern, HS; Detroit Public Schools.
Spain-Lincoln, JHS; Detroit Public Schools.
Stephens, EL; Detroit Public Schools.
Tappan, JHS; Detroit Public Schools.
Tendler, EL; Detroit Public Schools.
Thirkell, EL; Detroit Public Schools.
Thomas, EL; Detroit Public Schools.
Trowbridge, EL; Detroit Public Schools.
Turner, EL; Detroit Public Schools.
Turner Annex, EL; Detroit Public Schools.
Webber, HS; Detroit Public Schools.
Webster, EL; Detroit Public Schools.
Western, HS; Detroit Public Schools.
White and White Special, EL; Detroit Public Schools.
Williams, EL; Detroit Public Schools.
Wilson, JHS; Detroit Public Schools.
Wingert, EL; Detroit Public Schools.
Winterhalter, JHS; Detroit Public Schools.
Woodward, EL; Detroit Public Schools.
Zion Lutheran, EL; Lutheran Church—Missouri Synod.

Dowagiac:
Central, JHS; Dowagiac Union School District.
J. Gage, EL; Dowagiac Union School District.
Hamilton, EL; Dowagiac Union School District.
Lincoln, EL; Dowagiac Union School District.
McKinley, EL; Dowagiac Union School District.
Union, HS; Dowagiac Union School District.

Drayton Plains:
Drayton Plains, EL; Waterford Township Schools.
Manley, EL; Waterford Township Schools.

East Detroit; Woodland, EL; East Detroit Public Schools.

East Jordan; East Jordan, EL; Boyne City Public Schools.

East Lansing:
William Donley, EL; East Lansing School District.
Whitehills, EL; East Lansing School District.

Eaton Rapids:
Eaton Rapids, HS; Eaton Rapids Public Schools.
Eaton Rapids, JHS; Eaton Rapids Public Schools.
King Street, EL; Eaton Rapids Public Schools.
Union Street, EL; Eaton Rapids Public Schools.

Eau Claire:
Eau Claire, 7–12; Eau Claire Public Schools.
Eureka, EL; Eau Claire Public Schools.
Kindergarten Center, EL; Eau Claire Public Schools.
Lybrook, EL; Eau Claire Public Schools.
Shanghai, EL; Eau Claire Public Schools.
Eben Junction:
Limestone, EL; Limestone Township School District.
Skandia, EL; Skandia Township School District.
Ecorse:
Bunche, EL; Ecorse Public Schools.
John Kennedy, EL; Ecorse Public Schools.
Miller, EL; Ecorse Public Schools.
Edmore; Second Street, EL; Montabella Community Schools.
Edwardsburg; Edwardsburg, HS; Edwardsburg Public Schools.
Elk Rapids:
Cherryland, 7–12; Elk Rapids Public Schools.
Lakeland, EL; Elk Rapids Public Schools.
Elkton; Elkton, EL; Elkton-Pigeon-Ba Port Schools.
Elmira; Elmira-Warner, EL; Gaylord Community Schools.
Elsie, JHS; Ovid-Elsie Area Schools.
E. Knight, EL; Ovid-Elsie Area Schools.
Ovid-Elsie, HS; Ovid-Elsie Area Schools.
Emmett; Brandon, EL; Yale Public Schools.
Erie:
Mason Central, EL; Mason Consolidated Schools.
Mason, JHS; Mason Consolidated Schools.
Mason Luna Pier, EL; Mason Consolidated Schools.
Mason North, EL; Mason Consolidated Schools.
Mason, HS; Mason Consolidated Schools.
Mason South, EL; Mason Consolidated Schools.
Escanaba:
Escanaba Area, HS; Escanaba Area Public Schools.
Escanaba, JHS; Escanaba Area Public Schools.
Ford River, EL; Escanaba Area Public Schools.
Washington, EL; Escanaba Area Public Schools.
Evart:
Evart, EL; Evart Public Schools.
Evart, 7–12; Evart Public Schools.
Ewen; Ewen, K–12; Ewen-Trout Creek Consolidated School District.
Fairgrove; Fairgrove, EL; Akron-Fairgrove Schools.
Fairview; Fairview, 7–12; Fairview School District.
Falmouth:
Clam Union, EL; Clam Union Township School District.
Falmouth, EL; Falmouth Elementary School District.
Farmington:
Gill, EL; Farmington Public Schools.
William Grace, EL; Farmington Public Schools.
Felch:
Breen, EL; North Dickinson County School No. 3.
Felch, EL; North Dickinson County School No. 3.
Fennville:
Ganges, EL; Fennville Public Schools.
Anna Michen, EL; Fennville Public Schools.
Ferndale:
George Washington Carver, EL; Oak Park School District.
U. S. Grant, EL; Ferndale Public Schools.
Warren Harding, EL; Ferndale Public Schools.
Jardon Center, 7–12; Hazel Park Public Schools.
Lincoln, JHS; Ferndale Public Schools.
Ferry; Ferry, EL; Ferry Community School District.
Flint:
Beecher, JHS; Beecher Schools.
Bendle, HS; Bendle Public Schools.
Buell, EL; Beecher Schools.
Buick, EL; Beecher Schools.
Calvary Lutheran, EL; Lutheran Church—Missouri Synod.
Clark, EL; Flint Public Schools.
Dewey, EL; Flint Public Schools.
Dort, EL; Flint Public Schools.
Doyle, EL; Flint Public Schools.
Fairview, EL; Flint Public Schools.
Fiedler, EL; Kearsley Community Schools.
Friel Street, EL; Bendle Public Schools.
Griffith Court, EL; Bendle Public Schools.
Harrow, EL; Beecher Schools.
Jefferson, EL; Flint Public Schools.
Kennedy, EL; Flint Public Schools.
Kurtz, EL; Beecher Schools.
Lamb, EL; Bendle Public Schools.
T. N. Lamb, JHS; Bendle Public Schools.
Lewis, EL; Flint Public Schools.
Lincoln, EL; Flint Public Schools.
Manley, EL; Flint Public Schools.
Martin, EL; Flint Public Schools.
Messer, EL; Beecher Schools.
Northgate, EL; Beecher Schools.
Oak, EL; Flint Public Schools.
Our Savior Lutheran, EL; Lutheran Church—Missouri Synod.
Parkland, EL; Flint Public Schools.
Roosevelt, EL; Flint Public Schools.
St. Michael, EL; Catholic Diocese of Lansing.
South Bendle, EL; Bendle Public Schools.
Stevenson, EL; Flint Public Schools.
Walker, EL; Flint Public Schools.
West Bendle, EL; Bendle Public Schools.
Woodland, EL; Carman Schools.
Beecher, HS; Beecher Schools.
Fowler:
Fowler, EL; Fowler Public Schools.
Fowler, HS; Fowler Public Schools.
Fowlerville; Collins Middle, JHS; Fowlerville Community Schools.
Frankfort; Frankfort, EL; Frankfort Area Schools.
Fremont:
Daisy Brook, EL; Fremont Public Schools.
Fremont, JHS; Fremont Public Schools.
Freesoil; Freesoil, K–12; Freesoil Community Schools.
Gagetown; Gagetown, EL; Owendale-Gagetown Area Schools.
Galesburg; Augusta, EL; Galesburg-Augusta Schools.
Garden; Garden, EL; Big Bay de Noc Public Schools.
Garden City; Vogel, JHS; Garden City Public Schools.
Gaylord:
Gaylord, EL; Gaylord Community Schools.
Gaylord, HS; Gaylord Community Schools.
St. Mary, 1–12; Catholic Diocese of Grand Rapids.
Germfask; Germfask, EL; Manistique Area Schools.
Gladstone:
Buckeye, EL; Gladstone Public Schools.
Flat Rock, EL; Flat Rock Public Schools.
James T. Jones, EL; Gladstone Public Schools.
Gladwin:
Gladwin, EL; Gladwin Community Schools.
Gladwin, JHS; Gladwin Community Schools.
Gobles; Gobles, EL; Gobles Public Schools.
Grand Haven:
Central, EL; Grand Haven Public Schools.
Elliott, EL; Grand Haven Public Schools.
Grand Marais; Burt, K–12; Burt Township Schools.
Grand Rapids:
Alexander, EL; Grand Rapids Public Schools.
Burton, EL; Grand Rapids Public Schools.
Burton, JHS; Grand Rapids Public Schools.
Campau, EL; Grand Rapids Public Schools.
Catholic Central, HS; Catholic Diocese of Grand Rapids.
Central, HS; Grand Rapids Public Schools.
Coit, EL; Grand Rapids Public Schools.
Coldbrook, EL; Grand Rapids Public Schools.
Creston, HS; Grand Rapids Public Schools.
Franklin, EL; Grand Rapids Public Schools.
Hall, EL; Grand Rapids Public Schools.
Harrison Park, EL; Grand Rapids Public Schools.
Harrison Park, JHS; Grand Rapids Public Schools.
Henry, EL; Grand Rapids Public Schools.
Jefferson, EL; Grand Rapids Public Schools.
Kensington, EL; Grand Rapids Public Schools.
Lexington, EL; Grand Rapids Public Schools.
Madison, EL; Grand Rapids Public Schools.
Main Oakview, EL; Northview Schools.
Maplewood, EL; Grand Rapids Public Schools.
Marne, EL; Kenowa Hills Public Schools.
Morris, EL; Grand Rapids Public Schools.
Oakdale, EL; Grand Rapids Public Schools.
Orchard View, EL; Forest Hills Public Schools.
Ottawa Hills, HS; Grand Rapids Public Schools.
Our Lady of Sorrows, EL; Catholic Diocese of Grand Rapids.
Sacred Heart, EL; Catholic Diocese of Grand Rapids.
St. Adalbert, EL; Catholic Diocese of Grand Rapids.
St. Alphonsus, EL; Catholic Diocese of Grand Rapids.
St. Andrew, EL; Catholic Diocese of Grand Rapids.
St. James, EL; Catholic Diocese of Grand Rapids.
St. Joseph, EL; Catholic Diocese of Grand Rapids.
St. Mary, EL; Catholic Diocese of Grand Rapids.
Sheldon, EL; Grand Rapids Public Schools.
Sigsbee, EL; Grand Rapids Public Schools.
South Middle, JHS; Grand Rapids Public Schools.
Stocking, EL; Grand Rapids Public Schools.
Straight, EL; Grand Rapids Public Schools.
Townline, EL; Kentwood Public Schools.
Union, HS; Grand Rapids Public Schools.
Vandenburg, EL; Grand Rapids Public Schools.
Villa Maria, HS; Catholic Diocese of Grand Rapids.
West Catholic, HS; Catholic Diocese of Grand Rapids.
West Middle, JHS; Grand Rapids Public Schools.
Grant; Grant, EL; Grant Public Schools.
Gregory; Gregory, EL; Stockbridge Public Schools.
Gulliver; Doyle, EL; Manistique Area Schools.
Gwinn; G. D. Gilbert, EL; Forsyth School District.
Hale:
Hale, EL; Hale Area Schools.
Hale, JHS; Hale Area Schools.
Hamilton:
Bentheim, EL; Hamilton Community Schools.
Blue Star, EL; Hamilton Community Schools.
Burnips, EL; Hamilton Community Schools.
Hamilton, EL; Hamilton Community Schools.

Hamtramck:
Dickinson, EL; Hamtramck School District.
Hamtramck, HS; Hamtramck School District.
Holbrook, EL; Hamtramck School District.
Kosciuszko, EL; Hamtramck School District.
Hancock:
Central, EL; Hancock Public Schools.
Hancock Central, 7–12; Hancock Public Schools.
Ripley, EL; Hancock Public Schools.
Edward Ryan, EL; Hancock Public Schools.
E. L. Wright, EL; Hancock Public Schools.
Hannah; St. Mary, EL; Catholic Diocese of Grand Rapids.
Harbor Beach; Harbor Beach, EL; Harbor Beach Community Schools.
Harbor Springs:
Harbor Springs, EL; Harbor Springs School District.
Harbor Springs, 7–12; Harbor Springs School District.
Harris:
Bark River-Harris, EL; Harris Schools.
Bark River-Harris, HS; Harris Schools.
Harrison:
Charles Amble, EL; Harrison Community Schools.
Harrison, EL; Harrison Community Schools.
Harrison, 7–12; Harrison Community Schools.
Harrisville; Harrisville, EL; Alcona Community Schools.
Hart:
Elbridge, EL; Elbridge Community School District.
Weare-Crystal, EL; Weare-Crystal School District.
Hartford:
Hartford, 7–12; Hartford Public Schools.
North, EL; Hartford Public Schools.
South, EL; Hartford Public Schools.
Haslett:
Corcoran, EL; Perry Public Schools.
Haslett, JHS; Haslett Public Schools.
Haslett, HS; Haslett Public Schools.
Murphy, EL; Haslett Public Schools.
Vera Ralya, EL; Haslett Public Schools.
Hastings:
Algonquin Lake, EL; Hastings Public Schools.
Altoft, EL; Hastings Public Schools.
Central, EL; Hastings Public Schools.
Pleasant View, EL; Hastings Public Schools.
St. Rose of Lima, EL; Catholic Diocese of Grand Rapids.
Southeastern, EL; Hastings Public Schools.
Welcome Corners, EL; Hastings Public Schools.
Hazel Park; Wanda, EL; Hazel Park Public Schools.
Hemlock:
Hemlock, EL; Hemlock Public Schools.
Roosevelt, EL; Breitung Township Schools.
Hermansville; Hermansville, K–12; Hermansville Public Schools.
Hersey; Hersey, EL; Reed City Public Schools.
Hesperia; Hesperia, K–12; Hesperia Community Schools.
Highland Park:
Barber Middle, JHS; Highland Park School District.
Cortland, EL; Highland Park School District.
Ferris Middle, JHS; Highland Park School District.
Ford Middle, JHS, Highland Park School District.
Highland Park, HS; Highland Park School District.
Liberty, EL; Highland Park School District.
Midland, EL; Highland Park School District.
Thomson, EL; Highland Park School District.
Willard, EL; Highland Park School District.
Hillman; Hillman, K–12; Hillman Public Schools.
Hillsdale:
Davis, JHS; Hillsdale Community Schools.
Gier, EL; Hillsdale Community Schools.
Mauck, EL; Hillsdale Community Schools.
Osseo, EL; Hillsdale Community Schools.
Holland; Sheldon Woods, EL; West Ottawa Public Schools.
Holt; Elliott, EL; Holt Public Schools.
Holton:
Holton, EL; Holton Public Schools.
Holton, 7–12; Holton Public Schools.
Homer:
Homer, EL; Homer Community Schools.
Homer, HS; Homer Community Schools.
Honor; Platte River, EL; Benzie County Central Schools.
Hope; Hillside, EL; Meridian Public School District.
Houghton:
John A. Doelle, EL; Portage Township Schools.
Houghton Central, EL; Portage Township Schools.
Houghton Lake:
Collins, EL; Houghton Lake Community Schools.
Houghton Lake, HS; Houghton Lake Community Schools.
Merritt, EL; Houghton Lake Community Schools.
Howard City:
MacNaughton, EL; Tri-County Area Schools.
Sand Lake, EL; Tri-County Area Schools.
Hubbard Lake; Caledonia, EL; Alcona Community Schools.
Hubbardston; Hubbardston, EL; Carson City-Crystal Area Schools.
Hudson:
Hudson, HS; Hudson Area Schools.
Lincoln, EL; Hudson Area Schools.
Miller, EL; Hudson Area Schools.
Miller, JHS; Hudson Area Schools.
Indian River:
Inland Lakes, EL; Inland Lakes School District.
Inland Lakes, 7–12; Inland Lakes School District.
Inkster:
Carver, EL; Inkster Public Schools.
Douglass, EL; Inkster Public Schools.
Feilrath Middle, JHS; Inkster Public Schools.
Inkster, HS; Inkster Public Schools.
Lincoln, EL; Inkster Public Schools.
McNair, EL; Dearborn Heights Township Schools.
Woodson, EL; Inkster Public Schools.
Interlochen; Interlochen, EL; Traverse City Public Schools.
Ionia:
Badder, EL; Ionia Township School District.
Benedict, EL; Berlin Township School District.
Coon, EL; Berlin Township School District.
Holcomb, EL; Ionia Township School District.
Hubbel, EL; Ronald Township School District.
North LeValley, EL; Ionia Township School District.
St. John Lutheran, EL; Lutheran Church—Missouri Synod.
SS. Peter and Paul Academy, 1–12; Catholic Diocese of Grand Rapids.
Lee Spaulding, EL; Ionia Township School District.
Iron Mountain:
Amidon, EL; Iron Mountain Public Schools.
Central, EL; Iron Mountain Public Schools.
East, EL; Iron Mountain Public Schools.
Iron Mountain, HS; Iron Mountain Public Schools.
Iron River:
Bates, EL; West Iron County School District.
Central, EL; West Iron County School District.
West Iron, HS; West Iron County School District.
Ironwood:
Central, EL; Ironwood Public Schools.
Newport, EL; Ironwood Public Schools.
Norrie, EL; Ironwood Public Schools.
Roosevelt, EL; Ironwood Public Schools.
Sleight, EL; Ironwood Public Schools.
Ishpeming:
Central, EL; Ishpeming Public Schools.
Cleveland, EL; Ishpeming Public Schools.
Grammar, EL; Ishpeming Public Schools.
Ithaca:
Ithaca, 7–12; Ithaca Public Schools.
North, EL; Ithaca Public Schools.
South, EL; Ithaca Public Schools.
Jackson:
Allen, EL; Jackson Public Schools.
Helmor, EL; Jackson Public Schools.
McCulloch, EL; Jackson Public Schools.
Tomlinson, EL; Jackson Public Schools.
Wilson, EL; Jackson Public Schools.
Jasper; Jasper, EL; Sand Creek Community Schools.
Jeddo; Cook, EL; Croswell-Lexington Schools.
Jerome; Jerome, EL; North Adams Public Schools.
Johannesburg; Johannesburg Central, K–12; Johannesburg-Lewiston Area Schools.
Jonesville; Williams, EL; Jonesville Community Schools.
Kalamazoo:
Central, SHS; Kalamazoo Public Schools.
Edison, EL; Kalamazoo Public Schools.
Hillside, JHS; Kalamazoo Public Schools.
Lakewood, EL; Kalamazoo Public Schools.
Lincoln, EL; Kalamazoo Public Schools.
Northeastern, JHS; Kalamazoo Public Schools.
Northglade, EL; Kalamazoo Public Schools.
Roosevelt, EL; Kalamazoo Public Schools.
St. Mary, EL; Catholic Diocese of Lansing.
South, JHS; Kalamazoo Public Schools.
Vine, EL; Kalamazoo Public Schools.
Washington, EL; Kalamazoo Public Schools.
Woodward, EL; Kalamazoo Public Schools.
Kaleva; Kaleva, EL; Kaleva-Norman-Dickson Schools.
Kalkaska:
Kalkaska, EL; Kalkaska Public Schools.
Kalkaska, JHS; Kalkaska Public Schools.
Kalkaska, HS; Kalkaska Public Schools.
Rapid City, EL; Kalkaska Public Schools.
Kent City; Kent City, HS; Kent City Public Schools.
Kinde:
North Huron, EL; North Huron School District.
North Huron, 7–12; North Huron School District.
Kingsford:
Garden Village, EL; Breitung Township Schools.
Kingsford, JHS; Breitung Township Schools.
Kingford, HS; Breitung Township Schools.
Westwood, EL; Breitung Township Schools.
Kingsley; Kingsley, K–12; Kingsley Area Schools.
Lachine; Green, EL; Alpena Public Schools.

Laingsburg:
Laingsburg, EL; Laingsburg Community Schools.
Laingsburg, HS; Laingsburg Community Schools.
Lake City; Lake City, K–12; Lake City Area Schools.
Lake Leelanau; St. Mary, 1–12; Catholic Diocese of Grand Rapids.
Lake Linden; Washington, EL; Lake Linden-Hubbell Schools.
Lake Odessa:
East, EL; Lakewood Public Schools.
Lake Odessa, JHS; Lakewood Public Schools.
Lakeview:
Lakeview, EL; Lakeview Community Schools.
Lakeview, 7–12; Lakeview Community Schools.
L'Anse:
Arvon, EL; L'Anse Township Schools.
Laird, EL; L'Anse Township Schools.
L'Anse, 7–12; L'Anse Township Schools.
C. J. Sullivan, EL; L'Anse Township Schools.
Lansing:
Allen Street, EL; Lansing Public Schools.
Cedar Street, EL; Lansing Public Schools.
Walter French, JHS; Lansing Public Schools.
Grand River, EL; Lansing Public Schools.
High Street, EL; Lansing Public Schools.
Holmes Street, EL; Lansing Public Schools.
Kalamazoo Street, EL; Lansing Public Schools.
Main Street, EL; Lansing Public Schools.
Maple Grove, EL; Lansing Public Schools.
Michigan Avenue, EL; Lansing Public Schools.
Moores Park, EL; Lansing Public Schools.
Oak Park, EL; Lansing Public Schools.
Otto, JHS; Lansing Public Schools.
Pattengill, JHS; Lansing Public Schools.
St. Mary, EL; Catholic Diocese of Lansing.
Sheridan Road, EL; Lansing Public Schools.
Stoner, EL; Waverly Schools.
Walnut, EL; Lansing Public Schools.
West, JHS; Lansing Public Schools.
Winans, EL; Waverly Schools.
Windemere Park, EL; Waverly Schools.
Lapeer:
Elba, EL; Lapeer Public Schools.
Hadley, EL; Lapeer Public Schools.
Irwin, EL; Lapeer Public Schools.
Lapeer, JHS; Lapeer Public Schools.
Lapeer, HS; Lapeer Public Schools.
Maple Grove, EL; Lapeer Public Schools.
Mayfield, EL; Lapeer Public Schools.
Turrill, EL; Lapeer Public Schools.
Lawrence; Lawrence, EL; Lawrence Public Schools.
Lawton; Lawton, EL; Lawton Community Schools.
Leland; Leland Public School, K–12; Leland Public Schools.
LeRoy:
LeRoy, EL; Pine River Area Schools.
Pine River, JHS; Pine River Area Schools.
Pine River, HS; Pine River Area Schools.
Levering; Levering, EL; Pellston Public Schools.
Lewiston; Lewiston, EL; Johannesburg-Lewiston Area Schools.
Lexington; Meyer, EL; Croswell-Lexington Schools.
Lincoln:
Alcona, 7–12; Alcona Community Schools.
Black River, EL; Alcona Community Schools.
Lincoln, EL; Alcona Community Schools.
Ludington:
Foster, EL; Ludington Area Schools.
Nord House, EL; Ludington Area Schools.
Pere Marquette, EL; Ludington Area Schools.
South Hamlin, EL; Ludington Area Schools.
Luther; Luther, EL; Pine River Area Schools.
Mackinac Island; Mackinac Island, K–11; Mackinac Island Public Schools.
Madison Heights; Hiller, EL; Lamphere Public Schools.
Mancelona:
Alden, EL; Mancelona Public Schools.
Mancelona, EL; Mancelona Public Schools.
Manchester; Intermediate, JHS; Manchester Public Schools.
Manistee:
Catholic Central, 7–12; Catholic Diocese of Grand Rapids.
Washington, EL; Manistee Public Schools.
Manistique:
Central, EL; Manistique Are Schools.
Fairview, EL; Manistique Area Schools.
Hiawatha, EL; Manistique Area Schools.
Lakeside, EL; Manistique Area Schools.
Lincoln, EL; Manistique Area Schools.
Manistique Central, 7–12; Manistique Area Schools.
Manton; Manton, K–12; Manton Consolidated Schools.
Maple City:
Glen Lake, EL; Glen Lake Community School District.
Glen Lake, 7–12; Glen Lake Community School District.
Maple Rapids; Maple Rapids, EL; Fulton Public Schools.
Marine City:
Marine City, HS; East China Public Schools.
Marine City, JHS; East China Public Schools.
Washington, EL; East China Public Schools.
Marion:
Marion, EL; Marion Public Schools.
Marion, 7–12; Marion Public Schools.
Marlette:
Marlette, EL; Marlette Community Schools.
Bea McDonald, EL; Marlette Community Schools.
Marquette:
Beaver Grove, EL; Chocolay Township School District.
Silver Creek, EL; Chocolay Township School District.
Marysville:
Marysville Gardens, EL; Marysville Public Schools.
Marysville, HS; Marysville Public Schools.
Marysville, JHS; Marysville Public Schools.
Morton, EL; Marysville Public Schools.
Washington, EL; Marysville Public Schools.
Mason:
Alaiedon, EL; Mason Public Schools.
North Aurelius, EL; Mason Public Schools.
Steele, EL; Mason Public Schools.
Mayville:
Fostoria, EL; Mayville Community Schools.
Mayville, EL; Mayville Community Schools.
McBrides; McBrides, EL; Montabella Community Schools.
Mecosta; Mecosta, EL; Chippewa Hills Schools.
Memphis:
Memphis, EL; Memphis Community Schools.
Memphis, HS; Memphis Community Schools.
Mendon; Mendon Community, K–12; Mendon Community Schools.
Menominee:
Central, EL; Menominee Public Schools.
Grant, EL; Menominee Public Schools.
Menominee, 7–12; Menominee Public Schools.
Roosevelt, EL; Menominee Public Schools.
Washington, EL; Menominee Public Schools.
Merrill; Merrill, HS; Merrill Community Schools.
Metamora; Metamora, EL; Lapeer Public Schools.
Michigamme; Michigamme, EL; Republic-Michigamme Schools.
Micho; Grattan, EL; Belding Area Schools.
Middleton:
Fulton, HS; Fulton Public Schools.
Middleton, EL; Fulton Public Schools.
Midland:
Bullock Creek, 7–12; Bullock Creek Schools.
Floyd, EL; Bullock Creek Schools.
Pleasantview, EL; Bullock Creek Schools.
Milan; Brainard, EL; Milan Public Schools.
Milford:
Brooks, EL; Huron Valley Schools.
Duck Lake, EL; Huron Valley Schools.
Millersburg; Millersburg, EL; Onaway Area Community Schools.
Mio; Mio-Au Sable, K–12; Mio-Au Sable Schools.
Mohawk; Mohawk, EL; Alouez Township School District.
Monroe:
Custer Main, EL; Monroe Public Schools.
Lincoln, EL; Monroe Public Schools.
Orchard, EL; Monroe Public Schools.
Montague; St. James, EL; Catholic Diocese of Grand Rapids.
Morenci:
Morenci, EL; Morenci Area Schools.
Morenci, 7–12; Morenci Area Schools.
Mount Clemens:
Clemens, EL; Mount Clemens School District.
Edison, EL; Mount Clemens School District.
Gratiot, EL; Clintondale Schools.
Lincoln, EL; Mount Clemens School District.
Macomb, EL; Mount Clemens School District.
W. Nicke, EL; Clintondale Schools.
Renamod King, EL; Mount Clemens School District.
Mount Pleasant:
Ganiard, EL; Mount Pleasant Public Schools.
Kinney, EL; Mount Pleasant Public Schools.
Mary McGuire, EL; Mount Pleasant Public Schools.
Mount Pleasant, HS; Mount Pleasant Public Schools.
Sacred Heart Academy, 1–12; Catholic Diocese of Grand Rapids.
West, JHS; Mount Pleasant Public Schools.
Munising:
Central, EL; Munising Public Schools.
Lincoln, EL; Munising Public Schools.
Washington, EL; Munising Public Schools.
Munith; Munith, EL; Stockbridge Community Schools.
Muskegon:
Angell, EL; Muskegon Public Schools.
Baker, EL; Reeths-Puffer Schools.
Bates, EL; Oakridge Public Schools.
Carr, EL; Oakridge Public Schools.
Craig, EL; Muskegon Public Schools.
Froebel, EL; Muskegon Public Schools.
Glenside, EL; Muskegon Public Schools
Gustafson, EL; Orchard View Schools.
Jibson, EL; Oakridge Public Schools.
Jolman, EL; Orchard View Schools.
McLauglin, EL; Muskegon Public Schools.
McMillan, EL; Reeths-Puffer Schools.
Muskegon, HS; Muskegon Public Schools.
Nelson, EL; Muskegon Public Schools.
Nelson, JHS; Muskegon Public Schools.
Oakridge, JHS; Oakridge Public Schools.
Oakridge, HS.; Oakridge Public Schools.
Phillips, EL; Muskegon Public Schools.
Reeths-Puffer, EL; Reeths-Puffer Schools.
St. Francis de Sales, EL; Catholic Diocese of Grand Rapids.
St. Joseph, EL; Catholic Diocese of Grand Rapids.
St. Mary, EL; Catholic Diocese of Grand Rapids.
Steele, JHS; Muskegon Public Schools.
Wolf Lake, EL; Oakridge Public Schools.

Muskegon Heights:
Central, EL; Muskegon Heights Public Schools.
Central, JHS; Muskegon Heights Public Schools.
East Park, EL; Muskegon Heights Public Schools.
Lindbergh, EL.; Muskegon Heights Public Schools.
E. G. Loftis, EL; Muskegon Heights Public Schools.
Muskegon, HS; Muskegon Heights Public Schools.
Sacred Heart, EL; Catholic Diocese of Grand Rapids.
Nahma; Nahma, HS; Big Bay de Noc Public Schools.
Nashville:
Fuller, EL; Maple Valley Schools.
Kellog, EL; Maple Valley Schools.
Negaunee; Central Grade, EL; Negaunee Public Schools.
New Boston; Huron, JHS; Huron Schools.
New Haven:
Frank Lemon, EL; New Haven Community Schools.
New Haven, HS; New Haven Community Schools.
E. F. Siefert, EL; New Haven Comraunity Schools.
Newberry:
Engadine, EL; Tahquamenon Area Schools.
Newberry, EL; Tahquamenon Area Schools.
Newberry, HS; Tahquamenon Area Schools.
Pentland, EL; Tahquamenon Area Schools.
Niles; Winkler, EL; Brandywine Public Schools.
North Adams; North Adams, EL; North Adams Public Schools.
North Muskegon; Fruitland, EL; Fruitland Township School District.
Northport; Northport, K–12; Northport Public Schools.
Northville; Main Street, EL; Northville Public Schools.
Norway:
Norway, EL; Norway-Vulcan Area Schools.
Norway, HS; Norway-Vulcan Area Schools.
Vulcan Middle, JHS; Norway-Vulcan Area Schools.
Novi:
Novi, EL; Novi Community Schools.
Novi, 7–12; Novi Community Schools.
Oak Park:
Clinton, JHS; Oak Park School District.
Robert Frost, JHS; Oak Park School District.
Oakley:
Brady, EL; Chesaning Union Schools.
Oakley, EL; Chesaning Union Schools.
Olivet:
Olivet, 7–12; Olivet Community Schools.
Fern Persons, EL; Olivet Community Schools.
Onaway:
Onaway, EL; Onaway Area Community School District.
Onaway, 7–12; Onaway Area Community School District.
Ontonagon:
Mass, EL; Ontonagon Area Schools.
Ontonagon, K–12; Ontonagon Area Schools.
Rockland, EL; Ontonagon Area Schools.
Orchard Lake; Roosevelt, EL; West Bloomfield Township Schools.
Orleans:
Chittle, EL; Belding Area Schools.
Piper, EL; Orleans Township School District.
Shilo, EL; Orleans Township School District
Otsego:
Otsego, JHS; Otsego Public Schools.
St. Margaret, EL; Catholic Diocese of Grand Rapids.
Ovid:
Ovid East, EL; Ovid-Elsie Area Schools.
Ovid North, EL; Ovid-Elsie Area Schools.
Owendale; Owendale, K–12; Owendale-Gagtown Area Schools.
Owosso; West Branch, EL; Owosso Public Schools.
Painesdale:
Elm River, EL; Adams Township School District.
Jeffers, HS; Adams Township School District.
South Range, EL; Adams Township School District.
Parchment:
East Cooper, EL; Parchment School District.
North, EL; Parchment School District.
Paris; Big Jackson, EL; Big Jackson School District.
Paw Paw:
Black River, EL; Paw Paw Public Schools.
Cedar Street, EL; Paw Paw Public Schools.
Kindergarten Center, EL; Paw Paw Public Schools.
Michigan Avenue, EL; Paw Paw Public Schools.
Paw Paw, 7–12; Paw Paw Public Schools.
Paynesville; Paynesville, EL; Ewen-Trout Creek Consolidated Schools.
Peck; Peck, K–12; Peck Community Schools.
Pellston:
Pellston, EL; Pellston Public School District.
Pellston, 7–12; Pellston Public School District.
Pentwater; Pentwater, K–12; Pentwater Public Schols.
Perkins; Baldwin, EL; Baldwin Township Schools.
Perrinton; Perrinton, EL; Fulton Public Schools.
Petoskey:
Central, EL; Petoskey Public Schools.
Melrose, EL; Petoskey Public Schools.
Petoskey, JHS; Petoskey Public Schools.
Ottawa, EL; Petoskey Public Schools.
Petoskey, HS; Petoskey Public School.
Resort, EL; Petoskey Public Schools.
Sheridan, EL; Petoskey Public Schools.
Pigeon:
Laker, JHS; Elkton-Pigeon-Bay Port Schools.
Pigeon, EL; Elkton-Pigeon-Bay Port Schools.
Pinconning; Linwood, EL; Pinconning Area Schools.
Pontiac:
Adams, EL; Waterford Township Schools.
Alcott, EL; Pontiac Public Schools.
Bagley, EL; Pontiac Public Schools.
Baldwin, EL; Pontiac Public Schools.
Beaumont, EL; Waterford Township Schools.
Bethune, EL; Pontiac Public Schools.
Burt, EL; Waterford Township Schools.
Central, EL; Pontiac Public Schools.
Children's Village, K–12; Waterford Township Schools.
Covert, EL; Waterford Township Schools.
Crescent Lake, EL; Waterford Township Schools.
Crofot, EL; Pontiac Public Schools.
Donelson, EL; Waterford Township Schools.
Eastern, JHS; Pontiac Public Schools.
Four Towns, EL; Waterford Township Schools.
Frost, EL; Pontiac Public Schools.
Franklin, EL; Pontiac Public Schools.
Haviland, El; Waterford Township Schools.
Jefferson, JHS; Pontiac Public Schools.
Longfellow, EL; Pontiac Public Schools.
McConnell, EL; Pontiac Public Schools.
Pontiac Lake, EL; Waterford Township Schools.
Proper, EL; Lake Orion Community Schools.
Twain, EL; Pontiac Public Schools.
Whittier, EL; Pontiac Public Schools.
Williams Lake, EL; Waterford Township Schools.
Wilson, EL; Pontiac Public Schools.
Wisner, EL; Pontiac Public Schools.
Port Hope; Port Hope, K–12; Port Hope School District.
Port Huron:
Ruth Bacon, EL; Port Huron Area School District.
Campau, EL; Port Huron Area School District.
Cleveland, EL; Port Huron Area School District.
Fillmore, EL; Port Huron Area School District.
Fort Gratiot, EL; Port Huron Area School District.
Grant, EL; Port Huron Area School District.
Harrison, EL; Port Huron Area School District.
Kimball, JHS; Port Huron Area School District.
Negaunee, EL; Port Huron Area School District.
Port Huron, HS; Port Huron Area School District.
Northern, HS; Port Huron Area School District.
Sparlingville, EL; Port Huron Area School District.
Tyler, EL; Port Huron Area School District.
Woodrow Wilson, EL; Port Huron Area School District.
Portland:
Knox, EL; Portland Township School District.
Travis, EL; Sebewa Township School District.
Potterville; Potterville, EL; Potterville Public Schools.
Powers; Powers-Spalding, K–12; Powers Spalding School District.
Prattville; Prattville, EL; Waldron Area Schools.
Prescott; Prescott, EL; Whittemore-Prescott Schools.
Prudenville; Prudenville, JHS; Houghton Lake Community Schools.
Quincy:
Jennings, EL; Quincy Community Schools.
Quincy, 7–12; Quincy Community Schools.
Quinnesec; Quinnesec, EL; Breitung Township Schools.
Ramsay; Ramsay, EL; Bessemer Township Schools.
Rapid River:
Bay de Noc, EL; Rapid River Public Schools.
Rapid River, HS; Rapid River Public Schools.
Ravenna:
Ravenna, EL; Ravenna School District.
St. Catherine, EL; Catholic Diocese of Grand Rapids.
Updyke, EL; Ravenna School District.
Reading; Reynolds, EL; Reading Community Schools.
Reed City:
Reed City, EL; Reed City Public Schools.
Reed City, JHS; Reed City Public Schools.
St. Philip, EL; Catholic Diocese of Grand Rapids.
Remus:
Remus, EL; Chippewa Hills Schools.
St. Michael, EL; Catholic Diocese of Grand Rapids.
River Rouge:
Dunn, EL; River Rouge School District.
Northrup, EL; River Rouge School District.
River Rouge, HS; River Rouge School District.
Walter White, EL; River Rouge School District.
Riverdale; Riverdale, EL; Riverdale Elementary Schools.
Rock; Rock, K–12; Rock Public Schools.

Rockford:
Grestwood, EL; Rockford Public Schools.
Lakes, EL; Rockford Public Schools.
Romulus:
Beverly, EL; Romulus Community Schools.
Cory, EL; Romulus Community Schools.
Hayti, EL; Romulus Community Schools.
Romulus, EL; Romulus Community Schools.
Romulus, JHS; Romulus Community Schools.
Romulus, HS; Romulus Community Schools.
Roscommon:
Gerrish-Higgins, EL; Gerrish-Higgins Schools.
Gerrish-Higgins, 7–12; Gerrish-Higgins Schools.
Rose City; Rose City, EL; West Branch-Rose City Schools.
Rosebush; Rosebush, EL; Mount Pleasant Public Schools.
Roseville:
Arbor, EL; Roseville Community Schools.
Edgewood, EL; Roseville Community Schools.
Grandmont, EL; Roseville Community Schools.
Kaiser, EL; Roseville Community Schools.
Rothbury; Grant, EL; Montague Public Schools.
Royal Oak:
Churchill, EL; Royal Oak Public Schools.
Grant, EL; Royal Oak Public Schools.
Lincoln, EL; Royal Oak Public Schools.
Oakland, EL; Royal Oak Public Schools.
Whittier, EL; Royal Oak Public Schools.
Saginaw:
Baillie, EL; Saginaw Public Schools.
Carr, EL; Swan Valley School District.
Carrollton, JHS; Carrollton School District.
Central, JHS; Saginaw Public Schools.
A. A. Clayton, EL; Buena Vista No. 9.
Arthur Eddy, JHS; Saginaw Public Schools.
Griffin, EL; Carrollton School District.
Heavenrich, EL; Saginaw Public Schools.
Hess, EL; Bridgeport Community Schools.
Highland Park, EL; Buena Vista No. 9.
Houghton, EL; Saginaw Public Schools.
Hoyt, EL; Saginaw Public Schools.
Jones, EL; Saginaw Public Schools.
Jordan, EL; Swan Valley School District.
Lincoln, EL; Saginaw Public Schools.
Longstreet, EL; Saginaw Public Schools.
Mahar, EL; Bridgeport Community Schools.
Mershon, EL; Carrollton School District.
Morley, EL; Saginaw Public Schools.
Plainfield-Prosser, EL; Saginaw Township Community Schools.
Potter, EL; Saginaw Public Schools.
Jessie Rouse, EL; Saginaw Public Schools.
Saginaw High, HS; Saginaw Public Schools.
Salina, EL; Saginaw Public Schools.
Shields, EL; Swan Valley School District.
Trinity Lutheran, EL; Lutheran Church-Missouri Synod.
Union, EL; Carrollton School District.
Webber, JHS; Saginaw Public Schools.
Westdale, EL; Saginaw Township Community Schools.
Sagola; Sagola, EL; North Dickinson County School No. 3.
St. Charles:
Miller, EL; St. Charles Community Schools.
Patterson, EL; St. Charles Community Schools.
St. Charles, HS; St. Charles Community Schools.
Thurston Middle, JHS; St. Charles Community Schools.
St. Clair:
St. Clair, HS; East China Public Schools.
St. Clair, JHS; East China Public Schools.
St. Helen; St. Helen, EL; St. Helen School District.
St. Ignace:
Gros Cap, EL; Moran Township Schools.
McCann, EL; St. Ignace Public Schools.
St. Ignace, EL; St. Ignace Public Schools.
St. James; Beaver Island, K–12; Beaver Island Community Schools.
St. Johns:
East Olive, EL; St. Johns Public Schools.
Perrin-Palmer, EL; St. Johns Public Schools.
St. Joseph; Washington, EL; St. Joseph Public Schools.
St. Louis:
Carrie Knause, EL; St. Louis Public Schools.
Michigan Avenue, EL; St. Louis Public Schools.
St. Louis, HS; St. Louis Public Schools.
St. Louis, JHS; St. Louis Public Schools.
Westgate, EL; St. Louis Public Schools.
Sand Creek:
Sand Creek, EL; Sand Creek Community Schools.
Sand Creek, 7–12; Sand Creek Community Schools.
Sanford:
Averill Perkins, EL; Meridian Public School District.
Meridian, JHS; Meridian Public School District.
Meridian, HS; Meridian Public School District.
Sanford Riverside, EL; Meridian Public School District.
Saranac:
Saranac Kindergarten, EL; Saranac Community Schools.
Saranac, EL; Saranac Community Schools.
Saranac, JHS; Saranac Community Schools.
Saranac, HS; Saranac Community Schools.
Sault Ste. Marie:
Finlayson, EL; Sault Ste. Marie Public Schools.
Jefferson, EL; Sault Ste. Marie Public Schools.
Malcolm, EL; Sault Ste. Marie Public Schools.
McKinley, EL; Sault Ste. Marie Public Schools.
Sault Ste. Marie, HS; Sault Ste. Marie Public Schools.
Sault Ste. Marie, JHS; Sault Ste. Marie Public Schools.
Soo Township, EL; Sault Ste. Marie Public Schools.
Sugar Island, EL; Sault Ste. Marie Public Schools.
Sebewaing:
Sebewaing, EL; Unionville-Sebewaing Area Schools.
Unionville, EL; Unionville-Sebewaing Area Schools.
Shelby; New Era, EL; Shelby School District.
Shepherd; St. Vincent de Paul, EL; Catholic Diocese of Grand Rapids.
Sheridan:
Sheridan, EL; Central Montcalm Public Schools.
Sheridan, JHS; Central Montcalm Public Schools.
Sidnaw:
Covington, EL; Covington School District.
Sidnaw, EL; Covington School District.
Six Lakes; Six Lakes, EL; Montabella Community Schools.
South Boardman; South Boardman, EL; South Boardman Area Schools.
South Haven:
Central, EL; South Haven Public Schools.
Hartman, EL; South Haven Public Schools.
Indiana, EL; South Haven Public Schools.
Lincoln, EL; South Haven Public Schools.
Maple Grove, EL; South Haven Public Schools.
L. C. Mohr, HS; South Haven Public Schools.
South Haven, JHS; South Haven Public Schools.
Southfield; John Grace, EL; Southfield Public Schools.
Southgate:
Fordline, EL; Southgate Community Schools.
Gerisch, EL; Heintzen Public Schools.
Heintzen, EL; Heintzen Public Schools.
Shelters, EL; Heintzen Public Schools.
Sparta; Myers, EL; Sparta Area Schools.
Spring Lake; St. Mary, EL; Catholic Diocese of Grand Rapids.
Stambaugh:
Caspian, EL; West Iron County School District.
Stambaugh, EL; West Iron County School District.
Stambaugh Middle, JHS; West Iron County School District.
Standish; Standish, EL; Standish-Sterling Community Schools.
Stanton:
Stanton, EL; Central Montcalm Public Schools.
Stanton, HS; Central Montcalm Public Schools.
Stanton, JHS; Central Montcalm Public Schools.
Stephenson:
Cedar River, EL; Stephenson Public Schools.
Daggett, EL; Stephenson Public Schools.
Mellen, EL; Stephenson Public Schools.
Stephenson, EL; Stephenson Public Schools.
Stephenson, 7–12; Stephenson Public Schools.
Sterling; Sterling, EL; Standish-Sterling Community Schools.
Stockbridge:
Smith, EL; Stockbridge Public Schools.
Stockbridge, 7–12; Stockbridge Public Schools.
Sturgis:
Fawn River, EL; Sturgis Public Schools.
Fourth, EL; Sturgis Public Schools.
Wenzel, EL; Sturgis Public Schools.
Sumner; Sumner, EL; Sumner Elementary School District.
Sunfield:
Sebewa, EL; Sebewa Township School District.
Sunfield, EL; Lakewood Public Schools.
Suttons Bay:
Suttons Bay, EL; Suttons Bay Public Schools.
Suttons Bay, 7–12; Suttons Bay Public Schools.
Tecumseh:
Macon, EL; Tecumseh Public Schools.
Ridgeway, EL; Tecumseh Public Schools.
Sutton, EL; Tecumseh Public Schools.
Tipton, EL; Tecumseh Public Schools.
West Branch, EL; Tecumseh Public Schools.
Tekonsha:
Emma Perrine, EL; Tekonsha Community Schools.
Rose Warwick, 7–12; Tekonsha Community Schools.
Temperance:
Deland, EL; Bedford Public Schools.
Samaria, EL; Bedford Public Schools.
Thompsonville; Betsie Valley, EL; Benzie County Central Schools.
Three Rivers:
Andrews, EL; Three Rivers Public Schools.
Huss, EL; Three Rivers Public Schools.
Park, EL; Three Rivers Public Schools.
Toivola:
Heikkinen, EL; Stanton Township Schools.
Redridge, EL; Stanton Township Schools.
Tower; Tower, EL; Onaway Area Community Schools.
Traverse City:
Cherry Knoll, EL; Traverse City Public Schools.
East Bay, EL; Traverse City Public Schools.
Immaculate Conception, EL; Catholic Diocese of Grand Rapids.

St. Francis, 1–12; Catholic Diocese of Grand Rapids.
Traverse Heights, EL; Traverse City Public Schools.
Trenary; Mathias, EL; Mathias Township School District.
Trenton; G. E. Strohm, EL; Trenton Public Schools.
Trout Creek; Trout Creek, K–12; Ewen-Trout Creek Consolidated Schools.
Troy:
Morse, EL; Troy Public Schools.
Troy Union, EL; Troy Public Schools.
Trufant; Trufant, EL; Lakeview Community Schools.
Tustin; Tustin, EL; Pine River Area Schools.
Twining; Arenac Eastern, K–12; Arenac Eastern School District.
Ubly:
Minden City, EL; Ubly School District.
Ubly, EL; Ubly School District.
Union City:
Burlington, EL; Union City Community Schools.
Sherwood, EL; Union City Community Schools.
Union City, EL; Union City Community Schools.
Union City, HS; Union City Community Schools.
Union City, JHS; Union City Community Schools.
Vandalia; Vandalia, EL; Cassopolis Public Schools.
Vanderbilt; Vanderbilt Area, K–12; Vanderbilt Area Schools.
Vassar:
Central, EL; Vassar Public Schools.
Tuscola, EL; Vassar Public Schools.
Vermontville:
Maple Valley, 7–12; Maple Valley Schools.
Maplewood, EL; Maple Valley Schools.
Vicksburg:
East Praire, JHS; Vicksburg Public Schools.
Sunset Lake, EL; Vicksburg Public Schools.
Vicksburg, EL; Vicksburg Public Schools.
Vicksburg, HS; Vicksburg Public Schools.
Waldron; Waldron, EL; Waldron Area Schools.
Walkerville; Walkerville, K–12; Walkerville Rural Community Schools.
Walled Lake:
Commerce, EL; Walled Lake Consolidated Schools.
Dublin, EL; Walled Lake Consolidated Schools.
Loon Lake, EL; Walled Lake Consolidated Schools.
Walled Lake, EL; Walled Lake Consolidated Schools.
Walloon Lake; Melrose, EL; Petoskey Public Schools.
Warren:
Harding, EL; Van Dyke Public Schools.
Macomb Park, EL; Van Dyke Public Schools.
Warrendale, EL; East Detroit Public Schools.
Waterford; Lotus Lake, EL; Waterford Township Schools.
Watersmeet; Watersmeet, K–12; Watersmeet Township School District.
Wayne:
Jefferson, EL; Wayne Community Schools.
Lincoln, EL; Wayne Community Schools.
Norris, EL; Wayne Community Schools.
Roosevelt, EL; Wayne Community Schools.
Sheldon, EL; Wayne Community Schools.
Walker, EL; Wayne Community Schools.
Weidman; Weidman, K–12; Chippewa Hills Schools.
Wells; Wells, EL; Escanaba Area Public Schools.
Wellston; Wellston, EL; Kaleva-Norman-Dickson Schools.
West Branch; West Branch, EL; West Branch-Rose City Schools.
Wheeler; Wheeler, EL; Breckenridge Community Schools.
White Cloud:
White Cloud, EL; White Cloud Public Schools.
White Cloud, 7–12; White Cloud Public Schools.
Whitehall:
Whitehall, EL; Whitehall School District.
Whitehall, JHS; Whitehall School District.
Whitehall, HS; Whitehall School District.
Whitmore Lake:
Green Oak, EL; Whitmore Lake Public Schools.
Middle, JHS; Whitmore Lake Public Schools.
Spencer, EL; Whitmore Lake Public Schools.
Whitmore Lake, 7–12; Whitmore Lake Public Schools.
Whittemore:
Whittemore, EL; Whittemore-Prescott Schools.
Whittemore-Prescott, 7–12; Whittemore-Prescott Schools.
Woodland; Woodland, EL; Lakewood Public Schools.
Wyandotte; Garfield, EL; Wyandotte Public Schools.
Wyoming; East, EL; Wyoming Public Schools.
Yale:
Fremont, EL; Croswell-Lexington Schools.
Yale, EL; Yale Public Schools.
Yale, HS; Yale Public Schools.
Yale, JHS; Yale Public Schools.
Ypsilanti:
Central, EL; Ypsilanti School District.
Chapelle, EL; Ypsilanti School District.
East, JHS; Ypsilanti School District.
Edmonson, EL; Willow Run Schools.
Perry, EL; Ypsilanti School District.
West, JHS; Ypsilanti School District.
Woodruff, EL; Ypsilanti School District.
Ypsilanti, HS; Ypsilanti School District.

MINNESOTA

1968–69 Deletions From the 1966–67 List

Location, name of school, and county

Bigelow; Public; Nobles.
Canton; Mabel, EL; Fillmore.
East Grand Forks; Public; Polk.
East Grand Forks; Sacred Heart; Nonpublic.
Freeport (Common 1992); Public; Stearns.
La Crescent; Public; Houston.
Lake Lillian; Public; Kandiyohi.
Leota (Common 1300); Public; Nobles.
Miltona; Public; Douglas.
Minneapolis:
Blaine, EL; Hennepin.
Bremer, EL; Hennepin.
Emerson, EL; Hennepin.
Lincoln, JHS; Hennepin.
Lowell, EL; Hennepin.
March, EL; Hennepin.
Monroe, EL; Hennepin.
Pierce, EL; Hennepin.
Warrington, EL; Hennepin.
Prior Lake; Public; Scott.
St. Hilaire; Public; Pennington.
St. Paul:
Bryant, EL; Ramsey.
Como Park, JHS; Ramsey.
Douglas, EL; Ramsey.
Edgcumbe, EL; Ramsey.
Farnsworth, EL; Ramsey.
Galtier, EL; Ramsey.
Gordon, EL; Ramsey.
Hancock, EL; Ramsey.
Harding, HS; Ramsey.
Harrison, EL; Ramsey.
Hazel Park, JHS; Ramsey.
Lindwood, EL; Ramsey.
Longfellow, EL; Ramsey.
Mattocks, EL; Ramsey.
McClellan, EL; Ramsey.
Mounds Park, JHS; Ramsey.
Mounds Park, EL; Ramsey.
Murray, HS; Ramsey.
Phalen Park, EL; Ramsey.
Prosperity Heights, EL; Ramsey.
Vocational, HS; Ramsey.
Ramsey, JHS; Ramsey.
Riverside, EL; Ramsey.
Riverview, EL; Ramsey.
St. Cecilia, EL; Nonpublic.
Sibley, EL; Ramsey.
Wilson, JHS; Ramsey.
St. Peter; Public; Nicollet.

1968–69 Additions to the 1966–67 List

Location, name of school, and county

Alexandria; EL, JHS, HS; Douglas.
Annandale; EL, JHS, HS; Wright.
Askov; EL, JHS, HS; Pine.
Backus; EL, JHS, HS; Cass.
Cokato; EL, JHS, HS; Wright.
Crosby-Ironton; EL, JHS, HS; Crow Wing.
Detroit Lakes; EL, JHS, HS; Becker.
Finlayson; EL, JHS, HS; Pine.
Hayfield; EL, JHS, HS; Dodge.
Lester Prairie; EL, JHS, HS; McLeod.
Littlefork; EL, JHS, HS; Koochiching.
Mabel-Canton; EL, JHS, HS; Fillmore.
Minneapolis:
All Saints, EL; Nonpublic.
Lyndale, EL; Hennepin.
Mann, EL; Hennepin.
Pratt, EL; Hennepin.
Trinity First Lutheran, EL; Nonpublic.
Whittier, EL.
Moorhead; EL, JHS, HS; Clay.
Moose Lake; EL, JHS, HS; Carlton.
Okabena; EL, JHS, HS; Jackson.
Paynesville; EL, JHS, HS; Stearns.
Round Lake; EL, JHS, HS; Nobles.
Sandstone; EL, JHS, HS; Pine.
Sauk Rapids; EL, JHS, HS; Benton.
South Koochiching; EL, JHS, HS; Koochiching.
Thief River Falls; EL, JHS, HS; Pennington.
Underwood; EL, JHS, HS; Otter Tail.
Worthington; EL, JHS, HS; Nobles.
Wykoff; EL, JHS, HS; Fillmore.

MISSISSIPPI

1968–69 Deletions From the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location (city or town), name of school, and LEA district

Ackerman; Choctaw County High, EL, HS; Choctaw County.
Alligator; Alligator, EL; Bolivar Consolidated, No. 3.

Baldwyn; Lee-Prentiss, EL, HS; Baldwyn Separate.
Bassfield; Carver, EL, HS; Jefferson Davis County.
Batesville:
Patton Lane, EL, HS; South Panola Consolidated.
Westside, EL; South Panola Consolidated.
Bay St. Louis; Valena C. Jones, EL, HS; Bay St. Louis Separate.
Beaumont; Perry, EL, HS; Perry County.
Belden; South Belden, EL, HS; Lee County.
Benoit:
Delta Pine, EL; Bolivar Consolidated, No. 2.
Springtown, EL; Bolivar Consolidated, No. 2.
Beulah; Beulah, EL; Bolivar Consolidated, No. 1.
Blue Mountain; Blue Mountain, EL, HS; South Tippah Consolidated.
Caledonia; Anderson Grove, EL; Lowndes County.
Carthage; St. Joachim, EL; Private.
Clarksdale:
Africa Roundaway, EL; Coahoma County.
Lyon Elementary, EL; Coahoma County.
Sandy Bayou, EL; Coahoma County.
Sherard Elementary, EL; Coahoma County.
Coahoma; Hull, EL; Coahoma County.
Coffeeville; Central, EL, HS; Coffeeville Consolidated.
Coldwater; Central Tate, EL; Tate County.
Columbus:
Concord, EL; Lowndes County.
Motley, EL; Lowndes County.
Plum Grove, EL; Lowndes County.
Crawford:
Crawford, EL; Lowndes County.
Moore, EL, HS; Oktibbeha County.
DeKalb; Little Rock, EL; Kemper County.
Drew; Rome, EL; Drew Separate.
Dublin; Dublin, EL; Coahoma County.
Friars Point; Friars Point, EL; Coahoma County.
Fulton; East High, EL, HS; Itawamba County.
Glen Allan; Moore, EL; Western Line Consolidated.
Goodman; Union; EL; Holmes County.
Guntown; Lowe, EL, HS; Lee County.
Hattiesburg; Oak Grove, EL, HS; Lamar County.
Jonestown; Jonestown, EL; Coahoma County.
Kosciusko:
North Side, EL; Kosciusko Separate.
Tipton Elementary, EL; Kosciusko Separate.
Tipton High, HS; Kosciusko Separate.
Louisville; Hinze, EL; Louisville Separate.
Lucedale; Oak Grove, EL, HS; George County.
Lula; Lula, EL; Coahoma County.
Lumberton:
Baxterville, EL; Lamar County.
Fifth Avenue, EL; Lumberton Line Consolidated.
Lumberton High, HS; Lumberton Line Consolidated.
Tenth Avenue, EL; Lumberton Line Consolidated.
Maben; Oktibbeha-Webster, EL, HS; Oktibbeha County.
Magee; White Oak, EL, HS; Smith County.
Mize; Mize, EL, HS; Smith County.
Perkinston; Perkinston, EL; Stone County.
Phillip; Riverview, EL; West Tallahatchie Consolidated.
Plantersville; North Plantersville, EL; Lee County.
Poplarville:
Poplarville Elementary, EL; Poplarville Separate.
Poplarville High, JHS, HS; Poplarville Separate.
Todd Memorial, EL, HS; Poplarville Separate.
Port Gibson; Hermanville, EL; Claiborne County.
Porterville; Porterville, EL; Kemper County.
Prentiss:
Johnson, EL, HS; Jefferson Davis County.
Oakley, EL; Jefferson Davis County.
Purvis:
John Jefferson, EL, HS; Lamar County.
Purvis, EL, HS; Lamar County.
Raleigh:
Raleigh, EL, HS; Smith County.
Turner Chapel, EL, HS; Smith County.
Ripley:
Line Elementary, EL; South Tippah Consolidated.
Line High, HS; South Tippah Consolidated.
Pine Grove, EL, HS; South Tippah Consolidated.
Shannon; Siggers, EL, HS; Lee County.
Starkville:
Alexander, EL, JHS; Oktibbeha County.
Beat One, EL; Starkville Separate.
Henderson Elementary, EL; Starkville Separate.
Henderson High, HS; Starkville Separate.
Henderson Middle Grades, JHS; Starkville Separate.
Sumrall; Sumrall, EL, HS; Lamar County.
Taylorsville:
Smith County Training, EL, HS; Smith County.
Taylorsville, EL, HS; Smith County.
Tishomingo; Carter, EL; Tishomingo County.
Tylertown:
Hope, EL; Walthall County.
St. Paul, EL; Walthall County.
Union:
Carver, EL; Union Separate.
Union, EL; Union Separate.
Verona; Mary C. Wade, EL; Lee County.
Water Valley; Davidson, EL, HS; Water Valley Consolidated.
Wiggins:
Locker, EL, HS; Stone County.
Wiggins, EL; Stone County.
Winona; J. J. Knox, EL, HS; Winona Separate.

1968–69 Additions to the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location (city or town), name of school, and LEA district

Algoma; Algoma, EL, HS; Pontotoc County.
Anguilla; North Sharkey, EL; Sharkey-Issaquena Consolidated.
Belzoni:
Belzoni, EL, HS; Humphreys County.
McNair, EL, HS; Humphreys County.
Benton; King, EL; Yazoo County.
Bentonia; Gibbs, EL, HS; Yazoo County.
Blaine; Blaine, EL; Sunflower County.
Bogue Chitto:
Bogue Chitto, EL, HS; Lincoln County.
Lincoln County Training, EL; Lincoln County.
Bolton; Reuben, EL; Hinds County.
Brandon:
Carter, EL, HS; Rankin County.
Goshen-Fannin, EL; Rankin County.
Brookhaven:
Eva Harris, EL, HS; Lincoln County.
Lloyd Star, EL, HS; Lincoln County.
Brooklyn; South Forrest, EL; Forrest County.
Brooksville; Wilson, EL; Noxubee County.
Byhalia; Henry, EL, HS; Marshall County.
Carthage; Red Water Day, EL; Bureau of Indian Affairs.
Cary; Cary, EL; Sharkey-Issaquena Consolidated.
Cascilla; Cascilla, EL; East Tallahatchie Consolidated.
Centerville; Finch, EL; Wilkinson County.
Charleston; Allen-Carver, EL, HS; East Tallahatchie Consolidated.
Clarksdale; Coahoma County AHS, HS; Coahoma County AHS.
Clinton:
Lovett, EL; Hinds County.
Sumner Hill, EL, HS; Hinds County.
Collins:
Carver, EL, HS; Covington County.
Collins, EL; Covington County.
Hopewell, EL, JHS; Covington County.
Duck Hill; Norwood, EL; Montgomery County.
Dundee; Dundee, EL; Tunica County.
Ecru; Ecru, EL; Pontotoc County.
Edwards:
Edwards, EL, JHS; Hinds County.
Mt. Moriah, EL; Hinds County.
Falcon; Falcon, EL; Quitman County.
Florence:
Florence, EL, HS; Rankin County.
McLaurin, EL, HS; Rankin County.
Richland, EL; Rankin County.
Gloster; Amite County Training, EL, HS; Amite County.
Greenville; O'Bannon, EL, HS; Western Line Consolidated.
Greenwood:
Elzy, EL, HS; Leflore County.
McNeace, EL; Greenwood Separate.
Stone Street, EL; Greenwood Separate.
Threadgill, JHS, HS; Greenwood Separate.
Grenada:
Dotson, HS; Grenada Separate.
Reed, EL; Grenada Separate.
Tie Plant, EL; Grenada Separate.
Wilson, EL; Grenada Separate.
Hamilton; Sulphur Springs, EL; Monroe County.
Hattiesburg:
Central Forrest, EL; Forrest County.
Travillion, EL, HS; Forrest County.
Holly Bluff; Campbellsville, EL, HS; Holly Bluff Consolidated.
Holly Springs:
Frazier, EL; Holly Springs Separate.
Sims, HS; Holly Springs Separate.
Galena, EL; Marshall County.
Indianola:
Carver, EL; Indianola Separate.
Gentry, HS; Indianola Separate.
Inverness; Inverness, EL; Sunflower County.
Isola; Tepper, EL; Humphreys County.
Itta Bena; Rogers, EL; Leflore County.
Jackson:
Blackburn, JHS; Jackson Separate.
Brinkley, HS; Jackson Separate.
Brown, EL; Jackson Separate.
Christ the King, EL; Private.
Clausell, EL; Jackson Separate.
Davis, EL; Jackson Separate.
Dawson, EL; Jackson Separate.
Galloway, EL; Jackson Separate.
Hill, HS; Jackson Separate.
Isable, EL; Jackson Separate.
Johnson, EL; Jackson Separate.
Jones, EL; Jackson Separate.
Lanier, JHS, HS; Jackson Separate.
Martin, EL; Jackson Separate.
Morrison, EL; Jackson Separate.
Pearl-McLaurin, EL HS; Rankin County.
Poindexter, EL; Jackson Separate.
Powell, JHS; Jackson Separate.
Reynolds, EL; Jackson Separate.
Robertson, EL; Jackson Separate.
Rowan, JHS; Jackson Separate.
Smith, EL; Jackson Separate.
Walton, EL; Jackson Separate.
West Side, EL, JHS; Hinds County.
Young, EL; Jackson Separate.
Kilmichael; Montgomery County Vocational, EL, HS; Montgomery County.
Lambert; South Side, EL; Quitman County.
Liberty; Central, EL, HS; Amite County.

Louise; Montgomery, EL, HS; Humphreys County.
Macon; Liddell, EL, HS; Noxubee County.
Marks:
Quitman County High, HS; Quitman County.
West Side, EL; Quitman County.
Mayersville; Issaquena Elementary, EL; Sharkey-Issaquena Consolidated.
Meridian:
Middleton, EL, HS; Lauderdale County.
Parkview, EL; Meridian Separate.
Witherspoon, EL; Meridian Separate.
Minter City; Fleming, EL, JHS; Leflore County.
Money; Wilkes, EL, JHS; Leflore County.
Moorhead; East Moorhead, EL; Sunflower County.
Morgan City; Schlater, EL, JHS; Leflore County.
Mount Olive:
Lincoln, EL, JHS; Covington County.
Mount Olive, EL, HS; Covington County.
Mt. Pleasant; Sand Flat, EL, HS; Marshall County.
Nettleton:
Nettleton, EL, HS; Nettleton Line Consolidated.
Sims, EL, JHS; Nettleton Line Consolidated.
Pelahatchie:
McCall, EL, HS; Rankin County.
Pelahatchie, EL, HS; Rankin County.
Petal; Petal, EL, HS; Forrest County.
Philadelphia:
Carver, EL, HS; Neshoba County.
Neshoba Central, EL, HS; Neshoba County.
Tucker Day, EL; Bureau of Indian Affairs.
Pontotoc:
Hurricane, EL, HS; Pontotoc County.
Pontotoc County Training, EL, HS; Pontotoc County.
Randolph; Randolph, EL, HS; Pontotoc County.
Richton:
Mattie Jones, EL; Richton Separate.
Richton, EL, HS; Richton Separate.
Rolling Fork; Henry Weathers, EL, HS; Sharkey-Issaquena Consolidated.
Ruleville; Ruleville Central, EL, HS; Sunflower County.
Schlater; Balkin, EL, JHS; Leflore County.
Seminary; Seminary, EL, HS; Covington County.
Shannon; Shannon Middle, EL, JHS; Lee County.
Shuqualak; Reed, EL; Noxubee County.
Silver City; Riven-Oak Midnight, EL; Humphreys County.
Sledge; Sledge, EL, HS; Quitman County.
Sunflower; East Sunflower, EL; Sunflower County.
Tharton; Thaxton, EL, HS; Pontotoc County.
Tippo; Tippo, EL; East Tallahatchie Consolidated.
Tunica; Rosa Fort, EL, HS; Tunica County.
Vaughan; Linwood, EL, HS; Yazoo County.
Walnut Grove; Standing Pine, EL; Bureau of Indian Affairs.
Woodville; Wilkinson County Training, EL, HS; Wilkinson County.
Yazoo City:
Cedar Falls, EL; Yazoo County.
St. Francis, EL, HS; Private.
Taylor, HS; Yazoo City Separate.
Webber, JHS; Yazoo City Separate.
Woolfolk, EL; Yazoo City Separate.

MISSOURI

1968–69 Additions to the 1966–67 List

Location, city or town, school name, and school district

Arrow Rock; Arrow Rock, EL; No. 18 Arrow Rock.
Aurora; Robinson, EL; R–VIII Aurora.
Benton:
Benton, EL; R–IV Scott County.
Blodgett, EL; R–IV Scott County.
Diehlstade, EL; R–IV Scott County.
Kelly, HS; R–IV Scott County.
Bethany:
Bethany, EL; R–II South Harrison.
South Harrison, HS; R–II South Harrison.
Blairstown; Blairstown, EL; R–V Blairstown.
Boonville:
Boonville, EL; R–I Boonville.
Boonville, JHS; R–I Boonville.
Boonville, HS; R–I Boonville.
SS. Peter & Paul, HS; R–I Boonville.
Brinktown; Brinktown, EL; No. 59 Brinktown.
Bronaugh:
Bronaugh, EL; R–VII Bronaugh.
Bronaugh, HS; R–VII Bronaugh.
Bucklin:
Bucklin, EL; R–II Bucklin.
Bucklin, HS; R–II Bucklin.
Cabool:
Cabool, EL; R–IV Cabool.
Cabool, JHS; R–IV Cabool.
Cabool, HS; R–IV Cabool.
Cassville; Mt. Sinai, EL; No. 69 Mt. Sinai.
Center:
Center, EL; R–II Ralls.
Mark Twain, HS; R–II Ralls.
Centerville:
Centerville, EL; R–I Centerville.
Centerville, HS; R–I Centerville.
Clarksville:
Clopton, EL; R–III Pike.
Clopton, JHS; R–III Pike.
Clopton, HS; R–III Pike.
Columbia:
Grant, EL; Columbia No. 93.
Lee, EL; Columbia No. 93.
West Boulevard, EL; Columbia No. 93.
Rock Bridge, EL; Columbia No. 93.
Deering:
Delta, EL; C–7 Pemiscot.
Delta, JHS; C–7 Pemiscot.
Delta, HS; C–7 Pemiscot.
Desloge:
Desloge Central-Cantwell, EL; R–I North County.
Bonne Terre, EL; R–I North County.
Bonne Terre, JHS; R–I North County.
Bonne Terre, HS; R–I North County.
Doniphan:
Doniphan, EL; R–I Doniphan.
Fairview, EL; R–I Doniphan.
Doniphan, JHS; R–I Doniphan.
Doniphan, HS; R–I Doniphan.
Duncan's Bridge; Duncan's Bridge, EL; No. 94 Duncan's Bridge.
Edina; Baring, EL; R–I Knox County.
Eldon; Barnett, EL; R–I Eldon.
Excelsior Springs:
Isley, EL; No. 40 Excelsior Springs.
Wyman, EL; No. 40 Excelsior Springs.
Lewis, JHS; No. 40 Excelsior Springs.
Excelsior Springs, HS; No. 40 Excelsior Springs.
Falcon; Joel E. Barber, EL; C–5 Joel E. Barber.
Farmington:
Doe Run, EL; R–VII Farmington.
Washington-Franklin, EL; R–VII Farmington.
Farmington, JHS; R–VII Farmington.
Farmington, HS; R–VII Farmington.
Fayette:
Fayette Intermediate School; R–III Fayette.
Fayette, HS; R–III Fayette.
Fisk:
Fisk-Rombauer, EL; R–III Fisk-Rombauer.
Fisk-Rombauer, JHS; R–III Fisk-Rombauer.
Fisk-Rombauer, EL; R–III Fisk-Rombauer.
Flat River:
Elvins, EL; R–III Flat River.
Flat River, EL; R–III Flat River.
Esther, EL; R–III Flat River.
East, JHS; R–III Flat River.
West, JHS; R–III Flat River.
Central, HS; R–III Flat River.
Fredericktown:
Fredericktown, HS; R–I Fredericktown.
East Madison, EL; R–I Fredericktown.
Mill Creek, EL; R–I Fredericktown.
Fredericktown, JHS; R–I Fredericktown.
Fredericktown, HS; R–I Fredericktown.
Fulton:
Center, EL; No. 58 Fulton.
Fulton, HS; No. 58 Fulton.
Gatewood; Gatewood, EL; R–III Gatewood.
Glenwood; Glenwood, EL; R–I Schuyler.
Granger:
Granger, EL; C–1 Granger.
Granger, HS; C–1 Granger.
Greentop; Greentop, EL; R–I Schuyler.
Hopkins; North Nodaway, JHS; R–VI North Nodaway.
Houston:
Houston, EL; R–I Houston.
Houston, JHS; R–I Houston.
Houston, HS; R–I Houston.
Humansville:
Humansville, EL; R–IV Humansville.
Humansville, HS; R–IV Humansville.
Iberia, EL; R–V Iberia.
Iberia, HS; R–V Iberia.
Ibedia, HS; R–V Iberia.
Independence:
Hanthorn, EL; No. 30 Independence.
Cardinal Glennon, HS; No. 30 Independence.
Jefferson City; St. Joseph, EL; Jefferson City.
Joplin; Columbia, EL; R–VIII Joplin.
Kansas City:
Kensington, EL; No. 33 Kansas City.
Manchester, EL; No. 33 Kansas City.
Guardian Angels School; No. 33 Kansas City.
Immaculate Heart of Mary, EL; No. 33 Kansas City.
Nativity of the Blessed Virgin Mary; No. 33 Kansas City.
Our Lady of Good Counsel, EL; No. 33 Kansas City.
Our Lady of Perpetual Help; No. 33 Kansas City.
St. James, EL; No. 33 Kansas City.
St. Louis, EL; No. 33 Kansas City.
St. Stephens, EL; No. 33 Kansas City.
St. Therese, EL; No. 33 Kansas City.
Lillis, HS; No. 33 Kansas City.
St. John's Diocesan Seminary; No. 33 Kansas City.
Kawanee; Kawanee, EL; R–VI New Madrid.
Kirksville:
Benton, EL; R–III Kirksville.
Willard, EL; R–III Kirksville.
Kirksville, JHS; R–III Kirksville.
Kirksville, HS; R–III Kirksville.
Kirkwood:
Pegnita School; R–VII Kirkwood.
Maryhurst Preparatory School; R–VII Kirkwood.
Concordia Lutheran School; R–VII Kirkwood.
St. Paul's Lutheran School; R–VII Kirkwood.
Lancaster; Lancaster, EL; R–I Schuyler County.
Latham; Latham, EL; R–V Latham.
Lexington:
Lexington, HS; R–V Lexington.
Lexington Middle School; R–V Lexington.
Lilbourn; Lilbourn, HS; R–IV Lilbourn.
Linn; Linn, JHS; R–II Linn.
Macon:
Macon, EL; R–I Macon.
Macon, JHS; R–I Macon.
Macon, HS; R–I Macon.
Maplewood:
Sutton, EL; Maplewood-Richmond Heights.
Valley, EL; Maplewood-Richmond Heights.
West Richmond, EL; Maplewood-Richmond Heights.

Maplewood-Richmond Heights, JHS; Maplewood-Richmond Heights.
Maplewood-Richmond Heights, HS; Maplewood-Richmond Heights.
St. Luke, EL; Maplewood-Richmond Heights.
Concordia Lutheran, EL; Maplewood-Richmond Heights.
Maysville:
Amity, EL; R–I Maysville.
Weatherley, EL; R–I Maysville.
Meadville:
Meadville, EL; R–IV Meadville.
Meadville, HS; R–IV Meadville.
Mendon; Northwestern, EL; R–I Northwestern.
Menfro; Menfro, EL; No. 10 Menfro.
Mexico; Hawthorne, EL; No. 59 Mexico.
Mt. Moriah; Mt. Moriah, EL; R–II South Harrison.
Mt. Vernon:
Mt. Vernon, EL; R–V Mt. Vernon.
Mt. Vernon, HS; R–V Mt. Vernon.
Moberly; Central, EL; No. 81 Moberly.
Mountain Grove; Mountain Grove, JHS; R–III Mountain Grove.
New Hampton; New Hampton, EL; R–II South Harrison.
New London; New London, EL; R–II Ralls.
Neosho; South, EL; R–V Neosho.
Niangua:
Niangua, EL; R–V Niangua.
Niangua, HS; R–V Niangua.
Norborne:
Norborne, EL; R–III Norborne.
Norborne, HS; R–III Norborne.
Normandy:
Harrison, EL; Normandy.
Garfield, EL; Normandy.
McKinley, EL; Normandy.
Lincoln, EL; Normandy.
Normandy, JHS; Normandy.
Normandy, HS; Normandy.
St. Paul the Apostle, EL; Normandy.
Concord Lutheran School; Normandy.
Oregon:
South Holt, EL; R–I Holt County.
South Holt, JHS; R–I Holt County.
South Holt, HS; R–I Holt County.
Orrick:
Orrick, EL; R–XI Orrick.
Orrick, HS; R–XI Orrick.
Perry; Perry, EL; R–II Ralls.
Pineville; Pineville-White Rock, EL; R–I Anderson.
Poplar Bluff; Mark Twain, EL; R–I Poplar Bluff.
Potosi:
Hopewell, EL; R–III Potosi.
St. Joachim, HS; R–III Potosi.
Prairie Home; Prairie Home, JHS; R–V Prairie Home.
Queen City:
Queen City, EL; R–I Schuyler County.
Queen City, HS; R–I Schuyler County.
Richards; Richards, EL; R–V Richards.
Richland:
Richland, EL; R–IV Richland.
Richland, HS; R–IV Richland.
Richmond:
Richmond, EL; R–XIII Richmond.
Richmond, JHS; R–XIII Richmond.
Richmond, HS; R–XIII Richmond.
Rolla:
Benton, EL; No. 31 Rolla.
Mark Twain, EL; No. 31 Rolla.
Pershing, EL; No. 31 Rolla.
Wyman, EL; No. 31 Rolla.
Rolla, JHS; No. 31 Rolla.
Rolla, HS; No. 31 Rolla.
Flat Grove, EL; No. 21 Flat Grove.
Salisbury:
Salisbury, EL; R–IV Salisbury.
Salisbury, JHS; R–IV Salisbury.
Salisbury, HS; R–IV Salisbury.
Sedalia; Horace Mann, EL; No. 200 Sedalia.
Shelbina:
Clarence, EL; R–IV Shelbina.
Shelbina, EL; R–IV Shelbina.
South Shelby, HS; R–IV Shelbina.
Sparta:
Sparta, EL; R–III Sparta.
Sparta, HS; R–III Sparta.
Springfield:
Watkins, EL; R–XII Springfield.
Parkview, HS; R–XII Springfield.
St. Charles:
Blackhurst, EL; No. 90 St. Charles.
Duchesne, HS; No. 90 St. Charles.
Ste. Genevieve:
Ste. Genevieve, EL; R–II Ste. Genevieve.
Bloomsdale, EL; R–II Ste. Genevieve.
Weingarten, EL; R–II Ste. Genevieve.
St. Marys, EL; R–II Ste. Genevieve.
Ste. Genevieve, JHS; R–II Ste. Genevieve.
Ste. Genevieve, HS; R–II Ste. Genevieve.
Immaculate Conception, EL; R–II Ste. Genevieve.
Our Lady Help of Christians; R–II Ste. Genevieve.
St. Joseph, EL; R–II Ste. Genevieve.
St. Louis:
Airport, EL; Berkeley.
Caroline, EL; Berkeley.
Frostfield, EL; Berkeley.
Smith, EL; Berkeley.
Springdale, EL; Berkeley.
Berkeley, JHS; Berkeley.
Berkeley, HS; Berkeley.
Holy Ghost, EL; Berkeley.
Stoutland:
Stoutland, EL; R–II Stoutland.
Stoutland, HS; R–II Stoutland.
Tarkio:
Tarkio, EL; R–I Tarkio.
Tarkio, JHS; R–I Tarkio.
Tarkio, HS; R–I Tarkio District.
Trenton; Norton, EL; R–IX Trenton.
Urbana:
Preston, EL; R–I Skyline.
Skyline, HS; R–I Skyline.
Verona:
Verona, EL; R–VII Verona.
Verona, JHS; R–VII Verona.
Verona, HS; R–VII Verona.
Viburnum:
Cherryville, EL; C–4 Iron County.
Boss, EL; C–4 Iron County.
Cherryville, HS; C–4 Iron County.
Vienna:
Vienna, EL; R–I Vienna.
Hayden Heights, EL; R–I Vienna.
Macon Ridge, EL; R–I Vienna.
Vienna, JHS; R–I Vienna.
Vienna, HS; R–I Vienna.
Visitation, EL; R–I Vienna.
Warsaw:
North, EL; R–IX Warsaw.
South, EL; R–IX Warsaw.
Warsaw, JHS; R–IX Warsaw.
Warsaw, HS; R–IX Warsaw.
Washington; Washington, EL; No. 62 Washington.
Webb City:
Webster, EL; R–VII Webb City.
Mark Twain, EL; R–VII Webb City.
Franklin, EL; R–VII Webb City.
Webb City, JHS; R–VII Webb City.
Webb City, HS; R–VII Webb City.
Webster Groves; Webster Groves, HS; Webster Groves.
West Plains; Central, EL; R–VII West Plains.
Wheatland:
Wheatland, EL; R–II Wheatland.
Wheatland, HS; R–II Wheatland.
Willow Springs:
Willow Springs, EL; R–VI Willow Springs.
Ridgeview, EL; R–VI Willow Springs.
Willow Springs, JHS; R–VI Willow Springs.
Willow Springs, HS; R–VI Willow Springs.
Wyaconda:
Wyaconda, EL; C–1 Wyaconda.
Wyaconda, JHS; C–1 Wyaconda.
Wyaconda, HS; C–1 Wyaconda.
St. Louis:
Stowell, EL; St. Louis City.
Yeatman, EL; St. Louis City.
Holy Innocents, EL; St. Louis City.
Immaculate Conception School; St. Louis City.
Most Holy Trinity, EL; St. Louis City.
Mount Euphrasia, HS; St. Louis City.
St. Agatha, EL; St. Louis City.
St. Agnes, EL; St. Louis City.
St. Anthony, EL; St. Louis City.
St. Boniface, EL; St. Louis City.
St. Cronan, EL; St. Louis City.
St. Joseph's Home for Boys; St. Louis City.
St. Wenceslaus School; St. Louis City.
St. Stephen's Lutheran School; St. Louis City.
Stark City:
Stella, EL; R–VI East Newton.
Tri-way, JHS; R–VI East Newton.
Theodosia; Lutie, EL; R–VI Lutie.
Womack; Crossroads, EL; No. 67 Crossroads.

1968–69 Deletions From the 1966–67 List

Location, city or town, school name, and school district

Alton; Thomasville, EL; R–IV Alton.
Anniston; Anniston, EL; R–I Charleston.
Aurora; Aurora Junior School; R–VIII Aurora.
Ava; Mt. Zion Bible School; R–I Ava.
Barnett; Barnett, EL; R–I Eldon.
Belleview; Belleview, EL; R–III Belleview.
Bertrand; Bertrand, EL; R–I Charleston.
Bethany:
Kindergarten School; R–II Southwest.
Bethany, EL; R–II Southwest.
Southwest, HS; R–II Southwest.
Bragg City; Bragg City, EL; No. 39 Kennett.
Brookfield; Junior and Senior High School; R–III Brookfield.
California; California Annunciation School; R–I California.
Cape Girardeau; St. Marys Cathedral School; Cape Girardeau No. 63.
Carrollton; St. Mary, EL; R–VII Carrollton.
Carthage; Our Lady of the Ozarks School; R–IX Carthage.
Caruthersville:
Southside, EL; No. 18 Caruthersville.
Westside, EL; No. 18 Caruthersville.
Lee Rood, JHS; No. 18 Caruthersville.
Charleston:
Eugene Field, EL; R–I Charleston.
Mark Twain, EL; R–I Charleston.
Anniston, JHS; R–I Charleston.
St. Henry, EL; R–I Charleston.
St. Henry, HS; R–I Charleston.
Chillicothe:
Bishop Hogan, EL; R–II Chillicothe.
St. Joseph Academy School; R–II Chillicothe.
Clinton:
Curtis, EL; No. 37 Curtis.
Hamilton, EL; No. 124 Clinton.
Clubb; Clubb, EL; No. 11 Clubb.
College Mound; College Mound, EL; No. 129 College Mound.
Columbia:
Douglas, EL; No. 93 Columbia.
Lady of Lourdes School; No. 93 Columbia.
Sacred Heart School; No. 93 Columbia.
Competition; Franklin, EL; No. 73 Franklin.
Cooter:
Cooter, EL; R–IV Cooter.
Cooter, HS; R–IV Cooter.
Deering:
Deering, EL; C–6 Deering.
Deering, HS; C–6 Deering.
Dexter; Southwest, EL; R–XI Dexter.
Downing; Downing, EL; R–I Lancaster.
Edina; St. Joseph School; R–I Edina.
Eldridge; Eldridge, EL; No. 6 Eldridge.
Elkland; Elkland, EL; R–I Marshfield.
Elmer; Elmer, HS; C–I Elmer.
Falcon; Gasconade, EL; C–4 Gasconade.

Farrar; Farrar, EL; No. 32 Perryville.
Fayette; Lincoln, EL; R–III Fayette.
Fayette, JHS, HS; R–III Fayette.
Fordland:
Fordland, EL; R–III Fordland.
Fordland, HS; R–III Fordland.
Frohna:
Frohna, EL; No. 49 Frohna.
Concordia Lutheran School; No. 49 Frohna.
Fulton:
Carrington, EL; No. 58 Fulton.
Garden Prairie, EL; No. 60 Garden Prairie.
St. Peters School; No. 58 Fulton.
St. Eunice, EL; No. 58 Fulton.
Glenwood; Glenwood EL; R–I Lancaster.
Greentop:
Greentop, EL; R–I Lancaster.
Sperry, EL; No. 18 Sperry.
Hannibal:
St. Johns Lutheran School; No. 60 Hannibal.
Hannibal Catholic School; No. 60 Hannibal.
St. Thomas Aquinas Seminary; No. 60 Hannibal.
Immanuel Lutheran, EL; R–I Monroe City.
Hayti:
North, EL; R–II Hayti.
South, EL; R–II Hayti.
North, HS; R–II Hayti.
Hurdland; Hurdland, EL; R–I Edina.
Independence:
Columbian, EL; No. 30 Independence.
McCoy, EL; No. 30 Independence.
Mt. Washington, EL; No. 33 Kansas City.
Jane; White Rock, EL; R–I Anderson.
Jefferson City:
Trinity Lutheran, EL; Jefferson City.
Faith Lutheran, EL; Jefferson City.
Joplin:
Longfellow, EL; R–VIII Joplin.
McAuley, HS; R–VIII Joplin.
Martin Luther, EL; R–VIII Joplin.
St. Marys, EL; R–VIII Joplin.
Kahoka:
Kahoka, EL; R–I Kahoka.
Kahoka, HS; R–I Kahoka.
Kansas City:
Moore, EL; No. 33 Kansas City.
Rock Creek, West, No. 33 Kansas City.
De La Salle, HS; No. 33 Kansas City.
Holy Trinity School; No. 33 Kansas City.
Big Shoal, EL; No. 74 Kansas City N.
Birmingham, EL; No. 74 Kansas City N.
Briarcliff & Forest Hill, EL; No. 74 Kansas City N.
Chapel Hill, EL; No. 74 Kansas City N.
Chouteau, EL; No. 74 Kansas City N.
Clardy & Gashland, EL; No. 74 Kansas City N.
Cooley & Eastwood, EL; No. 74 Kansas City N.
Crestview & Englewood, EL; No. 74 Kansas City N.
Davidson, EL; No. 74 Kansas City N.
Eastgate, JHS; No. 74 Kansas City N.
Faubion & Nashua, EL; No. 74 Kansas City N.
Golden Oaks & Lakewood, EL; No. 74 Kansas City N.
Gracemor, EL; No. 74 Kansas City N.
Linden East, EL; No. 74 Kansas City N.
Linden West, EL; No. 74 Kansas City N.
Maplewood, EL; No. 74 Kansas City N.
Meadowbrook, EL; No. 74 Kansas City N.
Norclay, EL; No. 74 Kansas City N.
Oak Ridge, EL; No. 74 Kansas City N.
Winnwood, EL; No. 74 Kansas City N.
Antioch, JHS; No. 74 Kansas City N.
Maple Park, JHS; No. 74 Kansas City N.
Northgate, JHS; No. 74 Kansas City N.
N. Kansas City, HS; No. 74 Kansas City N.
St. Charles School; No. 74 Kansas City N.
St. Gabriel School; No. 74 Kansas City N.
St. Patrick School; No. 74 Kansas City N.
St. Pius X, HS; No. 74 Kansas City N.
Kennett:
Northwest, EL; No. 39 Kennett.
West, EL; No. 39 Kennett.
Kinloch; Holy Angels School; Kinloch.
Kirksville:
Benton, EL; No. 36 Kirksville.
Willard, EL; No. 36 Kirksville.
Kirksville, JHS; No. 36 Kirksville.
Kirksville, HS; No. 36 Kirksville.
Kirksville Bible School; No. 36 Kirksville.
Mary Immaculate School; No. 36 Kirksville.
Lancaster:
Lancaster, EL; R–I Lancaster.
Lancaster, HS; R–I Lancaster.
Lebanon:
Blackfoot, EL; C–5 Lebanon.
Bolles, EL; C–5 Lebanon.
Ivey, EL; C–5 Lebanon.
Mullicane, EL; C–5 Lebanon.
Lexington:
Lexington, JHS, HS; R–V Lexington.
Wentworth Military Academy School; R–V Lexington.
Immaculate Conception, EL; R–V Lexington.
Liberty; Pleasant Valley, EL; No. 74 Kansas City N.
Linn; St. George Parochial School, R–II Linn.
Lutie; Lutie, EL; R–VI Lutie.
Marshall:
Eastwood, EL; No. 129 Marshall.
Northwest, EL; No. 129 Marshall.
St. Peters Parochial School; No. 129 Marshall.
Mercy Parochial, HS; No. 129 Marshall.
Maryville; Mt. Alverno High Academy School; R–II Maryville.
Mendon:
Central, EL; R–I Northwestern.
Rothville, EL; R–I Northwestern.
Mexico; Eugene Field, EL; No. 59 Mexico.
Moberly:
St. Pius Parochial School; No. 81 Moberly.
St. Pius X School; No. 81 Moberly.
Monroe City:
White Franklin, EL; R–I Monroe City.
Holy Rosary, EL; R–I Monroe City.
Montgomery City; Immaculate Conception, EL; R–II Montgomery City.
Mountain Grove; Gravel Point, EL; No. 72 Gravel Point.
Mt. Moriah:
Mt. Moriah, EL; R–II Southwest.
Mt. Moriah, HS; R–II Southwest.
Nevada; St. Marys, EL; R–V Nevada.
Newark; Newark, EL; R–I Edina.
New Cambria; St. Marys, EL; No. 2 St. Marys.
New Hampton; New Hampton, EL; R–II Southwest.
New Madrid; Immaculate Conception, EL; R–VI New Madrid.
Oregon:
Oregon, EL; C–2 Oregon.
Oregon, HS; C–2 Oregon.
Overland:
Our Redeemer Parochial School; Ritenour.
St. Gregory Parochial School; Ritenour.
St. Williams Parochial School; Ritenour.
Our Lady Presentation School; Ritenour.
Holy Family Parochial School; Ritenour.
All Souls Parochial School; Ritenour.
Palmyra:
Palmyra, EL; R–I Palmyra.
Palmyra, HS; R–I Palmyra.
Zion Lutheran School; R–I Palmyra.
St. Joseph School; R–I Palmyra.
Perryville:
Immanuel Lutheran School; No. 32 Perryville.
St. Vincent, EL; No. 32 Perryville.
St. Vincent, HS; No. 32 Perryville.
St. Boniface School; No. 32 Perryville.
Piedmont:
Piedmont, EL; R–I Clearwater.
Clearwater, HS; R–I Clearwater.
Pilot Knob; Ste. Marie Du Lac, EL; R–II Arcadia Valley.
Pineville; Pineville, EL, JHS; R–I Anderson.
Pomona:
Ridge View, EL; R–VI Hutton Valley.
Seventh Day Adventist School; R–VI Hutton Valley.
Poplar Bluff:
Sacred Heart School; R–I Poplar Bluff.
Seventh-Day Adventist School; R–I Poplar Bluff.
Zion Lutheran School; R–I Poplar Bluff.
Oak Ridge, EL; No. 34 Oak Ridge.
Oak Ridge, HS; No. 34 Oak Ridge.
Portageville; St. Eustachius, EL; R–I Portageville.
Potosi; Potosi School, R–III Potosi.
Queen City:
Queen City, EL; R–I Lancaster.
Queen City, HS; R–I Lancaster.
Richmond; Hill, EL; No. 67 Hill.
Ridgeway:
Ridgeway, EL; R–V Ridgeway.
Ridgeway, HS; R–V Ridgeway.
Rolla; Dean, EL; No. 45 Dean.
Salem:
Green Forest, JHS; R–II Green Forest.
Green Forest, HS; R–II Green Forest.
Sedalia:
St. Pauls, EL; No. 200 Sedalia.
St. Patricks, EL; No. 200 Sedalia.
Sacred Heart, EL; No. 200 Sedalia.
Sacred Heart, HS; No. 200 Sedalia.
Sikeston:
Matthews, EL; R–VI Sikeston.
St. Francis Xavier School; R–VI Sikeston.
Spickard:
Spickard, EL; R–II Spickard.
Spickard, HS; R–II Spickard.
Springfield:
Ritter, EL; R–XII Springfield.
St. Agnes Cathedral, EL; R–XII Springfield.
St. Ann; Hoech, JHS; Ritenour.
St. Charles:
St. Charles Borromeo. EL; No. 90 St. Charles.
Immanuel Lutheran, EL; No. 90 St. Charles.
St. Peters, EL; No. 90 St. Charles.
St. Joseph:
Floyd, EL; No. 82 St. Joseph.
Washington, EL; No. 82 St. Joseph.
Webster, EL; No. 82 St. Joseph.
Bishop LeBlond, HS; No. 82 St. Joseph.
Christian Brothers, HS; No. 82 St. Joseph.
St. Francis Xavier School; No. 82 St. Joseph.
St. Louis:
Lexington, EL; St. Louis City.
Holy Ghost School; St. Louis City.
Most Blessed Sacrament School; St. Louis City.
Most Sacred Heart of Jesus School; St. Louis City.
St. Edward School; St. Louis City.
St. Francis de Sales School; St. Louis City.
St. Liborius School; St. Louis City.
St. Peter & Paul School; St. Louis City.
St. Roch School; St. Louis City.
St. Stephen School; St. Louis City.
Bethlehem School; St. Louis City.
Emmaus School; St. Louis City.
Grace School; St. Louis City.
Swedeborg; Swedeborg, EL; R–VII Big Piney.
Vanzant; Clifty Hall, EL; No. 37 Clifty Hall.
Vienna:
Hayden Heights, EL; No. 22 Mayflower.
Mason Ridge, EL; No. 22 Mayflower.
Vienna, EL; No. 22 Mayflower.
Vienna, JHS; No. 22 Mayflower.
Vienna, HS; No. 22 Mayflower.
Visitation School; No. 22 Mayflower.
Warrensburg; Sacred Heart, EL; R–VI Warrensburg.
Warsaw:
Warsaw, EL; R–IX Warsaw.
Warsaw, HS; R–IX Warsaw.
Windyville:
Windyville, EL; R–V Windyville.
Windyville, HS; R–V Windyville.
Wyatt; Wyatt Washington, EL; R–I Charleston.

MONTANA

1968–69 Deletions From the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and county

Ashland:
St. Labre Mission, EL; Rosebud.
St. Labre Mission, HS; Rosebud.
Bainville; Bainville, EL; Roosevelt.
Billings:
Grand, EL; Yellowstone.
Shiloh, EL; Yellowstone.
Brockton; Brockton, EL; Roosevelt.
Butte; Madison, EL; Silver Bow.
Corvallis; Corvallis, HS; Ravalli.
Cut Bank; St. Margaret, EL; Glacier.
Deer Lodge; Powell County HS; Powell.
Eureka; Eureka, EL; Lincoln.
Fairfield; Fairfield, EL; Teton.
Geraldine; Geraldine, EL; Chouteau.
Hamilton; Washington, EL; Ravalli.
Hardin; St. Xavier, EL; Big Horn.
Hays-Lodge Pole; Lodge Pole, EL; Blaine.
Hobson; Hobson, EL; Judith Basin.
Kalispell:
Cornelius Hedges, EL; Flathead.
Russell, EL; Flathead.
Libby; Asa Wood, JHS; Lincoln.
Livingston; West Side, EL; Park.
Miles City; Jefferson, EL; Custer.
Missoula; Johnson, EL; Missoula.
Nashua; Nashua, EL; Valley.
Opheim; Opheim, EL; Valley.
Plentywood; Plentywood, HS; Sheridan.
Polson; Lincoln-Linderman, EL; Lake.
Red Lodge:
Mountain View, EL; Carbon.
Roosevelt, EL; Carbon.
Saco; Saco, EL; Phillips.
Savage; Savage, EL; Richland.
Sheridan; Sheridan, EL; Madison.
Terry:
Terry, EL; Prairie.
Terry, HS; Prairie.
Valier; Valier, EL; Pondera.
Whitefish:
Whitefish, EL; Flathead.
Whitefish, HS; Flathead.
White Sulphur Springs; White Sulphur Springs, HS; Meagher.
Wolf Point:
New Northside, EL; Roosevelt.
Old Northside, EL; Roosevelt.
Southside, EL; Roosevelt.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and county

Baker:
Baker, EL, Grades 7–8; Fallon.
Baker, HS; Fallon.
Lincoln, EL; Fallon.
Longfellow, EL; Fallon.
Washington, EL; Fallon.
Birney; Birney, EL; Rosebud.
Browning; Vina Chattin, EL; Glacier.
Busby; Busby Boarding, EL, HS; Big Horn.
Butte:
Harrison, EL; Silver Bow.
Immaculate Conception, EL; Silver Bow.
Kennedy, EL; Silver Bow.
St. Raymond, EL; Silver Bow.
Sherman, EL; Silver Bow.
Columbia Falls:
Coram, EL; Flathead.
Martin City, EL; Flathead.
Ennis; Ennis, JHS; Madison.
Glasgow; R. L. Irie, EL; Valley.
Great Falls:
McKinley, EL; Cascade.
Rehabilitation Center; Cascade.
Havre; Old Sunnyside, EL; Hill.
Kalispell; Flathead, HS; Flathead.
Livingston:
Livingston, JHS; Park.
North Side, EL; Park.
St. Mary, EL; Park.
Miles City; Washington, EL, Grades 1–6; Custer.
Missoula; C. S. Porter, EL; Missoula.
Polson:
Lincoln, EL; Lake.
Linderman, EL; Lake.
Red Lodge; Red Lodge, EL; Carbon.
Rosebud; Rosebud, EL; Rosebud.
Whitefish:
Seventh Street, EL; Flathead.
Whitefish, JHS; Flathead.
Wolf Point; Wolf Point, EL; Roosevelt.

NEBRASKA

1968–69 Additions to the 1966–67 List

Location, city (or town) and county, name of school

Alexandria, Thayer:
Alexandria, EL.
Daykin, EL.
Meridian, HS.
Allen, Dixon; Allen Public.
Arnold, Custer; Arnold Public.
Ashland, Saunders; Ashland Public.
Bayard, Morrill; Bayard City Schools.
Bloomfield, Knox; Bloomfield Community School.
Brainard, Butler:
East Butler, EL. (Brainard).
East Butler, EL. (Dwight).
Cairo, Hall:
Centura, HS.
Centura East, EL.
Centura West, EL.
Central City, Merrick:
North Ward, EL.
South Ward, EL., Senior, HS.
Coleridge, Cedar; Coleridge Community School.
Creighton, Knox; Creighton Community School.
Crofton, Knox; Crofton Public.
Deshler, Thayer; Deshler Public.
Diller, Jefferson; Diller Community School.
Dorchester, Saline; Dorchester Public.
Dunning, Blaine; Sandhills, EL.
Emerson-Hubbard, Dixon:
Emerson, EL.
Emerson, HS.
Hubbard, EL.
Eustis, Frontier; Eustis Public.
Ewing, Holt; Ewing Public.
Exeter, Fillmore; Exeter Public.
Fairfield, Clay:
Edgar, EL.
Fairfield, EL.
Sandy Creek, HS.
Fort Calhoun, Washington; Fort Calhoun Public.
Friend, Saline; Friend Public.
Harrison, Sioux:
Harrison, EL.
Sioux County, HS.
Hay Springs, Sheridan; Hay Springs Public.
Johnson, Nemaha:
Johnson-Brock (at Johnson).
Johnson-Brock (at Brock).
Kimball, Kimball; West, EL.
Leigh, Colfax; Leigh Public.
Louisville, Cass; Louisville Public.
Loup City, Sherman:
Loup City, HS.
Loup City, EL.
Lynch, Boyd; Lynch Public.
Merna, Custer; Merna, EL.
Milford, Seward:
Milford, JHS, HS.
Milford, EL.
Millard, Douglas:
Junior-Senior, HS.
Bryan, EL.
Morrill, Scottsbluff; Morrill Public.
Omaha, Douglas:
Ashland Park, EL.
Beals, EL.
Benson West, EL.
Castelar, EL.
Central Park, EL.
Clifton Hill, EL.
Hawthorne, EL.
Jackson, EL.
Lincoln, EL.
Madison, EL.
Mason, EL.
Miller Park, EL.
Monmouth Park, EL.
Park, EL.
Robbins, EL.
Sherman, EL.
South Lincoln, EL.
Train, EL.
Vinton, EL.
Walnut Hill, EL.
Windsor, EL.
Yates, EL.
South, HS.
North, HS.
Monroe, JHS.
Norris, JHS.
Marrs, EL, JHS.
O'Neill, Holt; O'Neill Public.
Oshkosh, Garden; Oshkosh, EL.
Palmyra, Otoe; Palmyra Public.
Pender, Thurston; Pender Public.
Petersburg, Boone; Petersburg Public.
Ralston, Douglas; Karen Western, EL.
Randolph, Cedar:
Randolph Public.
Belden Annex.
Raymond, Lancaster; Valparaiso, EL.
Red Cloud, Webster:
Lincoln, EL.
Washington, HS.
Spencer, Boyd; Spencer Public.
Stapleton, Logan; Stapleton Public.
Sterling, Johnson; Sterling Public.
Stratton, Hitchcock; Stratton Public.
Taylor, Loup; Taylor Consolidated, EL.
Trenton, Hitchcock; Trenton Public.
Valley, Douglas; Valley Public.
Verdigre, Knox; Verdigre Public.
Wayne, Wayne:
Wayne Middle School.
West, EL.
Wilcox, Kearney; Wilcox Public.
Winside, EL.
Winside, HS.
Winside, EL.
Wisner, Cuming; Pilger, EL.
Wolbach, Greeley; Wolbach Public.

1968–69 Deletions From the 1966–67 List

There are no deletions from the 1966–67 list.

NEVADA

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, and school district

Ely; Lane City (ungraded); White Pine.
Las Vegas:
Westside; Clark.
J. D. Smith Junior High School; Clark.

McDermitt:
McDermitt Elementary; Humboldt.
McDermitt High School; Humboldt.
Reno:
Glenn A. Duncan Elementary; Washoe.
McKinley Park (Ungraded); Washoe.
Sparks; Agnes Risley Elementary; Washoe.
Tonopah; Tonopah Elementary; Nye.

1968–69 Additions to the 1966–67 List

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Location, city or town, name of school, and school district

Battle Mountain; Eliza Pierce, EL.; Lander.
Carson City:
Carson, JHS; Ormsby.
Trainable; Ormsby.
Edith Fritsch, EL; Ormsby.
Ely; Ely Grade School; White Pine.
Fallon; Northside, EL.; Churchill.
Gardnerville; Gardnerville, EL.; Douglas.
Hawthorne; Hawthorne Primary; Mineral.
Jackpot; Jackpot, EL.; Elko.
Las Vegas:
Helen J. Stewart; Clark.
Variety (Special Ungraded); Clark.
Roy Martin, JHS; Clark.
John S. Park, EL.; Clark.
North Las Vegas:
Fay Herron, EL.; Clark.
Jim Bridger, JHS; Clark.
McDermitt; McDermitt Combined Schools; Humboldt.
Midas; Midas, EL.; Elko.
Minden; Minden Primary; Douglas.
Overton; Moapa Valley, EL.; Clark.
Stewart; Stewart Indian School; Bureau of Indian Affairs.

NEW HAMPSHIRE

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, and LEA district

Alton:
Alton Central, JHS, HS; Alton.
Memorial, EL; Alton.
Bartlett; Bartlett, EL; Bartlett.
Bath; Bath Village, EL; Bath.
Bennington; Pierce, EL; Bennington.
Berlin:
King, EL; Berlin.
Marston, EL; Berlin.
St. Joseph, EL; Berlin.
Center Harbor; Center Harbor, EL; Inter-Lakes Cooperative.
Chatham; Chatham Central, EL; Chatham.
Concord:
Conant, EL; Concord.
Sacred Heart, EL; Concord.
Conway:
A. Crosby Kennett, JHS, HS; Conway.
Conway, EL; Conway.
John H. Fuller, EL; Conway.
Pine Tree, EL; Conway.
Dover:
Dover, HS; Dover.
Hale, EL; Dover.
St. Charles, EL; Dover.
Goffstown:
Goffstown, HS; Goffstown.
Bartlett, EL; Goffstown.
Villa Augustina, HS; Goffstown.
Villa Augustina, EL; Goffstown.
Grantham:
North Grantham, JHS; Grantham.
Grantham Village, EL; Grantham.
Jackson; Jackson, EL; Jackson.
Keene:
Roosevelt, EL; Keene.
St. Patrick's, EL; Keene.
Laconia:
Academy Street, EL; Laconia.
Batchelder Street, EL; Laconia.
Bowman Street, EL; Laconia.
St. Joseph, EL; Laconia.
Sacred Heart, HS; Laconia.
Laconia State School (Special); Laconia.
Lebanon:
West Lebanon, JHS; Lebanon.
Mount Lebanon, EL; Lebanon.
Lisbon:
Lisbon Special Public, HS; Lisbon.
Lisbon Special Public, EL; Lisbon.
Lyme; Barnes-Plain, EL; Lyme.
Lyndeboro; Lyndeboro Central, EL; Lyndeboro.
Manchester:
Amoskeag, EL; Manchester.
Highland, EL; Manchester.
St. Theresa, EL; Manchester.
Marlow; Marlow, EL; Marlow.
Mason; Mason Public, EL; Mason.
Meredith; Bixby House; Inter-Lakes Cooperative.
Moultonboro; Moultonboro Central, EL; Governor Wentworth Regional.
Nashua; St. Aloysius, HS; Nashua.
Newfields; Newfields, EL; Newfields.
Nottingham; Nottingham, EL; Nottingham.
Orford:
Orford, HS; Orford.
Orfordville, EL; Orford.
Boynton School; Orford.
Rochester:
Holy Rosary, HS; Rochester.
St. Charles Orphanage, EL; Rochester.
Strafford:
Strafford, EL; Strafford.
Austin Cate Academy, EL; Strafford.
Warren; Warren Village, EL; Warren.
Wentworth; Wentworth, EL; Wentworth.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and LEA district

Acworth; Acworth, EL; Fall Mountain Regional.
Boscawen; Main Street, EL; Merrimack Valley.
Charlestown:
Charlestown, Primary, EL; Fall Mountain Regional.
Farwell; Fall Mountain Regional.
Concord:
Bishop Brady, HS; Concord.
Merrimack Valley, HS; Merrimack Valley.
Summer Street-Central, EL; Merrimack Valley.
Immaculate Conception, EL; Merrimack Valley.
Derry:
Hood Memorial, JHS; Derry Cooperative.
Charles M. Floyd-South Range, EL; Derry Cooperative.
St. Thomas Aquinas, EL; Derry Cooperative.
Dover:
Garrison-Hanson, EL; Dover.
Pierce-Horne Street, EL; Dover.
Franklin:
Franklin, JHS, HS; Franklin.
Bessie C. Rowell, EL; Franklin.
Parker-Hancock, EL; Franklin.
Daniel Webster, EL; Franklin.
Gilsum; Gilsum, EL; Monadnock Regional.
Hudson:
Dr. H.O. Smith, EL; Hudson.
St. John's EL; Hudson.
Langdon:
Fall Mt. Regional HS; Fall Mountain Regional.
Sarah Porter, EL; Fall Mountain Regional.
Loudon; Loudon Grade; Merrimack Valley.
Littleton:
Littleton, JHS, HS; Littleton.
Mildred C. Lakeway, EL; Littleton.
St. Rose of Lima, EL; Littleton.
Manchester:
Hillside, JHS; Manchester.
Parkside, JHS; Manchester.
Southside, JHS; Manchester.
Straw, EL; Manchester.
Nashua; St. Christopher, EL; Nashua.
Portsmouth; Atlantic Heights, EL; Portsmouth.
Rochester; Allen, EL; Rochester.
Sanbornton; Central, EL; Winnisquam Regional.
Sullivan; Central, EL; Monadnock Regional.
Surry; Surry, EL; Monadnock Regional.
Swanzey:
Monadnock Regional, HS; Monadnock Regional.
Cutler-Mount Ceaser, EL; Monadnock Regional.
Tilton:
Tilton-Northfield, JHS, HS; Winnisquam Regional.
Channing Sanborn Union; Winnisquam Regional.
Troy; Troy, EL; Monadnock Regional.
Walpole:
Walpole, Primary, EL; Monadnock Regional.
North Walpole, EL; Monadnock Regional.
Webster; Central, EL; Merrimack Valley.

NEW JERSEY

1968–69 List of Public Schools

Location, and name of school

Allamuchy Township (Warren County); Allamuchy Township, EL.
Alloway Township (Salem County); Alloway Township, EL.
Asbury Park (Monmouth County):
Asbury Park High.
Bangs Avenue, EL.
Bond Street, EL.
Bradley, EL.
Atlantic City (Atlantic County):
Atlantic City High, Technical.
Brighton Ave., EL.
Central, JH.
Chelsea Heights, EL.
Chelsea, JH.
Indiana Ave., EL.
Madison Ave. EL.
Massachusetts Ave., EL.
New Jersey Ave., EL.
Pennsylvania Ave. EL.
Richmond Ave., EL.
Venice Park, EL.
West Side, EL.
Bayonne (Hudson County):
Bayonne, HS.
Lincoln, EL.
Mary J. Donohoe, EL.
Phillip G. Vroom, EL.
Roosevelt, EL.
Samuel Roberson, EL.
Belleville (Essex County); School One, EL.
Belmar (Monmouth County); Belmar, EL.
Berkeley Township (Ocean County):
Bayville, EL.
Clara B. Worth, EL.
Berlin Township (Camden County); Huster, Primary.
Blairstown Township (Warren County); Blairstown, EL.

Bloomfield (Essex County):
Bloomfield, SH.
Berkeley, EL.
Forest Glen, EL.
George Morris-Spec. Ed.
South, JH.
Watsessing, EL.
Bordentown City (Burlington County):
Clara Barton, EL.
McFarland Junior, EL.
Bradley Beach (Monmouth County); Bradley Beach, EL.
Brick Town (Ocean County):
Drum Point Road, EL.
Herbertsville, EL.
Laurelton, EL.
Midstreams, EL.
Osbornville, EL.
Brick Twp. Inter., EL.
Lanes Mill Road, EL.
Emma Havens Young, EL.
Bridgeton (Cumberland County):
Bridgeton, High.
Bridgeton, JH.
Buckshutem Rd., EL.
Bank St., EL.
Cherry St., EL.
Indian Ave., EL.
Irving Ave., EL.
Monroe St., EL.
Pearl St., EL.
Quartermile Lane, EL.
Vine St., EL.
West Ave., EL.
Buena (Atlantic County):
Dr. J. P. Cleary, JHS.
Buena Vista, EL.
Collings Lakes, EL.
Minotola No. 2, EL.
Richland, EL.
Wm. B. Donini, EL.
Burlington City (Burlington County):
Burlington City High.
Lawrence, EL.
Samuel Smith, EL.
Robt. Stacy, EL.
Watts Middle, EL.
Wm. R. Allen-Spec. Ed.
Burlington Township (Burlington County); Pinewald, EL.
Camden (Camden County):
Camden High.
Woodrow Wilson High.
Hatch, JH.
Pyne Poynt, JH.
Bergen Square, EL.
Bonsill, EL.
Broadway, EL.
Cooper, EL.
Coopers Poynt, EL.
Cramer, EL.
Dudley, EL.
Fetters, EL.
Lanning Square, EL.
Lincoln, EL.
Mickle, EL.
Northeast, EL.
Parkside, EL.
Powell, EL.
Read, EL.
Sumner, EL.
Washington, EL.
Whittier, EL.
Yorkship, EL.
Cape May City (Cape May County); Cape May City, EL.
Cartaret (Middlesex County); Cleveland, EL.
Cedar Grove (Essex County); Center School, EL.
Central Regional (Ocean County); Central Regional, HS.
Cherry Hill (Camden County); Jos. Hinchman, EL.
Cliffside Park (Bergen County); School No. 3, EL.
Commercial Township (Cumberland County):
Port Norris, EL.
Haleyville-Mauricetown, EL.
Cranbury (Middlesex County); Cranbury, EL.
Cranford (Union County):
Cleveland, EL.
Sherman, EL.
Deerfield Township (Cumberland County); Deerfield Township, EL.
Delanco (Burlington County); Hickory Street, EL.
Dennis (Cape May County); Dennis Township, EL.
Deptford (Gloucester County):
Jericho-Spec. Ed.
New Sharon, EL.
Shady Lane, EL.
Westville Grove, EL.
Dividing Creek-Downe Township (Cumberland County); Newport, EL.
Doverton (Morris County); Academy, EL.
East Orange (Essex County):
East Orange High.
Vernon L. Davey, EL.
Ashland, EL.
Columbian, EL.
Elmwood, EL.
H. E. Kentopp, EL.
Franklin, EL.
Intermediate, EL.
Lincoln, EL.
Nassau, EL.
Stockton, EL.
Washington, EL.
Eatontown (Monmouth County); Margaret Vetter, EL.
Edison Township (Middlesex County):
Lincoln, EL.
James Madison, EL.
Egg Harbor City (Atlantic County); Philadelphia Ave., EL.
Egg Harbor Township (Pleasantville) (Atlantic County):
H. Russell Swift, EL.
Cardiff, EL.
Farmington, EL.
McKee City, EL.
Steelmanville, EL.
Sculville, EL.
(Greater) Egg Harbor (Atlantic County); Oakcrest, HS.
Elizabeth (Union County):
Ben Franklin No. 13, EL.
Christopher Columbus No. 15.
Continental No. 3.
Elias Boudinot No. 9.
Geo. Washington No. 1.
John Marshall No. 20, EL.
Lafayette No. 6, EL.
Holloran No. 22, EL.
Wm. Penn No. 11, EL.
Winfield Scott No. 2, EL.
Elk Township (Gloucester County); Aura, EL.
Englewood (Bergen County); Lincoln, EL.
Estell Manor (Atlantic County); Estell Manor, EL.
Fairfield Township (Bridgeton) (Cumberland County):
Fairton, EL.
Gouldton, EL.
Farmingdale (Monmouth County); Farmingdale, EL.
Flemington-Raritan Regional (Hunterdon County); Flemington-Raritan Regional, EL.
Florence Township (Burlington County); Florence School No. 1, EL.
Frankford Township (Branchville) (Sussex County); Frankford Township, EL.
Franklin (Sussex County); Franklin, HS.
Franklin Township (Gloucester County):
Forest Grove, EL.
Franklinville Memorial, EL.
Franklinville, EL.
Janvier, EL.
Lake, EL.
Main Road, EL.
Malage, EL.
Freehold Boro (Monmouth County):
Intermediate, EL.
Hudson, EL.
Bennett, EL.
Freehold Regional (Monmouth County):
Freehold, HS.
Howell, HS.
Freehold Township (Monmouth County); West Freehold, EL.
Frelinghuysen Township (Newton) (Warren County); Frelinghuysen Township, EL.
Glassboro (Gloucester County); Academy Street, EL.
Gloucester City (Camden County):
Gloucester City, HS.
Grenloch, EL.
Greenwich (Cumberland County):
Greenwich, EL.
Greenwich, Primary, EL.
Guttenberg (Hudson County); Klein, EL.
Hackensack (Bergen County):
Hackensack High.
Beech Street, EL.
Broadway, EL.
Fanny M. Hillers, EL.
Jackson Avenue, EL.
Middle School, EL.
Hamburg (Sussex County); Hamburg, EL.
Hamilton (Mays Landing) (Atlantic County):
Mays Landing, EL.
Shaner Memorial, EL.
Hamilton Township (Mercer County):
Hamilton High East, HS.
Hamilton High West, HS.
Albert Grice, JHS.
Farmingdale, EL.
Greenswood, EL.
Kisthardt, EL.
Lalor, EL.
Rowan, EL.
Willey, EL.
Hammontown (Atlantic County); Hammontown, EL.
Henry Hudson Regional (Highlands) (Monmouth County); Henry Hudson Regional, HS.
High Bridge (Hunterdon County); High Bridge, EL.
Hoboken (Hudson County):
Hoboken High.
Demarest, JH.
David E. Rue, EL.
Brandt, EL.
Dan S. Kealey, EL.
Wallace, EL.
Sadie Leinkouf, EL.
Tom Connors, EL.
Hopewell (Bridgeton) (Cumberland County):
Hopewell, EL.
Hopewell Crest, EL.
Howell Township (Farmingdale) (Monmouth County); Griebling, EL.
Irvington (Essex County); Irvington, HS.
Jackson (Ocean County):
Jackson, JSH.
Brookwood, EL.
Switlik, EL.
Jersey City (Hudson County):
Dickinson, HS.
Lincoln, HS.
Ferris, HS.
Snyder, HS.
No. 2, EL.
No. 3, EL.
No. 5, EL.
Wakeman, EL.
No. 9, EL.
No. 12, EL.
No. 14, EL.
No. 15, EL.
Bradford, EL.
Brensinger, EL.
No. 22, EL.
No. 23, EL.
No. 24, EL.
No. 29, EL.
No. 31, EL.

No. 32, EL.
No. 35, EL.
No. 37, EL.
Defaccio, EL.
No. 41, EL.
Jefferson Township (Oakridge) (Morris County); Briggs, EL.
Keansburg (Monmouth County); Keansburg, EL.
Kearny (Hudson County); Kearny, HS.
Keyport (Monmouth County):
Central School, EL.
East Keyport, EL.
West Keyport, EL.
Kingsway Regional (Swedesboro) (Gloucester County); Kingsway Regional, HS.
Kingwood Township (Frenchtown) (Hunterdon County); Kingwood Township, EL.
Knowlton (Warren County):
Columbia, EL.
Delaware, EL.
Lakewood (Ocean County):
Lakewood, HS.
Clifton Ave., EL.
Clarke, EL.
Princeton, EL.
Spruce, EL.
Lawrence Township (Cedarville) (Cumberland County); Powell, EL.
Lawrence Township (Trenton) (Mercer County); Eldridge Park, EL.
Lebanon Borough (Hunterdon County); Lebanon Borough, EL.
Lenape Regional (Medford) (Burlington County); Lenape Regional, HS.
Linden (Union County):
No. 2, EL.
No. 4, EL.
No. 5, EL.
Logan Township (Bridgeport) (Gloucester County); Logan Township, EL.
Long Branch (Monmouth County):
Senior, HS.
Junior, HS.
Broadway, EL.
Church St., EL.
Garfield, EL.
Gregory, EL.
Lenna Convow, EL.
Liberty St., EL.
Morris Ave., EL.
Lower Alloway Creek (Salem) (Salem County); Lower Alloways Creek, EL.
Lower Camden County Regional (Lindenwold) (Camden County):
Edgewood Regional High.
Overbrook Regional High.
Lower Cape May Regional (Cape May County); Lower Cape May Regional, HS.
Lyndhurst (Bergen County):
Columbus, EL.
Franklin, EL.
Jefferson, EL.
Lincoln, EL.
Roosevelt, EL.
Washington, EL.
Madison Township (Oldbdge) (Middlesex County):
Madison Township High.
Browntown, EL.
Raymond Voorhees, EL.
Willis, EL.
Madison (Morris County); Luch D. Anthony, EL.
Mahwah (Bergen County); Commodore Perry, EL.
Mannington (Salem) (Salem County); Mannington, EL.
Marlboro (Wickatunk) (Monmouth County); Morganville, EL.
Matawan (Monmouth County):
Cliffwood, EL.
Grammar, EL.
Lloyd Rd. Intmdte.
Maurice River (Dorchester) (Cumberland County):
Leesburg, EL.
Maurice River Township, EL.
Port Elizabeth, EL.
Middle Township (Cape May) (Cape May County):
Middle Township, HS.
Middle Township No. 1, EL.
Middle Township No. 2, EL.
Middletown (Monmouth County):
Bayview, EL.
Belford, EL.
East Keansburg, EL.
Harmoney, EL.
Leonardo, EL.
Navesink, EL.
Port Monmouth, EL.
Millburn (Essex County); Washington, EL.
Millstone (Clarksburg) (Monmouth County); Perrineville, EL.
Millville (Cumberland County):
Memorial, JH.
Bacon, EL.
Montague (Pt. Jervis) (Sussex County); Montague, EL.
Montclair (Essex County):
Montclair High.
Glenfield, EL.
Mount Hebron, EL.
Rand, EL.
Montville (Morris County); Etta Konner, EL.
Monroe (Williamstown) (Gloucester County); Cecil, EL.
Moorestown (Burlington County); No. 7, EL.
Morristown (Morris County):
Alexander Hamilton, EL.
Lafayette Jr., EL.
Thomas Jefferson, EL.
George Washington, EL.
Mount Holly (Burlington County); Holbein, EL.
Mount Olive (Budd Lake) (Morris County):
Budd Lake, EL.
Linden Ave., EL.
Mullica Township (Elwood) (Atlantic County); Elwood, EL.
Neptune (Monmouth County) (City Boro); Roosevelt, EL.
Neptune (Monmouth County) (Township):
Neptune, SH.
Neptune, JH.
Bradley Park, EL.
Gables, EL.
Green Grove, EL.
Ocean Grove Middle, EL.
Ridge Ave., EL.
Shark River Hills, EL.
Summerfield, EL.
Ocean Grove, EL.
Whitesville, EL.
Newark (Essex County):
Barringer, HS.
Central, HS.
East Side, HS.
South Side, HS.
Weequahic, HS.
Broadway, JH.
Clinton Place, JH.
7th Ave., JH.
Webster, JH.
Alyea St., EL.
Arlington Ave., EL.
Avon Ave., EL.
Belmont Runyon, EL.
Bergen St., EL.
Boylan St., EL.
Branch Brook, EL.
Broadway, EL.
Bruce St., EL.
Burnet St., EL.
Camden St., EL.
Central Ave., EL.
Charlton St., EL.
Dayton, EL.
18th Ave., EL.
Elliott St., EL.
14th Ave., EL.
Franklin, EL.
Girls Trade
Hawkins St., EL.
Lafayette St., EL.
Madison, EL.
McKinley, EL.
Miller St., EL.
Montgomery St., EL.
Morton St., EL.
Newton St., EL.
Oliver St., EL.
Peshine Ave., EL.
Quitman St., EL.
Robert Treat, EL.
South St., EL.
South Eighth St., EL.
South 11th St., EL.
South Market St., EL.
Summer Ave., EL.
Warren St., EL.
Waverly Ave., El.
Wickliffe St., EL.
Wilson Ave., EL.
Woodland Ave., EL.
New Brunswick (Middlesex County):
Bayard, EL.
Lincoln, EL.
Lord Stirling, EL.
McKinley, EL.
Nathan Hale, EL.
Roosevelt Intermediate, EL.
Washington, EL.
Newfield (Gloucester County); Edgarton Memorial, EL.
Newton (Sussex County); Halsted, EL.
North Bergen (Hudson County):
North Bergen, HS.
J.F.K., EL.
Lincoln, EL.
McKinley, EL.
North Burlington County Regional (Clmgs.) (Burlington County); North Burlington County Regional, JSHS.
North Plainfield (Somerset County):
Somerset, EL.
Wachtung, EL.
Nutley (Essex County); Lincoln, EL.
Ocean Gate (Ocean County); Ocean Gate, EL.
Oldsman (Pedricktown) (Salem County):
Pedricktown, EL, Farley, EL.
Orange (Essex County):
Orange, HS.
Central, EL.
Forest St., EL.
Lincoln, EL.
Oakwood, EL.
Park Ave., EL.
Tremount Ave., EL.
Oxford (Warren County); Oxford Central, EL.
Passaic (Passaic County):
Wilson No. 12, JHS.
Columbia No. 9, EL.
Grant No. 7, EL.
Lafayette No. 6, EL.
Memorial No. 11, EL.
Pulaski No. 8, EL.
Roosevelt No. 10, EL.
Paterson (Passaic County):
John F. Kennedy, HS.
Eastside, HS.
No. 2, EL.
No. 3, EL.
No. 4, EL.
No. 6, EL.
No. 8, EL.
No. 10 EL.
No. 11 EL.
No. 12 EL.
No. 13 EL.
No. 15 EL.
No. 21 EL.
No. 24 EL.
No. 28 EL.
Paulsboro (Gloucester County):
Paulsboro, HS.
Billingsport, EL.
Loudenslager, EL.
Pemberton (Brownsmills) (Burlington County); Oakview, EL.
Pennsauken (Camden County); Pennsauken, JHS.

Pennsgrove-Upper Penns Neck Reg. (Pennsgrove) (Salem County):
Pennsgrove, HS.
Barbara Avenue, EL.
Broad Street, EL.
Pennsville (Salem County):
Penn Beach, EL.
Pennsville, EL.
Perth Amboy (Middlesex County):
Perth Amboy, HS.
Grammar, EL.
Samuel Shull, EL.
No. 2, EL.
No. 5, EL.
No. 9, EL.
No. 10, EL.
Phillipsburg (Warren County); Phillipsburg, HS.
Piscataway (Middlesex County):
Arbor, EL.
Fellowship Farm, EL.
Holmes-Marshall, EL.
Pittsgrove (Elmer) (Salem County):
Olivet, EL.
Norma, EL.
Plainfield (Union County):
Plainfield, HS.
Hubbard, JHS.
Maxson, JHS.
Bryant, EL.
Cedarbrook, EL.
Clinton, EL.
Emerson, EL.
Evergreen, EL.
Jefferson, EL.
Lincoln, EL.
Charles H. Stillman, EL.
Washington, EL.
Woodland, EL.
Pleasantville (Atlantic County):
Pleasantville, JHS.
Decatur Avenue, EL.
Park Avenue, EL.
Woodland Avenue, EL.
Quinton Township (Salem County); Quinton Township, EL.
Rancocas (Mount Holly) (Burlington County); Rancocas Valley, HS.
Red Bank (Monmouth County):
Mechanic Street, EL.
Oakland Street, EL.
River Street, EL.
Rockaway (Sharton) (Morris County):
Dover Annex, EL.
East Dover Annex, EL.
Hibernia, EL.
Malone, EL.
Mount Hope, EL.
Stony Brook Annex, EL.
Roselle (Union County); Lincoln, EL.
Roxbury (Succasunna) (Morris County); Lafayette, EL.
Salem City (Salem County):
Salem, HS.
Grant Grammar, EL.
Fenwick, EL.
Seaside Heights (Ocean County); Seaside Heights, EL.
Seaside Park (Ocean County); Seaside Park, EL.
Somerville (Somerset County):
Building No. 1, EL.
Building No. 2, EL.
Junior School, EL.
Lafayette, EL.
Van Derveer, EL.
South Gloucester Regional H.S. (Gloucester County); Delsea Reg., HS.
South Harrison (Harrisonville) (Gloucester County; Harrisonville, EL.
South Orange (Maplewood) (Essex County); First Street, EL.
South Plainfield (Middlesex County); Roosevelt, EL.
Summit (Union County); Roosevelt, EL.
Sussex-Wantage Regional (Sussex County):
Sussex, EL.
Wantage, EL.
Swedesboro (Gloucester County); Marg. C. Clifford, EL.
Tabernacle Township (Burlington County):
No. 1, EL.
No. 2, EL.
Teaneck (Bergen County); Hawthorne, EL.
Toms River (Ocean County); Walnut Street, EL.
Trenton (Mercer County):
Trenton Central, HS.
Junior No. 1, EL.
Junior No. 2, EL.
Junior No. 3, EL.
Junior No. 4, EL.
Junior No. 5, EL.
Robbins, EL.
Stokes, EL.
Woodrow Wilson, EL.
Cadwalader, EL.
Columbus, EL.
Cook, EL.
Grant, EL.
Gregory, EL.
Jefferson, EL.
Monument, EL.
Mott, EL.
Parker, EL.
Union Beach; Memorial School.
Union City:
Emerson, HS.
Union Hill, HS.
Edison, EL.
Gilmore, EL.
Hudson, EL.
Jefferson, EL.
Roosevelt, EL.
Walters, EL.
Washington, EL.
Union (Union County); Jefferson, EL.
Union Township; Barnegat, EL.
Upper Freehold Regional (Monmouth County); Upper Freehold Regional, EL.
Upper Pittsgrove (Salem County):
Daretown, EL.
Monroeville, EL.
Upper Township (Cape May County); Upper Township, EL.
Victory Gardens (Morris County); Victory Gardens, EL.
Vineland (Cumberland County):
Landis, JHS.
Cunningham, EL.
Dane Barse, EL.
Maurice Fels, EL.
Max Leuchter, EL.
Mennies, EL.
Reber, EL.
Salve D'Ippolito, EL.
Educable-Trainable.
Washington Township (Mercer County); Sharon, EL.
West Cape May (Cape May County); West Cape May, EL.
Westfield (Union County):
Columbus, EL.
McKinley, EL.
West New York (Hudson County):
Memorial, HS.
No. 1, EL.
No. 3, EL.
No. 4, EL.
No. 5, EL.
Harry Bain, EL.
Weymouth (Atlantic County); Dorothy, EL.
Wildwood (Cape May County):
Wildwood, HS.
Glenwood Avenue, EL.
Wildwood High, EL.
Willingboro Township (Burlington County); Buckingham Park, EL.
Woodbine (Cape May County); Woodbine, EL.
Woodbury (Gloucester County):
Woodbury, JHS.
Evergreen Avenue, EL.
Walnut Street, EL.
West End, EL.
Woodland Township (Burlington County); Chatsworth, EL.
Woodstown-Pilesgrove Regional (Salem County):
Mary S. Shoemaker.
Woodstown.

1968–69 List of Nonpublic Schools

Location, and name of school

Ashbury Park (Monmouth County); Holy Spirit.
Atlantic City (Atlantic County):
Holy Spirit.
Our Lady Star of the Sea.
St. Nicholas.
St. Michael.
Bayonne (Hudson County):
Our Lady of Saint Carmel.
Our Lady Star of the Sea.
St. Andrew.
St. Henry.
St. Vincent de Paul.
Belleville (Essex County); St. Peter.
Berlin (Camden County); Our Lady of Mt. Carmel.
Bernards Township (Somerset County); St. James.
Bordentown (Burlington County); St. Mary.
Burlington (Burlington County); All Saints.
Camden (Camden County):
Camden Catholic High School.
Holy Name.
Our Lady of Mt. Carmel.
Sacred Heart.
St. Joan of Arc.
St. Joseph.
St. Mary.
SS. Peter and Paul.
St. Anthony of Padua.
Cape May (Cape May County); Our Lady Star of the Sea.
Cherry Hill Township (Camden County); Camden Catholic.
Clayton (Gloucester County); St. Catherine.
Clifton (Passaic County):
St. Grendan.
SS. Cyril and Methodius.
Dover (Ocean County); Sacred Heart.
Dunellen (Middlesex County); St. John.
East Keansburgh (Monmouth County); St. Catherine.
East Orange (Essex County):
Our Lady Help of Christians.
Our Lady Most Blessed Sacrament.
Our Lady of All Souls.
East Paterson (Bergen County); St. Leo School.
Elizabeth (Union County):
Holy Rosary.
Immaculate Conception.
Sacred Heart.
St. Adalbert.
St. Hedwig.
St. Patrick.
SS. Peter and Paul.
St. Mary of the Assumption.
Fair Lawn (Bergen County); Saint Anna.
Fairview (Bergen County); Our Lady of Grace.
Fort Lee (Bergen County); Madonna.
Freehold (Monmouth County); Saint Rose of Lima.
Garfield (Bergen County):
Our Lady of Mt. Virgin.
Our Lady of Sorrows.
St. Stanislaus School.
Greater Egg Harbor (Atlantic County); St. Vincent de Paul.
Guttenberg (Hudson County); St. John Nepomucene.
Hammonton (Atlantic County); St. Joseph.
Harrison (Hudson County):
Holy Cross.
Our Lady of Czestochowa.
Hoboken (Hudson County):
St. Francis.
St. Joseph.
SS. Peter and Paul.

Hopewell (Cumberland County); St. Michael.
Irvington (Essex County):
Archbishop Walsh High.
St. Leo.
Jersey City (Hudson County):
All Saints.
Assumption BVM.
Holy Rosary.
Our Lady of Czestochowa.
Our Lady of Mt. Carmel.
Our Lady of Victories.
St. Anthony.
St. Anthony Elementary.
St. Aloysius.
St. Aloysius High.
St. Ann.
St. Bridget.
Sacred Heart.
St. John the Baptist.
St. Lucy.
St. Mary.
St. Mary High.
St. Michael.
St. Patrick.
St. Peter.
Kearny (Hudson County):
Our Lady of Sorrow.
St. Anthony.
Keansburg (Monmouth County); St. Ann.
Lambertville (Hunterdon County); St. John.
Linden (Union County); St. Elizabeth.
Lindenwold (Camden County); St. Lawrence.
Little Ferry (Bergen County); St. Margaret.
Lodi (Bergen County); St. Francis De Sales.
Long Branch (Monmouth County); Our Lady Star of the Sea.
Lower Cape May (Cape May County); St. Raymond.
Lyndhurst (Bergen County); Sacred Heart.
Margate (Atlantic County); Hebrew Academy of Atlantic City.
Montclair (Essex County); Our Lady of Mt. Carmel.
Morristown (Morris County):
Our Lady of Grace.
Villa Walsh High.
Mount Arlington (Morris County); Our Lady of the Lake.
Mount Ephraim (Camden County); Sacred Heart.
Mount Holly (Burlington County); Mount Holly Junior.
Newark (Essex County):
Hebrew Youth Academy.
Our Lady of Good.
Queen of Angels.
Rose of Lima.
St. Ann.
St. Aloysius.
St. Antonimus.
St. Augustine.
St. Charles Borromeo.
St. Columba.
St. James.
St. Mary.
St. Michael.
St. Peter Chapel.
St. Rocco.
St. Patrick.
New Brunswick (Middlesex County):
St. John the Baptist.
St. Ladislaus.
New Milford (Bergen County); St. Joseph's Boys.
North Bergen (Hudson County):
St. Brigid.
Sacred Heart.
North Wildwood (Cape May County); Wildwood Catholic High.
Oradell (Bergen County); St. Joseph.
Orange (Essex County):
Mount Carmel.
St. Venantius.
Palisades Park (Bergen County):
St. Michael.
St. Nicholas.
Paramus (Bergen County); Annunciation.
Parsippany-Troy Hills (Morris County); St. Peter the Apostle.
Passaic (Passaic County):
Holy Rosary.
Holy Trinity.
Our Lady of Mt. Carmel.
St. Anthony of Padua.
St. Nicholas.
St. Nicholas Ukrainian.
St. Stephens.
Paterson (Passaic County):
Blessed Sacrament.
Don Bosco Technical.
Our Lady of Lourdes.
St. Agnes.
St. Anthony.
St. Joseph.
St. Joseph High.
St. Michael.
St. Stephen.
Peapack-Gladstone (Somerset County); Mt. St. John Academy.
Perth Amboy (Middlesex County):
Holy Trinity.
St. Mary's High.
Phillipsburg (Warren County); SS. Philip and James.
Pine Hill (Camden County); St. Edwards.
Prospect Park (Passaic County); St. Paul.
Richland (Atlantic County); St. Augustine Prep.
Rochelle Park (Bergen County); Sacred Heart.
Sayreville (Middlesex County); Our Lady of Victories.
Secacus (Hudson County); Immaculate Conception.
Scotch Plains (Union County):
Girls High School.
Union County Catholic.
South Amboy (Middlesex County):
Sacred Heart.
St. Mary.
South Orange (Essex County); Our Lady of Sorrows.
Stillwater (Sussex County); School of the Arts.
Toms River (Ocean County); St. Joseph Elementary.
Totowa (Passaic County); St. James of the Marches.
Trenton (Mercer County):
Cathedral High.
Cathedral Elementary.
Holy Cross.
Our Lady of Divine Shepherd.
Sacred Heart.
St. Francis.
St. Joachim.
St. Anthony.
St. James.
St. Stanislaus.
SS. Peter and Paul.
Blessed Sacrament.
Immaculate Conception.
St. Mary.
St. Stephen.
St. Joseph.
Union City (Hudson County):
St. Augustine.
St. Anthony.
Holy Family Elementary.
Holy Family High.
Verona (Essex County); Our Lady of the Lake.
Vineland (Cumberland County); Sacred Heart School.
West Milford (Passaic County); Our Lady Queen of Peace.
West New York (Hudson County); Our Lady Help of Christians.
Westville (Gloucester County); Most Holy Redeemer.
Wickatunk (Monmouth County); Collier School.
Wildwood (Cape May County); St. Ann.
Williamstown (Gloucester County); St. Mary.
Woodbridge (Middlesex County); Our Lady of Mt. Carmel.

NEW MEXICO

1968–69 Additions to the 1966–67 List

This list supplements the 1967–68 list of additions which remains in effect.

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location (city or town), name of school, and LEA district

Albuquerque:
Adams-Chapparral, EL, JH; Albuquerque.
Armijo, EL; Albuquerque.
Duranes, EL; Albuquerque.
Eugene Field, EL; Albuquerque.
Five Points, EL; Albuquerque.
Lew Wallace, EL; Albuquerque.
Longfellow, EL; Albuquerque.
Navajo, EL; Albuquerque.
Old Town, EL; Albuquerque.
Pajarito, EL; Albuquerque.
Polk Jr. High, JH; Albuquerque.
Riverview, EL; Albuquerque.
Stronghurst, EL; Albuquerque.
Valle Vista, EL; Albuquerque.
San Jose, EL; Albuquerque.
Algodones; Santo Domingo; EL, JH; Bernalillo.
Artesia:
Central, EL; Artesia.
Artesia, HS; Artesia.
Aztec; Aztec-Bordertown Dorm. (BIA); Aztec.
Bayard; Snell, HS; Cobre.
Bloomfield; Dzilth-Na-O-Dith-Hle (BIA); Bloomfield.
Carlsbad; Senior High, HS; Carlsbad.
Clovis; Clovis, HS; Clovis.
Cubero; Cubero, EL; Grants.
Dexter; Dexter, EL; Dexter.
Dulce; Dulce, HS; Dulce.
Fairview; Fairview, EL; Espanola.
Ft. Sumner:
Ft. Sumner, EL; Ft. Sumner.
Ft. Sumner, HS; Ft. Sumner.
Gallup:
Cathedral Grade, EL; Gallup-McKinley.
Manuelito Hall-Bordertown Dorm. (BIA); Gallup-McKinley.
Hagerman; Hagerman, EL; Hagerman.
Hatch; Hatch, EL; Hatch.
Hobbs; Will Rogers, EL; Hobbs.
Holman; Holman, EL; Mora.
Dulce; St. Francis Parochial School; Nonpublic.
Jemez; Lynbrook, EL; Jemez Mountain.
Jemez Pueblo; San Diego Mission, EL; Jemez Springs.
Loving; Loving, EL; Loving.
Mescalero; Bent-Mescalero, EL; Tularosa.
Mora; Mora, JH; Mora.
Moriarty; Moriarty, HS; Moriarty.
Penasco; Penasco, HS; Penasco.
Pojoaque; Pojoaque, EL; Pojoaque.
Portales; Portales, HS; Portales.
Raton; Longfellow, EL; Raton.
Roswell:
Flora Vista, EL; Roswell.
Goddard, HS; Roswell.
Mesa Middle, JH; Roswell.
Roswell, HS; Roswell.
Santa Fe:
Kaune, EL; Santa Fe.
Larragoite, EL; Santa Fe.
Wood-Gormley, EL; Santa Fe.
Shiprock; Shiprock Kindegarten; Central.
Sunland Park; Sunland Park, EL; Gadsden.
Taos; Ranchos, EL; Taos.
Thoreau; Thoreau, HS; Gallup-McKinley.

Truth or Consequences:
Truth or Consequences, EL; Truth or Consequences.
Truth or Consequences, JH; Truth or Consequences.
Tucumcari; Zia, EL; Tucumcari.
Zuni:
Towa Yallane, EL; Gallup-McKinley.
Zuni Christian Reform; Nonpublic.
Pecos; North San Isidro, EL; Pecos.
Las Vegas; San Jose, EL; Las Vegas.
Farmington; American Indian Bible Mission School; Nonpublic.
Clovis; Union, EL; Clovis.
Quemado; Datil, EL; Quemado.
Santa Rosa; Anton Chico; Santa Rosa.
Cuba; Brethren Navajo Mission School; Nonpublic.
Espanola; Truchas, EL; Espanola.
Las Vegas; Villanueva, EL; Las Vegas.
Espanola; Cordova, EL; Espanola.
Ojo Caliente:
Ojo Caliente, EL, HS; Ojo Caliente.
Vallecitos, EL; Ojo Caliente.
Pojoaque; Nambe Pueblo, EL; Pojoaque.
Santa Fe; St. Catherine's, EL; Santa Fe.
El Rito; El Rito, EL; Ojo Caliente.
Ojo Caliente; Tres Piedras, EL; Ojo Caliente.
Ojo Caliente; La Madera, EL; Ojo Caliente.
Chama; Tierra Amarilla, JHS; Chama.
Cuba; La Jara, EL; Cuba.
Taos:
St. Francis, EL; Taos.
Arroyo Hondo, EL; Taos.
Arroyo Seco, El; Taos.
St. Joseph's, EL; Taos.
Tucumcari; Zia, EL.
Carlsbad; Southridge, EL; Carlsbad.
Tohatchi; (1) Tohatchi, HS; (2) Towa Yallane, EL; Gallup-McKinley.
Mora:
Ocate, EL; Mora.
Guadalupita, EL; Mora.
Pecos; Soham, EL; Mora.
Ojo Caliente:
Petaca, EL; Ojo Caliente.
Placitas, EL; Ojo Caliente.
Chama; Escalante, HS; Chama.
Las Vegas:
Commerce Street, EL; Las Vegas.
Gonzales Ranch School; Las Vegas.
Trementina, EL; Las Vegas.
Dexter; Dexter, HS; Dexter.
Artesia; (1) Penasco, EL; (2) Atoka, EL; Artesia.
Maxwell; Maxwell, HS; Maxwell.
Pecos; East Pecos, EL; Pecos.
Roswell; East Grand Plains, EL; Roswell.
Espanola:
Alcalde, EL; Espanola.
Velarde, EL; Espanola.
Thoreau; Thoreau, HS; Gallup-McKinley.
Encino:
Encino, EL; Encino.
Encino, HS; Encino.
Socorro; Midway, EL; Socorro.
Grants; Seboyeta, EL; Grants.
Crownpoint; Crownpoint, HS; Gallup-McKinley.
Penasco; Navajo, EL; Penasco.
Albuquerque; Esperanza D. Home, EL; Albuquerque.

1968–69 Deletions

There are no deletions from the 1966–67 list.

NEW YORK

1968–69 Deletions From the 1967–68 List

County, district, and name of school

Albany:
Albany:
School 5.
School 25.
Broome:
Barker 1; J. Harshaw, EL.
Binghamton:
Benjamin Franklin.
Roosevelt.
East, JHS.
North, HS.
Binghampton Central, HS.
Sanford 1:
Deposit, EL.
Deposit, HS.
Cattaraugus:
New Albion 1; Cattaraugus Central.
Olean:
School 1.
School 5.
School 10.
Cayuga; Cato 1; Cato-Meridian, EL.
Chautauqua:
Clymer 1; Findley Lake, EL.
Dunkirk:
School 3.
Dunkirk, JHS.
Hanover 1; Silver Creek Central.
Jamestown:
Jefferson, JHS.
Sts. Peter and Paul.
Chemung:
Elmira:
Coburn, EL.
Broadway, JHS.
Elmira Free Academy.
Southside, HS.
Horseheads 2:
Lincoln.
Mary Thurston.
Nathan Cohen.
Chenango:
Guilford 1; Mt. Upton, JHS, HS.
New Berlin 1; New Berlin, EL.
Sherburne 1:
North Norwich, EL.
Sherburne Central.
Clinton; Champlain 1; Champlain, EL.
Columbia:
Hillsdale 1; Roeliffe Jansen Central.
Hudson:
Claverack.
Greenport.
Cortland; Cortland; Randall.
Dutchess:
Poughkeepsie; Edward Ellsworth.
Red Hook 1; Red Hook Central.
Erie:
Buffalo:
St. Francis Xavier.
Immaculate Heart of Mary.
St. Luke.
St. Mark.
St. Vincent de Paul.
Bishop Colton, HS.
Bishop O'Hearn, HS.
Concord 1; Boston-Golden, EL.
Lackawanna; Occupational Education.
Lancaster 1; Central Avenue.
Franklin:
Fort Covington 1; St. Mary.
Malone 1:
Constable.
Hawkins, EL.
North Bangor.
Old Academy.
Franklin Academy.
St. Joseph's Academy.
Fulton:
Johnstown:
Perry Street.
Warren Street.
Greene; Windham 1; Windham-Ashland-Jewett Central.
Herkimer; Winfield 1; West Winfield Central.
Jefferson:
Antwerp 1; Evans Mills, EL.
Ellisburg 1; Mansville-Manor Central.
Watertown; Watertown, HS.
Madison; Oneida; Oneida, JHS.
Monroe:
Ogden 1; Intermediate.
Rochester:
Jefferson, HS.
Monroe, HS.
Nassau:
Hempstead 8; Jewish Center Kindergarten.
Hempstead 21; Morris, EL.
Bronx:
New York City:
P.S. 16.
P.S. 21 and Annex.
P.S. 25.
P.S. 68 and Annex.
P.S. 72.
P.S. 76.
P.S. 86
P.S. 121.
P.S. 132.
J.H.S. 135.
J.H.S. 141.
Morris, HS.
Walton, HS.
St. Angela Merici.
Greek American.
Beth Jacob-Beth Miriam.
Yeshiva Torah V'Emunah.
Brooklyn:
New York City:
J.H.S. 6.
J.H.S. 10.
P.S. 25.
P.S. 30.
J.H.S. 43.
J.H.S. 62.
J.H.S. 68.
P.S. 77.
P.S. 83.
P.S. 89.
P.S. 100.
P.S. 102.
P.S. 121.
P.S. 215.
P.S. 236.
P.S. 249.
P.S. 253.
P.S. 312.
P.S. 367.
Bushwick, HS.
Canarsie, HS.
Franklin D. Roosevelt, HS.
John Jay, HS.
Ahi Ezer Yeshiva.
Beth Rivkah.
Yeshiva Ateret Israel.
Yeshiva Beth Chana for Girls.
Yeshiva Beth Jacob of Midwood.
Yeshiva of Brighton.
Yeshiva of Brooklyn.
Yeshiva Rabbi Chaim Berlin.
Yeshiva Rabbi David Leibowitz.
Manhattan:
New York City:
P.S. 26.
P.S. 59.
P.S. 190.
Benjamin Franklin, HS.
Charles Evans Hughes, HS.
Seward Park, HS.
Washington Irving, HS.
St. Alphonsus.
Rabbi Jacob Joseph.
Queens:
New York City:
P.S. 6.
P.S. 37.
P.S. 80.
P.S. 82.
P.S. 98.
J.H.S. 109.
P.S. 117.
P.S. 120.
J.H.S. 145.
P.S. 151.
P.S. 156.
P.S. 169.
P.S. 184.
J.H.S. 189.
J.H.S. 202.
P.S. 206.
P.S. 214.
J.H.S. 217.
J.H.S. 231.
Grover Cleveland, HS.
St. Gabriel.
Richmond:
New York City:
P.S. 15.
P.S. 26.
P.S. 36.
P.S. 46.
St. Adalbert.
St. Aloysius.
St. Elizabeth.
Holy Rosary.
St. Margaret Mary.
St. Michael.
Our Lady Help of Christian.
Niagara:
Niagara Falls:
Center Avenue.
Thirteenth Street.
Holy Trinity.
St. Stanislaus.
North Tonawanda:
Ascension.
St. Joseph.
Our Lady of Czestochowa.
Bishop Gibbons, HS.
Oneida; Westmoreland 1; Westmoreland Central.
Onondaga:
Syracuse:
St. Vincent de Paul.
Transfiguration.
Orange:
Middletown; St. Joseph.
Minisink 1; Minisink Valley Central.
Montgomery 1:
Maybrook, EL.
Montgomery, EL.
Walden, EL.
Rensselaer; Troy; St. Patrick.
Rockland:
Ramapo 1:
Hillburn, EL.
Kakiat, JHS.
Spring Valley, JHS.
St. Lawrence:
Canton 1; Rensselaer Falls.
Massena:
Louisville.
Twin Rivers.
Oswegatchie 4; Herivelton Central.
Saratoga:
Mechanicville; Riverside School No. 4.
Saratoga 1; Schuylerville Central.
Saratoga Springs:
Saratoga Springs, HS.
St. Clement.
St. Peter's Academy.
Stillwater 1; Stillwater Central.
Steuben:
Canisteo 1; Canisteo Central.
Hornell; Washington, EL.
Suffolk:
Brookhaven 11:
Bicycle Path and Selden, EL.
Oxhead Road, EL.
Huntington 3; Roosevelt, EL.
Islip 12:
East, EL.
Hemlock, EL.
Laurel Park.
Loretta Park, EL.
North, EL.
Northeast, EL.
Southeast.
Southwest.
Riverhead 2:
Jamesport, EL.
Riverhead, HS.
Sullivan; Thompson 1; George L. Cooke.
Tioga:
Newark Valley 2; Nathan T. Hall, EL.
Tioga 3; Tioga Central.
Warren:
Lake George 1; Lake George Central.
Queensbury 2; Queensbury Union Free School.
Washington:
Granville 1; Middle Granville, EL.
Hartford 1; Hartford Central.
White Creek 10; Cambridge Central.
Wayne:
Galen 1; Savannah, HS.
Williamson 2; Williamson Central.
Westchester:
Greenburgh 1; Pierson.
Mount Pleasant 1:
Columbus, EL.
Westlake, HS.
New Rochelle:
Trinity.
Washington.
Webster.
Peekskill; Franklin.
Rye 4; Theodore Roosevelt.
Yonkers:
St. Joseph.
St. Michael.

1968–69 Additions to the 1967–68 List

County, district, and name of school

Albany:
Albany:
School 22.
St. Joseph's, EL.
Colonie 5; Latham Ridge, EL.
Guilderland 2; St. Madeline Sophie, EL.
Watervliet; School 1.
Broome:
Barker 1:
Chenango Forks, EL.
St. Catherine's.
Binghamton:
Abraham Lincoln, EL.
Thomas Jefferson, EL.
West, JHS.
Vocational, HS.
St. Mary's, EL.
St. Paul's, EL.
Colesville 1; W. A. Olmstead, EL.
Cayuga:
Auburn:
Casey Park, EL.
Thorton Avenue.
Genoa 1:
Genoa, EL.
King Ferry, EL.
Springport 1; Cayuga, EL.
Chautauqua:
Chautauqua 1; Mayville Central.
Cherry Creek 1; South Dayton, EL.
Ellicot 1:
Ellington.
Kennedy.
Pomfret 1:
Wheelock, EL.
Eagle Street Foundation.
Chemung; Elmira; Fassett.
Clinton; Plattsburg; St. John's EL.
Columbia; Claverack 2; Ockawamick Central.
Delaware; Stamford 2; Hobart, EL.
Dutchess:
Poughkeepsie:
George Clinton, EL.
John Forbus, JHS.
Samuel F. B. Morse, JHS.
Washington 1:
Elm Drive, EL.
St. Joseph's, EL.
Erie:
Buffalo:
School 45.
St. Anthony.
St. Mary of Sorrows.
St. Nicholas.
St. Patrick.
Sacred Heart.
St. Stephen.
Essex:
Minerva 1; Minerva Central.
Ticonderoga 1:
Ticonderoga Elementary Middle.
Ticonderoga, HS.
Westport 1; Westport Central.
Franklin:
Malone 1:
G. B. Davis, EL.
Raymond Street, EL.
Fulton; Broadalbin 1; Broadalbin Central.
Jefferson:
Adams 1:
Adams, EL.
Mansville, EL.
Maynard P. Wilson, EL.
Livingston:
Livonia 1:
Hemlock Street, EL.
Livonia Central.
Monroe:
Rochester:
Audubon School No. 33.
Francis Parker School No. 20.
Gen. Elwell S. Otis School No. 30.
Henrick Hudson School No. 28.
H. B. Montgomery School No. 50.
John Walton Spencer School No. 16.
Jonathan Child School No. 21.
Martin B. Anderson School No. 1.
Edison Technical & Industrial, HS.
Montgomery:
Amsterdam; Fort Johnson.
Canajoharie 1; West Hill, EL.
Nassau:
Hempstead 9; Dood, JHS.
Hempstead 27:
Chestnut Street.
Cornwell Avenue.
North Hempstead 3; Flower Hill.
North Hempstead 4:
Sands Point, EL.
John P. Sousa, JHS.
Oyster Bay 1; Sea Cliff, EL.
Bronx:
New York City:
P.S. 7.
P.S. 40.
J.H.S. 131.
P.S. 132.
J.H.S. 148.
P.S. 155.
P.S. 157.
P.S. 161.
Samuel Gompers Vocational and Technical, HS.
Brooklyn:
New York City:
P.S. 15.
P.S. 39.
J.H.S. 55.
P.S. 79.
J.H.S. 88.
P.S. 163.
P.S. 179.
P.S. 187.
P.S. 205.
P.S. 225.
J.H.S. 292.
J.H.S. 293.
J.H.S. 320.
P.S. 327.
P.S. 328.
P.S. 332.
P.S. 335.
P.S. 345.
P.S. 396.
George W. Wingate, HS.
Sarah J. Hale Vocational, HS.
St. Ann's.
St. Augustine.
St. Augustine Episcopal.
St. Charles Borromeo.
St. Francis Assisi.

St. Francis of Paola.
St. Francis Xavier.
Holy Family.
St. John the Evangelist.
St. Leonard of Port Maurice.
St. Malachys.
Nativity of Our Blessed Lord.
Our Lady of Consolation.
Our Lady of Lourdes.
Our Lady of Perpetual Help.
St. Patrick.
St. Rita.
Queen of all Saints.
St. Thomas Aquinas.
Yeshiva Torah Vodaath.

Manhattan:
New York City:
P.S. 46.
P.S. 137.
P.S. 149/207.
P.S. 158.
P.S. 173.
P.S. 185–208.
F. H. La Guardia High School of Music and the Arts.
Stuyvesant, HS.
Central Commercial, HS.
Chelsea Vocational, HS.
High School of Fashion Industries.
New York School of Printing.
Yeshiva Chofetz Chaim.

Queens:
New York City:
J.H.S. 8.
P.S. 64.
J.H.S. 72.
P.S. 88.
P.S. 143.
P.S. 146.
P.S. 147.
P.S. 148.
P.S. 153.
P.S. 203.
J.H.S. 210.
Andrew Jackson, HS.
Aviation, HS.
Thomas Edison Vocational and Technical H.S.
St. Catherine of Sienna.
St. Joseph.
Our Lady of Sorrows.
St. Pascal Baylon.

Richmond:
New York City:
P.S. 3.
P.S. 14.
P.S. 16.
J.H.S. 27.
J.H.S. 49.
Curtis, HS.
New Dorp, HS.
Tottenville, HS.
St. Peter.
St. Paul.

Niagara:
Niagara Falls:
Niagara Street.
Our Lady of Lebanon.
Sacred Heart.
St. Mary's.

Onondaga:
Syracuse:
Cleveland, EL.
Prescott, EL.
Levy, JHS.
Lincoln, JHS.

Orange:
Middletown; Liberty Street.
Monroe 1; Harriman, EL.

Oswego:
Hastings 1; Millard Hawks, JHS.
Oswego; Mackin School No. 2.

Otsego; Richfield 1; Richfield Springs Central.
Putnam; Carmel 2; Patterson Grade.
Rensselaer:
Berlin 1:
Grafton, EL.
Stephentown, EL.
Cherry Plain, EL.
Troy:
Carroll Hill.
St. Anthony.

Rockland:
Orangetown 4; Liberty Street.
Ramapo 1; Sloatsburg, EL.
Ramapo 2:
Hempstead, EL.
Hillcrest, EL.
Summit Park, EL.

St. Lawrence:
Brasher 1; St. Lawrence Central.
Gouverneur 1:
Fowler, EL.
Richville, EL.
Massena 1; Massena, JHS.

Saratoga; Moreau 1; Ballard.
Schoharie:
Middleburg 1; Middleburg Central.
Schoharie 1; Schoharie Central.

Schuyler:
Catherine 1:
B. C. Cate, EL.
Odessa-Montour, JHS, HS.

Steuben; Prattsburg 1; Prattsburg Central.
Suffolk:
Babylon 6; Amityville, HS.
Babylon 9; Straight Path, EL.
Brookhaven 24; South Ocean Avenue, JHS.
East Hampton 1; John Marshall, EL.
Huntington 3:
Jefferson, EL.
Woodhull, EL.
Coindre Hall.
Islip 3:
East Islip, HS.
East Islip, JHS.
Timber Point, EL.
J. F. Kennedy, EL.
Connetquot, EL.
Islip Terrace, EL.
R. C. Kinney, EL.
St. Mary's.
Islip 12; Brentwood, HS.
Smithtown 1; Tackan, EL.
Southhampton 6; Southhampton, EL.

Washington; Whitehall 1; Whitehall Central.
Wayne:
Galen 1; St. John's Parochial.
Paymyra 1:
Palmyra, EL.
Macedon, EL.
Wolcott 1; F. Hendricks.

Westchester:
Greenburgh 7; Warburg Mansion.
Greenburgh 10; Graham Home.
Mount Vernon:
Mount Vernon, HS.
Nichols, JHS.
Washington, JHS.
Our Lady of Mount Carmel.
Sacred Heart School.

North Salem 1; St. Joseph's, EL.
Peekskill:
St. Joseph's Home.
Villa Loretto.
White Plains; Cardinal McCloskey.
Yonkers:
Hawthorne, JHS.
Holy Rosary.
Saint Casimir.

1968–69

Official Changes in School Names

County, district, old name and new name

Allegany; Cuba 1; Cuba, EL; now, Cuba Central.
Broome; Barker 1; Chenango Forks Central; now, J. Harshaw Primary-Chenango, JHS, HS.
Chemung; Elmira; Colburn, JHS; now, Coburn, EL, JHS.
Franklin; Malone 1; Harrison, JHS; now, Malone, JHS.
Orange; Middletown; Linden Avenue; now, Chorley.
Nassau; Hempstead 8; Harry D. Daniels Primary; now, Harry D. Daniels Primary and Kindergarten.
Suffolk:
Babylon 9:
Mount Avenue, EL; now, Martin Luther King, EL.
Wyandanch, JHS, HS; now, Memorial, JHS, HS.
Brookhaven 12; Longwood, HS; now, Longwood, JHS, HS.
Riverhead 2; Riverhead, EL; now, Roanoke Avenue, EL.
Southampton 1; Remsenburg, EL; now, Remsenburg-Speonk, EL.
Sullivan; Fallsburgh 1; Fallsburgh Central; now, Fallsburgh, JHS, HS.
Warren; Johnsburg 1; Johnsburg, EL; now, Johnsburg Central.
Wayne; Palmyra 1; Palmyra-Macedon Central; now, Palmyra-Macedon, JHS, HS.
Westchester; New Rochelle; Columbus; now, Columbus-Washington, EL.

NORTH CAROLINA

1968–69 Deletions From the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and LEA district

Andrews:
Andrews, EL; Andrews City.
Andrews, HS; Andrews City.
Autryville; Autryville; Sampson County.
Bakersville:
Gouge, EL; Mitchell County.
Ledger, EL; Mitchell County.
Barnardsville; Barnardsville; Buncombe County.
Beaufort; Queen Street; Carteret County.
Bell Arthur; Nichols; Pitt County.
Black Mountain; Carver; Buncombe County.
Bolton; Waccamaw Indian; Columbus County.
Boone; Watauga, HS; Watauga County.
Bunn; Gethsemane; Franklin County.
Burlington; J. F. Gunn; Burlington City.
Cary; West Cary, HS; Wake County.
Ceno Gordo; West Columbus; Columbus County.
Chapel Hill; Northside, EL; Orange County.
Clarkton; Carver-Moore; Columbus County.
Cleveland; R. A. Clement; Rowan County.
Council; Baltimore; Bladen County.
Cove City; Cove City; Craven County.
Cullowhee; Canada; Jackson County.
Del Rio; Mount Sterling; Haywood County.
Dunn; Pleasant Grove; Sampson County.
Elizabeth City; P. W. Moore; Pasquotank County.
Elizabethtown; Mount Olive; Bladen County.
Elk Park; Cranberry; Avery County.
Ellerbe; Mineral Springs; Richmond County.
Ennice; Glade Creek; Alleghany County.
Fair Bluff, Carver; Columbus County.
Fayetteville:
Fuller; Cumberland County.
Hillsboro Street; Cumberland County.
Lewis Chapel; Cumberland County.
Franklin; Iotla; Macon County.
Fremont; Friendship; Wayne County.
Fuquay; Fuquay Consolidated; Wake County.
Gastonia:
Highland; Gastonia City.
Pleasant Ridge; Gaston County.
Wilson, EL; Gastonia City.
Gibsonville; Lee Holt; Guilford County.
Graham; Elon, EL; Alamance County.

Grassy Creek; Virginia-Carolina; Ashe County.
Greensboro; Poplar Grove; Guilford County.
Greenville; Sallie Branch; Pitt County.
Grifton; Grifton, EL; Pitt County.
Hamlet; Capital Highway; Richmond County.
Havelock; Craven Corner; Craven County.
Haw River; Melville, EL; Alamance County.
Hayesville; Elf; Clay County.
Henderson:
Cedar Street; Franklin County.
Pinkston Street; Henderson City.
Hillsborough; Central, HS; Orange County.
Hoffman; Beaver Dam; Richmond County.
Jacksonville:
Bell Fork; Onslow County.
Georgetown; Onslow County.
Kenly; Bagley; Johnston County.
Lawndale; Philadelphia; Cleveland County.
Leaksville; Douglass; Rockingham County.
Leicester; Sandy Mush; Buncombe County.
Lincolnton; Oaklawn; Lincolnton City.
Linden:
Linden; Cumberland County.
Raleigh Road; Cumberland County.
Louisburg:
Perry's School; Franklin County.
Riverside; Franklin County.
Lowell; Dora R. Humphrey; Gaston County.
Lumberton; Piney Grove; Robeson County.
Manteo; Manteo, HS; Dare County.
Marble; Marble, EL; Andrews City.
Marshville; East Union; Union County.
Maysville; Silverdale; Onslow County.
Mebane; West End; Alamance County.
Newton Grove; Newton-Grove Westbrook; Sampson County.
Norwood; Lake View; Stanly County.
Oakboro; South Oakboro; Stanly County.
Pembroke; Pembroke, HS; Robeson County.
Pollocksville; J. W. Willie, Jones County.
Red Springs:
Burlington; Hoke County.
Hawk Eye; Hoke County.
Richlands:
Richlands; Onslow County.
Woodson; Onslow County.
Riegelwood; Armour; Columbus County.
Roanoke Rapids; John A. Chaloner; Halifax County.
Robbinsville:
Robbinsville; Graham County.
Stecoah; Graham County.
Rockingham; East Hamlet; Richmond County.
Rocky Mount; Pope County School; Rocky Mount City.
Rocky Mount; South Pender; Pender County.
Roseboro; Roseboro-Salemburg; Sampson County.
Roxboro; Central; Person County.
Sandy Ridge; Sandy Ridge; Stokes County.
Sanford; Lee, EL; Lee County.
Severn; Mehenin; Northampton.
Shelby; Hunter; Cleveland County.
Siler City; Chatham, HS; Chatham County.
Snow Hill; Greene County Central; Greene County.
Statesville; Morningside; Statesville City.
Supply; Cedar Grove; Brunswick County.
Troy; Peabody Union; Montgomery County.
Tryon; Edmund Embury; Polk County.
Turkey; Turkey; Sampson County.
Warsaw; James Kenan; Duplin County.
Waxhaw; Western Union; Union County.
Wendell; Riley Hill; Wake County.
Westfield; Nancy Reynolds, EL; Stokes County.
White Oak; New Light; Bladen County.
Whittier; Whittier; Swain County.
Wilkesboro; Lincoln Heights; Wilkes County.
Williamston; E. J. Hayes; Martin County.
Wilmington:
Gregory; New Hanover County.
Tileston; New Hanover County.
William H. Blount; New Hanover County.
Williston, JHS; New Hanover County.
Williston, HS; New Hanover County.
Winston-Salem:
Anderson, JHS-HS; Winston-Salem/Forsyth.
Atkins; Winston-Salem/Forsyth.
Columbia; Winston-Salem/Forsyth.
Hanes, JR; Winston-Salem/Forsyth.
John F. Kennedy; Winston-Salem/Forsyth.
Paisley, JHS; Winston-Salem/Forsyth.
Paisley, HS; Winston-Salem/Forsyth.
Winterville; Haddock; Pitt County.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and LEA district

Albemarle; South Albemarle, EL; Albemarle City.
Ashe; Waccamaw; Brunswick County.
Atkinson; Atkinson; Pender County.
Bakersville; Bowman, HS; Mitchell County.
Benson; Hillside; Johnston County.
Black Creek; Lee Woodard; Wilson County/Elm City.
Bladenboro:
Bladenboro; Bladen County.
Spaulding Monroe; Bladen County.
Bolivia; Bolivia; Brunswick County.
Bryson City:
Almond; Swain County.
Swain County, HS; Swain County.
Bunn:
Bunn, EL; Franklin County.
Bunn, HS; Franklin County.
Burnsville; Bee Log, EL; Yancey County.
Calypso; Calypso-Faison; Duplin County.
Cary; East Cary; Wake County.
Clinton:
Halls-Piney Grove; Sampson County.
Union, HS; Sampson County.
Coats; Coats; Harnett County.
Cullowhee; Camp Laboratory; Jackson County.
Dobson; Copeland, EL; Surry County.
Dudley; Southern Wayne, HS; Wayne County.
Dunn; Midway; Sampson County.
Durham:
Pearson, EL; Durham City.
Walltown, EL; Durham City.
Edenton; Ernest A. Swain; Edenton/Chowan.
Elm City; Frederick Douglass; Wilson County Elm City.
Enfield; Inborden, HS; Halifax County.
Eureka; Eureka; Wayne County.
Fairmont; Fairmont, HS; Fairmont City.
Falkland; Falkland Primary; Pitt County.
Fayetteville:
E. E. Smith, HS; Fayetteville City.
Newbold, EL; Fayetteville City.
Wade; Cumberland County.
Ferguson; Boomer-Ferguson; Wilkes County.
Ferguson; Mount Pleasant; Wilkes County.
Franklinton; Wilton; Granville County.
Fremont; Fremont, EL; Wayne County.
Garland; Hickory Grove; Bladen County.
Gaston; Gaston, HS; Northampton County.
Gastonia:
Hoffman Road; Gaston County.
Woodhill, EL; Gaston County.
Gibson; Gibson; Scotland/Laurinburg.
Goldsboro:
Carver Heights; Goldsboro City.
School Street; Goldsboro City.
Greensboro; Mt. Zion; Greensboro City.
Greenville:
Belvoir, EL; Pitt County.
Chicod; Pitt County.
Falkland, Grammar; Pitt County.
Sadie Saulter; Greenville City.
South Greenville; Greenville City.
St. Gabriel's; Greenville City.
Grimesland; Grimesland, EL; Pitt County.
Hayesville; Hayesville, HS; Clay County.
Henderson:
Epsom, HS; Franklin County.
South Henderson; Vance County.
Vance County, HS; Vance County.
High Point; Christ the King; High Point City.
Holly Springs; Holly Springs; Wake County.
Hurdle Mills; Hurdle Mills; Person County.
Jamestown; Florence; Guilford County.
Kittrell:
Kittrell; Vance County.
Zeb Vance; Vance County.
Leland; Lincoln; Brunswick County.
Littleton; McIver; Halifax County.
Louisburg:
Edward Best, EL; Franklin County.
Edward Best, HS; Franklin County.
Gold Sand, EL; Franklin County.
Gold Sand, HS; Franklin County.
Louisburg, EL; Franklin County.
Louisburg, HS; Franklin County.
Maggie; Maggie; Haywood County.
Mamers; Boone Trail; Harnett County.
Maple; Currituck Union; Currituck County.
Marietta; Marietta; Fairmont City.
Marshville; East Union; Union County.
Mill Spring:
Mill Spring; Polk County.
Polk Central; Polk County.
Sunny View; Polk County.
Monroe; Winchester Avenue; Monroe City.
Mount Airy; Franklin, EL; Surry County.
Newland; Avery, HS; Avery County.
Newton Grove; Hobbton, EL; Sampson County.
Oxford:
Berea; Granville County.
Mary Potter; Granville County.
Orange Street; Granville County.
Pembroke; Pembroke, JHS; Robeson County.
Raleigh:
Crosby-Garfield, EL; Raleigh City.
Hunter, EL; Raleigh City.
Washington, EL; Raleigh City.
Red Springs:
Red Springs, HS; Red Springs City.
South Hoke; Hoke County.
Roaring River; Roaring River; Wilkes County.
Robbins:
Elise, EL; Moore County.
North Moore; Moore County.
Rockingham; Ashley Chapel; Richmond County.
Rocky Mount; Lincoln; Rocky Mount City.
Rocky Point; Long Creek-Grady; Pender County.
Salemburg; Salemburg; Sampson County.
Salisbury; Lincoln, EL; Salisbury City.
Saluda; Saluda; Polk County.
Seven Springs; Seven Springs; Wayne County.
Shelby; Cleveland Training; Cleveland County.
Snow Hill:
South Greene, HS; Greene County.
West Greene, EL; Greene County.
Southport; Brunswick County, HS; Brunswick County.
Stantonsburg; Stantonsburg; Wilson County/Elm City.
Stem; Stem; Granville County.
Stokes; Stokes-Pactolus; Pitt County.
Stovall; Stovall; Granville County.
Swan Quarter; Mattamuskeet; Hyde County.
Trenton; Trenton; Jones County.
Tyner; White Oak Consolidated; Edenton/Chowan.
Union Mills; Union Mills Union; Rutherford County.
Virgilina; Oak Hill; Granville County.
Waccamaw; Boys' Home; Columbus County.
Wadesboro:
Anson; Anson County.
Bowman, HS; Anson County.
Wagram; Wagram, HS; Scotland/Laurinburg.
Washington; John C. Tayloe; Washington City.
Wendell; Riley Hill; Wake County.
White Oak; White Oak; Bladen County.
Williamston; E. J. Hayes; Martin County.
Wilson:
Adams; Wilson City.
Hearne; Wilson City.
New Hope, EL; Wilson County/Elm City.
Vick; Wilson City.

Winston-Salem:
Children's Home, EL; Forsyth County.
Children's Home, JHS, HS; Forsyth County.
Yanceyville; Oakwood; Caswell County.

NORTH DAKOTA

1968–69 List of Schools

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation as schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and county

Alexander; Alexander Public School; McKenzie.
Almont; Sims Public School; Morton.
Amidon; Central Elementary School; Slope.
Anamoose:
Anamoose Public School; McHenry.
White Public School; Pierce.
Ashley; Ashley Public School; McIntosh.
Balfour; Balfour Public School; McHenry.
Baldwin; Glenview Public School; Burleigh.
Beach; Saddle Butte Public School; Golden Valley.
Belcourt:
Great Walker Day Elementary; Rolette.
Houle Public School; Rolette.
St. Ann's Mission Elementary; Rolette.
Belcourt Indian School; Rolette.
Beulah; Beulah Public School; Mercer.
Bismarck:
Lincoln Public School; Burleigh.
Richholdt Elementary School; Burleigh.
Saxvik Elementary School; Burleigh.
Telfer Public School; Burleigh.
Blaisdell; Granada Public School; Mountrail.
Bottineau; Bottineau Public School; Bottineau.
Bowman; Eden Public School; Bowman.
Braddock; Braddock Public School; Emmons.
Butte; Butte Public School; McLean.
Carrington:
Carrington Public School; Foster.
Estabrock Public School; Foster.
Carson:
Carl Public School; Grant.
Roosevelt Public School; Grant.
Cartwright; Horse Creek Public School; McKenzie.
Cavalier; Cavalier Public School; Pembina.
Center; Center Public School; Oliver.
Chaffee; Chaffee Public School; Cass.
Columbus; Columbus Public School; Burke.
Courtenay; Courtenay Public School; Stutsman.
Devils Lake; Prairie View Elementary; Ramsey.
Dickinson:
St. Pius School; Stark.
Shipley Public School; Stark.
Versippi Public School; Stark.
Drake; Drake Public School; McHenry.
Dunseith:
Dunseith Day Elementary; Rolette.
Dunseith Public School; Rolette.
Edgeley; Edgeley Public School; LaMoure.
Elgin; Elgin Public School; Grant.
Ellendale; Ellendale Public School; Dickey.
Epping; Epping Public School; Williams.
Fairmont; LaMars Public School; Richland
Fargo:
Agassiz, JHS; Cass.
South, JHS; Cass.
Filmore; Cranberry Valley School; Benson.
Flasher:
Flasher Public School; Morton.
Oak Soulee Public School; Morton.
Fordville:
Fordville Public School; Walsh.
Forest River Community School; Walsh.
Forman; Sargent Central Public School; Sargent.
Fort Rice; Fort Rice Public School, Morton.
Fort Totten; Fort Totten Indian School; Benson.
Fort Yates:
St. Bernard's Mission, EL; Sioux.
Fort Yates Indian School; Sioux.
Gackle; Gackle Public School; Logan.
Garrison; Garrison Public School; McLean.
Gladstone; Garden Public School; Stark.
Glen Ullin:
Glen Ullin Public School; Morton.
Sacred Heart School; Morton.
Golden Valley; Juzeler Public School; Mercer.
Goodrich; Goodrich Public School; Sheridan.
Grand Forks; Brenna Public School; Grand Forks.
Guelph; Guelph Public School; Dickey.
Haley; Haley Public School; Bowman.
Halliday; Twin Buttes; Bowman.
Hankinson:
Hankinson Public School; Richland.
St. Francis, EL; Richland.
Hannover:
Bismarck Public School; Oliver.
St. Peters Lutheran School; Oliver.
Harvey:
Fram Public School; Wells.
Harvey Public School; Wells.
Hazelton: Hazelton-Moffit Public School; Emmons.
Hazen; Springbrook Public School; Oliver.
Hebron; Hebron Public School; Morton.
Huff; Ambulance Butte Public School; Morton.
Jud; Jud Public School; LaMoure.
Killdeer; Killdeer Public School; Dunn.
Kulm; Kulm Public School; LaMoure.
Langdon; Langdon Public School; Cavalier.
LaMoure; LaMoure Public School; LaMoure.
Lehr; Lehr Public School; McIntosh.
Leith; Cowan Public School; Grant.
Lemmon, South Dakota:
North Lemmon School; Adams.
Spring Butte School; Adams.
Lidgerwood; Lidgerwood Public School; Richland.
Linton; Linton Public School; Emmons.
Lisbon; Lisbon Public School; Ransom.
Ludden; Eaton Public School; Dickey.
Maddock; Maddock Public School; Benson.
Mandan:
Chimney Butte School; Morton.
Custer Public School; Morton.
Bonanza Public School; Morton.
Highland Public School; Morton.
Marmot Public School; Morton.
Rural Public School; Morton.
Square Butte Public School; Morton.
Mandaree; Mandaree Indian School; McKenzie.
Manfred; Manfred Public School; Wells.
Manning; Iota Public School; Dunn.
Marmarth; Marmarth Public School; Slope.
Max; Max Public School; McLean.
McClusky:
Lamont Public School; Sheridan.
McClusky Public School; Sheridan.
S. D. A. School; Sheridan.
McLaughlin, South Dakota; Goose Camp Public School; Sioux.
Medora; Billings County School; Billings.
Mercer; Mercer Public School; McLean.
Minot; Harrison Public School; Ward.
Mohall; Mohall Public School; Renville.
Morristown, South Dakota; Hanna Public School; Sioux.
Mott:
Mott Public School; Hettinger.
St. Vincents, EL; Hettinger.
Mylo; Mylo Public School; Rolette.
Napoleon; Foster Public School; Logan.
New Rockford:
Munster Public School; Eddy.
New Rockford Public School; Eddy.
New Salem; New Salem Public School; Morton.
New Town; New Town Public School; Mountrail.
Nome; Nome Public School; Barnes.
Oakes; James River Public School; Dickey.
Oberon; Oberon Public School; Barnes.
Palermo; Palermo Public School; Mountrail.
Park River; Dundee Public School; Walsh.
Parshall; Parshall Public School; Montrail.
Powers Lake; Powers Lake Public School; Burke.
Regan; Pleasant View Public School; Burleigh.
Richardton; St. Mary's, EL; Stark.
Robinson; Robinson Public School; Kidder.
Rolla; Mt. Pleasant Public School; Rolette.
Rolette; Rolette Public School; Rolette.
Roseglen; White Shield Indian School; McLean.
Rugby; Rugby Public School; Pierce.
St. Anthony; Little Heart Public School; Morton.
St. John; St. John Public School; Rolette.
St. Michael; Little Flower Elementary; Ramsey.
Selfridge; Selfridge Public School; Sioux.
Sentinel Butte:
Divide Public School; Golden Valley.
Garner Public School; Golden Valley.
Valley Public School; Golden Valley.
Selz; Selz Public School; Pierce.
Sidney, Montana; Earl Public School; McKenzie.
Solen:
Sacred Heart Elementary; Sioux.
Solen Public School; Sioux.
Stanley; Stanley Public School; Mountrail.
Steele; Steele Public School; Kidder.
Sykeston; Sykeston Public School; Wells.
Tappen; Tappen Public School; Kidder.
Taylor; Taylor Public School; Stark.
Thunder Hawk, South Dakota; Menz Public School; Sioux.
Thursby Butte; Thursby Butte Public School; McHenry.
Towner; Newport Public School; McHenry.
Turtle Lake; Turtle Lake Public School; McLean.
Venturia; Johnstown Public School; McIntosh.
Wahpeton; Central Elementary; Slope.
Wales; Dresden Public School; Cavalier.
Walhalla; Walhalla Public School; Pembina.
Warwick; Warwick Public School; Benson.
Washburn; Washburn Public School; McLean.
Watford City; McKenzie Public School; McKenzie.
Williston; New Public School; Williams.
Wilton; Montefiore Public School; McLean.
Wing; Wing Public School; Burleigh.
Wishek; Wishek Public School; McIntosh.

OHIO

1968–69 List

Location, city or town, name of school, and county

Aberdeen; Aberdeen, EL; Adams.
Ada; Ada Schools; Hardin.
Adamsville; Adamsville Schools; Muskingum.
Addyston; Addyston, El; Hamilton.
Akron:
Annunciation School; Summit.
Bryan, EL; Summit.
Central, HS; Summit.
Crosby, EL; Summit.
Crouse, EL; Summit.
East, HS; Summit.
Goodrich, JHS; Summit.
Goodyear, JHS; Summit.
Grace, EL; Summit.
Henry, EL; Summit.
Howe, EL; Summit.
Jennings, JHS; Summit.
Lane, EL; Summit.
Leggett, EL; Summit.
Lincoln, EL; Summit.

Margaret Park, EL; Summit.
Miller, EL; Summit.
North, HS; Summit.
Robinson, EL; Summit.
South, HS; Summit.
Thornton, JHS; Summit.
West, JHS; Summit.
Springfield, HS; Summit.
Christ The King School; Summit.
St. Bernard School; Summit.
St. Martha School; Summit.
St. Mary School; Summit.
St. Paul School; Summit.
St. Peter School; Summit.
St. Vincent School; Summit.
Albany:
Albany, EL; Athens.
Alexander, HS; Athens.
Alger; Upper Scioto Valley, EL; Hardin.
Alledonia; Washington, EL; Monroe.
Allensville; Allensville, EL; Vinton.
Alliance:
Franklin, EL; Stark.
Liberty, EL; Stark.
Morgan, EL; Stark.
North Lincoln, EL; Stark.
Lexington, EL; Stark.
Amanda; Amanda, EL; Fairfield.
Amesville; Amesville, EL; Athens.
Ansonia; Ansonia, HS; Darke.
Apple Creek:
Apple Creek, EL; Wayne.
J. R. Lea Intermediate; Wayne.
Waynedale, HS; Wayne.
Archbold; Archbold Area, EL; Fulton.
Ashland:
Lincoln, EL; Ashland.
Pleasant Street, EL; Ashland.
Ashtabula; West, EL; Ashtabula.
Augusta; Augusta, EL; Carroll.
Aurora; Lake Primary; Portage.
Bainbridge; Paint Valley, HS; Ross.
Baltic:
Charm, EL; Holmes.
Farmerstown, EL; Holmes.
Meadow Valley, EL; Holmes.
Baltic Schools; Tuscarawas.
Barberton:
Decker, EL; Summit.
Washington, EL; Summit.
Barnesville; Barnesville, EL; Belmont.
Bartlett; Bartlett, EL; Washington.
Batesville; Batesville, EL; Noble.
Beallsville:
Beallsville, EL; Monroe.
Beallsville, HS; Monroe.
Beaver:
Beaver, EL; Pike.
Eastern, HS; Pike.
Jackson, EL; Pike.
Bellaire:
Bellaire, HS; Belmont.
Central, JHS; Belmont.
First Ward, EL.; Belmont.
Key Ridge, EL; Belmont.
Belle Valley; Bellevalley, EL; Noble.
Bellevue:
McKim, EL; Huron.
Seneca-Huron, EL; Seneca.
Bellville; Bellville, EL; Richland.
Bentonville; Bentonville, EL; Adams.
Berlin:
Berlin, EL; Holmes.
Hiland, HS; Holmes.
Berlin Center; Berlin Center, EL; Mahoning.
Bethel:
Bethel-Tate, HS; Clermont.
Bethel-Tate-Middle, EL; Clermont.
Bethel-Tate, North; Clermont.
Beverly; Salem-Liberty, EL; Washington.
Bidwell; Bidwell Porter, EL; Gallia.
Big Prairie; Big Prairie, JHS; Holmes.
Blackfork; Black Fork, EL; Jackson.
Bladensburg; Bladensburg, EL; Knox.
Blanchester:
Blanchester, HS; Clinton.
Blanchester, JHS; Clinton.
Main Street, EL; Clinton.
Putnam, EL; Clinton.
Bloomingburg; Bloomingburg, EL; Fayette.
Bloomville; Lykens, EL; Crawford.
Bluecreek:
Cedar Mills, EL; Adams.
Jefferson, EL; Adams.
Botkins; Botkins Ward, EL; Shelby.
Bowerston:
Bowerston, EL; Harrison.
Connotton Valley, HS; Harrison.
Bowersville; Greeneview South, EL; Greene.
Bowling Green:
Bowling Green, JHS; Wood.
Conneaut, EL; Wood.
Crim, EL; Wood.
Kenwood, EL; Wood.
Ridge, EL; Wood.
South, EL; Wood.
Union, EL; Wood.
Bradner; Bardner, EL; Sandusky.
Bremen:
Bremen, EL; Fairfield.
Bremen, JHS; Fairfield.
Brice; Brice, EL; Franklin.
Bryan; Pulaski-Jefferson, EL; Williams.
Bucyrus:
Carlisle, EL; Crawford.
Kearsley, EL; Crawford.
Lincoln, EL; Crawford.
Whetstone, EL; Crawford.
Mount Zion, EL; Crawford.
Buford; Buford, EL; Highland.
Burkettsville; Burkettsville, EL; Mercer.
Burton:
Berkshire, HS; Geauga.
Burton, EL; Geauga.
Troy, EL; Geauga.
Butler; Butler, EL; Richland.
Cadiz:
Cadiz School; Harrison.
Westgate, EL; Harrison.
Unionvale, EL; Harrison.
Caldwell:
Caldwell, EL; Noble.
Caldwell, HS; Noble.
Cambridge:
Cambridge, HS; Guernsey.
Cambridge, JHS; Guernsey.
Garfield, EL; Guernsey.
Lincoln, EL; Guernsey.
Park, EL; Guernsey.
Beech Grove, EL; Guernsey.
Cameron; Cameron, EL; Monroe.
Campbell:
Gordon, EL; Mahoning.
Memorial, HS; Mahoning.
Reed, EL; Mahoning.
Canton:
Allen, EL; Stark.
Belden, EL; Stark.
Burns, EL; Stark.
Garfield, EL; Stark.
Hartford, JHS; Stark.
Lathrop, EL; Stark.
Martin, EL; Stark.
McKinley, HS; Stark.
Roosevelt, EL; Stark.
Washington, EL; Stark.
Wells, EL; Stark.
Canton South, HS; Stark.
North Industry, EL; Stark.
Trump, EL; Stark.
Waco, EL; Stark.
Carey; West, EL; Wyandot.
Carlisle; Lower, EL; Warren.
Carrollton:
Carrollton, EL; Carroll.
Carrollton, HS; Carroll.
Kilgore, EL; Carroll.
Cedarville; Cedarville Schools; Greene.
Celina; East, EL; Mercer.
Chandlersville; Chandlersville, EL; Muskingum.
Chardon:
Hamden, EL; Geauga.
Park, EL; Geauga.
Chatfield; Buckeye West, EL; Crawford.
Chauncey; Dover, EL (Chauncey); Athens.
Cherry Fork; Wayne, EL; Adams.
Chesapeake; East, EL; Lawrence.
West, EL; Lawrence.
Cheshire:
Cheshire-Kyger, EL; Gallia.
Kyger Creek, HS; Gallia.
Chester; Chester, EL; Meigs.
Chesterhill; Marion, EL; Morgan.
Chesterville; Chesterville, EL; Morrow.
Chillicothe:
Central, EL; Ross.
Cillicothe, Senior HS; Ross.
Massie, EL; Ross.
Mount Logan, EL; Ross.
Tiffin, EL; Ross.
Huntington, Schools; Ross.
Bainbridge, EL; Ross.
Twin, EL; Ross.
Harrison, EL; Ross.
Higby, EL; Ross.
Pride, EL; Ross.
Union Scioto, School; Ross.
Centralia Bldg; Ross.
Cincinnati:
Ach, JHS; Hamilton.
Aiken, HS; Hamilton.
Bloom, JHS; Hamilton.
Burdett, EL; Hamilton.
Burton, EL; Hamilton.
Carll, EL; Hamilton.
Columbian, EL; Hamilton.
Condon (Special); Hamilton.
Courter Technical, HS; Hamilton.
Cummins, EL; Hamilton.
Cutter, JHS; Hamilton.
Douglass, EL; Hamilton.
Evanston, EL; Hamilton.
Fairview, EL; Hamilton.
Garfield, EL; Hamilton.
Guilford (Special); Hamilton.
Hays, EL; Hamilton.
Heberle, EL; Hamilton.
Heinold JHS; Hamilton.
Highlands, EL; Hamilton.
Hoffman, EL; Hamilton.
Hughes, HS; Hamilton.
Lincoln, EL; Hamilton.
McKinley, EL; Hamilton.
McMillan Center (Special); Hamilton.
Merry (Special); Hamilton.
Millvale, EL; Hamilton.
Morgan, EL; Hamilton.
Mount Adams, EL; Hamilton.
North Fairmount, EL; Hamilton.
Oyler, EL; Hamilton.
Peaslee, EL; Hamilton.
Porter, JHS; Hamilton.
Roberts, JHS; Hamilton.
Rockdale, EL; Hamilton.
Roosevelt, EL; Hamilton.
Rothenberg, EL; Hamilton.
Sands, EL; Hamilton.
Sawyer, JHS; Hamilton.
Schiel, EL; Hamilton.
Schwab, JHS; Hamilton.
South Avondale, EL; Hamilton.
Taft, EL; Hamilton.
Taft, HS; Hamilton.
Vine, EL; Hamilton.
Washburn, EL; Hamilton.
Washington, EL; Hamilton.
Washington Park, EL; Hamilton.
Webster, EL; Hamilton.
Western Hills, HS; Hamilton.
Windsor, EL; Hamilton.
Winton Terrace, EL; Hamilton.
Winton Place, EL; Hamilton.
Withrow, HS; Hamilton.
Assumption School; Hamilton.
Sacred Heart; Hamilton.
Holy Cross; Hamilton.
Mirian, HS; Hamilton.
Purcell, HS; Hamilton.
St. Augustine; Hamilton.
St. Bernard; Hamilton.
St. Francis DeSales; Hamilton.
St. Francis Seraph; Hamilton.
St. George; Hamilton.
St. Henry; Hamilton.
St. Joseph; Hamilton.

St. Leo; Hamilton.
St. Pius; Hamilton.
St. Rose; Hamilton.
Anderson, JHS, Hamilton.
Newtown, EL; Hamilton.
Arlington, EL; Hamilton.
Pierce, EL; Clermont.
Delhi, EL; Hamilton.
Reading Central School; Hamilton.
Circleville:
Circleville, JHS; Pickaway.
Corwin, EL; Pickaway.
High Street, EL; Pickaway.
Mound, EL; Pickaway.
South Court, EL; Pickaway.
Pickaway Township, EL; Pickaway.
Washington Township, EL; Pickaway.
Jackson, EL; Pickaway.
Clarington; Clarington, EL; Monroe.
Clark; Clark, EL; Holmes.
Clarksburg; Clarksburg, EL; Ross.
Clarksville; Clarksville, EL; Clinton.
Cleveland:
Addison, JHS; Cuyahoga.
Alexander Hamilton, JHS; Cuyahoga.
Alfred A. Benesch, EL; Cuyahoga.
Andrew J. Rickoff, EL; Cuyahoga.
Anthony Wayne, EL; Cuyahoga.
Anton Grdina, EL; Cuyahoga.
Audubon, JHS; Cuyahoga.
Bolton, EL; Cuyahoga.
Boulevard, EL; Cuyahoga.
Buhrer, EL; Cuyahoga.
Capt. Arthur Roth, EL; Cuyahoga.
Central, JHS; Cuyahoga.
Charles Dickens, EL; Cuyahoga.
Charles H. Lake, EL; Cuyahoga.
Charles N. Chesnutt, EL; Cuyahoga.
Charles Orr, EL; Cuyahoga.
Chesterfield, EL; Cuyahoga.
Collinwood, School; Cuyahoga.
Columbia, EL; Cuyahoga.
Corlett, EL; Cuyahoga.
Crispus Attucks, EL; Cuyahoga.
Daniel E. Morgan, EL; Cuyahoga.
Dike, EL; Cuyahoga.
Doan, EL; Cuyahoga.
Dunham, EL; Cuyhoga.
East Clark, EL; Cuyahoga.
East, HS; Cuyahoga.
East Madison, EL; Cuyahoga.
East Technical, HS; Cuyahoga.
Empire, JH; Cuyahoga.
Franklin D. Roosevelt, JH; Cuyahoga.
George W. Carver, EL; Cuyahoga.
Glenville, HS; Cuyahoga.
Harry E. Davis, JH; Cuyahoga.
Hazeldell, EL; Cuyahoga.
Hicks, EL; Cuyahoga.
Hodge, EL; Cuyahoga.
Hough, EL; Cuyahoga.
Iowa-Maple, EL; Cuyahoga.
John Adams, HS; Cuyahoga.
John Burroughs, EL; Cuyahoga.
John D. Rockefeller, EL; Cuyhoga.
John F. Kennedy, HS; Cuyahoga.
John Hay, HS; Cuyahoga.
John W. Raper, EL; Cuyahoga.
Joseph F. Landis, EL; Cuyahoga.
Kennard, JH; Cuyahoga.
Kentuky, EL; Cuyahoga.
Lafayette, EL; Cuyahoga.
Lincoln School; Cuyahoga.
Longwood, EL; Cuyahoga.
Louis Pasteur, EL; Cuyahoga.
Lulu Diehl, JH; Cuyahoga.
Margaret Ireland, EL; Cuyahoga.
Marion, EL; Cuyahoga.
Mary B. Martin, EL; Cuyahoga.
Mary M. Bethune, EL; Cuyahoga.
Miles Standish, EL; Cuyahoga.
Mill, EL; Cuyahoga.
Mt. Auburn, EL; Cuyahoga.
Mt. Pleasant, EL; Cuyahoga.
Murray Hill, EL; Cuyahoga.
Nathan Hale, JH; Cuyahoga.
Observation, EL; Cuyahoga.
Orchard, EL; Cuyahoga.
O. W. Holmes, EL; Cuyahoga.
Parkwood, EL; Cuyahoga.
Our Lady of Mercy; Cuyahoga.
Patrick Henry, JHS; Cuyahoga.
Paul L. Dunbar, EL; Cuyahoga.
Paul Revere, EL; Cuyahoga.
Quincy, EL; Cuyahoga.
Rawlings, JHS; Cuyahoga.
R. B. Hayes, EL; Cuyahoga.
Robert Fulton, EL; Cuyahoga.
Robert H. Jamison, JHS; Cuyahoga.
Rosedale, EL; Cuyahoga.
Scranton, EL; Cuyahoga.
South, HS; Cuyahoga.
Sowinski, EL; Cuyahoga.
Stanard, EL; Cuyahoga.
St. Stephen School; Cuyahoga.
Stephen E. Howe, EL; Cuyahoga.
Sterling, EL; Cuyahoga.
Thomas Jefferson, JHS; Cuyahoga.
Tremont, EL; Cuyahoga.
Wade Park, EL; Cuyahoga.
Waring, EL; Cuyahoga.
Washington Irving, EL; Cuyahoga.
W. Dean Howells, JHS; Cuyahoga.
West, HS; Cuyahoga.
Wm. H. McGuffey, EL; Cuyahoga.
Willson, JHS; Cuyahoga.
Woodland, EL; Cuyahoga.
Wooldridge, EL; Cuyahoga.
Epiphany School; Cuyahoga.
Holy Redeemer School; Cuyahoga.
Immaculate Conception; Cuyahoga.
Nativity of B.V.M.; Cuyahoga.
Our Lady of Lourdes; Cuyahoga.
Our Lady of Mt. Carmel (E); Cuyahoga.
Our Lady of Mt. Carmel (W); Cuyahoga.
St. Adalbert School; Cuyahoga.
St. Agatha School; Cuyahoga.
St. Agnes School; Cuyahoga.
St. Aloysius School; Cuyahoga.
St. Colman School; Cuyahoga.
St. Francis of Assisi; Cuyahoga.
St. Joseph Franciscas; Cuyahoga.
St. Malachi School; Cuyahoga.
St. Michael School; Cuyahoga.
St. Patrick (Bridge); Cuyahoga.
St. Philip Neri School; Cuyahoga.
St. Rocco School; Cuyahoga.
St. Rose School; Cuyahoga.
St. Vitus School, Cuyahoga.
St. Wendelin School; Cuyahoga.
Transfiguration School; Cuyahoga.
Cleveland Heights:
Bellefaire, EL; Cuyahoga.
Boulevard, EL; Cuyahoga.
Coventry, EL; Cuyahoga.
Roosevelt, JHS; Cuyahoga.
Taylor, EL; Cuyahoga.
Clinton; Northwest, HS; Stark.
Clyde; York, EL; Huron.
Coal Grove:
Dawson Bryant, HS; Lawrence.
Dawson Byrant Intermediate; Lawrence.
Monitor, EL; Lawrence.
Coalton; Coal, EL; Jackson.
Coldwater; West, EL; Mercer.
Collins:
Townsend, EL; Huron.
Western Reserve, HS; Huron.
Columbus:
Alum Crest, EL; Franklin.
Avondale, EL; Franklin.
Barrett, JH; Franklin.
Beatty Park, EL; Franklin.
Beck Street, EL; Franklin.
Bellows, EL; Franklin.
Central, HS; Franklin.
Champion, JHS; Franklin.
Chicago Avenue, EL; Franklin.
Clearbrook, EL; Franklin.
Douglas, EL; Franklin.
East, HS; Franklin.
Eastgate, EL; Franklin.
Eastwood, EL; Franklin.
Eleventh Avenue, EL; Franklin.
Everett, JH; Franklin.
Fair Avenue, EL; Franklin.
Felton, EL; Franklin.
Fifth Avenue, EL; Franklin.
First Avenue, EL; Franklin.
Franklin, JH; Franklin.
Franklinton, EL; Franklin.
Fulton, EL; Franklin.
Garfield, EL; Franklin.
Gladstone, EL; Franklin.
Hamilton Avenue, EL; Franklin.
Highland, EL; Franklin.
Hubbard, EL; Franklin.
Indianola, EL; Franklin.
Indianola, JH; Franklin.
Kent, EL; Franklin.
Lexington, EL; Franklin.
Lincoln Park, EL; Franklin.
Linden-McKinley, HS; Franklin.
Linmoor, JH; Franklin.
Livingston Avenue, EL; Franklin.
Main Street, EL; Franklin.
Maryland Park, EL; Franklin.
Michigan Avenue, EL; Franklin.
Milo, EL; Franklin.
Mohawk, HS; Franklin.
Mohawk, JH; Franklin.
Monroe, JH; Franklin.
Ninth Avenue, EL; Franklin.
North, HS; Franklin.
Northwood, EL; Franklin.
Ohio Avenue, EL; Franklin.
Pilgrim, EL; Franklin.
Reeb Avenue, EL; Franklin.
Second Avenue, EL; Franklin.
Roosevelt, JH; Franklin.
Shepard, EL; Franklin.
Sixth Avenue, EL; Franklin.
South, HS; Franklin.
Starling, JH; Franklin.
Stewart Avenue, EL; Franklin.
Sullivant, EL; Franklin.
Thurber, EL; Franklin.
Trevitt, EL; Franklin.
Weinland Park, EL; Franklin.
Windsor, EL; Franklin.
Holy Family School; Franklin.
Holy Rosary School; Franklin.
Sacred Heart School; Franklin.
St. Dominic School; Franklin.
St. John School; Franklin.
St. Leo School; Franklin.
Central, EL; Franklin.
Obetz, EL; Franklin.
Asbury, EL; Franklin.
Edwards, EL; Franklin.
E. Linden, EL; Franklin.
Mifflin, JH; Franklin.
Mifflin, HS; Franklin.
South Mifflin, EL; Franklin.
Sunbury Road, EL; Franklin.
Finland, EL; Franklin.
West Franklin, EL; Franklin.
Conesville; Conesville, EL; Coshocton.
Coolville; Lottridge, EL; Athens.
Corning; Corning, EL; Perry.
Coshocton; Pleasant Valley, EL; Coshocton.
Creola; Swan, EL; Vinton.
Crestline:
Central, HS; Crawford.
Southeast, EL; Crawford.
Cridersville; Perry Local; Allen.
Crooksville:
Bearfield, EL; Perry.
Crooksville, HS; Perry.
East, EL; Perry.
McLuney, EL; Perry.
York, EL; Morgan.
Crown City:
Hannan Trace, EL; Gallia.
Hannan Trace, HS; Gallia.
Cumberland; Cumberland, EL; Guernsey.
Curtice; Jerusalem, EL; Lucas.
Cutler; Cutler, EL; Washington.
Cuyahoga Falls; Cuyahoga Falls, SH; Summit.
Cynthiana; Cynthiana, EL; Pike.
Dalton; Dalton, EL; Wayne.
Dayton:
Colonel White, HS; Montgomery.
Dunbar, HS; Montgomery.
Edison, HS; Montgomery.
Emerson, EL; Montgomery.

Greene, EL; Montgomery.
Hawthorne, EL; Montgomery.
Highview, EL; Montgomery.
Huffman, EL; Montgomery.
Irving, EL; Montgomery.
Jackson, EL; Montgomery.
Jackson, Primary, EL; Montgomery.
Jefferson, Primary; Montgomery.
Kaser, HS; Montgomery.
Longfellow, EL; Montgomery.
Macfarlane, EL; Montgomery.
McGuffey, EL; Montgomery.
Miami Chapel, EL; Montgomery.
Roosevelt, HS; Montgomery.
Roth, HS; Montgomery.
Ruskin, EL; Montgomery.
Stivers, HS; Montgomery.
Troy, EL; Montgomery.
Weaver, EL; Montgomery.
Westwood, EL; Montgomery.
Whittier, EL; Montgomery.
Wilbur Wright, HS; Montgomery.
Wogaman, EL; Montgomery.
Olivehill, EL; Montgomery.
Mad River, JH; Montgomery.
Decatur; Byrd, EL; Brown.
Degraff; Riverside, HS; Logan.
Delaware; Berlin, EL; Delaware.
Dellroy; Dellroy, EL; Carroll.
Derby; Darby, EL; Pickaway.
Dillonvale; Dillonvale, EL; Jefferson.
Dola; Hardin Northern; Hardin.
Dresden; Jefferson, EL; Muskingum.
Dublin; Jerome, EL; Franklin.
Dundee; Dundee, EL; Tuscarawas.
East Cleveland:
Chambers, EL; Cuyahoga.
Mayfair, EL; Cuyahoga.
Prospect, EL; Cuyahoga.
Shaw, HS; Cuyahoga.
W. H. Kirk, JH; Cuyahoga.
St. Philomena School; Cuyahoga.
East Liverpool; East Liverpool, SH; Columbiana.
East Sparta; East Sparta, EL; Stark.
Eaton; Jackson, EL; Preble.
Edenton; Edenton, EL; Clinton.
Edon; Edon, EL; Williams.
Edon; Northwest, EL; Williams.
Ellsworth; Ellsworth, EL; Mahoning.
Elm Grove; Elm Grove, EL; Pike.
Elyria:
Gates, EL; Lorain.
Roosevelt, EL; Lorain.
Euclid; Roosevelt, EL; Cuyahoga.
Excello; Amanda, JH; Butler.
Fairborn:
Five Points, EL; Greene.
South, EL; Greene.
Wright, EL; Greene.
Farmdale; Gustavus, EL; Trumbull.
Felicity; Felicity School; Clermont.
Fort Jennings; Fort Jennings School; Putnam.
Ft. Recovery; St. Peter, EL; Mercer.
Fostoria; Field, EL; Seneca.
Frankfort:
Adena, HS; Ross.
Frankfort, EL; Ross.
Franklin Furnace; Green School; Scioto.
Fredericksburg; Fredericksburg, EL; Wayne.
Fredericktown; Fredericktown, EL; Knox.
Freeport:
Lakeland, HS; Harrison.
Londonderry, EL; Guernsey.
Fremont:
Croghan, EL; Sandusky.
Fremont, JHS; Sandusky.
Hayes, EL; Sandusky.
Riley, EL; Sandusky.
Ross, SH; Sandusky.
Stamm, EL; Sandusky.
Fresno; Fresno, EL; Coshocton.
Friendship; Friendship, EL; Scioto.
Gahanna:
Jefferson, EL; Franklin.
Lincoln, EL; Franklin.
Galena; Orange, EL; Delaware.
Gallipolis:
Clay, EL; Gallia.
Washington, EL; Gallia.
Addaville, EL; Gallia.
Garrettsville; Garfield, EL; Portage.
Geneva:
Austinburg, EL; Ashtabula.
Cork, EL; Ashtabula.
Geneva, EL; Ashtabula.
Geneva, JHS; Ashtabula.
Geneva, SH; Ashtabula.
Spencer, EL; Ashtabula.
Georgetown:
Alverda Reed, EL; Brown.
Scott, EL; Brown.
Gibisonville; Gibisonville, EL; Hocking.
Girard:
North Avenue, EL; Trumbull.
Tod Woods, EL; Trumbull.
Glencoe; Glencoe, EL; Belmont.
Glenmont; Glenmont, EL; Holmes.
Glouster:
Glouster, HS; Athens.
Hollister, EL; Athens.
Hamer-Union, EL; Morgan.
Good Hope; Wayne, EL; Fayette.
Goshen:
Cook, EL; Clermont.
Goshen, HS; Clermont.
Goshen Middle School; Clermont.
Goshen, Primary; Clermont.
Grand River; Merrick-Hutchinson, EL; Lake.
Graysville:
Grayaville, EL; Monroe.
Skyvue, HS; Monroe.
Graytown; Graytown, EL; Ottawa.
Greenfield:
Buckskin, EL; Highland.
Greenfield, EL; Highland.
McClain, HS; Highland.
Petersburg, EL; Highland.
Greenford; Green Local; Mahoning.
Greenville; North, EL; Darke.
Grove City:
Darbydale, EL; Franklin.
Georgesville (special); Franklin.
Urbancrest, EL; Franklin.
Groveport; Groveport, EL; Franklin.
Guernsey; Wheeling, EL; Tuscarawas.
Hamden; Hamden, EL; Vinton.
Hamersville:
Hamersville, EL; Brown.
Hamersville, HS; Brown.
Hamilton:
Buchanan, EL; Butler.
Garfield, HS; Butler.
Grant, EL; Butler.
Harding, JHS; Butler.
Harrison, EL; Butler.
Jefferson, EL; Butler.
Madison, EL; Butler.
Polk, EL; Butler.
Roosevelt, JHS; Butler.
Taft, HS; Butler.
Vanburen, EL; Butler.
New Miami, EL; Butler.
Hanging Rock; Hanging Rock, EL; Lawrence.
Hannibal:
Hannibal, EL; Monroe.
River, HS; Monroe.
Hanoverton; United School; Columbiana.
Harlem Springs; Harlem Springs, EL; Carroll.
Harrison; Harrison, EL; Hamilton.
Harrisonville; Harrisonville, EL; Meigs.
Harrod:
Allen East, JHS; Allen.
Harrod, EL; Allen.
Hartford; Hartford, EL; Trumbull.
Hartville; Lake, HS; Stark.
Harveysburg; Harveysburg, EL; Clinton.
Hebron; Hebron, EL; Licking.
Hemlock; Miller, HS; Perry.
Higginsport; Higginsport, EL; Brown.
Highland; Highland, EL; Highland.
Hillsboro:
Belfast, EL; Highland.
Hillsboro, HS; Highland.
Marshall, EL; Highland.
New Market, EL; Highland.
Washington, EL; Highland.
Webster, EL; Highland.
Holmesville; Holmesville, EL; Wayne.
Hooven; Hooven, EL; Hamilton.
Howard; Howard Schools; Knox.
Hoytville; Jackson, EL; Hancock.
Huntsville; Huntsville, EL; Logan.
Ironton:
Deering, EL; Lawrence.
Kingsbury, EL; Lawrence.
Rock Hill, EL; Lawrence.
Rock Hill, HS; Lawrence.
Jackson:
Bloomfield, EL; Jackson.
Franklin, EL; Jackson.
Jackson, EL; Jackson.
Jackson, HS; Jackson.
Kinnison, EL; Jackson.
Liberty, EL; Jackson.
Lick, EL; Jackson.
Mound, EL; Jackson.
Scioto, EL; Jackson.
South, EL; Jackson.
Milton, EL; Jackson.
Jamestown; Greenview, N. EL; Greene.
Jasper; Jasper, EL; Pike.
Jeffersonville; Jeffersonville, EL; Fayette.
Johnstown:
Douglas, EL; Licking.
Oregon, EL; Licking.
Northridge, HS; Licking.
Junction City; Junction City, EL; Perry.
Kent; Brady Lake, EL; Portage.
Kenton:
Espy, EL; Hardin.
Hardin Central, EL; Hardin.
Kenton, JHS; Hardin.
Kenton, HS; Hardin.
Northwood, EL; Hardin.
Westview, EL; Hardin.
Kidron; Kidron, EL; Wayne.
Kilbourne; Brown, EL; Delaware.
Killbuck; Killbuck, EL; Holmes.
Kimbolton; Liberty, EL; Guernsey.
Kingston:
Saltcreek Township, EL; Pickaway.
Kingston, EL; Ross.
Kingsville; Kingsville, EL; Ashtabula.
Kinsman; Vernon, EL; Trumbull.
Kirtland:
Kirtland, EL; Lake.
Kirtland Middle School; Lake.
Kitts Hill; Andis, EL; Lawrence.
Lafayette; Lafayette, EL; Allen.
Laings; Laings, EL; Monroe.
Lakeside; Danbury Schools; Ottawa.
Lakeview; Lakeview Local; Logan.
Lakeville; Lakeville, EL; Holmes.
Lancaster:
South, EL; Fairfield.
West, EL; Fairfield.
Langsville; Salem Center, EL; Meigs.
Latham; Western, HS; Pike.
Laurelville; Laurelville School; Hocking.
Leesburg:
Fairfield, HS; Highland.
Olive, EL; Fayette.
Leetonia; South Side, EL; Columbiana.
Leipsic; Leipsic Local Schools; Putnam.
Lewisburg:
Lewisburg, EL; Preble.
Twin Valley North, HS; Preble.
Lewisville; Lewisville, EL; Monroe.
Lima:
Central, JHS; Allen.
Edison, EL; Allen.
Garfield, EL; Allen.
South, JHS; Allen.
Whittier, EL; Allen.
Lincoln Heights:
Lincoln Heights, EL; Hamilton.
Lincoln Heights, HS; Hamilton.
Lindsey; Washington, EL; Sandusky.
Lisbon:
Elkton, EL; Columbiana.
Wayne, EL; Columbiana.
Little Hocking; Little Hocking, EL; Washington.
Logan; Enterprise, EL; Hocking.
London:
Monroe, EL; Madison.
Fairfield, EL; Madison.
Madison Rural, EL; Madison.

Londonderry; Londonderry, EL; Ross.
Lorain:
Clearview, HS; Lorain.
Durling, EL; Lorain.
Garfield, EL; Lorain.
Hawthorne, EL; Lorain.
Lincoln, EL; Lorain.
Holy Trinity School; Lorain.
Nativity of B. V. M.; Lorain.
St. Joseph School; Lorain.
S. S. Ladislaus; Lorrain.
Lore City; Madison; Guernsey.
Lowell; Lowell, EL; Washington.
Lower Salem; Elk, EL; Monroe.
Lucasville:
Camp Creek, EL; Pike.
Glendale, EL; Scioto.
Morgan, EL; Scioto.
Valley, EL; Scioto.
Valley, HS; Scioto.
Lynchburg; Lynchburg School; Highland.
Lynx; Lynx, EL; Adams.
Macon; Eastern, HS; Brown.
Magnolia:
Magnolia, EL; Stark.
Sandy Valley, HS; Stark.
Malvern; Malvern School; Carroll.
Manchester:
Manchester, EL; Adams.
Manchester, HS; Adams.
Mansfield:
Creveling, EL; Richland.
Empire, EL; Richland.
Fleming Falls, EL; Richland.
Mansfield, HS; Richland.
Newman, EL; Richland.
Sherman, JHS; Richland.
Springmill, EL; Richland.
West Fifth, EL; Richland.
Mifflin, EL; Richland.
Maple Heights; St. Wenceslas School.
Marengo; Marengo, EL; Morrow.
Maria Stein:
Marion, EL; Mercer.
Marion, HS; Mercer.
Marion St. John, EL; Mercer.
Marietta:
Lawrence, EL; Washington.
Harmar, EL; Washington.
Marietta, JHS; Washington.
Marion, EL; Washington.
Phillips, EL; Washington.
Marion; Mark Street, EL; Marion.
North Main Street, EL; Marion.
Silver Street, EL; Marion.
Grand Prairie, EL; Marion.
Martins Ferry:
Mackey, EL; Belmont.
North, EL; Belmont.
Staple Valley, EL; Belmont.
Martinsville; Martinsville, EL; Clinton.
Marysville:
Edgewood (West), EL; Union.
Watkins, EL; Union.
Mason; Mason Central, EL; Warren.
Massillon:
Emerson, EL; Stark.
Franklin, EL; Stark.
H. Mann, EL; Stark.
Jones, JHS; Stark.
Lincoln, EL; Stark.
Maumee; Riverside, EL; Lucas.
McArthur; McArthur, EL; Vinton.
McClure:
McClure, EL; Henry.
West Hope (Richfield Township); Henry.
McComb; McComb School; Hancock.
McConnelsville; Morgan, HS; Morgan.
McDermott:
McDermott, EL; Scioto.
Northwest, HS; Scioto.
Union, EL; Scioto.
McGuffey; Upper Scioto Valley McGuffey; Hardin.
Mechanicstown; Willis, EL; Carroll.
Mendon; Mendon Union School; Mercer.
Mentor:
Headlands, EL; Lake.
Shore, EL; Lake.
Sterling Morton, EL; Lake.
St. Mary's School; Lake.
Mesopotamia; Mesopotamia, EL; Trumbull.
Middleburg; Middleburg, EL; Logan.
Middle Point; East, EL; Van Wert.
Middletown; Amanda, EL; Butler.
Central, EL; Butler.
Edison, EL; Butler.
Garfield, EL; Butler.
Jefferson, EL; Butler.
Maple Park, EL; Butler.
McKinley, JHS; Butler.
Middletown, HS; Butler.
Oneida, EL; Butler.
Roosevelt, JHS; Butler.
Sherman, EL; Butler.
Taft, EL; Butler.
Middleport:
Bradbury, EL; Meigs.
Meigs, HS; Meigs.
Middleport, EL; Meigs.
Midland; Jefferson, EL; Clinton.
Milford Center; Fairbanks, HS; Union.
Milledgeville; Jasper, EL; Fayette.
Millersburg:
Millersburg, EL; Holmes.
Mt. Hope, EL; Holmes.
West Holmes, HS; Holmes.
Millersport; Walnut Schools; Fairfield.
Milton Center; Milton, EL; Wood.
Minford:
Madison, EL; Scioto.
Minford, EL; Scioto.
Mingo Junction; New Alexandria, EL; Jefferson.
Monclovia; Monclovia, EL; Lucas.
Monroeville; Greenfield, EL; Huron.
Morristown; Morristown, EL; Belmont.
Moscow; Moscow, EL; Clermont.
Mt. Eaton; Mt. Eaton, EL; Wayne.
Mt. Gilead; Mt. Gilead Schools; Morrow.
Mt. Orab:
Green Sterling, EL; Brown.
Mt. Orab, EL; Brown.
Mount Sterling:
Madison Mills, EL; Fayette.
Mount Sterling, EL; Madison.
Mount Vernon:
Amity, EL; Knox.
Columbia, EL; Knox.
East, EL; Knox.
Mount Vernon, HS; Knox.
Mount Vernon, JHS; Knox.
West, EL; Knox.
Mount Victory; Ridgemont, EL; Hardin.
Mawrystown; White Oak, HS; Highland.
Moxahala; Moxahala, EL; Perry.
Murray City; Murray City, EL; Athens.
Napoleon:
Brillhart, EL; Henry.
Central, EL; Henry.
Florida, EL; Henry.
Napoleon, HS; Henry.
West, EL; Henry.
Nashport; Nashport, EL; Muskingum.
Nashville; Nashville, EL; Holmes.
Navarre; Justus, EL; Stark.
Neffs; Neffs (Pultney), EL; Belmont.
Negley; Negley, EL; Columbiana.
Nelsonville:
Buchtel-York, EL; Athens.
Nelsonville, EL; Athens.
Nelsonville-York, JHS; Athens.
Nelsonville-York, HS; Athens.
Poston, EL; Athens.
Newark:
Franklin, EL; Licking.
Licking Valley, JHS; Licking.
Maryann, EL; Licking.
Toboso, EL; Licking.
Central, EL; Licking.
Central, JHS; Licking.
Conrad, EL; Licking.
Hartzler, EL; Licking.
Lincoln School; Licking.
New Boston:
Glenwood, HS; Scioto.
Oak, EL; Scioto.
Stanton, EL; Scioto.
Newbury; Newbury Schools; Geauga.
Newcomerstown; Washington Township EL; Tuscarawas.
New Haven; New Haven, EL; Huron.
New Holland; New Holland; Fayette.
New Lexington:
Clayton, EL; Perry.
New Lexington, EL; Perry.
New Marshfield; Waterloo, EL; Athens.
New Metamoras:
Frontier, HS; Washington.
Metamoras, EL; Washington.
New Paris; Jefferson, EL; Preble.
New Richmond:
Monroe, EL; Clermont.
New Richmond, JHS; Clermont.
New Straitsville; New Straitsville, EL; Perry.
New Vienna; New Vienna Local; Clinton.
New Washington; Buckeye Central, HS; Crawford.
Newport; Newport, EL; Washington.
North Bend; Elizabethtown, EL; Hamilton.
North Kingsville; North Kingsville, EL; Ashtabula.
North Olmsted; St. Brendan School.
Oak Harbor; Carroll EL; Ottawa.
Oak Hill:
Central EL; Jackson.
Jefferson EL; Jackson.
Oak Hill, HS; Jackson.
Oak View, EL; Jackson.
Oakwood:
Auglaize Brown School; Paulding.
Melrose, EL; Paulding.
Oberlin:
Eastwood, EL; Lorain.
Oberlin, JHS; Lorain.
Pleasant, EL; Lorain.
Prospect, EL; Lorain.
Oberlin, HS; Lorain.
Okeana; Morgan, EL; Butler.
Old Washington:
Old Washington, EL; Guernsey.
Zane Trace, HS; Guernsey.
Oregon:
Clay, EL; Lucas.
Clay, JHS; Lucas.
Eisenhower, JHS; Lucas.
Wynn, EL; Lucas.
Ottawa; Ottawa, EL; Putnam.
Ottoville; Ottoville Schools; Putnam.
Otway; Otway, EL; Scioto.
Painesville:
Harvey, HS; Lake.
Huntington, EL; Lake.
Lathrop, EL; Lake.
St. Clair, EL; Lake.
Walnut, EL; Lake.
Hale Road, EL; Lake.
J. R. Williams, JHS; Lake.
Palestine; Liberty, EL; Darke.
Pandora; Pandora-Gilboa Schools; Putnam.
Pataskala; Jersey, EL; Licking.
Patriot:
Green, EL; Gallia.
Cadmus, EL; Gallia.
Southwestern, HS; Gallia.
Paulding; Paulding, School; Paulding.
Pedro:
Decatur, EL; Lawrence.
Edmund Fogg, EL; Lawrence.
Peebles:
Franklin Middle, School; Adams.
Peebles, EL; Adams.
Peebles, HS; Adams.
Pemberville; Webster, EL; Wood.
Philo; Philo, EL; Muskingum.
Pierpont; Pierpont, EL; Ashtabula.
Piketon:
Idaho, EL; Pike.
Parker, EL; Pike.
Piketon, EL, 1; Pike.
Piketon, EL, 2; Pike.
Piketon, HS; Pike.
Piqua:
Bennett, JH; Miami.
South St., EL; Miami.

Plain City:
Canaan, EL; Madison.
Plain City, EL; Madison.
Plainfield; Plainfield, EL; Coshocton.
Pleasantville; Pleasantville, EL; Fairfield.
Pomeroy:
Meigs, JH; Meigs.
Pomeroy, EL; Meigs.
Salisbury, EL; Meigs.
Port Clinton; Bataan Memorial, EL; Ottawa.
Port Washington; Washington, EL; Tuscarawas.
Portsmouth:
East, HS; Scioto.
Garfield, EL; Scioto.
Grant, JH; Scioto.
Harding, EL; Scioto.
Highland, EL; Scioto.
Lincoln, EL; Scioto.
McKinley, JH; Scioto.
North Moreland, EL; Scioto.
Scudder, EL; Scioto.
Wilson, EL; Scioto.
Dry Run, EL; Scioto.
Powell:
Hyatts, EL; Delaware.
Powell, EL; Delaware.
Powhatan Point; Powhatan, EL; Monroe.
Proctorville:
Fairland East, EL; Lawrence.
Fairland, HS; Lawrence.
Fairland West, EL; Lawrence.
Quaker City; Quaker City, EL; Guernsey.
Quincy; Riverside, EL; Logan.
Racine:
Letart Falls, EL; Meigs.
Racine, EL; Meigs.
Southern, HS; Meigs.
Southern, JH; Meigs.
Rainsboro; Rainsboro, EL; Highland.
Ravenna:
Rausch, EL; Portage.
West Park, EL; Portage.
Rawson; Cory Rawson Schools; Hancock.
Rayland:
Rayland, EL; Jefferson.
Smithfield, EL; Jefferson.
Reedsville:
Eastern, HS; Meigs.
Riverview, EL; Meigs.
Reesville; Reesville, EL; Clinton.
Reinersville; Manchester, EL; Morgan.
Richmondale; Southeastern, HS; Ross.
Ridgeway; Ridgemont, HS; Hardin.
Rio Grande; Rio Grande, EL; Gallia.
Ripley; Ripley, EL; Brown.
Rockbridge; Rockbridge, EL; Hocking.
Rockford; Rockford, EL; Mercer.
Rogers; Rogers, EL; Columbiana.
Roundhead; Upper Scioto Valley; Hardin.
Rudolph; Liberty, EL; Wood.
Rushville; Rushville, EL; Fairfield.
Russellville; Russellville, EL; Brown.
Rutland; Rutland, EL; Meigs.
Sabina; Sabina Local; Clinton.
St. Clairsville; Fairpoint, EL; Belmont.
St. Henry:
St. Henry Grade; Mercer.
St. Henry, HS; Mercer.
Salem; Salem, SH; Columbiana.
Saliveville; Highlandtown, EL; Columbiana.
Sandusky; Mills, EL; Erie.
Sarahsville:
Sarahsville, EL; Noble.
Shenandoah, HS; Noble.
Sardenia; Eagle, EL; Brown.
Sardis:
Fly, EL; Monroe.
Midway, EL; Monroe.
Sardis, EL; Monroe.
Scio; Perrysville, EL; Carroll.
Scioto Furnace; Scioto Furnace, EL; Scioto.
Sciotoville:
Bonser Run, EL; Scioto.
Sunshine, EL; Scioto.
Swauger Valley, EL; Scioto.
Lindsay, EL; Scioto.
Scottown; Windsor, EL, No. 2; Lawrence.
Seaman:
Seaman, EL; Adams.
Seaman, HS; Adams.
Sedalia; Midway, EL; Madison.
Shade; Shade, EL; Athens.
Shadyside; Mead, EL; Belmont.
Shaker Heights; Moreland, EL; Cuyahoga.
Shawnee; Shawnee, EL; Perry.
Sherrodsville; Sherrodsville, EL; Harrison.
Shiloh; Shiloh, EL; Richland.
Sidney; Central, EL; Shelby.
South Bloomingville; South Bloomingville, EL; Hocking.
South Point; Sheridan, EL; Lawrence.
South Solon; South Solon, EL; Madison.
South Webster:
Bloom, HS; Scioto.
South Webster, EL; Scioto.
South Zanesville; South Zanesville, EL; Muskingum.
Sparta:
Highland, HS; Morrow.
Sparta, EL; Morrow.
Springboro; Clearcreek, HS; Warren.
Springfield:
Husted, EL; Clark.
Oak Grove, EL; Clark.
Pitchin, EL; Clark.
Selma, JH; Clark.
Emerson, EL; Clark.
Frey, EL; Clark.
Fulton, EL; Clark.
Garfield, EL; Clark.
Hayward, JH; Clark.
Keifer, JH; Clark.
McKinley, EL; Clark.
South, HS; Clark.
Steubenville:
Grant, EL; Jefferson.
Lincoln, EL; Jefferson.
Steubenville, HS; Jefferson.
Washington, EL; Jefferson.
Wells, EL; Jefferson.
Stewart; Federal Hocking School; Athens.
Stockdale; Stockdale, EL; Pike.
Stockport; Windsor, EL; Morgan.
Stoutsville; Stoutsville, EL; Fairfield.
Sugarcreek:
Garaway, HS; Tuscarawas.
Miller Avenue, EL; Tuscarawas.
Ragersville, EL; Tuscarawas.
Third Street, EL; Tuscarawas.
Sugartree Ridge; Concord, EL; Highland.
Sulphur Springs; Sulphur Springs, EL; Crawford.
Summerfield, EL; Noble.
Summit Station:
Licking Heights, HS; Licking.
Summit, EL; Licking.
Summitville; Franklin, EL; Columbiana.
Swanton; Swanton Township; Fulton.
Sycamore Valley; Bethel, EL; Monroe.
Syracuse; Syracuse, EL; Meigs.
The Plains; Plains, EL; Athens.
Thompson; Ledgemont, HS; Geauga.
Thurman; Centerville, EL; Gallia.
Tiltonsville; Tiltonsville, HS; Jefferson.
Tiro; Buckeye East, EL; Crawford.
Toledo:
Dorr, EL; Lucas.
Birmingham, EL; Lucas.
East Side Central, EL; Lucas.
Franklin, EL; Lucas.
Fulton, EL; Lucas.
Garfield, EL; Lucas.
Glenwood, EL; Lucas.
Gunckel, EL; Lucas.
Hale, EL; Lucas.
Hamilton, EL; Lucas.
Jones, EL; Lucas.
Lagrange, EL; Lucas.
Libbey, HS; Lucas.
Lincoln, EL; Lucas.
Macomber Vocational Technical, HS; Lucas.
Marshall, EL; Lucas.
Navarre, EL; Lucas.
Newbury, EL; Lucas.
Oakdale, EL; Lucas.
Parkland Craft, EL; Lucas.
Pickett, EL; Lucas.
Riverside, EL; Lucas.
Robinson, EL; Lucas.
Roosevelt, EL; Lucas.
Scott, HS; Lucas.
Sherman, EL; Lucas.
Spring, EL; Lucas.
S. S. Irwin, EL; Lucas.
Stewart, EL; Lucas.
Stickney, EL; Lucas.
Waite, HS; Lucas.
Walbridge, EL; Lucas.
Warren, EL; Lucas.
Washington, EL; Lucas.
Westfield, EL; Lucas.
Whitney Vocational Technical, HS; Lucas.
Woodward, HS; Lucas.
Trenton; Wayne, EL; Butler.
Trimble; Trimble, EL; Athens.
Trotwood; Madison, SHS; Montgomery.
Troy:
Elizabeth, EL; Miami.
Forest, EL; Miami.
Tuppers Plains:
Coolville, EL; Athens.
Tuppers Plains, EL; Meigs.
Tuscarawas; Indian Valley, EL; Tuscarawas.
Eastside, EL; Darke.
Union City:
Jackson, EL; Darke.
Union Furnace; Starr Washington Building; Hocking.
Uniontown; Uniontown, EL; Stark.
Unionville Center; Unionville Center, EL; Union.
Upper Sandusky; R5 Marsailles, EL; Wynadot.
Urbana:
North, EL; Champaign.
South, EL; Champaign.
Urbana Local; Champaign.
Van Wert:
Langley, EL; Van Wert.
Marsh, EL; Van Wert.
Vaughnsville; Vaughnsville, EL; Putnam.
Venedocia; South, EL; Van Wert.
Verona; Verona, EL; Preble.
Vincent:
Barlow-Vincent, EL; Washington.
Warren, HS; Washington.
Vinton:
North Gallia, HS; Gallia.
Vinton, EL; Gallia.
Wadsworth; Franklin, EL; Medina.
Walnut Creek; Walnut Creek, EL; Holmes.
Warren:
Bristol Schools; Trumbull.
Elm Road, EL; Trumbull.
First Street, EL; Trumbull.
Jefferson, EL; Trumbull.
Market School; Trumbull.
Washington, EL; Trumbull.
Willard, EL; Trumbull.
Warsaw:
Union, EL; Coshocton.
Warsaw, EL; Coshocton.
Washington:
Chaffin, EL; Fayette.
Eber, EL; Fayette.
Miami Trace, HS; Fayette.
Staunton, EL; Fayette.
Wilson, EL; Fayette.
Rose Avenue, EL; Fayette.
Washingtonville; Washingtonville, EL; Columbiana.
Waterford; Waterford, EL; Washington.
Waterloo; Waterloo, EL; Lawrence.
Watertown; Watertown, EL; Washington.
Waverly:
Buchanan, EL; Pike.
North, EL; Pike.
Waverly, HS; Pike.
West, EL; Pike.
Waynesburg; Waynesburg, EL; Stark.
Waynesville; Wayne Schools; Warren.
Wellington; Huntington, EL; Medina.
Wellston:
Central, EL; Jackson.

Harvey, EL; Jackson.
South, EL; Jackson.
Wellstone, HS; Jackson.
Wellsville; Number Sixteen, EL; Columbiana.
West Alexandria:
Lanier, EL; Preble.
Twin Valley South, HS; Preble.
West Alexandria, EL; Preble.
West Lafayette:
Ridgewood, HS; Coshocton.
West Lafayette, EL; Coshocton.
West Manchester; Monroe, EL; Preble.
West Point; West Point, EL; Columbiana.
West Portsmouth:
Jenkins, EL; Scioto.
Nauvoo, EL; Scioto.
Portsmouth West, HS; Scioto.
West Union:
Liberty, EL; Adams.
Tiffin, EL; Adams.
West Union School; Adams.
Westerville; Central College, EL; Franklin.
Wheelersburg:
Vernon, EL; Scioto.
Wheelersburg, EL; Scioto.
Wheelersburg, HS; Scioto.
Wilkesville; Wilton, EL; Vinton.
Williamsburg; Williamsburg, EL; Clermont.
Williamsport:
Westfall, HS; Pickaway.
Williamsport, EL; Pickaway.
Willow Wood:
Mason, EL; Lawrence.
Symmes Valley, HS; Lawrence.
Windsor, EL; No. 1; Lawrence.
Windsor Intermediate; Lawrence.
Wilmington:
Kingman, EL; Clinton.
Denver Place, EL; Clinton.
East, EL; Clinton.
Holmes, EL; Clinton.
Main Building; Clinton.
Midland, EL; Clinton.
New Antioch, EL; Clinton.
Smith Place; Clinton.
Wilmington, SH; Clinton.
Winchester; Winchester School; Adams.
Windsor; Windsor, EL; Ashtabula.
Winesburg; Winesburg, EL; Holmes.
Woodsfield:
Woodsfield, EL; Monroe.
Woodsfield, HS; Monroe.
Woodville; Woodville, EL; Sandusky.
Wooster:
Pittsburgh, EL; Wayne.
Walnut, EL; Wayne.
Wren; Crestview South, EL; Van Wert.
Xenia; McKinley, EL; Greene.
Youngstown:
Bennett, EL; Mahoning.
Cleveland, EL; Mahoning.
Covington, EL; Mahoning.
East, HS; Mahoning.
Garfield, EL; Mahoning.
Grant, EL; Mahoning.
Harrison, EL; Mahoning.
Hayes, JHS; Mahoning.
Hillman, JHS; Mahoning.
Jefferson, EL; Mahoning.
Lincoln, EL; Mahoning.
Madison, EL; Mahoning.
Monroe, EL; Mahoning.
North, HS; Mahoning.
Rayen, HS; Mahoning.
Roosevelt, EL; Mahoning.
Science Hill, EL; Mahoning.
South, HS; Mahoning.
Stambaugh, EL; Mahoning.
Thorn Hill, EL; Mahoning.
White, EL; Mahoning.
Williamson, EL; Mahoning.
Robinwood, EL; Mahoning.
Zaleski; Zaleski, EL; Vinton.
Zanesville:
Bell, EL; Muskingum.
Springfield, EL; Muskingum.
Garfield, EL; Muskingum.
Grant, EL; Muskingum.
Grover Cleveland, JH; Muskingum.
Hancock, JH; Muskingum.
Madison, EL; Muskingum.
McIntire, EL; Muskingum.
Monroe, EL; Muskingum.
Munson, EL; Muskingum.
Pioneer, EL; Muskingum.
Sheridan, EL; Muskingum.
Wilson, EL; Muskingum.

OKLAHOMA

1968–69 Deletions From the 1966–67 List

Location (city), name of school, and school district and number

Ada:
Glenwood, EL; Ada, I–19.
Napier, EL; Ada, I–19.
Albion; Albion, EL; Albion, D–2.
Altus; Robert E. Lee, Primary; Altus, I–18.
Alva; Alva, JHS, HS; Alva, I–1.
Antlers; Kellond, EL; Kellond, D–33.
Apache; Boone, EL; Boone, D–56.
Ardmore:
Douglass, JHS, HS; Ardmore, I–19.
Dunbar, EL; Ardmore, I–19.
Bartlesville:
Douglass, EL; Bartlesville, I–30.
Lincoln, EL; Bartlesville, I–30.
Washington, EL; Bartlesville, I–30.
Beggs; Wheatley, EL, JHS, HS; Beggs, I–4.
Bethel; Bethel, EL; Bethel, D–90.
Blackwell:
Blackwell, JHS; Blackwell, I–45.
Blackwell, HS; Blackwell, I–45.
Washington, EL; Blackwell, I–45.
Bokchito; Bokchito, EL, JHS, HS; Bokchito, I–23.
Boynton; Wheatley, EL; Boynton, I–4.
Bristow; Bristow, JHS, HS; Bristow, I–2.
Broken Bow; Holly Creek, EL; Holly Creek, D–72.
Caddo; Caddo, EL, JHS, HS; Caddo, I–5.
Castle; IXL, EL; IXL, D–12.
Catoosa; Catoosa, HS; Catoosa, I–2.
Chandler; Chandler, JHS, HS; Chandler, I–1.
Checotah:
Central High, EL; Central High, D–4.
Douglass, EL; Checotah, I–19.
Pierce, EL; Checotah, I–19.
Chelsea:
Chelsea, EL; Chelsea, I–3.
Chelsea, JHS, HS; Chelsea, I–3.
Chickasha:
Chickasha, HS; Chickasha, I–1.
Chickasha, JHS; Chickasha, I–1.
Lincoln, EL.
Claremore; Claremore, HS; Claremore, I–1.
Clinton:
Clinton, HS; Clinton, I–99.
Excelsior, EL; Clinton, I–99.
Coalgate; Coalgate, EL; Coalgate, I–1.
Colbert; Shoemake, EL; Colbert, I–4.
Cordell:
Cordell, EL; Cordell, I–78.
Cordell, JHS, HS; Cordell, I–78.
Cushing; Washington, EL; Cushing, I–67.
Depew:
Depew, EL; Depew, I–21.
Depew, JHS, HS; Depew, I–21.
Dewey:
Dewey, JHS, HS; Dewey, I–7.
Lincoln, EL; Dewey, I–7.
Dibble; Dibble, EL, JHS, HS; Dibble, I–2.
Drumright; Drumright, JHS, HS; Drumright, I–39.
Duncan:
Douglass, EL; Duncan, I–1.
Irving, EL; Duncan, I–1.
Elk City:
Elk City, JHS, HS; Elk City, I–6.
Fairview, EL; Elk City, I–6.
El Reno; Lincoln, EL; El Reno, I–34.
Enid; Jackson, EL; Enid, I–57.
Eufala; Washington, EL; Eufala, I–1.
Frederick:
Boyd, JHS; Frederick, I–158.
Emerson, EL; Frederick, I–158.
Frederick, JHS; Frederick, I–158.
Frederick, HS; Frederick, I–158.
Weaver, EL, JHS, HS; Weaver, D–13.
Gracemont; Gracemont, EL, JHS, HS; Gracemont, I–86.
Grandfield; Grandfield, EL, JHS, HS; Grandfield, I–249.
Gore; Gore, EL, JHS, HS; Gore, I–6.
Guthrie:
Banner, EL; Guthrie, I–1.
Faver, JHS, HS; Guthrie, I–1.
Page, EL; Guthrie, I–1.
Guymon; Guymon, EL, JHS, HS; Guymon, I–8.
Hammon; Hammon, EL, JHS, HS; Hammon, I–66.
Harris; Riverside, EL, JHS, HS; Riverside, D–47.
Hartshorne; Lone Oak, EL; Lone Oak, D–4.
Hennepin; Hennepin, EL; Hennepin, D–37.
Henryetta:
Henryetta, HS; Henryetta, I–2.
Henryetta, JHS; Henryetta, I–2.
Washington, EL; Henryetta, I–2.
Hoffman; Hoffman-Grayson, EL, JHS, HS; Hoffman, D–15.
Hulbert; Norwood, EL; Norwood, D–14.
Hugo; Hugo, JHS; Hugo, I–39.
Idabel:
Slater, EL; Idabel, I–5.
Oak Grove, EL; Oak Grove, D–63.
Jones:
Jones, JHS, HS; Jones, I–9.
Rose Hill, EL; Jones, I–9.
Kingfisher; Kingfisher, EL, JHS, HS; Kingfisher, I–7.
Langston; Langston, EL; Langston, D–6.
Lawton; Douglass, EL; Lawton, I–8.
Leon; Leon, EL, JHS, HS; Leon, I–8.
Marietta; Marietta, JHS, HS; Marietta, I–16.
McAlester; Jefferson, EL; McAlester, I–80.
Miami; Miami, JHS; Miami, I–23.
Mountain View:
Mountain View, EL; Mountain View, I–39.
Mountain View, JHS, HS; Mountain View, I–39.
Muskogee:
Jefferson, EL; Muskogee, I–20.
Langston, EL; Muskogee, I–20.
Sequoyah, EL; Muskogee, I–20.
Wheatley, EL; Muskogee, I–20.
Norman, Norman, HS; Norman, I–29.
Nowata; Nowata, HS; Nowata, I–40.
Oakwood; Oakwood, EL, JHS, HS; Oakwood, D–10.
Oklahoma City:
Crooked Oak, JHS, HS; Crooked Oak, I–53.
Capitol Hill, HS; Oklahoma City, I–89.
Columbus, EL; Oklahoma City, I–89.
Davidson, EL; Oklahoma City, I–89.
Jackson, JHS; Oklahoma City, I–89.
Pierce, EL; Oklahoma City, I–89.
Rockwood, EL; Oklahoma City, I–89.
Shields Heights, EL; Oklahoma City, I–89.
Star, EL; Oklahoma City, I–89.
Star-Spencer, HS; Oklahoma City, I–89.
Walnut Grove, EL; Oklahoma City, I–89.
Okmulgee:
Franklin, EL; Okmulgee, I–1.
Nuyaka, EL, JHS, HS; Nuyaka, D–10.
Pauls Valley; Lee, EL; Pauls Valley, I–18.
Pawhuska; Booker T. Washington, EL; Pawhuska, I–2.
Pawnee; Pawnee, JHS, HS; Pawnee, I–1.
Peggs; Peggs, EL; Peggs, D–31.
Ponca City:
Jefferson, EL; Ponca City, I–71.
McKinley, EL; Ponca City, I–71.
Ponca City, HS; Ponca City, I–71.
West, JHS; Ponca City, I–71.
Pond Creek; Pond Creek, EL, JHS, HS; Pond Creek, I–90.
Poteau; Poteau, HS; Poteau, I–29.

Prague:
Prague, EL; Prague, I–103.
Prague, JHS, HS; Prague, I–103.
Purcell:
Mary Simpson, EL; Purcell, I–15.
Purcell, JHS, HS; Purcell, I–15.
Red Rock; Red Rock, EL, JHS, HS; Red Rock, I–3.
Rentiesville; Rentiesville, EL, JHS, HS; Rentiesville, I–14.
Roland; Shady Grove, EL; Roland, I–5.
Sand Springs:
Booker T. Washington, EL, JHS, HS; Sand Springs, I–2.
Central, EL; Sand Springs, I–2.
Garfield, EL; Sand Springs, I–2.
Charles Page, JHS, HS; Sand Springs, I–2.
Sapulpa; Booker T. Washington, EL, JHS; Sapulpa, I–33.
Sayre; Sayre, JHS, HS; Sayre, I–31.
Seminole:
Lincoln, EL; Seminole, I–1.
Seminole, JHS, HS; Seminole, I–1.
Shawnee:
Dunbar, EL; Shawnee, I–93.
Franklin, EL; Shawnee, I–93.
Washington, EL; Shawnee, I–93.
Stillwater:
Lincoln, EL; Stillwater, I–16.
Stillwater, HS; Stillwater, I–16.
Stilwell; Piney, EL; Piney, D–18.
Stringtown; Stringtown, EL, JHS, HS; Stringtown, I–7.
Sulphur; Cameron, EL; Sulphur, I–1.
Tahlequah:
Grandview, EL; Grandview, D–34.
Masena, EL; Masena, D–52.
Tecumseh:
Tecumseh, JHS, HS; Tecumseh, I–92.
Barnard, EL; Tecumseh, I–92.
Tonkawa; Tonkawa, JHS, HS; Tonkawa, I–87.
Tulsa:
Chouteau, EL; Tulsa, I–1.
Douglass, EL; Tulsa, I–1.
Houston, EL; Tulsa, I–1.
Irving, EL; Tulsa, I–1.
Jefferson, EL; Tulsa, I–1.
Valliant; Elliott, EL; Valliant, I–11.
Vinita; Vinita, HS; Vinita, I–65.
Waurika:
Waurika, EL; Waurika, I–23.
Waurika, JHS, HS; Waurika, I–23.
Wewoka:
Douglass, EL; Wewoka, I–2.
Wewoka, JHS; Wewoka, I–2.
Wewoka, HS; Wewoka, I–2.
Wilburton; Pleasant Hill, EL; Pleasant Hill, D–27.
Woodward; Woodward, JHS, HS; Woodward, I–1
Wynnewood:
Wynnewood, EL; Wynnewood, I–38.
Wynnewood, JHS, HS; Wynnewood, I–38.

1968–69 Additions to the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location (city), name of school, and school district and number

Adair; Adair, EL, JHS; Adair, I–2.
Albert; Oney, EL, JHS, HS; Oney, I–10.
Alluwe; Alluwe, EL, JHS, HS; Alluwe, I–50.
Altus:
Central, JHS; Altus, I–18.
Roosevelt, EL; Altus, I–18.
Wilson, EL; Altus, I–18.
Atoka; Mamie Johnson, EL; Atoka, I–15.
Barnsdall; Barnsdall, EL, JHS, HS; Barnsdall, I–29.
Bartlesville; College, HS; Bartlesville, I–30.
Bixby:
Bixby, EL; Bixby, I–4.
Bixby, JHS, HS; Bixby, I–4.
Blair; Blair, EL, JHS, HS; Blair, I–54.
Bluejacket; Bluejacket, EL, JHS, HS; Bluejacket, I–20.
Boley; Chilesville, EL; Chilesville, D–7.
Burneyville; Turner, EL, JHS, HS; Turner, I–5.
Cameron; Cameron, EL, JHS, HS; Cameron, I–17.
Carnegie; Carnegie, EL; Carnegie, I–33.
Castle; Castle, EL; Castle, D–19.
Cement; Cement, EL, JHS, HS; Cement, I–160.
Centrahoma; Centrahoma, EL; Centrahoma, D–5.
Checotah:
Checotah, EL; Checotah, I–19.
Longfellow, EL; Checotah, I–19.
Chickasha; Jane Brooks, EL; Chickasha, I–1.
Choctaw; Choctaw, EL; Choctaw, I–4.
Cleveland; Cleveland, EL; Cleveland, I–6.
Clinton; Washington, EL; Clinton, I–99.
Coalgate; Olney, EL, JHS, HS; Olney, I–4.
Colbert; Colbert, EL; Colbert, I–4.
Connerville; Connerville, EL; Connerville, D–40.
Davenport; Davenport, EL, JHS, HS; Davenport, I–3.
Dewar; Dewar, EL, JHS, HS; Dewar, I–8.
Durant; Washington Irving, EL; Durant, I–72.
Elgin; Elgin, EL, JHS, HS; Elgin, I–16.
Fittstown; McLish, EL, JHS, HS; McLish, I–22.
Fort Cobb; Fort Cobb, EL, JHS, HS; Fort Cobb, I–7.
Fort Smith; Pocola, EL, JHS, HS; Pocola, I–7.
Foyil; Foyil, EL, JHS, HS; Foyil, I–7.
Geary; Geary, EL; Geary, I–80.
Grant; Lincoln, EL; Grant, I–3.
Guthrie:
Faver, EL; Guthrie, I–1.
Guthrie, JHS; Guthrie, I–1.
Halleyville; Halleyville, EL, JHS, HS; Halleyville, I–11.
Haworth; Haworth, EL, JHS, HS; Haworth, I–6.
Henryetta; Ryal, EL; Ryal, D–3.
Hobart; Frances Willard, EL; Hobart, I–1.
Howe; Howe, EL, JHS, HS; Howe, I–67.
Hulbert; Hulbert, EL, JHS, HS; Hulbert, I–16.
Idabel; Central, EL; Idabel, I–5.
Inola; Inola, EL, JHS, HS; Inola, I–5.
Kellyville; Kellyville, EL, JHS, HS; Kellyville, I–31.
Kiowa; Kiowa, EL, JHS, HS; Kiowa, I–14.
Lawton:
Eisenhower, JHS, HS; Lawton, I–8.
Lincoln, EL; Lawton, I–8.
Tomlinson, JHS; Lawton, I–8.
Leach; Leach, EL; Leach, D–14.
Lehigh; Lehigh, EL; Lehigh, D–2.
Luther; Luther, EL, JHS, HS; Luther, I–3.
Mannford; Mannford, EL, JHS, HS; Mannford, I–3.
Maud; Maud, EL, JHS, HS; Maud, I–117.
Mazie; Mazie, EL; Mazie, D–32.
McLoud; McLoud, EL, JHS, HS; McLoud, I–1.
Milburn; Milburn, EL, JHS, HS; Milburn, I–29.
Moyers; Moyers, EL, JHS, HS; Moyers, I–22.
Muldrow; Belfonte, EL; Belfonte, D–50.
Muskogee:
Longfellow, EL; Muskogee, I–20.
Pershing, EL; Musgokee, I–20.
West, JHS; Muskogee, I–20.
Whittier, EL; Muskogee, I–20.
Nowata; Nowata, EL; Nowata, I–40.
Okemah; Noble, EL; Okemah, I–26.
Oklahoma City:
Bryan, JHS; Oklahoma City, I–89.
Classen, HS; Oklahoma City, I–89.
Dewey, EL; Oklahoma City, I–89.
Edison, EL; Oklahoma City, I–89.
Harding, JHS; Oklahoma City, I–89.
Heronville, EL; Oklahoma City, I–89.
Polk, EL; Oklahoma City, I–89.
Tyler, EL; Oklahoma City, I–89.
Pauls Valley; Jackson, EL; Pauls Valley, I–18.
Pawhuska; Pawhuska, EL; Pawhuska, I–2.
Ponca City; East, JHS; Ponca City, I–71.
Poteau; Hower, EL, Pansy Kidd, JHS; Poteau, I–29.
Perkins; Perkins, EL, JHS, HS; Perkins, I–56.
Pryor:
Jefferson, EL; Pryor, I–1.
Roosevelt, EL; Pryor, I–1.
Ripley; Ripley, EL, JHS, HS; Ripley, I–3.
Sallisaw:
Central, EL, JHS, HS; Central, I–7.
Sallisaw, EL; Sallisaw, I–1.
Sand Springs; Hissom Memorial Center School; Sand Springs, I–2.
Sapulpa; Washington, EL; Sapulpa, I–33.
Sasakwa; Sasakwa, EL, JHS, HS; Sasakwa, I–10.
Seminole:
Strother, EL, JHS, HS; Strother, I–14.
Varnum, EL, JHS, HS; Varnum, I–7.
Smithville; Smithville, EL, JHS, HS; Smithville, I–14.
Sparks; Sparks, EL; Sparks, D–77.
Sperry; Sperry, EL, JHS, HS; Sperry, I–8.
Stigler; Stigler, EL; Stigler, I–20.
Stroud; Stroud, EL; Stroud, I–54.
Summerfield; Summerfield, EL; Summerfield, D–56.
Taft; Moton, EL, Taft State Home; Moton, I–17.
Tahlequah:
Briggs, EL; Briggs, D–44.
Cherokee, EL; Tahlequah, I–35.
Sequoyah, EL; Tahlequah, I–35.
Shady Grove, EL; Shady Grove, D–26.
Stone Chapel, EL; Stone Chapel, D–39.
Tecumseh; Girls Town, EL; Tecumseh, I–92.
Terral; Terral, EL, JHS, HS; Terral, I–3.
Tulsa:
Bryant, EL; Tulsa, I–1.
Cherokee, EL; Tulsa, I–1.
Cleveland, JHS; Tulsa, I–1.
Froet, EL; Tulsa, I–1.
Immaculate Conception; Private.
Lowell, JHS; Tulsa, I–1.
Madison, JHS; Tulsa, I–1.
McLain, HS; Tulsa, I–1.
Monroe, JHS; Tulsa, I–1.
Remington (South Haven), EL; Tulsa, I–1.
Riley, EL; Tulsa, I–1.
Roosevelt, JHS; Tulsa, I–1.
Springdale, EL; Tulsa, I–1.
Whitman, EL; Tulsa, I–1.
Whittier, EL; Tulsa, I–1.
Woods, EL; Tulsa, I–1.
Vanita; Riverside, EL; Vanita, I–65.
Warner; Warner, EL, JHS, HS; Warner, I–74.
Watts; Watts, EL, JHS, HS; Watts, I–4.
Webber Falls; Webber Falls, EL, JHS, HS; Webber Falls, I–6.
Welch; Welch, EL, JHS, HS; Welch, I–17.
Welling; Tenkiller, EL; Tenkiller, D–66.
Wewoka:
Nobletown, EL; Nobletown, D–19.
Wewoka, EL; Wewoka, I–2.
Wister; Wister, EL, JHS, HS; Wister, I–49.
Wright City; Wright City, EL, JHS, HS; Wright City, I–39.

OREGON

1968–69 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and LEA district

Adel; Adel, EL; Adel, 21.
Adrian:
Adrian, EL; Adrian, 61.
Adrian, HS; Adrian, 61.
Albany; Knox Butte, EL; Knox Butte, 19.

Alsea; Alsea, EL; Alsea, 7J.
Amity:
Amity, EL; Amity, 4J.
Amity, HS; Amity, 4J.
Andrews:
Andrews, EL; Andrews, 29.
Fields, EL; Fields, 33.
Trout Creek, EL; Trout Creek, 53.
Astoria; Astoria, HS; Astoria, 1.
Athena; Athena, EL; Athena, 29.
Aumsville:
North Santiam, EL; North Santiam, 126.
Shaw, EL; Shaw, 80.
West Stayton, EL; West Stayton, 61.
Aurora:
North Marion, EL; North Marion, 15.
North Marion, HS; North Marion, 15.
Baker:
Churchill, EL; Baker, 5J.
South Baker, EL; Baker, 5J.
Bandon:
Bandon Heights, EL; Bandon, 54.
Bandon, HS; Bandon, 54.
Harbor Lights, JHS; Bandon, 54.
Ocean Crest, EL; Bandon, 54.
Banks:
Banks, EL; Banks, 13.
Banks, HS; Banks, 13.
Buxton, EL; Banks, 13.
Beavercreek; Shubel, EL; Shubel, 80.
Blachly:
Triangle Lake, EL; Blachly, 90.
Triangle Lake; HS; Blachly, 90.
Blodgett; Summit, EL; Philomath, 17J.
Bonanza; Bonanza, EL; Klamath County Unit.
Bonneville; Bonneville, EL; Bonneville, 46.
Brooks; Brooks, EL; Brooks, 31.
Burns; Double O, EL; Double O, 28.
Butte Falls; Butte Falls, EL; Butte Falls, 91.
Camas Valley:
Camas Valley, EL; Camas Valley, 21.
Camas Valley, HS; Camas Valley, 21.
Cannon Beach; Cannon Beach, EL; Seaside, 10.
Carlton; Carlton, EL; Carlton, 1.
Central Point:
Central Point, EL; Central Point, 6.
Crater, HS; Central Point, 6.
Jewett, EL; Central Point, 6.
Richardson, EL; Central Point, 6.
Sams Valley, EL; Central Point, 6.
Scenic, JHS; Central Point, 6.
Charleston; Charleston, EL; Coos Bay, 9.
Chiloquin:
Chiloquin, EL; Klamath County Unit.
Chiloquin, HS; Klamath County Unit.
Cloverdale:
Cloverdale, EL; Cloverdale, 22.
Nestucca, HS; Nestucca, UH3.
Sandlake, EL; Sandlake, 21.
Coos Bay:
Bunker Hill, EL; Coos Bay, 9.
Madison Street, EL; Coos Bay, 9.
Marshfield, JHS; Coos Bay, 9.
Millington Building; Coos Bay, 9.
Coquille; Fairview, EL; Coquille, 8.
Corvallis:
Fairplay, EL; Corvallis, 509J.
Franklin, EL; Corvallis, 509J.
Inavale, EL; Corvallis, 509J.
Lincoln, EL; Corvallis, 509J.
Mt. View, EL; Corvallis, 509J.
Roosevelt, EL; Corvallis, 509J.
Washington, EL; Corvallis, 509J.
Western View, JHS; Corvallis, 509J.
Cottage Grove:
Cottage Grove, HS; South Lane, 45J.
Lincoln, JHS; South Lane, 45J.
Crane; Crane Union, HS; Crane, UH1J.
Crawfordsville; Crawfordsville, EL; Sweet Home, 55.
Dallas:
Bridgeport, EL; Dallas, 2.
Morrison, EL; Dallas, 2.
Dayville:
Dayville, EL; Dayville, 16J.
Dayville, HS; Dayville, 16J.
Dayton:
Dayton, EL; Dayton, 8.
Dayton, HS; Dayton, 8.
Deer Island; Columbia City, EL; St. Helens, 502.
Delake; Delake, EL; Lincoln County Unit.
Diamond; Diamond, EL; Diamond, 7.
Drain:
North Douglas, EL; Drain, 22.
North Douglas, HS; Drain, 22.
North Douglas Primary; Drain, 22.
Drewsey; Drewsey, EL; Drewsey, 13.
Dundee; Dundee, EL; Newberg, 29J.
Eddyville:
Eddyville, EL; Lincoln County Unit.
Eddyville, HS; Lincoln County Unit.
Empire; Michigan, JHS; Coos Bay 9.
Estacada; Estacada, EL; Estacada 108.
Eugene:
Glenwood, EL; Eugene 4J.
Ida Patterson, EL; Eugene 4J.
Laurel Hill, EL; Eugene 4J.
Lincoln, EL; Eugene 4J.
South Eugene, HS; Eugene 4J.
Thomas Jefferson, JHS; Eugene 4J.
Whitaker, EL; Eugene 4J.
Falls City:
Falls City, EL; Falls City 57.
Falls City, HS; Falls City 57.
Forest Grove:
Central, EL; Forest Grove 15.
Forest Grove, HS; Forest Grove 15.
Foster; Foster, EL; Sweet Home 55.
Fort Rock; Fort Rock, EL; Fort Rock 24.
Frenchglen; Frenchglen, EL; Frenchglen 16.
Gales Creek; Gales Creek, EL; Forest Grove 15.
Gearhart; Gearhart, EL; Seaside 10.
Gervais:
Eldriedge, EL; Eldriedge 60.
Gervais, HS; Gervais UH1.
Glendale; Glendale, HS; Glendale 77.
Gold Hill:
Hanby, EL; Central Point 6.
Patrick, EL; Central Point 6.
Sams Valley Primary; Central Point 6.
Grand Ronde; Grand Ronde, EL; Willamina 30J.
Gresham:
Centennial, HS; Gresham UH2J.
Gresham, HS; Gresham UH2J.
Halfway; Pine Valley, HS; Pine Eagle 61.
Halsey; Central Linn, HS; Central Linn 552.
Helix; Helix, EL; Helix 1.
Hereford; Hereford, EL; Baker 30J.
Hermiston:
Hermiston, HS; Hermiston 8.
Hermiston, JHS; Hermiston 8.
Rocky Heights, EL; Hermiston 8.
Sunset, EL; Hermiston 8.
West Park, EL; Hermiston 8.
Hillsboro; Peter Boscow, EL; Hillsboro 7.
Hubbard; Hubbard, JHS; North Marion 15.
Independence:
Central, HS; Central 13J.
Greenwood, EL; Central 13J.
Henry Hill, EL; Central 13J.
Independence, EL; Central 13J.
Talmadge, JHS; Central 13J.
Jefferson:
Jefferson, EL; Jefferson 14J.
Jefferson, HS; Jefferson 14J.
Junction City:
Laurel, EL; Junction City 69J.
Territoral, EL; Junction City 69J.
Klamath Falls:
Klamath Union, HS; Klamath UH2.
Lucile O'Neill, EL; Klamath Falls 1.
Altamont, JHS; Klamath County Unit.
Fairhaven, EL; Klamath County Unit.
Lafayette; Lafayette, EL; McMinnville 40.
Lakeside; Lakeside, EL; North Bend 13.
Lakeview:
Bullard, EL; Lakeview 7.
Fremont, EL; Lakeview 7.
Arthur D. Hay, EL; Lakeview 7.
Lakeview, JHS; Lakeview 7.
Union, EL; Union 5.
Vernon, EL; Vernon 41.
Lawen; Lawen, EL; Lawen 18.
Lebanon:
Lebanon Union, HS; Lebanon UH1.
Tennessee, EL; Tennessee 102.
Lincoln City:
Taft, EL; Lincoln County Unit.
Taft, HS; Lincoln County Unit.
Lostine; Lostine, EL; Wallowa 12.
Lowell; Lowell, EL; Lowell 71.
Manning; Manning, EL; Banks 13.
McMinnville:
Cook, EL; McMinnville 40.
McMinnville, HS; McMinnville 40.
McMinnville, JHS; McMinnville 40.
Medford:
Griffin Creek, EL; Medford 549.
Howard, EL; Medford 549.
Jackson, EL; Medford 549.
Jacksonville, EL; Medford 549.
Lincoln, EL; Medford 549.
McLoughlin, JHS; Medford 549.
Medford Mid, HS; Medford 549.
Washington, EL; Medford 549.
Mill City:
Gates, EL; Mill City 129J.
Mill City, EL; Mill City 129J.
Santiam, HS; Mill City 129J.
Milwaukie:
Rex Putnam, HS; Milwaukie UH5.
Clackamas, HS; Milwaukie UH5.
Milwaukie, HS; Milwaukie UH5.
Mist; Mist, EL; Vernonia 47J.
Molalla:
Molalla Union, HS; Molalla UH4.
Dickey Prairie, EL; Dickey Prairie 25.
Molalla, EL; Molalla 35.
Monitor; Monitor, EL; Monitor 142J.
Monmouth:
Campus, EL; Central, 13J.
Monmouth, EL; Central, 13J.
Pedee, EL; Dallas, 2.
Monroe; Bellfountain, EL; Bellfountain, 23.
Mosier; Mosier, EL; Chenowith, 9.
Mount Angel:
Butte Creek, EL; Butte Creek, 67J.
Mount Angel, EL; Mount Angel, 91.
Newberg:
Central, EL; Newberg, 29J.
Edwards, EL; Newberg, 29J.
Ewing Young, EL; Newberg, 29J.
Mabel Rush, EL; Newberg, 29J.
Nyssa:
Nyssa, EL; Nyssa, 26.
Nyssa, HS; Nyssa, 26.
Nyssa, JHS; Nyssa, 26.
Oakland:
Lincoln, EL; Oakland, 1.
Washington, EL; Oakland, 1.
Oceanlake:
Oceanlake, EL; Lincoln County Unit.
SDA Church School; Private.
Ontario:
Cairo, EL; Ontario, 8.
Lindbergh, EL; Ontario, 8.
Roberts, EL; Ontario, 8.
Ontario, JHS; Ontario, 8.
Pioneer, EL; Ontario, 8.
Ophir; Ophir, EL; Ophir, 12.
Oregon City:
Holcomb, EL; Oregon City, 62.
Ogden, JHS; Oregon City, 62.
Oregon City, HS; Oregon City, 62.
Pendleton:
Hawthorne, EL; Pendleton, 16.
Lincoln, EL; Pendleton, 16.
Pendleton, HS; Pendleton, 16.
Philomath; Blodgett, EL; Philomath, 17J.
Pine Creek; Pine Creek, EL; Pine Creek, 5.
Plush; Plush, EL; Plush, 18.
Portland:
Abernethy, EL; Portland, 1J.
Alameda, EL; Portland, 1J.
Arleta, EL; Portland, 1J.
Atkinson, EL; Portland, 1J.
Ball, EL; Portland, 1J.
Beach, EL; Portland, 1J.
Benson Polytechnic, HS; Portland, 1J.
Boise, EL; Portland, 1J.

Brooklyn, EL; Portland, 1J.
Buckman, EL; Portland, 1J.
Chapman, EL; Portland, 1J.
Chief Joseph, EL; Portland, 1J.
Cleveland, HS; Portland, 1J.
Columbia, EL; Portland, 1J.
Couch, EL; Portland, 1J.
Creston, EL; Portland, 1J.
Edwards, EL; Portland, 1J.
Eliot, EL; Portland, 1J.
Franklin, HS; Portland, 1J.
Fernwood, EL; Portland, 1J.
George, EL; Portland, 1J.
Glencoe, EL; Portland, 1J.
Grant, HS; Portland, 1J.
Grout, EL; Portland, 1J.
Holladay, EL; Portland, 1J.
Hosford, EL; Portland, 1J.
Humboldt, EL; Portland, 1J.
Irvington Special School; Portland, 1J.
Jackson, HS; Portland, 1J.
James John, EL; Portland, 1J.
James Monroe, HS; Portland, 1J.
Jefferson, HS; Portland, 1J.
Kelly, EL; Portland, 1J.
Kenton, EL; Portland, 1J.
Kerns, EL; Portland, 1J.
Kellogg, EL; Portland, 1J.
King, EL; Portland, 1J.
Lane, EL; Portland, 1J.
Lent, EL; Portland, 1J.
Lincoln, HS; Portland, 1J.
Linnton, EL; Portland, 1J.
Llewellyn, EL; Portland, 1J.
Madison, HS; Portland, 1J.
Marshall, HS; Portland, 1J.
Marysville, EL; Portland, 1J.
Ockley Green, EL; Portland, 1J.
Peninsula, EL; Portland, 1J.
Portsmouth, EL; Portland, 1J.
Richmond, EL; Portland, 1J.
Rigler, EL; Portland, 1J.
Roosevelt, HS; Portland, 1J.
Sabin, EL; Portland, 1J.
Sellwood, EL; Portland, 1J.
Scott, EL; Portland, 1J.
Sitton, EL; Portland, 1J.
Sunnyside, EL; Portland, 1J.
Terwilliger, EL; Portland, 1J.
Vernon, EL; Portland, 1J.
Vestal, EL; Portland, 1J.
Washington, HS; Portland, 1J.
Whitaker, EL; Portland, 1J.
Whitman, EL; Portland, 1J.
Woodlawn, EL; Portland, 1J.
Woodmere, EL; Portland, 1J.
Woodstock, EL; Portland, 1J.
Immaculate Heart; Private.
Parkrose Fremont, JHS; Parkrose 3.
Parkrose, HS; Parkrose 3.
Parkrose Heights, JHS; Parkrose 3.
Rockwood Davis, EL; Rockwood 27.
St. Francis; Private.
Sumner, EL; Parkrose 3.
Prineville:
Ochoco, EL; Crook County Unit.
Prineville, JHS; Crook County Unit.
Redmond; Redmond, HS; Redmond 2J.
Richland; Richland, EL; Pine Eagle 61.
Rickreall:
Oak Grove, EL; Central 13J.
Rickreall, EL; Dallas 2.
Rose Lodge; Rose Lodge, EL; Lincoln County Unit.
St. Helens:
Condon, EL; St. Helens 502.
Deer Island, EL; St. Helens 502.
St. Helens, HS; St. Helens 502.
St. Helens, JHS; St. Helens 502.
Yankton, EL; St. Helens 502.
St. Paul; St. Paul, EL; St. Paul 45.
Salem:
Bethany, EL; Bethany 63.
Bush, EL; Salem 24J.
Chemawa Indian School; BIA.
Clear Lake, EL; Salem 24J.
Eola, EL; Central 13J.
Garfield, EL; Salem 24J.
Grant, EL; Salem 24J.
Highland, EL; Salem 24J.
Hopewell, EL; Amity 4J.
Keizer, EL; Salem 24J.
Lake Labish, EL; Salem 24J.
Leslie, JHS; Salem 24J.
Middle Grove, EL; Salem 24J.
McNary, HS; Salem 24J.
North Salem, HS; Salem 24J.
State Board of Control, HS (2605 State Street); State of Oregon.
Parrish, JHS; Salem 24J.
Pratum, EL; Pratum 50.
Pringle, EL; Salem 24J.
Richmond, EL; Salem 24J.
Roberts, EL; Salem 24J.
Robert S. Farrell, HS; State of Oregon.
Sunnyside, EL; Salem 24J.
Swegle, EL; Salem 24J.
Waldo, JHS; Salem 24J.
Washington, EL; Salem 24J.
Whiteaker, JHS; Salem 24J.
Sandy; Sandy, EL; Sandy 46.
Seaside:
Broadway, EL; Seaside 10.
Central, EL; Seaside 10.
Shady Cove; Shady Cove, EL; Eagle Point 9.
Sheridan; Chapman, EL; Sheridan 48J.
Siletz:
Siletz, EL; Lincoln County Unit.
Siletz, HS; Lincoln County Unit.
Silver Lake; Silver Lake, EL; Silver Lake 14.
Silverton:
Eugene Field, EL; Silverton 4.
Silverton, HS; Silverton UH7.
Springfield; Springfield, HS; Sprngfield 19.
Stanfield; West, EL; Stanfield 61.
Stayton; Stayton, EL; Stayton 77J.
Sublimity; Sublimity, EL; Sublimity 7.
Sweet Home:
Hawthorne, EL; Sweet Home 55.
Holley, EL; Sweet Home 55.
Liberty, EL; Sweet Home 55.
Long Street, EL; Sweet Home 55.
Pleasant Valley, EL; Sweet Home 55.
Sweet Home, HS; Sweet Home 55.
Sweet Home, JHS; Sweet Home 55.
The Dalles:
Chenowith, EL; Chenowith 9.
Chenowith Primary; Chenowith 9.
Wahtonka, HS; Chenowith 9.
Tidewater; Fisher, EL; Lincoln County Unit.
Tillamook; Wilson, EL; Tillamook 9.
Troutdale:
Reynolds, HS; Reynolds 7.
Troutdale, EL; Reynolds 7.
Turner:
Cascade, JHS; Cascade UH5.
Cascade Union, HS; Cascade UH5.
Turner, EL; Turner 79.
Union; North Powder, EL; North Powder 8J.
Unity; Unity, EL; Baker 30J.
Vale; Vale, HS; Vale UH3.
Vernonia:
Lincoln, EL; Vernonia 47J.
Vernonia, HS; Vernonia 47J.
Waldport:
Waldport, EL; Lincoln County Unit.
Waldport, HS; Lincoln County Unit.
Waldport, JHS; Lincoln County Unit.
Wamic; Wamic, EL; Wamic 42.
Weiser, Idaho; Annex, EL; Annex 29.
Weston:
Weston, EL; Weston 19.
Weston, HS; Weston 19.
White City; White City Primary; Eagle Point 9.
Willamina:
Willamina, EL; Willamina 30J.
Willamina, HS; Willamina 30J.
Woodburn:
Washington, EL; Woodburn 103.
MacLaren School for Boys; State.
Yachats; Yachats, EL; Lincoln County Unit.
Yamhill:
Yamhill, EL; Yamhill 16.
Yamhill-Carlton, HS; Yamhill Carlton UH1.
Yoncalla:
Yoncalla, EL; Yoncalla 32.
Yoncalla, HS; Yoncalla 32.

PENNSYLVANIA

1968–69 Deletions From the 1967–68 List

Location, city or town, name of school, and LEA district

ALLEGHENY COUNTY

Pittsburgh:
St. Norbert; Nonpublic.
St. Joseph; Nonpublic.
Resurrection; Nonpublic.
St. Justin; Nonpublic.
Holy Name; Nonpublic.
St. Canice; Nonpublic.
Penn Hills, HS; Penn Hills Township.
South Hills, HS; Pittsburgh.
Prospect, JHS; Pittsburgh.
Knoxville, JHS; Pittsburgh.
Phillips, EL; Pittsburgh.
Liberty, EL; Pittsburgh.
J. M. Conroy, EL; Pittsburgh.
Arsenal, EL; Pittsburgh.
Whitehall, JHS; Baldwin-Whitehall.
Ham Mart, EL; North Hills.
North Hills, HS; North Hills.
Braddock; Carnegie, EL; Braddock Borough.
Springdale; Colfax, EL; Allegheny Valley.
Imperial; Imperial, EL; West Allegheny.
Monroeville:
South, JHS; Gateway Area.
Gateway, HS; Gateway Area.
Wilmerding; Westinghouse, EL; East Allegheny.
East McKeesport; Park Terrace, JHS; East Allegheny.
McKeesport:
East End, EL; McKeesport Area.
Francis McClure, JHS; McKeesport City.
Liberty Way, EL; South Allegheny.
Port Vue, EL; South Allegheny.
Clairton:
Shaw Avenue, EL; Clairton City.
Miller Avenue, EL; Clairton City.
Fifth Street, EL; Clairton City.
Walnut Avenue, EL, JHS; Clairton City.
Clairton, JHS–HS; Clairton City.
Moon Run; J. W. Burkett, EL; Montour.
Coraopolis:
David E. Williams, JHS; Montour.
Moon Union, JHS; Moon Union.
St. Joseph; Nonpublic.
Central, EL; Coraopolis Borough.
Coraopolis Borough, JHS; Coraopolis Borough.
Coraopolis Borough, HS; Coraopolis Borough.
Glassport:
Third Ward, EL; South Allegheny.
Second Ward, EL; South Allegheny.
Homestead:
Homestead Borough, JHS; Homestead Borough.
Schwab Vocational, HS; Homestead Borough.
Homestead Borough, HS; Homestead Borough.
North Braddock; Harman, EL; North Braddock Borough.
Oakmont; Oakmont, JHS–HS; Oakmont Borough.
Verona; Seneca, JHS; Penn Hills Township.
Cheswick; West Deer, HS; West Deer Township.
Natrona Heights:
Blessed Sacrament; Nonpublic.
Birdville, EL; Highlands.
Pitcairn:
St. Michael; Nonpublic.
Pitcairn Building 1, EL; Gateway Area.
Pitcairn 3, EL; Gateway Area.
Duquesne; St. Joseph; Nonpublic.
Bridgeville; St. Agatha; Nonpublic.

ARMSTRONG COUNTY

Apollo; Cherry Lane Remedial; Apollo Area, Joint.
Ford City; Bethel, EL; Armstrong.

Cadogan; Cadogan, EL; Armstrong.
Kittanning:
East Franklin, EL; Armstrong.
Fourth Ward, EL; Armstrong.
Troy Hill, EL; Armstrong.
Central, EL; Armstrong.
Leechburg; Leechburg, HS; Leechburg Union.

BEAVER COUNTY

Ambridge:
Park Road, EL; Ambridge Area.
Beaver Area, JHS; Beaver Area.
Aliquippa; Logstown, EL; Aliquippa Borough.
Rochester; Pinney Street Primary; Rochester Area.

BEDFORD COUNTY

Bedford; Colerain Township, EL; Bedford Area.
Manns Choice; Hrsn Manns Choice, EL; Bedford Area.
Hyndman; Hyndman, HS; Bedford Area.
Robertsdale; Robertsdale, EL; Tussey Mountain.

BERKS COUNTY

Hamburg:
Hamburg, EL; Hamburg Area.
Hamburg Area, JSHS; Hamburg Area.
Shoemakersville; Perry Township, EL; Hamburg Area.
Bethel; Bethel, EL, HS; Tulpehocken Area.
Bernville; Penn Bern, EL, HS; Tulpehocken Area.

BLAIR COUNTY

Bellwood:
North Side, EL; Bellwood Antis.
South Side, EL; Bellwood Antis.
Altoona:
Lady of Lourdes School; Nonpublic.
Lady of Mount Carmel; Nonpublic.
Holy Rosary School; Nonpublic.
St. John Evangelist; Nonpublic.
St. Leo School; Nonpublic.
SS. Peter and Paul; Nonpublic.
Bishop Guilfoyle; Nonpublic.

BRADFORD COUNTY

Rome; Northeast Bradford, HS; Northeast Bradford.
Ralston; Ralston, EL; Canton Area.
East Smithfield; East Smithfield School; Athens Area.
Sayre:
Central, EL; Sayre Area.
East Side, EL; Sayre Area.

BUCKS COUNTY

Blooming Glen; Margaret Seylar, EL; Pennridge.
Perkasie; Pennridge, SHS; Pennridge.
Doylestown; Central Bucks, SHS; Central Bucks.
Southampton; Geo. C. Shelmire, EL; Centennial.
Levittown:
Penn Valley, EL; Pennsbury.
Manor, EL; Pennsbury.
Fairless Hills; Oxford Valley, EL; Pennsbury.
Fallsington; Eleanor Roosevelt, EL; Pennsbury.
Yardley:
Yardley, EL; Pennsbury.
Charles H. Boehm, HS; Pennsbury.
Levittown; James Buchanan, EL; Bristol Township.
Croydon; Mary W. Devine, EL; Bristol Township.
Bristol; Lafayette, EL; Bristol Township.
Levittown; Benjamin Franklin, JHS; Bristol Township.
Bristol; Franklin D. Roosevelt, JHS; Bristol Township.
Bristol; Delhaas, HS; Bristol Township.
Levittown; Woodrow Wilson, HS; Bristol Township.
Darby; Blessed Virgin Mary; Nonpublic.
Levittown; Immaculate Conception; Nonpublic.
Eddington; St. Francis Vocational; Nonpublic.

BUTLER COUNTY

Portersville, Portersville, EL; Slippery Rock Area.
Butler; Buff Brick Butler, JHS; Butler Area.
Zelienople; Connoquenessing Valley, EL; Southwest Butler County.
Mars; Mars, HS; Mars Area.
Saxonburg; Knoch, JSHS; South Butler County.
Parker; Washington Twp., EL; Northern Butler County Joint.
West Sunbury; West Sunbury, EL; Northern Butler County Joint.
Boyers; Marion Township, EL; Northern Butler County Joint.
West Sunbury; Moniteau, JSHS; Northern Butler County Joint.

CAMBRIA COUNTY

Spangler; Northern Cambria, HS; Northern Cambria.
Cresson; Cresson Joint, HS; Penn Cambria.
Johnstown; St. Joseph School; Nonpublic.
Loretto; St. Michael School; Nonpublic.
Johnstown; Conemaugh Catholic; Nonpublic.
Johnstown; Windber Catholic; Nonpublic.
Coupon; Coupon, EL; Penn Cambria.
Gallitzin; Gallitzin, EL; Penn Cambria.
Gallitzin; Greater Gallitzin, JSHS; Penn Cambria.
Johnstown; Dibert, EL; Greater Johnstown.
Johnstown; Horner, EL; Greater Johnstown.
Johnstown; Somerset, EL; Greater Johnstown.

CARBON COUNTY

Nesquehoning; Nesquehoning, EL; Panther Valley.
Summit Hill; Summit Hill, EL, JHS; Panther Valley.
Coaldale; Coaldale, HS; Panther Valley.

CENTRE COUNTY

State College; State College Area, SHS; State College Area.
Coburn; Coburn, EL; Penns Valley.
Millheim; East Penn, EL; Penns Valley.

CHESTER COUNTY

Paoli; Royer Greaves; Nonpublic.
Phoenixville; St. Gabriels Hall; Nonpublic.

CLARION COUNTY

New Bethlehem; Mahoning Township, EL; Redbank Valley.
Hawthorn; Redbank Hawthorn, EL; Redbank Valley.
New Bethlehem; Redbank Valley, JSHS; Redbank Valley.
Sligo; Colerain Street, EL; Union.
Sligo; Taylor Street, EL; Union.
Rimersburg; Cherry Run Street, EL; Union.

CLEARFIELD COUNTY

Mahaffey; Greenwood, EL; Curwensville Area.
Clearfield; Clearfield, JHS East; Clearfield Area.
Coalport; Glendale, SHS; Glendale.

CLINTON COUNTY

Renovo; Renovo, EL; Bucktail Area Joint.

COLUMBIA COUNTY

Benton; L. Ray Appleman, EL; Benton Area.
Benton; Benton Area, JSHS; Benton Area.
Berwick; Ferris Heights, EL; Berwick Area.
Bloomsburg:
Bloomsburg Memorial, EL; Bloomsburg Area.
W. W. Evans Memorial, EL; Bloomsburg Area.
Bloomsburg Area, JHS; Bloomsburg Area.
Bloomsburg Area, SHS; Bloomsburg Area.

CRAWFORD COUNTY

Cambridge Springs:
Cambridge Springs, HS; Cambridge Springs Area Joint.
Cambridge Springs, EL; Cambridge Springs Area Joint.
Cochranton; Cochranton Joint, HS; Cochranton Area Joint System.
Townville:
Townville, EL; Townville Consolidated Joint System.
Townville, HS; Townville Consolidated Joint System.

CUMBERLAND COUNTY

Carlisle:
Carlisle, JHS; Carlisle Area.
Carlisle, SHS; Carlisle Area.
David L. Swartz, JHS; Carlisle Area.
Mechanicsburg; Silver Spring, EL; Cumberland Valley.

DAUPHIN COUNTY

Millersburg; Millersburg U Pax EL Lenk; Millersburg Area.
Middletown; G.W. Feaser Building; Middletown Area.
Royalton; Northumberland, EL; Middletown Area.
Middletown; L. J. Fink Building; Middletown Area.
Harrisburg; Central Dauphin, HS; Central Dauphin.
Hummelstown; Lower Dauphin, HS; Lower Dauphin.
Halifax; Halifax Area School; Halifax Area.
Harrisburg:
Glenwood, EL; Susquehanna Township.
Sacred Heart School; Nonpublic.

DELAWARE COUNTY

Lima; Penncrest, HS; Rose Tree Media.
Darby; Walnut Street, EL; Darby Colwyn.
Lansdowne; Delarc Training Center; Nonpublic.
Norwood; St. Gabriel; Nonpublic.
Marcus Hook; Immaculate Conception; Nonpublic.
Stonehurst; St. Alice; Nonpublic.

ELK COUNTY

Weedville; Bennetts Valley, JSHS; St. Marys Area.
St. Marys:
Spruce Street, EL; St. Marys Area.
St. Marys, HS; St. Marys Area.

ERIE COUNTY

Erie:
Marshall, EL; Erie City.
McDowell, HS; Millcreek Township.
Corry; Conelway, EL; Corry Area Joint School System.
Waterford; Waterford, EL; Fort Le Boeuf.
Erie; Summit Robison, EL; Fort Le Boeuf.
Waterford; Fort Le Boeuf, JSHS; Fort Le Boeuf.
Edinboro; Edinboro Area, EL; General McLane Joint System.
Edinboro; General McLane, HS; General McLane Joint System.
Albion; Cranesville, EL; Northwestern.
Union City; Union City, EL; Union City Joint School System.
Centerville; Bloomfield, EL; Union City Joint School System.
Union City; Concord, EL; Union City Joint School System.
Union City; Union City, JSHS; Union City Joint School System.
Wattsburg; Wattsburg Central, EL; Wattsburg Area, Joint System.
Erie; Sacred Heart; Nonpublic.
Erie; St. Andrews; Nonpublic.
Erie; St. Ann; Nonpublic.
Erie; St. Patrick; Nonpublic.
Erie; St. Paul; Nonpublic.

Harbor Creek; Harbor Creek Training; Nonpublic.

FAYETTE COUNTY

Smithfield; Smithfield, EL; Albert Gallatin Area.
Point Marion; Albert Gallatin, SHS; Albert Gallatin Area.
McClellandtown; German Township, SHS; Albert Gallatin Area.
Fayette City; Central, EL; Frazier.
Brownsville; Prospect Street; Brownsville Area.
Brownsville; Junior, HS; Brownsville Area.
Connellsville; Second Ward, EL; Connellsville Area.
Connellsville; Third Ward, EL; Connellsville Area.
Dickerson Run; East Liberty, EL; Connellsville Area.
Leisenring; West Leisenring, EL; Connellsville Area.
Dunbar; Monarch, EL; Connellsville Area.
Indian Head; Davistown, EL; Connellsville Area.
Indian Head; Indian Head, EL; Connellsville Area.
South Connellsville; New Gibson, EL; Connellsville Area.
New Salem; Procopius, EL; Nonpublic.
Connellsville:
St. Johns, EL; Nonpublic.
St. Ritas, EL; Nonpublic.
Immaculate Conception; Nonpublic.
Geibel, HS; Nonpublic.

FRANKLIN COUNTY

Waynesboro; North Street, EL; Waynesboro Area.
Mercersburg; Mercersburg, EL; Tuscarora.
Williamson; Williamson, EL; Tuscarora.

FULTON COUNTY

Harrisonville; Forbes Road, JSHS; Forbes Road.

GREENE COUNTY

Carmichaels; Central, EL; Carmichaels Area.

HUNTINGDON COUNTY

Alexandria; Alexandria, EL; Juniata Valley.
Petersburg; Petersburg, EL; Juniata Valley.
McConnellstown; Woodcock Valley, EL; Huntingdon Area.
Huntingdon; Huntingdon, JHS; Huntingdon Area.

INDIANA COUNTY

Armagh; Armagh, EL; United.
New Florence; United, HS; United.
Homer City; Laura Lamar, JSHS; Homer City.
McGees Mills; McGees, EL; Purchase Line.
Saltsburg; Iselin, EL; Elders Ridge Joint School System.

JEFFERSON COUNTY

Big Run; Big Run Gaskill, EL; Punxsutawney Area.
Anita; Parkview, EL; Punxsutawney Area.
Punxsutawney:
Bell Township, EL; Punxsutawney Area.
JHS; Punxsutawney Area.

LACKAWANNA COUNTY

Scranton:
G. Washington, S.AD.BD.; Scranton City.
J. Garfield, EL; Scranton City.
W. Irving, EL; Scranton City.
Dunmore:
Franklin, EL; Dunmore.
Jefferson; Dunmore.
Dickson City; Dickson City, HS; Dickson City.
Olyphant:
Olyphant, JHS; Olyphant Borough.
Olyphant, SHS; Olyphant Borough.
Scott Township School; Scott Township.
Throop:
Washington, EL; Throop.
Throop, HS; Throop.

LANCASTER COUNTY

Elizabethtown; Elizabethtown Elementary-Primary; Elizabethtown Area.
Lancaster; Catholic, HS; Nonpublic.

LEBANON COUNTY

Myerstown; Eastern Lebanon Co., HS; Eastern Lebanon County.
Lebanon:
Stevens, EL; Lebanon.
Fairview, EL; Lebanon.

LEHIGH COUNTY

Allentown; Roosevelt, EL; Allentown City.
Orefield; Parkland, SHS; Parkland.
Hokendauqua; Whitehall, HS; Whitehall Coplay Area.
Allentown; Central Catholic, HS; Nonpublic.
Coopersburg; Sacred Heart Home School; Nonpublic.
Allentown; St. Paul School, Nonpublic.
Allentown; Immaculate Conception; Nonpublic.

LUZERNE COUNTY

Hunlock Creek; Hunlock Township, EL; Northwest Area.
Dallas; Dallas, JHS; Dallas.
Kingston:
Jackson Street, EL; Wyoming Valley West.
Chester Street, EL; Wyoming Valley West.
Pringle Borough, EL; Wyoming Valley West.
Hemlock Street, EL; Wyoming Valley West.
Mountain Top:
Fairview, EL; Central Luzerne County Joint.
Crestwood Building; Central Luzerne County Joint.
Freeland:
Woodside, EL; Hazleton Area.
Foster Intermediate; Hazleton Area.
Hazleton; Butler Township, EL; Hazleton Area.
Nuremberg; North Union Township, EL; Hazleton Area.
West Hazleton; West Hazleton, EL; Hazleton Area.
Rock Glen; Rock Glen, JHS, EL; Hazleton Area.
Wilkes-Barre:
Askam, EL; Hanover Township.
Lee Park, EL; Hanover Township.
Newtown, EL, JHS; Hanover Township.
Hanover Township Memorial, HS; Hanover Township.
Hoyt, EL; Wilkes-Barre City.
Henry W. Palmer, EL; Wilkes-Barre City.
Ash Street, EL; Wilkes-Barre Township.

LYCOMING COUNTY

Hughesville; Hughesville, JSHS; East Lycoming.
Montoursville; Montoursville, JSHS; Montoursville Area.
Williamsport:
Abraham Lincoln, EL; Williamsport Area.
Daniel Webster, EL; Williamsport Area.
School of Hope; Nonpublic.

MCKEAN COUNTY

Bradford; Fifth Ward, EL; Bradford Area.
Duke Center; Otto Eldred, JSHS; Otto Eldred.

MERCER COUNTY

Mercer:
East, EL; Mercer Area.
West, EL; Mercer Area.
Grove City; Grove City, JHS; Grove City Area.
Sharon; Sharon City, SHS; Sharon City.
Greenville; St. Michael School; Nonpublic.

MIFFLIN COUNTY

Milroy; Armagh, EL; Mifflin County.

MONROE COUNTY

Kunkletown; Eldred Twp. School; Pleasant Valley.
Brodheadsville; Pleasant Valley, JSHS; Pleasant Valley.

MONTGOMERY COUNTY

Harmonville; Ridge Park, EL; Colonial.
Fort Washington:
Upper Dublin, HS; Upper Dublin.
Sandy Run, EL; Upper Dublin.
Landale; North Penn HS; North Penn.
Norristown:
Gotwals, EL; Norristown Area.
Hartranft, EL; Norristown Area.
Washington, EL; Norristown Area.
Eisenhower, SHS; Norristown Area.
Hatboro; St. John Bosco; Nonpublic.
Ambler; St. Mary; Nonpublic.
Willow Grove; St. David; Nonpublic.

NORTHAMPTON COUNTY

Hellertown; Saucon Valley, HS; Saucon Valley.
Bethlehem; Bethlehem Catholic, HS; Nonpublic.
Northampton; St. John Baptist; Nonpublic.

NORTHUMBERLAND COUNTY

Northumberland; Shikellamy Middle; Shikellamy.
Sunbury:
Rohrbach, EL; Shikellamy.
Thomas A. Edison, EL; Shikellamy.
Fort Augusta, EL; Shikellamy.
Hill School, EL; Shikellamy.
Drumheller, EL; Shikellamy.
Maclay, EL; Shikellamy.
Oaklyn, EL; Shikellamy.
Sunbury, JHS; Shikellamy.
Sunbury, SHS; Shikellamy.
Leck Kill; Leck Kill, EL; Line Mountain.
Herndon; Line Mountain, HS; Line Mountain.
Trevorton; Line Mountain, JHS; Line Mountain.
Shamokin:
Garfield, EL; Shamokin Area.
Lincoln, EL; Shamokin Area.

PHILADELPHIA COUNTY

Philadelphia:
City Center, EL; Philadelphia City.
J. Allison, EL; Philadelphia City.
J. L. Claghorn, EL; Philadelphia City.
A. Adaire, EL; Philadelphia City.
R. H. Conwell, EL; Philadelphia City.
J. Elverson, JR, EL; Philadelphia City.
J. C. Ferguson, EL; Philadelphia City.
J. E. Hill, EL; Philadelphia City.
Bridesburg, EL; Philadelphia City.
F. Smedley, EL; Philadelphia City.
Bayard Taylor, EL; Philadelphia City.
Benjamin B. Comegy, EL; Philadelphia City.
W. H. Harrison, EL; Philadelphia City.
Kenderton, EL; Philadelphia City.
Madison; Philadelphia City.
Henry; Philadelphia City.
East Pennsylvania Psychiatric Inst.; Nonpublic.
Pennsylvania School for Deaf; Nonpublic.
Upsal Day School; Nonpublic.
Overbrook School; Nonpublic.
M. Stuart Walker Memorial; Nonpublic.
Ascension Our Lord; Nonpublic.
Cathedral School; Nonpublic.
St. A. D. Albert School; Nonpublic.
St. Augustines; Nonpublic.
St. Bartholomew; Nonpublic.
St. Casimir; Nonpublic.
St. Catherine Siena; Nonpublic.
Our Lady of Angels; Nonpublic.
Our Lady of Holy Sepulcher; Nonpublic.
Lady of Pompei; Nonpublic.
St. Johns Orphanage; Nonpublic.
Stella Maris School; Nonpublic.
St. Thomas Aquinas; Nonpublic.

St. William School: Nonpublic.
Epiphany School; Nonpublic.
St. Francis de Sales; Nonpublic.
St. Gabriels; Nonpublic.
Gesu Catholic School; Nonpublic.
Holy Spirit; Nonpublic.
St. Hugh; Nonpublic.
Immaculate Conception; Nonpublic.
Immaculate Conception; Nonpublic.
St. Joan of Arc; Nonpublic.
King of Peace; Nonpublic.
Little Flower; Nonpublic.
St. Josephs House; Nonpublic.
St. Hubert, HS; Nonpublic.
Roman Catholic, HS; Nonpublic.
Little Flower, HS; Nonpublic.
Hallahan, HS; Nonpublic.
Father Judge, HS; Nonpublic.
Claver Girls School; Nonpublic.

POTTER COUNTY

Shinglehouse; Oswayo Valley, JSHS; Oswayo Valley.
Harrison Valley; Harrison Valley, EL; Northern Potter.
Ulysses:
Ulysses, EL; Northern Potter.
Northern Potter, HS; Northern Potter.

SCHUYLKILL COUNTY

Williamstown; Williamstown, HS; Williams Valley.
Schuylkill Haven; Blue Mountain, JSHS; Blue Mountain.
Pottsville:
Centre Street, EL; Pottsville Area.
Jalappa, EL; Pottsville Area.
Minersville State; Pottsville Area.
Pottsville, HS; Pottsville Area.
Ashland; Fountain Springs, EL; North Schuylkill.
Frackville:
Lincoln, EL; North Schuylkill.
Washington, JSHS; North Schuylkill.
Ringtown; Ringtown, HS; North Schuylkill.
Mahanoy City:
St. Nicholas, EL; Mahanoy Area.
12th Street, EL; Mahanoy Area.
Spruce Street, EL; Mahanoy Area.
Barnesville; Park Crest, EL; Mahanoy Area.
Mahanoy City:
Mahanoy, JHS; Mahanoy Area.
Mahanoy, SHS; Mahanoy Area.
Tamaqua:
Pine Street, EL; Tamaqua Area.
R. F. Ditchburn, EL; Tamaqua Area.
Tamaqua, JHS; Tamaqua Area.
Tamaqua, SHS; Tamaqua Area.
Shenandoah; J. W. Cooper, HS; Shenandoah Borough.
Tamaqua; Marian, HS; Nonpublic.
Pottsville; St. Joseph Day; Nonpublic.
Ashland:
St. Joseph; Nonpublic.
St. Mauritius; Nonpublic.
Coaldale; SS. Cyril and Methodius; Nonpublic.
Hecksherville; St. Kieran; Nonpublic.
Pottsville; St. Patrick; Nonpublic.
Shenandoah:
St. Casimir; Nonpublic.
St. George; Nonpublic.
St. Clair; St. Mary; Nonpublic.
Bethlehem; SS. Cyril and Methodius, Nonpublic.
Pottsville; Nativity of Blessed Virgin Mary, HS; Nonpublic.

SNYDER COUNTY

Middleburg; Middleburg, HS; Middleburg Joint System.

SOMERSET COUNTY

Kantner; Forbes Joint, HS; Forbes Joint School System.
Markleton; Mudcreek Unified-Turkeyfoot; Rockwood Area.
Springs; Springs, EL; Salisbury Elk Lick Joint.

SUSQUEHANNA COUNTY

Clifford; Clifford, EL; Mountain View.
Harford; Harford, EL; Mountain View.

UNION COUNTY

Lewisburg; Lewisburg, SHS; Lewisburg Area.
Mifflinburg:
Mifflinburg, EL; Mifflinburg Area.
Mifflinburg, JSHS; Mifflinburg Area.

WARREN COUNTY

Tiona; Washington, EL; Warren County.
Bear Lake; Lottsville, EL New; Warren County.
Warren:
Beaty, JHS; Warren County.
Warren Area, SHS; Warren County.

WASHINGTON COUNTY

Hickory; Mount Pleasant Township, EL; Fort Cherry.
Atlasburg; Atlasburg, EL; Burgettstown Area.
Avella:
Avella, EL; Avella Area.
Avella, JSHS; Avella Area.
Canonsburg:
First Ward, EL; Canon McMillan.
Peters Township, JSHS; Peters Township.
Washington:
Hayes, EL; Trinity Area.
Wylie, EL; Trinity Area.
Trinity, JSHS; Trinity Area.
Sixth Ward, EL; Washington.
Donora; Allen, EL; Ringgold.
Roscoe; Roscoe, EL; California Area.
Ellsworth; Ellsworth Borough, EL; Bentworth.
Scenery Hill; Scenery Hill, EL; Bentworth.
Eighty Four; Somerset Township Consolidated; Bentworth.

WAYNE COUNTY

Hawley; Blooming Grove, EL; Wallenpaupack Joint System.
Canaan; South Canaan Township, EL; Western Wayne Joint.

WESTMORELAND COUNTY

Northwest Kensington; Unified Burrell Township, EL; Burrell.
Salina; Bell Township, EL; Kiski Area.
Derry:
Derry, JHS; Derry Area.
Derry, SHS; Derry Area.
New Florence; Laurel Valley Joint, HS; Ligonier Valley.
Ligonier; Alvin P. Carey; Ligonier Valley.
Irwin; Brush Creek, EL; Hempfield Area.
Greensburg; Harrold, JHS; Hempfield Area.
Youngwood; Youngwood, JHS; Hempfield Area.
Ruffsdale; South Huntingdon Township, HS; Yough.
Rillton; Rillton, EL; Yough.
Claridge; Claridge, EL; Penn Trafford.
Arnold; Victoria, EL, SEC; New Kensington Arnold.
New Kensington:
Third Ward, EL; New Kensington Arnold.
Martin, EL; New Kensington Arnold.
Irwin; St. Agnes, EL; Nonpublic.

YORK COUNTY

York:
North Hills, JHS; Central York.
York Township, EL; Dallastown Area.
Dover; Dover, HS; Dover Area.
Stewartstown; Stewartstown, EL; Southeastern.
Glen Rock; Susquehannock, JSHS; Southern York County.
Spring Grove; Spring Grove, SHS; Spring Grove Area.
York:
West York Area, JH; West York Area.
Seventh Day Adventist; Nonpublic.

1968–69 Additions to the 1967–68 List

Location, city or town, name of school, and LEA district

ADAMS COUNTY

York Springs; Bermudian Springs, HS; Bermudian Springs, Joint.
Fairfield; Fairfield, HS, EL; Fairfield Area.
Cashtown; Franklin Township, EL; Franklin Township.
Gettysburg:
Keefauver; Gettysburg, Joint.
Eisenhower; Gettysburg, Joint.
New Oxford; Berlin Ave., EL; New Oxford.
Biglerville; Biglerville, EL; Upper Adams.

ALLEGHENY COUNTY

Pittsburgh 37:
Ingomar, JHS; North Allegheny.
North Allegheny, JSHS; North Allegheny.
Pittsburgh; Ingomar Middle; North Allegheny.
Sewickley; Sewickley, EL; Quaker Valley.
Glenfield; Glenfield, EL; Quaker Valley.
Sewickley; Quaker Valley, JHS; Quaker Valley.
Pittsburgh 2:
Avalon Boro, EL; Avalon Boro.
Avalon Boro, HS; Avalon Boro.
Braddock; Carnegie Library, BL; Braddock Boro.
Brackenridge; Prospect, EL; Highlands.
McKeesport:
McKeesport, JHS; McKeesport Area.
White Oak, EL; McKeesport Area.
Pittsburgh 28; Mt. Lebanon, SHS; Mt. Lebanon.
Carnegie; Gregg St., EL; Chartiers Valley.
Pittsburgh 20; Chartiers Valley, SHS; Chartiers Valley.
Indianola; Indianola EL; Fox Chapel A.
Pittsburgh 38; Fox Chapel, HS; Fox Chapel A.
McKees Rocks; Montour, SHS; Montour.
Carnegie; Harding, JHS; Carlynton.
Crafton; Crafton, JSHS; Carlynton.
McKees Rocks; S. C. Foster, EL; Sto Rox.
Pittsburgh 5; Fairywood, EL; Pittsburgh.
Pittsburgh 13; Holmes, EL; Pittsburgh.
Pittsburgh 10; Knoxville, EL; Pittsburgh.
Pittsburgh 18; Prospect, EL; Pittsburgh.
Pittsburgh 33; John M. Conroy, JHS; Pittsburgh.
Pittsburgh:
Arsenal Girls Vocational, HS; Pittsburgh.
Oliver Preprimary; Pittsburgh.
Duquesne; Duquesne, JHS; Duquesne City.
Brentwood; Elroy Ave., EL; Brentwood Boro.
Pittsburgh; John H. Linton Inter; Penn Hills.
Swissvale; Milligan, EL; Swissvale Area, Joint.
Pittsburgh; Braddock Hills, EL; Swissvale Area, Joint.
Beaver Falls; Holy Trinity; Nonpublic.
Pittsburgh; St. Elizabeth, Grade, HS; Nonpublic.
Swissvale; St. Anselem, Grade, HS; Nonpublic.
Verona; St. Joseph; Nonpublic.
Pittsburgh; Assumption, EL; Nonpublic.
Braddock; St. Michael, EL; Nonpublic.
Crafton, St. Philip, EL; Nonpublic.
Pittsburgh:
St. Adalbert, Grade, HS; Nonpublic.
St. Basil, Grade, HS; Nonpublic.
St. John Evang, EL; Nonpublic.
St. Henry, EL; Nonpublic.
St. Wendelin, EL; Nonpublic.
St. Joseph, Grade, HS; Nonpublic.
E. Pittsburgh; St. William, EL; Nonpublic.
Emsworth; Holy Family Inst; Nonpublic.
McKees Rocks; St. Mary, Grade, HS; Nonpublic.
Allison PK; St. Ursula, EL; Nonpublic.
Pittsburgh:
St. Rosalia, Grade, HS; Nonpublic.
St. Mary Mt., Grade, HS; Nonpublic.
Most Holy Name, EL; Nonpublic.
St. Mary, EL; Nonpublic.
St. Leo; Nonpublic.
Annunciation, EL; Nonpublic.

Resurrection, EL; Nonpublic.
St. Peter, EL; Nonpublic.
Epiphany School; Nonpublic.
Frederic Ozanam School; Nonpublic.
Holy Family School; Nonpublic.
St. Kieran School; Nonpublic.
St. James, EL; Nonpublic.
Holy Innocents, Grade, H; Nonpublic.
St. Catherine, EL; Nonpublic.
St. Justin, Grade, HS; Nonpublic.
Mt. Lebanon; S Hills Catholic; Nonpublic.
Homestead; Boyle; Nonpublic.
Coraopolis, Gilmary; Nonpublic.
Pittsburgh:
North Catholic; Nonpublic.
Canevin; Nonpublic.
Central Catholic; Nonpublic.
Castle Shannon; St. Anne, EL; Nonpublic.

ARMSTRONG COUNTY

Avonmore; Horrell, EL; Apollo Area, Joint.
Kittanning; Kittanning, SHS; Armstrong.
Leechburg:
Leechburg; Leechburg Union.
Gilpin Township, EL; Leechburg Union.

BEAVER COUNTY

Industry; Western Beaver, JSHS; Western Beaver C.
Midland:
First St., EL; Midland Boro.
Seventh St., EL; Midland Boro.
Beaver Falls:
Fifth Ave., EL; Beaver Falls Area.
Thirty Seventh St., EL; Beaver Falls Area.
Thirty Eighth St., EL; Beaver Falls Area.
Steffin Hill, EL; Beaver Falls Area.
Geneva Hill, EL; Beaver Falls Area.
West Aliquippa; Washington, EL; Aliquippa Boro.
Aliquippa:
McDonald, EL; Aliquippa Boro.
Spaulding; Aliquippa Boro.
Franklin, EL; Aliquippa Boro.
Koppel; Big Beaver, EL; Big Beaver Area, Joint.
Beaver Falls; Chippewa Township, EL; Highland Suburban, Joint.
Monaca; Potter Township, EL; Potter Township.
Hookstown:
South Side, EL; South Beaver County, Joint.
South Side, HS; South Beaver County, Joint.

BEDFORD COUNTY

Bedford; North, EL; Bedford Area.
Hopewell; RBT P Smith School; Northern Bedford County System.

BERKS COUNTY

Robesonia; Robesonia, EL; Conrad Weiser Area.
Reading:
Alsace Township, EL; Oley Valley Area.
Tyson Schoener, EL; Reading.
Thomas H. Ford, EL; Reading.
Amanda E. Stout, EL; Reading.
Schuylkill Ave., EL; Reading.
Glenside, EL; Reading.
Lauers Park, EL; Reading.
Southwest, JHS; Reading.
Reading, SHS; Reading.

BLAIR COUNTY

Altoona:
Adams School; Altoona A.
Garfield School; Altoona A.
Jefferson School; Altoona A.
McKinley School; Altoona A.
Washington School; Altoona A.
Wright School; Altoona A.
Irving, EL; Altoona A.
Juniata Gap School; Altoona A.
Hollidaysburg; Blair, EL; Hollidaysburg Area.
Newry; St. Patrick; Nonpublic.
Hollidaysburg; Hollidaysburg Catholic; Nonpublic.
Altoona; McNelis Catholic; Nonpublic.

BRADFORD COUNTY

Leraysville; Leraysville, EL; Northeast Bradford.
Rome; Rome, EL; Northeast Bradford.
Warren Center; Warren Center, EL; Northeast Bradford.
Nichols; Windham Center, EL; Northeast Bradford.
Rome; Northeast Bradford, HS; Northeast Bradford.
Canton; Ogdensburg, EL; Canton Area.
Roaring Branch; Roaring Branch, EL; Canton Area.
Sayre; Milltown, EL; Sayre Area.

BUCKS COUNTY

Revere; Nockamixon, EL; Palisades.
Pleasant Valley; Springfield, EL; Palisades.
Pipersville; Tinicum, EL; Palisades.
Feasterville; Poquessing, EL; Neshaminy.
Penndel; Herbert Hoover; Neshaminy.
Langhorne; Tawanka, EL; Neshaminy.
Levittown; Carl Sandburg, JHS; Neshaminy.
Langhorne:
Neshaminy, SHS; Neshaminy.
O. Heckman, EL; Neshaminy.
Feasterville; Assumption BVM; Nonpublic.
Kintnersville; Palisades, HS; Palisades.

BUTLER COUNTY

Butler:
Broad St., EL; Butler Area.
Penn, EL; South Butler County.
Saxonburg; Knoch, JSHS; South Butler County.
Butler:
St. Mary Assumption; Nonpublic.
St. Paul; Nonpublic.

CAMBRIA COUNTY

Barnesboro:
Roosevelt, EL; Northern Cambria.
Kennedy; Northern Cambria.
Patton; Patton, HS; Cambria Heights.
Windber; Eureka 42, EL; Forest Hills.
Johnstown:
Chandler, EL; Greater Johnstown.
Cypress, EL; Greater Johnstown.
West End Catholic; Nonpublic.
Spangler; North Cambria Catholic; Nonpublic.
Johnstown; Center Catholic St. JN Ext.; Nonpublic.
Portage; St. Joseph, EL; Nonpublic.
Nicktown; St. Nicholas, EL; Nonpublic.
Johnstown:
Visitation BVM; Nonpublic.
St. Benedict School; Nonpublic.
Gallitzin; St. Patrick School; Nonpublic.
Cresson; St. Aloysius, EL; Nonpublic.
Johnstown; Bishop McCort, HS; Nonpublic.

CARBON COUNTY

Lehighton; Lehighton Area, HS; Lehighton Area.

CENTRE COUNTY

State College; Matternville, EL; State College Area.

CHESTER COUNTY

Oxford:
Oxford Area, EL; Oxford Area.
Oxford Area, Inter.; Oxford Area.
Oxford Jt., HS; Oxford Area.
Coatesville:
Rainbow, EL; Coatesville Area.
Benner School; Coatesville Area.
Gordon, JHS; Coatesville Area.
Scott, SHS; Coatesville Area.
Intermediate High; Coatesville Area.
Atglen; Octorara Inter. School; Octorara.
West Chester:
E. N. Peirce School; West Chester Area.
J. R. Fugett School; West Chester Area.
High St.; West Chester Area.
West Chester, SHS; West Chester Area.
Toughkenamon; New Garden, EL; Kennett Cons.
Kennett Square:
Greenwood, EL; Kennett Cons.
Kennett Consol. School; Kennett Cons.
West Chester; Saint Agnes; Nonpublic.

CLARION COUNTY

Corsica; Corsica, EL; Clarion Limestone Area System.
Knox; Keystone, JSHS; Keystone.
Leeper:
Farmington Main, EL; North Clarion County.
N. Clarion County, JSHS; North Clarion County.
Sligo; Sligo, EL; Union.

CLEARFIELD COUNTY

Cherry Tree; Cherry Tree; Harmony.
Westover; Westover, EL; Harmony.
Clearfield:
Clearfield, SHS; Clearfield Area.
Day Care Center; Clearfield Area.
Junior High School; Clearfield Area.
Philipsburg; Philipsburg, EL; Philipsburg Osceola Area System.

CLINTON COUNTY

Renovo; Bucktail, EL; Renovo Bucktail Area, Joint.
Lock Haven:
McGhee, EL; Lock Haven Area, Joint.
Robb, EL; Lock Haven Area, Joint.
Center, EL; Lock Haven Area, Joint.
Lock Haven, JHS; Lock Haven Area, Joint.
Lock Haven, SHS; Lock Haven Area, Joint.
Renovo; St. Joseph School; Nonpublic.

CRAWFORD COUNTY

Conneaut Lake:
Fallowfield, EL; Conneaut Lake Area, Joint.
Conneaut Lake, HS; Conneaut Lake Area, Joint.
Conneautville; Conneaut Valley, EL; Conneaut Valley.
Linesville; Linesville, EL; Linesville Conneaut Summit, Joint.
Harmonsburg; Harmonsburg, EL; Linesville Conneaut Summit, Joint.
Meadville; East End, EL; Meadville Area Un.
Saegertown; Saegertown, HS; Saegertown, Joint.

CUMBERLAND COUNTY

Shippensburg; Central, EL Bldg.; Shippensburg Area.

DAUPHIN COUNTY

Lykens; Lykens, EL; Upper Dauphin.
Harrisburg:
Central Dauphin, EJHS; Central Dauphin.
Shimmell, EL; Harrisburg City.
Webster, EL; Harrisburg City.

DELAWARE COUNTY

Wayne; Wayne, EL; Radnor Township.
Bryn Mawr; Ithan, EL; Radnor Township.
Chester:
Dewey, EL; Chester City.
Franklin, EL; Chester City.
Jefferis, EL; Chester City.
Larkin, EL; Chester City.
Lincoln, EL; Chester City.
Martin, EL SP ED; Chester City.
Morton, EL; Chester City.
Stetser, EL; Chester City.
Washington, EL; Chester City.
Watts, EL; Chester City.
Wm. Penn, EL; Chester City.
Douglass, JHS; Chester City.
Showalter, JHS; Chester City.
Smedley, JHS; Chester City.
Gen. CSMR Pulaski, JHS; Chester City.
Chester, HS; Chester City.
Franklin, EL; Chester City.
Toby Farms, EL; Chester Township.
Collingdale:
Marg. B. Harris, EL; Collingdale Boro.
Collingdale, JSHS; Collingdale Boro.

Folcroft; Delcroft, EL School; Folcroft Boro.
Morton; Sidney-Smedley, EL; Morton Boro.
Chester; Green Ridge, EL; Penn Delco Union.
Upland; Main St., EL; Upland Boro.
Milmont PK; Our Lady of Peace; Nonpublic.
Chester; St. Michael; Nonpublic.

ERIE COUNTY

Erie:
Jones, EL; Erie City.
Westlake, JHS; Millcreek Township.
Harbor Creek; Harbor Creek, JSHS; Harbor Creek Township.
North East; Earle C. Davis School; North East, Joint.
Erie:
Mt. Calvary School; Nonpublic.
Blessed Sacrament; Nonpublic.
St. Mary School; Nonpublic.

FAYETTE COUNTY

McClellandtown; Ralph, EL; Albert Gallatin Area System.
Smithfield; Smithfield, EL; Albert Gallatin Area System.
Brownsville; Cox Donahey; Brownsville Area.
Connellsville; Dunbar, EL; Connellsville.
South Connellsville; South Connellsville, EL; Connellsville.
Uniontown:
R. W. Clark, EL; Laurel Highlands.
John F. Kennedy, EL; Laurel Highlands.
North Laurel, JSHS; Laurel Highlands.
Hatfield, EL; Laurel Highlands.
South Laurel, HS; Laurel Highlands.
Hutchinson, EL; Laurel Highlands.
Lemont Furnace; Marshall, EL; Laurel Highlands.
Harkleysburg; Henry Clay Township, EL; Uniontown Area.
Uniontown; Menallen, EL; Uniontown Area.
Ohiopyle; Ohiopyle Stewart, EL; Uniontown Area.
Uniontown:
Benjamin Franklin, JHS; Uniontown Area.
Lafayette, JHS; Uniontown Area.
Uniontown, Joint, SHS; Uniontown Area.
Farmington; Wharton Union, EL; Uniontown Area.
Connellsville; Consolidated Area Catholic; Nonpublic.

FRANKLIN COUNTY

Chambersburg; Thad Stevens, EL; Chambersburg Area.
Quincy; Winter, EL; Waynesboro.

FULTON COUNTY

Harrisonville; Green Hill, EL; Central Fulton.

GREENE COUNTY

Waynesburg:
North Ward, EL; Central Greene.
East Ward, EL; Central Greene.
Rices Landing; Dry Tavern, EL; Jefferson Morgan.
Mather; Mather, EL; Jefferson Morgan.

HUNTINGTON COUNTY

Orbisonia; Rockhill, EL; South Huntingdon County.

INDIANA COUNTY

Saltsburg; Saltsburg, HS; Blairsville Saltsburg.
Penn Run; Penn Run, EL; Penns Manor.
Heilwood; Heilwood, EL; Penns Manor.

JEFFERSON COUNTY

Brookville; North Side, EL, W; Brookville Area.

LACKAWANA COUNTY

Scranton; J Madison, EL; Scranton City.
Dunmore; Dunmore Boro, SHS; Dunmore.
Moscow; Moscow, EL; North Pocono.
Scranton:
Holy Rosary, HS, EL; Nonpublic.
St. Mary Assumption; Nonpublic.
Dunmore:
St. Anthony, EL; Nonpublic.
Dunmore Central Catholic; Nonpublic.
Scranton; South Scranton Central Catholic; Nonpublic.

LANCASTER COUNTY

Lancaster; Smoketown, EL; Conestoga Valley.
Leola:
Leola, EL; Conestoga Valley.
Conestoga Valley, JHS; Conestoga Valley.
Lancaster; Conestoga Valley, HS; Conestoga Valley.
Marietta; Marietta, EL; Donegal.
Bowmansville; Brecknock Township, EL; East Lancaster County.
Naruon; Beartown, EL; East Lancaster County.
New Holland:
Western, EL; East Lancaster County.
Hinkletown, EL; East Lancaster County.
Garden Spot, HS; East Lancaster County.
Summit Valley, EL; East Lancaster County.
Elizabethtown; West, HS, EL; Elizabethtown.
Columbia:
Park, EL; Columbia Boro.
Columbia, HS; Columbia Boro.
Intercourse; Leacock, EL; Pequea Valley.
Gap; Salisbury Township, EL; Pequea Valley.
Kinzers:
Pequea Valley, Joint, HS; Pequea Valley.
Intermediate; Pequea Valley.
Quarryville; Solanco, HS; Solanco.
Lititz:
Lititz, EL; Warwick.
John Beck, EL; Warwick.
Lancaster:
Fulton, EL; Lancaster City.
Higbee, EL; Lancaster City.
Reigart, EL; Lancaster City.
Washington, EL; Lancaster City.
Ed. Hand, JHS; Lancaster City.
J. F. Reynolds, JHS; Lancaster City.
J. P. McCaskey, HS; Lancaster City.
Elizabethtown; Patton Masonic Inst; Nonpublic.

LAWRENCE COUNTY

New Castle:
Harry Lockley, EL; New Castle Area.
West Side, EL; New Castle Area.
Thad Stevens, EL; New Castle Area.

LEBANON COUNTY

Annville; Jonestown, EL; Northern Lebanon.
Lebanon:
Lebanon, SHS; Lebanon.
Burrowes, EL; Lebanon.
Lebanon Catholic, HS; Nonpublic.

LEHIGH COUNTY

Allentown:
Jefferson, EL; Allentown City.
Mosser, EL; Allentown City.
Central, EL; Allentown City.
Raub, JHS; Allentown City.
South Mountain, JHS; Allentown City.

LUZERNE COUNTY

Ashley:
Ashley, EL 2; Ashley Sugar Notch Jt.
Ashley Boro, HS; Ashley Sugar Notch Jt.
Trucksville; Westmoreland, EL; Dallas.
Duryea; Duryea, EL; Pittston Area.
Pittston:
Jefferson, EL; Pittston Area.
Pittston, HS; Pittston Area.
Pittston A, HS; Pittston Area.
Jenkins, EL; Pittston Area.
White Haven; White Haven, EL; Central Luzerne County Joint.
Nanticoke; John F. Kennedy, EL; GRTR Nanticoke Area System.
Glen Lyon:
Pulaski JHS; GRTR Nanticoke Area System.
Newport High School; GRTR Nanticoke.
Nuremburg; Nuremburg, EL; Hazleton Area.
Rock Glen; Black Creek, EL; Hazleton Area.
W. Hazleton; Encke, EL; Hazleton Area.
Rock Glen; Black Creek, JHS; Hazleton Area.
Wilkes Barre; S S Memorial, EL; Wilkes Barre City.
Hazleton; St. John, EL; Nonpublic.
Mountain Top; St. Jude, EL; Nonpublic.
Plymouth; St. Stephen, EL; Nonpublic.
Ashley; St. Leo School; Nonpublic.
Hazleton; St. Gabriel, HS; Nonpublic.
Wilkes Barre; St. Aloysius; Nonpublic.

LYCOMING COUNTY

Hughesville; Hughesville, EL; East Lycoming.
Williamsport; J. Henry Cochran, EL; Williamsport Area.
Jersey Shore; Jersey Shore, JHS; Jersey Shore Area.

MCKEAN COUNTY

E. Smethport; Creative Center; Smethport Area.
Cyclone; Cyclone, EL; Smethport Area.
Smethport:
Farmers Valley, EL; Smethport Area.
Smethport, EL; Smethport Area.

MERCER COUNTY

Greenville; Greenville, SHS; Greenville Area.
W. Middlesex; West Middlesex, HS and EL; West Middlesex Area.
Grove City:
Highland, EL; Grove City Area.
PA JR, Republic; Grove City.
Farrell:
Eckles, EL; Farrell Area.
John Hetra, EL; Farrell Area.

MIFFLIN COUNTY

Granville; Granville, EL; Mifflin County.
Lewistown; Juniata Terrace, EL; Mifflin County.
McVeytown; McVeytown Oliver, EL; Mifflin County.
Lewistown; Lewistown Gran, SRH; Mifflin County.

MONROE COUNTY

Stroudsburg; Clearview, EL; Stroudsburg Area.
Cresco; Pocono Central Cath; Nonpublic.

MONTGOMERY COUNTY

Conshohocken; H. S. Walker, EL; Colonial.
Lower Salford; New Life Boy Ranch; Souderton Area.
Pottstown; Central, JHS; Pottstown.
Norristown; St. Patrick; Nonpublic.
Pottstown; St. Peter, EL; Nonpublic.
Schwenksville; St. Mary's, EL; Nonpublic.
Lansdowne; St. Philomena Catholic; Nonpublic.

MONTOUR COUNTY

Danville; Danville, JHS; Danville Area.

NORTHAMPTON COUNTY

Pen Argyl; Pen Argyl Area, SHS; Pen Argyl Area.
Bath; Wolf EL Bath; Northampton Area.
Bethlehem; Stevens, EL; Bethlehem Area.

NORTHUMBERLAND COUNTY

Dalmatia; Dalmatia, EL; Line Mountain.
Trevorton; Trevorton, EL; Line Mountain.
Mount Carmel; Holy Spirit School; Nonpublic.

PERRY COUNTY

Elliottsburg; Green Park, EL; West Perry.

PHILADELPHIA COUNTY

Philadelphia:
F. A. Bregy, EL; Philadelphia City School District.
L. C. Cassidy, EL; Philadelphia City School District.
R. E. Lamberton, EL; Philadelphia City School District.

Wm. B. Mann, EL; Philadelphia City School District.
Overbrook, EL; Philadelphia City School District.
T. J. Powers, EL Annex; Philadelphia City School District.
J. L. Kinsey, EL; Philadelphia City School District.
J. F. McCloskey, EL; Philadelphia City School District.
W. Rowen, EL; Philadelphia City School District.
J. Dobson, EL Annex; Philadelphia City School District.
Widener Memorial School; Philadelphia City School District.
C. Barton, EL; Philadelphia City School District.
L. H. Carnell, EL; Philadelphia City School District.
T. Creighton, EL; Philadelphia City School District.
A. K. McClure, EL; Philadelphia City School District.
T. Holme, EL; Philadelphia City School District.
Mayfair, EL; Philadelphia City School District.
J. H. Moore, EL; Philadelphia City School District.
Shallcross, SC Truant; Philadelphia City School District.
S. Solis Cohen, EL; Philadelphia City School District.
G. Spruance, EL; Philadelphia City School District.
D. L. Keyser, EL; Philadelphia City School District.
S. Powel, EL; Philadelphia City School District.
Dimner Beeber, JHS; Philadelphia City School District.
J. Cooke, JHS; Philadelphia City School District.
S. S. Fels, JHS; Philadelphia City School District.
Gen. L. Wagner, JHS; Philadelphia City School District.
W. Wilson, JHS; Philadelphia City School District.
Hila. SHS Girls; Philadelphia City School District.
Northeast, SHS; Philadelphia City School District.
Chas. Carroll, EL; Philadelphia City School District.
Thomas B. Read, EL; Philadelphia City School District.
A. M. Stearne, EL; Philadelphia City School District.
Duckrey, EL; Philadelphia City School District.
Ben Ruch, EL; Philadelphia City School District.
Wissahickon Cook; Philadelphia.
Longfellow; Philadelphia.
Conwell Mid Magnet; Philadelphia.
Drexel Learning CTR; Philadelphia.
Philadelphia Youth Dev. Day; Philadelphia.
Youth Study Center; Philadelphia.
Comegys School; Philadelphia.
St. Peter and Paul Catholic; Nonpublic.
Immaculate Conception; Nonpublic.
Our Lady of Confidence; Nonpublic.
St. Agnes; Nonpublic.
St. Aloysius School; Nonpublic.
St. Francis Xavier; Nonpublic.
Holy Child; Nonpublic.
Holy Family; Nonpublic.
Holy Redeemer; Nonpublic.
St. Ludwig; Nonpublic.
St. Madeleine Sophie; Nonpublic.
St. Martin of Tours; Nonpublic.
St. Mary of the Eternal; Nonpublic.
St. Paul Elementary School; Nonpublic.
St. Peter Apostle School; Nonpublic.
St. Raymond, EL; Nonpublic.
St. Rose of Lima; Nonpublic.
St. Barnabas; Nonpublic.
St. Carthage; Nonpublic.
St. Clement School; Nonpublic.
St. Columbia; Nonpublic.
St. Gregory; Nonpublic.
St. Gabriel; Nonpublic.
Gesu Elementary; Nonpublic.
St. Vincent School; Nonpublic.
Visitation; Nonpublic.
St. Katherine Day; Nonpublic.
Saint Basil School; Nonpublic.
St. Lucy's, EL; Nonpublic.
St. Barbara, EL; Nonpublic.
Annunciation, EL; Nonpublic.
School of Moorish Science; Nonpublic.

SCHUYLKILL COUNTY

Williamstown; Williams Township, EL; Williams Valley.
Klingerstown; Mahantongo, EL; Tri Valley.
Hegins; Tri Valley, JSHS; Tri Valley.
Orwigsburg; Blue Mountain, EL; Blue Mountain.
Heckscherve; Duncott, EL; Minersville Area.
Frackville; Frackville Secondary; N Schuylkill.
Shenandoah:
Shenandoah Valley, HS; Shenandoah Valley.
Shenandoah Heights, EL; Shenandoah Valley.

SNYDER COUNTY

Middleburg; Middleburg, EL; Middleburg Joint.
Selinsgrove; Selinsgrove, JSHS; Selinsgrove Area Joint.

SOMERSET COUNTY

Hooversville; Hooversville, EL; Forbes Joint.
Wellersburg; Wellersburg, EL; Meyersdale Area.
Windber; Windber East End, EL; Windber Area.

SUSQUEHANNA COUNTY

New Milford:
New Milford, EL; Blue Ridge.
Blue Ridge, HS; Blue Ridge.
Pleasant Mount; Mt. Pleasant, EL; Forest CY Regional.
Forest City; Wm. Penn; Forest CY Regional.

TIOGA COUNTY

Westfield; Westfield Township, EL; Northern Tioga.
Tioga; Williamson, HS; Northern Tioga.
Elkland; Elkland, HS; Northern Tioga.
Mansfield; Mansfield, JSHS; Southern Tioga.

UNION COUNTY

Lewisburg; Lewisburg, JHS; Lewisburg Area.

WASHINGTON COUNTY

Canonsburg; Borland Manor, EL; Canon McMillan.
Washington:
Trinity, SRH; Trinity Area.
Trinity, JHS; Trinity Area.
Donora; Sampson Star, EL; Ringgold.
Fredericktown; Union School; Bethlehem Center.
Mariana; W. Bethlehem, EL; Bethlehem Center.
Monongahela; Monongahela Valley; Nonpublic.
Washington; Immaculate Conception, GR & HS; Nonpublic.

WESTMORELAND COUNTY

Lower Burrell:
Burrell, JHS; Burrell.
Burrell, SHS; Burrell.
Latrobe:
Sixth Ward, EL; Greater Latrobe.
Baggaley, EL; Greater Latrobe.
Greensburg; Mountain View, EL; Greater Latrobe.
Youngstown; Youngstown, EL; Greater Latrobe.
Mt. Pleasant:
Third Ward, EL; Mt. Pleasant Area.
Ramsay, JHS; Mt. Pleasant Area.
Hurst, JHS; Mt. Pleasant Area.
Belle Vernon:
N. Belle Vernon, EL; Belle Vernon Area.
Rostraver Township, EL; Belle Vernon Area.
Jeannette:
W. Jeannette, EL; Jeannette City.
Jeannette, JHS; Jeannette City.
Alverton; Alverton, EL; Southmoreland.
Ruffsdale; Ruffsdale, EL; Southmoreland.
Scottdale; Central Grade School; Southmoreland.
Alverton; Southmoreland, SHS; Southmoreland.
Scottdale; Southmoreland, JHS; Southmoreland.
Monessen; Monessen Catholic; Nonpublic.
Mt. Pleasant; Visitation, EL; Nonpublic.

WYOMING COUNTY

Tunkhannock; Tunkhannock, HS; Tunkhannock Area.

YORK COUNTY

Dover; Dover Intermediate; Dover Area.
East Prospect; Canadochly, EL; Eastern York.
Wrightsville; Easter, HS; Easter York.
Spring Grove; Spring Grove, JHS; Spring Grove Area.
York; Noell, EL; York City.

RHODE ISLAND

1968–69

The additions and deletions applicable for 1967–68 will remain in effect for 1968–69.

The basic list (1966–67), with additions and deletions for 1967–68, appears on page 8153 of the FEDERAL REGISTER, Vol. 33, No. 106—Thursday, May 30, 1968, Part II.

SOUTH CAROLINA

1968–69

Revised list of deletions from the 1967–68 list.

(NOTE.—This list supersedes the list of deletions published on page 8155 of the FEDERAL REGISTER, Volume 33, Number 106, Part II, May 30, 1968.)

City and school

Aiken; Sleepy Hollow, EL.
Anderson; Westside, HS.
Eastover; Cross Roads.
Fairforest; Lincoln, EL.
Florence:
Harllee.
Wilson, HS.
Gadsden; Gadsden, EL.
Green Sea; Green Sea, EL.
Hampton; Ben Hazel, EL.
Hardeeville; Matthew E. West, HS.
Hartsville; Butler, JHS.
Inman; Mary Bethune School.
McColl; Adamsville.
Piedmont; Spearman, EL.
Union; Sims, HS.
West Columbia; Lakeview, HS.
Williamston; Caroline, EL.
Yonges Island; Baptist Hill, HS.

1968–69

Supplemental list of additions to the 1967–68 list.

(NOTE.—The following schools are to be added to the list of additions published on pages 8155–56 of the FEDERAL REGISTER, Volume 33, Number 106, Part II, May 30, 1968.)

City and school

Abbeville; J. S. Wright, HS.
Aiken; Schofield, HS.
Anderson; Mountain Springs, EL.
Batesburg, Twin City, EL.
Bath; Jefferson, HS.
Bennettsville; Wright, EL.
Bradley; Promised Land, EL.
Camden; Jackson, JHS.
Cassatt; Midway, EL.
Charleston:
Charles A. Brown, HS.
Rhett, EL.
Chesterfield; Edwards, EL.
Clemson; Calhoun, EL.
Clinton; Martha Dendy, EL.
Columbia:
W. A. Perry, JHS.
B. T. Washington, HS.
W. H. Burton, EL.
Gadsden, EL.
Roosevelt Village, EL.
Denmark; Denmark, EL.
Dillon; Little Rock, EL.
Easley; Clearview, HS.
Elloree; Elloree Training, EL, HS.
Fort Mill; George Fish, EL.
Fountain Inn; Bryson, HS.
Galivants Ferry; Midland, EL.
Green Pond; Ivenia Brown, EL.
James Island; Patrick Baxter, EL.
Joanna; Woodson, EL.
Latta; Latta, EL.
Lexington; Lex Rosenwald, EL–HS.
Liberty; Pickens County, Rehabilitation (Special).
Marion; Spring Branch, EL.
Ninety Six; Edgewood, EL–HS.
North; North, HS.
Ocean Drive; Chestnut, HS.
Orangeburg; Brookdale, JHS.
Pacolet; Ben E. Mays, EL–HS.
Ridgeville; Four Holes, EL.
Rock Hill; Arcade Victoria (Special).
Ruby; Ruby, EL.
Saluda; Riverside, EL, HS.
Seneca; East End, EL.
Spartanburg:
Cummings Street, EL, JHS.
Mary H. Wright, EL.
St. Charles; Lower Lee, EL.
Sumter; Ebenezer, EL, HS.
Tamassee; Tamassee, EL.
Turbeville; Walker Gamble, EL, HS.
Winnsboro; Fairfield, HS.
Yonges Island; Mitchell, EL.

SOUTH DAKOTA

1968–69 Deletions From the 1967–68 List

There are no deletions to the 1967–68 list.

1968–69 Additions to the 1967–68 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

TENNESSEE

1968–69 List of Schools

Location, city or town, name of school, and LEA or county

Adamsville:
Adamsville, EL; McNairy.
Adamsville, HS; McNairy.
Allardt; Allardt, JHS; Fentress.
Allons:
Allons, EL; Overton.
Maple Grove, EL; Clay.
Alpine; Alpine, EL; Overton.
Alexandria; Alexandria, EL; De Kalb.
Arlington:
Arlington, EL; Shelby.
Barrets Chapel School; Memphis City.
Fields, EL; Fayette.
Armathwaite, Armathwaite, EL; Fentress.
Altamont; Altamont, EL; Grundy.
Arthur; Arthur, EL; Claiborne.
Auburntown; Auburn, HS; Cannon.
Baxter; Bloomington Springs, EL; Putnam.
Beersheba; Beersheba Springs, EL; Grundy.
Belvidere; Belvidere, EL; Franklin.
Bells; Holly Grove, EL; Haywood.
Bethel Springs; Bethel Springs Consolidated; McNairy.
Big Sandy; Big Sandy Consolidated; Benton.
Big Springs; Cedar Valley, EL; Meigs.
Bluff City; Holston Point, EL; Sullivan.
Bolivar:
Bolivar, EL; Hardeman.
Bolivar Industrial School; Hardeman.
Central, HS; Hardeman.
Braden:
Braden, EL; Fayette.
Braden Sinai, EL; Fayette.
Bradyville; Woodland, EL; Cannon.
Briceville; Briceville, EL; Anderson.
Brownsville:
Bailey, EL; Haywood.
Bradford, EL; Haywood.
Brownsville:
Carver, HS; Haywood.
East Side, EL; Haywood.
Lester, EL; Haywood.
Willow Grove, EL; Haywood.
Woodlawn, EL; Haywood.
Butler; Watagua, EL; Johnson.
Byhalia; Collierville, EL; Shelby.
Byrdstown:
Pickett County, EL; Pickett.
Pickett County, HS; Pickett.
Capleville; Capleville Consolidated; Shelby.
Carthage:
Carthage, EL; Smith.
Defeated, EL; Smith.
Smith County, HS; Smith.
South Carthage, EL; Smith.
Turner, EL; Smith.
Union Heights, EL; Smith.
Caryville; Caryville, JHS; Campbell.
Celina:
Celina, EL; Clay.
Celina, HS; Clay.
Centerville; O. H. Bernard, EL; Hickman.
Clifton; Frank Hughes School; Wayne.
Collinwood:
Collinwood, EL; Wayne.
Collinwood, HS; Wayne.
Cerro Gordo; Cerro Gordo, EL; Hardin.
Chattanooga:
Howard School; Chattanooga City.
James A. Henry, EL; Chattanooga City.
Joseph E. Smith, EL; Chattanooga City.
Louie Sanderson, EL; Chattanooga City.
Mary Ann Garber, EL; Chattanooga City.
Shepherd, EL; Hamilton.
Wm. J. Davenport, EL; Chattanooga City.
Chuckey:
Chuckey, EL; Greene.
South Central, EL; Washington.
Clairfield; Clairfield, EL; Claiborne.
Clarkrange:
Clarkrange, EL; Fentress.
Clarkrange, HS; Fentress.
Clinchport; Big Spring, EL; Hancock.
Coalmont; Coalmont EL; Grundy.
Collierville:
Kirk, EL; Fayette.
St. Luke, EL; Fayette.
Columbia:
Carver Smith, HS; Maury.
Macedonia, EL; Maury.
Cookeville:
Cedar Hill, EL; Putnam.
Dodsons Branch, EL; Jackson.
Dry Valley, EL; Putnam.
Hardys Chapel, EL; Overton.
Cordova; Mount Pisgah School; Shelby.
Cosby; Jones Cove, EL; Sevier.
Counce; South Side School; Hardin.
Covington; Frazier, EL; Covington City.
Crab Orchard; Crab Orchard, EL; Cumberland.
Crawford; Wilson, EL; Overton.
Crossville:
Lantana, EL; Cumberland.
Midway, EL; Cumberland.
Crump; Crump, EL; Hardin.
Cumberland City; W. T. Thomas, HS; Stewart.
Decatur; Fairview, EL; Meigs.
Dechard; Special Education School; Franklin.
Dixon Springs; Cox Davis, EL; Smith.
Dover; Dover, EL; Stewart.
Doyle; Doyle, EL; White.
Dowelltown; Dowelltown, EL; DeKalb.
Duff:
Finies Ewing, EL; Campbell.
White Oak, EL; Campbell.
Wynn Haversham School; Campbell.
Dyersburg:
Bruce, JHS; Dyersburg City.
Dyersburg Central, EL; Dyer.
Eads; Eads, EL; Shelby.
Eagen; Eagen, EL; Claiborne.
Elk Valley; Elk Valley, EL; Campbell.
Elmwood; Fork Rivers, EL; Smith.
Erwin; Embreeville, EL; Washington.
Ewing, Virginia; Alanthus, EL; Hancock.
Fayetteville:
Eight District, EL; Lincoln.
Hillcrest Vocational, HS; Lincoln.
Finger; Finger, EL; McNairy.
Franklin:
Charles C. Johnson, EL; Franklin City.
Harpeth Special Education School; Williamson.
Gadsden; Graham, EL; Crockett.
Gainesboro:
Central, HS; Jackson.
Fairview, EL; Jackson.
Flinns Lick, EL; Jackson.
Gainesboro, EL; Jackson.
Gladdis, EL; Jackson.
Old Antioch, EL; Jackson.
Gassaway; Gassaway, EL; Cannon.
Gates; Forked Deer, EL; Haywood.
Germantown; Neshoba, EL; Shelby.
Gibson; Gibson School; Gibson.
Gladeville; Gladeville, EL; Wilson.
Gordonsville; Gordonsville School; Smith.
Grand Junction; Grand Junction, JHS; Hardeman.
Grand Junction; Herbert Harrison, EL; Hardeman.
Greeneville:
Camp Creek School; Greene.
Glenwood, EL; Greene.
Graystone, EL; Greene.
Greeneville, HS; Greeneville City.
Sunnyside, EL; Greene.
St. James, EL; Greene.
West Pine, EL; Greene.
Grimsley; Grimsley, EL; Fentress.
Gruetli; Mount Vernon, EL; Grundy.
Guild; Guild, EL; Grundy.
Habersham; Stinking Creek, HS; Campbell.
Halls:
Halls Consolidated School; Lauderdale.
Halls, HS; Lauderdale.
Nankipoo, EL; Lauderdale.
Hampshire; Ridge Top, EL; Lewis.
Harrogate:
Big Spring Union, EL; Claiborne.
Ellen Myers, EL; Claiborne.
Forge Ridge, EL; Claiborne.
Forge Ridge, HS; Claiborne.
Little Creek, EL; Claiborne.
Hellenwood; Hellenwood Special Education; Scott.
Henning:
Henning, EL; Lauderdale.
Palmer Turner, EL; Lauderdale.
Hilham; Hilham, EL; Overton.
Holladay; Holladay School; Benton.
Hornsby; Hornsby, EL; Hardeman.

Humboldt:
Stigall, EL; Humboldt City.
Stigall, HS; Humboldt City.
Huntingdon; Cannon, EL; Carroll.
Huntsville:
Capitol Hill, EL; Scott.
Huntsville, EL; Scott.
Indian Mound; Indian Mound, EL; Stewart.
Iron City; Fairview, EL; Wayne.
Jacksboro:
Pinecrest, EL; Campbell.
Ridgewood, EL; Carter.
Jackson:
Blairs, EL; Madison.
Lincoln, EL; Jackson City.
Merry, JHS; Jackson City.
Merry, HS; Jackson City.
South Jackson, EL; Jackson City.
Wash Douglass, EL; Jackson City.
West Jackson, EL; Jackson City.
Jamestown:
Banner Roslin, EL; Fentress.
Pine Haven, EL; Fentress.
Sharp, EL; Fentress.
Tinch, EL; Fentress.
West Fentress, EL; Fentress.
York, EL; Fentress.
Jellico:
Jellico, EL; Campbell.
Jellico, HS; Campbell.
Johnson City; Austin Springs, EL; Washington.
Kelso; Kelso, EL; Lincoln.
Kingsport:
Arcadia, EL; Sullivan.
Long Island, EL; Sullivan.
Knoxville:
Beardsley, JHS; Knoxville City.
Beaumont, EL; Knoxville City.
Brownlow, EL; Knoxville City.
Cansler, EL; Knoxville City.
Eastport, EL; Knoxville City.
Fair Garden, EL; Knoxville City.
Green, EL; Knoxville City.
John Dareiton, EL; Knoxville City.
Lockett, EL; Knoxville City.
Lonsdale, EL; Knoxville City.
Maynard, EL; Knoxville City.
McCallie, EL; Knoxville City.
Moses, EL; Knoxville City.
Park, JHS; Knoxville City.
Park Lowry, EL; Knoxville City.
Rule, JHS, HS; Knoxville City.
Sam Hill, EL; Knoxville City.
Van Gilder, HS; Knoxville City.
Vestal, EL; Knoxville City.
La Follette:
College Hill, EL; Campbell.
Coolidge, EL; Campbell.
Davis Chapel, EL; Campbell.
Grantsboro, EL; Campbell.
Ivey Dell, EL; Campbell.
LaFollette, EL; Campbell.
LaFollette, JHS; Campbell.
LaFollette, HS; Campbell.
Valley View, EL; Campbell.
Laager; Laager, EL; Grundy.
La Grange:
La Grange, EL; Fayette.
La Grange Consolidated, EL; Fayette.
Laurel; Laurel Bloomery, EL; Johnson.
Lebanon:
Wilson County, HS; Wilson.
Tuckers Cross Roads, EL; Wilson.
Lavinia:
Lavinia, EL; Carroll.
West View, EL; Carroll.
Lexington; Bargerton, EL; Henderson.
Liberty; Liberty, EL; DeKalb.
Linden:
Linden, EL; Perry.
Perry County, HS; Perry.
Pope, EL; Perry.
Livingston:
Independence, EL; Overton.
Livingston, EL; Overton.
Livingston Academy, HS; Overton.
Pleasant Valley, EL; Overton.
Lobelville; Lobelville, EL; Perry.
Memphis:
Hanley, EL; Memphis City.
Holy Names, EL; Nonpublic.
Hyde Park, EL; Memphis City.
Kansas Street, EL; Memphis City.
Keel, EL; Memphis City.
Larose, EL; Memphis City.
Leath, EL; Memphis City.
Lester, EL; Memphis City.
Locke, EL; Memphis City.
Merrill, EL; Memphis City.
Orleans, EL; Memphis City.
Pope, EL; Memphis City.
Porter, JHS; Memphis City.
St. Thomas School; Nonpublic.
Walker, EL; Shelby.
Weaver, EL; Shelby.
Whites Chapel, EL; Shelby.
Wisconsin, EL; Memphis City.
Woodstock, EL; Shelby.
Michie; Michie School; McNairy.
Middleton:
Middleton School; Hardeman.
Middleton South Side, EL; Hardeman.
Milan; Polk Clark School; Milan City.
Morris Chapel; Morris Chapel, EL; Hardin.
Milledgeville; Tri County, EL; Hardin.
Mount Juliet:
West End, EL; Wilson.
Leeville, EL; Wilson.
Mount Pleasant:
Clarke Training School; Maury.
Sandy Hook, EL; Maury.
Monroe; Monroe, EL; Overton.
Morristown; Judson S. Hill, EL; Morristown City.
Moscow:
Hays Crossing, EL; Fayette.
Moscow, EL; Fayette.
Springhill, EL; Fayette.
Mountain City:
Doe, EL; Johnson.
Johnson County, HS; Johnson.
Mountain City, EL; Johnson.
Moss:
Moss, EL; Clay.
Union Hill, EL; Clay.
Mulberry; Mulberry, EL; Lincoln.
Nashville:
Cameron, HS; Davidson/Nashville.
Carter Lawrence, EL; Davidson/Nashville.
Elliott, EL; Davidson/Nashville.
Fall, EL; Davidson/Nashville.
Fehr, EL; Davidson/Nashville.
Ford Greene, EL; Davidson/Nashville.
Head, EL; Davidson/Nashville.
Howard School; Davidson/Nashville.
Johnson, EL; Davidson/Nashville.
Jones, EL; Davidson/Nashville.
Madison Children's Home; EL.
Monroe Harding Children's Home School.
Napier, EL; Davidson/Nashville.
Warner, EL; Davidson/Nashville.
Washington, JHS; Davidson/Nashville.
Wharton, JHS; Davidson/Nashville.
Newcomb; Newcomb, EL; Campbell.
New Middleton; New Middleton, EL; Smith.
New Tazewell:
Lakeview, EL; Claiborne.
Midway, EL; Claiborne.
Neva; Neva, EL; Johnson.
Norma; Norma Consolidated; Scott.
Oakdale; Oakdale Consolidated; Morgan.
Oakland:
Canadaville, EL; Fayette.
Mount Zion, EL; Fayette.
Oakland Consolidated, EL; Fayette.
Oneida; Burchfield, EL; Scott.
Pall Mall; Pall Mall, EL; Fentress.
Paris; E. W. Grove Special Education; Henry.
Parsons; Parsons, EL; Decatur.
Petersburg; Petersburg Consolidated; Marshall.
Pikeville; Dill, EL; Bledsoe.
Pioneer; Straight Fork, EL; Scott.
Pleasant Shade; Pleasant, EL; Smith.
Pulaski; Bodenham, EL; Giles.
Ramer; Ramer Consolidated; McNairy.
Readyville; Westside, EL; Cannon.
Red Boiling Springs:
Enon Consolidated; Macon.
Hermitage Springs School; Clay.
Mount Vernon, EL; Clay.
Red Boiling Springs School; Macon.
Willette, EL; Macon.
Rickman; Rickman School; Overton.
Ripley:
Arp, EL; Lauderdale.
Central, EL; Lauderdale.
Curve, EL; Lauderdale.
Durhamville, EL; Lauderdale.
Johnson Consolidated, EL; Lauderdale.
Lauderdale, HS; Lauderdale.
Ripley, EL; Lauderdale.
Ripley, HS; Lauderdale.
Robbins:
Robbins, EL; Scott.
Robbins, HS; Scott.
Rock Island; Eastside, EL; Warren.
Rosedale; Denovia, EL; Anderson.
Rossville; Rossville, EL; Fayette.
Rutledge:
Central Point, EL; Grainger.
Joppa, EL; Grainger.
Rutledge, EL; Grainger.
Young, EL; Grainger.
Saltillo; Saltillo, EL; Hardin.
Savannah:
Nixon, EL; Hardin.
South Savannah, EL; Hardin.
Walker, EL; Hardin.
Walnut Grove, EL; Hardin.
Whites, EL; Hardin.
Scotts Hill; Scotts Hill School; Decatur.
Selmer:
McNairy School; McNairy.
Rosecreek, EL; McNairy.
Sevierville:
Boyds Creek, EL; Sevier.
Pittman Center, EL; Sevier.
Wearwood, EL; Sevier.
Whites, EL; Sevier.
Seymour; Zion Hill, EL; Sevier.
Shady Valley; Shady Valley, EL; Johnson.
Sharps Chapel; Sharps Chapel, EL; Union.
Signal Mountain; Sawyer, EL; Hamilton.
Sherwood; Anderson, EL; Franklin.
Shawanee; Shawanee, EL; Claiborne.
Shelbyville:
Ervin H. Thomas, EL; Bedford.
Shelbyville Mills, EL; Bedford.
Shouns; Shouns, EL; Johnson.
Smithville:
Belk, EL; DeKalb.
Blue Springs, EL; DeKalb.
College Street, EL; DeKalb.
DeKalb, HS; DeKalb.
Midway, EL; DeKalb.
Smithville, EL; DeKalb.
Sneedville:
Hancock, HS; Hancock.
Lawson, EL; Hancock.
Midway, EL; Hancock.
Mulberry Gap, EL; Hancock.
Prospect, EL; Hancock.
Ramsey, EL; Hancock.
Sandy Flats, EL; Hancock.
Seal Mathis, EL; Hancock.
Sunny Side, EL; Hancock.
Vardy, EL; Hancock.
Somerville:
Eastside, EL; Fayette.
Fayette, EL; Fayette.
Garnett, EL; Fayette.
Jefferson, EL; Fayette.
Sparta:
Findlay, EL; White.
Cummingsville, EL; Van Buren.
Speedwell:
Bolinger, EL; Claiborne.
Powell Valley, EL; Claiborne.
Powell Valley, HS; Claiborne.
Speedwell Academy, EL; Claiborne.
Spencer:
Mooneyham, EL; Van Buren.
Spencer, EL; Van Buren.
Van Buren, HS; Van Buren.
Spring City; St. Clair, EL; Rhea.

Springfield:
Bransford, EL; Robertson.
Bransford, HS; Robertson.
Krisle, EL; Robertson.
Oakland Special Education, EL; Robertson.
North Robertson, EL; Robertson.
Stanton:
Danceyville, EL; Haywood.
Douglas, JHS; Haywood.
Pilgrims Rest, EL; Haywood.
Stanton, EL; Haywood.
St. Joseph; St. Joseph, EL; Lawrence.
Sweetwater; High Point, EL; Sweetwater City.
Tazewell:
Brown, EL; Claiborne.
Cedar Fork, EL; Claiborne.
Claiborne, HS; Claiborne.
Highland View, EL; Claiborne.
Howards Quarter, EL; Claiborne.
Mason Bethel, EL; Claiborne.
Ritchie, EL; Claiborne.
SMS, EL; Claiborne.
Sycamore Hall, EL; Claiborne.
Tellico Plains; Coker Creek, EL; Monroe.
Tiptonville:
Lake, HS; Lake.
Margaret Newton, EL; Lake.
Toone; Toone, EL; Hardeman.
Thompson Station; Burrwood, EL; Williamson.
Tracy City; Plainview, EL; Grundy.
Trade; Trade, EL; Johnson.
Treadway; Flat Gap, EL; Hancock.
Trenton:
Rosenwald Consolidated; Gibson.
Spring Hill Consolidated; Gibson.
Trezevant; Trezevant, EL; Trezevant City.
Vildo; Central, EL; Haywood.
Walling; Central View, EL; White.
Washburn:
Washburn, EL; Grainger.
Washburn, HS; Grainger.
Watertown; Wilson County East End, EL; Wilson.
Waynesboro; Wayne County, HS; Wayne.
Whiteville:
Allen White School; Hardeman.
Whiteville, HS; Hardeman.
Whitleyville; Whitleyville, EL; Jackson.
Whitwell:
Griffith Creek, EL; Marion.
Pine Hill, EL; Marion.
Whitwell, EL; Marion.
Whitwell, HS; Marion.
Willoughby; Vestal, EL; Knox.
Winchester; Keith Springs, EL; Franklin.
Winfield; Winfield, EL; Scott.
Woodbury:
Central, HS; Cannon.
East Side, EL; Cannon.
Short Mountain, EL; Cannon.
Woodbury Grammar, EL; Cannon.
Yorkville; Yorkville Consolidated; Gibson.

TEXAS

1968–69 Deletions from the 1966–67 List

Location, city or town, name of school, and county

Abilene; Woodson, EL; Taylor.
Afton; Patton Springs, ISD; Dickens.
Alice:
Mary R. Garcia, EL; Jim Wells.
Special Education; Jim Wells.
Alto:
Alto, EL; Cherokee.
B. T. Washington, EL; Cherokee.
B. T. Washington, HS; Cherokee.
Amarillo; James Bowie, JHS; Potter.
Anderson:
Alex S. Terrell, EL; Grimes.
Anderson, EL; Grimes.
Angleton:
Angleton, HS; Brazoria.
Marshall, JHS; Brazoria.
Aransas Pass; Kleberger, EL; San Patricio.
Arp; Arp Industrial School; Smith.
Athens; Bishop Heights, EL; Henderson.
Austin:
Campbell, EL; Travis.
Oak Springs, EL; Travis.
Rosewood, EL; Travis.
St. Johns, EL; Travis.
Avalon; Avalon, ISD; Ellis.
Avinger:
Avinger, EL; Cass.
Duncan, EL; Cass.
Bagwell; Bagwell, CSD; Red River.
Bailey; Bailey, EL; Fannin.
Balmorhea; Balmorhea, ISD; Reeves.
Bastrop:
Clearview, EL; Bastrop.
Grimes, EL; Bastrop.
Emile, JHS; Bastrop.
Shiloh, EL; Bastrop.
Baytown:
Carver, EL; Harris.
Carver, HS; Harris.
Carver Intermediate; Harris.
Beaumont; Pipkin, EL; Jefferson.
Beckville; Sunset, EL; Panola.
Beeville:
Ann Burke, EL; Bee.
Tyler, EL; Bee.
Benavides:
Benavides, EL; Duval.
Benavides, JHS; Duval.
Benavides, HS; Duval.
Ben Bolt:
Ben Bolt, EL; Jim Wells.
Ben Bolt, HS; Jim Wells.
Palito Blanco, EL; Jim Wells.
Big Sandy; Excelsior, EL; Upshur.
Bishop; Westside, EL; Nueces.
Bloomburg; Bloomburg, RHSD; Cass.
Bloomington; Bloomington, EL; Victoria.
Bluff Dale; Bluff Dale, CSD; Erath.
Borger; Coronado, EL; Hutchinson.
Bowie; Special Education; Montague.
Breckenridge; B. T. Washington, EL; Stephens.
Brenham; Pichard, HS; Washington.
Briggs; Briggs, ISD; Burnet.
Broaddus:
Broaddus, EL; San Augustine.
Norwood, EL; San Augustine.
Brownsboro; Brownsboro, ISD; Henderson.
Brownsville:
Consolidated, CSD; Cameron.
East Brownsville, EL; Cameron.
Buckholts; Buckholts, RHS; Milam.
Buffalo; G. B. Bennett, EL, HS; Leon.
Bula; Bula, ISD; Bailey.
Burkeville; Jamestown, EL; Newton.
Cameron:
Branchville; Milam.
O. J. Thomas, HS; Milam.
Carthage:
East Side, EL; Panola.
South Side, EL; Panola.
Turner, EL; Panola.
Cason; Cason, ISD; Morris.
Cayuga; Bethel, EL; Anderson.
Cedar Hill; Cedar Hill, ISD; Dallas.
Celina; Celina, ISD; Collin.
Center; Center, HS; Shelby.
Centerville; Douglas, HS; Leon.
Chester; Chester-Palestine, EL; Tyler.
Chicota; Chicota, ISD; Lamar.
Childress; East Ward, EL; Childress.
Chireno:
Chireno, EL; Nacogdoches.
Sandhill, EL; Nacogdoches.
Sandhill, JH, HS; Nacogdoches.
Chriesman; Buffalo, CSD; Burleson.
Clarksville:
Cheatham, HS; Red River.
Clarksville, HS; Red River.
Roberts, EL; Red River.
Cleveland:
Douglass, HS; Liberty.
Northside, EL; Liberty.
Special Ed.—Douglass; Liberty.
Cold Springs:
Lincoln, EL; San Jacinto.
Lincoln, HS; San Jacinto.
Colmesneil; Colmesneil, ISD; Tyler.
Columbus; Riverside, EL; Colorado.
Commerce; Norris, JHS; Hunt.
Coolidge:
Community, EL; Limestone.
Community, HS; Limestone.
Coolidge, EL; Limestone.
Coolidge, HS; Limestone.
Cooper; B. T. Washington, EL; Delta.
Corpus Christi:
Coles, HS; Nueces.
J. F. Kennedy, EL; Nueces.
Corrigan:
Moscow No. 2; Polk.
W. W. Johnson, JHS; Polk.
Corrigan; W. W. Johnson, HS; Polk.
Corsicana; Crockett Special Ed.; Navarro.
Cotulla:
Cotulla, JHS; La Salle.
Cotulla Migrant School; La Salle.
Crockett; Williams, HS; Houston.
Crystal City; Crystal City, ISD; Zavala.
Cuero:
Cuero, EL, Annex; De Witt.
Cuero, JHS; De Witt.
Daule, EL; De Witt.
John C. French, EL; De Witt.
Oak View, EL; De Witt.
Daingerfield:
Rhoads, EL; Morris.
Rhoads, HS; Morris.
Dallas:
B. T. Washington, HS; Dallas.
Christian Schools, Inc.; Dallas.
Sacred Heart Cathedral School; Dallas.
Sarah Zumwalt, JHS; Dallas.
Dawson:
Carver, EL; Navarro.
Dawson, HS; Navarro.
Dayton:
Colbert, EL; Liberty.
Colbert, HS; Liberty.
De Kalb; Pynes, EL; Bowie.
Del Rio:
Del Rio, JHS; Val Verde.
Sacred Heart Academy; Val Verde.
Del Valle; Del Valle, JHS; Travis.
Denton:
Fred Moore, JHS; Denton.
Fred Moore, HS; Denton.
Detroit:
Detroit, EL; Red River.
North Detroit, EL; Red River.
Detroit; North Detroit, HS; Red River.
Dickinson; Dunbar, EL, HS; Galveston.
Dimmitt; South, EL; Castro.
Dodson; Dodson, ISD; Collingsworth.
Donna:
Central, EL; Hidalgo.
Donna Migrant, Hidalgo.
East Donna, EL; Hidalgo.
Moye, JHS; Hidalgo.
South Donna, EL; Hidalgo.
Douglassville:
Douglass, EL; Cass.
Douglass, HS; Cass.
Eagle Lake; Eagle Lake, ISD; Colorado.
Eagle Pass; Kennedy Hall; Maverick.
Earth; Springlake-Earth, ISD; Lamb.
Edcouch; Edcouch Migrant; Hidalgo.
Edinburg:
Brewster, EL; Hidalgo.
Hargill, EL; Hidalgo.
Roosevelt Special Ed.; Hidalgo.
Edna; G. W. Carver, EL, JHS; Jackson.
El Campo:
Northside, JHS; Wharton.
Westside, EL, HS; Wharton.
Elgin:
Elgin, EL; Bastrop.
Elgin, JHS; Bastrop.
Washington, EL; Bastrop.
Washington, HS; Bastrop.
El Paso:
Socorro, ISD; El Paso.
Our Lady of Mount Carmel; El Paso.
Elysian Fields; B. T. Washington, EL; Harrison.

Emory:
Emory, EL; Rains.
Point, EL; Rains.
Rains, HS; Rains.
Ennis; Saint John's School; Ellis.
Enochs; Bula, ISD; Bailey.
Fairfield:
Dogan, EL; Freestone.
Dogan, HS; Freestone.
Falfurrias; Central Ward, EL; Brooks.
Fannindel; Fannindel, ISD; Delta.
Farmersville; Welford, EL; Collin.
Flomot; Flomot, ISD; Motley.
Floydada:
A. C. Andrews, EL; Floyd.
Lakeview, ISD; Floyd.
Fort Worth:
Alex Hogg, EL; Tarrant.
Como, JH, HS; Tarrant.
Dunbar, JHS; Tarrant.
Ernest Parker, JHS; Tarrant.
I. M. Terrell, JH, HS; Tarrant.
James E. Guinn, EL; Tarrant.
Kirkpatrick, EL; Tarrant.
Peter Smith, EL; Tarrant.
Riverside, EL (Baurline); Tarrant.
Ruby Williamson, EL; Tarrant.
S. F. Austin, EL; Tarrant.
Frankston; Carver, EL; Anderson.
Frost; Frost, ISD; Navarro.
Fruitvale; Fruitvale, ISD; Van Zandt.
Galveston:
Central, HS; Galveston.
Davy Crockett, EL; Galveston.
Goliad, EL; Galveston.
San Houston, JHS; Galveston.
San Jacinto, EL; Galveston.
Stephen F. Austin, JHS; Galveston.
Rosenberg, EL; Galveston.
Washington, EL; Galveston.
Garwood; G. W. Caver, EL; Colorado.
Gause; Gause, ISD; Milam.
Georgetown; Jonah, CSD; Williamson.
Gladewater; Weldon, EL; Gregg.
Gonzales:
Edwards, EL; Gonzales.
Special Education, EL; Gonzales.
Goodrich:
Goodrich, HS; Polk.
New Hope, EL; Polk.
Grapeland:
Glover, ISD; Houston.
W. R. Banks, HS; Houston.
Greenville:
Carver, HS; Hunt.
Fred Douglass, EL; Hunt.
Gustine; Gustine, ISD; Comanche.
Hallsville; Galilee, HS; Harrison.
Harlingen:
Crockett, EL; Cameron.
Jefferson, EL; Cameron.
Harlingen; Zavala, EL; Cameron.
Hawkins; Southside, EL; Wood.
Hearne:
Blackshear, EL; Robertson.
Blackshear, HS; Robertson.
East Side, EL; Robertson.
Hempstead; Sam Schwarz, EL; Waller.
Henderson:
Hill, HS; Rusk.
Hill, JHS; Rusk.
Mizner, EL; Rusk.
Northside, EL; Rusk.
Hidalgo:
J. F. Kennedy Inter.; Hidalgo.
Los Ebanos, EL; Hidalgo.
Memorial, EL; Hidalgo.
Penitas, EL; Hidalgo.
Hillsboro; Hillsboro, ISD; Hill.
Holland; Holland, ISD; Bell.
Hooks:
Burnes, EL; Bowie.
East Hooks, EL; Bowie.
Houston:
Attucks, JHS; Harris.
B. T. Washington, JHS; Harris.
Cullen, JHS; Harris.
Edison, JHS; Harris.
Elmore, HS; Harris.
Grace Raymond, EL; Harris.
Kashmere Gardens, JHS; Harris.
Oleson, EL; Harris.
Orange Grove, EL; Harris.
St. Euphrasia Academy; Harris.
Ryan, JHS; Harris.
Whidby, EL; Harris.
Williams, JHS; Harris.
Worthing, HS; Harris.
Yates, HS; Harris.
Hubbard; Hubbard, ISD; Hill.
Huntsville:
East Huntsville, EL; Walker.
Samuel Houston, HS; Walker.
S. E. Johnson, JHS; Walker.
Hurst; Mosier Valley, EL; Tarrant.
Idalou; Idalou, RHSD; Lubbock.
Jacksonville:
Churchill, CSD; Cherokee.
Elberta Street, EL; Cherokee.
Fred Douglas, EL; Cherokee.
Fred Douglas, JHS; Cherokee.
Mount Haven, CSD; Cherokee.
New Hope, CSD; Cherokee.
Jewett:
Carver, EL; Leon.
Carver, HS; Leon.
Leon, EL; Leon.
Leon, HS; Leon.
Karnes City; North, EL; Karnes.
Kaufman:
Pyle, EL; Kaufman.
Pyle, HS; Kaufman.
Kemp; Southwest, EL; Kaufman.
Kenedy:
Kenedy, JHS; Karnes.
Kenedy Opportunity; Karnes.
Kenedy Primary; Karnes.
Kennard:
Kennard, EL; Houston.
West Side, EL; Houston.
West Side, HS; Houston.
Kerens:
Kerens, HS; Navarro.
South Kerens, EL; Navarro.
Kilgore; Fredonia, EL; Gregg.
Kingsville; H. M. King, HS; Kleberg.
Kirbyville; East Call, EL; Jasper.
Kountze; Carver, EL; Hardin.
Kyle; Kyle, ISD; Hays.
Laneville:
Allen, HS; Rusk.
Laneville, EL; Rusk.
La Pryor; La Pryor, ISD; Zavala.
Laredo:
Alma Pierce, EL; Webb.
Heights, EL; Webb.
Holy Redeemer School; Webb.
Johnson, EL; Webb.
Ursuline Academy; Webb.
Lamar, JHS; Webb.
Nixon, JH, HS; Webb.
Ryan, EL; Webb.
St. Joseph's Academy; Webb.
Las Vacas; Garfield, EL; Val Verde.
Latexo; Latexo, ISD; Houston.
Leander; Leander, ISD; Williamson.
Leggett; Legget, ISD; Polk.
Levelland:
Carver, EL; Hockley.
Central, EL; Hockley.
St. Michael's School; Hockley.
Liberty; West Liberty, EL; Liberty.
Liberty Hill; Liberty Hill, ISD; Williamson.
Livingston:
Dunbar, EL; Polk.
Dunbar, HS; Polk.
Livingston, EL; Polk.
Lometa; Lometa, ISD; Lampasas.
Lorena:
Downsville, EL; McLennan.
Rosenthal, EL; McLennan.
Lott:
A. B. Davis, EL; Falls.
A. B. Davis, HS; Falls.
Lott, EL; Falls.
Lott, HS; Falls.
Lubbock:
Cooper, EL; Lubbock.
Martin, EL; Lubbock.
Struggs, JHS; Lubbock.
Lyford:
Central, EL; Willacy.
La Jarita, EL; Willacy.
Lyford, JHS; Willacy.
Travis, EL; Willacy.
Magnolia; G. W. Carver, EL; Montgomery.
Malakoff; Lincoln, EL; Henderson.
Malone; Malone, ISD; Hill.
Mansfield; Willie Brown, EL; Tarrant.
Marfa; Redford, EL; Presidio.
Marietta; Marietta, CSD; Cass.
Marlin:
Commerce Street, EL; Falls.
Washington, HS; Falls.
Marshall:
Dogan, EL; Harrison.
Moore, EL; Harrison.
Mart; Mart Preschool Program; McLennan.
Maydelle; Maydelle, ISD; Cherokee.
Maypearl; Maypearl, ISD; Ellis.
Maysfield; Milam Grove; Milam.
McAllen; Travis, JHS; Hidalgo.
McLeod; McLeod, ISD; Cass.
Megargel; Megargel, ISD; Archer.
Mercedes:
Preschool; Hidalgo.
Special Ed.; Hidalgo.
Mexia; Woodland, EL; Limestone.
Midland; De Zavala, EL; Midland.
Milford:
Kelly Miller, EL; Ellis.
Milford, HS; Ellis.
Minden; Minden, ISD; Rusk.
Mount Calm; Mount Calm, ISD; Hill.
Mount Enterprise; Mount Enterprise, ISD; Rusk.
Muenster; Muenster, ISD; Cooke.
Mullin; Mullin, ISD; Mills.
Munday; Rhineland, CSD; Knox.
Myrtle Springs; Myrtle Springs, ISD; Van Zandt.
Nacogdoches; Emeline Carpenter, EL; Nacogdoches.
Navasota:
Carver, AMT, EL; Grimes.
Carver, CLW, EL; Grimes.
Nazareth; Nazareth, ISD; Castro.
Neches; Neches, ISD; Anderson.
Nevada; Community, EL; Collin.
New London:
Goldsberry Chapel, EL; Rusk.
Lincoln, EL; Rusk.
Newton:
Liberty, EL; Newton.
Newton, EL; Newton.
New Waverly:
G. W. Carver, EL; Walker.
G. W. Carver, HS; Walker.
New Waverly, EL; Walker.
Normangee; Normangee, ISD; Leon.
North Zulch; North Zulch, ISD; Madison.
Oakwood:
Dunbar, EL; Leon.
Dunbar, HS; Leon.
Oakwood, EL; Leon.
Odem:
Odem, EL; San Patricio.
Shelton, EL; San Patricio.
Onalaska; Onalaska, ISD; Polk.
Orange; Wallace, EL; Orange.
Paige; Ebenezer Lutheran School; Bastrop.
Palestine:
Douglass, EL; Anderson.
Flint Hill, RHSD; Anderson.
Lincoln, EL; Anderson.
Story, JH, HS; Anderson.
Palmer; Palmer, ISD; Ellis.
Paris:
First Ward, EL; Lamar.
Graham, EL; Lamar.
Pattonville; East Lamar, ISD; Lamar.
Pharr; Buell, EL; Hidalgo.

Pharr:
Carnahan, EL; Hidalgo.
Clover, EL; Hidalgo.
Doedyns, EL; Hidalgo.
Franklin, EL; Hidalgo.
Fulton, EL; Hidalgo.
Pineland; Bryant, EL; Sabine.
Pittsburg; Douglass, HS; Camp.
Plainview; B. T. Washington, HS; Hale.
Plano; Douglas, EL; Collin.
Point; Richland, CSD; Rains.
Port Arthur:
Carver, EL; Jefferson.
Franklin, JHS; Jefferson.
Wilson, EL; Jefferson.
Post; Post, ISD; Garza.
Powderly; N. Powderly, EL; Lamar.
Queen City:
Queen City, EL; Cass.
Thornton, EL; Cass.
Thornton, HS; Cass.
Quitaque; Quitaque, ISD; Briscoe.
Raymondville; Green, JHS; Willacy.
Rice; Rice, CSD; Navarro.
Richards:
Richards, HS; Grimes.
W. E. Hall, EL; Grimes.
Rochelle; Rochelle, RHSD; McCulloch.
Rochester; Rochester, EL; Haskell.
Rockport; Rockport, EL; Aransas.
Rosenberg; A. W. Jackson, EL; Fort Bend.
A. W. Jackson, HS; Fort Bend.
Northside, EL; Fort Bend.
Rowena; St. Joseph Catholic School; Runnels.
Roxton:
Roxton, EL; Lamar.
Roxton, HS; Lamar.
Smith, EL; Lamar.
Royse City:
Ralph Bunche, EL; Rockwall.
Royse City, HS; Rockwall.
Rusk:
Geo. Bradford, EL; Cherokee.
Geo. Bradford, HS; Cherokee.
Rusk, EL; Cherokee.
Shady Grove, CSD; Cherokee.
San Angelo; Helen Keller, Special Ed; Tom Green.
San Antonio:
Burbank, JHS; Bexar.
Holy Rosary School; Bexar.
Douglass JHS; Bexar.
Immaculate Conception School; Bexar.
Flanders, EL; Bexar.
LaSalle, HS; Bexar.
Lanier, JHS; Bexar.
Loma Park, EL; Bexar.
Riley, JHS; Bexar.
Sacred Heart School; Bexar.
Southside, JHS; Bexar.
St. John Berchman's School; Bexar.
Stafford, EL; Bexar.
St. Leo's School; Bexar.
Thelma, EL; Bexar.
St. Philip's School; Bexar.
San Benito:
Las Yescas, CSD; Cameron.
Los Fresnos, CISD; Cameron.
Rangerville, EL; Cameron.
Riverside, ISD; Cameron.
Sullivan, EL; Cameron.
San Diego; Rosita, CSD; Duval.
San Juan; St. John's School; Hidalgo.
Schulenburg; Moravia, CSD; Lavaca.
Sharyland; Sharyland, ISD; Hidalgo.
Shelbyville:
East Liberty, EL; Shelby.
East Liberty, HS; Shelby.
Shelbyville, EL; Shelby.
Shelbyville, HS; Shelby.
Sherman; Bryant Special Ed.; Grayson.
Shiner; St. Ludmila Academy; Lavaca.
Silsbee:
Kirby, EL; Hardin.
Waldo Mathews, HS; Hardin.
Smithville:
Central, EL; Bastrop.
Mary Brown, EL; Bastrop.
Sam Houston, JHS; Bastrop.
Smithville, HS; Bastrop.
Snook:
Jones, EL; Burleson.
Jones, HS; Burleson.
Snook, EL; Burleson.
Snook, HS; Burleson.
Sour Lake; Nome, EL; Hardin.
Sulphur Springs; Douglas, HS; Hopkins.
Sumner; Central ISD; Lamar.
Teague:
Grove Island, CSD; Freestone.
J. A. Brooks, EL; Freestone.
Booker T. Washington, HS; Freestone.
Temple:
Dunbar, JH, HS; Bell.
Lanier, EL; Bell.
Crestview, EL; Bell.
Tenaha:
Booker T. Washington, HS; Shelby.
Tenaha; Booker T. Washington, EL; Shelby.
Texas City:
B. T. Washington, EL; Galveston.
Our Lady of Fatima School; Galveston.
Timpson; Timpson, EL; Shelby.
Tomball; Hufsmith, EL; Harris.
Tornillo; Tornillo, ISD; El Paso.
Tulia; Tulia, ISD; Swisher.
Tyler:
Dunbar, EL; Smith.
Douglas, EL; Smith.
Peete, EL; Smith.
Carver, EL; Smith.
Marsh, EL; Smith.
Vernon; Northside, HS; Wilbarger.
Victoria:
Victoria, HS; Victoria.
St. Joseph's School; Victoria.
Vidor; Vidor, EL; Orange.
Waco:
Gholson, CSD; McLennan.
Jefferson Special; McLennan.
Washington; Washington, CSD; Nacogdoches.
Waskom; Abney, HS; Harrison.
Waxahachie; Oak Lawn, EL; Ellis.
Westhoff; Westhoff, RHSD; De Witt.
Whitharral; Whitharral, ISD; Hockley.
Wichita Falls:
Washington, HS; Wichita.
Holland, EL; Wichita.
Willis; A. R. Turner, HS; Montgomery.
Wolfforth; Casey, EL; Lubbock.
Woodville; Scott, EL; Tyler.
Yancey; Yancey, ISD; Medina.
Zapata; Zapata, JHS; Zapata.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and county

Abilene:
Abilene, HS; Taylor.
Lincoln, JH; Taylor.
Agua Dulce; Agua Dulce, ISD; Nueces.
Alice; St. Joseph's School; Jim Wells.
Alto; Alto, ISD; Cherokee.
Alpine; Our Lady of Peace School; Brewster.
Amarillo:
Mann, JH; Potter.
Alamo Catholic, HS; Potter.
Our Lady of Guadalupe School; Potter.
Angleton; Westside, EL; Brazoria.
Anson; Anson, ISD; Jones.
Aquilla; Aquilla, ISD; Hill.
Aransas Pass; Aransas Pass, ISD; San Patricio.
Arp; Eastside, EL; Smith.
Athens; Athens, HS; Henderson.
Atlanta:
Douglas, EL; Cass.
Douglas, HS; Cass.
Austin:
Allan, JH; Travis.
Anderson, HS; Travis.
Johnston, HS; Travis.
Kealing, JH; Travis.
Martin, JH; Travis.
Oak Springs-Rosewood, EL; Travis.
St. Mary's Catholic School; Travis.
Banquete; Banquete, ISD; Nueces.
Ballinger; St. Joseph Parochial School; Runnels.
Bastrop:
Emile, EL; Bastrop.
Sacred Heart Parochial School; Bastrop.
Bay City:
Bay City, JH; Matagorda.
Bay City, HS; Matagorda.
Pierce, EL; Matagorda.
Roberts, EL; Matagorda.
Baytown:
Carver-Jones, EL; Harris.
DeZavala, EL; Harris.
San Jacinto, EL; Harris.
Beaumont:
Dowling, EL; Jefferson.
Blessed Sacrament School; Jefferson.
Martin, EL; Jefferson.
St. Anthony's School; Jefferson.
West Oakland, EL; Jefferson.
St. Pius School; Jefferson.
Beeville:
FMC, EL; Bee.
R. A. Hall, EL; Bee.
Bellville:
Cochran, EL; Austin.
Spicer, EL; Austin.
Big Spring; Lakeview; Howard.
Bowie; South Ward, EL; Montague.
Borger; St. John's School; Hutchinson.
Boys Ranch; Boys Ranch, ISD; Oldham.
Brackettville; Brackett, ISD; Kinney.
Brenham:
Brenham, EL; Washington.
Grace Lutheran School; Washington.
Brenham, HS; Washington.
St. Mary's Catholic School; Washington.
Brenham, JH; Washington.
Goodwill, EL; Washington.
Brownsboro; Brownsboro (1–12); Henderson.
Brownsville:
Brownsville, HS; Cameron.
Immaculate Conception School; Cameron.
Clearwater, EL; Cameron.
Our Lady of Guadalupe School; Cameron.
Longoria, EL; Cameron.
Palm Grove, EL; Cameron.
Bryan:
Bonham, EL; Brazos.
Bowie, EL; Brazos.
Fannin, EL; Brazos.
Jones, JH; Brazos.
Kemp, EL; Brazos.
Milam, EL; Brazos.
Neal, JH; Brazos.
Travis, EL; Brazos.
Washington, EL; Brazos.
Buffalo:
Bennett, EL; Leon.
Buffalo, HS; Leon.
Burnet; Burnet, ISD; Burnet.
Caldwell:
Caldwell, ISD; Burleson.
Cooks Point, CSD; Burleson.
Calvert; Calvert, HS; Robertson.
Cameron:
Henderson, EL; Milam.
Thomas, EL; Milam.
Yoe, HS; Milam.
Canutillo; Canutillo, ISD; El Paso.
Carrizo Springs:
Carrizo Springs, HS; Dimmit.
Central, EL; Dimmit.
Center; Daniels, HS; Shelby.
Centerville; Douglass, EL; Leon.
Cleveland; Cleveland, HS; Liberty.
Cold Springs; Cold Springs-Oakhurst, ISD; San Jacinto.
Coleman; Coleman, ISD; Coleman.
Colorado City; Colorado, ISD; Mitchell.

Columbus:
Columbus, ISD; Colorado.
St. Anthony Catholic School; Colorado.
Commerce; Commerce, ISD; Hunt.
Conroe; Conroe, HS; Montgomery.
Coolidge; Coolidge, ISD; Limestone.
Converse; Our Lady of Perpetual Help School; Bexar.
Cooper; Cooper, ISD; Delta.
Corpus Christi:
Cunningham, JH; Nueces.
Christ the King School; Nueces.
Moody, HS; Nueces.
West Oso, HS; Nueces.
Corsicana:
Corsicana, HS; Navarro.
Corsicana State Home; Navarro.
James L. Collins Catholic School; Navarro.
Cotulla; Cotulla, HS; La Salle.
Crandall; Crandall, ISD; Kaufman.
Crosby; Sacred Heart School; Harris.
Crockett:
Ralph Bunch, JH; Houston.
Crockett State School for Girls; Houston.
Crystal City:
Airport, EL; Zavala.
Airport, JH; Zavala.
Crystal City, EL; Zavala.
Crystal City, HS; Zavala.
Fly, JH; Zavala.
Zavala, EL; Zavala.
Cuero:
Hunt, EL; De Witt.
St. Michael's, EL; De Witt.
Dallas:
Alamo, EL; Dallas.
Holy Cross School; Dallas.
Allen, EL; Dallas.
St. Anthony's School; Dallas.
Bryan, EL; Dallas.
St. Augustine School; Dallas.
Douglass, EL; Dallas.
St. Peter's School; Dallas.
Earhart, EL; Dallas.
Edison, JH; Dallas.
Holmes, JH; Dallas.
Hassell, EL; Dallas.
Houston, EL; Dallas.
Johnston, EL; Dallas.
Lanier, EL; Dallas.
Mills, EL; Dallas.
Ray, EL; Dallas.
Reagan, EL; Dallas.
Rhoades, EL; Dallas.
Rice, EL; Dallas.
Roberts, EL; Dallas.
Roosevelt, HS; Dallas.
Sequoyah, JH; Dallas.
Stone, EL; Dallas.
William B. Travis, EL; Dallas.
Wheatley, EL; Dallas.
De Kalb; De Kalb, ISD; Bowie.
Del Rio:
Lamar, JH; Val Verde.
Guadalupe School; Val Verde.
San Felipe, HS; Val Verde.
Del Valle; Popham, EL; Travis.
Detroit; Detroit, ISD; Red River.
Dickinson; Shrine of the True Cross School; Galveston.
Dime Box; Dime Box, ISD; Lee.
Dimmitt; Dimmitt, ISD; Castro.
Donna; Donna, ISD; Hidalgo.
Driscoll; Driscoll, ISD; Nueces.
Eagle Lake; Eagle Lake, EL; Colorado.
Earth; Springlake, ISD; Lamb.
East Bernard; East Bernard, ISD; Wharton.
Edcouch; Edcouch, EL; Hidalgo.
Edna; Edna, ISD; Jackson.
El Campo; El Campo, JH; Wharton.
El Campo; Northside, EL; Wharton.
Elgin; Elgin, ISD; Bastrop.
El Paso:
Cooley, EL; El Paso.
Father Yermo, EL; El Paso.
Franklin, EL; El Paso.
Guardian Angel School; El Paso.
Houston, EL; El Paso.
Sacred Heart School; El Paso.
Jones, EL; El Paso.
San Juan School; El Paso.
Lincoln, EL; El Paso.
St. Ignatius School; El Paso.
Roberts, EL; El Paso.
San Jacinto; El Paso.
Vilas, EL; El Paso.
Hacienda Heights, EL; El Paso.
Loma Terrace, EL; El Paso.
Marian Manor, EL; El Paso.
North Loop, EL; El Paso.
Elysian Fields:
Elysian Fields, EL; Harrison.
Washington, HS; Harrison.
Encinal; Encinal, CSD; La Salle.
Ennis:
Ennis, HS; Ellis.
Travis, EL; Ellis.
Fairfield:
Central, EL; Freestone.
South, EL; Freestone.
Falfurrias:
Falfurrias, EL; Brooks.
Falfurrias, HS; Brooks.
Ferris; Dunbar, EL; Ellis.
Flatonia:
Cistern, RHSD; Fayette.
Praha, CSD; Fayette.
Floresville; Sacred Heart School; Wilson.
Forney; Forney, ISD; Kaufman.
Fort Worth:
Daggett, JH; Tarrant.
All Saints School; Tarrant.
Dillow, EL; Tarrant.
Denver Avenue, EL; Tarrant.
Kirkpatrick, JH; Tarrant.
Our Mother of Mercy School; Tarrant.
Pate, EL; Tarrant.
Riverside Middle; Tarrant.
Turner, EL; Tarrant.
Vickery, EL; Tarrant.
Washington Heights, EL; Tarrant.
Worth Heights, EL; Tarrant.
Lake Worth, ISD; Tarrant.
Fredericksburg; Fredericksburg, ISD; Gillespie.
Gainesville; Gainesville State School for Girls; Cooke.
Galveston:
Ball, HS; Galveston.
Central, JHS; Galveston.
Holy Rosary, EL; Galveston.
O'Connell, JHS; Galveston.
Sacred Heart, EL; Galveston.
St. Mary's, EL; Galveston.
Garwood; St. Mary's School; Colorado.
Gatesville:
Gatesville State School for Boys; Coryell.
Mountain View State School for Boys; Coryell.
Garrison; Garrison, EL No. 2; Nacogdoches.
Galena Park; Our Lady of Fatima School; Harris.
Georgetown:
Coupland, CSD; Williamson.
Pond Springs, CSD; Williamson.
Giddings:
Ebenezer Lutheran School; Lee.
Immanuel Lutheran School; Lee.
Gonzales:
Gonzales, JH; Gonzales.
North Avenue, EL; Gonzales.
Granger; S. S. Cyril School; Williamson.
Grapeland; Grapeland, HS; Houston.
Greenville; Greenville, JH; Hunt.
Hebbronville; Little Flower School; Jim Hogg.
Hearne:
North Side, EL; Robertson.
Hearne, HS; Robertson.
North Side, JH; Robertson.
Hereford; Northwest, EL; Deaf Smith.
Harlingen:
Immaculate Heart of Mary School; Cameron.
St. Anthony School; Cameron.
Hitchcock; Our Lady of Lourdes School; Galveston.
Hondo; St. John's, EL; Medina.
Hooks; Kennedy, EL; Bowie.
Houston:
Anderson, EL; Harris.
Harris County School for Boys; Harris.
Orange Grove, EL; Harris.
Annunciation School; Harris.
Carverdale (1–12); Harris.
Blessed Sacrament School; Harris.
Anson Jones, EL; Harris.
Holy Name School; Harris.
Berry, EL; Harris.
Immaculate Conception School; Harris.
Carnegie, EL; Harris.
Incarnate Word School; Harris.
Flemming, JH; Harris.
Our Lady of Guadalupe School; Harris.
Key, JH; Harris.
Resurrection School; Harris.
Lincoln, HS; Harris.
St. Francis of Assisi School; Harris.
Ryan, EL; Harris.
St. Mary's School; Harris.
Whittier, EL; Harris.
Williams, HS; Harris.
Huffman; Huffman, ISD; Harris.
Hughes Springs; Hughes Springs, ISD; Cass.
Huntsville:
Huntsville, HS; Walker.
Huntsville, Int.; Walker.
Hutchins; Alta Mesa, EL; Dallas.
Hutto; Hutto, ISD; Williamson.
Iredell; Iredell, RHSD; Bosque.
Italy; Italy, EL; Ellis.
Jacksonville:
East Side, EL; Cherokee.
Jacksonville, JH; Cherokee.
Jarrell:
Holy Trinity Catholic School; Williamson
West Side, EL; Cherokee.
Wright, EL; Cherokee.
Jasper; Jasper, HS; Jasper.
Jasper; Vernon County Line; Jasper.
Jefferson; Victory, EL; Marion.
Jewett; Leon, ISD; Leon.
Karnes City:
Fashing, EL; Karnes.
Gillett, EL; Karnes.
Karnes City, EL; Karnes.
Kaufman; Kaufman, EL; Kaufman.
Kenedy; Kenedy, ISD; Karnes.
Kennard; Kennard, CSD; Houston.
Kerens; Kerens, ISD; Navarro.
Killeen; St. Joseph's, EL; Bell.
Kingsville:
Colston, EL; Kleberg.
St. Martin's School; Kleberg.
Douglass, EL; Kleberg.
McRoberts, EL; Kleberg.
Ricardo, ISD; Kleberg.
Kirbyville; Kirbyville, ISD; Jasper.
Kountze; Kountze, ISD; Hardin.
Kyle; Kyle, EL; Hays.
Ladonia; Fannindel, ISD; Delta.
La Feria; Lee, EL; Cameron.
La Grange:
La Grange, ISD; Fayette.
Sacred Heart Catholic School; Fayette.
La Joya:
La Joya, HS; Hidalgo.
El Faro School; Hidalgo.
La Joya Intermediate; Hidalgo.
Los Ebanos, EL; Hidalgo.
Memorial, EL; Hidalgo.
Laneville; Laneville, ISD; Rusk.
La Porte; La Porte, EL; Harris.
Laredo:
St. Augustine School; Webb.
St. Peter's School; Webb.
Masterson, EL; Webb.
La Vernia; La Vernia, ISD; Wilson.
Littlefield; Littlefield, ISD; Lamb.
Livingston; Livingston, ISD; Polk.
Lockney; Lockney, ISD; Floyd.
Lott; Lott, ISD; Falls.
Louise; Louise; ISD; Wharton.
Lovelady:
Center Grove, EL; Houston.
Center Grove Int.; Houston.

Lubbock:
Cooper, RHSD; Lubbock.
McWhorter, EL; Lubbock.
Mary and Mac School; Lubbock.
Wolfarth, EL; Lubbock.
Roosevelt, RHSD; Lubbock.
Lufkin; Hackney, EL; Angelina.
Manor; Manor ISD; Travis.
Marathon; Marathon, ISD; Brewster.
Marlin; Marlin, HS; Falls.
Marshall; Holy Spirit School; Harrison.
Mathis:
Mathis, EL No. 1; San Patricio.
Mathis, EL No. 2; San Patricio.
Mathis, HS; San Patricio.
Mathis Int.; San Patricio.
Mathis, JH; San Patricio.
McAllen; Pope John School; Hidalgo.
Memphis; Memphis, ISD; Hall.
Mereta; Mereta, CSD; Tom Green.
Midland:
Bunche, EL; Midland.
Crockett, EL; Midland.
Mineola; Mineola, ISD; Wood.
Mission:
Castro, EL; Hidalgo.
Marcell, EL; Hidalgo.
Roosevelt, EL; Hidalgo.
Wilson, EL; Hidalgo.
Sharyland, ISD; Hidalgo.
Monahans; West Texas Children's Home School; Ward.
Mount Enterprise; Concord RHSD; Rusk.
Mount Pleasant; Mount Pleasant, HS; Titus.
Muenster; Sacred Heart School; Cooke.
Nacogdoches:
Nacogdoches, HS; Nacogdoches.
Sacred Heart Parochial School; Nacogdoches.
Navasota:
Carver Primary; Grimes.
Navasota, HS; Grimes.
New Home; New Home, ISD; Lynn.
Oakwood; Oakwood, ISD; Leon.
Odem; Odem, ISD; San Patricio.
Odessa:
Austin, EL; Ector.
Blackshear, JH; Ector.
Carver, EL; Ector.
Crockett, JH; Ector.
Ector, HS; Ector.
Hays, EL; Ector.
Milam, EL; Ector.
Rusk, EL; Ector.
Orange:
Little Cypress (1–12); Orange.
St. Therese, EL; Orange.
Stark, HS; Orange.
Wallace, EL; Orange.
Orange Grove; Orange Grove, ISD; Jim Wells.
Palestine; Banks, EL; Anderson.
Pampa; St. Vincent's School; Gray.
Pasadena; St. Pius School; Harris.
Pharr:
St. John's School; Hidalgo.
St. Margaret School; Hidalgo.
Pearsall; Pearsall, Int.; Frio.
Pettus; Pettus, ISD; Bee.
Pineland; West Sabine, ISD; Sabine.
Pittsburg; Douglas, JH; Camp.
Plainview:
Ash, EL; Hale.
Lakeside, EL; Hale.
Pleasanton; Pleasanton, HS; Atascosa.
Port Arthur:
Wilson, JH; Jefferson.
St. Mary's Catholic School; Jefferson.
Poth:
Kosciusko, EL; Wilson.
Poth, EL; Wilson.
Poth, JH; Wilson.
Poth, HS; Wilson.
Queen City; Queen City, ISD; Cass.
Quinlan; Boles Home, CSD; Hunt.
Raymondville:
Raymondville, JH; Willacy.
Intermediate; Willacy.
Raymondville, HS; Willacy.
Pittman-Alamo-Lee, EL; Willacy.
Richards; Richards, ISD; Grimes.
Rio Grande City; Immaculate Conception School; Starr.
Rocksprings; Rocksprings, ISD; Edwards.
Rockwall; Rockwall, ISD; Rockwall.
Rosenberg:
Lamar, HS; Fort Bend.
Travis, EL; Fort Bend.
Roxton; Roxton, ISD; Lamar.
Royse City; Royse City, JH; Rockwall.
Rusk; Rusk, HS; Cherokee.
Sabinal; Sabinal, ISD; Uvalde.
San Angelo:
Blackshear, EL; Tom Green.
Sacred Heart School; Tom Green.
Carver, EL; Tom Green.
Edison, JH; Tom Green.
Fort Concho, EL; Tom Green.
Glenn, JH; Tom Green.
San Antonio:
Callaghan, EL; Bexar.
Annunciation School; Bexar.
Edgewood, HS; Bexar.
Blessed Sacrament School; Bexar.
Edgewood, JH; Bexar.
Christ the King School; Bexar.
Emma Frey, EL; Bexar.
Our Lady of Guadalupe School; Bexar.
H. K. Williams, EL; Bexar.
Our Lady of Perpetual Help School; Bexar.
Memorial, HS; Bexar.
Our Lady of Sorrows School; Bexar.
Roosevelt, EL; Bexar.
St. Cecelia School; Bexar.
Gerald, EL; Bexar.
St. Gerard, EL; Bexar.
Harlandale, JH; Bexar.
St. John School; Bexar.
Stonewall, EL; Bexar.
St. Gerard, HS; Bexar.
Vestal, EL; Bexar.
St. Teresa's Academy; Bexar.
Kindergarten; Bexar.
St. Frances School; Bexar.
Bonham, EL; Bexar.
St. Joseph's School; Bexar.
Brewer, EL; Bexar.
Briscoe, EL; Bexar.
Burnet, EL; Bexar.
Dunbar, JH; Bexar.
Fannin, EL; Bexar.
Graebner, EL; Bexar.
Hood, EL; Bexar.
Ivanhoe, EL; Bexar.
Margil, EL; Bexar.
Navarro, EL; Bexar.
Nelson, EL; Bexar.
Pershing, EL; Bexar.
Truth, EL; Bexar.
Price, EL; Bexar.
San Benito:
Encantada, EL; Cameron.
Villa Nueva, EL; Cameron.
Migrant; Cameron.
St. Theresa School; Cameron.
Scurry; Scurry-Rosser, ISD; Kaufman.
Seagraves; Seagraves, ISD; Gaines.
Sealy:
Sealy, EL; Austin.
Immaculate Conception School; Austin.
Sealy, JH, HS; Austin.
Seguin; St. James Catholic School; Guadalupe.
Shepherd; Shepherd, ISD; San Jacinto.
Sherman; Jefferson, EL; Grayson.
Slaton; Slaton, ISD; Lubbock.
Smiley; Smiley, ISD; Gonzales.
Smithville; Smithville, ISD; Bastrop.
Snook; Snook, ISD; Burleson.
Spade; Spade, ISD; Lamb.
Stafford; Dulles, JH; Fort Bend.
Sweetwater; Lewis, EL; Nolan.
Tatum; Tatum, EL; Rusk.
Taylor; St. Mary's School; Williamson.
Teague; Teague, ISD; Freestone.
Temple:
Temple, HS; Bell.
St. Mary's Catholic, EL; Bell.
Tenaha; Tenaha, ISD; Shelby.
Texarkana:
Liberty, EL; Bowie.
Macedonia, EL; Bowie.
Texas City; Texas City, HS; Galveston.
Timpson; Timpson North, HS; Shelby.
Tioga; Tioga, CSD; Grayson.
Tomball; Tomball, ISD; Harris.
Torrecillas; Torrecillas, CSD; Webb.
Tyler:
Austin, EL; Smith.
St. Gregory, EL; Smith.
Dogan, JH; Smith.
Tyler Catholic, HS; Smith.
Victoria:
Dudley, EL; Victoria.
Hope School; Victoria.
Nazareth Academy; Victoria.
Howell Int.; Victoria.
Juan Linn, EL; Victoria.
Waco:
Carver, HS; McLennan.
Waco State Home School; McLennan.
Dripping Springs, EL; McLennan.
Barron Springs, EL; McLennan.
Bell's Hill, EL; McLennan.
Brook Avenue, EL; McLennan.
Gurley, EL; McLennan.
Hines, EL; McLennan.
Jefferson, EL; McLennan.
Kirk-Wilson, EL; McLennan.
Nalley, EL; McLennan.
Oakwood, EL; McLennan.
Reicher, HS; McLennan.
Sanger Avenue, EL; McLennan.
Smith, EL; McLennan.
South Waco, EL; McLennan.
Sul Ross, EL; McLennan.
Waco, HS; McLennan.
Wiley, JH; McLennan.
Waller; Prarie View, EL; Waller.
Wallis; Wallis, ISD; Austin.
Walnut Springs; Walnut Springs, ISD; Bosque.
Weimar; Downs, HS; Colorado.
Welch; Dawson, ISD; Dawson.
Wharton; Wharton, HS; Wharton.
Woodville; Woodville, ISD; Tyler.
Wylie; Wylie, ISD; Collin.
Yoakum; St. Joseph Parochial School; De Witt.
Yorktown; Holy Cross School; De Witt.
Zapata; Christian Union Institute; Zapata.

UTAH

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, district, and number

Springville; Springville High; Nebo.
Ogden; Weber High; Weber.
Salt Lake City:
Emerson, EL; Salt Lake, 36.
Hamilton, EL; Salt Lake, 36.
Wasatch, EL; Salt Lake, 36.

1968–69 Additions to the 1966–67 List

[Please note that all elementary and secondary schools operated by the Bureau of Indian Affairs are considered to meet the 1968–69 qualification of a high concentration of students from low-income families. All such schools in this State are included in the designation of schools having in excess of 50 percent enrollment from low-income families.]

Location, city or town, name of school, and school district

American Fork; Greenwood, EL; Utah.
Bluff; Bluff, EL; San Juan.
Brigham City; Intermountain Indian, HS; BIA.
Ferron; San Rafael, EL; Emery.
Fillmore; Millard, HS; Millard.
Hinkley; Hinkley, EL; Millard.
Koosharem; Koosharem, EL; Sevier.
Oak City; Oak City, EL; Millard.

Ogden:
Ben Lomond, HS; Weber.
Central, JHS; Weber.
Mound Fort, EL; Weber.
Price; Carbon, HS; Carbon.
Provo; Sunset View, EL; Utah.
St. Lake City; Lincoln, JHS; Salt Lake.
Tooele; Tooele, HS; Tooele.
Woodruff; Woodruff, EL; Rich.

VERMONT

1967–69 Deletions From the 1966–67 List

Location, town, name of school, and supervisory union

Barton; Barton Academy; Orleans Central.
Bennington; Bennington Catholic, HS; Bennington South.
New Haven; Beeman Academy; Addison Northeast.

1968–69 Additions to the 1966–67 List

Location, town, name of school, and supervisory union

Barton:
Lake Region Union, HS; Orleans Central.
Barton Graded; Orleans Central.
New Haven; New Haven, EL; Addison Northeast.

VIRGINIA

1968–69 Deletions From the 1967–68 List

Location, city or town, name of school, and district

Arlington; Cherrydale, EL; Arlington.
Bedford; Body Camp, EL; Bedford.
Bristol:
Wallace, EL; Washington.
George Washington, EL; Bristol City.
Robert E. Lee, EL; Bristol City.
Highland View, EL; Bristol City.
Burkeville; Ingleside, EL; Nottoway.
Capeville; Capeville, EL; Northampton.
Castlewood; Castlewood, HS; Russell.
Coeburn; Cranes Nest, EL; Wise.
Covington; Jeter-Watson, EL; Covington City.
Danville:
Edwin A. Gibson, EL; Danville City.
William F. Grasty, EL; Danville City.
Westmoreland Combined; Danville City.
Irvin W. Taylor, EL; Danville City.
John M. Langston, HS; Danville City.
John L. Berkeley, EL; Danville City.
Dayton; Ottobine, EL; Rockingham.
Dillwyn:
Carter G. Woodson, HS; Buckingham.
Stephen J. Ellis, EL; Buckingham.
Dublin; Spur Branch Combined; Bland.
Dungannon; Dungannon, HS; Scott.
Esserville; Esserville, EL; Wise.
Exmore; Hare Valley, EL; Northampton.
Farnham:
Farnham, EL; Richmond County.
Julia G. Page, EL; Richmond County.
Fulks Run; Fulks Run, EL; Rockingham.
Glade Spring; Patrick Henry, HS; Washington.
Glen Lyn; Glen Lyn School; Giles.
Gloucester; Thomas C. Walker, EL; Gloucester.
Grottoes; Grottoes, EL; Rockingham.
Hampton; Phoebus, EL; Hampton City.
Kimballton; Kimballton, EL; Giles.
King George; Ralph Bunche, EL; King George.
Leesburg; Douglas, EL; Loudoun.
Louisa; A. G. Richardson, HS; Louisa.
Lynchburg; Marce Jones, EL; Lynchburg City.
Machipongo:
Northampton County, HS; Northampton.
Machipongo, EL; Northampton.
Madison; Madison County, HS; Madison.
Max Meadows; Max Meadows, EL; Wythe.
New Canton; Washington Carver, EL; Buckingham.
Norton:
Laurel Grove, EL; Wise.
Gartiner, EL; Wise.
Orange; Prospect Heights, EL; Orange.
Petersburg; Union Grove, EL; Chesterfield.
Pound:
Collins, EL; Wise.
Flat Gap, EL; Wise.
Purcellville; Carver, EL; Loudoun.
Richmond:
Madison, EL; Richmond City.
East End, JHS; Richmond City.
Mosby, EL; Richmond City.
Roanoke; Pinkard Court, EL; Roanoke County.
Saltville; Rich Valley, HS; Smyth.
Spotsylvania:
John J. Wright, HS; Spotsylvania.
John J. Wright, EL; Spotsylvania.
Berkeley, EL; Spotsylvania.
Staunton; Jackson-Jefferson, EL; Staunton City.
Warsaw; Richmond County, HS; Richmond County.
Washington; Washington, EL; Rappahannock.
Wise:
Duncan Gap, EL; Wise.
Gilliam, EL; Wise.
Glamorgan, EL; Wise.
Hurricane, EL; Wise.
Maple Grove, EL; Wise.
Mountain View, EL; Wise.
Rocky Fork, EL; Wise.

1968–69 Additions to the 1967–68 List

Location, city or town, name of school, and district.

Amherst:
Central, EL; Amherst.
Temperance, EL; Amherst.
Appalachia; Appalachia, HS; Wise.
Appomattox:
Carver-Price Combined School; Appomattox.
Vera, EL; Appomattox.
Oakville, EL; Appomattox.
Arcola; Arcola, EL; Loudoun.
Arrington; Nelson Memorial, JHS; Nelson.
Ashburn; Ashburn, EL; Loudoun.
Bent Mountain; Bent Mountain, EL; Roanoke County.
Big Stone Gap; Powell Valley, HS; Wise.
Bluefield; Logan Street, EL; Tazewell.
Callands; Callands, EL; Pittsylvania.
Crewe; Watson, EL; Nottoway.
Goode; Otter River, EL; Bedford.
Gore; Gore, EL; Frederick.
Hampton; Union, EL; Hampton City.
Harrisonburg; Waterman, EL; Harrisonburg City.
Hopewell:
Carter G. Woodson Combined School; Hopewell City.
Arlington, EL; Hopewell City.
King George:
King George, HS; King George.
King George, EL; King George.
Lovettsville; Lovettsville, EL; Loudoun.
Lynchburg; White Rock, EL; Lynchburg City.
Madison Heights; Madison Heights (Colony Road), EL; Amherst.
Martinsville; Albert Harris, EL; Martinsville City.
Mathews; Mathews, HS; Mathews.
Max Meadows; Fort Chiswell, HS; Wythe.
Middleburg; Middleburg, EL; Loudoun.
Monroe; Pleasant View, EL; Amherst.
Newport; Newport, EL; Giles.
Newport News:
Carver, HS; Newport News City.
Carver, EL; Newport News City.
John Marshall, EL; Newport News City.
B. T. Washington, EL; Newport News City.
Walter Reed, EL; Newport News City.
Magruder, EL; Newport News City.
Stonewall Jackson, EL; Newport News City.
Dunbar, EL; Newport News City.
Norfolk; Stuart, EL; Norfolk City.
Orange; Orange Intermediate; Orange.
Pamplin; Pamplin, EL.; Appomattox.
Portsmouth:
Douglass Park, EL; Portsmouth City.
Brighton, EL; Portsmouth City.
Truxtun, EL; Portsmouth City.
Pound; Pound, EL; Wise.
Powhatan; Powhatan Combined School; Powhatan.
Purcellville; Emerick, EL; Loudoun.
Rich Creek; Rich Creek, EL; Giles.
Richlands; Richlands, JHS; Tazewell.
Richmond:
Randolph, JHS, Richmond City.
Richmond Trade Training Center; Richmond City.
Ruckersville; Ruckersville, EL; Greene.
Salem; Academy Street, EL; Roanoke County.
Smithfield; Smithfield, HS; Isle of Wight.
South Chesapeake; Southeastern, EL; Chesapeake City.
Spout Spring; Spout Spring, EL; Appomattox.
Stanardsville; Greene County, EL; Greene.
Suffolk; Booker T. Washington, EL; Suffolk City.
Templeman; A. T. Johnson, HS; Westmoreland.
Turbeville; Turbeville, EL; Halifax.
Virginia Beach; Virginia Beach, JHS; Virginia Beach City.
Wicomico; Abingdon, EL; Gloucester.
Willis; Willis, EL; Floyd.
Wise; Wise Primary; Wise.

1968–69 Changes in the Names of Schools on the 1967–68 List

Location, city or town, previous school name, present name, and district

Disputanta; Bessie Mason, EL; now Harrison, EL; Prince George.
Nickelsville; Nickelsville, HS; now Twin Springs Combined, HS; Scott.
Sperryville; Sperryville, EL; now Rappahannock, EL; Rappahannock.

WASHINGTON

1968–69 List of Schools

Location, city or town, name of school, school district and number

Aberdeen:
Stevens, EL; Aberdeen, 5.
Washington, EL; Aberdeen, 5.
A. J. West, EL; Aberdeen, 5.
Addy; Summit, EL; Summit, 202.
Alderwood Manor:
Cypress, EL; Edmonds, 15.
Martha Lake, EL; Edmonds, 15.
Amanda Park; Quinalt Schools, 1–12; Quinalt, 97.
Anacortes:
Anacortes, JHS; Anacortes, 103.
Fidalgo, EL; Anacortes, 103.
Island View, EL; Anacortes, 103.
Arlington; Lincoln, EL; Arlington, 16.
Ashford; Columbia Crest, EL; Eatonville, 404.
Asotin; Asotin, 1–21; Asotin, 310.
Bellingham:
Columbia, EL; Bellingham, 501.
Marietta, EL; Bellingham, 501.
Roeder, EL; Bellingham, 501.
Sunnyland, EL; Bellingham, 501.
Whatcom, JHS; Bellingham, 501.
Blaine; Blaine, EL; Blaine, 503.
Blue Creek; Blue Creek, EL; Blue Creek, 27.

Bremerton:
Navy Yard City, EL; Bremerton, 100.
Smith, EL; Bremerton, 100.
West, HS; Bremerton, 100.
Westpark, EL; Bremerton, 100.
Brinnon; Brinnon, EL; Brinnon, 46.
Buckley; White River, HS; White River, 416.
Carnation:
Carnation, EL; Lower Snoqualmie, 407.
Tolt, HS; Lower Snoqualmie, 407.
Cashmere:
Middle School, EL; Cashmere, 122.
Vale, EL; Cashmere, 122.
Centerville; Centerville, EL; Centerville, 215.
Centralia; St. Mary's, EL; Centralia.
Chewelah; Chewelah, 1–12; Chewelah, 36.
Chimacum; Chimacum Schools, 1–12; Chimacum, 49.
Clarkston:
Parkway, EL; Clarkston, 250.
Poplar, EL; Clarkston, 250.
Cle Elum; Cle Elum-Roslyn, 1–12; Cle Elum, 404.
Clearwater; Queets-Clearwater, EL; Queets-Clearwater, 20.
College Place:
Davis, EL; College Place, 250.
Sager Upper, EL; College Place, 250.
Clara E. Rogers, EL; College Place, 250.
Colville:
Aster, EL; Colville, 115.
Colville, HS; Colville, 115.
David Thompson, JHS; Colville, 115.
Hofstetter, EL; Colville, 115.
Mill Creek, EL; Mill Creek, 18.
Onion Creek, EL; Onion Creek, 30.
Concrete; Concrete, 1–12; Concrete, 102.
Connell:
Connell, EL; North Franklin, 51.
Connell, JHS; North Franklin, 51.
Coulee Dam; Coulee Dam, 1–12; Coulee Dam, 401.
Cowiche; Marcus Whitman, EL; Highland, 203.
Creston; Creston, 1–12; Creston, 73.
Curtis; Boistfort, 1–12; Boistfort, 234.
Cusick; Cusick, 1–12; Cusick, 59.
Darrington; Darrington, 1–12; Darrington, 330.
Dayton; Dayton, EL; Dayton, 2.
Dixie; Dixie, EL; Dixie, 101.
Dupont; Dupont, JHS; Dupont, 7.
Duvall; Cherry Valley, EL; Lower Snoqualmie, 407.
Eatonville; Eatonville, EL; Eatonville, 404.
Edmonds:
Alderwood, JHS; Edmonds, 15.
Holy Rosary, EL; Nonpublic.
Ellensburg:
Damman, EL; Damman, 7.
St. Andrew, EL; Nonpublic.
Elma; Elma, JHS, HS; Elma, 67.
Ephrata; St. Rose of Lima, EL; Nonpublic.
Everett:
Emerson, EL; Everett, 2.
Everett, HS; Everett, 2.
Garfield, EL; Everett, 2.
Hawthorne, EL; Everett, 2.
Immaculate Conception, 1–9; Nonpublic.
Longfellow, EL; Everett, 2.
North, JHS; Everett, 2.
Our Lady of Perpetual Help, 1–9; Nonpublic.
Roosevelt, EL; Everett, 2.
Silver Lake, EL; Everett, 2.
Washington, EL; Everett, 2.
Federal Way:
Lake Grove, EL; Federal Way, 210.
Lakota, JHS; Federal Way, 210.
Forks; Forks, EL; Quillayute Valley, 402.
Fort Lewis:
Annex, EL; Dupont, 7.
Beachwood, EL; Clover Park, 400.
Greenwood, EL; Dupont, 7.
Four Lakes; Four Lakes, EL; Cheney, 360.
Gifford; Evergreen, EL; Evergreen, 205.
Goldbar; Goldbar, EL; Goldbar, 84.
Goldendale:
Goldendale, EL; Goldendale, 404.
Goldendale, HS; Goldendale, 404.
Grandview:
Central, EL; Grandview, 200.
Grandview, JHS; Grandview, 200.
Grandview Academy, 1–9; Nonpublic.
Harriet Thompson, EL; Grandview, 200.
A. H. Smith, EL; Grandview, 200.
Granger:
Granger, JHS, HS; Granger, 204.
Roosevelt-Liberty, EL; Granger, 204.
Greenacres; Greenacres, JHS; Central Valley, 356.
Harrah; Harrah, EL; Mount Adams, 209.
Hoquiam; Lincoln, EL; Hoquiam, 28.
Hunters; Columbia, HS; Columbia, 206.
Inchelium; Inchelium, 1–12; Inchelium, 70.
Ione; Ione-Bailey, EL; Selkirk, 70.
Joyce; Crescent Schools, 1–12; Crescent, 313.
Kennewick:
Eastgate, EL; Kennewick, 17.
Fruitland, EL; Kennewick, 17.
Vista, EL; Kennewick, 17.
Westgate, EL; Kennewick, 17.
Kent; O'Brien, EL; Kent, 415.
Kettle Falls; Kettle Falls, 1–12; Kettle Falls, 210.
Kirkland:
Holy Family, EL; Non-Public.
Mark Twain, EL; Lake Washington, 414.
Kittitas; Kittitas High, 7–12; Kittitas, 403.
LaCenter; LaCenter, 1–12; LaCenter, 101.
LaConner; LaConner, 1–12; LaConner, 311.
Lakewood Center:
Carter Lake, EL; Clover Park, 400.
Heartwood, EL; Clover Park, 400.
Lake City, EL; Clover Park, 400.
Lakeview, EL; Clover Park, 400.
Tillicum, EL; Clover Park, 400.
Leavenworth; Leavenworth, 1–12; Leavenworth, 128.
Lester; Lester, 1–12; Lester, 195.
Longview; Kessler, EL; Longview, 122.
Loon Lake; Loon Lake, EL; Loon Lake, 183.
Lynden:
Lynden, EL; Lynden, 504.
Lynden, HS; Lynden, 504.
Lynnwood:
Cedar Valley, EL; Edmonds, 15.
Lynnwood, JHS; Edmonds, 15.
Mabton; Mabton, 1–12; Mabton, 120.
Malaga; Malaga, EL; Malaga, 115.
Manson; Manson, 1–12; Manson, 19.
Marcus; Marcus, EL; Marcus, 50.
Marysville; Tulalip, EL; Marysville, 25.
Matlock; Mary Knight, 1–12; Mary Knight, 311.
Mattawa; Wahluke, EL; Wahluke, 73.
Mead; Green Bluff, EL; Mead, 354.
Mesa:
Basin City, EL; North Franklin, 51.
Mesa, EL; North Franklin, 51.
Milan; Riverside, 1–12; Riverside, 416.
Moclips; North Beach, 1–12; North Beach, 64.
Monroe:
Central, EL; Monroe, 103.
Frank Wagner, EL; Monroe, 103.
Middle School, EL; Monroe, 103.
Moses Lake:
Chief Moses, JHS; Moses Lake, 161.
Frontier, JHS; Moses Lake, 161.
Lakeview, EL; Moses Lake, 161.
Longview, EL; Moses Lake, 161.
Midway, EL; Moses Lake, 161.
Moses Lake, HS; Moses Lake, 161.
Peninsula, EL; Moses Lake, 161.
SDA Junior Academy, EL; Nonpublic.
Mountlake Terrace:
Forest Crest, EL; Edmonds, 15.
Melody Hill, EL; Edmonds, 15.
Mountlake Terrace, EL; Edmonds, 15.
Mountlake Terrace, JHS; Edmonds, 15.
Mountlake Terrace, HS; Edmonds, 15.
Mountlake Christian, EL; Nonpublic.
St. Pius X EL; Nonpublic.
Mount Vernon:
Conway, EL; Conway, 317.
Washington, EL; Mount Vernon, 320.
Naches; Naches, EL; Naches Valley, 3.
Neah Bay; Neah Bay, 1–12; Cape Flattery, 401.
Nespelem; Nespelem, EL; Nespelem, 14.
Newport; Newport, 1–12; Newport, 56.
Nooksack; Nooksack Valley, JHS, HS; Nooksack Valley, 506.
Oakville; Oakville, 1–12; Oakville, 400.
Okanogan:
Grainger, EL; Okanogan, 105.
Malott, EL; Okanogan, 105.
O'Keefe, EL; Okanogan, 105.
Okanogan, JHS; Okanogan, 105.
Okanogan, HS; Okanogan, 105.
Olympia:
Boston Harbor, EL; Olympia, 111.
Garfield, EL; Olympia, 111.
Jefferson, JHS; Olympia, 111.
Madison, EL; Olympia, 111.
McKinley, EL; Olympia, 111.
Rogers, EL; Olympia, 111.
Roosevelt, EL; Olympia, 111.
Washington, JHS; Olympia, 111.
William W. Miller, HS; Olympia, 111.
Omak:
Christ the King, EL; Nonpublic.
Coppie, JHS; Omak, 19.
East Omak, EL; Omak, 19.
Emert-Stevens, EL; Omak, 19.
Omak, HS; Omak, 19.
St. Mary's Mission, EL; Nonpublic.
Orient; Orient, EL; Orient, 65.
Oroville; Oroville, 1–12; Oroville, 410.
Orting; Orting, 1–12; Orting, 344.
Othello:
Hiawatha, EL; Othello, 147.
Lutacaga, EL; Othello, 147.
McFarland, JHS; Othello, 147.
Outlook; Outlook, EL; Sunnyside, 201.
Palisades; Palisades, EL; Palisades, 102.
Pasco:
Captain Gray, EL; Pasco, 1.
Edwin Markham, EL; Pasco, 1.
Emerson, EL; Pasco, 1.
Kindergarten, EL; Pasco, 1.
Longfellow, EL; Pasco, 1.
McLoughlin, JHS; Pasco, 1.
Pasco, HS; Pasco, 1.
St. Patrick's, EL; Nonpublic.
Tri-City Junior Academy, 1–10; Nonpublic.
Pateros; Pateros, 1–12; Pateros, 122.
Port Angeles:
Dry Creek, EL; Port Angeles, 21.
Fairview, EL; Fairview, 321.
Monroe, EL; Port Angeles, 21.
Port Angeles, HS; Port Angeles, 21.
Queen of Angels, EL; Nonpublic.
Roosevelt, JHS; Port Angeles, 21.
Stevens, JHS; Port Angeles, 21.
Washington, EL; Port Angeles, 21.
Port Townsend:
Grant Street, EL; Port Townsend, 50.
Lincoln, EL; Port Townsend, 50.
Port Townsend, JHS; Port Townsend, 50.
Port Townsend, HS; Port Townsend, 50.
Prosser:
Prosser Heights, EL; Prosser, 116.
Prosser, JHS; Prosser, 116.
Prosser, HS; Prosser, 116.
Riverview, EL; Prosser, 116.
Puyallup:
McAlder, EL; Sumner, 320.
Puyallup, HS; Puyallup, 3.
Quincy; Mountain View, EL; Quincy, 144.
Renton:
Highlands, EL; Renton, 403.
Hillcrest, EL; Renton, 403.
Honey Dew, EL; Renton, 403.
Richland; Lewis and Clark, EL; Richland, 400.
Riverside; Riverside, EL; Riverside, 118.
Roosevelt; Roosevelt, EL; Roosevelt, 408.
Roy; Roy, EL; Bethel, 403.

Seattle:
Adams, EL; Seattle, 1.
Aldercrest, EL; Shorecrest, 412.
Ballard, HS; Seattle, 1.
Boren, JHS; Seattle, 1.
Briarcrest, EL; Shoreline, 412.
Brighton, EL; Seattle, 1.
Cascade, JHS; Highline, 401.
Cedarbrook, EL; Shoreline, 412.
Cleveland, HS; Seattle, 1.
Colman, EL; Seattle, 1.
Columbia, EL; Seattle, 1.
Concord, EL; Seattle, 1.
Cooper, EL; Seattle, 1.
Day, EL; Seattle, 1.
Duwamish, EL; South Central, 406.
Evergreen, HS; Highline, 401.
Franklin, HS; Seattle, 1.
Garfield, HS; Seattle, 1.
Gatzert, EL; Seattle, 1.
Georgetown, EL; Seattle, 1.
Glendale, JHS; Highline, 401.
Hamilton, JHS; Seattle, 1.
Harrison, EL; Seattle, 1.
High Point, EL; Seattle, 1.
Immaculate Conception, EL; Nonpublic.
Leschi, EL; Seattle, 1.
Madrona, EL; Seattle, 1.
Meany, JHS; Seattle, 1.
Minor, EL; Seattle, 1.
Monroe, JHS; Seattle, 1.
Mount View, EL; Highline, 401.
North City, EL; Shoreline, 412.
North Shorewood, EL; Highline, 401.
O'Dea, HS; Nonpublic.
Our Lady of Mount Virgin, EL; Nonpublic.
Paramount Park, EL; Shoreline, 412.
Ridgecrest, EL; Shoreline, 412.
Sharples, JHS; Seattle, 1.
Showalter, 1–8; South Central 406.
Southgate, EL; South Central, 406.
Stevens, EL; Seattle, 1.
St. Edward's, EL; Nonpublic.
St. George's, EL; Nonpublic.
St. James Cathedral, EL; Nonpublic.
St. Joseph's, EL; Nonpublic.
St. Mary's, EL; Nonpublic.
St. Teresa's, EL; Nonpublic.
Van Asselt, EL; Seattle, 1.
Washington, JHS; Seattle, 1.
West Woodland, EL; Seattle, 1.
White Center Heights, EL; Highline, 401.
Selleck; Selleck, EL; Enumclaw, 216.
Shelton:
Bordeaux, EL; Shelton, 309.
Evergreen, EL; Shelton, 309.
Shelton, JHS; Shelton, 309.
Skamania; Skamania, EL; Skamania, 2.
Snohomish; Maltby, EL; Monroe, 103.
Soap Lake; Soap Lake, 1–12 Soap Lake, 56.
South Bend; South Bend, 1–12; South Bend, 118.
Spanaway:
Bethel, JHS; Bethel, 403.
Bethel, HS; Bethel, 403.
Elk Plain, EL; Bethel, 403.
Spangle; Liberty, 1–12; Liberty, 362.
Spokane:
Adams, EL; Spokane, 81.
Arlington, EL; Spokane, 81.
Audubon, EL; Spokane, 81.
Bancroft, EL; Spokane, 81.
Blake, EL; Spokane, 81.
Bryant, EL; Spokane, 81.
Columbia, EL; Spokane, 81.
Edison, EL; Spokane, 81.
Garden Springs, EL; Spokane, 81.
Grant, EL; Spokane, 81.
Great Northern, EL; Spokane, 81.
Holmes, EL; Spokane, 81.
Logan, EL; Spokane, 81.
McDonald, EL; Spokane, 81.
North Pines, JHS; Spokane, 81.
Opportunity, EL; Spokane, 81.
Our Lady of Lourdes, EL; Nonpublic.
Sheridan, EL; Spokane, 81.
South Pines, EL; Spokane, 81.
Spokane Junior Academy, 1–10; Nonpublic.
Spokane Valley, EL; Nonpublic.
St. Ann's, EL; Nonpublic.
St. Anthony's, EL; Nonpublic.
St. Joseph's, EL; Nonpublic.
St. Patrick's, EL; Nonpublic.
Stevens, EL; Spokane, 81.
Whitman, EL; Spokane, 81.
Springdale; Mary Walker, 1–12; Mary Walker, 207.
Starbuck; Starbuck, EL; Starbuck, 35.
Steilacoom; Cherrydale-Pioneer, EL; Steilacoom, 1.
Stevenson; Stevenson, 1–12; Stevenson, 3.
Sumas; Sumas, EL; Nooksack Valley, 506.
Sumner; Bonney Lake, EL; Sumner, 320.
Sunnyside:
Chief Kamiakin, EL; Sunnyside, 201.
Lincoln, EL; Sunnyside, 201.
Sunnyside, JHS; Sunnyside, 201.
Sunnyside, HS; Sunnyside, 201.
Washington, EL; Sunnyside, 201.
Tacoma:
Brookdale, EL; Franklin Pierce, 402.
Bryant, EL; Tacoma, 10.
Clover Creek, EL; Bethel, 403.
Franklin Pierce, HS; Franklin Pierce, 402.
Gault, JHS; Tacoma, 10.
Gray, JHS; Tacoma 10.
Holy Rosary, EL; Nonpublic.
James Sales, EL; Franklin Pierce, 402.
Lister, EL; Tacoma, 10.
McCarver, EL; Tacoma, 10.
McIlvaigh, JHS; Tacoma, 10.
Oakwood, EL; Clover Park, 400.
Sacred Heart, EL; Nonpublic.
Stanley, EL; Tacoma, 10.
St. Leo's, 1–12; Nonpublic.
Tacoma Baptist, K–10; Nonpublic.
Visitation, EL; Nonpublic.
Taholah; Tahola, EL; Taholah, 77.
Tieton; Tieton, EL; Highland, 203.
Toledo:
Toledo, 1–12; Toledo, 237.
St. Mary's Academy, HS; Nonpublic.
Tonasket:
Ellisforde, EL; Nonpublic.
Tonasket, 1–12; Tonasket, 404.
Toppenish:
Garfield, EL; Toppenish, 202.
Lincoln, EL; Toppenish, 202.
Mount Adams, EL; Toppenish, 202.
McKinley, EL; Toppenish, 202.
Toppenish, JHS; Toppenish, 202.
Toppenish, HS; Toppenish, 202.
Toutle; Toutle Lake, 1–12; Toutle Lake, 130.
Trout Lake; Trout Lake, 1–12; Trout Lake, 400.
Tukwila; Tukwila, EL; South Central, 406.
Union Gap; K–9; Union Gap, 2.
Valley; Valley, EL; Valley, 7.
Vancouver:
Covington, JHS; Evergreen, 114.
George C. Marshall, EL; Vancouver, 37.
Hough, EL; Vancouver, 37.
John Rogers, EL; Vancouver, 37.
Orchards, EL; Evergreen, 114.
Sifton, EL; Evergreen, 114.
Washington, EL; Vancouver, 37.
Versadale; Progress, EL; Central Valley, 356.
Waitsburg; Waitsburg, 1–12; Waitsburg, 401.
Walla Walla:
Garrison, JHS; Walla Walla, 140.
Jefferson, EL; Walla Walla, 140.
Walla Walla, HS; Walla Walla, 140.
Washington, EL; Walla Walla, 140.
Wapato:
Intermediate, EL; Wapato, 207.
Parker, EL; Wapato, 207.
Parker Heights, EL; Wapato, 207.
Primary, EL; Wapato, 207.
Wapato, JHS; Wapato, 207.
Wapato, HS; Wapato, 207.
Wellpinit; Wellpinit, EL; Wellpinit, 49.
Wenatchee:
Lincoln, EL; Wenatchee, 246.
St. Joseph's, 1–9; Nonpublic.
White Salmon; White Salmon, EL; White Salmon, 405.
White Swan; White Swan, EL; Mount Adams, 209.
Whitstran, Whitstran, EL; Prosser, 116.
Wilson Creek; Wilson Creek, 1–12; Wilson Creek, 167.
Winthrop; Winthrop, 1–12; Winthrop, 103.
Wishram; Wishram, 1–12; Wishram, 94.
Woodinville; Cottage Lake, EL; Northshore, 417.
Woodland:
Green Mountain, EL; Green Mountain, 103.
Woodland, EL; Woodland, 404.
Woodland, HS; Woodland, 404.
Yacolt; Yacolt, EL; Yacolt, 104.
Yakima:
Adams, EL; Yakima, 7.
Ahtanum Valley, EL; West Valley, 208.
Barge-Lincoln, EL; Yakima, 7.
Broadway, EL; Yakima, 7.
Castlevale, EL; Yakima, 7.
Childs, EL; Yakima, 7.
Davis, HS; Yakima, 7.
Eisenhower, HS; Yakima, 7.
Garfield, EL; Yakima, 7.
Jefferson, EL; Yakima, 7.
Lewis and Clark, JHS; Yakima, 7.
Lower Naches, EL; Naches Valley, 3.
Madison, EL; Yakima, 7.
Mountainview, EL; West Valley, 208.
Stanton, EL; Yakima, 7.
Washington, JHS; Yakima, 7.
Wide Hollow, EL; West Valley, 208.
Yelm; Yelm, 1–12; Yelm, 2.
Zillah; Zillah, 1–12; Zillah, 205.

WEST VIRGINIA

1968–69 List of Schools

Location, city or town, name of school, and county

Accoville; Buffalo, EL; Logan.
Alderson:
Alderson, EL; Greenbrier.
Fox, EL; Summers.
Alum Bridge; Alum Bridge, EL; Lewis.
Alum Creek; Midway, EL; Lincoln.
Alvy; Alvy, EL; Tyler.
Ansted:
Lower Ansted, EL; Fayette.
Upper Ansted, EL; Fayette.
Apple Grove; Sunnyside, EL; Mason.
Arnoldsburg; Arnoldsburg, EL; Calhoun.
Avondale:
Lex, EL; McDowell.
Ritter, EL; McDowell.
Baileysville:
Baileysville, EL; Wyoming.
Baileysville, HS; Wyoming.
Sun Hill, EL; Wyoming.
Baisden; Cline, EL; Mingo.
Bartley:
Bartley, JHS; McDowell.
Rayal, EL; McDowell.
Baxter; Baxter, EL; Marion.
Beaver; Shady Springs, JHS; Raleigh.
Beckley:
Central, EL; Raleigh.
Park, JHS; Raleigh.
Piney Oaks, EL; Raleigh.
Stratton, JHS; Raleigh.
Woodrow Wilson, HS; Raleigh.
Beckwith; Beckwith, EL; Fayette.
Belington:
Belington, EL; Barbour.
Belington, JHS; Barbour.
Belle; Dupont, JHS; Kanawha.
Bergoo; Bergoo, EL; Webster.
Berkeley Springs:
Berkeley Springs, EL; Morgan.
Berkeley Springs, HS; Morgan.
Greenwood, EL; Morgan.
Berwind; Berwind, JHS; McDowell.
Besoco:
Stoco, EL; Raleigh.
Stoco, JHS; Raleigh.
Big Bend; Brooksville, EL; Calhoun.
Big Creek; Big Creek, EL; Logan.
Big Springs; Bell, EL; Calhoun.

Blacksville; Blacksville, EL; Monongalia.
Blandville; Middle Island, EL; Doddridge.
Bluefield:
Central, JHS; Mercer.
Hancock, EL; Mercer.
Ramsey, EL; Mercer.
Stinson, EL; Mercer.
Wade, EL; Mercer.
Bolair; Sand Run, EL; Webster.
Bradshaw:
Bradshaw, EL; McDowell.
Bradshaw, JHS; McDowell.
Davis, EL; McDowell.
Jolo, EL; McDowell.
Bramwell:
Bramwell, EL; Mercer.
Bramwell, HS; Mercer.
Branchland; McComas, EL; Cabell.
Branchland:
Branchland, EL; Lincoln.
Fez, EL; Lincoln.
Guyan Valley, HS; Lincoln.
Pleasant View, EL; Lincoln.
Breeden; Lowney, EL; Mingo.
Buckhannon:
Buckhannon-Upshur, EL; Upshur.
Buckhannon-Upshur, JHS; Upshur.
Ivy, EL; Upshur.
Burnsville:
Burnsville, EL; Braxton.
Burnsville, HS; Braxton.
Burton; Burton, EL; Wetzel.
Cameron; Cameron, HS; Marshall.
Canebrake; Canebrake, EL; McDowell.
Cassville; Cassville-Osage, EL; Monongalia.
Catawba; Catawba, EL; Marion.
Cedar Grove; Cedar Grove, HS; Kanawha.
Central Station; Central Station, EL; Doddridge.
Chapmanville:
Chapmanville, HS; Logan.
East Chapmanville, EL; Logan.
West Chapmanville, EL; Logan.
Charles Town:
Charles Town, JHS; Jefferson.
Kabletown, EL; Jefferson.
Wright Denny, EL; Jefferson.
Charleston:
(John) Adams, JHS; Kanawha.
Chandler, EL; Kanawha.
Charleston, HS; Kanawha.
Fruth, EL; Kanawha.
Rand, EL; Kanawha.
Sissonville, HS; Kanawha.
Stonewall Jackson, HS; Kanawha.
Thomas Jefferson, JHS; Kanawha.
Tiskelwah, EL; Kanawha.
Woodrow Wilson, JHS; Kanawha.
Chattaroy; Chattaroy, EL; Mingo.
Christian; Christian, EL; Logan.
Cinderella; Cinderella, EL; Mingo.
Circleville; Circleville Public (1–12); Pendleton.
Clay; Clay County, HS; Clay.
Clear Creek; Clear Creek, EL; Raleigh.
Clendenin:
Clendenin, EL; Kanawha.
Clendenin, JHS; Kanawha.
Doctors Creek, EL; Kanawha.
Herbert Hoover, HS; Kanawha.
Colcord; Clear Fork, HS; Raleigh.
Copen; Copen, EL; Braxton.
Core; Core, EL; Monongalia.
Corinth; Corinth, EL; Preston.
Cove Gap; Cove Gap, EL; Wayne.
Crum:
Crum, EL; Wayne.
Crum, HS; Wayne.
Davy; Davy, JHS; McDowell.
Delbarton:
Delbarton, EL; Mingo.
Delbarton, HS; Mingo.
Diana; Diana, EL; Webster.
Dingess:
Buskirk, EL; Mingo.
Dingess, EL; Mingo.
Dry Creek; Mountain View, EL; Raleigh.
Dunlow; Dunlow, EL; Wayne.
Earling; Earling, EL; Logan.
East Bank; East Bank, HS; Kanawha.
East Lynn:
Beech Fork, EL; Wayne.
East Lynn, EL; Wayne.
Edgarton; Delorme, EL; Mingo.
Elizabeth; Wirt County, HS; Wirt.
Elkins:
Elkins Central, EL; Randolph.
Elkins, HS; Randolph.
Elkins, JHS; Randolph.
Elkview; Elkview, JHS; Kanawha.
Elm Grove; Bridge Street, EL; Ohio.
Elmira; Elmira, EL; Braxton.
Erbacon; Erbacon, EL; Webster.
Exchange; Cedar Creek, EL; Braxton.
Fairmont:
East Fairmont, HS; Marion.
Fairmont, HS; Marion.
Miller, EL, JHS; Marion.
Fairview; Daybrook, EL; Monongalia.
Falling Rock; Bridge, EL; Kanawha.
Falls Mill; Falls Mill, EL; Braxton.
Fayetteville:
Fayetteville Consolidated, EL; Fayette.
Fayetteville, EL; Fayette.
Fenwick; New Hope, EL; Nicholas.
Ferrellsburg; Ferrellsburg, EL; Lincoln.
Fireco; Fireco, EL; Raleigh.
Flatwoods:
Flatwoods, EL; Braxton.
Green Hill, EL; Braxton.
Flemington:
Flemington, EL; Taylor.
Flemington, HS; Taylor.
Fola; Fola, EL; Clay.
Follansbee; Follansbee, EL; Brooke.
Fort Gay:
Fort Gay, EL; Wayne.
Fort Gay, HS; Wayne.
Frametown:
Lower Frametown, EL; Braxton.
Upper Frametown, EL; Braxton.
Frankford; Frankford, EL; Greenbrier.
Franklin; Franklin, EL; Pendelton.
Gaines; Gaines, EL; Upshur.
Gandeeville; Gandeeville, EL; Roane.
Gary; Gary, HS; McDowell.
Gassaway:
Davis, EL; Braxton.
Gassaway, EL; Braxton.
Skidmore, EL; Braxton.
Gauley Bridge; Gauley Bridge, EL; Fayette.
Gay; Aplin Ridge, EL; Jackson.
Genoa; Genoa, EL; Wayne.
Gilbert:
Gilbert, EL; Monongalia.
Gilbert, HS; Monongalia.
Glen Daniel; Shumate, EL; Raleigh.
Glen Jean; Glen Jean, EL; Fayette.
Grafton:
Crafton, HS; Taylor.
Knottsville, EL; Taylor.
Grantsville:
Cabot Station, EL; Calhoun.
Calhoun County, HS; Calhoun.
Grantsville, EL; Calhoun.
Russett, EL; Calhoun.
White Pine, EL; Calhoun.
Griffithsville:
Duval, HS; Lincoln.
Griffithsville, EL; Lincoln.
Grimms Landing; Arbuckle, EL; Mason.
Hacker Valley; Hacker Valley, EL; Webster.
Hamlin:
Hamlin; EL; Lincoln.
Hamlin, HS; Lincoln.
Hanover; Huff Consolidated, EL; Wyoming.
Harpers Ferry; C. W. Shipley, EL; Jefferson.
Harts:
Atenville, EL; Lincoln.
Harts, HS; Lincoln.
Hedgesville:
Back Creek Valley, EL; Berkeley.
Hedgesville, EL; Berkeley.
Hemlock; Zickefoose, EL; Upshur.
Herndon; Herndon, EL; Wyoming.
Hinton:
Avis, EL; Summers.
Hinton, HS; Summers.
Hix; Chestnut Mountain, EL; Summers.
Hogsett; Woods, EL; Mason.
Holden; Holden, EL (1–9); Logan.
Huntington:
Cabell, EL; Cabell.
Guyandotte, EL; Cabell.
Lincoln, EL; Cabell.
Lincoln, JHS; Cabell.
Oley, JHS; Cabell.
Simms, EL; Cabell.
West, JHS; Cabell.
Kellogg, EL; Wayne.
Westmoreland, EL; Wayne.
Iaeger:
Baker Ridge, EL; McDowell.
Carlos, EL; McDowell.
Iaeger, EL; McDowell.
Iaeger, HS; McDowell.
Iaeger, JHS; McDowell.
Lick Branch, EL; McDowell.
Litwar, EL; McDowell.
Low Gap, EL; McDowell.
Panther, EL; McDowell.
Jolo:
Grapevine, EL; McDowell.
Hagerman, EL; McDowell.
Jewell, EL; McDowell.
Jones Springs; Jones Springs, EL; Berkeley.
Kanawha Head; Kanawha Head, EL; Upshur.
Kearneysville; Kearneysville, EL; Jefferson.
Kenna; Belgrove, EL; Jackson.
Kenova:
Buffalo, HS; Wayne.
Ceredo-Kenova, HS; Wayne.
Kenova, EL; Wayne.
Kentuck; Goshen, EL; Jackson.
Kermit:
Jennys Creek, EL; Mingo.
Kermit, EL; Mingo.
Kermit, HS; Mingo.
Marrowbone, EL; Mingo.
Keyser:
Keyser, EL; Mineral.
Keyser, HS; Mineral.
Keystone:
Eckman, EL; McDowell.
Keystone, EL; McDowell.
Kimball:
Kimball, JHS; McDowell.
Tidewater, EL; McDowell.
Kimberly; Kimberly, EL; Fayette.
Kingwood; Kingwood, EL; Preston.
Kirby; Grassy Lick, EL; Hampshire.
Leet; Big Ugly, EL; Lincoln.
Left Hand; Left Hand, EL; Roane.
Lenore:
Lenore, EL; Mingo.
Lenore, HS; Mingo.
Leon; Leon, EL; Mason.
Levels; John J. Cornwell, EL; Hampshire.
Lewisburg; Greenbrier East, HS; Greenbrier.
Little Birch; Little Birch, EL; Braxton.
Lockwood; Otter Creek, EL; Nicholas.
Logan:
Logan Central, JHS; Logan.
Logan, EL; Logan.
Logan, HS; Logan.
Logan, JHS; Logan.
London; Grant, EL; Kanawha.
Lookout; Nuttal, HS; Fayette.
Man:
Man, HS; Logan.
Man, JHS; Logan.
Marmet; Marmet, JHS; Kanawha.
Matewan:
Matewan, EL; Mingo.
Matewan, HS; Mingo.
Matoaka:
Matoaka, EL; Mercer.
Matoaka; HS; Mercer.
Maysville; Maysville, EL; Grant.
Meadow Bridge:
Meadow Bridge, EL; Fayette.
Meadow Bridge, HS; Fayette.
Springdale, EL; Fayette.
Miami; Sharon Dawes, EL; Kanawha.
Middlebourne; Iuka, EL; Tyler.
Mill Creek; Tygart's Valley, HS; Randolph.
Millville; Millville, EL; Jefferson.

Milton; Milton, EL; Cabell.
Minden; Minden, EL; Fayette.
Minnora; Minnora, EL; Calhoun.
Mohawk; McKinley, EL; McDowell.
Montcalm:
Montcalm, EL; Mercer.
Montcalm, HS; Mercer.
Montgomery; Montgomery, HS; Fayette.
Moorefield:
Moorefield, EL; Hardy.
Moorefield, HS; Hardy.
Morgantown:
Brown's Chapel, EL; Monongalia.
Cool Springs, EL; Monongalia.
Goff, EL; Monongalia.
Morgantown, HS; Monongalia.
Sarver, EL; Monongalia.
Morrisvale; Morrisvale, EL; Boone.
Moundsville:
John Marshall, HS; Marshall.
Moundsville, EL; Marshall.
Mount Gay; Mt. Gay, EL; Logan.
Mount Hope:
Mt. Hope, EL; Fayette.
Mt. Hope, HS; Fayette.
Mount Zion; Mt. Zion, EL; Calhoun.
Mud; Berry's Branch, EL; Lincoln.
Mullens; Mullens, EL; Wyoming.
Naugatuck; Naugatuck, EL; Mingo.
New Martinsville; Magnolia, HS; Wetzel.
Newhall; Newhall, EL; McDowell.
Newton; Newton, EL; Randolph.
Newville; Newville, EL; Braxton.
Nolan; Nolan, EL; Mingo.
Normantown; Normantown, EL; Gilmer.
North Fork:
Anawalt, JHS; McDowell.
Kimball, EL; McDowell.
North Fork, HS; McDowell.
Switchback, EL; McDowell.
Oak Hill:
Collins, HS; Fayette.
Glendale, EL; Fayette.
Oak Hill, EL; Fayette.
Page, EL; Fayette.
Oakvale; Oakvale, EL; Mercer.
Oceana:
Oceana, EL No. 1; Wyoming.
Road Branch, EL; Wyoming.
Omar; Omar, EL (1–9); Logan.
Orma; Orma, EL; Calhoun.
Oxford; Summers, EL; Doddridge.
Panther:
Allen, EL; McDowell.
High Knob, EL; McDowell.
Trace Fork, EL; McDowell.
Parkersburg:
Jefferson, EL; Wood.
McKinley, EL; Wood.
Washington, JHS; Wood.
Parkersburg, HS; Wood.
Parkersburg South, HS; Wood.
Parsons:
Parsons, EL; Tucker.
Parsons, HS; Tucker.
Pax; Pax, EL; Fayette.
Paynesville:
Estep, EL; McDowell.
Lester, EL; McDowell.
Roosevelt, EL; McDowell.
Trace Fork, EL; McDowell.
Pecks Mill; Mill Creek, EL; Logan.
Pence Springs; Pence Springs, EL; Summers.
Petersburg:
Petersburg, EL; Grant.
Petersburg, HS; Grant.
Peterstown:
Peterstown, EL; Monroe.
Peterstown, HS; Monroe.
Philippi:
Mt. Vernon, EL; Barbour.
Philippi, EL (1–9); Barbour.
Shawky, EL; Barbour.
Silent Grove, EL; Barbour.
Pine Grove; Valley, HS; Wetzel.
Pineville; Pineville, EL; Wyoming.
Point Pleasant; Point Pleasant, JHS; Mason.
Powhatan:
Elkhorn, EL; McDowell.
Elkhorn, JHS; McDowell.
Prenter; Prenter, EL; Boone.
Prince; Quinnimont, EL; Fayette.
Princeton:
Knob, EL; Mercer.
Princeton, JHS; Mercer.
Thorn, EL; Mercer.
Willowton, EL; Mercer.
Purgitsville; Mill Creek, EL; Hampshire.
Ranger:
Cuzzie, EL; Lincoln.
Ranger, EL; Lincoln.
Reader; Reader, EL; Wetzel.
Red Creek; Flanagan Hill, EL; Tucker.
Red Jacket; Red Jacket, JHS; Mingo.
Rhodell; Rhodell, EL; Raleigh.
Ripley; Ripley, HS; Jackson.
Rock Cave; Rock Cave, EL; Upshur.
Roderfield; Roderfield, EL; McDowell.
Romney:
Romney, EL; Hampshire.
Romney, JHS; Hampshire.
Hampshire, HS; Hampshire.
Ronceverte; Ronceverte, EL; Greenbrier.
Rowlesburg; Manheim, EL; Preston.
Sand Fork; Sand Fork, EL; Gilmer.
Sandstone:
Rocky Bottom, EL; Summers.
Sandstone, EL, HS; Summers.
Scarbro; Scarbro, EL; Fayette.
Selbyville; Selbyville, EL; Upshur.
Seneca; Seneca Rock, EL; Pendleton.
Servia; Servia, EL; Braxton.
Seth; Sherman, HS; Boone.
Shady Spring; Richmond, EL; Raleigh.
Shepherdstown; Shepherdstown, EL; Jefferson.
Simon; Long Branch, EL; Wyoming.
Sissonville; Sissonville, JHS; Kanawha.
Slanesville; Slanesville, EL; Hampshire.
Sophia; Sophia, EL; Raleigh.
South Charleston; Alum Creek, EL; Kanawha.
Spencer:
Spencer, EL; Roane.
Spencer, HS; Roane.
Sprigg; Sprigg, EL; Mingo.
Springton; Springton, EL; Mercer.
Squire; Squire, EL; McDowell.
St. Albans; Ann Bailey, EL; Kanawha.
St. Marys; St. Marys, EL; Pleasants.
Stephenson; Stephenson, EL; Wyoming.
Stirrat; Stirrat, EL; Logan.
Stollings; Stollings, EL; Logan.
Summerlee; Summerlee, EL; Fayette.
Sutton:
Sutton, EL; Braxton.
Sutton, HS; Braxton.
Sylvester; Sylvester, EL; Boone.
Talcott; Talcott, EL and HS; Summers.
Talmansville; Ten Mile, EL; Upshur.
Tanner; Tanner, EL; Gilmer.
Thacker; Thacker, EL; Mingo.
Thornton; Thornton, EL; Taylor.
Turtle Creek; North Fork, EL; Boone.
Union; Union, EL; Monroe.
Van; Van, HS; Boone.
Varney; Varney, EL; Mingo.
Verdunville; Verdunville, EL; Logan.
Vulcan; Vulcan, EL; Mingo.
War:
Big Creek, EL; McDowell.
War Cove, EL; McDowell.
War, EL; McDowell.
War, JHS; McDowell.
Yukon, EL; McDowell.
Wayne:
Wayne, EL; Wayne.
Wayne, HS; Wayne.
Wayne, JHS; Wayne.
Webster Springs:
Jumbo, EL; Webster.
Webster Springs Advanced, EL; Webster.
Webster Springs, HS; Webster.
Weirton; Dunbar, EL; Hancock.
Welch:
Hemphill, EL; McDowell.
Premier, EL; McDowell.
Welch, EL; McDowell.
Welch, HS (7–12); McDowell.
Wellsburg; Wellsburg, HS; Brooke.
Weston:
Weston Central, EL; Lewis.
Weston, JHS; Lewis.
Wharncliff; Ben Creek, EL; Mingo.
Wheeling:
Clay, EL; Ohio.
Ritchie, EL; Ohio.
Webster, EL; Ohio.
Wheeling, HS; Ohio.
Whitby; Whitby, EL; Raleigh.
Wick; Wick, EL; Tyler.
Williamson:
Main Building, EL; Mingo.
Road Branch, EL; Mingo.
Williamson, HS; Mingo.
Wilsie; Wilsie, EL; Braxton.
Winona; Winona, EL; Fayette.

WISCONSIN

1968–69 Deletions From the 1966–67 List

Location, school district, name of school, and county

Algoma:
Algoma Public, EL; Kewaunee.
St. Mary's Parochial; Kewaunee.
Alma Center; Lincoln, EL; Jackson.
Altoona; Altoona Public, EL; Eau Claire.
Appleton:
Columbus, EL; Outagamie.
Johnston, EL; Outagamie.
St. Paul's, EL; Outagamie.
St. Therese School; Outagamie.
St. Bernadette School; Outagamie.
Arcadi:
Sacred Heart School; Trempealeau.
St. Aloysius School; Trempealeau.
St. Stanislaus School; Trempealeau.
Auburndale; St. Killians Parochial; Wood.
Barsboo; Baraboo, JHS; Sauk.
Barron; Barron, JH, SHS; Barron.
Belleville; Paoli, EL; Dane.
Brillion:
St. Mary's School; Calumet.
Trinity Lutheran School; Calumet.
Brown Deer; Brown Deer, HS; Milwaukee.
Burlington; Burlington, HS; Racine.
Casco:
Casco, UHS; Kewaunee.
Holy Trinity, EL; Kewaunee.
Casco, Graded; Kewaunee.
Cassville; Cassville, HS; Grant.
Clayton; Clayton Public, EL; Polk.
Cudahy:
Kosciuszko, EL; Milwaukee.
Washington, EL; Milwaukee.
Cumberland; Cumberland, JH, SHS; Barron.
DeForest; Norway Grove, EL; Dane.
Delavan-Darien UHS; Delaven-Darien, UHS; Walworth.
Denmark; Dickinson, EL; Brown.
Durand:
Durand, EL; Pepin.
Urne, EL; Pepin.
East Troy; East Troy Village Schools; Walworth.
Eau Claire:
Memorial, HS; Eau Claire.
Randall, EL; Eau Claire.
Evansville; Evansville Public, EL; Rock.
Fort Atkinson:
Emery; Jefferson.
Fort Atkinson, JHS; Jefferson.
Germantown; Washington, HS; Washington.
Green Bay:
East, HS; Brown.
Washington, UHS; Brown.
West, HS; Brown.
Franklin, JHS; Brown.

Greenfield:
Edgewood, EL; Milwaukee.
Maple Grove, EL; Milwaukee.
Hamilton, Lisbon; Hamilton, HS; Waukesha.
Hartford UHS; Hartford, UHS; Washington.
Horicon; Horicon, EL; Dodge.
Howard Suamico; Suamico, EL; Brown.
Hudson; Hudson, JHS; St. Croix.
Hustisford; Hustisford Consolidated School; Dodge.
Janesville:
Wilson, EL; Rock.
St. Patrick's School; Rock.
Kenosha; Bradford, HS; Kenosha.
Kewaunee:
Hillcrest, EL; Kewaunee.
Norman, Grammar School; Kewaunee.
Holy Rosary Catholic School; Kewaunee.
Immanual Lutheran School; Kewaunee.
Kiel; Meeme, EL; Manitowoc.
Lodi; Lodi, JH-SHS; Columbia.
Luxemburg:
St. Mary's School; Kewaunee.
St. Paul's Lutheran School; Kewaunee.
Madison; Lincoln, JHS; Dane.
Marathon; Marathon, EL; Marinette.
Medford:
Brookside; Taylor.
Goodrich; Taylor.
Lutheran Christian Day School; Taylor.
Holy Rosary School; Taylor.
Menasha:
Nicolet, EL; Winnebago.
St. John's School; Winnebago.
Menominee Falls:
TJ Hia Complex; Waukesha.
St. Anthony's Bethlehem Lutheran School; Waukesha.
Grace Lutheran School; Waukesha.
Good Shepard School; Waukesha.
Menomonie; Menomonie, JHS; Dunn.
Merrill; St. Francis School; Lincoln.
Milwaukee; Kagel, EL; Milwaukee.
Minoqua-Lakeland; Minoqua-Lakeland, HS; Oneida.
Mishicot:
St. Ann's School; Manitowoc.
St. John's School; Manitowoc.
Holy Cross School; Manitowoc.
Monroe; Monroe, HS; Green.
Mount Horeb; LaFollett Heights, EL; Dane.
Muskego; Lakeview, Intermediate; Waukesha.
New Holstein:
New Holstein, EL; Calumet.
St. John's School; Calumet.
St. Joseph School; Calumet.
Holy Rosary School; Calumet.
Visitation-Marytown School; Calumet.
St. Charles School; Calumet.
New Lisbon; New Lisbon, EL; Juneau.
Oak Creek; Otjen, EL; Milwaukee.
Oakfield; Oakfield, EL; Fond du Lac.
Oregon; Oregon, EL; Dane.
Palmyra; St. Theresa Catholic School; Jefferson.
Phillips Worchester, EL; Price.
Platteville Doudna; Grant.
Plymouth; St. John's Lutheran School; Sheboygan.
Potosi:
St. Andrews School; Grant.
St. Thomas School; Grant.
Prairie du Chien:
St. John's School; Crawford.
St. Gabriel's School; Crawford.
Eastman, EL; Crawford.
Randolph; Randolph, EL; Columbia.
Reedsburg; Webb, HS; Sauk.
Rhinelander:
Rhinelander, HS; Oneida.
Rhinelander, JHS; Oneida.
Rice Lake:
Rice Lake, HS; Barron.
Our Lady of Lourdes School; Barron.
Richland Center; Boaz, EL; Richland.
Rothschild; Weston, EL; Marathon.
St. Francis:
Faircrest, EL; Milwaukee.
Sacred Heart of Jesus School; Milwaukee.
Salem UHS; Central, HS; Kenosha.
Slinger; Slinger, EL; Washington.
Stoughton; Kegonsa; Dane.
Superior:
St. Louis School; Douglas.
Cathedral, HS; Douglas.
Tomahawk; Bradley, EL; Lincoln.
Trempealeau; Trempealeau Public; Trempealeau.
Union Grove-Yorkville, Joint 1; Union Grove Graded; Racine.
Verona; Verona, EL; Dane.
Waterford UHS; Waterford, UHS; Racine.
Waukesha:
Central Campus, 7–1; Waukesha.
White Rock, EL; Waukesha.
Waunakee; Waunakee Public; Dane.
Waupun; St. Joseph's, EL; Fond du Lac.
Westby:
Westby, HS; Vernon.
Homestad, EL; Vernon.
North Ridge, EL; Vernon.
Wisconsin Rapids:
Grant, EL; Wood.
Lincoln, HS; Wood.
Mead, EL; Wood.
Wonewoc; St. Paul's Lutheran School; Juneau.

1968–69 Additions to the 1966–67 List

Location, school district, name of school, and county

Alma Center; Alma Center, 1–12; Jackson.
Amherst; Amherst, HS; Portage.
Auburndale; Arpin, EL; Wood.
Balsam Lake, Unity, Milltown; Centuria, El; Polk.
Barron:
Riverview, EL; Barron.
Hillsdale, EL; Barron.
Almena, EL; Barron.
Beaver Dam; South Beaver Dam, EL; Dodge.
Beloit; Todd; Rock.
Beloit-Turtle; Turner, HS; Rock.
Black Earth-Mazomanie; Mazomanie Grades; Dane.
Brown Deer; Deerwood School; Milwaukee.
Cambria; Friesland Grades; Columbia.
Campbellsport:
Eden; Fond du Lac.
Dotyville-Eden Grove, EL; Fond du Lac.
Clinton:
Clinton, JHS; Rock.
Bradford, EL; Rock.
Coleman; Coleman, HS; Marinette.
Cumberland; Maple Grove, EL; Barron.
De Soto; Stoddard, EL; Vernon.
Durand; Woodlawn, EL; Pepin.
Fort Atkinson; Caswell, EL; Jefferson.
Fredonia; Ozaukee, EL; Ozaukee.
Grantsburg; Nelson, EL; Burnette.
Green Bay:
Jefferson Primary; Brown.
Wequiock, EL; Brown.
Norwood, EL; Brown.
Nicollet, EL; Brown.
Oak Grove, EL; Brown.
F. D. Roosevelt, EL; Brown.
Iola; Iola-Scandinavia, JH, SHS; Waupaca.
Juneau:
Reeseville Grades; Dodge.
Lowell Grades; Dodge.
Clyman Grades; Dodge.
Kimberly; Garritts, JHS; Outagamie.
Ladysmith; Hawkins, EL; Rusk.
Lake Mills:
Lake Mills, JH, SHS; Jefferson.
St. Paul's Lutheran School; Jefferson.
Lakeside Lutheran School; Jefferson.
Luck; East Luck School; Polk.
Marion; Marion, HS; Waupaca.
Marshfield:
St. John's School; Wood.
Sacred Heart, EL; Wood.
Our Lady of Peace School; Wood.
Immanuel Lutheran School; Wood.
Melrose:
Melrose, HS; Jackson.
Mindaro, EL; Jackson.
Menomonie:
Coddington; Dunn.
River Heights; Dunn.
North; Dunn.
Milwaukee:
Lincoln, EL; Milwaukee.
South, EL; Milwaukee.
St. Leo School; Milwaukee.
Forest Home School; Milwaukee.
Kilbourne, EL; Milwaukee.
Holy Ghost School; Milwaukee.
Urban Day; Milwaukee.
Mosinee:
Mosinee, JHS; Marathon.
Mosinee Grade School; Milwaukee.
Neenah; Neenah, HS; Winnebago.
Ondossagon; Ondossagon, HS; Bayfield.
Plum City:
Plum City, HS; Pierce.
St. John's School; Pierce.
Racine:
Bull, EL; Racine.
Garfield, EL; Racine.
Random Lake; Random Lake, HS; Sheboygan.
Rice Lake:
Jefferson; Barron.
Lincoln; Barron.
Hougen; Barron.
Rosholt; Rosholt, HS; Portage.
Sauk-Prairie:
Sauk-Prairie Middle School; Sauk.
Prairie Du Sac, EL; Sauk.
Seymour; Black Creek, EL; Outagamie.
Shell Lake; Shell Lake, HS; Washburn.
Sparta:
Southside; Monroe.
Sparta, HS; Monroe.
Spring Valley; Gilmer, EL; Pierce.
Stratford; Stratford, JH, SHS; Marathon.
Superior; Central, JHS; Douglas.
Suring; Suring, HS; Oconto.
Tigerton:
Tigerton, EL; Shawano.
Birnamwood, K–12; Shawano.
Bowler, K–12; Shawano.
Tomah; Lemonweir, EL; Monroe.
Tony-Ingram-Glen Flora:
Glen Flora, EL; Rusk.
Sheldon, EL; Rusk.
Tony, EL; Rusk.
Watertown:
Webster; Jefferson.
Riverside, JHS; Jefferson.
Waukesha:
Heyer, EL; Waukesha.
Lincoln, EL; Waukesha.
Waupun; Lakeview; Fond du Lac.
Wausau:
Franklin; Marathon.
Longfellow; Marathon.
Stettin; Marathon.
Riverview; Marathon.
Wautoma; Dafoe School; Waushara.
Webster; Webster Grades; Burnett.
West Allis; Lincoln, EL; Milwaukee.
Westby; Coon Valley; Vernon.
West De Pere:
West De Pere, JHS; Brown.
Grant; Brown.
Winter; Winter, EL; Sawyer.
Wisconsin Rapids:
Randolph; Wood.
Lowell; Wood.
Wittenberg; Wittenberg; HS; Shawano.

WYOMING

1968–69 Additions to the 1966–67 List

Location, county, city, and name of school

Albany:
Laramie:
Lincoln, EL.
Nellie Iles, EL.
Stanton, EL.
Washington-Whiting, EL.
Big Horn:
Manderson; Manderson, HS.
Burlington; Burlington, EL.
Basin Ele; Basin, EL.

Carbon:
Elk Mountain; Elk Mountain, EL.
Hanna; Hanna-Elk Mountain, JHS.
Rawlins; Pershing, EL.
Saratoga; Platte Valley, HS.
Converse; Douglas; Converse County, HS.
Crook; Sundance; Sundance, JHS.
Fremont:
Crowheart; Crowheart, EL.
St. Stephens; St. Stephens Grade, EL.
Goshen:
Fort Laramie; Fort Laramie, JHS.
Huntley:
Huntley, EL.
Huntley, JHS.
Huntley, HS.
Yoder; Goshen Hole, EL.
Hot Springs:
Thermopolis:
Hot Springs County, HS.
Thermopolis, EL.
Johnson; Buffalo; Johnson County, HS.
Laramie:
Cheyenne:
Alta Vista, EL.
Arp, EL.
Corlett, EL.
Goins, EL.
St. Mary's, EL.
St. Mary's, HS.
Lincoln; LaBarge; LaBarge, EL.
Natrona:
Casper:
Fairdale, EL.
Willard, EL.
A. J. Woods, SPEC.
Niobrara; Lusk; Lusk, JHS.
Park:
Cody; Eastside, EL.
Powell; Southside, EL.
Platte; Guernsey; Guernsey-Sunrise, JHS.
Sheridan:
Sheridan; Hill, SPEC.
Ranchester; Tongue River, EL.
Uinta; Lyman; Lyman, JHS, HS.
Washakie:
Worland; Worland, JHS.
Ten Sleep:
Ten Sleep, HS.
Ten Sleep, EL.
Weston; Upton; Upton, EL.

STATE JUVENILE INSTITUTIONS

Natrona; Casper; Wyoming State Children's Home, INS.
Fremont; Lander; Wyoming State Training School, INS.
Sheridan; Sheridan; Wyoming Girls' School, INS.
Washakie; Worland; Wyoming Industrial Institute, INS.

1968–69 Deletions From the 1966–67 List

Location, county, city, and name of school

Big Horn; Greybull; Greybull, JHS.
Carbon:
Encampment:
Encampment, EL.
Encampment, HS.
Hanna:
Hanna-Elk-Mountain, HS.
Hanna, JHS.
Rawlins:
Mountain View, EL.
Rawlins, HS.
Converse (Rural):
Alberta, EL.
LaBonte, EL.
Moss Agate, EL.
White, EL.
Wildflower, EL.
Crook:
Moorcroft; Moorcroft, EL.
Sundance; Sundance, EL.
Fremont:
Ethete; Mill Creek, JHS.
Hudson; Hudson, EL.
Lander; Fremont County Vocational, HS.
Morton; Morton, HS.
Pavillion; Pavillion, HS.
Riverton; Ashgrove, EL.
Goshen:
Lingle; Lingle, EL.
(Rural); Prairie Center, EL.
Natrona:
Casper:
C. Y., JHS.
Dean Morgan, JHS.
East, JHS.
Grant, EL.
Jefferson, EL.
Kelly Walsh, HS.
Mountain View, EL.
Natrona County, HS.
Roosevelt, EL.
(Rural); Poison Spider, EL.
Niobrara:
Lusk:
Lusk, EL.
Niobrara County, HS.
Park:
Cody; Cody, JHS.
Powell:
Powell, HS.
Powell, JHS.
Platte:
Glendo; Glendo, HS.
Guernsey:
Guernsey-Sunrise, EL.
Guernsey-Sunrise, HS.
Sheridan; Clearmont; Clearmont, HS.
Sweetwater:
Rock Springs:
Lowell, EL.
Reliance, EL.
Rock Springs, HS.
Superior, EL.
Teton; Jackson; Jackson, EL.
Uinta:
Evanston:
Clark, EL.
Evanston, HS.

GUAM

1968–69 Deletions From the 1966–67 List

Location, city or town, name of school, and district

Tumon; J. F. Kennedy, HS; Guam.
Santa Rita; Torres, EL; Guam.

1968–69 Additions to the 1966–67 List

Location, city or town, name of school, and district

Mangilao:
Price, EL; Guam.
Trade and Technical; Guam.

PUERTO RICO

1968–69 Deletions and Additions

There are no deletions from or additions to the 1967–68 list.

TRUST TERRITORY OF THE PACIFIC ISLANDS

1968–69 Additions to the 1966–67 List

District, location (island), name of school

MARIANA ISLANDS DISTRICT

San Antonio; San Antonio, EL.
Garapan; Garapan, EL.
Agrihan; Agrihan, EL.
Pagan; Pagan, EL.

MARSHALL ISLANDS DISTRICT

Long Island; Long Island, EL.
Assumption; Assumption Catholic School, EL.
Uliga; Uliga Protestant School, EL.
Laura; Laura Protestant School, EL.
Calvary; Calvary Bible Institute, EL.
Marshall; Marshall Christian, HS.
Airok; Airok, EL.
Jeh; Jeh, EL.
Woja; Woja, EL.
Ailuk; Ailuk, EL.
Arno; Arno, EL.
Bikarej; Bikarej, EL.
Ine; Ine, EL.
Kilange; Kilange, EL.
Lonar; Lonar, EL.
Tutu; Tutu, EL.
Ulien; Ulien, EL.
Ine; Ine Protestant, EL.
Aur; Aur, EL.
Tobal; Tobal, EL.
Ebon; Ebon, EL.
Toka; Toka, EL.
Jabot; Jabot, EL.
Imiej; Imiej, EL.
Imroj; Imroj, EL.
Jabwor:
Jabwor, EL.
Jabwor, Pre-Ninth School.
Jaluit; Jaluit, EL.
Majurirok; Majurirok, EL.
Narmij; Narmij, EL.
Jaluit; Jaluit Protestant, EL.
Kili; Kili, EL.
Ennibur; Ennibur, EL.
Ebadon; Ebadon, EL.
Lae; Lae, EL.
Lib; Lib, EL.
Likiep; Likiep, EL.
Aerok; Aerok, EL.
Jang; Jang, EL.
Kaven; Kaven, EL.
Ollet; Ollet, EL.
Mejit; Mejit, EL.
Enejet; Enejet, EL.
Lukunor; Lukunor, EL.
Mili; Mili, EL.
Nallo; Nallo, EL.
Namu; Namu, EL.
Majkin; Majkin, EL.
Mae; Mae, EL.
Rongelap; Rongelap, EL.
Ujae, Ujae, EL.
Ujelang; Ujelang, EL.
Utirik; Utirik, EL.
Wotje; Wotje, EL.
Wormej; Wormej, EL.
Wotho; Wotho, EL.

PALAU DISTRICT

Angaur; Angaur, EL.
Aimelik; Aimelik, EL.
Airai; Airai, EL.
Melekiok; Melekiok, EL.
Ngardmau; Ngardmau, EL.
Ngatpang; Ngatpang, EL.
Ngchesar; Ngchesar, EL.
Ngiwal; Ngiwal, EL.
Ollei; Ollei, EL.
Ngaraard; Bethania Girls' Seminary.
Kayangel; J. F. Kennedy, EL.
Meyungs; Meyungs, EL.
Koror:
Seventh-Day Adventist, EL.
Emmaus Boys, HS.
Palau Academy of Seventh-Day Adventists.
Mindszenty, HS.
Pelelliu; Seventh-Day Adventist, EL.
Sonsorol; Sonsorol, EL.
Tobi; Tobi, EL.
Pulo-Anna; Pulo-Anna, EL.

PONAPE DISTRICT

Ohmine; Ohmine, EL.
Mwand Uh; Mwand Uh, EL.
Uh; St. Joseph, EL.
Saladak; Saladak, EL.
Takaiu; Takaiu, EL.
Net; Net, EL.
Parem; Parem, EL.
Kinakapw; Kinakapw, EL.

Lukop; Lukop, EL.
Mand; Mand, EL.
Sapwalap; Sapwalap, EL.
Temwen; Temwen, EL.
Wapar; Wapar, EL.
Lohd Pah; Lohd Pah, EL.
Madalenihmw; Ponape Agricultural and Trade, HS.
Enipein; Enipein, EL.
Pehleng; Pehleng, EL.
Rohn Kitti; Rohn Kitti, EL.
Wenik; Wenik, EL.
Wone; Wone, EL.
Salapwuk; Salapwuk, EL.
Kitti; Immaculate Heart of Mary, EL.
Kapingamarangi; Kapingamarangi, EL.
Iohl; Iohl, EL.
Lewetik; Lewetik, EL.
Palikir; Palikir, EL.
Sekere; Sekere, EL.
Sokehs Pah; Sokehs Pah, EL.
Mokil; Mokil, EL.
Ngatik; Ngatik, EL.
Nukuoro; Nukuoro, EL.
Walung; Walung, EL.

TRUK DISTRICT

Fano; Fano, EL.
Mwan; Mwan, EL.
Pis Moen; Pis Moen, EL.
Moen:
  Mizpah, HS.
  Xavier, HS.
Etten; Etten, EL.
Parem; Parem, EL.
Sapore; Sapore, EL.
Tsis; Tsis, EL.
West Fefan; West Fefan, EL.
Dublon; St. Anthony, EL.
Eot; Eot, EL.
Faichuk; Faichuk, Post-Elementary; Ninth Grade.
Fanapenges; Fanapenges, EL.
Fason; Fason, EL.
Foupo; Foupo, EL.
Polle; Polle, EL.
Romanum; Romanum, EL.
Udot; Udot, EL.
Wonei; Wonei, EL.
Tol; Philadelphia, JHS.
Nama; Nama, EL.
Pis Losap; Pis Losap, EL.
Ettal; Ettal, EL.
Kuttu; Kuttu, EL.
Lukunor; Lukunor, EL.
Moch; Moch, EL.
Namoluk; Namoluk, EL.
Oneop; Oneop, EL.
Ta; Ta, EL.
Satawan; Satawan, Post-Elementary; Ninth Grade.
Fananu; Fananu, EL.
Murilo; Murilo, EL.
Nomwin; Nomwin, EL.
Ruo; Ruo, EL.
Piserach; Piserach, EL.
Pulap; Pulap, EL.
Pulusuk; Pulusuk, EL.
Onary; Onary, EL.
Puluwat; Puluwat, EL.
Tamatam; Tamatam, EL.
Ulul:
  Ulul, EL.
  Ulul, Post-Elementary; Ninth Grade.
Magur; Magur, EL.

YAP DISTRICT

Bael Welcy; Bael Welcy, EL.
Dalipebinaw; Dalipebinaw, EL.
Fanif; Fanif, EL.
Galiman; Galiman, EL.
Kanifay; Kanifay, EL.
North Fanif; North Fanif, EL.
Colonia; St. Mary, EL.
Gagil; Gagil, EL.
Tomilang; Tomilang, EL.
Rumung; Rumung, EL.
Map; Map, EL.
Asor; Asor, EL.
Falalop; Falalop, EL.
Fassarai; Fassarai, EL.
Mogmog; Mogmog, EL.
Falalap; Falalap, EL.
Falalus; Falalus, EL.
Wott'egai; Wott'egai, EL.
Eauripik; Eauripik, EL.
Faraulep; Faraulep, EL.
Ifalik; Ifalik, EL.
Lamotrek; Lamotrek, EL.
Pais; Pais, EL.
Satawal; Satawal, EL.

VIRGIN ISLANDS

1968–69 Deletions From the 1966–67 List

St. Patrick's Parochial School; St. Croix.

1968–69 Additions to the 1966–67 List

Charles Emanuel Elementary School; St. Croix.

WASHINGTON, D.C.

1968–69 Deletions from the 1966–67 List

City, name of school, LEA district

Washington, D.C:
  Lenox Annex, EL; Washington, D.C.
  Nichols Avenue, EL; Washington, D.C.
  Blair, EL; Washington, D.C.
  Bell Vocational, HS; Washington, D.C.
  Burdick Vocational, HS; Washington, D.C.
  St. Joseph; Washington, D.C.
  St. Peters; Washington, D.C.

1968–69 Additions to the 1966–67 List

City, name of school, LEA district

Washington D.C.:
  Edmonds, EL; Washington, D.C.
  Hayes, EL; Washington, D.C.
  Hamilton, JHS; Washington, D.C.
  Holy Name, EL; Washington, D.C.
  Madison, EL; Washington, D.C.
  Savoy, EL; Washington, D.C.
  St. Martins, EL; Washington, D.C.
  Walker-Jones, EL; Washington, D.C.

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Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

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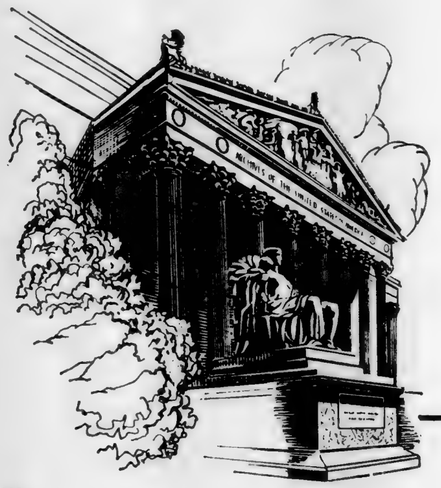

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379 8862
385 8868
386 8869
387 8879
388 8882
389 8886
390 8887
399 8889

21 CFR

3 8704

38 CFR

2 8703
3 8703
19 8703

47 CFR

87 8703

49 CFR

PROPOSED RULES:
371 8711

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3914

HELEN KELLER MEMORIAL WEEK

By the President of the United States of America

A Proclamation

Deaf-blind people are isolated from our world by formidable communications barriers. Yet, we know that pioneering social concern and the released genius of Helen Keller united to penetrate those barriers and produce a person who symbolized the vast potential resource of severely handicapped human beings. Miss Keller became an American ambassador-at-large to the world because she was unexcelled in interpreting the Nation's philosophy of respect for the unique inherent qualities of each individual.

Her recognition of this philosophy was never more eloquently expressed than when she said: "What I am, my country has made me. She has fostered the spirit which has made my education possible." At the same time, Helen Keller was deeply aware that she was miraculously fortunate to have been discovered by persons who were able to give her the priceless gift of language, which was what she needed to light up her extraordinary mind.

As the years passed, Miss Keller became increasingly concerned with those persons who were deprived of sight and hearing. Her later years were dedicated almost entirely to providing the deaf-blind with the kind of opportunities which had yielded such great benefit for her.

It is, therefore, fitting that we designate, as a memorial to Helen Keller, one week during which we may give special thought to the needs of our countrymen who are handicapped by the loss of sight and hearing. The minds of these people are forever imprisoned unless we muster every available resource to reach and rehabilitate them. Attaining this goal requires not only the use of such special techniques as lip reading, manual alphabet, and braille materials but the concern and commitment of all of us to let these people know they are a vital part of our society.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Senate Joint Resolution 99, do hereby designate the week beginning June 1, 1969, as Helen Keller Memorial Week.

I invite appropriate officers of the Federal, State, and local governments, the heads of voluntary and private groups, and all Americans everywhere to join in this observance. I urge them to find suitable means for expressing determination to cultivate a public understanding and sentiment in behalf of deaf-blind people and to devise a dynamic pattern for continuing their education, welfare and rehabilitation.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of May, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-third.

Richard Nixon

[F.R. Doc. 69-6573; Filed, May 29, 1969; 4:10 p.m.]

Proclamation 3915

D-DAY TWENTY-FIFTH ANNIVERSARY DAY

By the President of the United States of America

A Proclamation

Twenty-five years ago on June 6, Allied Forces under the leadership of Dwight David Eisenhower, made a successful landing on the beaches of Normandy. What happened on that day—and in the days and months immediately following—is now part of the acts of valor which have been the inspiration and often the salvation of Western civilization. The Sixth of June was transformed on that day from a date on the calendar to a historical landmark in the history of freedom.

The valiant leader and many of the valiant men who made victory possible by their efforts on that day are now gone. Their triumph, however, remains, for it was a triumph of the human spirit. Our Nation and nations of free men everywhere are forever grateful for the sacrifices made in Normandy. Twenty-five years have not diminished but have, rather, enhanced the profound importance of that day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim June 6, 1969, as D-Day Twenty-Fifth Anniversary Day; and I invite the people of this Nation to observe that day with appropriate ceremonies designed to commemorate the brave men living and dead who did so much to open this path to victory and peace.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-6627; Filed, June 2, 1969; 11:29 a.m.]

Executive Order 11472

ESTABLISHING THE ENVIRONMENTAL QUALITY COUNCIL AND THE CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. ENVIRONMENTAL QUALITY COUNCIL

SECTION 101. *Establishment of the Council.* (a) There is hereby established the Environmental Quality Council (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following members:

The Vice President of the United States

Secretary of Agriculture

Secretary of Commerce

Secretary of Health, Education and Welfare

Secretary of Housing and Urban Development

Secretary of the Interior

Secretary of Transportation

and such other heads of departments and agencies and others as the President may from time to time direct.

(d) Each member of the Council may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend any meeting of the Council.

(e) When matters which affect the interest of Federal agencies the heads of which are not members of the Council are to be considered by the Council, the President or his representative may invite such agency heads or their alternates to participate in the deliberations of the Council.

(f) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Executive Secretary of the Council for Urban Affairs or their representatives may participate in the deliberations of the Environmental Quality Council as observers.

(g) The Science Adviser to the President shall be the Executive Secretary of the Council and shall assist the President in directing the affairs of the Council.

SEC. 102. *Functions of the Council.* (a) The Council shall advise and assist the President with respect to environmental quality matters and shall perform such other related duties as the President may from time to time prescribe. In addition thereto, the Council is directed to:

(1) Recommend measures to ensure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for monitoring and predicting environmental changes so as to achieve effective coverage and efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, State and local governments, and private organizations in environmental programs.

(4) Seek advancement of scientific knowledge of changes in the environment and encourage the development of technology to prevent or minimize adverse effects that endanger man's health and well-being.

(5) Stimulate public and private participation in programs and activities to protect against pollution of the Nation's air, water, and land and its living resources.

(6) Encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

(7) Assure assessment of new and changing technologies for their potential effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Council shall review plans and actions of Federal agencies affecting outdoor recreation and natural beauty. The Council may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions of this subsection, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies ways to accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) Development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways, (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas, (3) the management of Federal land and water resources, including fish and wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses, (4) cooperation with the States and their local subdivisions and private organizations and individuals in areas of mutual interest, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) leadership in a nationwide recreation and beautification effort.

(c) The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order.

SEC. 103. *Coordination.* The Secretary of the Interior may make available to the Council for coordination of outdoor recreation the authorities and resources available to him under the Act of May 28, 1963, 77 Stat. 49; to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting such coordination of other matters assigned to the Council by this order.

SEC. 104. *Assistance for the Council.* In compliance with provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Office of Science and Technology shall provide or arrange for necessary administrative and staff services, support, and facilities for the Council, and (2) each department and agency which has membership on the Council under Section 101(c) hereof shall furnish the Council such information and other assistance as may be available.

PART II. CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

SEC. 201. *Establishment of the Committee.* There is hereby established the Citizens' Advisory Committee on Environmental Quality (hereinafter referred to as the "Committee"). The Committee shall be composed of a chairman and not more than 14 other members appointed by the President. Appointments to membership on the Committee shall be for staggered terms, except that the chairman of the Committee shall serve until his successor is appointed.

SEC. 202. *Functions of the Committee.* The Committee shall advise the President and the Council on matters assigned to the Council by the provisions of this order.

SEC. 203. *Expenses.* Members of the Committee shall receive no compensation from the United States by reason of their services under this order but shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

SEC. 204. *Continuity.* Persons who on the date of this order are members of the Citizens' Advisory Committee on Recreation and Natural Beauty established by Executive Order No. 11278 of May 4, 1966, as amended, shall, until the expirations of their respective terms and without further action by the President, be members of the Committee established by the provisions of this Part in lieu of an equal number of the members provided for in section 201 of this order.

PART III. GENERAL PROVISIONS

SEC. 301. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 302. *Prior bodies and orders.* The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

(1) Executive Order No. 11278 of May 4, 1966.

(2) Executive Order No. 11359A of June 29, 1967.

(3) Executive Order No. 11402 of March 29, 1968.

Richard Nixon

THE WHITE HOUSE,
May 29, 1969.

[F.R. Doc. 69-6572; Filed, May 29, 1969; 4:10 p.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1969 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):

		Price
3	1936–1938 Compilation	$6.00
	1968 Compilation	.75
4	(Rev.)	.50
7	Parts:	
	0–45 (Rev.)	2.50
	46–51 (Rev.)	1.75
	52 (Rev.)	3.00
	53–209 (Rev.)	3.00
	900–944 (Rev.)	1.50
	1000–1029 (Rev.)	1.50
	1060–1089 (Rev.)	1.25
	1090–1119 (Rev.)	1.25
	1120–1199 (Rev.)	1.25
	1500–end (Rev.)	1.50
10	(Rev.)	1.50
11	[Reserved]	
12	Parts:	
	1–299 (Rev.)	2.00
	300–end (Rev.)	2.00
13	(Rev.)	1.25
14	Parts:	
	1–59 (Rev.)	2.75
	60–199 (Rev.)	2.50
16	Parts:	
	0–149 (Rev.)	2.75
	150–end (Rev.)	2.00
20	(Rev.)	3.50
21	Parts 1–119 (Rev.)	1.75
22	(Rev.)	1.75
24	(Rev.)	2.00
26	Parts:	
	1 (§§ 1.641–1.850) (Rev.)	1.50
	2–29 (Rev.)	1.25
	30–39 (Rev.)	1.25
	40–169 (Rev.)	2.50
	300–499 (Rev.)	1.25
	500–599 (Rev.)	1.50
27	(Rev.)	.45
28	(Rev.)	1.00
29	Parts 0–499 (Rev.)	1.50
30	(Rev.)	1.50
31	(Rev.)	2.75
32	Parts:	
	400–589 (Rev.)	$2.00
	590–699 (Supp.)	.50
	700–799 (Rev.)	3.50
	1200–1599 (Rev.)	1.75
	1600–end (Rev.)	1.00
32A	(Rev.)	1.25
33	Parts 1–199 (Rev.)	2.50
35	(Supp.)	.35
37	(Supp.)	.30
41	Chapters:	
	1 (Rev.)	2.75
	2–4 (Rev.)	1.00
	5–5D (Rev.)	1.25
	6–17 (Rev.)	3.25
	18 (Rev.)	3.25
	19–100 (Rev.)	1.00
	101–end (Rev.)	1.75
43	Part 1000–end (Rev.)	2.75
44	(Rev.)	.45
46	Parts:	
	146–149 (Rev.)	3.75
	150–199 (Rev.)	2.50
	200–end (Rev.)	3.00
47	Parts:	
	0–19 (Rev.)	1.50
	70–79 (Rev.)	1.75
50	(Rev.)	1.25

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3184 is amended to show that five positions of regional operations commissioners in the Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner are no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (b) is revoked in its entirety.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6484; Filed, June 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two positions of Confidential Assistant for Special Projects to the Assistant Secretary for Planning and Evaluation are excepted under Schedule C and to reflect the change in the Assistant Secretary's title from Assistant Secretary for Program Coordination to Assistant Secretary for Planning and Evaluation. Effective on publication in the FEDERAL REGISTER, the headnote is amended and subparagraph (2) is added to paragraph (k) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * * *

(k) *Office of the Assistant Secretary for Planning and Evaluation.* * * *

(2) Two Confidential Assistants for Special Projects to the Assistant Secretary.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6483; Filed, June 2, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756),

March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), and February 1, 1969 (34 F.R. 1586), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREAS

ONE HOUR

Add: San Luis, Ariz.

TWO HOURS

Add: Milwaukee, Wis.

OUTSIDE METROPOLITAN AREAS

TWO HOURS

Add: San Luis, Ariz. (served from Yuma, Ariz.).

THREE HOURS

Add: Green Bay, Wis. (served from Clintonville, Wis.).
Add: Kenosha-Racine, Wis. (served from Milwaukee, Wis.).
Add: Manitowic, Wis. (served from Clintonville, Wis.).

FOUR HOURS

Add: Sheboygan, Wis. (served from Milwaukee, Wis.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of May 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-6517; Filed, June 2, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Interpretations

§ 226.202 Security interest—confession of judgment—cognovit notes.

(a) Under § 226.2(z) "security interest" is defined to include confessed liens whether or not recorded and, in general, to include any interest in property which secures payment or performance of an obligation. In certain transactions involving a security interest, under § 226.9 the customer has a right of rescission.

(b) In some of the States, confession of judgment clauses or cognovit provisions are lawful and make it possible for the holder of an obligation containing such clause or provision to record a lien on property of the obligor simply by recordation entry of judgment; the obligor is afforded no opportunity to enter a defense against such action prior to entry of the judgment.

(c) Since confession of judgment clauses and cognovit provisions in such States have the effect of depriving the obligor of the right to be notified of a pending action and to enter a defense in a judicial proceeding before judgment may be entered or recorded against him, such clauses and provisions in those States are security interests under § 226.2(z) and for the purposes of §§ 226.7(a)(7), 226.8(b)(5), and 226.9. This is the case even if the judgment cannot be entered until after a default by the obligor.

(d) Confession of judgment clauses and cognovit provisions which, by their terms, exclude a lien on all real property which is used or is expected to be used as the principal residence of the customer, would not bring a transaction under the provisions of § 226.9.

§ 226.203 Open end credit distinguished from other credit.

(a) The fundamental qualification for "open end credit" under § 226.2(r) is that consumer credit be extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans from time to time directly or indirectly from the creditor, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in installments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance. Under an open end credit account plan, it is contemplated that there will or may be repetitive transactions on a revolving basis.

(b) In certain cases, a form of contract or note relating to a single transaction provides that the finance charge will be computed from time to time by application of a rate to the unpaid balance and stipulates required minimum periodic payments. However, the obligor has the privilege of making larger and more frequent payments than stipulated or paying the obligation in full at any time without penalty. The question arises as to whether the creditor should make disclosures in such circumstances under § 226.7 for open end credit accounts or under § 226.8 for credit other than open end.

(c) Although the terms of such a contract or note meet the second and third requirements for such a plan, they do not meet the first of such requirements nor the basic qualification that consumer credit be extended on an account pursuant to a plan. Therefore, disclosures in this case are required to be made under § 226.8.

(Interprets and applies 15 U.S.C. 1602)

§ 226.301 Agricultural purposes—when exempt from the regulation.

(a) Under § 226.3(a), the regulation does not apply to "Extensions of credit to organizations, including governments, or for business or commercial purposes, other than agricultural purposes." The definition of "organization" in § 226.2(s) includes a corporation, trust, estate, partnership, cooperative, or association as well as governmental entities. The question arises as to whether the regulation applies to extensions of credit to organizations, including governments, for agricultural purposes.

(b) Extensions of credit to organizations, including governments, for agricultural purposes are exempt from the regulation.

(Interprets and applies 15 U.S.C. 1603)

§ 226.502 Annual percentage rate on single add-on rate transactions.

(a) The application of a single add-on rate to transactions of varying maturities, when converted to an annual percentage rate determined by the actuarial method, results in minor variations. Such annual percentage rate variations on maturities up to 60 months are so insignificant that separate computations are unwarranted.

(b) The question arises as to whether a creditor may disclose a single annual percentage rate on all such transactions based upon the highest rate which will arise from the application of the same single add-on rate to each of such transactions.

(c) When the same add-on rate is applied to all transactions within a range of maturities up to 60 months, and provided that all payments on each transaction are equal in amount and due at equal intervals of time within the limits provided by § 226.5(d), a single annual percentage rate may be disclosed, in which case it shall be the highest annual percentage rate that may be applicable to any such transactions.

(Interprets and applies 15 U.S.C. 1606)

§ 226.805 Series of sales as distinguished from refinancing, consolidating, or increasing.

(a) The question arises as to the distinction between the provisions of § 226.8(h), series of sales, and the provisions of § 226.8(j), refinancing, consolidating, or increasing.

(b) Section 226.8(h) is applicable only when a credit sale is made pursuant to an agreement which provides for the addition of a current (or new) sale to an existing outstanding balance. In such cases, and provided that all of the requirements of § 226.8(h) (1) and (2) are met, the disclosures may be made at any time not later than the date the first payment for that sale is due.

(c) If there is no agreement, or if the agreement does not meet all of the requirements of § 226.8(h), the disclosures required in connection with any subsequent sale, which is added to a previously outstanding balance shall be made under the provisions of § 226.8(j). For example, the fact that an agreement provides a method of computing an unearned portion of the finance charge in the event of prepayment, but does not otherwise meet the requirements of § 226.8(h), will not qualify transactions made pursuant to that agreement for disclosure under the terms of § 226.8(h).

(Interprets and applies 15 U.S.C. 1638)

§ 226.806 Deposit balances applied toward satisfaction of customer's obligation.

(a) Section 226.8(e)(2) provides that required deposit balances must be deducted under § 226.8(c)(6) and excluded under § 226.8(d)(1) in determining the amount financed. Subdivision (ii) of § 226.8(e)(2) provides an exception in the case of Morris Plan type transactions in which payments in the transaction are made and accumulated in a deposit account which is then wholly applied to satisfy the obligation.

(b) Unless the deposit balance account is created for the sole purpose of accumulating payments and then being applied toward satisfaction of the customer's obligation in the transaction, such deposit balance does not fall within the exception provided in subdivision (ii).

(c) In any case in which a deposit balance qualifies for this exception, each deposit made into the account shall be considered the same as a payment on the obligation for the purpose of computations and disclosures.

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639)

§ 226.901 Waiver of security interests—effect on the right of rescission.

(a) Section 226.9(a) provides for a right of rescission "in the case of any (consumer) credit transaction in which a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer." Under § 226.2(z) security interests include mechanic's and materialmen's liens. If a creditor effectively waives his right to retain, or to acquire such a lien, he has not retained or acquired such security interest. The question arises, however, of whether waiver of a creditor's lien rights is effective to remove a transaction from the scope of rescission when lien rights which are not waived arise in favor of subcontractors, workmen, or others who are not creditors in the transaction.

(b) The fact that the creditor waives his lien rights does not, in itself, determine whether or not the transaction is rescindable. If all security interests are effectively waived, the transaction is not rescindable. On the other hand, if as a result of the transaction, a security interest is or will be retained or acquired by a subcontractor, workman, or other person, the transaction is rescindable. In the latter case the creditor would be responsible for delivering the rescission notice as well as other applicable disclosures, delaying performance as provided under § 226.9(c), and identifying himself as the creditor on the rescission notice. The subcontractors, workmen, and others would not be responsible for delivering rescission notices to the customer.

(Interprets and applies 15 U.S.C. 1635)

§ 226.902 "Customers" and joint owners of property under the right of rescission.

(a) Section 226.9(f) provides that, for the purposes of the right of rescission, "customer" shall include two or more customers where joint ownership is involved. The question arises of whether this means that all joint owners of record, regardless of whether or not they are parties to the transaction, are customers for this purpose, and whether each of such owners of record (1) must receive disclosures and a notice of the right of rescission, (2) may exercise the right of rescission, and (3) must join in signing a waiver if one is appropriately taken by the creditor.

(b) Under § 226.9(f) where there are joint owners, the right to receive disclosures and notice of the right of rescission, the right to rescind, and the need to sign a waiver of such right, apply only to those joint owners who are parties to the transaction.

(Interprets and applies 15 U.S.C. 1635)

§ 226.403 Disclosure of cost of property insurance when not obtainable from or through the creditor.

(a) In many cases a creditor requires insurance against loss or damage to property or liability arising out of its use but such insurance is not obtainable from or through him. The question arises under § 226.4(a)(6) as to whether such a creditor must make any disclosures to avoid having to include the insurance premium in the finance charge.

(b) Irrespective of whether such insurance may be obtained from or through the creditor, if the creditor requires property insurance and wishes to exclude the cost from the finance charge, he is required to state clearly and conspicuously to the customer that he may choose the person through which the insurance is to be obtained. However, if the insurance is not obtainable from or through the creditor, he is not required to disclose the cost of that insurance, unless, of course, the premiums are included in the "amount financed," in which case it would have to be disclosed under § 226.8 (c)(4) or (d)(1), as the case may be.

(Interprets and applies 15 U.S.C. 1605)

Dated at Washington, D.C., the 26th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6457; Filed, June 2, 1969; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the recommendations of the Administrative Conference of the United States to update the citations of authority appearing in the Code of Federal Regulations, Chapter I of Title 13 of the Code of Federal Regulations is hereby amended, as follows:

PART 101—ADMINISTRATION

1. The "Authority" hearing appearing under Part 101 is hereby amended by substituting the citations "sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687 (c); sec. 5, 72 Stat. 385, 15 U.S.C. 634" for "Public Law 85-536, sec. 5, 72 Stat. 385."

PART 103—APPEARANCES AND COMPENSATION OF PERSONS APPEARING BEFORE SBA

2. The "Authority" heading appearing under Part 103 is hereby amended by substituting the citations "sec. 13, 72 Stat. 394, 15 U.S.C. 642; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85-536, sec. 5, 72 Stat. 385."

PART 104—PROCEEDINGS TO SUSPEND OR REVOKE PRIVILEGE OF ANY AGENT TO APPEAR BEFORE SBA

3. The "Authority" heading appearing under Part 104 is hereby amended by substituting the citation "sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85-536, sec. 5, 72 Stat. 385."

PART 106—LEASE GUARANTEE

4. The "Authority" heading appearing under Part 106 is hereby amended by substituting the citations "sec. 316 (a), 79 Stat. 482, as amended, 15 U.S.C. 692; sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "Title IV of the Small Business Investment Act of 1958, 72 Stat. 689 (1965)."

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

5. The "Authority" heading appearing under Part 107 is hereby amended by substituting the citations "sec. 308 (c), 72 Stat. 694, as amended, 15 U.S.C. 687(c); sec. 312, 78 Stat. 147, 15 U.S.C. 687d; sec. 315, 80 Stat. 1364, 15 U.S.C. 687g" for "sec. 308, 72 Stat. 694, as amended, 15 U.S.C. 687."

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

6. The "Authority" heading appearing under Part 108 is hereby amended by substituting the citations "72 Stat. 696, 15 U.S.C. 695; 72 Stat. 697, as amended, 15 U.S.C. 696; sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1; E.O. 10925, 26 F.R. 1977 (1961); E.O. 11114, 28 F.R. 6485 (1963); sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "sec. 5, Public Law 85–536, secs. 201, 308, Public Law 85–699."

PART 109—ADJUDICATIVE PROCEEDINGS; SMALL BUSINESS INVESTMENT COMPANIES

7. The "Authority" heading appearing under Part 109 is hereby amended by substituting the citations "sec. 309, 75 Stat. 753, as amended, 15 U.S.C. 687a; sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "sec. 308, Public Law 85–699 and sec. 309, Public Law 87–341."

PART 110—INVESTIGATIONS; SMALL BUSINESS INVESTMENT COMPANIES

8. The "Authority" heading appearing under Part 110 is hereby amended by substituting the citations "sec. 310, 75 Stat. 755, as amended, 15 U.S.C. 687b; sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "sec. 308, Public Law 85–699 and sec. 310, Public Law 87–341."

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA ADMINISTRATOR

9. The "Authority" heading appearing under Part 113 is hereby amended substituting the citations "sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6); sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687 (c)" for "Public Law 85–536, secs. 4, 5, 72 Stat. 384, 385; Public Law 85–699, secs. 201, 308, 72 Stat. 690, 694."

PART 120—LOAN POLICY

10. The "Authority" heading appearing under Part 120 is hereby amended substituting the citations "72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385, 15 U.S.C. 634."

PART 121—SMALL BUSINESS SIZE STANDARDS

11. The "Authority" heading appearing under Part 121 is hereby amended substituting the citations "sec. 3, 72 Stat. 384, 15 U.S.C. 632; sec. 8, 72 Stat. 389, as amended, 15 U.S.C. 637(b)(6); sec. 103, 72 Stat. 690, as amended, 15 U.S.C. 662 (5); sec. 213(a), 76 Stat. 1111, 50 U.S.C. App. 20171; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5(b)(6), 72 Stat. 385; sec. 121.3–13 issued under Public Law 87–846, sec. 213 (a), 72 Stat. 384."

PART 122—BUSINESS LOANS

12. The "Authority" heading appearing under Part 122 is hereby amended substituting the citations "sec. 7, 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)" for "Public Law 85–536, sec. 7, 72 Stat. 384 (1958) as amended; 15 U.S.C. sec. 636."

PART 123—DISASTER LOANS

13. The "Authority" heading appearing under Part 123 is hereby amended substituting the citations "sec. 7, 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "sec. 5, Public Law 85–536, sec. 201 and sec. 308, Public Law 85–699."

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE

14. The "Authority" heading appearing under Part 124 is hereby amended substituting the citations "sec. 8, 72 Stat. 389, as amended, 15 U.S.C. 637; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

PART 125—RESEARCH AND DEVELOPMENT ASSISTANCE

15. The "Authority" heading appearing under Part 125 is hereby amended substituting the citations "sec. 9, 72 Stat. 391, 15 U.S.C. 638; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

PART 126—DEFENSE PRODUCTION POOLS

16. The "Authority" heading appearing under Part 126 is hereby amended substituting the citations "sec. 11, 72 Stat. 394, 15 U.S.C. 640; 64 Stat. 798, as amended, 50 U.S.C. App. 2061, et seq.; E.O. 10493, 18 F.R. 6583 (1953); sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

PART 127—JOINT SET-ASIDES

17. The "Authority" heading appearing under Part 127 is hereby amended substituting the citations "sec. 15, 72 Stat. 395, 15 U.S.C. 644; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Section 15 of the Small Business Act, 72 Stat. 385."

PART 128—GRANTS FOR SMALL BUSINESS RESEARCH

18. The "Authority" heading appearing under Part 128 is hereby amended substituting the citations "sec. 7, 72 Stat. 387, as amended, 15 U.S.C. 636(d); sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

Effective date. This amendment will become effective upon publication in the FEDERAL REGISTER.

Dated: May 23, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69–6461; Filed, June 2, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–69; Amdt. 39–772]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper Aircraft PA–31 type airplanes.

A review of the flight characteristics of the PA–31 type airplane establishes a basis for finding noncompliance with the stall recovery characteristics required by Part 23 (formerly Part 3 of the Civil Air Regulations) of the Federal Aviation Regulations.

Since this condition exists in all aircraft of like design, an airworthiness directive is being issued to require the installation of stall strips on the leading edge of the wings or an equivalent modification. In view of a situation existing which requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to type PA–31 and PA–31–300 airplanes, Serial Nos. 31–2, 31–4, 31–6 through 31–345, 31–347 through 31–357, 31–359 through 31–366, 31–368 through 31–373, 31–375 through 31–378, 31–380 through 31–384, 31–386 through 31–406, 31–408 through 31–422, 31–426 through 31–428, 31–430, 31–431, 31–433, 31–434, 31–436, 31–437, 31–439, 31–444, and 31–445; certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

(a) To improve the stall characteristics by the installation of stall strips on the leading edge of the wing, comply with Piper Service Bulletin No. 294, dated May 16, 1969, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective June 5, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–6475; Filed, June 2, 1969; 8:46 a.m.]

[Docket No. 9626; Amdt. 71–5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Vertical Extent of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the definition of the vertical extent of Federal airways in § 71.5(c)(1) to reflect the present structure of the airways.

Prior to 1961, all airways extended upward from 700 feet above the surface. Amendment 60–21 to the Civil Air Regulations (26 F.R. 570) stated that the FAA would raise the floors of all controlled airspace, where possible, to 1,200 feet or more above the surface. Thus, a pilot would need only to maintain an altitude of less than 1,200 feet above the surface to remain clear of designated airways. Standardizing the floor of designated airways at 1,200 feet above the surface would also reduce the complexity of charting. Since all airways have been redescribed in accordance with this policy as extending upward from 1,200 feet, or higher, above the surface, no Federal airway exists which would be affected by this amendment. Therefore, action is taken herein to amend § 71.5(c)(1) so that, unless otherwise specified in the description of an airway, each airway will include that airspace extending upward from 1,200 feet above the surface.

Since this amendment is minor in nature and does not impose any additional burden upon the public, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, § 71.5(c)(1) of the Federal Aviation Regulations is amended, effective June 3, 1969, by striking the words "from 700 feet above the surface of the earth to," and substituting therefor "from 1,200 feet above the surface of the earth to".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 27, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–6466; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69–CE–24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Mitchell, S. Dak.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Mitchell, S. Dak., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 24, 1969, as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MITCHELL, S. DAK.

Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MITCHELL, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°-46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18½ miles northwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 8, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–6467; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69–SO–48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Memphis, Tenn., control zone and transition area.

The Memphis control zone is described in § 71.171 (34 F.R. 4557) and the transition area is described in § 71.181 (34 F.R. 4637 and 7122). In the descriptions, reference is made to the Memphis Metropolitan Airport. Since the name of this airport was changed to Memphis International Airport, effective April 22, 1969, it is necessary to alter the descriptions to reflect this change.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Memphis, Tenn., control zone is amended as follows: "* * * Memphis Metropolitan Airport * * *" is deleted and "* * * Memphis International Airport * * *" is substituted therefor wherever it appears.

In § 71.181 (34 F.R. 4637), the Memphis, Tenn., transition area (34 F.R. 7122) is amended as follows: "* * *

Memphis Metropolitan Airport * * *" is deleted and "* * * Memphis International Airport * * *" is substituted therefor wherever it appears in the description.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 19, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-6468; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Seymour, Ind.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Sevmour, Ind., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 24, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

SEYMOUR, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Freeman Municipal Airport (latitude 38°55'35" N., longitude 85°54'25" W.); and within 3 miles each side of the 161° bearing from Freeman Municipal Airport extending from the 6½-mile radius to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 7, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6469; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On April 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6698) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Grand Canyon and Peach Springs, Ariz., transition areas.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 22, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Grand Canyon, Ariz. (Grand Canyon National Park Airport), transition area is amended by deleting the period at the end of text and adding the following "* * * and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR."

In § 71.181 (34 F.R. 4637) the Peach Springs, Ariz., transition area is amended by adding "* * * That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E."

[F.R. Doc. 69-6470; Filed, June 2, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5953), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Centerville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 35°50'00" N., long. 87°27'00" W.) for Centerville Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to amend the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

CENTERVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Centerville Municipal Airport (lat. 35°50'00" N., long. 87°27'00" W.); within 2 miles each side of the Graham, Tenn., VOR 177° radial, extending from the 5-mile radius area to 8 miles south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 21, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-6471; Filed, June 2, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway and Revocation of Federal Airway

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to renumber VOR Federal airway No. 427 as VOR Federal airway No. 59.

At present V-427 extends only from Newcomerstown, Ohio, to Briggs, Ohio. These amendments will extend V-59 from Newcomerstown to Briggs and revoke V-427. This will reduce the number of VOR airways, simplify flight planning and reduce the air traffic control workload.

Since these amendments are editorial in nature and do not designate additional controlled airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

1. In V-59, all after "12 AGL Parkersburg, W. Va.;" is deleted and "12 AGL Newcomerstown, Ohio; 12 AGL Briggs, Ohio." is substituted therefor.

2. V-427 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 27, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6472; Filed, June 2, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chairman and Vice Chairman, Board of Veterans Appeals

In Part 2, § 2.66 is revised to read as follows:

§ 2.66 Chairman and Vice Chairman, Board of Veterans Appeals, in addition to authority vested by law, Veterans Administration regulations and manuals, delegated authority to authorize assumption of appellate jurisdiction of adjudicative determination which has not become final; to authorize administrative action on adjudicative determination which has become final by appellate decision or failure to timely appeal; and to authorize central office investigations of matters before the Board.

This delegation of authority is identical to § 19.2 of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-6491; Filed, June 2, 1969; 8:47 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EFFECTIVE DATES; DIFFERENCE OF OPINION

In § 3.400, paragraph (h) is amended to read as follows:

§ 3.400 General.

* * * * *

(h) *Difference of opinion* (*§ 3.105*). (1) As to decisions not final prior to receipt of an application for reconsideration or to reopen, or prior to reconsideration on Veterans Administration initiative, the date from which benefits would have been payable if the former decision had been favorable.

(2) As to decisions which have become final (by appellate decision or failure to timely initiate and perfect an appeal) prior to receipt of an application for reconsideration or to reopen, the date of receipt of such application or the date entitlement arose, whichever is later.

(3) As to decisions which have become final (by appellate decision or failure to timely initiate and perfect an appeal) and reconsideration is undertaken solely on Veterans Administration initiative, the date of Central Office approval authorizing a favorable decision or the date of the favorable Board of Veterans Appeals decision.

(4) Where the initial determination for the purpose of death benefits is favorable, the commencing date will be determined without regard to the fact that the action may reverse, on a difference of opinion, an unfavorable decision for disability purposes by an adjudicative agency other than the Board of Veterans Appeals, which was in effect at the date of the veteran's death.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective December 1, 1962.

By direction of the Administrator.

Approved: May 21, 1969.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-6493; Filed, June 2, 1969; 8:48 a.m.]

PART 19—BOARD OF VETERANS APPEALS

Appeals

1. In Part 19, §§ 19.1 and 19.2 are revised to read as follows:

§ 19.1 General appellate jurisdiction.

All questions on claims involving benefits under the laws administered by the Veterans Administration are subject to review on appeal to the Administrator of Veterans Affairs, decisions in such cases to be made by the Board of Veterans Appeals. (38 U.S.C. 4004(a)) In its decisions, the Board is bound by the regulations of the Veterans Administration, instructions of the Administrator and precedent opinions of the chief law officer. The statutory jurisdiction vests responsibility in the Board to apply and exercise all the adjudicative criteria and authority in such controlling media properly for application by the department having original adjudicative responsibility for claims for benefits.

§ 19.2 Delegation of authority to Chairman and Vice Chairman, Board of Veterans Appeals.

In addition to the authority vested in the Chairman and Vice Chairman, Board of Veterans Appeals, by law, Veterans Administration regulations and manuals, authority is delegated to each as follows:

(a) To authorize assumption of appellate jurisdiction of an adjudicative determination which has not become final.

(b) To authorize administrative action on an adjudicative determination which has become final by appellate decision or failure to timely appeal.

(c) To authorize Central Office investigations of matters before the Board.

2. Sections 19.148, 19.149, 19.150, and 19.151 are revised to read as follows:

§ 19.148 Rule 48; when accorded.

Reconsideration of an appellate decision otherwise final under Rule 4 (§ 19.104) may be accorded by the Board of Veterans Appeals:

(a) Upon allegation of error of fact or law by a claimant or his representative or on the Board's own motion (38 U.S.C. 4003);

(b) Upon discovery of additional service department records (38 U.S.C. 4003, 4004(b)); or

(c) On administrative review, when authorized by the Chairman or Vice Chairman under authority delegated in § 19.2(b).

§ 19.149 Rule 49; requirements in application.

Application for reconsideration shall set forth clearly and specifically the alleged error(s) of fact or law in the decision of the Board or other basis for requesting reconsideration.

§ 19.150 Rule 50; evidence considered.

Reconsideration of an appellate decision shall be based on evidence of record at the time the decision was entered but this shall not preclude the Board from securing any needed expert medical or legal opinion.

§ 19.151 Rule 51; time limit for filing of requests.

A hearing for the purpose of securing reconsideration shall be requested within 1 year from the date of the mailing of notice of the original decision. A brief for that purpose may be filed at any time.

3. A new center title is added and § 19.153 is revised to read as follows:

MISCELLANEOUS

§ 19.153 Rule 53; finality of decisions of the agency of original jurisdiction where appeal not timely initiated and perfected.

An action or determination on a claim by the agency of original jurisdiction shall become final if an appeal is not initiated and perfected as prescribed in Rule 18 (§ 19.118), and the claim cannot thereafter be reopened or allowed, except as may be otherwise provided by Veterans Administration regulations in Title 38, Code of Federal Regulations. (38 U.S.C. 4005(c))

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

By direction of the Administrator.

Approved: May 21, 1969.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-6492; Filed, June 2, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17858; RM 1000]

PART 87—AVIATION SERVICES

Use of High Frequency Channels for Flight Test Purposes and in Support of Offshore Drilling Operations; Correction

In the Matter of Amendment of Parts 2 and 87 of the Commission's rules to

permit use of high frequency (HF) channels for flight test purposes and in support of offshore drilling operations.

In the appendix to the report and order in the above-entitled matter, FCC 68-678, released June 26, 1968, and published in the FEDERAL REGISTER on July 3, 1968, 33 F.R. 9661, correction of an error in the ninth listed frequency in the table in § 87.331(c) is necessary. The frequency in parenthesis is corrected to "(8945)" from "(8943)".

Released: May 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6513; Filed, June 2, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Octadecylamine

A statement of policy on the use of octadecylamine in steam lines of food and drug establishments, § 3.506, was published in the FEDERAL REGISTER of November 30, 1957. More recently, however, a food additive regulation has been promulgated prescribing the conditions under which certain boiler water additives, including octadecylamine, may be safely used in the preparation of steam that will contact food (21 CFR 121.1088). The Commissioner of Food and Drugs concludes that § 3.50 should be revised to delete references to food uses.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a), 52 Stat. 1051, 1055, 21 U.S.C. 352, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 3.506 is revised to read as follows:

§ 3.506 Use of octadecylamine in steam lines of drug establishments.

The Food and Drug Administration will not object to the use of octadecylamine in steam lines where the steam may be used for autoclaving surgical instruments and gauze if the octadecylamine in the steam is not more than 2.4 parts per million.

(Sec. 502, 52 Stat. 1051; 21 U.S.C. 352)

Dated: May 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6458; Filed, June 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-369]

HANDLING OF ORANGES GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., beginning at 10 a.m., local time, June 24, 1969, with respect to a proposed marketing agreement and order regulating the handling of oranges grown in the Interior District in Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted with a request for a hearing by R. V. Phillips, John T. Lesley, and Tom Brandon on behalf of Florida Citrus Exchange, Adams Packing Co., Alturas Packing Co., Battaglia Fruit Co., Carter Fruit Co., Florida Orange Packers, Haines City Citrus Growers Association, Herman J. Heidrich & Sons, Heller Brothers Packing Co., Holly Hill Fruit Products, Lake Hamilton Cooperative, Lake Region Packing Association, Lake Wales Citrus Growers Association, Lakeland Packing Co., Newberne Groves, People Packing Co., South Lake Apopka Citrus Growers Association, Spada Fruit Sales, and Waverly Growers Cooperative (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agriculutre Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Sec. 3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4 Oranges.

"Oranges" means all varieties of Citrus sinensis, Osbeck, grown in the Interior District of Florida but not oranges of the so-called kid glove type such as Temple, Murcott Honey, and King oranges.

Sec. 5 Early and Midseason Type oranges.

"Early and Midseason Type oranges" means all oranges except late type oranges.

Sec. 6 Late Type oranges.

"Late Type oranges" means Valencia oranges, and Lue Gim Gong and similar late maturing oranges of the Valencia type.

Sec. 7 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of oranges grown in the Interior District in Florida and who has a proprietary interest in the oranges so produced.

Sec. 8 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting oranges owned by another person) who, as owner, agent, or otherwise, handles oranges in fresh form, or causes oranges to be so handled.

Sec. 9 Handle or ship.

"Handle" or "ship" means to sell or transport oranges, or in any other way to place oranges in the current of the commerce between the regulation area and any point outside thereof in the continental United States, Canada, or Mexico, or causes oranges to be sold, transported, or placed in such commerce.

Sec. 10 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) U.S. bushels of oranges, whether in bulk or in any container.

Sec. 11 Week or full week.

"Week" or "full week" means a 7-day period beginning with Monday.

Sec. 12 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31, of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

Sec. 13 Committee.

"Committee" means the Interior Orange Marketing Committee.

Sec. 14 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

Sec. 15 Interior district or district.

"Interior district" or "district" means the production area, comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward, and County Commissioner's Districts One, Two and Three of Volusia County and shall include the portions of the counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of sec. 23, T. 14 S., R. 31 E.; thence continue south to the southwest corner of sec. 35, T. 14 S., R. 31 E.; thence east to the northwest corner of T. 18 S., R. 32 E.; thence south to the southwest corner of T. 17 S., R. 32 E.; thence east to the northwest corner of T. 18 S., R. 33 E.; thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Rs. 35 E. and 36 E.; thence south to the south line of Brevard County; thence east to the line between Rs. 36 E. and 37 E.; thence south to the southwest corner of St. Lucie County; thence east to the line between Rs. 39 E. and 40 E.; thence south to the south line of Martin County, thence east to the line between Rs. 40 E. and 41 E.; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

Sec. 20 Establishment and membership.

There is hereby established an Interior Orange Marketing Committee. The membership shall consist of those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee selected under Order No. 905 (Part 905 of this chapter), whose principal place of business is in the Interior district: *Provided*, That in the event of the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Orange Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this part.

Sec. 21 Inability of members to serve.

An alternate for a member of the committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

Sec. 22 Powers of the Interior Orange Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this part, as provided in this part, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this part, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this part; and (c) to recommend to the Secretary amendments to this part.

Sec. 23 Duties of the Interior Orange Marketing Committee.

It shall be the duty of the committee: (a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable; (b) to keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; (c) to act as intermediary between the Secretary and producers and handlers; (d) to furnish the Secretary with such available information as he may request; (e) to appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees; (f) to cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports; (g) to prepare and issue a monthly statement of financial operations of the committee; and (h) to make such determinations as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part.

Sec. 24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

Sec. 25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraph (c) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirement of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendation made pursuant to this part, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

Sec. 26 Funds.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this part.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

EXPENSES AND ASSESSMENTS

Sec. 30 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and are likely to be incurred by the committee for its maintenance and functioning during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in section 31.

Sec. 31 Assessments.

(a) Each handler who first handles oranges shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of oranges shipped by each handler as the first handler thereof during the applicable fiscal period is of the total quantity of oranges so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

Sec. 32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

Sec. 40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of oranges, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of oranges during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof of the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers.

Sec. 41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week: *Provided*, That such volume regulations shall not be recommended for more than an aggregate of 12 weeks during any fiscal period.

(b) In making its recommendations the committee shall give due consideration to the following factors:

(1) Market prices for oranges;

(2) Supply of oranges on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of oranges in the production area;

(4) Market prices and supplies of citrus fruit from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level of consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to section 42, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

Sec. 42 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate exceed 12 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of oranges is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

Sec. 43 Prorate bases.

(a) Each person who desires to handle oranges shall submit to the committee, at such time and in such manner as may be designated by the committee and upon forms made available by it, a written application for a prorate base or bases and for allotments as provided in this section and sections 44 and 45.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(e) The prorate base for each handler of early and midseason type oranges shall be computed as follows: Add together the handler's shipments of early and midseason type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of elapsed weeks of the current season and 32 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this subparagraph, "representative period" means the three previous seasons together with the current season; the term "season" means the 32-week period beginning with the first full week in September, and the term "current season" means the period beginning with the first full week in September of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulations.

(f) The prorate base for each handler of late type oranges shall be computed as follows: Add together the handler's shipments of late type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of weeks elapsed in the current season and 21 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this subparagraph "representative period" means the three previous seasons together with the current season; the term "season" means the 21-week period beginning with the first full week in February; and the term "current season" means the period beginning with the first full week in February of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

Sec. 44 Allotments.

(a) Whenever the Secretary has fixed the quantity of oranges which may be handled during any week, the committee shall calculate the quantity of oranges which may be handled during such week by each person who has applied for and received a prorate base.

(b) The allotment of each handler shall be computed as follows:

(1) The quantity of early and midseason oranges to be allocated for the week as determined pursuant to section 45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computed pursuant to section 43(e) by the aggregate total of the prorate bases of all handlers so computed.

(2) The quantity of late type oranges to be allocated for the week as determined pursuant to section 45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computed pursuant to section 43(f) by the aggregate total of the prorate bases of all handlers so computed.

(3) The total of the quantities computed for the handler in accordance with subparagraphs (1) and (2) hereof shall be the allotment of such handler. Such allotment may be used to ship oranges during the week without regard to type. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

Sec. 45 Allocating fixed quantity.

In recognition of the differences in maturity as between early and midseason type oranges and late type oranges the total quantity of oranges fixed by the Secretary which may be handled during any week shall be allocated between the two types of oranges.

(a) Such allocation shall reflect the respective proportions of both types of oranges that were shipped during a specified week or weeks in each of the previous three fiscal periods, as prescribed in rules and regulations formulated in

accordance with paragraph (b) of this section, subject to adjustment to reflect as nearly as may be the respective proportions as estimated by the committee of the two types of oranges shipped by all handlers in the second week preceding the one for which the Secretary has fixed such total quantity of oranges: *Provided*, That during that portion of a fiscal period that begins with the first full week in January, the allocation to either type of oranges of the quantity that may be handled during any week thereof shall represent not less than 5 percent of the total quantity of oranges fixed by the Secretary for such week.

(b) Such rules and regulations shall include tabulations of the respective proportions of weekly shipments during the preceding three fiscal periods that represent early and midseason type oranges and late type oranges, showing the weekly differences in the proportions.

Sec. 46 Overshipment.

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of oranges equivalent to 10 percent of such allotment of 500 boxes, whichever is greater: *Provided*, That handlers may overship the entire 500 boxes or any portion of it during the period when regulations continue in effect for two or more successive weekly periods until such accumulative overshipments total but do not exceed 500 boxes: *Provided however*, That the Secretary, on the basis of a recommendation of the committee or other available information, may increase the quantity from 500 boxes to 1,000 boxes. The quantity of oranges so handled in excess of the total allotment which such person has available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *And provided further*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

Sec. 47 Undershipments.

If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to section 42, in an amount less than the total allotment available to him for such week, he may handle, during the next week succeeding week, a quantity of oranges, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

Sec. 48 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer such allotments to other persons to whom allotments have also been issued. Each party to any such loan or transfer agreement shall, prior to completion of the agreement, notify the committee of the proposed loan or transfer and the date of repayment, if any, and obtain the committee's approval of the agreement.

(b) The committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan or transfer agreement.

Sec. 49 Inspection and certification.

Whenever the handling of oranges is regulated pursuant to section 42, each handler who handles any oranges shall, prior to the handling of any lot of oranges, cause such lot to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

Sec. 50 Reports and records.

(a) Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of oranges handled as may be necessary to verify reports submitted pursuant to this section.

(b) Whenever a handler ships oranges from the Interior district which were not grown in that district, he shall make a notation on the copy of the manifest of such shipments to be furnished to the Federal-State Inspection Service clearly indicating that the oranges contained in the shipment were not grown in the Interior district.

(c) Prior to shipping each lot of oranges, the handler shall provide the Federal-State Inspection Service a written statement as to the destination thereof. Such statement may be in the form of a notation on the manifest covering such lot, and the destination may be stated as a point or points outside the regulation area.

MISCELLANEOUS PROVISIONS

Sec. 55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of sections 42 through 49 and the regulations issued thereunder, ship oranges for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent oranges handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules and regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle oranges pursuant to this section, and that such application be accompanied by a certification by the intended purchaser or receiver that the oranges will not be used for any purpose not authorized by this section.

Sec. 56 Compliance.

Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to section 42 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

Sec. 57 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in section 59.

Sec. 59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

Sec. 60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, excute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to section 31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

Sec. 61 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

Sec. 62 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 63 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way, whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected.

Sec. 66 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

Sec. 67 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

Sec. 68 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of oranges in the same manner as is provided for in this agreement.***

Copies of this notice of hearing may be obtained from Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, Fla. 33802.

Dated: May 28, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-6520; Filed, June 2, 1969; 8:50 a.m.]

[7 CFR Parts 1001–1004, 1015, 1016]

[Docket No. AO–14–A46, etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A46.
1002	New York-New Jersey	AO–71–A58.
1003	Washington, D.C.	AO–293–A22.
1004	Delaware Valley	AO–160–A42.
1015	Connecticut	AO–305–A23.
1016	Upper Chesapeake Bay	AO–312–A19.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., on June 9, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas specified as follows: Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by New York-New England Dairy Cooperative Coordinating Committee representing Cabot Farmers' Cooperative Creamery Co., Inc.; Concord Dairy; Consolidated Milk Producers' Association; Connecticut Valley Dairy, Inc.; Dairymen's League Co-operative Association, Inc.; Granite City Cooperative Creamery Association, Inc.; Maine Dairymen's Association; Massachusetts Cooperative Milk Producers Federation, Inc.; Milton Cooperative Dairy Corp.; New England Milk Producers Association, Inc.; Northeast Dairy Cooperative Federation, Inc.; Northern Farms Cooperative, Inc.; Producers Dairy Company of Brockton; Producers Dairy, Inc., of Nashua; Richmond Cooperative Association, Inc.; St. Albans Cooperative Creamery, Inc.; United Farmers of New England, Inc.; United Milk Producers Cooperative Association of New Jersey, Inc.; and White River Valley Dairies, Inc.:

Proposal No. 1. Amend the Massachusetts-Rhode Island-New Hampshire,

New York-New Jersey, Delaware Valley, and Connecticut orders for purpose of maintaining interregional Class I price relationships by flooring Class I prices at their current relationship with the effective Class I price in the Chicago Regional order as follows:

A. In § 1001.60(d); add the words ": *Provided*, That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.38."

B. In § 1002.40(a); add the words ": *Provided*, That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.20."

C. In § 1004.50(a); add the words ": *Provided*, That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.64."

D. In § 1015.60(d); add the words ": *Provided*, That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.78."

Proposal No. 2. Amend the six subject orders as necessary to provide identical butterfat differentials to all class (where applicable) and blended prices (base and excess prices during certain specified months for Orders 3, 4, and 16). Such adjustment for each one-tenth of 1 percent butterfat content variation from 3.5 percent shall be computed at 0.115 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month, and rounded to the nearest one-tenth cent.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 3. Amend the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., orders for purpose of maintaining interregional Class I price relationships by providing a bracketing system whereby an increase in the Minnesota-Wisconsin price series of 15 to 25 cents over $4.33 (3.5 percent butterfat basis) will result in a Class I price increase of 20 cents and a further increase in such Minnesota-Wisconsin series price of at least 10 cents but not in excess of 20 cents will result in an additional 20-cent increase in such Class I price.

Proposal No. 4. For the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., orders, adopt the butterfat differential provisions as set forth in Proposal 2 of this notice except that with respect to differentials applicable to producer blend prices in the three orders, the rounding technique used in computing such butterfat differentials shall be to the nearest even one-tenth cent.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Amend § 1002.90 of the New York-New Jersey order to provide a maximum allowable rate of assessment for administrative expense of 4 cents in lieu of the 2 cents per hundredweight presently specified.

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at 230 Congress Street, Room 403, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; Post Office Box 306, Alexandria, Va. 22313; One Decker Square, Room 646, Bala Cynwyd, Pa. 19004; 1049 Asylum Avenue, Hartford, Conn. 06105; Post Office Box 6848, Towson Station, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on May 28, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–6519; Filed, June 2, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–CE–29]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the Rapid City, S. Dak. (Municipal Airport), Rapid City, S. Dak. (Ellsworth Air Force Base), control zones and the Rapid City, S. Dak., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Rapid City, S. Dak., terminal area, two new instrument approach procedures, predicated on the ILS system at Rapid City, have been developed for the Rapid City Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Rapid City (Municipal Airport) and Rapid City (Ellsworth Air Force Base) control zones and the Rapid City transition area to adequately protect aircraft executing the new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557) the following control zones are amended to to read:

RAPID CITY, S. DAK. (ELLSWORTH AFB)

Within a 5-mile radius of Ellsworth AFB (latitude 44°08'40" N., longitude 103°06'10" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Municipal Airport) control zone.

RAPID CITY, S. DAK. (MUNICIPAL AIRPORT)

Within a 5-mile radius of Rapid City Municipal Airport (latitude 44°02'30" N., longitude 103°03'25" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

RAPID CITY, S. DAK.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'40" N., longitude 103°06'10" W.).

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 9, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–6473; Filed, June 2, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–18]

FEDERAL AIRWAYS

Proposed Alteration, Extension and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign and extend VOR Federal airway Nos. 72, 88, 175, 178, 179, 234, and 335, and designate a new airway from Maples, Mo., to Troy, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration is considering the following airspace actions that will permit more efficient utilization of the airspace in the St. Louis, Mo., terminal area:

1. Realign and extend V–72 segment from Maples, Mo., with a 1,200-foot AGL floor direct to Farmington, Mo., direct to Centralia, Ill., direct to Bible Grove, Ill., to the intersection of the Bible Grove 015° T (012° M) and Vandalia, Ill., 075° T (071° M) radials.

2. Realign V–88 segment from Vichy, Mo., with a 1,200-foot AGL floor to the intersection of the Vichy 091° T (085° M) and St. Louis, Mo., 171° T (166° M) radials.

3. Realign and extend V–175 segment from Malden, Mo., with a 1,200-foot AGL floor direct to Vichy direct to Hallsville, Mo., including a 1,200-foot AGL west alternate via the intersection of the Vichy 321° T (315° M) and Hallsville 183° T (177° M) radials.

4. Extend V–178 segment from Vichy with a 1,200-foot AGL floor direct to Farmington, Mo.

5. Extend V–179 segment from Centralia with a 1,200-foot AGL floor to Vandalia, Ill., via the intersection of the Centralia 010° T (006° M) and Vandalia 162° T (158° M) radials; to Capital, Ill.

6. Extend V–234 segment from Hutchinson, Kans., with a 1,200-foot AGL floor direct to Emporia, Kans., direct to Butler, Mo., direct to Vichy, to Centralia via the intersection of the Vichy 091° T (085° M) and Centralia 253° T (249° M) radials.

7. Realign V–335 segment from St. Louis, Mo., with a 1,200-foot AGL floor to Marion, Ill., via the intersection of the St. Louis 171° T (166° M) and Marion 290° T (286° M) radials.

8. Designate a new airway from Maples with a 1,200-foot AGL floor to Troy, Ill.

The airway structure in the St. Louis terminal area has remained essentially unchanged for the past 8 years. During this time there has been a 20 percent annual increase in IFR air traffic in the area. This increase in IFR air traffic has resulted in a requirement to revise procedures for controlling the increased traffic and the procedural changes have resulted in the proposed alteration of the low altitude airway structure in the St. Louis area as described above.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 27, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6474; Filed, June 2, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–EA–50]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Buehl Field, Langhorne, Pa.

A new VOR instrument approach procedure has been authorized for Buehl Field, Langhorne, Pa. We will require designation of a part time Langhorne, Pa., 700-foot floor transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federation Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Langhorne, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Langhorne, Pa. transition area described as follows:

LANGHORNE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°11'15" N., 74°54'00" W., of Buehl Field, Langhorne, Pa., excluding the portion which coincides with the North Philadelphia, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 16, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69–6476; Filed, June 2, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 1–11; Notice 3]

MOTOR VEHICLE SAFETY STANDARDS

Rear Underride Protection; Extension of Time To File Comments

On March 19, 1969, the Federal Highway Administration published in the FEDERAL REGISTER (34 F.R. 5383) a notice of a proposed motor vehicle safety standard on Rear Underride Protection. It was requested that interested persons submit comments by the close of business on June 2, 1969.

Upon consideration of a petition that the comment period be extended to permit the completion of tests and submission of comments based thereon, the time to file comments is extended to the close of business on August 1, 1969.

Issued on May 29, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–6546; Filed, June 2, 1969; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Siting of Commercial Fuel Reprocessing Plants and Related Waste Management Facilities; Statement of Proposed Policy

The Atomic Energy Commission has under consideration the adoption of a statement of policy concerning the siting of commercial fuel reprocessing plants and related waste management facilities. This notice sets forth the essential elements of that policy which would be incorporated in the Commission regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50, as an appendix.

The proposed statement of policy deals principally with (1) The question as to whether the safety problems and characteristics associated with operation or with the decommissioned status of a commercial fuel reprocessing plant require, from the standpoint of the public health and safety, that these plants be located on land owned and controlled by the Federal Government; and (2) The question of ultimate disposal of high-level radioactive fission product wastes generated at these plants.

In considering these questions the Commission has endeavored to formulate a policy which, while fully responsive to considerations of the public health and safety, would present minimum impediment to the growth of economic nuclear power.

The Commission believes that ultimate disposal of high-level radioactive fission product wastes must be accomplished by the Federal Government on federally owned land. Considerations of public health and safety dictate not only that these wastes must be permanently isolated from man's biological environment but also that there must not be a proliferation of repositories for such wastes.

The Commission has also concluded that inventories of such wastes in liquid form must be limited to the quantity produced in the prior 5 years and that such wastes should be transferred in an AEC-approved solid form to a Federal repository as soon as practicable but in no event later than 10 years following generation in the reprocessing plant. The decay characteristics of reprocessing wastes are such that the major portion of the high-heat-emitting fission products will have decayed within 5 years. Beyond this point, the rate of change of heat output with time is minimal in terms of the thermal considerations associated with the solidification of the wastes and with their interim storage. The permissive 10-year waste retention would encompass the time period when the utilization efficiency of the Federal waste repository can change significantly as a function of waste age and during which the reprocessor can most beneficially utilize interim on-site storage to optimize his waste management system.

The Commission intends to develop and publish standards identifying the solid form or forms which the Commission will consider acceptable for transfer to the Federal repository. In general, the characteristics of the solid waste must be such as to provide, when considered with the other aspects of the shipping and handling system, reasonable assurance that no significant release of radioactivity to the environment can occur in the event of an accident during shipment.

Implementation of this policy relating to high-level radioactive wastes will eliminate the need for concern regarding the location and ownership of the reprocessing facility site to the extent that this concern relates to the proliferation of locations where storage of such wastes, for indefinite periods, would otherwise occur. With proper design and engineered safety systems, limited interim storage of high-level liquid waste is acceptable as a process step. Indefinite storage of high-level liquid waste in surface or near-surface facilities is not deemed an acceptable waste management practice.

The Commission is currently developing requirements and bases for operation of federally owned repositories for high-level waste disposal consistent with the need for such facilities by commercial fuel reprocessing plants. Estimated charges for waste disposal at a Federal repository are also being developed and, when available, will be published as information for industry.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following statement of policy is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed statement should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed statement may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

A new Appendix D is added to 10 CFR Part 50 to read as follows:

APPENDIX D

POLICY RELATING TO THE SITING OF COMMERCIAL FUEL REPROCESSING PLANTS AND RELATED WASTE MANAGEMENT FACILITIES

1. Public health and safety considerations relating to commercial fuel reprocessing plants do not require that such facilities be located on land owned and controlled by the Federal Government. Such plants, including the facilities for the temporary storage of high-level liquid radioactive wastes, may be located on privately owned property. (For the purpose of this statement of policy, "high-level liquid radioactive wastes" means those aqueous wastes resulting from the operation of the first cycle solvent extraction system and the concentrated wastes from subsequent extraction cycles in a facility for reprocessing irradiated reactor fuels.)

2. A commercial fuel reprocessing plant's inventory of high-level liquid radioactive wastes will be limited in volume to the quantity produced in the prior 5 years. High-level liquid radioactive wastes in excess of this authorized inventory must be converted to an AEC-approved solid form. All high-level radioactive wastes must be transferred in the approved solid form to a Federal repository as soon as practicable, but in no event later than 10 years following separation of fission products from the irradiated fuel. Upon receipt the Federal repository will assume physical responsibility for these radioactive waste materials although industry will pay the Federal Government a charge which together with interest on unexpended balances will be designed to defray all costs of ultimate disposal and perpetual surveillance. Before retirement of the commercial reprocessing plant from operational status and before termination of licensing pursuant to § 50.82, transfer of all such wastes to a Federal repository must be completed. Federal repositories, which will be limited in number, will be designated later by the Commission.

3. Ultimate disposal of high-level radioactive fission product waste material will not be permitted on any land other than that owned and controlled by the Federal Government.

4. Commercial fuel reprocessing plants must be designed to facilitate decontamination and to facilitate removal of all significant radioactive wastes from the onsite interim storage facilities during decommissioning.

5. Applicants proposing to operate commercial fuel reprocessing plants, in submitting information concerning financial qualifications, as required by § 50.33(f), must include information enabling the Commission to determine whether the applicant is financially qualified, among other things, to provide for the removal and disposal of radioactive wastes, during operation and upon decommissioning of the facility, in accordance with the Commission's regulations, including the requirements set out in this appendix.

6. Radioactive hulls and other irradiated and contaminated fuel structural hardware may be disposed of by one of the following methods:

(a) Disposal in the same manner as high-level wastes; or

(b) Disposal at a licensed waste burial facility located on land owned by the Federal Government or by a State government as required by § 20.302 of this chapter.

7. Other solid wastes resulting from operation of commercial fuel reprocessing plants, such as ion exchange beds, asphalted sludges, vermiculited sludges, and contaminated laboratory items, clothing, tools, and equipment must be disposed of in accordance with Commission regulations for disposal of such materials in Part 20 of this chapter (e.g., disposal at a licensed waste burial facility located on land owned by the Federal Government or by a State government).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-6481; Filed, June 2, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

COMMODITY CREDIT CORPORATION

Designation of Special Series Certificate of Interest Under Securities Exchange Act of 1934

Notice is hereby given that I have today designated for exemption under authority of paragraph 12 of section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) all special issues of certificates of interest of the Commodity Credit Corporation denominated "Special Series Certificate of Interest".

This designation, which is made by virtue of the authority vested in me by Treasury Department Order No. 190, Revision 6, may be revoked, modified, or amended at any time with respect to certificates not issued prior to such time.

Dated: May 27, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-6497; Filed, June 2, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 5795; Survey Group 80]

WISCONSIN

Notice of Filing of Plat of Survey

1. The plat of survey of the following described lands, accepted April 9, 1969, will be officially filed in this office effective at 10 a.m. on July 1, 1969;

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 31 N., R. 28 E.,
Sec. 24, lots 5, 6, and 7;
Sec. 25, lots 2, 3, and 4;
Sec. 26, lot 2.

The lands described aggregate 243.34 acres.

2. This plat represents a dependent resurvey of a portion of the subdivision lines and an extension survey in secs. 24, 25, and 26. The new lottings and areas are the result of lands omitted from the original survey. They encompass the area between the original meander lines, which are recognized now as fixed boundary lines, and the present meander lines of Lake Michigan.

3. The character of the land area is gently rolling upland, and ranges up to 20 feet above the lake. The land is in all respects similar to the adjoining lands which were included in the original survey in 1835. The soil is mostly rich humus loam, with a rocky to boulder base, and a number of rock outcrops. This type of soil is found to be typical of the adjoining upland. The land coming under this survey is mostly covered with second-growth timber. The remains of old stumps indicate that these trees were at least 100 years old when they were cut. The stability of Lake Michigan, as evidenced by the rugged shore line, the elevation of the public land area above the lake, the age of the remains of tree stumps and timber growth, and the area's general characteristics afford positive evidence that the area was land in place on May 29, 1848, the day Wisconsin was admitted into the Union. It therefore has the status of public land and is well over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850.

4. For a period of 90 days from July 1, 1969, the lands will be subject only to applications under the Act of February 27, 1925 (43 Stat. 1013; 43 U.S.C. 994).

5. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

MAY 26, 1969.

[F.R. Doc. 69-6522; Filed, June 2, 1969; 8:50 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places.

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following correction is to be made:

PENNSYLVANIA

Lycoming County

Williamsport, *Lycoming County Courthouse*, Destroyed.

The following properties have been added to the National Register since May 6, 1969;

ALABAMA

Mobile County

Mobile, *Fort Condé-Charlotte*, within an area bounded roughly by Emanuel, Theater, Royal, and Church Streets, and extending slightly north of Church Street.

DISTRICT OF COLUMBIA

Washington

Christ Church, 620 G Street SE.

MARYLAND

Anne Arundel County

Davidsonville vicinity, *All Hallows' Church*, intersection of Md. 2, All Hallows' Church Road, and South River Club Road.

Galesville vicinity, *Cedar Park*, 4.4 miles south of intersection of Md. 214 and 468 and 1.5 miles north of intersection of Md. 255 and 468.

Owensville vicinity, *Evergreen*, Sudley Road, 2 miles southeast of Md. 255.

Harwood vicinity, *Larkin's Hill Farm*, off Md. 2 on Mill Swamp Road.

Harwood vicinity, *Larkin's Hundred*, on Mill Swamp Road, 1 mile east of Md. 2 and 0.9 mile west of Md. 468.

Harwood vicinity, *Mary's Mount*, 0.5 mile east of Md. 2 and south of Mill Swamp Road.

Harwood vicinity, *Obligation*, west side of Md. 2, 0.2 mile south of intersection of Md. 2 and Mill Swamp Road.

South River vicinity, *The South River Club*, South River Club Road, 1 mile east of Md. 2 and 0.4 mile west of Md. 468.

MICHIGAN

Kent County

Grand Rapids, *Grand Rapids City Hall*, 35 Lyon Street NW.

MISSOURI

Cole County

Jefferson City, *Cole County Historical Society Building*, 109 Madison Street.

Jefferson City, *Governor's Mansion*, 100 Madison Street.

Cooper County

Boonville, *Lyric Theater*, northeast corner Main (Fifth) and Vine Streets.

Crawford County

Leasburg vicinity, *Scotia Iron Furnace Stack*, 6.3 miles southeast of Leasburg on County Route H.

Franklin County

Moselle vicinity, *Moselle Iron Furnace Stack*, 1 mile southeast of Moselle.

Gasconade County

Hermann, *Old Stone Hill, Inc.*, 401 12th Street.

Howard County

Glasgow, *Glasgow Public Library*, northwest corner, Market and Fourth Streets.

Iron County

Ironton, *St. Paul's Episcopal Church*, northwest corner, Knob and Reynolds Streets.

Jackson County

Kansas City, *Wornall House*, 146 West 61st Street.

Linn County

Laclede, *Pershing (General John J.) Boyhod Home*, State and Worlow Streets.

Monroe County

Florida vicinity, *Twain (Mark) Birthplace Cabin*, Mark Twain State Park, 0.25 mile south of Florida on Mo. 107.

Pemiscot County

Caruthersville vicinity, *Murphy Mound Archeological Site*, both sides of County Route D, 1.5 miles south of intersection of County Routes D and U.

Ste. Genevieve County

Ste. Genevieve, *Guibourd (Jacques Dubreuil) House*, northwest corner, Fourth and Merchant Streets.

St. Mary's vicinity, *The Kreilich Archeological Site*.

VIRGINIA

Alexandria (independent city)

The Lyceum, 201 South Washington Street.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-6536; Filed, June 2, 1969; 8:50 a.m.]

Office of the Secretary

MONSE UNIT OF COLVILLE INDIAN IRRIGATION PROJECT, WASH.

Notice of Satisfaction of All Federal Irrigation Charges, Release of Liens for Such Charges, and Termination of Federal Responsibility

Whereas, Public Utility District No. 1, Douglas County, State of Washington, is the licensee under the Wells Hydroelectric Project, Federal Power Project No. 2149, Washington, on the Columbia River in Douglas, Chelan, and Okanogan Counties, Wash.; and

Whereas, the Monse Unit of the Colville Irrigation Project, Colville Indian Reservation, included allotted and tribal lands of the reservation all of which have been purchased by Public Utility District No. 1 for the Wells Project as a result of which Indian title to such lands has been extinguished, the lands being no longer held in trust by the United States; and

Whereas, all reimbursable irrigation charges against the lands within the Monse Unit of the Colville Indian Irrigation Project owing to the United States for construction, operation and maintenance have been fully satisfied or paid; and

Whereas, the use of the former Indian lands by the Wells Project involves the inundation of much of the land, necessitates the destruction of irrigation facilities, and is inconsistent with the continued operation of the Monse Unit of the Colville Irrigation Project;

Now, therefore, notice is hereby given that as a result of the acquisition of all Monse Unit lands for the Wells Project, and of the satisfaction of all charges owing against them to the United States, all liens to secure such payment to the United States are hereby released and in view of the physical impossibility of the continued operation of the Monse Unit, the administrative obligation and responsibility of the United States to operate and maintain the Monse Unit of the Colville Indian Reservation have been terminated.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MAY 27, 1969.

[F.R. Doc. 69-6478; Filed, June 2, 1969; 8:46 a.m.]

E. A. VAUGHEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 15, 1969.

Dated: May 21, 1969.

E. A. VAUGHEY.

[F.R. Doc. 69-6464; Filed June 2, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 2330, 5084, 6125, and 7251) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to swine with respect to Beeville Packing Co., establishment 377, is deleted. The references to sheep and goats with respect to Carteret Abattoir, Inc., establishment 639, are deleted. The reference to calves with respect to Granite State Packing Co., establishment 785, is deleted. The reference to H.A.S. Sweetmeat, Inc., establishment 7025, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Momence Pork Packers Co	282					(*)		
Virgin Islands Packing Plant	482	(*)		(*)	(*)	(*)		
Sioux Beef Co	857-0	(*)						
Johnsville Packing Co	2402	(*)						
J. G. Forte, Inc	5364		(*)	(*)				
O. K. Meat Packing Co., Inc	6001	(*)	(*)	(*)		(*)		
Star Meat Co	6760					(*)		
Jimmy Dean Meat Co	7012					(*)		
Coleman Sausage Co	7401					(*)		
New establishments reported: 9.								
D. E. Nebergal Meat Co	3-DE		(*)					
Hygrade Food Products Corp	12-FW		(*)					
Loeb & Gottfried, Inc	658		(*)					
Greensboro Packing Co., Inc	1825					(*)		
Ridley Packing Co	2365	(*)	(*)					
Zweigart Packing Corp	2863			(*)				
Interstate Packing Co	7056				(*)			
Species added: 8.								

Done at Washington, D.C., on May 27, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-6482; Filed, June 2, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-238]

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has filed an application, dated May 15, 1969, requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit its parent, Matson Navigation Co., who operates the unsubsidized passenger ship "SS Lurline", to carry one-way coastwise passengers from Los Angeles and San Francisco, Calif., to San Diego, Calif., on a Caribbean cruise and a South American cruise commencing November 5, 1969, and January 10, 1970, respectively, and on the November 5, 1969, cruise to carry one-way intercoastal passengers from San Francisco, Los Angeles and San Diego, Calif., to San Juan, Puerto Rico, and St. Thomas, Virgin Islands, and one-way intercoastal passengers from St. Thomas, Virgin Islands and San Juan, Puerto Rico, to Los Angeles and San Francisco, Calif.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 12, 1969, file same with the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business on June 12, 1969, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for June 19, 1969, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: May 29, 1969.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-6571; Filed, June 2, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

RESIDENCE

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below prescribe interim policies and requirements relating to the use of a residence requirement as a condition for approval of a State plan under sections 2, 402, 1002, 1402, or 1602 of the Social Security Act (42 U.S.C. 302, 602, 1202, 1352, 1382). These regulations are effective upon publication in the FEDERAL REGISTER. They are responsive to the decision of the U.S. Supreme Court in the case of Shapiro v. Thompson, April 21, 1969.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The regulations are issued under the authority contained in sections 2, 402, 1002, 1402, and 1602 of the Social Security Act, 49 Stat. 620, 627, 645, 64 Stat. 555, and 76 Stat. 198, respectively, and section 1102 of the Social Security Act, 49 Stat. 647; 42 U.S.C. 302, 602, 1202, 1352, 1382, and 42 U.S.C. 1302.

Dated: May 19, 1969.

JOSEPH H. MEYERS,
For Administrator, Social and Rehabilitation Service.

Approved: May 29, 1969.

ROBERT H. FINCH,
Secretary.

RESIDENCE

SEC. 202.3 *Condition of plan approval; prohibition against exclusion of residents.* (a) A State plan for OAA, AFDC, AB, APTD, or AABD, to be approved under section 2, 402, 1002, 1402, or 1602, as the case may be, of the Social Security Act (42 U.S.C. 302, 602, 1202, 1352, 1382) may not impose, as a condition of eligibility for such aid or assistance, any residence requirement which excludes any individual who resides in the State.

(b) A State plan which conditions eligibility upon residence in the State may not exclude from eligibility any individual who resides in the State under the following definition:

A resident of a State is one who is living in the State voluntarily and not for a temporary purpose, that is, with no intention of presently removing therefrom. A child is "residing in the State" if he is making his home in the State. Temporary absence from the State, with subsequent returns to the State, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence.

Residence as defined for eligibility purposes under a State plan may not depend upon the reason for which the individual entered the State, except insofar as it may bear upon whether he is there for a "temporary purpose."

(c) A State must determine eligibility for aid or assistance with respect to a person's status as a resident of that State in accordance with the general Federal pclicies on acceptance of applications and determination of eligibility, including the requirement that prompt action will be taken on each application.

(d) Any State which has imposed, as a condition of eligibility, a requirement which is inconsistent with the provisions in paragraph (a) or (b) of this section must provide effective methods for giving notice of its present requirement to former or potential applicants for OAA, AFDC, AB, APTD, or AABD and to other interested persons. The methods which the State agency proposes to meet this notice requirement must be submitted to and be approved by the Regional Commissioner, SRS, DHEW. In addition, where the records of the State agency permit identification of persons whose applications have been denied at any time within the past year by reason of such an inconsistent requirement, the State agency must give prompt written notification to such persons concerning the change in that requirement. Such notification must be given within 90 days of publication of these regulations and must clearly explain the rights which such persons have under these regulations.

[F.R. Doc. 69-6547; Filed, June 2, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-56]

BUNGE CORP.

Notice of Qualification as U.S. Citizen

This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), the Bunge Corp. of 1 Chase Manhattan Plaza, New York, N.Y., incorporated under the laws of the State of New York, did on May 4, 1969, file with the Commandant of the U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 26, 1969, issued to the Bunge Corp. a certificate of compliance on form 1262, as provided in 19 CFR 3.21(1) (§ 3.21(1), Customs Regulations). The certificate

and any authorization granted thereunder will expire 3 years from the date thereof unless their first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: May 26, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-6511; Filed, June 2, 1969; 8:49 a.m.]

[CGFR 69-52]

KANSAS CITY, MO., AND OMAHA, NEBR.

Revocation of Designations as Ports of Documentation

Notice of the proposed revocation of the designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation and the transfer of the documentation records to the office of the Commander, 2d Coast Guard District, St. Louis, Mo., was published in the FEDERAL REGISTER of April 5, 1969 (34 F.R. 6209), as CGFR 69-8.

By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), the following action is hereby taken effective June 30, 1969:

(a) The designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation are revoked;

(b) The documentation records at Kansas City, Mo., and Omaha, Nebr., are transferred to the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo. 63103; and

(c) St. Louis is designated as home port of all vessels now having Kansas City and Omaha as home port.

Vessels marked with the name of Kansas City or Omaha as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: May 26, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-6512; Filed, June 2, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21040]

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

MAY 26, 1969.

Notice is hereby given that the Civil Aeronautics Board on May 23, 1969, received an application, Docket 21040, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Baltimore, Md., and Norfolk, Va. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6502; Filed, June 2, 1969; 8:48 a.m.]

[Docket No. 20928]

AMERICAN AIRLINES, INC., ET AL.

Notice of Prehearing Conference

Passenger fare revisions proposed by American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 11, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Evidence requests, proposed procedural dates, statements of issues, and statements of position shall be filed with the Examiner and on all other parties on or before June 5, 1969.

Dated at Washington, D.C., May 27, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6503; Filed, June 2, 1969; 8:48 a.m.]

[Docket No. 19958]

AVION, INC., ET AL.

Enforcement Proceeding; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on June 5, 1969, is hereby postponed indefinitely.

Dated at Washington, D.C., May 27, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-6504; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 20648; Order 69-5-128]

EASTERN AIR LINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of May 1969.

On January 10, 1969, Eastern Air Lines, Inc. (Eastern), filed an application for authority to suspend service temporarily at Reading, Pa., and submitted for approval an agreement[1] between it and Suburban Air Lines (Suburban), division of Reading Aviation Service, Inc., under which Suburban would replace Eastern in the Reading-Washington, D.C. market.

The Reading Airport Authority, General Airlines, Inc., and the Air Line Pilots Association, International, filed answers in opposition to Eastern's application. Eastern and Suburban filed replies to these answers together with motions for leave to file the replies.

Upon consideration of the pleadings and all the relevant facts, we have decided to set the matter for hearing. The hearing shall be limited to the question of whether the Eastern-Suburban agreement should be approved and Eastern's authority at Reading temporarily suspended.

The issues presented appear largely to involve questions of policy and law which can and should be argued on brief. The areas of factual controversy appear to be limited and therefore we think it should be possible to accelerate the hearing process. To this end the hearing examiner assigned to this proceeding will request each party to submit a statement of facts upon which the party in question intends to rely in support of its position. Such statements of fact will be circulated among all parties prior to the prehearing conference. At the prehearing conference the parties will be requested to stipulate as many of these facts as possible. We expect all parties to cooperate with this procedure which we believe will result in accelerating the hearing and decisional process.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in Docket 20648 and CAB Agreement No. 20756, be and they hereby are set for hearing;

2. The motions of Eastern Air Lines, Inc., and Suburban Air Lines, division of Reading Aviation Service, Inc., for leave to file replies, be and they hereby are granted;

3. Motions to consolidate applications, motions or petitions, seeking modification or reconsideration of this order, be filed no later than 20 days after the date of service of this order, and that answers to such pleadings be filed no later than 10 days thereafter;

4. This proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated; and

5. A copy of this order be served upon Eastern Air Lines, Inc., Reading Aviation Service, Inc., General Airlines, Inc., the Air Line Pilots Association, International, and the Reading Airport Authority who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6506; Filed, June 2, 1969; 8:49 a.m.]

[1] On Feb. 19, 1969, Eastern filed a minor amendment to the agreement.

[Docket No. 20781; Order 69-5-122]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority on May 26, 1969.

By Order 69-5-46, dated May 12, 1969, action was deferred, with a view toward eventual approval (subject to condition), on certain resolutions adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The resolutions include amendments relating to round-trip fares on North and Mid Atlantic routes, which the Board has approved through March 31, 1970, and set for investigation in Order 69-4-138. The resolutions would preclude use of domestic round-trip discounts in countries where they are now offered in the construction of through international round-trip fares, and would amend 14-21-day excursion fares so as to clarify that children's discounts will apply with respect to weekend surcharges.

In deferring action on the agreements, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69-5-46 will herein be made final.

Accordingly, it is ordered, That:

1. Agreement CAB 20939 is approved: *Provided,* Such approval shall be limited through March 31, 1970: *Provided further,* That this agreement shall be incorporated into the investigation in this docket, instituted by Order 69-4-138; and

2. Agreements CAB 20948 and CAB 20954 are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6507; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 19922, etc.]

STANDARD AIRWAYS, INC., ET AL.

Notice of Prehearing Conference

Applications of Standard Airways, Inc., Loeb, Rhodes & Co., Wertheim & Co., Louis E. Silver et al., and Harold J. Caldwell et al., for approval of control and interlocking relationships.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 16, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., May 27, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6505; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 20976]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Prehearing Conference

Increased freight rates between Miami and San Juan and from Seattle/Portland to Fairbanks proposed by Pan American World Airways, Inc.

Pan American World Airways, Inc., has requested special tariff permission to cancel the proposed freight rate increases which were ordered investigated in this docket. Under this circumstance the prehearing conference scheduled to be held on June 4, 1969, will be postponed indefinitely.

Dated at Washington, D.C., June 2, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-6623; Filed, June 2, 1969; 11:03 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Planning, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6485; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Director of Economic Utilization Policy" to "Director of Small Business & Economic Utilization Policy."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6486; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Interdepartmental Affairs, Office of the Assistant Secretary for Planning and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6487; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 212.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Special Assistant to the Secretary" to "Assistant to the Under Secretary for Environmental Planning."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6488; Filed, June 2, 1969; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Postmaster General for Field Operations" to "Deputy Assistant Postmaster General for Field Services".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6489; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Director, Office of Tax Analysis" to "Deputy Assistant Secretary and Director, Office of Tax Analysis."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6490; Filed, June 2, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18554; FCC 69-549]

AIRSIGNAL INTERNATIONAL, INC.

Memorandum Opinion and Order Designating Request for Hearing on Stated Issues

In re applications of Airsignal International, Inc., Docket No. 18554, for authorization to become a Commission licensee in the domestic public land mobile radio services.

1. The Commission has for consideration (a) applications of Airsignal International, Inc. (ASI), for licenses for facilities in the Domestic Public Land Mobile Radio Services (DPLMRS), (b) petitions seeking to deny and/or dismiss certain of these applications[1] alleging inter alia that a grant of a license to ASI would be contrary to the provisions of section 310 of the Communications Act, as amended and (c) appropriate responsive pleadings.

2. Briefly, the following are the salient facts. ASI, a newly organized corporation, is part of a corporate family reorganization to permit more efficient operation of the radio common carrier stations under one corporate licensee and to facilitate ASI's expansion in DPLMRS. More specifically, the family structure consists of the parent corporation, International Utilities Corp. (IU), a Maryland corporation with its principal offices and residence in Toronto, Canada; ASI and General Waterworks Corp. (GWC), both domestic wholly owned subsidiary corporations of IU; and numerous corporate licensees in DPLMRS, which in turn are wholly owned subsidiaries of GWC.[2] As presently constituted, IU has four alien officers, nine out of the 15 directors are aliens, four out of six executive committee members are aliens, and aliens own 42 percent of all classes of issued IU stock as well as 67 percent of issued IU common stock. The IU stockholders elect the board of directors, and the board then designates two or more of its own members to function as an executive committee.

3. Petitioners contend that since IU is the owner of all of the ASI stock, IU's alien characteristics serve as a bar to ASI's becoming a Commission licensee in view of the provisions of section 310 (a)(4) and (a)(5) of the Act.[3] They urge essentially that IU's sole stockholder status of ASI stock constitutes more than one-fifth of the capital stock which is owned of record or voted by aliens allegedly prohibited by (a)(4); that while aliens own less than a majority of all issued stock, they do own more than the 25 percent statutory amount ((a)(5)); that although there is no information to indicate whether the foreign owned voting stock is voted as a block, or whether substantial portions are owned by individual foreigners or foreign corporation, the alien interests are known to be of a sizeable percentage and as such have it within their power to exercise effective working control over the corporation; that the alien majority of the board of directors and executive committees establishes this fact; that the control is manifested in the board's expressed authorization to exercise all powers of the corporation (subject to stockholders right to overrule), to sell, lease, or otherwise dispose of property and appoint, remove or suspend any officers, agents, or factors; that further control stems from the authorization vested in the executive committee[4] to exercise all of the powers of the board; that clearly therefore, the day-to-day operation of IU is in the control of foreigners who are obligated to carry out the will of the stockholders in the course of this day-to-day operation; that in light of all of these factors, the Commission must look beyond the "nationality" of the parent corporation and find ASI ineligible to hold a radio station license because of this alien domination and control exercised by IU; that this affiliation becomes more significant when considered in light of ASI's extended interest in preempting the available RCC paging frequencies in 26 major markets with the possibility of establishing an alien dominated network in the small RCC businessmen's paging market.[5] Additionally, petitioners contend that the financial relationship between ASI and IU raises a question of the "real party in interest."[6]

4. ASI, in opposition asserts that, since no officer or director of ASI is, nor has one ever been, an alien, it is fully qualified to become a licensee under section 310(a)(4); that likewise since IU is a domestic corporation organized under the laws of Maryland, section 310(a)(5) is no bar to ASI's qualifications as a Commission licensee; that only "out of an abundance of caution" IU and ASI have passed several resolutions[7] limiting the voting of ASI stock to U.S. citizens, and ASI has had the appropriate legend affixed to the stock certificate; that the citizens voting ASI stock are IU designees and not representatives of the alien directors and/or alien stockholders of IU; that there is no privity between the alien directors and stockholders of IU and the American citizens who will vote ASI stock; that the privity is between the American citizens voting the stock and IU, the domestic corporation; that the situation now is no different from the one presented in February 1968, and for which the Commission found that an authorization for the transfer of control request from GWC to IU would be in the public interest; that in both instances the ultimate ownership and control vests in IU;[8] that all parties concerned are aware of the provisions of section 310 of the Act and propose to operate within the authorized framework thereof.

5. Although we appreciate ASI's efforts to accommodate the requirements of section 310 of the Act, we believe nevertheless that certain significant questions have been raised in the petitions concerning ASI's legal qualifications and for which no satisfactory answers have been advanced. For example, although ASI and IU have by resolutions attempted to limit the voting of ASI stock by U.S. citizens only, no specific explanation is offered as to how this is to be accomplished. IU's stockholders vote for the board of directors—alien or nonalien—and they in turn together with their executive committee designees conduct the business of the corporation in the best interest of the stockholders. Thus, even assuming that the minority members in each instance are U.S. citizens, are they not duty bound to carry out the interest of the entire board to the best interest of the corporation? This question is especially pertinent when the funds of the IU stockholders are extended for the ASI operation, and ASI has no assets to pledge other than the potential of its future operation. There is the additional collateral question as to whether IU, under its charter and bylaws, is at liberty to sanction the proposed form of limited voting by its authorized operating bodies.

6. Of further paramount concern is the extent to which ASI with its foreign association, capital, and possible alien domination, proposes to penetrate the American DPLMRS market. In this regard, the present posture differs from the one presented to the Commission in 1968, for at that time the transfer of control concerned a small number of existing facilities licensed to independent corporations with established managerial and operational formats, and for which the status quo was to be maintained. Now, on the other hand, ASI seeks a direct assignment of these existing licenses together with authorizations for new facilities in 26 cities with a total population of approximately 16,100,000 persons, for which no precedent exists for the managerial operation. The relationship between ASI and IU and the possible domination and control of the latter over the former is therefore of substantial significance.

7. The new corporate family structure as outlined in paragraph 2, supra, poses the following additional problem for consideration. Although IU has no direct interest in any landline telephone company or landline holding company, just as it has no direct interest in any of the land mobile radio telephone service, GWC, its other wholly owned subsidiary, has significant interests in each. GWC for example, has numerous subsidiaries engaged in rendering telephone answering services throughout the country. In addition, it holds an interest in approximately 4 percent of the common stock of Continental Telephone Corp., a holding company with major or controlling interests in numerous domestic telephone companies.[9] In many cases, the provisions of land mobile radiotelephone service is an important supplementary service to the telephone answering business and, accordingly many telephone answering services obtain licenses in DPLMRS, rendering a common carrier service, in addition to their telephone answering business. Moreover, many telephone answering services enter into dispatch arrangements with RCC's for the dispatching of the carrier mobile units. IU as the parent corporation, appears to be aligning the two services in the hands of each of its completely held subsidiaries—ASI for the land mobile service and GWC for the telephone answering or landline service. It is conceivable under these circumstances, that the alien dominated IU could create a major monopoly in DPLMRS. Further, GWC's interest in a wireline carrier must be evaluated for its relationship as to ASI's eligibility to use frequencies assigned pursuant to § 21.501(c) of the rules.[10] We therefore believe that GWC's present and proposed landline holdings and interest in telephone answering services, and the relationship thereof with the land mobile services which ASI seeks, is a further relevant area of inquiry.

8. On the facts presented in the petitions and opposing pleadings, we are unable to make the necessary public interest finding with respect to ASI's legal qualifications to be a Commission licensee. Thus, we have no choice but to designate the matter for hearing on appropriate issues. In view of the fact that the question presented goes to the basic qualification of ASI, to be a licensee, and is applicable to all of the applications filed by ASI, opposed or otherwise, we feel that a resolution thereof prior to consideration of the individual applications in other respects will serve ultimately to simplify such subsequent proceedings and elimate duplication.[11] However, the issuance of licenses on the guardband frequencies in the 26 markets here involved is being held in abeyance pending such determination. We will therefore require that the hearing process be conducted as expeditiously as possible and the Examiner is directed to issue his initial decision as promptly as possible after the conclusion of the hearing and his examination of proposed findings and conclusions. Further, pursuant to § 0.365 of the rules, any review of the initial decision shall be by the Commission and not the Review Board.

Accordingly, it is ordered, That pursuant to section 309(d) of the Communications Act of 1934, as amended, the request for authorization by Airsignal International, Inc., to become a Commission licensee in the Domestic Public Land Mobile Radio Services is designated for hearing, at the Commission's office in Washington, D.C., on a date to be hereafter specified on the following issues:

1. To determine the nature and extent of alien control of IU.

2. To determine the nature and extent of control by IU of ASI and GWC.

3. To determine the effect of the resolution of the board of directors of IU to restrict and/or limit the voting of ASI stock to members of its board of directors and executive committee who are U.S. citizens; whether such act is in fact permissible under the corporate charter and bylaws as well as under corporate law generally; and whether the disclaimer by the majority of the members of the board of directors to participate in the voting of ASI stock is in keeping with the fiduciary relationship which exists between the board of directors in its entirety and the stockholders—alien and nonalien—who elect them.

4. To determine the present and proposed policy of ASI with respect to its penetration into the land mobile radiotelephone service, and the nature and extent of the areas proposed to be served.

5. To determine the present and proposed policy of GWC with respect to its pentration into the telephone answering service, and the nature and extent of the areas proposed to be served.

[1] Petitions were filed by the following existing licensees or competing applicants against ASI's applications for facilities on the recently allocated 150-162 Mc/s "guardband" frequencies: American Radio-Telephone Service, Inc., Central Mobile Radio Phone Service, and Cleveland Mobile Telephone, Inc. (Jointly v. Baltimore, Toledo, and Cleveland applications); Radio Broadcasting Co., and Radio Dispatch Co. (v. Wilmington application); Mobile Communications Service (v. Portland, Oreg. application); All City Telephone Answering Service, Inc. (v. Milwaukee application); Instant Communications, Inc. (v. Detroit application); Howard Hicks, Tel-Car Corp. and Abe Schonfeld (v. Fort Lauderdale and Miami); General Communications System (v. Wichita); Answer, Inc. (v. San Antonio); Dee Wefmore doing business as West Side Answering Service, and Peacock Radio Service (v. Tampa); Answer Iowa, Inc. (v. Des Moines); Answering, Inc. (v. Oklahoma City); Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilefone (v. Tulsa). No protests or petitions to deny alleging alien control have been filed against the assignment applications.

[2] ASI seeks the assignment of 11 of these licenses.

[3] Section 310 of the Act in pertinent part reads as follows: (a) The station license required hereby shall not be granted to or held by—(4) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country; (5) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one fourth of the directors are aliens, or of which more than one fourth of the capital stock is owned of record or voted after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

[4] The board of directors is authorized to designate two or more of its members to constitute the executive committee.

[5] ASI has filed 11 assignment applications for existing facilities licensed to the subsidiary corporations of GWC; applications for guardband facilities in 26 major cities for 36 locations requesting 46 frequencies; and an application for assignment of license from J. J. Frehe-Hayes and Calvin H. Rich, doing business as Alexander Telephone Answering Service, Memphis, Tenn., to ASI for one way signaling on 152.60 Mc/s band.

[6] ASI's initial financial statement indicated a capitalization of $100,000 (its sole assets in cash) and a $1 million line of credit from IU. This has been changed by the filing of an amended financial statement to indicate that ASI now has available the entire $1 miflion with the $900,000 made available to it as a contribution of capital from IU in the form of paid surplus evidenced by a demand note.

[7] On Dec. 6, 1968, the following resolutions were passed: (a) Certificate of resolution of the Executive Committee of the Board of Directors of International Utilities Corp.; (b) Airsignal International, Inc., Action by Written Consent of Sole Stockholder; (c) Airsignal International, Inc., Action by Unanimous Written Consent of Directors; (d) Certificate of Amendment of Certificate of Incorporation; (e) Airsignal Stock Certificate Evidencing Voting Right by U.S. Citizen Only.

[8] On Feb. 14, 1968, the Commission found that a transfer of control from GWC to IU would serve the public interest, convenience, and necessity. As a result thereof, IU became the holder of all of GWC's stock with GWC remaining the holder of all of the stock of each of the subject corporate licensees in DPLMRS.

[9] Since landline and miscellaneous common carrier frequencies are separately allocated, because GWC held stock in landline message telephone operations when it sought to acquire control of MCC stations, the licenses were granted subject to the following condition: "The licensee herein is hereby required to promptly report to the Commission any and all future acquisitions of interest, direct or indirect, in domestic public landline message telephone operations; and, with any application for renewal of the subject station licenses, the transferee shall include a detailed current showing of its interest, direct or indirect, in domestic public landline message telephone operations."

[10] ITT Mobile Telephone, Inc., F.C.C. 63-1064, released Nov. 20, 1963.

[11] On Apr. 30, 1969, a "Petition to Declare (sic) Airsignal International Inc. Ineligible for Radio Station Authorizations" was filed on behalf of 24 existing radio common carrier licensees. In view of the Commission action herein, this petition together with any responsive pleadings, will be dismissed as moot.

6. To determine (a) the nature and extent of GWC holdings in wireline carriers, and (b) the present policy and proposed future plans of GWC with respect to any acquisition of wireline holdings.

7. To determine whether the alignment of the two services in the hands of the two completely held subsidiaries as established pursuant to Issues 4 and 5, will afford IU an opportunity to create a major monopoly in DPLMRS; and whether the same may not constitute a domination of the radio spectrum by a foreign or alien controlled corporation.

8. To determine whether a grant of the authorization to ASI to become a Commission licensee would be consistent with the provisions of section 310(a)(5) of the Communications Act, as amended.

9. To determine whether in the final analysis, on the basis of all of the above, the public interest would be served by permitting ASI to become a Commission licensee in the land mobile radiotelephone service.

It is further ordered, That the examiner shall conduct the hearing expeditiously and issue an initial decision as promptly as possible in accordance with paragraph 8 herein.

It is further ordered, That pursuant to § 0.365 of the rules, any review of the initial decision shall be by the Commission and not the Review Board.

It is further ordered, That interested parties may avail themselves of the opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within twenty (20) days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this memorandum opinion and order.

It is further ordered, That the "Petition to Delcare [sic] Airsignal International Inc. Ineligible for Radio Station Authorizations" filed on April 30, 1969 on behalf of existing radio common carrier persons and companies is hereby dismissed as moot.

Adopted: May 21, 1969.

Released: May 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6514; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 18555; FCC 69-567]

LOUISIANA TELEVISION BROADCASTING CORP. (WBRZ (TV))

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Louisiana Television Broadcasting Corp. (WBRZ(TV)), Baton Rouge, La., Docket No. 18555, File No. BPCT-4173; for construction permit to change facilities.

[12] Commissioner Wadsworth absent.

1. The Commission has before it for consideration a (a) "Petition for Reconsideration," filed March 3, 1969, by Southwestern Louisiana Communications, Inc. (Southwestern), licensee of Television Broadcast Station KLNI-TV, channel 15, Lafayette, La., requesting reconsideration of the action of the Chief, Broadcast Bureau, granting the application (BPCT-4173) of Louisiana Television Broadcasting Corp. (Louisiana), licensee of Television Broadcast Station WBRZ(TV), channel 2, Baton Rouge, La., for authority to relocate its transmitter from a point near Baton Rouge, approximately 55 miles from Lafayette and 51 miles from New Iberia, to a point 10 miles south, approximately 50 miles from Lafayette and 45 miles from New Iberia, and to increase antenna height from 893 feet above average terrain to 1,685 feet above average terrain; (b) an "Opposition to the Petition for Reconsideration," filed April 1, 1969, by Louisiana; and a (c) "Reply to the Opposition to the Petition for Reconsideration," filed April 18, 1969, by Southwestern.[1]

2. Southwestern claims standing pursuant to section 405 of the Communications Act of 1934, as amended, and in support alleges that Station WBRZ(TV) is now in direct competition with Station KLNI-TV for audience and revenues, that both stations are affiliates of the same network and the resulting change of facilities proposed by Louisiana will bring a stronger signal into KLNI-TV's service area, resulting in an adverse impact upon KLNI-TV's viewing audience, and that as a result, Southwestern will suffer economic injury and would otherwise be adversely affected. We find that Southwestern has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008 (1940).

3. Louisiana's application was granted on January 27, 1969, and public notice of the action of the Chief, Broadcast Bureau, was given on January 30, 1969. Southwestern filed the petition for reconsideration on March 3, 1969, which is within the 30-day period specified by section 405 of the Act. Therefore, the petition was timely filed. However, § 1.106(b) of the Commission's rules provides, in part, that a person who is not a party to the proceeding and who files a petition for reconsideration "* * * shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding." Southwestern, while acknowledging that a pregrant informal objection could have been filed, makes no showing as to why one was not filed. Therefore, the petition is defective. Springfield Television Broadcasting Corporation v. Federal Communications Commission, 117 U.S. App. D.C. 214, 328 F. 2d 186 (1964); Valley Telecasting Company v. Federal Communications Commission, 118 U.S. App. D.C. 410, 316 F. 2d 914 (1964). However, in view of the substantial public interest question raised by Southwestern, we shall, on our own motion, waive the provisions of section 1.106 of the rules and consider the petition.

4. Southwestern petitions the Commission to set aside the action of the Chief, Broadcast Bureau, and designate the application for a hearing on a UHF impact issue. In support of its request, Southwestern states that its Station KLNI-TV, channel 15, Lafayette, La., which is authorized to identify as a "Lafayette-New Iberia, La." station, commenced operation in September of 1968, is affiliated with the NBC television network, but has not obtained a network rate because it has not yet developed sufficient audience. Louisiana's Station WBRZ(TV), channel 2, Baton Rouge, La., is also affiliated with the NBC television network and has a secondary affiliation with the ABC television network. It is alleged that the proposed change of facilities will increase the population in the overlap area between the two stations' predicted Grade A contours from approximately 5,375 people to 82,668 people, a 15-fold increase; that the present predicted Grade A contour of WBRZ(TV) overlaps approximately 2,562 people in KLNI-TV's City Grade contour area, but that the proposed facilities will overlap approximately 74,013 people, a 29-fold increase; and that WBRZ (TV)'s Grade B contour which does not presently cover all of the City Grade or Grade A contour area of KLNI-TV, will do so under the proposed change of facilities.[2] It is alleged further, that WBRZ(TV) which presently provides a predicted Grade B signal over New Iberia, La., will under the proposed change of facilities, provide a predicted Grade A signal over the entire city. Southwestern also states that it has lost $156,886 in the period from September 16, 1968, to the end of the year, and that Louisiana, on the other hand, is making a significant profit.[3]

5. Louisiana states that Southwestern has failed to show good cause why it did not participate earlier in the proceeding; that no allegations of fact have been made sufficient to warrant reconsideration by the Commission; that the competitive situation between KLNI-TV and WBRZ(TV) will remain substantially unchanged; and that reconsideration will cause Station WBRZ(TV) economic injury, since a contract to build a tower had already been entered into and the tower had been partially completed before the petition for reconsideration was filed.

6. With respect to the question of UHF impact, we note that there are two VHF stations currently in operation in Lafayette, and that, in addition, a number of VHF stations provide a Grade B or better signals to KLNI-TV's service area. Among the stations which provide Grade B service to Lafayette are Station KALB-TV, channel 5, Alexandria, La.; Station KPIC-TV, channel 7, Lake Charles, La.; and Station WBRZ(TV), all of which are affiliated with NBC. WBRZ(TV) asserts that the proposed change of facilities will not increase the contour over Lafayette. However, despite the assertion, it is undisputed that the action here contested permitted an increase in signal intensity over Lafayette, despite the fact that the city remains within the predicted Grade B contour. Moreover, as a result of the grant, WBRZ(TV)'s signal over New Iberia will be increased from Grade B to Grade A. KLNI-TV, which is a recent affiliate of NBC, must rely upon Lafayette and New Iberia for its audience and advertising revenues.

7. The Commission's concern with the development of UHF television broadcasting is too well known to require further discussion here.[4] We believe that Southwestern has alleged sufficient facts to raise a substantial question as to whether Louisiana's proposal will jeopardize the financial prospects of KLNI-TV by fragmenting the Lafayette-New Iberia audience and preventing KLNI-TV from obtaining a network rate from NBC. We think that under these circumstances, it is necessary to explore in a hearing whether the proposed change in facilities would have an adverse impact upon the development of UHF television broadcasting in the Lafayette-New Iberia area. Therefore, we will designate the application for a hearing on appropriate issues. The burden of proceeding with the introduction of evidence will be placed on Louisiana, and the burden of proof will be placed on Southwestern.

8. *Accordingly, it is ordered,* That, the petition for reconsideration filed by Southwestern Louisiana Communications, Inc., is granted; That, the action of the Chief, Broadcast Bureau in granting the application (BPCT-4173) of Louisiana Television Broadcasting Corp., is set aside; and That, the application is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

(1) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or part, the continuation of existing UHF television service.

(2) To determine, in light of the evidence adduced under the above issue, whether a grant of the application would serve the public interest, convenience and necessity.

9. *It is further ordered,* That, Southwestern Louisiana Communications, Inc., on the Commission's own motion, is made a party to this proceeding.

10. *It is further ordered,* That, as to issue "1" the burden of proceeding with the introduction of evidence is placed upon Louisiana Television Broadcasting Corp. and the burden of proof is placed on Southwestern Louisiana Communications, Inc.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, Louisiana Television Broadcasting Corp. and Southwestern Louisiana Communications, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, Louisiana Television Broadcasting Corp., shall give notice of the hearing within the time and in the manner prescribed in that rule, and shall advise the Commission of the publication of the notice as required by § 1.594(g) of the rules.

Adopted: May 21, 1969.

Released: May 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6515; Filed, June 2, 1969; 8:49 a.m.]

[1] A "Motion for Stay" was filed by Southwestern on Mar. 7, 1969, but a subsequent letter filed with the Commission on Mar. 12, 1969, by Louisiana, agreeing not to proceed with construction of the station until the petition for reconsideration is acted upon by the Commission, makes the motion moot, and it is, therefore, dismissed.

[2] Southwestern alleges that approximately 274,243 people fall within Station KLNI-TV's predicted Grade A contour. In terms City Grade area but under the proposed change of facilities, Southwestern states that presently Station WBRZ(TV) provides a nal will be provided to 40 percent of KLNI-TV's total Grade A area, but under the proposed change of facilities, a predicted Grade A signal will be provided to 41.1 percent of KLNI-TV's Grade A area. In addition, WBRZ (TV) presently provides a predicted Grade A signal over only 3.3 percent of KLNI-TV's City Grade area, but under the proposed change of facilities a predicted Grade A signal will be provided to 40 percent of KLNI-TV's City Grade area. The population and area figures cited above and in paragraph 4 are not disputed by Louisiana and, therefore, for purposes of this case, are accepted by us as accurate.

[3] Southwestern states that Louisiana's Station WBRZ(TV) had profits of $229,614 for the 7-month period of Apr. 1-Oct. 31, 1968. This figure is not disputed by Louisiana.

[4] Triangle Publications, Inc., 29 FCC 315, 17 RR 624 (1960), affirmed sub nom. Triangle Publications, Inc., v. Federal Communications Commission, 110 U.S. App. D.C. 214, 219 F. 2d 324, 21 RR 2039 (1961; Selma Television, Incorporated, FCC 65-216, 4 RR 2d 714 (1965); Gala Broadcasting Company, FCC 68-512, 13 RR 2d 103 (1968).

[4] Commissioner Bartley dissenting; Commissioner Wadsworth absent.

FEDERAL MARITIME COMMISSION

INDO CHINA STEAM NAVIGATION CO., LTD. (DOMINION FAR EAST LINE)

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-55 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,002.

Whereas, the Indo China Steam Navigation Co., Ltd. (Dominion Far East Line), 3 Lombard Street, London E.C.3, United Kingdom, has ceased to operate the passenger vessel "Eastern ueen" subject to sections 2 and 3 of Public Law 89-777; and

Whereas, the Indo China Steam Navigation Co., Ltd. (Dominion Far East Line) has returned Certificate (Performance) No. P-55 and Certificate (Casualty) No. C-1,002 for revocation:

It is ordered, That Certificate (Performance) No. P-55 and Certificate (Casualty) No. C-1,002 be and are hereby revoked effective May 26, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on certificant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6499; Filed, June 2, 1969; 8:48 a.m.]

SOUTH ATLANTIC MARINE TERMINAL CONFERENCE AND NORFOLK MARINE TERMINAL ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ernest E. Ball, Chairman, Norfolk Marine Terminal Association, Post Office Box 419, Norfolk, Va. 23501,
and
Mr. Harry C. Jackson, Chairman, South Atlantic Marine Terminal Conference, Post Office Box 3037, Wilmington, N.C. 28401.

Agreement No. T-2299 between the South Atlantic Marine Terminal Conference (SAMTC) and the Norfolk Marine Terminal Association (NMTA) provides for the formation of a joint conference whereby the members of SAMTC and NMTA may confer, discuss and make recommendations on rates, charges,

practices and matters of concern to the marine terminal industry. The agreement does not confer ratemaking power upon the members nor shall any action taken pursuant to the agreement be binding upon the members. The agreement does not preclude either association from taking any action without the concurrence of the other, provided, however, that with respect to recommendations which have been made pursuant to Agreement No. T–2299, the association taking such action shall promptly notify the other association.

Dated: May 27, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–6500; Filed, June 2, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69–717]

BERT FIELDS, JR.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

MAY 23, 1969.

On March 24, 1969, Bert Fields, Jr. (Fields), previously filed with the Commission a proposed change in rate from 13 cents to 14 cents per Mcf, designated as Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 12, which pertains to Fields' jurisdictional sales of natural gas from Basin Dakota Field, Rio Arriba County, N. Mex. (San Juan Basin Area) to El Paso Natural Gas Co. The Commission by order issued April 23, 1969, in Docket No. RI69–717, suspended for 5 months Fields' rate filing until September 24, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 29, 1969, Fields submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 12, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 15 cents instead of the 14 cents per Mcf rate filed on March 24, 1969. Fields did not include as part of his previously filed 14-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Fields was thus advised that if he wanted to collect under the minimum guarantee provision he could do so provided he filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No RI64–491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al. The proposed substitute rate filing is set forth in Appendix A hereof.

Fields' proposed 15 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Fields' revised notice of change in rate subject to the suspension proceeding in Docket No. RI69–717, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Sept. 24, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued April 23, 1969, in Docket No. RI69–717, is amended only so far as to permit the 15 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 12 to be filed to supersede the 14 cents per Mcf rate contained in Supplement No. 2 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69–717. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Sept. 24, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on April 23, 1969, in Docket No. RI69–717, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–717	Bert Fields, Jr., 1181 First National Bank Bldg., Dallas, Tex. 75202.	12	1 to 2	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$600	4–29–69	----------	[1] 9–24–69	14.0	[2][3] 15.0	RI69–717.

[1] Expiration date of suspension proceeding pending in Docket No. RI69–717.
[2] Respondent filing for 1 cent per Mcf minimum guarantee for liquids omitted from previous rate filing.
[3] Pressure base is 15.025 p.s.i.a.
[4] Includes 1 cent per Mcf minimum guarantee for liquids.

[F.R. Doc. 69–6412; Filed, June 2, 1969; 8:45 a.m.]

[Dockets Nos. RI69–761, RI61–36]

KERR-McGEE CORP.

Order Accepting Rate Decreases Subject to Refund, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

MAY 23, 1969.

On April 23, 1969, Kerr-McGee Corp. (Kerr-McGee)[1] tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] Address is: Kerr-McGee Building, Oklahoma City, Okla. 73102.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI61–36	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	11	14	Phillips Petroleum Co. (West Panhandle and Texas-Hugoton Fields, Moore and Sherman Counties, Tex.) (RR. District No. 10).	*Decrease* $3,106	4–23–69	[1] 1–1–67	(Accepted, subject to proceeding in RI61–36.)	[4] 12.59099	[4][5] 12.27901	RI61–36.
					222		[1] 1–1–67	do	[2][6] 11.69773	[2][6] 11.41321	RI61–36.
					4,570		[1] 1–1–67	do	[2][7] 11.64373	[2][7] 11.35921	RI61–36.
					1,572		[1] 1–1–68	do	[2][4] 12.59099	[2][4] 12.28637	RI61–36.
					271		[1] 1–1–68	do	[2][6] 11.69773	[2][6] 11.39245	RI61–36.
					3,885		[1] 1–1–68	do	[7] 11.64373	[2][7] 11.33895	RI61–36.
					59		[8] 10–1–68	do	[2][4] 12.59099	[2][4] 12.05391	RI61–36.
					173		[8] 10–1–68	do	[2][6] 11.69773	[2][6] 11.21180	RI61–36.
					593		[8] 10–1–69	do	[2][7] 11.64373	[2][7] 11.15780	RI61–36.
					62		[8] 11–3–68	do	[2][4] 12.59099	[2][4][9] 12.47457	RI61–36.
					11		[8] 11–3–68	do	[2][6] 11.69773	[2][6][9] 11.63289	RI61–36.
					32		[8] 11–3–68	do	[2][7] 11.64373	[2][7][9] 11.57889	RI61–36.
RI69–761					*Increase* $1,386		[10] 5–24–69	[11] 5–25–69	[4] 12.59099	[2][4][12] 13.52738	RI61–36.
					3,878		[10] 5–24–69	[11] 5–25–69	[2][6] 11.69773	[2][6][12] 12.58807	RI61–36.
					15,000		[10] 5–24–69	[11] 5–25–69	[2][7] 11.64373	[2][7][12] 12.52807	RI61–36.

[1] The stated effective date is the effective date proposed by Respondent.
[2] All rates include tax reimbursement and are subject to downward B.t.u. adjustment.
[3] Ra te for sweet gas ultimately delivered by buyer to Michigan-Wisconsin Pipe Line Co.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate for sour gas ultimately delivered by buyer to Michigan-Wisconsin Pipe Line Co.
[6] Rate for sour gas ultimately delivered by buyer to El Paso Natural Gas Co. (no sweet gas is resold by buyer to El Paso).
[7] Decreased rates include increase in base rate from 4.75 cents to 5 cents for sweet gas and 4.25 cents to 4.5 cents for sour gas.
[8] Decreases reflect revenue-sharing adjustments based on decreases in rate to El Paso Natural Gas Co. (one of Phillips' resale customers) for successive periods beginning Jan. 1, 1967, Jan. 1, 1968, and Oct. 1, 1968, respectively.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] The suspension period is limited to 1 day.
[11] Proposed increased rates reflect increases in Kerr-McGee's base rates from 4.75 cents to 5 cents for sweet gas and 4.25 cents to 4.5 cents for sour gas and revenue-sharing adjustments based upon increases by EPaso which became effective on Mar. 7, 1969, subject to refund in Docket No. RP69–6.

Kerr-McGee requests a retroactive effective date of March 7, 1969, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Kerr-McGee's rate increases and such request is denied.

Kerr-McGee by its notice of change in rate proposes to reduce its present rates, which are effective subject to refund in Docket No. RI61–36, for successive periods beginning January 1, 1967, January 1, 1968, and October 1, 1968, through March 7, 1969, respectively. Kerr-McGee further proposes to increase its present rates as of March 7, 1969. The proposed decreases amount to $14,556 for the periods involved and the proposed increases amount to $20,264 annually in excess of the present effective rates. The sales are in the West Panhandle and Hugoton Fields, Moore and Sherman Counties, Tex. (Railroad District No. 10). Phillips gathers and processes the gas involved and resells the residue gas to El Paso Natural Gas Co. (El Paso) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) at resale rates which are in effect subject to refund. Kerr-McGee's proposed decreased and increased rate filings are set forth herein.

The rates under Kerr-McGee's contract with Phillips are based on a spiral escalation provision relating to El Paso's rates. Phillips' resale contracts, as amended, with El Paso and Michigan Wisconsin provide for periodic escalations only and Kerr-McGee's rates are not related to or dependent upon any resale rate of Phillips. The proposed rate reductions reflect the prices Kerr-McGee is contractually entitled to collect as a result of Commission orders issued April 3, 1967, February 2, 1968, and November 3, 1968, in Docket No. RP67–9, approving decreases in El Paso's general rates for the aforementioned pricing periods. The proposed increases are based on an increase by El Paso in its general rates which became effective on March 7, 1969, subject to refund in Docket No. RP69–6.

Since the justness and reasonableness of Kerr-McGee's rates in Docket No. RI–61–36 has not yet been determined, Kerr-McGee's proposed rate reductions should be accepted for filing subject to further refund in Docket No. RI61–36 as of the proposed effective dates. Kerr-McGee should also be required to refund all amounts plus applicable interest, collected in excess of its proposed reduced rates for the periods involved.

Kerr-McGee's three proposed increased rates and charges exceed the applicable area price level for increased rates in Texas Railroad District No. 10 as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56) and should be suspended for only 1 day from May 24, 1969, the expiration date of the statutory notice, in view of the fact that Phillips' resale rates are in effect subject to refund.

The proposed increased rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for accepting for filing Kerr-McGee's rate reductions contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11 to be effective on the dates shown in the "Proposed Effective Date" column in the above tabulation, subject to further fund in Docket No. RI61–36.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges, and that Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The rate reductions contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11 are accepted for filing and permitted to become effective on the dates shown in the "Proposed Effective Date" column in the above tabulation, subject to further refund in Docket No. RI61–36.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chap. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11.

(C) Pending a hearing and decision thereon, the increased rates contained in Supplement No. 14 to Kerr-McGee's FCC Gas Rate Schedule No. 11 are suspended and their use deferred until May 25, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Kerr-McGee, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Kerr-McGee shall execute and file in Docket No. RI69–761, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule

involved. Unless Kerr-McGee is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Until otherwise ordered by the Commission, neither the supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(E) Kerr-McGee shall compute the difference between the rates collected subject to refund in Docket No. RI61–36 and the decreased rates filed herein for the various periods involved, with applicable interest to the date of this order, and shall within 30 days of the date of issuance of this order submit a refund report to the Commission setting out the amount of refunds (showing separately the principal and applicable interest) the basis used for such determination, and the periods covered.

(F) A copy of the refund report required by paragraph (E) above shall be served on Phillips within 30 days of the date of this order. Within 10 days from the receipt of such refund report, Phillips shall file with the Commission its written concurrence or disagreement with the refund report (and if it disagrees, the reason therefor) and shall serve a copy thereof on Kerr-McGee. If Phillips concurs with the refund report, Kerr-McGee shall refund the monies, with applicable interest, computed in accordance with paragraph (E) above, within 10 days of receipt of Phillips' concurrence, and, promptly, thereafter, shall file evidence of payment to Phillips. If Phillips does not concur, Kerr-McGee shall retain such monies pending further action by the Commission.

(G) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6413; Filed, June 2, 1969; 8:45 a.m.]

[Dockets Nos. RI68–226, RI69–441]

MARATHON OIL CO.

Order Amending Orders Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

MAY 23, 1969.

On October 20, 1969, Marathon Oil Co., (Marathon) filed with the Commission proposed rate changes, from 17.7 cents to 17.8 cents and 17.775 cents,[1] which pertain to Marathon's jurisdictional sales of natural gas in the Aneth Area of Utah to El Paso Natural Gas Co. The Commission by order issued November 17, 1967, suspended for 1 day Marathon's rate filings in Docket No. RI68–226 until November 21, 1967. The rates were made effective subject to refund on November 21, 1967.

On December 9, 1968, Marathon Oil Co., filed with the Commission a proposed rate increase from 17.775 cents to 18.775 cents per Mcf[2] for a sale in the Chinle Wash Field, San Juan County, Utah (Aneth Area). The Commission by order issued December 31, 1968, in Docket No. RI69–441, suspended for 5 months Marathon's rate filing until June 9, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 23, 1969, Marathon submitted three superseding notices of change in rates[3] amending the supplements to the rate schedules previously submitted to reflect a correction in the computation of tax reimbursement for the Utah State tax. Marathon states that it has not collected the rate previously filed for in Docket No. RI69–441, but has collected the correct rate filed for herein which is lower. The proposed substitute rate filings are set forth in Appendix A hereof.

Marathon's proposed rates exceed the highest filed rate in the Aneth Area (no formal ceiling for the Aneth Area has been announced by the Commission), as did the previously suspended rates in said dockets. Since Marathon's revised filings include tax reimbursement, we conclude that it would be in the public interest to accept the substitute rate filings subject to the suspension proceedings in Dockets Nos. RI68–226 and RI69–441, with the suspension periods of such substitute rate filings to terminate concurrently with the suspension periods November 21, 1967 (Docket No. RI68–226), and June 9, 1969 (Docket No. RI69–441) of the original rate filings in said dockets.

The Commission orders:

(A) The suspension order issued November 17, 1967, in Docket No. RI68–226, and the suspension order issued December 31, 1968, in Docket No. RI69–441, be amended to reflect the increased rates set forth in Appendix A hereof in lieu of the increased rates shown in the aforementioned orders, subject to the suspension proceedings in Dockets Nos. RI68–226 and RI69–441. The suspension periods for such substitute filings shall terminate concurrently with the suspension periods November 21, 1967 (Docket No. RI68–226), and June 9, 1969 (Docket No. RI69–441) of the original rate filings in said dockets.

(B) In all other respects, the orders issued by the Commission on November 17, 1967, in Docket No. RI68–226, and December 31, 1968, in Docket No. RI69–441, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Designated as Supplement Nos. 8 and 1 to Marathon's FPC Gas Rate Schedule Nos. 44 and 86, respectively.

[2] Designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 86.

[3] Designated as Supplement No. 1 to Supplements Nos. 8, 1, and 2 to Marathon's FPC Gas Rate Schedules Nos. 44, 86, and 86, respectively.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI68–226	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	44	[4] 1 to 8	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah, and Montezuma County, Colo.) (Aneth Area).	$10	4–23–69		[5] 11–21–67	[6] 17.7	[7] 17.7177	RI68–226.
	do	86	[8] 1 to 1	El Paso Natural Gas Co. (Chinle Wash Field, San Juan County, Utah) (Aneth Area).	32	4–23–69		[5] 11–21–67	[9] 17.7	[7] 17.7133	RI68–226.
RI69–441	do	86	[10] 1 to 2	do	2,632	4–23–69		[11] 6– 9–69	[12] 17.7133	[13] 18.7140	

[4] Supersedes rate increase filed Oct. 20, 1967, to correct tax reimbursement. Applies to Utah production only.
[5] Date superseded rate increase made effective subject to refund in Docket No. RI68–226.
[6] Tax reimbursement increase.
[7] Pressure base is 15.025 p.s.i.a.
[8] Rate of 17.8 cents effective subject to refund in Docket No. RI68–226.
[9] Supersedes rate increase filed Oct. 20, 1967, to correct tax reimbursement.
[10] Rate of 17.775 cents effective subject to refund in Docket No. RI68–226.
[11] Supersedes rate increase filed Dec. 9, 1968, to correct tax reimbursement.
[12] Expiration date of suspension proceeding pending in Docket No. RI69–441.
[13] Rate of 18.775 cents suspended until June 9, 1969, in Docket No. RI69–441.
[14] Periodic rate increase.

[F.R. Doc. 69–6414; Filed, June 2, 1969; 8:45 a.m.]

[Docket No. RI69–763]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 23, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–763	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	366	1	Michigan-Wisconsin Pipe Line Co. (Block 276 Field, Eugene Island Area, Offshore Louisiana) (Federal Domain).	$10,950	[2] 4–25–69	[3] 5–26–69	[4] 5–27–69	[5] [7] 18.5	[6] [7] 20.0	

[2] Shell on May 9, 1969, requested that its filing be considered as being made on the date of initial delivery.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day from the expiration date of the statutory notice, or 1 day from the date of initial delivery, whichever is later.
[5] Special by virtue of relief petition filed pursuant to Opinion No. 546–A (issued Mar. 20, 1969) for third-vintage gas.
[6] Pressure base is 15.025 p.s.i.a.
[7] Area base rate for gas well gas as conditioned by temporary certificate issued Apr. 8, 1969, in Docket No. CI69–293. Deliveries have not commenced under temporary certificate.
[8] Subject to upward and downward B.t.u. adjustment as provided by Opinion No. 546.

On April 25, 1969, Shell Oil Co. (Shell), pursuant to ordering paragraph (A) of Opinion No. 546–A, filed a notice of change in rate to 20 cents per Mcf for a sale to Michigan Wisconsin Pipe Line Co., from the Eugene Island Block 276 Field, Offshore Louisiana (Federal Domain).

By temporary certificate issued April 8, 1969, in Docket No. CI69–293, Shell was authorized to collect the third vintage prices of 18.5 cents for gas well gas and 17 cents for casinghead gas and was advised that it could file to a base rate of 20 cents for sales of gas well gas. Shell, by letter dated April 14, 1969, accepted this temporary certificate. On April 25, 1969, Shell filed a notice of change in rate to 20 cents and requested that the Commission waive the 30-day notice period and permit this increase to become effective as of the date of initial delivery. Good cause has not been shown for waiving the statutory notice period. We conclude that Shell's proposed rate increase should be suspended for 1 day from May 26, 1969, the expiration date of the 30-day statutory notice period, or for 1 day from the date of initial delivery, whichever is later.

[F.R. Doc. 69–6415; Filed, June 2, 1969; 8:45 a.m.]

[Dockets Nos. RP69–28—RP69–31]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Prescribing Procedures

MAY 26, 1969.

Columbia Gulf Transmission Co., Docket No. RP69–28; United Fuel Gas Co., Docket No. RP69–29; Kentucky Gas Transmission Corp., Docket No. RP69–30; and Atlantic Seaboard Corp., Docket No. RP69–31.

The four pipeline companies named in the above captioned proceedings, each of which is an affiliate of the Columbia Gas System, Inc., on April 15, 1969, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective June 1, 1969.[1]

[1] The proposed revised tariff sheets are listed in Appendix A which is filed as part of the original document.

The proposed change filed by Columbia Gulf would increase its charges to United Fuel for transportation service under a cost of service tariff formula, while the changes filed by the other three pipeline companies would increase rates and charges for gas sold for resale, based upon operations and sales for the year ended December 31, 1968, as adjusted. The proposed annual increases are in the following approximate amounts: Columbia Gulf $7.3 million, United Fuel $9.2 million, Kentucky Gas $2.3 million, and Atlantic Seaboard $5.5 million.

In support of its proposed rate filing, Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard each states there are three principal causes necessitating its tariff changes: (1) The claimed need for a 7.5 percent rate of return due to changed economic conditions; (2) experienced increases in costs of labor, supplies, expenses, and construction; and (3) continuation of the current inflationary trend of the economy. In addition, United Fuel, Kentucky Gas, and Atlantic Seaboard indicate they

are also tracking the increases in purchased gas costs resulting from their upstream suppliers' rate filings. The four companies also propose certain changes in each of their rate schedules and general terms and conditions of their FPC Gas Tariffs, as specifically set out in their filings.

Each of the pipeline companies states that the rate of return testimony to be submitted in its proceeding, listed above, will be identical to that which has been the subject of hearings held in Manufacturers Light and Heat Co. and Home Gas Co., Dockets Nos. RP69–16 and RP69–17, and that such testimony is based upon the experience of Columbia Gas System, their common parent holding company. They further assert they are agreeable to the Commission's applying the same rate of return in their cases which is finally determined in those proceedings, subject, however, to their right to update the testimony if this procedure is not satisfactory to the Commission or to any intervener.

The Commission's public notice of proposed changes in rates and charges issued April 22, 1969, provided that interveners, in petitions filed on or before May 9, 1969, should clearly state whether the procedure regarding determination of the rate of return issue as proposed in Dockets Nos. RP69–28, RP69–29, RP69–30, and RP69–31, is acceptable, or if not acceptable, the specific further procedural steps deemed necessary on this issue.

Nineteen notices of intervention and petitions to intervene in one or more of the above proceedings have been filed.[2] In response to the request in the notice for comments on the proposed procedure on the rate of return issue, 14 intervenors (some reserving their positions generally) stated that the procedure is acceptable and 3 did not comment. The remaining two intervenors, the Public Service Commission of the State of New York, and Virginia Pipe Line Co. urge that a separate rate of return determination should be made for each of the pipeline companies. Whether those intervenors intend to offer testimony, cross-examine witnesses, file briefs, or propose other procedures relative to determination of the rate of return issue is not entirely clear from their comments.

In the circumstances it is appropriate that we provide for an early convening of hearings wherein the Presiding Examiner, after receiving pipeline companies' cases-in-chief into the record, may ascertain the specific procedures urged by the interveners on the rate of return issue, including whether any evidence other than that which has already been the subject of cross-examination in Dockets Nos. RP69–16 and RP69–17 will be offered, and whether any intervener in the captioned dockets requests the right to further cross-examine the witnesses presented in Dockets Nos. RP69–16 and RP69–17.[3]

Review of the aforementioned filings indicates that certain issues are raised therein which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in these proceedings may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the rates and charges contained in the FPC Gas Tariffs of Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard, as proposed to be amended, and that the proposed tariff sheets listed in Appendix A hereto[4] be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of these proceedings be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) public hearings shall be held commencing June 5, 1969, at 10 a.m., e.d.s.t., 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in the FPC Gas Tariffs of Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard, as proposed to be amended.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets listed in Appendix A hereto[4] are hereby suspended and their use is deferred until November 1, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on June 5, the prepared testimony (Statement P) of each of the four pipeline companies filed and served on April 29, 1969, together with their entire rate filings as submitted and served on April 15, 1969, shall be admitted into the record as their complete cases-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike such evidence.

(D) Following admission of the respective case-in-chief into the record of each docket, the parties shall set forth their positions on the specific further procedures on the issue of rate of return and their views on whether that issue or any other should be considered in an initial phase of these proceedings. If the Presiding Examiner in the exercise of his discretion determines that there shall be an initial phase hearing, he shall (1) specify the issues to be heard therein; (2) fix all appropriate dates with respect thereto; (3) consolidate these proceedings for purposes of hearing and decision on the initial phase issues, if he determines such consolidation appropriate; and (4) proceed with such hearings as expeditiously as feasible.

(E) Presiding Examiner Allen C. Lande, or other Examiner, designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in these proceedings; shall prescribe relevant procedural matters not herein provided; and shall control these proceedings in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6452; Filed, June 2, 1969; 8:45 a.m.]

[2] The petitions to intervene will be considered in a separate Commission order.

[3] By separate action we are denying the motion presently pending before us for waiver of the intermediate decision in Dockets Nos. RP69–16 and RP69–17. Such action is without prejudice to renewal of a similar motion in those dockets and/or the captioned dockets.

[4] Appendix A filed as part of original document.

[Docket Nos. RP69–32, RP69–33]

HOME GAS CO. AND MANUFACTURERS LIGHT AND HEAT CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

MAY 26, 1969.

Home Gas Co. (Home) and The Manufacturers Light and Heat Co. (Manufacturers), each of which is an affiliate of the Columbia Gas System, Inc., on April 15, 1969, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective June 1, 1969.[1]

The proposed changes filed by the pipeline companies would increase rates and charges for gas sold for resale, based upon operations and sales for the year ended August 31, 1968, as adjusted. The proposed annual increases are in the following approximate amounts: Home $153,000, and Manufacturers $1.8 million.

In support of their proposed increased rates, Manufacturers and Home state that the purpose of these filings is to track the increases in purchased gas costs resulting from their upstream suppliers' rate filings which were filed the same date, April 15, 1969.[2] The tariff sheets tendered for filing on April 15 would supersede on June 1, 1969, the tariff sheets filed pursuant to Commission order issued March 19, 1969, in Dockets Nos. RP69–16 and RP69–17, which were permitted to become effective subject to refund on May 15, 1969, in order to track increased rates filed by Texas Eastern Transmission Corp. in Docket No. RP69–13.

The pipeline companies indicate that the rates tendered for filing on April 15 compensate them only for the increased cost of gas purchased from their upstream affiliates over and above the cost of service included in their pending rate cases. In lieu of an entirely new rate filing, involving a whole new proceeding, the pipeline companies request that they be permitted to adjust the test year data underlying their cost of service studies in Dockets Nos. RP69–16 and RP69–17. The pipeline companies therefore request that the Commission grant waiver of §§ 154.63(b)(3) and 154.63(e)(2)(i) of the regulations which require the filing of supporting statements including certain test year cost of service studies and data. The cost of service statements submitted in Dockets Nos. RP69–16 and RP69–17 are based upon operations for the year ended August 31, 1968, adjusted for changes in the 9 months ended May 31, 1969. On May 12, 1969, the pipeline companies filed Statements N cost of service studies based upon the year ended December 31, 1968, in response to Commission Secretary's letter of April 21, 1969. They, likewise, request waiver of § 154.66(b) to permit their filing of the subject increased rates during the suspension period (ending July 10, 1969) of the increased rates in the prior proceedings in order that the proposed increased rates may become effective coincidentally with those of their suppliers.

The Public Service Commission of the State of New York, an intervener in these proceedings, urges that these filings be rejected because they seek to supersede rate schedules which are presently under suspension until July 10, 1969. We think the pipelines have shown good cause for waiver of § 154.66(b). See Texas Eastern Transmission Corp. (39 FPC 630).[3] Moreover, by our action herein these filings are being suspended until November 1, 1969.

Since the increased rates proposed herein are directly and entirely based upon proposed rate increases of the pipeline companies' suppliers which are being suspended this day until November 1, 1969, these proposals should be similarly suspended. The proposed increases have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the rates and charges contained in Home's and Manufacturers' FPC Gas Tariffs, as proposed to be amended, and that the proposed tariff sheets listed in Appendix A hereto[4] be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that these proceedings be consolidated for hearing and decision with the proceedings in Dockets Nos. RP69–16 and RP69–17, as prescribed herein.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) public hearings shall be held at a time and place to be fixed by further notice of the Presiding Examiner, concerning the lawfulness of the rates, charges, classifications, and services contained in Home's and Manufacturers' FPC Gas Tariffs, as proposed to be amended.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets listed in Appendix A hereto[4] are suspended and their use is deferred until November 1, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The proceedings in Dockets Nos. RP69–16 and RP69–33 are hereby consolidated for the purposes of hearing and decision on the matters and issues involved therein.

(D) The proceedings in Dockets Nos. RP69–17 and RP69–32 are hereby consolidated for the purposes of hearing and decision on the matters and issues involved therein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6453; Filed, June 2, 1969; 8:45 a.m.]

[1] The proposed revised tariff sheets are listed in Appendix A which is filed as part of the original document.

[2] United Fuel Gas Co., Docket No. RP69–29; Atlantic Seaboard Corp., Docket No. RP69–31.

[3] Appeal pending, C.A. 5, No. 26477. Cf. Manufacturers Light and Heat Co., Docket No. RP69–16 et al. order issued Mar. 19, 1969; and Consolidated Gas Supply Corp., Docket No. RP69–19 et al., order issued May 14, 1969.

[4] Appendix A filed as part of original document.

[Docket No. E–7483]

KENTUCKY UTILITIES CO.

Notice of Application

MAY 26, 1969.

Take notice that on May 16, 1969, Kentucky Utilities Co., (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of certain securities of the Old Dominion Power Co. (Old Dominion).

Applicant is incorporated under the laws of the State of Kentucky with its principal business office in Lexington, Ky., and is engaged in the electric utility business in 78 counties in central, southeastern and western Kentucky and one county in Tennessee.

Old Dominion, a 100-percent subsidiary of Applicant, is incorporated under the laws of the State of Virginia with its principal business office in Norton, Va., and is engaged in the electric utility business in five counties in southwestern Virginia.

According to the application, Applicant proposes to acquire from Old Dominion from time to time during the year 1969, unsecured promissory notes in an aggregate amount not to exceed $1,500,000. The notes, which are to be payable on or before 10 years after the issuance date, are to bear interest not to exceed the prime rate in effect in the First National Bank of Chicago on the date of the issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6454; Filed, June 2, 1969; 8:45 a.m.]

[Docket No. CP68–364]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Order Denying Rehearing; Correction

MAY 26, 1969.

In the order denying rehearing issued May 16, 1969, make the following changes:

(A) Page 3, strike subparagraphs (1) and (2) and substitute the following paragraphs:

(1) Maintain books and records in such a manner that in the event the Commission denies the companies a permanent certificate Manufacturers and Home may resume individual operations; and

(2) Bill their respective customers at each company's filed rates, including rates subject to refund at Dockets Nos. RP69–16 and RP69–17 upon their effectiveness.

(B) Page 4, strike line 15, "application, pp. 6–7 and Applicants' Answer to Penn Gas".

(C) Page 4, insert the following line after line 12: "necessary for ratemaking purposes, covering the term of the".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6455; Filed, June 2, 1969; 8:45 a.m.]

[Project 2698]

NANTAHALA POWER AND LIGHT CO.

Notice of Application for License for Constructed Project

MAY 12, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nantahala Power and Light Co. (correspondence to: John M. Archer, Jr., President, Nantahala Power and Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2698, known as East Fork Project, located on East Fork of Tuckasegee River and tributaries thereof, Jackson County, N.C., near the town of Sylva and the city of Asheville.

The existing East Fork Project comprises: I. Cedar Cliff Development consisting of (1) an earth and rock fill dam 590 feet long with a maximum height of 173 feet, having two spillways—the right one containing a 25- x 25-foot tainter gate and the left containing a 221-foot "fuse plug"; (2) a reservoir which covers an area of 121 acres at maximum normal elevation of 2,330 feet (U.S.C. & G.S. datum) and having useful storage of 585 acre-feet in a 5-foot drawdown; (3) a 1,138-foot pressure conduit; (4) a powerhouse containing one generator rated at 6,375 kw.; (5) a boat launching area and an area reserved for future recreational development; II. Bear Creek Development consisting of (1) an earth and rock fill dam 760 feet long with maximum height of 215 feet, a spillway, located in the right abutment, containing a 25- x 25-foot tainter gate; (2) two "fuse plugs", one 107 feet long and one 276 feet long; (3) a 476-acre reservoir at maximum normal elevation of 2,560 feet (U.S.C. & G.S. datum) and having useful storage of 4,536 acre-feet in a 10-foot drawdown; (4) a 1,494-foot pressure conduit; (5) a powerhouse containing one generator rated at 9,000 kw.; (6) a boat launching area; III. Tennessee Creek Development consisting of: A. (1) East Fork dam of earth and rock fill 385 feet long with a maximum height of 140 feet and containing one 25- x 19-foot tainter gate; (2) a saddle dam, located on the left side of the dam, 225 feet long with a maximum height of 21 feet; (3) a spillway consisting of one 25- x 19-foot tainter gate and two "fuse plugs", one 43 feet long and one 97 feet long; (4) a reservoir, created by the East Fork dam, covering an area of 40 acres at maximum normal elevation of 3,080 feet (U.S.C. & G.S. datum) and having useful storage of 1,250 acre-feet in a 62-foot drawdown; (5) planned boat launching area; B. (1) Wolf Creek dam of earth and rock fill 810 feet long with a maximum height of 175 feet containing one 25- x 19-foot tainter gate and two "fuse plugs", one 36.4 feet long and the other 37.2 feet long; (2) a reservoir, created by the Wolf Creek dam, covering an area of 183 acres at maximum elevation of 3,080 feet (U.S.C. & G.S. datum) and having useful storage of 7,640 acre-feet in a 62-foot drawdown; (4) a planned boat launching area and an area reserved for future recreational development; C. pressure conduits, from the East Fork and Wolf Creek reservoirs, converging into one conduit; D. a powerhouse containing one generator rated at 10,800 kw.; IV. a transmission system for the project consisting of a 69 kv., single circuit, wood pole line beginning at the substation of Tennessee Creek powerhouse and continuing via Bear Creek and Cedar Cliff developments, where it is connected to project substations, to the switching station adjacent to the Thorpe powerhouse, and V. appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6456; Filed, June 2, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

MAY 28, 1969.

The purpose of this notice is to announce certain requirements governing the entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea.

Under the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, the Republic of Korea has undertaken to limit its exports of cotton textiles and cotton textile products to the United States to certain designated levels. Pursuant to paragraph 15 of that agreement, providing for administrative arrangements, the Governments of the United States and the Republic of Korea have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea.

Effective upon publication of this notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles or cotton textile products produced or manufactured in the Republic of Korea, and exported from the Republic of Korea on or after the date of this publication, for which the Republic of Korea has not issued an appropriate export Visa, fully described below, will be prohibited.

Application of this Visa system to cotton textiles or cotton textile products exported from the Republic of Korea before the date of this publication shall become effective ninety (90) days following the date of this publication.

Such Visa is to appear on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document; otherwise the commercial invoice when used) and will indicate the quantity of goods involved, in the appropriate unit or units of measures, the category or categories under which the goods are classified, and the signature of the official issuing the Visa. The officials authorized to issue such visas are the following:

T.S.U.S.A. Category Numbers	*Signature*
1 through 38, 64___	Jin Won Lee
39 through 63___	Kim Hae Kang

The Visa will also include an official seal which will be superimposed on the information to be provided above. A facsimile of the seal is filed as part of the original document with the office of the FEDERAL REGISTER.

Any discrepancy between the actual quantity of goods presented for entry and the quantity specified on the Visa will be resolved as follows: Whenever the actual quantity exceeds the quantity specified the entire quantity will be denied entry pending receipt of a letter from the Chairman of the Interagency Textile Administrative Committee authorizing entry of the visaed amount; such letters will be issued automatically. Whenever the actual quantity is less than the quantity specified, the actual quantity will be entered. In such cases, a new Visa will be required for the entry of the balance of the quantity specified, except where the goods have been erroneously off loaded at another port in the United States and where (a) the goods are subsequently forwarded to the intended port of entry, or (b) entered at the port of erroneous discharge on the basis of a Customs Abstract of the certified invoice. Moreover, it is anticipated that provision may be made for entry of goods in those cases where the amount presented for entry is greater than the quantity specified on the Visa so long as the difference is nominal, i.e., not more than 5 percent. In all cases, the actual amounts permitted entry will be charged against the applicable levels provided for in the bilateral agreement of December 11, 1967.

Interested parties are advised to take all necessary steps to assure that cotton textiles and cotton textile products produced or manufactured in the Republic of Korea which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of May 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, to the Commissioner of Customs to prohibit effective upon the publication of this notice, the entry or withdrawal for consumption in the United States of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea which do not meet the stated Visa requirements.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

MAY 28, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 15 of the bilateral cotton textile agreement of December 11, 1967, providing for administrative arrangements, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit effective upon publication of notice in the FEDERAL REGISTER and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in the Republic of Korea, and exported from the Republic of Korea on or after the date of said publication, for which the Republic of Korea has not issued an appropriate Visa fully described below.

Application of this Visa system to exports of cotton textiles and cotton textile products which have a date of exportation prior to publication in the FEDERAL REGISTER shall become effective ninety (90) days following the date of publication of such notice.

Such Visa is to appear on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor documents; otherwise the commercial invoice when used) and will indicate the quantity of goods involved in the appropriate unit or units of measure, the category or categories under which the goods are classified, and the signature of the official issuing the Visa.

The Visa will also include an official seal which will be superimposed on the information to be provided above. A facsimile of the seal is enclosed for your information.

Any discrepancy between the actual quantity of goods presented for entry and the quantity specified on the Visa will be resolved as follows: Whenever the actual quantity exceeds the quantity specified, the entire quantity will be denied entry, pending receipt of a letter from the Chairman of the Interagency Textile Administrative Committee authorizing entry of the visaed amount. Such letters will be issued automatically. Whenever the actual quantity is less than the quantity specified, the actual quantity will be entered. In such cases, a new Visa will be required for entry of the balance of the quantity specified, except where the goods have been erroneously off loaded at another port in the United States and where (a) the goods are subsequently forwarded to the intended port of entry, or (b) entered at the port of erroneous discharge on the basis of a properly certified photocopy of the invoice.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported in the United States from the Republic of Korea on or after the date of publication of notice in the FEDERAL REGISTER, notwithstanding the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the 64 categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea, have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–6525; Filed, June 2, 1969; 8:50 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster

Notice of major disaster for the State of Iowa, dated May 1, 1969, and published May 9, 1969 (34 F.R. 7563), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 25, 1969:

Allamakee.	Jackson.
Clayton.	Lee.
Clinton.	Louisa.
Des Moines.	Muscatine.
Dubuque.	Scott.
Fremont.	Story.
Ida.	

Dated: May 26, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–6459; Filed, June 2, 1969; 8:45 a.m.]

SOUTH DAKOTA

Notice of Major Disaster

Notice of major disaster for the State of South Dakota, dated April 24, 1969, and published April 30, 1969 (34 F.R. 7095), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

Buffalo.	Hutchinson.
Faulk.	Hyde.
Hand.	Sanborn.
Hughes.	

Dated: May 26, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–6460; Filed, June 2, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 2), Amdt. 1; Southeastern Area]

SOUTHEASTERN AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134), Delegation of Authority No. 30 (Rev. 2), Southeastern Area, 33 F.R. 9317, dated June 25, 1968, is hereby amended by:

1. Revising Item I. E–1 to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

2. Revising Items II. B–4 and B–5 and adding thereto Item II. B–6 to read as follows:

II. *Regional Directors.* * * *

B. *Development company assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items II. C, II. D, II. F–2, II. G–4 and II. G–12 to read as follows:

II. *Regional Directors.* * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determination.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC Program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

* * * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

4. Revising Items II. I–3 and I–4 and adding thereto Item II. I–5 to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary action in connection with the administration, servicing, and collection, other than those accounts classified as 'in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The aproval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: December 31, 1968.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[F.R. Doc. 69–6462; Filed, June 2, 1969; 8:45 a.m.]

[Delegation of Authority No. 30 (Middle Atlantic Area), Amdt. 1]

MIDDLE ATLANTIC AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5143), Delegation of Authority No. 30 (Middle Atlantic Area), 33 F.R. 10669, is hereby amended by:

(1) Revising Item I.E.1, to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator.*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

(2) Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.* * * *

B. *Development Company Assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

(3) Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. *Regional Directors.* * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

(4) Revising Items II.I. 3 and 4 and adding thereto a new item II.I.5, to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: December 31, 1968.

EDWARD N. ROSA,
Area Administrator,
Middle Atlantic Area.

[F.R. Doc. 69–6463; Filed, June 2, 1969; 8:45 a.m.]

TARIFF COMMISSION

[337–L–36]

SKI POLES

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on April 7, 1969, of a complaint under section 1337 of title 19 of the United States Code, filed by Robert J. McDonald, of Arlington,

Va., alleging unfair methods of competition and unfair acts in the importation and sale of ski poles and ski pole components, which have the effect or tendency to substantially injure, or prevent the establishment of, an industry in the United States. The unfair methods or acts are alleged to be the continued importation and sale of ski poles and ski pole rings (baskets) by—

Anderson and Thompson Ski Co., 1725 Westlake Avenue North, Seattle, Wash.
Barrecrafters, 168 Seventh Street, Brooklyn, N.Y.
Tomic Golf and Ski Equipment Co., 7701 East Compton Boulevard, Paramount, Calif.
Ski Country Imports Inc., 70 West Main Street, Littleton, Colo.
Union Distributing Co., 825 West 2500 South, Salt Lake City, Utah.
Whittlesey, Powers and Cameron, 23850 Clawiter Road, Hayward, Calif.

which have been made in accordance with the claims of U.S. Letters Patent No. 3,193,300 and No. 3,204,974 owned by the complainant. Other alleged unfair methods and acts relate to improper disclosures of confidential technical know-how, improper marking of imported components, and sundry claims set forth in the complaint.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission [1] has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act (19 U.S.C. 1337(f)).

A copy of the complaint is available for public inspection at the office of The Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse in accordance with §§ 201.5 and 201.10 of the rules (19 CFR 201.5, 201.10).

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than July 7, 1969. As stated in § 201.8 (a) and (d) of the rules (19 CFR 201.8 (a) and (d)) such information should be sent to The Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed. Information submitted which is to be treated as confidential should be appropriately marked in accordance with § 201.6 of the rules of practice and procedure (19 CFR 201.6).

Issued: May 27, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-6477; Filed, June 2, 1969; 8:46 a.m.]

[1] Chairman Metzger did not participate in the issuance of this notice.

[332-45]

INTERIM REPORT OF STUDY RELATING TO TEMPORARY ENTRY OF ARTICLES IMPORTED INTO UNITED STATES

Notice of Public Hearing

Hearing. Notice is hereby given that a public hearing will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on August 5, 1969, in connection with a study,[1] under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), of the provisions of title 19 of the United States Code, which permit the temporary importation into the United States of merchandise without the payment of ordinary duties or which permit a virtual recovery of duties paid, when the imported merchandise, or its domestic equivalent, is exported either in the same form as entered or in changed condition.

In its original announcement of the study (FEDERAL REGISTER of July 29, 1965, 30 F.R. 9503), the Commission stated that it would review the original objectives of each provision, examine the extent to which the provision is now accomplishing its purpose, and determine its impact on United States international trade; and expressed especial interest in whether the economic forces which led to the creation of these programs have so changed in the intervening years as to warrant modification and possible consolidation of the procedures to meet current conditions. Interested parties were invited to submit written views relative to the study. In March 1966 the Commission released an interim report titled: "Report on Legislative Objectives" (T.C. Publication 170), containing the legislative history of the various provisions covered by the study.

Concurrent with this notice the Commission is releasing a second interim report titled: "Report on use of Temporary Entry Procedures and Tentative Proposals" (T.C. Publication 286), containing detailed data for the years 1965–67 on the various temporary entry provisions covered by the study. The report also contains tentative proposals under consideration by the Commission with respect to the various provisions of title 19 of the United States Code. The proposals are for the purpose of eliciting constructive comment and suggestions from interested parties.

Requests to appear. All interested parties will be given an opportunity to be present, to produce evidence, and to be heard. Parties requesting to be heard should notify the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C. 20436, no later than July 25, 1969. The request must contain the following information:

(a) The name, address, telephone number, and organization of the person filing the request, together with the name and organization of the witnesses who will testify.

(b) A statement designating which of the provisions described in T.C. Publication 286 is of interest to the party and an indication of the commodity or commodities on which his testimony will be presented. If the statement relates to the drawback provisions, the request should include, to the extent practicable, the value of each principal article on which drawback was received in 1968, the value of the imported material it contained, and the amount of the drawback. If pertaining to the other provisions, the request should include, to the extent practicable, the value of the imported material, the amount of duty which otherwise would have been assessed, and the value of the material when exported.

(c) A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearance the request is filed.

Allotment of time. Because of the anticipated response from users of the temporary entry procedures, limitation of time for the presentation of oral testimony is in the public interest. Therefore, in scheduling appearances at the hearing the time to be allotted witnesses for the presentation of oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony. Matters already presented in written submissions to the Commission need not be repeated. Witnesses should bring to the hearing at least 20 copies of any prepared statements, and where feasible, of any exhibits they plan to introduce.

Notification of date of appearance. Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for that purpose.

Order of hearing. To the extent practicable, the hearings will follow the order of the context of T.C. Publication 286.

Written submissions. Written information and views in lieu of appearances at the public hearings may be submitted by interested persons. A signed original and 19 true copies of each submission shall be furnished. Business data to be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". Written statements in lieu of appearance, to be assured of consideration, should be submitted at the earliest practicable date, but not later than the date of the closing of the public hearings.

Issued: May 28, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-6496; Filed, June 2, 1969; 8:48 a.m.]

[1] Study filed as part of the original document.

BROOM CORN BROOMS

Report to the President

MAY 23, 1969.

To the President:

In accordance with Executive Order 11377 of October 23, 1967 (copy attached),[1] to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. Tariff Commission [1a] herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1968, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data where available for the year 1965.

Estimated consumption of broom corn brooms. In the judgment of the Commission, the consumption in the calendar years 1965 and 1968 of brooms wholly or in part of broom corn was as follows (in dozens):

Type of broom	1965 [1]	1968
Whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	400,215
Other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	2,813,681

[1] As reported to the President May 2, 1968.

Basis for the Commission's judgment with respect to broom corn brooms. The Commission estimated consumption of broom corn brooms in 1968 by the same methods it used to estimate consumption in 1965 and 1967 for its first report pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the Bureau of Customs of the U.S. Treasury Department; data on production and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms are as follows (in dozens):

Item	1965 [1]	1968
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	
U.S. producers' shipments	318,691	288,947
Imports	152,686	111,953
Exports	765	685
Apparent consumption	470,612	400,215
	Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	
U.S. producers' shipments	2,590,457	2,615,760
Imports	290,897	202,308
Exports	14,359	4,387
Apparent consumption	2,878,995	2,813,681

[1] As reported to the President on May 2, 1968.

Brooms considered competitive with broom corn brooms. After considering information obtained from producers, importers, buyers for retail stores, jobbers, and others having knowledge of the broom trade, the Commission has concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further is of the opinion that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1967 and 1968 of the brooms considered to be competitive with broom corn brooms were as follows (in thousands of dozens):

Type of broom	Domestic shipments		Exports		Imports		Apparent consumption	
	1967	1968	1967	1968	1967	1968	1967	1968
Whiskbrooms:								
Plastic fiber	14	36	(1)	(1)	.....	8	14	44
Other fiber	67	59	(1)	(1)	.....	.....	67	59
Other (upright) brooms:								
Plastic fiber	182	193	8	6	44	131	218	318
Other fiber	101	65	2	2	.....	.....	99	63
Push brooms (16" or less in width)	253	269	1	1	.....	.....	252	268

[1] Less than 500 dozen.

SOURCE: Compiled from data furnished by importers and domestic producers.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-6495; Filed, June 2, 1969; 8:48 a.m.]

[1] Copy of Executive Order 11377 filed as part of original document.

[1a] Chairman Metzger did not participate in the issuance of this report.

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Addresses of Installations and Central Office and Jurisdictional Areas of Insurance Centers

In the Veterans Administration statement of organization (32 F.R. 9776), section 4 is amended to read as follows:

SEC. 4. *Addresses of Veterans Administration installations and Central Office and jurisdictional areas of insurance centers.* This is a guide to the location of Veterans Administration Central Office and field stations in each State (also District of Columbia, Republic of the Philippines, and Commonwealth of Puerto Rico) where information may be obtained concerning benefits to veterans and their dependents and beneficiaries. Information concerning benefits as well as such matters as office hours, location of public reference facilities, fees charged for certain services such as records searching or copying, forms for use by the public and where they may be obtained, and officials to contact for various services, information or decisions, may be obtained by writing or otherwise contacting the office concerned. On any matter in which there may be a question as to the proper point of contact for services, information, or decisions, request may be directed to the Manager or Contact Officer in the nearest VA regional office.

* * * * *

ALABAMA

Hospital, Montgomery 36109: Delete "Perry Hill Rd." and insert "215 Perry Hill Rd."

ALASKA

Regional Office, Juneau 99801: Insert "Federal Bldg., U.S. Post Office and Courthouse."

CALIFORNIA

Hospital, Palo Alto 94304: Delete "Veterans Administration Hospital," and insert "3801 Miranda Ave."

Hospital, San Francisco 94121: Delete "42d Avenue and Clement Street," and insert "4150 Clement St."

CANAL ZONE

VA Office, Balboa: Delete in its entirety.

DELAWARE

Regional Office, Wilmington: Delete "19899—Post Office Box 1266" and insert "19805."

FLORIDA

Hospital, Coral Gables 33134: Delete in its entirety and insert:
Hospital, Gainesville 32601—Archer Rd.
Hospital, Miami 33125—1201 Northwest 16th Street.

IOWA

Center (Regional Office and Hospital), Des Moines: Delete "50308" and insert "50309."

MARYLAND

Regional Office Baltimore: Delete "21202—Fayette and St. Paul Streets" and insert "21201—Federal Bldg., 31 Hopkins Plaza."

MASSACHUSETTS

Hospital, Northampton: Delete "01062" and insert "01060."

MICHIGAN

Regional Office, Detroit 48231: Delete in its entirety and insert:
Regional Office, Detroit 48232—801 West Baltimore at Third.
Below Regional Office, Detroit, insert:
Hospital, Allen Park 48101—Veterans Administration Hospital.
Hospital, Dearborn 48121: Delete in its entirety.

NEW YORK

VA Office, Syracuse 13202: Delete "Chimes Building, 500 South Salina Street," and insert "Gateway Bldg., 809 South Salina St."

OHIO

Regional Office, Cleveland: Delete 44114—Cuyahoga Building, 216 Superior Avenue," and insert "44199—Federal Office Bldg., 1240 East Ninth St."

OREGON

Regional Office, Portland 97204: Delete "208 Southwest Fifth Avenue," and insert "426 Southwest Stark St."

PENNSYLVANIA

Hospital, Pittsburgh 15240: After "University Drive," add "C".
Outpatient Clinic, Philadelphia 19102: Delete "128 North Broad Street," and insert "1421 Cherry Street."

TENNESSEE

Hospital, Memphis: Delete "38115—Park Avenue and Getwell Street," and insert "38104—1030 Jefferson Ave."

TEXAS

Hospital, Amarillo 79106: Delete "Veterans Administration Hospital," and insert "6010 Amarillo Blvd., W."

WASHINGTON

Hospital, Vancouver: Delete "98663" and insert "98661."
Hospital, Walla Walla 99362: Delete "Veterans Administration Hospital," and insert "77 Wainwright Drive."

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 69-6494; Filed, June 2, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 841]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 28, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 48958 (Sub-No. 103 TA), filed May 14, 1969. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, 601 Ross Street, Post Office Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Duval Sulphur Mine approximately 19 miles southwest of Orla, Tex. (Orla, Tex., is located midway between Carlsbad, N. Mex., and Pecos, Tex., on U.S. Highway 285); and (2) serving the construction site of Duval Sulphur Mine as an off-route point in connection with applicant's presently authorized regular route authority in certificate No. MC 48958, Sub 51, between Carlsbad, N. Mex., and Pecos, Tex., and coordinating such service by tacking at Carlsbad with other authority of the applicant in MC 48958 and subnumbered proceedings thereunder, for 180 days. NOTE: Proposed authority is to be operated in conjunction with MC 48958, Sub 51, between Carlsbad and Pecos, tacking at Carlsbad with applicant's other interstate authority in MC 48958 and subs, and interlining at all ICX gateways with other motor common carriers. Supporting shipper: Stearns-Roger Corp., 660 Bannock Street, Post Office Box 5888, Denver, Colo. 80217. Send protests to: District Supervisor W. C. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 95920 (Sub-No. 20 TA), filed May 22, 1969. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and packages, and such other products as are dealt in and used by retail and wholesale petroleum distributors or dealers* (except in bulk), from points in Los Angeles County and Richmond, Calif., to points in Washington and Oregon on and west of U.S. Highway 97, for 180 days. Supporting shipper: Standard Oil Co. of California, Western Operations, Inc., 225 Bush Street, San Francisco, Calif. 94120. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 107295 (Sub-No. 196 TA), filed May 19, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe and sewer pipe fittings, bituminized fiber; and conduit and conduit connections, bituminized fiber;* from Louisiana, Mo., to points in New York, New Jersey, West Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Georgia, Alabama, Mississippi, Oklahoma, Kansas, and Minnesota, for 180 days. Supporting shipper: Tallman Conduit Co., 600 South Main Street, Louisiana, Mo. 63353. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112304 (Sub-No. 29 TA), filed May 22, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gun mounts and related equipment* requiring special equipment or special handling, between Louisville, Ky., and Crane, Ind., on the one hand, and, on the other, Long Beach, San Diego, and San Francisco, Calif.; Bremerton, Wash.; Boston, Mass.; Charleston, S.C.; Norfolk, Va.; and Jacksonville, Fla., for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Department of the Army, Washington, D.C. 20315. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115904 (Sub-No. 15 TA), filed May 19, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including laminated beams*, from points in Lemhi and Custer Counties, Idaho, to points in Nevada and Washington, for 180 days. NOTE: Applicant does not intend to tack or interline the authority herein sought. Supporting shipper: Intermountain Lumber Co., Post Office Box 1208, Salmon, Idaho 83467. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 115904 (Sub-No. 16 TA), filed May 22, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboards* (fiberboard, felt or fiber and plaster combined), from the plantsite of the Big Horn Gypsum Company near Cody, Wyo., to points in Idaho south of the Salmon River, for 180 days. NOTE: Applicant does not intend to tack or interline the authority herein sought. Supporting shipper: Western Wholesale & Supply, Inc., 1800 South Yellowstone, Idaho Falls, Idaho 83401. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 129863 (Sub-No. 4 TA), filed May 20, 1969. Applicant: FREDERICK L. BULTMAN, INC., 3140 West Fond du Lac Avenue, Milwaukee, Wis. 53210. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpet cushions, and unfinished carpet and industrial textile products*, between the plants and warehouse facilities of the Ozite Corp. at Milwaukee, Wis., and the plant and warehouse facilities of the Ozite Corp. at Libertyville, Ill., for the account of the Ozite Corp., for 180 days. Supporting shipper: Ozite Corp., 1755 Butterfield Road, Libertyville, Ill. 60048 (Marion E. Busby). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133740 TA, filed May 19, 1969. Applicant: BBR TRUCKING CO., INC., 604 Babcock Street, Buffalo, N.Y. 14206. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted beef hides and lamb and sheep pelts*, from Buffalo, N.Y., to Peabody, North Adams, Woburn, and Salem, Mass.; Pownal, Vt.; Berwick and Sacco, Maine; Newark and Camden, N.J.; and Philadelphia, Pa., and Lebanon, N.H., for 180 days. Supporting shippers: Tog Packing Inc., 1010 Clinton Street, Buffalo, N.Y. 14206; Elmer Bender & Son, 175 Lewis Street, Buffalo, N.Y., 14206; Everett Horlein & Sons, 669 Howard Street, Buffalo, N.Y. 14206. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 133748 TA, filed May 22, 1969. Applicant: LILE MOVING & STORAGE COMPANY, 7021 Northeast Halsey Street, Portland, Oreg. 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission, between points in Multnomah, Washington, Columbia, Clackamas, Yamhill, and Hood River Counties, Oreg., and Clark, Cowlitz, and Skamania Counties, Wash., for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103; Georgia-Pacific Corp, Commonwealth Building, Portland, Oreg. 97204; Tektronix, Inc., Post Office Box 500, Beaverton, Oreg., 97005. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 450, Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6509; Filed, June 2, 1969; 8:49 a.m.]

FEDERAL REGISTER

VOLUME 34 • NUMBER 105

Tuesday, June 3, 1969 • Washington, D.C.

PART II

Department of Commerce
Bureau of International Commerce

•

Revision of Export Regulations

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Control Regs.]

REVISION OF EXPORT REGULATIONS

Parts 368 through 399 of the Code of Federal Regulations are revised to read as set forth below.

Effective date: June 1, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION PROCEDURE

Sec.
368.1 Effect of regulations.
368.2 U.S. international import certificate.
368.3 U.S. delivery verification certificate.
368.4 Penalties and sanctions for violations.

AUTHORITY: The provisions of this Part 368 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 368.1 Effect of regulation.

(a) *Representations and commodities covered*—(1) *General.* The United States and a number of other countries have undertaken to increase the effectiveness of their respective controls over international trade in strategic commodities by means of an import certificate-delivery verification (IC/DV) procedure. This procedure provides that, where required by the exporting country with respect to a specific transaction, the importer certifies to the government of the importing country that he will import specific commodities into the economy of that country and will not reexport such commodities except in accordance with the export control regulations of that country. The government of the importing country, in turn, certifies that such representations have been made.

(2) *Commodities covered and administering U.S. agencies.* The Office of Export Control will receive from importers in the United States the representations regarding the intended destination of commodities and will provide a certification that such representations have been made (i) for commodities under the export control jurisdiction of the Office of Export Control that are identified by the symbol "A" on the Commodity Control List and (ii) by agreement with the Atomic Energy Commission, for commodities classified as "source material," "by-product material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission. (See § 370.10(e) of this chapter.) (iii) The U.S. Treasury Department, Alcohol, Tobacco, and Firearms Division, Washington, D.C. 20224, administers similar procedures with respect to arms, ammunition, and implements of war as enumerated in the U.S. Munitions List (22 CFR Part 121).

(b) *Exports.* Comparable procedures with respect to exports from the United States are described in Part 375 of this chapter.

§ 368.2 International import certificate.

(a) *Procedure*—(1) *General.* Where a person in the United States purchases or expects to receive commodities from one of the foreign countries participating in the IC/DV procedure and is required by the government of the exporting country to furnish an import certificate, he shall use Form FC–826 (IRS 4522), International Import Certificate, and accompanying Form FC–827, Import Certificate Cross-Reference Card (see Supplement S–18 for facsimiles), showing his name and address. All items on the international import certificate are required to be completed.

(i) The forms shall be sent to the Office of Export Control, or the nearest field office listed in subparagraph (2) of this paragraph, in triplicate for commodities on the Commodity Control List; and in quadruplicate for atomic energy commodities. Forms are obtainable from any field office (see list on page i under Field Office Addresses) or the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(ii) Representations by the importer which prescribe that the commodities will be entered into the United States do not preclude the temporary unlading of the commodities in a foreign trade zone for subsequent entry into the economy of the United States.

(2) *Where to file.* Except as noted in subparagraph (4) of this paragraph, all requests for certification and validation of international import certificates or requests to amend such certificates may be filed with the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, or with any of the following field offices of the U.S. Department of Commerce:

Boston.	Miami.
Buffalo.	New Orleans.
Chicago.	New York.
Cincinnati.	Philadelphia.
Cleveland.	Phoenix.
Dallas.	Pittsburgh.
Detroit.	Portland, Oreg.
Houston.	San Francisco.
Jacksonville.	Savannah.
Los Angeles.	Seattle.

(3) *Presentation and validation.* The international import certificate may be presented for validation either in person or by mail. The validated form will be returned to the U.S. importer and dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(4) *Foreign excess property.* Where foreign excess property imported into the United States is involved, a request for certification and validation of an international import certificate shall be submitted in triplicate directly to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. However, if a request for such certification of Form FC–826 is made at the same time as a Form FEPF–1, Application for Foreign Excess Property Import Determination, both forms may be sent together to the Foreign Excess Property Officer (Attention: 614), Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, who will refer the Form FC–826 to the Office of Export Control for action. A request for an international import certificate for foreign excess property requires the following special information:

(i) *Exporter* (Item 2). Name and address of the person or firm in the exporting country who is handling the transaction for the U.S. importer, or the importer's name and the name and address of the U.S. military disposal installation from which the commodities were obtained; and

(ii) *Description of goods* (Item 3). A complete description of the commodity (ies) being imported, as well as the contract number and lot numbers, and the name and address of the U.S. military disposal installation if this has not been entered in Item 2. When approved, the international import certificate number covering the foreign excess property will be suffixed by the code "USMS."

(5) *Validity period.* (i) The international import certificate must be submitted to the foreign government within 6 months from the date of certification by the U.S. Department of Commerce. The expiration of this 6-month period in no way affects the responsibility of the importer to fulfill the commitments made in obtaining the certificate.

(ii) Where the validity period of a certificate has expired before its presentation to the foreign government and an extension is desired, the U.S. importer should apply for a new certificate. (See subparagraph (11)(ii) of this paragraph below for unused certificates.)

(6) *Statements and representations.* All statements and representations made in an international import certificate, and in any amendment thereto, shall be deemed to be continuing in nature until the transaction described in the certificate is completed and the commodities are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction set forth in the certificate shall be promptly disclosed to the Office of Export Control by the U.S. importer by presentation of an amended certificate that sets forth all the changes and is accompanied by the original certificate bearing the certification of the Office of Export Control. If the original certificate has been transmitted by the U.S. importer to his foreign exporter, the importer shall, wherever possible, obtain the original certificate prior to applying for an amendment. Where the original certificate is unobtainable because the foreign exporter has surrendered it to his government, or for any other valid reason, the importer shall submit a written statement giving his reasons for failure to submit the original certificate.

(7) *Triangular transactions* (Commodities not entering the United States). In accordance with international practice, the government office issuing the international import certificate will, upon request, stamp the certificate with a triangular symbol as notification to the government of the exporting country that the importer is uncertain whether the commodities will be imported into the United States or that he knows the commodities will not be imported into the United States, but that, in any case, the commodities will not be delivered to any other destination except in accordance with the U.S. Export Control Regulations. A triangular certificate will not be issued covering foreign excess property sold abroad by the U.S. Department of Defense. The triangular symbol on a certificate is not, in and of itself, an approval by the Office of Export Control to transfer or sell commodities to a foreign consignee. (See subparagrahp (8) of this paragraph for method of obtaining such approval.)

(8) *Approval of shipment, transfer, or sale of commodities to a foreign consignee before delivery under international import certificate.* (i) The written approval of the Office of Export Control is required before commodities covered by a U.S. international import certificate, whether or not bearing a triangle, may be shipped to a destination other than the United States or Canada or sold to a foreign purchaser, and before title to or possession of such commodities may be transferred to a foreign transferee.[1] This requirement does not apply after the commodities have been delivered in accordance with the undertaking set forth in the certificate.

(ii) Where prior approval is required, a letter requesting authorization to release the shipment shall be submitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The letter shall contain the international import certificate number; date issued; location of the issuing office; names, addresses, and identities of all parties to the complete transaction; and the quantity, dollar value, and description of the commodity. The letter shall be accompanied by an international import certificate, an ultimate consignee statement, or other documentation required by the export control regulations for the country of ultimate destination, as provided for license applications in §§ 375.1, 375.2, 375.3, and 375.4. Where none of these sections apply to the transaction, the letter shall include the intended end-use of the commodities.

(iii) Where the letter request is approved and is supported by a foreign import certificate (other than a Swiss blue import certificate), no further approval from the Office of Export Control is required for the purchaser or transferee to resell or again transfer the commodities. However, where the Office of Export Control approves a request that was not supported by a foreign import certificate, the person to whom approval is granted is required to inform the purchaser or transferee, in writing, that the commodities are to be shipped to the approved destination only and that no other disposition of the commodities is permitted without the approval of the Office of Export Control. (Authority to further resell or transfer the commodities does not relieve any person from complying with foreign laws. See § 373.1(a) of this chapter.)

(iv) If the transaction is approved, a validated letter of approval will be sent to the U.S. purchaser for retention in his records. Where a delivery verification certificate or other official government confirmation of delivery is required, the letter will so indicate.

(v) If the commodities covered by an international import certificate have been imported into a destination other than the United States and the foreign exporter of the commodities requests a delivery verification certificate, the person who obtained the international import certificate shall obtain a delivery verification certificate from the person to whom the commodities were delivered in the actual importing country. (If a delivery verification certificate is unobtainable, other official government confirmation of delivery shall be obtained.) The delivery verification certificate or other official government confirmation of delivery shall be submitted to the Office of Export Control, together with an explanatory letter giving the import certificate number, date issued, and location of issuing office. The Office of Export Control will then issue a delivery compliance notice, Form IA–956, in two copies, the original of which shall be forwarded to the country of origin in order to serve as evidence to the exporting country that the requirements of the U.S. Government have been satisfied with respect to delivery of the commodities.

(9) *Delivery, sale, or transfer of commodities to another U.S. purchaser.* (i) Commodities covered by an international import certificate may not be sold, and title to or possession of such commodities may not be transferred, to another U.S. purchaser or transferee before the commodities are delivered to the United States (or to an approved foreign destination, as provided by subparagraph (8) of this paragraph) except in accordance with the provisions described in paragraph (ii) below. The provisions of this paragraph (9) do not apply after the commodities have been delivered in accordance with the undertaking set forth in the certificate.

(ii) Resale or transfer to another U.S. purchaser or transferee requires the prior approval of the Office of Export Control only in cases where the buyer or transferee is listed in Supplement No. 1 to Part 388, table of "Denial and Probation Orders." However, the person who obtained the international import certificate is required to notify the Office of Export Control of any change in facts or intentions relating to the transaction, and in all cases that person is held responsible for the delivery of the commodities in accordance with the export control regulations. The seller or transferor is therefore required in all cases to secure, prior to sale or transfer, and to retain in his files for 3 years, written acceptance by the purchaser or transferee of (*a*) all obligations undertaken by, and imposed under the export control regulations upon, the holder of the certificate; and (*b*) an undertaking that all subsequent sales or transfers will be made subject to the same conditions.

(iii) The responsibility of the international import certificate holder for

[1] The attention of U.S. purchasers is directed to the transaction control regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 505.01 et seq.) These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to country group W, Y, or Z (except Cuba, for which the Cuban assets control regulations mentioned below restrict shipments to Cuba), of merchandise identified by the symbol "A" in the last column of the commodity control list (§ 399.1), or of a type prohibited by any of the several regulations referred to in § 370.10. (See Supplement No. 1 to Part 370 for country group designations.)

The attention of purchasers is also directed to the foreign assets control regulations and the Cuban assets control regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 500.101 et seq. and 515.101 et seq.). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, have, or have had, any interest, direct or indirect, since Dec. 17, 1950. The foreign assets control regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese, North Vietnamese, or Cuban origin, or is Chinese type merchandise specified in the regulations.

The Cuban assets control regulations, which parallel the foreign assets control regulations, apply to Cuba and its nationals. (See the Cuban assets control regulations of the U.S. Treasury Department, Title 31 of the Code of Federal Regulations, section 515.101 et seq.)

The Rhodesian sanctions regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 530.101 et seq.) also contain restrictions of interest to U.S. purchasers. These regulations prohibit, unless licensed, the importation of merchandise of Rhodesian origin; transfers of property which involve merchandise destined to Southern Rhodesia or to or for the account of business nationals thereof; other transfers of property to or on behalf or for the benefit of any person in Rhodesia; and the importation of ferrochrome produced in any country from chromium ore or concentrates of Rhodesian origin.

obtaining a delivery verification certificate also applies to those cases where the commodities are resold to a U.S. purchaser. This is explained fully in § 368.3(a)(1) of this chapter.

(10) *Reexport of transshipment of commodities after delivery to United States.* Commodities imported into the United States under the provisions of a U.S. international import certificate may not be reexported to any destination under the provisions of General License GIT (see § 371.4) of this chapter. However, all other provisions of the export control regulations applicable to commodities of domestic origin shall apply to the reexport of commodities of foreign origin shipped to the United States under a U.S. international import certificate.

(11) *Lost, destroyed, or unused international import certificates.* (i) *Lost or destroyed certificates.* Where an international import certificate is lost or destroyed, a duplicate copy may be obtained by the person in the United States who executed the original certificate by submitting to any of the offices listed in subparagraph (a)(2) of this paragraph new Forms FC–826 and FC–827 in the same way as an original request, except that the forms shall be accompanied by a letter detailing the circumstances under which the original international import certificate was lost or destroyed, and certifying:

(*a*) That the original International Import Certificate No. ------, dated ----------, issued to (name and address of U.S. importer) for import from (foreign exporter's name and address) has been lost or destroyed; and

(*b*) That if the original international import certificate is found, the applicant agrees to return the original or duplicate of the certificate to the Office of Export Control.

(ii) *Unused certificates.* Where the transaction will not be completed and the international import certificate will not be used, the certificate shall be returned for cancellation to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

§ 368.3 Delivery verification certificate.

(a) *Requirements*—(1) *General.* (i) U.S. importers may be requested by their foreign exporters to supply them with a certified Form FC–908, U.S. delivery verification certificate (see supplement S–19 for facsimile), covering commodities imported into the United States. These requests are made by foreign governments to assure that strategic commodities shipped to the United States are not diverted from their intended destination. In these instances, the issuance of an export license by the foreign country is conditioned upon the subsequent receipt of a delivery verification certificate from the U.S. importer.

(ii) The responsibility of a person or firm executing a U.S. international import certificate for providing the foreign exporter with confirmation of delivery of the commodities includes instances where the commodities are resold or transferred to another U.S. person or firm prior to actual delivery to the United States or to an approved foreign destination. The person who executed the certificate shall secure in writing from the U.S. purchaser or transferee, and retain in his files for 3 years, (*a*) acceptance of the obligation to provide him with either the delivery verification certificate (or other official government confirmation of delivery if a delivery verification certificate is unobtainable) or assurance that this document was submitted to the Office of Export Control; and (*b*) an undertaking that each succeeding U.S. transferee or purchaser will assume the same obligation or assurance. In each case the seller or transferor shall transmit to the U.S. purchaser or transferee the identification number of the international import certificate covering the export from the foreign country and request that they pass it on to any other U.S. purchasers or transferees.

(iii) Failure of the U.S. importer to comply with his foreign exporter's request for a delivery verification certificate will result in the exporter's inability to fulfill his obligation to his government and may result in his being denied further export licenses and/or subjected to other penalties. Obviously, this would prevent the U.S. importer from participating in further import transactions with that foreign exporter. It also may result in the U.S. importer being prevented from trading with the exporting country requesting the delivery verification certificate.

(2) *Completion and disposition of delivery verification certificates.* A U.S. importer who is required by the foreign government to obtain a delivery verification certificate shall present Form FC–908, Delivery Verification Certificate (revised May 1, 1968), in duplicate, to a U.S. customs office. A delivery verificaton certificate will be certified by a U.S. customs office only where the import is made under a warehouse or consumption entry. Form FC–908 shall be completed by the U.S. importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and the certification at the bottom of the form. The commodities shall be described on the form in the same terms as those shown on the related international import certificate. The importer shall dispatch the original of the certified delivery verification certificate to the foreign exporter or otherwise dispose of it in accordance with the instructions of the exporting country. The duplicate copy will be retained by the U.S. customs office. Form FC–908 may be obtained from all U.S. Department of Commerce field offices (see list on page 1 under Field Office Addresses) from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and from U.S. Customs Offices.

(3) *Issuance of U.S. delivery compliance notice in lieu of delivery verification certificate.* Where a U.S. party is required to provide a delivery verification certificate but does not wish to disclose the name of his customer to the foreign supplier (e.g., in the event that the commodities are resold or transferred to another person or firm before the commodities enter the United States), he may submit an authenticated Form FC–908, delivery verification certificate, together with an explanatory letter requesting a delivery compliance notice, to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The Office of Export Control will then provide the U.S. party with an original and a copy of an authenticated Form IA–956, Delivery Compliance Notice, signifying that the commodities were imported into the United States and that a satisfactory U.S. delivery verification certificate has been submitted to the Office of Export Control. The U.S. party shall forward the original to the foreign supplier for submission to the foreign government and retain the copy in its files.

(4) *Lost or destroyed delivery verification certificate.* When a delivery verification certificate is lost or destroyed, the U.S. importer shall submit a letter to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, certifying:

(i) That the original delivery verification certificate has been lost or destroyed;

(ii) The circumstances under which it was lost or destroyed;

(iii) The type of customs entry (warehouse or consumption), entry number and date of entry; and

(iv) The number and date of the related international import certificate.

(5) The Office of Export Control will in applicable cases, notify the exporting government that a delivery verification certificate has been issued.

§ 368.4 Penalties and sanctions for violations.

(a) *Administrative.* The enforcement provisions of Part 387 and § 390.1(a), and the sanctions set forth in § 388.1(a) of the Export Control Regulations shall apply to transactions involving imports into the United States covered by this Part 368 and to both foreign and U.S. parties involved in a violation of this Part 368. Any provisions of Part 387, and § 390.2(a) which, by their terms, relate to "exports" or "exports from the United States" are also deemed to apply and extend to imports into the United States, applications for international import certificates (Form FC–826 presented to U.S. Department of Commerce for certification), international import certificates, and delivery verification certificates, dealt with in this Part 368. (Applications for international import certificates, and delivery verification certificates, as specified in this Part 368, are included within the definition of export control documents set forth in § 370.2 of the Export Control Regulations.)

(b) *Criminal.* The False Statements Act makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a U.S. department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, a violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or both (also see § 387.1(a)).

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Sec.
369.1 General policy.
369.2 Reporting requirement.
369.3 Examples of requests related to restrictive trade practices or boycotts.
369.4 Effect of other provisions.

AUTHORITY: The provisions of this Part 369 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 369.1 General policy.

It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against any country not included in Country Group S, W, Y, or Z.[1] All exporters engaged in the export from the United States of articles, materials, supplies, or information including technical data (whether directly or through distributors, dealers, or agents) are encouraged and requested to refuse to take (but are not legally prohibited from taking) any action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting such restrictive trade practices or boycotts.

§ 369.2 Reporting requirement.

(a) *Scope.* In order to implement the policy set forth in § 369.1, a reporting requirement is established. The provisions of this § 369.2 apply to any U.S. exporter who receives a request for an action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z. (See § 369.3 for examples of restrictive trade practices or boycotts.) Where such request is received by any other person handling any phase of the transaction for the exporter, that person (forwarding agent, etc.) is responsible for informing the exporter of the request so that the latter may report it.

(b) *Report from U.S. Exporter.*[2] Any U.S. exporter who receives a request, or is informed of a request, relating to a restrictive trade practice or boycott, as described in paragraph (a) above, shall report the request to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The exporter's report may be submitted in accordance with the procedure set forth in either subparagraph (1) or (2) of this paragraph. (The information contained in these reports is subject to the provisions of section 6(c) of the Export Control Act regarding confidentiality of information.)

(1) *Single transaction report.* If the report covers only a single transaction it shall be submitted to the Office of Export Control within 15 business days from the date the exporter receives the request. This report shall be made on Form IA–1014: U.S. Exporter's Report of Request Received for Information, Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country[3] (see Supplement S–21 for facsimile of form). If the request is for information and is received in the form of a questionnaire, a copy of this questionnaire shall accompany the report. Copies of requests received in other forms need not be submitted with the report, but appropriate quotations from the request shall be included in the report. Whenever an exporter receives more than one request for action with reference to the same export transaction, only the first request need be reported.

(2) *Multiple transactions report.* Instead of submitting a report for each transaction regarding which a request is received, the exporter may submit a report covering all transactions regarding which requests are received from a single person or firm during a single calendar quarter. This report shall be made by letter to the Office of Export Control no later than the 15th day of the first month following the calendar quarter covered by the report. If the exporter has received requests from more than one foreign person or firm, a separate report shall be submitted for each person or firm. Each letter shall include the following information:

(i) Name and address of U.S. exporter submitting report;

(ii) Calendar quarter covered by report;

(iii) Name of country(ies) against which the request is directed;

(iv) Date(s) request(s) was (were) received;

(v) Name and address of requestor;

(vi) Number of transactions to which restrictions were applicable;

(vii) Type(s) of request(s) received (If questionnaire, attach copy. If other than questionnaire, give the type of document or other form of request and the specific information or action requested.);

(viii) Quantity, description, and value of the commodities or technical data covered by the request(s) (The description may conform to the description on the order or to usual commercial terminology and may, but need not be, in terms of the Commodity Control List or Schedule B.); and

(ix) Whether or not the U.S. exporter intends to comply with the request(s). (Submission of the information required by this paragraph (ix) would be helpful to the U.S. Government but is not mandatory.)

§ 369.3 Examples of requests related to restrictive trade practices or boycotts.

A request which promotes or upholds a restrictive trade practice or boycott may be received by U.S. exporters in the form of general questionnaires to be answered, specific statements or certifications to be supplied in particular transactions, or other types of requests for action. Shown below are examples of requests that could indicate the furthering or supporting of restrictive trade practices or boycotts. This is not to be interpreted as being a comprehensive list.

(a) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are nationals of a boycotted country.

(b) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are members of a religious organization or of a race, creed, or color generally associated with a boycotted country.

(c) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any business relationship with a boycotted country or a national of a boycotted country. These business relationships include but are not limited to trade in commodities or technical know-how, licensing arrangements, advertising, or promotion of sale of goods originating in a boycotted country, or use of such goods as components in a manufacturing process.

(d) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter does any business, or intends to do any business, with any firm that has a business relationship with a boycotted country or a national of a boycotted country.

(e) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has any investments, including branches, subsidiaries, affiliates, or holdings, or any commercial or legal representation in a boycotted country or a business firm located in, or doing business in, a boycotted country.

(f) A restriction prohibiting the U.S. exporter or any subsidiary or affiliate of the U.S. exporter from using shipping or transportation facilities that are "blacklisted" by the importing country. (However, a request or restriction solely precluding the export of commodities to the importing country on (1) shipping or transportation facilities owned, controlled, operated, or chartered by a country or a national of a country, friendly to the United States but not friendly to the importing country, or (2) a carrier that stops at a port in a country friendly to the United States but not friendly to the importing country prior to stopping

[1] Country Group are listed in Supplement No. 1 to Part 370.

[2] See § 370.2 for definition of U.S. exporter.

[3] Copies of Form IA–1014 may be obtained at all U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

at the port of unlading, is not deemed a restrictive practice within the meaning of section 2(4) of the Export Control Act, but rather a precautionary measure to avoid any risk of confiscation of the commodities. Accordingly, these two types of shipping restrictions are exempted from the reporting requirement of this section.)

§ 369.4 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the Export Control Regulations, including Parts 387 and 388 apply equally to the reporting requirement set forth in § 369.2 above. Attention is called particularly to the provisions of § 387.11 under which pertinent records must be kept and made available for inspection for a 3-year period.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

Sec.
370.1 General policy.
370.2 Definitions of export control terms.
370.3 Prohibited exports.
370.4 Shipments to territories, dependencies, and possessions of the United States, and trust territories.
370.5 Intransit shipments without unloading.
370.6 Shipments entering foreign trade zones.
370.7 Unauthorized disposition of foreign excess personal property purchased from the armed forces in foreign countries.
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370.10 Exports authorized by U.S. Government agencies other than Office of Export Control.

Country Groups—Supplement No. 1.
U.S. Munitions List—Supplement No. 2.

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§ 370.1 General policy.

(a) *Purposes for controls over exports.* Export controls administered by the U.S. Department of Commerce under the Export Control Law, are used to the extent necessary:

(1) To protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand;

(2) To further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and

(3) To exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

(b) *Restrictive trade practices or boycotts.* The United States opposes restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States.

(c) *End use.* Where commodities are licensed for export on the basis of the specific end uses, applications will be considered for approval only if they conform to appropriate end uses.

(d) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of export licensing policy. (See § 390.1.)

(e) *Foreign government recommendations.* The Department of Commerce reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed.

§ 370.2 Definitions of export control terms.

The following are definitions of terms as used in the Export Control Regulations.

Export control law. Export Control Act of 1949.

Export Control Regulations. Regulations set forth in Parts 368–399, inclusive, of the Code of Federal Regulations and contained in this publication.

Law or regulation relating to export control. Any statute, proclamation, executive order, regulation, rule, license, or order applicable to any conduct involving an export transaction shall be deemed to be a "law or regulation relating to export control".

United States. Unless otherwise specifically stated, the 50 States, the District of Columbia, the Canal Zone, Puerto Rico, and all territories, dependencies, and possessions of the United States.

Department of Commerce. The Office of Export Control and the Bureau of International Commerce of the U.S. Department of Commerce.

Country groups. For export control purposes foreign countries are separated into seven country groups designated by the symbols S, T, V, W, X, Y, and Z. Canada is not included in any country group and will be referred to by name. (See Supplement No. 1 to Part 370 for a list of destinations in each Country Group).

General license. A license established by the U.S. Department of Commerce for which no application is required and for which no document is granted or issued. It is available for use by all persons, and permits export within the provisions thereof as prescribed in the Export Control Regulations. These general licenses are not applicable to exports under the licensing jurisdiction of agencies other than the Department of Commerce.

Validated license. A document issued by or under the authority of the Office of Export Control authorizing export.

License application; application for license. License application and similar wording means an application for a validated export license.

Amendment. An authorization by the Office of Export Control revising the terms set forth on a validated export license.

Reexport. The term reexport in any export control regulation, license, order, or export control document includes reexport, transship, or divert from one foreign destination to another.

Commodity Control List (CCL). The list of commodities under the export control jurisdiction of the Office of Export Control, U.S. Department of Commerce.

Commodity. Any article, material, or supply except technical data.

Net value. The actual selling price less shipping charges or current market price to the same type of purchaser in the United States, whichever is the larger.

Schedule B Numbers. The seven-digit commodity description numbers appearing in the 1965 edition of the Bureau of the Census publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and amendments thereto.

Export Control Commodity Numbers. The commodity classification numbers used in § 399.1 of the Export Control Regulations. The Export Control Commodity Number has either three or five digits which are the same as the initial digits of the corresponding Schedule B number.

Export control document. A validated export license; application for export license; request for authorization to reexport; any and all documents submitted in accordance with requirements in the export control regulations in support of or in relation to an application for export license or a request for reexport authorization; application for international import certificate; delivery verification certificate or similar evidence of delivery; shipper's export declaration presented in connection with shipment to any country including Canada; a dock receipt or bill of lading issued by any carrier in connection with any export subject to the Export Control Regulations; a U.S. exporter's report of request received for information, certification, or other action indicating a restrictive trade practice or boycott against a foreign country, submitted to the U.S. Department of Commerce in accordance with the provisions of Part 369; Customs Form 7512: Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, when used for Transportation and Exportation (T. & E.) or Immediate Exportation (I.E.); and any other document issued by a U.S. Government agency pursuant to export regulations as evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an export from the United States of any commodity or technical data requiring an export license, or the reexport of any such commodity or technical data.

Bill of lading. The contract of carriage and receipt for commodities or technical data issued by the carrier. It includes an airwaybill, but does not include an inland bill of lading or a domestic airbill covering movement to port only.

Individual license. Any validated license, other than the special licenses listed below, authorizing the export of specific technical data or a specified quantity of commodities during a specified period to a designated consignee.

Periodic requirements license (§ 373.5). A special license authorizing the export during a 1-year period of one or more commodities identified by the symbol "E" in the last column of the Commodity Control List (§ 399.1) to one or more ultimate consignees in a named ultimate destination.

Project license (§ 373.2). A special bulk license authorizing the export of commodities (and technical data where specified) required for a specified activity during a period of approximately 1 year from the issuance of the license.

Time limit license (§ 373.6). A special bulk license authorizing export of an unlimited quantity of commodities for a period of 1 year to one or more ultimate consignees located in Country Group T.

Distribution license (§ 373.3). A special bulk license authorizing export of certain commodities to approved consignees in any one or more of 12 specified countries during a period of 1 year. The consignees must be foreign distributors or users of the licensed commodity.

Person or firm. An individual, corporation, partnership, association, company, or any other kind of organization, situated, residing, or doing business in the United States or any foreign country, including any government or agency thereof, as well as a citizen or national of the United States or any foreign country.

Applicant for export license. The party (or his duly authorized agent) who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities and technical data out of the country and is thus in reality the exporter. (For this purpose, it is the identity of the applicant and his role in the transaction, rather than the terms of sale, with which the Office of Export Control is primarily concerned.) The applicant must be subject to the jurisdiction of the United States.

U.S. exporter. That person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities and technical data out of the United States.

Order party. That person in the United States who conducted the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and received the order from the foreign purchaser or ultimate consignee.

Licensee. The person named in the export control document as exporter.

Purchaser. The person abroad who has entered into the export transaction with the applicant (licensee) or order party to purchase the commodities for delivery to the ultimate consignee.

Ultimate consignee. The person in the country of ultimate destination named on the license to whom the licensee is authorized to export by sale, consignment, or otherwise (the true party in interest receiving the export for the designated end use). A bank, freight forwarder, forwarding agent, or other party, when acting as an intermediary, is not acceptable as the ultimate consignee.

Intermediate consignee. The person to whom the commodities may be consigned for the purpose of effecting delivery to the ultimate consignee. This will usually be a bank, forwarding agent, or other intermediary who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee.

Forwarding agent. The person authorized by a named exporter to perform for that exporter actual services which facilitate the export of commodities or technical data. The forwarding agent need not be a person regularly engaged in the freight forwarding business. He shall be designated by the exporter in writing in the power of attorney set forth on the declaration or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee of the exporter.

Customs officer. The customs officers in the Bureau of Customs and Postmasters unless the context indicates otherwise.

Port of export. The port at which the cargo is laden aboard the exporting carrier which will carry it abroad. It includes, in the case of an export by mail, the place of mailing.

Shipper's export declaration. Any declaration required under regulations of the Department of Commerce and other U.S. Government departments or agencies in connection with exports.

Exporting carrier. Any instrumentality of water, land, or air transportation by which an export is effected, including any domestic air carrier on which any cargo for export is laden or carried that is covered by a shipper's export declaration authenticated by a Customs Officer.

Airline. Any person or firm engaged primarily in the transport of persons or property by aircraft for compensation or hire, pursuant to authorization by the U.S. Government or a foreign government.

U.S. airline. Any citizen of the United States who is authorized by the U.S. Government to engage as an airline. For purposes of this definition, a U.S. citizen is:

An individual who is a citizen of the United States or one of its possessions; or

A partnership of which each member is such an individual; or

A corporation or association created or organized under the laws of the United States, or of any State, Territory, or possession of the United States, of which the president and two-thirds of the board of directors and other managing officers thereof are such individuals and in which at least 75 percent of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.[1]

Canadian airline. Any citizen of Canada who is authorized by the Canadian Government to engage as an airline. For purposes of this definition, a Canadian citizen is:

An individual who is a citizen of Canada; or

A partnership of which each member is such an individual; or

A Canadian company incorporated under the laws of Canada or any province having a total foreign stock interest not greater than 40 percent and having the Chairman or Acting Chairman and at least two-thirds of the Directors thereof Canadian citizens.[1]

Single shipment. A shipment of commodities which move at the same time from one exporter to one consignee or intermediate consignee on the same exporting carrier even though such shipment is to be forwarded to one or more ultimate consignees.

§ 370.3 Prohibited exports.

(a) *General provisions.* Subject to the provisions of §§ 370.4, 370.5, and 370.6, the export from the United States of all commodities and all technical data as defined in § 379.1 is hereby prohibited unless and until a general license authorizing such export shall have been established or a validated license or other authorization for such export shall have been granted by the Office of Export Control, except:

(1) Any export to Canada, for consumption in Canada[2] other than:

(i) The types of technical data described in § 379.4(c);

(ii) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in §§ 378.1 and 379.4(c); and

(iii) The following copper commodities:

(*a*) Copper bearing ash and residues (Export Control Commodity No. 28401);

(*b*) Copper or copper-base alloy waste and scrap (Export Control Commodity No. 28402);

(*c*) Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content (Export Control Commodity No. 28403); and

(*d*) Copper-base alloy ingots (Export Control Commodity No. 68212).

(2) Exports for the official use of or consumption by the U.S. Armed Forces when shipped by or consigned to any branch thereof under a U.S. Government Bill of Lading or a U.S. Government space charter or by means of a U.S. Government-owned or Government-chartered carrier; and

(3) Exports of commodities and technical data controlled by another U.S. Government agency (see § 370.10).

(b) *Revocation of export licenses and other authorizations.* All export licenses and other authorizations to export or

[1] This definition of "citizen of the United States" is also set forth in Title I, section 101(13) of the Federal Aviation Act of 1958, Public Law 85–726, 85th Congress (72 Stat. 737).

[1] The substance of this definition of "citizen of Canada" is also set forth in the regulations and/or policy of the Canadian Air Transport Board.

[2] See § 374.1 for shipments to Canada, not intended for consumption in Canada, and regarding the requirement of a shipper's export declaration for certain exports to Canada.

reexport are subject to revision, suspension, or revocation without notice. It may be necessary for the Office of Export Control to stop a shipment or an export transaction at any stage of its progress; e.g., in order to prevent an unauthorized export or reexport. If a shipment is already en route, it may be further necessary to order the return or unloading of such shipment at any port of call in accordance with the provisions set forth in § 386.10.

§ 370.4 Shipments to territories, dependencies and possessions of the United States and Trust Territories.

No license is required for shipments from the United States to the Canal Zone, Puerto Rico, or any territory, dependency, or possession of the United States as listed in Schedule C, Classification of Country Designations Used in Compiling the U.S. Foreign Trade Statistics, issued by the Bureau of the Census. Nor is a license required for shipments to the Trust Territory of the Pacific Islands; e.g., the Caroline Islands, the Marshall Islands, and the Marianas Islands (except Guam, which is an island possession of the United States).

§ 370.5 Intransit shipments without unloading.

Commodities or technical data shipped by vessel from one foreign country and passing through the United States in transit to another foreign country may be exported without a license from the Office of Export Control: *Provided*, That while in waters subject to the jurisdiction of the United States they have not been unladen from the vessel on which they entered such waters: *And provided further*, That they are not originally manifested to the United States.

§ 370.6 Shipments entering foreign trade zones.

(a) *Foreign origin commodities.* Shipments of commodities or technical data of foreign origin for which no customs entry has been made and which enter a U.S. foreign trade zone may be exported from the foreign trade zone without a validated export license except as described below.

(1) Country Group W, X, Y, or Z. Shipments to Country Group W, X, Y, or Z (see Supplement No. 1 to Part 370 for country groups) require a validated license if a shipment of similar commodities or technical data of U.S. origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

(2) Shipments covered by international import certificates. Commodities shipped to the United States under a Form FC–826, International Import Certificate, in accordance with the procedure described in paragraph 368.2 require a validated license.

(3) Shipments originating in Canada. Shipments of commodities originating in Canada require a validated license only:

(i) If the shipment does not meet the conditions set forth in § 371.4(b)(1); or

(ii) If the shipment could not be exported directly from the United States to Country Group T under the provisions of General License G–DEST.

(4) Foreign excess property disposed of by the U.S. Government. Commodities of U.S. or foreign origin disposed of by the U.S. Government under a foreign excess property disposal program which enter a U.S. foreign trade zone without a customs entry may be exported from the foreign trade zone without an export license; except that a validated export license is required where the same shipment made directly from the customs territory of the United States to the same destination would require a validated export license.

§ 370.7 Unauthorized disposition of foreign excess personal property purchased from the U.S. Armed Forces in foreign countries.

(a) *General.* In the event the U.S. Armed Forces shall sell in any foreign country any commodity, in used or new condition, which was exported from the United States pursuant to § 370.3(a)(2), the prohibitions and sanctions provided in Parts 382 and 383 shall apply whenever such commodity is, or is attempted to be transshipped, diverted, or reexported to any destination contrary to the provisions of the contract of sale executed by the U.S. Armed Forces or to the Export Control Regulations referred to therein.

(b) *Applicability.* The provisions of this section shall apply to any person who directly or indirectly participates in, or has an interest in, any transaction involving commodities sold by the U.S. Armed Forces in any foreign country. Sanctions may include denial of participation in Armed Forces foreign excess personal property disposals, as well as U.S. export privileges.

(c) *Enforcement.* By arrangement with the Department of Defense, in enforcing the provisions of this section, the Office of Export Control will apply the prohibitions and sanctions of Parts 387 and 388 to:

(1) Cases involving any commodity of U.S. origin which is or is attempted to be transshipped, diverted or reexported to Country Group Z (see Supplement No. 1 to Part 370 for country group designations); and

(2) Cases involving, generally, but not exclusively, any commodity not identified by the symbol "B" in the last column of the Commodity Control List which is or is attempted to be transshipped, diverted or reexported to Country Group Y.

§ 370.8 Shipments via Hong Kong.

Shipments may be made from the United States via Hong Kong to another foreign destination in accordance with the following: (Transshipment authority does not relieve any person from complying with foreign laws. See §§ 374.9 and 379.8(d).)

(a) *Shipments not unloaded at Hong Kong.* General and validated license shipments manifested to any ports other than Hong Kong, Macao, and destinations in Country Groups Y or Z, and which proceed through Hong Kong only to exchange bills of lading, and not to be discharged, off-loaded, or transshipped at Hong Kong, may proceed without the necessity of bonding such shipments against discharge in Hong Kong, provided the bill of lading calls for discharge at the port to which the shipment is manifested. Bills of lading permitting discharge only at an unrestricted port by the use of a statement such as "Singapore via Hong Kong" may be cleared without bond. However, shipments which are either manifested to, or under bills of lading calling for "Hong Kong" as port of discharge or "Hong Kong in transit to Singapore," or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

(b) *General License G–DEST; shipments under a through bill of lading.* (1) Transshipment at Hong Kong. Shipments of all commodities under General License G–DEST may be transshipped at Hong Kong without the necessity of obtaining a validated license, provided:

(i) Such transshipments are made under a through bill of lading to a destination outside of Hong Kong, Macao, or Country Group Y or Z; and

(ii) The shipment is maintained in the custody of the originating or on-forwarding carrier at all times or the shipment is exportable directly from the United States to Hong Kong under another general license.

(2) Contract of carriage for transportation to ultimate destination. For purposes of this regulation a through bill of lading includes a contract of carriage with a carrier for transportation of the commodities from the United States to the country of ultimate destination named on the authenticated shipper's export declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

(c) *Validated license shipments under a through bill of lading.* Subject to the provisions of paragraph (b) above, commodities or technical data shipped under a validated license for an ultimate destination other than Hong Kong may be transshipped at Hong Kong without the necessity of obtaining specific authorization from the Office of Export Control on the validated license.

§ 370.9 Shipments which transit Country Group Y or Z en route to any other destination.[1]

The export from the United States of commodities or technical data to be unladen from a vessel or aircraft in Country Group Y or Z, or to move in transit through Country Group Y or Z, en route to Canada or a destination in Country Group S, T, V, W, or X, is hereby prohibited unless a validated license specifically authorizes the transshipment or intransit shipment, or both, except:

(a) An export to West Berlin which will transit East Germany (the Soviet Zone of Germany and the Soviet Sector of Berlin); or

(b) An export of technical data or of a commodity identified by the symbol "B" in the last column of the Commodity Control List, to any destination not in Country Group Y or Z, provided that shipment is exportable under a general license directly from the United States to the country of transit or unlading in Country Group Y or Z.

(Transshipment authority does not relieve any person from complying with foreign laws. See § 374.9.)

§ 370.10 Exports authorized by U.S. Government agencies other than Office of Export Control.

(a) *Arms, ammunition, and implements of war.* Regulations administered by the Office of Munitions Control, U.S. Department of State, Washington, D.C. 20520, govern the export of arms, ammunition and implements of war. These regulations are issued under the authority of section 414 of the Mutual Security Act of 1954 (68 Stat. 848; 22 U.S.C. § 1934 (1964), as amended (Supp. III, 1965–1967)). The commodities covered by the regulations are listed in Supplement No. 2 to this Part 370.

(b) *Gold.* Regulations administered by the Office of Domestic Gold and Silver Operations, U.S. Department of the Treasury, Washington, D.C. 20220, govern the export of gold, except that the export of fabricated gold (as defined in 31 CFR section 54.4) of which not more than 90 percent of the total domestic value is attributable to the gold content thereof shall also be subject to the Export Control Regulations of the U.S. Department of Commerce. The Treasury regulations are issued under the authority of the Gold Reserve Act of 1934 (48 Stat. 337; 31 U.S.C. §§ 440–445 (1964)); section 5(b) of the Act of October 6, 1917 (40 Stat. 415), as amended by section 2 of the Act of March 9, 1933 (48 Stat. 1); and title III, section 301 of the First War Powers Act, 1941 (55 Stat. 839; 12 U.S.C. § 95a (1964)).

(c) *Coins containing silver.* Regulations administered by the Office of Domestic Gold and Silver Operations, U.S. Department of the Treasury, Washington, D.C. 20220, govern the export of U.S. coins containing silver. This includes the silver dollar, the subsidiary silver coins and the clad half dollar, or 50-cent piece. The regulations are issued under the authority of the Coinage Act of 1965 (79 Stat. 254; 31 U.S.C. § 395 (Supp. III, 1965–1967)).

(d) *Narcotics.* Regulations administered by the Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice, Washington, D.C. 20537, govern the export of the following narcotic drugs: (1) Amidone or Methadon (Adanon and Dolophine—trade names); (2) coca leaves and their derivatives; (3) isonipecaine (Demerol—trade name); (4) marihuana or cannabis; (5) opium and its derivatives; (6) opiates; and (7) any medicine or preparation containing any quantity of the foregoing drugs or their derivatives. The regulations are issued under the Narcotic Drugs Import and Export Act (35 Stat. 614; 21 U.S.C. §§ 171–185 (1964)), and the Marihuana Tax Act of 1937 (50 Stat. 551; 26 U.S.C. §§ 4741 et seq. (1964), as amended (Supp. III, 1965–1967)).

(e) *Commodities subject to Atomic Energy Act.* Regulations administered by the Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545, govern the export of the materials and facilities set forth and defined below, except that components for such facilities are licensed by the Office of Export Control. The AEC regulations are issued under the authority of the Atomic Energy Act of 1954 (66 Stat. 1921; 42 U.S.C. §§ 2011–2296 (1964), as amended (Supp. III, 1965–1967)).

(1) *Byproduct material.* The term "byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) *Source material.* The term "source material" means any material except special nuclear material, which contains: by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(3) *Special nuclear material.* The term "special nuclear material" means plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, or any material artifically enriched by any of the foregoing.

(4) *Production facility.* The term "production facility" means:

(i) Any nuclear reactor designed or used primarily for the formation of plutonium or U^{233}, or

(ii) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(iii) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or alloying of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(5) *Utilization facility.* The term "utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U^{233}.

(f) *Watercraft.* Regulations administered by the U.S. Maritime Administration, Washington, D.C. 20235, and other agencies as listed below govern the export of watercraft.

(1) Export Authorization by U.S. Maritime Administration and U.S. Department of State.

(i) Vessels of war, as defined in the U.S. Munitions List, require export authorization from both the Office of Munitions Control, U.S. Department of State, Washington, D.C. 20520, and the U.S. Maritime Administration.

(2) Export authorization by U.S. Maritime Administration and Office of Export Control.

(i) Watercraft (including vessels of war) exported for the purpose of scrapping, dismantling, dismembering, or destroying the hulls or hulks thereof, require export authorization from both the Office of Export Control and the U.S. Maritime Administration for export to Country Group W, X, Y, or Z. (See supplement No. 1 to Part 370 for country group designations.)

(3) Export authorization by U.S. Maritime Administration only.

(i) Watercraft described in subparagraph (2) of this paragraph, when exported to destinations other than those in Country Group W, X, Y, or Z, require export authorization from the U.S. Maritime Administration only.

(ii) The sale to a foreign purchaser and/or the transfer to foreign registry of watercraft owned by citizens of the United States, regardless of size, type, or documentation, is subject to the approval of only the U.S. Maritime Administration.

(iii) The Maritime Administration regulations are issued under the authority of the Shipping Act of 1916 (39 Stat. 728; 46 U.S.C. §§ 801–842 (1964), as amended (Supp. III, 1965–67)).

(g) *Natural gas and electric energy.* Regulations administered by the U.S. Federal Power Commission, Washington, D.C. 20426, govern the export of "natural gas" and "electric power", as defined in the Acts cited below, and the construction, operation, maintenance, or connection of facilities for such export at the United States side of international boundaries. The regulations relating to "natural gas" are issued under the authority of the Natural Gas Act of 1938 (52 Stat. 822; 15 U.S.C. § 717(b) (1964)); the regulations relating to "electric power" are issued under the authority of the Federal Power Act (49 Stat. 847; 16 U.S.C. §§ 791–828(c) (1964), as amended (Supp. III, 1965–67)).

(h) *Tobacco seed and plants.* Regulations administered by the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20426, govern the export of any tobacco seed and/or live tobacco plant subject to the Tobacco Seed and Plant Exportation Act of June 5, 1940 (49 Stat. 1239; 7 U.S.C. §§ 515–517 (1964)). The regulations are issued under the authority of the above-cited Act.

SUPPLEMENT No. 1

COUNTRY GROUPS

For export control purposes foreign countries are separated into seven country groups designated by the symbols "S," "T," "V," "W," "X," "Y," and "Z." Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name.

COUNTRY GROUP S

Southern Rhodesia.

[1] See § 372.8(b) with respect to filing applications for validated licenses to export commodities which will be unladen from a vessel or aircraft in Country Group Y or Z or which will move in transit through Country Group Y or Z en route to a destination in any other country group.

COUNTRY GROUP T

NORTH AMERICA

Northern Area:
- Greenland.
- Miquelon and St. Pierre Islands.

Southern Area:
- Mexico (including Cozumel and Revilla Gigedo Islands).
- Central America:
  - British Honduras.
  - Costa Rica.
  - El Salvador.
  - Guatemala.
  - Honduras (including the Bay Islands).
  - Nicaragua.
  - Panama, Republic of.
- Bermuda and Caribbean:
  - Bahamas.
  - Barbados.
  - Bermuda.
  - Dominican Republic.
  - French West Indies.
  - Haiti (including Gonave and Tortuga Islands).
  - Jamaica.
  - Leeward and Windward Islands.
  - Netherlands Antilles (formerly Curacao, N.W.I.).
  - Trinidad and Tobago.

SOUTH AMERICA

Northern Area:
- Colombia.
- French Guiana (including Inini).
- Guyana (formerly British Guiana).
- Surinam (Netherlands Guiana).
- Venezuela.

Western Area:
- Bolivia.
- Chile (including the islands Sala-y-Gomez, Juan Fernandes, San Felix, San Ambrosio, and Easter Island).
- Ecuador (including the Galapagos Islands).

Eastern Area:
- Argentina.
- Brazil (including the islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic)).
- Falkland Islands.
- Paraguay.
- Uruguay.

COUNTRY GROUP V

All countries not included in any other country group (except Canada).

COUNTRY GROUP W

Poland (including Danzig).
Rumania.

COUNTRY GROUP X

Hong Kong.
Macao.

COUNTRY GROUP Y

Albania.
Bulgaria.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
Outer Mongolia.
Union of Soviet Socialist Republics.

COUNTRY GROUP Z

China (Mainland):
- Including Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; and Manchuria (includes the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaoning Province); but excluding Republic of China (Taiwan) (Formosa) and Outer Mongolia.

Communist-controlled area of Vietnam.
Cuba.
North Korea.

SUPPLEMENT No. 2

THE U.S. MUNITIONS LIST

The following articles [1] are designated by the Office of Munitions Control, U.S. Department of State as arms, ammunition, and implements of war: [2]

CATEGORY I—FIREARMS

(a) Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, and all components and parts therefor.

(b) Automatic firearms and all components and parts therefor, to caliber .50 inclusive.

(c) Insurgency-counterinsurgency type firearms or other weapons having a special military application regardless of caliber; and all components and parts therefor.

(d) Firearms silencers.

(e) Bayonets and specifically designed components therefor.

(f) Riflescopes (except sporting type sights including optical) and specifically designed components therefor.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.

(b) Military flame throwers and projectors.

(c) Components and parts including, but not limited to mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

CATEGORY III—AMMUNITION

(a) Ammunition for the arms in Categories I and II of this section.

(b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuzes and components therefor, primers, and other detonating devices for such ammunition.

(c) Ammunition belting and linking machines.

(d) Ammunition manufacturing machines, and ammunition loading machines (except hand loading).

CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES.

(a) Launch vehicles, guided missiles, ballistic missiles, bombs, grenades, rockets, torpedoes, rocket torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps.

(b) Apparatus, devices, and materials for the handling, control, activation, detection, protection, discharge, or detonation of the articles in paragraph (a) of this category.

(c) Missile and space vehicle powerplants.

(d) Military explosive excavating devices.

(e) Filament winding machines designed for or modified for the manufacture of structural forms, for articles in this category.

(f) All specifically designed components, parts, accessories, attachments, associated equipment, and specialized production equipment for the articles in this category.

CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

(a) Propellants for the articles in Categories III and IV of this section.

(b) Military explosives.

(c) Military fuel thickeners.

(d) Military pyrotechnics.

CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for combatant vessels, including but not limited to, battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.

(c) Submarine and torpedo nets, and mine sweeping equipment and components, parts, attachments and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

(e) Naval nuclear propulsion plants, their land prototypes and special facilities for their construction, support and maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities.

CATEGORY VII—TANKS AND MILITARY VEHICLES

(a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with, designed or modified to accommodate, mountings for arms or other specialized military equipment.

(b) Military tanks, tank recovery vehicles, halftracks, and gun carriers.

(c) Self-propelled guns and howitzers.

(d) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.

(e) Military recovery vehicles.

(f) Amphibious vehicles.

(g) All specifically designed components, parts, accessories, attachments, and associated equipment, including military bridging and deep water fording kits for the articles in this category.

CATEGORY VIII—AIRCRAFT, SPACECRAFT, AND ASSOCIATED EQUIPMENT

(a) Aircraft including helicopters designed, modified or equipped for military purposes, including but not limited to the following: gunnery, bombing, rocket, or missile launching, electronic surveillance, reconnaissance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, drones, and lighter-than-air aircraft.

(b) Spacecraft including manned and unmanned, active and passive satellites.

(c) Military aircraft engines, except reciprocating engines, and spacecraft engines specifically designed or modified for the aircraft and spacecraft specified in paragraphs (a) and (b) of this category.

(d) Airborne equipment, including but not limited to, JATO units and airborne refueling equipment, specifically designed for use with the aircraft, spacecraft, and engines of the types in paragraphs (a), (b), and (c) of this category.

(e) Launching, arresting, and recovery equipment for the articles in paragraphs (a) and (b) of this category.

(f) Nonexpansive balloons in excess of 3,000 cubic feet capacity, except such types as are in normal sporting use.

[1] The term "article" shall mean any of the arms, ammunition, and implements of war and technical data relating thereto enumerated in the U.S. Munitions List.

[2] Arms, ammunition and implements of war must be mangled, crushed or cut beyond the possibility of restoration to their original identity, before they can be licensed by the Office of Export Control for export as scrap metal. (See § 399.2, Interpretation 12.)

(g) Power supplies and energy sources specifically designed for spacecraft.

(h) Components, parts, accessories, attachments, and associated equipment, including propellers and airfield matting, specifically designed or modified for the articles specified in paragraphs (a) through (g) of this category.

(i) Experimental or developmental aircraft components known to have a significant military application.

(j) Parachutes, except such types as are in normal sporting use, and complete canopies, harnesses and platforms, and electronic release mechanisms therefor.

(k) Ground effect machines (GEMS), including surface effect machines and other air cushion vehicles, except such machines as are in normal commercial use, and all components, parts, accessories, attachments, and associated equipment specifically designed or modified for use with such machines.

(l) Inertial systems, and specifically designed components therefor, inherently capable of yielding accuracies of better than 2 to 4 nautical miles per hour c.e.p.

CATEGORY IX—MILITARY TRAINING EQUIPMENT

(a) Military training equipment, includes but is not limited to, attack trainers, radar target trainers, radar target generators, gunnery training devices, antisubmarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units, military type link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.

(b) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraph (a) of this category.

CATEGORY X—PROTECTVE PERSONNEL EQUIPMENT

(a) Military body armor (including armored vests), flak suits and components and parts specifically designed therefor; military helmets, including liners.

(b) Partial pressure suits, pressurized breathing equipment, military oxygen masks, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft (enumerated in Category VIII(a)), missiles, catapults, and cartridge-actuated devices utilized in emergency escape of personnel from aircraft (enumerated in Category VIII(a)).

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use with the articles in paragraphs (a) and (b) of this category.

CATEGORY XI—MILITARY AND SPACE ELECTRONICS

(a) Electronic equipment bearing a military designation, including but not limited to, the following items: radar, active and passive countermeasures, counter countermeasures, underwater sound, computers, navigation guidance, electronic fuzes, object-locating methods and means, displays that represent signals of military use, identification systems, missile and antimissile systems, telemetering and communications electronic equipment; and regardless of designation, any experimental or developmental electronic equipment specifically designed or modified for military application.

(b) Electronic equipment specifically designed or modified for spacecraft and spaceflight.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use or currently used with the equipment in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

CATEGORY XII—FIRE CONTROL, RANGE FINDER, OPTICAL AND GUIDANCE AND CONTROL EQUIPMENT

(a) Fire control; gun and missile tracking and guidance systems; military infrared, image intensifier and other night sighting and night viewing equipment; military masers and military lasers; gun laying equipment; range, position and height finders and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, bombing computers, military television sighting and viewing units, inertial platforms; and periscopes for the articles of this section.

(b) Inertial and other weapons or space vehicle guidance and control systems; spacecraft guidance, control and stabilization systems; astro compasses; and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT

(a) Aerial cameras, space cameras, special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment, and specifically designed components therefor.

(b) Cyptographic devices (encoding and decoding), and specifically designed components therefor.

(c) Self-contained diving and underwater breathing apparatus designed for a military purpose and specifically designed components therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to, special paints, decoys, and simulators, components, parts and accessories specifically designed therefor.

(f) Energy conversion devices for producing electrical energy from nuclear, thermal, or solar energy, or from chemical reaction, specifically designed or modified for military application.

(g) Chemiluminescent compounds and solid state devices specifically designed or modified for military application.

CATEGORY XIV—TOXICOLOGICAL AGENTS AND EQUIPMENT; RADIOLOGICAL EQUIPMENT

(a) Chemical agents, including lung irritants, vesicants, lacrimators, and tear gases, sternutators and irritant smokes, and nerve gases and incapacitating agents.

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops and plants.

(c) Equipment for dissemination, detection, and identification of, and defense against the articles in paragraphs (a) and (b) of this category.

(d) Nuclear radiation detection and measuring devices, except such devices as are in normal commercial use.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (c) and (d) of this category.

CATEGORY XV—HELIUM GAS

Contained helium and admixtures thereof.

CATEGORY XVI—NUCLEAR WEAPONS DESIGN AND TEST EQUIPMENT

(a) Any article, material, equipment, or device, which is specifically designed or specifically modified for use in the design, development, or fabrication of nuclear weapons or nuclear explosive devices.

(b) Any article, material, equipment, or device, which is specifically designed or specifically modified for use in the devising, carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions, except such items as are in normal commercial use for other purposes.

CATEGORY XVII—CLASSIFIED ARTICLES

All articles including technical data relating thereto not enumerated herein, containing information which is classified as requiring protection in the interests of national defense.

CATEGORY XVIII—TECHNICAL DATA

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war.

CATEGORY XIX—MISCELLANEOUS ARTICLES

Any article and technical data relating thereto, not enumerated herein, having significant military applicability, determined by the Director, Office of Munitions Control, Department of State, in consultation with appropriate agencies of the Government and having the concurrence of the Department of Defense.

PART 371—GENERAL LICENSES

Sec.

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371.12 General License RCS; shipments to United States or Canadian vessels, planes and airline installations or agents.
371.13 General License GUS; shipments to personnel and agencies of the U.S. Government.
371.14 General License GLC; exports of commercial vehicles by certain civil airlines and by private or common carriers.
371.15 General License GTF–U.S.; goods imported for display at U.S. exhibitions or trade fairs.
371.16 General License GTF–F; goods temporarily exported for display at foreign exhibitions or trade fairs.
371.17 General License GLR; return of certain commodities imported into the United States.
371.18 General License GIFT; shipments of gift parcels.
371.19 General License GATS; aircraft on temporary sojourn.
371.20 General License GMS; shipments under the Mutual Security Act.
371.21 General License GTDA and GTDR; technical data.

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§ 371.1 Definition.

A "general license" is a license established by the U.S. Department of Commerce permitting export within the provisions thereof as prescribed in the Export Control Regulations. No application is required for its use and no document issued. These general licenses are not applicable to the export of commodities or technical data under the licensing jurisdiction of agencies other than the Department of Commerce.

§ 371.2 General provisions.

(a) *Export declarations.* No export may be made pursuant to any general license unless, prior to such export, whenever required by the Export Control Regulations, or by the Census Bureau Foreign Trade Statistics Regulations, a shipper's export declaration describing the commodity or commodities to be exported has been filed with the customs office at the port of export or with the postmaster at the place of mailing; or unless, at the time of such export, whenever the filing of a declaration is not required, an oral export declaration describing the commodity(ies) is made to a Customs Officer at the port of export.

(b) *Use of general license symbol*—(1) *Shipper's export declaration.* A person exporting any commodity or technical data pursuant to any general license shall enter on any required shipper's export declaration, the general license symbol authorizing the export. The use of such symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license have been met.

(2) *Mail shipments.* (i) Except as provided in paragraph (ii) below, the general license symbol shall be entered on the address side of the parcel wrapper and shall be followed by the phrase "Export License Not Required." The use of such symbol and phrase constitutes a certification by the exporter that the terms, provisions, and conditions of the general license have been met.

(ii) Neither the symbol nor the phrase is required if the material meets the provisions of general license GTDA or GTDR, or if it does not require a validated license for shipment to any destination. In the latter instance, the word "none" appears on the Commodity Control List in the column headed "Validated License Required for Shipment to Country Groups Shown Below".

(c) *Prohibited shipments.* No general license may be used to effect an export to any destination if:

(1) The general license has been suspended, revoked, or is otherwise not applicable to the intended destination. (General licenses and other authorizations to export may, at any time without prior notice, be revised, suspended, or revoked by the Office of Export Control, as set forth in § 370.3(b), whenever there is reason to believe that the export regulations have been, or will be violated.);

(2) The commodity and/or technical data will be unladen from a vessel or aircraft in Country Group Y or Z, or will move in transit through Country Group Y or Z, en route to another country, except as provided in § 370.5;

(3) The shipment, except for an export of a commodity under General License RCS (see § 371.12), is destined to, or for the use of, a foreign vessel or aircraft whether an operating vessel or aircraft or one under construction, located in any port including a Canadian port, unless a general license would permit the shipment to be made (a) to the country in which the vessel or aircraft is located, and (b) to the country in which the vessel or aircraft is registered, or will be registered in the case of a vessel or aircraft under construction, and (c) to the country, including a national thereof, which is currently controlling, leasing, or chartering the vessel or aircraft;

(4) The export of the commodity and/or technical data is contrary to a denial or probation order listed in Supplement No. 1 to Part 388.

(5) The exporter knows or has reason to believe that the commodity and/or technical data will be reexported from the country of the foreign purchaser and/or ultimate consignee, and such reexport has not been approved by the Office of Export Control either specifically or by general authorization in the Export Control Regulations, or is otherwise prohibited by the Export Control Regulations. (See Part 374);

(6) The commodity to be shipped is related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 378.1 or the technical data to be shipped is related to nuclear weapons, nuclear exposive devices, or nuclear testing, as described in paragraph 379.5(e)(vi), unless the technical data may be exported under the provisions of general license GTDA or GTDR; or

(7) The commodity is not listed on the Commodity Control List. (§ 399.1.)

(d) *Choice of general license.* When two or more types of general licenses are applicable, any one of such general licenses may be used. However, exports of commodities under any applicable general license on a vessel or aircraft of foreign registry departing from the United States for use on board such vessel or aircraft must conform to the requirements for export under General License Ship Stores or General License Plane Stores. (See §§ 371.9 and 371.10.)

(e) *Country groups.* When a general license applies to a particular country group (see list in Supplement 1 to Part 370) it may, subject to the provisions of the Export Control Regulations, be exported to any destination in that country group. Conversely, if not applicable to a particular country group, it is not applicable to any destination in that group.

(f) *Consignee/consignor control under general license.* (1) General licenses may be revoked or suspended as to any person within or without the United States by an order issued pursuant to the provisions of Part 389.

(2) Subject to the provisions of each general license, shipments may be made thereunder by any consignor to any consignee in any destination except persons for whom the general license privilege has been revoked or suspended.

(g) *Recordkeeping.* The Export Control Regulations require the keeping of records. See § 387.11.

§ 371.3 General License G–DEST shipments of commodities to destinations not requiring a validated license.

(a) *Scope.* A general license designated G–DEST is established, subject to the other provisions of this § 371.3, authorizing the export of any commodity listed on the Commodity Control List to any destination for which a validated license is not required by the information set forth in the column titled "Validated License Required for Country Groups Shown Below." One or more country group symbols are entered in the column referred to above indicating that a validated license is required for any destination in that country group. If the symbol for the country group which includes the destination of a proposed export is listed, a validated export license is required and General License G–DEST is inapplicable. Conversely, if the country group symbol which includes the proposed destination is not shown in that column, then the export may be made under the provisions of General License G–DEST. (See § 370.9 for regulations relating to shipments transiting Country Group Y or Z en route to another country.)

(b) *Footnotes to Commodity Control List.* If a footnote to the Commodity Control List (§ 399.1) modifies or alters any provision of General License G–DEST, the provisions of the footnote shall govern.

§ 371.4 General License GIT; intransit shipments.

(a) *Scope.*[1] (1) A general license designated GIT is established, authorizing, subject to the other provisions of this § 371.4, the export from the United States of commodities which originate in and are destined to any foreign country: *Provided,* That such commodities are moving in transit[2] through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I.E.) customs entry made at a U.S. Customs Office.

(2) Only those exports of foreign origin which, if United States origin, could be made to Country Group S, W, X, Y, or Z (excluding Cuba), respectively, under the provisions of a general license, may

[1] See § 370.5 regarding shipments moving in transit via the United States without unloading and § 372.8(a) for export license application requirements for intransit shipments where General License GIT is not applicable.

[2] A commodity is not considered as "moving in transit" within the meaning of General License GIT if it is covered by a warehouse entry and withdrawn from warehouse under a withdrawal for export customs entry or if its transit is broken by a warehousing or processing operation under another type of customs entry.

be exporter to those destinations under General License GIT.

(3) "Commodities which originate in a foreign country" includes not only commodities grown, produced or manufactured in a foreign country, but also commodities which were originally grown, produced, or manufactured in the United States and have been so altered by further processing, manufacture, or assembly in a foreign country that they have either been substantially enhanced in value, or have lost their original identity with respect to form.

(b) *Shipments excepted from the provisions of General License GIT.* In addition to the prohibited shipments listed under § 371.2(c) the following may not be exported or reexported from the United States under General License GIT:

(1) Commodities shipped to the United States under the provisions of a Form FC–826, International Import Certificate; and

(2) Commodities disposed of by U.S. Government agencies under foreign excess property disposal programs.

(c) *Shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments from Canada moving in transit through the United States to any foreign destination, regardless of the origin of the commodities. For each such shipment, the customs officer at the United States port of export shall require a copy of Form B–13, Canadian Customs Entry, certified or stamped by the Canadian customs authorities, except where the shipment is made under a validated U.S. export license or applicable U.S. general license other than General License GIT, or is valued at less than $50. Where the commodity description, quantity, ultimate consignee, country of ultimate destination, or any other pertinent detail of such shipment is not the same on the U.S. Shipper's Export Declaration as that on the required Form B–13, a corrected Form B–13 authorizing the shipment is required.

(2) Any parties to the export shall submit any further proof that the customs officer at the U.S. port of entry or the port of export may require to enable him to determine that General License GIT applies, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. An export shall not be cleared for shipment by the customs officer at the U.S. port of export under General License GIT unless all provisions of this general license have been complied with.

§ 371.5 General License GLV; shipments of limited value.

(a) *Scope.* A general license designated GLV is established, subject to the provisions below, authorizing the export in a single shipment of any commodity on the Commodity Control List:

(1) To a destination in Country Group T, V, or X, provided that the net value of the commodity included in a single entry does not exceed the GLV dollar-value limit specified for each respective Country Group in the column headed "GLV $ Value Limits for Shipments to Country Groups T, V, X"[1]; and

(2) From the U.S. Virgin Islands to the British Virgin Islands, provided that the net value of the shipment does not exceed $500 or the amount specified as the GLV dollar-value limit for Country Group T, whichever is greater.

(b) *Definitions*—(1) *"Net value."* The actual selling price less shipping charges, or the current market price to the same type of purchaser in the United States, whichever is the larger.

(2) *"Single shipment."* A shipment of commodities moving at the same time from one exporter to one consignee or intermediate consignee on the same exporting carrier even though such shipment is to be forwarded to one or more ultimate consignees. However, not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one consignee or intermediate consignee.

(c) *Evasion of "single shipment" provisions.* Any device used to evade the validated export license requirements is prohibited. Such devices include but are not limited to (1) splitting orders from a single consignee into two or more GLV shipments where the total value exceeds the maximum GLV dollar-value limit specified for a single shipment; and (2) soliciting from a single consignee a number of separate orders that conform to GLV dollar-value limits but which have a combined value in excess thereof.

§ 371.6 General License Baggage.

(a) *Scope.* A general license designated Baggage is established, authorizing a person leaving the United States to take to any destination, as personal baggage, accompanied or unaccompanied, the classes of commodities listed in subparagraphs (1), (2), and (3) of this paragraph provided the commodities are owned by such person or members of his immediate family; are intended for and necessary and appropriate for the use of such person or members of his immediate family; and are not intended for sale. Accompanied baggage is that taken by a person departing from the United States on the same carrier on which he departs. Unaccompanied baggage is baggage sent from the United States on a carrier other than that on which a person departs. Unaccompanied shipments under this general license shall be clearly marked "Baggage." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after, departure of the consignee or owner from the United States. However, only commodities identified by the symbol "B" in the last column of the Commodity Control List may be taken out of the United States to Country Group S, W, Y, or Z under this general license. This general license may not be used by members of crews of vessels or aircraft (see § 371.11 for General License Crew).

(b) *Definitions*—(1) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers. As used here, usual and reasonable quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage. For example, such quantities of food as would obviously be intended for consumption or other distribution after the voyage is completed are not included under this general license.

(2) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(3) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

(c) *Customs authority to limit or prohibit shipments.* Customs officers shall limit or prohibit the export of any commodity(ies) under General License Baggage if the kind or quantity is in excess of the limitations set forth in this Section, or if they shall have cause to suspect that such export is being made for the purpose or with intent to evade any of the Export Control Regulations.

§ 371.7 General License Tools of Trade.

(a) *Scope.* A general license designated Tools of Trade is established, authorizing a person leaving the United States to take abroad usual and reasonable kinds[1] and quantities of tools necessary in his trade, occupation, or employment under the conditions described in subparagraphs (1) and (2) of this paragraph. In all instances such tools must accompany the person leaving the United States.

(1) *Tools owned by person leaving the United States.* Such tools may be taken to any destination, provided:

(i) The tools consist of implements or instruments used in such person's trade, occupation, or employment (containers for such implements or instruments may be included);

(ii) The tools are for the personal use of the person taking the commodities abroad;

(iii) The tools will not be sold abroad; and

(iv) Only tools identified by the symbol "B" in the last column of the Commodity Control List may be exported or reexported under this general license to Country Group S, W, Y, or Z.

(2) *Tools not owned by person leaving the United States.* Where the person leaving the United States does not own the tools, such tools may be taken to any destination except Country Group W, X, Y, or Z for use in installing, inspecting,

[1] Where a dash (—) is indicated in the column, the commodity may not be shipped to that Country Group under General License GLV. Another general license, however, may be applicable.

[1] See § 371.6(b)(1).

testing, calibrating, or repairing any type of commodity subject to the following conditions:

(i) Only tools identified by the symbol "B" in the last column of the Commodity Control List may be exported to Country Group S;

(ii) The tools consist of instruments or implements used in installing, inspecting, testing, calibrating, or repairing any type of commodity (containers for such instruments or implements may be included);

(iii) The tools are exported temporarily and are not sold abroad;

(iv) From the time the tools are exported until they are returned to the United States, they will be under the control of a person who is employed by or acting as agent for the owner of the tools;

(v) The owner of the tools or a responsible official of the organization owning the tools promptly informs the Office of Export Control by letter that the tools will be or have been shipped under General License Tools of Trade. This letter shall be addressed to the Office of Export Control, Attention: 854, U.S. Department of Commerce, Washington, D.C. 20230, and shall include the following information:

(a) General description and approximate value of the tools;

(b) Temporary destination of the tools;

(c) Date the tools will be or were shipped; and

(d) The following certification:

I (We) hereby certify that the tools described in this letter (1) will be used in installing, inspecting, testing, calibrating, or repairing a commodity; (2) will not be exported or reexported contrary to the provisions of § 371.7(a)(2) of the Export Control Regulations; and (3) that (name of person) is authorized by (me) (us) to take these tools abroad.

(b) *Customs authority to limit or prohibit shipments.* Customs Officers shall limit or prohibit the export of any commodity(ies) under General License Tools of Trade if the kind or quantity is in excess of the limitations set forth in this section, or if they shall have cause to suspect that such export is being made for the purpose or with intent to evade any of the Export Control Regulations.

§ 371.8 General License GLD; dunnage.

A general license designated GLD is hereby established, authorizing the export to any destination except Country Group Z (excluding Cuba), of usual and reasonable[1] kinds and quantities of dunnage necessary and appropriate to stow or secure cargo on the outgoing and any immediate return voyage of an exporting carrier, when exported solely for use as dunnage, not intended for unlading in a foreign country and not exported under a bill of lading.

§ 371.9 General License Ship Stores.

(a) *Scope.* A general license designated Ship Stores is hereby established, authorizing, subject to the provisions set forth below, the export on vessels of United States or foreign registry departing from the United States, of usual and reasonable[1] kinds and quantities of the commodities indicated in (1) below, provided such commodities are not intended for unlading in a foreign country and are not exported under a bill of lading as cargo.[2]

(1) The commodities listed below may be exported, subject to the conditions set forth in paragraph (b) of this section, for use or consumption on board a vessel of any registry, during the outgoing and immediate return voyage, except a vessel registered in, owned or controlled by, or under charter or lease to a country in Group Z or a national of such country.

(i) Bunker fuel;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements;

(iii) Medical and surgical supplies;

(iv) Food stores;

(v) Slop chest articles; and

(vi) Saloon stores or supplies.

(2) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z or a national of any of these countries.

(b) *Restrictions on petroleum and petroleum products*—(1) *Far Eastern Communist Countries.* No export of petroleum or petroleum products (including those used as bunker fuel) listed in paragraph (4) below may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at a port under Far Eastern Communist control[3] during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at a port under Far Eastern Communist control within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days any commodities known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities are covered by an export license issued by an agency of the U.S. Government; or (iv) meets the registry restrictions in subparagraph (3) of this paragraph.

(2) *Cuba.* No export of petroleum or petroleum products (including those used as bunker fuel) listed in paragraph (4) below may be made under this general license on any foreign vessel regardless of tonnage, departing from the United States for use on board such vessel, if the vessel (i) will call at a port under Cuban control on its current voyage or (ii) is ineligible to carry U.S. Government-financed cargo because it has called at a port under Cuban control at any time since January 1, 1963; or (iii) meets the registry restrictions in (3) below.

(3) *Registry restrictions.* No export of petroleum or petroleum products listed in paragraph (4) below (including those used as bunker fuel) may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States, for use on board such vessel, if the vessel is registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z, or a national of any of these countries. No such export may be made on a foreign vessel regardless of tonnage, if the vessel is registered in, owned or controlled by, or under charter or lease to a Cuban National.

(4) *Restricted commodities.* Subparagraphs (1), (2), and (3) of this paragraph apply to the following commodities:

Export Control Commodity Number and Commodity Description	
331	Petroleum crude (including shale oil).
33210	Gasoline, excluding jet fuel.
33210	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
33220	Jet fuels, all types.
33220	Kerosene.
33230	Distillate fuel oils.
33240	Residual fuel oils.
33250	Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F (98.8° C) of 95 seconds or more).
33250	Lubricating oils and greases.
33262	Mineral waxes.
33291	Aliphatic naphtha, in containers over 4 oz.; mineral spirits, solvents and other finished light aliphatic products, n.e.c.
33291	Insulating or transformer oils, cutting oils, white mineral oils (excluding medicinal grade).
33294	Petroleum coke.
33295	Petroleum bitumen and other petroleum and shale oil residues.
33296	Bituminous mixtures, based on asphalt, petroleum, etc.

§ 371.10 General License Plane Stores.

(a) *Scope.* A general license designated plane stores is established, subject to the provisions set forth below, authorizing the export on aircraft of United States or foreign registry departing from the United States, of usual and reasonable[1] kinds and quantities of the commodities indicated in (1) below, provided such commodities are not intended for unlading in a foreign country and are not exported under a bill of lading as cargo.[2]

(1) The following commodities may be exported, subject to the conditions set forth in paragraph (b) below, for use or consumption on board an aircraft of any registry, during the outgoing and immediate return flight, except an aircraft registered in, owned or controlled by, or under charter or lease to a country in Country Group Z (excluding Cuba) or a national of any of these countries:

(i) Fuel;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements;

(iii) Medical and surgical supplies;

(iv) Food stores;

(v) Slop chest articles; and

(vi) Saloon stores or supplies:

(2) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z (excluding Cuba), or a national of any of these countries.

(b) *Restrictions on petroleum and petroleum products for use on aircraft*—(1) *Far Eastern Communist Countries.* No export of petroleum or petroleum products (including those used as fuel) listed in § 371.9(b)(4) above may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft, if the aircraft, (i) has called at any point under Far Eastern Communist control[3] during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by any agency of the U.S. Government, or (iv) is registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z (excluding Cuba), or a national of any of these countries.

§ 371.11 General License Crew.

(a) *Scope.* A general license designated Crew is established, authorizing a member of the crew on an exporting carrier to export among his effects the following classes of commodities:

(1) *Personal effects.* Usual and reasonable[1] kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.

(2) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(b) *Limitation.* The personal and household effects may include only those articles (i) owned by such crew member; (ii) intended, necessary, and appropriate for use by him or his immediate family; (iii) in his possession at the time of his departure from the United States; (iv) not intended for resale; (v) not exported under a bill of lading as cargo; (vi) not intended for importation into a Group Z country; and (vii) not exported from the United States on a carrier registered in a Group Z country.

§ 371.12 General License RCS; shipments to United States or Canadian vessels, planes, and airline installations or agents.

(a) *Scope.* A general license designated RCS is established authorizing, subject to the provisions set forth below, exports to any destination except Country Groups Y and Z (excluding Cuba).

(b) *Exports to vessels or planes of United States or Canadian registry.* Export may be made of the commodities set forth in paragraph (d) below, for use by or on a specific vessel or plane of United States or Canadian registry located at any seaport or air port outside the United States or Canada except a port in Country Group Y or Z (excluding Cuba), provided that such commodities are:[2]

(1) Ordered by the person in command or the owner or agent of the vessel or plane to which they are consigned;

(2) Intended to be used or consumed on board such vessel or plane and necessary for its proper operation;

(3) In usual and reasonable[1] kinds and quantities; and

(4) Shipped as cargo for which a shipper's export declaration is filed with a Customs Office.

(c) *Exports to United States or Canadian airline's installation or agent.* Export may be made of the commodities set forth in paragraph (d) below, to a United States or Canadian airline's[4] installation or agent in any foreign destination except Country Group Y or Z (excluding Cuba), provided such commodities are:[2]

(1) Ordered by a United States or Canadian airline and consigned to its own installation or agent abroad;

(2) Intended for maintenance, repair, or operation of aircraft registered in either the United States or Canada, and necessary for the aircraft's proper operation, except where such aircraft is located in, or owned, operated or controlled by, or leased or chartered to, a Group Y or Z country (excluding Cuba) or a national of such country;

(3) In usual and reasonable kinds and quantities; and

(4) Shipped as cargo for which a shipper's export declaration is filed with a Customs Office.

(d) *Applicable commodities.* This general license applies to the following commodities:

(1) Fuel;

(2) Deck, engine, and steward department stores, provisions, and supplies;

(3) Medical and surgical supplies;

(4) Food stores;

(5) Slop chest articles;

(6) Saloon stores or supplies; and

(7) Equipment and spare parts.

§ 371.13 General License GUS; shipments to personnel and agencies of the U.S. Government.

(a) *Scope.* A general license designated GUS is established, authorizing exports to any destination, as follows:

(1) *Commodities for personal use.* Commodities in quantities sufficient only for the personal use of members of the U.S. Armed Forces or civilian personnel of the U.S. Government (including U.S. representatives to public international organizations), and their immediate families and servants in each case. Commodities for personal use include household effects, food, beverages, and other daily necessities.

(2) *Commodities for official use.* Any commodity consigned to and for the official use of any agency of the U.S. Government.

(b) *Definition of U.S. Government agency.* The term "agency of the U.S. Government" includes all civilian and military departments, branches, missions, Government-owned corporations, and other agencies of the U.S. Government, but does not include such national agencies as the American Red Cross or international organizations in which the United States participates such as the Organization of American States. Therefore, shipments may not be made under this general license to these non-Government national or international agencies.

§ 371.14 General License GLC; exports of commercial vehicles by certain civil airlines and by private or common carriers.

(a) *Scope.* A general license designated GLC is established authorizing exports of air and other carriers as follows:

(b) *Air carriers.* Civil aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate, or Air Taxi Operating Certificate issued by the Federal Aviation Agency may depart from the United States for any destination other than one in Country Group S, Y, or Z (excluding Cuba), except that (1) U.S. registered aircraft shall not depart for the purpose of sale, resale, lease, charter, or any other disposition to a foreign country or national and (2) the aircraft's U.S. registration shall not be changed while

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[1] See 371.6(b)(1).

[2] When a validated license is required, see § 372.4.

[3] "Port under Far Eastern Communist control" means a port in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Republic of China (Taiwan) (Formosa); (2) Communist-controlled areas of Vietnam; and (3) North Korea.

[1] See § 371.6(b)(1).

[2] Where a validated license is required, see § 372.4.

[3] "Point under Far Eastern Communist control means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Republic of China (Taiwan) (Formosa); (2) Communist-controlled areas of Vietnam; and (3) North Korea.

[1] See paragraph 371.6(b)(1).

[2] Where a validated license is required see § 372.4.

[3] See paragraph 371.6(b)(1).

[4] See § 370.1 for definitions of United States and Canadian airlines.

abroad. This provision is not intended to prevent an otherwise eligible U.S. registered aircraft from departing from the United States under General License GLC for the purpose of conducting a round trip flight to a foreign country(ies) and subsequent return to the United States.

(c) *Other carriers.* Trucks, buses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries may be exported to any destination except Country Group S, Y or Z, provided that such vehicles, except those imported into the United States from a foreign country, shall not be exported for resale.

§ 371.15 General License GTF–U.S.; goods imported for display at U.S. exhibitions or trade fairs.

(a) *Scope.* A general license designated GTF–U.S. is established authorizing, under the conditions in pargaraph (b) or (c) below, the export of commodities that (1) were imported into the United States for display at an exhibition or trade fair and (2) were either entered under bond or permitted temporary free importation under bond providing for their export and are being exported in accordance with the terms of such bond.

(b) *Return to country from which imported.* Such commodities may be returned to the country from which imported into the United States except to Country Group S or Z.

(c) *Exports to other destinations.* Such commodities may be exported to any destination other than the country from which imported except:

(1) Commodities imported into the United States pursuant to an international import certificate, or

(2) Exports to Country Group S, W, X, Y, or Z.

§ 371.16 General License GTF–F; goods temporarily exported for display at foreign exhibitions or trade fairs.[1]

(a) *Scope.* A general license designated GTF–F is established authorizing, subject to the conditions set forth below, the temporary export of commodities for the purpose of display, exhibition, or demonstration at a foreign exhibition(s) or trade fair(s) in Country Group T or V.[1] The terms "foreign exhibition" and "trade fair" as used in this regulation apply only to foreign exhibitions and trade fairs which are open either to the general public or to a recognized segment of industry. These terms do not relate to private demonstrations in a foreign country.

(b) *General exceptions.* The following commodities are excluded from this general license:

(1) Any commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as set forth in § 378.1;

(2) Maritime (civil) nuclear propulsion plants, their land protoypes, and special facilities for their construction, support, or maintenance, including any machinery, devices, components, or equipment specifically developed or designed for use in such plants or facilities; and

(3) The following additional commodities:

Export Control Commodity Number and Commodity Description	
68321	Bars, rods, angles, shapes, and sections of porous nickel having a purity of 99 percent or more.
68322	Plates, sheets, strips, and foil of porous nickel having a purity of 99 percent or more.
68323	Tubes, pipes, blanks, and fittings therefor, and hollow bars of porous nickel having a purity of 99 percent or more.
72970	Neutron generators employing the electrostatic acceleration of ions.
72970	Parts specially designed for neutron generators employing the electrostatic acceleration of ions.
86140	Streak cameras having writing speeds of 8 mm./microsecond and above, capable of recording events which are not initiated by the camera mechanism.
86140	Streak cameras having writing speeds of less than 8 mm./microsecond, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c.
86140	High-speed cameras having any of the following characteristics: (a) Using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source, and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film widths greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second.
86140	Parts and accessories, n.e.c., specially designed for high-speed cameras under No. 86140 which are subject to the Import Certificate/Delivery Verification procedure.
86140	Photographic microflash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.)
86140	Photographic microflash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration, at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.)
86150	High-speed motion picture cameras having any of the following characteristics: (a) Using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source, and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film width greater than 35 mm. and capable of recording in excess of 64 frames per second, and (c) capable of recording in excess of 250,000 frames per second.
86150	Parts and accessories, n.e.c., specially designed for high-speed motion picture cameras under No. 86150 which are subject to the Import Certificate/Delivery Verification procedure.

(c) *Return of commodities to the United States.* The U.S. exporter shall return all commodities exported under this general license to the United States within sixty (60) days after the close of the exhibition or trade fair, unless:

(1) The commodities will be displayed in additional exhibition(s) or trade fair(s) located in Country Group T or V within 1-year after export from the United States. In this instance, the commodities shall be returned to the United States within sixty (60) days after the end of this final exhibition or trade fair or the 1-year period, whichever is earlier; or

(2) Authorization is received from the Office of Export Control to sell or otherwise dispose of the commodities abroad, in accordance with the procedure described below.

(d) *Request for authorization to dispose of commodities outside the United States.* If the U.S. exporter wishes to sell or otherwise dispose of the commodities outside the United States, he shall request authorization therefor by letter to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, setting forth; the date the commodities were exported from the United States; Export Control Commodity Number(s); description, quantity, value, present location, and proposed disposition of the commodities; and the name, address, and identity of each party to the proposed transaction. Further, such request shall comply with any special provisions of the Export Control Regulations covering exports directly from the United States to the proposed destination, and shall be accompanied by any documents that would be required in support of an application for export license for shipment of the same commodities directly from the United States to the proposed destination. The Office of Export Control will advise the U.S. exporter of its action by letter.

(e) *Additional copy of shipper's export declaration.* When clearing shipments under this general license, the exporter shall submit to the Customs Office or Postmaster an additional copy of the shipper's export declaration entering the notation "854" in the upper right corner.

§ 371.17 General License GLR; return of certain commodities imported into the United States.

A general license designated GLR is established, authorizing, subject to the provisions set forth below, the return of certain commodities to the destination from which imported into the United States. When an export is made under the provisions of paragraphs (a) through (e) below, the U.S. Customs Entry Number (if any), the country from which the commodities were imported, and the port of entry shall be shown on the Shipper's Export Declaration.

[1] Applications for validated export license for commodities going to foreign trade fairs or exhibitions, but not qualifying under any general license, should be prepared in accordance with § 372.8(c) of the Export Control Regulations.

(a) *Commodities sent to the United States for inspection, testing, calibration, or repair.* (1) Any commodity sent to the United States for inspection, testing, calibration, or repair may be exported under this general license to the country from which it was sent, except as indicated in paragraph (2) below. The commodity returned may include any replacement or rebuilt parts necessary to its repair and may be accompanied by any spare part, tool, accessory, or other item sent to the United States for use in connection with the inspection, testing, calibration, or repair.

(2) The provisions of this paragraph do not apply to:

(i) Exports to Country Group S, W, Y, or Z; and

(ii) Commodities disposed of by U.S. Government agencies under foreign excess property disposal programs.

(iii) Commodities related to nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1.

(b) *Containers.* General License GLR may be used for export of metal drums, gas cylinders, bags and other containers (whether manufactured in the United States or a foreign country) which are imported to transport contained commodities between (to or from) the United States and any destination other than Country Group S or Z, whether such container is exported (1) empty, (2) filled with a commodity exportable under a general license, or (3) filled with a commodity being exported under a validated license.

(c) *Commodities failing to conform to specifications or shipped without consent of consignee.* A commodity which does not conform to sample or other specifications, or was shipped without the consent of the consignee and is in the same condition it was in when imported into the United States, may be returned under this general license to the country from which it was imported with the exception of Country Group S or Z.

(d) *Return of shipments refused entry.* Shipments of commodities refused entry by the Bureau of Customs, the Food and Drug Administration, or other U.S. Government agency may be returned under this general license to the country of origin, except (1) a destination in Country Group S or Z, or (2) a destination from which the shipment has been refused entry because of the Foreign Assets Control Regulations of the Treasury Department unless such return is licensed or otherwise authorized by the Treasury Department, Foreign Assets Control.

(e) *Commodities exported for inspection, testing, calibration, repair, overhaul, and return to United States.* Any foreign manufactured commodity may be exported under this general license to the country from which originally imported into the United States or to the country in which manufactured (except to Country Group S, Y, or Z), for the purpose of being inspected, tested, calibrated, repaired or overhauled and returned to the United States. Such Commodity shall be returned to the United States as soon as the repair or overhaul is completed. Where a commodity is returned to the country of manufacture and this is not the same country as the one from which the commodity was imported into the United States, the name and address of the manufacturer shall be shown on the shipper's export declaration in addition to the information required by the first paragraph of this section.

(f) *Replacements for defective or unacceptable U.S. origin parts or equipment.* (1) Any commodity may be exported under the provisions of this general license to replace a defective or unacceptable U.S. origin part or equipment subject to the following conditions:

(i) No commodity may be exported to Country Group S, W, Y, or Z;

(ii) No commodity shall be exported to replace a defective part or equipment owned or controlled by, or leased or chartered to a country included in Country Group S, W, Y, or Z, or a national of any of these countries;

(iii) No commodity shall be exported to replace any part or equipment which is worn out from normal use;

(iv) The replacement commodity shall not be technologically advanced over that replaced;

(v) The commodity replaced shall have been previously exported under a validated export license;

(vi) The commodity replaced shall either be destroyed abroad or returned to the United States prior to or promptly after, the replacement is exported from the United States;

(vii) The defective commodity shall be replaced free of charge, except for transportation and labor charges; and

(viii) No replacement part or equipment may be exported under this general license if it is to be incorporated into or used in nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1.

(2) Any export made under this paragraph (f) shall be cleared with the customs officer in accordance with Part 387 except that the exporter or his duly authorized agent shall:

(i) Present to the Customs Officer an additional copy of the shipper's export declaration in accordance with the provisions of Part 38b; and

(ii) Place the following certification, substituting the appropriate parenthetical phrases if applicable, on the Shipper's Export Declaration:

I (We) certify that the commodity(ies) described on this Declaration is (are) being exported under the provisions of General License GLR to replace a defective or unacceptable U.S. origin part or equipment previously exported from the United States under validated export license number ------. I (We) further certify that the defective or unacceptable part or equipment has been (shall be promptly) returned to the United States (destroyed abroad).

§ 371.18 General License Gift; shipments of gift parcels.

(a) *Scope.* (1) A general license designated Gift is hereby established, authorizing, subject to the provisions set forth below, the export of gift parcels free of charge by an individual in the United States (donor) addressed to an individual, or a religious, charitable, or educational organization (donee) located in any destination, except Country Group Z (excluding Cuba), for the use of the donee or the donee's immediate family. The payment by the donee of any handling charges, or of any fees levied by the importing country (e.g. import duties, taxes, etc.) are not considered to be a cost to the donee for purposes of this definition of "gift parcel."[1]

(2) A gift parcel, within the context of this general license, does not include multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country. Such multiple gift parcels, unless authorized by one of the other general licenses set forth in this part, must meet the requirements of a validated license, including the submission of an application for validated export license.

(3) An individual gift parcel may also be exported under any other applicable general license, such as GLV or G–DEST, or any other procedure of the Office of Export Control that authorizes the export of the commodities.

(b) *Commodity, value, and other limitations*—(1) *Commodity limitations.* Only those commodities which are (i) identified by the symbol "B" in the last column of the Commodity Control List, and (ii) normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceutical preparations in dosage form, may be included in a gift parcel. The export of military wearing apparel to Country Group X, Y, or Z under this general license is specifically prohibited, regardless of whether all distinctive U.S. military insignia buttons or other workings, are removed.

(2) *Dollar-value limitation.* The combined total domestic retail value of all commodities included in a gift parcel shall not exceed $100.

(3) *Frequency of shipment.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(4) *How to export.* (i) A gift parcel must be sent directly to the donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the donor, as well as the name and address of the donee, regardless of whether sent by the donor or by a forwarding service.

(ii) Each parcel must have the notation "Gift-Export License Not Required"

[1] Senders of gift parcels who wish information regarding the import duties and other regulations of a foreign country should consult their local post offices. Many foreign countries permit the entry, duty-free, of gift parcels which conform to regulations regarding contents and marking. To secure this advantage, the sender should show the words "U.S.A. Gift Parcel" on the addressee side of the package and on any required customs declarations.

written on the addressee side of the package and the word "Gift" written on any required customs declaration.

(iii) A gift parcel sent via parcel post shall conform with applicable post office regulations as to size, weight, and permissible contents. A gift parcel sent via air express, air cargo, or air freight, is not limited as to size or weight by the provisions of this general license.

§ 371.19 General License GATS; aircraft on temporary sojourn.[1]

A general license designated GATS is established authorizing, subject to the provisions set forth below, the departure from the United States, of foreign registry civil aircraft on temporary sojourn in the United States and of U.S. civil aircraft for temporary sojourn abroad.

(a) *Foreign registered aircraft.* An operating civil aircraft of foreign registry which has been in the United States on a temporary sojourn may depart from the United States under its own power for any destination except Country Group S, W, Y, or Z (excluding Cuba), provided that the aircraft has not been sold or disposed of while in the United States, and provided it does not carry from the United States any commodity for which export authorization has not been granted by the appropriate U.S. Government agency.

(b) *U.S. registered aircraft.* An operating civil aircraft of U.S. registry may depart from the United States under its own power for a temporary sojourn abroad under the conditions in subparagraphs (1) and (2) of this paragraph:

(1) A U.S. operating civil aircraft may depart from the United States under its own power for any destination except Country Group S, W, Y, or Z, provided that:

(i) The aircraft does not carry any commodity from the United States for which export authorization has not been granted by the appropriate U.S. Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a U.S. licensed pilot while abroad (except on demonstration flights);

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Office of Export Control; and

(v) The aircraft's U.S. registration will not be changed while abroad.

(2) Where it is decided that the aircraft or any of its equipment, parts, accessories or components will be sold or leased abroad, or will not be returned to the United States for any other reason, request shall be made to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, for authorization of such disposition.

(i) The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for nonreturn to the United States, the country in which the aircraft will be registered, the commodity description, Export Control Commodity Number, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition, the request shall be accompanied by all documents which would be required in support of an application for export license for shipment of the same commodity directly from the United States to the proposed destination.

(ii) If the request for authorization of non-return of the aircraft is approved, the Office of Export Control will stamp the letter of request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. If the request is not approved, the applicant will be advised by letter.

§ 371.20 General License GMS; shipments under the Mutual Security Act.

(a) A general license designated GMS is established authorizing the export of commodities sold by the U.S. Department of Defense to a foreign government, other than the government of a country included in Country Group S, W, Y, or Z, under the provisions of the Mutual Security Act of 1954, Public Law 665, 83d Congress, approved August 26, 1954 (68 Stat. 832), as amended. In addition to entering the symbol GMS on the shipper's export declaration (see § 371.2 (b)), the MSMS (Mutual Security Military Sales) case number assigned by the Department of Defense to the transaction shall be entered on the declaration.

(b) The following completed destination control statement is required on each copy of the shipper's export declaration, bill of lading, and invoice covering a shipment under this General License GMS:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

(c) The alternative forms of the destination control statement set forth in § 386.6 (d) (2) and (d) (3) are not applicable to such shipments and will not be accepted.

§ 371.21 General License GTDA and GTDR technical data.

(See §§ 379.3 and 4.)

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

Sec.

372.1 General provisions.
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372.3 Parties to the transaction.
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372.12 Special provisions for an amendment to extend the validity of license.
372.13 Special provisions for transfer of licenses to another party.

AUTHORITY: The provisions of this Part 372 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 FR 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 372.1 General provisions.

(a) *Scope.* The provisions of this part and all of the other provisions of the Export Control Regulations (insofar as consistent with the provisions of this part) shall apply to individual export licenses issued by the Office of Export Control and applications therefor. The provisions of this part shall also apply to other types of validated licenses and applications therefor, consistent with the provisions of Parts 373 through 399, inclusive. The Office of Export Control does not issue export licenses for commodities and technical data subject to the export licensing jurisdiction of other Government agencies as listed in § 370.10.

(b) *Exports requiring validated licenses.* No commodity or technical data subject to the Export Control Regulations may be exported to any destination without a validated license issued by the Office of Export Control, except where the export is authorized by a general license or other authorization by the Office of Export Control.

(c) *Responsibility of licensee.* Any applicant to whom an export license is issued becomes the licensee. He will be held strictly accountable for the use of the license, whether as a principal exporting for his own account or as an agent, including an agent acting for the account of a foreign principal who is not subject to the jurisdiction of the United States. The licensee assumes responsibility for actually effecting the export, for proper use of the license, and for due performance of all its terms and conditions.

(d) *Legal liability for violations.* Insofar as legal liability for any violation of the Export Control Law and Export Control Regulations is concerned, every person who, in any capacity, participates in fact in an export knowing it to be unauthorized may be held to account, whether or not he appears as the party on the application for the export license. (See Part 387.)

§ 372.2 Types of validated licenses.

(a) *Definition.* A "validated license" is a document issued by, or under the authority of, the Office of Export Control, authorizing a specific export. Wherever reference is made in this part to a license application or to a license issued upon application, the reference is to a validated license, as distinguished from the general licenses established in Part 371, for which no applications are required and no license documents are issued.

(b) *Types.* The types of validated licenses are:

[1] Also see § 371.14, General License GLC.

(1) An "individual license" is any validated license, other than those named in subparagraphs (2) through (5) of this paragraph, authorizing the export of technical data or a specified quantity of commodities during a specified period to a designated consignee.

(2) A "Project License" (§ 373.2) authorizes the export of commodities (and technical data where specifically authorized) required for a specified activity for a period of approximately 1 year from the issuance of the license.

(3) A "Periodic Requirements License" (§ 373.5) authorizes the export during a 1-year period of one or more commodities identified by the symbol "E" in the last column of the Commodity Control List (§ 399.1) to one or more named ultimate consignees in a named ultimate destination.

(4) A "Time Limit License" (§ 373.6) authorizes the export of an unlimited quantity of commodities for a period of 1 year to one or more ultimate consignees located in Country Group T.

(5) A "Distribution License" section 373.3 authorizes the export of certain commodities to approved consignees in one or more of 12 specified countries during a period of 1 year. The consignees must be foreign distributors or users of the licensed commodity.

§ 372.3 Parties to the transaction.

(a) *Disclosure requirement.* (1) The applicant for a validated export license is required to make the fullest disclosure of all parties in interest to the transaction so that a decision on the application may be made with the fullest knowledge of all relevant facts and so that the identity and location of the persons who know the most about the transactions may be easily ascertained in the event of inquiry.

(2) The applicant must disclose fully on the license application the names of all the parties who are concerned with or interested in the proposed export. This includes all parties participating on their own account: the applicant as exporter, the ultimate consignee, the intermediate consignee, and the purchaser, all as defined in paragraph (b) below. If the application is filed for an account other than that of the applicant, the agent, as applicant, must disclose the name of his foreign principal.

(3) Where more than one person in a transaction can fairly be described as being a principal, the application should be accompanied by a statement giving the names and addresses of all such persons and their roles in the transaction. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant must disclose the names of all such persons and the functions to be performed by each. For this purpose a separate statement attached to the application will be acceptable.

(b) *Definitions of parties in interest*—(1) *Applicant.* (i) The applicant should be that person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities or technical data out of the country and is thus in reality the exporter. For this purpose, it is the identity of the applicant and his role in the transaction, and not the terms of sale, with which the Office of Export Control is primarily concerned.

(ii) A license application may be made only by a person subject to the jurisdiction of the United States who is in fact the exporter, or by his duly authorized agent. An application may be made on behalf of a person not subject to the jurisdiction of the United States by an authorized agent in the United States, who then becomes the applicant.

(iii) Ordinarily, a seller who delivers commodities in this country to a foreign buyer, or to the latter's forwarder or other agent, would not be in a position to assume responsibility for the export and would not be a proper applicant. This would normally be the situation where sale is made f.o.b. factory, although such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the export.

(iv) If the seller intends to leave the responsibility for effecting export in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, the foreign importer should apply for the license in his own name if he is subject to the jurisdiction of the United States at the time of export. Otherwise, the importer's forwarding or purchasing agent shall appear as applicant and exporter and shall disclose his role as agent and the name of his principal.

(2) *Ultimate consignee.* The ultimate consignee is the person located abroad who is the true party in interest in actually receiving the export for the designated end use. A bank, freight forwarder, forwarding agent, or other party, when acting as an intermediary, is not acceptable as the ultimate consignee.

(3) *Intermediate consignee.* The intermediate consignee is the bank, forwarding agent, or other intermediary (if any) who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the export to the ultimate consignee. If the intermediate consignee is unknown at the time of application or none is to be used, this must be stated on the application. If, at the time of filing his application, an exporter is unable to determine at which port the commodities will be unloaded from the exporting carrier, optional intermediate consignees may be shown. Before any shipment will be cleared for export, the name and address of any intermediate consignee must be ascertained and set forth on the shipper's export declaration, whether or not named on the license application or validated license. However, the intermediate consignee need not be named on the commercial invoice. (See § 372.11(e)(3) regarding amendment of license to add or change intermediate consignees.)

(4) *Purchaser.* The purchaser is that person abroad who has entered into the export transaction with the applicant to purchase the commodities or technical data for delivery to the ultimate consignee. A bank, freight forwarder, forwarding agent, or other intermediary is generally not acceptable as the purchaser.

(5) *Order party.* The order party is that person in the United States who conducted the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and who, as a result of these negotiations, received the order from the foreign purchaser or ultimate consignee.

§ 372.4 How to apply for a validated license.

(a) *Form and manner of filing*—(1) *Application form and processing card.* An application for a validated license must be submitted on Form FC–419, Application for Export License (Rev. Jan. 1966), accompanied by Form FC–420, Application Processing Card (see Supplements S–1 and S–2 for facsimiles). An application which omits essential information, or is otherwise incomplete, or is not accompanied by Form FC–420 completely and correctly filled in, will be returned without action to the applicant. Copies of these forms may be obtained at all U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(2) *Requirements set forth on forms.* All terms, conditions, provisions, and instructions, including the applicant's certification, contained in such form(s) are hereby incorporated as a part of the Export Control Regulations.

(3) *Facsimiles of Form FC–419.* Exporters may print facsimiles of Form FC–419 (Rev. Jan. 1966) with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, color, ink, and typographic arrangement.

(4) *Preparation of Form FC–419.* The instructions set forth in Supplement 1 to Part 372[1] apply to the preparation of applications submitted on Form FC–419 for all types of validated export licenses issued by the Office of Export Control, unless modified by special licensing procedures and provisions contained in the Export Control Regulations.

(5) *Preparation of Form FC–420.* A Form FC–420, Application Processing Card, completely and correctly filled in must accompany each license application. (See Supplement S–1 for facsimile.) The applicant's name, date of application, applicant's reference number (if any), country of ultimate destination, Export Control Commodity Number and Processing Number must be the same as the corresponding entries on Form FC–419. Only a brief commodity description is required to be shown on the Form FC–420.

[1] Filed with the Office of the Federal Register.

(b) *Assembly and submission of applications.* (1) All documents or correspondence accompanying the application should bear the applicant's reference number, if any, and be firmly stapled together in the upper left corner of the application.

(2) Form FC-420, typed side up, should be attached with a paper clip (not stapled) to the upper left corner of Form FC-419.

(3) Applications should be submitted (preferably by mail) to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230.

(4) Applications which omit essential information will be returned without action.

(c) *Separate application for each consignee.* Only one consignee may be shown on an individual license application.

(d) *Inclusion of related commodities on a single application.* For each entry on the Commodity Control List (§ 399.1) there is a three-digit number in the column headed "Processing Number." Entries on the Commodity Control List having the same processing number may be included on a single license application. (See §§ 373.4 and 376.8 for exceptions.) Regardless of the processing number, shipments of commodities for relief or charity may be included on a single license application.

(e) *Partial approval.* An application may be approved in whole or in part. However, if specifically requested on the form, the application will be considered as a whole and either approved or rejected in its entirety.

(f) *Partial or periodic shipments*—(1) *General.* Where partial or periodic shipments of technical data or of an identical commodity are to be made by applicant to the same consignee in a foreign country, a single application may be filed covering the entire quantity.

(2) *Shipments by mail.* Only one shipment by mail may be made against a validated license, except as specified in paragraph 386.1(c). If at the time of applying for an export license, an exporter expects to make several shipments by parcel post against one order, he may submit one application and request a separate license for each anticipated partial shipment. The applicant shall indicate in the commodity description column of the application the quantity of each partial shipment and enter across the bottom of that column: "Anticipated Partial Shipments by Mail Against One Order."

(g) *Second applications.* (1) A second application covering the same proposed export shall not be submitted pending action on the first application.

(2) When an application has been returned without action to the applicant and is being resubmitted, a new application ordinarily should not be filed. However, a new application may be submitted if the necessary alterations on the old application would be illegible or too difficult to make. When a new form is submitted, the original application must be attached to the new one.

(3) When a license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the time of resubmission.

(h) *Emergency clearance.* In case of emergency, the Office of Export Control will authorize clearance of an export license by telephone or telegraph to the appropriate customs office. The cost of the telephonic or telegraphic message will be charged to the applicant. In such cases, the license is not sent to the licensee but to the customs office with which the clearance has been authorized. The validity period of a license issued under this emergency procedure ends no later than the last day of the first month following the month during which the license is validated. No extension of the validity period will be granted.

(i) *Inquiries about status of application*—(1) *Waiting time before inquiry.* Applicants should allow a period of 2 weeks after filing a license application before inquiring about its progress. Applications remaining in process at the end of 2 weeks are acknowledged by the Office of Export Control, giving the reason for delay and the case number.

(2) *Address for inquiries.* A request for information concerning applicability of the Export Control Regulations to a specific situation, the status of a delayed case, or any other inquiry concerning export license applications should be addressed to Exporter's Service Section, Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. Such a communication should not be attached to the license application but mailed in a separate envelope. A memorandum or letter attached to a license application should be limited to information about that application only, and should not include an inquiry requiring individual reply.

(3) *Status request form.* An inquiry concerning the status of an application may be made only by the applicant or his authorized agent. The Office of Export Control will not furnish status information to other persons. A status inquiry should be submitted, in duplicate, on Form IA-743-A, Status Request on Export License Application, in accordance with instructions contained thereon, except that the case number item need not be completed. (See Supplement S-12 for facsimile.) Copies of the form may be obtained at all U.S. Department of Commerce field offices (see list on page i under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.) After determining the status of an application, the Office of Export Control will return the form with the requested information. A separate form must be submitted for each application.

(4) *Telegraphic reply.* When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, State, and ZIP code number, must be given, or, if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of such request by the telegraph company. A telegraphic reply will be sent at the expense of the inquirer.

§ 372.5 Additional information.

(a) *Requirements in Export Control Regulations and related forms.* Any person applying for an individual or other type of validated export license shall, in addition to the information required by the Export Control Regulations in connection with such type of license or by the form on which the export license application is made, furnish such information with respect to such application as may be required by the Office of Export Control.[1]

(b) *Identification of information.* Any additional information submitted by an applicant in connection with a license application must be clearly identified as part of such application.

(c) *Supporting information.* A supporting letter should give additional information for only the application to which it is attached.

§ 372.6 Substantiation of facts on application.

(a) *Orders and other material facts.* Except as provided in paragraph (d) of this section, no application for an export license shall be made unless the applicant or order party has documentary evidence in his possession of:

(1) An order for export of the commodities or technical data covered by the application (see paragraph (b) of this section for definition of order and § 372.7(d)(1) for exceptions to order requirement);

(2) Substantiation of the following facts relating to the purchase transaction which the applicant must disclose on the application.

(i) Country of ultimate destination; and

(ii) Names and addresses of the ultimate consignee, intermediate consignee (if any), purchaser (if other than ultimate consignee), and any other party to the purchase transaction, whether principal or agent, including but not limited to brokers, representatives, or other agents through whom the order was received;

(3) Quantity and description of the commodities to be exported;

(4) End use of the export.

(b) *Definitions*—(1) *Order.* "Order" means a communication from a person in a foreign country or his representative expressing an intent to import commodities or technical data from the proposed U.S. exporter or order party as defined in § 372.3(b)(5). While an order must, in any case, be more than a mere business inquiry relating to a possible export, it need not be an agreement that can presently be executed or that would become

[1] Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

a binding contract upon acceptance. Furthermore, an order need not be an unconditional offer to buy. An order, for instance, may be contingent upon certain variable conditions such as market price, time of delivery, availability of the commodities in kinds and quantities desired, and other undetermined factors. Such a contingent offer still constitutes an order within the meaning of these provisions. Similarly, a continuing or "open" order that remains at all times flexible in some respects may be acceptable. If, however, all of the terms of the order are not finally determined before an application is submitted, all negotiations toward the settlement of the terms must have been advanced sufficiently to establish the intent of the person placing the order to consummate the proposed transaction.

(2) *Evidence of an order.* Evidence of an order as used in this section means any document(s) emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the commodities for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(3) *Evidence of facts relating to the purchase transaction.* Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee that relate to statements in the application enumerated in paragraph (a) of this section. Such evidence may be contained in the document(s) constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(4) *Order from foreign agent.* An order from the foreign agent of the U.S. exporter does not qualify as a proper order under this requirement where it is based on an order in the agent's hands from a specific purchaser. The Export Control Regulations require that, in such cases, the purchaser's order must be transmitted to the U.S. exporter. However, an order from the foreign agent of the exporter would be acceptable if the commodities are intended for general resale to presently unknown end users.

(c) *Signature of order party*—(1) *Where to be shown.* The application must be signed by the order party as well as by the applicant if they are different. The order party should be shown in the "Order Party's Certification" item on the application, not as applicant. The license, when issued, will show as licensee only the party shown as applicant on the application.

(2) *When not required.* The signature of the order party is not required in cases where maintenance, repair, or operating supplies are to be exported for use and consumption by the ultimate consignee and not for resale, and where the applicant has complete records and information concerning the transaction(s), including all correspondence between the foreign consignee and the person in the United States who originally received the order, provided the application is supported by one of the following certifications, as appropriate, from the ultimate consignee:

(i) *Single order.*

I (We) certify that _____
(Applicant)
has received and will continue to receive all records and information, including correspondence, regarding the negotiations between _____ and _____
(Order party) (Ultimate consignee)
relating to the export order for maintenance, repair and operating supplies to be used and consumed, but not resold, by the undersigned and upon which the application for an export license dated _____ is based. Any material changes in the information transmitted to the applicant will be promptly communicated to him.

_____ _____
(Date of signing) (Ultimate consignee)

An application supported by a single order certification covering a purchase order for commodities which require more than one application shall contain the following certification:

Instead of an order party signature, this application is supported by a single order certification dated _____ from the named consignee to the applicant and submitted in support of Application No. _____. The shipment set forth on
(Case No.)
this application is covered by that certification.

(ii) *Multiple orders.* If the consignee prefers, he may submit the following multiple certification, in original and one copy, covering all such orders placed by him with the applicant within a period ending on June 30 of the year following the year in which the certification is executed unless an earlier termination date is specified:

I (We) certify that _____
(Applicant)
has received and will continue to receive, all records and information, including correspondence, regarding the negotiations between _____ and _____
(Order party)
_____ relating to the
(Ultimate consignee)
export orders for maintenance, repair, and operating supplies to be used and consumed, but not resold, by the undersigned and which are the basis for all applications for export licenses placed by the applicant on or before _____. Any material changes in the information transmitted to the applicant will also be promptly communicated to him.
(Enter date not later than June 30 of next year)

_____ _____
(Date of signing) (Ultimate consignee)

An application supported by a multiple order certification need not be signed by the order party but must contain the following certification:

Instead of an order party signature, this application is supported by a multiple order certification dated _____ from the named consignee to this applicant and submitted in support of Application No. _____.
(Case No.)

(d) *Export transactions where no order has been received*—(1) *Exceptions to the order requirement.* If no order has been received, or if an inquiry has been received that does not clearly meet the requirements of an order as defined in paragraph (b)(1) of this section, the Office of Export Control will consider granting an exception to, or a waiver of, the order requirement where the applicant is able to show that an exception is warranted. Some examples of reasons which, if fully substantiated, might warrant an exception are:

(i) An unusual expenditure of time, money, or technical skill, in excess of ordinary sales expenses, is necessary before negotiations for an order may be pursued and before a bid can be submitted or an order obtained.

(ii) The applicant is under an unusual obligation to export immediately the commodities or technical data covered because of a special trade or industry practice.

(iii) The export involves a sample, gift, relief, or charitable shipment, or other shipment where an order is not normally, an element of the export transaction.

(iv) An applicant requesting such exception should submit with his application all required supporting documentation whenever possible; a statement explaining in full the reason(s) for the requested exception; and a certification that the transaction does not meet the requirements of either a Periodic Requirements License (PRL) or a Time Limit License (TL). If it is not possible to obtain the required documentation at the time the waiver request is submitted, these supporting documents shall, nevertheless, be submitted as soon as they are obtainable. If the exception request is granted, the license, if issued, may include certain conditions or limitations to the export.

(2) *Inquiry regarding prospects of obtaining license or other authorization.* The Office of Export Control gives a formal licensing decision only through the issuance of a license or other appropriate document based upon the actual submission of a formal application or other formal request setting forth all of the facts relevant to the export transaction and supported by all required documentation. Upon request, however, the Office of Export Control will, if practicable, provide a preliminary opinion on the outlook for approval of a prospective transaction with respect to particular commodities and destinations. If the negotiations of the terms of an export order depend upon an indication of the prospects of obtaining an export license covering the transaction, the person proposing to export may submit an inquiry, before filing a license application describing the proposed transaction in full detail and explaining why an advisory opinion is needed in advance from the Office of Export Control.

(e) *Retention of records.* The documents constituting evidence of any of

the following shall be kept and made available for inspection in accordance with the provisions of § 387.11.

(1) An order;

(2) The facts relating to the purchase transaction as defined in paragraph (b)(3) of this section; or

(3) Other transactions referred to in paragraph (d)(1) of this section.

(f) *Copies of documents.* The Office of Export Control may request either the originals or copies of the documents constituting evidence of an order. The time and manner of submission will be made known to the applicant at the time the request for submission is made. In accordance with § 375.5, all documents submitted in connection with a license application must be identified clearly as a part of that application, all terms and abbreviations must be explained, and an English translation of documents in a foreign language must be attached.

(g) *Changes in facts.* Answers to all items on the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the order, or in the facts relating to the purchase transaction or other transaction, shall be promptly reported to the Office of Export Control, whether a license has been granted or the application is still under consideration. If a license has been granted, such changes shall be reported immediately to the Office of Export Control, in accordance with the provisions of § 372.7(b), even though shipments against the license may be partially or wholly completed. Change in intermediate consignee must be reported on the Shipper's Export Declaration, and in certain cases an amendment to the export license is required. (See § 372.3(b)(3) and § 372.11(e).)

§ 372.7 Disclosure of prior action on the shipment.

Any license or amendment obtained without disclosure of the facts set forth in paragraphs (a) and (b) of this section where applicable, shall be deemed to have been obtained without disclosure of all facts material to the granting of the license or amendment, and the license and amendment so obtained shall be void.

(a) *Detention of commodities or technical data by customs.* Any exporter or his agent making application to the Office of Export Control for an export license or requesting an amendment [1] to an existing license, who knows or has reason to believe that a customs officer has detained commodities or technical data that would be exportable under such license or amendment, if granted, shall disclose this fact to the Office of Export Control at the time of application.

(b) *Export without a license.* No license application or amendment request shall be submitted to the Office of Export Control covering a shipment that is already laden aboard the exporting carrier or exported. If such export should not have been made without first securing a validated license authorizing the shipment, the exporter shall send a letter or telegram to the Investigations Division, Office of Export Control (Attention: 848), U.S. Department of Commerce, Washington, D.C. 20230, explaining why a validated license was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the license application or amendment request. The Office of Export Control will inform the exporter of its action and furnish instructions to him by letter.

§ 372.8 Special types of individual license applications.[1]

(a) *Intransit shipments—(1) Information required on application.* A license application for commodities moving intransit through the United States which may not be exported under the provisions of General License GIT [2] shall include the following information in the "Additional Information" item of the application or on an attachment:

(i) The name and address of the foreign consignor who shipped the goods to the United States;

(ii) A statement that the shipment is wholly of foreign origin; and

(iii) The notation "Intransit Shipment."

(2) *Evidence of foreign government approval.* The applicant should submit available evidence showing the approval or acquiescence of the exporting country (or the country of which the exporter is a resident) with respect to the proposed ultimate destination of the shipment. Such evidence may be in the form of a Transit Authorization Certificate or other document.

(3) *Applicability of special provisions.* Except for a shipment originating in Canada, the application must be accompanied by the document applicable to the country of ultimate destination; e.g., an Import Certificate, a Consignee/Purchaser Statement, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate, as appropriate (see Part 375 for details on these documents).

(4) *Limitation on use of license.* A license issued under this section will be valid only for the export of an intransit shipment wholly of foreign origin and for which a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I.E.) customs entry is outstanding. In clearing an intransit shipment under a validated license, the customs officer may, at his discretion, require the licensee to submit a copy of the transportation and exportation customs entry or an Immediate Exportation customs entry covering such shipment.

(5) *Destination control statement.* A shipment of foreign-origin commodities moving intransit through the United States under a validated license must comply with the destination control provisions of § 386.5. Under these provisions all copies of the intransit Shipper's Export Declaration presented to the customs office at the port of export must contain the destination control statement. In addition, the destination control statement must be shown on all bills of lading and commercial invoices in the possession of, or sent to the ultimate consignee or purchaser by, the shipper, exporter, carrier, and agent in the United States.

(b) *Commodities transiting Country Group Y or Z en route to any other destination—(1) Information Required on Applications.* A license application to export any commodity that will be unladen from a vessel or aircraft in Country Group Y or Z or which will move in transit through Country Group Y or Z en route to Canada or a destination in Country Group T, V, W, or X shall be prepared on Form FC–419 in accordance with the instructions contained in Supplement No. 1 to Part 372, with the following modifications:

(i) Where the intermediate consignee in the Group Y or Z country of unlading or transit is unknown at the time of filing the license application, the Group Y or Z country of unlading or transit shall be shown in the "Additional Information" item of the application or on an attachment by a statement such as:

(ii) "To be transshipped at (name of transshipment point) and destined to (name of country)"; or, "To be shipped to (name of country of destination) via (name of country)."

(2) *Designation of intermediate consignee.* Except as set forth below, a validated license issued under the provisions of this paragraph 372.8(b) will name the intermediate consignee in the Group Y or Z country of unlading or transit approved by the Office of Export Control.

(Transshipment authority does not relieve any person from complying with foreign laws. See § 374.9.)

(3) *Intermediate consignee unknown.* Where the license application indicates that the intermediate consignee in the Group Y or Z country of unlading or transit is unknown, the license will name the Group Y or Z country of unlading or transit approved by the Office of Export Control. However, the exporter is obliged to obtain an amendment of the export license before shipment is made in those instances where the license does not include the name of the intermediate consignee in the Group Y or Z country of unlading or transit.

(c) *Commodities exported for exhibition, demonstration, or testing purposes—(1) Applicability.* General License GTF–F (see § 371.16) authorizes, under certain conditions, the temporary export of commodities for display at foreign exhibitions or trade fairs.

(i) The provisions of this § 372.8(c) apply to the export of a commodity not eligible for a general license and therefore requiring a validated license when exported for display at a trade fair or other exhibition, or for demonstration, or testing purposes, with the exporter retaining title to the commodity and intending to return the commodity to the United States, forward it to another trade fair, exhibition, demonstration or testing site, or sell it abroad to a yet undetermined purchaser.

(ii) The term "testing," as used in this paragraph (c), includes the testing of the commodity being exported from the United States as well as its use in testing other commodities (e.g., instruments and/or equipment exported for testing aircraft engines).

(2) *Submission of application.* An application for an export license covering an export described in subparagraph (1) of this paragraph does not require the usual supporting documentation issued by either the consignee or the country of ultimate destination. Instead, the application shall include the following statement in the item entitled "Additional Information" or on an attachment:

> The commodities described on this application are to be exported for display at (official name of trade fair or exhibition) or for (demonstration or testing) to be held at (street address, city, and country) and returned to the United States at the conclusion of such (display, demonstration or testing). If these commodities are not returned to the United States at the end of the (trade fair) (exhibition) (demonstration) (test) they will not be (displayed, demonstrated, tested) or otherwise disposed of without prior written authorization from the Office of Export Control.

In addition, since the applicant retains title to the commodities, he shall be shown on the application as the ultimate consignee, in care of the person who will have custody of the commodities abroad.

(3) *Return of commodities to the United States.* Where commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in Country Group S, W, Y, or Z, the applicant shall notify the Office of Export Control, in writing, of the case number shown on the related U.S. validated export license, the customs import entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any part of the commodities were returned to the United States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification sent to the Office of Export Control for each partial return until the entire shipment described on the related export license is returned.

(4) *Commodities not returned to the United States.* If it is decided that the commodities are not to be returned to the United States, a letter shall be sent to the Office of Export Control (Attention: 854) requesting authorization to dispose of the commodities. The letter request shall include the license number, case number, ultimate destination, commodity description, Export Control Commodity Number, quantity, and value, as well as the proposed disposition of the commodities and the name, address, and identity of each party to the transaction. In addition, except where the commodities are to be displayed at another trade fair or exhibition, or transferred to another destination for demonstration or testing, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination.

(5) *Action by Office of Export Control.* If the request is approved, the Office of Export Control will validate and issue Form IA–L–196, Authorization to Dispose of Commodities Exported for Exhibition, Demonstration, or Testing Purpose (see Supplement S–11 for facsimile). If the request is not approved, the Office of Export Control will advise the applicant by letter. If it is subsequently desired to make any other use or disposition of the commodities not authorized by the validated Form IA–L–196, a properly documented written request for amendment of the form shall be submitted. (Reexport or distribution authority does not relieve any person from complying with foreign laws. See § 374.9.)

§ 372.9 Issuance of validated licenses.

(a) *General.* When a license application is approved by the Office of Export Control, a license is issued on Form FC–628, Export License. Although an export license may not set forth all the facts relating to the transaction as they appeared in the license application and supporting documents, any validated license issued authorizes only the specific export transaction described in the application and supporting documents, unless otherwise specifically provided by the license or the Export Control Regulations.

(b) *Issuance of license document.* When a license application is received in the Office of Export Control it is assigned a case number for identification purposes. This number is not the license number. After an application is approved, the covering license is issued on Form FC–628 (with continuation sheets, where necessary). This document is then validated and identified by a license number comprised of a letter and a series of digits which appear in the upper right hand corner of the license, representing the last digit of the year, the month and day, plus a serial number for the use of the Office of Export Control (e.g., C9–611–60161 represents the validation date of June 11, 1969, plus the Serial No. 60161). Where necessary, license continuation sheets and other attachments to a license will also be validated, using a number beginning with D and followed by the date of validation. Exporters are cautioned to use the complete license number when preparing Shipper's Export Declarations or other export documents or when requesting services from the Office of Export Control.

(c) *Units of Quantity.* Where no unit of quantity is shown in the "Unit" column of the Commodity Control List (§ 399.1), commodities are licensed in terms of the total dollar value as shown on the license. To consider a license application for such commodities, the Office of Export Control requires that the unit of quantity commonly used in the trade must be shown on the application. Although the same terminology may appear on the license, the quantity of the commodities authorized for export in such instances is, nevertheless, limited entirely by the total dollar value shown on the license.

(d) *Validity of license—(1) Six-month validity period.* Unless otherwise stated on the face of the license, export licenses will be issued for a validity period ending on the last day of the sixth month following the month during which the license is validated; e.g., a license issued on January 12 would expire on July 31. If the validity period expires on a day when the Customs Office is not open for business, the validity period shall automatically be extended to midnight of the first day of business following the expiration date.

(2) *Special provisions.* If special provisions for any commodity include terms regarding the validity period of an individual export license, these will be found in Part 376.

(3) *Revocations, suspensions, or revisions.* Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations.

(e) *Reports.* Any person to whom a validated license has been issued shall file with the Office of Export Control such reports as the Office of Export Control shall, from time to time, require.[1]

(f) *Return of revoked, expired, or unused license.* If a license is revoked or expires or if shipment is not to be made, the license shall be returned immediately to the Office of Export Control with a notation explaining the reason for such return. If the license is not in his possession at that time, the licensee shall so notify the Office of Export Control.

§ 372.10 Duplicate license.

Where a license is lost or destroyed, the licensee may obtain a duplicate of such license by submitting a letter to the Office of Export Control (Attention: 854), containing the following information:

(a) That the original license assigned case number ------ and Export License number ------ (if known) issued to (name and address of licensee) has been lost or destroyed;

(b) The circumstances under which it was lost or destroyed;

(c) The quantity and value of commodities, if any, that have been shipped under the original license and at what port the license was filed; and

(d) If the original license is found, the licensee agrees to return either the original or duplicate license to the Office of Export Control.

(e) Where partial shipment has been made, the duplicate license will cover the unshipped balance and will be mailed directly to the customs office at the port where the license was filed.

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[1] See § 372.11 with respect to amendments to licenses and extensions of their validity periods.

[2] For intransit shipments under General License GIT, see § 371.4; and for special clearance procedures applicable to intransit shipments, see § 386.3(t).

[1] Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 372.11 Amending export licenses.

(a) *Persons authorized to amend licenses.* No amendments or alterations of outstanding export licenses may be made except by the U.S. Department of Commerce or by customs officers or postmasters acting under specific instructions from the U.S. Department of Commerce.

(b) *General provisions.* The Office of Export Control will consider for approval a request to amend an outstanding export license for the purpose of conforming it to changes which have taken place in the original transaction, provided that the change is not of such significance as to constitute a new transaction.

(c) *Amendments of pending license applications.* A request to amend a pending license application may be submitted at any time. The amendment procedure set forth in this § 372.11 shall be followed with respect to these requests. The request shall include the applicant's reference number, date of application, commodity, country of destination, case number if known for the purpose of identifying the application, and reasons for the request.

(d) *Changes requiring a new license application.* Except for changes to a project license, the following types of changes are considered to be of such significance as to constitute an essentially new transaction and therefore require a new license application:

(1) Country of ultimate destination.

(2) Ultimate consignee (except as indicated in paragraph (e)(2) of this section).

(3) Commodity.

(4) Increase in the quantity or value of a Periodic Requirements License during the last 6 months of the validity period of the license (see § 373.5).

(e) *Changes that may be made by amendment.* The changes that may be made by amending an outstanding license include, but are not limited to, the following:

(1) Purchaser, if the change in purchaser does not also effect a change in ultimate consignee.

(2) Ultimate consignee, if the change is made (i) to identify correctly the same ultimate consignee named in the license; or (ii) to add one or more new consignees to an outstanding Project License, Periodic Requirements (PRL) License, Time Limit (TL) License or, Distribution License; or (iii) to designate a new consignee when the purchaser instructs that shipment be made directly to the ultimate user, provided that all documents required from the ultimate user, such as a consignee/purchaser statement, are submitted to the Office of Export Control either with the original application or with the amendment request.

(3) Intermediate consignee, if the new intermediate consignee (i) is either located in a country other than the country of ultimate destination shown on the license or is located in the country of ultimate destination and an amendment request is submitted in accordance with the provisions of § 386.4, or (ii) if, pursuant to notice from the Office of Export Control, the customs officer requires the submission of an amended license showing the new intermediate consignee.

(4) Increase in quantity or price, except for a Periodic Requirements License (see § 386.7 for allowable shipping tolerances).

(5) Extension of the validity period of the license, except for a Periodic Requirements License (see § 373.5) or a Distribution License (see § 373.3).

(6) Correction of a clerical error on the part of the Office of Export Control.

(7) Correction of a clerical error on the part of the applicant and not covered by paragraph (f) of this section.

(8) Change of licensee (in accordance with the provisions relative to transfer of licenses set forth in § 372.13).

(f) *Changes which require neither amendment nor new license.* The following changes do not require a new license, an approved amendment, or any other notification to the Office of Export Control:

(1) Change in applicant's reference number.

(2) Decrease in unit price or total value.

(3) Other changes in price (see paragraph (j) of this section).

(4) Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination as shown on the export license, except (i) a change in or addition of an intermediate consignee involving a consolidated shipment (see § 386.4), or (ii) in any case where, pursuant to a notice from the Office of Export Control, the customs office requires an amendment.

(5) Change in address of purchaser or ultimate consignee if the new address is located within the same country shown on the license.

(6) Change in Export Control Commodity Number, unit of quantity, or wording of the commodity description (where necessary only for the purpose of conforming to an official revision in the Commodity Control List). This does not cover an actual change in the commodity to be shipped or the quantity licensed, for which amendments are required.

(g) *Where to File*—(1) *General.* All requests for amendments to licenses may be filed with the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. However, certain types of amendments described in (2) below may be requested from the following named field offices of the U.S. Department of Commerce:

Boston.	New Orleans.
Chicago.	New York.
Cleveland.	Philadelphia.
Dallas.	Phoenix.
Detroit.	Portland, Oreg.
Houston.	San Francisco.
Jacksonville.	Savannah.
Los Angeles.	Seattle.
Miami.	

(2) *Amendments on which field offices may take action.* With the exceptions set forth in subparagraphs (3) and (4) of this paragraph, the Department of Commerce field offices listed above are authorized to take action on requests to amend licenses of the following types only:

(i) Extension of validity period.

(ii) Correction of certain types of obvious errors due to mistakes in typing licenses, such as misspelled words, errors in price extension or computation, and errors in unit of quantity if the correction does not change the total quantity.

(iii) Change in quantity or dollar value, within the limits of specified small percentages of the licensed quantity or value, where required as a result of factors beyond the control of the licensee, such as unforeseen overruns of the mill.

(iv) Change of licensee's address.

(v) Change in or addition of intermediate consignee (see paragraph (e)(3) of this section and § 386.4).

(3) *Amendments or extensions of licenses on which field offices may not take action.* Department of Commerce field offices are not authorized to take action on requests for amendments under the following conditions:

(i) Amendment or extension of a license covering an export to Country Group S, Y, or Z other than changes involving no more than a correction of obvious error(s) in the license, such as a mistake in typing.

(ii) Amendment of a license where the intended port of export is not known to the licensee.

(iii) Amendment or extension of a license for a shipment which has already been laden aboard the exporting carrier or exported (see § 372.7(a)).

(iv) Amendment or extension of a Project License.

(v) Amendment or extension of a license to export any quota commodity listed in Supplement No. 1 to Part 377.

(vi) Amendment or extension of a Technical Data License.

(vii) Amendment or extension of a license to export commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in Part 378.

(4) *Duplicate request covering same license.* A request for amendment shall not be submitted to or acted upon by any Department of Commerce field office if a request to amend the same license is pending with or has been denied by the Office of Export Control or by any other field office.

(h) *Procedure for submitting amendment requests*—(1) *Number of copies.* An amendment request shall be submitted in triplicate on Form IA-763, Request for and Notice of Amendment Action. (See Supplement S-4 for facsimile.)[1] However, when such request is filed with one of the field offices listed in paragraph (g)(1) of this section, a fourth copy is required, which may be made on plain, thin, white paper. A request for amendment by letter will not be accepted. (See paragraph (h)(4) of this section with regard to emergency situations.)

(2) *Information required.* All numbered items shown on Form IA-763 must be completely filled in on all copies, unless otherwise stated on the form.

(i) The reasons for requesting the amendment must be clearly stated in the item entitled "Facts Necessitating Amendment." (For amendments to a license covered by an Import Certificate Swiss Blue Import Certificate, Yugoslav End-Use Certificate, or consignee/purchaser statement, see paragraphs (k) and (l) of this section).

(ii) The licensee shall not retain the license when submitting an amendment request except requests related to a Project License or Distribution License. Where shipment is to be made through customs, the address of the customs office with which the license has been deposited shall be entered in the item entitled "License Has Been Deposited With." If the exporter does not know the intended port of export, he shall enter the word "Unknown" and return the license to the Office of Export Control with his request for amendment. Where shipment is to be made by mail, the license shall accompany the request for amendment; a postmaster or post office address is not acceptable.

(iii) In completing the item entitled "Amend License To Read As Follows," the applicant shall identify that portion of the license upon which amendment is requested and insert the proposed change.

(iv) Disclosure of prior action on the shipment: Any person making application for an amendment to an export license (including extension of validity period) shall disclose to the Office of Export Control at the time of the request any information regarding prior action on the shipment as explained in § 372.7.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, shall be placed on the original of Form IA-763 in the item entitled "Signature." When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, attorney, or any other authorized individual, the licensee's name shall be shown, followed by the word "By" and the signature and title of the authorized officer or agent.

For example:

Joseph Aloysius Jones, By: Hamilton Newbold, Agent.

(4) *Telegraph and telephone requests and clearances.* Under emergency conditions, an amendment request may be made by telegram or telephone, and the licensee may ask that the amendment, if approved, be forwarded to the customs office by telegram or telephone, the cost of the telegraphic or telephonic message being charged to the licensee. In such instances, the telegram or telephone call shall include the same information as required to complete a Form IA-763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IA-763 but emergency clearance is requested, a letter setting forth the required details shall accompany the amendment request. If the amendment is approved, the Office of Export Control will so advise the applicant and the customs office. However, before the customs office will release the shipment under the amended license, the applicant must file a completed and signed Form IA-763 with the customs office.

(i) *Action on amendment request*—(1) *By Office of Export Control*—(i) *Approved.* The Office of Export Control will validate all copies of an approved Form IA-763 by imprinting, in the space entitled "Validation", a facsimile of the U.S. Department of Commerce seal followed by the letter "D" and a series of numbers indicating the year, month, and day of validation. If the license is on file with a customs office, the duplicate copy will be forwarded as the official notice of amendment to the office designated in the item entitled "License Has Been Deposited With." The triplicate copy will be forwarded to the individual named in the item entitled "Return Copy of Amendment Notice To." If the license accompanies an amendment request and the amendment is approved, the Office of Export Control will either amend the original license or issue a new license and will forward same to the individual named in the item entitled "Return Copy of Amendment Notice To."

(ii) *Rejected or returned without action.* When a request is rejected or returned without action, the reason(s) therefor will be indicated on the triplicate copy of Form IA-763 or on an attachment, and the triplicate, plus any attachments, will be returned to the individual named in the item entitled "Return Copy of Amendment Notice To." The license (if submitted with the request) will also be returned unless it has expired or the rejection or return without action requires that it be canceled.

(2) *By field office*—(i) *Approved.* Amendment requests approved by a U.S. Department of Commerce field office will be validated in a different manner than those approved by the Office of Export Control. The facsimile of the U.S. Department of Commerce seal and the name of the field office will be inserted in the space entitled "Validation" by means of a validating machine and plate, and the amending officer will sign and date Form IA-763. The duplicate of the approved form will be sent to the appropriate customs office (together with the export license if submitted with the request) as the official notice of amendment. The triplicate will be sent to the party named in the item entitled "Return Copy of Amendment Notice To."

(ii) *Rejected or returned without action.* When a request is rejected or returned without action, the amending officer will indicate the reasons therefor in the space entitled "For Official Use Only," sign, date, and identify the field office. The triplicate, together with an attachment, will be sent to the individual named in the item entitled "Return Copy of Amendment Notice To."

(j) *Price amendments.* (1) An export license shall be amended for (i) any upward change in unit price or total value shown on the license, if the commodity is licensed by dollar value (those commodities on the Commodity Control List (§ 399.1) which do not show a specific unit of quantity are licensed by dollar value); or (ii) an upward change in unit price or total value in excess of 25 percent beyond that shown on the license, if the commodity is licensed in units other than dollar value, except the following, which do not require approval from the Office of Export Control:

(a) Where the licensee uses the permissible shipping tolerances see § 386.7. In such cases, the total value for the commodity shown on the Shipper's Export Declaration may exceed the total value shown on the license to the extent set forth in § 386.7. However, the unit value shown on the license may not be increased, except in accordance with paragraph (1)(i) above.

(b) Where a price increase can be justified to the customs officer on the basis of changes in point of delivery, port of export, or as a result of transportation cost, drayage, port charges, warehousing, etc.

(c) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license; or

(d) Where a change involves a reduction in price and the commodities are (1) licensed by units of quantity, or (2) licensed by dollar value, provided in the latter case that the value shown on the declaration shall not exceed the total value shown on the license, except as described in subparagraph (1)(i) of this paragraph.

(k) *License covered by an International Import Certificate, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate*—(1) *Import Certificates.* A request to amend an export license covering a commodity subject to an International Import Certificate (§ 375.1), Swiss Blue Import Certificate (§ 375.3), or Yugoslav End-Use Certificate (§ 375.4) that changes any party to the transaction named on the license or increases the net quantity set forth on the license, shall be accompanied by a new or appropriately amended document if the proposal is not in accordance with the document previously submitted. If a proposed quantitative amendment is in accordance with the previously submitted document, the request shall include the following certification:

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity authorized under the (name of country) (Import Certificate) (End-Use Certificate) (Import License) number ------.

(l) *Licenses covered by consignee/purchaser statements.* (1) A new Form

[1] Form IA-763 is printed in quadruplicate sets so as to provide a copy for the applicant's file. These forms may be obtained at all U.S. Department of Commerce field offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

FC–842, Single Transaction Statement by Consignee and Purchaser, or a new Form FC–843, Multiple Transactions Statement by Consignee and Purchaser, shall accompany a request for an amendment of an export license which proposes a change in the consigee or purchaser in the transaction named in the export license if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted.

(2) A new Form FC–842, or a letter, wire, or cable from the ultimate consignee and purchaser if applicable, confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Form FC–842 previously submitted. If a proposed quantitative amendment is in accordance with the previously submitted Form FC–842, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number ——, if granted, will not exceed the total covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

(3) Where the export license is based on a Form FC–843, Multiple Transactions Statement by Consignee and Purchaser, an additional Form FC–843 is not required from the consignee or purchaser to support a proposed license amendment for an increase in quantity. In lieu thereof, the following certification shall be entered on Form IA–763, Request for and Notice of Amendment Action:

I (We) certify that the license(s) described in Item 2a (is) (are) supported by a Multiple Transactions Statement.

§ 372.12 Special provisions for an amendment to extend the validity of license.

A request to extend the validity of a license must be made on Form IA–763 in the same manner as any other amendment request.

(a) *Time for submitting requests.* Except for a license issued under the emergency clearance procedure (see § 372.4(h)), a request may be made to extend the validity of a license that will expire before complete shipment is made against it. An extension request shall be submitted sufficiently in advance of the license's expiration date to permit the Office of Export Control to use regular mail in notifying the licensee and the customs office holding the license before the license would otherwise expire. However, where unusual circumstances make it impossible for the licensee to request an extension before the normal expiration date, such a request will be considered if received within one month after the license has expired. If a license does not meet the above qualifications, a new license application shall be submitted in accordance with paragraph (d) of this section.

(b) *Procedure and justification for requesting extension.* The request shall be accompanied by the expiring license unless it has been filed with a customs office. In the latter case, notification of approval shall be given to the customs office. If the expiring license does not accompany the extension request, the applicant shall include the following information on Form IA–763:

(1) In the item entitled "Facts Necessitating Amendment," state why shipment was not or will not be made before the expiration of the license and all circumstances which will assure that shipment can be effected during the extended validity period requested. If partial shipment has been made, indicate quantity and value.

(2) In the item entitled "Amend License to Read as Follows," state whether the license has been previously extended. If so, give date(s) and duration of such extension(s) and office (Office of Export Control or field office) which approved the extension(s).

(3) The information described in this paragraph shall also be included when, in emergency situations, an extension request is submitted by telegram or telephone (see § 372.11(h)(4)).

(c) *Length of extension.* Generally, the length of an extension is limited as follows:

(1) *One extension.* No single extension will be granted for a length of time greater than the original validity period set forth on the license.

(2) *Two or more extensions.* The total length of time of all extensions granted for any one license will not be more than 1 year beyond the expiration date shown on the license. For example, if a license is originally valid for 6 months, extensions may be granted which total up to 12 months beyond the original expiration date, but no one extension will be for more than 6 months. A license originally valid for 1 year may be extended for 1 year in total, either in a single extension action or in two or more extension actions.

(d) *New license application to replace expiring or expired license.* Where an application is submitted for a new license to replace an expiring or expired license, the applicant shall (1) indicate on the new application that it is being submitted to replace (expiring) (expired) export license bearing case number (insert number), and (2) submit new documentation in the following circumstances: (i) if current Export Control Regulations require the application to be supported by a consignee/purchaser statement, a new consignee/purchaser statement must be furnished unless a current Form FC–843, Multiple Transactions Statement by Consignee and Purchaser is already on file in the Office of Export Control; (ii) if current Export Control Regulations require the application to be supported by any document which was not submitted with the application upon which the license was based, this document must be furnished; and (iii) if the Office of Export Control requests the applicant to furnish a specific document.

(e) *Action on extension request.* (1) If granted, an extension will be made in the same manner as other amendments. (See § 372.11(i).)

(2) When a customs office holding an expiring or expired license is notified that a request for extension of the license has been filed in accordance with the foregoing provisions, the customs office will hold the license for an additional 30 days after the original expiration date. If the approved extension is not received within 30 days, the customs office will return the license to the Office of Export Control.

§ 372.13 Special provisions for transfer of licenses to another party.

(a) *Authorization.* An export license shall not be transferred from one licensee to any other party except by prior written authorization of the Office of Export Control. Upon request of the original licensee, a transfer may be effected by amending the original license, except as provided below.

(b) *When transfer may be authorized.* A transfer of a license may be authorized to a transferee who is subject to the jurisdiction of the United States, is a principal party in interest, and will assume all powers and responsibilities under the license for the control of the shipment of the commodities or technical data out of the United States. Only one transfer of the same license will be approved.

(c) *Information from transferor and form of request*—(1) *Less than 15 licenses.* (i) When requesting the transfer of less than 15 outstanding licenses, the original licensee shall submit:

(*a*) A completed Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile),[1] in triplicate, for each license(s);

(*b*) The original license(s) if held by the licensee;

(*c*) A signed letter from the person or firm to whom the license(s) is (are) to be transferred as required by paragraph (d) of this section; and

(*d*) The following certification:

The undersigned hereby certifies that, if license number(s) —— is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be made available upon demand and will be retained by me (us) for a period of three years from the time of the export from the United States, or any known reexport, transshipment, or diversion, or any other termination of the transaction whether formally in writing or by any other means, whichever is later. The undersigned will promptly report to the Office of Export Control any material or substantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.

——
(Signature of transferor)

——
(By)

——
(Title)

——
(Date)

(ii) In the item entitled "Facts Necessitating Amendment" of Form IA–763, give the reasons for the requested transfer and state whether or not any consideration has been or will be paid for the transfer. Show the name and address of the proposed transferee in the item entitled "Amend License to Read as Follows."

(iii) If the original license(s) is (are) being held by a customs office at the time the request for transfer is submitted, show the address of that customs office in the item of Form IA–763 entitled "License Has Been Deposited With." The licensee must also submit an additional triplicate (yellow) copy, showing under "Return Copy of Amendment Notice To," the name and address of the original licensee and the name and address of the person to whom the license is to be transferred. This additional copy will be used to notify the transferee of the action taken.

(2) *15 or more licenses.* Where a transfer affects 15 or more outstanding licenses, the original licensee shall submit a written request for such transfer containing the following information:

(i) Either a list of the case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred, and the total number of such outstanding licenses;

(ii) A list showing the case numbers (if known), the applicant's reference numbers, and other information identifying applications pending in the Office of Export Control which are to be transferred;

(iii) Name and address of the proposed transferee;

(iv) Facts necessitating transfer;

(v) A statement as to whether any consideration has been or will be paid for the transfer; and

(vi) The certification set forth in paragraph (c)(1)(i)(*d*) of this section.

(3) *Additional proof.* In addition to the information required under paragraph (c) (1) and (2) of this section, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document and the state where filed or recorded.

(d) *Information from transferee.* The request for transfer from the original licensee must be accompanied by a signed letter from the person to whom the license is being transferred, stating:

(1) That the transferee is a principal party in interest in the transaction covered by the license, or is acting as agent for a principal party in interest;

(2) That the transferee is subject to the jurisdiction of the United States;

(3) That the transferee assumes all powers and responsibilities under the license for the control of the shipment of the commodities or technical data out of the United States;

(4) Whether any consideration has or has not been or will be paid for the transfer;

(5) The name and address of the foreign principal in instances where the transferee will make the export as agent on behalf of a foreign principal; and

(6) In addition, if the license is to be used by a subsidiary or parent corporation of the licensee, or if the licensee has sold or transferred to the new exporter all, or a substantial portion, of his assets or business, the transferee must certify that the legal document or authority under which the change of exporter is effected authorizes and imposes the responsibility on the transferee of accepting and fulfilling the legal obligations of the transferor under the transactions covered by the license to be transferred.

(e) *Notification of transfer*—(1) *Less than 15 licenses.* When a request for the transfer of less than 15 outstanding license is approved, the Office of Export Control validates all copies of Form IA–763 by imprinting, in the space entitled "Validation," a facsimile of the U.S. Department of Commerce seal followed by a five-digit number representing the date of validation. The duplicate is forwarded as the official notice of amendment to the customs office designated in the item entitled "License Has Been Deposited With." The triplicate is forwarded to the individual named in the item entitled "Return Copy of Amendment Notice To." If the request is rejected or returned without action, the reason(s) therefor is indicated on the triplicate copy, which is then returned to the applicant.

(2) *15 or more licenses.* When a request to transfer 15 or more outstanding licenses is approved, the Office of Export Control issues a blanket authorization notifying customs offices that shipments may be cleared for export against such licenses on presentation by the transferee. The transferor and transferee are notified by letter.

[1] Form IA–763 may be obtained at all U.S. Department of Commerce field offices (see list on page 1 under Field Office Addresses), and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

PART 373—SPECIAL LICENSING PROCEDURES

Sec.
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373.3 Distribution license.
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Supplement No. 1—Commodities excluded from distribution license procedure.

AUTHORITY: The provisions of this Part 373 issued under Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 373.1 Introduction.

In order to facilitate the export of commodities requiring a validated license, a series of special licensing procedures is established that may be used, when appropriate, in lieu of the individual export license as set forth in Part 372.

(a) *Relationship to foreign laws.* No authority granted under the provisions of this part to reexport, resell, distribute, transfer, divert, or transship a commodity shall in any way relieve any person from his responsibility to comply fully with the laws, rules, and regulations of the country from which the commodity is to be reexported or of any other country having authority over any phase of the transaction. Conversely, no foreign law, rule, regulation, or authorization in any way relieves any person from his responsibility to obtain such authorization from the Office of Export Control as may be required by the Export Regulations.

(b) *Effect of other regulations.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Control Regulations shall apply equally to applications for licenses and licenses issued under this part.

§ 373.2 Project license.

A project license procedure is established that authorizes exports for a period of 1 year for use in specified activities.

(a) *Commodities, technical data, and activities eligible for project licenses.* The Project License Procedure is applicable if:

(1) The total value of validated license shipments is expected to be $100,000 or more annually;

(2) The commodities to be exported are covered by entries in the Commodity Control List under at least four Commodity Processing Numbers in which the first two digits of each differ from the first two digits of the other three Commodity Processing Numbers. (For example, Processing Nos. 411, 421, 612, and 621 would meet this requirement, while Processing Nos. 411 412, 413, and 418 would not meet the requirement);

(3) At least 40 individual validated licenses would be needed to export the proposed commodities; and

(4) The license, if granted, would be used for one of the following activities:

(i) A substantial project representing a capital expansion, either a new facility or expansion of an existing facility; or

(ii) A program for supplying maintenance, repair, and operating supplies to serve an existing facility; or

(iii) A program for supplying materials to be used in the production of other commodities for sale.

(b) *Commodities, technical data, and activities not eligible for project license.* The Project License Procedure does not apply:

(1) The commodities are identified by the symbol "F" in the last column of the Commodity Control List;

(2) The commodities are related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1;

(3) The technical data is not generally available to the public and relates to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in paragraph § 379.4(c)(1); or

(4) The commodities are intended for resale in the form in which they were exported from the United States.

(c) *Application procedure*—(1) *General.* The preparation of an initial application for a Project License requires a substantial amount of work by the exporter. Therefore, a prospective applicant may wish to consult the Office of Export Control in advance to obtain a preliminary determination of the applicability of the project licensing procedure and to obtain advice as to any special information that may be required.

(2) *Documents required.* An applicant for a project license shall submit the following:

(i) Form FC–420, Application Processing Card, prepared in accordance with the provisions of § 372.4(a)(5), except that the applicant shall:

(*a*) Write "Project License" in the Export Control Commodity Number space;

(*b*) Leave the processing number space blank;

(*c*) Show the name or description of the project in the commodity description space.

(ii) Form FC–419, Application for Export License, prepared in accordance with the provisions of § 372.4(a)(4), except that the applicant shall:

(*a*) Insert "see attached list" in the space entitled "Ultimate Consignee in Foreign Country" if there is more than one ultimate consignee, and attach to the application a list, in duplicate, of the country(ies) of ultimate destination followed by the name(s) of the ultimate consignee(s), both in alphabetical order. For example:

France: Central Corp.; Development Corp.
Mexico: Consolidated Copper; Fairway Ltd.

(*b*) Insert the following in the space entitled "Commodity Description":

Articles and materials set forth on the attached statement of estimated requirements constitute the known requirements of commodities (and technical data, if applicable) requiring validated licenses for the (insert name of program or project).

I (We) hereby certify that if a license is granted in response to this application: (a) no commodities (or technical data, if applicable) will be exported under the license unless specifically required for the (program) (project); and (b) after export, the commodities (and technical data, if applicable) will not be disposed of or used for any purpose other than that stated in this application.

(iii) Form FC–988, Statement by Ultimate Consignee in Support of Project License Application (see Supplement S–14 for facsimile of form). This form is required from each ultimate consignee named in the license application, including subsidiaries, affiliates, branches, or other associated firms of the applicant, if the applicant and the consignee are separate legal entities. It is not required where the applicant is the same person as the ultimate consignee. Form FC–988 shall be manually signed by the ultimate consignee, or by a responsible official of the ultimate consignee's firm who has (*a*) personal knowledge of the information included in the statement, (*b*) authority to bind the ultimate consignee, and (*c*) has the power and authority to control the use and disposition of the licensed commodities and technical data in the country of ultimate destination. The authority to sign this form may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement shall include his official title with his signature.

(iv) *Estimated requirements*—(*a*) *Commodities.* A statement shall be submitted in duplicate specifying the estimated requirements for commodities requiring a validated license which are expected to be exported during the first 1-year validity period and any commodities exportable under General License GLV which the licensee prefers to ship under the project license. Only broad descriptive categories corresponding with the commodity sections and subheadings appearing in the Commodity Control List (§ 399.1(j)) shall be used to describe the commodities, and the requirements for each commodity shall be broken down into subtotals and grand totals for Country Group T, Country Group V, and another entry for all other country groups. (See example blow.) An additional statement, in duplicate, shall be submitted if the commodities are for use in a project representing a capital expansion. This statement shall cover the estimated requirements of commodities requiring a validated license that are expected to be exported during the period required for the full completion of the project. If a project license is issued, the estimated values constitute a limit only on the grand total licensed. It is not a limit on the subtotals. For example, in the following illustration an amendment is necessary only if the grand total value of all shipments under the project license to all country groups will exceed $705,000.

EXAMPLE: VALIDATED LICENSE REQUIREMENTS FOR FIRST YEAR

Commodity section	Country Group T	Country Group V	Other country groups	Subtotal
Section 3—Mineral Fuels, Lubricants and Related Materials:				
Petroleum and Petroleum Products	$50,000	$100,000	$20,000	$170,000
Section 7—Machinery and Transport Equipment:				
Machinery, Other Than Electric	100,000	175,000	25,000	300,000
Electrical Machinery, Apparatus, and Appliances	750	1,500	250	2,500
Transport Equipment	2,250	4,500	750	7,500
Section 8—Miscellaneous Manufactured Articles:				
Professional, Scientifics and Controlling Instruments	75,000	125,000	25,000	225,000
Grand totals	228,000	406,000	71,000	705,000

(*b*) *Technical data.* The following information regarding any exports of technical data related to the project shall accompany the statement of estimated commodity requirements:

(*1*) A detailed description of the subject matter or substance of the technical data and its relationship to the project;

(*2*) Processes involved, if any; and

(*3*) The form in which the information will be furnished to the foreign consignee (e.g., blue prints, specifications, technical aid contracts, manufacturing agreements, patent licensing arrangements, instruction, or training).

(v) *Comprehensive narrative statement.* The comprehensive narrative statement of explanation by the applicant shall include, as a minimum:

(*a*) *Qualification.* An explanation by the applicant of how the proposed project license application qualifies under the criteria described in paragraph 373.2(a) above.

(*b*) *Description.* A detailed description, including the nature and scope of the project, and the estimated completion date.

(*c*) *Business relationship.* The nature and duration of the business relationship between the applicant and the consignee(s) named in the project license application. If there are any corporate or other ownership relationships between the parties, these relationships shall be fully disclosed.

(d) *Action by Office of Export Control on license applications*—(1) *Approved license application.* When an application for a project license is approved, the covering export license will be similar to validated license described in § 372.9, with the following exceptions:

(i) *Validation.* The license will be validated by stamping in the license number space a facsimile of the U.S. Department of Commerce seal, the letter "D," and a series of numbers to indicate the year, month, and day on which the license was validated. For example, a validation stamp which reads "D9–110" indicates that the license was validated in the year 1969 (9), in the month of January (1), and on the 10th day of the month (10).

(ii) *License number.* The license number assigned to the project will be indicated immediately below the validation stamp. This will be a four-digit number prefixed by the letters DL, and suffixed by a one-letter code indicating the Office of Export Control licensing division to which the project was assigned (that is, "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division).

(2) *Commodity description.* Instead of a specific description of quantities, kinds, or values of commodities and technical data, one of the following statements will appear in the commodity description item on the license:

(i) If commodities only:

This license authorizes export of commodities requiring a validated license subject to the specific limitations set forth in the Export Regulations and on this license.

(ii) If commodities and technical data:

This license authorizes export of commodities and technical data requiring a validated license subject to the specific limitations set forth in the Export Regulations and on this license.

If any special conditions are imposed with respect to the use of a specific project license that are more restrictive than the general conditions provided in the Export Regulations, these conditions will either be set forth on the license or the licensee will be advised by other means.

(3) *Notification to customs offices.* The Office of Export Control will notify all customs offices of the issuance of the project license.

(4) *Rejected applications.* When an application for a project license is rejected, the applicant will be notified by Form FC–204–A, Notice of Rejection. This notice will explain the reason for rejection. The applicant may apply for an individual or other appropriate type of validated license for transactions covered by the rejected project license application.

(e) *Extensions and amendments of project licenses*—(1) *Extensions*—(i) *Form to use.* Requests to extend a project license shall be submitted in triplicate on Form FC–957, "Application for and Notice of Extension of Project License" (see Supplement S–13 for facsimile of form and instructions). All items of the form must be completed. If more space is needed, an extra sheet shall be attached identified by the project license number and by the item number to which the information applies. If no answer applies to an item, the word "none" shall be inserted.

(ii) *When to apply.* An extension request should be submitted to the Office of Export Control from 60 to 90 days before the expiration date in order to avoid interrupting the movement of shipments under the license.

(iii) *Action by Office of Export Control.* Each extension request is analyzed by the Office of Export Control as to the past activity of the project to determine whether an extension is justified. Prior to asking for an extension the licensee should examine his own records to see if the criteria described in paragraph (a) of this section were met during the initial validity of the license. If not, the licensee should apply for an individual or other appropriate type of license instead of an extension of the project license. When action has been taken by the Office of Export Control, this form will be returned to the licensee for retention in his files.

(2) *Amendments*—(i) *Form to use.* All requests for amendment other than an extension of validity period shall be submitted on Form IA–763 in the usual manner (see § 372.11). However, if submitted with an extension request, the amendment request may also be included on the Form FC–957.

(ii) *New consignee.* Where an additional ultimate consignee is proposed, the request shall be accompanied by a statement from the proposed ultimate consignee and the U.S. exporter setting forth the information required by paragraph (c)(2)(iii) and (c)(2)(v)(c) of this section.

(iii) *Addition of technical data.* If an amendment request proposes adding technical data, the Form FC–763 shall be accompanied by: A statement from the U.S. exporter setting forth the information required by paragraph 373.2(c)(2)(iv)(*b*), a Form FC–988, Statement by Ultimate Consignee in Support of Project License Application, from each ultimate consignee who will receive the data, as described in paragraph (c)(2)(iii) of this section and the following certification:

I (We) certify that if the request for amendment of Project License No. ------ is granted, the technical data will be used only in connection with the (program) (project) and after export will not be disposed of or used for any other purpose than that stated in this request.

(iv) *Transfer of license.* A request to transfer a project license is handled in the same manner as a request to transfer any other license. See § 372.13.

(3) *Amendments not required.* No amendment is needed to add a commodity section or change the total estimated value of a commodity section unless the grand total value of all shipments shown in the statement of estimated amounts needed will be exceeded.

(4) *Action by Office of Export Control on extensions or amendments to project licenses*—(i) *Approval.* When a request to amend or extend a project license is approved, the Form FC–957 or IA–763 will be validated as described in §§ 372.11 and 372.12, and a copy returned to the licensee. The approved form will show any changes that may have meen made in the licensee's request, or any special conditions that may have been added. The Office of Export Control will notify customs offices of the approval action.

(ii) *Rejection.* When a request for extension is rejected, the original of Form FC–957 or IA–763 will be held in the Office of Export Control; the duplicate and triplicate copies will be returned to the applicant. The reason for rejection will be given, either on Form FC–204–A, Notification of Rejection, or by letter.

(f) *Export clearance*—(1) *General.* The Office of Export Control usually notifies all customs offices of the approval of a project license within 15 days after dispatch of the license to the licensee. An exporter should not plan to clear an export at an earlier date unless he has verified that notification has reached the customs office at the intended port of exit. In unusual circumstances, the exporter may request earlier notification to one customs office in order to clear a specific emergency shipment(s).

(2) *Presentation of license, extension, or amendment.* The license, extension, or amendment is not required to be filed with the customs office. However, when clearing shipments, the licensee shall on demand, show the Customs Officer either the original or a photocopy of the license or amendment.

(3) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an export made under a project license shall be prepared in accordance with standard instructions. Although the project license and amendments describe the commodities only in broad descriptive categories, commodity descriptions on the declaration shall show specifically the commodity description conforming to the applicable Commodity Control List description and incorporating any additional information where required by Schedule B; (e.g., type, size, name of specific commodity, etc.). In addition, (i) the declaration shall include the project license number; (ii) the symbol "DL" shall be entered in the upper right corner of the declaration; and (iii) one additional copy shall be filed with the customs office.

(4) *Mail shipments.* Shipments by mail shall be made in accordance with the instructions contained in § 386.1(c).

(5) *Shipments exportable under General License GLV.* Notwithstanding any statement appearing on a project license, a project license holder may use either his project license or General License GLV to export commodities which meet the provisions of General License GLV. The project license, however, may not be used for shipments which can be made under any other general license.

(g) *Reexports.* Commodities and technical data exported under a project license may be reexported between ultimate consignees covered by the terms of the project license without obtaining specific approval from the Office of Export Control.

(h) *Application for other validated licenses*—(1) *Exporter holding a project license.* An exporter holding a project license shall not apply for, nor will the Office of Export Control issue to him, an individual or any other type of validated license for any transaction involving the licensed project, except for export of shipments described in (b) of this section.

(2) *Other exporters.* Where a valid project license is in force, the Office of Export Control will not issue another project license to cover shipments to the licensed project or program. If an exporter intends to make shipment to a project or program for which another exporter already holds a project license, he may apply to the Office of Export Control for an individual license or any other appropriate type of validated license except a project license.

§ 373.3 Distribution license.

A distribution license procedure is established that authorizes exports, during a period of 1 year, of certain commodities under an international marketing program to consignees that have

been approved in advance as foreign distributors or users.

(a) *Eligible countries.* Exports may be made under the distribution license procedure from the United States to approved consignees in the following countries of destination only:

Australia.	Italy.
Belgium.	Japan.
Denmark.	Luxembourg.
The Federal Republic of Germany.	The Netherlands.
France.	Norway.
Greece.	The United Kingdom.

(b) *Eligible commodities.* Any commodities requiring a validated license for export to the countries listed above qualify for the distribution license procedure; except:

(1) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1; and

(2) Commodities listed in Supplement No. 1 to this Part 373.

(c) *Eligible exporters and consignees*—(1) *Applicant-consignee relationship.* The ultimate consignee of a distribution license must be:

(i) A subsidiary, affiliate, or branch of the U.S. exporter serving as the distributor of the commodities to be exported. The subsidiary, affiliate or branch must be under the full and active control of the exporter and a majority of any voting stock in the subsidiary, affiliate, or branch must be owned by the exporter; or

(ii) An agent, representative, or any other person or firm distributing the commodities to be exported under this license pursuant to a written agreement with the U.S. exporter or its wholly owned subsidiary that effectively assures compliance with U.S. export control regulations, including the provisions set forth in paragraph (1) of this section; or

(iii) An end-user importing the commodities for his own use or for use in the production or manufacture of commodities.

(2) *Duration and evidence of relationship.* The U.S. exporter generally shall have had a continuous business relationship with each ultimate consignee named in his application for a period of not less than 2 years immediately preceding the date of filing the application for a distribution license. This restriction does not apply to an ultimate consignee that is a subsidiary, affiliate, or branch. At the time the appliaction is filed, the applicant for a distribution license shall have in his possession, documentary evidence of the existence of the relationship with each ultimate consignee, as described above. These documents and records shall be kept and made available for inspection in accordance with the provisions of § 387.11.

(3) *Prerequisite volume of business.* Within the calendar year immediately preceding the date of filing of the application for a distribution license, the U.S. exporter shall have exported to the distributor(s) and end-user(s) commodities covered by the application in a grand total value of not less than $100,000 for the entire list of proposed consignees in all the proposed countries of destination. In addition, the exporter shall have a reasonable expectation that this business volume will continue for the next year in an amount of not less than $100,000. The exporter also shall have a reasonable expectation that the distribution license, if granted, will replace not less than 40 individual validated export licenses that would otherwise be required.

(4) *Order requirement.* An applicant for a distribution license need not hold an order as defined in § 370.2 from the ultimate consignee(s) for the commodities subject to this procedure at the time he applies for the license.

(d) *Application for Distribution License*—(1) *Prior consultation.* The preparation of an initial application for a distribution license requires a substantial amount of work by the exporter. Therefore, a prospective applicant may wish to consult the Office of Export Control in advance to obtain a preliminary determination of the applicability of the distribution license procedure and to obtain advice as to any special information that may be required.

(2) *Documents required.* Each application for a distribution license shall include the following documents:

(i) Form FC–420, Application Processing Card;

(ii) Form FC–419, Application for Export License;

(iii) Form FC–1143,[1] Distribution License Consignee Statement. (See Supplement S–15 for facsimile of form.); and

(iv) Comprehensive narrative statement by the exporter.

An application for a distribution license need not be supported by the import certificate or consignee statement otherwise required under § 375.1 or § 375.2.

(3) *Preparation of documents*—(i) *Form FC–420.* The applicant shall prepare Form FC–420, Application Processing Card, in accordance with the provisions of § 372.4(a)(5) except that the applicant shall:

(*a*) Write "Distribution License" in the Export Control Commodity Number space;

(*b*) Leave the Processing Number space blank; and

(*c*) Enter "Various" in the commodity description space.

(ii) *Form FC–419.* The applicant shall prepare and submit the application in accordance with the provisions of § 372.4 except that the applicant shall:

(*a*) Write "Distribution License," as well as the date, in the space entitled, "Date of Application".

(*b*) Where there is more than one ultimate consignee, insert "See attached list" in the space entitled "Ultimate Consignee in Foreign Country."

(*c*) Attach a duplicate list of the country(ies) of ultimate destination, in alphabetical order, followed by the name(s) of the ultimate consignee(s) in each country, also in alphabetical order.

(*d*) List separately on the application or on an attachment thereto, all commodities identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1) or, if feasible, describe them in related product groups. Examples of acceptable product groups are "Semiconductors, A type"; "electronic testing instruments, A type"; etc. All commodities not identified by either the symbol "A" or the symbol "B" on the Commodity Control List having Export Control Numbers with the same first two digits may be combined into a single entry. The commodity description for each entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings on the Commodity Control List.

(*e*) Enter the estimated total value of each "A" commodity or "A" product group and of each group of non-"A" commodities to be exported during the 1 year validity period of the Distribution License in the space provided for the total selling price, with the grand total for all.

(*f*) Enter the following statement at the bottom of the commodity description space: "No commodity excluded from the Distribution License Procedure under the Export Control Regulations will be exported to any consignee in any destination under this Distribution License if this application is approved."

(*g*) Leave blank the spaces entitled "Export Control Commodity No. and Processing No.," "Unit Price," and "Quantity To Be Shipped".

(iii) *Form FC–1143.* Three copies of Form FC–1143 shall be manually signed by the consignee or by a responsible official of the consignee who is authorized to bind the consignee to all of the terms, undertakings, and commitments set forth on the form. All copies shall be cosigned by the applicant and submitted with the application to the Office of Export Control.

(iv) *Comprehensive narrative statement.* A comprehensive narrative statement shall be submitted by the applicant in support of the application. This statement shall set forth the scope of the applicant's marketing program pertinent to the application and shall detail the nature and duration of the business relationship existing between the applicant and each consignee. The statement shall fully explain the distributorship agreement (i.e., the form of ownership or other control existing between the U.S. exporter and his distributor, for other consignees, the sales relationship). In addition, it shall show clearly that the relationship meets the qualifications in paragraph (c) of this section and shall include, for each consignee, the volume of business in the commodities involved for the preceeding year, describing the commodities in the same detail as on the license application.

(e) *Action on License applications*—(1) *Approved license application.* When an application for a distribution license is approved, a Form FC–628, Export License, is issued by the Office of Export Control authorizing, subject to the provisions of the Export Control Regulations and to the terms and provisions of the license, the export of commodities covered during a validity period of 1 year.

(i) *Validation.* The license will be validated in the license number space with a stamp that includes a fascimile of the U.S. Department of Commerce seal, the letter "H" and a series of numbers to indicate the year, month, and day on which the license was validated. For an explanation of the coded dates shown on the license see § 372.9.

(ii) *Distribution license number.* The Distribution License number will be indicated immediately below the validation stamp. This will be a four-digit number prefixed by the letter "V," and suffixed by a one-letter code indicating the Office of Export Control licensing division to which the license was assigned (that is: "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division).

(iii) *Special conditions.* If any other special conditions are imposed with respect to the use of a specific distribution license more restrictive than the general conditions set forth in the Export Regulations, these conditions will be set forth on the license document at the time of issuance, or the licensee will be advised by other means.

(iv) *Table of denial and probation orders.* The licensee under a distribution license is responsible for furnishing promptly to all of his ultimate consignees current reprints of the "Table of Denial and Probation Orders Currently in Effect" and each addendum thereto. Copies of these reprints, issued April 1 and October 1, may be obtained without charge from the Office of Export Control.

(2) *Notification to customs offices.* The Office of Export Control will notify all customs offices of the issuance of the distribution license.

(3) *Applications returned without action.* When a distribution license application is returned without action, the application together with related documents will be returned to the applicant with the Form FC–204–B, Advice on Application Returned Without Action. This form will state the reason for return of the license application and will explain the corrections and additional information required if the application is to be resubmitted for further consideration by the Office of Export Control.

(4) *Applications not approved.* When an application for a distribution license is not approved, the applicant will be notified and the notice will explain the reason. The applicant may apply for an individual or other appropriate type of validated license for transactions covered by the distribution license application that was not approved.

(f) [Reserved]

(g) *Action on Form FC–1143.* (1) Concurrently with the approval of a distribution license application, two validated copies of each approved Form FC–1143 will be sent to the U.S. exporter. One copy shall be retained by the exporter, and one copy shall be sent by the exporter to the approved consignee.

(2) The letter of transmittal to the approved consignee shall notify (i) the consignee that he will be receiving from the exporter reprints of the U.S. Department of Commerce "Table of Denial and Probation Orders Currently in Effect" and addendum thereto listing individuals and firms to whom the consignee may not sell or otherwise dispose of the U.S. commodities received under the distribution license, and (ii) advise the consignee that, in addition to the other requirements set forth in this procedure, he may not sell or otherwise dispose of any such U.S.-origin commodities when he has reason to believe the commodities will be used in designing, developing, or fabricating nuclear weapons or nuclear explosive devices, or in devising, carry out, or evaluating nuclear weapons tests or nuclear explosions. If a consignee is not approved, the form will be returned to the U.S. exporter with a rider stating the reason for this action.

(h) *Export clearance*—(1) *Notification to customs.* The Office of Export Control usually notifies customs offices of the approval of a distribution license within 15 days after dispatch of the license to the licensee. Therefore, an exporter should not plan to clear an export at an earlier date unless he has verified that notification has reached the customs office at the intended port of exit.

(2) *Presentation of license or other approval action.* When clearing shipments for export under a distribution license, the licensee shall, on demand, show to the Customs Officer or Postmaster either the original or a photocopy of the license or amendment. The distribution license or amendment however is not required to be filed with the Customs Office or Post Office. When exporting by mail, the distribution license number shall be entered on the address side of the wrapper on the package.

(3) *Limit on amount shipped.* Exports under a distribution license of any commodity identified in the last column of the Commodity Control List by the symbol "A" are limited for each entry, during the entire validity period of the license, to the amount shown on the license for that entry. This limitation does not apply to commodities not identified by the symbol "A". Exports of an entry not identified by the symbol "A" may exceed the amount shown for that particular entry provided the total of all such shipments does not exceed the grand total authorized for all of the commodities not identified by the symbol "A" on the license.

(4) *Shipper's export declaration.* As set forth in the standard instructions for preparing shipper's export declarations, the validated license number must be shown on the declaration. In the case of a distribution license the license number is prefixed by the letter "V" (see paragraph (e)(1)(ii) of this section). Although the distribution license may describe the commodities in broad terms, commodity descriptions on the declaration shall be specific. The description shall (i) conform to the applicable Commodity Control List description, and (ii) incorporate any additional information where required by Schedule B; for example, the type, size, or name of specific commodity.

(5) *Destination control statement.* The following destination control statement shall be entered on the shipper's export declaration and other relevant documents as prescribed in § 386.5 covering exports made under a distribution license:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

Use of this statement does not preclude the consignee from reexporting to any of the exporter's other approved consignees or to other countries for which specific prior approval has been received from the Office of Export Control. In such instances, diversion (i.e., reexport) is not contrary to U.S. law and hence is not prohibited.

(i) *Reexports*—(1) *Distributor.* A distributor who is an approved consignee under a distribution license may not reexport any commodity received under a distribution license without the specific prior authorization of the U.S. Government, except, that reexports of these commodities may be made to any of the exporter's other consignees who have been approved under the distribution license procedure.

(2) *End-user.* An end-user who is an approved consignee under a distribution license is not precluded from exporting manufactured products incorporating U.S. commodities received under a distribution license to any destination he has listed on the Form FC–1143 that has been approved by the U.S. Government. However, reexport of the U.S.-origin commodity in the form received is prohibited, unless specifically authorized in writing by the U.S. Government.

(j) *Direct shipment to distributor's customer.* If a distributor requests that commodities be delivered directly to his customer in the same country of destination or in another country to which reexport is authorized in accordance with paragraph (i) of this section, the U.S. exporter may do so under his distribution license by showing on the shipper's export declaration, the name and address of the customer as ultimate consignee followed by a footnote. The related footnote shall read, "by order of (name of distributor and his address)", and shall appear below the commodity description. Unless the name of the distributor appears in this manner on the declaration, direct shipment may not be made to the distributor's customer under the distribution license.

(k) *Amendment of license.* If the exporter desires to add new consignees to

[1] Form FC–1143 may be obtained at all U.S. Department of Commerce Field Offices (see list of addresses on page 1 under Field Office addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

this license, or if the amount licensed under a distribution license proves insufficient to meet his requirements, he may file new Forms FC–1143 and/or request an increase in the value authorized for export under the license at any time during the validity period of the license. Requests for amendment shall be submitted on Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile of form), in accordance with the provisions of § 372.11. An amendment request for the addition of a new consignee shall be supported by Forms FC–1143, prepared as required by the provisions of paragraph (d)(3) of this section. Amendment of a distribution license to extend the validity period will not be granted. A new license application with supporting Forms FC–1143 shall be filed for such purpose.

(l) *Records.* (1) The U.S. exporter shall retain one copy of each validated Form FC–1143, or each form not approved, for a period of 3 years from the date of a validation or rejection.

(2) All other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license shall be kept and made available for inspection in accordance with the recordkeeping requirements of § 387.11.

(3) All records regarding a sale or reexport by a distributor who is an approved consignee under a distribution license shall be retained by the distributor for a period of 3 years from the date of sale or reexport. As a minimum, these records shall contain for each sale or reexport the following:

(i) Full name and address of individual or firm to whom sale or reexport was made;

(ii) Full description of each commodity sold or reexported;

(iii) Units of quantity or value of each commodity sold or reexported; and

(iv) Date of sale or reexport.

All of the above-mentioned records shall be made available for inspection, upon request, by the U.S. Department of Commerce, by a U.S. Foreign Service Post, or by any other accredited representative of the U.S. Government. (For further recordkeeping requirements see § 387.11.)

(m) *Reports.* The exporter shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the distribution license. The report shall cite the license number indicated on the export license and, as a minimum, show, for each consignee, a separate aggregate value for each commodity category as shown on his license (i.e., for each "A" commodity or "A" product group, and for each non-"A" commodity category). The report shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(n) *Exceptions.* In the event that a U.S. exporter is unable to meet any of the requirements of this distribution license procedure, but believes that unusual circumstances warrant a waiver or an exception to one or more of these requirements, he may consult with or write to the Office of Export Control explaining the circumstances in full and requesting a waiver or exception.

§ 373.4 Foreign-based warehouse procedure.

A foreign-based warehouse procedure is established that authorizes an exporter (a) to stock commodities abroad at a central location for distribution to customers where the country where the stock is located or in other countries; (b) to ship commodities directly from the United States to these customers to fill an urgent need or a specialized requirement that cannot be filled from the foreign-based stock; or (c) to ship directly from the United States to these customers parts or components not stocked abroad to be used to repair equipment originally exported by the U.S. exporter. The documentation usually required in support of an application for an export license (see Part 375) and prior specific reexport authorization (see Part 374) are waived under this procedure.

(a) *Definitions.* As used in this § 373.4, the following terms are defined as described in this paragraph:

(1) *"Subsidiary."* A subsidiary is any foreign-based subsidiary affiliate, or branch of the U.S. exporter's firm: (i) in which the majority of any existing voting stock in such subsidiary, affiliate, or branch is owned by the U.S. exporter; and (ii) over which the U.S. exporter exercises full and active control.

(2) *Foreign-based stock.* A "foreign-based stock" consists of U.S.-origin commodities not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1), which have been licensed by the Office of Export Control to be stocked outside the United States by a U.S. exporter or his subsidiary for distribution in one or more countries to customers approved by the Office of Export Control.

(3) *Distributor.* A "distributor" is a subsidiary of the U.S. exporter not located in Country Group S, W, Y, or Z that distributes or sells the U.S. commodities exported under this procedure exclusively to customers approved by the Office of Export Control and delivery is (i) from foreign-based stocks; (ii) directly from the United States, based on the distributor's instructions, to fill an urgent need or a specialized requirement for a commodity covered by the procedure but not available for shipment from the foreign-based stock; or (iii) directly from the United States to an approved customer for use in repairing equipment originally manufactured by the U.S. exporter.

(4) *Customer.* A person or firm in a country other than Country Group S, W, Y, or Z, who is supplied with U.S.-origin commodities through a distributor as defined above.

(b) *Exports to the foreign-based warehouse.* A U.S. exporter who qualifies under this procedure may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock of any commodity(ies) not identified by the symbol "B" in the last column of the Commodity Control List, except the following commodties:

Export Control Commodity Number and Commodity Description	
71420	Electronic computers.
72620	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952	Vibration testing equipment.
72952 and 86198	Mass spectrometers.
72970	Neutron generators and specially designed parts therefor, and neutron generator tubes.

(c) *Application to participate in the foreign-based warehouse procedure*—(1) *Form FC–143.* To be considered for participation under the foreign-based warehouse procedure, a U.S. exporter shall complete and submit to the Office of Export Control six copies of Form FC–143, Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers. (See Supplement S–9 for facsimile.) This form contains a certification by the exporter, on his own behalf and on behalf of his distributor, that distribution from foreign-based stocks will be made only to approved customers, none of whom may be in Country Group S, W, Y, or Z.

(2) *Form FC–243.* Each customer to whom distribution is proposed, whether or not in the country where the foreign-based stock is located, must complete and submit to the distributor or to the U.S. exporter six copies of Form FC–243, Multiple Transactions Statement by Customer of Distributor of United States Commodities Stocked Abroad. (See Supplement S–10 for facsimile.) The U.S. exporter shall submit these forms to the Office of Export Control either with or subsequent to his filing the form FC–143.

(3) *Letter Request.* Form FC–243 need not be obtained in any case where the customer is an agency of the U.S. Government or of a foreign government, provided the commodities are to be distributed to the government agency. In such instances the name and address of the foreign government agency shall be submitted to the Office of Export Control by letter in six copies. It is not necessary to request the approval of the Office of Export Control where the customer is a U.S. Government agency.

(4) *Other documents.* In addition to the Forms FC–243 required above, if the customer is located in Switzerland or Yugoslavia, the exporter or his distributor must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the commodities to be distributed. The Swiss Blue Import Certificate need not be submitted to the Office of Export Control but shall be retained in accordance with the record keeping provisions described in paragraph (h) of this section. The original of each Yugoslav End-Use Certificate issued, or a reproduced copy if the original is required by the government of the country in which the distributor is located, shall be immediately

forwarded by the distributor to the U.S. exporter. The originals or reproduced copies received from the distributor shall be submitted by the U.S. exporter, on a monthly basis, to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, with a letter identifying the customer's assigned "C" number. This number is entered by the Office of Export Control on the reverse of approved Forms FC–243 immediately below the U.S. Department of Commerce validation stamp in the "Validation" box.

(d) *Action on application to participate in the foreign-based warehouse procedure*—(1) *U.S. exporter.* If a Form FC–143 is approved two validated copies will be sent to the U.S. exporter containing the validation number and the expiration date. The exporter shall keep one copy and send the other to his distributor. Generally, the expiration date is June 30 of the year following the date on which the Form FC–143 is signed by the U.S. exporter, unless an earlier termination date is requested. If the Form FC–143 is not approved it will be returned with a notice informing him of the reason for this action.

(2) *Customer of distributor.* If a Form FC–243 is approved two validated copies will be sent to the U.S. exporter. The exporter shall keep one copy and shall send the other copy to the foreign office from which the distribution is controlled. These forms shall be used in assuring that distribution under the warehouse procedure will be made only to customers the Office of Export Control has approved. If the customer is not approved, the Form FC–243 will be returned with a notice informing the exporter of the reason he was not approved. Generally, the expiration of a Form FC–243 is June 30 of the year following the date on which the form is signed by the customer, unless an earlier expiration date is requested.

(3) *Use of other procedures.* (i) Where a commodity, customer, distributor, or destination is not approved under the foreign-based warehouse procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country Group S, W, Y, or Z will not be approved as distributors under the foreign-based warehouse procedure. Customers in Country Group S, W, Y or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(ii) Where a commodity, customer, distributor, or destination is not approved under the foreign-based warehouse procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country Group S, W, Y, or Z will not be approved as distributors under the foreign-based warehouse procedure.

(e) *Application for license to export under approved Form FC–143*—(1) *Application form.* Except for the commodities listed in paragraph (b) of this section, a qualified U.S. exporter may apply for a license to export any commodity necessary to maintain foreign-based stocks in an approved destination. The application shall be made on Form FC–419 in accordance with the provisions of § 372.4 with the following modifications:

(i) More than one commodity may be included on a single application if the first two digits of the processing number are the same for each.[1] However, Commodity Control List descriptions and Export Control Commodity Numbers must be shown for each commodity.

(ii) The applicant is not required to provide any supporting document other than Form FC–143 and Form FC–243.

(2) *Types of shipments.* A qualified U.S. exporter may apply for export licenses covering any of three different types of shipments under the provisions set forth below. All such license applications must be received in the Office of Export Control within the validity period of the supporting Forms FC–143 and/or 243.

(i) If a shipment is to be made to a distributor for subsequent distribution under this procedure the application shall contain the following statement in the space entitled "Additional Information" on the application form, or on an attachment thereto:

> The ultimate consignee named in this application is an approved distributor of U.S. commodities stocked abroad and has been assigned validation number (insert Form FC–143 validation No.).

(ii) If an urgent direct shipment to a distributor's customer is to be made, an application may be submitted provided that the distributor has notified the U.S. exporter that he has an order from an approved customer for an approved commodity which is not in the distributor's foreign-based stock and for which the customer has an urgent need or specialized requirement. Upon receipt of this license, the U.S. exporter may ship the commodity direct from the United States to his distributor's customer. The license application shall include the following statement in the space entitled "Additional Information" or on an attachment thereto:

> The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (insert Form FC–143 validation number) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(iii) If a shipment of parts and components is to be made direct to a distributor's customer, an application may be submitted, if all of the conditions set forth in (*a*) through (*c*) below are met. Each order received from the distributor's customer should, whenever possible, include a certification from the customer that he will comply with all the provisions of (*a*) and (*b*) below. Regardless of whether the certification appears on the order, the U.S. exporter will, at the time of filling the order, transmit a written notification to the customer setting forth these restrictions.

(*a*) The commodities are included on the customer's validated Form FC–243 and represents parts and components that are either for use by the distributor's customer to repair equipment originally manufactured by the U.S. exporter or are used by another party exclusively for this purpose. The parts and components may be authorized for reexport only to the countries listed on the customer's validated Form FC–243. Reexports will not be authorized to Country Group S, W, Y, or Z.

(*b*) The commodities will not be used to repair equipment owned or controlled by, or leased or chartered to, a country in Group S, W, Y, or Z or a national thereof.

(*c*) The commodities are in a quantity which the exporter expects to ship to the customer during the next six calendar months for use in repairing equipment originally manufactured by the exporter's firm.

If the licensed quantity proves insufficient, a request for an amendment to increase the quantity may be submitted in accordance with the provisions of Part 372. However, no amendment will be granted to extend the validity period of such a license. Instead, the exporter should submit a new application for license 30 days prior to the expiration date of the outstanding license, accompanied by a statement showing the total quantity and value of each commodity shipped under the previous license as of the date of the new application.

(*d*) The license application includes the following statement in the space entitled "Additional Information" or on an attachment thereto:

> The ultimate consignee named in this application is an approved customer of our foreign distributor (insert Form FC–143 validation number). Before making any shipment under this license, if granted, I (we) shall: (1) Obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in paragraph 373.4(e)(2)(iii) of the Export Control Regulations, and (3) for each shipment notifying the ultimate consignee, in writing, of these restrictions.

(f) *Exports and redistribution.* (1) In no case may an export, reexport, distribution, or resale be made under the foreign-based warehouse procedure to any person or firm until the exporter has received a validated Form FC–243 showing the Office of Export Control approval of that person or firm as a customer (except as provided in paragraph (c)(3) of this section for Government agencies).

(2) The permissive reexport provisions of the Export Control Regulations relating to the reexport of commodities within the established GLV dollar value limits shown on the Commodity Control List (see § 374.2) shall not apply to exports, reexports, or distributions under this procedure.

[1] For license applications covering aircraft and equipment, parts, components and accessories therefor, see § 376.8.

(3) *Special destination control statement*—(i) *Shipments to distributors.* The U.S. exporter shall enter one of the two following destination control statements on the shipper's export declaration, commercial invoice, and bill of lading covering exports to his distributor under the foreign-based warehouse procedure:

(*a*) "These commodities licensed by the United States for ultimate destination (name of country where the foreign-based stock is located). Diversion contrary to United States law prohibited."

(*b*) "These commodities licensed by the United States for ultimate destination (name of country where the foreign-based stock is located) and for distribution or resale in (name(s) of country(ies) where approved customers are located) Diversion contrary to United States law prohibited."

Use of statement "(*a*)" in this subdivision in no way prohibits distribution of the commodities to customers in other countries if they have been approved by the Office of Export Control on a Form FC–243.

(ii) *Shipments to customers.* The distributor is permitted until the expiration or revocation of his validated Form FC–143, to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by the Office of Export Control, whether such customer is in the country where the foreign-based stock is located or in any other country. Where shipment to an approved customer is made by the distributor, a destination control statement shall be entered on each commercial invoice and bill of lading. When shipment is made by the U.S. exporter, a destination control statement shall be entered on the shipper's export declaration, commercial invoice, and bill of lading. The correct statement to use is as follows:

The statement in subdivision (i) (*b*) of this subparagraph shall be used if reexport has been authorized on the approved Form FC–243. The customer's country of location shall be entered in the first blank space and the country(ies) to which reexport is authorized in the second blank space.

If reexport has not been authorized on the approved Form FC–243, statement "(*a*)" or "(*b*)" in subparagraph (3) (i) may be used. If "(*b*)" is used, the customer's country of location shall be entered in the first space of the statement and the word "none" in the second.

(g) *Extension of validity period.* (1) New form required. The validity period of a Form FC–143 or FC–243 may be extended by submitting a new form (in six copies) to the Office of Export Control prior to the expiration date of a current form.

(2) "C" Number or "D" Number required. In addition to the information furnished on a new Form FC–143 or FC–243 submitted to extend the validity period of a current form, there must be set forth in the "Reference" box on Form FC–243 the customer's assigned "C" Number, and in the "Reference" box on Form FC–143 the distributor's assigned "D" Number. These are the numbers entered by the Office of Export Control on the reverse of the previously approved forms, immediately below the U.S. Department of Commerce validation stamp in the "Validation" box.

(h) *Records and reports.* (1) The U.S. exporter shall retain for 3 years from the date of validation or return one copy of each validated Form FC–143 and FC–243, or any such form that was not approved by the Office of Export Control, at his office in the United States and one copy at his distributor's office abroad from which the distribution of the foreign-based stock is controlled.

(2) All other forms, documents, correspondence, memoranda, books, and other records, as required to be retained by this procedure relating to any export from the United States under the foreign-based warehouse procedure shall be kept and made available for inspection in accordance with the recordkeeping requirements of § 387.11. For each export of parts and components under paragraph 373.4(e)(2)(iii) above, the U.S. exporter shall retain records which shall include, as a minimum, the following:

(i) Validated license number;

(ii) Validated Form FC–243 number assigned to the customer;

(iii) A full description of each commodity shipped directly from the United States;

(iv) Units of quantity or value of each commodity shipped;

(v) Date of shipment; and

(vi) A copy of the export order.

(3) All records regarding a distribution, sale, or reexport from a foreign-based stock under this procedure (including distributions to Government agencies under the provisions of paragraph (c)(3) of this section) shall be retained at the office from which the distribution is controlled for a period of 3 years from the date of distribution. In addition, the original of the Swiss Blue Import Certificates and reproduced copies of the original Yugoslav End-Use Certificates obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of 3 years from the date the commodities are distributed. As a minimum, these records shall contain for each distribution the following:

(i) Validated Form FC–243 number assigned to the customer;

(ii) Full description of each commodity distributed from the foreign-based stock;

(iii) Units of quantity or value of each commodity distributed; and

(iv) Date of shipment.

(4) All of the above-mentioned records shall be made available for inspection, upon request, by the Office of Export Control or any other accredited representative of the U.S. Government. In the event that a foreign governmental regulation or statute prohibits a U.S. Government representative from inspecting these records in the foreign country, the exporter shall, upon instruction from the Office of Export Control, obtain these records from his distributor and forward them, in original form or in duplicate or reproduction, to his U.S. office or directly to the Office of Export Control. However if it is necessary to forward records to the United States, copies of validated Forms FC–143 and FC–243 need not be forwarded unless specifically requested.

§ 373.5 Periodic requirements (PRL) license.

A periodic requirements (PRL) license procedure is established under which commodities may be exported for a period of 1 year from issuance of the license to one or more ultimate consignees in a single country of destination.

(a) *Destinations.* The PRL licensing procedure is applicable to all destinations except Country Groups S, W, X, Y, and Z.

(b) *Commodities subject to PRL licensing procedure.* The commodities for which the issuance of a PRL license will be considered are identified in the last column of the Commodity Control List (§ 399.1) by PRL Commodity Group Numbers, consisting of an "E" followed by a number. However, a PRL license is not applicable to any export of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1. An application may cover as much as 6-months estimated requirements of the named consignee(s) for the commodities included in the application. The PRL Commodity Groups are:

Group E–1—Rubber products.
Group E–2—Aircraft.
Group E–3—Plastics.
Group E–4—Petroleum products.
Group E–5—Refractories.
Group E–6—Electrical machinery and apparatus.
Group E–7—Metals and minerals, crude and semifinished.
Group E–8—Metals and minerals, mill products and manufactured products.
Group E–9—General industrial equipment.
Group E–10—Power generating machinery.
Group E–11—Construction equipment.
Group E–12—Petroleum equipment.
Group E–13—Industrial inorganic chemicals.
Group E–14—Organic chemicals.
Group E–15—Agricultural machinery.

(c) *Qualification for PRL license*—(1) *Applicant-consignee relationship.* (i) The applicant shall have had a business relationship with each ultimate consignee named on the application for a period of 2 years immediately preceding the date of filing the application; and

(ii) The applicant shall have exported to each named consignee a minimum of $2,000 worth of commodities in each PRL commodity group covered by the application during the 2-year period.

(2) *Records and recordkeeping.* At the time he files his application for a PRL license the applicant shall have in his possession documentary evidence of the existence of the 2-year business relationship with each ultimate consignee as described above. These documents and records shall be kept and made available for inspection in accordance with the provisions of § 387.11.

(3) *Minimum quantity.* Where shipments to any one consignee are expected to be less than $2,000 in value during the 1-year validity of the license, an individual or other appropriate license should be applied for.

(4) *Waiver of order requirements.* The provisions of paragraph 372.6(a) requiring an order in support of a license application are waived with respect to a PRL license.

(d) *Application for a PRL license.* An application for a PRL license shall be prepared and submitted on Form FC–419, Application for Export License (Rev. January 1966), with Form FC–420, Application Processing Card,[1] attached, in accordance with instructions contained in § 372.4(a); except as modified below:

(1) The words "Periodic Requirements License" shall be entered across the top of the Form FC–419, immediately above the printed words "United States of America."

(2) Only one country of ultimate destination may be entered on an application, but more than one commodity may be included provided all of the commodities have the same processing number on the Commodity Control List.

(3) If exports to more than one consignee within the same country of destination are included, a list, in triplicate, of the names and addresses of the proposed consignees shall be attached. "See attached list of consignees," shall be entered, in such cases, on the application in the space entitled "Ultimate Consignee in Foreign Country."

(4) The quantity of the commodities included in the application shall not exceed the estimated 6-months requirements. Total quantities and values shall be shown, but breakdown among consignees is not required. If no unit of quantity is indicated in the Commodity Control List for the commodity, only the value need be given on the application.

(5) The following certification shall be inserted on each PRL application in the space entitled "Additional Information" or on an attachment:

This is to certify that (I) (we) have had a business relationship with (the) (each) ultimate consignee named on this application extending over the 2-year period immediately preceding the date of submission of this application and, during this 2-year period, (I) (we) have exported to (the) (each) named consignee commodities included in PRL Commodity Group(s) E (enter all PRL Commodity Groups by E symbol and number), in a value totaling at least $2,000 for (the) (each) PRL Commodity Group(s).

(e) *Issuance of license*—(1) *Form of issuance.* A PRL license is issued on Form FC–628, Export License, and bears the identifying words "Periodic Requirements License" below the validation stamp. The list of approved ultimate consignees (see paragraph 373.5(d)(3) above) is attached to and becomes part of the license.

(2) *Validity period.* A PRL license is valid for 1 year from the last day of the month during which the license was issued. The expiration date will be shown on the license.

(3) *Deletion of consignees.* If the Office of Export Control finds that it will require an exended period of time to process a PRL license application because of the necessity for prolonged consideration of one of more proposed ultimate consignees, a PRL license will be issued excluding such consignees. The applicant will be notified that an individual license application may be submitted to cover each excluded consignee.

(f) *Export clearance*—(1) *Presentation of license to Customs.* The licensee shall deposit his PRL license with the Customs Office at the port of export through which the largest number of shipments will move. When requested by the licensee, Customs offices may authorize movement of the commodities from another port in accordance with the procedure established in paragraph 386.2(e).

(2) *Shipments by mail.* Shipments may be made by mail without obtaining additional licenses in accordance with the procedure described in § 386.1(c).

(g) *Amendments.* The licensee may request an increase in the quantity or value authorized for export under the license at any time during the first 6 months of its validity, using Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile of form), in accordance with the provisions of § 372.11. A new license application shall be filed to ship additional quantities over those shown on the license during the last 6 months of the validity period. Extension of the validity period of a PRL license will not be granted, and a new license application shall be filed for such purpose.

(h) *Application for other validated licenses.* An exporter holding a PRL license shall not apply for, nor will the Office of Export Control issue to him, any other type of validated license for any transaction involving a commodity and consignee covered by the PRL license.

§ 373.6 Time limit (TL) license.

A time limit (TL) license procedure is established that authorizes for a period of 1 year the export of unlimited quantities of a commodity(ies) to one or more named ultimate consignees in Country Group T.

(a) *Eligibility for time limit license*—(1) *Commodities.* The commodities exportable under the time limit license procedure are identified on the Commodity Control List (§ 399.1), by the Country Group symbol T in the column headed "Validated License Required for Country Groups Shown Below," except:

(i) Commodities identified by the symbol "G" in the last column of the Commodity Control List; and

(ii) Commodities related to nuclear weapons, nuclear explosive devices or nuclear testing (see § 378.1).

The commodities covered on a time limit license must be intended for consumption or resale within the particular T country of destination, or for reexport by approved consignees to importers in other T countries in accordance with the provisions of paragraph (f) of this section.

(2) *Applicant-consignee relationship.* An applicant for a time limit license shall have:

(i) Had a business relationship with each ultimate consignee named on the application for a period of 2 years immediately preceding the date of filing the TL license application;

(ii) Exported to each consignee during that 2-year period, the commodities covered by the application in an amount totalling at least $2,000, part of which was exported during each of the 2 years.

(3) *Records and recordkeeping.* At the time of filing a time limit license application, the applicant shall have in his possession documentary evidence of the existence of the 2-year business relationship with each ultimate consignee as described above. These documents and records shall be kept and made available for inspection in accordance with the provisions of § 387.11.

(4) *Waiver of order.* The order requirement provisions of paragraph 372.6 (a) are waived with respect to an application for a time limit license.

(b) *Preparation of a TL license application*—(1) *Application form.* An application for a time limit license shall be prepared and submitted on Form FC–419, Application for Export License, together with Form FC–420, Application Processing Card, in accordance with instructions in § 372.4(a), except that the applicant shall:

(i) Enter the words "Time Limit License" across the top of the application form immediately above the words "United States of America";

(ii) Leave blank the spaces entitled "Quantity to be Shipped," "Unit Price," and "Total Price";

(iii) Where there is more than one ultimate consignee, attach a list, in duplicate, giving name and address of each consignee (plus an additional copy for each additional license required pursuant to paragraph 373.6(e)(2));

(iv) Insert "See attached List of Consignees" in the space entitled "Ultimate Consignee in Foreign Country"; and

(v) Insert the following certification in the space entitled "Additional Information" or on an attachment to the application:

This is to certify that (I) (we) have had a business relationship with (Name(s) of ultimate consignee(s)) extending over a period of 2 years preceding the date of submission of this application and have exported to the named consignee(s) the commodities applied for under this application in an amount totaling at least $2,000 during these 2 years, part of which was exported during each of the 2 years.

[1] Forms FC–419 and FC–420 may be obtained at all U.S. Department of Commerce Field Offices (see list of addresses on page 1 under Field Office addresses) and from the Office of Export Control (Attention 852), U.S. Department of Commerce, Washington, D.C. 20230.

(2) *Multiple transactions statement.* Each TL license application shall be supported by a Form FC–843, Multiple Transactions Statement by Consignee and Purchaser, completed by each ultimate consignee named on the application in accordance with § 375.2.

(c) *Issuance of TL license*—(1) *Form of issuance.* A TL license is issued on Form FC–628, Export License, bearing the identifying words "Time Limit License" below the validation stamp. Where more than one ultimate consignee is approved, the list of such ultimate consignees, submitted in accordance with the above instructions, is attached to and becomes a part of the license.

(2) *Validity period.* A TL license is valid for 1 year from the last day of the month during which the license is issued. The expiration date is shown on the license.

(3) *Deletion of consignees.* If the Office of Export Control finds it will require an extended period of time to process the license application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a TL license may be issued excluding such consignee(s). The applicant will be notified to that effect and advised to submit an individual license application for each excluded consignee.

(d) *Amendments*—(1) *Extension of validity period.* A TL license will not be extended. In order to assure the continuity of an outstanding TL license the exporter may submit an additional application for a TL license 30 days prior to the expiration date of the outstanding license. Where special circumstances exist (for example, lead time in long-cycle production commodities), an additional TL license application may be submitted 90 days prior to the expiration date of the outstanding license, provided that the reason(s) for such early submission is included with the application.

(2) *Addition of new ultimate consignee.* A request to amend an outstanding TL license to add a new ultimate consignee shall be submitted on Form IA–763, Request for and Notice of Amendment Action (see § 372.11). The amendment request shall be supported by a Form FC–843, Multiple Transactions Statement by Consignee and Purchaser (see paragraph 373.6(b)(2)), and a certification of applicant-consignee business relationship (see paragraph (a)(2) of this section).[1]

(e) *Export clearance*—(1) *Presentation of license to customs.* The licensee shall deposit his TL license in the customs office at the port of export through which the largest number of shipments will move.

(2) *Shipment through another port.* Upon request of the licensee, customs offices may authorize movement of the commodity from another port in accordance with § 386.2(e). As an alternative, the applicant may obtain an additional license for deposit with the customs office at each additional port of export through which substantial shipments will move, by listing these ports on his license application. If, subsequent to issuance of the license, additional licenses are required under the alternative procedure, the licensee may make such request by letter to the Office of Export Control, indicating the case number, name(s) of ultimate consignee(s), and port through which substantial shipments will move.

(3) *Shipments by mail.* Shipments may be made by mail without obtaining additional licenses, in accordance with § 386.1(c).

(f) *Reexports.* Reexport may be made between ultimate consignees named on outstanding TL licenses, issued to the same licensee, without the necessity of obtaining specific approval from the Office of Export Control. Approval for reexport to other importers in Country Group T may be obtained in accordance with the procedure described below. Requests for reexport approval may be made either with the license application or subsequent to the issuance of TL license. In order to obtain such approval the procedure on reexports described in Part 374 shall be followed.

§ 373.8 Aircraft and vessel repair station procedure.

An aircraft and vessel repair station procedure is established as an alternative procedure to the filing of supporting documents with applications to export aircraft or vessel repair parts to certain destinations.

(a) *Definitions*—(1) *Station number.* As used in this section, a "Station Number" is a number assigned by the Office of Export Control on Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts (see Supplement S–8 for facsimile of form), to an approved foreign importer of such parts.

(2) *Foreign importer.* As used in this section, a "Foreign Importer" is a person or firm located in any foreign country except Country Groups S, W, Y, or Z, that is either:

(i) engaged in the repair maintenance, or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) engaged in supplying U.S. origin parts, accessories, equipment or components, either exclusively or as part of a related business, directly to aircraft or vessels for use thereon. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard.

(b) *Eligibility*—(1) *Eligible foreign businesses.* The types of foreign businesses that may be eligible to use the aircraft and vessel repair station procedure include, but are not limited to, the following:

(i) Repair of aircraft or vessels, for which repair U.S.-origin parts are used.

(ii) Repair of aircraft or vessels, using U.S.-origin parts and also sale of such parts directly to aircraft or vessels as spares or standby equipment; or

(iii) Sale of U.S.-origin parts directly to aircraft or vessels as spares or standby equipment, but not the repair of such aircraft or vessels.

(2) *Noneligible foreign businesses.* The following types of foreign businesses are not eligible to use the aircraft and vessel repair station procedure:

(i) A foreign importer who imports U.S.-origin parts for general resale (including resale to repairmen), or for reexport in the form received; or

(ii) A foreign importer whose normal business is the repair of components for aircraft or vessels, e.g., engines, radar, etc., unless he installs them on or returns them to the aircraft or vessels for use thereon.

(3) *Importers engaged in both eligible and noneligible businesses.* In some instances a foreign importer may be engaged in several types of businesses, but not all of them will be eligible to use the aircraft and vessel repair station procedure. For example, the importer may be engaged in repairing aircraft or vessels, as well as in selling commodities to other repairmen or in reexporting the commodities to other countries. These several types of businesses do not preclude him from eligibility under this procedure with respect to U.S.-origin commodities used by him in the repair, maintenance, or servicing of aircraft or vessels. However, for commodities which the importer purchases in the United States for end-uses not authorized under this procedure, both the importer and the exporter must meet the standard documentation and reexport provisions of the Export Control Regulations.

(c) *Authorizations and limitations of aircraft and vessel repair station procedure.* (1) A foreign importer is authorized to use U.S.-origin parts in the repair, maintenance, or servicing of any aircraft or vessel, provided the aircraft or vessel is not registered in, or not owned or controlled by, or not chartered or leased to a Group S, W, Y, or Z country or any national thereof.

(2) Unless otherwise authorized by the Export Control Regulations, a foreign importer may not reexport U.S.-origin commodities in the form received or dispose of them in any other manner without the prior approval of the Office of Export Control. The permissive reexport provisions of § 374.2 of the Export Control Regulations relating to reexports of commodities within allowable GLV dollar limits are not applicable to commodities exported under this aircraft and vessel repair station procedure.

(d) *How to obtain a repair station number*—(1) *Documentation.* The documentation provisions of the Export Control Regulations require that, under specified circumstances, a foreign importer must send his U.S. exporter an Import Certificate, a Hong Kong Import License, a consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate to support an application for export license or a reexport request. Additionally, before U.S.-origin parts, accessories, equipment, or components may be used abroad in the repair, maintenance, or servicing of aircraft or vessels, authorization must be obtained from the Office of Export Control, either on the validated license or by other type of authorization. As an alternative to these requirements, a foreign importer may submit instead Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, revised March 1, 1965, to the Office of Export Control in accordance with the procedure described below. Copies of Form FC–43 are available from the Department of Commerce in Washington, all of the Department's Field Offices and from U.S. diplomatic and consular offices. (Late revisions of the form include "Southern Rhodesia" in the "Certification" space. If it does not appear, it should be inserted following the name "Cuba.")

(2) *Submission of Form FC–43 by foreign importer.* To apply for qualification to operate under the aircraft and vessel repair station procedure, the foreign importer shall submit five copies of Form FC–43 to the Office of Export Control. All items on the form must be completed including the signature of an official of the foreign firm attesting to agreement to the terms and conditions of the form.

(3) *Office of Export Control action on Form FC–43.* If the Office of Export Control approves a Form FC–43, a validated copy is sent to the foreign importer. If the request is not approved, the importer is so advised. The validated Form FC–43 will contain a station number and an expiration date. (The expiration date generally is June 30 of the year following the date on which the form was signed unless an earlier termination is requested by the foreign importer.)

(e) *Use of repair station number.* (1) The approval of a foreign repair station under this procedure does not relieve the U.S. exporter of the requirement that he obtain a validated export license when applicable before making shipment to the repair station.

(2) Instead of submitting the supporting documents normally required as described above, an approved foreign importer shall advise his U.S. exporter of the station number assigned to his approved Form FC–43. The U.S. exporter shall then insert the following statement in the space entitled "Additional Information" on the license application or on an attachment thereto:

> The ultimate consignee named on this application is an approved foreign importer of aircraft or vessel repair parts and has been assigned Station Number (insert number).

A license application supported by a station number must be received in the Office of Export Control prior to the expiration date shown on the approved Form FC–43.

(f) *Records and reports.* (1) Any foreign importer approved under this procedure shall maintain records, in the detail set forth below, of commodities imported from the United States and supplied to aircraft or vessels. These records shall be kept for a period of 3 years from the date the commodities are supplied to such aircraft or vessel and shall be made available for inspection, upon demand, by the Office of Export Control or any accredited representative of the U.S. Government. In the event the foreign importer is prohibited by governmental regulation or statute from permitting a U.S. Government representative to inspect his records, the Office of Export Control will consider granting a waiver of this requirement and the substitution therefor of a calendar quarterly report setting forth the information contained in the records. Such request for waiver shall be part of the submission of Form FC–43 to the Office of Export Control, and shall include a citation to the governmental regulation or statute prohibiting the inspection of records, together with a certification that a calendar quarterly report, containing the information specified below, will be submitted to the Office of Export Control if the waiver request is granted.

(2) As a minimum, the records or reports shall include the following with respect to each aircraft or vessel on which United States origin parts, accessories, equipment, or components are supplied:

(i) Name, business address, and nationality of the owner;

(ii) Country of registry;

(iii) Type of aircraft and model number;

(iv) If a vessel, the name of the vessel or other identification, and type of vessel;

(v) Date the commodities are supplied to the aircraft or vessel; and

(vi) The commodity description and units of quantity or value of the commodities supplied to the aircraft or vessel.

(g) *Extension of validity period of Form FC–43.* (1) If there are no changes in the facts and commitments set forth in the Form FC–43 originally approved by the Office of Export Control, a foreign importer may request the extension of an expiring Form FC–43 by submitting a letter to the Office of Export Control, in an original and four copies, which includes the following certification. However, if there will be a change, to take effect upon validation of the extension, with respect to the facts originally certified on the approved Form FC–43, a new Form FC–43 must be submitted.

> I (We) certify that:
>
> (i) I (We) have reread the Form FC–43 which was executed on ----------, and which expires on ----------.
>
> (ii) The facts contained in that form have not changed to date and accurately and completely reflect the intended use and disposition of the commodities to be imported under Station No. ------ for the period ending (insert June 30 next year or an earlier termination date if desired).
>
> (iii) The commodities imported will not be used in the maintenance, repair, or servicing of vessels or aircraft under the registry, ownership, operation, charter, lease, or control of any country in the Soviet Bloc, Communist China, North Korea, the Communist-controlled area of Vietnam, Poland (including Danzig), Rumania, Cuba, or Southern Rhodesia, or a national of any of these countries, unless prior approval is received from the Office of Export Control.
>
> (iv) I (We) will maintain records, in the detail set forth in the U.S. Export Regulations, of commodities imported from the United States and supplied to aircraft or vessels, for a period of 3 years from the date the commodities are supplied to such aircraft or vessel. These records will be available for inspection, upon demand, by the U.S. Department of Commerce, or by a U.S. Foreign Service post.
>
> (v) I (We) shall obtain the approval of the Office of Export Control with respect to any change in the facts or intentions which may occur after the signing of this certification.
>
> ---------- ----------
> (Name of foreign firm) (Date of signing)
>
> ---------- ----------
> (Signature of officials of foreign firm) (Typed or printed signature)

(2) If the request for extension is approved, one copy of the foreign importer's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. Where the request for extension is not approved, the foreign importer will be advised by letter.

SUPPLEMENT NO. 1 TO PART 373

COMMODITIES EXCLUDED FROM DISTRIBUTION LICENSE PROCEDURE

Export Control Commodity Number	*Commodity Description*
23120	Carboxyl terminated polybutadiene; hydroxyl terminated polybutadiene; and cyclized 1,2-polybutadiene.
28311	Copper ores and concentrates.
28312	Copper matte.
28398	Beryllium ores and concentrates.
28398	Rhenium concentrates (salts).
28401	Copper bearing ash and residues.
28402	Copper or copper-base alloy waste and scrap.
33250	Lubricating oils wholly made of fluorocarbon polymers or copolymers.
51209	Guanidine nitrate; 3-nitraza-1, 5 pentane diisocyanate; bis 2 (2, 2' dinitropropyl) formal and acetal; and 2, 2' dinitropropanol.
51209	Tetrazene; and lead styphnate.
51209	Dibromotetrafluoroethane; polybromotrifluoroethylene; and trifluoromonochloroethylene.
51209	2 Cyanoacetamide; diethyl-methyl phosphonite; di-isopropyl amino ethyl chloride hydrochloride; di-osopropyl carbodiimide; 2-di-isopropyl aminoethanol; and dimethyl hydrogen phosphite.
51209	Lysergic acid diethyl amine; malononitrile; methyl dichlor phosphine; methyl isonicotenate; and methyl phosphonyl dichloride.
51209	N, N-diethyl ethylene diamine.
51209	Trichlorotrifluoroethane; and dichlorotetrafluoroethane.
51329	Lithium metal.
51329	Boron metal.
51329	Calcium metal containing less than one hundredth (0.01) percent by weight of impurities other than magnesium and less than 10 parts per million of boron.
51340	Chlorine trifluoride.
51369	Beryllium oxides, hydroxides, peroxides, and compounds.
51369	Monocrystalline gallium compounds.
51369	Hafnium oxides.
51369	Zirconium oxide containing less than one part hafnium to 500 parts zirconium.

[1] Forms IA–763 and FC–843 may be obtained from all U.S. Department of Commerce field offices (see list on page 1 under Field Office Addresses), from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and from U.S. consulates, embassies, and other posts in Country Group "T" countries.

51369 Other zirconium oxide, purity 97 percent or higher, or stabilized with lime and/or magnesia.
51470 Beryllium compounds, including, but not limited to, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate.
51470 Hafnium compounds.
51470 Master alloys of copper containing 8 percent or more phosphor.
51470 Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride.
51470 Zirconium compounds containing less than one part hafnium to 500 parts zirconium.
51500 Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof; and radium, radium salts and compounds.
51500 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
51500 Polonium metal.
51500 Polonium-bearing salts and compounds.
51500 Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6-isotope, or (d) any other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates.
51500 Compounds enriched in lithium 7 isotopes.
58110 Resin (plastic) composites, unfinished or semifinished (including molding compounds, laminates and molded shapes), containing silica, quartz, carbon or graphite fibers in any form.
59972 Artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except non-pyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
59972 Artificial graphite in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.
59972 Carbon or graphite fibers in any form (including chopped or macerated) whether or not coated or impregnated; and products thereof.
65180 Continuous yarns and rovings suitable for use in filament wound structures, having all of the following characteristics: (a) Consisting of monofilaments 12 microns (0.00047 inch) or less in diameter, (b) modulus of elasticity greater than 11 times 10^6 p.s.i., and (c) tensile strength to density ratio (figure of merit) greater than 350,000 p.s.i.
65180 Continuous yarns and rovings made of glass fibers, having a modulus of elasticity of 10.5 times 10^6 p.s.i. or greater, or having a tensile strength to density ratio (figure of merit) of 300,000 p.s.i. or greater.
65180 Yarn, roving, and strand made from silica or quartz fibers, regardless of filament length, diameter, or strength, whether or not coated or impregnated.
66230 High temperature refractory cements or bonding mortars, brick and similar shapes, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
66363 Artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.
66363 Carbon or graphite fibers in any form (including chopped or macerated) whether or not coated or impregnated; and products thereof.
66363 Artificial graphite products, n.e.c., whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except non-pyrolitic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
66370 Refractory products wholly made of boron carbide or boron nitride.
66370 Crucibles containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
66370 Refractory products other than refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
66370 Crucibles and other refractories made of artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except non-pyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
66370 Artificial graphite refractory products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.
67160 Ferrozirconium containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.
67850 Pressure tube and pipe fittings having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter and made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.
67860 Stainless pressure tube and pipe of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and
67860—Continued made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.
68211 Blister copper and other unrefined copper.
68212 Refined copper, including remelted, in cathodes, billets, ingots, except copper-base alloy ingots, wire bars, and other crude forms.
68212 Copper-base alloy ingots.
68213 Master alloys of copper.
68221 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222 Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
68223 Copper or copper alloy foil, including paperbacked.
68224 Copper or copper alloy powders and flakes.
68225 Pressure tube and pipe, copper-nickel alloy, of 8 inches or more inside diameter and having a wall thickness of 8 percent or more of the inside diameter.
68225 Other tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226 Pressure tube fittings and pipe fittings, copper-nickel alloy, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.
68321 Bars, rods, angles, shapes, and sections of porous nickel having a purity of 99 percent or more.
68321 Other bars, rods, angles, shapes, sections, and wire of nickel alloy containing 32 percent or more nickel, except nickel-copper alloys containing not more than 6 percent of other alloying elements.
68322 Nickel powders with a particle size less than 200 microns.
68322 Plates, sheets, strips, and foil of porous nickel having a purity of 99 percent or more.
68323 Tubes, pipes, blanks and fittings therefor, and hollow bars of porous nickel having a purity of 99 percent or more.
68323 Pressure tube and pipe fittings containing 32 percent or more nickel, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness or 8 percent or more of the inside diameter.
68933 Beryllium metal or beryllium alloys containing more than 50 percent beryllium, wrought and unwrought, and waste and scrap.
68950 Hafnium metal and alloys containing more than 15 percent hafnium by weight.
68950 Rhenium metal and rhenium metal alloys, wrought and unwrought.
68950 Zirconium metal and zirconium alloys containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight, wrought and unwrought, and waste and scrap.
69892 Copper or copper-base alloy castings and forgings.
69899 Beryllium or beryllium alloy castings and forgings containing more than 50 percent beryllium; and articles wholly made of beryllium.
69899 Hafnium metal and hafnium alloy castings and forgings containing more than 15 percent hafnium by weight.

69899 Polonium metal castings and forgings.
69899 Rhenium or rhenium alloy castings and forgings.
69899 Zirconium or zirconium alloy castings, forgings, and other articles, n.e.c., containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.
69899 Other articles wholly made of zirconium or zirconium alloys.
69899 Articles wholly made of beryllium.
69899 Wire mesh, all types, including electroformed, containing 95 percent or more nickel, with 60 or more wires per linear centimeter or the equivalent thereof.
71120 Heat exchangers and heat-exchanger type condensers specially designed for nuclear reactors; and specially designed parts and accessories, n.e.c.
71120 Tubular type heat exchangers designed to operate at pressures of 1,500 p.s.i. and above and with all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium; and specially designed parts and accessories, n.e.c.
71120 Heat exchangers and heat-exchanger type condensers, tubular, designed for use in steam power generation and to operate at pressures of 300 p.s.i. and over and with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, either separately or combined, and specially designed parts and accessories, n.e.c
71130 Steam turbines designed for use of saturated steam for an output of 2,000 horsepower (1,500 kilowatts) up to and including 100,000 horsepower (75,000 kilowatts); and parts and accessories, n.e.c.
71170 Parts and accessories, n.e.c., specially fabricated for nuclear reactors, including mechanical devices designed to control or shut down a nuclear reactor.
71420 Advanced electronic computers, i.e., those with a bus rate of 50,000,000 bits per second or more.
71911 Electrolytic cells, and specially designed parts.
71919 Equipment specially designed for the production and/or concentration of deuterium oxide; and specially designed parts.
71921 Industrial pumps having *all* flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polychlorotrifluoroethylene; and parts and attachments, n.e.c.
71921 Vertically shafted centrifugal pumps, glandless, hermetically sealed (canned) type or mechanical pressurized sealed type, having all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium and rated at 50 kilowatts or more; and parts and attachments, n.e.c.
71921 Other centrifugal pumps, glandless, hermetically-sealed (canned) type, having all flow-contact surfaces made of 10 percent or more chromium or nickel, either separately or combined; and parts and attachments, n.e.c.
71921 Pumps designed to move molten metals by electro-magnetic forces; and parts and attachments, n.e.c.
71922 Compressors and blowers (turbo, centrifugal, and axial flow types) having a designed capacity of 60 c.f.m. or more and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; and specially designed parts and attachments.
71923 Counter-current solvent extractors specially designed for the extraction of radioactive substances (for example, pulsed columns and mixer-settlers made of stainless steel); and specially designed parts.
71923 Equipment for filtering, purifying, separating or treating radioactive impurities from nuclear reactor coolant; and specially designed parts.
71923 Gas centrifuges capable of the enrichment or separation of isotopes; and specially designed parts.
71923 Other centrifuges, power-driven, bowl type, with all product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.
71923 Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.
71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c.
71980 Hot or cold isostatic presses, as follows: (a) capable of achieving a maximum working pressure of 20,000 p.s.i. or greater and possessing a chamber cavity with an inside diameter in excess of 16 inches, or (b) capable of achieving a maximum working pressure of 5,000 p.s.i. or greater and having a controlled thermal environment within the closed cavity, except those possessing a chamber cavity with an inside diameter of less than 5 inches and which are also capable of achieving and maintaining a controlled thermal environment only between plus 176° F. (plus 80° C.) and minus 30° F. (minus 35° C.); and specially designed parts and accessories, n.e.c.
71992 Pipe valves having all of the following characteristics: a pipe size connection of 8 inches or more inside diameter, all flow contact surfaces made of or lined with alloys of 10 percent or more nickel and/or chromium and rated at 1,500 p.s.i. or more; and specially designed parts, n.e.c.
71992 Valves, 1 inch or more in diameter, fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel, except those having metal to metal seats; and specially designed parts.
71992 Valves, cocks, or pressure regulators with all flow contact surfaces made of or lined with polytetrafluoroethylene or polychlorotrifluoroethylene; and specially designed parts.
71992 Other valves fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel; and specially designed parts.
72210 Generators and turbine-generator sets specially designed for use with nuclear reactors; and specially designed parts and accessories, n.e.c.
72210 Other turbine-generator sets specially designed for use of saturated steam; and parts and accessories, n.e.c.
72310 Wire and cable coated with or insulated with polyvinyl fluoride.
72310 Wire and cable coated with or insulated with other fluorocarbon polymers or copolymers.
72310 Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.
72310 Other coaxial cable.
72310 Communications cable containing more than one pair of conductors as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310 Insulated nickel or nickel alloy wire as follows: (a) Insulated thermocouple nickel chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm. both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel, except nickel copper alloy wire containing not more than 6 percent of other alloying elements.
72310 Other copper or copper-base alloy insulated wire and cable.
72620 Flash discharge type X-ray tubes; and specially designed parts and accessories, n.e.c.
72620 X-ray machines having any of the following characteristics: (a) Peak power exceeding 500 megawatts, (b) output voltage exceeding 500 kilovolts, or (c) output current exceeding 2,000 amperes with pulse width of 0.2 microsecond or less; and specially designed parts and accessories, n.e.c.
72911 Electro-chemical and radioactive devices for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) Fuel cells, including regenerative cells (i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells), (b) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, except those having a power output of less than 0.5 watt in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2; and specialized parts, components, and subassemblies therefor.

72930 Image converter tubes specially designed for light shutter applications and having shutter speeds of less than 100 nanoseconds.

72930 Cold cathode tubes and switches, as follows: (a) Triggered spark-gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more; or (b) cold cathode tubes, whether gas filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having all of the following characteristics: (i) rated for an anode peak voltage of 2,500 volts or more, (ii) rated for peak currents of 300 amperes or more, (iii) an anode delay time of 10 microseconds or less, and (iv) an envelope diameter of less than 1 inch (25.4 mm.).

72939 Other cold cathode tubes operating in a manner similar to a spark gap, containing three or more electrodes and rated for a peak anode current of 30 amperes or more.

72952 Nuclear radiation detection and measuring instruments designed to measure neutron flux in connection with the determination of the power level of an operating nuclear reactor.

72952 Other nuclear radiation dosimeters capable of measuring dosages above 5 roentgens in one exposure.

72952 Vibration testing equipment.

72952 Control equipment specially designed for hot or cold isostatic presses (No. 71980) requiring a validated license to all Country Groups.

72952 Mass spectrographs and mass spectrometers, except mass spectrometer typeleak detectors.

72970 Neutron generators employing the electrostatic acceleration of ions; and specially designed parts.

72970 Accelerators, as follows: (a) Betatrons, synchrotrons, cyclotrons, synchrocyclotrons and linear accelerators, (b) electron accelerators capable of imparting energies in excess of 500,000 electron-volts, and (c) other electro nuclear-machines capable of imparting energies in excess of 1,000,000 electron-volts to a nuclear particle or ion; and specially designed parts.

72970 Neutron generator tubes designed for operation without external vacuum system, and utilizing eletcrostatic acceleration to induce a tritium deuterium nuclear reaction; and specially designed parts.

72991 Magnets specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron-volts to a nuclear particle or ion.

72992 Electric cold crucible vacuum induction furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 2012° F. (1100° C.).

72996 Electrical carbons, except carbon brushes, artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 and greater, except non-pyrolytic graphite or density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).

72996 Electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.

72996 Other electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over.

73410 Nonmilitary helicopters, aircraft, and ground effects machines (GEMS), including surface effect machines and other air cushion vehicles.

73410 Military aircraft, demilitarized (not specifically equipped or modified for military operations), the following only: (i) Cargo, "C–45 through C–118," and "C–121;" (ii) trainers, bearing a "T" designation and using piston engines; (iii) utility, bearing a "U" designation and using piston engines; and (iv) liaison, bearing an "L" designation.

86140 Streak cameras capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c.

86140–86150 High-speed cameras having any of the following characteristics: (a) Using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source, and 10,000 frames per second when using flash equipment connected to the unwinding system as the light source, (b) using film width greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second; and specially designed parts and accessories, n.e.c.

86198 Mass spectrographs and mass spectrometers, except mass spectrometer type leak detectors; and specially designed parts, n.e.c.

86199 Parts (including positive ion sources), assemblies, components, and accessories, n.e.c., for mass spectrographs and mass spectrometers under No. 72952 which require a validated license to all Country Groups.

86199 Parts and accessories, n.e.c., for nuclear radiation dosimeters.

89927 Wire cloth sieves, all types, including electroformed, containing 95 percent or more nickel, with 60 or more sieves per linear centimeter or the equivalent thereof.

PART 374—REEXPORTS

Sec.
374.1 Prohibited exports and reexports.
374.2 Permissive reexports.
374.3 How to request reexport authorization.
374.4 Notice to consignee.
374.5 Validity period.
374.6 Presentation of shipper's export declaration to Canadian customs.
374.7 Retention of documents.
374.8 Revocation of authorization to Reexport.
374.9 Effect on foreign laws.

AUTHORITY: The provisions of this Part 374 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 374.1 Prohibited exports and reexports.

Unless the reexport of a commodity previously exported from the United States has been specifically authorized by the Office of Export Control, in writing, prior to its reexport, or is otherwise authorized under the provisions of § 374.2 or is otherwise authorized under any other provision of the Export Control Regulations, no person in the United States or in a foreign country (including Canada) may:

(a) Reexport such commodity directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement on the shipper's export declaration, bill of lading, or commercial invoice; or

(b) Export such commodity from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement appearing on the shipper's export declaration, bill of lading, or commercial invoice.

§ 374.2 Permissive reexports.

The following reexports of U.S. origin commodities[1] may be made without obtaining prior written authorization from the Office of Export Control:

(a) Reexports of any commodity that, at the time of reexport, may be exported directly from the United States to the new country of destination (1) under General License G–DEST, or (2) where the value of the reexport does not exceed the GLV value on the Commodity Control List for the new country of destination.[2]

(b) Reexports of any commodity from Canada that, at the time of reexport, may be exported directly from the United States to the new country of destination under any general license.

(c) Reexports between:

(1) Switzerland and Liechtenstein.

(2) Italy and the area of Trieste under Italian Civil administration.

(3) Yugoslavia and the area of Trieste under Yugoslav administration.

(d) Reexports between ultimate consignees as provided by the terms of the project license procedure, see § 373.2 or the terms of the Time Limit license, see § 373.6(f).

(e) Reexports between an exporter's approved consignees as provided in the terms of the distribution license procedure, see § 373.3(i).

(f) Reexports to customers of a distributor as provided by the terms of the Warehousing procedure, see § 373.4(e)(2)(iii)(a).

[1] For reexport of technical data, see § 379.6.

[2] The permissive reexport provisions set forth above relating to the reexport of commodities within the established GLV dollar value limits do not apply to exports, reexports, or distributions made under the Form FC–43 procedure or the Form FC–243 procedure. (See §§ 373.8 and 373.4.)

§ 374.3 How to request reexport authorization.

(a) *Requests for reexport authorization for commodities exported under general license.* In order to obtain prior authorization to reexport commodities previously exported from the United States under a general license, a request shall be submitted by letter, in duplicate, to the Office of Export Control (Attention: 852) U.S. Department of Commerce, Washington, D.C. 20230. The letter shall identify the original country of destination, the general license under which shipment was made from the United States, the commodity, and the quantity proposed for reexport to each country. If a reexport is to be made to any of the countries listed in paragraph (d)(1) of this section, the information and documentation required by paragraph (d)(1)(i) and (ii) of this section shall also be submitted with the letter request.

NOTE: Optional ports of unlading. When an export is being made to Country Group T, V, or W under the provisions of General License G–DEST and the exporter does not know, prior to the departure of the exporting carrier, which of several countries is the country of ultimate destination, he may name optional ports of unlading on the declaration and bill of lading, even when more than one foreign country is involved, as provided by paragraph 386.3(e)(4).

(b) *Requests for reexport authorization accompanying license application.* In addition to specifying the country to which the reexport will be made, the application shall include the information required by paragraph (d) (1) and (2) of this section, if applicable. In order to obtain prior authorization to reexport commodities at the time of submission of the application for a license to export from the United States, the reexport request shall be included on the license application. If it is stated on an individual export license application that the commodity to be exported is intended for distribution or resale in a country (ies) other than the named country of ultimate destination, authorization for such distribution or resale will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(1) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(2) "Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries)."

Other methods for obtaining reexport authorization are set forth in the special licensing procedures. (See Part 373.)

(c) *Requests for reexport authorization subsequent to submission of license application*—(1) *Before shipment.* If prior authorization to reexport commodities is requested while the license application is still pending with the Office of Export Control, or, if the export license has been issued and the proposed shipment has not been cleared for export by the U.S. Customs Office, Form IA–763, Request for and Notice of Amendment Action, shall be submitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, in accordance with the procedure described in paragraph 372.11(h). On the Form IA–763, in the space headed "Amend license to read as follows," the applicant should state, "Add permission to reexport to (name of countries)." (See paragraph (d) (1) and (2) of this section below for special provisions for specified countries.)

(2) *After shipment cleared for export.* If prior authorization to reexport commodities is requested after the shipment has been cleared for export by U.S. Customs Office, a letter request shall be submitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The letter request shall identify both the application case number and export license number (if known) and include the commodity description and quantity proposed for distribution or resale in each country of distribution or resale. (See paragraph (d) (1) and (2) of this section for special provisions for specified countries.)

(d) *Special requirements.* In addition to the provisions of paragraphs (a), (b), and (c) of this section, the request for authorization to reexport shall include the following:

(1) *Reexports to certain countries.* If the reexport is to be made to a destination specified below, regardless of the country to which the commodities were originally shipped from the United States, additional information shall be furnished as set forth in subdivisions (i) and (ii) of this subparagraph (1).

Cambodia.
Laos.
Lebanon.
Liechtenstein.
Malaysia.
Singapore.
South Africa (Republic of).
Sweden.
Switzerland.
Thailand.
Vietnam (Republic of).
Yugoslavia.

Any destination in Country Group S, W, X, Y, or Z (see Supplement No. 1 to Part 370 for the countries included in each country group).

(i) The name and address of each person or firm to whom reexport will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each, and

(ii) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 375 if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport. If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Regulations. (See § 375.2(b)(4) for waiver of a Consignee/Purchaser Statement; § 375.1(d) for waiver of an Import Certificate; § 375.3(c) for waiver of a Swiss Blue Import Certificate; and § 375.4(c) for waiver of a Yugoslav End-Use Certificate.)

(2) *Reexports from Switzerland and Liechtenstein.* If export from the United States was made, or will be made, to Switzerland or Liechtenstein under a validated export license, the request to reexport from Switzerland or Liechtenstein shall include the name and address of each person or firm to whom reexport will be made, the quantity and value of the commodities to be reexported to each, and the number and date of the Swiss Blue Import Certificate(s) submitted in support of the application(s) for license to export the commodities from the United States.

§ 374.4 Notice to consignee.

Where the Office of Export Control has authorized a type of reexport described in § 374.2(d) (1) or (2), the U.S. exporter shall advise his foreign consignee of the amount of reexport authorized and the name of the person or firm to whom the reexport has been authorized. In those cases where the Office of Export Control has disapproved a reexport authorization request, in whole or part, the exporter may wish to advise his foreign consignee of this rejection decision in advance of the notification he is required to include in the destination control statement on the bill of lading and commercial invoice (see § 386.6).

§ 374.5 Validity period.

(a) *Limitation on validity period.* Generally, only authorizations to reexport to Country Group W, Y, or Z are restricted to a limited validity period. Any authorization to reexport or redistribute commodities to Country Group W, Y, or Z whether authorized on the validated export license or separately, expires on the last day of the sixth month following the month in which the reexport is authorized unless otherwise specified. The U.S. exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexport authorization.

(b) *Request for extension of validity period.* A request for an extension of the validity period of a reexport or redistribution authorization shall be submitted in the same manner as a request for the reexport authorization, except that the documentation required by § 374.3(d)(1) need not be resubmitted if the original documents remain valid. In addition the request for extension shall identify the

original authorization, the date of the authorization, the names of the countries covered, the commodities and quantities originally authorized for reexport, and the commodities and quantities remaining to be reexported.

§ 374.6 Presentation of shipper's export declaration to Canadian customs.

When an export to a foreign country is made in transit via Canada, the U.S. exporter shall submit an authenticated copy of the U.S. shipper's export declaration to the Canadian customs authorities at the Canadian port of entry. [See § 386.1(d).]

§ 374.7 Retention of documents.

The document authorizing reexport shall be kept and made available for inspection in accordance with the provisions of § 387.11. (For further record keeping requirements, see § 387.11.)

§ 374.8 Revocation of authorization to reexport.

All export licenses and other authorizations to reexport are subject to revision, suspension, or revocation without notice.

§ 374.9 Effect on foreign laws.

Any reexport or distribution authority granted by the U.S. Office of Export Control does not relieve any person from complying with foreign laws.

PART 375—DOCUMENTATION REQUIREMENTS

Sec.

375.1 International Import Certificate and Delivery Verification Certificate.
375.2 Ultimate consignee and purchaser statement.
375.3 Swiss Blue Import Certificate.
375.4 Yugoslav End-Use Certificate.
375.5 Documents accompanying applications.

Supplement No. 1. Authorities administering Import Certificate/Delivery Verification System in foreign countries.

AUTHORITY: The provisions of this Part 375 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 375.1 International Import Certificates and Delivery Verification Certificates.

(a) *Scope.* The provisions of this § 375.1 shall apply whenever a validated license is required for the export of certain commodities to certain destinations as set forth below. Additionally, in certain exceptional instances, an International Import Certificate may be required for transactions not involving an export from the United States under a validated license. (See § 368.2(a)(8).)

(1) *Commodities.* The International Import Certificate requirement applies only to those commodities identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1). (See paragraph (e)(3) of this section for commodities from which the symbol "A" is deleted after the import certificate has been submitted.) The Delivery Verification Certificate requirement applies to all commodities for which a validated license is required.

(2) *Destinations.* The following destinations apply the International Import Certificate/Delivery Verification Certificate System:

Austria.
Belgium.
Denmark.
France.
Greece.
Hong Kong (see 375.1(b)(4) below).
Italy (including the area of Trieste under Italian civil administration).
Japan.
Luxembourg.
Netherlands.
Norway.
Portugal.
Turkey.
United Kingdom.
West Germany (Federal Republic of Germany, western sectors of Berlin and Saar).

(See Supplement No. 1 to this Part 375 for list of addresses in the above destinations where foreign importers may obtain International Import Certificates.)

Facsimiles of International Import Certificates issued by each of the above destinations may be inspected at any U.S. Department of Commerce field office (see list on page 1 under Field Office Addresses), or at the Office of Export Control, Exporters' Service Section, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. The provisions of this § 375.1 do not apply to any overseas territories of the above destinations unless specifically listed.

(3) *Effective dates of changes.* Whenever the scope of this § 375.1 is extended by adding a commodity or country, the change shall become effective 45 days from the date of such addition.

(b) *Documentation provisions.*—(1) *Terms used.* As used in this § 375.1 the terms "International Import Certificate," "Delivery Verification Certificate," "Hong Kong Import License," and "Landing Certificate," refer to the documents issued by governments of the destinations listed in paragraph (a)(2) above to importers in such destinations, and are equivalent documents to the Form FC–826, International Import Certificate, and Form FC–908, U.S. Delivery Verification Certificate, issued to U.S. importers (see §§ 368.2 and 368.3).

(2) *Content of documents.* These documents contain an undertaking by the issuing government to exercise legal control over the disposition of the commodities covered. This control is in addition to conditions and restrictions placed on the export by the Office of Export Control. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification Certificate.

(3) *Triangular symbol.* In accordance with international practice, the government issuing office may stamp a triangular symbol on the Import Certificate. This symbol is a notification that the importer does not intend to import or retain the commodities in the country issuing the import certificate, but that, in any case, the commodities will not be delivered to any destination except in accordance with the export regulations of the issuing country.

(4) *Special provisions for Hong Kong.* With regard to exports to Hong Kong, the term "Import Certificate" means the duplicate copy of Form 3, Hong Kong Import License, containing one of the following stamped endorsements signed by an official of the Hong Kong Government:

For consumption in Hong Kong. Diversion en route prohibited. Reexport not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned.

or

For reexport to (Approved destination). Diversion en route prohibited. To be delivered by shipping or airline company concerned to Government-designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.

The term "Delivery Verfication Certificate" means the C&I Form 229, Hong Kong Delivery Verification, or the C&I Form 42, Hong Kong Landing Certificate. C&I Form 42 is acceptable only where the Hong Kong Government does not issue its C&I Form 229. (See paragraph (k) of this section for delivery verification certificate requirements.)

(c) *Exemptions.* The import certificate requirements shall not apply to:

(1) A license application filed under the project license procedure (see § 373.2);

(2) A license application to export commodities classified in a single entry on the Commodity Control List the total value of which, as shown on the export order, is less than $500, except where a multiple transactions import certificate is filed in accordance with paragraph (f)(2) of this section;

(3) A license application to export commodities to a foreign government or government agency that actually placed the order with the applicant and will take delivery of the commodities when received in the importing country (see § 375.2(b)(2)(iv) for definition of "government agency");

(4) A license application filed by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, for export of commodities to a member agency in the foreign country;

(5) A license application supported by Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; Form FC–143, Request for Authorization to Distribute U.S. Origin Commodities Stocked Abroad to Approved Customers; the current station number or validation number of any of these forms; or Form FC–1143, Distribution License Consignee Statement (see §§ 373.3, 373.4, and 373.8).

(6) A license application to export commodities for exhibition, demonstration, or testing purposes (see § 372.8(c)); or

(7) A request for authorization to make temporary exports of video tape (see § 376.11).

(d) *Exceptions*—(1) *Grounds for exception.* Favorable consideration of a request for exception generally will be given where the import certificate requirement:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., refusal by the foreign government to issue an import certificate and such refusal constitutes discrimination against the U.S. exporter); or

(ii) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse for subsequent distribution in one or more countries); or

(iii) Is not applicable to the transaction (e.g., the commodities will not be imported for consumption into the named country of destination).

An exception will not be granted if contrary to the objectives of the U.S. export control program.

(2) *Types of requests.* A request for exception may involve either a single transaction or, where the reason necessitating the request is continuing in nature, multiple transactions.

(i) The single transaction exception relates to a single export order and, if granted, will cover the application(s) which the exporter submits to ship the single export order; or

(ii) The multiple transactions exception relates to multiple export orders and, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted, unless an earlier termination date is requested.

(3) *How to submit request.* The request for exception shall be submitted with the application to which it relates. Where the request relates to more than one application, it shall be submitted with the first application and referred to in the "Additional Information" item on any subsequent applications. Each request for exception shall be by letter, in duplicate, addressed to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. It shall be accompanied by an ultimate consignee and purchaser statement in accordance with § 375.2, unless such statement is already on file in the Office of Export Control. As a minimum, the letter request shall include:

(i) Name and address of ultimate consignee;

(ii) Name and address of purchaser if different than ultimate consignee;

(iii) Location of foreign trade zone or bonded warehouse if the commodities will be exported to a foreign trade zone or bonded warehouse;

(iv) Type of request, i.e., whether for a single transaction or multiple transactions;

(v) Full explanation of the reason(s) for requesting the exception;

(vi) Nature and duration of the business relationship between the applicant and importer shown on the license application;

(vii) Whether the exporter has previously submitted to the Office of Export Control any Import Certificate issued in the name of the importer and a listing of the case number(s) to which the certificate(s) applied;

(viii) Whether a statement from the consignee/purchaser, in accordance with § 375.2, is on file with the Office of Export Control;

(ix) Requested date of expiration if a multiple transactions exception is requested and the exporter wishes the exception period to expire before June 30 of the next year; and

(x) Any other facts to justify granting an exception.

(4) *Action by Office of Export Control*—(i) *Single transaction request.* Where a single transaction is involved, the Office of Export Control will act on the request for exception at the same time as the license application with which the request is submitted. In those instances where the related application is approved, the issuance of the export license will serve as an automatic notice to the exporter that the exception is also approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Office of Export Control will advise the exporter by letter.

(ii) *Multiple transactions request.* Where multiple transactions are involved, the Office of Export Control will advise the exporter by letter of the action taken on the exception request. The letter will contain any conditions or restrictions which the Office of Export Control finds necessary to impose. In addition, a written acceptance of these conditions or restrictions will be required from the parties to the transaction.

(5) *Additional applications.* On any additional license application that is subject to an approved request for exception to the import certificate requirement, the following certification shall be inserted on the application in the space entitled "Additional Information" or on an attachment:

I (We) certify that the circumstances shown in the original request for exception to submission of an Import Certificate (or Hong Kong Import License) also exist with respect to this application. The request for exception was submitted in support of application number. (Insert case number or, if case number is unknown, the applicant's reference number; date of submission of the application to which the request for exception was attached; and Export Control Commodity Numbers and Processing Number Shown on that application.)

(6) *Relationship to reexports.* The granting of an exception to the import certificate requirement in no way relieves the applicant or any other party to the transaction from obtaining reexport authorization from the Office of Export Control when so required by the Export Control Regulations.

(e) *Relationship to consignee/purchaser statement.* (1) The requirement of a consignee/purchaser statement (§ 375.2) is not applicable where an import certificate is required by this § 375.1.

(2) Where an import certificate is not specifically required by this § 375.1, an export to a destination listed in paragraph (a)(2) of this section is subject to the requirement of a consignee/purchaser statement and an import certificate may not be substituted for that statement.

(3) When the symbol "A" is deleted from an entry on the Commodity Control List, the commodities covered by that entry are removed from the Import Certificate/Delivery Verification requirements of this § 375.1. Neither a new Import Certificate nor an Import Certificate previously submitted to the Office of Export Control will be accepted in lieu of the required consignee/purchaser statement in support of a license application which is submitted to the Office of Export Control after the deletion of the symbol "A."

(f) *Submission of Import Certificate*—(1) *Single transaction Import Certificate.* (i) The applicant shall attach to his license application covering a proposed export the original Import Certificate, bearing the official authentication of the government authorities in the importing country, issued to the named importer or his agent and covering the commodity (ies) described in the application. A reproduced copy (photocopy or other type) of the Import Certificate will not be accepted by the Office of Export Control.

(ii) The exporter should furnish his consignee the commodity description shown on the Commodity Control List and advise him to use this description when applying for the Import Certificate from his government. In addition, where the commodity is a new or highly technical product, it is advisable also to furnish a manufacturer's catalog or bulletin, or printed pages describing the commodity. This will be helpful to the foreign government in determining whether the commodity meets the criteria for the issuance of an Import Certificate.

(iii) Where the single transaction Import Certificate covers commodities for which more than one license application is submitted, the original certificate shall be attached to the first such application, and each subsequent application shall show the following certification in the space entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the (name of country) Import Certificate (or Hong Hong Import License) Number ——, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate.

This Import Certificate was submitted in support of application number. (Insert case

number or, if case number is unknown, the applicant's reference number; date of submission of the application to which the Import Certificate or Hong Kong Import License was attached; and Export Control Commodity Numbers and processing Number shown on that application.

Failure to supply the case number or other identifying information may result in delay in processing the application.

(2) *Multiple transactions Import Certificate.* A multiple transactions Import Certificate is an officially authenticated original of an Import Certificate which covers more than one proposed transaction. If a multiple transactions Import Certificate specifies the amount of the commodities (in terms of either quantity or value), all export licenses, including those covering a commodity valued at less than $500, will be charged against the amount specified. The applicant shall attach the original multiple transactions Import Certificate, bearing the official authentication of governmental authorities in the importing country, to his first application the certificate is intended to support. A reproduced copy (photocopy or other type) of the Import Certificate is not acceptable. On each subsequent application submitted against that certificate, one of the following certification, as appropriate, signed by the applicant, shall be inserted in the space entitled "Additional Information" or on an attachment:

(i) If quantity or value is shown on the certificate:

I (We) certify that the quantities (values) of commodities shown on all export licenses based on the (name of country) Import Certificate (or Hong Kong Import License Number _____, when added to the quantities (values) shown on all additional applications pending in the Office of Export Control based on the same Import Export Control based on the same Import Certificate, including the present application, do not total more than the quantities (values) shown on that Import Certificate. This Import Certificate was submitted in support of application number (Insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity Numbers and Processing Number shown on that application).

or

(ii) If quantity or value is not shown on the certificate:

I (We) certify that this application is supported by the (name of country) multiple transactions Import Certificate (or Hong Kong Import License) Number _____, which was submitted in support of application number (Insert case number of, if case number is unnown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity Numbers and Processing Number shown on that application).

(iii) The exporter should furnish his consignee the commodity description shown on the Commodity Control List and advise him to use this description when applying for the Import Certificate from his government. In addition, where the commodity is a new or highly technical product, it is advisable also to furnish a manufacturer's catalog or bulletin, or printed pages describing the commodity. This will be helpful to the foreign government in determining whether the commodity meets the criteria for the issuance of an Import Certificate.

(g) *Requirements applicable to both single and multiple transactions Import Certificates*—(1) *Translation requirements.* All abbreviations, coded terms, or other expressions in the Import Certificate having special significance in the trade or to the parties to the transaction shall be explained. Quantities not shown in Commodity Control List units shall be converted to such units. Documents in a foreign language shall be accompanied by an accurate English translation, which, if not made by a translating service, shall be certified by the applicant to be a correct translation. An explanation or translation of an Import Certificate shall be submitted on a separate document attached to the certificate. (See § 387.8 with regard to an alteration of an export control document.)

(2) *Purchase order.* The Import Certificate may cover more than one purchase order and more than one commodity, but shall relate only to purchase orders placed by a single importer located in a single foreign country with a single U.S. exporter.

(3) *Parties named on Import Certificate.* The Import Certificate may be accepted from either the ultimate consignee or the purchaser if they are different parties located in the same country. If they are not located in the same country, an Import Certificate, a consignee/purchaser statement, or other applicable equivalent document is required from the party located in the country of ultimate destination. The U.S. exporter named in the Import Certificate must appear as applicant, supplier, or order party on license applications submitted to the Office of Export Control.

(4) *Validity period.* The Import Certificate must be submitted to the Office of Export Control within the period shown thereon, which in no case will exceed 6 months from the date it is issued by the foreign government. In addition, any license application supported by such certificate must be submitted within 12 months from the date the certificate was initially submitted to the Office of Export Control. The expiration of an Import Certificate will in no way affect the validity period of the resultant export license(s).

(5) *Applicant's responsibility for full disclosure.* In submitting an Import Certificate, the applicant is responsible for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, even if inconsistent with the representations set forth in the certificate. In accordance with the provisions of § 387.5, the applicant shall promptly notify the Office of Export Control of any changes in facts set forth in the certificate that are brought to his attention after the date the certificate is issued.

(6) *Triangular transactions.* Whenever an Import Certificate bearing a triangular symbol is submitted to the Office of Export Control, the U.S. exporter shall advise the Office of Export Control of all parties to the transaction, including parties located outside the country that issued the Import Certificate. If the importer objects to giving this information to the U.S. exporter, he may submit it directly to the Office of Export Control through a U.S. Foreign Service post or in a sealed envelope to the exporter, marked "To be opened by the Office of Export Control only."

(7) *Reexports.* Submission of an Import Certificate does not relieve the parties to the transaction from compliance with the reexport provisions (Part 374).

(8) *Alterations.* After an Import Certificate is issued by the foreign government, no corrections, additions, or alterations may be made in such certificate by any person. (See § 387.8 on unauthorized use and alterations of export control documents.) If the exporter desires to explain any information on the certificate, he may attach thereto a signed statement to that effect.

(h) *Import Certificate as a factor in licensing.* The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which a foreign government has issued an Import Certificate. The certificate is only one of the many considerations upon which licensing action will be based. Generally, commodities licensed on the basis of dollar value will not be licensed in excess of the dollar value shown on the certificate, and commodities licensed on the basis of units of quantity will not be licensed in excess of the units shown.

(i) *Return of Import Certificate.* A U.S. exporter may be requested by his foreign importer to return an unused or partially used Import Certificate. In such case, the exporter shall do so as soon as he determines that the certificate will not be used with a new or resubmitted license application, or an appeal. Failure on the part of the exporter to comply with his importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the importer being denied further Import Certificates and possibly being subjected to other penalties. The Office of Export Control will not return a certificate where the total quantity has either been shipped or is covered by an outstanding export license(s), except as indicated in paragraph (3) below concerning unshipped quantities. An unused or partially used certificate on file in the Office of Export Control, appropriately marked to show the amount cancelled, will be returned to the exporter in accordance with the procedures described below:

(1) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity greater than that shown on the related license application, or names no quantity at all, the certificate will be retained by the Office of Export Control unless the exporter formally requests its return. Such a request should be submitted in writing, to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, showing the name and address of the named importer, case numbers to which the Import Certificate applies, the certificate number, and a statement that the certificate will not be used in connection with a new or resubmitted license application.

(2) *Import Certificate quantity same as license application.* The Office of Export Control will retain the Import Certificate if the application is approved for the same quantity as covered by the certificate. The certificate will usually be returned to the exporter if the application is approved in a reduced quantity or is rejected. In some instances, however, the Import Certificate covering a rejected application will be returned directly to the foreign issuing government, in which case the exporter will be so advised by the Office of Export Control. In the event the Office of Export Control should decide to retain the certificate for its files, it will advise both the exporter and the foreign government.

(3) *Unshipped quantities.* Where the exporter does not intend to ship all of the commodities for which a license has been issued and wants the Import Certificate returned, he shall submit his request in writing to the Office of Export Control, as follows:

(i) *Unexpired export license.* If the license has not expired but no further shipment is to be made, the written request for return of the certificate shall either be accompanied by the license or include the name of the port where the license is filed. In the latter event, the exporter shall request the customs office to forward the license to the Office of Export Control for cancellation. If further shipment(s) is intended, the letter shall be accompanied by a request on Form IA–763 for amendment of the license to show the actual total quantity to be shipped against the license. (See § 372.11 for regular amendment procedure.)

(ii) *Expired export license.* If the license has expired, the written request for return of the Import Certificate shall either be accompanied by the license or include the name of the port where the license is filed. Form IA–763 is not required.

(j) *Requests for amendment of export license.* A request to amend a license (also see § 372.11) to increase the quantity over that originally covered by the Import Certificate, or for a change in any party to the transaction to one who has not appeared on the original certificate, must be accompanied by a new or appropriately amended certificate. However, if a proposed quantitative amendment is in accordance with the original certificate, then the following certification shall appear on the amendment request form, IA–763, or on a signed attachment:

I (We) certify that this request for amendment of export license number _____, if granted, will not exceed the total quantity authorized under the (name of country) Import Certificate (or Hong Kong Import License) Number _____.

(k) *Delivery Verification Certificate*—(1) *Notification of requirement.* (i) Delivery Verification Certificates are required by the Office of Export Control on a selective basis. They may be required for exports of any commodities exported under a validated license to any of the destinations listed in paragraph (a)(2) of this section including commodities not identified by the symbol "A" and commodities for which an exemption or exception to the Import Certificate requirement has been established in accordance with paragraph (c) or (d) of this section. Where verification of delivery is required, the words "Delivery Verification required, see attached Form IA–863" will be stamped on the face of the export license. In addition, Form IA–863, Notification of Delivery Verification Requirement (see Supplement S–20 for fascimile), will be attached to the license.[1] Where the license is sent directly to an agent or freight forwarder of the licensee, it is the responsibility of that agent or freight forwarder to notify the licensee that a Delivery Verification Certificate is required. (See Supplement No. 1 to this Part 375 for list of addresses where importers may obtain Delivery Verification Certificates. Facsimiles of Delivery Verification Certificates issued by each of these destinations may be inspected at any U.S. Department of Commerce field office or at the Office of Export Control, Exporters Service Section, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.)

(ii) The Delivery Verification Certificate requirement for a particular export transaction is canceled automatically if, subsequent to the issuance of a license, (a) the symbol "A" is removed from the last column of the Commodity Control List, and (b) the exporter returns the original copy of Form IA–863 to the Office of Export Control with a statement that the symbol "A" has been removed.

(2) *Submission to the Office of Export Control.* When notified to do so by the Office of Export Control, any person issued a license covering a shipment within the scope of this § 375.1 shall:

(i) Transmit to the foreign importer a written request for a Delivery Verification Certificate at the time of making each shipment under the license (whenever possible, this request shall be submitted together with the related bill of lading or air waybill). The request shall include the number of the Import Certificate for the transaction referred to in Form IA–863, and notify the foreign importer that this same Import Certificate number should be shown on the Delivery Verification Certificate;

(ii) Obtain from the named importer a Delivery Verification Certificate which has been issued to the importer by his government covering the commodities described on the export license, or as much thereof (when complete shipment against the license will not be made) as the licensee has shipped; and

(iii) Send the original copy of the Delivery Verification Certificate to the Office of Export Control within a reasonable time after the last shipment has been made against the license. If verification of delivery is required for commodities covered by a license against which partial shipments have been made, the licensee shall obtain the required verification for each partial shipment. When all the Delivery Verification Certificates have been received, the original of each shall be forwarded in one package to the Office of Export Control. (See Supplement No. 1 to Part 375 for list of addresses where foreign consignees may obtain Import Certificates and Delivery Verification Certificates.)

(3) *Inability to obtain Delivery Verification Certificate.* If an exporter is unable to obtain the required Delivery Verification Certificate from his importer, he shall promptly notify the Office of Export Control and, upon request, make available to that office all information and records, including correspondence, regarding his attempt to obtain the required document.

§ 375.2 Ultimate consignee and purchaser statement.

(a) *Scope.* The provisions of this § 375.2 (unless exempted in paragraph (b)(2) of this section) apply to all proposed shipments of commodities for which validated export licenses are required where the country of ultimate destination is in Country Group S, V, W, X, Y, or Z, and to all proposed shipments to Country Group T under the Time Limit (TL) license procedure (see § 373.6).

(b) *Statements required from ultimate consignee and purchaser*—(1) *General.* The applicant shall furnish a statement from the ultimate consignee and purchaser named in the license application, certifying to certain facts relating to the proposed transaction. This statement shall be submitted on Form FC–842, Single Transaction Statement by Consignee and Purchaser, or on Form FC–843, Multiple Transactions Statement by Consignee and Purchaser (see Supplements S–6 and S–7 for facsimiles[1]). In either instance, every item on the form must be completed. More detailed instructions are given in paragraph (e) of this section. Such statement is required by the Office of Export Control to assure that foreign consignees and purchasers are fully aware

[1] In certain instances the licensee may be requested to submit a Delivery Verification Certificate under alternative procedures.

[1] Forms FC–842, and FC–843 may be obtained from all U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses), and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. Foreign importers may obtain copies of these forms from their U.S. exporter or from diplomatic and Consular offices.

of their responsibility for the representations made to the Office of Export Control and for the disposition of the licensed commodities only in those foreign countries where the Office of Export Control has specifically authorized disposition.

(2) *Exemptions.* The provisions of this § 375.2 do not apply if the license application covering the proposed shipment shows that any of the following conditions are present:

(i) An Import Certificate (§ 375.1), a Swiss Blue Import Certificate (§ 375.3), or a Yugoslav End-Use Certificate (§ 375.4) is required in support of the application;

(ii) The total value, as shown on the export order covering the application, of the commodity(ies) classified in a single entry on the Commodity Control List is less than $500. However, the exemption does not apply to an application supported by a Form FC–843 or to an application covering a shipment to the Republic of Vietnam of any copper commodity described in § 377.3;

(iii) Shipment will be made under a Project License (§ 373.2);

(iv) Both the ultimate consignee and purchaser are a foreign government(s) or foreign government agency(ies). However, if either is not a foreign government or government agency, then a statement from the nongovernmental party is required. For the purpose of this regulation, the term "government agency" is construed as follows:

(*a*) National governmental departments operated by government-paid personnel performing governmental administrative functions; e.g., Finance Ministry, Ministry of Defense, Ministry of Health, etc. Municipal or other local government entities must submit consignee statements.

(*b*) National government-owned public service entities; e.g., nationally owned railway, postal, telephone, telegraph, broadcasting, and power systems, etc.

(*c*) The term "government agency" does not include government corporations, quasi-government agencies, and State enterprises engaged in commercial, industrial, and manufacturing activities, such as petroleum refineries, mines, steel mills, retail stores, automobile manufacturing plants, airlines, or steamship lines which operate between two or more countries, etc.;

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, U.S. Agency for International Development, to a member agency in the foreign country;

(vi) The license applicant is the same person as the ultimate consignee provided he furnishes on the license application all the applicable information that would be required in a consignee/purchaser statement. This exemption does not apply where the applicant and the consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms;

(vii) The license application is supported by a Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; Form FC–143, Request for Authorization to Distribute U.S. Origin Commodities Stocked Aboard to Approved Customers; the current station number or validation number of either of these forms; or Form FC–1143, Distribution License Consignee Statement (see §§ 373, 373.4, and 373.3 for explanations, and Supplements S–8, S–9, and S–15 for facsimiles;[1]

(viii) The export will be made for display at a trade fair or exhibition, or for demonstration or testing purposes (see § 372.8(c)); or

(ix) The request is for authorization to make a temporary export of video tape (see § 376.11).

(3) *Grace period.* Whenever the requirement for a consignee/purchaser statement for any commodity is extended by reason of the addition of a country group(s) in the column on the Commodity Control List headed "Validated License Required for Country Groups Shown Below," or by removal of the symbol "A" in the column on the Commodity Control List headed "Special Provisions," an export license need not conform to the requirements of this § 375.2 for a period of 30 days after the date that the commodity becomes subject to the new requirement. In lieu thereof, applications filed during the 30-day grace period shall be accompanied by any evidence available to the applicant which will support his representations concerning the ultimate consignee, ultimate destination, and end-use, such as copies of the order, letters of credit, correspondence between the exporter and ultimate consignee, or other documents received from the ultimate consignee.

(4) *Applications filed without statements.* Where an application requiring a consignee/purchaser statement is not accompanied by such statement, the application will be returned without action to the applicant. However, if an applicant can show that he has made diligent efforts to obtain such statement and has been unable to get it, he may so advise the Office of Export Control in a letter attached to his application, giving the reasons stated by the ultimate consignee or purchaser for failing or refusing to supply the statement. If satisfied by the evidence presented, the Office of Export Control will consider the application for approval.

(c) *Difference in use of Forms FC–842 and FC–843.*—(1) *When to use Form FC–842, Single Transaction Statement by Consignee and Purchaser.* Form FC–842 may be used to support an application(s) covering a single purchase order placed with one exporter by one ultimate consignee (and only one purchaser if different from ultimate consignee) for one or more commodities. In the event of an emergency, the statement may be submitted in the form of a cable or wire from the consignee and purchaser, provided the cable or wire contains the same information as required on the form.

(2) *When to use Form FC–843, Multiple Transactions Statement by Consignee and Purchaser.* (i) *Continuing business relationship.* Form FC–843 may be used when the exporter has a continuing and regular business relationship with the ultimate consignee (including but not limited to foreign branches, subsidiaries, or distributors under franchise with the applicant), involving recurring orders from the same consignee and/or purchaser for the same commodity(ies) to the same destinations and for the same end uses. However, an exporter may not submit a Form FC–843 in support of an application for a validated license to export any copper commodity described in § 377.3 to the Republic of Vietnam. Such an application, regardless of value, shall be supported by a Form FC–842, Single Transaction Statement by Consignee and Purchaser.

(ii) *Time Limit License.* Form FC–843 must be used with an application for a Time Limit (TL) License (§ 373.6). A statement must be submitted for each ultimate consignee and purchaser named on the application and will not be accepted on any form other than Form FC–843.

(d) *Responsibility of parties to transaction.*—(1) *Applicant responsible for full disclosure.* Submission of a Form FC–842 or FC–843 from the ultimate consignee and foreign purchaser does not relieve the applicant of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, even if inconsistent with the representations of the consignee or purchaser. In accordance with the provisions of § 387.5, the applicant shall promptly bring to the attention of the Office of Export Control any changes in the facts set forth in the first or any supplementary statement from the ultimate consignee or purchaser which are subsequently brought to his notice by any source.

(2) *Order party must sign in some cases.* If the applicant for license is not named on the consignee/purchaser statement, the order party provisions of paragraph 372.6(c) must be observed.

(3) *Ultimate consignee and purchaser.* In accordance with the certification on the Forms FC–842 and FC–843, the consignee and/or purchaser must submit information that is true and correct to the best of their knowledge and belief and must promptly send a supplemental statement to the U.S. exporter if changes in the facts or intentions as set forth in their statement(s) occur after the statement has been forwarded. Further, no commodities covered by the statement may be disposed of contrary to the representations made in the statement, or contrary to the limitations on countries of distribution indicated on the bill

[1] Forms FC–43, FC–143, and FC–1143 may be obtained from all U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. Foreign importers may obtain copies of these forms from their U.S. exporter or from diplomatic and Consular offices.

of lading, commercial invoice, or other comparable documents, without obtaining approval of the Office of Export Control, through the U.S. exporter, prior to such disposition. Misrepresentations, either through failure to disclose facts, concealing a material fact, or furnishing false information, will subject the ultimate consignee and/or purchaser to administrative action by the Office of Export Control, which may include suspension, revocation, or denial of licensing privileges and denial of other participation in exports from the United States.

(e) *Information required on form.* All of the information required by this paragraph 375.2(e), or by Form FC–842 or Form FC–843, shall be furnished if applicable to the transaction. If such information is unknown, that fact should also be disclosed. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application. Any additional facts which the consignee or purchaser believes will be of value to the Office of Export Control in the consideration of license applications submitted in his behalf by the U.S. exporter should be entered in the item entitled "Additional Information" or on an attachment.

(1) *Assistance in preparing form.* The applicant or his agent may assist in completing the form prior to its being signed by the consignee and purchaser, if necessary and appropriate. If so, the name of the person assisting shall be shown in the item entitled "Assistance in Preparing Statement."

(2) *Commodity description.* The commodities to which the statement applies shall be described in terms which will enable the Office of Export Control to determine readily that the commodities on a license application are adequately covered by the commodity description on the related consignee/purchaser statement. If not, the applicant should add an explanatory note on the application in the item entitled "Commodity Description," or on an attachment, to make the relationship clear.

(i) On Form FC–842, the commodities shall be described in detail. If possible, the commodities should be described in accordance with the Commodity Control List (§ 399.1), giving such particulars as the name, basic ingredients, composition, type, size, gauge, grade, and horsepower.

(ii) On Form FC–843, the commodity description shall be stated in terms sufficiently definite to identify the commodities clearly but broad enough to include all commodities to which the statement applies; e.g., a commodity description title set forth in a bold-faced capitalized subsection under a main section of the Commodity Control List (also listed in § 399.1), such as "Medicinal and pharmaceutical products" or "Electrical machinery, apparatus, and appliances," usually would be a satisfactory description for any or all of the commodities included under that subsection.

(3) *Commodities to be reexported.* Forms FC–842 and FC–843 require information as to whether the commodities will be reexported in the form received from the country indicated on the statement as ultimate destination. It is emphasized that acceptance of a Form FC–842 or FC–843 as a supporting document shall not be construed as an authorization by the Office of Export Control to reexport the commodities to which the consignee/purchaser statement applies without the approval of specific countries from the Office of Export Control. Such authorization to reexport is not granted on the basis of information on these forms but as a result of a specific request by the U.S. exporter on the license application, or upon request of the consignee through the U.S. exporter after the license is issued (see Part 374 on reexports).

(4) *Commodities to be used as components in a foreign manufacture.* Forms FC–842 and FC–843 require information as to the specific end use of the commodities. If the ultimate consignee will use the commodity(ies) to produce other end products, he should show in the item entitled "Specific End Use" the names of the end products, the country(ies) where the production or manufacture will take place, and the country(ies) in which the end product will be distributed, if these facts are known.

(5) *Quantity and value on Form FC–842.* The quantity and (if known) the value of commodities ordered shall be shown in the appropriate items of Form FC–842. If actual value is not known, an estimated value should be shown and labeled "estimate." If it is impossible to determine an estimated value, the word "Unknown" shall be shown, together with an explanation of the reason why an actual or estimated value cannot be provided. If the commodity is licensed in terms of dollar value and the statement indicates that the value is "unknown," the Office of Export Control will consider the approval of one application against the related Form FC–842, provided the applicant states on the license application that the transaction described on the application is the same as that described on the Form FC–842. An application for an export license will not be approved for a quantity significantly in excess of the actual or estimated value shown on the Form FC–842. On Form FC–843, it is not necessary to show either quantity or value since the form will cover all transactions between the named parties for a period of as much as 6 to 8 months.

(6) *Validity period.* A single transaction statement shall be submitted to the Office of Export Control with the first applicable license application. The period within which the statement may be submitted to the Office of Export Control is limited to 90 days after it is signed by the consignee or purchaser, whichever date is later. There is no specific time limit for submitting the multiple transactions statement to the Office of Export Control. However, the period during which such statement may be used to support license applications is limited to June 30 of the year following the year in which the statement is signed by the consignee and purchaser (unless an earlier termination date is specified on the form by the consignee and purchaser). For example, a statement signed any time between January 1, 1969, and December 31, 1969, could be used to support license applications filed on or before June 30, 1970. During its validity period, a multiple transactions statement will be deemed as supporting all exports of the specified commodities from the U.S. exporter to the named consignee and purchaser for which license applications are submitted to the Office of Export Control, including those that are based on export orders of less than $500 and would therefore not be subject to this same requirement under the single transaction (FC–842) procedure.

(7) *Number of copies of Form FC–843.* The exporter shall attach to Form FC–843 a list, in original only, of the Office of Export Control licensing divisions responsible for licensing those commodities listed on the multiple transactions statement, and shall submit the original plus one additional copy of the statement for each division on the list. Since there are only three divisions in the Office of Export Control which license commodities, a maximum of an original plus three additional copies of the form will be required. (See § 399.1(e) for list of divisions and commodities licensed.)

(8) *Signatures.* The consignee/purchaser statement must be manually signed either by (i) the ultimate consignee (the person abroad who is actually to receive the material for the designated end use), and by the purchaser (the person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee) if the purchaser is not the same party as the ultimate consignee, or (ii) by responsible officials representing the ultimate consignee and purchaser, respectively, who have personal knowledge of the information included in the statement, who have authority to bind the ultimate consignee and purchaser for whom they sign, and who have the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this statement may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee or purchaser for whom he signs. The official signing the statement may be located in the United States or in a foreign country; his official title shall be included with his signature. Where the purchaser is different from the ultimate consignee, the purchaser may execute a separate statement if more convenient. The purchaser's statement shall meet the same requirements with respect to content, signatures, etc., as are required for the ultimate consignee statement.

(9) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions on the Forms

FC–842 and FC–843 having special significance in the trade or to the parties to the transaction shall be explained on an attachment to the form. Documents in a foreign language shall be accompanied by an attachment giving an accurate English translation, either made by a translating service or certified by the applicant to be correct. Exporters may provide foreign customers with Forms FC–842 and FC–843 translated into the customers' language but foreign language copies will not be provided by the Office of Export Control. Do not enter explanations or translations on the consignee/purchaser statement itself, as such action constitutes an alteration of the document (see paragraph (f) of this § 375.2 on alteration of an export control document).

(10) *Special requirement for Vietnam.* A single transaction statement shall be submitted in support of a license application to export any copper commodity described in § 377.3 to the Republic of Vietnam, regardless of value, and shall be endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, Vietnam, as set forth in § 377.3.

(f) *Corrections, additions, or alterations.* After a consignee/purchaser statement, Form FC–842 or FC–843, has been signed by the consignee or purchaser, no corrections, additions, or alterations may be made by any person other than the consignee or purchaser. (The signing of the exporter's certification on the form is not construed to be a correction, addition, or alteration of the form within the meaning of this paragraph (f).) If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser. Where the statement contains corrections, additions, or alterations that appeared on the statement at the time of receipt from the ultimate consignee or purchaser, the applicant shall sign the certification in Item 11 of the form or attach the following certification to the statement:

I (We) certify that no corrections, additions, or alterations were made on the attached form (FC–842) (FC–843) by me (us) after the form was signed by the (ultimate consignee) (purchaser).

If the applicant or agent makes any corrections, additions, or alterations on the form when assisting in its preparation (as explained in paragraph (e)(1) of this § 375.2) the applicant shall advise the Office of Export Control in writing of the change(s) made and reason(s) for making them. The letter shall also include the certification shown above.

(g) *Amendment of consignee/purchaser statement.* Where a consignee/purchaser statement, Form FC–842 or FC–843, is on file in the Office of Export Control, an amendment to the statement may be submitted in the form of an additional Form FC–842 or FC–843 or the original or copy of a wire or cable from the ultimate consignee. Sufficient information shall be submitted with the amendment to permit the Office of Export Control to identify it with the statement already on file, such as form number (Form FC–842 or FC–843); name of consignee or purchaser; date of signing; case number of the license application with which the statement was submitted to the Office of Export Control; applicant's reference number; etc.

(h) *Extension of validity period of multiple transactions statement.* The validity period of a multiple transactions statement may be extended by the submission of a new Form FC–843 prior to the expiration of a current form.

(i) *License applications supported by consignee statements*—(1) *Relationship of information on consignee/purchaser statement to license application and export license.* Information supplied by a consignee or purchaser on a consignee/purchaser statement, Form FC–842 or FC–843, cannot be construed as extending or expanding the specific information on a license application or an export license resulting therefrom. With regard to disclosure of facts pertaining to an individual export transaction, the license application covering the transaction must be self-contained. The authorizations contained in the resulting export license are not extended by the general information contained in the consignee/purchaser statement with regard to reexport from the country of destination or with regard to any other facts relative to the transaction as reported on the application.

(2) *Applications supported by a multiple transactions statement.* A license application supported by a Form FC–943, Multiple Transactions Statement by Consignee and Purchaser, shall contain the following statement in the item entitled "Additional Information" or on an attachment:

This application is supported by the Multiple Transactions Statement dated ---------- from the named consignee to this applicant.

(3) *Applications supported by single transaction statement.* Where a Form FC–842, Single Transaction Statement by Consignee and Purchaser, covers a purchase order for a commodity(ies) that requires more than one license application, each application supported by the single transaction statement shall contain the following certification by the applicant in the item entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Single Transaction Statement dated ----------, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Single Transaction Statement, including the present application, do not total more than the quantities shown on that statement. This Single Transaction Statement was submitted in support of application number: (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Single Transaction Statement was attached, and Export Control Commodity Numbers and Processing Numer shown on that application.)

(j) *Request for Amendment of Export License.*[1] A new consignee/purchaser statement, Form FC–842 or FC–843, shall accompany a request for an amendment of an export license that proposes a change in the consignee or purchaser in the transaction named in the export license if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Office of Export Control. A new Form FC–842, Single Transaction Statement by Consignee and Purchaser, or a letter, wire, or cable from the ultimate consignee and purchaser (if applicable) confirming the change, shall accompany a request for an amendment of an export license that proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the single transaction statement previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted single transaction statement, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

Where the export license is based on a Form FC–843, Multiple Transactions Statement by Consignee and Purchaser, an additional Statement is not required for the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the amendment request:

I (We) certify that the license listed above is supported by a Multiple Transactions Statement.

§ 375.3 Swiss Blue Import Certificate.

(a) *Requirement*—(1) *Submission of certificate.* A license application for export of commodities to Switzerland or Liechtenstein, regardless of value, must be accompanied by the original Swiss Blue Import Certificate. This certificate is issued to the importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed export from the United States. Where the Swiss Blue Import Certificate includes commodities for which more than one license application is submitted, the original certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the item entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Swiss Blue Import Certificate No. ------, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Certificate, including the present application, do not total more than the quantities shown on that Certificate. This Swiss Blue Import Certificate was submitted in support of application number: (Insert case number or, if case number is unknown, the applicant's reference number, date of submission of application to which the Swiss Blue Import Certificate was attached, and Export Control Commodity Numbers and Processing Number shown on that application.)

(2) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions in the Import Certificate having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into such units. Documents in a foreign language shall be accompanied by an accurate English translation which, if not made by a translating service, shall be certified by the applicant to be a correct translation. Any translation or explanation of a Swiss Blue Import Certificate shall be submitted on an attachment to the certificate. (See § 387.8 with regard to altering an export control document.)

(3) *Relationship to purchase order.* The Swiss Blue Import Certificate may cover more than one purchase order and more than one commodity. However, it shall relate only to purchase orders placed by a single importer with a single U.S. exporter.

(4) *Applicant's responsibility for full disclosure.* In submitting a Swiss Blue Import Certificate, the applicant is not relieved of his responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, even if inconsistent with the representations set forth in the certificate. In accordance with the provisions of § 387.5, the applicant shall promptly notify the Office of Export Control of any change in the facts set forth in the certificate which comes to his attention subsequent to the date of issuance of the certificate.

(5) *Certificate as a factor in licensing.* The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Swiss Government has issued an Import Certificate. Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Swiss Blue Import Certificate, and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the certificate. The Office of Export Control will not seek or undertake to give consideration to recommendations from the Government of Switzerland or of Liechtenstein as to the U.S. exporter whose license application should be approved. An Import Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based, since quotas, end uses, and other considerations are important factors in export licensing.

(b) *Exemptions.*—(1) *Grace period.* Whenever the requirement for a Swiss Blue Import Certificate is extended to any commodity by the addition of Country Group V to the column on the Commodity Control List entitled "Validated License Required for Country Groups Shown Below," a license application for such commodity need not conform to this requirement for 45 days from the date such commodity becomes subject to the requirement.

(2) *Shipments to government agencies.* A license application to export commodities to a Swiss or Liechtenstein Government agency, as defined in § 375.2 (b)(2)(iv), is exempted from the Swiss Blue Import Certificate requirement if the government agency actually placed the order with the applicant and will accept delivery of the export.

(3) *Approved Form FC–43 or FC–143.* A license application to export commodities to Switzerland or Liechtenstein is exempted from the Import Certificate requirement if such license application is supported by Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; Form FC–143, Request for Authorization to Distribute U.S. Origin Commodities Stocked Abroad to Approved Customers; or the current station number or validation number of either of these forms. However, this exemption does not relieve an exporter or his distributor from the requirement under the foreign-based warehouse procedure that a Swiss Blue Import Certificate be obtained and held available for inspection. (See § 373.4.)

(4) *Other exemptions.* Neither a license application to export commodities for temporary exhibition, demonstration, or testing purposes in Switzerland or Liechtenstein (see § 372.8(c)), nor a request for authorization to make temporary exports of video tape under § 376.11, require a Swiss Blue Import Certificate.

(c) *Exceptions.* An applicant for an export license subject to the requirement for a Swiss Blue Import Certificate in accordance with the provisions of paragraph (a) of this § 375.3 may request an exception to this requirement.

(1) *Grounds for exception.* Favorable consideration of a request for exception generally will be given where the Swiss Blue Import Certificate requirement:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., the Swiss Government refuses to issue an Import Certificate and such refusal constitutes discrimination against the U.S. exporter);

(ii) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein for subsequent distribution in one or more countries); or

(iii) Is not actually applicable to the transaction (e.g., the commodities will not be imported for consumption into Switzerland or Liechtenstein).

An exception will not be granted if contrary to the objectives of the U.S. export control program.

(2) *Types of requests.* A request for exception may involve either a single transaction or, where the reason necessitating the request is continuing in nature, multiple transactions.

(i) The single transaction exception relates to a single export order and, if granted, will cover the application(s) which the exporter submits to ship the single export order.

(ii) The multiple transactions exception relates to multiple export orders and, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted, unless an earlier termination date is requested.

(3) *How to submit request.* The request for exception shall be submitted with the application to which it relates. Where the request relates to more than one application, it shall be submitted with the first application and referred to in the "Additional Information" item on any subsequent applications. Each request for exception shall be by letter, in duplicate, addressed to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. It shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 375.2, unless such statement is already on file in the Office of Export Control. As a minimum, the letter request shall include:

(i) Name and address of ultimate consignee;

(ii) Name and address of purchaser if different than ultimate consignee;

(iii) Location of foreign trade zone or bonded warehouse if the commodities will be exported to a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein;

(iv) Type of request, i.e., whether for a single transaction or multiple transactions;

(v) Full explanation of the reason(s) for requesting the exception;

(vi) Nature and duration of the business relationship between the applicant and importer shown on the license application;

(vii) Whether the exporter has previously submitted to the Office of Export Control any Swiss Blue Import Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied;

(viii) Whether a statement from the ultimate consignee and purchaser, in accordance with § 375.2, is on file with the Office of Export Control;

(ix) Requested date of expiration if a multiple transactions exception is requested and the exporter wishes the exception period to expire before June 30 of the next year; and

(x) Any other facts to justify an exception.

[1] Section 372.11(1) contains other provisions applicable to amendments of licenses covered by a consignee/purchaser statement.

(4) *Action by Office of Export Control*—(i) *Single transaction request.* Where a single transaction is involved, the Office of Export Control will act on the request for exception at the same time as the license application with which the request is submitted. In those instances where the related application is approved, the issuance of the export license will serve as an automatic notice to the exporter that the exception is also approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Office of Export Control will advise the exporter by letter.

(ii) *Multiple transaction request.* Where multiple transactions are involved, the Office of Export Control will advise the exporter by letter of the action taken on the exception request. The letter will contain any conditions or restrictions which the Office of Export Control finds necessary to impose. In addition, a written acceptance of these conditions or restrictions will be required from the parties to the transaction.

(5) *Additional license applications.* On any additional license application that is subject to an approved request for exception to the Swiss Blue Import Certificate requirement, the following certification shall be inserted on the application in the item entitled "Additional Information" or on an attachment:

I (We) certify that the circumstances shown in the original request for exception to submission of a Swiss Blue Import Certificate also exist with respect to this application. The request for exception was submitted in support of application number: (Insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the request for exception was attached, and Export Control Commodity Numbers and Processing Number shown on that application.)

(6) *Relationship to reexports.* The granting of an exception to the Swiss Blue Import Certificate requirement in no way relieves the applicant or any other party to the transaction from obtaining reexport authorization from the Office of Export Control when so required by the Export Control Regulations.

(d) *Requests for amendments to export licenses.* A new or appropriately amended Swiss Blue Import Certificate shall accompany a request for amendment of an export license that proposes a change in any party to the transaction named in the export license or any increase in the quantity licensed, if the proposed amendment is not in conformity with the Import Certificate previously submitted. If a proposed quantitative amendment is in accordance with the original certificate, the amendment request shall include the following certification on Form IA–763, Request for and Notice of Amendment Action, or on a signed attachment:

I (We) certify that this request for amendment of export license No. ------, if granted, will not exceed the total quantity authorized under Swiss Blue Import Certificate No. -------

(e) *Return of Swiss Blue Import Certificate.* The Swiss Blue Import Certificate certifies that the importer has pledged himself to import the commodities directly into Swiss customs territory and that any reexport of these goods is prohibited. If the importer is unable to obtain the commodities covered by a certificate, he is required by the Swiss Government to produce evidence of such inability. Therefore, U.S. exporters may be requested by their foreign importers to return unused or partially used certificates. In such instances, the U.S. exporter should forward the certificate to his importer as soon as he determines that the certificate will not be used with a new or resubmitted license application or an appeal. To meet such requests, certificates on file in the Office of Export Control will be returned to exporters in accordance with the following procedures:

(1) *Import Certificate quantity more than quantity on application.* When an Import Certificate covers a quantity in excess of the license application(s) submitted against it, the Office of Export Control will retain the certificate unless the exporter requests its return. To request the return of the certificate, the exporter should write to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, giving the name and address of the importer, the case numbers to which the certificate applies, the certificate number, and a statement that the certificate will not be used in connection with a license application. Appropriate notation will be placed on the Import Certificate by the Office of Export Control before it is returned.

(2) *Import Certificate and license application in same quantities but not licensed in full.* The Office of Export Control will automatically return an Import Certificate to the U.S. exporter whenever a license application covers the same type and amount of the commodity as that shown on the certificate but such application is rejected or approved in a reduced quantity. Appropriate notation will be placed on the Import Certificate by the Office of Export Control.

(3) *Quantities licensed but not shipped.* Where the U.S. exporter does not intend to ship all of the commodities for which a license has been issued and desires the return of the Swiss Blue Import Certificate, he shall submit his request in writing as follows:

(i) *Unexpired export license.* If the license has not expired but no further shipment will be made, the written request for return of the certificate shall either be accompanied by the license or include the name of the port where the license is filed. In the latter event, the exporter shall request the customs office to forward the license to the Office of Export Control for cancellation. If a further shipment(s) is contemplated, the request for return of the certificate should be accompanied by a request to amend the license to show the total quantity to be shipped against it. The amendment request shall be submitted on Form IA–763. (See § 372.11 for regular amendment procedure.)

(ii) *Expired export license.* If the license has expired, the written request shall either be accompanied by the license or include the name of the port where the license is filed, but Form IA–763 need not be submitted. Appropriate notation will be placed on the Import Certificate by the Office of Export Control before it is returned.

§ 375.4 Yugoslav End-Use Certificate.

(a) *Requirement*—(1) *Request for certificate.* A license application to export commodities to Yugoslavia (including the area of Trieste under Yugoslav civil administration), regardless of value, must be accompanied by the original end-use certificate issued to the Yugoslav importer by the Federal Economic Chamber in Belgrade covering the proposed export.[1] Where the certificate includes commodities for which more than one license application is submitted, the original of the certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the item entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Yugoslav End-Use Certificate No. ------, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same End-Use Certificate, including the present application, do not total more than the quantities shown on that Certificate. This End-Use Certificate was submitted in support of application number. (Insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the End-Use Certificate was attached, and Export Control Commodity Numbers and Processing Number on that application.)

(2) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions in the certificate having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into such units. Documents in a foreign language shall be accompanied by an accurate English translation which, if not made by a translating service, shall be certified by the applicant to be a correct translation. Any translation or explanation of a Yugoslav End-Use Certificate shall be submitted on an attachment to the certificate. (See § 387.8 with regard to altering an export control document.)

(3) *Relationship to purchase order.* The Yugoslav End-Use Certificate may cover more than one purchase order and more than one commodity. However, it shall relate only to purchase orders placed by a single importer with a single U.S. exporter.

(4) *Applicant's responsibility for full disclosure.* In submitting a Yugoslav End-Use Certificate, the applicant is not relieved of his responsibility to disclose fully any other information concerning

[1] Foreign consignees may obtain End-Use Certificates from the Yugoslav Federal Economic Chamber, Knez Mihailova 10, Belgrade.

the ultimate destination and end use of which he has knowledge or belief, even if inconsistent with the representations set forth in the certificate. In accordance with the provisions of § 387.5, the applicant shall promptly notify the Office of Export Control of any change in the facts set forth in the certificate which comes to his attention after the date of issuance of the certificate.

(5) *Certificate as a factor in licensing.* The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Yugoslav Government has issued an end-use certificate. Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the certificate, and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the certificate. The Office of Export Control will not seek or undertake to give consideration to recommendations from the Yugoslav Government as to the U.S. exporter whose license application shall be approved. An end-use certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based, since quotas, end uses, and other considerations are important factors in export licensing.

(b) *Exemptions*—(1) *Grace period.* Whenever the requirement for a Yugoslav End-Use Certificate is extended to any commodity by the addition of Country Group V to the column on the Commodity Control List entitled "Validated License Required for Country Groups Shown Below," a license application for such commodity need not conform to this requirement for a period of 45 days from the date such commodity becomes subject to the requirement.

(2) *Shipments to government agencies.* A license application to export commodities to a Yugoslav Government agency, as defined in § 375.2(b)(2)(iv), is exempted from the Yugoslav End-Use Certificate requirement if the government agency actually placed the order with the applicant and will accept delivery of the export.

(3) *Approved Form FC–43 or Form FC–143.* A license application to export commodities to Yugoslavia is exempted from the requirement for a Yugoslav End-Use Certificate if such application is supported by Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; Form FC–143, Request for Authorization to Distribute U.S. Origin Commodities Stocked Abroad to Approved Customers; or the current station number or validation number of either of these forms. However, this exemption does not relieve an exporter or his distributor from the requirement under the foreign-based warehouse procedure that a certificate be obtained and forwarded to the Office of Export Control, as required by § 373.4.

(4) *Other exemptions.* Neither a license application to export commodities for temporary exhibition, demonstration, or testing purposes in Yugoslavia (see § 372.8(c)), nor a request for authorization to make temporary exports of video tape under the provisions of § 376.1, require an end-use certificate.

(c) *Exceptions*—(1) *Grounds for exception.* The Office of Export Control will consider the granting of an exception to the Yugoslav End-Use Certificate requirement where the ultimate consignee has been unable to obtain the certificate and the granting of an exception will not be contrary to the objectives of the U.S. export control program. The Office of Export Control may also waive the certificate requirement where refusal by the Yugoslav Government to issue the certificate discriminates against the U.S. exporter, or for any other valid reason of similar importance.

(2) *How to submit request.* Each request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Office of Export Control (Attention: 854), U.S. Department of Commerce Washington, D.C. 20230. The letter request should include, among other things:

(i) Nature and duration of the business relationship between the applicant and the importer shown on the license application;

(ii) Reason(s) for the foreign importer's inability to obtain the Yugoslav End-Use Certificate from his government;

(iii) A statement as to whether the U.S. exporter has previously submitted to the Office of Export Control any Yugoslav End-Use Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied; and

(iv) Any other facts to justify an exception. The applicant should also attach to his letter request, or have on file in the Office of Export Control, a statement from the consignee and purchaser in accordance with § 375.2. Request will be considered or granted unless such statement is submitted or is on file in the Office of Export Control.

(3) *Request relating to more than one license application.* Where the letter request relates to more than one license application, whether submitted at the same time or later, the original request shall be attached to one application and a copy thereof attached to each additional application to which it is equally applicable. Any application to which a copy of the request is attached shall refer to the application having the original request (cite case number if known, or applicant's reference number).

(d) *Request for amendment of export license.* A new or appropriately amended Yugoslav End-Use Certificate shall accompany a request for an amendment of an export license to show a change in any party to the transaction named in the license or any increase in the quantity originally licensed if the proposed amendment is not in accordance with the original certificate. If a proposed quantitative amendment is in accordance with the previously submitted certificate, the amendment request shall include the following certification on Form IA–763 or on a signed attachment:

I (We) certify that this request for amendment of export license No. ------, if granted, will not exceed the total quantity authorized under Yugoslav End-Use Certificate No. -------

(e) *Return of Yugoslav End-Use Certificate.* In the Yugoslav End-Use Certificate the Yugoslav Federal Economic Chamber certifies that the commodities will be consumed in Yugoslavia and will not be reexported. If the Yugoslav importer is unable to obtain the commodities covered by the certificate, he may be required to produce evidence of such fact by the return of the unused certificate. When a U.S. exporter is requested by a Yugoslav firm to return an unused or partially used certificate, he should apply to the Office of Export Control for the return of such document in the same manner as established for return of Swiss Blue Import Certificates (see § 375.3(e)).

§ 375.5 Documents accompanying applications.

(a) *Copies in lieu of originals.* A document submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action or the provisions of this Part 375 provide for the return of an unused or partially used International Import Certificate, Swiss Blue Import Certificate, or Yugoslav End-Use Certificate. An original document, other than one required by this Part 375, which an exporter may subsequently require, need not be submitted unless it is specifically required by the provisions of another section of the Export Control Regulations. In lieu thereof, a photocopy or other copy of an original document is acceptable. An individual certification of a copy of an original document is not required by the Office of Export Control. By signing the application, the applicant certifies and represents that any copy of a document submitted with the application, or at any time before or after it is filed, is a true copy of the original document. His signature also certifies and represents that the information contained in such document is true, correct, and complete to the best of his knowledge and belief.

(b) *Availability of original.* The Office of Export Control may demand the original of any copy of a document submitted in support of a license application. Such original shall be kept and made available for inspection in accordance with the provisions of § 387.11. However, after a year from the beginning of the prescribed retention period, a reproduction of the original document may be substituted.

(c) *Identification of document.* Any document that is submitted separately from the application must be identified clearly as part of that application by the following statement:

This document is to be considered as a part of application number ----------
(Case No.)

(Signature of applicant)

Unless a document filed separately from the license application is so identified, it will not be accepted by the Office of Export Control.

(d) *Number of copies required.* A document submitted with an application and ultimately to become a part of the license, such as a proposed list of consignees, must be submitted in duplicate with the application. A copy of such document will become a part of the license, if issued, and must remain affixed thereto. Only one copy is required of a document that will not become a part of the license, such as evidence of an order.

(e) *Coded terms, foreign languages.* In the case of an original or copy of a document, all abbreviations, coded terms, or other expressions in the document having special significance in the trade or to the parties to the transaction must be explained. A document in a foreign language must be accompanied by an accurate English translation which, if not translated by a translating service, must be certified by the applicant to be a correct translation.

Supplement No. 1—Authorities Administering Import Certificate/Delivery Verification System In Foreign Countries [1]

Country	Authority	System administered [2]
Austria	Bundesministerium fur Handel und Wiederaufbau, Stubenring 1, Vienna I	IC
	Bundesministerium fur Handel und Wiederaufbau—Aussenstelle Metternichgasse 4, Vienna III.	DV
Belgium	Ministere des Affaires Economiques, Office Central des Contingents et Licences 11, Parc du Cinquantenaire, Bruxelles.	IC/DV
Denmark	Handelsministeriets Licenskontor, Montergade 21, Copenhagen K	IC/DV
	IC/DV also issued by Danmarks Nationalbank, Holmens Kanal 17, Copenhagen K, Custom-houses.	DV
France	Ministere de l'Economie et des Finances, Direction General des Douanes et droits indirects Division G—Autorisations Commerciales 8, Rue de la Tour des Dames, Paris 9e.	IC/DV
West Germany (Federal Republic of Germany).	Bundesamt für gewerbliche Wirtschaft, 6000 Frankfurt/Main 1 Bockenheimer Landstr. 38, Postfach 3931.	IC/DV
Western Sectors of Berlin.	Der Senator fûe Wirtschaft, Referat I b B (ZGSt) 1000 Berlin 62 (Schöneberg), Martin-Luther-Strasse 105.	IC/DV
Greece	Banque de Grece, Direction des Transactions Commerciales avec l'Etranger, Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong.	IC
	Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	DV
Italy	Ministero del Commercio con l'Estero, Direzione Generale delle Importazioni e delle Esportazioni, Division III, Rome.	IC
	Dogana Italiana (of the town where the import takes place)	DV
Japan	Ministry of International Trade and Industry in Fukuoka, Hiroshima, Kanmon (Kitakyusyu-shi), Kobe, Nagoya, Osaka, Sapporo, Sendai, Shikoku (Takamatsu-shi), Shimizu, Tokyo, and Yokohama.	IC
	Japanese Customs Offices	DV
Luxembourg	Office des Licences, 21, rue Glesener, Luxembourg-Gare	IC/DV
Netherlands	Centrale Dienst voor In- en Uitvoer, van Stolkweg 14, The Hague	IC/DV
Norway	Handelsdepartmentet, Direktoratet for Eksport-og-Importregulering, Fr. Nansens plass 5, Oslo.	IC/DV
Portugal	Repartição do Comercio Externo, Direcçao-Geral do Comercio, Secretaria de Estado do Comercio, Ministerio da Economia, Lisbon.	IC/DV
Turkey	Ministry of Commerce, Department of Foreign Commerce, Ankara, Head Customs Office at the point of entry.	IC DV
United Kingdom	Board of Trade	IC
	Export Licensing Branch, Hillgate House, 35 Old Bailey, London, E.C 4, H.M. Customs and Excise, Section 22, King's Beam House, Mark Lane, London, E.C.3.	DV

[1] Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office listed on page 1 or at the Office of Export Control, Room 2805, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

[2] IC—Import Certificate.
DV—Delivery Verification.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Sec.
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376.10 Electronic computers.
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376.12 Parts, components, and materials in foreign-made end products.

AUTHORITY: The provisions of this Part 376 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R 7003, 3 CFR 1959–1963 Comp.

§ 376.1 Purpose.

The special requirements for specific commodities set forth in this Part 376 are in addition to or modify other requirements applicable to exports requiring validated licenses as set forth elsewhere in the Export Control Regulations.

§ 376.2 Samples: Exports and reexports to Country Groups W and Y.

(a) *Scope.* A procedure is established under which a person may apply for an export license or reexport authorization covering shipment of samples of certain commodities to Country Groups W and Y. A license application or reexport request submitted under this sample procedure will be considered without the usual concurrent review to determine whether a commercial quantity of the sample commodity could also be approved. (See paragraph (c)(4) of this § 376.2.)

(b) *Applicability—(1) Sample.* As used in this § 376.2 the term "sample" means a small quantity of a commodity to be sent to a prospective buyer for examination, evaluation, or comparison in deciding on orders for commercial quantities. A sample shall be valued at $200 or less, sent in accordance with established business practices, and sent either without charge or at no more than the usual charge.

(2) *Commodities.* This sample procedure applies only to samples of commodities in the following categories:

(i) Chemicals, drugs, and pharmaceuticals;

(ii) Synthetic rubber;

(iii) Petroleum and petroleum products;

(iv) Lubricants, additives, and operational fluids; and

(v) Metals and minerals.

(3) *Commercial quantities.* (i) This sample procedure does not apply if the exporter requests an indication of the prospects for approval of a commercial quantity of the sample commodity. (See paragraph (c)(4) of this § 376.2.)

(ii) Neither an export license nor a reexport authorization issued under this procedure implies that the Office of Export Control intends or is committed to approve an export license application or reexport request for any further quantity of the sample commodity. All persons sending samples under this procedure are advised to include in any contract to sell the commodity a provision relieving themselves of liability in the event an export license or reexport authorization is not approved.

(c) *License application or reexport request.* The following provisions are in addition to the regular requirements for submitting an export license application or reexport request:

(1) *Identification.* The word "Sample" shall be entered across the top of the application, immediately over the printed words "United States of America," or across the top of the reexport request.

(2) *Value.* The value of the sample shall be indicated in each reexport request. On each license application, the value shall be indicated in the space provided for the commodity description if the value is not the same as the selling price.

(3) *Statement.* The following statement shall be entered after the description of the commodity:

The commodity described above is a sample sent without charge or at no more than our usual price for examination, evaluation, or comparison by a prospective purchaser.

(4) *Commercial Quantities.* If the exporter wishes an indication of the prospects for approval of a commercial quantity of the sample commodity, he shall

(i) request this information specifically; and (ii) describe the proposed commercial transaction fully, giving the quantities, values, and uses, and all other information normally required in considering a license application or reexport request. The Office of Export Control will act upon such a request only where it appears the request is clearly warranted. However, in no case is an indication of the prospects for approval of a license application or reexport request binding on the Office of Export Control. Changing circumstances may require a different decision at the time the license application or reexport request is actually submitted.

(d) *Decision by Office of Export Control.* The Office of Export Control will act on a request to export or reexport a sample as promptly as possible. In some cases, however, the Office of Export Control may find that it is unable to avoid extended deliberation. This is usually necessary when the sample:

(1) Is not a commodity within any of the categories set forth in paragraph (a)(2) of this § 376.1;

(2) Is valued in excess of $200;

(3) Is identified by the symbol "A" in the last column of the Commodity Control List;

(4) Contains or incorporates unique or advanced extractable technical data that would make a significant contribution to the military or economic potential of the country of destination to the detriment of the national security and welfare of the United States; or

(5) Is to be sent only upon receipt of an indication from the Office of Export Control that there is a favorable prospect that a commercial quantity of the sample commodity would be approved for the same destination.

(e) *Notice to exporter.* An export license or reexport authorization issued under this procedure will be accompanied by a written notice that the license or other authorization is not a commitment by the Office of Export Control to approve a future export license application or reexport request for a commercial quantity of the approved sample. The notice will caution the applicant to include in any sales contract a provision relieving themselves of liability in the event that authorization to export or reexport a commercial quantity is not granted.

§ 376.3 Agricultural commodities and manufactures thereof.[1]

(a) *Wheat and wheat flour to Country Group Y—(1) Percentage of participation.* Each U.S. exporter participating in the export of wheat and wheat flour to Country Group Y destinations is limited to a maximum of 25 percent of the total quantity expected to be purchased in the United States. License applications which meet all of the requirements for approval will be processed promptly if there is sufficient evidence that the 25 percent participation rule is met.

(2) *License Application—(i) Certification.* The following certification shall be attached to the license application:

I (We) certify that with respect to the commodities described on this application (1) the price will be on the basis of the prevailing world price at the time the contract is concluded; (2) the payment will be made in U.S. dollars or gold; (3) the terms of sale will be cash or normal commercial credit; (4) the export from the United States will not be financed under Public Law 480; (5) the sale does not involve (me)(us) in any barter arrangement; (6) the commodities were produced in the United States; (7) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in U.S. flag ocean carriers; and (8) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the U.S. Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

(Notifications of shipping arrangements, referred to in the above certification should be addressed to the U.S. Maritime Administration, Office of Ship Operations, 441 G Street NW., Washington, D.C. 20235.)

(ii) *Additional information.* The applicant shall enter the following in the "Additional Information" space, or on an attachment:

(a) The proposed shipping date, if known;

(b) The specific terms of sale, i.e., cash, credit, and credit terms, if applicable;

(c) Complete details of the financing arrangements, including the names of the financing institutions or facilities participating in the financing. If the financing arrangements are not completed at the time the application is submitted, the applicant shall state that he will forward the information to the Office of Export Control as soon as the financing arrangements are completed. Such notification shall include the application case number, or if the case number is unknown, the license number, the applicant's reference number, and/or the date the application was submitted; and

(d) The name and address of the firm which registered the export sale transaction with the U.S. Department of Agriculture, together with the assigned registration number. If the transaction has not been registered with the U.S. Department of Agriculture at the time the application is submitted, the applicant shall state that he will notify the Office of Export Control as soon as registration is made. Such notification shall include the application case number, or if the case number is unknown, the license number, the applicant's reference number, and/or the date the application was submitted.

(iii) *Supplier's name not required.* The applicant need not complete the space titled "If applicant is not the producer of the commodity to be exported, give name and address of supplier."

(3) *Consignee/purchaser statement.* Each application shall be supported by a Single Transaction Statement, Form FC–842, completed in accordance with § 375.2.

(4) *Reexports.* In accordance with Part 374, reexports of wheat and wheat flour to Country Group Y require specific authorization from the Office of Export Control.

(b) *Agricultural commodities and manufactures thereof, other than wheat or wheat flour, to Country Group Y—(1) License application—(i) Certification.* A certification shall be attached to the license application as follows:

(a) *Certain grains to the U.S.S.R.* For an export of any of the following grains to the Union of Soviet Socialist Republics, the certification in (1)(i)(a)(2) of this paragraph (b) shall be attached.

(1) *Grains.* The following grains, except for seed chemically treated and colored for use as seed, but including inbred seed grain, that require a validated license for Country Group Y.

Export Control Commodity Number and Commodity Description	
042	Rice, unmilled or milled.
04300	Barley, unmilled.
04400	Corn, unmilled, except fresh corn.
04510	Rye, unmilled.
04520	Oats, unmilled.
04590	Grain sorghums, unmilled.
04590	Cereal grains, unmilled, n.e.c.

(2) *Certification:*

I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the export from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; (4) the sale will not involve (me) (us) in any barter arrangements; (5) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in U.S.-flag ocean carriers; and (6) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the U.S. Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

(b) *Other agricultural exports to Country Group Y.* The following certification shall be attached to a license application covering:

(1) An export to the U.S.S.R. of any agricultural commodity, or manufacture thereof, except for wheat, wheat flour, or a grain listed in (1)(i)(a)(1) of this paragraph (b); or

(2) An export to any other country in Country Group Y of any agricultural commodity, or manufacture thereof, except for wheat or wheat flour:

I (We) certify that with respect to the commodities described on this application

[1] Exports of tobacco seed and plants are under the jurisdiction of the U.S. Department of Agriculture. (See § 370.10.)

(1) the terms of sale will be cash or normal commercial credit; (2) the export from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; and (4) the sale will not involve (me) (us) in any barter arrangement.

(ii) *Additional information.* The following information shall be entered in the "Additional Information" space, or on an attachment:

(*a*) The specific terms of sale, i.e., cash, credit, and credit terms, if applicable; and

(*b*) Complete details of the financing arrangements, including the names of the financing institutions or facilities participating in the financing. If the financing arrangements are not completed at the time the application is submitted, the applicant shall state that he will forward the information to the Office of Export Control as soon as the financing arrangements are completed. Such notification shall include the application case number, or if the case number is unknown, the license number, the applicant's reference number, and/or the date the application was submitted.

(2) *Consignee/purchaser statement.* Each application shall be supported by a Single Transaction Statement, Form FC–842, completed in accordance with § 375.2.

(3) *Reexports.* Requests for authority to reexport agricultural commodities, and manufactures thereof, other than wheat or wheat flour, will be considered if:

(i) The export from the United States was not financed under the Public Law 480 program or the Agency for International Development program; and

(ii) The terms of sale of the export from the United States were cash or normal commercial credit.

(iii) Such reexport requests shall be submitted in accordance with Part 374 and shall contain the following certification:

I (We) certify that with respect to the commodities described herein (1) the export from the United States was not financed under the Public Law 480 program, or the Agency for International Development program; and (2) the terms of sale of the export from the United States were cash or normal commercial credit.

(Reexport or distribution authority does not relieve any person from complying with foreign laws. See § 374.9 and paragraphs 373.1(a) and 379.8(d).)

§ 376.4 Nickel commodities.

(a) *Special provisions—(1) Export order requirement.* An export license application covering any of the following commodities shall be accompanied by a copy of the export order placed, or the contract entered into, by the foreign consignee or purchaser with the U.S. exporter or with his order party (see § 372.5 (b) and (c) for order party provisions):

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28401	Nickel bearing residues and dross.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulfate.
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.

(2) *Validity period.* All licenses to export the above commodities will be valid for 90 days from the date of issuance.

(3) *Export clearance.* An extra copy of the Shipper's Export Declaration, bearing the code "862" in the upper right corner, shall be filed with the customs office for each shipment of the above commodities under a validated license.

(b) *Commodities supplied from the U.S. National Stockpile—(1) Licensing policy.* Except in unusual circumstances an export license application covering any of the following commodities that are supplied from the U.S. National Stockpile will be denied.

Export Control Commodity Number and Commodity Description	
51369	Nickel oxide.
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68810	Other nickel or nickel alloys, unwrought.

(2) *Information required.* On a license application covering any of the above commodities, the applicant shall include the following information, as appropriate, in the "Additional Information" space or on an attachment:

(i) If the commodity has not been or will not be supplied from the National Stockpile, enter the following certification:

I (We) certify that the (name of commodity) described in this application has not been, and will not be supplied from the U.S. National Stockpile.

(ii) If the commodity has been or will be supplied from the National Stockpile, so state, naming the commodity and giving the date it was or will be purchased from the National Stockpile.

(iii) If the applicant does not know or is unable to determine whether the commodity has been or will be supplied from the National Stockpile, so state, naming the commodity and giving the reason(s) why this information is not available.

(c) *Nickel alloy waste and scrap containing 50 percent or more copper.* Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content (Export Control Commodity No. 28403), is considered for export control purposes to be copper scrap, and therefore is subject to the provisions of paragraph 377.3(b).

§ 376.5 Molybdenum commodities: Certification by supplier.

An export license application covering any of the commodities listed below shall include or be accompanied by the following certification by the supplier of the commodities, regardless of whether the supplier is the applicant.

(a) *Commodities.*

Export Control Commodity Number and Commodity Description	
28393	Molybdenum ores and concentrates.
51369	Molybdenum oxide.
51470	Molybdenum disulfide, 86 percent content or higher.
51470	Ammonium, calcium, potassium, and sodium molybdates.
67160	Ferromolybdenum.
68942	Molybdenum or molybdenum alloys, unwrought.
68942	Molybdenum or molybdenum alloy waste and scrap.
68942	Molybdenum or molybdenum alloy metal powders.

(b) *Certification.*

I (We) certify that the following molybdenum commodities, which are available to (name of applicant) for export, have not been and will not be supplied from commodities released from the U.S. National Stockpile:

Export Control Commodity No.	*Commodity description*	*Quantity*

(Name of supplier)

As used in the above certification, a commodity is "available" only if the supplier or the applicant has present legal title to the commodities and has access to such commodities for export purposes. If the applicant is not the producer of the commodities, the certification shall be signed by the supplier shown on the application in the space entitled "If applicant is not the producer of commodity to be exported, give name and address of supplier."

§ 376.6 Chemicals.

Export license applications covering chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

§ 376.7 Machinery, equipment, and parts.[1]

(a) *Information on license applications.* Export license applications for machinery, equipment, and parts for machinery and equipment shall include the following additional identifying information:

(1) A copy of the manufacturer's current catalog or bulletin, or pertinent pages describing the commodity, unless previously furnished.

(2) The maximum rating of commodities having a rated capacity.

(3) For exports of ball or roller bearings (Export Control Commodity No. 71790) to Country Group W, Y, or Z:

[1] Parts, accessories, and equipment which are to be scrapped are classified as scrap; e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2, Interpretation 10.

(i) The name of the manufacturer;

(ii) The bearing number as listed in the manufacturer's catalog; and

(iii) The inner bore diameter of the bearing.

(4) For exports of balls for bearings (Export Control Commodity No. 71790) to Country Group W, Y, or Z:

(i) The type of metal;

(ii) The grade of the ball (in accordance with standards adopted by the Anti-Friction Bearing Manufacturer's Association); and

(iii) The basic size of the ball.

(b) *Validity period of export licenses.* If the production and export of machinery, equipment, or parts cannot be completed within 6 months, the Office of Export Control will consider issuing a license with a validity period of 1 year. The applicant shall enter his request for a longer validity period in the "Additional Information" space on the license application, or on an attachment, explaining the circumstances on which he bases his request and giving the approximate date of availability for export.

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

(a) *Spare parts accompanying aircraft.* For an export of aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z, the applicant may:

(1) Include both the aircraft and parts on a single license application even though they do not have the same processing numbers; and

(2) Show the total value of all the accompanying spare parts without indicating the value of each Commodity Control List entry if, at the time the application is submitted, the applicant cannot determine the separate values for the parts under each entry. The applicant shall, however, classify and describe the commodities in accordance with their respective Commodity Control List entries.

(b) *Loan or sale of aircraft equipment, parts, accessories, and components by airlines—(1) Authority.* Any airline[1] operating abroad which receives commodities from the United States for maintenance, repair, or operation of its aircraft may, for the purpose of maintaining in operation aircraft of another airline lend or sell such commodities to that airline, without written authorization from the Office of Export Control, provided that:

(i) The transaction is subject to an agreement or arrangement (*a*) that the lender will not receive any monetary profit from the transaction and that either the same or like commodities will be returned to the lender, or (*b*) that payment for the commodities will be limited to no more than the original purchase price to the lender plus any expenses incurred in handling the commodities, e.g., transportation costs, warehousing costs, etc.;

[1] See paragraph 370.2 for definition of airline.

(ii) The commodities will not be supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to, a country in Country Group S, W, Y, or Z, or a national of one of these countries; and

(iii) The commodities will not be supplied for use on any aircraft located in Country Group S, W, Y, or Z.

(iv) Transactions meeting the above provisions are authorized notwithstanding any restrictions upon reexport set forth in the applicable destination control statement, on the validated export license, on any supporting documentation, or in the general license provisions relating to the original export from the United States.

(2) *Records.* The airline that provides the U.S. commodities shall maintain records in the detail set forth below, for a period of 3 years from the date of the transaction. These records shall be available for inspection, upon demand, by the U.S. Department of Commerce, a U.S. Foreign Service post, or any other accredited representative of the U.S. Government. In the event the airline is prohibited by foreign government regulation or statute from permitting a U.S. Government representative to inspect its records, the airline shall submit a report of such transactions at the end of each calendar quarter during which one or more transactions occur. The report shall be sent to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. As a minimum, the records and reports shall include the following information for each transaction:

(i) Date the commodities are provided;

(ii) Name, business address, and nationality of the airline which received the commodities;

(iii) If the aircraft is leased or chartered, the name, business address, and nationality of the owner of the aircraft which received the commodities;

(iv) Country of the aircraft's registry and location of the aircraft at time the commodities were installed thereon; and

(v) Description of the commodities provided, including quantity and value thereof.

(For further recordkeeping requirements see § 387.11.)

§ 376.9 Ship stores, plane stores, supplies, and equipment.

(a) *Exports requiring validated license.* A validated license shall be obtained to cover the export of any commodities (1) to be used on operating vessels and aircraft if the commodities are not authorized for export under the provisions of §§ 371.9, 371.10, 371.111, or 371.12; or (2) for vessels under construction if not authorized for export under any general license.

(b) *Preparation of license applications—(1) Vessels under construction.* A license application for export of any commodity or technical data, including ship stores, supplies, and equipment, to a vessel under construction shall be prepared on Form FC–419 in accordance with Supplement No. 1 to Part 372, with the following modifications:

(i) *Country of ultimate destination.* Show country in which vessel is being constructed.

(ii) *Ultimate consignee in foreign country.* Show name and address of shipyard where vessel is being constructed.

(iii) *Commodity description.* For a vessel under 40 feet in length, include a statement as to the length of the vessel. For a vessel 40 feet in length or over, show the following information in this item or on an attachment:

(*a*) Hull number and name of vessel (if unknown, state "unknown");

(*b*) Type of vessel;

(*c*) Name and business address of prospective owner, and his nationality (if unknown, state "unknown");

(*d*) Country of registry or intended country of registry (if unknown, state "unknown").

(iv) *Identification of parties to transaction.* In each case, all parties to the transaction, including the United States or foreign purchaser, shall be identified with a clear statement of the capacity or function of each, as provided in § 372.3.

(2) *Aircraft under construction.* A license application for export of any commodity or technical data, including plane stores, supplies, and equipment, to an aircraft under construction shall be prepared on Form FC–419 in accordance with Supplement No. 1 to Part 372, with the following modifications:

(i) *Country of ultimate destination.* Show country in which the aircraft is being constructed.

(ii) *Ultimate consignee in foreign country.* Show name and address of the plant where the aircraft is being constructed.

(iii) *Commodity description.* Show the following information in this item or on an attachment:

(*a*) Type of aircraft and model number (if unknown, state "unknown");

(*b*) Name and business address of prospective owner and his nationality (if unknown, state "unknown");

(*c*) Country of registry or intended country of registry (if unknown, state "unknown").

(iv) *Identification of parties to transaction.* In each case, all parties to the transaction, including the United States or foreign purchaser, shall be identified with a clear statement of the capacity or function of each, as provided in § 372.3.

(3) *Operating vessels and aircraft.* A license application for export of commodities or technical data, including ship or plane stores, supplies, and equipment (except as provided in paragraph (c) of this § 376.9 to an operating vessel or aircraft, whether in operation or being repaired, shall be prepared on Form FC–419 in accordance with Supplement No. 1 to Part 372, with the following modifications:

(i) *Country of ultimate destination.* Show country where the vessel or aircraft will take on the commodities or technical data. If, at the time of filing the license application, it is uncertain

where the vessel or aircraft will take on the commodities or technical data, but it is known that the commodities or technical data will not be shipped to Country Group S, W, X, Y, or Z, enter the following statement in this item:

Uncertain; however, shipment(s) will not be made to Country Group S, W, X, Y, or Z.

An export license issued under this circumstance will bear the following destination restriction:

Shipment(s) may be made to the named (vessel) (aircraft) at any port in any country except Country Group S, W, X, Y, or Z.

(ii) *Ultimate consignee in foreign country.* Show name of owner and port or place where the commodities or technical data will be taken aboard. Also, if a vessel, show name of vessel. If the port or place where the commodities or technical data will be taken aboard is unknown, enter the statement shown in subparagraph (3) (i) of this paragraph (b).

(iii) *Commodity description.* For a vessel under 40 feet in length, include a statement as to the length of the vessel. For a vessel 40 feet in length or over, show the following information in this item or on an attachment:

(*a*) Type of vessel;

(*b*) Business address of owner and his nationality;

(*c*) Country of registry;

(*d*) Name of charterer and the terms and type of charter, if under charter.

(iv) *Identification of parties to transaction.* In each case, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each as provided in § 372.3.

(4) *Subsequent applications.* After the additional information required by paragraphs (b) (1), (2), and (3) of this § 376.9 has been supplied to the Office of Export Control, a subsequent application for an additional license to export commodities to the same vessel or hull number under construction or the same operating vessel may incorporate the required additional information by reference to the previous application containing that information. In this event, each subsequent application shall include, in the "Additional Information" space or on an attachment: (i) A certification that the information previously submitted to the Office of Export Control has not changed; and (ii) the appropriate case number of the previously submitted application, or if the case number is unknown, the applicant's reference number, date of submission, and Export Control Commodity numbers shown on that application. (Whenever possible, the case number should be indicated on the subsequent application, since failure to supply this number may result in delay in processing.)

(5) *Additional information.* Where necessary, the Office of Export Control may require the exporter to submit a letter of confirmation or amplification of the information specified in this paragraph (b).

(c) *Exports of petroleum and petroleum products, including bunker fuel, for use on vessels and aircraft departing from the United States.* License applications to export petroleum or petroleum products, including bunker fuel, for vessels or fuel for aircraft departing from the United States, may be included on a single Form FC–419. Such application shall indicate, at the top of the form, the word "Bunker" in the case of exports for the use of vessels, or "Plane Fuel" in the case of exports for the use of aircraft. The application shall be prepared in accordance with Supplement No. 1 to Part 372, with the following modifications:

(1) *Country of ultimate destination.* Show the country in which the carrier is registered.

(2) *Ultimate consignee in foreign country.* Show the name of the carrier and the port or point where petroleum or under control of, a party other than aboard.

(3) *Purchaser in foreign country.* Show name and address of owner of carrier. If carrier is under charter to, or under control of, a party other than owner, show names and addresses of both owner and party otherwise in control of carrier.

(4) *Commodity description.* In addition to a description of the commodities to be exported, list for each of the carrier's calls at any point under Far Eastern Communist control[1] within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call, and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.) Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (i) will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (ii) is registered in Country Group W, Y, or Z, or (iii) is under charter to, or under control of, a national of a Group W, Y, or Z country, state whether any commodities not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1), included on the U.S. Munitions List (Supplement No. 2 to Part 370) or subject to the Atomic Energy Act (§ 370.10(e)) are carried on board the vessel or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

(5) *Additional information.* State the reasons why a general license is inapplicable to the proposed export unless the reasons are already indicated elsewhere on the application or on an attachment. If additional space is required, an attachment may be used. Also state the gross registered tonnage (GRT), type of main engines and rated horsepower, with daily fuel consumption rate, total fuel capacity, and fuel supply on board, indicating specifically the number of days' running supply from the port where additional supplies are requested. In the case of aircraft, state make and model.

[1] "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Vietnam; and (3) North Korea.

§ 376.10 Electronic computers.

(a) *Information required on license application.* An application for a license to export electronic computers, analog or digital (including digital differential analyzers), Export Control Commodity No. 71420, shall include the following information, as applicable:

(1) *Analog computers.* (i) The quantity and accuracy rating of each type of summer, integrator, multiplier, or function generator employed; and

(ii) A description of any capability for automatic insertion or alteration of problem setup and of any incorporated device functioning solely as a memory.

(2) *Digital computers.* (i) The internal memory read-write cycle time;

(ii) The size of internal memory (bits) to be supplied with the computer being exported;

(iii) The maximum internal memory (designed capability in bits); and

(iv) The theoretical maximum main memory access rate calculated by multiplying the maximum number of memory accesses per second by the number of bits per word in one access times the number of over-laps. "Word" as used herein includes all data, checking, sign, parity, and other bits handled by the computer as a unit.

(3) *Peripheral equipment, magnetic recording equipment, and magnetic recording media.* (i) The quantity, type, and specification for each peripheral or magnetic recording device;

(ii) The maximum data transfer rate (where applicable);

(iii) The maximum packing density (where applicable);

(iv) The maximum data storage capacity per unit (where applicable);

(v) The maximum, minimum, and average access times (where applicable); and

(vi) The design specifications or pertinent military specifications if specially designed for mobile, marine, or airborne operation.

(b) *Alternative means of furnishing information.* Instead of including the above information on each application, the applicant may furnish the Office of Export Control with technical specifications and other related data for his line of electronic computers keeping these current by supplementing technical bulletins or other similar publications as they are released. In such cases, an exporter can comply with the requirements of this § 376.10 by identifying the model number and entering the following statement in the "Commodity Description" space on the application, or on an attachment:

The current technical information relating to the commodity(ies) described on this application, as required by § 376.10 of the Export Control Regulations, has been previously furnished the Office of Export Control.

§ 376.11 Temporary exports of video tape.

(a) *Scope.* A procedure is established under which blank video tape (raw stock) and video tape containing program material (Export Control Commodity No. 89120) may be temporarily exported, from any U.S. port, to Country Groups T and V for an indefinite period without obtaining an individual validated license for each shipment. This procedure is restricted to video tape that either (1) is intended for use in recording program material abroad for broadcasting abroad and in the United States, or (2) contains program material recorded in the United States for broadcasting in a foreign country(ies). In any case, such video tape shall be returned to the United States, unless prior authorization to dispose of the tape abroad is obtained from the Office of Export Control.

(b) *Submission of request*—(1) *Information required.* A request for authority to make temporary exports of video tape under this procedure shall be made by letter, in original and two copies, to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and shall include:

(i) A full description of the nature of the business in which the exporter is engaged;

(ii) A statement as to whether the request covers blank video tape, video tape containing program material, or both;

(iii) A general description of the types of program material, i.e., news events, sports events, entertainment, educational, etc., which will be recorded in the United States or in a foreign country(ies);

(iv) The name(s) and address(es) of the consignee(s) who will use the video tape (if U.S. exporter, so state); and

(v) The following certification:

I (We) certify that if this request is approved, shipments will be made only in accordance with the provisions of § 376.11 of the Export Control Regulations.

(2) *Waiver of supporting Documentation.* A request submitted under this procedure need not be supported by: an International Import Certificate; a single transaction statement, Form FC–842; a multiple transactions statement, Form FC–843; a Swiss Blue Import Certificate; or a Yugoslav End-Use Certificate.

(c) *Action by the Office of Export Control.* The Office of Export Control will: (1) Stamp an approved letter request with the validation stamp of the U.S. Department of Commerce, return one validated copy to the applicant, and furnish customs offices with the names of exporters approved under this procedure; or (2) where the request is not approved, advise the applicant by letter.

(d) *Export clearance.* The exporter shall furnish the customs office with an additional copy of the Shipper's Export Declaration covering each shipment made under these provisions. The Declaration shall show the code "864" in the upper right corner, the words "Temporary Export," and the following certification in the commodity description space:

I (We) certify that the video tape described in this Declaration will be returned to the United States or authorization will be obtained from the Office of Export Control before it is disposed of abroad, and (contains program material recorded in the United States) (will be used to record program material abroad).

§ 376.12 Parts, components, and materials in foreign-made end products.

Parts, components, materials, or other commodities exported from the United States and used abroad to manufacture or produce a foreign-made end product are subject to the export control laws of the United States. The U.S. Department of Commerce exercises vigilance over exports and reexports of these commodities in order to prevent such exports or reexports from being used for a purpose detrimental to the national security or foreign policy of the United States.

PART 377—SHORT SUPPLY CONTROLS

Sec.

377.1 General provisions.
377.2 Past participation in exports licensing method.
377.3 Copper and copper products.

Supplement No. 1. Commodities subject to short supply quota controls.

AUTHORITY: The provisions of this Part 377 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 377.1 General provisions.

The Export Control Act requires the control of commodities to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand. Commodities currently subject to quantitative licensing quotas pursuant to the above requirement are listed in Supplement No. 1 short supply quota controls to this Part 377. Generally, exporters' shares of any quantitative quota established under a short supply program will be allocated in accordance with the past participation in exports method described in § 377.2.

§ 377.2 Past participation in exports licensing method.

(a) *General.* The past participation in exports licensing method helps to maintain a normal pattern of export trade during periods of short supply and to assure an equitable distribution of the available export quota among exporters. This procedure allocates the bulk of the export quota to firms that have participated in exports during a representative base period, but reserves a small portion of the quota for exporters who do not have this trade history.

(b) *Participation in quota allotments*—(1) *Restrictions.* A single firm is entitled to participate only once in each quota established for each commodity or category of commodities. For this purpose, the term "single firm" includes all persons or firms associated in business with a person or firm claiming or receiving an allocation from the same export quota. Claiming an additional participation through any device whatsoever, including the transfer or assignment of an export order, is prohibited and may result in the imposition of sanctions provided for in Parts 387 and 388.

(2) *Order party.* Generally, any quantity licensed under a quota is charged to the quota share allocated to the licensee. Where the licensee received the export order from another person or firm in the United States (the "order party," as defined in § 372.3) or from a foreign subsidiary, branch, affiliate, or agent of such order party, any quantity licensed will be charged to the quota share of the order party. Therefore, if the applicant did not receive directly the initial order from the foreign ultimate consignee or purchaser, the signature of the order party is required on his license application in accordance with § 372.3.

(c) *Submission of statement of past participation*—(1) *Requirements.* To claim a share of an export quota for a commodity, or category of commodities, an exporter shall submit a statement of his exports of the commodity(ies) during the specified base period. This statement shall be submitted, in duplicate, to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. The statement shall include:

(i) All information required by the applicable commodity sections of this Part 377; and

(ii) The name of each person or firm engaged in the export of the commodity (ies) that (*a*) is directly or indirectly owned or controlled by the exporter submitting the statement, or (*b*) directly or indirectly owns or controls the operations of the exporter submitting the statement.

(2) *Exports excluded from statement.* The quantity and value of the following types of shipments shall not be included in the statement of past participation, unless specifically required:

(i) Shipments to territories, dependencies, and other possessions of the United States;

(ii) Intransit shipments exported under General License GIT; and
(iii) Shipments to Canada.

(3) *Successors in interest.* Where a successor firm has acquired the business interests of a predecessor and the terms of acquisition preclude the predecessor from claiming past participation in exports, the successor may include its predecessor's record of past participation in exports for the purpose of establishing the successor firm as a historical exporter. The successor firm shall submit a statement of past participation and provide a full explanation of the association between the entities concerned, including the following signed statement:

The terms of acquisition of the business interests of (name of predecessor firm) preclude the predecessor firm from claiming past participation in exports for the purpose of obtaining export licenses under the historical pattern of export licensing.

(d) *Allocation of quotas.* After evaluating the statements of past participation, the Office of Export Control will inform each exporter of his share of the export quota based on his shipments during the base period.

(e) *Submission of applications.* For certain commodities licensed under the past participation in exports method, submission of export license applications is subject to time schedules. These commodities and the filing dates are listed in Supplement No. 1 to this Part 377. Applications covering other commodities listed therein may be submitted at any time.

§ 377.3 Copper and copper products.

(a) *Copper ores, concentrates, matte, and blister copper*—(1) *Denial policy.* Export license applications covering any of the following commodities generally are denied:

Export Control Commodity Number	*Commodity Description*
28311	Copper ores and concentrates.
28312	Copper matte.
68211	Blister copper and other unrefined copper.

(2) *Exception to denial policy.* Export license applications covering the above commodities may be considered for approval if, for technological or economic reasons, the commodities cannot be processed commercially in the United States. Such applications shall include:

(i) A statement describing the commodities with an analysis of the metal content, and an explanation of the difficulty in processing them in the United States;

(ii) The following certification:

I (We) certify that to my (our) best knowledge and belief the commodities described on this application cannot be commercially processed in the United States;

(iii) The identity of the foreign consumer by entering either of the following statements, as appropriate, in the "Additional Information" space or on an attachment:

The foreign consumer of the commodities covered by this application is the same as that shown in the "Ultimate Consignee in Foreign Country" space on this license application.

or, if the foreign consumer is not the same as the ultimate consignee:

"The name and address of the foreign consumer is _____"; and

(iv) If the proposed shipment, regardless of value, is destined for the Republic of Vietnam (area not under Communist control), a Single Transaction Statement by Consignee and Purchaser, Form FC–842, submitted in accordance with § 375.2 and bearing the endorsement of the designated representative of the U.S. Agency for International Development (AID) Mission, Saigon. To obtain this endorsement, the consignee and/or purchaser shall submit his statement, in triplicate, to the U.S. AID Mission, Saigon. Upon endorsement, the original will be returned to the consignee or purchaser, for forwarding to the U.S. exporter; the copies will be retained by the U.S. AID Mission.

(b) *Copper and copper-base alloy waste and certain nickel scrap*—(1) *Scope.* The following commodities are subject to the provisions of this paragraph (b):

Export Control Commodity Number and Commodity Description	
28401	Copper bearing ash and residues.
28402	Copper or copper-base alloy waste and scrap.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.

(2) *Shipments to Canada*—(i) *Basis for exporter's eligibility.* Any of the above commodities or copper-base alloy ingots (Export Control Commodity No. 68212) that are licensed for export to Canada during January–June 1969 will be charged against the quota for Canada. To qualify for a share of this quota, an exporter shall submit to the Office of Export Control no later than February 11, 1969: (*a*) A written statement setting forth the aggregate quantity of copper-base scrap and ingots (in copper content short tons) for which he has outstanding orders for Canada (see paragraph (ii) below); and (*b*) a copy of each such order. If the exporter did not receive a written order, he may furnish a certification from the Canadian purchaser giving the details of the order, such as quantity, date of order, whether the order is still outstanding, etc.

(ii) *"Outstanding export order."* For purposes of this regulation the copper described on an "outstanding export order" shall not have been exported before midnight January 3, 1969, and such order shall:

(*a*) Provide for export of copper-base scrap or copper-base alloy ingots from the United States to Canada during January 1–June 30, 1969;

(*b*) Be dated on or before December 31, 1968; and

(*c*) Not have been canceled by either party to the transaction.

(3) *Shipments not commercially processable in the United States.* An application for a license to export any of the commodities described in subparagraph (1) of this paragraph (b) that, for any technological or economic reason, cannot be processed commercially in the United States will be considered for licensing without a charge against the copper export quota. If the reason is technological, the application shall be accompanied by (i) a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has declined to process the scrap described on the application, and (ii) the documentation required by subparagraph (a)(2) of this § 377.3. If the reason is economic, the application shall include a statement detailing such reason.

(4) *Other shipments*—(i) *General.* Commodities described in subparagraph (1) of this paragraph (b) that cannot be licensed under subparagraph (2) or (3) of this paragraph (b) will be considered for licensing under the past participation in exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement, setting forth the quantity (in copper content pounds) and total dollar value, by country of ultimate destination, that he exported during the calendar year 1964 and during each of the first three calendar quarters of 1965, as well as the grand total for the period January 1, 1964, through September 30, 1965. However, the statement shall not include either the types of shipments covered by § 377.2(c)(2), or those not commercially processable in the United States as explained above. An export license application for commodities covered by this paragraph (b) shall be submitted in accordance with subdivision (ii), (iii), or (iv) of this subparagraph (4).

(ii) *Nonhistorical exporter.* An exporter who has not submitted a statement of past participation in exports, or who does not otherwise qualify as a historical exporter, shall submit an application and obtain an individual validated license. The license application shall (*a*) identify the foreign consumer in the manner explained in paragraph (a)(2)(iii) of this § 377.3, and (*b*) for an export to the Republic of Vietnam, regardless of value, be supported by a single transaction statement, Form FC–842, endorsed by the designated representative of the U.S Agency for International Development Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this § 377.3.

(iii) *Historical exporter.* An exporter who has been informed, in writing, by the Office of Export Control that he qualifies as a historical exporter may apply for and obtain a Bulk Quota License (see subdivision (iv) of this subparagraph (4)).

(iv) *Bulk Quota License.*—(*a*) *Definition.* A Bulk Quota License is a validated license authorizing the export by a historical exporter of his total share of the quota established for a short supply commodity to approved ultimate consignees.

(*b*) *License application.* Each application for a Bulk Quota License, shall include:

(*1*) Form FC–420, Application Processing Card, prepared in accordance with § 372.4(a)(5), except that "Bulk Quota License" shall be entered in the Export Control Commodity Number space.

(2) Form FC–419, Application for Export License, prepared in accordance with Supplement No. 1 to Part 372, except:

(*i*) Enter "Bulk Quota License," as well as the date, under "Date of Application."

(*ii*) Enter, in copper content pounds, the exporter's total quota for all commodities in paragraph (b)(1) of this § 377.3 under "Quantity to be Shipped." (The Office of Export Control will inform him of his quota in time for him to complete his application.)

(*iii*) Enter "copper scrap" under "Commodity Description." Thus the application covers any or all of the commodities in paragraph (b)(1) of this § 377.3.

(*iv*) Enter only the processing number under "Export Control Commodity Number and Processing Number." Omit the commodity number.

(*v*) Where there is more than one ultimate consignee, write "see attached list" in the space "Ultimate Consignee in Foreign Country" and attach to the application a list of the names and addresses of all proposed ultimate consignees.

(*vi*) Enter the following certification concerning consignee documentation (see subparagraph (4)(iv)(*b*)(3) of this paragraph (b) in the "Additional Information" space or on an attachment:

I (We) certify that a currently valid (*insert name(s) of the supporting consignee document(s) as appropriate in accordance with paragraph (3) below*) is on file with the Office of Export Control for each ultimate consignee covered by this application, except (*enter either "none" or the names of ultimate consignees for whom new documentation is attached to the application*).

(3) Appropriate documentation for each proposed consignee, either currently valid and on file with the Office of Export Control or furnished for approval with the application, as follows:

(*i*) Except as provided in subparagraph (4)(iv)(*b*)(2) (*ii*) and (*iii*) of this paragraph (b) a multiple transactions statement, Form FC–843.

(*ii*) For a consignee in Switzerland or Yugoslavia, a Swiss Blue Import Certificate or Yugoslav End-Use Certificate. Where a currently valid certificate is on file with the Office of Export Control, the application shall include the certification(s) set forth in §§ 375.3(a)(1) and 375.4(a)(1).

(*iii*) For a consignee in the Republic of Vietnam, a single transaction statement, Form FC–842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this § 377.3. Where a currently valid statement is on file with the Office of Export Control, the application shall include the certification set forth in § 375.2(i)(3).

(*c*) *Consignee quantity restrictions.* The total quantity that may be shipped to any consignee in Switzerland, Yugoslavia, or the Republic of Vietnam, is limited to the quantity shown on the Swiss Blue Import Certificate, Yugoslav End-Use Certificate, or single transaction statement from that consignee.

(*d*) *Export license.* The license will be validated and bear the identifying words "Bulk Quota License" below the validation stamp. The list of approved ultimate consignees will also be validated, attached to and become a part of the license.

(*e*) *Validity period.* Each license will be valid for the quota period to which it applies plus three additional calendar months.

(*f*) *Export clearance*—(*1*) *Notification to customs offices.* The Office of Export Control will notify all customs offices of the issuance of a Bulk Quota License, including the names and addresses of ultimate consignees, within 15 calendar days after the issuance of license. An exporter should not plan to clear exports earlier unless he verifies that the notification has reached customs. The license need not be filed with the customs office, but the licensee shall, on demand, show to the Customs Officer either the original or a photocopy of the license.

(2) *Tolerance.* In addition to the quantity licensed, a shipping tolerance of 5 percent of the total quantity licensed is allowed as set forth in § 386.7(e).

(3) *Shipper's Export Declaration.* The Shipper's Export Declaration shall be prepared according to standard instructions and presented to the Customs Officer or Postmaster at the place of export. Both the gross weight of the copper scrap and the copper content pounds shall be given. Although the license refers only to "copper scrap," the commodity description on the Declaration shall be specific, conforming to the applicable Commodity Control List description, and incorporating any additional information required by Schedule B, such as type, size, or name of specific commodity. The Schedule B number shall also be included.

(*g*) *Reports.* The exporter shall furnish the Office of Export Control, no later than the 15th of each month, a report on all exports made during the preceding month under his Bulk Quota License. As a minimum, the report shall include the license number and, for each commodity exported, the full description as shown on the Commodity Control List, the Export Control Commodity number, quantity exported in both copper content pounds and gross amount, date of shipment, and name and address of ultimate consignee. The report shall be sent to the Office of Export Control (Attention: 862), U.S. Department of Commerce, Washington, D.C. 20230.

(c) *Refined copper*—(1) *Scope.* As used in this paragraph (c), the term "refined copper," means any refined copper, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots, for which see paragraph (d) of this § 377.3), wire bars, and other crude forms (Export Control Commodity No. 68212).

(2) *Copper produced from or shipped as an offset against foreign materials.* (i) Subject to the provisions of subparagraph (4) of this paragraph (c), license applications covering refined copper produced from (*a*) foreign-origin copper raw material or (*b*) material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a Customs Import Entry, may be considered for licensing without a charge against the refined copper export quota.

(ii) To receive such consideration, the license application shall:

(*a*) Be submitted to the Office of Export Control within 3 months following the date of the related Customs Import Entry;

(*b*) Be supported by the following certification:

I(We) certify that the refined copper described in this license application has been or will be (a) produced from foreign-origin copper raw materials, or (b) produced in the United States from copper raw materials against which an equivalent quantity of copper raw materials, originating from (name of country), has been entered into the United States by (name and address of importer) under Customs Import Entry number (Entry number), on (date), at (location of port), covering (quantity) pounds of copper content.

(If the importer is a customs broker or is otherwise acting as an agent, the above certification shall also include the name of the principal for whom the agent is acting); and

(*c*) For an export to the Republic of Vietnam, regardless of value, be supported by a Single Transaction Statement (Form FC–842) endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this § 377.3.

(3) *Copper not produced from foreign materials.* (i) Subject to the provisions of subparagraph (4) of this paragraph (c), refined copper not meeting the provisions of subparagraph (2) of this paragraph (c) will be licensed under the past participation in exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and total dollar value that he exported during the base period January 1, 1963, through June 30, 1965, except that the following types of shipments shall not be included:

(*a*) Refined copper produced from foreign-origin materials; and

(*b*) Refined copper produced from material that was declared as an offset against an equivalent quantity of foreign materials entered into the United States under a Customs Import Entry.

(ii) A statement submitted by other than a refiner shall be accompanied by a certification from the exporter's refiner, setting forth the quantity of refined

copper produced from domestic materials which the refiner delivered to the exporter during the period January 1, 1963, through June 30, 1965. A refiner, unable to state accurately the quantity of domestic-origin refined copper delivered to the exporter during the base period, may certify to an estimated quantity delivered to the exporter based on the ratio of domestic-origin materials to foreign-origin materials used by the refiner for the refiner's total production of refined copper during the period January 1, 1963, through June 30, 1965.

(iii) Each license application shall (*a*) identify the foreign consumer in the manner set forth in paragraph (a)(2)(iii) of this § 377.3; and (*b*) for an export to the Republic of Vietnam, regardless of value, be supported by a Single Transaction Statement (Form FC–842), endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this § 377.3.

(4) *Certification regarding U.S. National Stockpile origin.* Except in unusual circumstances, an application for a license to export refined copper supplied from the U.S. National Stockpile will be denied. Therefore, each license application shall specify whether it covers refined copper supplied from the U.S. National Stockpile. This information shall be entered in the "Additional Information" space or on an attachment, as follows:

(i) If the application covers copper not supplied from the U.S. National Stockpile, enter the following certification:

I (We) certify that the refined copper described in this application has not been, and will not be, supplied from the U.S. National Stockpile.

(ii) If the application covers copper supplied from the U.S. National Stockpile, so indicate.

(iii) If the applicant does not know, or is unable to determine, whether the refined copper has been, or will be, supplied from the U.S. National Stockpile, so indicate and include the reason(s) why this information is not available.

(d) *Copper-base alloy ingots*—(1) *Scope.* As used in this paragraph (d), the term "copper-base alloy ingots," means any ingots composed essentially of copper with one or more other metals; for example, beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 68212).

(2) *Licensing method*—(i) *Canada.* Copper-base alloy ingots will be considered for export licensing to Canada in accordance with paragraph (b)(2) of this § 377.3.

(ii) *Other destinations.* Copper-base alloy ingots will be licensed for export to destinations other than Canada under the past participation in exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and total dollar value exported by the applicant during the base period January 1, 1963, through June 30, 1965. Each license application shall (*a*) identify the foreign consumer in the manner set forth in paragraph 377.3(a)(2)(iii); and (*b*) for an export to the Republic of Vietnam, regardless of value, be supported by a Single Transaction Statement (Form FC–842) endorsed by the designated representative of the U.S. AID Mission, Saigon, as set forth in paragraph 377.3(a)(2)(iv).

(e) *Semifabricated copper products and master alloys of copper*—(1) *Scope* As used in this paragraph (e), the term "semifabricated copper products and master alloys of copper" includes:

Export Control Commodity Number	*Commodity Description*
51470	Master alloys of copper containing 8 percent or more phosphor.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
68223	Copper foil.
68224	Copper or copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper or copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as as follows: (a) cable in which the nominal mutual capacitance of paired circuits in less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductor and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

(2) *Shipments under military and AID contracts.* Applications for licenses to export any of the above commodities under U.S. military contracts or under contracts financed by the U.S. Agency for International Development (AID), will be considered for licensing without a charge against the copper export quota. Such applications shall include:

(i) A statement that the commodities and quantities described on the application are being shipped pursuant to a U.S. military or AID contract;

(ii) The contract number and date of contract;

(iii) If the shipment is being made pursuant to a U.S. military contract, (*a*) the branch of the military service executing the contract, and (*b*) the DO–DX defense priority rating; and

(iv) For an export to the Republic of Vietnam, regardless of value, a Single Transaction Statement (Form FC–842) endorsed by the designated representative of the U.S. AID Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this section 377.3.

(3) *Other shipments.* Applications for licenses to export any of these commodities which will not be shipped under U.S. military or AID contracts, generally will be licensed under the past participation in exports method (see § 377.2). A sizeable portion of the quota will be reserved for historical and nonhistorical exporters to meet essential export requirements that cannot be satisfied under the past participation in exports licensing method. The Office of Export Control will announce at the beginning of each licensing period the percentage of the quota to be licensed under the past participation in exports method and the percentage to be reserved for essential export requirements. To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and total dollar value that he exported during the base period of January 1, 1964, through December 31, 1965, in each of the following categories:

(i) The quantity shipped under U.S. military contracts;

(ii) The quantity shipped under contracts financed by AID; and

(iii) The quantity of other shipments. If the exporter did not make any shipments during the base period under U.S. military or AID contracts, he shall so indicate. For an export to the Republic of Vietnam, regardless of value, the license application shall be supported by a Single Transaction Statement (Form FC–842) endorsed by the designated representative of the U.S. AID Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this § 377.3.

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
28311	Copper ores and concentrates	377.3(a)	Any time	Any time.
28312	Copper matte	377.3(a)	do	Do.
28401	Copper metalliferous ash and residues[1]	377.3(b)	Feb. 7, 1969	May 29, 1969.
28402	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.[1]	377.3(b)	do	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.[1]	377.3(b)	do	Do.
51470	Master alloys of copper containing 8 percent or more phosphor.	377.3(e)	Any time	Any time.
68211	Blister copper and other unrefined copper	377.3(a)	do	Do.
68212	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	377.3(c)	Feb. 7, 1969	May 29, 1969.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.[1]	377.3(d)	do	Do.
68213	Master alloys of copper	377.3(e)	Any time	Any time.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.	377.3(e)	do	Do.
68222	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.	377.3(e)	do	Do.
68223	Copper foil	377.3(e)	do	Do.
68224	Copper or copper alloy powders and flakes	377.3(e)	do	Do.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.	377.3(e)	do	Do.
69892	Copper or copper-base alloy castings and forgings	377.3(e)	do	Do.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.	377.3(e)	do	Do.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.	377.3(e)	do	Do.
72310	Other coaxial cable	377.3(e)	do	Do.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.	377.3(e)	do	Do.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.	377.3(e)	do	Do.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.	377.3(e)	do	Do.
72310	Other copper or copper-base alloy insulated wire and cable.	377.3(e)	do	Do.

[1] The submission dates shown in this supplement do not apply to applications for exports to Canada, which should be submitted in accordance with § 377.3(b)(2).

PART 378—SPECIAL NUCLEAR CONTROLS

Sec.
378.1 Validated export license requirement.
378.2 Advice of manufacturer.
378.3 Preparing application.
378.4 Effect of other provisions.

Supplement No. 1 Countries adhering to the Limited Nuclear Test Ban Treaty.

AUTHORITY: The provisions of this Part 378 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003 3 CFR 1959–1963 Comp.

§ 378.1 Validated export license requirement.

A validated license is required for the export to all destinations, including Canada, of the following commodities: [1]

(a) Any commodity which has not been specifically designed or specifically modified for use in designing, developing, or fabricating nuclear weapons or nuclear explosive devices, but which the exporter knows, or has reason to believe, will be used for one or more of these purposes. (See § 376.3 for commodities specifically designed or modified for any of these purposes.)

(b) Any commodity which has not been specifically designed or specifically modified for use in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions, but which the exporter knows or has reason to believe will be used for one or more of these purposes.

(c) Any commodity which is in normal commercial use for other purposes but which has been specifically designed or specifically modified for use in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions, if the intermediate or ultimate destination is subject to the jurisdiction of any country which, at the time of export, is not an adherent to the "Treaty Banning Nuclear Weapons Tests in the Atmosphere, Outer Space, and Under Water," which was signed at Moscow, U.S.S.R., on August 5, 1963. This Treaty is more commonly known as the "Limited Nuclear Test Ban Treaty," and the countries adhering thereto are listed in Supplement No. 1 to this Part 378. The provisions of this section do not apply to exports of any commodities described in this paragraph (c) if the exporter knows they will not be used in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions.

§ 378.2 Advice of manufacturer.

An exporter who knows the commodities he intends to ship are capable of the uses described above but is not the manufacturer of the commodities and is not sure whether a validated license is required, shall request a written statement from the manufacturer as to whether such manufacturer knows or has reason to believe that the intended export requires a validated export license under the provisions of § 378.1. If the manufacturer believes a validated export license is required, the exporter shall then

[1] Commodities and technical data specifically designed or specifically modified for use in designing, developing, or fabricating nuclear weapons or nuclear explosive devices are subject to export licensing or other requirements of the Office of Munitions Control, U.S. Department of State, or the licensing or other restrictions specified in the Atomic Energy Commission Act of 1954, as amended. Similarly, commodities and technical data specifically designed or specifically modified for use in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions (except such items as are in normal commercial use for other purposes) are subject to the same requirements.

apply for such license. The exporter shall retain a copy of his letter of inquiry and the manufacturer's reply and make them available for inspection upon demand by the U.S. Department of Commerce, for 3 years in accordance with the record-keeping requirements of § 382.11.

§ 378.3 Preparing application.

An application for a license to export commodities subject to the provisions of § 378.1 shall be prepared and submitted on Form FC–419, Application for Export License, with Form FC–420, Application Processing Card,[1] attached in accordance with the instructions set forth in § 372.5 with the following modifications:

(a) *Identification of license application.* Enter the words "Nuclear Controls" across the top of the Form FC–419, immediately above the printed words "United States of America";

(b) *Ultimate Consignee.* If the ultimate consignee is not also the end user of the commodities, give the name and address of the end user in the "Commodity Description" space of the application or on an attachment thereto, and if known, the specific geographic locations of any installations, establishments, or sites at which the commodities will be used;

(c) *Supplier.* If the applicant is not also the manufacturer of the commodities indicate on the application, in the space entitled "Commodity Description" or on an attachment, whether the advice of the manufacturer has been received regarding the necessity of a validated license;

(d) *Commodity description.* If applicable, include a description of any specific features of design or specific modifications which make the commodity capable of the uses described in § 378.1 above;

(e) *End-Use.* Include in the description of the end-use, the specific end-use(s) the commodities will have in designing, developing, fabricating, or testing nuclear weapons or nuclear explosive devices as described in paragraph 378.1 above. Fully explain the basis for the knowledge or belief that the commodities are intended for the purpose(s) described.

§ 378.4 Effect of other provisions.

If, at the time of export, a validated license is also required under other provisions of the Export Control Regulations, the application shall be submitted in accordance with the provisions of this part as well as other applicable provisions. The requirements of this part are applicable in addition to, rather than in lieu of, any other validated license requirement set forth in the Export Control Regulations. Insofar as consistent with the provisions of this part, all of the other provisions of the Export Control Regulations shall apply equally to applications for licenses and licenses issued under these special provisions.

[1] Forms FC–419 and FC–420 may be obtained at all U.S. Department of Commerce Field Offices and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

SUPPLEMENT NO. 1—COUNTRIES ADHEARING TO THE LIMITED NUCLEAR TEST BAN TREATY

For purposes of the Export Control Regulations a country will be treated as an adherent to the Limited Nuclear Test Ban Treaty if it has deposited with the U.S. Department of State in Washington, D.C., an instrument of ratification or accession to that Treaty (or an unrestricted notification that it considers itself bound by the ratification or accession of a predecessor government). The following countries are adherents to the Limited Nuclear Test Ban Treaty:

Afghanistan.
Australia.
Austria.
Belgium.
Bolivia.
Botswana.
Brazil.
Bulgaria.
Burma.
Canada.
Central African Republic.
Ceylon.
Chad.
China, Republic of.
Congo, Democratic Republic of the.
Costa Rica.
Cyprus.
Czechoslovakia.
Dahomey.
Denmark.
Dominican Republic.
Ecuador.
El Salvador.
Finland.
Gambia.
Gabon.
West Germany (Federal Republic of Germany).
Ghana.
Greece.
Guatemala.
Honduras.
Hungary.
Iceland.
India.
Indonesia.
Iran.
Iraq.
Ireland.
Israel.
Italy.
Ivory Coast.
Japan.
Jordan.
Kenya.
Korea, Republic of.
Kuwait.
Laos.
Lebanon.
Liberia.
Luxembourg.
Malagasy Republic.
Malawi.
Malaysia.
Malta.
Mauritania.
Mexico.
Morocco.
Nepal.
Netherlands (including Surinam & Netherlands Antilles).
New Zealand.
Nicaragua.
Niger.
Nigeria, Federation of.
Norway.
Panama.
Peru.
Philippines.
Poland.
Rumania.
Rwanda.
San Marino.
Senegal.
Sierra Leone.
Singapore, Republic of.
South Africa, Republic of.
Spain.
Sudan.
Sweden.
Switzerland.
Syrian Arab Republic.
Thailand.
Togo.
Trinidad and Tobago.
Tunisia.
Turkey.
Uganda.
Union of Soviet Socialist Republics.
United Arab Republic.
United Kingdom.
United States.
Venezuela.
Western Samoa.
Yugoslavia.
Zambia.

PART 379—TECHNICAL DATA

Sec.
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AUTHORITY: The provisions of this Part 379 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 379.1 Definitions.[1]

(a) *Technical data.*[2] "Technical data" means information of any kind that can be used, or adapted for use, in the design, production, manufacture, utilization, or reconstruction of articles or materials. The data may take a tangible form, such as a model,[3] prototype, blueprint, or an operating manual; or they may take an intangible form such as technical service.

(b) *Export of technical data*[4][5]—(1) *Export of technical data.* "Export of technical data" means (i) an actual shipment or transmission of technical data out of the United States;[6] (ii) any release of technical data in the United States with the knowledge or intent that the data will be shipped or transmitted from the United States to a foreign country; or (iii) any release of technical data of U.S.-origin in a foreign country.

(2) *Release of technical data.* Technical data may be released for export through:

(i) Visual inspection by foreign nationals of U.S.-origin equipment and facilities;

(ii) Oral exchanges of information in the United States or abroad; and

(iii) The application to situations abroad of personal knowledge or technical experience acquired in the United States.

(c) *Reexport of technical data.* "Reexport of technical data" means (1) an actual shipment or transmission from one foreign country to another, or (2) any release of technical data of U.S.-origin in a foreign country with the knowledge or intent that the data will be shipped or transmitted to another foreign country. Technical data may be released for reexport through:

(1) Visual inspection of U.S.-origin equipment and facilities abroad;

(2) Oral exchanges of information abroad; and

(3) The application to situations abroad of personal knowledge or technical experience acquired in the United States.

§ 379.2 Licenses to export.

Except as provided in paragraph 370.2 (a), an export of technical data must be made under either a U.S. Department of Commerce general license or a validated export license. (See §§ 371.1 and 372.2 for definitions of "general" and "validated" licenses.) General Licenses GTDA and GTDR (see §§ 379.3 and 379.4) apply to specific types of exports of technical data. A validated license is required for any export of technical data where these general licenses do not apply, except in the case of certain exports to Canada.[7][8]

§ 379.3 General License GTDA: Technical data available to all destinations.

A General License designated GTDA is hereby established authorizing the export to all destinations of technical data described in (a), (b), or (c) of this section:

(a) *Data generally available.* Data that have been made generally available to the public in any form, including: (1) data released orally or visually at open conferences, lectures, trade shows, or other media open to the public; and (2) publications that may be purchased without restrictions at a nominal cost or obtained without cost or are readily available at libraries open to the public. The term "nominal cost" as used in paragraph (a)(2) of this § 379.3 is intended to reflect realistically only the cost of preparing and distributing the publication and not the intrinsic value of the technical data. If the cost is such as to prevent the technical data from being generally available to the public, General License GTDA would not be applicable.

(b) *Scientific or educational data.* (1) Dissemination of information not directly and significantly related to design, production, or utilization in industrial processes, including such dissemination by correspondence, attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories, excluding information that involves research under contract related directly and significantly to design, production, or utilization in industrial processes.

(c) *Patent applications.* Data contained in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office, and provided that the patent application has been filed abroad in an "early publication country."[1]

§ 379.4 General License GTDR: technical data under restriction.

A general license designated GTDR is hereby established authorizing the export of technical data that are not exportable under the provisions of General License GTDA, subject to the provisions, restrictions, exclusions, and exceptions set forth below and subject to the written assurance requirement set forth in § 379.4(e).

(a) *Country Group S and Z restrictions.* No technical data may be exported under this general license to Country Group S or Z.

(b) *Country Group W and Y restrictions.* No technical data may be exported under this general license to Country Group W or Y, except:

(1) Data in such forms as manuals, instruction sheets, or blueprints, provided they are:

(i) Sent as part of a transaction involving, and directly related to, a commodity licensed for export from the United States, or specifically authorized for reexport, to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than 1 year following the shipment of the commodity to which the technical data are related;

(iii) Of a type delivered with the commodity in accordance with established business practice;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(2) Technical data supporting a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply any commodity, plant, service or technical data, provided that:

(i) The commodity, plant, service or technical data, are not (and are not related to) a commodity identified on the Commodity Control List by the symbol "A" or shown on the U.S. Munitions List;

(ii) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(iii) The export will not disclose the detailed design, production, or manufacture, or the means of reconstruction, of either the quoted item or its product. Similarly, a quotation, bid, or offer for technical data or services must not disclose the detailed technical process involved.

NOTE: Neither this authorization nor its use means that the U.S. Government intends, or is committed, to approve an export license application for any commodity, plant, technical data, or service that may be the subject of the transaction to which such quotation, bid, or offer relates. Exporters are advised to include in any quotations, bids, or offers, and in any contracts entered into pursuant to such quotations, bids, or offers, a provision relieving themselves of liability in the event that an export license (when required) is not approved by the Office of Export Control.

(c) *Technical data restrictions applicable to all destinations.* No technical data[2] (including operating and maintenance instructional material) related to the following may be exported under this general license, and exports of technical data to all destinations, including Canada, require a validated export license:

(1) Commodities to be used for developing or testing nuclear weapons or nuclear explosive devices as described in § 378.1;

(2) Maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machine, device, component, or equipment specifically developed or designed for use in such plants or facilities;

(3) Neutron generators employing the electrostatic acceleration of ions and specially designed parts and accessories for neutron generators; and

(4) Porous nickel.

(d) *Restrictions applicable to all destinations except Canada.* No technical data relating to the following commodities other than data described in paragraph (b) of this § 379.4[2] may be ex-

[1] See § 370.2 for definitions of other terms used in this regulation.

[2] The provisions of Part 379 do not apply to "classified" technical data, i.e., technical data which have been officially assigned a security classification (e.g. "top secret," "secret," or "confidential") by an officer or agency of the U.S. Government. The export of classified technical data is controlled by the Office of Munitions Control of the U.S. Department of State or the U.S. Atomic Energy Commission, Washington, D.C.

[3] Models and prototypes are controlled both as technical data and as commodities. The more restrictive Office of Export Control requirements apply to their export. See Part 399 for the commodity controls.

[4] License applications for, or questions about, the export of technical data relating to commodities which are licensed by U.S. Government agencies other than the U.S. Department of Commerce shall be referred to such other appropriate U.S. Government agency for consideration (see § 370.10).

[5] Patent attorneys and others are advised to consult the U.S. Patent Office, U.S. Department of Commerce, Washington, D.C. 20231, regarding the U.S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries. In addition to the regulations issued by the U.S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are also subject to the U.S. Department of Commerce regulations covering the export of technical data, in the same manner as the export of other types of technical data.

[6] As used in this Part 379, the United States includes its possessions and territories.

[7] Only the restriction set forth in § 379.4 (c) apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license.

[8] Although the Office of Export Control may provide general information or licensing policies regarding the prospects of approval of various types of export control actions, including actions with respect to technical data, normally it will give a formal judgment respecting a specific request for an action only upon the actual submission of a formal application or request setting forth all of the facts relevant to the export transaction and supported by all required documentation.

Advice is always available, however, regarding any questions as to the applicability of a general license. Such questions should be submitted by letter to the U.S. Department of Commerce, Office of Export Control (Attention: 866), Washington, D.C. 20230.

[1] The term "early publication country" used in this sentence and in this context only Uruguay, Venezuela, and West Germany Ecuador, Finland, France, Honduras, Iceland, Jamaica, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Sweden, Trinidad, Turkey, Republic of South Africa, Uruguay, Venezula, and West Germany (Federal Republic of Germany).

[2] This restriction does not apply to data included in the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

[2] Data included in the foreign filing of a patent is also excluded from the restrictions set forth in this § 379.4(d) if such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

ported under this General License GTDR, and exports of these technical data to all destinations, except Canada,[4] require a validated export license:

(1) Civil aircraft, civil aircraft equipment, parts, accessories, or components;

(2) Electrical and electronic instruments, Export Control Commodity Nos. 72952 and 72999, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 72499 and 72952;

(3) Airborne electronic transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(4) Airborne electronic direction finding equipment, Export Control Commodity No. 72499; and

(5) Airborne electronic navigation and radar equipment, Export Control Commodity Nos. 72499 and 72952.

(6) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 73550).

(7) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

(e) *Written assurance requirements*—(1) *Requirement of written assurance for certain data, services, and materials.* No export of technical data of the kind described in (i), (ii), and (iii) of this paragraph (e)(1) may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product[1] thereof is intended to be shipped, either directly or indirectly, to Country Group W, Y, or Z except as provided in (iv) of this paragraph (e)(1). The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data to use only in a country other than Country Group W, Y, or Z, and prohibits shipment of the direct product[1] thereof by the licensee to Country Group W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in (i), (ii), and (iii) of this paragraph (e)(1) if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to Country Group W, Y, or Z.

(i) Technical data and services listed in (*a*) of this subdivision (i) below for the plants, processes, and equipment listed in paragraph (*b*) below:

(*a*) *Types of technical data and services.* (*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation, and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operation of plant and equipment.

(*b*) *Types of plants and processes.* The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:[2]

alkylation.	oxidation.
aromatization.	oxo process.
cracking.	ozonolysis.
dehydrogenation.	polymerization.
desulfurization.	reduction.
halogenation.	reforming.
hydrogenation.	selective absorption.
isomerization.	selective adsorption.
nitration.	

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i)(*b*) of this paragraph (e)(1):

Export Control Commodity Number and Commodity Description	
71120	Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.
71913	Burners for carbon black furnaces, continuous combustion, controlled reaction type; and specially designed parts and attachments.
71914	Carbon black furnaces, continuous combustion, controlled reaction type; and specially designed parts and attachments.
71919	Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71919	Fractionating columns as follows: (a) having or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.
71919	Equipment, n.e.c., specially designed for use in the following units: (a) Solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially designed parts and accessories therefor, n.e.c.
71921	Industrial pumps as follows: (a) Specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and attachments therefor.
71922	Axial flow, mixed flow, and centrifugal air and gas compressors as follows: (a) capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71922	Stationary positive displacement air and gas compressors, reciprocating, as follows: (a) capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions; or (b) over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71923	Separators and collectors, industrial process types, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71980	Mixing and blending machines having all flow-contact surfaces made rials specified in fotnote;[1] and specially designed parts and accessories, n.e.c.
71980	Fractionating columns as follows: (a) Having, or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

[3] Only the restrictions set forth in § 379.4 (c) apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license. For reexport provisions applicable to Canada and other countries, see § 379.8 (b) and (c).

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition or direct product.

[2] This includes plants, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane, and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

71980	Other processing vessels, nonmixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71980	Pulsation dampeners, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71992	Pipe valves as follows: (a) specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

[1] The materials applicable to the flow-contact surfaces of this equipment are (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

(iii) Technical data relating to the following materials and equipment:

(*a*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Export Control Commodity Nos. 51460, 51470, and 59999);

(*b*) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Export Control Commodity No. 66363); semifinished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Export Control Commodity Nos. 59972, 66363, and 72996);

(*c*) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, lining, or substrates (Export Control Commodity No. 72992);

(*d*) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints; jars, back-off tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp and over (Export Control Commodity No. 71842);

(*e*) Rotary drill rigs incorporating rotary tables and with drawworks designed for an input of 150 hp and over; and work-over rigs (Export Control Commodity Nos. 71842 and 73203);

(*f*) Rotary rock drill bits (cone or roller types), and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 69524 and 71842);

(*g*) Gravity meters (gravimeters) and specially designed parts and accessories (Export Control Commodity No. 86191);

(*h*) Casing head and Christmas-tree assemblies, 2,000 p.s.i. and over, chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment; bottom hole pumps; and work-over rigs (Export Control Commodity Nos. 71921, 71980, and 71992);

(*i*) Well logging instruments and equipment and seismograph equipment except observatory type (Export Control Commodity No. 72952);

(*j*) Acetal resins (Export Control Commodity No. 58110);

(*k*) Alpha trioxymethylene (trioxane) (Export Control Commodity No. 51208);

(*l*) Ion exchange resins as follows: (*1*) Copolymers of styrene and divinyl benzene in which the predominant functional groups are either quaternary ammonium derivatives (basic type), or the sulfonic radical (acidic type), (*2*) mixed bed formulations consisting principally of resins specified in (*1*) of this subdivision (iii)(*l*), (*3*) ion exchange membranes (all types), and (*4*) ion exchange liquids (Export Control Commodity Nos. 58110 and 58120);

(*m*) Rhenium in all forms: concentrates, oxides and compounds, metal and alloys, and metal powders (Export Control Commodity Nos. 28398, 51369, 51470, 68950, and 69899);

(*n*) Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts, controls, and accessories, n.e.c. (Export Control Commodity No. 71980);

(*o*) Alumina, all types, 99 percent purity and over (Export Control Commodity No. 51365);

(*p*) Silicon carbide, all types, 99 percent purity and over (Export Control Commodity No. 51470);

(*q*) Phosphor compounds specially prepared for lasers, including but not limited to: neodymium-doped calcium tungstate, dysprosium-doped calcium fluoride, eu-trifluoroethenoyl acetonate, praseodymium-doped lanthanum trifluoride (Export Control Commodity No. 53310);

(*r*) Voltmeters, with full scale sensitivity of 10 nanovolts or less (Export Control Commodity No. 72952);

(*s*) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980);

(*t*) Trimellitic acid and anhydrides; and pyromellitic acid and its dianhydrides (Export Control Commodity No. 51202);

(*u*) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53332, 58120, 59958, 66311, and 89300);

(*v*) Bonded, brazed, or welded structural sandwich constructions, including cores, face sheets, and attachment materials, manufactured in whole or in part from precipitation hardened stainless steel, beryllium, molybdenum, niobium (columbium), tantalum, titanium, tungsten, and their alloys, or any combination of such materials (Export Control Commodity Nos. 69110 and 69899);

(*w*) Silica, quartz, carbon, or graphite fibers in all forms (for example, chopped or macerated; filaments, yarns, rovings, and unwoven tapes for winding or weaving purposes; woven fabrics and tapes; nonwoven mats and felts); and compounds or compositions (composites) thereof with laminating resins in crude and semifabricated forms, including molding compositions and molded shapes (Export Control Commodity Nos. 58110, 58120, 59972, 65180, 65380, 65543, 66363, 66494, 72996, and 89300);

(*x*) Nonflexible fused fiber optic plates or bundles in which the fiber pitch (center to center spacing) is less than 30 microns, and devices containing such plates or bundles (Export Control Commodity Nos. 66420, 66492, 66494, 72930, 86111, 86112, and 89300); and

(*y*) Transonic (Mach 0.8 to 1.4), supersonic (Mach 1.4 to 5.5), hypersonic (Mach 5.5 to 15), and hypervelocity (above Mach 15) wind tunnels and devices (including hotshot tunnels, plasma arc tunnels, shock tunnels, gas tunnels, shock tubes, and light gas guns) for simulating environments at Mach 0.8 and above; and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 71980, 72952, 86182, 86191, 86193, 86195, 86196, 86197, 86198, and 86199).

(*z*) Offshore drilling platforms (except fixed, nonfloating types); specially designed parts and components (Export Control Commodity No. 73593); and

(*aa*) Methyl methacrylate, cross-linked, hot stretched, clear, film sheeting, or laminates (Export Control Commodity No. 58120).

(iv) The limitations set forth in this § 379.4(e)(1) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this § 379.4.

(2) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of paragraph (e)(1) of this § 379.4, and except as provided in paragraph (v) below; no export of technical data relating to the commodities described below in this § 379.4 (e)(2) may be made under the provisions of this General License GTDR, until the U.S. exporter has received a written assurance from the foreign importer that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group W, Y, or Z, any technical

data relating to commodities identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required;

(*b*) Export, directly or indirectly, to Country Group Z, any direct product[1] of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required; or

(*c*) Export, directly or indirectly, to any destination in Country Group W or Y any direct product[1] of the technical data if such direct product is identified by the symbol "A" in the last column of the Commodity Control List.

(ii) If the direct product[1] of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity identified by the symbol "W" in the column of the Commodity Control List indicating the country group for which a validated license is required, or appears in the U.S. Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the U.S. exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group W, Y, or Z the technical data relating to the plant or the major component of a plant;

(*b*) Export, directly or indirectly, to Country Group Z, the plant or the major component of a plant (depending upon which is the direct product[1] of the technical data) or any product of such plant or of such major component if such product of the plant is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required, or appears in the U.S. Munitions List; or

(*c*) Export, directly or indirectly, to Country Group W or Y, the plant or the major component of a plant (depending upon which is the direct product of the technical data) or any product of such plant or of such major component, if such product is identified by the symbol "A" in the last column of the Commodity Control List, or appears in the U.S. Munitions List.

NOTE: *Pursuant to the provisions of* Current Export Bulletin 891, effective April 1, 1964, § 379.4(e)(2)(ii) (*b*) and (*c*) required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDR.

Except as to items which are identified in the last column of the Commodity Control List by the symbol "A," and items on the U.S. Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDR for export of this type of technical data is hereby deferred until further notice, subject to the following limitations:

1. The exporter shall, at least 2 weeks before the initial export of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by paragraph 379.4(e)(2)(ii)(*b*) above when such product is not identified by the symbol "A" in the last column of the Commodity Control List and requires a validated license for export to Country Group W by the information set forth in the column titled "Validated License Required for Country Group Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirement of paragraphs 379.4(e)(2)(ii) (*b*) and (*c*) as to plant products which are identified by the symbol "A" in the last column of the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exports of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product[1] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

(iv) In addition, this general license is not applicable to any export of technical data of the kind described in this § 379.4(e)(2) if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product[1] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this § 379.4(e)(2) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this § 379.4.

NOTE: A written assurance is not required for the export under this General License GTDR of any technical data which do not fall within the description set forth in paragraph (e)(1) or (2) or (5) of this § 379.4.

§ 379.5 Validated license applications.

(a) *General.* No technical data, other than that exportable without license to Canada or under general license to other destinations, may be exported from the United States without a validated export license. Such validated export licenses are issued by the Office of Export Control upon receipt of an appropriate export application or reexport request. An application for a technical data license shall consist of:

(1) Form FC–419, Application for Export License, accompanied by

(2) Form FC–420, Application Processing Card, as described in paragraph (d) of this section, and

(3) A letter of explanation described in paragraph (d) of this section.

(b) *Application Form FC–419.* Form FC–419 shall be completed as provided in § 372.4, except that the items for producer or supplier, quantity to be shipped, Export Control Commodity Number, and processing number shall be left blank. The commodity description item shall contain a general statement which specifies the technical data (e.g., blue prints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC–419 immediately above the printed words "United States of America."

(c) *Application Processing Card, Form FC–420.* The Application Processing Card, Form FC–420, shall be completed as provided in § 372.4 except that the Export Control Commodity Number, processing number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing number.

(d) *Letter of explanation.* Each application shall be supported by a comprehensive letter of explanation in duplicate. This letter shall set forth all the facts required to present to the Office of Export Control a complete disclosure of the transaction including, if applicable, the following:

(1) The identification of all parties to the transaction;

(2) The exact project location where the technical data will be used;

(3) The type of technical data to be exported;

(4) The form in which the export will be made;

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

(5) The uses for which the data will be employed;

(6) An explanation of the process, product, size, and output capacity of the plant or equipment; and

(7) The availability abroad of comparable foreign technical data.

(e) *Special provisions*—(1) *Maritime nuclear propulsion plants and related commodities.* These special provisions are applicable to technical data relating to maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities. Every application for license to export technical data relating to any of these commodities shall include the following:

(i) A description of the foreign project for which the technical data will be furnished;

(ii) A description of the scope of the proposed services to be offered by the applicant, his consultant(s), and his subcontractor(s), including all the design data which will be disclosed;

(iii) The names, addresses and titles of all personnel of the applicant, his consultant(s) and his subcontractor(s) who will discuss or disclose the technical data or be involved in the design or development of the technical data;

(iv) The beginning and termination dates of the period of time during which the technical data will be discussed or disclosed and a proposed time schedule of the reports which the applicant will submit to the U.S. Department of Commerce, detailing the technical data discussed or disclosed during the period of the license;

(v) The following certification:

I(We) certify that if this application is approved, I(we) and any consultants, subcontractors, or other persons employed or retained by us in connection with the project thereby licensed will not discuss with or disclose to others, directly or indirectly, any technical data relating to U.S. naval nuclear propulsion plants. I(We) further certify that I(we) will furnish to the U.S. Department of Commerce all reports and information which it may require concerning specific transmittals or disclosures of technical data pursuant to any license granted as a result of this application.

(vi) A statement of the steps which the applicant will take to assure that personnel of the applicant, his consultant(s) and his subcontractor(s) will not discuss or disclose to others technical data relating to U.S. naval nuclear propulsion plants; and

(vii) A written statement of assurance from the foreign importer that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly export directly or indirectly to Country Group W, Y or Z the direct product of the technical data. However, if the U.S. exporter is not able to obtain this statement from the foreign importer, the U.S. exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained.

(2) *Other commodities.* For all applications for licenses to export to any destination other than Country Group W, Y, or Z technical data relating to any of the commodities set forth in this subparagraph (1)(i)–(1)(vii), an applicant shall attach to the license application a written statement from his foreign importer assuring that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data directly or indirectly to Country Group W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this § 379.5(e)(2) are applicable to technical data concerning the following:

(i) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear tests, as described in § 378.1;

(ii) Neutron generators, employing the electrostatic acceleration of ions and designed for operation without an external vacuum system and specially designed parts and accessories for such neutron generators, Export Control Commodity No. 72970;

(iii) Porous nickel;

(iv) Civil aircraft, civil aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1); and

(v) The following electronic commodities:

(*a*) Electrical and electronic instruments, Export Control Commodity Nos. 72952 and 72999, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 72499 and 72952;

(*b*) Airborne electronic transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(*c*) Airborne electronic direction finding equipment, Export Control Commodity No. 72499; and

(*d*) Airborne electronic navigation and radar equipment, Export Control Commodity Nos. 72499 and 72952.

(vi) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 73550).

(vii) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

(f) *Validity period.* Validated licenses covering exports of technical data will generally be issued for a validity period of twelve (12) months.

§ 379.6 Exports under a validated license.

(a) *Use of validated licenses.* (1) The validated technical data license need not be presented to the Customs Office or post office but shall be retained and made available for inspection in accordance with the provisions of § 387.11.

(2) Export licenses shall be returned promptly to the Office of Export Control upon revocation, suspension, or expiration of the validity period. Used licenses shall be returned when fully used. Unused and partially used licenses shall be returned when the exporter determines that he will not make any shipment, or any further shipment, thereunder or upon expiration, whichever comes first.

(b) *Reports on exports*—(1) *Country Group S, T, V, or X.* With respect to a license used to export technical data to Country Group S, T, V, or X, when the license is returned, as provided in paragraph (a)(2) of this § 379.6, the exporter shall submit a statement indicating:

(i) When the technical data were exported or when the technical services were rendered; and

(ii) Whether the export was total or partial.

(2) *Country Group W or Y.* With respect to a license used to export technical data to Country Group W or Y when the license is returned, the exporter shall submit a statement indicating the following:

(i) When the technical data were exported or when the technical services were rendered;

(ii) Whether the export or service was total or partial;

(iii) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement);

(iv) The nature of the payment received or to be received by the U.S. exporter (e.g., pecuniary or other consideration); and

(v) The actual or estimated price of the technical data exported, or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

§ 379.7 Amendments.

Requests for amendments shall be made in accordance with the provisions of § 372.11.

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of United States technical data.

(a) *Prohibited exports and reexports.* Unless specifically authorized by the Office of Export Control, or otherwise authorized under the provisions of paragraph (b) of this § 379.8, no person in the United States or in a foreign country may:

(1) Reexport any technical data imported from the United States, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination;

(2) Export any technical data from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination; or

(3) Export or reexport to Country Group W, Y, or Z, any foreign produced direct product of U.S. technical data, or any commodity produced by any plant or major component thereof which is a direct product of U.S. technical data, if such direct product or commodity is covered by the provisions of § 379.4(e) or § 379.5(e) (1) or (2).

(b) *Permissive reexports.* (1) Any technical data which have been exported from the United States may be reexported from any destination to any other destination provided that, at the time of reexport, the technical data may be exported directly from the United States to the new country of destination under General License GTDA or GTDR and provided that all of the requirements and conditions for use of these general licenses have been met.

(2) When the Office of Export Control has specifically authorized the export of a commodity from the United States to a destination in Country Group W or Y or the reexport of a U.S.-origin commodity from any foreign country to a destination in Country Group W or Y, technical data such as manuals, instructional sheets, or blueprints as described in, and subject to the conditions of § 379.4(b)(1) may be sent to the same destination as part of the same transaction without separate specific authorization by the Office of Export Control.

(c) *Specific authorization to reexport.* Requests for specific authorization to reexport technical data or to export any product thereof as applicable shall be submitted to the Office of Export Control by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading or letterhead. The letter shall contain all of the information required under § 379.5(a)(3). Any request for extension of such authorization shall similarly be submitted by letter. Authorization to reexport, if granted, will be issued with a validity period of 12 months on Form IA–L–71 or by means of a letter from the Office of Export Control. Reexport authorization shall be returned promptly to the Office of Export Control upon revocation, suspension, or expiration of the validity period. Used authorizations shall be returned when fully used. Unused and partially used authorizations shall be returned when the person authorized to reexport determines that he will not make any shipment, or further shipment thereunder or upon expiration of the authorization, whichever comes first. After the reexport of the technical data has been completed, the Office of Export Control shall also be given a notice in writing indicating:

(1) When the technical data were reexported or when the technical services were rendered; and

(2) Whether the reexport or service was total or partial. In addition, if the technical data had been reexported to Country Group W or Y, the written notice shall indicate:

(i) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement, or the rendering of technical services);

(ii) The nature of the payment received, or to be received, by the U.S. exporter (e.g., pecuniary or other consideration); and

(iii) The actual or estimated price of the technical data reexported or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

(d) *Effect of foreign laws.* No authority granted by the U.S. Office of Export Control, or under the provisions of the U.S. Export Control Regulations, to reexport technical data or export a product thereof shall in any way relieve any person from his responsibility to comply fully with the laws, rules, and regulations of the country from which the reexport or export is to be made or of any other country having authority over any phase of the transaction. Conversely, no foreign law, rule, regulation, or authorization in any way relieves any person from his responsibility to obtain such authorization from the U.S. Office of Export Control as may be required by the U.S. Export Control Regulations.

§ 379.9 Other applicable provisions.

As far as may be consistent with the provisions of this Part 379, all of the other provisions of the Export Control Regulations shall apply equally to exports of technical data and to applications for licenses and licenses issued under this part.

PARTS 380—384 [Reserved]

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS [1]

Sec.

385.1 Country Group Z.
385.2 Country Groups W and Y; U.S.S.R. and East European Communist Countries.
385.3 Country Group S; Southern Rhodesia.
385.4 Country Group V.
385.5 Canada.

AUTHORITY: The provisions of this Part 385 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 385.1 Country Group Z.

(a) *Asian Communist Countries.* The general policy is to deny all applications to export or reexport commodities and technical data to Communist China, North Korea, and to the Communist controlled areas of Vietnam.

(b) *Cuba.* The general policy is to deny all applications to export or reexport commodities and technical data to Cuba except for certain humanitarian transactions.

§ 385.2 Country Groups W and Y: U.S.S.R. and East European Communist Countries.

The general policy is to deny applications to export or reexport commodities and technical data to the U.S.S.R., Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania if the export or reexport makes a significant contribution to the military or economic potential of those nations which would prove detrimental to the national security and welfare of the United States. Generally, applications to export or reexport commodities identified on the Commodity Control List (§ 399.1) as being under licensing control to all foreign destinations, and technical data related thereto, are denied to the abovenamed countries unless the U.S. Department of Commerce determines, on a case-by-case basis that the commodities or technical data are for a civilian use or would otherwise not make a significant contribution to the military or economic potential of the country of destination that would be detrimental to U.S. national security and welfare.

§ 385.3 Country Group S: Southern Rhodesia.

The general policy is to deny applications to export or reexport commodities and technical data to Southern Rhodesia, unless the commodities and technical data are intended strictly for (a) medical purposes, (b) use in schools and other educational institutions, (c) the essential needs of recognized charitable institutions, or (d) foodstuffs required in special humanitarian circumstances.

§ 385.4 Country Group V.

(a) *Republic of South Africa.* The general policy is to deny applications to export or reexport commodities and technical data to the Republic of South Africa when there is a likelihood of military end use. Otherwise, the policy is the same as for other nations in Country Group V.

(b) *Other countries in Group V.* For other countries in Group V, the general policy is one of approval of all applications. License applications for these countries are required primarily to assure that the commodity or technical data to be exported or reexported is intended for the stated end use and will not be reexported or diverted contrary to the U.S. national interest.

(c) *Yugoslavia.* The general policy is to apply to Yugoslavia the same export licensing criteria as are in effect for other nations in Country Group V (e.g., France, West Germany, Italy, etc.). (See § 375.4 for the submission of a Yugoslav End-Use Certificate as a supporting document for license applications.)

(d) *Vietnam.* Any license application (Form FC–419), consignee/purchaser statement (Form FC–842 and 843) (§ 375.2), and destination control statement (§ 386.6) that refers to Vietnam shall specify which of the following areas is referred to:

(1) Communist-controlled areas of Vietnam.

(2) Republic of Vietnam (areas not under Communist control).

(e) *Trieste.* Any license application that refers to Trieste shall specify which of the following areas is referral to:

(1) The area of Trieste under Italian civil administration.

(2) The area of Trieste under Yugoslav civil administration.

§ 385.5 Canada.

Except as indicated below, the general policy is to permit shipments of commodities and technical data to Canada for consumption or use in that country without an export license. When the commodities or technical data are transiting Canada or are intended for reexport from Canada to another foreign destination and such shipment would require a validated license if made directly from the United States to that destination, an export license or reexport authorization is required. The licensing action will be based on the policy applicable to a direct shipment from the United States to such other destination. (See § 374 for commodities in transit via Canada.) A validated license also is required for export to Canada if the export is (a) for certain copper commodities (§ 373.3); (b) related to nuclear weapons, nuclear explosive devices or nuclear testing as described in §§ 376.3 or 379.5(e); or (c) the Commodity Control List (§ 399.1) indicates that a validated license is required for export to Canada.

PART 386—EXPORT CLEARANCE

Sec.

386.1 General export clearance requirements.
386.2 Presentation and use of validated license.
386.3 Shipper's export declaration.
386.4 Conformity of documents for validated license shipments.
386.5 General destination control requirements.
386.6 Destination control statements.
386.7 Shipping tolerance.
386.8 Clearance at ports of origin.
386.9 Authority of customs offices and postmasters in clearing shipments.
386.10 Return or unloading of cargo at direction of U.S. Department of Commerce.
386.11 Other applicable laws and regulations.

AUTHORITY: The provisions of this Part 386 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 386.1 General export clearance requirements.

(a) *Responsibility of licensee and agent.* Under the Export Control Regulations, the exporter to whom a validated license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

(b) *Exports by water or air carrier.* (1) No exporter or his agent, including any carrier, shall load or carry or permit loading or carrying onto an exporting carrier, or present to the customs office for inspection and clearance for export, any commodity until:

(i) *For validated license shipments:* A validated license therefor has been presented to the customs office; and a related duly executed Shipper's Export Declaration,[1] in the requisite number of copies, covering such commodity has been presented to and authenticated by the customs office, and a copy returned to the person presenting it for delivery to the exporting carrier.

(ii) *For general license shipments:* A duly executed declaration, in the requisite number of copies and consistent with the provisions of an applicable general license, has been presented to and authenticated by the customs office, and a copy returned to the person presenting it for delivery to the exporting carrier. Where the filing of a declaration is not required by the Export Control Regulations or by the Census Bureau Foreign Trade Statistics Regulations, an oral declaration describing the commodity about to be exported and identifying the applicable general license shall be made to the customs office at the port of export.

(2) No carrier shall load or carry any commodity onto an exporting carrier or permit any commodity to be loaded or carried onto an exporting carrier for export by water or air, until such carrier has received its copy of the authenticated Shipper's Export Declaration as provided in the Census Bureau Foreign Trade Statistics Regulations.

(c) *Exports by mail—(1) Shipments requiring a validated license—(i) General requirements.* No person shall export any commodity by mail, including surface and air parcel post, until:

(a) A validated license therefor has been presented to the postmaster at the place of mailing, together with a related duly executed Shipper's Export Declaration covering the commodity to be so mailed, whether or not a Declaration is required by the Census Bureau Foreign Trade Statistics Regulations; and

(b) The sender (exporter) has entered the complete validated license number on the address side of the package and on the declaration.

(ii) *Partial shipments.* (a) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a customs office (instead of surrendering it to the postmaster) and present a copy of the declaration covering each shipment to that customs office for authentication. The authenticated declaration, in addition to the declaration required under paragraph (1)(a) above, shall be surrendered to the postmaster at the time of mailing.

(b) If a declaration is authenticated before the license expires, but shipment is delayed beyond that time, the licensee shall obtain an extension of the license (or a new license) and shall present a new declaration to the customs office for authentication. The new declaration shall be clearly marked "Amended." It shall be submitted together with the previously authenticated declaration, which will be retained by the customs office.

(2) *Shipments under a general license—(i) Declaration required.* The sender (exporter) shall present to the postmaster at the place of mailing a duly executed declaration for each commercial shipment under a general license from one business concern to another business concern when the shipment consists of a commodity(ies) valued at $100 or more, unless otherwise set forth in the Census Bureau Foreign Trade Statistics Regulations.

(ii) *Designation on declaration and package.* The sender (exporter) shall enter on the declaration the designation of the general license under which the commodity(ies) is being exported. The same designation shall be entered on the address side of the package, followed by the phrase "Export License Not Required." No notation need be made on the package if the export is made under General License GTDA or GTDR. The general license designation and phrase constitute a certification by the sender to the postmaster and to the Office of Export Control that the shipment is made under the authority of the general license indicated.

(3) *Gift parcels.* If the sender is shipping a gift parcel under General License GIFT, he must place the word "Gift" on the customs declaration tag, as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license designation. (See § 371.18.)

(d) *Exports by means other than water, air, or mail.* No person shall export any commodity by means other than by water, air, or mail, until:

(1) A validated license, where required by the provisions of the Export Control Regulations, has been presented to the customs office at the port of export from the United States; and

(2) A duly executed declaration has been presented to the customs officer and authenticated by him prior to inspection.

Where no validated license is required, a duly executed declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the customs office at the port of export. Where the filing of a declaration is not required, an oral declaration, describing the commodity and the applicable general license,

[1] Shipper's Export Declaration, Form 7525–V, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local customs offices, and U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses). Price of the form is $1 for a pad of 100.

[1] See Supplement 1 to Part 370 for listing of Country Groups.

shall be made to the customs office at the port of export.

(e) *Exports to Canada.* No person shall export any commodity to Canada until a duly executed Shipper's Export Declaration consistent with the Census Bureau Foreign Trade Statistics Regulations has been presented to and authenticated by the customs office. Where the Census Bureau Foreign Trade Statistics Regulations do not require a declaration, or where a delay in filing a declaration is authorized, an oral declaration shall be made to the customs office at the port of export, describing the commodities to be exported and stating that they are for export to Canada.

(f) *Exception for shipments under $100.* A shipment, other than by mail, to Canada or to Country Group S, T, or V does not require a Shipper's Export Declaration if the shipment is valued at less than $100 and is not made under a validated export license or under General License GLV. (For shipments by mail, see paragraph (c)(2)(i) of this § 386.1.) As used in this paragraph (f), a "shipment" is defined as all commodities classified under a single seven-digit Schedule B number, shipped on the same exporting carrier, from one exporter to one importer.[1] Other exceptions to the requirement for a Shipper's Export Declaration are set forth in this Part 386 and in Part 371. A complete list of such exceptions is set forth in Subpart D of the Census Bureau Foreign Trade Statistics Regulations.

(g) *Exception to clearance requirements for "port-of-origin procedure."* Under circumstances specified in § 386.8 clearance of certain shipments may be effected at designated ports of origin before movement of the shipment to and through the port from which it will leave the United States.

§ 386.2 Presentation and use of validated license.[2]

(a) *License valid for shipment from any port.* A license may be used for exports from the United States from any port of export, or port of origin listed in § 386.8(c), unless otherwise provided by the Office of Export Control. Commodities or technical data which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final export to a foreign country will be treated as an export at the last U.S. port of export.

(b) *Signature on license.* The validated export license document, Form FC–628, presented to the customs office or postmaster must bear on the reverse side the following signatures:

(1) *Licensee.* At the top left, on the line reading "signature of licensee," the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license.* At the top right, on the line reading "signature of person presenting license," the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign the declaration accompanying such license.

(c) *Filing of license at time of first shipment.* A validated license (except a Project License or a Distribution License) must be presented to and filed with the customs office before any commodity is loaded or carried onto an exporting carrier. In the case of a shipment by mail, the validated license shall be presented to the postmaster or to the customs office when the declaration covering the first partial shipment under that license is presented for export.

(d) *Subsequent shipments from port where license is filed.* If a partial shipment is made, the validated export license will be appropriately endorsed and held by the customs office until shipment is completed or the license expires. On any subsequent shipment under the license, a duly executed declaration shall be filed.

(e) *Simultaneous or subsequent shipment from another port*—(1) *Transmittal of approval.* If part of the export is to be made from another port, the licensee shall request the customs office holding the license to transmit to the customs office at the other port of export authorization to clear the requested shipment(s). This request may cover any part of the quantity licensed, and the export may be made in either a single shipment or in any number of partial shipments. The customs office holding the license shall record on the back of the license each additional port of export from which shipment is to be made and the commodity and quantity to be shipped from each additional port of export. If any part of the quantity authorized for shipment from another port is not shipped, the licensee or his agent may request an appropriate modification of the authorization as recorded on the back of the license. Such request shall be submitted as follows:

(i) *License in possession of customs office.* The licensee or his agent shall request the customs office to which the approval was sent to notify the customs office holding the license to amend the previous endorsement of the intended shipment. This applies whether or not the license would have been completed by the intended shipment.

(ii) *License returned by customs office to the Office of Export Control.* A new license application may be submitted covering the unshipped quantity, together with a letter explaining the facts and identifying the customs office to which the approval was sent.

(2) *Transmittal of license.* As an alternative to the above procedure, the customs office holding the license is authorized to transmit the license by mail to the customs office at another port of export, upon written request by the licensee stating that the license will no longer be used at the port at which it is deposited.

(3) *Exceptions.* The above procedures do not apply to a license which specifies that a shipment is authorized for clearance at a particular port of export.

(f) *Shipments against expiring license.* (1) Commodities ready for loading or laden.

(i) Commodities which are (*a*) laden aboard the exporting carrier, or (*b*) ready for lading and located on a pier for lading, and not for storage, prior to midnight of the expiration date of a license, may depart with the vessel even though the vessel does not clear until after the expiration date of the license.

(ii) Further, where the vessel is expected to be available at the pier for loading before the license expires, but exceptional and unforeseen circumstances delay it, the commodities may be exported without an extension of the license, if in the judgment of the customs office undue hardship would otherwise result.

(2) Commodities in transit to port of export. Commodities in transit to the port of export prior to midnight of the expiration date of the license, but delayed by exceptional and unforeseen circumstances, may be cleared for export, at the discretion of the customs office, within 5 days following the expiration date of the license if in the judgment of the customs office undue hardship would otherwise result. The customs office may require the exporter to submit a bill of lading or other evidence that the shipment was in transit to the port of export prior to the expiration date of the license and was delayed in transit.

(3) Other shipments. A shipment not coming within the above provisions may not be exported against an expiring license, unless the license is extended by the Office of Export Control.

(g) *Reexport of shipments returned to the United States.* A shipment returned to the United States because of failure or inability of the exporting carrier to deliver it to its intended destination may be reexported without a new license to the consignee and destination to which it was originally made: *Provided,* That satisfactory evidence of the validity of the original export is submitted to a customs office. Such evidence may be a copy of the original declaration, or the exporting carrier's outward manifest, or such other evidence as the customs office may require. If a commodity(ies) is to be reexported to other than the original consignee, it must be treated as a new export and is subject to current regulations of the Office of Export Control regarding the specific commodity(ies).

§ 386.3 Shipper's Export Declaration.

(a) *Authentication requirement.* All copies of Shipper's Export Declarations that are required to be presented to a customs office shall be authenticated by the customs office at the port of export. No customs officer shall authenticate a declaration unless he is satisfied, after comparing it with the applicable validated export license or general license and with such other relevant information as he may have, that:

(1) Export of the commodity(ies) described in the declaration is authorized under the license;

(2) Statements in the declaration are identical in all respects with the contents of the validated license, or with the terms, provisions, and conditions of the general license;

(3) Statements in the declaration are set forth in a manner that permits customs officers (or other authorized persons to whom the declaration may be shown or delivered) to determine whether the export complies with the contents of the validated license, or the terms, provisions, and conditions of the general license; and

(4) The shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Authenticated declaration as export control document.* When authenticated by the customs office, a Shipper's Export Declaration shall be deemed to be a document, issued pursuant to the Export Control Regulations, evidencing the existence of a validated export license or permission for an export under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for export or otherwise facilitating or effecting the export of a commodity(ies) requiring a validated or general license under the Export Control Regulations issued pursuant to the Export Control Law.

(c) *Limitation of effective period of declaration.* No declaration shall be authenticated or used to clear, or otherwise facilitate or effect, an export after the expiration of the applicable validated license or after the termination of the applicable general license, except as provided in §§ 372.9(d) and 386.2(f). The validity period of an export license includes any extension provided by any saving clause or regulation.

(d) *Rejection of declarations.* The customs office shall reject any declaration which does not comply with the provisions of this Part 386.

(e) *Who may submit declaration for authentication.* A declaration may be submitted to the customs office for authentication only by the exporter or his carrier or the duly authorized forwarding agent of the exporter. A carrier, not otherwise acting as a forwarding agent, may deliver an executed declaration to the customs office without specific authorization from the exporter.

(f) *Forwarding agent*—(1) Definition of "*forwarding agent.*" For the purpose of this Part 386, a "forwarding agent" means a person authorized by an exporter to perform for the exporter actual services which facilitate the export of the commodities or technical data described in the declaration. These services include, but are not limited to, preparing the declaration and clearing the shipment by submission of documents to the customs officers or export control officers. A "forwarding agent" need not be a person regularly engaged in the freight forwarding business. A "forwarding agent" shall be designated by the exporter in writing in the power of attorney set forth on the declaration or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee of the exporter.

(2) *Forwarding agent as true agent.* Unless the exporter otherwise states in writing in the power of attorney or other written form, the forwarding agent named by the exporter shall be deemed to be the true agent of the exporter for export control and customs purposes. However, it is not intended that the power of attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exports. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States) a form of designation on the declaration which limits the authority granted to the particular transaction involved would be appropriate. The seller may, however, insist that the agent for the foreign buyer apply for the license. (See § 372.3(b)(1).)

(3) *Form of powers of attorney.* The sample form, "Power of attorney—Designation of Forwarding Agent" fixes responsibility of the exporter for exports made through a forwarding agent. The form is suggested since it conforms to usual business practice in establishing agency relationship, but it is not mandatory. The exporter may use any written form of designation, provided it is subscribed and sworn to before a notary public, or other person authorized to administer oaths, by a duly authorized officer or employee of the exporter. Such authorization shall clearly indicate that the party named is authorized to represent the exporter for export control and customs purposes. The extent of the authority, as in the power of attorney, may be restricted with respect to time, country, commodity, specific license, or other matter. Such documents may also be used to designate one or more employees, or other persons, such as an export manager or agent, to in turn appoint as many forwarding agents as may be required.

(4) *Redelegation of agent's authority.* If a forwarding agent signs and swears to a declaration for clearance of an export through a port where he has no office, he shall furnish an authorization in writing to the person who will actually present the declaration to the customs office. He may also redelegate to another forwarding agent his authority to sign, swear to, and present declarations for authentication at such port: *Provided,* That the authorization from the exporter permits such redelegation or he obtains other written evidence of consent from the exporter. Proof of the authority of any person signing a power of attorney or other authorization may be required. In general, however, such proof will be required only when there is some reason to doubt the authority of the person involved.

(5) *Record and proof of agent's authority.* The power of attorney or other authorization from the exporter shall be retained on file in the forwarding agent's office while the authorization is in force and for a period of 3 years after the last action taken by the forwarding agent under the authority. During this retention period, the forwarding agent shall make his delegation of authority from the exporter available for inspection on demand, in accordance with the provisions of § 387.11(f). This recordkeeping and inspection requirement also applies to any redelegation of the forwarding agent's authority and to any person to whom the forwarding agent redelegates his authority.

(For further recordkeeping requirements see § 387.11.)

(g) *Presentation.* When a declaration is required, it shall be presented to the customs office at the port of export, or to the postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (i) below.

(h) *Statements on declaration.* Where a declaration is presented to a customs office or postmaster, the exporter represents that:

(1) All statements and information in the declaration have been furnished by him or on his behalf for the purpose of effecting an export under the Export Control Regulations;

(2) Export of the commodity(ies) or technical data described in the declaration is authorized under the general or validated export license therein identified;

(3) Statements contained in the declaration are identical in all respects with the contents of the validated license or the terms, provisions, and conditions of the applicable general license; and

(4) All other terms, provisions, and conditions of the Export Control Regulations applicable to the export have been met.

(i) *Number of copies required*—(1) *Where exporting by means other than mail.* Three copies of the declaration are required by the customs office at the port of export, except (*i*) for shipments to Canada and shipments between the United States and its territories and possessions, for which only two copies are required, or (*ii*) where an additional copy is required by subparagraph (3) of this paragraph (i).

(2) *When mailing*—(i) *General.* For a mail shipment, one copy of the declaration shall be presented to the postmaster at the place of mailing when the shipment: (*a*) is under a validated license, or (*b*) is of a commercial nature and its value is $100 and over. Two copies shall be presented when an additional copy is required by subparagraph (3) of this paragraph (i).

(ii) *Partial shipment against a validated license.* In addition, when making a partial shipment by mail against a

[1] See "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States," published by the Bureau of the Census.

[2] Provisions relating to the export clearance of technical data under a validated license are set forth in § 379.6(a).

license on file with a customs office, the sender (exporter) shall present to the postmaster a copy of the declaration authenticated by the customs office with which the license is filed.

(3) *Additional copies of declaration.* For export control purposes, the Office of Export Control, the customs office, or the postmaster may require additional copies of the declaration. In all cases where a declaration is required, an additional copy of the declaration shall be presented for:

(i) *Exports under a Project License.* The additional copy shall bear the notation "DL" in the upper right corner. (See § 373.2(e)(2).)

(ii) *Exports from the United States to foreign countries made via Canada.* (See § 374.6.)

(iii) *Exports of any agricultural commodity under a validated license to Country Group Y or Z.* The additional copy shall bear the notation "862" in the upper right corner.

(iv) *Exports of any commodity to replace any defective or unacceptable part or equipment under the provisions of General License GLR.* The additional copy shall bear the notation "854" in the upper right corner. (See § 371.17(f)(2).)

(v) *Temporary exports of video tape to destinations in Country Groups T and V.* The additional copy shall bear the notation "864" in the upper right corner. (See § 376.11(d).)

(vi) *Exports under a validated license of nickel, nickel alloys, and nickel bearing scrap.* The additional copy shall bear the notation "862" in the upper right corner. (See § 376.4(a)(2).)

(vii) *Exports made under General License GTF–F for display at a foreign exhibition or trade fair.* The additional copy shall bear the notation "854" in the upper right corner. (See § 371.16(e).)

(viii) *Exports under a validated license that contains special requirements for additional documents or information.* (See paragraph (s) of this § 386.3.)

(j) *Separate declarations required for general license and validated license commodities in same shipment*—(1) *General.* Separate declarations are required for general license and validated license commodities in the same shipment. They may not be combined on one declaration. However, a shipment made under two or more general licenses or two or more validated licenses may be combined on the same declaration.

(2) *Exception.* For a shipment consisting of commodities and the containers therefor, where either the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same declaration.

(k) *Information required for authentication.* No declaration shall be authenticated by a customs office unless the declaration, and all copies show:

(1) Name and address of the exporter (the licensee named in a validated license or a person entitled to export under a general license). On a declaration covering an export under a validated license, Item 3 shall correspond to the person or firm named as licensee on the Export License, Form FC–628. Otherwise, the export license does not cover the proposed export. However, Item 3 may correspond to the name of the foreign principal shown on the validated license if the person or firm that is in fact the exporter is not subject to the jurisdiction of the United States.

(2) Name and address of any duly authorized forwarding agent.

(3) Name and address of any intermediate consignee, whether or not named on the validated license.

(4) Complete validated license number or general license designation authorizing the shipment.

(5) All other data required on the declaration form.

(l) *Schedule B number and commodity description*—(1) *Schedule B number.* The seven-digit Schedule B number, as shown in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, shall be entered in column (13) of the declaration regardless of whether the shipment is moving under a validated or a general license.

(2) *Commodity description for validated license shipment.* The commodity description on the declaration for a shipment under a validated license shall be that shown on the related validated license. However, where part of the description on the license is underlined, only the underlined portions need be included on the declaration. The commodity description on the license will be stated in Commodity Control List terms, which may be inadequate to meet Census Bureau requirements. In this event, the commodity description on the declaration shall give enough additional detail to permit verification of the Schedule B number (e.g., size, material, or degree of fabrication). If a commodity classification in Schedule B has instructions such as "specify by name," "state species," etc., that information shall be furnished in column (10) of the declaration. When a single Shipper's Export Declaration covers more than one item classifiable under a single classification carrying the "specify by name" or similar requirement, each item shall be entered separately in column (10). However, if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification need be shown separately. Separate quantities, values, and shipping weights for individual items are not required in either case.

(3) *Commodity description for general license shipments*—(i) *General.* The commodity description on the declaration for a shipment under a general license shall be in sufficient detail to permit verification of the seven-digit Schedule B number entered on the declaration.

(ii) *Distinguishing characteristics or specifications.* When there is another Commodity Control List entry for the same type of commodity under the same Export Control Commodity Number, but with different specifications, capacities, or other characteristics, the customs office may, at its discretion, require the exporter to enter the following certification on the declaration:

Commodity not under validated license control to (name of country); Commodity Control List page No. ------ dated ---------

(m) *Validated license number or general license designation.* The complete validated license number or general license designation shall be entered in the commodity description column of the declaration, in addition to the commodity description. By entering the license number or designation, the exporter certifies that the terms, conditions, and provisions of that license have been met.

(n) *Statement regarding ultimate destination.* No declaration shall be authenticated by a customs office unless the statement regarding ultimate destination, whenever required, has been entered on all copies of the declaration as provided in § 386.6(a).

(o) *Optional Ports of Unlading*—(1) *Applicability.* If, prior to the departure of the exporting carrier, the exporter does not know at what port the shipment will be unloaded, he may designate optional ports of unlading on the declaration and bill of lading, in accordance with this paragraph (o). In no case does this procedure apply to any shipment destined directly or indirectly to Country Group S, X, Y, or Z. (For shipments to other destinations via Hong Kong see § 370.8.)

(2) *General license shipments.* (i) For exports under General License G–DEST, if the exporter does not know which of several countries in Country Groups T, V, and W is the country of ultimate destination, he may name optional ports of unlading in one or more of these countries.

(ii) When an export under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unlading in one or more countries, together with the name and address of the intermediate consignee in each country designated.

(iii) Optional ports of unlading, in all cases, shall be in a country to which the commodity or technical data may be shipped directly from the United States under the same or another applicable general license.

(3) *Validated license shipments.* For exports under a validated license, optional ports of unlading are restricted to the country of ultimate destination, unless the export license or amendment designates intermediate consignees in one or more other countries. In the latter case, the optional ports of unlading must be designated as optional intransit points on the declaration and bill of lading.

(4) *Correcting the declaration.* As soon as the exporter learns at which port the commodities are to be unloaded—whether in the country of ultimate destination or in a country of transit—an Export Declaration Correction Form, Form FT–7403, should be filed with the customs office at the port of export where the original declaration was filed. The correction form shall specify the actual port of unlading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unlading is located in a country other than the country of ultimate destination. If the export is unloaded at more than one port, the quantity and value unloaded at each port and the name and address of each intermediate consignee should be given. (See paragraph (u)(4) of this § 386.3 for procedure to file a Form FT–7403.)

(p) *Foreign excess property disposed of by the U.S. Government.* Where a shipment consists of commodities disposed of by U.S. Government agencies under foreign excess property disposal programs, the declaration shall show the following notation in the commodity description space:

These commodities are foreign excess property disposed of by the U.S. Government.

(q) *Signature on declaration.* The signature on the declaration of the person making the declaration shall be that of the exporter or the forwarding agent named in the declaration, or a duly authorized officer or employee of either. In general, it will be deemed that the requisite authority rests with such employees as export managers who, by their official titles, are apparently vested with power to deal with exports; such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization; and assistance officers. The signature of such person, whether or not that of the exporter or his duly authorized officer or employee, constitutes a representation by the exporter that all statements and information in the declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature constitutes a like representation by the forwarding agent.

(r) *Attachment to declaration.* Additional copies of the declaration or copies of the continuation sheet form may be used where more space is required. In such cases, only one declaration form need be signed. The additional sheets shall be numbered in sequence and securely attached to the executed declaration form; and the following statement shall be inserted between columns (9) and (15):

This Declaration consists of this sheet and ------ continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(s) *Special requirements for additional information and documents.* (1) A validated license may bear on its face a requirement for specified documents or information in addition to that furnished when the application was filed. The licensee shall furnish these either prior to or when presenting the declaration to the customs office, as follows:

(i) Prepare one copy of the declaration in addition to the number of copies otherwise required.

(ii) Enter the required additional information in columns (9) to (15) on all copies of the declaration.

(iii) Unless otherwise specified on the license, attach the required documents (either original or certified copy) to the extra copy of the declaration.

(2) All such statements and documents will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Office of Export Control in any export control matter (see § 387.5(b)).

(3) The customs office will refuse to authenticate a declaration where the exporter fails to comply with the special requirements of a validated license, unless before presenting the declaration (i) the exporter has informed the Office of Export Control of the specific reason for not complying, and (ii) the Office of Export Control has waived the requirement in writing. To clear the shipment through Customs, the licensee shall attach to and file with the license any letter of waiver.

(t) *Declaration for shipments moving in transit*—(1) *Applicability.* The Shipper's Export Declaration for In-transit Goods, Commerce, Form 7513[1] should be used for all commodities:

(i) Shipped in transit through the United States;

(ii) Transshipped in U.S. ports for foreign countries;

(iii) Exported from General Order Warehouse; or

(iv) Exported from foreign trade zones (unless the customs office specifically permits the use of the Shipper's Export Declaration, Commerce Form 7525–V[1]). However, in accordance with an alternate procedure under the Customs Regulations, and when a validated license is not required, air cargo shipments in bond transiting the United States for export from any U.S. airport may be cleared without the presentation of Form 7513. For further information on this procedure, see sections 6.17 through 6.24 of the Customs Regulations (19 CFR 6.17–6.24), or consult any customs office or the Bureau of Customs, Washington, D.C. 20226.

(2) *Additional information.* The following additional information shall be entered on a Shipper's Export Declaration for In-transit Goods:

(i) The name and address of the intermediate consignee in a foreign destination, if any, shall be shown below the description of the commodities across columns 1–6;

(ii) Underneath the name and address of the intermediate consignee, also within columns 1–6, one of the following statements shall be made, whichever is appropriate:

(a) For intransit shipments of foreign-origin merchandise (for definition of "foreign origin," see § 371.4(a)):

The merchandise described herein is of foreign origin.

(b) For intransit shipments of domestic (U.S.) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(c) For intransit shipments of commodities of U.S. origin excepted under § 371.4(a)(2):

The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by paragraph 371.4(a)(2) of the Export Control Regulations.

(iii) The commodities shall be described in terms of Schedule B, including the appropriate Schedule B number; and shall be entered in item 4 of the declaration.

(u) *Change, alteration, and amendment of declaration*—(1) *Changes before authentication.* Customs offices generally shall not authenticate any declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. However, where demonstrated hardship or emergency exists customs offices may approve, at their discretion, specific changes, alterations, or amendments, on the face of the declaration. The exporter's duly authorized forwarding agent or carrier may insert or correct in declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, date of export, or Schedule B number to which the commodity description clearly refers. The forwarding agent or carrier making the insertion or correction must specifically identify the same in writing on the face of the declaration. Nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts inserted or corrected.

(2) *Changes on authenticated declarations.* Except as described below in this subparagraph (2) no declaration shall at any time after authentication by any customs office be changed, altered, or amended in any respect without prior authorization set forth on such authenticated declaration by the customs office. A duly authorized forwarding agent may change weights, measurements, quantities, etc., unless specifically precluded from doing so by the exporter in his designation. Customs offices are empowered to permit such amendments upon written authorization therefor set forth on the authenticated declaration. Customs offices will exercise discretion in allowing amendments of this character. Where the amendments change a declaration into one for a substantially different shipment, a new declaration shall be prepared. Unless otherwise limited by the exporter, the power of attorney or other authorization given to a

[1] Forms 7525–V and 7513 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and from local customs offices. Form 7525–V may also be obtained from U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses).

forwarding agent is deemed also to authorize him to prepare substitute declarations reflecting such changes. If an exporting carrier designated in an authenticated declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the person or firm issuing bills of lading for the carrier originally named. Due and timely notice of such change shall be given to the customs office before loading the shipment onto the substitute carrier, and such change shall be specifically identified in writing on the face of the declaration by the party making the change. If conditions beyond the control of the exporting carrier named on an authenticated declaration prevent lading of the total cargo covered by the declaration, such carrier is authorized to prepare and present additional declarations covering the remainder of the cargo when shipped, provided that due and timely notice is given to the customs office before loading the remainder. The original declaration shall be amended by the carrier to show the descriptions, quantity, and value of the commodity(ies) actually carried. Subsequent declarations by the carrier shall be completed in all details and shall include the following statement:

These commodities were included, but not shipped, under authenticated Shipper's Export Declaration No. ------ at ----------
(Port)
on ----------.
(Date)

(3) *Declarations showing unauthorized changes.* No person shall take any action to facilitate any export where the authenticated Declaration purporting to authorize the export is shown to such person and shows any evidence of change, alteration, or amendment not authorized in writing by the customs office. In such a case, the person requested to facilitate the export shall report the facts to the nearest customs office and surrender the declaration to the customs office, if it is in his possession.

(4) *Correction of authenticated declarations*—(i) *General.* An authenticated declaration filed with the customs office shall be corrected in accordance with the facts of the export either by use of an Export Declaration Correction Form, Form FT–7403, or directly on the authenticated declaration as described below. Acceptance by the customs office of such corrections does not imply approval of any act involved in the shipment. The signature of the Customs Officer in the "Certification" space on the Correction Form does not imply that he is certifying to the truth or correctness of the information on the form.

(ii) *Corrections on declarations.* Corrections shall be made directly on the authenticated declaration where:

(*a*) The shipment does not require submission of four copies of the declaration; and

(*b*) The Census Bureau copy of the declaration is still in possession of the customs office.

(iii) *Corrections by use of Correction Form.* In all other instances, corrections shall be made on an Export Declaration Correction Form, Form FT–7403, executed in duplicate by the exporter or his duly authorized agent and submitted to the customs office with which the authenticated declaration was filed. However, the Correction Form shall be submitted in triplicate where the shipment was made under a validated license requiring four copies of the declaration.

§ 386.4 Conformity of documents for validated license shipments.

(a) *Applicability.* The following rules of conformity apply to any shipment under a validated export license, except those under a consolidated "master" air waybill (other than airmail or air parcel post). However, these rules do apply to any individual air waybill issued by a consolidator (indirect carrier) for an export included in a consolidated shipment and to any air waybill issued by a carrier or other person covering an export not included in a consolidated shipment.

(b) *Rules of conformity*—(1) *General* The validated export license, the authenticated declaration, and the outbound bill of lading (including a railroad through bill of lading) covering the same export shipment must be consistent with one another. The bill of lading, whether in negotiable or nonnegotiable form, is not consistent if:

(i) It does not provide for delivery of the shipment (cargo) at a port located in the country of either the ultimate or intermediate consignee named in the authenticated declaration.

(ii) It contains any indication that the shipment is in transit to a country of ultimate destination different from that named in the authenticated declaration, when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country of ultimate destination (such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port).

(iii) It names as shipper any person other than the licensee or his duly authorized forwarding agent. Where shipments from more than one licensee are consolidated on a single bill of lading, the shipper named on the bill of lading must also appear as the authorized forwarding agent for each exporter on each declaration.

(iv) The name and address of the ultimate consignee are not shown either in the space provided for "consignee" or in the body of the bill of lading under the caption "ultimate consignee and notify party" or in the case of the air waybill under the caption "also notify." However, where shipments to more than one ultimate consignee are consolidated on one bill of lading and not all are shown in the body of the bill of lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the ultimate consignees must appear on the bill of lading, the validated license(s), and the declaration(s). Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on each validated license, or does not appear on each license, amendment of the license(s) is necessary even though the intermediate consignee is in the same country as the ultimate consignees.

(2) *Negotiable bill of lading.* For a negotiable bill of lading ("order" bill of lading), the bill of lading is deemed consistent only if the consignee or order party named therein is also named in the authenticated Declaration. An "order" bill of lading may consign the commodities or technical data covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder, or other intermediary), or to the order of the purchaser (if not the same as the ultimate consignee). An "order" bill of lading issued in any of these forms constitutes a representation by the shipper that (i) the commodities or technical data covered by the validated license, authenticated Declaration, and bill of lading are ultimately destined to such ultimate consignee; (ii) the document has not been used for the purpose of evading the terms and conditions of the validated license; and (iii) pursuant to the contract of carriage, the commodities or technical data will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated declaration.

(3) *Commodity description.* On a bill of lading the commodities or technical data may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated declaration and validated export license. On the authenticated declaration the commodity description shall include the same commodity description as shown on the related validated license, and in addition, it shall include more detailed information where required by the Census Bureau.

(4) *Commodity numbers.* The three-digit or five-digit Export Control Commodity Number shown on the export license shall be the same as the initial digits of the seven-digit Schedule B number entered on the authenticated declaration.

(5) *Carrier's manifest.* If the carrier's outward foreign manifest filed with the U.S. customs office contains names of shippers or consignees, these names must not be inconsistent with the names shown on the bill of lading (or authenticated declarations).

(c) *Compliance.* No carrier shall issue, and no licensee, shipper, consignor, exporter, or consignee, or their agents, or any other person, shall prepare or procure, a bill of lading which is contrary to the provisions of this § 386.4. Customs offices are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

§ 386.5 General destination control requirements.

(a) *Applicability to validated license shipments.* The following provisions apply to all shipments under a validated license.

(1) *Destination on bill of lading.* No carrier (nor any other person on behalf of any carrier) shall issue a bill of lading providing for delivery of cargo at any foreign port not in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Shipper's Export Declaration.

(2) *Delivery of cargo.* No carrier shall deliver cargo to any other country at the request or option of the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Office of Export Control to the carrier or its agent.

(3) *Diversion.* No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall without prior written authorization from the Office of Export Control to the carrier or its agent:

(i) Divert any cargo to any country of ultimate destination other than that named in the authenticated declaration or in the bill of lading as described in § 386.6; or

(ii) Request or demand that any carrier or its agent divert cargo from the country of ultimate destination named in any such document.

In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any cargo to any other country of ultimate destination without prior written authorization from the Office of Export Control.

(4) *Optional ports on bill of lading.* No carrier shall issue a bill of lading providing for delivery of cargo to the ultimate consignee named in the authenticated declaration at optional ports, where one of such optional ports is not in the country of ultimate destination named on the license or declaration, without written authorization from the Office of Export Control. However, where the authenticated declaration provides for delivery of cargo to optional intermediate consignees located in ports in different countries, the carrier may issue a bill of lading providing for delivery at such optional ports.

(b) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* (1) Nothing contained in the Export Control Regulations shall be deemed to prohibit a carrier from unloading cargo at a port outside the intermediate or ultimate country of destination shown on the authenticated declaration where, for reasons beyond the control of the carrier (as set forth in standard provisions of the carrier's bill of lading; such as, act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, or insurrection), it is not feasible to deliver the cargo at the licensed port of destination.

(2) Whenever cargo is unloaded at a port in any country other than the intermediate or ultimate destination shown on the declaration, except where the cargo may be exported under a general license directly from the United States to such country:

(i) The carrier shall, within 10 days after date of unloading, report the facts to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after receipt of such report, the agent shall send a copy of the report to the Office of Export Control. This report shall consist of (*a*) a copy of the manifest of such diverted cargo, (*b*) a statement of the place of unloading, and (*c*) the name and address of the person in whose custody the commodities or technical data were delivered.

(ii) The exporter of such cargo shall, within 10 days of receiving notice of such diversion from the Office of Export Control, notify the Office of Export Control of the proposed disposition of the commodities or technical data.

(iii) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities or technical data into the commerce of the country where unloaded without prior approval of the Office of Export Control. The carrier shall take steps to assure that such commodities or technical data are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(c) *Shipper's export declaration number on ship's manifest.* The carrier or its agent shall show on all copies of the outward foreign manifest filed with the U.S. customs office, the applicable declaration number assigned by the customs office to each shipment.

§ 386.6 Destination control statements.

(a) *Requirement for destination control statement.* Except as indicated in paragraph (b) of this section, the appropriate destination control statement shall be entered on the Shipper's Export Declaration, bill of lading,[1] and commercial invoice for: (1) any shipment under a validated license; and (2) any shipment under a general license for which a declaration is required. The same statement shall appear on all copies of all such shipping documents that apply to the same shipment. The primary purpose of this statement is to notify the foreign importer of U.S. reexport provisions applicable to the transaction.

(b) *Exceptions*—(1) *Shipments.* A destination control statement is not required for shipments of commodities or technical data that are:

(i) Identified by the word "None" in the Commodity Control List column titled "Validated License Required for Country Groups Shown Below"; or

(ii) Exported under General License Baggage, Tools of trade, GIT, or GTDA;

NOTES: 1. Shipments to Puerto Rico, the Panama Canal Zone, and territories, dependencies, and possessions of the United States. The Census Bureau requires declarations for shipments to these destinations for statistical purposes. However, since such exports are not controlled by the Office of Export Control, a destination control statement is not required for these shipments.

2. Shipments to Canada. No destination control statement is required for shipments to Canada for consumption in Canada, except for the commodities and technical data described in paragraph 370.3(a)(1). (However, a destination control statement is required for shipments through Canada to other foreign destinations.)

(2) *Documents.* Except as required in § 373.4 (Foreign-Based Warehouse Procedure), a destination control statement is not required on shipping documents issued outside the United States, or on such documents as consular invoices, inland bills of lading covering movement to port only, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts.

(c) *Statement to be used.* There are three destination control statements (see paragraph (d) of this § 386.6) any one of which may be used, as follows:

(1) *General license shipments, except under General License GMS.* For a shipment under any general license other than General License GMS, any of the three statements may be used.

(2) *Shipments under General License GMS.* For a shipment under General License GMS, Statement 1 only shall be used.

(3) *Validated license shipments.* For a shipment under a validated license, either Statement 1 or Statement 2 shall be used. Statement 1 should be used where the license shows that the commodities or technical data are licensed for export to the country of ultimate destination only. Statement 2 should be used where the license specifically shows that the commodities or technical data may be distributed or resold to other specified countries.

(d) *Statements*—(1) *Statements 1.*

These (commodities) (technical data) licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

Enter the country of ultimate destination[2] named on the declaration, and if applicable on the validated license, in the blank country space.

(2) *Statement 2.*

These (commodities) (technical data) licensed by the United States for ultimate

[1] Bills of lading are not issued for mail shipments; therefore for mail shipments a destination control statement is required only on the declaration and commercial invoice.

[2] Where the country of ultimate destination is Vietnam, the destination control statement shall be completed as required by paragraph 385.4(d), regardless of the country designation shown on the declaration and regardless of whether the shipment is under a validated or general license.

destination (name of country) and for distribution or resale in (name of country(ies)). Diversion contrary to U.S. law prohibited.

Complete the country spaces as follows:

(i) *General license shipments.* For a shipment under a general license other than General License GMS:

(*a*) Enter the country of ultimate destination[2] named on the declaration in the first space; and

(*b*) Enter the following in the last space:

Any destination except Soviet Bloc,[2] Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

If the export requires a validated license for Poland (including Danzig) and Rumania, include these countries in the last space. If the export does not require a validated license for a country in the prohibited list, that country may be deleted.

(ii) *Validated license shipments.* For a validated license shipment:

(*a*) Enter the country of ultimate destination named on the license in the first space; and

(*b*) Enter the country(ies) shown on the license as approved for distribution or resale in the last space. If no such country is shown on the license, enter the word "none" in the last space.

(3) *Statement 3.*

U.S. law prohibits disposition of these commodities to the Soviet Bloc,[2] Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

Statement 3 permits distribution or resale to any country in the world other than those specifically excepted. If the export does not require a validated license for an excepted country, that country may be deleted. If the export requires a validated license for Poland (including Danzig) and Rumania, add these countries to the prohibited destinations listed in this statement.

(e) *Preprinted statement.* A destination control statement may be preprinted on Shipper's Export Declarations, bills of lading, or commercial invoices. But in this case, only one of the three destination control statements above may be shown on any one of these documents.

(f) *Permissive reexports.* If an exporter or his agent uses a more restrictive destination control statement than is necessary, the reexport provisions of Part 374 may nevertheless permit reexport to certain destinations. Where reexport is permitted, the exporter may so advise his foreign importer without obtaining written approval from the Office of Export Control. In all other instances, prior written approval shall be obtained from the Office of Export Control.

(g) *Responsibility for use of statement*—(1) *Primary responsibility.* The exporter has the primary responsibility for assuring entry of an appropriate destination control statement on the declaration and the commercial invoice, regardless of whether he prepares these documents. If a forwarder, a carrier acting as a forwarder, or any other party prepares, presents, and/or executes these documents, the forwarder, carrier, or other party is also responsible for assuring that an appropriate statement is entered on the documents. The carrier, as the party that issues the bill of lading, has the primary responsibility for assuring that the same statement appearing on the corresponding declaration also appears on the bill of lading. Any other party who prepares a bill of lading is also responsible for assuring that an appropriate statement is placed on the document. For a general license shipment, an understanding must be reached between the exporter and the forwarder, carrier, or other agent as to which statement shall be used. For a validated license shipment, if a forwarder, carrier, or other agent does not have a copy of the commercial invoice, he can determine the appropriate destination control statement from the export license.

(2) *Statement on bill of lading*—(i) *General.* No carrier shall issue (and no licensee, shipper, consignor, exporter, or consignee, or their agents, or any other person, shall prepare or procure) a bill of lading covering an export for which a declaration with the applicable statement has been authenticated by a customs office, unless all copies of such bill of lading (including all nonnegotiable and office copies) contain the same statement in clearly legible form.

(ii) *Air waybill.* In the case of shipments by air (other than airmail or air parcel post), this requirement applies to any air waybill, including one issued by a consolidator (direct carrier) for an export included in a consolidated shipment. However, these provisions do not apply to a "master" air waybill issued by a carrier to cover a consolidated shipment.

(iii) *More than one statement applicable to bill of lading.* If one bill of lading is issued for two or more individual shipments to which different destination control statements apply, the applicable statement shall be entered beneath each shipment or group of shipments. However, if the bill of lading shows a single freight tariff classification to describe several commodities which require the use of more than one statement, and it is impracticable to separate the commodities on the bill of lading, the most restrictive statement applicable to any of the groups shall be used. The commercial invoice and Shipper's Export Declaration should, nevertheless, segregate the commodity groups and show the proper statement for each group.

(3) *Statement on Commercial invoice*—(i) *General.* No licensee, shipper, consignor, exporter, agent, or any other person shall prepare or issue a commercial invoice for a shipment subject to the provisions of this § 386.6, unless all copies of the invoice(s) contain the same destination control statement in clearly legible form. This statement shall be an applicable statement as set forth in paragraph (d) of this § 386.6.

(ii) *Distribution of copies of statement.* Whenever a commercial invoice is issued containing the prescribed destination control statement, the shipper or other person issuing such invoice shall promptly send copies to:

(*a*) The ultimate consignee and the purchaser named in the authenticated declaration;

(*b*) The intermediate consignee; and invoice who are located in a foreign country.

Nothing contained herein shall be construed to limit the persons or classes of persons to whom such invoices and bills of lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment. As an alternative, in lieu of a copy of the commercial invoice, such person may send a copy of the bill of lading containing the destination control statement.

(iii) *Commercial invoices not containing a statement.* If the forwarding agent receives from the exporter a copy of a commercial invoice without the correct destination control statement, he shall:

(*a*) Notify the exporter in writing;

(*b*) Request written assurance from the exporter that (*1*) the destination control statement has been properly entered on all other copies of the commercial invoice, and (2) any person who received an invoice without the statement has been informed in writing of the restrictions set forth in the statement;

(*c*) Either (*1*) enter the appropriate statement on his copy of the invoice, or (2) return it to the exporter for proper completion; and

(*d*) Keep and make available for inspection, in accordance with § 387.11, a copy of his notification to the exporter and the original of the exporter's assurance to him.

(For further recordkeeping requirements, see § 387.11.)

(h) *Release of custody by carrier.* No carrier shall release custody of a shipment covered by the provisions of this § 386.6 to any party without surrender by that party, to the carrier, of a copy of the bill of lading bearing on its face the applicable destination control statement, unless either:

(1) Simultaneously with the release, the carrier delivers to such party a written copy of the destination control statement, contained in the carrier's copy of the bill of lading for the shipment. The written copy shall identify the shipment by bill of lading number, name of carrier, voyage or flight number, date, and port of arrival. The carrier shall also secure either a signed receipted copy of the written statement or other equivalent written evidence that the statement has been delivered by the carrier; or,

(2) The regulations of the importing country require the carrier to deliver the commodities directly into the physical possession and control of customs or other government agency for delivery to the consignee or his agent. In this case, the carrier need not give to, or receive from, the customs or other government agency, or the consignee or his agent, any document bearing the destination control statement.

(i) *Notice and prohibition against diversion*—(1) *Conduct after receiving notice.* After receiving an invoice, bill of lading, or any other document containing notice of the prohibition against diversion set forth in a destination control statement, or after receiving oral notice of such prohibition, no person so notified including the ultimate consignee, intermediate consignee, or on-forwarding carrier shall divert, transship, or reexport (or cause to be diverted, transshipped, or reexported) any shipment described in the written or oral notice to any country not authorized in such notice.

(2) *Proof of notice.* In any administrative compliance proceeding brought by the Office of Export Control, evidence of the sending of such invoice or bill of lading, or other form of notice of the prohibition against diversion to any person, shall constitute prima facie proof of that person's receipt thereof. This shall also constitute notice that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(j) *Effect of foreign laws.* Reexport authority contained in a destination control statement does *not* relieve any person from complying with foreign laws. (See §§ 374.9 and 373.1(a) and 379.8(d).)

§ 386.7 Shipping tolerance.

(a) *When tolerance is allowed.* A shipping tolerance is allowed over the quantity specified on a validated export license or on a customs office release against the license (as set forth in § 386.2(e)), unless such tolerance is limited or prohibited by the terms of the license or by the following provisions of this § 386.7.

(b) *Amount of tolerance allowed*—(1) *Ten percent tolerance.* With the exceptions in subparagraph (2) of this paragraph (b), a shipping tolerance of 10 percent is allowed when the quantity on the license or release is in the terms set forth below. If no quantity is specified on the license or release, the tolerance will be allowed on the total price shown for each entry on the license or release:

Avoirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(2) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license or customs release for shipments of all of the commodities listed below except 28401 (1st item only), 28402, and 28403 for which the 5 percent applies to the total amount licensed as explained more fully in paragraph (e) below.

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper bearing ash and residues.
28401	Nickel bearing residues and dross.
28402	Copper or copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulphate.
51470	Master alloys of copper containing 8 percent or more phosphor.
67160	Ferronickel containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper or copper alloy foil, including paper-backed.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.
69892	Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).
69892	Copper or copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external over-pressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

(3) *Tolerance inapplicable.* The tolerance provisions of this § 386.7 shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream
Gross.	Roll
Number.	Round.
Pack.	Square.
Pair.	Set.

(c) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity has been made, the tolerance applies only to the unshipped balance, except that for iron and steel products and tin plate, the tolerance is allowed on the basis of the actual quantity approved on the license or release.

(d) *Tolerance inapplicable after total shipped.* Where the quantity (or total price if applicable) stated on the license or the customs office release has been shipped, no further shipment may be made under the license or release.

(e) *Bulk Quota License.* For shipments under a Bulk Quota License, a shipping tolerance of 5 percent above the actual quantity stated on the license is allowed. For example, if the quantity shown on the license is "10,000 copper content pounds" up to 10,500 copper content pounds may be exported. However, once an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license; that is, the 5 percent tolerance may not be used to make a separate shipment after previous shipments have already totaled 10,000 copper content pounds.

§ 386.8 Customs clearance at ports of origin.

(a) *Scope of procedure.* A procedure is established, as an exception to the requirements set forth in § 386.1 (b) and (e), for the export control clearance of certain shipments of commodities and technical data at the ports of origin designated in paragraph (d) of this § 386.8, prior to movement of the shipment to, and through, the port of export. Use of the port of origin procedure is optional.

(b) *Types of shipments eligible for clearance at port of origin.* The following types of shipments, except shipments to nonforeign areas and to Canada for consumption in Canada, are eligible to be considered for clearance at ports of origin:

(1) Air shipments laden aboard a domestic flight for transfer to an international flight at the port of export;

(2) Air shipments laden aboard an international flight for transfer to another international flight of the same airline at the port of export;

(3) Surface shipments, containerized and/or consolidated at freight terminals within the port of origin: *Provided*, That distance and/or other factors do not make it impractical for Customs Officers to travel to and from the site where the shipment is presented for inspection. (See paragraph (e)(7) below.); and

[2] As used in the destination control statement, the term "Soviet Bloc" means all countries in Country Group Y. Neither Poland (including Danzig), Rumania, nor Yugoslavia are Y countries.

(4) **Surface/air shipments**; that is, shipments moving by air from the port of origin for transfer to surface transportation at the port of export, and shipments moving by surface transportation from the port of origin for transfer to an aircraft at the port of export.

(c) *Definitions of "port of origin" and "port of export"*. For purposes of this § 386.8:

(1) *Port of origin* is a city at which the customs office is authorized to clear cargo for export prior to the loading of the cargo on a surface or air carrier for movement to the port of export and transfer to another carrier; and

(2) *Port of export* is a city where the merchandise is loaded on the aircraft or vessel which carries it abroad; or, in the case of exports moving to Mexico by surface transportation, the port at which the carrier departs from the United States.

(d) *Designated ports of origin*. The cities listed below are designated as "ports of origin," where Customs clearance of air or surface shipments may be effected prior to movement of the shipment to the port of export.

(1) *Ports of origin for clearance of either air shipments or surface shipments.*

Baltimore, Md.	Los Angeles, Calif.
Buffalo, N.Y.	New Orleans, La.
Chicago, Ill.	New York, N.Y.
Cleveland, Ohio.	Philadelphia, Pa.
Detroit, Mich.	St. Louis, Mo.
Houston, Tex.	San Francisco, Calif.

(2) *Ports of origin for clearance of air shipments only.*

Atlanta, Ga.	Newark, N.J.
Boston, Mass.	Oklahoma City, Okla.
Dallas, Tex.	Pittsburgh, Pa.
Denver, Colo.	Port Everglades, Fla.
Honolulu, Hawaii.	Portland, Oreg.
Kansas City, Mo.	San Diego, Calif.
Memphis, Tenn.	San Juan, P.R.
Miami, Fla.	Seattle, Wash.
Minneapolis, Minn.	Tucson, Ariz.

(3) *Ports of origin for clearance of surface shipments only.*

Charleston, S.C.	Jacksonville, Fla.

(e) *Clearance at port of origin*—(1) *Presentation for authentication*. A person who wishes to clear an export at a designated port of origin shall present the Shipper's Export Declaration and a validated export license, when required, to the customs office in accordance with the regulations set forth in this Part 386. The following special provisions must be complied with in addition to, or in lieu of, the usual requirements:

(i) Documents for individual shipments shall be presented sufficiently in advance of containerization or departure of the goods for the port of export, to permit inspection of the merchandise. Surface shipments must be made available for inspection at a freight terminal within port limits; air shipments, in an airline cargo room;

(ii) In the space on the declaration for "Exporting Carrier," show ocean carrier; airline that is to carry the shipment abroad; or "rail," "truck," or "vehicle," etc., as appropriate, for land shipments to Mexico, along with the name of the transportation company that is to carry the merchandise across the border. If the name of the exporting carrier is unknown at the port of origin, this information may be inserted at the port of export by the exporting carrier;

(iii) In the space for "U.S. Port of Export," show port of actual export; not port of origin; and

(iv) Stamp or write "Port-of-Origin Procedure—copy on file at (insert port of origin)", across the bottom of columns 9 through 15.

(2) *Authentication of declaration*. All copies of the declaration which are required by the provisions of § 386.3(i) to be presented to the customs office, will be authenticated at the port of origin. One copy of the authenticated declaration shall be retained by the customs office and the original and duplicate copy shall be returned to the exporter or his agent. The exporter or his agent is responsible for delivering these declarations to the carrier transporting the cargo to the port of exportation. This carrier, in turn, is responsible for delivering the copies to the exporting carrier for presentation to the customs office at the port of export with the outward foreign manifest (see paragraph (f) of this § 386.8).

(3) *Inspection at port of origin*. When an inspection is ordered at the port of origin the exporter or his agent will be required to provide personnel to open and close packages as necessary.

(4) *Additional copies of declaration*. additional copies of the declaration when required by the Department of Commerce, shall be presented to the customs office at the port of origin, and, after authentication, forwarded by the customs office at the port of origin directly to the Department of Commerce in accordance with outstanding instructions.

(5) *Correction forms*. When a Form FT-7403, Export Declaration Correction Form, is required by the provisions of § 386.3(u)(4) the form shall be presented in triplicate to the customs office at the port of origin which will retain one copy and forward two copies to the customs office at the port of export.

(6) *Outward foreign manifest for shipments laden aboard international flight at port of origin*. Copies of outward foreign manifests for shipments laden aboard an international flight for transfer to another international flight of the same airline at the port of export (see paragraph (b)(2), of this § 386.8), shall be prepared and filed with the customs office at the port of origin and the port of export in accordance with the procedure set forth in § 30.36 of Census Bureau's Foreign Trade Statistics Regulations (19 CFR § 30.36).

(7) *Inconvenient site for inspection*. If it is impractical for the port of origin procedure to be used because of the location of the site where the shipment is presented for inspection, the customs office will so notify the exporter and advise him to either present the merchandise at a more convenient location or have it cleared at the port of export.

(f) *Procedure at port of export*—(1) *Presentation of documents to customs office*. The original and duplicate copies of declarations authenticated at ports of origin and forwarded by the exporter or his agent to the exporting carrier, shall be presented by that carrier to the customs office at the port of export with the outward foreign manifest. Where shipments move to Mexico by land or by ferry, the original and duplicate authenticated declarations must be presented to the port of export customs office at the time of, or prior to, movement of the goods across the border. Presentation of the declaration may be made by the exporter, his agent, or the transportation company responsible for carrying the goods abroad. All related documents to be retained at the port of export or to be certified as to completion of the export shall accompany the corresponding copies of the declaration.

(2) *Detention and examination of shipments*. Notwithstanding any other provision of this § 386.8, the customs office at the port of export is authorized to detain any shipment for review of the declaration or for physical examination of the goods whenever Customs deems such action to be necessary to assure compliance with the export regulations.

(g) *Change in port of export or exporting carrier*. Where the port of export or the exporting carrier designated in the authenticated declaration is changed after clearance at a port of origin, the exporting carrier that will actually carry the goods abroad may revise the declaration accordingly.

(h) *Effect of other provisions*. Insofar as consistent with the provisions of this section which relates specifically to clearance of exports at ports of origin, the other provisions of this Part 386 shall apply to exports cleared at ports of origin.

§ 386.9 Authority of customs offices and postmasters in clearing shipments.

(a) *Delegation of authority to customs offices and postmasters*. Customs offices and postmasters including all customs and post office officials are authorized and directed to take appropriate action to assure observance of the provisions of the Export Control Regulations and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data being or about to be exported. Customs offices and postmasters, upon specific authorization by the Office of Export Control, may waive presentation of an export license.

(b) *Types of actions which may be taken by customs offices*. The following types of actions, among others, are authorized to be taken by customs offices:

(1) *Examination of commodities*—(i) *Purpose of examination*. All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Shipper's Export Declaration, and the value and quantity thereof, and to assure observance of the other provisions

of the Export Control Regulations. This authority applies to exports under either a general or a validated export license and also to exports to Canada. This examination may include, but is not limited to, commodity identification, technical appraisal (analysis), or both.

(ii) *Place of examination*. Examination shall be made at the place of lading or where customs officials are stationed for that purpose.

(iii) *Technical identification*. Where, in the judgment of the customs office, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination or for laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(a) *Obtaining samples*. The sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample shall be the minimum representative amount necessary for identification or analysis. This will depend on such factors as the physical condition of the material (whether solid, liquid, or gas) and the size and shape of the container.

(b) *Notification to exporter and consignee*. When a sample is taken, the exporter (or his agent) and ultimate consignee shall be notified on Notice of Retained Samples, Form IT-915 (see Supplement S-16 for facsimile). The customs official shall prepare this form in triplicate, showing the name of the port of export, date of sampling, declaration number, license number (if any), mark and case numbers, amount of sample, manufacturer's number, and description of the commodity. The original Form IT-915 shall be placed in the opened container, the duplicate sent to the exporter or his agent, and the triplicate retained by the customs office.

(c) *Disposal of samples*. Samples will be disposed of in accordance with the customs office procedure for imported commodities.

(2) *Inspection of documents*—(i) *General*. The customs office is authorized to require exporters or their agents, and owners and operators of exporting carriers or their agents, to produce for inspection or copying: Invoices, orders, letters of credit, inspection reports, packing lists, shipping documents and instructions, correspondence, and any other relevant documents; as well as furnish other information bearing upon a particular shipment intended for export or removal from the United States and the identity and relationships of all participants therein.

(ii) *Cartridge and shell case scrap*. When cartridge or shell cases are being exported as scrap (whether or not they have been heated, flame-treated, mangled, crushed, or cut) the customs office is authorized to require the exporter to produce a copy of the bid offer by the armed services in order to assure that the terms of the Export Control Regulations are being met and that the material being shipped is scrap.

(3) *Questioning of individuals*. The customs office is authorized to question the owner or operator of an exporting carrier and his agent(s), as well as the exporter and his agent(s), concerning a particular shipment exported or intended to be exported.

(4) *Prohibiting lading*. The customs office is authorized to prevent the lading of commodities or technical data on an exporting carrier whenever the customs office has reasonable cause to believe that the export or removal from the United States is contrary to the Export Control Regulations.

(5) *Inspection of exporting carrier*. The customs office is authorized to inspect and search any exporting carrier at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the Export Control Regulations.

(6) *Seizure*. The customs office is authorized, under Title 22 of the United States Code, section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export them in violation of the Export Control Regulations, or whenever it knows or has probable cause to believe that commodities or technical data are intended to be, are being, or have been exported in violation of the Export Control Regulations. Seized commodities or technical data are subject to forfeiture.

(7) *Preventing departure of carrier*. The customs office is authorized, under Title 22 of the United States Code, section 401, et seq., to seize and detain, either before or after clearance, any vessel or vehicle or air carrier which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, being, or having been exported in violation of the Export Control Regulations.

(8) *Ordering the unlading*. The customs office is authorized to unlade, or cause to be unladen, from any exporting carrier commodities or technical data, whenever the customs office has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the Export Control Regulations.

(9) *Ordering the return of commodities*. The customs office is authorized to order the owner or operator of an exporting carrier and his agent(s) to return commodities or technical data exported on such exporting carrier and make them available for inspection by the customs office, when no adequate opportunity is afforded the customs office to examine the commodities or technical data before lading and when the carrier departs before the declaration is authenticated.

§ 386.10 Return or unloading of cargo at direction of U.S. Department of Commerce.

(a) *Exporting carrier*. As used in this § 386.10, the term "exporting carrier" includes a connecting or on-forwarding carrier, as well as the owner, charterer, agent, master, or any other person in charge of the vessel, aircraft, or other kind of carrier, whether such person is located in the United States or in a foreign country.

(b) *Ordering return or unloading of shipment*. Where there are reasonable grounds to believe that a violation of the Export Control Regulations has occurred or will occur with respect to a particular export from the United States, the Office of Export Control or any U.S. Customs Officer may order any person in possession or control of such shipment, including the exporting carrier, to return or unload the shipment. Such person shall, as ordered, either (1) return the shipment to the United States or cause it to be returned, or (2) unload the shipment at a port of call and take steps to assure that it is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of Export Control. For the purpose of this § 386.10, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(c) *Requirements regarding shipment to be unloaded*. The provisions of § 386.5(b), relating to reporting, notification to the Office of Export Control, and the prohibition against unauthorized delivery or entry of the commodity or technical data into a foreign country, shall apply also to commodities or technical data directed to be unloaded at a port of call, as provided in this § 386.10.

(d) *Notification*. Upon discovery by any person included within the term "exporting carrier," as defined in paragragh (a) of this § 386.10, that a violation of the Export Control Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify both (1) the Director, Investigations Division, Office of Export Control (Attention: 848), U.S. Department of Commerce, Washington, D.C. 20230; and (2) the person in actual possession or control of the shipment.

§ 386.11 Other applicable laws and regulations.

The Export Control Regulations contained in this Part 386 apply only to exports regulated by the Office of Export Control, U.S. Department of Commerce. Nothing contained in this Part 386 shall relieve any person from complying with any other law of the United States or rules and regulations issued thereunder, including those governing declarations and manifests, or any applicable rules and regulations of the Bureau of Customs.

PART 387—ENFORCEMENT

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387.1	Sanctions.
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AUTHORITY: The provisions of this Part 387 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

(a) *Criminal*—(1) *Violation of Export Control Act.* Any person who violates the Export Control Law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or both. For a second or subsequent offense, the violator is punishable by a fine of not more than three times the value of the exports involved or $20,000, whichever is greater, or by imprisonment for not more than 5 years, or both. In addition, a person who willfully exports any commodities or technical data contrary to any provision of the Law or any regulation, order, or license issued thereunder, with the knowledge that such exports will be used for the benefit of any Communist-dominated nation, is punishable by a fine of not more than five times the value of the exports involved or $20,000, whichever is greater, or by imprisonment for not more than 5 years, or both.

(2) *Violations of False Statements Act.* The submission of false or misleading information or the concealment of material facts, whether in connection with license applications, Shipper's Export Declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable also under other laws by a fine of not more than $10,000, or by imprisonment for not more than 5 years, or both, for each violation.

(b) *Administrative*—(1) *Denial of export privileges.* A violator of any law, order, regulation, or license relating to export controls is also subject to administrative action which may result in suspension, revocation, or denial of export privileges under the Export Control Law.[1]

(2) *Exclusion from practice.* A violator of any law, order, regulation, or license relating to export controls is further subject to administrative action which may result in exclusion from practice before the Bureau of International Commerce.[2]

(3) *Civil penalty.* A civil penalty not to exceed $1,000 for each violation of the Export Control Law or any regulation, order, or license issued thereunder may be imposed, either in addition to, or in lieu of, any other liability or penalty which may be imposed.[3] The payment of this penalty may be made a condition for a period not exceeding 1 year after the imposition of such penalty to the granting, restoration, or continuing validity of any export licenses, permission, or privilege granted to the person upon whom such a penalty is imposed. Upon failure of any person to pay such a penalty, civil action for the recovery of the penalty may be brought in the name of the United States, in which action the court shall determine de novo all issues necessary to the establishment of liability. Once a penalty has been paid, no action for the refund thereof may be maintained in any court.[4]

(4) *Seizure.* In addition, commodities or technical data attempted to be, or being, or intended to be, or which have been, exported or shipped from or taken out of the United States in violation of the Export Control Law or of any proclamation, order, rule, regulation, or license issued thereunder are subject to seizure and forfeiture, as are the vessels, vehicles, and aircraft carrying such commodities or technical data.[5]

§ 387.2 Causing, aiding, and abetting a violation.

No person may knowingly cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by, the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 387.3 Solicitation, attempt, and conspiracy.

(a) *Solicitation and attempt.* No person may do any act which solicits the commission of, or which constitutes an attempt to bring about, a violation of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

(b) *Conspiracy.* No person may conspire or act in concert with one or more persons in any manner or for any purpose to bring about or to do any act which constitutes a violation of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 387.4 Acting with knowledge of a violation.

No person may order, buy, receive, conceal, store, use, sell, dispose of, transport, finance, forward, or otherwise service, in whole or in part, any commodity or technical data exported or to be exported from the United States, or which is otherwise subject to the Export Control Regulations with knowledge that a violation of the Export Control Law or any proclamation, order, rule, regulation, or license has occurred, is about to, or is intended to occur with respect to the whole or any part of such transaction.

§ 387.5 Misrepresentation and concealment of facts.

(a) *Representations and concealments.* No person may make any false or misleading representation, statement, or certification, or falsify or conceal any material fact, whether directly to the Office of Export Control, any Customs Office, or an official of any other U.S. agency, or indirectly to any of the foregoing through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended;

(2) In connection with the preparation, submission, issuance, use, or maintenance of any export control document[1] or document relating thereto; or

(3) For the purpose of or in connection with effecting an export from the United States, or the reexport, transshipment, or diversion of any such export.

(b) *Scope.* All representations, statements, and certifications shall be deemed to constitute representations, statements and certifications made to, and material facts concealed from, the Office of Export Control and the Bureau of Customs with respect to matters within the jurisdiction of these agencies under the statutes, proclamations, Executive orders, and regulations relating to export control and orders or licenses issued or established thereunder.

(c) *Representations to be continuing in effect; notification.* All representations, statements, and certifications made by any person are deemed to be continuing in effect. Every person who has made any representation, statement, or certification must notify in writing the Office of Export Control of any change of any material fact or intention from that previously represented, stated, or certified. Such notification shall be made immediately upon receipt of any information which would lead a reasonably prudent person to believe that a change of material fact or intention has occurred or may occur in the future.

§ 387.6 Export, diversion, reexport, transshipment.

Except as specifically authorized by the Office of Export Control, no person may knowingly export, dispose of, divert, transship, or reexport commodities or technical data to any person or destination or for any use in violation of or contrary to the terms, provisions, or conditions of any export control document, any prior representation, any form of notification of prohibition against such action, or any provision of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

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[1] See § 388.1 "Denial of export privileges and imposition of civil penalties."

[2] See § 390.2(a), "Exclusion of Persons Guilty of Unethical Conduct or Not Possessing Required Integrity and Ethical Standards."

[3] The U.S. Department of Commerce is authorized, within its discretion to compromise and settle any administrative proceedings brought with respect to such violations upon payment of a sum not to exceed $1,000 for each violation.

[4] The U.S. Department of Commerce is authorized within its discretion, however, to refund the penalty at any time within 2 years of payment if it is found that there was a material error of fact or of law.

[5] Title 22 U.S.C. 401.

[1] See § 370.2 for definition of export control document.

§ 387.7 Licensee accountable for use of license.

The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license. He may not, without prior written approval of the Office of Export Control, permit any other person to facilitate or effect the export of any commodity or technical data described in the license, except under his direction and responsibility as his true agent in fact, regardless of the terms of sale or export or other agreement between him or the order party and the purchaser or ultimate consignee of such commodity or technical data.

§ 387.8 Unauthorized use and alterations of export control documents.

Except as otherwise specifically authorized in the Export Control Regulations or in writing by the Office of Export Control, no person, whether or not the licensee, may obtain, use, alter, or assist in or permit the use or alteration of, any export control document, for the purpose of or in connection with facilitating or effecting any export or reexport other than that set forth in such document or except in accordance with all the terms, provisions, and conditions thereof.

§ 387.9 Trafficking and advertising export control documents.

(a) *Unlawful practices.* No person, without prior written approval of the Office of Export Control, may do any of the following with respect to any export or reexport under any export control document:

(1) *Transfers or changes of authority.* Effect any transfer of, or other change of the authority granted in, such document, whether by sale, grant, gift, loan, or otherwise, to any person; or permit any person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or, if such person is not the licensee, to receive or accept a transfer or other change of the authority granted in, or otherwise use, an export control document, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* Effect any change of, substitution for, or addition to, the parties named in an export control document; or transfer, obtain, purchase, or create any interest or participation in the transaction described in any export control document.

(3) *Unlawful advertising or soliciting.* Offer or solicit by advertisement, circular, or other communication any transfer or change of an export control document or any interest therein hereinabove prohibited. Such communication shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Office of Export Control of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, in offering or soliciting the sale for export of any commodities or technical data, the communication indicates that the proposed seller of such commodities or technical data holds or will furnish a license or other export control document for the export of such commodities or technical data;

(iii) Where, in offering or soliciting the purchase for export of any commodities or technical data, such communication is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the export of such commodities or technical data.

(4) *Other unlawful practices.* Sections 387.7, 387.8, and 387.9, among other things, make it unlawful:

(i) For a licensee or other person holding an export control document to sell or to offer to sell, or for any person to purchase or to offer to purchase, the commodities or technical data described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect export of the said commodities or technical data;

(ii) For any person to effect the export of the commodities described in (i) above for the benefit of or "for the account" of any person other than the licensee, regardless of the device, means, or fiction employed;

(iii) For the licensee fictitiously to act as principal or agent of another person who actually is effecting the export, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose; or

(iv) For the named consignee to act "for the account" of a new unlicensed consignee.

Where a licensed transaction has failed of accomplishment for any reason, the license may not, without special authorization of the Office of Export Control, be used for any other transaction. Changes of consignors and consignees will be permitted only under the strict provisions of the Export Regulations.

(b) *Transfer of dock receipts, bills of lading, or liens*—(1) *Use of certain export control documents.* Section 387.9(a) is not to be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license, or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or technical data or documents in the course of financing, warehousing, forwarding, or transporting commodities or technical data.

(2) *Disposition of export.* Where the person entitled to the foreclosure of any lien or other security title or interest, or where the exercise of any rights by the holder of the lien or other security title or interest, contemplates an export under the license by someone other than the licensee, or to someone other than the purchaser or ultimate consignee designated in the license, such person must apply for a new license or for an amendment in accordance with the provisions of Part 380.

§ 387.10 Transactions with persons subject to denial orders.

(a) *Prohibited activities.* Without prior disclosure of the facts to, and specific authorization of the Office of Export Control, no person, with knowledge that another person is then subject to an order revoking or denying his export privileges or is then excluded from practice before the Office of Export Control, directly or indirectly, in any manner or capacity:

(1) May apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for such person denied export privileges; or

(2) May order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any transaction which may involve any commodity or technical data exported or to be exported from the United States, or which is otherwise subject to the Export Regulations, whereby such person denied export privileges may obtain any benefit therefrom or have any interest therein, directly or indirectly.

(b) *Definition of "person denied export privileges".* For the purpose of this § 387.10, the term "person denied export privileges" is defined to include:

(1) Any person, firm, corporation, or other business organization whose export privileges are revoked or denied by any order of the Office of Export Control or who is excluded by such order from practice before the Bureau of International Commerce; and

(2) Any other person, firm, corporation, or other business organization also denied export privileges or excluded from practice before the Bureau of International Commerce because of his or its relationship to such person denied export privileges through affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services during the period of such order, and whether or not named in such order.

(c) *Applicability of orders.* Orders of the Office of Export Control which revoke or deny the export privileges of any person or which exclude any person from practice before the Bureau of International Commerce provide that the terms and prohibitions of such orders apply not only to the persons expressly named therein but also, for the purpose of preventing evasion, to any other person, firm, corporation, or other business organization with which such person may then or thereafter (during the term of the order) be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services. See §§ 388.1 and 390.2, and Supplement No. 1 to Part 388, "Table of Denial and Probation Orders." This table contains orders issued by the Office of Export Control which currently deny export privileges and/or place the person or firm on probation.

This list contains the names and addresses of such persons, the effective and expiration dates of the orders, a brief summary of the export privileges affected, and the citations to the volumes and pages of the FEDERAL REGISTER where complete texts of the orders are published. The publication of such orders in the FEDERAL REGISTER constitutes legal notice of the terms thereof to all persons.

§ 387.11 Recordkeeping.

(a) *Transactions subject to this regulation.* This § 387.11 applies to transactions involving exports of commodities or technical data from the United States and any known reexports, transshipments, or diversions of commodities or technical data originally exported from the United States, regardless of whether the export or reexport is made, or proposed to be made, by any person with or without authorization by a validated license, a general license, or any other export authorization. It includes all negotiations connected with such transactions, except that a mere preliminary inquiry or offer to do business and negative response thereto shall not constitute negotiations, unless the inquiry or offer to do business proposes a transaction which a reasonably prudent exporter would believe likely to lead to a violation of Export Orders or Regulations. It includes as well any exports to Canada, if, at any stage in the transaction, it appears that a person in a country other than the United States or Canada has an interest therein or that the commodity or technical data involved is to be reexported, transshipped, or diverted from Canada to another foreign country.

(b) *Persons subject to this regulation.* Any person in the United States who, as principal or agent (including a forwarding agent), participates in any transaction described in paragraph (a) of this § 387.11, and any person in the United States or abroad who is required to make and keep records pursuant to any provisions of the Export Regulations, shall keep all the records described in paragraph (c) of this § 387.11, which are made or obtained by such person, and shall produce them in the manner provided in paragraph (f) of this § 387.11.

(c) *Records to be kept.* The records to be kept pursuant to this § 387.11 shall include memoranda, notes, correspondence, books, export control documents, and other written matter pertaining to the transactions described in paragraph (a) above, which may be made or obtained by a person described in paragraph (b) above. In addition to the records required to be kept by this § 387.11, the provisions of §§ 372.5, 372.6, 373.3—373.5, 373.8, 374.8, 376.10, 377.6, 386.3, and 386.6 of the Export Control Regulations require certain records to be made and kept by persons in the United States or abroad in connection with export transactions. The revocation or revision of any such provision of the Export Control Regulations which requires the making and keeping of records shall not be retroactive in effect unless specifically provided and shall not affect the original requirement to keep such records for the prescribed period.

(d) *Reproduction of records*—(1) *Definition.* "Reproduction" of the purpose of this paragraph 387.11(d) is defined to include any photographic, photostatic, microfilm, miniature photographic or other process which accurately and durably reproduces the original record.

(2) *Use of reproductions.* Reproductions may be substituted for original documents with respect to all categories of records required to be retained under any provision of the Export Control Regulations or of any order, provided that all of the following conditions are met:

(i) Reproductions may not be substituted for any category of records until 12 months after the beginning of the retention period set forth in paragraph (e) of this § 387.11;

(ii) All significant information, marks, and/or other characteristics on the original document must be clearly visible and legibly reproduced; and

(iii) Appropriate facilities must be provided and maintained for the preservation of the reproduced records during the retention period and for the ready location and inspection of the records, including a projector for viewing films if needed.

(e) *Period of retention.* Records required to be kept under this § 387.11 shall be kept for a period of 3 years[1] from, whichever is later, the time of:

(1) The export from the United States; or

(2) Any known reexport, transshipment, or diversion; or

(3) Any other termination of the transaction, whether formally in writing or by any other means.

(f) *Producing and inspecting records.* Every person, whether in the United States or abroad, required to keep records by any provision of the Export Control Regulations or of any order shall produce all records or reproductions of records (see paragraph (d) of this § 387.11) required to be kept, and make them available for inspection and copying upon request by any authorized agent, official, or employee of the Bureau of International Commerce, the Bureau of Customs, or a U.S. Foreign Service post, or by any other accredited representative of the U.S. Government, without any charge or expense to such agent, official or employee.

PART 388—ADMINISTRATIVE PROCEEDINGS

Sec.
388.1 Denial of export privileges and imposition of civil penalties.
388.2 Compliance Commissioners.
388.3 Institution of administrative proceedings.
388.4 Default.
388.5 Answer and demand for oral hearing.
388.6 Subpoenas and interrogatories.
388.7 Hearings.
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388.9 Disposition of proceeding.
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388.16 Orders containing probationary periods.
388.17 Extension of time.
388.18 Publication of orders.
388.51 Supplement No. 1: Table of Denial and Probation Orders Currently in Effect.

AUTHORITY: The provisions of this Part 388 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 388.1 Denial of export privileges and imposition of civil penalties.

(a) *Administrative sanctions.*[1] Any person (respondent) who contravenes or violates any law, order, regulation, license, or other reexport authorization relating to export control is subject to the following administrative actions:

(1) *Revocation of validated export licenses.* Any or all outstanding validated export licenses concerned with or affecting any transaction in which such respondent may have any interest, direct or indirect, may be revoked and ordered returned forthwith to the Office of Export Control.

(2) *General denial of export privileges.* Such respondent may be denied the privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction either in the United States or abroad may be deemed to include:

(i) Participation as a party or as a representative of a party to any validated export license application;

(ii) Participation in the preparation or filing of any export license application or reexport authorization, or document to be submitted therewith;

(iii) Participation in the obtaining or using of any validated or general export license or other export control documents;

(iv) Participation in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; and

(v) Participation in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

[1] Persons subject to this regulation may find it advisable to retain their records longer than the mandatory 3-year retention period because the statute of limitations (Title 18, U.S.C. sec. 3282) permits criminal actions to be brought under the Export Control Act within 5 years and administrative compliance proceedings may be brought more than 3 years after alleged violations.

[1] See § 370.7 regarding the unauthorized disposition of foreign excess personal property purchased from the U.S. Armed Forces in foreign countries.

(3) *Exclusion from practice.* Such respondent may be excluded from practice before the Bureau of International Commerce.

(4) *Civil penalty.* In addition to the administrative sanctions described above, or in lieu thereof, a civil penalty not to exceed $1,000 may be imposed for each violation. (See § 387.1(b)(3).)

(b) *Applicability to related persons.* Any order denying export privileges or excluding persons from practice before the Bureau of International Commerce may be made applicable not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. In addition, the order may contain the substance of § 387.10.

(c) *Definition of law or regulation relating to export control.* Any statute, proclamation, executive order, regulation, rule, license, or order applicable to any conduct involving an export transaction shall be deemed to be a "law or regulation relating to export control."

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the U.S. Department of Justice for criminal prosecution. Violations of Export Control Regulations not only may result in denial of export privileges but also are punishable by a fine or imprisonment as described in § 381.1. Violations may result also in seizure and forfeiture of property under Title 22, U.S.C.A. 401.

§ 388.2 Compliance Commissioners.

The Director of the Bureau of International Commerce will designate one or more persons to act as Compliance Commissioners, who shall have the powers and duties provided herein. Compliance Commissioners shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions.

§ 388.3 Institution of administrative proceedings.

(a) *Charging letters.* The Investigations Division, Office of Export Control, with the approval of the Office of the General Counsel, may initiate proceedings for the imposition of one or more of the following sanctions against any person who it has reason to believe has violated any law or regulation relating to export control: (1) Denial of export privileges, (2) denial of privileges of practice, or (3) civil penalties. Such proceedings are initiated by service of a charging letter. The charging letter shall allege the essential facts constituting the specific violations charged, including reference to the particular regulatory or other provisions alleged to have been violated, and shall give notice that, if the respondent is found to have committed the alleged violations, his export privileges may be denied, his privilege of practice may be denied, or a civil penalty may be imposed. The charging letter shall inform the respondent that he is required to answer the allegations therein contained within 30 days, as provided in § 388.5, and that if he fails to answer as so provided he will be in default and the allegations will be deemed admitted. It shall inform the respondent that he is entitled to an oral hearing provided that he files a written demand therefor with his answer or within seven days after service of his answer, and that he may, if he so desires, be represented by counsel of his own choosing. Charging letters may be amended from time to time, upon reasonable notice.

(b) *Service.* A charging letter shall be deemed served upon a respondent: (1) If he is a resident of the United States, when mailed in a wrapper addressed to him at his last known address, or when left with him or his agent or employee, or when left at his dwelling with some person of suitable age and discretion then residing therein; or (2) if he is a nonresident of the United States, when served upon him by any of the foregoing means, or if such method of service is not practicable or appropriate by reason of arrangements or understandings between the U.S. Government and the government of the country wherein the respondent resides, when it is tendered for service upon him to an official of the government of the country wherein the respondent resides.

§ 388.4 Default.

(a) *Failure to answer.* If the respondent fails to file an answer to the charging letter in the manner or within the time prescribed in § 388.5, he shall be held in default and the case shall be referred forthwith to the Compliance Commissioner who shall consider the same in such manner and upon such evidence as he may decide is appropriate. Any order thereafter issued shall have the same effect as an order issued following the disposition of contested charges.

(b) *Application to set aside defaults.* Any respondent against whom an order has been issued upon his default may apply, upon good cause shown, together with evidentiary data in support thereof, to set aside his default and vacate the order entered thereon. Such application shall be duly sworn before an officer qualified to take oaths and shall be submitted in duplicate to the Director, Office of Export Control (Attention: 840), U.S. Department of Commerce, Washington, D.C. 20230, who shall then refer it to the Compliance Commissioner for consideration and recommendation as to what disposition thereof ought to be made. The Compliance Commissioner shall consider the application and may, if he so decides, require the respondent to attend a hearing or submit further evidence in support of his request. The filing of an application to set aside a default does not in any manner affect an order entered upon default and such order continues in full force and effect unless a further order is made modifying or terminating it.

§ 388.5 Answer and demand for oral hearing.

(a) *When to answer.* The respondent shall answer the allegations of the charging letter within 30 days after service of the charging letter upon him.

(b) *Contents of answer.* An answer shall be responsive to the charging letter and shall fully and completely set forth the nature of the respondent's defense or defenses. In addition, it shall, by separate paragraphs, admit or deny specifically and in detail each and every separate allegation of the charging letter, unless the respondent is without knowledge, in which case, his answer shall so state and the statement shall operate as a denial. A failure to deny or controvert any particular allegation shall be deemed an admission thereof. The respondent may, in his answer, set forth such additional or new matter as he may regard as supporting a defense to or claim of mitigation of the charges. Any defenses or partial defenses not specifically set forth in an answer shall be deemed waived, and evidence offered thereon by the respondent at a hearing may be refused unless good cause be shown for its receipt. If the respondent does not demand an oral hearing, he shall transmit, within 7 days after the service of his answer, original or photocopies of all correspondence, papers, records, affidavits, and other documentary or written evidence having any bearing upon or connection with the matters in issue and, if any such materials be in a language other than the English language, translations thereof into English shall be submitted at the same time.

(c) *Submission of answer.* The answer, written demand for oral hearing, and supporting evidence required by paragraph 388.5(b) shall be in duplicate and mailed or delivered to the Compliance Commissioner, Bureau of International Commerce (Attention: 814), U.S. Department of Commerce, Washington, D.C. 20230.

§ 388.6 Subpoenas and interrogatories.

(a) *Subpoenas.* At the request of any party to a proceeding before him, the Compliance Commissioner may issue subpoenas, returnable before him, requiring the attendance of witnesses and the production of books, records, or other documentary or physical evidence determined by the Compliance Commissioner to be relevant and material to the proceedings, reasonable in scope, and properly obtainable by subpoena.

(b) *Interrogatories and requests for admissions of facts.* In any compliance proceeding, the Investigations Division, Office of Export Control, or the Compliance Commissioner may serve on any respondent or his attorney interrogatories or requests for admissions of facts, and if, without good cause being shown, there is a failure or refusal to respond to the questions or requests for admissions, the Compliance Commissioner, on his own motion or motion of the Investigations Division, and upon such notice to the respondent as the Compliance Commissioner may direct, may strike respondent's answer and declare him in default, or make any other ruling which he deems necessary and just under the circumstances. Interrogatories and requests

may be served in the same manner as provided in § 388.3(b) for service of a charging letter.

§ 388.7 Hearings.

A respondent who has not filed a written answer is not entitled to a hearing, and the case against him in such instance shall be considered by the Compliance Commissioner as provided in § 388.4(a). If an answer has been filed and no oral hearing has been demanded, the same shall be deemed waived, and the Compliance Commissioner shall proceed to consider the case upon all the pleadings and evidence available and shall provide for the making of the record in such manner as he deems appropriate. If an answer has been duly filed and an oral hearing has been demanded, the Compliance Commissioner shall set the case for such hearing, and due notice thereof shall be given to the respondent or his attorney. A respondent is not entitled to notice of hearing unless he has answered, raised issues to be determined as provided in § 388.5 and has made demand for hearing. If neither the respondent nor anyone on his behalf shall attend a hearing which has been set after due notice given the hearing shall nevertheless proceed in his absence, and such absence shall not affect the validity of the hearing or any proceedings or action thereafter. Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The rules of evidence prevailing in courts of law shall not apply, but all evidentiary material relevant and material to the inquiry shall be received and given appropriate weight. Because the Export Control Act of 1949, as amended, is concerned with national security and foreign policy, relevant and material evidentiary materials bearing on the enforcement of the Act, whether classified or not, must be considered by those making decisions in proceedings under the Export Control Regulations. Diligent effort shall be made, however, to declassify such classified materials or to secure unclassified summaries of or extracts from such classified materials, when not contrary to any statute or security regulation. Whenever an unclassified summary or extract of classified evidentiary materials shall be offered, the Compliance Commissioner shall compare it with the related classified materials. If he finds that the summary or extract is supported by the classified materials and omits only so much as remains classified, he may, subject to the right of respondent to object on grounds of relevancy and materiality, admit the unclassified summary or extract as part of the open record, to the extent he deems said summary or extract relevant and material. Thereafter, the respondent may submit evidence in explanation or contradiction thereof. In no case shall the respondent or his attorney be entitled to inspect the classified materials. The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceeding shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondents shall have an opportunity to examine the transcript and to obtain a copy upon payment of proper costs.

§ 388.8 Proceedings before and report of Compliance Commissioner.

In any situation for which these regulations make no provision, the Compliance Commissioner may, in his discretion, conform the proceedings before him to the Federal Rules of Civil Procedure. The Compliance Commissioner shall consider the record and shall prepare a written report which shall include findings of fact, including a finding whether or not a violation has occurred, and recommendations. The report, transcript, and exhibits shall be transmitted to the Director, Office of Export Control, Bureau of International Commerce.

§ 388.9 Disposition of proceeding.

If the Compliance Commissioner finds that the evidence is not sufficient to justify the conclusion that a violation has been committed, the Director, Office of Export Control, shall enter an order dismissing the charges. If the Compliance Commissioner finds that a violation has been committed, his recommendation shall be advisory only, and the Director, Office of Export Control, shall review the record, consider the report of the Compliance Commissioner, and determine the disposition of the case. He may then issue an order denying the respondent's export privileges, as provided in § 388.1, or take such other action as he deems appropriate. Any order issued shall be effective for such period of time and shall contain such additional terms and conditions as may be deemed appropriate and prescribed therein. A copy of the order together with a copy of the Compliance Commissioner's report shall be served upon the respondent, in the same manner as provided in § 388.3(b) for service of a charging letter, or upon his attorney.

§ 388.10 Consent orders.

The Investigations Division, Office of Export Control, and the respondent may, after transmission of a charging letter, by agreement submit to the Compliance Commissioner a proposal for the issuance of a consent order. The Compliance Commissioner shall review the facts of the case and the proposal and, for this purpose, may conduct informal conferences with the parties and may require the informal presentation before him of the evidence in the case. If he does not approve the proposal, he shall so notify the respondent or his attorney and the Investigations Division, and the case shall proceed to hearing. If he approves the proposal, he shall report the facts of the case with his recommendations to the Director, Office of Export Control. The Director, Office of Export Control, may reject the proposal, in which event the case will proceed to hearing, or he may accept the proposal and issue an appropriate order.

§ 388.11 Temporary denials.

(a) *Denial within charging letter.* A charging letter from and after the date of its issuance may deny to any respondent the privileges of participating directly or indirectly in any manner or capacity in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination pursuant to any validated export license. The charging letter may also suspend or revoke and require the return for cancellation of outstanding validated licenses, but shall not otherwise deny export privileges, to the respondent. Such latter privileges, however, may be denied as provided in paragraph (b) of this § 388.11.

(b) *Temporary denial orders*—(1) *Grounds for issuance.* Any person who is under investigation, or against whom administrative or judicial proceedings are pending, for violation of any law or regulation relating to export control, may be summarily denied export privileges, as set forth in § 388.1, without prior notice or opportunity for hearing, where and to the extent such denial of export privileges is found reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings. Such a temporary denial order shall be issued only for such limited time, ordinarily not exceeding 30 days, as may be required to complete the investigation or the proceedings, but may, on a showing of need for additional time, be extended in the same manner as originally issued.

(2) *Procedure for issuance.* An application for such a temporary denial order shall be made by the Investigations Division, Office of Export Control, to the Compliance Commissioner and shall include a brief recital of the facts of the case and a statement of the grounds for the application and the nature of the order sought. The Compliance Commissioner shall review the application and for this purpose may require informal presentation of evidence before him. If he does not approve the application, he shall so notify the Investigations Division by memorandum, and no further action shall be taken upon it. If he approves it in whole or in part, he shall send his recommendation, together with the application and accompanying documents, to the Director, Office of Export Control, who may issue such temporary denial order as he shall deem appropriate. A copy of the order shall be sent to the respondent in the same manner as provided in § 388.3(b) for service upon him of a charging letter.

(c) *Motions to vacate or modify*—(1) *Motion to vacate.* The respondent may at any time move to vacate or modify any temporary denial of export privileges contained in any charging letter or order. Any such motion shall be filed with the Compliance Commissioner and an oral hearing thereon, if requested, shall be held before the Compliance Commissioner at the earliest convenient date. The Compliance Commissioner shall consider the evidence presented and shall submit his report and recommendations thereon to the Director, Office of Export Control. The latter may issue such order disposing of the motion as he deems appropriate, and a true copy thereof shall

be sent promptly to the respondent or his attorney.

(2) *Continuation and extension.* In any case where no motion is made pursuant to paragraph (1) above to vacate or modify a temporary denial, or where, if such motion is made, substantial evidence is not presented to support the granting thereof in whole or in part, such denial or any modification thereof may be continued and extended to and including completion of the proceedings.

(d) *Deferment of action on license applications otherwise prohibited.* Except for the particular application or license which is itself the basis of any investigation or proceeding, and except pursuant to paragraph (a) of this § 388.11, no export license application filed by any person shall be returned without action, held without action, or rejected, solely because such person is under investigation, or that proceedings against him are pending, otherwise than in accordance with the terms of a temporary denial order issued under paragraph (b) of this § 388.11.

§ 388.12 Rehearings.

The Compliance Commissioner may, upon written request, grant a rehearing or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or which was unobtainable at the time of the original hearing. The request for rehearing or reopening shall contain a summary of such evidence, the reasons why it is deemed relevant and material, and the reasons why it could not have been presented at the original hearing. The Compliance Commissioner shall give prompt notice of the time and place of any further hearing, if one is held, and shall conduct such hearing and submit his report and recommendations thereon to the Director, Office of Export Control, for final action in the same manner as provided for the original proceeding as described in § 388.9.

§ 388.13 Appeals.

(a) *Grounds and conditions for appeal*—(1) *Grounds shall be specified.* The respondent may appeal from a denial of export privileges, from a denial of privileges of practice, or from the imposition of a civil penalty, upon the ground (i) that the findings of violation are not supported by any substantial evidence, (ii) that prejudicial error of law was committed, or (iii) that the provisions of the order are arbitrary, capricious, or an abuse of discretion. The appeal must specify upon which of these grounds the appeal is based and must indicate from which provisions of the order the appeal is taken.

(2) *Previous motion for relief.* An appeal from a denial upon default, a temporary denial, or an indefinite denial will not be entertained unless and until the respondent has moved unsuccessfully for relief as provided in paragraphs 388.4(b), or 388.11(c), or § 388.15 as the case may be.

(b) *Filing of appeals.* An appeal must be in writing and shall be filed with, and addressed to, the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230. An appeal from a final order denying export privileges shall be filed within 10 days after receipt of a copy of the order. The provisions of Part 389 of the Export Control Regulations shall govern the procedure and disposition of appeals, except as otherwise provided in this Part 388.

(c) *Matters considered on appeal.* A hearing before the Appeals Board shall not constitute a trial de novo, but the appeal shall be considered upon the basis of the record, consisting of the charging letter, the transcript of the hearing before the Compliance Commissioner, the report of the Compliance Commissioner, the order of the Director, Office of Export Control, and any other relevant documents involved in the proceedings before the Compliance Commissioner. If the respondent has requested and been denied a rehearing or reopening on the basis of new evidence, the Appeals Board may direct that such rehearing or reopening be granted if it finds that such new evidence is relevant and material to the issues and was not known or was not available to the respondent at the time of the original hearing. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in rules or regulations alleged to have been violated.

(d) *Effect of appeals.* The taking of an appeal shall not stay the operation of any order. The decision of the Appeals Board shall be final and shall be transmitted promptly to the respondent or his attorney.

§ 388.14 Proceedings confidential.

Compliance proceedings shall be confidential, excepting any orders issued therein. Reports of the Compliance Commissioner and copies of transcripts of hearings shall be available only to parties to the proceedings and, to the extent of their own testimony as contained in transcripts, to witnesses therein. Any such matters may, however, be made available to any Government agency having a proper interest therein.

§ 388.15 Failure to comply with interrogatories or requests to produce evidence—indefinite denial.

Whenever the Office of Export Control finds it impracticable, during the course of an investigation or other proceeding or action, to subpoena a person, or his books, records, other writings, or other tangible things bearing upon the matter being investigated, the Office of Export Control may serve upon such person interrogatories, requests for admissions of facts, requests for the production of books, records, and other writings, or requests to produce or make available other tangible things for inspection, including commodities or technical data exported from the United States, as therein specifically set forth. If such person, within 20 days after service thereof, fails or refuses to furnish responsive answers to such interrogatories or requests for admissions, fails to produce the requested books, records, and other writings, or fails to produce or make available for inspection other tangible things requested, including commodities or technical data exported from the United States, which are in his possession, custody or control, without good cause being shown, an order may be issued without prior notice, as provided in § 388.1 above, denying export privileges to such person. This order shall remain in effect until such person shall respond to the interrogatories or requests or shall give adequate reasons for his failure or refusal to so respond. Such interrogatories or requests may be served in the same manner as provided in paragraph 388.3(b) for service of a charging letter. The procedure regarding applications for indefinite denial orders and motions to vacate or modify such orders shall conform substantially to that provided for temporary denial orders by paragraphs 388.11(b)(2) and 388.11(c).

§ 382.16 Orders containing probationary periods.

(a) *Revocation of probationary period.* An order denying export privileges to any person may provide a probationary period during which such denial order is held in abeyance for all or part of the denial period provided by the order, subject to conditions set forth therein. With or without notice to any person to be affected thereby, the Director, Investigations Division, Office of Export Control, may apply to the Compliance Commissioner for an order revoking such probation period upon a charge that the conditions of such probation have been breached. The facts in support of such application shall be presented to the Compliance Commissioner who shall report thereon, and make a recommendation as to the action to be taken, to the Director of the Office of Export Control. The Director of the Office of Export Control shall then determine whether the conditions have been breached and issue such order as he may decide is appropriate.

(b) *Hearings*—(1) *Objections upon notice.* Any person affected by a notice that an application is being made to revoke a probationary period may, within the time specified in the notice, file with the Compliance Commissioner any objections he may have to the application.

(2) *Objections to order without notice.* Any person affected by an order revoking a probationary period without notice may request that such order be set aside by filing with the Compliance Commissioner his objections thereto. Such request will not stay the effective date of the order of revocation.

(3) *Requirements for filing objection.* Objections shall be filed in writing and in duplicate with the Compliance Commissioner. All denials and admissions, as well as the facts of any mitigating circumstances, which the person affected intends to present shall be set forth in or attached to the letter of objection. All contentions must be supported by evidence. A request for an oral hearing may be made at the time of filing such objections.

(4) *Determination.* The application and any objections thereto shall be referred to the Compliance Commissioner and, if an oral hearing is requested, he shall conduct such hearing at the earliest convenient date. Thereafter he shall report the facts and make a recommendation to the Director of the Office of Export Control, who shall then determine whether the application should be granted or denied. After the Director's determination following either an application on notice for revocation or an application to set aside a revocation, a copy of the order and of the Compliance Commissioner's report shall be sent to any person affected thereby.

(c) *Effect of revocation on other actions.* The revocation of a probationary period shall not preclude any other action concerning a violation upon which such revocation is based.

§ 388.17 Extension of time.

A respondent may, on good cause being shown, apply to the Compliance Commissioner for additional time within which to prepare and submit his answer to the charging letter or do any other act required by this part.

§ 388.18 Publication of orders.

All orders denying export privileges and all decisions of the Appeals Board in appeals under § 388.13 shall be published in the FEDERAL REGISTER as soon as practicable after issuance; except that such orders and decisions need not be so published where they provide for the imposition of a civil penalty alone or as an alternative to the denial of export privileges and where such civil penalty has been paid before the denial of export privileges becomes effective. Copies of all orders and decisions which are not published in the FEDERAL REGISTER will be available for public inspection at the Office of the Director, Office of Export Control.

§ 388.51 Supplement 1; table of denial and probation orders currently in effect.

(a) *Contents.* This Table lists orders issued by the Office of Export Control which currently deny export privileges and/or place persons or firms on probation. Orders are published in full in the FEDERAL REGISTER, as cited in the column entitled, "FEDERAL REGISTER Citation."

(1) *Related parties.* Some of the individuals and firms whose names appear in the column entitled, "Name and Address," were not found to have violated any law or regulation, but they have been made subject to denial or probation orders pursuant to § 388.1(b). In such cases, an appropriate note appears in the column entitled, "Export Privileges Affected."

(2) *Probation periods.* The basic order denies export privileges to the party or parties named. In some cases, denial of privileges is a combination of immediately effected denial and probation. In other cases, the entire order may be a conditional probation. Probation is always conditioned upon compliance with the law and regulations during the period of probation and it may be revoked summarily in the event of failure to comply. In the column of this Table headed "Expiration Date," the termination date of the period of actual denial appears, and in the event the order contains a probation period, that fact and its expiration date are shown enclosed in parentheses. During the probation period a party is entitled to all export privileges.

(3) *Intermediate denial orders.* The rules provide for temporary and indefinite orders. In the Table the expiration date of temporary orders is shown as "Until Further Notice"; the expiration date of indefinite orders is shown as "indefinite."

(4) *Proceedings confidential.* Proceedings in compliance cases, except for intermediate and final orders, are confidential.

(5) *Publication of orders.* The transmittal portion of Current Export Bulletins announces additional or amended denial orders as they are issued. However, the Table of Denial and Probation Orders is maintained on a current basis by addenda and is brought up to date alphabetically each quarter, at which time only those persons then affected by outstanding orders are listed, according to the effect of such orders at that time.

PART 389—ADMINISTRATIVE REVIEWS AND APPEALS

Sec.
389.1 General provisions.
389.2 Administrative review.
389.3 Appeals.

AUTHORITY: The provisions of this Part 389 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 389.1 General provisions.

(a) *Purpose.* This Part 389 sets forth the procedures applicable to: (1) The consideration of requests for administrative review by the Office of Export Control of protested regulations and actions of the Office of Export Control and (2) appeals to the Appeals Board for the U.S. Department of Commerce.

(b) *Definitions.* For purposes of this Part 389:

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in an Export Control Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action, including a return without action of a license application, taken by the U.S. Department of Commerce under the Export Control Law or by a duly authorized employee thereof under a regulation with respect to a particular person.

(3) "Administrative review" means a request for relief, as provided in § 389.2, from the provisions of a regulation or an administrative action as defined above.

(4) "Appeal" means a request for relief, as provided in § 389.3, from the provisions of a regulation or of an administrative action, and includes a request for relief from a decision issued by the Office of Export Control upon a request for administrative review.

(5) "Petitioner" means a person filing a request for an administrative review.

(6) "Appellant" means a person filing an appeal.

(c) *Grounds for requesting administrative review and appeal.* Any person may request an administrative review as provided in § 389.2 or may appeal to the Appeals Board for the U.S. Department of Commerce as provided in § 389.3, as appropriate, from any regulation, order (excluding denial or probationary orders[1]), or other administration action taken by the U.S. Department of Commerce under the Export Control Law or delegated authority relating thereto, where such regulation, order, or other administrative action works an exceptional and unreasonable hardship upon him, or improperly discriminates against him. However, problems of an overall nature, affecting exporters as a group, will not be considered within this procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 390.1.

§ 389.2 Administrative review.

(a) *Scope.* The Office of Export Control will consider a request, submitted in accordance with the provisions of this § 389.2, for an administrative review of any regulation or adminstrative action (other than a denial or probationary order[1]) as specified in 389.1 (b) and (c).

(b) *Submission of request for administrative review—(1) Request for administrative review must be in writing.* A request for administrative review and accompanying material shall be filed in duplicate, unless otherwise indicated below. If the submission of two copies of all accompanying documents or exhibits would place an undue burden on the petitioner, waiver of this rule may be requested at the time the request is filed. A request for administrative review shall be in letter form.

(2) *Information to be contained in requests for administrative review.* A request for administrative review shall clearly state (i) the provisions of the regulation or the administrative action which is protested, (ii) the grounds for the request, and (iii) the relief requested by the petitioner. The various grounds for the request shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) *Additional requirements for specified requests for administrative review.* In addition to the above-described letter, the following papers shall be included with requests of the kinds described in this paragraph 389.2(b)(3).

[1] See §§ 388.4, 388.11, 388.13, and 388.15 for the appeals procedure regarding administrative proceedings.

(i) Request for administrative review of rejection of license application shall include (*a*) the Form IT– or FC–204A, Notification of Rejection, (*b*) a new original copy of the rejected license application, Form FC–419, and (*c*) a Form FC–420, Application Processing Card showing the old case number.

(ii) Request for administrative review of a multiple commodity or a multiple consignee application disallowed in part shall include (*a*) a complete new application covering only the rejected items, and (*b*) the appropriate Form FC–420, Application Processing Card, showing the old case number.

(iii) Request for administrative review of rejection of request for extension of license or other amendment shall include (*a*) the license unless it has been previously surrendered to the U.S. Department of Commerce or a customs office and (*b*) the Form IA–763, Request for and Notice of Amendment Action.

(iv) Request for administrative review of denial of request to transfer an export license shall include (*a*) letter of request for transfer from the transferor and transferee, (*b*) the original license unless the license is on file with the Office of Export Control or has been surrendered to a customs office, and (*c*) the Form IA–763, Request for and Notice of Amendment Action, if this form was submitted to the Office of Export Control.

(c) *When and where to file a request for administrative review.* A request for administrative review shall be filed not later than 45 days after the publication date of a regulation, or the date of notification of administrative action.[1] A request for administrative review shall be filed with and addressed to the Office of Export Control, Ref: "Administrative Review," Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

(d) *Decisions.* A request for relief may be granted or denied, in whole or in part. If the decision in an administrative review of a licensing action is favorable to the petitioner, the license or amendment will be granted in answer to the petition. Decisions on other types of administrative reviews will be furnished to the petitioner in writing. If the decision is unfavorable, he may appeal to the Appeals Board in accordance with the provision of § 389.3.

§ 389.3 Appeals.

(a) *Establishment and scope of Appeals Board.* The Appeals Board for the Department of Commerce has been established as an impartial body in the Office of the Secretary to consider appeals and render final decisions thereon. The Board consists of a Chairman and two members. Any person may appeal to the Appeals Board, upon the grounds indicated in § 389.1(c), in accordance with the following provisions of this § 389.3.

(b) *Preparation of appeals—(1) General requirements.* An appeal shall be clearly marked "Ref: Appeals Board for the U.S. Department of Commerce" and shall be in letter form. The appeals letter shall be prepared in accordance with § 389.2(b) and shall be accompanied by the same information and documents specified therein. Where an appeal is filed from a decision on an administrative review, the appellant may request the Office of Export Control, in writing, to transmit to the Appeals Board the documentation originally submitted to the Office of Export Control in accordance with § 389.2(b) as the required initial documentation.

(2) *Request for oral presentation.* A request for an oral presentation before the Appeals Board, as provided in paragraph (d)(3) of this § 389.3, must be in writing and should be included with the appeal.

(c) *When and where to file appeals—(1) When to file.* Appeals, other than appeals from denial or probationary orders[1] may be filed with the Appeals Board by means of a written notice filed not later than 45 days after the appellant received notice from the U.S. Department of Commerce of any regulation or administrative action.[2] Appellant may also appeal from undue delay in acting on appellant's license application.

(2) *Where to file.* All appeals shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230.

(d) *Consideration of appeals—(1) Initial referral to the Office of Export Control.* Customarily, any appeal which has not already been considered under administrative review (see § 389.2) is initially referred by the Appeals Board to the Office of Export Control. After appropriate action, the Office of Export Control will submit its recommendation for the consideration of the Board.

(2) *Referral by the Office of Export Control.* Where unusual circumstances warrant, the Office of Export Control on its own initiative, may request the Appeals Board to consider an application for an export license at the Appeals level. In such case, the Appeals Board will so notify the appellant.

(3) *Oral presentations.* In a case where the appellant so requests or the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D.C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation unless waived by appellant. Such presentation will be heard informally; generally, no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. An appellant need not be represented by counsel unless he so wishes.

(4) *Records.* Records concerning an appeal may be made available for inspection and copying by persons properly concerned, upon written application. Such application shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purposes for which it is sought.

(e) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part, or dismissed at the request of the appellant. The decision on an appeal signed by the Chairman of the Appeals Board will be communicated to the appellant in writing.

[1] A rejection of an export license application on the ground that the proposed export is contrary to the national interest may be appealed.

[1] See §§ 388.4, 388.11, 388.13, and 388.15 for the appeals procedure regarding administrative proceedings.

[2] A rejection of an export license application on the ground that the proposed export is contrary to the national interest may be appealed.

PART 390—GENERAL ORDERS

Sec.
390.1 Commodity advisory panels and committees.
390.2 Conduct of business and practice in connection with export control matters.
390.3 Export Control authority to be exercised by U.S. Department of Commerce Field Office Directors in the event of enemy attack on the United States.
390.4 Disclosure of license issuance and other information.
390.5 Extension of validity period of licenses affected by longshoremen's work stoppage.

AUTHORITY: The provisions of this Part 390 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 390.1 Commodity advisory panels and committees.

(a) *Purpose.* (1) The purpose of this § 390.1 is to establish a procedure whereby the Office of Export Control may consult with the export trade and obtain advice and recommendations concerning export licensing policies and procedures under the Export Control Law.

(2) The provisions of this § 390.1 are not to be construed as prohibiting individuals or groups of individuals from seeking discussions with employees of the Office of Export Control.

(b) *Organization of panels and committees—(1) Representation by commodities.* It is intended, for convenient operation and size, to provide representation of the export trade by commodities. Wherever practicable, segments of the trade handling different commodities (or groups of commodities) will be represented by separate panels or committees. Where a panel is formed, the membership may be called upon to meet as a whole, or committees may be organized from among the members to consider specific problems as they arise. The panels and committees will be selected by the Office of Export Control.

(2) *Standards of selection.* As the purpose of the panel or commitee is to give

advice and make recommendations to the Office of Export Control affecting the trade as a whole, or segments thereof, the members of the panel or committee will be selected in an effort to obtain advice and recommendations which will represent the viewpoint of all parts of the trade involved. The panel or committee will be formed of the minimum number of persons necessary to represent a fair cross-section of the trade in the commodity (or groups of commodities) from the standpoints of (i) large, medium, and small-sized companies, (ii) geographical distribution, (iii) segments of the export trade involved—e.g., by types of exporters (such as manufacturers, manufacturers' representatives, merchant exporters, combination export managers, etc.), (iv) types of commodities, and (v) trade association membership and nonmembership.

(3) *Special conferences.* If export trade advice is sought on a special problem and there is no foreseeable need to seek the continuing advice of the trade, a special conference may be called. Except for omission of formal establishment of a panel or committee, the procedure for calling and conducting a special conference shall be the same as set forth under the provisions of this § 390.1.

(4) *Representation of small business.* In forming a commodity advisory panel or committee, the Office of Export Control will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress) and the President's memorandum to heads of Executive Departments and Agencies of December 12, 1947, with respect to the representation of small business on Government committees.

(5) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of panels and committees*—(1) *Authorized activities.* The functions of a commodity advisory panel or committee formed by the Office of Export Control under this § 390.1 are to give advice and make recommendations through one or more commodity advisory committees to the Office of Export Control, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Office of Export Control will authorize the holding of full panel meetings.

(2) *Unauthorized activities.* (i) No other activities by a commodity advisory panel or committee or by its members is sponsored or authorized by the U.S. Department of Commerce or the Office of Export Control. No meeting of the commodity advisory panel or committee, or any part thereof, is sponsored or authorized by the U.S. Department of Commerce or the Office of Export Control unless such meeting is called and conducted by appropriate officials of the Office of Export Control in accordance with the provisions of this § 390.1.

(ii) The panel or committee is not authorized to determine policies for the export trade nor is it authorized to compel or coerce any person to comply with any request, order, or regulation made by the U.S. Department of Commerce or the Office of Export Control.

(d) *Meetings of panels and committees*—(1) *Calling of meetings.* (i) Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Office of Export Control in connection with the promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(ii) A meeting of a trade advisory panel or committee may be proposed by any three of its members. Such proposal should be addressed to the Government presiding officer and state the reasons for proposing the meeting. The Government presiding officer is responsible for determining whether a meeting should be called.

(2) *Agenda and presiding officer.* (i) The agenda of the meeting will be prepared by the Office of Export Control. A representative of the Office of Export Control will preside at every panel meeting and every committee meeting.

(ii) Prior to a meeting, members of a panel or committee may propose subjects for the agenda to the Government presiding officer, but during a meeting may not introduce any subject not included on the agenda.

(3) *Attendance at meetings.* (i) Attendance at meetings shall be limited to duly appointed members and invited Government representatives. The attendance of other persons at meetings, such as industry or trade observers or alternates for accredited members, is not authorized. If it is essential for the purpose of a particular meeting to invite a nonmember expert or technician who can provide advice concerning a specialized subject, a special written invitation from the Office of Export Control will be required requesting the attendance of such person at the meeting.

(ii) A meeting of a segment or segments of an advisory panel or committee may be called to discuss subjects of interest to only that part of the trade, provided the segment of the trade is representative or additional representatives are appointed in order to make it representative.

(4) *Conduct during meetings.* During a meeting, members are restricted to expressions of advice and recommendations, and may not make resolutions nor submit or request submission of a vote regarding a recommendation under discussion.

(5) *Minutes.* The Office of Export Control will keep minutes of each meeting and, where practicable, will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

§ 390.2 Conduct of business and practice in connection with export control matters.

(a) *Exclusion of Persons Guilty of Unethical Conduct or Not Possessing Required Integrity and Ethical Standards*—(1) *Who may be excluded.* Any person, whether acting on his own behalf or on behalf of another, who shall be found guilty of engaging in any unethical activity or who shall be demonstrated not to possess the required integrity and ethical standards, may be excluded from (denied) export privileges on his own behalf, or may be excluded from practice before the Bureau of International Commerce of the U.S. Department of Commerce on behalf of another, in connection with any export control matter, or both, as provided in Part 388.

(2) *Grounds for exclusion.* Among the grounds for exclusion are the following:

(i) Inducing or attempting to induce by gifts, promises, bribes, or otherwise, any officer or employee of the Bureau of International Commerce of the U.S. Department of Commerce or any customs or post office official, to take any action with respect to the issuance of licenses or any other aspects of the administration of the Export Control Law, whether or not in violation of any regulation;

(ii) Offering or making gifts or promises thereof to any such officer or employee for any other reason;

(iii) Soliciting by advertisement or otherwise the handling of business before the Bureau of International Commerce on the representation, express or implied, that such person, through personal acquaintance or otherwise, possesses special influence over any officer or employee of the Bureau of International Commerce;

(iv) Charging, or proposing to charge, for any service performed in connection with the issuance of any license, any fee wholly contingent upon the granting of such license and the amount or value thereof. This provision will not be construed to prohibit the charge of any fee agreed to by the parties: *Provided*, That the out-of-pocket expenditures and the reasonable value of the services performed, whether or not the license is issued and regardless of the amount thereof, are fairly compensated; and

(v) Knowingly violating or participating in the violation of, or an attempt to violate, any regulation with respect to the export of commodities or technical data, including the making of or inducing another to make any false representations to facilitate any export in violation of the Export Control Law or any order or regulation issued thereunder.

(3) *Definition.* As used in this § 390.2, the terms "practice before the Bureau of International Commerce" and "appear before the Bureau of International Commerce" include:

(i) The submission on behalf of another of applications for export licenses or other documents required to be filed with the Bureau of International Commerce, or the execution of the same;

(ii) Conferences or other communications on behalf of another with officers or employees of the Bureau of International Commerce for the purpose of soliciting or expediting approval by the Bureau of International Commerce of applications for export licenses or other documents, or with respect to quotas, allocations, requirements or other export control actions, pertaining to matters within the jurisdiction of the Bureau of International Commerce.

(iii) Participation on behalf of another in any proceeding pending before the Bureau of International Commerce; and

(iv) The submission to a customs official on behalf of another of a license or Shipper's Export Declaration or other export control document.

(4) *Proceedings.* All proceedings under this § 390.2 shall be conducted in the same manner as provided in Part 388.

(b) *Employees and former employees.* Persons who are or at any time have been employed on a full-time or part-time, compensated or uncompensated, basis by the U.S. Government are subject to the provisions of title 18, United States Code §§ 203, 205 and 207 (Public Law 87-849, 87th Congress) in connection with representing a private party or interest before the U.S. Department of Commerce in connection with any export control matter.

§ 390.3 Export control authority to be exercised by U.S. Department of Commerce Field Office Directors in the event of enemy attack on the United States.

(a) *Delegation to Field Office Director.* In the event of an enemy attack on the United States, each Director of a U.S. Department of Commerce field office is authorized to exercise control over exports from the area assigned to him for purposes of this regulation.

(b) *Areas for which Field Office Directors may control exports.* The area of jurisdiction assigned to each Director will be his area of jurisdiction at the time of an attack.

(c) *Orders from U.S. Department of Commerce.* The authorization set forth in paragraph (a) of this § 390.3 shall be subject to any orders or directives transmitted from the U.S. Department of Commerce.

§ 390.4 Disclosure of license issuance and other information.

By order of the Secretary of Commerce, the Office of Export Control will make available daily, for each export license granted on the previous business day:

(a) A general description of the commodity or technical data licensed for export;

(b) The total value of the licensed commodity; and

(c) The country of destination of the export.

No other specific information regarding any validated export license will be made available to the public by the Office of Export Control, except with the approval of the Secretary of Commerce.

§ 390.5 Extension of validity period of licenses affected by longshoremen's work stoppage.

Effective February 5, 1969, the validity period of any validated export license which covers an export to be made by water from any port affected by the current work stoppage of longshoremen, and which expired or will expire during any month while this work stoppage was or is in effect, is hereby extended to the last day of the month following the month in which the strike terminates.

PARTS 391–398 [RESERVED]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Sec.
399.1 Commodity Control List.
399.2 Commodity Interpretations.

AUTHORITY: The provisions of this Part 399 issued under sec. 3, 63 Stat. 7, 50 U.S.C. App. 2023; E.O. 10045, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.

§ 399.1 Commodity Control List; incorporation by reference.

(a) The text of the current edition of the Commodity Control List as published in the U.S. Department of Commerce Export Control Regulations which is referred to and invoked by provisions in this Subchapter B, is hereby incorporated by reference pursuant to 4 U.S.C. 522(a)(1) and 1 CFR Part 20.

(b) The Commodity Control List is available at the following places:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
Exporters Service Section, Office of Export Control, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230.
Field Offices of the Bureau of International Commerce, Department of Commerce.

(c) Revisions, amendments, revocations, deletions, recodifications, redesignations, and corrections will be issued in Export Control Bulletins from time to time by the Office of Export Control, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, in the form of replacement pages or insert sheets, and an official historic file will be maintained by the Office of Export Control.

§ 399.2 Commodity Interpretations; incorporation by reference.

(a) The text of the current edition of the Commodity Interpretations as published in the Export Control Regulations which is referred to and invoked by provisions in this Subchapter B, is hereby incorporated by reference pursuant to 4 U.S.C. 522(a)(1) and 1 CFR Part 20.

(b) The Commodity Interpretations are available at the following places:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
Exporters Service Section, Office of Export Control, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230.
Field Offices of the Bureau of International Commerce, Department of Commerce.

(c) Revisions, amendments, revocations, deletions, recodifications, redesignations, and corrections will be issued in Export Control Bulletins, from time to time by the Office of Export Control and an historic file will be maintained by the Office of Export Control.

[F.R. Doc. 69-6416; Filed, June 2, 1969; 8:45 a.m.]

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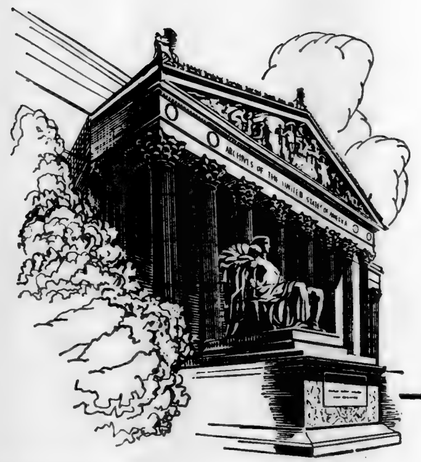

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 35, Amdt. 4]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. More grapefruit is affected by scarring than heretofore estimated. Such grapefruit is otherwise of good quality and is readily desired by consumers. This amendment relaxes the requirement as to such scarring so that more scarred grapefruit may be shipped.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an unassembled meeting on May 26, 1969, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such unassembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received on May 26, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.335 (Grapefruit Regulation 35; 33 F.R. 15295; 34 F.R. 810, 5907, 7283) the provisions of paragraph (a) (1) preceding (a) (1) (i) are amended to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period June 1, 1969, through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for grapefruit which fail to meet the requirements of such grade: *Provided further*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(*a*) 20 percent, by count, for defects caused by scarring, including therein not more than 5 percent, by count, for any of the following defects or any combination thereof:

(*1*) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface;

(*2*) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface; or

(*3*) Scars which are very deep; or scars which are very rough or very dark and aggregate more than 1 inch in diameter.

(*b*) 15 percent, by count, for serious damage caused by dryness or mushy condition, including therein not more than 5 percent, by count, for grapefruit having 40 percent or more of the pulp or edible portion of the grapefruit showing evidence of dryness or mushy condition; and

(*c*) 10 percent, by count, for defects other than scarring or serious damage caused by dryness or mushy condition, including therein not more than 5 percent, by count, for grapefruit having peel more than 1 inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 29, 1969, to become effective June 1, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6624; Filed, June 2, 1969; 11:23 a.m.]

[Avocado Reg. 17]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

§ 944.9 Avocado Regulation 17.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 9, 1969, through April 30, 1970, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 7, 1969; (ii) from July 7, 1969, through July 13, 1969, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{11}{16}$ inches in diameter; and (iii) from July 14, 1969, through July 28, 1969, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3\frac{7}{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 15, 1969; (ii) from September 15, 1969, through September 21, 1969, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 22, 1969, through October 5, 1969, unless the individual fruit in each such lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 11, 1969; (ii) from August 11, 1969,

through August 24, 1969, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3^{10}/_{16}$ inches in diameter; and (iii) from August 25, 1969, through September 7, 1969, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3^{7}/_{16}$ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties, and West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 7, 1969; (ii) from July 7, 1969, through July 13, 1969, unless the individual fruit in each lot of such avocados weights at least 18 ounces; (iii) from July 14, 1969, through August 3, 1969, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from August 4, 1969, through August 31, 1969, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (v) from September 1, 1969, through September 21, 1969, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 22, 1969; (ii) from September 22, 1969, through October 19, 1969, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 20, 1969, through December 21, 1969, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, Tex.	1 day.
	or	
	James L. Williams, Room 516 U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, Hunt's Point Market, Room 28A, Bronx, N.Y. 10474 (Phone—212-991-7665 and 7666).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Post Office Box 1646, Nogales, Ariz. 85621 (Phone—602-287-2962).	Do.
All Florida points.	Hubert S. Flynt, 775 Warner St., Post Office Box 6697, Orlando, Fla. 32803 (Phone—305-841-2141).	Do.
	or	
	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone—305-371-2517).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 294, Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-388-5870 and 4560).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipments; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this regulation are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (7 CFR 51.3050–51.3069). Importation means release from custody of the U.S. Bureau of Customs.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 11 which becomes effective June 9, 1969; (c) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: May 29, 1969, to become effective June 9, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6579; Filed, June 3, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1969 Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Wheat Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1968 and Subsequent Crops Wheat Loan and Purchase Program regulations (33 F.R. 7069 and 14399) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1969 crop of wheat as follows:

Sec.
1421.2115 Availability.
1421.2116 Compliance requirements.
1421.2117 Warehouse charges.
1421.2118 Maturity of loans.
1421.2119 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.2115 Availability.

A producer desiring a price support loan must request a loan on his eligible wheat on or before April 30, 1970, on wheat stored in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming, and on or before March 31 1970, on wheat stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1969 crop wheat he will sell to CCC, on or before May 31, 1970, for wheat stored in the States named in this section and on or before April 30, 1970, for wheat stored in all other States. To obtain a price support loan on his wheat or to sell his wheat to CCC, a producer must execute a Form CCC-680, 1969 Crop Wheat Varieties Certification.

[1]	[1]
Prior to June 25, 1969	16
June 25–July 14, 1969	15
July 15–Aug. 3, 1969	14
Aug. 4–Aug. 23, 1969	13
Aug. 24–Sept. 12, 1969	12
Sept. 13–Oct. 2, 1969	11
Oct. 3–Oct. 22, 1969	10
Oct. 23–Nov. 11, 1969	9
Nov. 12–Dec. 1, 1969	8
Dec. 2–Dec. 21, 1969	7
Dec. 22, 1969–Jan. 10, 1970	6
Jan. 11–Jan. 30, 1970	5
Jan. 31–Feb. 19, 1970	4
Feb. 20–Mar. 11, 1970	3
Mar. 12–Mar. 31, 1970	2
Apr. 1–Apr. 30, 1970	1

[1] Storage commence date, all dates inclusive.

[2] If producer presents evidence that elevation charges were prepaid, reduce storage deduction 2 cents per bushel.

§ 1421.2116 Compliance requirements.

A producer shall be eligible for a loan or purchase if he is eligible to receive wheat marketing certificates on wheat of the 1969 crop on the farm on which the wheat tendered for loan or purchase is produced under the Regulations Pertaining to Farm Acreage Allotments, Yields, and Wheat Certificate Program for the Crop Years 1968 Through 1969 issued as separate regulations under Part 728 of this Title 7 (see 33 F.R. 6508, Apr. 30, 1968 and amendments thereto).

§ 1421.2117 Warehouse charges.

Subject to the provisions of § 1421.2107, the schedules of deductions set forth in this section shall apply to wheat stored in an approved warehouse operating under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)	Maturity date of May 31, 1970
[1]	[1]	[1]
Prior to May 16, 1969	13	Prior to June 16, 1969.
May 16–June 12, 1969	12	June 16–July 13, 1969.
June 13–July 10, 1969	11	July 14–Aug. 10, 1969.
July 11–Aug. 7, 1969	10	Aug. 11–Sept. 7, 1969.
Aug. 8–Sept. 4, 1969	9	Sept. 8–Oct. 5, 1969.
Sept. 5–Oct. 2, 1969	8	Oct. 6–Nov. 2, 1969.
Oct. 3–Oct. 30, 1969	7	Nov. 3–Nov. 30, 1969.
Oct. 31–Nov. 27, 1969	6	Dec. 1–Dec. 28, 1969.
Nov. 28–Dec. 25, 1969	5	Dec. 29, 1969–Jan. 25, 1970.
Dec. 26, 1969–Jan. 22, 1970	4	Jan. 26–Feb. 22, 1970.
Jan. 23–Feb. 19, 1970	3	Feb. 23–Mar. 22, 1970.
Feb. 20–Mar. 19, 1970	2	Mar. 23–Apr. 19, 1970.
Mar. 20–Apr. 30, 1970	1	Apr. 20–May 31, 1970.

[1] Date storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible wheat stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC: Pennsylvania Railroad Co., Canton Elevator—Warehouse Code 9–2151, Baltimore, Md.

(2) *Schedule of deductions for storage charges.*

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)
[1]	[1]
Prior to June 25, 1969	16
June 25–July 14, 1969	15
July 15–Aug. 3, 1969	14
Aug. 4–Aug. 23, 1969	13
Aug. 24–Sept. 12, 1969	12
Sept. 13–Oct. 2, 1969	11
Oct. 3–Oct. 22, 1969	10
Oct. 23–Nov. 11, 1969	9
Nov. 12–Dec. 1, 1969	8
Dec. 2–Dec. 21, 1969	7
Dec. 22, 1969–Jan. 10, 1970	6
Jan. 11–Jan. 30, 1970	5
Jan. 31–Feb. 19, 1970	4
Feb. 20–Mar. 11, 1970	3
Mar. 12–Mar. 31, 1970	2
Apr. 1–Apr. 30, 1970	1

[1] Storage commence date, all dates inclusive.

[2] If producer presents evidence that elevation charges were prepaid, reduce storage deduction 2 cents per bushel.

§ 1421.2118 Maturity of loans.

Loans mature on demand but not later than: May 31, 1970, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1970, on wheat stored in all other States.

§ 1421.2119 Support rates, premiums and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loans and settlement purposes for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Astoria, Oreg	$1.45
Portland, Oreg	1.45
Kalama, Wash	1.45
Longview, Wash	1.45
Seattle, Wash	1.45
Tacoma, Wash	1.45
Vancouver, Wash	1.45
Long Beach, Calif	1.54
Los Angeles, Calif	1.54
Oakland, Calif	1.54
San Francisco, Calif	1.54
Stockton, Calif	1.54
Wilmington, Calif	1.54
Louisville, Ky	1.45
Memphis, Tenn	1.45
Atchison, Kans	1.45
Council Bluffs, Iowa	1.45
Kansas City, Kans	1.45
Kansas City, Mo	1.45
St. Joseph, Mo	1.45
Omaha, Nebr	1.45
Sioux City, Iowa	1.45
Cairo, Ill	1.46
Chicago, Ill	1.46
East St. Louis, Ill	1.46
Milwaukee, Wis	1.46
St. Louis, Mo	1.46
Duluth, Minn	1.57
Minneapolis, Minn	1.57
St. Paul, Minn	1.57
Superior, Wis	1.57
Albany, N.Y	1.60
Baltimore, Md	1.60
Charleston, S.C	1.60
Norfolk, Va	1.60
Philadelphia, Pa	1.60
New York, N.Y	1.60
Corpus Christi, Tex	1.70
Galveston, Tex	1.70
Houston, Tex	1.70
Beaumont, Tex	1.70
Port Arthur, Tex	1.70
New Orleans, La	1.70
Baton Rouge, La	1.70

(b) *Basic support rates (counties).* Basic county support rates per bushel for loan and settlement purposes for farm-stored and country warehouse-stored wheat are established for wheat grading No. 1 and are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.30

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.93	Mohave	$1.15
Cochise	1.25	Navajo	.93
Coconino	.93	Pima	1.28
Gila	.93	Pinal	1.31
Graham	1.15	Santa Cruz	1.26
Greenlee	.93	Yavapai	.99
Maricopa	1.31	Yuma	1.33

ARKANSAS

Arkansas	$1.37	Carroll	$1.20
Ashley	1.35	Chicot	1.36
Baxter	1.25	Clark	1.32
Benton	1.20	Clay	1.37
Boone	1.23	Cleburne	1.37
Bradley	1.34	Cleveland	1.36
Calhoun	1.33	Columbia	1.36

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Conway	$1.34	Miller	$1.36
Craighead	1.39	Mississippi	1.40
Crawford	1.21	Monroe	1.39
Crittenden	1.42	Montgomery	1.25
Cross	1.41	Nevada	1.34
Dallas	1.32	Newton	1.23
Desha	1.37	Ouachita	1.34
Drew	1.35	Perry	1.26
Faulkner	1.35	Phillips	1.39
Franklin	1.22	Pike	1.26
Fulton	1.31	Poinsett	1.41
Garland	1.29	Polk	1.25
Grant	1.31	Pope	1.25
Greene	1.38	Prairie	1.38
Hempstead	1.35	Pulaski	1.36
Hot Spring	1.30	Randolph	1.38
Howard	1.27	St. Francis	1.41
Independence	1.33	Saline	1.30
Izard	1.27	Scott	1.25
Jackson	1.37	Searcy	1.25
Jefferson	1.36	Sebastian	1.24
Johnson	1.25	Sevier	1.27
Lafayette	1.36	Sharp	1.31
Lawrence	1.38	Stone	1.29
Lee	1.40	Union	1.36
Lincoln	1.35	Van Buren	1.34
Little River	1.35	Washington	1.21
Logan	1.21	White	1.38
Lonoke	1.37	Woodruff	1.39
Madison	1.21	Yell	1.25
Marion	1.25		

CALIFORNIA

Alameda	$1.40	Plumas	$1.28
Alpine	1.28	Riverside	1.35
Amador	1.40	Sacramento	1.39
Butte	1.37	San Benito	1.37
Calaveras	1.40	San Bernardino	1.37
Colusa	1.38	San Diego	1.33
Contra Costa	1.40	San Joaquin	1.42
El Dorado	1.36	San Luis Obispo	1.34
Fresno	1.38	San Mateo	1.40
Glenn	1.37	Santa Barbara	1.33
Humboldt	1.22	Santa Clara	1.39
Imperial	1.35	Santa Cruz	1.36
Inyo	1.22	Shasta	1.26
Kern	1.36	Sierra	1.19
Kings	1.38	Siskiyou	1.36
Lake	1.34	Solano	1.39
Lassen	1.20	Sonoma	1.38
Los Angeles	1.38	Stanislaus	1.41
Madera	1.40	Sutter	1.38
Marin	1.40	Tehama	1.32
Mariposa	1.40	Tulare	1.37
Mendocino	1.29	Tuolumne	1.40
Merced	1.40	Ventura	1.38
Modoc	1.25	Yolo	1.39
Monterey	1.36	Yuba	1.38
Napa	1.39		
Orange	1.38		
Placer	1.38		

COLORADO

Adams	$1.10	Grand	$.94
Alamosa	.94	Huerfano	1.05
Arapahoe	1.10	Jackson	.96
Archuleta	.93	Jefferson	1.10
Baca	1.13	Kiowa	1.12
Bent	1.11	Kit Carson	1.13
Boulder	1.10	La Plata	.93
Chaffee	.92	Larimer	1.10
Cheyenne	1.13	Las Animas	1.10
Conejos	.92	Lincoln	1.10
Costilla	.94	Logan	1.11
Crowley	1.10	Mesa	.92
Custer	1.01	Moffat	.94
Delta	.91	Montezuma	.93
Denver	1.10	Montrose	.91
Dolores	.93	Morgan	1.10
Douglas	1.10	Otero	1.10
Eagle	.92	Ouray	.91
Elbert	1.10	Phillips	1.18
El Paso	1.10	Pitkin	.92
Fremont	1.04	Prowers	1.13
Garfield	.92	Pueblo	1.10

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Rio Blanco	$.93	Summit	$.92
Rio Grande	.92	Teller	1.10
Routt	.94	Washington	1.10
Saguache	.92	Weld	1.10
San Miguel	.91	Yuma	1.12
Sedgwick	1.13		

CONNECTICUT

County	Rate per bushel
All counties	$1.41

DELAWARE

Kent	$1.41
New Castle	1.41
Sussex	1.40

FLORIDA

All counties	$1.32

GEORGIA

All counties	$1.32

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.15	Gem	$1.15
Adams	1.15	Gooding	1.17
Bannock	1.16	Idaho	1.22
Bear Lake	1.13	Jefferson	1.13
Benewah	1.24	Jerome	1.18
Bingham	1.14	Kootenai	1.23
Blaine	1.16	Latah	1.24
Boise	1.15	Lemhi	1.13
Bonner	1.19	Lewis	1.22
Bonneville	1.13	Lincoln	1.18
Boundary	1.16	Madison	1.12
Butte	1.14	Minidoka	1.18
Camas	1.15	Nez Perce	1.24
Canyon	1.15	Oneida	1.17
Caribou	1.15	Owyhee	1.15
Cassia	1.18	Payette	1.15
Clark	1.11	Power	1.16
Clearwater	1.22	Shoshone	1.08
Custer	1.14	Teton	1.10
Elmore	1.15	Twin Falls	1.20
Franklin	1.17	Valley	1.14
Fremont	1.11	Washington	1.15

ILLINOIS

Adams	$1.26	Henry	$1.28
Alexander	1.28	Iroquois	1.30
Bond	1.31	Jackson	1.30
Boone	1.32	Jasper	1.28
Brown	1.26	Jefferson	1.31
Bureau	1.31	Jersey	1.32
Calhoun	1.31	Jo Daviess	1.28
Carroll	1.29	Johnson	1.19
Cass	1.23	Kane	1.32
Champaign	1.28	Kankakee	1.31
Christian	1.28	Kendall	1.32
Clark	1.25	Knox	1.28
Clay	1.22	Lake	1.31
Clinton	1.29	La Salle	1.31
Coles	1.26	Lawrence	1.20
Cook	1.32	Lee	1.31
Crawford	1.25	Livingston	1.30
Cumberland	1.28	Logan	1.26
De Kalb	1.32	McDonough	1.24
De Witt	1.26	McHenry	1.32
Douglas	1.26	McLean	1.27
Du Page	1.32	Macon	1.28
Edgar	1.23	Macoupin	1.32
Edwards	1.27	Madison	1.32
Effingham	1.28	Marion	1.31
Fayette	1.31	Marshall	1.30
Ford	1.29	Mason	1.25
Franklin	1.30	Massac	1.23
Fulton	1.28	Menard	1.25
Gallatin	1.20	Mercer	1.28
Greene	1.32	Monroe	1.31
Grundy	1.32	Montgomery	1.32
Hamilton	1.27	Morgan	1.28
Hancock	1.24	Moultrie	1.27
Hardin	1.17	Ogle	1.31
Henderson	1.27	Peoria	1.28

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Perry	$1.32	Stark	$1.29
Piatt	1.27	Stephenson	1.31
Pike	1.26	Tazewell	1.26
Pope	1.21	Union	1.29
Pulaski	1.27	Vermilion	1.28
Putnam	1.28	Wabash	1.24
Randolph	1.31	Warren	1.28
Richland	1.26	Washington	1.31
Rock Island	1.29	Wayne	1.26
St. Clair	1.30	White	1.23
Saline	1.20	Whiteside	1.31
Sangamon	1.28	Will	1.32
Schuyler	1.26	Williamson	1.29
Scott	1.30	Winnebago	1.31
Shelby	1.29	Woodford	1.28

INDIANA

Adams	$1.18	Madison	$1.19
Allen	1.19	Marion	1.20
Bartholomew	1.24	Marshall	1.29
Benton	1.25	Martin	1.17
Blackford	1.20	Miami	1.23
Boone	1.19	Monroe	1.26
Brown	1.20	Montgomery	1.19
Carroll	1.24	Morgan	1.17
Cass	1.24	Newton	1.31
Clark	1.28	Noble	1.18
Clay	1.22	Ohio	1.20
Clinton	1.22	Orange	1.27
Crawford	1.28	Owen	1.17
Daviess	1.16	Parke	1.19
Dearborn	1.20	Perry	1.28
Delaware	1.18	Pike	1.22
Dubois	1.28	Porter	1.31
Elkhart	1.24	Posey	1.23
Fayette	1.20	Pulaski	1.31
Floyd	1.28	Putnam	1.19
Fountain	1.18	Randolph	1.18
Franklin	1.20	Ripley	1.21
Fulton	1.29	Rush	1.20
Gibson	1.24	St. Joseph	1.29
Grant	1.19	Scott	1.25
Greene	1.17	Shelby	1.20
Hamilton	1.19	Spencer	1.28
Hancock	1.20	Starke	1.30
Harrison	1.28	Steuben	1.19
Hendricks	1.20	Sullivan	1.23
Henry	1.20	Switzerland	1.21
Howard	1.21	Tippecanoe	1.22
Huntington	1.18	Tipton	1.19
Jackson	1.24	Union	1.20
Jasper	1.29	Vanderburgh	1.28
Jay	1.18	Vermillion	1.29
Jefferson	1.22	Vigo	1.29
Jennings	1.22	Wabash	1.21
Johnson	1.21	Warren	1.24
Knox	1.20	Warrick	1.27
Kosciusko	1.23	Washington	1.26
Lawrence	1.24	Wayne	1.20
Lake	1.31	Wells	1.17
La Porte	1.30	White	1.30
Lawrence	1.24	Whitley	1.20

IOWA

Adair	$1.27	Clinton	$1.25
Adams	1.31	Crawford	1.28
Allamakee	1.31	Dallas	1.28
Appanoose	1.23	Davis	1.23
Audubon	1.25	Decatur	1.25
Benton	1.29	Delaware	1.29
Black Hawk	1.30	Des Moines	1.24
Boone	1.28	Dickinson	1.31
Bremer	1.31	Dubuque	1.28
Buchanan	1.29	Emmet	1.33
Buena Vista	1.30	Fayette	1.30
Butler	1.31	Floyd	1.32
Calhoun	1.29	Franklin	1.31
Carroll	1.28	Fremont	1.31
Cass	1.27	Greene	1.28
Cedar	1.28	Grundy	1.30
Cerro Gordo	1.32	Guthrie	1.28
Cherokee	1.28	Hamilton	1.30
Chickasaw	1.31	Hancock	1.32
Clarke	1.27	Hardin	1.30
Clay	1.31	Harrison	1.27
Clayton	1.29	Henry	1.24

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Howard	$1.32	Page	$1.31
Humboldt	1.30	Palo Alto	1.31
Ida	1.27	Plymouth	1.31
Iowa	1.28	Pocahontas	1.30
Jackson	1.26	Polk	1.28
Jasper	1.28	Pottawattamie	1.29
Jefferson	1.24	Poweshiek	1.28
Johnson	1.28	Ringgold	1.26
Jones	1.29	Sac	1.29
Keokuk	1.25	Scott	1.25
Kossuth	1.32	Shelby	1.26
Lee	1.23	Sioux	1.32
Linn	1.29	Story	1.29
Louisa	1.25	Tama	1.29
Lucas	1.24	Taylor	1.28
Lyon	1.30	Union	1.30
Madison	1.26	Van Buren	1.23
Mahaska	1.26	Wapello	1.24
Marion	1.26	Warren	1.27
Marshall	1.29	Washington	1.25
Mills	1.31	Wayne	1.23
Mitchell	1.33	Webster	1.30
Monona	1.28	Winnebago	1.33
Monroe	1.24	Winneshiek	1.31
Montgomery	1.31	Woodbury	1.28
Muscatine	1.27	Worth	1.33
O'Brien	1.30	Wright	1.31
Osceola	1.31		

KANSAS

Allen	$1.28	Linn	$1.31
Anderson	1.30	Logan	1.17
Atchinson	1.31	Lyon	1.27
Barber	1.22	McPherson	1.22
Barton	1.20	Marion	1.23
Bourbon	1.29	Marshall	1.27
Brown	1.31	Meade	1.16
Butler	1.23	Miami	1.31
Chase	1.25	Mitchell	1.23
Chautauqua	1.25	Montgomery	1.27
Cherokee	1.27	Morris	1.25
Cheyenne	1.15	Morton	1.20
Clark	1.17	Nemaha	1.28
Clay	1.24	Neosho	1.28
Cloud	1.24	Ness	1.20
Coffey	1.28	Norton	1.20
Comanche	1.19	Osage	1.28
Cowley	1.25	Osborne	1.22
Crawford	1.28	Ottawa	1.23
Decatur	1.19	Pawnee	1.20
Dickinson	1.23	Phillips	1.20
Doniphan	1.31	Pottawatomie	1.28
Douglas	1.31	Pratt	1.20
Edwards	1.20	Rawlins	1.16
Elk	1.25	Reno	1.22
Ellis	1.20	Republic	1.24
Ellsworth	1.22	Rice	1.22
Finney	1.16	Riley	1.27
Ford	1.19	Rooks	1.21
Franklin	1.31	Rush	1.20
Geary	1.25	Russell	1.21
Gove	1.19	Saline	1.23
Graham	1.20	Scott	1.17
Grant	1.15	Sedgwick	1.23
Gray	1.17	Seward	1.21
Greeley	1.15	Shawnee	1.29
Greenwood	1.26	Sheridan	1.19
Hamilton	1.15	Sherman	1.15
Harper	1.23	Smith	1.22
Harvey	1.23	Stafford	1.20
Haskell	1.16	Stanton	1.14
Hodgeman	1.20	Stevens	1.17
Jackson	1.30	Sumner	1.24
Jefferson	1.31	Thomas	1.17
Jewell	1.23	Trego	1.20
Johnson	1.31	Wabaunsee	1.27
Kearny	1.15	Wallace	1.15
Kingman	1.22	Washington	1.25
Kiowa	1.20	Wichita	1.16
Labette	1.27	Wilson	1.27
Lane	1.19	Woodson	1.28
Leavenworth	1.31	Wyandotte	1.31
Lincoln	1.22		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.28	Kenton	$1.28
Allen	1.27	Knox	1.28
Anderson	1.29	Larue	1.28
Ballard	1.25	Laurel	1.29
Barren	1.27	Lawrence	1.29
Bath	1.29	Lee	1.29
Bell	1.28	Lewis	1.30
Boone	1.28	Lincoln	1.30
Bourbon	1.30	Livingston	1.25
Boyd	1.30	Logan	1.26
Boyle	1.30	Lyon	1.26
Bracken	1.29	McCracken	1.25
Breathitt	1.28	McCreary	1.28
Breckenridge	1.26	McLean	1.25
Bullitt	1.28	Madison	1.30
Butler	1.26	Magoffin	1.28
Caldwell	1.26	Marion	1.29
Calloway	1.25	Marshall	1.25
Campbell	1.28	Mason	1.29
Carlisle	1.25	Meade	1.26
Carroll	1.28	Menifee	1.28
Carter	1.29	Mercer	1.30
Casey	1.29	Metcalfe	1.27
Christian	1.26	Monroe	1.28
Clark	1.30	Montgomery	1.29
Clay	1.28	Morgan	1.28
Clinton	1.29	Muhlenberg	1.26
Crittenden	1.25	Nelson	1.29
Cumberland	1.28	Nicholas	1.29
Daviess	1.25	Ohio	1.26
Edmonson	1.26	Oldham	1.28
Elliott	1.29	Owen	1.29
Estill	1.29	Owsley	1.28
Fayette	1.30	Pendleton	1.29
Fleming	1.29	Powell	1.29
Franklin	1.29	Pulaski	1.30
Fulton	1.25	Robertson	1.29
Gallatin	1.28	Rockcastle	1.30
Garrard	1.30	Rowan	1.30
Grant	1.29	Russell	1.28
Graves	1.25	Scott	1.29
Grayson	1.27	Shelby	1.28
Green	1.29	Simpson	1.27
Greenup	1.30	Spencer	1.28
Hancock	1.26	Taylor	1.29
Hardin	1.27	Todd	1.26
Harrison	1.29	Trigg	1.26
Hart	1.27	Trimble	1.28
Henderson	1.25	Union	1.25
Henry	1.28	Warren	1.26
Hickman	1.25	Washington	1.30
Hopkins	1.26	Wayne	1.29
Jackson	1.28	Webster	1.25
Jefferson	1.28	Whitley	1.28
Jessamine	1.30	Wolfe	1.28
Johnson	1.28	Woodford	1.30

LOUISIANA

County	Rate per bushel
All counties	$1.35

MAINE

All counties	$1.32

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$1.31	Howard	$1.44
Anne Arundel	1.40	Kent	1.41
Baltimore	1.40	Montgomery	1.39
Calvert	1.39	Prince Georges	1.39
Caroline	1.41	Queen Annes	1.41
Carroll	1.40	St. Marys	1.39
Cecil	1.40	Somerset	1.39
Charles	1.39	Talbot	1.41
Dorchester	1.40	Washington	1.36
Frederick	1.39	Wicomico	1.40
Garrett	1.30	Worcester	1.39
Harford	1.41		

MASSACHUSETTS

All counties	$1.35

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.10	Keweenaw	$1.24
Alger	1.21	Lake	1.14
Allegan	1.16	Lapeer	1.15
Alpena	1.09	Leelanau	1.12
Antrim	1.11	Lenawee	1.20
Arenac	1.12	Livingston	1.16
Baraga	1.27	Luce	1.06
Barry	1.16	Mackinac	1.05
Bay	1.13	Macomb	1.19
Benzie	1.14	Mainstee	1.14
Berrien	1.27	Marquette	1.23
Branch	1.20	Mason	1.14
Calhoun	1.21	Mecosta	1.14
Cass	1.21	Menominee	1.21
Charlevoix	1.10	Midland	1.14
Cheboyan	1.09	Missaukee	1.14
Chippewa	1.06	Monroe	1.20
Clare	1.14	Moncalm	1.14
Clinton	1.15	Monmorency	1.10
Crawford	1.11	Muskegon	1.15
Delta	1.21	Newaygo	1.14
Dickinson	1.22	Oakland	1.17
Eaton	1.16	Oceana	1.14
Emmet	1.09	Ogemaw	1.12
Genesee	1.15	Ontonagon	1.22
Gladwin	1.13	Osceola	1.14
Gogebic	1.30	Oscoda	1.11
Grand Traverse	1.12	Otsego	1.10
Gratiot	1.15	Ottawa	1.16
Hillsdale	1.20	Presque Isle	1.08
Houghton	1.24	Roscommon	1.13
Huron	1.15	Saginaw	1.15
Ingham	1.16	St. Clair	1.18
Ionia	1.15	St. Joseph	1.20
Iosco	1.11	Sanilac	1.15
Iron	1.22	Schoolcraft	1.21
Isabella	1.14	Shiawassee	1.15
Jackson	1.21	Tuscola	1.15
Kalamazoo	1.20	Van Buren	1.18
Kalkaska	1.12	Washtenaw	1.18
Kent	1.15	Wayne	1.18
		Wexford	1.14

MINNESOTA

Aitkin	$1.44	Lincoln	$1.38
Anoka	1.43	Lyon	1.40
Becker	1.37	McLeod	1.43
Beltrami	1.39	Mahnomen	1.36
Benton	1.43	Marshall	1.33
Big Stone	1.39	Martin	1.41
Blue Earth	1.43	Meeker	1.43
Brown	1.43	Mille Lacs	1.43
Carlton	1.44	Morrison	1.42
Carver	1.43	Mower	1.43
Cass	1.41	Murray	1.39
Chippewa	1.42	Nicollet	1.43
Chisago	1.43	Nobles	1.36
Clay	1.35	Norman	1.34
Clearwater	1.38	Olmstead	1.43
Cottonwood	1.41	Otter Tail	1.39
Crow Wing	1.43	Pennington	1.34
Dakota	1.43	Pine	1.43
Dodge	1.43	Pipestone	1.36
Douglas	1.41	Polk	1.35
Faribault	1.42	Pope	1.41
Fillmore	1.40	Ramsey	1.43
Freeborn	1.43	Red Lake	1.36
Goodhue	1.43	Redwood	1.42
Grant	1.39	Renville	1.43
Hennepin	1.43	Rice	1.43
Houston	1.38	Rock	1.34
Hubbard	1.38	Roseau	1.31
Isanti	1.43	St. Louis	1.37
Itasca	1.44	Scott	1.43
Jackson	1.40	Sherburne	1.43
Kanabec	1.43	Sibley	1.43
Kandiyohi	1.43	Stearns	1.43
Kittson	1.30	Steele	1.43
Koochiching	1.36	Stevens	1.40
Lac qui Parle	1.40	Swift	1.42
Lake of the Woods	1.34	Todd	1.41
Le Sueur	1.43	Traverse	1.38
		Wabasha	1.43
		Wadena	1.40

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Waseca	$1.43	Winona	$1.43
Washington	1.43	Wright	1.43
Watonwan	1.42	Yellow Medicine	1.41
Wilkin	1.37		

MISSISSIPPI

County	Rate per bushel
All counties	$1.27

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.24	Linn	$1.29
Andrew	1.31	Livingston	1.30
Atchison	1.31	McDonald	1.26
Audrain	1.30	Macon	1.27
Barry	1.26	Madison	1.29
Barton	1.28	Maries	1.31
Bates	1.31	Marion	1.26
Benton	1.29	Mercer	1.28
Bollinger	1.31	Miller	1.28
Boone	1.28	Mississippi	1.35
Buchanan	1.31	Moniteau	1.26
Butler	1.36	Monroe	1.27
Caldwell	1.31	Montgomery	1.32
Callaway	1.29	Morgan	1.26
Camden	1.25	New Madrid	1.36
Cape Girardeau	1.34	Newton	1.26
Carroll	1.31	Nodaway	1.31
Carter	1.30	Oregon	1.29
Cass	1.31	Osage	1.30
Cedar	1.30	Ozark	1.24
Chariton	1.30	Pemiscot	1.37
Christian	1.26	Perry	1.29
Clark	1.25	Pettis	1.29
Clay	1.31	Phelps	1.28
Clinton	1.31	Pike	1.31
Cole	1.29	Platte	1.31
Cooper	1.27	Polk	1.27
Crawford	1.29	Pulaski	1.26
Dade	1.27	Putnam	1.26
Dallas	1.25	Ralls	1.27
Daviess	1.30	Randolph	1.28
De Kalb	1.31	Ray	1.31
Dent	1.27	Reynolds	1.27
Douglas	1.23	Ripley	1.34
Dunklin	1.37	St. Charles	1.33
Franklin	1.33	St. Clair	1.30
Gasconade	1.31	St. Genevieve	1.30
Gentry	1.31	St. Francois	1.30
Greene	1.26	St. Louis	1.33
Grundy	1.29	Saline	1.30
Harrison	1.29	Schuyler	1.24
Henry	1.31	Scotland	1.25
Hickory	1.28	Scott	1.35
Holt	1.31	Shannon	1.27
Howard	1.28	Shelby	1.26
Howell	1.26	Stoddard	1.35
Iron	1.29	Stone	1.25
Jackson	1.31	Sullivan	1.28
Jasper	1.28	Taney	1.24
Jefferson	1.32	Texas	1.23
Johnson	1.31	Vernon	1.30
Knox	1.25	Warren	1.33
Laclede	1.24	Washington	1.30
Lafayette	1.31	Wayne	1.31
Lawrence	1.26	Webster	1.24
Lewis	1.25	Worth	1.31
Lincoln	1.33	Wright	1.23

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.09	Fergus	$1.07
Big Horn	1.07	Flathead	1.10
Blaine	1.07	Gallatin	1.06
Broadwater	1.04	Garfield	1.08
Carbon	1.07	Glacier	1.07
Carter	1.14	Golden Valley	1.07
Cascade	1.07	Granite	1.04
Chouteau	1.07	Hill	1.07
Custer	1.10	Jefferson	1.04
Daniels	1.08	Judith Basin	1.07
Dawson	1.12	Lake	1.04
Deer Lodge	1.06		
Fallon	1.14		

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Lewis and Clark	$1.07	Prairie	$1.11
Liberty	1.07	Ravalli	1.04
Lincoln	1.10	Richland	1.10
McCone	1.10	Roosevelt	1.08
Madison	1.06	Rosebud	1.07
Meagher	1.07	Sanders	1.08
Mineral	1.10	Sheridan	1.11
Missoula	1.08	Silver Bow	1.06
Musselshell	1.07	Stillwater	1.07
Park	1.04	Sweet Grass	1.07
Petroleum	1.07	Teton	1.07
Phillips	1.07	Toole	1.07
Pondera	1.07	Treasure	1.07
Powder River	1.08	Valley	1.07
Powell	1.06	Wheatland	1.07
		Wibaux	1.14
		Yellowstone	1.07

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.25	Jefferson	$1.28
Antelope	1.28	Johnson	1.29
Arthur	1.15	Kearney	1.24
Banner	1.11	Keith	1.15
Blaine	1.20	Keya Paha	1.22
Boone	1.28	Kimball	1.10
Box Butte	1.15	Knox	1.28
Boyd	1.26	Lancaster	1.31
Brown	1.21	Lincoln	1.19
Buffalo	1.25	Logan	1.20
Burt	1.31	Loup	1.24
Butler	1.31	McPherson	1.20
Cass	1.31	Madison	1.29
Cedar	1.27	Merrick	1.28
Chase	1.16	Morrill	1.13
Cherry	1.19	Nance	1.28
Cheyenne	1.11	Nemaha	1.30
Clay	1.26	Nuckolls	1.26
Colfax	1.31	Otoe	1.31
Cuming	1.31	Pawnee	1.23
Custer	1.23	Perkins	1.16
Dakota	1.28	Phelps	1.23
Dawes	1.14	Pierce	1.29
Dawson	1.23	Platte	1.30
Deuel	1.14	Polk	1.29
Dixon	1.28	Red Willow	1.20
Dodge	1.31	Richardson	1.28
Douglas	1.31	Rock	1.22
Dundy	1.16	Saline	1.30
Fillmore	1.28	Sarpy	1.31
Franklin	1.23	Saunders	1.31
Frontier	1.20	Scotts Bluff	1.12
Furnas	1.21	Seward	1.31
Gage	1.29	Sheridan	1.16
Garden	1.15	Sherman	1.25
Garfield	1.24	Sioux	1.13
Gosper	1.22	Stanton	1.31
Grant	1.16	Thayer	1.27
Greeley	1.26	Thomas	1.20
Hall	1.26	Thurston	1.29
Hamilton	1.27	Valley	1.24
Harlan	1.22	Washington	1.31
Hayes	1.16	Wayne	1.27
Hitchcock	1.18	Webster	1.24
Holt	1.25	Wheeler	1.28
Hooker	1.18	York	1.29
Howard	1.26		

NEVADA

All counties	$1.20

NEW HAMPSHIRE

All counties	$1.34

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Atlantic	$1.39	Middlesex	$1.40
Bergen	1.40	Monmouth	1.39
Burlington	1.40	Morris	1.40
Camden	1.42	Ocean	1.39
Cape May	1.37	Passaic	1.40
Cumberland	1.40	Salem	1.41
Essex	1.40	Somerset	1.39
Gloucester	1.41	Sussex	1.40
Hunterdon	1.39	Union	1.40
Mercer	1.40	Warren	1.38

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.14	Mora	$1.14
Catron	1.01	Otero	1.17
Chaves	1.21	Quay	1.25
Colfax	1.13	Rio Arriba	.93
Curry	1.26	Roosevelt	1.25
De Baca	1.20	Sandoval	1.14
Dona Ana	1.14	San Juan	.93
Eddy	1.20	San Miguel	1.14
Grant	.97	Santa Fe	1.15
Guadalupe	1.19	Sierra	1.14
Harding	1.23	Socorro	1.14
Hidalgo	1.10	Taos	.94
Lea	1.23	Torrance	1.16
Lincoln	1.17	Union	1.22
Luna	1.10	Valencia	1.06
McKinley	.93		

NEW YORK

County	Rate per bushel	County	Rate per bushel
Albany	$1.42	Oneida	$1.37
Allegany	1.35	Onondaga	1.35
Broome	1.35	Ontario	1.35
Cattaraugus	1.30	Orange	1.38
Cayuga	1.35	Orleans	1.35
Chautauqua	1.25	Oswego	1.35
Chemung	1.35	Otsego	1.37
Chenango	1.35	Putnam	1.38
Clinton	1.31	Rensselaer	1.41
Columbia	1.40	Rockland	1.37
Cortland	1.35	St. Lawrence	1.30
Delaware	1.36	Saratoga	1.40
Dutchess	1.39	Schenectady	1.41
Erie	1.32	Schoharie	1.40
Essex	1.35	Schuyler	1.35
Franklin	1.28	Seneca	1.35
Fulton	1.36	Steuben	1.35
Genessee	1.35	Suffolk	1.37
Greene	1.40	Sullivan	1.32
Herkimer	1.38	Tioga	1.35
Jefferson	1.31	Tompkins	1.35
Lewis	1.33	Ulster	1.38
Livingston	1.35	Warren	1.39
Madison	1.35	Washington	1.39
Monroe	1.35	Wayne	1.35
Montgomery	1.41	Westchester	1.40
Nassau	1.37	Wyoming	1.34
Niagara	1.35	Yates	1.35

NORTH CAROLINA

All counties	$1.34

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	McLean	$1.19
Barnes	1.30	Mercer	1.19
Benson	1.22	Morton	1.22
Billings	1.18	Mountrail	1.15
Bottineau	1.16	Nelson	1.27
Bowman	1.19	Oliver	1.20
Burke	1.15	Pembina	1.28
Burleigh	1.23	Pierce	1.20
Cass	1.32	Ramsey	1.24
Cavalier	1.23	Ransom	1.32
Dickey	1.31	Renville	1.15
Divide	1.13	Richland	1.36
Dunn	1.18	Rolette	1.19
Eddy	1.25	Sargent	1.34
Emmons	1.25	Sheridan	1.21
Foster	1.26	Sioux	1.22
Golden Valley	1.15	Slope	1.20
Grand Forks	1.31	Stark	1.20
Grant	1.21	Steele	1.30
Griggs	1.29	Stutsman	1.27
Hettinger	1.20	Towner	1.20
Kidder	1.24	Traill	1.31
La Moure	1.28	Walsh	1.29
Logan	1.26	Ward	1.16
McHenry	1.18	Wells	1.24
McIntosh	1.26	Williams	1.14
McKenzie	1.12		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.18	Athens	$1.20
Allen	1.22	Auglaize	1.21
Ashland	1.22	Belmont	1.21
Ashtabula	1.24	Brown	1.18

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Butler	$1.18	Madison	$1.19
Carroll	1.21	Mahoning	1.24
Champaign	1.19	Marion	1.20
Clark	1.18	Medina	1.21
Clermont	1.18	Meigs	1.18
Clinton	1.18	Mercer	1.21
Columbiana	1.22	Miami	1.19
Coshocton	1.21	Monroe	1.21
Crawford	1.23	Montgomery	1.18
Cuyahoga	1.21	Morgan	1.21
Darke	1.20	Morrow	1.21
Defiance	1.22	Muskingum	1.21
Delaware	1.20	Noble	1.21
Erie	1.23	Ottawa	1.24
Fairfield	1.20	Paulding	1.22
Fayette	1.18	Perry	1.20
Franklin	1.20	Pickaway	1.19
Fulton	1.22	Pike	1.18
Gallia	1.18	Portage	1.21
Geauga	1.24	Preble	1.18
Greene	1.18	Putnam	1.23
Guernsey	1.21	Richland	1.22
Hamilton	1.18	Ross	1.19
Hancock	1.24	Sandusky	1.24
Hardin	1.22	Scioto	1.18
Harrison	1.21	Seneca	1.23
Henry	1.22	Shelby	1.21
Highland	1.18	Stark	1.21
Hocking	1.20	Summit	1.21
Holmes	1.21	Trumbull	1.24
Huron	1.23	Tuscarawas	1.21
Jackson	1.16	Union	1.20
Jefferson	1.23	Van Wert	1.22
Knox	1.21	Vinton	1.20
Lake	1.23	Warren	1.18
Lawrence	1.18	Washington	1.21
Licking	1.20	Wayne	1.21
Logan	1.20	Williams	1.22
Lorain	1.22	Wood	1.24
Lucas	1.23	Wyandot	1.23

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	1.26	Le Flore	$1.26
Alfalfa	1.25	Lincoln	1.26
Atoka	1.26	Logan	1.26
Beaver	1.23	Love	1.26
Beckham	1.26	McClain	1.26
Blaine	1.26	McCurtain	1.26
Bryan	1.26	McIntosh	1.26
Caddo	1.26	Major	1.26
Canadian	1.26	Marshall	1.26
Carter	1.26	Mayes	1.25
Cherokee	1.26	Murray	1.26
Choctaw	1.26	Muskogee	1.26
Cimarron	1.21	Noble	1.26
Cleveland	1.26	Nowata	1.27
Coal	1.26	Okfuskee	1.26
Comanche	1.26	Oklahoma	1.26
Cotton	1.26	Okmulgee	1.26
Craig	1.27	Osage	1.25
Creek	1.26	Ottawa	1.26
Custer	1.26	Pawnee	1.26
Delaware	1.26	Payne	1.26
Dewey	1.26	Pittsburg	1.26
Ellis	1.24	Pontotoc	1.26
Garfield	1.26	Pottawatomie	1.26
Garvin	1.26	Pushmataha	1.26
Grady	1.26	Roger Mills	1.25
Grant	1.25	Rogers	1.25
Greer	1.26	Seminole	1.26
Harmon	1.26	Sequoyah	1.26
Harper	1.24	Stephens	1.26
Haskell	1.26	Texas	1.23
Hughes	1.26	Tillman	1.26
Jackson	1.26	Tulsa	1.25
Jefferson	1.26	Wagoner	1.25
Johnson	1.26	Washington	1.26
Kay	1.25	Washita	1.26
Kingfisher	1.26	Woods	1.24
Kiowa	1.26	Woodward	1.25
Latimer	1.26		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$1.24	Lake	$1.25
Benton	1.29	Lane	1.23
Clackamas	1.30	Lincoln	1.18
Clatsop	1.24	Linn	1.26
Columbia	1.26	Malheur	1.15
Coos	1.13	Marion	1.31
Crook	1.27	Morrow	1.29
Curry	1.15	Multnomah	1.31
Deschutes	1.27	Polk	1.30
Douglas	1.17	Sherman	1.32
Gilliam	1.30	Tillamook	1.32
Grant	1.29	Umatilla	1.28
Harney	1.11	Union	1.25
Hood River	1.33	Wallowa	1.23
Jackson	1.17	Wasco	1.33
Jefferson	1.30	Washington	1.32
Josephine	1.17	Wheeler	1.29
Klamath	1.25	Yamhill	1.31

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$1.39	Lackawanna	$1.33
Allegheny	1.27	Lancaster	1.38
Armstrong	1.25	Lawrence	1.27
Beaver	1.24	Lebanon	1.36
Bedford	1.30	Lehigh	1.39
Berks	1.38	Luzerne	1.34
Blair	1.29	Lycoming	1.31
Bradford	1.30	McKean	1.29
Bucks	1.40	Mercer	1.24
Butler	1.26	Mifflin	1.32
Cambria	1.28	Monroe	1.36
Carbon	1.36	Montgomery	1.40
Centre	1.30	Montour	1.33
Chester	1.40	Northampton	1.38
Clarion	1.26	Northumberland	1.33
Clearfield	1.29	Perry	1.35
Clinton	1.31	Pike	1.33
Columbia	1.38	Potter	1.28
Crawford	1.24	Schuylkill	1.35
Cumberland	1.36	Snyder	1.33
Dauphin	1.35	Somerset	1.29
Delaware	1.41	Sullivan	1.35
Elk	1.29	Susquehanna	1.34
Erie	1.24	Tioga	1.31
Fayette	1.29	Union	1.33
Forest	1.26	Venango	1.24
Franklin	1.36	Warren	1.24
Fulton	1.33	Washington	1.24
Greene	1.27	Wayne	1.33
Huntingdon	1.31	Westmoreland	1.26
Indiana	1.28	Wyoming	1.35
Jefferson	1.28	York	1.38
Juniata	1.32		

RHODE ISLAND

All counties	$1.36

SOUTH CAROLINA

All counties	$1.33

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.30	Douglas	$1.29
Beadle	1.33	Edmunds	1.31
Bennett	1.18	Fall River	1.11
Bon Homme	1.31	Faulk	1.32
Brookings	1.36	Grant	1.38
Brown	1.33	Gregory	1.25
Brule	1.30	Haakon	1.26
Buffalo	1.31	Hamlin	1.36
Butte	1.20	Hand	1.32
Campbell	1.27	Hanson	1.31
Charles Mix	1.29	Harding	1.19
Clark	1.35	Hughes	1.30
Clay	1.32	Hutchinson	1.30
Codington	1.36	Hyde	1.31
Corson	1.23	Jackson	1.26
Custer	1.14	Jerauld	1.31
Davison	1.31	Jones	1.29
Day	1.35	Kingsbury	1.35
Deuel	1.38	Lake	1.34
Dewey	1.23	Lawrence	1.20

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$1.32	Sanborn	$1.31
Lyman	1.30	Shannon	1.17
McCook	1.31	Spink	1.34
McPherson	1.29	Stanley	1.30
Marshall	1.34	Sully	1.31
Meade	1.20	Todd	1.23
Mellette	1.23	Tripp	1.24
Miner	1.32	Turner	1.31
Minnehaha	1.33	Union	1.32
Moody	1.36	Walworth	1.29
Pennington	1.23	Washabaugh	1.26
Perkins	1.21	Yankton	1.29
Potter	1.31	Ziebach	1.22
Roberts	1.37		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.33	Lauderdale	$1.25
Bedford	1.30	Lawrence	1.29
Benton	1.27	Lewis	1.29
Bledsoe	1.31	Lincoln	1.31
Blount	1.34	Loudon	1.33
Bradley	1.33	McMinn	1.33
Campbell	1.33	McNairy	1.26
Cannon	1.29	Macon	1.28
Carroll	1.26	Madison	1.25
Carter	1.36	Marion	1.31
Cheatham	1.28	Marshall	1.30
Chester	1.26	Maury	1.29
Claiborne	1.35	Meigs	1.32
Clay	1.29	Monroe	1.34
Cocke	1.34	Montgomery	1.27
Coffee	1.30	Moore	1.30
Crockett	1.25	Morgan	1.32
Cumberland	1.31	Obion	1.25
Davidson	1.28	Overton	1.30
Decatur	1.27	Perry	1.28
De Kalb	1.29	Pickett	1.30
Dickson	1.28	Polk	1.34
Dyer	1.25	Putnam	1.30
Fayette	1.25	Rhea	1.32
Fentress	1.31	Roane	1.32
Franklin	1.31	Robertson	1.27
Gibson	1.25	Rutherford	1.29
Giles	1.30	Scott	1.32
Grainger	1.34	Sequatchie	1.31
Greene	1.35	Sevier	1.34
Grundy	1.30	Shelby	1.25
Hamblen	1.35	Smith	1.29
Hamilton	1.32	Stewart	1.27
Hancock	1.36	Sullivan	1.37
Hardeman	1.26	Sumner	1.27
Hardin	1.27	Tipton	1.25
Hawkins	1.37	Trousdale	1.28
Haywood	1.25	Unicoi	1.35
Henderson	1.27	Union	1.34
Henry	1.26	Van Buren	1.30
Hickman	1.28	Warren	1.30
Houston	1.27	Washington	1.36
Humphreys	1.27	Wayne	1.28
Jackson	1.29	Weakley	1.25
Jefferson	1.34	White	1.30
Johnson	1.36	Williamson	1.29
Knox	1.34	Wilson	1.28
Lake	1.25		

TEXAS

County	Rate per bushel	County	Rate per bushel
Andrews	$1.25	Brown	$1.35
Archer	1.26	Burleson	1.42
Armstrong	1.26	Burnet	1.35
Atascosa	1.37	Caldwell	1.39
Bailey	1.26	Calhoun	1.39
Bandera	1.35	Callahan	1.26
Bastrop	1.39	Carson	1.26
Baylor	1.26	Castro	1.26
Bee	1.37	Chambers	1.45
Bell	1.39	Cherokee	1.40
Bexar	1.39	Childress	1.26
Blanco	1.38	Clay	1.26
Borden	1.26	Cochran	1.26
Bosque	1.37	Coke	1.36
Bowie	1.30	Coleman	1.32
Briscoe	1.26	Collin	1.35

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Collingsworth	$1.26	Lampasas	$1.35
Comal	1.39	Limestone	1.39
Comanche	1.29	Lipscomb	1.24
Concho	1.35	Live Oak	1.37
Cooke	1.30	Liano	1.35
Coryell	1.35	Loving	1.19
Cottle	1.26	Lubbock	1.26
Crosby	1.26	Lynn	1.26
Culberson	1.18	McCulloch	1.35
Dallam	1.23	McLennan	1.39
Dallas	1.35	Martin	1.25
Dawson	1.26	Mason	1.35
Deaf Smith	1.26	Maverick	1.24
Delta	1.32	Medina	1.37
Denton	1.35	Menard	1.35
De Witt	1.39	Milam	1.24
Dickens	1.26	Mills	1.41
Dimmit	1.28	Mitchell	1.35
Donley	1.26	Montague	1.26
Eastland	1.27	Moore	1.30
Edwards	1.26	Motley	1.24
Ellis	1.37	Navarro	1.37
El Paso	1.16	Nolan	1.26
Erath	1.31	Ochiltree	1.24
Falls	1.39	Oldham	1.26
Fannin	1.30	Palo Pinto	1.30
Fisher	1.26	Parker	1.34
Floyd	1.26	Parmer	1.26
Foard	1.26	Pecos	1.19
Gaines	1.26	Potter	1.26
Galveston	1.56	Presidio	1.17
Garza	1.26	Randall	1.26
Gillespie	1.34	Real	1.31
Glasscock	1.26	Reeves	1.19
Goliad	1.39	Refugio	1.37
Gray	1.26	Roberts	1.25
Grayson	1.30	Robertson	1.39
Guadalupe	1.39	Rockwall	1.35
Hale	1.26	Runnels	1.30
Hall	1.26	San Saba	1.35
Hamilton	1.32	Schleicher	1.24
Hansford	1.24	Scurry	1.26
Hardeman	1.26	Shackelford	1.26
Harris	1.55	Sherman	1.23
Hartley	1.24	Somervell	1.34
Haskell	1.26	Stephens	1.30
Hays	1.39	Sterling	1.26
Hemphill	1.24	Stonewall	1.26
Hill	1.38	Sutton	1.22
Hockley	1.26	Swisher	1.26
Hood	1.34	Tarrant	1.36
Howard	1.26	Taylor	1.28
Hudspeth	1.17	Terry	1.26
Hunt	1.34	Throckmorton	1.28
Hutchinson	1.24	Tom Green	1.26
Irion	1.23	Travis	1.39
Jack	1.30	Uvalde	1.31
Jackson	1.43	Van Zandt	1.35
Jeff Davis	1.17	Victoria	1.39
Johnson	1.37	Waller	1.53
Jones	1.26	Ward	1.21
Karnes	1.37	Wharton	1.51
Kaufman	1.36	Wheeler	1.26
Kendall	1.35	Wichita	1.26
Kent	1.26	Wilbarger	1.26
Kerr	1.33	Williamson	1.39
Kimble	1.35	Wilson	1.37
King	1.26	Wise	1.32
Kinney	1.27	Yoakum	1.26
Knox	1.26	Young	1.30
Lamar	1.30	Zavala	1.28
Lamb	1.26		

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.16	Iron	$1.14
Box Elder	1.16	Juab	1.16
Cache	1.16	Kane	.95
Carbon	.95	Millard	1.16
Daggett	.94	Morgan	1.17
Davis	1.18	Piute	.95
Duchesne	1.01	Rich	1.08
Emery	.95	Salt Lake	1.18
Garfield	.95	San Juan	.95
Grand	.95	Sanpete	.95

UTAH—Continued

County	Rate per bushel	County	Rate per bushel
Sevier	$.95	Wasatch	$1.04
Summit	1.17	Washington	1.14
Tooele	1.18	Wayne	.95
Uintah	.97	Weber	1.18
Utah	1.18		

VERMONT

All counties	$1.34

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.35	Loudoun	$1.34
Albermarle	1.34	Louisa	1.34
Alleghany	1.32	Lunenburg	1.35
Amelia	1.35	Madison	1.34
Amherst	1.34	Mathews	1.35
Appomattox	1.35	Mecklenburg	1.34
Arlington	1.34	Middlesex	1.35
Augusta	1.34	Montgomery	1.32
Bath	1.32	Nansemond	1.34
Bedford	1.34	Nelson	1.34
Bland	1.32	New Kent	1.35
Botetourt	1.33	Newport News	1.35
Burnswick	1.34	Northampton	1.35
Buchanan	1.32	Northumberland	1.35
Buckingham	1.35	Nottaway	1.35
Campbell	1.34	Orange	1.34
Caroline	1.35	Page	1.34
Carroll	1.33	Patrick	1.33
Charles City	1.35	Pittsylvania	1.34
Charlotte	1.35	Powhatan	1.35
Chesapeake	1.34	Prince Edward	1.35
Chesterfield	1.35	Prince George	1.35
Clarke	1.34	Prince William	1.34
Craig	1.32	Pulaski	1.33
Culpeper	1.34	Rappahannock	1.34
Cumberland	1.35	Richmond	1.35
Dickenson	1.32	Roanoke	1.33
Dinwiddie	1.35	Rockbridge	1.34
Essex	1.35	Rockingham	1.34
Fairfax	1.34	Russell	1.33
Fauquier	1.34	Scott	1.33
Floyd	1.33	Shenandoah	1.34
Fluvanna	1.34	Smyth	1.33
Franklin	1.33	Southampton	1.34
Frederick	1.34	Spotsylvania	1.35
Giles	1.32	Stafford	1.35
Gloucester	1.35	Surry	1.34
Goochland	1.35	Sussex	1.34
Grayson	1.33	Tazewell	1.32
Greene	1.34	Virginia Beach	1.34
Greensville	1.34	Warren	1.34
Halifax	1.34	Washington	1.33
Hampton	1.35	Westmoreland	1.35
Hanover	1.35	Wise	1.33
Henrico	1.35	Wythe	1.33
Henry	1.33	York	1.35
Highland	1.32		
Isle of Wight	1.34		
James City	1.35		
King and Queen	1.35		
King George	1.35		
King William	1.35		
Lancaster	1.35		
Lee	1.33		

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.27	Kittitas	$1.32
Asotin	1.24	Klickitat	1.32
Benton	1.29	Lewis	1.24
Chelan	1.28	Lincoln	1.26
Clallam	1.15	Mason	1.23
Clark	1.32	Okanogon	1.26
Columbia	1.28	Pacific	1.23
Cowlitz	1.28	Pend Oreille	1.19
Douglas	1.26	Pierce	1.30
Ferry	1.22	San Juan	1.26
Franklin	1.28	Skagit	1.26
Garfield	1.28	Skamania	1.32
Grant	1.27	Snohomish	1.28
Grays Harbor	1.23	Spokane	1.24
Island	1.26	Stevens	1.20
Jefferson	1.17	Thruston	1.25
King	1.30	Wahkiakum	1.28
Kitsap	1.21	Walla Walla	1.28

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Whatcom	$1.25	Yakima	$1.31
Whitman	1.26		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	$1.29	Mineral	$1.31
Berkeley	1.33	Mingo	1.28
Boone	1.28	Monongalia	1.27
Braxton	1.28	Monroe	1.31
Brooke	1.26	Morgan	1.32
Cabell	1.26	Nicholas	1.30
Calhoun	1.27	Ohio	1.26
Clay	1.28	Pendleton	1.32
Doddridge	1.26	Pleasants	1.25
Fayette	1.30	Pocahontas	1.32
Gilmer	1.27	Preston	1.29
Grant	1.31	Putnam	1.26
Greenbrier	1.32	Raleigh	1.29
Hampshire	1.32	Randolph	1.31
Hancock	1.26	Ritchie	1.26
Hardy	1.32	Roane	1.26
Harrison	1.28	Summers	1.32
Jackson	1.25	Taylor	1.29
Jefferson	1.34	Tucker	1.31
Kanawha	1.27	Tyler	1.25
Lewis	1.28	Upshur	1.29
Lincoln	1.27	Wayne	1.27
Logan	1.28	Webster	1.30
McDowell	1.30	Wetzel	1.26
Marion	1.27	Wirt	1.26
Marshall	1.26	Wood	1.25
Mason	1.26	Wyoming	1.29
Mercer	1.31		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.28	Marathon	$1.33
Ashland	1.41	Marinette	1.24
Barron	1.39	Marquette	1.27
Bayfield	1.35	Menomonie	1.28
Brown	1.25	Milwaukee	1.31
Buffalo	1.35	Monroe	1.30
Burnett	1.43	Oconto	1.23
Calumet	1.26	Oneida	1.27
Chippewa	1.39	Outagamie	1.25
Clark	1.36	Ozuakee	1.30
Columbia	1.27	Pepin	1.36
Crawford	1.29	Pierce	1.38
Dane	1.28	Polk	1.42
Dodge	1.28	Portage	1.33
Door	1.19	Price	1.38
Douglas	1.44	Racine	1.32
Dunn	1.39	Richland	1.26
Eau Claire	1.36	Rock	1.31
Florence	1.24	Rusk	1.40
Fond du Lac	1.27	St. Croix	1.39
Forest	1.31	Sauk	1.27
Grant	1.24	Sawyer	1.37
Green	1.29	Shawano	1.28
Green Lake	1.26	Sheboygan	1.28
Iowa	1.26	Taylor	1.38
Iron	1.36	Trempeleau	1.33
Jackson	1.33	Vernon	1.30
Jefferson	1.29	Vilas	1.25
Juneau	1.29	Walworth	1.31
Kenosha	1.32	Washburn	1.37
Kewaunee	1.22	Washington	1.30
LaCrosse	1.31	Waukesha	1.30
Lafayette	1.26	Waupaca	1.28
Langlade	1.27	Waushara	1.26
Lincoln	1.27	Winnebago	1.26
Manitowoc	1.26	Wood	1.36

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$1.05	Natrona	$1.00
Big Horn	.99	Niobrara	1.10
Campbell	1.06	Park	.99
Carbon	.99	Platte	1.10
Converse	1.06	Sheridan	1.04
Crook	1.09	Sublette	.94
Fremont	.96	Sweetwater	.94
Goshen	1.10	Teton	1.10
Hot Springs	.97	Uinta	.97
Johnson	1.04	Washakie	.98
Laramie	1.10	Weston	1.09
Lincoln	.98		

(c) *Premiums and discounts.* The basic support rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) *Class premiums and discounts:*	
(i) *Premiums:*	
Hard Amber Durum (No. 3 or better)[1]	+5
(ii) *Discounts:*	
Durum	−5
Red Durum	−20
Mixed Wheat (mixtures of classes other than contrasting classes)	−2
Mixed Wheat (mixtures of contrasting classes)	−10
(2) *Grade premiums and discounts:*	
(i) *Premium:*	
Heavy, No. 3 or better[1]	+2
(ii) *Discounts:*	
No. 2	−1
No. 3	−3
No. 4	−6
No. 5	−9

Sample on one or more of the factors test weight, total damage (with not more than 3 percent heat damage), foreign material, and total defects (with not more than 3 percent heat damage), apply a discount of 14 cents. Add 1 cent for each pound or fraction thereof that test weight is below 50 pounds (49 pounds for Hard Red Spring and White Club) through 40 pounds and add 1 cent for each percent or fraction thereof that total defects are in excess of 21 percent. Total discount on these factors shall not exceed 30 cents per bushel if total defects are not in excess of 50 percent, or 45 cents per bushel if total defects are in excess of 50 percent.

Smut—degree basis:	
Light Smutty	−2
Smutty	−6
Garlic—degree basis:	
Light Garlicky	−5
Garlicky	−10

(3) *Protein premiums.* Applicable to grade No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.[1]

Protein content (percent)	Cents per bushel
12.0–12.4	+1½
12.5–12.9	+3
13.0–13.4	+4½
13.5–13.9	+6
14.0–14.4	+7½
14.5–14.9	+9
15.0–15.4	+10½
15.5–15.9	+12
16.0–16.4	+13½
16.5–16.9	+15
17.0–17.4	+16½
17.5 and above	+18
(4) *Variety discount*	−20

[1] Not applicable to the undesirable varieties listed in subparagraph (4).
[2] Except in Idaho and Utah.
[3] Including white seeded Red Chief.
[4] when grown east of Continental Divide.
[5] When grown in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

The following varieties referred to in these regulations as "undesirable varieties" are subject to the discount:

Hard Red Winter:	Pitic 62.
Blue Jacket.	Spinkcota.
Cache.[2]	Red River 68.[3]
Purkof.	White:
Red Chief.[3]	Florence.
Stafford.	Gaines.[4]
Yogo.	Rex.
Hard Red Spring:	Soft Red Winter:
Henry.	Nured.
Kinney.	

(5) Weed control discount (where required by § 421.74) 10

(6) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

NOTE: Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 27, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-6518; Filed, June 3, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,853]

PART 545—OPERATIONS

Membership Fees

MAY 26, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending paragraph (c) of § 545.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1) (1) to permit Federal savings and loan associations to adjust the payment of interest on deposits and (2) to delete from said paragraph (c) an obsolete cross reference, hereby revises said paragraph (c) to read as follows, effective June 1, 1969:

§ 545.1 Savings accounts.

* * * * * *

(c) *Membership fee.* Except to the extent expressly permitted or authorized by § 545.1–4 or § 545.3–1, or paragraph (d) of this section, no Federal association shall directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a holder of a savings account of such Federal association.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553 (d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-6553; Filed, June 3, 1969; 8:47 a.m.]

[No. 22,854]

PART 545—OPERATIONS

Distribution of Earnings on Bases, Terms, and Conditions Other Than Those Provided by Charter

MAY 26, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of revising paragraph (b) of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) to permit Federal associations to distribute earnings quarterly on designated classes of accounts, hereby revises said paragraph (b) to read as follows, effective June 1, 1969:

§ 545.1–1 Distribution of earnings on bases, terms and conditions other than those provided by charter.

* * * * *

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts, or designated classes thereof, as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N or Charter K (rev.) for the 6-month period ending on June 30 and December 31, respectively, next succeeding.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interests under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–6555; Filed, June 3, 1969; 8:47 a.m.]

[No. 22855]

PART 545—OPERATIONS

Savings Deposits and Payment of Earnings

MAY 26, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6542) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to implement section 5(b) of the Home Owners' Loan Act of 1933, as amended by Public Law 90–448, 82 Stat. 476, approved August 1, 1968, by amending Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) (1) to authorize Federal savings and loan associations which have adopted the charter amendment providing for the acceptance of savings deposits to accept savings deposits for fixed periods of time and to pay interest on all savings deposits and (2) to authorize all Federal savings and loan associations to pay earnings on a "split rate" basis on a single account. Accordingly, said Part 545 is hereby amended, as follows, effective June 1, 1969:

1. Paragraph (b) of § 545.1–2 is amended by revising subparagraph (1) thereof and by adding, immediately after subparagraph (3) thereof, a new subparagraph (4), said subparagraphs to read as follows:

§ 545.1–2 Savings deposits.

* * * * *

(b) *Savings deposits.*

(1) *General.* A deposit association may raise capital in the form of such savings desposits as are authorized by this section. Except as otherwise authorized by the Board, a deposit association shall not accept savings accounts other than such savings deposits, but savings accounts existing in such association at the time when it becomes a deposit association shall remain such savings accounts unless and until they are exchanged for such savings deposits. In the case of savings accounts exchanged for savings deposits on a date other than the date on which the association regularly distributes earnings on its savings accounts, such exchange shall be deemed to have taken place on the immediately preceding regular dividend distribution date. Any right outstanding at the time when an association becomes a deposit association to receive from the association in an exchange a savings account shall thereafter be a right to receive, at the option of the holder of such right, either a savings account or a corresponding savings deposit. Any exchange under this subparagraph (1) may be effected in such manner as the Board may prescribe.

* * * * *

(4) *Payment of interest.* Interest on savings deposits authorized by this section shall be paid semiannually on June 30 and December 31 of each year at the rate fixed by the board of directors of the association as provided herein. The board of directors of the association shall fix the interest rate on such savings deposits in June and December of each year for the semiannual periods beginning on the immediately following July 1 and January 1. If the board of directors of an association adopts a resolution providing for the payment of interest on savings deposits, or designated classes thereof, on a quarterly basis, interest on such deposits shall also be paid on March 31 and September 30. The board of directors shall fix the interest rate on such savings deposits for each quarterly period during the month immediately preceding such quarterly period. The board of directors of the association may provide for the payment of interest on savings deposits authorized by this section on the same bases, terms, and conditions, as is provided for the distribution of earnings on savings accounts by § 545.1–1.

2. By adding, immediately after § 545.1–3, a new section, § 545.1–4, to read as follows:

§ 545.1–4 Other savings deposits.

(a) *General.* In addition to the savings deposits authorized by § 545.1–2, any Federal association which has a charter in the form of Charter N or Charter K (rev.) and which has adopted the charter provision set forth in § 545.1–3 may, subject to the provisions of this section, accept savings deposits for fixed periods of time and bearing fixed rates of interest. Holders of savings deposits authorized by this section shall, to the same extent as if their holdings of such savings deposits were holdings of savings accounts authorized by and subject to the provisions of the association's charter other than the charter provision set forth in § 545.1–3 and the provisions of this subchapter other than this section, be members of the association and have voting rights.

(b) *Payment of interest.* Interest on savings deposits authorized by this section shall be paid at the rate fixed by the board of directors of the association prior to the acceptance of the deposit. The board of directors of the association shall provide that interest on such savings deposits, or designated classes thereof, shall be paid either quarterly, semiannually, annually, or at the conclusion of the fixed term. The board of directors of the association may provide for the payment of interest on savings deposits authorized by this section on the same bases, terms, and conditions as is provided for the distribution of earnings on savings accounts by § 545.1–1.

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

(1) Provide for the payment of interest on any savings deposit in excess of the applicable maximum rate of return prescribed in Part 526 of Subchapter B of this Chapter V;

(2) Provide for any forfeiture for breach of condition on the part of any depositor, other than loss of interest, or partial loss thereof, for the term of the savings deposit or other specified time period;

(3) Issue any negotiable form of certificate evidencing a savings deposit;

(4) Deny any member the opportunity to make any savings deposit at the same rate offered to any other member at that time on the same classification of savings deposit;

(5) Accept any fixed term savings deposit for a term of less than 180 days or more than 5 years or in an amount less than $1,000: *Provided,* That any savings deposit may be renewed, at the option of the association, for successive periods not exceeding 5 years for each renewal;

(6) Issue any fixed term savings deposit which is subject to redemption;

(7) Provide for withdrawal from any fixed term savings deposit prior to the expiration of that term, except as provided in paragraph (f) of this section; or

(8) Issue any form of certificate evidencing a savings deposit under this section unless the association has first (i) obtained a written opinion by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the association's charter, which opinion shall be retained by the association so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation.

(d) *Form of certificate.* Certificates evidencing savings deposits accepted pursuant to the authority contained in this section shall, subject to the limitations contained in paragraph (c) of this section and the disclosure requirements contained in paragraph (e) of this section, be in such form as the board of directors of the association may determine. Such certificates may be incorporated in passbooks or issued as separate certificates.

(e) *Disclosure.* Each certificate evidencing a savings deposit accepted pursuant to the authority contained in this section shall include in its provisions and display in easily read type:

(1) The rate of interest to be paid and the dates or frequency at which interest is payable;

(2) The amount of the deposit;

(3) The term of the deposit;

(4) The penalty or penalties imposed for withdrawal prior to completion of the fixed term or renewal;

(5) Any provisions relating to renewal at the conclusion of the fixed term;

(6) Any provisions relating to the interest to be paid after the conclusion of a fixed term or renewal; and

(7) A provision converting the deposit at the conclusion of a fixed term or renewal to the status of a savings deposit accepted for an indefinite period of time.

(f) *Withdrawal prior to expiration of term.* In an emergency where it is necessary to prevent great hardship to the holder of a fixed term savings deposit, a Federal association may pay, prior to the expiration of the term, such savings deposit or the portion thereof necessary to meet such emergency: *Provided,* That before such payment may be made, the depositor must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (1) approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (2) retained by the association for a period of not less than 2 years. In the event of an emergency withdrawal as provided in this paragraph, the depositor shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months. In the case of emergency withdrawal of only a portion of any such savings deposit, the certificate evidencing such savings deposit shall be canceled, and, if the minimum balance requirements of this section continue to be met, a new certificate shall be issued for the remaining portion of the savings deposit with the same term, rate, and dates as the original savings deposit.

3. By revising paragraph (a) of § 545.3–1, by revising paragraph (b) of § 545.3–1 by the addition of a reference to subparagraph (4) in the first sentence of said paragraph (b) and by adding a new subparagraph (4) to paragraph (b), said paragraphs and subparagraph to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for the dividend period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that dividend period (1) on savings accounts which are withdrawn during the dividend period, and on which dividends are paid to the date of withdrawal, at a rate lower than the regular rate and (2) on savings accounts which meet eligible requirements fixed by the board of directors pursuant to paragraph (b) of this section and such additional requirements as the board of directors may impose, at a rate or rates higher than the regular rate.

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph and such additional requirements as the board of directors may impose, except that the board of directors shall not authorize the issuance of accounts evidenced by notice-account books pursuant to subparagraph (2) of this paragraph unless the association's charter contains the sentence specified in paragraph (b) of § 544.8 of this subchapter or the charter provision set forth in paragraph (a) of § 545.1–3.

* * * * *

(4) *Split rates*—(i) *General.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, the board of directors may, by resolution, determine to distribute earnings at a rate higher than the regular rate on the balance of any account in excess of such minimum balance as shall be fixed by the board of directors, which minimum balance shall not be less than $200, and at a rate or rates in excess of such higher rate on such higher balance or balances as the board of directors may prescribe, but no rate so determined shall be in excess of the applicable maximum rate of return prescribed for regular accounts in said Part 526.

(ii) *Account books and certificates.* Each certificate, whether printed in an account book or as a separate certificate, evidencing an account issued pursuant to this subparagraph (4) shall be in the form prescribed by the Board pursuant to paragraph (b) of § 545.2 and shall bear on its face the following additional words:

Earnings are distributable on this account as determined by the board of directors of the association, subject to § 545.3–1(b)(4) of the rules and regulations for the Federal Savings and Loan System.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–6554; Filed, June 3, 1969; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,656]

PART 563—OPERATIONS

Approval of Certificate Forms

MAY 26, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6543) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the following purposes:

(1) To revise § 563.1 to provide that any State-chartered insured institution may issue any certificate form: *Provided,* That it has first submitted a copy of such form to the Corporation for approval; that no insured institution shall issue any form of certificate which has been disapproved in writing by the Corporation; that any insured institution may adopt a charter or bylaw amendment affecting its securities or investment contracts without prior approval of the Corporation but that any such amendment must be transmitted to the Corporation promptly after adoption; and that the Corporation reserves the right to require appropriate changes in charter, bylaw and certificate form provisions;

(2) To amend § 563.2 by eliminating the requirement that the "simple form of certificate" be approved by the Corporation;

(3) To add a new § 563.3–1 relating to the issuance by State-chartered insured institutions of certificates evidencing accounts bearing a definite rate of return for fixed periods of time; and

(4) To enlarge the provisions of § 563.7–1 to cover approval of savings deposits

accepted by Federal savings and loan associations with a definite return and a definite maturity.

Accordingly, said Part 563 is hereby amended, as follows, effective June 1, 1969:

1. By revising § 563.1 to read as follows:

§ 563.1 Forms of certificates and passbooks; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, share, membership, stock and deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account; *Provided*, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

2. By revising § 563.2 to read as follows:

§ 563.2 Simple form of certificate: passbooks.

An insured mutual institution which, in accordance with State law, includes in its charter, constitution, or bylaws a clear provision that all shareholders are members and shall share equally in earnings and in assets (except for bonus payments under a bonus plan) pro rata to paid-in value, plus credited dividends, and that the institution shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a member of the institution, may issue a simple form of savings or investment certificate or a passbook, which need not contain any membership certificate or any statement of the dividend, withdrawal, or other rights of members.

3. By adding, immediately after § 563.3, a new § 563.3–1 to read as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

(a) *General approval.* A State-chartered institution which, in accordance with State law, may accept accounts bearing a definite rate of return for fixed periods of time (hereinafter referred to as "fixed-rate, fixed-term accounts") and whose board of directors has adopted a resolution providing for the issuance of such fixed-rate fixed-term accounts may, subject to the limitations contained in paragraph (b) of this section and to the disclosure provisions contained in paragraph (c) of this section, issue certificates evidencing such fixed-rate, fixed-term accounts in such form as the board of directors of the institution may determine.

(b) *Limitations.* In issuing certificates evidencing fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

(1) Provide for the payment of interest on any fixed-rate, fixed-term account in excess of the applicable maximum rate of return prescribed in Part 569 of this subchapter;

(2) Provide for any forfeiture for breach of condition on the part of any holder, other than loss of interest, or partial loss thereof, for the term of the fixed-rate, fixed-term account or other specified time period;

(3) Issue any negotiable form of certificate evidencing a fixed-rate, fixed-term account.

(4) Deny any member the opportunity to invest at the same rate offered to any other member at that time on the same classification of fixed-rate, fixed-term account;

(5) Accept any fixed-rate, fixed-term account for a term of less than 180 days or more than 5 years or in an amount less than 1,000: *Provided*, That any fixed-rate, fixed-term account may be renewed, at the option of the institution, for successive periods not exceeding 5 years for each renewal;

(6) Provide for withdrawal from any fixed-rate, fixed-term account prior to the expiration of the fixed term, except as provided in paragraph (d) of this section;

(7) Issue any fixed-rate, fixed-term account which is subject to redemption; or

(8) Issue any form of certificate evidencing a fixed-rate, fixed-term account unless the institution has first (i) obtained a written opinion by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the institution's charter, constitution and bylaws, which opinion shall be retained by the institution so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation.

(c) *Disclosure.* Each certificate evidencing a fixed-rate, fixed-term account accepted pursuant to the approval contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) The rate of interest to be paid and the dates or frequency at which interest is payable;

(2) The amount of the fixed-rate, fixed-term account;

(3) The term of the fixed-rate, fixed-term account;

(4) The penalty or penalties imposed for withdrawal prior to completion of the fixed term or renewal;

(5) Any provisions relating to renewal at the conclusion of the fixed term;

(6) Any provisions relating to the interest to be paid after the conclusion of a fixed term or renewal; and

(7) A provision converting the fixed-rate, fixed-term account at the conclusion of a fixed term or renewal to the status of an account accepted for an indefinite period of time.

(d) *Withdrawal prior to expiration of term.* A certificate issued by an insured institution may provide that, in an emergency where it is necessary to prevent great hardship to the holder of a fixed-rate, fixed-term account, the institution may pay, prior to the expiration of the term, such fixed-rate, fixed-term account or the portion thereof necessary to meet such emergency: *Provided*, That before such payment may be made, the holder must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (1) approved by an officer of the institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (2) retained by the institution for a period of not less than 2 years; and that, in the event of emergency withdrawal as provided in this paragraph, the holder shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the holder shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months. In the case of emergency withdrawal of only a portion of any such fixed-rate, fixed-term account, the certificate evidencing such fixed-rate, fixed-term account shall be canceled, and, if the minimum balance requirements of this section continue to be met, a new certificate shall be issued for the remaining portion of the fixed-rate, fixed-term account with the same term, rate, and dates as the original fixed-rate, fixed-term account.

4. By amending § 563.7–1 to read as follows:

§ 563.7–1 Savings deposits or shares of Federal savings and loan associations.

Savings deposits or shares of any Federal savings and loan association which are in compliance with the provisions of paragraph (1) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, the association's charter, and the rules and regulations for the Federal Savings and Loan System (Subchapter C of this chapter), all as now or hereafter in effect, relating to the type, form, return, and maturity thereof are, as to type (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of said Act, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-6556; Filed, June 3, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Monica, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 23, 1969.

LEE E. WARREN, *Acting Director, Western Region.*

In § 71.171 (34 F.R. 4557) the description of the Santa Monica, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-6539; Filed, June 3, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6698) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Torrance, Calif., control zone.

Interested persons were afforded 30 days in which to submit comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 23, 1969.

LEE E. WARREN, *Acting Director, Western Region.*

In § 71.171 (34 F.R. 4557) the description of the Torrance, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-6540; Filed, June 3, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Osceola, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Osceola, Wis. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 24, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

OSCEOLA, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 114° and 294° bearings from Osceola Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 16, 1969.

EDWARD C. MARSH, *Director, Central Region.*

[F.R. Doc. 69-6541; Filed, June 3, 1969; 8:41 a.m.]

[Airspace Docket No. 68-CE-105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On May 7, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 7372), F.R. Doc. 69-5418, which designated a transition area at West Bend, Wis. However, in line 6 of the designation the West Bend Municipal Airport was incorrectly referred to as the "Great Bend Municipal Airport". It should have read "West Bend Municipal Airport". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing "Great Bend Municipal Airport", as set forth in line 6 of the transition area designation in F.R. Doc. 69-5418, is deleted and "West Bend Municipal Airport" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-6542; Filed, June 3, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheeses, Identity Standards; Use of Additional Safe, Suitable Milk-Clotting Enzymes

In the matter of amending the standards of identity for brick cheese, muenster cheese, edam cheese, limburger cheese, monterey cheese, provolone cheese, caciocavallo siciliano cheese, parmesan cheese, mozzarella cheese, low moisture mozzarella cheese, romano cheese, asiago fresh cheese, hard cheeses, semisoft cheeses, semisoft part-skim cheeses, soft ripened cheeses, spiced cheeses, hard grating cheeses, and skim-milk cheese for manufacturing (21 CFR 19.545, 19.550, 19.555, 19.575, 19.580, 19.590, 19.591, 19.595, 19.600, 19.605, 19.610, 19.615, 19.650, 19.655, 19.660, 19.665, 19.670, 19.680, 19.685) to permit optional use of the milk-clotting enzyme derived from *Endothia parasitica*, as well as the presently provided for rennet, in cheesemaking:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19846), based on a petition submitted by Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017. The only comment received in response to the proposal favored its adoption.

In addition to the enzyme derived from *Endothia parasitica*, certain other enzymes from microbial sources, as well as the enzyme pepsin from swine, are recognized as safe and suitable for use in cheesemaking. The standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese (§§ 19.500, 19.505, 19.510, 19.535, 19.540) have previously been amended to permit the optional use of other safe and suitable milk-clotting enzymes that produce equivalent curd formation to partially or completely replace rennet. The proposal to list a specific milk-clotting enzyme for optional use in other sections of Part 19 is not consistent with the earlier provision for the use of "other safe and suitable milk-clotting enzymes." In the absence of a showing that such a specific listing is necessary, no basis has been established for rejection of the "safe and suitable" provision for optional milk-clotting enzymes to be used in cheesemaking.

Having considered the information submitted by the petitioner, the comment received, and other relevant material, the Commissioner of Food and Drugs concludes that it is reasonable and will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for the above-listed cheese varieties to permit use of all safe and suitable milk-clotting enzymes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 19 be amended:

1. In § 19.545 *Brick cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

2. In § 19.550 *Muenster cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

3. In § 19.555 *Edam cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

4. In § 19.575 *Limburger cheese*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

5. In § 19.580 *Monterey cheese*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

6. In § 19.590 *Provolone cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

7. In § 19.591 *Caciocavallo siciliano cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

8. In § 19.595 *Parmesan cheese*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

9. In § 19.600 *Mozzarella cheese*, the third sentence of paragraph (b) is revised to read "Liquid rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both may be added to aid in setting the milk to a semisolid mass."

10. In § 19.605 *Low moisture mozzarella cheese*, the third sentence of paragraph (b) is revised to read "Rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to aid in setting the milk to a semisolid mass."

11. In § 19.610 *Romano cheese*, the third sentence of paragraph (b) is revised to read "Rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

12. In § 19.615 *Asiago fresh cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

13. In § 19.650 *Hard cheeses*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

14. In § 19.655 *Semisoft cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

15. In § 19.660 *Semisoft part-skim cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

16. In § 19.665 *Soft ripened cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

17. In § 19.670 *Spiced cheeses*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

18. In § 19.680 *Hard grating cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

19. In § 19.685 *Skim milk cheese for manufacturing*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the skim milk, is added to set the skim milk to a semisolid mass."

Due to cross-references, the amendments herein to the above cited cheese standards, upon becoming effective, will have the effect of making other safe and suitable milk-clotting enzymes, as well as rennet, permitted ingredients of brick cheese for manufacturing, muenster cheese for manufacturing, gouda cheese, high-moisture jack cheese, part-skim mozzarella cheese, low moisture part-skim mozzarella cheese, asiago medium cheese, asiago old cheese, and part-skim spiced cheeses (21 CFR 19.547, 19.551, 19.560, 19.585, 19.601, 19.606, 19.620, 19.625, 19.675).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date: This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6526; Filed, June 3, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

A petition (PP 9F0801) was filed with the Food and Drug Administration by the Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 2 parts per million for residues of the plant regulator trifluralin in or on the raw agricultural commodity mung bean sprouts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120) § 120.207 is revised to read as follows to establish the above-mentioned tolerance:

§ 120.207 Trifluralin; tolerances for residues.

Tolerances for residues of the herbicide and plant regulator trifluralin (α,α,α - trifluoro - 2,6 - dinitro - *N*,*N* - dipropyl-*p*-toluidine) in or on raw agricultural commodities are established as follows:

2 parts per million in or on mung bean sprouts.

1 part per million in or on carrots.

0.2 part per million (negligible residue) in or on alfalfa hay.

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, hops, leafy vegetables, nuts, peanuts, root crop vegetables (except carrots), safflower seed, seed and pod vegetables, stone fruits, sugarcane, and sunflower seed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6531; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM POLYMETHACRYLATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2365) filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium polymethacrylate as a boiler water additive in the preparation of steam that will contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(c) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1088 Boiler water additives.

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Sodium polymethacrylate	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6530; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

Section 121.1199 provides for the safe use of certain milk-clotting enzymes in cheese production where permitted by standards of identity established under section 401 of the Federal Food, Drug, and Cosmetic Act, except that the enzyme *Bacillus cereus* may not be used in the production of the standardized cheeses identified by §§ 19.540 and 19.542 of the food standard regulations (21 CFR 19.540, 19.542).

Also published in this issue of the FEDERAL REGISTER is (1) an order amending the standards of identity for 19 additional varieties of cheese to provide for the optional use of safe and suitable milk-clotting enzymes and (2) a proposal to amend those cheese standards that now list only rennet to provide for optional use of other safe and suitable milk-clotting enzymes for cheesemaking.

Consistent with the "safe and suitable" concept, as expressed in the food standards, the Commissioner of Food and Drugs concludes it is unnecessary for § 121.1199 to specify the particular cheese production in which these milk-clotting enzymes may be used.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120, § 121.1199(d) is revised to read as follows:

§ 121.1199 Fermentation-derived, milk-clotting enzyme.

* * * * *

(d) The additive is used in an amount not in excess of the minimum required to produce its intended effect in the production of those cheeses for which it is permitted by standards of identity established pursuant to section 401 of the act.

Notice and public procedure are not necessary prerequisites to this promulgation since the amendment herein relaxes existing requirements.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6527; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

n-ALKYL(C_{12}–C_{18}) BENZYLDIMETHYLAMMONIUM CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 9H2358, 9H2383) filed by Onyx Chemical Co., Division of Millmaster Onyx Corp., 190 Warren Street, Jersey City, N.J. 07302, and by Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of *n*-alkyl(C_{12}–C_{18})dimethylbenzylammonium chloride in sanitizing solutions on food-processing equipment and utensils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120) § 121.2547 is amended by adding a new subparagraph to paragraph (b) and to paragraph (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(9) An aqueous solution containing *n*-alkyl (C_{12}–C_{18}) benzyldimethylammonium chloride compounds having average molecular weights of 359–380 and consisting principally of alkyl groups with 12–16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms.

(c) * * *

(6) Solutions identified in paragraph (b)(9) of this section shall provide when ready to use no more than 200 parts per million of the active quaternary compound.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6528; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2392) filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, and other relevant material, concludes that the description of the tri(nonylphenyl) phosphite-formaldehyde resins identified in § 121.2562(c)(4)(iii) should be changed to provide for an alternate method of manufacture of such resins and to specify a minimum viscosity of 20,000 centipoises rather than the presently prescribed range of 20,000–30,000 centipoises. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2562(c)(4)(iii) is amended by changing the item "Tri(nonylphenyl) phosphite-formaldehyde resins * * *" to read as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(iii) *Antioxidants and antiozonants (total not to exceed 5 percent by weight of rubber product).*

* * * * *

Tri(nonylphenyl) phosphite-formaldehyde resins produced when 1 mole of tri(nonylphenyl) phosphite is made to react with 1.4 moles of formaldehyde or produced when 1 mole of nonylphenol is made to react with 0.36 mole of formaldehyde and the reaction product is then further reacted with 0.33 mole of phosphorus trichloride. The finished resins have a minimum viscosity of 20,000 centipoises at 25° C., as determined by LV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 12 r.p.m., and have an organic phosphorus content of 4.05 to 4.15 percent by weight.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6529; Filed, June 3, 1969; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7014]

PART 194—LIQUOR DEALERS

Miscellaneous Amendments

On January 17, 1969, a notice of proposed rule making to amend 26 CFR Part 194 was published in the FEDERAL REGISTER (34 F.R. 755). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented and further study of the proposed amendments, the regulations in 26 CFR Part 194 as published in the FEDERAL REGISTER (34 F.R. 755) are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraph 2 of the notice is changed by revising paragraph (a) of § 194.225 (1) to provide that a separate record may be maintained of the name of the producer or bottler of the spirits, (2) to delete the requirement that serial numbers of cases be shown in the record of receipt but provide that the assistant regional commissioner may in writing require that such information be shown, and (3) to provide that where the recording of serial numbers is required, they may be shown on supporting documents attached to the record of receipt; and by inserting an additional citation of authority.

PAR. 2. Paragraph 3 of the notice is changed by revising paragraph (a) of § 194.226 to delete the requirement that serial numbers of cases be shown in the record of disposition but provide that the assistant regional commissioner may in writing require that such information be shown; and by inserting an additional citation of authority.

PAR. 3. As a result of changes in §§ 194.225 and 194.226 the need for proposed new § 194.226a no longer exists. Therefore, the proposed new § 194.226a and paragraph 3a of the notice are deleted.

PAR. 4. Paragraph 4 of the notice is changed by revising § 194.227 with respect to the marking and filing of voided invoices.

PAR. 5. The notice is changed by inserting a new paragraph 10a.

PAR. 6. Paragraph 13 of the notice is renumbered paragraph 12.

PAR. 7. As a result of a change made by Treasury Decision 7002, the need to amend § 194.283 no longer exists. Therefore, the proposed changes set forth in paragraph 14 of the notice are deleted, and § 194.283 will not be amended.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(This Treasury decision is issued under the authority contained in sec. 7805 of the Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Approved: May 28, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to: (1) Prescribe the use of serially numbered commercial invoices as records of receipt and disposition; (2) provide that assistant regional commissioners may relieve wholesale liquor dealers of the requirement for recording case serial numbers on records of receipt and disposition, until otherwise notified; (3) prescribe that wholesale liquor dealers' reports on Form 338 shall be filed semiannually instead of monthly; (4) permit assistant regional commissioners to authorize the preparation of recapitulation records at intervals less frequent than daily; and (5) make certain editorial and clarifying changes, the regulations in 26 CFR Part 194 are amended as follows:

PARAGRAPH 1. Section 194.221 is amended by deleting specific instructions for preparing records and reports as such instructions are contained in, or have been transferred to, other sections. As amended, § 194.221 reads as follows:

§ 194.221 General requirements as to distilled spirits.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall, daily, prepare records of the physical receipt and disposition, as prescribed in §§ 194.225 and 194.226, respectively, of distilled spirits by him, and shall, daily, prepare a recapitulation record, as prescribed in § 194.230, showing the total

wine gallons if in bottles, or proof gallons if in packages, of distilled spirits received and disposed of during the day.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 2. Section 194.225 is amended by prescribing consignors' invoices (or the consignees' memorandum receiving records) and credit memorandums as the record of receipt. As amended, § 194.225 reads as follows:

§ 194.225 Records of receipt.

(a) *Information required.* Every wholesale dealer in liquors shall maintain a daily record of the physical receipt of each individual lot or shipment of distilled spirits, which record shall show (1) name and address of consignor, (2) date of receipt, (3) brand name, (4) name of producer or bottler, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying the producer or bottler with the brand name, (5) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (6) quantity actually received (showing number of packages, if any, and number of cases by size of bottle, and explaining any difference from the quantity shown on the commercial papers covering the shipment), and (7) serial numbers of packages, and (8) where required in writing by the assistant regional commissioner, serial numbers of cases. Where the recording of serial numbers is required, they may, if desired, be shown on supporting documents attached to the record of receipt. Additional information may also be shown.

(b) *Form of record.* The record prescribed by paragraph (a) of this section shall consist of consignors' invoices (or, where such invoices are not available on the day the shipment is received, memorandum receiving records prepared on the day of receipt of the distilled spirits), and credit memorandums covering distilled spirits returned to the dealer, which contain all required information. Each such invoice (or memorandum receiving record) and credit memorandum shall be numbered by the consignee dealer in the sequence of the physical receipt of the spirits covered thereby. The consignee dealer may start a new series of such numbers annually, or on approval of the assistant regional commissioner, more frequently.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 3. Section 194.226 is amended by prescribing the wholesale dealer's invoices (or memorandum shipping records) as the records of disposition. As amended, § 194.226 reads as follows:

§ 194.226 Records of disposition.

(a) *Information required.* Every wholesale dealer in liquors shall prepare a daily record of the physical disposition of each individual lot of distilled spirits, which record shall show (1) name and address of consignee, (2) date of disposition, (3) brand name, (4) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (5) number of packages, if any, and number of cases by size of bottle, (6) the serial numbers of packages, and (7) where required in writing by the assistant regional commissioner, serial numbers of the cases. Where the recording of serial numbers is required, they may, if desired, be shown on supporting documents attached to the record of disposition. Additional information may also be shown.

(b) *Form of record.* The record prescribed by paragraph (a) of this section shall consist of the wholesale dealer's invoices (or, where such invoices are not available at the time the spirits are removed, memorandum shipping records prepared at the time of removal of the distilled spirits) which contain all required information. Each such invoice (or memorandum shipping record) shall be preprinted with the name and address of the wholesale dealer in liquors and shall be serially numbered in consecutive order. The wholesale dealer may start a new series of such numbers annually, or, on approval of the assistant regional commissioner, more frequently.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 4. Section 194.227 is amended with regard to the manner in which records of receipt and disposition will be canceled or corrected. As amended, § 194.227 reads as follows:

§ 194.227 Canceled or corrected records.

Entries on the records of receipt and disposition prescribed by §§ 194.225 and 194.226 shall not be erased or obliterated. Correction or deletion of any entry shall be accomplished by drawing a line through such entry, and making appropriate correction or explanation. If a wholesale dealer in liquors voids an invoice for any reason, the "Government File Copy" prescribed in § 194.240 shall be marked "Canceled" and be filed as provided in that section; all remaining copies of the voided invoice shall be destroyed or similarly canceled and filed. If a new invoice is prepared, the serial number thereof shall be noted on all retained copies of the canceled invoice.

(72 Stat. 1342; 26 U.S.C. 5114)

PAR. 5. Section 194.228 is amended to provide that a wholesale dealer may continue to use his previously approved records of receipt and disposition, and a related change is made in the section heading. As amended, § 194.228 reads as follows:

§ 194.228 Previously prescribed or approved records of receipt and disposition.

A wholesale dealer in liquors may continue to use records of receipt and disposition in a format previously prescribed, or approved for him, provided he gives written notice of such intent to the assistant regional commissioner. Such records shall show the information required by paragraph (a) of § 194.225 or paragraph (a) of § 194.226, as applicable. Such records shall be preprinted with the name and address of the wholesale dealer. Each sheet or page shall bear a preprinted serial number, or page serial numbers may be affixed in unbroken sequence during the preparation or processing of the records. A serial number shall not be duplicated within a period of 6 months.

(72 Stat. 1342; 26 U.S.C. 5114)

PAR. 6. Section 194.229 is amended to provide that the Director, Alcohol and Tobacco Tax Division, may also authorize variations in type of record, and to recognize the use of data processing equipment. As amended, § 194.229 reads as follows:

§ 194.229 Variations in format, or preparation, of records.

(a) *Authorization.* The Director may approve variations in the type and format of records of receipt and disposition, or in the methods of preparing such records, where it is shown that variations from the requirements are necessary in order to use data processing equipment, other business machines, or existing accounting systems, and will not (1) unduly hinder the effective administration of this part, (2) jeopardize the revenue, or (3) be contrary to any provision of law. A dealer who proposes to employ such a variation shall submit written application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and set forth the need therefor. The assistant regional commissioner will determine the need for the variations, and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The assistant regional commissioner will forward two copies of the application to the Director together with a report of his findings and his recommendation. Variations in type and format of records or methods of preparation shall not be employed until approval is received from the Director.

(b) *Requirements.* Any information required by this part to be kept or filed is subject to the provisions of law and this part relating to required records and reports, regardless of the form or manner in which kept or filed.

PAR. 7. Section 194.230 is amended to provide that assistant regional commissioners, alcohol and tobacco tax, may authorize the preparation of recapitulation records at intervals less frequent than daily. As amended, § 194.230 reads as follows:

§ 194.230 Recapitulation records.

Every wholesale dealer in liquors shall, daily, prepare a recapitulation record showing the total quantities of distilled spirits received and disposed of during the day: *Provided*, That, upon application, and on his finding that preparation of the recapitulation daily is not necessary to law enforcement or protection of the revenue, the assistant regional commissioner may authorize a dealer to prepare such record less frequently until otherwise notified. The assistant regional commissioner's authorization shall specify the intervals at which the recapitulation shall be prepared and shall provide that the authorization may be withdrawn if, in the opinion of the assistant regional commissioner, preparation of a daily recapitulation by the dealer is necessary to law enforcement or to protection of the revenue.

PAR. 8. The center heading "Daily and Monthly Reports" immediately preceding § 194.231 is deleted.

PAR. 9. In order to provide for the filing of the wholesale liquor dealer's report, Form 338, semiannually instead of monthly and to delete extraneous material, § 194.232 is deleted and §§ 194.231 and 194.233 are amended to read as follows:

§ 194.231 Wholesale liquor dealer's semiannual report, Form 338.

As of the close of business on June 30 and December 31 of each year, every wholesale dealer in liquors who is required to keep the records prescribed in § 194.221 shall prepare, on Form 338, in duplicate, a report showing the total quantities of distilled spirits received and disposed of during the 6-month period ending on such day. If there were no receipts or disposals of distilled spirits during the period, Form 338 shall be prepared showing the quantity on hand the first day of the period and the quantity on hand the last day of the period and marked "No transactions during period." The original of Form 338 shall be filed with the assistant regional commissioner not later than the 10th day of the month succeeding the period for which rendered, and the copy shall be retained by the dealer.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.232 [Deleted.]

§ 194.233 Discontinuance of business.

When a wholesale dealer in liquors discontinues business as such, he shall render Form 338, covering transactions from the first day of the 6-month period (referred to in § 194.231) in which business is discontinued, through the date of such discontinuance, mark such report "Final", and file the form with the assistant regional commissioner within 10 days of the date of such discontinuance.

(72 Stat. 1342; 26 U.S.C. 5114)

PAR. 10. Section 194.234 is amended to include the waiver of filing daily or periodic reports on Forms 52A and 52B, transferred from § 194.221, and to simplify the instructions for filing such reports. As amended, § 194.234 reads as follows:

§ 194.234 Daily reports, Forms 52A and 52B.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner or other officer designated by him. Each report shall bear the following declaration signed by the dealer or his authorized agent:

I declare under the penalties of perjury that this report, consisting of —— pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or, upon application, and a finding by the assistant regional commissioner that such reporting is not necessary to law enforcement or protection of the revenue, he may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified.

(68A Stat. 749, 72 Stat. 1342; 26 U.S.C. 6065, 5114)

10a. Section 194.237 is amended to conform the requirements regarding the reporting of serial numbers to the liberalized amendments to §§ 194.225 and 194.226. As amended, § 194.237 reads as follows:

§ 194.237 Serial numbers of containers.

Serial numbers of packages of distilled spirits received, or disposed of, shall be reported on Form 52A or Form 52B unless the omission of such serial numbers is specifically authorized by the assistant regional commissioner. Serial numbers of cases of distilled spirits received, or disposed of, shall be reported on Form 52A or Form 52B by any wholesale dealer who has been required, pursuant to §§ 194.225 and 194.226, to record such serial numbers in his records of receipt and disposition.

PAR. 11. Section 194.238 is amended to conform to the change in the period for which Form 338 is filed, as set forth in § 194.231, to delete extraneous material, and to make conforming changes in section references. As amended, § 194.238 reads as follows:

§ 194.238 Requirements when wholesale dealer in liquors maintains a retail department.

(a) When a wholesale dealer in liquors maintains a separate department on his premises for the retailing of distilled spirits, he shall, except as provided in paragraph (b) of this section, at the time distilled spirits are transferred to the retail department, prepare a record, as prescribed in § 194.226, showing such disposition. Where it is necessary in the filling of an order to transfer distilled spirits from the retail department to the wholesale department, a record showing receipt in the wholesale department shall be prepared as prescribed in § 194.225, and the entire wholesale sale shall be entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of this subpart relating to submission of reports on Forms 52A and 52B are applicable to all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department, but the retail department shall in fact be separate from the wholesale department.

(b) Where retail sales of distilled spirits normally represent 90 percent or more of the volume of distilled spirits sold, the dealer may, in lieu of the records required by § 194.225, keep records as prescribed in § 194.239 for all retail dealers in liquors, and all distilled spirits at the premises may be considered as having been received in the dealer's retail department. In addition, as prescribed by § 194.226, he shall prepare records of disposition on all distilled spirits sold at wholesale, and shall prepare recapitulation records of such spirits, as prescribed in § 194.230. Distilled spirits which have been considered as having been received in the retail department, and which are involved in a wholesale transaction, shall be considered as having been transferred to the wholesale department at the time of sale. The semiannual report on Form 338 shall be submitted in accordance with the provisions of § 194.231, even if there have been no wholesale transactions in distilled spirits. Unless relieved of the requirement, pursuant to application under § 194.234, the dealer shall submit daily or periodic reports on Forms 52A and 52B of all his wholesale liquor dealer transactions in distilled spirits. The dealer's wholesale department need not be maintained in a separate room or be partitioned off from the retail department.

(72 Stat. 1342, 1345, 1395; 26 U.S.C. 5114, 5124, 5555)

PAR. 12. Section 194.240 is amended by changing the section heading to include reference to the time of filing specified records and to delete the word "looseleaf," and by making a clarifying restatement of the text. As amended, § 194.240 reads as follows:

§ 194.240 Time and manner of filing records of receipt and disposition.

One legible copy of each record of receipt and each record of disposition required by this subpart shall be marked or stamped as "Government File Copy," and shall be filed chronologically, and in numerical sequence within each date. Where the chronological filing of the record of disposition disarranges the numerical sequence to such an extent that the sequence of numbers cannot be readily traced, a control record shall be maintained by the wholesale dealer, which shall key the numerical sequence of the records to their respective dates. Government file copies shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. Separate files shall be maintained for records of receipt and for records of disposition. Supporting documents such as delivery receipts, and bills of lading may be filed in accordance with the wholesaler's customary practice.

(72 Stat. 1342; 26 U.S.C. 5114)

[F.R. Doc. 69-6570; Filed, June 3, 1969; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Typhoid Vaccine and Limits of Potency

On November 9, 1968, a notice of rule making was published in the FEDERAL REGISTER (33 F.R. 16452–16454) proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Typhoid Vaccine, and by prescribing the required potency for Typhoid Vaccine and Tetanus Immune Globulin (Human).

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER.

1. Part 73 is hereby amended by adding to the table of contents in numerical sequence, the following:

ADDITIONAL STANDARDS: TYPHOID VACCINE

Sec.
73.410 Proper name and definition.
73.411 U.S. Standard preparations.
73.412 Production.
73.413 Potency test.
73.414 General requirements.
73.415 Equivalent methods.

2. Part 73 is hereby amended by adding the following after § 73.406:

ADDITIONAL STANDARDS: TYPHOID VACCINE

§ 73.410 Proper name and definition.

The proper name of this product shall be Typhoid Vaccine which shall be an aqueous or dried preparation of killed *Salmonella typhosa* bacteria.

§ 73.411 U.S. Standard preparations.

(a) The U.S. Standard Typhoid Vaccine shall be used for determining the potency of Typhoid Vaccine.

(b) The U.S. Opacity Standard shall be used to adjust the opacity of the suspension from which the challenge culture is prepared.

§ 73.412 Production.

(a) *Strain of bacteria.* Strain Ty 2 of *Salmonella typhosa* shall be used in the manufacture of Typhoid Vaccine.

(b) *Propagation of bacteria.* The culture medium for propagation of *S. typhosa* shall not contain ingredients known to be capable of producing allergenic effects in human subjects. The harvested bacteria shall be free of extraneous bacteria, fungi and yeasts, as demonstrated by microscopic examination and cultural methods.

(c) *Bacterial content.* (1) The number of bacteria in the concentrate of harvested bacteria shall be estimated not later than 2 weeks after harvest and before any treatment capable of altering the accuracy of the estimate.

(2) The number of *S. typhosa* bacteria in the vaccine shall not exceed 10^9 per ml.

(d) *Nitrogen content.* The total nitrogen content of the vaccine shall not exceed 0.035 mg./ml. for nonextracted bacteria preparations and shall not exceed 0.023 mg./ml. for acetone-extracted bacteria preparations.

(e) *Preservative.* Aqueous vaccine and the solution for reconstitution supplied with dried vaccine shall contain a preservative. Dried vaccine shall not contain a preservative.

§ 73.413 Potency test.

The number of potency units per milliliter shall be estimated for each lot of vaccine from the results of simultaneous mouse protection tests of the vaccine under test and of the U.S. Standard Typhoid Vaccine. The test shall be performed as follows:

(a) *Mice.* Healthy mice shall be used, all from a single strain and of the same sex, or an equal number of each sex in each group, with individual weights between 13 and 16 grams. A system of randomization shall be used to distribute the mice into the groups, with respect to shelf position and to determine the order of challenge. There shall be at least three groups consisting of no less than 16 mice each, for each vaccine. In addition, there shall be at least four groups consisting of no less than 10 mice each, for control purposes; one group for the challenge dose and three groups for titrating the virulence of the challenge dose.

(b) *Inoculation of vaccine.* (1) Serial dilutions, no greater than 5-fold, of the vaccine to be tested and of the standard vaccine shall be made in saline (0.85 percent sodium chloride solution). The middilution of each vaccine shall contain that amount of vaccine which will afford protection to approximately 50 percent of the mice. Each mouse in each group for inoculation shall be injected intraperitoneally with 0.5 ml. of the appropriate dilution.

(2) The interval between inoculation of the vaccine and challenge shall be no less than 7 days nor more than 14 days. At least 87.5 percent of the mice in each group shall survive the period between vaccine inoculation and challenge and each mouse challenged shall appear healthy.

(c) *The challenge.* (1) The challenge culture of Strain Ty 2 of *S. typhosa* for each test shall be taken from a batch of cultures maintained by a method, such as freeze-drying, that retains constancy of virulence.

(2) The challenge and virulence titration doses shall be prepared as follows: The bacteria shall be harvested from a 5- to 6-hour culture grown at 36°±1° C. on a nutrient agar medium which shall have been seeded from a 16- to 20-hour culture grown at 36°±1° C. on a nutrient agar medium, and the harvested bacteria then shall be uniformly suspended in saline. The suspension, freed from agar particles and clumps of bacteria and adjusted to an opacity of 10 units, shall be diluted in saline by 10-fold increments. The suspensions for the challenge and virulence titration doses shall be put into a sterile gastric mucin preparation. The challenge suspension shall be prepared from whichever bacterial dilution provides about 1,000 colony forming units for an 0.5 ml. challenge dose. The virulence titration suspensions shall be 10^1, 10^2, and 10^3 dilutions respectively of the challenge suspension.

(3) Each mouse inoculated with vaccine shall be injected intraperitoneally with an 0.5 ml. dose of the challenge suspension. Each mouse in the four groups of control mice shall be injected intraperitoneally with an 0.5 ml. dose of the challenge suspension and its three dilutions, respectively. The challenge dose control mice shall be injected last. The interval between removal of the bacteria from the culture medium and the injection of the last mouse shall not exceed 2½ hours.

(d) *Recording the results.* The mice shall be observed daily for 3 days. A record shall be maintained of the number of mice that die. A record of the number of mice that survive shall be made at the end of the observation period.

(e) *Validity of the test.* The test is valid provided: (1) the ED_{50} of the vaccine under test and the Standard Vaccine is between the largest and smallest doses inoculated into the mice; (2) the limits of one standard deviation of the ED_{50} of each vaccine fall within the range of 61 percent to 163 percent; (3) a graded protective response is obtained in relation to the vaccine dilutions; (4) the dose response curves of the vaccine under test and the standard vaccine are parallel; (5) the challenge dose contains approximately 1,000 colony forming units; and (6) the LD_{50} of the challenge dose contains no more than 10 colony forming units.

(f) *Repeat tests.* If the test does not meet the criteria prescribed in paragraph (e) of this section, repeat tests may be performed, and the combined results of all tests shall meet the paragraph (e) criteria, except that the limits of one standard deviation of the ED_{50} shall be reduced in proportion to the total number of mice in a test group. Tests established as invalid pursuant to section 73.70 may be disregarded.

(g) *Estimate of the potency.* The ED_{50} of each vaccine shall be calculated by a method that provides an estimate of the standard deviation. The protective unit value per milliliter of the vaccine under test shall be calculated in terms of the unit value of the standard vaccine.

(h) *Potency requirements.* The vaccine shall have a potency of 8 units per milliliter. Variations in potency unit estimates are acceptable provided the estimate is not less than 5.0 units per milliliter.

§ 73.414 General requirements.

(a) *Dose.* These standards are based on a human adult dose of 0.5 ml. for a single injection and a total immunizing dose of two injections of 0.5 ml. given at appropriate intervals.

(b) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, the package label shall state that the vaccine contains 8 units per milliliter.

(c) *Samples; protocols; official release.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A sample of no less than 40 ml. of the product distributed in no less than four containers.

(2) A protocol which consists of a summary of the history of manufacture of each lot including all results of each test for which test results are required by the Director, Division of Biologics Standards.

The product shall not be issued by the manufacturer until notification of official release is received from the Director, Division of Biologics Standards, for each filling lot of dried vaccine and for each bulk lot of aqueous vaccine.

§ 73.415 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Typhoid Vaccine, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such finding a matter of official record.

3. Section 73.82 is hereby amended by adding the potency limits for Tetanus Immune Globulin (Human) and for Typhoid Vaccine and revising that section to read as follows:

§ 73.82 Limits of potency.

The potency of the following products shall be not less than that set forth below and products dispensed in the dried state shall represent liquid products having the stated limitations.

ANTIBODIES

Diphtheria Antitoxin, 500 units per milliliter.
Scarlet Fever Streptococcus Antitoxin, 400 units per milliliter.
Tetanus Antitoxin, 400 units per milliliter.
Tetanus Immune Globulin (Human), 50 units of tetanus antitoxin per milliliter.

ANTIGENS

Pertussis Vaccine, 12 units per total human immunizing dose.
Typhoid Vaccine, 8 units per milliliter.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262).

Dated: April 25, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: May 28, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-6581; Filed, June 3, 1969; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2259]

PART 1720—PROGRAMS AND OBJECTIVES

Subpart 1725—Program Policy

FLOOD HAZARDS

On pages 14709 and 14710 of the FEDERAL REGISTER of October 2, 1968, there were published a notice and text of proposed amendment to Subpart 1725 of Title 43, Code of Federal Regulations. The purpose of the amendment is to implement Executive Order 11296, August 10, 1966, which directed Federal agencies to evaluate flood hazards in connection with lands or properties proposed for disposal to non-Federal public instrumentalities or private interests and, where desirable, to attach appropriate restrictions to the use of the lands or properties by the purchaser and his successors, or to withhold such lands or properties from disposal. Interested persons were given 30 days within which to submit comments, suggestions or objections to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective on publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

MAY 28, 1969.

1. In § 1725.2, paragarph (a) is amended, existing paragraphs (b), (c), (d), and (e) are renumbered (c), (d), (e), and (f) and a new paragraph (b) is added, as follows:

§ 1725.2 Disposal policy.

* * * * *

(a) Encouragement and assistance will be extended to State, county, and local governments in master planning and zoning. They will be encouraged to utilize the best modern techniques for quality land utilization, including preservation of natural beauty and open space values, and the prevention of uneconomic use and development of flood plains.

(b) Inclusion in patents of suitable conditions or restrictions on the use of the land, in those situations where a tract of land is suitable for disposal but has been evaluated as having a flood hazard potential which may cause economic loss to improvements or may endanger human life. If inclusion of needed conditions or restrictions in the deed are not permitted by law, the tract may be withheld from disposal to avoid such losses.

* * * * *

2. In § 1725.3–3, paragraph (j) is amended to read as follows:

§ 1725.3–3 Components of multiple use management.

* * * * *

(j) *Preservation of public values.* Management of public land for preservation of public values that would be lost if the land passed from Federal ownership involves the protection, regulated use, and development of any public lands having unique or scarce characteristics or site values in a manner to insure their continued availability to the general public, either national or local, temporarily or permanently. It also involves the prevention of avoidable losses and damage, including avoidance of use and development which may require future expenditures for flood protection and flood damage relief.

[F.R Doc. 69-6537; Filed, June 3, 1969; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4664]

[Utah 6443]

UTAH

Withdrawal for National Forest Recreation Area Partial Revocation of Public Land Order No. 4567

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UINTA NATIONAL FOREST

SALT LAKE MERIDIAN

Hawthorne Campground (addition)

T. 8 S., R. 5 E.,
Sec. 11, SW¼NW¼NE¼.

Containing 10 acres.

2. Public Land Order No. 4567 of January 16, 1969, so far as it withdrew the following described lands from appropriation under the mining laws in aid of programs of the Department of Agriculture, is hereby revoked:

UINTA NATIONAL FOREST
SALT LAKE MERIDIAN
Hawthorne Campground

T. 8 S., R. 5 E.,
Sec. 11, NE¼NW¼NE¼.

Containing 10 acres.

3. At 10 a.m. on July 3, 1969, the lands described in paragraph 2 shall be open to such forms of disposal as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 28, 1969.

[F.R. Doc. 69-6535; Filed, June 3, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM UNDER TITLE II-A, HIGHER EDUCATION ACT OF 1965, AS AMENDED

Sec.
131.1 Applicability.
131.2 Definitions.
131.3 Program purposes.
131.4 Ineligible purposes.
131.5 Eligible applicants.
131.6 Application for grants.
131.7 Content of applications.
131.8 Criteria for review of applications for supplemental grants.
131.9 Criteria for review of applications for special purpose grants.
131.10 Disposition of applications.
131.11 Amount of grant.
131.12 Availability of grant funds.
131.13 Payment procedures.
131.14 Effect of Federal payments.
131.15 Fiscal accounting and auditing procedures.
131.16 Retention of records.
131.17 Reports.

AUTHORITY: These regulations issued under secs. 202, 203, 204 and 1203(a), 79 Stat. 1224, 1225, 1226, and 1270, as amended.

§ 131.1 Applicability.

The regulations in this part apply to grants made by the Commissioner pursuant to his authority under Title II-A of the Higher Education Act of 1965, as amended. Such grants are also subject to the requirements of Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in 45 CFR Part 80. (20 U.S.C. 1021-8, 42 U.S.C. 2000d et seq.)

§ 131.2 Definitions.

As used in this part—

(a) "Act" means the Higher Education Act of 1965 (Public Law 89-329, as amended, 79 Stat. 1219, 20 U.S.C. 1001 et seq.).

(b) "Basic grant" means a grant made pursuant to section 202 of the Act.

(c) "Branch" means a campus of an institution of higher education which is located in a State but in a community different from that of the parent institution and beyond a reasonable commuting distance from the main campus and which has college level programs for which library facilities, services, and materials are necessary.

(d) "Combination of institutions" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective on their behalf or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective for the benefit of said institutions.

(e) "Commissioner" means the U.S. Commissioner of Education.

(f) "Fiscal year" means the period beginning on July 1 and ending on the following June 30 and is designated by the calendar year in which the fiscal year ends.

(g) "Full-time equivalent of the number of part-time students" is to be determined by dividing the total number of credit hours of part-time students by the student-hour load required by the institution for full-time student standing.

(h) "Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent (including research or special studies) to secure the degree or certificate toward which he is working in no more than the number of semesters or terms normally taken therefor at the institution in which he is enrolled.

(i) "Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond secondary education.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree;

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(4) It is a public or other nonprofit institution.

(5) It is either accredited by a nationally recognized accrediting agency or association, or meets at least one of the following requirements:

(i) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time.

(ii) It is an institution with respect to which the Commissioner determines that there is satisfactory assurance that upon acquisition of the library resources with respect to which assistance under this part is sought, or upon acquisition of those resources and other library resources planned to be acquired within a reasonable time, the institution will meet the accreditation standards of such agency or association.

(iii) It is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(j) "Joint-use library facilities" means those library facilities, services, or materials provided by and for the use of a combination of institutions of higher education.

(k) "Library materials" means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the library resources of institutions of higher education and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than 1 year. Such term also includes necessary first binding of such printed and published materials, but shall not include equipment or supplies.

(l) "Library purposes", as applied to expenditures, means expenditures for the maintenance and operation of libraries, such as salaries, wages, supplies, materials, and equipment. Such term does not include expenditures for construction, acquisition, expansion or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

(m) "New institution of higher education" (in fiscal year 1970 and thereafter) means an educational institution in any State which meets all of the following criteria:

(1) It can demonstrate to the Commissioner that it has undertaken procedures preparatory to the enrollment of students in the fiscal year following the fiscal year for which a grant is requested.

(2) It proposes to enroll as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(3) It is presently, or can demonstrate that it will by the time of the proposed enrollment, be legally authorized within such State to provide a program of education beyond secondary education.

(4) It proposes to provide in the year in which it intends to first enroll students at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree;

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(5) It is organized as a public or other nonprofit institution.

(6) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution (including assistance under this program), the length of time the institution has legally been in existence, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable period of time.

(n) "Nonprofit institution" means an institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(o) "School or department of divinity" means an institution of higher education or a department or branch of such an institution whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(p) "Special purpose grant" means a grant made pursuant to section 204 of the Act.

(q) "State" means, in addition to the several States of the Union, Puerto Rico, District of Columbia, Guam, American Samoa, and the Virgin Islands.

(r) "Supplemental grant" means a grant made pursuant to section 203 of the Act.

(s) "Total institutional expenditures" means expenditures for the maintenance and operation of institutions of higher education, including those for administration, instruction, research, extension and public services, libraries, operation and maintenance of physical plant. Such term shall not include expenditures for construction, acquisition, expansion, or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

(t) "Volume" means any printed, typewritten, handwritten, mimeographed, or processed work contained in one binding or portfolio, hardbound or paperbound, which has been classified, cataloged, or otherwise prepared for library use, including bound periodical volumes and nonperiodical Government documents.

(20 U.S.C. 1021-4, 1026, 1027, and 1141)

§ 131.3 Program purposes.

Funds appropriated under title II, part A of the Act may be used by the Commissioner to make grants to eligible applicants to assist them in the acquisition of books and other materials to be used for library purposes. Such grants may be made in the following manner:

(a) Not more than 75 percent of such appropriation may be used for basic grants;

(b) Not more than 15 percent of such appropriation may be used for special purpose grants for either:

(1) Meeting a special need for additional library resources which will make a substantial contribution to the quality of an institution's educational resources (hereinafter referred to as type A);

(2) Meeting special national or regional needs in the library and information not used for basic or special purpose type B); or

(3) Establishing and strengthening joint-use facilities (hereinafter referred to as type C);

(c) The remainder of such appropriation not used for basic or special purpose grants may be used for supplemental grants.

(20 U.S.C. 1022, 1023(a), and 1024(a))

§ 131.4 Ineligible purposes.

No grants may be made under this part for library materials to be used—

(a) For sectarian instruction or religious worship;

(b) Primarily in connection with any part of a program of a school or department of divinity; and

(c) Primarily in connection with any medical library or related scientific communication instrumentality which is eligible for assistance under the Medical Library Assistance Act of 1965 (Public Law 89-291, 42 U.S.C. 280b et seq.).

(20 U.S.C. 1027, 42 U.S.C. 280(b) et seq.)

§ 131.5 Eligible applicants.

(a) *Basic grant.* The following are eligible to apply for a basic grant:

(1) An institution of higher education on its own behalf,

(2) An institution of higher education on behalf of a branch,

(3) A combination of institutions of higher education,

(4) For fiscal year 1970 and thereafter, a new institution of higher education, as defined in § 131.2(m); *Provided,* That such institution shall be eligible for only one basic grant as a new institution of higher education.

(b) *Supplemental grant.* The following are eligible to apply for a supplemental grant:

(1) An institution of higher education,

(2) A branch of an institution of higher education,

(3) A combination of institutions of higher education: *Provided,* That in the fiscal year for which the grant is requested the applicant institution or branch, either individually or as a member of a combination, has also applied for and is eligible to receive a basic grant in excess of $1,500 for or on behalf of such institution or branch.

(c) *Special purpose grant.* The following are eligible to apply for a special purpose grant:

(1) Types A and B—

(i) An institution of higher education,

(ii) A branch of an institution of higher education; *Provided,* That in any fiscal year each institution of higher education or branch thereof may apply for either a special purpose type A or type B grant, but not for both.

(2) Type C—

(i) A combination of institutions of higher education.

(20 U.S.C. 1022, 1023(a), and 1024(a)(2))

§ 131.6 Application for grants.

An application for a basic, supplemental, or special purpose grant shall be submitted on forms prescribed by the Commissioner on or before the date announced by him for each fiscal year. The application shall be executed by an individual authorized to act for the applicant. Applications from branches of institutions shall be submitted to the Commissioner only through the parent institution. Applications and requests for information shall be sent to the Director, Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1022, 1023(a), and 1024(b))

§ 131.7 Content of applications.

(a) *Applications for a basic grant.* All applications for a basic grant shall contain information sufficient to enable the Commissioner to determine—

(1) The eligibility of the applicant pursuant to § 131.5 of this part and the civil rights regulation in 45 CFR Part 80;

(2) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(3) That the applicant will expend for all library purposes an amount (from funds other than funds received under this part) equal to not less than the amount of such grant;

(4) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average amount it expended for such materials during fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(5) That the applicant will comply with the requirements in §§ 131.15,

131.16, and 131.17 relating to fiscal accounting and auditing procedures, retention of records and reports.

(b) *Application for a supplemental grant.* All applications for a supplemental grant shall contain information sufficient to enable the Commissioner to determine—

(1) The eligibility of the applicant pursuant to § 131.5 of this part and the civil rights regulation in 45 CFR Part 80;

(2) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(3) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average amount it expended for such materials during fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(4) (i) The size and quality of the library resources of the applicant in relation to its present enrollment and any expected increase in its enrollment, (ii) any special circumstances which are impeding or will impede the proper development of its library resources and (iii) how a supplemental grant would be used to improve the size or quality of its library resources;

(5) The relative priority of the application in light of the criteria established by him with the advice of the Advisory Council on College Library Resources and set forth in § 131.8;

(6) That the applicant will comply with the requirements in §§ 131.15, 131.16, and 131.17 relating to fiscal accounting and auditing procedures, retention of records, and reports.

(c) *Applications for a special purpose grant.* All applications for a special purpose grant shall contain information sufficient to enable the Commissioner to determine—

(1) The eligibility of the applicant pursuant to § 131.5 of this part and the Civil Rights Regulation in 45 CFR Part 80;

(2) Whether the purpose for which the grant is requested is one of the three purposes set forth in § 131.3;

(3) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(4) That the applicant (or applicants jointly in the case of a combination of institutions) will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for the same purpose as such grant an amount from such other sources equal to not less than 33⅓ percent of such grant;

(5) The relative priority of the application in light of the criteria, applicable to grants type A, type B, or type C, as appropriate, which the Commissioner has established with the advice of the Advisory Council on College Library Resources and set forth in § 131.9; and

(6) That the applicant will comply with the requirements in §§ 131.15, 131.16, and 131.17 relating to fiscal accounting and auditing procedures, retention of records, and reports.

(20 U.S.C. 1022, 1023, and 1024)

§ 131.8 Criteria for review of applications for supplemental grants.

The following criteria will be applied by the Commissioner in approving applications for supplemental grants:

(a) Degree of deficiency in the number of volumes of the applicant's library in relation to the present, and expected increase in, student enrollment and the type of institution or branch applying for a grant;

(b) Amount of decrease in the average per student expenditure for library materials due to an increase in student enrollment;

(c) Recency of the establishment of the library collection;

(d) Number of doctoral programs;

(e) Amount of increase in average percentage of total institutional expenditures allocated to all library purposes.

(20 U.S.C. 1023(b) and 1025(b))

§ 131.9 Criteria for review of applications for special purpose grants.

The following criteria will be applied by the Commissioner in approving applications for special purpose grants:

(a) *Type A grant.* (1) Amount of increase in number of degree programs offered;

(2) Establishment of a special instructional or research center;

(3) Establishment of additional library facilities;

(4) Other demonstrated special library needs.

(b) *Type B grant.* (1) Existence of a comprehensive collection serving a special regional or national need which requires expansion;

(2) Availability of a published catalog of or other guide to such collection;

(3) Accessibility to such collection through a nationally recognized and available bibliography;

(4) Extent of interlibrary loan activity;

(5) Number of registered borrowers eligible to use such collection.

(c) *Type C grant.* (1) Scope and nature of combination's activities (including highest level of degree offered by each institution) in connection with a special collection or infrequently used library materials;

(2) Number of member institutions in the combination;

(3) Adequacy of staff, equipment, and facilities;

(4) Use or availability of a separate joint-use storage facility for special collection or infrequently used library materials;

(5) Availability of a published catalog of, or other guide to, materials;

(6) Maintenance of cooperative cataloging services;

(7) Recency of organization of the combination, as well as the date on which it commenced activities involving the joint use of library facilities, services, or materials.

(20 U.S.C. 1025(b))

§ 131.10 Disposition of applications.

On the basis of his review of an application, the Commissioner will either (a) approve the application either in whole or in part or (b) disapprove the application. Disapproval of an application will not preclude its resubmission in a subsequent fiscal year. The Commissioner will notify the applicant in writing of the disposition of the application. Where the Commissioner awards a grant, the grant award document shall be deemed to include the provisions of these regulations and shall, in addition, set forth the grant amount and any other terms and conditions upon which the grant is made.

(20 U.S.C. 1022, 1023, and 1024)

§ 131.11 Amount of grant.

(a) *Basic grant.* The amount of a basic grant may not exceed $5,000 for each eligible applicant. In the case of an application from a combination of institutions, the amount of the basic grant may not exceed $5,000 for each member institution or branch on whose behalf the application is filed.

(b) *Supplemental grant.* The amount of a supplemental grant may not exceed $10 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in the applicant institution or branch except that, where an application is made both by a parent institution and a branch thereof, the number of students enrolled in the branch may not be considered in computing the amount of the grant for the applicant parent institution. In the case of an application from a combination of institutions of higher education, the amount of the supplemental grant may not exceed $10 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in each eligible member institution: *Provided, however,* That, where a member institution has also applied for and received in the same fiscal year a supplemental grant on its own behalf, the number of students so enrolled may not be counted in computing the amount of the grant for the combination.

(c) *Special purpose grant.* The special purpose grant will be in such amount or amounts as the Commissioner may determine.

(20 U.S.C. 1022, 1023(a), and 1024)

§ 131.12 Availability of grant funds.

Grant funds shall be available to the grantee for expenditure for a period of 1 year following the close of the fiscal year in which the grant was made. For purposes of this section, an expenditure shall be determined in accordance with the grantee's customary fiscal and accounting practices.

(20 U.S.C. 1022 and 1023(a))

§ 131.13 Payment procedures.

Federal payment will be made in accordance with the regulations in this part and the grant award document.

(20 U.S.C. 1021, 1022, 1023, and 1024)

§ 131.14 Effect of Federal payments.

Neither the approval of a grant nor any payment to a grantee shall be deemed to waive the right of the Commissioner to withhold or recover the grant funds by reason of the failure of the grantee to comply with any requirements of the Act, the regulations, or the terms and conditions set forth in the grant award document.

(20 U.S.C. 1022, 1023, and 1024)

§ 131.15 Fiscal accounting and auditing procedures.

(a) *Fiscal accounting.* The grantee shall maintain clearly identifiable accounts, records, and other evidence referred to in § 131.16 in accordance with generally accepted accounting procedures used by the grantee.

(b) *Auditing records.* Each grantee shall make appropriate provision for an audit of program expenditure records. Such records and the reports of the audits thereof shall be made available for inspection and audit by the auditors or other authorized representatives of the Federal Government.

(c) *Adjustments.* Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from administrative reviews and audits by the Federal Government or by the grantee.

(20 U.S.C. 1022 and 1023(a))

§ 131.16 Retention of records.

(a) Each grantee shall provide for keeping accessible and intact all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of matching funds:

(1) For 5 years after the close of the fiscal year in which the expenditure was made by the grantee; or

(2) Until the grantee is notified of the completion of the Federal fiscal audit, whichever is earlier.

(b) The records involved in any claim or expenditure which has been questioned by the Federal fiscal audit shall be further maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner.

(20 U.S.C. 1022 and 1023(a))

§ 131.17 Reports.

The grantee shall submit to the Commissioner such fiscal and program reports as he may require and in the quantity and at the time stated in the report schedule which will be set forth in the grant award document. The grantee shall also submit periodically to the State agency concerned with the educational activities of all institutions of higher education in the State, if any, reports of its activities under this program.

(20 U.S.C. 1022, 1023(a), and 1028)

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: May 28, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-6580; Filed, June 3, 1969; 8:49 a.m.]

Chapter X—Office of Economic Opportunity

PART 1070—COMMUNITY ACTION

Subpart—Grantee Public Meetings and Hearings

PROGRAM GRANTEE OPERATIONS

Paragraph (a) of § 1070.2-3 *Public meetings after grant of assistance,* is revised to read as follows:

§ 1070.2-3 Public meetings after grant of assistance.

(a) This subpart implements the requirement for public meetings in sections 213(a) and 213(b) of the Economic Opportunity Act. This requirement is applicable throughout the period of assistance to any agency which has received financial assistance under section 123, section 151, section 221, section 222(a), or section 312 of the Economic Opportunity Act. In the case of a Community Action Agency which is not a State, a political subdivision of the State, or a combination of subdivisions, this subpart applies to all activities of that agency. For all other Community Action Agencies, delegate agencies, and other agencies financially assisted under these sections, this subpart applies only to matters which pertain to activities assisted under these sections. An agency may satisfy this requirement for public meetings either by holding regular meetings as specified in subparagraph (1) of this paragraph or by holding special meetings as specified in subparagraph (2) of this paragraph.

* * * * *

Effective date: This revision shall become effective on June 7, 1969.

(Secs. 213 and 602, 81 Stat. 695, 78 Stat. 630; 42 U.S.C. 2796, 2942)

THEODORE M. BERRY,
Director, Community Action Program.

[F.R. Doc. 69-6548; Filed, June 3, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-587]

PART 73—RADIO BROADCAST SERVICES

Order Regarding Submission of Dates and Times of Field Intensity Measurements in Connection With Standard Broadcast Applications

In the matter of Amendment of Part 73 of the Commission's rules to require submission of dates and times of field intensity measurements in connection with standard broadcast applications.

1. The results of standard broadcast groundwave field intensity measurements taken and analyzed in accordance with the present technical standards may be substantially affected by residual skywave interference and apparent ground conductivity changes occurring seasonally. Such data submitted with applications involving directional antenna systems may be questionable because of time-related environmental conditions.

2. Most engineering consultants include in the tabulation of field intensity measurements information as to the dates and time periods measurements were made. It is believed that this should be incorporated into the rules as a standard requirement, thereby minimizing time-consuming correspondence and expediting the processing of applications.

3. Authority for the adoption of the amendment herein is contained in sections 4(i), 303(f), 303(r), and 319(c) of the Communications Act of 1934, as amended.

4. The changes herein ordered are minimal, and reflect engineering practices already generally observed. Compliance with the notice and effective date provisions of the Administrative Procedures Act (5 U.S.C. section 553) accordingly is unnecessary and would serve no useful purpose.

5. In view of the foregoing: *It is ordered,* That effective June 10, 1969, Part 73 of the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 303, 319, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 319)

Adopted: May 28, 1969.

Released: May 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

Section 73.186(b)(1) is amended to read as follows:

§ 73.186 Field intensity measurements in allocation; establishment of effective field at one mile.

* * * * *

[1] Commissioners Hyde, Chairman; and Bartley absent.

(b) • • •

(1) Tabulation by number of each point of measurement to agree with the map required in (2) below, the date and time of each measurement, the field intensity (E), the distance from the antenna (D) and the product of the field intensity and distance (ED) (if data for each radial are plotted on semilogarithmic paper, see above) for each point of measurement.

• • • • • •

[F.R. Doc. 69-6549; Filed, June 3, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1020; Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 28th day of May, 1969.

Upon further consideration of Service Order No. 1020 (34 F.R. 6530), and good cause appearing therefor:

It is ordered, That:

§ 1033.1020(a) *Distribution of boxcars* of Service Order No. 1020, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., October 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6558; Filed, June 3, 1969; 8:47 a.m.]

[Corrected 2d rev. S.O. 1023]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 19th day of May 1969.

Corrected Second Revised Service Order No. 1023 (supersedes Revised Service Order No. 1023, service date April 17, 1969).

It appearing, that petitions seeking modification of Revised Service Order No. 1023 to require that demurrage computations at Atlantic and Gulf ports be on a comparable basis as at other ports have been filed with the Interstate Commerce Commission by the Chicago Association of Commerce on May 2, 1969; the Board of Harbor Commissioners of the city of Milwaukee, Wis., filed on May 12, 1969; the State of Illinois, Department of Business and Economic Development, filed on May 12, 1969; The International Association of Great Lake Ports, filed on May 12, 1969; and the Brown County Board of Harbor Commissioners (Green Bay, Wis.) filed on May 14, 1969; that because of basic differences in the underlying demurrage, storage, and detention rules, regulations, and charges lawfully in effect at the various ports, Revised Service Order No. 1023 would result in substantially higher demurrage charges on traffic subject to progressive demurrage rates than on traffic subject to nonprogressive demurrage rates.

It further appearing, that acute shortages of freight cars still exist throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for loading, unloading, or instructions for movement, in excess of the free time periods established by the applicable demurrage and detention tariffs; that such practices immobilize large numbers of freight cars needed by shippers for transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1023 Demurrage and detention charges on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations, and practices with respect to its demurrage and detention rules, practices, and charges.

(b) *Description of cars subject to this order.* Except as otherwise provided in paragraph (c) herein this order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(c) *Exceptions.* (1) The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical Designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical Designation: SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical Designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical Designation: XT.

(2) The provisions of this order shall not apply to freight cars while subject to the provisions of agent B. B. Maurer's Tariffs 8–0, ICC H–30; 551–F, ICC H–40; 552–0, ICC H–24; and 719–D, ICC H–27; nor to perishable protective charges published in agent W. T. Jamison's National Perishable Protective Tariff No. 18, ICC 37; supplements thereto, or reissues thereof.

(3) The provisions of this order shall not apply to freight cars while subject to the provisions of Rule 8, Item 935, of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof, or while subject to similar rules or items in other demurrage tariffs lawfully in effect.

(d) *Cars not subject to average demurrage agreement.* (1) When car detention or demurrage is subject to a graduated or progressive rate per car per day, the charges shall be:

(i) The lowest car detention or demurrage rates published in the applicable tariff for such period of time as is provided in the tariff.

(ii) $25 per car per day, or fraction of a day, for all cars subject to the next level of charges published in the applicable tariff for such period of time as is provided in the tariff.

(iii) $50 per car per day, or fraction of a day, for all subsequent detention.

(2) Where car detention or demurrage is subject to a nongraduated or single-factor charge, or is computed on a weight, bushel, or other measurement basis, the charges shall be:

(i) The applicable tariff rate for each of the first 4 chargeable days, or fraction of a day.

(ii) $25 per car per day, or fraction of a day, for each of the next 4 chargeable days.

(iii) $50 per car per day, or fraction of a day, for each subsequent chargeable day.

(e) *Cars subject to an average agreement.* When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days, or fraction of a day and $50 per car per day, or fraction of a day, will be made for all subsequent detention.

(f) If the application of the detention or demurrage rules published in any tariff lawfully in effect results in detention or demurrage charges greater than those provided in this order, such greater charges shall apply.

(g) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) *Regulations Suspended—Announcement Required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(i) *Effective date.* This order shall become effective at 7 a.m., May 26, 1969.

(j) *Expiration date.* This order shall expire at 6:59 a.m., July 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, acting as an appellate division.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6559; Filed, June 3, 1969; 8:48 a.m.]

[S.O. 1026-A]

PART 1033—CAR SERVICE

St. Louis Southwestern Railway Co. Authorization To Operate Over Trackage of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 27th day of May, 1969.

Upon further consideration of Service Order No. 1026 and good cause appearing therefor:

It is ordered, That:

Section 1033.1026, *Service Order No. 1026*, St. Louis Southwestern Railway Co. authorized to operate over trackage of Illinois Central Railroad Co. be, and is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., May 27, 1969; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6561; Filed, June 3, 1969; 8:48 a.m.]

[S.O. 1027]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. Authorization To Operate Over Certain Trackage of Belt Railway Company of Chicago and Certain Trackage of Chicago and Western Indiana Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of May 1969.

It appearing, That the Louisville and Nashville Railroad Co. has been authorized by the Commission, in Finance Docket No. 25031, to assume ownership of certain lines of the Chicago & Eastern Illinois Railroad Co. extending northward from Evansville, Ind., to Woodland Junction, Ill., including certain branch lines, and to assume a one-half ownership in the line of the Chicago & Eastern Illinois Railroad extending northward from Woodland Junction, Ill., to a connection with the Chicago and Western Indiana Railroad Co. at Dolton Junction, Ill.; that the Louisville and Nashville Railroad Co., in Finance Docket No. 25568, has filed an application with the Commission to operate over trackage of the Chicago and Western Indiana, between a point of connection with the Chicago & Eastern Illinois Railroad Co. at Dolton Junction, Ill., and the end of track at Dearborn Station, Chicago, Ill., a distance of approximately 17 miles; that the Louisville and Nashville Railroad Co., in Finance Docket No. 25653, has filed an application with the Commission to become a proprietor of The Belt Railway Company of Chicago and to operate over trackage of The Belt Railway Company of Chicago under the terms of that company's amended operating agreement dated September 1, 1962; that all of the above described operations by the Louisville and Nashville Railroad Co. over trackage presently used by the Chicago & Eastern Illinois Railroad Co. are required by the Commission, in Finance Docket No. 25031, to be consummated on or before June 2, 1969; that the Commission is of the opinion that operation by the Louisville and Nashville Railroad Co. over this trackage of the Chicago and Western Indiana Railroad Co. and of The Belt Railway Company of Chicago, is a necessary adjunct to the operations by the Louisville and Nashville Railroad Co. of the above-described trackage of the Chicago & Eastern Illinois Railroad Co. in the interest of the public and the commerce of the people, pending final dispositions of the applications of the Louisville and Nashville Railroad Co., in Finance Dockets Nos. 25568 and 25653; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1027 Service Order No. 1027.

Louisville and Nashville Railroad Co. authorized to operate over certain trackage of the Belt Railroad Company of Chicago and over certain trackage of the Chicago and Western Indiana Railroad Co.

The Louisville and Nashville Railroad Co. be, and it is hereby, authorized to operate over tracks of the Chicago and Western Indiana Railroad Co. between a point of connection with tracks of the Chicago & Eastern Illinois Railway Co. in the vicinity of Dolton Junction, Ill., and the end of track at Dearborn Station, Chicago, Ill., a distance of approximately 17 miles; and that the Louisville and Nashville Railroad Co. be, and it is hereby, authorized to operate over trackage of The Belt Railway Company of Chicago in accordance with the terms of that company's amended operating agreement, dated September 1, 1962.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Louisville and Nashville Railroad Co. over trackage of the Chicago and Western Indiana Railroad Co. and over trackage of The Belt Railway Company of Chicago is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Louisville and Nashville Railroad Co. over tracks of the Chicago and Western Indiana Railroad Co. and over tracks of The Belt Railway Company of Chicago, shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 2, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–6560; Filed, June 3, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

CEREAL LEAF BEETLE

Proposed Quarantine in Kentucky, New York, and West Virginia

Notice of public hearing on extending quarantine to the States of Kentucky, New York, and West Virginia and notice of rule making relating to the amendment of such quarantine and supplemental regulations:

The Administrator of the Agricultural Research Service has information that the cereal leaf beetle, *Oulema melanopus,* a dangerous insect injurious to small grains, corn, and grasses, which has been found to exist in certain parts of Illinois, Indiana, Michigan, Ohio, and Pennsylvania, has been discovered in certain parts of the States of Kentucky, New York, and West Virginia.

Notice is hereby given that it is proposed, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the States of Kentucky, New York, and West Virginia and to regulate, under the cereal leaf beetle quarantine and supplemental regulations (7 CFR 301.84, 301.84–1 et seq.), the interstate movement from these States into or through any other State, territory, or district of the United States of: (1) Small grains, such as barley, oats, and wheat, except grain sorghum; (2) soybeans; (3) ear corn (shelled corn is not regulated); (4) straw and hay, including marsh hay, except pelletized hay; (5) grass sod; (6) grass and forage seed; (7) fodder and plant litter; (8) used harvesting machinery; and, (9) any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of cereal leaf beetle, and the person in possession thereof has been so notified.

Further, notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Agricultural Research Service proposes to amend the cereal leaf beetle quarantine and supplemental regulations thereunder (7 CFR 301.84, 301.84–2a) by adding Kentucky, New York, and West Virginia to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations if it is determined that such action is necessary.

Most of the restrictions would apply to the movement of regulated articles from regulated areas. Less than an entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the cereal leaf beetle and if the regulation of less than an entire State would otherwise be sufficient to prevent the interstate spread of the pest. Regulated areas would be restricted to portions of the State in which infestations have been found or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restrictions which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined States relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky. 40508, at 10 a.m., e.d.t., on July 15, 1969, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before July 11, 1969, or with the presiding officer at the hearing. All written submissions received pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–6545; Filed, June 3, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 401]

[CGFR 69–46]

GREAT LAKES PILOTAGE RULES AND RATES

Notice of Proposed Rule Making and Public Hearing

Notice is hereby given that the U.S. Coast Guard is considering certain amendments to the regulations governing Great Lakes pilotage services. On April 27, 1968, these regulations were amended (33 F.R. 6477). The preamble to that amendment stated that the Coast Guard would continue to examine and study the system with the objective of improving its efficiency and effectiveness. This continuing review has resulted in the amendments proposed herein.

Interested persons are invited to submit data, views, and comments with respect to any of the proposed amendments. Submissions may be made in writing to the Commandant (AWL), U.S. Coast Guard, Washington, D.C. 20591, by June 23, 1969. In addition, interested persons may present data, views, and comments orally, or in writing, at a public hearing to be held on June 19, 1969, at 1240 Ninth Street, Cleveland, Ohio, at 9:30 a.m. The hearing will be an informal one conducted by a representative of the Commandant. It will not be a judicial or evidentiary type of hearing so there will be no cross examination of persons presenting statements. A representative of the Commandant will make an opening statement presenting a brief summary of the proposed amendments. Interested persons will then have an opportunity to present their initial oral statements. Their statements should focus on the issues raised by the notice and duplicate as little as possible written comments already made. After all initial statements have been completed those persons who wish to make a rebuttal statement will be given an opportunity to do so in the same order in which they made their initial statement. Additional procedures for the conduct of the hearing will be announced at the hearing. A transcript of the hearing will be made. Anyone may buy a copy of the transcript from the reporter.

1. The Coast Guard has been continually reviewing the number of registered pilots in order to achieve an efficient balance between that number and pilotage workload. Pilot staffing based on peak period workloads is obviously inefficient and costly. In order to insure that pilotage rates are kept to the absolute minimum while insuring that an adequate number of pilots will be available to meet peak workloads, the Coast Guard believes that the procedures under which the Director of Great Lakes Pilotage may temporarily register additional pilots should be simplified. Accordingly, it is proposed to amend § 401.220(e) to accomplish this.

2. Under present § 401.400(b) charges for interruptions, such as loading or discharging cargo, are limited to those occurring in designated waters. An exception is made to this charge if the interruption is caused by traffic unless it occurs during the period beginning December 1st and ending on the 8th of the following April. The Coast Guard believes that charges for interruptions

should be levied in all waters, regardless of whether they are designated or undesignated. In addition, the Coast Guard believes that charges should be levied for interruptions caused by traffic congestion unless that congestion is due to weather conditions. It is also believed, however, that the present exceptions to interruption charges should be expended to cover interruptions due to the malfunctioning of locks and similar or associated devices regardless of the time of year in which the interruption occurs. As § 401.400 is limited to the establishment of rates and charges in designated waters, if paragraph (b) of that section were to be amended as outlined above, it would be transferred to present § 401.420.

3. It is essential that the remuneration for pilotage services be adequate to sustain a competent body of pilots and to attract qualified applicants. Conversely, the costs to vessel operators for pilotage should be proportionate to the service which they need and receive. Obviously a balancing of factors is necessary to the determination of equitable pilotage rates. Neither operations costs nor operational needs of Great Lakes pilotage are static. The shipping patterns of the Great Lakes and the number of pilots required to provide efficient service must be under constant review. The increases in the proposed rate structure are computed to accommodate the projected pilotage requirements for the 1969 season.

4. At present, pilotage rates are determined on a per transit basis without regard to vessel size. The appropriateness of such a method is questionable. The average size of vessels transiting the lakes has been increasing. Larger vessels are generally considered more difficult to maneuver, capable of causing more damage, and carry substantially more cargo. It is therefore contemplated that, as a part of the Coast Guard's continuing review, a study be conducted to determine a more equitable method for establishing pilotage rates by relating the fees to the size of vessel.

In view of the foregoing, it is proposed to amend Part 401 of Title 46 of the Code of Federal Regulations (46 CFR Part 401) as follows:

I. It is proposed to amend § 401.220(e) as follows:

§ 401.220 Registration of pilots.

* * * * *

(e) The Director may, when necessary to assure adequate and efficient pilotage service, issue a temporary certificate of registration for a period of less than 1 year to any person found qualified under this subpart, regardless of age.

II. It is proposed to amend § 401.400 to read as follows:

§ 401.400 Rates and charges on designated waters.

Except as provided under 401.420 of this subpart, the following rates and charges shall be payable for all services and assignments performed by United States or Canadian Registered Pilots in the following areas of the U.S. waters of the Great Lakes described in 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage:

(a) *District No. 1.*

(1) Between Snell Lock and Cape Vincent or Kingston via Wolfe Island Channel—$284.

(2) Between Snell Lock and Cardinal, Prescott or Ogdensburg—$143.

(3) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston via Wolfe Island Channel—$207.

(4) Cape Vincent to Kingston—$65.

(5) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (1) to (4), $2.85 per mile but with a minimum charge therefor of—$64.

(6) For a movage in any harbor—$78.

(b) *District No. 2.*

(1) Passage through the Welland Canal or any part thereof, $7.75 for each mile plus $23 for each lock transited but with a minimum of $78 and a maximum for a through trip of $310. When pilots are changed at Lock 7 on a through trip the charges are apportioned as follows:

(i) Between northerly limits and Lock 7—$155.

(ii) Between Lock 7 and southerly limits—$155.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District—$234.

When pilots are changed at Detroit/Windsor on a through trip the charges are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—$117.

(ii) Between Detroit/Windsor and the northerly limits—$117.

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—$148.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—$148.

(5) Between points on Lake Erie west of Southeast Shoal—$78.

(6) Between points on the Detroit River—$78.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District—$148.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—$117.

(c) *District No. 3*

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario—$302.

(2) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—$250.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich.—$113.

(4) For a movage in any harbor—$78.

III. It is proposed to revise § 401.410 to read as follows:

§ 401.410 Rates and charges on undesignated waters.

(a) Except as provided under 401.420 and subject to paragraph (b) of this section, the charges to be paid by a ship that has a Registered Pilot on board in the undesignated waters of Lake Ontario shall be $72 and in other undesignated waters shall be $78 for each 24-hour period or part thereof that the pilot is on board. In addition, there will be the following charges: (1) $39 for each time the pilot performs the docking or undocking of the ship on entering or leaving the harbor or performs a movage of the ship within a harbor, and (2) the travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a Registered Pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) of this section are not payable unless, (1) the ship is required by law to have a Registered Pilot on board in those waters, or (2) services are performed by the pilot in those waters at the request of the master.

IV. It is proposed to revise § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) Whenever in designated or undesignated waters a Registered Pilot reports for duty as ordered and the order is canceled, the charges to be paid by the ship shall be (1) a cancellation charge of $39, (2) if the cancellation occurs more than 1 hour after the time the pilot was ordered to report, there will be a further charge of $7.75 for each hour or part of an hour after the first hour, except that the aggregate charge payable in any 24-hour period shall not exceed $117, and (3) if the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

(b) Whenever in designated or undesignated waters, the departure or movage of a ship for which a Registered Pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty or after the time for which he was ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the assignment for which he was ordered, there shall be payable an additional charge of $7.75 per hour after the first hour of such a delay, but the aggregate of these additional charges shall not exceed $117 for any 24-hour period.

(c) When the passage of a ship through either designated or undesignated waters is interrupted for the purpose of loading or discharging cargo or for any other reason and the services of the Registered Pilot are retained during such interruption for the convenience of the ship, the ship shall be required to pay an additional charge of $7.75 for each hour or part of an hour during which each interruption lasts, but with a maximum of $117 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic delay caused by weather, except during the period beginning the first day of December and ending on the 8th day of April next following. In addition, no charges will be made for interruption caused by malfunction of locks and similar or associated devices.

The foregoing amendments are proposed under the authority of sections 4 and 5 of the Great Lakes Pilotage Act of 1960, as amended (46 U.S.C. 216 and 216c); section 6(a)(4) of the Department of Transportation Act (49 U.S.C. 1655(a)(4); and 49 CFR 1.5(q)(1)).

Issued in Washington, D.C., on May 29, 1969.

J. R. SCULLION,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-6557; Filed, June 3, 1969; 8:47 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-33]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Albert Lea, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Albert Lea, Minn., transition area, the instrument approach procedure for Albert Lea Municipal Airport has been modified. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Albert Lea transition area to adequately protect aircraft executing the modified approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ALBERT LEA, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.); and within 3 miles each side of the 343° bearing from Albert Lea Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 163° and 343° bearings from Albert Lea Municipal Airport, extending from 6 miles south to 18½ miles north of the airport, excluding the portion which overlies the Hope, Minn., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-6543; Filed, June 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESE AND CHEESE PRODUCTS

Standards for Certain Cheese Varieties; Use of Safe and Suitable Milk-Clotting Enzymes

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes amendment of those cheese standards that now list only rennet to provide for optional use of other safe and suitable milk-clotting enzymes for cheesemaking. The standards for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese (21 CFR 19.500, 19.505, 19.510, 19.535, 19.540) have previously been amended to permit use of other safe and suitable milk-clotting enzymes. The standards for 19 additional varieties of cheese are similarly amended by an order appearing elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner's proposal is to amend the standards for cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, gruyere cheese, samsoe cheese, blue cheese, gorgonzola cheese, nuworld cheese, roquefort cheese, and cook cheese (§§ 19.515, 19.520, 19.525, 19.530, 19.543, 19.544, 19.565, 19.567, 19.569, 19.570, 19.635).

This proposal is made with a view to providing alternatives to the use of animal rennet in the above-named cheese varieties, supplies of that enzyme no longer being adequate to fill the needs of cheesemakers. It is recognized that one or more suitable milk-clotting enzymes in addition to rennet are available for making these cheese varieties, and it is concluded that the cheesemaker should be permitted to select from among the milk-clotting enzymes that may safely be used the enzyme or combination of enzymes most suitable for his product.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6532; Filed, June 3, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

LABELS OF WOOL, TEXTILE, AND FUR PRODUCTS, WEARING APPAREL AND RELATED PRODUCTS

Exemptions From Certain Requirements of Fair Packaging and Labeling Act

On June 15, 1968, the Federal Trade Commission published in the FEDERAL REGISTER (33 F.R. 8778) proposed rules exempting certain commodities from full or partial compliance with section 4 of the Fair Packaging and Labeling Act and the Commission's regulations issued pursuant thereto as published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718-4724). Sixty (60) days from the date of publication were allowed for the submission of comments regarding the proposed exemptions by interested parties.

Among the exemptions proposed was a regulation exempting commodities subject to the provision of the Wool Products Labeling Act of 1939 (54 Stat. 1128; 15 U.S.C. 68), and the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70), and the regulations thereunder, from the requirement of §§ 500.4 and 500.5 of the Commission's section 4, Fair Packaging and Labeling Act regulations. The proposed rule further provided that wearing apparel, mattresses, box springs, pillows, umbrellas, and parasols, ironing board cover pads, flags, cushions, afghans, throw, sleeping bags, antimacassars and tidies, hammocks, dresser

and other furniture scarfs shall be fully exempted from the requirements of the regulations. Comments received regarding this proposal indicated that the proposed exemption did not meet all of the labeling problems extant in the textile industry. In addition, the mention of fur products was omitted. The Commission is of the opinion, therefore, that new proposals should be published which will more adequately meet various labeling problems which have been brought to the attention of the Commission.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed in lieu of § 501.6 published on June 15, 1968 (33 F.R. 8779):

§ 501.6 Wool products, textile products, fur products, wearing apparel, and related products.

(a) Commodities subject to the provisions of the Wool Products Labeling Act of 1939 (54 Stat. 1128; 15 U.S.C. 68), and the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70), and the regulations thereunder shall be exempt from the requirements of § 500.5 (name and place of business of the manufacturer, packer or distributor) of this chapter. Pillows, cushions, umbrellas, parasols, ironing board covers, antimacassars and tidies shall be exempt from the requirements of the regulations in Part 500 of this chapter. Fur products subject to the Fur Products Labeling Act of 1957 (65 Stat. 175; 15 U.S.C. 69) and the regulations thereunder shall be exempt from the requirements of the regulations in Part 500 of this chapter.

(b) Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single unit items or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single unit pairs shall in addition to the exemption provided in subpart (a) of this section which may apply, be exempt from the requirements for a net quantity statement by count as required by § 500.7 (net quantity of contents, method of expression) of this chapter.

(c) Bed sheets, pillowcases, blankets, bedspreads, afghans, throws, flags, dresser and other furniture scarfs, sleeping bags, curtains, drapes, face cloths, table cloths and napkins, in addition to the exemption provided in subpart (a) of this section, shall be exempt from the requirements of § 500.12 (measurement of commodities by length and width, how expressed) of this chapter provided that:

(1) The net quantity statement for fitted sheets shall be expressed in terms of length and width measurement in inches of the size of mattress which the sheet will fit. The principal display panel may also contain a designation for the size of mattress which the sheet will fit such as "twin," "double," "king," etc.

(2) The net quantity statement for nonfitted or flat sheets shall be expressed in terms of the finished length and width measurements of the sheet in inches immediately followed in parentheses by a statement of the length and width of the sheet prior to hemming in inches, such parenthetical expression to include the phrase "size before hemming" or words of similar import in the same type size as the required statement. The principal display panel may also contain a designation for the size of the mattress which the sheet was intended to fit such as "twin," "double," etc.

(3) The net quantity statement for pillowcases shall be expressed in terms of the finished length and width measurements in inches of the pillowcase immediately followed in parentheses by a statement of length and width in inches of the pillowcase prior to hemming, such parenthetical expression to include the qualification "size before hemming" or "pre-hemming size." A designation of the size of the pillow which the pillowcase will fit may be included such as "regular," "queen," "king," "bolster," etc.

(4) The net quantity statement for blankets, bedspreads, afghans, and throws shall be expressed in terms of the finished length and width measurements in inches exclusive of any fringe ornamentation. A designation of the size of the mattress which the commodity is intended to fit may be included such as "twin," "double," "king," "queen," etc.

(5) The net quantity statement for curtains, drapes, face cloths, flags, dresser and other furniture scarfs shall be expressed in terms of linear dimensions in inches for the finished size.

(6) The net quantity statement for table cloths and napkins shall be expressed in terms of finished length and width in inches followed in parentheses by a statement of length and width in inches in terms of the cut size (size before hemming) and properly identified as such.

(7) The net quantity statement for sleeping bags shall be expressed in terms of the finished length and width measurements of the bag in inches qualified by the words "Finished Size". This statement may be followed in parentheses by a statement of the length and width of the bag prior to finishing in inches, such parenthetical expression to include the phrase "Cut Size".

(d) Carpets and rugs shall, in addition to the exemption provided in Subpart (a) of this section, be exempt from the requirements of § 500.12 (measurement of commodities by length and width, how expressed) of this chapter provided that the net quantity statement shall be expressed in terms of length and width in feet with any remainder in common or decimal fraction of the foot or in inches.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6574; Filed, June 3, 1969; 8:48 a.m.]

[16 CFR Part 501]

LABELS OF MOTOR OIL

Exemptions From Certain Requirements of Fair Packaging and Labeling Act

The Federal Trade Commission has received from the Lowe Oil Co., Clinton, Mo. 64735, and the Diamond Head Oil Refining Co., Kearny, N.J. 07032, proposals to exempt 1 quart cans of motor oil from certain of the labeling requirements of § 500.4 of the regulations issued pursuant to the Fair Packaging and Labeling Act. Specifically, the proposals would permit the placing of the SAE grade and the fact that a detergent is present in the oil, on the lid of the can in lieu of placing these specifications of identity on the principal display panel on the body of the can when such panel is designed to appear on the can body.

The object of the proposal is to minimize the number of different can bodies necessary to pack the various motor oils by indicating some of the variables on the can lids. The petitioners state that it has been the custom of the industry for many years to designate the SAE grade and the detergency on the can lid.

The Commission has also considered the practice of the industry and has concluded that no decrease in consumer information is involved in continuing the practice of expressing certain variable specifications of identity on the can lids in lieu of expressing these specifications on the principal display panel. The Commission also, in light of the data available to it, finds that the proposed exemption requested by the petitioners should be broadened to include one gallon cans, and that the manner of expressing the variables on can lids should be expressly stated.

Therefore, the Commission acting on its own initiative in part, and in part on the petitions submitted to it, concludes that an exemption from the requirements of Section 500.4 of the regulations is justified. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455) the following regulation is proposed.

§ 501.12 Motor oil.

Motor oil in 1 quart and 1 gallon cans bearing the principal display panel on the body of the can, is exempt from the requirements of § 500.4 of this chapter to the extent that the SAE grade and the presence of a detergent is required to appear on the principal display panel, provided the SAE grade and the presence of a detergent appear on the can lid, and the SAE grade is expressed in letters and numerals in type size of at least one-fourth inch in the case of 1 quart cans, and at least one-half inch in the case of 1 gallon cans.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6575; Filed, June 3, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Lending Institutions Formed To Facilitate Funding to Licensees

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, 33 F.R. 20035, 34 F.R. 1234, and 34 F.R. 5796, by adding a new § 107.813. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Investment, Small Business Administration, Washington, D.C. 20416, within a period of ten (10) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment would enable Licensees to participate with each other and with other persons in the formation and financing of organizations and arrangements designed to facilitate funding to Licensees.

It is proposed that Part 107 be amended by adding the following new § 107.813:

§ 107.813 Lending institutions formed to facilitate funding to Licensees.

Subject to prior written approval of SBA, a Licensee may invest an amount equal to no more than one-half (½) of 1 percent of its combined private paid-in capital and paid-in surplus in the capital stock, obligations or other securities of a lending institution formed for the sole purpose of providing and/or facilitating funding to Licensees. SBA's approval may be conditioned on such reasonable terms and conditions as it deems appropriate.

Dated: May 29, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-6582; Filed, June 3, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1002]

[Ex Parte No. 246]

FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED ACTIVITIES

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 20th day of May 1969.

Title V of the Act of August 31, 1951 (Public Law 82-137, 65 Stat. 290, 31 U.S.C. § 483a), expresses the policy of Congress "that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible * * *." In order to accomplish this objective, this statute authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine to be fair and equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts." The Bureau of the Budget in implementing this policy, issued Circular A-25, September 23, 1959, which set forth general policies for developing an equitable and uniform system of charges for certain Government services.

In the initial report herein, 326 ICC 573, decided June 6, 1966, and again in the supplemental report 329 ICC 814, decided August 21, 1967, the Commission prescribed a schedule of fees applicable to those activities under its jurisdiction which fell within the purview of the Independent Offices Appropriation Act 1952 (31 U.S.C.A. § 483a). In so doing, the Commission recognized that the data relating to costs might not be as extensive as desired, and that changes in that respect and in other aspects of the general regulatory and transportation situation would present problems which could not then be foreseen. Accordingly, the Commission stated, "* * * that a continuing review of the fee schedule as well as costs and procedures would be conducted, so that the ultimate goals of Congress might be preserved." (329 ICC 814.)

The Commission in its continuing review of costs and procedures relating to the fee schedule has been guided by the expression of concern shown in the July 9, 1968, Report of the Senate Committee on Appropriations following the 1969 appropriations hearing (S. Rept. No. 1375, 90th Cong. second session). There the Committee stated, "The Committee joins with the House Committee in its concern that the Federal Government is not receiving sufficient return for all the services which it renders to special beneficiaries, and in its recommendation that the applicable agencies review their schedule of fees and charges with a view to making increases or adjustments as may be warranted, taking into consideration beneficial certificates and privileges granted, to offset in part the increasing needs for direct appropriations for operating costs of the agencies concerned."

The Commission in conducting its regulatory activities, confers special benefits on identifiable recipients above and beyond those which accrue to the public and it is, therefore, proper, and in implementation of the sense of Congress as indicated above, that these recipients should bear a greater share of the Commission's costs incurred in the disposition of these matters. At the same time, it is clear that some part of the Commission's expense should be borne by the Commission's general appropriation.

The Commission has reviewed its activities to identify services which result in special benefits to an identifiable recipient but for which no charges are made. Appendix A to this order lists thirteen services which fall within the established guidelines of BOB Circular A-25 and should be included in the Commission's schedule of fees. The proposed fees set forth in Appendix B represent approximately one-half of the average direct costs incurred by the Commission in relation to the various matters involved, and, in its opinion, represent reasonable recoveries in relation to the benefits. In allocating 50 percent of the full costs for performing the service to the public interest, the Commission adheres to the theory expounded in the initial and supplemental reports in Ex Parte No. 246. However, the Commission has reviewed those types of proceedings wherein the time involved, which forms the basis for costs, greatly distorts cost figures based on average, more specifically the rail merger and the rate division cases. In these proceedings, a supplemental fee is proposed if the actual costs to the Commission exceeds the estimated costs as shown in Appendix B. The supplemental fee will be 50 percent of the actual costs in excess of the estimate.

In the matter of fees for performing annual pipeline valuations, the Commission at the present time does not charge any fee for this service. In view of the congressional interest as expressed in the report of the Conference Committee on Independent Executive Bureaus, Boards, Commissions, Corporations, Agencies, Offices, and the Department of Housing and Urban Development Appropriations (H. Rept. No. 1904, 90th Cong., second session, Sept. 18, 1968) the Commission hereby proposes to establish fees for the performance of initial and

annual pipeline valuations. The Commission proposes to allocate 100 percent of the cost for performing this service to value to the recipient since it appears that such valuations serve a minimal public interest.

As indicated above, with exception of pipeline valuations, the proposed schedule of fees attached hereto as Appendix B was arrived at by averaging the cost of each type of proceeding itemized in the schedule; allocating half of this cost to the public interest involved; and, allocating the remainder or 50 percent of the cost to the special benefits conveyed to identifiable recipients above and beyond those ascribed to the general public.

It appearing, that in determining the proposed schedule of fees set out in Appendix B hereto considerable effort has been directed towards selecting those services provided by the Commission which are readily identifiable and assigning to each a fair and equitable assessment taking into consideration cost to the Government, value to the recipient, and public policy or interest served;

And it further appearing, that interested persons might suggest other, possibly more equitable means of arriving at a schedule of fees consistent with the Independent Offices Appropriation Act of 1952, and BOB Circular A–25 particularly with regard to assessing a value on the service to the beneficiary or in arriving at a value factor for the public policy or interest served;

It is ordered, That this proceeding be, and it is hereby, reopened under authority of the Independent Offices Appropriation Act of 1952 (31 U.S.C.A. § 483a), Budget Bureau Circular No. A–25 of September 23, 1959, and section 4 of the Administrative Procedure Act (5 U.S.C. sec. 553) for the purpose of determining (1) whether the attached schedule of fees is reasonable, and if not, what fees would be reasonable, and (2) what other basis of assessing fees, other than cost to the Commission, might be more equitable to the general public and to the recipient of the benefit or service;

It is further ordered, That any interested person be, and he is hereby, invited to submit to this Commission on or before August 1, 1969, representations[1] consisting of an original and 20 copies, setting forth facts relative to the schedule of fees in Appendix B hereto;

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and, that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX A—NEW ITEMS TO BE CONSIDERED FOR INCLUSION IN THE COMMISSION'S SCHEDULE OF USER FEES

1. Application for basic (original) valuation of a pipeline carrier's operating property. Section 19a.
2. Application for each annual valuation of a pipeline carrier's operating property as of the close of any calendar year following the carrier's basic valuation. Section 19a.
3. Tariffs, schedules, supplements, and revised or additional original looseleaf pages (a page shall consist of each side of a sheet of a tariff, schedule, supplement, or looseleaf page containing printed matter).
4. Freight forwarder contracts and amendments thereto. Section 409.
5. An application for original qualification as an insurer, surety of self-insurer.
6. An annual qualification service fee for insurer, surety or self-insurer.
7. A petition for waiver of any provision of the lease and interchange regulations. 49 CFR Part 1057.
8. A petition for reinstatement of revoked operating authority.
9. A request that the Commission amend its records to reflect a change in the name of a motor carrier, water carrier, or freight forwarder not involving a change in ownership, management, or control, that is subject to the jurisdiction of the Commission.
10. A petition to define or redefine a commercial zone, or to remove the exemption applicable to commercial zone movements. Section 203(b)(8).
11. A petition for a declaratory order. 5 U.S.C. § 554(e).
12. A complaint seeking or a petition requesting institution of an investigation seeking the prescription of divisions of joint rates, fares or charges. Section 15(6).
13. An application for emergency temporary authority as defined in 49 CFR section 1131.1(b)(1).

APPENDIX B—PROPOSED INCREASES IN FEES FOR ITEMS IN THE COMMISSION'S SCHEDULE OF USER FEES

Item No.	Item	Cost estimate	Proposed fee
(a)	(b)	(c)	(d)
1	An application for a certificate authorizing the construction, extension, acquisition, operation or abandonment of all or a portion of a line of railroad. Section 1 (18)–(20).	$1,375	$700.
2	Application for permanent authority under sections 204(a)(4a), 206, 206(a)(6), 209, 211, 302, 303, 309, or 410.	$693	$350.
3	An application for temporary authority under sections 210a(a), 210a(b), 311(a) or 311(b), or an application for emergency temporary authority as defined in 49 CFR section 1131.1(b)(1).	$126	$60.
4	An application to consolidate or merge properties or franchises; to purchase, lease or contract to operate properties, or to acquire control of by purchase of stock or otherwise; or to acquire trackage rights over, joint ownership in, or joint use of railroad lines and terminals incidental thereto. Section 5(2).	$1,419	$700.[1]
5	A petition to renew authority to transport explosives under section 206 or 209.	$7	$5.
6	A petition to modify permits of motor carriers by the addition of a shipper or shippers for whom service may be performed. Section 209.	$106	$50.
7	A petition to remove or alter an operating restriction contained in a certificate or permit and petitions seeking modification, clarification or interpretation of a certificate or permit. (No fee is required for a request seeking the modification of a certificate or permit only to the extent of making a correction or a change in the name presently appearing therein of (a) a shipper or owner of a plant site, or (b) a geographical point or highway).	$405	$200.
8	An application for authority to deviate from authorized regular route, 49 CFR 1042.	$30	$15.
9	Notice or petition to discontinue train or ferry service. Section 13(a)	$1,313	$650.
10	An application for use of terminal facilities, section 3(5)	$301	$150.
11	An application for the pooling or division of traffic. Section 5(1)	$213	$100.
12	An application for a determination of fact of competition. Section 5(15).	$213	$100.
13	An application for approval of, or to amend a rate association agreement. Section 5a.	$590	$300.
14	An application for authority to hold a position as officer or director. Section 20a(12).	$18	$10.
15	An application to issue securities, to assume obligation or liability in respect to securities of another, to modify an outstanding authorization, or for exemption from competitive bidding requirements of Ex Parte No. 158, 49 CFR 1115.25. Section 20a, 20b, or 214.	$427	$200.
16	An application for transfer or lease of a certificate or permit, including a certificate of registration; a broker license, or change of control of companies holding brokers' licenses; or a petition to transfer a water carrier exemption authorization to the successor. Section 212(b), 302, 303, 312 or 410(g).	$220	$100.
17	An application for approval of a motor vehicle rental contract. 49 CFR section 1057.6.	$61	$30.
18	An application for relief from the long- and short-haul and aggregate-of-intermediates provisions, including applications for relief with respect to additional commodities, origins or destinations, but not including petitions for modification of conditions, effective or not yet effective of outstanding orders, or amendments to applications not yet disposed of. Section 4.	$468	$250.
19	An application for authority to establish released value rates or ratings, except that no fee will be assessed for applications seeking such authority in connection with reduced rates established to relieve distress caused by drought and other calamitous visitation under section 22(1) of the Act. Sections 20(11), 219, 413.	$382	$200.
20	An application for special permission for short notice or the waiver of tariff-publishing requirements, including applications to extend or eliminate the scheduled expiration date of an outstanding special permission or to broaden the application thereof to additional territory or tariffs, except amendments to pending applications not yet disposed of, and applications to postpone the effectiveness of suspended schedules, when carrier or agent is requested to do so, in order to afford the Commission more time for disposition of the proceeding or to postpone the scheduled effective date of protested schedules or those for which a fourth-section application has been filed, in order to afford the boards more time within which to process the protests or applications.	$40	$20.

[1] In lieu of verification under oath, any statement of facts contained in the representations may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that to the best of my knowledge and belief the representations of fact contained therein are true."

(Signature)

APPENDIX B—PROPOSED INCREASES IN FEES FOR ITEMS IN THE COMMISSION'S SCHEDULE OF USER FEES—Con.

Item No.	Item	Cost estimate	Proposed fee
(a)	(b)	(c)	(d)
21	Application for basic (original) valuation of a pipeline carrier's operating property. Section 19a.	$20 per hour	$20 per hour.
22	Application for each annual valuation of a pipeline carrier's operating property as of the close of any calendar year following the carrier's basic valuation. Section 19a.		(2).
23	Tariffs, schedules, supplements, and revised or additional original loose-leaf pages (a page shall consist of each side of a sheet of a tariff, schedule, supplement, or loose-leaf page containing printed matter).	$1 per page	$0.50 per page.
24	Freight forwarder contracts and amendments thereto. Section 409	$3 per contract	$1 per contract.
25	An application for original qualification as an insurer, surety, or self-insurer.	$130	$65.
26	An annual qualification service fee for insurer, surety, or self-insurer	$13	$10 per accepted certificate of insurance or surety bond ($50 minimum).
27	A petition for waiver of any provision of the lease and interchange regulations, 49 CFR Part 1057.	$69	$35.
28	A petition for reinstatement of revoked operating authority	$126	$60.
29	A request that the Commission amend its records to reflect a change in the name of a motor carrier, water carrier, or freight forwarder, not involving a change in ownership, management, or control, that is subject to the jurisdiction of the Commission.	$27	$15.
30	A petition to define or redefine a commercial zone, or to remove the exemption applicable to commercial zone movements. Sec. 203(b)(8).	$689	$350.
31	A petition for a declaratory order. 5 U.S.C. § 554(e)	$689	$350.
32	A complaint seeking or a petition requesting institution of an investigation seeking the prescription of divisions of joint rates, fares or charges. Sec. 15(6).	$1,400	$700.[1]

[1] Subject to a supplemental fee if actual costs exceed the estimated cost. The fee will be 50 percent of the actual costs in excess of the estimate.

[2] The following fees are based on carrier's size:

Cost of reproduction (millions)	Proposed fee
under 10	$100
10–29.9	400
30–49.9	1,000
50–74.9	1,400
75–99.9	2,000
100–149.9	2,600
150–199.9	3,700
200–299.9	5,000
over 300	8,700

[F.R. Doc. 69–6508; Filed, June 3, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-131]

CARNETS

Notice of Approval of Issuing and Guaranteeing Association Under Two Customs Conventions

MAY 27, 1969.

The Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (hereinafter referred to as A.T.A. Convention) and the Customs Convention on the E.C.S. Carnets for Commercial Samples (hereinafter referred to as E.C.S. Convention) which were ratified by the President on May 3, 1967, each provide for the approval by "Customs authorities of a Contracting Party" of issuing associations and guaranteeing associations, as defined in the Conventions.

A notice was published in the FEDERAL REGISTER on December 11, 1968 (33 F.R. 18394), that applications to undertake the obligations of issuing association and guaranteeing association under the A.T.A. Convention and E.C.S. Convention would be accepted and considered by the Bureau of Customs.

Notice is hereby given that the United States Council of the International Chamber of Commerce, Inc., 1212 Avenue of the Americas, New York, N.Y., duly applied in response to the above-mentioned notice and has been approved as the issuing association and guaranteeing association under the A.T.A. Convention and the E.C.S. Convention.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-6523; Filed, June 3, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 508]

CALIFORNIA

Opening of Lands Subject to Section 24 of Federal Power Act

MAY 27, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; U.S.C. 818) as amended, and pursuant to Bureau Order No. 701 of July 23, 1964 (29 F.R. 10526) as amended; and pursuant to the authority redelegated to me by the Manager, November 18, 1965 (30 F.R. 14444), as amended, it is ordered as follows:

In DA-1072-California dated May 14, 1969, the Federal Power Commission determined that the power value of the following described lands withdrawn in Power Site Classification No. 142, approved May 6, 1926, will not be injured or destroyed by restoration to location, entry or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

HUMBOLDT MERIDIAN

T. 17 N., R. 2 E.,
Sec. 20, N½NE¼ and SW¼NE¼.

The areas described aggregate approximately 120 acres within the Six Rivers National Forest in Del Norte County.

At 10 a.m. on June 27, 1969, the lands shall be opened to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals and the requirement of applicable law, including the provisions of section 24 of the Federal Power Act.

The State of California has waived the preference right afforded it under section 24 of the Federal Power Act of June 10, 1920, supra. The lands have been opened to application and offers under the mineral leasing laws and location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-6552; Filed, June 3, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

June 1969 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on May 29, 1969, and, subject to amendment, continuing until superseded by the July Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, butter, and nonfat dry milk.

Cheddar cheese is dropped from the list of commodities for sale.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for June 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, raisins, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS-1, as amended; tobacco under Announcement PS-3; cottonseed oil and soybean oil under Announcement PS-2; and upland and extra long staple cotton under Announcement PS-4; and inedible tallow and grease under Announcement PS-5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. Storable. All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. Nonstorable. At not less than market price, as determined by CCC.

C. Markups and examples (dollars per bushel in-store).[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.15; $1.95. Portland—No. 1 SW ($1.44) 115 percent +$0.15; $1.81. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.15; $1.81. Chicago—No. 1 RW ($1.46) 115 percent +$0.15; $1.83.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

B. CCC will sell wheat for export under Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

C. CCC will not sell wheat under Announcement GR-346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. Redemption of domestic payment-in-kind certificates. Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. General sales.

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. Markups and examples (dollars per bushel in-store[3] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).

Markup in-store	Examples
$0.16	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.16; $1.45. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.16; $1.53.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[1] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[1] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.27¼	$0.22¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.27¼; $2.15¼. Kansas City, Mo. ($1.81) 115 percent +$0.22¾; $2.31¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.27¼; $2.34¼. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.22¾; $2.48¾.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Cass County, N. Dak. ($0.86); 115 percent +$0.17½; $1.17½. Minneapolis, Minn. ($1.10); 115 percent +$0.15; $1.42.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.17½	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.17½; $0.90½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Agriculture Act of 1949 Statutory Minimum. Rollete County, N.Dak. ($0.89); 115 percent +$0.17½; $1.20½. Minneapolis, Minn. ($1.23); 115 percent +$0.15; $1.57.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent, plus 44 cents per hundredweight, basis in store.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2) and Announcement NO–C–10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

Export.

CCC Disposals for Barter. Competitive offers under the terms and conditions of Announcement CN–EX–29 (Acquisition of American-Egyptian Cotton for Export under the Barter Program), as amended, and Announcement NO–C–6 (Revision 2), at not less than the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK

Export:

Competitive offers, but not less than $45 per ton f.o.b. origin location under the terms and conditions of Announcement NO–CS–7. Sales will be made only for export to Far East countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.16½	$0.12¾	Minneapolis, Minn. ($3.16) 105 percent + $0.12¾; $3.44¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 9330 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

See footnotes at end of document.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 264–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on May 29, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–6577; Filed, June 3, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 2–B; Amdt. 3]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Coast and Geodetic Survey; Field Structure

This material further amends the material appearing at 33 F.R. 4277 of March 7, 1968, and 34 F.R. 2275 of February 15, 1969.

Department Order 2–B, dated February 23, 1968, is hereby further amended as follows:

SEC. 6. *Coast and Geodetic Survey.* Paragraph .07 is amended to read:

.07 The Field Structure consists of the various organizational elements, as enumerated below. The Atlantic and Pacific Marine Centers provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extend this support to other ESSA field units. The Mid-Continent Field Director obtains administrative support from the Weather Bureau region in the same city. Activities listed in subparagraph .07c. below receive administrative support from ESSA Headquarters. The locations of the principal field elements are shown in Exhibit 2.[1]

a. The Atlantic and Pacific Marine Centers, the heads of which report to the Director, Coast and Geodetic Survey;

b. The Mid-Continent Field Director who reports to the Director, Coast and Geodetic Survey, and is responsible for managing mobile field parties; and

c. Observatories, a seismology center, and a geomagnetic center which report to the appropriate program components at the headquarters of the Coast and Geodetic Survey.

[1] Filed as part of original document.

Effective date: May 21, 1969.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[F.R. Doc. 69–6544; Filed, June 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2403) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1211 *Sodium steroyl-2-lactylate* (21 CFR 121.1211) be amended to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier in liquid or solid-state, edible vegetable fat-water emulsions intended as a substitute for milk or cream in coffee (beverage).

Dated: May 26, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69–6533; Filed, June 3, 1969; 8:45 a.m.]

WOOLFOLK CHEMICAL WORKS, LTD.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0827) has been filed by Woolfolk Chemical Works, Ltd., Fort Valley, Ga. 31030, proposing the establishment of tolerances (21 CFR Part 120) for residues of zinc in or on the raw agricultural commodities cherries, peaches, and plums at 30 parts per million from the application of the fungicide basic zinc sulfate.

The analytical method proposed in the petition for determining residues of zinc (as Zn) consists of homogenizing, ashing, and finally digesting the sample in hydrochloric acid until completely dissolved. The amount of zinc present is determined using an atomic absorption spectrophotometer.

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69–6534; Filed, June 3, 1969; 8:45 a.m.]

Office of the Secretary

AIR POLLUTION CONTROL; INTERSTATE AIR POLLUTION IN THE NEW CUMBERLAND, W. VA.-KNOX TOWNSHIP, OHIO, AREA

Conference of Air Pollution Control Agencies; Notice of Date, Time, and Place

Pursuant to the notice calling a conference of air pollution control agencies concerning interstate air pollution in the New Cumberland, W. Va.-Knox Township, Ohio, Area (34 F.R. 7180, May 1, 1969), and after consultation with air pollution control officials of the States of West Virginia and Ohio, such conference will be convened on July 8, 1969, at 10 a.m., e.d.t., in the Hancock County Courthouse, New Cumberland, W. Va., and notice thereof is hereby given to the air pollution control agencies of the following:

State of Ohio (Ohio Air Pollution Control Board);

State of West Virginia (West Virginia Air Pollution Control Commission); and

All the following municipalities as defined in section 302(f) of the Clean Air Act, as amended (42 U.S.C. 1857h(f)):

In the State of Ohio: Jefferson County; Knox Township, Jefferson County; and municipalities located within Knox Township.

In the State of West Virginia: City of New Cumberland.

Any municipality desiring to make a formal presentation at the conference should file a notice of such intention with the Presiding Officer, National Air Pollution Control Administration, Room 907, Ballston Center Tower No. 2, 801 North Randolph Street, Arlington, Va. 22203, not later than June 30, 1969. The agencies called to attend such conference may bring such persons as they desire to the conference.

A technical report concerning air pollution in the New Cumberland, W. Va.—Knox Township, Ohio, Area entitled "New Cumberland, W. Va.—Knox Township, Ohio Air Pollution Abatement Activity" prepared by the National Air Pollution Control Administration is available to interested persons upon request made to the Presiding Officer. Interested persons desiring to present their views to the conference with respect to such report and other pertinent information should file, not later than June 30, 1969, a notice of such intention, and, if practicable, five copies of the proposed presentation (and other relevant material) with the Presiding Officer.

A transcript of the proceedings will be maintained and will be made available on request of any person at the expense of such person.

Dated: May 27, 1969.

WILLIAM H. MEGONNELL,
Presiding Officer.

[F.R. Doc. 69–6445; Filed, June 3, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the titles of two such positions so authorized to be filled by noncareer executive assignment have been changed from "First Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General" and "Second Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 69–6569; Filed, June 3, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14952; FCC 69R–244]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Memorandum Opinion and Order Enlarging Issues

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP–12902; for construction permit.

1. Norristown Broadcasting Co., Inc. (Norristown), and WNAR, Inc. (WNAR), jointly request leave to amend the above-captioned Norristown application by substituting WNAR as the applicant in this proceeding.

2. This proceeding involves the application of Norristown for authority to modify the facilities of standard broadcast Station WNAR, Norristown, Pa., a daytime-only Class II facility which presently operates nondirectionally with 500 watts on 1110 kHz.[1] The applicant seeks both to increase power from 500 watts to 5 kilowatts, 1 kilowatt during critical hours, and to utilize a directional antenna. By memorandum opinion and order, 6 FCC 2d 718, 9 RR 2d 331, released February 16, 1967, the Commission designated the application for hearing under areas and populations and suburban community issues.[2] After hearing on these issues and close of the record, an initial decision (FCC 68D–35, 13 RR 2d 199) was released on May 13, 1968, proposing a grant of the application. Subsequent to the assignment of Station WNAR's license to WNAR (see note 1, supra), a joint petition for leave to amend was filed by Norristown and WNAR with the Review Board seeking to substitute WNAR as the applicant in this proceeding. Due to a lack of information concerning WNAR's financial qualifications and its proposed programing, the Board held in abeyance, for 15 days, action on said petition pending receipt of supplemental information. Memorandum opinion and order, FCC 69R–24, 15 FCC 2d 977, released January 15, 1969. On January 30, 1969, the petitioners jointly filed a supplemental petition for leave to amend and simultaneously tendered an amendment to the pending Norristown application. The petition and the accompanying amendment are now before the Board for its consideration.[3]

3. The Broadcast Bureau interposes no objection to a grant of the supplemental petition for leave to amend, maintaining that the amendment is necessary to update the application so as to reflect the applicant's new ownership following Commission approval of the assignment application. However, it is the Bureau's position that the amendment, to the extent that it relates to the issues in this proceeding, constitutes an entirely new proposal which requires reopening of the record and remand for further hearing under the suburban community issue. According to the Bureau, that issue requires, among other things, a showing concerning the applicant's ascertainment of the separate and distinct programing needs for Norristown, Pa.; the extent to which existing standard broadcast stations are meeting those needs; and the extent to which the applicant's program proposal will meet those specific, unsatisfied programing needs. Contending that the evidence originally submitted by Norristown under the suburban community issue is no longer relevant in light of WNAR's new proposal, the Bureau submits that further hearing is required for, notwithstanding that the proffered amendment may be adequate to render the application current and complete,[4] it is insufficient, standing alone, to meet WNAR's burden under Issue 2, the suburban community issue. Even if the Review Board disagrees with its contentions, the Bureau, citing Deep South Broadcasting Co. v. FCC, 247 F. 2d 459, 4 RR 2d 2018 (D.C. Cir. 1965), maintains its right to cross-examine WNAR's witnesses before the close of the record in this proceeding. The Bureau also notes that neither Norristown nor WNAR has any objection to such procedure.

4. The January 30, 1969, amendment includes: (a) Affidavits of Victor Mauck, Jr., WNAR's president, treasurer, director, and 60 percent stockholder, and of Charles Wister, the assignee's vice president, director, and 40 percent stockholder; (b) revised sections III and IV of FCC Form 301 reflecting WNAR's plan of financing the station's operation and its proposed programing; and (c) a statement, incorporating by reference, the previously noted application for consent to the assignment of Station WNAR's license. In its amendment, WNAR contemplates the acquisition of additional broadcast equipment at a total cost of $49,783. An expenditure of $10,000 has been budgeted to meet the costs of equipment installation, engineering, and other miscellaneous expenses, such as the finance charges accruing under a credit arrangement with the equipment supplier. WNAR also estimates that its first-year cost of operation will increase by approximately $15,000 as a result of the proposed modification of facilities. To offset these anticipated expenditures, WNAR intends to rely upon a deferred credit arrangement with the Gates Radio Co. (Gates),[5] existing capital ($25,000), and operating income. A projection of $275,000 in first-year revenues is proffered by WNAR, which also estimates its station's cost of operation during this period to be $225,000. To the extent that WNAR's sources of funds are insufficient to meet these estimated costs, WNAR's stockholders have allegedly indicated that they will be personally responsible for supplying the necessary funds. With respect to proposed programing, WNAR, which modified the general format and programing of its station at the time of

[1] On Nov. 19, 1968, the Commission approved without hearing the assignment of the license of Station WNAR from Norristown to WNAR. See public notice of Nov. 20, 1968, Report No. 7691. The assignment was consummated by the parties on Dec. 2, 1968.

[2] See Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), reconsideration denied 2 FCC 2d 866, 6 RR 2d 1908 (1966).

[3] No pleadings were proffered in response to the petition for leave to amend and substitute parties, filed Dec. 26, 1968, by Norristown and WNAR. However, on Feb. 10, 1969, the Broadcast Bureau filed comments with respect to the supplemental petition.

[4] The Broadcast Bureau does not comment on the sufficiency of WNAR's showing concerning its financial qualifications and the programing it proposes for its station.

[5] Under the terms of the deferred credit arrangement with Gates, WNAR is required to make a $12,445.75 downpayment, representing 25 percent of the total purchase price ($49,783), with the balance payable in 36 equal monthly installments commencing 60 days after shipment of the transmitter. The finance cost is to be determined by Gates' standard rate in effect at the time WNAR's order is made final. WNAR represents that a finance charge of 5½ percent will be incurred. During its first year of operation, WNAR payments under the Gates' arrangement would total $12,445.75, exclusive of a total finance cost of $2,075.55.

the assignment," maintains that the needs and interests of Norristown are similar and closely related to the needs and interests of the general suburban areas to be gained by its proposal. In support of this contention, WNAR notes the long-term area residency of its stockholders, their experience acquired in the operation of Station WNAR since the assignment, and the broadcast experience of Wister, who, from 1950 to mid-1965, was employed by various radio and television stations in the city of Philadelphia. In addition, the applicant submits that it has recently contacted 15 community leaders in the new areas that will be served if its application is granted.

5. The Review Board is of the opinion that the substitution of WNAR as the applicant in this proceeding and the January 30, 1969, amendment should be allowed and that WNAR should be afforded the opportunity to demonstrate at an evidentiary hearing not only the extent to which its program proposal (see note 6, supra) meets the specific and unsatisfied needs of its specified station location, but also the other factors utilized by the Commission in determining whether an applicant has met its burden under a suburban community issue.[7] The Board will therefore reopen the record and remand this proceeding to the Hearing Examiner for the adduction of further evidence and for the preparation of a supplemental initial decision. At the same time, we believe that the issues in this proceeding should be enlarged by the specification of financial and Suburban issues against the substituted applicant, WNAR.

6. In the Board's view, material questions exist with respect to the availability of the funds upon which WNAR relies to offset total cash requirements of $49,-891.50.[8] The applicant's balance sheet, dated December 1, 1968 (attached as Exhibit A to Jan. 30, 1969, amendment), reflects a cash asset of $40,000 and current liabilities of $50,000, which represent first-year repayments of principal to Norristown under the purchase agreement for Station WNAR. The first-year interest charge of $34,200 under the agreement is not disclosed on the balance sheet. Rather than substantiating the availability of $25,000 in existing capital, the applicant's balance sheet indicates current liabilities in excess of current liquid assets. WNAR's financial posture is further obscured since the balance sheet, in reflecting the current and long-term liability to Norristown, is inconsistent with an earlier arrangement between WNAR and Mauck who had agreed to lend the applicant sufficient capital to satisfy the maturing installments of principal and interest under the purchase agreement with Norristown. See BAL-6407—Exhibit G. The applicant's reliance on anticipated revenues is inappropriate since the basis of its projection is not set forth in the January 30, 1969, amendment and since there is no indication that WNAR's estimate is predicated upon the past operation of Station WNAR or upon an analysis of its market. See Tri-Cities Broadcasting Corporation, 10 FCC 2d 490, 11 RR 2d 609 (1967); Sawnee Broadcasting Company (WSWE), 5 FCC 2d 120, 8 RR 2d 766 (1966). WNAR's reliance upon its stockholders to provide the necessary funds is also unacceptable. The only indications of the stockholders' "commitments" are their signatures on the exhibit (Exhibit B), attached to the amendment, wherein the applicant indicates that these individuals "will be personally responsible" for supplying additional capital if necessary. The terms of repayment and security, if any, and the effect thereof upon the applicant's first-year obligations are not detailed. In addition, the ability of these stockholders to furnish the necessary capital has not been established since their balance sheets, incorporated by reference from the assignment application, do not reveal their current financial posture. These balance sheets, dated April 30, 1968, do not reflect the assets utilized in satisfying the stockholders' previous financial commitments to WNAR[9] and the effect these outlays had upon the stockholders' liquid assets. In view of the foregoing deficiencies in WNAR's financial showing, the Board believes that an evidentiary inquiry into the question of whether WNAR has funds available to effectuate its proposal is warranted.

7. As the Commission has noted, where an applicant seeks to improve its facilities and thereby to serve a substantial amount of new area or population, the fact that the gain area is contiguous to the present service area is not determinative of whether the programing proposal is responsive to the needs and interests of the new service area; and, accordingly, the applicant must comply with the Suburban doctrine and the criteria set forth in Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), and the Commission's Public Notice of August 22, 1968, Ascertainment of Community Needs by Broadcast Applicants (FCC 68-847, 33 FR 12213, 13 RR 2d 1903). See WLVA, Incorporated, 15 FCC 2d 757, 15 RR 2d 105 (1968); also see Meredith Colon Johnston (WECP), FCC 69-232, 16 FCC 2d 928; Jackson Missouri Broadcasting Co., FCC 68-1015, 14 RR 2d 445. In the opinion of the Review Board, WNAR has failed to demonstrate that it is aware of and responsive to the needs and interests of the proposed gain area. Although Station WNAR will more than double its interference-free service area and will, as a result, encompass therein over 2.6 million additional persons, WNAR has contacted only 15 community leaders from the gain area. The conversations with and the suggestions elicited from these individuals are not adequately described in the January 30, 1969, amendment. Their comments, as set forth by WNAR, are predominantly indications of interests to publicize the general objectives of the organizations which the interviewees represent. We do not believe that WNAR's sampling, which apparently does not include contacts with any of the gain area's local public officials, law enforcement representatives, or religious leaders,[10] is a representative cross-section of those who speak for informed group opinion in the area. Moreover, the sampling does not cover any member of the general listening public who will receive the station's signal in the gain area. See Report and Statement of Policy Re: Commission En Banc Programming Inquiry, FCC 60-970, 25 FR 7291, 20 RR 1901, 1915. The alleged familiarity of the applicant's stockholders with the needs and interests of the gain area cannot suffice as a substitute for an acceptable survey. See Vernon Broadcasting Company, 12 FCC 2d 946, 13 RR 2d 245 (1968). Thus, the Review Board believes that an evidentiary inquiry is warranted so that WNAR can fully demonstrate its efforts to ascertain the needs and interests of the area and population to be gained by its proposal and the manner in which it intends to meet those needs and interests.[11]

8. *Accordingly, it is ordered,* That the petition for leave to amend and substitute parties, filed December 26, 1968, by Norristown Broadcasting Co., Inc. and WNAR, Inc., and the supplemental petition for leave to amend, filed January 30, 1969, by Norristown Broadcasting Co., Inc. and WNAR, Inc., are granted; that WNAR, Inc., is substituted for Norristown Broadcasting Co., Inc., as the applicant in this proceeding; and that the amendment tendered with the supplemental petition for leave to amend on January 30, 1969, is accepted; and

9. *It is further ordered,* That, on the Review Board's own motion, this proceeding is remanded to the Hearing Examiner for further hearing and for the preparation of a supplemental initial decision consistent with this opinion; and

10. *It is further ordered,* That the issues in this proceeding are enlarged as follows:

(4) To determine as to WNAR, Inc., the amount of funds available to construct and operate its proposed facility.

(5) To determine whether WNAR, Inc. will depend upon operating revenues to meet costs and first-year's operating expenses and, if so, the basis of its estimated revenues for the first year, whether such estimate is reasonable, and the extent to which net operating revenues may be relied on to yield necessary funds for the initial construction and operating cost.

(6) To determine on the basis of the evidence adduced under the aforesaid issues, whether WNAR, Inc., is financially qualified.

(7) To determine the efforts made by WNAR, Inc. to ascertain the community needs and interests of the gain area to be served and the means by which the applicant proposes to meet those needs and interests;

and that existing Issue 4 is redesignated as Issue 8; and

11. *It is further ordered,* That, the burdens of proceeding with the introduction of evidence and of proof under the above-designated issues will be upon the applicant, WNAR, Inc.

Adopted: May 27, 1969.

Released: May 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-6551; Filed, June 3, 1969; 8:47 a.m.]

[7] Cf. Lebanon Valley Radio, 11 FCC 2d 31, 11 RR 2d 998 (1967).

[8] The total cost of construction and first-year operation is as follows: Downpayment for the technical equipment to be obtained from Gates ($12,445.75); repayments of principal under the Gates' credit arrangement ($12,445.75); miscellaneous expenses, including finance charges under the Gates' credit arrangement ($10,000); and increased cost of station operation ($15,000).

[9] In order to demonstrate its financial qualifications at the time of the assignment, WNAR relied upon subscriptions of its stock and debentures. Wister's stock and debenture subscriptions totaled $108,000. Since his Apr. 30, 1968, balance sheet did not reflect sufficient net liquid assets to meet both subscriptions, Mauck agreed to lend him $72,000. In the event that Wister liquidated or encumbered his fixed assets, the proceeds thereof would be applied to satisfy Mauck's loan. In addition to his $72,000 advance to Wister, Mauck subscribed to $148,500 of WNAR's stock and debentures. As noted above, Mauck also agreed to meet WNAR's liability to Norristown, under which obligation a current liability of $34,200 would be incurred.

[10] Although no contact with the gain area's religious leaders is detailed, WNAR represents that "Church programs will be carried in conjunction with the Council of Churches." See Amendment of Jan. 30, 1969, Exhibit E.

[11] Since the release of the initial decision in this proceeding, the parties have requested and have been granted several extensions of time within which to file exceptions to the initial decision. The last filing date set by the Board was Feb. 10, 1969, and there have been no further requests for extensions of time to file exceptions. Since the failure to file further requests may be due to the pendency of the pleadings under consideration herein and in view of our ultimate disposition of those pleadings, we will permit the filing of exceptions, when appropriate, to both the initial decision and the supplemental initial decision.

[12] Board member Nelson absent.

FEDERAL POWER COMMISSION

[Docket No. G-3117, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

MAY 26, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Midhurst Oil Corp., Applicant in Docket No. G-9579, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Rycade Oil Corp. FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-444. A prior increased rate was collected for a locked-in period subject to refund in Docket No. G-17364. Applicant has filed motions to be substituted in lieu of Rycade as respondent in both of said proceedings, together with agreements and undertakings to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be substituted as respondent; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Texaco, Inc. (Operator), et al., Applicant in Docket No. CI64-1135, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Sun Oil Co. (DX Division) (Operator) et al., FPC Gas Rate Schedule No. 290. Said rate schedule will be redesignated as that of Applicant. On October 3, 1968, Sunray DX Oil Co. (Operator) et al., predecessor in interest to Sun Oil Co. (DX Division) (Operator) et al., filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 290, now Sun Oil Co. (DX Division) (Operator) et al., FPC Gas Rate Schedule No. 290. By order issued October 28, 1968, in Docket No. RI69-171 et al., the Commission suspended the proposed change in Docket No. RI69-175 until April 3, 1969, and thereafter until made effective. The change was designated as Supplement No. 2 to the subject rate schedule. On March 21, 1969, Applicant filed a motion to be made co-respondent in the proceeding pending in Docket No. RI69-175; and on April 1, 1969, Applicant filed a motion to make the change in rate effective, together with an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI69-175 for sales under the subject rate schedule. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund; and the agreement and undertaking will be accepted for filing.

Holly Corp., Applicant in Docket No. CI69-837, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI67-851 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 494. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. Prior to the effective date of the assignment of the producing properties to Applicant, Pan American filed a notice of change in rate under its rate schedule. The change was suspended in Docket No. RI69-206 until April 14, 1969, and thereafter until made effective. Subsequent to the assignment of the producing properties, Pan American filed a motion to make the change in rate effective April 14, 1969. Applicant has filed a motion to be made a co-respondent in Docket No. RI69-206 and will be made a party to the proceeding. If Applicant desires to collect the increased rate, it should file a motion to that effect as provided by section 154.102 of the regulations under the Natural Gas Act. Until the change in rate is made effective with respect to sales from Applicant's interests in the producing properties acquired from Pan American, Applicant shall charge and collect the applicable area base rate, adjusted for quality, prescribed in Opinion No. 468, 34 FPC 159, as modified by Opinion No. 468-A, 34 FPC 1068.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests

to the granting of the applications have been filed.

At a hearing held on May 21, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G–3117, G–3118, G–3119, G–4091, G–4547, G–7535, G–8785, G–9575, G–15079, G–15987, G–17024, CI60–122, CI60–651, CI62–272, CI62–655, CI64–271, CI64–672, CI64–1135, CI65–317, CI67–171, CI67–851, CI67–1224, and CI69–197 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI69–856 and CI69–857 should be canceled and that the applications filed therein should be treated as petitions to terminate the certificates heretofore issued in Dockets Nos. CI64–983 and CI64–1072, respectively.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI66–316 should be terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 115.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Midhurst Oil Corp. should be substituted in lieu of Rycade Oil Corp. as respondent in the proceedings pending in Dockets Nos. G–17364 and RI64–444, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by Midhurst in said proceedings should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texaco Inc. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI69–175; that said proceeding should be redesignated accordingly; that the proposed change in rate suspended in said proceeding should be made effective with respect to sales from Texaco's interests; and that the agreement and undertaking submitted by Texaco in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Holly Corp. should be made a co-respondent in the proceeding pending in Docket No. RI69–206 and that the proceeding should be redesignated accordingly.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. G–7535 and CI69–816 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower; and the initial rate for the sale authorized in Docket No. CI69–837 shall be 15.91 cents per Mcf at 14.65 p.s.i.a., the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality.

(b) If the quality of the gas delivered by Applicants in Dockets Nos. G–7535, CI69–816, and CI69–837 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(c) Within 90 days from the date of initial delivery Applicants in Dockets Nos. G–7535 and CI69–816 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(d) The initial rate for the sale authorized in Docket No. CI69–656 shall be 13.4426 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(e) The initial rate for the sale authorized in Docket No. CI69–762 shall be 16 cents per Mcf at 15.025 p.s.i.a. including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(f) Sales authorized in Docket No. CI69–864 (Oklahoma "Other" area only) shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket. Sales authorized in (Oklahoma Panhandle area only) shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment.

(g) Further, the certificate in Docket No. CI69–864 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 contract years.

(h) The initial rate for the sale authorized in Docket No. CI69–871 shall be 22.0077 cents per Mcf at 15.325 p.s.i.a.

(i) Applicant in Docket No. G–4091 shall file a notice of change in rate as provided by section 4 of the Natural Gas Act if the price reverts from 27 to 25 cents per Mcf under the terms of Supplement No. 5 to its FPC Gas Rate Schedule No. 1.

(j) The certificate issued herein in Docket No. CI69–887 involving the sales of gas by Texas Gas Exploration Corp., to its affiliate, Texas Gas Transmission Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceedings involving either company.

(F) The orders issuing certificates in Dockets Nos. G–3117, G–3118, G–3119, G–4091, G–7535, G–15079, G–15987, G–17024, CI60–122, CI64–271, CI65–317, CI67–171, and CI69–197 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorized service from the subject acreage:

Amend to delete acreage	*New certificate*
G–4547	CI69–876
CI60–651	CI69–871
CI62–272	CI69–799
CI62–655	CI69–799
CI64–672	CI69–717
CI67–851	CI69–837

(H) The orders issuing certificates in Dockets Nos. G–8785, G–9575, CI64–1135, and CI67–1224 are amended by substituting the successors in interest as certificate holders.

(I) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(J) Dockets Nos. CI69–856 and CI69–857 are canceled.

(K) The certificate heretofore issued in Docket No. G–12012 is terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 115.

(L) The certificate heretofore issued in Dockets Nos. G–12544, CI64–983, and CI64–1072 are terminated.

(M) The rate suspension proceeding pending in Docket No. RI66–316 is terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 115.

(N) Midhurst Oil Corp. is substituted in lieu of Rycade Oil Corp. as respondent in the proceedings pending in Dockets Nos. G–17364 and RI64–444; the proceedings are redesignated accordingly; and the agreements and undertakings submitted by Midhurst in said proceedings are accepted for filing.

(O) Midhurst Oil Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by Midhurst in Dockets Nos. G–17364 and RI64–444 shall remain in full force and effect until discharged by the Commission.

(P) Texaco Inc. (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. RI69–175; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Texaco in said proceeding is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 2 to Texaco Inc. (Operator), et al., FPC Gas Rate Schedule No. 432, as so redesignated herein, shall be effective subject to refund as of April 3, 1969. Said effective rate shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI69–175.

(Q) Texaco Inc. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Texaco Inc. (Operator), et al., in said docket shall remain in full force and effect until discharged by the Commission.

(R) Holly Corp. is made a co-respondent in the proceeding pending in Docket No. RI69–206 and the proceeding is redesignated accordingly.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3117 D 10–11–68	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Amendment 9–23–68 [1]	36	14
			Letter agreement 11–11–68 [2]	36	1–14
G–3118 (CS66–62) D [4]	do	El Paso Natural Gas Co., Cooper-Jal Field, Lea County, N. Mex.	Assignment 7–30–68 [3]	28	16
			Effective date: 7–30–68		
G–3119 (CS66–15) D [4]	do	do	Conveyance 12–23–68 [4]	33	13
			Effective date: 1–1–69		
G–4091 C 2–24–69 [7]	H. R. Jackson, et al., d.b.a. Penova Interests.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Letter agreement 2–4–69 [8]	1	5
G–7535 C 2–3–69	Pan American Petroleum Corp. [9]	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 12–5–68 [8]	115	1[9]
G–8785 E 3–12–69 as amended 4–21–69 [10]	James E. Kemp, et al. (successor to Four States Drilling Co., Inc., et al.).	Arkansas Louisiana Gas Co., North Scottsville Field, Harrison County, Tex.	Four States Drilling Co. et al., FPC GRS No. 1, Supplement Nos. 1–6	1	1–6
			Notice of succession 3–10–69.		
			Assignment 3–19–68 [11]	1	7
			Effective date: 4–1–68		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-717 ..... (C164-672) F 1-27-69 [3] (as amended 2-21-69) [4]	Southwest Oil Industries, Inc. (successor to Cities Service Oil Co. (Operator) et al).	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	Contract 10-15-63 [12] ..... Supplemental agreement 7-5-67.	28	1
(C164-672) [14]	Cities Service Oil Co. (Operator) et al.	do	Assignment 8-30-67 [15] ..... Assignment 8-30-67 [16] ..... Assignment 9-3-68 [17] ..... Notice of cancellation 2-6-69 [17]	26 26 232 232	2 3 6 3
G 15079 ..... C 2-27-69 as amended 3-24-69 [14]	Pan American Petroleum Corp. (successor to John H. Trigg) et al.	Southern Union Gathering Co., Aztec Fictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 10-24-58 [13] ..... Effective date 2-1-67	467	6
G-13987 ..... C 3-14-69 ..... C 11-2-60 ..... C 11-2-60	Shell Oil Co.	El Paso Natural Gas Co., Blsti Field, San Juan County, N. Mex.	Transfer order 9-3-59 ..... Transfer order 9-3-59 ..... Supplemental agreement 9-29-60 [19] ..... Supplemental agreement 9-21-60 [19]	184 184 194 337	18 2 18 3 18 4 2
G-17024 ..... C 7-28-60 ..... C 10-10-60 ..... D 10-10-60	Phillips Petroleum Corp.	do	Amendment 1 10-67	337	3
C166-122 ..... C 3-24-69 [3] [20]	Texas Sun Juan Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Miller & Fox Fields, Jim Wells and Duval Counties, Tex.	Letter agreement 4-10-69 [3] [21]	2	5 6
C162-272 ..... D 2-13-69	Elton A. Bayer, d.b.a. Bayer Gas Co.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Letter agreement 7-12-68 [22]	1	3
C162-655 ..... D 2-13-69	Paul H. Ash et al., d.b.a. A. & C. Oil & Gas Co.	do	Letter agreement 7-12-68 [22]	8	2
C164-271 ..... C 12-30-65 [23]	McCulloch Oil Corp. of California (Operator) et al.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 9 10-65 [3]	12	5
C164-983 ..... (C169-856) 3-10-69 [24] (C164-1072 (C169-857) 3-10-69 [24]	Texaco Oil Co. (Operator) et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Notice of cancellation (Undated) [3] [25] ..... Notice of cancellation (Undated) [3] [25]	25 116	6 6
C164-1135 ..... E 3-21-69	Texaco, Inc. (Operator) et al. (successor to Sun Oil Co. (DX Division) (Operator) et al.).	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	Sun Oil Co. (DX Division) (Operator) et al., FPC GRS No. 290. Supplement Nos. 1–2 Notice of succession	432 432	1-2
C165-317 ..... D 2-14-69	Jack W. Grigsby (Operator) et al. (partial abandonment).	United Gas Pipe Line Co., Southwest Bourg Field, Terrebonne Parish, La.	Notice of cancellation (Undated) [3] [25] ..... Effective date: 12-1-68 Notice of partial cancellation 3-21-69 [3] [27]	432 11	3 4
C167-171 ..... D 2-13-69	Edwin L. Cox (partial abandonment).	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Notice of partial cancellation 2-12-69 [3] [28]	66	5
C167-1224 ..... E 3-17-69	Fain-Porter Drilling Co. (successor to H. H. Champlin et al.).	Michigan Wisconsin Pipe Line Co., Lake Jim Field, Harper County, Okla.	H. H. Champlin et al. FPC GRS No. 3 Notice of Succession (Undated) [3] [29] ..... Assignment 12-17-68 [3] [29] ..... Effective date: 12-1-68	5 5	1
C169-197 ..... C 3-24-69 [3]	Ashland Oil & Refining Co.	United Fuel Gas Co., Coal Field, Kanawha County, W. Va.	Supplement 3-3-69 [3] [30]	103	2
C169-656 ..... A 1-21-69 [3]	Atlantic Richfield Co.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	Contract 12-1-68 ..... Compliance 4-4-69 [3] [31]	325 325	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-889 ..... A 3-19-69 [3]	Monsanto Co.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Contract 2-18-69 [3]	96	
C169-890 ..... A 3-20-69 [3]	Grey Eagle Construction Co.	United Fuel Gas Co., Tug River District, Mingo County, W. Va.	Contract 11-22-68 [3]	2	
C169-892 ..... A 3-21-69	Kendall-Davis Drilling Co., Inc. (Operator) et al.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	Contract 3-3-69 [3]	2	
C169-897 ..... A 3-24-69 [3]	Union Oil Co. of California (Operator) et al.	Diamond Shamrock Corp., Farnsworth Field, Ochiltree County, Tex.	Contract 2-17-69	199	
C169-899 ..... (G-12012) [37] B 3-24-69	Union Oil Co. of California.	Northern Natural Gas Co., Harper Ranch Field, Clark and Comanche Counties, Kans.	Notice of cancellation 3-19-69 [3] [27]	[40] 115	9

[1] Deletes formations between 9,000' and 11,900' in a portion of Sec. 10, T10S, R1E including an estimated 100,000 Mcf of reserves now included in Department of Conservation Formed Gas Units. Cost to connect the gas to Tennessee's line is estimated at $18,000 (18 cents per Mcf).

[2] Corrects amendment dated Sept. 23, 1968, to reflect deletion of formations in the SE¼ instead of the NE¼ of Sec. 10, inadvertently deleted by succ. amendment.

[3] Effective date: Date of this order.

[4] No certificate filing made or necessary, however, the certificates in Docket Nos. G-3118 and G-3119 will be amended to reflect the transfer of the subject interests.

[5] Assigns acreage to Wolfson Oil Corp. which has a small producer certificate in Docket No. CS66-62.

[6] Assigns acreage to Dalport Oil Corp. which has a small producer certificate in Docket No. CS66-15.

[7] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.

[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).

[9] By letter filed Mar. 10, 1969, Applicant agreed to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[10] Amendment to the application to reflect a rate of 11.7438 cents per Mcf in lieu of 12.6324 cents per Mcf.

[11] Includes certificate of dissolution of Four States Drilling Co., Inc., and articles of dissolution of Four States Drilling Co., Inc.

[12] Midhurst acquired all the stock of Ryeade Oil Corp. and then liquidated Ryeade Oil Corp.

[13] Amendment to the application and revised contract summary filed to reflect a rate of 10 cents per Mcf in lieu of 13 cents per Mcf.

[14] Predecessor, John H. Trigg, d.b.a. John H. Trigg Co. never submitted filings to cover the subject acreage.

[15] Between Southern Union and Pan American's predecessor (Trigg). Pan American acquired this interest by assignment dated Feb. 20, 1967.

[16] Supplements Nos. 2 and 3 have been withdrawn and replaced by Supplement No. 4.

[17] Covers transferred acreage.

[18] New dedication.

[19] Partially supersedes Shell Oil Co. FPC GRS No. 184.

[20] Application to amend the certificate to resell gas purchased from Bridwell Oil Co. Bridwell received authorization to sell the gas to Texas San Juan Oil Corp. in Docket No. C160-224.

[21] Provides for a 5-year make-up period for gas sold from new acreage.

[22] Deletes acreage assigned to Shirley D. Knudson et al., d.b.a. A. & C. Oil & Gas Co., A-Ltd., in Docket No. C169-799.

[23] Filing of Dec. 30, 1965, made by predecessor, Compass Exploration, Inc. By letter filed Mar. 21, 1969, McCulloch agreed to accept an initial rate of 13 cents in lieu of originally proposed 14-cent rate.

[24] The abandonment applications erroneously assigned Dockets Nos. C169-856 and C169-857 will be treated as petitions to terminate the certificates heretofore issued in Dockets Nos. C164-983 and C164-1072, respectively, and Dockets Nos. C169-856 and C169-857 will be canceled.

[25] Acreage involved has been assigned to RPL Oil Co. which has a small producer certificate in Docket No. CS69-41.

[26] Transfers Sun's interest to Texaco, Inc.

[27] Source of gas depleted.

[28] Formation pressures have declined to levels too low to enable gas to enter buyer's high pressure line.

[29] Conveys interest of H. H. Champlin, Douglas L. Champlin and Joanna C. Thomas to Fain-Porter Drilling Corp.

[30] Complies with temporary certificate issued Mar. 21, 1969; Applicant states willingness to accept a permanent certificate conditioned by limiting buyer's take-or-pay obligation to a 1 to 7,300 ratio of reserves.

[31] The Jan. 27, 1969, filing pertains to acreage acquired via assignment dated Sept. 3, 1968, and the Feb. 17, 1969, filing pertains to acreage acquired via assignment dated Aug. 30, 1967.

[32] Also on file as Cities Service Oil Co. (Operator) et al., FPC GRS No. 202.

[33] Transfers certain acreage from Cities Service to Southwest Oil Industries, Inc. Also acknowledges that the subject acreage is dedicated to the Oct. 15, 1963 contract.

[34] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.

[35] Conveys certain interests from Cities Service Oil Co. to Southwest Oil Industries, Inc., in Docket No. C169-717.

[36] Complies with temporary certificate issued Mar. 14, 1969; Applicant by letter dated Apr. 11, 1969, indicated willingness to accept a permanent certificate limiting the buyer's take-or-pay obligation to a 1 to 7,300 ratio of reserves.

[37] Between Applicant, seller and Equitable Gas Co., buyer. Covers the Linger and Droppleman Leases which were previously dedicated to Contract No. 5765 on file as Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co. FPC GRS No. 8 (Docket No. C162-655) and Contract No. 5658 on file as Elton A. Bayer, d.b.a. Bayer Gas Co., FPC GRS No. 1 (Docket No. C162-272).

[38] Applicant has agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[39] Amends the contract to provide a pricing provision consistent with section 154.93 (b-1) of the regulations.

[40] Presently on file as Pan American Petroleum Corp. FPC GRS No. 494.

[41] From Pan American Petroleum Corp. to Holly Corp.

[42] By letter filed Mar. 21, 1969, Applicant advised willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf subject to B.t.u. adjustment for gas sold from Woods County, Okla., and 17 cents per Mcf subject to B.t.u. adjustment for gas sold from Woodward County, Okla.; and by letter of Apr. 8, 1969, advised willingness to accept a permanent certificate conditioned by limiting buyer's take-or-pay obligation to a 1 to 3,650 ratio of reserves during the first 2 contract years.

[43] Supersedes in part contracts dated Jan. 7, 1952 (No. 5131) and Jan. 28, 1952 (No. 5132) comprising M. A. Hall FPC GRS Nos. 7 and 8, respectively. Filing includes assignments dated Aug. 13, 1968 from M. A. Hall transferring the Ferrell and Fleming Leases to Applicant.

[44] Between Sinclair Oil Corp. and El Paso Natural Gas Co.; on file as Sinclair Oil Corp., FPC GRS No. 272.

[45] Sinclair Oil Corp. assigns interest in lease to R. C. Wynn.

[46] Applies only to a depth of 200 feet below the Berea Sandstone.

[47] Other sales covered under the certificate in Docket No. G-12012; therefore, the certificate in said docket will be terminated only insofar as it pertains to FPC GRS No. 115.

[48] Rate of 15 cents in effect subject to refund in Docket No. R166-316 (no monies collected at 15 cents); therefore, the rate suspension proceeding pending in Docket No. R166-316 will be terminated only with respect to Union's FPC GRS No. 115.

[F.R. Doc. 69-6449; Filed, June 3, 1969; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Supplemental Notice of Hearing

Reference is made to the notice of hearing published in the FEDERAL REGISTER on May 17, 1969 (34 F.R. 7883) (Public Law 90-146; 81 Stat. 466), concerning hearings on the Function and Effectiveness of State and Local Law in Insuring the Safety of Household Products. The locations of said hearings are as follows:

June 17, 1969, City Council Chamber, City Hall, Portland, Oreg.

June 19 and 20, 1969, Board of Public Works Hearing Room, Room 350, City Hall, Los Angeles, Calif.

Dated: May 28, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-6501; Filed, June 3, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

CERTAIN COMMODITIES

Denial of Requests for Reconsideration Under Fair Packaging and Labeling Act

The Federal Trade Commission published in the FEDERAL REGISTER on June 15, 1968 (33 F.R. 8773) Part 503—*Statements of General Policy or Interpretation* of Title 16—Commercial Practices; Chapter I—Federal Trade Commission; Subchapter E—Rules, Regulations, Statement of General Policy or Interpretations and Exemptions Under the Fair Packaging and Labeling Act on the status of specific items with regard to coverage under the Fair Packaging and Labeling Act. The commodities include:

Brooms and mops.
Fertilizers of the speciality type.
Shoelaces.
Automotive replacement parts.
Ink containers.
Liquified petroleum gas.
Textile fiber products.
House fixtures.
Motor oil.
Antifreeze.
Metal beds.
Metal cots.
Metal springs and dual purpose sleeping equipment.
Elastic fabric (braided, knitted, woven).
Stationery and other paper products including greeting cards and gift wrapping.
Paint, varnishes, and lacquers.
Ammunition.
Automotive chemical products.
Lubricants for home use.
Plastic shelf paper, plastic table cloths.
Safety flares (for auto and pleasure boating use).

Solvents and cleaning fluids for home use.
Toys.
Waxes for home use.

In the opinion of the Commission, all of the aforementioned items were "Consumer Commodities" within the meaning of the Fair Packaging and Labeling Act. In response to the June 15, 1968, publication several comments and requests for reconsideration were received and reviewed by the Commission; however, the Commission is of the opinion that modification or revision of the statement as published is not warranted.

Accordingly, Subchapter E, § 503.2 *Status of specific items under the Fair Packaging and Labeling Act* is confirmed as published in 33 F.R. 8773, June 15, 1968.

Issued: May 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6576; Filed, June 3, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 5), Amdt. 2 Southwestern Area, Dallas, Tex.]

AREA COORDINATORS ET AL.

Delegation of Authority to Conduct Program Activities in the Southwestern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30-6 (Revision 5), Southwestern Area, 34 F.R. 5043, dated March 8, 1969, as amended (34 F.R. 5404, 34 F.R. 5883, 34 F.R. 6752) is further amended by:

1. Adding paragraph I. H. to read:

I. *Area Coordinators.*

* * * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

Effective date: May 19, 1969.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 69-6538; Filed, June 3, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 43; Amdt. 2]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

To: Florida East Coast Railway Co., Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 43, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 43 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This Direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 28, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6562; Filed, June 3, 1969; 8:48 a.m.]

[S.O. 1002; Corrected Car Distribution Direction No. 44; Amdt. 2]

SEABOARD COAST LINE RAILROAD CO., ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., The Atchison, Topeka and Santa Fe Railway Co.

Upon further consideration of Corrected Car Distribution Direction No. 44, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 44 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 28, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6563; Filed, June 3, 1969; 8:48 a.m.]

[Notice 553]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 29, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 15), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed May 22, 1969. Carrier's representative: Ivan E. Moody, same address as applicant: Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Louisville, Ky., over Interstate Highway 65 to Chicago, Ill.; (2) from Louisville, Ky., over Interstate Highway 71 to junction Interstate Highway 75 near Cincinnati, Ohio, thence over Interstate Highway 75 to Detroit, Mich.; (3) from Indianapolis, Ind., over Interstate Highway 69 to Fort Wayne, Ind.; and (4) from Cincinnati, Ohio, over Interstate Highway 74 to Peoria, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Louisville, Ky., over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 30 at Fort Wayne, Ind., thence over U.S. Highway 30 to junction U.S. Highway 41 near Dyer, Ind., thence over U.S. Highway 41 to Chicago, Ill.; (2) from Louisville, Ky., over U.S. Highway 31 to Indianapolis, Ind., thence over Indiana Highway 37 to junction U.S. Highway 24, thence over U.S. Highway 24 to Detroit, Mich.; (3) from Indianapolis, Ind., over Indiana Highway 37 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind.; and (4) from Cincinnati, Ohio, over U.S. Highway 52 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, Ill., and return over the same route.

No. MC 10761 (Deviation No. 49), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed May 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Baltimore, Md., and Washington, D.C., over U.S. Highway 1.

No. MC 35628 (Deviation No. 28), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502, filed May 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rochester, N.Y., over New York Highway 96 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 81, thence over Interstate Highway 81 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rochester, N.Y., over U.S. Highway 96 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 81 to Harrisburg, Pa., thence over U.S. Highway 15 to junction U.S. Highway 220 (portion formerly Pennsylvania Highway 14), near Williamsport, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14), at Halls, Pa., thence over Pennsylvania Highway 147 to junction U.S. Highways 22-322 (formerly portion Pennsylvania Highway 14), at Dauphin, Pa., thence over U.S. Highways 22-322 to Harrisburg, Pa., and return over the same route.

No. MC 39406 (Deviation No. 8), CENTRAL MOTOR LINES, INC., Box 1067, Charlotte, N.C. 28201, filed May 23, 1969. Carrier's representative: Stewart E. Fulk, same address as applicant: Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 25E, thence over U.S. Highway 25E to Corbin, Ky., thence over U.S. Highway 25 to Mount Vernon, Ky., thence over Interstate Highway 75 to Toledo, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Asheville, N.C., over U.S. Highway 25 to Tuxedo, N.C.; (2) from Hendersonville, N.C., over U.S. Highway 64 to Bat Cave, N.C.; (3) from Bat Cave, N.C., over U.S. Highway 74 to Shelby, N.C.; (4) from Shelby, N.C., over Alternate U.S. Highway 74 to junction U.S. Highway 74, thence over U.S. Highway 74 to Kings Mountain, N.C.; (5) from junction U.S. Highways 1 and 130, near Milltown, N.J., over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 29A (formerly portion U.S. Highway 29) at or near Greensboro, N.C., thence over U.S. Highway 29A to junction U.S. Highway 29 at or near High Point, N.C., thence over U.S. Highway 29 to Greenville, S.C., thence over U.S. Highway 123 to Easley, S.C.;

(6) From Greensboro, N.C., over Interstate Highway 40 to Winston-Salem, N.C., thence over U.S. Highway 52 to Hillsville, Va., thence over U.S. Highway 221 to junction Virginia Highway 100, located about 1 mile northeast of Hillsville, thence over Virginia Highway 100 ta Pearisburg, Va., thence over U.S. Highway 460 to junction Interstate Highway 77, located about 3 miles east of Princeton, W. Va., thence over Interstate Highway 77 to junction U.S. Highway 119 located at or near Kanawha City, W. Va., thence over U.S. Highway 119 to Charleston, W. Va., thence over U.S. Highway 21 to junction Interstate Highway 77, located about 2 miles south of Sissonville, W. Va., thence over Interstate Highway 77 to junction U.S. Highway 21, located about 1 mile north of Fairplain, W. Va., thence over U.S. Highway 21 to Parkersburg, W. Va., thence over U.S. Highway 50 to Belpre, Ohio, thence over Ohio Highway 7 to Marietta, Ohio, thence over U.S. Highway 21 to junction Interstate Highway 77, located about 4 miles southeast of Cambridge, Ohio, thence over Interstate Highway 77 to junction U.S. Highway 21, located about 7 miles northeast of Cambridge, Ohio, thence over U.S. Highway 21 to Cleveland, Ohio; and (7) from Unionville (Washington County), Ohio, over Ohio Highway 60 to Zanesville, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 37, located about 1 mile south of Luray (Licking County), Ohio, thence over Ohio Highway 37 to junction Ohio Highway 161, located about 1 mile south of Granville, Ohio, thence over Ohio Highway 161 to Worthington, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 199 located about 1 mile northwest of Fostoria, Ohio, thence over Ohio Highway 199 to junction U.S. Highway 20, located about 3 miles southeast of Lemoyne, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 120, at or near Lemoyne, Ohio, thence over Ohio Highway 120 to junction Interstate Highway 280, located about 2 miles north of Lemoyne, Ohio, thence over Interstate Highway 280 to Toledo, Ohio, and return over the same routes.

No. MC 44605 (Deviation No. 6), MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, Utah 84115, filed May 19, 1969. Carrier's representative: Hanry A. Dahn, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Spanish Fork, Utah, over U.S. Highway 50-89 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., thence over Interstate Highway 17 (traversing Arizona Highway 79 where Interstate highway not completed) to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Salt Lake City, Utah, over U.S. Highway 91 to St. George, Utah; (2) from Las Vegas, Nev., over U.S. Highway 91 to Harrisburg Junction, Utah, thence over Utah Highway 17 to Hurricane, Utah; (3) from Wickenburg, Ariz., over U.S. Highway 89 to Congress Junction, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 93, thence over U.S. Highway 93 via Wikieup, Ariz., to junction U.S. Highway 66 (approximately 1 mile east of Kingman, Ariz.), thence over U.S. Highway 66 to Kingman, Ariz., thence over U.S. Highway 93 to Alunite, Nev.; and (4) from Las Vegas, Nev., over U.S. Highway 95 to Vidal Junction, Calif., thence over unnumbered highway to Earp, Calif., thence across the Colorado River to Parker, Ariz., thence over Arizona Highway 72 to Hope, Ariz., thence over U.S. Highway 60 to Phoenix, Ariz., and return over the same routes.

No. MC 70083 (Deviation No. 2), DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill Industrial Park, Cherry Hill, N.J. 08034, filed May 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *such commodities*, as are dealt in by retail department stores, over deviation routes as follows: (1) From Philadelphia, Pa., over the Benjamin Franklin Bridge and U.S. Highway 30 (Admiral Wilson Boulevard) to junction New Jersey Highways 38 and 70, thence over New Jersey Highways 38-70 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction Interstate Highway 295, thence north over Interstate Highway 295 to junction New Jersey Highway 73, thence east over New Jersey Highway 73 to junction New Jersey Turnpike, Interchange No. 4, thence over New Jersey Turnpike to Exit No. 16, the approach roads to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y. (also from exit No. 14 of the New Jersey Turnpike through the Holland Tunnel to New York, N.Y.; also from exit No. 16 of the New Jersey Turnpike over the New Jersey Turnpike to exit No. 18, thence over U.S. Highway 46 and the George Washington Bridge to New York, N.Y.); (2) from Philadelphia, Pa., over the Tacony Palmyra Bridge to New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Turnpike, Interchange No. 4, thence over the New Jersey Turnpike as described in (1) above to New York, N.Y.;

(3) from Philadelphia, Pa., over the Tacony Palmyra Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 18, thence over New Jersey Highway 18 to Interchange No. 9 of the New Jersey Turnpike, thence over the New Jersey Turnpike as described in (1) above to New York, N.Y.; (4) from Philadelphia, Pa., over the Benjamin Franklin Bridge and U.S. Highway 30 to junction New Jersey Highways 38–70, thence over New Jersey Highways 38–70 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware Memorial Bridge to junction U.S. Highway 13, thence over U.S. Highway 13 (also Alternate U.S. Highway 13) to Wilmington, Del.; (5) from Philadelphia, Pa., over the Walt Whitman Bridge to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction Interstate Highway 295, thence to Wilmington, Del., as described in (4) above; and (6) from Philadelphia, Pa., over Tacony Palmyra Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Turnpike, Interchange No. 4, thence over the New Jersey Turnpike to junction Interstate Highway 295, thence over the route described in (4) above to Wilmington, Del., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Philadelphia, Pa., over U.S. Highway 1 to New York, N.Y.; (2) from Philadelphia, Pa., over U.S. Highway 130 to junction U.S. Highway 1; (3) from Trenton, N.J., over U.S. Highway 206 to junction U.S. Highway 130; (4) from Burlington, N.J., over New Jersey Highway 413 across the Burlington-Bristol Bridge to junction Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to junction U.S. Highway 13 at or near Bristol, Pa., thence over U.S. Highway 13 to Philadelphia, Pa.; and (5) from Philadelphia, Pa., over U.S. Highway 1 to junction U.S. Highway 202, thence over U.S. Highway 202 to Wilmington, Del., also from Philadelphia over city streets across the Delaware River to Camden, N.J., thence over New Jersey Highway 42 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 across the Delaware Memorial Bridge to junction U.S. Highway 13, thence over U.S. Highway 13 to Wilmington, Del., and return over the same routes.

No. MC 112713 (Deviation No. 14), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo. 64114, filed May 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greenville, S.C., over U.S. Highway 25 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 40 near Asheville, N.C., thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, Ga.; (2) from Atlanta, Ga., over U.S. Highway 29 to Decatur, Ga.; (3) from Decatur, Ga., over U.S. Highway 29 to Lawrenceville, Ga.; and (4) from Lawrenceville, Ga., over U.S. Highway 29 to Greenville, S.C., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 124935 (Deviation No. 1), ALMEIDA BUS LINES, INC., Box A–954, New Bedford, Mass. 02740, filed May 19, 1969. Carrier's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From New Bedford, Mass., over Interstate Highway 195 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 24 to junction Rhode Island Highway 138; (2) from Westport, Mass., over U.S. Highway 6 to junction Massachusetts Highway 88, thence over Massachusetts Highway 88 to junction Interstate Highway 195, thence over Interstate Highway 195 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 24 to junction Rhode Island Highway 138; and (3) from junction Massachusetts Highways 140 and 24 at or near Taunton, Mass., over Massachusetts Highway 24 to junction Massachusetts Highway 81, thence over Massachusetts Highway 81 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 81 to junction Rhode Island Highway 177, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From New Bedford, Mass., over U.S. Highway 6 to junction Massachusetts Highway 177, thence over Massachusetts Highway 177 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 177 to junction Rhode Island Highway 77, thence over Rhode Island Highway 77 to junction Rhode Island Highways 138 and 24; (2) from Taunton, Mass., over Massachusetts Highway 140 to New Bedford, Mass.; and (3) from New Bedford, Mass., over the route described in (1) above to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 177 to junction Rhode Island Highway 81, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6564; Filed, June 3, 1969; 8:48 a.m.]

[Notice 1299]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 29, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 127523 (Sub-No. 3) (Republication), filed February 11, 1968, published FEDERAL REGISTER issue of February 29, 1968, and republished this issue. Applicant: INTERNATIONAL WALNUT CORPORATION, CANADA, LTD., 109 Judson Street, Toronto 18, Ontario, Canada. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. By application filed February 11, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of lumber and lumber products; (1) between the ports of entry on the international boundary line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine (except points in Aroostook County, Maine), on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Restriction: The operations sought herein are subject to the condition that (a) all traffic transported shall either originate at or be destined to points in Canada, and (b) that traffic transported through the port of entry on the international boundary line between the United States and Canada located at Sault Ste. Marie, Mich., shall not originate at points in Canada; and (2) between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine (except points in Aroostook County, Maine), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia, subject to the restriction (1) that traffic transported through the port of entry on the United States-Canada boundary line at Sault Ste. Marie, Mich., shall not originate at points in Canada, and further restricted (2) against the transportation of pallets from Millville, Pa., to points in New York and (3) against the transportation of lumber from Catawissa, Millville, and Williamsport, Pa., to points in New York and Ohio. The issuance of a permit authorizing the above-described service is conditioned upon the receipt of a written request by the applicant for concurrent cancellation of its presently held permits Nos. MC–127523 and MC–127523 (Sub-No. 2). Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which has been so prejudiced.

All service is limited to a transportation service to be performed under a continuing contract, or contracts with Forest-All Sales & Products, Ltd., an Ontario corporation, and Forest-All Lumber, Inc., a New York corporation. A decision and order of the commission, Review Board No. 1, dated May 16, 1969, and served May 22, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, under a continuing contract or contracts with Forest-All Sales & Products, Ltd., of Weston, Ontario, Canada, and Forest-All Lumber, Inc., of Buffalo, N.Y., of lumber and lumber products, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine (except points in Aroostook County, Maine), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, subject to the restriction (1) that traffic transported through the port of entry on the United States-Canada boundary line at Sault Ste. Marie, Mich., shall not originate at points in Canada, and further restricted (2) against the transportation of pallets from Millville, Pa., to points in New York and (3) against the transportation of lumber from Catawissa, Millville, and Williamsport, Pa., to points in New York and Ohio. The issuance of a permit authorizing the above-described service is conditioned upon the receipt of a written request by the applicant for concurrent cancellation of its presently held permits Nos. MC–127523 and MC–127523 (Sub-No. 2). Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which has been so prejudiced.

No. MC 129989 (Sub-No. 1) (Republication) filed November 12, 1968, published in FEDERAL REGISTER issue of December 5, 1968, and republished this issue. Applicant: JOSEPH GAPPA, Rapp Dam Road, Post Office Box 428, Phoenixville, Pa. 19460. Applicant's representative: Charles L. Frank, Thompson Building, Pottsville, Pa. 17901. By application filed November 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Animal fleshings, lime splits and pieces, and heads of animal hides, from Reading, Pa., to Gowanda, N.Y., and Woburn, Mass. An order of the Commission, Operating Rights Board, dated May 16, 1969, and served May 27, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting of *tannery byproducts* from Reading, Pa., to Gowanda, N.Y., and Woburn, Mass.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC 133172 and MC 133174 (Republications), filed September 16, 1968, concurrently and published in the FEDERAL REGISTER issues of November 14, 1968, and October 10, 1968, respectively, and republished this issue. (1) No. MC 133172—Applicant: GREAT SOUTHWEST WAREHOUSES, INC., 5929 East Northwest Highway, Dallas, Tex. 75231. (2) No. MC 133174—Applicant: LEWIS TRANSFER AND STORAGE CO., INC., 218 Southwest Second Street, Grand Prairie, Tex. Applicants' representative respectively: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Upon consideration of applications filed September 16, 1968 respectively, applicants seek certificated authority of public convenience and necessity to operate in interstate or foreign commerce, as common carriers by motor vehicle over irregular routes, of used household goods, between points in described territory pursuant to the interpretations reached in *Kingpak, Inc., Investigation of Operations*, 103 M.C.C. 318. A report of the Commission, Review Board No. 1, decided May 13, 1969, and served May 19, 1969, embracing the two below-listed applications, finds that the present and future public convenience and necessity require operation by each applicant repectively, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods* from and to the respective points listed below: In No. MC–133172: (1) between points in Cooke, Grayson, Fannin, Denton, Collin, Hunt, Tarrant, Dallas, Kauffman, Johnson, Ellis, and Rockwall Counties, Tex.; and

(2) Between points in Harris and Galveston Counties, Tex. In No. MC–133174: between points in Tarrant, Dallas, Rockwall, Johnson, Ellis, and Kauffman Counties, Tex.; each applicant restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; and that each applicant is fit, willing, and able properly to perform the operations described in this report and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in this proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 109746 (Sub-No. 4) (Notice of Filing of Petition for Modification of Permit), filed May 15, 1969. Petitioner: BLUE STREAK TRUCKING CO., a corporation, Elizabeth, N.J. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner is authorized in MC 109746 Sub 4 to conduct motor contract carrier operations as follows, over irregular route: (1) *Fresh meats*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Elizabeth, N.J., to Monticello, N.Y., and Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized, from Elizabeth, N.J., and New York, N.Y., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (except those in Aroostook County), with no transportation for compensation on return except as otherwise authorized. (2) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, in tank vehicles, (a) from Linden, N.J., and New York, N.Y., to points in Rockland County,

N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., with no transportation for compensation on return except as otherwise authorized; (b) from Linden, N.J., to Peekskill and Poughkeepsie, N.Y., with no transportation for compensation on return except as otherwise authorized;

(3) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Elizabeth, N.J., to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized; (4) *such commodities*, as are classified as meats, meat products and meat byproducts in appendix A to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Elizabeth, N.J., to Baltimore, Catonsville, and Lemoine, Md., and Harrisburg, Reading, York, Columbia, Allentown, Bethlehem, Lebanon, and Lancaster, Pa., with no transportation for compensation on return except as otherwise authorized; (5) *The commodities* classified as meats, meat products, and meat byproducts in section A of the appendix to the report in *Modification of Permits—Packinghouse products*, 46 M.C.C. 23; from New York, N.Y., to points in Morris and Middlesex Counties, N.J., with no transportation for compensation on return except as otherwise authorized; (6) *Meats, meat products, and poultry*, (a) between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Passaic, and Bergen Counties, N.J., (b) between New York, N.Y., on the one hand, and, on the other, Trenton, N.J., and Philadelphia, Pa.; (7) *Fresh meats*, from New York, N.Y., to Albany, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Forest Packing Co., of Elizabeth, N.J., Ben Zeger Associates, Inc., of New York, N.Y., Fudim Bros., Inc., of Jersey City, N.J. By the instant petition, petitioner seeks to amend its permit by deleting therefrom the names of Forest Packing Co., of Elizabeth, N.J., and Judim Bros., Inc., of Jersey City, N.J., as contracting shippers, and in lieu thereof to add as a contracting shipper the name of The Tupman Thurlow Co., Inc., of New York, N.Y. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115025 (Sub-No. 13) (Notice of Filing of Petition for Interpretation of Certificate), filed February 10, 1969. Petitioner: THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Avenue, Rocky Hill, Conn. Petitioner's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Petitioner states it is authorized in MC 115025 Sub 13, the part here pertinent, to transport passengers and their baggage, in interstate or foreign commerce, as a motor common carrier, over irregular routes, in special operations in seasonal operations, annually, from May 15 to September 15, inclusive, between points on its authorized regular routes, between Springfield, Mass., and Hartford, Conn., on the one hand, and, on the other, Misquimacut Beach, R.I. By the instant petition, petitioner seeks an interpretation of the above-portion of its certificate, or, in the alternative, to accept for filing and processing the OP-OR-9 application seeking authority to engage in such operations, filed simultaneously with this petition, and published in tomorrow's issue of the FEDERAL REGISTER, under No. MC 115025 (Sub-No. 14).

No. MC 126885, MC 126885 (Sub-No. 1), and MC 126885 (Sub-No. 2), (Notice of Filing of Petition for Authority To Add Additional Contracting Shipper), filed May 13, 1969. Petitioner: WALNUT TRUCKING CO., INC., Rural Delivery No. 1, New Oxford, Pa. 17350. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. The operating authority now held by petitioner involved herein reads as follows: Irregular routes: *Brick* (other than firebrick) and *calcium carbonate*, From Baltimore, Md., and Vineland and Cliffwood, N.J., to points in Connecticut, New Jersey, New York, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. *Calcium Chloride*, in bags, From Barberton, Ohio, to Newark, N.J., Mount Vernon, N.Y., Philadelphia, Pa., and Bridgeport, Conn., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Tompkins Bros. Co., Inc., of Newark, N.J. *Brick* (other than firebrick) and *calcium carbonate*, From Rock Bridge, Md., to points in New Jersey, New York, Pennsylvania, and Connecticut, under a continuing contract with Tompkins Bros. Co., Inc., of Newark, N.J.

Face brick, From New Brighton, Kittanning, New Castle, and Clearfield, Pa., Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio, Somerset and Manassas, Va., and Brazil, Ind., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. From Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio, Somerset and Manassas, Va., and Brazil, Ind., to points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized. From Belle Mead, N.J., to points in Pennsylvania, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. *Fire bricks*, From Altoona, Pa., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. From Mount Savage, Md., to points in New Jersey, New York, Connecticut, Pennsylvania, with no transportation for compensation on return except as otherwise authorized. *Waterproofing cement mixes, Codings, and cement paints*, other than in bulk, in tank vehicles, From New Eagle, Pa., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. *Wheelbarrows, mortar pans, and mortar boxes*, From Harrisburg, Pa., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. *Welded steel wall ties and reinforcement bars*, From Baltimore, Md., to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Tompkins Bros. Co., Inc., of Newark, N.J. By the instant petition, petitioner seeks to add the following shipper to the authority now held by it: Haines Brick, Inc., 300 Cedar Boulevard, Pittsburgh, Pa. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10490. Authority sought for purchase by HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah, of the operating rights of ROBERT A. PALMER, doing business as WARNER TRUCK LINE, 1434 South Third West, Salt Lake City, Utah, and for acquisition by HARRY L. YOUNG and MARVIN R. YOUNG, both also of 542 West Sixth South, Salt Lake City, Utah, of control of such rights through the purchase. Applicants' attorney: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities, in bulk, as a *common carrier*, over a regular route, between Fillmore, Utah, and Salt Lake City, Utah, serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Utah, Nevada, Idaho, Montana, Arizona, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10491. Authority sought for purchase by J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061, of the operating rights of BARNEY BURKE TRANSFER COMPANY, INC., 111 East Liberty Street, Savannah, Ga. 31401, and for acquisition by JIMMIE McCLINTON, Post Office Box 589, Americus, Ga., of control of such rights through the purchase. Applicants' Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Lumber*, as a *common carrier*, over irregular routes, between points in that part of Georgia on, north, and east of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Blairsville, Ga., and thence along Georgia Highway 11 to the Georgia-North Carolina State line, on the one hand, and, on the other, points in Florida and South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Missouri, Kansas, Arkansas, Illinois, Kentucky, Louisiana, Texas, Virginia, West Virginia, Oklahoma, Nebraska, Iowa, Minnesota, Indiana, Michigan, Ohio, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Vermont, New Hampshire, Maine, Rhode Island, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10492. Authority sought for control and merger by E. W. BOHREN TRANSPORT, INC., Box 95, Woodburn, Ind. 46797, of the operating rights and property of MISSISSIPPI-EAST, INC., 69 West Woodland Avenue, Washington, Pa. 15301, and for acquisition by E. W. BOHREN, R.R. No. 2, Woodburn, Ind. 46797, of control of such rights and property through the transaction. Applicants' attorney and representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219 and Robert L. Ceisler, 80 East Chestnut, Washington, Pa. 15301. Operating rights sought to be controlled and merged: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *coal-stripping machinery, and construction machinery*, as a *common carrier* over irregular routes, between certain specified points in Pennsylvania, on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 60, and those in Ohio on and east of U.S. Highway 23; *glass-making machinery*, between Washington, Pa., and points within 2 miles thereof, on the one hand, and, on the other, points in the above-described territory in West Virginia and Ohio; *such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles* requiring specialized handling or rigging because of size or weight, between certain specified points in Pennsylvania between points in that part of Ohio on and east of U.S. Highway 21, between points in West Virginia, between points in the above Pennsylvania territory, on the one hand, and, on the other, points in West Virginia and that part of Ohio on and east of U.S. Highway 21. E. W. BOHREN TRANSPORT, INC., is authorized to operate as a *contract carrier* in Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Michigan, New York, West Virginia, Maryland, Massachusetts, Minnesota, New Jersey, Wisconsin, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10493. Authority sought for control by H. G. PRINCE & COMPANY, 215 Fremont Street, San Francisco, Calif. 94119, of WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elms Springs, Ark. 72728, and for acquisition by DEL MONTE CORPORATION, also of San Francisco, Calif., of control of WILLIS SHAW FROZEN EXPRESS, INC., through the acquisition by H. G. PRINCE & COMPANY. Applicants' attorneys and representative: Edward D. Ransom, 311 California Street, San Francisco, Calif. 94104. Bobby Shaw and R. Frederic Fisher, both of Elm Springs, Ark. Operating rights sought to be controlled: *Frozen foods*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-117119 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for the purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. H. G. PRINCE & COMPANY, holds no authority from this Commission. However, its controlling stockholder is affiliated with ENCINAL TERMINALS, 1521 Buena Vista Avenue, Alameda, Calif., which is authorized to operate as a *common carrier* in California; NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, N.J., which is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, and New York; and SHIPPERS EXPRESS COMPANY, Post Office Box 5790, San Jose, Calif., which is authorized to operate as a *common carrier* under a certificate of registration, within the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10494. Authority sought for purchase by TEXAS FILM SERVICE, INC., 150 East Zavalla Street, San Antonio, Tex. 78204, of the operating rights and property of WILLIAM THOMAS HAWKINS, doing business as HAWKINS FILM SERVICE, 427 West Hollywood Street, San Antonio, Tex. 78212, and for acquisition by ALFRED W. NEGLEY, 110 East Crockett, San Antonio, Tex. 78205, and JOHN M. REED, 150 East Zavalla, San Antonio, Tex. 78204, of control of such rights through the purchase. Applicants' attorneys: David A. Sutherlund and Theodore Polydoroff, both of 1140 Connecticut Avenue, NW., Washington, D.C. 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120281, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Texas. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-10489. Authority sought for control by PHILADELPHIA SUBURBAN TRANSPORTATION COMPANY, 234 Bryn Mawr Avenue, Bryn Mawr, Pa. 19010, of (1) BRIDGETON TRANSIT, 690 North Pearl Street, Bridgeton, N.J. 08302, and (2) C. & S. TRANSIT, INC., 690 North Pearl Street, Bridgeton, N.J. 08302. Applicants' attorney and representative: Santo J. Salvo, 1 Elizabeth Avenue, Millville, N.J. 08332, and Alexander Markowitz, 1619 Woodcrest Drive, Vineland, N.J. 08360. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Bridgeton, N.J., and New York, N.Y., serving certain intermediate points; over two alternate routes for operating convenience only; Migrant workers as defined in section 203(a)(23) of the Interstate Commerce Act, and their baggage in the same vehicle, as a *contract carrier*, over irregular routes, between certain specified points in New Jersey, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) Passengers and their baggage, restricted to traffic originating and terminating at the same points within the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from Bridgeton, N.J., and points in Cumberland County, N.J., within 15 miles of Bridgeton, and points in Salem County, N.J., east of New Jersey Highway 77 (formerly New Jersey Highway 46), to Alexandria, Va., the District of Columbia, points in Delaware, those in Fairfax and Arlington Counties, Va., those in Pennsylvania south and east of a line beginning at Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and those in Maryland (except those in Allegany and Washington Counties), and return. PHILADELPHIA SUBURBAN TRANSPORTATION COMPANY holds no authority from this Commission. However,

it controls RED ARROW LINES, INC., 69th Street Terminal Building, Upper Darby, Pa., which is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6565; Filed, June 3, 1969; 8:48 a.m.]

[Notice No. 842]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 29, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 127219 (Sub-No. 2 TA) (Correction), filed April 14, 1969, published FEDERAL REGISTER, issue of April 24, 1969, and republished as corrected this issue. Applicant: STEPHEN R. KEREK, doing business as KEREK'S AIR FREIGHT SERVICE, Post Office Box 213, Lancaster, Pa. 17601. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having a prior or subsequent movement by air, between points in Berks County, Pa., on the one hand, and, on the other, points in Manheim Township, Lancaster County, Pa., for 180 days. NOTE: The purpose of this republication is to show that applicant states that it intends to tack this authority with No. MC 127219 (Sub-No. 1). Supporting shippers: Pennsylvania Cut Flower & Supply Co., 433 West Douglass Street, Reading, Pa. 19601, The "Elge" Spark Wheel Co., 120 Madison Avenue, Reading, Pa. 19601, Reading Foreign Traders, 607 Washington Street, Post Office Box 142, Reading, Pa. 19603, Mercator Corp., 607 Washington Street, Post Office Box 142, Reading, Pa. 19603, and Columbia-Minerva Corp., Post Office Box 500, Robesonia, Pa. 19551. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 129557 (Sub-No. 2 TA) (Amendment), filed April 7, 1969, published FEDERAL REGISTER, issue of April 15, 1969, and republished as amended this issue. Applicant: PAONE TRUCKING, INC., 88 Briggs Street, Cranston, R.I. 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, crushed, in bulk, in dump vehicles, from Portsmouth, N.H., to Cranston, R.I., for 150 days. NOTE: The purpose of this republication is to show that application has been amended to seek authority from Portsmouth, N.H., in lieu of Manchester, N.H. Supporting shipper: Park Avenue Cement Block Co., Inc., 30 Budlong Road (off 1350 Park Avenue), Post Office Box 3530 Cranston, R.I. 02910. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6566; Filed, June 3, 1969; 8:48 a.m.]

[Notice 355]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 28, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70543. By order of May 20, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Charles Oliver, Marjorie Oliver, George Oliver, and Maude Oliver, a partnership, doing business as Oliver Fuel Co., 504 North Sixth, Corvallis, Oreg. 97330, of the operating rights in certificate No. MC-118939 issued April 18, 1960, to John F. Stehle and Eva M. Stehle, a partnership, doing business as Oregon Chips Co., Corvallis, Oreg., authorizing the transportation of wood chips, from Philomath, Oreg., to Longview, Wash. Ronald G. Young, 425 West Second Avenue, Albany, Oreg. 97321, attorney for transferor.

No. MC-FC-71277. By order of May 16, 1969, the Motor Carrier Board approved the transfer to Carolina East Furniture Transport, Inc., Sumter, S.C., of the operating rights in certificate No. MC-115257 (Sub-No. 30) issued March 2, 1967, to Shamrock Van Lines, Inc., Post Office Box 5447, Dallas, Tex. 75222, authorizing the transportation of new furniture, damaged or rejected shipments of new furniture, and used furniture, from or to points in South Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Alabama, Georgia, Florida, Maryland, North Carolina, Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Delaware, Rhode Island, and the District of Columbia. Joseph G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004, attorney for transferee.

No. MC-FC-71286. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Gilbert Drennan, Staten Island, N.Y., of certificate in No. MC-15398, issued October 18, 1968, to New Dorp Transfer & Storage Corp., Staten Island, N.Y.; authorizing the transportation of: Household goods, between points in Staten Island, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-71287. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Staten Island Moving & Storage, Inc.; Staten Island, N.Y., of certificate in No. MC-15398, issued October 18, 1968, to New Dorp Transfer and Storage Corp., Staten Island, N.Y., and acquired by Gilbert Drennan, Staten Island, N.Y.; authorizing the transportation of: Household goods, between points in Staten Island, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-71316. By order of May 20, 1969, the Motor Carrier Board approved the transfer to Sentinel Freight Lines, Inc., Hopatcong, N.J., of the permits in Nos. MC-303 and MC-303 (Sub-No. 9) issued October 31, 1956 and May 11, 1964, respectively, to Dover Trucking Co., a corporation, Rockaway, N.J., authorizing the transportation of specified commodities betwen Dover, N.J., on the one hand, and, on the other, points in New Jersey, Rhode Island, Connecticut, Massachusetts, and the District of Columbia, and those in Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia, within 250 miles of Dover, N.J. James J. Farrell, 206 North Boulevard, Delmar, N.J. 07719, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6567; Filed, June 3, 1969; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 106

Wednesday, June 4, 1969 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

Public Health Service

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Control of Electronic Product Radiation

Delegations of Authority and Notice of Proposed Rule Making

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Delegations of Authority

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the establishment of Part 78 and issuance of Subpart A which sets forth, in summary form, the delegations of authority under the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602, 42 U.S.C. 263b et seq.) and relates to the internal management of the Department. Accordingly, these regulations shall become effective on the date of their publication in the FEDERAL REGISTER.

A new Part 78 is added to read as follows:

Subpart A—Administrative Functions, Practices, and Procedures

DELEGATION OF AUTHORITY

Sec.
78.1 Delegations to Administrator, CPEHS.
78.2 Redelegation of Authority to Commissioner, ECA.
78.3 Redelegation to Director, Bureau of Radiological Health.

AUTHORITY: The provisions of Subpart A of this Part 78 issued under sec. 215, 58 Stat. 690, 42 U.S.C. 216.

§ 78.1 Delegations to Administrator, CPEHS.

Pursuant to delegations of authority from the Secretary and Assistant Secretary (Health and Scientific Affairs) the Administrator, Consumer Protection and Environmental Health Service, has the authority to issue and approve regulations and to perform all other functions vested in the Secretary under the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602; 42 U.S.C. 263b et seq.).

§ 78.2 Redelegation of Authority to Commissioner, ECA.

The Administrator, Consumer Protection and Environmental Health Service has redelegated to the Commissioner, Environmental Control Administration, all of the authority under the Act previously delegated to the Administrator and has specified that this authority, except for the authority to issue and approve regulations, may be redelegated with the consent of the Administrator.

§ 78.3 Redelegation to Director, Bureau of Radiological Health.

The Commissioner, Environmental Control Administration, has delegated to the Director, Bureau of Radiological Health (with the approval of the Administrator, Consumer Protection and Environmental Health Service), all delegable authority under the Act which has been delegated to the Commissioner by the Administrator, except the authority to:

(a) Exempt, under section 358(a)(5) of the Act, any electronic product intended for use by departments or agencies of the United States from the provisions of section 358 of the Act.

(b) Establish a Technical Electronic Product Radiation Safety Standards Committee under section 358(f) of the Act and appoint members thereto.

(c) Exempt manufacturers from the notification provisions of or direct manufacturers to notify the persons specified in section 359(b) of the Act.

(d) Exempt any electronic product or class of electronic product as provided under section 360B(b) of the Act.

(e) Remit or mitigate any civil penalty imposed for violation of the Act as provided in section 360C(b)(2) of the Act.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

MAY 23, 1969.

[F.R. Doc. 69–6440; Filed, June 3, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend Part 78 by prescribing regulations, as set forth below, under the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602, 42 U.S.C. 263b et seq.).

Subpart B of the proposed regulations would, in addition to defining certain terms used in the Act, set forth a list intended to serve as illustrative examples of electronic products subject to the Act. Subparts C–E are reserved. Subpart G would apply to the importation of electronic products which are subject to any standard prescribed under the Act.

Subpart F would prescribe the notification procedures required of manufacturers of any electronic product found to have a defect relating to the safety of its use by reason of the emission of electronic product radiation (or which fails to comply with an applicable Federal standard). Moreover, the subpart, in the case of any such product, would prescribe the procedure for and manner in which manufacturers would repair, replace or refund the cost of the product. Provisions relating to performance standards, recordkeeping requirements, and other implementing regulations will be published separately.

Inquiries may be addressed, and data, views, and argument may be submitted in writing to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make the regulations effective after republication in the FEDERAL REGISTER.

The delegations of responsibility have been summarized and appear as Subpart A, which are not published as proposed rules but rather as actual regulations.

The amendments to Part 78 would provide as follows:

Subpart B—Definitions, Interpretations, and Statements of General Policy

Sec.
78.100 Definitions and interpretations.
78.101 Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968.

Subparts C–E—[Reserved]

Subpart F—Notification of Defects in, and Repair or Replacement of, Electronic Products

Sec.
78.500 Applicability.
78.501 Defect in electronic product.
78.502 Discovery of defect by manufacturer; notice requirements.
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78.508 Determination by Secretary that product has defect.
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SERVICE OF PROCESS

78.630 Service of process on manufacturers and importers.

AUTHORITY: The provisions of Subparts B and G of this Part 78 issued under sec. 215, 58 Stat. 690, sec. 356, 82 Stat. 1174; 42 U.S.C. 216, 263d. The provisions of Subpart F of this Part 78 issued under sec. 359, 82 Stat. 1180; 42 U.S.C. 263g.

Subpart B—Definitions, Interpretation and Statements of General Policy

§ 78.100 Definitions and interpretations.

As used in Part 78

(a) "Electronic product radiation" means—

(1) Any ionizing or nonionizing electromagnetic or particulate radiation, or

(2) Any sonic, infrasonic, or ultrasonic wave, which is emitted from an electronic product as the result of the operation of an electronic circuit in such product;

(b) "Electromagnetic radiation" includes the entire electromagnetic spectrum of radiation of any wavelength. The electromagnetic spectrum illustrated in Figure 1 includes, but is not limited to, gamma rays, x-rays, ultraviolet, visible, infrared, microwave, radiowave and low frequency radiations.

(c) "Particulate radiation" is defined as charged particles such as protons, electrons, alpha particles, heavy particles, etc., which have sufficient kinetic energy to produce ionization or atomic or electron excitation by collision, electrical attraction or electrical repulsion or uncharged particles such as neutrons, which can initiate a nuclear transformation or liberate charged particles having sufficient kinetic energy to produce ionization or atomic or electron excitation by collision.

(d) "Infrasonic, sonic (or audible) and ultrasonic waves" refer to energy transmitted as an alteration (pressure, particle displacement, or density) in a property of an elastic medium (gas, liquid, or solid) that can be detected by an instrument or listener.

(e) "Electronic product" means (1) any manufactured or assembled product which, when in operation, (i) contains or acts as part of an electronic circuit and (ii) emits (or in the absence of effective shielding or other controls would emit) electronic product radiation, or (2) any manufactured or assembled article which is intended for use as a component, part, or accessory of a product described in subparagraph 1 of this paragraph and which when in operation emits (or in the absence of effective shielding or other controls would emit) such radiation;

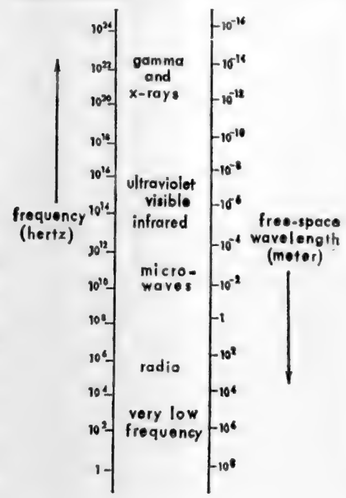

Figure 1. The Electromagnetic Spectrum

(f) "Manufacturer" means any person engaged in the business of manufacturing, assembling, or importing of electronic products;

(g) "Commerce" means (1) commerce between any place in any State and any place outside thereof, and (2) commerce wholly within the District of Columbia; and

(h) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

§ 78.101 Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968.

The following listed electronic products are intended to serve as illustrative examples of sources of electronic product

radiation to which the regulations of this part apply.

(a) Examples of electronic products which may emit x-rays and other ionizing electromagnetic radiation, electrons, neutrons, and other particulate radiation include:

Ionizing electromagnetic radiation:
- Television receivers.
- Accelerators.
- X-ray machines (industrial, medical, research, educational).

Particulate radiation and ionizing electromagnetic radiation:
- Electron microscopes.
- Neutron generators.

(b) Examples of electronic products which may emit ultraviolet, visible, infrared, microwave, radio and low frequency electromagnetic radiation include:

Ultraviolet:
- Biochemical and medical analyzers.
- Canning and therapeutic lamps.
- Sanitizing and sterilizing devices.
- Black light sources.
- Welding equipment.

Visible:
- White light devices.

Infrared:
- Alarm systems.
- Dryers, ovens, and heaters.
- Therapeutic lamps.

Microwave:
- Alarm systems.
- Diathermy units.
- Dryers, ovens, and heaters.
- Medico-biological heaters.
- Microwave power generating devices.
- Radar devices.
- Remote control devices.
- Signal generators.

Radio and low frequency:
- Cauterizers.
- Diathermy units.
- Power generation and transmission equipment.
- Signal generators.
- Electromedical equipment.

(c) Examples of electronic products which may emit coherent electromagnetic radiation produced by stimulated emission include:

Laser:
- Art-form, experimental and educational devices.
- Biomedical analyzers.
- Cauterizing, burning, and welding devices.
- Cutting and drilling devices.
- Communications transmitters.
- Rangefinding devices.

Maser:
- Communications transmitters.

(d) Examples of electronic products which may emit infrasonic, sonic, and ultrasonic vibrations resulting from operation of an electronic circuit include:

Infrasonic:
- Vibrators.

Sonic:
- Electronic oscillators.
- Sound amplification equipment.

Ultrasonic:
- Cauterizers.
- Cell and tissue disintegrators.
- Cleaners.
- Diagnostic and nondestructive testing equipment.
- Ranging and detection equipment.

Subpart F—Notification of Defects in, and Repair or Replacement of, Electronic Products

§ 78.500 Applicability.

The provisions of this subpart are applicable to electronic products which are manufactured after October 18, 1968, but nothing in this paragraph will preclude the Secretary from giving public notice of defects in products manufactured before that date upon finding that the defect involves a substantial hazard to the health of persons in possession of such electronic products.

§ 78.501 Defect in electronic product.

An electronic product shall be considered to have a defect which relates to the safety of use if such product fails to comply with its design specifications to assure safety or if it creates or may create a risk of injury, including genetic injury, to any person by reason of the emission of electronic product radiation.

§ 78.502 Discovery of defect by manufacturer; notice requirements.

Any manufacturer who discovers that any electronic product produced, assembled, or imported by him, which product has left its place of manufacture, has a defect or fails to comply with an applicable Federal standard, shall:

(a) Immediately notify the Secretary in accordance with § 78.503; and

(b) Except as authorized by § 78.506, furnish notification with reasonable promptness to the following persons:

(1) The dealers or distributors to whom such product was delivered by the manufacturer; and

(2) The first purchaser of such product for purposes other than resale, and to any subsequent transferee of such product (where known to the manufacturer or where the manufacturer upon reasonable inquiry to dealers, distributors or first purchasers can identify the present user).

(c) If the defect or failure to comply with an applicable Federal standard involves a substantial health hazard as determined by the Secretary and the manufacturer does not know or cannot reasonably obtain the names of persons in possession of the electronic product, give public notice of the defect or failure to comply including appropriate cautionary action that should be taken.

§ 78.503 Notification by the manufacturer to the Secretary.

The notification to the Secretary required by § 78.502(a) shall be confirmed in writing and, in addition to any other information which the Secretary may require, shall include the following:

(a) Identification of the product or products involved;

(b) The number of such product units which have left the place of manufacture;

(c) The intended usage for the product;

(d) A description of the defect in the product or the manner in which the product fails to comply with an applicable Federal standard;

(e) An evaluation of the hazards reasonably related to the defect or the failure to comply with the standard;

(f) A statement of the measures to be taken to repair such defect or to bring the product into compliance with the standard;

(g) The date and circumstances under which the defect was discovered; and

(h) The identification of any trade secret information which the manufacturer desires kept confidential.

§ 78.504 Notification by the manufacturer to affected persons.

(a) The notification to the persons specified in § 78.502(b) shall be in writing and, in addition to any other information which the Secretary may require, shall include:

(1) The information prescribed by § 78.503 (a), (d), and instructions with respect to the use of the product pending the correction of the defect;

(2) A clear evaluation in nontechnical terms of the hazards reasonably related to any defect or failure to comply; and

(3) The following statement:

This is to advise that (insert name), manufacturer of the electronic product described herein, is required, in accordance with the regulations prescribed in Title 42 Code of Federal Regulations, §§ 78.509–78.513, to do one of the following: (1) Without charge, course of action shall be in accordance with such standard or remedy such defect and provide reimbursement for any expenses for transportation of such product incurred in connection with having such product brought into conformity or having such defect remedied, (2) replace such product with a like or equivalent product which complies with each applicable standard prescribed under this part and which has no defect relating to the safety of its use, or (3) make a refund of the cost of such product. The course of atcion shall be in accordance with a plan approved by the Secretary of Health, Education, and Welfare and the details of the plan will be included in one or more subsequent communications to you.

(b) The envelope containing the notice shall not contain advertising or other extraneous material, and such mailings will be made in accordance with this section.

(1) No. 10 white envelopes shall be used, and the name and address of the manufacturer shall appear in the upper left corner of the envelope.

(2) The following statement is to appear in the far left third of the envelope in the type and size indicated and in reverse printing, centered in a red rectangle 3¾ inches wide and 2¼ inches high:

IMPORTANT
ELECTRONIC PRODUCT
RADIATION WARNING

The statement shall be in three lines, all capitals, and centered. "Important" shall be in 36-point Gothic Bold type. "Electronic Product" and "Radiation Warning" shall be in 36-point Gothic Condensed type.

(3) Envelopes with markings similar to those prescribed in this section shall not be used by manufacturers for mailings other than those required by this subpart.

(c) The notification shall be sent—

(1) By certified mail to first purchasers of the product for purposes other than resale and to subsequent transferees; and

(2) By certified mail or other more expeditious means to dealers and distributors.

§ 78.505 Copies of communications sent to first purchasers, dealers or distributors.

(a) Every manufacturer of electronic products shall furnish to the Secretary a copy of all notices, bulletins, or other communications sent to the dealer or distributor of such manufacturer or to purchasers (or subsequent transferees) of electronic products of such manufacturer regarding any defect in such product or any failure of such product to comply with an applicable standard.

(b) In the event the Secretary deems the content of such notices to be insufficient to protect the public health and safety, the Secretary may require additional notice to such recipients, or may elect to make or cause to be made such notification by whatever means he deems appropriate.

§ 78.506 Application for exemption from notification requirements.

(a) A manufacturer may at the time of giving the notice required by § 78.502 or within 15 days of the receipt of any notice from the Secretary pursuant to § 78.508(a), apply for an exemption from the requirement of notice to the persons specified in § 78.502(b).

(b) The application for exemption shall contain the information required by § 78.503 and in addition shall set forth in detail the grounds upon which the exemption is sought.

§ 78.507 Granting the exemption.

(a) If in the judgment of the Secretary, the application filed pursuant to § 78.506 states reasonable grounds for an exemption from the requirement of notice, the Secretary shall give the manufacturer written notice specifying a reasonable period of time during which he may present his views and evidence in support of the application.

(b) Such views and evidence shall be confined to matters relevant to whether the defect in the product or its failure to comply with an applicable Federal standard may create a significant risk of injury, including genetic injury, to any person and shall be presented in writing unless the Secretary determines that an oral presentation is desirable.

(c) If, during the period of time afforded the manufacturer to present his views and evidence, the manufacturer proves to the Secretary's satisfaction that the defect or failure to comply does not create a significant risk of injury, including genetic injury, to any person, the Secretary shall issue an exemption from the requirement of notification to the manufacturer and shall notify the manufacturer in writing specifying:

(1) The electronic product or products for which the exemption has been issued; and

(2) Such conditions as the Secretary deems necessary to protect the public health and safety with respect to electronic product radiation from such product.

§ 78.508 Determination by Secretary that product has defect.

(a) If the Secretary, through testing, inspection, research, or examination of reports or other data, determines that any electronic product does not comply with an applicable Federal standard or has a defect, he shall immediately notify the manufacturer of the product in writing specifying:

(1) The defect in the product or standard with which the product fails to comply;

(2) The Secretary's findings, with references to the tests, inspections, studies, or reports upon which such findings are based;

(3) A reasonable period of time during which the manufacturer may present his views and evidence to establish that there is no failure of compliance or that the alleged defect does not exist or does not create a risk of injury by reason of the emission of electronic product radiation.

(b) Every manufacturer who receives a notice under § 78.508(a) shall immediately advise the Secretary in writing of the number of such product units which have left the place of manufacture.

(c) If after the expiration of the period of time specified in the notice, the Secretary determines that the product has a defect or does not comply with an applicable Federal standard and the manufacturer has not applied for an exemption, he shall direct the manufacturer to furnish the notification to the persons specified in § 78.502(b) in the manner specified in § 78.504. The manufacturer shall within 7 days from the date of receipt of such directive furnish the required notification. If the defect or failure to comply with any applicable Federal standard involves a substantial health hazard as determined by the Secretary and the manufacturer does not know or cannot reasonably obtain the names of persons in possession of the electronic product, public notice of the defect or failure to comply and appropriate cautionary action that should be taken may be required.

§ 78.509 Manufacturer's obligation to repair, replace, or refund cost of electronic products.

(a) If any electronic product fails to comply with an applicable Federal standard or has a defect and the notification specified in § 78.502(b) is required to be furnished, the manufacturer of such product shall (1) without charge, bring such product into conformity with such standard or remedy such defect and provide reimbursement for any expenses for transportation of such product incurred in connection with having such product brought into conformity or having such defect remedied; (2) replace such product with a like or equivalent product which complies with each applicable Federal standard and which has no defect relating to the safety of its use; or (3) make a refund of the cost of such product to the purchaser.

(b) The manufacturer shall take the action required by this section in accordance with a plan approved by the Secretary pursuant to § 78.513.

§ 78.510 Plans for the repair of electronic products.

Every plan for bringing an electronic product into conformity with applicable Federal standards or for remedying any defect in such product shall be submitted to the Secretary in writing, and in addition to any other information which the Secretary may require, shall include:

(a) Identification of the product involved.

(b) The number of defective product units which have left the place of manufacture.

(c) The specific modifications, alterations, changes, repairs, corrections, or adjustments to be made to bring the product into conformity or remedy any defect.

(d) The manner in which the operations described in subparagraph (c) will be accomplished, including the procedure for obtaining access to or possession of the products and the location where such operations will be performed.

(e) The technical data, test results, or studies demonstrating the effectiveness of the proposed remedial action.

(f) A time limit, reasonable in light of the circumstances, for completion of the operations.

(g) The system by which the manufacturer will provide reimbursement for any transportation expenses incurred in connection with having such product brought into conformity or having any defect remedied.

(h) The text of the statement which the manufacturer will send to the persons specified in § 78.502(b) informing such persons (1) that the manufacturer, at its expense, will repair the electronic product involved, (2) of the method by which the manufacturer will obtain access to or possession of the product to make such repairs, (3) that the manufacturer will reimburse such persons for any transportation expenses incurred in connection with making such repairs, and (4) of the manner in which such reimbursement will be effected.

(i) An assurance that the manufacturer will provide the Secretary with progress reports on the effectiveness of the plan, including the number of electronic products repaired.

§ 78.511 Plans for the replacement of electronic products.

Every plan for replacing an electronic product with a like or equivalent product shall be submitted to the Secretary in writing, and in addition to any other information which the Secretary may require, shall include:

(a) Identification of the product to be replaced.

(b) A description of the replacement product in sufficient detail to support the

manufacturer's contention that the replacement product is like or equivalent to the product being replaced.

(c) The number of defective product units which have left the place of manufacture.

(d) The manner in which the replacement operation will be effected including the procedure for obtaining possession of the product to be replaced.

(e) A time limit, reasonable in light of the circumstances, for completion of the replacement.

(f) The steps which the manufacturer will take to insure that the defective product will not be reintroduced into commerce.

(g) The system by which the manufacturer will provide reimbursement for any expenses for transportation of such product incurred in connection with effecting the replacement.

(h) The text of the statement which the manufacturer will send to the persons specified in § 78.502(b) informing such persons (1) that the manufacturer, at its expense, will replace the electronic product involved, (2) of the method by which the manufacturer will obtain possession of the product and effect the replacement, (3) that the manufacturer will reimburse such persons for any transportation expenses incurred in connection with effecting such replacement, and (4) of the manner in which such reimbursement will be made.

(i) An assurance that the manufacturer will provide the Secretary with progress reports on the effectiveness of the plan, including the number of electronic products replaced.

§ 78.512 Plans for refunding the cost of electronic products.

Every plan for refunding the cost of an electronic product shall be submitted to the Secretary in writing, and in addition to any other information which the Secretary may require, shall include:

(a) Identification of the product involved.

(b) The number of defective product units which have left the place of manufacture.

(c) The manner in which the refund operation will be effected including the procedure for obtaining possession of the product for which the refund is to be made.

(d) The steps which the manufacturer will take to insure that the defective products will not be reintroduced into commerce.

(e) A time limit, reasonable in light of the circumstances, for obtaining the product and making the refund.

(f) In the case of a product which has a retail price of $50 or more and to which a Federal standard is applicable, a statement that the manufacturer will refund an amount equal to the suggested retail price for such product plus any transportation costs in connection with the manufacturer's obtaining possession of such product.

(h) The text of the statement which the manufacturer will send to the persons specified in § 78.502(b) informing such persons (1) that the manufacturer, at its expense, will refund the cost of the electronic product plus any transportation costs, (2) of the amount to be refunded exclusive of transportation costs, (3) of the method by which the manufacturer will obtain possession of the product and make the refund.

(i) An assurance that the manufacturer will provide the Secretary with progress reports on the effectiveness of the plan, including the number of refunds made.

§ 78.513 Approval of plans.

If, after review of any plan submitted pursuant to this part, the Secretary determines that the action to be taken by the manufacturer will expeditiously and effectively fulfill the manufacturer's obligation under § 78.509 in a manner designed to encourage the public to respond to the proposal, the Secretary will send written notice of his approval of such plan to the manufacturer. Such approval may be conditioned upon such additional terms as the Secretary deems necessary to protect the public health and safety.

§ 78.514 Effect of regulations on other laws.

The remedies provided for in this part shall be in addition to and not in substitution for any other remedies provided by law and shall not relieve any person from liability at common law or under statutory law.

Subpart C—Importation of Electronic Products

§ 78.601 Applicability.

The provisions of this subpart are applicable to electronic products which are subject to the standards prescribed in Subpart D and are offered for importation into the United States.

§ 78.602 Definitions.

As used in this subpart:

(a) The term "United States" means the customs territory of the United States as defined in 19 U.S.C. 1302 and the Virgin Islands, Guam, and American Samoa.

(b) The term "owner" or "consignee" means the person who has the rights of a consignee under the provisions of sections 453, 484, and 485 of the Tariff Act of 1930, as amended (19 U.S.C. 1483, 1484, 1485).

§ 78.603 Importation of noncomplying goods prohibited.

The importation of any electronic product which fails to comply with an applicable standard prescribed under section 358 of the Act or to which is not affixed a certification in the form of a label or tag in conformity with section 358(h) (42 U.S.C. 263f(h)) shall be refused admission into the United States, and shall be destroyed or exported, under regulations prescribed by the Secretary of the Treasury, unless a timely and adequate petition for permission to bring the product into compliance is filed and granted under §§ 78.607 and 78.608.

§ 78.604 Notice of sampling.

When a sample of a product offered for importation has been requested by the Secretary, the collector of customs having jurisdiction over the shipment from which the sample is procured shall give to its owner or consignee prompt notice of delivery of, or intention to deliver, such sample. If the notice so requires, the owner or consignee shall hold the shipment of which the sample is typical and not distribute such product comprising the shipment until notice of the results of the tests of the sample from the Secretary or the collector of customs.

§ 78.605 Payment for samples.

The Department of Health, Education, and Welfare will pay for all import samples of electronic products rendered unsalable as a result of testing, or will pay the reasonable costs of repackaging such samples for sale, if the samples are found to be in compliance with the requirements of the Radiation Control for Health and Safety Act of 1968. Billing for reimbursement shall be made by the owner or consignee to the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. Payment for samples will not be made if the sample is found to be in violation of the Act, even though subsequently brought into compliance pursuant to terms specified in a notice of permission issued under § 78.608.

§ 78.606 Hearing.

(a) If, from an examination of the sample or otherwise, it appears that the product may be subject to a refusal of admission, the Secretary shall give the owner or consignee a written notice to that effect, stating the reasons therefor. The notice shall specify a place and a period of time during which the owner or consignee shall have an opportunity to introduce testimony. Upon timely request, such time and place may be changed. Such testimony shall be confined to matters relevant to the admissibility of the article and may be introduced orally or in writing.

(b) If the owner or consignee submits or indicates his intention to submit an application for permission to perform such action as is necessary to bring the product into compliance with the Act, such testimony shall include evidence in support of the application.

(c) If the application is not submitted at or prior to the hearing, the Secretary may allow a reasonable time for filing such application.

§ 78.607 Application for permission to bring product into compliance.

Application for permission to perform such action as is necessary to bring the product into compliance with the Act may be filed only by the owner or consignee, and, in addition to any other information which the Secretary may reasonably require, shall:

(a) Contain detailed proposals for bringing the product into compliance with the Act;

(b) Specify the time and place where such operations will be effected and the approximate time for their completion; and

(c) Identify the bond required to be filed pursuant to § 78.609.

§ 78.608 Granting permission to bring product into compliance.

(a) When permission contemplated by § 78.607 is granted, the Secretary shall notify the applicant in writing, specifying:

(1) The procedure to be followed;

(2) The disposition of the rejected articles or portions thereof;

(3) That the operations are to be carried out under the supervision of a representative of the Department of Health, Education, and Welfare or the Bureau of Customs, as the case may be;

(4) A reasonable time limit for completing the operations; and

(5) Such other conditions as he finds necessary to maintain adequate supervision and control over the product.

(b) Upon receipt of a written request for an extension of time to complete the operations necessary to bring the product into compliance, the Secretary may grant such additional time as he deems necessary.

(c) The notice of permission may be amended upon a showing of reasonable grounds therefor and the filing of an amended application for permission with the Secretary.

(d) If ownership of a product included in a notice of permission changes before the operations specified in the notice have been completed, the original owner will remain responsible under its bond, unless the new owner has executed a new bond and obtained a new notice.

§ 78.609 Bonds.

(a) The bond required under section 360(b) of the Act may be executed by the owner or consignee on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the shipment or any part thereof upon demand of the collector of customs and containing a provision for the performance of conditions as may legally be imposed for the action necessary to bring the product into compliance with the Act in such manner as is prescribed for such bond in the customs regulations in force on the date of request for authorization. The bond shall be filed with the collector of customs.

(b) The collector of customs may cancel or mitigate the liability for liquidated damages incurred under the above-described provisions of the bond, if he receives an application for relief therefrom, or upon such other terms and conditions as shall be agreed upon as appropriate by the collector of customs and the Secretary.

§ 78.610 Costs of bringing product into compliance.

The costs of supervising the operations necessary to bring a product into compliance with the Act shall be paid by the owner or consignee who files an application pursuant to § 78.607 and executes a bond under section 360(b) of the Act. Such costs shall include:

(a) Travel expenses of the supervising officer;

(b) Per diem in lieu of subsistence of the supervising officer when away from his home station, as provided by law;

(c) Services of the supervising officer to be calculated at a flat rate of $12 per hour (which shall include administrative expense) except that such services performed by a customs officer and subject to the provisions of the Act of February 13, 1911, as amended (section 5, 365 Stat. 901, as amended, 19 U.S.C. 267) shall be calculated as provided by that Act.

(d) The minimum charge for services of supervising officers shall be not less than the charge for 1 hour and time after the first hour shall be computed in multiples of 1 hour, disregarding fractional parts less than one-half hour.

Service of Process

§ 78.630 Service of process on manufacturers and importers.

(a) Every manufacturer of electronic products, prior to offering such product for importation into the United States, shall designate a permanent resident of the United States as the manufacturer's agent upon whom service of all processes, notices, orders, decisions, and requirements may be made for and on behalf of the manufacturer as provided in section 360(d) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263h(d)) and this section. The agent may be an individual, a firm, or a domestic corporation. For purposes of this section, any number of manufacturers may designate the same agent.

(b) The designation shall be addressed to the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. It shall be in writing and dated; all signatures shall be in ink. The designation shall be made in the legal form required to make it valid and binding on the manufacturer under the laws, corporate bylaws, or other requirements governing the making of the designation by the manufacturer at the place and time where it is made, and the persons or person signing the designation shall certify that it is so made. The designation shall disclose the manufacturer's full legal name and the name(s) under which it conducts its business, if applicable, its principal place of business, and mailing address. If any of the products of the manufacturer do not bear his legal name, the designation shall identify the marks, trade names, or other designations of origin which these products bear. The designation shall provide that it will remain in effect until withdrawn or replaced by the manufacturer and shall bear a declaration of acceptance duly signed by the designated agent. The full legal name and mailing address of the agent shall be stated. Until rejected by the Secretary, designations are binding on the manufacturer even when not in compliance with all the requirements of this section. The designated agent may not assign performance of his function under the designation to another.

(c) Service of any process, notice, order, requirement or decision specified in section 360(d) of the Radiation Control for Health and Safety Act of 1968 may be made by registered or certified mail addressed to the agent with return receipt requested, or in any other manner authorized by law. In the absence of such a designation or if for any reason service on the designated agent cannot be effected, service may be made as provided in section 360(d) by posting such process, notice, order, requirement, or decision in the Office of the Director, Bureau of Radiological Health and publishing a notice that such service was made in the Federal Register.

Chris A. Hansen,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

May 23, 1969.

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PART I

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Title 7—Agriculture (Parts 1030–1059) (Revised) ---- 1.25

Title 26—Internal Revenue Part 1 (§§ 1.301–1.400) (Revised) ---------- 1.00

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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALE OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

MISCELLANEOUS AMENDMENTS

The Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954 (31 F.R. 16818, as amended 33 F.R. 5137, 10005, and 16381) are further amended, as follows:

1. The following terms are changed wherever they appear in the regulations, in Appendix A and Appendix B, and in all forms issued thereunder to read as follows: The term "Administrator" is changed to read "General Sales Manager"; the terms "Foreign Agricultural Service" and "FAS" are changed to read "Export Marketing Service" and "EMS," respectively; and the term "Office of the General Sales Manager" is changed to read "Export Marketing Service."

2. Section 17.2 is amended by changing paragraphs (a) (6) and (9) and (c) (1) and by adding a new paragraph (c) (21) to read as follows:

§ 17.2 Definition of terms.

• • • • •

(a) • • •

(6) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

• • • • •

(9) "General Sales Manager" and "GSM" mean the General Sales Manager, Export Marketing Service, or his designee.

• • • • •

(c) • • •

(1) "Affiliate" and "associated company" mean any legal entity which owns or controls, or is owned or controlled by, another legal entity. For a corporation, ownership of the voting stock shall be the controlling criterion. The term "owns or controls" shall have the meaning as provided in § 17.6(j)(2).

• • • • •

(21) "Legal entity" shall include, but not be limited to, an individual (except that an individual and his or her spouse and their minor children shall be considered as one legal entity), partnership, association, company, corporation, and trust.

3. Section 17.6 is amended by adding a new paragraph (j) to read as follows:

§ 17.6 Contracts between suppliers and importers.

• • • • •

(j) *Prohibition against sales, trade, or commerce with North Vietnam.* (1) CCC shall not finance the sale and export of agricultural commodities under this section for any supplier of commodities:

(i) Which is engaging in, or in the 6 months immediately preceding the application for such financing has engaged in, any sales, trade, or commerce with North Vietnam, or with any resident thereof, or

(ii) Which owns or controls any other legal entity which is engaging in, or in such 6-month period has engaged in, any such sales, trade, or commerce, or

(iii) Which is owned by or controlled by any other legal entity which is engaging in, or in such 6-month period has engaged in, any such sales, trade, or commerce, either directly or through any branch, subsidiary, affiliate, or associated company.

(2) A legal entity shall be deemed to own or control a second legal entity if—

(i) The legal entity owns an interest of 50 percent or more in the second legal entity,

(ii) The legal entity and one or more other legal entities, in which it owns an interest of 50 percent or more, together own an interest of 50 percent or more in the second legal entity, or

(iii) The legal entity owns an interest of 50 percent or more in another legal entity which in turn owns an interest of 50 percent or more in the second legal entity.

(3) In addition to the other requirements of the regulations covering contract approval, sales submitted by suppliers will not be approved unless the supplier has submitted a statement, maintained on a current basis in which are listed by name, address, and chief executive officers all legal entities, foreign and domestic, which the supplier owns or controls, and similar information for all legal entities which own or control the supplier and for all legal entities which are owned or controlled by any legal entity which owns or controls the supplier. The statement shall be submitted to the Director, Program Operations Division, EMS, U.S. Department of Agriculture, Washington, D.C. 20250, except that for tobacco sales it shall be submitted to the Director, Producer Associations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, and for upland and extra long staple cotton sales to the Director, New Orleans ASCS Commodity Office, at the address provided in § 17.16. A statement filed by a subsidiary will be considered complete as to the legal entities which it owns or controls and any other legal entities owned or controlled by the parent (including the chief executive officers for all such companies) if it certified thereon that such information has been furnished to USDA in a separate statement filed by the parent. A statement shall be considered to be maintained on a current basis if all changes are reported promptly after they have occurred and if changes in chief executive officers are reported at intervals of not less than 3 months on a calendar quarter basis. The term "chief executive officers" shall include:

(i) The president, or if no president, the Chairman of the Board of Directors, and

(ii) The vice president, but in cases of multiple vice presidents only the principal vice president, and then only if one is so designated, and

(iii) Any other person who is designated as or who acts in the capacity of a chief executive officer.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 102, 68 Stat. 454, as amended; 7 U.S.C. 1702)

Effective date. This amendment shall become effective with respect to purchase authorizations issued on or after the date of publication of the amendment in the FEDERAL REGISTER.

Issued at Washington, D.C., this 29th day of May 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-6634; Filed, June 4, 1969; 8:49 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Postponement of Effective Dates

On March 27, 1969, a revision of the regulations (7 CFR Part 68) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), was published in the FEDERAL REGISTER (34 F.R. 5709) to become effective 30 days after publication, except that the provisions deleting references to the inspection of U.S. grain in Canada and testing of wheat for protein content and sedimentation value were to become effective 180 days after publication.

At the request of members of the rice industry, notice appeared in the FEDERAL REGISTER (34 F.R. 6963) of April 26, 1969, postponing the effective date of the revision until June 1, 1969, except that the provisions deleting references to the inspection of U.S. grain in Canada and the testing of wheat for protein content and sedimentation value would become effective 180 days after the date of publication of this notice in the FEDERAL REGISTER.

In order to give adequate consideration to comments and views submitted by the rice industry, further postponement of the effective dates is deemed appropriate. Notice of further rulemaking will be published in the FEDERAL REGISTER at an early date to give interested persons an opportunity to comment on certain changes to be proposed in the revision. Under authority contained in sections 203 and 205 of the Act (7 U.S.C. 1622 and 1624), the effective dates of the revision are hereby postponed until further notice.

This document shall become effective upon issuance.

Since the purpose of the document is to delay at the request of the affected industry the effective dates of certain amendments which would otherwise take effect on June 1, 1969, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of May 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-6625; Filed, June 4, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 279]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.579 Valencia Orange Regulation 279.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 3, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 6, 1969, through June 12, 1969, are hereby fixed as follows:

(i) District 1: 217,500 cartons;

(ii) District 2: 420,000 cartons;

(iii) District 3: 112,500 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6730; Filed, June 4, 1969; 11:15 a.m.]

[Avocado Reg. 11]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Avocado Administrative Committee reflects its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 9, 1969, the committee has considered, and recommended, the sizes, quality, and maturity standards, including shipping periods, for the various varieties of avocados, so as to prevent the handling of immature or other undesirable fruit and to provide consumers with good quality fruit and maximizing returns to growers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 9, 1969. A reasonable determination as to the supply of, and the demand for, such avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until May 13, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such avocados. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of avocados are expected to begin on or about the effective date hereof; this regulation establishes grade and maturity requirements designed to prevent the shipment of avocados which are immature or otherwise of poor quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; it should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 915.311 Avocado Regulation 11.

(a) Order:

(1) During the period June 9, 1969, through April 30, 1970, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade;

(2) After the effective time of this section, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weigh at least 17 ounces may be handled prior to the date so listed, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue	6- 9-69	17 oz.	6-16-69	14 oz.	7-21-69		
		3⅜ in.		3⅛ in.			
Fuchs	6-23-69	14 oz.	7- 7-69	12 oz.	7-28-69	10 oz.	8- 4-69
		3⅛ in.		3 in.		2⅝ in.	
K-5	6-30-69	16 oz.	7-14-69	14 oz.	7-28-69		
		3⅛ in.		3⅛ in.			
Dr. DuPuis No. 2	6-23-69	16 oz.	7- 7-69	14 oz.	7-21-69		
		3⅛ in.		3⅛ in.			
Hardee	7- 7-69	14 oz.	7-14-69	12 oz.	8- 4-69		
		3⅛ in.		2⅝ in.			
Pollock	7- 7-69	18 oz.	7-14-69	16 oz.	7-28-69		
		3⅜ in.		3⅛ in.			
Simmonds	7- 7-69	16 oz.	7-14-69	14 oz.	7-28-69		
		3⅜ in.		3⅛ in.			
Nadir	7- 7-69	14 oz.	7-14-69	12 oz.	7-21-69	10 oz.	8- 4-69
		3⅛ in.		3⅛ in.		2⅝ in.	
Katherine	7- 7-69	16 oz.	7-21-69	14 oz.	8- 4-69		
Dawn	7-21-69	12 oz.	8- 4-69	10 oz.	8-18-69		
		3⅛ in.		3⅛ in.			
Peterson	7-28-69	14 oz.	8-11-69	10 oz.	8-25-69	8 oz.	9- 8-69
		3⅜ in.		3⅛ in.		2⅝ in.	
Trapp	8-11-69	14 oz.	8-25-69	12 oz.	9- 8-69		
		3⅜ in.		3⅛ in.			
Waldin	8-18-69	16 oz.	9- 1-69	14 oz.	9-15-69	12 oz.	9-29-69
		3⅜ in.		3⅛ in.		3⅛ in.	
Ruehle	8- 4-69	16 oz.	8-18-69	14 oz.	9- 1-69		
		3⅜ in.		3⅜ in.			
Pinelli	8- 4-69	18 oz.	8-18-69	16 oz.	9- 1-69		
		3⅝ in.		3⅜ in.			
Nesbitt	8-18-69	16 oz.	8-25-69	16 oz.	9-15-69	10 oz.	9-22-69
Tonnage	8-11-69	14 oz.	9- 8-69	12 oz.	9-15-69	2⅜ in.	
		3⅜ in.		3⅛ in.			
Booth 8	9-15-69	16 oz.	9-29-69	15 oz.	10-13-69	13 oz.	10-27-69
		3⅜ in.		3⅜ in.		3⅛ in.	
Fairchild	9- 1-69	16 oz.	9-15-69	14 oz.	9-29-69	12 oz.	10- 6-69
		3⅜ in.		3⅜ in.		3⅛ in.	
Nirody	9- 1-69	18 oz.	9-15-69	16 oz.	9-29-69		
		3⅝ in.		3⅜ in.			
Black Prince	9-15-69	23 oz.	9-29-69	16 oz.	10-20-69		
Catalina	9-15-69	24 oz.	9-22-69	22 oz.	10- 6-69		
Blair	9-29-69	14 oz.	10-20-69				
		3⅜ in.					
Collinson	9-29-69	18 oz.	10-27-69				
		3⅝ in.					
Chica	9-29-69	12 oz.	10-13-69	10 oz.	10-27-69		
		3⅜ in.		3⅛ in.			

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue	6- 9-69	17 oz.	6-16-69	14 oz.	7-21-69		
		3⅜ in.		3⅛ in.			
Fuchs	6-23-69	14 oz.	7- 7-69	12 oz.	7-28-69	10 oz.	8- 4-69
		3⅛ in.		3 in.		2⅝ in.	
K-5	6-30-69	16 oz.	7-14-69	14 oz.	7-28-69		
		3⅜ in.		3⅛ in.			
Dr. DuPuis No. 2	6-23-69	16 oz.	7- 7-69	14 oz.	7-21-69		
		3⅜ in.		3⅛ in.			
Hardee	7- 7-69	14 oz.	7-14-69	12 oz.	8- 4-69		
		3⅜ in.		2⅝ in.			
Pollock	7- 7-69	18 oz.	7-14-69	16 oz.	7-28-69		
		3⅝ in.		3⅛ in.			
Simmonds	7- 7-69	16 oz.	7-14-69	14 oz.	7-28-69		
		3⅜ in.		3⅛ in.			
Nadir	7- 7-69	14 oz.	7-14-69	12 oz.	7-21-69	10 oz.	8- 4-69
		3⅛ in.		3⅛ in.		2⅝ in.	
Katherine	7- 7-69	16 oz.	7-21-69	14 oz.	8- 4-69		
Dawn	7-21-69	12 oz.	8- 4-69	10 oz.	8-18-69		
		3⅛ in.		3⅛ in.			
Peterson	7-28-69	14 oz.	8-11-69	10 oz.	8-25-69	8 oz.	9- 8-69
		3⅜ in.		3⅛ in.		2⅝ in.	
Trapp	8-11-69	14 oz.	8-25-69	12 oz.	9- 8-69		
		3⅜ in.		3⅛ in.			
Waldin	8-18-69	16 oz.	9- 1-69	14 oz.	9-15-69	12 oz.	9-29-69
		3⅜ in.		3⅛ in.		3⅛ in.	
Ruehle	8- 4-69	16 oz.	8-18-69	14 oz.	9- 1-69		
		3⅜ in.		3⅜ in.			
Pinelli	8- 4-69	18 oz.	8-18-69	16 oz.	9- 1-69		
		3⅝ in.		3⅜ in.			
Nesbitt	8-18-69	16 oz.	8-25-69	16 oz.	9-15-69	10 oz.	9-22-69
Tonnage	8-11-69	14 oz.	9- 8-69	12 oz.	9-15-69	2⅜ in.	
		3⅜ in.		3⅛ in.			
Booth 8	9-15-69	16 oz.	9-29-69	15 oz.	10-13-69	13 oz.	10-27-69
		3⅜ in.		3⅜ in.		3⅛ in.	
Fairchild	9- 1-69	16 oz.	9-15-69	14 oz.	9-29-69	12 oz.	10- 6-69
		3⅜ in.		3⅜ in.		3⅛ in.	
Nirody	9- 1-69	18 oz.	9-15-69	16 oz.	9-29-69		
		3⅝ in.		3⅜ in.			
Black Prince	9-15-69	23 oz.	9-29-69	16 oz.	10-20-69		
Catalina	9-15-69	24 oz.	9-22-69	22 oz.	10- 6-69		
Blair	9-29-69	14 oz.	10-20-69				
		3⅜ in.					
Collinson	9-29-69	18 oz.	10-27-69				
		3⅝ in.					
Chica	9-29-69	12 oz.	10-13-69	10 oz.	10-27-69		
		3⅜ in.		3⅛ in.			

shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) From October 27, 1969, through November 9, 1969, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and from November 10, 1969, through November 17, 1969, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 7, 1969.

(ii) From July 7, 1969, through July 13, 1969, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 14, 1969, through August 3, 1969, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) From August 4, 1969, through August 31, 1969, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(v) From September 1, 1969, through September 21, 1969, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 22, 1969.

(ii) From September 22, 1969, through October 19, 1969, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 20, 1969, through December 21, 1969, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(c) The provisions of this section shall become effective June 9, 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 29, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6578; Filed, June 4, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–WA–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On April 30, 1969, F.R. Doc. 69–5107, was published in the FEDERAL REGISTER (34 F.R. 7069) and in part altered V–485 from Priest, Calif., 12 AGL via the INT of Priest 325° T (309° M) and San Jose, Calif., 139° T (122° M) radials; 12 AGL San Jose. This amendment will become effective June 26, 1969. The description of V–485 should have cited the Priest 322° T (306° M) radials in lieu of the 325° T (309° M) radials. Corrective action is taken herein.

Since this amendment is minor in nature and corrects an error, notice and public procedure hereon is unnecessary and the effective date originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69–5107 (34 F.R. 7069) is amended, effective immediately, as hereinafter set forth.

Item 2 is amended to read as follows:

2. In V–485 "12 AGL INT of Priest 325° and San Jose, Calif., 137° radials;" is deleted and "12 AGL INT Priest 322° and San Jose, Calif., 139° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6619; Filed, June 4, 1969; 8:48 a.m.]

[Airspace Docket No. 68–PC–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of VOR Federal Airways and Reporting Points

On February 8, 1969, F.R. Doc. 69–1590 was published in the FEDERAL REGISTER (34 F.R. 1891) and in part designated V–22 Hawaii from Maui, Hawaii, 12 AGL INT Maui 095° and Hilo, Hawaii, 322° radials; 12 AGL Hilo, effective April 3, 1969. The document should have cited the Hilo 321° radial in lieu of the 322° radial. Corrective action is taken herein.

Since this amendment is minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, F.R. Doc. 69–1590 (34 F.R. 1891) is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

Item 1.g., is amended as follows:

In V–22 "Hilo, Hawaii, 322° radials;" is deleted and "Hilo, Hawaii, 321° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6620; Filed, June 4, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SO–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5111) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 492 north alternate from La Belle, Fla., 1,200 feet AGL to Palm Beach, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509), V–492 is amended by deleting "314°" and substituting "298°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 23, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6621; Filed, June 4, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-*tert*-Butylamino-4-Ethylamino-6-Methylthio-s-Triazine

A petition (PP 8F0714) was filed with the Food and Drug Administration by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance of 0.25 part per million for residues of the herbicide 2-*tert*-butylamino-4-ethylamino-6-methylthio-*s*-triazine in or on the raw agricultural commodity wheat (grain, green fodder, and straw).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The proposed usage is not reasonably expected to result in residues of the herbicide in meat, milk, eggs, or poultry from the feeding of the treated grain, green fodder, or straw to livestock. The usage is classified in the category described in § 120.6(a)(3).

2. Data in the petition show that a tolerance of 0.1 part per million will be adequate for residues of the herbicide.

3. The tolerance established by this order is safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.265 2-*tert*-Butylamino-4-ethylamino-6-methylthio-*s*-triazine; tolerance for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 2-*tert*-butylamino-4-ethylamino-6-methylthio-*s*-triazine in or on the raw agricultural commodity wheat (grain, green fodder, and straw).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6593; Filed, June 4, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69–51]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hackensack River, N.J.

1. The New Jersey Department of Transportation by letter dated February 20, 1969, requested the Commander, 3d Coast Guard District to revise the operation regulations for the Route 46 highway drawbridge across the Hackensack River at Little Ferry, N.J., contained in 117.225(f)(1–b). A public notice dated March 10, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 3d Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly in § 117.225, paragraph (f)(1–b) is revised to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * *

(1–b) Hackensack River, New Jersey State Highway Department drawbridge at Little Ferry, N.J. At least 48 hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective August 1, 1969.

Dated: May 23, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69–6616; Filed, June 4, 1969; 8:48 a.m.]

[CGFR 69–42]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Indian Creek, Fla.

1. The purpose of this document is to correct the requirements in 33 CFR 117.446d(a) incorrectly published in the FEDERAL REGISTER, Volume 32, No. 239, on Tuesday, December 12, 1967, Part II, concerning dates of the closed periods for the drawbridge across Indian Creek at 63d Street, Miami Beach, Fla.

2. Accordingly, 33 CFR 117.446d(a) is revised to read as follows:

§ 117.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.

(a) The owners of or agencies controlling this drawbridge from December 1 to April 15 need not open the draw for the passage of vessels from 11 a.m. to 6 p.m. except that on the hour the draw shall be opened for any vessels waiting to pass. At all other times the draw shall be opened on signal.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: May 23, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69–6617; Filed, June 4, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-578]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Licensing of Corporation To Render Communication Service to Subsidiary

In the matter of amendment of Parts 81, 91, and 93 of the Commission's rules governing certain of the Safety and Special Radio Services to provide for the licensing of a corporation for the purpose of rendering communication service to its subsidiary.

1. The Commission has under consideration §§ 81.203(a)(2), 81.351(a)(4), 81.451(a)(3), 91.251(d), 91.301(b), 91.351(c), 91.401(b), 91.451(b), 91.501(e), 91.551(e), 91.601(c), 91.727(b), 91.751(b), 93.3(c), 93.251(a)(5), and 93.351(a)(2) of its rules which permit the licensing of a corporation for the purpose of furnishing radio communication service to its parent corporation or to another subsidiary of the same parent in certain Safety and Special Radio Services. These rules, however, do not specifically permit the licensing of a corporation for the purpose of furnishing service to its own subsidiary, although there seems to be a need for this type of licensing arrangement as well. Such arrangement, we believe, would be consistent with the purpose and the objective of the existing rules and should be authorized.

2. In § 93.3(c) of the rules, we have eliminated reference to this licensing arrangement in order to make the provisions in Part 93 with respect thereto the same as those in the other pertinent parts governing the Safety and Special Radio Services.

3. The amendments adopted herein are minor in nature in that they are consistent with the purpose of the existing rules and would not change the basic eligibility criteria for the use of radiofrequencies in the particular radio services. Accordingly, we find that the prior notice and procedure requirements of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

4. *Accordingly, it is ordered,* Pursuant to section 4(i) and 303 of the Communications Act of 1934, as amended, that effective June 10, 1969, Parts 81, 91, and 93 are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 28, 1969.

Released: May 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Parts 81, 91, and 93 of the Commission's rules are amended as follows:

[1] Commissioner Bartley absent.

§§ 81.203, 81.351, 81.451, 91.251, 91.301, 91.351, 91.401, 91.451, 91.501, 91.551, 91.601, 91.727, 91.751, 93.251, 93.351 [Amended]

1. Sections 81.203(a)(2), 81.351(a)(4), 81.451(a)(3), 91.251(d), 91.301(b), 91.351(c), 91.401(b), 91.451(b), 91.501(e), 91.551(e), 91.601(c), 91.727(b), 91.751(b), 93.251(a)(5), and 93.351(a)(2), are amended to read as follows:

A corporation proposing to furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary where the party to be served is regularly engaged in any of the eligibility activities set forth in this section.

2. In § 93.3, the introductory text of paragraph (c) is amended to read:

§ 93.3 Cooperative use of radio stations in the mobile radio service.

* * * * *

(c) A licensee authorized under the provisions of the various subparts of this part which make eligible in certain of these services a nonprofit corporation or association organized for the purpose of furnishing a private radio communication service to persons engaged in the respective activities may render that communication service only upon specific advance approval by the Commission with respect to every person to whom such radio communication service is to be rendered and upon satisfaction of the following additional conditions:

* * * * *

[F.R. Doc. 69-6550; Filed, June 4, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 919]

[Docket No. AO-102-A5]

PEACHES GROWN IN MESA COUNTY, COLO.

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), hereinafter referred to collectively as the "order", regulating the handling of peaches grown in the county of Mesa, Colo., to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 15th day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Administrative Committee established under the order. A notice that such public hearing would be held on April 10, 1969, in the Veterans Memorial Building, Palisade, Colo., was published in the FEDERAL REGISTER (34 F.R. 5301).

Material issues. The material issues presented on the record of the hearing involved amendatory action relating to:

(1) Changing the fiscal period;

(2) Redefining the boundaries of the present five districts and renaming the districts;

(3) Prescribing a 2-year term of office for certain committee producer members and their alternates;

(4) Changing the method of nominating cooperative members and their alternates;

(5) Authority for the establishment of an operating reserve fund; and

(6) Making such other changes as are necessary to make the order conform with any amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended, as hereinafter set forth, to change the beginning and ending dates of the 12-month period of the fiscal year from March 1 and the last day of February, respectively, to November 1 and October 31, respectively, to provide that such beginning and ending dates may be changed by the Secretary upon the recommendation of the committee, and to change the term "fiscal year" in § 919.10 to "fiscal period."

The initial change in the beginning date of the 12-month period would facilitate the committee's preparation for the annual meeting at which time the nominees for the new committee are selected. It is customary for the annual meeting to be held during the winter months when weather conditions are less suitable for orchard work. Such change also would further enable the committee to more adequately plan operations for the ensuing shipping season, and enable the committee to coordinate planning and other activities more effectively with operations under the Colorado State Peach Order which covers the same production area. Both programs are administered from the same office.

Moreover, should conditions in the industry change materially, it would be desirable to provide that the Secretary, upon recommendations of the committee, may change the fiscal period to permit the committee to more effectively cope with the changed conditions. The development and planting of new peach varieties which may retard the harvesting and marketing period so as to make it impossible to complete assessment work by October 31 is an example of the kind of development that would make such change desirable. It is, of course, not possible to foresee all the circumstances that may arise that would result in administrative problems which may be alleviated by changing the fiscal period. However, authority for such change would enable the committee and the Secretary to reconsider the fiscal period in the light of existing conditions and to effect such change as appears necessary without incurring the expenses of an amendment proceeding.

To effect the transition to the new fiscal period, it is necessary to establish an 8-month fiscal period beginning March 1, 1969, and ending October 31, 1969, and the order should be amended to so provide.

(2) The order should be amended to redefine the districts into which the production area is divided and to authorize redistricting, (i.e., the reestablishment of districts or boundaries of such districts) by the Secretary upon the recommendation of the committee.

Under the order, the production area—the county of Mesa—is divided into five districts: Redlands, East Orchard Mesa, Vineland, Palisade, and Clifton. The boundaries of the various districts are fixed and described in § 919.11 of the order. Each of the districts was established on the basis of affording equal representation on the committee. Each of the established districts was comprised of an area reflecting approximately the same tonnage produced and number of growers, and each such district's representation on the committee was fixed as one producer member and alternate.

The devastating effects of the 1962-63 freeze was cited as evidence of the need for changing the boundaries of the districts to maintain the initially established equality of the representation among districts. All districts suffered losses, some worse than others, by the winter kill of trees. As an example, the Redlands District incurred severe losses and lost most of its trees. Thus it is obvious that due to the freeze, the various districts are no longer equal in relation to production.

Record evidence shows that the most equitable method for dividing the production area into districts is to identify volume with peach tree count. The production area should continue to be divided into five districts and each district should continue to have one producer member and an alternate member for each such member. The district names should be changed. The districts should be known as "District No. 1"; "District No. 2"; "District No. 3"; "District No. 4"; and "District No. 5", respectively. The old names should not be retained as they are no longer descriptive.

On the basis of a 1968 peach tree count and relating such peach tree count to volume, the production area should be divided into five districts as hereinafter set forth. Each of the five districts would have approximately the same number of peach trees.

The boundary lines as between districts makes use of the Colorado River and the Gunnison River and certain roads. The roads used as district boundary lines are well known throughout the production area. They are an integral part of the highway system; are shown on maps published by the Colorado Department of Labor and Employment which are widely used throughout the

area for laborers to find employment; and are also used throughout the area for fire control purposes. These roads, together with an extension thereof, when necessary, should provide a clear and definite boundary line between districts so that no grower would have difficulty in establishing in which district his orchard is located.

It is desirable to provide authority for the committee, with the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee. It is not known how long the proposed districts will provide equity because of the factor responsible for the present inequities. Record evidence indicates that probably tree count to reflect volume would be the most likely basis for redistricting. However, the committee should not be required to redistrict on that basis alone. Thus, the committee should have authority to consider all factors which it considers appropriate in making a decision concerning redistricting or reapportioning and the order should provide this authority.

(3) Present provisions of the order provide for a term of office for committee members of 1 year beginning March 1 of each year. The proposed amendment would change the term of office to one beginning January 1. Such new term would be for 1 year, except for the five producer members. Commencing with the term of office beginning January 1, 1970, the producer members would be appointed for 2 years, with the term of such members so staggered that every other year three members would be appointed and in alternate years two members.

The designation of a term of office beginning at an earlier date would enable the newly appointed committee to better analyze the problems of the previous season, to have more time to study and plan for the ensuing season, and to coordinate planning and other activities, such as marketing research or development projects, more effectively with the marketing order of the State of Colorado. The provision of staggered terms for producer members would improve continuity of planning and operations by assuring that either two or three of the producer members who had served during the previous year would remain for an additional year.

In order to effect a transition to the staggered term it will be necessary for two of the producer members to be appointed, for the term of office beginning January 1, 1970, to serve for only a 1-year term and three of such members to serve for a 2-year term. The method used to select the three producer members could be to designate the five producer members by numbers (e.g., 1 through 5), to be placed in a container, from which three numbers would be drawn, these numbers indicating the nominees for the initial 2-year term.

The order should provide that the Secretary, upon recommendation of the committee, may change the term of office. Should developments occur which materially affect the harvesting and marketing period, such change would be desirable to place the committee in a position to deal effectively with the changing conditions.

With the change in the term of office beginning on January 1, 1970, it is necessary also to provide that the term beginning March 1, 1969, shall end on December 31, 1969, and the order should be so amended.

(4) Presently, there are two cooperative peach marketing associations in the production area and the order provides for nomination of the three handler members and the three alternate handler members of the committee by the members of such associations. Nomination meetings have been held in conjunction with the annual meetings of the cooperative associations. Traditionally, these meetings have been held in January, and the nominations made at that time conformed to the current order provisions which require that nominations be made prior to February 1. However, as heretofore proposed, the term of office would be changed to begin on January 1 each year so it will not be possible for the associations to follow the past procedure concerning nominations for committee membership.

It does not appear reasonable or necessary to require the cooperative associations to change the time of their annual meeting or to hold a special meeting only for the purpose of selecting their nominees for committee members when such names could be obtained by a motion or resolution of the Board of Directors. The cooperative associations should be permitted to make the nominations in any manner the members of the respective associations may designate and the order should so provide.

(5) The order currently provides that any assessment income in excess of a fiscal year's expenses shall be credited proportionately to the handlers who contributed to the excess. Thus, the committee is precluded from building up a reserve fund from which it may draw during periods when income is not adequate to cover authorized expenses.

The committee, in conjunction with its counterpart under the State marketing order, must make estimates during the winter months for various expenses to be budgeted. Marketing research projects and State promotional and advertising programs were used as examples where costs and plans must be considered long before these committees would know their expected income. The assessment rate under the program is fixed generally in July, just prior to harvesting and is based on estimated volume of shipments. Therefore, it may be necessary to commit or spend funds before the amount of the total income for the fiscal year can be determined with reasonable accuracy. The shipping period for this production area is very short, lasting about 2 months, and the bulk of the volume of peaches is shipped within a 2-week period. Estimated shipments and income for any year may be reduced by adverse weather conditions, diseases, low prices, lack of transportation or labor or some other factor. This necessitates handlers paying an increased rate of assessment per bushel of peaches handled in order to cover any deficit resulting from such reduction. It would constitute an extra burden on handlers to increase the rate of assessment after any such disaster may have occurred. Thus, the committee's ability to adjust or alter expenses to fit an income which is based on such a short, hazardous marketing period is limited.

The hazards incident to the production and marketing of peaches, and the desirability of establishing a reserve fund for use during years when the crop is reduced, was emphasized at the hearing because of the serious freezes experienced during past seasons. It was asserted that it would be far less burdensome to handlers to contribute to the establishment of a reserve fund during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. It would be reasonable and equitable to handlers to contribute to an operating reserve comprised of all or a portion of any excess assessments during years when expenses are less than assessment income. Growers and handlers in the area are the same with very few exceptions from year to year. Therefore, the same persons who contribute to the establishment of the reserve fund would receive the benefits from its operation.

The reserve should be built up gradually over a period of years to the desirable amount. The attainment of a reasonable amount in the reserve should not be delayed too long, however, since a material reduction in the crop could occur at any time. In order that an excessive reserve not be accumulated, it was proposed that a limit of approximately two fiscal period's expenses be provided. It was shown that such an amount should be sufficient to cover any foreseeable need. In arriving at an amount which is equal to approximately two fiscal period's operational expenses, record evidence shows that it would not be appropriate to consider expenditures during the 1967–68, 1968–69, or the 1969–70 fiscal periods because such expenses were arbitrarily set at a low amount to make sure that there would not be any unused assessment income remaining at the end of the respective fiscal period. The evidence of record shows that expenses that are reasonably and likely to be incurred by the committee for its maintenance and functioning during any fiscal period will approximate $3,000. Thus, a reserve of approximately $6,000 would be authorized. It cannot be predicted with precision that committee expenses will remain at the $3,000 level. Expenses may increase or they may decrease. The reserve should be adjusted accordingly and the order should permit such action.

The reserve should be available to cover any expenses authorized by the order and to cover any costs of liquidation in case of termination of the order.

Upon termination of the order any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it is desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. It would be appropriate and in accordance with the evidence of record for the Secretary to look to the committee for it's recommendation for disposal of such money.

It is concluded, therefore, that the order should be amended, as hereinafter set forth, to permit excess assessments to be placed in a reserve and to be used in the manner heretofore described.

(6) Since there are proposals which, if adopted, would change the fiscal year and the term of office, it is necessary for changes to be made in the order to give conformity with these amendments. In order that nominations be made and actions taken at the appropriate time, the parenthetical phrase "(on or before February 1 of each year)" should be deleted from §§ 919.21(a) and 919.22(a), and the words "beginning March 1, 1956" should be deleted from § 919.23, wherever they appear. In § 919.20 the third sentence should be revised to require members of the committee and their respective alternates to be nominated at least 30 days prior to the beginning of the term of office for which nominations are being made. This is because the reference to February 28 is no longer appropriate because of the new proposed term of office, and to provide a period of time for the Secretary to make the appointments. In § 919.25, the words "on or before February 15" would no longer be applicable because of the new proposed term of office and the words "15 days prior to the beginning of the term of office of the position to be filled" should be inserted therein so as to provide a period of time for the Secretary to select the members and alternate members.

Rulings on proposed findings and conclusions. The period ended May 2, 1969, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No briefs were filed.

General findings. (1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of peaches grown in the county of Mesa, in the State of Colorado, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the county of Mesa in Colorado, which make necessary different terms and provisions applicable to different parts of the production area.

Recommended amendments of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Section 919.10 *Fiscal year* is revised to read as follows:

§ 919.10 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12-month period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided*, That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Section 919.11 *District* is revised to read as follows:

§ 919.11 District.

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River and east of 36⅝ Road and an extension thereof to the Mesa County line.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by 36⅝ Road, and an extension thereof to the Mesa County line, and bordered on the west by 35 Road, and an extension thereof to the Mesa County line.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on the east by 35 Road, and an extension thereof to the Mesa County line.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Section 919.20 *Establishment and membership* is amended by revising the third sentence thereof to read as follows:

§ 919.20 Establishment and membership.

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. The parenthetical phrase "(on or before February 1 of each year)" is deleted from §§ 919.21(a) and 912.22(a).

5. Section 919.23 *Nomination and selection of cooperative handler members* is amended by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 Nomination and selection of cooperative handler members.

* * * * * *

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Section 919.25 *Failure to nominate* is amended by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Section 919.27 *Term of office* is revised to read as follows:

§ 919.27 Term of office.

(a) The term of office of producer members and their alternates shall be for two (2) years: *Provided*, That, for the term beginning January 1, 1970, the term of office of two producer members and their alternates shall be for 1 year. (Determination of which of the inital producer members and their alternates shall serve for 1 year, or 2 years, shall be by lot.) The term of office of the independent member and cooperative handler members, and of their alternates, shall be one (1) year. The term of office of each member and alternate member shall be for the period beginning on January 1 of 1 year and ending on December 31 of the same year, or the following year in the case of producer members and their alternates, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe: *Provided*, That the term of office which began

March 1, 1969, shall end December 31, 1969.

(b) Members and alternates shall serve during the term of office for which they have been selected and have qualified and until their successors are selected and have qualified.

8. Section 919.32 *Duties* is amended by adding a paragraph (l) to read as follows:

§ 919.32 Duties.

* * * * *

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Section 919.42 *Handler accounts* is revised to read as follows:

§ 919.42 Accounting.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part, and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately, if practicable, to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

Dated: June 2, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-6633; Filed, June 4, 1969; 8:49 a.m.]

[7 CFR Part 1075]

[Docket No. AO-248-A11]

MILK IN BLACK HILLS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room, Pennington County Courthouse, St. Joseph Street, Rapid City, S. Dak., beginning at 9:30 a.m. local time, on Tuesday, June 17, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Black Hills marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Black Hills Cooperative Milk Producers Association:

Proposal No. 1. Amend paragraphs (a) and (b) of § 1075.51, *Class prices*, to read as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.95.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price less 13 cents.

Proposal No. 2. Amend paragraphs (a) and (b) of § 1075.52, *Butterfat differentials to handlers*, to read as follows:

§ 1075.52 Butterfat differentials to handlers.

* * * * *

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the current month by 0.110.

Proposal No. 3. Amend § 1075.81, *Butterfat differentials to producers*, to read as follows:

§ 1075.81 Butterfat differentials to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1075.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

Proposal No. 4—Base and excess milk. Delete the following provisions dealing with base and excess milk: §§ 1075.20, 1075.21, 1075.73, 1075.75, 1075.76, 1075.77, and make appropriate conforming changes in other sections.

Proposal No. 5. Amend paragraph (a) of § 1075.12, *Pool plant*, to read as follows:

§ 1075.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes, and not less than 20 percent of such receipts are so disposed of in the marketing area.

* * * * *

Proposed by Gillette Dairy:

Proposal No. 6. Amend § 1075.51(a) to read: "The basic formula price plus $2."

Proposal No. 7. The Class II price in § 1075.51(b) should be the basic formula price.

Proposal No. 8. a. Compute the butterfat differential in § 1075.52(a) by multiplying the Chicago butter price times 0.12.

b. Compute the butterfat differential in § 1075.52(b) by multiplying the Chicago butter price times 0.11.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 6901 Dodge Street, Room 106, Omaha, Neb. 68132, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 29, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-6626; Filed, June 4, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRANT LABOR CERTIFICATIONS

Validity

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182), and Secretary's Order No. 14-69 (34 F.R. 6502), I hereby propose to revise 29 CFR 60.5 to read as set forth herein.

Any person interested in this proposal may file a written statement of data, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

As revised, 29 CFR 60.5 would read as follows:

§ 60.5 Validity.

(a) Certifications issued pursuant to this part shall be valid for 1 year after date of issuance, unless invalidated prior to the expiration date because the representations on which they are based are incorrect.

(b) When an employer or an alien has been advised by the Immigration and Naturalization Service or by a consular officer that a revalidation of a labor certification will be required, and the employer or alien wishes to renew the certification, he should resubmit the original Forms ES-575, on which he obtained certification, for Department of Labor review, as instructed by the Immigration and Naturalization Service or consular officer. A current test of availability and adverse effect will be applied to such resubmitted case.

(c) A certification issued pursuant to this part is invalid if representations of the alien applicant on which it is based are incorrect.

(d) A certification issued pursuant to this part is invalid (1) if representations of an employer on which it is based are incorrect and the alien participated in or knew of the incorrect representations before admission to the United States, or (2) if the representations of an employer on which it is based are incorrect and the alien participated in or knew of the incorrect representations before admission to the United States.

(79 Stat. 911; 8 U.S.C. 1182; 34 F.R. 6502)

Signed at Washington, D.C., this 27th day of May 1969.

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

[F.R. Doc. 69-6599; Filed, June 4, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Sulfamethazine; Withdrawal Time

Based upon a petition filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, and other relevant material, § 121.293 was promulgated in the FEDERAL REGISTER of January 25, 1967 (32 F.R. 866), providing for the safe use of sulfamethazine as a sustained release bolus for nonlactating cattle for treatment of specified conditions. Safe conditions of use, among other things, required that treated animals not be slaughtered for food within 15 days of treatment. Section 121.1124 provides for a tolerance of 0.1 part per million for negligible residues of sulfamethazine in uncooked edible tissues of cattle and swine.

Data now available to the Commissioner (and not available at the time the regulation was promulgated) establish (1) that residues of sulfamethazine exceeding 0.1 part per million may be present in the edible tissues of treated cattle at 15 days following the latest treatment but (2) that at 21 days following the latest treatment no such residues exceeding the tolerance are detected.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 121.293 *Sulfamethazine* be amended in item 1 of the table under "Limitations" by changing the number "15" in the statement "do not slaughter for food within 15 days of treatment" to "21".

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6594; Filed, June 4, 1969; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 556]

[No. 22,888]

FEDERAL SAVINGS AND LOAN SYSTEM

Applications for Branch Offices

MAY 29, 1969

Resolved that the Federal Home Loan Bank Board considers it advisable to amend §§ 545.14 and 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14, 556.5) for the purpose of permitting the consideration and processing of applications for the establishment of branch offices, without regard to the eligibility requirements contained in § 545.14(b) (2) and (4), with respect to particular applications for branches to serve low income, innercity areas which are inadequately served by existing savings and loan facilities. Accordingly, it is hereby proposed to amend said §§ 545.14 and 556.5 as as follows:

1. Amend paragraph (b) of § 545.14 by changing the period at the end of subparagraph (6) thereof to a semicolon and by adding immediately thereafter a new proviso, to read as follows:

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* * * *

Provided, however, That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in subparagraphs (2) and (4) of this paragraph.

2. Amend § 556.5 by adding a new paragraph (d) at the end thereof, to read as follows:

§ 556.5 Establishment of branch offices and mobile facilities.

* * * * *

(d) (1) As a general policy under § 545.14(b) of this chapter, the Board will not consider or process any application by a Federal association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraphs (1) through (6) of § 545.14 (b) of this chapter. However, under the proviso to paragraph (b) of § 545.14 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirements contained in subparagraphs (2) and (4) of § 545.14(b) of this chapter. It is the intention of the Board to permit this special treatment only in connection with applications for branches to serve low income, inner-city areas which are inadequately served by existing savings and loan facilities.

(2) Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detailed information demonstrating that the application (or a prior branch application, if it is still pending or if less than 12 months have expired from the date of publication of notice thereof and the branch is not yet opened) is for a branch office (i) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (ii) is to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 545.14(g) of this chapter, and the application may be processed as provided therein.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by June 25, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-6639; Filed, June 4, 1969; 8:50 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF NORTH DAKOTA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

Dated at Washington, D.C., this 9th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and, to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

For the State of North Dakota.

_____

FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoefitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all nondental X-ray units across the State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 86-66-6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

2.0 CURRENT ACTIVITIES

2.1 Registration of sources of radiation. The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY [1]

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.)	126	166
Dentists	205	205
Other practitioners	50	51
Hospitals	192	204
Veterinary	5	5
Others	7	7
Total	585	668

[1] Exclusive of Federal agencies.

2.2 Radiation protection in X-ray facilities. Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a discussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

2.3 Environmental radiation surveillance. Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86–66–6) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

2.4 Radioactive materials. Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular intervals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses			Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material		
Medical	16	0	0	7	23
Educational	5	1	2	2	10
Civil defense	3	0	0	0	3
Industrial	3	0	0	1	4
State agencies	2	0	0	2	4
Uraniferous lignite ashing	0	2	0	0	2
Total	29	3	2	12	46

3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

3.1 Licensing and registration. The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

3.2 Inspection. Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on developments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—industrial, medical, academic—once each 12 months.
4. Other specific licenses—industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licensees and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

3.3 Compliance. If it is determined by the inspection that only minor items of noncompliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23–20.1–01 through 23–20.1–11 of chapter 23–20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 28–32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23–20.1–10 of chapter 23–20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

3.4 Administrative procedures and judicial review. The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28–32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.
2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.
3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.
4. The rules of procedure for hearings.
5. That determinations of the agency may be appealed to the district courts.
6. The scope of and procedure on appeal from determination of the administrative agency.
7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

3.5 Radiological emergencies. The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive materials, lost through some accident or incident, can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occuring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.530 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensees premises is provided for in the Radiological Emergency Guide.

3.6 Instrumentation. The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

3.7 Effective date of license transfer and reciprocity. Subsection 2 of section 23–20.1–05 of chapter 23–20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by people knowledgeable in all aspects of division responsibility and to provide manpower backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the interunit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[F.R. Doc. 69–5782; Filed, May 14, 1969; 8:47 a.m.]

[Docket No. 50–220]

NIAGARA MOHAWK POWER CORP.

Notice of Proposed Issuance of Provisional Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating license, set forth below, which would authorize Niagara Mohawk Power Corp. (Niagara Mohawk) to possess, use, and operate the Nine Mile Point Nuclear Station, a single cycle, forced circulation, boiling water reactor. The reactor is located on the approximately 1,500-acre Nine Mile Point site on the southeast shore of Lake Ontario in the town of Scriba, Oswego County, N.Y., about 7 miles northeast of the city of Oswego. The proposed license would authorize Niagara Mohawk to operate the Nine Mile Point Nuclear Station at power levels not to exceed 1,538 megawatts (thermal) in accordance with the provisions of the license and the Technical Specifications appended thereto.

Prior to issuance of the provisional operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR–16 issued by the Commission on April 12, 1965. Upon issuance of the provisional operating license, Niagara Mohawk will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a

request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (application Amendments No. 2 through 13) filed during the period of May 29, 1967, through April 10, 1969, (2) the report of the Advisory Committee on Reactor Safeguards dated April 17, 1969, (3) a related safety evaluation prepared by the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Materials Transfer Schedule designated as Appendix B to the license, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of May 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission (the Commission) having found that:

a. The application for provisional operating license (application Amendments Nos. 2 through 13, dated May 29, 1967, July 14, 1967, Sept. 6, 1967, May 16, 1968, Sept. 27, 1968, Oct. 14, 1968, Nov. 4, 1968, Jan. 17, 1969, Jan. 17, 1969, Mar. 10, 1969, Mar. 28, 1969, and Apr. 10, 1969, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–16;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (i) that the facility can be operated at power levels not in excess of 1,538 megawatts (thermal) in accordance with this license without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicant is technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicant has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR–_____ is hereby issued to Niagara Mohawk Power Corp. (Niagara Mohawk), as follows:

1. This license applies to the Nine Mile Point Nuclear Station, a single cycle, forced circulation, boiling light water reactor, and electric generating equipment (the facility). The facility is located on the Nine Mile Point site on the southeast shore of Lake Ontario in Oswego County, N.Y., approximately 7 miles northeast of the city of Oswego and 36 miles northwest of Syracuse, and is described in license application Amendment No. 2, "Final Safety Analysis Report," as supplemented and amended (Amendments Nos. 3 through 13).

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Niagara Mohawk:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the facility as a utilization facility at the designated location on the Nine Mile Point site;

B. Pursuant to the Act and Title 10, CFR, Part 70, "Special Nuclear Material," to receive, possess, and use at any one time up to 3,800 kilograms of contained uranium-235 in connection with operation of the facility;

C. Pursuant to the Act and Title 10, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use in connection with operation of the facility 24 curies of cobalt-60 as a sealed source; 430 millicuries of cobalt-60 as two sealed sources of not more than 400 millicuries and 30 millicuries each; 500 microcuries of cobalt-60 as five sealed sources not to exceed 100 microcuries each; 101 millicuries cobalt-60, 3 millicuries strontium 90, 101 millicuries iodine-131, 102 millicuries cesium-137, and 13 millicuries of any byproduct material with Atomic Nos. between 3 and 83, inclusive, in any chemical and/or physical form; 12,500 curies antimony 122–124 as five sealed sources not to exceed 2,500 curies each; and six curies americium-241 as a sealed source; and

D. Pursuant to the Act and Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to the additional conditions specified below:

A. *Maximum power level.* Niagara Mohawk is authorized to operate the facility at steady state power levels up to a maximum of 1,538 megawatts thermal.

B. *Technical specifications.* The Technical Specifications contained in Appendix A[1] attached hereto are hereby incorporated in this license. Niagara Mohawk shall operate the facility at power levels not in excess of 1,538 megawatts thermal in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to the reports otherwise required under this license and applicable regulations:

(1) Niagara Mohawk shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications. For each such occurrence, Niagara Mohawk shall promptly notify by telephone or telegram the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (Director, DRL), with a copy to the Division of Compliance.

(2) Niagara Mohawk shall report to the Director, DRL, in writing, within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Final Safety Analysis Report (safety analysis report) or the Technical Specifications.

(3) Niagara Mohawk shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the safety analysis report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), Niagara Mohawk shall begin submitting reports in writing in accordance with the requirements of the Technical Specifications.

D. *Records.* Niagara Mohawk shall keep facility operating records in accordance with the requirements of the Technical Specifications.

4. Pursuant to § 50.60, Title 10, CFR, Part 50, the Commission has allocated to Niagara Mohawk for use in the operation of the facility 14,321 kilograms of uranium-235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Niagara Mohawk and returns to the Commission are contained in Appendix B[1] which is attached hereto. Transfers by the Commission to Niagara Mohawk in accordance with column 2 in Appendix B will be conditioned upon Niagara Mohawk's return to the Commission of material substantially in accordance with column 3 (including the subcolumns headed "Scrap" and "Depleted Fuel").

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69–6583; Filed, June 4, 1969; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register, but will be available for public inspection in the Public Document Room of the Atomic Energy Commission.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Withdrawal of Petition for Food Additives Erythromycin Thiocyanate and Dimetridazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition was filed by Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, notice of which was published in the FEDERAL REGISTER of March 20, 1968 (33 F.R. 4751), proposing that the food additive regulations be amended to provide for the safe use of dimetridazole in combination with erythromycin thiocyanate in turkey feed for the prevention and control of blackhead, for improving growth and feed efficiency, as an aid in lowering the severity of and preventing the occurrence of chronic respiratory disease during periods of stress, and as an aid in the prevention and reduction of lesions.

Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is regarded as withdrawn without prejudice to a future filing.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R.Doc. 69–6595; Filed, June 4, 1969; 8:46 a.m.]

FORT DODGE LABORATORIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (35–650V) has been filed by Fort Dodge Laboratories, Division of American Home Products Corp., Fort Dodge, Iowa 50502, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a combination drug containing trichlorfon (*O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate) and atropine for the treatment of *Syphacia obvelata* (pinworm) in laboratory mice.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6596; Filed, June 4, 1969; 8:46 a.m.]

MERCK SHARP & DOHME RESEARCH LABORATORIES

Notice of Filing of Petition for Food Additive Amprolium

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (12–350V) has been filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of amprolium in the feed of laying hens for the prevention of coccidiosis.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6597; Filed, June 4, 1969; 8:46 a.m.]

STAUFFER CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

An order was published in the FEDERAL REGISTER of April 3, 1969 (34 F.R. 6041), promulgating § 120.261 (21 CFR 120.261) that established tolerances for residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog in or on certain raw agricultural commodities, at specified levels, including in meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million from application to forage crops. The order acted on a petition (PP 8F0699) filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804.

Another petition (PP 9F0769) was also submitted by the Stauffer Chemical Co. proposing tolerances for negligible residues of the same insecticide and its oxygen analog in or on potatoes at 0.1 part per million and in the meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million, from dermal application to the animals for control of ectoparasites. The petitioner subsequently amended the petition by withdrawing the proposed tolerance regarding potatoes. Data in that petition show that the established tolerance level of 0.2 part per million is adequate to cover residues of the insecticide and its oxygen analog in the meat and fat of meat of cattle, goats, hogs, and sheep from both the feed use and the dermal use of the insecticide.

Therefore, in accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Stauffer Chemical Co. has withdrawn its petition described above (PP 9F0769), notice of which was published in the FEDERAL REGISTER of December 20, 1968 (33 F.R. 19044).

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6598; Filed, June 4, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION II (PHILADELPHIA)

Designation

The officer named below is hereby designated to serve as Acting Assistant Regional Administrator for Model Cities, Region II, during the absence of the Assistant Regional Administrator for Model Cities, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities:

1. Robert A. Smallwood, Manpower and Economic Development Specialist.

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 5th day of June 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69–6628; Filed, June 4, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–54]

HUSKY OIL COMPANY OF DELAWARE

Notice of Qualification as U.S. Citizen

This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Husky Oil Company of Delaware, Post Office Box 380, Cody, Wyo., incorporated under the laws of the State of Delaware, did on May 8, 1969, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 22, 1969, issued to Husky Oil Company of Delaware a certificate of compliance on Form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (3.21(h), Customs Regulations).

A certificate of compliance issued by the Commandant on May 12, 1967, to the Husky Oil Co., a Delaware corporation, has been surrendered to the Commandant for cancellation.

Dated: May 22, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-6618; Filed, June 4, 1969; 8:48 a.m.]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

TITLE, SELECTION, AND TRAINING OF HEARING EXAMINERS, CAREER DEVELOPMENT OF GOVERNMENT ATTORNEYS, AND CREATION OF FEDERAL ATTORNEY CENTER FOR CONTINUING LEGAL EDUCATION OF GOVERNMENT LAWYERS AND PRIVATE LAWYERS ENGAGED IN ADMINISTRATIVE LAW PRACTICE

Notice of Extension of Opportunities for Written Comments

Notice is hereby given to all Federal departments and agencies and to all interested members of the public that the Committee on Personnel of the Administrative Conference will hold open until July 25, 1969, the record of the public hearings held April 14–23, 1969 on matters announced previously in the FEDERAL REGISTER, April 2, 1969, Vol. 34, No. 62 (F.R. Doc. 69-3946).

Detailed announcements as to the proposals under consideration may be obtained by contacting the office of the Chairman of the Committee on Personnel, Commissioner Dale W. Hardin, at Area Code 202, 737-9765, Ext. 7151. Written comments and proposals by interested parties relating to these matters are solicited and may be mailed by July 25, 1969, to the Committee on Personnel, Administrative Conference of the United States, 726 Jackson Place NW., Washington, D.C. 20506.

JERRE S. WILLIAMS,
Chairman.

JUNE 2, 1969.

[F.R. Doc. 69-6629; Filed, June 4, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-5-141]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority May 29, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). These agreements, which were adopted for early effectiveness at the Worldwide Cargo Conference held in Athens April 14 through May 13, 1969, have been assigned the above-designated CAB agreement numbers.

The agreements, insofar as they apply in air transportation as defined by the Act, would technically amend existing IATA resolutions (1) governing carrier procedures for consignments supported by a U.S. Government bill of lading by specifying that the lading identification number shall be endorsed in the Special Accounting Information box of the air waybill, and (2) listing those countries which compose the area defined as the "Middle East" so as to update the name of one country listed therein. The remainder of these early effectiveness resolutions involve the establishment of specific commodity rates which are not applicable to/from the United States or its possessions and, therefore, are of primary interest to other governments.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
21024:			
R-1	012b	Definition of Middle East-Amending (Expedited).	Worldwide.
R-2	601	U.S. Government Bill of Lading-Amending (Expedited).	1, 2, 3.

2. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
21023:			
R-1	590f	Traffic Conference 2 Specific Commodity Rates (Expedited).	2
R-2	590g	Traffic Conference 2 Specific Commodity Rates (Expedited).	2
R-3	590h	Traffic Conference 2 Specific Commodity Rates (Expedited).	2
21025	590r	Traffic Conference 3 Specific Commodity Rates (Expedited).	3

Accordingly, it is ordered, That:

1. Action on Agreement CAB 21024, R-1 and R-2, be and hereby is deferred, with a view toward eventual approval; and

2. Jurisdiction is disclaimed with respect to Agreements CAB 21023, R-1 through R-3, and CAB 21025.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6630; Filed, June 4, 1969; 8:49 a.m.]

[Docket No. 20781; Order 69-5-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Philadelphia/Washington/Baltimore Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of May 1969.

By Order 69-4-138, the Board, among other things, conditioned its approval of an IATA transatlantic fare agreement, Docket No. 20781, Agreement CAB 20848, R-11, intended to be effective May 1, 1969, so as to require that fares between Philadelphia/Washington/Baltimore and European points and points beyond be no greater, on a fare per mile basis, than fares to/from New York. In response to a request from Pan American World Airways, Inc., the effectiveness of this condition was deferred until June 1, 1969, with respect to normal fares and until July 1, 1969, with respect to all other fares.

By a telegram received May 22, 1969, Trans World Airlines, Inc. (TWA), requested that application of the condition be deferred until July 1 for all fares, and stated that Pan American concurred in the request. TWA alleges that, although the carriers have been attempting to resolve the complex problems involved in meeting the Board's objective, it will not be possible to meet the June 1 date with respect to normal fares. The city of Philadelphia and Greater Philadelphia Chamber of Commerce oppose the delay.

The Board recognizes that there are inherent technical difficulties in restructuring the fares along the lines called for by the Board's condition, and that a large number of fares are involved. In these circumstances, we do not find it adverse to the public interest to grant TWA's request to defer application of the condition with respect to all fares until July 1, 1969.

Accordingly, acting pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 404(b), 412, and 1002(b) thereof:

It is ordered, That:

Application of the condition imposed in ordering paragraph 1(b) of Order 69-4-138, which requires that fares between Philadelphia/Washington/Baltimore and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories, is deferred until July 1, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6631; Filed, June 4, 1969; 8:49 a.m.]

[Docket No. 19539, etc.]

PHOENIX-SEATTLE/PORTLAND NONSTOP CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 17, 1969, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 16, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 29, 1969.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 69-6632; Filed, June 4, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 442]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 2, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

7056-C2-P-69—Answering Newwork of Georgia, Inc. (New), C.P. for a new (1-way) station to be located at 2500 Tennessee Avenue, Savannah, Ga., to operate on base frequency 152.24 MHz.

7057-C2-P-(3)69—Radio Phone Communications, Inc. (New), C.P. for a new (2-way) station to be located at 5217 19th Road North, Arlington, Va., to operate on base frequencies 454.125, 454.175, and 454.325 MHz.

7058-C2-P-69—Tel-Car Corp. (KIB527), C.P. for an additional base channel to operate on frequency 454.075 MHz at location No. 1: 117 Northeast First Avenue, Miami, Fla.

7059-C2-P-69—Robert E. Franklin (KKE965), C.P. to replace the base transmitter operating on frequency 152.15 MHz at station located at 1010 Milam Street, Houston, Tex.

7060-C2-P-69—Waco Communications, Inc. (KLB498), C.P. to change frequency to 158.52 MHz; replace base transmitter operating on same and relocate facilities to approximately 2 miles southwest of Belton, Tex.

7061-C2-P-(2)69—Waco Communications, Inc. (New), C.P. for a new 2-way station to be located off Highway No. 81, approximately 5 miles south of city limits of Waco, Tex., to operate on frequencies 454.05 and 454.10 MHz.

7075-C2-P-(3)69—Jack Loperena (KMA261), C.P. for additional base channel at location No. 2: 1.75 miles northwest of Squaw Valley, Calif., to operate on frequency 152.03 MHz.

7076-C2-P-69—Mobilfone of Kansas (KAQ624), C.P. for additional base channel on 152.06 MHz at station located at U.S. Highway No. 50, 1 mile west of Emporia, Kans.

7077-C2-AL-69—Iowa City Answering Service, Consent to assignment of license from Iowa City Answering Service, Assignor, to: Iowa City Communications Corp., Assignee, Station: KJU809 Coralville, Iowa.

7079-C2-P-(3)69—Ace Commercial Service, Inc. (New), C.P. for a new 2-way station to operate on base frequency 152.030 MHz and repeater frequency 459.025 MHz at location No. 1: WCBI-TV tower, 4 miles northeast of Columbus, Miss., and control frequency 454.025 MHz at location No. 2: 917 South Third Avenue, Columbus, Miss.

7080-C2-P-69—General Telephone Co. of the Southwest (New), C.P. for a new 2-way station to be located on Choctaw Street, between Main and Wagoner, Lindsay, Okla., on frequency 152.69 MHz.

7081-C2-P-69—Jay-En, Inc. (New), C.P. for a new 1-way station to be located at Fifth Avenue West and 10th Street, Duluth, Minn., to operate on frequency 152.24 MHz.

7082-C2-P-69—General Telephone Co. of California (KMM687), C.P. for additional base channel to operate on frequency 454.525 MHz at station located at 900 South C Street, Oxnard, Calif.

7083-C2-AL-69—Consolidated Telephone Co., Consent to assignment of license from Consolidated Telephone Co., Assignor, to: The Cincinnati & Suburban Bell Telephone Co.

Informative

The Alaska Communication System; 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

Applicant—United States Air Force:

75.86 MHz (Base) 16F3 (Central Office), 30 watts, area bounded by 70° N. and 70°30′ N. and 147°37′ W. and 150° W. to;

72.82 MHz (Mobiles), 16F3, 30 watts, area bounded by 70° N. and 70°30′ N. and 147°30′ W.

The above proposals have been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

7068-C1-P-69—Illinois' Bell Telephone Co. (KXR54), C.P. to change frequency from 6019.3 MHz to 6049.0 MHz toward Wasco, Ill. Station location: 1.5 miles north of Eola, Ill.

7070-C1-MP-69—Mountain States Telephone & Telegraph (KPZ70), Modification C.P. to change antenna system and point of communication operating on frequencies 6226.9 and 6345.5 MHz to Pine Butte, Wyo., via passive reflector.

7071-C1-MP-69—Mountain States Telephone & Telegraph (KYJ79), Modification C.P. to

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

change point of communication on frequencies 5974.8 and 6093.5 MHz toward Separation Peak, Wyo., and Rock Springs, Wyo., via passive reflector.

7072–C1–P/ML–69—Mountain States Telephone & Telegraph (KAQ85), C.P. and modification of license for additional transmitters to operate in the 2110–2130, 2160–2180, 3700–4200, 5925–6425, and 10,700–11,700 MHz frequency bands to operate in any temporary fixed location within the territory of the grantee (Developmental).

7073–C1–P–69—Indiana Bell Telephone Co. (KSN75), C.P. to add frequencies 5945.2 and 10,835 MHz toward Crawfordsville, Ind. Station location: 3.5 miles northwest of Danville, Ind.

7074–C1–P–69—Indiana Bell Telephone Co. (New), C.P. for a new fixed station to be located at 2.1 miles southwest of Crawfordsville, Ind., to operate on frequencies 6197.2 and 11,525 MHz toward Montclair, Ind.

7084–C1–AP–69—Citizens Telephone Co. Consent to assignment of license from Citizens Telephone Co., Assignor, to: The Cincinnati & Suburban Bell Telephone Co., Assignee, Station: KYC64 Williamstown, Ky.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

Major Amendment

3693–C1–P–69—Minnesota Microwave, Inc. (New), Amended to change frequency 6323.3 MHz to 6352.9 MHz toward Cannin Falls, Minn., on azimuth of 150°12'. Transmitter location: Foshay Tower Building, Minneapolis, Minn.

3695–C1–P–69—Minnesota Microwave, Inc. (New), Amended to change frequencies 6011.9 MHz and 6130.5 MHz to 5952.6 MHz and 6160.2 MHz, respectively, toward IBM Building, Rochester, Minn., on azimuth of 272°36'. Transmitter location: 2 miles east of Rochester, Minn. All other particulars same as reported in public notice dated Jan. 6, 1969 and Jan. 21, 1969.

[F.R. Doc. 69–6638; Filed, June 4, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69–26]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

First Supplemental Order and Special Permission No. 5035.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a ten percent general rate increase of the subject carrier, and suspended to and including September 17, 1969, Supplement No. 51 to Tariff FMC–F No. 3 (Pan-Atlantic Steamship Corp. FMC–F Series) and Supplement No. 15 to Tariff FMC–F No. 2 (Pan-Atlantic Steamship Corp. FMC–F Series), among other tariff matters. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 253, filed by Sea-Land Service, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of new reduced rates as enumerated, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 69–26 to make changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on less than statutory notice upon the individual dates requested by Special Permission Application No. 253, be and it is hereby granted.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to issue and file on not less than (show notice corresponding to rate change in Special Permission Application No. 253) _____ days' notice and to depart from the terms of the order in I&S Docket No. 69–26 granted under Federal Maritime Commission Special Permission No. 5035 dated May 28, 1969."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned reduced rates to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69–6584; Filed, June 4, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7430]

GULF STATES UTILITIES CO.

Notice of Application

MAY 28, 1969.

Take notice that by order issued August 23, 1968, the Federal Power Commission, pursuant to section 204 of the Federal Power Act, authorized Gulf States Utilities Co. (Applicant), Beaumont, Tex., to issue short term promissory notes not to exceed an aggregate of $60 million principal amount outstanding at any one time. The notes were to have final maturity date not later than December 31, 1970.

On May 21, 1969, Applicant filed a supplemental application requesting that the Commission's order of August 23, 1968, be modified to the extent that Applicant be authorized to issue short term promissory notes in an aggregate principal amount outstanding at any one time of $70 million. All other terms and conditions of the Commission's order are to remain the same.

The increase in the aggregate principal amount of short term borrowings to $70 million from $60 million was applied for to enable Applicant to meet its obligations and to provide greater flexibility in Applicant's financing program by making available additional working capital through the use of short term notes at a time of high interest costs in the bond market until such time as permanent financing can be completed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6585; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. CP69–311]

IOWA ELECTRIC LIGHT AND POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 28, 1969.

Take notice that on May 19, 1969, Iowa Electric Light and Power Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in Docket No. CP69–311 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to construct and operate certain facilities and to sell up to 684 Mcf of natural gas per day to Applicant for resale and distribution in the towns of Keosauqua and Lockridge, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary distribution facilities in said communities. The total estimated third year peak day and annual natural gas requirements for the two communities are 684 Mcf and 109,063 Mcf, respectively.

Applicant estimates the total cost of its projects to be $170,815, which cost will be financed from funds on hand.

The application indicates that Respondent will deliver gas to Lateral Gas Pipeline Co. (Lateral) for the account of Applicant and Lateral will transport and deliver said gas to Applicant for distribution and resale in the two towns. Lateral has filed in Docket No. CP69–310 a related application for a certificate authorizing the necessary facilities to transport gas for Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6586; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. E–7486]

MAINE ELECTRIC POWER CO., INC.

Notice of Application

MAY 28, 1969.

Take notice that on May 23, 1969, Maine Electric Power Co., Inc. (Applicant), a corporation organized and existing under the laws of the State of Maine, with its principal place of business at Augusta, Maine (correspondence to Mr. R. N. Haskell, 33 State Street, Bangor, Maine 04401), filed an application seeking authorization pursuant to Executive Order No. 10485 to construct, operate, maintain, and connect facilities at the international boundary between the State of Maine and the Province of New Brunswick, Canada, at a point in or near the town of Orient in the State of Maine, for the purpose of importing electric energy from Canada into the United States and for other purposes.

Central Maine Power Co. and the New Brunswick Electric Power Commission of Fredericton, New Brunswick, Canada, have signed a letter of intent for the construction of a single circuit 345-kv. transmission line extending from the Keswick substation of the New Brunswick Electric Power Commission near Mactaquac, New Brunswick, to Central Maine's substation near Wiscasset, Maine, for the coordination of their respective electric systems and for the purchase of power by Central Maine from New Brunswick. Applicant has agreed to accept assignment from Central Maine of all of its rights and obligations under said letter of intent.

Applicant will offer its capital stock on a pro rata basis to each electric utility operating on the mainland in the State of Maine according to their size. The initial power to be imported from Canada has been offered to all electric utilities on the mainland in the New England States and their support of the line solicited. As of May 21, 1969, 13 electric utilities, serving areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont had accepted the offer. Twenty-eight other electric utilities in the New England States had indicated an interest in the offer and reserved the right to participate under it. The foregoing commitments having been received, the Applicant has undertaken, upon receipt of a Presidential permit from the Federal Power Commission and upon obtaining all necessary governmental approvals of its security issues, to construct the necessary facilities within the United States to effectuate the interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6587; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. CP69–309]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 27, 1969.

Take notice that on May 19, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69–309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that a number of its customers have revised their original nominations for the contract year commencing September 1, 1969, resulting in a net aggregate increase in required daily quantities of 60,771 Mcf of natural gas. Applicant proposes to meet these requirements by a 30,000 Mcf per day expansion of the main line capacity of its system extending to Louisiana and utilization of unallocated firm gas supply resulting from the expanded capacity authorized by the Commission in its order issued January 17, 1969, in Docket No. CP69–44.

Specifically, Applicant seeks authorization to install additional main line compression at its existing Jena, Sardis, and Madisonville Compressor Stations and to transfer compressor units from its Sardis and Madisonville Compressor Stations to its Crown Point and Germantown Compressor Stations.

The total estimated cost of the proposed facilities is $6,630,000, which will be financed with borrowings from banks under lines of credit, together with retained earnings and other funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to any proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6588; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. CP69-306]

UNITED FUEL GAS CO.

Notice of Application

MAY 28, 1969.

Take notice that on May 16, 1969, United Fuel Gas Co. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25325, filed in Docket No. CP69-306 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and authorizing maximum daily deliveries of natural gas during the 1969-70 season to customers hereinafter specified and for permission and approval to abandon facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following:

(1) To construct and operate a 2,000 horsepower addition at the Glenville compressor station, Gilmer County, W. Va., in order to eliminate a presently existing capacity deficiency;

(2) To install a main line tap and measuring and regulating facilities in Cabell County, W. Va., to deliver natural gas to Consumers Gas Utility Co. for resale and distribution in the community of Martha. Deliveries to Consumers Gas will be out of the latter's presently authorized maximum daily supply;

(3) To install measuring and regulating facilities in Pike County, Ky., and to sell a maximum daily quantity of 150 Mcf of natural gas to Belfry Gas Co., Inc., for resale and distribution in the community of Belfry, and

(4) To abandon approximately 1.4 miles of 6-inch pipeline in Kanawha County, W. Va., which line is no longer needed to transport gas for injection into Applicant's underground storage facility.

The application indicates the total estimated cost of the proposed facilities to be $785,000, which cost will be financed through open account advances from and the issuance of promissory notes to Applicant's parent, The Columbia Gas System, Inc.

Under rate schedules providing firm service to jurisdictional customers, Applicant proposes to make the following maximum daily deliveries of natural gas:

Customer	Authorized in Docket No. CP69-104 (Mcf)	Requested herein (Mcf)
Atlantic Seaboard Corp	900,000	910,000
Bluefield Gas Co	7,400	8,000
Columbia Gas of Kentucky, Inc	56,700	56,800
Gas Transport, Inc	8,000	8,000
Kentucky Gas Transmission Corp	699,600	730,700
The Manufacturers Light & Heat Co	448,000	502,000
The Ohio Fuel Gas Co	610,000	610,000
The Ohio Valley Gas Co	51,100	51,100
Jurisdictional customers with total daily entitlements of less than 5,000 (Mcf)		
Belfry Gas Co		150
Consumers Gas Utility Co	1,300	1,300
Luther Lusher	30	30
Union Oil & Gas, Inc	600	600
Zebulon Gas Association, Inc	140	190
Total of proposed initial levels of deliveries to customers with total daily entitlements of less than 5,000 Mcf	2,070	2,270
Adjustment to allow for minor revisions of such customers' estimates and unscheduled growth	2,930	2,730
Total requested volumetric level for maximum daily deliveries to all jurisdictional customers with total daily entitlements of less than 5,000 Mcf	5,000	5,000

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6589; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. CP69-304]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 27, 1969.

Take notice that on May 16, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-304 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate two different projects. Project "A" consists of 21.8 miles of 36-inch pipeline, beginning at the Arnaudville Compressor Station, St. Landry Parish, La., and extending in a general southerly direction to a point in Lafayette Parish, La., to the tie-over to the Lafayette 12-inch pipeline. Applicant will also install a check meter station at the Arnaudville Compressor Station.

Project "B" consists of 16.5 miles of 36-inch pipeline, beginning with the tie-over to the Lafayette 12-inch pipeline at a point in Lafayette Parish, La., and extending in a general southerly direction to end at a point near Erath, Vermilion Parish, La. Applicant will also install a regulator and meter station at the tie-over to the Lafayette 12-inch pipeline in Lafayette Parish.

The total estimated cost of the proposed facilities is $12 million, which will be financed through the use of short-term demand notes and funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6590; Filed, June 4, 1969; 8:45 a.m.]

[Docket No. CP69-305]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 28, 1969.

Take notice that on May 16, 1969, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-305 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the exchange of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the Applicants have entered into an exchange agreement dated April 25, 1969, with Sea Robin Pipeline Co. (Sea Robin) whereby Sea Robin will deliver to United for Southern's account up to 750,000 Mcf of gas per day to be purchased by Southern from Sea Robin at Erath, Vermilion Parish, La., and that United will deliver in exchange therefor equivalent volumes of gas to Southern at Bayou Sale, Lafayette Parish, La. Applicants allege that the proposed exchange will make it unnecessary for Southern to build extensive facilities to connect its pipeline system with the facilities of Sea Robin at Erath and will achieve certain economies for United.

Specifically, in order to effectuate the proposed exchange, United seeks authorization to install and operate tie-in valves and appurtenant facilities to deliver natural gas to Southern at the Bayou Sale Compressor Station site in St. Mary Parish, La.

The total estimated cost of the proposed facilities is $88,960, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6591; Filed, June 4, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MIDWEST BANCORPORATION, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Midwest Bancorporation, Inc., Kansas City, Mo., for approval of action to become a bank holding company through the acquisition of more than 80 percent of the voting shares of Laurel Bank, Raytown, Mo., and Platte Woods Bank, Platte Woods, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Midwest Bancorporation, Inc., Kansas City, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of more than 80 percent of the voting shares of Laurel Bank, Raytown, Mo., and Platte Woods Bank, Platte Woods, Mo.

As required by section 3(b) of the Act, the Board notified the Commissioner of Finance of the State of Missouri of receipt of the application and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 10, 1969 (34 F.R. 1572), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 28th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6592; Filed, June 4, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 30, 1969, through June 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6600; Filed, June 4, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this Action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

[812-2455]

BERNSTEIN-MACAULAY SPECIAL FUND, INC.

Notice of and Order for Hearing on Application for Exemption

MAY 28, 1969.

Notice is hereby given that Bernstein-Macaulay Special Fund, Inc. ("Applicant"), 55 Broad Street, New York, N.Y. 10005, an open-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has applied pursuant to section 6(c) of the Act for an order exempting it from Rule 22c-1 of the rules and regulations under the Act, to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has assets of approximately $3,800,000. An average of five persons per week have subscribed for shares of Applicant during the past year. For the year ended March 31, 1969, Applicant had $18,970 of net income and paid investment advisory fees of $17,903.86 fees to Bernstein-Macaulay, Inc. ("Manager") the company which organized Applicant in 1963 to provide an investment medium for its investment advisory clients.

Applicant has been advised by Manager that the cost of once weekly valuation, which was followed prior to the effective date of Rule 22c-1, was approximately $5,300 a year. Manager has also advised Applicant that it anticipates that the cost of complying with Rule 22c-1 with respect to the pricing of shares for sale will be approximately $21,000 a year. Manager has also advised Applicant that if compliance with Rule 22c-1 is required it will seek to have the Investment Advisory Agreement amended so as to provide that the Applicant shall bear the costs of pricing.

Applicant therefore seeks an order permitting it to price shares for sale once a week until its assets reach $5 million or an average of 15 persons per week subscribe for Applicant's shares during any 6-month period preceding the receipt of any subscription application.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant proposes to price shares for sale at the net asset value as of the close of trading on the New York Stock Exchange on the Wednesday next succeeding the receipt of a subscription to shares of Applicant or on the date of receipt of such subscription if such subscription is received on a Wednesday.

Subscription to shares of Applicant are received by Applicant's underwriter and the accompanying payment is held by the underwriter until Applicant has accepted such subscriptions. Subscribers are entitled to withdraw their subscription until they have been accepted by the Fund.

Applicant will continue to make valuation on each day a request for redemption of Applicant's shares is received.

Applicant represents that its proposed pricing method, under which shares are prospectively valued is consistent with the objective of Rule 22c-1 to prevent dilution in the value of shares and short term speculation resulting from sale of shares at a previously determined price. Applicant also contends that the cost of valuing shares for sale more frequently than once a week is disproportionately high in comparison to any possible benefit to Applicant's shareholders.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40 (a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 27th day of June 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of June 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

Whether the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6601; Filed, June 4, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 31, 1969, through June 9, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6602; Filed, June 4, 1969; 8:46 a.m.]

[812-2462]

CONNECTICUT WESTERN MUTUAL FUND, INC.

Notice of and Order for Hearing on Application for Order of Exemption

MAY 28, 1969.

Notice is hereby given that Connecticut Western Mutual Fund, Inc. ("Applicant"), 460 Summer Street, Stamford, Conn. 06902, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has applied for an order pursuant to section 6(c) of the Act exempting Applicant from Rule 22c-1 of the rules and regulations under the Act to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

As of February 28, 1969, Applicant had 74 shareholders and net assets of $464,723. For the 6 months ended February 28, income amounted to $4,009 and expenses were $2,103 including management fees of $863. During the fiscal year beginning September 1, 1968, Applicant has received nine requests for redemption and 15 orders for the sale of new shares. Applicant estimates that it costs approximately $100 in clerical expense for each calculation of net asset value. Applicant submits that making a price for sales whenever an order is received would multiply the costs of managing Applicant and would be unduly burdensome in relation to the size of Applicant.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant proposes to price orders for shares received before the close of business on the New York Stock Exchange ("Exchange") on Wednesday of each week, as of the close of business on the Exchange on Wednesday, and orders received after the close of business of the Exchange on Wednesday, as of the close of business of the Exchange on the following Wednesday. An investor may withdraw his order at any time until the close of business of the Exchange on the Wednesday that shares would be priced for sale to him. Shares tendered for redemption will be priced as of the close of the Exchange on the day such tenders are received except that tenders received after the close of the Exchange will be priced as of the close of the Exchange on the next day it is open for business.

Applicant represents that the proposed method of pricing of shares for sale will be less costly than it would be to offer shares more frequently, and at the same time will not result in any dilution of the value of outstanding shares.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests exemption from Rule 22c-1 so that it can price shares for sale weekly, until the net assets of Applicant exceed $5 million or the incidence of sales exceeds 100 orders in any one fiscal semiannual period.

It appears to the Commission that it is apropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40 (a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 27th day of June 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of June 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

Whether the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6603; Filed, June 4, 1969; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 1, 1969, through June 10, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6604; Filed, June 4, 1969; 8:47 a.m.]

[812-2518]

CRAIG-HALLUM, INC., AND GENERAL SECURITIES, INC.

Notice of Filing of Application for Order for Exemption

MAY 28, 1969.

Notice is hereby given that Craig-Hallum, Inc. ("Craig-Hallum"), 133 South Seventh Street, Minneapolis, Minn., a Minnesota corporation, and General Securities, Inc. ("Fund"), a Minnesota corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act") (hereinafter referred to as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15 of the Act to the extent that section 15 may prohibit Craig-Hallum from acting as investment adviser to Fund following consummation of a proposed Plan of Reorganization ("Plan") of Craig-Hallum without approval of a new investment advisory contract by Fund shareholders until the next regular annual meeting of Fund shareholders to be held no later than January 29, 1970. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Craig-Hallum has acted as investment adviser to Fund continuously since May 3, 1951, and is currently acting pursuant to a written contract dated February 24, 1965, as amended December 27, 1967, and most recently approved by Fund shareholders at a shareholders' meeting on January 29, 1969. The agreement provides for its automatic termination in the event of its assignment by Craig-Hallum. All of the outstanding voting stock of Craig-Hallum is presently owned by 85 persons. Pursuant to a vote of the Board on April 14, 1969, Craig-Hallum proposes to adopt a Plan pursuant to which all of the outstanding stock of Craig-Hallum will be transferred to a new corporation to be named Craig-Hallum Corp. in exchange for stock of the new corporation. The present 85 shareholders of Craig-Hallum will be the sole shareholders of the new corporation. Applicants proposes to execute a new advisory agreement to become effective immediately upon the transfer of the outstanding voting securities of Craig-Hallum which will be identical in all material respects with the presently effective agreement. Applicants agree that the new agreement will be submitted to shareholders of Fund for approval at the next annual meeting of Fund and Fund undertakes to hold its next regular annual meeting of shareholders no later than January 29, 1970. Further, the new investment advisory contract will be approved by the board of directors of Fund prior to execution.

Section 15 of the Act provides among other things, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract which has been approved by a majority of the voting securities of such registered company and provides, in substance, for the automatic termination of an advisory contract in the event of its assignment by the investment adviser. "Assignment" is defined in section 2(a)(4) of the Act to include the direct or indirect transfer of a contract or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that the holding of a special meeting of shareholders of Fund, which would involve the preparation and filing of proxy soliciting material, would involve a substantial expenditure of time and money by Applicants and express their opinion that the contemplated transaction will not constitute an assignment of a controlling block of stock because the same persons will continue in indirect control of Craig-Hallum after consummation of the Plan. Applicants assert that in view of the long relationship between Applicants and the fact that the new contract will be identical in terms with the present contract, the exemption requested is appropriate in the public interest, is consistent with the protection of investors and is consistent with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 17, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–6605; Filed, June 4, 1969; 8:47 a.m.]

[70–4756]

DELMARVA POWER AND LIGHT CO.

Notice of Proposed Underwritten Common Stock Offering to Stockholders and Offering of Unsubscribed Shares to Employees, and Issue and Sale of Preferred Stock at Competitive Bidding

MAY 29, 1969.

Notice is hereby given that Delmarva Power and Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and also a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue and sell 597,909 shares of its authorized but unissued common stock, par value $3.375 per share, at an offering price which will not exceed, nor be less than 90 percent of, the last reported sale price on the New York Stock Exchange prior to the determination of the offering price. The offering price will be determined by Delmarva's board of directors no later than 12 noon on July 8, 1969.

In accordance with the requirements of Delmarva's certificate of incorporation, its stockholders of record on July 10, 1969, will have the right (evidenced by transferable warrants) to subscribe to the new stock on the basis of one share of new stock for each 15 shares of common stock held of record on such date. Subject to the rights of stockholders, the stock will also be offered at the same offering price to employees of Delmarva and its subsidiary companies in an amount not exceeding 150 shares per employee. The balance, if any, of the unsubscribed common stock will be sold at the offering price to underwriters subject to the competitive bidding requirements of Rule 50.

Delmarva also proposes, for the purpose of stabilizing the price of its common stock, to purchase up to 29,895 shares of the presently outstanding shares. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by Delmarva as a result of such stabilization will be included as a part of the unsubscribed stock which will be sold to the underwriters.

Delmarva also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 100,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of one-twenty-fifth of 1 percent or $0.04 per share) and the price, exclusive of accrued dividends, to be paid to Delmarva (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

The proceeds received from the issue and sale of the common and preferred stock will be used by Delmarva and its subsidiary companies to finance, in part, the cost of their 1969 construction program, estimated at $65,934,000, and to pay all or a portion of unsecured short-term loans incurred prior to the sale of the common and preferred stock.

A statement of the fees and expenses to be incurred by Delmarva in connection with the proposed transactions will be filed by amendment. The fees of counsel for the underwriters, to be paid by the successful bidders, will also be supplied by amendment.

It is stated that the Public Service Commission of Delaware has jurisdiction over the proposed issue of common stock and preferred stock by Delmarva, and no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 23, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–6606; Filed, June 4, 1969; 8:47 a.m.]

[812–2479]

EASTERN STATES CORP.

Notice of Filing of Application for Order of Exemption

MAY 28, 1969.

Notice is hereby given that Eastern States Corp. ("Eastern"), 10 Light Street, Baltimore, Md. 21202, a Maryland corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d–1 with respect to a proposed transaction incident to a Plan of Reorganization ("Plan") and Purchase and Sale Agreement ("Agreement") between Eastern and St. Regis Paper Co. ("St. Regis"). The application requests an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act the proposed sale by Eastern to St. Regis of all of its assets in exchange for stock of St. Regis and the assumption by St. Regis of certain liabilities of Eastern, more fully described below. The application also requests an order granting said application pursuant to Rule 17d–1 with respect to the proposed participation by certain shareholders and the officers and directors of Eastern in said transaction. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

At the adjourned annual meeting of shareholders of Eastern held April 22, 1969, the holders of more than two-thirds of the outstanding common stock of Eastern approved the Plan and Agreement as well as Articles of Sale and Articles of Dissolution. Under the terms of the Plan and Agreement, Eastern proposes to sell, convey, transfer, assign and set over to St. Regis all the assets, properties, rights and interests of Eastern, consisting primarily of Common Stock of St. Regis, in exchange for Common Stock of St. Regis and the assumption by St. Regis of certain liabilities of Eastern. The number of shares of St. Regis to be delivered to Eastern will equal the number of shares of such stock now held by Eastern less the number of shares the value of which is equal to the amount of Eastern's net liabilities on the closing date assumed by St. Regis. On the basis of Eastern's assets and liabilities as of February 1, 1969, and the market value of St. Regis Common Stock on that date St. Regis would issue approximately 915,000 shares of its common stock to Eastern and assume $1,768,000 of Eastern's liabilities in exchange for the 956,908 shares of St. Regis Common Stock held by Eastern. Following consummation of the Plan and Agreement, Articles of Dissolution will be filed by Eastern, whereupon the dissolution of Eastern will be effective: *Provided, however,* That Eastern will continue in existence for the purpose of liquidation and winding up its affairs. In connection with its winding up and liquidation Eastern will deliver all of the St. Regis Common Stock received by it under the Plan to a bank as agent for the stockholders, which bank will effect the necessary distribution and will provide for the purchase or sale of any fractional interests as any stockholder of Eastern may elect and settle all fractional interests in cash. Eastern will also make application to the Commission for an order under section 8(f) of the Act, declaring that it has ceased to be an investment company.

Commission jurisdiction. As of January 1, 1969, Mr. Ferguson, who is also a director and shareholder of St. Regis, beneficially owned 29.08 percent of the voting securities of Eastern; the following directors and officers of Eastern had beneficial ownership of shares of common stock of Eastern: Jess S. Barber, Abe Cooper, Roy K. Ferguson, Stephen P. Kaptain, James E. Kussman, Horace R. Lamb, James W. Moss, Charles Plohn, Walter Schick, and Harold S. Sutton; Cyrus J. Lawrence & Sons held 19.95 percent, and David J. Green & Co. held in its own name or in individual names or it and its partners beneficially owned a total of 6.08 percent. In addition, Eastern owned 956,908 shares of St. Regis Common Stock, being approximately 7 percent of the voting securities of St. Regis. Section 2(a)(3) of the Act, as here pertinent, defines "affiliated person" to include any officer or director, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of another person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by another person. Therefore, Eastern and St. Regis may be deemed to be affiliated persons of each other, Mr. Ferguson may be deemed to be an affiliated person of both St. Regis and Eastern, and the other persons named above may be affiliated persons of Eastern

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any securities or other property and thus would prohibit the proposed transaction unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policies of Applicant as recited in its registration statement and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act. Section 17(d) of the Act and Rule 17d–1 thereunder provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, to effect any transaction in which such registered company or a company controlled by such registered company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d–1 has been granted by the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Supporting statements. The application states that the proposed transaction required the approval of the affirmative vote of two-thirds of the outstanding shares of Common Stock of Eastern and this approval was obtained on April 22, 1969. The number of shares of St. Regis Common Stock to be issued to Eastern will equal the number of shares of such stock held by Eastern less the number of shares the value of which is equal to the amount of Eastern's net liabilities on the closing date assumed by St. Regis. Eastern states that all holders of Eastern common stock (the only class of stock

outstanding) will receive identical treatment, and the distribution and liquidation to stockholders of Eastern will be on a pro rata basis. The application further states that the St. Regis Common Stock acquired by St. Regis in this transaction will be held in the St. Regis treasury. Therefore, Eastern represents that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of any person concerned.

Eastern further represents that pursuant to authorization of the stockholders given at the annual meeting held on April 14, 1954, Eastern amended its investment policy to provide that it is not the policy of Eastern to retain its investment in the Common Stock of St. Regis as a permanent investment, but rather it is the policy to sell, exchange or make other disposition of all or any part of this investment as the Board of Directors may determine from time to time. Eastern represents, therefore, that the proposed transaction is consistent with its policy as recited in its registration statement and reports filed under the Act.

Eastern states that all holders of Eastern Common Stock will be treated on the same basis; objecting shareholders have the right to demand and receive payment of an amount equal to the value of their stock; and in the judgment of the directors of Eastern, the terms and conditions of the transaction do not unfairly discriminate against any holders of Eastern Common Stock or against Eastern or against St. Regis, and consequently, Eastern represents that its participation is on the same basis and is as advantageous as that of the other participants and the proposed transaction would not be inconsistent with the provisions, policies and general purposes of the Act.

Notice is further given that any interested person may, not later than June 9, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Eastern at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–6607; Filed, June 4, 1969; 8:47 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 30, 1969, through June 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–6608; Filed, June 4, 1969; 8:47 a.m.]

[812–2447]

FIRST MISSOURI DEVELOPMENT FINANCE CORP.

Notice of Filing of Application for Order Declaring Company Exempt

MAY 29, 1969.

Notice is hereby given that First Missouri Development Finance Corp. ("Applicant"), 302 Adams Street, Jefferson City, Mo., a corporation organized under the laws of the State of Missouri authorizing and governing the organization and operation of development finance corporations, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that its primary function is to supply needed capital to Missouri businesses unable to obtain capital from conventional lending sources and that its primary motive is the industrial and commercial development and expansion of Missouri. Applicant will do business only in Missouri and only with companies doing or proposing to do business in Missouri, although some of the companies may be non-Missouri corporations and also doing business outside of Missouri.

It is represented that investments made by Applicant in the form of loans will be passed on by a loan review committee made up of the members of the executive committee of the board of directors of Applicant. The executive committee shall have not less than five (5) nor more than nine (9) members, all of whom shall be members of Applicant's board of directors. Loans may be made to any business which can demonstrate to the satisfaction of Applicant that said business has a satisfactory credit rating, an adequate financial structure to justify the loan (other than sufficient primary collateral), a capable management, adequate facilities, a reasonably promising market for its products, and inadequate primary collateral to obtain a loan in the desired amount from a more conventional financial institution.

Applicant's authorized capital consists of ten thousand (10,000) shares of capital stock, no par value, all of which Applicant proposes to offer for sale only to resident persons and to resident companies doing business in Missouri at a price of One Hundred ($100.00) Dollars per share. No commissions, compensation, or expenses will be paid to anyone in connection with the sale of these securities. Applicant represents that it will limit the offering to established businesses and corporations which are sophisticated in securities matters and to successful businessmen and others capable of understanding and assuming the risks involved. Purchasers of Applicant's stock will be required to give written representations that they are acquiring the stock with the intention of retaining it and not with the intention of reselling it or with a view to public distribution.

In addition to equity capital, Applicant will rely for funds available for lending upon loans made from banks, trust companies, and insurance and surety companies which have become members of Applicant, thereby agreeing to lend a small percentage of their capital assets to Applicant upon call. Applicant expects to pay interest on loans from members at a rate, to be fixed at the time of each call, equal to the prime interest rate in St. Louis, Mo., plus one-quarter of one percent (0.25%). Each call for loan money will be prorated among the members in the same proportion that the adjusted loan limit of the members bears to the aggregate of the adjusted loan limits of all members at the time. Applicant has determined that it will not commence business until at least 2,500 shares of stock are sold and applications for membership have been received from financial institutions having an aggregate lending limit of at least $2,500,000.

Applicant represents that membership will be limited to National and State banks and insurance and surety companies licensed to do business in Missouri and engaged primarily in lending or investing funds. Applicant further represents that its members will acquire notes issued to them by Applicant for investment and not with a view to public distribution.

Since Applicant will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40 percent of its total assets, Applicant is an investment company within the definition of section 3(a)(3) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act. Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it was formed to accomplish the public purposes of the Missouri Development Finance Corporations Act which are to assist and encourage the development and advancement of the business prosperity and economic welfare of the State, to assist and encourage the location of new industries in the State, and to provide for maximum opportunities for employment, and to these ends to establish a source of credit not otherwise available for the promotion, development, and conduct of expanded business activities in the State of Missouri. Applicant further states that neither it nor the holders of its securities are or will be motivated primarily by the prospects of possible profits of Applicant but by the purposes set forth in the Missouri Development Finance Corporations Act. Applicant also states that it is subject to examination by the Commissioner of Finance, the Administrative Officer of Missouri charged with chartering, supervision, and examination of banks and other financial institutions, and that the corporation is required to make reports of its condition to the Commissioner of Finance not less frequently than annually and is required to furnish such information as may from time to time be required by the Commissioner of Finance. Applicant states that in view of the foregoing factors registration is not necessary to accomplish the purpose of the Act and that Applicant should be granted an exemption pursuant to section 6(c) of the Act.

Notice is hereby given that any interested person may, not later than June 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–6609; Filed, June 4, 1969; 8:47 a.m.]

[File No. 24D–2621]

GENERAL RESOURCES

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MAY 26, 1969.

I. General Resources (issuer), 4092 South State Street, Salt Lake City, Utah, a Utah corporation with offices located at Salt Lake City, Utah, filed with this Commission on December 11, 1968, a notification on Form 1–A and an offering circular relating to a proposed offering of 5 million shares of common stock at 1 cent per share for an aggregate of $50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with, in that:

1. The Form 1–A filed on behalf of the issuer fails to disclose Curtis Minerals as an affiliate and predecessor of the issuer;

2. The Form 1–A fails to disclose sales of unregistered securities by the issuer's affiliates within one year prior to the filing of the Form 1–A and present and proposed offerings of securities by affiliates;

3. The offering circular filed on behalf of the issuer fails to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

4. The offering circular fails to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

5. The offering circular fails to include accurate and adequate financial statements of the issuer.

B. The offering circular as filed contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the names of certain promoters and affiliates of the issuer;

2. The failure to disclose accurately the assets and liabilities of the issuer;

3. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

4. The failure to set forth accurately the use to which proceeds of the offering would be applied.

C. The offering would have been made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

Accordingly, it is ordered, That the Regulation A exemption of General Resources be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–6610; Filed, June 4, 1969, 8:47 a.m.]

[File No. 24D–2611]

MONTE CRISTO CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 14, 1969.

I. Monte Cristo Corp. (issuer), a Nevada corporation, with offices located at 1102 Continental Bank Building, Salt Lake City, Utah, filed with this Commission on October 23, 1968, a notification and offering circular relating to a proposed offering of 300,000

shares of its $0.10 par value common stock at $1 per share, for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provision of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe, from information reported to it by the staff, that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that David K. Tanner would participate in the offer and sale of the issuer's stock;

2. The failure to disclose that David K. Tanner would be paid a commission of $0.10 per share for each share of the issuer's stock he sold;

3. The representation that Richard Minasian would be responsible for the sale of the issue and would undertake to sell the issue personally; and

4. The representation that the officers and directors of the issuer would undertake to sell the securities directly to the public and they would not receive a commission for the sale of the shares.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The name and address of each underwriter and the amount of participation by each such underwriter is not disclosed as required by Item 5 of Schedule I;

2. In response to subitem (b) of Item 6 of the Form 1–A notification the issuer made an untrue statement of material fact when it stated that none of the persons specified in paragraph (d) of Rule 252 is subject to any order, judgment, or decree specified in subparagraph (2) thereof; and

3. In response to subitem (b) of Item 6 of the Form 1–A notification the issuer failed to disclose that David K. Tanner was preliminarily enjoined by the U.S. District Court in Salt Lake City, Utah, on October 25, 1968, from further violating section 10(b) of the Securities Exchange Act and Rule 10b–5 thereunder.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–6611; Filed, June 4, 1969; 8:47 a.m.]

[812–2488]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application for Exemption

MAY 29, 1969.

Notice is hereby given that Narragansett Capital Corp. ("Narragansett"), 10 Dorrance Street, Providence, R.I. 02903, a Rhode Island corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the acquisition of Casper Corp. ("Casper") by Bevis Industries, Inc. ("Bevis"), and the merger of George Comtois Associates, Inc. ("Comtois"), with and into Bevis; and for an order under Rule 17d–1 approving such acquisition and merger on the terms and conditions hereinafter described. The application also seeks an order under Rule 17d–1 of the Act approving the purchase by certain affiliated persons of Narragansett of stock of Bevis.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. Narragansett owns approximately 79 percent of the outstanding common stock of Bevis and 50 percent of the outstanding common stock of Casper. Casper owns 80 percent and Narragansett owns 20 percent of the outstanding common stock of Comtois. On January 16, 1969, the board of directors of Bevis unanimously approved an Agreement and Plan of Reorganization between Bevis and Casper ("Reorganization Agreement") providing for the acquisition by Bevis of substantially all of the assets of Casper. At the same meeting an Agreement and Plan of Merger was approved between Comtois and Bevis under the terms of which Comtois would merge into Bevis.

Under the Reorganization Agreement Bevis will issue 712,500 shares of its common stock, plus an additional number of such shares, not to exceed 712,500, to be determined on the basis of earnings of Casper as a division of Bevis for the years 1968 through 1972, in exchange for the assets of Casper. The assets of Casper include 80 percent of the outstanding common stock of Comtois and stockholders of Bevis have been asked to approve the merger of Comtois into Bevis subsequent to the purchase of the assets of Casper, with Bevis being the surviving corporation. The outstanding shares of Comtois owned by Bevis will be canceled and the shares owned by Narragansett will be exchanged for 37,500 shares of Bevis common stock, plus an additional number of such shares, not to exceed 37,500 depending upon the future earnings of a new division consisting of Casper and Comtois.

A special meeting of Bevis stockholders is scheduled to be held in June 1969 to consider the above-described agreements, and other matters. The proxy material states that a majority of the outstanding voting securities, other than the shares owned by Narragansett, must approve the proposals. The application states that a majority of the outstanding common shares of Casper must approve the Reorganization Agreement. Narragansett and the other Casper stockholders have informed Bevis that they intend to vote in favor of approval of such agreement. Shareholders of Bevis will also be asked to approve a 1 for 5 "reverse split" of Bevis outstanding common stock. The reverse split will be effected only if Bevis' shareholders approve the Reorganization Agreement. The share amounts issuable under the Reorganization Agreement (as discussed above) are based upon the assumed consummation of such "reverse split".

The board of directors of Bevis, on January 16, 1969, voted unanimously to offer to the holders of its outstanding common stock, rights to subscribe for additional shares of its common stock from which it expects to raise $3,750,000. Narragansett intends to distribute to its stockholders such rights issuable to it pursuant to the offering. Stockholders of Bevis and Narragansett will have the right to oversubscribe to the extent rights are not exercised by others.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling any security to or purchasing any security from such registered investment company or any company controlled by any such registered investment company. The acquisition by Bevis of the Casper assets in exchange for stock, and the merger of Comtois into Bevis, both involve transactions subject to the prohibitions of section 17(a) of the Act, unless exempted therefrom pursuant to section 17(b) of the Act.

The Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any persons concerned and that the proposed transactions are consistent with the policy of the registered investment company and the general purposes of the Act.

Since officers and directors of Narragansett are stockholders of Narragansett, the proposed offering and acquisition of the Bevis stock by them may be prohibited by section 17(d) of the Act and Rule 17d–1 thereunder. Taken together they provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Narragansett seeks an exemption to the extent necessary to permit affiliated persons to exercise the rights to purchase the Bevis stock. In addition, to the extent that section 17(d) may be applicable to the acquisition of Casper by Bevis and the subsequent merger of Comtois into Bevis, Narragansett seeks an exemption therefrom and from Rule 17d–1 thereunder.

The application states that as of January 1, 1969, of the 830,868 shares of outstanding stock of Narragansett, affiliated persons of Narragansett owned 212,964 shares constituting 27 percent of such stock. If all affiliated persons of Narragansett exercise their primary subscription privileges, such affiliated persons would own a total of 75,948 shares of the 1,732,504 shares of Bevis that would be outstanding after the proposed public offering, or 4.3 percent thereof. These figures do not take into account the issuance of a maximum of 750,000 shares which may be issued on the basis of earnings of the Casper Division of Bevis, nor any shares which may be purchased by affiliates pursuant to the additional subscription privileges.

Supporting statements. Narragansett states that the terms of the proposed transactions are reasonable and fair and do no involve overreaching on the part of any person. The valuation of the Casper assets was determined by negotiation between the management and the boards of directors of the respective companies and has been reviewed independently of Narragansett by G. H. Walker & Co. ("Walker") and Blair & Co., Inc. ("Blair"), who were retained to represent the minority interests of Bevis and Casper, respectively. A partner of Walker is a director of Narragansett, Bevis, and Casper. A director of Bevis is an employee of Walker. As indicated above Narragansett owns 50 percent of the outstanding shares of common stock of Casper and 79 percent of the outstanding shares of Bevis. Bevis' management, in negotiating with Casper, took into account the factors noted in the reports of Blair and Walker, namely, earning power, tax consequences, and financial conditions. In the preparation of the reports, Comtois was presumed to have been merged into Casper prior to the acquisition of the Casper assets by Bevis. Both reports (which are included as exhibits to the application) concentrated on the relative contribution each partner would bring to the resulting company. Blair estimated Bevis' earnings before interest, taxes, and extraordinary items to be $900,000 and in a range of $430,000 to $380,000 after interest payments. Walker considered Bevis' prospective "normal" earning power before interest and taxes to be in the area of $925,000, or $360,000 after interest payments. The reports placed the earning power of Casper at $1 million to $1,500,000 before taxes and extraordinary items. They placed substantial emphasis on Bevis' tax loss carryforward amounting to approximately $5 million at December 31, 1967 which can be utilized during the next 4 years by the resulting company. Without the acquisition of the Casper assets it was estimated that Bevis' operations and earning power would enable Bevis to utilize only about $1,500,000 of this carryforward in the 4 years remaining until final expiration in 1972.

The application states that from Narragansett's point of view, the acquisition will result in a pooling of the personnel, capital, organization strengths and experiences of the merging corporations, which should result in greater earning capacity through operating economies and also through provision of broader resources with which to support continued expansion and diversification for the resulting company. The acquisition and the public offering of the Bevis stock will reduce Narragansett's interest in the resulting company to approximately 49 percent, a reduction which, according to the application, the Small Business Administration has been recommending for some time in accordance with its general guidelines on the control of companies by small business investment companies. Narragansett represents that the proposed acquisition of Casper by Bevis and the merger of Comtois into Bevis are consistent with its investment policy and that the transactions are consistent with the general purposes of the Act. It also represents that the proposed transactions are an acquisition and a merger in which the stockholders of each acquired company will share on a pro rata basis and that, therefore, no stockholder or group of stockholders is being given special treatment.

With respect to the offering of the Bevis stock, the application asserts that affiliated persons of Narragansett should have the opportunity to subscribe for stock of Bevis on the same basis as other shareholders of Narragansett. To deny such right would discriminate against the affiliated persons merely because they are officers and directors.

Notice is further given that any interested person may, no later than June 17, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–6612; Filed, June 4, 1969; 8:47 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 30, 1969, through June 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-6613; Filed, June 4, 1969; 8:48 a.m.]

[812-2521]

PRUDENTIAL INSURANCE COMPANY OF AMERICA ET AL.

Notice of Application for Exemption and for Approval of Offer of Exchange

MAY 29, 1969.

In the matter of The Prudential Insurance Company of America, Prudential Plaza, Newark, N.J. 07101; Prudential's Investment Plan Account; Prudential's Annuity Plan Account; Prudential's Annuity Plan Account–2; The Prudential Insurance Company of America, Financial Security Program Office, Post Office Box 2925, Phoenix, Ariz. 85039; Prudential's Gibraltar Fund, 3003 North Central Avenue, Phoenix, Ariz. 85039; (812–2521).

Notice is hereby given that the Prudential Insurance Company of America ("Prudential"); Prudential's Investment Plan Account ("IPA"), a separate account of Prudential registered as a unit investment trust which will issue systematic investment plan contracts to individuals not entitled to tax-deferral treatment under the Internal Revenue Code of 1954, as amended ("Code"), for their contributions under the contracts; Prudential's Annuity Plan Account ("APA"), a separate account of Prudential registered as a unit investment trust, which will issue variable annuity contracts to individuals not entitled to tax-deferral treatment under the Code for their contributions under the contracts; Prudential's Annuity Plan Account–2 ("APA–2"), a separate account of Prudential registered as a unit investment trust which will issue variable annuity contracts to individuals who are entitled to tax-deferral treatment under the Code for their contributions under the contracts; and Prudential's Gibraltar Fund ("Fund"), a registered open-end, diversified management investment company (hereinafter collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 12(d)(1), 15(b), 18(i), 22(d), 22(e), 26(a)(1), 26(a)(2), 26(a)(3), 27(a)(3), 27(c)(1), and 27(c)(2) of the Act. Applicants also seek approval of an offer of exchange under sections 11(a) and 11(c) of the Act.

Considerations received pursuant to the systematic investment plan contracts to be issued by IPA, and the variable annuity contracts to be issued by APA and APA–2 will be invested in shares of the Fund. The securities issued by IPA, APA, and APA–2 together with certain related insurance and fixed-dollar annuity contracts issued by Prudential, comprise the Prudential Financial Security Program ("Program"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Prudential alleges that it established the Program in order to provide variable annuity contracts which are not significantly disadvantageous for individuals who, although they initially purchase such contracts with retirement income as a principal objective, actually use the contracts as a conventional mutual fund security. Applicants assert that, to the extent practicable, the Program attempts to establish a system of charges that reflects the expenses incurred in providing the various investment and insurance features of the Program. In addition, the organization and operation of IPA and APA, and the securities issued by each of them, have been made separate and distinct so that IPA is taxed as a regulated investment company under Subchapter M of the Code and persons holding interests in IPA include distributions by IPA of income and capital gains as part of their taxable income. APA, however, is not a taxable entity under the Code; therefore, the income and capital gains attributable to the assets held in APA are taxable to Prudential under section 801(g) and the provisions of Part I of Subchapter L of the Code, and the annuity payments received by persons under variable annuity contracts issued by APA are taxable in accordance with the Provisions of section 72 of the Code. Similarly, APA–2 is not regarded as a separate taxable entity under the Code and it is treated in the same manner as APA for tax purposes.

Sections 11(a) and 11(c), in pertinent part, require prior Commission approval of an offer of exchange, irrespective of the basis of exchange, of securities of registered unit investment trusts. Prudential requests approval of the imposition of a sales charge, in accordance with the terms of the schedule set out in the application, on the purchase of a variable annuity contract issued by APA with the proceeds of the redemption of a systematic investment plan contract issued by IPA. Such sales charge will be lower than that charged upon any other purchases under APA contracts. The application states that the investment aspects of interests in IPA and APA are substantially identical because the underlying investment of both consists of shares of the Fund.

Prudential alleges that a qualified salesman must take the time to explain the annuity options to a planholder, and that it is necessary to compensate the salesman for such services. This is especially true, according to Prudential, if, as will frequently be the case, the salesman who made the original sale is not associated with Applicants when the planholder reaches retirement age.

The sales load upon a payment of $5,000 will be $75, with reduced percentages applicable to purchases, on a cumulative basis, in excess of $5,000. Applicants submit that these amounts which will be paid entirely to the salesman are fair and reasonable in light of the time and effort that will necessarily be expended by the salesman in connection with such purchases of variable annuity contracts. For the foregoing reasons, which are set forth more fully in the application, Applicants request approval of the proposed scale of sales charges applicable to purchases of variable annuity contracts issued by APA with the proceeds of the total or partial redemption of securities issued by IPA.

Section 12(d)(1) provides, in pertinent part, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

The securities issued by IPA, APA, and APA–2 may be deemed to be periodic payment plan certificates but such securities will not be issued pursuant to the terms of a trust indenture. The application alleges that the custodianship arrangements and the resolutions of Prudential's Board of Directors creating the various separate accounts, together with the New Jersey law applicable to Applicants, will afford the protections which section 26(a) of the Act was designed to provide.

Section 15(b) provides, in pertinent part, that no principal underwriter for a registered open-end investment company may offer for sale or sell any security of which such company is the issuer except pursuant to a written contract. Applicants have no present intention of offering shares of the Fund directly to the public. Accordingly, Applicants allege that there appears to be no function to be served by any underwriting contract since Prudential will not, in the future, purchase any fund shares itself nor will it sell any Fund shares, as agent for the Fund, to any person or other entity. All Fund shares will be sold directly to IPA, APA, and APA–2. Applicants request, therefore, an exemption from section 15(b) to the extent necessary to permit Prudential, if it is considered to be acting as principal underwriter for the Fund, to do so without entering into a written underwriting contract, so long as shares of the Fund are not offered directly to the public.

Section 18(i) requires every share of stock issued by a registered open-end

investment company to be voting stock. Currently, 10 shares of Class A Voting Common Stock and 499,990 shares of Class B Nonvoting Common Stock of the Fund have been issued and are outstanding. All of such stock is held by Prudential. New Jersey law authorizes a life insurance company to hold either more than 80 percent or less than 8 percent of the voting stock of another corporation of which the life insurance company alone has the power to vote; however, a life insurance company is prohibited from holding any percentage between 8 and 80 percent. Prior to the commencement of a public offering of the contracts under the Program, the Fund will be a wholly owned subsidiary of Prudential. Once the marketing of the contracts begins, Prudential's holdings of the voting stock will be reduced from 100 percent to less than 8 percent in a single or several related transactions.

Prudential proposes to hold the nonvoting shares until they can be redeemed in a manner that would have no material effect upon the operation of the Fund. Prudential undertakes not to redeem any of these shares until the assets of the Fund are at least 50 million dollars and to effect such redemption over a period of several months.

Applicants request exemption from section 18(i) to permit no more than 499,990 shares of the Class B Nonvoting common stock of the Fund to remain outstanding and to be held, either directly by Prudential, or indirectly through one or more of the separate accounts in the Program, until such time as the assets of the Fund shall be more than 50 million dollars and for such further period of time, not to exceed 6 months, as may be needed to redeem said shares without disrupting or impairing the operations of the Fund.

Section 22(d) provides in relevant part that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a public offering price described in the prospectus. Prudential is principal underwriter for IPA, APA, and APA–2.

The contracts issued through IPA and APA provide that the sales charge made in connection with purchase payments arising from the application of interests under policies or contracts issued by Prudential will be 2 percent lower than the sales charge made in connection with other purchase payments. The sales load will thus be reduced from 8.5 percent to 6.5 percent on the first $5,000 of purchase payments under IPA and from 6 percent to 4 percent on the first $5,000 of purchase payments under APA, with a corresponding reduction of the lower sales charges made upon larger payments. This reduction is designed to take into account the fact that sales expenses in connection with purchases made with funds arising from interests in Prudential policies or contracts can be feasibly maintained at a lower level than sales expenses in connection with other purchases. Applicants request exemption from section 22(d) to permit them to make this reduction in sales load as set forth in the IPA and APA contracts.

Applicants also request exemption from the provisions of section 22(d) in order that persons owning other "qualified Prudential contracts," as defined in the application, may exchange their interests in said contracts at no sales-load for interests in APA–2. The prospectus describing the contracts issued by APA–2 will include an offer to transfer to APA–2, the value of the interest of any persons under all of such qualified contracts without sales load, and to credit such person with the appropriate number of accumulation or annuity shares. Applicants state that it is feasible to effectuate transfers of interests under such other contracts to APA–2 without incurring any appreciable sales expenses, and no sales commissions will be paid on such transfers.

An exemption is also requested in order that beneficiaries of Planholders in APA–2 who die during the accumulation period may effect a variable annuity at no sales load. Applicants state that it would be unfair to charge beneficiaries a sales load to effect a variable annuity when no such charge would have been made had the Planholder lived and effected the annuity himself.

APA and APA–2 seek an exemption from section 22(d) in order that an investor purchasing a variable annuity contract issued by APA, or APA–2 without participation in an accumulation period, may elect to make either an immediate or a gradual investment in the applicable separate account over a 36 month period. Applicants assert that such exemption will afford investors an opportunity to "dollar-cost-average" their investment in annuity units over such period. No additional charge will be made in connection with such gradual conversion. Applicants state that an additional sales charge upon each monthly conversion would subject some buyers to a higher sales charge than others making the same gross purchase payment although sales expenses in connection with such purchases will be the same.

Applicants propose further to combine all purchase payments under APA–2 contracts made through the same administrative account with Prudential for purposes of calculating the applicable sales charge. Ordinarily each contractholder will make purchases through an individual administrative account. However, in some cases the same account may be used for several contractholders. For example, the accountholder may be an employer under an HR–10 plan permitting voluntary contributions by employees, and such contributions under the plan would all be made through the same account. Applicants request an exemption from section 22(d) to permit such grouping as is provided for in the APA–2 contract.

Applicants also request exemption from section 22(d), to the extent necessary, to permit the lower sales charges (see discussion of section 11(a) and 11(c), supra) to be made upon purchases under APA contracts with the proceeds of redemptions under IPA contracts. This exemption will be necessary if the Commission approves the offer to exchange IPA for APA interests.

Another exemption from section 22(d) is requested to permit Applicants to calculate the sales charge made upon purchases under APA contracts, and under APA–2 contracts with no accumulation period, as a percentage of aggregate payments made under such contracts and under fixed-dollar annuity contracts offered as part of the Program. Applicants represent that the declining scale of sales charges will be applied based on the aggregated payments under the fixed-dollar and variable annuity contracts.

Applicants further request exemption from the provisions of section 22(d) to permit the contracts issued by APA and APA–2 to participate in the distribution of divisible surplus by Prudential. The combined sales, administrative and mortality expense for the contracts issued by such accounts will be determined annually. If the actual expenses exceed the amount previously deducted for such expenses, no additional deduction or charge will be made. As the actual experience under a contract becomes known, any excess or any portion thereof over the amount needed to pay and administer the remaining obligations under the contracts and to provide surplus adequate to meet contingencies may be returned to the contractholders in the form of distributions of divisible surplus of Prudential, as determined by its Board of Directors. There is no contractual commitment to make any such distribution.

Section 22(e), as here pertinent, provides that a registered investment company may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption. Section 27(c)(1), as here pertinent, provides that it shall be unlawful for any registered investment company to issue any periodic payment plan certificate unless such certificate is a redeemable security. The securities issued by APA and APA–2 are periodic payment plan certificates.

The contracts issued by APA provide for annuity payments to begin upon a date selected by the contractholder and that a contract may not be canceled unless a request for cancellation in proper form is received at least 1 month prior to the initial payment date. Contracts issued by APA–2 provide for variable annuity payments to be effected upon request by the contractholder and for the initial payment to be made on the first day of the earliest calendar month that is at least 1 month after the day on which the request is received. A contract issued by APA–2 may not be canceled after the contractholder has given Prudential the instructions to commence annuity payments. The contracts issued by APA and APA–2 provide only for annuities for periods ascertainable by reference to the lifetime of an annuitant.

Applicants state that no annuity which is payable for a period that is determined by reference to the lifetime of an annuitant can be redeemable after payments to the annuitant have begun. Prudential can assume the risk of making payments until an annuitant's death only if it is assured that it may utilize part of the savings of annuitants who die sooner to make payments to annuitants who survive longer. For the foregoing reasons, Applicants request exemption from section 22(e) and from section 27(c)(1) to permit the contracts issued by APA and by APA–2, to be nonredeemable once cancellation of the contracts is no longer possible in accordance with their terms.

Section 26(a) and Section 27(c)(2), as here pertinent, provide that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than sales charge are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide: (i) That the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust; (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed; (iii) that the custodian may collect from income and, if necessary, from the corpus of the unit investment trust, fees for services performed and reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services of a character normally performed by the custodian.

IPA, APA, and APA–2 are registered unit investment trusts established by resolutions of Prudential's Board of Directors and will issue periodic payment plan certificates. The resolutions establishing IPA include the provisions required by section 26(a) and 27(c)(2). Applicants represent that said resolutions constitute the instrument pursuant to which the securities of IPA are issued in compliance with the Act. The IPA contracts provide for certain custodial charges when a payment is made into IPA, as well as an annual custodial charge. There is also an annual percentage charge applied on a declining scale against the assets of the Account. These charges will be paid to Prudential for administrative services performed by it as the delegate of The Wilmington Trust Co., custodian for IPA, under a custodial agreement that will be entered into between the custodian and Prudential. Compensation of the custodian will be paid by Prudential pursuant to the terms of an agreement supplementary to the custodial agreement. The services and functions Prudential will perform for the Account that would normally be performed by the custodian are described more fully in the application.

Applicants request exemption from sections 26(a)(2) and 27(c)(2) to permit said charges to be deducted in connection with the systematic investment plan contracts issued by IPA in the manner described in the contracts and the custodian agreement.

The proposed method of operation for APA and APA–2 does not contemplate the use of any custodian. Purchase payments under the variable annuity contracts issued by APA and APA–2 will be transferred to the appropriate separate account and thereafter be administered by Prudential. A sufficient number of shares of the Fund will always be held in APA and APA–2 so that the total maket value of the assets in APA and APA–2 will be at least equal to the reserve liability required by applicable law for all payments that Prudential is contractually obligated to make to participants in the respective separate accounts. All permissible charges are stated in the contracts and in the prospectus for APA and APA–2 and may not be changed with respect to outstanding participating interests in such accounts. Applicants state that Prudential is closely regulated by the Department of Banking and Insurance of the State of New Jersey and that such control adequately protects the interest of the contract purchasers and affords the essential protection which trusteeship or custodianship under section 26(a)(2) is designed to provide. Accordingly, Applicants request exemptions from sections 26(a) and from section 27(c)(2) to permit the proceeds of all payments under the variable contracts issued by APA and APA–2 to be held by Prudential and to permit the accounts to be administered directly by Prudential in the manner more fully described in the application and in the registration statements of the accounts.

As a condition to the granting of the requested order for exemptions from sections 26(a) and 27(c)(2) of the Act for IPA, APA, and APA–2, Applicants have consented:

(1) That the charges to variable annuity contract holders for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and

(2) That the payment of sums and charges out of the assets of the separate accounts shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 27(a)(3) provides that it is unlawful for any registered investment company issuing periodic payment plan certificates to sell any such certificate if the sales charges deducted from any one of the first 12 monthly payments exceed proportionately the amount deducted from any other such payment or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

As previously noted, Applicants propose to calculate the sales charge upon purchases under APA contracts and under certain APA–2 contracts as a declining percentage of aggregate payments made under such contracts (and under fixed-dollar annuity contracts offered as part of the Program). Because a sales charge thus calculated does not depend on the time when any particular payment is made, but rather upon the aggregate amount of all purchase payments whenever they are made, Applicants request an exemption from section 27(a)(3) so as to permit them to make the sales charges upon the contracts mentioned above on the aggregated basis described briefly here and more fully in the application.

Applicants state that they are willing to have the Commission's order approving the offer of exchange pursuant to section 11, and granting the other requested exemptions remain effective only as long as there is no increase in the charges made in connection with IPA, APA, and the Fund, including the investment advisory fee paid by the Fund to Prudential, all as set forth in the respective registration statements for IPA, APA, and the Fund.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protections of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be

issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in such matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–6614; Filed, June 4, 1969; 8:48 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MAY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 2, 1969, through June 11, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–6615; Filed, June 4, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1300]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 29, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2368 (Sub-No. 24), filed May 12, 1969. Applicant: BRALLEY-WILLETT TANK LINES, INC., Post Office Box 495, 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: G. C. Kirkmyer, Jr., Post Office Box 495, Richmond, Va. 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* in bulk, in tank vehicles, from Richmond and Smithfield, Va., to points in Kentucky, Indiana, Ohio, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 171), filed May 1, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring the use of special equipment), between New York, N.Y., and Jacksonville, Fla., from New York, N.Y., over Interstate Highway 95 to junction U.S. Highway 1 and Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 95 and U.S. Highway 301, thence over U.S. Highway 301 (also Interstate Highway 95 where completed) to Summerton, S.C., thence over U.S. Highway 15 (also over Interstate Highway 95 where completed) to Walterboro, S.C., thence over U.S. Alternate Highway 17 (also Interstate Highway 95 where completed) to Savannah, Ga., thence over U.S. Highway 17 (also Interstate Highway 95 where completed) to Jacksonville, Fla., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving junction U.S. Highway 360 and Interstate Highway 95, junction U.S. Highway 1 and Interstate Highway 95, and Rocky Mount, N.C. for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 2900 (Sub-No. 172), filed May 9, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and classes A and B explosives), serving the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., as an off-route point in connection with carrier's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or Washington, D.C.

No. MC 15728 (Sub-No. 7), filed May 9, 1969. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratiot, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used wooden boxes, used wooden pallets, used wooden crates, and other used shipping containers, and materials and supplies* used in the repair and manufacture thereof, from points in Minnesota, Iowa, Missouri, Arkansas,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, West Virginia, Massachusetts, and the District of Columbia to points in Michigan and; (2) *reconditioned wooden boxes, reconditioned wooden pallets, reconditioned wooden crates, and other reconditioned wooden shipping containers* from points in Michigan to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Restriction: The operations specified herein shall be limited to a transportation service to be performed under a continuing contract or contracts with Auto Pallets-Boxes, Inc., of Detroit, Mich., and all shipments shall be either destined or shall originate at a plantsite or storage facility of Auto Pallets-Boxes, Inc. NOTE: Applicant states that it holds duplicating authority under its Sub-5, all such duplicating authority shall be eliminated if and when the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lansing, Mich.

No. MC 15728 (Sub-No. 8), filed May 9, 1969. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pallets, boxes, crates, and other containers* constructed of wood, from points in Michigan, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* used in the manufacture thereof, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Michigan, restricted to a transportation service to be performed under a continuing contract or contracts with Packing Material Co., Inc., and further restricted to shipments originating at or destined to plantsites or storage facilities of Packing Material Co., Inc. NOTE: The purpose of this application is to substitute Michigan for the named points that are shown in the Sub 4 permit. If this application is granted, the Sub 4 permit will be canceled. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 18416 (Sub-No. 16), filed April 28, 1969. Applicant: CLAWGES TRANSFER CO., a corporation, Post Office Box 2158, Morgantown, W. Va. 26505. Applicant's representative: Russell M. Clawges (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meat, meat products and meat byproducts and dairy products and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except such commodities in bulk), from Morgantown, W. Va., to points in Monongalia, Hancock, Barbour, Lewis, Brooke, Ohio, Marshall, Wetzel, Tyler, Dodridge, Pleasants, Ritchie, Wood, Upshur, Wirt, Calhoun, Gilmer, Braxton, Webster, and Tucker Counties, W. Va.; Washington, Monroe, Belmont, Jefferson, Columbiana, and Stark Counties, Ohio; Henrico County, Va.; and Fayette, Washington, Green, Westmoreland, Beaver, Allegheny, Lawrence, Armstrong, Clarion, Somerset, and Butler Counties, Pa. NOTE: Applicant states it intends to tack at the Morgantown Terminal with its presently held authority wherein it is authorized to conduct operations in the State of West Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 54), filed May 12, 1969. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Atlanta, Ga., from Memphis over U.S. Highway 72 to junction U.S. Highway 43 approximately 6 miles south of Florence, Ala., thence over alternate U.S. Highway 72 to Decatur, Ala., thence over Alabama Highway 67 to junction U.S. Highway 231 approximately 40 miles south of Huntsville, Ala., thence over U.S. Highway 231 to junction U.S. Highway 278 and thence over U.S. Highway 278 to Atlanta and return over the same route, as an alternate route for operating convenience only in connection with its presently authorized regular-route authority and serving no intermediate points. NOTE: Applicant states it is presently authorized to transport the above-described commodities between Memphis, Tenn., and Atlanta, Ga., under its certificate of public convenience and necessity issued in MC 22229 Sub-No. 51 authorizing service between Nashville, Tenn., and Memphis, Tenn., and Sub No. 46 authorizing service between Nashville, Tenn., and Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Memphis, Tenn.

No. MC 29392 (Sub-No. 13), filed May 9, 1969. Applicant: LES JOHNSON CARTAGE, a corporation, Post Office Box 305, Denmark, Wis. 54208. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Manitowoc, Wis., to points in Missouri, Ohio, Kentucky, Kansas, and Nebraska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 29553 (Sub-No. 8) (Correction), filed April 11, 1969, published in FEDERAL REGISTER issue of May 8, 1969, and republished as corrected this issue. Applicant: LAMBERT'S EXPRESS, INC., 1000 South Fourth Street, Harrison, N.J. 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen sinks, and household and electrical appliances*, from Edison Township, N.J., to Newark, N.J., and *returned shipments* on return. NOTE: Applicant states it proposes to join the authority sought at Newark, N.J., with its Subs 3 and 5 certificates providing through service to points in Suffolk, Nassau, Westchester, Dutchess, Orange, Rockland, Ulster, Sullivan, and Putnam Counties, N.Y., and Hartford, New Haven, and Fairfield Counties, Conn. The purpose of this republication is to show counties listed in "NOTE" above to be located in New York, in lieu of New Hampshire. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 29566 (Sub-No. 133), filed May 14, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Arkansas, Illinois, Kansas, Missouri, and Oklahoma. NOTE: Common control may be involved. Applicant states he could tack Direct Transports, Inc., authority from Omaha and Council Bluffs, Iowa, to St. Joseph, Mo., and thence their own route to all points in the States named in this application, except the southern half of Missouri. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 32882 (Sub-No. 45), filed May 12, 1969. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving on Government bills of lading or on commercial bills of lading containing an endorsement approved in *Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, Inc.* 322 I.C.C. 161, 164, 165, between points in Oregon, Washington, Idaho, California, that part of Montana on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the boundary of the United States and Canada, and that part of Nevada on and west of U.S. Highway 95. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 42487 (Sub-No. 719), filed May 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites and facilities of Eastman Kodak Co. at or near Windsor, Colo., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 45021 (Sub-No. 5), filed May 14, 1969. Applicant: SPEEDY TRUCKING CO., INC., Taft Road, Totowa, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery houses (except in bulk), between Totowa Borough (Passaic County), N.J., on the one hand, and, on the other, points in Delaware, Connecticut, Rhode Island, Massachusetts, New York, and Pennsylvania under contract with Filigree Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 136), filed May 15, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of the U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52953 (Sub-No. 36), filed May 9, 1969. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: James H. Epps III, 2101 North Roan Street, Johnson City, Tenn. 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment and those injurious or contaminating to other lading), from the plantsite of U.S. Plywood-Champion Papers, Inc. (near Courtland, Ala.), over county road No. 29 to Courtland, Ala., thence over U.S. Highway Alternate 72 to junction U.S. Highway 72 (near Florence, Ala.), thence over U.S. Highway 72 to Florence, Ala., and return over the same route, serving the intermediate point of Courtland, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Florence, Ala., or Washington, D.C.

No. MC 58902 (Sub-No. 14), filed May 12, 1969. Applicant: MANLEY TRANSFER COMPANY, INC., 1410 Intercity Trafficway, Kansas City, Mo. 64105. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Parsons, Kans., to points in Missouri, Arkansas, and Oklahoma. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 59457 (Sub-No. 16), filed May 12, 1969. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine parts, magazine inserts, and mats, molds, plates, shells, and vinylites* used in connection with the printing of magazines, between Old Saybrook, Conn., on the one hand, and, on the other, Albany, N.Y. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently will accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 69833 (Sub-No. 97), filed May 14, 1969. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Detroit and Port Huron, Mich., over Interstate Highway 94, as an alternate route for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necesssary, applicant requests it be held at Lansing, Mich.

No. MC 73688 (Sub-No. 33), filed May 12, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper and paper products*, from Port St. Joe, Fla., to Birmingham, Ala., and Memphis, Tenn. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 82841 (Sub-No. 57), filed May 5, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and other forest products*, (1) from points in Wyoming to points in Iowa, Indiana, Wisconsin, in South Dakota, Minnesota, Illinois, Michigan, Kansas, and Missouri; (2) from points in Colorado to points in South Dakota Minnesota, Illinois, Michigan, Kansas, Missouri, and Ohio; (3) from points in Fergus and Musselshell Counties, Mont., to points in Wyoming, Colorado, Nebraska, Iowa, Illinois, Wisconsin, and Indiana. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 83539 (Sub-No. 248), filed May 14, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth

Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Glasgow, Mo., and Leavenworth, Kans., to points in the United States (except Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 250), filed May 16, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement asbestos products, conduit or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in the United States (except Alaska, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Nevada, New York, Oregon, Rhode Island, and Washington). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tulsa, Okla.

No. MC 83539 (Sub-No. 251), filed May 19, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments and parts*, when moving in connection therewith, from Wilbur, Oreg., to points in California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Portland, Oreg.

No. MC 85465 (Sub-No. 18) (Clarification), filed April 21, 1969, published FEDERAL REGISTER issue of May 8, 1969, and republished as clarified this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh hams*, (a) from points in Indiana, Ohio, and Minnesota (except Austin), to Scottsbluff, Nebr., restricted to traffic originating at points in named States and destined to Scottsbluff; (b) from Scottsbluff, Nebr., to Delphos, Ohio, restricted to traffic originating at Scottsbluff, and destined to Delphos, Ohio. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. The purpose of this republication is to clarify the origin and destination points involved herein. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 95540 (Sub-No. 744), filed May 19, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Arkansas, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104149 (Sub-No. 184), filed May 15, 1969. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. 35201. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduit, and pipe, and fittings and accessories* necessary to the installation thereof; *plastic pipe fittings and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 107012 (Sub-No. 95), filed May 12, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell, Post Office Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs, and, piano and organ benches and accessories*, from De Queen, Conway, and Fayetteville, Ark., and Greenwood, Miss., to points in the United States (except Alaska and Hawaii); and *returned shipments* of the above commodities, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 107295 (Sub-No. 197), filed May 15, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe and sewer pipe fittings, bituminized fiber; conduit and conduit connections, bituminized fiber, and meter boxes, bituminized fiber*, from Louisiana, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, except Missouri. NOTE: Applicant states it intends to tack with its MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 585) (Amendment), filed March 26, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, amended, and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, and products* thereof, in bulk, from the plantsite of Central Soya Co., Inc., at or near Decatur, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Rhode Island, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Maine (except Aroostook County); and (2) *materials and supplies* used or useful in the manufacture and preparation of vegetable oils and products thereof, in bulk, from the plantsites of Central Soya Co., Inc., at or near Bellevue, Delphos, and Marion, Ohio; Chicago and Gibson City, Ill.; Chattanooga, Tenn.; and Belmond, Iowa; to Decatur, Ind. NOTE: The purpose of this republication is to broaden the scope of authority sought. Applicant states it can tack at Chicago, Ill., and Cudahy, Wis., to serve additional destination States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110683 (Sub-No. 58), filed May 8, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular

routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Boone, Fayette, Kanawha, Lincoln, Logan, McDowell, Mercer, Putnam, Raleigh, and Wyoming Counties, W. Va., as off-route points in connection with certain of applicant's existing regular-routes in West Virginia. NOTE: The regular-route authority to which the off-route authority herein sought would be pertinent is as follows: Between Huntington, W. Va., and Beckley, W. Va., serving all intermediate points and the off-route points of Chelyan, Cabin Creek, Pratt, Handley, Eskdale, Decota, Carbon, Powellton, Kimberly, MacDunn, Ward, Drybranch, Acme, Kayford, Garrison, Burnwell, Mahan, Milburn, East Bank, Marmet, Ingram Branch, Reed, Montgomery, Lochgelly, Summerlee, Carlisle, Red Star, Concho, Minden, Blue Jay, Mabscott, Killarney, Bolt, Kilsyth, McDonald, Whipple, McComas, Long Branch, West Raleigh, Scarbro, Matoaka, Harvey, Stanaford, Ameagle, Colcord, Dorothy, Comfort, Crab Orchard, Pemberton, Sophia, Ury, Tams, Lillybrook, Lego, Rhodell, Iroquois, Corinne, Mullens, Glen White, Cooper, Helen, Maybeury, Glen Hedrick, Amigo, Lanark, Stotesbury, Winding Gulf, Glen Morgan, Coal City, Slab Fork, and Lester, W. Va., from Huntington over U.S. Highway 60 via Charleston, W. Va., to junction U.S. Highway 19, thence over U.S. Highway 19 to Beckley (also from Charleston, W. Va., over U.S. Highway 119 to Racine, W. Va., and thence over West Virginia Highway 3 to Beckley), and return over the same route. Applicant states that the principal effects of approval of the instant application will be (1) to substitute county-wide authority for specific off-route point authorities presently held in connection with applicant's regular-route between Huntington and Beckley, W. Va.; and (2) to add Lincoln, Logan, and Putnam Counties, W. Va., as off-route territory in connection with traffic moving to, from, or through Ohio. Applicant further states that as a condition to approval it agrees (a) to cancellation of the specified off-route points appurtenant to its existing routes between Huntington and Beckley, W. Va.; and (b) to a provision stating that any authority granted to the extent it duplicates existing authority shall not be construed as conferring more than one operating right. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 165), filed May 12, 1969. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: B. J. Wiseman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Cement, asbestos products, conduits or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings, and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas. NOTE: Applicant indicates tacking possibilities with portions of its authority in MC 111231 and subs thereto wherein as here pertinent it conducts operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111729 (Sub-No. 284), filed May 12, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio-pharmaceuticals, radioactive drugs, and medical isotopes*, between Los Angeles Airport, San Diego Airport, and San Francisco Airport, Calif., on the one hand, and, on the other, points in California, restricted to traffic having an immediately prior or subsequent movement by air; and (2) *blood specimens and urine specimens;* (a) between points in Indiana; and (b) between points in Kentucky, restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Applicant states it intends to tack the sought authority with its presently authorized common carrier authority. Applicant holds contract carrier authority under MC 112750 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 259), filed May 15, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from West Memphis, Ark., and Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, South Carolina, Tennessee (except Kingsport and Elizabethton), Texas, Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 112822 (Sub-No. 112), filed April 30, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in packages and containers, from Kansas City, Kans.-Mo., to points in California, North Dakota, South Dakota (except Rapid City), Billings, Mont., and points within 50 miles thereof, Seattle, Yakima, and Tacoma, Wash., and points in Nebraska east of U.S. Highway 183; (2) (a) *petroleum products*, in containers; and (b) *advertising matter and commodities* used or distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, mixed with petroleum products, from Enid, Okla., to points in California, Nevada, Oregon, and Washington; and (3) *petroleum and petroleum products*, in packages and containers, from Wichita, Kans., to points in Georgia. NOTE: Applicant states it presently holds authority from Houston, Tex., to Kansas and Missouri, and from certain Oklahoma and Kansas origins from which it could tack through Enid, Okla., or Kansas City. Applicant further states it is presently serving much of the destination area sought through gateways. Part of the intent of this application is to eliminate gateways. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo., Tulsa or Oklahoma City, Okla.

No. MC 112989 (Sub-No. 14), filed May 14, 1969. Applicant: JOHNSON TRUCK SERVICE, INC., Post Office Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash, blood extender, and glue ingredients*, in sacks; *steel strapping*, in rolls, from points in Alameda, Contra Costa, Marin, Monterey, Santa Clara, San Mateo, Sonoma, San Francisco, Kern, and San Bernardino Counties, Calif. to points in Coos, Curry, Linn, Josephine, and Douglas Counties, Oreg., and Mapleton and Springfield, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113855 (Sub-No. 198), filed May 16, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special purpose vehicles and special purpose trailers* (except automobiles, trucks, and trailers equipped with fifth wheel couplers) and *parts and attachments* for such vehicles and trailers, from points in Fresno County, Calif., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114273 (Sub-No. 34) (Amendment), filed December 13, 1968, published

FEDERAL REGISTER issue of January 3, 1969, amended and republished as amended this issue. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides, and commodities in bulk, from Ottumwa, Iowa, to points in Michigan, Ohio, New York, and Pennsylvania, restricted to traffic originating at the above named origin. NOTE: The purpose of this republication is to broaden the commodity description, by adding "dairy products," and reference to section C to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 58), filed May 19, 1969. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, from Manheim, Pa., and Albany, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114848 (Sub-No. 46), filed May 12, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from West Memphis, Ark., to points in Mississippi, Tennessee, Alabama, Kentucky, and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Kansas City, Mo.

No. MC 114885 (Sub-No. 15), filed May 16, 1969. Applicant: TANK TRUCK TRANSPORT, LIMITED, 610 Dixon Road, Rexdale, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, between ports of entry on the international boundary line between the United States and Canada located on the St. Clair River, and points in Michigan, Ohio, and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Washington, D.C., or Detroit, Mich.

No. MC 114912 (Sub-No. 21), filed May 14, 1969. Applicant: CHARLES J. KOTWICA, doing business as ROME EXPRESS, Erie Boulevard West, Rome, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laundry machinery, and supplies*, from Syracuse, N.Y., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, Ohio, South Carolina, Tennessee, Vermont, and West Virginia, under contract with G. A. Braun, Inc. NOTE: Applicant holds common carrier authority under Docket No. MC 92688, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 117639 (Sub-No. 4), filed May 14, 1969. Applicant: JACK S. OCHSNER, doing business as PICK'S PACK HAULER, 1714 West Fifth Street, Hastings, Nebr. 68901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay poducts, and glazed brick, and glazed tile*, from Denver, Colo., to points in Nebraska and Iowa, under contract with Dale Funk Lumbermen's Brick and Supply Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117686 (Sub-No. 98), filed May 16, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Co. at/or near Liberal, Kans., to points in Louisiana, Alabama, Mississippi, Arkansas, Tennessee, Minnesota, and Georgia, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117765 (Sub-No. 81), filed May 13, 1969. Applicant: HAHN TRUCK LINE, 5315 Northwest Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, carbonated and noncarbonated (nonalcoholic) in containers, (1) from Denver, Colo., to points in Kansas, New Mexico, Oklahoma, and that part of Texas on and west of U.S. Highways 83 and 277; (2) from Kansas City, Mo. (commercial zone), to points in Arkansas, Kansas, Missouri Oklahoma, and Texas; and (3) from St. Louis, Mo., to points in Arkansas, Kansas, Louisiana, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 147), filed May 9, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1415 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 118959 (Sub-No. 43), filed May 19, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: John E. Lesew, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials* (except in bulk) and *materials* and *accessories* used in the installation thereof, from Port Clinton, Ohio, to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 119441 (Sub-No. 17), filed May 12, 1969. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* (except earthenware, stoneware, pottery and

chinaware, and commodities in bulk); (a) from points in Perry County, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and (b) from the plantsite of the Belden Brick Co. near Port Washington, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, that part of Pennsylvania east of U.S. Highway 15, Rhode Island, Vermont, and Virginia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of clay products, from the destination States described in (1) (a) above to points in Perry County, Ohio, and to the plantsite of the Belden Co. near Washington, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119531 (Sub-No. 115) (Correction), filed April 16, 1969, published in FEDERAL REGISTER issue of May 15, 1969, corrected May 17, 1969, and republished as corrected, this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Eaton, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that tacking would take place in conjunction with its Sub 7, at Cleveland, Ohio, to serve points in New York and Pennsylvania. The purpose of this republication is to show the correct spelling of origin point as *Eaton*, Ind., in lieu of Easton which was erroneously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119657 (Sub-No. 6), filed May 16, 1969. Applicant: GEORGE TRANSIT LINE, INC., 760–764 Northeast 47th Place, Des Moines, Iowa 50313. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 119741 (Sub-No. 30), filed May 9, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119777 (Sub-No. 151), filed May 14, 1969. Applicant: LIGON SPECIALIZED HAULERS, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Georgia, South Carolina, North Carolina, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119872 (Sub-No. 6), filed May 14, 1969. Applicant: GULF TRANSPORT, LIMITED, 61 St. Peters Road, Charlottetown, Prince Edward Island, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat byproducts*, from ports of entry on the international boundary line between the United States and Canada located in Maine, to points in Maine, Massachusetts, New York, and New Jersey. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 120800 (Sub-No. 18), filed May 14, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* (except asphalts, lubricating oils and greases, automotive fuels, or aircraft fuels and cryogenic liquids), between points in California. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125760 (Sub-No. 5), filed May 15, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, such as chocolate milk, oleomargarine, cottage cheese, cottage cheese products, cream cheese products, fruit and water beverages, milk, buttermilk, cream and other products normally sold on wholesale and retail dairy routes when moving in mixed shipment with the aforementioned dairy products, from Cleveland, Ohio, to points in Erie County, Pa., under a contract with The Great Atlantic & Pacific Tea Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Erie, Pa.

No. MC 126603 (Sub-No. 4), filed May 8, 1969. Applicant: R. MENARD TRANSPORT LTD., a corporation, St. Philippe, County of La Prairie, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber and rough lumber*, from the ports of entry located on the United States-Canada boundary line, at or near Champlain, N.Y., to points in Virginia, West Virginia, North Carolina, South Carolina, and New Hampshire. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 129002 (Sub-No. 1), filed May 16, 1969. Applicant: M. G. M. TRUCKING CORP., 40 West 225th Street, Bronx, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel office furniture and equipment*, from points in the Borough of the Bronx, N.Y., to points in West Virginia, Ohio, Indiana, Illinois, and Missouri; and (2) *such commodities as are used in the manufacture of steel office furniture and equipment*, from points in West Virginia, Ohio, Indiana, Illinois, and Missouri, to the premises of Art Steel Co., Inc., in the Borough of the Bronx, New York, N.Y., under a continuing contract or contracts with Art Steel Co., Inc., of the Borough of the Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129307 (Sub-No. 17), filed May 12, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representatives: William C. Harris (same address as applicant), and Jack H. Blanshan, 29 South

La Salle Street, Chicago, Ill. 60673. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant holds contract carrier authority under Docket No. MC 119394, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133035 (Sub-No. 10), filed May 14, 1969. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 133114 (Sub-No. 2), filed May 9, 1969. Applicant: UNITED TOWING SERVICE, 8955 Atlantic Avenue, South Gate, Calif. 90280. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except passenger automobiles or trailers designed to be drawn by passenger vehicles), and *replacement* vehicles for wrecked or disabled motor vehicles, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Arizona, Nevada, New Mexico, Utah, Colorado, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133251 (Sub-No. 1), filed May 19, 1969. Applicant: DONALD M. NICOLAI, doing business as NICOLAI VAN & STORAGE, 329 Couch Street, Vallejo, Calif. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Solano, Yolo, Napa, Marin, Lake, Alameda, Contra Costa Counties, and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 133326 (Sub-No. 1), filed May 15, 1969. Applicant: DIVERSIFIED AUTO FREIGHT, INC., Post Office Box 3045, Lake Charles, La. 70601. Applicant's representative: G. M. Rebman, 1230 Boatman's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* (Volkswagens), from Lake Charles, La., to points in Arkansas, Iowa, Kansas, Missouri, and Nebraska, under a continuing contract with Volkswagen Mid-America Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133427 (Sub-No. 1), filed May 15, 1969. Applicant: HAUPERT REFRIGERATED LINES, INC., Woodbury Building, Marshalltown, Iowa 50158. Applicant's representative: Wendell E. Haupert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Marshall, Macon, Milan, and Moberly, Mo., to points in Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133665, filed April 16, 1969. Applicant: LES HUSKEY TRUCKING, INC., 6044 South Steele Street, Littleton, Colo. 80120. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, between Sterling, Colo., and points in Massachusetts, Kansas, Missouri, Connecticut, District of Columbia, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, Kentucky, Georgia, Utah, Arizona, California, Nevada, Oregon, and Washington, under contract with Sterling Colorado Beef Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133731, filed May 7, 1969. Applicant: BERNARD'S WAREHOUSE & TRUCKING CO., INC., 161 Gardner Avenue, Brooklyn, N.Y. 11237. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper towels, paper napkins, and toilet tissue*, from points in the New York, N.Y., commercial zone to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Morris, Essex, Bergen, Hudson, Middlesex, Ocean, Sussex, Warren, Hunterdon, Passaic, Union, Somerset, Mercer, and Monmouth Counties, N.J., under contract with APW Products, Division of Concel, Inc., (2) *Wheeled riding toys such as tricycles, bicycles, wagons, pedaled carts, airplanes, boats, trucks*, from points in the New York, N.Y., commercial zone to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Morris, Essex, Bergen, Hudson, Middlesex, Ocean, Sussex, Warren, Hunterdon, Passaic, Union, Somerset, Mercer, and Monmouth Counties, N.J., under contract with Jack & Murray Levene Co., Inc., (3) *bicycles*, from points in the New York, N.Y., commercial zone to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Bergen and Passaic Counties, N.J., under contract with The Columbia Manufacturing Co., and (4) *coin operated laundry and drying equipment*, (a) from points in the New York, N.Y., commercial zones to points in Westchester, Nassau, and Suffolk Counties, N.Y., and Morris, Essex, Bergen, Hudson, Middlesex, Ocean, Sussex, Warren, Hunterdon, Passaic, Union, Somerset, Mercer, and Monmouth Counties, N.J., and (b) from Pleasantville, N.J., to points in the New York, N.Y., commercial zone, under contract with Speed Queen Division, McGraw Edison. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133741, filed May 9, 1969. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Colorado, South Dakota, and those in Nebraska on and west of U.S. Highway 83, under contract with Star Studs, Inc., Afton, Wyo. NOTE: Applicant holds contract carrier authority as an individual under MC 127964 and subs thereunder, therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo., or Denver, Colo.

No. MC 133742, filed May 13, 1969. Applicant: LLOYD W. BAIRD, doing business as SOUTHWEST WRECKER AND TOW SERVICE, 7770 Alabama, El Paso, Tex. Applicant's representative: Paul O. Sergent, Jr., Suite 13A, El Paso National Bank Building, El Paso, Tex. 79901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Return of stolen or repossessed vehicles*, movements of vehicles from garages, service stations, storage depots, junkyards and other locations by towing, from El Paso, Tex., to points in New Mexico. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Las Cruces or Albuquerque, N. Mex.

No. MC 133743, filed May 7, 1969. Applicant: J. J. GUTHRIE, R.F.D. No. 3, Cullman, Ala. 35505. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and in bags; (1) from points in Cullman County, Ala., to points in Georgia and Tennessee; and (2) from points in Hamilton County, Tenn., to points in Alabama and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

MOTOR CARRIERS OF PASSENGERS

No. MC 110552 (Sub-No. 1) (Amendment), filed April 1, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, amended and republished this issue. Applicant: BRADBURY SPRAGUE, doing business as SPRAGUE, Ladd Hill, Meredith, N.H. 03253. Applicant's representative: John H. Ramsey, Meredith, N.H. 03253. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations: From points in the area bounded by the following New Hampshire highways, including points on these highways: From Franklin, N.H., over New Hampshire 3A to West Plymouth; thence over New Hampshire Highway 25 to Plymouth; thence over U.S. Highway 3 to New Hampshire Highway 175 to Holderness; thence over New Hampshire Highway 175 to New Hampshire Highway 113 to Sandwich; thence over New Hampshire 109 to New Hampshire 28; thence over New Hampshire 28 to junction of New Hamsphire Highway 107 at Pittsfield; thence over New Hampshire Highway 107 to New Hampshire Highway 140; thence over New Hampshire 140 to U.S. Highway 3; thence over U.S. Highway 3 to Franklin, N.H., to points in Maine, Vermont, Massachusetts, Rhode Island, and New York, and return. NOTE: The purpose of this republication is to broaden the scope of territorial authority sought. Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12729 (Sub-No. 1), filed May 4, 1969. Applicant: NEWBURGH TERMINAL CORPORATION, 351 Broadway, Newburgh, N.Y. 12550. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC–5) to engage in operations as a *broker* at Newburgh, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, between points in the United States (except Hawaii).

No. MC 12759 (Sub-No. 2) (Clarification), filed April 7, 1969, published in FEDERAL REGISTER issue of May 1, 1969, clarified May 22, 1969, and republished as clarified this issue. Applicant: SKI-O-RAMA TOURS, INC., 7 South Franklin Street, Hempstead, N.Y. 11550. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. For a license (BMC–5) to engage in operation as a *broker* at Hempstead, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in special and charter operations, in round trip or one-way all-expense tours; (1) between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., restricted to tours beginning and ending at points in Nassau and Suffolk Counties which have a prior or subsequent movement by air or rail in connection with (2) below, and provided that service at New York, N.Y., and points in Westchester County, at other than rail or air terminals, shall be limited to the pickup and discharge of passengers joining or departing from tours which begin and end at points in Nassau and Suffolk Counties; and (2) from Denver, Colo.; New Orleans, La.; Miami, Fla.; Chicago, Ill.; Los Angeles, San Francisco, and San Diego, Calif.; Fort Worth and Laredo, Tex.; and Las Vegas, Nev.; to points in the United States, including Agawam, West Springfield, Longmeadow, and Springfield, Mass., on the one hand, and, on the other, Misquamicut Beach, R.I. NOTE: Applicant has filed simultaneously herewith a petition for an interpretation of a portion of its certificate in MC 115025 Sub 13, which petition was published in yesterday's issue of the FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 133744, filed May 12, 1969. Applicant: KOPECKY CORPORATION, 753 15th Street, San Diego, Calif. 92101. Applicant's representative: R. J. Klitgaard, 1635 First National Bank Building, 530 B Street, San Diego, Calif. 92101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in charter operations, from San Diego County, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 115025 (Sub-No. 14), filed February 10, 1969. Applicant: THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Avenue, Rocky Hill, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in seasonal operations, between May 15 and September 15, inclusive, of each year, between Hartford, Windsor, Windsor Locks, Suffield, East Hartford, South Windsor, East Windsor, and Enfield, Conn., and Alaska and excepting Hawaii, restricted to tours having a prior or subsequent movement by air or rail in connection with (1) above. NOTE: The purpose of this republication is to more clearly set forth the authority sought.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 137), filed May 19, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers: (1) between Scranton and Harrisburg, Pa., from Scranton over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, and return over the same route, serving only the intermediate point of junction Interstate Highway 83 and U.S. Highway 22 east of Progress, Pa., for purpose of joinder only, as an alternate route for operating convenience only; (2) between Scranton and Wilkes-Barre, Pa., from Scranton over Interstate Highway 81 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (3) between Wilkes-Barre and Harrisburg, Pa., from Wilkes-Barre over Pennsylvania Highway 309 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, and return over the same route, serving only the intermediate point of junction Interstate Highway 83 and U.S. Highway 22 east of Progress, Pa., for purpose of joinder only, as an alternate route for operating convenience only.

MOTOR CARRIER OF PROPERTY

No. MC 2202 (Sub-No. 372), filed May 8, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the terminal site of Harder's Express, Inc., located at or near Claverack, N.Y., as an off-route point in connection with its regular route authority between Harrisburg, Pa., and Albany, N.Y.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–6566; Filed, June 4, 1969; 8:45 a.m.]

[Ex Parte 55]

GENERAL TRANSPORTATION IMPORTANCE RULE

Interpretation of Three-Page Limitation

JUNE 2, 1969.

Rule 101(a)(4) of the Commission's general rules of practice contains the provisions relating to petitions seeking a finding that an issue of general transportation importance is involved in a matter before the Commission (§ 1100.-101(a)(4)).

The rule provides in part that such petitions, "* * * shall not exceed three pages." Questions of interpretation of the three-page limitation have arisen due principally to the practice of attaching a title page and a certificate of service page to pleadings filed with the Commission. Parties filing such pleadings could not be certain that these additional "pages" would not be included within the three-page limitation of Rule 101(a)(4). In view of this, it has been determined that the three-page limitation on General Transportation importance petitions in Rule 101(a)(4) shall be construed as meaning three pages of substantive pleading exlusive of a title page or a certificate of service page.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6635; Filed, June 4, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41642—*Chlorine to St. Marys, Ga.* Filed by O. W. South, Jr., agent (No. A6093), for interested rail carriers. Rates on chlorine, in tank carloads, from Baton Rouge, North Baton Rouge, Geismar, and Gramercy, La., to St. Marys, Ga.

Grounds for relief—Rate relationship.

Tariff—Supplement 95 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41643—*Acid to Geismar, La.* Filed by O. W. South, Jr., agent (No. A6100), for and on behalf of Illinois Central Railroad Co. Rates on acid, acetic, glacial or liquid, in tank carloads, as described in the application, from St. Louis, Mo., to Geismar, La.

Grounds for relief—Market competition.

Tariff—Supplement 236 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 41644—*Groundwood paper cores and printing paper cores returned to points in southern territory.* Filed by O. W. South, Jr., agent (No. A6101), for interested rail carriers. Rates on groundwood paper cores and printing paper cores, in carloads, as described in the application, returned from and to points in southern territory; also returned from points in Illinois Freight Association, southern official territories, and points in Canada, on the one hand, to points in southern territory, on the other.

Grounds for relief—Carrier competition.

Tariff—Supplement 111 to Southern Freight Association, agent, tariff ICC S-519.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6636; Filed, June 4, 1969; 8:49 a.m.]

[Notice 356]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69752. By order of May 26, 1969, the Motor Carrier Board approved the transfer to Arctic Storage Co., a corporation, Phoenix, Ariz., of a portion of certificate of registration No. MC-57941 (Sub-No. 3), issued February 14, 1966, to City Transfer Co., a corporation, Phoenix, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of convenience and necessity No. 3898, dated July 26, 1960, and as reissued January 31, 1961 by the Arizona Corporation Commission, subject to Arizona General Order No. MV-12. Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003, attorney for applicants.

No. MC-FC-70389. By order of May 26, 1969, the Motor Carrier Board approved the transfer to Helen Colletti, doing business as King Van of Phoenix, Phoenix, Ariz., of that portion of the certificate of registration in No. MC-57941 (Sub-No. 3) issued February 14, 1966, to City Transfer Co., a corporation, Casa Grande, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Arizona, corresponding in scope to the household goods authority in item 4 of certificate No. 3906, dated November 13, 1959, issued by the Arizona Corporation Commission. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6637; Filed, June 4, 1969; 8:49 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 107

Thursday, June 5, 1969 • Washington, D.C.

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

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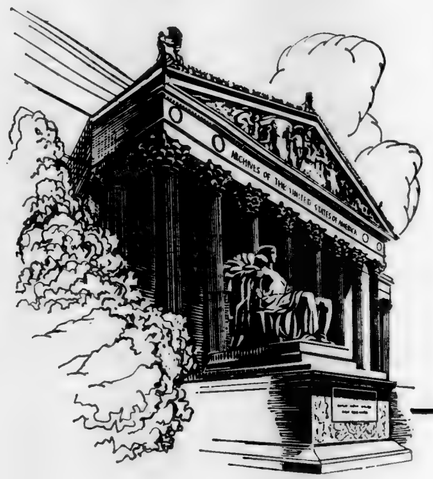

Miscellaneous Amendments to Chapter

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 68-126]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The International Convention on Load Lines, 1966 became effective on July 21, 1968. The Coast Guard regulations which implement the Convention were considered by the Merchant Marine Council, after due notice of proposed rule making, as Item PH 1-68 in a public hearing held on March 25, 1968 (CG-249, pages 1 to 120). These regulations contained in the main in 46 CFR Part 42 (Subchapter E—Load Lines) were published in the FEDERAL REGISTER of July 12, 1968 (33 F.R. 10042-10077). Since the publication certain classification societies, interested industry organizations and the Coast Guard have further reviewed the regulations. Certain deficiencies were noted. This document contains amendments to the regulations which will:

a. Delegate to approved assigning authorities the authority to approve the structure, equipment and protection of hull openings which are required by these regulations to be approved prior to the assignment of load lines;

b. Clarify the intent of the regulations by using the same words and phrases as are contained in other vessel inspection regulations in 46 CFR Chapter I (certain words and phrases came from the Load Line Convention and in a number of instances are not compatible with phraseology used in other Coast Guard regulations); and

c. Eliminate unnecessary repetition of certain requirements.

d. A new § 42.20-3 is added to Part 42 which contains almost verbatim IMCO's Resolution A 172 (ESIV), dated November 28, 1968, entitled, "Recommendation for Uniform Application and Interpretation of Regulation 27 of the International Convention on Load Lines, 1966." This is done since the technical regulations in Part 42 are copied from the regulations of the convention.

The changes in the regulations made by this document are editorial in nature or relate to interpretative rules or rules of agency procedure. Therefore, compliance with the administrative procedural requirements in 5 U.S.C. 553 (regarding notice of proposed rule making and the effective date requirements) is unnecessary with respect to these changes.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.01—Inspecting and Certificating of Vessels

1. Section 2.01-15 is revised in its entirety to read as follows:

§2.01-15 Vessel repairs.

(a) No repairs or alterations affecting the safety of a vessel or her machinery shall be made unless applicable requirements in this chapter are met. The procedures to be followed in notifying the Coast Guard about vessel repairs vary according to the type of vessel and service in which engaged. The requirements are set forth in the subchapter governing a particular class of vessels or in a subchapter governing a particular subject as follows:

(1) For passenger vessels that are 100 gross tons or more, see §§ 71.55-1 and 71.60-1 of Subchapter H (Passenger Vessels) of this chapter.

(2) For small passenger vessels under 100 gross tons, see § 176.20-1 of Subchapter T (Small Passenger Vessels) of this chapter.

(3) For cargo and miscellaneous vessels, see §§ 91.45-1 and 91.50-1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(4) For tank vessels, see §§ 31.10-25 and 35.01-1 of Subchapter D (Tank Vessels) of this chapter.

(5) For public nautical schoolships, see §§ 167.30-1 and 167.30-10 of Subchapter R (Nautical Schools) of this chapter.

(6) For oceanographic vessels, see §§ 189.45-1 and 189.50-1 of Subchapter U (Oceanographic Vessels) of this chapter.

(7) For repairs to a vessel after it has been surveyed, see § 42.09-50 of Subchapter E (Load Lines) of this chapter.

(8) For repairs to boilers, pressure vessels, and appurtenances, see Part 59 of Subchapter F (Marine Engineering) of this chapter.

(9) For repairs to electrical installations or equipment, see §§ 111.05-5(e), 111.05-10(e), and 111.90-5 of Subchapter J (Electrical Engineering) of this chapter.

(b) If repairs to a vessel are necessary, such a vessel may be permitted to proceed to another port for repairs, if in the opinion of the marine inspector it can be done with safety. The permit is granted by the Officer in Charge, Marine Inspection, upon request in writing by the master or owner of the vessel and is issued on Coast Guard Form CG-948, Permit to Proceed to Another Port for Repairs. The requirements for such permits are set forth in the subchapter governing a particular class of vessels as follows:

(1) For passenger vessels that are 100 gross tons or more, see Subpart 71.05 of Subchapter H (Passenger Vessels) of this chapter.

(2) For small passenger vessels under 100 gross tons, see § 176.01-27 of Subchapter T (Small Passenger Vessels) of this chapter.

(3) For cargo and miscellaneous vessels, see Subpart 91.05 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(4) For tank vessels, see § 31.10-35 of Subchapter D (Tank Vessels) of this chapter.

(5) For public nautical schoolships, see § 167.30-5 of Subchapter R (Nautical Schools) of this chapter.

(6) For oceanographic vessels, see Subpart 189.05 of Subchapter U (Oceanographic Vessels) of this chapter.

Subpart 2.50—Assessment, Mitigation or Remission of Penalties

2. Section 2.50-1 is revised in its entirety to read as follows:

§ 2.50-1 Assignment of functions.

(a) The Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950; 49 U.S.C. 1651-1659), transferred to and vested in the Secretary of Transportation "* * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices in the Department of the Treasury" (subsection 6(b)(1), 49 U.S.C. 1655(b)), which included all functions, powers, and duties pertaining to assessment, mitigation or remission of penalties under the navigation and vessel inspection laws administered by the Coast Guard. This transfer is subject to certain conditions, modifications, and exceptions as set forth in such act. By a rule in 49 CFR 1.4(a) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in subsections 6(a)(4), 6(b)(1), and 6(g) of such act (49 U.S.C. 1655), subject to conditions, exceptions, and modifications as described in 49 CFR Part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 F.R. 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

§ 2.50-40 [Amended]

3. Section 2.50-40 *Specific types of violations reported* is amended by correcting the reference to load line regulations "parts 43 to 46" to "Parts 42 to 46, inclusive,".

Subpart 2.85—Load Lines

§ 2.85-1 [Amended]

4. Section 2.85-1 *Assignment of load lines* is amended in paragraph (a), first sentence, by changing the phrase "maximum mean draft" to "maximum amidships draft"; and in paragraph (c), first sentence, the phrase "surveys and annual inspections required" to "surveys required".

(R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2) and (g). Interpret or apply sec. 552, 80 Stat. 383, as amended; 5 U.S.C. 552)

SUBCHAPTER E—LOAD LINES

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Subpart 42.01—Authority and Purpose

§ 42.01-1 [Amended]

1. Paragraph (a) of § 42.01-1 *Authority for regulations* is amended by inserting the word "amidship" between the words "maximum" and "draft" in lines 4 and 5.

§ 42.01-10 [Amended]

2. Paragraph (b) of § 42.01-10 *Purpose of regulations* is amended by deleting the words "and inspections" in line 9 and inserting the word "and" between the words "lines," and "surveys" in line 9.

Subpart 42.03—Application

3. Section 42.03-5 is amended by revising paragraphs (a)(3), (b)(2), and (c) to read as follows:

§ 42.03-5 U.S.-flag vessels subject to the requirements of this subchapter.

(a) * * *

(3) All U.S.-flag vessels authorized to engage in foreign or international voyages may also engage in domestic voyages by sea and, as permitted by § 45.01-75 of this subchapter, in Great Lakes voyages without additional load line marks and/or certificates. Where additional load line marks and certificates are provided to specifically cover "Great Lakes" or "Special Service, Coastwise" operation, such vessels are subject to the applicable provisions of Parts 44 and 45 of this subchapter.

(b) * * *

(2) In order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, paragraph (a)(2) of this section applies.

(c) *Vessels engaged solely in Great Lakes voyages and/or special service coastwise voyages.* All U.S.-flag vessels, as specified in paragraph (b) of this section and with exceptions as indicated, which engage solely in Great Lakes voyages and/or special service coastwise voyages shall be subject to the applicable provisions of Parts 44 and 45 of this subchapter.

4. Section 42.03-30 is amended to read as follows:

§ 42.03-30 Exemptions for vessels.

(a) For an individual vessel or category of vessels, upon the specific recommendation of the assigning authority, the Commandant may authorize an exemption from one or more load line requirements. Such recommendation and authorization will depend upon provision of any additional features as deemed necessary by the authorities to ensure the vessel's safety in the services and under the conditions specified in paragraph (b) of this section.

(b) Exemptions from specific load line requirements for vessels meeting requirements of paragraph (a) of this section are authorized, subject to certain conditions, including type of voyage engaged in, as follows:

(1) For vessels engaged on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. The exemptions may be permitted because the requirements are deemed to be unreasonable or impracticable due to the sheltered nature of the waters on which the voyages occur or other conditions. These exemptions shall be valid only so long as such a vessel shall remain engaged on specific designated voyages. If the voyage involves a foreign country or countries, the United States will require an exemption agreement with such country or countries prior to the issuance of the appropriate load line certificate.

(2) For vessels engaged on international voyages which embody features of a novel kind, and where nonexemption may seriously impede research, development, and incorporation of novel features into vessels. If the voyage or voyages intended involve a foreign country or countries, then the United States will require an exemption agreement with such country or countries prior to the issuance of a Load Line Exemption Certificate.

(3) For a vessel not normally engaged on international voyages but which is required to undertake a single international voyage under exceptional circumstances.

(c) A vessel given one or more exemptions from load line requirements under the provisions of paragraph (b)(1) of this section will be issued the appropriate load line certificate, using Form A1, A2, or A3. In each case the exemptions shall be specified on the load line certificate together with the Convention authority which authorizes such exemptions.

(d) A vessel given one or more exemptions under the provisions of paragraph (b)(2) or (3) of this section will be issued a Load Line Exemption Certificate, using Form E1. This certificate shall be in lieu of a regular load line certificate, and the vessel shall be considered as in compliance with applicable load line requirements.

(e) Vessels engaged on domestic voyages by sea or solely on Great Lakes voyages are not granted exemptions from load line requirements. Such vessels which embody features of a novel kind as described in paragraph (b)(2) of this section are given special consideration under the provisions of § 42.03-20. The novel features and any additional safety measures required shall be briefly described on the face of the appropriate certificate issued.

(f) Vessels not normally engaged on domestic voyages by sea or solely on Great Lakes voyages, and required to undertake a single voyage on such waters shall be subject to the Coastwise Load Line Act, as amended, and the applicable regulations of this subchapter. No authority exists to exempt such a vessel from the applicable load line requirements.

§ 42.03-35 [Amended]

5. Section 42.03-35 *U.S.-flag vessels and Canadian vessels navigating solely on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada* is amended as follows: The heading to § 42.03-35 is amended by deleting the word "solely"; paragraph (a) is amended by deleting the word "sheltered" in line 5 by changing the word "engaged" to read "engage" in lines 9 and 10, and by deleting the word "sheltered" from line 13; paragraph (b) is amended by deleting the words "solely on the sheltered waters" in line 2 and substituting therefor the words "on the treaty waters on a voyage as", by inserting the words "and passing outside their boundary on any voyage" after the word "waters" line 9, and by deleting the words "as a part of an international or other type of voyages" from lines 9 and 10; paragraph (c) is amended by deleting the words "solely" and "sheltered" in line 5, by deleting the word "may" in line 12 and substituting therefor the words "is authorized to", and by deleting the words "such vessel" at the end of the paragraph and substituting therefor the words "her service assignment, and marking".

Subpart 42.05—Definition of Terms Used in This Subchapter

6. A new § 42.05-63 is added to Subpart 42.05 following § 42.05-60, reading as follows:

§ 42.05-63 Ship(s) and vessel(s).

The terms "ship(s)" and "vessel(s)" are interchangeable or synonymous words, and include every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Subpart 42.07—Control, Enforcement, and Rights of Appeal

7. Paragraphs (a), (b), (d), and (e) of § 42.07-1 are amended to read as follows:

§ 42.07-1 Load lines required.

(a) The vessels listed in §§ 42.03-5 and 42.03-10 as subject to the applicable requirements in this subchapter shall have load lines accurately marked amidships, port and starboard, as provided in this Part 42 or the 1966 Convention, unless otherwise stated. Those vessels issued load line exemption certificates may not be required to have load line marks (see § 42.03-30).

(b) For vessels marked with international load lines and navigating the Great Lakes, such vessels are also subject to requirements in Part 45 of this subchapter while on the Great Lakes. See § 45.01-75(b) of this subchapter for load line marks used by such vessels.

* * * * *

(d) For coastwise steam colliers, barges, and self-propelled barges in special services, the requirements for the applicable load line marks are in Part

44 of this subchapter. These requirements also include certain regulations governing such vessels when they additionally engage in Great Lakes voyages, international voyages or unlimited coastwise voyages. Load line requirements in this Part 42 also apply to such vessels when engaged on international or unlimited coastwise voyages.

(e) For existing U.S.-flag vessels, as defined in § 42.05–30(a), and engaged on international or coastwise voyages, the load line requirements set forth in Part 43 of this subchapter may continue to apply, provided:

(1) The vessel has not been assigned a reduced freeboard under the regulations in this Part 42, and

(2) The form of load line certificate issued to and carried on board the vessel conforms to the requirements of § 42.07–45(b)(1).

* * * * *

8. Section 42.07–5(b) is amended to read as follows:

§ 42.07–5 Marks placed on vessel to indicate load lines.

* * * * *

(b) The load line marks placed on a vessel shall be attested to by a valid load line certificate as required by § 42.07–45(b). The issuing authority shall not deliver any required load line certificate to the vessel until after its surveyor has ascertained that the vessel meets the applicable survey requirements and the correct placement of the marks on the vessel's sides has been confirmed.

* * * * *

§ 42.07–10 [Amended]

9. Paragraph (a)(3) of § 42.07–10 *Submergence of load line marks* is amended by inserting a comma between the words "over" and "other" in line 2 and by inserting a comma after the word "paragraph" at the end of line 3.

§ 42.07–35 [Amended]

10. Section 42.07–35 *American Bureau of Shipping as an assigning authority* is amended as follows: Paragraph (a) is amended by deleting the words "and inspections" from line 11; paragraph (b) is amended by inserting the words "or reissue" between "issue" and ", under" in line 3; paragraph (d) is amended by changing the word "renew" to read "revalidate" line 2; and paragraph (e) is amended by deleting the words "Before delivery of any certificate to the vessel identified therein, and before renewing" lines 1, 2, and 3, and substituting therefor the words "Before revalidating."

9. In § 42.07–45 paragraphs (b)(1), (d), and (f)(2), are amended and a new paragraph (h) is added, which read as follows:

§ 42.07–45 Load line certificates.

* * * * *

(b) * * *

(1) For U.S.-flag vessels on international voyages, and holding valid certificates issued pursuant to Part 43 of this subchapter prior to July 21, 1968, the period of validity of such certificates shall be until July 21, 1970, or until date of expiration, whichever shall occur first. For the other U.S.-flag vessels holding valid certificates issued pursuant to Parts 43 to 46, inclusive, prior to July 21, 1968, there is no change in the period of validity and they remain in effect to the date of expiration. Certificates issued after July 21, 1968, to U.S.-flag vessels shall be on the applicable forms described in Subpart 42.50 of this part or in Parts 44 to 46, inclusive, of this subchapter.

* * * * *

(d) Except for the use of the 5-month extension endorsement, no load line certificate or exemption certificate shall be issued for a period in excess of 5 years. The annual survey of a vessel holding a valid load line certificate or exemption certificate shall be evidenced by an endorsement on the back of the certificate by the attending authorized surveyor, upon satisfactory completion of the survey.

* * * * *

(f) * * *

(2) International load line certificate Form A1, A2, or A3 issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. Exemptions, if any, shall be specified on the certificate.

* * * * *

(h) Where a vessel qualifies for and is issued a Form E1 International Load Line Exemption Certificate for foreign voyages but is also or solely engaged in coastwise or intercoastal voyages by sea, this certificate shall be considered equivalent to a valid coastwise load line certificate. In such case the vessel shall be deemed in full compliance with the Coastwise Load Line Act and the regulations in this part promulgated thereunder.

§ 42.07–50 [Amended]

10. Paragraph (c) of § 42.07–50 *Penalties for violations* is amended by changing the word "also" in line 3 to read "both".

11. Section 42.07–55(a) is amended to read as follows:

§ 42.07–55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03–5 or § 42.03–10 when found qualified are issued appropriate load line certificates or load line exemption certificates, under U.S. responsibility as indicated in § 42.07–45 such certificates may be canceled by proper U.S. authority for due cause, including one or more of the causes listed in paragraph (b) of this section. Such action may occur prior to the expiration date on the certificate and normal certificate surrender. The cancellation of such certificate means that the correctness of load line marks and compliance with conditions of assignment for the named vessel no longer are recognized by the United States and that the existing assigned load line marks are voided.

* * * * *

§ 42.07–60 [Amended]

12. Section 42.07–60 *Control* is amended by deleting the word "Collector" in the first line and substituting therefor the words "District Director" and by deleting the word "part" in line 7 and substituting therefor the word "subchapter"; paragraph (b) is amended by deleting the word "Collector" in line 1, 5, and 10 and substituting therefor the words "District Director", and by deleting the word "part" at the end of the paragraph and substituting therefor the word "subchapter"; paragraph (c) is amended by deleting the word "Collector" in lines 3 and 4 and substituting therefor the words "District Director"; paragraph (f) is amended by inserting the words ", or which holds a recognized and valid 1930 Convention certificate, or which holds a valid Great Lakes certificate," between the words "Convention" and "shall" in line 3; paragraph (f)(1) is amended by inserting the words "or Great Lakes" between the words "International" and "Load" in line 3; and paragraph (g) is amended by deleting the word "However" in line 5 and substituting therefor the words "In lieu thereof."

Subpart 42.09—Load Line Assignments and Surveys—General Requirements

§ 42.09–1 [Amended]

13. Section 42.09–1 *Assignment of load lines* is amended as follows: Paragraph (a) is amended by deleting the words "the effective protection" in line 6 and substituting therefor the word "that", and by inserting the words "reference to Commandant approved" between the words "including" and "operating" in the next to last line; and paragraph (a)(2) is amended by changing the words "conditional load line assignments" in line 11 to read "a conditional load line assignment".

§ 42.09–10 [Amended]

14. Section 42.09–10 *Stability, subdivision, and strength* is amended as follows: Paragraph (a) is amended by deleting the second sentence and substituting therefor the following sentence, "This material shall be furnished to the assigning authority for approval review at the earliest practicable date except where specifically required by Part 46 of this subchapter for passenger vessels to be submitted to the Commandant for approval."; and paragraph (b) is amended by deleting the words "may be determined" in line 3 and substituting therefor the words "is subject to determination", by deleting the words "part or Part 46 of this" in lines 5 and 6, and by deleting the word "parts" in line 7 and substituting therefor the words "Parts 42 and 46".

§ 42.09–15 [Amended]

15. Section 42.09–15 *Surveys by the American Bureau of Shipping or assigning authority* is amended as follows: Paragraph (a) is amended by inserting the words "assigning authority or the" between the words "the" and "Commandant" in the last line of the paragraph; paragraph (b) is amended by deleting the word "inspection" in lines 5 and 6 and substituting therefor the word "examination"; paragraph (c)(1) is amended by deleting all material following the word "shown" in line 17 to the end of the paragraph and substituting therefor the following: "on the forms in Subpart 42.50. However, if there have been alterations which affect the vessel's freeboards, such extension shall not be granted. This prohibtion is the same as in Article 19(2) of the 1966 Convention."; paragraph (c)(2) is amended by changing the word "renewal" in line 2 to "reissue"; and paragraph (d) is amended by deleting the words "such as will ensure that the vessel complies with all requirements for this type of survey, and" and substituting therefor "as defined in § 42.09–40 and such as to ensure."

§ 42.09–20 [Amended]

16. Section 42.09–20 *Surveys of foreign vessels* is amended as follows: Paragraph (a) is amended by deleting the word "its" in line 10 and substituting therefor the words "other U.S.", by deleting the words "the American Bureau of Shipping or a recognized load line assigning and issuing authority as approved by the Commandant", substituting therefor "a load line assigning and issuing authority as authorized under § 42.07–35 or § 42.07–40"; paragraph (b) is amended by deleting the words "the issuance or the renewal" in lines 5 and 6 and substituting therefor the words "issue or reissue"; and paragraph (c) is amended by changing the word "validated" in line 11 to read "revalidated".

§ 42.09–25 [Amended]

17. The heading of § 42.09–25 is changed from *"Survey requirements for all vessel."* to read *"Initial or periodic survey requirements for all vessels."*

§ 42.09–45 [Amended]

18. Section 42.09–45 *Correction of deficiencies* is amended as follows: Paragraph (a) is amended by changing the word "seaworthy" to read "satisfactory" in line 6; and paragraph (b) is amended by changing the word "renewed" in line 2 to read "reissued" and by deleting the words "and the surveyor finds the vessel to be in a seaworthy condition" in lines 5, 6, and 7 and substituting therefor "as required by paragraph (a) of this section".

§ 42.09–50 [Amended]

19. Paragraph (c) of § 42.09–50 *Repairs or alterations to vessel after it has been surveyed* is amended by changing the word "certified" in line 2 to read "certificated".

Subpart 42.11—Applications for Load Line Assignments, Surveys, and Certificates

20. Section 42.11–1 (a) and (b) is amended to read as follows:

§ 42.11–1 General.

(a) As described in this subchapter under §§ 42.07–35, 42.07–40, 42.09–15, and 42.09–20, the American Bureau of Shipping or other recognized classification societies approved as load line assigning and issuing authorities perform the duties connected with making load line assignments to vessels.

(b) The Commandant is responsible for the administration of the load line acts, the 1930 and 1966 Conventions, other treaties regarding load lines, and the implementing regulations in this subchapter which include prescribed form and content of applicable load line certificates.

* * * * *

§ 42.11–5 [Amended]

21. Section 42.11–5 *Applications for load line assignments, surveys, and certificates for U.S.-flag vessels* is amended as follows: Paragraph (a) is amended by deleting the words "direct to the nearest local office of" in lines 3 and 4 and substituting therefor the word "to" and by changing the word "noncurrent" in lines 6 and 7 to read "nonconcurrent"; and paragraph (b) is amended by changing the word "noncurrent" in line 10 to read "nonconcurrent".

§ 42.11–10 [Amended]

22. Paragraph (b) of § 42.11–10 *Application for load line assignments and certificates for vessels other than U.S.-flag vessels* is amended by changing the word "applies" in line 4 to read "shall apply", by deleting the word "direct" in line 4, by deleting the words "nearest local office of the" in line 5, by inserting the word "recognized" between the words "other" and "assigning" in lines 6 and 7, by deleting the word "is" and substituting therefor the words "has been" in line 7, by changing the word "renewal" to read "reissue" in line 10, and by deleting the word "its" in line 14 and substituting therefor the words "other U.S.".

§ 42.11–15 [Amended]

23. Paragraph (a) of § 42.11–15 *Application for timber load lines* is amended by deleting the words "The assigning authority after surveying the vessel and finding it in compliance with the applicable requirements in this subchapter may have the vessel" from the second sentence of the paragraph and substituting therefor "After the vessel has been found in compliance with the applicable requirements in this subchapter, it may be".

Subpart 42.13—General Rules for Determining Load Lines

24. Section 42.13–5(a) is amended to read as follows:

§ 42.13–5 Strength of vessel.

(a) The assigning and issuing authority shall satisfy itself that the general structural strength of the vessel is sufficient for the draft corresponding to the freeboard assigned, and when requested shall furnish pertinent strength information to the Commandant.

* * * * *

§ 42.13–10 [Amended]

25. Section 42.13–10 *Freeboards assigned vessels* is amended as follows: Paragraph (a) is amended by changing "42.30–75" in line 6 to read "42.20–75"; paragraph (b) is amended by changing the word "freeboard" in line 3 to read "freeboards", and by changing "42.25–50" in line 6 to read "42.25–20"; paragraph (c) is amended by deleting the period following "Commandant" in line 8 and inserting the following words, "under the procedure of paragraph (f) of this section."; paragraph (d) is amended by deleting the period following "Commandant" in line 9 and inserting the following words, "under the procedure of paragraph (f) of this section."; paragraph (e) is amended by deleting all material from the paragraph following the word "assigned" in line 7 and substituting therefor "provided the safety conditions of the vessel are determined to be satisfactory under paragraph (f) of this section."; and a new paragraph (f) is added reading as follows:

(f) In each case specified by paragraph (c) to (e) inclusive of this section, the assigning authority shall report to the Commandant the specific matters in which the vessel is deficient or requires special freeboard consideration due to design, arrangement, construction materials, propulsive method, or relaxation of requirements in this part. The report shall also furnish background data and recommendations of the assigning authority (including freeboard additions), as will enable the Commandant to reach a decision.

§ 42.13–15 [Amended]

26. Section 42.13–15 *Definitions of terms* is amended as follows: Paragraph (a) is amended by changing the word "moulded" in line 4 to read "molded", by inserting the words "top of the" between "the" and "keel" in line 4, and by deleting the words "as defined in paragraph (e)(1) of this section" from lines 5 and 6; paragraph (d) is amended by changing the word "moulded" in line 4 to read "molded"; paragraph (e) is amended by changing the word "Moulded" in the heading to read "Molded"; paragraph (e)(1) is amended by changing the word "moulded" in line 1 to read "molded"; paragraph (e)(2) is amended by changing the word "moulded" to read "molded" in lines 2 and 4 (twice); paragraph (e)(3) is amended by changing the word "moulded" to read "molded" in lines 4 and 5 (twice); paragraph (f)(1) is amended by changing the word "moulded" in line 2 to read "molded"; paragraph (g) is amended by changing the word "moulded" to read "molded" in lines 4 and 10 (twice); by changing the word "draught" to read "draft" in line 10 and by changing the word "moulded" to read "molded" in the last line; and paragraph (f)(1) is amended by changing the word "Commandant" to read "assigning authority" in line 15.

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§ 42.13–20 [Amended]

27. Section 42.13–20 *Deck line* is amended by deleting the period (".") following "(1966)" in the last line and inserting the following ", and, as applicable, on all other load line certificates issued pursuant to this Part 42."

§ 42.13–30 [Amended]

28. Paragraph (a) of § 42.13–30 *Lines to be used with the load line mark* is amended by deleting the words "these regulations" in lines 2 and 3 and substituting therefor the words "the regulations in this part".

§ 42.13–40 [Amended]

29. Paragraph (a) of § 42.13–40 *Details of marking* is amended by deleting the word "Commandant" in line 6 and substituting therefor the words "assigning authority".

§ 42.13–45 [Amended]

30. Paragraph (a) of § 42.13–45 *Verification of marks* is amended by deleting all of the text following the word "until" in line 3 and substituting therefor "§ 42.07–5 has been fully complied with under the authority and provisions of Subparts 42.07 and 42.09 of this part.".

Subpart 42.15—Conditions of Assignment of Freeboard

§ 42.15–1 [Amended]

31. Section 42.15–1 *Information to be supplied to the master* is amended as follows: Paragraph (a) is amended by deleting the words "by the assigning and issuing authority with sufficient information, in an approved form," in lines 2 to 4, inclusive, and substituting therefor: "with sufficient information, in a form approved by the assigning and issuing authority."; and paragraph (b) is amended by deleting the words "an approved form" in lines 6 and 7 and substituting therefor "a form approved by the Commandant,".

§ 42.15–5 [Amended]

32. Paragraph (a) of § 42.15–5 *Superstructure end bulkheads* is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15–15 [Amended]

33. Paragraph (a)(2) of § 42.15–15 *Position of hatchways, doorways and ventilators* is amended by changing the word "deck" in line 2 to read "decks".

§ 42.15–20 [Amended]

34. Paragraph (b) of § 42.15–20 *Cargo and other hatchways* is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15–25 [Amended]

35. Paragraph (d)(2) of § 42.15–25 *Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices* is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15–30 [Amended]

36. Section 42.15–30 *Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices* is amended as follows: Paragraph (a) is amended by changing the word "Commandant" in line 10 to read "assigning authority"; paragraph (b)(2) is amended by changing the word "Commandant" in lines 4 and 5 to read "assigning authority"; paragraph (c)(1) is amended by changing the word "Commandant" in the last line to read "assigning authority"; and paragraph (c)(2) is amended by changing the word "inspections" in lines 6 and 7 to read "surveys".

§ 42.15–40 [Amended]

37. Paragraph (a) § 42.15–40 *Miscellaneous openings in freeboard and superstructure decks* is amended by inserting the word "or" between the number "2" and the word "within" in line 2.

§ 42.15–45 [Amended]

38. Section 42.15–45 *Ventilators* is amended as follows: Paragraph (a) is amended by changing the word "deck" in line 2 to read "decks" and by deleting the words "above the deck" in the next to last line; paragraph (c) is amended by changing the word "Commandant" to read "assigning authority" in the last line; and paragraph (e) is amended by changing the word "Commandant" to read "assigning authority" in the last line.

§ 42.15–50 [Amended]

39. Paragraph (a) of § 42.15–50 *Air pipes* is amended by changing the word "Commandant" in line 12 to read "assigning authority".

§ 42.15–55 [Amended]

40. Paragraph (a) of § 42.15–55 *Cargo ports and other similar openings* is amended by deleting the words "surroundings shell plating." from lines 6 and 7 and substituting therefor "surrounding shell plating, to the satisfaction of the assigning authority. The arrangements shall be subject to tightness tests at the initial survey and at such subsequent surveys or more frequent intervals as deemed necessary."

§ 42.15–60 [Amended]

41. Section 42.15–60 *Scuppers, inlets, and discharges* is amended as follows: Paragraph (a) is amended by changing the word "Commandant" in lines 24 and 25 to read "assigning authority"; paragraph (c) is amended by inserting the words "in Part 56" between the words "specified" and "in" in the next to last line; and paragraph (e) is amended by changing "ordinary" in line 4 to read "ordinary" and by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.15–70 [Amended]

42. Section 42.15–70 *Freeing ports* is amended by changing the word "Commandant" in the last line of paragraph (d) to read "assigning authority".

§ 42.15–75 [Amended]

43. Section 42.15–75 *Protection of the crew* is amended as follows: Paragraph (a) is amended by changing the word "Commandant" in line 4 to read "assigning authority"; and paragraph (b) is amended by deleting the word "is" in the next to last line and substituting therefor the words "and the assigning authority are".

§ 42.15–80 [Amended]

44. Section 42.15–80 *Special conditions of assignment for type "A" vessels* is amended by changing the word "Commandant" in line 13 of paragraph (b)(1) to read "assigning authority".

Subpart 42.20—Freeboards

45. Part 42 is amended by adding a new § 42.20–3 to read as follows:

§ 42.20–3 Required flooding and stability assumptions applicable to Type A and Type B vessels.

(a) The Assembly of the Intergovernmental Maritime Consultative Organization on November 28, 1968, made certain recommendations for uniform application and interpretation of Regulation 27 of the International Convention on Load Lines, 1966. The United States participated in and accepted these recommendations which are, in effect, directly transcribed below in this section and their applicability indicated.

(b) The ship in the intact condition is assumed to have no trim.

(c) In applying §§ 42.20–5(b), 42.20–10(c), (d), and (f) when calculating subdivision, account should be taken of the following assumptions:

(1) The vertical extent of damage in all cases is assumed to be equal to the depth of the ship at the flooded compartment under consideration. The buoyancy of any superstructure or deckhouse directly above the flooded compartment is to be disregarded.

(2) The transverse extent of damage is equal to B/5, measured inboard from the side of the ship perpendicularly to the center line at the level of the summer load waterline. If damage of a lesser extent results in a more severe condition such lesser extent should be assumed.

(3) Transverse bulkheads; damage and flooding assumptions:

(i) No main transverse bulkhead is assumed damaged except where in § 42.20–10(f) the flooding of any two adjacent fore and aft compartments is envisaged; in addition the damage may be located between two transverse bulkheads bounding side tanks.

(ii) If in a transverse bulkhead there are steps or recesses of not more than 10 feet in length located within the extent of transverse penetration of damage as defined in subparagraph (2) of this paragraph, such transverse bulkheads may be considered intact and the adjacent compartments may be floodable singly. If, however, within the extent of penetration of damage there is a step or recess of more than 10 feet in length in a transverse bulkhead, the two compartments adjacent to this bulkhead should be considered as flooded.

(4) If a double bottom or side tank is divided by a transverse bulkhead located more than 10 feet from a main transverse bulkhead, the adjacent double bottom or side tank should be considered as flooded. If this side tank has openings into the holds, such holds should also be considered as flooded. This provision is applicable even where such openings are fitted with closing appliances.

(d) Calculations; bulkhead spacing applicable to § 42.20–10(f):

(1) In applying § 42.20–10(f), the calculations for the flooded condition should be based on the assumptions specified in paragraph (c) of this section. To be considered effective main transverse watertight bulkheads should be spaced at least 10 feet $+0.03L$, or 35 feet whichever is the lesser.

(2) Where transverse bulkheads are spaced a lesser distance, one or more of these bulkheads should be assumed as nonexistent in order to achieve the minimum spacing between bulkheads.

(e) In applying §§ 42.20–5(b), 42.20–10(c), (d), and (f) the specified conditions after flooding, as determined by paragraphs (c) and (d) of this section, should be defined as follows:

(1) The final waterline after flooding taking into account sinkage, heel, and trim is to be below the lower edge of any opening through which progressive flooding may take place. Such openings should include air pipes and those which are closed by means of weathertight doors (even if they comply with § 42.15–10) or covers (even if they comply with § 42.15–30 or § 42.15–45(d)), and may exclude those openings closed by means of manhole covers and flush scuttles (which comply with § 42.15–40), cargo hatch covers of the type described in § 42.20–5(a), watertight doors which are secured closed while at sea and so logged, remotely operated sliding watertight doors, and side scuttles of the nonopening type (which comply with § 42.15–65).

(2) If pipes, ducts, or tunnels are situated within the assumed extent of penetration of damage as defined in paragraph (c)(2) of this section, arrangements should be made so that flooding cannot thereby extend beyond the limits assumed for the calculations of the damaged conditions.

(3) In applying § 42.20–5(b)(2), the angle of heel due to unsymmetrical flooding should not exceed 15°. Since § 42.20–5(b)(2) states that the maximum angle of heel is to be of the order of 15°, if no part of the deck is immersed, an angle of heel of up to 17° may be accepted.

(4) When any part of the deck beyond the limits of flooding is immersed or in any case where the margin of stability in the flooded condition may be considered doubtful, the dynamic stability should be investigated. The dynamic stability may be regarded as sufficient if the righting lever curve has a minimum range of 20° beyond the position of equilibrium in association with a righting lever of at least 0.33 foot.

(5) After flooding, the metacentric height as calculated by the constant displacement method should be at least 2 inches in the upright condition.

(f) Center of gravity, free surface, and loading assumptions:

(1) The height of the center of gravity above base line is assessed allowing for homogeneous loading of all spaces designed to contain cargo and 50 percent of the individual total capacity of all tanks and spaces fitted to contain consumable fluids and ship's stores.

(2) In calculating the height of the center of gravity account should be taken of corrections for free surfaces of consumable liquids. In calculating these corrections it should be assumed that, for each type of liquid, at least one transverse pair or a single center line tank has a free surface and the tank or combination of tanks to be taken into account should be those where the effect of free surfaces is the greatest.

(3) The remaining consumable liquid tanks should be assumed either completely empty or completely filled, and the distribution of the liquids between these tanks should be effected so as to obtain the greatest possible height above the keel for the center of gravity.

(4) The effect of free surface in compartments containing fluid cargoes which may exist in the normal full load condition should be taken into account.

(5) Weights should be calculated on the basis of the following values:

Salt water	35.00 cubic feet per long ton.
Fresh water	35.88 cubic feet per long ton.
Oil fuel	37.77 cubic feet per long ton.
Diesel oil	39.86 cubic feet per long ton.
Lubricating oil	39.86 cubic feet per long ton.

(g) With regard to tanks situated in the machinery compartments and designed to contain consumable liquids, such as fuel oil and diesel oil, lubricating oil, and fresh water, unless the dynamic stability is required to be investigated in accordance with paragraph (e)(4) of this section, or where the heeling moment due to unsymmetrical flooding of these tanks is appreciable, such tanks will be assumed not to be floodable.

§ 42.20–5 [Amended]

45a. Paragraph (b) of § 42.20–5 *Type "A" vessels* is amended by changing the word "Commandant" in lines 9 and 10 to read "assigning authority" and by deleting the word "of" in the next to last line.

§ 42.20–10 [Amended]

46. Section 42.20–10 *Type "B" vessels* is amended by changing the word "Commandant" in the next to last line of paragraph (c) to read "assigning authority", by changing the word "this" in line 5 of paragraph (g) to read "that", and by deleting the words "these regulations" from the last two lines of paragraph (h) and substituting therefor the words "the applicable regulations in this Part 42".

§ 42.20–15 [Amended]

47. Section 42.20–15 *Freeboard tables* is amended by inserting the footnote "1" to the right of the word "Freeboard" in the heading, "Freeboard (inches)," of the middle column of Table 42.20–15(b)(1).

§ 42.20–40 [Amended]

48. Section 42.20–40 *Standard height of superstructure* is amended by inserting the words ("in feet)" following the heading of the first column of Table 42.20–40(a), "Length (L)".

§ 42.20–45 [Amended]

49. Paragraph (b) of § 42.20–45 *Length of superstructure* is amended by inserting the words "on the basis of an equivalent plane bulkhead" following the last word of the first sentence, and by deleting all of the second sentence following the words "fore and aft extent of the" in line 7 and by substituting therefor the word "curvature."

§ 42.20–55 [Amended]

50. Section 42.20–55 *Trunks* is amended as follows: Paragraph (a)(3) is amended by inserting the words "detached trunks connected to superstructures by efficient" between the words "by" and "permanent" in lines 3 and 4; and paragraph (a)(4) is amended by deleting the word "and" in line 2 and substituting therefor ", by" and by deleting all of the remainder of the sentence beginning with the word ", if" in line 2 and substituting therefor the words "or by other equivalent means;"

§ 42.20–60 [Amended]

51. Section 42.20–60 *Deduction for superstructures and trunks* is amended as follows: Table 42.20–60(b)(2) is revised to read as follows:

TABLE 42.20–60(b)(2)—PERCENTAGE OF DEDUCTION FOR TYPE "B" VESSELS.

		Total effective length of superstructures and trunks									
	Line	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
		Percentage of deduction [1]										
Vessels with forecastle and without detached bridge	I	0	5	10	15	23.5	32	46	63	75.3	87.7	100
Vessles with forecastle and detached bridge	II	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100

[1] Percentages at intermediate lengths of superstructures and trunks shall be obtained by linear interpolation.

Paragraph (c)(3) of § 42.20–60 is amended by changing the words "subparagraphs (1) and (2)" in line 3 and substituting therefor the words "Table 42.20–60(b)(2) and in subparagraph (1)", and by deleting the words "in feet" in line 7 and substituting therefor "as defined in § 42.13–15(a)".

§ 42.20–60 [Amended]

52. Section 42.20–65 *Sheer* is amended as follows: Paragraph (a)(2) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a)(3) is amended by changing the word "ships" (twice) in line 1 to read "vessels"; paragraph (a)(4) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a)(5) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a)(7) is amended by deleting the words "if subparagraph (6) of this paragraph has not been used,"; paragraph (c)(2) is amended to read:

(2) Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit shall be allowed for the part in excess and deficiency only shall be measured.

Paragraph (c)(3) is revised to read:

(3) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 percent of the standard, credit shall be allowed for the part in excess; where the after part is less than 50 percent of the standard, no credit shall be given for the excess sheer forward. Where the after sheer is between 50 percent and 75 percent of the standard, intermediate allowances may be granted for excess sheer forward.

Paragraph (c)(4) is amended by deleting that portion of the paragraph preceding the formula and substituting therefor "Where sheer credit is given for a poop or forecastle, the following formula shall be used:"; by deleting the words "of sheer" in the seventh line below the formula and substituting therefor the word "ordinate", and by inserting the word "length" between the words "maximum" and "of" in the ninth line below the formula; paragraph (c)(4)(i) is amended by inserting the word "deck" between the words "superstructure" and "shall" in line 8, and by changing the word "ship" in the last line to read "vessel"; paragraph (d)(1) is amended by changing the last word "superstructure" to read "superstructures"; and paragraph (f)(1) is amended by changing the word "ships" (twice) in lines 2 and 7 to read "vessels".

§ 42.20–70 [Amended]

53. Section 42.20–70 *Minimum bow height* is amended as follows: Paragraph (a)(1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (a)(2) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b)(1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b)(2) is amended by changing the word "ships" in line 1 to read "vessels"; and by changing the word "Commandant" in line 4 to read "assigning authority"; and paragraph (c) is amended by changing the word "Commandant" in the last line to read "assigning authority".

§ 42.20–75 [Amended]

54. Section 42.20–75 *Minimum freeboards* is amended as follows: Paragraph (a)(2) is amended by changing the word "ships" to read "vessels" in line 6; paragraph (b)(1) is amended by inserting the words "top of the" between the words "the" and "keel" in line 6, and by deleting the words "(as defined in § 42.13–15(e)(1))" in lines 6 and 7; paragraph (b)(2) is amended by changing the word "ships" to read "vessels" in line 6, and by deleting "(a)(1)" in line 3 and substituting therefor "(b)(1)"; paragraph (c)(1) is amended by deleting the fraction "(1/48)" from line 5; paragraph (d)(1) is amended by changing the word "ships" (twice) to read "vessels" in lines 1 and 6; and paragraph (e)(2) is amended by inserting the words "top of the" between the words "the" and "keel" in line 5, and by deleting the words "(as defined in § 42.13–15(e)(1))" in line 5.

Subpart 42.25—Special Requirements for Vessels Assigned Timber Freeboards

§ 42.25–5 [Amended]

55. Paragraph (b) of § 42.25–5 *Definitions of terms used in this subpart* is amended by changing the word "ship" to read "vessel" in line 2, by changing the word "ships" to read "vessels" in line 5, and by changing the word "ship's" to read "vessel's" in line 9.

§ 42.25–10 [Amended]

56. Section 42.25–10 is amended as follows: The heading of the section is changed to read *"Construction of vessel."*; paragraph (a) is amended by changing the word "Ships" in line 1 to read "Vessels", and the word "ship" in line 4 is changed to read "vessel"; paragraph (b) is amended by changing the word "ship" in line 3 to read "vessel"; and paragraph (c) is amended by changing the word "ship" in line 1 to read "vessel".

§ 42.25–15 [Amended]

57. Section 42.25–15 *Stowage* is amended as follows: Paragraph (a)(2) is amended by deleting the period at the end following the word "superstructure" and adding the following: "other than a raised quarter deck."; paragraph (a)(3) is amended by changing the word "ship" (twice) in lines 1 and 5 to read "vessel"; paragraph (a)(4) is amended by changing the word "ship" to read "vessel" in the last line; and paragraph (b)(1) is amended by changing the word "ship" to read "vessel" in line 4.

§ 42.25–20 [Amended]

58. Section 42.25–20 *Computation for freeboard* is amended by changing the semicolon to a comma between "§§ 42.20–25" and "42.20–30" in line 4, and by inserting "42.20–35," between "42.20–30," and 42.20–60," in lines 4 and 5 of paragraph (a).

Subpart 42.30—Zones, Areas, and Seasonal Periods

§ 42.30–1 [Amended]

59. Paragraph (c) of § 42.30–1 *Basis* is amended by deleting the last two lines, reading "to illustrate the zones and areas defined in this Convention and in this subpart", and substituting therefor the following: "which illustrates the zones and areas defined in this Convention and in this subpart".

§ 42.30–5 [Amended]

60. Section 42.30–5 *Northern winter seasonal zones and area* is amended as follows: Paragraph (b)(1)(i)(*a*) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b)(1)(i)(*b*) is amended by changing the word "ships" in the first line to read "vessels"; and paragraph (c) is amended by changing the word "Cafse" in line 8 to read "Cape".

§ 42.30–20 [Amended]

61. Section 42.30–20 *Seasonal tropical areas* is amended by changing the Tropical Seasonal period in line 2 of paragraph (c)(1) from "September 1 to May 31" to read "December 1 to April 30".

§ 42.30–25 [Amended]

62. Section 42.30–25 *Summer zones* is amended by changing the word "ships" in line 1 of paragraph (a)(1) to read "vessels".

§ 42.30–30 [Amended]

63. Section 42.30–30 *Enclosed seas* is amended as follows: Paragraph (a)(1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (b)(1) is amended by changing the word "ships" in line 1 to read "vessels"; paragraph (c) is amended by inserting the word "Summer" between the words "the" and "Zones" in line 2; paragraph (c)(1) is amended by changing the word "ships" to read "vessels" in line 1; and paragraph (d)(1) is amended by changing the word "ships" in line 1 to read "vessels".

64. The heading of Subpart 42.35 is revised to read as follows:

Subpart 42.35—Load Line Assignment and Surveys; Fees and Other Expenses

65. Section 42.35–1(c) is amended to read as follows:

§ 42.35–1 Scale of fees.

* * * * *

(c) The provisions of this section including additional fees, as applicable, may be applied to either classed or unclassed vessels in the following cases:

(1) Where due to alterations or changes in service, a new freeboard may be required; or

(2) Where freeboard assignment is based upon additional work associated with damage stability or flooding data preparation or review by the assigning authority.

66. Section 42.35–5 is amended by changing the headnote to read as follows:

§ 42.35–5 Fees for reissue of load line certificates.

* * * * *

66a. Paragraph (a) of § 42.35–5 is amended by changing in line 2 the word "renewal" to read "reissue".

67. Section 42.35–10 is amended by changing the headnote to read as follows:

§ 42.35–10 Fees for annual load line survey.

* * * * *

67a. Section 42.35–10 is amended by changing in paragraph (a) the word "inspection" in lines 1 and 2 to read "survey"; and by changing in paragraph (b) the word "inspection" in line 2 to read "survey".

Subpart 42.50—Load Line Certificates—Model Forms

68. Section 42.50–1 is amended to read as follows:

§ 42.50–1 General.

(a) The provisions of this subpart set forth the requirements for the text of the various load line certificates issued to vessels complying with the applicable requirements in this part. See §§ 42.07–35 and 42.07–40 for requirements regarding load line assigning and issuing authorities. See § 42.07–45 for requirements regarding load line certificates, their text and arrangement.

(b) The 1966 international load line certificate and exemption certificate shall be the same as set forth in this subpart in the model Forms A1, A2, A3, and E1, except for the following authorized variations which shall also apply to model Forms B, C1, C2, and C3:

(1) As indicated in § 42.13–30, the freeboards and load line marks which are not applicable to a specific vessel need not be entered on the certificate issued.

(2) The provisions of Note 3 on the front of the certificate forms (other than Model E1) may be changed to correctly describe the situation applicable to the vessel concerning information and instructions furnished the master about loading and ballasting the vessel to provide a guide as to stability under various conditions and as to avoid unacceptable stresses in the vessel's structure.

(c) In the load line certificate the assigning and issuing authority shall set forth its full official designation; i.e., its legal name, address of home office, and reference to the authorization from the Commandant where an assigning and issuing authority other than the American Bureau of Shipping is designated.

§ 42.50–5 [Amended]

69. Section 42.50–5 *International load line certificates* is amended by changing various portions thereof as follows:

a. Paragraph (a) is amended by deleting the colon at the end of line 10 and the remainder of the paragraph (subparagraphs (1) through (4)) and substituting therefor the following: "A1, A2, A3, and E1. The detailed application of these forms is as specified in § 42.07–45(e), (f), and (h)."

b. Paragraph (b) is amended by making the following changes: The front of the International Load Line Certificate (1966) (Form A1) is changed as follows: The column containing the heading "Distinctive number or letters" is changed to read "Official number or distinctive letters"; the words "periodical inspections" in line 1 of the third paragraph below footnote 1 are changed to read "annual surveys", and footnote 2 is revised to read "At the expiration of this certificate, applicable reissuance should be obtained in accordance with the Load Line Regulations."

c. The reverse side of the certificate is changed as follows: The heading "Annual Inspections" is changed to read "Annual Surveys"; the words "a periodical inspection" in the first line are changed to read "an annual survey"; the second heading "Renewal of Load Line Certificate" is changed to read "Extension of Load Line Certificate"; Note 5(a) is revised to read "The annual surveys have not been carried out within 3 months either way of each anniversary of the certificate date"; and Note 5(b) is revised to read "The certificate is not endorsed to show that the ship has been surveyed as indicated in (a)."

d. Paragraph (e) of § 42.50–5 is amended by making the following changes: The front of the International Load Line Exemption Certificate (Form E1) is revised as follows: The words "and exemption" are inserted between the words "assigning" and "purposes" in the first line under "(Insert full official designation of issuing authority)"; the column containing the heading "Distinctive number or letters" is changed to read "Official number or distinctive letters"; the period following the word "above" in the third line of the second full paragraph of the form is deleted and the following words are added: "and that this ship has been surveyed accordingly."; the words "periodical inspections" in the third and fourth lines above the line designated "(signature of official issuing the certificate)" are changed to read "annual surveys", and footnote 2 is revised to read: "At the expiration of this certificate, applicable reissuance should be obtained in accordance with the Load Line Regulations, if permitted." The reverse side of Form E1 is revised as follows: The heading "Annual Inspections" is changed to read "Annual Surveys", and the second heading "Renewal of Load Line Certificate" is changed to read "Extension of Load Line Exemption Certificate".

70. Section 42.50–10 is revised to read as follows:

§ 42.50–10 Load line certificate for nonadherent foreign flag vessels.

(a) The form of load line certificate certifying to the correctness of the load line marks assigned under the regulations in this subchapter to nonadherent foreign flag vessels as specified in § 42.07–45(e)(2) is:

(1) Form B for general use. The period of validity shall be as expressed in § 42.09–20(c).

(b) The text and arrangement of the printed portion of Form B shall be identical with the information on the face and reverse sides of Form A1 certificate in § 42.50–5(b) except for title of certificate, model form, the first paragraph, and the wording of the certificate for issuance and revalidation, which shall be as follows:

LOAD LINE CERTIFICATE

(FORM B)

(Official seal of issuing authority.)
(Certificate No. _____)

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the Load Line Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Load Line Regulations in 46 CFR Part 42:

By _____
(Insert full official designation of issuing authority)

and duly authorized for assigning purposes under the provisions of the Load Line Act of March 2, 1929, as amended.

* * * * * * * *

This is to certify that this ship has been surveyed and the freeboards have been assigned and load lines shown above have been marked upon the vessel in manner and location as required by the Load Line Regulations of the Commandant, U.S. Coast Guard, in 46 CFR Part 42.

This certificate remains in force until _____,[2] subject to annual revalidation in accordance with the Load Line Regulations, and endorsement thereof on the reverse side of this certificate.

Issued at _____; _____
(Place of issue of certificate) (Date of issue)

_____
(Signature of official issuing the certificate)
[Seal of issuing authority]

* * * * * * * *

[2] Expiration date is not to exceed 5 years from original date of issue of this certificate. At expiration applicable reissuance of this certificate should be obtained in accordance with the Load Line Regulations.

* * * * * * * *

(Reverse Side of Certificate)
ANNUAL REVALIDATION OF CERTIFICATE

This is to certify that the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are fully complied with by the condition of this ship on the dates indicated, and in each case this certificate is revalidated for a 1 year interval as follows:

(1) Until _____.
Place _____ Date _____.
_____
(Signature and seal of issuing authority)

(2) Until _____.
Place _____ Date _____.
_____
(Signature and seal of issuing authority)

(3) Until _____.
Place _____ Date _____.
_____
(Signature and seal of issuing authority)

(4) Until _____.
Place _____ Date _____.
_____
(Signature and seal of issuing authority)

§ 42.50–15 [Amended]

71. Section 42.50–15 *Coastwise load line certificates for U.S.-flag vessels* is amended as follows: Paragraph (a) is amended by deleting the words "or Part 43 of this subchapter are:", and substituting therefor the words "are C1, C2 and C3. The detailed application of these forms is as specified in § 42.07–45(e).."; delete paragraph (a) (1), (2), and (3). Paragraph (c) is amended as follows: The front of the Coastwise Load Line Certificate (Form C1) is changed as follows: The column containing the heading "Distinctive number or letters" is changed to read "Official number or distinctive letters", the period at the end of the second paragraph above the line designated "(Place of issue of certificate)" is deleted and the words ", as applicable" substituted therefor, the words "periodical inspections" in the first line in the paragraph above the line designated "(Place of issue of certificate)" are deleted and the words "annual surveys" are substituted therefor, the words "(Name of issuing authority)" and the dashed line immediately above it, including the word, "By" are deleted; the word, "By" is added to the left of the dashed line designated, "(Signature of official issuing the certificate)", and footnote 2 is revised to read: "At the expiration of this certificate, applicable reissuance should be obtained in accordance with the Load Line Regulations."

On the reverse side, the Coastwise Load Line Certificate is amended as follows: The heading "Annual Inspections" is changed to read "Annual Surveys", the first sentence under the new heading "Annual Surveys" is revised to read "This is to certify that this ship has been surveyed on the dates indicated to determine in each case whether this certificate should remain in force for an additional 1 year and the survey has been completed to my satisfaction."; the numeral "(1)" is inserted in front of the dashed line following the amended first sentence under the new heading "Annual Surveys"; on the fourth line below this change, the numeral "(2)" is inserted in front of the dashed line, and in the eighth line below, the numeral "(3)" is inserted in front of the dashed line, and on the twelfth line below, the numeral "(4)" is inserted in front of the dashed line; the three full sentences between the preceding lines which read "I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction" are each deleted; the heading "Renewal of Coastwise Load Line Certificate" is changed to read "Extension of Load Line Certificate", the sentence following the new heading "Extension of Load Line Certificate" is revised to read "The provisions of the Coastwise Load Line Regulations of the Commandant, U.S. Coast Guard, being fully complied with by this ship, this certificate is extended under the authority of 46 CFR 42.07–45 and 42.09–15 until _____.", Note 4 is changed by deleting all section numbers following "46 CFR" in line 2 and substituting therefor the words, "Subpart 42.30, as appropriate", Note 5(a) is changed by deleting the words "periodic inspections" in line 1 and substituting therefor the word "surveys", and by deleting the words "date of the certificate" in line 2 and substituting therefor the words "of the certificate date", and Note 5(b) is changed by deleting the word "inspected" in line 1 and substituting therefor the word "surveyed".

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply International Convention on Load Lines, 1966; Treaties and other International Acts Series 6331, proclaimed Sept. 7, 1967)

PART 43—FOREIGN OR COASTWISE VOYAGES BY EXISTING MERCHANT VESSELS

Subpart 43.01—Administration

§ 43.01–1 [Amended]

1. Section 43.01–1 *Establishment of load lines* is amended by adding the following sentence at the end of paragraph (d)(3): "Since Convention requirements are at least equivalent to coastwise requirements, load line assignment and certification under convention requirements only, is necessary."

2. Section 43.01–25 (b), (c), and (d) are amended to read as follows:

§ 43.01–25 New and existing vessels.

* * * * *

(b) The marking assignment and certification of all vessels whose keels are laid, or which are at a similar stage of construction, on or after July 21, 1968, shall meet the requirements in Part 42 of this subchapter. These vessels are considered to be "new vessels" for use of the certificate forms in Subpart 42.50 of this subchapter.

(c) For the purpose of certification of load lines on the International Load Line Certificate in § 42.50–5 of this subchapter, all vessels complying with the requirements in this part are considered to be "existing" vessels. However, for application of requirements in this part for load line marking and assignment, a "new vessel" is one whose keel was laid on or after July 1, 1932, and prior to July 21, 1968; all other vessels whose keels were laid prior to July 1, 1932, and engaged on international voyages are regarded as "existing vessels".

(d) For the purpose of certification of load lines on the Coastwise Load Line Certificate in § 42.50–15 of this subchapter, all vessels complying with the Coastwise Load Line requirements in this part are considered to be "existing" vessels. However, for application of requirements in this part for load line marking and assignment, a "new vessel" is one whose keel was constructively laid prior to July 21, 1968, and on or after November 27, 1935, if of 4,000 gross tons and over, or on or after August 27, 1936, if less than 4,000 gross tons; all other vessels whose keels were laid prior to November 27, 1935, or August 27, 1936, respectively, and engaged on coastwise voyages are regarded as "existing vessels".

§ 43.01–55 [Amended]

3. Paragraph (b) of § 43.01–55 is amended by inserting a period ".", after the word "vessel" in line 4 and deleting the remainder of the paragraph.

4. The heading and text of § 43.01–60 are amended to read as follows:

§ 43.01–60 Application for assignment, surveys, and certification.

(a) The application for assignment, surveys, and certification (including reissue) of load lines under this part shall be made by the owner, master, or agent in accordance with the procedures and requirements in §§ 42.11–1 to 42.11–20, inclusive of this subchapter.

5. Section 43.01–75 is amended as follows: The heading is amended, paragraph (a) is amended and paragraph (b) is revoked. As amended, § 43.01–75 reads as follows:

§ 43.01–75 Validity and reissue of certificates.

(a) The assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew. The Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), provide that every vessel required to be marked shall be surveyed. The assigning authority at least once in each 5 years shall survey such a vessel to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be reissued for such time as the condition of the vessel then warrants, but in no case for a period longer than 5 years. The facts associated with annual revalidation and extension of certificate shall be attested to by endorsement upon the back of the certificate.

6. Section 43.01–95 is revised in entirety to read as follows:

§ 43.01–95 Logbook entries.

The requirements of § 42.07–20 of this subchapter shall apply to all vessels subject to this part.

7. Section 43.01–97 is revised in entirety to read as follows:

§ 43.01–97 Control.

The requirements of § 42.07–60 of this subchapter apply.

8. Section 43.01–100 is revised in entirety to read as follows:

§ 43.01–100 Approval of the Commandant, U.S. Coast Guard.

The requirements of § 42.07–25 of this subchapter apply.

Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

9. Section 43.40–5 is revised to read as follows:

§ 43.40–5 Fees, travel expenses.

(a) For the purpose of the regulations in this part, fees and traveling expenses payable by owners to the assigning and issuing authority for load line services rendered shall be as specified in Subpart 42.35 of this subchapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.01—Administration

1. Section 45.01–40(c) is amended to read as follows:

§ 45.01–40 Annual load line inspection.

* * * * *

(c) The assigning authority shall make this inspection and report thereon to the owners of the vessel.

2. Section 45.01–80 is revised to read as follows:

§ 45.01–80 Logbook entries required.

The requirements of § 42.07–20 of this subchapter shall apply to vessels subject to this part.

3. Section 45.01–85 is revised to read as follows:

§ 45.01–85 Control.

The requirements of § 42.07–60 of this subchapter apply.

4. Section 45.01–90 is revised to read as follows:

§ 45.01–90 Approval of the Commandant.

The requirements of § 42.07–25 of this subchapter apply.

(Sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Subpart 46.10—Administration

§ 46.10–30 [Amended]

1. Section 46.10–30 *Subdivision load line certificates* is amended by changing "§ 42.07–40(d)" in the last line of paragraph (d) to read "§§ 42.09–15 and 42.09–20", by changing "§ 42.09–1(c)(1) in the next to last line of paragraph (e) to read "§ 42.09–1(c)".

2. Section 42.10–60 is revised to read as follows:

§ 46.10–60 Control.

(a) The District Director of Customs or the Coast Guard District Commander may detain a passenger vessel for a survey if there is reason to believe that such a vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load lines certified on the safety certificate, load line certificate, or otherwise. The Coast Guard District Commander may detain a passenger vessel if it is so loaded as to be manifestly unsafe to proceed to sea. Except as otherwise required by this section, § 42.07–60 of this subchapter applies to all passenger vessels assigned load lines under the load line acts and the regulations of this subchapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 11239, 3 CFR, 1965 Supp.)

Effective date. These amendments shall become effective on the date of publication of this document in the FEDERAL REGISTER.

Dated: May 27, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69–6510; Filed, June 4, 1969; 8:45 a.m.]

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Civil Service Commission
Consumer and Marketing Service
Federal Aviation Administration
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the Assistant Secretary for Equal Opportunity is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (f) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(f) *Office of the Assistant Secretary for Equal Opportunity.* * * *

(3) One Special Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6739; Filed, June 5, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, and February 19, 1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are hereby amended by deleting from and adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Delete: Marine Corps Air Facility, N.C. (served from Wilmington, N.C.).

Add: Marine Corps Air Station (New River), Jacksonville, N.C. (served from Wilmington, N.C.).

THREE HOURS

Add: South Miami, Fla. (served from Miami, Fla.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 3d day of June 1969.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 69–6687; Filed, June 5, 1969; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Exemption of Tritium, Krypton-85 and Promethium-147 in Self-Luminous Products

On June 21, 1968, the Atomic Energy Commission published for comment in the FEDERAL REGISTER (33 F.R. 9198) proposed amendments of 10 CFR Parts 30 and 32 to (a) establish a class exemption from licensing requirements for the use of self-luminous products containing tritium, krypton-85 and promethium-147 when such products have been manufactured, imported, or transferred pursuant to a specific license issued by the Commission authorizing distribution for use under the exemption and (b) establish requirements for the issuance of specific licenses authorizing manufacture, import, or transfer of self-luminous products containing such byproduct material for possession and use under the exemption, and for submission of reports of transfers of byproduct material under such licenses.

All interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After careful consideration of the comments received and other factors, the Commission has adopted the amendments set forth below. The only changes from the proposed amendments, other than editorial and clarifying changes, are described below, together with a discussion of the basic features of the amendments.

The amendments of Part 30 exempt, in a new § 30.19, from the licensing and regulatory requirements of the Atomic Energy Act of 1954, as amended, the possession and use of self-luminous products containing tritium, krypton-85, and promethium-147 when such products have been manufactured, processed, produced, imported, or transferred pursuant to a specific license issued by the Commission authorizing transfer for use under the exemption.

The amendments of Part 32 establish, in a new § 32.22, the framework in the Commission's regulations for the issuance of specific licenses to distribute, to persons exempt from licensing requirements, self-luminous products which meet the Commission's safety criteria. An applicant for a license to manufacture, process, produce, import, or transfer self-luminous products for use under the exemption provided by the amendment to Part 30 must, among other things, demonstrate that the safety criteria in § 32.23 would be met.

The safety criteria in § 32.23(a) limit the average dose, or dose commitment, in any one year to members of the group expected to receive the highest dose from normal use and disposal of a single exempt unit, and, in § 32.23(b), limit the dose or dose commitment received by persons engaged in marketing, distributing, and servicing of exempt products,

as a result of exposure to the quantities of exempt units likely to accumulate in one location.

A new § 32.23(c) has been added which requires that the product be designed and manufactured so that wear and abuse are unlikely to cause an increase in the potential dose to persons during normal handling and use of the product. Although this requirement was implied in the proposed amendments, or could have been inferred from the information to be submitted in an application for a specific license under § 32.22, the requirement has been specifically included in the safety criteria as adopted.

The limits in the safety criteria for dose or dose commitment to any individual under normal and the most severe conditions, such as accidents or fires, which were published in the notice of proposed rule making, have been restated in an expanded § 32.23(d) in terms of the probability of the failure of the product under such circumstances that a person would receive a dose or dose commitment in excess of the specified doses. These doses are specified to define the degree of risk under accident conditions. The likelihood of persons receiving such doses as a result of failure of any exempt product must be very small. The doses specified are considerably smaller than those that would be likely to produce clinical symptoms of injury. These criteria may have the effect of establishing an upper limit on the amount of radioactive material in the exempt unit.

The probabilities are expressed in terms of the frequency of failure of the containment, shielding, or other safety features of an exempt unit under such circumstances that a person would receive a dose in excess of specified values. The probability of a failure resulting in a dose in excess of the doses referred to in § 32.23(d) may be limited by (1) the ability of the product to withstand severe conditions which it is likely to encounter, (2) the amount of radioactive material present in each exempt unit, (3) the likelihood of occurrence of conditions of sufficient severity to cause failure of the containment, shielding, or other safety features of the product, or (4) any combination of these and other credible circumstances.

Two changes have been made in information to be supplied by an applicant for a specific license to manufacture, process, produce, transfer, or import self-luminous products under § 32.22(a). The distances for measurement of radiation levels have been changed from 1 and 10 centimeters to 5 and 25 centimeters from the external surface of the product and a provision for averaging the radiation levels over an area not to exceed 10 square centimeters has been added in § 32.22(a)(2)(vi). A new item has been added, in § 32.22(a)(2)(xiv), to require the applicant to submit a determination that the probabilities with respect to the doses referred to in § 32.23(d) meet the criteria of that paragraph. The definition of "dose commitment" has been eliminated, since that definition has been included in other amendments to Part 32 published in the FEDERAL REGISTER on April 18, 1969 (34 F.R. 6653). The exemption for self-luminous products (§ 30.19) has been modified to provide that, in addition to toys and adornments, products in which tritium, krypton-85 or promethium-147 is used "primarily for frivolous purposes" are not included in the class exemption.

The Commission has concluded that the overall benefits to be derived from the use of radioactive materials in self-luminous products covered by the amendments, as a class of products, offset the small risk as reflected in the safety criteria.

Petitions for rule making for exemption of self-luminous products which do not meet the conditions of the amendments will be considered on a case-by-case basis.

The Commission has found that, under the conditions specified in the amendments, the exemption will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by the manufacturer, processor, or producer of self-luminous products distributed for use under the proposed exemption would be subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of 10 CFR Parts 30 and 32 are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new § 30.19 is added to 10 CFR Part 30 to read as follows:

§ 30.19 Self-luminous products containing tritium, krypton-85, or promethium-147.

(a) Except for persons who manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147, or who import such products, and except as provided in paragraph (c) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the Commission pursuant to § 32.22 of this chapter, which license authorizes the transfer of the product for use under this section.

(b) Any person who desires to manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147, or to transfer or to import such products for use pursuant to paragraph (a) of this section, should apply for a license pursuant to § 32.22 of this chapter, which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section or equivalent regulations of an Agreement State.

(c) The exemption in paragraph (a) of this section does not apply to tritium, krypton-85, or promethium-147 used in products primarily for frivolous purposes or in toys or adornments.

2. New §§ 32.22, 32.23, 32.24, and 32.25 are added to 10 CFR Part 32 to read as follows:

§ 32.22 Self-luminous products containing tritium, krypton-85 or promethium-147: requirements for license to manufacture, process, produce, import, or transfer.

(a) An application for a specific license to manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147, or to import or to transfer such products for use pursuant to § 30.19 of this chapter or equivalent regulations of an Agreement State, will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.33 of this chapter: *Provided, however,* That the requirements of § 30.33(a)(2) and (3) do not apply to an application for a license to transfer tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, or produced pursuant to a license issued by an Agreement State.

(2) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the self-luminous product to demonstrate that the product will meet the safety criteria set forth in § 32.23. The information should include:

(i) A description of the product and its intended use or uses.

(ii) The type and quantity of byproduct material in each unit.

(iii) Chemical and physical form of the byproduct material in the product and changes in chemical and physical form that may occur during the useful life of the product.

(iv) Solubility in water and body fluids of the forms of the byproduct material identified in subdivisions (iii) and (xii) of this subparagraph.

(v) Details of construction and design of the product as related to containment and shielding of the byproduct material and other safety features under normal and severe conditions of handling, storage, use, and disposal of the product.

(vi) Maximum external radiation levels at 5 and 25 centimeters from any external surface of the product, averaged over an area not to exceed 10 square centimeters, and the method of measurement.

(vii) Degree of access of human beings to the product during normal handling and use.

(viii) Total quantity of byproduct material expected to be distributed in the product annually.

(ix) The expected useful life of the product.

(x) The proposed method of labeling or marking each unit with identification of the manufacturer or importer of the product and the byproduct material in the product.

(xi) Procedures for prototype testing of the product to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe conditions of handling, storage, use, and disposal of the product.

(xii) Results of the prototype testing of the product, including any change in the form of the byproduct material contained in the product, the extent to which the byproduct material may be released to the environment, any increase in external radiation levels, and any other changes in safety features.

(xiii) The estimated external radiation doses and dose commitments relevant to the safety criteria in § 32.23 and the basis for such estimates.

(xiv) A determination that the probabilities with respect to the doses referred to in § 32.23(d) meet the criteria of that paragraph.

(xv) Quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet.

(xvi) Any additional information, including experimental studies and tests, required by the Commission.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission may deny an application for a specific license under this section if the end uses of the product cannot be reasonably foreseen.

§ 32.23 Same: safety criteria.

An applicant for a license under § 32.22 shall demonstrate that the product is designed and will be manufactured so that:

(a) In normal use and disposal of a single exempt unit, it is unlikely that the external radiation dose in any one year, or the dose commitment resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the product will exceed the dose to the appropriate organ as specified in Column I of the Table in § 32.24.

(b) In normal handling and storage of the quantities of exempt units likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, it is unlikely that the external radiation dose in any one year, or the dose commitment resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the product will exceed the dose to the appropriate organ as specified in Column II of the Table in § 32.24.

(c) It is unlikely that there will be a significant reduction in the effectiveness of the containment, shielding, or other safety features of the product from wear and abuse likely to occur in normal handling and use of the product during its useful life.

(d)[1] In use and disposal of a single exempt unit, or in handling and storage of the quantities of exempt units likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, the probability is low that the containment, shielding, or other safety features of the product would fail under such circumstances that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column III of the Table in § 32.24, and the probability is negligible that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column IV of the Table in § 32.24.

§ 32.24 Same: table of organ doses.

TABLE I

Part of body	Column I (rem)	Column II (rem)	Column III (rem)	Column IV (rem)
Whole body, head, and trunk, active blood-forming organs, gonads, or lens of eye.	0.001	0.01	0.5	15
Hands and forearms, feet and ankles, localized areas of skin averaged over areas no larger than 1 square centimeter.	0.015	0.15	7.5	200
Other organs	0.003	0.03	1.5	50

§ 32.25 Conditions of licenses issued under § 32.22: quality control, labeling, and reports of transfers.

Each person licensed under § 32.22 shall:

(a) Carry out adequate control procedures in the manufacture of the product to assure that each production lot meets the quality control standards approved by the Commission;

(b) Label or mark each unit so that the manufacturer, processor, producer, or importer of the product and the byproduct material in the product can be identified; and

(c) File an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall state the total quantity of tritium, krypton-85, or promethium-147 transferred to other persons for use under § 30.19 of this chapter or equivalent regulations of an Agreement State during the reporting period. Each report shall cover the year ending June 30, and shall be filed within 30 days thereafter.

[1] It is the intent of this paragraph that as the magnitude of the potential dose increases above that permitted under normal conditions, the probability that any individual will receive such a dose must decrease. The probabilities have been expressed in general terms to emphasize the approximate nature of the estimates which are to be made. The following values may be used as guides in estimating compliance with the criteria:

Low—not more than one such failure per year for each 10,000 exempt units distributed.

Negligible—not more than one such failure per year for each 1 million exempt units distributed.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this twenty-seventh day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-6640; Filed, June 5, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-8-AD, Amdt. 39-776]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 and 727 Series Airplanes; Takeoff Aural Warning System

An accident occurred to a Model 707 airplane in which it was determined that the takeoff was made with the flaps in the retracted position. The airspeeds for rotation and lift off for this type airplane are based in part upon the flaps being set at a prescribed takeoff position. In the takeoff with the flaps retracted, insufficient airspeed was attained at lift off to maintain control of the airplane, and the crash resulted. The takeoff aural warning system which should have warned of the improper flap position failed to be armed for sounding.

Since this condition is likely to occur in other airplanes of this type and in Model 727 airplanes as well, an airworthiness directive is being issued to require modifications of the takeoff warning system which will render the system less likely to be unarmed and thereby fail to warn of an unsafe condition on takeoff. The modifications are applicable to all 727 series airplanes and only those 707/720 airplanes equipped with JT3D turbofan engines. In addition to the system modification, appropriate information in the Airplane Flight Manuals covering the characteristics of the warning horn system is required for all airplanes. The AFM revisions are written to encompass the information needed for the takeoff warning system into the information presently in the manuals for other warning systems (landing and cabin pressurization) which sound the warning horn.

The present arrangement of the takeoff warning system is such that the warning horn actuating switch, which is actuated by the No. 3 power lever, is not actuated until the power lever is advanced to 42° of power lever travel on some airplanes and 33° on other airplanes. At ambient temperatures below about +40° F. for 707/720 airplanes and +10° F. for 727 airplanes, the power lever movement required to obtain takeoff thrust on the engines is less than 42° or 33°. In such case, the takeoff warning system is not armed. The ambient temperature at the time of the accident, described above, was below the temperature at which the takeoff warning system would be armed by the power lever movement for setting takeoff thrust.

This AD requires that the warning switch installation be reset in accordance with applicable Boeing Service Bulletins. The modification described in the Service Bulletins should cause the warning switch to be actuated at 25° of power lever travel and the takeoff warning system to be armed at about −40° F. ambient temperature for applicable 707/720 airplanes and −60° F. for 727 airplanes.

While the takeoff warning system is not required by the airworthiness or operations regulations, manufacturers have installed these systems on aircraft as a supplement to certain flight crew checklist items. The function of the system is to warn the crew in the event of their failure to set flaps, stabilizer or spoilers in the takeoff configuration in accordance with the checklist. The agency considers that a safety system which may become nonoperative under varying weather conditions normally encountered in service induces a potential safety hazard because of this characteristic.

Prior to initiating this AD, the manufacturer and the ATA member airlines operating Boeing 707/720 and 727 airplanes were contacted on the subject of modifying the warning system to provide for arming the system at −65° F. or at the lowest practicable temperature. The airlines responded that they were generally accomplishing compliance with the Boeing Service Bulletins on a scheduled basis, and they were opposed to any further modification of the warning system.

The manufacturer, in his analysis, pointed out that the repositioning of the arming switch in accordance with the bulletins was the optimum for obtaining takeoff warning at low ambient temperatures without incurring nuisance warnings from the warning horn during ground operations of the airplanes, such as with the power or thrust required for breakaway and other taxiing maneuvers.

The manufacturers and operators were opposed to any change in the design of the takeoff warning system in which the system would be armed by means other than by power lever movement, such that arming would be independent of temperature. The agency recognizes that any such change in design would involve development and testing. Delay in adopting the corrective measures covered by this AD, pending development of such design changes, is not deemed justified.

The minimum ambient temperature at which most transport aircraft are approved to operate is −65° F. However, the agency considers that if arming of the takeoff warning system at about −40° F. is the lowest temperature at which it can be achieved with the present system design, this provides a satisfactory level of safety with respect to the function of this system as a supplement to certain items of the taxi and pretakeoff check list. Furthermore, the exposure of airplanes to a possible nonoperative condition of the warning system when operating in temperature regimes below −40° F. involves a relatively small portion of the overall environmental temperature spectrum.

However, due to installation tolerances in the setting of the arming switch and in the rigging of the power lever controls, the relocation of the arming switches in accordance with these Service Bulletins does not assure that the warning system will always be armed at takeoff at the nominal ambient temperatures related to the relocation of the arming switch to the 25° power lever position. The effect of these tolerances may amount to as much as 35° F. temperature difference. Furthermore, the ambient temperature at which arming of the system will occur is increased by the use of reduced thrust for takeoff. This reduced thrust procedure is currently approved for many of the affected models. For these reasons, the Airplane Flight Manuals should include information that, at low ambient temperatures, the takeoff warning system may not be armed when setting takeoff thrust. Accordingly, the AD requires operators to incorporate such appropriate information in the Airplane Flight Manuals.

The compliance time for the modification, as well as the incorporation of Airplane Flight Manual material has been established by the agency on the basis of the safety considerations together with the object of providing operators sufficient lead time to schedule compliance with a minimum burden. To prescribe the modifications and Airplane Flight Manual revisions required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the modifications and Airplane Flight Manual revisions required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the modifications and Airplane Flight Manual revisions required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views or arguments as they may desire relative to this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received before the effective date will be considered by the Director, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, § 39.13 of Part 39 of the FARs is amended by adding the following new Airworthiness Directive.

BOEING 707/720 and 727 series airplanes.

Applies to all Boeing 707/720 and 727 series airplanes, as appropriate.

Compliance required within 1,000 hours time in service after the effective date of this AD, unless previously accomplished.

To provide for (1) arming of the takeoff warning system at about 25° of thrust lever advancement from the idle position, and (2) to advise flight crews of the characteristics of the system, accomplish the following:

A. For 707/720 series airplanes listed in Boeing S.B. No. 2384, dated January 31, 1967, or later FAA-approved revisions, modify the takeoff warning actuating switch installation in accordance with Boeing Service Bulletin No. 2384, dated January 13, 1967, or later FAA-approved revision, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

B. For 727 series airplanes listed in Boeing S.B. 27–102, Revision 1, dated July 7, 1967, or later FAA-approved revisions, modify the takeoff warning actuating switch installation in accordance with Boeing Service Bulletin No. 27–102, Revision 1, dated January 7, 1967, or later FAA-approved revision, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

NOTE: Some operators have modified the throttle control system to incorporate automatic throttle controls using equipment not designed by Boeing. In such installations, the modification kits available from Boeing for compliance with Service Bulletin No. 27–102 may not be applicable, and operators should submit their modification for FAA approval.

C. For all 707/720 and 727 airplanes listed in this paragraph, incorporate revisions in the FAA-Approved Airplane Flight Manual as follows:

1. For Models 707–100/–200/–400/–100B/–300B/–300B(ADV)/–300C Revise Section III, existing paragraph headed "Warning Horn," to read:

Warning Horn—Landing. The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 40° or 50° detent with the landing gear in the "unsafe to land position".

NOTE: (Applicable only for airplanes incorporating Boeing Service Bulletin 1891). When the landing gear warning horn circuit modification is installed, landing gear warning horn will not function with outboard flaps in the fully retracted position. However, landing gear warning lights will function when thrust-levers are retarded to idle power.

Takeoff—Service Bulletin No. 2384 installed sounding of the warning horn, when the No. 3 thrust lever is advanced to takeoff thrust indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in the takeoff position.

(d) An essential A–C power failure has occurred during takeoff. (Applicable only for Models 707–123B/–138B airplanes.)

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to thrust lever takeoff positioning not actuating power lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

Cabin pressurization. The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

2. For Models 707–300/720/720B Revise Section III, existing paragraph headed "Warning Horn," to read:

Warning horn—Landing. The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 40° or 50° detent with the landing gear in the "unsafe to land position".

NOTE: (Applicable only for airplanes incorporating Service Bulletin No. 1891.) When the landing gear warning horn circuit modification is installed, landing gear warning horn will not function with outboard flaps in the fully retracted position. However, landing gear warning lights will function when thrust-levers are retarded to idle power.

Takeoff—Service Bulletin No. 2384 installed sounding of the warning horn when the No. 3 thrust lever is advanced to takeoff thrust indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in one of the approved takeoff flap setting positions.

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to thrust lever takeoff positioning not actuating power lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

3. Indicate wing flaps are in the improper takeoff position specified for actual takeoff speeds and performance limits.

Cabin pressurization. The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

3. For Models 727/727C/727–200 add new paragraph heading "Warning Horn" in section 3, to read:

Warning horn—Landing. The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 30° or 40° detent with the landing gear in an "unsafe to land position".

Takeoff—Service Bulletin No. 27–102 installed sounding of the warning horn, when No. 3 thrust lever is advanced to takeoff thrust, indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in one of the approved takeoff flap setting positions.

(d) Auxiliary power unit door is not latched (if APU installed).

Caution: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to thrust lever takeoff positioning not actuating power lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

3. Indicate wing flaps are in the improper takeoff position specified for actual takeoff speeds and performance limits.

Cabin Pressurization. The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

NOTE: Due to modifications accomplished by Supplemental Type Certificate, or by other FAA approvals, the AFM material may not, in all cases, apply. Notify the Chief, Aircraft Engineering Division, FAA Western Region, when changes in equipment indicate possible nonapplicability.

This amendment becomes effective on July 6, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 28, 1969.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 69–6657; Filed, June 5, 1969; 8:46 a.m.]

[Docket No. 69–CE–7–AD, Amdt. 39–775]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 310, 310A, 310B, 310C, 310D, 310E, and 310F Airplanes

There has been a report of a complete loss of engine power due to air being introduced into the fuel system when a fuel crossfeed line was chafed through by a firewall stiffener in a Cessna Model 310D airplane. This report indicates that the fuel crossfeed lines located behind the firewall and forward of the wing spar will chafe on the firewall stiffener causing a hole to be worn in the fuel lines.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring within 25 hours' time-in-service after the effective date of this airworthiness directive, and thereafter at intervals of 100 hours' time-in-service, inspection of the fuel crossfeed lines for chafing at the firewall stiffener. Chafed fuel lines must be replaced. When P/N 0826031–1 fuel line support bracket has been installed in accordance with Cessna Service Letter 310–66, dated June 30, 1961, the inspections required by this airworthiness directive may be discontinued. For those Cessna model aircraft with Serial Numbers 35000 through 35138, before inspection of the fuel crossfeed lines can be accomplished, a firewall inspection opening must be installed in accordance with Cessna Service Letter 310–3, dated February 10, 1956.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

CESSNA. Applies to Models 310 (Serial Numbers 35000 thru 35546); 310A (Serial Numbers 38001 thru 38161); 310B (Serial Numbers 607, 35547, 35548, 35549, 35551 thru 35771); 310C (Serial Numbers 35550, 35772 thru 35999, 39001 thru 39031); 310D (Serial Numbers 39032 thru 39299); 310E (Serial Numbers 35912A, 310M0001 thru 310M0036); and 310F (Serial Numbers 310 0001 thru 310 0156) Airplanes.

Compliance: Required as indicated.

To prevent complete loss of engine power due to air being introduced into the fuel system should a fuel crossfeed line become chafed through by the firewall stiffener on the aft side of the aircraft firewall, unless already accomplished, perform the following:

(A) Within 25 hours' time-in-service after the effective date of this airworthiness directive, remove the firewall access opening for both engines and visually inspect the fuel crossfeed lines for chafing at the firewall stiffeners. Replace chafed fuel lines with a serviceable part and install P/N 0826031–1 fuel line support bracket in accordance with Cessna Service Letter 310–66, dated June 30, 1961, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region. A minimum of 0.50 inch clearance should be maintained between the fuel lines and the angle stiffener.

(B) If P/N 0826031–1 fuel line support bracket is not available, the inspection required in Paragraph A must be repeated at intervals not to exceed 100 hours' time-in-service from the date of the last inspection, until P/N 0826031–1 fuel line support bracket is installed in accordance with Cessna Service Letter 310–66, dated June 30, 1961, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region. When the support bracket has been installed, the inspections required by this airworthiness directive may be discontinued.[1]

(C) Before the inspection required by Paragraph A can be accomplished on those model aircraft with Serial Numbers 35000 through 35138, a firewall inspection opening must be installed in accordance with Cessna Service Letter 310–3, dated February 10, 1956.

This amendment becomes effective June 10, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–6658; Filed, June 5, 1969; 8:46 a.m.]

[Docket No. 69–SO–50; Amdt. 39–773]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA–28R–180/200 Airplanes

There have been reports of the flexible engine air inlet duct collapsing at the

[1] This does not preclude continued inspections of this area as required by FAR 91.

bend due to deterioration of the duct. Collapse of this duct restricts air flow into the engine induction system causing a loss of engine power or engine stoppage. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and/or replacement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 is amended by adding the following new airworthiness directive:

PIPER—Applies to PA-28R-180 series airplanes, Serial Numbers 28-30004 through 28-31092 and to PA-28R-200 series airplanes, Serial Numbers 28-35000 through 28-35237, 28-35239 through 28-35251 and 28-35253 through 28-35256.

Compliance required as indicated.

To prevent the possibility of restricting air flow through the engine air induction system, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this airworthiness directive, unless already accomplished, remove air induction inlet hose Piper Part Number 63633-43 and inspect for deterioration, broken or frayed cord wrapping, evidence of hose partially collapsed, indication of reinforcement wire slippage or evidence of wire not being bonded properly to the hose interior wall, especially in the vicinity of the Koroseal ties or clamps.

(b) If the hose shows any deterioration, as noted in (a), remove it from service. Install an airworthy hose, Piper P/N 63633-43, or Aero-Duct SCAT 3¼ O.D. hose, or MIL-H-8796B Type 1 Class 3 hose, 22½ long, making sure that the wire reinforcing coils extend over the pitot tubes at each end and under the clamps. Piper Kit 760 328 may be installed in lieu of duct replacement. (See Item (d) below.)

(c) Repeat the inspections of item (a) above at intervals not to exceed 10 hours' time in service. These inspections need not be continued after installation of Piper Kit 760 328.

(d) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, install a new Piper air induction hose installation Kit No. 760 328 in accordance with the instructions included with the kit.

(e) The inspection or kit installation time intervals (other than for the initial inspection) may be adjusted by an FAA inspector up to a maximum of 5 hours to coincide with aircraft annual or 100-hour scheduled inspections.

Other means of compliance with the requirements of this directive may be utilized, if approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(Piper Service Bulletin No. 297 covers this same subject.)

This amendment becomes effective June 10, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on May 27, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-6659; Filed, June 5, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7030) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Los Angeles (Hawthorne Municipal Airport), Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 21, 1969.

Issued in Los Angeles, Calif., on May 27, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Los Angeles (Hawthorne Municipal Airport) Control zone is amended by deleting "* * * effective from 0700 to 2300 hours, local time, daily" and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-6660; Filed, June 5, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7030) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fullerton, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 21, 1969.

Issued in Los Angeles, Calif., on May 27, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Fullerton, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-6661; Filed, June 5, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 6288 of the FEDERAL REGISTER for April 9, 1969, the Federal Aviation Administration published proposed regulations which would alter the Columbus, Ohio, control zone and transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, New York on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Columbus, Ohio, control zone the name "Columbus Municipal Airport" and insert in lieu thereof "Port Columbus International Airport."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to insert in the description of the Columbus, Ohio, 700 foot transition area, following the phrase "8 miles W of the RBN;" the words "within a 6-mile radius of the center 40°01'25" N., 82°27'40" W., of Licking County Airport, Newark, Ohio; within 2 miles each side of the Licking County Airport Runway 8 centerline extended from the Licking County Airport 6-mile radius area to 7 miles E of the end of the runway; within 2 miles each side of the Appleton, Ohio, VORTAC 320° radial and 140° radial extending from the Licking County Airport 6-mile radius area to 8 miles NW of the Appleton VORTAC;". Delete "Columbus Municipal Airport" and insert in lieu thereof "Port Columbus International Airport."

[F.R. Doc. 69-6662; Filed, June 5, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Burlington, Vt. (34 F.R. 4567), Norfolk, Va. (Norfolk Municipal) (34 F.R. 4609), Norfolk, Va. (NAS Norfolk) (34 F.R. 4609) control zones, and Burlington, Vt. (34 F.R. 4658), Springfield, Vt. (34 F.R. 4770), transition areas.

A change in the name of Burlington Municipal Airport, Burlington, Vt., Hartness Municipal Airport, Springfield, Vt., and Norfolk Municipal Airport, Norfolk, Va., requires alteration of the present designation of those transition areas and control zones where the description includes specific reference to these airports.

Since the amendments are editorial in nature, notice and public procedure herein are unnecessary and they may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, upon publication in the FEDERAL REGISTER, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete in the description of the Burlington, Vt., control zone, "Burlington Municipal Airport" and insert "Burlington International Airport" in lieu thereof.

(b) Delete in the caption of the Norfolk, Va. (Norfolk Municipal), control zone "(Norfolk Municipal)" and insert "(Norfolk Regional)" in lieu thereof. Delete in the description, "Norfolk Municipal Airport" and insert "Norfolk Regional Airport" in lieu thereof.

(c) Delete in the description of the Norfolk, Va. (NAS Norfolk), control zone, "with the Norfolk, Va. (Norfolk Municipal)", and insert "with the Norfolk, Va. (Norfolk Regional)", in lieu thereof.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete in the description of the Burlington, Vt., transition area, "Burlington Municipal Airport" and insert "Burlington International Airport" in lieu thereof.

(b) Delete in the description of the Springfield, Vt., transition area, "Hartness Municipal Airport" and insert "Springfield State (Hartness) Airport" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6663; Filed, June 5, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5180) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 139 from Wilmington, N.C., 1,200 feet AGL direct to New Bern, N.C.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509), V-139 is amended by deleting all before "12 AGL Cofield, N.C." and substituting "From Wilmington, N.C., 12 AGL New Bern, N.C.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348 sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 29, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6664; Filed, June 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 6486 of the FEDERAL REGISTER for April 15, 1969, the Federal Aviation Administration published a proposed regulation which would alter the Poughkeepsie, N.Y., 700-foot transition area.

Subsequent to the publication of the proposal, a change of 1° in the final approach course was made. Since this change is minor in nature, notice and public procedure herein are unnecessary.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 24, 1969 as follows:

In the proposed alteration, delete the figures 322° and 142° and insert in lieu thereof 323° and 143° respectively.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transporation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Poughkeepsie, N.Y., 700-foot floor transition area as follows:

In the description of the Poughkeepsie, N.Y., 700-foot floor transition area, after the words "NE of the VOR" insert "within a 5-mile radius of the center (41°34'40" N., 73°43'55" W.) of Stormville Airport, Stormville, N.Y.; within 2 miles each side of the Stormville Airport Runway 8 centerline extended from the 5-mile radius area to 10 miles east of the end of the runway; within 2 miles each side of the Stormville Airport Runway 26 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 2 miles each side of the Kingston, N.Y., VOR 323° and 143° radials extending from the 5-mile radius area to 8 miles northwest of the Kingston, N.Y., VOR."

[F.R. Doc. 69-6665; Filed, June 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Control Zone

On April 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6487) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would designate a new control zone for Palo Alto Airport, Calif., and redesignate the Mountain View, Calif. (Moffett Field NAS), control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following change:

In the 10th line of the description of the Mountain View, Calif. (Moffet Field NAS), control zone delete "* * * 325° * * *" and substitute "* * * 319° * * *" therefor.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

Staffing problems have delayed the commissioning of the Palo Alto tower for a lengthy period of time. Approval has now been received for a commissioning date of June 15, 1969, therefore, in the interest of safety the effective date of the control zone should be coincidental and good cause exists for making these amendments effective in less than 30 days notice.

Effective date. These amendments shall be effective 0901 G.m.t., June 15, 1969.

Issued in Los Angeles, Calif., on May 27, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the following control zone is added:

PALO ALTO, CALIF.

Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.171 (34 F.R. 4557) the description of the Mountain View, Calif. (Moffett Field NAS) is amended as follows:

MOUNTAIN VIEW, CALIF. (MOFFETT FIELD NAS)

Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 319° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°-56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

[F.R. Doc. 69-6666; Filed, June 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 6289 of the FEDERAL REGISTER for April 9, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot transition area over Holmes County Airport, Millersburg, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Millersburg, Ohio, transition area described as follows:

MILLERSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°32'15" N., 81°57'10" W. of Holmes County Airport, Millersburg, Ohio, and within 2 miles each side of the Tiverton, Ohio, VOR 059° radial extending from the 5-mile radius area to the VOR.

[F.R. Doc. 69-6667; Filed, June 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 6488 of the FEDERAL REGISTER for April 15, 1969, the Federal Aviation Administration published a proposed regulation which would designate a 700-foot transition area over Williams County Airport, Bryan, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bryan, Ohio, 700-foot transition area described as follows:

BRYAN, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

[F.R. Doc. 69-6668; Filed, June 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 6289 of the FEDERAL REGISTER for April 9, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot transition area over Central Bucks County Airport, Doylestown, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 24, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Doylestown, Pa., transition area described as follows:

DOYLESTOWN, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (40°20'20" N., 75°07'20" W.), of Central Bucks County Airport, Doylestown, Pa.; within 2 miles each side of the runway 5 centerline extended from the Doylestown, Pa., 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Solberg, N.J., VORTAC 229° radial extending from the Doylestown, Pa., 5-mile radius area to 10 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., and Readington, N.J., transition areas. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 69-6669; Filed, June 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Benton, Ark., transition area.

On April 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6489) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Benton, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) agreed with designation of controlled airspace for any IFR procedures to serve Saline County Airport; however, ATA disagreed with the proposed procedure stating that it conflicts with the primary ILS procedure serving Adams Field, Little Rock, Ark. ATA stated they feel the IFR procedure must be independent of the IFR procedures serving Adams Field.

The proposed Saline County procedure will require the use of radar, and aircraft executing the procedure will be under the control jurisdiction of the same approach control facility as aircraft executing the ILS procedure to Adams Field. Further, it is expected that the Saline County procedure will be used only occasionally. In view of the foregoing, the agency cannot foresee any adverse effect on IFR operations at Adams Field by the addition of the proposed instrument approach procedure to serve Saline County Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

BENTON, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Saline County Airport (lat. 34°-33'30" N., long. 92°36'30" W.) excluding that portion within the Little Rock, Ark., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on May 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6670; Filed, June 5, 1969; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Claims Under the Federal Tort Claims Act for Loss of or Damage to Property, or for Personal Injury or Death

Pursuant to 28 U.S.C. 2672, 5 U.S.C. 301, and 28 CFR Part 14, 29 CFR 2.5 is hereby revised to read as set forth below. This revision concerns only a rule of agency procedure. Neither notice of proposed rule making and opportunity for public participation therein, nor delay in effective date are required by 5 U.S.C. 553. Also, it does not appear that such participation or delay would serve a useful purpose here. Accordingly, this revision shall become effective upon publication in the FEDERAL REGISTER.

As revised, § 2.5 reads as follows:

§ 2.5 Claims under the Federal Tort Claims Act for loss of or damage to property, or for personal injury or death.

(a) *Filing of claims.* Pursuant to 28 U.S.C. 2672, any claim under the Federal Tort Claims Act for money damages for loss of or injury to property, or for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Department of Labor while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such loss, injury, or death in accordance with the law of the place where the act or omission occurred, may be presented to the Office of the Solicitor of Labor, 14th Street and Constitution Avenue, Washington, D.C. 20010, or to any regional or branch office of the Office of the Solicitor of Labor, at any time within 2 years after such claim has accrued. Such a claim may be presented by a person specified in 28 CFR 14.3, in the manner set out in 28 CFR 14.2 and 14.3, and shall be accompanied by as much of the appropriate information specified in 28 CFR 14.4 as may reasonably be obtained.

(b) *Action on claims.* The Deputy Solicitor shall have the power to consider, ascertain, adjust, determine, compromise, and settle any claim referred to in, and presented in accordance with, paragraph (a) of this section. Any exercise of such power shall be in accordance with 28 U.S.C. 2672 and 28 CFR Part 14, and shall be subject to the general direction and supervision of the Solicitor.

(c) *Payment of awards.* Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this section will be paid by the Secretary of Labor out of appropriations available to the Department of Labor. Payment of an award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section will be obtained in accordance with 28 CFR 14.10.

(28 U.S.C. 2672; 5 U.S.C. 301; 28 CFR Part 14)

Signed at Washington, D.C., this 29th day of May 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-6653; Filed, June 5, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-1—GENERAL

Procurement Involving Bulk Mailing

Section 3-1.350 is added to Part 3-1 to read as follows:

§ 3-1.350 Procurement involving bulk mailing.

All contracts and all solicitation documents for proposed procurements to be entered into with private mailers, or other contracts when bulk mailing is incident to contract performance, shall include the stipulation that mailings will be prepared in compliance with current ZIP Code presort requirements, and be deposited in the post office no later than 4 p.m.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

MAY 29, 1969.

[F.R. Doc. 69-6678; Filed, June 5, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1014, Amdt. 1]

PART 1033—CAR SERVICE

St. Louis Southwestern Railway Co. Authorized To Operate Over Trackage of Missouri-Kansas-Texas Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of May 1969.

Upon further consideration of Service Order No. 1014 (33 F.R. 17350), and good cause appearing therefor:

It is ordered, That:

Section 1033.1014 *Service Order No. 1014* St. Louis Southwestern Railway Co. authorized to operate over trackage of Missouri-Kansas-Texas Railroad Co. be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., May 31, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6681; Filed, June 5, 1969; 8:48 a.m.]

[S.O. 1028]

PART 1033—CAR SERVICE

Atchison, Topeka, and Santa Fe Railway Co. Authorized To Operate Over Tracks of Fort Worth and Denver Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3d day of June 1969.

It appearing, that because of damage to its bridge at Milepost N-311.78, the Fort Worth and Denver Railway Co. is unable to serve shippers located on its line at Pampa, Tex.; that The Atchison, Topeka, and Santa Fe Railway Co. has agreed to serve industries located on the Fort Worth and Denver Railway Co. at Pampa, Tex.; that the Commission is of the opinion that operation by The Atchison, Topeka, and Santa Fe Railway Co. over tracks of the Fort Worth and Denver Railway Co. at Pampa, Tex., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for

making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1028 **Service Order No. 1028.**

(a) *The Atchison, Topeka, and Santa Fe Railway Co. authorized to operate over tracks of Fort Worth and Denver Railway Co.* The Atchison, Topeka, and Santa Fe Railway Co. be, and it is hereby, authorized to operate over tracks of the Fort Worth and Denver Railway Co. at Pampa, Tex.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 4, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–6680; Filed, June 5, 1969; 8:48 a.m.]

Proposed Rule Making

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 271]

[Rel. Nos. 33–4976, IC–5692]

PREPARATION OF FORMS S–4 AND S–5 INCLUDING PROSPECTUS FOR MANAGEMENT INVESTMENT COMPANY

Extension of Time for Filing Comments Regarding Proposed Guidelines

The Securities and Exchange Commission has authorized an extension to June 15, 1969, of the due date for comments upon its staff's Proposed Guidelines For The Preparation of Form N–8B–1 (17 CFR 274.11) and Proposed Guidelines For Preparation of Form S–4 (17 CFR 239.14) and Form S–5 (17 CFR 239.15) Including The Prospectus For A Management Investment Company. The proposed guidelines were published on March 11, 1969, in Investment Company Act Releases Nos. 5633 and 5634 and Securities Act Release No. 4953 (34 F.R. 5339).

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

MAY 23, 1969.

[F.R. Doc. 69–6654; Filed, June 5, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN CERTAIN STATES

Increase in Expenses and in Rate of Assessment for 1968–69 Fiscal Period

Consideration is being given to the following proposal submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

(a) That the Secretary find that provisions pertaining to the expenses and rate of assessment in paragraph (a) and (b) of § 929.209 *Expenses and rate of assessment* (33 F.R. 18228) be amended as follows:

§ 929.209 **Expenses and rate of assessment.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1968, through August 31, 1969, will amount to $77,106.26.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at $0.055 per barrel of cranberries, or equivalent quantity of cranberries.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 2, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6677; Filed, June 5, 1969; 8:48 a.m.]

[7 CFR Parts 1001–1004, 1015, 1016]

[Docket Nos. AO–14–A46 et al.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A46.
1002	New York-New Jersey	AO–71–A58.
1003	Washington, D.C.	AO–293–A22.
1004	Delaware Valley	AO–160–A42.
1015	Connecticut	AO–305–A23.
1016	Upper Chesapeake Bay	AO–312–A19.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on May 28, 1969 (34 F.R. 8709), giving notice of a public hearing to be held in the Conference Room of the Market Administrator's office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., on June 9, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas specified as follows: Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay.

Interested parties have requested that the hearing be postponed until June 16, 1969. Accordingly, notice is hereby given that said hearing as noticed in the June 3, 1969, FEDERAL REGISTER (34 F.R. 8709; F.R. Doc. 69–6519) is rescheduled to convene at the same location beginning at 10 a.m. on June 16, 1969.

Signed at Washington, D.C., on June 4, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–6736; Filed, June 5, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket 69–EA–47]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Findlay, Ohio, control zone (34 F.R. 4581) and transition area (34 F.R. 4684).

A revision to the VOR instrument approach procedure for Findlay Airport, Findlay, Ohio, and the development of a new NDB (ADF) instrument approach procedure for Bluffton Flying Service Airport, Bluffton, Ohio, requires alteration of the Findlay, Ohio, transition area and control zone to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic

Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Findlay, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to, in the description of the Findlay, Ohio, control zone, delete "Findlay VOR 046°" and all after and insert in lieu thereof "Findlay VORTAC 045° radial extending from the Findlay Airport 5-mile radius to the VORTAC; within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles south of the RBN; within 2 miles each side of the 248° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles west of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W. of Bluffton Flying Service Airport, Bluffton, Ohio; and within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial, extending from the Bluffton Flying Service Airport 5-mile radius to the Findlay Airport 5-mile radius."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to, in the description of the Findlay, Ohio, 700-foot transition area, delete "Findlay VOR 226° radial, extending from the 6-mile radius area to 8 miles southwest of the VOR;" and insert in lieu thereof; "248° bearing from the Findlay RBN extending from the Findlay Airport 6-mile radius area to 8 miles west of the RBN; within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 6-mile radius area to 8 miles south of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W., of Bluffton Flying Service Airport, Bluffton, Ohio; within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial, extending from the Bluffton Flying Service Airport 5-mile radius area to 8 miles northeast of the VORTAC, and within 2 miles each side of the Findlay VORTAC 225° radial, extending from the VORTAC to the Bluffton Flying Service Airport 5-mile radius area."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 22, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6671; Filed, June 5, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-40]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200 feet AGL south alternate airway to V-56 from Augusta, Ga., to Columbia, S.C., via the intersection of the Augusta 097° T (098° M) and the Columbia 236° T (238° M) radials. This action would provide a numbered airway for traffic from and over Columbia landing at Augusta. The proposed alignment for V-56S is presently an approved route under Part 95 of the Federal Aviation Regulations. However, as the route is not charted it has to be described in detail each time it is used.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 29, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6672; Filed, June 5, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-34]

CONTROL ZONE AND ALTERATION OF TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Jonesboro, Ark., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (34 F.R. 4557) the following control zone is added:

JONESBORO, ARK.

Within a 5-mile radius of Jonesboro Municipal Airport (lat. 35°49'50" N., long. 90°-38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR.

(2) In § 71.181 (34 F.R. 4707) the Jonesboro, Ark., transition area is amended to read:

JONESBORO, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (lat. 35°49'50" N., long. 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

The FAA expects to commission the Jonesboro Flight Service Station on or about June 26, 1969, which will provide the weather service necessary for the designation of a control zone. A VOR standard instrument approach procedure has been developed, utilizing a recently commissioned TVOR, to replace the current special ADF instrument approach procedure. In addition, construction is in progress on a new runway which is expected to accommodate larger aircraft when it is completed. Accordingly the controlled airspace designation in the Jonesboro terminal area requires modification to provide airspace protection for aircraft executing instrument approach/departure procedures at the Jonesboro Municipal Airport. The proposed designation and alteration would provide this airspace.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6673; Filed, June 5, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

FROZEN COD FILLETS FROM EASTERN CANADIAN PROVINCES

Notice of Tentative Negative Determination

MAY 26, 1969.

Information was received on June 23, 1967, that frozen cod fillets from Eastern Canadian provinces were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 31, 1967, on page 12626.

On December 29, 1967, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER of January 5, 1968.

I hereby make a tentative determination that frozen cod fillets from Eastern Canadian provinces are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based:

Sales to U.S. purchasers were made to both related and unrelated parties within the meaning of section 207 of the Antidumping Act, as amended (19 U.S.C. 166).

The quantities of this merchandise sold for home consumption were adequate to furnish a basis of comparison.

Accordingly, purchase price or exporter's sales price was compared with the adjusted home market price for such or similar merchandise as applicable.

Purchase price was computed by deducting inland freight, ocean freight and insurance, U.S. duty and brokerage fees, as applicable, from this gross selling price to unrelated purchasers in the United States.

Exporter's sales price was calculated by deducting from the resale price to U.S. purchasers by related firms, as appropriate, commissions, ocean freight and insurance, U.S. duty, brokerage fees, inland freight, storage and discounts.

Adjusted home market price was calculated by deducting inland freight, insurance as appropriate, from the gross sales prices to purchasers in Canada.

In some cases, the purchase price or exporter's sales price was found to be lower than the adjusted home market price for such or similar merchandise.

In the second half of 1967, sales to the United States at less than home market price ceased, and have not resumed since that time.

Formal assurances have been received from all of the exporters involved that they will make no sales at less than fair value within the meaning of the Antidumping Act.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-6679; Filed, June 5, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions

MAY 29, 1969.

Part 10 BIAM 3 was published at 34 F.R. 637 (F.R. Doc. 69-537) in the issue for January 16, 1969. The following exceptions revises that delegation of authority by adding limitations on the authority redelegated to Area Directors expressly and to Superintendents at the Cherokee, Miccosukee, and Seminole Agencies by reference.

3.3 *Exceptions—F. Credit.* (1) The approval of loans to tribes, bands, and other identifiable groups of Indians pursuant to 25 CFR 91 for use by them in obtaining expert assistance, other than the assistance of counsel, for the preparation and trial of claims pending before the Indian Claims Commission.

(2) The approval of loans and modifications of loans made to corporations, tribes, bands, credit associations, and cooperatives pursuant to 25 CFR 91 where the indebtedness to the lender exceeds $100,000 and any modifications of such loans extending repayment terms regardless of amount, and approval of loans made to individual Indians where the indebtedness to the lender exceeds $50,000.

(3) The prescribing of interest rates on loans from the United States pursuant to 25 CFR 91; the approval of articles of association and bylaws of cooperatives and credit associations and amendments or revocations thereof; and the form of organization of groups of Indians applying for loans to encourage industry.

(4) The redelegation of authority to Superintendents for:

(a) Approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure lands.

(b) Assignments of income from trust or restricted land as security for a loan by a non-Bureau lender, if the borrower is indebted for a loan made pursuant to 25 CFR 91 that is secured by such an assignment.

G. *General.* Approval or revision of forms prescribed by 25 CFR. These changes are being made in the Bureau of Indian Affairs Manual and are effective upon publication in the FEDERAL REGISTER.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-6650; Filed, June 5, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket S-205 (Reopened)]

MOORE-McCORMACK LINES, INC.

Amendment and Supplement to Application for Permission for an Affiliate To Operate Two Tanker Vessels in the Coastwise and Intercoastal Trade

Notice is hereby given of the filing of a letter dated May 5, 1969, from Moore-McCormack Lines, Inc., which amends and supplements its application of April 12, 1967, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, for an affiliate to operate two 37,250 d.w.t. tank vessels in the coastwise and intercoastal trade. Moore-McCormack Lines, Inc., amends its application of April 12, 1967, so as to read: "Moore-McCormack Lines, Inc., hereby requests written permission for its affiliated company, Commercial Steamship Co., Inc., to operate in the coastwise and intercoastal trade 'two tank vessels of approximately 37,250 d.w.t. or two tank vessels of any size.'" and requests that the Final Opinion and Order of the Maritime Subsidy Board/Acting Maritime Administrator served on November 21, 1968, be amended accordingly.

The Final Opinion of the Maritime Subsidy Board/Acting Maritime Administrator served November 21, 1968, determined that section 805(a) is no bar to granting the application of April 12, 1967, and granted the written permission to operate "two tank vessels of approximately 37,250 d.w.t." Such permission, as granted, does not extend to "two tank vessels of any size." Accordingly, the letter dated May 5, 1969, is accepted as an amended and supplemental pleading, and the Maritime Subsidy Board/Maritime Administrator have determined to reopen Docket No. S-205 for further hearing. Such reopening will preserve the existing evidentiary record on section 805(a) issues of unfair competition and prejudice to the objects and policy of the Act and will limit the reopened hearing to the consideration of the effect of the additional size of the proposed vessels on these issues.

Interested parties may inspect the letter amendment of May 5, 1969, and Docket No. S-205 which includes the original application of April 12, 1967, in the Office of the Chief Hearing Examiner, Room 3492, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such amendment and desiring to submit a written statement with reference thereto must, before the close of business on June 23, 1969, file such submission with the Chief Hearing Examiner in writing, in triplicate, stating clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding the provisions of § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78), any submissions received after the close of business on June 23, 1969, will not be considered.

If no submissions are received within the specified time, the Chief Hearing Examiner will submit the matter to the Maritime Subsidy Board/Maritime Administrator for such action as may be deemed appropriate.

In the event submissions are received from parties with standing to be heard on the amendment to the application, a prehearing conference thereon before the Chief Hearing Examiner will be held on July 2, 1969, at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Dated: June 4, 1969.

By order of the Maritime Subsidy Board/Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-6763; Filed, June 5, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20962]

TRANS MERIDIAN (LONDON) LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 17, 1969, at 10 a.m., e.d.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Greer M. Murphy.

Dated at Washington, D.C., June 2, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6686; Filed, June 5, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additive Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (9-525V) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing that § 121.241 *Diethylstilbestrol* (21 CFR 121.241) be amended to provide for safe use of diethylstilbestrol in feed when administered in an amount not less than 5 milligrams nor more than 20 milligrams per head per day for fattening of beef cattle.

Dated: May 28, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6651; Filed, June 5, 1969; 8:46 a.m.]

NUTRILITE PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2414) has been filed by Nutrilite Products, Inc., 5600 Beach Boulevard, Buena Park, Calif. 90820, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of neohesperidin dihydrochalcone as an artificial sweetener in chewing gum.

Dated: May 28, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6652; Filed, June 5, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-20]

LUMINOUS PRODUCTS CORP.

Notice of Denial of Petition for Rule Making

Please take notice that the Atomic Energy Commission has denied a petition for rule making submitted by Luminous Products Corp., 575 Albany Street, Boston, Mass.

By letter dated December 7, 1965, Luminous Products Corp. petitioned the Atomic Energy Commission to amend 10 CFR Part 30 to exempt from licensing requirements self-luminous screws containing not more than 5 millicuries of tritium each. A notice of filing of petition, Docket No. PRM 30-20, was published in the FEDERAL REGISTER on January 21, 1966 (31 F.R. 852).

All the uses of self-luminous screws cannot be reasonably foreseen. Paragraph 3 of the Commission's criteria for approval of products intended for use by the general public containing byproduct material and source material published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), states that, in cases where tangible benefits to the public are questionable and approval of such a product may result in widespread use of radioactive material, the degree of usefulness and benefit that accrues to the public may be a deciding factor and, in particular, that the Commission considers that the use of radioactive material in toys, novelties, and adornments may be of marginal benefit. Since self-luminous screws may be used in toys, novelties, and adornments, the Commission cannot determine that the granting of an exemption for self-luminous screws containing tritium meets its criteria for approval of products intended for use by the general public containing byproduct and source material. In consideration of the foregoing, the Commission has determined that it would not be in the public interest to initiate the requested rule-making proceeding.

Although the Commission has denied the petition for exemption of self-luminous screws with unlimited, and hence undefined, uses, the Commission may approve the exempted use of self-luminous screws incorporated into or marketed with specific products which have foreseeable end uses. Such specific products may be considered under the class exemption for self-luminous products containing tritium, krypton-85, or promethium-147 which is issued simultaneously herewith in a notice of rule making (34 F.R. 9025), or if the specific products incorporating self-luminous screws cannot be shown to meet the criteria of the class exemption, an exemption may be requested in a petition for rule making.

A copy of the petition for rule making and of the Commission's letter of denial are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 27th day of May 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-6641; Filed, June 5, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI69-765, etc.]

TEXACO INC., ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 29, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-765..	Texaco, Inc. (Operator, et al., Post Office Box 2420, Tulsa, Okla. 74102.	147	12	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	$11,586	5-9-69	[2] 6-9-69	11-9-69	[3] 13.0	[4] [5] 14.0	RI65-330.
RI69-766..	....do....	173	4	Panhandle Eastern Pipe Line Co., (Richfield Field, Morton County, Kans.).	1,695	5-9-69	[2] 6-9-69	11-9-69	16.0	[6] [4] 18.0	
	....do....	289	3	Panhandle Eastern Pipe Line Co. (Mocane Area, Beaver County, Okla.) (Panhandle Area).	552	5-9-69	[2] 6-9-69	11-9-69	17.0	[4] 18.0	
	....do....	384	2	Northern Natural Gas Co. (Gage Area, Ellis County, Okla.) (Panhandle Area).	4,729	5-9-69	[2] 6-9-69	11-9-69	[3] [7] 18.292	[4] [7] [8] 19.368	
	....do....	411	3	Natural Gas Pipeline Co. of America (Lorena, West Field, Texas County, Okla.) (Panhandle Area).	3,717	5-9-69	[2] 6-9-69	11-9-69	[3] [7] 18.80	[4] [7] [8] 19.91	
	....do....	426	[9] 4	Northern Natural Gas Co. (Gooch Field, Stevens County, Kans.).	151	5-9-69	[2] 6-9-69	11-9-69	[3] 16.0	[4] [8] 7 17.0	
	....do....	424	2	Natural Gas Pipeline Co. of America (Lorena, West Field, Texas County, Okla.) (Panhandle Area).	18,438	5-9-69	[2] 6-9-69	11-9-69	[3] [10] 18.67	[4] [8] [10] [11] 20.31	
RI69-767..	Graham-Michaelis Drilling Co. (Operator) et al., 211 North Broadway, Wichita, Kans. 67202.	8	[12] 22	Northern Natural Gas Co. (Hugoton Field, Seward, Haskell, Finney, and Kearny Counties, Kans.).	3,312	5-7-69	[2] 6-7-69	(Accepted) 11-7-69	[3] 11.0	[4] [8] 12.0	
		8	23			5-7-69	[2] 6-7-69				
RI69-768..	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	266	[13] 10	Natural Gas Pipeline Co. of America (North Custer City Field, Custer County, Okla.) (Oklahoma "Other" Area).	24,696	5-7-69	[2] 6-7-69	11-7-69	[3] 15.0	[4] [8] [14] 17.0	
RI69-769..	Edwin L. Cox, 3800 First National Bldg., Dallas, Tex. 75202.	57	2	Lone Star Gas Co. (Tatums Field, Carter County, Okla.) (Oklahoma "Other" Area).	120	5-9-69	[15] 7-1-69	12-1-69	[17] 15.01	[4] [17] 18.01	RI68-129.
RI69-770..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	140	11	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (RR. District No. 9).	453	5-9-69	[15] 7-1-69	12-1-69	15.0960	[4] 16.1024	RI68-489.
RI69-771..	Eason Oil Co. (Operator) et al., Oklahoma City, Okla. 73118.	22	2	Northern Natural Gas Co. (West Sharon Field, Woodward County, Okla.) (Panhandle Area).	54,791	5-9-69	[15] 6-9-69	11-9-69	[3] 17.0	[4] [8] 18.0	
RI69-772..	Humble Oil & Refining Co. (Operator), Post Office Box 2180, Houston, Tex. 77001.	351	6	Natural Gas Pipeline Co. of America (Crane Field, Dewey and Custer County, Okla.) (Oklahoma "Other" Area).	8,030	5-9-69	[15] 7-1-69	12-1-69	[3] 15.0	[4] [8] [18] 16.015	
RI69-773..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	419	[19] 15	Arkansas Louisiana Gas Co. (Various Fields, Haskell, Le Flore, and Pittsburg Counties, Okla.) (Oklahoma "Other" Area).	842	5-12-69	[15] 6-12-69	11-12-69	15.0	[4] 16.015	
RI69-774..	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	203	11	Michigan Wisconsin Pipe Line Co. (Northwest Doby Springs Field, (Laverne Area) Harper and Beaver Counties, Okla.) (Panhandle Area).	6,896	5-12-69	[15] 6-29-69	11-29-69	[20] 20.090	[4] [8] [20] 23.155	RI66-90.
RI69-775..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attention: Mr. F. C. Sweat.	301	1	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Tex.) (RR. District No. 4).	1,563	5-7-69	[21] 8-1-69	1-1-70	[3] [22] 16.0	[4] [8] 17.0	
RI69-776..	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attention: Mr. Charles E. Webber.	20	15	United Gas Pipe Line Co. (Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	[23]	5-9-69	[21] 6-19-69	11-19-69	13.2002	[4] [8] 14.2156	
RI69-777..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attention: Mr. John J. Carter.	350	2	Natural Gas Pipeline Co. of America (Sal Del Rey et al. Fields, Hidalgo County, Tex.) (RR. District No. 4).	29,923	5-9-69	[21] 7-1-69	12-1-69	[3] [22] 16.0	[4] [8] 17.0	
RI69-778..	Cenard Oil & Gas Co., Post Office Box 446, Dallas, Tex. 75221.	4	5	El Paso Natural Gas Co. (Blanco Mesa Verde and Basin Dakota Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	70	5-5-69	[2] 6-5-69	11-5-69	[24] 13.0 [25] 14.0	[7] [24] [26] 14.0577 [7] [25] [26] 15.0577	RI64-473.
	....do....	5	5	....do....	1,334	5-5-69	[2] 6-5-69	11-5-69	[24] 13.0 [25] 14.0 [24] 13.0 [27] 14.0 [25] 13.0	[7] [24] [26] 14.0577 [7] [25] [26] 15.0577 [7] [24] [26] 14.0577 [7] [26] [27] 15.0577 [7] [25] [26] 15.0577	RI64-471. RI64-469.
	....do....	7	12	....do....	11,783	5-5-69	[2] 6-5-69	11-5-69			

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-779..	William A. Hudson and Edward R. Hudson et al., 1510 First National Bldg., Fort Worth, Tex. 76102.	1	4	West Texas Gathering Co., Emperor Field, Winkler County, Tex. (RR. District No. 8) (Permian Basin Area).	$2,858	5-2-69	[2] 6-2-69	11-2-69	14.30	[4] [28] 18.0	
	....do....	3	4	....do....	5,067	5-2-69	[2] 6-2-69	11-2-69	14.30	[4] [28] 18.0	
RI69-780..	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	115	4	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	2,285	5-1-69	[29] 6-1-69	11-1-69	16.659	[4] [28] 17.0	
RI69-781..	Quaker State Oil Refining Corp., Post Office Box 1327, Parkersburg, W. Va. 26101.	28	1	The Ohio Fuel Gas Co. (Ground Hog Field, Meigs County, Ohio).	12,924	5-1-69	[2] 6-1-69	11-1-69	24.0064	[4] [30] 27.0	
RI69-782..	Sinclair Oil Corp., c/o Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	[31] 136	4	Northern Natural Gas Co. (Prentice Plant, Yoakum County, Tex.) (RR. District No. 8A) (Permian Basin Area).	39	5-1-69	[29] 6-1-69	11-1-69	14.50	[4] [30] [32] 15.05	
RI69-783..	Allerton Miller, 3309 Grant Bldg., Pittsburgh, Pa. 15219.	5	[33] 8	Equitable Gas Co. (Meade and Buckhannon Districts, Upshur County, W. Va.).	[34]	5-8-69	[2] 6-8-69	11-8-69	25.0	[4] [30] [35] 27.0	
RI69-784..	Union Drilling, Inc., Post Office Box 281, Washington, Pa. 15301.	26	[33] 3	Equitable Gas Co. (Meade District, Upshur County, W. Va.).	[34]	5-9-69	[2] 6-9-69	11-9-69	25.0	[4] [30] [36] 27.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Two-step periodic rate increase.
[7] Periodic rate increase.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment after increase.
[10] Applicable to gas produced from formations below the Top of the Morrowan Series of the Pennsylvanian System.
[11] Respondent filing from initial certificated rate to initial contract rate.
[12] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18.5 cents plus upward B.t.u. adjustment after increase.
[13] Contract agreement dated Nov. 1, 1966, which provides for the proposed rate increase.
[14] Applicable to acreage added by Supplement No. 8 to Mobil's Rate Schedule No. 266.
[15] "Fractured" rate increase. Respondent filing from initial certificated rate. Initial contract rate is 19 cents and present contractually due rate is 21.5 cents per Mcf.
[16] The stated effective date is the effective date requested by Respondent.
[17] 0.5 cent is deducted from rate shown for gas dehydrated by buyer.
[18] Includes 0.15-cent tax reimbursement.
[19] Applicable to acreage added by Supplements Nos. 11, 12, 13, and 14.
[20] Includes base rate of 19 cents before increase and base rate of 22 cents after increase. Rates also include upward B.t.u. adjustment and 0.015-cent tax reimbursement. Base rate subject to upward and downward B.t.u. adjustment.
[21] Contractually due date.
[22] Initial rate.
[23] No current production.
[24] Pressure base is 15.025 p.s.i.a.
[25] Applicable to acreage dedicated to the contract by all other supplemental agreements (Respondent waived the right to collect the 1-cent minimum guarantee for liquids).
[26] Includes 1-cent minimum guarantee for liquids applicable to acreage under basic contract and supplemental agreement dated May 6, 1963 (Supplement No. 1).
[27] Includes 1-cent minimum guarantee for liquids applicable to acreage under basic contract and supplemental agreements dated Sept. 24, 1962, Nov. 23, 1962, and Sept. 6, 1963 (Supplements Nos. 1, 2, and 3).
[28] Includes 1-cent minimum guarantee for liquids applicable to acreage under supplemental agreement dated Dec. 23, 1963 (Supplement No. 4).
[29] Increase from applicable area ceiling rate to contract rate.
[30] Pressure base is 15.325 p.s.i.a.
[31] Tentatively designated Atlantic Richfield Co. FPC Gas Rate Schedule No. 391.
[32] Increase from applicable area ceiling rate to contract rate.
[33] Includes 2-cent maximum payment to seller for compression by seller.
[34] Volume not given.
[35] Pertains only to gas from new wells completed or old wells reworked or drilled deeper after Feb. 1, 1969.
[36] Pursuant to letter agreement dated Apr. 7, 1969 (Supplement No. 7).
[37] Pursuant to letter agreement dated Apr. 2, 1969 (Supplement No. 2).

Texaco, Inc. (Operator), et al. and Texaco, Inc., request that their proposed rate increases be permitted to become effective on May 9, 1969, Cenard Oil & Gas Co. requests a retroactive effective date of January 1, 1969, for its proposed rates increases. William A. Hudson and Edward R. Hudson et al., request an effective date of June 1, 1969, for their proposed rate filings. Quaker State Oil Refining Corp. (Quaker State) also requests a retroactive effective date of April 15, 1969, for its proposed rate filing. Allerton Miller and Union Drilling, Inc., request an effective date of May 12, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. (Operator) and Humble Oil & Refining Co. (both referred to herein as Humble) request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to Humble's rate filings and such requests are denied.

Concurrently with the filing of its rate increase, Graham-Michaelis Drilling Co. (Operator) et al. (Graham-Michaelis), submitted a contract agreement dated November 1, 1966, designated as Supplement No. 22 to Graham-Michaelis' FPC Gas Rate Schedule No. 8, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Graham-Michaelis' proposed agreement to become effective on June 7, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

Quaker State proposes an increase to 27 cents per Mcf at 15.025 p.s.i.a. for a sale of gas in Eastern Ohio where no formal rate ceiling has been announced. The gas is being produced from an area contiguous with West Virginia where the increased rate ceiling is 25 cents per Mcf at 15.025 p.s.i.a. The Commission has considered the West Virginia ceilings to be applicable to this area, we conclude that Quaker State's proposed rate increase should be suspended for 5 months from June 1, 1969, the expiration date of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), with the exception of the rate increase filed by Quaker State, mentioned above, for which no formal ceiling rates have been established for the area involved but exceeds the area increased rate ceiling for adjacent West Virginia which has been used for similar cases in the past.

The proposed changed rates and charges may be unjust, unreasonble, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing the contract agreement filed by Graham-Michaelis, as set forth above, and for permitting such supplement to become effective on June 7, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 22 to Graham-Michaelis' FPC Gas Rate Schedule No. 8 is accepted for filing and permitted to become effective on June 7, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be filed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements are hereby suspended and the forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6643; Filed, June 5, 1969; 8:45 a.m.]

[Docket No. RI69-764]

FRANKS PETROLEUM, INC.

Order Accepting Contract Amendment, Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 29, 1969.

On May 2, 1969, Franks Petroleum, Inc. (Franks),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Contract amendment, dated January 1, 1969,[2] (2) Notice of change, dated May 2, 1969.

Purchaser and producing area: United Gas Pipe Line Co. (North Driscoll Field, Bienville Parish, La.) (North Louisiana Area).
Effective date: (1) and (2) June 2, 1969.[3]
Rate schedule designation: (1) Supplement No. 1 to Franks' FPC Gas Rate Schedule No. 7. (2) Supplement No. 2 to Franks' FPC Gas Rate Schedule No. 7.[4]
Amount of annual increase: (2) $7,300.
Effective rate: 17.5 cents per Mcf.[5]
Proposed rate: 18.5 cents per Mcf.[5][6]
Pressure base: 15.025 p.s.i.a.

Franks requests waiver of the statutory notice to permit its rate increase to become effective as of the date of filing, May 2, 1969, or, should the Commission suspend its proposed rate increase, that the suspension period be limited to 1 day. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Franks' rate filing, or for limiting to 1 day the suspension period with respect thereto, and such request is denied.

Franks submits a renegotiated rate increase from 17.5 cents to 18.5 cents per Mcf attributable to new production from acreage previously dedicated under Franks' FPC Gas Rate Schedule No. 7. The sale is to the United Gas Pipe Line Co. from the North Driscoll Field, Bienville Parish, La. (North Louisiana Area).

The contract related to Franks' rate increase was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 18.5 cents per Mcf rate exceeds the area increased rate ceiling of 14 cents[7] for the North Louisiana Area, but does not exceed the service ceiling of 17 cents[8] established for the area involved. We believe, in this situation, Franks' proposed rate filing should be suspended for 1 day from June 2, 1969, the expiration date of the statutory notice.

Concurrently with the filing of its rate increase, Franks submitted a related contract amendment dated January 1, 1969, designated as Supplement No. 1 to Franks' FPC Gas Rate Schedule No. 7, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Franks' proposed amendment to become effective on June 2, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Franks' contract amendment dated January 1, 1969, designated as Supplement No. 1 to Franks' FPC Gas Rate Schedule No. 7, and for permitting such supplement to become effective on June 2, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Franks' FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Franks' FPC Gas Rate Schedule No. 7 is accepted for filing and permitted to become effective on June 2, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Franks' FPC Gas Rate Schedule No. 7.

(C) Pending such hearing and decision thereon, Supplement No. 2 to Franks' FPC Gas Rate Schedule No. 7 is hereby suspended and the use thereof deferred until June 3, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Franks, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Franks shall execute and file under Docket No. RI69-764, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the United Gas Pipe Line Co., the purchaser. Unless Franks is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the

[1] Address is: Petroleum Towers, Shreveport, La. 71101.

[2] Contract amendment provides for rate of 18.5 cents for drilling two additional wells before July 1969, on remaining leases and extends contract to Mar. 1, 1989.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Basic contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rate does not exceed the area initial rate ceiling of 18.75 cents per Mcf.

[5] Subject to a downward B.t.u. adjustment.

[6] Renegotiated rate increase.

[7] Although the announced area ceiling in general policy statement No. 61-1 is 14 cents, the Commission has previously accepted increased rates up to 15.75 cents equivalent to 14 cents plus 1.75 cents tax reimbursement.

[8] Although the announced area initial rate ceiling is 17 cents exclusive of tax reimbursement, the Commission has accepted initial rates in this area up to 18.75 cents, equivalent to 17 cents plus 1.75 cents tax reimbursement.

Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6642; Filed, June 5, 1969; 8:45 a.m.]

[Docket No. CP69-313]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MAY 29, 1969.

Take notice that on May 20, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-313 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and delivery of natural gas for general distribution by Applicant in the communities of Benkelman and Crofton, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following:

(1) Approximately 12 miles of 3-inch pipeline from the present termination of an existing irrigation project line to Benkelman;

(2) A town border station for Benkelman;

(3) Approximately 11 miles of 2-inch pipeline from Bloomfield, Nebr., to Crofton; and

(4) A town border station for Crofton.

The application indicates that the estimated cost of the above facilities is $140,000. Applicant states that the customers receiving natural gas service will pay for the cost of the new lateral line facilities by means of a monthly contribution based on each customer's consumption during the billing period. Applicant will finance the initial costs from current working capital and interim bank loans when necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6644; Filed, June 5, 1969; 8:45 a.m.]

[Docket No. CP69-310]

LATERAL GAS PIPELINE CO.

Notice of Application

MAY 29, 1969.

Take notice that on May 19, 1969, Lateral Gas Pipeline Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in Docket No. CP69-310 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation for the account of Iowa Electric Light and Power Co. (Iowa Electric) of natural gas to be purchased by the latter from Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that Iowa Electric has pending in Docket No. CP69-311 an application for an order directing Michigan Wisconsin to construct certain facilities and to sell to Iowa Electric natural gas for resale and distribution by the latter in the communities of Keosauqua and Lockridge, Iowa. Applicant in the subject docket proposes to construct and operate approximately 7.7 miles of 3-inch and 4-inch line and 1.7 miles of 2-inch line extending from connections with Michigan Wisconsin's facilities in Docket No. CP69-311 to Keosauqua and Lockridge, respectively. Applicant will receive gas from Michigan Wisconsin and transport and deliver same to Iowa Electric for distribution and resale in said communities.

The application indicates the total estimated cost of the proposed facilities to be $164,900, which cost will be financed from funds currently on hand, advanced by Iowa Electric or through the sale of common stock to Iowa Electric. Applicant is a wholly owned subsidiary of Iowa Electric.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6645; Filed, June 5, 1969; 8:45 a.m.]

[Dockets Nos. CP68-193 (Phase II) etc.]

NORTHERN NATURAL GAS CO.

Notice of Extension of Time

MAY 29, 1969.

On May 26, 1969, Northern Natural Gas Co. (Northern) filed a motion for extension of time (a) within which to notify the Commission of the responses of the 60 communities and the respective distributors involved in these consolidated proceedings, from June 2, 1969, to July 2, 1969; (b) within which to show cause and serve its direct presentation, from June 9, 1969, to July 9, 1969; and (c) with respect to the date set for the prehearing conference, from June 18, 1969, to July 18, 1969.

Northern maintains that the short period allowed to first contact and then receive the responses from the 60 towns and the numerous gas distributors does not provide sufficient time for the appropriate officials to make proper authoritative responses. In fact, town meetings or council meetings may be required in

some cases. Good cause appears to exist for the requested extension of time.

Notice is hereby given that the time is extended to and including the dates set out above, as requested.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6646; Filed, June 5, 1969; 8:45 a.m.]

[Dockets Nos. CP68-14, CP68-222]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

MAY 29, 1969.

Take notice that on May 16, 1969, United Gas Pipe Line Co. (Petitioner), Post Office Box 1407, Shreveport, La. 71102, filed in Dockets Nos. CP68-14 and CP68-222 a petition to amend the orders issued in said dockets on March 11, 1968, and April 24, 1969, respectively, by authorizing the deletion of certain facilities which were authorized by the aforementioned orders but which have not been constructed, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order issued in Docket No. CP68-14, Petitioner was authorized to construct and operate 11.9 miles of 30-inch loop on the 30-inch South to North Louisiana line in St. Landry and St. Martin Parishes, and 6 miles of 20-inch loop on the 16-inch Belle Isle Field Line in St. Mary Parish, La. By the aforementioned order issued in Docket No. CP68-222, Petitioner was further authorized to construct and operate 5.2 miles of 30-inch loop on the 30-inch South to North Louisiana line in St. Martin Parish, La.

Petitioner states that the need for the aforementioned facilities will be obviated if the Commission grants the authorization requested by Petitioner in Docket No. CP69-304 and the authorization requested by Petitioner and Southern Natural Gas in Docket No. CP69-305, which applications entail the construction of a 36-inch line connecting with the Sea Robin Pipeline Co. at Erath, La., and the exchange of natural gas between Petitioner and Southern Natural Gas Co.

Petitioner, therefore, requests that the orders issued in Dockets Nos. CP68-14 and CP68-222 be amended so as to delete the facilities hereinbefore described.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6647; Filed, June 5, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of March 4, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on March 4, 1969.[1]

The information reviewed at this meeting suggests that expansion in real economic activity has been moderating, but that upward pressures on prices and costs are persisting. Prospects are for some further slowing in economic expansion in the period ahead. Most market interest rates have edged up on balance in recent weeks. In the first 2 months of the year bank credit changed little on average, as investments contracted while loan demands, especially from businesses, remained strong. The outstanding volume of large-denomination CD's continued to decline sharply and inflows of other time and savings deposits slowed. Growth in the money supply moderated as U.S. Government deposits rose considerably. It appears that a sizable deficit reemerged in the U.S. balance of payments on the liquidity basis in January and February and, with Euro-dollar inflows moderating, a deficit also reappeared in the balance on the official settlements basis in February. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining on balance about the prevailing firm conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 29th day of May 1969.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-6648; Filed, June 5, 1969; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Mar. 4, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraphs 1 and 2 of the Committee's Authorization for System Foreign Currency Operations, as amended by action taken at its meeting on March 4, 1969.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive and express authorizations by the Committee pursuant thereto:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, and with the Bank for International Settlements:

Austrian schillings.	Italian lire.
Belgian francs.	Japanese yen.
Canadian dollars.	Mexican pesos.
Danish kroner.	Netherlands guilders.
Pounds sterling.	Norwegian kroner.
French francs.	Swedish kronor.
German marks.	Swiss francs.

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

(1) Currencies purchased spot, including currencies purchased from the Stabilization Fund, and sold forward to the Stabilization Fund, up to $1 billion equivalent;

(2) Currencies purchased spot or forward, up to the amounts necessary to fulfill other forward commitments;

(3) Additional currencies purchased spot or forward, up to the amount necessary for System operations to exert a market influence but not exceeding $250 million equivalent; and

(4) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to $300 million equivalent.

C. To have outstanding forward commitments undertaken under paragraph A above to deliver foreign currencies, up to the following limits:

(1) Commitments to deliver foreign currencies to the Stabilization Fund, up to the limit specified in paragraph 1B(1) above;

(2) Commitments to deliver Italian lire, under special arrangements with the Bank of Italy, up to $500 million equivalent; and

(3) Other forward commitments to deliver foreign currencies, up to $550 million equivalent.

D. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below, provided that drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	*Amount of arrangement (millions of dollars equivalent)*
Austrian National Bank	100
National Bank of Belgium	225
Bank of Canada	1,000
National Bank of Denmark	100
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,000
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	400
Bank of Norway	100
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,000

NOTE: For paragraph 3 of the authorization, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

Dated at Washington, D.C., the 29th day of May 1969.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-6649; Filed, June 5, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3079]

AMK CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 2, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

AMK Corp., Warrants (expiring Feb. 1, 1979), File No. 7-3079.

Upon receipt of a request, on or before June 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6655; Filed, June 5, 1969; 8:46 a.m.]

[Files Nos. 7-3080—7-3086]

AMK CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 2, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
AMK Corp	7-3080
California Financial Corp	7-3081
Canadian Homestead Oils Ltd	7-3082
Electrospace Corp	7-3083
Far West Financial Corp	7-3084
Management Data Corp	7-3085
Restaurants Associates Industries, Inc.	7-3086

Upon receipt of a request, on or before June 18, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6656; Filed, June 5, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 25]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting Traffic or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Louisville and Nashville Railroad Co. is unable to transport traffic to and from Myrtlewood, Ala., because of bridge damage.

It is ordered, That:

(a) Rerouting traffic: The Louisville and Nashville Railroad Co., being unable to transport traffic to and from Myrtlewood, Ala., because of bridge damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Louisville and Nashville Railroad Co. and its connections shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 1 p.m., June 2, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., June 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of

American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 2, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6682; Filed, June 5, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 3, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41645—*Soda ash to Mobile, Ala.* Filed by O. W. South, Jr., agent (No. A6102), for interested rail carriers. Rates on soda ash, other than modified soda ash, in bulk or in bulk in bags, in carloads, as described in the application, from Saltville, Va. to Mobile, Ala.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 142 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6683; Filed, June 5, 1969; 8:48 a.m.]

[Notice 843]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 3, 1969.

The following are notices of filing of applications for temporary authority under section 310a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 370 TA), filed May 22, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and snowmobile parts*, from the United States-Canadian border at Derby Line, Vt., to Lansing, Mich.; Green Bay, Wis.; Minneapolis, Minn.; and Denver, Colo.; and between points in Lansing, Mich.; Green Bay, Wis.; Minneapolis, Minn.; and Denver, Colo., for 180 days. Supporting shipper: Boulder Parts Corp., 1509 South Chestnut Avenue, Green Bay, Wis. 54306, Paul Stone. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 107295 (Sub-No. 199 TA), filed May 27, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tub wall units; shower stall units; and accessories* when moving therewith, from Toledo, Ohio, to points in New York, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Kohler Co., Kohler, Wis. 53044. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107515 (Sub-No. 661 TA), filed May 21, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representatives: William Addams and Clyde W. Carver, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from Waterloo, Red Creek, Rushville, Egypt, Penn Yan, Lyons, Newark, Fairport, and Syracuse, N.Y., to Jacksonville, Tampa, and Miami, Fla.; Orangeburg, Charleston, Greenville, and Columbia, S.C.; Albany and Forest Park, Ga.; Nashville, Chattanooga, Knoxville, and Memphis, Tenn.; Birmingham, Montgomery, Mobile, and Dothan, Ala.; Dallas, Fort Worth, Houston, Lubbock, Abilene, Beaumont, Austin, Corpus Christi, San Antonio, and Weslaco, Tex.; Shreveport, La.; Tulsa and Oklahoma City, Okla.; Little Rock, Ark.; Lexington and Louisville, Ky.; Raleigh, Kinston, Charlotte, Greensboro, and Winston-Salem, N.C.; Bluefield and Huntington, W. Va.; Richmond, Roanoke, Bristol, and Norfolk, Va., for 180 days. Supporting shipper: Comstock-Greenwood Foods, Borden, Inc., Food Division, 1000 South Main Street, Newark, N.Y. 14513. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 108207 (Sub-No. 260 TA), filed May 22, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, frozen, between Memphis, Tenn., and Kankakee, Ill.; between Memphis, Tenn., and Los Angeles, Calif.; and between St. Louis, Mo., and Kankakee, Ill., for 130 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting shipper: American Blood Components, Inc., Memphis, Tenn. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 110420 (Sub-No. 590 TA), filed May 23, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate coating, chocolate, confectionery coating, chocolate compounds, candy coating* other than chocolate and cocoa butter, in bulk, from Lititz, Pa., to points in Minnesota, for 180 days. Supporting shipper: Wilbur Chocolate Co., Inc., Lititz, Pa. 17543. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111170 (Sub-No. 128 TA), filed May 22, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *R-150 solvent 95*, in bulk, from Tulsa, Okla., to West Memphis, Ark., for 180 days. Supporting shipper: Gurley Refining Co., Post Office Box 2326, Memphis, Tenn. 38102. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 111785 (Sub-No. 44 TA), filed May 21, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Elkins, W. Va., to Holland, Mich.; Taylorsville, N.C., and to points in Iowa and New Jersey, for 180 days. Supporting shipper: Allegheny Lumber Co., Box 409, Elkins, W. Va. 26241. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, 3202 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 113828 (Sub-No. 158 TA), filed May 21, 1969. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical coatings*, in bulk, from plantsites and facilities of Conchemco, Inc., at or near Baltimore, Md., to Richmond and Lynchburg, Va.; Weirton, W. Va., and Pittsburgh, Pa., for 180 days. Supporting shipper: Conchemco, Inc., 1401 Severn Street, Baltimore, Md. 21230. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 114533 (Sub-No. 190 TA), filed May 19, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, electronic components and supplies* used in the repair, maintenance and operation of electronic and mechanical office machines and systems limited to 150 pounds per shipment: (1) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Missouri, and Ohio; (2) between Detroit, Mich., on the one hand, and, on the other, points in Indiana and Ohio, for 180 days. Supporting shipper: International Business Machines Corp., 310 West Madison Street, Chicago, Ill. 60606. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115592 (Sub-No. 1 TA), filed May 21, 1969. Applicant: VERNON JENNIGES, doing business as JENNIGES TRANSFER, Springfield, Minn. 56087. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Springfield, Minn., to points in the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Ochs Brick & Tile Co., Springfield, Minn. 56087. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 116254 (Sub-No. 97 TA), filed May 21, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin solvents* in bulk, in tank vehicles, from Decatur, Ala., to Lafayette, Ind., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 123073 (Sub-No. 2 TA), filed May 21, 1969. Applicant: R. B. HAMILTON HAULING & RIGGING CORP., Railroad Avenue, Roslyn Heights, Long Island, N.Y. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, tools, and supplies and materials used in the installation, maintenance and repair of such equipment*, from carrier's warehouse site in Farmingdale, N.Y., to points in Nassau and Suffolk Counties, N.Y., for 180 days. Supporting shipper: Western Electric Co., Inc., 195 Broadway, New York, N.Y. 10007. Send protests to: District Supervisor A. Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 125091 (Sub-No. 1 TA), filed May 27, 1969. Applicant: BOEHMER TRANSPORTATION CORP., Mill and Union Streets, Machias, N.Y. 14101. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand with loam*, in bulk, from the township of Eldred, county of McKean, Pa., to Lackawanna, N.Y., for 180 days. Supporting shipper: Estate of C. L. McGavern, Jr., Richard D. McGavern, Manager, Canandaigua, N.Y. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14202.

No. MC 127799 (Sub-No. 7 TA), filed May 26, 1969. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Port Neal, Iowa, to points in Minnesota, Nebraska, and South Dakota, and from Omaha, Nebr., to points in Iowa, for 150 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 127952 (Sub-No. 9 TA), filed May 26, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles County, Calif., to Las Vegas, Nev., for 150 days. Supporting shipper: Latchford Glass Co., Post Office Box 71707, Los Angeles, Calif. 90001. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 127952 (Sub-No. 10 TA), filed May 26, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warrent N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate* on skids, from points in Los Angeles, Calif., to Tempe, Ariz., for 180 days. Supporting shipper: Continental Can Co., Inc., Russ Building, San Francisco, Calif. 94104. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129657 (Sub-No. 1 TA), filed May 27, 1969. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and carbonated beverages*, from St. Louis, Mo., to points in Door and Kewaunee Counties, Wis., for 180 days. Supporting shipper: Ervin Schultz, doing business as Erv's Beer Depot, Sturgeon Bay, Wis. 54235. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133415 (Sub-No. 3 TA), filed May 19, 1969. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, Peekskill, N.Y. 10566. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer and distributor of automobile parts, uncrated and crated, from shipper's warehouse at Bayonne, N.J.; to points in Nassau, Suffolk, and Westchester Counties, N.Y.; *returned shipments* of the *same commodities*, from points in Nassau, Suffolk, and Westchester Counties, N.Y.; to shipper's warehouse at Bayonne, N.J.; *restriction* under a continuing contract, or contracts, with the Maremont Marketing, Inc., of Bayonne, N.J., for 150 days. Supporting shipper: Maremont Marketing, Inc., 21

Division Street, Fairview, N.J. Send protests to: District Supervisor Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133667 (Sub-No. 1 TA), filed May 22, 1969. Applicant: ALVIN C. HILL, JR., doing business as HILL TRUCKING SERVICE, Post Office Box 441, Stuttgart, Ark. 72160. Applicant's representative: Art Givens, Jr., Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk fertilizer, fertilizer products*, all in dump-type equipment, from Helena, Ark., to points in Missouri, Tennessee, Mississippi, Louisiana, and Alabama, for 180 days. Supporting shipper: Arkla Chemical Corp., 400 East Capitol, Little Rock, Ark. 72202. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133724 (Sub-No. 1 TA), filed May 26, 1969. Applicant: JEAN D. MARKS, doing business as JEAN MARKS, Post Office Box 76, Goshen, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products*, from Eugene, Oreg., to points in Los Angeles and San Diego Counties, Calif., for 180 days. Supporting shipper: Wood Components Co., Post Office Box 1338, Eugene, Oreg. 97401. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 133755 (Sub-No. 1 TA), filed May 27, 1969. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, Wis. 54615. Applicant's representative: Dan Pizzini, 104 Main Street, Black River Falls, Wis. 54614. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and return empty containers*, from St. Paul, Minn., to Black River Falls, Wis., for 180 days. Supporting shipper: Millis Bros., Inc., Black River Falls, Wis. 54615. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6684; Filed, June 5, 1969; 8:48 a.m.]

[Notice 357]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71151. By order of May 23, 1969, the Motor Carrier Board approved the transfer to Doy Reidhead, Show Low, Ariz., of the operating rights in certificate No. MC-128300 (Sub-No. 2) issued June 10, 1968, to Ross A. Fish and Jack Verkler, a partnership, doing business as Fish & Verkler, Mesa, Ariz., authorizing the transportation, over irregular routes, of lumber from Snowflake, Cutter, Fredonia, and Payson, Ariz., to Port Hueneme, Los Angeles, and San Diego, Calif., points in New Mexico, and points in a described portion of Texas; from points in Arizona to points in Nevada; and from points in Los Angeles County, Calif., and points in California north of Interstate Highway 80 to Phoenix, Ariz.; and roofing from a designated plantsite at or near Los Angeles, Calif., to Globe, Miami, Payson, and Tucson, Ariz. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz., 85012, attorney for applicants.

No. MC-FC-71204. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Elmer A. Fehrle, doing business as Fehrle Trucking, Cedar Rapids, Iowa, of the operating rights in permit No. MC-126548 (Sub-No. 1) issued March 6, 1968, to Bob Hilmer, doing busines as Hilmer Truck Lines, Dysart, Iowa, authorizing the transportation, over irregular routes, lumber, raggle boards, pallets, and skids from Belle Plaine, Iowa, to points in Indiana, Ohio, and Wisconsin, and pallets and skids from Belle Plaine, Iowa, to points in Illinois for a named shipper. Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501, representative for applicants.

No. MC-FC-71220. By order of May 23, 1969, the Motor Carrier Board approved the transfer to Good's Transportation Service, Inc., 408 Niagara Street, Lockport, N.Y. 14094, of certificate of registration No. MC-58104 (Sub-No. 1) issued October 30, 1963, to Gertrude E. Good, doing business as Good's Transportation Service, 408 Niagara Street, Lockport, N.Y. 14094, evidencing a right to engage in interstate or foreign commerce, within the State of New York.

No. MC-FC-71294. By order of May 23, 1969, the Motor Carrier Board approved the transfer to Huckabee Transports, Inc., Lubbock, Tex; of certificate in No. MC-110098 Sub-No. 37, issued July 12, 1965, to Zero Refrigerated Lines, a corporation, San Antonio, Tex.; authorizing the transportation of: Meat, meat products, and various related commodities, in vehicles equipped with refrigeration, from the plantsite of Swift & Co. near Clovis, N. Mex., to points in Georgia, North Carolina, South Carolina, Alabama (except Mobile and Selma), Florida (except Pensacola), and Tennessee (except Memphis). Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-71332. By order of May 23, 1969, the Motor Carrier Board approved the transfer to Consolidated Towing Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., of the operating rights in certificate No. MC-109741, issued September 16, 1964, to Towing Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., authorizing the transportation of wrecked or disabled motor vehicles, and tractors for replacement of wrecked or disabled tractors, in truckaway service, between points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6685; Filed, June 5, 1969; 8:48 a.m.]

[Notice 1301]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

JUNE 4, 1969.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10499. Authority sought for purchase by JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, of the operating rights of DALEY TRUCKING COMPANY, INC., 5 Ashworth Terrace, Haverhill, Mass., and for acquisition by H. BEALE ROLLINS, Sixth Floor, Title Building, Baltimore, Md. 21202, of control of such rights through the purchase. Applicants attorney: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-57779 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts.

Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-106401 Sub 29 is a matter directly related. See also MC-F-10480 (P. WAJER & SONS EXPRESS CO. INC.—Purchase—DALEY TRUCKING COMPANY, INC.) published in May 28, 1969, issue of the FEDERAL REGISTER on page 8261.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6735; Filed, June 5, 1969; 8:49 a.m.]

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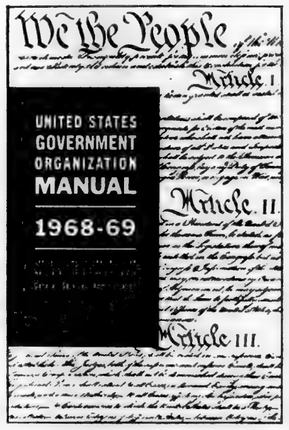

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FEDERAL REGISTER

VOLUME 34 • NUMBER 109

Saturday, June 7, 1969 • Washington, D.C.

Pages 9051–9112

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The President
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
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Land Management Bureau
National Park Service
Post Office Department
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Securities and Exchange Commission
Small Business Administration

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34
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Title 3—THE PRESIDENT

Proclamation 3916

FLAG DAY AND NATIONAL FLAG WEEK, 1969

By the President of the United States of America

A Proclamation

It has become customary when referring to the flag of the United States of America to concentrate on what it represents. Every American has pledged allegiance to the flag "and to the Republic for which it stands." From time to time, however, it is necessary to remind ourselves not only of what the flag stands for but of what it is.

Our flag is a fragile but infinitely strong piece of cloth. What that piece of cloth stands for we all know. What we sometimes forget, however, is that it is precisely because those things which the flag represents are intangible that we need a flag at all. A flag is meant to be seen. Only when it is displayed does it stir us. Our ideals we can honor with our words and deeds; our flag must be honored by an essentially spiritual reaction to a visual stimulus.

On June 14, 1777, the Congress delineated the present form of the flag. These men gave it form; we give it life by displaying it, honoring it, and meditating on those qualities and attributes it so beautifully and proudly symbolizes.

In commemoration of the adoption of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance; by a joint resolution approved June 9, 1966 (80 Stat. 194), the Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all citizens to display the flag of the United States on those days.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 8, 1969, as National Flag Week, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings during that week.

I also request the people of the United States to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes at their homes and other suitable places.

I urge the press, radio, television, and other information media to join in this observance and to promote continuing awareness of our flag and a rededication to the principles which it symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of June, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-third.

Richard Nixon

[F.R. Doc. 69-6843; Filed, June 6, 1969; 10:55 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Confidential Administrative Assistant to the Treasurer of the United States is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * *

(e) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6741; Filed, June 6, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the title of the position of Deputy Assistant Secretary of Defense (International Security Affairs) is changed to Principal Deputy Assistant Secretary of Defense (International Security Affairs). Effective on publication in the FEDERAL REGISTER, subparagraphs (10) and (15) of paragraph (a) of § 213.3306 are amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(10) One Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

* * * * *

(15) One private secretary to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6737; Filed, June 6, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Solicitor is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (b) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

* * * * *

(b) *Office of the Solicitor.* * * *

(2) One Special Assistant to the Solicitor.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6740; Filed, June 6, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Confidential Secretary to the Deputy Under Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(33) One Confidential Secretary to the Deputy Under Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6738; Filed, June 6, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that two positions of Liaison Officer, Bureau of Customs, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (c) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * *

(c) *Bureau of Customs.* * * *

(2) Two Liaison Officers.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6787; Filed, June 6, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Deputy Under Secretary for International Labor Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (27) is added to paragraph (a) as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(27) Deputy Under Secretary for International Labor Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–6786; Filed, June 6, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REFERENDA ON OUT-OF-COUNTY TRANSFERS OF ALLOTMENTS BY SALE OR LEASE

Section 722.474 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of § 722.474 is to announce the results of the referenda on out-of-county transfers of allotments by sale or lease which were held by mail ballot during the period May 5–9, 1969, each inclusive, pursuant to the notice published in the FEDERAL REGISTER of March 29, 1969 (34 F.R. 5956).

Since the only purpose of § 722.474 is to announce the results of these referenda, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.474 shall be effective upon publication in the FEDERAL REGISTER.

§ 722.474 Results of referenda on out-of-county transfers of 1970 upland cotton allotments by sale or lease.

(a) *Period when referenda held.* The county referenda were held in each county receiving upland cotton allotments for the 1969 crop as set forth in § 722.471 (33 F.R. 17754) by mail ballot during the period May 5–9, 1969, each inclusive, in accordance with the notice published in the FEDERAL REGISTER of March 29, 1969 (34 F.R. 5956) and the referenda regulations in Part 717 of this chapter (33 F.R. 18345; 7 CFR Part 717).

(b) *Results of referenda*—(1) *Counties approving transfers to other counties within the State.* Two-thirds or more of the producers of upland cotton of the 1969 crop voting in each county referendum in the counties listed in this subparagraph voted to permit the transfer of upland cotton allotments by sale or lease to farms in other counties within the State. Accordingly, it is hereby determined and proclaimed by the Secretary that transfers of upland cotton allotment by sale or lease from the following counties to other counties within the same State to take effect in 1970 may be approved subject to the requirements of section 344a of the act:

ALABAMA

Clay.	Dale.
Cleburne.	Pike.
Coffee.	Randolph.
Coosa.	St. Clair.
Crenshaw.	

ARIZONA

Gila.	Pima.
Maricopa.	Santa Cruz.
Mohave.	Yuma.

ARKANSAS

Baxter.	Marion.
Bradley.	Nevada.
Calhoun.	Newton.
Cleburne.	Perry.
Cleveland.	Pike.
Columbia.	Scott.
Crawford.	Searcy.
Fulton.	Sebastian.
Grant.	Sevier.
Hempstead.	Sharp.
Hot Spring.	Union.
Howard.	Van Buren.
Izard.	

CALIFORNIA

San Benito.	Stanislaus.
San Diego.	

FLORIDA

Alachua.	Lafayette.
Bay.	Leon.
Calhoun.	Liberty.
Clay.	Okaloosa.
Columbia.	Suwannee.
Dixie.	Taylor.
Gadsden.	Union.

GEORGIA

Appling.	Heard.
Atkinson.	Henry.
Bacon.	Irwin.
Baker.	Jackson.
Banks.	Jasper.
Ben Hill.	Jones.
Bibb.	Lamar.
Bleckley.	Lanier.
Brantley.	Lincoln.
Bryan.	Long.
Butts.	Lowndes.
Carroll.	Lumpkin.
Catoosa.	McDuffie.
Chatham.	Mitchell.
Chattahoochee.	Monroe.
Cherokee.	Montgomery.
Clarke.	Murray.
Clayton.	Newton.
Clinch.	Paulding.
Cobb.	Peach.
Coffee.	Pierce.
Colquitt.	Pike.
Columbia.	Pulaski.
Cook.	Putnam.
Coweta.	Quitman.
Crisp.	Rockdale.
Dade.	Schley.
Dawson.	Spalding.
Decatur.	Stephens.
De Kalb.	Taliaferro.
Dodge.	Tattnall.
Dooly.	Taylor.
Dougherty.	Thomas.
Douglas.	Tift.
Echols.	Troup.
Fayette.	Upson.
Forsyth.	Walker.
Fulton.	Ware.
Greene.	Wayne.
Gwinnett.	White.
Habersham.	Whitfield.
Hall.	Wilkes.
Haralson.	

KENTUCKY

Calloway.	Graves.
Fulton.	McCracken.

LOUISIANA

Beauregard.	Livingston.
Claiborne.	Sabine.
East Baton Rouge.	Tangipahoa.
East Feliciana.	Union.
Iberia.	Vernon.
Jackson.	Webster.
Jeff Davis.	West Feliciana.
Lincoln.	Winn.

MISSISSIPPI

Adams.	Lamar.
Amite.	Leflore.
Bolivar.	Lincoln.
Coahoma.	Newton.
Forrest.	Pearl River.
Franklin.	Pike.
George.	Sharkey.
Jefferson.	Wilkinson.

MISSOURI

Cape Girardeau.	Wayne.
Howell.	

NEVADA

Clark.	

NEW MEXICO

Grant.	Luna.
Harding.	Sierra.
Hidalgo.	

NORTH CAROLINA

Alamance.	Cabarrus.
Alexander.	Caldwell.
Beaufort.	Camden.
Bladen.	Carteret.
Brunswick.	Catawba.
Burke.	Chatham.

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Cumberland.	Pamlico.
Davidson.	Pasquotank.
Duplin.	Perquimans.
Durham.	Person.
Edgecombe.	Pitt.
Forsyth.	Randolph.
Franklin.	Richmond.
Gaston.	Robeson.
Granville.	Rowan.
Greene.	Sampson.
Halifax.	Scotland.
Harnett.	Stanly.
Hyde.	Tyrrell.
Iredell.	Vance.
Jones.	Wake.
Lee.	Washington.
Lenoir.	Wayne.
Martin.	Wilkes.
Mecklenburg.	Wilson.
Montgomery.	Yadkin.
Northampton.	

OKLAHOMA

Atoka.	Nowata.
Beaver.	Pittsburg.
Grant.	Pontotoc.
Haskell.	Pottawatomie.
Kay.	Pushmataha.
Le Flore.	Rogers.
Lincoln.	Seminole.
Mayes.	Sequoyah.
Murray.	Tulsa.
Noble.	

SOUTH CAROLINA

Colleton.	Jasper.
Dillon.	Newberry.
Fairfield.	Pickens.
Georgetown.	Union.
Horry.	

TENNESSEE

Bedford.	Marshall.
Bradley.	Maury.
Cannon.	Meigs.
Coffee.	Moore.
Crockett.	Perry.
Grundy.	Polk.
Hamilton.	Rhea.
Humphreys.	Robertson.
Lake.	Rutherford.
Lewis.	Williamson.
Marion.	Wilson.

TEXAS

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Andrews.	Hood.
Angelina.	Hopkins.
Blanco.	Hudspeth.
Brewster.	Hutchinson.
Brown.	Jasper.
Burnet.	Jim Hogg.
Camp.	Kimble.
Carson.	Kinney.
Cass.	Lampasas.
Cherokee.	La Salle.
Comal.	Lavaca.
Comanche.	Lee.
Crockett.	Limestone.
Culberson.	Llano.
De Witt.	Loving.
Dimmit.	Madison.
Duval.	Marion.
Eastland.	Maverick.
Ector.	Montgomery.
Erath.	Moore.
Franklin.	Morris.
Freestone.	Nacogdoches.
Gaines.	Newton.
Goliad.	Oldham.
Gonzales.	Panola.
Gregg.	Pecos.
Hansford.	Polk.
Harris.	Reagan.
Harrison.	Reeves.
Hartley.	Roberts.

TEXAS—Continued

Sabine.	Tyler.
San Augustine.	Upshur.
San Jacinto.	Val Verde.
San Saba.	Walker.
Shelby.	Ward.
Smith.	Webb.
Stephens.	Wilson.
Sterling.	Wood.
Titus.	Yoakum.
Trinity.	Zapata.

VIRGINIA

Charlotte.	Mecklenburg.
Dinwiddie.	Prince Edward.
Lunenburg.	

(2) *Counties not approving transfers to other counties within the State.* Less than two-thirds of the producers of upland cotton of the 1969 crop voting in each county referendum in the counties receiving upland cotton allotments for the 1969 crop as set forth in § 722.471 (33 F.R. 17754) and not listed in subparagraph (1) of this paragraph voted to permit the transfer of upland cotton allotments by sale or lease to farms in other counties within the State. Accordingly, it is hereby determined and proclaimed by the Secretary that transfers of upland cotton allotment by sale or lease from such counties to other counties within the same State shall not be approved under section 344a of the act.

(c) *Data on which referenda results are based.* The referenda results proclaimed in paragraph (b) of this section are based on data for each county furnished to the Deputy Administrator in accordance with the referenda regulations in Part 717 of this chapter. In addition to the data available for public inspection in the offices of the State and county committees regarding these referenda pursuant to the referenda regulations in Part 717 of this chapter, copies of the State summaries on Form MQ–8 and the following information are available for public inspection in the office of the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, Department of Agriculture, Washington, D.C.:

(1) The number of eligible producers of the 1969 crop of upland cotton who voted in each county.

(2) The number of such producers who voted to permit the transfer of upland cotton allotments by sale or lease to farms outside the county during 1970.

(3) The percentage of producers who voted to permit such transfers.

(Sec. 344a, 79 Stat. 1197, 7 U.S.C. 1344b)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 3, 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69–6731; Filed, June 6, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 377]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.677 Lemon Regulation 377.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in pulic rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 3, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 8, 1969, through June 14, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6784; Filed, June 6, 1969; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Flaxseed Loan and Purchase Program

This annual crop year supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Flaxseed Supplement (31 F.R. 8003), and any amendments thereto, contain the provisions for price support loans and purchases for the 1969 crop of flaxseed.

Sec.
1421.3065 Availability.
1421.3066 Warehouse charges.
1421.3067 Maturity of loans.
1421.3068 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421.

§ 1421.3065 Availability.

A producer desiring a price support loan must request a loan on his eligible flaxseed on or before April 30, 1970, on

flaxseed stored in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before March 31, 1970, on flaxseed stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1969 crop flaxseed he may sell to CCC. The Purchase Agreement must be delivered to CCC on or before May 31, 1970, for flaxseed stored in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1970, for flaxseed stored in all other States.

§ 1421.3066 Warehouse charges.

The following schedule of deductions (gross weight basis) for flaxseed stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply as provided in § 1421.3058(b):

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)	Maturity date of May 31, 1970
(1)		(1).
Prior to May 16, 1969	13	Prior to June 16, 1969.
May 16–June 12, 1969	12	June 16–July 13, 1969.
June 13–July 10, 1969	11	July 14–Aug. 10, 1969.
July 11–Aug. 7, 1969	10	Aug. 11–Sept. 7, 1969.
Aug. 8–Sept. 4, 1969	9	Sept. 8–Oct. 5, 1969.
Sept. 5–Oct. 2, 1969	8	Oct. 6–Nov. 2, 1969.
Oct. 3–Oct. 30, 1969	7	Nov. 3–Nov. 30, 1969.
Oct. 31–Nov. 27, 1969	6	Dec. 1–Dec. 28, 1969.
Nov. 28–Dec. 25, 1969	5	Dec. 29, 1969–Jan. 25, 1970.
Dec. 26, 1969–Jan. 22, 1970	4	Jan. 26–Feb. 22, 1970.
Jan. 23–Feb. 19, 1970	3	Feb. 23–Mar. 22, 1970.
Feb. 20–Mar. 19, 1970	2	Mar. 23–Apr. 19, 1970.
Mar. 20–Apr. 30, 1970	1	Apr. 20–May 31, 1970.

[1] Date storage charges start, all dates inclusive.

§ 1421.3067 Maturity of loans.

Loans mature on demand but not later than: May 31, 1970, on flaxseed stored in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and April 30, 1970, on flaxseed stored in all other States.

§ 1421.3068 Support rates, premiums, and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loans and settlement purposes for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Los Angeles, Calif.	$3.31
San Francisco, Calif.	3.25
Duluth, Minn.	3.01
Minneapolis, Minn.	3.01
St. Paul, Minn.	3.01
Superior, Wis.	3.01
Corpus Christi, Tex.	2.83
Houston, Tex.	2.83

(b) *Basic support rates (counties).* Basic county support rates per bushel for farm-stored and country warehouse-stored flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture are as follows:

County	Rate per Bushel	County	Rate per Bushel
ARIZONA			
Maricopa	$3.07	Yuma	$3.09
CALIFORNIA			
Fresno	$3.05	San Mateo	$3.09
Imperial	3.12		
IOWA			
Audubon	$2.67	Lyon	$2.80
Buena Vista	2.78	Mitchell	2.75
Calhoun	2.71	O'Brien	2.81
Cerro Gordo	2.74	Osceola	2.83
Cherokee	2.79	Palo Alto	2.79
Chickasaw	2.73	Plymouth	2.76
Clay	2.81	Pocahontas	2.72
Dickinson	2.83	Sioux	2.78
Emmet	2.83	Webster	2.72
Franklin	2.73	Winnebago	2.75
Hancock	2.74	Woodbury	2.70
Ida	2.69	Worth	2.75
Kossuth	2.75	Wright	2.73
MINNESOTA			
Becker	$2.81	Murray	$2.82
Beltrami	2.83	Nicollet	2.86
Big Stone	2.82	Nobles	2.82
Blue Earth	2.86	Norman	2.78
Brown	2.86	Olmsted	2.86
Carlton	2.88	Otter Tail	2.83
Chippewa	2.85	Pennington	2.78
Clay	2.79	Pipestone	2.80
Clearwater	2.82	Polk	2.79
Cottonwood	2.84	Pope	2.85
Dodge	2.86	Red Lake	2.79
Douglas	2.84	Redwood	2.86
Faribault	2.85	Renville	2.86
Fillmore	2.83	Rice	2.86
Freeborn	2.86	Rock	2.79
Goodhue	2.86	Roseau	2.75
Grant	2.83	St. Louis	2.80
Itasca	2.87	Scott	2.86
Jackson	2.83	Sibley	2.86
Kandiyohi	2.86	Stearns	2.86
Kittson	2.74	Steele	2.86
Koochiching	2.80	Stevens	2.84
Lac Qui Parle	2.84	Swift	2.85
Lake of the Woods	2.77	Todd	2.85
Le Sueur	2.86	Traverse	2.81
Lincoln	2.82	Wabasha	2.86
Lyon	2.84	Waseca	2.86
McLeod	2.86	Watonwan	2.86
Mahnomen	2.79	Wilkin	2.81
Marshall	2.77	Winona	2.86
Martin	2.85	Wright	2.86
Meeker	2.86	Yellow Medicine	2.85
Mower	2.86		
MONTANA			
Blaine	$2.40	Liberty	$2.40
Broadwater	2.40	McCone	2.50
Carbon	2.40	Madison	2.22
Carter	2.55	Pondera	2.40
Cascade	2.40	Powder River	2.49
Chouteau	2.40	Prairie	2.52
Custer	2.51	Richland	2.51
Daniels	2.46	Roosevelt	2.50
Dawson	2.53	Rosebud	2.46
Fallon	2.55	Sheridan	2.49
Fergus	2.40	Teton	2.40
Flathead	2.41	Toole	2.40
Glacier	2.40	Valley	2.44
Hill	2.40	Wibaux	2.56
Lewis and Clark	2.40	Yellowstone	2.40
NORTH DAKOTA			
Adams	$2.65	Burleigh	$2.68
Barnes	2.74	Cass	2.76
Benson	2.67	Cavalier	2.68
Billings	2.63	Dickey	2.75
Bottineau	2.61	Divide	2.59
Bowman	2.64	Dunn	2.63
Burke	2.60	Eddy	2.70
NORTH DAKOTA—Continued			
Emmons	$2.69	Pembina	$2.73
Foster	2.71	Pierce	2.65
Golden Valley	2.60	Ramsey	2.69
Grand Forks	2.75	Ransom	2.76
Grant	2.66	Renville	2.60
Griggs	2.73	Richland	2.79
Hettinger	2.65	Rolette	2.64
Kidder	2.69	Sargent	2.78
La Moure	2.73	Sheridan	2.66
Logan	2.70	Sioux	2.67
McHenry	2.64	Slope	2.65
McIntosh	2.71	Stark	2.65
McKenzie	2.53	Steele	2.74
McLean	2.64	Stutsman	2.72
Mercer	2.64	Towner	2.65
Morton	2.67	Traill	2.75
Mountrail	2.60	Walsh	2.74
Nelson	2.72	Ward	2.61
Oliver	2.65	Wells	2.69
		Williams	2.59
SOUTH DAKOTA			
Aurora	$2.74	Jerauld	$2.75
Beadle	2.77	Jones	2.73
Bennett	2.59	Kingsbury	2.79
Bon Homme	2.75	Lake	2.78
Brookings	2.80	Lawrence	2.65
Brown	2.77	Lincoln	2.77
Brule	2.75	Lyman	2.74
Buffalo	2.75	McCook	2.75
Butte	2.65	McPherson	2.74
Campbell	2.72	Marshall	2.78
Charles Mix	2.73	Meade	2.65
Clark	2.79	Mellette	2.65
Clay	2.76	Miner	2.77
Coddington	2.80	Minnehaha	2.77
Corson	2.68	Moody	2.79
Davison	2.75	Pennington	2.68
Day	2.79	Perkins	2.66
Deuel	2.82	Potter	2.75
Dewey	2.68	Roberts	2.80
Douglas	2.73	Sanborn	2.75
Edmunds	2.75	Shannon	2.58
Fall River	2.51	Spink	2.78
Faulk	2.76	Stanley	2.74
Grant	2.82	Sully	2.75
Gregory	2.66	Todd	2.65
Haakon	2.71	Tripp	2.65
Hamlin	2.80	Turner	2.76
Hand	2.76	Union	2.76
Hanson	3.75	Walworth	2.73
Harding	2.64	Washabaugh	2.70
Hughes	2.75	Yankton	2.76
Hutchinson	2.75	Ziebach	2.67
Hyde	2.75		
WISCONSIN			
Ashland	$2.78	Milwaukee	$2.63
Bayfield	2.78	Outagamie	2.67
Brown	2.65	Ozaukee	2.63
Calumet	2.64	Pierce	2.80
Clark	2.73	Portage	2.71
Douglas	2.86	Sauk	2.68
Fond du Lac	2.65	Sheboygan	2.64
Jefferson	2.65	Washington	2.64
Marathon	2.72	Waukesha	2.64
Menominee	2.67	Winnebago	2.65

(c) *Premiums and discounts.* The basic support rate shall be adjusted by premiums and discounts as follows:

	Cents per bushel
(1) Premium for low moisture. (Applicable to Grades No. 1 and No. 2.):	
Moisture content (percent): 9 or less	+1
(2) Discounts:	
(i) Grade No. 2	−6
(ii) Weed Control Law (where required by § 1421.74)	−15
(iii) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.	

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on June 3, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–6732; Filed, June 6, 1969; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Section 212.2 is amended to read as follows:

§ 212.2 Consent to reapply for admission after deportation, removal, or departure at Government expense.

Permission to reapply for admission to the United States after deportation or removal by an alien who is applying or will apply to a consular officer for a nonimmigrant visa for a nonresident border crossing card shall be requested through the consular officer and may be granted only in accordance with section 212(d)(3)(A) of the Act and § 212.4; however, if the consular officer finds such applicant inadmissible only under paragraphs (16) or (17) of section 212(a) of the Act and the consular officer will recommend to the appropriate district director that an application for permission to reapply on Form I–212 will be considered, Form I–212 shall be submitted to the consular officer. In all other cases, application for permission to reapply shall be made on Form I–212 as indicated hereafter. If the applicant is abroad, the application shall be filed with the district director having jurisdiction over the place where the deportation or removal proceedings were held; however, an alien who is abroad and is filing Form I–212 in conjunction with a request for a waiver under section 212 (g), (h), or (i), of the Act, shall file Form I–212 and the application for the waiver simultaneously with the American consul. When the applicant is seeking admission to the United States at a port of entry, he shall file the application with the district director having jurisdiction over that port. If the applicant is within the United States and will file an application for waiver under section 212 (g) (h), or (i), with an American consul, he shall file Form I–212 and the application for the waiver simultaneously with the American consul. When the applicant is in the United States and is concurrently applying to the district director for adjustment of status under section 245 of the Act and Part 245 of this chapter, he shall file Form I–212 with the district director having jurisdiction over his application for adjustment of status. If the applicant is in the United States and is seeking to be granted advance permission to reapply prior to his departure from the United States, he shall file Form I–212 with the district director having geographical jurisdiction over the place where the alien resides. An applicant who has submitted Form I–212 shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. Denial of the application, except in the case of an applicant seeking to be granted advance permission to reapply for admission prior to his departure from the United States, shall be without prejudice to the renewal of the application in the course of proceedings before a special inquiry officer under section 242 of the Act and this chapter. An application on Form I–212, submitted in conjunction with an application for adjustment of status under section 245 of the Act which has been initiated, renewed, or is pending in a proceeding before a special inquiry officer, shall be filed by the applicant at the office of the district director having geographical jurisdiction over the place where the applicant resides, and shall be referred to the special inquiry officer for adjudication. The approval of a Form I–212 application filed by an alien seeking admission to the United States at a port of entry, or by an alien in conjunction with an application for adjustment of status under section 245 of the Act, shall be considered as retroactive to the date on which the alien embarked or reembarked at a place outside the United States or attempted to be admitted from foreign contiguous territory. The approval of an application filed by an alien whose departure will execute an order of deportation shall be conditioned upon his departure from the United States; otherwise, the approval shall not be conditioned or limited. However, the grant of permission to reapply does not waive inadmissibility under section 212(a) (16) or (17) of the Act resulting from exclusion, deportation, or removal proceedings which are instituted subsequent to the date permission to reapply is granted.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 *Preinspection outside the United States* is amended in the following respects:

1. The listing of transportation lines under "At Montreal" is amended by adding the following transportation line in alphabetical sequence: "Delta Air Lines, Inc."

2. The listing of transportation lines under "At Toronto" is amended by adding the following transportation line in alphabetical sequence to the listing: "British West Indian Airways."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

Section 316a.2 *American institutions of research* is amended by adding the following institution of research in alphabetical sequence to the listing: "University of Kansas, Office of International Programs."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 212.2 confers benefits upon persons affected thereby by permitting border crossing card applicants to apply for permission to reapply at U.S. consular offices, and by providing, in some instances, for the submission of an application to the district director having jurisdiction over the place of the applicant's residence when the applicant is in the United States, and the amendments to §§ 238.4 and 316a.2 add transportation lines and an American institution of research to the listings, respectively.

Dated: June 4, 1969.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 69–6742; Filed, June 6, 1969; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter

X, Part 1000 of the Code of Federal Regulations (CFR). Thus, all sections of the regulations contained in the CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has for convenience been eliminated from the section references contained in this notice. The term "part" when used in the regulations means Part 1000 of the Code of Federal Regulations. References to sections of General Bulletins published by the Office are preceded by the designation "B" (e.g., § B201). The section numbers used in the bulletins correspond to sections of the regulations which are discussed in the bulletins. The terms "DI" and "AFN" are used in the General Bulletins and this notice to refer to "direct investor" and "affiliated foreign national".

Notice is hereby given that the Office of Foreign Direct Investments has promulgated amendments to the Foreign Direct Investment Regulations (the "regulations"). With one substantive exception, and the exception of clarifying and technical changes, these amendments are the same as those proposed in the notice of rule making published in the FEDERAL REGISTER on April 8, 1969 (34 F.R. 6246). An important procedural change is that § 1002 now requires that certificates under that section be filed on Form FDI-106. Copies of that form have been sent to all DIs and additional copies may be obtained from the Program Reports Branch of the Office or from local field offices of the Department of Commerce. Section 312(c)(1) has also been revised to provide that, where a DI acquires an equity interest in an AFN from another DI, it also acquires the direct investment position and allowables of the divesting DI reasonably allocable to that equity interest. That section previously provided that if the divesting DI ceased to be a DI with respect to the AFN, the acquiring DI assumed the direct investment position and allowables of the divesting DI whether or not reasonably allocable to the equity interest acquired. The revision also provides expressly that revised reports must be filed in order for these provisions of § 312(c)(1) to apply. This revision is applicable only to acquisitions occurring on or after June 10, 1969 and will become final 30 days after publication in the FEDERAL REGISTER unless amended in the light of any comments received.

The following is a summary of the principal features of the amendments:

a. Conforming amendments have been made to § 201.

b. Section 312(c)(1) provides that no transfer of capital is made if a DI acquires an interest in an AFN from another DI, and that the acquiring DI assumes the direct investment and earnings position of the divesting DI. It has been amended, as previously stated, to clarify its effects and to conform to revised §§ 503, 504, and 506.

c. Subpart E has been restructured by combining old §§ 501 and 502 and by adding a new § 502 providing that a DI must elect, after the end of each year, whether it wishes to be governed by the minimum allowable under § 503, or the historical allowable under § 504 (a) and (c), or the earnings allowable under § 504(b).

d. Section 503 has been amended to increase to $1,000,000 the previous minimum allowable of $200,000. Further, the provision of § 503 which prohibited the offsetting of positive direct investment in one scheduled area against negative direct investment in another scheduled area is eliminated. Section 503 also now provides that if all AFNs, whether incorporated or unincorporated, when considered together, have aggregate annual losses, such losses shall be disregarded in computing direct investment for purposes of § 503, and therefore cannot be used to offset transfers of capital to AFNs.

e. Section 504(b) has been revised to provide for an earnings allowable in the amount of 30 percent of the immediately preceding year's earnings.

f. DIs electing to be governed by the historical allowable of § 504(a) may have a portion of this historical allowables adjusted "upstream" under § 504(c). The amount of the "upstream" adjustment is limited to the difference between 30 percent of the immediately preceding year's earnings in the "upstream" scheduled area and the historical allowable in that scheduled area. The "upstream" adjustment of historical allowables is automatic. As previously provided, allowables in "upstream" scheduled areas may generally be used in "downstream" scheduled areas without limitation under § 504(d).

g. Certain conforming and clarifying amendments have been made to § 506.

h. Section 602 has been amended to define more clearly reports which may be required and to describe basic reporting forms required of all DI's unless exempted by the instructions to particular forms.

i. Section 805(a) has been amended to clarify information and reports received from direct investors which the Office will treat as confidential. Section 805(b), dealing with where forms may be obtained, has been deleted and a new § 602(c) has been added to take its place.

j. Sections 905(b)(2) and 906(b)(3)(i) have been amended to conform to revised § 503.

k. Conforming amendments have been made in §§ 1002 (b) and (c) and 1003 (b), (c), and (d). The time within which a certificate must be filed under § 1002 (b) has been changed so that such certificates need not be filed until 10 days after the date of a borrowing or guarantee. Certificates mailed after June 9, 1969, must now be filed on Form FDI-106. That certificate will not require the amount and terms of repayment, and § 1002(b) has been amended accordingly. The provisions for reduction of allowables in § 1003(c) have been amended to reflect the new election provisions and the increased emphasis on worldwide allowables. While this amendment applies commencing January 1, 1969, as hereafter noted, applications for specific authorization with respect to reductions in 1969 and incurred prior to the adoption of the amendment will be considered where the change creates substantial hardship.

In addition to the above changes to the proposed regulations, and as described in paragraph 8 of this notice, it is proposed that (with certain exceptions) direct investors who have not made direct investment (whether positive or negative) of $1,000,000 or more in any year, beginning with 1968, be exempt from making quarterly reports on Form FDI-102. For this purpose, direct investment includes direct investment in Canada and transfers of proceeds of long-term foreign borrowing to AFN's and allocations of such proceeds to such transfers.

The amendments are described in greater detail below:

1. *Election of 1969 allowables.* New § 502 requires a DI to elect either the minimum allowable under § 503, the historical allowable under § 504 (a) and (c), or the earnings allowable under § 504(b). Once this election is made, the allowables not elected are inapplicable and unavailable to the DI. The election is made annually on Form FDI-102F (Annual Report) filed for the year with respect to which the election is made. Accordingly, DIs will be required to make their election for 1969 on the FDI-102F presently due April 30, 1970. However, Form FDI-102F for 1968 will require a tentative indication of the allowable which the DI believes it will elect for 1969, and reporters required to file FDI-102 quarterly reports during 1969 will be required to indicate any change in this tentative decision during 1969 on their quarterly reports.

2. *§ 503 minimum allowable.* The revisions to § 503 are intended to give increased investment leeway to small and medium-size firms without substantial historical or earnings allowables by increasing the minimum allowable from $200,000 to $1,000,000. Section 503(a) has also been amended to remove the provisions prohibiting the offset of positive direct investment in one scheduled area against negative direct investment in another scheduled area. Section 503(b), however, now provides that if a DI's AFNs have "aggregate annual losses", such losses shall be disregarded in computing direct investment under § 503. The term "aggregate annual losses" means the excess of the sum of the DI's share of losses of all incorporated and unincorporated AFNs on a worldwide basis (excluding Canadian AFNs) which have losses over the sum of the DI's share of earnings of all AFNs which have earnings. That is, the earning results of all AFNs are, in effect, consolidated, and if those results are negative, that negative amount cannot be used to offset transfers of capital from the DI to AFNs. Formerly, § 503(b) only required that net losses (i.e., "total losses") of incorporated AFNs in Schedule C be disregarded. The effect of these changes in § 503(a) and (b) is largely to eliminate the schedular concept from § 503 and, as a result, the practical relevance of § 505 (transfers between AFNs) except with respect to transfers between Canadian and non-Canadian AFNs. For example, a transfer of funds from a Schedule A AFN to a Schedule C AFN will "net out" under § 503 since positive direct investment is authorized in all scheduled areas, and therefore § 505 may for all practical purposes be disregarded in calculating direct investment made. A transfer of funds from a Canadian AFN to a non-Canadian AFN, however, continues to be a transfer of capital to the non-Canadian AFN as provided in § 505 and does not "net out" since direct investment in Canada (whether positive or negative) is not included in calculating direct investment in scheduled areas under the provisions of Subpart K.

As previously provided, any § 503 allowable not used in the current year may not be carried forward to a succeeding year and, since an election for 1969 of § 503 makes § 504 inapplicable, there are no § 504 allowables (including those arising from negative direct investment) to be carried forward into 1970 and succeeding years. Also, a DI who elects § 503 for 1969 will lose any § 504 allowable which might otherwise have been carried forward from 1968. However, DIs who made positive direct investment authorized by § 503 in 1968 and who elect either the § 504 earnings allowable or historical allowable for 1969 may carry forward from 1968 unused § 504 allowables into 1969, reduced as provided in § 503(d) by the amount of positive direct investment made under § 503 in 1968. The reduction is first made in the scheduled area where the positive direct investment was made in 1968, and then in the remaining scheduled areas, first in Schedule C and thereafter in Schedules B and A in that order.

The following examples assume that DI has elected the § 503 allowable as provided in § 502(a)(1) and illustrate the provisions of § 503(a) and (b):

Example (1). DI has two AFNs—a corporation (X) in the United Kingdom and a corporation (Y) in Venezuela. During 1969, X has a loss of $50,000, and Y has earnings of $1,050,000 and pays no dividends. There are no other relevant transactions in 1969. DI has made positive direct investment, calculated as provided in § 503(b), of $1,000,000, all of which is authorized by § 503(a).

Example (2). DI has two AFNs, X and Y. X is incorporated in France and Y is incorporated in Argentina. During 1969, DI makes a positive net transfer of capital of $500,000 to X and X has earnings of $1,000,000 and pays no dividends. DI also makes a negative net transfer of capital of $500,000 to Y and Y has losses of $500,000. There are no other relevant transactions during 1969. DI has made positive direct investment, calculated as provided in § 503(b), of $500,000, which is authorized by § 503(a). The $500,000 loss of Y may be offset against the $1,000,000 in earnings of X. The negative net transfer of capital of $500,000 to Y may be offset against either the positive net transfer of capital of $500,000 to X or the earnings of $500,000 of X.

Example (3). During 1969, DI makes a positive net transfer of capital to its wholly owned incorporated AFN (X) of $750,000. X earns $300,000 and pays no dividends. DI also has a branch (Y) which has losses of $500,000 which result in a decrease in net branch assets of $500,000. DI also makes a negative net transfer of capital of $50,000 to a second incorporated AFN (Z). There are no other relevant transactions during 1969. DI's positive direct investment, calculated as provided in § 503(b), of $700,000 during 1969 is authorized by § 503. The positive net transfer of capital to X of $750,000 is offset by the negative net transfer of capital of $50,000 to Z, and the earnings of $300,000 of X are offset by $300,000 of the $500,000 losses of Y. The aggregate annual losses of $200,000 are disregarded in the calculation of direct investment made.

Example (4). DI has a wholly owned incorporated AFN (X) in Schedule C which in turn has a wholly owned incorporated AFN (Y) in Schedule B. During 1969 X has earnings (excluding dividends received from Y) of $2,000,000 and pays a dividend to DI (before withholding taxes) of $1,500,000. Also during 1969, Y has losses of $3,000,000 but nevertheless pays a dividend to X of $250,000 (before withholding taxes). In addition DI makes a positive net transfer of capital of $2,500,000 to a third wholly owned incorporated AFN (Z) in Schedule A. There are no other relevant transactions during 1969. DI has aggregate annual losses of $1,000,000 ($3,000,000 in losses offset against only $2,000,000 in earnings). The $1,000,000 losses are disregarded and may not be offset against the positive net transfer of capital to Z. DI has positive direct investment of $1,000,000 calculated as provided in § 503(b), which is authorized by § 503(a). DI has reinvested earnings in X of $750,000 ($2,000,000 less $1,500,000 plus $250,000) negative reinvested earnings in Y of $3,250,000 ($3,000,000 plus $250,000), and a positive net transfer of capital to Z of $2,500,000. Calculated without regard to § 503(b), this would give DI direct investment of zero. But after the $1,000,000 in aggregate net losses is disregarded—which means in effect adding the aggregate net losses to direct investment calculated first without regard to § 504(b)—DI has positive direct investment of $1,000,000.

Note that since the schedular treatment of direct investment is in effect not applicable to § 503, this result could also have been obtained by ignoring the dividend by Y to X, and simply deducting the dividend of $1,500,000 to DI in calculating consolidated negative reinvested earnings of $2,500,000 for X, Y, and Z combined ($2,000,000 in earnings less $3,000,000 in losses and less $1,500,000 in dividends to DI). These negative reinvested earnings offset the positive net transfer of capital to Z in the amount of $2,500,000, for direct investment of zero before applying the provisions of § 503(b). Disregarding aggregate annual losses of $1,000,000—i.e., adding such losses to direct investment calculated first without reference to § 503(b)—yields positive direct investment of $1,000,000 for § 503 purposes.

Example (5). DI has a wholly owned Schedule B incorporated AFN (B) which has a Schedule A branch (A). During 1969, DI invests $5,000,000 in proceeds of a long-term foreign borrowing in B, B has earnings of $1,500,000, and pays a dividend to DI of $500,000 (before withholding taxes). Also during 1969, A transfers $500,000 to B, A has zero earnings during the year, and A's net assets decrease by $500,000. There are no other relevant transactions during 1969. DI has made positive direct investment, calculated as provided in § 503(b), of $1,000,000 which is authorized by § 503. DI has made a negative net transfer of capital of $500,000 to Schedule A (the decrease in A's net assets of $500,000) which offsets the positive net transfer of capital of $500,000 to Schedule B. The transfer of $5,000,000 to B is reduced in like amount by virtue of § 313(d)(1). This leaves DI with reinvested earnings in B of $1,000,000 after the dividends paid by B to DI of $500,000.

Note again that since the schedular treatment of direct investment is in effect not applicable to § 503, this result could also have been obtained by treating A and B on a consolidated basis and ignoring transfers between A and B. So viewed, DI's positive direct investment is still $1,000,000 (consolidated earnings of $1,500,000 less $500,000 in dividends to DI).

The following examples illustrate the provisions of § 503 as applied to § 503 allowables not used in 1968 or 1969, and as applied to the carry forward of § 504 historical allowables by a DI electing § 503 in 1969:

Example (6). In 1969, DI has allowables under § 504 of $50,000 in Schedule C, $500,000 in Schedule B, and $200,000 in Schedule A. A portion of the allowables in Schedule A and B are carry forwards of § 504 allowables not used in 1968. In 1969, DI, in order to make positive direct investment in Schedule C in excess of its § 504 allowable of $50,000, elects § 503 and makes worldwide positive direct investment, calculated as computed in § 503(b), of $600,000. In 1970, DI will have no carry forward of any § 503 allowable not used in 1969 nor will it have any portion of its § 504 allowables carried forward into 1970.

Example (7). In 1968, DI had allowables under § 504 of $50,000 in Schedule C, $50,000 in Schedule B, and $200,000 in Schedule A. During 1968, DI made positive direct investment of $100,000 in Schedule C and $50,000 in Schedule B under § 503 as then in effect. DI also in 1968 made negative direct investment of $50,000 in Schedule A which under § 504(f) may be carried forward to succeeding years together with any other unused Schedule A allowables. While not authorized under § 504, DI's positive direct investment in 1968 was authorized under § 503 since total direct investment in all scheduled areas, when added together, was $200,000 or less (in this case $150,000), and positive direct investment in any one scheduled area did not exceed $200,000. If DI does not elect the § 503 minimum allowable for 1969, DI will carry forward to 1969 § 504 allowables not used in 1968 of $200,000, after the reductions provided for in § 503(d), distributed in the scheduled areas as follows: Zero in Schedule C, zero in Schedule B, and $200,000 in Schedule A. The carry forward of $200,000 is in addition to any § 504 earnings allowables or § 504 historical allowables which DI may have for 1969. The above calculations are set forth in tabular form as follows:

	(000 omitted)		
	Schedule C	Schedule B	Schedule A
(1) 1968 § 504 allowables	50	50	200
(2) Direct investment under § 503 in 1968	100	50	(50)
(3) Reductions to § 504 allowables under § 503(d)	50	50	50
(4) § 504 carry-forwards to 1969	0	0	200

If DI elects to make positive direct investment in 1969 under § 503, DI will lose its $200,000 carry-forward in Schedule A for 1969 and succeeding years under § 503(c).

3. *§ 504 allowables.* Under revised § 504(a), a DI computes its historical allowables for Schedules A, B, and C in the same manner as provided in § 504(a)(1)(i), (2)(i), and (3)(i) of the regulations as in effect for 1968. Section 504(c), however, now provides an "upstream" adjustment of § 504(a) historical allowables (that is, an adjustment of allowables from Schedule B to Schedule C and from

Schedule A to Schedule B and/or C). Section 504(b) is also new and provides for an earnings allowable in each scheduled area in the amount of 30 percent of the immediately preceding year's annual earnings as an alternative to the adjusted historical allowable or the § 503 minimum allowable. These new provisions afford options not available in 1968 to DIs who have unusually low historical allowables in relation to earnings of their AFNs or whose historical allowables are not distributed among the three scheduled areas in amounts proportional to earnings in the three scheduled areas.

Both the "upstream" adjustment of historical allowables in § 504(c) and the earnings allowable in § 504(b) are based on 30 percent of the DI's share of 1968 "annual earnings" in each scheduled area of both incorporated AFNs (subsidiaries) and unincorporated AFNs (such as branches, partnerships and joint ventures). Earnings of Canadian AFNs are excluded in calculating "annual earnings" in Schedule B. To calculate "annual earnings", losses of both incorporated and unincorporated AFNs in any scheduled area should be netted against earnings of both incorporated and unincorporated AFNs in such scheduled area. "Annual earnings" of AFNs in a scheduled area do not include dividends paid to, or earnings remitted to, such AFNs from AFNs in other scheduled areas.

A distinction between § 503 and § 504 allowables should be noted: As already stated, in calculating positive direct investment made under § 503, a DI must disregard aggregate annual losses incurred by AFNs on a worldwide basis. Thus, if one AFN had earnings and another AFN had losses, the losses may be offset up to the amount of the earnings in determining the amount of reinvested earnings under § 503 but may not be offset against transfers of capital from a DI to AFNs. (See examples (3) and (4) supra.) Under § 504, on the other hand, only aggregate losses of incorporated AFNs (i.e., "total losses") in Schedule C are so disregarded. Thus, if the algebraic sum of earnings and losses of all incorporated AFNs in Schedule C is negative, that negative amount may not be offset against positive net transfers of capital to Schedule C or used "downstream" in Schedules A or B to offset positive direct investment in those scheduled areas.

The major features of amended § 504 (b) and (c) are described below:

(a) *30 percent earnings allowable.* A DI may elect under § 502(a)(3) a "30 percent earnings allowable" for 1969 for each of the three scheduled areas in an amount equal to 30 percent of its share of the 1968 annual earnings of its AFNs in each scheduled area. This election, if made, must be made with respect to all three scheduled areas and, if made for 1969, must be made on the annual report for 1969 (Form FDI-102F) filed with the Office on or before April 30 1970.

The following example is illustrative of the "30 percent earnings allowable":

Example (8). DI's share of the 1968 "annual earnings" of its Schedule C AFNs is $1,000,000 and of its Schedule A AFNs is $1,500,000; its Schedule B AFNs incurred in the aggregate losses of $200,000. If DI elects the 30 percent earnings allowable for 1969 under § 502(a)(3), its 1969 § 504(b) allowables will be $300,000 in Schedule C (30 percent of $1,000,000), zero in Schedule B (since DI had losses in Schedule B in 1968), and $450,000 in Schedule A (30 percent of $1,500,000).

(b) *§ 504 Historical allowable after upstream adjustment.* If the DI elects under § 502(a)(2) the historical allowable, § 504 (a) and (c) will govern. A DI with historical allowables in Schedule B and/or A may then be eligible under new § 504(c) to have all or part of those allowables readjusted "upstream". Historical allowables will not, however, be adjusted "upstream" unless, and only to the extent that, 30 percent of the DI's share of 1968 "annual earnings" in the "upstream" scheduled area exceeds the § 504(a) historical allowable in the "upstream" scheduled area. Note that for purposes of § 504(c), a DI may not adjust "upstream" an amount in excess of its downstream historical allowables, and that the amount of historical allowables which may be adjusted "upstream" does not include § 504 allowables carried forward from previous years. Like any other § 504 allowable in an upstream scheduled area, allowables in Schedule B or C which arise from "upstream" adjustment may be used downstream or carried forward into subsequent years under § 504(d).

The following examples are illustrative of the § 504(b) 30 percent earnings allowable and the § 504(c) "upstream" adjustment of § 504(a) historical allowables.

Example (9). In 1969, DI has § 504(a) historical allowables in each of the scheduled areas as shown on line (1) of the table below. DI also has a carry forward of unused allowables from 1968 in Schedule A of $1,000,000 (see line (2) below). In 1968, DI's share of annual earnings of its AFNs in each scheduled area was as shown on line (3) below. If DI elects under § 502(a)(2) for 1969, DI's historical allowables under § 504 (a) are adjusted under § 504(c) to increase its Schedule C allowable by $2,000,000, of which $1,500,000 is moved upstream from Schedule A to Schedule C and $500,000 is moved upstream from Schedule B. Corresponding reductions are made in the Schedule A and B historical allowables.

	(000 omitted)			
	Schedule C	Schedule B	Schedule A	Total
(1) § 504(a) historical allowables	1,000	2,500	1,500	5,000
(2) § 504(f) carryforward allowable	0	0	1,000	1,000
(3) 1968 annual earnings	10,000	4,000	2,000	16,000
(4) 30 percent of line (3)	3,000	1,200	600	4,800
(5) 1969 § 504(a) historical allowables after § 504(c) "upstream" adjustments	3,000	2,000	0	5,000
(6) § 504(f) carryforward allowable	0	0	1,000	1,000

Presumably, DI will elect to use its adjusted historical allowables rather than elect the 30 percent earnings allowable under § 504(b), since the total historical allowables ($5,000,000) under § 504(a) exceed the total allowables available to DI ($4,800,000 as shown on line (4)) if DI elected the 30 percent earnings allowable. While no part of the $1,000,000 carry forward allowable in Schedule A from 1968 can be adjusted upstream, DI may use that $1,000,000 carryforward allowable in Schedule A.

Under § 504(d), DI may use any portion of its Schedule C adjusted historical allowable downstream in Schedule B or A, thereby, in effect, returning those allowables to their original scheduled areas.

Since DI has an unadjusted historical allowable in Schedule C of $1,000,000, the amount moved to Schedule C from Schedules A and B is $2,000,000, i.e., the difference between 30 percent of 1968 earnings in Schedule C and the historical allowable in Schedule C. The total amount of adjusted historical allowable of $3,000,000 can be used in Schedules C, B, or A in 1969 or in Schedules C, B, or A in succeeding years in the same manner as is generally permitted for § 504 allowables in Schedule C.

Example (10). In 1969, DI has § 504(a) historical allowables in each of the scheduled areas as shown on line (1) of the table below, and DI's share of annual earnings in 1968 in each of the scheduled areas is as shown on line (2) of that table. Presumably, DI will elect under § 502(a)(3) the 30 percent earnings allowable (see line (3) below):

	(000 omitted)			
	Schedule C	Schedule B	Schedule A	Total
(1) § 504(a) historical allowables	500	2,000	4,000	6,500
(2) 1968 annual earnings	10,000	8,000	10,000	28,000
(3) 30 percent of line (2)	3,000	2,400	3,000	8,400
(4) 1969 § 504(a) historical allowables after § 504(c) upstream adjustments	3,000	2,400	1,100	6,500

Note that the total allowables available to DI under the 30 percent earnings allowable ($8,400,000) exceed the total historical allowables available to DI ($6,500,000) under § 504 (a) and (c) and that the 30 percent earnings allowables are divided among the scheduled areas to reflect DI's share of 1968 annual earnings in each schedule. Note also that whether the earnings or the adjusted historical allowable is elected, DI may use such allowables "downstream" under § 504(d). Thus, for example, all of the above allowables could be used in Schedule A.

Example (11). DI has no historical allowables under § 504(a) as shown on line (1) of the table below. In 1968, DI had earnings in each of the scheduled areas as shown on line (2) of that table. Presumably, DI will elect under § 502(a)(3) to compute its 1969 allowables based on the 30 percent earnings allowable under § 504(b) (see line (3) below):

	(000 omitted)			
	Schedule C	Schedule B	Schedule A	Total
(1) § 504(a) historical allowables	0	0	0	0
(2) 1968 annual earnings	10,000	6,000	1,000	17,000
(3) 30 percent of line (2)	3,000	1,800	300	5,100
(4) 1969 § 504(a) historical allowable after § 504(c) upstream adjustments	0	0	0	0

Section 504 (a) and (c) would not be elected since DI has no historical allowable. During 1969, however, DI may (as also provided by previous regulations) make positive direct investment in Schedule B or Schedule A in excess of the amounts indicated in those scheduled areas in line (3) above if DI uses the downstream provisions of § 504(d). In other words, DI may carry down all or part of its Schedule B earnings allowable to Schedule A under § 504(d)(2), and all or part of its Schedule C earnings allowable to Schedules B or A under § 504(d)(3).

4. *Downstream use of allowables in 1969 under § 504.* While there is a limit under § 504(c) on the "upstream" adjustment of § 504(a) historical allowables, § 504(d) (2) and (3) preserve the provisions in the prior regulations for use downstream of the entire amount of § 504 allowables (that is, Schedule B allowables may be used in Schedule A, and Schedule C allowables may be used in Schedules B or A). As in the prior regulations, the one exception is that "total losses" of incorporated AFNs in Schedule C may only be used under § 504 in succeeding years in Schedule C for reinvestment of earnings. However, § 504(f)(3)(i) now permits a positive net transfer of capital to Schedules A, B or C in 1969 if DI had an "excess dividend" carry forward from 1968; under the prior regulations, DI was only authorized to reinvest additional earnings in Schedule C in such circumstances.

5. *Positive direct investment in Schedule C.* Under revised § 504, it is no longer necessary for a DI to have an incorporated AFN in Schedule C in order to make a positive net transfer of capital to Schedule C. During 1968, a DI was not authorized by § 504 to make a positive net transfer of capital to, or to reinvest any part of its shares in the earnings of incorporated AFNs in, Schedule C unless the DI had either incorporated AFNs which had 1968 "total earnings", or incorporated AFNs which had no "total earnings" but which, nevertheless, paid a dividend. In 1969, because of the earnings allowable in § 504(b) and the upstream adjustment of historical allowables in § 504(c), DIs will have greater Schedule C flexibility. Thus, a DI who elects the earnings allowable and whose AFNs had "annual earnings" due to a profitable Schedule C branch in 1968 is authorized by § 504(b) to make a postive net transfer of capital to, or to reinvest earnings of its incorporated AFNs in, Schedule C in an amount equal to 30 percent of the 1968 annual earnings. If it elects the historical allowable, on the other hand, it may shift part or all of its Schedule A or Schedule B historical § 504 allowables to Schedule C up to an amount equal to 30 percent of the 1968 annual earnings in Schedule C.

The following examples are illustrative:

Example (12). DI's sole Schedule C AFN is a branch which had earnings of $100,000 in 1968. DI had no historical allowables under § 504(a)(3). Positive direct investment in the branch was not authorized under § 504 in 1968 since § 504(a)(3), as effective for that year, limited positive direct investment to reinvestment of current earnings of incorporated AFNs except in "excess dividend" cases. In 1969, however, DI is authorized to make a positive net transfer of capital to its Schedule C branch of $30,000 (30 percent of $100,000) under the 30 percent earnings allowable of § 504(b). Alternatively, if DI elects the adjusted historical allowable under § 502(a)(2), it may make a positive net transfer of capital to Schedule C if it has Schedule B or A historical allowables which are moved "upstream" under § 504(c).

Example (13). DI's sole Schedule C AFN is a corporation which had $1,000,000 in earnings 1968 but has $500,000 in losses in 1969. Therefore, DI has no § 504(a)(3) allowable in 1969 because under § 504(a)(3) the Schedule C historical allowable is calculated as the lesser of (a) 35 percent of annual average direct investment in 1965–66, and (b) the annual average percent of earnings reinvested in 1964, 1965, and 1966 times current (i.e., 1969) total earnings of incorporated AFNs, and under the latter test the allowable is zero. In 1969, however, DI is authorized to make a postive net transfer of capital to its Schedule C AFN of $300,000 (30 percent of $1,000,000) under the 30 percent earnings allowable of § 504(b), or, if that allowable is not elected, it may adjust "upstream" under § 504(c) up to $300,000 of Schedule A or B § 504(a) historical allowables. In 1970, DI may use its 1969 "total losses" of $500,000 in Schedule C to reinvest an additional $500,000 of earnings (but for no other purpose) under § 504(e). Note that in 1970, no positive net transfer of capital may be made in Schedule C under the 30 percent earnings allowable nor will any "upstream" adjustment of any Schedule B or A allowable be possible since there are no 1969 earnings upon which such earnings allowable or "upstream" adjustment of historical allowables can be based.

6. *Comparison of "aggregate annual losses" and "total losses," "annual earnings," "aggregate annual earnings," "total earnings" and "reinvested earnings."* The terms "annual earnings," "aggregate annual earnings and losses," "total earnings and losses," and "reinvested earnings" are related in concept. They differ in that some are schedular calculations ("annual earnings," "total earnings and losses") and others are worldwide calculations ("aggregate annual earnings and losses"). They also differ in that some apply only to incorporated AFNs ("total earnings and losses," "reinvested earnings") and others apply to both incorporated and unincorporated AFNs ("annual earnings," "aggregate annual earnings and losses"). "Reinvested earnings" is both a schedular and worldwide calculation depending upon whether positive direct investment is being calculated under § 504 or under §§ 503 and 506, and differs from the other terms in that it is calculated after payment of dividends to the DI and interschedular dividends and remittances.

Viewed in the context of the regulations, the terms may also be compared as follows: Section 503(b) requires that all "aggregate annual losses" of AFNs be disregarded in computing the amount of direct investment made under the minimum allowable. Sections 504(e) and 506(d) require that "total losses" of incorporated AFNs in Schedule C be disregarded in computing the amount of direct investment made under the allowables provided for in §§ 504 and 506. As illustrated in the example below, the term "aggregate annual losses" in § 503 refers to consolidated losses of all AFNs where losses of AFNs which have losses exceed earnings of AFNs which have earnings whether they are incorporated or unincorporated. "Aggregate annual losses" under § 503 are calculated in the same manner as "aggregate annual earnings" under § 506, except the former is always negative.

The term "total losses," on the other hand, as defined in § 306(c), refers to the excess of the sum of the losses of all incorporated AFNs which had losses over the sum of the earnings of all such AFNs which had earnings in a particular scheduled area. For all practical purposes, DIs need only be concerned with "total losses" in Schedule C, since it is only in Schedule C that "total losses" are disregarded in computing positive direct investment for purposes of §§ 504 and 506.

Example (15). DI has two incorporated AFNs and one unincorporated AFN in Schedule C, an unincorporated AFN in Schedule B and an incorporated AFN in A. (In the table below, "c" indicates an incorporated AFN and "b" indicates an unincorporated AFN.) In 1969, DI's AFNs have the earnings and losses shown on line (1) below. Schedular "total losses" are shown on line (2) below. "Aggregate annual losses" to be disregarded under § 503(b) are shown on line (3). Assuming no other relevant transactions other than the earnings and losses given in the table, and that no earnings are remitted or dividends paid, total positive direct investment under § 503, if elected, is shown on line (4) below. If § 504 earnings or historical allowables were elected, schedular positive direct investment under that section would be computed as shown on line (5) below, again assuming no earnings are remitted or dividends paid:

	(000 omitted)				
	Schedule C			Schedule B	Schedule A
	a	c	b	b	a
(1) 1969 earnings or losses of each AFN	200	(300)	(400)	500	(500)
(2) "Total losses"		(100)			(500)
(3) "Aggregate annual losses" (worldwide)				(500)	
(4) Direct investment under § 503 (worldwide)				0	
(5) Direct investment under § 504		(400)		500	(500)

Section 504 (b) and (c) and § 506 provide for allowables, and adjustment of allowables, calculated as a percentage of "annual earnings" and "aggregate annual earnings". Section 504(a)(3) provides for an historical allowable in Schedule C calculated in part as a percentage of "total earnings" in Schedule C, the percentage itself being calculated by dividing average "reinvested earnings" during the base period years of 1964, 1965, and 1966 by average "total earnings" during those years. "Reinvested earnings" are added to net transfers of capital to determine the amount of direct investment during any year as provided in § 306(a). "Total earnings" are calculated on a schedular basis and in the same manner as "total losses" except, of course, the result is positive rather than negative. "Total earnings" and "total losses" are calculated without regard to dividends paid to the DI and interschedular dividends and remittances while "reinvested earnings" take account of such dividends and remittances. "Total earnings," "total losses" and "reinvested earnings" are defined in § 306 (b) and (c) and are fully explained in General Bulletin No. 1 § B306 (c) and (d). Their application to the computation of the historical allowable in Schedule C is set forth in General Bulletin No. 1 § B504(c). "Annual earnings" is similiar to "total earnings" and "total losses" in that they are all computed on a schedular basis and do not take into account dividends paid to the DI and interschedular dividends or remittances. However, "annual earnings" includes the earnings of unincorporated as well as incorporated AFNs, and unlike "total earnings" it may be a negative amount though for purposes of calculating the earnings allowable under § 504 any negative amount is treated as if it were zero. "Aggregate annual earnings" and "aggregate annual losses" are the same as "annual earnings" except that they are computed on a worldwide and not a schedular basis; that is, they are the positive and negative sum of "annual earnings" in the three scheduled areas.

The following example illustrates the distinctions between "total earnings," "reinvested earnings," "annual earnings," and "aggregate annual earnings":

Example (16). DI has incorporated and unincorporated AFNs in each of the scheduled areas as shown in the table below. (Incorporated AFNs are shown as "c"; incorporated AFNs with branches or subsidiaries in other scheduled areas are shown as "c^1"; incorporated AFNs which are subsidiaries of other incorporated AFNs are shown as "c^2"; unincorporated AFNs are shown as "b"; and unincorporated AFNs which are branches of incorporated AFNs in other scheduled areas are shown as "b^1".) Line (1) of the table shows annual earnings or losses of each of the AFNs calculated without regard to dividends or remittances. Line (2) shows schedular "total earnings". Line (3) shows "reinvested earnings"; that is, line (2) after adjustments for interschedular dividends and remittances and dividends paid to the DI. In this case, "c" paid dividends (calculated before deducting foreign withholding taxes) to DI of $100,000 and received dividends from "c^2" of $20,000 and remittances from "b^2" of $50,000 (before deducting foreign withholding taxes). Line (4) shows schedular "annual earnings." Line (5) shows "aggregate annual earnings."

	(000 omitted)						
	Schedule C			Schedule B		Schedule A	
	c^1	c	b	c	b^2	c^2	b
(1) Earnings or losses	500	(100)	50	200	100	40	80
(2) "Total earnings"		400		200		40	
(3) "Reinvested earnings"		370		200		20	
(4) "Annual earnings"			450		300		120
(5) "Aggregate annual earnings"					870		

7. *Conforming and technical amendments.* Amendments have been made to §§ 201 (a) and (d), 312(c)(1), 506, 602, 805, 905(b)(2), 906(b)(3)(ii), 1002 (b) and (c), and 1003 (b), (c), and (d) in large part to conform those provisions to the amendments to §§ 503 and 504 and the addition of Subpart M.

Section 312(c)(1) provides, in effect, that a DI who acquires an equity interest in an AFN from another DI also acquires the historical and earnings allowables (but not the carry forward allowables) associated with that AFN to the extent reasonably allocable to the acquired equity interest. The acquiring DI also assumes the divesting DI's current direct investment position with respect to the AFN. Because of the amendment to § 312(c)(1), the previous provisions of § 506(e)—passing on incremental allowables to acquiring DIs—is unnecessary and has been deleted.

Sections 1002 and 1003 of Subpart J have been amended to conform to revised § 504 and to Subpart M. (Subpart M is being published in the FEDERAL REGISTER at the same time as the present amendments.) Section 1002(b) has also been revised to allow DIs 10 days after the date of a borrowing or guarantee within which to file certificates under Subpart J and to provide that such certificates mailed after June 9, 1969, shall be made on Form FDI–106. Section 1003(c) has been amended to conform to the election provisions of § 502 and to recognize the greater emphasis given to worldwide allowables by the proposed amendments. As amended, § 1003(c) provides that repayments of long-term foreign borrowing reduce allowables first in the scheduled area to which the proceeds of the borrowing were transferred or allocated and thereafter in all other scheduled areas, beginning in Schedule C and thereafter in Schedules B and A in that order. Where a DI shows that this amendment will work substantial hardship in view of its expectancies with respect to a repayment charge incurred in 1969 prior to the adoption of this amendment, or with respect to borrowing entered into prior to January 1, 1968, the Office will consider applications for specific authorization.

Section 506 (a)(4) and (d) has been amended to conform to amended § 504 (a)(3), (b)(3), and (e) which now permit positive direct investment in Schedule C subject to the qualification that "total losses" of incorporated AFNs in that scheduled area may not be used to offset a positive net transfer of capital. Changes in defined terms also have been made in § 506 to make those terms more descriptive. Finally, a provision has been added to § 506(c) to make clear that where a DI has both §§ 503 and 506 allowables, or both §§ 504 and 506 allowables, and it does not make positive direct investment up to the total amount of those allowables, the unused portion carried forward into succeeding years is considered to be the more usable and desirable § 506 allowable to the extent that such unused portion is not in excess of that allowable.

Former § 504(a)(3) as in effect December 31, 1968 contained a parenthetical statement explaining the calculation of the historical allowable for Schedule C. That provision said, in effect, that no allowable existed in Schedule C if average direct investment or average reinvested earnings in the base period was zero or a negative amount. That provision has been deleted as unnecessary and no change in substance is involved.

8. *Exemptions from quarterly reporting.* The Office proposes to amend the instructions for completing quarterly reports on Form FDI–102 to exempt from filing such reports DIs who meet all of the following requirements:

(a) The DI has not made direct investment (whether positive or negative) in any year, beginning with the year 1968, in excess of $1,000,000. For this purpose, direct investment in Canada will be included and no deduction will be made for proceeds of long term foreign borrowing expended in, or allocated to, transfers of capital to AFNs even though deducted under § 313(d)(1) for purposes of determining compliance under § 201(a).

(b) The DI is and at all times has been in compliance with the program (except for late filing of reports).

(c) The DI has received no specific authorization to make positive direct investment or to hold liquid foreign balances during 1969 or succeeding years in excess of the amounts generally authorized by the regulations.

The exemption will cease to apply if at any time during the year any of the above conditions are not met, and a quarterly report will thereafter be required.

9. *Effect on General Bulletins Nos. 1 and 2.* General Bulletins Nos. 1 and 2, as amended and modified in the notice published in the FEDERAL REGISTER on November 9, 1968 (33 F.R. No. 16441), interpret the regulations as in effect for 1968, and will continue to do so for 1969 to the extent not affected by these amendments. Because of the central importance of the amendments, however, those General Bulletins will need to be used in 1969 with care until such times as a revised General Bulletin is issued.

The text of the amendments is as follows:

§ 1000.201 [Amended]

1. Paragraph (a) of § 1000.201 *Prohibited direct investment in affiliated foreign nationals* is revised to read as follows:

(a) Except as provided in this part, and as otherwise permitted by the Secretary of Commerce (hereinafter referred to as the Secretary) by means of rulings, instructions, authorizations, waivers, exemptions or otherwise, positive direct investment by a direct investor in affiliated foreign nationals of such direct investor in Schedule A, B, or C countries is prohibited during any year (as defined in § 1000.321) commencing with the effective date.

2. Paragraph (d) of § 1000.201 is amended to delete the words "§§ 1000.503 and 1000.504" in the first sentence of that paragraph, and to substitute therefor the words "this part".

3. Subparagraph (1) of paragraph (c) of § 1000.312 is amended to read as follows:

§ 1000.312 Transfers of capital.

* * * * *

(c) * * *

(1) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account and such person is, immediately prior to the time of acquisition, a direct investor in the affiliated foreign national. On and after June 10, 1969, if the acquisition is of an equity interest, (i) the direct investment made by the divesting direct investor (calculated without regard to § 1000.313(d)(1)) in the affiliated foreign national in the year of the acquisition and during the years 1965 and 1966 shall be deemed to have been made by the acquiring direct investor, and (ii) the divesting direct investor's share in earnings or losses in the affiliated foreign national prior to the acquisition for purposes of determining annual earnings, total earnings, and reinvested earnings under § 1000.504 (a)(3)(ii) and (b)(4) shall be deemed attributable to the acquiring direct investor: *And provided further*, That revised Forms FDI–101, and revised Forms FDI–102F for the year preceding the year in which the acquisition occurs, are filed by the acquiring and divesting direct investors on or before the end of the month following the close of the calendar quarter during which the acquisition occurs. Any direct investment, or share in earnings or losses, deemed made by or attributed to an acquiring direct investor under this subparagraph shall be excluded in the computation of direct investment or earnings or losses of the divesting direct investor.

* * * * *

4. Sections 1000.501 and 1000.502 are consolidated and revised to read as follows:

§ 1000.501 Exclusion from authorization or exemption.

(a) No authorization or exemption contained in this part, or issued by or under the direction of the Secretary pursuant to this part, shall be deemed to authorize or validate any direct investment made prior to the issuance thereof, unless such authorization or other exemption specifically so provides.

(b) The Secretary reserves the right to exclude transactions or property or classes thereof from the operation of any authorization or exemption or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

5. A new § 1000.502 is added to read as follows:

§ 1000.502 Elections with respect to §§ 1000.503 and 1000.504.

(a) A direct investor shall elect for each year, commencing with the year 1969, to be governed by the provisions of

(1) Section 1000.503, or

(2) Section 1000.504 (a) and (c), or

(3) Section 1000.504(b).

(b) The election made pursuant to this paragraph shall be binding and effective as to all (and not less than all) scheduled areas and as to the year for which the election is made, and shall be made on Form FDI–102F timely filed by the direct investor pursuant to § 1000.602(b)(3) for the year for which the election is made.

6. Section 1000.503 is revised to read as follows:

§ 1000.503 Positive direct investment not exceeding $1,000,000; minimum allowable.

(a) If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(1), positive direct investment is authorized for such year in all scheduled areas in an aggregate amount not exceeding $1,000,000.

(b) For the purposes of this section, aggregate annual losses of incorporated and unincorporated affiliated foreign national during any year shall be disregarded in calculating direct investment made by a direct investor during such year. The term "aggregate annual losses" means the algebraic sum of a direct investor's annual earnings in all scheduled areas as defined in § 1000.504(b)(4) if such sum is negative.

(c) If a direct investor elects to make positive direct investment during any year commencing with the year 1969 as authorized under this section, no positive direct investment shall be authorized in such year under § 1000.504 and any positive direct investment which would otherwise have been authorized in such year under § 1000.504 (d) or (f) shall, notwithstanding those provisions, not be authorized in such year or succeeding years.

(d) Positive direct investment made during the year 1968 which was authorized by § 1000.503 as in effect for such year shall reduce the amount of positive direct investment authorized to be made in succeeding years under § 1000.504(f). Such reduction shall first be made in the scheduled area in which such positive direct investment was made, and to the extent that the amount of positive direct investment made in such scheduled area exceeds the amount of positive direct investment authorized to be made in such scheduled area under § 1000.504(f), further reductions shall be made in the amount of positive direct investment authorized under § 1000.504(f) in Schedules C, B, and A, in that order, until such reductions shall equal in the aggregate the total amount of positive direct investment made or the total amount of positive direct investment authorized under § 1000.504(f), whichever is less.

7. Section 1000.504 is revised to read as follows:

§ 1000.504 Authorized positive direct investment in scheduled areas; scheduler allowables.

(a) *Historical allowables.* If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(2), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 110 percent of the average of direct investment by the direct investor in Schedule A during the years 1965 and 1966;

(2) In Schedule B, in an amount not exceeding 65 percent of the average of direct investment by the direct investor in Schedule B during the years 1965 and 1966;

(3) In Schedule C, in an amount not exceeding the lesser of (i) 35 percent of the average of direct investment by the direct investor in Schedule C during the years 1965 and 1966, or (ii) an amount computed by multiplying the direct investor's share in the total earnings (calculated as provided in § 1000.306(c)) of all incorporated affiliated foreign nationals in Schedule C during such year by a fraction, the numerator of which is the portion of the direct investor's share in the total earnings of all incorporated affiliated foreign nationals in Schedule C which was reinvested during the years 1964, 1965, and 1966, and the denominator of which is the direct investor's share in the total earnings during such years of such incorporated affiliated foreign nationals.

(b) *Earnings allowable.* If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(3), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 30 percent of the annual earnings of the direct investor in Schedule A during the immediately preceding year.

(2) In Schedule B, in an amount not exceeding 30 percent of the annual earnings of the direct investor in Schedule B during the immediately preceding year;

(3) In Schedule C, in an amount not exceeding 30 percent of the annual earnings of the direct investor in Schedule C during the immediately preceding year.

(4) The term "annual earnings" means the algebraic sum of a direct investor's share of total earnings or total losses during a year of all the direct investor's incorporated affiliated foreign nationals in a scheduled area (excluding Canadian affiliates as defined in § 1000.1101(a) from Schedule B) determined in accordance with the provisions of § 1000.306(c) and the direct investor's share of net earnings or losses during such year of all the direct investor's unincorporated affiliated foreign nationals in such scheduled area (excluding Canadian affiliates as defined in § 1000.1101(a) from Schedule B) determined in accordance with accounting principles generally accepted in the United States consistently applied: *Provided*, That annual earnings of less than zero shall for purposes of this section be treated as zero.

(c) *Adjustment to historical allowable.* If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(2),

(1) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 30 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under said paragraph (a)(3) during the current year or by the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule A under said paragraph (a)(1) shall be reduced by the amount of such increase;

(2) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 30 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under paragraphs (a)(3) and (c)(1) of this section during the current year or by the amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule B under said paragraph (a)(2) shall be reduced by the amount of such increase; and

(3) The amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section shall be increased by the lesser of either the amount by which 30 percent of annual earnings in Schedule B during the immediately preceding year is in excess of positive direct investment authorized in Schedule B under said paragraph (a)(2) during the current year or by the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section (calculated after the reduction provided in subparagraph (1) of this paragraph): *Provided*, That the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section shall be reduced by the amount of such increase.

(d) *Carryforward allowables and use of schedular allowables in other scheduled areas.* (1) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor in Schedule A under paragraphs (a)(1) and (c) of this section or paragraph (b)(1) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in Schedule A, or if no positive direct investment is so authorized to the direct investor in Schedule A during such year but the direct investment by the direct investor in Schedule A during such year is negative, the direct investor is authorized to make additional positive direct investment in Schedule A during succeeding years in an aggregate amount of not more than the amount of such excess, or the amount of such negative direct investment, as the case may be.

(2) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor in Schedule B under paragraphs (a)(2) and (c) of this section or paragraph (b)(2) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in Schedule B, or if no positive direct investment is so authorized to the direct investor in Schedule B during such year but the direct investment by the direct investor in Schedule B during such year is negative, the direct investor is authorized to make additional positive direct investment in Schedule A or B during such year, and, to the extent additional positive direct investment in Schedules A or B is not made during such year, the direct investor is authorized to make additional positive direct investment Schedules A, B, or C during succeeding years: *Provided*, That the aggregate of additional positive direct investment authorized by this subparagraph shall not be more than the amount of such excess, or the amount of such negative direct investment, as the case may be.

(e) *Schedule C total losses; reinvestment allowable.* If the incorporated affiliated foreign nationals of a direct investor in Schedule C have total losses during any year commencing with the year 1969 (calculated as provided in § 1000.306(c)), such losses shall, for purposes of this section, be disregarded in calculating the direct investment (whether positive or negative) made by the direct investor in Schedule C for such year: *Provided*, That the direct investor shall be authorized to reinvest additional earnings of incorporated affiliated foreign nationals in Schedule C during succeeding years in an aggregate amount of not more than the direct investor's share of such total losses.

(f) *Carryforward allowables from 1968.* (1) A direct investor authorized under former § 1000.504(b)(1), as in effect on December 31, 1968, to make positive direct investment in Schedule A during 1969 is authorized to make positive direct investment in Schedule A during 1969 and succeeding years in an aggregate amount not to exceed the amount of positive direct investment so authorized to be made during 1969 under said former § 1000.504(b)(1).

(2) A direct investor authorized under former § 1000.504(b)(2), as in effect on December 31, 1968, to make positive direct investment in Schedules A or B during 1969 and succeeding years in an aggregate amount not to exceed the amount of positive direct investment so authorized to be made during 1969 under said former § 1000.504(b)(2).

(3)(i) A direct investor authorized to make positive direct investment, to make a positive net transfer of capital, or to reinvest additional earnings of incorporated affiliated foreign nationals under former § 1000.504(c) (1) and (2), as in effect on December 31, 1968, is authorized to make positive direct investment in Schedules A, B, or C during 1969 and succeeding years in an aggregate amount not to exceed the aggregate amount of positive direct investment, positive net transfer of capital, and additional reinvested earnings so authorized to be made under said former § 1000.504(c) (1) and (2).

(ii) A direct investor authorized under former § 1000.504(c)(3), as in effect on December 31, 1968, to reinvest earnings of incorporated affiliated foreign nationals in Schedule C during 1969 shall be authorized to reinvest earnings of incorporated affiliated foreign nationals in Schedule C during 1969 or succeeding years in an aggregate amount not to exceed the amount of earnings so authorized to be reinvested during 1969 under said former § 1000.504(c)(3).

8. Section 1000.506 is revised to read as follows:

§ 1000.506 Additional authorized positive direct investment in any one or more scheduled areas; incremental earnings allowable.

(a) For the purposes of this section:

(1) The term "aggregate annual earnings" means the algebraic sum of a direct investor's annual earnings in all scheduled areas as defined in § 1000.504(b)(4).

(2) The term "base period aggregate annual earnings" means an amount equal to 50 percent of the sum of the aggregate annual earnings for the years 1966 and 1967: *Provided*, That the base period aggregate annual earnings shall in no event be less than zero.

(3) The term "incremental earnings" means, with respect to each year beginning with the year 1970, the amount, if any, by which the aggregate annual earnings for such year exceed the base period aggregate annual earnings.

(4) The term "incremental earnings allowable" means, with respect to each year beginning with the year 1970 in which there are incremental earnings, a sum equal to the amount, if any, by which 40 percent of the incremental earnings for such year exceeds the greatest of the following (computed without regard to the reduction provisions of § 1000.1003 and without regard to any election made under § 1000.502(a)): (i) The amount of positive direct investment authorized to be made by the direct investor during such year in all scheduled areas under § 1000.503, or (ii) the amount of positive direct investment, if any, authorized to be made by the direct investor during such year in all scheduled areas under § 1000.504(a) (1), (2), and (3), or (iii) the amount of positive direct investment, if any, authorized to be made by the direct investor during such year in all scheduled areas under § 1000.504(b) (1), (2), and (3).

(b) Positive direct investment by a direct investor during any year commencing with the year 1970 is authorized: *Provided*, That the positive direct investment made by the direct investor during such year pursuant to this paragraph in any one scheduled area shall not exceed the incremental earnings allowable for such year: *And provided further*, That the positive direct investment made by the direct investor in each scheduled area during such year pursuant to this paragraph, when added together, shall not exceed the incremental earnings allowable for such year.

(c) If, during any year commencing with the year 1970, the incremental earnings allowable authorized to a direct investor under paragraph (b) of this section exceeds the aggregate of positive direct investment made by the direct investor during such year in all scheduled areas under paragraph (b) of this section, the direct investor is authorized to make additional positive direct investment, during succeeding years, in each scheduled area: *Provided*, That the positive direct investment made by the direct investor during any year pursuant to this paragraph in any one scheduled area shall not exceed the amount of such excess: *And provided further*, That the positive direct investment made by the direct investor in each scheduled area in all years pursuant to this paragraph, when added together, shall not exceed the amount of such excess. To the extent that any positive direct investment made by a direct investor in any year is authorized by § 1000.503 or § 1000.504, it shall be deemed to have been made pursuant to said sections and not pursuant to this section.

(d) If the incorporated affiliated foreign nationals of a direct investor in Schedule C have total losses during any year commencing with 1970 (calculated as provided in § 1000.306(c)), such total losses shall, for purposes of this section, be disregarded in computing the amount of positive direct investment made by the direct investor in Schedule C during the years involved.

9. Section 1000.602 is revised to read as follows:

§ 1000.602 Reports.

(a) Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Secretary, complete information relative to any transaction with respect to which records are required to be kept under this part or information otherwise reasonably related to direct investment or the purposes of Executive Order 11387 or of this part. The Secretary may require that such reports include the production of any books of account, contracts, letters, or other papers, relevant to direct investment or transactions related thereto in the custody or control of persons required to make such reports. Complete information with respect to transactions related to direct investment may be required either before or after such transactions are completed. The Secretary may, through any person or agency, investigate any such transaction or any violation of the provisions of this part, regardless of whether any report has been required or filed in connection therewith.

(b) Unless a direct investor is exempt from filing a report as provided in the instructions to said report, the following reports are required to be filed by direct investors with the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230, in addition to such other reports as may be required under paragraph (a) of this section:

(1) *Form FDI–101, Base Period Report.* This report must be filed by March 15, 1968, or if the reporter is an acquiring or divesting direct investor as to any affiliated foreign national under § 1000.312(c)(1) after January 1, 1968, such direct investor shall file a Form FDI–101 on or before the end of the month following the close of the calendar quarter during which the acquisition occurred. If a direct investor is exempt from reporting as provided in the instructions to Form FDI–101, and if the exemption subsequently ceases to apply, such direct investor shall file a Form FDI–101 on or before the end of the month following the close of the calendar quarter during which the exemption ceases to apply.

(2) *Form FDI–102, Cumulative Quarterly Report.* Unless an exemption or extension is given, this report must be filed within 45 days after the close of each quarter of a year.

(3) *Form FDI–102F, Annual Report.* Unless an exemption or extension is given, this report must be filed for years commencing with 1968 by April 30 of the year succeeding the year for which the report is made.

(4) *Form FDI–103 series, Survey of Planned Direct Investment.* Unless an exemption or extension is given, this report must be filed on the date given in the instructions to said report and as shall be published in the FEDERAL REGISTER at the time the form is distributed or made available.

(5) *Form FDI–105, AFN Financial Structure and Related Data.* Unless an exemption or extension is given, this report must be filed on the date given in the instructions to said report and as shall be published in the FEDERAL REGISTER at the time the form is distributed or made available.

(c) Applications for extensions of time in which to file reports shall be made to the Office of Foreign Direct Investments and must be received by the Office prior to the time such reports are due. Applications shall contain a statement of reasons for inability to report on time. An extension of time will be given for good cause shown.

(d) Reports mailed to the Office are deemed filed on the date post-marked on

the envelope in which they are mailed. Reports delivered directly to the Office are deemed filed when received as evidenced by the Office's date stamp thereon.

(e) Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230, or from any Field Office of the Department.

10. Section 1000.805 is revised to read as follows:

§ 1000.805 Rules governing availability of information.

Completed Forms FDI–101, –102, –102F, –103, –104, –105, –106 or any other completed forms filed with the Office, applications and requests for specific authorizations exemptions or interpretations, petitions for reconsideration, appeals, materials submitted thereunder, and decisions thereon are considered to be matters covered by 5 U.S.C. 552(b). Other information, records, and material of the Office of Foreign Direct Investments if required by 5 U.S.C. 552 to be made available to the public shall be available in accordance with the provisions of Department Order 64 of the Secretary of Commerce (32 F.R. 9643, July 4, 1967) and in accordance with the provisions of Part 4 of this title (32 F.R. 9643, July 4, 1967).

11. Section 1000.905(b) is amended by deleting the figure "$200,000" in subparagraph (2) thereof and by substituting therefor the figure "$1,000,000" and changing "1968" to "1969". As amended, said subparagraph (2) reads as follows:

§ 1000.905 Associated groups.

* * * * *

(b) * * *

(2) Notwithstanding the provisions of § 1000.503, no positive direct investment made during any year, commencing with the year 1969, by any member of an associated group in a group affiliated foreign national of the associated group shall be authorized by § 1000.503 if the positive direct investments made during the year by all members of the associated group in all such group affiliated foreign nationals, when added together, exceed $1,000,000.

* * * * *

12. Section 1000.906(b)(3)(ii) is revised to read as follows:

§ 1000.906 Ownership of direct investors.

* * * * *

(b) * * *

(3) * * *

(ii) Notwithstanding the provisions of § 1000.503, no positive direct investment made (or deemed to have been made under subdivision (i) of this subparagraph) during any year, commencing with the year 1969, by a consenting owner in an affiliated foreign national of the principal direct investor shall be authorized by § 1000.503 if the positive direct investments made or deemed to have been made during the year by all consenting and nonconsenting owners in all affiliated foreign nationals of the principal direct investor, when added together exceed $1,000,000.

* * * * *

13. Paragraphs (b) and (c) of § 1000.1002 are revised as follows:

§ 1000.1002 Transfers of capital in connection with repayment of borrowings.

* * * * *

(b) The certificate required by subparagraphs (5) and (6) of paragraph (a) of this section shall (after June 9, 1969) be made on Form FDI–106, and shall, except as otherwise provided in paragraph (e)(3) of this section, be delivered to the Secretary within 10 days after the date of the borrowing by the direct investor or the date of the guarantee of the borrowing by the affiliated foreign national, as the case may be. It shall be executed by the direct investor or a duly authorized representative of the direct investor, shall state the amount of the borrowing, and the amount, of the required principal repayment, shall identify the lender (or the managing underwriter, if the borrowing involves a public offering), and shall certify as follows:

* * * * *

(2) If the direct investor believes, on the basis of all facts and circumstances existing when the certificate is delivered to the Secretary, that it will make transfers of capital in connection with repayment of the borrowing within the aforesaid 7-year period, but also believes, on the basis of such facts and circumstances, that no positive direct investment by the direct investor in any scheduled area during any year will result in whole or in part from such transfers, or that any positive direct investment in any scheduled area which does result from such transfers will be authorized by this part (otherwise than by this section), the certificate shall state such beliefs and the reasons therefor.

(c) In determining whether a transfer of capital in connection with the repayment of a borrowing will be made within 7 years from the date of the borrowing or the guarantee thereof, as the case may be, and whether any such transfer will result in unauthorized positive direct investment during any year:

* * * * *

(3) A direct investor must consider, if a guaranteed borrowing by an affiliated foreign national is involved, whether the borrowing affiliated foreign national is reasonably likely to have sufficient financial resources to repay the borrowing after such affiliated foreign national (and all other affiliated foreign nationals in the same scheduled area) have paid all dividends or remittance which they may be required to pay by virtue of the limitations imposed in this part on positive direct investment.

* * * * *

14. Paragraphs (b), (c), and (d) of § 1000.1003 are revised to read as follows:

§ 1000.1003 Effect of transfers of capital in repayment of borrowings.

* * * * *

(b) The amount of positive direct investment authorized to be made by a direct investor under Subparts E and M of this part shall be reduced as provided in paragraphs (c) and (d) of this section until reductions equal in the aggregate to the repayment charge shall have been made.

(c) (1) In any year, commencing with the year 1969, in which a repayment charge is incurred, the amount of positive direct investment authorized to be made by the direct investor shall be reduced as follows: Reduction shall first be made in the amount of positive direct investment authorized under Subparts E and M of this part in the scheduled area in which the positive direct investment under § 1000.1002 was made and to the extent that the repayment charge exceeds the amount of positive direct investment so authorized in such scheduled area, further reduction shall be made in the amount of positive direct investment authorized under Subpart E of this part in Schedules C, B, and A, in that order: *Provided*, That the amount of the reduction shall not exceed the repayment charge and that such reduction shall not reduce authorized positive direct investment under said subparts in any year to an amount less than zero.

(2) Reductions under subparagraph (1) of this paragraph in the amount of positive direct investment authorized in Schedule C pursuant to § 1000.504 shall be made first in the amount of authorized positive direct investment under § 1000.504(a) or (b) and then in the amount of authorized reinvested earnings under § 1000.504(e).

(3) Reductions in the amount of authorized positive direct investment under subparagraph (1) of this paragraph for a repayment charge attributable to transfers of capital primarily related to operations in foreign air transportation by direct investors described in § 1000.1302(a) shall be made first in the amount of authorized positive direct investment under Subpart M of this part and then in the amount of positive direct investment authorized under § 1000.504 (a) or (b).

(d) If the repayment charge incurred in any year exceeds the amount of positive direct investment authorized to be made by the direct investor for such year under Subparts E and M of this part. Reductions shall be made in each succeeding year in the same manner and order as set forth in paragraph (c) of this section.

15. *Effective date.* With the exception of the amendment to § 1000.312(c)(1), the amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply, except as otherwise expressly provided, to all direct investment or other affected transactions occurring during 1969 and succeeding years. The amendment to § 1000.312(c)(1) shall become effective 30 days following the date

of publication in the FEDERAL REGISTER.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

JUNE 3, 1969.

[F.R. Doc. 69–6711; Filed, June 6, 1969; 8:46 a.m.]

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Affiliated Foreign Nationals of Air Carriers Engaged In Foreign Air Transportation

Notice is hereby given that the Office of Foreign Direct Investments hereby amends Subpart M of the Foreign Direct Investment Regulations to add new §§ 1000.1302 and 1000.1303 as proposed in a notice published April 8, 1969, in the FEDERAL REGISTER (34 F.R. 6254).

The amendments to Subpart M give U.S. flag air carriers a 30 percent of earnings allowable for use in 1969 and succeeding years in their foreign air transport operations analogous to the 30 percent earnings allowable available to all direct investors under § 1000.504(b). Because of the impracticality of segregating foreign air transport earnings on a schedular basis, however, this earnings allowable is worldwide and not on a schedular basis. This allowable is not elective and is in partial substitution for both the historical and earnings allowables provided by § 1000.504. That is, so far as foreign air transport operations are concerned (but not other operations), U.S. flag carriers may not elect to have § 1000.504 (a) and (c) or § 1000.504(b) apply rather than § 1000.1302. If, however, the direct investor elects the worldwide $1,000,000 minimum allowable of § 1000.503, then § 1000.1302 is inapplicable and the minimum allowable applies to all of the direct investor's operations. A U.S. flag carrier's choices are therefore as follows: (1) § 1000.503 minimum allowable for all operations; (2) an adjusted § 1000.504(a) historical allowable for all operations plus a § 1000.1302 allowable for foreign air transport operations only; (3) an adjusted § 1000.504(b) earnings allowable for all operations plus a § 1000.1302 allowable for foreign air transport operations only.

The earnings from which the Subpart M allowable is calculated are defined largely in terms of Civil Aeronautics Board income statement accounts. For this purpose, there is deducted from territorial and international operating profit reported to the Civil Aeronautics Board all related air transport interest and amortization charges, substantially all non-air transport net operating revenues (such as profits or losses from hotels, foreign flag air transport operations, and other corporate investments) and relevant foreign taxes. U.S. flag carriers may make positive direct investment worldwide, without regard to scheduled area, in an amount up to 30 percent of such earnings in the previous year, so long as the investment is in equipment, inventory or facilities primarily related to the carrier's own operations in foreign air transportation.

Carrier investments which are not related to its foreign air transportation operations are treated separately for all years (including the base period years 1964–66). With respect to such operations, a carrier may make positive direct investment, as provided in § 1000.504, in the same manner, and subject to the same limitations, as other direct investors except that the historical and earnings allowables under § 1000.504 are adjusted by § 1000.1302(d) to exclude consideration of the carrier's foreign air transportation operations. While § 1000.1302 allowables may not be used to authorize positive direct investment in non-air transport operations, § 1000.504 allowables may, if the direct investor so chooses, be added to the § 1000.1302 allowables for use in foreign air transport operations.

The amendments also redefine a U.S. flag air carrier's aggregate annual earnings and aggregate annual losses for purposes of computing the incremental allowable provided by § 1000.506 and for purposes of computing the losses which must in effect be added to direct investment under § 1000.503. Positive direct investment authorized under those sections, however, may be used for any investment, not solely air transport related investment, and no separate incremental earnings or minimum allowable is given for foreign air transport.

Each U.S. flag air carrier engaged in foreign air transportation will be required to file on or before June 30, 1969, a revised Form FDI–101, indicating its historical investment in non-air transport ventures. Separate Forms FDI–102 and Forms FDI–102F for air transport investment and earnings and for other investment and earnings will thereafter also be required to be filed by such direct investors.

The following examples are illustrative of the operations of § 1000.1302:

Example (1). During 1968, a U.S. flag airline ("DI") has foreign air transport earnings of $25,000,000 and unrelated, non-air transport, earnings in Schedule A of $5,000,000. DI has historical allowables under § 1000.504(a) of $3,000,000 in Schedule A as a result of equity investment in and loans to hotels, and ground transportation operations associated therewith, in the base period years of 1965 and 1966. Under § 1000.1302, DI would have a worldwide air transport earnings allowable of $7,500,000 (30 percent of $25,000,000) and a non-air transport earnings allowable in Schedule A of $1,500,000 (30 percent of $5,000,000). During 1969, the carrier may make air transport related positive direct investment worldwide of $7,500,000 and, assuming that the historical allowable under § 504(a) is elected, unrelated positive direct investment in Schedule A of $3,000,000. Any unused non-air transport allowable may be used by DI worldwide for air transport related activities as well as on a schedular basis for operations not related to foreign air transport. Any unused carry forward of air transport allowable may only be used in succeeding years for foreign air transportation operations. Any unused carry forward of allowables under § 504(f) may be used either worldwide if devoted to foreign air transportation or in the appropriate scheduled areas if used for other operations.

Example (2). A U.S. flag air carrier has non-air transport allowables under § 1000.504 of zero. For 1969, the carrier elects § 1000.503 and during 1969 it transfers $1,000,000 to Schedule C as a contribution to the capital of its wholly owned hotel corporation in that scheduled area. No other relevant transactions occur. Such investment is authorized by § 1000.503. No further positive direct investment is authorized during 1969 either in air transport or non-air transport activities.

The text of the amendments is as follows:

1. Subpart M is amended to add §§ 1000.1302 and 1000.1303 to read as follows:

Subpart M—Affiliated Foreign Nationals of Air Carriers Engaged in Foreign Air Transportation

§ 1000.1302 Foreign air transport allowable.

(a) Positive direct investment by a direct investor who is an "air carrier" or "supplemental air carrier" engaged in "foreign air transportation" as those terms are defined in the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1301 (3), (21), and (32), and who elects under § 1000.502(a) (2) or (3), is authorized during any year commencing with the year 1969 in an amount not to exceed 30 percent of aggregate annual foreign air transport earnings for the immediately preceding year: *Provided*, That such positive direct investment is primarily related to the direct investor's operations in foreign air transportation.

(b) "Aggregate annual foreign air transport earnings" for any year shall mean operating profit from international and territorial route operations as properly reported by the direct investor for such year for Civil Aeronautics Board (CAB) income statement account number 7999 minus (1) annual net interest expense (including amortization of debt discount less capitalized interest) or amortization charges related to investment in international and territorial route operations as properly reported on and included in CAB Schedule P–3 or comparable nondivisional report; (2) taxes assessed by foreign countries and primarily related to the direct investor's operations in foreign air transportation; and (3) Federal subsidy as properly reported in CAB account number 4100.

(c) (1) If, during any year commencing with the year 1969, the amount of positive direct investment authorized under § 1000.504 to a direct investor governed by this section exceeds the amount of direct investment (whether positive or negative) not primarily related to the direct investor's operations in foreign air transportation made by the direct investor during such year under § 1000.504, the direct investor is authorized to make additional positive direct investment as provided in paragraph (a) of this section during such year or succeeding years: *Provided*, That the aggregate amount of additional positive direct investment authorized by this

subparagraph shall not be more than the amount of such excess, and that the amount of positive direct investment authorized to the direct investor under § 1000.504 shall be reduced by the amount of additional positive direct investment made under this subparagraph.

(2) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor under paragraph (a) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year under paragraph (a) of this section, the direct investor is authorized to make additional positive direct investment as provided in paragraph (a) of this section during succeeding years in an aggregate amount of not more than the amount of such excess.

(d) A direct investor governed by this section shall recalculate the amount of positive direct investment authorized to be made in any year commencing with the year 1969 under § 1000.504 (a) and (b) to exclude from the calculation of "direct investment", "total earnings", and "reinvested earnings" during the years 1964, 1965, and 1966 under § 1000.504(a), and from the calculation of "annual earnings" during any year under § 1000.504(b)(4), transfers of capital primarily related to the direct investor's operations in foreign air transportation, aggregate annual foreign air transport earnings and all component accounts and charges associated with such earnings, and all reserves or charges against earnings associated with such transfers.

(e) A direct investor governed by this section shall file on or before June 30, 1969, a revised Base Period Report on Form FDI-101 to exclude any direct investment primarily related to foreign air transportation, and shall thereafter file separate Cumulative Quarterly Reports and Annual Reports on Forms FDI-102 and FDI-102F as provided in § 1000.602(b) (2) and (3) with respect to direct investment governed by this section and with respect to direct investment not so governed.

§ 1000.1303 Adjustments to minimum and incremental earnings allowables.

(a) For direct investors governed by § 1000.1302, "aggregate annual earnings" under § 1000.506(a)(1) and "aggregate annual losses" under § 1000.503(b) shall mean the positive or negative sum, respectively, of "aggregate annual foreign air transport earnings" as defined in § 1000.1302(b) plus the algebraic sum of such direct investor's annual earnings (as calculated under §§ 1000.504(b)(4) and 1000.1302(d)) during a year in all scheduled areas.

(b) All reference to § 1000.504 in § 1000.506(a)(4) and (c) shall be deemed to include reference to § 1000.1302(a).

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

2. *Effective date.* The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all direct investment occurring during 1969 and succeeding years.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

JUNE 3, 1969.

[F.R. Doc. 69-6712; Filed, June 6, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 134—THIRD CLASS

Mailing of Merchandise Samples

In the daily issue of Wednesday, January 8, 1969 (34 F.R. 255), the Department published an amendment to § 134.4 of Title 39, Code of Federal Regulations, which established a detached label procedure respecting mailings of merchandise samples. The cited document stated that the procedure would be mandatory July 1, 1969. It has been decided to change this date to January 1, 1970. Accordingly, the detached label procedure set out in § 134.4(d) of Title 39 CFR (34 F.R. 255) is hereby made mandatory effective January 1, 1970. The procedure continues to be optional with mailers until that date, provided all requirements are met.

(5 U.S.C. 301, 39 U.S.C. 501, 4451-4453)

DAVID A. NELSON,
General Counsel.

JUNE 5, 1969.

[F.R. Doc. 69-6781; Filed, June 6, 1969; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.

On page 6283 of the FEDERAL REGISTER of April 9, 1969, there was published a notice and text of a proposed amendment to § 7.13 of Title 36, Code of Federal Regulations. The purpose of this amendment is to define one-way roads and the speed limits thereon in § 7.13 of the regulations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No objections or unfavorable comments or suggestions have been received, and the proposed amendment is hereby adopted without change and is set forth below. This revision shall take effect the date of its publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73; 16 U.S.C. 26)

Section 7.13 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.13 Yellowstone National Park.

* * * * * *

(b) *Traffic control.* (1) * * *

(ii) Twenty-five miles per hour: Upon that portion of a park road which passes through or borders on park road repair or construction; visitor-use developments at Mammoth Hot Springs, Tower Falls, Canyon, Lake Area, Fishing Bridge, West Thumb, and Grant Village; and one-way drives.

* * * * * *

(2) Travel shall be restricted to one direction when posted on the following roads:

(i) Virginia Cascades Drive.
(ii) Bunsen Peak Drive.
(iii) Mammoth Terrace Drive.
(iv) Firehole Canyon Drive.
(v) Firehole Lake Drive.
(vi) Fountain Flats Drive.
(vii) Canyon Rim Drive.
(viii) Slide Lake Drive.
(ix) Blacktail Plateau Drive.
(x) Silver Gate Turnout.

* * * * * *

JACK K. ANDERSON,
Superintendent, Yellowstone National Park, Wyoming.

[F.R. Doc. 69-6705; Filed, June 6, 1969; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Rubella Virus Vaccine, Live

On April 3, 1969, a notice of rule making was published in the FEDERAL REGISTER (34 F.R. 6047-6049) proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Rubella Virus Vaccine, Live.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective on the date of publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service Regulations are hereby adopted to become effective on the date of publication in the FEDERAL REGISTER.

1. Part 73 is amended by adding to the table of contents in numerical order, the following:

ADDITIONAL STANDARDS: RUBELLA VIRUS VACCINE, LIVE

Sec.
73.190 The product.
73.191 Production.
73.192 Test for safety.
73.193 Potency test.
73.194 General requirements.
73.195 Clinical trials to qualify for license.
73.196 Equivalent methods.

§ 73.74 [Amended]

2. Section 73.74(a)(2) is amended by inserting "Rubella Virus Vaccine, Live" after "Measles Virus Vaccine, Live, Attenuated".

§ 73.86 [Amended]

3. Section 73.86 is amended by inserting after "Rocky Mountain Spotted Fever Vaccine—18 months (5° C., 1 year.)" the following:

Rubella Virus Vaccine, Live—1 year. § 73.84 does not apply.

4. Part 73 is amended by adding the following after § 73.166:

ADDITIONAL STANDARDS: RUBELLA VIRUS VACCINE, LIVE

§ 73.190 The product.

(a) *Proper name and definition.* The proper name of this product shall be Rubella Virus Vaccine, Live, which shall consist of a preparation of live, attenuated rubella virus.

(b) *Criteria for acceptable strains of attenuated rubella virus.* Strains of attenuated rubella virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation during attenuation and (2) antigenic specificity as rubella virus as demonstrated by tissue culture neutralization tests.

(c) *Extraneous agents.* Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

(d) *Field studies with experimental vaccines.* (1) Strains used for the manufacture of Rubella Virus Vaccine, Live, shall have been shown in field studies with experimental vaccines to be safe and potent in the group of individuals inoculated, which must include at least 10,000 susceptible individuals. Susceptibility shall be shown by the absence of neutralizing or hemagglutination-inhibiting antibodies against rubella virus or by other appropriate methods.

(2) The virus strain used in the field studies shall be propagated in the same cell culture system that will be used in the manufacture of the product.

(3) The field studies shall be so conducted that at least 5,000 of the susceptible individuals must reside when inoculated in areas where health related statistics are regularly compiled in accordance with procedures such as those used by the National Center for Health Statistics. Data in such form as will identify each inoculated person shall be furnished to the Director, Division of Biologics Standards.

(4) Inoculated persons shall be shown not to be contagious for contacts through surveillance of rubella susceptible contacts of the inoculated persons.

(e) *Neurovirulence safety test of the virus seed strain in monkeys.*—(1) *The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated rubella virus used in manufacture of rubella vaccine. For this purpose, vaccine from each of the five consecutive lots used by the manufacturer to establish consistency of manufacture of the vaccine shall be tested in monkeys shown to be serologically negative for rubella virus antibodies by following the procedures prescribed in § 73.140(c)(1) or § 73.162(c), except that histologic examination shall be made of appropriate sections of the brain in addition to such examination of the spinal cord.

(2) *Test results.* The rubella virus seed has acceptable neurovirulence properties for use in vaccine manufacture if for each of the five lots: (i) 80-percent of the monkeys survive the observation period and (ii) there is no clinical or histopathologic evidence of central nervous system involvement attributable to the replication of the virus.

(3) *New seed lots—test for neurovirulence.* The neurovirulence properties of each new seed shall be tested as prescribed in subparagraphs (1) and (2) of this paragraph. Only seed lots which meet the neurovirulence requirement shall be used for rubella vaccine manufacture. The test need not be repeated as long as the same seed lot of virus is used.

§ 73.191 Production.

(a) *Virus cultures.* Rubella virus shall be propagated in duck embryo cell cultures or canine renal cell cultures.

(b) *Virus propagated in duck embryo tissue cell cultures.* Embryonated duck eggs used as a source of duck embryo tissue for the propagation of rubella virus shall be derived from flocks certified to be free of avian tuberculosis, the avian leucosis-sarcoma group of viruses and other agents pathogenic for ducks. Only ducts so certified and in overt good health and which are maintained in quarantine shall be used as a source of duck embryo tissue used in the propagation of rubella virus. Ducks in the quarantined flock that die shall be necropsied and examined for evidence of significant pathologic lesions. If any such signs or pathologic lesions are observed, eggs from that flock shall not be used for the manufacture of Rubella Virus Vaccine, Live. Control vessels shall be prepared, observed and tested as prescribed in § 73.141(g).

(c) *Virus propagated in canine renal tissue cell cultures.* When canine renal cell cultures are used for the propagation of rubella virus the renal tissue shall be obtained from dogs meeting the requirements specified in § 73.141(c). Control vessels shall be prepared, observed and tested as prescribed in § 73.141(g).

(d) *Reference Rubella Virus.* A Reference Rubella Virus, Live, shall be obtained from the Division of Biologics Standards as a control for correlation of virus titers.

(e) *Passage of virus strain in vaccine manufacture.* Virus in the final vaccine shall represent no more than five cell culture passages beyond the passage used as the seed strain for the manufacture of the vaccines used to perform the field studies § 73.190(d), which qualified the manufacturer's vaccine strain for license.

(f) *Cell cultures in vaccine production areas.* Only the cell cultures used in the propagation of rubella virus vaccine shall be introduced into rubella virus vaccine production areas.

(g) *Test samples.* Test samples of rubella virus harvests or pools shall be withdrawn and maintained by following the procedures prescribed in § 73.141(h).

§ 73.192 Test for safety.

(a) *Tests prior to clarification of vaccine manufactured in duck embryo cell cultures.* Prior to clarification; the following tests shall be performed on each rubella virus pool prepared in duck embryo cell cultures:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey tissue cell cultures.* A rubella virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The rubella virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), in rhesus or cynomolgus monkey kidney, in chick embryo, duck embryo, and in human cell cultures, except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if results equivalent to those in § 73.142(a)(3) are obtained.

(5) *Inoculation of embryonated chicken eggs.* A suspension of each undiluted rubella virus pool shall be tested in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The virus pool is satisfactory only if there is no evidence of adventitious agents.

(6) *Inoculation of embryonated duck eggs.* A suspension of each undiluted rubella virus pool shall be tested in embryonated duck eggs, in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The virus pool is satisfactory only if there is no evidence of adventitious agents.

(7) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each rubella virus pool for the presence of M. tuberculosis, both avian and human, by appropriate culture

methods. The virus pool is satisfactory only if found negative for M. tuberculosis, both avian and human.

(8) *Test for avian leucosis.* The vaccine shall be tested for avian leucosis, in the volume and following the procedures prescribed in § 73.142(a)(8). The cultures are satisfactory for vaccine manufacture if found negative for avian leucosis.

(9) *Inoculation of cell cultures and embryonated eggs after neutralization of the virus with antiserum.* Each of the tests prescribed in subparagraphs (3), (4), (5), and (6) of this paragraph shall be carried out also with rubella virus that has been neutralized by the addition of high titer antiserum of nonhuman, nonsimian and nonavian origin except that the volume of virus suspension of each undiluted virus pool tested shall be no less than 5 ml. The rubella antiserum shall have been prepared by using a rubella virus propagated in a cell culture system other than that used for the manufacture of the vaccine under test, and the cell culture system shall be free of extraneous agents which might elicit antibodies that could inhibit growth of any known extraneous agents which might be present in the vaccine under test. These tests may be performed either before or after clarification of the virus. The virus pool is satisfactory only if the results obtained are equivalent to those required in those subparagraphs.

(b) *Tests prior to clarification of vaccine manufactured in canine renal cell cultures.* Prior to clarification each rubella virus pool prepared in canine renal cell cultures shall be tested as follows:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(b)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey tissue cell cultures.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(3), except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The tests shall be performed in the volume and following the procedures prescribed in § 73.142(a)(3), in rhesus or cynomolgus monkey kidney tissue, canine renal tissue and human tissue cell cultures, except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(5) *Inoculation of embryonated chicken eggs.* The tests shall be performed in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(6) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each rubella virus pool for the presence of M. tuberculosis, human, by appropriate culture methods. The rubella virus pool is satisfactory only if found negative for M. tuberculosis, human.

(7) *Tests for adventitious agents.* Tests shall be performed for the presence of adventitious agents as prescribed in § 73.142(b)(8), and the rubella virus pool is satisfactory only if equivalent test results are obtained.

(8) *Inoculation of cell cultures and embryonated eggs after neutralization of the virus with antiserum.* Each of the tests prescribed in subparagraphs (3), (4), and (5) of this paragraph shall be carried out also with rubella virus that has been neutralized following the procedures and in the volume prescribed in paragraph (a)(9) of this section. The virus pool is satisfactory only if the results obtained are equivalent to those required by that subparagraph.

(c) *Clarification.* The rubella virus fluids shall be clarified by following the procedures prescribed in § 73.142(c).

(d) *Test after clarification-neurovirulence safety test in monkeys for neurotropic agents.* Before final dilution for standardization for live rubella virus content each lot of rubella vaccine shall be tested for neurotropic agents following the procedures prescribed in § 73.102(e) except that appropriate sections of the brain and spinal cord shall be examined histologically. The test shall be performed before the product is placed in final containers and prior to the addition of an adjuvant. Signs suggestive of any neurotropic agent shall be recorded during the observation period of 17 to 19 days. The lot is satisfactory if the histologic examinations and other studies produce no evidence of changes in the central nervous system attributable to the presence of an extraneous neurotropic agent in the vaccine.

§ 73.193 Potency test.

The concentration of live rubella virus shall constitute the measure of potency. The titration shall be performed in a suitable cell culture system, using either the Reference Rubella Virus, Live, or a calibrated equivalent strain as a titration control. The concentration of live rubella virus contained in the vaccine of each lot under test shall be no less than the equivalent of 1,000 $TCID_{50}$ of the reference virus per human dose.

§ 73.194 General requirements.

(a) *Final container tests.* In addition to the tests required pursuant to § 73.75, an immunological and virological identity test shall be performed on the final container if it was not performed on each pool or on the bulk vaccine prior to filling.

(b) *Dose.* These standards are based on an individual human immunizing dose of no less than 1,000 $TCID_{50}$ of Rubella Virus Vaccine, Live, expressed in terms of the assigned titer of the Reference Rubella Virus, Live.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, single dose container labeling for vaccine which is not protected against photochemical deterioration shall include a statement cautioning against exposure to light.

(d) *Photochemical deterioration; protection.* Rubella Virus Vaccine, Live, in multiple dose containers, shall be protected against photochemical deterioration in accordance with the procedures prescribed in § 73.144(g).

(e) *Samples; protocols; official release.* For each lot of vaccine, the following shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of the manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) A total of no less than 120 ml. in 10 ml. volumes, in a frozen state (−60° C.), of preclarification bulk vaccine containing no preservative or adjuvant, and no less than 100 ml. in 10 ml. volumes, in a frozen state (−60° C.), of postclarification bulk vaccine containing stabilizer but no preservative or adjuvant, taken prior to filling into final containers.

(3) A total of no less than 200 recommended doses of the vaccine in final labeled containers distributed equally between the number of fillings made from each bulk lot, except that the representation of a single filling shall be no less than 30 single dose final containers or six multiple dose final containers.

The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

§ 73.195 Clinical trials to qualify for license.

To qualify for license, the antigenicity of Rubella Virus Vaccine, Live, shall be determined by clinical trials that follow the procedures prescribed in § 73.145 except that the immunogenic effect shall be demonstrated by establishing that a protective antibody response has occurred in at least 90 percent of each of the five groups of rubella susceptible individuals, each having received the parenteral administration of a virus vaccine dose which is not greater than that which was demonstrated to be safe in field studies when used under comparable conditions.

§ 73.196 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Rubella Virus Vaccine, Live, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: May 16, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 4, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-6780; Filed, June 6, 1969; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4665]

[Riverside 1524]

CALIFORNIA

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Order of January 18, 1907, withdrawing national forest lands as administrative sites, is hereby revoked so far as it affects the following described land:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Ranger Station No. 10

T. 2 N., R. 3 W.,
Sec. 30, lot 1 and NE¼NW¼.

The areas described aggregate 80 acres in San Bernardino County.

2. At 10 a.m. on July 8, 1969, the land shall be open to such forms of disposition as may by law be made of national forest lands, subject to any existing withdrawals for power or other purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 2, 1969.

[F.R. Doc. 69-6701; Filed, June 6, 1969; 8:46 a.m.]

[Public Land Order 4666]

[Sacramento 1793]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of November 4, 1913, withdrawing lands for the Iron Canyon project, is hereby revoked so far as it affects the following described public lands:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 3 W.,
Sec. 8, lot 2;
Sec. 22, lot 5.

The areas described aggregate approximately 31 acres in Tehama County.

The land is located approximately 5 air miles from Cottonwood Creek. Topography is rolling to riverwash land along the Sacramento River.

2. At 10 a.m. on July 8, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 8, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands shall be open to location under the United States mining laws at 10 a.m. on July 8, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 2, 1969.

[F.R. Doc. 69-6702; Filed, June 6, 1969; 8:46 a.m.]

[Public Land Order 4667]

[Nevada 2564]

NEVADA

Withdrawal for Department of the Navy

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Department of the Navy for a Naval and Marine Corps Reserve Training Center:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 27, SE¼NE¼NE¼.

The area described contains 10 acres in Washoe County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 29, 1969.

[F.R. Doc. 69-6703; Filed, June 6, 1969; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket 69-15; General Order 14, Amdt. 4]

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

Reporting Requirements of Two Party Rate-Fixing Agreements

By FEDERAL REGISTER notice of April 17, 1969 (34 F.R. 6602), the Commission proposed to amend its General Order 14 (46 CFR Part 527) to reduce the reporting requirements regarding action taken on shippers' requests and complaints by parties to two-party rate-fixing agreements. The current quarterly reporting requirement would be changed to an annual report.

We received one objection to the proposed change. It was suggested that the change to an annual reporting requirement would subvert the intent of section 15 of the Shipping Act, 1916, which requires that carriers maintain reasonable procedures for promptly hearing and considering shippers' complaints.

Hearing Counsel point out that since the quarterly reporting requirement was adopted nearly 4 years ago, we have received a total of three reports of complaints by two-party rate-fixing combines. We agree with Hearing Counsel that since experience has shown the number of such complaints to be minimal an annual reporting requirement is sufficient. Furthermore, any relaxation of reporting requirements does not relieve carriers of their statutory duty of promptly hearing shippers' complaints. Finally, an annual reporting requirement is more desirable since it will relieve carriers of unnecessary filing tasks.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), Part 527 of Title 46 CFR is hereby amended by adding the following sentences at the end of § 527.4:

§ 527.4 Reports.

* * * * * *

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be required to file annual reports under this section in lieu of quarterly reports. Such annual reports shall be filed by January 31 of each year covering all shippers' requests

and complaints received during the preceding calendar year or pending at the beginning of such calendar year.

Effective date. Since this amendment merely relieves restrictions currently imposed by the rules of Part 527, it shall be effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6752; Filed, June 6, 1969; 8:49 a.m.]

[Docket 69-14; General Order 7, Amdt. 3]

PART 528—SELF-POLICING SYSTEMS

Exclusion of Two Party Rate-Fixing Agreements

By FEDERAL REGISTER notice of April 17, 1969 (34 F.R. 6602), the Commission proposed to amend its General Order 7 (46 CFR Part 528) to relieve two-party rate-fixing agreements from the self-policing requirements of that General Order. The Commission feels that requirements of including self-policing provisions in the agreement and of reporting actions taken under such provisions have little, if any, benefit to the regulatory process insofar as two-party rate agreements are concerned.

All comments received were favorable and in support of adopting the proposed amendment.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), Part 528 of Title 46, CFR is hereby amended by adding a new § 528.4 reading as follows:

§ 528.4 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be excepted from all requirements of this part.

Effective date. Since this amendment merely relieves restrictions currently imposed by the rules of Part 528, it shall be effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6753; Filed, June 6, 1969; 8:49 a.m.]

[Docket 69-16; General Order 18, Amdt. 4]

PART 537—CONFERENCE AGREEMENT PROVISIONS RELATED TO CONCERTED ACTIVITIES

Exclusion of Two-Party Rate-Fixing Agreements

By FEDERAL REGISTER notice of April 17, 1969 (34 F.R. 6602), the Commission proposed to amend its General Order 18 (46 CFR Part 537) to relieve two-party rate-fixing agreements from the current requirements of containing a provision outlining the manner in which the joint business of the parties may be carried out, and of reporting to the Commission descriptions of matters discussed at conference meetings.

All comments received were favorable and in support of adopting the proposed amendment.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), Part 537 of Title 46 CFR is hereby amended by inserting the words "except two-party rate-fixing agreements and * * *" at the beginning of the parenthetical clauses contained in §§ 537.2 and 537.3(a).

Effective date. Since this amendment merely relieves restrictions currently imposed by the rules of Part 537, it shall be effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6754; Filed, June 6, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2240]

EXCHANGES

Exchanges Within National Park System or Miscellaneous Areas

The purpose of this amendment is to incorporate into the regulations provisions to implement the new authority to make exchanges which was given to the Secretary of the Interior by the Act of July 15, 1968 (82 Stat. 354), and by other acts passed in the 89th and 90th Congress establishing national parks, monuments, recreation areas, trails and scenic rivers. The regulations are also being amended to state more clearly that they are applicable to lands under the jurisdiction of the Department of the Interior.

Although notice of proposed rule making for rules of agency procedure or practice is not required to be published, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

1. Section 2244.1 is amended to read:

§ 2244.1 Provisions applicable to all exchanges.

Except where otherwise noted in the regulations of this Subpart 2244, the regulations in this § 2244.1 are applicable to all exchanges involving the selection of lands under the jurisdiction of the Department of the Interior.

2. New paragraphs (f), (g), (h), (i), and (j) are added to § 2244.4–4 to read as follows:

§ 2244.4–4 National Park System exchanges.

* * * * *

(f) *Bighorn Canyon Recreation Area.* The Act of October 15, 1966 (16 U.S.C. 460t (Supplement III, 1965–67)) establishes the Bighorn Canyon National Recreation Area. It authorizes the Secretary of the Interior to accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction in the States of Montana and Wyoming which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from, or pay cash to, the grantor in an exchange in order to equalize the values of the properties exchanged.

(g) *Act of July 15, 1968.* (1) The Act of July 15, 1968 (16 U.S.C.A. 460L–22, 1969 Supplement) authorizes the Secretary of the Interior to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, in exchange for any federally owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal. The selected land shall be located in the same State as the offered land. Timber lands subject to harvest under a sustained yield program shall not be exchanged. Public hearings will be held in the area where the lands to be exchanged are located, if a written request therefor is submitted to the Secretary or his authorized officer prior to such exchange, by a State or a political subdivision thereof or by a party in interest. The value of the properties exchanged shall be approximately equal, or if they are not approximately equal, the values shall be equalized by payment of cash to the grantor or to the Secretary, as circumstances require. Payment of cash by the Secretary shall be made only from funds appropriated for the acquisition of land for the area.

(2) The term "National Park System" means all federally owned or controlled lands which are administered under the direction of the Secretary of the Interior in accordance with 16 U.S.C. sections 1 and 2–4, and which are grouped into the following descriptive categories: (i) National parks, (ii) national monuments, (iii) national historical parks, (iv) national memorials, (v) national parkways, and (vi) national capital parks.

(3) The term "miscellaneous areas" includes lands under the administrative jurisdiction of another Federal agency, or lands in private ownership, and over which the National Park Service, under the direction of the Secretary of the Interior, pursuant to cooperative agreement, exercises supervision for recreational, historical, or other related purposes, and also any lands under the care and custody of the National Park Service other than those described above.

(h) *North Cascades National Park, Washington.* The Act of October 2, 1968 (82 Stat. 926) establishes the North Cascades National Park, the Ross Lake National Recreation Area, and the Lake Chelan National Recreation Area. The act authorizes the Secretary of the Interior to accept title to any non-Federal property within the boundaries of the park and the recreation areas and in exchange therefor to convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or, if they are not, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(i) *Redwood National Park, Calif.* The Act of October 2, 1968 (82 Stat. 931) establishes the Redwood National Park. The Secretary of the Interior is authorized to accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within prescribed limits in exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal. Such federally owned property shall also be available for use by the Secretary in payment of just compensation for real property taken pursuant to the act. The values of the properties exchanged either shall be approximately equal or, if they are not, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(j) *Biscayne National Monument, Fla.* The Act of October 18, 1968 (Public Law 90–606) authorizes the Secretary of the Interior to establish the Biscayne National Monument, and to accept title to any non-Federal property within the boundaries of the national monument and outside such boundaries within prescribed areas, in exchange for any federally owned property under his jurisdiction in the State of Florida which he classifies as suitable for exchange or other disposal. The values of the properties exchanged either shall be approximately equal, or, if they are not, shall be equalized by the payment of cash to the grantor or to the Secretary as circumstances require.

3. A new section is added to Subpart 2244 to read as follows:

§ 2244.4–7 National wild and scenic rivers system; national trails system.

(a) *National wild and scenic rivers system.* The Act of October 2, 1968 (82 Stat. 906) institutes a national wild and scenic rivers system, designates the initial components of that system and provides for additional components to be added to the system. The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands within any component of the system administered by him to an average of not more than 100 acres per mile on both sides of the river. The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the system in

exchange for any federally owned property under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or, if they are not, shall be equalized by the payment of cash to the grantor or the Secretary as the circumstances require.

(b) *National trails system.* The Act of October 2, 1968 (82 Stat. 919), provides for the establishment and designation of trails by the Secretary of the Interior or the Secretary of Agriculture, each on lands administered by him.

(1) The Act authorizes the Secretary of the Interior to accept title to any non-Federal property within the trail right-of-way in exchange for any federally owned property under his jurisdiction which is located in the State and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not, shall be equalized by the payment of cash to the grantor or the Secretary as the circumstances require.

(2) The Act authorizes the Secretary of Agriculture to use authorities and procedures available to him in connection with exchanges of national forest lands.

(3) When an application involves the selection of public domain land outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the proponents shall comply with the regulations in § 2244.1.

§ 2244.3–2 [Corrected]

4. In § 2244.3–2 the section referred to in the last sentence is corrected to read "§ 2244.1".

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 2, 1969.

[F.R. Doc. 69–6704; Filed, June 6, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Approval of Expenses and Fixing of Rates of Assessment for 1969–70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1969, through February 28, 1970, will amount to $253,989.

(b) That the rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 be fixed at:

(1) One and one-tenth cent ($0.011) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Four and two-tenths cents ($0.042) per standard four-basket crate of plums, or its equivalent in other containers or in bulk; and

(3) One cent ($0.01) per California peach box of peaches, or its equivalent in other containers or in bulk.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 28, 1969, be carried over in accordance with § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk, during regular business hours (7 CFR 1.27(b)).

Dated: June 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6733; Filed, June 6, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

SMALL COSMETIC PACKAGES

Exemption From Certain Requirements

Notice is given that the Toilet Goods Association, 1625 Eye Street NW., Washington, D.C. 20006, has submitted a petition proposing that the regulations for the enforcement of the Fair Packaging and Labeling Act and The Federal Food, Drug, and Cosmetic Act (21 CFR Part 1) be amended to exempt cosmetics of the makeup type (for example, lip, eye, rouge, powder, and cream products) and fragrance products when in packages containing less than ¼ ounce avoirdupois or ⅛ fluid ounce from the requirement of both acts that the label bear a quantity of contents declaration.

Grounds given in support of the proposal are:

1. Many containers such as those for lipstick, mascara, eye liners, and eye brow pencils are too small to accommodate a label of sufficient size for all mandatory information; and

2. Such products are not purchased by weight.

The Commissioner of Food and Drugs concludes that since the subject cosmetics were previously exempt under now obsolete § 1.202(m) from a quantity of contents declaration requirement of the Federal Food, Drug, and Cosmetic Act and these products in small packages are not purchased by weight, it is reasonable to exempt them again from the net contents requirement of that act and also from the same requirements of the Fair Packaging and Labeling Act.

The petitioner also proposed that the subject cosmetics be exempt from the required statement of identity and name and address of the manufacturer, packer, or distributor; however, these are not included in this proposal since reasonable grounds therefor were not given.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (secs. 602(b)(2), 701, 52 Stat. 1054–55, as amended; 21 U.S.C. 362(b)(2), 371), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 1.1c be amended by adding thereto a new paragraph, as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(c) *Cosmetics.* (1) A cosmetic of the makeup or fragrance type shall be exempt from compliance with the requirements of section 602(b)(2) of the Federal Food, Drug, and Cosmetic Act and section 4(a)(2) of the Fair Packaging and Labeling Act if the quantity of contents of the package is less than ¼ ounce avoirdupois or less than ⅛ fluid ounce.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6691; Filed, June 6, 1969; 8:45 a.m.]

[21 CFR Part 19]

GRATED CHEESE

Identity Standard

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing the establishment of a definition and standard of identity for grated cheese.

Grounds given in the petition are that: (1) Uniform labeling requirements will enable consumers to make a more intelligent choice from among the grated cheese products available; (2) in addition to the low moisture, free-flowing grated cheeses, large particle-size products are now being marketed; (3) provision for anticaking agents would make possible reduction or elimination of the drying step for such products so that a grated cheese having the characteristics of freshly grated cheese could be packaged; and (4) provision for addition of spices and flavorings to grated cheese would make the product more desirable for certain uses, such as the manufacture of pizza.

Accordingly, it is proposed that a new section be added to Part 19 as follows:

§ 19._____ **Grated cheese; identity; label statements of optional ingredients.**

(a) (1) Grated cheese is the food prepared by grinding, grating, shredding, or otherwise comminuting cheese of one variety or a mixture of two or more varieties. The cheese varieties that may be used are those for which definitions and standards of identity have been promulgated pursuant to section 401 of the act, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim milk cheese for manufacturing.

(2) Any cheese ingredient used is made from pasteurized milk or is held at a temperature of not less than 35° F. for not less than 60 days.

(3) Each cheese ingredient used must be present at a level of not less than 1 percent by weight of the finished food.

(4) In the manufacture of the finished food, moisture may be removed from the cheese ingredients but no moisture is added.

(5) (i) The fat content of the solids of grated cheese made from a single variety of cheese is not more than 1 percent below the minimum prescribed by the definition and standard of identity for the variety of cheese used.

(ii) The fat content of the solids of grated cheese made from two or more varieties of cheese is not more than 1 percent below the arithmetical average of the minimum fat content prescribed by the definitions and standards of identity for the varieties of cheese used, but in no case is the fat content less than 31 percent.

(6) Moisture and fat in grated cheese are determined by the methods prescribed in § 19.500(c).

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) A mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 percent by weight of the finished food, calculated as sorbic acid.

(2) An anticaking agent consisting of silicon dioxide (complying with the provisions of § 121.1058 of this chapter), calcium silicate (complying with the provisions of § 121.1135 of this chapter), sodium silicoaluminate, or any combination of two or more of these in an amount not to exceed 2 percent by weight of the finished food.

(3) Spices or safe and suitable flavoring substances other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(c) (1) The name of the food, if it is made with only one variety of cheese is "grated _____ cheese," the blank being filled in with the name of the variety used.

(2) The name of the food, if the only cheese ingredients used are parmesan and romano cheese, each being present at a level of not less than 25 percent by weight of the finished food, is "grated _____ and _____ cheese," the blanks being filled in with the names "parmesan" and "romano" in order of predominance by weight. The variety name "reggiano cheese" may be used for parmesan cheese.

(3) The name of the food, if it is made with a mixture of cheese varieties (not including parmesan or romano cheese) with each of the varieties used being present at a level of not less than 25 percent of the weight of the finished food, is "grated _____ cheese," the blank being filled in with the names of the two or more varieties in order of predominance by weight.

(4) The name of the food, if it is made as specified by subdivisions (i) and (ii) of this subparagraph, is "grated _____ cheese with other grated cheeses," the blank being filled in as specified by subdivision (iii).

(i) One or more varieties of cheese are present which, when taken together, make up not more than 10 percent of the weight of the finished food.

(ii) The remaining variety or varieties (which do not include parmesan or romano cheese) are each present at a level of not less than 25 percent by weight of the finished food.

(iii) The blank in the name of the food is filled in with the name or names of those cheese varieties present at levels of not less than 25 percent by weight of the finished food in order of predominance, in letters not more than twice as high as the letters in the phrase, "with other grated cheeses."

(5) The name of the food, if it is made with a mixture of cheese varieties other than those specified by subparagraphs (2), (3), and (4) of this paragraph, is "grated cheese."

(6) The cheese variety names permitted for use in the name of the food by subparagraphs (1), (2), (3), and (4) of this paragraph are those specified by applicable standard of identity sections of this part, except that the variety name "American cheese" may be used for cheddar, washed curd, colby, or granular cheese. Any mixture of two or more of these varieties may, for the purposes of this section, be considered as a single variety with the name "American cheese."

(7) If the particles of cheese are in the form of cylinders, shreds, or strings, the word "shredded," or if they are in the form of chips, the word "chipped," may be used in lieu of the word "grated" in the specified name of the product.

(d) (1) If grated cheese contains an optional mold-inhibiting ingredient as specified in paragraph (b)(1) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredients used.

(2) If it contains an optional anticaking agent as specified in paragraph (b)(2) of this section, the label shall bear the statement "_____ added to prevent caking," the blank being filled in with the common name or names of the anticaking agents used.

(3) If it contains a spice or flavoring substance as specified in paragraph (b)(3) of this section, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used. If the flavoring used is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(4) If the name of one or more varieties of cheese used in grated cheese does not appear as a part of the name of the food, the names of all cheese varieties used shall be listed in order of predominance by weight.

(5) Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the statements specified in this paragraph showing the optional ingredients used shall immediately and conspicuously precede or follow such name without interevening written, printed, or graphic matter.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 29, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6692; Filed, June 6, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 9631; Notice 69-24]

TYPE RATING FOR PILOTS OF SINGLE PILOT STATION AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to provide for the issuance of a type rating not limited to VFR to pilots of certain airplanes that have only a single pilot station.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 5, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under § 61.17(j), as amended by Amendment 61-5 effective October 22, 1963, an applicant for an original or additional type rating must demonstrate instrument proficiency during the flight test for that rating. If he does not meet this requirement, he may obtain a type rating limited to VFR only. Section 91.21 (b)(3) of the Federal Aviation Regulations prohibits simulated instrument flight in a civil aircraft (except lighter-than-air) not equipped with functioning dual controls. Accordingly, instrument flight tests cannot be administered in an aircraft with a single pilot station. In view of § 91.21(b)(3), only a type rating limited to VFR only may be obtained by the pilot of an airplane with a single pilot station.

Section 61.17(j)(3) allows pilots with instrument ratings to operate aircraft under IFR for which they hold type ratings when both ratings were issued before October 22, 1963. However, the number of pilots who qualify under this provision is diminishing, according to a petition for rule making filed by the California Division of Forestry. The petitioner stated that it uses predominantly single pilot station large airplanes in its firefighting operations, and that a problem arises when a pilot is unable to make an instrument departure because his type rating is restricted to VFR only. This problem, of course, exists as to any other aircraft operator similarly situated.

To ease this situation, it is proposed to provide to an applicant for a type rating for a single pilot station airplane a method of obtaining a rating not limited to VFR only. Since a person acting as pilot in command is required, under § 61.16, to hold a type rating for an airplane only if it is a large one or is small turbojet powered, the proposed amendments would apply only in those cases.

Under the regulations, an applicant for a type rating presently must (1) hold or concurrently obtain an instrument rating; (2) meet the requirements of § 61.17(h) in the type of aircraft for which the type rating is sought (takeoffs and landings, and flight test); and (3) demonstrate proficiency during the flight test for the rating sought solely by reference to instruments under the requirements of § 61.37(c) (2) and (3) (iii), (iv), and (v). An applicant who does not meet these requirements may obtain a type rating limited to VFR only.

The proposed amendments would, in a new paragraph (k) in § 61.17, provide a method of obtaining a type rating without a VFR only limitation, to an applicant who cannot demonstrate instrument proficiency during the flight test for a rating for a particular airplane because there is only a single pilot station. Under these proposals, the applicant would be required to hold an instrument rating applicable to airplanes (although not in the particular airplane involved). Also, the applicant would be required to meet the requirements of § 61.17(h), since this test is given under visual flight rules, and can be accomplished in a single pilot station airplane.

The principal change from the present regulations would be that the applicant could substitute a prior showing of proficiency under § 61.17(j)(1)(iii). If the applicant desires the type rating for a multiengine airplane, he may have previously shown proficiency solely by reference to instruments under § 61.17(j) in an airplane for which he holds a type rating. However, for a single-engine airplane the applicant could instead show this proficiency in any airplane, or meet the recent instrument flight experience requirements of § 61.47(d) pursuant to § 61.17(k).

In order to distinguish the new method of obtaining a type rating from those already provided for, the catchline of present paragraph (j) of § 61.17 would be changed from "Type" to read "Type—except single pilot station airplane not limited to VFR only," and the new paragraph (k) would have the catchline "Type—single pilot station airplane not limited to VFR only."

In consideration of the foregoing, it is proposed to amend § 61.17 of the Federal Aviation Regulations by amending the catchline of paragraph (j), by redesignating paragraph (k) as paragraph (l), and by inserting a new paragraph (k) to read as follows:

§ 61.17 Type ratings and additional aircraft ratings (other than airline transport and lighter-than-air).

* * * * *

(j) *Type: except single pilot station airplane not limited to VFR only.* * * *

* * * * *

(k) *Type: single pilot station airplane not limited to VFR only.* An applicant for an original or additional type rating not limited to "VFR Only" for an airplane with a single pilot station must—

(1) Hold an instrument rating applicable to airplanes;

(2) Meet the requirements of paragraph (h) of this section in the type of airplane for which the type rating is sought; and

(3) Hold a type rating for a multiengine airplane, and have shown proficiency solely by reference to instruments in a multiengine airplane for which a type rating is required under the requirements of § 61.37 (c) (2) and (3) (iii), (iv), and (v). However, in the case of a single-engine airplane, he need not hold a type rating for a multiengine airplane, and he may either show this proficiency in any airplane or meet the recent instrument flight experience requirements of § 61.47(d) when taking the flight test under subparagraph (2) of this paragraph.

* * * * *

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 2, 1969.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-6709; Filed, June 6, 1969; 8:47 a.m.]

Federal Highway Administration

[49 CFR Part 391]

[Docket No. MC-7; Notice 69-9]

QUALIFICATIONS OF DRIVERS

Notice of Proposed Rule Making

The Federal Highway Administrator is considering a complete revision of Part 391 of the Motor Carrier Safety Regulations, relating to qualifications of drivers of commercial motor vehicles engaged in interstate or foreign commerce.

Accident experience in recent years has demonstrated that reduction of the effects of organic and physical disorders, emotional impairments, and other limitations of the good health of drivers are increasingly important factors in accident prevention. Technological advances in equipment and highway engineering, together with increased knowledge in the areas of highway safety and the various skills that today's commercial motor vehicle drivers must possess, make it necessary that criteria for determining whether individuals are qualified to drive commercial motor vehicles be upgraded. The mobility of the modern labor force requires access to more information by which a potential driver's ability, training, mental attitude, and experience in the operation of commercial motor vehicles can be determined. Medical advances, improved diagnostic techniques, and modern man's increased exposure to physical hazards call for revision of the regulations' physical qualifications for driving commercial motor vehicles. These factors have impelled the Administrator to consider revising Part 391.

The proposed changes to Part 391 fall into five broad, general areas:

The first area relates to the record and history of professional drivers. The driver qualifications under consideration would require every prospective driver to submit information concerning his driving record, his prior employers, his accident experience, and the status of his driver's license to the motor carrier for which he seeks to drive. He must also furnish information concerning his experience in driving motor vehicles. The carrier would be required to test the skill of prospective drivers by giving an adequate road test under controlled conditions, and a written examination to test the applicant's knowledge of the applicable motor carrier safety regulations.

The second general area relates to the minimum physical qualifications for drivers. The proposed revision would substantially tighten the existing regulation by including guidelines for the evaluation of persons in high-risk medical categories and would provide for giving the examining physician full information about the responsibilities of and the exacting demands made on present-day commercial drivers.

The third general area relates to the in-service record of each driver and continued surveillance of his performance while he is on the job. In order to assure continued attention to these factors, the proposal would require an annual review of each driver's record, investigation of the accidents in which he is involved, if any, and more frequent physical reexaminations under the same criteria as apply to the preemployment examination. In addition, the proposal provides a means for resolution of disagreements between medical examiners in special cases.

The fourth area relates to a difficult problem facing both the Administration and the motor carrier industry. That problem is when, and under what circumstances, permitting a driver to continue to drive involves too great a risk to the interests of public safety. Therefore, the proposed revision would establish rules requiring removal from service of any driver who is convicted of serious offenses involving a motor vehicle or alcohol or drugs, or whose license to operate a motor vehicle has been suspended or revoked. The rules would also require motor carriers to consider, on an annual basis, whether the driving record of each driver in their employ indicates that the driver has exhibited a disregard for public safety. These rules are intended not only to promote safety in the public's interest, but also to protect the lives of drivers who are subject to them.

The fifth area relates to revisions of an editorial nature. A large number of changes have been proposed for the purpose of increasing the clarity of Part 391. In addition, the proposal would transfer two provisions which relate to the driving of motor vehicles from Part 391 to Part 392.

During the past year, particularly while revision of Part 391 was under consideration, the Administrator received a number of suggestions that the minimum age for drivers (now set at 21) be lowered. The Administrator realizes that the present age limit applies only to drivers of commercial motor vehicles engaged in interstate or foreign commerce. He recognizes the complex mechanical characteristics and the demanding operational requirements of modern commercial vehicles. Most of such vehicles in intercity service are articulated trucks which have sophisticated air, electrical, and mechanical systems, such as complex transmissions. Operating these vehicles safely requires both experience and an unusual degree of judgment. These vehicles frequently operate under all conditions including wet and otherwise slippery pavements, adding to the need for experience and judgment on the part of those who drive them to avoid serious and costly accidents. However, in order to give the fullest possible consideration to the views of those who favor reducing the existing minimum age, the Administrator particularly invites interested persons to comment on this issue.

Interested persons are invited to submit written data, views, or arguments, pertaining to the proposed rule. Comments must identify the docket (No. MC-7) and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received before the close of business 90 days after this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to revise Part 391 of Title 49, CFR to read as set forth below and to amend Part 392 of Title 49, CFR as set forth below.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued: June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

I. Part 391 of Title 49, CFR is revised to read as follows:

PART 391—QUALIFICATIONS OF DRIVERS

Subpart A—General

Sec.
391.1 Scope of rules in this part; additional qualifications.
391.3 Definitions.
391.5 Familiarity with rules.
391.7 Aiding or abetting violations.

Subpart B—Qualification and Disqualification of Drivers

391.11 General qualifications for all drivers.
391.13 Special qualifications for drivers hired after December 31, 1969.
391.15 Disqualification of drivers.

Subpart C—Background and Character

391.21 Application for employment.
391.23 Investigations and inquiries.
391.25 Annual review of driving record.
391.27 Record of violations.

Subpart D—Examination and Tests

391.31 Road test.
391.33 Equivalent of road test.
391.35 Written examination.
391.37 Equivalent of written examination.

Subpart E—Physical Qualifications and Examinations

391.41 Physical qualifications for driving.
391.43 Medical examination; certificate of physical qualification.
391.45 Persons who must be medically examined and certified.
391.47 Conflict of medical evaluations.
391.49 Waiver of certain physical defects.

Subpart F—Files and Records

391.51 Personnel files.

Subpart G—Exemptions

391.61 Single trip drivers.
391.63 Drivers furnished by other motor carriers.

AUTHORITY: The provisions of this Part 391 issued under sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655); delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Subpart A—General

§ 391.1 Scope of rules in this part; additional qualifications.

(a) The rules in this part establish minimum qualifications for persons who drive motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.

(b) The rules in this part, and in other parts of this subchapter, do not prevent a motor carrier from imposing

more stringent or additional qualifications, requirements, examinations, or certificates than the qualifications, requirements, examinations, or certificates that are imposed by those rules.

§ 391.3 Definitions.

As used in this part—

(a) The term "motor carrier" includes a motor carrier and the agents, officers, representatives, and employees of a motor carrier who are responsible for or concerned with the driving of a motor vehicle or the hiring, supervision, training, assignment, or dispatching of drivers.

(b) The term "Director" means the Director of the Bureau of Motor Carrier Safety.

§ 391.5 Familiarity with rules.

Each motor carrier shall know, and be familiar with, the rules in this part.

§ 391.7 Aiding or abetting violations.

No person shall aid, abet, encourage, or require a motor carrier or a driver to violate any provision of this part.

Subpart B—Qualification and Disqualification of Drivers

§ 391.11 General qualifications for all drivers.

(a) A person shall not drive a motor vehicle unless he is qualified to drive a motor vehicle. A motor carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.

(b) A person is qualified to drive a motor vehicle if he—

(1) Is at least 21 years old;

(2) Can read, write, and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to understand oral and written directions in the English language, to respond to official inquiries, and to make entries in the English language on reports and records;

(3) Can, by reason of experience, training, or both, safely drive the type of motor vehicle he drives;

(4) Can, by reason of experience, training, or both, insure that the cargo he transports (including baggage in a passenger-carrying motor vehicle) has been properly located and distributed in or on the motor vehicle he drives;

(5) Is familiar with blocking, bracing, chains, cables, boomers, dogs, and other methods of securing cargo in or on the motor vehicle he drives;

(6) Is physically qualified to drive a motor vehicle in accordance with § 391.41;

(7) Has in his possession a medical examiner's certificate issued pursuant to § 391.43;

(8) Knows the current rules and regulations of the Federal Highway Administration pertaining to safe operation of motor vehicles and the statutory provisions pertaining to safe operation of motor vehicles which are administered by the Federal Highway Administration (including the Transportation of Explosives and Other Dangerous Articles Act, if he is, or may be, assigned to handle or transport explosives or other dangerous articles as defined in that Act);

(9) Has prepared and furnished the motor carrier that employs him with the list of violations or the certificate required by § 391.27; and

(10) Is not disqualified to drive a motor vehicle pursuant to § 391.15.

§ 391.13 Special qualifications for drivers hired after December 31, 1969.

(a) A person who has not been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, shall not drive a motor vehicle unless he is specially qualified to drive a motor vehicle. After December 31, 1969, a motor carrier shall not require or permit such a person to drive a motor vehicle unless that person is specially qualified to drive a motor vehicle.

(b) A person is specially qualified to drive a motor vehicle if he—

(1) Is qualified to drive a motor vehicle pursuant to § 391.11;

(2) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with § 391.31, or has presented an operator's license or certificate of driver's road test which the motor carrier that employs him has accepted as equivalent to a road test in accordance with § 391.33;

(3) Has successfully completed a written examination and has been issued a certificate of written examination in accordance with § 391.35, or has presented a certificate of written examination which the motor carrier that employs him has accepted as equivalent to a written examination in accordance with § 391.37; and

(4) Has completed and furnished the motor carrier that employs him with an application for employment in accordance with § 391.21.

§ 391.15 Disqualification of drivers.

(a) A driver who is disqualified shall not drive a motor vehicle. After December 31, 1969, a motor carrier shall not require or permit a driver to drive a motor vehicle if that driver is disqualified.

(b) After December 31, 1969, a driver is disqualified if—

(1) He has, within the preceding 3 years, been convicted of or forfeited bond or collateral upon any of the following charges;

(i) A felony, the commission of which involved the use of a motor vehicle;

(ii) A crime involving the manufacturing, knowing transportation, knowing possession, sale, or habitual use of amphetamines, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug;

(iii) Operating a motor vehicle under the influence of alcohol, amphetamine, a narcotic drug, a formulation of an amphetamine or a derivative of a narcotic drug;

(iv) Leaving the scene of an accident which resulted in personal injury or death; or

(v) Three or more moving traffic violations.

(2) Any license, permit, or privilege to operate a motor vehicle which he has held has been suspended, revoked, withdrawn, or denied and has not been reinstated or reissued by the authority that suspended, revoked, withdrew, or denied it; or

(3) He fails to comply with the Motor Carrier Safety Regulations or Hazardous Materials Regulations of the Federal Highway Administration.

Subpart C—Background and Character

§ 391.21 Application for employment.

(a) No person, other than a person who has been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, may drive a motor vehicle unless he has completed and furnished the motor carrier with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him, and must contain the following information:

(1) The name and address of the motor carrier;

(2) The applicant's name, address, date of birth, and social security number;

(3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;

(4) The date on which the application is submitted;

(5) The issued State, number, and expiration date of each unexpired motor vehicle driver's, chauffeur's, or operator's license or permit that has been issued to the applicant;

(6) The issuing State of each expired motor vehicle driver's, chauffeur's, or operator's license or permit that has been issued to the applicant during the 3 years preceding the date the application is submitted;

(7) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as straight trucks, tractors, and semitrailers, or tractors, and full trailers) which he has operated;

(8) A list, in reverse chronological order, of the date and nature of any motor vehicle accidents specifying fatalities or personal injuries, in which the applicant was involved during the 3 years preceding the date the application is submitted;

(9) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

(10) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation or suspension has occurred;

(11) A statement certifying that the applicant holds a valid license which entitles him to operate a motor vehicle;

(12) A list, in reverse chronological order, of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of, each employer; and

(13) The following certification and signature line, which must appear at the end of the application form and must be signed by the applicant:

This certifies that this application was completed by me and that all entries on it and information in it are true and complete to the best of my knowledge.

(Date) (Applicant's signature)

(c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.

(d) Before an application form is submitted, the motor carrier shall inform the applicant that the information he provides in accordance with subparagraph (12) of paragraph (b) of this section may be used, and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background as required by § 391.23.

§ 391.23 Investigations and inquiries.

(a) Each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a driver who has been continuously employed as a driver by the motor carrier for a period which began before January 1, 1970, at the time it employs him:

(1) An inquiry into the driver's driving record during the preceding 3 years, including an inquiry to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those 3 years; and

(2) An investigation of the driver's employment record during the preceding 3 years.

(b) The inquiry to State agencies required by subparagraph (1) of paragraph (a) of this section shall be made in the form and manner those agencies prescribe. A copy of the response by each State agency, showing the driver's driving record or certifying that no driving record exists for that driver, shall be retained in the carrier's files as part of the driver's personnel file.

(c) The investigation of the driver's employment record required by subparagraph (2) of paragraph (a) of this section must be made within 30 days of the date the driver is employed. The investigation may consist of personal interviews, telephone interviews, letters, or any other methods of obtaining information that the motor carrier deems appropriate. Each motor carrier must make a written record with respect to each past employer who was contacted. The record must include the past employer's name and address, the date he was contacted, the method by which he was contacted, and his comments with respect to the driver. The record shall be retained in the motor carrier's files as part of the driver's personnel file.

(d) The motor carrier's findings resulting from its investigation of every recordable accident, as defined in § 394.2 (a) of this subchapter, in which the driver was involved shall be retained in the motor carrier's files as part of the driver's personnel file.

§ 391.25 Annual review of driving record.

At least once in each year, each motor carrier must review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a motor vehicle pursuant to § 391.15. In reviewing a driving record, the motor carrier must consider any evidence that the driver has violated applicable provisions of the Motor Carrier Safety Regulations. The motor carrier must also consider any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.

§ 391.27 Record of violations.

(a) After December 31, 1969, each motor carrier shall require each driver it employs annually to prepare and furnish it with a list of all violations of motor vehicles laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he forfeited bond or collateral during the preceding year.

(b) Each driver shall prepare and furnish the list required in accordance with paragraph (a) of this section. If the driver has not been convicted of or forfeited bond or collateral on account of any violations which must be listed, he shall so certify.

(c) The form of the driver's list or certificate shall be prescribed by the motor carrier. The following form may be used to comply with this section:

MOTOR VEHICLE DRIVER'S CERTIFICATION

I certify that the following is a true and complete list of traffic violations (other than parking charges) for which I have knowingly been convicted or forfeited bond or collateral during the last 12 months.

Date	*Offense*

Location	*Type of vehicle operated*

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violations required to be listed during the last 12 months.

(Date of certification) (Driver's signature)

(Motor carriers name) (Motor carrier's address)

(Checked by: signature) (Title)

(d) Each motor carrier shall retain the list or certificate required by this section in its files as part of the driver's personnel file.

Subpart D—Examinations and Tests

§ 391.31 Road test.

(a) Except as provided in §§ 391.33 and 391.61, no person, other than a person who has been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, may drive a motor vehicle unless he has completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(b) The road test shall be given by the motor carrier, or a person designated by it. The test shall be conducted by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he is capable of safely operating the motor vehicle, and associated equipment, which the motor carrier intends to assign to him.

(c) The road test must be of sufficient duration to enable the person who conducts it to evaluate the skill of the person who takes the test at handling the motor vehicle and associated equipment which the motor carrier intends to assign to him. At a minimum, the person who takes the test must be tested while driving the type of motor vehicle the motor carrier intends to assign to him on his skill at performing each of the following operations:

(1) The pretrip inspection required by § 392.7 of this subchapter;

(2) Coupling and uncoupling of combination units;

(3) Placing the vehicle in operation;

(4) Use of the vehicle's controls;

(5) Operating the vehicle in traffic and while passing other vehicles;

(6) Turning the vehicle;

(7) Braking, and slowing the vehicle by means other than braking; and

(8) Backing and parking the vehicle.

(d) The motor carrier shall provide a road test form on which the person who conducts the test shall rate the performance of the person who takes the test at each operation or activity which is a part of the test. After he completes the form, the person who conducted the test shall sign it. The original of the signed form shall be retained in the carrier's files as part of the personnel file of the person who took the test.

(e) After the road test is completed, the person who conducted it shall complete a certificate of driver's road test in substantially the form prescribed in paragraph (f) of this section. The original of the certificate shall be retained in

the motor carrier's files as part of the personnel file of the person who took the test. One copy of the certificate shall be given to the person who took the test.

(f) The form for the certificate of driver's road test is substantially as follows:

Driver's name _____
Social Security No. _____
Operator's or chauffeur's license No. _____
State _____
Examining motor carrier _____
Date tested _____
Type of power unit _____
Type of trailer(s) _____
If passenger carrier, type of bus _____

This is to certify that the above-named driver was given a road test under my supervision on _____ 19__ consisting of approximately _____ miles of driving.

It is my considered opinion that this driver Does ☐, Does Not ☐, possess sufficient driving skill necessary to operate safely the type of motor vehicle listed above.

_____ _____
(Signature of examiner) (Title)

_____
(Address of examiner)

§ 391.33 Equivalent of road test.

(a) In place of, and as equivalent to, the road test required by § 391.31, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept—

(1) A valid operator's license which has been issued to him by a State that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that State, licenses him to drive motor vehicles of the type that the motor carrier intends to permit him to drive; or

(2) A copy of a valid certificate of driver's road test issued pursuant to § 391.31 within the preceding 3 years.

(b) If a driver presents and a motor carrier accepts a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's personnel file.

(c) A motor carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test as a condition to his employment as a driver.

§ 391.35 Written examination.

(a) Except as provided in §§ 391.37 and 391.61, no person, other than a person who has been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, may drive a motor vehicle unless he has successfully completed a written examination and has been issued a certificate of written examination in accordance with this section.

(b) The written examination shall be given by the motor carrier or a person designated by it on a form prescribed by the motor carrier. The examination shall be administered by a competent person.

(c) The examination shall consist of questions designed to test the examinee's knowledge of Parts 390–397 of this subchapter. At least 30 questions, which can be answered in either multiple-choice or true-or-false form, shall be asked. A person who correctly answers at least 70 percent of the questions has successfully completed the examination.

(d) If the examinee successfully completes the examination, the person who administered it shall advise the examinee of the correct answers to any questions he failed to answer correctly and shall complete a certificate of written examination in substantially the following form:

This is to certify that the driver whose signature appears below, has successfully completed the written examination under my supervision in accordance with the provisions of section 391.35 of the Motor Carrier Safety Regulations.

_____ _____
(Signature of driver taking examination) (Date of examination)

_____
(Location of examination)

_____ _____
(Signature of examiner) (Title)

_____
(Address of examiner)

(e) A copy of the certificate required by paragraph (d) of this section shall be given to the person who was examined. The motor carrier shall retain in the personnel file of the person who was examined—

(1) The original of the certificate required by paragraph (d) of this section;

(2) The questions asked on the examination; and

(3) The person's answers to those questions.

§ 391.37 Equivalent of written examination.

(a) In place of, and as equivalent to, the written examination required by § 391.35, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept, a valid certificate of written examination issued pursuant to paragraph (d) of that section within the preceding 3 years.

(b) If a motor carrier accepts a certificate as equivalent to the written examination, it shall retain a legible copy of the certificate in its files as part of the driver's personnel file.

Subpart E—Physical Qualifications and Examinations

§ 391.41 Physical qualifications for driving.

(a) No person may drive a motor vehicle unless he is physically qualified to do so and has on his person a medical examiner's certificate, issued pursuant to § 391.43, that he is physically qualified to drive a motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if he—

(1) Has no loss of a foot, a leg, a hand, a finger, or an arm, or has been granted a waiver pursuant to § 391.49;

(2) Has no impairment of the use of a foot, a leg, a hand, a finger, or an arm and no other structural defect or limitation which is likely to interfere with his ability to control and safely drive a motor vehicle, or has been granted a waiver pursuant to § 391.49;

(3) Has no established medical history or clinical diagnosis of diabetes mellitus that requires insulin for control, or has required insulin treatment within the preceding 12-month period;

(4) Has no clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and safely drive a motor vehicle;

(6) Has blood pressure no higher than 160/90 mm. Hg.;

(7) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;

(8) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, or muscular disease which interferes with his ability to control and safely operate a motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychoneurotic disorder likely to interfere with his ability to drive safely;

(10) Has visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, form field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(11) Has hearing not less than 10/20 in his better ear at whispered voice tones without a hearing aid, or a similar level as shown by an audiometric testing device (25–30 decibel loss at 500, 1,000, and 2,000 c.p.m.);

(12) Does not use an amphetamine or a narcotic or other habit-forming drug; and

(13) Does not consume alcoholic beverages to excess.

§ 391.43 Medical examination; certificate of physical qualification.

(a) Except as provided in paragraph (b) of this section, the medical examination shall be performed by a licensed doctor of medicine or osteopathy.

(b) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, form field of vision, and the ability to recognize colors as specified in subparagraph (1) of § 391.41(b).

(c) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form:

INSTRUCTIONS FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a commerical motor vehicle. In the interest of public safety the examining physician is required to certify that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a commercial motor vehicle.

Medical history. The purpose of this physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached forms. Careful and detailed inquiry regarding past illness may reveal the cause of defects found upon physical examination. Knowledge concerning the etiology of certain defects may result in the rejection for employment or continued employment of a driver. Such data may also indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant and he should be advised to take the necessary steps to insure correction, particularly of those which, if neglected, might lead to a condition likely to affect his ability to drive safely.

If, in the opinion of the examining physician, the defects are of such nature as to require additional physical examination, it shall be specified on the certification.

General appearance and development. Note marked overweight, or obesity. Note any posture defects, perceptible limp, anemia, tremor, or other form of nervousness, such as might be caused by chronic or excessive alcoholism, thyroid intoxication, or other illnesses. The Motor Carrier Safety Regulations provide that no driver shall use a narcotic or other habit-forming drug or consume alcoholic beverages to excess.

Head-eyes. When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Doctor's Certificate by checking the box, "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos or strabismus, uncorrected by corrective lenses. Monocular or aphacic drivers are not qualified to operate commercial motor vehicles under existing Motor Carrier Safety Regulations.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo or Meniere's Syndrome. In recording hearing, record 20 feet as normal distance for conversational voice and record deviation from normal as fraction with 20 feet as denominator and actual distance as numerator.

Mouth. Note evidence of any disease or infection.

Throat. Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngological condition which could interfere with the safe operation of a motor vehicle.

Thorax-heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, attacks, or seizure of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failures.

Electrocardiogram is required when findings so indicate.

Blood pressure. Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg, fixed hypertension must be considered to be present and the driver would not be qualified to operate a motor vehicle.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

Gastrointestinal system. Note any diseases of the gastrointestinal system.

Abdomen. Wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted; if present, state how long and whether it is retained by an adequate truss.

Abnormal masses. If present, note location, if tender, and whether or not applicant knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Tenderness. When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Genito-urinary. Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and State public health laws, indications from urinalysis of uncontrolled diabetes, symptomatic albumen in the urine, or other findings indicative of health conditions likely to interfere with the control and safe operation of a motor vehicle, will disqualify an applicant from operating a motor vehicle.

Reflexes. If positive Rhomberg is reported indicate degrees. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually lifted from the floor following a light blow on the patella; otherwise as normal.

Extremities. Carefully examine upper and lower extremities. Record the loss or impairment of a leg, a foot, a toe, an arm, a hand, or a finger. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exists to enable the driver to operate properly the various pedals. Pay particular attention to and record any impairment or structural defects which may impair the driver's ability to operate a motor vehicle safely.

Spine. Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced in the spine and the lumbar region of the spine. If findings so dictate, X-ray examination should be used to diagnose such conditions as herniated lumbar discs, spondylolisthesis, scoliosis.

Hemorrhoids and back trouble. Hemorrhoids, back trouble, or other conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling or during periods of prolonged driving that might be necessary as part of the driver's duties.

Laboratory findings. Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A seriological test must always be made if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis.

Diabetes. If insulin is necessary to control a diabetic condition, the driver is not qualified to operate a motor vehicle. If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemia drug, and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination.

EXAMINATION TO DETERMINE PHYSICAL CONDITION OF DRIVERS

Driver's name _____
Address _____
Social Security No. _____
Date of birth _____ Age _____
☐ New certification.
☐ Recertification.
☐ Interim certification.

HEALTH HISTORY

Yes	No	
☐	☐	Head or spinal injuries.
☐	☐	Seizures, fits, or convulsions.
☐	☐	Extensive confinement by illness or injury.
☐	☐	Cardiovascular disease.
☐	☐	Tuberculosis.
☐	☐	Syphilis.
☐	☐	Gonorrhea.
☐	☐	Diabetes.
☐	☐	Gastrointestinal ulcer.
☐	☐	Nervous stomach.
☐	☐	Rheumatic fever.
☐	☐	Asthma.
☐	☐	Kidney disease.
☐	☐	Muscular disease.
☐	☐	Suffering from any other disease.
☐	☐	Permanent defect from illness, disease, or injury.
☐	☐	Psychoneurotic disorder.
☐	☐	Any other nervous disorder.

If answer to any of the above is yes, explain:
_____
_____

PHYSICAL EXAMINATION

General appearance and development:
Good _____ Fair _____ Poor _____
Vision: For distance: Right 20/ _____
Left 20/ _____
☐ Without corrective lenses.
☐ With corrective lenses if worn.
Evidence of disease or injury: Right _____ Left _____
Color Test _____ Horizontal field of vision: Right _____ Left _____°
Hearing:
Right ear at 20 ft. _____ Left ear at 20 ft. _____
Disease or injury _____
Audiometric Test (complete only if audiometer is used to test hearing):
_____ decibel loss at 500 c.p.m. _____ at 1,000 c.p.m. _____ at 2,000 c.p.m.
Mouth: _____
Throat: _____
Thorax:
Heart _____
If organic disease is present, is it full compensated? _____
Blood pressure:
Systolic _____ Diastolic _____
Pulse:
Before exercise _____
Two minutes rest after exercise _____
Lungs: _____

Abdomen:
Scars _____ Abnormal masses _____
Tenderness _____
Hernia: Yes _____ No _____
If so, where? _____
Is truss worn? _____
Gastrointestinal:
Ulceration or other disease: Yes _____
No _____
Genito-Urinary:
Scars _____ Urethral discharge _____
Reflexes:
Rhomberg _____
Pupillary _____ Light R _____ L _____
Accommodation R _____ L _____
Knee Jerks:
Right: Normal _____ Increased _____
Absent _____
Left: Normal _____ Increased _____
Absent _____
Extremities:
Upper _____
Lower _____
Spine _____
Laboratory findings:
Urine: Spec. Gr._____Alb._____Sugar_____
Blood serology_____
Chest X-ray_____
Electrocardiograph _____

(Date of examination)	(Address of examining doctor)
(Name of examining doctor (Print))	(Signature of examining doctor)

NOTE: This section to be completed only when visual test is conducted by a licensed optometrist.

(Date of examination)	(Address of optometrist)
(Name of optometrist (Print))	(Signature of optometrist)

(d) If the medical examiner finds that the person he examined is physically qualified to drive a motor vehicle in accordance with § 391.41(b), he shall complete a certificate in the form prescribed in paragraph (e) of this section and furnish one copy to the person who was examined and one copy to the motor carrier that employs him.

(e) The medical examiner's certificate shall be substantially in accordance with the following form:

DOCTOR'S CERTIFICATE

I certify that I have personally examined _____ in accordance with the Motor Carrier Safety Regulations (49 CFR §§ 391.41–391.49) and with knowledge of his duties, I find him qualified under the regulations.

☐ Qualified only when wearing corrective lenses.

A completed examination form for this person is on file in my office at _____

(Address)

(Date of examination)	(Name of examining doctor (Print))

(Signature of examining doctor)

(Signature of driver)	(Address of driver)

NOTE: The following section of the form is to be completed only when visual examination is conducted by a licensed optometrist.

(Name of optometrist (Print))	(Date)
(Signature of optometrist)	(Address of optometrist)

NOTE: Stocks of doctor's certificates in the possession of carriers or their suppliers as of the effective date of this order may be used until Jan. 1, 1972, provided the information required by § 391.43 is entered thereon.

§ 391.45 Persons who must be medically examined and certified.

The following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to drive a motor vehicle:

(a) Any person who has not been medically examined and certified as physically qualified to drive a motor vehicle;

(b) Any driver who has not been medically examined and certified as physically qualified to drive a motor vehicle during the preceding 12 months; and

(c) Any driver who incurs a physical or mental injury or impairment which affects his ability to perform his normal duties.

§ 391.47 Conflict of medical evaluations.

(a) If, having performed medical examinations of a person pursuant to § 391.43, two or more medical examiners disagree as to whether that person is physically qualified to drive a motor vehicle, the Director, on application of that person or a motor carrier, may determine whether that person is physically qualified to drive a motor vehicle.

(b) An application under this section must be supported by a finding that the person is physically qualified to drive made by—

(1) A medical officer of the U.S. Government;

(2) The medical advisory committee to the motor vehicle administrator of the State in which the person is licensed to drive; or

(3) An advisory committee established by the medical association of the State in which the person is licensed to drive.

(c) An application under this section must demonstrate to the Director's satisfaction that, before the finding required by paragraph (b) of this section was made, the medical officer or committee was fully aware of the person's complete medical history and of the nature of the work the person would perform if he were found physically and otherwise qualified to drive a motor vehicle. At a minimum, the medical officer or committee must have been informed of the type, size, and weight of the vehicles the person would drive, the distances he would traverse, the number of hours he would spend in an on-duty status, and the related duties (such as loading, unloading, climbing onto and descending from vehicles, and making repairs en route, if he would be required to do so) that the person would perform.

(d) If the Director determines that the person is physically qualified to drive a motor vehicle, a medical examiner's certificate may be issued to that person pursuant to § 391.43.

§ 391.49 Waiver of certain physical defects.

(a) A person who is physically qualified to drive under § 391.41(b) (1) or (2) only if a waiver of a defect specified in those paragraphs is granted, and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, other than a motor vehicle which transports passengers or must be placarded or marked in accordance with § 177.823 of this title (relating to placards or markings upon vehicles which transport explosives or other dangerous articles), if the Director has granted an application for a waiver with respect to that person.

(b) An application for a waiver must be submitted jointly by the person who seeks a waiver of his physical disqualification (the individual applicant) and by the motor carrier that will employ him if the application is granted. The application must be addressed to the Director, Bureau of Motor Carrier Safety, Sixth and D Streets SW., Washington, D.C. 20591.

(c) An application for a waiver must contain—

(1) A description of the type, size, and special equipment (if any) of the vehicles the individual applicant intends to drive, the general area and type of roads he intends to traverse while driving, the distances over which he intends to drive, the periods of time he will be on duty while driving, the nature of the commodities or cargo he intends to transport, the methods he will use to load and secure those commodities or cargo, and the nature and extent of his experience at operating motor vehicles of the type he intends to drive;

(2) An agreement by both applicants that the motor carrier will promptly file with the Director such reports as he may require, including reports about the driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the individual applicant; and

(3) An agreement that, if a waiver is granted, it authorizes the individual applicant to drive in interstate commerce only when employed by the motor carrier that joined in his application.

(d) An application for a waiver must be accompanied by—

(1) At least two reports of medical examinations made pursuant to § 391.43, at least one of which was conducted by a medical examiner selected and compensated by the motor carrier, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a motor vehicle of the type he intends to drive;

(2) A copy of the certificate of driver's road test that was issued to the individual applicant pursuant to § 391.31;

(3) A copy of the certificate of written examination that was issued to the individual applicant pursuant to §391.35; and

(4) A copy of any certificate of a medical examiner that was issued to the individual applicant pursuant to § 391.43.

(e) Each application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a partner. If the motor carrier is an individual proprietorship, the application shall be signed by the proprietor.

(f) The Director may deny the application or he may grant it in whole or in part and issue a waiver subject to such terms, conditions, and limitations as he deems consistent with safety and the public interest. A waiver is valid for a period not in excess of 2 years, and it may be renewed upon submission of an application pursuant to this section.

(g) If the Director grants a waiver, he will notify each applicant by a letter which sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter (or a legible photographic copy of it) in its files as long as the individual applicant is employed by that motor carrier and for 3 years thereafter. The individual applicant shall have the letter (or a legible photographic copy of it) in his possession whenever he drives a motor vehicle or is otherwise on duty.

(h) The Director may suspend a waiver at any time. The Director may revoke a waiver after the persons to whom it was issued are given notice of the proposed revocation and a reasonable opportunity to be heard.

Subpart F—Files and Records

§ 391.51 Personnel files.

(a) Each motor carrier shall keep a complete personnel file for each driver it employs.

(b) The personnel file for each driver must include—

(1) The medical examiner's certificate of his physical qualification to drive or a legible photographic copy of the certificate;

(2) The Director's letter granting a waiver of his physical disqualification to drive, if a letter was issued under § 391.49(g);

(3) The motor carrier's findings resulting from each recordable accident in which he was involved, as required by § 391.23(d); and

(4) The list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27.

(c) In addition to the matters referred to in paragraph (b) of this section, the personnel file for each driver who has not been continuously employed by the motor carrier for a period that began before January 1, 1970, must include—

(1) The form on which his performance on the driver's road test was evaluated, as required by § 391.31(d), if he took a road test;

(2) The certificate of driver's road test, issued to him pursuant to § 391.31(e), if a certificate was issued to him;

(3) The license or certificate which the motor carrier accepted as equivalent to the driver's road test, if a license or certificate was so accepted pursuant to § 391.33;

(4) The questions asked and the answers he gave upon the written examination required by § 391.35, if he took a written examination required by § 391.35;

(5) The certificate of written examination, issued pursuant to § 391.35(e), if he took a written examination;

(6) The certificate accepted as equivalent to a written examination, if a certificate was so accepted pursuant to § 391.37;

(7) His application for employment completed in accordance with § 391.21;

(8) The responses of State agencies to the motor carrier's inquiries concerning his driving record pursuant to § 391.23(b);

(9) The record of the motor carrier's investigation of his employment record pursuant to § 391.23(c); and

(10) Any other matter which relates to his qualifications or ability to drive a motor vehicle safely.

(d) Except as provided in paragraph (e) of this section, each driver's personnel file shall be kept at the motor carrier's principal place of business for as long as the driver is employed by that motor carrier and for 3 years thereafter.

(e) Upon a request in writing to, and with the approval of, the Director, a motor carrier may keep one or more of its drivers' personnel files or parts of files at a regional or terminal office that the Director approves.

Subpart G—Exemptions

§ 391.61 Single trip drivers.

(a) A motor carrier may employ a person to drive a motor vehicle for one round trip having a duration of 7 days or less without complying with the rules in this part if, with respect to that person, the carrier has in its files—

(1) A copy of his driver's medical examiner's certificate issued pursuant to § 391.43;

(2) A copy of his certificate of driver's road test issued pursuant to § 391.31 or a license that, pursuant to § 391.33, may be accepted as equivalent to the road test; and

(3) A copy of his certificate of written examination issued pursuant to § 391.35 within the preceding 3 years.

(b) A motor carrier that employs a driver referred to in paragraph (a) of this section need not comply with Subpart C of this part with respect to that driver. Before it permits that driver to drive a motor vehicle, the motor carrier must obtain his name, his social security number, and the identification number, type, and issuing State of his motor vehicle operator's license. The motor carrier must retain that information and the copies of certificates specified in paragraph (a) of this section in its files for 3 years.

§ 391.63 Drivers furnished by other motor carriers.

(a) A motor carrier may use a driver without complying with the rules in this part with respect to that driver if—

(1) The driver is regularly employed by another motor carrier who is subject to the rules in this part; and

(2) The motor carrier who employs the driver furnishes a certificate that the driver is fully qualified to drive a motor vehicle under the rules in this part.

(b) A motor carrier that obtains a certificate in accordance with subparagraph (2) of paragraph (a) of this section shall retain that certificate in its files for 3 years.

II. Part 392 of Title 49, CFR is amended—

1. By adding the following new section to Subpart A:

§ 392.9 Eyeglasses to be worn.

A driver whose visual acuity meets any of the minimum requirements of § 391.41 of this subchapter only when he wears corrective lenses shall wear properly prescribed eyeglasses at all times while he is driving.

2. By amending the title of Subpart E to read: "Subpart E—Accidents and License Revocations; Duties of Driver"; and

3. By adding the following new section to Subpart E:

§ 392.42 Notification of license revocation.

A driver who receives a notice that his license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the motor carrier that employs him of the contents of the notice before the end of the business day following the day he received it.

[F.R. Doc. 69-6674; Filed, June 6, 1969; 8:45 a.m.]

[49 CFR Part 392]

[Docket No. MC-7; Notice 69-10]

DRIVING OF MOTOR VEHICLES

Notice of Proposed Rule Making

The Federal Highway Administrator is considering a revision of §§ 392.1–392.5 and 392.10(a) Part 392 of the Motor Carrier Safety Regulations in Title 49, CFR relating to the rules for operating commercial motor vehicles in interstate or foreign commerce.

Only minor changes have been proposed in §§ 392.1, 392.2, and 392.3.

A proposed amendment to § 392.4 deals with amphetamine, narcotics, and other dangerous drugs. These substances can affect a user's behavior and his ability to operate a motor vehicle safely. Therefore, their use presents a hazard to the public. Recent information indicates that the use of these dangerous drugs has increased sharply and may be a factor in a number of motor vehicle accidents. These considerations prompted the Administrator to propose this amendment.

Recent experimental work indicates that alcohol impairs certain skills and aspects of behavior which are considered relevant to the safe operation of a motor vehicle. This conclusion is substantiated by investigations which show that immoderate use of alcohol is a major cause of highway crashes. These considerations lead the Administrator to propose that

§ 392.5 be amended to regulate consumption of alcoholic beverages more explicitly by prohibiting frequent or habitual users from operating motor vehicles and by prohibiting a driver from going on duty or operating a motor vehicle if he has consumed an alcoholic beverage within the preceding 8 hours. Further, possession of alcohol would be regulated by prohibiting a driver from having an alcoholic beverage in his possession while he is on duty or operating a motor vehicle.

A proposed amendment to § 392.10(a) deals with railroad grade crossings and drivers' actions after coming to a stop.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments must identify the docket (No. MC–7) and Notice No. 69–10 and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received before the close of business 90 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to revise §§ 392.1–392.5 and to amend § 392.10(a) of Part 392 of Title 49, CFR as set forth below.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued on June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

§ 392.1 Compliance required.

(a) Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of motor vehicles or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in, comply with, and know the rules in this part and any Acts, rules, or regulations which this part incorporates.

(b) Nothing contained in Parts 390–397 of this subchapter prohibits a motor carrier from requiring and enforcing more stringent rules and regulations relating to safety of operation.

§ 392.2 Applicable operating rules.

Every motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Highway Administration imposes a higher standard of care than that law, ordinance, or regulation the Federal Highway Administration regulation must be complied with.

§ 392.3 Ill or fatigued operator.

No driver shall operate a motor vehicle, and a motor carrier shall not require or permit a driver to operate a motor vehicle while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the vehicle or other users of the highways would be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.

§ 392.4 Narcotics, amphetamine, and other dangerous substances.

(a) No person shall operate, or be in physical control of, a motor vehicle if he possesses, is under the influence of, or is a habitual user of, any of the following substances:

(1) A narcotic drug or any derivative thereof;

(2) An amphetamine or any formulation thereof (including, but not limited to, "pep pills" and "bennies");

(3) Any other substance, to a degree which renders him incapable of safely operating a motor vehicle.

(b) No motor carrier shall knowingly require or permit a driver to violate paragraph (a) of this section.

(c) A person may not violate paragraph (a) of this section even though he is or has been entitled by law to use any substance specified in that paragraph unless that substance was administered to him by or under the instruction of a physician who has advised him that the substance will not affect his ability to operate a motor vehicle.

(d) As used in this section, "possession" does not include possession of a drug which is manifested and transported as part of an intransit shipment.

§ 392.5 Intoxicating liquor.

(a) No person shall—

(1) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor within 8 hours before going on duty, or operating, or having physical control of a motor vehicle; or

(2) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor while on duty, or operating, or in physical control of a motor vehicle; or

(3) Operate a motor vehicle, if he frequently or habitually consumes intoxicating liquor in amounts that render him under the influence of an intoxicating liquor; or

(4) Be on duty or operate a motor vehicle while he possesses an intoxicating liquor regardless of its alcoholic content. However, this subparagraph does not apply to possession of an intoxicating liquor which is manifested and transported as part of an intransit shipment.

(b) No motor carrier shall require or permit a driver to—

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by his general appearance or by his conduct or by other substantiating evidence, he appears to have consumed an alcoholic beverage within the preceding 8 hours.

§ 392.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in subparagraphs (1) through (6) of this paragraph, shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle at least 50 feet from and not closer than 15 feet to the tracks; thereafter listens, and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

* * * * *

[F.R. Doc. 69–6675; Filed, June 6, 1969; 8:45 a.m.]

[49 CFR Part 393]

[Docket No. MC–5; Notice 69–11]

TIRES

Notice of Proposed Rule Making

The Federal Highway Administrator published in the FEDERAL REGISTER of June 12, 1968 (33 F.R. 8604), a notice of proposed rule making proposing amendment to § 393.75 *Tires* (formerly § 293.75), of the Motor Carrier Safety Regulations, and inviting responses from interested persons desiring to participate in the rule-making procedure. Responses from 257 persons have been received, evaluated, and given full consideration.

After studying all the comments and test data, it is concluded that tire tread groove depth is a major factor in insuring effective traction on wet surfaces and that it is in the interest of the public safety to require a minimum tread pattern groove depth for tires used on the wheels of commercial vehicles.

A number of comments submitted by truckers and retreaders argued that the proposed prohibition on the use of recapped and retreaded tires on front wheels should be deleted. These parties assert that (1) as a matter of industry practice recapped or retreaded tires are generally not used on the front wheels of commercial vehicles; and (2) in those instances where it is the practice to use recapped or retreaded tires on the front wheels the proposed prohibition would increase operating costs. The position of these parties is that the proposal is both unnecessary and unfair because, in most instances, industry voluntarily does not use recapped or retreaded tires on front wheels but those truck operators that do so would suffer an economic hardship.

The argument is also made that there is no support for the position that retreaded and recapped tires are unsafe when used on the front wheels of trucks.

It is indeed difficult to categorically state and fully support the proposition that the use of such tires on the front wheels is unsafe. On the other hand, the fact that it is the general practice not to use such tires on front wheels of trucks is certainly a strong indication that they are less safe than new tires when used in that position. The prohibition has not been included in this regulation, however, the matter is considered of great importance and is still under serious consideration and investigation.

A large number of persons involved in the retreading industry requested that regrooved tires and retreaded tires be controlled by separate regulations. The fact that the prohibition of the use of regrooved, recapped, or retreaded tires on the front wheels of buses is contained within the same section of the regulation does not indicate a lack of understanding of the substantial differences among these processes.

Section 393.75(e) of the proposed regulations spelled out specific requirements for regrooved tires used on the wheels of commercial vehicles. Because the Federal Highway Administration has issued regulations setting forth the conditions under which regroovable and regrooved tires may be sold, offered for sale, or introduced for sale or delivered for introduction into interstate commerce, 49 CFR Part 369 (34 F.R. 1149), and the requirements of § 393.75 of this regulation as amended herein apply to all tires used on the wheels of commercial vehicles, including regrooved tires, it was considered unnecessary to provide a separate subsection setting forth requirements for regrooved tires within the Motor Carrier Safety Regulations. The regulations issued as Part 369 establish criteria under which tires may be regrooved; they are not inconsistent, or in conflict, with the regulations issued herein.

In view of the above, § 393.75 of the Motor Carrier Safety Regulations (49 CFR Part 393) is amended as set forth below, effective July 1, 1969. This amendment is made under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6, of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

§ 393.75 Tires.

(a) No motor vehicle shall be operated on any tire that has fabric exposed through the tread or sidewall.

(b) Any tire on the front wheels of a bus, truck, or truck-tractor shall have a tread groove pattern depth of at least four thirty-seconds of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.

(c) Except as provided in paragraph (b) of this section, tires shall have a tread groove pattern depth of at least two thirty-seconds of an inch when measured in a major tread groove. The measurement shall not be made where tie bars, humps, or fillets are located.

(d) No bus shall be operated with regrooved, recapped, or retreaded tires on the front wheels.

(e) No truck or truck tractor shall be operated with regrooved tires on the front wheels which have a load carrying capacity equal to or greater than that of 8.25–20 8-ply-rating tires.

Issued in Washington, D.C., June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–6676; Filed, June 6, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18509]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Comments

In the matter of applications of telephone companies for section 214 Certificates for channel facilities furnished to affiliated Community Antenna Television Systems, Docket No. 18509.

1. The Commission has before it motions, filed May 28, 1969, by certain General Telephone System companies[1] and United Telephone System companies[2] requesting that the time for filing comments in the above-captioned matter be extended until 30 days after the Commission has acted upon certain pending matters as set forth below or, alternatively, until July 2, 1969. Comments are presently due on June 2, 1969.

2. In support, it is stated that both movants previously filed with the Commission motions to consolidate the subject proceeding either with the tariff investigation in Dockets Nos. 16928, 19643, and 17098, or with requested evidentiary hearings on individual applications that propose service to an affiliated CATV company. It is argued that "if the Commission acts favorably on either or both of those requests for consolidation, comments in this proceeding will be unnecessary."

3. Movants further allege that "in view of the importance of the questions presented by this proceeding, and the large number of issues upon which the Commission invited comments," they desire and require another 30 days to have sufficient time "adequately to prepare comments for this proceeding."

4. We reject the argument that an extension of time is warranted by the pendency before the Commission of motions to consolidate certain dockets with the captioned proceeding. Comments on the basic legal, economic, and policy issues raised by our notice in this proceeding will be necessary and desirable irrespective of whether the Commission consolidates the proceedings herein with other proceedings.

5. However, for the reasons referred to in the preceding paragraph 3 hereof, we believe that all interested parties should be granted additional time for filing their comments. Hopefully, such comments will effectively assist the Commission with the expeditious and complete resolution of the issues in the inquiry. Consequently, it appears that the public interest would be served by a grant of the requested extension.

6. *Accordingly, it is ordered*, Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments and reply comments to the above-captioned proceedings is hereby extended, respectively, to July 2, 1969, and July 18, 1969.

Adopted: May 29, 1969.

Released: June 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] FRANK PALIK,
Chief, Domestic Services and Facilities Division for Chief, Common Carrier Bureau.

ATTACHMENT A

UNITED UTILITIES, INC.

Subsidiary Telephone Companies

1. California-Oregon Telephone Co., Hood River, Oreg.
2. Capital City Telephone Co., Jefferson City, Mo.
3. Columbia-United Telephone Co., Columbia, Pa.
4. Consolidated Telephone Co., Inc., Burrton, Kans.
5. Prankston Corp., Tyler, Tex.
6. Greenwood - United Telephone Co., Greenwood, S.C.
7. Gulf States-United Telephone Co., Tyler, Tex.
8. Midstate Telephone Co., Jefferson City, Mo.
9. Navasota Telephone Co., Tyler, Tex.
10. New Jersey Telephone Co., Flemington, N.J.
11. Palestine Telephone Co., Tyler, Tex.

[1] The movants are the companies in the General System which are respondents in the proceedings in Dockets Nos. 16928, 16943, and 17098: General Telephone Co. of California; General Telephone Co. of Indiana, Inc.; General Telephone Co. of Michigan; General Telephone Co. of Ohio; General Telephone Co. of Pennsylvania; General Telephone Co. of the Southwest; Bethel & Mount Aetna Telephone & Telegraph Co.; Brazil Telephone Co., Inc.; General Telephone Co. of the Midwest; Delaware Valley Telephone Co.; General Telephone Co. of Alabama; General Telephone Co. of Florida; General Telephone Co. of Georgia; General Telephone Co. of Illinois; General Telephone Co. of Kentucky; General Telephone Co. of North Carolina; General Telephone Co. of the Northwest, Inc.; General Telephone Co. of the Southeast; General Telephone Co. of Upstate New York, Inc.; General Telephone Co. of Wisconsin; Mutual Telephone Co., Inc.; Northern Ohio Telephone Co.; Pee Dee Telephone Co., Inc.; Princeton Telephone Co.; Wattsburg Telephone Corp.; Woodburn Telephone Co., Inc.; York Telephone & Telegraph Co.; and Hawaiian Telephone Co.

[2] Named in Attachment A of this order.

12. Peoples-United Telephone Co., Butler, Pa.
13. Pioneer - United Telephone Co., Waconia, Minn.
14. United Inter-Mountain Telephone Co., Bristol, Tenn.
15. United Telephone Co. of Arkansas, Shawnee Mission, Kans.
16. United Telephone Co. of the Carolinas, Inc., Southern Pines, N.C.
17. United Telephone Co. of Florida, Fort Myers, Fla.
18. United Telephone Co. of Indiana, Inc., Warsaw, Ind.
19. United Telephone Co. of Iowa, Newton, Iowa.
20. United Telephone Co. of Kansas, Inc., Shawnee Mission, Kans.
21. United Telephone Co. of Missouri, Shawnee Mission, Kans.
22. United Telephone Co. of New Jersey, Newton, N.J.
23. United Telephone Co. of the Northwest, Hood River, Oreg.
24. United Telephone Co. of Ohio, Mansfield, Ohio.
25. United Telephone Co. of Pennsylvania, Carlisle, Pa.
26. United Telephone Co. of the West, Scottsbluff, Nebr.
27. Carolina Telephone & Telegraph Co., Tarboro, N.C.

[F.R. Doc. 69-6759; Filed, June 6, 1969; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 18453]

VHF TELEVISION BROADCAST CHANNEL, MOUNT VERNON, ILL.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606 (b) of the Commission's rules and regulations to add a VHF Television Broadcast Channel to Mount Vernon, Ill., Docket No. 18453, RM-1372:

1. The Commission has before it for consideration a request, filed on May 27, 1969, by Soilcom, Inc., the proponent of the above-captioned proposal to allocate VHF Channel 13 to Mount Vernon, Ill., for an extension of time for filing reply comments herein from June 2, 1969, to June 17, 1969. The time for filing comments herein expired April 30, 1969.

2. Soilcom, Inc., in support of this request for an extension of time in which to file reply comments, states that it is actively preparing its reply comments but that a brief additional time is necessary to complete the preparation thereof, which include an economic analysis and an engineering statement. Soilcom, Inc., points out that five of the seven initial comments contained detailed engineering statements and one contained a 36-page economic analysis of the area. Also, on May 28, 1969, counsel for Soilcom informally notified the Commission of an unexpected illness in his family that will prevent him from devoting all his time to the reply comments for a few days.

3. It appears that good cause exists for the requested extension of time and the public interest would be served thereby. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding is extended to June 17, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 29, 1969.

Released: June 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 69-6760; Filed, June 6, 1969; 8:50 a.m.]

[47 CFR Part 74]

[Docket No. 18397; FCC 69-612]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397.

1. The Commission has received requests for extension of the times for filing comments and reply comments in Docket No. 18397, filed by the Association of Maximum Service Telecasters, Inc. (AMST); the American Civil Liberties Union (ACLU); and Columbus Broadcasting Co., Inc., Cosmos Broadcasting Corp., Cox Broadcasting Corp., Newchannels Corp., Mid-America Television, Inc., Radio Medford, Inc., McClatchy Newspapers, Midcontinent Broadcasting Co., Palmer Broadcasting Co., and WOC Broadcasting Co. (the Companies).

2. Such comments and reply comments are presently scheduled to be filed as follows:

A. Comments on further notice of proposed rule making, issued on May 16, 1969, (FCC 68-1176)	June 6, 1969
B. Comments on Part V of the notice of proposed rule making and notice of inquiry issued on December 13, 1968 (FCC 68-1176)	June 16, 1969
C. Reply comments on Part III (pars. 21-22, 26-30) of the December 13th notice	July 2, 1969
D. Reply comments on Part IV of the December 13th notice and on the further notice of May 16th	July 18, 1969
E. Reply comments on Part V of the December 13th notice	Aug. 14, 1969

3. AMST requests that the filing times under A and C above be extended to July 18, 1969, and D to August 22, 1969. ACLU requests that B be extended to August 1, 1969. The Companies request a 6 weeks extension for A, B, and part of D (reply comments on Part IV), and appropriate extension of the times for filing reply comments on A and B.

4. As ground for the requested extensions, AMST and the Companies point to the numerous, lengthy and complex comments already filed, the hearings before the Subcommittee on Communications and Power of the House Commerce Committee (scheduled to be resumed in June), the issuance of an Executive Branch Task Force Report on Telecommunications, and the fundamental policy questions involved in Part V of the rule making. AMST also notes that two previous extensions have been granted at the request of the National Cable Television Association. ACLU states that in view of the complexity of the issues in Part V, additional time is required to complete its study and to present its well-considered views.

5. Under the circumstances, and particularly in light of the importance and complexity of the numerous issues and the bulk of the record already on file, we believe that with one exception some extension is warranted and would serve the public interest. The exception pertains to paragraphs 27-28 of the December 13th notice, the proposed reporting requirement. Since the Commission lacks comprehensive and current official information about CATV systems, and since such information might assist in a resolution of the rule making as well as the Congressional consideration, we believe that the proposed reporting requirement should be implemented as promptly as possible. We note also that ACLU and the Companies have not sought extension of this aspect. Thus, reply comments on paragraphs 27-28 of Part III will be due on or before July 2, 1969.

6. Under the extensions granted below, reply comments on Part IV and on the further notice will be due on or before September 5, 1969. We recognize that this date comes at the end of the summer after the vacation period. However, in view of the generous time that has been and is now being afforded, no further extension based on such factors is contemplated. We expect to adhere to the September 5th deadline for reply comments on these aspects.

7. *Accordingly, it is ordered,* That the times for filing the remaining comments and reply comments in Docket No. 18397 are extended as follows:

	On or before
Comments on further notice of proposed rule making (FCC 69-516)	July 18, 1969
Comments on Part V of the notice issued on December 13, 1968 (FCC 68-1176)	Aug. 1, 1969
Reply Comments on Part III (paragraphs 21-22, 26, 29-30) and Part IV of the December 13th notice (FCC 68-1176) and on the further notice of May 16, 1969 (FCC 69-516)	Sept. 5, 1969
Reply Comments on Part V of the December 13th notice (FCC 68-1176)	Oct. 1, 1969

It is further ordered, That reply comments on paragraphs 27-28 of Part III of the December 13th notice (FCC 68-1176) are due on or before July 2, 1969, as previously scheduled.

Adopted: June 3, 1969.

Released: June 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6761; Filed, June 6, 1969; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 22, 864]

FEDERAL SAVINGS AND LOAN SYSTEM

Indemnification of Federal Savings and Loan Association Personnel

MAY 29, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the desirability of prescribing rights and obligations of persons to indemnification for expenses incurred as a result of claims against them based on their conduct as a director, officer or employee of a Federal savings and loan association and of permitting such associations to obtain insurance in connection therewith, hereby proposes to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new undesignated center head and a new § 545.25, immediately after § 545.24 thereof, to read as follows:

INDEMNIFICATION OF ASSOCIATION PERSONNEL

§ 545.25 Indemnification of directors, officers and employees.

(a) *General provisions.* Subject to the provisions of paragraph (b) of this section, any person against whom any action is brought by reason of the fact that such person is or was a director, officer, or employee of a Federal association shall be indemnified by such association for:

(1) Reasonable costs and expenses, including reasonable attorney's fees, actually paid or incurred by such person in connection with the defense or settlement of such action;

(2) Any amount for which such person becomes liable by reason of any judgment in such action; and

(3) Reasonable costs and expenses, including reasonable attorney's fees, actually paid or incurred in any action, to enforce his rights under this section, which results in a judgment in favor of such person.

(b) *Requirements.* Indemnification provided for in paragraph (a) of this section shall be made to such director, officer, or employee if, but only if, the requirements of this paragraph are met.

(1) *Favorable adjudication on merits.* A Federal association shall make the indemnification provided by paragraph (a) of this section in connection with any such action which results in a final adjudication on the merits in favor of such director, officer, or employee.

(2) *Settlement, adverse judgment, or judgment other than on the merits.* A Federal association shall make the indemnification provided by paragraph (a) of this section in case of settlement of such action, final judgment against such director, officer, or employee, or judgment in favor of such director, officer, or employee other than on the merits, if a majority of the disinterested directors of the association determines that such director, officer, or employee acted

(i) In good faith,

(ii) Within the scope of his authority,

(iii) In the best interest of the association, and

(iv) Without negligence or in a manner not otherwise wrongful.

However, no indemnification shall be made pursuant to this subparagraph unless such association first gives the Board not less than 60 days' advance notice of its intention to make such indemnification. Such notice shall contain a statement of the facts out of which such action arose, the terms of any settlement, and the disposition of the action by the court. Such notice, together with a certified copy of the resolution of the board of directors containing the determination referred to above, shall be filed with the Board by transmitting the executed original and one copy to the Supervisory Agent. The 60-day notice period shall begin to run from the date of receipt of such notice by the Supervisory Agent, who shall promptly acknowledge such receipt in writing. No such indemnification shall be made prior to the expiration of such 60-day notice period, and no such indemnification shall be made if the Board, acting through the Supervisory Agent, advises the association in writing, within such 60-day notice period, of its objection to such indemnification.

(3) *Exceptions.* Indemnification shall not be made by a Federal association under the provisions of subparagraph (2) of this paragraph with respect to any action brought by the Board, the Federal Savings and Loan Insurance Corporation, or any other governmental agency or instrumentality, or with respect to any action brought by or on behalf of the association seeking to establish liability to such association, unless such action results in a judgment in favor of the defendant director, officer, or employee.

(c) *Insurance.* A Federal association may obtain insurance to protect it, its directors, officers, and employees from potential liabilities, expenses, and costs arising from claims against it, or its directors, officers, or employees made by reason of alleged wrongful acts committed in their capacity as directors, officers, or employees. However, no such association may obtain insurance which provides for payment of costs, expenses, liabilities, and other losses of any person incurred as a consequence of his willful or criminal misconduct.

(d) *Applicability of provisions.* The provisions of this section shall not be applicable with respect to any action pending on or terminated prior to the effective date of this section.

(e) *Exclusiveness of provisions.* The provisions of this section shall be exclusive with respect to the duty or authority of a Federal association to indemnify any person referred to in paragraph (a) of this section.

(f) *Definitions and rules of construction.* (1) As used in this section—

(i) "Action" means any action, suit, or other judicial proceeding, whether civil, criminal, or otherwise, including any appeal or other proceeding for review;

(ii) "Court" includes, without limitation, any court to which or in which any appeal or any proceeding for review is brought;

(iii) "Judgment" means any judgment, decree, order, fine, or penalty;

(iv) "Settlement" includes the entry of a judgment by consent or by confession or upon a plea of guilty or of nolo contendere; and

(v) "Supervisory Agent" means the President of the Federal Home Loan Bank of which a Federal association is a member, or any other officer or employee of such Bank designated by the Board as its agent as provided by § 501.11 of Subchapter A of this chapter.

(2) References in this section to any individual or other person, including any association, shall include legal representatives, successors, and assigns thereof.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552 by July 10, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-6729; Filed, June 6, 1969; 8:48 a.m.]

[1] Commissioner Bartley and H. Rex Lee dissenting; Commissioner Johnson concurring in the result.

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Certain Cash Items in Process of Collection

The Board of Governors is considering amending the last sentence of § 204.1(h) to read: "Items handled as noncash collections and items the amounts of which are credited to any account with or in a foreign branch of the member bank may not be treated as 'cash items in process of collection' within the meaning of this part."

In conjunction with such amendment, the last sentence of § 204.2(b) would be amended to read: " 'Balances due from other banks' do not include balances due from Federal Reserve Banks, balances (payable in dollars or otherwise) due from foreign banks or branches thereof wherever located or from foreign branches of other domestic banks," or balances representing checks received or forwarded for collection and not yet paid by the drawee the amounts of which are credited to any account with or in a foreign branch of the member bank." (Footnote 6 would remain unchanged.)

The purpose of these proposed amendments is to disallow as a deduction from deposits in computing a member bank's reserve requirements any "cash item in process of collection" or "balance due from other bank" that is credited to any account with or in a foreign branch of such bank.

The effect of the proposal relates principally to the practice of bidding for Euro-dollar deposits by foreign branches of member banks. For example, when a foreign depositor in a domestic office of a U.S. bank instructs that bank to transfer funds to another U.S. bank for his account in the latter's foreign branch, the transfer is sometimes effected by a cashier's check. Upon its receipt by the second bank, that check has been treated as a "cash item in process of collection" that is credited to the depositor's account in the foreign branch. Such accounts are not subject to reserve requirements under Regulation D.

A major reason for permitting deduction of cash items in process of collection in computing deposits subject to reserves is to avoid duplication of reserves against the same funds. In a purely domestic situation of the kind described, a member bank issuing a cashier's check maintains reserves against the funds involved while the check is in process of collection. The receiving bank is normally permitted, during the collection process, to deduct the item from its deposits subject to reserve requirements in order to avoid duplication of reserves in such instances. In the case of Euro-dollar transactions, however, the receiving bank credits the funds to an account that is not subject to reserve requirements, and therefore there appears to be no reason to permit items credited to a foreign branch account to be deducted from the parent bank's deposits in the calculation of reserve requirements under Regulation D.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 15, 1969.

Dated at Washington, D.C., the 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6716; Filed, June 6, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 8]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern for Purpose of Bidding on Government Procurements for Rebuilding of Machinery or Equipment on Factory Basis

Notice is hereby given that the Administrator of the Small Business Administration proposes to adopt a detailed definition of a small business concern for the purpose of bidding on Government procurements for the rebuilding of machinery or equipment on a factory basis.

The rebuilding of machinery and equipment on a factory basis is considered as manufacturing. However, the present SBA size regulation does not have a specific definition of small business for the purpose referred to above. It has been brought to the attention of the SBA that many persons do not realize that the rebuilding of machinery or equipment on a factory basis is classified within the manufacturing industries. Therefore, SBA proposes to establish a detailed definition of a small business for the purpose of bidding on Government contracts for the rebuilding of machinery or equipment on a factory basis.

Interested persons may file with the Small Business Administration within thirty (30) days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new subparagraph (6) to § 121.3-8(b) thereof to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(b) *Manufacturing.* * * *

(6) Rebuilding on a factory basis or equivalent. As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serviceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

* * * * *

Dated: May 27, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-6728; Filed, June 6, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 12790]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 2, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application Montana 12790 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to expand the existing Sula Ranger Station and to protect the existing improvements of the Trapper Creek Job Corps Conservation Center and the recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the appplication will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

BITTERROOT NATIONAL FOREST

Camp Creek Ranger Station

T. 1 N., R. 19 W.,
Sec. 21, E½SE¼NE¼SE¼ and E½NW¼SE¼NE¼SE¼.

Total area—6.25 acres.

Trapper Creek Administrative Site

T. 2 N., R. 21 W.,
Sec. 26, W½NE¼SW¼NW¼ and NW¼SW¼NW¼;
Sec. 27, E½NE¼NE¼ and NE¼SE¼NE¼.

Total area—45 acres.

Black Bear Campground

T. 5 N., R. 19 W.,
Sec. 24, S½S½SE¼SW¼, SW¼SW¼SE¼, E½SW¼SE¼, W½SE¼SE¼, and unsurveyed, but which will be when surveyed:
T. 5 N., R. 19 W.,
Sec. 25, that part in the N½NW¼, more particularly described as:
Beginning at the section corner common to secs. 23, 24, 25, and 26, T. 5 N., R. 19 W., P.M.M., Corner No. 1; thence due south 15 chains to a ¾" x 18" iron pin set in the ground for Corner No. 2; thence due east 20 chains to a ¾" x 18" iron pin set in the ground for Corner No. 3; thence due north 5 chains to a ¾" x 18" iron pin set in the ground for Corner No. 4; thence due east 15 chains to a ¾" x 18" iron pin set in the ground for Corner No. 5; thence due north 10 chains to a ¾" x 18" iron pin set in the ground for Corner No. 6; thence S. 89°49' W. along the section line between secs. 24 and 25, T. 5 N., R. 19 W., P.M.M., to Corner No. 1, the point of beginning.

Total area—105 acres.

Sleeping Child Picnic Ground

T. 4 N., R. 19 W.,
Sec. 7, W½SW¼NE¼SE¼ and E½SE¼NW¼SE¼.

Total area—10 acres.

The area described aggregates 166.25 acres in Ravalli County, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-6723; Filed, June 6, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. G-433]

JAMES J. ROBINSON, JR.

Notice of Loan Application

JUNE 3, 1969.

James J. Robinson, Jr., 2603 St. Joseph Street, Houma, La. 70360, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 53.6-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-6724; Filed, June 6, 1969; 8:48 a.m.]

National Park Service

[Order 1]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY ASSISTANT, SOUTHERN UTAH GROUP

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. *General Supply Assistant.* The General Supply Assistant may execute, approve, and administer contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. The authorities stated herein are applicable to the Southern Utah Group in its entire jurisdiction.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

Dated: May 4, 1969.

KARL T. GILBERT,
General Superintendent, Southern Utah Group.

[F.R. Doc. 69-6706; Filed, June 6, 1969; 8:47 a.m.]

[Order 5]

ADMINISTRATIVE OFFICER ET AL., BLUE RIDGE PARKWAY, VA., AND N.C.

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $100,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority and subject to availability of allotted funds; and he may execute and approve revocable special use permits for use of Government-owned lands and facilities. Construction contracts shall be entered into only with the advice and consent of the concerned Chief, Office of Design and Construction. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 2. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the concerned Chief, Office of Design and Construction. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 3. *General Supply Specialist.* The General Supply Specialist may execute, approve, and administer contracts not in excess of $10,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the concerned Chief, Office of Design and Construction. This authority may be exercised by the General Supply Specialist in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 4. *Construction and Maintenance Representative, Foreman III, and Clerk.* The Construction and Maintenance Representative, Foreman III, and Clerk of Districts 1, 2, 3, and 4 of the Blue Ridge Parkway may issue purchase orders not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 5. *Revocation.* This order supersedes Order No. 4 dated August 23, 1967 (32 F.R. 13013).

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C. sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

Dated: May 5, 1969.

JOHN H. DAVIS,
Acting Superintendent,
Blue Ridge Parkway.

[F.R. Doc. 69-6707; Filed, June 6, 1969; 8:47 a.m.]

[Order 6]

ASSISTANT SUPERINTENDENT (OPERATIONS) ET AL.; YELLOWSTONE NATIONAL PARK, WYO.

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment, or Services

1. *Assistant Superintendent (Operations).* The Assistant Superintendent (Operations) may execute, approve, and administer contracts not in excess of $200,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations: *Provided,* That construction contracts will be entered into only with the advice and consent of the design and construction office chief. This authority may be exercised by the Assistant Superintendent (Operations) in behalf of any coordinated areas.

2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

3. *General Supply Officer.* The General Supply Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the General Supply Officer in behalf of any coordinated area.

4. *Procurement Agent.* The Procurement Agent may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement Agent in behalf of any coordinated area.

5. *Supervisory Park Ranger.* The Supervisory Park Ranger, West Yellowstone Subdistrict may issue purchase orders not in excess of $100 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

6. *Supervisory Park Ranger.* The Supervisory Park Ranger, Bechler Ranger Station may issue purchase orders not in excess of $100 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

7. *Supervisory Park Ranger.* The Supervisory Park Ranger, South Entrance, Snake River Subdistrict may issue purchase orders not in excess of $100 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of funds.

8. *Supervisory Park Ranger.* The Supervisory Park Ranger, East Entrance, Lake Subdistrict may issue purchase orders not in excess of $100 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

9. *Supervisory Park Rangers and Park Rangers.* Supervisory Park Rangers and Park Rangers, while on assignment as liaison officers for Indian firefighters, may issue purchase orders not in excess of $300 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

10. *Supervisory Research Biologist.* The Supervisory Research Biologist, Office of Natural Science Studies may issue purchase orders not in excess of $300 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

11. *Management Assistant.* The Management Assistant, Big Hole National Battlefield may issue purchase orders not in excess of $300 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

12. *Revocation.* This order supersedes Order No. 5 issued March 21, 1963, and Amendment No. 1 issued April 8, 1965.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535; 16 U.S.C., sec. 2; Midwest Region Order No. 4 (31 F.R. 5768))

Dated: May 16, 1969.

JACK K. ANDERSON,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 69-6708; Filed, June 6, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

IMPORT QUOTAS

Submission of Applications for Licenses To Import "Other" Cheese From New Zealand

In accordance with Part 3 of the Appendix to the Tariff Schedule of the United States (19 U.S.C. 1202), hereinafter referred to as TSUS, as amended by Proclamation 3884 of January 6, 1969 (34 F.R. 235), the following described cheese subject to the import quota provided for in TSUS item 950.10D may be entered from New Zealand on and after July 1, 1969, only pursuant to licenses issued under the authority of the Secretary of Agriculture.

Cheese and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 of the TSUS (except cheese not containing cow's milk; cheese, except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat, and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the TSUS); if shipped otherwise than in pursuance to a purchase or if having a purchase price under 47 cents per pound. (Such a requirement has heretofore been placed in effect with respect to the entry of such cheese from all other countries.)

Notice is hereby given that persons who were, by reason of base period imports, licensees in the first 6 months of the 1969 quota year for the importation from New Zealand of cheese subject to the quotas provided for in TSUS items 950.08A and 950.08B (Cheddar and American cheese other than Cheddar) may apply for licenses to import from New Zealand cheese subject to the quota provided for in TSUS 950.10D.

A person who is not eligible upon the above basis to receive a license for the importation of such cheese from New Zealand may apply for a new business license to import such cheese upon the submission of satisfactory evidence that, during the preceding quota year, he was operating an independent business of importing cheese or cheese products and had made commercial importations in his own name of such cheese and cheese products and who certifies that he is not a part of or an affiliate of the business of any other person eligible for a license to import from New Zealand cheese subject to the quota provided for in TSUS 950.10D, and is not an officer, member, partner, associate, or employee of such business.

Applications and, in the case of new business licenses, supporting evidence should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, and be postmarked not later than July 1, 1969.

Issued at Washington, D.C., this 3d day of June 1969.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 69-6734; Filed, June 6, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COMBINATION DRUG SODIUM SULFIDE, UREA, AND TRIETHANOLAMINE FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Onixol; contains per milliliter 0.0091 gram of sodium sulfide, 0.0907 gram of urea, and 0.0907 gram of triethanolamine; marketed by the Scholl Manufacturing Co., Inc., 213 West Schiller Street, Chicago, Ill. 60610 (NDA 4-229).

The Academy has evaluated this drug as ineffective in the treatment of ingrown toenails and the Food and Drug Administration concludes that there is a lack of substantial evidence that it is effective for the claim made in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug application for Onixol.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for Onixol and any interested person who may be adversely affected by its removal from the market to submit any pertinent data bearing on the proposal within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by its withdrawal from the market. Promulgation of an order withdrawing approval of the new-drug application will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report, and any interested person may also obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should be directed to the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).

Comments or data regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6693; Filed, June 6, 1969; 8:46 a.m.]

SULFAGUANIDINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfaguanidine Tablets; 0.5 gram of sulfaguanidine per tablet; marketed by Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 3-911).

The Academy evaluated this drug as ineffective:

1. For the treatment of acute bacillary dysentry and commented that the majority of the strains of Shigella are now sulfonamide-resistant and that sulfaguanidine is in the group of least active sulfonamide preparations.

2. As a preoperative and postoperative measure in colonic resection to reduce postoperative sequelae and shorten the period of hospitalization.

The Academy commented: (a) On the commonly offending organisms fecal streptococci, coliforms, and bacteroides as being inadequately suppressed and staphylococci and clostridia as responding unpredictably to sulfaguanidine; (b) that sulfaguanidine is very limited in antiseptic activity; (c) that it is readily inhibited in the presence of ulcerating lesions of the gastrointestinal tract; (d) that it is slow in its action; (e) that it is absorbed in appreciable quantities so that toxic reactions characteristic of sulfonamide therapy are common; and (f) that adequate documented evidence that the drug lowers the incidence of morbidity following colon surgery and reduces postoperative sequelae and shortens the period of hospitalization is lacking.

The Food and Drug Administration concludes that there is a lack of substantial evidence that the drug is effective for the claims made in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug application for this drug.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug, and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal within 30 days after publication of this announcement in the FEDERAL REGISTER.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by withdrawal of this drug from the market. Promulgation of an order withdrawing approval of the new-drug application will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report, and any interested person may also obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should be directed to the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).

Comments or data regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355)

and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6694; Filed, June 6, 1969; 8:45 a.m.]

[Docket No. FDC-D-126; NDA No. 8-639, 9-067, 9-317]

DRUGS FOR VETERINARY USE CONTAINING RUMEN BACTERIA

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In an announcement published in the FEDERAL REGISTER of March 8, 1969 (34 F.R. 5038), holders of new-drug applications for drugs containing rumen bacteria, and other interested persons, were invited to submit data that might be pertinent to the question of effectiveness of the drugs. The information received, considered with the other available information, does not provide substantial evidence of effectiveness of such drugs for their recommended use as rumen stimulators in animals.

Therefore, notice is given to the applicants listed below, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications and all amendments and supplements thereto with respect to any drugs included in such applications that contain rumen bacteria on the grounds that: Information before the Commissioner with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, does not provide substantial evidence that these drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

NDA No.	Drug name	Applicant's name and address
8-539	Bovinoculum Cap-Tabs and Powder.	Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501.
9-067	Ru-Bac	Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.
9-317	Rufis Super Bio-Concentrate.	Poul-An Laboratories, Inc., 207 Westport Road, Kansas City, Mo. 64111.

In accordance with the provisions of section 505 of the act and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the subject new-drug applications should not be withdrawn. Promulgation of the order will cause any drug for animal use containing rumen bacteria and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug applications. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6696; Filed, June 6, 1969; 8:45 a.m.]

[Docket No. FDC-D-129; NDA No. 8-203 and 8-389V]

DRUGS FOR VETERINARY USE CONTAINING PENTOBARBITAL SODIUM AND MEPHENESIN

Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of February 14, 1969 (34 F.R. 2212), holders of new-drug applications for drugs containing pentobarbital sodium and mephenesin and other interested persons were invited to submit pertinent data on the effectiveness of such drugs. The information received evaluated with other available information does not provide substantial evidence of effectiveness of such drugs for their recommended use as a muscle relaxant in animals.

Therefore, notice is given to the applicants listed below, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications and all amendments and supplements thereto with respect to any drugs included in such applications which contain pentobarbital sodium and mephenesin on the grounds that:

Information before the Commissioner with respect to such drugs, evaluated with the evidence available to him when the applications were approved, does not provide substantial evidence that these drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

NDA No.	Drug name	Applicant's name and address
8-203	Myotal	Warren-Teed Pharmaceuticals Inc., 582 West Goodale St., Columbus, Ohio 43215.
8-389V	Thesant	Norden Laboratories Inc., 601 West Oak, Lincoln, Nebr. 68501.

In accordance with the provisions of section 505(e) of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug applications No. 8-203 and No. 8-389V should not be withdrawn. Promulgation of the order will cause any drug for animal use containing pentobarbital sodium and mephenesin and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file a written appearance of election within such 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6695; Filed, June 6, 1969; 8:45 a.m.]

AMDAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-955V) has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing that a food additive regulation (21 CFR Part 121, Subpart C) be promulgated to provide for the safe use in swine feed of erythromycin as erythromycin thiocyanate for growth promotion and feed efficiency.

Dated: May 29, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6697; Filed, June 6, 1969; 8:45 a.m.]

[Docket No. FDC-D-128; NDA No. 8-668V]

NORDEN LABORATORIES, INC.

Vetistat; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1613), the holder of the new-drug application for Vetistat (a drug containing 0.5 percent of oxalic acid and 0.25 percent of malonic acid) and any other interested person were invited to submit pertinent data on the drug's effectiveness. The available information does not provide substantial evidence of effectiveness of the drug for its recommended use in the control of internal or external hemorrhage in animals.

Therefore, notice is given to Norden Laboratories, Inc., Lincoln, Nebr. 68501, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 8-668V and all amendments and supplements thereto held by Norden Laboratories, Inc. for the drug Vetistat on the grounds that:

Information before the Commissioner with respect to such drug, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 8-668V should not be withdrawn. Promulgation of the order will cause any drug for animal use containing oxalic acid and malonic acid and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file a written appearance of election within such 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6698; Filed, June 6, 1969; 8:46 a.m.]

[Docket No. FDC-D-130; NDA No. 4-673]

JOHN B. STRIBLING & SON

Stribling's Pink Eye Powder; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of February 6, 1969 (34 F.R. 1782), the holder of the new-drug application for Stribling's Pink Eye Powder (a drug containing 0.25 percent aspirin, 0.25 percent calomel (a mercury preparation), 2.50 percent azosulfamide, 1.0 percent sulfathiazole, 1.0 percent sulfanilamide, 20.0 percent sulfathiazole sodium, and 75.0 percent powdered charcoal) and any interested persons were invited to submit pertinent data on the drug's effectiveness. The information received, considered with the other available information, does not provide substantial evidence of effectiveness of the drug for its recommended use in animals (treatment of "pink-eye" in cattle, sheep, and goats).

Therefore, notice is given to John B. Stribling & Son, 1507 South Oakes, San Angelo, Tex. 76901, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 4-673 and all amendments and supplements thereto held by John B. Stribling & Son for the drug Stribling's Pink Eye Powder on the grounds that:

Information before the Commissioner with respect to such drug, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling; or that powders should be used in the eyes.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 4-673 should not be withdrawn. Promulgation of the order will cause any eye

powder for animal use containing a mixture of aspirin, calomel, azosulfamide, sulfathiazole, sulfanilamide, sulfathiazole sodium, and charcoal and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file a written appearance of election within such 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6699; Filed, June 6, 1969; 8:46 a.m.]

[Docket No. FDC-D-131; NDA No. 9-654V]

WARREN-TEED PHARMACEUTICALS

Klot Stainless; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of March 18, 1969 (34 F.R. 5342), the holder of the new-drug application for Klot Stainless and other interested persons were invited to submit pertinent data on the drug's effectiveness. The information received, considered with the other available information, does not provide substantial evidence of effectiveness of the drug for its recommended use in animals (as an aid in controlling hemorrhage).

Therefore, notice is given to Warren-Teed Pharmaceuticals, Subsidiary of Rohm & Haas Co., 582 West Goodale Street, Columbus, Ohio 43215, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 9-654V and all amendments and supplements thereto held by Warren-Teed Pharmaceuticals for the drug Klot Stainless on the grounds that:

Information before the Commissioner with respect to such drug, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 9-654V should not be withdrawn. Promulgation of the order will cause any drug for animal use containing *n*-butyl alcohol and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after the date of publication of this notice in the FEDERAL REGISTER, such persons are require to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file the written appearance of election within said 30 days will be construed as an election not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6700; Filed, June 6, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

GULF TIRE & SUPPLY CO.

Withdrawal of Approved Code Mark; Extension of Effective Date

On April 24, 1969, the Director of the National Highway Safety Bureau issued a notice that the approved code mark assigned to Gulf Tire & Supply Co. pursuant to paragraph S4.3 of Motor Vehicle Safety Standard No. 109 had been withdrawn, effective with respect to tires manufactured after May 15, 1969, following a determination that Gulf Tire & Supply Co. is not a tire manufacturer within the meaning of Standard No. 109 (34 F.R. 7253).

Thereafter, the Director received a request to extend the effective date of his determination for a period of 60 days. Upon consideration of that request, it appears that good cause has been shown for permitting an additional, 60-day, period for changing the molds in which Gulfbrand tires are produced so that those tires will be labeled with the approved code mark assigned to their manufacturer. Therefore, the Director has granted the request for an extension of time and has notified Gulf Tire & Supply Co. that all tires bearing its trademark manufactured after July 14, 1969, must be labeled with either the name of the manufacturer or with the manufacturer's brand name and its approved code mark.

This notice is issued under the authority of sections 103, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, 1421).

Issued on June 2, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

[F.R. Doc. 69-6710; Filed, June 6, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Extension of Completion Date

The trustees of Columbia University in the city of New York having filed a request for extension of the latest completion date specified in Construction Permit No. CPRR-78, and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended to December 31, 1969.

Date of issuance: June 2, 1969.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6713; Filed, June 6, 1969; 8:46 a.m.]

[Docket No. 50-223]

LOWELL TECHNOLOGICAL INSTITUTE

Extension of Completion Date of Construction Permit

The Lowell Technological Institute having filed a request dated May 16, 1969, for extension of the latest completion date specified in Construction Permit No. CPRR-87, which authorizes construction of a nuclear research reactor on its campus in Lowell, Mass., and good cause having been shown for extension of said date, pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-87 is extended from June 30, 1969, to October 31, 1970.

Date of issuance: June 2, 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-6714; Filed, June 6, 1969; 8:46 a.m.]

[Docket No. 50-156]

UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 9, set forth below, to Facility License No. R-74. The license authorizes The University of Wisconsin to possess, use, and operate its TRIGA nuclear reactor on the university's campus at Madison, Wis.

This amendment, effective as of the date of issuance, increases from 3.75 kilograms to 7.50 kilograms the total quantity of uranium-235 which the licensee may receive, possess, and use under this license.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see the application dated May 6, 1969, and a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained from the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of May 1969.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R-74, Amdt. 9]

The Atomic Energy Commission ("the Commission") has found that:

1. The University of Wisconsin application for amendment dated May 6, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-74, as amended, is hereby further amended by revising paragraph No. 2.B. thereof in its entirety to read as follows:

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess, and use (1) up to 7.50 kilograms of contained uranium-235, (2) up to 16 grams of plutonium contained in plutonium-beryllium neutron sources, and (3) 135.4 grams of contained uranium-235 in MTR type fuel elements all in connection with the operation of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: May 23, 1969.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-6715; Filed, June 6, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20884]

AIR PANAMA INTERNATIONAL, S.A.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter now assigned to be held on June 10, 1969, is hereby postponed to June 25, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 3, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-6746; Filed, June 6, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-6-11]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 3, 1969.

By Order 69-5-95, dated May 21, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-5-95 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-23 through R-25, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6747; Filed, June 6, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-6-12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 3, 1969.

By Order 69-5-98, dated May 22, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring

action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–5–98 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R–74 through R–77, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6748; Filed, June 6, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–6–6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 3, 1969.

By Order 69–5–77, dated May 19, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–5–77 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R–21 and R–22, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6749; Filed, June 6, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69–6–5]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 3, 1969.

By Order 69–5–76, dated May 19, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–5–76 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R–68 through R–73, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6750; Filed, June 6, 1969; 8:49 a.m.]

[Docket No. 18381, etc.; Order 69–6–13]

CERTAIN MAIL RATE CASES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of June 1969.

Nonpriority Mail Rate Case, Docket 18381; Domestic Service Mail Rate Case, Docket 16349; Latin American Service Mail Rate for Priority Mail, Docket 20415.

The Postmaster General, on January 29[1] and 30, 1969, filed a petition and an amendment thereof requesting amendments of the domestic mail rate and nonpriority mail rate orders (E–25610 and E–17255) to extend their application to the transportation of such mail between points within the 48 contiguous States, on the one hand, and Merida, Mexico, on the other. Order E–25610 established the current rates for the movement of priority mail by Pan American World Airways, Inc. (Pan American), inter alia, between points within the 48 contiguous States, and certain other points outside them, including Mexico City, Mexico. Merida, Mexico, a point on Pan American's Route 136, is an intermediate point for certain Pan American flights from the United States to Mexico City, Mexico, and priority mail (airmail) is dispatched to Pan American, at a domestic point, destined for both Merida and Mexico City. However, Merida was not a point named in the domestic (priority) mail rate order and mail carried to Merida has been subject to the Latin American mail rate order. Thus, even on the same flights payments for mail dispatched to the intermediate point Merida would be at a rate different from that for mail dispatched to Mexico City. In addition, the POD has requested that Merida be included within the scope of the Nonpriority Mail Rate Investigation (Docket 18381) which is currently in process.

The Postmaster General believes that it was simply an inadvertence that Merida was omitted from Order E–25610, in the first instance, but recognizes nevertheless the obligation to pay the 42.09 cent Latin American rate established by Order E–23753, for service to Merida up to October 28, 1968.[2]

The Department did not specifically request the inclusion of Merida within the terms of the order extending temporary nonpriority mail rates to points in Mexico (Order E–26938, dated June 19, 1968), which merely incorporates by reference the Mexican points subject to Order E–25610. The nonpriority mail rates have been open since April 6, 1967, and the Postmaster General desires to include Merida, Mexico, as a point to which nonpriority mail is dispatched at the rates to be fixed in that proceeding (Docket 18381) and to apply the current temporary rates to such service pending issuance of a final order therein.

By letter of February 7, 1969, Pan American answered that it has no objection to the relief sought by POD insofar as the domestic priority mail rate order (E–25610) should control the compensation received by Pan American for the transportation of priority mail from a domestic point to Merida, Mexico, on and after October 28, 1968. Prior to that date the carrier states that compensation for Merida priority mail service should be governed by the Latin American mail rate order (E–23753).[3] Pan American also states that it has no objection to including Merida in the nonpriority mail rate order (Order E–17255 as amended by Order E–26938) as a point to which this class of mail may be dispatched. The carrier requests further that this amendment should be made retroactive to June 30, 1968, the effective date of Order E–26938.

The Board has determined to grant the requests of POD, as supported by Pan American, and will amend the domestic (priority) mail rate order (E–25610) to include the point Merida, Mexico. Since the final rate established in the Latin American service mail rate order was applicable to these services until it was opened on October 28, 1968, the domestic rate will be applicable to Merida services from and after that date. We will similarly extend the application of the domestic nonpriority mail rate order by amending Order E–26938 to include Merida, Mexico as a point to which the existing temporary nonpriority mail rates apply. Since Pan American's mail rates to this point were closed until opened by POD on October 28, 1968, this rate will also be effective for the carriage of this class of mail on and after that date and will be subject to such retroactive adjustment to that date as may be determined in the Nonpriority Mail Rate Investigation in Docket 18381.

The instant requests of the POD do not involve the changing of a rate for part of an entire rate making unit for which a final mail rate is uniformly applicable. The rates for mail services between points in the United States and

[1] At the same time the Postmaster General submitted a motion for leave to file an unauthorized document in the event the petition was in contravention of Rule 303(b).

[2] On this date the Latin American rate was opened pursuant to a petition filed by the Postmaster General in Docket 20415.

[3] Docket 15381, May 31, 1966.

Merida, Mexico, are currently open as are all other Pan American mail rates under investigation in the Latin American Service Mail Rate Proceeding (Docket 20415). There is no other final mail rate or part of a final mail rate which would be opened by the POD petition. Under these circumstances the request to extend the final domestic priority and temporary domestic nonpriority mail rate orders to include Merida does not contravene the provisions of Rule 303(b) or otherwise involve the filing of an unauthorized document.

Therefore, the Board proposes to issue an order to include the following findings and conclusions:

(1) There is presently in effect a final service mail rate for the transportation of priority mail by aircraft which was established by Order E–25610, August 28, 1967, as amended.

(2) The fair and reasonable final rate of compensation to be paid Pan American Airways, Inc., for the transportation of priority mail by aircraft between points within the 48 contiguous States and the District of Columbia, on the one hand, and Merida, Mexico, on the other hand, the facilities used and useful therefor, and the services connected therewith effective October 28, 1968, is the final service mail rate established by Order E–25610, as amended.

(3) There are presently in effect temporary service mail rates for the transportation of nonpriority mail which were established by Order E–17255, as amended.

(4) The fair and reasonable temporary rates of compensation to be paid Pan American Airways, Inc., for the transportation of nonpriority mail on a space available basis between the 48 contiguous States, on the one hand, and Merida, Mexico, on the other, the facilities used and useful therefor, and the services connected therewith effective October 28, 1968 are the service mail rates established by Order E–17255, as amended.

(5) The findings and conclusions regarding the transportation of priority and nonpriority mail by aircraft shall be implemented by the following amendments to Board orders:

(A) Order E–25610, dated August 28, 1967, shall be amended by adding "Merida, Mexico," on page 2, line 6 of the text following "Acapulco, Mexico".

(B) Appendix No. 1 to Order 69–4–48, April 9, 1969, shall be amended by adding "Merida, Mexico" to the Class Z stations there listed for airmail service only.

(C) Paragraph B of Order E–17255, July 31, 1961, as amended by Order E–26938, June 19, 1968, shall be amended to read as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail, i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary, space available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Hilo, Honolulu, Juneau, Ketchikan, Kodiak, Pago Pago, San Juan, St. Croix, St. Thomas, Wake Island, Yakutat, and points in Canada and points in Mexico for which mail rates were established in the Domestic Service Mail Rate Investigation (Order E–25610, Aug. 28, 1967, as amended), and between Honolulu, Hawaii, on the one hand, and Agana, Guam, Pago Pago, and Wake Island, on the other.

(D) Appendix No. 2 to Order 69–4–48, April 9, 1969, shall be amended by adding "Merida, Mexico" to the Class B stations there listed for nonpriority mail service only.

(6) The temporary rates of compensation established herein shall be subject to such adjustment, retroactive to October 28, 1968, as may be determined in the final decision in the Nonpriority Mail Rate Investigation, Docket 18381.

(7) The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof:

It is ordered, That:

1. All interested persons and particularly the Postmaster General and the parties to the investigation in this docket are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 15 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307;

5. Notwithstanding the fixing and determining of the temporary rate for nonpriority mail as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 18381; and

6. This order shall be served upon the parties to the investigation in this docket.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6751; Filed, June 6, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69–611]

CERTAIN CONTESTS AND MERCHANDISE SALES PROMOTIONS

Applicability of Lottery Statute

JUNE 3, 1969.

Contests and other promotional schemes which have recently come to the Commission's attention have made it advisable that we remind licensees of their responsibility to avoid the broadcast of matter regarding lotteries, and that we clarify the construction of section 1304, title 18, United States Code, which provides criminal penalties for such broadcasts. The principal purposes of this notice are to set forth our interpretation of section 1304 with respect to the availability of free chances in certain promotional schemes and to remind licensees of their responsibility to assure themselves of the accuracy of advertisements for such schemes.

Although the statute does not undertake to define a lottery, it is well settled that the necessary elements of such a scheme are (1) the awarding of a prize, (2) upon a contingency determined by chance, (3) to a person who has paid or agreed to pay a valuable consideration for the chance to win the prize. Ordinarily there is less trouble in determining the presence of the elements of prize and chance than in determining whether a particular promotion involves the giving of consideration.

Clearly, consideration is present when the contestant is required to pay money or give something else of value for the chance to win a prize. Therefore, the promotional scheme must not require a purchase or the risking of money or other things of value. The mere acts of appearing, registering, and securing free paraphernalia, standing alone, do not constitute sufficient consideration to support a finding of a lottery. See Federal Communications Commission v. American Broadcasting Company, Inc., 347 U.S. 284 (1954); Caples Co. v. United States, 243 F. 2d 232 (1957), and Garden City Chamber of Commerce v. Wagner, 110 F. Supp. 769. However, the availability of free chances must be real and not illusory; i.e., free chances must be available on a basis which is reasonably equal to that on which contestants who purchase a product may obtain them.

Thus, in a scheme in which bottle caps constitute the chances, free chances are not available on a reasonably equal basis if it is necessary to obtain them from a

bottling plant or the local route salesman, since chances are available to purchasers at all places of business selling the bottled drink. In general, if free chances may be obtained from most or all customary outlets, such as grocery stores and supermarkets, the element of lottery consideration would be eliminated. Equal availability means at least this. However, efforts should be made to insure that the nonpurchasing contestant is able to obtain free chances at all places where the product is sold.

Some promotional schemes have come to the Commission's attention in which provision was made for distributing free chances at stores selling the product, but the supply of free chances was often exhausted long before the distributor made his next delivery of them. Although the adequacy of supply may be difficult to foresee, it is the responsibility of the sponsor of the promotion to deliver a sufficient quantity of chances to insure that everyone who asks will be able to obtain them. Although a few isolated instances of unavailability of free chances will not result in a finding that the scheme involves a lottery, licensees must not lose sight of the fact that repeated failure of the sponsor or retail outlets to supply free chances will, in fact, turn the scheme into a lottery.

It has also come to the Commission's attention that nonpurchasing contestants are being disadvantaged in some schemes by a rule that only one free chance will be given to each person applying for it, whereas each of the products of the sponsor of the contest contains a chance; e.g., caps on soft-drink bottles and coupons in the wrappers of loaves of bread. Thus, although the nonpurchasing contestants may obtain only one chance, the purchaser may obtain as many chances as the number of product units he purchases, plus one free chance. In order to eliminate the element of consideration, nonpurchasing and purchasing contestants must be accorded an approximately equal opportunity in the number of chances to be obtained; otherwise, the scheme amounts to a lottery.

Finally, licensees are reminded of their responsibility to exercise reasonable diligence to make sure that promotions advertised over their facilities are not lotteries. The broadcaster may not always rely solely on the wording of the proposed advertisements or on other representations of the advertiser. In order to assure himself that his facilities are not being used for unlawful purposes, he should take all reasonable steps to learn whether the promotion in its actual operation is being conducted as a lottery. Licensees also are responsible for assuring themselves that announcements regarding such schemes are not otherwise false or misleading, and that the advertisements provide an accurate description of the contest and set forth the pertinent rules so that the public will not be misled.

One other aspect of this matter warrants mention at this time. Any announcement of a promotional scheme which depends upon the reasonably equal availability of free chances should adequately describe the availability of such free chances and the locations, times and manner in which they may be obtained. Such cryptic messages as "No purchase necessary" or "Nothing to buy" do not meet this requirement.

In addition to the criminal sanctions provided by section 1304 of the Criminal Code, sections 312 and 503 of the Communications Act of 1934, as amended, authorize revocation of broadcast licenses and imposition of monetary forfeitures for violation of section 1304.

Action by the Commission May 28, 1969.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6762; Filed, June 6, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AKTIEBOLAGET SVENSKA ATLANT LINIEN ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. J. Finnan, Analyst Rates & Tariffs, Lykes Bros. Steamship Co., Inc., Post Office Box 50998, New Orleans, La. 70150.

Agreement No. 9798, between Aktiebolaget Svenska Atlant Linien, S.A. Wilhelmsens Dampskibsaktieselskab, and Lykes Bros. Steamship Co., Inc., provides for the interchange of cargo containers and/or related equipment between points in the Gulf/United Kingdom-North European Trade, in accordance with the terms and conditions set forth therein.

Dated: June 4, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6757; Filed, June 6, 1969; 8:50 a.m.]

MARSEILLES/NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Retournat, Secretary, Marseilles/North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseille 2, France.

Agreement No. 5660-13, between the member lines of the Marseilles/North Atlantic U.S.A. Freight Conference, amends the Preamble and Articles 1 and 12 of the basic agreement to provide for (1) deletion of the clause specifically excluding passenger ships calling off Cannes, Monte Carlo, and Villefranche from the jurisdiction of the Conference, and (2) the addition of the words "by water" to the phrase "direct or with transhipment."

Dated: June 4, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6758; Filed, June 6, 1969; 8:50 a.m.]

[Docket No. 69-24]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

First Supplemental Order and Special Permission No. 5040.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including, September 15, 1969, Supplements Nos. 47 and 22 to the Seatrain Lines, Inc., Freight Tariffs FMC-F No. 1 and FMC-F No. 3. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 179 filed by Seatrain Lines, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of new reduced rates as enumerated, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 69-24 to make changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on less than statutory notice upon the individual dates requested by Special Permission Application No. 179, be and it is hereby granted.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to issue and file on not less than (show notice corresponding to rate change in Special Permission Application No. 179) _____ days' notice and to depart from the terms of the order in I&S Docket No. 69-24 granted under Federal Maritime Commission Special Permission No. 5040."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned reduced rates to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6755; Filed, June 6, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-319]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 2, 1969.

Take notice that on May 26, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-319 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a skid-mounted field compressor unit in East Lochridge Field in Brazoria County, Tex., to enable it to continue to receive natural gas from said field when Shell Oil Co. (Shell) exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant to not in excess of 500 p.s.i.g.

Applicant states that under the contract for the sale of such gas to it, Shell has the right to reduce the pressure at which gas is delivered to Applicant to pressures not in excess of 500 p.s.i.g. during the last 10 years of the contract term, which right becomes effective on August 1, 1969. Applicant further states that Shell has advised Applicant that it plans to exercise its right to reduce delivery pressure at an early date, in which event it will be necessary for Applicant to install the requested compressor facilities to maintain continuity of deliveries of gas by Shell to Applicant from the East Lochridge Field.

The total estimated cost of the proposed facilities is $74,000, which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6688; Filed, June 6, 1969; 8:45 a.m.]

[Docket No. CP69-315]

LOUISIANA-NEVADA TRANSIT CO.

Notice of Application

JUNE 2, 1969.

Take notice that on May 21, 1969, Louisiana-Nevada Transit Co. (Applicant), Post Office Box 398, Ada, Okla. 74820, filed in Docket No. CP69-315 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the period June 1, 1969, through May 31, 1970, and operation of certain natural gas facilities for the sale of natural gas to direct consumers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct during the budget period a maximum of three metering and regulating installations for the sales to direct consumers. Applicant states that natural gas deliveries to any one consumer through the proposed facilities will not exceed 100,000 Mcf annually and that such gas will not be used for boiler fuel purposes.

The total estimated cost of the proposed facilities under this application will not exceed $4,500, which cost will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant

[1] Commissioners Hyde (Chairman), Robert E. Lee, Cox, Wadsworth, Johnson and H. Rex Lee.

of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6689; Filed, June 6, 1969; 8:45 a.m.]

[Docket No. CP69-317]

SHENANDOAH GAS CO.

Notice of Application

JUNE 2, 1969.

Take notice that on May 26, 1969, Shenandoah Gas Co. (Applicant), 1100 H Street NW., Washington, D.C. 20005, filed in Docket No. CP69-317 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing with the issuance date of the requested authorization and operation of certain natural gas facilities for the sale of natural gas to direct consumers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct during the budget period taps on its certificated pipeline system to service direct consumers in Virginia and West Virginia. Applicant states that natural gas deliveries to any one consumer through the proposed facilities will not exceed 100,000 Mcf annually and that such gas will not be used for boiler fuel purposes.

The application indicates that the total estimated cost of the proposed facilities will not exceed $100,000, which cost will be financed through open account advances from Applicant's parent, the Washington Gas Light Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6690; Filed, June 6, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of North Tallahassee Bank, Tallahassee, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6717; Filed, June 6, 1969; 8:47 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The Harbor City National Bank of Eau Gallie, Eau Gallie, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6716; Filed, June 6, 1969; 8:47 a.m.]

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6718; Filed, June 6, 1969; 8:47 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 51 percent or more of the voting shares of First National Beach Bank, Jacksonville, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6719; Filed, June 6, 1969; 8:47 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The First National Bank in St. Petersburg, St. Petersburg, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6720; Filed, June 6, 1969; 8:47 a.m.]

COLORADO CNB BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Colorado CNB Bankshares, Inc., which is a bank holding company located in Denver, Colo., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of Lakewood Colorado National Bank, Lakewood, Colo.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisiton or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6721; Filed, June 6, 1969; 8:47 a.m.]

DOMINION BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Dominion Bankshares Corp., Roanoke, Va., for approval of acquisition of 80 percent or more of the voting shares of Security National Bank, Baileys Cross Roads, Falls Church, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Dominion Bankshares Corp., Roanoke,

Va., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Security National Bank, Baileys Cross Roads, Falls Church, Va.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 22, 1969 (34 F.R. 5567), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 29th day of May 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6722; Filed, June 6, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JUNE 3, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 4, 1969, through June 13, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6726; Filed, June 6, 1969; 8:48 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JUNE 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 4, 1969, through June 13, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6727; Filed, June 6, 1969; 8:48 a.m.]

TELSTAR, INC.

Order Suspending Trading

JUNE 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 4, 1969, through June 13, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6725; Filed, June 6, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41646—*Lime to points in southern territory*. Filed by Southwestern Freight Bureau, agent (No. B-36), for interested rail carriers. Rates on lime, common, hydrated, quick or slaked, in carloads, as described in the application, from specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, to points in southern territory, including Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief—Market competition.

Tariff—Southwestern Freight Bureau, agent, tariff ICC 4852.

FSA No. 41647—*Iron or steel articles to Zacarter, La.* Filed by Southwestern Freight Bureau, agent (No. B-44), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from specified points in Alabama, Colorado, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia and Wisconsin, to Zacarter, La.

Grounds for relief—Market competition.

Tariff—Supplement 106 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6743; Filed, June 6, 1969; 8:49 a.m.]

[Notice 844]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 16 TA), filed May 23, 1969. Applicant: PEOPLES EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Containers*, metal, on automated trailers, not more than 1 gallon in capacity, from Paterson, Bayonne, and Pennsauken, N.J., and Maspeth and Menands, N.Y., to Coca-Cola Co., Elmsford, N.Y., for 180 days. Supporting shipper: Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. 10017. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 20872 (Sub-No. 13 TA), filed May 27, 1969. Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, Ind. 46750. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware and articles used in the manufacture, sale, or distribution thereof*, between Huntington, Ind., and the plant and warehouse sites of Corning Glass Works at or near Bluffton, Ind., limited to shipments having immediately prior or subsequent interstate transportation by rail, for 180 days. Supporting shipper: Corning Glass Works, Corning, N.Y. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 30844 (Sub-No. 276 TA), filed May 23, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Boulevard, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Aquariums and household pet cages*, loose or in cartons, and *aquarium accessories, supplies, and equipment*, in straight or mixed shipments, from Maywood, Paterson, and Mahwah, N.J., to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, Alabama, Texas, Louisiana, West Virginia, Kentucky, and Tennessee; and (2) *raw materials and supplies*, used in the manufacture of aquariums and household pet cages, from Maywood, Paterson, and Mahwah, N.J., to Mountain View and Gardena, Calif., for 180 days. Supporting shipper: Metaframe Corp., 87 Route 17, Maywood, N.J. 07607. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 39871 (Sub-No. 3 TA), filed May 28, 1969. Applicant: EDWARD M. HOWEY, doing business as HOWEY'S EXPRESS, 666 Tatum Street, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores, and in connection therewith, *equipment, materials, and supplies* used in the distribution and sale of such commodities, except commodities in bulk, between points in Pennsylvania, Delaware, New Jersey, and New York, for 180 days. Supporting shipper: Cotter & Co., 2740 Clybourn Avenue, Chicago, Ill. 60614. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 41951 (Sub-No. 7 TA), filed May 27, 1969. Applicant: WHEATLEY TRUCKING, INC., Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Robert Bromwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods* in containers (not bulk or frozen), from plant and warehouse site, Cambridge, Md., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Ohio, Michigan, and that part of Virginia lying on and east of Highway 1 and points in North Carolina and Connecticut, for 180 days. Supporting shipper: Bumble Bee Seafoods, Cambridge, Md. 21613, O. D. Howell, Assistant Plant Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 41951 (Sub-No. 8 TA), filed May 27, 1969. Applicant: WHEATLEY TRUCKING, INC., Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Robert Bromwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods, canned seafood*, in containers (not bulk or frozen), from plant and warehouse site Cambridge, Md., to points in Alabama, Georgia, Florida, Tennessee, South Carolina, for 180 days. Supporting shipper: Bumble Bee Seafoods, Cambridge, Md. 21613, O. D. Howell, Assistant Plant Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 95540 (Sub-No. 743 TA), filed May 22, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Clyde W. Carver, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs* (not coldpack or frozen), from Waterloo, Red Creek, Rushville, Egypt, Penn Yan, Lyons, Newark, Fairport, and Syracuse, N.Y., to Jacksonville, Tampa, and Miami, Fla.; Orangeburg, Charleston, Greenville, and Columbia, S.C.; Albany and Forest Park, Ga.; Nashville, Chattanooga, Knoxville, and Memphis, Tenn.; Birmingham, Montgomery, Mobile, and Dothan, Ala.; Dallas, Fort Worth, Lubbock, Houston, Abilene, Beaumont, Austin, Corpus Christi, San Antonio, and Weslaco, Tex.; Shreveport, La.; Tulsa and Oklahoma City, Okla.; Little Rock, Ark.; Lexington and Louisville, Ky.; Raleigh, Kinston, Charlotte, Greensboro, and Winston-Salem, N.C.; Bluefield and Huntington, W. Va.; and Richmond, Roanoke, Bristol, and Norfolk, Va.; for 180 days. Supporting shippers: Borden, Inc. Foods Division Comstock-Greenwood Foods, 1000 South Main Street, Newark, N.Y. 14513. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 97825 (Sub-No. 5 TA), filed May 21, 1969. Applicant: LOUISIANA MIDLAND TRANSPORT COMPANY, 3679 Florida Street, Baton Rouge, La. 70806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in packages, and in bulk, in tank or other bulk-type carrying vehicles, restricted to ex-rail traffic having a prior movement by rail from Selma (Jefferson County), Mo., from Anchorage, La., approximately 2 miles west of the Mississippi River across from the city of Baton Rouge, La., to points in the following Louisiana Parishes: West Baton Rouge, East Baton Rouge, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, St. John the Baptist north of U.S. Highway 90 and Louisiana Highway 1, St. James, Ascension, Assumption, St. Martin, St. Mary, Iberia, Lafayette, St. Landry, Pointe Coupee, West Feliciana, and Iberville, for 180 days. Supporting shippers: River Cement Co., 10 South Brentwood Boulevard, St. Louis, Mo. 63105. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-40001 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 97904 (Sub-No. 9 TA), filed May 26, 1969. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 2335 Texas Avenue, Knoxville, Tenn. 37921. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Hosiery and hosiery products*, between Loudon and Lenoir

City, Tenn., and Knoxville, Tenn., over U.S. Highway 11 (also over Interstate Highway 75), and (2) *automotive tail pipes, mufflers, clamps, hangers, and accessories*, between Loudon, Tenn., and Knoxville, Tenn., over U.S. Highway 11 (also over Interstate Highway 75), for 180 days. NOTE: Applicant proposes to Interline with all carriers at Knoxville, Tenn. Supporting shippers: Marement Corp., 168 North Michigan Avenue, Chicago, Ill. 60601; and Charles H. Bacon Co., Inc., Lenoir City, Tenn. 37771. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 110264 (Sub-No. 38 TA), filed May 28, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., Post Office Box 3459, Albuquerque, N. Mex. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), between Albuquerque, N. Mex., and Phoenix, Ariz. (1) from Albuquerque over U.S. Highway 66 (Interstate Highway 40) to Flagstaff, Ariz., thence over Arizona Highway 79 (Interstate Highway 17) to Phoenix, and return over the same route, serving all intermediate points; (2) from Flagstaff, Ariz., over U.S. Highway 66 (Interstate Highway 40) to Ashfork, Ariz., thence over U.S. Highway 89 to Prescott, Ariz., thence over Arizona Highway 69 to junction of Arizona Highways 79 and 69 (Interstate Highway 17), thence over Arizona Highway 69 (Interstate Highway 17) to Phoenix, Ariz., and return over the same route, serving all intermediate points; (3) from Gallup, N. Mex., joining Route No. (1) above, to Quemado, N. Mex., over New Mexico Highway 32 to junction of U.S. Highway 60 just west of Quemado, N. Mex., and return over the same route, serving all intermediate points; (4) from Fence Lake, N. Mex., located on New Mexico Highway 32 to Quemado, N. Mex., over New Mexico Highway 36 to junction New Mexico Highway 117, thence over New Mexico Highway 117 to Quemado, N. Mex., and return over the same route, serving all intermediate points; and (5) from Milan, N. Mex., over New Mexico Highway 53 to junction New Mexico Highway 509, thence over New Mexico Highway 509 to Ambrosia Lake, N. Mex., and from junction New Mexico Highway 53 and New Mexico Highway 509 to San Mateo, N. Mex., and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant states it does intend to tack or interline at all points on the proposed routes including but not restricted to Phoenix, Adobe, Holbrook, Winslow, Flagstaff, Ashfork, and Prescott, Ariz., and Albuquerque, Quemado, Grants, and Gallup, N. Mex. Supporting shippers: There are approximately 21 supporting statements from supporting shippers attached to the application, which may be examined here at Washington, D.C., or at the field office named below. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 110789 (Sub-No. 4 TA), filed May 28, 1969. Applicant: JOHN MARSHALL PHILLIPS, doing business as J. MARSHALL PHILLIPS, R.F.D. No. 3, Laurel, Del. 19956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, from points in Lancaster County, Pa., to points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay, for 180 days. Supporting shippers: Raymond E. Townsend & Sons, Frankford, Del. 19945; Warner Co., Philadelphia, Pa. 19103; Ivan M. Martin, Inc., Blue Ball, Lancaster County, Pa. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 111434 (Sub-No. 76 TA), filed May 28, 1969. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from Fort Morgan, Colo., to points in Wyoming, points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver Counties, Okla., for 180 days. Supporting shipper: J. C. Jensen, General Traffic Manager, The Great Western Sugar Co., Post Office Box 5308, Denver, Colo. 80217. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 113678 (Sub-No. 351 TA), filed May 22, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Those commodities normally used by and dealt in by restaurants* (except meats, meat products, meat byproducts, and articles distributed by meat packinghouses), from the distribution warehouse of Mr. Steak, Inc., and shipping facilities used by Mr. Steak at Denver, Colo., to points in Alabama, Kentucky, North Carolina, Tennessee, Virginia, Florida, South Carolina, and Mississippi, for 180 days. Supporting shipper: National Marketing & Leasing Corp., a division of Mr. Steak, Inc., 5100 Race Court, Denver, Colo. Send protests to: Herbert C. Rouff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo.

No. MC 114106 (Sub-No. 74 TA), filed May 29, 1969. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato starch*, dry, in bulk, from Greer, S.C., to points in North Carolina, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., Post Office Box 151, Decatur, Ill. 62525. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 114969 (Sub-No. 29 TA), filed May 26, 1969. Applicant: PROPANE TRANSPORT, INC., Post Office Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James M. Roudebush (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Oregon, Ohio, to points in Hillsdale and Lenawee Counties, Mich., and points in that part of Monroe County, Mich., on and west of U.S. Highway 23, for 180 days. Supporting shipper: Sun Oil Co., 1819 Woodville Road, Post Office Box 920, Toledo, Ohio 43601. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119315 (Sub-No. 10 TA), filed May 27, 1969. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, Suite 1650, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass tub and shower stalls*, from the plantsite of the Kohler Co. at Toledo, Ohio, to points in Michigan and West Virginia; and *refused, damaged, and rejected shipments*, from the above-destination States to the plantsite of the Kohler Co. at Toledo, Ohio, for 180 days. Supporting shipper: Kohler Co., Kohler, Wis. 53044. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 119917 (Sub-No. 24 TA), filed May 27, 1969. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, and candy and confectionery; and advertising and printed matter, store display racks and stands, and related equipment and supplies*, when moving in conjunction with and as a part of the same shipment with bakery products and candy and confectionery, from Macon, Ga., to points in Florida, for 180 days. Supporting shipper: Keebler Co., 677 Larch Avenue, Elmhurst, Ill. 60126. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 124816 (Sub-No. 2 TA), filed May 28, 1969. Applicant: N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, N.J. 08902. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe, conduit pipe, iron or steel articles, and accessories* incidental to the installation of pipe, from South Brunswick Township, Middlesex County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and Washington, D.C., for 180 days. NOTE: Applicant intends to tack with MC 124816 and (Sub 1). Supporting shipper: Wheeling Corrugating Co., a division of Wheeling Steel Corp., General Offices, Wheeling, W. Va. 26003. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133302 (Sub-No. 2 TA), filed May 26, 1969. Applicant: WICHITA-SOUTHEAST KANSAS TRANSIT, a corporation, 624 East Morris, Wichita, Kans. 67211. Applicant's representative: Paul V. Dugan, 1400 Wichita Plaza, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Wichita, Kans., to points in Southeast Kansas, and return, as follows: Between Wichita, Kans., and points beginning at Beaumont, Kans., on Kansas Highway 96 to junction Kansas Highway 96 and Kansas Highway 99 and U.S. Highway 54 to Eureka, Kans., thence over U.S. Highway 54 to Kansas-Missouri State line east of Fort Scott, Kans., also, from Severy, Kans., 1 mile south of junction of Kansas Highway 96 and Kansas Highway 99 over Kansas Highway 99 and Kansas Highway 96 to junction Kansas Highway 96 and U.S. Highway 196 east of Independence, Kans., thence over U.S. Highway 196 to Kansas-Oklahoma line south of Coffeyville, Kans., serving to, from, and between all points in Sedgwick, Butler, Greenwood, Allen, Woodson, Bourbon, Wilson, Neosho, Crawford, Montgomery, Labette, and Cherokee Counties, Kans., between Wichita, Kans., and Eureka, Kans., from Wichita, Kans., over Kansas Turnpike to El Dorado Exchange, thence over Kansas Highway 254 to junction Kansas Highway 254 and U.S. Highway 54 to Eureka, and return over the same route, serving no intermediate points, for operating convenience only.

Between Wichita and points on following highway routes and return over same, serving following towns and cities on Kansas Highway 96, Beaumont, Piedmont, Fall River Dam Site, Fall River, Fredonia, Neodesha, Sycamore, Altamont, Oswego, Hallowell, and Columbus, Kans. Serving the following towns and cities on Kansas Highway 47, Fredonia, Altoona, thence over Kansas Highway 47 and U.S. Highway 59, thence over U.S. Highway 59 to junction of U.S. Highway 59 and Kansas Highway 57, serving the following towns and cities on Kansas Highway 57, St. Paul, Greenbush, Girard, and Ringo, thence to junction Kansas Highway 57 and U.S. Highway 69, serving the following towns and cities on Kansas Highway 54, Eureka, Neal, Batesville, Yates Center, Iola, Gas, La Harpe, Moran, Bronson, Uniontown, and Fort Scott. Serving the following towns and cities on Kansas Highway 105, Toronto and Toronto Dam Site. Also using Kansas Highway 37 as an alternate route between U.S. Highways 75 and 160. Serving the following towns and cities on U.S. Highway 160, Independence, Parsons, Service (Kansas Gas & Electric Plant), Strauss, and Cherokee, to junction of U.S. Highways 160 and 69. Serving the following towns and cities on U.S. Highway 169, Iola, Bassett, Humboldt, Chanute, Earlton, Thayer, Morehead, Cherryvale, Coffeyville, serving following towns and cities on U.S. Highway 166, Coffeyville, Valeda, Bartlett, Chetopa, Melrose, and Baxter Springs, Kans. Serving McCune, Kans., on Kansas Highway 126. Serving the following towns and cities on U.S. Highway 75, Yates, Center, Buffalo, Altoona, Buffville, Neodesha, Sycamore, and Independence at the junction of U.S. Highways 160 and 96. Serving Mound Valley, Kans., on Kansas Highway 222, Dennis, Kans., on Kansas Highway 133, Edna, Kans., on Kansas Highway 101, Weir, Kans., on Kansas Highway 103, Roseland and West Mineral, Kans., on Kansas Highway 102.

Serving the following towns and cities on U.S. Highway 69, Fort Scott, Arma, Franklin, Frontenac, and Pittsburg, then on the junction of U.S. Highway 69, Kansas Highways 96 and 26 to serve the city of Crestline, then Kansas Highway 26 to junction of Kansas Highway 26 and U.S. Highway 66 to serve cities of Galena and Riverton, then to junction of U.S. Highways 66 and 166, then on U.S. Highway 166 to junction of U.S. Highways 166 and 69 to serve city of Treece. Serving Galesburg, Urbana, and Shaw, Kans., on unnumbered county road, Elsmore on Kansas Highway 203, Erie, on Kansas Highway 108, South Mound on unnumbered county road, Montana and Labette on unnumbered county road, Walnut on Kansas Highway 146, Brazilton and Helper on Kansas Highway 3, Farlington, Girard, Beulah, Cherokee, and Scammon on Kansas Highway 7, thence on to junction of Kansas Highways 7 and 96, and serving Sherman, Redfield, Englevale, Sherwin, Monmouth, Capaldo, Odense, Brooks, Arden, and Skidmore, Kans., on unnumbered county roads, for 180 days. NOTE: Applicant states it will interline with numerous other carriers at Wichita, Kans. Supporting shippers: Cameo Industries, Inc., Post Office Box 150, Columbus, Kans. 66725, Humboldt Packaging, Inc., 824 Bridge Street, Humboldt, Kans. 66748, Independent Manufacturing Co., Inc., Neodesha, Kans. 66757, Iola Marine Co., 513 North State, Iola, Kans., Kansas Bank Note Co., Fifth and Jefferson Streets, Fredonia, Kans. 66736, Mid-America Dairymen, Inc., Erie, Kans. 66534, Superior Concrete Accessories, Inc., Post Office Box 768, Parsons, Kans. 67357, and Vallis-Wngroll Business Forms Co., Inc., Cherryvale, Kans. 67335. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 133615 (Sub-No. 2 TA), filed May 27, 1969. Applicant: RAYMOND R. NELSON AND PATRICK D. FITZMORRIS, a partnership, doing business as BRICK CARTAGE CO., 882 East 52d Place North, Tulsa, Okla. Applicant's representative: Raymond L. Nelson, 882 East 52d Place North, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile and related masonry items*, from points in Missouri, Oklahoma, Texas, Arkansas, and Kansas to points in Missouri, Oklahoma, Texas, Arkansas, and Kansas, for 180 days. Supporting shipper: Chandler Materials Co., 1723 South Boston, Tulsa, Okla. 74101; Elgin-Butler Brick Co., Post Office Box 1947, Austin, Tex. 78767. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133685 (Sub-No. 1 TA), filed May 27, 1969. Applicant: CARROLL TRUCKING, INC., 8001 Douglas Avenue, Gaithersburg, Md. 20760. Applicant's representative: Martin Sterenbuch, 1120 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plumbing supplies and fixtures, and electrical supplies*, from Frederick Junction, Md., to points in Maryland, the District of Columbia, points in Adams, Cumberland, Franklin, and York Counties, Pa., points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Warren Counties, Va., and Alexandria, Va., and points in Berkeley, Grant, and Jefferson Counties, W. Va.; and returned shipments of the above-specified commodities, from the above-described destination points to Frederick Junction, Md. Restriction: The operations herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Wickes Lumber and Building Supplies Division of the Wickes Corp., Frederick Junction, Md., for 150 days. Supporting shipper: Wickes Lumber and Building Supplies Division, Wickes Corp., Frederick Junction, Md. 21701. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133739 TA, filed May 19, 1969. Applicant: KINGSVILLE MOVING & STORAGE, INC., 517 South Sixth Street, Kingsville, Tex. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Texas, in specially designed containers, and further restricted to pickup

and delivery service incidental to and in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between Kingsville, Tex., on the one hand, and, on the other, points within a 25-mile radius of Kingsville, for 150 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif.; and MTMTS, Washington, D.C. Send protests to: Richard B. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, Tex.

No. MC 133756 (Sub-No. 1 TA), filed May 28, 1969. Applicant: BEAVER TRANSPORT COMPANY OF INDIANA, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from Fort Wayne, Ind.; to Dale, New Albany, and Richmond, Ind.; East Bernstadt, Fort Knox, Greenville, Lexington, Nicholasville, and Louisville, Ky., for 150 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402 (Paul Stepner, General Traffic Manager—Operations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

MOTOR CARRIER OF PASSENGERS

No. MC 129524 (Sub-No. 2 TA), filed May 27, 1969. Applicant: MALVERN JOHN REID, doing business as REID BUS LINE, 1107 Seventh Street, Harlan, Iowa 51537. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers; (1) between Defiance and Irwin, Iowa; and (2) between all points located on and within the following territory, beginning, from junction of Iowa Highway 64 and Iowa Highway 83, 1 mile north of Neola, Iowa, eastward over Iowa Highway 83 to junction of unnumbered road approximately 4 miles east of Marne, Iowa, thence northward over unnumbered road to Elk Horn, Iowa, thence over Iowa Highway 173 to junction of Iowa Highway 64, thence over Iowa Highway 64 westward to junction of U.S. Highway 59, thence northward over U.S. Highway 59 to junction of Iowa Highway 37, thence over Iowa Highway 37 to junction of Iowa Highway 191, thence over Iowa Highway 191 to junction of Iowa Highway 64, thence over Iowa Highway 64 to starting point junction of Iowa Highway 83, 1 mile north of Neola, Iowa. Applicant also requests permission to conduct special or chartered party service from all points on it's regular route (between Omaha and Harlan, Nebr.), and points on the above-referred to routes to all points in the United States, except Alaska and Hawaii, for 150 days. Supported by: There are supporting statements from some 23 potential customers, which statements may be examined here at the Commission's offices in Washington, D.C., or at the field office named below. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6744; Filed, June 6, 1969; 8:49 a.m.]

[Notice 358]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71163. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Abb's Moving Service, Inc., 554 South Royal Street, Mobile, Ala. 36601, of the operating rights in certificates Nos. MC-110475 and MC-110475 (Sub-No. 1) issued June 6, 1949, and March 13, 1951, to H. Abb Wooldridge, Jr., doing business as Abb's Moving Service, 554 South Royal Street, Mobile, Ala. 36601, authorizing the transportation of household goods, over a regular route, between New Orleans, La., and Mobile, Ala., serving all intermediate points and certain off-route points, and, over irregular routes, between points within 200 miles of Mobile, Ala., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee; and new furniture, and new office, hospital, and store fixtures, uncrated and unpacked, over irregular routes, between Mobile, Ala., and points within 50 miles thereof, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

No. MC-FC-71141. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Matthew C. Zima, doing business as R and M Trucking Co., Goodwin Road, Manitowoc, Wis. 54220, the operating rights of Matthew C. Zima and Richard A. Zima, doing business as R. & M. Trucking Co., Goodwin Road, Manitowoc, Wis. 54220, authorizing the transportation of homing pigeons, in seasonal operations during April 15 to October 15, both inclusive, of each year, between Sheboygan, Manitowoc, Two Rivers, Green Bay, Kaukauna, Appleton, Menasha, Neosho, Oshkosh, and Fond du Lac, Wis., on the one hand, and, on the other, Britt, Iowa, Winona, Red Wing, Rochester, Mankato, and New Ulm, Minn., Norfolk, Nebr., Chilton, Omro, New Libson, Sparta, and Wisconsin Rapids, Wis., and Huron, Mitchell, Webster, and Pierre, S. Dak.

No. MC-FC-71230. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Edward Vesely and Frances Vesely, a partnership, doing business as Vesely Brothers "The Movers," Post Office Box 455, Fayette City, Pa. 15438, of the operating rights in certificates Nos. MC-51518 and MC-51518 (Sub-No. 1) issued August 9, 1966, and May 13, 1969, respectively, to Peter Vesley, Edward Vesely, and Frances Vesely, a partnership, doing business as Vesely Brothers "The Movers," Post Office Box 455, Fayette City, Pa. 15438, authorizing the transportation, over irregular routes, of household goods between points in that part of Pennsylvania bounded by a line beginning at Pittsburgh, Pa., and extending along U.S. Highway 30 to Greensburg, Pa., thence along U.S. Highway 119 to Uniontown, Pa., thence along U.S. Highway 40 to Washington, Pa., thence along U.S. Highway 19 to Pittsburgh, including points on said highways, on the one hand, and, on the other, points in West Virginia, Ohio, New York, New Jersey, Michigan,, Maryland, Delaware, Indiana, Illinois, Massachusetts, Virginia, Vermont, Rhode Island, Connecticut, and the District of Columbia; and toilet preparations, soap, cosmetics, and related advertising materials from points in Washington Township (Fayette County), Pa., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa.

No. MC-FC-71338. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Alvarez Shipping Co., Inc., New York, N.Y., of the operating rights in certificate No. MC-77094 issued on August 6, 1942, to Francis J. Helfrich, New York, N.Y., authorizing the transportation of: household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Delaware, New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia, traversing Rhode Island for operating convenience only. Alvin Altman, Brodsky, Linett, and Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-71342. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Jopa, Inc., Lexington, Mass., of the operating rights in certificate No. MC-1845 issued March 18, 1949, to E. Hammond & Sons, Inc., Burlington, Mass., authorizing the transportation of household goods, as defined by the Commission, between points in Middlesex County, Mass., on the one hand, and, on the other, points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, Maine, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia; and between Boston, Mass., on the one hand, and, on the other, points in Maine, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6745; Filed, June 6, 1969; 8:49 a.m.]

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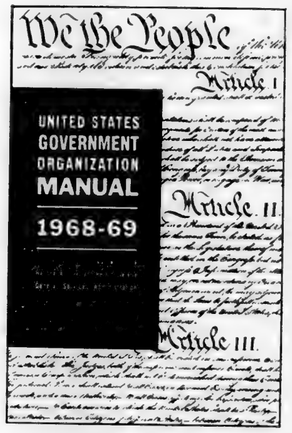

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Title 3—THE PRESIDENT

Proclamation 3917

PROFESSIONAL PHOTOGRAPHY WEEK IN AMERICA

By the President of the United States of America

A Proclamation

Photography is one of the most versatile tools in the service of mankind.

In addition to photography's traditional role of memorializing the lives, the work, and the culture of our people, it plays an important part in education, industry, commerce, and the sciences.

More than 150,000 men and women are engaged in this profession, contributing over a billion dollars to our economy.

But photography is more than a pleasurable hobby or a commercial medium; it is a universal language which demonstrates that people throughout the world share many of the same problems and the same aspirations. As a means of communication, it makes a substantial contribution to world understanding and progress.

As a tribute to the importance of professional photography in American life, the Congress, by Senate Joint Resolution 77, has requested the President to issue a proclamation designating the period beginning June 8, 1969, and ending June 14, 1969, as Professional Photography Week in America.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of June 8 through June 14, 1969, as Professional Photography Week in America; and I call upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of June, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-6928; Filed, June 9, 1969; 12:06 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SO–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dothan, Ala., control zone.

The Dothan control zone is described in § 71.171 (34 F.R. 4557). In the description, the Baker's Skytel Airport is included. Since this airport has been abandoned, it is necessary to alter the description by deleting the portion that pertains to this airport.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Dothan, Ala., control zone is amended to read:

DOTHAN, ALA.

Within a 5-mile radius of Dothan Airport (lat. 31°19'10" N., long. 85°27'30" W.); within 2 miles each side of the Dothan VORTAC 156° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 29, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-6808; Filed, June 9, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1969

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245), as amended, is to determine and prorate or allocate additional deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1969 findings were heretofore made (34 F.R. 5425, 6469, 7325) that Puerto Rico was unable to fill its quota by 700,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico totaling 700,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 100,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1969 quota for Puerto Rico of 800,00 short tons, raw value. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

On the basis of information available to the Department it is herein determined that Haiti will be unable to fill its statutory share of any additional deficits from other areas during the calendar year 1969. Therefore, none of the additional deficit is herein prorated to Haiti nor is any prorated to the Republic of the Philippines and Peru since the Department has previously determined that they will be unable to supply during 1969 any sugar in excess of their quotas currently in effect. Pursuant to section 204(a) of the Act, 50,000 short tons, raw value, of the additional deficit is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, which are able to supply additional sugar. The remainder of the deficit equal to 50,000 short tons, raw value, is allocated herein to the Dominican Republic pursuant to the following determination issued by the President.

THE WHITE HOUSE

WASHINGTON

MAY 23, 1969.

Memorandum for: The Secretary of Agriculture.

Subject: Finding pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965.

In view of the restoration of stable political conditions in the Dominican Republic and the establishment of a democratically elected Government, in accordance with the recommendation of the Conference Report on the Sugar Act Amendments of 1965, that the President use his authority to assign deficits to provide additional quota for the Dominican Republic if the political situation in that Republic warrants such action, and pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965, I hereby determine that as an integral part of the continuing United States support for constitutional government and economic progress in the Dominican Republic in 1969 it would be in the national interest to give the Dominican Republic a special allocation of 50,000 short tons of sugar and its pro rata share of normal deficit allocations that might be declared in 1969.

You are directed to take the necessary steps to allocate deficits in accordance with this finding.

RICHARD M. NIXON.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.71, 811.72, and 811.73 as follows:

1. Section 811.71 is amended by amending paragraph (a)(2) to read as follows:

§ 811.71 Quotas for domestic areas.

(a) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 800,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * * *

2. Section 811.72 is amended by adding a new subparagraph (a)(4) to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a)(1) * * *

(4) The additional deficit in the Puerto Rican quota of 100,000 short tons, raw value, determined in paragraph (a)(2) of § 811.71 is hereby prorated and allocated, pursuant to section 204(a) of the Act to Western Hemisphere countries named in section 202(c)(3)(A) of the Act, which are able to supply such additional sugar. In accordance with a Presidential Memorandum dated May 23, 1969, 50,000 short tons, raw value, of the deficit proration is herein allocated to the Dominican Republic. The remainder of the deficit totaling 50,000 short tons, raw value, is prorated to Western Hemisphere countries on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1969 (34 F.R. 7325).

3. Section 811.73 is amended by amending paragraph (c) to read as follows:

§ 811.73 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1969, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendments 2, 3, and 4 of § 811.73 are shown in column (3). In column (4) the additional deficit in the quota for Puerto Rico amounting to 100,000 short tons, raw value, is herein prorated and allocated to Western Hemisphere countries listed in section 202 (c)(3)(A) of the Act, which are able to supply such additional sugar, as set forth in paragraph (a)(4) of § 811.72.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations and allocation	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	226,331	242,117	144,737	11,502	624,687
Dominican Republic	221,353	236,793	141,554	61,249	660,949
Brazil	221,353	236,793	141,554	11,249	610,949
Peru	176,556	188,869	77,461	0	442,886
British West Indies	88,424	73,900	50,596	3,994	216,914
Ecuador	32,208	34,454	20,597	1,637	88,896
French West Indies	27,816	23,246	15,916	1,256	68,234
Argentina	27,230	29,130	17,413	1,384	75,157
Costa Rica	26,059	27,877	16,665	1,324	71,925
Nicaragua	26,059	27,877	16,665	1,324	71,925
Colombia	23,424	25,057	14,979	1,190	64,650
Guatemala	21,960	23,491	14,044	1,116	60,611
Panama	16,397	17,541	10,486	833	45,257
El Salvador	16,104	17,228	10,299	818	44,449
Haiti	12,297	13,155	7,864	0	33,316
Venezuela	11,126	11,902	7,115	565	30,708
British Honduras	6,441	5,383	3,685	291	15,800
Bolivia	2,635	2,818	1,685	134	7,272
Honduras	2,635	2,818	1,685	134	7,272
Australia	105,407	87,530			192,937
Republic of China	43,919	36,471			80,390
India	42,163	35,012			77,175
South Africa	31,036	25,772			56,808
Fiji Islands	23,131	19,208			42,339
Thailand	9,662	8,024			17,686
Mauritius	9,662	8,024			17,686
Malagasy Republic	4,978	4,133			9,111
Swaziland	3,806	3,161			6,967
Ireland	5,351	0			5,351
Bahamas	10,000	0			10,000
Total	1,475,523	1,467,784	715,000	100,000	3,758,307

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, 207, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended and 932; 7 U.S.C. 1111, 1112, 1114, 1117, 1153)

Effective date. This action establishes additional sugar quota deficits of 100,000 short tons, raw value, and prorates and allocates such deficits to Western Hemisphere countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 5, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-6790; Filed, June 5, 1969; 2:42 p.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(a) The following provision of the order relating to the classification of milk delivered in bulk to a food product processing establishment no longer tends to effectuate the declared policy of the Act and is, therefore, revoked:

In § 1002.41(c)(2), the provision "in hermetically sealed containers".

As a result of this action, § 1002.41(c)(2) now reads as follows:

§ 1002.41 Classes of utilization.

* * * * *

(c) * * *

(2) Disposed of as a fluid milk product in bulk to any establishment (other than a plant defined in § 1002.8) at which food products are processed and packed and at which establishment there is no disposition of fluid milk products other than those received in consumer packages for consumption on the premises;

* * * * *

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Effective July 1, 1968 (33 F.R. 8201) the New York-New Jersey order was amended to change the milk classification, pricing and accounting procedures to fit the New York State milk standardization law. In conjunction with the new accounting system (skim milk and butterfat accounting) changes were made to provide for two milk classes in lieu of the three classes then provided.

The present provisions of § 1002.41(c)(2) were initially adopted in the New York order (then Part 927) effective January 1, 1952, to accommodate a surplus use classification for butterfat leaving a plant in the form of bulk milk and moving to an establishment other than a plant for use by food processors under specified circumstances. No similar provision was necessary with respect to skim milk which was separated and so moved since classification of milk under such circumstances was conditioned on the dispostion of the butterfat only.

The conforming changes made in said § 1002.41(c)(2) to effect the new skim milk and butterfat accounting procedure would require a Class I classification on all skim milk and butterfat in fluid milk products moved to an establishment other than a plant for processing into food products unless there is some processing and packaging in hermetically sealed containers.

With respect to fluid milk products other than milk per se, this is a departure from the classification which would have applied under the former order. Such inadvertent classification change was not a matter of consideration at the hearing and was not necessary to effect the change in accounting procedure.

Such an application of the order would deter the use of certain traditional outlets for disposition of skim milk in excess of the market's fluid requirements and thus impede the orderly disposition of the market's reserve milk supply.

In light of these considerations, the reference in § 1002.41(c)(2) to "in hermetically sealed containers" no longer tends to effectuate the declared policy of the Act, and is therefore revoked.

Therefore, good cause exists for making this order effective upon FEDERAL REGISTER publication.

It is therefore ordered, That the aforesaid provisions of the order is hereby terminated.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on June 5, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-6785; Filed, June 9, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Contribution to Joint Venture as Extension of Credit

§ 207.104 Contribution to joint venture as extension of credit when the contribution is disproportionate to the contributor's share in the venture's profits or losses.

(a) The Board recently considered the question whether a joint venture, structured so that the amount of capital contribution to the venture would be disproportionate to the right of participation in profits or losses, constitutes an "extension of credit" for the purpose of Regulation G.

(b) An individual and a corporation plan to establish a joint venture to engage in the business of buying and selling securities, including registered equity securities. The individual would contribute 20 percent of the capital and receive 80 percent of the profits or losses; the corporate share would be the reverse. In computing profits or losses, each participant would first receive interest at the rate of 8 percent on his respective capital contribution. Although purchases and sales would be mutually agreed upon, the corporation could liquidate the joint portfolio if the individual's share of the losses equaled or exceeded his 20 percent contribution to the venture. The corporation would hold the securities, and upon termination of the venture, the assets would first be applied to repayment of capital contributions.

(c) In general, the relationship of joint venture is created when two or more persons combine their money, property, or time in the conduct of some particular line of trade or some particular business and agree to share jointly, or in proportion to capital contributed, the profits and losses of the undertaking.

(d) The incidents of the joint venture described above, however, closely parallel those of an extension of margin credit, with the corporation as lender and the individual as borrower. The corporation supplies 80 percent of the purchase price of securities in exchange for a net return of 8 percent of the amount advanced plus 20 percent of any gain. Like a lender of securities credit, the corporation is insulated against loss by retraining the right to liquidate the collateral before the securities decline in price below the amount of its contribution. Conversely, the individual—like a customer who borrows to purchase securities—puts up only 20 percent of their cost, is entitled to the principal portion of any appreciation in their value, bears the principal risk of loss should that value decline, and does not stand to gain or lose except through a change in value of the securities purchased.

(e) The Board is of the opinion that where the right of an individual to share in profits and losses of such a joint venture is disproportionate to his contribution to the venture:

(1) The joint venture involves an extension of credit by the corporation to the individual;

(2) The extension of credit is to purchase or carry registered equity securities, and is collateralized by such securities; and

(3) If the corporation is neither a bank subject to Regulation U nor a broker or dealer subject to Regulation T, the credit is of the kind described by § 207.1(a) of Regulation G.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g)

Dated at Washington, D.C., this 13th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6772; Filed, June 9, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-113]

PART 16—LIQUIDATION OF DUTIES

Certain Steel Products From Italy; Correction

JUNE 2, 1969.

The first paragraph of the Bureau's notice on the above dated subject, which was published as T.D. 69-113 in the FEDERAL REGISTER for May 6, 1969 (34 F.R. 7328), is corrected to refer to the Tariff Act of 1930, as amended, and to delete the erroneous reference to "the Tariff Act, 1921."

The sixth paragraph of that notice is amended to read: The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Italy the words "Certain Steel Products" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounties declared—Rates" in the column headed "Action."

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-6794; Filed, June 9, 1969; 8:47 a.m.]

[T.D. 69-33]

PART 16—LIQUIDATION OF DUTIES

Sugar Content of Certain Articles From Australia; Correction

MAY 29, 1969.

The third paragraph of T.D. 69-33, which was published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1132), is hereby corrected to read:

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the No. 68-252 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-6795; Filed, June 9, 1969; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

PART 1907—STATE REIMBURSEMENT REQUIREMENT

On April 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6245) to establish a new Part 1907 of Chapter VII of Title 24. Interested persons were given 30 days in which to submit written comments or suggestions on the proposed regulation. Due consideration has been given to all relevant material presented, and the Riot Reinsurance Advisory Board has been fully consulted pursuant to section 1237 of the National Housing Act (12 U.S.C. 1749bbb-17, added by the Urban Property Protection and Reinsurance Act of 1968). The proposed regulation is hereby adopted without change and as

set forth below. In accordance with the provision of 5 U.S.C. 553 permitting immediate effectiveness of interpretative rules and statements of policy, the rule is made effective upon publication.

Part 1907 of Chapter VII of Title 24 is established to read as follows:

Sec.
1907.1 State reimbursement requirement in general.
1907.2 Amount of State share.
1907.3 Timing of State legislation.
1907.4 Source of State share.
1907.5 Timing of State payments.
1907.6 Effect of failure to enact State legislation.
1907.7 Notification of enactment.

AUTHORITY: The provisions of this Part 1907 issued under title XII of National Housing Act, added by Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb–21; 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

§ 1907.1 State reimbursement requirement in general.

(a) Section 1223(a)(1) of the National Housing Act (12 U.S.C. 1749bbb–9), added by the Urban Property Protection and Reinsurance Act of 1968, hereinafter referred to as the "Act," generally prohibits the Secretary of Housing and Urban Development from offering riot loss reinsurance with respect to any line of insurance in a State which does not by August 1, 1969, adopt legislation, retroactive to August 1, 1968, which enables it to reimburse him annually (to the extent necessary) for a portion of the claims he pays in connection with excessive losses which may occur in that State with respect to the line of insurance reinsured. While in many States no actual payment may be required, legislation providing for such payment, if needed, is required for the continued provision of Federal riot loss reinsurance.

(b) The minimum lines of insurance for which State reimbursement legislation is required as a condition of continued Federal reinsurance for any line are: (1) Fire and extended coverage, (2) vandalism and malicious mischief, (3) other allied lines of fire insurance, (4) burglary and theft, and (5) those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph. Optional lines of insurance for which State reimbursement legislation may be enacted on either a group basis or an individual basis are inland marine, glass, boiler and machinery, ocean marine, and aircraft physical damage. But no line of insurance will be eligible for Federal reinsurance in any State after the specified date unless it is included, either explicity or implicity, within the State reimbursement legislation.

§ 1907.2 Amount of State share.

(a) The actual State share is limited to the amount by which the Secretary's total reinsured losses in the State during the current year exceed the total reinsurance premiums received for the same year, and such State share is reduced by (1) any excess of net reinsurance premiums over reinsured losses realized from business in that State since the year for which reimbursement was last required, and (2) any assessments of reinsured companies made under the Federal Standard Reinsurance Contract with respect to the current year.

(b) The maximum State share in any 1 year is an amount equal to 5 percent of the aggregate or total property insurance premiums earned in the State during the preceding calendar year on all lines of insurance for which any reinsurance is provided by the Secretary in the State during the current year, regardless of the number of companies actually purchasing Federal reinsurance.

§ 1907.3 Timing of State legislation.

To enable companies doing business within a State to continue to participate in the Federal reinsurance program, the State must enact the necessary reimbursement legislation within a year after August 1, 1968, when the Federal Act became law. However, if the legislature of a particular State does not meet in regular session between August 1, 1968, and August 1, 1969, the deadline for enactment is extended until the end of the State's next regular legislative session commencing after August 1, 1969.

§ 1907.4 Source of State share.

Funds for the State share may be raised in any constitutional manner consistent with the intent of the Federal Act to place appropriate responsibility upon the State to share in property insurance losses resulting from riots or civil disorders. The Federal Act provides that the Secretary is to be reimbursed by the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law. Thus, the State share should be financed out of general revenues or in some other manner which broadly distributes the burden of property insurance losses resulting from riots or civil disorders.

§ 1907.5 Timing of State payments.

It is not required that funds for the State share be made available in advance of the year in which the losses occur. However, the State legislation must provide for a method of financing the State share which will assure timely reimbursement of the Secretary. It is anticipated that notification by the Secretary as to the amount of the State share due with respect to losses in any given year will not be made until the third quarter of the succeeding year. The State payment will be due and payable approximately 60 to 90 days thereafter.

§ 1907.6 Effect of failure to enact State legislation.

If appropriate legislation is not enacted in a given State within the time specified, no Federal reinsurance may thereafter be offered or made applicable to insurance policies written in that State until such legislation is enacted. However, Federal reinsurance on insurance policies written prior to the specified date for the enactment of the State's reimbursement legislation may be continued for the remainder of the current Federal contract year, which ends on April 30.

§ 1907.7 Notification of enactment.

In order to prevent unnecessary lapses in Federal reinsurance coverage, each State insurance authority is requested promptly to notify the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410, of the date on which the State's reimbursement legislation is effective and to provide him with a copy of the enacted legislation.

Effective date. This part shall be effective on publication in the FEDERAL REGISTER.

WILLIAM B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69–6803; Filed, June 9, 1969; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Claims Collection

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR Ch. II), Part 2 of Subtitle A in Title 29 of the Code of Federal Regulations is amended by adding a new § 2.6 to read as set forth below. Since this amendment concerns only a rule of agency procedure, neither notice of rule making and opportunity for public participation therein, nor delay in effective date are required by 5 U.S.C. 553. Also, it does not appear that such participation or delay would serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

The new § 2.6 reads as follows:

§ 2.6 Claims collection.

(a) *Authority of Department; incorporation by reference.* The regulations in this section are issued under section 3 of the Federal Claims Collection Act of 1966, 31 U.S.C. 952. They incorporate herein and supplement as necessary for Department operation all provisions of the Joint Regulations of the Attorney General and the Comptroller General set forth in 4 CFR, Ch. II, which prescribe standards for administrative collection of civil claims by the Government for money or property, for the compromise, termination, or suspension of collection action, with respect to claims not exceeding $20,000, exclusive of interest, and for the referral of civil claims by the Government to the General Accounting Office, and to the Department of Justice for litigation.

(b) *Designation.* The Assistant Secretary for Administration, and such heads of the Administrations and Offices of the Department of Labor as he may designate for such purpose, is authorized to perform all of the duties and exercise all of the authority of the Secretary under the Federal Claims Collection Act of 1966, the aforementioned Joint Regulations of the Attorney General and the Comptroller General, and the regulations in this section.

(Sec. 3, 80 Stat. 309; 31 U.S.C. 952; and 4 CFR, Ch. II)

Signed at Washington, D.C., this 4th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–6779; Filed, June 9, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

PART 756—NONAPPROPRIATED FUND CLAIMS

Correction

The document amending Part 719 of Chapter VI of Title 32 of the Code of Federal Regulations, published in the FEDERAL REGISTER on May 22, 1969, at 34 F.R. 8022 is corrected by adding "Section 719.102 is amended as follows:" and "§ 719.102 Letters of Censure:" above paragraph (h) in § 719.101.

Such document is further corrected by changing the section number following § 719.111 in Part 719 from § 719.107 to § 719.112.

Finally such document, in so far as it amends Part 756 of Chapter VI of Title 32, is corrected by changing the section number following § 756.2 from § 753.3 to § 756.3.

Dated: June 2, 1969.

J. B. MCDEVITT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 69–6765; Filed, June 9, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 134—THIRD CLASS

Mailing of Merchandise Samples; Correction

In the daily issue of Saturday, June 7, 1969, the Department published a document announcing that the mandatory effective date for the detached label procedure respecting merchandise samples (39 CFR 134.4(d), 34 F.R. 255), would be January 1, 1970.

The effective date should have been stated as of July 1, 1970.

Accordingly, the document published in the issue of June 7, 1969, is hereby corrected by changing the date January 1, 1970, to July 1, 1970.

(5 U.S.C. 301, 39 U.S.C. 501, 4451–4453)

DAVID A. NELSON,
General Counsel.

JUNE 6, 1969.

[F.R. Doc. 69–6890; Filed, June 9, 1969; 9:10 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1969, through March 31, 1970, will amount to $12,900.

(2) That there be fixed, at $0.025 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6804; Filed, June 9, 1969; 8:48 a.m.]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period April 1, 1969, through March 31, 1970, will amount to $12,900.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 915.41, be fixed at $0.04 per bushel of avocados.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6805; Filed, June 9, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 6]

TRADEMARK RULES OF PRACTICE

Classification of Goods and Services

On February 12, 1969, notice of proposed rule making regarding the revision of § 6.1 of Title 37, Code of Federal Regulations, relating to the classification of goods and services under the Trademark Act (15 U.S.C. 1112), was published in the FEDERAL REGISTER (34 F.R. 2052).

The proposed change would have established the "International Classification of Goods and Services to which Trademarks are Applied" (the subject of the "Agreement of Nice concerning the international classification of goods and services to which trademarks are applied. Done at Nice, on June 15, 1957" (550 U.N.T.S. 45), as revised at Stockholm, on July 14, 1967) as the primary and sole classification of goods and services for registration of trademarks and service marks beginning on July 1, 1969.

Notice is hereby given that, pending the completion of further studies, the proposed change will not take effect on July 1, 1969, as was previously announced.

The Patent Office will continue to mark all published applications and registrations with the appropriate international class as a subsidiary classification under the program which was started on March 5, 1968.

Dated: June 6, 1969.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved:

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69–6830; Filed, June 9, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69–EA–42]

AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring modification of the main landing gear door and trolley lever on the Fairchild Hiller F–27 and FH–227 type airplanes.

There has been a report of a landing with the gear in the retracted position which has been attributed to a failure of the main landing gear door trolley mechanism to remain in a secured position, which in turn resulted in overtravel of the main landing gear doors. Since this is a deficiency which exists in other airplanes of the same type design, an airworthiness directive would be issued to provide additional spring loading of the trolley mechanism and modification of the gear doors.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

FAIRCHILD. Applies to F–27 airplanes Serial Nos. 1 through 128 and FH–227 airplanes Serial Nos. 501 through 518 and 520 through 578, certificated in all categories.

To prevent hazards associated with the spring loading of the main landing gear door trolley mechanism, and to prevent overtravel of the main landing gear doors during retraction, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the door trolley locking lever as described in Fairchild Hiller F–27 Service Bulletin 32–73 dated February 25, 1969, for F–27 aircraft, and Fairchild Hiller FH–227 Service Bulletin 32–15 dated February 25, 1969, for FH–227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the main landing gear doors as described in Fairchild Hiller F–27 Service Bulletin 32–74 dated April 10, 1969, for F–27 aircraft and Fairchild Hiller FH–227 Service Bulletin 32–17 dated April 10, 1969, for FH–227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–6807; Filed, June 9, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 70, 150]

MATERIAL STATUS AND NUCLEAR MATERIAL TRANSFER

Reports

On June 27, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 9388) amendments of 10 CFR Part 70, "Special Nuclear Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under section 274," which broadened the application of the Commission's regulations requiring transfer and status reports on special nuclear material. These reports provide information needed by the Commission in carrying out its responsibility for assuring that special nuclear material is adequately safeguarded in the interest of the common defense and security of the United States. The reports also provide the Commission information necessary in billing licensees for sales and for use or loss of, and related charges for, special nuclear material that is leased from the Commission.

In the notice of rule making published June 27, 1968, the Commission advised that it was considering the establishment of a uniform reporting system and development of new report forms for obtaining from licensees quantitative data concerning all special nuclear material received, transferred, consumed and produced, including material transferred to them as contractors and subcontractors of the AEC. Currently, licensees possessing special nuclear material distributed to them by the Commission for the performance of AEC contract work submit transfer and material balance reports—on Forms AEC–101 and AEC–577, respectively—to designated AEC Operations Offices. Special nuclear material which is AEC-leased or privately owned is required to be reported—on Forms AEC–388 and AEC–578, respectively—to the AEC Oak Ridge Operations Office.

The Commission believes that a uniform reporting system—applicable to all special nuclear material possessed by licensees, regardless of its origin or the authority under which the Commission may have distributed the material—will simplify reporting requirements for licensees and also will enable the Commission to achieve greater efficiency in the collection, analysis and use of the reported data in carrying out its responsibilities for safeguarding special nuclear material against unlawful diversion.

Accordingly, the Commission is proposing to amend § 70.53 of 10 CFR Part 70 to require AEC licensees to submit semiannually to the Commission material status reports concerning all special nuclear material received, produced, possessed, transferred, consumed, disposed of or lost, without regard to the origin of the material or the authority under which the Commission may have distributed the material. A new report Form AEC–742 has been developed for this purpose to replace the existing Forms AEC–577 and AEC–578. Similarly, the Commission is proposing to amend §§ 70.54 and 150.16 to require AEC and Agreement State licensees to inform the Commission of each transfer and receipt of special nuclear material involving more than 1 gram of contained uranium-235, uranium-233, or plutonium, regardless of its origin. A new report Form AEC–741 has been developed for this purpose to replace the existing Forms AEC–101 and AEC–388.

Most of the information called for on Forms AEC–741 and AEC–742 is needed by the Commission to carry out its responsibilities for assuring that special nuclear material is adequately safeguarded in the interest of the common defense and security of the United States. In appropriate cases, however, the forms also call for the identification of persons who are financially responsible for AEC-leased material. Submission of such information will be considered by the Commission to be pursuant to the reporting provisions of lease agreements, loan agreements, and other contractual arrangements entered into by the Commission in connection with the distribution of Government-owned special nuclear material. The use of a single form to report both safeguards and financial data will minimize the reporting effort on the part of licensees possessing Government-owned material.

Section 70.53 would be amended to change the reporting dates for material status reports. This change will conform these reporting dates to the reporting dates now in effect for those persons possessing special nuclear material under an AEC special nuclear material lease agreement.

The proposed amendments of Parts 70 and 150 which follow, would change §§ 70.53, 70.54 and 150.16 in certain other respects:

1. Section 70.53 would be revised to delete the requirement for submission by a licensee of status reports concerning special nuclear material not in his possession for which he is financially responsible to the Commission. Such reports, along with material transfer reports, will continue to be required by AEC as a matter of contract or lease administration, but not as a requirement of Part 70.

2. The exception now provided in § 70.53, to the requirement for filing June 30 material status reports under certain conditions, would be deleted, in order that the Commission may obtain positive confirmation every 6 months from licensees who are authorized to possess more than 350 grams of uranium-235, uranium-233, or plutonium, or any combination of these,, concerning their special nuclear material holdings.

3. Sections 70.54 and 150.16 would be revised to specify clearly that nuclear material transfer reports are to be submitted not only to the Commission, but also to the person to whom special nuclear material is transferred; reports reflecting receipt of material would be submitted to the Commission and also to the shipper of the material.

4. Sections 70.54 and 150.16 would be revised to specify that nuclear material transfer reports are not required for shipments involving fractional gram quantities of uranium-235, uranium-233, or plutonium, even if the combination thereof totals 1 gram or more.

5. Certain editorial changes of a clarifying nature would also be made.

Copies of Forms AEC–741 and AEC–742 and related printed instructions are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained by addressing a request to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 70

and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washintgon, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of notice in the FEDERAL REGISTER. Comments after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 70.53 of 10 CFR Part 70 is revised to read as follows:

§ 70.53 Material Status Reports.

Each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit to the Commission Material Status Reports on Form AEC–742, in accordance with printed instructions for completing the form, concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of or lost by the licensee. All such reports shall be made as of March 31 and September 30 of each year and shall be filed with the Commission within thirty (30) days after the end of the period covered by the report. The Commission may permit a licensee to submit Material Status Reports at other times when good cause is shown.

2. Section 70.54 of 10 CFR Part 70 is revised to read as follows:

§ 70.54 Nuclear Material Transfer reports.

Each licensee who transfers and each licensee who receives special nuclear material shall complete and distribute Nuclear Material Transfer Reports on Form AEC–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of one gram or more of contained uranium-235, uranium-233, or plutonium. Each licensee who transfers such material shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each licensee who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

3. Section 150.16 of 10 CFR Part 150 is revised to read as follows:

§ 150.16 Submission to Commission of Nuclear Material Transfer reports.

Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and distribute Nuclear Material Transfer Reports on Form AEC–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of one gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers such material shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 28th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–6756; Filed, June 9, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 18556; FCC 69–581]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Memorandum Opinion and Order

In the matter of amendment of Part 21 of the rules and regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile), Docket No. 18556, RM–1341.

1. Notice is hereby given of proposed rule making to amend Part 21 of the rules and regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile).

2. The services included in Part 21 of the rules have for the past several years been growing at an accelerated rate. To accommodate the need for change occasioned by this growth, individual sections of the rules have been amended periodically. We believe now that an overall examination of Part 21 is warranted with a view toward making the processing of applications and handling of pleadings and proceedings more efficient and expeditious. Approximately 70 recommendations for change were submitted by wire line and nonwire line carriers and associations,[1] as well as a formal petition for rule making filed on August 22, 1968, by United Utilities, Inc. (RM–1341),[2] and made part of this proceeding, seeking an amendment to § 21.15(c)(4) of the rules.

3. As is evident from the material set forth below, we have attempted to accommodate most of the requests, whether for a minor editorial correction or a substantive change to the existing rules. We believe that adoption of the proposed changes will remove ambiguities by incorporating into the rules procedures which through repeated waiver or otherwise have become the accepted norm, and generally serve to update the rules by simplifying certain practices and procedures. Comments and views are requested. The same need not be limited to the changes reflected in the appendix, but may be extended as deemed pertinent.

4. On the basis of several suggestions, it is apparent that Subpart B—Applications and Licenses—requires reorganizing and renumbering. We appreciate that a change of this nature, even when kept at a minimum, could cause some inconvenience at the outset. To aid and facilitate in the transition we have included in the attached appendix a Table of Contents showing both the old and new section numbers. Where sections are used extensively, we have attempted to retain the existing section numbers.[4]

5. In order to eliminate any discrepancies between Part 17 and Part 21 sections, paraphrasing of the requirements detailed in Part 17 have been deleted and direct reference made to the appropriate Part 17 section. Similarly, references to obsolete Form 401–A have been eliminated and where possible the filing of a properly executed copy of Form 714 together with a copy of an antenna sketch substituted.

6. Requests were made for (a) modification of § 21.107 to provide a transmitter with 330 watt output in lieu of the present 250 watts, and (b) amendment to § 21.519(a) to permit rated power output of the transmitter to exceed 25 watts rather than the present 10 watts. Neither proposal is incorporated in the attached appendix since neither has been sufficiently supported to warrant such inclusion at this time. However, we are not foreclosing further consideration of either suggestion should interested parties come forward with a more adequate showing. Section 21.118 has likewise not been amended. The parties contend that

[1] Informal comments were submitted by: American Telephone & Telegraph (AT&T); Dr. Peter Allen Bakal; Communications Industries, Inc. (CI); Motorola Communications and Electronics Inc. (Motorola); National Association of Broadcasters (NAB); National Association of Radiotelephone Systems (NARS); and Clayton E. Niles.

[2] The following responsive pleadings are also before the Commission: Statements in support filed on Oct. 9, 1968, by GT&E Service Corp. and Mid-Continent Telephone Corp. and its subsidiaries operating landline telephone systems; opposition filed on Oct. 9, 1968, by Nicholas Mervos, Jr., Ben Farkas, and Joseph S. Miller, d.b.a. Allegheny Mobile Communications; reply filed Oct. 24, 1968, by United Utilities.

[4] Appropriate corrections in Commission forms will be made where necessary to conform with adopted rule changes.

paragraph (g)[3] of this section had been "unintentionally omitted from the revised rules" and should now be reinstated to permit the section to conform to the present practices for operating fixed radio stations. Paragraph (g) was deleted from Part 21 by order released June 24, 1957 (FCC 57–665, 22 F.R. 4502), because the equipment necessary for compliance therewith was found generally not to be available. In view of this previous Commission action, a separate rule making petition would appear to be the more appropriate vehicle and would afford a more thorough examination of the question of reinstatement or modification.

7. The operating licensees request that the rules be changed to permit (a) replacement of all equipment without prior authorization provided the effective radiated power for each radial does not increase more than 1 decibel or decrease more than 1.5 decibels from that shown in the application filed with the Commission and upon which the current authorization is based, and (b) the replacement of the transmitter within these limits with any transmitter on the Commission's list of transmitters acceptable for licensing in this service. They urge that at the present time for example, in order to institute the use of filters, cavities, or any like equipment to reduce multiple interference problems occasioned by the crowding of more and more stations into an area, or in order to replace an antenna or transmission line when the performance of either had been adversely affected by weather conditions, applications must first be filed evidencing the proposed change, fees must be paid, and correspondence had; and that the need to abide by these prerequisites adds up to unwarranted and unnecessary delays in improving or restoring service to the public.

8. The Commission is aware of the problems encountered by the licensees and/or permittees when changes are required in equipment either because of unforeseen circumstances necessitating remedial action to correct a problem or to take advantage of changes in technologies. We have therefore made some modification in §§ 21.109 and 21.121 as set forth below. These changes, although not completely in conformity with the requests will we believe establish a reasonable accommodation and balance between administrative convenience and the practicalities of a licensee's operation.

9. Several operating RCCs have requested that a new subsection be added to § 21.504 specifying the distribution of the burden of proof upon an applicant and an existing licensee with respect to the need for new service and, particularly, putting upon the applicant the specific burden of establishing that the existing facility is not meeting the needs adequately. They contend essentially that the additional requirement would afford the RCCs the necessary economic protection to strengthen their position, promote an improved service to the public, and reduce "drastically" the Commission's workload by discouraging applications for new facilities in areas where competent carriers are meeting the public need without requiring that they resort to the present remedy which they urge is costly and time consuming. The elements of proof and the burden upon the parties have been established in individual adjudicatory cases, and we do not believe on the basis of the information before us that it is desirable to treat this question on an overall basis in this proceeding by attempting a redefinition or reassignment of the burden of proof in the absence of a particular factual situation.

10. The RCCs seek an amendment to § 21.509(k) to permit (a) communication between a dispatch station and all mobile stations in a system, whether authorized to the particular dispatch station subscriber or another subscriber, and (b) interdispatch station communication where a subscriber has more than one such facility. It is contended essentially that the changes would be conducive to a highly efficient operation in certain interdependent types of businesses.

11. Fundamentally, the Domestic Public Land Mobile Radio Service is intended as a local type of service to permit mobile stations to communicate with and through base stations—or more basically stated, permit communication from or through base stations to mobile units. The base station licensee is authorized to install for a mobile station subscriber or a group of mobile station subscribers, a dispatch station using the mobile station frequency paired with the associated base station frequency but in each instance is required to maintain supervision and control at all times over the mobile and/or dispatch stations in its service. In order to insure the maintenance of station control, the rules provide that each dispatch station be maintained under continuous operational supervision of one or more control points and that each control point be appropriately equipped. It would appear that the instant request would first fragment the licensee's responsibility and would as well alter the basic concept of the Domestic Public Land Mobile Radio Service. However, in view of the crowded conditions of the spectrum and the lack of unlimited frequencies, we believe nevertheless that the dispatch station concept in communication in the mobile service as proposed warrants a thorough review. Since we are unable on the basis of the very limited information available to us to reach any meaningful conclusions, we suggest that the proposal be resubmitted for separate rule making so that the same may be afforded comprehensive consideration.

Rule-making petition. 12. United Utilities in its petition seeks to exclude from the procedural aspect of § 21.15(c)(4) of the rules, the requirement that applications for consent to assignment or transfer of control of licenses be accompanied by a copy of the franchise or other authorizations issued by appropriate regulatory authorities where required by applicable local law. In support, United Utilities contends that the reasonable precautionary measure of prior local authorization necessary at the time of an initial authorization, is not present at the time of transfer of control or assignment of licenses; that the outstanding license or permit establishes the public need and leaves only the question of the qualification of the assignee or permittee; that therefore, the additional delay of approximately 45 days occasioned by a 15-day administrative delay in processing an application prior to public notice and a 30-day wait as required by sections 309(d)(1) of the Act and 21.29 of the rules, is unnecessarily wasteful and contrary to the public interest; that the same could be eliminated if the rule were to be amended to permit the waiting period for local authorization and Commission authorizations to run concurrently. Mid-Continent and GT&E support United Utilities' position. Allegheny Mobile opposes urging that (1) no need has been demonstrated for the proposed amendment, and (2) abandonment of this procedurally sound provision would create rather than alleviate problems.

13. We are not persuaded by United Utilities' arguments that a relaxation of the rule is warranted. The issuance of a franchise is a prerequisite to a grant. It is incumbent on the State PUC to find in the first instance that the proposed service would be in the public interest. The issuance of such a franchise is not merely a ministerial function even in the case where the request is not for an initial grant. Therefore, a delay in the issuance of such a franchise could well result. The Commission would in the interim be processing the applications awaiting such State authorizing notwithstanding that they may remain in pending status for an inordinately long period of time, and in some instances never even reach fruition. At the same time the processing of application with no apparent difficulties or impediments would be unnecessarily delayed. We believe that under these circumstances the concurrent running of time is at best of private convenience to the applicant but at the

[3] § 21.118 Transmitter construction and installation.

* * * * *

(g) Each station operating on frequencies above 500 Mc/s which is authorized to operate during the normal rendition of service without a licensed radio operator or permit holder on duty and in charge of its operation (see also § 21.205(1)), after June 30, 1957, shall be provided with automatic alarm facilities that announce and identify the following conditions to a specified attended alarm center responsible for immediately dispatching qualified service personnel to the station for correction of any unsatisfactory conditions:

(1) Instantaneous deviation (due to modulation plus carrier frequency instability) of transmitter frequency outside of the station's normal limits.

(2) Outage of the station.

(3) Automatic transfer of communications to standby facilities whenever such facilities are provided.

(4) Failure of any antenna obstruction marking light.

expense of the public. Hence, United Utilities' petition will be denied.[4]

Accordingly, it is ordered, That the petition for rule making filed on August 22, 1968, by United Utilities, Inc. (RM–1341), is hereby denied.

14. Authority for the rule amendments as proposed below is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 8, 1969, and reply comments on or before September 12, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: May 28, 1969.

Released: June 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

I. Subpart A of Part 21 is amended as follows:

1. Section 21.1 is amended by the addition of the following definition in appropriate alphabetical sequence:

§ 21.1 Definitions.

* * * * *

Drop point. A term used in the Point-to-Point Microwave Radio Service to designate a terminal point where service is rendered to a subscriber.

* * * * *

II. Subpart B is revised to read as follows:

Subpart B—Applications and Licenses

GENERAL

Sec.		(*Derived from section*)
21.10	Eligibility for station license.	21.11

[4] Mid-Continent contends that the strict interpretation of the rule is of recent origin, with the previous prevailing practice being to give the parties to an assignment or transfer of control application a reasonable period of time within which to supply the State approval. Mid-Continent asks that the former more lenient approach now become the accepted rule. However, Mid-Continent's basic premise is not completely accurate—the Commission's previous action of leniency stemmed not from any intention or relaxing the rule, but was caused rather by the then existing backlog in the processing of applications which prevented immediate discernment of any defect in the application. A reduction in the backlog has since permitted the proper application of the rule.

[1] Commissioner Bartley absent; Commissioner Cox abstaining from voting.

Subpart B—Application Licenses

Sec.		(*Derived from section*)
21.11	Station authorization required.	21.10
21.12	Formal and informal applications.	21.12 & 21.14
21.13	Place of filing applications, fees, and number of copies.	21.12
21.14	Forms to be used	21.29
21.15	Content of applications.	21.15
21.16	Who may sign applications.	21.13
21.17	Additional statements.	21.16
21.18	[Reserved]	
21.19	[Reserved]	
21.20	Defective applications.	21.20
21.21	Inconsistent or conflicting applications.	21.21
21.22	Repetitious applications.	21.22
21.23	Amendment of applications.	21.23 & 21.33
21.24	Form of amendments to applications.	21.17 & 21.18
21.25	Application for temporary authorizations.	21.19 & 21.27

PROCESSING OF APPLICATIONS

21.26	Receipt of application.	21.20
21.27	Processing of applications.	21.27
21.28	Dismissal and return of applications.	21.24
21.29	Partial grants.	21.25
21.30	Grants without hearing.	21.26
21.31	Conditional grants.	21.27
21.32	Transfer and assignment of station authorization.	21.28
21.33	Period of construction.	21.30
21.34	Forfeiture of station authorizations.	21.31
21.35	License period	21.32

Subpart B—Applications and Licenses

GENERAL

§ 21.10 Eligibility for station license.

A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which any officer or director is an alien.

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

GENERAL FILING REQUIREMENTS

§ 21.11 Station authorization required.

No radio transmitter shall be operated in the Domestic Public Radio Services except under and in accordance with a station authorization granted by the Federal Communications Commission.

§ 21.12 Formal and informal applications.

(a) Formal applications. To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Domestic Public Radio Services (Other Than Maritime Mobile) are discussed within this subpart and may be obtained from the Secretary, Federal Communications Commission, Washington, D.C. 20554, or from any of the Commission's engineering field offices, the addresses of which are listed in § 0.121 of this chapter.

(b) Informal applications. An application not submitted on a standard form prescribed by the Commission is an informal application, and will be accepted only in those cases where standard forms are not applicable. Each informal application shall be submitted in duplicate, normally in letter form in the manner prescribed in § 21.14 (a), (b), (c), (d), and § 21.16. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 21.13 Place of filing applications, fees, and number of copies.

(a) Every application for a radio station authorization, except applications for stations located in Alaska, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington, D.C. 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

(b) Applications for authorizations under this part for stations in Alaska shall be submitted to the Federal Communications Commission, Radio District No. 14, Room 802, Federal Office Building, Seattle, Wash. 98104, attention of the Engineer-in-Charge. Each such application shall be accompanied by the applicable nonrefundable fee set forth in paragraph (b) of this section.

(c) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(d) Each application, including exhibits and attachments thereto, for station authorization in Alaska shall be filed with one copy more than the number of copies indicated in this part for stations located elsewhere.

§ 21.14 Forms to be used.

(a) *Application for construction permit for base, auxiliary test and fixed stations.* A separate application for construction permit shall be submitted for each base, each auxiliary test, and each fixed station on FCC Form 401: *Provided, however*, That in the case of fixed stations to be installed at temporary locations, as set forth hereinafter in the applicable subparts of these rules, where the equipment utilized is of such design as to comprise a "packaged" unit which is ready for installation and use with only nominal construction, request may be made for waiver of the construction permit and for the immediate issuance of a license: *And provided further*, That an application for an auxiliary test station may be combined with that of the base station with which such auxiliary facility is to be associated when both are at the same location. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however*, In the Domestic Public Land Mobile Radio Service, an application for license for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data fursished therein in all particulars is clearly differentiated between the landmobile and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of installations in the Domestic Public Land Mobile Radio Service. Applications for mobile stations in the Domestic Public Land Mobile Radio Service which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15(i).

(c) *Application for modification of construction permit.* Under circumstances requiring deviation from the terms of a construction permit, before such deviations are begun, application for modification of construction permit shall be submitted on FCC Form 401. No changes shall be effected until authorized by the Commission through issuance of an appropriate modified construction permit.

(d) *Application for extension of expiration date of construction permit.* Application for extension of time within which to complete construction of a station shall be filed on FCC Form 701 at least 30 days prior to the expiration date of such permit, if the facts supporting such application for extension are known to applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing, satisfactory to the Commission, of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension (see also § 21.34(a)).

(e) *Application for station license.* Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit and upon satisfactory completion of equipment tests in accordance with § 21.212 (a), an application for license to operate the station should be filed on FCC Form 403 prior to the expiration date of the construction permit (see also § 21.34(a)).

(f) *Renewal of station license.* Unless otherwise directed or permitted by the Commission, each application for renewal of license other than special temporary authorizations shall be submitted on FCC Form 405 not less than 30 days nor more than 60 days prior to the expiration date of the license sought to be renewed. Expiring developmental authorizations may be renewed only upon a factual showing of need beyond the expiration date of the authorization sought to be renewed. A blanket application may be submitted for renewal of a group of station licenses in the same service in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such application shall be clearly identified therein, and sufficient copies of such blanket application shall be filed so as to provide at least two copies thereof for each station affected. Special temporary authorizations may be extended upon informal written requests. (See §§ 21.405(b) and 21.511.)

(g) *Application for modification of station license.* An application for modification of any station license in these services may be filed at any time during the term of that license. Application for modification of a station license shall be made on FCC Form 403 and shall be submitted in duplicate not less than 60 days prior to the date contemplated for such modification, unless otherwise permitted.

(h) *Application for consent to assignment, or transfer of control of corporation holding radio station construction permit or license.* (1) An application on FCC Form 702 or FCC Form 704, as the circumstances require, shall be submitted to the Commission when a construction permit or license, or the control of a corporation holding such permit or license, is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property of the station pursuant to a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Applications filed on FCC Form 702 or FCC Form 704 shall be accompanied by a factual showing by the assignee of his legal, financial, technical, and other qualifications to be the licensee of the radio facilities described in such application. Upon completion of an approved transfer, written notification thereof shall be filed with the Commission.

(2) In the Point-to-Point Microwave Service, authorization for assignment from one operating company to another of only a part or portions of the facilities (transmitters) authorized under an existing construction permit or license (as distinguished from an assignment of the facilities in their entirety), shall be granted upon an application by the assignee on FCC Forms 401 or 403, as the situation requires, and by the assignor on FCC Form 403 for deletion of the assigned facilities, indicating concurrence in the request. Where the assigned facilities are to be incorporated into an existing license, the assignee shall only file an FCC Form 403; where a new station is to be established, FCC Forms 401 and 403 shall be submitted complete with a factual showing by the assignee of his legal, financial, technical, and other qualifications to be a licensee of the radio facilities described in the application. The assignment shall be completed within 60 days from the date of authorization.

(i) *Application for authority to operate mobile units of Canadian registry in the United States.* Applications for authority to operate mobile units of Canadian registry within the United States shall be made upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington D.C. 20554. Forms may be obtained from the FCC Secretary or from the Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada.

(j) *Applications for authority to operate mobile units in Canada.* Applications for authority to operate mobile units, which have been licensed in this service by the Commission, shall be made upon proper form and be filed with the Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada, from whom the application forms are obtainable.

§ 21.15 Content of applications.

(a) Each application, unless otherwise authorized, shall be specific with regard to frequency or frequencies, transmitter power, hours of operation, equipment, antenna height, antenna gain and orientation, effective radiated power, points or areas of communication, location of the station (an application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined), full and complete disclosures with regard to the real party or parties in interest, and shall set forth all matters and things required to be disclosed or answered by the application forms and the Commission's rules.

(b) Each application for construction permit for new or additional radio facilities shall be accompanied by a showing

of the applicant's legal, financial, technical, and other qualifications to be a licensee in the Domestic Public Radio Services except that:

(1) When simultaneous request is made for a multiplicity of radio stations by a single applicant, a single showing of legal, financial, technical, and other qualifications may be made and incorporated by reference in the related applications.

(2) When any qualifications have once been established for an applicant, reference may be made thereto by specific identification and a statement indicating, if appropriate, that there has been no change in the reference facts or circumstances. If any material change has occurred, full disclosure thereof shall be made.

(c) Except in cases where such information is already on file with the Commission, applications in these services shall include a single copy of:

(1) The partnership agreement properly certified by each of the partners, if the applicant is a partnership.

(2) The acts or articles of incorporation (or charter) including any amendments thereto, certified by an officer of the corporation, if the applicant is a corporation. If it does not clearly appear on the charter that the corporation is authorized to operate as a communications common carrier, a statement of qualified legal counsel shall be furnished.

(3) The articles of association, including any amendments thereto, certified by an appropriate officer of the organization, if the applicant is an unincorporated association.

(4) Where required by applicable local law, a certified copy of the franchise or other authorization issued by appropriate regulatory authorities. If no such local requirement exists, a statement to that effect should be included in the application.

(5) Any agreement affecting applicant's ability to own, operate, use, or control the station facilities; and in the Rural Radio and Point-to-Point Microwave Radio Service, any lease arrangements at the receiving sites.

(d) In establishing financial qualifications, a copy of the applicant's current balance sheet (within 90 days of the date of the application) should be furnished. If a loan or other credit arrangement is to be consummated to finance the establishment and operation of the proposed facilities, full particulars relative thereto should be disclosed, including the identity of the creditor. Financing arrangements providing for a chattel mortgage of any transmitter or other equipment essential to the rendition of uninterrupted service to the public shall include provision for a minimum of 10 days prior written notification to the licensee or permittee, and to the Commission, before any such equipment may be repossessed under default provisions.

(e) In establishing technical qualifications, a showing should be made of the arrangements to ensure the rendition of good public communication service, including maintenance and repair facilities, number and description of technical personnel.

(f) Each application for construction permit for a radio station situated at a specified fixed location which involves new antenna construction or modification of an existing antenna structure, shall be accompanied by a properly executed FCC Form 714 and a sketch of the antenna structure prepared pursuant to paragraph (g) of this section. (Complete information as to rules concerning the construction, marking and lighting of antenna structure is contained in Part 17 of this chapter. See also § 21.111 for requirement for additional material in certain cases.)

(g) Each application for construction permit for a radio station situated at a specified fixed location which involves new antenna construction or modification of existing antenna construction shall be accompanied by a sketch showing the details of the proposed antenna installation, including its relationship to any existing antenna on the same supporting structure; its height above ground; the ground elevation in feet above mean sea level at the site of such structure; the height or length of the antenna installed upon such structure; and the overall height of the aggregate installation. The sketch shall be furnished in the same number of copies as required for the application form to which it pertains and, in addition, one extra copy shall be furnished in cases where FCC Form 714 and a copy of an antenna sketch is required. (See §§ 21.15 (f) and 21.111.)

(h) In cases where an applicant, permittee, or licensee desires to establish a receiving antenna or a passive reflector to be associated with the facilities for which authorization is required by this part of the rules, a copy of FCC Form 714 together with a sketch of the proposed antenna structure prepared pursuant to paragraph (g) of this section shall be submitted for the receiving antenna or passive reflector, and approval thereof shall be obtained from the Commission prior to its construction. In the microwave and rural radio services, no replacement or modification of such antenna, reflector, or supporting structure may be made without prior authority if it will change the height, directivity, or gain of the antenna system or overall height of the antenna structure above ground (see § 21.109(b)).

(i) An application for mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmative showing that:

(1) The mobile units for which authorization is sought are for the applicant's own use; and

(2) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application; and

(3) Specific arrangements, the details of which should be set forth, have been made for installation, technical service and maintenance of the mobile units by licensed first or second class radio operators; and

(4) The mobile units will be operated primarily in the area and/or areas through the base stations specifically identified in the application and more particularly detailed in subparagraph (2) of this paragraph.

(j) Each application for construction permit for radio facilities which are to be used in rendering communication service for hire, if filed by an applicant not engaged in providing public wire line communication service, shall be accompanied by a statement showing the extent to which the applicant intends actively to participate in the day-to-day operation of the proposed facilities. In the event the applicant does not intend actively to participate in the day-to-day management and operation, he should state his reasons therefor and fully disclose the details of the proposed operations, including a showing of how control thereof will be retained by the applicant.

(k) Each application for construction permit for a developmental authorization shall be accompanied by pertinent supplemental information as required by § 21.405 in addition to such information as may be specifically required by this section.

(l) Each application for construction permit for a base station in the Domestic Public Land Mobile Radio Service which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth, with respect to true north.

(6) Antenna height above average terrain for each of the eight radials specified in subparagraph (8)(ii) of this section. (See also § 21.115.)

(7) Antenna transmission line type, length and radiofrequency power transmission losses, together with a description and power loss of all other devices in addition to the transmission line, between the output of the transmitter and the antenna radiating system expressed in decibels.

(8) Topographic maps (see also § 21.116) showing thereon:

(i) Exact station location.

(ii) Location of radials used in determining elevation of average terrain.

(9) Effective radiated power for all eight radials specified in subparagraph (8)(ii) of this section.

(m) In the Rural Radio Service and the Point-to-Point Microwave Radio Service, each application for initial installation of a radio station, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by the showing required by §§ 21.608 and 21.706, respectively.

(n) Each application requesting authority to establish operations on frequencies in the 72–76 Mc/s band shall be accompanied by:

(1) A showing that the applicant agrees to eliminate any harmful interference which may be caused by his operation to television reception on either Channel 4 or 5, and if said interference cannot be eliminated within 90 days of the time the matter is first brought to his attention by the Commission, operation of the interfering fixed station will be immediately discontinued.

(2) In cases where it is proposed to locate a 72–76 Mc/s fixed station less than 80, but more than 10, miles from the site of a television transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but not in operation, a showing shall be made as to the number of family dwelling units (as defined by the U.S. Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the television station antenna site are not to be counted) the radius of which shall be determined by use of the charts entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc/s Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed" (Charts for television Channels 4 and 5 are set forth in § 21.103).

(3) In cases where more than 100 family dwelling units are contained within the circle (determined according to paragraph (2) of this section), the number of dwelling units therein shall be stated and a factual showing made that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a definite plan, which should be disclosed, to control any interference that might develop to television reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the television receivers affected as may be necessary to eliminate intereference caused by his operations.

(o) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, or temporary fixed seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west shall at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(p) Applicants proposing to construct or modify a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and follow the procedure prescribed by § 1.70 of this chapter.

(q) Each application for construction permit for a station in the Rural Radio or Point-to-Point Microwave Services which proposes to establish a new communication facility or make changes in the location of a station already authorized shall be accompanied by a topographic map (a U.S. Geological Survey Quadrangle or map of comparable detail and accuracy) with the exact location of the proposed station plotted and identified thereon, This map should not be cropped so as to delete pertinent border information and must be submitted in the same number of copies as the application it accompanies.

§ 21.16 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the application is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as States and Territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 States of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, United States Code, title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 21.17 Additional statements.

The Commission may require an applicant or grantee to submit such documents and signed written statements of fact, as in its judgment may be necessary.

§ 21.18 [Reserved]

§ 21.19 [Reserved]

§ 21.20 Defective applications.

(a) Applications which are defective with respect to completeness of answers to questions, execution or other matters of a formal character will not be accepted for filing by the Commission, unless the Commission shall otherwise permit, and will be returned to the applicant with a brief statement as to the omissions.

(b) Applications which are not in accordance with the Commission's rules, regulations, or other requirements will be considered effective and subject to return pursuant to paragraph (a) of this section unless accompanied by a request of the applicant for a waiver of, or an exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents

or information not specifically required in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

§ 21.21 Inconsistent or conflicting applications.

While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 21.22 Repetitious applications.

(a) Where an applicant has been afforded an opportunity for a hearing with respect to a particular application for a new station, or for an extension or enlargement of a service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 21.23 Amendment of applications.

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments. If a petition to deny has been filed or if the Commission has published a notice that the application appears to be mutually exclusive with another application, the amendment shall be served on the petitioner and on any such mutually exclusive applicant unless waiver of this requirement is granted in accordance with § 0.291(k) of this chapter.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown.

(c) An application amended by a major amendment thereto (as e.g., any amendment which will change or add a frequency; or improve the operating characteristics of an existing or proposed station; or enlarge the service contour or significantly change the location or points of communication of an existing or proposed station; or which will materially alter the nature of an existing or proposed service) is subject to the provisions of § 21.27.

(d) Amendments, other than major amendments within the meaning of paragraph (c) of this section, will be considered on a case-by-case basis and, if found to materially alter an existing or proposed station, will be deemed to be a major change and will thereafter be listed in a public notice and subject to the provisions of § 21.27.

§ 21.24 Form of amendments to applications.

Any amendment to an application shall be signed, and submitted in the same manner, and with the same number of copies, as was the original application: *Provided, however,* That amendments may be made in letter form, complying in all other respects with this rule. The Commission may, upon its own motion or upon the motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 21.25 Application for temporary authorizations.

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and/or operate new or modified equipment. Any such request may be submitted as an informal application in the manner set forth in § 21.12 and must contain full particulars as to the proposed operation including all facts sufficient to justify the temporary authority sought and the public interest therein. No such request will be considered unless the request is received by the Commission at least 10 days prior to the date of proposed construction or operation or, where an extension is sought, expiration date of the existing temporary authorization. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirement of § 21.27(c) when:

(1) the authorization is for a period not to exceed 30 days and no application for regular application is contemplated to be filed;

(2) the authorization is for a period not to exceed 60 days pending the filing of an application for such regular operation;

(3) the authorization is to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as previously authorized; or

(4) the authorization is made upon a finding that there are extraordinary circumstances requiring emergency operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) No special temporary authorization, except as provided for in paragraph (d) of this section, will be granted for a period to exceed 90 days or be extended for more than one additional period not to exceed 90 days.

(d) In cases of emergency found by the Commission, involving danger to life or property or due to damage of equipment, or during a national emergency proclaimed by the President or declared by the Congress or during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or safety or otherwise in furtherance of the war effort, or in cases of emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission will grant construction permits and station licenses, or modifications or renewals thereof, during the emergency found by the Commission or during the continuance of any such national emergency or war, as Special Temporary Licenses, only for the period of emergency or war requiring such action, without the filing of formal applications.

PROCESSING OF APPLICATIONS

§ 21.26 Receipt of application.

(a) Applications received for filing are given a file number. The assignment of a file number to an application is merely for administrative convenience and does not indicate the acceptance of the application for filing and processing. Such assignment of a file number will not preclude the subsequent return or dismissal of the application if it is found to be not in accordance with the Commission's rules.

(b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review as to completeness. Such acceptance will not preclude the subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules. (See § 21.13 for additional information concerning filing of applications.)

(c) At regular intervals the Commission will issue a "Public Notice" listing applications and major amendments thereto which have been accepted for filing.

§ 21.27 Processing of applications.

(a) All applications for instruments of authorization covered by this part and major application amendments (as indicated in § 21.23) are subject to the provisions of this section, except applications for:

(1) A minor change in the facilities of an authorized station, as indicated in § 21.23;

(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act or to an assignment or transfer thereunder which does not involve a substantial change in ownership or control;

(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license;

(4) Extension of time to complete construction of authorized facilities;

(5) An authorization of facilities for remote pickups, studio links and similar facilities for use in the operation of a broadcast station;

(6) A temporary authorization pursuant to § 21.25(b);

(7) An authorization under any of the proviso clauses of section 308(a) of the Communications Act.

(b) No application acceptable for filing and subject to the provisions of this section shall be granted by the Commission earlier than 30 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any major amendment thereof.

(c) Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which paragraph (a) of this section applies, no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or major amendment thereto. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with § 21.30. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter) and allegations of fact or denials thereof shall similarly be supported by affidavit. Unless the requirements are waived by the Commission, any petition not filed within the specified time or otherwise found defective with respect to formal requirements will be granted status only as an informal objection in accordance with § 21.30(c).

(d) [Reserved]

(e) If the Commission finds, on the basis of the application, the pleadings filed, or other matters which it may officially notice, that there are no substantial and material questions of fact and that a grant of the application would be consistent with § 21.30(a), it shall make the grant deny the petition, and issue a concise statement of the reasons for denying the petition, which statement shall dispose of all substantial issues raised by the petition. If a substantial and material question of fact is presented, or if the Commission, for any reason, is unable to find that grant of the application would be consistent with § 21.30(a), the Commission shall proceed as provided in paragraph (f) of this § 21.27.

(f) If, in the case of any application to which § 21.30(a) applies, a substantial and material question of fact is presented, or the Commission, for any reason, is unable to make the finding specified in that section, it shall formally designate the application for hearing on the grounds or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue, but not including issues or requirements phrased generally. Before an application may be considered to be mutually exclusive with the application or applications so designated for hearing, the filing of the later application must be consistent with § 21.30(b). When the Commission has so designated an application for hearing, any party in interest who is not notified by the Commission of such action, may acquire the status of a party to the proceeding thereon by filing a petition for intervention, showing the basis of his interest, at any time not more than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that, with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

§ 21.28 Dismissal and return of applications.

(a) Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only before public notice of the issuance of a proposed decision proposing denial of the application, upon written petition properly served upon all parties of record, and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition.

(c) An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

(d) Any mutually exclusive application filed after the date prescribed in § 21.30(b) will be returned without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

§ 21.29 Partial grants.

Where the Commission, without a hearing, grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if a designated application or applications are subsequently granted, the applicant will be informed of the reasons for such action and the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, return the instrument of authorization and file with the Commission a written statement rejecting the grant as made and setting forth the reasons why the application should be granted as originally requested. Upon receipt of such statement, the Commission will vacate its original action upon the application and reconsider the same. Upon such reconsideration, it will either grant or set the application for hearing in the same manner as other applications are set for hearing.

§ 21.30 Grants without hearing.

(a) Where an application for radio facilities is proper on its face and, where it appears from an examination of the application, supporting data, and such other matters as the Commission may officially notice, that (1) the applicant is legally, technically, financially, and otherwise qualified; (2) a grant of the application would not cause harmful interference to an existing station or stations for which a construction permit is outstanding within its service area; (3) a grant of the application would not preclude the grant of any pending applications; and (4) a grant of the application would serve the public interest, convenience, or necessity, the Commission will grant the application without a hearing.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application, or any other application amended so as to constitute a major change therein (as defined in § 21.23), as being mutually exclusive with the application or applications under consideration unless such other application was substantially complete and tendered for filing by whichever date is earlier: (1) The close of business 1 business day preceding the day on which the Commission takes action with respect to the application under consideration; or (2) within 60 days after the date of the public notice listing the first prior application (with which the subsequent application is in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will, for the purposes of this section, be considered to be a newly filed application. Where major changes which do not relate to the mutually exclusive aspect of a proceeding are warranted, or in the case of multiple mutually exclusive issues where the warranted major changes

serve to resolve one or more of the issues but do not relate to the mutually exclusive aspect of the proceeding, such changes or amendments will not serve to alter the existing mutually exclusive status so long as new conflicts are not created. An application filed after the appointed date as specified herein will be subject to disposal in accordance with the provisions of § 21.28 of the rules. As an exception, however, in dealing with the frequency bands 3700–4200 and 5925–6425 Mc/s, which are shared on a co-equal, primary basis by the Point-to-Point Microwave Radio Service under this part and the Communication Satellite Service under Part 25, the Commission may consider planned future expansion of existing communication-satellite earth stations as being mutually exclusive with the application under consideration if brought to the attention of the Commission by the close of business 1 business day preceding the day on which the Commission takes action with respect to the application under consideration. To qualify for such mutual consideration the earth station must lie within coordination distance of the site of the point-to-point station in question and the earth station licensee must be able to document his planed expansion to the satisfaction of the Commission. Reciprocal treatment shall be afforded stations in the Point-to-Point Microwave Service in Part 25 of this chapter.

(c) Before Commission action on any application for an instrument of authorization, other than a license pursuant to a construction permit, any person may file informal objections to a grant thereof. Such objections shall be signed by the objector. The limitation on pleadings provided in § 1.45 of this chapter shall not be applicable to any objections filed pursuant to this section. Such informal objections will be considered by the Commission but will not be accorded the formal status of petitions as set forth in § 21.27.

(d) If a petition to deny the application has been filed in accordance with § 21.27, and the Commission makes the grant in accordance with paragraph (a) of this section, the Commission will deny the petition and issue a concise statement setting forth the reasons for denial and disposing of all substantial issues raised by the petition.

§ 21.31 Conditional grants.

Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one or more of such mutually exclusive applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that it is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(a) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(b) That public interest requires the prompt establishment of radio service in a particular community or area; or

(c) The grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of an international agreement to the use of the frequency in question; or

(d) That a grant of one application would be in the pulbic interest in that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the provisions of this chapter.

§ 21.32 Transfer and assignment of station authorization.

A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or disposed of in whole or in part, in any manner, voluntary or involuntary, directly or indirectly, or by transfer of control of any corporation holding such authorization, to any person, except upon application to the Commission and upon finding by the Commission that the public interest, convenience and necessity will be served thereby. Requests for authority of the type referred to herein shall be submitted on the forms prescribed by § 21.14(h) and shall be accompanied by the further showing required by § 21.14(h).

§ 21.33 Period of construction.

(a) Except for stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.35(b), each construction permit for a radio station in the Domestic Public Radio Services will specify the date of grant as the earliest date of commencement of construction, and a maximum of 8 months from the date of grant as the time within which construction will be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case (see §§ 21.14 (d) and 21.34(a)).

(b) For stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.35(b), the construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and a maximum of 18 months thereafter as the time within which construction shall be completed and the station be ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 21.34 Forfeiture of station authorizations.

(a) A construction permit shall be automatically forfeited if construction has not been commenced within the time specified therein or if the station is not ready for operation within the term of the construction permit, or within such additional time as the Commission may have allowed upon a proper showing, upon FCC Form 701 filed prior to the date sought to be extended, that failure to commence or complete construction was due to causes not under the control of the permittee (see §§ 21.14(d) and 21.33).

(b) A license or special temporary authorization shall be automatically forfeited upon the expiration date specified therein unless prior thereto an application for renewal of such license or authorization shall have been filed with the Commission (see § 21.14(f)).

§ 21.35 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered; except that licenses for developmental stations will be issued for a period not to exceed 1 year. The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, public interest, convenience, or necessity would be served by such action.

(c) Upon the expiration or termination of any station license, any related construction permit, which bears a later expiration date, shall be automatically terminated concurrently with the related station license, unless it shall have been determined by the Commission that the public interest, convenience, or necessity would be served by continuing in effect said construction permit.

III. Subpart C of Part 21 is amended as follows:

1. Section 21.108(d) is amended by changing the final period to a comma and adding the following:

§ 21.108 Directional antennas.

* * * * * *

(d) * * *, and the center of the major lobe of radiation from the passive reflector directed toward the receiving station with which it communicates.

2. In § 21.109, the headnote and paragraph (b) are amended to read:

§ 21.109 Antenna, tower, and transmitting systems changes.

* * * * * *

(b) No replacement or change of antenna or antenna structure shall be effected, except as noted below, without prior authorization from the Commission if after such replacement or change, there would be an increase in the gain of the antenna in any direction or increase in the overall structure height: *Provided, however,* That changes may be made without prior authorization from the Commission where: The power gain in any direction is not decreased by more than 1.5 db below that specified in the application for which authorization was issued; antenna height changes or corrections do not vary more than 2 feet from the height authorized and do not increase the overall structure height; or antenna directivity changes do not vary more than one degree from the values authorized. Within 30 days after making any changes not requiring prior authorization, the licensee shall report the same to the Commission and to the Engineer in Charge of its district with complete teohnical details including a computation of the effective radiated power and all other pertinent information together with the certification of the person responsible for preparing the information (c.f. §§ 21.121(c) and 21.15(g)).

3. Section 21.110(d) is amended by the addition of the following sentence:

§ 21.110 Antenna polarization.

(d) * * * No change in polarization shall be made without prior authorization from the Commission.

4. Section 21.111 is amended by changing the reference at the end to read:

§ 21.111 Simultaneous use of common antenna structure.

* * * (see § 21.15(f) and § 21.109(b)).

5. Section 21.113 is amended by the addition of the following sentence:

§ 21.113 Description of station location.

* * * In the point-to-point service authorized under this part, the antenna site at each terminal receiving location shall be described in the same manner.

6. Section 21.114 is revised to read:

§ 21.114 Temporary fixed antenna height restrictions.

The overall antenna structure heights employed by mobile stations in the Local Television Transmission Service and by stations authorized to operate at temporary fixed locations shall not exceed the height criteria set forth in §17.7 of this chapter, unless, in each instance, authorization for use of a specific maximum antenna height (above ground and above mean sea level) for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation. (Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in Part 17 of this chapter.)

§ 21.116 [Amended]

7. In the fifth sentence of § 21.116 the word "radically" is changed to "radially".

8. In § 21.118, paragraph (d) is amended to read:

§ 21.118 Transmitter construction and installation.

* * * * *

(d) Each station in these services, which is required to have a person on duty and in charge of the station's operations during the normal rendition of service, shall be provided with at least one control point (see § 21.205). Where a control point is authorized within the boundary of a city, borough, town or community, and dispatching is handled by the licensee's own employees, the licensee of a station may move the installation of such control point without prior authorization with the boundary of such city, borough, town or community, *Provided,* That the licensee promptly notify the Commission and the Engineer in Charge of the radio district in which the station is located of such change and indicate the change on the next application for renewal of license or in the next application for modification of license, whichever is filed first. Prior authorization, by first securing a modification of the license, must be obtained when a licensee desires to move the installation of any control point beyond the boundary of the city, borough, town, or community where the control point is authorized or when dispatching is being performed by persons other than the employees of the licensee.

* * * * *

9. In § 21.121, a new paragraph (d) is added to read:

§ 21.121 Replacement of equipment.

* * * * *

(d) The licensee of a station in this service may replace or change equipment, other than that specified in §§ 21.109(a) and 21.121(a) including the transmission line and other devices between the transmitter and antenna if, after such change or addition the effective radiated power of the station in any direction is not decreased by more than 1.5 db below that specified in the application for which authorization was issued. Prior authorization from the Commission is required if, after such changes the effective radiated power in any direction would be increased. Within 30 days after making any changes not requiring prior authorization, the licensee shall report the same to the Commission and to the Engineer in Charge of its district with complete technical details including a computation of the effective radiated power and all other pertinent information together with the certification of the person responsible for preparing the information (cf. §§ 21.121(c) and 21.15).

IV. Subpart D of Part 21 is amended as follows:

1. In § 21.201, paragraph (a) is amended to read:

§ 21.201 Posting of station authorization.

(a) The station permit, license, or other authorization shall be posted at the authorized control point of the station, or, if none, at the station location. A photocopy may be posted in lieu of the original authorization if it is certified as to authenticity by an officer or duly authorized employee of the licensee or permittee and if it is annotated with the location of the original. If not posted at the station or a control point, the original authorization shall be posted at the licensee's alarm center or maintenance facility responsible for the station. (See also § 1.62 of this chapter.)

* * * * *

2. The text of § 21.204 preceding the note is amended to read:

§ 21.204 FCC publication required for reference.

For reference purposes, the permittee or licensee of radio facilities in the Domestic Public Radio Services shall maintain and have available at the principal control point or at the transmitter location, a current copy of Part 21 of this chapter (available at the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402).

* * * * *

3. In § 21.205, paragraphs (d), (j), and the introductory text of paragraph (l) preceding subparagraph (1) are amended to read:

§ 21.205 Operator requirements.

* * * * *

(d) In all cases, except where manual radiotelegraph keying is employed, the person responsible for the technical installation, servicing, and maintenance of a radio station in these services shall hold a first- or second-class commercial radiotelephone or radiotelegraph license issued by the Commission.

* * * * *

(j) TV Pickup stations, Microwave Auxiliary stations, and Developmental stations shall be operated during the course of normal rendition of service under the effective operational control of a person holding a first- or second-class commercial radiotelephone or radiotelegraph operator license issued by the Commission.

* * * * *

(l) Except under the circumstances specified in paragraphs (g) through (j) of this section, during the course of normal rendition of service, no person is

required to be in attendance at a station installed at a specified fixed location provided * * *

* * * * *

4. Section 21.206 is revised to read:

§ 21.206 Inspection and maintenance of antenna structure marking and lighting, and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

5. In § 21.208, paragraph (f) is amended to read:

§ 21.208 Station records.

* * * * *

(f) For each station whose antenna structure is required to be illuminated, appropriate entries shall be made in the station's technical log in conformity with the requirements of Part 17 of this chapter.

* * * * *

6. In § 21.212, paragraph (f) is added to read:

§ 21.212 Equipment, service and maintenance tests.

* * * * *

(f) Where a facility is to be constructed and operated pursuant to a temporary authorization, the Commission and the Engineer in Charge of the district in which the facility is located shall be notified upon commencement of operation.

7. In § 21.213, the last sentence of paragraph (a) is amended and paragraph (b)(4) is deleted to read:

§ 21.213 Station identification.

(a) * * * In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto, or program: *Provided*, That the requirement for transmission of station identification is waived for fixed stations employing continuous radiation with multichannel or video transmission.

(b) * * *

(4) [Deleted]

* * * * *

V. Subpart E of Part 21 is amended as follows:

1. Section 21.300 is revised to read:

§ 21.300 Business records.

Each licensee of radio facilities authorized under the rules of this part is required to file FCC Form L or Form M (see § 1.785 of this chapter) and shall keep complete records of all phases of such operation distinctly separate and apart from any other business or activity conducted by the licensee.

2. Section 21.302 is revised to read:

§ 21.302 Answers to notices of violation.

Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any other Federal statute or Executive order pertaining to radio or wire communications or any international radio or wire communications treaty or convention, or regulations annexed thereto to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 10 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent or an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacture, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given or, if a file number has not been assigned by the Commission, such identification as will permit ready reference thereto. If the notice of violation relates to inadequate maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to, or improper operation of, the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

3. In § 21.303, paragraphs (b) and (c) are amended by the deletion of the last sentence of each paragraph and the substitution therefor of the following new last sentences to read:

§ 21.303 Discontinuance, reduction, or impairment of service.

* * * * *

(b) * * * In the event that service is permanently discontinued the licensee shall give written notification thereof to the Commission's Engineer in Charge of the radio district in which the station is located and promptly send the station license to the Commission at Washington, D.C. 20554, for cancellation or make appropriate application for modification of the license, as applicable.

(c) * * * In the event that service is permanently discontinued the licensee shall give written notification thereof to the Commission's Engineer in Charge of the radio district in which the station is located and promptly send the station license to the Commission at Washington, D.C. 20554, for cancellation or make appropriate application for modification of the license, as applicable.

4. In § 21.305, the headnote is amended to read:

§ 21.305 Reports required concerning amendments to charters and partnership agreements.

* * * * *

5. In § 21.306, the second sentence is amended to commence as follows:

§ 21.306 Requirement that permittees and licensees respond to official communications.

* * * Failure to do so * * *

VI. Subpart F is amended as follows:

1. In § 21.401, paragraph (b) is redesignated paragraph (c) and a new paragraph (b) is added to read:

§ 21.401 Scope of service.

* * * * *

(b) In the Point-to-Point Microwave and Local Television Services, the testing of existing or authorized antennas, wave guides or transmission paths; or

* * * * *

VII. Subpart G is amended as follows:

1. In § 21.501, the introductory texts of paragraphs (a), (b), and (c), and paragraph (f) are amended to read:

§ 21.501 Frequencies.

* * * * *

(a) For assignment, in accordance with the Zone Allocation Plan, to stations of communication common carriers which are also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished on a secondary basis by any facility rendering such General or Dispatch service). The frequencies specified may be used in adjoining zones within moderate distances of the respective zone boundaries to permit continuous service to mobile units transiting such zone boundaries. * * *

(b) For assignment, to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished on a secondary basis by any facility rendering such General or Dispatch Service): * * *

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatch Communications (provided that Signaling Communications may also be furnished on a secondary basis by any facility rendering such General or Dispatch Service): * * *

* * * * *

(f) **72–76 Mc/s Band:** [1]

Mc/s	Mc/s	Mc/s	Mc/s
72.02	72.42	72.82	75.62
72.04		72.84	75.64
72.06	72.46	72.86	72.66
72.08		72.88	72.68
72.10	72.50	72.90	75.70
72.12		72.92	75.72
72.14	72.54	72.94	75.74
72.16		72.96	75.76
72.18	72.58	72.98	75.78
72.20		75.42	75.80
72.22	72.62		75.82
72.24	72.64	75.46	75.84
72.26	72.66		75.86
72.28	72.68	75.50	75.88
72.30	72.70		75.90
72.32	72.72	75.54	
72.34	72.74		75.92
72.36	72.76	75.58	75.94
72.38	72.78		75.96
72.40	72.80		75.98

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on Channel 4 or 5. (See § 21.103.) Existing stations authorized in the 73 to 74.6 Mc/s band as of Dec. 1, 1961, may continue to operate, are not required to afford protection to the radio astronomy service, and must comply with the following technical specifications:
Frequency Tolerance: 0.005 percent.
Frequency Deviation: ±15 kc/s.
Authorized Bandwidth: 40 kc/s.
Modulation Limiter: Required of transmitter authorized or installed after July 1, 1950.
Audio Low Pass Filter: Not required.

* * * * *

2. Section 21.507(b) is amended by the addition of the following footnote:

§ 21.507 Bandwidth and emission limitations.

* * * * *

(b) * * *

[2] In the frequency bands 72.0–73.0 and 75.4–76.0 Mc/s, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kc/s and maximum frequency deviation of 5 kc/s. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized without change and with bandwidth of 40 kc/s and frequency deviation of 15 kc/s. New or modified facilities in the frequency band 73.0–74.6 Mc/s will not be authorized.

* * * * *

3. In § 21.516, the headnote, the introductory text, the introductory text of paragraph (b) are amended, and new subparagraphs (4) and (5) added to paragraph (b) to read:

§ 21.516 Additional showing required with application for assignment of additional channel or channels.

An application requesting the assignment of an additional channel or channels at an existing Domestic Public Land Mobile radio station (other than control, dispatch, or repeater), in addition to the information required by other sections of the rules, shall include a showing of the following:

* * * * *

(b) Data showing the actual traffic loading on each channel assignment of the present radio systems during the busiest 12-hour periods on 3 days (within a 7-day period) having normal message traffic not more than 60 days prior to the date of filing. This information should be reported separately for each of the 3 days selected, which should be identified by dates, and should disclose the following:

* * * * *

(4) For systems that provide one way signaling as a primary service, (i) the number of mobile receivers in operation during the study period, (ii) the number of calls held, (iii) the total holding time, (iv) the total number of minutes the channel is utilized for transmission between the base station and the mobile receiver during each hour.

(5) Such other additional information which may more accurately reflect channel loading, and any further information which may be applicable and pertinent to the application.

4. In § 21.520(a), subparagraph (3) and (5) are amended to read:

§ 21.520 Notification of operation of dispatch station without specific authorization.

(a) * * *

(3) The name of the manufacturer, type number, and rated power output of transmitter to be installed.

* * * * *

(5) The overall height of the transmitting antenna structure in feet above ground and above mean sea level.

* * * * *

VIII. Subpart H is amended as follows:

1. In § 21.604, the table in paragraph (a) is amended by the addition of the following footnote.

§ 21.604 Emission limitations.

(a) * * *

[2] In the frequency bands 72.0–73.0 and 75.4–76.0 Mc/s, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kc/s and maximum frequency deviation of 5 kc/s. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized without change and with bandwidth of 40 kc/s and frequency deviation of 15 kc/s. New or modified facilities in the frequency band 73.0–74.6 Mc/s will not be authorized.

* * * * *

2. In § 21.610(a), subparagraphs (1) and (4) are amended to read:

§ 21.610 Rural subscriber, interoffice, and central office stations at temporary fixed locations.

(a) * * *

(1) When a fixed station is to remain at a single location for less than 6 months and the location is considered to be temporary. Services which are initially known to be for longer than 6-month duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

* * * * *

(4) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 714 and a sketch of the proposed antenna structure.

* * * * *

3. In § 21.611, the present paragraph (b) is redesignated (c) and a new paragraph (b) is added to read:

§ 21.611 Notification of station operation at temporary locations.

* * * * *

(b) Less than 2 days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such shorter notice are stated.

* * * * *

IX. Subpart L is amended as follows:

1. Section 21.700 is revised to read:

§ 21.700 Eligibility.

Authorizations for stations in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically, and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience, or necessity would be served by a grant thereof. In addition, applications proposing services other than public message service, must include a showing that at least 50 percent of the customers (on the microwave system involved), including customers of any interconnecting carrier(s) receiving applicant's service, are unrelated and unaffiliated with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be returned as unacceptable for filing.

2. In § 21.701, paragraph (d) is amended and paragraph (g) is deleted and the word "Reserved" inserted to read:

§ 21.701 Frequencies.

* * * * *

(d) The following frequencies are allocated for assignment to control stations in this service on a shared with other radio services; upon a satisfactory showing that it is impracticable to use wire lines:

72–76 Mc/s Band [1]

Mc/s	Mc/s	Mc/s	Mc/s
72.02	72.42	72.82	75.62
72.04		72.84	75.64
72.06	72.46	72.86	75.66
72.08		72.88	75.68
72.10	72.50	72.90	75.70
72.12		72.92	75.72
72.14	72.54	72.94	75.74
72.16		72.96	75.76
72.18	72.58	72.98	75.78
72.20		75.42	75.80
72.22	72.62		75.82
72.24	72.64	75.46	75.84
72.26	72.66		75.86
72.28	72.68	75.50	75.88
72.30	72.70		75.90
72.32	72.72	75.54	75.92
72.34	72.74		75.94
72.36	72.76	75.58	75.96
72.38	72.78		75.98
72.40	72.80		

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or receiption of television stations on Channels 4 or 5 (see § 21.103).

* * * * *

(g) [Reserved]

* * * * *

3. In § 21.703, the following footnote is added to the table in paragraph (e) to read:

§ 21.703 Bandwidth and emission limitations.

* * * * *

(e) * * *

* In the frequency bands 72.0–73.0 and 75.4–76.0 Mc/s, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kc/s and maximum frequency deviation of 5 kc/s. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized without change and with bandwidth of 40 kc/s and frequency deviation of 15 kc/s. New or modified facilities in the frequency band 73.0–74.6 Mc/s will not be authorized.

* * * * *

4. In § 21.705, the following sentence is added to read:

§ 21.705 Permissible communications.

* * * In authorizations classed as Fixed Video, the services permissible are limited to the carriage of video signals and their associated audio signals unless otherwise conditioned.

5. In § 21.707(a), subparagraphs (1) and (4) are amended to read:

§ 21.707 Stations at temporary fixed locations.

(a) * * *

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services which are initially known to be of longer than 6-month duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

* * * * *

(4) The antenna structure height employed at any location shall not exceed the criteria set forth in §17.7 of Part 17 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 21.114.

* * * * *

6. In § 21.708, the introductory text, subparagraphs (1) and (2) are amended, and (8) added in paragraph (a); and paragraph (b) is amended to read:

§ 21.708 Notification of station operation at temporary fixed locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.707 shall notify the Commission, and its Engineer in Charge of the radio district wherein operation is to be conducted, at least 5 days prior to installation of the facilities, stating:

(1) The call sign, manufacturer's name, type or model number, output power, and specific location of the transmitter(s).

(2) The maintenance location for the transmitter.

* * * * *

(8) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

(b) Less than 5 days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such shorter notice are stated.

* * * * *

7. Section 21.709 is revised to read:

§ 21.709 Renewal of station licenses.

An application for renewal of a license of a station in the Domestic Public Point-to-Point Microwave Radio Service used for a wide band transmission service (e.g., relay of television signals) must include a showing that at least 50 percent of the customers (on the microwave system involved), including customers of any interconnecting carrier(s) receiving applicant's service, are unrelated and unaffiliated with the applicant, and that the usage of such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be returned as unacceptable for filing.

X. Subpart J is amended as follows:

1. Section 21.800 is revised to read:

§ 21.800 Eligibility.

Authorization for stations in this service will be granted to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience, or necessity would be served by a grant thereof. In addition, applications must include a showing that at least 50 percent of the customers (on the microwave system involved) including customers of any interconnecting carrier(s) receiving applicant's service, are unrelated and unaffiliated with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 precent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be returned as unacceptable for filing.

2. In § 21.807(a), subparagraphs (1) and (4) are amended to read:

§ 21.807 Stations at temporary fixed locations.

(a) * * *

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services which are initially known to be of longer than 6 months duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

* * * * *

(4) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of Part 17 of the rules unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 21.114.

* * * * *

3. In § 21.808(a), the introductory text, subparagraphs (1) and (2) are amended and new subparagraph (7) is added to read:

§ 21.808 Notification of station operation at temporary locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.807 shall notify the Commission, and its Engineer in Charge of the radio district wherein operation is to be conducted, of each period of operation at least 5 days prior to installation of the facilities. This notification shall include:

(1) The call sign, manufacturer's name, type or model number, output power, and specific location of the transmitter(s).

(2) The maintenance location for the transmitter.

* * * * *

(7) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

* * * * *

[F.R. Doc. 69-6802; Filed, June 9, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Forest Service

WEMINUCHE WILDERNESS

Hearing Announcement

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964, Public Law 88–577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132) that a public hearing will be held beginning at 9 a.m. on October 6, 1969, at the La Plata County Courthouse, Durango, Colo., and continued at 9 a.m. on October 8, 1969, at the Vali Theatre, Monte Vista, Colo., on a proposal for recommendation to be made to the President of the United States by the Secretary of Agriculture that a recommendation be submitted to Congress for the establishment of the Weminuche Wilderness, comprised of approximately 334,252 acres within and contiguous to the San Juan and Upper Rio Grande Primitive Areas. Approximately 93,415 acres are located within the Rio Grande National Forest and approximately 240,837 acres are within the San Juan National Forest. The proposed Wilderness is located in Hinsdale, La Plata, Mineral, and San Juan Counties, all in the State of Colorado.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Rio Grande National Forest, Rural Route No. 2, Monte Vista, Colo. 81144, or the Forest Supervisor, San Juan National Forest, Post Office Box 341, Durango, Colo. 81301, or the Regional Forester, Building 85, Denver Federal Center, Denver, Colo. 80225.

Individuals or organizations may express their views by appearing at this hearing at either Durango or Monte Vista, Colo., or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by November 10, 1969.

A. W. Greeley,
Associate Chief, Forest Service.

[F.R. Doc. 69-6806; Filed, June 9, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colo. 0123127]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

June 2, 1969.

Notice of an application, Serial No. Colo. 0123127, for withdrawal and reservation of lands was published as F.R. Doc. No. 64–7197 on page 9806–07 of the issue for July 21, 1964. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands will be at 10 a.m. on July 8, 1969, relieved of the segregative effect of the above-mentioned application. The lands involved in this notice of termination are:

State Highway 133 Roadside Zone

Two strips of land 100 feet in width each lying outside of, contiguous to and parallel to a roadside strip 200 feet in width on each side of the center line of State Highway 133 as described in Public Land Order 4579, appearing in the Federal Register of January 24, 1969, pages 1141–1143, through the following sections:

6th Principal Meridian, Colorado

T. 9 S., R. 88 W.,
Secs. 9, 16, 20, 21, 29, 32, and 33.
T. 10 S., R. 88 W.,
Secs. 4, 8, 9, 30, and 31.
T. 11 S., R. 88 W.,
Sec. 6.
T. 11 S., R. 89 W.,
Secs. 1, 2, 3, 4, 9, 12, and 16.

Andrew J. Senti,
Acting Land Office Manager.

[F.R. Doc. 69-6782; Filed, June 9, 1969; 8:46 a.m.]

[Montana 12791]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

June 3, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application M 12791 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to protect the campground and existing improvements of Red Top Campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

Principal Meridian Montana

Kootenai National Forest

Red Top Campground

T. 35 N., R. 33 W., unsurveyed, but which probably will be when surveyed:
Sec. 31, SW¼NW¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼NE¼NE¼NW¼, and E½SE¼NE¼NW¼.
The area described aggregates 15 acres in Lincoln County, Mont.

Eugene H. Newell,
Land Office Manager.

[F.R. Doc. 69-6783; Filed, June 9, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41–993V) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use in chicken feed of a combination drug containing clopidol, 3-nitro-4-hydroxyphenylarsonic acid, and penicillin (as procaine penicillin) for the prevention of coccidiosis caused by specified organisms, for growth promotion and

feed efficiency, and for improving pigmentation.

Dated: June 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6774; Filed, June 9, 1969; 8:46 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of October 19, 1967 (32 F.R. 14568), proposing that the food additive regulations be amended to provide for the safe use in chicken feed of a combination drug containing dienestrol diacetate, amprolium, and ethopabate for the prevention of coccidiosis and for the promotion of fat distribution for tenderness and bloom.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6775; Filed, June 9, 1969; 8:46 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives Dienestrol Diacetate, Amprolium, and Penicillin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of December 21, 1967 (32 F.R. 20670), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of dienestrol diacetate, amprolium, and penicillin in the feed of roaster chickens for growth promotion.

Dated: June 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6776; Filed, June 9, 1969; 8:46 a.m.]

[Docket No. FDC-D-111; NDA No. 14-241]

UNIMED, INC.

Serc Tablets: Notice of Scheduling of Hearing and Prehearing Conference

Notice is hereby given to Unimed, Inc., Morristown, N.J. 07960, that in accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and Part 130, the new-drug regulations (21 CFR Part 130), a hearing will be held in the matter of the proposal of the Commissioner of Food and Drugs to withdraw approval of new-drug application No. 14-241 for marketing the drug Serc Tablets. Said hearing will begin at 10 a.m., June 25, 1969, in Room G-751, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Evidence and arguments may be produced at the hearing to show why the proposed order of the Commissioner to withdraw approval of said application on the grounds and for the reasons set forth in the Notice of Opportunity for Hearing published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10228), should not be issued. The Food and Drug Administration may also produce evidence and argument relevant and material to the subject matter of the hearing.

Notice is further given to Unimed, Inc. that, in accordance with § 130.18 *Prehearing and other conferences* (21 CFR 130.18), a prehearing conference in this matter will be held beginning at 10 a.m., June 18, 1969, in Room 3015, Federal Building 8, Department of Health, Education, and Welfare, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204. All documentary evidence to be offered at the hearing shall be marked for identification at this prehearing conference.

The hearing and prehearing conference will be open to the public, except that any portion thereof that concerns a method or process which the Commissioner of Food and Drugs finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specified otherwise in filing his appearance.

The undersigned, a duly appointed Hearing Examiner as provided in 5 U.S.C. 3105 (80 Stat. 415), has been designated to conduct the hearing and prehearing conference announced herein, with full authority to administer oaths, to take affirmations, and to do all other things appropriate to the conduct of said proceedings as set forth in Part 130 (21 CFR Part 130).

Dated: June 4, 1969.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 69-6789; Filed, June 9, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. R-57 to Veterans Administration Hospital at Omaha, Nebr. The license, which authorizes the Veterans Administration Hospital to possess and operate a TRIGA nuclear reactor, has an expiration date of June 24, 1969. However, the licensee has filed an application for renewal of the license for a 10-year period. Accordingly, this amendment, set forth below, extends the expiration date of the license until June 24, 1979; all other conditions of the license remain the same.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the licensee's application for license renewal dated May 9, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of June 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License R-57, Amdt. 6]

The Atomic Energy Commission has found that:

1. The Veterans Administration Hospital's application for license renewal dated May 9, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-57, as amended, is hereby further amended by revising paragraph number 5 thereof in its entirety to read as follows:

"5. This license is effective as of the date of issuance and shall expire at midnight, June 24, 1979."

Date of Issuance: June 2, 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-6764; Filed, June 9, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20888]

PROFIT BY AIR, INC.

Notice of Proposed Approval of Control Relationships

Application of Profit By Air, Inc., for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended, Docket 20888.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 4, 1969.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

Issued under delegated authority.

Application of Profit By Air, Inc., for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended; Docket 20888.

Order approving control relationships. By application filed May 1, 1969, Profit By Air, Inc. (PBA), requests approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the control relationships resulting from its proposed acquisition of the fixed assets and operating rights of Astro Cargo, Inc. (Astro Cargo).[1] PBA is a domestic and international air freight forwarder. Astro Cargo is an intrastate common carrier by motor vehicle operating pursuant to authority issued by the Public Utilities Commission of the State of California.[2]

The application states that upon consummation of the transaction, PBA will transfer the assets and permits of Astro Cargo to a newly-formed, wholly owned subsidiary, Astro Trucking Corp. (Astro Trucking). Thereafter Astro Cargo will be liquidated, and Astro Trucking will perform the operations currently being conducted by Astro Cargo.

The applicant states that in addition to its intrastate common carrier activities, Astro Trucking will perform pickup and delivery services for PBA; that to the extent Astro Trucking will perform such services its ownership and control by PBA is in accord with a long line of Board precedent; and that such ownership and control, in view of Astro Cargo's restricted authority, does not give rise to any conflict of interest questions. In addition, the applicant summarily states that the transaction does not affect the control of an air carrier, does not result in a monopoly, will not tend to restrain competition, and is in the public interest.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 406(b) of the Act.

Upon consideration of the foregoing, it is concluded that PBA is an air carrier and that its acquisition of Astro Cargo is subject to section 408 of the Act.[3] However, it is further concluded that such control relationships do not affect the control of a direct air carrier, do not result in creating a monopoly and do not tend to restrain competition.[4] Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[5] However, the Board believes that any expansion of the authority held by Astro Trucking may give rise to issues not present in the instant case. Consequently, the approval granted herein will extend only so long as the common carrier activities of Astro Trucking remain intrastate in nature.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

That the acquisition of Astro Cargo by PBA and the resultant control relationships be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews, Director, Bureau of Operating Rights.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6809; Filed, June 9, 1969; 8:48 a.m.]

[1] The application was originally filed Apr. 8, 1969, and supplemented May 1, 1969.

[2] PBA has authority to operate as a radial highway common carrier and as a contract common carrier within a radius of 60 miles of Los Angeles and also to operate as a city carrier to all incorporated cities within a radius of 60 miles of Los Angeles.

[3] Air Freight Forwarder Case, 9 CAB 473, 1948.

[4] It has been concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine, to the extent that it is applicable, and that there is no impediment to the processing of the application on its merits.

[5] See Orders 68-9-24, Sept. 6, 1968, and 68-9-111, Sept. 24, 1968 (Drake Motor Lines et al.); and Order 68-10-134, Oct. 25, 1968 (Novo Industrial Corp. and Boss-Linco Lines).

[Docket No. 20928]

AMERICAN AIRLINES, INC., ET AL.

Notice of Postponement of Prehearing Conference Regarding Passenger Fare Revisions

American Airlines, Braniff Airways, Trans World Airlines, United Air Lines, and Western Air Lines are taking action to cancel all of the proposed fare revisions which were ordered investigated in this docket. Under these circumstances notice is hereby given that the prehearing conference now assigned to be held on June 11, 1969, is hereby postponed indefinitely.

Dated at Washington, D.C., June 6, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-6844; Filed, June 9, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

Correction

In F.R. Doc. 69-6488 appearing at page 8717 in the issue of Tuesday, June 3, 1969, the phrase "5 CFR 212.3301a" appearing in the seventh line should read "5 CFR 213.3301a."

FEDERAL MARITIME COMMISSION

M & H BROKERAGE, INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor; Notice of Applicants Licensed

Notice is hereby given that the following applicants have been licensed during 1969 by the Federal Maritime Commission as Independent Ocean Freight Forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (46 U.S.C. 814(b)).

M & H Brokerage, Inc., 5439 Northwest 36th Street, Miami Spring, Fla., FMC License No. 1229.

Fermin R. Morales, Inc., Post Office Box 4862, El Imparcial Building, San Juan, P.R., FMC License No. 1231.

Alfred L. Cohen, d.b.a. Mutual International Forwarding, 9027 Flatlands Avenue, Brooklyn, N.Y., FMC License No. 1232.

Gerald T. Boyle, d.b.a. Gerald T. Boyle & Associates, 2100 East Colfax Avenue, Denver, Colo., FMC License No. 1233.

Regis Francis Kramer, d.b.a. Regis F. Kramer & Co., 5420 West 104th Street, Los Angeles, Calif., FMC License No. 1238.

Margarita T. Kuyoomjian, 3705 West 62d Street, Los Angeles, Calif., FMC License No. 1234.

Columbia Van Lines, Inc., of California, 2805 Columbia Street, Torrance, Calif., FMC License No. 1236.

Container Services International, Inc., 233 Broadway, New York, N.Y., FMC License No. 1237.

International Sea Van, Inc., 1212 St. George Road, Evansville, Ind., FMC License No. 79.
Everett W. Fleisig, d.b.a. Everett W. Fleisig Co., 24 Stone Street, New York, N.Y., FMC License No. 1230.
Freeslate International Corp., 11 Broadway, New York, N.Y., FMC License No. 1240.
Pegasus Freight Forwarding Co., Inc., 112 John Street, New York, N.Y., FMC License No. 1235.
A.O.K. Shipping Service, Inc., Pier No. 3, Municipal Docks, Post Office Box 2798, Miami, Fla., FMC License No. 1239.
Monumental-Security Storage Co., 3006 Druid Park Drive, Baltimore, Md., FMC License No. 1245.
Intermodal Forwarding, Inc., 29 Broadway, New York, N.Y., FMC License No. 1242.
Randy International, Ltd., 11 Broadway, New York, N.Y., FMC License No. 1241.
Arthur Jacobs, d.b.a., Artmar Shipping Co., 1216 Burke Avenue, Bronx, N.Y., FMC License No. 1243.
New York International Customs Service, Inc., Post Office Box 90310, LAX International Airport, Los Angeles, Calif., FMC License No. 1244.
E. Allen Brown, 1935 East Beaver Street, Post Office Box 22, Station G, Jacksonville, Fla., FMC License No. 1246.

Dated: June 5, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6797; Filed, June 9, 1969; 8:47 a.m.]

ATLANTIC COAST DISTRICT OFFICE

Notice of Relocation

The new address of the Commission's Atlantic Coast District Office is:

Federal Maritime Commission, Atlantic Coast District Office, 26 Federal Plaza, Room 4012, New York, N.Y. 10007.

Dated: June 5, 1969.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-6796; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-10]

ATLANTIC LINE, LTD.—GENERAL INCREASES IN RATES IN U.S. ATLANTIC/VIRGIN ISLANDS TRADE

Postponement of Hearing and Vacation of Suspension

By order dated March 19, 1969, we ordered an investigation into a general increase by Atlantic Line, Ltd., of rates in the U.S.-Virgin Islands trade. By First Supplemental Order, dated April 7, 1969, we ordered the investigation and the suspension of 50 additional increases in rates. The Government of the Virgin Islands, Hearing Counsel, and respondent Atlantic Line are parties to the investigation.

On May 21, 1969 a joint motion to postpone the hearing and to vacate the suspension was filed by all the parties to this proceeding. The motion is precipitated by Atlantic Line's recent conversion of its Virgin Islands service into an exclusive trailership operation with direct turn around voyage. All parties agree that in light of the completely different type of service to be offered it would be exceedingly difficult to derive projected results with any reasonable accuracy until there has been some minimum period of actual operation in the new type service. Accordingly, the parties request a postponement of hearing until the first week of February 1970.

The parties also seek immediate use of the suspended rates. Atlantic Line agrees that if the suspension is lifted it will voluntarily maintain the rates on certain basic foodstuff items at the level in effect prior to the suspended increases. Atlantic Line agrees to maintain such rates until we finally resolve the question of reasonableness of the carrier's general rate level.

We are disposed to grant the motion to postpone hearing and to vacate suspension. The suspension will be vacated upon the filing by Atlantic Line of an appropriate tariff setting forth the rates to be maintained on basic foodstuff items. The granting of the motion will be conditioned by the agreement and stipulation of the parties that during the period until the hearings resume Atlantic Line will furnish periodic reports to the Commission of its operational results; that the Government of the Virgin Islands will have access to such financial data upon its request; that the reported data will include monthly voyage summaries, supplemented by quarterly reports which include administrative and general and other pertinent expense items; that all allocation methods employed in this quarterly report will be clearly explained; and that the Commission shall have the right to request supplemental filings, if needed, and the right to audit all reports.

Therefore, it is ordered, That the motion to postpone hearings is hereby granted, conditioned on the above-mentioned agreement and stipulation of the parties to this proceeding. An order vacating suspension will be issued upon the filing of the tariff setting forth the rates to be maintained on basic foodstuff items.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6798; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-26; Second Supplemental Order and Special Permission 5050]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Change matter held in effect by reason of suspension waive Rule 20(c) Domestic Tariff Circular No. 3.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 17, 1969, Supplement No. 51 to Tariff FMC-F No. 3 (Pan-Atlantic Steamship Corp. FMC-F Series) and Supplement No. 15 to Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corp. FMC-F Series), among other tariff matters. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

The Commission has determined that no useful regulatory purpose would be served in this proceeding by enforcing the "freeze" insofar as the statutory filing of rate reductions is concerned.

Now, therefore it is ordered, That:

1. Authority is granted to Sea-Land Service, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69-26 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including September 17, 1969.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69-26 and Federal Maritime Commission Special Permission No. 5050."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of reduced rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6799; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-24; Second Supplemental Order and Special Permission 5050]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Change matter held in effect by reason of suspension waive Rule 20(c) Domestic Tariff Circular No. 3.

By original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 15, 1969, Supplement No. 47 to Tariff FMC-F No. 1 and Supplement No. 22 to Tariff FMC-F No. 3. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission. The Commission has determined that no useful regulatory purpose would be served by enforcing the "freeze" insofar as the statutory filing of rate reductions is concerned.

Now, therefore it is ordered, That:

1. Authority is granted to Seatrain Lines, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69-24 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including September 15, 1969.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69-24 and Federal Maritime Commission Special Permission No. 5050."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of reduced rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6800; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-25; First Supplemental Order and Special Permission 5050]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade

Change matter held in effect by reason of suspension waive Rule 20(c) Domestic Tariff Circular No. 3.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a temporary "Strike Surcharge" designed to increase rates and charges of the subject carrier by 10 percent during the period from May 17, 1969 to April 10, 1970; and suspended to and including September 16, 1969, Original, First and Second Revised Pages 10-A to Freight Tariff FMC-F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission. The Commission has determined that no useful regulatory purpose would be served by enforcing the "freeze" insofar as the statutory filing of rate reductions is concerned.

Now therefore it is ordered, That:

1. Authority is granted to Transamerican Trailer Transport, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69-25 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including September 16, 1969.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69-25 and Federal Maritime Commission Special Permission No. 5050."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of reduced rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6801; Filed, June 9, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-103]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

JUNE 3, 1969.

Take notice that on May 26, 1969, Columbia Gulf Transmission Co. (Petitioner), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP69-103 a petition to amend the order issued in said docket on March 17, 1969, by authorizing an increase in the amount of the expenditures for the offshore "budget-type" facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct during 1969 and operate "budget-type" gathering facilities at a total estimated cost of $600,000, with no single project to exceed a cost of $150,000. Petitioner states that it is now necessary to construct facilities to connect offshore gas reserves to offshore transmission facilities and that the costs for offshore construction are much higher than for comparable onshore construction.

Therefore, Petitioner requests that the Commission waive the applicability of § 157.7(b)(1) of its regulations insofar as it restricts the cost of any single project to 25 percent of the total budget amount and that the certificate issued March 17, 1969, be amended so as to authorize Petitioner to construct any single gas supply project during 1969 at a cost not to exceed $250,000, with the aggregate cost of all such projects not to exceed $600,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6766; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. CP69-321]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 3, 1969.

Take notice that on May 27, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-321 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate facilities for the sale and delivery of natural gas to Columbia Gas Co. (Columbia) for resale and distribution in the community of Connell, Wash., and environs. In order to render such service, Applicant proposes to construct and operate approximately 3.9 miles of 6⅝-inch O.D. lateral pipeline and a measuring and regulating station adjacent to such pipeline.

The estimated peak day and annual natural gas requirements of Columbia during the third full year of the proposed service are 31,718 therms and 6,744,460 therms, respectively. Applicant's proposed sales and deliveries to Columbia will be initiated on a firm basis in accordance with and at rates contained in Applicant's Rate Schedule DI-1, FPC Gas Tariff, Original Volume No. 3.

The total estimated cost of Applicant's facilities is $79,096, which will be financed from working funds supplemented, as necessary, by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6767; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. CP69-316]

MIDWEST NATURAL GAS CO., AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 3, 1969.

Take notice that on May 23, 1969, Midwest Natural Gas Co. (Applicant), 600 Denver Club Building, Denver, Colo. 80202, filed in Docket No. CP69-316 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale in 14 communities situated in North and South Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system serving 14 communities in North and South Dakota. The facilities to be constructed by Applicant consist of the distribution systems in the several communities, approximately 136.9 miles of 6⅝-inch and 0.5 mile of 30-inch O.D. lateral transmission line, and a compressor station with appurtenant facilities.

Applicant seeks an order of the Commission directing Respondent to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver the volumes of natural gas necessary to serve Applicant's needs for the new distribution systems.

The estimated third year peak day and annual natural gas requirements of Applicant for the new distribution systems are 6,521 Mcf and 1,628,403 Mcf, respectively.

The total estimated cost of Applicant's proposed facilities is $6,010,000, which will be financed by the issuance of common stock and convertible subordinated debentures.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6768; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. RP69-36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Changes in Rates and Charges

JUNE 3, 1969.

Take notice that on May 29, 1969, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 1, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by $44,471,857 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. Rates would be increased under all sales rate schedules except Rate Schedules I-1 and I-2 (Rate Schedule I-1 would be subject to adjustment for changes in cost of purchased gas).

Natural states that the principal reason for the proposed rate increases is an increase in revenue requirements not limited to any category of expense or allowance, but reflecting a general increase in cost levels in the nation and in the natural gas industry. The proposed rates include a claimed 8.5 percent rate of return.

Natural's filing consists of two alternative sets of revised tariff sheets, the first of which contains a proposed new paragraph, to be included in the General Terms and Conditions of the Tariff, providing that Natural would be permitted, or required, to revise its rates periodically to reflect increases or decreases in its cost of purchased gas. Natural requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Natural's filing, the Commission accepts for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Copies of the filing were served on customers and interested state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6769; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. E-7423]

OTTER TAIL POWER CO.

Notice of Application

JUNE 4, 1969.

Take notice that on June 28, 1968, the Federal Power Commission issued an order pursuant to section 204 of the Federal Power Act authorizing Otter Tail Power Co. to issue short-term promissory notes to banks in an aggregate principle amount not to exceed $12 million outstanding at any one time. The notes were to be issued on or before December 31, 1970, with a final maturity date of not later than December 31, 1971.

On May 26, 1969, Otter Tail Power Co. (Applicant) filed an application requesting that the Commission order of June 28, 1968, be modified to the extent that the Applicant be authorized to issue notes in the form of commercial paper as well as notes to banks and that the final dates of issuances be extended from December 31, 1970, to December 31, 1971. All other terms and conditions of the Commission's order are to remain the same.

The notes to be issued in the form of commercial paper would have maturity dates of no later than 9 months from the date of issuance and would bear interest dependent upon the terms of the notes and the money market conditions at the time of issuance. The proceeds from the notes will be used to provide general funds for the company's 1969, 1970, and 1971 construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6770; Filed, June 9, 1969; 8:45 a.m.]

[Dockets Nos. CS69-46, etc.]

TEXAS CRUDE OIL CO. ET AL

Notice of Applications for "Small Producer" Certificates [1]

JUNE 3, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS69-46	5-13-69	Texas Crude Oil Co., 2601 Ridgmar Plaza, Post Office Box 12405, Fort Worth, Tex. 76116.
CS69-48	5-12-69	Estate of William Wade Meeker, 6000 Camp Bowie Blvd., Fort Worth, Tex. 76116.
CS69-49	5-12-69	William A. Davidson, 42 Wall St., New York, N.Y. 10005.
CS69-50	5-12-69	Albert Francke, III, 63 Wall St., New York, N.Y. 10005.
CS69-51	5-12-69	Rainer E. Gut, 44 Wall St., New York, N.Y. 10005.
CS69-52	5-12-69	Edwin A. Dean, 2 Wall St., New York, N.Y. 10005.
CS69-53	5-12-69	Ted Penner, 1502 East Lancaster, Fort Worth, Tex. 76102.
CS69-54	5-12-69	L. H. Meeker, 6000 Camp Bowie Blvd., Fort Worth, Tex. 76116.
CS69-55	5-12-69	J. J. Meeker, 6000 Camp Bowie Blvd., Fort Worth, Tex. 76116.
CS69-56 [1]	5-16-69	MWJ Producing Co. (Operator), Agent, 1413 First National Bank Bldg., Midland, Tex. 79701.
CS69-57	5-22-69	Solar Oil Co., Post Office Box 5596, Midland, Tex. 79701.
CS69-58	5-26-69	Imperial-American Management Co., 777 The Main Bldg., Houston, Tex. 77002.

[1] Applicant requests that its sales heretofore authorized in Dockets Nos. G-15116, G-17633, G-17903, G-18491, G-19802, G-20318, C165-1306, C166-749, C166-766, C167-1681, G-15992, C168-61, C168-600, C168-925, C168-997, and C168-1050 to be made pursuant to its FPC Gas Rate Schedules Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16 and 17, respectively, not be covered by a small producer certificate.

[F.R. Doc. 69-6771; Filed, June 9, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANK OF LAS VEGAS

Order Approving Merger of Banks

In the matter of the application of Bank of Las Vegas for approval of merger with Valley Bank of Nevada.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by the Bank of Las Vegas, Las Vegas, Nev., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Valley Bank of Nevada, Reno, Nev., under the charter of the former and under the name, Valley Bank of Las Vegas. As an incident to the merger, the four offices of Valley Bank of Nevada would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 23d day of May, 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6773; Filed, June 9, 1969; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

FOREIGN-TRADE SUBZONE NO. 2-B NEW ORLEANS, LA.

Notice of Filing and Investigation Regarding Application for Contiguous Expansion

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, and Subzones 2-A and 2-B, for permission to modify the boundaries of Subzone 2-B, New Orleans, La., Customs District No. 20 of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u). The grant for Subzone 2-B was issued on November 19, 1968 (Board Order No. 78; 33 F.R. 17378, 11-23-68), covering an area of 3.47 acres. The requested modification involves adjustments to the southeastern and southern

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

boundaries of the subzone which would result in an expansion in subzone area of slightly more than 1 acre.

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to the Foreign-Trade Zones Board Regulations (15 CFR Part 400) has designated Sidney R. Donner, Office of Policy Development, Business and Defense Services Administration, U.S. Department of Commerce, as Examiner to investigate the application for compliance with said Regulations. The application was found to be in order on May 28, 1969. Accordingly, the Acting Executive Secretary has appointed an Examiners Committee composed of: Sidney R. Donner, Chairman; Charles W. Fisher, District Director of Customs, New Orleans, La.; and, Colonel Herbert R. Haar, Jr., U.S. Army District Engineer, New Orleans, La., to conduct an investigation of the application and report thereon to the Foreign-Trade Zones Board.

A copy of the application and accompanying exhibits is available for public examination at the office of the District Director, U.S. Customs House, New Orleans, La., and at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3325, U.S. Department of Commerce, Washington, D.C.

Notice is hereby given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their written views regarding the application. Such views must be submitted in writing to Mr. Sidney R. Bonner, Chairman of the Examiners Committee (N.O. 2–B—Contiguous Expansion), Foreign-Trade Zones Board, Room 3325, U.S. Department of Commerce, Washington, D.C. 20230, to be received not later than 21 calendar days from the publication of this notice in the FEDERAL REGISTER.

Dated: June 5, 1969.

JOHN J. DA PONTE, Jr.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 69–6831; Filed, June 9, 1969; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F–49]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission in a proceeding involving natural gas rates of the Southern Union Gas Co. (Case No. 937).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–6788; Filed, June 9, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JUNE 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 5, 1969, through June 14, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–6777; Filed, June 9, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

J & M INVESTMENT CORP.

Notice of Issuance of Small Business Investment Company License

On April 9, 1969, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (34 F.R. 6307) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for a license as a small business investment company by J & M Investment Corp., 712 Mill Street, Reno, Nev. 89502.

Interested parties were given 15 days from the date of publication to submit their comments to SBA.

No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 12/12–0148 to J & M Investment Corp. to operate as a small business investment company.

The license was issued in Washington, D.C., on May 28, 1969.

Dated: May 28, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator
for investment.

[F.R. Doc. 69–6791; Filed, June 9, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 100]

WILLAMETTE TARIFF BUREAU, INC. APPLICATION FOR APPROVAL OF AGREEMENT

JUNE 5, 1969.

Notice. The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: May 19, 1969, by: J. L. Stewart, Attorney-in-fact, 1444 Southeast Hawthorne Boulevard, Portland, Oreg. 97214.

Agreement involves: Agreement between and among common carriers by motor vehicle, railroad, or water, participants in tariffs published by Willamette Tariff Bureau, Inc., relating to joint consideration, initiation, change, and publication of rates, rules, regulations, and practices governing the transportation of property, in intrastate, interstate, and foreign commerce from, to and between points, to the extent specified, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and the Provinces of Alberta, British Columbia, and Saskatchewan, Canada.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicant should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–6792; Filed, June 9, 1969; 8:47 a.m.]

[Notice 845]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 189 TA), filed June 2, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Cambridge, Md., to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Bumble Bee Seafoods, a division of Castle & Cooke, Inc., Cambridge, Md. 21613. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 44913 (Sub-No. 8 TA), filed May 27, 1969. Applicant: E. ROSCOE WILLEY, INC., 915 Race Street, Cambridge, Md. 21613. Applicant's representative: Francis N. Koski, 915 Race Street, Cambridge, Md. 21613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, in containers, from Plant and Warehouse Site, Cambridge, Md., to Greensboro, Raleigh, and Wilmington, N.C., Washington, D.C. and points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and those in Pennsylvania on and east of a line beginning at Maryland-Pennsylvania line and extending along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to Pennsylvania-New York State line, and those in Virginia on and east of U.S. Highway 1, for 180 days. Supporting shipper: Bumble Bee Seafoods, Cambridge, Md. 21613, O. D. Howell, Assistant Plant Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 85465 (Sub-No. 19 TA), filed May 29, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beef hearts*, from Denison, Iowa, and Dakota City and West Point, Nebr., to Scottsbluff, Nebr. (Authority is sought to pick up at all three origin points on the same truck and deliver to destination, thus interstate authority is sought to load at the two Nebraska origins), for 180 days. Supporting shipper: Great Western Packing Co. of Nebraska, Post Office Box 675, Scottsbluff, Nebr. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 113828 (Sub-No. 159 TA), filed June 2, 1969. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Greensboro, N.C., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Sun Chemical Corp., 750 Third Avenue, New York, N.Y. 10017. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 114737 (Sub-No. 7 TA), filed May 28, 1969. Applicant: O. A. WOODY, doing business as O. & A. FILM LINES, 1310 Avenue G, Lubbock, Tex. 79401. Applicant's representative: Warren A. Goff, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock, restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day, between points located in an area bounded by a line beginning at the Texas-New Mexico State line near Farwell, Tex., extending along U.S. Highway 84 to Sweetwater, Tex., thence southerly along Texas Highway 70 to the junction of U.S. Highway 277; thence along U.S. Highway 277 to San Angelo, Tex., thence along U.S. Highway 67 to Barnhart, Tex., thence along Texas Highway 163 to Ozona, Tex., thence westerly along U.S. Highway 290 to junction U.S. Highway 80 (east of Kent, Tex.); thence along U.S. Highway 80 (through El Paso, Tex.) to the New Mexico-Texas State line (near Anthony, N. Mex.); thence along a line bounded by the counties of Curry, De Baca, Roosevelt, Lincoln, Chaves, Dona Ana, Eddy, and Lea, N. Mex., and all points on U.S. Highway 80 from Sweetwater, Tex., to Dallas, and Forth Worth, Tex., for 180 days. NOTE: Applicant desires the right to interline with other motor common carriers. Supporting shippers: There are approximately 40 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 116063 (Sub-No. 115 TA), filed June 2, 1969. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrine and adhesives*, in bulk, in tank vehicles, from Grand Prairie, Tex., to Fort Smith, Ark., for 180 days. Supporting shipper: National Starch & Chemical Corp., Box 50, Grand Central Post Office, New York, N.Y. 10017. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commisison, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 117883 (Sub-No. 125 TA), filed May 29, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., to points in Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, District of Columbia, and St. Louis, Mo., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119880 (Sub-No. 31 TA), filed June 2, 1969. Applicant: DRUM TRANSPORT, INC., Box 2056, East Peoria, Ill. Applicant's representative: B. N. Drum

(same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to New Orleans, La., for 180 days. Supporting shipper: The American Distilling Co., South Front Street and Distillery Road, Pekin, Ill. 61554. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123067 (Sub-No. 84 TA), filed May 29, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Chatham County, Ga., to points in Georgia, for 150 days. Supporting shippers: Georgia Ports Authority, Post Office Box 2406, Savannah, Ga. 31402; Hohenstein Shipping Co., 24 Drayton Street, Savannah, Ga. 31402; Anderson Shipping Co., Post Office Box 794, Savannah, Ga. 31402; E. L. Mobley Custom House Broker and Freight Forwarder, Post Office Box 686, Savannah, Ga. 31402. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 124078 (Sub-No. 383 TA), filed June 2, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio, 44115 (I. W. Peterson, Motor Carrier Coordinator). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 384 TA), filed June 2, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer materials*, in bulk, from the plantsites of Occidental Chemical Co. at Kenton and Mount Victory, Ohio, to points in Indiana, for 150 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, Tex. 77001 (Mike Gonzales, Transportation Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124652 (Sub-No. 6 TA), filed May 29, 1969. Applicant: JULIAN F. DUNCAN, doing business as DUNCAN TRANSFER, Post Office Box 1, Riverton, Va. 22651. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry or mortar cement*, from Riverton, Va., to points in Connecticut, for 150 days. Supporting shipper: Riverton Lime & Stone Co., Inc., Riverton, Va. 22651. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 125506 (Sub-No. 11 TA), filed May 29, 1969. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by retail specialty shops* (except new furniture and appliance items), from New York, N.Y., Bala-Cynwyd, Pa., and from Bala-Cynwyd, Pa., to New York, N.Y., for 180 days. Supporting shipper: Saks Fifth Avenue, 611 Fifth Avenue, New York N.Y. 10022. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126320 (Sub-No. 4 TA), filed May 29, 1969. Applicant: HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Petersburg, W. Va. 26847. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in tank, hopper or dump truck equipment, from Greer, W. Va., to Bridgeville, Pa., for 180 days. Supporting shipper: Greer Limestone Co., Greer Building, Morgantown, W. Va. 26505. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 128539 (Sub-No. 2 TA), filed May 29, 1969. Applicant: H & P TRANSIT COMPANY, INC., Post Office Box 2508, Rocky Mount, N.C. 27801. Applicant's representative: Roland Rice, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Henderson, N.C., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, Ill. 60608. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133495 (Sub-No. 1 TA), filed June 2, 1969. Applicant: JOHN M. AKIKI, Rural Route No. 1, Box 9, Imperial, Mo. 63052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Chicago, Ill., and Evansville, Ind. (the plantsites of Associated Brewing), to St. Louis and Joplin, Mo., *empty bottles*, on return, for 180 days. Supporting shipper: Peoples Liquor, Inc., 5080 Delmar, St. Louis, Mo. 63108. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 133686 (Sub-No. 1 TA), filed May 29, 1969. Applicant: TOM SAWYER, Box 3, Kingston, Idaho 83839. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Spokane, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Fargo, N. Dak., to Seattle and Spokane, Wash., and Portland, Oreg., for 150 days. Supporting shipper: North Star Dairy, 350 Endicott on Fourth Building, St. Paul, Minn. 55101. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133718 (Sub-No. 1 TA), filed May 29, 1969. Applicant: W. H. RAMSEY, doing business as W. H. RAMSEY & SONS, 4790 Mission Boulevard, Ontario, Calif. 91762. Applicant's representative: Floyd C. Ellis, Suite 757, Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay or earthenware and tile quarries*, from Pomona, Calif., to Mesa, Ariz., and Phoenix, Ariz., for 180 days. Supporting shipper: Pomona Tile Co., 216 South Reservoir Street, Post Office Box 2249, Pomona, Calif. 91766. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133723 (Sub-No. 5 TA), filed June 2, 1969. Applicant: JOHN H. SMITH, INC., 18709 Ecorse Road, Allen Park, Mich. 48101. Applicant's representative: William B. Elmer, Kaiser Building, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal briquets*, from Detroit, Mich., to points in Ohio located in and west of Ohio Highway 61 and on and north of U.S. Highway 36, and *coke*, from Toledo, Ohio, to Detroit, Mich., for 150 days. Supporting shipper: Johnson Coal Cubing Co., 9309 Hubbell Avenue, Detroit, Mich. 48228. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 133761 TA, filed May 29, 1969. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, containers and chassis*, from Middletown, N.Y., to Fairless Hills and Philadelphia, Pa.; Norfolk, Va.; Baltimore, Md.; Port Jervis, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Interstate Commerce Commission in 53 M.C.C. 451, within which local operations may be conducted under the exemption provision provided by section 203(b)(8); (2) *trailers and trailer parts*, from Fairless Hills, Pa., to Middletown, N.Y., for 150 days. Supporting shipper: Strick Corp., U.S. Highway 1, Fairless Hills, Pa. 19030. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 138 TA), filed May 29, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations only, between the junction of Interstate Highway 40 (U.S. Highway 66) and an unnumbered highway at the northern entrance to Petrified Forest National Park, Ariz., and Holbrook, Ariz., from junction Interstate Highway 40 (U.S. Highway 66) and unnumbered highway, over unnumbered highway through the Petrified Forest National Park to junction U.S. Highway 180, thence over U.S. Highway 180 to junction Interstate Highway 40 (U.S. Highway 66) at Holbrook, for 180 days. NOTE: Applicant intends to tack this authority, if granted, with its Sub No. 7. Supported by: Shanly International Corp., 305 Dun Building, Buffalo, N.Y. 14202. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 67629 (Sub-No. 5 TA), filed May 29, 1969. Applicant: NORTHERN TRANSPORTATION CO., 218 North Fifth Avenue, Virginia, Minn. 55792. Applicant's representative: Joseph J. Dudley, West 1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers, and U.S. Mail;* (1) between Duluth, Minn., and the Minnesota-Canadian border at Grand Portage, Minn., from Duluth over U.S. Highway 61 to Grand Portage, and return over the same route, serving all intermediate points, and the .off-route point of Knife River, Minn., over unnumbered highway; and (2) between Duluth, Minn., and Motley, Minn., from Duluth over U.S. Highway 61 to its junction with Minnesota Highway 45, thence over Minnesota Highway 45 to Cloquet, Minn., thence over Minnesota Highway 33 to its junction with U.S. Highway 210, thence over U.S. Highway 210 to Motley, and return over the same route, serving all intermediate points, for 150 days. NOTE: Applicant states it will tack this authority to MC 67629 and interline at Duluth, Aitkin, and Motley, Minn. Supported by: Nick Lagarther, Minnesota Public Service Commission, Fred H. Petersen, village of Aitkin, Minn., Kenneth Ohlund, Two Harbors, Minn., George Peet, village of Grand Marais, Minn., and Thomas Scheurer, Brainerd, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128823 (Sub-No. 2 TA), filed May 29, 1969. Applicant: ROBERT C. BELL, doing business as N.J. & N.Y. AIRPORT LIMOUSINE, 130–20 Horace Harding Boulevard, Flushing, N.Y. 11367. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and pets*, between New Jersey Highway 27 and the New Jersey Turnpike on New Jersey Highway 18, and between Interchange 9 and Interchange 18 on the New Jersey Turnpike, including access roads and ramps to and from the said New Jersey Turnpike and New Jersey Highway 18, and also between U.S. Highway 1 and U.S. Highway 206 on New Jersey Highway 546 in Lawrence, N.J., and on Alexander Street and University Place in Princeton, N.J., for 150 days. NOTE: Applicant intends to tack MC 128823 and Sub 1 TA. Supporting by: Applicant has attached to the application his own letter supporting same. Send protests to: District Supervisor Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6793; Filed, June 9, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

JUNE 4, 1969.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of DOT Special Permits upon which Board action was completed during May 1969:

Special Permit No.	Issued to—Subject	Mode or modes of transportation
5949	Allied Chemical Corp. for the shipment of inhibited gaseous tetrafluoroethylene in DOT-3AAX2400 cylinders.	Highway and rail.
5950	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model BCL-2, BCL-3, or BCL-4 shipping casks.	Cargo-only aircraft, highway, and rail.
5962	Terra Chemicals International Inc., for the shipment of anhydrous ammonia in proposed DOT-120A300W tank car tanks.	Rail.
5966	Universal Oil Products Co. for the shipment of gaseous oxygen in a small manifolded pressure unit.	Cargo-only aircraft and highway.
5967	Rocket Research Corp. for the shipment of liquefied monochlorodifluoromethane in three sizes of cool gas generators.	Cargo-only aircraft, highway, and rail.
5970	West Coast Welders Supply & Junk Co. for the shipment of oxygen, nitrogen, argon, and hydrogen in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
5971	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the GE Model 200 Shipping Cask.	Water, highway, and rail.
5972	Grace Line, Inc., for the shipment of specified flammable liquids, combustible liquids and hazardous articles, in MC-306 or 307 type portable tanks.	Water and highway.
5976	Chemagro Corp. for the shipment of liquid organic phosphate compounds in DOT-105A300W tank car tanks.	Rail.
5979	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the ICN Teletherapy Source 8 hipping Container.	Water and highway.
5980	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the GE Model 600 or 1800 Shielded Container.	Highway.
5983	Shippers upon specific registration with this Board, for the shipment of anhydrous ammonia or liquefied petroleum gas in DOT-114A340W tank cars constructed of AAR-M-128B steel, and on the basis of E=1.0 under 49 CFR 179.100-6.	Rail.
5984	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in a DOT-55 container having a wooden overcoat (J. L. Shepherd Cask).	Highway.
5986	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive material in the Picker Model 592 Teletherapy Source Head Shipping Container.	Water, highway, and rail.
5987	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, special form, incorporated in the SNAP-7C radioisotope-fueled thermoelectric generator.	Highway.
5988	Department of Defense for the shipment of explosive bombs in wooden or metal boxes having a gross weight in excess of 1,400 pounds but not exceeding 2,200 pounds.	Highway and rail.
5990	McDonnell Douglas Corp. for shipment of gaseous helium, hydrogen, or nitrogen in certain DOT-3AA cylinders which have not been retested in accordance with 49 CFR 173.34(e).	Highway.
5991	Hamilton Standard, for the shipment of small quantities of white phosphorus inerted in gaseous helium in an instrument.	Highway and rail.
5992	Olson Laboratories, Inc., for the shipment of nonflammable nonliquefied gas mixtures in DOT-2P packaging.	Do.

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Special Permit No.	Issued to—Subject	Mode or modes of transportation
5994	Shippers upon specific registration with this Board, for the shipment of hazardous materials, currently authorized in DOT-4BA cylinders, in DOT-4BW cylinders.	Highway and rail.
5997	Woodland Oxygen Supply Co., Inc., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, compressed air, and mixtures thereof, in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
5999	Atcor, Inc., for one shipment of Type B quantities of radioactive material, special form, consisting of 38 irradiated flow channels from the Dresden BWR nuclear power plant.	Highway.
6004	Oak Ridge National Laboratory, for one shipment of fissile radioactive material in the Sodium Fluoride Absorber Shipping Container.	Do.

WILLIAM C. JENNINGS,
Chairman,
Hazardous Materials Regulations Board.

[F.R. Doc. 69-6778; Filed, June 9, 1969; 8:46 a.m.]

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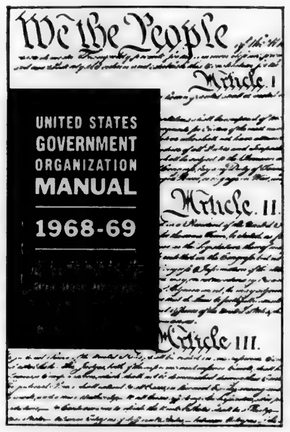

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FEDERAL REGISTER

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Treasury Department
Wage and Hour Division

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Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-358; Order 381]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Area Rate Levels for Natural Gas Sales by Independent Producers; Correction

MAY 29, 1969.

In the order amending § 2.56, rules of practice and procedure, general policy and interpretations under the Natural Gas Act, area rate levels for natural gas sales by independent producers, issued May 12, 1969 and published in the FEDERAL REGISTER May 20, 1969 (34 F.R. 7904), on page 1, first paragraph, line 11: Change "1968" to "1068". Attachment A-2, Table No. 1: After "Texas, Permian Basin RR. District Nos. 7-c and 8: 3," add "3a" and insert footnote "3a" between footnote numbers "3" and "4" to read: "3a Texas Railroad Commission District No. 8, as referred to herein, includes both the present Texas Railroad Commission District Nos. 8 and 8-A (34 FPC 1078)."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6826; Filed, June 10, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 850—RECORDS TO BE MADE OR KEPT RELATING TO AGE; NOTICES TO BE POSTED; ADMINISTRATIVE EXEMPTIONS

Exemption for Certain Activities Designed Exclusively To Provide or Encourage Employment of Persons With Special Employment Problems

On April 11, 1969, there was published in the FEDERAL REGISTER notice of a proposal to amend 29 CFR Part 850 to exempt certain activities from the application of the Age Discrimination in Employment Act of 1967 (34 F.R. 6396). After consideration of all relevant matter presented by interested persons, and pursuant to section 9 of the Act (81 Stat. 605; 29 U.S.C. 628) and Secretary's Orders No. 10-68 (33 F.R. 9729) and No. 11-68 (33 F.R. 9690), 29 CFR Part 850 is hereby amended by adding to § 850.15 a new paragraph (c) to read as follows:

§ 850.15 Administrative exemptions.

• • • • •

(c) Pursuant to the authority contained in section 9 of the Act and in accordance with the procedure provided therein and in paragraph (b) of this section, it has been found necessary and proper in the public interest to exempt from all provisions of the Act all activities and programs under Federal contracts or grants, or carried out by the public employment services of the several States, designed exclusively to provide employment for, or to encourage the employment of, persons with special employment problems, including employment activities and programs under the Manpower Development and Training Act of 1962, as amended, and the Economic Opportunity Act of 1964, as amended, for persons among the long-term unemployed, handicapped, members of minority groups, older workers, or youth. Questions concerning the application of this exemption shall be referred to the Administration for decision.

(Sec. 9, 81 Stat. 605; 29 U.S.C. 628)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 5th day of June 1969.

ROBERT D. MORAN,
Administrator,
Wage and Hour and Public Contracts Division.

[F.R. Doc. 69-6845; Filed, June 10, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-CE-8-AD; Amdt. 39-779]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 14-19-3A and 17-30 Airplanes

There have been failures of the P/N 193101-9 horizontal stabilizer rear strut clevis on Bellanca Models 14-19-3A and 17-30 airplanes. These failures are due to fatigue caused by reversed bending and can result in loss of horizontal tail surfaces when operated at the upper end of the speed range.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring within 25 hours' time-in-service after the effective date of this airworthiness directive, either replacement of both P/N 193101-9 rear strut attach clevises with redesigned P/N 193130 rear strut attach clevises, in accordance with instructions contained in Bellanca Service Letter No. 50, dated May 28, 1969, or any other method approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region, or a magnetic particle inspection of both rear strut attach clevises for evidence of cracks. If cracks are discovered during the inspection, the airworthiness directive will require replacement of the existing rear strut attach clevises in accordance with the aforementioned service letter instruction. The airworthiness directive will also require recurring magnetic particle inspections every 25 hours' time-in-service after the initial inspection until the P/N 193130 redesigned rear strut attach clevises have been installed.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BELLANCA. Applies to Models 14-19-3A (Serial Numbers 4229 through 4342) and 17-30 (Serial Numbers 30001 through 30164) Airplanes.

Compliance: Required as indicated.

To prevent failures of the stabilizer rear strut clevises, unless already accomplished, perform either A or B below:

(A) Within 25 hours' time-in-service after the effective date of this airworthiness directive, and thereafter at intervals of not to exceed 25 hours' time-in-service from the date of the last inspection, conduct a magnetic particle inspection of both P/N 193101-9 rear strut attach clevises in the area of the threaded shank. The clevises must be removed from the airplane to perform the inspection. If a crack is found during any inspection, before further flight, perform the replacement required by paragraph B of this airworthiness directive.

(B) Within 25 hours' time-in-service after the effective date of this airworthiness directive, replace both P/N 193101-9 rear strut attach clevises with redesigned P/N 193130 rear strut attach clevises, in accordance with instructions contained in Bellanca Service Letter No. 50, dated May 28, 1969, or any other method approved as an equivalent by the Chief, Engineering & Manufacturing

Branch, Federal Aviation Administration, Central Region.

(C) When the replacement described in paragraph B of this airworthiness directive has been accomplished on both rear strut attach clevises, the inspections required by paragraph A of this airworthiness directive are no longer required.

This amendment becomes effective June 13, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 3, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6829; Filed, June 10, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9618; Amdt. 652]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
AMA VOR	AM LOM	Direct	5000	T-dn	300-1	300-1	300-1
Claude Int	AM LOM	Direct	5000	C-dn	600-1	600-1	600-1½
Canyon Int	AM LOM	Direct	5000	A-dn**	NA	NA	NA
Tower Int	AM LOM	Direct	5300				
Plant Int	AM LOM	Direct	6000				

Radar vectoring.
Procedure turn E side crs, 130° Outbnd, 310° Inbnd, 5000′ within 10 miles. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 310°–1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing AM LOM, turn left, climb to 6000′ within 20 miles on 260° bearing from AM LOM.
CAUTION: Towers 3920′, 2 miles NW of airport; 3994′, 2 miles NE of airport; 3929′, 2 miles NE of airport. 204′ AGL grain elevator located ¾ mile SW of Runway 35.
NOTES: No weather service at airport. Air carrier use not authorized. Tradewind MHW is AM LOM.
MSA within 25 miles of facility: 000°–360°—6000′.

City, Amarillo; State, Tex.; Airport name, Tradewind; Elev., 3642′; Fac. Class., H-SAB/LOM; Ident, AM; Procedure No. NDB (ADF)-1, Amdt. 5; Eff. date, 26 June 69; Sup. Amdt. No. 4; Dated, 28 Nov. 68

Salem Int	GON NDB	Direct	2000	T-dn	300-1	300-1	*300-1
Saybrook Int	GON NDB	Direct	2000	C-dn	500-1	500-1	500-1½
Watch Hill Int	GON NDB	Direct	2000	A-dn**	800-2	800-2	800-2
Norwich VOR	GON NDB	Direct	2100				

Radar vectoring.
Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 048°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GON NDB, make a right-climbing turn to 1800′, direct to GON NDB, hold SW, 050° Inbnd, 1 minute, left turns.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—1500′; 180°–270°—1600′; 270°–360°—2000′.
*200-½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., Gon; Procedure No. NDB (ADF)-1, Runway 5, Amdt. 2; Eff. date, 26 June 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 7 Sept. 63

Norwich VOR	GON NDB	Direct	2100	T-dn	300-1	300-1	*300-1
Salem Int	GON NDB	Direct	2000	C-dn	600-1	600-1	600-1½
Saybrook Int	GON NDB	Direct	2000	A-dn**	800-2	800-2	800-2
Watch Hill Int	GON NDB	Direct	2000				

Radar vectoring.
Procedure turn N side of crs, 258° Outbnd, 078° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 048°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GON NDB, make a right climbing turn to 1900′ direct to GON NDB, hold SW, 078° Inbnd, 1 minute, left turns.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—1500′; 180°–270°—1600′; 270°–360°—2000′.
*200-½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized only for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. NDB (ADF)-2, Runway 5, Amdt. 5; Eff. date, 26 June 69; Sup. Amdt. No. ADF-2, Amdt. 1; Dated, 7 Sept. 63

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn*	300-1	300-1	300-[illegible]
				C-d**	600-1	600-1	600-1½
				C-p**	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 159° Outbnd, 339° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 339°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing VOR, make right-climbing turn to 2900′ return to VOR. Hold SE on R 159°. 1-minute right turns, 339° Inbnd.
NOTE: When authorized by ATC, DME may be used to position aircraft for straight-in approach at 3500′ between R 104° clockwise to R 271° via 6-mile DME Arc with the elimination of procedure turn.
CAUTION: Runways 9–27 unlighted.
*When weather is less than 1400–2 aircraft taking off Runway 12, climb to 3000′ on runway heading prior to turning westbound. Runway 9 or 30 climb to 3000′ on runway heading prior to turning northbound or westbound.
Runway 22 make left-climbing turn to 3000′ prior to turning westbound. Runway 4 turn right, climb to 3000′ prior to turning westbound or northbound due to 2549′ TV antenna 3 miles WSW and 1864′ tower 3.5 miles N of airport. 1400–2 minimums apply for aircraft taking off on Runway 27.
**Circling not authorized in area W of Wisconsin River.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2600′; 180°–270°—3600′; 270°–360°—3600′.

City, Wausau; State, Wis.; Airport name, Wausau Municipal; Elev., 1201′; Fac. Class., BVORTAC; Ident., AUW; Procedure No. 1, Amdt. 8; Eff. date, 26 June 69; Sup. Amdt. No. 7; Dated, 18 June 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Campbellsville, Ky.—Taylor County, ADF 1, Orig., 23 May 1964 (established under Subpart C).
Chattanooga, Tenn.—Lovell Field, NDB (ADF) Runway 20, Amdt. 17, 18 Nov. 1967 (established under Subpart C).
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional, NDB (ADF) Runway 14, Amdt. 9, 21 Jan. 1967 (established under Subpart C).
Honolulu, Hawaii—Honolulu International, NDB (ADF) Runway 8, Amdt. 8, 1 July 1967 (established under Subpart C).
Moline, Ill.—Quad City, ADF 1, Amdt. 14, 7 Jan. 1967 (established under Subpart C).
Pittsburgh, Pa.—Greater Pittsburgh, NDB (ADF) Runway 10L, Amdt. 2, 11 Mar. 1967 (established under Subpart C).
Pittsburgh, Pa.—Greater Pittsburgh, ADF 1, Amdt. 7, 19 Nov. 1966 (established under Subpart C).
Pittsburgh, Pa.—Greater Pittsburgh, ADF 4, Amdt. 3, 27 Mar. 1965 (established under Subpart C).
Chattanooga, Tenn.—Lovell Field, VOR 1, Amdt. 8, 5 Mar. 1966 (established under Subpart C).
Decatur, Ala.—Pryor Field, VOR Runway 18, Amdt. 3, 27 Mar. 1967 (established under Subpart C).
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional, VOR Runway 5, Amdt, 4, 23 Dec. 1967 (established under Subpart C).
Honolulu, Hawaii—Honolulu International, VOR Runway 8, Amdt. 5, 1 July 1967 (established under Subpart C).
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional, VOR Runway 5, Amdt, 4, 23 Dec. 1967 (established under Subpart C).
Honolulu, Hawaii—Honolulu International, VOR Runway 8, Amdt. 5, 1 July 1967 (established under Subpart C).

3. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

San Jose, Calif.—San Jose Municipal, TerVOR-12R, Amdt. 8, 17 Oct. 1964 (established under Subpart C).
San Jose, Calif.—San Jose Municipal, TerVOR-30L, Amdt. 8, 17 Oct. 1964 (established under Subpart C).

4. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Pittsburgh, Pa.—Greater Pittsburgh, TerVOR-32, Amdt. 2, 27 Mar. 1965, canceled, effective 26 June 1969.

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional, VOR/DME Runway 23, Amdt. 2, 3 Feb. 1968 (established under Subpart C).
Jefferson, Ga.—Jackson County, VOR/DME Runway 34, Orig., 25 Nov. 1967 (established under Subpart C).

6. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lexington VOR	Fayette Int	Direct	2800	T–dn	300–1	300–1	200–½
R 191°, LEX VORTAC (CCW)	LEX LOC (BC) (Centerville Int)	14-mile Arc LEX VORTAC 020° lead radial.	3000	C–dn	400–1	500–1	500–1½
				S–dn–22°	400–1	400–1	400–1
Centerville Int	Fayette Int (NOPT)	Direct	2300	A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 042° Outbnd, 222° Inbnd, 2800′ within 10 miles of Fayette Int.
Minimum altitude over Fayette Int, 2300′.
Crs and distance, Fayette Int to airport, 222°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Fayette Int, climb to 2000′ on SW crs ILS to Lexington LOM. Hold SW, 1 minute left turns, 042° Inbnd.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., ILS; Ident., I-LEX; Procedure No. LOC (BC) Runway 22, Amdt. 5; Eff. date, 26 June 69; Sup. Amdt. No. ILS–22 (back crs), Amdt. 4; Dated, 19 June 65

7. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Chattanooga, Tenn.—Lovell Field, ILS–2, Amdt. 8, 5 Mar. 1966 (back course) (established under Subpart C).
Chattanooga, Tenn.—Lovell Field, ILS Runway 20, Amdt. 18, 18 Nov. 1967 (established under Subpart C).
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional, ILS Runway 14, Amdt. 10, 29 July 1967 (established under Subpart C).
Honolulu, Hawaii—Honolulu International, ILS Runway 8, Amdt. 7, 1 July 1967 (established under Subpart C).
Moline, Ill.—Quad City, ILS–9, Amdt. 14, 7 Jan. 1967 (established under Subpart C).
Moline, Ill.—Quad City, ILS–27, Amdt. 9, 23 Apr. 1966 (back course) (established under Subpart C).
Pittsburgh, Pa.—Greater Pittsburgh, ILS Runway 10L, Amdt. 9, 4 Feb. 1967 (established under Subpart C).
Pittsburgh, Pa.—Greater Pittsburgh, ILS–28L, Amdt. 12, 19 Nov. 1966 (established under Subpart C).
San Jose, Calif.—San Jose Municipal, ILS–12R, Amdt. 4, 14 Nov. 1964 (back course) (established under Subpart C).
San Jose, Calif.—San Jose Municipal, ILS–30L, Amdt. 5, 20 Mar. 1969 (established under Subpart C).

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Chattanooga, Tenn.—Lovell Field, Radar 1, Amdt. 2, 18 Feb. 1967 (established under Subpart C).
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional, Radar 1, Amdt. 1, 18 Sept. 1965 (established under Subpart C).
Honolulu, Hawaii—Honolulu International, Radar 1, Amdt. 6, 19 Mar. 1966 (established under Subpart C).
Pittsburgh, Pa.—Greater Pittsburgh, Radar 1, Amdt. 11, 17 Feb. 1968 (established under Subpart C).
San Jose, Calif.—San Jose Municipal, Radar 1, Amdt. 7, 17 Oct. 1964 (established under Subpart C).

9. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing Aldrich Int.
Oak Grove Int	OKW VOR	OKW, R 360°	2300	Climbing left turn to 2300′ to Woodstock Int via OKW R 096° and hold.
OKW VOR	Woodstock Int (NOPT)	Direct	2300	Supplementary charting information: Hold W, 1 minute, right turns, 096° Inbnd. Final approach crs to center of airport. Intensive student jet training 8 of intermediate/final approach crs, 8000′ and above (Craig 1).

Procedure turn not authorized. Approach crs (profile) starts at Woodstock Int.
FAF, Aldrich Int. Final approach crs, 096°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over Woodstock Int, 2300′, over Aldrich Int, 2300′.
MSA: 000°–090°—2900′; 090°–180°—2100′; 180°–270°—1900′; 270°–360°—2100′.
NOTES: (1) Authorized only for aircraft equipped with Dual VOR or VOR/ADF. (2) Use BHM APC altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1240	1	657	1240	1¼	657	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Alabaster; State, Ala.; Airport name, Shelby County; Elev., 563′; Facility, OKW; Procedure No. VOR–1, Amdt. Orig.; Eff. date, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing CHA VORTAC.
R 262°, CHA VORTAC (CCW)	R 152°, CHA VORTAC	7-mile DME Arc	3000	Climb to 4000′ on R 009°, CHA VORTAC within 15 miles or, when directed by ATC, climbing right turn to 4000′, direct to CHA VORTAC and hold.
R 080°, CHA VORTAC (CW)	R 152°, CHA VORTAC	7-mile DME Arc	3000	Hold SE, 1 minute, right turns, 331° inbnd.
7-mile DME Arc	CHA VORTAC (NOPT)	CHA, R 152°	2500	Supplementary charting information: VASI, Runway 2. HIRL, Runways 2/20. ALS, Runway 20. Final approach crs to runway threshold. Runway 32, TDZ elevation, 671′.

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3500′ within 10 miles of CHA VORTAC.
FAF, CHA VORTAC. Final approach crs, 332°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over CHA VORTAC, 2500′.
MSA: 000°–090°—4200′; 090°–180°—5700′; 180°–270°—3900′; 270°–360°—3900′.
NOTE: ASR.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000′ before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–32	1260	1	589	1260	1	589	1260	1	589	1260	1¼	589
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	778	1460	1¼	778	1460	1½	778	1460	2	778
A	Standard.			T 2-eng. or less—RVR 24′, Runway 20; Standard all others.			T over 2-eng.—RVR 24′, Runway 20; Standard all others.					

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Facility, CHA; Procedure No. VOR Runway 32, Amdt. 9; Eff. date, 26 June 69; Sup. Amdt. No. VOR 1, Amdt. 8; Dated, 5 Mar. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DCU VOR.
HSV VOR	DCU VOR	Direct	2000	Climb to 3000′ on R 175° DCU VOR to Rountree Int and hold. Supplementary charting information: Hold E, 1 minute, right turns, 355° Inbnd. Runway 18, TDZ elevation, 892′.

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2000′ within 10 miles of DCU VOR.
Final approach crs, 169°.
Minimum altitude over Bird Int 1300′.
MSA: 000°–090°—3100′; 090°–180°—2600′; 180°–270°—2300′; 270°–360°—2200′.
NOTE: Use Huntsville APC altimeter setting.
*Alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–18	1300	1	708	1300	1	708	1300	1¼	708	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	708	1300	1	708	1300	1½	708	NA
Dual VOR or VOR/NDB Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–18	940	1	348	940	1	348	940	1	348	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1000	1	408	1000	1	408	1000	1½	408	NA
A	Not authorized.*		T 2-Eng. or less—Standard.				T over 2-Eng.—Standard.			

City, Decatur; State, Ala.; Airport name, Pryor Field; Elev., 802′; Facility, DCU; Procedure No. VOR Runway 18, Amdt. 4; Eff. date, 26 June 69; Sup. Amdt. No. 3; Dated, 27 May 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing GSO VORTAC.
R 283°, GSO VORTAC (CCW)	R 210°, GSO VORTAC	7-mile DME Arc	2400	Climb to 2500′ on R 029° GSO VORTAC within 15 miles or, when directed by ATC, climb to 2500′, right turn, direct to GSO VORTAC and hold.
R 103°, GSO VORTAC (CW)	R 210°, GSO VORTAC	7-mile DME Arc	2400	
7-mile DME Fix	GSO VORTAC (NOPT)	GSO, R 210°	1900	
Thomas Int	GSO VORTAC (NOPT)	Direct	1900	

Hold SW, 1 minute, right turns, 041° inbnd.
Supplementary charting information: Final approach crs to runway threshold.
HIRL Runways 14–32.
Runway 5, TDZ elevation, 900′.

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2400′ within 10 miles of GSO VORTAC.
FAF, GSO VORTAC. Final approach crs, 030°. Distance FAF to MAP, 3 miles.
Minimum altitude over GSO VORTAC, 1900′.
MSA: 000°–090°—3600′; 090°–180°—4100′; 180°–270°—3500′; 270°–360°—5100′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	1300	1	400	1300	1	400	1300	1	400	1300	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	434	1380	1	454	1380	1½	454	1480	2	554
A	Standard.			T 2-eng. or less—RVR 24′, Runway 14; Standard all others.			T over 2-eng.—RVR 24′, Runway 14; Standard all others.					

City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem Regional; Elev., 926′; Facility, GSO; Procedure No. VOR Runway 5, Amdt. 5; Eff. date, 26 June 67; Sup. Amdt. No. 4; Dated, 23 Dec. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing HNL VORTAC.
Southgate Int (CW)	R 258°, HNL VORTAC (NOPT)	13-mile Arc, R 250° lead radial	2200	Climbing right turn to 2000′ to Southgate Int via HNL VORTAC R 168°.
Breakers Int	13-mile DME Fix, R 258°	Direct	2200	
13-mile DME Fix, R 258°	1.1-mile DME Fix or HN LOM.	R 258°	2200	Supplemental charting information: Hickam water tower, 1.4 miles at 297° from runway threshold, 184′. Depict Barbers Point NAS. Show 4.8-mile DME Fix at MAP. Runway 8, TDZ elevation, 12′.
R 258°, HNL VORTAC 1.1-mile DME or LOM.	HNL VORTAC	Direct	1900	

Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 3400′ within 10 miles of HNL VORTAC.
FAF, HNL VORTAC. Final approach crs, 078°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over 1.1-mile DME (LOM), 2200′, over VOR*, 1900′.
MSA: 000°–180°—5200′; 180°–270°—4600′; 270°–360°—6100′.
NOTE: ASR.
*If 1.1-mile DME Fix or HN LOM not received, maintain 2200′ to VOR and circling minimums only authorized.
$Circling not authorized NW of Runways 8/26 and 4L/22R. Circling MDA CAT D Runways 22 is 860′ and 2.
%IFR departures runways 4L, 4R, and 8 require climbing right turns to not less than 150°.
CAUTION: Do not descend below 2200′ until over HN LOM or 1.1-mile DME Fix due Barbers Point NAS 1500′ jet traffic pattern.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–8*	440	¾	428	440	¾	428	440	¾	428	440	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	460	1	447	480	1	467	540	1½	527	580	2	567
A	Standard.			T 2-eng. or less—500–1, Runways 4L and R; Standard all others.%			T over 2-eng.—600–2, Runways 4L and R; Standard all others.%					

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13′; Facility, HNL; Procedure No. VOR Runway 8, Amdt. 6; Eff. date, 26 June 69; Sup. Amdt. No. 5; Dated, 1 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing CRL VORTAC.
				Climb to 2400′, right turn, return to CRL VORTAC.

Supplementary charting information: Final approach crs to intercept runway centerline 2000′ from threshold Runway 20. 915′ tower 3 miles S of airport.
Runway 20, TDZ elevation, 614′.

Procedure turn E side of crs, 352° Outbnd, 172° Inbnd, 2400′ within 10 miles of CRL VORTAC.
FAF, CRL VORTAC. Final approach crs, 172°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over CRL VORTAC, 2400′.
MSA: 090°–270°—3100′; 270°–090°—2800′.
NOTES: (1) Radar vectoring. (2) Use Detroit Metropolitan altimeter setting.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–20*	1140	1	526	1140	1	526	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1140	1	526	1140	1	526	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*	

City, Monroe; State, Mich.; Airport name, Custer; Elev., 614′; Facility, CRL; Procedure No. VOR Runway 20, Amdt. Orig.; Eff. date, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	Map: SJC VOR.
OSI VOR	Sunnyvale Int	Direct	3500	Climb straight ahead to 1000′ then climbing left turn to 1900′ direct to SJC VOR and R 302° to Sunnyvale Int and hold.
SJC VOR	Sunnyvale Int	Direct	2000	
SFO VOR	Sunnyvale Int (NOPT)	SFO, R 095°, and SJC, R 302°.	1900	
OAK VOR	Sunnyvale Int (NOPT)	OAK, R 139° and SJC, R 302°.	1900	Supplementary charting information: Hold NW, 1 minute, right turns, 122° Inbnd. Final approach crs parallel to and between Runways 12R/L. MIRL, Runways 12L/30R. Chart 229′ tank 0.7 mile S of airport. Runway 12R, TDZ elevation, 46′. Runway 12L, TDZ elevation, 52′.

Procedure turn not authorized. One minute holding pattern NW of Sunnyvale Int, 122° Inbnd, right turns, 1900′.
Final approach crs, 122°.
Minimum altitude over Sunnyvale Int, 1900′;
MSA: 000°–180°—5400′; 180°–270°—4500′; 270°–360°—4000′.
NOTE: ASR.
%IFR departures must comply with published San Jose SID's or be radar vectored.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–12R	480	¾	434	480	¾	434	480	¾	434	600	1¼	554
S–12L	480	1	428	480	1	428		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	484	540	1	484	580	1¼	524	660	2	624
A	Standard.			T 2-eng. or less.—RVR 24′, Runway 30L; Standard all others.%			T over 2-eng.—RVR 24′, Runway 30L; Standard all others.%					

City, San Jose; State, Calif.; Airport name, San Jose Municipal; Elev., 56′; Facility, SJC; Procedure No. VOR Runway 12L/R, Amdt. 9; Eff. date, 26 June 69; Sup. Amdt. No. Ter VOR-12R, Amdt. 8; Dated, 17 Oct. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SJC VOR.
SJC VOR	Lick Int	Direct	4000	Climb to 1900′ via R 302° to Sunnyvale Int and hold.
Gilroy Int	Lick Int (NOPT)	Direct	4000	Supplementary charting information: Hold NW, 1 minute, right turns, 122° Inbnd. Final approach crs parallel to and between Runway 30L/R Chart 229′ tank 0.7 mile S of airport.

Procedure turn N side of crs, 122° Outbnd, 302° Inbnd, 4000′ within 10 miles of Lick Int.
Final approach crs, 302°.
Minimum altitude over Lick Int., 4000′; over Edenvale Int, 2700′; over OM, 2200′.
MSA: 000°–180°—5400′; 180°–270°—4500′; 270°–360°—4000′.
NOTE: ASR.
%IFR departures must comply with published San Jose SID's or be radar vectored.
*VOR and Fan Marker receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	640	1	584	640	1	584	640	1½	584	680	2	624
A	Standard.		T 2-eng. or less—RVR 24′, Runway 30L; Standard all others.%				T over 2-eng.—RVR 24′, Runway 30L; Standard all others.%					

City, San Jose; State, Calif.; Airport name, San Jose Municipal; Elev., 56′; Facility, SJC; Procedure No. VOR Runway 30L/R, Amdt. 9; Eff. date, 26 June 69; Sup. Amdt. No. Ter VOR-30L, Amdt. 8; Dated, 17 Oct. 64

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SYI VOR.
				Climbing left turn to 2500′ via SYI R 299° to SYI VOR and hold. Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbnd. LRCO, 122.1, 123.6.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2000′ within 10 miles of SYI VOR.
Final approach crs, 090°.
MSA: 000°–090°—3300′; 090°–270°—2600′; 270°–360°—2400′.
NOTE: Use Nashville altimeter setting when local altimeter setting not available, increase all MDA's 160′.
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport departing aircraft with limited climb capability should climb to 3000′ on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1340	1	538	1340	1	538	1340	1½	538	NA
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802′; Facility, SYI; Procedure No. VOR–1, Amdt. Orig.; Eff. date, 26 June 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Riegel Int.
Findlay VORTAC	Riegel Int (NOPT)	Direct	2400	Climbing right turn to 2400′, return to Riegel Int and hold.* Supplementary charting information: *Hold S Riegel Int, 1 minute, right turns, 074° Inbnd. Runway 6, TDZ elevation, 783′.

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 2400′ within 10 miles of Riegel Int.
FAF, Riegel Int. Final approach crs, 074°. Distance FAF to MAP, 5 miles.
Minimum altitude over Riegel Int., 2400′.
MSA: 000°–090°—2400′; 090°–180°—2300′; 180°–270°—2500′; 270°–360°—2200′.
NOTE: Use Findlay, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–06	1400	1	617	1400	1¼	617	1400	1½	617	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	613	1400	1¼	613	1400	1½	613	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Tiffin; State, Ohio; Airport name, Seneca County; Elev., 787′; Facility, FDY; Procedure No. VOR Runway 6, Amdt. Orig.; Eff. date, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 20.8-mile DME Fix.
R 249°, BNA VORTAC (CW)	R 025°, BNA VORTAC	15-mile DME Arc	3000	Climb to 2500′ direct to Bethpage Int and hold.
R 131°, BNA VORTAC (CCW)	R 025°, BNA VORTAC	15-mile DME Arc	3000	
15-mile Arc	18-mile DME Fix, R 025° (NOPT)	R 025°	1900	Supplementary charting information: Hold N, 1 minute/4 miles, right turns, 205° Inbnd.

Procedure turn not authorized. Approach crs (profile) starts at 15-mile DME Fix.
FAF, 18-mile DME Fix. Final approach crs, 025°.
Minimum altitude over 18-mile DME Fix, 1900′.
MSA: 000°–090°—2500′; 090°–180°—2400′; 180°–360°—3100′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1180	1	596	1180	1	596	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Gallatin; State, Tenn.; Airport name, Gallatin Municipal; Elev., 554′; Facility, BNA; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 26 June 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	Map: 4.7-mile DME Fix.
R 283°, GSO VORTAC (CW)	R 038°, GSO VORTAC	15-mile DME Arc	2500	Climb to 2500′, direct to GSO VORTAC, and hold, or when directed by ATC, climb to 2500′ to Thomas Int via GSO R 221° and hold. Hold SW, 1 minute, right turns, 041° Inbnd.
R 103°, GSO VORTAC (CCW)	R 038°, GSO VORTAC	15-mile DME Arc	2500	
15-mile DME Fix	10-mile DME Fix (NOPT)	GSO, R 038°	1900	Supplementary charting information: Hold SW, 1 minute, right turns, 041° Inbnd. Final approach crs intercepts centerline 3000′ from threshold. HIRL Runways 14–32. Runway 23, TDZ elevation, 892′.
GSO VORTAC	10-mile DME Fix	GSO, R 038°	2500	

Procedure turn W side of crs, 038° Outbnd, 218° Inbnd, 2500′ within 10 miles of 10-mile DME Fix.
FAF, 10-mile DME Fix. Final approach crs, 218°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over 10-mile DME Fix, 1900′.
MSA: 000°–090°—3600′; 090°–180°—4100′; 180°–270°—3500′; 270°–360°—5100′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–23	1260	1	368	1260	1	368	1260	1	368	1260	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	434	1380	1	454	1380	1¼	454	1480	2	554
A	Standard.		T 2-eng. or less—RVR 24′, Runway 14; Standard all others.				T over 2-eng.—RVR 24′, Runway 14; Standard all others.					

City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem Regional; Elev., 926′; Facility, GSO; Procedure No. VOR/DME Runway 23, Amdt. 3; Eff. date, 26 June 69; Sup. Amdt. No. 2; Dated, 3 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 17.7-mile DME Fix.
AHN VORTAC, R 238° (CW)	AHN VORTAC, R 319°	7-mile DME Arc	2500	Climbing right turn to 2500', proceed to AHN VORTAC via R 319 and hold.
AHN VORTAC, R 061° (CCW)	AHN VORTAC, R 319°	7-mile DME Arc	2500	
7-mile DME Fix	13.7-mile DME Fix (NOPT)	AHN R 319°	2400	Supplementary charting information: Hold SE, 1 minute, right turns, 319° Inbnd. Final approach crs to runway threshold. Runway 34, TDZ elevation, 948'.

Procedure turn E side of crs, 139° Outbnd, 319° Inbnd, 2500' within 10 miles of AHN VORTAC.
FAF, 13.7-mile DME Fix. Final approach crs, 319°. Distance FAF to MAP, 4 miles.
Minimum altitude over AHN VORTAC, 2400'; over 13.7-mile DME Fix, 2400'.
MSA: 180°–270°—3100'; 270°–180°—2400'.
NOTES: (1) Use Athens, Ga., altimeter setting. (2) No weather reporting. (3) Night operation not authorized Runways 9–27.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-34	1300	1	352	1300	1	352	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1420	1	472	1420	1	472	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Jefferson; State, Ga.; Airport name, Jackson County; Elev., 948'; Facility, AHN; Procedure No. VOR/DME Runway 34, Amdt. 1; Eff. date, 26 June 69; Sup. Amdt. No. Orig.; Dated, 25 Nov. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: R 353°, 24.6-mile DME Fix.
LFK, R 295° (OW)	LFK, R 353°	LFK 15-mile DME Arc R 347° lead radial.	2000	Climb to 2000', left turn, proceed via LFK VORTAC, R 353° Inbnd to Del Rentzel Fix and hold.
LFK, R 079° (COW)	LFK, R 353°	LFK 15-mile DME Arc R 359° lead radial.	2000	
LFK VORTAC	LFK 15-mile DME Fix	LFK, R 353°	2000	Supplementary charting information: Hold N of Del Rentzel Fix on LFK VORTAC, R 353°, 173° Inbnd, right turns, 1 minute/4 miles.
LFK 15-mile DME Arc	LFK 20-mile DME	LFK, R 353°	1500	

Procedure turn not authorized.
Final approach crs, 353°.
Minimum altitude over 20-mile DME Fix, 1500'.
NOTE: Use Lufkin FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-33	1100	1	728	1100	1	728	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1100	1	728	1100	1	728	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Nacogdoches; State, Tex.; Airport name, Del Rentzel; Elev., 372'; Facility, LFK; Procedure No. VOR/DME Runway 33, Amdt. Orig.; Eff. date, 26 June 69

10. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 18-mile DME Fix or 3.8 miles after passing Cedar Creek Int.
JEF VOR	Stephens Int	Direct	2800	Climbing left turn to 2400', return to Stephens Int and hold.*
CBI VOR	Stephens Int	Direct	2400	
Shaw Int	Stephens Int	Direct	2400	Supplementary charting information: Chart holding at Stephens Int. Runway 20, TDZ elevation, 888'. *Hold N, left turn, 187° Inbnd. Chart Stephens and Cedar Creek Ints. for Dual VOR and DME.
HLV VORTAC	Stephens Int (NOPT)	Direct	2400	

Procedure turn E side of crs, 007° Outbnd, 187° Inbnd, 2400' within 10 miles of Stephens Int.
FAF, Cedar Creek Int. Final approach crs, 187°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Stephens Int (9-mile DME), 2400'; over Cedar Creek Int (14.2-mile DME), 2000'.
MSA: 000°–090°—2300'; 090°–180°—2800'; 180°–270°—2800'; 270°–360°—2400'.
NOTES: (1) Use Columbia, Mo., altimeter setting, except operators with approved weather reporting service. (2) Inoperative components table does not apply to HIRL. (3) Operators with approved weather reporting service may reduce all MDA's 20'.
$Dual VOR or VOR/DME required.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20$	1200	1	312	1200	1	312	1200	1¼	312	1200	1¼	312
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	1240	1	352	1340	1	452	1340	1½	452	1440	2	552
A*	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbia; State, Mo.; Airport name, Columbia Regional; Elev., 868'; Facility, HLV; Procedure No. VOR Runway 20, Amdt. 1; Eff. date, 26 June 69; Sup. Amdt. No. Orig.; Dated, 26 Dec. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5 miles after passing Bright Int or 10.6-mile DME Fix, R 336°.
GLS VORTAC	Bright Int or 5.6-mile DME Fix GLS, R 336°.	GLS, R 336°, 5.6 miles	1500	Climb to 1500' left turn direct to GLS VORTAC. Supplementary charting information: 349' tower 1.2 miles E of airport. TDZ elevation, 24'.

Procedure turn not authorized. Approach crs (profile) starts at Bright Int.
FAF, Bright Int. Final approach crs, 336°. Distance FAF to MAP, 5 miles.
Minimum altitude over GLS VORTAC, 1500'; over Bright Int or 5.6-mile DME Fix, R 336°—1500'.
MSA: 000°–270°—1500'; 270°–360°—2200'.
NOTES: (1) Radar vectoring. (2) Use Houston, Tex., altimeter setting when Spaceland Airpark altimeter setting not received and raise straight-in and circling MDA 35'.
#Circling not authorized east of Runways 13/31.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-31	440	1	416	440	1	416	440	1	417	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C#	440	1	416	480	1	456	480	1½	456	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Houston; State, Tex.; Airport name, Spaceland Airpark; Elev., 24'; Facility, GLS; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 26 June 69; Sup. Amdt. No. 1; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Within 0 mile of IWD VOR.
				Climb to 3000′ on R071° IWD VOR within 10 miles, return to VOR.

Supplementary charting information:
Final approach crs intercepts runway centerline 3350′ from threshold.
LRCO 122.1R, 123.6R.
TDZ elevation, 1230′.

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 2000′ within 10 miles of IWD VOR.
Final approach crs, 071°.
MSA: 000°–270°—3100′; 270°–360°—2800′.
NOTES: (1) Use Houghton, Mich., altimeter setting when control zone not effective. (2) Circling and straight in MDA increased 360′ when control zone not effective, except for operators with approved weather reporting service. (3) Prominent 1700′ terrain S of airport.
*Alternate minimums not authorized when control zone not effective, except for operators with approved weather reporting service.
%IFR departure procedures: When weather is below 500–1, takeoffs Runways 9, 27, and 36 maintain runway heading until reaching 2500′ prior to departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9	2000	1	770	2000	1¼	770	2000	1½	770	2000	1¾	770
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	754	2000	1¼	754	2000	1½	754	2000	2	754
A*	Standard.		T 2-eng. or less—500–1, Runway 18; Standard all others.%				T over 2-eng.—500–1, Runway 18; Standard all others.%					

City, Ironwood; State, Mich.; Airport name, Gogebic County; Elev., 1246′; Facility, IWD; Procedure No. VOR Runway 9, Amdt. 3; Eff. date, 26 June 69; Sup. Amdt. No. 2; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MM or 1.4-mile DME Fix.$
SCK VOR	Fairway Int	SCK R 215°	6000	Climb to 3000′ on SFO VOR R 281° to Olympic Int. Obstructions bordering both sides of the missed approach area require a rate of climb of at least 400 feet per minute/100K, 600 f.p.m./150K, 800 f.p.m./200K, no wind condition.
Dumbarton Int	Foster Int	Direct	2000	
OSI VOR	SF LOM	Direct	4000	
SFO VOR	SF LOM	Direct	2500	
OAK VOR	SF LOM	Direct	2000	
Fairway Int	Dumbarton Int	Direct	4500	
Foster Int	SF LOM (NOPT)	Direct	1600	
SJC VOR	Dumbarton Int	Direct	2000	

Supplementary Charting Information:
Final approach crs parallel to and between Runways 28L/R.
TDZ elevation, Runway 28L, 11′.
TDZ elevation, Runway 28R, 9′.

Procedure turn not authorized.
Holding pattern SF LOM, holding fix, 281° Inbnd, 101° Outbnd, left turns, 1 minute, 1900′.
Final approach crs, 281°.
Minimum altitude over Foster Int/DME, 2000′; over SF LOM, 1600′; over 3-mile DME, 580′.
Distance to runway threshold at OM: Runway 28L, 5.3 miles; Runway 28R, 5.8 miles (displaced threshold).
MSA: 000°–090°—4900′; 090°–180°—4300′; 180°–270°—3100′; 270°–360°—3700′.
NOTE: ASR.
*Inoperative table does not apply to HIRL and REIL Runway 28R.
@Circling not authorized S of Runways 10/28 unless following minimums are used: MDA, 1160′ and VIS, 2½ miles.
%IFR departure procedures: Departures from Runway 19L/R require left turn be started as soon as practicable due to steeply rising terrain to 2000′ immediately S of airport. All departures must comply with published SFO SID's or be radar vectored.
#RVR 18′ authorized Runway 28L for Categories A, B, and C. RVR 20′ authorized Runway 28L for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–28L	580	RVR 24	569	580	RVR 24	569	580	RVR 24	569	580	RVR 50	569
S–28R*	580	RVR 50	571	580	RVR 50	571	580	RVR 50	571	580	RVR 60	571
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	580	1	569	580	1	569	600	1½	640	600	2	640
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–28L	440	RVR 24	429	440	RVR 24	429	440	RVR 24	429	440	RVR 50	429
S–28R*	440	RVR 50	431	440	RVR 50	431	440	RVR 50	431	440	RVR 50	431
A	Standard.		T 2-eng. or less—700–1, Runway 19L/R;% Standard all other runways.#				T over 2-eng.—700–1, Runway 19L/R;% Standard all other runways.#					

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 11′; Facility, SFO; Procedure No. VOR Runway 28L/R, Amdt. 9; Eff. date, 26 June 69; Sup. Amdt. No. 8; Dated, 9 Jan. 69

11. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing Fort Oglethorpe Int.
CQN NDB	Fort Oglethorpe Int	Direct	3500	Climb to 4000′ on NE crs of localizer (016°) within 15 miles or, when directed by ATC, climb to 4000′, right turn, direct to CHA VORTAC and hold.

Hold SE, 1 minute, right turns, 331° Inbnd.
Supplementary charting information:
VASI, Runway 2.
HIRL, Runways 2/20.
ALS, Runway 20.
Runway 2, TDZ elevation, 682′.

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 3500′ within 10 miles of Fort Oglethorpe Int.
FAF, Fort Oglethorpe Int. Final approach crs, 016°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over Fort Oglethorpe Int, 2000′.
NOTES: (1) ASR. (2) If terminal route not made from CQN NDB, radar required for turn on to final approach crs. (3) Inoperative components table does not apply to HIRL Runway 2.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000′ before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S 2	1100	1	418	1100	1	418	1100	1	418	1100	1	418
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	778	1460	1¼	778	1460	1½	778	1460	2	778
A	Standard.		T 2-eng. or less—RVR 24′, Runway 20; Standard all others.				T over 2-eng.—RVR 24′, Runway 20; Standard all others.					

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Facility, CHA; Procedure No. LOC (BC) Runway 2, Amdt. 9; Eff. date, 26 June 69; Sup. Amdt. No. ILS-2 (BC), Amdt. 8; Dated, 5 Mar. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing Green River Int.
PLL VORTAC	Donna Int	Direct	2400	Climb to 2300′, left turn to MLI VORTAC, or when directed by ATC, climb to 1900′ to ML LOM.
BDF VORTAC	Donna Int	Direct	2500	
CVA VOR	Green River Int	Direct	2600	
MLI VORTAC	Green River Int	Direct	2300	
Donna Int	Green River Int (NOPT)	Direct	2300	
R 130°, MLI VORTAC (CCW)	MLI LOC (NOPT)	23-mile Arc MLI, R 072° lead radial.	2300	

Supplementary charting information:
Steel tower 2.1 miles N of airport, 974′
Steel tower 0.7 mile S of airport, 748′
Steel tower 6 miles NE of airport, 1649′
Runway 27, TDZ elevation, 566′.

Procedure turn N side of crs, 067° Outbnd, 267° Inbnd, 2300′ within 10 miles of Green River Int.
FAF, Green River Int. Final approach crs, 267°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over Green River Int, 2300′.
NOTE: Radar vectoring.
%IFR departure procedures: When weather below 1500-3, aircraft departing Runway 4, climbing right turn to 1500′ on E heading before proceeding on crs. Runways 9, 27, and 31 departures climb to 1500′ on runway heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27	1060	¾	474	1060	¾	474	1060	¾	474	1060	1	474
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	530	1120	1	530	1120	1¼	530	1280	2	690
A	Standard.		T 2-eng. or less—RVR 24′, Runway 9; Standard all others.%				T over 2-eng.—RVR 24′, Runway 9; Standard all others.%					

City, Moline; State, Ill.; Airport name, Quad City; Elev., 590′; Facility, MLI; Procedure No. LOC (BC) Runway 27, Amdt. 10; Eff. date, 26 June 69; Sup. Amdt. No. ILS-27 (back crs), Amdt. 9; Dated, 23 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing Sunnyvale Int.
OSI VOR	Sunnyvale Int	Direct	3500	Climb straight ahead to 1000', then climbing left turn to 1900' and proceed via the I-SJC localizer crs to Sunnyvale Int and hold.
SJC VOR	Sunnyvale Int	Direct	2000	
SFO VOR	Sunnyvale Int (NOPT)	SFO R 095° and I-SJC LOC NW crs.	1900	
OAK VOR	Sunnyvale Int (NOPT)	OAK R 139° and I-SJC LOC NW crs.	1900	

Procedure turn not authorized. One minute holding pattern NW of Sunnyvale Int, 122° Inbnd, right turns, 1900'.
FAF, Sunnyvale Int. Final approach crs, 122°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Sunnyvale Int, 1900'.
NOTE: ASR.
%IFR departures must comply with published San Jose SID's or be radar vectored.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12R	420	¾	374	420	¾	374	420	¾	374	420	1	374
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	484	540	1	484	580	1¼	524	680	2	624
A	Standard.			T 2-eng. or less—RVR 24', Runway 30L; Standard all others.%			T over 2-eng.—RVR 24', Runway 30L; Standard all others.%					

City, San Jose; State, Calif.; Airport name, San Jose Municipal; Elev., 56'; Facility, I-SJC; Procedure No. LOC (BC) Runway 12R, Amdt. 8; Eff. date, 26 June 69; Sup. Amdt. No. ILS-12R (back crs), Amdt. 4; Dated, 14 Nov. 64

12. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing Ross Ave Int.
Argyle Int	Fair Park Int	Direct	2200	Climb to 2000' on LOC crs 308° within 20 miles or climb to 2000', right turn, direct to Dallas VORTAC.
Kleberg Int	Fair Park Int (NOPT)	Direct	2000	Supplementary charting information: Depict DDA NDB as stepdown fix. TERPs Par. 289 7:1 descent applied to Ross Ave Int and 1049' building 24,500' from threshold, 4800' left of centerline. TDZ elevation, 485'.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000' within 10 miles of Ross Ave Int.
FAF, Ross Ave Int. Final approach crs, 308°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over Fair Park Int, 2000'; over Ross Ave Int, 1500'; over DDA NDB, 1000'.
NOTES: (1) ASR. (2) Facilities inoperative components table does not apply.
*RVR 24', Runways 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	1000	1	515	1000	1	515	1000	1	515	1000	1	515
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	515	1000	1	515	1000	1¼	515	1080	2	595
	LOC/NDB minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	880	1	395	880	1	395	880	1	395	880	1	395
A	Standard.			T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, I-DAL; Procedure No. LOC (BC) Runway 31R, Amdt. 15; Eff. date, 26 June 69; Sup. Amdt. No. 14; Dated, 25 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing MW LOM.
Liberty Int	MW LOM	Direct	3000	Make right-climbing turn to 2500', return to MW LOM and hold.
HKF NDB	MW LOM	Direct	2500	
Holly Int	MW LOM	Direct	2500	Supplementary charting information: Hold NE, 1 minute, left turns, 230° Inbnd. TDZ elevation, 648'.
Lytle Int	MW LOM	Direct	2500	

Procedure turn S side of crs, 050° Outbnd, 230° Inbnd, 2500' within 10 miles of MW LOM.
FAF, MW LOM. Final approach crs, 230°. Distance FAF to MAP, 4 miles.
Minimum altitude over MW LOM, 2000'.
MSA: 060°–150°—2500'; 150°–240°—2800'; 240°–330°—2500'; 330°–060°—3100'.
NOTES: (1) Radar vectoring. (2) When Middletown altimeter setting is not available, use Dayton altimeter setting and increase straight-in and circling MDA 100'. (3) Inoperative table does not apply to REIL Runway 23.
CAUTION: 895' smoke stack SW of airport, 1485' tower 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-23	1040	1	392	1040	1	392	1040	1	392	1040	1	392
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1200	1	552	1280	1	632	1280	1½	632	1800	2½	1152
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 648'; Facility, I-MWO; Procedure No. LOC Runway 23, Amdt. 1; Eff. date, 26 June 69; Sup. Amdt. No. Orig.; Dated, 4 Apr. 68

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CTC NDB.
Greensburg Int	CTC NDB	Direct	2700	Climb to 2700', right turn, direct to CTC NDB and hold.
EWO VORTAC	CTC NDB	Direct	2700	Supplementary charting information: Hold S, 1 minute, right turns, 350° Inbnd.

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2700' within 10 miles of CTC NDB.
Final approach crs, 350°.
MSA: 000°–090°—2600'; 090°–180°—3000'; 180°–270°—2400'; 270°–360°—2400'.
NOTE: Use Fort Knox altimeter setting.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1620	1	710	1620	1	710	NA	NA
A	Not authorized.			T 2-eng or less—Standard.			T over 2-eng.—Not authorized.	

City, Campbellsville; State, Ky.; Airport name, Taylor County; Elev., 910'; Facility, CTC; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 26 June 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 23 May 64

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.7 miles after passing CQN NDB.
Sale Creek Int	CQN NDB (NOPT)	Direct	3000	Climb to 4000′ on 196° bearing from CQN NDB within 15 miles, or when directed by ATC, climb to 4000′, left turn, direct to CHA VORTAC and hold.
Palmer Int	CQN NDB	Direct	4000	
Whitewell Int	CQN NDB	Direct	4000	
Haletown Int	CQN NDB	Direct	4000	
Bridgeport Int	CQN NDB	Direct	4000	Hold SE, 1 minute, right turns, 331° Inbnd.
Chickamauga Int	CQN NDB	Direct	4000	
CHA VORTAC	CQN NDB	Direct	3000	Supplementary charting information:
Crandall Int	CQN NDB	Direct	3000	VASI, Runway 2.
Georgetown Int	CQN NDB	Direct	3000	HIRL, Runways 2/20.
Riceville Int	CQN NDB	Direct	3000	ALS, Runway 20.
				Final approach crs to runway threshold. Runway 20, TDZ elevation, 673′.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 3000′ within 10 miles of CQN NDB.
FAF, CQN NDB. Final approach crs, 196°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over CQN NDB, 3000′; over OM, 1900′.
MSA: 000°–180°—4200′; 180°–360°—4100′.
NOTE: ASR.
#Inoperative components table does not apply to ALS Runway 20.
*Standard minimums for NDB/FM equipped aircraft. For NDB only aircraft all category 1000-2.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000′ before continuing climb on Crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–20#	1560	1¼	887	1560	1½	887	1560	1¾	887	1560	2	887
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	878	1560	1½	878	1560	1¾	878	1560	2	878
	NDB/FM:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–20#	1260	RVR 50	587	1260	RVR 50	587	1260	RVR 50	587	1260	RVR 60	667
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	878	1560	1½	878	1560	1¾	878	1560	2	878
A	Standard.*			T 2-eng. or less—RVR 24′, Runway 20; Standard all others.			T over 2-eng.—RVR 24′, Runway 20; Standard all others.					

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Facility, CQN; Procedure No. NDB (ADF) Runway 20, Amdt. 18; Eff. date, 26 June 69; Sup. Amdt. No. 17; Dated, 18 Nov. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FEP NDB.
RFD VORTAC	FEP NDB	Direct	2500	Climb to 2500′ on 242° from NDB within 10 miles, return to NDB.
Lena Int	FEP NDB	Direct	2500	
Polo VORTAC	FEP NDB	Direct	2500	Supplementary charting information:
Davis Int	FEP NDB	Direct	2500	Final approach crs intercepts runway centerline 3000′ from threshold.
RFD VORTAC	Ridott Int	RFD, R 299°	2500	
Ridott Int	FEP NDB (NOPT)	Direct	1440	Runway 24 TDZ elevation, 840′.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 2500′ within 10 miles of NDB.
Final approach crs, 242°.
MSA: 180°–270°—2900′; 270°–180°—2600′.
NOTE: Use Rockford, Ill., altimeter setting.
CAUTION: Turf Runways 13/31 and 18/36 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–24	1440	1	600	1440	1	600	1440	1	600	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1440	1	593	1440	1	593	1440	1½	593	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Freeport; State, Ill.; Airport name, Albertus Airport; Elev., 847′; Facility, FEP; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GHX NDB.
MWL VORTAC	GHX NDB	Direct	2800	Climbing left turn to 2800′ direct to GHX NDB and hold.
Chapel Int	GHX NDB	Direct	2800	
Archer Int	GHX NDB	Direct	2800	Supplementary charting information:
Woodson Int	GHX NDB	Direct	2800	Hold N of GHX NDB on bearing 005°, 185° Inbnd, left turns, 1 minute. Depict 1560′ tower 5¼ mile SW of airport.

Procedure turn E side of crs, 005° Outbnd, 185° Inbnd, 2800′ within 10 miles of GHX NDB.
Final approach crs, 185°.
Minimum altitude over GHX NDB, 1740′.
MSA: 000°–360°—2800′.
NOTE: Use Mineral Wells FSS altimeter setting.
*Circling not authorized W of airport defined by runway centerlines extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1740	1	617	1740	1	617	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Graham; State, Tex.; Airport name, Graham Municipal; Elev., 1123′; Facility, GHX; Procedure No. NDB (ADF) Runway 17, Amdt. Orig.; Eff. date, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Within 0 mile of GRM NDB.
Bayport Int	GRM NDB	Direct	3800	Climb to 3800′ on 270° within 10 miles of NDB, return to GRM NDB.
				Supplementary charting information: Final approach crs intercepts runway centerline 980′ from threshold.
				LRCO 122.3 (HIB FSS).
				Runway 27, TDZ elevation, 1658′.

Procedure turn S side of crs, 100° Outbnd, 280° Inbnd, 3800′ within 10 miles of GRM NDB.
Final approach crs, 280°.
MSA: 000°–360°—3400′.
*Use Lakehead altimeter setting. Procedure not authorized when Lakehead control zone not effective.
#Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–27*#	2280	1	622	2280	1	622	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*#	2400	1	742	2400	1	742	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.#			T over 2-eng.—Not authorized.	

City, Grand Marais; State, Minn.; Airport name, Devils Track Municipal; Elev., 1658′; Facility, GRM; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 26 June 69

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing GS LOM.
Summit Hill Int	GS LOM	Direct	2500	Climb to 2500′ on 138° bearing from GS LOM within 15 miles, or when directed by ATC, climbing left turn to 2500′ on R 054° GSO VORTAC within 15 miles.
Wallburg Int	GS LOM	Direct	2500	
Thomas Int	GS LOM	Direct	2500	
GSO VORTAC	GS LOM	Direct	2500	
Pine Hall Int	GS LOM (NOPT)	Direct	2500	Supplementary charting information: HIRL Runways 14–32. Runway 14, TDZ elevation, 926′.

Procedure turn E side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles of GS LOM.
FAF, GS LOM. Final approach crs, 138°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over GS LOM, 2500′.
MSA: 000°–090°—3600′, 090°–180°—4100′, 180°–270°—3400′, 270°–360°—5100′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S 14	1320	RVR 40	394	1320	RVR 40	394	1320	RVR 40	394	1320	RVR 50	394
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	434	1380	1	454	1380	1¼	454	1480	2	554
A	Standard.		T 2-eng. or less—RVR 24′, Runway 14; Standard all others. T over 2-eng.—RVR 24′, Runway 14; Standard all others.									

City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem Regional; Elev., 926′; Facility, GS; Procedure No. NDB (ADF) Runway 14, Amdt. 10 Eff. date, 26 June 69; Sup. Amdt. No. 9; Dated, 21 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing HN LOM.
Makapuu Point NDB	HN LOM	Direct	5000	Climbing right turn to 3000′ on 165° bearing from HN LOM, reverse crs and return to HN LOM at 5000′. Supplementary charting information: Hickam water tower, 1.4 miles at 297° from runway threshold, 184′. Depict Barbers Point NAS. Runway 8, TDZ elevation, 12′.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 3400′ within 10 miles of HN LOM.
FAF, HN LOM. Final approach crs, 079°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over HN LOM, 2200′.
MSA: 000°–180°—5200′; 180°–270°—4600′; 270°–360°—6100′.
NOTE: ASR.
$Circling not authorized NW of Runways 8/26 and 4L/22R. Circling MDA or CAT D Runway 22 is 860′ and 2.
%IFR Departures Runways 4L, 4R, and 8 require climbing right turns to not less than 150°.
CAUTION: Do not descend below 2200′ until over HN LOM due NAS Barbers Point 1500′ jet traffic pattern.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–8	500	¾	488	500	¾	488	500	¾	488	500	1	488
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	500	1	487	500	1	487	540	1½	527	560	2	567
A	Standard.		T 2-eng. or less—500-1, Runways 4 L and R; Standard all others.%				T over 2-eng.—600-2, Runways 4 L and R; Standard all others.%					

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13′; Facility, HN; Procedure No. NDB (ADF) Runway 8, Amdt. 9; Eff. date, 26 June 69; Sup. Amdt. No. 8; Dated, 1 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BRJ NDB.
Henry Int	BRJ NDB	Direct	3000	Climb to 3000′, right turn, direct to BRJ NDB and hold.
Leaksville Int	BRJ NDB	Direct	3000	
Mayo Int	BRJ NDB	Direct	3000	Supplementary charting information: Hold S, 1 minute, right turns, 360° Inbnd.
Francisco Int	BRJ NDB	Direct	3700	

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 3000′ within 10 miles of BRJ NDB.
MSA: 015°–105°—3900′; 105°–195°—2600′; 195°–285°—4300′; 285°–015°—5100′.
NOTE: Use Danville, Va., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	772	1700	1¼	772	1700	1½	772	1700	2	772
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Martinsville; State, Va.; Airport name, Blue Ridge; Elev., 928′; Facility, BRJ; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing ML LOM.
CVA VOR	ML LOM	Direct	2600	Climb to 2300′ to Green River Int, or when directed by ATC climb to 2300′, right turn to ML LOM, or climb to 2300′, right turn to MLI VORTAC.
MLI VORTAC	ML LOM	Direct	2300	
CID VORTAC	ML LOM	Direct	3200	
IOW VORTAC	Stockton Int	Direct	2300	
Stockton Int	ML LOM (NOPT)	Direct	1900	Supplementary charting information: Steel tower 2.1 miles N of airport, 974′. Steel tower 0.7 mile S of airport, 748′. Steel tower 6 miles NE of airport, 1649′. Runway 9, TDZ elevation, 586′.

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1900′ within 10 miles of ML LOM.
FAF, ML LOM. Final approach crs, 087°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over ML LOM, 1900′.
MSA: 045°–135°—2900′; 135°–225°—2900′; 225°–315°—2100′; 315°–045°—2700′.
NOTE: Radar vectoring.
%IFR departure procedures: When weather below 1500-3, aircraft departing Runway 4; climbing right turn to 1500′ on E heading before proceeding on crs. Runways 9, 27, and 31 departures; climb to 1500′ on runway heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–9	1180	RVR 40	594	1180	RVR 40	594	1180	RVR 40	594	1180	RVR 50	594
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	590	1180	1	590	1180	1¼	590	1280	2	690
A	Standard.		T 2-eng. or less—RVR 24′, Runway 9; Standard all others.%				T over 2-eng.—RVR 24′, Runway 9; Standard all others.%					

City, Moline; State, Ill.; Airport name, Quad City; Elev., 590′; Facility, ML; Procedure No. NDB (ADF) Runway 9, Amdt. 15; Eff. date, 26 June 69; Sup. Amdt. No. ADF 1, Amdt. 14; Dated, 7 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing OCH NDB.
LFK VORTAC	OCH NDB	Direct	2200	Climbing right turn to 2200′ direct to OCH NDB and hold. Supplementary charting information: Hold N of OCH NDB on bearing 331°–151° Inbnd, right turns, 1 minute.

Procedure turn W side of crs, 331° Outbnd, 151° Inbnd, 2200′ within 10 miles of OCH NDB.
FAF, OCH NDB. Final approach crs, 151°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over OCH NDB, 1400′.
MSA: 090°–270°—2000′; 270°–090°—2100′.
NOTE: Use Lufkin FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–15	900	1	528	900	1	528	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	900	1	528	900	1	528	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Nacogdoches; State, Tex.; Airport name, Del Rentzel; Elev., 372′; Facility, OCH; Procedure No. NDB (ADF) Runway 15, Amdt. Orig; Eff. date, 26 June 69

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.9 miles after passing Creek NDB.
Wheeling VORTAC	Hookstown Int	Direct	3000	Make left-climbing turn to 3000′ on a 360° crs direct to Ellwood City VORTAC and hold.
Ellwood City VORTAC	Hookstown Int	Direct	3000	
Allegheny County VORTAC	Hookstown Int	Direct	3000	
Hookstown Int	Creek NDB (NOPT)	Direct	3000	Supplementary charting information: Hold N, 1 minute, right turn, 182° Inbnd. Runway 10L, TDZ elevation, 1203′.

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 3000′ within 10 miles of CRK NDB.
FAF, CRK NDB. Final approach crs, 097°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over CRK NDB, 3000′.
MSA: 000°–090°—3100′; 090°–180°—3100′; 180°–270°—3100′; 270°–360°—2700′.
NOTES: (1) ASR. (2) Terminal routes from EWC HLG and AGC require holding pattern entry for nonradar operation.
#RVR 18′ authorized Runways 28L, 28R, 10L, for Categories A, B, C. RVR 20′ authorized Runways 28L, 28R, 10L, for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10L	1660	RVR 40	457	1660	RVR 40	457	1660	RVR 40	457	1660	RVR 50	457
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1660	1	457	1660	1	457	1660	1½	457	1760	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203′; Facility, CRK; Procedure No. NDB (ADF) Runway 10L, Amdt. 3; Eff. date, 26 June 69; Sup. Amdt. No. 2; Dated, 11 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing River LOM.
Imperial VORTAC	Highland Int	IRL, R 097°	3000	Make left-climbing turn to 3000′ on a 180° crs direct to Allegheny County VORTAC and hold.
Ellwood City VORTAC	Highland Int	EWC, R 153°	3000	
Allegheny County VORTAC	Highland Int	AGC, R 027°	3000	
Highland Int	River LOM (NOPT)	Direct	3000	Supplementary charting information: Hold S, 1 minute, right turn, 354° Inbnd. Tower 1350′ at 40°29′–80°09′. Runway 28L, TDZ elevation, 1135′.

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles of River LOM.
FAF, River LOM. Final approach crs, 277°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over River LOM, 3000′.
MSA: 000°–090°—3100′; 090°–180°—3100′; 180°–270°—3100′; 270°–360°—2700′.
NOTES: (1) ASR. (2) Holding pattern entry required at Highland Int during nonradar operation.
#RVR 18′ authorized Runways 28L, 28R, 10L, for Categories A, B, C. RVR 20′ authorized Runways 28L, 28R, 10L, for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28L	1660	RVR 40	525	1660	RVR 40	525	1660	RVR 40	525	1660	RVR 50	525
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1660	1	457	1660	1	457	1660	1½	457	1760	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203′; Facility, GP; Procedure No. NDB (ADF) Runway 28L, Amdt. 8; Eff. date, 26 June 69; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 19 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.9 miles after passing River LOM.
Imperial VORTAC	Highland Int	IRL, R 097°	3000	Make right-climbing turn to 3000′ on a 360° crs direct to Ellwood City VORTAC and hold.
Ellwood City VORTAC	Highland Int	EWC, R 153°	3000	
Allegheny County VORTAC	Highland Int	AGC, R 027°	3000	
Highland Int	River LOM (NOPT)	Direct	3000	Supplementary charting information: Hold N, 1 minute, right turn, 182° Inbnd. Tower 1350′ at 40°29′–80°09′. Runway 28R, TDZ elevation, 1174′.

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 3000′ within 10 miles of River LOM.
FAF, River LOM. Final approach crs, 283°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over River, LOM, 3000′.
MSA: 000°–090°—3100′; 090°–180°—3100′; 180°–270°—3100′; 270°–360°—2700′.
NOTES: (1) ASR. (2) Holding pattern required at Highland Int during nonradar operation.
#RVR 18′ authorized Runways 28L, 28R, 10L, for Categories A, B, C. RVR 20′ authorized Runways 28L, 28R, 10L, for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAD
S-28R	1720	RVR 50	546	1720	RVR 50	546	1720	RVR 50	546	1720	RVR 60	546
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1720	1	517	1720	1	517	1720	1½	517	1760	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203′; Facility, GP; Procedure No. NDB (ADF) Runway 28R, Amdt. 4; Eff. date, 26 June 69; Sup. Amdt. No. ADF 4, Amdt. 3; Dated, 27 Mar. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ETB NDB.
Belgium Int	ETB NDB	Direct	2600	Climb to 2800′ on 315° from ETB NDB within 10 miles, return to NDB.
MKE VOR	ETB NDB	Direct	2700	
Eden Int	ETB NDB	Direct	2700	Supplementary charting information: Final approach crs intercepts runway centerline 1800′ from threshold. 1381 Tower at 43°24′40″/88°10′16″. Runway 31, TDZ elevation, 878′.
Calvary Int	ETB NDB	Direct	2700	
MWC VOR	ETB NDB	Direct	2600	

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2600′ within 10 miles of ETB NDB.
Final approach crs, 315°.
MSA: 000°–090°—2300′; 090°–180°—2800′; 180°–270°—2700′; 270°–360°—2500′.
NOTES: (1) Radar vectoring. (2) Use Milwaukee altimeter setting.
%IFR departure procedures: Takeoffs Runway 31 climb to 1400′ on runway heading before turning left. Restriction due to 1381′ tower, 1.9 miles SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-31	1540	1	662	1540	1	662	1540	1¼	662	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1540	1	652	1540	1	652	1540	1½	652	NA
A	Not authorized.		T 2-eng. or less—500–2, Runway 24; Standard all others.%				T over 2-eng.—500–2, Runway 24; Standard all others.%			

City, West Bend; State, Wis.; Airport name, West Bend Municipal; Elev., 888′; Facility, ETB; Procedure No. NDB (ADF) Runway 31, Amdt. Orig.; Eff. date, 26 June 69

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MWM NDB.
OTG VOR	MWM NDB	Direct	3000	Climb to 3000′ on 167° from NDB within
RWF VOR	MWM NDB	Direct	3000	10 miles, return to NDB.
FRM VOR	MWM NDB	Direct	3000	Supplementary charting information: Final approach intercepts runway centerline 1140′ from threshold. Runway 35, TDZ elevation, 1409′.

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 3000′ within 10 miles of MWM NDB.
Final approach crs, 167°.
MSA: 000°–360°—2800′.
NOTE: Use Redwood Falls altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-35	2020	1	611	2020	1	611	2020	1	611		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	2020	1	611	2020	1	611	2020	1½	611		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Windom; State, Minn.; Airport name, Windom Municipal; Elev., 1409′; Facility, MWM; Procedure No. NDB (ADF) Runway 35, Amdt. Orig.; Eff. date, 26 June 69

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing DA LOM.
DAL VORTAC	DA LOM	Direct	2200	Climb to 2000′ on bearing 128° within 15
GSW VORTAC	DA LOM	Direct	2200	miles or climb to 2000′ left turn direct to
ADS VOR	DA LOM	Direct	2200	Dallas VORTAC.
Fair Park Int	DA LOM	Direct	2200	Supplementary charting information:
Kleberg Int	DA LOM	Direct	2200	TDZ elevation: Runway 13L, 483′. Runway 13R, 475′.

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2200′ within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 13L—128°, 13R—135°. Distance FAF to MAP, 13L—4.1 miles, 13R—4.2 miles.
Minimum altitude over DA LOM, 1800′.
MSA: 160°–250°—3400′; 250°–160°—2300′.
NOTES: (1) ASR. (2) Facilities inoperative components table does not apply.
*RVR 24′, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13L	880	1	397	880	1	397	880	1	397	880	1	397
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	880	1	405	880	1	405	880	1	405	880	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1⅛	515	1080	2	595
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Facility, DA; Procedure No. NDB (ADF) Runway 13L/13R, Amdt. 1; Eff. date, 26 June 69; Sup. Amdt. No. Orig.: Dated, 11 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.6 miles after passing HKF NDB.
Liberty Int	HKF NDB	Direct	3000	Make left-climbing turn to 2700′, return to
Holly Int	HKF NDB	Direct	2500	HKF NDB and hold.
MW LOM	HKF NDB	Direct	2500	Supplementary charting information:
Lytle Int	HKF NDB	Direct	2500	Hold S, 1-minute right turns, 052° Inbnd. TDZ elevation, 648′.

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 2500′ within 10 miles of HKF NDB.
FAF, HKF NDB. Final approach crs, 052°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over HKF NDB, 1500′.
MSA: 000°–090°—3100′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—2400′.
NOTES: (1) Radar vectoring. (2) When Middletown altimeter setting is not available, use Dayton altimeter setting and all MDA's increased 100′ and straight-in visibility increased ¼ mile for CAT C and D.
CAUTION: 895′ smoke stack SW of airport. 1485′ tower 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-5	1200	1	552	1200	1	552	1200	1	552	1200	1¼	552
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1200	1	552	1280	1	632	1280	1½	632	1800	2½	1152
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 648′; Facility, HKF; Procedure No. NDB (ADF) Runway 5, Amdt. 5; Eff. date, 26 June 68; Sup. Amdt. No. 4; Dated, 4 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing MW LOM.
Liberty Int	MW LOM	Direct	3000	Make right-climbing turn to 2500′, return
HKF NDB	MW LOM	Direct	2500	to MW LOM, and hold.
Holly Int	MW LOM	Direct	2500	Supplementary charting information:
Lytle Int	MW LOM	Direct	2500	Hold NE, left turns, 230° Inbnd. TDZ elevation, 648′.

Procedure turn S side of crs, 050° Outbnd, 230° Inbnd, 2500′ within 10 miles of MW LOM.
FAF, MW LOM. Final approach crs, 230°. Distance FAF to MAP, 4 miles.
Minimum altitude over MW LOM, 2000′.
MSA: 060°–150°—2500′; 150°–240°—2800′; 240°–330°—2500′; 330°–060°—3100′.
NOTES: (1) Radar vectoring. (2) When Middletown altimeter setting is not available use Dayton altimeter setting and all MDA's increased 100′ and straight-in visibility increased ¼ mile for CAT C and D.
CAUTION: 895′ smoke stack SW of airport. 1485′ tower 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-23	1240	1	592	1240	1	592	1240	1	592	1240	1¼	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1240	1	592	1280	1	632	1280	1½	632	1800	2½	1152
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 648′; Facility, MW; Procedure No. NDB (ADF) Runway 23, Amdt. 1; Eff. date, 26 June 69; Sup. Amdt. No. Orig.; Dated, 4 Apr. 68

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15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Sale Creek Int	CQN NDB (NOPT)	Direct	3000	MAP: ILS DH 873'; LOC 7.7 miles after passing CQN NDB.
Palmer Int	CQN NDB	Direct	4000	Climb to 4000' on S crs of localizer (196°) within 15 miles, or when directed by ATC, climb to 4000', left turn direct to CHA VORTAC and hold.
Whitwell Int	CQN NDB	Direct	4000	
Haletown Int	CQN NDB	Direct	4000	
Bridgeport Int	CQN NDB	Direct	4000	Hold SE, 1 minute, right turns, 331° Inbnd.
CHA VORTAC	CQN NDB	Direct	3000	Supplementary charting information:
Crandall Int	CQN NDB	Direct	3000	VASI, Runway 2.
Georgetown Int	CQN NDB	Direct	3000	HIRLS, Runways 2/20.
Riceville Int	CQN NDB	Direct	3000	ALS, Runway 20.
Chickamauga Int	CQN NDB	Direct	4000	Runway 20, TDZ elevation, 673'.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 3000' within 10 miles of CQN NDB.
FAF, CQN NDB. Final approach crs, 196°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over CQN NDB, 3000'; over OM, 1900'.
Minimum glide slope interception altitude, 3000'. Glide slope altitude at OM, 1918'; at MM, 900'.
Distance to runway threshold at OM, 4.1 miles; at MM, 0.7 mile.
MSA: 000°-180°—4200'; 180°-360°—4100'.
NOTES: (1) ASR. (2) Glide slope unusable below 873'.
*When ALS is inoperative, increase visibility ¼ mile.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000' before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-20	873	RVR 24	200	873	RVR 24	200	873	RVR 24	200	873	RVR 24	200
LOC:*	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1120	RVR 40	447	1120	RVR 40	447	1120	RVR 40	447	1120	RVR 40	447
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	778	1460	1¼	778	1460	1½	778	1460	2	778
A	800-2.			T 2-Eng. or less—RVR 24', Runway 20; Standard all others. T over 2-Eng.—RVR 24', Runway 20; Standard all others.								

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Facility, I-CHA; Procedure No. ILS Runway 20, Amdt. 19; Eff. date, 26 June 69; Sup. Amdt. No. 18; Dated, 18 Nov. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Summit Hill Int	GS LOM	Direct	2500	MAP: ILS DH 1176'; LOC 5.7 miles after passing GS LOM.
Wallburg Int	GS LOM	Direct	2500	Climb to 2500' on 138° bearing from GS LOM within 15 miles, or when directed by ATC, climbing left turn to 2500' on R 054° GSO VORTAC within 15 miles.
Thomas Int	GS LOM	Direct	2800	
GSO VORTAC	GS LOM	Direct	2500	
Pine Hall Int	GS LOM (NOPT)	Direct	2500	Supplementary charting information: HIRL Runways 14-32. Runway 14, TDZ elevation, 926'.

Procedure turn E side of crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles of GS LOM.
FAF, GS LOM. Final approach crs, 138°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over glide slope LOM, 2500'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2519'; at MM, 1130'.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.
MSA: 000°-090°—3600'; 090°-180°—4100'; 180°-270°—3400'; 270°-360°—5100'.
NOTES: (1) ASR. (2) Glide slope unusable below 1126'. (3) LOC back crs unusable.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-14	1176	RVR 24	250	1176	RVR 24	250	1176	RVR 24	250	1176	RVR 24	250
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
LOC:	1280	RVR 24	354	1280	RVR 24	354	1280	RVR 24	354	1280	RVR 40	354
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
	1360	1	434	1360	1	454	1380	1½	454	1480	2	554
A	Standard.			T 2-eng. or less—RVR 24', Runway 14: Standard all others. T over 2-eng.—RVR 24', Runway 14: Standard all others.								

City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem Regional; Elev., 926'; Facility, GSO; Procedure No. ILS Runway 14, Amdt. 11; Eff. date, 26 June 69; Sup. Amdt. No. 10; Dated, 29 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
HNL VORTAC	HN LOM	Direct	3400	Climbing right turn to 2000' to Southgate Int., via HNL VORTAC, R 168°.
Southgate Int	R 258°, HNL VORTAC (NOPT)	13-mile DME Arc HNL 250° lead radial.	2200	Supplementary charting information: Antenna (21°19'45" N., 157°57'50" W.) 5300' from threshold on centerline, 112'.
13-mile DME Fix, R 258° HNL VORTAC	HN LOM	Loc crs of ILS	2200	Antenna (21°19'33" N., 157°59'15" W.) 13,920' from threshold near centerline, 150'.
Breakers Int	13-mile DME Fix, R 258° HNL VORTAC.	Direct	2200	Hickam water tower, 1.4 miles at 297° from runway threshold, 184'. Depict Barbers Point NAS. Runway 8, TDZ elevation, 12'.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 3400' within 10 miles of HN LOM.
FAF, HN LOM. Final approach crs, 079°. Distance FAF to MAP, 5.9 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 1958'; at MM, 244'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.5 mile.
MSA: 000°-180°—5200'; 180°-270°—4600'; 270°-360°—6100'.
NOTES: (1) ASR. (2) Glide slope unusable below 190'.
$ Circling not authorized NW of Runways 8/26 and 4L/22R. Circling MDA CAT D Runway 22 is 860' and 2.
%IFR Departures Runways 4L, 4R, and 8 require climbing right turns to not less than 150°.
CAUTION: If glide slope not received, do not descend below 2200' until over LOM or 1.1-mile DME Fix due Barbers Point NAS 1500' jet traffic pattern.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-8	212	½	200	212	½	200	212	½	200	212	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-8	400	¾	388	400	¾	388	400	¾	388	400	¾	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	447	480	1	467	540	1½	527	580	2	567
A	Standard.			T 2-eng. or less—500-1, Runways 4 L and R; Standard all others.%			T over 2-eng.—600-2, Runways 4 L and R; Standard all others.%					

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13'; Facility, I-HNL; Procedure No. ILS Runway 8, Amdt. 8; Eff. date, 26 June 69; Sup. Amdt. No. 7; Dated, 1 July 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 195°, MLI VORTAC (OW)	MLI LOC	10-mile Arc MLI, R 305° lead radial.	2300	MAP: ILS DH 786'. LOC 4.5 miles after passing ML LOM.
CVA VOR	ML LOM	Direct	2600	Climb to 2300' to Green River Int, or when directed by ATC, climb to 2300' right turn to MLI VORTAC.
MLI VORTAC	ML LOM	Direct	2300	Supplementary charting information:
CID/VORTAC	ML LOM	Direct	3200	Steel tower 2.1 miles N of airport, 974'.
IOW VORTAC	Stockton Int	Direct	2300	Steel tower 0.7 mile S of airport, 748'.
Stockton Int/10-mile Arc	ML LOM (NOPT)	MLI LOC	1900	Steel tower 6 miles NE of airport, 1649'. Runway 9, TDZ elevation, 586'.

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1900' within 10 miles of ML LOM.
FAF, ML LOM. Final approach crs 087°. Distance FAF to MAP, 4.5 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1825'; at MM, 774'.
Distance to runway threshold at OM, 4.5 miles; at MM, 0.5 mile.
MSA: 045°-135°—2900'; 135°-225°—2900'; 225°-315°—2100'; 315°-045°—2700'.
NOTE: Radar vectoring.
%IFR departure procedures: When weather below 1500-3, aircraft departing Runway 4; climbing right turn to 1500' on E heading before proceeding on crs. Runways 9, 27, and 31 departures; climb to 1500' on runway heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-9	786	RVR 24	200	786	RVR 24	200	786	RVR 24	200	786	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-9	920	RVR 24	334	920	RVR 24	334	920	RVR 24	334	920	RVR 40	334
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	530	1120	1	530	1120	1½	530	1260	2	690
A	Standard.			T 2-eng. or less—RVR 24', Runway 9; Standard all others.%			T over 2-eng.—RVR 24', Runway 9; Standard all others.%					

City, Moline; State, Ill.; Airport name, QuadCity; Elev., 590'; Facility, MLI; Procedure No. ILS Runway 9, Amdt. 15; Eff. date, 26 June 69; Sup Amdt. No. ILS-9, Amdt. 14; Dated, 7 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1403'; LOC 6.9 miles after passing CRK NDB.
Wheeling VORTAC	Hookstown Int	Direct	3000	Make left-climbing turn to 3000' on a 360° crs direct to EWC VORTAC and hold.
Ellwood City VORTAC	Hookstown Int	Direct	3000	
Allegheny County VORTAC	Hookstown Int	Direct	3000	Supplementary charting information:
Hookstown Int	CRK NDB (NOPT)	Direct	3000	Hold N, 1 minute, right turn, 182° Inbnd. Runway 10L, TDZ elevation, 1203'.

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles of CRK NDB.
FAF, CRK NDB. Final approach crs, 097°. Distance FAF to MAP, 6.9 miles.
Minimum glide slope interception altitude, 3000'. Glide slope altitude at OM, 2516'; at MM, 1410'.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.5 mile.
MSA: 000°–090°—3100'; 090°–180°—3100'; 180°–270°—3100'; 270°–360°—2700'.
NOTES: (1) ASR. (2) Terminal routes from EWC HLG and AGC require holding pattern entry for nonradar operation.
#RVR 18' authorized Runways 28L, 28R, 10L, for Categories A, B, C. RVR 20' authorized Runways 28L, 28R, 10L, for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
ILS:												
S-10L	1403	RVR 18	200	1403	RVR 18	200	1403	RVR 18	200	1403	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10L	1540	RVR 24	337	1540	RVR 24	337	1540	RVR 24	337	1540	RVR 40	337
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1660	1	457	1660	1	457	1660	1¼	457	1760	2	557
A	Standard.			T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#				

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Facility, I-LKB; Procedure No. ILS Runway 10L, Amdt. 10; Eff. date, 26 June 69; Sup. Amdt. No. 9; Dated, 4 Feb. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1335'; LOC 5.6 miles after passing River LOM.
Imperial VORTAC	Highland Int	IRL, R 097°	3000	Make left-climbing turn to 3000' on a 180° crs, then direct to Allegheny County VORTAC and hold.
Ellwood City VORTAC	Highland Int	EWC, R 153°	3000	
Allegheny County VORTAC	Highland Int	AGC, R 027°	3000	
Highland Int	River LOM (NOPT)	Direct	3000	Supplementary charting information: Hold S, 1 minute, right turn, 354° Inbnd. Tower 1350' at 40°29'–80°09'. Runway 28L, TDZ elevation, 1135'.

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000' within 10 miles of River LOM.
FAF, River LOM. Final approach crs, 277°. Distance FAF to MAP, 5.6 miles.
Minimum glide slope interception altitude, 3000'. Glide slope altitude at OM, 3013'; at MM, 1384'.
Distance to runway threshold at OM, 5.6 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—3100'; 180°–270°—3100'; 270°–360°—2700'.
NOTES: (1) ASR. (2) Holding pattern entry required at Highland Int during nonradar operation.
#RVR 18' authorized Runways 28L, 28R, 10L, for Categories A, B, C. RVR 20' authorized Runways 28L, 28R, 10L, for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
ILS:												
S-28L	1335	RVR 18	200	1335	RVR 18	200	1335	RVR 18	200	1335	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28L	1600	RVR 24	465	1600	RVR 24	465	1600	RVR 24	465	1600	RVR 40	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1660	1	457	1660	1	457	1660	1¼	457	1760	2	557
A	Standard.			T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#				

City, Pittsburgh; State, Pa. Airport name, Greater Pittsburgh; Elev., 1203'; Facility, I-GPB; Procedure No. ILS Runway 28L, Amdt. 13; Eff. date, 26 June 69; Sup. Amdt. No. ILS-28L, Amdt. 12; Dated, 19 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS, DH 256'; LOC, 4.6 miles after OM.
SJC VOR	Lick Int	Direct	4000	Climb to 1900' via NW crs I-SJC localizer to Sunnyvale Int and hold.
Gilroy Int	Lick Int (NOPT)	Direct	4000	Supplementary Charting Information: Hold NW, 1 minute, right turns, 122° Inbnd. Chart 220' tank 0.7 mile S of airport. Chart LMM at missed approach point. Runway 30L. TDZ elevation, 56'.

Procedure turn N side of crs, 122° Outbnd, 302° Inbnd, 2000' within 10 miles of Lick Int.
FAF, OM. Final approach crs, 302°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over Edenvale Int, 2280'*; over OM, 1752'.
Minimum glide slope interception altitude, #4000'. Glide slope altitude at Edenvale Int, 2280'; at OM, 1752'; at MM, 286'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.5 mile.
NOTE: ASR.
#3000' when authorized by ATC.
%IFR departures must comply with published San Jose SID's or be radar vectored.
$Categories A, B, and C: Increase visibility ¼ mile for inoperative ALS Runway 30L.
*2600' glide slope not used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
ILS:												
S-30L	256	RVR 24	200	256	RVR 24	200	256	RVR 24	200	256	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L$	640	RVR 40	584	640	RVR 40	584	640	RVR 40	584	640	RVR 50	584
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	384	640	1	584	640	1½	584	660	2	604
A	800-2.			T 2-eng. or less—RVR 24', Runway 30L; Standard all others.%				T over 2-eng.—RVR 24', Runway 30L; Standard all others.%				

City, San Jose; State, Calif.; Airport name, San Jose Municipal; Elev., 56'; Facility, I-SJC; Procedure No. ILS Runway 30L, Amdt. 6; Eff. date, 26 June 69; Sup. Amdt. No. ILS-30L, Amdt. 5; Dated, 20 Mar. 69

16. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 783'. LOC 4.1 miles after passing DA LOM.
DAL VORTAC	DA LOM	Direct	2200	Climb to 2000' on LOC (BC) 128° within 20 miles or climb to 2000', left turn direct to Dallas VORTAC.
GSW VORTAC	DA LOM	Direct	2200	
ADS VOR	DA LOM	Direct	2200	
Fair Park Int	DA LOM	Direct	2200	Supplementary charting information: TDZ elevation, 483'.
Kleberg Int	DA LOM	Direct	2200	
Argyle Int	Lewisville Int	Direct	2000	
Lewisville Int	DA LOM (NOPT)	Direct	1800	

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2200' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 128°. Distance FAF to MAP, 4.1 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1783'; at MM, 711'.
Distance to runway threshold at OM, 4.1 miles; at MM, 0.6 mile.
MSA: 180°–250°—3400'; 250°–180°—2300'.
NOTES: (1) ASR. (2) Glide slope unusable below 677'. (3) Facilities inoperative components table does not apply.
*RVR 24', Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-13L	783	1	300	783	1	300	783	1	300	783	1	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13L	840	1	357	840	1	357	840	1	357	840	1	357
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.			T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*				

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, I-DAL; Procedure No. ILS Runway 13L, Amdt. 14; Eff. date, 26 June 69; Sup. Amdt. No. 13; Dated, 11 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
SCK VOR	Fairway Int	SCK, R 215°	**6000	MAP: DH 211′. LOC 4.7 miles after passing OM.
Foster Int	SF LOM (NOPT)	Direct	1600	
SFO VOR	SF LOM	Direct	2500	
OSI VOR	SF LOM	Direct	4000	
OAK VOR	SF LOM	Direct	2000	
SJC VOR	Dumbarton Int	Direct	2000	
Dumbarton Int	Foster Int	Direct	2000	
Fairway Int	Dumbarton Int	Direct	4500	

Climb to 3000′ on W crs of I-SFO ILS LOC or SFO VOR, R 281° to Olympic Int. Obstructions bordering both sides of the missed approach area require a rate of climb of at least 400′ per minute/100K; 600 f.p.m./150K, 800 f.p.m./200K, no wind condition.
Supplementary charting information: Cat. II special authorization required.
Runway 28L, TDZ elevation, 11′.
Runway 28R, TDZ elevation, 9′.

Procedure turn not authorized.
Holding pattern SF LOM holding fix, 281° Inbnd, 101° Outbnd, left turns, 1 minute, 1900′.
FAF, SF LOM. Final approach crs, 281°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Foster Int, 2000′; over SF LOM, 1600′.
Minimum glide slope interception altitude, ##2000′. Glide slope altitude at Dumbarton Int, 4530′; over Foster Int, 2037′; over OM, 1603′; over MM, 231′; over IM, 112′.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.6 mile; at IM, 989′.
MSA: 000°–180°—5000′; 180°–360°—3700′.
NOTE: ASR.
**Maximum authorized altitude 12,000′.
##1900′ when intercepting from SF LOM holding pattern.
$ May vary from −2′ to +6′ with changing tide.
@Circling not authorized S of Runways 10/28 unless following minimums are used; MDA, 1160′, and VIS, 2½ miles.
#RVR 18′ authorized Runway 28L for Categories A, B, and C. RVR 20′ authorized Runway 28L for Category D.
*Inoperative table does not apply to HIRL and REIL Runway 28R.
%IFR departure procedures: Departures from Runways 19L/R require left turn be started as soon as practicable due to steeply rising terrain to 2000′ immediately S of airport. All departures must comply with published SFO SID's or be radar vectored.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAA	D DH	D VIS	D HAT
S-28L	211	RVR 18	200	211	RVR 18	200	211	RVR 18	200	211	RVR 20	200
S-28R*	400	RVR 50	391	400	RVR 50	391	600	1½	591	600	2	591
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28L	440	RVR 24	429	440	RVR 24	429	440	RVR 24	429	440	RVR 40	429
LOC:*	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28R	440	RVR 50	431	440	RVR 50	431	600	1½	591	600	2	591
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	560	1	549	560	1	549	660	1½	649	660	2	649
	CAT. II Special Authorization Required:											
	DH	VIS	RA	DH	VIS	RA	DH	VIS	RA	DH	VIS	RA
S-28L	161	RVR 16	161$	161	RVR 16	161$	161	RVR 16	161$	161	RVR 16	161$
A	700-2.		T 2-eng. or less—700-1 Runways 19 L/R;% Standard all other runways.#				T over 2-eng.—700-1 Runways 19 L/R;% Standard all other runways.#					

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 11′; Facility, I-SFO; Procedure No. ILS Runway 28L, Amdt. 2; Eff. date, 26 June 69; Sup. Amdt. No. 1; Dated, 9 Jan. 69

17. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Chattanooga, Tenn., APC ASR minimum altitude vectoring charts.												1. Descend aircraft after passing FAF. 2. Runway 20, FAF 5 miles from threshold. Minimum altitude over FAF, 2000′. TDZ elevation, 673′. 3. Runway 32, FAF 5 miles from threshold. Minimum altitude over FAF, 2000′. TDZ elevation 671′. 4. Runway 2, FAF 5 miles from threshold. Minimum altitude over FAF, 2000′. TDZ elevation, 682. VASI—Runway 2. HIRL—Runways 2/20. Inoperative component table does not apply to HIRL Runways 2 and 20 or ALS Runway 20.

All bearings and distance are from radar site on Lovell Field with sector azimuths progressing clockwise.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000′ before continuing climb on crs.
Missed approach:
Runway 20—Climb to 4000′ on bearing 196° from CQN NDB within 15 miles.
Runway 32—Climbing right turn to 4000′, direct to CQN NDB and hold. Hold N, 1 minute. Right turns, 196° Inbnd.
Runway 2—Climb to 4000′ direct to CQN NDB and hold. Hold N, 1 minute, right turns, 196° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-20	1180	RVR50	507	1180	RVR50	507	1180	RVR50	507	1180	RVR60	507
S-32	1260	1	589	1260	1	589	1260	1	589	1260	1¼	589
S-2	1180	1	498	1180	1	498	1180	1	498	1180	1	498
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C all runways	1460	1	778	1460	1¼	778	1460	1½	778	1460	2	778
A	Standard.		T 2-eng. or less—RVR 24′, Runway 20; Standard all others.				T over 2-eng.—RVR 24′, Runway 20; Standard all others.					

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Facility, Chattanooga Radar; Procedure No. Radar-1, Amdt. 3; Eff. date, 26 June 69; Sup. Amdt. No. Radar 1, Amdt. 2; Dated, 18 Feb. 67

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Greensboro, N.C., APC minimum altitude vectoring charts.												1. Descend aircraft after passing FAF. 2. Runway 5, FAF 5 miles from threshold. TDZ elevation, 900′. 3. Runway 14, FAF 5 miles from threshold. TDZ elevation, 926′. 4. Runway 23, FAF 5 miles from threshold. TDZ elevation, 892′. 5. Runway 32, FAF 5 mile from threshold. TDZ elevation, 902′. Inoperative table does not apply to HIRL Runways 14–32. Increase visibility ¼ mile CAT A, B, and C with inoperative ALS Runway 14.

All bearings and distances are from radar site on Greensboro-High Point-Winston-Salem Regional Airport with sector azimuths progressing clockwise.
Missed approach:
Runway 5—Climb to 2500′ on R 020°, GSO VORTAC within 15 miles of airport.
Runway 14—Climb to 2500′ on 138° bearing from GS LOM within 15 miles of airport.
Runway 23—Climb to 2500′ to GSO VORTAC via R 020° and hold. Hold SW, 1 minute, right turns, 041° Inbnd.
Runway 32—Climb to 2500′ on NW crs (318°) of GSO LOC within 15 miles.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-14	1280	RVR 40	354	1280	RVR 40	354	1280	RVR 40	354	1280	RVR 50	354
S-5	1300	1	400	1300	1	400	1300	1	400	1300	1	4 0
S-23	1260	1	368	1260	1	368	1260	1	368	1260	1	368
S-32	1260	1	358	1260	1	358	1260	1	358	1260	1	358
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	434	1380	1	454	1380	1¼	454	1480	2	554
A	Standard.		T 2-eng. or less—RVR 24′; Runway 14, Standard all others.				T over 2-eng.—RVR 24′; Runway 14, Standard all others.					

City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem Regional; Elev, 926′; Facility, Greensboro Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 26 June 69; Sup. Amdt. No. Radar 1, Amdt. 1; Dated, 18 Sept. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Honolulu ASR minimum altitude vectoring charts.										1. Descend aircraft after passing FAF. 2. Runway 4L, FAF 5 miles from threshold. Minimum altitude over 1-mile Radar Fix 380'. TDZ elevation, 10'. 3. Circling not authorized NW of Runways 8/26 and 4L/22R. MDA for CAT D Runway 22 is 860–2. 4. IFR departures Runways 4L, 4R, and 8 require climbing right turns to not less than 150°.

Missed approach: Climbing right turn to 2000' to Southgate Int via HNL VORTAC, R 168°.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
ASR:												
S-4L	380	1	370	380	1	370	380	1	270	380	1	370
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	447	480	1	467	540	1½	527	580	2	567
A	Standard.		T 2-eng. or less—500–1, Runways 4 L and R; Standard all others.%				T over 2-eng.—600–2, Runways 4 L and R; Standard all others.%					

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13'; Facility, HNL Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 26 June 69; Sup. Amdt. No. Radar 1, Amdt. 6; Dated, 19 Mar. 66

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
*000°	360°	10	2500	20	3000					40	5000	All runways: Descend aircraft to MDA after passing FAF 6 miles from runway threshold. Supplementary charting information: 1. Hold: EWC VORTAC hold N, 1 minute, right turn, 182° Inbnd. AGC VORTAC hold S, 1 minute, right turn, 354° Inbnd. 2. TDZ elevation: Runway 10L, 1203'; Runway 10R, 1168'; Runway 28L, 1135'; Runway 28R, 1174'; Runway 5, 1126'; Runway 23, 1151'; Runway 32, 1142'; Runway 14, 1148'.
**120°	225°			20	2500							
000°	340°					25	3000	30	4000			
340°	360°					25	4000					

Missed approach:
Runways 10L, 5—Make left-climbing turn to 3000' on a 360° crs direct to EWC VORTAC and hold.
Runways 28R, 32—Make right-climbing turn to 3000' on a 360° crs direct to EWC VORTAC and hold.
Runways 28L, 23—Make left-climbing turn to 3000' on a 180° crs direct to AGC VORTAC and hold.
Runways 10R, 14—Make right-climbing turn to 3000' on a 180° crs direct to AGC VORTAC and hold.
#RVR 18' authorized Runways 28L, 28R, 10L, for Categories A, B, C, RVR 20' authorized Runways 28L, 28R, 10L, for Category D.
*Radar control will provide 1000' clearance within 3 miles of towers; 2049' and 1883' located 9.5 miles E. 1616' located 10 miles ESE and 2042' located 10.5 miles ESE.
**Radar control will provide 1000' clearance within 3 miles of towers, 1575' located 13.5 miles ESE, 1720' stack located 11.5 miles SW.

DAY AND NIGHT MINIMUMS

Cond	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–10L	1560	RVR 24	357	1560	RVR 24	357	1560	RVR 24	357	1560	RVR 50	357
8–10R	1580	¾	412	1580	¾	412	1580	¾	412	1580	1	412
8–28L	1600	RVR 24	465	1600	RVR 24	465	1600	RVR 24	465	1600	RVR 50	465
8–28R	1600	RVR 40	426	1600	RVR 40	426	1600	RVR 40	426	1600	RVR 50	426
8–32	1640	¾	498	1640	¾	498	1640	¾	498	1640	1	498
8–23	1620	1	469	1620	1	469	1620	1	469	1620	1	469
8–05	1620	1	494	1620	1	494	1620	1	494	1620	1	494
8–14	1620	1	472	1620	1	472	1620	1	472	1620	1	472
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1660	1	457	1660	1	457	1660	1½	457	1700	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Facility, Pittsburgh Radar; Procedure No. Radar-1, Amdt. 12; Eff. date, 26 June 69; Sup. Amdt. No. 11; Dated, 17 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Oakland Tower/Bay TRACON Radar MOCA chart.										Minimum altitude over 7-mile Radar Fix, 2000'. Descend aircraft to MDA after FAF. ASR Runway 30L, FAF 4 miles from threshold, 1600'. % IFR departures must comply with published SJC SID's or be radar vectored. *Categories A, B, and C: Increase visibility ¼ mile for inoperative ALS or HIRL Runway 30L. Supplementary charting information: Runway 30L, TDZ elevation, 56'.

Missed approach; Climb to 1900' on NW crs I-SJC LOC or SJC VOR, R 302° to Sunnyvale Int and hold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L*	660	RVR 40	604	660	RVR 40	604	660	RVR 40	604	660	RVR 60	604
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	604	660	1	604	660	1½	601	680	2	624
A	Standard.		T 2-eng. or less—RVR 24' Runway 30L; Standard all others.%				T over 2-eng.—RVR 24', Runway 30L; Standard all others.%					

City, San Jose; State, Calif.; Airport name, San Jose Municipal; Elev., 56'; Facility, Oakland Bay TRACON (NUQ ASR-5); Procedure No. Radar-1, Amdt. 8; Eff. date, 26 June 69; Sup. Amdt. No. Radar 1, Amdt. 7; Dated, 17 Oct. 64

18. By amending § 97.31 of Subpart C to amend precision aproach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by DAL ASR minimum altitude vectoring chart.										ASR Runways 31L and 31R: Intermediate approach fix 5 miles from threshold 2000'. Descent aircraft to MDA after FAF. ASR Runways 31L and 31R FAF 3 miles from threshold 1500'. Minimum altitude over 1.3-mile Radar Fix on final approach crs, 1000'. TDZ elevation: Runway 31L—475'; Runway 31R—485'.

Missed approach: Climb to 3200' on runway heading within 10 miles or climb to 2000', right turn, direct to DAL VORTAC.
NOTE: Facilities inoperative components table does not apply.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	880	1	395	880	1	395	880	1	395	880	1	395
S-31L	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1½	515	1080	2	595
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DAL ASR; Procedure No. ASR-1, Amdt. 13; Eff. date, 26 June 69; Sup. Amdt. No. 12; Dated, 11 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by DAL ASR minimum altitude vectoring chart.										Descend aircraft to MDA after FAF. *ASR Runway 13R. *ASR Runway 13L. FAF 5 miles from threshold 2000'. TDZ elevation: Runway 13R—475'; Runway 13L—483'.

Missed approach: *Climb to 2000' on runway heading within 10 miles or climb to 2000', left turn, direct to DAL VORTAC.
NOTE: Facilities inoperative components table does not apply.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	880	¾	405	880	¾	405	880	¾	405	880	1	405
S-13L	880	RVR 50	397	880	RVR 50	397	880	RVR 50	397	880	RVR 50	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DAL ASR; Procedure No. ASR-2, Amdt. 2; Eff. date, 26 June 69; Sup. Amdt. No. 1; Dated 28 Nov. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 22, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-6433; Filed, June 10, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of considerations leading to amendment of regulations. The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for most categories of inspections. The current fees charged on a unit basis for Farmers stock peanuts (unshelled), for small lots (such as for export to Canada or delivery to institutions), and for overtime work will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $15 to $17 when more than a half-carlot equivalent is involved, from $12 to $14 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent when more than one kind of product is involved is raised from $30 to $34.

2. For condition only inspections: Fees are raised from $12 to $14 when more than a half-carlot equivalent is involved, from $10 to $12 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent when more than one kind of product is involved is raised from $24 to $28.

3. The hourly rate, where applicable, is increased from $7 to $7.60.

4. The fee for inspection of shelled peanuts, pecans, or other nuts is increased from 60 cents to 90 cents per ton, with the minimum fee per lot remaining at $12.

Fees for regular commercial carlot inspections and for shelled peanuts have not been increased since 1960. Those for regular commercial inspections of a half-carlot or less were last changed in 1962. The hourly rate was raised in 1968, but this was only a stop-gap measure at that time to combat rising costs pending a complete analysis of all fee categories.

The fee schedule as adjusted, based on recent work measurement studies, shows close conformity between the hourly rate and fees charged on a lot basis.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), paragraphs (a) through (c) of § 51.38 *Basis for charges* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, are hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $17 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $14 for each half-carlot equivalent or less of an individual product.

(iii) $34 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $14 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $12 for each half-carlot equivalent or less of an individual product.

(iii) $28 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers stock peanuts (unshelled) shall be $1.65 per ton .

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $7.60 per hour.

* * * * * *

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than July 13, 1969 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agriculutral Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated June 6, 1969, to become effective at 12:01 a.m., July 13, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-6884; Filed, June 10, 1969; 8:50 a.m.]

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966-67 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

On pages 6785 through 6787 of the FEDERAL REGISTER of April 23, 1969, there was published a notice of proposed rule making to issue an amendment to regulations (31 F.R. 9775, as amended) relating to farm acreage allotments, and farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports incident thereto for flue-cured tobacco effective for the 1969-70 and subsequent marketing years. Interested persons were given 15 days after publication of such notice in which to submit written data, views, and recommendations with respect to the proposed amendment to the regulations. The data, views, and recommendations which were submitted pursuant to said notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended. The proposed regulations are adopted with the following changes:

1. In § 725.72, paragraph (r) has been added to allow owners and operators of flue-cured tobacco farms in Wayne County, N.C., whose land is determined to be unsuitable for the production of tobacco during the 1969-crop year because of excessive rains which have caused flooding of their land, to plant their tobacco allotment on another farm or farms.

2. In § 725.91(h) a change has been made in procedure to cross-reference tobacco-sale bills. The notice provided for cross-referencing tobacco sale bills for tobacco to be sold on same day by same seller. As changed, tobacco sale bills shall be cross-referenced (on all copies) to cover sales the same day covered by the same marketing card. This clarifying change recognizes situations where more than one card is issued for a farm.

3. In § 725.91, paragraph (i) has been added to require producer tobacco which has been purchased by a dealer or buyer and later returned to the warehouse to be identified as resale tobacco when resold.

4. In § 725.92, paragraphs (h) and (i) have been added to include the 1968-69 average market price and the 1969-70 rate of penalty which is required by the Act on marketings of excess tobacco. This is a mere mathematical calculation.

5. A change has been made in § 725.95 (d) regarding penalty not to be assessed where such penalty resulted from action or inaction of a marketing recorder. The notice provided for all such cases to be finally approved by the Deputy Administrator, State and County Operations. As changed, the Deputy Administrator, State and County Operations, will only review those situations amounting to more than $10. Also, the provision has been expanded to recognize action or inaction on the part of an ASCS employee other than the marketing recorder as justifying nonassessment of penalty.

6. In § 725.98(n) there was enumerated the farms for which an MQ-92, Estimate of Production would be obtained. Also added to this group of farms are those where there is an indicated substantial discrepancy between the farmer's certified acreage shown on ASCS-580 and the acreage measured by ASCS during a farm control check.

7. In § 725.101, the data and information to be reported not later than March 1, to Farmer Programs Division by dealers and buyers is expanded to include the applicable U.S. Department of Agriculture registration number of the warehouse where the tobacco was obtained.

8. Citation of authority is added.

9. An effective date provision is added.

The usual final date for planting 1969 crop of flue-cured tobacco on farms in Wayne County, N.C., is the last of May. Because of recent excessive rainfall in the area some farmers will be unable to plant their 1969 tobacco allotments on their farms. A provision is included to permit the owners and operators of affected farms to plant their 1969 tobacco crop on other farms. Also, since the marketing of the 1969 crop of flue-cured tobacco to which these regulations relate will begin in early July 1969, and farmers need to know the provisions of the regulations it is essential that they be made effective at the earliest possible date. Accordingly, the amendments in this document shall become effective upon the date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 6, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

1. Section 725.51, paragraph (o) is amended to read as follows:

§ 725.51 Definitions.

* * * * * *

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That, floor sweepings above the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

How sold	*Percentage*
Untied	0.50 (five-tenths of 1 percent).
Tied	0.17 (seventeen-hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

* * * * * *

2. Section 725.72, paragraph (r) is added to read as follows:

§ 725.72 Release and transfer of tobacco marketing quotas.

* * * * * *

(r) Notwithstanding any other provision of the regulations in this part, the county committee may, upon written application of the farm operator and with the concurrence of the State Committee, approve the transfer, effective only for the 1969 crop of tobacco, to another farm or farms in Wayne County, N.C., or adjoining counties, of any or all of the tobacco-acreage allotment for any farm which the county committee determines cannot be planted to such crop on such farm because excessive rain prevented the timely planting or replanting of flue-cured tobacco. Any allotment transferred under this paragraph shall

be considered for the purpose of determining future allotments to have been planted to tobacco on the farm from which such allotment is transferred.

3. Section 725.87, paragraph (f), subparagraph (1), is amended to read as follows:

§ 725.87 Issuance of marketing cards.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That if the tobacco available for marketing from the farm is determined by the county committee or the county office manager to be less than the effective farm marketing quota, the pounds determined to be available for marketing, for purposes of issuing a marketing card and showing thereon the farm's 10 percent and 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further,* That if any producer on the farm shows to the satisfaction of the county committee or county office manager that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the proviso above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under paragraph (1) of this section.

* * * * *

4. Section 725.91 is amended by adding paragraphs (h) and (i) to read as follows:

§ 725.91 Identification of marketings.

* * * * *

(h) *Cross-reference of tobacco sale bill number to prior tobacco sale bill covering tobacco identified by the same marketing card to be sold the same day.* Each warehouseman shall for each lot of tobacco weighed in on his floor for sale the same day cross-reference the tobacco sale bill to each prior tobacco sale bill for tobacco identified by the same marketing card. To accomplish the cross-reference, each other tobacco sale bill number shall be entered by the warehouseman in the "Remarks" space on the tobacco sale bill, on all copies, at the time he weighs in the tobacco at the warehouse.

(i) *Identification of returned first sale (producer) tobacco.* When resold at auction, tobacco which has been previously sold and returned to the warehouse by the buyer is resale tobacco. When such tobacco is resold by the warehouseman, it shall be identified as leaf account resale tobacco.

5. Section 725.92 is amended by adding paragraphs (h) and (i) to read as follows:

§ 725.92 Rate of penalty.

* * * * *

(h) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing years specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1968–69	66.6

(i) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1969–70	50

6. Section 725.94, paragraph (c) is amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account) when added to prior leaf account resales is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.17 percent of producers' sales of tied tobacco, and (2) 0.50 percent of producers' sales where untied tobacco is presheeted in standardized sheets of burlap before marketing.

* * * * *

7. Section 725.95 is amended by changing the section title and adding a new paragraph (d) to read as follows:

§ 725.95 Producers penalties; false identification; failure to account; canceled allotments; overmarketing proportionate share.

* * * * *

(d) *Penalties not to be assessed.* If the farm operator or another producer on the farm markets a quantity of tobacco above 110 percent of the effective marketing quota for the farm and such overage is found to have been caused by the failure to record, or improper recording of tobacco poundage data on the marketing card, that amount of the penalty as was due to such failure to record or improper recording will not be required to be paid by the farm operator or other producer if: (1) For amounts of $10 or less the county committee, with the approval of the State committee and the Deputy Administrator, determines that each of the following conditions is applicable: (1) The failure to record or incorrect recording resulted from action or inaction of a marketing recorder or another ASCS employee, (2) such failure or error was not so large as to place the farm operator on notice of the failure or error, and (3) the producer relied in good faith on the erroneous entries on the card resulting from such failure or error. Overmarketings for a farm for which the marketing penalty will not be required to be paid pursuant to the provisions of this paragraph (d) shall be determined based upon the correct effective farm marketing quota and correct actual marketings of tobacco from the farm.

8. Section 725.98 is amended by adding a new paragraph (n) to read as follows:

§ 725.98 Producer's records and reports.

* * * * *

(n) *Report on Form MQ–92, Estimate of Production.* In order to provide a basis for a determination under the first proviso in § 725.87(f)(1) and as an aid to discouraging, thwarting, and discovering violations by producers and to enforcing the provisions of the flue-cured tobacco marketing quota program, an estimate of production, Form MQ–92, shall be prepared immediately prior to harvest for each farm (1) producing discount variety tobacco, (2) for which there is an indication of a substantial or total tobacco crop loss, (3) having a producer thereon who is a past violator of the tobacco program, (4) where there is an indicated substantial discrepancy between the farmer's certified acreage shown on ASCS–580 and the acreage measured by ASCS during a farm control check, or (5) for which the county or State ASC committee or a representative of the county or State committee believes that an MQ–92 for the farm would be in the best interests of the program.

9. Section 725.100, paragraph (c), subparagraph (4), is amended to read as follows:

§ 725.100 Dealer's records and reports.

* * * * *

(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operations but not later than March 1 he shall for each kind of tobacco: (i) Show the word "Final" on his final report, MQ–79, for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

* * * * *

10. Section 725.101 and the title thereof are amended to read as follows:

§ 725.101 Dealers exempted from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources.

(b) For the 1969–70 and subsequent marketing years, each dealer or buyer shall also make a report not later than March 1 of each year to the Director, Farmer Programs Division, showing by States where acquired, source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him. The report shall show:

(1) For purchases at auction for each warehouse (i) USDA registration number (warehouse code), (ii) name and address of warehouse, (iii) gross pounds originally billed to the buyer, (iv) gross pounds billed to the buyer for which payment was made, (v) gross pounds from the company correction account deducted for short baskets, short weights and returned baskets and, (vi) gross pounds from the company correction account added for long baskets and long weights.

(2) For purchases at nonauction (i) name and address of seller (dealer or farmer) and, (ii) pounds purchased.

(Secs. 301, 313, 314, 317, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 79 Stat. 66, 55 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1301, 1313, 1314, 1314c, 1372–1375)

Effective date. This amendment shall become effective on the date of filing with the Director, Office of the Federal Register.

[F.R. Doc. 69–6881; Filed, June 10, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[966.306, Amdt. 7]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Regulation, as amended. In § 966.306 (33 F.R. 16330, 17310, 19161; 34 F.R. 128, 6326, 7135, 7170, 7578, 8152) paragraphs (a), (b), and (c) are deleted and a new paragraph (a) is added as follows:

§ 966.306 Limitation of shipments.

* * * * *

(a) *Minimum grade.* No person shall handle any lot of tomatoes for shipment outside of the regulation area unless they meet the requirements of U.S. No. 3, or better, grade.

(b) [Deleted]

(c) [Deleted]

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1969, to become effective June 9, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6882; Filed, June 10, 1969; 8:50 a.m.]

[980.203, Amdt. 7]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), Tomato Import Regulation § 980.203, as amended (33 F.R. 16440, 17310, 19161; 34 F.R. 128, 6326, 7570, 8119), is hereby further amended as set forth below.

Tomato import regulation as amended. In § 980.203, *Tomato import regulation,* paragraph (a) is amended to read as follows:

§ 980.203 Tomato import regulation.

* * * * *

(a) *Minimum grade requirements.* U.S. No. 3, or better, grade.

* * * * *

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond that herein specified (5 U.S.C. 553) in that (1) the requirements of § 8e–1 of the Act make this amendment mandatory; (2) compliance with this amendment will not require any special preparation by importers; (3) this action corresponds with a similar amendment to the regulations on shipments of domestic tomatoes under Marketing Order No. 966 as amended (7 CFR Part 966); and (4) this amendment relieves restrictions on the importation of tomatoes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 6, 1969, to become effective June 9, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–6883; Filed, June 10, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Miscellaneous Amendments

1. Effective July 8, 1969, §§ 207.1 through 207.5 are revised to read as follows:

Sec.
207.1 General rule.
207.2 Definitions.
207.3 Reports and records.
207.4 Miscellaneous provisions.
207.5 Supplement.

AUTHORITY: The provisions of §§ 207.1–207.5 issued under sec. 7, Securities Exchange Act of 1934 (15 U.S.C. 78g), as amended by Public Law 90–437 (82 Stat. 452).

§ 207.1 General rule.

(a) *Registration.* Every person who, in the ordinary course of his business,[1] during any calendar quarter ended after October 20, 1967, extends or arranges for the extension of a total of $50,000 or more or has outstanding at any time during the calendar quarter, a total of $100,000 or more, in credit, secured directly or indirectly,[2] in whole or in part, by collateral that includes any margin securities,[3] unless such person is subject to Part 220 (Regulation T) or Part 221 (Regulation U) of this chapter, is subject to the registration requirements of this paragraph and shall, within 30 days following the end of the calendar quarter during which the person becomes subject to such registration requirements, register with the Board of Governors of the Federal Reserve System by filing a statement in conformity with the requirements of Federal Reserve Form G–1 with

[1] See § 207.2(b).
[2] See § 207.2(i).
[3] See § 207.2(d).

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the Federal Reserve Bank of the district in which the principal office of such person is located: *Provided*, That in the case of credit so secured by collateral that includes any OTC margin stock[4] and/or debt securities convertible into OTC margin stock and no other margin security, such date shall be July 8, 1969, instead of October 20, 1967.

(b) *Termination of registration.* Any person so registered who has not, during the preceding 6 calendar months, extended or arranged for the extension or maintenance of or had outstanding any credit secured directly or indirectly, in whole or in part, by collateral that includes any margin securities may apply for termination of such registration by filing Federal Reserve Form G–2 with the Federal Reserve Bank of the district in which the principal office of such person is located. A registration shall be deemed terminated when such application is approved by the Board of Governors of the Federal Reserve System.

(c) *Definition of lender and applicability of margin requirements.* Any person subject to the registration requirements of paragraph (a) of this section who, in the ordinary course of his business, extends or maintains or arranges for the extension or maintenance of any credit for the purpose of purchasing or carrying any margin security (hereinafter called "purpose credit"), if such credit is secured directly or indirectly in whole or in part, by collateral that includes any such security, is a "lender" subject to this part and shall not after February 1, 1968, except as provided in § 207.4(a), extend or arrange for the extension of any purpose credit in an amount exceeding the maximum loan value of the collateral, as prescribed from time to time for margin securities in § 207.5 (the Supplement to Regulation G), or as determined by the lender in good faith for any collateral other than margin securities: *Provided*, That credit extended before July 8, 1969, for the purpose of purchasing or carrying OTC margin stock and/or debt securities convertible into such stock shall not be deemed to be purpose credit: *And provided further*, That any collateral consisting of convertible securities described in paragraph (d) of this section shall have loan value only as provided in that paragraph.

(d) *Credit on convertible debt securities.* (1) A lender may extend credit for the purpose specified in paragraph (c) of this section on collateral consisting of any debt security (i) convertible with or without consideration, presently or in the future, into a margin security or (ii) carrying any warrant or right to subscribe to or purchase such a margin security (such as convertible debt security is sometimes referred to herein as a "convertible security").

(2) Credit extended under this paragraph shall be subject to the same conditions as any other credit subject to this section except: (i) the entire amount of such credit shall be considered a single credit treated separately from the single credit specified in paragraph (g) of this section and all the collateral securing such credit shall be considered in determining whether or not the credit complies with this part, and (ii) the maximum loan value of the collateral shall be as prescribed from time to time in § 207.5(b) (the Supplement to Regulation G).

(3) Any convertible security originally eligible as collateral for credit extended under this paragraph shall be treated as such as long as continuously held as collateral for such credit even though it ceases to be convertible or to carry warrants or rights.

(4) In the event that any margin security other than a convertible security is substituted for a convertible security held as collateral for credit extended under this section, such margin security and any credit extended on it in compliance with this part shall thereupon be treated as subject to paragraph (c) of this section and not to this paragraph and the credit extended under this paragraph shall be reduced by an amount equal to the maximum loan value of the security withdrawn.

(e) *Statements as to purpose of credit.* (1) In connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any margin security, every person who is subject to the registration requirement of paragraph (a) of this section shall, prior to such extension, obtain a statement in conformity with the requirements of Federal Reserve Form G–3 executed by the customer and executed and accepted in good faith by such person. Such person shall retain such statement in his records for at least 3 years after such credit is extinguished. In determining whether credit is "purpose credit", such person may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, such person must (i) be alert to the circumstances surrounding the credit and (ii) if he has any further information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

(2) Circumstances which could indicate that such person has not exercised reasonable diligence in so investigating and so satisfying himself would include, but are not limited to, facts such as that (i) the proceeds of the credit were paid to a broker or to a bank in connection with contemporaneous delivery of margin securities, whether or not payment was made against delivery, (ii) there were frequent substitutions of margin securities serving as collateral for the credit, or (iii) the amount of the credit was disproportionate, or the terms inappropriate, to the stated purpose.

(f) *Credit extended to person subject to Regulation T.* (1) No lender shall extend or maintain any credit for the purpose of purchasing or carrying any margin security to any customer who is subject to Part 220 of this chapter (Regulation T) without collateral or on collateral consisting of margin securities (other than exempted securities[5]). Where the credit is to be used in the ordinary course of business of such customer, such credit is presumed to be for the purpose of purchasing or carrying margin securities unless the lender has in his records a statement to the contrary obtained and executed in conformity with the requirements of paragraph (c) of this section.

(2) The prohibition of this paragraph (f) shall not apply to credit which is unsecured or secured by collateral other than margin securities, and which is (i) made to a dealer[6] to aid in the distribution of securities to customers not through the medium of a national securities exchange, or (ii) subordinated to the claims of general creditors by a subordination agreement approved by an appropriate committee of a national securities exchange or by a "satisfactory subordination agreement" as defined in paragraph (e)(7) of Rule 240–15c3–1 of the Securities and Exchange Commission.

(g) *Combining purpose credit extended to the same customer.* For the purpose of this part, except for a credit subject to paragraph (d) of this section and § 207.4(a)(2), the aggregate of all outstanding purpose credit extended to a customer by a lender after February 1, 1968, shall be considered a single credit and, except as provided in paragraphs (d) and (i) of this section, all the collateral securing such a credit, whether directly or indirectly, in whole or in part, shall be considered in determining whether the credit complies with this part.

(h) *Purpose and nonpurpose credit extended to the same person.* No lender shall after February 1, 1968, extend or arrange for the extension of any purpose credit, or maintain or arrange for the maintenance of any purpose credit extended after February 1, 1968, if the credit is secured directly or indirectly, in whole or in part, by collateral that includes any margin security which also secures, directly or indirectly, in whole or in part, any other credit in excess of $5,000 extended to the same customer after February 1, 1968; and no lender shall have outstanding at the same time to the same customer both such purpose credit and any such other credit: *Provided*, That the prohibitions of this paragraph shall not apply to (1) credit extended for the purpose of purchasing, constructing, maintaining, or improving a dwelling which is occupied or to be occupied by the customer as his principal residence when such credit is secured by a first lien on such dwelling; or (2) credit secured by a share account or other claim acquired by the customer from the lender independently of the credit and payable (or entitling the holder to a loan thereon) in a dollar amount determined without regard to

[4] See § 207.2(f). "OTC stock" is stock which is traded "over the counter".

[5] As defined in 15 U.S.C. 78c(a)(12).

[6] As defined in 15 U.S.C. 78c(a)(5).

the market value of the assets supporting the claim.

(i) *Purpose credit secured both by margin securities and by other collateral.* In the case of any purpose credit extended or arranged after February 1, 1968, secured directly or indirectly, in whole or in part, by any margin security, no other collateral shall have any loan value in respect to such credit for the purpose of this part: *Provided, however*, That a share account or other claim acquired by the customer from the lender independently of the credit and payable (or entitling the holder to a loan thereon) in a dollar amount determined without regard to the market value of the assets supporting the claim shall have a maximum loan value as determined by the lender in good faith.

(j) *Withdrawals and substitutions of collateral*—(1) *General rule.* Except as permitted by the next subparagraph and by § 207.4(a), while a lender maintains any purpose credit extended after February 1, 1968, the lender shall not at any time permit any withdrawal or substitution of collateral unless either (i) the credit would not exceed the maximum loan value of the collateral after such withdrawal or substitution, or (ii) the credit is reduced by at least the amount by which the maximum loan value of any collateral deposited is less than the "retention requirement" of any collateral withdrawn. The retention requirement of collateral other than margin securities is the same as its maximum loan value and the retention requirement of collateral consisting of margin securities or debt securities convertible into margin securities is prescribed from time to time in § 207.5 (the Supplement to Regulation G).

(2) *Same-day substitution of collateral.* Except as prohibited by § 207.4(a) a lender may permit a substitution of margin securities effected by a purchase and sale on orders executed within the same day: *Provided*, That (i) if the proceeds of the sale exceed the total cost of the purchase, the credit is reduced by at least an amount equal to the retention requirement in respect to the sale less the retention requirement in respect to the purchase, or (ii) if the total cost of the purchase exceeds the proceeds of the sale, the credit may be increased by an amount no greater than the maximum loan value of the securities purchased less the maximum loan value of the securities sold. If the maximum loan value of the collateral securing the credit has become less than the amount of the credit, the amount of the credit may nonetheless be increased if there is provided additional collateral having maximum loan value at least equal to the amount of increase, or the credit is extended pursuant to § 207.4(a).

§ 207.2 Definitions.

For the purpose of this part, unless the context otherwise requires:

(a) Terms herein have the meanings given them in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(b) The term "in the ordinary course of his business" means occurring or reasonably expected to occur from time to time in the course of any activity of a person for profit or the management and preservation of property or in addition, in the case of a person other than an individual, carrying out or in furtherance of any business purpose.

(c) The "purpose" of a credit is determined by substance rather than form.

(1) Credit which is for the purpose, whether immediate, incidental, or ultimate, of purchasing or carrying a margin security is "purpose credit", despite any temporary application of funds otherwise.

(2) Credit to enable the customer to reduce or retire indebtedness which was originally incurred to purchase a margin security is for the purpose of "carrying" such a security.

(3) An extension of credit provided for in a plan, program, or investment contract offered or sold or otherwise initiated after August 31, 1969, which provides for the acquisition both of any securities described in paragraph (d) of this section and of goods, services, property interests, other securities, or investments, is "purpose" credit.

(d) Margin security: The term "margin security" means any equity security[7] which is (1) a registered equity security, (2) an OTC margin stock, (3) a debt security (i) convertible with or without consideration, presently or in the future, into a margin security, or (ii) carrying any warrant or right to subscribe to or purchase, presently or in the future, a margin security, (4) any such warrant or right, (5) a security issued by an investment company, other than a small business investment company licensed under the Small Business Investment Company Act of 1958 (15 U.S.C. 661), registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8), unless at least 95 percent of the assets of such company are continuously invested in exempted securities.[8]

(e) Registered equity security: The term "registered equity security" means any equity security which (1) is registered on a national securities exchange, (2) has unlisted trading privileges on a national securities exchange, or (3) is exempted by the Securities and Exchange Commission from the operation of section 7(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(2)) only to the extent necessary to render lawful any direct or indirect extension or maintenance of credit on such security.

(f) OTC margin stock: (1) The term "OTC margin stock" means stock not traded on a national securities exchange which the Board of Governors of the Federal Reserve System has determined to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant subjecting such security to the requirements of this part.

(2) The Board will from time to time publish a list of OTC margin stocks as to which the Board has made the determinations described in subparagraph (1) of this paragraph (f). Except as provided in subparagraph (4) of this paragraph (f), such stocks shall meet the requirements of § 207.5(d) (the Supplement to Regulation G).

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (f) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially, the provisions of subparagraph (1) of this paragraph (f), and § 207.5(d) (the Supplement to Regulation G).

(4) The foregoing notwithstanding, the Board may, upon its own initiative, or upon application by any interested party, omit or remove any stock that is not traded on a national securities exchange from or add any such stock to such list of OTC margin stocks, if in the judgment of the Board such action is necessary or appropriate in the public interest.

(5) It shall be unlawful for any person to make, or cause to be made, any representation to the effect that the inclusion of a security on such list of OTC margin stocks is evidence that the Board or the Securities and Exchange Commission has in any way passed upon the merits of, or given approval to, such security or any transaction therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with such stocks or such list shall constitute such an unlawful representation.

(g) The term "purchase" includes any contract to buy, purchase, or otherwise acquire.

(i) The term "sale" includes any contract to sell or otherwise dispose of.

(h) The term "customer" includes any recipient of the credit to whom credit is extended directly or indirectly for the use of the customer, and also includes any person engaged in a joint venture, or as a member of a syndicate or a group, with the customer with respect to a purpose loan.

(i) The term "indirectly secured" includes, except as provided in § 207.4(a)(3), any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin securities owned by the customer is in any way restricted as long as the credit remains outstanding, or under which the exercise of such right, whether by written agreement or otherwise, is or may be cause for acceleration of the maturity of the credit: *Provided*, That the foregoing shall not apply (1) if such restriction arises solely by virtue of an arrangement with the customer which pertains generally to the customer's assets unless a substantial part of such assets consists of margin securities, or (2) if the lender in good faith has not relied upon such securities as collateral

[7] As defined in 15 U.S.C. 78c(a)(11).

[8] As defined in 15 U.S.C. 78c(a)(12).

in the extension or maintenance of the particular credit: *And provided further*, That the foregoing shall not apply to stock held by the lender only in the capacity of custodian, depositary, or trustee, or under similar circumstances, if the lender in good faith has not relied upon such securities as collateral in the extension or maintenance of the particular credit.

(j) The term "stock" includes any security commonly known as a stock; any voting trust certificate or other instrument representing such a security; any security convertible with or without consideration into such security, certificate, or other instrument, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

§ 207.3 Reports and records.

(a) Every person who is registered pursuant to § 207.1(a) shall within 30 days following the end of each succeeding calendar quarter file a report on Federal Reserve Form G–4 with the Federal Reserve Bank of the district in which the principal office of the lender is located.

(b) Every person who has registered pursuant to § 207.1(a) shall maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934. (15 U.S.C. 78)

§ 207.4 Miscellaneous provisions.

(a) *Stock option and employee stock purchase plans.* In respect to any credit extended and maintained by a corporation, by a lender wholly controlled and (except in the case of a lender formed prior to February 1, 1968, or a trustee) wholly owned by such corporation, or by a lender which is a membership thrift organization whose membership is limited to employees and former employees of such corporation, its subsidiaries, or affiliates (such corporations and such lenders are both sometimes referred to as "plan-lenders"), to an officer or employee of the corporation, subsidiary or affiliate thereof to finance the exercise of rights granted such officer or employee under a stock option plan or employee stock purchase plan adopted by the corporation and approved by a majority of its stockholders to purchase margin securities of such corporation, subsidiary or affiliate;

(1) Section 207.1 (c), (d), (f), (g), (h), (i), and (j) shall not apply (i) to any such credit extended prior to February 1, 1968, to finance the exercise of such rights granted to any named officer or employee and effectively exercised by such officer or employee prior to February 1, 1969 (with respect to credit extended to purchase OTC margin stock or debt securities convertible into such stock, the dates shall be July 8, 1968, and July 8, 1969, respectively), (ii) to any credit extended prior to February 1, 1969, to a plan-lender pursuant to a bona fide written commitment in existence on February 1, 1968, to finance the exercise of such rights and by such plan-lender from the proceeds of such credit to any officer or employee to finance the exercise of rights granted pursuant to a stock purchase plan under which the exercise price does not exceed 50 percent of the market value of the stock subject to purchase, valued as of the offering date thereof, or (iii) to any credit extended by a plan-lender pursuant to a stock purchase plan or stock option which is qualified or restricted under Internal Revenue Code sections 422, 423, and 424, to finance the exercise of such rights granted prior to February 1, 1968.

(2) The restrictions imposed by §§ 207.1 (c) and (d) and 207.5 (the supplement to Regulation G) on the maximum loan value of margin securities serving as collateral for purpose credit shall not apply to securities purchased, and serving as direct or indirect collateral for credit extended, pursuant to such a plan: *Provided*, That,

(i) The entire amount of credit extended to any officer or employee pursuant to this subparagraph (2) in connection with the exercise of rights under such plan or plans shall be considered a single credit;

(ii) At the time when credit is extended in connection with a plan subject to this subparagraph, (*a*) the plan-lender computes the "deficiency"—the amount by which the credit exceeds the maximum loan value of the collateral as prescribed by § 207.5 (the supplement to Regulation G), and (*b*) the agreement under which the credit is extended provides that except as permitted by the proviso in subdivision (iii) of this subparagraph the officer or employee shall, in respect to such deficiency, for at least 3 years from the extension of the credit, make equal repayments to the plan-lender at least quarterly and equivalent to at least 20 percent of such deficiency per annum, or such lesser amount as the Board of Governors of the Federal Reserve System, upon application, may permit;

(iii) The officer or employee is not permitted under such plan or credit agreement to sell, withdraw, pledge, or otherwise dispose of all or any part of such collateral until (*a*) all repayments have been made for at least the 3 year period provided in subdivision (ii) of this subparagraph and the deficiency has been repaid, or (*b*) as a result of the repayments described in subdivision (ii) of this subparagraph, and/or of a change in the current market value of the collateral the maximum loan value of the collateral, as prescribed by § 207.5 (the Supplement to Regulation G), is at least equal to the credit which remains owing from the officer or employee to the plan-lender, whichever shall occur first: *Provided*, That this restriction need not apply where such collateral is required to be sold to meet emergency expenses arising from circumstances not reasonably foreseeable at the time of the extension of the credit (for this purpose such emergency expenses shall include the death, disability, or involuntary termination of employment of the officer or employee or some other change in his circumstances, involving extreme hardship, not reasonably foreseeable at the time the credit is extended. The opportunity to realize monetary gain is not a "change in his circumstances" for this purpose); and

(iv) At such time as either of the conditions with respect to sale, withdrawal, pledge, or other disposition of collateral specified in subdivision (iii) of this subparagraph are satisfied the credit is thereafter treated as a credit subject to all the requirements of this part.

(3) No extension of credit to a plan-lender to finance such a plan shall be deemed to be indirectly secured by a margin security purchased pursuant to the plan: *Provided*, That such security is not repledged by the plan-lender to secure such extension of credit to the plan-lender and in no event does the person extending such credit have recourse to such security: *And provided further*, That the amount of the credit does not exceed the total amount of credit currently extended by such plan-lender pursuant to such plan.

(b) *Extensions and renewals.* The renewal or extension of maturity of a credit need not be treated as the extension of a credit if the amount of the credit is not increased except by the addition of interest or service charges on the credit or of taxes on transactions in connection with the credit.

(c) *Reorganization or recapitalization.* Nothing in this part shall be construed to prohibit withdrawal or substitution of securities to enable a customer to participate in a reorganization or recapitalization.

(d) *Mistakes in good faith.* Failure to comply with this part due to a mechanical mistake made in good faith in determining, recording, or calculating any credit, balance, market price, or loan value, or other similar mechanical mistake, shall not constitute a violation of this part if promptly after discovery of the mistake the lender takes whatever action is practicable to remedy the non-compliance.

(e) *Arranging for credit.* A lender may arrange for the extension or maintenance of credit by any person upon the same terms and conditions as those upon which the lender, under the provisions of this part, may himself extend or maintain such credit, but only upon such terms and conditions, except that this limitation shall not apply with respect to the arranging by a lender for a bank subject to Part 221 of this chapter (Regulation U) to extend or maintain credit on margin securities or exempted securities.

(f) *Combined purchase of mutual funds and insurance.* An extension of purpose credit provided for in a plan, program or investment contract, registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77), which provides for the acquisition both of a security issued by an investment company described in paragraph (d)(5) of § 207.2 and an insurance policy or contract, shall be subject to all the provisions of this part except that where the credit is secured

by the security and does not exceed the premiums on such policy (plus any accrued interest), the maximum loan value of such security shall be 40 percent of its current market value, as determined by any reasonable method.

§ 207.5 Supplement.

(a) *Maximum loan value of margin securities.* For the purpose of § 207.1, the maximum loan value of any margin security, except convertible securities subject to § 207.1(d), shall be 20 percent of its current market value, as determined by any reasonable method.

(b) *Maximum loan value of convertible debt securities subject to § 207.1(d).* For the purpose of § 207.1, the maximum loan value of any security against which credit is extended pursuant to § 207.1(d) shall be 40 percent of its current market value, as determined by any reasonable method.

(c) *Retention requirement.* For the purpose of § 207.1, in the case of a loan which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "retention requirement" of a margin security and of a security against which credit is extended pursuant to § 207.1(d) shall be 70 percent of its current market value, as determined by any reasonable method.

(d) *Requirements for inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 207.2(f), such stock shall meet the requirements that:

(1) The stock is subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)(1)), or if issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 781(g)(2)(G)) the issuer had at least $1 million of capital and surplus,

(2) Five or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Act of 1934 (15 U.S.C. 78e), as a national securities exchange pursuant to section 5 of the Securities and Exhange Act of 1934 (15 U.S.C. 78e),

(3) There are 1,500 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer is organized under the laws of the United States or a State* and it, or a predecessor in interest, has been in existence for at least 3 years,

(5) The stock has been publicly traded for at least 6 months, and

(6) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet three of the four additional requirements that:

(7) There are 500,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(8) The shares described in subparagraph (7) of this paragraph have a market value in the aggregate of at least $10 million,

(9) The minimum average bid price of such stock, as determined by the Board in the latest month, is at least $10 per share, and

(10) The issuer had at least $5 million of capital, surplus, and undivided profits.

2a. These amendments are promulgated pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) as amended by Public Law 90–437 (82 Stat. 452). As indicated in the notice of proposed rule making with respect to these amendments (FEDERAL REGISTER of Feb. 15, 1969; 34 F.R. 2257), they are designed to regulate the amount of credit that may be extended by persons other than banks, brokers, or dealers with respect to certain securities that are not registered on a national securities exchange. The criteria that the Board of Governors will use to select such "over-the-counter" (OTC) stocks that will be subject to the margin and other requirements of this regulation will appear in the supplement to Regulation G (§ 207.5(d)).

b. Proposals published in the notice of proposed rule making that have been revised and the reasons therefor are as follows:

(1) This part has been revised throughout to substitute the phrase "margin security" for "regulated equity security." The change is intended to eliminate any implication that such securities are supervised or have been approved by the Board or by the Securities and Exchange Commission.

(2) Section 207.1(a) has been revised to provide that credit that would otherwise require registration by the person extending the credit under Regulation G will not have that effect if secured by collateral that includes OTC margin stock and/or debt securities convertible into OTC margin stock (but no other margin security), and if extended prior to July 8, 1969, the date these amendments become effective.

(3) Section 207.1(b) has been revised to clarify that a registration pursuant to this part is not terminated until the application has been approved by the Board.

(4) Section 207.1(c) has been revised to provide that the term "purpose credit" shall not include credit extended prior to July 8, 1969, for the purpose of purchasing or carrying OTC margin stock and/or debt securities convertible into such stock.

(5) Section 207.1(g) has been revised to clarify that purpose credit qualifying for exemption from the initial margin requirements pursuant to § 207.4(a)(2) of this part must be combined with other purpose credit extended under the provisions of this part, but not until after such exempt credit satisfies the conditions of § 207.4(a)(2)(iii).

(6) Section 207.2(a) has been revised to clarify that all terms used in this part have the meanings given them in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), unless otherwise required by the context.

(7) Section 207.2 has been amended to add a new paragraph (c) to include within the definition of "purpose credit" an extension of credit provided for in a plan, program, or investment contract offered or sold or otherwise initiated after August 31, 1969, pursuant to which both margin securities and goods, services, property interests, other securities, or investments would be acquired. Together with the addition of paragraph (f) to § 207.4, which sets a 40 percent maximum loan value on mutual fund shares serving as collateral for credit extended to finance certain plans for the combined purchase of mutual funds and insurance, this change represents a clarification that the Board regards credit available in connection with equity funding plans or programs as being for the purpose of purchasing or carrying margin securities. A proposal to include such plans or programs within the coverage of the regulation was published for comment in the FEDERAL REGISTER on December 17, 1968 (33 F.R. 18629).

(8) Section 207.2(d) has been revised to delete a reference to securities commonly known as equity funding plans or programs in conformity with the changes described above. A further revision indicates that a security issued by a small business investment company licensed under the Small Business Investment Company Act of 1958 (15 U.S.C. 661) is not a margin security.

(9) Section 207.2(f) has been revised by transferring from subparagraph (2) of this section to § 207.5(d) (the supplement to Regulation G) the criteria that will be used by the Board to select stocks for inclusion on the list of OTC margin stock that will be subject to Regulation G. This section has been further revised to clarify that a statement in an advertisement or other similar communication containing a reference to the Board in connection with the list of OTC margin stocks would constitute such an unlawful representation as is referred to in subparagraph (5) of this section.

(10) Section 207.4(a) has been amended to provide that credit extended to finance exercise of options or rights to purchase OTC margin stock or debt securities convertible into such stock, granted to named officers or employees prior to July 8, 1969, will not be subject to initial margin requirements, or to restrictions on withdrawals and substitutions of collateral, provided such rights are exercised prior to July 8, 1970. This section has also been amended to exempt from the regulation credit extended by a "plan-lender" to finance the exercise of rights to purchase margin securities pursuant to stock purchase plans and options that are "qualified" or "restricted" under Internal Revenue Code sections 422, 423, and 424, provided such rights were granted prior to February 1, 1968. In addition the section has been further amended to clarify the Board's original intention to limit the exemption to credit extended by a plan-lender who

* As defined in 15 U.S.C. 78c(a)(16).

is, if not the corporation or its membership thrift organization, wholly owned and controlled by such corporation. Such limitation would, however, not affect credit extended by a trustee, or by a plan-lender not wholly owned which was formed prior to February 1, 1968 (the date after which such credit became subject to Regulation G).

(11) Section 207.5 (the Supplement to Regulation G) has been amended by adding a new paragraph (d) to receive the criteria transferred from § 207.2(f). In addition, the criteria have been revised to include on the list of OTC margin stock only those stocks whose issuer is organized under the laws of the United States, or a State thereof, the District of Columbia, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

c. With the exception of certain changes in § 207.4(a), relating to the availability of exemption from the margin and other requirements of the regulation for credit extended in connection with stock option and employee stock purchase plans, these amendments were adopted by the Board after consideration of all relevant material that was presented by interested persons. In the Board's view, the effect of such changes in § 207.4(a) is in part, to relax certain restrictions and in part to interpret existing rules. Accordingly, the Board concluded that the notice and public participation procedure contemplated by section 553 of title 5, United States Code, was unnecessary with respect to such changes.

Dated at Washington, D.C., this 2d day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6862; Filed, June 10, 1969; 8:48 a.m.]

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Miscellaneous Amendments

1. Effective July 8, 1969, §§ 220.1 through 220.8 are revised to read as follows:

Sec.
220.1 Scope of part.
220.2 Definitions.
220.3 General accounts.
220.4 Special accounts.
220.5 Borrowing by members, brokers, and dealers.
220.6 Certain technical details.
220.7 Miscellaneous provisions.
220.8 Supplement.

AUTHORITY: The provisions of §§ 220.1–220.8 issued under secs. 7 and 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78g, 78h(a)).

§ 220.1 Scope of part.

This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board") pursuant to the Securities Exchange Act of 1934 (called the "Act" in this part), particularly sections 7 and 8(a) thereof (15 U.S.C. 78g, 78h(a), as amended), and applies to every broker or dealer, including every member of a national securities exchange.

§ 220.2 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) The terms herein have the meanings given them in section 3(a) of the Act (15 U.S.C. 78c(a)).

(b) The term "creditor" means any broker or dealer including every member of a national securities exchange.

(c) The term "customer" (1) includes any person, or any group of persons acting jointly, (i) to or for whom a creditor is extending, arranging, or maintaining any credit, or (ii) who, in accordance with the ordinary usage of the trade, would be considered a customer of the creditor, and (2) includes, but is not limited to (i) in case the creditor is a firm, any partner in the firm who would be considered a customer of the firm if he were not a partner, and (ii) any joint venture in which a creditor participates and which would be considered a customer of the creditor if the creditor were not a participant.

(d) The term "registered security" means any security which (1) is registered on a national securities exchange; or (2) in consequence of its having unlisted trading privileges on a national securities exchange is deemed, under the provisions of section 12(f) of the Act (15 U.S.C. 78*l*), to be registered on a national securities exchange; or (3) is exempted by the Securities and Exchange Commission from the operation of section 7(c)(2) of the Act (15 U.S.C. 78g(c)(2)) only to the extent necessary to render lawful any direct or indirect extension or maintenance of credit on such security or any direct or indirect arrangement therefor which would not have been unlawful if such security had been a security (other than an exempted security) registered on a national securities exchange.

(e) (1) The term "OTC margin stock"[1] means stock, not traded on a national securities exchange, which the Board of Governors of the Federal Reserve System has determined to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanance of the issuer to warrant subjecting such stock to the requirements of this part.

(2) The Board will from time to time publish a list of OTC margin stock as to which the Board has made the determinations described in subparagraph (1) of this paragraph (e). Except as provided in subparagraph (4) of this paragraph (e), such stocks shall meet the requirements of § 220.8(g) (the supplement to Regulation T).

(3) The Board will from time to time remove from the list described in subparagraph (2) of this paragraph (e) stocks that cease to:

(i) Exist or of which the issuer ceases to exist; or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (e) and of § 220.8(g) (the supplement to Regulation T).

(4) The foregoing notwithstanding, the Board may, upon its own initiative or upon application by any interested party, omit or remove any stock that is not traded on a national securities exchange from or add any such stock to such list of OTC margin stocks if in the judgment of the Board, such action is necessary or appropriate in the public interest.

(5) It shall be unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on such list of OTC margin stocks is evidence that the Board or the Securities and Exchange Commission has in any way passed upon the merits of, or given approval to, such security or any transaction therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with such stocks or such list shall constitute such an unlawful representation.

(f) The term "margin security" means any registered security or OTC margin stock.

(g) The term "exempted security" has the meaning given it in section 3(a) of the Act (15 U.S.C. 78c(a)(12)), except that the term does not include a security which is exempted by the Securities and Exchange Commission from the operation of section 7(c)(2) of the Act (15 U.S.C. 78g(c)(2)) only to the extent described in paragraph (d)(3) of this section.

(h) The term "nonequity security" means any security other than an equity security[2] or an exempted security.

§ 220.3 General accounts.

(a) *Contents of general account.* All financial relations between a creditor and a customer, whether recorded in one record or in more than one record, shall be included in and be deemed to be part of the customer's general account with the creditor, except that the relations which § 220.4 permits to be included in any special account provided for by that section may be included in the appropriate special account, and all transactions in commodities, and, except to the extent provided in paragraph (b)(2) of § 220.3, all transactions in non-equity securities, exempted securities, and in other securities having no loan value in a general account under the provisions of §§ 220.3(c) and 220.8 (the supplement to Regulation T) (except unissued securities, short sales and purchases to cover short sales, securities positions to offset short sales, contracts involving an endorsement or guarantee of any put, call, or other option), shall be included in the appropriate special account provided for by § 220.4. During any period when such § 220.8 specifies that margin equity securities shall have no loan value in a general account or special convertible debt security account (sometimes referred to herein as "special convertible security account") subject to § 221.4(j), any transaction consisting of a purchase of a security other than a purchase of a security to reduce or close out a short position shall be effected in the special cash account provided for by § 220.4(c) or in some other appropriate special account provided for by § 220.4.

(b) *General rule.* (1) A creditor shall not effect for or with any customer in a general account, special bond account subject to § 220.4(i), or special convertible security account any transaction which, in combination with the other transactions effected in such account on the same day, creates an excess of the adjusted debit balance of such account over the maximum loan value of the securities in such account, or increases any such excess, unless in connection therewith the creditor obtains, as promptly as possible and in any event before the expiration of 5 full business days following the date of such transaction, the deposit into such account of cash or securities in such amount that the cash deposited plus the loan value of the securities deposited equals or exceeds the excess so created or the increase so caused.

(2) Except as permitted in this subparagraph, no withdrawal of cash or exempted or margin securities shall be permissible if the adjusted debit balance of the account (whether the general account, the special bond account, or the special convertible security account) would exceed the maximum loan value of the securities in such account after such withdrawal. The exceptions are available only in the event no cash or securities need to be deposited in such account in connection with a transaction on a previous day and none would need to be deposited thereafter in connection with any withdrawal of cash or securities on the current day. The permissible exceptions are (i) registered nonequity securities or exempted securities held in the general account on March 11, 1968, and continuously thereafter may be withdrawn upon the deposit in the account of cash (or margin equity securities counted at their maximum loan value) at least equal to the "retention requirement" of such withdrawn securities, or (ii) except as provided in subdivision (i) of this subparagraph, securities having loan value in the general account, the special bond account, or the special convertible security account may be withdrawn upon the deposit in such account of cash or securities having loan value in such account counted at the maximum loan value at least equal to the "retention requirement" of those securities, or (iii) cash may be withdrawn upon the deposit in the general account, the special bond account, or the special convertible security account of securities having a maximum loan value in such account at least equal to the amount of cash withdrawn, or (iv) upon the sale (other than the short sale) of securities having loan value in the general account, special bond account, or special convertible security account there may be withdrawn in cash an amount equal to the difference between the current market value of the securities sold and the "retention requirement" of such securities, or (v) upon the sale (other than the short sale) of a registered nonequity security or an exempted security that was held in the general account on March 11, 1968, and continuously thereafter there may be withdrawn in cash an amount equal to the difference between the current market value of the securities sold and the "retention requirement" of those securities as prescribed in § 220.8 (the supplement to Regulation T).

(3) Rules for computing the maximum loan value of the securities in a general account, special bond account, or special convertible security account and the adjusted debit balance of such account are provided in paragraphs (c) and (d) of this section, and certain modifications of and exceptions to the general rule stated in this paragraph are provided in the subsequent paragraphs of this section and in § 220.6.

(c) *Maximum loan value and current market value.* (1) The maximum loan value of the securities in a general account, special bond account, or special convertible security account is the sum of the maximum loan values of the individual securities in such account, including securities (other than unissued securities) bought for such account but not yet debited thereto, but excluding securities sold for such account whether or not payment has been credited thereto.

(2) Except as otherwise provided in this paragraph, the maximum loan value of a security in a general account, special bond account, or special convertible security account shall be such maximum loan value as the Board shall prescribe from time to time in § 220.8 (the supplement to Regulation T). No collateral other than an exempted security or a registered or a registered nonequity security held in such account on March 11, 1968, and continuously thereafter, or margin equity security shall have any loan value in a general account except that a registered equity security eligible for a special convertible security account pursuant to § 220.4(j) shall have loan value in a general account only if held in the account on March 11, 1968, and continuously thereafter.

(3) A warrant or certificate which evidences only a right to subscribe to or otherwise acquire any security and which expires within 90 days of issuance shall have no loan value in a general account, special bond account, or special convertible security account; but, if the account contains the security to the holder of which such warrant or certificate has been issued and such warrant or certificate is held in an appropriate account maintained by the creditor for the customer the current market value of such security (if such security is a margin security) shall, for the purpose of calculating its maximum loan value, be increased by the current market value of such warrant or certificate.

(4) For the current market value of a security throughout the day of its purchase or sale, the creditor shall use its total cost or the net proceeds of its sale, as the case may be, and at any other time shall use the closing sale price of the security on the preceding business day as shown by any regularly published reporting or quotation service. In the absence of any such closing sale price, the creditor may use any reasonable estimate of the market value of such security as of the close of business on such preceding business day.

(d) *Adjusted debit balance.* For the purpose of this part, the adjusted debit balance of a general account, special bond account, or special convertible security account shall be calculated by taking the sum of the following items:

(1) The net debit balance, if any, of such account;

(2) The total cost of any securities (other than unissued securities) bought for such account but not yet debited thereto;

(3) The current market value of any securities (other than unissued securities) sold short in the general account plus, for each security (other than an exempted security), such amount as the Board shall prescribe from time to time in § 220.8 (the supplement to Regulation T) as the margin required for such short sales, except that such amount so prescribed in such § 220.8 need not be included when there are held in the general account the same securities or securities exchangeable or convertible within 90 calendar days, without restriction other than the payment of money, into such securities sold short;

(4) The amount of margin specified by paragraph (h) of this section for every net commitment in such account in unissued securities, plus all unrealized losses on each commitment in unissued securities and minus all unrealized gains (not exceeding the required margin) on each commitment in unissued securities; and

(5) The amount of any margin customarily required by the creditor in connection with his endorsement or guarantee of any put, call, or other option;

and deducting therefrom the sum of the following items:

(6) The net credit balance, if any, of such account; and

(7) The net proceeds of sale of any securities (other than unissued securities) sold for such account but for which payment has not yet been credited thereto.

In case such account is the account of a partner of the creditor or the account of a joint venture in which the creditor participates, the adjusted debit balance shall be computed according to the foregoing rule and the supplementary rules prescribed in § 220.6 (a) and (b).

[1] "OTC stock" hereinafter refers to stock traded "over the counter."

[2] As defined in 15 U.S.C. 78c(a)(11).

(e) *Liquidation in lieu of deposit.*[1] In any case in which the deposit required by paragraph (b) of this section, or any portion thereof, is not obtained by the creditor within the 5-day period specified therein, margin nonexempted securities shall be sold (or, to the extent that there are insufficient margin nonexempted securities in the general account, special bond account, or special convertible security account other liquidating transactions shall be effected in such account), prior to the expiration of such 5-day period, in such amount that the resulting decrease in the adjusted debit balance of such account exceeds, by an amount at least as great as such required deposit or the undeposited portion thereof, the "retention requirement" of any margin or exempted securities sold: *Provided*, That a creditor is not required to sell securities or to effect other liquidating transactions specified by this paragraph in an amount greater than necessary to eliminate the excess of the adjusted debit balance of such account over the maximum loan value of the securities remaining in such account after such liquidation.

(f) *Extensions of time.* In exceptional cases, the 5-day period specified in paragraph (b) of this section may, on application of the creditor, be extended for one or more limited periods commensurate with the circumstances (1) by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which exchange the creditor is a member or through which his transactions are effected, or (2) in instances where the procedure described above is not readily available or appropriate, by a committee of a national securities association: *Provided*, That such committee is satisfied that the creditor is acting in good faith in making the application and that the circumstances are in fact exceptional and warrant such action.

(g) *Transactions on given day.* For the purposes of paragraph (b) of this section, the question of whether or not an excess of the adjusted debit balance of a general account, special bond account, or special convertible security account over the maximum loan value of the securities in such account is created or increased on a given day shall be determined on the basis of all the transactions in the account on such day exclusive of any deposit of cash, deposit of securities, covering transaction, or other liquidation that has been effected on such day, pursuant to the requirement of paragraph (b) or (e) of this section, in connection with a transaction on a previous day. In any case in which an excess so created, or increase so caused, by transactions on a given day does not exceed $100, the creditor need not obtain the deposit specified therefor in paragraph (b)(1) of this section. Any transaction which serves to meet the requirements of paragraph (e) of this section or otherwise serves to permit any offsetting transaction in an account shall, to that extent, be unavailable to permit any other transaction in such account. For the purposes of this part (Regulation T), if a security has maximum loan value under paragraph (c)(1) of this section in a general account, a sale of the same security (even though not the same certificate) in such account shall be deemed to be a long sale and shall not be deemed to be or treated as a short sale.

(h) *Unissued securities.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible security account as the margin required for a net long commitment in unissued securities shall be the current market value of the net amount of unissued securities long minus the maximum loan value which such net amount of securities would have if they were issued margin securities held in such account; and the amount to be so included as the margin required for a net short commitment in unissued securities shall be the amount which would be required as margin for the net amount of unissued securities short if such securities were issued securities and were sold short in such account: *Provided*, That no amount need be included as margin for a net short commitment in unissued securities when there are held in such account securities in respect of which the unissued securities are to be issued, nor for any net position in unissued securities that are exempted securities.

(2) Whenever a creditor, pursuant to a purchase of an unissued security for a customer, receives an issued security which is not a margin or exempted security, the creditor shall treat as the margin required for such purchase, any payment by the customer for such issued security as a transaction (other than a withdrawal) which increases the adjusted debit balance of a general account, special bond account, or special convertible security account by the amount of the payment minus the amount required to be included in the adjusted debit balance of such account, at the time of and in connection with the purchase of the unissued security.

§ 220.4 Special accounts.

(a) *General rule.* (1) Pursuant to this section, a creditor may establish for any customer one or more special accounts.

(2) Each such special account shall be recorded separately and shall be confined to the transactions and relations specifically authorized for such account by the appropriate paragraph of this section and to transactions and relations incidental to those specifically authorized. An adequate record shall be maintained showing for each such account the full details of all transactions in the account.

(3) A special account established pursuant to this section shall not be used in any way for the purpose of evading or circumventing any of the provisions of this part. If a customer has with a creditor both a general account and one or more such special accounts, the creditor shall treat each such special account as if the customer had with the creditor no general account, special bond account subject to § 220.4(i), or special convertible security account subject to § 220.4(j).

(4) The only other conditions to which transactions in such special accounts shall be subject under the provisions of this part shall be such conditions as are specified in the appropriate paragraph of this section and in § 220.2, § 220.6, § 220.7, or § 220.8, except insofar as § 220.3 applies to § 220.4 (i) and (j).

(b) *Special omnibus account.* In a special omnibus account, a member of a national securities exchange may effect and finance transactions for another member of a national securities exchange or a broker or dealer registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) from whom the member receives (1) written notice, pursuant to a rule of the Securities and Exchange Commission concerning the hypothecation of customers' securities by brokers or dealers (Rule 8c–1 (17 CFR 240.8c–1) or Rule 15c2–1 (17 CFR 240.15c2–1)), to the effect that all securities carried in the account will be carried for the account of the customers of the broker or dealer and (2) written notice that any short sales effected in the account will be short sales made in behalf of the customers of the broker or dealer other than his partners. No substitutions of collateral securing credit extended to a broker or dealer not described in the preceding sentence shall be permitted after October 6, 1969, and no such credit shall be maintained after July 8, 1970.

(c) *Special cash account.* (1) In a special cash account, a creditor may effect for or with any customer bona fide cash transactions in securities in which the creditor may:

(i) Purchase any security for, or sell any security to, any customer, provided funds sufficient for the purpose are already held in the account or the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the customer will promptly make full cash payment for the security and that the customer does not contemplate selling the security prior to making such payment.

(ii) Sell any security for, or purchase any security from, any customer, provided the security is held in the account or the creditor is informed that the customer or his principal owns the security and the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the security is to be promptly deposited in the account.

(2) In case a customer purchases a security (other than an exempted security) in the special cash account and does not make full cash payment for the security within 7 days after the date on which the security is so purchased, the creditor shall, except as provided in subparagraphs (3) through (7) of this paragraph, promptly cancel or otherwise liquidate the transaction or the unsettled portion thereof.

(3) If the security when so purchased is an unissued security, the period applicable to the transaction under subparagraph (2) of this paragraph shall be 7 days after the date on which the security is made available by the issuer for delivery to purchasers. If the security when so purchased is a "when distributed" security which is to be distributed in accordance with a published plan, the period applicable to the transaction under subparagraph (2) of this paragraph shall be 7 days after the date on which the security is so distributed. If the security when so purchased is a new security issued or to be issued for the purpose of refunding outstanding securities which mature, or are to be payable upon presentation for redemption, within 35 days of the date on which the new security is made available by the issuer for delivery to purchasers, the period applicable to the transaction under subparagraph (2) of this paragraph shall be 7 days after such maturity or payment date: *Provided*, That this sentence shall apply only to the payment of that portion of the purchase price that does not exceed 103 percent of the amount that will be payable to the purchaser of the new security upon such maturity of, or payment for, securities owned by him at the time of the purchase.

(4) If any shipment of securities is incidental to the consummation of the transaction, the period applicable to the transaction under subparagraph (2) of this paragraph shall be deemed to be extended by the number of days required for all such shipments, but not by more than 7 days.

(5) If the creditor, acting in good faith in accordance with subparagraph (1) of this paragraph, purchases a security for a customer, or sells a security to a customer, with the understanding that he is to deliver the security promptly to the customer, and the full cash payment to be made promptly by the customer is to be made against such delivery, the creditor may at his option treat the transaction as one to which the period applicable under subparagraph (2) of this paragraph is not the 7 days therein specified but 35 days after the date of such purchase or sale.

(6) If an appropriate committee of a national securities exchange or a national securities association is satisfied that the creditor is acting in good faith in making the application, that the application relates to a bona fide cash transaction, and that exceptional circumstances warrant such action, such committee, on application of the creditor, (i) may extend any period specified in subparagraph (2), (3), (4), or (5) of this paragraph for one or more limited periods commensurate with the circumstances, or (ii), in case a security purchased by the customer in the special cash account is a margin or exempted security, may authorize the transfer of the transaction to a general account, special bond account, special convertible security account, or special omnibus account, and the completion of such transaction pursuant to the provisions of this part relating to such an account.

(7) The 7-day periods specified in this paragraph refer to 7 full business days. The 35-day period and the 90-day period specified in this paragraph refer to calendar days, but if the last day of any such period is a Saturday, Sunday, or holiday, such period shall be considered to end on the next full business day. For the purposes of this paragraph, a creditor may, at his option, disregard any sum due by the customer not exceeding $100.

(8) Unless funds sufficient for the purpose are already in the account, no security other than an exempted security shall be purchased for, or sold to, any customer in a special cash account with the creditor if any security other than an exempted security has been purchased by such customer in such an account during the preceding 90 days, and then, for any reason whatever, without having been previously paid for in full by the customer, the security has been sold in the account or delivered out to any broker or dealer: *Provided*, That an appropriate committee of a national securities exchange or a national securities association, on application of the creditor, may authorize the creditor to disregard for the purposes of this subparagraph any given instance of the type therein described if the committee is satisfied that both creditor and customer are acting in good faith and that circumstances warrant such authorization. For the purposes of this subparagraph, the cancellation of a transaction, otherwise than to correct an error, shall be deemed to constitute a sale. The creditor may disregard for the purposes of this subparagraph a sale without prior payment provided full cash payment is received within the period described by subparagraph (2) of this paragraph and the customer has not withdrawn the proceeds of sale on or before the day on which such payment (and also final payment of any check received in that connection) is received. The creditor may so disregard a delivery of a security to another broker or dealer provided such delivery was for deposit into a special cash account which the latter broker or dealer maintains for the same customer and in which account there are already sufficient funds to pay for the security so purchased; and for the purpose of determining in that connection the status of a customer's account at another broker or dealer, a creditor may rely upon a written statement which he accepts in good faith from such other broker or dealer.

(d) *Special arbitrage account.* In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer bona fide arbitrage transactions in securities. For the purpose of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security for the purpose of taking advantage of a disparity in the prices of the two securities.

(e) *Special commodity account.* In a special commodity account, a creditor may effect and carry for any customer transactions in commodities.

(f) *Special miscellaneous account.* In a special miscellaneous account, a creditor may:

(1) With the approval of any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, extend and maintain credit to meet the emergency needs of any creditor;

(2) (i) Extend and maintain credit, (*a*) to or for any partner of a firm which is a member of a national securities exchange to enable such partner to make a contribution of capital to such firm, or to purchase stock in an affiliated corporation of such firm; or (*b*) to or for any person who is or will become the holder of stock of a corporation which is a member of a national securities exchange to enable such person to purchase stock in such corporation, or to purchase stock in an affiliated corporation of such corporation; provided the lender as well as the borrower is a partner in such member firm or a stockholder in such member corporation, or the lender is a firm or a stockholder in such member corporation, or the lender is a firm or corporation which is a member of a national securities exchange and the borrower is a partner in such firm or a stockholder in such corporation;

(ii) Extend and maintain subordinated credit to another creditor for capital purposes: *Provided*, That,

(*a*) Either the lender or the borrower is a firm or corporation which is a member of a national securities exchange, the other party to the credit is an affiliated corporation of such member firm or corporation, and, in addition to the fact that an appropriate committee of the exchange is satisfied that the credit is not in contravention of any rule of the exchange, the credit has the approval of such committee, or

(*b*) The lender as well as the borrower is a member of such exchange, the credit has the approval of an appropriate committee of the exchange, and the committee, in addition to being satisfied that the credit is not in contravention of any rule of the exchange, is satisfied that the credit is outside the ordinary course of the lender's business, and that, if the borrower's firm or corporation or an affiliated corporation of such firm or corporation does any dealing in securities for its own account, the credit is not for the purpose of increasing the amount of such dealing.

[1] This requirement relates to the action to be taken when a customer fails to make the deposit required by § 220.3(b), and it is not intended to countenance on the part of customers the practice commonly known as "free-riding," to prevent which the principal national securities exchanges have adopted certain rules. See the rules of such exchanges and § 220.7(e).

(iii) For the purpose of subdivisions (i) and (ii) of this subparagraph, the term "affiliated corporation" means a corporation all the common stock of which is owned directly or indirectly by the member firm or general partners and employees of the firm, or by the member corporation or holders of voting stock and employees of the corporation and an appropriate committee of the exchange has approved the member firm's or member corporation's affiliation with such affiliated corporation.

(3) Purchase any security from any customer who is a member of a national securities exchange or a broker or dealer registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), or sell any security to such customer: *Provided*, That the creditor acting in good faith purchases or sells the security for delivery, against full payment of the purchase price, as promptly as practicable in accordance with the ordinary usage of the trade;

(4) Effect and finance, for any member of a national securities exchange who is registered and acts as odd-lot dealer in securities on the exchange, such member's transactions as an odd-lot dealer in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as odd-lot dealers;

(5) Effect transactions for and finance any joint venture or group in which the creditor participates and in which all participants are dealers (whether such participants be acting jointly or severally), or any member thereof or participant therein, for the purpose of facilitating the underwriting or distributing of all or part of an issue of securities (i) not through medium of a national securities exchange, or (ii) the distribution of which has been approved by the appropriate committee of a national securities exchange;

(6) Effect for any customer the collection or exchange (other than by sale or purchase) of securities deposited by the customer specifically for such purposes, and (subject to any other applicable provisions of law) received from or for any customer, and pay out or deliver to or for any customer, any money or securities;

(7) Effect and carry for any customer transactions in foreign exchange; and

(8) Extend and maintain credit to or for any customer without collateral or on any collateral whatever for any purpose[4] other than purchasing or carrying or trading in securities.

(g) *Specialist's account.* In a special account designated as a specialist's account, a creditor may effect and finance, for any member of a national securities exchange who is registered and acts as a specialist in securities on the exchange, such member's transactions as a specialist in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as specialists. Such specialist's account shall be subject to the same conditions to which it would be subject if it were a general account except that if the specialist's exchange, in addition to the other requirements applicable to specialists, is designated by the Board of Governors of the Federal Reserve System as requiring reports suitable for supplying current information regarding specialists' use of credit pursuant to this paragraph, the requirements of § 220.6 (b) regarding joint ventures shall not apply to such accounts and the maximum loan value of a registered security in such account shall be as determined by the creditor in good faith.

(h) *Special subscriptions accounts.* In a special subscriptions account a creditor may effect and finance the acquisition of a margin security for a customer through the exercise of a right to acquire such security which is evidenced by a warrant or certificate issued to stockholders and expiring within 90 days of issuance, and such special subscriptions account shall be subject to the same conditions to which it would be subject if it were a general account, except that:

(1) Each such acquisition shall be treated separately in the account, and prior to initiating the transaction the creditor shall obtain a deposit of cash in the account such that the cash deposited plus the maximum loan value of the securities so acquired equals or exceeds the subscription price, giving effect to a maximum loan value for the securities so acquired of 75 percent of their current market value as determined by any reasonable method;

(2) After October 20, 1967, at the time when credit is extended pursuant to this paragraph, the creditor shall compute the amount by which the credit exceeds the maximum loan value of the collateral as prescribed by § 220.8 (the supplement to Regulation T) and the customer shall reduce the credit by an amount equal to at least one-fourth of such sum by the end of each of the four succeeding 3-calendar-month periods or until the credit does not exceed the current maximum loan value of the collateral, whichever shall occur first, and, if the creditor fails to obtain the required quarterly reduction or a portion thereof with respect to a particular acquisition within 5 full business days after such reduction is due, the creditor shall promptly liquidate a portion of the collateral so acquired and apply the proceeds of the sale to reduce the credit, in an amount equal to at least twice the required payment or portion thereof for the first two such liquidations, at least equal to the required payment or portion thereof for the third such liquidation, and at least sufficient so that the remaining credit does not exceed the current maximum loan value of the remaining collateral after the fourth such liquidation: *Provided*, That, no such liquidation need be in an amount greater than is necessary so that the remaining credit does not exceed the maximum loan value of the remaining collateral determined as of the date the credit was extended; and

(3) The creditor shall not permit any withdrawal of cash or securities from the account so long as the remaining credit exceeds the maximum loan value of the remaining collateral in the account, except that when the remaining credit extended in connection with a given acquisition of securities in the account has become equal to or less than the maximum loan value of such securities as prescribed in § 220.8 (the supplement to Regulation T) (or in connection with an acquisition after Oct. 20, 1967, the requirements of subparagraph (2) of this section have been fulfilled), such securities shall be transferred to the general account (or, if eligible, to a special convertible security account pursuant to § 220.4(j)) together with any remaining portion of such credit. In order to facilitate the exercise of a right in accordance with the provisions of this paragraph, a creditor may permit the right to be transferred from a general account to the special subscriptions account without regard to any other requirement of this part.

(i) *Special bond account.* In a special bond account a creditor may effect and finance transactions in exempted securities and registered nonequity securities for any customer.[5]

(j) *Special convertible debt security account.* (1) In a special convertible debt security account a creditor may extend credit on any margin security consisting of a margin debt security (i) convertible with or without consideration, presently or in the future, into margin stock or (ii) carrying a warrant or right to subscribe to or purchase such stock.

(2) A special convertible debt security account shall be subject to the same conditions to which it would be subject if it were a general account except that the maximum loan value of the securities in the account shall be as prescribed from time to time in § 220.8 (the supplement to Regulation T).

(3) Any security which ceases to be an equity security while held in this account shall continue to be treated as an equity security as long as it is continuously held in this account.

(4) In the event any stock is to be substituted for a security held in this account, or if a security held in this account is to be used to offset a short sale in the general account, such security shall thereupon be transferred to the customer's general account against a deposit of cash or margin securities eligible for an extension of credit in this account (counted at their maximum loan value) equal to at least the maximum loan value of the security for which such substitution is made, without regard to the retention requirement of § 220.3(b)(2).

[4] See § 220.7(c).

[5] For maximum loan value of such securities see § 220.8(b), the supplement to Regulation T.

(k) *Special equity funding account.* In a special equity funding account a creditor, who is the issuer or a subsidiary or affiliate of the issuer of a plan, program, or investment contract, registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77), that provides for the acquisition both of a security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8) and of insurance may arrange for the extension or maintenance of credit, not in excess of the premiums on such policy (plus any accrued interest), on a security issued by such an investment company that serves as collateral under such a plan, program, or investment contract: *Provided*, That such credit is extended or maintained by a lender subject to Part 207 of this chapter (Regulation G) or a bank subject to Part 221 of this chapter (Regulation U). A creditor, arranging credit in a special equity funding account shall not extend, arrange, or maintain credit in the general account or any other special account in §§ 220.3 and 220.4.

§ 220.5 Borrowing by members, brokers, and dealers.

(a) *General rule.* It is unlawful for any creditor, directly or indirectly, to borrow in the ordinary course of business as a broker or dealer on any registered security (other than an exempted security) except:

(1) From or through a member bank of the Federal Reserve System; or

(2) From any nonmember bank which shall have filed with the Board an agreement which is still in force and which is in the form prescribed by this part; or

(3) To the extent to which, under the provisions of this part, loans are permitted between members of a national securities exchange and/or brokers and/or dealers, or loans are permitted to meet emergency needs.

(b) *Agreements of nonmember banks.* An agreement filed pursuant to section 8(a) of the Act (15 U.S.C. 78h(a)) by a bank not a member of the Federal Reserve System shall be substantially in the form contained in Form F.R. T–2 if the bank has its principal place of business in a territory or insular possession of the United States, or if it has an office or agency in the United States and its principal place of business outside the United States. The agreement filed by any other nonmember bank shall be in substantially the form contained in Form F.R. T–1. Any nonmember bank which has executed any such agreement may terminate the agreement if it obtains the written consent of the Board. Blank forms of such agreements, information regarding their filing or termination, and information regarding the names of nonmember banks for which such agreements are in force, may be obtained from any Federal Reserve Bank.

(c) *Borrowing from other creditors.* A creditor may borrow from another creditor in the ordinary course of business as a broker or dealer on any registered security to the extent and subject to the terms upon which the latter may extend credit to him in accordance with the provisions of this part, and subject to any other applicable provisions of law.

§ 220.6 Certain technical details.

(a) *Accounts of partners.* In case a general account, special bond account, or special convertible security account is the account of a partner of the creditor, the creditor, in calculating the adjusted debit balance of such account and the maximum loan value of the securities therein, shall disregard the partner's financial relations with the firm as reflected in his capital and ordinary drawing accounts.

(b) *Contribution to joint venture.* In case a general account, special bond account, or special convertible security account is the account of a joint venture in which the creditor participates, the adjusted debit balance of such account shall include, in addition to the items specified in § 220.3(d), any amount by which the creditor's contribution to the joint venture exceeds the contribution which he would have made if he had contributed merely in proportion to his right to share in the profits of the joint venture.

(c) *Guaranteed accounts.* No guarantee of a customer's account shall be given any effect for purposes of this part.

(d) *Transfer of accounts.* (1) In the event of the transfer of a general account, special bond account, or special convertible security account from one creditor to another, such account may be treated for the purposes of this part as if it had been maintained by the transferee from the date of its origin: *Provided*, That the transferee accepts in good faith a signed statement of the transferor that no cash or securities need be deposited in such account in connection with any transaction that has been effected in such account or, in case he finds that it is not practicable to obtain such a statement from the transferor, accepts in good faith such a signed statement from the customer.

(2) In the event of the transfer of a general account, special bond account, or special convertible security account, from one customer to another, or to others, as a bona fide incident to a transaction that is not undertaken for the purpose of avoiding the requirements of this part, each such transferee account may be treated by the creditor for the purposes of this part as if it had been maintained for the transferee from the date of its origin: *Provided*, That the creditor accepts in good faith and keeps with such transferee account a signed statement of the transferor describing the circumstances giving rise to the transfer.

(e) *Reorganizations.* A creditor may, without regard to the other provisions of this part, effect for a customer the exchange of any margin or exempted security in a general account, special bond account or special convertible security account, for the purpose of participating in a reorganization or recapitalization in which the security is involved: *Provided*, That if a nonmargin nonexempted security is acquired in exchange the creditor shall not, for a period of 60 days following such acquisition, permit the withdrawal of such security or the proceeds of its sale from such account except to the extent that such security or proceeds could be withdrawn if the security were a margin security.

(f) *Time of receipt of funds or securities.* For the purposes of this part, a creditor may, at his option (1) treat the receipt in good faith of any check or draft drawn on a bank which in the ordinary course of business is payable on presentation, or any order on a savings bank with passbook attached which is so payable, as receipt of payment of the amount of such check, draft, or order; (2) treat the shipment of securities in good faith with sight draft attached as receipt of payment of the amount of such sight draft; and (3) in the case of the receipt in good faith of written or telegraphic notice in connection with a special omnibus account of a customer not located in the same city that a specified security or a check or draft has been dispatched to the creditor, treat the receipt of such notice as receipt of such security, check, or draft: *Provided, however*, That if the creditor receives notice that such check, draft, order, or sight draft described in subparagraph (1), (2), or (3) of this paragraph is not paid on the day of presentation, or if such security, check, or draft described in subparagraph (3) of this paragraph is not received by the creditor within a reasonable time, the creditor shall promptly take such action as he would have been required to take by the appropriate provisions of this part if the provisions of this paragraph had not been utilized.

(g) *Interest, service charges, etc.* (1) Interest on credit maintained in a general account, special bond account, or special convertible security account, communication charges with respect to transactions in such account, shipping charges, premiums on securities borrowed in connection with short sales or to effect delivery, dividends or other distributions due on borrowed securities, and any service charges (other than commissions) which the creditor may impose, may be debited to such account in accordance with the usual practice and without regard to the other provisions of this part, but such items so debited shall be taken into consideration in calculating the net credit or net debit balance of such account.

(2) A creditor may permit interest, dividends, or other distributions received by the creditor with respect to securities in a general account, special bond account or special convertible security account, to be withdrawn from such account only on condition that the adjusted debit balance of such account does not exceed the maximum loan value of the securities in such account after such withdrawal, or on condition that (i) such withdrawal is made within 35 days after the day on which, in accordance with the creditor's usual practice, such interest, dividends, or other distributions are entered in such account, (ii)

such entry in the account has not served in the meantime to permit in the account any transaction which could not otherwise have been effected in accordance with this part, and (iii) any cash withdrawn does not represent any arrearage on the security with respect to which it was distributed, and the current market value of any securities withdrawn does not exceed 10 percent of the current market value of the security with respect to which they were distributed. Failure by a creditor to obtain in a general account, special bond account, or special convertible security account, any cash or securities that are distributed with respect to any security in such account shall, except to the extent that withdrawal would be permitted under the preceding sentence, be deemed to be a transaction in such account which occurs on the day on which the distribution is payable and which requires the creditor to obtain in accordance with § 220.3(b) a deposit of cash or securities having a maximum loan value at least as great as that of the distribution.

(h) *Borrowing and lending securities.* Without regard to the other provisions of this part, a creditor (1) may make a bona fide deposit of cash in order to borrow securities (whether margin or nonmargin) for the purpose of making delivery of such securities in the case of short sales, failure to receive securities he is required to deliver, or other similar cases, and (2) may lend securities for such purpose against such a deposit.

(i) *Credit for clearance of securities.* The extension or maintenance of any credit which is maintained for only a fraction of a day (that is, for only part of the time between the beginning of business and midnight on the same day) shall be disregarded for the purposes of this part, if it is incidental to the clearance of transactions in securities directly between members of a national securities exchange or through an agency organized or employed by such members for the purpose of effecting such clearance.

(j) *Foreign currency.* If foreign currency is capable of being converted without restriction into U.S. currency, a creditor acting in good faith may treat any such foreign currency in an account as a credit to the account in an amount determined in accordance with customary practice.

(k) *Innocent mistakes.* If any failure to comply with this part results from a mechanical mistake made in good faith in executing a transaction, recording, determining, or calculating any loan, balance, market price, or loan value, or other similar mechanical mistake, the creditor shall not be deemed guilty of a violation of this part if promptly after the discovery of such mistake he takes whatever action may be practicable in the circumstances to remedy such mistake.

§ 220.7 Miscellaneous provisions.

(a) *Arranging for loans by others.* A creditor may arrange for the extension or maintenance of credit to or for any customer of such creditor by any person upon the same terms and conditions as those upon which the creditor, under the provisions of this part, may himself extend or maintain such credit to such customer, but only upon such terms and conditions, except that this limitation shall not apply with respect to the arranging by a creditor for a bank subject to Part 221 of this chapter (Regulation U) to extend or maintain credit on margin securities or exempted securities.

(b) *Maintenance of credit.* Except as otherwise specifically forbidden by this part, any credit initially extended without violation of this part may be maintained regardless of (1) reductions in the customer's equity resulting from changes in market prices, (2) the fact that any security in an account ceases to be margin or exempted, and (3) any change in the maximum loan values or margin requirements prescribed by the Board under this part. In maintaining any such credit, the creditor may accept or retain for his own protection additional collateral of any description, including nonmargin securities.

(c) *Statement of purpose of loan.* Every extension of credit on a margin security (other than an exempted security) shall be deemed to be for the purpose of purchasing or carrying or trading in securities, unless the creditor has accepted in good faith a written statement to the contrary in conformity with the requirements of Form F.R. T-4 executed by the customer and executed and accepted in good faith by the creditor prior to such extension. The creditor shall retain such statement in his records for at least 3 years after such credit is extinguished. To accept the customer's statement in good faith, the creditor must (1) be alert to the circumstances surrounding the extension of credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful. A creditor may rely upon such a written statement if accepted in accordance with this paragraph.

(d) *Reports.* Every creditor shall make such reports as the Board may require to enable the Board to perform the functions conferred upon it by the Act.

(e) *Additional requirements by exchanges and creditors.* Nothing in this part shall (1) prevent any exchange or national securities association from adopting and enforcing any rule or regulation further restricting the time or manner in which its members must obtain initial or additional margin in customer's accounts because of transactions effected in such accounts, or requiring such members to secure or maintain higher margins, or further restricting the amount of credit which may be extended or maintained by them, or (2) modify or restrict the right of any creditor to require additional security for the maintenance of any credit, to refuse to extend credit, or to sell any securities or property held as collateral for any loan or credit extended by him.

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of securities in a general account subject to § 220.3 shall be:

(1) Of a registered nonequity security held in the account on March 11, 1968, and continuously thereafter and of a margin equity security (except as provided in § 220.3(c) and paragraphs (b) and (c) of this section), 20 percent of the current market value of such securities.

(2) Of an exempted security held in the account on March 11, 1968, and continuously thereafter the maximum loan value of the security, as determined by the creditor in good faith.

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security and of a registered nonequity security pursuant to § 220.4(i) shall be the maximum loan value of the security as determined by the creditor in good faith.

(c) *Maximum loan value for special convertible debt security account.* The maximum loan value of a margin security eligible for a special convertible security account pursuant to § 220.4(j) shall be 40 percent of the current market value of the security.

(d) *Margin required for short sales.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3(d)(3), as margin required for short sales of securities (other than exempted securities) shall be 80 percent of the current market value of each security.

(e) *Retention requirement.* In the case of an account which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, pursuant to § 220.3(b)(2):

(1) The "retention requirement" of an exempted security held in the general account on March 11, 1968, and continuously thereafter shall be equal to its maximum loan value as determined by the creditor in good faith, and the "retention requirement" of a registered nonequity security held in such account on March 11, 1968, and continuously thereafter and of a margin security shall be 70 percent of the current market value of the security.

(2) In the case of a special bond account subject to § 220.4(i), the retention requirement of an exempted security and of a registered nonequity security shall be equal to the maximum loan value of the security.

(3) In the case of a special convertible security account subject to § 220.4(j) which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, the retention requirement of a security having loan value in the account shall be 70 percent of the current market value of the security.

(4) For the purpose of effecting a transfer from a general account to a special convertible security account subject to § 220.4(j), the retention requirement of a security described in § 220.4(j), shall be 70 percent of its current market value.

(f) *Security having no loan value in general account.* No securities other than an exempted security or registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and a margin security shall have any loan value in a general account except that a margin security eligible for the special convertible security account pursuant to § 220.4(j) shall have loan value only if held in the account on March 11, 1968, and continuously thereafter.

(g) *Requirements for inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 220.2(e), OTC margin stock shall meet the requirements that:

(1) The stock is subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), or if issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)), the issuer had at least $1 million of capital and surplus;

(2) Five or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Act (15 U.S.C. 78e);

(3) There are 1,500 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock;

(4) The issuer is organized under the laws of the United States or a State* and it, or a predecessor in interest, has been in existence for at least 3 years;

(5) The stock has been publicly traded for at least 6 months; and

(6) Daily quotations for both bid and asked prices for the stocks are continuously available to the general public;

and shall meet three of the four additional requirements that:

(7) There are 500,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners or more than 10 percent of the stock;

(8) The shares described in subparagraph (7) of this paragraph have a market value in the aggregate of at least $10 million;

(9) The minimum average bid price of such stock, as determined by the Board in the latest month, is at least $10 per share; and

(10) The issuer had at least $5 million of capital, surplus, and undivided profits.

2a. These amendments are promulgated pursuant to sections 7 and 8 of the Securities Exchange Act of 1934 (15 U.S.C. 78g, 78h) as amended by Public Law 90-437 (82 Stat. 452). As indicated in the notice of proposed rule making with respect to these amendments (FEDERAL REGISTER of Feb. 15, 1969; 34 F.R. 2261), they are designed to regulate the amount of credit that may be extended by brokers and dealers with respect to certain securities that are not registered on a national securities exchange. The criteria the Board will use to select such "over-the-counter" (OTC) stocks that will be subject to the margin and other requirements of the regulation will appear in the supplement to Regulation T (§ 220.8(g)).

b. Proposals published in the notice of proposed rule making that have been revised and the reasons therefor are as follows:

(1) This part has been revised throughout to substitute the phrase "margin security" for "regulated security." This change is intended to eliminate any implication that such securities are supervised or have been approved by the Board or by the Securities and Exchange Commission.

(2) Section 220.2(a) has been revised to clarify that all terms used in this part have the meanings given them in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), unless otherwise required by the context.

(3) Section 220.2(c) has been revised to provide that a person to or for whom a creditor is arranging credit is a "customer" of the creditor, and to clarify that the term customer includes, but is not limited to, the type of persons enumerated therein.

(4) Section 220.2(e) has been revised by transferring from subparagraph (2) of this section to § 220.8(g) (the supplement to Regulation T) the criteria that will be used by the Board to select stocks for inclusion on the list of OTC stock that will be subject to Regulation T. This section has been further revised to clarify that a statement in an advertisement or other similar communication containing a reference to the Board in connection with the list of OTC margin stocks would constitute such an unlawful representation as is referred to in subparagraph (5) of this section.

(5) Section 220.4(b) has been revised to clarify that a member of a national securities exchange may extend exempt credit in connection with wholesale transactions in the special omnibus account only to another such member, and a broker or dealer who is registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o). The proposal's requirement that such member or broker-dealer certify that he is subject to the provisions of Regulation T is thereby eliminated. This section has been further revised to incorporate language from the notice of proposed rule making relating to the period of time after which persons, failing to qualify for additional extensions of credit under this section, would no longer be able to make substitution of collateral nor maintain their credit.

(6) Section 220.4(f) has been revised to add a requirement that "C.O.D." transactions in the special miscellaneous account are available only to members of a national securities exchange or broker-dealers who are registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o).

(7) Section 220.4(h) has been revised to eliminate an obsolete provision relating to the effective date of subparagraph (2) of this section.

(8) Section 220.4(j) has been revised to insert language, inadvertently omitted from the text of the proposed amendments but included in the notice of proposed rule making, which would clarify that for the purpose of this Part 220, it is immaterial whether a debt security is convertible with or without consideration, presently or in the future, into a margin security.

(9) Section 220.4(k) has been added to permit a creditor to arrange for the extension or maintenance of credit in connection with the sale of equity funding plans or programs issued by such creditor, or a subsidiary or affiliate thereof, on mutual fund shares which serve as collateral under the plan or program: *Provided*, That the creditor does not extend, maintain, or arrange for credit in the general account or any other special account.

(10) Section 220.8 (the supplement to Regulation T) is amended by adding a new paragraph (g) to receive the criteria transferred from § 220.2(e). In addition, the criteria have been revised to include only those stocks whose issuer is organized under the laws of the United States or a State thereof, the District of Columbia, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

c. With the exception of changes in § 220.2(c) relating to the definition of a "customer" of a creditor, these amendments were adopted by the Board after consideration of all relevant material that was presented by interested persons. In the Board's view, the effect of the changes in § 220.2(c) is to interpret an existing rule. Accordingly, the Board concluded that the notice and public participation procedure contemplated by section 553 of title 5, United States Code, was unnecessary with respect to such changes.

Dated at Washington, D.C., this 2d day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6863; Filed, June 10, 1969; 8:48 a.m.]

* As defined in 15 U.S.C. 78c(a)(16).

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Miscellaneous Amendments

1. Effective July 8, 1969, §§ 221.1 through 221.4 are revised to read as follows:

Sec.
221.1 General rule.
221.2 Exceptions to general rule.
221.3 Miscellaneous provisions.
221.4 Supplement.

AUTHORITY: The provisions of §§ 221.1–221.4 issued under sec. 7, Securities Exchange Act of 1934 (15 U.S.C. 78g).

§ 221.1 General rule.

(a) *Purpose credit secured by stock.* (1) Except as provided in subparagraph (2) of this paragraph (a) and in § 221.3(q) no bank shall extend any credit secured directly or indirectly [1] by any stock [2] for the purpose of purchasing or carrying any margin stock [3] in an amount exceeding the maximum loan value of the collateral, as prescribed from time to time for stocks in § 221.4 (the Supplement to Regulation U) and as determined by the bank in good faith for credit subject to § 221.3(s) for any collateral other than stocks: *Provided*, That unless held as collateral for such credit on October 20, 1967, and continuously thereafter, any collateral other than stock shall have loan value for the purpose of this part only as collateral for a credit which is not secured by stock, as described in § 221.3(s), and any collateral consisting of convertible debt securities described in § 221.3(t) shall have loan value only for the purpose of that section, and not for other credit subject to this part.

(2) Credit extended prior to July 8, 1969, for the purpose of purchasing or carrying any OTC margin stock [4] or any debt security convertible into such stock (and no other margin security) is not purpose credit, except that with respect to any OTC margin stock such date shall be August 7, 1969, if extended to a member of a national securities exchange or a broker or dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o).

(b) *Substitutions and withdrawals.* Except as permitted in paragraph (c) of this section, while a bank maintains any credit subject to this part, whenever extended, the bank shall not at any time permit any withdrawal or substitution of collateral unless either (1) the credit would not exceed the maximum loan value of the collateral after such withdrawal or substitution, or (2) the credit is reduced by at least the amount by which the maximum loan value of any collateral deposited is less than the "retention requirement" of any collateral withdrawn. The "retention requirement" of collateral other than stock is the same as its maximum loan value and the "retention requirement" of collateral consisting of stock is prescribed from time to time in § 221.4 (the Supplement to Regulation U).

(c) *Same-day transactions.* Except as provided in § 221.3(r)(1), a bank may permit a substitution of stock whether margin or nonmargin, effected by a purchase and sale on orders executed within the same day: *Provided*, That (1) if the proceeds of the sale exceed the total cost of the purchase, the credit is reduced by at least an amount equal to the "retention requirement" with respect to the sale less the "retention requirement" with respect to the purchase, or (2) if the total cost of the purchase exceeds the proceeds of the sale, the credit may be increased by an amount no greater than the maximum loan value of the stock purchased less the maximum loan value of the stock sold. If the maximum loan value of the collateral securing the credit has become less than the amount of the credit, the amount of the credit may nonetheless be increased if there is provided additional collateral having maximum loan value at least equal to the amount of the increase.

(d) *Single credit rule.* For the purpose of this part, except for credit subject to § 221.3 (s) or (t), the entire amount of the purpose credit extended to any customer by any bank at any time shall be considered a single credit; and all the collateral securing such credit shall be considered in determining whether or not the credit complies with this part.

§ 221.2 Exceptions to general rule.

Notwithstanding the provisions of § 221.1, a bank may extend and may maintain any credit for the purpose specified in § 221.1, without regard to the limitations prescribed therein, or in § 221.3(t), if the credit comes within any of the following descriptions.

(a) Any credit extended to a bank or to a foreign banking institution;

(b) Any credit extended to a "plan-lender" as defined in § 207.4(a) of Part 207 of this chapter (Regulation G) to finance a plan described therein: *Provided*, That in no event does the bank have recourse to any stock purchased pursuant to such plan;

(c) Any credit extended to a dealer, or to two or more dealers, to aid in the financing of the distribution of securities to customers not through the medium of a national securities exchange;

(d) Any credit extended to a broker or dealer that is extended in exceptional circumstances in good faith to meet his emergency needs;

(e) Any credit extended to a member of a national securities exchange or a broker or dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) secured by any securities which, according to written notice received by the bank from the broker or dealer pursuant to a rule of the Securities and Exchange Commission concerning the hypothecation of customers' securities (Rule 8c–1 (17 CFR 240.8c–1) or Rule 15c2–1 (17 CFR 240.15c2–1)), are securities carried for the account of one or more customers;

(f) Any credit extended to finance the purchase or sale of securities for prompt delivery which is to be repaid in the ordinary course of business upon completion of the transaction: *Provided*, That the advance is not made to a person described in § 221.3(q): *And provided further*, That it is either (1) extended to a broker or dealer, or (2) extended for a purpose other than to enable the borrower to pay for stock purchased in an account subject to Part 220 of this chapter (Regulation T);

(g) Any credit extended against securities in transit, or surrendered for transfer, which is payable in the ordinary course of business upon arrival of the securities or upon completion of the transfer: *Provided*, That the credit is not extended to a person described in § 221.3(q): *And provided further*, That it is either (1) extended to a broker or dealer, or (2) extended for a purpose other than to enable the customer to pay for stock purchased in an account subject to Part 220 of this chapter (Regulation T);

(h) Any credit which is to be repaid on the calendar day on which it is extended: *Provided*, That the credit is not extended to a person described in § 221.3(q): *And provided further*, That it is either (1) extended to a broker or dealer, or (2) extended for a purpose other than to enable the customer to pay for stock purchased in an account subject to part 220 of this chapter (Regulation T);

(i) Any credit extended outside the States of the United States and the District of Columbia;

(j) Any credit extended to a member of a national securities exchange for the purpose of financing his or his customers' bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities; and

(k) Any credit extended to a member of a national securities exchange for the purpose of financing such members' transaction as an odd-lot dealer in securities with respect to which he is registered on such national securities exchanges as an odd-lot dealer.

§ 221.3 Miscellaneous provisions.

(a) *Required statement as to stock-secured credit.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–1 executed by the recipient of

[1] As defined in § 221.3(c).
[2] As defined in § 221.3(f).
[3] Sometimes referred to as a "purpose credit". See § 221.3(b). The term "margin stock" is defined in § 221.3(v).
[4] As defined in § 221.3(d). "OTC stock" hereinafter refers to stock traded "over the counter."

to such extension: *Provided*, That this referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided*, That this requirement shall not apply to any credit described in paragraph (o) or (w) of this section or § 221.2 except for credit described in § 221.2 (f), (g), and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter (Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2 the bank may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

(b) *Purpose of a credit.* The "purpose of a credit" is determined by substance rather than form.

(1) Credit which is for the purpose, whether immediate, incidental, or ultimate, of purchasing or carrying a margin stock is "purpose credit", despite any temporary application of funds otherwise.

(2) Credit to enable the customer to reduce or retire indebtedness which was originally incurred to purchase a margin stock is for the purpose of "carrying" such a security.

(3) An extension of credit provided for in a plan, program, or investment contract offered or sold or otherwise initiated after August 31, 1969, which provides for the acquisition both of any securities described in paragraph (v) of this section and of goods, services, property interests, other securities, or investments, is "purpose credit".

(c) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of stock owned by the customer is in any way restricted so long as the credit remains outstanding, or under which the exercise of such right, whether by written agreement or otherwise, is or may be cause for acceleration of the maturity of the credit: *Provided*, That the foregoing shall not apply (1) if such restriction arises solely by virtue of an arrangement with the customer which pertains generally to the customer's assets unless a substantial part of such assets consists of stock, or (2) if the bank in good faith has not relied upon such stock as collateral in the extension or maintenance of the particular credit: *And provided further*, That the foregoing shall not apply to stock held by the bank only in the capacity of custodian, depositary, or trustee, or under similar circumstances, if the bank in good faith has not relied upon such stock as collateral in the extension or maintenance of the particular credit.

(d) *OTC margin stock.* (1) The term "OTC margin stock" means stock not traded on a national securities exchange which the Board of Governors of the Federal Reserve System has determined to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant subjecting such stock to the requirements of this part.

(2) The Board will from time to time publish a list of OTC margin stocks as to which the Board has made the determination described in subparagraph (1) of this paragraph (d). Except as provided in subparagraph (4) of this paragraph (d) such stocks shall meet the requirements of § 221.4(d) (the Supplement to Regulation U).

(3) The Board will from time to time remove from the list described in subparagraph (2) of this paragraph (d) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (d) and of § 221.4(d) (the Supplement to Regulation U).

(4) The foregoing notwithstanding, the Board may, upon its own initiative, or upon application by any interested party, omit or remove any stock that is not traded on a national securities exchange from or add any such stock to such list of OTC margin stocks, if in the judgment of the Board, such action is necessary or appropriate in the public interest.

(5) It shall be unlawful for any bank to make, or cause to be made, any representation to the effect that the inclusion of a security on such list of OTC margin stocks is evidence that the Board or the Securities and Exchange Commission has in any way passed upon the merits of, or given approval to, such security or any transaction therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with such stocks or such list shall constitute such an unlawful representation.

(e) *Renewals and extensions of maturity.* The renewal or extension of maturity of a credit need not be treated as the extension of a credit if the amount of the credit is not increased except by the addition of interest or service charges in respect to the credit or of taxes on transactions in connection with the credit.

(f) *Transfers.* A bank may, without following the requirements of this part as to the extension of a credit,

(1) Permit the transfer of a credit from one customer to another, or to others: *Provided*, That a statement by the transferor, describing the circumstances giving rise to the transfer, is accepted in good faith [4] and signed by an officer of the bank as having been so accepted, and kept with each such transferee account, or

(2) Accept the transfer of a credit originally extended in conformity with the requirements of this part directly from another bank: *Provided*, That the statement of purpose, executed by the customer in connection with the original extension of credit and accepted in good faith and signed by an officer of the bank originally extending such credit in conformity with the requirements of § 221.3(a), is obtained and kept with each such transferee account: *And provided further*, That any transfer pursuant to this paragraph is made as a bona fide incident to a transaction not undertaken for the purpose of avoiding the requirements of this part, the amount of the credit is not increased, and the collateral for the credit is not changed; and, after such transfer, a bank may permit such withdrawals and substitutions of collateral as are permitted in respect to a credit it extends subject to this part.

(g) *Reorganizations and recapitalizations.* Nothing in this part shall be construed to prevent a bank from permitting withdrawals or substitutions of securities to enable a customer to participate in a reorganization or recapitalization.

(h) *Mistakes in good faith.* No mistake made in good faith in connection with the extension or maintenance of a credit shall be deemed to be a violation of this part.

(i) *Action for bank's own protection.* Nothing in this part shall be construed as preventing a bank from taking such action as it shall deem necessary in good faith for its own protection.

(j) *Reports.* Every bank, and every person engaged in the business of extending credit who, in the ordinary course of business, extends credit for the purpose of purchasing or carrying margin stock shall make such reports as the Board of Governors of the Federal Reserve System may require to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934 (15 U.S.C. 78).

(k) *Definitions.* For the purposes of this part, unless the context otherwise requires, the terms herein have the meanings assigned to them in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), except that the term "bank" does not include a bank which is a member of a national securities exchange.

(l) *Stock.* The term "stock" includes any security commonly known as a stock; any voting trust certificate or other instrument representing such a security; and any security convertible, with or without consideration, presently or in the future, into such security, certificate, or other instrument, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(m) *Credit subject to § 221.1.* A "credit subject to § 221.1" is a credit which is (1) secured directly or indirectly by any stock (or made to a person described in paragraph (q) of this section), (2) extended for the purpose of purchasing or carrying any margin stock, and (3) not excepted by § 221.1 (a)(2) or § 221.2.

[4] As described in § 221.3(a).

(n) *Segregation of collateral.* (1) The bank shall identify all the collateral used to meet the requirements of § 221.1 (the entire credit being considered a single credit and collatral being similarly considered, as required by § 221.1(d)) and shall not cancel the identification of any portion thereof except in circumstances that would permit the withdrawal of that portion. Such identification may be made by any reasonable method.

(2) Only the collateral required to be so identified shall have loan value for purposes of § 221.1 or be subject to the restrictions therein specified with respect to withdrawals and substitutions; and

(3) For any credit extended to the same customer that is not subject to § 221.1 (other than a credit described in § 221.2 (b), (d), (f), (g), or (h)), the bank shall in good faith require as much collateral not so identified as the bank would require (if any) if it held neither the indebtedness subject to § 221.1 nor the identified collateral. This shall not be construed, however, to require the bank, after it has extended any credit, to obtain any collateral therefor because of any deficiency in collateral already existing at the opening of business on June 15, 1959, or any decline in the value or quality of the collateral or in the credit rating of the customer.

(4) Nothing in this part shall require a bank to waive or forgo any lien, and nothing in this part shall apply to a credit extended to enable the customer to meet emergency expenses not reasonably foreseeable, provided the extension of credit is supported by a statement executed by the customer and accepted in good faith and signed by an officer of the bank as having been so accepted in conformity with the requirements of § 221.3 (a). For this purpose, such emergency expenses shall include expenses arising from circumstances such as the death or disability of the customer, or some other change in his circumstances involving extreme hardship, not reasonably foreseeable at the time the credit was extended. The opportunity to realize monetary gain is not a "change in his circumstances" for this purpose.

(o) *Specialist.* In the case of a credit extended to a member of a national securities exchange who is registered and acts as a specialist in securities on the exchange for the purpose of financing such member's transactions as a specialist in such securities, the maximum loan value of any stock shall be as determined by the bank in good faith: *Provided*, That the specialist's exchange, in addition to other requirements applicable to specialists, is designated by the Board of Governors of the Federal Reserve System as requiring reports suitable for supplying current information regarding specialists' use of credit pursuant to this section.

(p) *Subscriptions issued to stockholders.* An extension of credit need not comply with the other requirements of this part if it is to enable the customer to acquire a stock by exercising a right to acquire such stock which is evidenced by a warrant or certificate issued to stockholders and expiring within 90 days of issuance: *Provided*, That:

(1) Each such acquisition under this paragraph shall be treated separately, and the credit when extended shall not exceed 75 percent of the current market value of the stock so acquired as determined by any reasonable method;

(2) After October 20, 1967, at the time credit is extended pursuant to this paragraph, the bank shall compute the amount by which the credit exceeds the maximum loan value of the collateral as prescribed by § 221.4 and the customer shall reduce the credit by an amount at least equal to one-fourth of such sum by the end of each of the 4 succeeding 3-calendar month periods or until the credit does not exceed the current maximum loan value of the stock, whichever shall occur first, and if the bank fails to obtain the required quarterly reduction or a portion thereof with respect to a particular acquisition within 5 full business days after such reduction is due, the bank shall promptly sell a portion of the collateral so acquired and apply the proceeds of the sale to reduce the credit, in an amount at least equal to twice the required payment or portion thereof for the first 2 such reductions, at least equal to the required payment or portion thereof for the third such reduction, and at least sufficient so that the remaining credit does not exceed the current maximum loan value of the remaining collateral after the fourth such reduction: *Provided*, That no such reduction need be in an amount greater than is necessary so that the remaining credit does not exceed the maximum loan value of the remaining collateral determined as of the date when the credit was extended;

(3) While the customer has any credit outstanding at the bank under this paragraph no withdrawal of cash or substitution or withdrawal of stock used as collateral for such extension of credit shall be permissible, except that when the remaining credit has become equal to or less than the maximum loan value of the remaining stock as prescribed for § 221.1 or § 221.3(t) in § 221.4 (the Supplement to Regulation U) whichever is applicable (or with respect to credit extended after Oct. 20, 1967, the requirements of the preceding clause have been fulfilled) the remaining stock and related credit shall thereafter be treated as subject to § 221.1 or § 221.3(t), whichever is applicable, instead of this paragraph. In order to facilitate the exercise of a right under this paragraph, a bank may permit the right to be withdrawn from a credit subject to § 221.1 without regard to any other requirement of this part.

(q) *Credit to certain lenders.* Any credit extended to a customer not subject to this part or to Part 220 of this chapter (Regulation T) engaged principally, or as one of the customer's important activities, in the business of extending credit for the purpose of purchasing or carrying margin stocks is a credit for the purpose of purchasing or carrying such stocks unless the credit and its purposes are effectively and unmistakably separated and disassociated from any financing or refinancing, for the customer or others, of any purchasing or carrying of such stocks. Any credit extended to any such customer, unless the credit is so separated and disassociated or is excepted by § 221.2, is a credit "subject to § 221.1" regardless of whether or not the credit is secured by any stock; and no bank shall extend any such credit subject to § 221.1 to any such customer, without collateral or without the credit being secured as would be required by this part if it were secured by any stock. Any such credit subject to § 221.1 to any such customer shall be subject to the other provisions of this part applicable to credit subject to § 221.1, including provisions regarding withdrawal and substitution of collateral.

(r) *Convertible securities.* (1) If, after June 15, 1959, and prior to October 21, 1967, credit was extended for the purpose of purchasing or carrying a security convertible into a stock registered on a national securities exchange and the credit was secured by such a security, and after October 20, 1967, there is substituted any stock as direct or indirect collateral for such credit, the credit shall thereupon be treated as subject to § 221.1 or § 221.3(t), whichever is applicable. In any such case, the amount of the outstanding credit, or such amount plus any increase therein to enable the customer to acquire a stock so registered through the conversion of the security pursuant to its terms, shall not be permitted on the date of such substitution to exceed the maximum loan value of the collateral for the credit: *Provided*, That any reduction in the credit or deposit of collateral required on that date to meet this requirement may be brought about within 30 days of such substitution.

(2) Any credit extended after October 20, 1967, for the purpose of purchasing or carrying a security convertible into a stock registered on a national securities exchange, and any credit extended after July 8, 1969, for the purpose of purchasing or carrying a security convertible into margin stock, if the credit is secured, directly or indirectly, by any stock, is a credit subject to § 221.1 or § 221.3(t), whichever is applicable.

(s) *Credit secured by collateral other than stocks.* A bank may extend credit for the purpose of purchasing or carrying a margin stock secured by collateral other than stock, and, in the case of such credit, the maximum loan value of the collateral shall be as determined by the bank in good faith.

(t) *Credit on convertible debt securities.* (1) A bank may extend credit for the purpose specified in § 221.1 on collateral consisting of any debt security (i) convertible with or without consideration, presently or in the future, into a margin stock or (ii) carrying a warrant or right to subscribe to or purchase such a stock (such a debt security is sometimes referred to herein as a "convertible security").

(2) Credit extended under this paragraph shall be subject to the same conditions as if it were subject to § 221.1 except: (i) The entire amount of such

credit shall be considered a single credit treated separately from the single credit specified in § 221.1(d) and all the collateral securing such credit shall be considered in determining whether or not the credit complies with this part, and (ii) the maximum loan value of the collateral shall be as prescribed from time to time in § 221.4 (the Supplement to Regulation U).

(3) Any convertible security originally eligible as collateral for a credit extended under this paragraph shall be treated as such as long as continuously held as collateral for such credit even though it ceases to be convertible or to carry warrants or rights.

(4) In the event that any stock other than a convertible security is substituted for a convertible security held as collateral for a credit extended under this paragraph, the stock and any credit extended on it in compliance with this part shall thereupon be treated as subject to § 221.1 and the credit extended under this paragraph shall be reduced by an amount equal to the maximum loan value of the security withdrawn.

(u) *Arranging for credit.* No bank shall arrange for the extension or maintenance of any credit for the purpose of purchasing or carrying any margin stock, except upon the same terms and conditions on which the bank itself could extend or maintain such credit under the provisions of this part.

(v) *Margin stock.* The term "margin stock" means any stock[6] which is (1) a stock registered on a national securities exchange, (2) an OTC margin stock,[7] (3) a debt security (i) convertible with or without consideration, presently or in the future, into a margin stock, or (ii) carrying any warrant or right to subscribe to or purchase, presently or in the future, a margin stock; (4) any such warrant or right, (5) any security issued by an investment company other than a small business investment company licensed under the Small Business Investment Company Act of 1958 (15 U.S.C. 661) registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8), unless at least 95 percent of the assets of such company are continuously invested in exempted securities.[8]

(w) *OTC market maker exemption.* (1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. sec. 1–1236–1(d)) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market making activity (Securities and Exchange Commission Form X–17A–12(1)) and all other reports required to be filed by market makers in OTC margin stocks pursuant to a rule of the Commission (Rule 17a–12 (17 CFR 240.17a–12)) and shall not have ceased to engage in such market making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

(2) An OTC market maker with respect to an OTC margin stock is a dealer who has and maintains minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3–1 (17 CFR 240.15c3–1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) of the Commission (17 CFR 15c3–1(b)(2)) of $25,000 plus $5,000 for each such stock in excess of 5 in respect of which he has filed and not withdrawn the notice on Commission Form X–17A–12(1) (but in no case does this subparagraph (2) require net capital of more than $250,000), who is in compliance with such rule of the Commission or exchange, and who, except when such activity is unlawful, meets all of the following conditions with respect to such stock: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iv) he has a reasonable average rate of inventory turnover.

(3) If all or a portion of the credit extended pursuant to this paragraph (w) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be an OTC market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1."

(x) *Combined purchase of mutual funds and insurance.* An extension of purpose credit provided for in a plan, program or investment contract, registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77), which provides for the acquisition both of a security issued by an investment company described in subparagraph (5) of paragraph (v) of this section and an insurance policy or contract, shall be subject to all the provisions of this part except that where the credit is secured by the security and does not exceed the premiums on such policy (plus any accrued interest), the maximum loan value of such security shall be 40 percent of its current market value, as determined by any reasonable method.

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 20 percent of its current market value, as determined by any reasonable method.

(b) *Maximum loan value of convertible debt securities subject to § 221.3(t).* For the purpose of § 221.3(t), the maximum loan value of any security against which credit is extended pursuant to § 221.3(t) shall be 40 percent of its current market value, as determined by any reasonable method.

(c) *Retention requirement.* For the purpose of § 221.1, in the case of a credit which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "retention requirement" of a stock, whether or not registered on a national securities exchange, and of a convertible debt security subject to § 221.3(t), shall be 70 percent of its current market value, as determined by any reasonable method.

(d) *Requirements for inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 221.3(d), OTC margin stock shall meet the requirements that:

(1) The stock is subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(g)(1)), or if issued by an insurance company subject to § 12(g)(2)(G) (15 U.S.C. 78*l*(g)(2)(G)) the issuer had at least $1 million of capital and surplus,

(2) Five or more dealers, stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Act (15 U.S.C. 78e),

(3) There are 1,500 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer is organized under the laws of the United States or a State[9] and it, or a predecessor in interest, has been in existence for at least 3 years,

(5) The stock has been publicly traded for at least 6 months and

(6) Daily quotations for both bid and asked prices for the stock are continuously available to the general public, and

[6] As defined in § 221.3(*l*).
[7] As defined in § 221.3(d).
[8] As defined in 15 U.S.C. 78c(a)(12).
[9] As defined in 15 U.S.C. 78c(a)(16).

shall meet 3 of the 4 additional requirements that:

(7) There are 500,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(8) The shares described in subparagraph (7) of this paragraph have a market value in the aggregate of at least $10 million,

(9) The minimum average bid price of such stock as determined by the Board in the latest month, is at least $10 per share, and

(10) The issuer had at least $5 million of capital, surplus, and undivided profits.

2a. These amendments are promulgated pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) as amended by Public Law 90–437 (82 Stat. 452). As indicated in the notice of proposed rule making with respect to these amendments (FEDERAL REGISTER of Feb. 15, 1969; 34 F.R. 2268), they are designed to regulate the amount of credit extended by banks with respect to certain securities that are not registered on a national securities exchange. The criteria under which the Board will select such "over-the-counter" (OTC) stocks that will be subject to the margin and other requirements of the regulation will appear in the Supplement to Regulation U (§ 221.4(d)).

b. Proposals published in the notice of proposed rule making that have been revised and the reasons therefor are as follows:

(1) This part has been revised throughout to substitute the phrase "margin stock" for "regulated stock." This change is intended to eliminate any implication that such stock is supervised or has been approved by the Board or by the Securities and Exchange Commission.

(2) Section 221.1(a) has been amended to add a new subparagraph (2), and §§ 221.1(d) and 221.3(m) have been revised accordingly to indicate that credit extended prior to July 8, 1969, the effective date of these amendments, for the purpose of purchasing or carrying any OTC margin stock or any debt security convertible into such stock (but no other margin stock) is not subject to the regulation, except that such date shall be August 7, 1969, with respect to OTC margin stock if extended to a member of a national securities exchange or a broker or dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o).

(3) Section 221.2(e) has been amended to correspond with § 220.4(b) of this chapter (Regulation T) by providing that the exception available under this section applies only to credit extended to a member of a national securities exchange or a broker or dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o).

(4) Section 221.3 has been amended to add a new paragraph (c) to include within the definition of "purpose credit" an extension of credit provided for in a plan, program or investment contract offered or sold or otherwise initiated after August 31, 1969, pursuant to which both margin stock and goods, services, property interests, other securities, or investments would be acquired. Together with the addition of paragraph (x) to this section, which sets a 40 percent maximum loan value on mutual fund shares serving as collateral for credit extended to finance certain plans for the combined purchase of mutual funds and insurance, this change represents a clarification that the Board regards credit available in connection with equity funding plans or programs as being for the purpose of purchasing or carrying margin stock. A proposal to include such plans or programs within the coverage of the regulation was published for comment in the FEDERAL REGISTER on December 17, 1968 (33 F.R. 18629).

(5) Section 221.3(d) has been revised by transferring from subparagraph (2) of this section to § 221.4(d) (the Supplement to Regulation U) the criteria that will be used by the Board to select stocks for inclusion on the list of OTC stock that will be subject to Regulation U. This section has been further revised to clarify that a statement in an advertisement or other similar communication containing a reference to the Board in connection with the list of OTC stocks would constitute such an unlawful representation as is referred to in subparagraph (5) of this section.

(6) Section 221.3(j) has been amended to clarify that the reports referred to in this section relate to credit extended for the purpose of purchasing or carrying all margin stock.

(7) Section 221.3(k) has been revised to clarify that all terms used in this part have the meanings given them in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), unless otherwise required by the context.

(8) Sections 221.3(l) and (v) have been amended to delete a reference to securities commonly known as equity funding plans or programs.

(9) Sections 221.3(n), 221.3(p), and 221.3(q) have been revised to eliminate certain obsolete provisions relating to effective dates of these sections.

(10) Section 221.3(t) has been revised to insert language inadvertently omitted from the proposed amendments, but included in the notice of proposed rule making, which would clarify that for the purposes of this Part 221, it is immaterial whether a debt security is convertible with or without consideration, presently or in the future, into a margin stock.

(11) Section 221.3(u) has been changed to indicate that a security issued by a small business investment company licensed under the Small Business Investment Company Act of 1958 (15 U.S.C. 661) is not a margin stock.

(12) Section 221.3(w) has been amended to indicate that a bank may rely on Federal Reserve Form U–2 to determine whether an extension of credit is for the purpose of conducting market-making activity described in this section, if obtained in accordance with the requirements of this section, and that such credit will be treated as subject to § 221.1 if no longer for purpose of conducting an OTC market-making activity or if the dealer to whom the credit was extended ceases to be an OTC market maker. In addition, the definition of an OTC market maker for the purposes of this section has been clarified.

(13) Section 221.4(d) is added to receive the criteria transferred from § 221.3(d). In addition, the criteria have been revised to include only those stocks whose issuer is organized under the laws of the United States or a State thereof, the District of Columbia, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

c. These amendments were adopted by the Board after consideration of all relevant material that was presented by interested persons, in accordance with section 553 of title 5, United States Code.

Dated at Washington, D.C., this 2d day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-6864; Filed, June 10, 1969; 8:48 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 22,932]

PART 584—REGULATED ACTIVITIES

Current Reports by Savings and Loan Holding Companies and Registration Statements by Corporate Trustees and Voting Trusts Which Are Savings and Loan Holding Companies

JUNE 5, 1969.

Whereas notice and public procedure in connection with a proposed amendment prescribing current reports by savings and loan holding companies has been duly afforded (34 F.R. 4895) and all relevant material presented or otherwise available has been considered by the Federal Home Loan Bank Board; and

Whereas the Federal Home Loan Bank Board has also considered the desirability of providing for the filing of registration statements by all corporate trustees which are savings and loan holding companies and voting trusts which are savings and loan holding companies;

Now, therefore, be it resolved that, on the basis of such consideration, the Federal Home Loan Bank Board hereby amends Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) for the purpose of: (1) Prescribing and requiring the filing of a current report designated H–(b)12; (2) prescribing and providing for the filing of registration statement H–(b)3 by all corporate trustees which are savings and loan holding companies; and (3) prescribing and providing for the filing of registration statement H–(b)5 by all voting trusts which are savings and loan holding companies, as follows, effective June 30, 1969:

1. In paragraph (a) of § 584.1, amend the caption, amend subparagraph (2), add a new subparagraph (3), and designate the closing unnumbered subparagraph as (4) to read as follows:

§ 584.1 Registration, examination and reports.

(a) *Filing of registration statements and other reports.* * * *

(2) *Filing of annual reports.* Each registered savings and loan holding company, including subsidiary savings and loan holding companies, shall file an annual report H–(b)11, except that such report need not be filed by savings and loan holding company that has filed a registration statement H–(b)3, H–(b)4, or H–(b)5, or by a savings and loan holding company which is a trust (other than a business trust). Annual reports shall be filed not later than 120 days after the close of the fiscal year.

(3) *Filing of H–(b)12.* Each registered savings and loan holding company which is required to file report H–(b)11 shall file reports of current information on report H–(b)12. The H–(b)12 shall be filed within 15 days of the end of each month during which any of the events specified in the report occurs, unless the required information has been previously reported by the registrant.

(4) *General.* Registration statements, annual reports, and the H–(b)12 are filed with the Corporation by transmitting the original and two copies thereof to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, and two copies to the Supervisory Agent. Copies of forms to be used in submitting registration statements, annual reports, and the H–(b)12 may be obtained from any Supervisory Agent.

* * * * *

2. In paragraph (a) of § 584.10 amend subparagraphs (1) (i), (ii), and (iv) and (2), and add a new subparagraph (3) to read as follows:

* * * * *

§ 584.10 Statements, reports, and notices to be filed.

(a) *Registration statements and annual reports for savings and loan holding companies under § 584.1*—(1) *Registration statements*—(i) *H–(b)10.* This statement shall be used for registration by every savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than a business trust) and savings and loan holding companies which file H–(b)3, H–(b)4, or H–(b)5 registration statements.

(ii) *H–(b)3. Corporation as trustee of a trust.* This statement (rather than H–(b)10) shall be used for registration by any Corporation which is a savings and loan holding company by virtue of its control, in a trustee capacity, of an insured institution.

(iv) *H–(b)5. Voting trust as savings and loan holding company.* This statement (rather than H–(b)10) shall be used for registration by any voting trust which is a savings and loan holding company by virtue of its control of an insured institution or another savings and loan holding company.

(2) *Annual report. H–(b)11.* This report shall be used by every registered savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies filing H–(b)3, H–(b)4, and H–(b)5 registration statements.

(3) *H–(b)12.* This report shall be used by every registered savings and loan holding company which is required to file an H–(b)11.

* * * * *

(Sec. 402, 48 Stat. 1256, sec. 406, 48 Stat. 1261, as added by 73 Stat. 691, as amended by 82 Stat. 5; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Be it further resolved that, since notice and public procedure have been provided in connection with amendment of this part to require filing of the current report and since there is currently no provision for registration by holding companies which are voting trusts or holding companies other than Banks which are corporate trustees and since only a few persons will be affected by the registration requirements for voting trusts and corporate trustees, the Board finds that notice and public procedure in connection with that part of this amendment which prescribes registration statements for voting trusts and corporate trustees are unnecessary (5 U.S.C. 553(b)(B), 12 CFR 508.11). For the same reasons the Board finds that delay of the effective date of this amendment for 30 days is unnecessary and the effective date shall be as set forth hereinbefore (5 U.S.C. 553(d)(3), 12 CFR 508.14).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr., *Assistant Secretary.*

[F.R. Doc. 69-6872; Filed, June 10, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—REGULATIONS EXEMPTING CERTAIN COMMODITIES FROM FULL OR PARTIAL COMPLIANCE WITH SECTION 4 FAIR PACKAGING AND LABELING ACT AND THE REGULATIONS THEREUNDER

Miscellaneous Amendments

In the matter of promulgating regulations exempting certain commodities in whole or in part from compliance with section 4 of the Fair Packaging and Labeling Act (Public Law 89–755) and the regulations thereunder (16 CFR Part 500):

In response to the notice of proposed rule making in the above identified matter published in the FEDERAL REGISTER of June 15, 1968 (33 F.R. 8778), numerous comments were submitted by state officials and representatives of industry. These comments have been duly considered. Discussions of the proposals were also held with industry representatives and other Federal officials. Information presented to the Commission from these and other sources has been carefully reviewed and evaluated. The Federal Trade Commission's decisions on the major issues and responses thereto are as follows:

1. Proposed § 501.1 has been deleted. That section proposed a full exemption for plant foods and fertilizers which were labeled in compliance with "the minimum standards of the Model State Regulation for Speciality Fertilizer Labeling as set forth in the Official Publication of the American Fertilizer Control Officials, November 20, 1966–67." Comments received from numerous state weights and measures officials were critical of this proposal in that it would permit the required quantity of contents declaration to be located on a side panel of the package in lieu of the front panel or principal display panel. The Commission is of the opinion that the views of the weights and measures officials are correct. The Commission further believes that interests of uniformity require that all mandatory net quantity statements be located in the lower 30 percent of the principal display panel so that the consumer consistently may look there for such information. Exemptions from this requirement will, therefore, be granted only when a compelling need is shown. It is the opinion of the Commission that such need has not been shown for plant foods and fertilizers and that full compliance for these commodities with the requirements of section 4 of the Fair Packaging and Labeling Act and the regulations issued pursuant thereto is neither impracticable nor unnecessary. Therefore, proposed § 501.1, the rule proposing full exemption for plant foods and fertilizers is ordered deleted.

2. Proposed §§ 501.2 *Shoelaces*, 501.3 *Automotive replacement parts*, 501.4 *Inks and writing fluids*, 501.8 *House fixtures*, and 501.9 *Motor oil and antifreeze*, are republished as final exemptions. No need for changes in the language was indicated by the comments.

3. Proposed § 501.5 *Liquefied petroleum gas*, has been limited to fuel for heating and cooling systems only.

4. Proposed § 501.6 *Wool products and textile products*, has been republished as a proposal. In view of the numerous comments received from representatives of the textile industry pointing up labeling problems not covered by the proposed exemption, a new proposal for such commodities appears elsewhere in this issue of the FEDERAL REGISTER.

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5. Proposed § 501.7 *Home appliances*, has been more fully defined by the inclusion of typical examples of home appliances that are exempted.

6. Proposed § 501.10 has been modified to include other sleeping equipment such as mattresses and box springs previously listed under proposed § 501.6.

7. Proposed § 501.11 *Brooms and mops*, has been deleted. A recent policy pronouncement negated the requirement of count as a net quantity statement on a single unit, packaged or labeled and clearly recognizable as a single unit by virtue of the identity statement or visual observation.

Therefore, based on consideration of the comments received, the above-mentioned consultations and other relevant information, the Federal Trade Commission concludes that the previously proposed exemptions should be promulgated as final exemptions with the exception of proposed §§ 501.1 and 501.11 and with the revisions and additions as set forth below. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455): *It is ordered*, That the exemptions, as amended, be adopted as follows:

§ 501.2 Shoelaces.

Shoelaces bearing labels the principal display panels of which accurately express the net quantity of shoelaces in terms of inches and eyelet number shall be exempt from the dual declaration requirements of § 500.11(b) of this chapter.

§ 501.3 Automotive replacement parts.

Automotive replacement parts shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.4 Inks and writing fluids.

Ink or other writing fluid which is contained in pens, markers, or other writing instruments shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.5 Liquefied petroleum gas.

Liquified petroleum gas, commonly referred to as "bottled gas" sold in cylindrical containers for use within the household for heating and cooling systems only shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.7 Home appliances.

Home appliances shall be exempt from the requirements of the regulations in Part 500 of this chapter. For the purpose of this section, home appliances are devices, apparatus or instruments used to assist in the operation of the house and commonly operated by electricity, e.g., vacuum cleaner, toaster, radio, television, dishwasher, sewing machine, etc.

§ 501.8 House fixtures.

House fixtures shall be exempt from the requirements of the regulations in Part 500 of this chapter. For the purpose of the section, house fixtures are items which are usually intended to become a permanent physical part of the house, e.g., wall and medicine cabinets, ceiling or wall lighting devices, door knobs, towel holders, etc.

§ 501.9 Motor oil and antifreeze.

Motor oil and antifreeze sold in one quart containers and bearing a label expressing quantity in terms of one quart shall be exempt from the requirement in § 500.10(b)(2) of this chapter that the quantity also be expressed in terms of fluid ounces.

§ 501.10 Sleeping equipment.

Beds, cots, hammocks, bed springs, mattresses, and dual purpose sleeping equipment shall be exempt from the requirements of the regulations in Part 500 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective July 15, 1969, except as to any provision that may be stayed by the filing of proposed objections.

Issued: June 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6885; Filed, June 10, 1969; 8:50 a.m.]

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Specific Items

The Federal Trade Commission published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4723), a policy statement which provided that the Commission would consider requests for findings with respect to coverage of commodities under "consumer commodity" found in the Act. This policy statement was identified as § 503.1.

In the light of § 503.1, the Commission expressed its findings with respect to a number of specific items by the promulgation of § 503.2 in the FEDERAL REGISTER of June 15, 1968 (33 F.R. 8773).

Additional requests for findings with respect to other specific items have been received, and the Commission has concluded that the specific items are "consumer commodities" within the meaning of the Act. The Commission has also concluded that some of these items should be the subject of proposed exemptions, while others do not merit the promulgation of a proposed exemption, although in some instances a proposed exemption was requested.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1459), Part 503 is amended as follows:

Section 503.2 is amended by the addition of specific commodities or classes of commodities to paragraphs (a), (b), and (c), and by rearranging the specific commodities or classes of commodities in paragraphs (a), (b), and (c) in alphabetical sequence,[1] as follows:

§ 503.2 Status of specific items under the Fair Packaging and Labeling Act.

* * * * * * *

(a) * * *

Antifreeze.
Automotive accessories.
Automotive replacement parts.
Brooms and mops.
Cameras.
Cigarette lighters.
Fertilizers of the specialty type.
Furniture.
Home appliances.
House fixtures.
Ink containers.
Liquified petroleum gas.
Luggage.
Metal beds, metal cots, metal springs and dual purpose sleeping equipment.
Motor oil.
Musical instruments.
Shoelaces.
Textile fiber products.
Wearing apparel and accessories, including footwear.

(b) * * *

Aluminum wrap.
Christmas decorations and ornaments.
Cordage.
Elastic fabric (braided, knitted, woven).
Garden tools.
Handicraft and sewing thread.
Inks.
Light bulbs.
Paint, varnishes, and lacquers.
Pencils, pens, and marking devices.
Pressure sensitive tape.
School supplies.
Stationery and other paper products including greeting cards and gift wrappings.

* * * * * * *

(c) * * *

Ammunition.
Automotive chemical products.
Books, diaries, and calendars.
Camera supplies.
Chinaware.
Glasses and glassware.
Hand tools.
Hardware.
Household cooking utensils.
Jewelry, compacts, and mirrors.
Lubricants for home use.
Pictures, paintings, and wall plaques.
Plastic flowers and parts.
Plastic table cloths and plastic shelf paper.
Safety flares (for auto and pleasure boating use).
Sewing accessories.
Silverware, stainless steelware, and pewterware.
Solvents and cleaning fluids for home use.
Souvenirs.
Sporting goods.
Toys.
Waxes for home use.
Woodenware.

Issued: June 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6886; Filed, June 10, 1969; 8:50 a.m.]

[1] Commodities previously listed in this section are relisted only to complete the alphabetical sequence and not for the purpose of inviting new or additional exemption requests or changing their status in any way.

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Gold Medals for Public Display and Antique Gold Medals

Section 54.4(a)(14)(iii) of the Gold Regulations is being amended to authorize the Director of the Office of Domestic Gold and Silver Operations to license the acquisition, holding, transportation and exportation of gold-plated coins or gold medals which are either antique or are for public display by an institution serving the public. Prior to this amendment, licenses could only be issued for special award medals, designed and struck in small numbers for a specific presentation. Other uses of medals have not heretofore been considered as "customary industrial, professional or artistic use" and the holding of such medals was not licensed. However, the acquisition of old medals, especially those struck over 100 years ago, will now be considered for licensing. In addition, limited numbers of commemorative medals for public display will be considered for licensing upon application by museums, libraries, and other public service institutions. Because the amendments relieve an existing restriction, it is found that notice and public procedure thereon are unnecessary.

Section 54.4(a)(14)(iii) is amended to read:

§ 54.4 Definitions.

(a) * * *

(14) * * *

(iii) The acquisition, holding, transportation, importation, or exportation of any gold-plated coins or gold medals other than: Special award medals; antique medals; and commemorative medals for regular public display by a museum or other institution serving the public.

* * * * * *

(Sec. 5(b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b, E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, 25 F.R. 12281, E.O. 10905, 26 F.R. 321, E.O. 11037, 27 F.R. 6967; 3 CFR, 1959–63 Comp. and E.O. 6359, Oct. 25, 1933, E.O. 9193, as amended, 7 F.R. 5205; 3 CFR 1943, Cum. Supp., E.O. 10289, 16 F.R. 9499, 3 CFR, 1949–53 Comp.)

Effective date. These amendments shall become effective on publication in the FEDERAL REGISTER.

Dated: June 5, 1969.

[SEAL] PAUL W. EGGERS, *General Counsel.*

[F.R. Doc. 69-6860; Filed, June 10, 1969; 8:48 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Soft Dressed Goat Hair

The Foreign Assets Control Regulations are being amended in the following ways:

(1) "Soft dressed goat hair" is being added to the list of commodities specified in § 500.204(a)(2)(ii). Such hair is a prohibited commodity under § 500.204(a)(2)(i), inasmuch as it was imported into the United States principally from mainland China prior to December 17, 1950. It is now being separately listed in view of increased interest in importations. There are no excepted countries for this commodity.

(2) Item 13 of the Appendix to § 500.204 is being amended to publish an interpretation by the Office of Foreign Assets Control that "fur skins" as used in the Regulations includes skins which have been dyed, bleached, trimmed, backed, sewn together, or any combination of the foregoing, but does not include fur scarves, stoles, coats, or other fur garments.

Section 500.204(a)(2)(ii) is hereby amended by the addition of "hair, goat, soft, dressed" to the list of commodities in the subparagraph.

Item 13 of the appendix to § 500.204 is hereby amended to read as follows:

(13) "Fur Skins" includes the fur or hair removed from the skin, e.g., goat hair from goat fur skins, and includes skins which have been bleached, dyed, trimmed, backed, sewn together, or any combination of the foregoing. It also includes fur neck pieces. It does not include fur scarves, stoles, coats, or other fur garments.

[SEAL] MARGARET W. SCHWARTZ, *Director, Office of Foreign Assets Control.*

[F.R. Doc. 69-6858; Filed, June 10, 1969; 8:48 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

Export of Technical Data

Part 5 of Title 37, Code of Federal Regulations, is hereby amended by adding a new § 5.19, as set forth below. The purpose of this amendment is to provide a convenient summary and cross reference to the pertinent regulations of the Bureau of International Commerce.

Since the amendment imposes no burden on any person, notice, and public procedure thereon are deemed unnecessary.

§ 5.19 Export of technical data.

(a) Under regulations established by the U.S. Department of Commerce, a validated export license from the Bureau of International Commerce may be required for the foreign filing of a patent application, under certain conditions. The pertinent regulations are set forth in 15 CFR Parts 370–372 and 379.

(b) A validated export license is required for the foreign filing of patent applications:

(1) Containing certain technical data, unless such foreign filing is in accordance with the regulations of the U.S. Patent Office (15 CFR 379.4 (c), (d)); or

(2) In certain designated countries or areas,[1] if the application contains any unpublished technical data.[2]

(c) A validated export license is not required for the foreign filing of patent applications in any case where:

(1) The data contained in the patent application is generally available to the public in any form (15 CFR 379.3(a)); or

(2) The foreign filing is in accordance with the regulations of the U.S. Patent Office and the patent application has been previously filed abroad in one of the "early publication countries."[3]

[1] Albania, Bulgaria, China (Mainland) [Including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (includes the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaoning Province), but excluding Republic of China (Taiwan) (Formosa) and Outer Mongolia], Communist-controlled area of Vietnam, Cuba, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland (including Danzig), Rumania, Southern Rhodesia, and Union of Soviet Socialist Republics (15 CFR Part 370, Supplement No. 1).

[2] 15 CFR 379.4 (a), (b).

[3] Belgium, Costa Rica, Denmark, Ecuador, Finland, France, Honduras, Iceland, Jamaica, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Sweden, Trinidad, Turkey, Republic of South Africa, Uruguay, Venezuela, and West Germany (Federal Republic of Germany) (15 CFR 379.3(c)).

(d) Inquiries concerning the export control regulations for the foreign filing of patent applications should be made to the Office of Export Control, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230.

(Sec. 1, 66 Stat. 793; 35 U.S.C. 6)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: June 6, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-6832; Filed, June 10, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

PEAT MATERIAL PRODUCTION IN MODOC COUNTY, CALIF.

Proposed Seasonal Industry Determination

Pursuant to section 7(c) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 207(e)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and the Secretary's Order No. 19–67 (32 F.R. 12980), and in accordance with § 526.7 of Title 29, Code of Federal Regulations, it is hereby proposed to supplement the finding that the production of peat materials in the northern parts of the United States and in higher altitudes (5 F.R. 4816, Dec. 3, 1940) which is referred to in § 526.10, is an industry of a seasonal nature.

Specifically, on the basis of facts presented by Radel, Inc., it is proposed to supplement the definition of the industry by including therein the production of peat materials in Modoc County, Calif.

The provisions of Part 526 of Title 29, Code of Federal Regulations, shall govern this proceeding and the issue presented is that stated in § 526.2(a); i.e. is the production of peat materials in Modoc County, Calif., an industry of a seasonal nature.

Interested persons are invited to participate by submitting pertinent written data, views, or argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210 within 30 days after publication of this document in the FEDERAL REGISTER.

Signed at Washington, D.C., this 5th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-6846; Filed, June 10, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Issuance of Patent to Assignee

In view of the comments received from the general public with respect to a notice of proposed rule making published on February 13, 1969, in the FEDERAL REGISTER (34 F.R. 2136), the Patent Office has amended its original proposal dealing with the issuance of a patent to an assignee. Notice is hereby given, therefore, that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to revise § 1.334 of Title 37, Code of Federal Regulations, as set forth below.

The purpose of this revision is to increase the efficiency of the Patent Office operation by facilitating the more effective utilization of its personnel. Service to the public would be improved by increasing the number of assignments which are reflected in the printed copies of patents distributed by the Patent Office.

§ 1.334 Issue of patent to assignee.

In case of an assignment of the entire interest in the invention and application, or of the entire interest in the patent to be granted, the patent will normally issue to the assignee. If the assignee should hold an undivided part interest, the patent will normally issue jointly to the inventor and the assignee. If it is desired that the patent so issue the assignment in either case must first have been recorded, and at a day not later than the date of the payment of the issue fee specified in the notice of allowance. At the time of payment of the issue fee, information must be furnished indicating whether or not an assignment has been filed with the Patent Office. In the event an assignment has been filed, the name of the assignee must be furnished together with a statement indicating whether or not an acknowledgment of a recorded assignment has been received from the Patent Office.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with the proposed revision are invited to forward the same to the Commissioner of Patents, Washington, D.C. 20231, on or before July 31, 1969. An oral hearing will not be scheduled.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: June 6, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-6833; Filed, June 10, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 8; Notice 69-6]

CENTRAL-MOUNTAIN STANDARD TIME ZONE BOUNDARY IN STATE OF KANSAS

Proposed Relocation

On August 9, 1967, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (32 F.R. 11479) requesting comments on a proposal to relocate the boundary between the central and mountain time zones on the Kansas-Colorado border. That proposal was based on a Resolution of the Kansas legislature approved by the Governor and transmitted to the Department of Transportation. Interested persons were given a 72-day period within which to comment on the proposal. Because only a few comments were received by the Department, the period was extended for an additional 103 days during which additional comments were solicited (32 F.R. 18062).

Response during the extended period was also limited. Less than 4 percent of the people affected by the proposal commented on it. Of that fraction three out of every four opposed the proposed relocation and favored remaining on mountain time. Consequently, in June 1968, the Department withdrew the proposal (33 F.R. 9262) leaving the time zone boundary as it was defined by the Interstate Commerce Commission in 1919 (51 I.C.C. 273, 555), and amended by the Commission in 1927 (129 I.C.C. 209). The 1927 amendment moved the southern end of the boundary, south of Dodge City, westward to the Colorado border placing in the central zone Stanton, Grant, Haskell, Morton, and Stevens Counties, and portions of Gray, Ford, Seward, Meade, and Clark Counties that had previously been in the mountain zone.

Section 71.6(d) of Title 49, Code of Federal Regulations, describes the current boundary in Kansas (as it has existed since 1927) as follows:

§ 71.6 Boundary line between central and mountain zones. • • •

(d) *Kansas.* From the point last described in a southerly direction through Phillipsburg, Stockton, and Plainville to Ellis, crossing in said course the Chicago, Rock Island & Pacific Railway at Phillipsburg, the Missouri Pacific Railroad near Glade, and the Union Pacific Railroad at Plainville and Ellis; thence south along the west line of

Ellis County and the east line of Ness County to the northeast corner of Hodgeman County, crossing in said course the Missouri Pacific Railroad near McCracken and the Santa Fe near Alexander; thence west along the north line of Hodgeman County to the 100° meridian, west; thence south along said meridian to a point north of Dodge City; thence along the north and west boundary of Dodge City to the fifth standard parallel, south; thence westerly along said parallel and the southern boundary lines of Finney, Kearney, and Hamilton Counties to the Kansas-Colorado border; thence south along the border between Kansas and Colorado to the intersection of the boundary between such States with the boundary line of Oklahoma.

• • • • • •

(g) *Points on boundary line.* The following named municipalities located upon the above-described zone boundary line shall be considered as within the U.S. standard central time zone: • • • Phillipsburg, Stockton, Plainville, and Ellis, Kans. All other municipalities located upon the above-described zone boundary line shall be considered as within the U.S. standard mountain time zone.

This boundary was based on "the points at which the more important lines of railroad change[d] from one standard time to another". (See the ICC report, 51 I.C.C. 273, 280.)

Since the Department's withdrawal of the 1967 proposal it has become increasingly apparent that the lack of express public support for the proposed relocation may not have been entirely consistent with the needs and desires of a substantial portion of those 26 western Kansas counties, or parts of counties, now in the mountain time zone. Recent communications from local government officials, businessmen, local residents, and travelers have shown that there has developed a disparity in the pattern of time observance in western Kansas. Believing that there was some confusion and misunderstanding concerning the requirements of the Uniform Time Act of 1966 and the proper location of the time zone boundary, the Department decided to hold two public meetings in western Kansas.

In its invitation to county and local government officials to participate in the meetings, the Department advised them that the purpose of the meetings was to discuss the Uniform Time Act and the law relating to time zone boundaries, and to determine whether there was adequate public interest in the area to warrant the opening, by the Department, of an administrative proceeding concerning the relocation of the time zone boundary in Kansas. It was emphasized that the meetings alone were not intended to produce a final decision in the matter. An invitation for general public participation was announced through the news media.

The meetings on May 22, 1969, in Scott City, Kans., and on May 23, 1969, in Colby, Kans., were attended by approximately 175 and 250 persons, respectively. Representatives from 19 counties and 18 municipal governments were among the participants that also included representatives of service organizations, unified school districts, newspapers, banks, government agencies as well as a number of private businessmen and individual citizens.

Many of those who participated in the Scott City and Colby meetings suggested that any relocation of the boundary should be based on significant considerations that are additional to the railroad time change points. Among those mentioned were the undesirable effects of having a small county split between two time zones; the relationship of a given county, or municipality, to other areas in the same or an adjacent State; the comparative distances from a given county, or municipality, to the median meridians for the time zones being considered; the characteristics of the area concerned; and the location of major trade and commercial areas outside of the area under consideration.

The 1967 proposal, based on the Legislature's Resolution, would have placed the entire State of Kansas in the central time zone. The Scott City and Colby meetings produced some support for renewal of that proposal, however considerable opposition was expressed by a number of county officials and individuals, principally from the westernmost counties of Sherman, Wallace, Greeley, and Hamilton. In general counties, municipalities located in, and individuals residing in, the mountain time zone portion of the State to the east of the named counties expressed a preference for central time. There were, of course, a few areas whose representatives and citizens were divided in their expression of preference.

Under the Time Zone Act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the foregoing, it is evident that the Department should submit a relocation proposal for public comment. Therefore it is proposed that the boundary line between the central and mountain time zones in Kansas be amended so as to place the entire State in the central time zone except for Sherman, Wallace, Greeley, and Hamilton Counties, which would remain in the mountain time zone, by amending § 71.6 (d) and (g) of Title 49, Code of Federal Regulations, to read as follows:

§ 71.6 Boundary line between central and mountain zones.

• • • • • •

(d) *Kansas.* From the intersection of the west line of Hitchcock County, Nebr., with the boundary line between Nebraska and Kansas westerly along that boundary to the northwest corner of the State of Kansas; thence southerly along the western boundary of the State of Kansas to the north line of Sherman County, Kans.; thence easterly along the north line of Sherman County to the east line of Sherman County; thence southerly along the east line of Sherman County to the north line of Logan County; thence westerly along the north line of Logan County to the east line of Wallace County; thence southerly along the east line of Wallace County to the north line of Wichita County; thence westerly along the north line of Wichita County to the east line of Greeley County; thence southerly along the east line of Greeley County to the north line of Hamilton County; thence easterly along the north line of Hamilton County to the east line of Hamilton County; thence southerly along the east line of Hamilton County to the south line of Hamilton County; thence westerly along the south line of Hamilton County to the Kansas-Colorado boundary, thence southerly along the Kansas-Colorado boundary to the intersection of that boundary with the north boundary of the State of Oklahoma.

• • • • • •

(g) *Points on boundary line.* All municipalities located upon the above-described zone boundary line are in the U.S. standard mountain time zone with the exception of Murdo, S. Dak., which is in the U.S. standard central time zone.

Before taking final action to adopt, deny, or modify the boundary the Secretary of Transportation will consider the timely comments of all interested persons. Commmunications should identify the regulatory docket or notice number (see above) and be submitted to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590. The proposal may be changed in the light of the comments received.

Communications received on or before July 28, 1969, will be considered before final action is taken on this proposal. In addition, all communications received before the date of this notice will be so considered and it will not be necessary for persons who have previously commented to comment again. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and Appendix A to Part 5 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on June 6, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 69-6848; Filed, June 10, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 73]

PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

Notice of Proposed Rule Making

The Atomic Energy Commission has under consideration amendments of its regulation, 10 CFR Part 73, "Physical Protection of Special Nuclear Material in Transit," which would provide for the physical protection of special nuclear material by certain licensees while such material is in use or storage.

The proposed amendments of 10 CFR Part 73 revise and supplement the provisions of Part 73, which is now limited to the protection of special nuclear material while in transit. Part 73 was published in the FEDERAL REGISTER as an effective regulation on April 9, 1969 (34 F.R. 6277).

The Commission believes that specific requirements for the protection of special nuclear material while in use and in storage, as well as in transit, should be prescribed in its regulations to assure that special nuclear material is adequately protected in the interest of the common defense and security.

The proposed amendments which follow would prescribe requirements for the physical protection of special nuclear material in use and storage, including:

a. Use only in a protected area and under surveillance of an authorized individual; and

b. Storage in a locked security container or locked building.

In addition, a number of editorial changes of a clarifying nature have been made.

The requirements would apply only to licensees possessing more than 5,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium-233, or plutonium, or a combination thereof. The requirements would not apply to:

a. Uranium-235 contained in uranium enriched to less than 20 percent in the U^{235} isotope;

b. Special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding; and

c. Special nuclear material that is protected pursuant to security procedures prescribed by the Commission or another Government agency for classified material.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 73 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. The title of 10 CFR Part 73 is amended to read as follows:

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

2. Section 73.1 of 10 CFR Part 73 is amended to read as follows:

§ 73.1 Purpose and scope.

This part prescribes requirements for the physical protection of special nuclear material by any person who is licensed pursuant to the regulations in Part 70 of this chapter and who possesses, in any building or buildings on contiguous land subject to control by the licensee, or who ships more than 5,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium-233, or plutonium, or a combination thereof.

3. Section 73.3 of 10 CFR Part 73 is revised to read as follows:

§ 73.3 Definitions.

As used in this part:

(a) Terms defined in Part 70 of this chapter have the same meaning when used in this part.

(b) "Authorized individual" means any individual, including an employee, a consultant, or an agent of a licensee, who has been designated in writing by a licensee to have responsibility for surveillance of special nuclear material.

(c) "Guard" means an armed and uniformed individual whose primary duty is the protection of property.

(d) "Intrusion alarm" means a secure electrical, electromechanical, or electronic device capable of detecting intrusion by an individual into a security container, building, or protected area by means of an actuated visible or audible signal sufficient to summon guards or watchmen immediately so that they arrive at the security container, building, or protected area involved within 15 minutes.

(e) "Lock" means a three-position, manipulation resistant, dial type, built-in combination lock or combination padlock. "Locked" means protected by an operable lock.

(f) "Protected area" means a geographical area protected by physical barriers, such as a fence or wall, designed to prevent or impede unauthorized entrance. For purposes of this definition, "fence" means a barrier consisting of No. 11 American wire gauge, or heavier, wire fabric, topped by three or more strands of barbed wire on brackets angled outward, with an overall height of not less than eight feet, including the barbed wire.

(g) "Safe" means a burglar-resistant cabinet or chest with a body of steel at least one-half inch thick and a combination locked steel door at least 1 inch thick, exclusive of bolt and locking device.

(h) "Security cabinet" means a cabinet which is a security container approved by the General Services Administration and which bears a test certification label on the inside of the locking drawer or door and is marked "General Services Administration Approved Security Container" on the outside of the top drawer or door.

(i) "Security container" means a safe, vault, vault-type room, or security cabinet.

(j) "Vault" means a burglar-resistant windowless enclosure with walls, floor and roof of (1) steel at least one-half inch thick, or (2) reinforced concrete or stone at least 8 inches thick, or (3) non-reinforced concrete or stone at least 12 inches thick, and with a built-in lock in a steel door at least 1 inch thick, exclusive of the locking mechanism.

(k) "Vault-type room" means a room with intrusion alarm protection and with one or more locked doors.

(l) "Watchman" means a person, not necessarily uniformed or armed, who provides protection for materials and property in the course of performing other duties.

4. The prefatory language and paragraph (b) of § 73.13 of 10 CFR Part 73 are amended to read as follows:

§ 73.13 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of this part with respect to the following special nuclear material:

• • • • • •

(b) Special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

• • • • • •

5. Section 73.31 of 10 CFR Part 73 is revised to read as follows:

§ 73.31 Physical protection of special nuclear material.

Each licensee shall physically protect special nuclear material in accordance with the following requirements:

(a) Special nuclear material shall be used only in a protected area and under the surveillance of an authorized individual.

(b) Special nuclear material, when not in use or transit, shall be stored in (1) a locked security container, or (2) a

locked building constructed of stone, brick, concrete, steel, or comparable materials which is capable of preventing or impeding unauthorized entrance. Such security container or building, when not under the surveillance of an authorized individual, shall be protected by a guard or watchman who shall patrol at intervals not exceeding four hours, or by intrusion alarms.

(c) Special nuclear material shall be transported (1) in the continuous personal custody of an authorized individual, or (2) under established procedures of a common or contract carrier which provide a system for the physical protection of valuable material in transit and require an exchange of hand-to-hand receipts at origin and destination and at all points en route where there is a transfer of custody.

6. A new § 73.32 is added to 10 CFR Part 73 to read as follows:

§ 73.32 Testing and maintenance.

Each licensee shall test and maintain intrusion alarms, security containers, and protected areas utilized by the licensee pursuant to the requirements of this part as follows:

(a) Intrusion alarms and security containers shall be maintained in operable and effective condition.

(b) Intrusion alarms shall be inspected and tested for operability and required functional performance at intervals not exceeding seven (7) days.

(c) Protected areas shall be inspected at intervals not exceeding thirty (30) days to assure their adequacy in preventing or impeding unauthorized entrance.

7. Section 73.41 of 10 CFR Part 73 is revised to read as follows:

§ 73.41 Records.

Each licensee shall keep the following records:

(a) Names and addresses of all individuals who have been designated as authorized individuals.

(b) Results of all tests, inspections, and maintenance which have been performed on security containers, intrusion alarms and protected areas utilized by the licensee pursuant to the requirements of this part.

(c) Records of all shipments of special nuclear material subject to the requirements of this part, including the means employed to protect such material while in transit.

8. Appendix A of 10 CFR Part 73 is amended by changing the daytime telephone number of District III, Division of Nuclear Materials Safeguards Office to read as follows:

415–841–5121
Ext. 3655

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 28th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–6810; Filed, June 10, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 523, 531]

[No. 22,859]

FEDERAL HOME LOAN BANK SYSTEM

Liquidity Requirements; Withdrawal of Proposed Rule

MAY 29, 1969.

Whereas, by Resolution No. 22,594, dated February 18, 1969, and duly published in the FEDERAL REGISTER on March 8, 1969 (34 F.R. 5022), this Board resolved to propose that Parts 523 and 531 of the regulations for the Federal Home Loan Bank System (12 CFR Parts 523, 531) be amended by amendments the substance of which were set out in said publication, and

Whereas, careful consideration has been given to such proposed amendments;

It is hereby resolved, that this Board determines not to adopt the amendments proposed by said Resolution No. 22,594.

(Sec. 4, Public Law 90–505, 82 Stat. 856, 857, 858; 12 U.S.C. 1425a)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–6873; Filed, June 10, 1969; 8:49 a.m.]

[12 CFR Parts 545, 556]

[No. 22,860]

FEDERAL SAVINGS AND LOAN SYSTEM

Liquidity and Investments in Securities; Withdrawal of Proposed Rule

MAY 29, 1969.

Whereas, by Resolution No. 22,595, dated February 18, 1969, and duly published in the FEDERAL REGISTER on March 8, 1969 (34 F.R. 5024), this Board resolved to propose that Parts 545 and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545, 556) be amended by amendments the substance of which were set out in said publication, and

Whereas, careful consideration has been given to such proposed amendments;

It is hereby resolved, that this Board determines not to adopt the amendments proposed by said Resolution No. 22,595.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–6874; Filed, June 10, 1969; 8:49 a.m.]

[12 CFR Parts 561, 571]

[No. 22,861]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Definitions of Terms; Withdrawal of Proposed Rule

MAY 29, 1969.

Whereas, by Resolution No. 22,596, dated February 18, 1969, and duly published in the FEDERAL REGISTER on March 8, 1969 (34 F.R. 5024), this Board resolved to propose that Parts 561 and 571 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561, 571) be amended by amendments the substance of which were set out in said publication, and

Whereas, careful consideration has been given to such proposed amendments;

It is hereby resolved, that this Board determines not to adopt the amendments proposed by said Resolution No. 22,596.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–6875; Filed, June 10, 1969; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 500]

LABELS OF CONSUMER COMMODITIES

Required Statements

The Federal Trade Commission on March 19, 1968, published its order (33 F.R. 4718–4723) implementing section 4 of the Fair Packaging and Labeling Act. By means of this order, the various regulations were promulgated establishing the requirements for labeling consumer commodities. Section 500.1 of the regulations was revised from its originally proposed form to make clear that in addition to those consumer commodities which are contained in a package, the Act also applies to consumer commodities which are merely labeled. Notwithstanding this intended emphasis, § 500.3 contains wording which can be interpreted to require unlabeled consumer commodities in unpackaged form to be labeled in all instances. The effect of such an interpretation which now appears in § 500.3 would be to apply the regulations to a consumer commodity which is to be neither packaged nor labeled. It is the Commission's opinion that the coverage of the Act is limited to consumer commodities which are either labeled or packaged.

It has also been brought to the Commission's attention that § 500.16 does not provide for thirds as a common fraction which may be contained in a statement of net quantity, although halves, quarters, eighths, etc. are provided for. Since a yard is a common measure of length, and is commonly converted from feet, it is concluded that § 500.16 should provide for permitted fractions to include thirds.

Therefore, based on various comments received, it is the Commission's conclusion that § 500.3 should be amended to clarify the application of the regulations to packaged and labeled consumer commodities, and § 500.16 should be amended to permit the use of thirds as a common fraction in declaring quantity of contents. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455), the Commission proposes to amend Part 500 as follows:

1. Section 500.3 (c) and (d) should be amended by addition of the words "packaged or labeled" immediately after the first word of each paragraph. As proposed, § 500.3 would read:

GENERAL REQUIREMENTS

§ 500.3 Prohibited acts, coverage, general labeling requirements, exemption procedure.

* * * * *

(c) Each package or labeled consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act (15 U.S.C. 1454(b)), shall, upon being prepared for distribution in commerce or for sale at retail, and before being distributed in commerce or offered for sale at retail, be labeled in accordance with the requirements of the Act and the regulations in this part.

(d) Each packaged or labeled consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act, shall bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and the net quantity per serving, use, or application, where there is a label representation as to the number of servings, uses, or applications obtainable from the commodity.

* * * * *

2. Section 500.16 should be amended by inserting the word "thirds" immediately after "halves" in the second sentence of the section. As proposed, § 500.16 would read:

§ 500.16 Fractions.

A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, thirds, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. If a statement includes small fractions, smaller variations in the actual size or weight of the commodity will be permitted, as provided in § 500.22, than in cases where larger fractions or whole numbers are used.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: June 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–6888; Filed, June 10, 1969; 8:50 a.m.]

[16 CFR Part 500]

LABELS OF CONSUMER COMMODITIES

Measurement of Container Type Commodities

Notice is given that the Federal Trade Commission has received petitions proposing that the regulations for the enforcement of the Fair Packaging and Labeling Act (16 CFR Part 500) be amended to clarify the labeling of packages of commodities to be used as containers.

Grounds given in support of the proposals are that:

(1) The total area measurement required by § 500.15 would not in the case of such commodities as plastic bags provide any meaningful information to consumers.

(2) The inclusion of a statement respecting capacity would facilitate value comparisons of such commodities as plastic bags.

The Commission believes that the issues raised go beyond those stated in the petitions and that, among other things, the net quantity statement now required on packages of containers under § 500.7 should include capacity of the containers in certain cases. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4(a) and 6 (b), 80 Stat. 1297, 1300, 15 U.S.C. 1453, 1455), it is proposed that Part 500 of the Commission's Rules, Regulations, Statements of General Policy or Interpretation and Exemption under the Fair Packaging and Labeling Act be amended by adding a new section after § 500.15 to read as follows:

§ 500.15.1 Measurement of container type commodities, how expressed.

(a) Notwithstanding other provisions of this Part 500 of the regulations pertaining to the expression of net quantity of contents by measurement, commodities designed and sold at retail to be used as containers for other materials or objects such as bags, cups, glasses, boxes, pans, and dishes shall be labeled in accordance with the following paragraphs.

(b) The declaration of net quantity for container commodities shall be expressed as follows:

(1) For bag type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise):

(i) When the unit bag is characterized by two dimensions because of the absence of a gusset, the length and height will be expressed in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Examples: "25 bags, 17 in. X 20 in.", or "100 bags, 20 in. X 2 ft. 6 in.", or "50 bags, 20 in. X 2½ ft.")

(ii) When the unit bag is gusseted, the dimensions will be expressed as length, height, and width, in terms of inches when no dimension is 2 feet or more. Any dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 bags, 17 in. X 20 in. X 4 in.", or "100 bags, 20 in. X 2½ ft. X 12 in.")

(2) For other square, oblong, rectangular or similarly shaped containers, in terms of count followed by length, width, and depth except depth need not be listed when less than 2 inches. (Examples: "2 cake pans, 8 in. X 8 in.", or "roasting pan, 12 in. X 8 in. X 3 in.")

(3) For circular or other generally round shaped containers, except cups, glasses, and the like, in terms of count followed by diameter and depth except depth need not be listed when less than 2 inches. (Examples: "4 pie pans, 8 in. diameter", or "2 cake pans, 8 in. diameter X 4 in.")

(c) When the functional use of the container is related by label references to the capability of holding a defined quantity of a specific substance or class of substances then the net quantity statement shall contain an additional statement in terms of capacity as follows:

(1) Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce) with any remainder in terms of the common or decimal fraction of that unit. (Examples: Freezer Boxes: "4 boxes, 1 qt. capacity, 6 in. X 6 in. X 4 in.")

(2) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck) with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags: "8 bags, 6 bushel capacity, 4 feet X 5 feet".)

(3) Where containers are used as liners for other more permanent containers, in the same terms as is normally used to express the capacity of the more permanent container. (Examples: "4 garbage can liners, 6 gal. capacity, 3 ft. X 18 in. X 18 in.")

(4) Statements of capacity will be included in the net quantity of contents declaration immediately following the

statement of count. (Examples: "25 bags, 4½ gallon capacity, 17 in. X 19 in.")

(d) Notwithstanding the above requirements, the net quantity statement for containers such as cups and glasses will be listed in terms of count and liquid capacity per unit. (Examples: "24 cups, 6 fl. oz. capacity", or "12 glasses, 8 fluid ounce capacity".)

Any interested person may, within 30 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580 written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: June 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6889; Filed, June 10, 1969; 8:51 a.m.]

[16 CFR Part 501]

LABELS OF CONSUMER COMMODITIES

Exemptions From Certain Requirements of Fair Packaging and Labeling Act

The Federal Trade Commission continues to receive requests that certain commodities and classes of commodities be exempted from one or more of the labeling requirements of section 4 of the Act and regulations thereunder. Paragraph (b) of section 5 of the Act provides for the granting of conditional or unconditional exemptions from otherwise required label statements where "because of the nature, form or quantity of a particular consumer commodity or for other good and sufficient reasons, full compliance with all the requirements otherwise applicable under section 4 of the Act is impracticable or is not necessary for the adequate protection of consumers."

The following commodities or classes of commodities are considered by the Commission to be properly the subjects of proposed exemptions. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6; 80 Stat. 1299, 1300; 15 U.S.C. 1454, 1455) the following exemptions are proposed:

PART 501—REGULATIONS EXEMPTING CERTAIN COMMODITIES FROM FULL OR PARTIAL COMPLIANCE WITH SECTION 4 FAIR PACKAGING AND LABELING ACT AND THE REGULATIONS THEREUNDER

§ 501.15 Cameras.

Cameras and camera replacement parts shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.16 Luggage.

Luggage shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.17 Automotive accessories.

Automotive accessories shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.18 Furniture.

Furniture shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.19 Musical instruments.

Musical instruments shall be exempt from the requirements of the regulations in Part 500 of this chapter.

§ 501.20 Cigarette lighters.

Cigarette lighters shall be exempt from the requirements of the regulations in Part 500 of this chapter.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: June 6, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6887; Filed, June 10, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

LEE J. TREECE

Notice of Granting of Relief

Notice is hereby given that Lee J. Treece, doing business as Sportsman's Trading Post, G-1087 East Carpenter Road, Flint, Mich. 48505, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 28, 1943, in the U.S. District Court for the District of Michigan, Eastern Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lee J. Treece because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Treece to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lee J. Treece's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Lee J. Treece be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of June 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[F.R. Doc. 69-6859; Filed, June 10, 1969; 8:48 a.m.]

Office of the Secretary

RADIO AND TELEVISION ANTENNA TOWERS FROM CANADA

Notice of Tentative Negative Determination

JUNE 2, 1969.

Information was received on December 4, 1967, that radio and television antenna towers manufactured by Delhi Metal Products Ltd., Delhi, Ontario, Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 10, 1968, on page 2861.

I hereby make a tentative determination that radio and television antenna towers manufactured by Delhi Metal Products Ltd., Delhi, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Information developed during the course of the investigation revealed that fabricated and semifabricated components of radio and television towers were imported from Canada by a subsidiary company of the foreign exporter. These components plus components of U.S. manufacture were used by the subsidiary company to produce the antenna towers under consideration.

Assets and manufacturing rights of the U.S. antenna tower manufacturing company were purchased by a nonrelated U.S. firm. As part of sales agreement, parent foreign exporter agreed to make no sales in the United States for a period of 10 years.

Importations of the subject towers have ceased, and it appears likely that no further importations will occur during the specified contractual time period.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or request should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69-6861; Filed, June 10, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Revision of Billings Area Office Redelegation Order 1]

SUPERINTENDENTS AND PROJECT ENGINEER, BILLINGS AREA OFFICE, MONT.

Redelegations of Authority

MAY 20, 1969.

On page 637 of the FEDERAL REGISTER of January 16, 1969, the Commissioner of the Bureau of Indian Affairs issued a redelegation of authority which substantially changed the authorities and source of authorities of Area Directors. This release revises the Billings Area redelegation of authority to reflect changes in the Commissioner's redelegation as provided in 10 BIAM 3 and Secretarial Order No. 2508. It is a restatement and modification of redelegations previously authorized in Billings Order 1 and amendments thereto, but includes additional redelegations of authority.

The authority of the Assistant Area Directors has been published previously on page 5610 of the FEDERAL REGISTER of March 25, 1969, but is republished to become a part of this redelegation order.

Billings Area Office Redelegation reads as follows:

BILLINGS AREA REDELEGATIONS

PART 1—GENERAL

SECTION 1.1. This order is a revision of Billings Order 1 and amendments thereto and supersedes all previous redelegation orders. Authority to issue this order is contained in 33 BIAM 4.7 and Part 230 Chapter 2 of the Departmental Manual.

SEC. 1.2 *Appeals.* Any action taken by any Superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or other officer to the Area Director, Billings Area Office. An appeal must be filed in writing with such Superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Billings Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian

Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.3 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs, nor the authority to issue guidelines or instructions for the implementation of the delegated authorities which shall be binding on the Superintendents and Project Engineer.

SEC. 1.4 *Authority of Assistant Area Directors.* The Assistant Area Directors, Bureau of Indian Affairs, Billings Area Office, are authorized to exercise all the power and authority of the Area Director of the Billings Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3. This redelegation also includes future authorities of the Commissioner to the Area Director. In the absence of the Area Director and the Assistant Area Directors, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF SUPERINTENDENTS AND PROJECT ENGINEER

Subject to the provisions of Part 1, Superintendents and Project Engineer may exercise the authority of the Area Director as indicated in this part.

Functions Relating to Lands and Minerals

SEC. 2.1 *Sales, fee patents, and other matters in 25 CFR Part 121.* The taking of action with respect to those matters set forth in 25 CFR Part 121, except:

(a) Approval of mortgages or deeds of trust other than authorized in section 2.42 of this order.

(b) The approval of issuance of patents in fee, or the removal of restrictions from restricted fee patents or deeds.

SEC. 2.2 *Land exchanges.* The approval of exchanges of lands between individual Indians, between individual Indians and Indian tribes, between individual Indians and non-Indians, and between Indian tribes and non-Indians. This authority does not include the approval of issuances of patents in fee, or the removal of restrictions from restricted fee patents or deeds.

SEC. 2.3 *Land acquisitions.* The approval of the purchase of lands for individual Indians and Indian tribes. This authority extends to and includes the acceptance of options for the acquisition of lands and the authorization to disburse restricted individual Indian money to complete the acquisition of lands for individual Indians.

SEC. 2.4 *Sale to Crow Tribe of interests in estates of deceased Crow allottees.* All those matters with respect to lands, improvements and interests therein contained in the act of July 1, 1948 (62 Stat. 1214), titled "To provide for the sale to the Crow Tribe of interests in the estates of deceased Crow Indian allottees."

SEC. 2.5 *Leases and permits.* All those matters set forth in 25 CFR Part 131 except (1) the approval of leases, other than homesite or residential, which provide for a duration in excess of 10 years, inclusive of any provisions for extensions or renewals thereof at the option of the lessee; and (2) modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Area Director.

SEC. 2.6 *Allotment applications.* Certification of applications for allotments on the public domain under authority of the act of February 8, 1887 (25 U.S.C., 1946 ed., sec. 334), or the acts of February 28, 1891, and June 25, 1910 (25 U.S.C., 1946 ed., sec. 336), and in the national forests pursuant to the act of June 25, 1910 (25 U.S.C., 1946 ed., sec. 337).

SEC. 2.7 *Mineral leases and permits.* (a) The approval of oil and gas, coal, sand, gravel, pumice, and building stone leases and permits, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor pursuant to 25 CFR Parts 171, 172, 173, and 184.

(b) The Superintendent of the Northern Cheyenne Agency may execute oil and gas leases on lands withdrawn by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe, pursuant to section 1 of the act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a).

(c) The authority conferred by subparagraphs (a) and (b) extends to and includes the approval of, or other appropriate administrative action required on, assignments of leases, whether heretofore or hereafter executed, bonds and other instruments required in connection with such leases or assignments thereof; the acceptance of voluntary surrender of leases by the lessee; the cancellation of leases for violation of the terms thereof; and the approval of agreements for settlement of claims for damage to Indian lands resulting from oil, gas, or other mineral operations.

(d) The authority delegated in section 2.7 (a), (b), and (c) does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of leases, assignments, and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(3) Modification of any forms approved by the Commissioner of Indian Affairs.

(4) Approval of amendments to oil and gas leases or to assignments.

(5) Extension of time for drilling.

(6) Approval of instruments providing for the payment of overriding royalty.

(7) Approval of unit and communitization agreements.

(8) Assignment of separate horizons or strata of the subsurface.

(9) Authority to approve royalty rates other than as authorized in 25 CFR for oil, gas, and other minerals, except sand, gravel, pumice, and building stone.

(10) Approval of well-spacing orders.

SEC. 2.8 *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

SEC. 2.9 *Rights-of-way.* The approval of rights-of-way pursuant to 25 CFR Part 161 on conveyance instruments approved by the Field Solicitor and the Area Director.

SEC. 2.10 *Archeological permits.* The approval of permits, on forms approved by the Commissioner of Indian Affairs, for the evacuation of ruins and archeological sites and the gathering of objects of antiquity on tribal lands and on trust or restricted individually owned lands, pursuant to 25 CFR Part 132.

Functions Relating to Roads

SEC. 2.20 *Roads.* The closing of roads pursuant to 25 CFR 162.6 (Secretarial Order 2508, sec. 28).

Functions Relating to Soil and Moisture Conservation

SEC. 2.30 *Soil and moisture conservation.* Approval of cooperative agreements between the Bureau of Indian Affairs and Soil and Water Conservation Districts and approval of grant or loan of equipment procured with Soil Conservation funds to Indian Soil and Water Conservation Associations or enterprises.

Functions Relating to Credit Matters

SEC. 2.40 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals, pursuant to declarations of policy and plans of operation approved by the Commissioner or his authorized representative.

SEC. 2.41 *Release of U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

SEC. 2.42 *Approval of mortgages and deeds of trust.* The approval of mortgages or deeds of trust pursuant to 25 CFR 121.61 given as security for loans made by any corporation, tribe, band, or credit association, pursuant to 25 CFR 91.13 and 91.16 or under a guaranty agreement approved by the Commissioner or his authorized representative.

SEC. 2.43 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.44 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91, 92, and 93.

SEC. 2.45 *Penalties or default.* All those steps authorized in 25 CFR 91.10 except those in connection with loans to tribes.

Functions Relating to Law and Order

SEC. 2.50 *Appointment, approval, and removal, Judges, Indian Courts and Tribal Courts.* The appointment, suspension and removal for cause of judges of Courts of Indian Offenses, pursuant to the provisions of 25 CFR Part 11, and of judges of Tribal Courts as provided by any law and order code.

SEC. 2.51 *Deputy Special Officers' Commissions.* The issuance of deputy special officers' commissions to persons working in law enforcement on the Indian Reservation under the jurisdiction of the Superintendent issuing the commission. Such commissions shall not extend beyond the end of the fiscal year in which issued.

SEC. 2.52 *Indian Court sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d), and by tribal courts as provided by any law and order code.

Functions Relating to Indian Education

SEC. 2.60 *Vocational training for adult Indians.* The selection of applicants in accordance with 25 CFR 34.3.

SEC. 2.61 *Educational Grants.* Approval of grants authorized in 25 CFR 32.1 except students who reside outside the boundaries of the reservation or who are children of Government employees.

SEC. 2.62 *Handling of Student Funds in Federal School Facilities.* All those matters set forth in 25 CFR 31.7.

Functions Relating to Indian Irrigation Projects

SEC. 2.70 *Operation and Maintenance Orders.* The issuance of irrigation operation and maintenance orders fixing per acre assessment against lands included in Indian irrigation projects to which water can be delivered, under authority of the acts of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), and March 7, 1928 (45 Stat. 210; 25 U.S.C. 387).

SEC. 2.71 *Designation of nonirrigable lands.* Where the Superintendent finds that any lands are permanently nonirrigable, he may with the consent of the landowner eliminate such lands from the Project.

SEC. 2.72 *Contracts for payment of past due charges.* The taking of action with respect to those matters provided for in section 1 of the act of June 22, 1936 (49 Stat. 1803), to enter into contracts with landowners for the payment of past due charges, but such contracts shall not extend the payment of such charges over a period in excess of 10 years.

SEC. 2.73 *Water sales, Crow townsite lots.* The Superintendent, Crow Agency, is authorized to approve contracts for the sale of water on an annual basis to lot owners in unorganized towns on the Crow Indian Irrigation Project, Mont., operated pursuant to the provisions of 25 CFR Part 193.

SEC. 2.74 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The Superintendent of Flathead Indian Agency with the written concurrence of the Flathead Irrigation Project Engineer is authorized to grant concessions on reservoir sites, reserves for canals of flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Flathead Irrigation Project, and to permit or lease such lands for agricultural, business, or grazing purposes pursuant to 25 CFR Part 203.

SEC. 2.75 *Operation and maintenance payments, Fort Belknap and Fort Peck Indian Irrigation Projects.* When the Superintendent of the Fort Belknap or Fort Peck Agencies certifies that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay charges, delivery of water may be continued. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

Functions Relating to Forest Management

SEC. 2.80. *Forest Management.* All those matters set forth in 25 CFR Part 141, General Forest Regulations, except:

(a) Approve forest management plans pursuant to 25 CFR 141.4.

(b) Approve the organization and plans of operation of Indian tribal logging or sawmill enterprises pursuant to 25 CFR 141.6.

(c) Issue advertisements and approve timber sale contracts involving estimated stumpage volumes in excess of 1 million feet, b.m., or involving harvest periods in excess of 5 years, pursuant to 25 CFR 141.8, 141.9, 141.13, and 141.17.

(d) Issue and approve Special Allottee Timber Cutting Permits in excess of 250,000 feet, b.m. pursuant to 25 CFR 141.19(c). This authority does not include the authorization to make exceptions to the requirement of sole beneficial interest in an allotment.

(e) Approve cooperative and reciprocal agreements involving fire protection facilities, action, and suppression pursuant to 25 CFR 141.21(4)(b).

(f) Accept payment of damages in full in settlement of civil trespass cases in excess of $2,000 pursuant to 25 CFR 141.22.

Functions Relating to Range Management

SEC. 2.90 *Range management.* All those matters set forth in 25 CFR Part 151, General Grazing Regulations.

Functions Relating to Funds and Fiscal Matters

SEC. 2.100 *Individual funds.* The investment of restricted trust funds of individual Indians in any public debt of the United States, and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States, as provided for by the act of June 24, 1938 (52 Stat. 1037). This does not include the designation of depositories of Indian money.

SEC. 2.101 *Payments to tribal attorneys.* The payment of fixed annual fees to attorneys in accordance with the terms of contracts between such attorneys and Indian tribes which have been approved pursuant to 25 U.S.C. 15, 16, 17, and 84, and section 16 of the act of June 18, 1934 (25 U.S.C. 476). This does not include expenses or fees on a quantum meruit basis.

SEC. 2.102 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

Functions Relating to Tribal Programs

SEC. 2.110 *Tribal budgets.* The approval of the annual operating budget and modifications thereof, provided such operating budgets do not exceed anticipated operating income for the budget year. This does not include expenditures for capital improvements or of reserves. For the purpose of this delegation operating income does not include mineral bonuses, judgments, or other income of a nonrecurring nature.

SEC. 2.111 *Tribal officers' surety bonds.* The approval of surety bonds: *Provided,* That in the case of a corporate surety the bonding company has been approved by the Treasury Department.

Functions Relating to General Matters

SEC. 2.120 *Publication in newspapers.* The publication of advertisements, notices, and proposals, in newspapers pursuant to the provisions of section 3827 of the Revised Statutes (44 U.S.C. 324).

SEC. 2.121 *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to 25 CFR Part 251.

The effective date of this delegation will be the date of signature by the Area Director.

JAMES F. CANAN,
Area Director.

Approved: June 4, 1969.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-6822; Filed, June 10, 1969; 8:46 a.m.]

Bureau of Land Management

[C-8880]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 4, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-8880, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public use for the Chimney Rock Archeological Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned

officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the application agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

SAN JUAN NATIONAL FOREST

Chimney Rock Archeological Area

T. 34 N., R. 4 W., South of Ute Line,
Sec. 8, SE¼;
Sec. 17, E½NE¼, NW¼NE¼, E½SW¼NE¼, NW¼SW¼NE¼, NW¼, W½NE¼SW¼, NW¼SW¼, S½SW¼, E½SE¼, E½NW¼SE¼;
Sec. 19, SW¼NW¼, NE¼, E½NW¼;
Sec. 20, N½, NE¼SW¼, NW¼SE¼;
Sec. 21, W½NW¼.

The area described contains about 1469.56 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68–6847; Filed, June 10, 1969; 8:47 a.m.]

[Montana 12792]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 3, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application M 12792 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the lands to develop a public campground easily accessible to Interstate Highway.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulation (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LOLO NATIONAL FOREST

Sohon Campground

T. 19 N., R. 32 W.,
Sec. 5, N½NW¼NE¼, N½S½NW¼NE¼, N½N½N½NW¼, N½S½N½N½NW¼, S½SE¼NE¼NE¼NW¼, NE¼SE¼NE¼NW¼, and S½SW¼NW¼NW¼NW¼;
Sec. 6, those portions of the following subdivision which lie south of St. Regis River: N½NE¼NE¼, NE¼NW¼NE¼, and unpatented portion of S½NW¼NW¼NE¼.

Total area—96 acres.

T. 20 N., R. 32 W., unsurveyed, but which probably will be when surveyed:
Sec. 31, those portions of the following subdivisions which lie south of the St. Regis River: S½SE¼SE¼SW¼SE¼, NE¼SW¼SE¼SE¼SE¼, S½SW¼SE¼SE¼SE¼, and SE¼SE¼SE¼SE¼;
Sec. 32, that portion of the S½S½S½S½SW¼ which lies south of the St. Regis River, S½NE¼SE¼SW¼SW¼, N½SE¼SE¼SW¼SW¼, S½N½SW¼SE¼SW¼, and N½S½SW¼SE¼SW¼.

Total area—19.4 acres.

The above described area aggregates 115.4 acres in Mineral County, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69–6819; Filed, June 10, 1969; 8:45 a.m.]

[Wyoming 15419]

WYOMING

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

JUNE 3, 1969.

Notice of Bureau of Land Management, U.S. Department of the Interior application, Serial No. Wyoming 15419, for the withdrawal of certain vacant public domain lands, and patented lands with mineral estate owned by the United States, from all forms of appropriation under the public land laws, including the mining laws but not State Selections, the Recreation and Public Purposes Act, 1964 Public Sale Act and the Mineral Leasing Act, pursuant to the authority of Executive Order 10355, was published in F.R. Doc. 68–11660 on pages 14477 and 14478 of the issue for Thursday, September 26, 1968. The Notice was subsequently amended by F.R. Doc. 68–12295, on page 15078 of the issue for October 9, 1968; corrected on page 15883 of the October 26, 1968 issue; and terminated in part by F.R. Doc. 69–1506, on page 1776 of the February 6, 1969 issue. The subject notice is hereby amended to add to the listed vacant public lands the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 86 W.,
Sec. 9, SE¼NE¼.

The area described contains 40 acres of vacant public lands.

ED PIERSON,
State Director.

[F.R. Doc. 69–6820; Filed, June 10, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. G–434]

WILLIAM M. VIDOS

Notice of Loan Application

JUNE 5, 1969.

William M. Vidos, 15 Moon Street, Morgan City, La. 70380, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 55.3-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69–6821; Filed, June 10, 1969; 8:46 a.m.]

YELLOWFIN TUNA FISHING IN EASTERN PACIFIC OCEAN BY BAIT BOATS

Reversion of Incidental Catch

Notice of reversion is hereby given pursuant to § 280.6(c)(3), Title 50, Code of Federal Regulations, as follows:

At 0001 hours, on June 12, 1969, the bait boat incidental catch rate of yellowfin tuna will revert to fifteen percent (15%). On the basis of the present catch rate, as of that date the bait boat catch of yellowfin tuna during the closed season will have reached the 1,500 short tons provided for in § 280.6(c)(3), Title 50, Code of Federal Regulations.

Issued at Washington, D.C., and dated June 9, 1969.

WILLIAM M. TERRY,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69–6929; Filed, June 10, 1969; 8:51 a.m.]

POST OFFICE DEPARTMENT

BUREAU OF PLANNING AND MARKETING

Establishment

In the daily issue of May 10, 1969 (34 F.R. 7582), the Department announced the establishment of a new Bureau of Planning, Marketing, and Systems Analysis, to be headed by an Assistant Postmaster General. The name of the new Bureau has been changed to the Bureau of Planning and Marketing, pursuant to Post Office Department Headquarters Circular No. 69–20, dated June 5, 1969.

The following are excerpts from the cited Headquarters Circular which established the Bureau of Planning and Marketing and outlined its basic organizational structure.

I. *Purpose.* To establish the Bureau of Planning and Marketing and to outline its organizational structure.

II. *Establishment.* The Bureau of Planning and Marketing is established as an independent Bureau reporting to the Postmaster General through the Deputy Postmaster General.

III. *Organizational components.* The internal structure of the new Bureau will consist initially, of (1) a Deputy Assistant Postmaster General for Planning, who will direct planning and systems analysis functions; (2) a Deputy Assistant Postmaster General for Marketing, who will direct the customer relations, marketing, and performance evaluation functions; and (3) an Executive Assistant to the Assistant Postmaster General.

IV. *Actions.* The positions and personnel of the Office of Planning and Systems Analysis and the Customer Relations Division, Bureau of Operations, are hereby transferred to the new Bureau. Additional transfers will occur at a later date.

* * * * * *

VII. *Effective date.* This change becomes effective immediately.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69–6823; Filed, June 10, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ACADEMY OF NATURAL SCIENCES OF PHILADELPHIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–576–33–26200. Applicant: The Academy of Natural Sciences of Philadelphia, 1900 Race Street, Philadelphia, Pa. 19103. Article: Electroplan Unit. Manufacturer: Paton Industries Pty. Ltd., Australia. Intended use of article: The article will be used for measuring surface area of leaves for biological research, including studies of water pollution which involves studies of weed and plant progression and the population characteristics of flowing water systems. Application received by Commissioner of Customs: May 6, 1969.

Docket No. 69–00581–33–46500. Applicant: The Ohio State University, Department of Otolaryngology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections of middle and inner ear tissue for electron microscopic examination in an investigation of the morphology and cytochemistry of ear tissue. It will also be used for survey sectioning for light microscopy. Application received by Commissioner of Customs: May 6, 1969.

Docket No. 69–00585–01–77030. Applicant: Arkansas State University, Office of Finance, State University, Ark. 72467. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60H. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for the following:

A. Rates and activation energies of exchange of a magnetic nucleus between two structural sites in a molecule in which it has a different chemical shift in each of the two environments.

B. Kinetic studies of the rates and activation energies of protolysis reactions of various alkylphosphonium ions in solution.

C. Temperature effects of ligand exchange between the solvent and the primary coordination sphere of some complexes of cobalt, chromium, and iron.

D. Studies of the rates and activation energies of addition reactions involving alcohols and boron trifluoride.

E. Determination of the temperature dependence of enzyme catalyzed hydrolysis of polypeptides.

F. Routine determination of the spectra of large numbers of samples of the various extracts of snake venom.

G. Characterization of the fatty acids isolated from fat tissue of animals subjected to different feeding experiments.

H. Determination of the variation of fatty acid types in soybean oils as function of soybean plant growth variables.

I. Instructural use in connection with freshman chemistry, introductory organic, and instrumental analysis.

Application received by Commissioner of Customs: May 7, 1969.

Docket No. 69–00587–98–26000. Applicant: Commonwealth of Pennsylvania, Cheyney State College, Cheyney, Pa. 19319. Article: Dr. Clemenz standard construction device, Model EG ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. Application received by Commissioner of Customs: May 8, 1969.

Docket No. 69–00588–99–30050. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, N.Y. 14214. Article: Miniflo flow velocity kit, No. 265. Manufacturer: Kent Industrial Instruments, Ltd., United Kingdom. Intended use of article: The article will be used for research purposes to establish lateral

and vertical velocity profiles in hydraulic models of lakes and estuaries where a free surface is involved and where the velocity of flow is often so small that it cannot be measured by conventional means. Application received by Commissioner of Customs: May 8, 1969.

Docket No. 69–00589–01–42900. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Superconducting magnet system. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The magnet system will become a part of a pulsed nuclear magnetic resonance spectrometer system which is being developed. The spectrometer will be employed in high-resolution NMR of solids, a technique invented by the applicant. Application received by Commissioner of Customs: May 8, 1969.

Docket No. 69–00590–33–46040. Applicant: The Milton S. Hershey Medical Center of the Pennsylvania State University, 500 University Drive, Hershey, Pa. 17033. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research and educational purposes in the Department of Anatomy. Current research efforts include the following:

1. An analysis of the events of the secretion of insulin and glucagon by the pancreatic islets of various subhuman primates and the abnormal secretion in certain secretory tumors of man.

2. A study of the crystal lattice organization in electron micrographs of the insulin-containing granules of the pancreatic islets.

3. A study of the ultrastructure of mechanoreceptors in a variety of mammals.

4. A study of the microtubules found in the supporting cell of the cochlea of certain reptiles.

Application received by Commissioner of Customs: May 8, 1969.

Docket No. 69–00591–01–77040. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Mass spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for the following:

1. Studies of the kinetics and energetics of mass spectral reactions.

2. The study of isotopically labeled moleimides obtained by degradation of chlorophylls from organisms cultured in isotopically mixed media.

3. Study of metastable reaction in polynuclear aromatic hydrocarbon ions where energy releases are small.

4. Studies of large and fragile natural products.

5. Studies in other areas of research are planned.

Application received by Commissioner of Customs: May 8, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–6834; Filed, June 10, 1969; 8:46 a.m.]

BROWN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00428–00–46040. Applicant: Brown University, Wilson Laboratory, Providence, R.I. 02912. Article: Decontamination device for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope to eliminate object contamination. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope that had priorily been imported for the use of the applicant institution.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adopted to the foreign electron microscope with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–6835; Filed, June 10, 1969; 8:46 a.m.]

MEDICAL COLLEGE OF OHIO AT TOLEDO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00322–33–46040. Applicant: Medical College of Ohio at Toledo 43614. Article: Electron microscope, Model HU–11E–1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used for research which includes the following scientific investigations:

1. The events inherent in the immune response, involving penetration and dispersal of antigens, location of natural barriers to antigen dissemination, alteration of barriers by inflammatory processes, analysis of cell population of responding tissue, and hormonal regulation of lymphoid tissue.

2. Electron microscopic study of the uptake of ferritin by the synovial membrane of the rabbit during induced degenerative arthropathy.

3. Electron microscopic investigation of structural expressions of variations of zinc content in the prostate glands of rats.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bona fide order for the foreign article. Reasons: This application is a resubmission of Docket No. 68–00545–33–46040, which was received by the Bureau of Customs on April 26, 1968. At that time, the only electron microscope being manufactured in the United States was the Radio Corporation of America's (RCA) Model EMU–4. The foreign article has a guaranteed resolving capability of 5 angstroms, whereas the RCA EMU–4 had a resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the applicant requires the highest available resolving capability and, therefore, the additional resolving capability of the foreign article is a pertinent characteristic. The foreign article also provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA EMU–4B provided only 50- and 100-kilovolt accelerating voltages. The applicant intends to perform experiments involving unstained negative specimens for which the lower accelerating voltage provides the optimum contrast. In addition, experiments will be conducted with negatively stained specimens for which the optimum contrast is attained with accelerating voltages intermediate between 50 and 100 kilovolts. For the foregoing reasons, we find that the RCA EMU–4 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–6836; Filed, June 10, 1969; 8:46 a.m.]

MOUNT SINAI SCHOOL OF MEDICINE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Repartment business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00601–33–46500. Applicant: Mount Sinai School of Medicine, Fifth Avenue and 100th Street, New York, N.Y. 10029. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of biologic materials for electron microscopy. The studies include cellular immunology, including the study of the distribution and biological properties of isoantigens present on the cell surface of erythrocytes, leukocytes, and platelets; short and long term cultures of human lymphocytes; and peripheral blood and bone marrow from patients with various immunologic and genetic disorders will be examined. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69–00603–00–61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The solar-lunar eclipse projector is an attachment designed for use on the existing planetarium. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69–00604–00–61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The projection orrery is an attachment designed for use on the existing planetarium. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69–00605–80–79700. Applicant: University of Washington, Purchasing Department, 3197 University Way NE., Seattle, Wash. 98105. Article: Analytical stereoplotter, Model AP/C. Manufacturer: Ottico Meccanica Italiano, S.P.A., Italy. Intended use of article: The article will be used in the applicant's computer center and applied to the investigation of conventional and exotic imagery, to the development of the art and science of photogrammetry in basic research into the error propogation, the basic geometry, and new and unusual uses of photogrammetry, and for the training of students in photogrammetry. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69–00606–01–77030. Applicant: William Marsh Rice University, 6100 Main Street, Houston, Tex. 77005. Article: Nuclear magnetic resonance spectrometer, Model HFX–10. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: The article will be used to serve the general needs of the chemistry department and as a research instrument for the following studies:

1. ^{13}C nmr spectra of peptides and amino acids, peptide sequencing, effect of long range interaction due to tertiary protein structures.

2. ^{13}C nmr of organometallic compounds.

3. ^{19}F and ^{29}Si nmr spectra of novel fluor silane compounds.

4. Structural determination of natural products.

5. ^{19}F, ^{13}C contact interaction shift studies of inorganic complexes.

6. Linkage isomerization in selenocyanate complexes.

7. Studies on the mechanism of the Vitamin B–6 catalyzed formation of tryptophan from serine and indole.

8. Rates of fast reactions.

9. Overhauser effect in ^{13}C spectra caused by irradiation of ^{19}F nuclei bonded to ^{13}C. (C-carbon, F-fluorine, and Si-silicon.)

Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69–00607–00–61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The geocentric earth accessory is an attachment designed specifically for use on the existing planetarium. Application received by Commissioner of Customs: May 14, 1969.

Docket No. 69–00610–33–46040. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model AEI EM6B. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for research projects requiring high resolution micrographs and high resolution analysis of long ribbons of serial sections. Investigations are being made on growing oocytes, differentiating and adult nervous tissue, and differentiating adult and aged liver cells. Application received by Commissioner of Customs: May 14, 1969.

Docket No. 69–00611–33–46040. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Electron microscope, Model EM 300, and accessories. Manufacturer: Philips Electronics N.V.D., The Netherlands. Intended use of article: The article will be used in a basic biological study of the genetics and development of subcellular structure. One group of structures to be given special attention are the bacteria-like kappa and related particles in the protozoan Paramecium. A second major area of investigation concerns the origin, development and heredity of cortical structures in Paramecium, a unicellular, eukaryotic animal. A third phase of current investigation attacks the question of the organization of the genetic material in the highly polploid macronucleus. Application received by Commissioner of Customs: May 14, 1969.

Docket No. 69–00613–33–46500. Applicant: University of Cincinnati, Department of Biological Sciences, Cincinnati, Ohio 45221. Article: Ultramicrotome, Model 8800 Ultrotome III. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article will be used to section plastic-embedded tissue for electron microscopy. It will also be used as a research instrument and for teaching a course (advanced undergraduate-graduate level) in electron microscopic techniques. A wide variety of material will be sectioned ranging from very soft tissue such as nervous tissue to very hard tissue such as algae and fungi which have tough cell walls. It is imperative to cut long serial sections of

equal thickness and uniformity from 50 angstroms to 2 microns. Application received by Commissioner of Customs: May 15, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6837; Filed, June 10, 1969; 8:46 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00292-33-46040. Applicant: National Institutes of Health, Procurement Section, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study the effect of various pesticides on the cell organelles. This will include the localization of the guanine nucleotide at the nucleic acid level to make the guanine portion of the molecule detectable. The instrument will also serve for checks of ultracentrifugation fractions for homogeneity in studies carried out by biochemical and pharmacological oriented scientists of the toxicology laboratory. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the applicant placed a bona fide order for the article. Reasons: The order for the foreign article was placed on June 30, 1967. At that time, the only electron microscope being manufactured in the United States was the Model EMU-4 of the Radio Corporation of America (RCA). The foreign article has a guaranteed resolving capability of 5 angstroms, whereas the RCA Model EMU-4 had a resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. The foreign article also provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. The lower accelerating voltages afford optimum contrast for unstained specimens and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages of the foreign article are pertinent characteristics. For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed a bona fide order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6838; Filed, June 10, 1969; 8:47 a.m.]

OAK RIDGE ASSOCIATED UNIVERSITIES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00319-01-07500. Applicant: Oak Ridge Associated Universities, Post Office Box 117, Oak Ridge, Tenn. 37830. Article: Calorimetry assembly, Model 8721-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to determine the heats of formation and heats of solution of inorganic compounds to an accuracy of plus or minus 0.01 percent. The proposed system lends itself to such determinations with a degree of relative ease and to a degree of accuracy which cannot be performed with other commercial instrumentation. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a reaction and solution calorimetry assembly which has the capability of high accuracy, ±0.01 percent in determining heats of formation and heats of solution. We are advised by the National Bureau of Standards (NBS) (memorandum dated Mar. 24, 1969) and the Department of Health, Education, and Welfare (HEW) (memorandum dated Apr. 3, 1969) that the accuracy, ±0.01 percent is pertinent to the purposes for which the foreign article is intended to be used and they know of no available domestic instrument or apparatus which could be used for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6839; Filed, June 10, 1969; 8:47 a.m.]

OHIO UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00592-00-46040. Applicant: Ohio University, Purchasing Department, Athens, Ohio 45701. Article: Electromagnetic shutter/timer and projector tube base, Models 171-048 and 171-460a. Manufacturer: Siemens AG, West Germany. Intended use of article: The accessories will be used on an existing electron microscope for measurement of exact exposure times. Application received by Commissioner of Customs: May 12, 1969.

Docket No. 69-00593-33-46040. Applicant: The Ohio State University Department of Otolaryngology, 1900 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 300, and accessories. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used for research and education. The areas of research include a study of the morphology and cytochemistry of the ear in normal and pathological conditions; morphological studies on the normal and diseased middle ear mucosa; and a study of cholesteatoma which is a common condition of ear infection and often causes the fatal complication such as brain abscess. At the graduate student level and for resident physicians, the article will be used for teaching knowledge of cell mechanisms involved in the development of cancer, allergy, immune reaction, aging, toxic reaction and infection. Application received by Commissioner of Customs: May 12, 1969.

Docket No. 69-00594-00-46040. Applicant: University of Arizona, Department of Metallurgy, Tucson, Ariz. 85721. Article: Electron microscope accessories (tilting stage, pole piece, specimen holder, protect cylinder, and specimen stage). Manufacturer: Hitachi, Ltd., Japan. Intended use of article: These articles will be used in conjunction with the existing Hitachi electron microscope, Model HU-200E, for research and teaching in the field of metallurgy. Application received by Commissioner of Customs: May 12, 1969.

Docket No. 69-00595-33-46070. Applicant: University of California, Santa Barbara, Calif. 93106. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for instruction and thesis research for graduate students, postdoctorals, and exceptional undergraduate majors in biogeology and related fields, also as a research instrument for geology faculty projects. The following areas of studies will be undertaken:

1. Study of the ultrastructure of pre-Paleozoic nannofossils to attempt to differentiate them morphologically from similar living and more recent fossil microbiota.

2. Study of the morphological relationships of these fossil organisms with presently living genera and families, involving as necessary determination of the ultrastructure of living forms which have not been completely studied by biologists.

3. Search for fossil remains of still smaller unknown life forms (viruses, rikettsias?) that may have inhabited the primitive earth and seek to establish connections between them and known organisms of the primitive and present earth.

4. Study of lunar and Martian rock and debris samples as they become available.

5. Study of nannofossils and other microfossils from subsurface and deep-sea sediments of various ages under investigation by paleontologists in order to identify and correlate such organisms.

Application received by Commissioner of Customs: May 12, 1969.

Docket No. 69-00597-00-43000. Applicant: Geophysical Institute, University of Alaska, College, Alaska 99701. Article: Magnetometer accessory. Manufacturer: Sokkisha, Limited, Japan. Intended use of article: The portable waterproof turn induction coil will be used as sensor (vertical) for an existing three-component induction magnetometer. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69-00598-33-46500. Applicant: Medical College of Virginia, M.C.V., Post Office Box 902, Richmond, Va. 23219. Article: Ultra microtome, Model OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in a project in which the origin and function of Langerhans cells in mouse and human skin is to be investigated. These cells are identified by the presence of a distinctive intracellular organelle, not present in all parts of the cell. To identify them and reconstruct their structure in three dimensions, consistent and uniform serial sections of thickness ranging down to 50 angstroms must be obtained. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69-00599-33-39400. Applicant: Research & Education Foundation, Orange County Medical Center, 101 South Manchester Avenue, Orange, Calif. 92668. Article: Illuminator, Model A 87110. Manufacturer: Drapier Instruments, France. Intended use of article: The article will be used to study the microcirculation of the stomach in the living animal. A fiberoptic light carrier, which is attached to the light source, is introduced into the rat stomach to transilluminate its wall. This method permits the study of the vessel and bloodflow through the microscope. Application received by Commissioner of Customs: May 13, 1969.

Docket No. 69-00600-00-61800. Applicant: Quakertown Community School District, 600 Park Avenue, Quakertown, Pa. 18951. Article: Projection orrery accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article is an attachment designed specifically for use on the existing Goto planetarium. Application received by Commissioner of Customs: May 13, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6840; Filed, June 10, 1969; 8:47 a.m.]

STANFORD UNIVERSITY

Amendment To Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 34, Number 100 of the FEDERAL REGISTER (Saturday, May 24, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read: Docket No. "69-00579-00-10100" instead of Docket No. "69-00679-00-10100."

Docket No.: 69-00579-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft G.m.b.H., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6841; Filed, June 10, 1969; 8:47 a.m.]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00427-00-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Anticontamination device for a JEM-7 electron microscope. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used as an accessory to an existing electron microscope to observe specimens for long periods of time. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope that had priorly been imported for the use of the applicant institution.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the foreign electron microscope with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-6842; Filed, June 10, 1969; 8:47 a.m.]

Maritime Administration

GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Gulf & South American Steamship Co., Inc., has applied for permission to remove the restriction on cargoes which it may carry between New Orleans and the Panama Canal Zone in its subsidized service on Trade Route No. 31 (U.S. Gulf/West Coast South America).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on June 18, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: June 9, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-6940; Filed, June 10, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO. AND SYNTEX LABORATORIES, INC.

Notice of Filing of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions have been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206 (33-834V), and Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, Calif. 94304 (37-264V), proposing that § 121.238 *Chlormadinone acetate* (21 CFR 121.238) be amended to provide for the safe use of chlormadinone acetate in the feed of chickens to delay the onset of egg production.

Dated: June 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6879; Filed, June 10, 1969; 8:50 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additives Carbarsone (Not U.S.P.), Penicillin, and Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of June 13, 1968 (33 F.R. 8683), proposing that the food additive regulations be amended to provide for the safe use of specified combinations of carbarsone (not U.S.P.), penicillin, and bacitracin in turkey feed as an aid in the prevention of blackhead and for growth promotion and feed efficiency.

Dated: June 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-6880; Filed, June 10, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20800; Order 69-6-28]

MIDWEST AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 6, 1969.

On March 7, 1969, the Postmaster General filed a notice of intent pursuant to 14 CFR Part 298, petitioning the Board to establish for Midwest Airways, Inc. (Midwest), a final service mail rate of 38.38 cents per great circle aircraft mile for the transportation of mail by aircraft between AMF Twin Cities, Minneapolis, Minn., La Crosse, Madison, and Milwaukee, Wis.

Midwest is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations. The Postmaster General states that Midwest proposes to initiate service with Beech, Model D-18-S, twin-engine aircraft and that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in this market.

By Order 69-5-135, dated May 29, 1969, in this docket the Board determined to approve the notice of intent thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Midwest may provide the proposed air transportation of mail for the period ending June 30, 1969.[1]

Since no mail rate is presently in effect for this carrier in this market, it is necessary and in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid to Midwest by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Midwest Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between AMF Twin Cities, Minneapolis, Minn., La Crosse, Madison, and Milwaukee, Wis., shall be 38.38 cents per great circle aircraft mile;

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and

[1] June 30, 1969, is the termination date of all mail authority granted to air taxis pursuant to § 298.13 of the Board's economic regulations. By notice of proposed rule making (EDR-160) dated Apr. 25, 1969, the Board has proposed to extend to June 30, 1974 the air taxi operators' exemption to engage in the transportation of mail.

[2] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Midwest Airways, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, as the fair and reasonable rate of compensation to be paid to Midwest Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Midwest Airways, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6867; Filed, June 10, 1969; 8:49 a.m.]

[Docket No. 21014; Order 69-6-30]

NORTHERN AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 6, 1969.

By petition filed May 16, 1969, Northern Airlines, Inc. (Northern), requests the Board to establish final multielement service mail rates for the transportation of mail by air between Lima and Cleveland, Ohio. No service mail rates are currently in effect for this service by Northern. Northern states that it is presently operating scheduled services between the aforesaid points as an air taxi operator under Part 298 of the Board's economic regulations; that it uses Beechcraft E-18 and deHavilland DHC-6 aircraft for segments for which rates are requested.

On May 23, 1969, the Postmaster General filed an answer supporting Northern's petition and stating that it is to the Postmaster General's advantage to be provided with the services proposed at the rates requested.[1]

With respect to priority mail, Northern requests the rate for the air transportation of mail established in the Domestic Service Mail Rate Investigation, Docket 16349, by Order E-25610, August 28, 1967, as that rate may be amended. With respect to the air transportation of nonpriority mail, however, owing to the open-rate situation that has existed since April 6, 1967, when the Post Office petitioned for establishment of new nonpriority mail rates in Docket 18381, Northern requests the same compensation as that established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, Docket 10920, subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide.

Under these circumstances it appears that the proposed services of Northern will improve the mail services between the points where certificated carrier services are not available. The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Northern by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Lima and Cleveland, Ohio. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid to Northern Airlines, Inc., pursuant to section 406 of the Act for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Lima and Cleveland, Ohio, shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid to Northern Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Lima and Cleveland, Ohio, shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, as subject to such retroactive adjustment as may be made in Docket 18381;

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General; and

4. These rates shall apply to described mail services of Northern Airlines, Inc., to the extent it is authorized to provide such mail services as an air taxi operator pursuant to the provisions of Part 298 of the Board's economic regulations and shall not apply to segments served by certificated air carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Northern Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not publish the final and temporary rates specified above as the fair and reasonable rates of compensation to be paid to Northern Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. Northern Airlines, Inc., is hereby made a party in Docket 18381.

This order shall be served upon Northern Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6868; Filed, June 10, 1969; 8:49 a.m.]

[1] The present rates are as follows:
Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Lima and 2.34 cents per pound at Cleveland.
Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Lima and 1.66 cents per pound at Cleveland.

[2] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 21034; Order 69-6-29]

RED BARON LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 6, 1969.

The Postmaster General filed a notice of intent May 23, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54 cents per great circle aircraft mile for the transportation of mail by aircraft between Bemidji, Brainerd, and AMF Twin Cities, Minneapolis, Minn.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model 18, aircraft equipped for all weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Red Baron Lines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54 cents per great circle aircraft mile between Bemidji, Brainerd, and AMF Twin Cities, Minneapolis, Minn.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Red Baron Lines, Inc., the Postmaster General, North Central Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Red Baron Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Red Baron Lines, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6869; Filed, June 10, 1969; 8:49 a.m.]

[Docket No. 20991; Order 69-6-22]

TRANS CENTRAL AIRLINES

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 5, 1969.

By petition filed May 12, 1969, Trans Central Airlines (Trans Central), requests the Board to establish final multielement service mail rates for the transportation of mail between Trinidad, Colo., and Albuquerque, N. Mex. No service mail rates are currently in effect for this service by Trans Central. Trans Central states that it is presently operating scheduled services between Trinidad, Colo., and Albuquerque, N. Mex., as an air taxi operator under title IV of the Federal Aviation Act;[1] that it will use Cessna 402 aircraft for this service; and that there are no competing or other certificated carriers operating on the segments for which a rate is requested.

On May 21, 1969, the Postmaster General filed an answer to Trans Central's petition. The Postmaster General supports Trans Central's petition requesting the Board to permit the carriage of airmail according to the rates and other provisions of Order E-25610, as amended.[2] He states further that there are no certificated carriers operating on the segment involved in the petition and that the proposed service will improve airmail service for the points involved.

By Order 68-12-26 the Board fixed final rates permitting the air transportation of mail by Trans Central between Denver and Trinidad, Colo.; Denver, Colo., and Raton, N. Mex.; and Raton and Albuquerque, N. Mex. The present filing petitions the Board to establish the final rates necessary for air transportation of mail by Trans Central between Trinidad, Colo., and Albuquerque, N. Mex. Since certificated air carrier service is available between Denver and Albuquerque, Denver and Pueblo, Denver and Santa Fe, Santa Fe and Pueblo, Santa Fe and Albuquerque, and Pueblo and Albuquerque, Trans Central does not seek to provide mail service between these points, and the service mail rates fixed in Order 68-12-26 and proposed herein shall not be construed by any combination thereof as authorizing Trans Central to engage in the transportation of mail in any market served by an air carrier certificated by the Board.

Under these circumstances it appears that the proposed services of Trans Central will improve airmail services between the points where certificated carrier services are not available. The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Trans Central by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Trinidad, Colo., and Albuquerque, N. Mex. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. That the fair and reasonable final service mail rates to be paid to Trans Central Airlines pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Trinidad, Colo., and Albuquerque, N. Mex., shall be the rates established by the Board in Order E-25610, as amended, and shall be subject to the other provisions of that order;

2. The final service mail rates here fixed and determined are to be paid entirely by the Postmaster General; and

3. These rates shall apply to described mail services of Trans Central Airlines to the extent it is authorized to provide such mail services as an air taxi operator pursuant to the provisions of Part 298 of the Board's economic regulations and shall not apply to segments served by certificated air carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14 (g).

[1] The air taxi mail services contemplated by this request are also subject to Part 298 of the economic regulations of the Board (14 CFR Part 298).

[2] The multielement service mail rate established by the Board in order E-25610 is a line-haul rate of 24 cents per ton-mile plus a terminal charge of 9.36 cents per pound at Trindad, Col., and 2.34 cents per pound at Albuquerque, N. Mex.

sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Trans Central Airlines and the Postmaster General are directed to show cause why the Board should not publish the final rates specified above as the fair and reasonable rates of compensation to be paid to Trans Central Airlines for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within ten days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Trans Central Airlines and the Postmaster General.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6866; Filed, June 10, 1969; 8:49 a.m.]

[Docket No. 20569; Order 69-6-25]

TRANSATLANTIC SUPPLEMENTAL CHARTER AUTHORITY RENEWAL CASE

Order Regarding Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of June 1969.

Our Order 68-12-93 dated December 17, 1968, set for consolidated hearing the applications for renewal of transatlantic charter authority filed by the six supplemental air carriers holding such authority. Motions to consolidate and petitions for reconsideration, amendment, modification, or clarification of this order and answers and replies[1] have been filed.

The filings contain requests in five areas, discussed below:

1. *Transatlantic charter transportation for Alaska and Hawaii.* The authorizations for supplemental air transportation between the United States and all other areas include Alaska and Hawaii along with the 48 contiguous States. However, Alaska and Hawaii had not been admitted as states when the previous transatlantic charter proceeding was instituted. It is appropriate that we consider the inclusion of service to these two states in authorization of any supplemental transatlantic air transportation found to be required herein.

2. *Transportation of property.* The Board considered the question of transportation by supplemental carriers of property in the transatlantic area less than 3 years ago in the Supplemental Air Service Proceeding, Order E-24237 served September 30, 1966. The motions of the parties do not convince us that the present proceeding should be expanded to include a further review of that issue at this time.

3. *Worldwide authorization for all supplemental carriers.* The requested expansion would result in a premature review of the authorizations for other major geographic areas made in the Supplemental Air Service Proceeding for expiration in November 1971. Such a review is not shown to be needed at this time. Contrary to the contentions of American Flyers Airline Corp., our refusal to follow its suggestion to include this issue does not preclude adoption of a program of granting worldwide authority to all supplemental carriers if that course is in the public interest. The applicants herein can contend that all of them should be granted transatlantic authority. The Board will be at liberty to structure proceedings in the future to permit similar contentions by those who participate in the consideration of renewal of the authorizations to serve the remaining areas of the world.

Moreover, the request for expansion proceeds upon the assumption that all carriers should be granted like authority within any given area. The public interest may not require that result but rather may require that different carriers be authorized to serve different regions or points within a broad geographical area such as the one encompassed by this proceeding.[2] In this connection, the parties to this proceeding are requested to direct their evidence and contentions not only to whether any new or renewed certificates for transatlantic supplemental air transportation should be issued in the form of the present ones, but also to whether certificates should be issued providing for transatlantic service (a) between specific areas of the United States and foreign areas, (b) between the United States and specific foreign areas, and (c) between specific areas of the United States and specific foreign areas.

4. *Consolidation of applications of supplemental carriers who do not hold temporary transatlantic authority.* A number of other supplemental carriers have asked that their applications for transatlantic authority be consolidated. We conclude that it is in the interest of the public that all such applicants be heard in the same proceeding. In this way the Board will be afforded a record on which it can best decide the extent of service needed and the carrier or carriers which should provide that service.

5. *Revision of the terms, conditions, and limitations concerning supplemental transatlantic air transportation.* We are asked to clarify or modify our order to make clear that the proceeding includes issues of revision of the terms, conditions, and limitations concerning transatlantic supplemental transportation contained in Parts 295 and 378. While we did not institute this proceeding for the purpose of revising these regulations, we believe that the parties should have opportunity to make appropriate showings of the need for such revision in connection with their presentations concerning the need for supplemental air transportation in the transatlantic area.

Petitions for leave to intervene have been filed by Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc. and each has shown an interest in the proceeding which justifies its intervention.

Accordingly, it is ordered, That:

1. Order 68-12-93 dated December 17, 1968, be and it is amended by changing ordering paragraph 1 to read as follows:

The applications of American Flyers Airline Corp., Docket 20389; Capitol International Airways, Inc., Docket 20325; Overseas National Airways, Docket 20438; Saturn Airways, Inc., Docket 20344; Trans International Airlines Corp., Docket 20391, and World Airways, Docket 20387, be and they hereby are set for consolidated hearing in a proceeding to be known as the Transatlantic Supplemental Charter Authority Renewal Case, Docket 20569, to the extent that these applications seek renewal of the transatlantic charter authority presently held by the foregoing carriers and addition of Alaska and Hawaii to the States to be served.

2. The applications of Modern Air Transport, Inc., Docket 20599; Purdue Aeronautics Corp., Docket 20639; Standard Airways, Inc., Docket 20113; and Universal Airlines, Inc., Docket 20627, be and they hereby are consolidated with Docket 20569 to the extent they seek

[1] We have decided to grant the motions filed Feb. 5, 1969, by Capitol International Airways, Inc., Pan American World Airways, Inc., and Universal Airlines, Inc., for leave to file replies.

[2] The transportation here involved is between any point in any State of the United States or the District of Columbia, on the one hand, and any point in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand. See certificates issued according to Order E-24242.

authorizations within the scope of the proceeding.

3. The applications set forth in paragraph 2 be and they hereby are dismissed to the extent not consolidated herein.

4. The parties to this proceeding shall be permitted to show the need for revisions in the terms, conditions, and limitations concerning transatlantic supplemental air transportation and the Board may order such revisions as it finds required.

5. Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., be and they hereby are granted permission to intervene.

6. The motions, petitions, and requests concerning the scope of the proceeding be and they hereby are denied except to the extent granted by this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6865; Filed, June 10, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 22,862]

LIQUIDITY

Statement of Policy

MAY 29, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to adopt and publish, pending revision of its regulations on liquidity, a statement of policy relating to liquidity, as a result of the decision of the Board contained in Resolutions Nos. 22,859 and 22,860 both dated May 29, 1969, not to adopt the amendments proposed in Resolutions Nos. 22,594 and 22,595 (34 F.R. 5022, 5024); accordingly, the Board hereby directs its Secretary to transmit the following statement adopted by the Board to the Office of the Federal Register for publication:

STATEMENT OF POLICY ON INCLUSION OF OBLIGATIONS OF CERTAIN AGENCIES OR INSTRUMENTALITIES OF THE UNITED STATES TO MEET LIQUIDITY REQUIREMENTS; AUTHORITY OF FEDERAL ASSOCIATIONS TO INVEST IN SUCH OBLIGATIONS

Pending the revision of the Board's regulations governing liquidity in implementation of the provisions of section 5A of the Federal Home Loan Bank Act, as amended by section 4 of Public Law 90-505, approved September 21, 1968, the Board has determined, as a matter of policy, that:

1. In addition to "cash" and "obligations of the United States", investments in any obligation of the following agencies or instrumentalities of the United States may be counted as liquidity for the purposes of § 523.12 of the regulations for the Federal Home Loan Bank System, (12 CFR 523.12), and for the purposes of § 545.8-2 of the rules and regulations for the Federal Savings and Loan System, (12 CFR 545.8-2), provided that the unexpired term of such obligation does not exceed 5 years:

(a) A Federal Home Loan Bank or Banks;

(b) The Federal National Mortgage Association;

(c) The Government National Mortgage Association;

(d) A Bank or Banks for Cooperatives, including the Central Bank for Cooperatives;

(e) A Federal Land Bank or Banks;

(f) A Federal Intermediate Credit Bank or Banks;

(g) The Tennessee Valley Authority; or

(h) The Export-Import Bank of the United States.

2. Federal savings and loan associations are authorized to invest in obligations of the above listed agencies or instrumentalities (in addition to making investments otherwise authorized) without regard to the maturity of such obligations. However, only such obligations meeting the above maturity limitation shall be counted as liquidity.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-6876; Filed, June 10, 1969; 8:49 a.m.]

[No. 22,863]

GOVERNMENT OBLIGATIONS

Statement of Policy

MAY 29, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to adopt and publish a statement of policy relating to the term "Government obligations" as defined in its rules and regulations for insurance of accounts, as a result of the decision of the Board contained in Resolution No. 22,861 dated May 29, 1969, not to adopt the amendments proposed in Resolution No. 22,596 (34 F.R. 5024), and the decision of the Board to issue, simultaneously herewith, a statement of policy concerning liquidity, pending revision of its regulations on that subject; accordingly, the Board hereby directs its Secretary to transmit the following statement adopted by the Board to the Office of the Federal Register for publication:

STATEMENT OF POLICY ON INCLUSION OF OBLIGATIONS OF CERTAIN AGENCIES OR INSTRUMENTALITIES OF THE UNITED STATES AS "GOVERNMENT OBLIGATIONS"

Pending the revision of the Board's regulations governing liquidity, in implementation of the provisions of section 5A of the Federal Home Loan Bank Act, as amended by section 4 of Public Law 90-505, approved September 21, 1968, the Board has determined, as a matter of policy, that in addition to the obligations specified in § 561.19 of the rules and regulations for insurance of accounts, (12 CFR 561.19) obligations of the Government National Mortgage Association, and the Export-Import Bank of the United States are deemed "Government obligations".

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-6877; Filed, June 10, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 14]

F. V. MAROTTA, INC.

Order of Revocation

By letter dated June 2, 1969, F. V. Marotta, Inc., New York, N.Y., returned its Independent Ocean Freight Forwarder License No. 14 to the Commission for cancellation and advised that it would terminate voluntarily its business as an independent ocean freight forwarder as of June 30, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 14 of F. V. Marotta, Inc., be and is hereby revoked effective June 30, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-6878; Filed, June 10, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR69-1]

AREA RATE PROCEEDING

Order Deleting Respondents

MAY 23, 1969.

On April 28, 1969, the Columbia Gas System, Inc., filed a request to be deleted as a respondent to this proceeding, alleging that it is a registered holding company which owns the outstanding securities of a number of operating companies. The Columbia Gas System, Inc., itself does not own or operate any producing, gathering, transmission, storage, or distribution facilities.

Pursuant to the order instituing this proceeding, issued March 20, 1969, purchasers of offshore leases, natural gas companies having rate schedules on file for sales within the hearing area, and pipelines operating in the area were made respondents. The respondent list included those subsidiaries of the Columbia Gas System which meet these criteria. Since the Columbia System subsidiaries are respondents on an individual basis, there appears to be no need to continue the parent corporation, Columbia Gas System, Inc., as a respondent.

A similar request was filed on April 10, 1969, by Cal-Ky Pipe Line Co., a wholly owned subsidiary of Standard Oil Company of California, alleging that it is engaged solely in the business of transporting crude oil. Cal-Ky owns no oil or gas leases, and has filed no rate schedules with the Commission for either the sale or transportation of natural gas. It therefore appears that Cal-Ky Pipe Line Co. should be deleted as a respondent.

The Commission orders: The Columbia Gas System, Inc., and Cal-Ky Pipe Line Co. are hereby deleted as respondents to the proceeding in Docket No. AR69-1.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6811; Filed, June 10, 1969; 8:45 a.m.]

[Dockets No. CI65-974, etc.]

GEORGE DESPOT ET AL.

Order Issuing Conditioned Certificates of Public Convenience and Necessity on Settlement, Accepting Related Rate Schedules and Supplements Thereto for Filing, and Severing and Terminating Proceedings

JUNE 5, 1969.

George Despot, agent (Operator) et al., Dockets No. CI65-974, etc.; J. W. Baton (Operator) et al., Docket No. CI66-1169; Harry W. Brennan, Jr. (Operator) et al., Docket No. CI68-597.

J. W. Baton (Operator) et al (Baton), on March 21, 1969, filed with the Commission a motion for approval of settlement proposal. Harry W. Brennan, Jr. (Operator) et al. (Brennan), on March 5, 1969, filed with the Commission a motion for approval of settlement proposal. Baton and Brennan are respondents in the consolidated Despot proceedings pursuant to the Commission order to show cause dated September 14, 1966 (36 FPC 628). Brennan succeeded in part to the interest of International Helium, Inc. (Operator) et al. in the Ferguson Gas unit, covered by the application in Docket No. CI66-564. Baton and Brennan have been engaged in the sale of natural gas to the Lone Star Gas Co. in Texas Railroad District No. 6. Baton's sale commenced in June 1961, pursuant to contractual provisions as an alleged interstate sale, even though the gas is commingled with other gas that is sold in interstate commerce. The gas that is here under consideration is produced from the Danville Field, Gregg County, Tex. This sale commenced at an initial price of 14.49 cents per Mcf, inclusive of tax reimbursement, and escalated to 16.56 cents per Mcf on July 1, 1963, pursuant to contractual provisions.

Brennan's sale commenced in March 1961, pursuant to contractual provisions as an alleged intrastate sale. The gas that is here under consideration is produced from the North Henderson Field, Rusk County, Tex., and commenced at an initial price of 14.49 cents per Mcf inclusive of tax reimbursement, which escalated to 16.56 cents per Mcf on July 1, 1963, pursuant to contractual provisions. The contracts between these two respondents and Lone Star Gas Co. contained restrictions similar to those before the Commission in Lo-Vaca Gathering Co., 26 FPC 606 (1961), affirmed, 379 U.S. 366 (1965).

Because of the restrictions on the use of the gas by Lone Star, respondents treated these sales as not subject to Commission jurisdiction.

On September 14, 1966, the Commission issued an order to show cause as to why these respondents should not be required to apply for and obtain certificates of public convenience and necessity authorizing the sales specified in these respective applications, which they had previously made without authorization and whether the initial prices for such sales should not be fixed at the applicable initial service price prevailing at the time deliveries commenced, and why they should not be required to refund the difference between the initial price determined in accordance therewith and the price actually charged for the related deliveries of gas (36 FPC at 629).

No party to this proceeding objects to the proposed settlements. With exception relating to the method of computing interest on refunds due as specified hereinafter, the Commission conditionally approves respondents' motions for settlement of the proceedings in Dockets Nos. CI66-1169 and CI68-597.

In prior orders approving settlement proposals of other producers in the consolidated Despot proceedings, the Commission has approved the use of the Mobil refund formula for settling these proceedings. (See, e.g., Humble settlement order issued November 22, 1967, Docket No. CI66-591, 38 FPC 1041).

The instant motions of respondents requesting settlement conforms to the formula requiring refunds of 62½ percent of charges in excess of the applicable guideline price between October 23, 1961, and January 17, 1965, and 100 percent of all excess charges collected after January 18, 1965. No refunds are required on the volumes sold prior to October 23, 1961. The Mobil formula requires that interest be paid on refunds, less royalty and overriding royalty interest, at 7 percent per year from the date of collection until date of the order approving settlement. Accordingly, respondents propose to settle the proceedings as to their sales to Lone Star on the basis of the above Mobil formula. Respondents have agreed to make refunds due to Lone Star, or as the Commission may otherwise order. The principal refund amount due through August 1966 is approximately $4,000 from Baton, and refunds plus interest due from Brennan is estimated at $2,900.

At the present time Lone Star is under no flow through obligation as to any Despot proceeding refund which it may receive; therefore, respondents will be required to deposit the retained refunds, inclusive of interest, to special escrow accounts. Issuance of this order approving the settlement proposals will be conditioned upon the requirement that respondents pay 7 percent per year interest upon refunds due from the date of collection of the amount subject to refunding to the date of issuance of this order.

The Commission finds:

(1) The settlement proposals filed by Baton and Brennan on March 21, 1969, and March 5, 1969, respectively, as hereinafter conditioned, are in the public interest, and it is appropriate in the administration of the provisions of the Natural Gas Act that they be approved and made effective as hereinafter ordered.

(2) The sales for which respondents seek authorization together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(3) Respondents are able and willing to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales proposed by respondents together with the construction and the operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity, and as conditioned herein, are in the public interest.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposals filed by J. W. Batqn (Operator) et al., and Harry W. Brennan (Operator) et al. (Respondents), on March 21, 1969, and March 5, 1969, respectively, as herein conditioned, are approved and made subject to the terms and conditions herein.

(B) Respondents shall refund 62½ percent of the excess amounts collected above 15 cents per Mcf (at 14.65 p.s.i.a.) during the period October 24, 1961, to January 18, 1965, and 100 percent of the sums collected in excess of 15 cents per Mcf during the period January 19, 1965, to the effective date of this order.

(C) Respondents shall compute interest due on the above (paragraph B) refundable amounts which they have collected at the rate of 7 percent per year from the date of collection to the date of issuance of this order, less royalty and overriding royalty interest.

(D) Respondents shall, over the signature of a responsible officer, file with the Commission, within 30 days of the date of this order, an original and one copy of their acceptance or rejection of this order and shall serve a copy of the same on the parties to Docket No. CI65-974 et al.

(E) Respondents shall file with the Commission, within 60 days after the date of this order, a report setting out the principal amount of refunds, computed in accordance with the terms of this order, together with interest thereon, showing details of computations and shall serve a copy of the report on all parties to the proceedings in Docket No. CI65–974 et al. Respondents' report shall contain a statement by the purchaser attesting to the correctness of the refund amounts.

(F) Respondents shall deposit the retained refunds, computed pursuant to ordering paragraphs (B) and (C), in special escrow accounts and respondents shall tender for filing on or before the date of the filing of the refund report, an executed Escrow Agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon the parties to the proceeding in Docket No. CI65–974 et al. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be entered into beween respondent and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Such respondent, the bank or trust company, and the successors and assigns of each shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States of any agency thereof or in any form of obligation guaranteed by the United States which is respectively payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out to the escrow account.

(5) Such bank or trust company shall report to the Secretary of this Commission quarterly, certifying the amount deposited in the trust account for the quarterly period.

(G) Permanent certificates of public convenience and necessity are issued to respondents upon the conditions herein set forth, authorizing the sales and services proposed.

(H) The certificates issued to respondents by paragraph (G) are conditioned upon acceptance of the certificates issued to them in writing and under oath within 30 days of the issuance of this order.

(I) The certificates issued to respondents by paragraph (G) are conditioned upon the acceptance of the modification of settlement proposals as provided by the terms of this order.

(J) The certificates issued in paragraph (G) are conditioned so that on and after the date of this order, and until lawfully changed in the manner provided by the Natural Gas Act, the rate charged by respondents to Lone Star shall not exceed 15 cents per Mcf (at 14.65 p.s.i.a.) (15.08 cents at 14.73 p.s.i.a.). Within 30 days of the date of this order, respondents shall file supplements to their rate schedules reflecting the conditioned rate in lieu of the rate currently provided therein, and as to such filing, the requirements of § 154.94(f) of the regulations under the Natural Gas Act are waived and upon compliance, the proposed related rate schedules shall be accepted for filing effective as of the date of this order, provided that this order is without prejudice to any action which the Commission may hereafter take pursuant to the provisions of sections 4 and 5 of the Natural Gas Act.

(K) Upon full compliance by respondents with this order, the proceedings in Dockets Nos. CI66–1169 and CI68–597 shall terminate, and such proceedings upon termination are hereby severed from the consolidated proceedings in Docket No. CI65–974, et al.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6812; Filed, June 10, 1969; 8:45 a.m.]

[Docket No. CP69–320]

IOWA ELECTRIC LIGHT AND POWER CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 5, 1969.

Take notice that on May 26, 1969, Iowa Electric Light and Power Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in Docket No. CP69–320 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Respondent) to sell up to 492 Mcf of natural gas per day to Applicant for resale and distribution in the towns of Ladora and Victor, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant will construct and operate the necessary distribution facilities to render natural gas service to Ladora and Victor. The application indicates that the total estimated third year peak day and annual natural gas requirements of the two towns are 492 Mcf and 71,516 Mcf, respectively. Lateral Gas Pipeline Co. (Lateral) will transport for and deliver to Applicant the gas necessary to render the proposed service.[1]

Applicant states that the total estimated cost of its proposed project is $143,950, which cost will be financed from cash on hand and cash generated from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6817; Filed, June 10, 1969; 8:45 a.m.]

[Docket No. CP69–318]

LATERAL GAS PIPELINE CO.

Notice of Application

JUNE 5, 1969.

Take notice that on May 26, 1969, Lateral Gas Pipeline Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in Docket No. CP69–318 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation for the account of Iowa Electric Light and Power Co. (Iowa Electric) of natural gas to be purchased by the latter from Natural Gas Pipeline Company of America (Natural) for distribution and resale in the towns of Ladora and Victor, Iowa,[2] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 13 miles of 2-inch and 4-inch pipeline extending from Applicant's existing 4-inch transmission facilities in Iowa County, Iowa, to Ladora and Victor.

Applicant states that the total estimated cost of the proposed facilities is $171,800, which cost will be financed from funds currently on hand, advanced by Iowa Electric or acquired through the sale of common stock to Iowa Electric. Applicant is a wholly owned subsidiary of Iowa Electric.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6816; Filed, June 10, 1969; 8:45 a.m.]

[Docket No. CP69–312]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

JUNE 4, 1969.

Take notice that on May 20, 1969, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP69–312 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction, installation, and operation of certain natural gas facilities and the increased sales and deliveries of natural gas to certain existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon its existing 225 horsepower Iowa No. 2 Compressor Station in Jefferson County, Pa. Applicant alleges that the facility proposed to be abandoned is no longer used or useful in its operations and that no decrease or abandonment of service will result.

Applicant seeks authorization to construct, install, and operate the following transmission facilities:

(1) An additional 1,080 horsepower centrifugal compressor unit at Smithfield Compressor Station in Wetzel County, W. Va.

(2) Aproximately 6.8 miles of 24-inch pipeline looping Line No. 1570 in Monongalia County, W. Va.

(3) An additional 1,080 horsepower centrifugal compressor unit at Bruceton Mills Compressor Station in Preston County, W. Va.;

(4) An additional 1,080 horsepower centrifugal compressor unit at Salisbury Compressor Station in Somerset County, Pa.; and

(5) A new 3,240 horsepower centrifugal compressor station (Greencastle Compressor Station) in Franklin County, Pa.

Applicant states that the new facilities are necessary to supply the increased market need of its existing wholesale customers commencing November 1, 1969.

The total estimated cost of the proposed facilities is $2,748,000, which will be financed with funds made available by Applicant's parent company, The Columbia Gas System, Inc.

Applicant also requests authorization to increase by 80,250 Mcf the Total Daily Entitlements to certain of existing jurisdictional customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6827; Filed, June 10, 1969; 8:46 a.m.]

[Docket No. RI69–539]

MOBIL OIL CORP.

Order Shortening Suspension Period

MAY 12, 1969.

Mobil Oil Corp. (Mobil), filed on March 3, 1969, a motion for reconsideration of the order issued February 18, 1969, in the above-entitled proceeding insofar as that order suspended for 5 months a proposed increase in rate from 12.3676 cents to 13.3772 cents per Mcf, designated as Supplement No. 9 to Mobil's FPC Gas Rate Schedule No. 276, covering a wellhead sale to Coastal States Gas Producing Co. (Coastal) from the East Mathis Field, San Patricio County, Tex. The gas involved is gathered and resold by Coastal to Natural Gas Pipeline Company of America (Natural) under Coastal's FPC Gas Rate Schedule No. 23 at a rate of 14.5 cents per Mcf which is in effect subject to refund in Docket No. G–17733.[1] In its motion for reconsideration Mobil requests that its proposed increased rate of 13.3772 cents per Mcf be suspended for only 1 day in lieu of 5 months.

The increased rate ceilings set forth in the statement of general policy No. 61–1 apply to sales to pipeline companies. The 14 cents increased rate guideline in this area is thus applicable to the resale by Coastal to Natural, but not to the rate charged by Mobil for its sale to Coastal. It is our general policy to suspend a rate increase filing by the producer making the initial sale for the same 5-month period we would suspend any above ceiling rate increase filing by the purchasing producer with respect to the resale of such gas to a pipeline where the purchasing producer is entitled contractually to an above ceiling rate. We believe, however, that in the present case the issue presented in Docket No. AR64–2 as to whether Coastal should be allowed a rate higher than if it was an independent producer justifies a shorter suspension period for its supplier. Consequently, we

[1] Lateral in Docket No. CP69–318 has pending an application for a certificate authorizing the construction and operation of facilities necessary to transport the gas from Lateral's existing facilities to border stations near two towns.

[2] Iowa Electric in Docket No. CP69–320 has pending an application for an order of the Commission directing Natural to sell gas to Iowa Electric for distribution and resale in the two towns.

[1] Although Coastal's contract provided for an increase to 15.5 cents on Dec. 1, 1968, Coastal has not yet filed for such increase.

shall modify the suspension order to shorten the suspension period of Mobil's filing so that it will expire as of the date of issuance of this order, and shall authorize Mobil to collect its proposed rate, subject to refund, as of the expiration of the shortened suspension period.[2]

The Commission orders:

(A) The February 18, 1969, order is modified to provide that Supplement No. 9 to Mobil's FPC Gas Rate Schedule No. 276 be suspended until the date of issuance of this order.

(B) Mobil shall charge and collect the increased rate set forth in the above supplement commencing as of the date of this order subject to refund in Docket No. RI69-539.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6813; Filed, June 10, 1969; 8:45 a.m.]

[2] Mobil filed on Jan. 10, 1969, a general undertaking as permitted by Order No. 377 which was accepted by notice issued Mar. 7, 1969.

[Docket No. CP68-193 (Phase II), etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order To Show Cause, Denying Withdrawal of Application, Consolidating Proceedings and Modifying Procedure

MAY 16, 1969.

Northern Natural Gas Co., Docket No. CP68-193 (Phase II); Midwest Natural Gas, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP68-339; American Gas Company of Wisconsin, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-32; Iowa Electric Light and Power Co., Docket No. CP69-131; Northern Natural Gas Co., Docket No. CP69-267.

The Applicant, Northern Natural Gas Co. (Northern), by its application at Docket No. CP68-193, as amended, requested authorization to construct and operate facilities necessary to expand the capacity of its mainline system by 175,000 Mcf per day[1] in order to serve the increasing needs of its existing customers and to initiate service to 60 communities in Iowa, Minnesota, and Wisconsin.[2] In addition, the application contained a request for authorization to construct and operate the necessary branchlines to enable Northern to sell and deliver the required volumes to the new communities.

Northern also sought to have certain of the proposed mainline facilities, necessary to increase the capacity of its system by 100,000 Mcf per day, authorized in order to meet the increased requirements of its existing customers for the pending 1968-69 winter heating season. Since none of the interveners were opposed, on June 14, 1968 and October 21, 1968, certificates of public convenience and necessity were issued to Northern authorizing the increase in mainline transmission capacity to sell and deliver an additional 81,417 Mcf of contract demand volumes to existing customers.

Subsequently, with the approach of the 1969-70 winter, Northern further proposed that the remainder of its application at Docket No. CP68-193 be heard in two separate phases. Phase I would cover the additional mainline expansion of 75,000 Mcf per day necessary to meet the growing needs of existing customers (21,711 Mcf/d) and, together with the facilities previously authorized, provide the mainline capacity to support the proposed initial service for the 60 new communities (17,445 Mcf/d). The unallocated capacity totaling approximately 54,000 Mcf requested by Northern at Docket No. CP68-193 would be available for the future growth of system requirements. Northern felt that the mainline expansion was noncontroversial and could be more expeditiously processed if not heard together with the proposed new town service for which a hearing would obviously be required. Furthermore, the early authorization of the Phase I facilities would permit the timely completion of the additional mainline capacity on the most economical basis.

Phase II would primarily concern the proposed branchline facilities necessary to extend Northern's system to the new communities and initiate the proposed service. The interveners had raised several issues with respect to the new service but did not oppose the proposal to hear the remainder of Northern's application in two separate phases.

In order to expedite the noncontroversial aspects of Northern's application, the Commission agreed to Northern's proposed procedure; the Phase I facilities were thereby authorized[3] and Phase II was set for formal hearing consolidated with certain section 7(a) requests for initial service from Northern.[4]

On April 14, 1969, 2 days prior to the date set for the service of testimony in these proceedings, Northern filed a notice of withdrawal of that portion of its application in Phase II, Docket No. CP68-193, involving the construction and operation of the branchlines necessary to initiate the proposed service to the 60 new communities. For all practical purposes, Northern seeks to withdraw the entire Phase II.

Northern contends that the construction and financing costs have significantly increased since the filing of its proposal on January 10, 1968, and as a result substantial additional contributions in aid of construction will now be required for many of the proposed branchlines so that the economic viability of the new town proposal as a whole has significantly diminished. In addition, Northern maintains that if its rates which are now in effect under bond were to be lowered, the resultant reduction in anticipated revenues from the proposed new town service would also increase the need for contributions in aid of construction. The Applicant also claims that the situation presently existing in its traditional gas supply areas relating to the discovery of new gas supplies is such that Northern is not now in a position to support further expansion of its system from these traditional sources.

On April 15, 1969, Northern filed an application at Docket No. CP69-267 requesting authorization to utilize some of the capacity authorized by the previously issued certificates in Docket No. CP68-193 in order to sell and deliver 35,000 Mcf per day of additional contract demand to Northern Illinois Gas Co. (Northern Illinois), an existing customer which obtains a portion of its gas supply from Northern.[5]

The Commission authorized the increase in mainline capacity as requested by Northern, no opposition having been filed, to avoid the necessity of a formal hearing on the noncontroversial aspects of the proposed project and thereby provide for the increased requirements of the existing customers. However, such action was not intended to and did not in fact vitiate the interrelationship of the various aspects of the proposal. Northern requested authorization for the new town service and the mainline facilities as integral parts of one related project as set forth in a single application at Docket No. CP68-193. In Phase I Northern did not request authorization for the branchlines necessary to sell and deliver the required volumes to the communities but the proposed system expansion was in part essential to render service to the new towns when and if authorized in Phase II. Admittedly, no mainline facilities or gas supply was earmarked for a specific service or particular customers; nevertheless, mainline capacity was certificated in anticipation of service to the proposed new towns and, consequently, we do not believe that the withdrawal of the proposed service should be permitted without a more thorough scrutiny of the underlying causes.

It is not clear from Northern's notice of withdrawal whether all of the proposed branchlines will now require contributions as a result of the increase in costs and the possible reduction in revenues or, even if contributions are required, whether the distributors would be unwilling to pay them. The precise extent of any contributions would have to be calculated before any meaningful

[1] Northern originally requested an increase of 300,000 Mcf per day in the capacity of its system, but deleted 125,000 Mcf by the second amendment to its application at Docket No. CP68-193 filed Oct. 16, 1968.

[2] The number of new communities proposed for initial service in the original application was reduced from 61 to 60 to reflect the deletion of Centerville, Minn., since service to that town was provided by the expansion of the existing system of North Central Public Service Co., the distribution Company which was proposing the initial service from Northern.

[3] Order issued Mar. 10, 1969, at Docket No. CP68-193.

[4] Order issued Mar. 21, 1969, at Docket No. CP68-193, et al.

[5] Notice issued Apr. 25, 1969, 34 F.R. 7049.

decision could be made. Indeed, we believe that the towns themselves should be contacted and apprised by Northern in writing of the impact on each branchline and the resultant contributions required, if any, because of the alleged change in circumstances and Northern should then inform the Commission as soon as possible as to whether the towns and the respective distributors want Northern to pursue the request for service. See Northern Natural Gas Co., 26 FPC 922 (1961).

Northern's application at Docket No. CP69-267 to utilize part of the capacity already certificated at Docket No. CP68-193 to serve an additional 35,000 Mcf of contract demand to Northern Illinois appears to be inconsistent with Northern's allegation in its notice of withdrawal that the situation in its existing supply areas does not permit the expansion of its system at this time to serve 17,445 Mcf per day to the new towns. Since at least 35,000 Mcf of gas appears to be available and the mainline capacity has been certificated for the new towns, Northern is directed to show cause why the proposed new town service, as well as the service requested by the section 7(a) applicants, should not be made out of this 35,000 Mcf in lieu of the full 35,000 Mcf of contract demand requested for Northern Illinois. These applications are obviously related and should be heard upon a consolidated record.

In order to make a realistic determination of the contributions required, if any, Northern should include in its direct presentation branchline feasibility studies, similar to those included in its application, clearly setting forth the details of the calculations, together with the cost and other underlying assumptions, for each branchline involved.

The prehearing conference required by our order of March 21, 1969, in these consolidated proceedings must be canceled and the procedure set forth therein modified as hereinafter provided.

The Commission finds:

(1) For the foregoing reasons, Northern Natural Gas Co.'s request to withdraw that portion of its application in Phase II, Docket No. CP68-193, involving the initiation of service to 60 communities in Iowa, Minnesota, and Wisconsin, should be denied.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Dockets Nos. CP68-193 (Phase II), CP 68-339, CP69-32, CP69-131, and CP69-267 be consolidated for hearing and decision.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Northern Natural Gas Co. be required to show cause why the proposed new town service, as well as the service requested by the section 7(a) applicants, should not be made in lieu of the full 35,000 Mcf of contract demand requested for Northern Illinois in Docket No. CP69-267.

(4) The expeditious disposition of these proceedings will be effectuated by providing for the filing of Northern's direct presentation in support of its applications in Dockets Nos. CP68-193 and CP69-267, as well as its position with respect to the 7(a) applications in Dockets Nos. CP68-339, CP69-32, and CP69-131, prior to a prehearing conference.

The Commission orders:

(A) Northern Natural Gas Co.'s request to withdraw that portion of its application in Phase II, Docket No. CP68-193, involving the initiation of service to 60 communities in Iowa, Minnesota, and Wisconsin, is hereby denied.

(B) The application at Docket No. CP69-267 is hereby consolidated with these proceedings for the purpose of hearing and decision.

(C) The prehearing conference set for May 20, 1969, in these consolidated proceedings is canceled and the procedure established by the Commission's order of March 21, 1969, is hereby modified.

(D) Northern Natural Gas Co. is hereby directed to contact and apprise in writing the appropriate official for each of the 60 towns involved in Docket No. CP68-193 of the impact on each branchline and the resultant contributions required, if any, because of the alleged change in circumstances and inform the Commission on or before June 2, 1969, whether the towns and the respective distributors want Northern to pursue the new town service and to what extent, if any.

(E) Northern Natural Gas Co. is hereby directed to show cause on or before June 9, 1969, why the proposed new town service, as well as the service requested by the section 7(a) applicants herein, should not be made in lieu of the full 35,000 Mcf of contract demand requested for Northern Illinois in Docket No. CP69-267.

(F) The Applicant, Northern Natural Gas Co., shall file with the Commission and serve on all parties and the examiner on or before June 9, 1969, its direct presentation, which shall include, but is not limited thereto, updated branchline feasibility studies as more fully set forth, supra.

(G) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission to be designated by the chief examiner, in order to consider the means by which the conduct of the consolidated proceedings may be facilitated and in order to determine further procedures including the date for the commencement of cross-examination. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. e.d.s.t., on June 18, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6814; Filed, June 10, 1969; 8:45 a.m.]

[Docket No. RI 69-445, etc.]

SOUTHEASTERN PUBLIC SERVICE CO. ET AL.

Order Shortening Suspension Period

MAY 12, 1969.

Southeastern Public Service Co. (Operator) et al., Docket No. RI69-445 etc.; Skelly Oil Co., Docket No. RI69-448.

By order issued January 10, 1969, in the above-entitled proceedings a proposed increase from 12.3676 cents to 13.3772 cents per Mcf, designated as Supplement No. 7 to Skelly Oil Co.'s FPC Gas Rate Schedule No. 9, covering a wellhead sale to Coastal States Gas Producing Co. (Coastal) from the East Mathis Field, San Patricio County, Tex., was suspended for 5 months in Docket No. RI69-448. The gas involved is gathered and resold by Coastal to Natural Gas Pipeline Company of America (Natural) under Coastal's FPC Gas Rate Schedule No. 23 at a rate of 14.5 cents per Mcf which is in effect subject to refund in Docket No. G-17733.[1]

The situation presented here is the same as that discussed in our order issued today in Mobil Oil Corp., Docket No. RI69-539. For the reasons set forth therein, we shall on our own motion shorten the suspension period in Docket No. RI69-448 so that it will expire as of the date of issuance of this order and shall authorize Skelly to collect its proposed rate, subject to refund, as of expiration of the shortened suspension period.[2]

The Commission orders:

(A) The January 10, 1969, order is modified to provide that Supplement No. 7 to Skelly's FPC Gas Rate Schedule No. 9 be suspended until the date of issuance of this order.

(B) Skelly shall charge and collect the increased rate set forth in the above supplement commencing as of the date of issuance of this order, subject to refund in Docket No. RI69-448.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6815; Filed, June 10, 1969; 8:45 a.m.]

[Docket No. CP69-322]

CITY OF WALTON, KANS., AND CITIES SERVICE GAS CO.

Notice of Application

JUNE 5, 1969.

Take notice that on May 27, 1969, city of Walton, Kans., 67151 (Applicant), filed in Docket No. CP69-322 an application pursuant to section 7(a) of the

[1] Although Coastal's contract provided for an increase to 15.5 cents on Dec. 1, 1968, Coastal has not yet filed for such increase.

[2] Skelly filed on Jan. 6, 1969, a general undertaking as permitted by Order No. 377 which was accepted by notice issued Mar. 7, 1969.

Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transmission facilities with the proposed facilities of Applicant and to sell and deliver up to 209 Mcf of natural gas per day to Applicant for resale and distribution in Walton and along Applicant's proposed lateral transmission line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary distribution facilities and approximately 6½ miles of 2-inch pipeline connecting Respondent's main transmission line to the Walton town border. The application indicates that Walton's estimated third year peak day and annual natural gas requirements are 209 Mcf and 17,200 Mcf, respectively.

Applicant states that the total estimated cost of its proposed project is $80,000, which cost will be financed by the issuance of Gas Revenue Bonds and General Obligation Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6818; Filed, June 10, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry and Withdrawal From Warehouse for Consumption

JUNE 6, 1969.

On March 27, 1969, the U.S. Government requested the Government of Brazil to enter into consultations concerning exports to the United States of cotton textile products in Categories 31 and 64, produced or manufactured in Brazil. In that request the U.S. Government indicated specific levels at which it considered that exports in these categories from Brazil should be restrained for the 12-month period beginning March 27, 1969, and extending through March 26, 1970. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing restraints at the levels indicated in that request for the 12-month period beginning March 27, 1969, and extending through March 26, 1970. These restraints do not apply to cotton textile products in Categories 31 and 64, produced or manufactured in Brazil and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of June 6, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 31 and 64, produced or manufacured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 27, 1969, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 6, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning March 27, 1969 and extending through March 26, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 31 and 64, produced or manufactured in Brazil, in excess of the following levels of restraint:

Category		*12-month levels of restraint* [1]
31	units	1,500,000
64	pounds	80,000

In carrying out this directive, entries of cotton textile products in Categories 31 and 64, produced or manufactured in Brazil and which have been exported to the United States from Brazil prior to March 27, 1969, shall not be denied entry under this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Categories 31 and 64, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-6849; Filed, June 10, 1969; 8:47 a.m.]

[1] These levels have not been adjusted to reflect any entries made on or after Mar. 27, 1969.

SECURITIES AND EXCHANGE COMMISSION

CONTINENTAL INVESTMENT CORP.

Order Suspending Trading

JUNE 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Investment Corp. (an Arizona corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 6, 1969, through June 11, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6824; Filed, June 10, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

JUNE 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 6, 1969, through June 15, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6825; Filed, June 10, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41648—*Caustic soda (sodium hydroxide) to Franklin, Va.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2947), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), as described in the application, in tank carloads, subject to Rule 35, except as to minimum weight shall be 196,000 pounds per car, from specified points in Michigan, New York, Ohio, and West Virginia, to Franklin, Va.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 71 and 239 to Traffic Executive Association—Eastern Railroads, agent, tariffs ICC C-611 and C-334, respectively.

FSA No. 41649—*Newsprint paper from St. John, New Brunswick, Canada.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2944), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from St. John, New Brunswick, Canada, to Alexandria, Va.

Grounds for relief—Water competition.

Tariff—Supplement 66 to Canadian Pacific Railway Co. tariff ICC E.2631.

FSA No. 41650—*Newsprint paper from St. John, New Brunswick, Canada.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2945), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from St. John, New Brunswick, Canada, to Richmond, Va.

Grounds for relief—Water competition.

Tariff—Supplement 66 to Canadian Pacific Railway Co. tariff ICC E.2631.

FSA No. 41651—*Newsprint paper from Corner Brook, Newfoundland, Canada.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2946), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Corner Brook, Newfoundland, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariff—Supplement 35 to Canadian National Railways tariff ICC E.543.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6850; Filed, June 10, 1969; 8:47 a.m.]

[Notice 554]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 6, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10872 (DEVIATION NO. 12), BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo. 63147, filed May 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between St. Louis, Mo., and Oklahoma City, Okla., over Interstate Highway 44, and (2) between St. Louis, Mo., and Chicago, Ill., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Between St. Louis, Mo., and Oklahoma City, Okla., via Vinita, Okla., over U.S. Highway 66, and (2) between St. Louis, Mo., and Chicago, Ill., over U.S. Highway 66.

No. MC 59680 (Deviation No. 77), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed May 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to Exit 14 and Ohio Highway 82, thence over Ohio Highway 82 to junction Ohio Highway 7 near Brookfield, Ohio, thence over Ohio Highway 7 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 119 at Indiana, Pa., thence over U.S. Highway 119 to junction Pennsylvania Highway 56 at Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over access roads to the Pennsylvania Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J., and (2) from Philadelphia, Pa., over U.S. Highway 1 to Newark, N.J., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 522) (Cancels Deviation Nos. 260 and 385), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed May 29, 1969. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Idaho Highway 25 and Interstate Highway 80N (West Jerome Junction), over Interstate Highway 80N to junction Idaho Highway 25 (South Rupert Junction), (2) from West Jerome Junction over Interstate Highway 80N to junction U.S. Highway 93 (West Twin Falls Junction), (3) from Jerome over Idaho Highway 79 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction Idaho Highway 25 (South Rupert Junction), (4) from Jerome over Idaho Highway 79 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction U.S. Highway 93 (North Twin Falls Junction), (5) from junction U.S. Highway 30 and Idaho Highway 50 (Kimberly Junction) over Idaho Highway 50 to junction Interstate Highway 80N (East Twin Falls Junction), thence over Interstate Highway 80N to junction Idaho Highway 27 (North Burley Junction), thence over Idaho Highway 27 to Burley, (6) from junction U.S. Highway 30N, Idaho Highway 24 and Interstate Highway 80N (East Burley Junction) over Interstate Highway 80N to junction Idaho Highway 25 (South Rupert Junction), and (7) from junction Interstate Highways

15W and 80N (North Cotterell Junction), over Interstate Highway 80N to junction U.S. Highway 30S (Cotterell), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Boise, Idaho, over U.S. Highway 30 to Burley, Idaho, (2) from Bliss, Idaho, over Idaho Highway 25 to junction U.S. Highway 93, thence over U.S. Highway 93 to Twin Falls, Idaho, (3) from Burley over U.S. Highway 30S to the Idaho-Utah State line (Connects with Utah route 5), and (4) from Burley over U.S. Highway 30N to junction Idaho Highway 24 (North Burley Junction), thence over Idaho Highway 24 to Rupert, thence over Idaho Highway 25 to junction Interstate Highway 80N (South Rupert Junction), thence over Interstate Highway 80N to junction Interstate Highway 15W (North Cotterell Junction), thence over Interstate Highway 15W to junction U.S. Highway 30N (Raft River Junction), thence over U.S. Highway 30N to Pocatello, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6851; Filed, June 10, 1969; 8:47 a.m.]

[Notice 1302]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 6, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 108207 (Sub-No. 261), filed May 16, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods), from Austin, Minn., to points in Louisiana, and Texas, and Memphis, Tenn., and (2) *foodstuffs*, from Mitchell and Huron, S. Dak., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, and Memphis, Tenn. (Restricted to traffic originating at plantsite and/or warehouse facilities of Geo. A. Hormel and Co., and destined to the States and point named above.)

HEARING: June 23, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 108207 (Sub-No. 262), filed May 16, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative. J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods and fresh meats) from Fort Dodge, Iowa, and Fremont, Nebr., to Memphis, Tenn. (2) *Foodstuffs* (except meat, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), when transported with meats, meat products, meat byproducts, and articles distributed by meat packinghouses in the same vehicle from plantsites and/or warehouse facilities of Geo. A. Hormel & Co., from Fort Dodge, Iowa, and Fremont, Nebr., to points in Louisiana and Texas. (Restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and destined to the States and point named above.)

HEARING: June 23, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 11220 (Sub-No. 111) (Republication), filed September 9, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, and republished this issue. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. In the above-entitled proceeding, as amended, the joint board recommended the granting to applicant of a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Kansas City, Mo., and St. Louis, Mo., over Interstate Highway 70, as an alternate route for operating convenience only, in connection with applicant's regular-route operations in MC-11220 and subs, serving no intermediate points and serving St. Louis, Mo., and points in its commercial zone for purposes of joinder only, restricted against the transportation of any traffic moving between a point in Missouri and a point in Illinois, and further restricted to the transportation of traffic moving to, from, or through points in Tennessee. A decision and order of the Commission, Review Board No. 3, dated May 22, 1969, and served May 29, 1969, as modified, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Kansas City, Mo., and St. Louis, Mo., over Interstate Highway 70, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations, serving no intermediate points, and serving St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission for purposes of joinder only; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 61825 (Sub-No. 33) (Republication), filed January 16, 1969, published FEDERAL REGISTER issue of February 6, 1969, and republished this issue. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, Collinsville, Va. 24078. Applicant's representative: J. C. Wilson, Post Office Box 385, Colinsville, Va. 24078. By application filed January 16, 1969, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) containers and devices used in shipping thereof, from Huntington, W. Va., to points in Maryland; and (2) mineral wood and mineral wood products, from points in Wood County, W. Va., to points in North Carolina and Virginia. An order of the Commission, Operating Rights Board, dated May 16, 1969, and served May 28, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) glass containers and devices used in the shipping thereof, from Huntington, W. Va., to points in Maryland; and (2) mineral wool and mineral wood products, from points in Wood County, W. Va., to points in North Carolina and Virginia; that applicant is fit, willing, and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133191 (Republication), filed September 27, 1968, published in the FEDERAL REGISTER issue of October 17, 1968, and republished this issue. Applicant: MERIDIAN TRUCKING COMPANY, INC., 913 C Street, Meridian, Miss. 39301. Applicant's representative: Phineas Stevens, 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. By report and order entered in the above-entitled proceeding the examiner recommended the issuance to applicant a permit, authorizing the operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served April 23, 1969, and effective May 23, 1969, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *iron and steel articles* (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof) from the site of the plant of Tuckers Steel Division of U.S. Industries, Inc., at or near Meridian, Miss., to points in the United States, except those in Alaska and Hawaii; (2) *iron and steel articles* from points in Alabama, Louisiana, Tennessee, and Texas to the site of the plant of Tucker Steel Division of U.S. Industries, Inc., at or near Meridian, Miss.;

(3) *Machinery* used in steel fabrication from points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and Tennessee to the site of the plant of Tucker Steel Division of U.S. Industries, Inc., at or near Meridian, Miss.; and (4) *Paint*, except in bulk, from Birmingham, Ala., Kansas City, Mo., Knoxville, Tenn., and Slidell, La., to the plantsites of Tucker Steel Division of U.S. Industries, Inc., at or near Meridian, Miss.; with the operating authorities specified in (1), (2), (3), and (4) above restricted to the transportation of traffic originating at, or destined to, the named plantsite, and a continuing contract with Tucker Steel Division of U.S. Industries, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC-35045 (Notice of Filing of Petitions Under Section 1100.102 of the General Rules of Practice for Extraordinary Relief, for Reopening, Waiver of Rule 1100.101(e), Modification of Certificate, and Inclusion With Nos. MC-111545 (Sub-No. 75) and MC-113963), filed February 27, 1969. Petitioner: HORNE HEAVY HAULING, INC., Atlanta, Ga. Petitioner's representatives: Paul M. Daniell and Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Petitioner holds authority in No. MC-35045 to transport machinery, equipment, and supplies used in the maintenance and operation of industrial plants, over irregular routes, between points within 175 miles of Chattanooga, Tenn., including Chattanooga. In the instant petition, petitioner states, among other things, that it, and its predecessors-in-interest have engaged in bona fide operations, in interstate or foreign commerce as common carriers by motor vehicle, of commodities which because of size or weight require the use of special equipment or handling, between points within 175 miles of Chattanooga, Tenn., including Chattanooga; and, that a certificate authorizing a continuance of such operation, in substitution for that heretofore authorized, should be granted to petitioner. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127614 (Notice of Filing of Petition for Modification of Permit by the Addition of a Shipper), filed May 28, 1969. Petitioner: TANNERS TRANSPORTATION, INC., New York, N.Y. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds authority in MC 127614 to conduct operations as a motor contract carrier transporting, over irregular routes, hides and skins, from Chester, Fort Plain, Buffalo, and New York, N.Y., Newark and Trenton, N.J., West Chester, Boyertown, and Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and Springfield, Mass., to Girard, Ohio, Chicago, Ill., Racine, Milwaukee, South Milwaukee, Sheboygan, and Fond du Lac, Wis., St. Louis, Mo., and Grand Rapids and Grand Haven, Mich., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with the following shippers: H. Elkan & Co., Inc., New York, N.Y., John R. Andresen, Inc., Boston, Mass., A. F. Gallun & Sons Corp., M. Aschheim Co., Inc., New York, N.Y., Kent Trading, Inc., New York, N.Y. and Remis Co. of New Jersey, Inc., Newark, N.J. By the instant petition, petitioner seeks to modify its permit in MC 127614 by deleting therefrom the name of H. Elkan & Co., Inc., as a contracting shipper, and, in lieu thereof, adding the name of Western Hide Co., Inc., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 8515 (Sub-No. 10) (Amendment), filed April 10, 1969, published in the FEDERAL REGISTER issue of May 7, 1969, and republished, as amended, this issue. Applicant: H. J. TOBLER TRANSFER, INC., 1012 Peoria Street, Peru, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, high explosives, livestock, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between the following points in Illinois; all points in Henry, Bureau, Knox, Peoria, Stark, Marshall, and Woodford Counties; that part of Rock Island County on and east of U.S. Highway 67; that part of Whiteside County on and south of Illinois Highway 2; that part of Lee County bounded by U.S. Highway 30 on the north and U.S. Highway 52 on the east, including all points on said highways; that part of La Salle County bounded by U.S. Highway 34 on the north and Illinois Highway 23 on the east, serving all points on said highways, but excluding Ottawa, Ill., and points in its commercial zone, those parts of Mercer and Warren Counties on and east of U.S. Highway 67; all points in Tazewell County on and north of Illinois Highway 122; and that part of Fulton County located on and north of a line beginning at the McDonough-Fulton County line, thence extending in an easterly direction over Illinois Highway 9 to junction with Illinois Highway 97, thence southerly over Illinois Highway 97 to junction with U.S. Highway 24, thence northeasterly over U.S. Highway 24 to the Fulton-Tazewell County line, serving all points on said highways, (2) between points in the Illinois territory described in (1) above, on the one hand, and, on the other, points in Illinois, restricted to traffic originating at or destined to points in,

Illinois within the area described in (1) above. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. This application is a matter directly related to MC-F 10449, published in the FEDERAL REGISTER issue of April 23, 1969. Applicant seeks to convert the certificate of registration of Graves Transfer Co., Inc., under MC 99710 (Sub-No. 1) into a certificate of public convenience and necessity. The purpose of this republication is to reflect "that part of Whiteside County, on and *south* of Illinois Highway 2", in No. (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57254 (Sub-No. 11), filed April 28, 1969. Applicant: ASSOCIATED FREIGHT LINES, a corporation, 1700 24th Street, Oakland, Calif. 96407. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, used household goods as described in 17 M.C.C. 467, wood chips and shavings), between points in California, as follows, serving all intermediate points in Nos. (1) through (136) below: (1) From Los Angeles over U.S. Highway 101 to Laytonville, inclusive. (2) From San Ysidro over Interstate Highway 5 to Los Angeles, inclusive. (3) From Carlsbad over California Highway 78 to Santa Ysabel, inclusive. (4) From Los Angeles over U.S. Highway 99 to Sacramento, inclusive. (5) From Los Angeles over Interstate Highway 5 to its junction with Interstate Highway 580 near Tracy, inclusive. (6) From Santa Maria over California Highway 166 to its junction with U.S. Highway 99 at a point approximately 23 miles east of Maricopa, inclusive. (7) From Paso Robles over California Highway 46 to its junction with U.S. Highway 99 at a point approximately 6 miles east of Wasco, inclusive.

(8) From Pomona over California Highway 71 to its junction with California Highway 91 at a point approximately 5 miles west of Corona. (9) From Watsonville over California Highway 152 to its junction with U.S. Highway 99 at a point approximately 4 miles south of Chowchilla, inclusive. (10) From Castorville over California Highway 156 to its junction with California Highway 152 at a point approximately 8 miles north of Hollister, inclusive. (11) From Oxnard over California Highway 1 to Capistrano Beach, inclusive. (12) From Las Cruces over California Highways 1 and 135 to Santa Maria, inclusive. (13) From Orcutt over California Highway 1 to Pismo Beach, inclusive. (14) From Corona over California Highway 71 to Murrieta Hot Springs, inclusive. (15) From San Juan Capistrano over California Highway 74 to Hemet, inclusive. (16) From Ventura over California Highways 126 and 118 to San Fernando, inclusive. (17) From Ventura over California Highway 126 to its junction with Interstate Highway 5 near Saugus, inclusive. (18) From Santa Paula over California Highway 150 to its junction with U.S. Highway 101 near Carpinteria, inclusive. (19) From San Bernardino over California Highway 91 to Hermosa Beach, inclusive. (20) From Beaumont over California Highway 60 to Los Angeles, inclusive. (21) From San Bernardino over U.S. Highway 66 to Glendale, inclusive. (22) From Pasadena over California Highway 11 to San Pedro, inclusive.

(23) From Pasadena over California Highway 7 to Long Beach, inclusive. (24) From Long Beach over California Highway 19 to its junction with U.S. Highway 66 near Pasadena, inclusive. (25) From San Fernando over Interstate Highway 405 to its junction with Interstate Highway 5 near El Toro, inclusive. (26) From Newport Beach over California Highway 55 to its junction with California Highway 91 near Fullerton, inclusive. (27) From Oceanside over California Highway 76 to Santa Ysabel, inclusive. (28) From California Highway 1 at its junction with California Highway 39 near Huntington Beach over California Highway 39 to Whittier, inclusive. (29) From Inglewood over California Highway 42 to Norwalk, inclusive. (30) From Maricopa over California Highway 33 to its junction with California Highway 152 at a point approximately 5 miles north of Dos Palos, inclusive. (31) From Los Banos over California Highway 33 to its junction with U.S. Highway 50 near Tracy, inclusive. (32) From Taft over California Highway 119 to its junction with U.S. Highway 99 at a point approximately 10 miles south of Bakersfield, inclusive. (33) From McKittrick over California Highway 58 to Bakersfield, inclusive. (34) From Selma over California Highway 43 to its junction with California Highway 119 at a point approximately 17 miles east of Taft, inclusive. (35) From Santa Margarita over California Highway 58 to McKittrick, inclusive. (36) From Woodlake over California Highway 65 to its junction with U.S. Highway 99 near Bakersfield, inclusive. (37) From Coalinga over California Highway 198 to Three Rivers, inclusive.

(38) From Visalia over California Highway 216 to its junction with California Highway 198 near Lemoncove, inclusive. (39) From Corcoran over California Highway 137 to Lindsay, inclusive. (40) From Porterville over California Highway 190 to its junction with California Highway 43 at a point approximately 4 miles south of Corcoran, inclusive. (41) From Orosi over California Highway 69 to Woodlake, inclusive. (42) From Kingsburg over California Highway 201 to its junction with California Highway 69 at a point approximately 3 miles north of Woodlake, inclusive. (43) From Tulare over California Highway 63 to its junction with California Highway 180 at a point approximately 8 miles north of Orange Cove, inclusive. (44) From Fresno over California Highway 180 to its junction with California Highway 63 at a point approximately 8 miles north of Orange Cove, inclusive. (45) From San Lucas over California Highway 198 to Coalinga, inclusive. (46) From Fresno over California Highway 180 to Mendota, inclusive. (47) From Kerman over California Highway 145 to Madera, inclusive. (48) From Ventura over California Highway 33 to its junction with California Highway 166 at a point approximately 6 miles east of Cuyma, inclusive. (49) From Delano over California Highway 155 to Woody, inclusive. (50) From California Highway 180 at its junction with California Highway 168 at a point approximately 5 miles east of Fresno over California Highway 168 to its junction with California Highway 145 at a point approximately 7 miles east of Academy, inclusive. (51) From Madera over California Highway 145 to its junction with California Highway 168 at a point approximately 7 miles east of Academy, inclusive.

(52) From Cholame over California Highway 41 to Oakhurst, inclusive. (53) From Madera over unnumbered county road via Raymond to Coarsegold, inclusive. (54) From Firebaugh over California Highway 145 to Madera, inclusive. (55) From Madera over unnumbered county road to Avenal, inclusive. (56) From Merced over California Highway 59 to Red Top, inclusive. (57) from Merced over California Highway 140 to Gustine, inclusive. (58) From Sebastopol over California Highway 12 to San Andreas, inclusive. (59) From Geyserville over California Highway 128 to Davis, inclusive. (60) From Merced over California Highway 140 to Mariposa, inclusive. (61) From Oakhurst over California Highway 49 to Auburn, inclusive. (62) From Los Banos over unnumbered county road to Turlock, inclusive. (63) From Pacific Grove over California Highway 68 to Salinas, inclusive. (64) From Santa Cruz over California Highway 1 to Carmel, inclusive. (65) From Santa Cruz over California Highway 17 to San Rafael, inclusive. (66) From Watsonville over California Highway 129 to its junction with U.S. Highway 101 at a point approximately 9 miles south of Gilroy, inclusive. (67) From Castroville over California Highway 183 to Salinas, inclusive. (68) From Santa Cruz over California Highway 9 to Saratoga, inclusive. (69) From Los Gatos over California Highway 85 to its junction with Interstate Highway 280 near Sunnyvale, inclusive. (70) From San Jose over Interstate Highway 280 to San Francisco, inclusive. (71) From Menlo Park over California Highway 84 to its junction with U.S. Highway 50 near Livermore, inclusive. (72) From San Mateo over California Highway 92 to Hayward, inclusive. (73) From San Jose over Interstate Highway 680 to Vallejo, inclusive.

(74) From Vernalis over California Highway 132 to Coulterville, inclusive. (75) From Pinole over California Highway 4 to Angels Camp, inclusive. (76) From San Francisco over Interstate Highway 80 to Auburn, inclusive. (77) From Sacramento over California Highway 160 to its junction with California Highway 4 at a point approximately 4 miles east of Antioch, inclusive. (78) From Dixon over California Highway 113 to Collinsville, inclusive. (79) From

Stockton over California Highway 26 to Valley Springs, inclusive. (80) From Concord over unnumbered county road to Byron, inclusive. (81) From San Francisco over California Highway 82 to San Jose, inclusive. (82) From Oakland over California Highway 24 to Walnut Creek, inclusive. (83) From Oakland over Interstate Highway 580 to its junction with Interstate Highway 5 near Tracy, inclusive. (84) From San Lorenzo over U.S. Highway 50 to Stockton, inclusive. (85) From Hayward over California Highway 238 to Fremont, inclusive. (86) From Vallejo over California Highway 29 to Upper Lake, inclusive. (87) From Hopland over California Highway 175 to Middletown, inclusive. (88) From Calpella over California Highway 20 to its junction with California Highway 53 at a point approximately 4 miles east of Clearlake Oaks, inclusive. (89) From California Highway 20 at its junction with California Highway 53 approximately 4 miles east of Clearlake Oaks over California Highway 53 to Lower Lake, inclusive. (90) From Potter Valley over unnumbered county road to its junction with California Highway 20 at a point approximately 5 miles east of Calpella, inclusive. (91) From Jenner over unnumbered county road and California Highway 116 to Cotati, inclusive.

(92) From Guerneville over unnumbered county road to Calistoga, inclusive. (93) From Jenner over California Highway 1 to San Francisco, inclusive. (94) From Vallejo over California Highway 37 to its junction with U.S. Highway 101 at a point approximately 2 miles south of Novato, inclusive. (95) From Bodega Bay over unnumbered county road to Sebastopol, inclusive. (96) From Monte Rio over unnumbered county road to Valley Ford, inclusive. (97) From Valley Ford over unnumbered county road to Petaluma, inclusive. (98) From Tomales over unnumbered county road to Petaluma, inclusive. (99) From Point Reyes Station over unnumbered county road to Petaluma, inclusive. (100) From Olema over unnumbered county road to San Rafael, inclusive. (101) From Petaluma over California Highway 116 to its junction with California Highway 121 at a point approximately 5 miles south of Sonoma, inclusive. (102) From Sacramento over U.S. Highway 50 to Placerville, inclusive. (103) From Sacramento over California Highway 16 to its junction with California Highway 49 at a point approximately 1 mile north of Drytown, inclusive. (104) From Stockton over California Highway 88 to Martell, inclusive. (105) From Ione over California Highway 104 to its junction with U.S. Highway 99 at a point approximately 3 miles north of Galt, inclusive. (106) From Napa over California Highway 121 to its junction with California Highway 128 at a point approximately 15 miles north of Napa, inclusive. (107) From Manteca over California Highway 120 to Oakdale, thence over California Highway 108 to its junction with California Highway 49 at a point approximately 4 miles west of Sonora, inclusive.

(108) From Salida over California Highway 219 to Oakdale, inclusive. (109) From Roseville over California Highway 65 to Lincoln, inclusive. (110) From Sacramento over California Highway 70 to Rio Oso, inclusive. (111) From Nicolaus over U.S. Highway 99 to its junction with California Highway 70 at a point approximately 4 miles south of Nicolaus, inclusive. (112) From Nicolaus over unnumbered county road to Lincoln, inclusive. (113) From Nicolaus over unnumbered county road to Verona, inclusive. (114) From Verona over unnumbered county road to Roseville, inclusive. (115) From Sacramento over California Highway 16 to Capay, inclusive. (116) From Vacaville over Interstate Highway 505 to its junction with Interstate Highway 5 at a point approximately 4 miles north of Zamora, inclusive. (117) From Interstate Highway 80 at its junction with Interstate Highway 5 at a point approximately 2 miles west of Davis over Interstate Highway 5 to its junction with Interstate Highway 505 at a point approximately 5 miles north of Zamora, inclusive. (118) From Robbins over California Highway 113 to its junction with California Highway 128 near Davis, inclusive. (119) From Roseville over unnumbered county road to Rancho Cordova, inclusive. (120) From Lincoln over California Highway 65 to Auburn, inclusive. (121) From San Fernando over California Highway 118 to Pasadena, inclusive. (122) From Corona over California Highway 31 to its junction with California Highway 60 at a point approximately 2 miles west of Mira Loma, inclusive.

(123) From Santa Monica over Interstate Highway 10 to Beaumont, inclusive. (124) From Redlands over California Highway 38 to its junction with unnumbered county road at a point approximately 4 miles north of Yucaipa, thence over unnumbered county road by way of Yucaipa to Calimesa, inclusive. (125) From Beaumont over California Highway 79 to Hemet, inclusive. (126) From Temecula over California Highway 71 and California Highway 79 to Aguanga, inclusive. (127) From Hemet over unnumbered county road to its junction with California Highway 71 and California Highway 79 at a point approximately 4 miles north of Aguanga, inclusive. (128) From Valley Center over unnumbered county road to its junction with California Highway 76 at a point approximately 3 miles south of Bonsall, inclusive. (129) From Escondido over unnumbered county road by way of Valley Center to its junction with California Highway 76 near Pauma Valley, inclusive. (130) From Escondido over unnumbered county road to Solano Beach, inclusive. (131) From Raumona over California Highway 67 to El Cajon, inclusive. (132) From San Diego over Interstate Highway 8 to its junction with San Diego County Road S17 at a point approximately 3 miles east of El Cajon, thence over San Diego County Road S17 to Chula Vista, inclusive. (133) From San Diego over California Highway 94 to its junction with Interstate Highway 8 at a point approximately 2 miles east of La Mesa, inclusive.

(134) From San Diego over California Highway 75 to Palm City, inclusive. (135) From San Diego over U.S. Highway 395 to Riverside, inclusive. (136) From National City over California Highway 103 to its junction with U.S. Highway 395 at a point approximately 7 miles north of San Diego, with service to all off-route points situated in the counties of Alameda, Contra Costa, Fresno, Kings, Lake, Los Angeles, Marin, Merced, Monterey, Napa, Orange, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Ventura, Yola; and service to all off-route points situated west of California Highway 49 in the counties of Amador, Calaveras, El Dorado, Madera, Mariposa, Placer, Tuolumne; and service to all off-route points in Kern County situated west of California Highway 14; and service to all off-route points in San Bernardino County situated south of California Highway 18 and west of California Highway 38; and service to all off-route points situated west of California Highway 79 in the counties of Riverside and San Diego; any and all highways and roads between the areas described above may be used for operating convenience only. NOTE: This application is a matter directly related to MC-F-10465, published in the FEDERAL REGISTER issue of May 7, 1969, wherein applicant seeks to convert the certificate of registration of Las Vegas Tank Lines, Inc., under MC 116427 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 58946 (Sub-No. 4), filed May 16, 1969. Applicant: P. WAJER & SONS EXPRESS CO., INC., Post Office Box 460, Webster, Mass. 01570. Applicant's representative: Martin Werner, 2 West 45th, Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts. NOTE: By this instant application applicant seeks to convert the certificate of registration No. MC-57779 Sub 1 of Daley Trucking Co., Inc., to a certificate of public convenience and necessity as a matter directly related to applicant's acquisition of said certificate of registration pursuant to concurrently filed application under section 5 of the Act. Applicant states that it would tack at points in Massachusetts which it presently serves under its certificate No. MC 58946 and Sub 2, to and from points in Connecticut, Rhode Island, and Massachusetts. This application is a matter directly related to Docket No. MC-F-10480, published FEDERAL REGISTER issue of May 28, 1969. If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 123956 (Sub-No. 4), filed May 19, 1969. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 66 South Miller Road, Akron, Ohio 44313. Applicant's representative:

John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, air conditioning and heating equipment, building materials and contractors equipment, structural steel, lumber, concrete blocks, concrete sewer pipe, tar and asphalt, machinery and implements and musical instruments), between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio; and (2) *general commodities* (except those of unusual value, commodities in bulk, and those requiring special equipment), between Akron, Ohio, and points within 5 miles of Akron, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states joinder with its existing authority will take place at Akron and Cincinnati, Ohio, to enable service between Ohio points on the one hand, and, on the other, applicant's southern territory. This is a matter directly related to MC–F–10452, published in the FEDERAL REGISTER issue of April 23, 1969, wherein applicant seeks to control and merge All-Ohio Express, Inc., MC 97796 Sub 3. The operating authority of All-Ohio Express, Inc., consists of a certificate of registration and, accordingly, the within section 207 application is submitted for conversion thereof to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10369 (Correction) (WARREN TRANSPORT, INC.—Purchase (Portion)—ACE-ALKIRE FREIGHT LINES, INC.), published in the January 29, 1969, issue of the FEDERAL REGISTER, on page 1421. This notice to show WARREN TRANSPORT, INC., seeks also to purchase a portion of LINDSAY TRANSFER, INC., Post Office Box 384, Sutton, Nebr. 68979. (This authority in Docket No. MC–F–10236, published in the Sept. 5, 1968, issue of the FEDERAL REGISTER, on page 12605, is presently being sought by ACE-ALKIRE FREIGHT LINES, INC.). Authority of LINDSAY TRANSFER, INC., sought to be transferred: *Agricultural machinery, implements, and parts thereof, and binder twine*, as a *common carrier*, over irregular routes, from certain specified points in Illinois to certain specified points in Nebraska, from certain specified points in Illinois to certain specified points in Kansas and Nebraska.

No. MC–F–10473. (Correction) (P. LIEDTKA TRUCKING, INC.—Purchase (Portion)—PROSPECT TRUCKING CO., INC.), published in the May 14, 1969, issue of the FEDERAL REGISTER, on page 7673. This notice to show (1) Applicants' attorneys: V. Baker Smith and Alfred N. Lowenstein, both of 123 South Broad Street, Philadelphia, Pa. 19109; and (2) additional route description which was inadvertently omitted from the authority sought. The additional routes should read: "Between Philadelphia, Pa., and Burlington, N.J., between Philadelphia, Pa., and Moorestown, N.J., serving all intermediate points, and the off-route points of Bridgeboro and Cooperstown, N.J., between Trenton, N.J., and Hopewell, N.J., serving all intermediate points, and certain off-route points, between Trenton, N.J., and Lambertville, N.J., serving all intermediate points; over one alternate route for operating convenience only".

No. MC–F–10484 (Correction) (WM. McCULLOUGH TRANSPORTATION CO., INC.—Purchase (Portion)—ANDREW McDERMOTT, INC.), published in the May 28, 1969, issue of the FEDERAL REGISTER, on page 8261. This correction to include one county which was inadvertently omitted from prior notice. Operating rights routes sought to be transferred should read: "from points in Essex, Union, Hudson, Monmouth, and Passaic Counties, N.J., to Newark, N.J., and points in that part of New Jersey within 150 miles of Newark; from points in New Jersey within 150 miles of Newark, N.J. to points in Essex, *Union*, Hudson, Monmouth, and Passaic Counties, N.J." in lieu of the prior notice.

No. MC–F–10495. Authority sought for purchase by ROSS NEELY EXPRESS, INC., 1500 Pratt Highway, Birmingham, Ala. 35214, of the operating rights of DOUGLAS KALLAM, Post Office Box 854, Demopolis, Ala., and for acquisition by ROSS NEELY, JR., also of Birmingham, Ala., of control of such rights through the purchase. Applicant's attorney: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–121541, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Alabama. Vendee is authorized to operate under certificates of registration, as a common carrier, in the State of Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10496. Authority sought for purchase by BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn., of the operating rights of WILLIAM PERKINS, doing business as MOBILE HOMES SERVICE COMPANY, 203 19th Street, SW., Post Office Box 3863 Fairview Station, Birmingham, Ala., and for acquisition by JOHN C. BARRETT, also of Moorhead, Minn., of control of such rights through the purchase. Applicants attorneys: Robert G. Tessar, 1329 E Street NW., Washington, D.C. 20004, and C. Eugene Fowler, 2645 G Lane Park Road, Birmingham, Ala. 35223. Operating rights sought to be transferred: *Mobile home trailers*, in secondary movements, in truckaway service, as a *common carrier*, over irregular routes, from Birmingham, Ala., and points within 15 miles thereof, to points in Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, those in that portion of Minnesota, bounded by a line beginning at Moorhead, Minn., and extending along U.S. Highway 10 to Motley, Minn., thence along U.S. Highway 210 to Carlton, Minn., thence along Minnesota Highway 39 to and including Duluth, Minn., thence along the Minnesota-Wisconsin State line to the Minnesota-Iowa State line, thence along the Minnesota-South Dakota State line, thence along the Minnesota-South Dakota and Minnesota-North Dakota State lines to the point of beginning, including points on those portions of the highways indicated, and those in New Mexico on and east of U.S. Highway 85, from points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, Louisiana, and Missouri to Birmingham, Ala., and points within 15 miles thereof. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been for temporary authority under section 210a(b).

No. MC–F–10497. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021, of the operating rights and certain property of WESTERN NEW YORK STATE LINES, INC., 344 Sixth Street North, Syracuse, N.Y. 13208, and for acquisition by C. G. BEAM, also of Cherryville, N.C., of control of such rights and property through the purchase. Applicants' attorneys: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006, Norman M. Pinsky and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be transferred: *General commodities*, except livestock, explosives, loose bulk freight, articles the nature of which would endanger lives or impair equipment, and household goods as defined by the Commission, as a *common carrier*, over irregular routes, from Buffalo, N.Y., to certain specified points in New York, from Rochester, N.Y., to certain specified points in New York, from Syracuse, N.Y., to certain specified points in New York, from Wolcott, N.Y., to Rochester, N.Y., from certain specified points in New York, to Buffalo, N.Y., from Clinton and Kenmore, N.Y., to Syracuse, N.Y.; and under a certificate of registration, in No. MC–58106 Sub 3, covering the transportation of general commodities as a common carrier in intrastate commerce within the State of New York. (NOTE: The authority under MC–58016 Sub 3, presently is being sought to be converted

to a certificate of public convenience and necessity, under MC–58016 Sub 4. This authority has been granted pursuant to order in MC–F–10094 as a matter directly related. The Commission has not received consummation of the transaction approved in these cases by Review Board No. 5, therefore no certificate has yet been issued.) Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Alabama, Florida, New York, Ohio, Massachusetts, Connecticut, West Virginia, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10498. Authority sought for purchase by SCHUSTER'S EXPRESS, INC., 48 Norwich Avenue, Colchester, Conn., of the operating rights and property of CENTRAL NEW YORK FREIGHTWAYS, INC., 344 Sixth North Street, Syracuse, N.Y. 13208, and for acquisition by PAUL SCHUSTER, BERNARD B. SCHUSTER, and ISRAEL SCHUSTER, all % Schuster's Express, Inc., also of Colchester, Conn., of control of such rights and property through the purchase. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York, N.Y. 10038, S. Harrison Kahn, 1511 K Street NW., Washington, D.C. 20005, Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between certain specified points in New Jersey, and points in the New York, N.Y., commerical zone, as defined by the Commission, on the one hand, and, on the other, certain specified points in New York, with restriction; from points in Wayne, and Broome Counties, N.Y., to points in New York, N.Y., from points in New York, N.Y., to certain specified points in New York, between points in Onondaga, and Jefferson Counties, N.Y., on the one hand, and, on the other, points in New York, between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, between points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone) and points in Bergen County, N.J., on the one hand, and, on the other, certain specified points in New York. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New York, New Jersey, Rhode Island, Delaware, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10500. Authority sought for purchase by SHIPPERS TRANSPORTS, INC., 2000 Wheeler Street, Post Office Box 6406, Memphis, Tenn., West Memphis, Ark. 72301, of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502, and for acquisition by L. BUFORD WRIGHT, also of West Memphis, Ark., of control of such rights through the purchase. Applicants' attorneys: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn. 38103, Ames, Hill and Ames, 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Canned goods*, as a *common carrier*, over irregular routes, from Cheriton and Hopeton, Va., points in Delaware, and points in Worcester, Wicomico, Somerset, Dorchester, Carolina, Talbot, and Queen Annes Counties, Md., to points in Delaware, Maryland, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Alabama, Arkansas, Louisiana, Mississippi, and Tennes- temporary authority under section 210a see. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10501. Authority sought for purchase by HI-BALL TRUCKING, INC., Post Office Box 1117, Billings, Mont. 59103, of the operating rights and certain property of B. A. FISHER, doing business as HI-BALL CONTRACTORS, Post Office Box 1117, Billings, Mont. 59103, and for acquisition by HAROLD J. LOHRENZ, 2123 Second Avenue North, Billings, Mont. 59101, of control of such rights and certain property through the purchase. Applicants attorneys: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001, and Jerome Anderson, Post Office Box 1215, Billings, Mont. 59101. Operating rights sought to be transferred: *Oilfield equipment and supplies*, as a *common carrier*, over irregular routes between points in Montana; *oilfield machinery, equipment, and supplies*, in truckloads, between points in Colorado, Idaho, North Dakota, and Wyoming, between points in the above-described territory, on the one hand, and, and on the other, points in Montana; *commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between certain specified points in Montana, on the one hand, and on the other, the Missouri River Canyon Ferry Dam Site (approximately 18 miles east of Helena, Mont.); *machinery or machines and parts thereof, and materials, equipment, and supplies in connection therewith*, used in the operation, repair, servicing, maintenance, and dismantling of bakeries, dairy, creamery and cheese-manufacturing plants, ice-manufacturing or refrigeration plants, laundry and dry-cleaning establishments (other than household) and milling operations, all in truckloads, requiring special equipment;

Forest products, lumber and lumber products, iron and steel products, airplane engines and parts, wrecked motor vehicles, railroad equipment, materials and supplies, refrigeration and cooling equipment, and safes, vaults and parts thereof, all in truckloads, requiring special equipment; and *buildings, fabricated or portable, electrical appliances, materials, and parts, electrical poles, telephone and telegraph poles and pole line equipment, elevating and hoisting machinery and equipment, mining, ore-milling and smelting machinery and equipment, road-building equipment, material, and supplies, rock and stone crushers and parts*, and *telephone, telegraph, and electric lines, cables, appliances, equipment, and parts*, including the stringing and picking up thereof, all in truckload, between points in Montana, between points in Colorado, Idaho, North Dakota, and Wyoming, between points in Colorado, Idaho, North Dakota, and Wyoming, on the one hand, and, on the other, points in Montana, between certain specified points in Montana, on the one hand, and, on the other, the Missouri River Canyon Ferry Dam Site (approximately 18 miles east of Helena, Mont.), *machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Washington and Oregon, on the one hand, and, on the other, points in Idaho, Montana, North Dakota, Wyoming, and Colorado;

Clay products, from Belle Fourche, S. Dak., to points in Wyoming, Montana, and Nebraska within 300 miles of Belle Fourche, S. Dak. (but not including points in Montana and Wyoming within 200 miles of Belle Fourche): *commodities* (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, material, equipment, and supplies* used in, or in connection with, the construction, operation, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof), the transportation of which, because of their size or weight, require the use of special equipment, and *related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities, the transportation of which, by reason of size or weight require special equipment, between points in South Dakota, Wyoming, Montana, and North Dakota, within 300 miles of Belle Fourche, S. Dak., including Belle Fourche (except between Belle Fourche, S. Dak.,

and points in South Dakota, Wyoming, and Montana, within 50 miles of Belle Fourche), between points in South Dakota, Wyoming, Montana, and North Dakota, within 300 miles of Belle Fourche, S. Dak., including Belle Fourche (except between Belle Fourche, S. Dak., and points in South Dakota, Wyoming, and Montana within 50 miles of Belle Fourche), on the one hand, and, on the other, Belle Fourche, S. Dak., and points in South Dakota, Wyoming, and Montana within 50 miles of Belle Fourche, S. Dak., with restriction; *raw and processed bentonite and baroid*, in bulk or in packages, from points in Montana, South Dakota, and Wyoming, to points within 300 miles of Belle Fourche, S. Dak., including Belle Fourche, with exception, with restriction;

Clay products, including bentonite, from Belle Fourche, S. Dak., to points in that part of Montana and Wyoming within 200 miles of Belle Fourche; *coal*, from Gillette and Sundance, Wyo., to Belle Fourche, S. Dak., and points within 150 miles thereof; *commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related contractors materials and supplies* when their transportation is incidental to the transportation of such commodities, between points in Montana, South Dakota, and Wyoming within 50 miles of Belle Fourche, S. Dak., including Belle Fourche; *groceries*, from Belle Fourche, S. Dak., to certain specified points in Montana, *livestock*, between Belle Fourche, S. Dak., and points within 150 miles thereof, on the one hand, and, on the other, Sioux City, Iowa, and certain specified points in South Dakota, from certain specified points in South Dakota, and Crook County, Wyo., to Denver Colo.; and *livestock and mill feed*, from Denver, Colo., to certain specified points in South Dakota and Crook County, Wyo.; *mill feed, hay, heavy hardware, cotton, cake, grain, salt, fencing materials, and building materials*, from Belle Fourche, S. Dak., to points within 150 miles thereof; *rough lumber, and logs*, from Hulett, Wyo., and points within 10 miles thereof, and Sundance, Wyo., and points within 20 miles thereof, to Rapid City, S. Dak., and points within 5 miles thereof; *building materials, hardware, cement, livestock, poultry, feeds, seeds, and grain*, from Rapid City, S. Dak., and points within 5 miles thereof, to the Wyoming origin points specified immediately above; and *wool hides and pelts*, from points in that part of Montana and Wyoming within 150 miles of Belle Fourche, S. Dak., to Belle Fourche, S. Dak. HI-BALL TRUCKING, INC., holds no authority from this Commission. However, its controlling stockholders control LOHRENZ TRUCKING CO., INC., 2123 Second Avenue North, Billings, Mont. 59101, which is authorized to operate as a *common carrier* in Wyoming and Montana. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6852; Filed, June 10, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 6, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3876-M, filed May 15, 1969. Applicant: WOOTTEN TRANSFER COMPANY, INC., 337 South Jackson Street, Americus, Ga. Applicant's representative: Robert E. Hicks, 310 Fulton Federal Building, Atlanta, Ga. 30303. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) *Iron or steel products*, viz: *Plate, sheet, and coils*, galvanized, coated or not coated; structural; *pipe; nails and spikes;* coated or not coated; (2) *aluminum products*, viz; *plate, sheet, blanks, circles, stampings and shapes;* between Savannah, Port Wentworth, and Garden City, Ga., on the one hand, and all points in Georgia, on the other hand, over no fixed route. Both intrastate and interstate authority sought.

HEARING: Tuesday, July 8, 1969, at 10 a.m., 177 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street, Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

State Docket No. M-5010 (Correction), filed May 6, 1969, published in FEDERAL REGISTER issue of May 28, 1969, corrected June 2, 1969, and republished as corrected this issue. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. 72201. Applicant's representative: Charles J. Lincoln, Tower Building, Little Rock, Ark. 72201. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, over regular routes, between Hot Springs, Ark., and Y City, Ark.; U.S. Highway 270, Hot Springs, Ark., to Y City, Ark., and return over the same route serving all intermediate points; and between Mena, Ark., and Waldron, Ark.; U.S. Highway 71, Mena, Ark., to Waldron, Ark., and return over the same route, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 2, 1969, at 10 a.m., Hearing Room, Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission. The purpose of this republication is to correctly set forth authority sought.

State Docket No. 10476, filed May 16, 1969. Applicant: KAVANAUGH MOTOR FREIGHT, Post Office Box 63, Ruston, La. 71270. Certificate of public convenience and necessity sought to operate a freight service as follows: *Freight*, over and along Louisiana State Highway No. 171 and between the following named points: Shreveport, La., and De Ridder, La., serving all intermediate points, along U.S. 80, Monroe, La., to Delta Point, La., serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

State Docket No. (Unknown) filed May 26, 1969. Applicant: JAMES M. STOOS, Geraldine, Mont. Applicant's representatives: Leo Graybill, Jr., Graybill, Graybill and Ostren, Attorneys at Law, 710 First National Bank Building, Great Falls, Mont. 59401. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities, merchandise, hardware, feed, seed, baggage, and express*, subject to the following limitation: Transportation of petroleum or petroleum products in bulk, in tank truck is excluded; as a class A carrier, serving Coffee Creek over Montana 230 and 235, Denton over Montana 235, Highwood over county roads from Geraldine to Highwood, Carter and Fort Benton over U.S. 87. Applicant operates present Certificate MRC 3011 issued in Docket MC 1523, between Great Falls and Geraldine over U.S. 87 and Montana 230. Applicant seeks to remove present limitations on service of Fort Benton from Great Falls over U.S. 87. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners of the State of Montana, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

State Docket No. (Unknown), filed May 28, 1969. Applicant: REESE, REESE & SHERMAN, INC., 1007 Mullowney Lane, Billings, Mont. 59102. Applicant's representative: R. F. Hibbs, Post Office Box 1321, Billings, Mont. 59103. Certificate of public convenience and necessity sought to operate a freight service as follows: *Meats*, fresh, salted, cooked, cured, or preserved, by motor vehicles, over irregular routes, between Billings, Mont., on the one hand and points and places in Montana on the other. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners of the State of Montana, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6853; Filed, June 10, 1969; 8:48 a.m.]

[Notice 846]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8973 (Sub-No. 16 TA), filed June 2, 1969. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, building materials, equipment and supplies* (except in bulk), from the warehouse and plant facilities of Alcan Aluminum Corp., located at Woodbridge, N.J., to points in that part of New York, Connecticut, and New Jersey within 150 miles of Columbus Circle, New York, N.Y., with no transportation for compensation on return except as otherwise authorized, for 150 days. Supporting shipper: Alcan Aluminum Corp., 100 Erieview Plaza, Mail address: Box 6977, Cleveland, Ohio 44101. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 108460 (Sub-No. 40 TA), filed June 4, 1969. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th Street, Post Office Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Stanley Mundhenke (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Fremont, Nebr., to points in Minnesota and South Dakota, for 180 days. Supporting shipper: Central Farmers Fertilizer Co., 100 South Wacker Drive, Chicago, Ill. 60606, Anthony J. Skul, Manager Rail-Truck Traffic. Sent protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 111401 (Sub-No. 279 TA), filed June 2, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Great Bend, Kans., to points in Alabama, Florida, Georgia, Kentucky, Missouri, Nebraska, Oklahoma, North Carolina, South Carolina, and Tennessee (except Memphis), for 180 days. Supporting shipper: Thies Packing Co., Inc. (J. M. Thies, Pres.), Post Office Box 49, Great Bend, Kans., 67530. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114789 (Sub-No. 24 TA), filed May 27, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toys, hobby horses, juvenile furniture, playground apparatus and equipment, plastic products* for industrial and domestic use, and *luggage shells*, from Maple Plain, Minn., to points in the United States (except Chicago, Ill., and points in Chicago, Ill., commercial zone as defined by the Interstate Commerce Commission, and the State of Minnesota); (2) *powdered polyethylene*, from points in New Jersey, Texas, Illinois, North Carolina, West Virginia, and Ohio to Maple Plain, Minn.; (3) *tubing, iron or steel* from points in Illinois, West Virginia, and Ohio to Maple Plain, Minn., for 180 days. Supporting shipper: Moulded Products, Inc., Maple Plain, Minn. 55359. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 115022 (Sub-No. 16 TA), filed June 4, 1969. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, namely; cement mixing and cement spraying machinery*, mounted on wheeled undercarriages, designed to be drawn by passenger automobiles, from points in Nassau County, N.Y., to points in the United States, except Alaska and Hawaii, with return of *refused, damaged, and rejected shipments*, from the above points of destination to the above named points of origin, for 180 days. Supporting shipper: MI-CON, Inc., 990 Brush Hollow Road, Westbury, N.Y. 11590. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 115838 (Sub-No. 5 TA), filed June 2, 1969. Applicant: COMMODITY HAULAGE CORPORATION, 146-92 New York Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment), between La Guardia Airport and John F. Kennedy International Airport, N.Y., on the one hand, and on the other, points in Suffolk County, N.Y., east on New York Highway 11 (except Calverton, N.Y.); between Newark Municipal Airport, Newark, N.J., on the one hand, and on the other, points in Nassau and Suffolk Counties, N.Y.; between Westchester County Airport, N.Y., on the one hand, and on the other, points in Nassau and Suffolk Counties, N.Y.; restricted to shipments having an immediately prior or subsequent movement by air, for 150

days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119777 (Sub-No. 152 TA), filed June 2, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets and lumber*, from Strongsville, Ohio, to points in Michigan and Indiana and to Erie and Pittsburgh, Pa.; Buffalo and Rochester, N.Y.; Louisville and Frankfort, Ky.; and Chicago, Ill., for 180 days. Supporting shipper: Donald B. Phillips, Vice President-Sales, Hinchcliff Products Co., 20784 Westwood Drive, Strongsville, Ohio 44136. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 123490 (Sub-No. 11 TA), filed June 2, 1969. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Elnar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs; fried porkskins; potato chips, and bakery goods*, between plants and warehouses of Frito-Lay, Inc., in Oklahoma and Texas on the one hand, and, plants and warehouses of Frito-Lay, Inc., in Kansas, Missouri, Iowa, Nebraska, Colorado on the other hand; and between plants and warehouses in Oklahoma, for 180 days. Supporting shipper: Frito-Lay, Inc., Post Office Box 35034, Dallas, Tex. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125788 (Sub-No. 2 TA), filed June 2, 1969. Applicant: RAYMOND A. HARSCH, INC., 53 Evans Avenue, Elmont, N.Y. 11003. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture parts*, from Odenton and Savage, Md., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, and Virginia. *Returned shipments* in the opposite direction. Under contract with National Industries, Inc., for 180 days. Supporting shipper: National Industries, Inc., Odenton, Md. 21113. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128791 (Sub-No. 7 TA), filed June 4, 1969. Applicant: L & S BOAT TRANSPORTATION COMPANY, INC., 3356 53d Avenue North, St. Petersburg, Fla. 33714. Applicant's representative: Dale E. Lewis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, equipment and supplies* in connection therewith, from Pinellas County, Fla., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Louisiana, Texas, California, Washington, and Minnesota, for 180 days. Supporting shippers: Morgan Yacht Corp., Post Office Box 13247, St. Petersburg, Fla. 33733; Dolphin Products, Inc., 1975 Carroll Street, Clearwater, Fla. 33518; Pittman Enterprises, 519 Commerce Drive, Largo, Fla. 33540; and Bosworth Marine Corp., 1301 Bay Street SE., St. Petersburg, Fla. 33701. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 133700 (Sub-No. 1 TA), filed June 2, 1969. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, N.C. 28803. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Assorted beauty and household cleaning supplies and goods*, from Charlotte and Asheville, N.C., to points in Avery, Buncombe, Cherokee, Clay, Burke, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C., and Spartanburg and Cherokee Counties, S.C., for 180 days. Supporting shipper: Stanley Home Products, Inc., Post Office Box 2–H, Richmond, Va. 23203. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 133766 TA, filed June 2, 1969. Applicant: T. L. R. EXPRESS CO., INC., 202 Old Farm Road, Levittown, N.Y. 11756. Applicant's representative: Thomas LaRussa (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages* (except malt, except in bulk), from Bronx, N.Y., to Carlstadt and Totowa, N.J.; (2) *Empty glass bottles*, from Orangebury, N.Y., and Wharton, N.J., to Bronx, N.Y., under continuing contract with Nedick's N.Y. Bottling Co., Bronx, N.Y., for 150 days. Supporting shipper: Nedicks New York Bottling Corp., 800 St. Anns Avenue, Bronx, N.Y. 10456. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133767 TA, filed June 2, 1969. Applicant: LAWTON MOVING AND STORAGE, INC., 1602 F Avenue, Post Office Box 382, Lawton, Okla. 73502. Applicant's representative: Glenn A. Roe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Comanche County, Okla., on the one hand, and points in the following counties of Oklahoma on the other: Comanche, Cotton, Jefferson, Stephens, Grady, Washita, Kiowa, Jackson, and Tillman; restricted to shipments having a prior or subsequent out of State movement, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94801; Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Empire Household Shipping Co. of New York, Inc., 160 Broadway, New York, N.Y. 10038. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133768 TA, filed June 2, 1969. Applicant: CONSCO DENVER, INC., 3106 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Howard L. Jones (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Slaughterhouse chemicals and components*, between points in Colorado, Kansas, Nebraska, Iowa, Texas, and New Mexico, for 180 days. Supporting shipper: Birko Chemical Corp., 5600 Brighton Boulevard, Post Office Box 1315, Denver, Colo. 80201. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133697 (Sub-No. 1 TA), filed June 2, 1969. Applicant: MARCHAND TRANSFER, INC., 736 Avenue B, Port Allen, La. 70767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* (other than oilfield) and parts to be used in connection with the operation between points in Ascension, East Baton Rouge, West Baton Rouge, Iberville, Pointe Coupee, East Feliciana, and West Feliciana Parishes, on the one hand, and, on the other, points on and east of U.S. Highway 77 in Texas, for 180 days. Supporting shippers: Famco Service Corp., Port Allen, La.; H. B. Fowler Corp., Baton Rouge, La.; Houston Contracting Co., Belle Chasse, La. (Houston, Tex.); Pointe Coupee Electric Membership Co-op, New Roads, La.; The Princeville Canning Co., St. Francisville, La. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6854; Filed, June 10, 1969; 8:48 a.m.]

[Notice 360]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 9, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71042. By order of May 29, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Reefer Transit Line, Inc., a Minnesota corporation, Chicago, Ill., of all of the operating rights in certificates Nos. MC–119170, MC–119170 (Sub-No. 3), MC–119170 (Sub-No. 4), and MC–119170 (Sub-No. 10), and portions of the operating rights in certificates Nos. MC–119170 (Sub-No. 1), MC–119170 (Sub-No. 2), and MC–119170 (Sub-No. 6), issued July 5, 1961, May 27, 1966, October 28, 1964, February 6, 1968, August 19, 1960, December 6, 1962, and January 27, 1969, respectively, to Reefer Transit Line, Inc., an Illinois corporation, Chicago, Ill., authorizing the transportation of cheese, petroleum products in containers, iron and steel products, tinplate, packinghouse products, packinghouse supplies, dressed poultry, dairy products, as defined by the Commission, equipment and supplies useful in meat packinghouses, fresh meat, lubricating oils and greases, in containers, empty containers; edible animal fats, animal oils, vegetable oils, and oleomargarine, from and to specified points in Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia. Margaret Jones, 55 East Washington Boulevard, Room 2018, Chicago, Ill. 60602, representative for applicants.

No. MC–FC–71223. By order of April, 15, 1969, the Motor Carrier Board approved the transfer to Harry Henery, Inc., Ottawa, Kans., of certificate No. MC–30980 (Sub-No. 2) issued July 24, 1961, to Southampton Hauling, Co., St. Louis, Mo., authorizing the transportation of: *Heavy machinery*, between points in Cole County, Mo., on the one hand, and, on the other, points in Arkansas, Kansas, Iowa, and Illinois. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, Ernest A. Brooks III, 1301 Ambassador Building, St. Louis, Mo. 63101, attorneys for applicants.

No. MC–FC–71346. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Felson Interstate, Inc., New York, N.Y.; of certificate in No. MC–105822 (Sub-No. 1), issued August 17, 1966, to Goff Transport, Inc., New York, N.Y., authorizing the transportation of: General commodities, with the usual exceptions, between points in Morris, Passaic, and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y., and, tile and tile products, between points in Hudson and Essex Counties, N.J. James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719, representative for applicants.

No. MC–FC–71382. By order of May 28, 1969, the Motor Carrier Board approved the transfer to Kerek Air Freight Corp., Lancaster, Pa., of the operating rights in certificate No. MC–127219 (Sub-No. 1), issued November 18, 1968, to Stephen R. Kerek, doing business as Kerek's Air Freight Service, Lancaster, Pa., authorizing the transportation of general commodities, with the usual exceptions, having a prior or subsequent movement by air, between the Philadelphia, Pa., and the Lancaster Airport, located in Manheim Township, Lancaster County, Pa., on the one hand, and, on the other, points in Lancaster, York, Dauphin, Cumberland, Franklin, and Lebanon Counties, Pa.; and between Middletown, Pa., on the one hand, and, on the other, points in Lancaster, York, Dauphin, Cumberland, Franklin, Lebanon, Adams, Centre, Clinton, Columbia, Lackawanna, Lycoming, Mifflin, Montour, Northumberland, Berks, Perry, Schuylkill, and Snyder Counties, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC–FC–71394. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Fox Valley Truck Lines, Inc., Carpentersville, Ill., of the certificate in No. MC–106813, issued January 11, 1950, to Fred Capocasa, doing business as Fox Valley Truck Lines, Carpentersville, Ill., authorizing the transportation of various specified commodities from, to, and between points and areas in Illinois, Iowa, Wisconsin, Michigan, and Indiana. Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6855; Filed, June 10, 1969; 8:48 a.m.]

[Notice 360A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 6, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70921. By order of June 2, 1969, Division 3 approved the transfer to Equipment Transport, Inc., West Columbia, S.C., of the operating rights in certificate No. MC–110592 issued November 17, 1950, to Linwood R. T. Garrett, doing business as Garrett & Co., Richmond, Va., authorizing the transportation of construction and road building materials, supplies, and equipment, which because of size or weight require the use of special equipment, between Richmond, Va., and points in Hanover, Chesterfield, and Henrico Counties, Va., on the one hand, and, on the other, points in North Carolina, South Carolina, Tennessee, Georgia, West Virginia, Pennsylvania, New Jersey, and New York. Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6856; Filed, June 10, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18500; FCC 69R–255]

CHRONICLE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Chronicle Broadcasting Co., San Francisco, Calif., for renewal of licenses of Station KRON–FM, Station KRON–TV, Docket No. 18500, File No. BRH–926, File No. BRCT–94.

1. This proceeding involves the applications of Chronicle Broadcasting Co. (Chronicle) for renewal of the licenses of its two broadcast stations, KRON–FM and KRON–TV, San Francisco, Calif. By memorandum opinion and order, FCC 69–262, 16 FCC 2d 882, released March 20, 1969, the Commission designated these applications for hearing on the following issues:

(1) Whether Chronicle Publishing Co., the parent of the licensee, has an undue concentration of control of the media of mass communications in the San Francisco Bay area;

(2) Whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area;

(3) Whether the licensee has used the facilities of Stations KRON–FM and KRON–TV to "manage" or slant the news and public affairs for the purpose of advancing the interests of the Chronicle Publishing Co.;

(4) Whether in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience, and necessity.

Presently before the Review Board is a motion to amend or to clarify issues,[1] filed April 10, 1969, by Chronicle, which seeks modification or, in the alternative, clarification of existing Issue 4 (the conclusionary public interest issue) to permit the introduction of evidence with respect to the past performance of its broadcast stations. Subsequent to the issuance of the specification order herein [2] (FCC 69-376, 17 FCC 2d 245, released Apr. 23, 1969), Chronicle filed reply comments revising the nature of the relief sought by seeking a broader inquiry than initially requested.[3] Petitioner now seeks to amend Issue 4 as follows:

(4) Whether in light of the evidence adduced pursuant to the foregoing issues and with respect to the past performance of the stations and newspaper, a grant of the above-captioned applications would serve the public interest, convenience, and necessity.

2. Citing the Report on Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR Part 3, 91:495 (1951), Chronicle argues that resolution of the specified issues against the licensee should not be conclusive since "there may be other favorable facts and considerations that outweigh the record of unlawful conduct and qualify the applicant to operate a station in the public interest." Thus, Chronicle contends that the Commission has renewed licenses without a hearing after balancing serious violations of antitrust laws against excellent broadcast service of long duration.[4] Referring to the Commission's specification order, petitioner avers that the specified issues call for an inquiry into practically every aspect of the operation of Chronicle's broadcast and newspaper interests, and that therefore the licensee should be permitted to adduce evidence with respect to the past performance of such enterprises.

3. The Broadcast Bureau, in its comments and opposition, argues that, except for the issues specified by the Commission, Chronicle's past performance is not at issue; and that therefore, the modification sought by Chronicle is too broad in scope. The Bureau supports the addition of an issue similar to that specified in Wagoner Broadcasting Co., 12 FCC 2d 978, 13 RR 2d 114 (1968), which would enable Chronicle to offer evidence of past meritorious public service programing in mitigation of an unfavorable resolution of the specified "program management and slanting" issue (Issue 3).[5] However, the Bureau is of the view that past performance evidence cannot go to mitigate unfavorable findings with respect to concentration of control (Issue 1) and anticompetitive conduct (Issue 2). Chronicle, in reply, characterizes the addition of a Wagoner issue as a "milksop", and requests assurance that it will be permitted to adduce evidence as to all aspects of its operations, "* * * not only those alleged to be contrary to the public interest."

4. The petitioner is not entirely clear as to the particular aspects of its past performance it seeks to introduce into evidence. Thus, petitioner seeks permission to examine "all facets of its operations" and "all relevant and material public interest factors." As examples of the evidence it seeks authorization to adduce, Chronicle (citing the Commission's concern with such matters as location and ownership of Chronicle's office space, the suspension of a newspaper columnist and similarity of editorial treatment of public affairs by Chronicle's broadcast and newspaper interests) argues that evidence as to dissimilarity of editorial treatment and "evidence of any possible relevance should likewise be admitted." In the Board's view, the Commission's specification of matters with respect to location and ownership of office space, suspension of the columnist and similarity of editorial treatment would entitle Chronicle to adduce relevant evidence with respect to these circumstances without modification of the specified issues. To the extent that Chronicle seeks authority to adduce evidence as to all aspects of its past performance, such request will be denied as excessively broad in scope and lacking in decisional relevance. Thus, as noted by the Bureau, except for those matters specifically placed in issue by the Commission, Chronicle's past operations are presumed to be satisfactory and are not the subject of the present inquiry.[6] Furthermore, as the Bureau points out, under the modified issue sought by petitioner, evidence that its stations did not "double bill", properly maintained their logs, made correct sponsorship identifications and paid their employees on time, could be introduced; and clearly such matters would be decisionally insignificant in this proceeding.

5. Despite the imperfections of Chronicle's instant request, the Board is nonetheless persuaded that the public interest would best be served if this licensee is permitted to make a showing as to its past broadcast record in mitigation of any adverse findings which may result from an unfavorable resolution of the issues cited hereinafter. An issue to determine whether a licensee's programing has been meritorious, particularly with regard to public service programs, has been previously specified in Bluegrass Broadcasting Co., Inc., 14 FCC 2d 788, 14 RR 2d 448 (1968), and Wagoner Radio Co., supra, and will be specified in the instant case.[7] However, no consideration will be given to alleged meritorious programing instituted after the licensee received notice that action against it was being contemplated by the Commission, and the issue specified herein will be added without prejudice to the rights of the parties to argue, subsequently, regarding the weight which should be accorded the evidence adduced.

6. The evidence of meritorious programing adduced under the issues specified herein would be relevant and would tend to mitigate unfavorable findings under existing Issues 2 and 3 in this proceeding. Issue 3 calls for a determination of whether the licensee has used its broadcast stations to "manage" or slant the news and public affairs for the purpose of advancing the interests of the Chronicle Publishing Co. The Board agrees with the Bureau's view that evidence which would tend to demonstrate that Chronicle's broadcast stations have consistently offered meritorious, public service programing may be used to mitigate unfavorable findings with respect to ascertained broadcast improprieties. The Board, however, cannot accept the Bureau's contention that such evidence would not be relevant to Issue 2—whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area. The Commission has traditionally recognized that unfavorable findings with respect to antitrust practices of a licensee can be mitigated by a showing of a history of broadcast excellence. See Westinghouse Broadcasting Co., Inc., supra, and General Electric Co., supra.[8] While the Bureau would distinguish these cases from the instant facts on the grounds that the anticompetitive practices involved in the Westinghouse and General Electric cases were related to nonbroadcast enterprises, the Board finds no precedent or basis for drawing such a distinction in determining the relevance, as opposed to the weight, of such mitigating evidence. To the contrary, it appears that the Commission has found evidence of meritorious programing relevant where anticompetitive practices in the broadcasting field were demonstrated. See National Broadcasting Co., Inc., 37 FCC 427 (1964). Thus mitigating evidence of meritorious broadcasting may be used to mitigate unfavorable findings under existing Issue 2.[9]

7. *Accordingly, it is ordered*, That the motion to amend or to clarify, filed April 10, 1969, by Chronicle Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and

8. *It is ordered*, That the issues in this proceeding are enlarged as follows:

(4) Whether the past programing of Stations KRON-FM and KRON-TV, particularly with regard to public service programing was of such high quality as to constitute a countervailing factor in the resolution of this case insofar as it relates to Issues (2) and (3), above.

and existing Issue 4 is redesignated as Issue 5; and

9. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof on the issue added herein shall be on Chronicle Broadcasting Co.

Adopted: June 3, 1969.

Released: June 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6870; Filed, June 10, 1969; 8:49 a.m.]

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[1] Also under Board consideration are: (a) Comments, filed Apr. 23, 1969, by the Broadcast Bureau; (b) reply comments, filed Apr. 29, 1969, by Chronicle; and (c) opposition to reply comments, filed May 13, 1969, by the Broadcast Bureau.

[2] In the designation order the Commission indicated that a further opinion would particularize the specification of facts and matters in issue in this proceeding; such particularization is contained in the cited specification order.

[3] The instant specification order provides for the filing of motions addressed to the issues under Rule 1.229, within 20 days from the release of that order. Thus, Chronicle's "reply comments" are timely filed, and the new requests contained therein may be properly considered.

[4] Petitioner cites Westinghouse Broadcasting Co., Inc., FCC 62-243, 22 RR 1023 (1962), and General Electric Co., FCC 64-641, 2 RR 2d 1038 (1964), as examples of such Commission action.

[5] The Bureau contests the applicability of Westinghouse Broadcasting Co., Inc., supra, and General Electric Co., supra, to the instant case. The Bureau submits that, unlike the circumstances of those cases, anticompetitive and monopolistic practices alleged herein involve the operation of a business closely related to broadcasting (newspaper publishing).

[6] Contrary to petitioner's assertion, the Commission's specification order does not call for a general inquiry into all aspects of Chronicle's operations. Thus, for example, in specifying Issue 3 in this proceeding the Commission states:

These allegations and the licensee's responses leave substantial unresolved fact questions with respect to the issue of whether the licensee has attempted to slant news and public affairs programs to serve its business interests. It should be emphasized to the parties that this issue has been designated not to institute a generalized examination of the station's program to determine whether they are "unfair" but because of the presence of outside business interests and specific allegations that the preparation of programs has been deliberately made compatible with those interests. See, Letter to National Broadcasting Co. regarding Chet Huntley Broadcast, 14 FCC 2d 713; Letter to Networks regarding Democratic National Convention, 16 FCC 2d 650. For this reason, we have omitted certain allegations by Mr. Kihn that appear to raise only questions of licensee news judgment.

[7] While Chronicle's initial request contemplated modification or, in the alternative, clarification of an existing issue, the Board, has held that the addition of an issue is a prerequisite to the programing inquiry specified herein. Wagoner Radio Co., supra.

[8] See also Report on Uniform Policy as to Violation by Applicants of Laws of the United States, supra.

[9] The Board finds no precedent for receiving evidence as to the meritorious past performance of Chronicle's newspaper enterprises; and in the Board's view such evidence would be irrelevant in the instant proceeding. In addition, the Board agrees with the Bureau's contention, which has not been specifically disputed by petitioner, that evidence of meritorious broadcast performance is not relevant to existing Issue 1 (concentration of control).

[Canadian List No. 256]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

MAY 16, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcast Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		580 kilocycles							
CJLS (PO: 1340 kc/s 0.25 kw ND)..	Yarmouth, Nova Scotia, N. 43°47'40", W. 66°04'15".	1	DA-2	U	III				5-15-70.
		860 kilocycles							
CHAK (correction of geographical co-ordinates only).	Inuvik, Northwest Territory, N. 68°20'41", W. 133°40'59".	1	ND-185	U	II	190	120	458	
		920 kilocycles							
CKWL (PO: 1240 kc/s 0.25 kw ND).	Williams Lake, British Columbia, N. 52°08'89", W. 122°10'27".	1	DA-N ND-D-182	U	III				5-15-70.
		1290 kilocycles							
CHQR (assignment of call letters).	Castlegar, British Columbia, N. 49°18'4.8", W. 117°36'50".	0.25N/1D	DA-D ND-N-121	U	IV	415	120	230	
		1330 kilocycles							
CHFC (addition of geographical co-ordinates).	Fort Churchill, Manitoba, N. 58°45'48", W. 94°04'42".	0.25	ND-150	U	IV	70			
		1350 kilocycles							
CHWO (correction of night power in accordance with Notification List No. 244).	Oakville, Ontario, N. 43°26'10", W. 79°43'00".	10D/5N	DA-2	U	III				
		1540 kilocycles							
CFYK (addition of geographical co-ordinates).	Yellowknife, Northwest Territory, N. 62°25'55", W. 114°25'05".	1	ND-175	U	IV	140	120	294	
		1450 kilocycles							
New	Jasper, Alberta, N. 52°52'51" W. 118°04'26".	0.1	ND-150	U	IV	80	120	60-160	5-15-70.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-6871; Filed, June 10, 1969; 8:49 a.m.]

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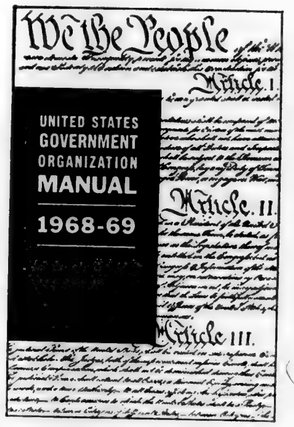

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Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Crooked River (Inland Route), Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.476 governing the use, administration and navigation of a lock in Crooked River, Alanson, Mich., is hereby amended with respect to paragraph (c), changing the schedule for operating the lock, effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.476 The Inland Route—lock in Crooked River, Alanson, Mich.; use, administration, and navigation.

* * * * *

(c) *Schedule of seasonal operation.* (1) April 15 through May 31—6 a.m., e.s.t., to 10 p.m., e.s.t., daily.

(2) June 1 through August 31—5 a.m., e.s.t., to 10 p.m., e.s.t., daily.

(3) September 1 through November 15—6 a.m., e.s.t., to 10 p.m., e.s.t., daily.

* * * * *

[Regs., June 3, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6892; Filed, June 11, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of the Commissioner of Vocational Rehabilitation now is in the Social and Rehabilitation Service and to show that the position of Confidential Assistant to the Commissioner of Vocational Rehabilitation is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (b) of § 213.3316 is revoked, and subparagraphs (7) and (8) are added to paragraph (o) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(7) Commissioner of Vocational Rehabilitation.

(8) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6922; Filed, June 11, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Private Secretary to the Assistant Secretary for Research and Technology is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (g) is added to § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(g) *Office of the Assistant Secretary for Research and Technology.*

(1) One Private Secretary to the Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6923; Filed, June 11, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-33; Amdt. 39-778]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Amendment 39-768 (34 F.R. 8157), AD 69-11-4, requires:

(1) The installation of the directional control adjustable balance spring and a friction clamp.

(2) The proper adjustment of the spring and friction clamp.

(3) The installation of flat head screws in place of protruding head screws on the right and left side of the instrument console adjacent to the pilots' pedals on Bell Model 206A helicopters.

After issuing Amendment 39-768, the agency determined that the instructions for adjusting the spring required an additional clarifying statement. Therefore, the AD is being amended to require the installation and adjustment of the spring and friction clamp in accordance with the corrected instructions as stated in Bell Helicopter Co. Service Bulletin No. 206A-5, Reissue dated May 23, 1969, or later FAA-approved revision or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA. In addition, the parenthetical statement at the end of the AD is being amended to add Maintenance and Overhaul Instructions Interim Revision No. 206A-69-22.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-768 (34 F.R. 8157), AD 69-11-4, is amended as follows:

1. In paragraphs (a) and (b), by striking out the words "Revision A, dated May 15, 1969", and inserting the words "Reissue dated May 23, 1969" in place thereof.

2. In the parenthetical statement at the end of the AD, by inserting after "May 15, 1969", the phrase "and No. 206A-69-22 dated May 23, 1969, * * *".

This amendment becomes effective June 14, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 2, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-6914; Filed, June 11, 1969; 8:47 a.m.]

[Docket No. 68-EA-106; Amdt. 39-777]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Aircraft

On Page 15219 of the FEDERAL REGISTER for October 11, 1968, the Federal Aviation Administration published a proposed airworthiness directive which

would require inspection of certain interspar wing ribs of the Canadair CL-44 type airplanes.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is hereby amended by adopting the rule, effective June 27, 1969 as follows:

1. In the compliance section of the proposed airworthiness directive delete the words "after the effective date of this AD".

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 29, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

CANADAIR: Applies to CL-44 Type Airplanes. To detect cracks in certain interspar ribs accomplish the following:

(a) Inspect for cracks the corners of the access cutouts in the interspar ribs at wing stations in accordance with the "Inspection Procedure" outlined in Canadair Service Information Circular (SIC) No. 373 dated June 11, 1968, disregarding paragraphs 3 and 4, or later FAA-approved revision, or an FAA-approved equivalent inspection.

(b) Replace cracked parts before further flight with a part of the same part number or an FAA-approved equivalent part, or repair cracked parts before further flight in accordance with Canadair Service Bulletin No. 475, or an FAA-approved equivalent repair.

(c) The repetitive inspection required by (a) need not be performed if each of the above ribs are reinforced in accordance with Canadair Service Bulletin No. 475, or an FAA-approved equivalent alteration.

(d) Equivalent parts, inspections, alterations, repairs and SIC revisions must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, upon receipt of substantiating data through an FAA maintenance inspector.

[F.R. Doc. 69-6915; Filed, June 11, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greensboro, N.C., transition area.

The Greensboro transition area is described in § 71.181 (34 F.R. 4637 and 6519). In the description, an extension is predicated on the Greensboro VOR TAC 034° radial. Since the final approach radial of AL-178-VOR/DME-RWY 23 instrument approach procedure will be changed from 034° to 035°, effective June 26, 1969, it is necessary to alter the description to reflect this change.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Greensboro, N.C., transition area (34 F.R. 6519) is amended as follows: "• • • within 2 miles each side of the Greensboro VOR TAC 034° radial • • •" is deleted and "• • • within 2 miles each side of the Greensboro VORTAC 035° radial • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 3, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-6918; Filed, June 11, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-26]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the designated altitudes of Restricted Area R-6901, Camp McCoy, Wis., from Flight Level 250 to 25,000 feet MSL.

It is the policy of the Federal Aviation Administration to designate the altitudes of restricted areas established to accommodate surface-to-surface missile firing in feet above mean sea level. Consequently, action is taken herein to change the designated altitudes of R-6901 from Flight Level 250 to 25,000 feet MSL.

Since this amendment is minor and editorial in nature, notice and public procedure hereon is unnecessary and for this reason may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.69 (34 F.R. 4853), R-6901, is amended by deleting "Surface to Flight Level 250." and substituting "Surface to 25,000 feet MSL." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 4, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6916; Filed, June 11, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-36]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of the Cape Kennedy Restricted Area R-2902B, Cape Kennedy, Fla.

The U.S. Air Force has requested that R-2902B be reduced to approximately one-sixth its present size, and the designated altitude from unlimited to 14,000 feet MSL. Action is taken herein to effect these changes.

Since this amendment will restore airspace to the public use and is minor in nature, notice and public procedure hereon are unnecessary and for that reason this amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.29 (34 F.R. 4819), R-2902B Cape Kennedy, Fla., is amended to read as follows:

R-2902B CAPE KENNEDY, FLA.

Boundaries. Beginning at lat. 28°41'40" N., long. 80°35'00" W; to lat. 28°38'00" N., long. 80°47'02" W.; to lat. 28°45'00" N., long. 80°37'50" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 4, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6917; Filed, June 11, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart B—Departmental Proceedings

SUBPOENAS ISSUED PURSUANT TO FEDERAL MEAT INSPECTION ACT AND THE POULTRY PRODUCTS INSPECTION ACT

Section 407 of the Federal Meat Inspection Act as added by the Wholesome Meat Act, Public Law 90-201 (21 U.S.C. 677), and section 22 of the Poultry Products Inspection Act as added by the Wholesome Poultry Products Act, Public Law 90-492 (21 U.S.C. 467d) authorize the Secretary of Agriculture to issue subpoenas pursuant to the provisions in 15 U.S.C. 49, for the efficient administration and enforcement of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

Concurrent authority to issue such subpoenas is hereby delegated to the Administrator, Consumer and Marketing Service, or to any person acting in his stead and to the Inspector General of this Department, or to any person acting in his stead.

The Department's regulations in 7 CFR 1.29 currently provide for the issuance of subpoenas in connection with efficient administration and enforcement of the Federal Meat Inspection Act as amended by the Wholesome Meat Act. The regulation is hereby amended to include the issuance of subpoenas in connection with the efficient administration and enforcement of the Poultry Products Inspection Act as amended by the Wholesome Poultry Products Act.

Section 1.29 is amended as follows:

1. Paragraph (a)(6) is redesignated as (a)(7) and amended, and a new paragraph (a)(6) added to read:

§ 1.29 **Subpoenas relating to meat inspection program.**

(a) • • •

(6) *Poultry Products Inspection Act.* The Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act, Public Law 90-492, 21 U.S.C. 451 et seq.).

(7) *Investigation.* Any investigation, inquiry, inspection, or audit conducted by the Consumer and Marketing Service or by the Office of the Inspector General, U.S. Department of Agriculture, relating to efficient administration and enforcement of the Federal Meat Inspection Act or the Poultry Products Inspection Act.

• • • • • •

2. Paragraph (c)(2) is amended by adding after the word "affidavit" the words "or certification".

(Sec. 407, 34 Stat. 1260, as added by Public Law 90-201, 81 Stat. 599, 21 U.S.C. 677; sec. 22, 71 Stat. 441, as added by Public Law 90-492, 82 Stat. 807, 21 U.S.C. 467d, implementing 15 U.S.C. 49)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of June 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-6927; Filed, June 11, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 280]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.580 **Valencia Orange Regulation 280.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 10, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 13, 1969, through June 19, 1969, are hereby fixed as follows:

(i) District 1: 210,000 cartons;

(ii) District 2: 399,000 cartons;

(iii) District 3: 91,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 11, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7051; Filed, June 11, 1969; 12:11 p.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Approval of Expenses

Notice of rule making regarding the proposed expenses to be effective under Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in the State of Maine, was published in the April 23, 1969, FEDERAL REGISTER (34 F.R. 6787). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Maine Potato Marketing Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 950.213 **Expenses.**

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and Order No. 950, both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1969, will amount to $6,400.

(b) The funds for this budget will come from the committee's account established pursuant to paragraph (b) of § 950.47 *Refunds.*

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated June 6, 1969, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6926; Filed, June 11, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. A new § 1.304–3 is added and § 1.323 is revoked, as follows:

§ 1.304–3 Purchase of patented items when Government is a licensee.

Award of a contract shall not be refused to a bidder/offeror merely because he is not the owner of or a licensee under any patent involved in the procurement. If, at the time a solicitation is issued, the Government is obligated to pay royalties applicable to the proposed procurement because of a preexisting license agreement between the Government and a patent owner, the solicitation shall so state and shall: (a) Identify the patents and specify the royalty rate; and (b) advise that an amount equal to the royalty which the Government will be required to pay under the license agreement will be added as an evaluation factor to each bid/offer unless the bidder/offeror includes in his bid/offer a statement that he is the owner of or a licensee under the patents. (See §§ 2.201(a) (17) and (20) and 3.501(b) (15) and (17) of this chapter.)

§ 1.323 Procurement of natural rubber for tires, tubes, tire recapping, and recapping materials. [Revoked]

PART 2—PROCUREMENT BY FORMAL ADVERTISING

2. In § 2.201, the introductory text of the section and subparagraphs (a) (12), (17), (20), and (41) are revised, and new subparagraphs (43) and (44) are added; in paragraph (b), subparagraph (20) is revoked and new subparagraphs (34), (35), and (36) are added; and § 2.407–8 is revoked, as follows:

§ 2.201 Preparation of invitation for bids.

Forms used in inviting bids are prescribed in Subparts A and D, Part 16 of this chapter. Invitations for bids shall contain the applicable information described in paragraphs (a), (b), and (c) of this section and any other information required for a particular procurement. All such information shall be set forth in full in the solicitation rather than incorporated by reference except that:

Standard forms consisting of general provisions (contract clauses) may be incorporated by reference to the form number, form name, and edition date; and

Other general provisions authorized by Part 7 of this chapter may be incorporated by reference to the ASPR paragraph number, clause title, and date of clause, in accordance with § 7.001 of this chapter.

No other contract clauses shall be incorporated by reference. Pen and ink entries, deletions, or alterations shall not be made in an invitation for bids after it has been prepared for distribution. If a change is necessary after reproduction of the invitation for bids, the Standard Form 30 (Amendment of Solicitation/Modification of Contract) shall be used (see § 16.101 of this chapter) except that its use for construction contracts is optional (see § 16.401–1(i) of this chapter).

(a) • • •

(12) Bid guarantee, performance bond and payment bond requirements, if any (see Subpart A, Part 10 of this chapter; and § 16.401–2(c)(3)(i) of this chapter; and § 18.801 of this chapter). If a bid bond or other form of bid guarantee is required, the solicitation shall include the provision required by § 10.102–4 of this chapter.

• • • • •

(17) Any authorized special provisions, necessary for the particular procurement, relating to such matters as progress payments (see Defense Contract Financing Regulations, § 163.71 of this chapter), patent licenses (see § 1.304–3 of this chapter), liquidated damages, profit limitations, escalation (see § 2.104–3), Buy American Act (see § 6.104–3 of this chapter), domestic wool preference (see § 6.304–2 of this chapter), procurement by barter (see § 4.503–5 of this chapter), etc.

• • • • •

(20) A statement of the exact basis upon which bids will be evaluated and award made, to include any Government costs or expenditures (other than bid prices) to be added or deducted, or any provision for escalation as factors for evaluation. (The amount of any royalty payable under the royalty sharing provisions of a previously accepted value engineering change proposal incorporated in the solicitation will be considered in evaluating offers when the value engineering change is one of two or more acceptable alternatives under the solicitation.) See also § 1.304–3 of this chapter.

• • • • •

(41) Unless exempted by § 12.805 of this chapter from inclusion of the Equal Opportunity clause, the following provisions:

A. On the face page or cover sheet of the solicitation, these notices.

1. Note the affirmative action program requirement of ASPR 12–815 which may apply to the contract resulting from this solicitation.

2. Note the certification of nonsegregated facilities in this solicitation. Bidders, offerors, and applicants are cautioned to note the "Certification of Nonsegregated Facilities" in the solicitation. Failure of a bidder or offeror to agree to the certification will render his bid or offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause. (1969 JANUARY)

B. Certification of nonsegregated facilities (applicable to contracts, subcontracts, and to agreements with applicants who are themselves performing federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause). By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods): Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities. A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order on Elimination of Segregated Facilities, by the Secretary of Labor (32 F.R. 7439, May 19, 1967), must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually). (1968 MARCH)

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

• • • • •

(43) If pursuant to § 1.1504 (c), (d), or (e) of this chapter, options are to be evaluated for award, the applicable Evaluation of Options provision shall be inserted.

(44) When the contract is for the purchase of a patented item for which the Government is a licensee (§ 1.304–3 of this chapter), include a provision substantially as follows.

The Government is obligated to pay a royalty applicable to the proposed procurement because of a license agreement between the Government and the patent owner. The patent number is _____ and the royalty rate is _____. If the bidder is the owner of, or a licensee under the patent, he may so state in his bid, otherwise his bid will be evaluated by adding to his bid an amount equal to the royalty.

(b) • • •

(20) [Revoked]

• • • • •

(34) If required by § 12.808–2 of this chapter, the following notice of Preaward On Site Equal Opportunity Compliance Review.

PREAWARD ON SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW (1969 JANUARY)

In accordance with regulations of the Office of Federal Contract Compliance, 41CFR60.1, effective 1 July 1968, an award in the amount of $1 million or more will not be made under this solicitation unless the bidder and each of his known first-tier subcontractors (to whom he intends to award a subcontract of $1 million or more) are found on the basis of a compliance review, made within the six (6) month period next preceding the award, to be able to comply with the provisions of the Equal Opportunity clause of this solicitation.

(35) If the contract contains the Safety Precautions for Ammunition, Explosives, Other Dangerous Materials, and Materials Hazardous to Health clause prescribed by §§ 7.104–79, 7.204–49, 7.303–20, 7.403–24, 7.705–24, 7.902–29, and 7.–1003–15 of this chapter, a statement (by reference to Departmental regulation or manual or otherwise) of the procedures to be followed in submitting accident or incident reports required by paragraph (e) of the clause.

(36) If the contract is for a brandname or equal item, the statements required by § 1.1206–3 (a) and (b) of this chapter.

• • • • •

§ 2.407–8 Purchase of patented items when a patent indemnity clause is to be included in the contract. [Revoked]

PART 3—PROCUREMENT BY NEGOTIATION

3. In § 3.501(b), the introductory text and subparagraphs (10), (15), and (17) are revised; subparagraph (53) is revoked; subparagraphs (69), (70), and (71) are revised; and new subparagraphs (72), (73), (74), (75), (76), and (77) are added, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) Generally, requests for proposals or quotations shall be in writing. However, in appropriate cases as prescribed in paragraph (c) of this section, proposals or quotations may be solicited orally. Solicitations shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. All such information shall be set forth in full in the solicitation rather than incorporated by reference except that: Standard and DD ASPR forms consisting of general provisions (contract clauses) authorized by Part 7 of this chapter may be incorporated by reference to the form number, form name, and edition date; and other general provisions authorized by Part 7 of this chapter may be incorporated by reference to the ASPR paragraph number, clause title, and date of clause, in accordance with § 7.001 of this chapter. No other contract clauses shall be incorporated by reference. Written requests shall be as complete as possible and normally should contain the following information if applicable to the procurements involved:

• • • • •

(10) Bid guarantee, performance bond and payment bond requirements, if any (see Subpart A, Part 10 of this chapter; § 16.401–2(c)(3)(i) of this chapter; and § 18.801 of this chapter). If a bid bond or other form of bid guarantee is required, the solicitation shall include the provision required by § 10.102–4 of this chapter.

• • • • •

(15) Special provisions necessary for the particular procurement, relating to such matters as progress payments (see Defense Contract Financing Regulations, § 163.71 of this chapter), patent licenses (see § 1.304–3 of this chapter), liquidated damages, Buy American Act (see §§ 6.104–3 and 18.509–4 of this chapter), or procurement by barter (see § 4.503–5 of this chapter);

• • • • •

(17) Identification of special factors, such as Government costs or other expenditures, including reliability and maintainability requirements, which must be considered in the evaluation of proposals or quotations (The amount of any royalty payable under the royalty sharing provisions of a previously accepted value engineering change proposal incorporated in the solicitation will be considered in evaluating offers when the value engineering change is one of two or more acceptable alternative under the solicitation.); see also § 1.304–3 of this chapter.

• • • • •

(53) [Revoked]

• • • • •

(69) Unless exempted by § 12.805 of this chapter from inclusion of the Equal Opportunity clause, the provisions set forth in § 2.201(a)(41) of this chapter regarding maintenance of segregated facilities and affirmative action;

(70) The applicable size standard and product classification (see §§ 1.701 and 1.703 of this chapter);

(71) The appropriate transportation solicitation provisions set forth in § 2.201 (b) (12), (13), and (25) through (33) of this chapter;

(72) If it is expected that the procurement will result in a fixed price contract not in excess of $100,000 for which cost or pricing data will not be obtained, the price representation provided in § 3.604–3(d) shall be set forth in a prominent place in the Schedule;

(73) If pursuant to §1.1504 (c), (d), or (e) of this chapter, options are to be evaluated for award, the applicable Evaluation of Options provision shall be inserted;

(74) If the contract contains the Safety Precautions for Ammunition, Explosives, Other Dangerous Materials, and Materials Hazardous to Health clause prescribed by §§ 7.104–79, 7.204–49, 7.303–20, 7.403–24, 7.705–24, 7.902–29, and 7.1003–15 of this chapter, a statement (by reference to departmental regulation or manual or otherwise) of the procedures to be followed in submitting accident or incident reports required by paragraph (e) of the clause;

(75) If the contract is for a brand name or equal item, the statements required by § 1.1206–3 (a) and (b) of this chapter;

(76) Any requirement for royalty information to be furnished with the offer, proposal, or quotation (see § 9.110(a) of this chapter); and

(77) When the contract is for the purchase of a patented item for which the Government is a licensee (§ 1.304–3 of this chapter), include a provision substantially as follows:

The Government is obligated to pay a royalty applicable to the proposed procurement because of a license agreement between the Government and the patent owner. The patent number is _____ and the royalty rate is _____. If the bidder is the owner of, or a licensee under the patent, he may so state in his bid, otherwise his bid will be evaluated by adding to his bid an amount equal to the royalty.

PART 7—CONTRACT CLAUSES

4. New § 7.001 is added; § 7.101 is revised; the last sentence of § 7.103–2 is revised; § 7.103–4 is revised; in § 7.103–5, the introductory text of paragraph (e) is revised; and § 7.103–10 is revised, as follows:

§ 7.001 Incorporation of contract clauses by reference.

Contract clauses prescribed by this part which do not contain blanks to be filled by the offeror and which are not modified may be incorporated by reference in the solicitation (or, where the contract is not preceded by a written solicitation, in the contract itself), in accordance with §§ 2.201 and 3.501 of this chapter: *Provided*, That the Head of the Procuring Activity or his designee may restrict incorporation by reference for certain types of contracts.

§ 7.101 Applicability.

As used throughout this subpart, the term "fixed-price supply contract" shall mean any contract (a) entered into either by formal advertising or by negotiation other than (1) purchase orders (but see §§ 7.104–15 and 7.104–16), (2) short form negotiated supply contracts (see § 16.102–2(c) of this chapter), (3) letter contracts, (4) notices of award, and (5) supplemental agreements to contracts or purchase orders, which

do not effect new procurement; (b) at a fixed price (with or without provision for price redetermination, escalation, or other form of price revision as covered in § 3.404 of this chapter; and (c) for supplies other than (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (2) experimental, developmental, or research work, or (3) facilities to be provided by the Government under a facilities contract as defined in Part 13 of this chapter. However, there are supply contracts in which performance involves cost-reimbursement, construction, research and development, or other special factors. In such cases, see the particular subparts containing additional applicable clauses.

§ 7.103–2 Changes.

* * * * *

In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see § 3.807–4 of this chapter) and shall assure that the contract includes or is modified to include a defective pricing data clause (see § 7.104–29) and the audit clause required by § 7.104–41.

§ 7.103–4 Variation in quantity.

(a) Insert the following clause.

VARIATION IN QUANTITY (1949 JULY)

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

(b) In accordance with § 1.325 of this chapter, insert the following clause.

EXTENT OF QUANTITY VARIATION (1965 AUGUST)

The permissible variation under the clause of the General Provisions entitled "Variation in Quantity" shall be limited to:

Increase (Insert: ------% or none).
Decrease (Insert: ------% or none).

This increase or decrease shall apply to ------.*

§ 7.103–5 Inspection.

* * * * *

(e) In accordance with § 14.101–1 of this chapter, insert the following clause:

* * * * *

§ 7.103–10 Federal, State, local, and foreign taxes.

(a) *Advertised and certain negotiated contracts.* In accordance with § 11.401–1 of this chapter, insert the clause set forth therein.

(b) *Noncompetitive negotiated contracts.* In accordance with § 11.401–2 of this chapter, insert the clause set forth therein.

(c) *Contracts in U.S. possessions or Puerto Rico.* In accordance with § 11.401–3, insert the clause set forth therein.

(d) *Foreign contracts not with foreign governments.* In accordance with § 11.403–2(a) of this chapter, insert the clause set forth therein.

(e) *Fixed-price contracts with foreign governments.* In accordance with § 11.403–2(b) of this chapter, insert the clause set forth therein.

5. Sections 7.103–18, 7.103–21, 7.104–1, and 7.104–2 are revised; § 7.104–7 is revoked; and §§ 7.104–8, 7.104–9, 7.104–12 (b), and 7.104–14 are revised, as follows:

§ 7.103–18 Equal opportunity clause.

(a) *Government contracts.* Except as provided in § 12.805 of this chapter, each Department shall include the following clause in each of its contracts (and modifications thereof if the clause was not included in the original contract) (see also § 12.804 of this chapter).

EQUAL OPPORTUNITY (1969 JANUARY)

During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigations to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* Except as provided in § 12.805 of this chapter, each Department shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction.

EQUAL OPPORTUNITY (FEDERALLY ASSISTED CONSTRUCTION) (1969 JANUARY)

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following Equal Opportunity clause:

During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States. The applicant further agrees that it will be bound by the above Equal Opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above Equal Opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract. The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of Contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon Contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

§ 7.103–21 Termination for convenience of the Government.

(a) In accordance with § 8.705–1(a) of this chapter, insert the clause set forth therein.

(b) In accordance with § 8.705–1(b) of this chapter, insert the clause set forth therein.

(c) In accordance with § 8.701(a) of this chapter, insert the clause set forth therein.

(d) The clause in § 8.706 of this chapter may be suggested for use in subcontracts in accordance with that section.

§ 7.104–1 Clauses for fixed price supply contracts involving construction work.

(a) In accordance with §§ 12.106 and 18.703 of this chapter, insert the clauses set forth in § 18.703.

(b) In accordance with § 18.509–5 of this chapter, insert the clause set forth therein in lieu of that set forth in § 6.104–5 of this chapter.

§ 7.104–2 Workmen's compensation and war hazard insurance overseas.

(a) In accordance with § 10.403(a) of this chapter, insert the following clause:

WORKMEN'S COMPENSATION INSURANCE (DEFENSE BASE ACT) (1960 JANUARY)

The Contractor before commencing performance under this contract shall provide and thereafter maintain such Workmen's Compensation's Insurance or security as is required by the Defense Base Act, as amended (42 U.S.C. 1651). The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act is applicable, a clause similar to this clause, including this sentence, imposing on all such subcontractors a like requirement to comply with the Defense Base Act.

(b) If a contract would otherwise be subject to § 10.403(a) but § 10.403(d) applies to some or all of the contractor's employees by reason of waiver by the Secretary of Labor, the provisions of § 10.502 (b) and (c) apply; and the following clause shall be included in the contract (see also § 10.403(e)).

WORKMEN'S COMPENSATION AND WAR HAZARD INSURANCE OVERSEAS (1968 JULY)

(a) This clause applies if the Contractor employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to Workmen's Compensation Insurance under the Defense Base Act (42 U.S.C. 1651). On behalf of such waived employees, the Contractor, before commencing performance under this contract shall provide, and thereafter maintain, at least such Workmen's Compensation Insurance or the equivalent as may be required by the laws of the country of which such waived employees are nationals. The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act would be applicable but for the waiver, a clause similar to this paragraph (a), including this sentence, imposing on all such subcontractors a like requirement to provide such Workmen's Compensation Insurance coverage.

(b) This paragraph applies if the Contractor or any of his subcontractors employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to the War Hazards Compensation Act, as amended (42 U.S.C. 1701 et seq.). On behalf of such waived employees the Contractor shall subject to reimbursement as elsewhere herein provided, afford protection the same as that provided in the War Hazards Compensation Act, except that the level of benefits shall conform to any law or international agreement controlling the benefits to which the employees may be entitled. In all other respects, the standards of the War Hazards Compensation Act shall apply; e.g., with respect to the definition of war hazard risks (injury, death, capture, or detention as the result of a war hazard as defined in the Act), proof of loss, and exclusion of benefits otherwise covered by Workmen's Compensation Insurance or equivalent. Unless the Contractor elects to directly assume the liability to subcontractor employees created by this clause, the Contractor further agrees to insert in all subcontracts hereunder to which the War Hazards Compensation Act would be applicable but for the waiver, a clause similar to this paragraph (b), including this sentence, imposing on all such subcontractors a like requirement to provide War Hazard benefits.

(c) When the clause in paragraph (b) of this section is required, the following clause shall also be inserted in the contract, but only if the Head of a Procuring Activity or his designee has decided that the contractor shall not purchase insurance against the liability described in § 10.403(d)(2) (see also § 10.502(c) of this chapter).

REIMBURSEMENT FOR WAR HAZARD LOSSES (1968 JULY)

(a) The Contractor's costs for assuming liability for employee protection against war hazard risks pursuant to paragraph (b) of the clause of this contract entitled "Workmen's Compensation and War Hazard Insurance" shall be an allowable cost under this contract, subject to the following:

(i) The Contractor shall submit proof of loss files to support payment or denial of each claim.

(ii) As soon as practicable, but no later than one year after the expiration or termination of this contract, unless the time shall be extended by Contracting Officer, the Contractor shall, convert each claim which has not been finally settled into a suitable arrangement under which the claim can be extinguished by the Contractor with a lump sum payment. Subject to approval by the Contracting Officer, the Contractor shall thereupon obtain necessary release documents and settle the claim by lump sum arrangement, taking into account any payments previously made.

(iii) As to any potential claim which is known to, or reasonably should be within the knowledge of, the Contractor at the time of final settlement under this contract, the Contractor shall, at that time, present to the Government a full report and evaluation, indicating as to each potential claim that a reasonable investigation of the circumstances

has been made, the results thereof, an evaluation of the merits, and an estimate of the amount involved should the potential claim mature into a valid obligation.

(iv) The cost of insurance against a liability reimbursable under this clause shall not be an allowable cost or otherwise recoverable under this contract.

(b) The Government may require the Contractor to assign to the Government in the manner, at the times, and to the extent directed by the Contracting Officer all right, title, and interest of the Contractor to any refund, rebate, or recapture arising out of any claim settlement. The Government may handle such assigned entitlements in such manner as it deems appropriate and may recover any benefits related to claim settlements.

(c) The Contractor shall, as soon as practicable after an occurrence which appears to give rise to a claim under this portion of the contract, perform such investigations as may be appropriate and promptly notify the Contracting Officer in writing of any additional amount estimated to be necessary to be obligated on account of such claim or potential claim. In addition, the Contractor shall give the Government or its representatives immediate written notice of any suit or action filed, the cost or expense of which may be reimbursable to the Contractor under this clause. The Contractor agrees to render full assistance to the Government in connection with any third party suit or claim relating to this clause or its subject matter which the Government elects to prosecute or defend in its own behalf.

§ 7.104–7 Patent rights. [Revoked]

§ 7.104–8 Reporting and refund of royalties.

(a) In accordance with § 9.110(a) of this chapter, insert the clause set forth therein.

(b) In accordance with § 9.110(d) of this chapter, insert the clause set forth therein.

(c) In accordance with § 9.111 of this chapter, insert the clause set forth therein.

§ 7.104–9 Rights in data.

(a) *Basic data clause.* In accordance with § 9.203 of this chapter, insert the clause set forth in § 9.203(b).

(b) *Notice of certain limited rights.* In accordance with § 9.203(c) of this chapter, add paragraph (h) set forth therein to the Basic Data Clause.

(c) *Technical data clause—specific acquisition.* In accordance with § 9.203 (d) of this chapter, insert the clause set forth therein.

(d) *Deferred ordering of technical data.* In accordance with § 9.203(e) of this chapter, insert the additional clause set forth therein.

(e) *Production of motion pictures, histories, and other works.* In accordance with § 9.204–2 of this chapter, insert the clause set forth therein.

(f) *Purchase of existing motion pictures or television recordings.* In accordance with § 9.205–2 of this chapter, insert the clause set forth therein.

(g) *Contracts to be performed outside the United States.* In accordance with § 9.206 of this chapter, insert the clause set forth therein.

(h) *Technical data—withholding payment.* In accordance with § 9.207 of this chapter, insert the clause set forth in § 9.207–2(a).

(i) *Publication for sale.* The additional paragraph set forth in § 9.204–1 of this chapter may be added to the clause prescribed in paragraph (b) of this section, in accordance with § 9.204–1.

§ 7.104–12 Military security requirements.

* * * * *

(b) Contracts involving work to be performed outside the United States, its possessions, and Puerto Rico shall include, when required by the Department of Defense Industrial Security Regulation (DODISR) (see § 1.320 of this chapter), an appropriate security requirements clause as follows:

(1) The security requirements clause set forth in the DODISR for use in each country in which work is to be performed; or

(2) The clause set forth in paragraph (a) of this section, modified as appropriate, in the event the DODISR does not set forth a required clause or in the event that regulation merely prescribes the use of an "appropriate" clause.

§ 7.104–14 Utilization of small business concerns.

(a) In accordance with § 1.707–3(a) of this chapter, insert the clause set forth therein.

(b) In accordance with § 1.707–3(b) of this chapter, insert the clause set forth therein.

6. Sections 7.104–20, 7.104–22, and 7.104–24 are revised; new §§ 7.104–26 and 7.104–27 are added; § 7.104–29 is revised; and § 7.104–33 is revoked, as follows:

§ 7.104–20 Utilization of concerns in labor surplus areas.

(a) In accordance with § 1.805–3(a) of this chapter, insert the clause set forth therein.

(b) In accordance with § 1.805–3(b), insert the clause set forth therein.

§ 7.104–22 Linen supply service contracts.

In accordance with § 12.1004 of this chapter, insert the following clause.

LINEN SUPPLY SERVICE CONTRACTS (1968 SEPTEMBER)

In the absence of a wage determination issued under the McNamara-O'Hara Service Contract Act specifying a higher rate, the special minimum wage provisions of section 6(e)(2) of the Fair Labor Standards Act for linen supply service contracts entered into with the U.S. Government on or after February 1, 1967, shall apply to all employees (except those qualifying for the minimum wage and overtime exemption under section 13(a)(1) of the Fair Labor Standards Act) in an establishment providing such linen supply services. Such employees must be paid not less than $1.15 per hour as of February 1, 1968, with annual increments of 15 cents per hour, as of February 1 each year, increasing to a minimum rate of $1.60 per hour as of February 1, 1971. However, if more than 50 per centum of the gross annual dollar volume of sales made or business done by an establishment is derived from providing linen supply services under contracts or subcontracts with the United States, all employees in the establishment (other than employees qualifying for the minimum wage and overtime exemption under section 13(a)(1) of the Fair Labor Standards Act) must be paid at least $1.60 per hour as of February 1, 1968.

§ 7.104–24 Government property.

(a) *Government property clause.* In accordance with § 13.702(a) of this chapter, insert the clause set forth therein.

(b) *Overseas contracts.* If the contract is an overseas contract, insert the words "United States" before the words "Government" and "Government-furnished" wherever they appear in the clause prescribed in paragraph (a) of this section. Also, substitute the following paragraphs (d) and (k) for paragraphs (d) and (k) of the clause prescribed in paragraph (a) of this section in accordance with § 13.702(b) of this chapter.

(d) *Property administration.* The Contractor shall comply with the provisions of Appendix B, Armed Services Procurement Regulation, as in effect on the date of the contract, which is hereby incorporated by reference and made a part of this contract.

* * * * *

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

(c) *Negotiated contracts.* Substitute the paragraph (g) set forth in § 13.702 (c) of this chapter for paragraph (g) of the clause prescribed in paragraph (a) of this section.

(d) *Fixed-price with reimbursement provision.* If the supply or services contract sets out a fixed-price for a portion of the contract, include the clause prescribed in paragraph (a) of this section, but substitute the paragraph (c) set forth in § 13.708 of this chapter for paragraph (c) of the clause.

(e) *"As is" Government property.* In accordance with §§ 13.308 and 13.709 of this chapter, insert the clause set forth in § 13.709.

(f) *Short form contract.* In accordance with § 13.710 of this chapter, insert the short form clause set forth therein instead of the clause prescribed in paragraph (a) of this section.

(g) *Records of Government property.* In accordance with § 13.803 of this chapter, modify the clause prescribed in paragraph (a) of this section by adding to it the clause set forth in § 13.803.

§ 7.104–26 Special test equipment.

In accordance with § 13.705, insert the clause set forth therein.

§ 7.104–27 Options.

(a) In accordance with § 1.1506(a) of this chapter, insert a clause substantially as set forth therein.

(b) In accordance with § 1.1506(b) of this chapter, insert a clause substantially as set forth therein.

(c) In accordance with § 1.1506(c) of this chapter, insert a clause substantially as set forth therein.

(d) In accordance with § 1.1506(d) of this chapter, insert a clause substantially as set forth therein.

§ 7.104–29 Price reduction for defective cost or pricing data.

(a) The following clause shall be inserted in negotiated contracts which when entered into exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In addition, the contracting officer shall include this clause in other negotiated contracts for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with § 3.807–3(a)(3) of this chapter in connection with the initial pricing of the contract.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (1967 NOVEMBER)

(a) If any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments" or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in the Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing as may be necessary to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the contractor and the subcontractor, provided that they are consistent with ASPR 23–203 relating to Disputes provisions in subcontracts. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

(b) Insert the following clause in all contracts, both formally advertised and negotiated, which when entered into exceed $100,000 except those containing the clause set forth in paragraph (a) of this section.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA—PRICE ADJUSTMENTS (1967 NOVEMBER)

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If any price, including profit, or fee, negotiated in connection with any price adjustment under this contract was increased by any significant sums because the Contractor or any subcontractor, pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data—Price Adjustments" or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the contractor and the subcontractor: *Provided*, That they are consistent with ASPR 23–203 relating to Disputes provisions in subcontracts. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

(c) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) The requirement for inclusion of the clauses contained in paragraphs (a) and (b) of this section in contracts with foreign governments or agencies thereof may be waived in exceptional cases by the Head of a Procuring Activity, stating in writing his reasons for such determination.

§ 7.104–33 Taxes. [Revoked]

7. New § 7.104–36 is added; §§ 7.104–38, 7.104–45, 7.104–46, 7.104–50, 7.104–52, 7.104–53, and 7.104–54 are revoked; § 7.104–64 is revised; and new §§ 7.104–78, 7.104–79, 7.104–80, and 7.104–81 are added, as follows:

§ 7.104–36 Contracts conditioned upon the availability of funds.

In accordance with § 1.318 of this chapter, insert the clause set forth therein.

§ 7.104–38 Labor surplus area subcontracting program. [Revoked]

§ 7.104–45 Value engineering program requirement. [Revoked]

§ 7.104–46 Nonuse of foreign flag vessels engaged in Cuban and North Vietnam trade. [Revoked]

§ 7.104–50 Procurement of natural rubber for aircraft tires, tubes, tire recapping, and recapping materials. [Revoked]

§ 7.104–52 Special test equipment. [Revoked]

§ 7.104–53 Government property furnished "As is". [Revoked]

§ 7.104–54 Extent of quantity variation. [Revoked]

§ 7.104–64 Recovery of nonrecurring costs on non-U.S. Government sales of defense equipment.

In accordance with § 4.110(d) of this chapter, insert the following clauses, as appropriate.

(a) *Recovery of nonrecurring costs on foreign sales.*

RECOVERY OF NONRECURRING COSTS ON FOREIGN SALES (1968 SEPTEMBER)

(a) In the event the Contractor intends to enter into foreign sales or license agreements for the items in this contract or essentially similar items, he shall promptly notify the Contracting Officer. The Contractor agrees that he will adjust this contract by an amount or amounts calculated to reimburse the Government for a pro rata share of its expenditures for nonrecurring costs applicable to the items. In the event that this contract has been finally settled, adjustment shall be accomplished by payment to the Government.

(1) Nonrecurring costs include such costs as research development, test, evaluation, preproduction, facilities, special tooling, special test equipment, production engineering, product improvement, destructive testing, and pilot model production, testing, and evaluation.

(2) For each foreign sale or license agreement the amount to be reimbursed to the DoD for the DoD nonrecurring costs shall be determined by dividing the total DoD nonrecurring costs, incurred and projected to be incurred, by the total production quantity of the item, past and projected, including the production quantity for the DoD and multiplying the results by the quantity involved in each such sale or license agreement.

(3) The phrase "foreign sales or license agreements" includes all sales to or license agreements with foreign buyers, including foreign governments and international organizations, whether made through the U.S. Government or directly by U.S. domestic firms.

(b) Notwithstanding the provisions of the clauses of this contract entitled "Patents Rights—(Licenses)" and "Rights in Technical Data," the Contractor agrees that his rights to enter into production for foreign sales of the items or essentially similar items are expressly contingent upon compliance with the provisions of this clause provided that the Secretary of Defense or his designee may waive the Government's rights under this clause, in whole or in part, whenever he determines that such action would be in the best interests of the Government.

(b) *Recovery of nonrecurring costs on domestic commercial sales.*

RECOVERY OF NONRECURRING COSTS ON DOMESTIC COMMERCIAL SALES (1968 SEPTEMBER)

(a) In the event the Contractor intends to enter into domestic commercial sales or license agreements for the items in this contract or essentially similar items, he shall promptly notify the Contracting Officer. The Contractor agrees that he will adjust this contract by an amount or amounts calculated to reimburse the Government for a pro rata share of its expenditures for nonrecurring costs applicable to the items. In the event that this contract has been finally settled, adjustment shall be accomplished by payment to the Government.

(1) Nonrecurring costs include such costs as research, development, test, evaluation, pre-production, facilities, special tooling, special test equipment, production engineering, product improvement, destructive testing, and pilot model production, testing, and evaluation.

(2) For each domestic commercial sale or license agreement the amount to be reimbursed to the DoD for the DoD nonrecurring costs shall be determined by dividing the total DoD nonrecurring costs, incurred and projected to be incurred, by the total production quantity of the item, past and projected, including the production quantity for the DoD and multiplying the results by

the quantity involved in each such sale or license agreement.

(3) The phrase "domestic commercial sales or license agreements" includes all domestic, non-U.S. Government sales or license agreements.

(b) Notwithstanding the provisions of the clauses of this contract entitled "Patents Rights—(Licenses)" and "Rights in Technical Data," the Contractor agrees that his rights to enter into production for domestic commercial sales of the items or essentially similar items are expressly contingent upon compliance with the provisions of this clause provided that the Secretary of Defense or his designee may waive the Government's rights under this clause, in whole or in part, whenever he determines that such action would be in the best interests of the Government.

§ 7.104–78 Health, safety, and accident prevention.

Except for contracts for fuels awarded by the Defense Fuel Supply Center, insert the following clause in contracts containing the clause in § 7.104–79, and in any other contract when the contracting officer deems it necessary for the protection of Government personnel or interest.

HEALTH, SAFETY, AND ACCIDENT PREVENTION (1968 DECEMBER)

If the Contracting Officer notifies the Contractor in writing of any noncompliance, in the performance of this contract, with safety and health rules and requirements prescribed on the date of this contract by applicable Federal, State, and local laws, ordinances, and codes, and the Contractor fails to take immediate corrective action, the Contracting Officer may order the Contractor to stop all or part of the work until satisfactory corrective action has been taken. Such an order to stop work shall not entitle the Contractor to an adjustment of the contract price or other reimbursement for resulting increased costs, or to an adjustment of the delivery or performance schedule.

§ 7.104–79 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

Except for contracts for fuels awarded by the Defense Fuel Supply Center, insert the following clause (a) in all contracts for the manufacture of ammunition, explosives, cartridges, pyrotechnics, mines, bombs, grenades, chemical and biological fillers, fuzes, igniters, gas generators, demolition materials, fuels, solid and liquid propellants, rocket motors, nonnuclear warheads, explosive elements of ejection and aircrew escape systems, cartridge or propellant actuated devices, or any assembled kits or devices containing explosive materials; (b) in all contracts for the manufacture of acids, hazardous chemicals, biologicals and etiologicals, or other materials of a toxic, radioactive, biological, or etiological nature hazardous to the health of human, animal, or plant life; and

(c) In any other contract that may involve the development, testing, storage, manufacture, modification, renovation, demilitarization, packaging, transportation, handling, disposal, inspection, repair, or other use of ammunition, explosives, other dangerous materials, or other materials hazardous to health.

SAFETY PRECAUTIONS FOR AMMUNITION, EXPLOSIVES, OTHER DANGEROUS MATERIALS, AND MATERIALS HAZARDOUS TO HEALTH (1968 DECEMBER)

(a) As used in this clause:

(i) The term "ammunition and explosives" means all types of explosives, and includes but is not limited to ammunition, cartridges, pyrotechnics, mines, bombs, grenades, chemical and biological fillers, fuzes, igniters, gas generators, demolition materials, fuels, solid and liquid propellants, rocket motors, nonnuclear warheads, explosive elements of ejection and aircrew escape systems, cartridge or propellant actuated devices, and any assembled kits or devices containing explosive material;

(ii) The term "dangerous materials" means all dangerous material other than ammunition and explosives, such as flammable liquids and solids, oxidizing materials, corrosive liquids, compressed gases, poisons, and radioactive material; and

(iii) The term "materials hazardous to health" includes but is not limited to acids, hazardous chemicals, biologicals, etiologicals, and other materials of a toxic, radioactive, biological, or etiological nature, hazardous to the health of human, animal, or plant life.

(b) The Contractor shall comply with Contractor's Safety Manual for Ammunition, Explosives, and Related Dangerous Material (DoD Manual 4145.26–M); Publication entitled "The Handling and Storage of Liquid Propellants" and Radioactive Commodities in the DoD Supply Systems (Joint Manual AR 700–64, NAVSUPUB 5012, AFM 67–8, DSAM 4145.8, MCO P4400.105) insofar as those manuals are applicable to work under this contract.

(c) If shipment of explosives is to be made by military air or to an aerial port of embarkation, the Contractor shall comply also with the requirement for a shipper's certificate set forth in Packaging and Handling of Dangerous Materials for Transportation by Military Aircraft (Joint Manual TM 38–250, NAVWEPS 15–03–500, AFM 71–4, DSAM 4145.3; MCO P4030.19).

(d) The Contractor shall comply also with the latest revision to the following requirements as applicable:

MIL–STD 120D; MIL–STD 130C; MIL–STD 444; MIL–STD 709A; MIL–STD 1168; MIL–STD 1167; and MIL–L–9931A.

(e) Immediately after an accident or incident involving ammunition, explosives, other dangerous materials, or materials hazardous to health, the Contractor shall notify the Contracting Officer by the most expeditious means. He also shall conduct an investigation and submit a report of the accident or incident to the Contracting Officer in accordance with procedures set forth or referenced in the Schedule of this contract.

(f) The requirements of this clause are minimum requirements. The Contractor agrees that he, and not the Government, is responsible for the safety of his personnel and property, and that of the general public, in connection with the performance of this contract; and that he is not entitled to rely on the requirements of this clause or on any Government surveillance or enforcement thereof, in discharging his responsibility or to impose liability of any kind on the Government.

(g) The Contractor shall insert the substance of this clause, including this paragraph (g), with appropriate changes in the designation of the parties, in every subcontract hereunder which involves ammunition and explosives, dangerous materials, or materials hazardous to health as defined in (a) above.

§ 7.104–80 Notice of radioactive materials.

Insert the following clause in all contracts for aircraft or missiles or major components thereof, electronic tubes or other items, containing materials which are or will become radioactive and which may present a health hazard.

NOTICE OF RADIOACTIVE MATERIALS (1969 APRIL)

(a) The Contractor shall notify the Contracting Officer, or his designee, in writing, prior to the delivery of, and prior to completion of any servicing required by this contract of, items containing either (i) radioactive material requiring specific licensing under the regulations issued pursuant to the Atomic Energy Act of 1954, as amended, and set forth in Title 10 CFR, in effect on the date of this contract, or (ii) radium or other radioactive material not requiring specific licensing but presenting a health hazard.

(b) This notice shall be given sufficiently in advance of delivery of the item or completion of the servicing to permit the Contracting Officer to obtain a license prior to delivery of the item or completion of the servicing. The notice shall specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the radioactive materials, and any other information known to the Contractor which will put users of the items on notice as to the hazards involved (BOB No. 38–R027.3).

(c) All items, parts, or subassemblies which contain radioactive materials, and all containers in which items, parts, or subassemblies are delivered to the Government, shall be clearly marked and labeled as required by Military Specification MIL–M–19590C dated April 30, 1963, as amended August 24, 1964.

§ 7.104–81 Aircraft, missile, and space vehicle accident reporting and investigation.

The following clause may be inserted in contracts which involve or are in connection with the manufacture, modification, overhaul or repair of aircraft, missiles, or space launch vehicles.

ACCIDENT REPORTING AND INVESTIGATION INVOLVING AIRCRAFT, MISSILES, AND SPACE LAUNCH VEHICLES (1969 JANUARY)

(a) The Contractor shall report promptly to the Administrative Contracting Officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled under or in connection with this contract.

(b) If the Government elects to conduct an investigation of the accident, the Contractor will cooperate fully and assist the Government's personnel until the investigation is completed.

(c) The Contractor will include a clause in each of his applicable subcontracts to require subcontractor cooperation and assistance in accident investigation under this clause.

8. Section 7.105–8 is revoked; a new paragraph (d) is added to § 7.107; §§ 7.202, 7.203–18, and 7.204–2 are revised; and §§ 7.204–19, 7.204–29, 7.204–33, and 7.204–37 are revoked, as follows:

§ 7.105–8 Commercial warranty. [Revoked]

§ 7.107 Price escalation clause (labor and material).

* * * * *

(d) The following clause shall be inserted in multiyear service contracts (§ 1.322 of this chapter) and service contracts with options to renew which contain the clause in § 12.1004(a) of this chapter.

FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT—PRICE ADJUSTMENT (1968 SEPTEMBER)

(a) The Contractor warrants that the prices set forth in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The minimum prevailing wage determination, including fringe benefits, issued pursuant to the Service Contract Act of 1965 (Public Law 89–286; 79 Stat. 1034), by the Administrator, Wage and Hour and Public Contract Divisions, U.S. Department of Labor, current at the beginning of each renewal option period shall apply to any renewal of this contract. Where no such determination has been made as applied to this contract, then the Federal minimum wage as established by section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 201–219) and amendments thereto current at the beginning of each renewal option period, shall apply to any renewal of this contract.

(c) Where, as a result of the Department of Labor determination of minimum prevailing wages and fringe benefits applicable at the beginning of the renewal option period, or when an increased or decreased wage determination is otherwise applied to the contract, or where as a result of any amendment to the Fair Labor Standards Act enacted subsequent to award of this contract, affecting minimum wage, and whenever such shall become applicable to this contract under law, the Contractor increases or decreases wages or fringe benefits of employees working on this contract to comply with such legislation, the contract price or contract unit price labor rates will be adjusted to reflect such increases or decreases. Any such adjustment will be limited to increases or decreases in wages or fringe benefits as described above, and the concomitant increases or decreases in social security and unemployment taxes and workmen's compensation insurance, but shall not otherwise include any amount for general and administrative costs, overload, or profits.

(d) The Contractor shall notify the Contracting Officer of any increases claimed under this clause within thirty (30) days after the effective date of the wage change, unless this period is extended by the Contracting Officer in writing. In the case of any decrease under this clause, the Contractor shall promptly notify the Contracting Officer of such decrease but nothing herein shall preclude the Government from asserting a claim within the period permitted by law. The notice shall contain a statement of the amount claimed and any other relevant data in support thereof, which may reasonably be required by the Contracting Officer. Upon agreement of the parties, the contract price or contract unit price labor rates shall be modified in writing. Pending agreement on or determination of, any such adjustment and its effective date, the contractor shall continue performance.

(e) The Contracting Officer or his authorized representative shall, until the expiration of three (3) years after final payment under the contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor.

§ 7.202 Applicability.

As used in this subpart, the term "cost-reimbursement type supply contract" shall mean any contract (other than a letter contract, notice of award; or a supplemental agreement to a contract which does not effect a new procurement) entered into on a cost or cost-plus-a-fixed-fee basis as covered in § 3.405 of this chapter for supplies other than (a) the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, (b) experimental, developmental, or research work, or (c) facilities to be provided by the Government under a "facilities contract" as defined in § 7.701 and Part 13 of this chapter.

§ 7.203–18 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.204–2 Workmen's compensation and war hazard insurance overseas.

In accordance with § 10.403 of this chapter, insert one or both of the clauses depending on whether all contract employees are subject to the Defense Base Act or whether the Act has been waived as to all or part of the contract employees. Also insert the clause Reimbursement for War Hazard Losses and the schedule language at § 10.502 (b) and (c) of this chapter according to the instructions stated in those paragraphs.

§ 7.204–19 Small business subcontracting program. [Revoked]

§ 7.204–29 Labor surplus area subcontracting program. [Revoked]

§ 7.204–33 Nonuse of foreign-flag vessels engaged in Cuban and North Vietnam trade. [Revoked]

§ 7.204–37 Procurement of natural rubber for aircraft tires, tubes, tire recapping, and recapping materials. [Revoked]

9. Section 7.204–45 is revised; new §§ 7.204–48, 7.204–49, and 7.204–50 are added; and §§ 7.302–13, 7.302–17, 7.303–11, 7.303–20, and 7.303–25 are revised, as follows:

§ 7.204–45 Recovery of nonrecurring costs on foreign sales of major defense equipment.

Insert the clause set forth in § 7.104–64, as appropriate.

§ 7.204–48 Health, safety, and accident prevention.

In accordance with § 7.104–78, insert the clause set forth therein.

§ 7.204–49 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

In accordance with § 7.104–79, insert the clause set forth therein.

§ 7.204–50 Notice of radioactive materials.

In accordance with § 7.104–80, insert the clause set forth therein.

§ 7.302–13 Buy American Act.

In accordance with § 6.104–5 of this chapter, insert the clause set forth therein, except when in accordance with §§ 18.509–4, 18.509–5, and 18.509–6 of this chapter, the clauses prescribed in §§ 7.602–20 and 7.602–24 are inserted.

§ 7.302–17 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.303–11 Health, safety, and accident prevention.

In accordance with § 7.104–78, insert the clause set forth therein.

§ 7.303–20 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

In accordance with § 7.104–79, insert the clause set forth therein.

§ 7.303–25 Notice of radioactive materials.

In accordance with § 7.104–80, insert the clause set forth therein.

10. Sections 7.303–32, 7.303–36, and 7.303–38 are revoked; §§ 7.303–45, 7.402–7, 7.403–13, 7.403–24, and 7.403–28 are revised; and § 7.403–32 is revoked, as follows:

§ 7.303–32 Value engineering program requirement. [Revoked]

§ 7.303–36 Procurement of natural rubber for aircraft tires, tubes, tire recapping, and recapping materials. [Revoked]

§ 7.303–38 Government property furnished "as is". [Revoked]

§ 7.303–45 Recovery of nonrecurring costs on non-U.S. Government sales of defense equipment.

In accordance with § 4.110(d) of this chapter, insert the clauses set forth in § 7.104–64, as appropriate.

§ 7.402–7 Examination of records.

In accordance with § 7.203–7, insert the clause set forth therein. In the case of research and development contracts with nonprofit institutions and subcontracts thereunder, and pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things will not be required pursuant to paragraph (a)(3) of said clause.

§ 7.403–13 Health, safety, and accident prevention.

In accordance with § 7.104–78, insert the clause set forth therein.

§ 7.403–24 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

In accordance with § 7.104–79, insert the clause set forth therein.

§ 7.403–28 Notice of radioactive materials.

In accordance with § 7.104–80, insert the clause set forth therein.

§ 7.403–32 Procurement of natural rubber for aircraft tires, tubes, tire recapping and recapping materials. [Revoked]

11. Sections 7.403–42 and 7.504–2 are revised; new § 7.504–10 is added; §§ 7.602–24, 7.603–12, and 7.603–13 are revised; § 7.603–45 is revoked; and new § 7.603–46 is added, as follows:

§ 7.403–42 Recovery of nonrecurring costs on foreign sales of major defense equipment.

In accordance with § 4.110(d), insert the applicable clause set forth in § 7.104–64.

§ 7.504–2 Data and copyrights.

In accordance with Subpart B, Part 9 of this chapter, insert the appropriate clause or clauses set forth in § 9.203 of this chapter.

§ 7.504–10 Availability of funds.

AVAILABILITY OF FUNDS (1969 APRIL)

Funds are not presently available for performance under this contract beyond June 30, 19__. The Government's obligation for performance of this contract beyond this date is contingent upon the availability of appropriated funds from which payment for the contract purposes can be made. No legal liability on the part of the Government for payment of any money for performance under this contract beyond June 30, 19__, shall arise unless and until funds are made available to the Contracting Officer for such performance and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

§ 7.602–24 Nondomestic construction material.

(a) In accordance with § 18.509–4 of this chapter, insert the following clause.

NONDOMESTIC CONSTRUCTION MATERIALS (1966 OCTOBER)

The requirements of the clause of this contract entitled "Buy American Act" do not apply to the items set forth below:

[Insert list here]

(b) In accordance with § 18.309–6 of this chapter, add when appropriate the following clause.

Panamanian materials. Any construction material or component that is mined, produced, or manufactured in the Republic of Panama. (Any such component shall be considered to be a U.S. component for the purpose of the "Buy American Act" clause. (1960 July)

§ 7.603–12 Workmen's compensation and war hazard insurance overseas.

In accordance with § 10.403 of this chapter, insert one or both of the clauses depending on whether all contract employees are subject to the Defense Base Act or whether the Act has been waived as to all or part of the contract employees. Also insert the clause Reimbursement for War Hazard Losses and the schedule language in § 10.502 (b) and (c) of this chapter according to the instructions stated in those paragraphs.

§ 7.603–13 Aircraft, missile, and space vehicle accident reporting and investigation.

In accordance with § 7.104–81, insert the clause set forth therein.

§ 7.603–45 North Carolina sales and use tax. [Revoked]

§ 7.603–46 Insurance.

In accordance with § 10.405 of this chapter, insert the clause set forth therein.

12. Sections 7.605–2, 7.605–19, and 7.606–8 are revised; § 7.606–12 is revoked; §§ 7.607–12, 7.702–44, 7.703–36, and 7.704–29 are revised; and § 7.705–6 is revoked, as follows:

§ 7.605–2 Changes.

Insert the clause set forth in § 7.203–2 with the following changes in wording: Delete subparagraph (a) and substitute "The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in the plans and specifications or instructions incorporated herein." Delete the words "delivery schedule" from subparagraph (b)(i) and substitute the words "completion time."

§ 7.605–19 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the appropriate clause set forth in § 7.103–18.

§ 7.606–8 Workmen's compensation and war hazard insurance overseas.

In accordance with § 10.403 of this chapter, insert one or both of the clauses depending on whether all contract employees are subject to the Defense Base Act or whether the Act has been waived as to all or part of the contract employees. Also insert the clause Reimbursement for War Hazard Losses and the schedule language at § 10.502 (b) and (c) of this chapter according to the instructions stated in those paragraphs.

§ 7.606–12 Small business subcontracting program. [Revoked]

§ 7.607–12 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the appropriate clause set forth in § 7.103–18.

§ 7.702–44 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.703–36 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.704–29 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.705–6 Buy American Act—construction contracts. [Revoked]

13. New §§ 7.705–23, 7.705–24, and 7.705–25 are added; §§ 7.706–23, 7.901–5, and 7.901–13 are revised; and new §§ 7.902–28, 7.902–29, 7.902–30, and 7.902–31 are added, as follows:

§ 7.705–23 Health, safety, and accident prevention.

In accordance with § 7.104–78, insert the clause set forth therein.

§ 7.705–24 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

In accordance with § 7.104–79, insert the clause set forth therein.

§ 7.705–25 Notice of radioactive materials.

In accordance with § 7.104–80, insert the clause set forth therein.

§ 7.706–23 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.901–5 Government property.

Insert the following clause if the Government is to furnish to the contractor, or contractor is to acquire, Government property, except in contracts for experimental, developmental, or research work with educational or nonprofit institutions where no profit to contractor is contemplated. See also § 7.104–24 (e), (f), and (g) for additional Government property clauses for particular situations.

GOVERNMENT PROPERTY (TIME AND MATERIAL OR LABOR HOUR) (1968 SEPTEMBER)

(a) *Government-furnished property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the ceiling price, hourly rate, the delivery or performance date, or all of them, and any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the ceiling price, rate, the delivery or performance date, or all of them, and any other contractual provision affected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property". Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) *Property administration.* The Contractor shall comply with the provisions of Appendix B, Armed Services Procurement Regulation, as in effect on the date of the contract, which is hereby incorporated by reference and made a part of this contract. Material to be furnished by the Government shall be ordered or returned by the Contractor, when required, in accordance with the "Manual for Military Standard Requisitioning and Issue Procedure (MILSTRIP) for Defense Contractors" (Appendix H, Armed Services Procurement Regulation) as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract.

(e) *Use of Government property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Utilization, maintenance and repair of Government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, and in accordance with applicable provisions of Appendix B, a program for the utilization, maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government property.

(g) *Risk of Loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection and preservation of Government property as required by paragraph (f) hereof, or

(B) To take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (f) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

Provided, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now and hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs. For any such repairs or renovation so directed, the Contracting Officer shall, upon written request of the Contractor, equitably adjust the ceiling price, hourly rate, delivery or performance date, or all of them in accordance with the procedures provided for in the clause of this contract entitled "Changes." In any such equitable adjustment due regard shall be given to the liability of the Contractor as determined under (1) above.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(5) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the clause of this contract entitled "Flight Risks" shall control, to the

extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.[1]

(h) *Access.* The Government, and any persons designated by it, shall at all reasonable times have access to the premises where any of the Government property is located, for the purpose of inspecting the Government property.

(i) *Final accounting and disposition of Government property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, delivery f.o.b. origin, or dispose of the Government property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(j) *Restoration of contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(i) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing or in accordance with the "Manual for Military Standard Requisitioning and Issue Procedure (MILSTRIP) for Defense Contractors" (Appendix H, Armed Services Procurement Regulation).

As provided in paragraph (i) of the above clause, the contracting officer may, subject to Departmental procedures, authorize or approve use of the contractor's established scrap disposal and accounting procedures whenever the amount and recoverable value of scrap from Government property are relatively minor and the contractor's established procedures for accumulating and disposing of scrap and crediting the proceeds thereof to general overhead or other general cost will permit the Government to share equitably in such scrap recovery through a reduction of overhead or other cost factor affecting reimbursement under the contract.

§ 7.901–13 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.902–28 Health, safety, and accident prevention.

In accordance with § 7.104–78, insert the clause set forth therein.

[1] This subparagraph may be omitted where it is clearly inapplicable.

§ 7.902–29 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

In accordance with § 7.104–79, insert the clause set forth therein.

§ 7.902–30 Notice of radioactive materials.

In accordance with § 7.104–80, insert the clause set forth therein.

§ 7.902–31 Availability of funds.

In accordance with § 22.107(b) of this chapter, insert the clause set forth in § 7.504–10.

14. Sections 7.1002–12 and 7.1002–13 are revised; § 7.1003–8 is revoked; new §§ 7.1003–14, 7.1003–15, and 7.1003–16 are added; and a new paragraph (c) is added to § 7.1102–3, as follows:

§ 7.1002–12 Service Contract Act of 1965.

In accordance with § 12.1004 of this chapter, insert one of the following clauses, as appropriate.

(a) *Clause for Federal service contracts in excess of $2,500.*

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(1968 SEPTEMBER)

This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (Public Law 89–286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (29 CFR Parts 4 and 1516).

(a) *Compensation.* Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the Contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the Contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contracting Officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, or his authorized representative for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour).

(b) *Obligation to furnish fringe benefits.* The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hours and Public Contracts Divisions, Department of Labor (Subpart B of Part 4 (29 CFR)).

(c) *Minimum wage.* In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employes performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 ($1.60 per hour). However, in cases where section 6(e)(2) of the Fair Labor Standards Act of 1938 is applicable, the rates specified therein will apply. Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(d) *Notification to employees.* The Contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum momentary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(e) *Safe and sanitary working conditions.* The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services. Except insofar as a noncompliance can be justified as provided in section 1516.1(c) of Title 29 CFR, this will require compliance with the applicable standards, specifications, and codes developed and published by the U.S. Department of Labor, any other agency of the United States, and any nationally recognized professional organization such as, without limitation, the following:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of the Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

Information as to the latest standards, specifications, and codes applicable to the contract is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

(2) Middle Atlantic Region, 1110–B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

(f) *Records.* The Contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified below for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

(1) His name and address.

(2) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(3) His daily and weekly hours so worked.

(4) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(5) A list of monetary wages and fringe benefits for those classes of service employees not included in the minimum wage attachment to this contract, but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator of the Wage and Hour and Public Contracts Division, Department of Labor, or his authorized representative pursuant to the labor standards in paragraph (a) of this clause. A copy of the report required by paragraph (j) of this clause shall be deemed to be such a list.

(g) *Withholding of payments and termination of contract.* The Contracting Officer shall withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract with the Prime Contractor such sums as he, or an appropriate officer of the Labor Department, decides may be necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of this clause relating to the Service Contract Act of 1965 may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the Contractor in default with any additional cost.

(h) *Subcontractors.* The Contractor agrees to insert the paragraphs of this clause relating to the Service Contract Act of 1965 in all subcontracts. The term "Contractor" as used in these paragraphs in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(i) *Service employee.* As used in this clause relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

(j) *Contractor's report.* If there is a wage determination attachment to this contract and one or more classes of service employees which are not listed thereon are to be employed under the contract, the Contractor shall report to the Contracting Officer the monetary wages to be paid and the fringe benefits to be provided each such class of service employee. Such report shall be made promptly as soon as such compensation has been determined as provided in paragraph (a) of this clause.

(k) *Regulations incorporated by reference.* All interpretations of the Service Contract Act of 1965 expressed in Subpart C of Part 4 (29 CFR) are hereby incorporated by reference in this contract.

(l) These clauses relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healy Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect, or where such carriage is subject to rates covered by section 22 of the Interstate Commerce Act;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility, services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations;

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands, as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island. It does not include any other territory under the jurisdiction of the United States or any U.S. base or possession within a foreign country.

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exemptions the Secretary of Labor hereby finds necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business: Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom.

(m) Notwithstanding any of the provisions in paragraphs (a) through (k) of this clause, relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor hereby finds pursuant to section 4(b) of the Act to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(1) (i) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Service Contract Act of 1965, without diminishing any fringe benefits or case payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor (Parts 520, 521, 524, and 525 of 29 CFR).

(ii) The Administrator will issue certificates under the Service Contract Act of 1965 for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary case payments in lieu thereof), applying procedures by the applicable regulations issued under the Fair Labor Standards Act of 1938 (Parts 520, 521, 524, and 525 of 29 CFR).

(iii) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of Title 29 of the Code of Federal Regulations.

(2) An employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips may have the amount of his tips credited by his employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act, in accordance with the regulations in Part 531 of 29 CFR: *Provided, however,* That the amount of such credit may not exceed 80 cents per hour.

(b) *Clause for Federal service contracts not in excess of $2,500.*

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Except to the extent that an exemption, variation, or tolerance would apply pursuant to 29 CFR 4.6 if this were a contract in excess of $2,500, the Contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour). However, in cases where section 6(e)(2) of the Fair Labor Standards Act of 1938 is applicable, the rates specified therein will apply. All regulations and interpretations of the Service Contract Act of 1965 expressed in 29 CFR Part 4 are hereby incorporated by reference in this contract.

§ 7.1002–13 Equal opportunity.

In accordance with § 12.804 of this chapter, insert the applicable clause set forth in § 7.103–18.

§ 7.1003–8 Taxes. [Revoked]

§ 7.1003–14 Health, safety, and accident prevention.

In accordance with § 7.104–78, insert the clause set forth therein.

§ 7.1003–15 Safety precautions for ammunition, explosives, other dangerous materials, and materials hazardous to health.

In accordance with § 7.104–79, insert the clause set forth therein.

§ 7.1003–16 Notice of radioactive materials.

In accordance with § 7.104–80, insert the clause set forth therein.

§ 7.1102–3 Indefinite quantity contract.

* * * * *

(c) *Availability of funds.* In accordance with § 22.107(b) of this chapter, insert the clause set forth in § 7.504–10.

15. Section 7.1201–28 is revoked; § 7.1201–29 is revised; and new §§ 7.1401–13, 7.1402, and 7.1402–1 are added, as follows:

§ 7.1201–28 Walsh-Healey Public Contracts Act. [Revoked]

§ 7.1201–29 Equal opportunity.

Insert the applicable clause set forth in § 7.103–18.

§ 7.1401–13 Service Contract Act of 1965.

In accordance with § 12.1004 of this chapter, insert one of the clauses set forth in § 7.1002–12.

§ 7.1402 Clauses to be used when applicable.

§ 7.1402–1 Availability of funds.

In accordance with § 22.107(b) of this chapter, insert the clause set forth in § 7.504–10.

16. A new Subpart P is added to this part, to read as follows:

Subpart P—Contracts for Preparation of Personal Property for Shipment, Government Storage and Performing Intracity or Intra-Area Movement

Sec.

7.1601 Policy.
7.1601–1 Annual contracts.
7.1601–2 Zone of performance.
7.1601–3 Invitations for bids.
7.1602 Procedure.
7.1602–1 Coordination.
7.1602–2 Procurement by other methods.
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7.1603–22 Method of ordering.

AUTHORITY: The provisions of this Subpart P issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 7.1601 Policy.

§ 7.1601–1 Annual contracts.

Contracts for the preparation of personal property for shipment or storage in a Government facility, and for the performance of intracity or intra-area movement normally shall be awarded by formal advertising. Such contracts shall be for a calendar year ending on 31 December except for noncontinuous requirements for shorter periods.

§ 7.1601–2 Zone of performance.

The solicitation shall provide for a clearly defined zone of performance. Determination as to the number of zones and boundaries thereof shall take into consideration such matters as total volume, size of overall area included in the solicitation, and capacity of prospective bidders.

§ 7.1601–3 Invitations for bids.

Bids for preparation of personal property for shipment, storage, and effecting intracity or intra-area movement, shall be solicited as provided in § 2.201 of this chapter (or § 1.706 of this chapter when small business restricted advertising is appropriate). Invitations for bids shall include such general provisions and conditions as are required by law and by this subchapter. The applicable clause prescribed by § 13.702(a) or 13.710 of this chapter shall be included in the schedule.

§ 7.1602 Procedure.

§ 7.1602–1 Coordination.

One military activity shall contract for the estimated requirements of all the activities in a contiguous area. The activity shall be designated by mutual agreement of the installation contracting officers concerned. The Military Traffic Management and Terminal Service (MTMTS) shall designate the contracting activity when local contracting officers are unable to reach an agreement as to the activity to be designated.

§ 7.1602–2 Procurement by other methods.

When special requirements exceed the service available under contracts, services may be obtained by using small purchase procedures (see Subpart F, Part 3 of this chapter).

§ 7.1602–3 Use of additional contractors.

When required services cannot be obtained as needed from the lowest priced contractor, the services will be ordered from the next lowest priced contractor who can meet the requirements.

§ 7.1603 Contract provisions.

The following special clauses and schedule shall be inserted in all solicitations for the preparation of personal property for shipment or storage and performing intracity or intra-area movement. Where a requirement does not exist for an item in a schedule, that item will be crossed out. Oversea commands, except those in Alaska and Hawaii, may modify the format when necessary to conform with local trade customs and practices and country (including political subdivisions thereof) laws and regulations; however, all generic terminology, schedule and item numbers shall follow those contained in the basic format.

§ 7.1603–1 Scope of contract.

SCOPE OF CONTRACT (1968 NOVEMBER)

The Contractor shall furnish services and materials for the preparation of personal property (including servicing of appliances) for shipment or storage, drayage, and related services. Unless otherwise indicated in the schedule, the Contractor shall furnish (i) all materials except Government owned containers (Type II, III, CONEX, and Government approved air cargo containers) and (ii) all equipment, plant, labor, and perform all work in accomplishing containerization of personal property for overseas or domestic shipment, or storage; restenciling; recooperage; drayage of personal property in connection with other services or separately; and decontainerization of inbound shipments of personal property.

§ 7.1603–2 Period of contract.

(a) The following clause shall be used in contracts covering performance for an entire year:

PERIOD OF CONTRACT (1968 NOVEMBER)

This contract shall begin January 1, 19..., and shall end December 31, 19..., both dates inclusive: *Provided, however,* That any work ordered before, and not completed by, the expiration of this contract period shall be governed by the terms of this contract. Orders requiring commencement of performance more than 15 days after the expiration date shall not be placed under this contract.

(b) When the period of performance is less than a calendar year, the above clause shall be modified to show the appropriate beginning and ending. However, the date for the end of the contract period shall not be later than December 31, of the year in which contract is awarded.

§ 7.1603–3 Indefinite quantities.

INDEFINITE QUANTITIES (1968 NOVEMBER)

The quantities specified herein are estimates only. The amounts which the Contractor may be required to furnish and the Government to accept hereunder shall be the amounts which shall from time to time be ordered hereunder by the Government during the ordering period of this contract. The minimum amount of services which the Government shall order during the period of this contract shall be $100, computed upon the unit prices specified herein; however, the Government shall be entitled to order and the Contractor shall be required to furnish services hereunder amounting to not more than the Contractor's guaranteed daily capability as set forth in this contract.

§ 7.1603–4 Government ordering activities.

GOVERNMENT ORDERING ACTIVITIES (1968 NOVEMBER)

The following activities are authorized to order services under this contract and to administer the performance of such orders:

(Insert the name of each ordering activity.)

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when authorized by the Contracting Officer, and properly securing and sealing for shipment, weighing, marking, strapping, and drayage of the container(s) within zone(s) described herein. Service provided under this item shall include loading (to include blocking, bracing and sealing) of shipments on line-haul carrier's equipment. When containers will not accommodate all articles of any one lot, loose articles shall be packed in the said containers before any overpacked articles are placed therein. Overflow articles which require packing and crating shall be paid for under Item 3.

§ 7.1603–5 Contract zones.

CONTRACT ZONES (1968 NOVEMBER)

Services shall be performed within the following defined zones:

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§ 7.1603–6 Government's estimated requirements.

GOVERNMENT'S ESTIMATED REQUIREMENTS (1968 NOVEMBER)

(a) The quantities shown by zone for each item in this Invitation for Bids are the Government's estimates of requirements which may be ordered during the period of the contract. Bids shall be evaluated on the basis of these quantities.

(b) The Government's estimated maximum daily requirements excluding Saturdays, Sundays, National, State, and local holidays are listed below. Bidders must complete the Bidder's Guaranteed Daily Capability. Failure to do so will render the bid nonresponsive.

	Government established maximum daily requirement	Bidder's guaranteed daily capability
Outbound (Schedule I)	NCWT	
Inbound (Schedule II)	NCWT	
Unaccompanied Baggage (Schedule III)	NCWT	
Intra-City/Area (Schedule IV)	NCWT	
Total	NCWT	

§ 7.1603–7 Award.

AWARD (1968 NOVEMBER)

Award shall be made to the low bidder under each schedule for each zone listed. The Government reserves the right to award additional contracts, as a result of this solicitation, to the extent necessary to meet its estimated maximum requirements. To be eligible for an award, a bidder must offer unit prices for all items under any schedule bid on. Failure to do so shall be cause for rejection of the bid for that schedule. Also, bidders failing to guarantee daily capabilities in the space provided in this Invitation for Bids shall be considered not responsive and ineligible for award. Any bid which stipulates minimum charges or graduated prices for any of all items shall be rejected for that schedule.

§ 7.1603–8 Bidder's facilities.

BIDDER'S FACILITIES (1968 NOVEMBER)

(a) As the minimum standard for qualification of a Contractor's warehouse, it must have either (i) an acceptable automatic sprinkler system; (ii) an acceptable automatic fire detection and reporting system; or (iii) a fire contents rate (FCR) of not more than $0.60 per one hundred dollars ($100) per year based on eighty percent (80%) coinsurance factors. Installed fire protective systems must be accredited by the cognizant fire insurance rating organization for insurance rate credit. Additionally, facility will be protected by an adequate water supply for firefighting and a fire department which is responsive 24 hours a day. Statements from the cognizant fire insurance rating organization, municipal fire department, or local authority, having jurisdiction, will be used as a basis for determining the sufficiency or adequacy of a firefighting water supply and the responsiveness of a fire department to protect a facility.

(b) The following information shall be furnished by the Contractor upon receipt of award:

Evidence of the following kinds and minimum amounts of insurance covering work herein to be performed by the Contractor. The Contractor shall maintain at least minimum coverage throughout the contract period. Each policy shall contain an indorsement that cancellation or material change in the policy shall not be effective until after a 30-day written notice is furnished to the Contracting Officer.

(1) Workmen's Compensation Insurance ---------- $---------

(2) Comprehensive General Liability Insurance ---------- $----------

(3) Automobile Liability Insurance $----------

§ 7.1603–9 Schedule of items.

SCHEDULE I—OUTBOUND SERVICES

Item 1: Complete service—outbound. Service under this item shall include premove survey, servicing of appliances, disassembly of furniture if required, preliminary packing, inventorying, tagging, wrapping, padding, packing, and bracing of household goods in Government owned and furnished shipping containers (Type II, Type III, CONEX) or Government approved Air Cargo Container at owner's residence, or at contractor's facility

	Zone	Established annual quantity	Unit price	Total
a.	At owner's residence:			
	(1) Type III		NCWT	
	(2) CONEX		NCWT	
	(3) Air cargo container		NCWT	
b.	At Contractor's Facility:			
	(1) Type II/III		NCWT	
	(2) CONEX		NCWT	
	(3) Air cargo container		NCWT	
	(Repeat a and b above for additional zones as needed.)			

Item 2: Outbound (from nontemporary storage). Service provided under this item shall be the same as Item 1 except that: (i) Household goods shall be picked up at a nontemporary storage facility and transported to Contractor's facility; or (ii) household goods shall be delivered to Contractor's facility; and (iii) premove survey, servicing of appliances, preliminary packing and accessorial services shall not be provided. Overflow articles requiring containerization will be paid for under Item 3.

	Zone	Established annual quantity	Unit price	Total
a.	Picked up by contractor:			
	(1) Type III		NCWT	
	(2) CONEX		NCWT	
	(3) Air cargo container		NCWT	
b.	Delivered to contractor:			
	(1) Type II		NCWT	
	(2) CONEX		NCWT	
	(3) Air cargo container		NCWT	
	(Repeat a and b above for additional zones as needed.)			

Item 3: Complete service—outbound—(overflow articles or shipments requiring other than Type II or III containers). Service provided under this item shall be the same as Item 1 except that the loose articles may be drayed to Contractor's facility when authorized by the Contracting Officer for containerization in Government-approved, Contractor-furnished containers.

	Zone	Established annual quantity	Unit price	Total
a.	Overseas pack:			
	(1) Overflow articles		NCWT	
	(2) Other shipments		NCWT	
b.	Domestic pack:			
	(1) Overflow articles		NCWT	
	(2) Other shipments		NCWT	
	(Repeat a and b above for additional zones as needed.)			

	Established annual quantity	Unit	Unit price	Total
Item 4: Storage. This item shall provide storage of containerized articles when specifically authorized by the Contracting Officer. Charges under this item shall not commence earlier than the sixth (6th) workday following date of completion of containerization service. Storage charges will be for each 30-day period or fraction thereof		NCWT		
Item 5: Drayage (when other services are performed). Service under this item shall include drayage as required beyond the perimeter of the zone of performance included in the specific item. Drayage shall be paid for at a rate per net hundredweight for each highway mile the shipment is moved. This charge will be in addition to the rate for the primary service performed and will be based on the shortest practicable route		NCWT loaded mile.		
Item 6: Drayage (When other services not equired). Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross hundredweight per highway mile for which shipment is moved over the shortest practicable route. Service under this item includes the loading and unloading of goods, and placing of same in line-haul carrier terminals or military transportation shipping offices or both. An inventory shall be prepared when requested by the Contracting Officer		GCWT loaded mile.		
Item 7: Containers. Under this item the Contractor shall supply containers Type II or Type III (Fed. Spec. PPP-____-580____), and Government approved Air Cargo Containers when authorized by the Contracting Officer. This shall include stenciling the tare weight together with the words "Property of U.S. Government" on one side and one end of the container.				
Type II		Each		
Type III		Each		
Air cargo container		Each		
Item 8: Remarking,recoopering service.				
a. *Remarking.* Service under this item shall consist of obliteration of all old markings and stenciling of necessary information on shipping containers when authorized by the Contracting Officer		Each		
b. *Recoopering.* Service under this item shall consist of repair of containers not to exceed 30 percent of total area of shipping container and rebanding as necessary when approved by the Contracting Officer		Each		
Item 9: Drayage from contractor's facility. Service under this item shall provide drayage of containers prepared for shipment under items 1, 2, and 3 from the Contractor's facility to military installation shipping offices or warehouses, common carrier surface or air terminals, military water or air terminals, freight station or team track when authorized by the Contracting Officer		NCWT loaded mile.		

RECAPITULATION SCHEDULE I

Schedule total by zone (Items 1 to 4)	$
Total of Items 5 through 9	$
Schedule total for zone	$
(Repeat for each zone listed.)	

RECAPITULATION SCHEDULE II

	Established annual quantity	Unit	Unit price	Total
Schedule total by zone (Items 12 and 13)	$			
Total of items 14 through 16	$			
Schedule total for zone	$			
(Repeat for each zone listed.)				

SCHEDULE III—UNACCOMPANIED BAGGAGE SERVICE

	Established annual quantity	Unit	Unit price	Total
Item 17: Complete service—outbound. Service includes inventorying, weighing, strapping, marking, and packaging of unaccompanied baggage containers. Packing shall be in Government-approved containers and shall be performed at owner's residence or at Contractor's facility when authorized by Contracting Officer. Service provided under this item shall include drayage of container(s) within zone(s) described herein when authorized by Contracting Officer.				
Zone _____				
a. Government furnishes containers:				
(1) Includes drayage		GCWT		
(2) Excludes drayage		GCWT		
b. Contractor furnishes containers:				
(1) Includes drayage		GCWT		
(2) Excludes drayage		GCWT		
(Repeat a and b above for additional zones as needed.)				
Item 18: Outbound service—unaccompanied baggage packed by owner. Service under this item shall provide weighing, strapping, banding, and marking. Service provided under this item shall include, when necessary, containerization as authorized by the Contracting Officer and drayage of container(s) within zone(s) described herein when authorized by the Contracting Officer.				
Zone _____				
a. Containerization not required:				
(1) Includes drayage		GCWT		
(2) Excludes drayage		GCWT		
b. Containerization Required:				
(1) Government Furnished Container:				
(a) Includes Drayage		GCWT		
(b) Excludes Drayage		GCWT		
(2) Contractor Furnished Container:				
(a) Includes Drayage		GCWT		
(b) Excludes Drayage		GCWT		
(Repeat a and b above for additional zones as needed.)				
Item 19: Complete service—inbound. Service under this item shall include unpacking of unaccompanied baggage containers at owner's residence and removal of all shipping containers and debris from the residence.				
Zone _____				
a. Contractor picks up at terminal and delivers to residence		GCWT		
b. Contractor receives at facility and delivers to residence		GCWT		
c. Contractor picks up at military installation and delivers to residence		GCWT		
d. Contractor services at owner's residence		GCWT		
e. Storage charges per 30-day period or fraction thereof for UB after 3d day from date of notification of arrival		GCWT		
(Repeat a thru d above for additional zones as needed.)				
Item 19.1: Inbound service—contractor facility. Service under this item shall include removal of unaccompanied baggage from outer shipping containers for pickup by owner at Contractor's facility		GCWT		
Item 19.2: Drayage (when other services are performed). Service under this item shall include drayage as required beyond the perimeter of the zone of performance included in the specified item. Drayage shall be paid at a rate per gross cwt for each highway mile the shipment is moved. This charge will be in addition to the rate for the primary service performed and will be based on the shortest practical route		GCWT loaded mile.		

SCHEDULE II—INBOUND SERVICES

	Established annual quantity	Unit	Unit price	Total
Item 11: Complete service—inbound. Service under this item shall include decontainerization and unpacking of loaded containers of household goods at the owner's residence as directed by owner or his designated representative, servicing of major appliances or other articles, assembly of any disassembled articles and removing shipping containers, barrels, boxes,crates and debris from owner's residence and drayage of empty containers to contractor's or Government facility as directed by Contracting Officer.				
Zone _____				
a. Contractor picks up shipment at terminal and delivers to residence		NCWT		
b. Contractor receives shipment at facility and delivers to residence		NCWT		
c. Contractor receives shipment at Military Installation and delivers to residence		NCWT		
d. Contractor services shipment at residence		NCWT		
(Repeat a through d for additional zones as needed.)				
Item 12: Complete service inbound. Service under this item shall be the same as that provided under Item 11 except removal of items from outer container will be at Contractor's facility and articles normally will be drayed to owner's residence. This service will be performed only upon authorization of the Contracting Officer.				
Zone _____				
a. Contractor picks up shipment at terminal		NCWT		
b. Contractor receives shipment at facility		NCWT		
c. Contractor picks up shipment at Military Installation		NCWT		
d. Owner picks up at Contractor's facility		NCWT		
(Repeat a through d for additional zones as needed.)				
Item 13: Drayage (when other services are performed). Service under this item shall include drayage as required beyond the perimeter of the zone of performance included in the specified item. Drayage shall be paid for at a rate per net hundredweight for each highway mile the shipment is moved. The charge will be in addition to the rate for the primary service performed and will be based on the shortest practicable route		NCWT loaded mile.		
Item 14: Drayage (when other services not required). Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross hundredweight per highway mile for which shipment is moved over the shortest practicable route. Service under this item includes the loading and unloading of goods, and placing of same in line-haul carrier terminals or military transportation shipping offices or both. An inventory shall be prepared when requested by the Contracting Officer		GCWT loaded mile.		
Item 15: Storage. This item shall provide storage of containerized articles when specifically authorized by the Contracting Officer. Charges under this item shall not commence earlier than the sixth (6th) workday following date of notification to Transportation Officer of arrival of shipment. Storage charges will be for each 30-day period or fraction thereof		NCWT		
Item 16: Remarking/recoopering service.				
a. *Remarking.* Service under this item shall consist of obliteration of all old markings and stenciling of necessary information on shipping containers when authorized by the Contracting Officer		Each		
b. *Recoopering.* Service under this item shall consist of repair of containers not to exceed 30 percent of total area of shipping container and rebanding as necessary when approved by the Contracting Officer		Each		

	Established annual quantity	Unit	Unit price	Total
Item 19.3: Drayage (when other services not required). Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt per highway mile for which shipment is moved over the shortest practicable route. Service under this item includes the loading and unloading of goods and placing of same in line-haul carrier terminals or military transportation shipping offices or both. An inventory shall be prepared when requested by the Contracting Officer		GCWT loaded mile.		
Item 20: Remarking/recoopering service.				
a. *Remarking.* Service under this item shall consist of obliteration of all old markings and stenciling of necessary information on shipping containers when authorized by the Contracting Officer		Each		
b. *Recoopering.* Service under this item shall consist of repair of containers not to exceed 30% of total area of shipping container and rebanding as necessary when approved by the Contracting Officer		Each		

RECAPITULATION SCHEDULE III

Schedule Total by Zone (Items 17, 18 and 19)	$
Add Items 19.1, 19.2, 19.3 and 20	$
Schedule Total for Zone	$
(Repeat for each zone listed.)	

SCHEDULE IV—INTRACITY AND INTRAAREA MOVES

Item 21: Complete service for intracity and intraarea movements. Service under this item shall include a premove survey, servicing of appliances or other articles, packing at owner's residence to protect household goods properly during transit, inventorying, loading, weighing, drayage, unloading, unpacking, and placing of household goods in owner's new residence as directed by owner or his designated representative and removal of all empty containers and materials from residence		GCWT		
Zone _____				
(Repeat for additional zones as needed.)				

§ 7.1603–10 Performance.

PERFORMANCE (1968 NOVEMBER)

(a) The services called for hereunder shall be performed in conformance with MIL–STD–212 _____, "Preparation of Household Goods for Shipment or Storage and Related Services," for Schedules I, II, and III only, unless otherwise directed by the Contracting Officer. The Contractor shall meet the following minimum stowage factor standards in stuffing of shipping containers:

For Type II or III and CONEX containers—5.7 net lbs. per gross cubic foot of container cube.

For Air Cargo Containers—8.9 net lbs. per gross cubic foot of container cube.

(The term "stuffing" as related to containers means loading of personal property into shipping containers.)

Labor employed to perform pickup and delivery, inventorying, packing, crating, weighing, marking, loading, hauling, drayage, unpacking, blocking, bracing, and other services described herein shall be competent in the performance of such services.

(b) Inventory of shipment shall be accomplished pursuant to provisions of MIL–STD–212 _____.

(c) All services shall be performed in accordance with the priority order established by the Contracting Officer.

(d) "Military Standard-Preparation of Household Goods for Shipment and Storage and Related Services" (MIL–STD–212 _____) and applicable specifications referred to herein are available for reference in the local Procurement or Transportation Offices.

§ 7.1603–11 Time requirements.

TIME REQUIREMENTS (1968 NOVEMBER)

(a) The Contractor shall commence containerization of household goods or unaccompanied baggage at owner's residence or Contractor's facility on the date specified by the Contracting Officer. If containerization is authorized at Contractor's facility, the household goods or unaccompanied baggage as

required, shall be picked up on the date(s) specified. Unless a longer period is authorized by the Contracting Officer, the maximum containerization time allowed at the Contractor's facility shall be three (3) working days from specified pickup date for household goods and two (2) working days from specified pickup date for unaccompanied baggage.

(b) The Contracting Officer or his designated representative shall normally give the Contractor notice to commence containerization or to pickup household goods or baggage shipments at least twenty-four (24) hours prior to the date specified.

(c) Delivery or removal of household goods or unaccompanied baggage to or from Owner's residence, or containerization of household goods or unaccompanied baggage at Owner's residence, shall be completed between the hours of 8 a.m. and 5 p.m. Monday through Friday only, officially declared National, State, or local holidays excluded, unless the Owner, his authorized agent, or the Contracting Officer authorizes such services to be accomplished earlier or later.

(d) The Contractor shall accept and pick up inbound shipments of household goods or unaccompanied baggage, effect delivery thereof to the destination, and shall unload and unpack the same on the date specified by the Contracting Officer during the working hours set forth above. Delivery shall be effected within two (2) working days from date of pickup/receipt unless otherwise specified.

§ 7.1603–12 Demurrage.

DEMURRAGE (1968 NOVEMBER)

The Contractor shall be liable for all demurrage, detention, or other charges accruing as a result of his failure to remove shipments from freight cars, freight terminals, vessel piers, or warehouses within the free time allowed under applicable rules and tariffs.

§ 7.1603–13 Vans.

VANS (1968 NOVEMBER)

Vans used in transporting unpacked and uncrated furniture shall be of the closed type and shall be supplied with sufficient clean, sanitary pads, covers, and other equipment to protect personal property adequately during transit and delivery. Vehicles used in transporting containerized personal property may be of the open type provided a weatherproof tarpaulin is used to protect the shipment.

§ 7.1603–14 Drayage.

DRAYAGE (1968 NOVEMBER)

(a) Drayage under the Schedules of items in this contract shall include all outbound or inbound hauling of loose articles, containerized shipments and empty Government containers between owner's residence or storage point (other than Contractor's facility) and Contractor's facility. When pickup is part of the line-haul service, Contractor shall perform loading on freight forwarder or carrier equipment at Contractor's facility. Payment shall not be made for drayage performed within the zones awarded.

(b) Repositioning of Government containers between Contractors' and Government facilities shall be at no additional cost to the Government.

(c) Payment for drayage shall be made at a rate per net/gross hundredweight per highway mile as applicable for which shipment is moved over the shortest practicable route.

§ 7.1603–15 Liability.

LIABILITY (1968 NOVEMBER)

(a) The words "reasonable time" as used in the following paragraph means a period of time not to exceed two (2) years after the time the owner discovers loss or damage to his property or the time he should have discovered the loss or damage if he had exercised due diligence. The word "article" as used in the following paragraph means any shipping piece or package and the contents thereof.

(b) During the period of this contract and for a reasonable time, the Contractor agrees to indemnify the owner for loss or damage to the owner's property which arises from any cause while it is in the Contractor's possession as follows:

(i) *Nonnegligent damage.* The Contractor shall indemnify owners for any loss or damage to their property which results from any cause, other than the Contractor's negligence, at a rate not to exceed sixty cents (60¢) per pound per article.

(ii) *Negligent damage.* When loss or damage is caused by the negligence of the Contractor, he shall be liable for the full cost of satisfactory repair or for the current replacement value of the article.

The Contractor shall make prompt payment to the owner of the property for any loss or damage for which the Contractor is liable.

§ 7.1603–16 Erroneous shipments.

ERRONEOUS SHIPMENTS (1968 NOVEMBER)

(a) It shall be the responsibility of the Contractor at his expense to have articles of personal property which he inadvertently packed with goods of other than the rightful owner forwarded to the rightful owner by the quickest means of transportation.

(b) Further, it shall be the responsibility of the Contractor to insure that all shipments have been stenciled correctly. When a shipment is forwarded to an incorrect address due to incorrect stenciling by the Contractor or its personnel, the shipment shall be returned with the least possible delay to its rightful owner by a mode of transportation selected by the Transportation Officer. The Contractor shall be liable for all costs incurred including charges for preparation, drayage, and transportation.

§ 7.1603–17 Marking instructions.

MARKING INSTRUCTIONS (1968 NOVEMBER)

(a) All containers of professional books, papers or equipment shall be stenciled "Professional Books, Paper, Equipment" and their weights shall be shown separately on packing lists.

(b) Unaccompanied baggage containers shall be marked as such.

§ 7.1603–18 Weight certificates.

WEIGHT CERTIFICATES (1968 DECEMBER)

(a) A weight certificate, in triplicate, from a certified scale or weighmaster shall be submitted to the transportation officer for all outbound shipments.

(b) To determine the net weight of inbound household goods shipments, when such weight is not shown on the Government Bill of Lading, the tare weight indicated on the container shall be deducted from the gross weight on the container or on the Government Bill of Lading. The net weight shall be annotated on the Government Bill of Lading.

(c) When inbound shipments include shipping containers other than Type II or III (PPP ------ 580 ------), the tare weight shall be determined in the same manner as in (b) above and such weight shall be deducted from the gross weight set forth on the shipping container or on the Government Bill of Lading, to determine the net weight of the household goods.

§ 7.1603–19 Inventory of damaged material.

INVENTORY OF DAMAGED MATERIAL (1968 NOVEMBER)

It shall be the responsibility of the Contractor when making delivery to prepare a separate inventory listing all articles lost or damaged and describing such loss or damage. This inventory shall be submitted to the transportation officer within seven (7) days after the delivery of the goods.

§ 7.1603–20 Additional services.

ADDITIONAL SERVICE (1968 NOVEMBER)

Charges for additional services shown in this paragraph are in addition to the services included in scheduled items of contract. These services shall be performed by the Contractor when authorized by the Contracting Officer. These charges shall be as agreed to by the Contracting Officer and the Contractor.

1. Attempted Pickup:
Household Goods $------ per each attempted pickup.
Unaccompanied Baggage $------ per each attempted pickup.
2. Attempted Delivery:
Household Goods $------ per each attempted delivery.
Unaccompanied Baggage $------ per each attempted delivery.
3. Extra Pickup/Delivery $------ per additional delivery or pickup.
4. Hoisting/Lowering of Articles $------ per hour.
5. Extra-long carry $------ per NCWT or $------ per GCWT.
6. Carrying of Piano/Organ $------ each.
7. Special services $------ per hour.
8. Reweigh $------ each.

§ 7.1603–21 Subcontracting.

SUBCONTRACTING (1968 NOVEMBER)

The Contractor shall not subcontract without prior written approval of the Contracting Officer. The facilities of any approved subcontractor shall meet the minimum standards required by this contract.

§ 7.1603–22 Method of Ordering.

METHOD OF ORDERING (1968 NOVEMBER)

(a) Orders will be placed with that Contractor whose prices for the items required are lowest. If that Contractor refuses or is unable to accept the order because it exceeds his guaranteed daily capability, the order will be placed with the next lowest Contractor whose guaranteed daily capability is not exceeded or is willing to accept the order.

(b) Orders will be placed by telephone or by written service orders, provided, however, a telephone order will be confirmed within 3 working days by a written service order. Ordering officers will promptly furnish one copy of each service order to the Contracting Officer who awarded the contract.

PART 9—PATENTS, DATA, AND COPYRIGHTS

17. Paragraph (a) of § 9.110 is revised to read as follows:

§ 9.110 Reporting of royalties—anticipated or paid.

(a) (1) The term "royalties," as used in this subpart, refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like, for the use of or for rights in patents or patent applications.

(2) To determine whether royalties anticipated or actually paid under Government contracts are excessive, improper, or inconsistent with rights which the Government may possess in particular inventions, patents, or patent applications, the Departments shall require royalty information and reports as prescribed below. See § 9.112 for action to be taken to reduce or eliminate excessive or improper royalties.

(3) Royalty information should not be required in formally advertised contracts. When it is expected that work may be performed in the United States, its possessions, or Puerto Rico, any solicitation which may result in a negotiated contract for which royalty information is desired, or for which cost or pricing data are obtained under § 3.807–3 of this chapter, shall contain a special provision substantially as follows:

ROYALTY INFORMATION (1961 AUGUST)

When the response to this solicitation contains costs or charges for royalties totaling more than $250, the following information shall be furnished with the offer, proposal, or quotation on each separate item of royalty or license fee:
(i) Name and address of licensor;
(ii) Date of license agreement;
(iii) Patent numbers, patent application serial numbers or other basis on which the royalty is payable;
(iv) Brief description, including any part or model numbers of each contract item or component on which the royalty is payable;
(v) Percentage or dollar rate of royalty per unit;
(vi) Unit price or contract item;
(vii) Number of units; and
(viii) Total dollar amount of royalties.

DD Form 783, Royalty Report, is approved for use in furnishing the above information. In addition, if specifically requested by the contracting officer prior to execution of the contract, a copy of the current license agreement and identification of applicable claims of specific patents shall be furnished.

* * * * *

PART 13—GOVERNMENT PROPERTY

18. A new paragraph (d) is added to § 13.405, as follows:

§ 13.405 Non-Government use of industrial plant equipment (IPE).

* * * * *

(d) For purposes of this section, use for a foreign government authorized under § 13.406 is Government use.

PART 16—PROCUREMENT FORMS

19. Sections 16.101–1(b), 16.101–2(b), and 16.102–3(b)(4) are revised; new § 16.102–4 is added; and §§ 16.204–2, 16.206, 16.206–1, 16.206–2 and 16.206–3 are revised, as follows:

§ 16.101–1 General.

* * * * *

(b) Solicitation Instructions and Conditions (Standard Form 33A)—

(1) The clause set forth in § 7.103–14 of this chapter shall be substituted for the present clause 9(b)—Discounts.

(2) The notice set forth in § 2.306 of this chapter shall be substituted for the present clause 8, Late Offers and Modifications or Withdrawals.

* * * * *

§ 16.101–2 Conditions for use.

* * * * *

(b) Standard Form 32 and any additional general provisions may be attached to each copy of the Solicitation. Alternatively, Standard Form 32 may be incorporated by reference to the form number, name, and edition date; also, additional general provisions (contract clauses) that (1) are authorized in Subpart A, Part 7 of this chapter, (2) do not contain blanks to be filled in by the offeror and (3) are not modified, may be incorporated by reference to the ASPR paragraph number, clause title and date. General provisions in Standard Form 32 which are inapplicable to a particular procurement or to military procurements generally may be deleted by appropriate reference in an alterations in contract clause. No other contract clauses shall be incorporated by reference but they shall be set forth in full in the solicitation. Provisions relating to the solicitation, as distinct from the contract clauses, also must be set forth in full in the solicitation.

* * * * *

§ 16.102–3 Solicitation, offer, and award (Standard Form 33).

* * * * *

(b) *Conditions for use.* * * *

(4) Standard Form 32, if applicable, and any other general provisions may be attached to each copy of the Solicitation, Offer, and Award (Standard Form 33). Alternatively, Standard Form 32 may be incorporated by reference to the form number, name, and edition date; also, additional general provisions (contract clauses) that (i) are prescribed in Subpart A, Part 7 of this chapter and (ii) do not contain blanks to be filled in, may be incorporated by reference to the ASPR paragraph number, clause title, and date. General provisions which are inapplicable to a particular procurement or to military procurements generally may be deleted by appropriate reference in an Alterations in Contract clause. No other contract clauses shall be incorporated by reference but they shall be set forth in full in the solicitation. Provisions relating to the solicitation, as distinct from contract clauses, also must be set forth in full in the solicitation

* * * * *

§ 16.102–4 Solicitation, offer, and award (overseas) (DD Form 1665).

(a) *General.* The following forms are prescribed for use outside the United States, its possessions and Puerto Rico in effecting negotiated fixed-price procurement of supplies or services:

(1) Solicitation, Offer, and Award (Overseas) (DD Form 1665);

(2) General Provisions (Supply Contracts) (Standard Form 32) (only when procuring supplies);

(3) Any other forms containing contract provisions which are prescribed by ASPR or Departmental procedures;

(4) Continuation Sheet (Standard Form 36) (see § 16.101–2(d)); and

(5) Amendment of Solicitation/Modification of Contract (Standard Form 30) when needed (see § 16.103).

(b) *Conditions for use.* The conditions for use of DD Form 1665 are the same as for Standard Form 33 (see § 16.102–3(b)).

§ 16.204–2 Procedures.

DD ASPR Form 748 and any "Additional General Provisions" may be attached to each copy of the Request for Quotations. Alternatively, DD ASPR Form 748 may be incorporated by reference to the form number, name, and edition date; also, additional general provisions (contract clauses) that (a) are prescribed in Subpart B, Part 7 of this chapter and (b) do not contain blanks to be filled in by the offeror may be incorporated by reference to the ASPR paragraph number, clause title, and date. General provisions in DD ASPR Form 748 which are inapplicable to a particular procurement may be deleted by appropriate reference in an Alterations in Contract clause. No other contract clauses shall be incorporated by reference but they shall be set forth in full in the solicitation. Provisions relating to the solicitation, as distinct from contract clauses, also must be set forth in full in the solicitation.

§ 16.206 Contract pricing proposal forms.

§ 16.206–1 General.

(a) Except as provided in § 16.206–2, the appropriate one or more of the following forms shall be used whenever cost or pricing data (see § 3.807–3(e) is required pursuant to § 3.807–3(a) and 7.104–42 of this chapter, in connection with the pricing of contracts, subcontracts, and changes or modifications to contracts and subcontracts:

(1) DD Form 633 (Contract Pricing Proposal);

(2) DD Form 633–1 (Contract Pricing Proposal (Technical Services));

(3) DD Form 633–2 (Contract Pricing Proposal (Technical Publications));

(4) DD Form 633–3 (Contract Pricing Proposal (Motion Pictures));

(5) DD Form 633–4 (Contract Pricing Proposal (Research and Development)); and

(6) DD Form 633–5 (Contract Pricing Proposal (Change Orders)).

(b) DD Form 783 (Royalty Report (Foreign and Domestic)) is approved for use as the separate schedule required by footnote 14 of DD Form 633, footnote 5 of DD Form 633–3, footnote 4 of DD Form 633–4 and footnote 18 of DD Form 633–5.

§ 16.206–2 Format of forms.

The contractor or prospective contractor may submit the information required by the forms set forth above in a different format, acceptable to the contracting officer, when required for a more effective and efficient presentation of cost or pricing information, or when the contractor's or subcontractor's accounting system makes the use of the prescribed

format impracticable: *Provided*, That in such cases the information furnished includes pertinent details as to cost elements and the specific statements, authorizations and certifications required by the applicable form or forms.

§ 16.206–3 Devising of forms by purchasing offices.

Contract Pricing Proposal Supporting Schedules may be devised by purchasing offices to require such supporting data to the foregoing forms as is considered necessary and reasonable through knowledge of industry, company or commodity practices.

20. Sections 16.401–1(f) and 16.401–2 (c)(1) and (7) are revised; and §§ 16.813, 16.813–1, and 16.813–2 are revoked, as follows:

§ 16.401–1 General.

* * * * *

(f) Standard Form 22—Instructions to Bidders (Construction Contract). The notice set forth in § 2.201(c)(13) of this chapter shall be substituted for the present clause 7, Late Bids and Modifications or Withdrawals.

* * * * *

§ 16.401–2 Conditions for use.

* * * * *

(c) *Contracts estimated to exceed $10,000.* * * *

(1) *Standard Form 19–A.* This form shall be attached to the contract file. CAUTION: This form consists of labor standards provisions and shall not be incorporated by reference.

* * * * *

(7) *Standard Form 23–A (general provisions).* Additional general provisions or modifications to the General Provisions as authorized in Subpart F, Part 7 of this chapter, may be added to this form. Standard Form 23–A with any additional sheets necessary shall be attached to the executed contract. Alternatively, Standard Form 23–A may be incorporated by reference to the form name, number, and edition date; also, additional general provisions (contract clauses) that (i) are prescribed in Subpart F, Part 7 of this chapter and (ii) do not contain blanks to be filled in, may be incorporated by reference to the ASPR paragraph number, clause title, and date. General provisions which are inapplicable to a particular procurement or to military procurements generally may be deleted by appropriate reference in an alterations in contract clause. No other contract clauses shall be incorporated by reference but they shall be set forth in full in the solicitation. Provisions relating to the solicitation, as distinct from contract clauses, also must be set forth in full in the solicitation.

* * * * *

§ 16.813 Change order price analysis (DD Form 1107). [Revoked]

§ 16.813–1 General. [Revoked]

§ 16.813–2 Conditions for use. [Revoked]

PART 22—SERVICE CONTRACTS

21. New § 22.107 is added; Subpart F is revoked; and § 22.701 is revised, as follows:

§ 22.107 Contract term.

(a) The term of a service contract that is funded by annual appropriations shall not extend beyond the end of the fiscal year current at the beginning of the contract term, unless the contract falls into one of the following categories:

(1) A 1-year contract for maintenance of tools or facilities if authorized under the current Department of Defense Appropriations Act;

(2) A multiyear service contract within the coverage of §§ 1.322–6 and 1.322–7 of this chapter;

(3) A 1-year requirements or indefinite quantity contract, as defined in §§ 3.409–2 and 3.409–3 of this chapter, in which any specified minimum quantities are certain to be ordered in the fiscal year current at the beginning of the contract term; or

(4) A contract for expert or consultant services entered into in accordance with § 22.402–2 and calling for an end product which cannot feasibly be subdivided for separate performance in each fiscal year.

(b) Any contract entered into under the authority of paragraph (a)(3) of this section shall contain the Availability of Funds clause set forth in § 7.504–10 of this chapter.

Subpart F—Contracts for Preparation of Household Goods for Shipment, Government Storage and Intracity or Intra-Area Movement [Revoked]

§ 22.701 General policy.

Except for laundry and dry cleaning services procured under small purchase procedures, the normal method of obtaining contracts for laundry and dry cleaning services shall be by formal advertising. The term of such contracts shall be for no more than 1 year.

[Rev. 1, ASPR, Mar. 31, 1969] (Secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Managament Division, TAGO.

[F.R. Doc. 69–6901; Filed, June 11, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1531]

PART 13—PROHIBITED TRADE PRACTICES

Alorna Coat Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Alorna Coat Corp. et al., New York, N.Y., Docket C–1531, May 14, 1969]

In the Matter of Alorna Coat Corp., a Corporation, Holly Deb Classics, Inc., a Corporation, Elwin Casuals, Inc., a Corporation, and Elliott Satnick and Irwin R. Shatkin, Individually and as Officers of Said Corporations

Consent order requiring three affiliated manufacturers of ladies' coats and suits to cease misbranding their fur and wool products, deceptively invoicing and falsely guaranteeing their fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Alorna Coat Corp., a corporation, and its officers, Holly Deb Classics, Inc., a corporation, and its officers, Elwin Casuals, Inc., a corporation, and its officers, and Elliott Satnick and Irwin R. Shatkin, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber composition, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

4. Failing to set forth the fiber content of lining, composed of pile fabrics or of fabrics incorporated into woolen garments or articles of wearing apparel for warmth, separately and distinctly, in the stamp, tag, label, or other marks of identification of such wool products.

5. Failing to set forth the fiber content of interlinings contained in garments separately and distinctly as part of the required information on the stamps, tags, labels, or other marks of identification of such garments as required by Rule 24(b) of the rules and regulations under the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Alorna Coat Corp., a corporation, and its officers, Holly Deb Classics, Inc., a corporation, and its officers, Elwin Casuals, Inc., a corporation, and its officers, and Elliott Satnick and Irwin R. Shatkin, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which had been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, tip-dyed, dyed, or otherwise artificially colored.

4. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Alorna Coat Corp., a corporation, and its officers, Holly Deb Classics, Inc., a corporation, and its officers, Elwin Casuals, Inc., a corporation, and its officers, and Elliott Satnick and Irwin R. Shatkin, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–6897; Filed, June 11, 1969; 8:45 a.m.]

[Docket No. 6557]

PART 13—PROHIBITED TRADE PRACTICES

Brillo Manufacturing Co., Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order adopting tentatively modified order, Brillo Manufacturing Co., Inc., Brooklyn, N.Y., Docket 6557, May 20, 1969]

Order adopting tentatively modified order of March 27, 1969, which reopened proceeding and modified final order dated January 17, 1964, 29 F.R. 2379, by vacating the fourth paragraph that required respondent to cease manufacturing industrial steel wool, with certain exceptions, on the premises of an acquired company.

Order adopting tentatively modified order, is as follows:

It is ordered, That the tentatively modified order of the Commission, issued on March 27, 1969, be, and it hereby is, adopted as the modified order of the Commission.

Issued: May 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–6898; Filed, June 11, 1969; 8:47 a.m.]

[Docket No. C–1530]

PART 13—PROHIBITED TRADE PRACTICES

Manhattan Fur Dressing Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Manhattan Fur Dressing Corp. et al., New York, N.Y., Docket C–1530, May 13, 1969]

In the Matter of Manhattan Fur Dressing Corp., a Corporation, and Herman Handros, Herman Aronowitz, and Romeo Pinotti, Individually and as Officers of Said Corporation

Consent order requiring a New York City fur dressing corporation to cease falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Manhattan Fur Dressing Corp., a corporation, and its officers, and Herman Handros, Herman Aronowitz, and Romeo Pinotti, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation and distribution in commerce of furs, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing furs or fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by subsections A through E of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the furs or fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Describing fur products or furs which have been bleached, dyed, or otherwise artificially colored by the name

of mink or by any other animal name or names without disclosing that the said fur products or furs were bleached, dyed, or otherwise artificially colored.

4. Representing, directly or by implication, on an invoice that the Federal Trade Commission has approved or certified any fur or fur product or any process in connection with a fur or fur product.

5. Failing, when a fur or fur product is pointed or contains or is composed of bleached, dyed, or otherwise artificially colored fur, to disclose such facts as a part of the required information or invoices pertaining thereto.

6. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur or fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6899; Filed, June 11, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.9—Illustration of Forms

MISCELLANEOUS AMENDMENTS

These amendments to the AEC Procurement Regulations add a new contract clause (AECPR 9-7.5006-60) to assure that individual radiation exposure records are retained and preserved by AEC contractors exempt from AEC licensing, and update paragraph 10 of AECPR 9-16.951-2.

1. The following section is added to § 9-7.5006:

§ 9-7.5006-60 Preservation of individual occupational radiation exposure records.

Individual occupational radiation exposure records generated in the performance of work under this contract shall be subject to inspection by the Commission and shall be preserved by the contractor until disposal is authorized by the Commission, or at the option of the contractor delivered to the Commission upon completion or termination of the contract. If the contractor exercises the foregoing option, title to such records shall vest in the Commission upon delivery.

NOTE A: The foregoing clause shall be included in all contracts containing AEC standard clause AECPR 9-7.5006-47.

2. In § 9-16.951-2 *(AEC 103a) Purchase Order Terms,* paragraph 10, *Work Hours Act of 1962—Overtime Compensation,* is revised to read as follows:

§ 9-16.951-2 (AEC 103a) Purchase Order Terms.

* * * * *

10. *Contract Work Hours Standards Act—Overtime Compensation.* This contract, to the extent that it is of a character specified in the Contract Work Hours Standards Act—Overtime Compensation (40 U.S.C. 327-330) and is not covered by the Walsh-Healey Public Contracts Act (41 U.S.C. 35-45), is subject to the following provisions and to all other provisions and exceptions of said Contract Work Hours Standards Act.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of June 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH, *Director, Division of Contracts.*

[F.R. Doc. 69-6891; Filed, June 11, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-630]

PART 0—COMMISSION ORGANIZATION

Order Regarding Official Office Hours

1. Effective June 30, 1969, the official office hours of the Commission's main offices located at 1919 M Street NW., Washington, D.C., will be changed from 8:30 a.m.-5 p.m. to 8 a.m.-4:30 p.m., and thus Part 0 of the rules and regulations should be amended to reflect this change. The amendment is set forth below.

2. The District No. 24 Field Office of the Field Engineering Bureau (located at 1919 M Street) and the Laboratory Division, Office of Chief Engineer (located at Laurel, Md.) will conform to the new hours of the Commission's main offices. The hours of all other Commission field offices are determined by local requirements and will remain unchanged.

3. The Immediate Office of the Secretary and the Mail and Files Branch of the Office of Executive Director will continue to remain open until 5 p.m. to receive documents filed with the Commission. For the convenience of the public, the Office of Information will also remain open until 5 p.m.

4. Because this amendment relates to internal agency organization and management, the procedural provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. Authority for this amendment is contained in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155, and 303(r).

In view of the foregoing: *It is ordered,* Effective June 30, 1969, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: June 4, 1969.

Released: June 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.403 is revised to read as follows:

§ 0.403 Office hours.

The main offices of the Commission are open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Immediate Office of the Secretary and the Mail and Files Branch, Office of the Executive Director, will remain open until 5 p.m. to receive documents filed with the Commission. The Office of Information will also remain open until 5 p.m.

[F.R. Doc. 69-6942; Filed, June 11, 1969; 8:49 a.m.]

[Docket No. 16779; FCC 69-636]

SAFETY AND SPECIAL RADIO SERVICES

Report and order. In the matter of waiver of the construction permit requirement in the safety and special radio services, Docket No. 16779.

1. On July 20, 1966, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 66-657) which provided for filing of comments and was duly published in the FEDERAL REGISTER on July 27, 1966 (31 F.R. 10133). The time for filing comments and reply comments has passed.

2. In the notice we proposed the amendment of § 1.923 of the Commission's rules to waive, under the authority of § 319(d) of the Communications Act, the construction permit requirement for those categories of stations in the Safety and Special Radio Services which are still required to obtain such permits. Previous to the institution of the instant proceeding (Docket No. 16779) the requirement had already been waived by the Commission for most radio stations in the Safety and Special Radio Services. The categories of stations to which the requirement still applies and which are listed in § 1.923 are: Operational fixed, land radiopositioning, public and limited class I and II coast, shore radiolocation, shore radionavigation, shore radar, Alaskan public fixed stations, and stations proposing an antenna tower which requires study for possible air navigation hazards. Our experience in administering those stations for which the requirement has already been waived and the stations which are the subject of this rule making proceeding shows that the requirement does not serve a useful purpose in the Safety and Special Radio Services, and in fact has at times unnecessarily hampered the timely commencement of construction of legitimate station installations.

3. Comments in response to the notice of proposed rule making were filed by the Central Committee on Communications Facilities of the American Petroleum Institute (Central Committee), the Association of American Railroads, the National Committee for Utilities Radio, and the Special Industrial Radio Service Association, Inc. (SIRSA). Each supported the proposal. No adverse comments and no reply comments were received.

4. In view of the foregoing, and because it will serve the public interest, convenience, or necessity, we will waive the construction permit requirement in the Safety and Special Radio Services, as proposed, by amending § 1.923. Central Committee and SIRSA have suggested that, additionally, we should amend § 91.62, which deals with the construction period for stations in the Industrial Radio Services for which construction permits are issued. As a result of our waiver, we will ultimately amend or delete not only § 91.62 but all of our rules specifically dealing with construction permits in the Safety and Special Radio Services.

5. We will not make such a wholesale change in our rules at this time. The reason is that we do not intend to alter the status of valid construction permits which are outstanding as of the effective date of this order. Thus, the construction permit rules in general will remain unchanged for the time being so that they will continue to govern procedures and operations concerning those outstanding permits and the related radio stations.

6. Any applications for construction permits for new stations or for modification of licensed stations which are pending on the effective date of this order, or which are filed later, will be handled as applications for station licenses or for modified station licenses, as the case may be.

7. In § 1.1115(a), the fee schedule for the Safety and Special Radio Services has, up until now, called for construction permit application filing fees of $30 for operational fixed microwave stations and $50 for public coast stations. Because of the elimination of the construction permit requirement, an applicant for an authorization for one of those stations will file as an initial application an application for a license and not, as previously required, an application for a construction permit. Because the Commission's processing of such a license application will be essentially the same as it would have been for the construction permit application it replaces, we will require the same filing fee for the license application as we have required for the construction permit application. Accordingly, in today's action we are adopting an appropriate amendment to § 1.1115(a). We have not changed the provision in § 1.1115(b)(9) that a fee is not required for an application for a license to cover a construction permit so that it will continue to govern applications for licenses to cover construction permits outstanding as of the effective date of this order.

8. To eliminate any confusion as to whether a construction permit will, notwithstanding today's waiver action, still be required for stations under Part 81 of the rules, we are also today amending § 81.21, which provides that no license shall be issued by the Commission for any Part 81 station unless a permit for construction has first been granted by the Commission. Our waiver action supersedes the construction permit requirement and the amendment to § 81.21 will clarify this point. Similarly, we are deleting the construction permit requirement in § 87.31(a).

9. Waiver of the construction permit requirement in § 1.923 will mean that an application for a construction permit will no longer be necessary in the Safety and Special Radio Services, as previously required by § 1.923(f), for proposed antenna construction for which the Federal Aviation Administration requires that it be notified. However, application for modification of existing license will still be required for such an antenna change even though the previously required antecedent construction permit will no longer be necessary. We are herein amending § 1.923 to clarify this requirement. We also reiterate that (as pointed out in our notice of proposed rule making) there is no change in the existing requirements concerning notification to the Federal Aviation Administration in accordance with Part 77 of its rules and the complementary requirements of Part 17 of our rules.

10. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i), 303(r), and 319(d) of the Communications Act of 1934, as amended, that, effective July 14, 1969, Parts 1, 81, and 87 of the Commission's rules are amended as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 319, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 319)

Adopted: June 4, 1969.

Released: June 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1] [SEAL] BEN F. WAPLE, *Secretary.*

PART 1—PRACTICE AND PROCEDURE

1. Section 1.923 is revised to read as follows:

§ 1.923 Waiver of construction permit requirement.

(a) Effective July 14, 1969, a construction permit shall not be required for any station in the Safety and Special Radio Services.

(b) Licensees must apply for modification of station license for any antenna change which would be inconsistent with the terms of the station authorization or for which notification is required to be given to the Federal Aviation Administration by that agency. Part 17 of this chapter describes the notification criteria.

2. Section 1.1115(a) is amended to read as follows:

§ 1.1115 Schedule of fees for Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, all formal applications filed in the Safety and Special Radio Services shall be accompanied by the fees prescribed below:

Applications in the Amateur Radio Service:	
For initial license, including new class of operator license, and for renewal of license	$4
For modification of license	2
Request for special call sign pursuant to § 97.51	20
Applications in the Citizens Radio Service:	
For Class A station authorization	10
For all other classes of stations in the Citizens Radio Service	8
Applications for Radio Station Authorizations for Operational Fixed Radio Stations for which frequencies above 952 Mc/s are requested:	
For initial authorization	30
For modification of authorization	10
Applications for Common Carrier Public Coast Stations in the Maritime Radio Services:	
For initial authorization	50
For modification of authorization	10
Applications for renewal only for which FCC Form 405-A or 405-B is prescribed	4
Applications for ship radio station license when accompanied by a request for an interim station license	13
All other applications filed in the Safety and Special Radio Services	10

* * * * *

[1] Commissioner Johnson concurring in the result.

PART 81—STATIONS ON LAND IN MARITIME SERVICES

3. In § 81.21 the headnote and paragraph (b) are amended to read as follows:

§ 81.21 Authorization required.

* * * * *

(b) Effective July 14, 1969, a construction permit shall not be required prior to the issuance of a license for the operation of any station subject to this part. Applications for construction permit pending on that date, or filed thereafter, shall be handled by the Commission as applications for station license.

PART 87—AVIATION SERVICES

4. Section 87.31(a) is amended to read as follows:

§ 87.31 Application for ground station authorization.

(a) Application for new, modified or assignment of ground station authorizations, except as provided in paragraphs (b), (c), and (d) of this section, shall be submitted on FCC Form 406.

* * * * *

[F.R. Doc. 69-6943; Filed, June 11, 1969; 8:49 a.m.]

[Docket No. 18244; FCC 69-631]

PART 73—RADIO BROADCAST SERVICES

Nondiscrimination in Employment Practices

Report and order. In the matter of petition for rule making to require broadcast licensees to show nondiscrimination in their employment practices, Docket No. 18244, RM-1144.

1. On July 5, 1968, the Commission released a memorandum opinion and order and notice of proposed rule making, 33 F.R. 9960, 13 FCC 2d 766, setting forth its view that discriminatory employment practices by a broadcast licensee are incompatible with operation in the public interest. We found that the Commission has a responsibility to implement the important national policy against discrimination on the basis of race, color, religion, or national origin, and we accordingly announced our intention to act upon substantial complaints of discrimination, either directly or by referral to an appropriate Federal, State, or local body. At the same time, we stated our doubt that embodying the policy in rule form and requiring periodic (e.g., at renewal time) showings of compliance with the policy would be useful. The tentative decision to proceed primarily upon a complaint basis[1] was substantially influenced by considerations related to our limited staff resources. However, we simultaneously instituted rule making to explore the questions of whether the basic nondiscrimination requirement should be embodied in a rule, whether a showing of compliance should be required, and whether notices of equal employment rights should mandatorily be posted in employment offices and placed on employment applications.

2. The comments and reply comments filed on these issues have been most helpful. The interested parties are essentially unanimous in support of the proposition that there ought not be discrimination in employment practices of broadcast licensees. However, several parties have urged either that the Commission lacks authority to implement this policy, in light of the creation of a special Commission (the Equal Employment Opportunity Commission) to act across-the-board with respect to the problem of discrimination or, that, for the same reason, it would at least be better policy for the Federal Communications Commission not to attempt to duplicate the EEOC's processes with additional requirements in the broadcast field. For the reasons already stated in the July 5, 1968, memorandum opinion and order and notice of proposed rule making, we cannot agree with these latter contentions. Indeed, a substantial case has been made that because of the relationship of the Government of the United States to broadcast stations, the Commission has a constitutional duty to assure equal employment opportunity.[2] However, we need not decide this point. It is enough that the importance and urgency of the equal employment opportunity policy in the areas covered command its implementation on every appropriate front. Action by the Commission will complement, not conflict with, action by bodies specially created to enforce the policy, as the EEOC points out in its comments and as the Department of Justice has also advised us. It is also clear that we have an independent responsibility to effectuate such a strong national policy in broadcasting, and that we need not await a judgment of discrimination by some other forum or tribunal. National Broadcasting Company v. United States, 319 U.S. 190 (1943); Southern Steamship Company v. Labor Board, 316 U.S. 31 (1942).[3] As Assistant Attorney General Pollack urged:

> Because of the enormous impact which television and radio have upon American life, the employment practices of the broadcasting industry have an importance greater than that suggested by the number of its employees. The provision of equal opportunity in employment in that industry could therefore contribute significantly toward reducing and ending discrimination in other industries. For these reasons I consider adoption of the proposed rule, or one embodying the same principles, a positive step which your Commission appears to have ample authority to take.[4]

3. The fear has also been expressed, with respect to the complaint referral policy we announced in our July 1968 opinion, that inconsequential or spurious complaints of discrimination could be used to delay Commission consideration of applications. We agree that consideration of applications should not be held up because of inconsequential complaints. For that reason, our earlier opinion stated that we will refer to other agencies only "* * * complaint[s] raising a substantial issue of discrimination * * * against a station * * *." In this connection, we may also make our own preliminary investigation at our discretion in lieu of the complaint referral procedure. We will exercise care in the use of these procedures to the end that no licensee need fear undue delay arising out of the referral procedure. On the other hand, we do not believe that an application should be granted where a serious qualification question remains unresolved. The command of the Communications Act is to the contrary, whatever the nature of the particular unresolved public interest question. Therefore, while not every complaint of an isolated action, even if substantial, will warrant deferring a renewal or designating a renewal application for hearing,[5] renewal will not be appropriate where there is a pattern of substantial failure to accord equal employment opportunities.

4. The earlier opinion proposed almost sole reliance upon a complaint procedure and further stated our view that it was not necessary to adopt the policy on equal employment opportunity in rule form. A number of commenting parties have urged that a formal rule would be useful, not only to emphasize the policy and make it specific, but also to make available the remedy of forfeitures under section 503 of the Communications Act of 1934, as amended, 47 U.S.C. section 503, where there is noncompliance. They state, as we have recognized in other contexts, that denial of a license may sometimes be so severe a remedy that it becomes useless. We find these contentions to be meritorious, particularly since, as noted above, some complaints may be appropriately considered independently of consideration of renewal applications. It has also been urged by a substantial number of parties active in this field that the equal employment opportunity policy cannot be effectively implemented by relying solely upon individual complaints. They point out that consideration of complaints, particularly if referred to other agencies, is time consuming (a point also made by industry parties), and they state their experience that many people will not complain even though they suspect or know they have

[1] We did indicate our intention to acquire statistical racial employment data.

[2] The contention is rested upon such decisions as Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961).

[3] The policy being so clear, our authority extends to its application to stations with fewer than 25 employees, although Congress chose to limit the particular remedies in the Civil Rights Act of 1964, entrusted to the EEOC, to those employers having at least 25 employees.

[4] Letter of Assistant Attorney General Stephen J. Pollack, Department of Justice, Mar. 21, 1968, page 4.

[5] Adoption of a specific rule, which we are now proposing, will make forfeitures available where appropriate.

been treated unfairly in respect either to initial employment or management practices, that many people will not even seek employment where they believe discriminatory practices to exist, and that individuals have great difficulty in demonstrating the existence of discrimination where it does exist.

5. These parties urge that only a serious compliance program with the burden upon the licensee to demonstrate operation conforming to national policy will be effective. The U.S. Commission on Civil Rights thus has stated in its comments:

> "It is not enough that no one comes forward to complain of its noncompliance, for that may leave discriminatory practices undisturbed, much as all other complaint-oriented procedures for enforcing State and Federal FEP requirements have had only a minor impact upon the widespread discrimination the National Advisory Commission has found still exists. (Id. at 91.) The New Jersey Governor's Select Commission on Civil Disorder stated earlier this year:
>
> "If the enforcement of equal opportunity laws on the State level is predicated upon individual complainants, it is bound to be weak and ineffective." (Report for Action (1968) at 73.)
>
> As Appendix B to these comments indicates, there is substantial unanimity among FEP commissions and professional sources, including a number of persons who have specialized for a lifetime in problems of administrative law, that complaint-oriented procedures to enforce nondiscrimination requirements, for various reasons, do not work. They cannot, in light of two decades of experience, be expected to work.[6]

Moreover, reliance solely upon a complaint procedure to implement equal employment opportunity cannot cope with general patterns of discrimination developed out of indifference as much as out of outright bias. In this connection, the Committee on Government Contracts concluded in 1960 that:

> Overt discrimination, in the sense that an employer actually refuses to hire solely because of race, religion, color, or national origin is not as prevalent as is generally believed. To a greater degree, the indifference of employers to establishing a positive policy of nondiscrimination hinders qualified applicants and employees from being hired and promoted on the basis of equality.
>
> The direct result of such indifference is that schools, training institutions, recruitment and referral sources follow the pattern set by industry. Employment sources do not normally supply job applicants regardless of race, color, religion, or national origin unless asked to do so by employers.[7]

Despite the workload problems, these considerations impel us to adopt further requirements to assure equal employment opportunity, especially in view of the urgent national need cited in our earlier opinion. We believe it vital that such action be taken.

6. In order to accomplish the foregoing purposes, we are adopting rules modeled closely upon the equal opportunity program requirements which the Civil Service Commission has adopted for Government agencies, and which are the product of considerable experience.[8] We have decided upon the basis of the record before us that such rules should be adopted. They are set out below.

7. We also believe, as stated in our earlier opinion, that statistical information should be obtained. Such information will give us a "profile" of the broadcast industry, and may also be more useful in indicating noncompliance than we had previously thought. See United States v. Wiman, 304 F. 2d 53 (C.A. 5, 1962); State of Alabama v. United States, 304 F. 2d 583, 586 (C.A. 5, 1962). As the court stated in the latter case (304 F. 2d at 586): "In the problem of racial discrimination, statistics often tell much, and Courts listen." We therefore propose to adopt an additional rule to obtain statistical data for the broadcast industry. We had considered as the vehicle for reporting statistical information the primary Employer Information Report EEO-1 developed by the EEOC, the Office of Federal Contract Compliance of the Department of Labor, and Plans for Progress. This form requires statistics on several general work categories[9] for employees who are Negro, Oriental, American Indian, and Spanish Surnamed American. It is already being prepared annually by many broadcasters, and its use by broadcasters already using it would have that advantage. However, we have devised a new form which we believe will be more useful for our purposes.[10] It utilizes the same job categories as the EEO-1 form,[11] but requires a station-by-station breakdown, which EEO-1 does not. We believe our proposed form has considerable additional advantages by way of simplicity and brevity. This form will still permit interindustry comparisons and should minimize industry burdens.[12] Preparation of the requested information should be of minimal difficulty. We seek the advice and suggestions of all interested persons concerning the proposed form. We propose to include network personnel and so-called headquarters staffs for broadcast operations.

8. In accordance with the considerations set forth in paragraphs 4, 5, and 6, supra, we are also proposing to require the submission by licensees of more detailed equal opportunity programs as to significant minority groups (Negroes, Orientals, American Indians, and Spanish Surnamed Americans) which may be most in need of assistance in achieving equal employment. These written programs will enable licensees to focus, in terms of their individual situations, upon the best method of assuring effective equal employment practices. Supplemental to the adoption of such programs will be reports to be prepared with renewal applications whose purpose will be a review by the licensee of the effectiveness of his program. Since we have not hitherto proposed specific requirements in this area, we seek comment upon the particulars of the proposed provisions. See Note 10, supra, for reference to the text of these provisions. We propose to require that each station with five or more full-time employees develop an equal employment opportunity program, taking due account of such factors as station size and location and demographic makeup of the area.[13] The scope of the program would vary with the size of the station and the nature of the community and its racial makeup, but its essential purpose for every station would be to assure equal opportunity in every aspect of station employment practice, including training, hiring, promotion, pay scales, and work assignments. While permitting flexibility, the programs would be expected to include specifics of the station's practices such as, but not limited to those listed in the additions to the applications forms. See Note 10, supra, for reference to the text of these additions. The proposed procedure would require that these programs be submitted by existing stations within an appropriate time, and by applicants for new and transferred facilities. They would be kept open for public inspection at the station and modified as required. In view of these requirements we see no need for a separate requirement on the posting of notices and statements on application forms discussed in the notice of proposed rule making. In addition, as mentioned above, we also believe that reports should be prepared at renewal time to enable the licensee to appraise the effectiveness and relevance to his own situation of his equal employment opportunity program. It should be most useful to know how the specific practices proposed in the station's equal employment opportunity program have been concretely applied and what effect they

[6] Comments of U.S. Commission on Civil Rights, Sept. 9, 1968, pp. 5-6.

[7] Pattern for Progress, Final Report to President Eisenhower from the Committee on Government Contracts, page 14 (1960).

[8] Equal Opportunity, Agency Program, 5 CFR 713.203.

[9] These categories are: Officials and managers, Professionals, Technicians, Sales workers, Office and clerical, Craftsmen (Skilled), Operatives (Semiskilled), Laborers (Unskilled), and Service Workers.

[10] See the Commission's further notice of proposed rule making in Docket No. 18244, "In the Matter of Petition for Rule Making to require broadcast licensees to show nondiscrimination in their employment practices" (FCC 69-632), adopted June 4, 1969, for the text of the proposed rules, amendments to current FCC reporting forms and the proposed FCC Form 325, Annual Employment Report.

[11] While the advantages of having the same job categories as those in the EEO-1 form prompted their use in the new FCC form, we invite comment upon alternative categories which might be more directly related to the broadcast industry, and thus perhaps more useful.

[12] We propose to obtain the requested information only for the broadcast operations of licensees also engaged in nonbroadcast activities, except for related subscription services, which we believe should be included.

[13] We believe it reasonable to exclude stations with less than five full-time employees. While the rules now adopted apply to all employees and contain general requirements which can readily be adhered to even where minority group representation may be minimal, we also should make clear that a licensee need not prepare an equal employment opportunity program where the particular minority groups concerned are represented in the area in such insignificant numbers that a program would not be meaningful.

have had upon the flow of applications for employment, actual hiring, and the status of minority group members. This information would be submitted by each broadcaster in appropriate exhibits with the application for renewal of license.

9. It is important to emphasize in connection with the requirements of the general rule, and the equal opportunity programs proposed, that they do not cover certain areas of employment practice which we described as most appropriate for an "appeal to conscience" in our earlier opinion. The need for such further affirmative action along the lines suggested in the Kerner Report is however, strongly urged as a voluntary supplement to the requirements of the proposed rules. Thus, broadcasters might consider the adoption of special training programs for qualifiable minority group members, cooperative action with other organizations to improve employment opportunities and community conditions that affect employability, and other measures in addition to the employment practices suggested in the proposed rules. These voluntary measures may well be the chief hope of achieving equal employment opportunity at the earliest possible time, and the decision to take such action rests with the individual broadcaster.

10. *It is ordered*, Pursuant to the authority contained in sections 4(i), 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 307, 308, 309, and 310, that effective July 14, 1969, Part 73 of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 307, 308, 309, 310, 48 Stat., as amended, 1066, 1082, 1083, 1084, 1085, 1086; 47 U.S.C. 154, 303, 307, 308, 309, 310)

Adopted: June 4, 1969.

Released: June 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

In Part 73, §§ 73.125, 73.301, 73.599, 73.680, and 73.793, all to read identically, are added as follows:

§ 73.___ Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated standard, FM, television or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, or national origin.

(b) *Equal employment opportunity program.* Each station shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, or national origin, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion, or national origin from the station's personnel policies and practices and working conditions.

(5 Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station.

[F.R. Doc. 69-6944; Filed, June 11, 1969; 8:49 a.m.]

[1] Commissioner Bartley not participating and Commissioner Robert E. Lee concurring in part and dissenting in part and issuing a statement filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Mont.

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM 3), it is proposed to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to establish the lump sum assessment against the Flathead, Mission and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1970 season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont. 59101, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1970 an assessment of $305,976.29 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 82,057.61 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1970 an assessment of $55,169.18 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,908.72 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1970 an assessment of $23,279.52 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,870.03 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-6900; Filed, June 11, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-17]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 8 south alternate segment from Grand Junction, Colo., to Kremmling, Colo., by lowering the floor of the airway segment between the Crystal, Colo., intersection and the Glenwood Springs, Colo., intersection from 13,000 feet MSL to 12,000 feet MSL.

The minimum altitude established for transitioning from Glenwood Springs intersection to the Rifle, Colo., radio beacon is 12,300 feet MSL. The Rifle, Colo., transition area, which is being processed in Airspace Docket No. 69-WE-15, would designate controlled airspace for this transition route with a floor of 12,000 feet MSL. By lowering the airway floor between Crystal and Glenwood Springs, the airway segment and the transition area would have a common floor and charting would be simplified.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007 Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 4, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6919; Filed, June 11, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-60]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate offshore Control Area 1154 along the coastal area in the vicinity of Ukiah, Calif.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside

domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007 Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The FAA proposes to designate Control 1154 as that airspace extending upward from 5,000′ MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from lat. 38°03′25″ N., long. 123°11′45″ W.; to lat. 38°00′00″ N., long. 123°23′00″ W.; to lat. 37°50′00″ N., long. 124°24′30″ W.; to lat. 37°40′00″ N., long. 125°23′30″ W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from lat. 38°50′00″ N., long. 126°11′05″ W.; to lat. 38°52′00″ N., long. 125°52′30″ W.; to lat. 39°00′00″ N., long. 123°56′30″ W.; to lat. 39°02′55″ N., long. 123°22′00″ W.

This control area would provide controlled airspace to allow more flexibility in routing aircraft to mainland destinations and to accommodate more direct routings for mainland departures for Pacific and Asian destinations.

The Oakland Air Route Traffic Control Center will execute a joint Letter of Procedure with the Using Agency encompassing the proposed uses of the control area that would be within the established boundaries of Warning Area W–260.

This amendment is proposed under secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 4, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6920; Filed, June 11, 1969; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-CE-28]

JET ADVISORY AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a nonradar jet advisory area along Jet Route No. 500 from the United States/Canadian border southeast of Lakehead, Ontario, Canada, to the positive control area boundary northwest of Sault Ste. Marie, Mich., from Flight Level 240 to Flight Level 280, inclusive. The designation of this nonradar jet advisory area would facilitate the movement of scheduled jet traffic operating between Winnipeg, Manitoba, Canada, and Toronto, Ontario, Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 4, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6921; Filed, June 11, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1]

[Docket No. 18244, FCC 69-632, 32889]

BROADCAST LICENSEES

Nondiscrimination in Employment Practices

In the matter of petition for rule making to require broadcast licensees to show nondiscrimination in their employment practices, Docket No. 18244; RM-1144.

1. Notice is hereby given of further proposed rule making the above-entitled matter.

2. In its report and order in this docket, adopted June 4, 1969 (FCC 69-631), the Commission adopted rules reflecting its basic policies in the area of licensee nondiscrimination in employment practices. The Commission also concluded that further rule making with respect to FCC reporting requirements would be appropriate (see FCC 69-631, paragraphs 7–8). The proposed rules are set forth in the Appendix hereto.

3. Authority for the proposed rules is set forth in sections 4(i), 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 307, 308, 309, and 310.

4. Interested persons are requested to file comments on or before August 4, 1969, and reply comments on or before September 5, 1969, concerning the proposed rules and amendments to FCC reporting forms in the Appendix hereto under applicable procedures set forth in § 1.415 of the Commission's rules and regulations. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered before final action is taken in this proceeding. In reaching a final decision in this proceeding, other relevant information, in addition to the specific comments invited by this notice, may be taken into account.

Adopted June 4, 1969.

Released June 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Parts 0 and 1 of the Commission's rules are amended to read as follows:

1. In § 0.455(b), subparagraph (3) is added to read as follows:

§ 0.455 Other locations at which records may be inspected.

* * * * *

(b) *Broadcast Bureau.* * * *

(3) Annual Employment Report filed by licensees and permittees of broadcast stations pursuant to § 1.612 of this chapter.

* * * * *

2. In § 1.526, the introductory text of paragraphs (a) and (e) is amended and a new paragraph (a)(5) is added to read as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees and licensees.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraph (1) of this paragraph, and every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraphs (1), (2), (3), (4), and (5) of this paragraph: *Provided, however,* That the foregoing requirements shall not apply to applicants for or permittees or licensees of television broadcast translator stations. The material to be contained in the file is as follows:

* * * * *

(5) A copy of every annual employment report filed by the licensee or permittee for such station pursuant to the provisions of this part; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference and which according to the provisions of §§ 0.451–0.461 of this chapter are open for public inspection at the offices of the Commission.

* * * * *

(e) *Period of retention.* The records specified in paragraph (a)(4) of this section shall be retained for the periods specified in §§ 73.120(d), 73.290(d), 73.590(d), and 73.657(d) of this chapter (2 years). The records specified in paragraph (a) (1), (2), (3), and (5) of this section shall be retained as follows:

* * * * *

[1] Commissioner Bartley not participating; Commissioner Robert E. Lee dissenting and issuing a statement filed as part of original document.

3. Section 1.612 is added to read as follows:

§ 1.612 Annual employment report.

Each licensee or permittee of a commercially or noncommercially operated standard, FM, television, or international broadcast station (as defined in Part 73 of this chapter) with five or more full-time employees shall file with the Commission on or before April 1 of each year, on FCC Form 325,[1] an annual employment report.

B. *Proposed additional section to be added to FCC Forms 301, 303, 309, 311, 314, 315, 340, and 342.* A new Section VI[1] in FCC Forms 301, 303, 309, 311, 314, 315, 340, and 342 would be adopted.

[F.R. Doc. 69-6945; Filed, June 11, 1969; 8:49 a.m.]

[1] Filed as part of original document.

[47 CFR Part 74]

[Docket No. 18568; FCC 69-641]

TV BROADCAST TRANSLATOR STATION IDENTIFICATION REQUIREMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 74.783 of the Commission's rules to modify TV Broadcast Translator Station Identification Requirements, Docket No. 18568, RM-1367.

1. On November 6, 1968, the National TV Translator Association (National) filed a petition (RM-1367) requesting that § 74.783 of the Commission's rules governing TV Broadcast Translator Stations be amended to eliminate the requirement that station identification be transmitted. The present rule (§ 74.783 (a)) requires that each translator station of over 1 watt power transmit its call sign in Morse code at the beginning of each period of operation, and during operation within 5 minutes of the hour and half-hour. The rule permits this to be done by means of an automatic device incorporated in the translator, which will either turn the translator carrier on and off in the appropriate dot and dash pattern, or by modulating the local oscillator or suitable amplifier stage in the translator with an audio frequency tone keyed in the proper sequence so as to cause the modulation to appear on the visual and aural carrier emitted by the translator. National states that a translator station is required to identify itself twice as often as a regular TV station; that the code wheel is costly and mechanically far from perfect; that no particular use is made of the call signs, and that the code wheels are a needless addition to translator operations. It proposes that the translator operator be permitted to work out arrangements with the primary station to have the translator call letters included with the call letters of the primary station at sign on and sign off.

2. On December 2, 1968, the Association of Maximum Service Telecasters, Inc. (AMST), filed comments in connection with the above petition, urging that the translator identification requirement be maintained for translators of over 1 watt, but agreeing with National that the present method of identification causes interruption of the translator signal and causes annoyance to the viewing public. AMST argues that identification of a transmitter is important in order to assist in locating the transmitter in interference cases, but that signal degradation can be eliminated. To eliminate signal degradation while permitting a positive means of identification of the high powered translators, AMST proposes use of a technique called "Frequency Shift Keying" (FSK) for the transmission of station identification, a technique previously suggested by AMST in its comments filed October 24, 1968, in Docket 15971. This FSK involves transmission of dots and dashes by shifting the frequency of the audio and video carriers transmitted by the translator. AMST suggests that the Commission should establish appropriate standards for FSK. It is claimed that FSK will not impair the quality of TV reception for the public and will provide a positive means of identification of translators.

3. Comments supporting the petition of National were filed by Doubleday Broadcasting Co., Inc., licensee of KOSA-TV (Channel 7), Odessa, Tex.; KROD-TV (Channel 4), El Paso, Tex., and KDTV (Channel 39), Dallas, Tex.; Cowles Communications, Inc., licensee of a UHF television translator at Fort Dodge, Iowa, and a VHF television translator in Marshalltown, Iowa; and KUTV, Inc., licensee of KUTV (Channel 2), Salt Lake City, Utah. Doubleday and KUTV, Inc., urge that the rules permit the primary station, i.e., the station being rebroadcast, to transmit the call signs of the TV translators, and that such identification be required only at the beginning and end of each broadcast day. Cowles argues that the present means of transmission of station identification produces lines in the picture being rebroadcast by the translator and therefore should not be required.

4. We point out initially that in April 1966, when the rule amendment eliminating the identification requirement for 1-watt translators was adopted (FCC 66-304, 3 FCC 2d 301, 7 R.R. 2d 1547), we refused to make a similar relaxation for higher-powered translators, and later affirmed this decision on reconsideration (FCC 66-1174, 8 R.R. 2d 1636).

5. The importance of station identification is two-fold. In the first place, it distinguishes between licensed and unlicensed stations. Second, it facilitates the tracking down of interference, out-of-band radiation, and other undesirable effects of radio transmission.

6. The requested change in the present identification rule is based on the premise that station identification is not necessary for TV translators because their signals extend over a limited range and, therefore, the Commission field engineers can easily track them down. Because of the very small signal range and therefore very limited interference potential of 1-watt translators, we have been able to find that the need for identification is so small that the requirement could

be dispensed with. However, we cannot reach the same conclusion as to higher-power operations. We must instead explore alternative identification techniques.

7. The impairment of picture quality by the transmissions of call signs is not unavoidable. A keying device which actually interrupts the translator signals will inevitably cause interference. Modulation of the local oscillator of the translator with an audio frequency tone can be achieved without significant degradation of the picture quality if the equipment is properly designed. Present rules give the translator licensee the option of using either method. It appears that the "Frequency Shift Keying" (FSK) method as proposed by AMST may be even more desirable from the standpoint of causing less or no interference to the picture than either of the above two methods.

8. The code wheel is the oldest and most reliable method of automatic identification that has been devised. By coupling a clock mechanism to the code wheel and a proper gear arrangement for the desired speed, one has an economical means of transmitting the code automatically. However, as the petitioner points out, the difficulty arises in connection with the requirement that the identification be transmitted during the period "within 5 minutes of the hour and half-hour". This provision of the rule imposes an additional requirement that the timing device not only send the identification every 30 minutes, but that it send it during two 10-minute intervals of the hour. If for some reason the primary power is interrupted, the timing mechanism must be manually reset so that it meets this requirement.

9. AMST states that the use of the technique called "FSK", whereby telegraphic characters are transmitted by shifting the operating frequency of a radio transmitter by a relatively small amount, would not interfere with the program transmitted by the translator. This method of identification would permit the detection of the identification with a conventional communications receiver. At the same time a conventional TV receiver would not be similarly affected because it is designed to accept signals over a comparatively wide frequency band, and the slight frequency shift that could be detected with a narrow-band communications receiver would not be discernible on a TV receiver. Thus, AMST claims that FSK would not impair the quality of TV reception from a TV translator. This would satisfy the petitioner's desire to eliminate the interference to the program transmitted by the translator and at the same time satisfy the Commission's requirement that translator stations of over one watt be identified with their call letters. Deleting the requirement that the identification be within the 10-minute time slot on the hour and half-hour would further ease the burden on the translator licensee.

10. FSK can be accomplished on a TV translator by shifting the frequency of the local oscillator. This would cause the visual and aural carriers transmitted by the translator both to be shifted by the same amount and in the same direction. TV receivers in use today use an intercarrier system of sound detection, i.e., the relative position of the sound carrier with respect to the picture carrier, and this would not be altered by FSK. Therefore, no significant impairment of sound quality would be expected. The apparatus required to produce FSK signals should be comparatively simple and inexpensive. If there is no discernible degradation of the sound and picture quality and thus no interruption to the program, there is no reason to confine transmission of station identification to spaced intervals such as to the hour and half-hour periods. It could be transmitted continuously during the time the translator was on the air, or at some other time interval: 15 minutes, 30 minutes, or once an hour. The interval would not need a high degree of accuracy. This would eliminate the need for a costly timing device to actuate the automatic keying apparatus at specified times, and would provide adequate identification to enforcement officers.

11. The AMST suggestion offers advantages to both licensees and the Commission, and warrants the institution of rule making. Manufacturers of electronic equipment, including the manufacturers of TV translators, are requested to direct comments toward the feasibility, complexity and probable cost of such apparatus.

12. Aside from use of FSK, permitting continuous keying, relaxation of the present requirements in two other respects (individually or together) warrants consideration. First, as noted above, it has been urged that identification at times within 5 minutes of the hour and half-hour, rather than simply at reasonably frequent intervals, is unduly burdensome. It is this, more than the time-interval requirement, which creates problems with use of the timing mechanism and code wheel. Second, it has also been suggested that identification at 30-minute intervals is unreasonably burdensome in that it is more often that regular TV stations are required to identify themselves, under § 73.652 of the rules (every hour on the hour). Therefore, we propose to consider herein modification of the translater ID rule to provide that (if continuous identification as discussed above is not used), translators shall identify themselves every hour within 5 minutes of the hour, or at intervals of every 30 minutes. Thus, licensees not using a continuous-identification method will have a choice: Identification every hour within 5 minutes of the hour, or identification at 30-minute intervals without regard to clock time within the hour.

13. As mentioned above, National would have the translator ID requirement satisfied by arrangement with the primary station, which would rebroadcast the translator call sign at sign-on and sign-off.[1] As previously discussed, such an arrangement by itself would not be sufficient, since it would mean identification only twice during a 24-hour period, at the beginning and end of operation. However, it is not inconceivable that such identification would be sufficient if it were accompanied by another element: A firm arrangement by which the primary station would have information as to how the licensee, or his representative responsible for maintaining the translator, could be contacted at any time during the translator's operation. Thus, if conditions of interference or spurious emission should occur, a person trying to locate the source of the trouble could identify and contact the primary station and get information as to the translator's exact location and how to contact the licensee or his representative.

14. Comments are invited on the proposal to amend § 74.783 of the Commission's rules to provide that television translators of over 1 watt transmitter power may transmit their call signs in International Morse Code, either (a) continuously, using Frequency Shift Keying, or (b) every hour within 5 minutes of the hour, or (c) at 30-minute intervals. Comments are also invited on the possibility of requiring translator identification by the station being rebroadcast, at sign-on and sign-off, together with arrangements whereby that station is kept informed of the address and telephone number of the licensee or his representative and how to contact them in case it is necessary. Evidence of such arrangements would be required before identification on this basis would be permitted. Specific rules will be drafted when comments have been reviewed and a decision made as to whether amendment in these respects is appropriate.

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 14, 1969, and reply comments on or before July 24, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Authority for this action is found in sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended.

16. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 5, 1969.

Released: June 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-6946; Filed, June 11, 1969; 8:50 a.m.]

[1] Presumably, National means sign-on and sign-off of the primary station. Where that station operates 24 hours a day, the rule would provide for identification of the translator twice in a 24-hour period.

[2] Commissioner Robert E. Lee, absent; Commissioner Cox's concurring statement filed as part of original document.

Notices

DEPARTMENT OF STATE

[Public Notice 310]

CERTAIN NONIMMIGRANT VISAS

Validity

Public Notice 261 of April 6, 1967 authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. The Republic of Maldives is being added to the list of countries contained in that notice.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

Dated: June 9, 1969.

BARBARA M. WATSON, *Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 69-6925; Filed, June 11, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

COUNTRY OF ORIGIN MARKING

Notice of Tentative Ruling Regarding Marking of Certain Electrical Power Cable

JUNE 3, 1969.

The Bureau of Customs has recently caused an investigation to be made regarding the foreign country of origin marking on imported heavy duty electrical power and mining cable. The reports received by the Bureau indicate that such cable is imported on large reels which are marked to indicate the country of origin at the time of importation, and in some cases the country of origin may also be marked on the end of the cable. The investigation disclosed, however, that this cable is frequently stripped from the reels and inspected to determine that the quantity, quality, and specifications are correct, and is not necessarily rewound on the same reels from which it was taken. The investigation also disclosed that this cable is usually sold by the linear foot and that it is very unusual for a customer to purchase an entire reel. If the cable is marked only on the end, pieces sold after the first length is cut from the reel do not bear a country of origin marking.

Accordingly, the Bureau tentatively is of the opinion that imported heavy duty electrical power and mining cable should be legibly and conspicuously marked at appropriate intervals to indicate the foreign country of origin to ultimate purchasers in the United States, in order to meet the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). The Bureau considers that reasonably such repetitive markings should be applied along the cable lengths not less frequently than at intervals of approximately 25 linear feet. Among methods affording an acceptable standard of permanence, legibility and conspicuousness for applying the name of the foreign country of origin, or such name preceded by the words "Made in" or "Product of," would be the use of raised or impressed molded lettering in cable exterior casings, the use of securely affixed weather resistant, scuff proof pressure sensitive printed labels, or the attachment of wired or crimped metal tags bearing the required legend.

Consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

[F.R. Doc. 69-6947; Filed, June 11, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 0123957]

COLORADO

Notice of a Partial Termination of Proposed Withdrawal and Reservation of Lands

JUNE 6, 1969.

Notice of a Bureau of Reclamation, U.S. Department of the Interior application, Colorado 0123957, for withdrawal and reservation of lands for reclamation purposes in connection with the White Water Unit, Colorado River Storage Project, was published as F.R. Doc. 64-10234, on pages 13909 and 13910 of the issue for October 8, 1964. The applicant agency has canceled its application insofar as it affects the following described lands:

UTE MERIDIAN, COLORADO

T. 2 S., R. 1 E.,
Sec. 4, W½NW¼SW¼, containing 20 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m., on July 12, 1969, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL, *Chief, Division of Lands and Minerals, Program Management and Land Office.*

[F.R. Doc. 69-6904; Filed, June 11, 1969; 8:46 a.m.]

[C-8879]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 5, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-8879, for the withdrawal of the lands described below, from prospecting, location and entry under the general mining laws only, subject to valid existing rights.

The applicant desires the lands for public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

SIXTH PRINCIPAL MERIDIAN

A strip of land which lies 200 feet on each side of the centerline of Forest Highway 16 (the Marvine-Phippsburg Road) through Government lands within the following legal subdivisions:

ROUTT NATIONAL FOREST

T. 3 N., R. 86 W.,
Sec. 22, lot 15;
Sec. 28, lot 5;
Sec. 29, lots 7, 8, 11, and 12 and Government owned portions of lots 9 and 10;
Sec. 30, lots 13, 17, 18, 19, and 20;
Sec. 31, lots 6, 7, and 8.
T. 2 N., R. 87 W., unsurveyed (Protraction Diagram No. 3),
Sec. 1.
T. 3 N., R. 87 W.,
Secs. 19, 20, 26, 27, 28, 29, 35, and 36.
T. 2 N., R. 88 W., Surveyed,
Sec. 11;
Sec. 12, W½NW¼, W½W½E½NW¼, E½W½E½NW¼.
Unsurveyed (Protraction Diagram No. 3),
Secs. 15, 20, and 21;
Sec. 22, excluding area withdrawn under P.L.O. 1492 for Vaughn Lake Campground;
Sec. 29, north and east of the Routt-White River National Forest boundary at Ripple Creek Divide.

WHITE RIVER NATIONAL FOREST

T. 2 N., R. 88 W., unsurveyed (Protraction Diagram No. 3),
Sec. 29, south of the Routt-White River National Forest boundary at Ripple Creek Divide;
Sec. 31;
Sec. 32.
T. 1 N., R. 88 W., unsurveyed (Protraction Diagram No. 3),
Secs. 6 and 7.
T. 1 N., R. 89 W., unsurveyed (Protraction Diagram No. 3),
Sec. 1;
Sec. 7;
Secs. 8, 9, and 10 except portions of the Roadside Zone which lie within privately owned H.E.S. 143, H.E.S. 145, E.S. 358A, and H.E.S. 295;
Sec. 11;
Sec. 12.

Lands in the Forest Highway No. 16 Roadside Zone aggregate approximately 1,266 acres.

AQUA FRIA LAKE RECREATION AREA

T. 8 N., R. 82 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½SE¼, SE¼SW¼;
Sec. 31, N½NE¼NE¼;
Sec. 32, N½NW¼NW¼.

The Aqua Fria Lake Recreation Area aggregates approximately 200 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 69-6905; Filed, June 11, 1969; 8:46 a.m.]

[C-0102703]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 6, 1969.

The Bureau of Reclamation of the Department of the Interior has filed the above application for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use in connection with the Fryingpan-Arkansas Reclamation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 S., R. 80 W.,
Sec. 31, E½SE¼;
Sec. 32, SW¼SW¼.
T. 11 S., R. 80 W.,
Sec. 5, SW¼SE¼;
Sec. 6, lots 1, 2, and 8; SW¼NE¼;
Sec. 7, NE¼, N½SE¼;
Sec. 8, all.

The above-described land aggregates 1,185 acres, more or less.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

[F.R. Doc. 69-6906; Filed, June 11, 1969; 8:46 a.m.]

NEVADA

Order Opening Public Lands

JUNE 5, 1969.

1. In exchanges of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

(N-2651, 2499, 2755)

T. 44 N., R. 19 E.,
Sec. 21, SW¼NW¼.
T. 10 N., R. 33 E.,
Sec. 35, NE¼NE¼.
T. 18 N., R. 48 E.,
Sec. 6, lot 7;
Sec. 7, lot 1, NE¼NW¼.

(N-3761, 3358)

T. 34 N., R. 56 E.,
Sec. 13, all.
T. 32 N., R. 60 E.,
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NE¼, N½NW¼.

(N-3442)

T. 41 N., R. 64 E.,
Sec. 1, lots 6, 7, SW¼, W½SE¼;
Sec. 3, lots 6, 7, E½SW¼, SE¼;
Secs. 9, 11.
T. 41 N., R. 65 E.,
Sec. 5, lots 1, 2, 3, 4, S½N½, SW¼.

The areas described aggregate 3,406.61 acres.

2. Minerals were conveyed in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 44 N., R. 19 E.,
Sec. 21, SW¼NW¼.
T. 10 N., R. 33 E.,
Sec. 35, NE¼NE¼.
T. 32 N., R. 60 E.,
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NE¼, N½NW¼.

3. The land in T. 44 N., R. 19 E., is located north of Vya, Washoe County, Nev. Soils are fine sandy loam and moderately alkaline.

4. The land in T. 10 N., R. 33 E., lies approximately 20 miles northeast of Hawthorne, Nev. Vegetative cover consists of pinon trees and big sagebrush.

5. The lands in T. 18 N., R. 48 E., are located in Monitor Valley, about 30 miles east of Austin, Nev. The land is fairly level and covered with native brush.

6. The land in T. 34 N., R. 56 E., is situated approximately 10 miles southeast of Elko, Nev. Topography is gently rolling.

7. The lands in T. 32 N., R. 60 E., are situated on the east side of Ruby Valley, about 50 miles southeast of Elko, Nev., at an elevation of 6,000 feet. Topography is gently rolling.

8. The lands in T. 41 N., Rs. 64 and 65 E., are located about 25 miles north of Wells, Nev., in northeastern Elko County. Vegetation consists of sagebrush, rabbitbrush, and greasewood.

9. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to operation of the public land laws generally; the land in paragraph 2 are opened additionally to location under the mining laws and to mineral leasing. All valid applications received at or prior to 10 a.m. on July 7, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

10. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-6902; Filed, June 11, 1969; 8:45 a.m.]

[Serial No. N-2435]

NEVADA

Notice of Public Sale

JUNE 6, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10 a.m., local time on Wednesday, July 16, 1969, at the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 24 E.,
Sec. 30, SW¼;
Sec. 31, NE¼, S½.

The area described contains 638.04 acres. The appraised value of the tract is $19,140 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws. In addition, the lands in Section 30 are subject to a reservation to the Walker River Irrigation District of 1) the perpetual right to construct irrigation and drainage ditches, flumes, pipelines, or other conduits over and across the said lands as may be necessary for the irrigation and drainage of lands within the Walker River Irrigation District, and 2) the right of ingress and egress for all Irrigation District purposes over and across the lands.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701, prior to 4 p.m., on Tuesday, July 15, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-2435, July 16, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Wednesday, July 16, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 9 a.m., beginning August 6, 1969.

Any adverse claimants to the above-described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-6903; Filed, June 11, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 263; File No. 22(65)-6]

DELEKTRA GMBH, K.G.

Notice of Related Party Determination

In the matter of Delektra GmbH, K.G., Eichenstrasse 12, 2084 Pinneberg-Rellingen, Federal Republic of Germany.

An order dated August 28, 1959 was entered by the Bureau of Foreign Commerce, predecessor of the Bureau of International Commerce, against K. B. Byrrild-Steffensen of Hamburg, West Germany, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of export controls. This order was published in the FEDERAL REGISTER on September 3, 1959 (24 F.R. 7150).

Section 382.1(b) of the Export Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section the firm Delektra GmbH, K.G. located at the above address, is a related party to said K. B. Byrrild-Steffensen. Under this determination the terms and restrictions of the order of August 28, 1959 are effective against said related party.

The said related party has been notified of this determination and has been advised that if it contends that the ruling is not justified, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: June 6, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-6930; Filed, June 11, 1969; 8:48 a.m.]

Maritime Administration

[Report No. 97]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through June 2, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (172 ships)	1,237,025
British (48 ships)	385,567
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043

Flag of Registry and Name of Ship	Gross Tonnage
British—Continued	
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trip to Cuba as the Ardmore—British)	4,664
**Kelso (trip to Cuba as the Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Southgate (previous trips to Cuba as the Arlington Court—British)	9,662
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Cypriot (35 ships)	256,657
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Aida	7,292
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Free Navigator (previous trips to Cuba as the Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Glee	7,237
Huntsfield (previous trips to Cuba—British)	9,483
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,358
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Dziadz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Lebanese (11 ships)	77,353
Antonis	6,259
Astir	5,324
Ciannis	5,270
Giorgos Tsakiroglou	7,240
Ilena	5,925
Marichristina	7,124
Mousse	9,307
Noelle	7,251
Tony	7,176
Toula	6,426
Yanxilas	10,051
Greek (12 ships)	85,207
**Aegis Luck—(tanker) (trip to Cuba as the Captain Papalios—Cypriot)	11,676
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Barbarino	7,084
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
Irena	7,232
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Paralos (trip to Cuba as the Agios Therapon—Greek)	7,205

Flag of Registry and Name of Ship	Gross tonnage
Greek—Continued	
Redestos	5,911
Sophia	7,030
Panamanian (5 ships)	36,774
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avrancholse (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
**Tynlee (trip to Cuba as the Ardenode—British)	7,036
Yugoslav (8 ships)	54,379
Agrum	2,449
Bar	8,776
*Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
French (6 ships)	19,316
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Somali (6 ships)	37,746
Aragon	7,248
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
Stevo (previous trips to Cuba—Lebanese)	7,066
Thios Costas	7,258
Italian (4 ships)	33,275
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Finnish (3 ships)	20,966
Augusta Paulin	7,096
Ragni Paulin	6,823
Verna Paulin	7,047
Maltese (3 ships)	19,793
Ispahan	7,169
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852

Flag of Registry and Name of Ship	Gross tonnage
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trip to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	6,854
**Rama Lesmana (trip to Cuba as the Glaisdale—British)	6,854

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship

a. Since last report:
None.

b. Previous reports:

Flag of registry (total)	Number of ships
	124
British	44
Cypriot	3
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Acme (Cypriot)	7,173
Atticos (Lebanese)	7,257
El Toro (Cypriot)	5,949
Yu Lee (Panamanian)	4,939

b. Previous reports:

Flag of registry:	Broken up, sunk or wrecked
British	16
Cypriot	19
Finnish	2
French	1
Greek	13
Italian	4
Lebanese	31
Maltese	2
Flag of registry:	Broken up, sunk or wrecked
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	3
South African	2
Swedish	1
Yugoslav	6
Total	104

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through June 2, 1969.

Flag of registry	Number of trips											
	1963	1964	1965	1966	1967	1968	1969 Jan.	Feb.	Mar.	Apr.	May	Total
British	133	180	126	101	78	62	2	4	6	5		697
Lebanese	64	91	58	25	16	16			1	1	1	273
Greek	99	27	23	27	29	7						212
Cypriot		1	17	27	42	66	6	7	4	8	2	182
Italian	16	20	24	11	11	10	1	1		2		96
Yugoslav	12	11	15	10	14	9			1	1	1	74
French	8	9	9	10	10	4	1		1			52
Finnish	1	4	5	11	12	8			1			42
Spanish	8	17										25
Norwegian	14	10										24
Moroccan	9	13	1									23
Maltese		2	6	1	4	8						21
Somali					2	11	1	1		3		18
Netherlands		4	2									6
Swedish	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Subtotal	370	394	290	224	218	204	11	13	14	20	4	1,762
Polish	18	16	12	10	11	7						74
Grand total	388	410	302	234	229	211	11	13	14	20	4	1,836

*Added to Rept. No. 96, appearing in the FEDERAL REGISTER issue of May 8, 1969.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: June 6, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-6941; Filed, June 11, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20681, 20411; Order 69-6-34]

ALLEGHENY AIRLINES, INC., AND MOHAWK AIRLINES, INC.

Order Consolidating and Setting Applications for Hearing Regarding Certificates of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1969.

On October 25, 1968, Mohawk Airlines, Inc. (Mohawk), filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience and necessity for Route 94 to permit, without subsidy eligibility, nonstop service between Boston and Buffalo-Niagara Falls and between Buffalo-Niagara Falls and Cleveland and to permit one-stop service between Boston and Cleveland via Buffalo-Niagara Falls.[1]

An answer in suport of Mohawk's application has been filed by the Massachusetts Port Authority. Answers in opposition to Mohawk's application have

[1] By Order 68-12-153, dated Dec. 30, 1968, the Board set the application for further proceedings pursuant to the provisions of Subpart M.

been filed by Allegheny Airlines, Inc. (Allegheny), and American Airlines, Inc. (American). The Buffalo Area Chamber of Commerce and the Niagara Frontier Port Authority have filed a reply in support of Mohawk's application. Mohawk has filed a consolidated reply to the answers of Allegheny and American.

Allegheny has filed a motion to consolidate its application in Docket 20681 which requests an amendment to its certificate of public convenience and necessity for Route 97 to permit nonstop service, without subsidy eligibility, between Buffalo and Cleveland.[2] Answers in opposition to Allegheny's motion to consolidate have been filed by American and Mohawk. Allegheny has filed a consolidated reply to the answers of American and Mohawk.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Mohawk's application, Docket 20411, for hearing. We shall also consolidate Allegheny's application, Docket 20681.

Accordingly, it is ordered, That:

1. The application of Mohawk Airlines, Inc., Docket 20411, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated; and

2. The application of Allegheny Airlines, Inc., Docket 20681, be and it hereby is consolidated for hearing with Docket 20411.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6932; Filed, June 11, 1969; 8:48 a.m.]

[Dockets Nos. 20681, 20411]

ALLEGHENY AIRLINES, INC., AND MOHAWK AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled applications is assigned to be held on July 8, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

The Bureau of Operating Rights will participate in this case. Any exhibits of the Bureau shall be submitted on or before June 20, 1969, and any answers thereto shall be submitted on or before July 1, 1969.

Dated at Washington, D.C., June 9, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6933; Filed, June 11, 1969; 8:48 a.m.]

[2] Allegheny has not requested that the point Buffalo be designated as the hyphenated point Buffalo-Niagara Falls.

[Docket No. 21009]

BRITISH UNITED AIRWAYS (SERVICES) LTD., AND BRITISH UNITED AIRWAYS LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 18, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 9, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6934; Filed, June 11, 1969; 8:48 a.m.]

[Docket No. 19923; Order 69-6-32]

FREIGHT LIABILITY AND CLAIM RULES AND PRACTICES

Order Regarding Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1969.

Following the 1966 CAB–NITL (National Industrial Traffic League) Regional Air Cargo Workshops, and the revelation of a high incidence of adverse shipper opinion on the carriers' freight liability and claim rules and practices, the Board in August 1967, initiated an informal study of the subject with the carriers. A petition for authority to hold intercarrier and shipper-carrier discussions on rules and practices was filed by the carriers in May 1968, approved by the Board in August,[1] and a series of carrier and shipper-carrier meetings have been held, the latest on May 14, 1969. Minutes of all meetings have been filed with the Board and circulated to interested shippers.

A further petition was filed by the carriers[2] on May 20, 1969, seeking authority to discuss reserved air freight service, and the basis for a charge thereon, if any.

In support of their request, the carriers state that their discussions to date have produced two firm conclusions, at least on the part of some of the airline participants: First, that before other aspects of the problem can be considered intelligently, the airlines must know whether reserved air freight service is to be a premium service for which a higher rate, or a separate charge, will be assessed; and, second, that, because of the relative newness of the service and the differences in procedures followed, not only by different carriers, but by one carrier over different portions of its system or on different types of aircraft, etc., the problem transcends the boundaries of the present study (i.e., tariff rules and practices relating to liability, valuation, and claims) and calls for separate treatment and, probably, an extended period of study and discussion.

The carriers further state that such a separate study would encompass an examination of the reserved air freight services now being offered or proposed by various carriers to determine to what extent the services can and should be standardized, and to examine on a joint basis such questions as—

(a) Whether or not an extra charge should be assessed for the reserved space and, if so, on what basis—but not the amount of such charge;

(b) What additional liability, if any, should be assumed by the carriers if the service is not provided for various reasons;

(c) Whether there should be time limits on accepting or holding reservations;

(d) Whether there should be limits on the amount of space reserved for individual shippers or on particular flights;

(e) Whether a reservations system for interline movements should be developed and, if so, how it should operate; and

(f) The extent to which the terms and conditions on which reserved air freight service is to be offered should be incorporated into the tariffs of the carriers, and the drafting of appropriate tariff provisions for that purpose.[3]

The carriers also suggest that the separate study proceed entirely independent of the present liability study, and that the present study not be delayed pending the outcome of the separate reserved air freight study.

No person has opposed the carriers' request.

Upon consideration of the carriers' petition, the Board will grant the expanded discussion authority sought, within the framework of the existing docket. Although numerous revised rules and practices have been tentatively resolved and will soon be circulated in the form of an agreement for signature by the carriers, very little progress has been made with respect to freight reservations, including the liability aspects thereof. The primary reason for this lack of progress appears to be attributable to the fact that several major carriers are of the view that, before other aspects of the matter can be considered or resolved intelligently, they must know whether reserved freight service is to be a premium service for which a higher rate, or a separate charge will be assessed.[4]

Reserved air freight service is essentially an accessorial service, i.e., not used by all shippers and for all shipments; the cost burden of freight reservations may now be borne by all shippers even though benefiting only a minority; there is merit in the carriers' contention that they must know whether there is industry unanimity as to a premium rate or separate charge (as for any accessorial service[5]) before proceeding further; and the public interest can best be served at this time by permitting the carriers to proceed ex parte as they request.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. Except as provided below, the petition of American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., filed May 20, 1969, in Docket 19923 is granted;

2. The authority granted by Orders 68-8-18 dated August 6, 1968, and 69-3-4 dated March 3, 1969, is expanded to include the extent to which air freight reserved space services and practices can and should be standardized, whether an extra charge should be assessed, and if so, on what basis: *Provided however,* That such discussions shall not include the rate, rate level, or the amount of any additional charge to be assessed on reserved air freight service; and

3. All other terms and conditions of Orders 68-8-18 and 69-3-4, supra, shall continue unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6935; Filed, June 11, 1969; 8:48 a.m.]

[Docket No. 20291; Order 69-6-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Certain Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in resolutions of Joint Conference 2-3 of the International Air Transport Association (IATA), and adopted by mail vote resulting from a meeting held in Athens, April 24, 1969. The agreement has been assigned the above-designated CAB agreement number.

The agreement encompasses fares and related resolutions applicable between Europe/Middle East/Africa and Australasia for effectiveness through March 31, 1971.[1] Normal one-way fares will generally be maintained at status quo, with round-trip fares being increased by about 5 percent resulting from the elimination of the round-trip discount where it is presently applicable. Generally, the present promotional fares have been readopted without material change in the basic conditions of service, although the level of these fares will be increased somewhat as a result of the fact that these fares are based on a percentage discount from the applicable round-trip economy fares. New contract bulk inclusive tour fares have been established between Japan and points in Europe. These fares apply in air transportation to the extent that they may be combined with fares between Japan and Okinawa to construct through fares.

The Board concludes that approval of the agreement for the full period of its intended effectiveness would not be adverse to the public interest. Our primary interest in this agreement is confined to the fares to/from American Samoa, Guam, and Okinawa; and applicability of these fares is extremely limited. Accordingly, the moderate increase in revenues stemming from elimination of the round-trip discount would appear economically justified.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find that the following resolutions, incorporated in Agreement CAB 20966, affect air transportation within the meaning of the Act:

Agreement CAB 20966	IATA No.	Title	Application
R-19	071a(084f)	Creative Fares, Gulf-India/Pakistan/Ceylon	2/3
R-25	061b(084bb)	Group Inclusive Tour Fares—Scandinavia/Finland to Points in CT3	2/3
R-28	081r	Group Inclusive Tour Fares, Afghanistan to East Africa/Ethiopia—New.	2/3
R-30	090b(084z)	JT23 Pilgrim Fares Revalidating and Amending	2/3
R-31	091h	Family Fares-Mauritius/India (New)	2/3
R-32	092d(090a)	Youth Fares Australia/New Zealand-Europe	2/3, 1/2/3

2. The Board does not find the following resolutions incorporated in Agreement CAB 20966, to be adverse to the public interest or in violation of the Act:

Agreement CAB 20966	IATA No.	Title	Application
R-1	001v	JT23 Passenger Resolution—Escape (Expedited)	2/3.
R-2	002k	JT23 and JT123 Adoption Resolution (Expedited)	2/3, 1/2/3 (via TC1).
R-3	001b	JT23—Special Effectiveness Resolution (Tie-In)	2/3, 1/2/3 (via TC1).
R-4	001h	2-Year Effectiveness Escape—Passenger	2/3, 1/2/3.
R-5	001t	Escape Fare Boeing 747 (New)	2/3, 1/2/3.
R-6	002	Standard Revalidation Resolution	2/3, 1/2/3.
R-7	002h	Special Revalidation Resolution (New)	2/3, 1/2/3.
R-8	014a	Construction Rule for Passenger Fares—Revalidating and Amending.	2/3, 1/2/3.
R-9	014f	JT23/Polar/via TC1 Special Escape Rule (New)	2/3, 1/2/3.
R-10	023a	Rounding-off Passenger Fares—Amending	2/3, 1/2/3.
R-11	050	First Class Conditions of Service Revalidating and Amending	2/3, 1/2/3.
R-12	055	Joint Conference 2/3 First Class Fares	2/3.
R-13	057	First Class Fares—TC-2—TC-3 via the Atlantic	1/2/3.
R-14	058	First Class Polar Fares—Revalidating and Amending	2/3, 1/2/3.
R-15	060	Economy Class Conditions of Service—Revalidating and Amending.	2/3, 1/2/3.
R-16	065	Joint Conference 2/3 Economy Class Fares	2/3.
R-17	067	Economy Class Fares—TC2—TC3 via the Atlantic	1/2/3.
R-18	068	Economy Class Polar Fares—Revalidating and Amending	2/3, 1/2/3.
R-20	076d(088m)	JT23 Affinity Group Fares—Revalidating and Amending	2/3.
R-21	076g(088q)	Affinity Group Fares—TC-2—TC-3 via the Atlantic—Revalidating and Amending.	1/2/3.
R-22	077(083e)	Group Fares for Ships' Crews Revalidating and Amending	2/3.
R-23	079b	Europe-Japan Contract Bulk Inclusive Tours Rules (New)	2/3.
R-24	080b(084s)	JT23 and JT123 Individual Inclusive Tour Fares-Revalidating and Amending.	2/3, 1/2/3.
R-26	081i(084l)	JT23 and JT123 Group Inclusive Tour Fares-Revalidating and Amending.	2/3, 1/2/3.
R-27	081n(084t)	Group Inclusive Tour Fares-Far East to TC2-Revalidating and Amending.	2/3.
R-29	084g	Group Inclusive Tour Fares-Europe-Japan/Okinawa	2/3.
R-33	150a	Fares for Round Trip (New)	2/3, 1/2/3.
R-34	151a	Fares for Circle Trips Revalidating and Amending	2/3, 1/2/3.
R-35	200	Free and Reduced Fare or Rate Transportation-Revalidating and Amending.	2/3, 1/2/3.
R-36	209g	Government Orders and Reduced Transportation-Revalidating.	2/3, 1/2/3.
R-37	310	Free Baggage Allowance-Revalidating and Amending	2/3, 1/2/3.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 20966 as set forth in finding paragraph 1; and

2. Those portions of Agreement CAB 20966 described in finding paragraph 2 be approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the

[1] Except between the United Kingdom and India/Pakistan where no fare agreement was reached.

[1] Order 68-8-18, dated Aug. 6, 1968, authorized discussions until Feb. 2, 1969; extended until Sept. 3, 1969, by Order 69-3-4, dated Mar. 3, 1969.

[2] American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[3] The existing discussion authority granted by the Board encompasses items (b) through (f) above.

[4] The carriers had earlier requested authority to discuss the rates or separate charges for such service, which the Board denied (Order 68-8-18, supra).

[5] The Board has previously authorized carrier discussions on accessorial services and the question of imposing charges, and has approved several such carrier agreements (Docket 17167, Order 69-1-54, dated Jan. 13, 1969).

statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6936; Filed, June 11, 1969; 8:49 a.m.]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 24, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before June 19, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for evidence; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., June 6, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6937; Filed, June 11, 1969; 8:49 a.m.]

[Docket No. 21059]

S.A. EMPRESA DE VIACAO AEREA RIO GRANDENSE (VARIG)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 13, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Notice is further given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., June 6, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6938; Filed, June 11, 1969; 8:49 a.m.]

[1] Vice Chairman Murphy and Member Minetti would disapprove application in air transportation of the elimination of the round-trip discount.

[Docket No. 19529]

SPANTAX, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will commence on Thursday, June 26, 1969, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 9, 1969.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 69-6939; Filed, June 11, 1969; 8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

NORTH DAKOTA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of North Dakota, dated April 24, 1969, and published April 30, 1969 (34 F.R. 7095), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

Divide.	McLean.
Dunn.	Mountrail.
Eddy.	Oliver.
Emmons.	Sheridan.
Grant.	Sioux.
Logan.	Stark.
McIntosh.	Wells.
McKenzie.	Williams.

Dated: June 6, 1969.

FRED J. RUSSELL,
Deputy Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-6931; Filed, June 11, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary to the Director (Plans & Arms Control)" to "Deputy Assistant Secretary (Policy Planning and Arms Control); OASD (International Security Affairs)".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-6924; Filed, June 11, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

INCREASE IN INTEREST RATE

Certificates of Interest in Price-Support Loans

In accordance with section 1479.25 of the regulations issued by the Commodity Credit Corporation governing Participation of Financial Institutions in a Pool of Price-Support Loans (7 CFR 1479.20 et seq.), published in 33 F.R. 10184 on July 17, 1968, and amended in 34 F.R. 2651-2652 on February 27, 1969, notice is hereby given that the rate of interest on certificates evidencing participation in financing such price-support loans will be changed, effective June 11, 1969, as follows: Certificates shall earn interest at the rate of 5.875 percent yearly, from the date of investment through and including August 24, 1968, 5.375 percent yearly from August 25, 1968, through and including October 23, 1968, 5.625 percent yearly from October 24, 1968, through and including December 7, 1968, 6 percent yearly from December 8, 1968, through and including January 14, 1969, 6.625 percent yearly from January 15, 1969, through and including June 10, 1969, and 7 percent yearly thereafter until changed.

Signed at Washington, D.C., on June 11, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-7050; Filed, June 11, 1969; 11:38 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. CI61-760, etc.]

AZTEC OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JUNE 4, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI61-760 E 5-19-69	Aztec Oil & Gas Co. (successor to Hidalgo Gas Production Corp.) 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	[1] 13.0	15.025
CI63-234 C 5-21-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	15.0	14.65
CI68-261 C 5-21-69	Mallard Drilling Corp. & Central Oil Co., Post Office Box 1527, Shreveport, La. 71102.	Southern Natural Gas Co., Spider Field, De Soto Parish, La.	13.8355	15.025
CI69-648 (G-12110) F 1-10-69 [2] 4-2-69 [3]	Southwest Oil Industries, Inc. (successor to Harper Oil Co. et al.), 801 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[4] 17.01	14.65
CI69-649 (G-13098) F 1-10-69 [2] 4-2-69 [3]	Southwest Oil Industries, Inc. (successor to Atlantic Richfield Co.).	do	[4] 17.01	14.65
CI69-716 (G-13306)	Southwest Oil Industries, Inc. (successor to Shell Oil Co.)	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	[5] 19.5	14.65
(CI61-1642)	Continental Oil Co.		[6] 19.515	14.65
(G-18916) F 1-29-69 & 1-30-69 [6] 4-2-69 [3]	Ashland Oil & Refining Co.).		[5] 19.5	14.65
CI69-719 (CI61-636) 1-27-69 [10]	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	[11] 15.5	14.65
CI69-732 C 5-19-69	Bowers Drilling Co., Inc., 1434 Wichita Plaza, Wichita, Kans. 67202.	Cities Service Gas Co., Etna Field, Barber County, Kans.	14.0	14.65
CI69-865 A 3-14-69 [12]	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	13.4426	14.65
			[13] 13.1894	
CI69-1051 (G-12545) F 5-9-69	A-L, Ltd. (successor to Tenneco Oil Co.), 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[14] 18.0	14.65
CI69-1052 (CI64-1405) A&F 5-12-69	Whittington Oil Co., Inc. (Operator) et al. (successor to Steve Gose (Operator) et al.), Box 9328, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., Arkoma Basin, Haskell, Le Flore, Latimer, and Pittsburg Counties, Okla.	15.0	14.65
CI69-1053 A 5-16-69	Champlin Petroleum Co., Operator, Post Office Box 9365, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[15] 17.0	14.65
CI69-1054 (CI64-903) F 5-9-69	Prenalta Corp. (Operator) et al (successor to Pubco Petroleum Corp.), Post Office Box 2514, Casper, Wyo. 82601.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Desert Springs Area, Sweetwater County, Wyo.	[16] 15.5	14.65
CI69-1055 A 5-14-69	J. B. Jackson Drilling Co., Post Office Box 520, Clendenin, W. Va. 25045.	United Fuel Gas Co., acreage in Roane County, W. Va.	18.0	15.325
CI69-1056 A 5-14-69	Brooks F. McCabe, Post Office Box 1692, Charleston, W. Va. 25326.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	15.0	15.325
CI69-1058 A 5-16-69	C. Fred Shewey, Box 108, Kermit, W. Va. 25674.	United Fuel Gas Co., acreage in Mingo County, W. Va.	23.0	15.325
CI69-1059 A 5-16-69	do	do	23.0	15.325
CI69-1060 A 5-19-69	Warall J. N. Whipple et al., Oil & Gas Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Montegut Field, Terrebonne and La-Fourche Parishes, La.	21.25	15.025
CI69-1061 A 5-19-69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Blocks 95 and 96 and Grand Isle Blocks 33 and 34, Plaquemines and Jefferson Parishes, La.	21.25	15.025
CI69-1062 A 5-19-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., West Delta Block 42 Field, Offshore (Zone 3), Louisiana.	21.25	15.025
CI69-1063 A 5-19-69	Quaker State Oil Refining Corp., Post Office Box 1327, Parkersburg, W. Va. 26101.	Cabot Corp., acreage in Jackson County, W. Va.	25.0	15.325
CI69-1064 B 5-19-69	R. Morgan Properties, c/o Michael Kendrick, Jr., attorney, Head & Kendrick, 707 Wilson Tower, Corpus Christi, Tex. 78401.	South-Tex Corp., Farenthold Field, Jim Wells and Nueces Counties, Tex.	Depleted	
CI69-1066 A 5-19-69	Apache Corp., 823 South Detroit, Tulsa, Okla. 74120.	Michigan Wisconsin Pipe Line Co., Northwest Freedom Area, Woods County, Okla.	[16] 17.0	14.65
CI69-1068 A 5-19-69	Bert Fields, Jr. (Operator) et al., 1181 First National Bank Bldg., Dallas, Tex. 75202.	United Gas Pipe Line Co., Henderson, East (Travis Peak) Field, Rusk County, Tex.	15.0	14.65
CI69-1069 A 5-20-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	16.0	14.65
CI69-1070 (G-6614) F 5-20-69	Mobil Oil Corp. (Operator) et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	14.5	14.65
CI69-1072 (CI66-278) F 5-9-69	Whittington Oil Co., Inc. (Operator) et al. (successor to F. H. Stevens et al.[17]), Post Office Box 9328, Shreveport, La. 71109.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	15.0	15.025
CI69-1073 (CI61-524) F 5-16-69	John H. Hill (Operator) et al. (successor to Shell Oil Co.), c/o Gordon L. Llewellyn, Attorney at Law, 905 Southland Center, Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., South West Cedardale Field, Woodward County, Okla.	[18] 19.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-1074 (G-18332) F 5-19-69	G. L. Gallaspy (successor to Chas. C. Peppers), 529 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[10] 18.02	14.65
CI69-1075 B 5-21-69	Edwin L. Cox (Operator) et al., 3600 First National Bank Bldg., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Depleted	.....
CI69-1076 B 5-21-69	Champlin Petroleum Co. et al., Post Office Box 9365, Fort Worth, Tex. 76107.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Depleted	.....
CI69-1078 (CI60-153) (CI60-159) A&F 5-21-69	Willmar Oil, Inc. (Operator) et al. (successor to Cabot Corp. & Gulf Oil Corp.) Post Office Box 474, Mattoon, Ill. 61938.	Cities Service Gas Co., Friefert Gas Unit, Seward County, Kans.	16.0	14.65
CI69-1079 B 5-20-69	Acme Drilling Co.	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	Depleted	
CI69-1080 B 5-20-69	do	do	Depleted	
CI69-1081 A 5-21-69	Pet Oil Co., c/o G. F. Hodges, Jr., Secretary-Treasurer, Box 16, Spencer, W. Va. 25276.	Paul B. Bowser d.b.a., Lora Oil & Gas Co., acreage in Roane County, W. Va.	15.0	15.325
CI69-1082 A 5-21-69	Steortz-Tawney, c/o George A. Vandale, agent, Spencer, W. Va. 25276.	do	10.0	15.325
CI69-1083 A 5-21-69	Injun Oil & Gas Co., c/o Roy G. Hildreth, agent, Box 96, Spencer, W. Va. 25276.	do	12.0	15.325
CI69-1084 A 5-21-69	Douglas Tawney, c/o George A. Vandale, agent, Spencer, W. Va. 25276.	do	12.0	15.325
CI69-1085 A 5-22-69	Montiar Oil & Gas Co., c/o Kenneth McCombs, Esq., Wheeling Road, Cadiz, Ohio 43907.	United Fuel Gas Co., Coopers Creek Field, Kanawha County, W. Va.	28.0	15.325
CI69-1086 (CI68-63) F 5-22-69	Harold J. Reedy (successor to H. H. Champlin et al.), 700 First National Bank Bldg., Enid, Okla. 73701.	Oklahoma Natura Gas Gathering Corp.,[20] Ringwood Field, Major County, Okla.	12.0	14.65
CI69-1087 A 5-22-69	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	Southern Natural Gas Co., Kokomo Field, Walthall and Marion Counties, Miss.	[12] 20.6	15.025
CI60-1088 B 5-22-69	Atlantic Richfield Co. (Operator) et al. (successor to Sinclair Oil Corp. (Operator) et al.), Post Office Box 2819, Houston, Tex. 75221.	Kansas-Nebraska Natural Gas Co., Inc., Kirby Draw Field, Fremont County, Wyo.	Depleted	.....
CI69-1089 B 5-22-69	Trice Production Co. (Operator) et al., Post Office Drawer 2232, Longview, Tex. 75601.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	.....
CI69-1090 B 5-22-69	Atlantic Richfield Co. (Operator) et al. (successor to Sinclair Oil Corp. (Operator) et al.).	Florida Gas Transmission Co., Palacios Field, Matagorda County, Tex.	Depleted	.....
CI69-1091 B 5-22-69	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	Depleted	.....
CI69-1092 A 5-23-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Block 206, Ship Shoal Area, Offshore Louisiana.	21.25	15.025
CI69-1093 (G-11918) F 5-23-69	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.), Post Office Box 592, Franklin, La. 70538.	United Gas Pipe Line Co., Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	20.0	15.025

[1] An increase in rate to 13.2486 cents per Mcf has been suspended in Docket No. RI69-665, but not yet made effective.
[2] Application previously noticed Feb. 12, 1969 in Dockets Nos. G-2723 et al., at a total initial rate of 17 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[3] Revised filing made amending certificate application and billing statement to properly reflect the predecessor's rate as shown in "price" column.
[4] Rate effective subject to refund in Docket No. RI68-176. Subject to upward and downward B.t.u. adjustment.
[5] Rate effective subject to refund in Dockets Nos. RI62-212 and RI68-90. Subject to upward and downward B.t.u. adjustment.
[6] Application previously noticed Feb. 24, 1969 in Dockets Nos. G-3784 et al., at a total initial rate of 17 cents per Mcf.
[7] Rate effective subject to refund in Docket No. RI65-476 (Shell Oil Co.). Subject to upward B.t.u. adjustment.
[8] Rate effective subject to refund in Docket No. RI68-157 (Continental Oil Co.). Includes 0.015-cent tax reimbursement; also subject to upward and downward B.t.u. adjustment. A prior rate was collected subject to refund in Docket No. RI64-553.
[9] Rate effective subject to refund in Docket No. RI65-365 (Ashland Oil & Refining Co.). Subject to upward and downward B.t.u. adjustment.
[10] Applicant is filing for certificate to cover its portion of a sale presently covered by Continental Oil Co.'s FPC GRS No. 180 and certificate in Docket No. CI61-636.
[11] By letter dated May 16, 1969, as corrected by telegram of May 22, 1969, Applicant agreed to accept certificate conditioned to 15.5 cents (area ceiling rate) at 14.65 p.s.i.a.
[12] Application previously noticed Mar. 26, 1969 in Dockets Nos. G-8785 et al., at a total initial rate of 13.4001 cents per Mcf.
[13] By filing of Mar. 17, 1969, Applicant amended its application to reflect a rate of 13.4426 cents per Mcf for production other than from the Abbot Gas Unit and 13.1894 cents per Mcf for production from the Abbot Gas Unit (reflects sweetening charge of 0.25 cents per Mcf). Rates include 1.28 percent tax reimbursement.
[14] Includes B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Rate in effect subject to refund in Docket No. RI68-336.
[17] Successors to Skelly Oil Co.
[18] Rate in effect subject to refund in Docket No. RI65-649.
[19] Includes 1.02 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-6828; Filed, June 11, 1969; 8:45 a.m.]

[Docket No. RI69-741]

AFROMA OIL & GAS CO. ET AL.

Order Accepting Amendatory Agreement, Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 14, 1969.

On April 14, 1969, Afroma Oil & Gas Co. (Operator) et al. (Afroma),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description. (1) Amendatory agreement, dated January 14, 1969. (2) Notice of change, dated March 17, 1969.[2]
Purchaser and producing area. Banquete Gas Co., a division of Crestmont Oil & Gas Co.[3] (Spartan-Odem Field, San Patricio County, Tex. (R.R. District No. 4).
Effective date. (1) and (2) May 15, 1969.[4]
Rate schedule designation. (1) Supplement No. 2 to Afroma's FPC Gas Rate Schedule No. 4. (2) Supplement No. 3 to Afroma's FPC Gas Rate Schedule No. 4.
Amount of annual increase. (2) $1,100.
Effective rate. 10 cents per Mcf.[5][6]
Proposed rate. 11 cents per Mcf.[5][7]
Pressure base. 14.65 p.s.i.a.

Afroma requests a retroactive effective date of January 14, 1969, but gives no reason for such request. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Afroma's rate filing and such request is denied.

Afroma has submitted an amendatory agreement dated January 14, 1969, which provides for the increased price of 11 cents per Mcf contained in Afroma's notice of change in rate, to be applicable to specific acreage described therein. Since the basic contract covers other acreage in addition to the acreage specified in the aforementioned agreement, the proposed 11-cent rate to Banquete Gas Co., a division of Crestmont Oil & Gas Co. (Banquete), will only apply to the acreage described in the aforementioned agreement. Afroma is presently collecting a 10-cent rate, subject to refund in Docket No. RI68-472, under the subject rate schedule. Banquete gathers the subject gas and resells it to United Gas Pipe Line Co. under its FPC Gas Rate Schedule No. 2 at a presently effective 14-cent rate being collected subject to refund in Docket No. RI69-658. Although Afroma's proposed 11 cents per Mcf rate does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Banquete's resale rate, not to Afroma's rate. Since Banquete has not filed for the above ceiling increase to which it is contractually entitled, we believe that it would be appropriate to suspend Afroma's rate increase for only 1 day from May 15, 1969, the expiration date of the statutory notice.

We believe that it would be in the public interest to accept for filing Afroma's amendatory agreement dated January 14, 1969, designated as Supplement No. 2 to Afroma's FPC Gas Rate Schedule No. 4, to become effective on May 15, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Afroma's amendatory agreement dated January 14, 1969, designated as Supplement No. 2 to Afroma's FPC Gas Rate Schedule No. 4, and for permitting such supplement to become effective on May 15, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Afroma's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 2 to Afroma's FPC Gas Rate Schedule No. 4 is accepted for filing and permitted to become effective on May 15, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Afroma's FPC Gas Rate Schedule No. 4.

(C) Pending such hearing and decision thereon, Supplement No. 3 to Afroma's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until May 16, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Afroma, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Afroma shall execute and file under Docket No. RI69-741, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Banquete Gas Co., a division of Crestmont Oil & Gas Co., the purchaser. Unless Afroma is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6893; Filed, June 11, 1969; 8:45 a.m.]

[1] Address is: Post Office Box 4137, Corpus Christi, Tex. 78408.
[2] Applicable only to acreage described in the Jan. 14, 1969, agreement.
[3] Banquete resells subject gas to United Gas Pipe Line Co. under its FPC Gas Rate Schedule No. 2 at a current 14 cents rate which is subject to refund in Docket No. RI69-658. Banquete contractually due 15.1920 cents per Mcf rate.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] Effective subject to refund in Docket No. RI68-472.
[6] Subject to a downward B.t.u. adjustment.
[7] Renegotiated rate increase.

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JUNE 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 9, 1969 through June 18, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-6909; Filed, June 11, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JUNE 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 9, 1969 through June 18, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-6910; Filed, June 11, 1969; 8:46 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

JUNE 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 9, 1969 through June 18, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-6911; Filed, June 11, 1969; 8:46 a.m.]

[70-4762]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Proposed Issue and Sale of Subordinated Notes by Subsidiary Company and Acquisition by Sponsor Companies

JUNE 6, 1969.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and a subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered

holding company (referred to collec- Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), The Connecticut Light & Power Co. ("CL&P"), and The Hartford Electric Light Co. ("Hartford"), three public utility subsidiary companies of Northeast; and Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utility Associates, a registered holding company (referred to collectively as "sponsors"), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 8, 9(a), 10, and 11 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is estimated at $119 million. The sponsors are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment. After the Court of Appeals for the District of Columbia's decision on March 26, 1969, setting aside a Commission order (Holding Company Act Release No. 15958), the sponsors affirmed their commitment to finance Vermont Yankee and acknowledged their willingness to effect whatever change might be required by any regulatory agency or court having jurisdiction.

Vermont Yankee has arranged to obtain short-term interim financing from banks, pursuant to revolving credit agreements, pending the completion of proceedings relating to the issue and sale of Vermont Yankee's common stock and pending its long-term debt financing. These revolving credit agreements provide for short-term loans from banks to Vermont Yankee up to an aggregate at any time outstanding of $20 million. The banks have agreed to lend up to $5 million under this arrangement, of which $2,500,000 was borrowed on May 15, 1969. The banks have required Vermont Yankee and its sponsors to obtain regulatory authority to issue and sell subordinated notes to the sponsors before lending the remaining $15 million. The notes will be subordinated and junior in right of payment to all indebtedness of Vermont Yankee for money borrowed from banks or other financial institutions.

Vermont Yankee proposes to issue and sell to the sponsors an aggregate of $20 million of its subordinated notes for the purpose of providing funds, if necessary, to repay the interim bank loans, and the sponsors which are parties to this application have agreed to acquire 34.5 percent of the $20 million of subordinated notes in the following percentages: NEPCO 20 percent, CL&P 6 percent, Hartford 3.5 percent, Montaup 2.5 percent and WMECO 2.5 percent. The remaining amount will be issued to the other sponsors but the acquisition thereof is not subject to the approval of this Commission. The subordinated notes would be issued by Vermont Yankee only for the purpose of obtaining funds with which to pay its obligations to the banks as they come due under the revolving credit agreements. The application states that the notes would mature within 1 year from the date of issue and would bear interest at an annual rate which is 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in New York City on the date of issue thereof.

The application states that the Vermont Public Service Board has jurisdiction over the issue and sale of the notes and the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors. No other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 19, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6912; Filed, June 11, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Pacific Coastal Area), Rev. 1, Amdt. 3]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Pacific Coastal Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Pacific Coastal Area) (Revision 1) (33 F.R. 10677) as amended (33 F.R. 14250 and 34 F.R. 6751), is hereby further amended by: 1. Adding Item I.H., and 2. Adding Items III. B. and C, to read as follows:

I. Area Coordinators.

* * * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

III. Branch Manager—Fairbanks, Alaska

* * * * *

B. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**4. To cancel, reinstate, modify, and amend authorizations for disaster loans.

**5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

* * * * *

Effective date: May 7, 1969.

WILLIAM S. SCHUMACHER,
Area Administrator,
Pacific Coastal Area.

[F.R. Doc. 69-6913; Filed, June 11, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aynor Manufacturing Co., Inc., Aynor, S.C.; 4-28-69 to 4-22-70 (ladies' and children's pants).

Big Yank Corp., Hattiesburg, Miss.; 4-30-69 to 4-29-70 (men's and boys' pants and shorts and men's work shirts).

Bishop Co., Weissport, Pa.; 5-9-69 to 5-8-70 (ladies' and children's blouses).

Blackwelder Manufacturing Co., Mocksville, N.C.; 4-21-69 to 4-20-70 (men's and boys' sport shirts).

Blue Bell, Inc., Coalgate, Okla.; 4-18-69 to 4-17-70 (misses' and girls' jeans).

Covington Industries, Inc., Opp, Ala.; 5-4-69 to 5-3-70 (combat pants and coats).

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; 4-22-69 to 4-21-70 (brassieres).

Dickson Manufacturing Co. No. 2, Dickson, Tenn.; 4-21-69 to 4-20-70 (work jackets).

E & W of Heber Springs, Inc., Heber Springs, Ark.; 4-23-69 to 4-22-70 (men's and boys' shirts).

E & W of Ilimo, Inc., Ilimo, Mo.; 4-30-69 to 4-29-70 (men's and boys' dungarees).

Eastern Shore Sportswear Corp., Cambridge, Md.; 4-27-69 to 4-26-70; 10 learners (children's skirts and blouses).

Elder Manufacturing Co., Carl Junction, Mo.; 5-5-69 to 5-4-70 (boys' shirts and pajamas).

Formflex of Arizona, Inc., Phoenix, Ariz.; 4-26-69 to 4-25-70 (women's girdles).

J. Freezer & Son, Inc., Radford, Va.; 5-13-69 to 11-12-69 (men's shirts).

Kellwood Co., Oxford, Miss.; 5-8-69 to 5-7-70 (boys' semidress pants and walking shorts).

Key Manufacturing Co., Inc., Tompkinsville, Ky.; 4-25-69 to 4-24-70 (men's and boys' slacks and dungarees).

Linn Manufacturing Co., Linn, Mo.; 5-1-69 to 4-30-70 (men's semidress trousers).

McColl Manufacturing Co., McColl, S.C.; 5-9-69 to 5-8-70; 10 learners (ladies' dresses).

Mode O'Day Co., Plant No. 3, Logan, Utah; 5-1-69 to 4-30-70 (women's and children's dresses).

Portland Manufacturing Co., Portland, Tenn.; 5-1-69 to 4-30-70 (women's and girls' dresses and blouses).

Princess Peggy, Inc., Vandalia, Ill.; 5-1-69 to 4-30-70 (ladies' dresses).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; 4-22-69 to 4-21-70 (men's and boys' work pants).

Saf-T-Bak, Inc., Altoona, Pa.; 5-3-69 to 5-2-70 (men's hunting and fishing clothing).

Sherman Manufacturing Co., Darlington, S.C.; 5-7-69 to 5-6-70; 10 learners (ladies' cotton dresses).

The Solomon Co., Leeds, Ala.; 5-6-69 to 5-5-70 (men's and boys' dress pants).

Spartans Industries, Inc., Smithville, Tenn.; 4-26-69 to 4-25-70 (men's and boys' knit and sport shirts and ladies' blouses).

Spartans Industries, Inc., Spencer, Tenn.; 5-11-69 to 5-10-70 (men's and boys' jeans and shorts).

Springfield Garment Manufacturing Co., Springfield, Mo.; 5-2-69 to 5-1-70 (men's and boys' semidress pants).

I. Taitel & Son, Drew, Miss.; 5-8-69 to 5-7-70 (men's and boys' work clothing and pants).

Trousdale Manufacturing Co., Hartsville, Tenn.; 5-14-69 to 5-13-70 (ladies' sport cotton dresses and blouses).

Wallace Sewing Co., Inc., Wallace, N.C.; 5-12-69 to 5-11-70 (children's outerwear garments).

Wentworth Manufacturing Co., Florence, S.C.; 5-1-69 to 4-30-70 (women's dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Andrews Manufacturing Co., Andrews, Tex.; 5-12-69 to 11-11-69; 50 learners. (women's dresses).

Peninsula Garment Manufacturing Co., Inc., Newport News, Va.; 4-25-69 to 10-24-69; 20 learners (preteen dresses).

Renmar Manufacturing Corp., Parkersburg, W. Va.; 4-28-69 to 10-27-69; 40 learners (infants' and juniors' clothing).

Review Apparel, Inc., Fillmore, Utah; 4-21-69 to 10-20-69; 10 learners (ladies' dresses and casual jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Glenwood, Ark.; 5-11-69 to 5-10-70; 10 percent of the total number of workers in the authorized occupations for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; 5-14-69 to 5-13-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Casa Grande Mills, Casa Grande, Ariz.; 5-8-69 to 5-7-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' underwear and men's and boys' T Shirts).

Louis Gallet, Inc., Uniontown, Pa.; 4-27-69 to 4-26-70; 5 learners for normal labor turnover purposes (men's shirts and sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Carlita Corp., Hormigueros, P.R.; 4-8-69 to 4-7-70; 12 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' and men's sport and dress gloves).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; 4-7-69 to 4-6-70; 16 learners for normal labor turnover purposes in the occupations of (1) knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) machine stitching—seaming and pressing for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (sweaters, skirts, dresses, men's shirts, etc.).

Guantes de Ponce, Inc., Ponce, P.R.; 3-24-69 to 3-23-70; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (men's, ladies' and children's dress gloves).

Mayagues Contracting Corp., Mayagues, P.R.; 4-21-69 to 10-20-69; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (brassieres).

Ricardo Corp., Hormigueros, P.R.; 3-31-69 to 3-30-70; 19 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

TPM Division of General Cigar Co., Inc., Caguas, P.R.; 4-24-69 to 4-30-69; 12 learners for normal labor turnover purposes in the occupations of sorting and sizing, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco).

W. O. Tobacco Corp., Caguas, P.R.; 4-24-69 to 4-30-69; 27 learners for normal labor turnover purposes in the occupations of sorting and sizing, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco).

Wendy Textile Mills, Inc., Quebradillas, P.R.; 3-24-69 to 3-23-70; 5 learners for normal labor turnover purposes in the occupations of (1) machine knitting for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) machine stitching-seaming for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (sweaters, men's shirts, dresses, etc.).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in th_ FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 27th day of May 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-6907; Filed, June 11, 1969; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

W. R. Angle & Co., Inc., foodstore; 25 East Main Street, Christiansburg, Va.; 3-14-69 to 3-13-70.

Belle Meade Drugs, Inc., drugstore; 4324 Harding Road, Nashville, Tenn.; 3-15-69 to 3-14-70.

Bennett's Super Market, foodstore; 119 Plant Avenue, Homerville, Ga.; 3-3-69 to 3-2-70.

Big Bear Supermarket, foodstores from 3-18-69 to 3-17-70: No. 9, Asheboro, N.C.; No. 15, Burlington, N.C.; Nos. 12 and 16, Greensboro, N.C.; Nos. 3, 4, 5, and 6, High Point, N.C.; No. 8, Thomasville, N.C.

Birchwood Club, restaurant; 27th and Redick Avenue, Omaha, Nebr.; 3-10-69 to 3-9-70.

The J. B. Bishop Store, foodstore; Valley Falls, S.C.; 3-3-69 to 3-2-70.

Brackies Market, foodstore; 1013 B Street, Fairbury, Nebr.; 3-10-69 to 3-9-70.

Brock Enterprises, Inc., restaurant; 8320 Airport Road, Berkeley, Mo.; 3-12-69 to 3-11-70.

Byrd Food Stores, Inc., foodstores from 3-4-69 to 3-3-70; 2011 West Webb Avenue, Burlington, N.C.; 1609 South Church Street, Burlington, N.C.; 329 Harden Street, Graham, N.C.

Carson Supermarket, foodstore; 217 Edwards Street, Merkel, Tex.; 3-14-69 to 3-13-70.

Cattan's Food Market, foodstore; No. 1, Victoria, Tex.; 3-14-69 to 3-13-70.

Chase Gardens, agriculture; Eugene, Oreg.; 3-14-69 to 2-28-70.

Coker-Hampton Drug Co., Inc., drugstore; 218 South Main, Stuttgart, Ark.; 2-13-69 to 2-12-70.

Coker's Pedigreed Seed Co., agriculture; 1221 Carolina Avenue, Hartsville, S.C.; 3-20-69 to 3-19-70.

Cold's Supermarkets, Inc., foodstore; Traer, Iowa; 3-17-69 to 3-16-70.

Corhern's Big Star, foodstore; No. 57, Starkville, Miss.; 3-7-69 to 3-6-70.

Days Food Market, foodstore; Adel, Ga.; 3-3-69 to 3-2-70.

DeMar's, Inc., apparel store; 6101 West Cermak Road, Cicero, Ill.; 3-2-69 to 3-1-70.

Denton's Supermarket, foodstore; Dallas, Ga.; 3-11-69 to 3-10-70.

Downtown Supermarket, foodstore; Monti-Ga.; 3-11-69 to 3-10-70.

Easter Super Valu, foodstore; 20 South Fourth Street, Clear Lake, Iowa; 3-20-69 to 3-19-70.

Ernie's Super Valu, foodstore; 606 Grundy Avenue, Reinbeck, Iowa; 3-8-69 to 3-7-70.

O.K. Fairbanks Co., foodstores from 3-14-69 to 3-13-70: 84 Marlboro Street, Keene, N.H.; 480 West Street, Keene, N.H.

Farmers Union Co-operative Association, foodstore; Wisner, Nebr.; 3-18-69 to 3-17-70.

Fedder's Fashion Shop, Inc., department store; 103 Main Street, Easley, S.C.; 3-3-69 to 3-2-70.

Fitzgerald & Sons Hardware, Inc., hardware store; 970 West Maple Road, Walled Lake, Mich.; 3-10-69 to 3-9-70.

Food Town, foodstore; No. 1, Bessemer, Ala.; 3-11-69 to 3-10-70.

Foodtown, foodstore; Highway 71, South, Rogers, Ark.; 3-9-69 to 3-8-70.

Foote's Grocery Inc., foodstore; 11 North Mulberry Street, Hamburg, Ark.; 3-18-69 to 3-17-70.

Forest-Oaks-Thrifty Mart, foodstore; 9355 Howard Drive, Houston, Tex.; 3-15-69 to 3-14-70.

Gage Bowl, Inc., bowling center; 4200 Huntoon, Topeka, Kans.; 3-10-69 to 3-9-70.

Goldblatt Brothers, Inc., department store; 7975 South Cicero Avenue, Chicago, Ill.; 3-18-69 to 3-17-70.

W. T. Grant Co., variety-department store; No. 660, Ramsey, N.J.; 3-6-69 to 3-5-70.

Greenville Pharmacy, drugstore; 2703 Correctionville Road, Sioux City, Iowa; 2-19-69 to 2-18-70.

H & J Food Basket, foodstores from 3-8-69 to 3-7-70 except as otherwise indicated: Nos. 11 and 12, Artesia, N. Mex.; No. 14, Las Cruces, N. Mex. (3-10-69 to 3-9-70); No. 13, Tularosa, N. Mex. (3-10-69 to 3-9-70).

Hirsch's Thriftway, Inc., foodstore; 241 South Sprigg Street, Cape Girardeau, Mo.; 3-13-69 to 3-12-70.

Holiday Inn, motel; Bismarck, N. Dak.; 3-10-69 to 3-9-70.

Hosterman & Stover Co., Inc., hardware store; Millheim, Pa.; 3-4-69 to 3-3-70.

Johnson's Pharmacy, Inc., drugstore; 121 West Washington Road, Marquette, Mich.; 3-7-69 to 3-6-70.

Joseph's Super Market, foodstore; 700 Willow Street, Franklin, La.; 3-16-69 to 3-15-70.

Kansas Landscape & Nursery Co., agriculture; 1416 East Iron Avenue, Salina, Kans.; 3-17-69 to 3-16-70.

Kelley's Super Market, foodstore; 420 West Kingshiway, Paragould, Ark.; 3-6-69 to 3-5-70.

S. S. Kresge Co., variety-department store; No. 750, St. Petersburg, Fla.; 3-2-69 to 3-1-70.

Lerner Shops, apparel stores: No. 124, Petersburg, Va., 3-17-69 to 3-16-70; No. 121, Bluefield, W. Va., 3-18-69 to 3-17-70.

Lisenby Hospital, Ltd., hospital; 1304 West 11th Street, Panama City, Fla.; 3-11-69 to 3-10-70.

Madison Manor, nursing home; 411 East Lane Street, Winterset, Iowa; 3-10-69 to 3-9-70.

Mattingly's Little Giant Food Store, foodstore; Hardinsburg, Ky.; 3-10-69 to 3-9-70.

Melman's, foodstore; 924 Brookline Boulevard, Pittsburgh, Pa.; 3-4-69 to 3-3-70.

Mercy Hospital, hospital; 2601 Eighth Avenue, Altoona, Pa.; 3-10-69 to 3-9-70.

Mr. K IGA, foodstore; 813 Church Street, Shenandoah, Iowa; 3-20-69 to 3-19-70.

Neisner Brothers, Inc., variety-department store; No. 167, Cutler Ridge, Fla.; 3-6-69 to 3-5-70.

Olson Super Market, foodstore; Alexandria, Minn.; 3-15-69 to 3-14-70.

Orahood & McCarthy, drugstore; 110 South Main Street, Marysville, Ohio; 3-13-69 to 3-12-70.

P & T Food Center, foodstore; Alabaster, Ala.; 3-15-69 to 3-14-70.

Parker's Foodliner IGA, foodstore; Medicine Lodge, Kans.; 3-12-69 to 3-11-70.

The Peoples Store of Roseland, department store; 11201 South Michigan Avenue, Chicago, Ill.; 3-5-69 to 1-31-70.

Piggly Wiggly, foodstores from 3-6-69 to 3-5-70: 201 Kirkland Street, Abbeville, Ala.; 501 Claxton Street, Elba, Ala.; Broad Street, Eufaula, Ala.; 806 North Water Street, Geneva, Ala.; 213 Cedar Street, Greenville, Ala.; 314 Forrest Avenue, Luverne, Ala.; 109 East Avenue, Ozark, Ala.; 129-31 East Main Street, Samson, Ala.; 212 South Three Notch Street, Troy, Ala.

Richardson's, Inc., department store; 133 South Main Street, High Point, N.C.; 3-5-69 to 3-4-70.

Richbourg's Shoppers Fair, Inc., foodstore; 1400 East River Street, Anderson, S.C.; 3-15-69 to 3-14-70.

Rockford Dry Goods, apparel store; 6321 North Second Street, Loves Park, Ill.; 3-15-69 to 3-14-70.

Roth-Stewart Co., apparel store; 116-118 Garnett Street, Henderson, N.C.; 2-25-69 to 2-24-70.

Runzo Food Center, foodstores from 3-17-69 to 3-16-70; 150 East Market Street, Blairsville, Pa.; 30 South Main Street, Homer City, Pa.

Sacred Heart Hospital, Inc., hospital; 626 N Street, Loup City, Nebr.; 3-11-69 to 3-10-70.

St. Anthony Hospital, hospital; South Clark Street, Carroll, Iowa; 3-13-69 to 3-12-70.

St. Vincent Hospital, hospital; Xavier Heights, Leadville, Colo.; 3-17-69 to 3-16-70.

Lawrence & Paul Seikel, foodstore; Harrah, Okla.; 3-10-69 to 3-9-70.

Shop Rite, Inc., foodstore; Trenton, Ga.; 1-29-69 to 1-28-70.

Smith Nursery Co., agriculture; Ninth and Allison Streets, Charles City, Iowa; 3-2-69 to 3-1-70.

Spurgeon's, department store; 108 West Cook, Portage, Wis.; 3-4-69 to 3-3-70.

Stanley's Department Store, Inc., department store; 218 East Johnson Street, Greenwood, Miss.; 3-18-69 to 3-17-70.

Harry G. Stephens Farm, agriculture; 345 St. Andrews, West Helena, Ark.; 3-10-69 to 3-9-70.

Sterling Stores Co., Inc., variety store; 626 Main Street, Jacksonville, Ark.; 3-3-69 to 3-2-70.

Studstill Grocery & Market, foodstore; 114 South Mills Street, Lakeland, Ga.; 3-3-69 to 3-2-70.

Sureway Food Store, foodstores from 3-15-69 to 3-14-70: No. 4, Henderson, Ky.; No. 9, Madisonville, Ky.; No. 5, Morganfield, Ky.; No. 8, Princeton, Ky.

Sutton's Food City, foodstore; 1935 North Topeka Avenue, Topeka, Kans.; 3-20-69 to 3-19-70.

T. G. & Y. Stores Co., variety-department stores from 3-13-69 to 3-12-70 except as otherwise indicated: No. 153, Minden, La. (3-11-69 to 3-10-70); No. 44, Bethany, Okla. (3-7-69 to 3-6-70); No. 79, Sand Springs, Okla.; Nos. 1, 68, and 71, Tulsa, Okla.

Trey's Department Store, department store; Main Street, Parkersburg, Iowa; 3-6-69 to 3-5-70.

Valigura's Food Market, foodstore; 104 West Highway 21, Caldwell, Tex.; 3-3-69 to 3-2-70.

Wangsgard's, Inc., foodstore; 120 Washington Boulevard, Ogden, Utah; 3-9-69 to 3-8-70.

Ward's Food Market, foodstore; 9204 Buffalo Speedway, Houston, Tex.; 3-14-69 to 3-13-70.

Warshaw's, Inc., apparel store; 216 Washington Street, Walterboro, S.C.; 2-7-69 to 2-6-70.

The A. L. Wilson Co., department store; Quincy, Fla.; 3-11-69 to 3-10-70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A to Z Supermarket, Inc., foodstore; 2823 Main Street, Hurricane, W. Va.; carryout, stock clerk, cashier; 16 to 22 percent; 3-16-69 to 3-15-70.

Allen's of Hastings, Inc., drugstore; 1115 West Second Street, Hastings, Nebr.; carryout, stock clerk, cleanup; 20 percent; 3-7-69 to 3-6-70.

Bond Stores, Inc., apparel store; Black Horse Pike Shopping Center, Audubon, N.J.; will call, wrapper, stock clerk, file clerk, receiving clerk; 4 to 7 percent; 3-16-69 to 3-15-70.

Bruners, varigty store; 1007 Southwest West White Road, San Antonio, Tex.; salesclerk, stock clerk, office clerk, janitorial; 10 to 28 percent; 3-6-69 to 3-5-70.

Byrd Food Stores, Inc., foodstores for the occupations of cashier, stock clerk, bagger, carryout, janitorial, 18 percent, 3-15-69 to 3-14-70: 2120 North Church Street, Burlington, N.C.; 727 East Davis Street, Burlington, N.C.; 110 Washington Street, Leaksville, N.C.; 506 Center Street, Mebane, N.C.; 121 North Madison Avenue, Roxboro, N.C.; 408 North Second Avenue, Siler City, N.C.

C & S Hardware, hardware stores for the occupation of salesclerk, 7 to 28 percent, 3-18-69 to 3-17-70: Nos. 1, 2, and 3, Dallas, Tex.

Centers, department store; 151-159 Main Street, Waterville, Maine; salesclerk, clerk, stock clerk; 10 percent; 3-15-69 to 3-14-70.

City Market, Inc., foodstore; No. 13, Fruita, Colo.; caddy clerk; 10 percent; 3-10-69 to 3-9-70.

Copley's Thriftway Market, foodstore; 302 Main Street, Ceredo, W. Va.; stock clerk, carryout, cashier; 14 to 22 percent; 3-12-69 to 3-11-70.

Deans Food Market, foodstore; Schaller, Iowa; stock clerk, checker, carryout; 13 to 23 percent; 3-17-69 to 3-16-70.

DeBroeck's Big Star Market, foodstore; 435 Clark Avenue, Jefferson City, Mo.; cashier, clerk, carryout, wrapper, maintenance, meatcutter; 11 to 32 percent; 3-13-69 to 3-12-70.

Dillon Companies, Inc., foodstores for the occupations of cashier, checker, wrapper, carryout, maintenance, clerk, 3-17-69 to 3-16-70: No. 766, Hutchinson, Kans., 11 to 32 percent; No. 768, McPherson, Kans., 8 to 28 percent; No. 767, Wichita, Kans., 9 to 17 percent.

Easter Super Valu, foodstores for the occupations of stock clerk, cashier, bagger, carryout, 3-20-69 to 3-19-70: 215 South Main Street, Centerville, Iowa, 11 to 22 percent; 116 Fifth Street SW., Mason City, Iowa, 13 to 39 percent.

Erich's, department store; 44-58 Fourth Street NW., Winter Haven, Fla.; salesclerk, stock clerk; 0 to 8 percent; 3-14-69 to 3-13-70.

Food Town, foodstores for the occupation of bagger, 22 to 41 percent, 3-11-69 to 3-10-70: No. 2, Bessemer, Ala.; No. 4, Homewood, Ala.; No. 3, Hueytown, Ala.; No. 6, Pinson, Ala.; No. 5, Pleasant Grove, Ala.

Goldblatt Brothers, Inc., department store; Fairplain Plaza, Benton Harbor, Mich.; salesclerk, stock clerk; 5 to 6 percent; 3-11-69 to 3-10-70.

Good Samaritan Center, nursing home; Syracuse, Nebr.; nurse's aide, maintenance; 0 to 8 percent; 3-14-69 to 3-13-70.

W. T. Grant Co., variety-department store; No. 334, Bowling Green, Ky.; salesclerk, stock clerk, office clerk, cashier; 4 to 24 percent; 3-7-69 to 3-6-70.

H. E. B. Food Store, foodstores for the occupations of package clerk, sacker, bottle clerk, 10 percent, 3-11-69 to 3-10-70: No. 111, Austin, Tex.; No. 115, Sinton, Tex.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated: No. 226, Calumet City, Ill., 18 to 33 percent, 3-8-69 to 3-7-70; No. 4595, Olney, Ill., 9 to 16 percent, 3-13-69 to 3-12-70; No. 4174, Wichita, Kans., 16 to 25 percent, 3-4-69 to 12-4-69; No. 4082, Troy, Mich., 8 to 10 percent, 3-6-69 to 3-5-70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 4163, Westland, Mich., 10 percent, 3-6-69 to 3-5-70 (salesclerk, checker-cashier, stock clerk, maintenance); No. 775, Wilmington, N.C., 11 to 22 percent, 3-3-69 to 3-2-70 (checker-cashier, salesclerk); No. 4103, Nashville, Tenn., 2 to 17 percent, 3-12-69 to 3-11-70 (salesclerk, checker-cashier); No. 748, Dallas, Tex., 7 to 27 percent, 3-7-69 to 3-6-70 (salesclerk).

S. H. Kress and Co., variety-department store; 1516 East Amar Road, West Covina, Calif.; salesclerk, stock clerk; 4 to 18 percent; 3-19-69 to 3-18-70.

Lerner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk, 3-17-69 to 3-16-70 except as otherwise indicated: No. 467, Tucson, Ariz., 15 percent; No. 191, Fort Myers, Fla., 10 to 32 percent; No. 180, Jacksonville, Fla., 9 to 16 percent; No. 183, Miami, Fla., 2 to 14 percent; No. 204, Louisville, Ky., 5 to 13 percent (3-18-69 to 3-17-70); No. 281, Fort Wayne, Ind., 3 to 16 percent (3-3-69 to 3-2-70); No. 332, Lafayette, La., 2 to 20 percent (3-3-69 to 3-2-70); No. 233, Warren, Ohio, 3 to 24 percent (3-3-69 to 3-2-70); No. 107, Tulsa, Okla., 1 to 12 percent; No. 100, Easton, Pa., 2 to 15 percent; No. 257, Bristol, Tenn., 3 to 30 percent (3-18-69 to 3-17-70); No. 42, Roanoke, Va., 2 to 18 percent; No. 138, Wheeling, W. Va., 0 to 26 percent (3-18-69 to 3-17-70).

Wm. A. Lewis Clothing Co., apparel store; 8037-41 South Cicero Avenue, Chicago, Ill.; receptionist, stock clerk, check writer, wrapper; 8 to 10 percent; 3-13-69 to 3-12-70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 3-7-69 to 3-6-70 except as otherwise indicated: No. 226, Savannah, Ga., 10 to 31 percent (3-15-69 to 3-14-70); No. 373, Bowie, Md., 27 to 36 percent (salesclerk, stock clerk, office clerk, cashier); No. 1307, Bergenfield, N.J., 19 to 37 percent; No. 378, Camden, N.J., 14 to 29 percent (3-19-69 to 3-18-70).

Mr. H's Shop-Rite Foods, foodstore; 7629-35 West Bluemound Road, Milwaukee, Wis.; bagger, carryout, stock clerk, cleanup; 17 to 23 percent; 3-4-69 to 3-3-70.

G. C. Murphy Co., variety-department store; No. 196, McKees Rocks, Pa.; salesclerk, stock clerk, office clerk, janitorial; 13 to 26 percent; 3-3-69 to 3-2-70.

Nathan's Jewelers, jewelry store; 129 South Chadbourne Street, San Angelo, Tex.; salesclerk, gift wrapper; 7 to 27 percent; 3-12-69 to 3-11-70.

Neisner Brothers, Inc., variety-department store; No. 77, Cleveland, Ohio; salesclerk, stock clerk, office clerk, maintenance; 9 to 32 percent; 3-20-69 to 3-19-70.

Novak IGA, foodstore; First and Lincoln, Ellsworth, Kans.; checker, meat clerk, produce clerk, sotck clerk, courtesy clerk, janitorial; 14 to 30 percent; 3-4-69 to 3-3-70.

Paynes Super Market, foodstore; West Hamlin, W. Va.; stock clerk, carryout, cashier; 14 to 22 percent; 3-12-69 to 3-11-70.

Piggly Wiggly, foodstores for the occupations of bagger, carryout except as otherwise indicated, 9 to 10 percent except as otherwise indicated, 3-6-69 to 3-5-70 except as otherwise indicated: 830 South Oates Street, Dothan, Ala.; Lake Shopping Center, Guntersville, Ala. (bagger, stock clerk, 9 to 27 percent, 3-17-69 to 3-16-70); Fir Avenue, Collins, Miss.

Rose's Stores, Inc., variety-department store; No. 104, Kingstree, S.C.; salesclerk; 5 to 34 percent; 3-12-69 to 3-11-70.

Sterling Stores Co., Inc., variety store; 45 North Main Street, Cape Girardeau, Mo.; salesclerk, stock clerk, janitorial; 16 to 47 percent; 3-11-69 to 3-10-70.

Steve's Shoes, Inc., shoe store; 1340 East Meyer, Kansas City, Mo.; cashier; 15 to 24 percent; 3-16-69 to 3-15-70.

Stop and Shop Food Market, foodstore; 626 Main Street, Barboursville, W. Va.; stock clerk, carryout, cashier; 14 to 22 percent; 3-12-69 to 3-11-70.

Sureway Food Store, foodstores for the occupations of checker, stock clerk, carryout, 18 to 38 percent except as otherwise indicated, 3–15–69 to 3–14–70 except as otherwise indicated: No. 1, Calvert City, Ky.; No. 2, Henderson, Ky. (23 to 40 percent); No. 14, Henderson, Ky. (23 to 40 percent, 3–17–69 to 3–16–70); No. 10, Madisonville, Ky. (26 to 48 percent); No. 6, Marion, Ky.; No. 7, New Eddyville, Ky.; No. 12, Providence, Ky. (26 to 48 percent); No. 3, Sturgis, Ky.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 3–13–69 to 3–12–70 except as otherwise indicated: No. 309, Manhattan, Kans., 15 to 29 percent; No. 810, Santa Fe, N. Mex., 4 to 30 percent (3–7–69 to 3–6–70); No. 423, Oklahoma City, Okla., 16 to 30 percent (3–14–69 to 3–13–70); No. 22, Sapulpa, Okla., 24 to 30 percent; No. 50, Tulsa, Okla., 16 to 30 percent; No. 62, Tulsa, Okla., 24 to 30 percent; No. 401, Tulsa, Okla., 14 to 30 percent; Nos. 828 and 836, Abilene, Tex., 8 to 30 percent (3–11–69 to 3–10–70); No. 826, Big Spring, Tex., 6 to 21 percent (3–11–69 to 3–10–70); No. 835, San Antonio, Tex., 30 percent (3–11–69 to 3–10–70).

Tom Thumb Stores, Inc., foodstores for the occupation of package clerk, 9 to 13 percent, 3–12–69 to 3–11–70; Nos. 14 and 31, Dallas, Tex.; No. 38, Irving, Tex.

Tip Top Fruit Farm, Inc., agriculture; Penn Laird, Va.; fruit packer, fruit grader, unloader, loader; 5 to 50 percent; 3–5–69 to 3–4–70.

Tradewell Supermarket, foodstore; No. 2, Huntington, W. Va.; carryout, stock clerk, cashier, trimmer, janitorial; 16 to 22 percent; 3–16–69 to 3–15–70.

F. W. Woolworth Co., variety-department stores: No. 771, Marlow Heights, Md., salesclerk, 12 percent, 3–5–69 to 3–4–70; No. 300, Willingboro, N.J., salesclerk, stock clerk, 8 to 27 percent, 3–6–69 to 3–5–70; No. 1271, North Versailles, Pa., salesclerk, stock clerk, cleanup, 0.2 to 11 percent, 3–11–69 to 3–10–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 29th day of May 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-6908; Filed, June 11, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1303]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 6, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 228), filed May 15, 1969. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (except commodities in bulk, and household goods as defined by the Commission) when moving, (1) on Government bills of lading, or commercial bills of lading to be converted to Government bills of lading or containing endorsements approved in Interpretation of Government Rate Tariff—Eastern Central 332 ICC 161, 164, 165, (a) between points in Colorado, Nebraska, Iowa, Kansas, Oklahoma, Texas, Arkansas, Missouri, Illinois, Indiana, Kentucky, Louisiana, Tennessee, Ohio, Michigan (Lower Peninsula only), West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Virginia, and the District of Columbia, (b) between points named in (a) above, on the one hand, and, on the other, points in Arizona, New Mexico, Utah, Nevada, Colorado, California, Oregon, and Washington and (c) between points in Arizona, New Mexico, Utah, Nevada, Colorado, California, Oregon, and Washington to perform interstate transportation for movement of the commodities described in (1) above when such commodities have been stored in transit in such States for future delivery to other points in such States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 200 (Sub-No. 229), filed May 16, 1969. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 730 (Sub-No. 310), filed May 19, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsites of Eastman Kodak Co., at or near Windsor, Colo., as off-route points in connection with carrier's otherwise authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or San Francisco, Calif.

No. MC 1585 (Sub-No. 9), filed May 19, 1969. Applicant: BARNES TRUCK LINE, a corporation, 1320 Highway 13 North, Columbia, Miss. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Prentiss and Newhebron, Miss.: Over Mississippi Highway 42 to Newhebron and return over the same route, serving all intermediate points; and (2) between Prentiss and Tylertown, Miss.: From Prentiss over U.S. Highway 84 to Monticello, Miss., thence over Mississippi Highway 27 to Tylertown, and return over the same route, serving all intermediate points. NOTE: Applicant proposes to join the requested routes with existing routes authorized under MC 1585 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 2202 (Sub-No. 373), filed May 19, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between St. Louis, Mo., and Memphis, Tenn.: (1) from St. Louis over U.S. Highway 61 to Memphis and return over the same route serving no intermediate points as an alternate route for operating convenience only; and (2) from St. Louis over Interstate Highway 55 to Memphis and return over the same route serving no intermediate points, as an alternate route for operating convenience only. Restriction: The authority sought herein is restricted to traffic moving from, to, or through the State of Texas. NOTE: Applicant states the authority sought will be used principally for traffic moving between Houston and southeastern Texas and the St. Louis, Chicago, and Milwaukee areas. The applicant may use shorter routes than those herein sought but the relay system which applicant intends to institute on or shortly after August 4, 1969, requires that the traffic move via Memphis, Tenn. Interstate Highway 55 is not wholly completed between St. Louis and Memphis, but applicant intends to use those portions that are completed and usable and applicable. If a hearing is deem necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 2202 (Sub-No. 374), filed May 19, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville, Tenn., and St. Louis, Mo.; (1) from Nashville over U.S. Highway 41A to Hopkinsville, Ky., thence over U.S. Highway 68 to junction U.S. Highway 62, thence over U.S. Highway 62 to Paducah, Ky., thence over U.S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to Ware, Ill., thence over Illinois Highway 3 to East St. Louis, Ill. (St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (2) from Nashville to Paducah as specified above, thence over U.S. Highway 60 to Wickliffe, Ky., thence over U.S. Highway 51 to junction Illinois Highway 3, thence over Illinois Highway 3 to East St. Louis, Ill. (St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), and return over the same route as an alternate route for operating convenience only, serving no intermediate points. Restriction: The operations sought herein are restricted to the transportation of shipments moving from, to, or through Atlanta, Ga., or Knoxville, Tenn., and points within their respective commercial zones as defined by the Commission, and further restricted against service at Nashville, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 2359 (Sub-No. 20), filed May 19, 1969. Applicant: DAMEO, INC., 568 Central Avenue, Somerville, N.J. 08871. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, building and roofing materials, asphalt, asbestos, and asphalt asbestos products*, from Manville, N.J., to points in the District of Columbia, Massachusetts, Rhode Island, and points in Fairfax County, Va., including Alexandria, Fairfax, and Falls Church, under contract with Johns-Manville Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 8948 (Sub-No. 86), filed May 13, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28 Street, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from San Diego, Calif., to points in Clark, Esmeralda, Mineral, and Nye Counties, Nev. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Carson City, Nev.

No. MC 14552 (Sub-No. 35) (Correction), filed April 24, 1969, published in the FEDERAL REGISTER issue of May 15, 1969, corrected and republished this issue. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44502. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated steel*, from Bellefontaine, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; and (2) *materials and supplies* used in the fabricating of steel, from points in the destination States named in (1) above, to Bellefontaine, Ohio, restricted to traffic originating at or destined to plantsites of Carter Steel and Fabricating Co., at Bellefontaine, Ohio. NOTE: The purpose of this republication is to correct the restriction which was erroneously shown in previous publication. Applicant states no duplicating authority is sought. Applicant holds contract carrier authority under MC 123991 and subs, therefore, dual operations may be involved.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 22254 (Sub-No. 52), filed May 14, 1969. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. 60620. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dictating machines and parts and accessories thereof*, between points in the United States, including the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 23441 (Sub-No. 11), filed May 19, 1969. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: William A. Landau, 1415 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engine cooling radiators and cores, and parts thereof*, from Trenton, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, and Wisconsin; (2) *equipment, materials, and supplies* used or useful in the manufacture of articles specified in (1) above, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, and Wisconsin, to Trenton, Mo. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 23441 (Sub-No. 12), filed May 20, 1969. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *Power mowers and hand mowers*, and (3) *Parts, attachments, and accessories* for the commodities named in (1) and (2) above, from South Bend, Ind., to points in Nebraska, Kansas, Oklahoma, Arkansas, Delaware, Louisiana, Mississippi, Alabama, Florida, Vermont, New Hampshire, Rhode Island, and Maine. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Indianapolis, Ind.

No. MC 26739 (Sub-No. 63) (Correction), filed April 11, 1969, published in FEDERAL REGISTER issue of May 8, 1969, and May 29, 1969, corrected May 14, 1969, and republished as corrected this issue. Applicant: CROUCH BROS. INC., U.S. Highway 36, Elwood, Kans. 66024. Applicant's representaitve: George W. Keefer, Post Office Box 1059, St. Joseph, Mo. 64502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Shenandoah, Iowa, and Lincoln, Nebr., from Shenandoah over Iowa Highway 2 to the Iowa-Nebraska State line and thence over Nebraska Highway 2 to Lincoln and return over the same route, serving the intermediate points of Sidney, Iowa, and Nebraska City, Nebr., and the off-route points of Farragut, Hamburg, and Riverton, Iowa. NOTE: The purpose of this republication is to show regular route authority sought in lieu of irregular route, which was erroneously published in previous publication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 30173 (Sub-No. 4), filed May 9, 1969. Applicant: GAMACHE TRUCKING CO., INC., Bates Street, Post Office Box 612, Fall River, Mass. 02722. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and empty malt beverage containers*, between Fall River, Mass., and Providence, R.I., on the one hand, and, on the other, points in Bristol, Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties, Mass., restricted to traffic having an immediate prior or subsequent movement to or from Fall River Mass., or Providence, R.I., on the one hand, and, on the other, points in New Jersey within 20 miles of and including Newark, points in New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665, and points in Philadelphia, Pa., commercial zone as defined in Philadelphia, Pa., commercial zone, 17 M.C.C. 533. NOTE: Applicant states that tacking would take place at Fall River, Mass., and/or Providence, R.I., to serve points in New York and Massachusetts. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 30837 (Sub-No. 371), filed May 22, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, between points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 31389 (Sub-No. 109), filed May 8, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) serving Ohio and Muhlenburg Counties, Ky., as off-route territory in connection with carrier's authorized regular-route operations in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35808 (Sub-No. 5), filed May 14, 1969. Applicant: CARL ALBIN, doing business as RAINBOW TRUCK CO., 2511 Wilma Avenue, Los Angeles, Calif. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* (except asphalts, lubricating oils and greases, automotive fuels, or aircraft fuels and cryogenic liquids), between points in California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 36974 (Sub-No. 5), filed May 23, 1969. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Edison, N.J., to points in Orange, Rockland, Putnam, and Ulster Counties, N.Y., and Fairfield County, Conn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 42487 (Sub-No. 720), filed May 16, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tankage, liquid*, in bulk, in tank vehicles, from Odebolt, Iowa, to Northbridge, Calif. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if necessary. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or San Francisco, Calif.

No. MC 48958 (Sub-No. 104), filed May 12, 1969. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, 601 Ross Street, Post Office Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Eastman Kodak Co. at or near Windsor, Colo., in connection with applicant's presently authorized regular route operations. NOTE: Applicant states it proposes to serve the requested off-route point between Peoria, Ill., and Denver, Colo., and particularly between Greeley and Lucerne, Colo., and to tack at common service points with other existing authority in MC 48958 and subnumbered proceedings thereunder. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 50069 (Sub-No. 423), filed May 19, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, liquid, in bulk, in tank vehicles, from Chicago, Ill., to Memphis, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 58035 (Sub-No. 6), filed April 24, 1969. Applicant: DENVER-LOVELAND TRANSPORTATION, INC., 255 South Cleveland, Loveland, Colo. 80537. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Denver, Colo., and the plantsites, warehouses and other facilities of Eastman Kodak Co. at and near Windsor, Colo., over U.S. Highway 287 and also over Interstate Highway 25 to their junction with U.S. Highway 34, thence over U.S. Higway 34 to its junction with Colorado Highway 257, thence over Colorado Highway 257 to Windsor, Colo., returning over the same routes; and using Colorado Highway 392 and Interstate Highway 25 north of U.S. Highway 34 for operating convenience only; serving no intermediate points except as otherwise authorized; (2) between Fort Collins, Colo., and the plantsites, warehouses, and other facilities of Eastman Kodak Co. at and near Windsor, Colo., over Colorado Highway 14 to its junction with Interstate Highway 25, thence over Interstate Highway 25 to its junction with Colorado Highway 392, thence over Colorado Highway 392 to its junction with Colorado Highway 257, thence over Colorado Highway 257 to Windsor, Colo.; returning over the same route; serving no intermediate points except as otherwise authorized; (3) between Greeley, Colo., and the plantsites, warehouses, and other facilities of Eastman Kodak Co. at and near Windsor, Colo., over U.S. Highway 34 to its junction with Colorado Highway 257, thence over Colorado Highway 257 to Windsor; returning over same route; serving no intermediate points except as otherwise authorized; (4) between Loveland, Colo., and the plantsites, warehouses, and other facilities of Eastman Kodak Co. at and near Windsor, Colo., over U.S. Highway 34 to its junction with Colorado Highway 257, thence over Colorado Highway 257 to Windsor, Colo.; returning over same route; serving no intermediate points except as otherwise authorized; and (5) between Windsor, Colo., and the plantsites, warehouses, and other facilities of Eastman Kodak Co. at and near Windsor, Colo., over Colorado Highway 257; serving no intermediate points except as otherwise authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59098 (Sub-No. 5), filed May 20, 1969. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, between Ridgefield Park (Bergen County) N.J., on the one hand, and, on the other, points in Nassau and Westchester County, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 59367 (Sub-No. 67), filed May 19, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61396 (Sub-No. 222), filed May 19, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Illinois. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 61592 (Sub-No. 140), filed May 19, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *power mowers*, and (3) *parts, attachments and accessories* for the commodities named in (1) and (2) above, from South Bend, Ind., to points in Nebraska, Kansas, Oklahoma, Arkansas, Delaware, Louisiana, Mississippi, Alabama, Florida, Vermont, New Hampshire, Rhode Island, and Maine. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Indianapolis, Ind.

No. MC 61624 (Sub-No. 6) (Correction), filed May 6, 1969, published in the FEDERAL REGISTER issue of May 29, 1969, corrected and republished this issue. Applicant: KIRBY & KIRBY, INC., 1052 Spruce Street, Trenton, N.J. 08638. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning supplies*, from Bristol, Pa., to points in Nassau, and Suffolk Counties, and Mount Kisco, N.Y.; (2) *toys and dolls*, from Harrison, N.J., to points in Nassau and Suffolk Counties, N.Y.; and (3) *canned foods*, from Camden, N.J., to points in Nassau and Suffolk Counties and Mount Kisco, N.Y. NOTE: The purpose of this republication is to show *Bristol*, Pa., in lieu of Briston in (1) above and to show Harrison, *N.J.*, in lieu of Harrison, N.H., in (2) above. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 66886 (Sub-No. 13), filed May 13, 1969. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except

household goods and commodities in bulk), (a) between military installations or Defense Department establishments and ports of embarkation in Texas, New Mexico, Arizona, Oklahoma, Kansas, Colorado, Nebraska, Missouri, Illinois, and California; and (b) between points in (a) above on the one hand, and, on the other, points in Texas, New Mexico, Arizona, Oklahoma, Kansas, Colorado, Nebraska, Missouri, Illinois, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67200 (Sub-No. 32), filed May 19, 1969. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, between points in Florida, Georgia, and Alabama, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Boston, Mass.

No. MC 67200 (Sub-No. 33), filed May 19, 1969. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, Post Office Box 392, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, between points in Florida, Georgia, and Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 73165 (Sub-No. 265), filed May 19, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits or pipe and fittings and accesories* necessary to the installation thereof, *plastic pipe, fittings and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 78170 (Sub-No. 10), filed May 14, 1969. Applicant: PARRISH DRAY LINE, INC., Post Office Box 459, 800 Fulton Street, Sumter, S.C. 29150. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, rayon tire cord, or synthetic fiber tire cord*, on beams, from Decatur, Ala., and Gonzalez and Pensacola, Fla., to Bowling Green, Ky., and points within 4 miles thereof, and (2) *beams and return yarn on beams*, from Bowling Green, Ky., and points within 4 miles thereof, to Decatur, Ala., and Gonzales and Pensacola, Fla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Indianapolis, Ind., or Chicago, Ill.

No. MC 85934 (Sub-No. 51) (Amendment), filed April 11, 1969, published FEDERAL REGISTER issue of May 1, 1969, amended May 19, 1969, and republished as amended this issue. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, Mich. 48120. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in pneumatic tank vehicles, from Manistee, Port Huron, St. Clair, Detroit, and Marysville, Mich., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to add the origin point of Marysville, Mich. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87717 (Sub-No. 4), filed May 16, 1969. Applicant: FANELLI BROTHERS TRUCKING COMPANY, a corporation, Centre and Nichols Streets, Pottsville, Pa. 17901. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caps for beverage containers*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *Scrap steel*, from the plantsite of Zapata Industries, Inc., in West Mahoney Township, Schuylkill County, Pa., to New York, N.Y., Millersport and Fairfield Counties, Ohio; and Tampa, Fla.; and (3) *Cork* from New York, N.Y., and Philadelphia, Pa., to the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 87966 (Sub-No. 11), filed May 16, 1969. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 West 24th Street, Chicago, Ill. 60623. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store and office fixtures*, as defined in Appendix III to Ex Parte MC–45, as amended, and *parts thereof, and supplies and materials* used in the installation of said store and office fixtures, between the plantsite and facilities of Capitol Fixture and Construction Corp. at or near Arlington Heights, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94350 (Sub-No. 224), filed May 19, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements; and (2) *buildings* in sections, traveling on their own or removable undercarriages equipped with hitch ball connectors, from points in Columbus County, N.C., to points east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fayetteville, N.C.

No. MC 95540 (Sub-No. 745), filed May 19, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Connecticut, Delaware, District of Columbia, Louisiana, Maryland, Massachusetts, New Mexico, New York, New Jersey, Pennsylvania, Rhode Island, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 746), filed May 19, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Monroe City, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Virginia, Vermont, and the District of Columbia. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Washington, D.C.

No. MC 95876 (Sub-No. 91), filed April 21, 1969. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated panels*, faced with stone, marble, granite, or slate, from points in Orange and Washington Counties, Vt., to points in the United States (except Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia), and (2) *Granite marble, slate and stone* from points in Washington and Orange Counties, Vt., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Maine, Michigan, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that though the authority here sought can be tacked, at the present time no tacking is intended because applicant is not aware of traffic which could be transported by tacking several of its authorities. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.

No. MC 95920 (Sub-No. 21), filed May 23, 1969. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products in packages, and such other products* as are dealt in and used by retail and wholesale petroleum distributors and dealers (except in bulk), from points in Los Angeles County, and Richmond, Calif., to points on and west of U.S. Highway 97 in Oregon and Washington, under contract with Standard Oil Co. of California. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 99798 (Sub-No. 14), filed May 9, 1969. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. 65775. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between East St. Louis, Ill., and Mountain Home, Ark., serving the intermediate and off-route points of St. Louis and West Plains, Mo., Gassville, Salem, Cotter, Henderson, and Midway Industrial Park, Ark., located 5 miles northwest of Mountain Home, Ark., as follows: (a) From East St. Louis over Interstate Highway 44 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Arkansas Highway 9, thence over Arkansas Highway 9 to junction U.S. Highway 62, thence over U.S. Highway 62 to Mountain Home, Ark., and return over the same route; (b) from East St. Louis over Interstate Highway 44 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction Arkansas-Missouri State Highway 5, thence over Arkansas-Missouri State Highway 5 to Mountain Home, Ark., and return over the same route; (c) from East St. Louis over Interstate Highway 44 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Arkansas-Missouri State Highway 5, thence over Arkansas-Missouri State Highway 5 to Mountain Home, Ark., and return over the same route; (d) from East St. Louis over Interstate Highway 44 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 62, thence over U.S. Highway 62 to Mountain Home and return over the same route; (2) Between East St. Louis, Ill., and, Batesville, Ark., from East St. Louis, Ill., over Interstate Highway 44 to Rolla, Mo., thence over U.S. Highway 63 to Hardy, Ark., thence over U.S. Highway 167 to Batesville, Ark., and return over the same route, serving the intermediate point of West Plains, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Jefferson City, Mo.

No. MC 103435 (Sub-No. 209), filed May 21, 1969. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Post Office Box 192, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites and warehouse facilities of Eastman Kodak Co. at or near Windsor, Colo., as off-route points in connection with carrier's regular route operations in Colorado. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Washington, D.C., or Chicago, Ill.

No. MC 103490 (Sub-No. 64) (Amendment), filed April 1, 1969, published in the FEDERAL REGISTER issue of April 17, 1969, amended and republished this issue. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Reynolds, Pa., to points in New York. NOTE: The purpose of this republication is to broaden the scope of the destination territory. Applicant holds contract carrier authority under MC 125709, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 103493 (Sub-No. 10), filed May 16, 1969. Applicant: ROBINSON TRANSFER COMPANY, INC., 1809 St. James Street, La Crosse, Wis. 54601. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *materials, equipment, and supplies* used in the conduct of such business, and *empty containers* on return, from Rochester, Minn., to La Crosse and Eau Claire, Wis., under a continuing contract or contracts with Dolly Madison Dairies, Division of Marigold Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 103993 (Sub-No. 403), filed May 13, 1969. Applicant: MORGAN

DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani, and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp coaches and truck campers*, from points in Hot Spring County, Ark., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 404), filed May 13, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from Perry County, Ark., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 406), filed May 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani, and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles; and (2) *Buildings* in sections mounted on their own or removable wheeled undercarriages in initial movement, from points in Clark County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 103993 (Sub-No. 408), filed May 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points in Columbia County, N.Y., to points in Pennsylvania, Connecticut, Massachusetts, Rhode Island, New Jersey, and New York. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 103993 (Sub-No. 409), filed May 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, roofing, and building materials*, from points in Washington, to points in Los Angeles and Orange Counties, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 103993 (Sub-No. 410), filed May 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above), and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, from points in Sebastian County, Ark., to points in the United States (except Alaska and Hawaii); and (2) *Buildings* in sections mounted on wheeled undercarriages, from points in Sebastian County, Ark., to points in the United States (except Alaska, Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 411), filed May 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck campers, camp coaches*, from points in St. Clair County, Mich., Jackson County, Fla., and Luzerne County, Pa., to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 412), filed May 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Guernsey County, Ohio, to points in the United States (except Alaska and Hawaii), and (2) *modular buildings* on wheeled undercarriages, from points in Guernsey County, Ohio, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106775 (Sub-No. 23), filed May 19, 1969. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, Tex. 77015. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits or pipe and fittings and accessories* necessary to the installation thereof, and *plastic pipe, fittings and accessories necessary to the installation* thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Missouri, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 107002 (Sub-No. 372), filed May 9, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable fats and oils, and blends and products thereof*, in bulk, in tank vehicles, from points in Arkansas to Memphis, Tenn., and points in Mississippi. NOTE: Applicant states that it could tack with its present authority to perform through service to points in Alabama, Florida, Georgia, Louisiana, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 198), filed May 16, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tub wall units, and shower wall units, and accessories* when moving therewith, from Toledo, Ohio, to points in Pennsylvania, New York, and West Virginia. NOTE: Applicant states it will tack with MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 107695 (Sub-No. 10), filed May 19, 1969. Applicant: B. A. FISHER, doing business as HI-BALL CONTRACTORS, Post Office Box 1117, Billings, Mont. 59103. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products, and byproducts, and *commodities* which because of their size or weight require special equipment, and *related materials and supplies*, between points in Montana, on the one hand, and, on the other, points in Alaska. NOTE: Applicant states it would tack at any point in Montana with its operating authority covering points in Wyoming, Colorado, Idaho, North Dakota, South Dakota, Washington, and Oregon. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Casper, Wyo., or Billings, Mont.

No. MC 107799 (Sub-No. 9), filed May 22, 1969. Applicant: J. O. RINGGENBERG, INC., Post Office Box 1236, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of National Beef Packing Co., near Liberal, Kans., to points in Montana, Wyoming, North Dakota, and South Dakota, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co., at or near Liberal, Kans., to the aforementioned destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 108676 (Sub-No. 30), filed May 12, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exhaust pots or mufflers; exhaust and tailpipe, with or without fittings*, from the plantsite and storage facilities of the Maremont Corp. at or near Loudon, Tenn., to points in Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east thereof; and (2) *Material, equipment, and supplies* used in the manufacture of exhaust pots or mufflers; and exhaust and tailpipe and fittings, from points in the destination States in (1) above, to the plantsite and storage facilities of the Maremont Corp. at or near Loudon, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Chicago, Ill.

No. MC 109397 (Sub-No. 169), filed May 20, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business, Route I–44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, nitro-carbo-nitrate, blasting materials and supplies*, from Biwabik, Minn., to points in Alabama, Arizona, Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract authority under MC 128814, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 109689 (Sub-No. 205), filed May 16, 1969. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium borate (Borax)*, from Boron, Westend, and Trona, Calif., to Alchem, Wyo.; (2) *sodium borate* (Borax), in packages when shipped in combination with sodium bicarbonate and/or sodium carbonate products, from points in Sweetwater County, Wyo., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, and Washington; and (3) *Perlite* (other than crude), in bulk, from Antonito, Colo., to points in Sweetwater County, Wyo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110098 (Sub-No. 98), filed May 20, 1969. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Arizona, California, New Mexico, Nevada, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110525 (Sub-No. 910), filed May 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam cylinder oil*, in bulk, from Memphis, Tenn., to Freeport, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111940 (Sub-No. 48), filed May 20, 1969. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries: (1) From Morton, Rittman, and Cleveland, Ohio, to points in Delaware, Maryland, New Jersey, and points in Pennsylvania on and east of U.S. Highways 119 and 219; and (2) from points in Milo Township, Yates County, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 112304 (Sub-No. 28) (Amendment), filed May 9, 1969, published in FEDERAL REGISTER issue of May 29, 1969, amended May 23, 1969, and republished as amended, this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and commodities in bulk): (a) between military installation or Defense establishments in the United States and (b) between points in (a) above, on the one hand, and, on the other, points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. The

purpose of this republication is to redescribe commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 202), filed May 19, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Guntersville, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *returned shipments of petroleum and petroleum products*, from points in the destination States named above to Guntersville, Ala. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pensacola, Tallahassee, or Tampa, Fla.

No. MC 113855 (Sub-No. 199), filed May 16, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special purpose vehicles, special purpose trailers, equipment* for construction, maintenance, and dismantling of utility lines (except automobiles, truck and trailers equipped with fifth wheel couplers) and *attachments and parts* for such commodities, from Long Beach and Orange, Calif., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113861 (Sub-No. 48), filed May 23, 1969. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Nashville, Tenn., to points in Alabama and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113974 (Sub-No. 33) (Amendment), filed April 17, 1969, published in FEDERAL REGISTER issue of May 15, 1969, amended May 23, 1969, and republished as amended this issue. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *general commodities* (except household goods and commodities in bulk); (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. Applicant also states no duplicating authority is being sought. The purpose of this republication is to redescribe commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 71), filed April 28, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and *portable buildings*, in sections, mounted on wheeled undercarriages with hitchball arrangement, in truckaway service, from points in Crawford County, Ark., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114046 (Sub-No. 8), filed May 15, 1969. Applicant: WILLIAM D. FROST AND HERMAN W. SCHOMER, a partnership, doing business as M & M TRUCKING COMPANY, 715 River Avenue, Iron Mountain, Mich. Applicant's representative: Robert W. Hansley, 302 First National Bank Building, Escanaba, Mich. 49829. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio, to Calumet, Mich., under contract with Peterlin Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Escanaba or Lansing, Mich.

No. MC 115793 (Sub-No 7) (Correction), filed April 29, 1969, published FEDERAL REGISTER issue of May 22, 1969, corrected and republished as corrected this issue. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, N.C. 28645. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and furniture parts*, from points in Caldwell County, N.C., and the plantsites and warehouses of Broyhill Furniture Industries, its affiliates and subsidiaries, at or near Taylorsville, Conover, Newton, Marion, and Rutherfordton, N.C., to points in Missouri; (2) *furniture and furniture parts*, from points in Caldwell County, N.C., other than Lenoir, to points in Tennessee; and (3) *furniture parts and equipment, materials and supplies* used in the manufacture of furniture and furniture parts, from points in Missouri and Tennessee, to points in Caldwell County, N.C., and the plants and warehouses of Broyhill Furniture Industries, its subsidiaries and affiliates, at or near Taylorsville, Conover, Newton, Marion, and Rutherfordton, N.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to include in Part 3, the origin states of *"Missouri and Tennessee"* and to add *"to points in"* which were inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 116073 (Sub-No. 98), filed May 21, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representatives: Robert G. Tessar, 917 Munsey Building, Washington, D.C. 20004 and John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile in initial movement, and *buildings in sections* mounted on wheeled undercarriage and pickup campers, between points in the United States except Hawaii. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117686 (Sub-No. 99), filed May 21, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone to points in Arkansas and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117686 (Sub-No. 100), filed May 19, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations; chemicals*, other than in bulk, in tank vehicles, and *kitchen hand tools*, in mixed shipments with toilet preparations, and chemicals, from Madison, S. Dak., to Kansas City, Kans., Little Rock, Ark., New Orleans, La., Oklahoma City, Okla., Dallas, Tex., Memphis, Tenn., and San Antonio, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Omaha, Nebr.

No. MC 118142 (Sub-No. 30), filed May 19, 1969. Applicant: M. BRUENGER & COMPANY, INC., 6330 North Broadway, Wichita, Kans. 67214. Applicant's representative: James F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission, from the plantsite of Pork Packers International, Inc., at Clay Center, Kans., to points in Arizona, New Mexico, California, Texas, Louisiana, Alabama, Mississippi, Georgia, Florida, Kansas, Missouri, Arkansas, Oklahoma, and Tennessee, with stops in transit at Wichita, Kans., to partially load and/or unload. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118142 (Sub-No. 31), filed May 21, 1969. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67214. Applicant's representative: J. F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined by the Commission, from the plantsite and storage facilities of the National Beef Packing Co. at Liberal, Kans., to points in Texas, Louisiana, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, and Mississippi, restricted to traffic originating at the plantsite or warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 118263 (Sub-No. 13), filed May 19, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, (1) from the plantsite of the Pillsbury Co., New Albany, Ind., to Denison, Tex., and (2) from the plantsite of the Pillsbury Co. at Denison, Tex., to points in Arkansas, Mississippi, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant is authorized to operate as a contract carrier under MC 111069 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119226 (Sub-No. 74), filed May 9, 1969. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, and products thereof*, in bulk, from the plantsite of Central Soya Co., Inc., at or near Decatur, Ind., to points in Illinois, Ohio, Pennsylvania, Michigan, Wisconsin, Kentucky, Missouri, New Jersey, New York, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine (except Aroostook County), Minnesota, Iowa, Delaware, Texas, Oklahoma, Kansas, and Nebraska, and (2) *vegetable oils, and products thereof*, in bulk, from the plantsites of Central Soya Co., Inc., at or near Bellevue, Ohio; Delphos, Ohio; Marion, Ohio; Gibson City, Ill.; Chattanooga, Tenn.; Belmond, Iowa, and Chicago, Ill., to Decatur, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119493 (Sub-No. 48), filed May 19, 1969. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala. to points in Illinois, Iowa, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 119654 (Sub-No. 11), filed May 23, 1969. Applicant: HI-WAY DISPATCH, INC., 16th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used or useful in the manufacture, distribution, packaging, and sale of glass containers, caps, covers, and tops therefor (except such commodities which because of size or weight require the use of special equipment), between Marion, Ind., and the plantsite of the Foster-Forbes Glass Co., located at or near Burlington, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119654 (Sub-No. 12), filed May 27, 1969. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Eaton, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119774 (Sub-No. 16), filed May 19, 1969. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS, (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits or pipe and fittings and accessories* necessary to the installation thereof; and, *plastic pipe, fittings, and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Arizona, Colorado, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119988 (Sub-No. 24), filed May 21, 1969. Applicant: GREAT WESTERN TRUCKING COMPANY, INC., Post

Office Box 1384, Lufkin, Tex. 75901. Applicant's representative: Paul J. Chitwood, 1000 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Planing mill wood shavings, wood chips, waste wood, and sawdust*, in bulk, from Henderson (Rusk County), Tex., to Malvern (Hot Spring County), Ark., and points in Arkansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Henderson or Dallas, Tex.

No. MC 121111 (Sub-No. 3), filed May 2, 1969. Applicant: LOWELL L. RHODES, doing business as RHODES TRUCK SERVICE, 624 East Morris, Wichita, Kans. 67211. Applicant's representative: Paul V. Dugan, 1400 Wichita Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious and contaminating to other lading; (1) between Wichita and Clay Center, Kans., serving all interother lading); (1) between Wichita and Clay Center, including Wichita and Clay Center, and the off-route points of Canton, Hillsboro, Tampa, Roxbury, Hope, Ramona, and Navarre, Kans.: From Wichita over Kansas Highway 15 to Clay Center and return over the same route; (2) between Hillsboro and Hope, Kans., serving all intermediate points and the off-route points within 3 miles of each and every point, except Herington; serving a radius of 10 miles from Herington: From Hillsboro over U.S. Highway 56 to its junction with U.S. Highway 77, thence north to Herington, thence north on U.S. Highway 77 to its junction with Kansas Highway 4, thence west to Hope, and return over the same route; (3) between Hope and Abilene, Kans., serving all intermediate points: From Hope over Kansas Highway 43 to its junction with unnumbered county road 2 miles north of Enterprise, thence west via county road to Abilene, and return over the same route. NOTE: The purpose of this application is to convert applicant's registered authority to that of certificated authority. If a hearing is deemed necessary, applicant requests it be held at Marion or Wichita, Kans.

No. MC 123060 (Sub-No. 4) (Correction), filed April 23, 1969, published in the FEDERAL REGISTER issue of May 29, 1969, and republished in part, as corrected, this issue. Applicant: AIR LINE EXPRESS, INC., 1110 Hempstead Turnpike, Uniondale, N.Y. 11553. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. NOTE: The purpose of this partial republication is solely to correct the spelling of Westchester County, N.Y., inadvertently shown as Winchester County as set forth in the radial territory described in the previous publication. The rest of the application remains as previously published.

No. MC 123407 (Sub-No. 52), filed May 14, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulating materials, and materials and accessories used in the installation thereof*, from Florence, Ky., to points in Minnesota, North Dakota, South Dakota, Nebraska, Wisconsin, Michigan, and Iowa. NOTE: Applicant states it would tack with its "building materials" authority in its master certificate to serve points in Kansas. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 53), filed May 19, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Sterling, Ill., to points in Wisconsin, Upper Michigan, Minnesota, North Dakota, South Dakota, Iowa, Kentucky, Tennessee, Mississippi, Alabama, Louisiana, and Arkansas; and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Wisconsin, Upper Michigan, Minnesota, North Dakota, South Dakota, Iowa, Kentucky, Tennessee, Mississippi, Alabama, Louisiana, and Arkansas to Sterling, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123670 (Sub-No. 9), filed May 19, 1969. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, Mich. 48003. Applicant's representative: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickled vegetables*, in cans and containers, from Imlay City, Memphis and Bridgeport, Mich., to points in New York, Maryland, Missouri, and Washington, D.C., under contract with Vlasic Food Products Co.; (2) *vegetables*, in cans and containers, from Imlay City, Mich., to points in Ohio, Indiana, Illinois, Missouri, Wisconsin, New York, and Pennsylvania, under contract with Four H Corp.; (3) *tin containers, lids, and caps*, from Chicago, Ill., and its commercial zone, to Imlay City, Bridgeport, and Memphis, Mich., under contract with Vlasic Food Products Co.; and (4) *tin containers, lids, and covers*, from Toledo, Ohio, and its commercial zone to Imlay City, Bridgeport, and Memphis, Mich., under contract with Vlasic Food Products Co. and Four H Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 124211 (Sub-No. 129), filed May 19, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Maine, Minnesota, New Hampshire, New Jersey, New York, Nebraska, Kentucky, Ohio, Pennsylvania, Rhode Island, Vermont, Connecticut, and Wisconsin. Restrictions: The authority sought herein shall be restricted as follows: (1) To the transportation of traffic originating at the above-named origins; and (2) to the extent that the authority sought herein duplicates any authority held by carrier shall not be construed as conferring more than one operating right. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 125126 (Sub-No. 1), filed May 19, 1969. Applicant: CO-TRUX RENTALS, INC., 97 Summit Road, Port Washington, N.Y. 11050. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel wool, pot scourers, scouring pads, scouring cloths, and soap products, and washing compounds*, including but not limited to sodium hypochlorite solution, *dry laundry bleach, soap* (other than liquid), *soap powder* (other than liquid), *bluing, ammonia, textile softeners, fabric sizing, liquid starch, acids* (dry) *water purifiers* (dry), between Bristol, Pa., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, Union, and Middlesex Counties, N.J., under contract with Purex Corp. Ltd., Bristol Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 125479 (Sub-No. 9), filed May 23, 1969. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite and/or warehouse facilities of Huber Brewing Co., at Monroe, Wis., Grain Belt Brewery at Minneapolis, Minn., Oshkosh Brewing Co., at Oshkosh, Wis., and Champale, Inc., at Trenton, N.J., to the plantsite and warehouse facilities of Johnson Distributing Co., at Waukegan, Ill., under contract with Johnson Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125497 (Sub-No. 6), filed May 19, 1969. Applicant: L. WOODS & SON TRANSPORT LTD., 5005 Irwin Avenue, La Salle, Quebec, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, from ports of entry on the international boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, and New York. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y., or Boston, Mass.

No. MC 126320 (Sub-No. 3), filed May 19, 1969. Applicant: HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Petersburg, W. Va. 26747. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in tank, hopper, or dump truck equipment; or in bags, on flat bed or dump truck equipment, from points in Monongalia and Preston Counties, W. Va., to points in Pennsylvania, Maryland, Ohio, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126859 (Sub-No. 3), filed May 16, 1969. Applicant: MARCEL HURLIMAN AND CONSTANCE HURLIMAN, a partnership, doing business as HURLIMAN TRUCKING, Post Office Box 17204, Portland, Oreg. 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts and accessories*, from Romulus, Mich.; Elkhart, Ind.; Quincy, Ill.; Akron and Whitehouse, Ohio; Dallas, Tex.; Flora, Ill.; and Madison, Ind.; to Grants Pass and Portland, Oreg., under contract with Auto Wheel Service, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127028 (Sub-No. 3), filed May 19, 1969. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from the plantsites of Allen Canning Co. located at Gentry, Ark., at Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., at Kansas, Okla., and at Proctor, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 127487 (Sub-No. 7) (Clarification), filed April 4, 1969, published in the FEDERAL REGISTER of May 15, 1969, and republished, as clarified, this issue. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, dairy products as defined by the Commission, and alcoholic beverages), between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa.; Audubon, Berlin, Beverly, Bridgeton, Collingswood, Camden, Delair, Gloucester, Gibbstown, Millville, Merchantville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westmont, Westfield, and Yardville, N.J.; Ocean City, N.J., and points within 10 miles thereof, except Atlantic City, N.J., and points in Cape May Counties, N.J.; and Wilmington and Yorklyn, Del. Restrictions: The above authority is limited to (1) transportation having a prior or subsequent movement by water; (2) transportation performed via "gateway" points within the Philadelphia, Pa., commercial zone, as defined by the Commission; and (3) local service between the points named and may not be joined or tacked with applicant's existing operating rights. NOTE: A motion to dismiss has been filed concurrently with this application. The motion sets forth that the applicant contends that it already possesses the operating authority described in this application. The purpose of this republication is to reflect the reason for the motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 127834 (Sub-No. 33), filed May 19, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, sign parts, and accessories therefor*, from Cedar Rapids, Iowa, and Memphis, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128355 (Sub-No. 1), filed May 16, 1969. Applicant: HURLIMAN TRUCKING COMPANY, a corporation, Post Office Box 17204, Portland, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baked goods, coffee whiteners, dessert base, dessert toppings, dry coffee rich, and dry whipped topping*, in mechanically refrigerated vehicles, from Buffalo, N.Y., to points in Texas, Missouri, Minnesota, and Nevada; under contract with Rich Products Corp., Buffalo, N.Y.; (2) *foodstuffs*, frozen, in mechanically refrigerated vehicles, from Buffalo, N.Y., to points in Kansas, Colorado, Utah, New Mexico, Arizona, and California, under contract with Freezer Queen Foods, Inc., Buffalo, N.Y., and (3) *bagels*, in mechanically refrigerated vehicles, from Buffalo, N.Y., to points in and west of the States of Minnesota, Iowa, Missouri, Kansas, Colorado, Texas, and New Mexico, under contract with Abels Bagels, Inc.; Buffalo, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128541 (Sub-No. 1), filed April 17, 1969. Applicant: WESLEY WAYNE MACOMBER, doing business as W. W. MACOMBER TRUCKING, Route 1A, Gardiner, Maine 04345. Applicant's representative: Edward G. Hough, 844 Stevens Avenue, Portland, Maine 04103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Essex, Middlesex, Suffolk, Norfolk, Plymouth, Bristol, Worcester, Franklin, Hampshire, and Hampden Counties, Mass., to Gardiner, Maine, under contract with Yorktowne Paper Mills of Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine.

No. MC 129328 (Sub-No. 1), filed May 19, 1969. Applicant: PAL TEX TRANSPORT CO., a corporation, Post Office Box 296, Palestine, Tex. 75801. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* (other than cut glassware), *wooden containers, wooden pallets, and corrugated paper boxes;* (1) between Harahan, La., on the one hand, and, on the other, points in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Tennessee, Georgia, and Florida; and (2) between Mineral Wells, Miss., on the one

hand, and, on the other, points in Louisiana, Texas, Oklahoma, Arkansas, Alabama, Tennessee, Georgia, and Florida, under contract with Underwood Glass Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 133554, filed March 12, 1969. Applicant: WADDELL WHITE TRUCK SALES, INC., 3101 11th Street, Rockford, Ill. 61110. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles, replacements, and parts*, between Rockford, Ill., and points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133585 (Sub-No. 2), filed May 21, 1969. Applicant: PAT CLARK, doing business as CLARK TRUCKING COMPANY, Post Office Box 394, Dumas, Ark. 71639. Applicant's representative: John R. Clayton, Post Office Box 55, Dumas, Ark. 71639. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, liquid, sacked and bulked, for farm use, from Yazoo City, and Greenville, Miss., and Memphis, Tenn., to points in Desha, Drew, and Lincoln Counties, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133629 (Sub-No. 1), filed May 20, 1969. Applicant: TERRIFIC TRUCKING SERVICE, INC., Hook and Calcon Hook Roads, Sharon Hill, Pa. 19070. Applicant's representatives: William J. Lippman and Arthur D. Bernstein, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between Philadelphia International Airport and Northeast Philadelphia Airport, both located in Philadelphia, Pa., on the one hand, and, on the other, points in Bucks, Chester, Delaware, and Montgomery Counties and Philadelphia, Pa.; Burlington, Camden, Gloucester, and Salem Counties and Trenton, N.J., and New Castle County, Del.; and (2) between Philadelphia International Airport and Northeast Philadelphia Airport. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Application is accompanied with a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 133699, filed May 5, 1969. Applicant: BARCRAFT HOMES OF ARK., INC., 10 Sturgis Road, Post Office Box 729, Conway, Ark. 72032. Applicant's representative: Dean Goodman (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Faulkner County, Ark., and points in Arkansas, Texas, Missouri, Tennessee, Oklahoma, Louisiana, Mississippi, Kentucky, Illinois, and Kansas, under contract with K-Line, Inc., Conway, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Conway, Ark.

No. MC 133705 (Sub-No. 1), filed May 12, 1969. Applicant: FLETCHER'S FOOD SERVICE, INC., 1403 West Fifth Street, Pratt, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from Pratt, Kans., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the Western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under contract with Armour & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Chicago, Ill.

No. MC 133715, filed May 6, 1969. Applicant: AZAR STORAGE, INC., 1799 Margaret Avenue, Annapolis, Md. 21401. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Baltimore, Md., on the one hand, and, on the other, points in Maryland, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 133750, filed May 19, 1969. Applicant: HARVEY WULFF, doing business as HARVEY WULFF TRUCKING, R.F.D. No. 1, Salem, S. Dak. 57058. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete products*, from the plantsite and warehouse or storage facilities of F & W Concrete Products Co., Salem, S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota, limited to service under a continuing contract with F & W Concrete Products Co. of Salem, S. Dak. NOTE: Applicant now holds common carrier authority under its MC 118589, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 133752, filed May 16, 1969. Applicant: KEMP'S GARAGE, INC., 1301 Huntsville Road, Birmingham, Ala. 35234. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disabled, damaged, wrecked, repossessed, and stolen motor vehicles and trailers*, and *parts and equipment* for such motor vehicles and trailers; (2) *replacement vehicles*, including trailers; and (3) *mobile homes and house trailers* that have been wrecked and disabled and cannot be drawn by passenger automobiles, between points in Alabama, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, Virginia, Mississippi, Louisiana, Tennessee, Texas, Kentucky, Ohio, Indiana, West Virginia, Illinois, Arkansas, Missouri, Oklahoma, Pennsylvania, and Kansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 133758, filed May 16, 1969. Applicant: PRINCE BROS., INC., 503 Fulton Street, Antigo, Wis. 54409. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials, premiums, and malt beverage dispensing equipment* when shipped with malt beverages, from St. Paul, Minn., to Antigo, Wis., limited to a transportation service to be performed under a continuing contract, or contracts, with Antigo Beverage Co., Inc., Antigo, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133760, filed May 14, 1969. Applicant: LANE TRANSFER CO., INC., Brandy Station, Va. 22714. Applicant's representatives: L. C. Major, Jr., and W. F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and materials* used in the manufacture of steel wire rope and *steel wire rope*, having an immediately prior or subsequent movement by water, between the plantsite of The Rochester Corp., located at Culpeper, Va., on the one hand, and, on the other, the ports of Baltimore, Md., Norfolk, Hampton, and Portsmouth, Va., under a continuing contract with The Rochester Corp. of Culpeper, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

MOTOR CARRIERS OF PASSENGERS

No. MC 115116 (Sub-No. 19) (Correction), filed May 8, 1969, published FEDERAL REGISTER issue of May 22, 1969, corrected and republished as corrected, this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Middlesex, Somerset, and Mercer Counties, N.J., and extending to points in the United States, including Alaska (but excluding Hawaii). NOTE: The purpose of this republication is to delete the note regarding the holding of contract carrier authority by applicant, and to place the publication in with the passenger applications in lieu of with the property applications where it was previously published. If a hearing is deemed necessary, applicant requests it be held at Newark or East Brunswick, N.J.

No. MC 128553 (Sub-No. 3), filed May 22, 1969. Applicant: TRANSPORTES FRONTERIZOS DEL NORTE, S.A., Avenida Morelos 432, Despacho 506, Monterrey, Nuevo León, Mexico. Applicant's representative: J. C. Guerra, Post Office Box 186, 2000 Grant Street, Roma, Tex. 78584. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, between the port of entry on the international boundary line between the United States and Mexico at or near Roma, Tex., and thence over U.S. Highway 83 to Rio Grande City, Tex., and return over the same routes serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Rio Grande City, Tex.

APPLICATION OF WATER CARRIER

No. W-360 (Sub-No. 9), W. R. CHAMBERLIN & CO. Conversion Application, filed May 28, 1969. Applicant: W. R. CHAMBERLIN & CO., a corporation, 2300 Southwest First Avenue, Portland, Oreg. 97201. Applicant's representative: Edward M. Shea, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006. Application of W. R. Chamberlin & Co., filed May 28, is here seeking conversion of its authority under permit W-360 to operate as a contract carrier by self-propelled vessels, to authority to operate as a *common carrier* by self-propelled vessels and by tugs and barges. The limitations and descriptions contained in permit W-360 in respect of transportation of *lumber and forest products* between points and ports on the Pacific Coast, Puget Sound, the Columbia River, San Francisco Bay, and tributary waters are to remain unchanged.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-373 TRAFFIC ENTERPRISES COMPANY Freight Forwarder Application, filed May 22, 1969. Applicant: TRAFFIC ENTERPRISES COMPANY, a corporation, 40629 Firwood Avenue, Plymouth, Mich. 48170. Authority sought under section 410, part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder in interstate or foreign commerce, through use of the facilities of common carriers by *railroad, express, water, air, and motor vehicle* in the transportation of *general commodities* (except bulk materials, explosives, household goods, livestock, articles of extraordinary value, and commodities requiring protective service), between points in the Detroit, Mich., area. NOTE: Applicant believes the proposed service is not subject to part IV of the Interstate Commerce Act by reason of the provisions of section 402(c) because the services to shippers are confined to the terminal area of Detroit, Mich. For this reason, applicant requests dismissal of this application.

No. FF-374, AUTO RAIL FORWARDING CO., Freight Forwarder Application, filed May 26, 1969. Applicant: AUTO RAIL FORWARDING CO., a division of NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., a corporation, 6150 South East Avenue, Hodgkins, Ill. 60527. Applicant's representative: Edward P. Byrnes, Jr. (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad and/or motor vehicle in the transportation of *motor vehicles* (Automobiles) between points in Florida and Illinois.

No. FF-375, SECURITY OVERSEAS PACKING & CRATING CO., Freight Forwarder Application, filed May 29, 1969. Applicant: SECURITY OVERSEAS PACKING & CRATING CO., INC., 100 West Airline Highway, Kenner, La. 70062. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder in interstate or foreign commerce, in the transportation of (a) *household goods*, (b) *unaccompanied baggage*, and (c) *used automobiles*, between points in the United States, including Alaska and Hawaii.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12065 (Sub-No. 1), filed May 5, 1969. Applicant: EMERY DEVITO, doing business as DOUGHBOY'S VAN CO., 4373 Broadway, New York, N.Y. For a license (BMC-4) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation in interstate or foreign commerce of *household goods* between New York, N.Y., and points in the United States and the District of Columbia.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-6857; Filed, June 11, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 9, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41652—*Soda ash to Mobile, Ala.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2948), for interested rail carriers. Rates on soda ash, other than modified soda ash, in bulk or in bulk in bags, in carloads, as described in the application, from specified points in Michigan, New York, and Ohio, to Mobile, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 99 and 239 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C-438 and C-334, respectively.

FSA No. 41653—*Soda ash to Hillsboro, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-40), for interested rail carriers. Rates on soda ash, other than modified soda ash, in bulk in covered hopper cars, in carloads, as described in the application, from Lake Charles and West Lake Charles, La., also Corpus Christi, Freeport and Houston, Tex., to Hillsboro, Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 157 and 224 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

FSA No. 41654—*Chlorine from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6103), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Evans City, Ala., to Hine, Mo.

Grounds for relief—Rate relationship.

Tariff—Supplement 8 to Southern Freight Association, agent, tariff ICC S-838.

FSA No. 41655—*Chemicals from Louisiana and Texas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-43), for interested rail carriers. Rates on perchloroethylene, trichloroethane, and trichloroethylene, in tank carloads, from specified points in Louisiana and Texas, to Chicago, Ill., and points taking same rates.

Grounds for relief—Market competition.

Tariffs—Supplements 157 and 224 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6948; Filed, June 11, 1969; 8:49 a.m.]

[Notice 847]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 9, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 734 TA), filed June 5, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Junction City, Wis., to points in the Upper Peninsula of Michigan, for 150 days. Supporting shipper: Northern Propane Gas Co., 4820 Excelsior Boulevard, Minneapolis, Minn. 55416. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119827 (Sub-No. 30 TA), filed June 5, 1969. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio. Applicant's representative: W. P. Fromm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles, from Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: Vistron Corp., Midland Corp., Midland Building, Cleveland, Ohio. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 125479 (Sub-No. 10 TA), filed June 5, 1969. Applicant: JOSEPH KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite and/or facilities of Anheuser-Busch, Inc., at St. Louis, Mo., and Columbus, Ohio, to Chicago, Ill., for 150 days. Supporting shipper: Arthur White, president, Marg-Ann, Inc., 8331 South Michigan Avenue, Chicago, Ill. Send protests to: District Supervisor William E. Gallagher, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128866 (Sub-No. 8 TA), filed June 29, 1969. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil or sheet*, from the plantsite of the Aluminum Co. of America, at or near Alcoa, Tenn., to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark.; (2) *aluminum food containers for the account of Penny Plate, Inc.*, from Cherry Hill, N.J., to the plantsite of the Parrish Baking Co., Salisbury, N.C.; the plantsite of Morton's Frozen Food Co. at Concord, N.C.; and to the plantsite of Pet, Inc., Chambersburg, Pa.; from Searcy, Ark., to the plantsite of the Parrish Baking Co., Salisbury, N.C., the plantsite of Morton's Frozen Food Co. at Concord, N.C., and to the plantsite of Pet, Inc., Chambersburg, Pa.; (3) *scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets and aluminum cores*, from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to the plantsite of the Aluminum Co. of America, at or near Alcoa, Tenn.; from the plantsite of Penny Plate, Inc., at Searcy, Ark., to the plantsite of the Aluminum Co. of America, at or near Alcoa, Tenn., for 150 days. Supporting shipper: Penny Plate, Inc., Kresson Road and New Jersey Turnpike, Cherry Hill, N.J. 08034. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133703 (Sub-No. 1 TA), filed June 4, 1969. Applicant: WISCONSIN CHEESE SERVICE, INC., 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Applicant's representative: Henry Zwicky (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural and processed cheese; cheese products; smoked sausage and smoked meat products, pickles and sauerkraut*, from Waukesha, Wis., to points in California, New Mexico, Arizona, Texas, Kansas, Oklahoma, Louisiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, and Florida; (2) *frozen potatoes*, in packages, from Burley, Idaho, to Waukesha, Wis.; (3) *frozen foods*, packaged, from Kansas City, Mo., to Waukesha, Wis.; (4) *frozen fruits, vegetables and juices*, from Salinas, Modesto, Watsonville, San Martin, and Ventura, Calif., to Waukesha, Wis.; (5) *frozen fish*, from Dover, Fla., to Waukesha, Wis.; (6) *frozen juices*, from Dade City and Davenport, Fla., to Waukesha, Wis., for 180 days. Supporting shipper: Milwaukee Cheese Co. of Waukesha, Waukesha, Wis. 53186 (E. M. Berres, president). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133779 TA, filed June 5, 1969. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell Street, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); also earth, diatomaceous, physically combined with, not to exceed 10 percent alkyl napthalene sodium sulfonate; also *wood pulp, sulphite*, from Colado Junction (6 miles east of Lovelock, Nev.), and from Clark (22 miles east of Reno, Nev.), Nevada, to the following named California counties; San Luis Obispo, Kings, Fresno, Tulare, Inyo, Mono, Kern, San Bernardino, Riverside, Imperial, San Diego, and Orange, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6949; Filed, June 11, 1969; 8:49 a.m.]

[Notice 361]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 9, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 11.32), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71043. By order of June 2, 1969, the Motor Carrier Board approved the transfer to Carter's of Cloquet, Inc., doing business as Carter Trucking Division, Cloquet, Minn. 55720, of the certificate in No. MC-115954, issued April 25, 1957 to A. E. Carter, doing business as Carter Trucking Co., Cloquet, Minn. 55720, authorizing the transportation of coal, in bulk, from Superior, Wis., to a described area in Minnesota and from Duluth, Minn., to a described area in Wisconsin.

No. MC-FC-71343. By order of June 5, 1969, the Motor Carrier Board approved the transfer to Tippecanoe Trucking, Inc., Indianapolis, Ind., of permit No. MC-125230, issued January 12, 1966, to DeVon, Ownes, Lizton, Ind., authorizing the transportation of wood flooring, from Nashville, Tenn., and Cairo, Ill., to Logansport, Monticello, and Wabash, Ind., and points in Indiana on and south of Indiana Highway 18. Lesow & Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208, attorneys for applicants.

No. MC-FC-71390. By order of June 3, 1969, the Motor Carrier Board approved the transfer to Albuquerque Moving and Storage Co., Inc., Albuquerque, N. Mex., of the certificate of registration in No. MC-121026 (Sub-No. 1), issued September 22, 1964 to New Mexico Van Lines, Inc., Albuquerque, N. Mex., authorizing the transportation of household goods, office supplies, office fixtures and office furniture between all points in New Mexico. Jack Smith, 715 Simms Building, Albuquerque, N. Mex. 87101, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6950; Filed, June 11, 1969; 8:49 a.m.]

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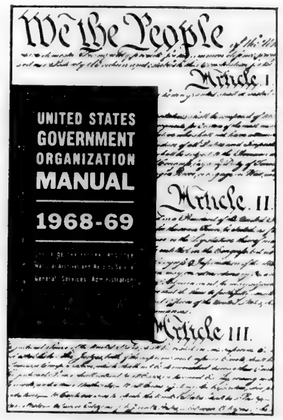

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Business and Defense Services Administration
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Highway Administration
Federal Home Loan Bank Board
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Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 3]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969 crop year in the following respects:

1. Section 406.2 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

§ 406.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 406.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 406.3 of this chapter is amended effective beginning with the 1969 crop year by adding a sentence at the end thereto reading as follows:

§ 406.3 Application for insurance.

* * * The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 406.6 [Amended]

3. Section 3(a) of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

3. *Insured crop.* (a) Application for insurance may be made with respect to both navel or valencia oranges or with respect to either navel or valencia oranges, produced by the insured, except that the insured may, subject to approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 200 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect, and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit but will not permit the percent of damage for the insurance unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage under section 14 shall never be less than 200 standard field boxes per acre. Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the variety or varieties of oranges for which the insured has applied for insurance, which is shown as insurable acreage on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

4. Section 7(b) of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(b) The total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

5. Section 9 of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

9. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the September 30 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the U.S. Department of Agriculture.

---------- ---------- 19--
(Signature of applicant) (Date)

---------- (Witness to signature)

6. Section 13(b) of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(b) If damage occurs within the 7-day period before the begining of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately. The insured shall not harvest any oranges on any acreage damaged by freeze until the Corporation has inspected such damage.

7. Section 14 of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oranges on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent, and (3) multiplying the result by the insured interest.

(c) The average percent of damage to oranges on any unit shall be the ratio of the number of standard field boxes of oranges lost as a result of freeze to the total number

of standard field boxes which would have been produced (herein called the "potential"). The potential shall not be less than 200 standard field boxes per acre and shall include (1) oranges picked before the freeze damage occurred, (2) oranges remaining on the trees after the freeze damage occurred, (3) oranges lost from freeze, and (4) any other oranges not included in items (1) through (3), including oranges lost from causes not insured against other than normal dropping, "rots," and "splits." Oranges lost as a result of freeze shall be oranges to which damage from freeze is serious as defined in the Agricultural Code of California as determined by the Corporation from grove inspections or sampling fruit which has been harvested: Except, that the Corporation shall consider (1) any portion of the insured crop, which is seriously damaged by freeze to the extent that none of the fruit is or can be packed as fresh fruit and but for such damage such portion could be packed as fresh fruit, as being damaged 70 percent in the case of valencia oranges, and 85 percent in the case of navel oranges, unless the actual damage determined by the Corporation is in excess thereof; (2) as lost due to freeze only the fruit that is seriously damaged by freeze in any portion of the fruit which has been or would be eliminated by a packinghouse in packing fresh fruit for reasons other than damage by freeze (determinations under item (1) immediately above and under this item (2) shall be made on the basis of the cuts made in the grove or other cuts made by the Corporation); (3) any fruit on the ground as a result of freeze which is not marketed as being 90 percent damaged; (4) any fruit which is or could be packed as fresh fruit as being undamaged; and (5) any portion of the insured crop which is harvested and disposed of prior to inspection by the Corporation as fruit not damaged.

The Corporation reserves the right to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year. It shall be a condition precedent to payment of any claim that the insured furnish any production records and any other information required by the Corporation regarding the manner and extent of damage or loss.

(d) If the Corporation determines that frost protection equipment was not properly utilized or was improperly reported the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction given for frost protection equipment.

(e) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 4, 1969.

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

Approved on June 6, 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-6987; Filed, June 12, 1969; 8:46 a.m.]

[Amdt. 1]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969 crop year in the following respects:

1. Section 409.21 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

§ 409.21 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per standard box which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 409.25 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 409.22 of this chapter is amended effective beginning with the 1969 crop year by adding a sentence at the end thereto reading as follows:

§ 409.22 Application for insurance.

* * * The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however*, That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 409.25 [Amended]

3. The table following the colon in section 1 of the Application and Policy set forth in § 409.25 of this chapter is amended effective beginning with the 1969 crop year in the following respects:

The lines reading "II—Orlando Tangelos, Algerian Tangerines, Sweet Oranges, and Temple Oranges." are changed to read "II—Orlando Tangelos, Sweet Oranges, and Temple Oranges."

4. Section 6 of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

6. *Insurance period.* For each crop year insurance shall attach on November 1, unless the application is accepted after October 31 in which event insurance shall attach on the 10th day after the date of acceptance of the application by the Corporation, and as to any portion of the citrus crop shall cease upon harvest, or on January 31 for types I and II and on March 31 for types III, IV, V, and VI of the following calendar year, whichever occurs first.

5. Section 7(b) of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(b) The total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit (hereinafter called "unit") immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year
5 percent after	2 years
10 percent after	3 years
10 percent after	4 years
15 percent after	5 years
20 percent after	6 years
25 percent after	7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

6. Section 8 of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the October 31 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the U.S. Department of Agriculture.

_____ _____, 19__
(Signature of applicant) (Date)

_____
(Witness to signature)

7. Section 13(b) of the Application and Policy shown in § 409.25 is amended effective beginning with the 1969 crop year by deleting the last sentence thereto.

8. Section 14 of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by multiplying the amount of insurance for the unit (determined in accordance with subsection 7(c)) by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent.

(c) The average percent of damage to the insured crop on any unit shall be the ratio of the number of boxes of the crop lost as a result of freeze to the total number of boxes which would have been produced (herein called the "potential"). The potential shall include (1) citrus picked before the freeze damage occurred, (2) citrus remaining on the trees after the freeze damage occurred, (3) citrus lost from freeze, and (4) any other citrus not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping, "rots," and "splits." Citrus lost as a result of freeze shall be citrus to which damage from freeze is serious as defined in the laws of the State in which the county is geographically located as determined by the Corporation from grove inspections or sampling fruit which has been harvested: Except, that the Corporation shall consider (1) any portion of the insured crop, which is seriously damaged by freeze to the extent that none of the fruit is or can be packed as fresh fruit and but for such damage such portion could be packed as fresh fruit, as being damaged 70 percent in the case of type III fruit (Valencia oranges), and 85 percent in the case of all other insured types of fruit, unless the actual damage determined by the Corporation is in excess thereof; (2) as lost due to freeze only the fruit that is seriously damaged by freeze in any portion of the fruit which has been or would be eliminated by a packinghouse in packing fresh fruit for reasons other than damage by freeze (determinations under item (1) immediately above and under this item (2) shall be made on the basis of the cuts made in the grove or other cuts made by the Corporation); (3) any fruit on the ground as a result of freeze which is not marketed as being 90 percent damaged; (4) any fruit which is or could be packed as fresh fruit as being undamaged; and (5) any portion of the insured crop which is harvested and disposed of prior to inspection by the Corporation as fruit not damaged.

The Corporation reserves the right to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year. It shall be a condition precedent to payment of any claim that the insured furnish any production records and any other information required by the Corporation regarding the manner and extent of damage or loss.

(d) If the Corporation determines that frost protection equipment was not properly utilized or was improperly reported the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction given for frost protection equipment.

(e) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

9. Section 22(h) of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(h) "Types of citrus" means any one of six types as follows: Type (I) Navel oranges; Type (II) Orlando tangelos, Sweet oranges, and Temple oranges; Type (III) Valencia oranges; Type (IV) Grapefruit; Type (V) Lemons; and Type (VI) Kinnow mandarin, Dancy tangerines, and Minneola tangelos.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 4, 1969.

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

Approved on June 6, 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-6988; Filed, June 12, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Table of Organ Doses

Correction

In F.R. Doc. 69-6640 appearing at page 9025 in the issue for Friday, June 6, 1969, § 32.24 should read as set forth below:

§ 32.24 Same: table of organ doses.

Part of body	Column I (rem)	Column II (rem)	Column III (rem)	Column IV (rem)
Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	0.001	0.01	0.5	15
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter	0.015	0.15	7.5	250
Other organs	0.003	0.03	1.5	50

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,038]

PART 523—MEMBERS OF BANKS

Liquidity

JUNE 10, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) for the purpose of reducing from 6½ percent to 6 percent the required amount of cash and obligations of the United States that institutions which are members of the Federal Home Loan Bank System must have on hand, hereby amends said § 523.12 to read as follows, effective June 12, 1969:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies at any time when the aggregate of its cash and obligations of the United States is not at least equal to 6 percent of its policy reserve required by State law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the obligation of the member on withdrawable accounts. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" shall mean all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present

economic climate for institutions which are members of the Federal Home Loan Bank System to have available as soon as possible the reduction in the required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-7014; Filed, June 12, 1969; 8:48 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,939]

PART 545—OPERATIONS

Liquidity

JUNE 10, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 545.8-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8-2) for the purpose of reducing from 6¼ percent to 6 percent the required amount of cash and obligations of the United States that Federal savings and loan associations must have on hand, hereby amends said § 545.8-2 to read as follows, effective June 12, 1969:

§ 545.8-2 Holdings of cash and obligations of the United States.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1437, 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948, Comp. p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for Federal savings and loan associations to have available as soon as possible the reduction in required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-7015; Filed, June 12, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-6-AD; Amdt. 39-774]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 Series and 400 Series Airplanes

An airworthiness directive was adopted on June 4, 1969, and made effective as to all known owners of Cessna Models 310 G, H, I, J, K, L, N, and P; E310H; E310J; T310P; 320 A, B, C, D, E, and F; 401 and 401A; 402 and 402A; 411 and 411A; 421 and 421A airplanes. The airworthiness directive was issued because as a result of tests conducted by the manufacturer and the Administration in certain of these model airplanes it has been determined that fuel starvation will occur during high angle descent in certain aircraft configurations with substantial quantities of otherwise useable fuel in each main tank. High angles of nose-down inclination cause the fuel port in the tank to be exposed to air and results in engine stoppage. A shallow angle of nose-down inclination will lessen the possibility of fuel starvation. It has been determined that limiting air speeds while flaps are fully extended will aid in shallowing the angle of nose-down inclinations. Additionally, slight power applications will have a marked effect in shallowing nose-down inclinations.

In order to prevent this condition, the airworthiness directive prohibits operation with less than 10 gallons of fuel in each main tank and requires prior to further flight the installation of placards reading: "Operation with less than 10 gallons of fuel in each main tank is prohibited" and "Maintain power within green arcs during descent". The directive further requires on Cessna Models 310 L, N, P; T310P; 320E, F; 401, 401A; 402, 402A; 411, 411A; 421 and 421A airplanes prior to further flight the installation of a placard reading: "Maximum speed with 15° to full flaps shall not exceed 140 MPH". On Cessna Models 310 G, H, and 320A airplanes the airworthiness directive will also require prior to further flight the installation of a placard reading: "Flap position shall not exceed 35 degrees". The manufacturer and the Administration are conducting further tests to determine what design changes are necessary to assure proper fuel system operation during the aforementioned flight attitudes. When the necessary changes are developed an additional airworthiness directive will be issued relieving these restrictions.

Since it was found that immediate corrective action was required, notice and public procedure thereon was not practical and contrary to the public interest and good cause existed for making this airworthiness directive effective immediately as to the owners of the Cessna Model Airplanes listed herein by individual letters dated June 4, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons in addition to those to whom it was made effective by letter dated June 4, 1969.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

CESSNA. Applies to Models 310 G, H, I, J, K, L, N, and P; E310H and E310J; T310P; 320 A, B, C, D, E, and F; 401 and 401A; 402 and 402A; 411 and 411A; and 421 and 421A Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent fuel starvation during high angle descent, accomplish the following:

(A) Effective immediately, operation of the airplane with less than 10 gallons of fuel in each main tank is prohibited.

(B) Prior to further flight on all models listed above, install a placard in full view of the pilot as near as possible to the main fuel quantity indicator with the following wording:

"Operation with less than 10 gallons of fuel in each main tank is prohibited".

(C) Prior to further flight on all models listed above, install a placard in full view of the pilot as near as possible to the manifold pressure gauge, with the following wording:

"Maintain power within green arcs during descent".

(D) Prior to further flight on Cessna Models 310 L, N, P; T310P; 320 E, F; 401, 401A; 402, 402A; 411, 411A; 421 and 421A install a placard in full view of the pilot as near as possible to the airspeed indicator with the following wording:

"Maximum speed with 15° to full flaps shall not exceed 140 MPH".

(E) Prior to further flight on Cessna Models 310G, 310H, and 320A, install a placard in full view of the pilot as near as possible to the flap position indicator with the following wording:

"Flap position shall not exceed 35 degrees".

NOTE: The operator may make and install the above placards. Minimum ⅛ inch high letters must be used.

This amendment becomes effective June 17, 1969, for all persons except those to whom it was made effective by letter dated June 4, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 6, 1969.

BROWNING ADAMS, *Acting Director, Central Region.*

[F.R. Doc. 69-6976; Filed, June 12, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1532]

PART 13—PROHIBITED TRADE PRACTICES

Greater United Steel, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others; § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155-33 Demonstration reduction; 13.155-100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees:* § 13.1663 *Individual's special selection or situation;* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Greater United Steel, Inc., et al., Kansas City, Mo., Docket C-1532, May 14, 1969]

In the Matter of Greater United Steel, Inc., a Corporation, and Interstate Aluminum, Inc., a Corporation, and Joseph P. Simon, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated Kansas City, Mo., home improvement companies to cease falsely representing that prospective purchasers' homes have been selected as "model homes" and after installation of their products such homes will be used for demonstration purposes and purchasers will receive a reduced price or discount, misrepresenting that their products are reduced in price, indestructible, and fully guaranteed, and falsely claiming business connections with United States Steel Co.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Greater United Steel, Inc., a corporation, and Interstate Aluminum, Inc., a corporation, and their officers, and Joseph P. Simon, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertisings, offering for sale, sale or distribution or installation, of residential siding, or other home improvement products or service or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

2. Representing, directly or by implication, that any reduced price, allowance, discount, commission, or other compensation is granted by respondents to purchasers in return for permitting or agreeing to allow the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

3. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

4. Representing, directly or by implication, that respondents or their salesmen are connected or affiliated with the United States Steel Co.; or misrepresenting, in any manner, the identity of the manufacturer or the source of any of respondents' products or the business connections or affiliations of respondents or their salesmen.

5. Representing, directly or by implication, that respondents' products will never require painting or repair; or misrepresenting, in any manner, the efficacy, durability, efficiency, composition, or quality of respondents' products.

6. Representing, directly or by implication, that respondents' products are everlasting or are made of indestructible materials.

7. Representing, directly or by implication, that storms, hail, fire, or other elements will not damage respondents' products.

8. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

9. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6964; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. C-1534]

PART 13—PROHIBITED TRADE PRACTICES

Magid Glove Manufacturing Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Magid Manufacturing Co., Inc., trading as Magid Glove Manufacturing Co., Inc., et al., Chicago, Ill., Docket C-1534, May 16, 1969]

In the Matter of Magid Manufacturing Co., Inc., a Corporation, Trading as Magid Glove Manufacturing Co., Inc., and Abe Cohen, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., manufacturer of industrial work gloves to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Magid Manufacturing Co., Inc., a corporation, also trading as Magid Glove Manufacturing Co., Inc., or under any other name or names and its officers, and Abe Cohen, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly

or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to set out all parts of the required information on the same side of the label in such a manner as to be clearly legible and readily accessible to the prospective purchaser and in type or lettering of equal size and conspicuousness.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 16, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6965; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. C-1533]

PART 13—PROHIBITED TRADE PRACTICES

Seymour Feldman, Inc., and Seymour Feldman

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Seymour Feldman, Inc., et al., New York, N.Y., Docket C-1533, May 14, 1969]

In the Matter of Seymour Feldman, Inc., a Corporation, and Seymour Feldman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Seymour Feldman, Inc., a corporation, and its officers, and Seymour Feldman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Seymour Feldman, Inc., a corporation, and its officers, and Seymour Feldman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with this order.

Issued: May 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-6966; Filed, June 12, 1969; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-297]

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Order Granting Motion for Extension of Time for Compliance

JUNE 6, 1969.

Hydroelectric project licenses: Calculation of "net investment" under section 3(13) of the Federal Power Act; Docket No. R-297.

On May 26, 1969, South Carolina Electric & Gas Co. (South Carolina) filed with the Commission a motion for extension of time until December 31, 1969, in which to comply with ordering paragraph (B) of Order No. 370, issued in this proceeding on September 27, 1968. By order No. 370A, which granted rehearing for the purpose of further consideration, this Commission earlier extended the time for compliance with that ordering paragraph until July 27, 1969.

Since less than 2 months remain before the presently set date for compliance, we believe South Carolina's motion to be well taken, and that the time for compliance should be extended until December 31, 1969.

The Commission finds: The amendment of Part 14 of the Commission regulations and the Federal Power Act set forth in Title 18 of the Code of Federal Regulations, prescribed herein, is necessary and appropriate for the administration of the Federal Power Act.

The Commission orders: Paragraph (a) of § 14.1 of Part 14 of Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations shall be amended by substituting "By December 31, 1969" for "Within 10 months from the issuance of these regulations" in the first sentence thereof.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6955; Filed, June 12, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Certain Human-Use Penicillin-Streptomycin Combination Products for Injection

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6006), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Durycin F.A. (for aqueous injection); contains procaine penicillin G, buffered penicillin G crystalline-sodium, and streptomycin sulfate; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206.

2. Durycin A.S. (aqueous suspension); contains procaine penicillin G and streptomycin sulfate; marketed by Eli Lilly & Co.

3. Mycillin; contains procaine penicillin G and streptomycin sulfate; marketed by Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047.

4. PenStrep 4:1 and PenStrep 4:½; contain procaine penicillin G, penicillin G potassium, and streptomycin sulfate; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

5. Strep-Combiotic Aqueous Suspension (multidose); contains procaine penicillin G and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

6. Strep-Combiotic for Aqueous Suspension (single dose); contains procaine penicillin G, potassium penicillin G, and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc.

7. Strep-Combiotic Aqueous Suspension—Isojet; contains procaine penicillin G and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc.

8. Streptomycin-Bipenicillin; contains procaine penicillin G, sodium penicillin G, and streptomycin sulfate; by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

9. Pentocin; contains procaine penicillin G, potassium penicillin G, and streptomycin sulfate; marketed by Pure Laboratories, Inc.

10. Procaine Penicillin in Streptomycin Sulfate Solution; contains procaine penicillin G and streptomycin sulfate; marketed by Roehr Products Co., Inc., A Subsidiary of Brunswick Corp., 2010 New Daytona Road, De Land, Fla. 32720.

11. Strep-Dicrysticin, Strep-Dicrysticin-800, Strep-Dicrysticin Fortis, and Strep-Dicrysticin Fortis-800 (four strengths, for suspension); contain procaine penicillin G, sodium penicillin G, and streptomycin sulfate; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

12. Strep-Distrycillin A.S. (sterile suspension); contains procaine penicillin G and streptomycin sulfate; marketed by E. R. Squibb & Sons, Inc.

13. Penicillin-Streptomycin Readi-mixed Sterile Aqueous Suspension; contains procaine penicillin G and streptomycin sulfate; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

14. Cer-O-Strep—ONE-HALF and Cer-O-Strep—ONE (sterile powders); contain chloroprocaine penicillin O, sodium penicillin O, and streptomycin sulfate; marketed by The Upjohn Co.

15. Bicillimycin All-Purpose Injection; contains benzathine penicillin G, potassium penicillin G, procaine penicillin G, and streptomycin sulfate; marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

16. Wycillin SM Injection 400 and Wycillin SM Injection 600; contain procaine penicillin G and streptomycin sulfate; marketed by Wyeth Laboratories, Inc.

The announcement stated that the Academy found these products to be ineffective or ineffective as a fixed combination for those indications in the labeling that were specific enough to be evaluated and that the Food and Drug Administration concurred that there is a lack of substantial evidence that each drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. All interested persons were invited to submit within 30 days pertinent data bearing on the proposal to amend the antibiotic drug regulations where necessary to delete the above antibiotic combinations from the list of drugs acceptable for certification.

Wyeth and Pfizer submitted responses to the announcement, and these have been reviewed. These submissions contained no new clinical data. It has been concluded that they do not provide substantial evidence of the effectiveness of such combination drugs.

Accordingly, the Commissioner concludes that in the absence of substantial evidence of effectiveness for the fixed combinations of drugs and in recognition of the known hazards associated with the use of each component of such combination, e.g., deafness from streptomycin and allergenicity from penicillin, the regulations for certification of antibiotic drugs should be amended as follows to delete the above-listed antibiotic combinations, and all other parenteral dosage forms for human use containing penicillin and streptomycin, from the list of drugs acceptable for certification. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for the combination drugs should be revoked on the basis of unwarranted hazards.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), the antibiotic drug regulations are amended as follows to remove provision for certification of such drugs for human use, and certificates previously issued for such drugs for human use under these regulations are revoked. Accordingly, Parts 141a and 146a are amended:

1. In § 141a.38, by changing the section heading to read as follows:

§ 141a.38 Procaine penicillin and streptomycin in oil veterinary; procaine penicillin and dihydrostreptomycin in oil veterinary.

* * * * *

2. In § 141a.39, by changing the section heading to read as follows:

§ 141a.39 Penicillin-streptomycin veterinary; penicillin-dihydrostreptomycin veterinary.

* * * * *

3. In § 141a.46, by changing the section heading to read as follows:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution veterinary; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

* * * * *

4. In § 141a.67, by changing the section heading to read as follows:

§ 141a.67 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

* * * * *

5. In § 141a.68, by changing the section heading to read as follows:

§ 141a.68 Benzathine penicillin G and streptomycin veterinary; benzathine penicillin G and dihydrostreptomycin veterinary.

* * * * *

6. In § 141a.71, by changing the section heading to read as follows:

§ 141a.71 Penicillin-streptomycin powder veterinary; penicillin-dihydrostreptomycin powder veterinary.

* * * * *

7. In § 141a.74, by changing the section heading to read as follows:

§ 141a.74 **Dibenzylamine penicillin and streptomycin in oil veterinary; dibenzylamine penicillin and dihydrostreptomycin in oil veterinary.**

• • • • •

8. In § 141a.80, by changing the section heading to read as follows:

§ 141a.80 **Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary.**

• • • • •

9. By revising § 141a.88 to read as follows:

§ 141a.88 **Benzathine penicillin G in streptomycin sulfate solution veterinary; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).**

Proceed as directed in § 141a.68 (a), (b), and (d).

§§ 141a.113, 141a.114 [Revoked]

10. By revoking § 141a.113 *Clemizole penicillin G* and § 141a.114 *Clemizole penicillin G–streptomycin sulfate aqueous suspension.*

§§ 146a.4, 146a.5 [Revoked]

11. By revoking § 146a.4 *Clemizole penicillin G* and § 146a.5 *Clemizole penicillin G–streptomycin sulfate aqueous suspension.*

12. In § 146a.57, by revising the section title and the introductory text of paragraph (a) to read as follows:

§ 146a.57 **Procaine penicillin and streptomycin in oil veterinary; procaine penicillin and dihydrostreptomycin in oil veterinary.**

(a) Procaine penicillin and streptomycin in oil veterinary and procaine penicillin and dihydrostreptomycin in oil veterinary conform to all requirements and to all procedures prescribed in § 146a.45 for procaine penicillin in oil for udder instillations of cattle or subcutaneous infection in fowl, except that:

• • • • • •

13. In § 146a.58:

a. By revising the section heading and paragraphs (a), (b), and (c) to read as follows.

§ 146a.58 **Penicillin-streptomycin veterinary; penicillin-dihydrostreptomycin veterinary.**

(a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin veterinary and penicillin-dihydrostreptomycin veterinary are procaine penicillin, crystalline sodium penicillin, potassium penicillin, *l*-ephenamine penicillin G, or diethylaminoethyl ester penicillin G hydriodide, or a mixture of two or more such salts and streptomycin sulfate or dihydrostreptomycin sulfate, with or without suitable and harmless buffer substances and suspending or dispersing agents. Each drug is sterile, nontoxic, and nonpyrogenic. Its moisture content is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent. When prepared for injection as directed in its labeling, its pH is not less than 5.0 and not more than 7.5. The penicillin used conforms to the requirements of § 146a.24(a), § 146a.44(a), § 146a.64(a), or § 146a.74(a). The streptomycin sulfate used conforms to the requirements prescribed for streptomycin sulfate by § 146b.101(a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed for dihydrostreptomycin sulfate by § 146b.103 of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. Penicillin-streptomycin is also the drug described in § 146a.84 of this chapter if it conforms to all requirements of that section and of § 141a.60 of this chapter, except that it contains streptomycin in lieu of a mixture of streptomycin and dihydrostreptomycin.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container may be packaged in combination with a container of a solvent consisting of water for injection U.S.P., dextrose injection U.S.P., or sodium chloride injection U.S.P.

(c) *Labeling*—(1) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 48 months after the month in which the batch was certified, except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, and except that in no case shall the blank be filled in with the date that is more than 24 months after the month in which the batch was certified if it contains diethylaminoethyl ester penicillin G hydriodide.

(ii) In lieu of the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(iii) If it does not cotain diethylaminoethyl penicillin G hydriodide and is intended for use in the treatment of food-producing animals, the labeling shall bear the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food," and, if the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement required by § 148.5 of this chapter.

(iv) If it contains diethylaminoethyl penicillin G hydriodide, the labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

(2) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(i) The number of units of each salt of penicillin in each gram.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each gram.

(iii) The statement "Caution: Federal law prohibits dispensing without prescription."

(iv) The statement "For maufacturing use," "For repacking," or "For manufacturing use or repacking."

(v) The information required by subparagraph (1)(i) of this paragraph.

• • • • •

b. Paragraph (d)(1) is amended by inserting the word "veterinary" after the word "streptomycin" in the first place it occurs.

14. In § 146a.67, by revising the section heading, the introductory text of paragraph (a), paragraph (b), and paragraph (c) (1) and (2) to read as follows:

§ 146a.67 **Procaine penicillin in streptomycin sulfate solution veterinary; procaine penicillin in dihydrostreptomycin sulfate solution veterinary (procaine penicillin in crystalline dihydrostreptomycin sulfate solution veterinary).**

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin in streptomycin sulfate solution veterinary is procaine penicillin G suspended in an aqueous solution of streptomycin sulfate. Procaine penicillin in dihydrostreptomycin sulfate solution veterinary is procaine penicillin suspended in an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution shall contain one or more suitable and harmless buffer substances, preservatives, and suspending or dispersing agents, and it may contain one or more suitable and harmless stabilizing agents, procaine hydrochloride in a concentration not exceeding 2 percent, a suitable antihistaminic, a suitable anticholinergic and cortisone, or a suitable derivative of cortisone. It is so purified that:

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is packaged to contain a single dose. Each such container shall contain not less than 1.0 milliliter, and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume indicated, whether administered in either single or multiple dose.

(c) *Labeling*—(1) *It is packaged for dispensing and it contains an antihistaminic, and anticholinergic, or cortisone or a derivative of cortisone.* In addition to the labeling requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)."

(ii) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(iii) On the label and the labeling, the statement "For use only in cats, dogs, and horses; not for use in horses to be slaughtered for human consumption."

(iv) After the name "procaine penicillin in streptomycin sulfate solution veterinary," or "procaine penicillin in dihydrostreptomycin sulfate solution veterinary," wherever such name appears, the words "with _____," in juxtaposition with such name, the blank being filled in with the established name of the antihistaminic, the anticholinergic, the cortisone, or the derivative of cortisone.

(2) *It is packaged for dispensing and it does not contain an antihistaminic, an anticholinergic, or cortisone or a derivative of cortisone.* It shall comply with the requirements of subparagraph (1) of this paragraph, except:

(i) In lieu of the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it contains dihydrostreptomycin, an expiration date of 48 months or 60 months may be used if data have been submitted as described in subparagraph (1)(ii) of this paragraph.

(iii) In lieu of the statement required by subparagraph (1)(iii) of this paragraph, the labeling shall bear the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food," and, if the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement required by § 148.5 of this chapter.

• • • • •

15. In § 146a.90, by revising the section heading and the introductory text of the section to read as follows:

§ 146a.90 **Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).**

Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary and procaine penicillin G and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary," or "procaine penicillin in and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution veterinary and procaine penicillin in dihydrostreptomycin sulfate solution veterinary, except that:

• • • • •

16. In § 146a.91, by revising the section heading and the introductory text of the section to read as follows:

§ 146a.91 **Benzathine penicillin G and streptomycin veterinary; benzathine penicillin G and dihydrostreptomycin veterinary.**

Benzathine penicillin G and streptomycin veterinary and benzathine penicillin G and dihydrostreptomycin veterinary conform to all requirements prescribed by § 146a.77 for the dry mixture of benzathine penicillin G for aqueous injection and are subject to all procedures prescribed by that section for benzathine penicillin G for aqueous injection, except that:

• • • • •

17. In § 146a.93, by revising the section heading and the introductory text of the section to read as follows:

§ 146a.93 **Penicillin-streptomycin powder veterinary; penicillin-dihydrostreptomycin powder veterinary.**

Penicillin-streptomycin powder veterinary and penicillin-dihydrostreptomycin powder veterinary conform to all the requirements and are subject to all procedures by § 146a.88 for penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets, except that:

• • • • •

18. By § 146a.96 to read as follows:

§ 146a.96 **Dibenzylamine penicillin and streptomycin in oil veterinary; dibenzylamine penicillin and dihydrostreptomycin in oil veterinary.**

Dibenzylamine penicillin and streptomycin in oil veterinary and dibenzylamine penicillin and dihydrostreptomycin in oil veterinary conform to all the requirements prescribed by § 146a.57 for procaine penicillin and dihydrostreptomycin in oil veterinary and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil veterinary and procaine penicillin and dihydrostreptomycin in oil veterinary, except that dibenzylamine penicillin is used in lieu of procaine penicillin. The dibenzylamine penicillin used conforms to the requirements of § 146a.94 (a), except § 146a.94(a) (2), (3) (unless it is intended for subcutaneous injection in fowl), and (4).

19. In § 146a.102, by revising the section heading and the introductory text of paragraph (a) to read as follows:

§ 146a.102 **Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary.**

(a) Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary and benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.101 for benzathine penicillin G and procain penicillin G in oil, except that:

• • • • •

20. By revising § 146a.110 to read as follows:

§ 146a.110 **Benzathine penicillin G in streptomycin sulfate solution veterinary; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).**

Benzathine penicillin G in streptomycin sulfate solution veterinary and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution veterinary and procaine penicillin in dihydrostreptomycin sulfate solution veterinary, except that benzathine penicillin G is used in lieu of procaine penicillin and the label and labeling shall bear the statement "Warning—Not for use in animals which

are raised for food production." The benzathine penicillin G used conforms to the requirements of § 146a.68(a).

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days of publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the National Academy of Sciences—National Research Council evaluation or the Administration conclusions and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for their intended uses.

Effective date. This order shall become effective 40 days after the date of its publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

Dated: May 27, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6989; Filed, June 12, 1969; 8:46 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Combination Drugs

In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19204), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903, and containing tetracycline and amphotericin B: Mysteclin "F" Capsules, Mysteclin "F"–125 Capsules, Mysteclin "F" Syrup, and Mysteclin "F" Pediatric Drops.

The announcement stated that the Academy evaluated these drugs as ineffective as a fixed combination in the prevention of disease due to monilial organisms when used as a prophylaxis against the overgrowth of fungi; further, it stated that the Food and Drug Administration concurred in the views expressed by the Academy and concluded there is a lack of substantial evidence that the fixed combination products will have the effect which they purport or are represented to have.

All interested persons who might be adversely affected by removal of the drugs from the market were invited to submit, within 30 days of publication of the announcement, any pertinent data bearing on the proposal to amend the antibiotic drug regulations, where necessary, to delete from the list of drugs acceptable for certification those that contain the above-listed antibiotic combination.

E. R. Squibb & Sons, Inc., requested an extension of time to permit them to assemble, analyze, and submit in an orderly fashion additional material bearing on the effectiveness of the combinations. The firm was granted an additional 120 days to supply the data.

A submission was duly received and reviewed and the Food and Drug Administration concludes that there remains a lack of substantial evidence that the combination drugs containing tetracycline-amphotericin B will have the effect they purport or are represented to have for the prevention of disease due to monilial organisms when used as a prophylaxis against overgrowth of fungi.

In addition to the listed products, for which the conditions of certification are described in §§ 141c.260, 141c.262, 146c.-260, and 146c.262, other sections, 141c.257 and 146c.257, describe the conditions for certification of other oral dosage forms of tetracycline with amphotericin B. The data submitted in support of these preparations, though not evaluated by the National Academy of Sciences, have been reviewed by the Food and Drug Administration and have been found to lack substantial evidence of effectiveness that the fixed combinations will have the previously stated effect.

Accordingly, the Commissioner concludes: (1) That the regulations for the certification of antibiotic drugs should be amended to delete combination preparations containing tetracycline and amphotericin B from the list of drugs acceptable for certification because of a lack of substantial evidence that such combinations have the clinical effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling; and (2) that all outstanding certificates heretofore issued for such combination drugs should be revoked.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner (21 CFR 2.120), Parts 141c and 146c are amended by repealing §§ 141c.257, 141c.260, 141c.-262, 146c.257, 146c.260, and 146c.262 and all antibiotic certificates issued under those regulations are revoked.

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days of publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing should identify the claimed errors in the National Academy of Sciences-National Research Council evaluation and the Administration's conclusions as to the effectiveness of the combination drug and identify any adequate and well controlled investigations on the basis of which it reasonably could be concluded that the drug would have the effectiveness claimed for its intended uses. Objections should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

If objections accompanied by reasonable grounds are received, the Commissioner will promptly announce a hearing. If a hearing is scheduled, it will be held under the provisions of section 507(f) of the Act, employing the hearing procedures set forth in Subpart F of Part 2 (21 CFR Part 2), as amended by § 146.1 of the regulations published April 8, 1969, in the FEDERAL REGISTER.

Effective date. This order will become effective 40 days from its date of publication in the FEDERAL REGISTER unless stayed by the filing of proper objections. The Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received during the 30-day period. At that time the Commissioner will specify how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 27, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6990; Filed, June 12, 1969; 8:46 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Certain Penicillin-Sulfonamide Combination Products for Oral Administration

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6006), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

A. Combination drugs containing potassium penicillin G and sulfisoxazole: Gantricillin "100" Tablets, Gantricillin "200" Tablets, and Gantricillin "300" Tablets; marketed by Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

B. Combination drugs containing potassium penicillin G, sulfadiazine, sulfamerazine, and sulfamethazine:

1. Neopenzine Suspension; marketed by Eli Lilly & Co., Indianapolis, Ind. 46206.

2. Neopenzine "150" Tablets and Neopenzine "300" Tablets; marketed by Eli Lilly & Co.

3. Trisem-Pen Powder; marketed by S. E. Massengill Co., Bristol, Tenn. 37620.

4. Trisem-Pen Tablets; marketed by The S. E. Massengill Co.

5. Penicillin with Triple Sulfas Tablets; marketed by Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407.

6. K-cillin Sulfa Powder for Syrup; by Biocraft Laboratories, Inc.

7. Sulfa-Sugracillin 125M Granules and Sulfa-Sugracillin 250M Fortified Granules; marketed by The Upjohn Co., Kalamazoo, Mich. 49002.

8. Flavocillin-CS Powder; marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

9. Potassium Penicillin G with Triple Sulfonamides Tablets; Philadelphia Laboratories, Inc.

10. Biosulfa 125M and 250M Tablets; marketed by The Upjohn Co.

11. Pell-Biotic-250 Tablets; by Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, Pa. 19124.

12. Penicillin with Triple Sulfas No. 1, No. 2, and No. 3; marketed by Richlyn Laboratories, Inc.

13. Potassium Penicillin G Tablets with Triple Sulfonamides; by Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132.

14. Penicillin 100,000 (also 200,000, 250,000, and 300,000) Units with Triple Sulfonamides Tablets; marketed by Zenith Laboratories, Inc., 150 South Dean Street, Englewood, N.J. 07631.

15. Penicillin with Triple Sulfas Tablets; marketed by Supreme Pharmaceutical Co., Inc., 354 Mercer Street, Jersey City, N.J. 07302.

16. Pentid-Sulfas Tablets; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

17. Pentid-Sulfas for Syrup and Pentid "400" Sulfas for Syrup; marketed by E. R. Squibb & Sons, Inc.

18. Penicillin-Three Sulfonamide Tablets "100" and Penicillin-Three Sulfonamide Tablets "300"; marketed by Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106.

19. Buffered Potassium Penicillin G with 3 Sulfas Powder for Syrup; marketed by Nysco Laboratories, Inc.

C. Combination drugs containing potassium pencillin G, sulfadiazine, sulfamerazine, and sulfacetamide:

1. Flavored Penicillin G Powder with Triple Sulfonamides; by Vitamix Pharmaceuticals, Inc.

2. Penicillin with Sulfonamides Powder for Solution; marketed by Biocraft Laboratories, Inc.

D. Combination drugs containing phyenoxymethyl penicillin (as the base or benzathine salt), sulfadiazine, and sulfamerazine:

1. Pen-Vee Sulfas, Tablets; marketed by Wyeth Laboratories, Inc., Philadelphia, Pa. 19101.

2. Pen-Vee Sulfas, Suspension; marketed by Wyeth Laboratories, Inc.

E. Combination drugs containing phenoxymethyl penicillin (as the base or potassium or benzathine salt), sulfadiazine, sulfamerazine, and sulfamethazine:

1. Compocillin-VK with Sulfas Filmtab; marketed by Abbott Laboratories, North Chicago, Ill. 60064.

2. Compocillin-VK with Sulfas Granules for Oral Suspension; marketed by Abbott Laboratories.

3. V-Cillin Sulfa Tablets; marketed by Eli Lilly & Co.

4. V-Cillin Sulfa Pediatric for Oral Suspension; marketed by Eli Lily & Co.

5. V-Cillin K Sulfa Tablets; marketed by Eli Lilly & Co.

6. V-Cillin K Sulfa Pediatric for Oral Suspension; marketed by Eli Lilly & Co.

F. Combination drugs containing benzathine penicillin G, sulfadiazine, sulfamerazine, and sulfamethazine:

1. Bicillin-Sulfas Suspension; marketed by Wyeth Laboratories, Inc.

2. Bicillin-Sulfas Tablets; marketed by Wyeth Laboratories, Inc.

The announcement stated that the Academy found these products to be ineffective or ineffective as fixed combinations for those indications in the labeling that were specific enough to be evaluated and that the Food and Drug Administration concurred that there is a lack of substantial evidence that each drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. All interested persons were invited to submit within 30 days pertinent data bearing on the proposal to amend the antibiotic drug regulations where necessary to delete the above antibiotic combinations from the list of drugs acceptable for certification.

E. R. Squibb and Sons submitted material in response to the announcement and this has been reviewed. The submission proposed labeling changes and included one controlled study of the drug in pediatric use, but it has been concluded that it does not provide substantial evidence of the effectiveness and evidence of the safety of such combination drug.

Accordingly, the Commissioner concludes that in the absence of substantial evidence of effectiveness for the fixed combination drugs and in recognition of the known hazards associated with each component of such combinations, e.g., hypersensitivity and blood dyscrasias with sulfonamides and allergenicity with penicillin, the regulations for the certification of antibiotic drugs should be amended as follows to delete the above-listed antibiotic combinations, and other oral dosage forms for human use containing penicillin and any sulfonamide, from the list of drugs acceptable for certification. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for the combination drugs should be revoked on the basis of unwarranted hazards.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146a of the antibiotic drug regulations is amended as follows to delete the provisions for the inclusion of sulfonamides, in so far as they apply to such drugs for human use, and certificates previously issued for such drugs for human use under these regulations are revoked:

1. In § 146a.27 *Penicillin tablets,* the second sentence of paragraph (a) is revised to read "They may also contain probenecid, and, if they are intended solely for veterinary use, they may contain one or more suitable sulfonamides."

2. In § 146a.28 *Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension,* the first sentence of paragraph (a) is amended by deleting "or one or more suitable sulfonamides".

3. In § 146a.51 *Buffered penicillin powder, penicillin powder with buffered aqueous diluent:*

a. Paragraph (a) is amended in the first sentence by deleting "with or without one or more suitable sulfonamides,".

b. Paragraph (b) is amended by changing the last sentence to read "Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle and with or without probenecid."

4. In § 146a.69 *Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder):*

a. Paragraph (a) is amended in the first sentence by deleting "with or without one or more suitable sulfonamides".

b. Paragraph (c) (1) (ii) is deleted.

5. In § 146a.95 *Dibenzylamine penicillin and potassium penicillin powder, buffered:*

a. Paragraph (a) is amended in the first sentence by deleting "with or without one or more suitable sulfonamides, and".

b. Paragraph (c) (1) (ii) is deleted.

6. In § 146a.104 *Phenoxymethyl penicillin for oral suspension, potassium phenoxymethyl penicillin for oral solution:*

a. Paragraph (a) is amended in the first sentence by changing the comma after "preservatives" to a period and by deleting "and with or without one or more suitable sulfonamides."

b. Paragraph (c) (1) (ii) is deleted.

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the National Academy of Sciences-National Research Council evaluation or the Administration's conclusions and identify

any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drugs would have the effectiveness claimed and would be safe for their intended uses.

Effective date. This order shall become effective 40 days after the date of its publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 27, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–6991; Filed, June 12, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 81–C for the children's dress and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 81–C are hereby published, to be effective June 29, 1969, in this order amending § 610.2 of Title 29, Code of Federal Regulations, by revising paragraph (a) (1) (i) and (2) (i). As amended, § 610.2 reads as follows:

§ 610.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Hand-embroidery classification.* (i) The minimum wage for this classification is $1.15 an hour.

* * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.44 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 6th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69–6983; Filed, June 12, 1969; 8:46 a.m.]

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 81–A for the men's and boys' clothing and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Division of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 81–A are hereby published, to be effective June 29, 1969, in this order amending § 615.2 of Title 29, Code of Federal Regulations, by revising paragraphs (a) (1) (i), (2) (i), and (3) (i), and (b) (1). As amended, § 615.2 reads as follows:

§ 615.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *The work clothing and separate trousers classification.* (i) The minimum wage for this classification is $1.45 an hour.

* * * * *

(2) *The military-style hats and caps classification.* (i) The minimum wage for this classification is $1.55 an hour.

* * * * *

(3) *The general classification.* (i) The minimum wage for this classification is $1.34 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.25 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 9th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69–6984; Filed, June 12, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Hawaii Volcanoes National Park, Hawaii

A proposal was published at page 16121 of the FEDERAL REGISTER of November 2, 1968, to revise § 7.25 of Title 36 of the Code of Federal Regulations. The purpose of this revision is to revoke special regulations limiting the speed of vehicles on park roads, prohibiting camping, picnicking, and fishing at certain locations within the park, and controlling the use of bicycles within the park. None of these regulations are needed since regulations contained in Parts 2 and 4 of this chapter adequately provide for regulation of all these matters. The revised regulation on fishing continues to carry out the provisions of the Act of June 20, 1938, and makes clear the location of the park boundary along the seacoast. The provision relating to the possession and use of throw nets within the park makes no substantive change in the existing regulatory material. The new regulation on mountain climbing and exploration provides supervision and control in these hazardous areas.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions or objections have been received and the proposed regulation is hereby adopted with the addition of the words "location of the climb" in paragraph (b) (1) as set forth below.

These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 5; and the Act of August 1, 1916 (39 Stat. 432), as amended; (16 U.S.C. 395c), and the Act of June 20, 1938 (52 Stat. 784; 16 U.S.C. 396a))

Section 7.25 is revised to read as follows:

§ 7.25 Hawaii Volcanoes National Park.

(a) *Fishing*—(1) *Commercial fishing.* Commercial fishing from parklands (above the high waterline) other than as provided for below is prohibited.

(2) *Nets.* The use of nets in fishing from parklands (above the high waterline) except for throw nets, is prohibited.

(3) *Kalapana extension area; special fishing privileges.* (i) Pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U.S.C. 391b and 396a) Native Hawaiian residents of the villages adjacent to the Kalapana extension area added to the park by the above act and visitors under their guidance are granted the exclusive privileges of fishing or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These persons may engage in commercial fishing under proper State permit.

(ii) For the purposes of this section, the term "native Hawaiian" means any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (Act of June 20, 1938; 52 Stat. 784; 16 U.S.C. 396a).

(b) *Mountain climbing; exploration.* (1) No person shall climb the slopes of Mauna Loa without first registering with the Superintendent and indicating the location of the climb, approximate duration, and the number of people in the climbing party.

(2) No person shall explore or climb about the lava tubes or pit craters in the park without first registering with the Superintendent and indicating the approximate length of time involved in the exploration and the number of people in the party. This section does not apply to the maintained trail through Thruston Lavo Tube, nor the maintained trail down and across Kilauea Iki pit crater.

DANIEL J. TOBIN, JR.,
Superintendent, Hawaii Volcanoes National Park.

[F.R. Doc. 69–6967; Filed, June 12, 1969; 8:45 a.m.]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Oregon Caves National Monument, Oreg.

A proposal was published at page 7240 of the FEDERAL REGISTER of May 16, 1968 to amend § 7.49 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to clarify the purpose and intent of the regulation and to eliminate unnecessary material.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

§ 7.49 Oregon Caves National Monument.

(a) *Admission to caves.* No person or persons shall be permitted to enter Oregon Caves unless accompanied by an approved National Park Service or concessioner employee who has successfully completed the training prescribed by the National Park Service. Children under the age of 6 are not permitted to enter the caves.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

DONALD M. SPALDING,
Superintendent, Crater Lake National Park and Oregon Caves National Monument.

[F.R. Doc. 69–6968; Filed, June 12, 1969; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. The center title immediately preceding § 17.30 is changed to read: "Definitions and Active Duty"

2. In § 17.30, that portion preceding paragraph (a) and paragraph (c) are amended to read as follows:

§ 17.30 Definitions.

When used in Veterans Administration Medical regulations, each of the following terms shall have the meaning ascribed to it in this section:

* * * * *

(c) *Active military, naval, or air service.* See §§ 17.31 and 17.32.

* * * * *

3. Sections 17.31 and 17.32 are added to read as follows:

§ 17.31 Duty periods defined.

Definitions of duty periods applicable to eligibility for medical benefits are as follows:

(a) *Active military, naval, or air service.* The term "active military, naval, or air service" includes active duty, any period of active duty for training during which the individual concerned was disabled from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled from an injury incurred or aggravated in line of duty.

(b) *Active duty.* The term "active duty" means

(1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits";

(3) Full-time duty as a commissioned officer of the Coast and Geodetic Survey (or as a commissioned officer of the Environmental Science Services Administration who was commissioned in the Coast and Geodetic Survey before July 13, 1965, and was transferred to such Administration) (i) on or after July 29, 1945, or (ii) before that date while either on transfer to one of the Armed Forces, or while in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (iii) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter;

(4) Service as a cadet at the U.S. Military, Air Force, or Coast Guard Academy, or as midshipman at the U.S. Naval Academy;

(5) Full-time duty as a member of the Women's Army Auxiliary Corps, Women's Reserve of the Navy and Marine Corps and Women's Reserve of the Coast Guard;

(6) Authorized travel to or from such duty or service.

(c) *Active duty for training.* The term "active duty for training" means:

(1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service during the period covered in paragraph (b) (2) of this section;

(3) In the case of members of the National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of title 32, United States Code, or the prior corresponding provisions of law; and

(4) Authorized travel to or from such duty.

(5) Active duty for training does not include duty performed as a temporary member of the Coast Guard Reserve.

(d) *Inactive duty training.* The term "inactive duty training" means:

(1) Duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 206, title 37, United States Code, or any other provision of law;

(2) Special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

(3) Duty (other than full-time duty) for members of the National Guard or Air National Guard of any State under the provisions of law stated in paragraph (c) (3) of this section.

(4) Inactive duty for training does not include work or study performed in connection with correspondence courses, or

attendance at an educational institution in an inactive status, or duty performed as a temporary member of the Coast Guard Reserve.

§ 17.32 Certain travel and time at acceptance center deemed active duty.

In any of the following circumstances, an applicant will be deemed to have active service:

(a) *When reporting for acceptance.* Any person who has either (1) applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance in such service, or (2) who has been selected or drafted for service in the Armed Forces and has reported pursuant to the call of his local draft board and before rejection; or (3) who has been called into the Federal service as a member of the National Guard, but has not been enrolled for the Federal service; and who has suffered an injury or contracted a disease in line of duty while en route to or from, or at, a place for final acceptance or entry upon active duty, will, for purposes of determining service connection for disability, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.

(b) *When reporting for or returning from active duty or inactive duty training.* Any person who when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training and is disabled from an injury incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training as the case may be, at the time such injury was incurred.

(c) *When returning home from active duty.* Whenever a person is discharged or released from a period of active duty, he shall be deemed to continue on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release.

4. Immediately preceding § 17.33, a new center title is added to read as follows: "Presumption Relating to Psychosis"

5. In § 17.35, the headnote is amended to read as follows:

§ 17.35 Emergency hospitalization.

* * * * *

6. In § 17.46, paragraph (a), that portion of paragraph (b) preceding subparagraph (1) and paragraph (e) are amended to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

Hospital or domiciliary care may be provided:

(a) Subject to the provisions of §§ 17.46b through 17.48, for persons eligible as veterans or on the basis of service in the uniformed services.

(b) Not subject to the eligibility provisions of §§ 17.46b through 17.48, for:

* * * * *

(e) The authorization of services under any provision of this section, except services for eligible veterans, is subject to charges as required by § 17.62.

7. Section 17.46a is reserved and § 17.46b is added to read as follows:

§ 17.46a [Reserved]

§ 17.46b Hospital care for certain retirees with chronic disability (Executive Orders 10122 and 10400).

Hospital care may be furnished when beds are available to members or former members of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) temporarily or permanently retired for physical disability or receiving disability retirement pay who require hospital care for chronic diseases and who have no eligibility for hospital care under laws governing the Veterans Administration, or who having eligibility do not elect hospitalization as Veterans Administration beneficiaries. Care under this section is subject to the following conditions:

(a) Persons defined in this section who are members or former members of the active military, naval, or air service must agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey, and enlisted personnel of the Army, Navy, Marine Corps, and Air Force.

(b) Under this section, the term "chronic diseases" shall include chronic arthritis, malignancy, psychiatric disorders, poliomyelitis with residuals, neurological disabilities, diseases of the nervous system, severe injuries to the nervous system, including quadriplegia, hemiplegia and paraplegia, tuberculosis, blindness and deafness requiring definitive rehabilitation, disability from major amputation, and other diseases as may be agreed upon from time to time by the Chief Medical Director and designated officials of the Department of Defense and Department of Health, Education, and Welfare. For the purpose of this section, blindness is defined as corrected visual acuity of 20/200 or less in the better eye, or corrected central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that its widest diameter subtends the widest diameter of the field of the better eye at an angle no greater than 20°.

(c) In the case of persons who are former members of the Coast and Geodetic Survey, care may be furnished under this section even though their retirement for disability was from the Environmental Science Services Administration, provided any such person was transferred to that organization from the Coast and Geodetic Survey pursuant to Reorganization Plan No. 2 of 1965 (30 F.R. 8819; 3 CFR 1965 Supp.).

8. In § 17.47, paragraphs (b)(2) and (c)(2) are amended to read as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval, or air service.

* * * * *

(b) Hospital care for:

* * * * *

(2) Persons defined in § 17.46b who require hospitalization for chronic diseases incurred in line of duty.

(c) Hospital or domiciliary care:

* * * * *

(2) Hospital care for persons defined in § 17.46b who require hospital care for chronic diseases not incurred in line of duty.

* * * * *

9. In § 17.48, paragraph (b) is revoked and paragraphs (c) through (g) are redesignated (b) through (f) so that the redesignated material reads as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

* * * * *

(b) Under paragraph (c)(3) of § 17.47:

(1) "No adequate means of support." When an applicant is receiving an income of $200 or more per month from any source for his own use, this fact will be considered prima facie evidence that he has adequate means of support. This is subject to rebuttal by a showing that his income is not adequate to provide the care required by reason of his disability or that the income is not available for his use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Director for decision.

(c) Under paragraph (d) of § 17.47:

(1) "A disability, disease, or defect" will comprehend any acute, subacute, or chronic disease (of a general medical, tuberculous, or neuropsychiatric type) or any acute, subacute, or chronic surgical condition susceptible of cure or decided improvement by hospital care; or any condition which does not require hospital care for an acute or chronic condition but requires domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed. To be entitled to domiciliary care, the applicant must consistently have a disability, disease, or injury which is essentially chronic in type and is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period.

(2) "Unable to defray the expense of hospital or domiciliary care (including the expense of transportation to and from a Veterans Administration facility)"—the affidavit of the applicant on VA Form 10–P–10 that he is unable to defray the expenses of hospital or domiciliary care (including transportation to and from a Veterans Administration facility) will constitute sufficient warrant to furnish hospitalization or domiciliary care (including Government transportation to cover transportation to the facility).

(d) Persons hospitalized pursuant to paragraph (c)(1) or (d) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

(1) (i) Membership in a union, fraternal or other organization;

(ii) Rights under a group hospitalization plan, or under any of the prepay medical care or insurance contracts or plans which provide for payment or reimbursement in whole or in part, for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered;

(iii) "Workmen's Compensation" or "employer's liability" statutes, State or Federal; and

(iv) Right to maintenance and cure in admiralty, or

(2) By reason of statutory or other relationships with third parties, including those liable for damages because of negligence or other legal wrong;

will not be furnished hospital care, medical or surgical treatment, without charge therefor to the extent of the amount for which such parties, referred to in subparagraph (1) or (2) of this paragraph, are, or will become liable. Such patients will be requested to execute an appropriate assignment as prescribed in this paragraph. Patients who, it is believed, may be entitled to care under any one of the plans in subparagraph (1) of this paragraph, will be requested to execute VA Form 10–2381, Power of Attorney and Agreement. Those patients who, it is believed, may be entitled to hospital care under the circumstances prescribed in subparagraph (2) of this paragraph will be requested to complete SF 96A. Notice of this assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties.

(e) Women veterans will not be entitled to hospital care for pregnancy and parturition unless it is complicated by a pathological condition.

(f) Within the limits of Veterans' Administration facilities, any veteran who is receiving hospital care in a hospital under the direct and exclusive jurisdiction of the Veterans' Administration, or in a Federal hospital under agreement, may be furnished medical services to correct or treat any non-service-connected disability in addition to treatment for the disability for which he is hospitalized: *Provided*, The veteran is willing, and furnishing the services would (1) be in the veteran's interest, (2) not prolong his hospitalization, and (3) not interfere with the furnishing of medical services under other provisions of Part 17 to other veterans.

10. In § 17.115(b), subparagraph (4) is amended to read as follows:

§ 17.115 Prosthetic and similar appliances.

* * * * *

(b) *As part of hospital care.* The appliances or repairs are a necessary part of inpatient care for any service-connected disability or any non-service-connected disability, if:

* * * * *

(4) The non-service-connected disability is one for which treatment may be authorized under the provisions of § 17.48(f), or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: June 9, 1969.

[SEAL] FRED B. RHODES,
Acting Administrator.

[F.R. Doc. 69–6992; Filed, June 12, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SPECIAL SERVICES; DOMESTIC AND INTERNATIONAL MAIL

In the daily issue of Saturday, May 3, 1969 (34 F.R. 7285), the Department published a notice of proposed rule making proposing increases in the fees for registry, C.O.D., special delivery, and return receipts. The proposed increases were designed to improve the Department's financial posture in the operation of these special services. Proposed effective date was July 1, 1969.

Interested persons were given 30 days within which to submit comments on the proposals. After consideration of all comments received it has been determined to adopt the proposed increases as published in the notice of proposed rule making, without change, except for the effective date.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are hereby made, to be effective July 14, 1969.

PART 161—REGISTRY

In § 161.2 *Fees and liability*, paragraph (a) is amended to read as follows:

§ 161.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $100	$0.80	$0.80
$100.01 to $200	1.05	1.05
$200.01 to $400	1.30	1.30
$400.01 to $800	1.55	1.55
$800.01 to $800	1.80	1.80
$800.01 to $1,000	2.05	2.05
$1,000.01 to $2,000	2.35	
$2,000.01 to $3,000	2.60	$2.05 plus handling charge of 15 cents per $1,000 or fraction over first $1,000.
$3,000.01 to $4,000	2.85	
$4,000.01 to $5,0000	3.10	
$5,000.01 to $6,000	3.40	
$6,000.01 to $7,000	3.65	
$7,000.01 to $8,000	3.90	
$8,000.01 to $9,000	4.20	
$9,000.01 to $10,000	4.45	
$10,000 to $1,000,000	$4.45 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$151.90 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

ADDITIONAL SERVICES	*Extra fee*
C.O.D. (Maximum amount collectible is $200)	$0.70
Restricted Delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and address where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 161.21.

* * * * *

PART 162—INSURANCE

In § 162.2 *Fees*, paragraph (c) is amended to read as follows:

§ 162.2 Fees.

* * * * *

(c) *Return receipts.*

(Not available for mail insured for $15 or less)

	Fee
(1) Requested at time of mailing:	
Showing to whom and when delivered	$0.15
Showing to whom, when, and address where delivered	.35
(2) Requested after mailing:	

	Fee
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 162.23.

PART 163—C.O.D.

Section 163.1 *Fees (in addition to postage)*, is amended to read as follows:

§ 163.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired	*C.O.D. fee*
$0.01 to $10	$0.70
$10.01 to $25	.80
$25.01 to $50	.90
$50.01 to $100	1.00
$100.01 to $200	1.10
Restricted delivery	.50
Notice of nondelivery	.10
Alteration of charges or delivery	.35

NOTE: The corresponding Postal Manual section is 163.1.

PART 166—SPECIAL DELIVERY

In § 166.2 *Payment for special delivery*, paragraph (a) is amended to read as follows:

§ 166.2 Payment for special delivery.

(a) *Special delivery fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
First class, air, and priority mail	$0.45	$0.60	$0.75
All other classes	.65	.75	.90

NOTE: The corresponding Postal Manual section is 166.21.

* * * * *

PART 168—CERTIFIED MAIL

Section 168.3 *Fees*, is amended to read as follows:

§ 168.3 Fees.

Fee in addition to postage	$0.30
Restricted delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and address where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 168.3.

PART 242—REGISTRATION

1. Section 242.3 *Fees*, is amended to read as follows:

§ 242.3 Fees.

For Postal Union mail, the fee is 80 cents. The same fee applies to parcel post. See country items in the appendix of this subchapter. (See § 272.2 of this chapter for indemnity provisions.)

NOTE: The corresponding Postal Manual section is 242.3.

2. In § 242.5 *Return receipts*, paragraph (a)(1) would be amended to read as follows:

§ 242.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 15 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

NOTE: The corresponding Postal Manual section is 242.511.

* * * * *

PART 245—SPECIAL DELIVERY (EXPRESS)

In § 245.3 *Payment*, paragraph (a) is amended to read as follows:

§ 245.3 Payment.

(a) *Fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
Letters, letter packages, post cards, and airmail other articles	0.45	$0.60	$0.75
Surface other articles	.65	.75	.90

NOTE: The corresponding Postal Manual section is 245.31.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505, 507)

DAVID A. NELSON,
General Counsel.

JUNE 10, 1969.

[F.R. Doc. 69-6981; Filed, June 12, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Protests Against Award

The table of contents for Part 5A-2 is amended to add the following new entry:

Sec.
5A-2.407-8 Protests against award.

Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.407-8 is added to require that reports on protests received from the General Accounting Office shall include a statement as to the extent to which delay in award may result in significant supply difficulties.

§ 5A-2.407-8 Protests against award.

(a) Reports to the General Accounting Office (GAO) on FSS cases involving protests received through GAO are prepared by the Procurement Division, Office of General Counsel (LP), and are submitted for concurrence to the Assistant Commissioner for Procurement (FP) or the Assistant Commissioner for Automated Data Management Services (FT), as appropriate. Before concurring, the Assistant Commissioners shall review the decision to delay or to proceed with an award reflected in the statement to be furnished in accordance with paragraph (c) of this section.

(b) When preparing supporting information on protests for submission to the Procurement Division, Office of the General Counsel (LP), Contracting Officers shall ascertain the extent to which delay in award may result in significant supply difficulties.

(c) A statement dealing with the urgency of need, prepared by the Contracting Officer and signed by the Regional Director, FSS, or Director, Procurement Operations Division (FPN), or Director, Special Programs Division (FPA), or Director, ADP Procurement Division (FTP), as appropriate, shall be included with the information submitted to LP.

(1) If the need is not urgent, the statement shall include an estimate of the length of time an award may be delayed without inconvenience.

(2) If the need is urgent, the statement shall set forth the basis for that conclusion.

(3) Where the urgency is so great as to not admit of the delay involved in the preparation of a formal report, telephonic clearance may be obtained by contacting the Assistant General Counsel, Procurement Division, Office of General Counsel.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 4, 1969.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 69-6982; Filed, June 12, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

[Docket No. 1-21]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 114; Theft Protection—Passenger Cars

The Administrator is amending Motor Vehicle Safety Standard No. 114, Theft Protection—Passenger Cars, for the purpose of making several clarifying changes to it. The standard was issued on April 24, 1968 (33 F.R. 6471), and becomes effective on January 1, 1970. After the standard was issued, the Administrator received a number of requests for interpretations or clarifying amendments. While each of the requests discussed below could have been disposed of by interpretation of the present standard, the Administrator has chosen to change the text of the standard in order to ensure that it is clear on its face.

Paragraph S4.1(b) of the standard, as adopted, requires each passenger car to have a key locking system that, with the key removed, will prevent "either steering or self-mobility of the car or both." Several persons pointed out that a literal interpretation of this provision would require a manufacturer who seeks to comply with the self-mobility requirement to install a system that prevents both forward and rearward self-mobility. In view of the improbability of a successful theft of a car capable only of rearward self-mobility, the Administrator agrees that such a literal interpretation would not be consistent with the general purpose of the standard. Therefore, paragraph S4.1(b) is being clarified by inserting the word "forward" before the word "self-mobility".

Several persons sought clarification of paragraph S4.4, which requires activation of a warning to the driver whenever the key has been left in the locking system and the driver's door is opened. The purpose of this provision is to prevent, as far as possible, drivers from inadvertently leaving the key in the ignition lock when the car is unoccupied. As stated in the preamble to the standard when it was adopted, "the standard requires each car to be equipped with a device to remind drivers to remove the key when leaving the car".

It was pointed out that a literal reading of the phrase "left in the locking system" would require activation of the warning regardless of the extent to which the key is inserted in the lock, even if the driver deliberately chooses to withdraw it partially from the lock. These comments argued that it was practically impossible to design a warning system that would function if, for example, the key is so far removed as to be dangling from the locking mechanism. It was the purpose of this provision to require activation of the warning device whenever the key is left in the lock in a position from which the lock can be turned. Once the driver has withdrawn the key beyond the position, he is presumably aware of the location of the key, and no warning need be given to him. Paragraph S4.4 is being amended to clarify this intent.

Paragraph S4.4 is also being amended to avoid the possibility of an interpretation that would prohibit use of a type of locking system and steering lock that has, in the past, been a successful deterrent against theft. In this system, the warning to the driver works in conjunction with the activation of the steering lock device. The steering lock is not deactivated when the key, after having been withdrawn from the ignition lock, is simply reinserted in the locking system. Nor is the warning to the driver actuated until the key is turned so that the steering lock is deactivated. As noted above, the purpose of paragraph S4.4 is not to guarantee that drivers will remove the key upon leaving the car; rather, it seeks to insure that drivers do not inadvertently leave their keys in ignition locks. In all but a very small number of cases, a driver who has withdrawn and then reinserted the key cannot be said to have inadvertently left it in the locking system when he thereafter exits from the car. Therefore, paragraph S4.4 is being amended to make it clear that the warning device need not operate after the key has been removed and reinserted in the locking system without turning the key.

Finally, several persons pointed out that the language of paragraph S4.4 would require activation of the warning device even if the locking system is in the "on" or "start" position. A positive physical act is usually required to bring the system to the "on" position or the "start" position. Moreover, a forgetful driver would not normally leave the key in the "on" position if he opened his door with the intent of leaving the car unattended. In most cases, it is impossible for him to leave the key in the "start" position without physically holding it in that position. Hence, no valid purpose would be served by requiring the warning to be activated when the locking system is in either of those positions, and the standard is being amended to omit any implication that such a requirement is imposed.

Since these changes are clarifying and interpretive in nature, and since they impose no additional burden on any person, I find that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 114 (33 F.R. 6741) is amended, effective January 1, 1970, as set forth below.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.4(c))

Issued on June 9, 1969.

F. C. TURNER,
Federal Highway Administrator.

1. Paragraph S4.1 is amended to read as follows:

S4.1 Each passenger car shall have a key-locking system that, whenever the key is removed will prevent—

(a) Normal activation of the car's engine or other main source of motive power; and

(b) Either steering or forward self-mobility of the car, or both.

2. Paragraph S4.4 is amended to read as follows:

S4.4 A warning to the driver shall be activated whenever the key required by S4.1 has been left in the locking system and the driver's door is opened. The warning to the driver need not operate—

(a) After the key has been manually withdrawn to a position from which it may not be turned;

(b) When the key-locking system is in the "on" or "start" position; or

(c) After the key has been inserted in the locking system and before it has been turned.

[F.R. Doc. 69-6993; Filed, June 12, 1969; 8:46 a.m.]

[Docket No. MC-5; Notice 69-11]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Tires

NOTE: The document below was inadvertently published as a Notice of Proposed Rule Making on page 9088, in the issue of Saturday, June 7, 1969.

The Federal Highway Administrator published in the FEDERAL REGISTER of June 12, 1968 (33 F.R. 8604), a notice of proposed rule making proposing amendment to § 393.75 *Tires* (formerly § 293.75), of the Motor Carrier Safety Regulations, and inviting responses from interested persons desiring to participate in the rule-making procedure. Responses from 257 persons have been received, evaluated, and given full consideration.

After studying all the comments and test data, it is concluded that tire tread groove depth is a major factor in insuring effective traction on wet surfaces and that it is in the interest of the public safety to require a minimum tread pattern groove depth for tires used on the wheels of commercial vehicles.

A number of comments submitted by truckers and retreaders argued that the proposed prohibition on the use of recapped and retreaded tires on front wheels should be deleted. These parties assert that (1) as a matter of industry practice recapped or retreaded tires are generally not used on the front wheels of commercial vehicles; and (2) in those instances where it is the practice to use recapped or retreaded tires on the front wheels the proposed prohibition would increase operating costs. The position of these parties is that the proposal is both unnecessary and unfair because, in most instances, industry voluntarily does not use recapped or retreaded tires on front wheels but those truck operators that do so would suffer an economic hardship.

The argument is also made that there is no support for the position that retreaded and recapped tires are unsafe when used on the front wheels of trucks.

It is indeed difficult to categorically state and fully support the proposition that the use of such tires on the front wheels is unsafe. On the other hand, the fact that it is the general practice not to use such tires on front wheels of trucks is certainly a strong indication that they are less safe than new tires when used in that position. The prohibition has not been included in this regulation, however, the matter is considered of great importance and is still under serious consideration and investigation.

A large number of persons involved in the retreading industry requested that regrooved tires and retreaded tires be controlled by separate regulations. The fact that the prohibition of the use of regrooved, recapped, or retreaded tires on the front wheels of buses is contained within the same section of the regulation does not indicate a lack of understanding of the substantial differences among these processes.

Section 393.75(e) of the proposed regulations spelled out specific requirements for regrooved tires used on the wheels of commercial vehicles. Because the Federal Highway Administration has issued regulations setting forth the conditions under which regroovable and regrooved tires may be sold, offered for sale, or introduced for sale or delivered for introduction into interstate commerce, 49 CFR Part 369 (34 F.R. 1149), and the requirements of § 393.75 of this regulation as amended herein apply to all tires used on the wheels of commercial vehicles, including regrooved tires, it was considered unnecessary to provide a separate subsection setting forth requirements for regrooved tires within the Motor Carrier Safety Regulations. The regulations issued as Part 369 establish criteria under which tires may be regrooved; they are not inconsistent, or in conflict, with the regulations issued herein.

In view of the above, § 393.75 of the Motor Carrier Safety Regulations (49 CFR Part 393) is amended as set forth below, effective July 1, 1969. This amendment is made under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6, of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

§ 393.75 Tires.

(a) No motor vehicle shall be operated on any tire that has fabric exposed through the tread or sidewall.

(b) Any tire on the front wheels of a bus, truck, or truck tractor shall have a tread groove pattern depth of at least $\frac{4}{32}$ of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.

(c) Except as provided in paragraph (b) of this section, tires shall have a tread groove pattern depth of at least $\frac{2}{32}$ of an inch when measured in a major tread groove. The measurement shall not be made where tie bars, humps or fillets are located.

(d) No bus shall be operated with regrooved, recapped or retreaded tires on the front wheels.

(e) No truck or truck tractor shall be operated with regrooved tires on the front wheels which have a load carrying capacity equal to or greater than that of 8.25–20 8 ply-rating tires.

Issued in Washington, D.C., June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-6676; Filed, June 6, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ROCKY MOUNTAIN NATIONAL PARK, COLO.

Fishing, Trucking, Boats, Climbing, and Winter Touring

Notice is hereby given that pursuant to the authority contained in section 3 of the act of January 26, 1915 (38 Stat. 798, as amended; 16 U.S.C. 3), section 4 of the act of January 26, 1915 (38 Stat. 798, 16 U.S.C. 195), 245 DM1 (27 F.R. 6395), National Park Service Order No. 4 (31 F.R. 5769), as amended, it is proposed to revise § 7.7 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to eliminate material regulating fires, fishing, report of accidents by wrecker operators, commercial automobiles and buses, eating and drinking establishments on privately owned lands, dogs, cats, and domestic pets, boats, and sanitation in the back country, which are no longer needed in view of the provisions of Parts 2, 3, 4, and 5 of this chapter. The revision also provides an amendment to the commercial trucking regulations, and amends the required registration for climbing and winter back country trips.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Rocky Mountain National Park, Estes Park, Colo. 80517, within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 7.7 is revised to read as follows:

§ 7.7 Rocky Mountain National Park.

(a) *Fishing.* Bear Lake and Black Canyon Creek are closed to fishing.

(b) *Trucking.* The Superintendent may issue permits for trucking on park roads by ranchers, farmers, and business concerns located in the counties of Larimer, Boulder, and Grand, Colo., when the loads carried originate and terminate within these counties. Fees will be charged for such trucking over Trail Ridge Road as provided in § 6.4(a) of this chapter.

(c) *Boats.* (1) The operation of motorboats is prohibited on all waters of the park.

(2) All vessels are prohibited on Bear Lake.

(d) *Mountain climbing.* Registration with a park ranger is required prior to all technical mountain climbing. Upon completion of climbing, the registrant is required to check out in the manner specified by the registering official. The term "technical climbing" means climbing where technical aids such as pitons, carabiners, ropes, expansion bolts, crampons, ice axes, or other mechanical equipment is used to make the climb.

(e) *Winter back country trips.* Registration with a park ranger is required prior to winter overnight travel on foot or by use of skiis, snowshoes, or other mechanical means. Upon completion of the trip, the registrant is required to check out in the manner specified by the registering official. Calendar dates when registration is required will be determined and posted by the Superintendent.

THEODORE R. THOMPSON,
Superintendent,
Rocky Mountain National Park.

[F.R. Doc. 69-6969; Filed, June 12, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 61]

COTTONSEED

Fee and Linters Factor

On May 15, 1969 a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7705) regarding the amendment of § 61.45 of the Regulations for Cottonseed Sold or Offered for Sale for Crushing Purposes (7 CFR Part 61, Subpart A) to increase the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them from 40 cents to 50 cents and § 61.102(b) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR Part 61, Subpart B) to revise the table of premiums and discounts for total linters content of cottonseed.

The notice provided for interested parties to submit comments within 30 days after the date of publication in the FEDERAL REGISTER. Requests have been received to provide an additional period for submission of comments regarding the proposed amendment. Therefore, notice is hereby given to provide for an extension of time until June 30, 1969, for submitting comments. It is now proposed that these amendments would be made effective about July 15, 1969.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 30, 1969. All written submissions made pursuant to this notice shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: June 10, 1969.

JOHN E. TROMER,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7016; Filed, June 12, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 519]

EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

Proposed Change in Conditions for Certificates

A petition has been received from the National Restaurant Association to amend the Department of Labor's rules governing the employment of full-time students at special minimum wages less than the full minimum required under the Fair Labor Standards Act. Section 14(b) of that Act provides that under certificate the proportion of full-time student hours at special minimum wages to total hours of employment in an establishment may not exceed the proportion of student hours to total hours for the corresponding month of the base year specified in the Act.

The present rules (29 CFR Part 519) issued under section 14 (b) and (c) provide that in determining the base-month proportion, only those hours of full-time student employment at less than $1 an hour are considered creditable. The petition of the National Restaurant Association asks for an amendment of the rules to remove this $1 an hour limitation.

A review of experience under the rules indicates that the $1 an hour limitation has prevented or restricted issuance of certificates to otherwise qualified employers who paid most or all of their students $1 or more an hour during some or all of the months in the base year. While there was good and sufficient reason for providing a $1 an hour limitation in the past, it is believed that a lifting of the student wage limitation in the base year would permit additional employment of full-time students without reducing the full-time employment opportunities of other persons.

Accordingly, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), Secretary's Order No. 19–67 (32 F.R. 12980), and 29 CFR 519.10, I propose to amend §§ 519.4(f) and 519.6 (c) of Part 519 of Title 29 of the Code of Federal Regulations. The proposal would

substitute the minimum hourly wage prescribed by the Fair Labor Standards Act, as amended, in effect at the time of an application for a certificate for the $1 an hour student wage limitation in the "base year".

1. Section 519.4 would be amended as follows:

§ 519.4 Procedure for action upon an application.

• • • • •

(f) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment employed full-time students in the base year at wages below the applicable minimum hourly wage prescribed by the Fair Labor Standards Act in effect at the time of application except as provided in § 519.6(e). For this purpose the applicable minimum wage in an establishment for which the 1960–61 base year applies is that prescribed by section 6(a)(1) of the Act, i.e., $1.60 an hour, but the applicable minimum wage in an establishment in Puerto Rico, the Virgin Islands, and American Samoa is for this purpose that prescribed in the relevant industry wage order published in this chapter. The applicable minimum wage for this purpose in a retail or service establishment for which the 1966–67 base year applies is that prescribed by section 6(b) of the Act, i.e., $1.30 an hour until February 1, 1970; $1.45 an hour between February 1, 1970, and January 31, 1971; and $1.60 an hour thereafter, and the applicable minimum wage for this purpose in agriculture is that prescribed in section 6(a)(5) of the Act; i.e., $1.30 an hour. As in the case of the 1960–61 base year, establishments in Puerto Rico, the Virgin Islands, and American Samoa will look to the wage orders in this chapter for the applicable minimum wage.

• • • • •

2. Section 519.6 would be amended as follows:

§ 519.6 Terms and conditions of employment under full-time student certificates.

• • • • •

(c) (1) During any month in which full-time students are to be employed at special minimum wages the percentage derived by the total number of hours worked by full-time students at special minimum wages divided by the total number of hours worked by all employees shall not exceed the same percentage computed for the base period, comparing total hours worked by full-time students at less than the applicable minimum wage in effect at the time of application with total hours for all employees.

(2) For example, Establishment A is an establishment of the type covered by the Fair Labor Standards Act before the 1966 amendments, with a base year from May 1960 through April 1961. In Establishment A, full-time students employed at less than $1.60 an hour worked 900 hours in July 1960, and the total hours of employment of all employees in the establishment in that month were 10,000; the ratio of such full-time student hours to all hours of employment therefore is 9 percent. In July 1969, if the hours of employment at Establishment A are 12,000, then not more than 9 percent, or 1,080, of these hours, may be compensated at special minimum wages for full-time students.

(3) Also, for example, Establishment B is an establishment of the type made subject to the Fair Labor Standards Act by the 1966 amendments; its base year is the 12-month period prior to February 1, 1967. Establishment B files an application in June 1969, reporting that in July 1966 its total hours of employment for all employees were 5,000 of which 450 were worked by full-time students paid less than $1.30 an hour. The percentage of such full-time student hours to all hours of employment is therefore 9 percent. In July 1969, if the total hours of employment of Establishment B are 6,000, then not more than 9 percent, or 540, of these hours may be compensated at special minimum wages for full-time students.

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(Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 9th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-6985; Filed, June 12, 1969; 8:46 a.m.]

[29 CFR Parts 601, 657, 671, 673, 683, 699, 720]

[Administrative Order No. 607]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	Industry
84–A	Shoe and Related Products Industry in Puerto Rico (as defined in 29 CFR 601.1).
84–B	Rubber Products Industry in Puerto Rico (as defined in 29 CFR 720.1).
85	Textile and Textile Products Industry in Puerto Rico (as defined in 29 CFR 699.1).
86	Tobacco Industry in Puerto Rico (as defined in 29 CFR 657.1).
87–A	Retailing, Wholesaling, and Warehousing Industry in Puerto Rico (as defined in 29 CFR 683.1).
87–B	Communications, Utilities, and Transportation Industry in Puerto Rico (as defined in 29 CFR 671.1).
88	Food and Related Products Industry in Puerto Rico (as defined in 29 CFR 673.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees.

(b) Refer to each of these industry committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned.

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 84–A shall meet in executive session to commence its investigation at 9:30 a.m. on August 4, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m., on the same date at the same place. Following this hearing, Industry Committee No. 84–B will meet at the same place to conduct its investigation and to hold its hearing.

Industry Committee No. 85 shall meet in executive session to commence its investigation at 9:30 a.m. on August 11, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place.

Industry Committee No. 86 shall meet in executive session, to commence its investigation at 9:30 a.m. on August 25, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place.

Industry Committee No. 87–A shall meet in executive session to commence its investigation at 9:30 a.m. on October 13, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh, Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place. Following this hearing, Industry Committee No. 87–B will immediately convene at the same place to conduct its investigation and to hold its hearing.

Industry Committee No. 88 shall meet in executive session to commence its investigation at 9:30 a.m. on October 20, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place.

Each committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of $1.60 an hour for work which would have been covered by section 6 of the Act if it had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966. Nor shall the committee recommend minimum wage rates in excess of $1.30 an hour for the period ending January 31, 1970, nor in excess of $1.45 an hour for the period ending January 31, 1971, nor in excess of $1.60 per hour thereafter, for work brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

Whenever any industry committtee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minmum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the U.S. Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, i.e., July 25, 1969, for matters to be considered by Industry Committees Nos. 84–A and 84–B; August 1, 1969, for matters to be considered by Industry Committee No. 85; August 15, 1969, for matters to be considered by Industry Committee No. 86; October 3, 1969, for matters to be considered by Industry Committee Nos. 87–A and 87–B; and October 10, 1969, for matters to be considered by Industry Committee No. 88.

Signed at Washington, D.C., this 6th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-6986; Filed, June 12, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 65]

[Docket No. 9646; Notice 69-25]

AIR TRAFFIC CONTROL TOWER OPERATOR CERTIFICATE

Proposed Reduction of Minimum Age

The Federal Aviation Administration is considering amending Part 65 of the Federal Aviation Regulations to reduce the minimum age for eligibility for an air traffic control tower operator certificate from 21 to 18 years.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 12, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 65.31 provides that a person must be at least 21 years of age or, in the case of a member of an Armed Force, at least 18 years of age to be eligible for an air traffic control tower operator certificate. There is no corresponding minimum age for an air traffic control specialist who works in an air route traffic control center or a flight service station; these positions are not included in the definition of "airman" in the Federal Aviation Act of 1958.

A shortage of qualified air traffic control tower operators exists in many sections of the country. In an effort to reduce this shortage, the Civil Service Commission has changed the applicable qualification standards to allow hiring air traffic control personnel at an earlier age. In addition, the Department of Defense notifies the FAA of the release date for military air traffic control specialists, thereby providing the FAA with a known source of qualified applicants, many of whom may be under the age of 21. However, it may not certificate them, or utilize them effectively as air traffic control tower operators until they become 21 years of age.

Minimum ages for airman certificates are established in the interest of safety after considering qualifications such as maturity and judgment that the certificate holder should possess to exercise the duties and responsibilities attendant upon the certificate. The age of 18 years has been accepted as the minimum age for a commercial pilot certificate. Also, the Armed Forces have long employed persons as young as 18 years as air traffic control tower operators controlling military and civil aircraft without encountering problems attributable to the earlier age at which they were certificated.

It is now proposed that 18 years should be fixed as the minimum age for certificating air traffic control tower operators. This would enable the FAA to utilize more effectively younger employees by making it possible for them to reach journeyman status in control tower positions, where they are urgently needed, at an earlier age. Under § 65.35, a certificated controller still would not receive a rating to control aircraft at any particular airport until he shows the qualifications to perform the duties of an operator at that airport. Therefore, the reduction of the minimum age for obtaining a certificate would not itself derogate safety.

In consideration of the foregoing, it is proposed to amend § 65.31 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a) to read as follows:

§ 65.31 Eligibility requirements: general.

To be eligible for an air traffic control tower operator certificate, a person must—

(a) Be at least 18 years of age;

• • • • •

2. By striking out the flush sentence at the end of the section.

This amendment is proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

FEDERAL REGISTER, VOL. 34, NO. 113—FRIDAY, JUNE 13, 1969

Issued in Washington, D.C., on June 6, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-6978; Filed, June 12, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-AL-3]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the effective period of the Minchumina, Alaska, control zone.

The Minchumina control zone is effective from 0745 to 1545 local time, Wednesday through Sunday. These times coincide with the hours of operation of the Minchumina Flight Service Station.

So as to provide FSS services during the periods when Wien Consolidated Airlines operates at Minchumina, we are considering a change in the days that the FSS operates. If the days of operation of the Minchumina FSS are changed, the effective period of the control zone will require changing. Weather observations required to support the control zone designation are taken by the FSS specialist only during the period the FSS is in operation.

In order to allow for anticipated variation in times of designation, it is proposed to make the Minchumina control zone effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before final action is taken on this proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on June 4, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-6979; Filed, June 12, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-60]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Orangeburg, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Orangeburg transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport; within 4 miles each side of the 226° bearing from the Orangeburg RBN (lat. 33°26'23" N., long. 80°52'41" N.), extending from the 7.5-mile radius area to 9.5 miles southwest of the RBN.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Orangeburg Airport, utilizing the Orangeburg (private) nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 3, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-6980; Filed, June 12, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 157]

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVEGROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance

JUNE 6, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission proposes to issue a statement of policy and amend the regulations under the Natural Gas Act, relating to the practices which should be followed by natural gas pipeline companies in the planning, locating, clearing, and maintenance of rights-of-way and the construction of aboveground facilities. The proposed policy statement sets forth guidelines which should be followed and provides that, if not followed, the Commission reserves the right to determine the appropriateness of those guidelines adopted by individual pipeline companies. The proposed amendments to the regulations require the filing of two new exhibits setting forth (a) the consideration given by the Applicant to the feasibility of using existing, rather than additional, rights-of-way and the effect of the proposed facilities upon scenic, historic, and recreational values and (b) whether the guidelines contained in the proposed policy statement have been adopted and, if not adopted, what guidelines have been adopted.

2. The construction of natural gas facilities can affect scenic, historic, and recreational values which are factors to be considered as part of the public interest by the Commission in determining whether facilities proposed to be constructed are required by public convenience and necessity. The Commission believes that rights-of-way should be selected to minimize conflict between the natural gas pipeline company rights-of-way and other present and foreseeable uses of the land on which they are to be located.

From our general knowledge, it appears that the proposed guidelines are consistent with the present practices of many natural gas pipeline companies. It has come to the Commission's attention, however, that some facilities authorized by certificates granted under the Natural Gas Act may not have been constructed with adequate consideration of the effect on aesthetic values. Accordingly, the Commission proposes to issue a policy statement and to amend its regulations under the Natural Gas Act to set forth guidelines for the selection, clearing, and maintenance of rights-of-way routes and the construction and maintenance of aboveground facilities and to require the filing of specific information concerning route selection and construction and maintenance practices. The proposed guidelines are adapted from those set forth in the Report of the Working Committee on Utilities which was submitted

on December 27, 1968, to the Vice President of the United States, who was Chairman of the President's Council on Recreation and Natural Beauty.

3. The Commission proposes, subject to consideration of comments by interested parties, to amend Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.66 to read as follows:

§ 2.66 Guidelines to be followed by natural gas companies in the planning, locating, clearing, and maintenance of rights-of-way and the construction of aboveground facilities.

(a) In the interest of preserving scenic, historic, and recreational values, the construction and maintenance of facilities authorized by certificates granted under section 7(c) of the Natural Gas Act should be undertaken in a manner that will minimize adverse effect on these values. Accordingly, the Commission believes that the planning, locating, clearing, and maintenance of rights-of-way and the construction of aboveground facilities should, as a general practice, conform to the guidelines set forth below.

(1) *Pipeline construction.* (i) Rights-of-way should avoid scenic, recreational, and historic areas where practical. If rights-of-way must be routed through scenic, recreational, or historic areas, they should be located in corridors least visible from areas of public view.

(ii) Rights-of-way should avoid heavily timbered areas and steep slopes, where practical.

(iii) Right-of-way clearings should be kept to the minimum width necessary to prevent interference of trees and other vegetation with the proposed transmission facilities. Trees which would interfere with construction of the proposed transmission facilities should be selectively cut and removed.

(iv) The time and method of clearing rights-of-way should take into account matters of soil stability, protection of natural vegetation and the protection of adjacent resources.

(v) Trees and other vegetation cleared from rights-of-way in areas of public view should be disposed of without undue delay. If trees and other vegetation are burned, local fire and air pollution regulations should be observed. Tree stumps which are adjacent to roads and other areas of public view should be cut close to the ground or removed.

(vi) Trees, shrubs, grass, and top soil which are not cleared should be protected from damage during construction.

(vii) Efforts should be made to prevent clearance of rights-of-way to the mineral soil, except in the ditch itself. Where this does occur in scattered areas of the rights-of-way, the top soil should be replaced and stabilized without undue delay by the planting of appropriate species of grass, shrubs, and other vegetation which are properly fertilized.

(viii) Soil which has been excavated during construction and not used should be evenly filled back onto the cleared area or removed from the site. The soil should be graded to comport with terrain of the adjacent land, and the top soil should then be replaced and appropriate vegetation planted and fertilized.

(ix) Terraces and other erosion control devices should be constructed where necessary to prevent soil erosion on slopes on which rights-of-way are located.

(x) Where rights-of-way cross streams or other bodies of water, the banks should be stabilized to prevent erosion. Construction on rights-of-way should not damage shorelines, recreational areas or fish and wildlife habitats.

(xi) Replacement of earth adjacent to water crossings should be at slopes less than the normal angle of repose for the soil type involved and sodding or seeding should be accomplished without undue delay.

(xii) Rights-of-way should cross streams or other bodies of water at low lands rather than at high banks or wild areas, where practical.

(xiii) Blasting should not be done within or near stream channels without adequate protection for fish and other aquatic life.

(xiv) Consideration should be given to use of the so-called "jacking" technique for laying pipe beneath stream beds where approach elevations and soil conditions permit, and where distance and size of pipe are suitable.

(xv) Cofferdam techniques to lay pipe across streams should be used where necessary to permit full flow in one part of the stream while construction work is being performed in another part.

(xvi) Care should be taken to avoid oil spills and other types of pollution while work is performed in streams and other bodies of water.

(xvii) Water used for pipe testing purposes and taken from streams or other bodies of water should be limited to volumes which will not cause harm to the ecology or aesthetics of the area. When the testing water is released, it should be done at least one-fourth mile from the streams or bodies of water into vegetation on levels upland so as not to cause erosion and siltation.

(xviii) Rights-of-way strips through forest and timber areas should be deflected and should follow irregular patterns, provided the overall length is not extended unduly. This will prevent the rights-of-way from appearing as tunnels cut through the timber.

(xix) Rights-of-way strips through forest and timber areas should be cleared with curved, undulating boundaries and trimmed to comport with the topography of the terrain.

(xx) Small trees and plants should be used to feather back the rights-of-way from grass and shrubbery to larger trees.

(xxi) Rights-of-way should not cross hills and other high points at the crests, particularly where such crossing is in forested areas and clearly visible from the highway.

(xxii) Roads used during construction should be stabilized without undue delay by erosion control measures and the planting of appropriate grass and other vegetation. These roads should be designed for proper drainage, and water bars to control soil erosion should be installed.

(xxiii) Rights-of-way should cross hills and mountains obliquely rather than straight up and down the sides.

(xxiv) Where rights-of-way enter dense timber from a meadow or other clearing, trees should be feathered in at the entrance of the timber for a distance of 150–200 yards.

(xxv) Native shrubs and trees should be left in place or planted randomly, with the necessary allowance for safety, near the edges of rights-of-way adjacent to roads.

(2) *Right-of-way maintenance.* (i) Once a cover of vegetation has been established on a right-of-way, it should be properly maintained.

(ii) Access roads and service roads should be maintained with grass cover, water bars and the proper slope in order to prevent soil erosion. They should be jointly used with other utilities, where practical.

(iii) In scenic areas, when chemicals are used for weed control, etc., they should be applied in late autumn or early spring to minimize the impact of temporary discoloration of the foliage. Chemical growth retardants which would cause permanent discoloration of the foliage should not be used. Care should be taken to assure that chemicals used to control the growth of tree stumps do not damage other vegetation.

(iv) During inspection of rights-of-way attention should be given to locate gullies and fallen timber and to observe the condition of the vegetation. The use of aircraft to inspect and maintain rights-of-way should be encouraged.

(3) *Construction of aboveground appurtenant facilities.* (i) The proposed design and location of compressor stations, and other aboveground facilities, including meter and regulator stations and communication towers, should be made available to local agencies which have jurisdiction over these matters sufficiently in advance of construction deadlines to permit adequate review.

(ii) Unobtrusive sites should be selected where practical for the location of aboveground facilities.

(iii) Potential noise should be considered when the location for compressor stations is being determined. Such facilities should be located in areas where sound will not be resonated.

(iv) The size of aboveground facilities should be kept to the minimum feasible.

(v) The design of the exterior of compressor stations and other aboveground facilities should comport with the surroundings and other buildings in the area.

(vi) Trees and shrubs should be planted in the areas adjacent to aboveground facilities in order to both conceal and enhance their appearance.

(vii) Storage tanks should be placed below ground where technology and economics make it feasible. If storage tanks must be placed aboveground, their

appearance should be enhanced by planting of appropriate trees and shrubs.

(viii) Yards and surrounding areas should be kept clean and free of unused or discarded materials.

(b) If an applicant requesting a certificate to construct facilities under section 7(c) of the Natural Gas Act has not adopted the guidelines in paragraph (a) of this section, the Commission reserves the right in such certificate proceeding to determine the appropriateness of the construction and maintenance guidelines that have been adopted.

4. The Commission proposes to amend § 157.14(a), Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations by adding new subparagraphs (6a) and (6b) to read as follows:

§ 157.14 Exhibits.

(a) *To be attached to each application.* • • •

(6a) *Exhibit F–I—Factors considered in location of facilities.* A statement explaining why the location of facilities shown in Exhibit F was selected. The statement shall include the following:

(i) Explanation of what consideration was given to using, enlarging or extending existing rights-of-way belonging either to applicant or to others such as pipelines, electric power lines, and railroads.

(ii) Explanation of what consideration was given to the effect of proposed facilities upon scenic, historic and recreational values. This explanation should indicate whether the proposed construction will have any effect on any of the districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, and culture, that are included in the National Register maintained by the Secretary of the Interior in accordance with Public Law 89–665 (1966), sec. 101(a)(1).

(iii) List of Federal, State and local agencies which were consulted prior to the filing of the application with respect to matters of facility location and scenic, historic and recreational values.

(6b) *Exhibit F–II—Statement of instructions to employees or agents of applicant concerning right-of-way and construction activities.* A statement indicating whether the guidelines set forth in § 2.66 of this chapter have been issued as instructions to construction personnel of applicant, contractors, subcontractors, and right-of-way agents for all right-of-way acquisition activity and construction done for applicant. If applicant has not adopted these guidelines it shall file a copy of the instructions it has issued.

• • • • •

5. These amendments to the Commission's General Policy and Interpretations and to the regulations under the Natural Gas Act are proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 7, 16, and 20 thereof (52 Stat. 825, 830, 832, 56 Stat. 84, 15 U.S.C. 717f, 717o, 717s).

6. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before July 21, 1969, data, views, and comments in writing concerning the amendments proposed herein. An original and fourteen (14) copies of any such submittals should be filed. The Commission will consider any such submittals before acting on the proposed amendments.

By direction of the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–6954; Filed, June 12, 1969; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50–62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Facility License Amendment

The Commission has issued Amendment No. 5, as set forth below, to Facility License No. R–66 to the University of Virginia. The license authorizes the University of Virginia to possess, use, and operate a pool nuclear reactor on its campus at Charlottesville, Va. This amendment, effective as of the date of issuance, authorizes (1) an increase from 6.9 kilograms to 12.0 kilograms in the total quantity of uranium-235 which the licensee may receive, possess, and use under the license; and (2) an increase in the allocation of special nuclear material from 6.9 kilograms to 12.0 kilograms of uranium-235 to be transferred from the Commission to the licensee.

By letter dated April 24, 1969, the University of Virginia requested authorization to receive, possess, and use additional special nuclear material in the form of new fuel elements in connection with the operation of the reactor. The additional fuel elements will be stored in safe geometry racks until needed for partial refueling of the core in accordance with procedures which have previously been reviewed and approved by the Commission. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated April 24, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of June 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL, *Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.*

FACILITY LICENSE AMENDMENT

[License R–66, Amdt. 5]

The Atomic Energy Commission has found that:

1. The application for amendment dated April 24, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R–66, as amended, is hereby further amended by revising subparagraph 3.B. and paragraph 5 thereof in their entirety as follows:

Subparagraph 3.B.

"B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70 'Special Nuclear Material', to receive, possess, and use up to 12.0 kilograms of contained uranium-235 and 16 grams of plutonium in the Pu-Be source for use in connection with operation of the reactor; and"

Paragraph 5.

"5. Pursuant to § 50.60 of the regulations in Title 10, CFR Chapter I, Part 50, the Commission has allocated to the University of Virginia for use in connection with operation of the reactor, 12.0 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in the application, and 16 grams of encapsulated plutonium. Estimated schedules of special nuclear material transfers to the University of Virginia and returns to the Commission are contained in Appendix 'A' which is attached hereto. Transfers from the Commission to the University of Virginia in accordance with column (2) of Appendix 'A' will be conditioned upon return to the Commission of special nuclear material substantially in accordance with column (3) of Appendix 'A'."

This amendment is effective as of the date of issuance.

Attachment: Appendix A [1].

Date of issuance: June 4, 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL, *Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.*

[F.R. Doc. 69–6951; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. 50–146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Amendment to Operating License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Operating License No. DPR–4. This license applies to the demonstration power reactor owned by the Saxton Nuclear Experimental Corp. (SNEC) which is located near the Borough of Saxton in Liberty Township, Bedford County, Pa. The amendment authorizes the operation of the reactor with Core III at a power level up to 1 megawatt (thermal) in accordance with the application dated April 29, 1969, as modified by Reactor Licensing and agreed to by SNEC.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see (1) the application to operate at 1 mw. t. dated April 29, 1969, with Core III, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) Attachment A to Amendment No. 6 containing changes to the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Item 2 above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of June 1969.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

AMENDMENT TO OPERATING LICENSE

[License DPR–4, Amdt. 6]

The Atomic Energy Commission has found that:

1. The application for amendment dated April 29, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Operating License No. DPR–4, as amended, is hereby further amended as follows:

[1] Filed as part of the original document.

Revise paragraph 3.A. to read as follows:

A. *Maximum power level.* Saxton is authorized to operate the facility at steady-state power levels of up to a maximum of 1 megawatt (thermal).

Add following new paragraph to section 3.B. Technical Specifications:

"The above Technical Specifications are hereby changed by Attachment A appended hereto (designated as Change No. 33) for the operation up to 1 megawatt (thermal) with Core III."

This amendment is effective as of the date of issuance.

Attachment A: Change No. 33 to Technical Specifications.[1]

Date of issuance: June 3, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-6952; Filed, June 12, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20941]

JOHN A. CHAMBERLAIN ET AL.

Notice of Proposed Approval

Joint application of John A. Chamberlain, Reid Crowder Necker, et al., for approval of control relationships under sections 408 and 409 of the Act, Docket 20941.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 10, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Joint application of John A. Chamberlain, Reid Crowder Necker, Aztec Transportation Co., Inc., doing business as Aztec Air Freight, and Aztec Forwarding, Inc., doing business as San Diego Cartage for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20941.

By application filed April 25, 1969, as amended June 2, 1969, John A. Chamberlain and Reid Crowder Necker request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the control relationships resulting from their common ownership of all of the shares of stock of Aztec Transportation Co., Inc., doing business as Aztec Air Freight (Air Freight) and of Aztec Forwarding, Inc., doing business as San Diego Cartage (Cartage).

Air Freight is an applicant to the Board for interstate and international air freight forwarder authority. It presently operates as an intrastate motor common carrier in the State of California, and holds authority from the California Public Utilities Commission to provide intrastate air freight forwarder service. Cartage is a motor common carrier performing pickup and delivery service in the area of San Diego and contiguous municipalities. The individual applicants each own 50 percent of the outstanding shares of stock of Air Freight and Cartage.

The individual applicants also request approval, pursuant to section 409 of the Act of the interlocking relationships involving Air Freight and Cartage arising from their holdings of positions as directors and/or officers of both corporations.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, it is concluded that Air Freight is an air carrier and that Cartage is a common carrier within the meaning of section 408(a) of the Act, and that the common control of the two companies by Messrs. Chamberlain and Necker is subject to that section of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not, essentially, present any new substantive issues.[1] It therefore appears that approval of the control relationships would be consistent with the public interest.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holdings by the individual applicants of positions as director and/or officer of Air Freight and Cartage. However, we conclude that such relationships would come within the scope of the exemptions from section 409 of the Act afforded by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such interlocking relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of the foregoing interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the common control by Messrs. Chamberlain and Necker of Air Freight and of Cartage be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships as described above is sought, under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7006; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 16080; Order 69-6-44]

CONTAINERIZATION

Order Regarding Extension of Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June 1969.

By Order 69-5-47, dated May 12, 1969, the Board granted the carriers 30 days (until June 12, 1969) to continue their discussions on containerization. The carriers met on May 21, 1969, and numerous areas warranting further study were identified, i.e., whether incentive discounts should be established on containers for the forthcoming jumbo jets (B-747, DC-10, L-1011); should incentive discounts be extended to Type A igloo containers owned by the shipper (present discounts apply only to carrier-owned igloos); should the tare weight allowance for shipper-owned Type B, B-2, C, and D containers be increased from 1 pound per cubic foot to 1½ pounds; should the present density incentive of one-third off for poundage in excess of 10 pounds per cubic foot be improved to accelerate dense payloads; and various administrative and procedural issues. Further meetings of the carriers are scheduled for June 11, 30, and July 1, 1969.

By a request filed on May 29, 1969, the carriers[1] ask for an additional 30 days to conclude their discussions.

No person has protested the carriers' request.

Upon consideration of the carriers' request, the Board will grant an additional 30 days for the carriers to continue their discussions on containerization.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. The discussion period granted by ordering paragraph 1 of Order 69-5-47 dated May 12, 1969, is extended through July 11, 1969; and

2. All other terms and conditions of Order 69-5-47, supra, are similarly extended and continue unchanged.

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[1] Cf. Herbert Cohan et al., Order 69-2-129, Feb. 25, 1969, and Trygve B. Lodrup et al., Order E-26288, Jan. 26, 1968, approving control relationships involving air freight forwarders and intrastate motor common carriers.

[1] American Airlines, Inc., Airlift International, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., The Flying Tiger Line Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7007; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-6-38]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 20, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, a rate for a new commodity description has been specified, as indicated in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-26 through R-30, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7008; Filed, June 12, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

[Docket No. 18650; Order 69-6-39]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 20, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-78:
Commodity Item 9509—Handicraft, Namely Handloom Textiles, Brass, Copper, Iron, Wood, Bamboo, Wicker, Paper, Papier Maché and Clay Articles, 100 cents per kg., minimum weight 500 kgs., 80 cents per kg., minimum weight 1,000 kgs., Istanbul to New York.

R-79:
Commodity Item 0220—Cheese 42 cents per kg., minimum weight 500 kgs., Luxembourg to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-78 and R-79, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7009; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 21010]

LAKER AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 19, 1969, at 10 a.m., e.d.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Arthur S. Present.

Dated at Washington, D.C. June 9, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7010; Filed, June 12, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 443]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JUNE 9, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7357-C2-P-69—Upper Peninsula Telephone Co. (New), C.P. for a new fixed station to be located 0.5 mile northeast of Toivola, Mich., to operate on base frequency 152.63 MHz.

7358-C2-P-(2)-69—North Shore Communications, Inc. (KCC483), C.P. for two additional channels on base frequencies 454.025 and 454.300 MHz at station located at No. 8 Sidney Street, Wakefield, Mass.

3921-C2-R-69—Pacific Northwest Bell Telephone Co. (KP2010), Renewal of (Developmental) license expiring July 14, 1969. Term: July 14, 1969 to July 14, 1970.

5586-C2-R-69—South Central Bell Telephone Co. (KLF514), Renewal of (Developmental) license expiring July 1, 1969. Term: July 1, 1969 to July 1, 1970.

Major Amendment

6265-C2-P-(2)-69—Cameron Telephone Co. (KKO357), Amend to delete: C.P. to add a second channel on base frequency 152.81 MHz. All other particulars to remain same as reported on public notice dated Apr. 28, 1969, Report No. 437.

Correction

7060-C2-P-69—Waco Communications, Inc. (KLB498), Correct frequency to read 152.06 MHz. All other particulars same as reported in public notice dated June 2, 1969, Report No. 442.

RURAL RADIO SERVICE

7337-C1-ML-69—Spohn Ranch (KVU62), Modification of license to change frequency to 157.98 MHz. All other terms of the existing license to remain the same.

7338-C1-P-69—Pacific Telephone & Telegraph Co. (KMO36), C.P. to change the antenna system operating on 454.60 MHz communicating with station KMO38 Silver City, Calif. Station location: 217 West Acequia Street, Visalia, Calif.

7355-C1-TC-69—Olney Communications, Inc. (KSQ82), Consent to transfer of control from First National Bank in Olney and Marilyn Walker, Transferors, to: Leslie P. Simpson, Transferee (Temp-Fixed).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

7096-C1-P-69—American Telephone & Telegraph Co. (KKT26), C.P. to add 4030 MHz toward Raymond, Miss., at its station located 4.3 miles south-southeast of Vicksburg, Miss.

7097-C1-P-69—American Telephone & Telegraph Co. (KKT29), C.P. to add 4070 MHz toward Jackson, Miss., at its station located 4.2 miles southeast of Raymond, Miss.

7098-C1-P-69—California Interstate Telephone Co. (KMZ88), C.P. to change antenna system, replace transmitters and change frequencies 6204.7, 6323.3 MHz to 10,915, 11,155 MHz toward Victorville, Calif., via passive reflector at its station located lot 24, Evergreen Road, Wrightwood, Calif.

7099-C1-P-69—California Interstate Telephone Co. (KNL83), C.P. to add 11,445, 11,685 MHz toward Wrightwood, Calif., via passive reflector at its station located 16461 Mojave Drive, Victorville, Calif.

7181-C1-P/ML-69—South Central Bell Telephone Co. (KJH23), C.P. and modification of license to add 6250.0 MHz toward Hawthorne School, Louisville, Ky., at its station located 521 West Chestnut Street, Louisville, Ky.

5632—C1-R-69—South Central Bell Telephone Co. (KZS92), Renewal of developmental license expiring July 1, 1969. Term: July 1, 1969 to July 1, 1970. Temporary units operating in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee.

7339-C1-AL-69—New Mexico State Telephone Co., Consent to assignment of license from New Mexico State Telephone Co., Assignor, to Western States Telephone Co., Inc., Assignee. Station: KTQ86 Espanola, N. Mex.

7340-C1-P-69—General Telephone Co. of Indiana (New), C.P. for a new fixed station to be located at 401 Crisman Road, Portage, Ind., to operate on frequencies 6108.3 and 11,325.0 MHz.

7341-C1-P-69—General Telephone Co. of the Southeast (New), C.P. for a new fixed station to be located at 57 Court Street, Welch, W. Va., to operate on frequencies 5952.6 and 6071.2 MHz.

7342-C1-P-69—General Telephone Co. of the Southeast (KZS51), C.P. to add frequencies 6323.3 and 6204.7 MHz toward Welch, W. Va., via passive reflector, at station located at East River Mountain, 3.1 miles southwest of Bluefield, W. Va.

upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

7091-C2-P-69—Denver & Ephrata Telephone and Telegraph Co. (New), C.P. for a new 1-way station to be located at Ephrata Township Road, 0.8 mile east of Ephrata, Pa., to operate on frequency 43.58 MHz.

7095-C2-P-69—Mobile Communication Service (New), C.P. for a new 2-way station to be located at 24 West Church Street, Harrisburg, Ill., to operate on frequency 152.84 MHz.

7093-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 225 East Chestnut Street, Olney, Ill., to operate on frequency 152.84 MHz.

7094-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 439 South Main Street, Princeton, Ill., to operate on 152.84 MHz.

7095-C2-P-69—Mobile Communication Service (New), C.P. for a new 2-way station to be located at 2810 North Walnut Street, Muncie, Ind., to operate on frequency 152.06 MHz.

7176-C2-P-69—General Telephone Co. of the Midwest (New), C.P. for a new 2-way station to be located at 0.5 mile west of Kearney, Nebr., to operate on 152.69 MHz.

7177-C2-TC-69—Coronet Enterprises, Inc., Spokane, Wash. (KOA271), Consent to transfer of control from: Harold A. Salisbury, Transferor, to: Robert H. Benesch, Arthur E. Swanson, and Norman L. Wilford, Transferees.

7178-C2-P-(4)-69—Mobile Radio Communications, Inc. (KAA275), C.P. for four (4) additional channels to operate on base frequencies 454.075, 454.225, 454.175, 454.125 MHz at station located at 922 Linwood Street, Kansas City, Mo.

7179-C2-AL-69—Mobilfone System, Inc., Consent to assignment of license from: Mobilfone System, Inc., Assignor, to: Sigma Communications Corp., Assignee. Station: KCC484 West Hartford, Conn.

7180-C2-P-69—General Communications Services, Inc. (KOF328), C.P. to change the base frequency to 152.24 MHz; replace transmitter on same; change the antenna system and correct coordinates to read: lat. 32°12'44" N., long. 111°00'19" W. Tucson, Ariz. (1-way).

6968-C2-P-(3)-69—Morrison Radio Relay Corp. (KKJ460), C.P. for an additional transmitter to operate on frequency 35.22 MHz at location No. 1: Houston Street, Fort Worth, Tex. location No. 2: Fidelity Union Towers Building, 1611 Bryan Street, Dallas, Tex., and location No. 3: 400 North East Street, Arlington, Tex. (1-way).

7283-C2-P-(3)-69—South Central Bell Telephone Co. (KIB532), C.P. for additional base channel to operate on frequency 152.81 MHz and change the antenna system operating on frequencies 152.63 and 152.69 MHz at station located at Sharps Ridge, Memorial Park, Knoxville, Tenn.

7336-C2-P-69—Communication Equipment and Service Co. (New), C.P. for a new 1-way station to be located at 1010 College Road, Fairbanks, Alaska, to operate on frequency 158.70 MHz.

7350-C2-MP-(5)-69—Lafayette Radiofone (KKO352), Modification of C.P. to replace base transmitter operating on 152.12 MHz; change the antenna systems operating on 152.03, 152.18, and 152.21 MHz and relocate facilities operating on the following frequencies 152.03, 152.09, 152.12, 152.18 and 152.21 MHz to a new site described as: North side of Southern Pacific Railroad tracks, approximately 1 mile west of Lafayette, La.

7355-C2-TC-69—Olney Communications, Inc., Olney, Ill. (KSJ770), Consent to transfer of control from First National Bank in Olney and Marilyn Walker, Transferors, to: Leslie P. Simpson, Transferee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7343-C1-P-69—New York Telephone (KSD85), C.P. to add frequency 3990 MHz toward Plainview, N.Y., and change the antenna system at station located at 199 Fulton Avenue, Hempstead, N.Y.

7344-C1-MP-69—Glacier State Telephone Co. (KWW96), Modification of C.P. to change frequency to 2162.0 MHz. All other terms of the existing C.P. to remain the same.

7346-C1-P/L-69—Michigan Bell Telephone Co. (New), C.P. and license for a new fixed station located at 1 mile west and 1 mile north of Dansville, Mich., to operate on frequency 3750 MHz.

7347-C1-ML-69—Michigan Bell Telephone Co. (KQA37), Modification of license to add frequency 3890 MHz toward Jackson, Mich., and 6256.5 and 11,155 MHz toward Potterville, Mich., to provide service previously authorized to A.T. & T. KQF60, Parma, Mich. (Informative: Applicant proposes to acquire these facilities from American Telephone & Telegraph Co. and take over the services presently provided thereby by that company. This transaction involves assignment of some, but not all, transmitters authorized for stations now licensed to American Telephone & Telegraph Co. at the above locations.)

7351-C1-ML-69—The Midland Telephone (KPT20), Modification of license to change frequency to 5995.0 MHz. All other terms of the existing license to remain the same.

7352-C1-P-69—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 1 mile south of Stanfield, N.C., to operate on frequencies 3710 and 3790 MHz toward McKay, N.C.

7353-C1-P-69—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at McKay, approximately 4.7 miles south of Mount Gilead, N.C., to operate on frequencies 3750 and 3830 MHz toward Stanfield and Hamlet, N.C.

7354-C1-P-69—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 2 miles east of Hamlet, N.C., to operate on frequencies 3710 and 3790 MHz toward McKay and Montrose, N.C.

3854-C1-R-69—Pacific Northwest Bell Telephone Co. (KPR65), Renewal of (Developmental) license expiring July 6, 1969. Term: July 6, 1969 to July 6, 1970.

Correction

4296-C1-ML-69—American Telephone & Telegraph Co. (KBD35), Correct frequency listed as 6123.8 MHz to read 6123.1 MHz. All other terms same as reported in public notice dated Jan. 27, 1969, Report No. 424.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7085-C1-P-69—Telecommunications, Inc. (KPR28), C.P. to add new point of communication at Centralia, Wash., via power split. Transmitter location: West-southwest of Olympia, Wash., at lat. 46°58'15" N., long. 123°08'30" W. Frequencies: 6011.9, 6041.6, 6130.5, 6160.2, 6264.0, 382.6, and 6412.2 MHz on azimuth 154°48'. (Informative: Applicant proposes to provide the television signals of KOMO-TV, KING-TV, KIRO-TV, KCTS-TV, and KTNT-TV of Seattle and KOIN-TV and KPTV of Portland, Oreg. to Twin City Cablevision, Inc., in Centralia and Chechalis, Wash.)

7086-C1-P-69—TelePrompter Transmission of Kansas, Inc. (KLF92), C.P. to change frequencies to 6212.1, 6271.4, and 6330.7 MHz. Transmitter location: 15 miles south of Spearman, Tex., at lat. 36°00'12" N., long. 101°11'50" W.

7087-C1-P-69—TelePrompter Transmission of Kansas, Inc. (KLF93), C.P. to change frequencies to 5960.0, 6019.3, and 6078.6 MHz. Transmitter location: 10 miles north-northwest of Farnsworth, Tex., at lat. 36°27'09" N., long. 101°01'39" W.

7088-C1-P-69—TelePrompter Transmission of Kansas, Inc. (KAK39), C.P. to change frequencies to 6212.1, 6271.4, and 6330.7 MHz. Transmitter location: Liberal, Kans., at lat. 37°02'09" N., long. 100°54'36" W.

7089-C1-P-69—Microwave Service Co. (KNM56), C.P. to add frequencies 11,115 and 11,405 MHz toward Yucca Valley, Calif., on azimuth 75°30'. Location: 8.8 miles east-northeast of Banning, Calif. at lat. 34°02'17" N., long. 116°48'47" W. (Informative: Applicant proposes to provide the television signals of KMIR-TV and KPLM-TV to Hi-Desert TV Cable, Inc., in Yucca Valley, Calif.)

7090-C1-AL-69—Wentronics, Inc. (KLF26), Consent to assignment of license from Wentronics, Inc., Assignor to Television Cable Service, Inc., Assignee.

INFORMATIVE

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Virginia

Washington Mobile Telephone Co., New, 5547-C2-P-(3)-69.
Radio Phone Communications, Inc., New, 7057-C2-P-(3)-69.

[F.R. Doc. 69-7011; Filed, June 12, 1969; 8:47 a.m.]

[Docket Nos. 18458, 18459; FCC 69R-260]

NEW ERA BROADCASTING CO., INC., AND SOUTHERN UTAH BROADCASTING CO. (KSUB)

Memorandum Opinion and Order Enlarging Issues

In re applications of New Era Broadcasting Co., Inc., Cedar City, Utah, Docket No. 18458, File No. BP-17242, for construction permit. Southern Utah Broadcasting Co. (KSUB), Cedar City, Utah, Docket No. 18459, File No. BR-933, for renewal of license.

1. This proceeding involves the application of New Era Broadcasting Co., Inc. (New Era), for a construction permit for a new standard broadcast station in Cedar City, Utah, and the mutually exclusive application of Southern Utah Broadcasting Co. (Southern) for renewal of its license for Station KSUB in Cedar City, Utah. By order, FCC 69-181, 16 FCC 2d 824, released March 10, 1969, the applications were designated for consolidated hearing under issues which include, inter alia, a Carroll issue[1] and a contingent comparative issue. Presently before the Board is a petition to enlarge and modify issues,[2] filed March 28, 1969, by New Era, wherein petitioner requests the addition of the following issues:

(a) To determine whether Southern Utah Broadcasting Co., in light of the Commission's Conclusions of Law and Findings of Fact with respect to its principals in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 811 (1965) possesses the requisite qualifications to be a Commission licensee.

(b) To determine in the event the foregoing issue is resolved in favor of Southern Utah Broadcasting Co., the effects of the activities which were the subject of such Conclusions of Law and Findings of Fact upon the comparative qualifications of Southern Utah Broadcasting Co. in this proceeding.

Petitioner also requests that designated Issue 3[3] in the proceeding be modified to read as follows:

3. To determine in the event that Issue 2, above (Carroll issue), is resolved in the negative, whether the grant of the facilities now held by Southern Utah Broadcasting to New Era Broadcasting Co., Inc., or a grant of such facilities to Southern Utah Broadcasting Co. would better serve the public interest.

The requested issues will be treated seriatim.

2. In support of its request for enlargement of issues, New Era alleges that Southern is effectively owned and controlled by Howard Johnson and that Mr. Johnson votes all the stock of Granite District Radio Broadcasting Co. (Granite), which holds approximately 80 percent of the KSUB voting stock. Based on the findings of fact and conclusions of law with respect to Granite and Mr. Johnson in Television Company of America, supra, wherein the Commission adopted the initial decision of the Hearing Examiner and denied the renewal of the license of Station KSHO-TV, Las Vegas, Nev. New Era submits that character qualification issues must be added to the proceeding in order to determine whether KSUB possesses the requisite qualifications to be a licensee and, in the event that KSUB is found to possess such requisite qualifications, whether the activities of its principals and owners

[1] Carroll Broadcasting Co. v. FCC, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066.

[2] Other related pleadings before the Board for consideration are: (a) Opposition, filed Apr. 10, 1969, by Southern; (b) Broadcast Bureau comments, filed Apr. 10, 1969; and (c) reply, filed Apr. 22, 1969, by New Era.

[3] Designated Issue 3 reads as follows: To determine, in the event that Issue 2, above (Carroll issue) is resolved in the negative, whether a grant of the above-captioned application of New Era Broadcasting Co., Inc., or a grant of the above-captioned application of Southern Utah Broadcasting Co would better serve the public interest.

reflect adversely upon its comparative qualifications. In the decision referred to by petitioner, the issues inquired into a series of actions involving Mr. Johnson and Granite with respect to Station KSHO–TV, and the Examiner found that those activities involved unauthorized assumption of control, misrepresentation in reports filed with the Commission and failure to timely file. Finally, petitioner submits that willful and deliberate misrepresentation constitutes adequate basis upon which to deny a license, citing FCC v. WOKO, Inc., 329 U.S. 223 (1946).

3. In opposition, Southern alleges that the Review Board's action in KBLI, Inc., FCC 69R–118, 16 FCC 2d 809, released March 10, 1969, pet. for rev. denied FCC 69–509, released May 15, 1969, is dispositive. In that case, Southern notes, petitioner sought a basic qualifications issue against KBLI, also controlled by Howard Johnson, based on the KSHO decision. Since KBLI's application for renewal of license was granted subsequent to the KSHO decision, the Board determined that KBLI possessed requisite qualifications.[4] Southern does not object to the addition of a comparative qualifications issue, but does object to an issue phrased in terms of accepting either the findings of fact and conclusions of law or activities considered in Television Company of America, Inc., supra. Southern notes that no principal of KSUB was a party to that proceeding, although Mr. Johnson did testify as a witness. Consequently, Southern argues that the judgment is not res judicata as to Johnson and Southern and that KSUB is not estopped to deny the facts adjudicated in that case. As an alternative phrasing, Southern submits the following in lieu of New Era's second requested issue:

To determine whether the questions involved in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 881 (1965), involving KSHO–TV's renewal, reflects adversely upon the comparative qualifications of Southern Utah Broadcasting Co. to be a broadcast licensee.

Additionally, Southern urges that the burden of proceeding with respect to this issue should be placed on New Era.

4. The Broadcast Bureau opposes the request for the addition of a requisite qualifications issue, but is of the view that the conduct considered in Television Company of America, Inc., warrants a comparative inquiry. Noting that the licenses of both KBLI and KSUB[4] have been renewed subsequent to the proceedings referred to by New Era, the Bureau regards the renewals as determinations by the Commission that both KBLI and KSUB possess the requisite qualifications to be a broadcast licensee.

The Bureau concurs with Southern's res judicata arguments, i.e., that Johnson and Southern cannot be bound by findings and/or conclusions when they have not been parties to the decisional proceeding, and therefore urges that the wording suggested by Southern be adopted.

5. In reply, New Era alleges, in connection with its request for a disqualifying issue, that KBLI, Inc. is distinguishable from the present situation because the renewal of KSUB was set aside by the Commission and thus the addition of a disqualifying issue is warranted. Petitioner asserts, in the event its first requested issue is denied, that the basis for the comparative character issue should be the activities and conduct found in the KSHO proceeding so that the Commission has a complete record upon which to make a determination.

6. The Review Board agrees with Southern and the Broadcast Bureau that the Commission's renewal of the KSUB license is dispositive of the request for a disqualification issue. The fact that the renewal was subsequently set aside does not, in our view, permit a different conclusion since the latter action was in no way concerned with the character qualifications of the licensee. With regard to the addition of a comparative character issue, the Board also agrees with Southern and the Bureau that, while such an issue is warranted, the inquiry should encompass only the questions raised in Television Company of America, Inc., supra, rather than merely assessing the significance of the findings and conclusions adopted by the Commission. New Era's request for a comparative qualifications issue, as worded, must be denied as violative of the collateral estoppel aspect of the res judicata doctrine. Restatement, Judgments, section 68(1) defines collateral estoppel as follows:

> Where a question of fact essential to the judgment is actually litigated and determined by a valid and final judgment, the determination is conclusive between the parties in a different cause of action.

Neither Mr. Johnson nor Granite were parties to the KSHO proceeding. Consequently, the findings of fact and conclusions of law in that proceeding cannot be held as conclusive against them in the present proceeding.[6] However, issues inquiring into the questions posed in the KSHO–TV proceeding do not present the same doctrinal difficulties. Consequently, a comparative issue will be specified inquiring into the questions raised in that proceeding.

7. New Era requests modification of Issue 3, so that, if it is determined that there are inadequate revenues available to support an additional standard broadcast station in Cedar City, the daytime facility proposed by New Era and Southern's full-time facility not be a subject of comparison. New Era urges that it is ready, willing and able to supply full-time services to the area it proposes to serve; that, but for engineering considerations, it would have applied for an unlimited facility rather than a daytime-only facility; and that its engineering considerations should not work to its detriment. Rather, petitioner argues, a comparative evaluation of the applicants should "be based on an understanding that the facilities of each applicant would be the same." Petitioner cites K-Six Television, Inc., FCC 66–200, 7 RR 2d 128 (1966), in support of this request.

8. Southern opposes modification of Issue 3, arguing that New Era chose not to file for the present KSUB facility, but rather sought a new facility. Southern argues that New Era selected its course of action, and should be precluded from pursuing two mutually exclusive courses of action, i.e., prosecuting its subject application and an application for the facilities of KSUB. Moreover, Southern contends, the Commission has authorized an engineering issue in a situation where a renewal application was consolidated with an application for a new facility and a Carroll issue had been specified, citing Missouri-Illinois Broadcasting Co., FCC 65–437, 5 RR 2d 452 (1965). Also opposing modification of Issue 3, the Broadcast Bureau submits that such modification would ignore significant public interest considerations. Specifically, grant of New Era and denial of KSUB would leave Cedar City with no local nighttime broadcast service. The Bureau characterizes New Era's request as being, in effect, a contingent application for the KSUB facility. However, the Bureau suggests that the Board should authorize a comparative coverage inquiry under Issue 3.[7]

9. In reply, New Era alleges that the public interest will best be served by assuring that a ful-time operation shall continue in Cedar City. Although New Era argues that its requested modification of issues does not require a waiver of the ban against contingent applications, it requests the Board to grant such waiver if the Board deems it necessary. In the event that Issue 3 is not modified, New Era joins in the Bureau's request that any consideration of "efficiency" under the comparative issue encompass comparative coverage.

10. Petitioner's request for modification of Issue 3 will be denied. In seeking to avoid any comparison of the nature of the facilities being applied for, New Era is, in effect, requesting that its proposal be treated as an application for the facilities of KSUB. However, it did not apply for these facilities, and the Board finds no valid basis for permitting New Era to be treated as such, or to adopt the facilities of KSUB should it prevail in this proceeding. Thus, New Era's showing with regard to such matters as programing, financial qualification, and technical qualifications, would all be rendered obsolete if it were permitted to follow the requested course of action. Moreover, as pointed out by Southern, the Commission has in the past specifically authorized the adduction of comparative coverage evidence under circumstances similar to those present here. See Missouri-Illinois, supra.[8]

11. *Accordingly, it is ordered,* That the Petition to Enlarge and Modify Issues, filed March 28, 1969, by New Era Broadcasting Co., Inc., is granted to the extent indicated below and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine in connection with the operation of Station KSHO–TV, Las Vegas, Nev., whether Howard Johnson or Southern Utah Broadcasting Co. (KSUB) engaged in activities involving an unauthorized assumption of control of the licensee (KSHO–TV), misrepresentation in reports filed with the Commission, and failure to file documents or other information as required by the Commission's rules.

To determine whether the findings and conclusions under the above issue bear adversely on the comparative qualifications of Southern Utah Broadcasting Co.

12. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein will be upon New Era Broadcasting Co., Inc.; that the burden of proof under said issues will be upon Southern Utah Broadcasting Co.; and

13. *It is further ordered,* That the Hearing Examiner is authorized to receive evidence with respect to the efficiency of the respective proposals herein under the contingent comparative issue (Issue 3).

Adopted: June 6, 1969.

Released: June 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–7012; Filed, June 12, 1969; 8:47 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 18, 1969, the standard broadcast applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1), § 1.591(b), and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with any application appearing on the attached list must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on July 17, 1969. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: June 6, 1969.

Released: June 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line:

BP–18175 WCHB, Inkster, Mich.
Bell Broadcasting Co.
Has: 1440 kc, 500 w, 1 kw–LS, DA–2, U.
Req: 1440 kc, 5 kw, 1 kw–LS, DA–2, U.

BP–18194 New, Walker, Minn.
Edward P. DeLa Hunt, Jr.
Req: 1600 kc, 500 w, Day.

BP–18282 New, Oak Ridge, Tenn.
Leonard Broadcasting Co.
Req: 1550 kc, 500 w, Day.

BP–18287 New, Yabucoa, P.R.
Efrain Archilla-Roig.
Req: 1300 kc, 5 kw, DA, Day.

BP–18288 WSIB, Beaufort, S.C.
Sea Island Broadcasting Corp. of South Carolina.
Has: 1490 kc, 100 w, 500 w–LS, U.
Req: 1490 kc, 250 w, 500 w–LS, U.

BP–18295 WEUP, Huntsville, Ala.
Garrett Broadcasting Service.
Has: 1600 kc, 5 kw, Day.
Req: 1600 kc, 500 w, 5 kw–LS, DA–N, U.

BP–18300 WCMR, Elkhart, Ind.
Progressive Broadcasting System, Inc.
Has: 1270 kc, 500 w, 5 kw–LS, DA–2, U.
Req: 1270 kc, 5 kw, DA–2, U.

BP–18308 KFKF, Bellevue, Wash.
Bellevue Broadcasters.
Has: 1540 kc, 1 kw, DA–1, U.
Req: 1540 kc, 25 kw, DA–2, U.

BP–18309 WCAW, Charleston, W. Va.
Capitol Broadcasting Corp.
Has: 680 kc, 250 w, 10 kw–LS, DA–N, U.
Req: 680 kc, 250 w, 50 kw–LS, DA–2, U.

BP–18312 New, Dunnellon, Fla.
Rainbow Communication Service, Inc.
Req: 920 kc, 500 w, Day.

BP–18363 KONE, Reno, Nev.
Lotus Radio Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–18368 KSGT, Jackson, Wyo.
J–G–J Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–18370 New, New Bern, N.C.
V.W.B., Inc.
Req: 1380 kc, 5 kw, Day.

BP–18371 WKAC, Athens, Ala.
Limestone Broadcasting Co.
Has: 1080 kc, 1 kw, Day.
Req: 1080 kc, 5 kw (1 kw–CH), Day.

BP–18379 WIRY, Plattsburgh, N.Y.
WIRY, Inc.
Has: 1340 kc, 250 w, 1 kw–LS, DA–D, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BMP–12651 KCGO, Cheyenne, Wyo.
North Star Broadcasting Co.
Has CP: 1530 kc, 1 kw, 10 kw–LS, DA–2, U.
Req MP: 1530 kc, 1 kw, 10 kw (5 kw–CH), DA–N–CH, U.

BP–18409 WRBN, Warner Robins, Ga.
WRBN, Inc.
Has: 1600 kc, 1 kw, Day.
Req: 1600 kc, 500 w, 1 kw–LS, DA–N, U.

BP–18456 WFAG, Farmville, N.C.
The Farmville Broadcasting Co.
Has: 1250 kc, 500 w, Day.
Req: 1590 kc, 5 kw, Day.

BP–18503 KWAK, Stuttgart, Ark.
Stuttgart Broadcasting Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–18571 KQIQ, Santa Paula, Calif.
Rancho Broadcasting, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, DA–D, U.

BP–18573 KREO, Indio, Calif.
Dessert Air Broadcasting, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

Application deleted from Public Notice of March 1, 1968. (Mimeo No. 13481) (33 F.R. 4284)

BP–17880 New, Oak Ridge, Tenn.
Leonard Broadcasting Co.
Req: 1540 kc, 1 kw, 500 w(CH), Day.
(Assigned new File No. BP–18282)

Application deleted from Public Notice of December 10, 1965. (Mimeo No. 77267) (30 F.R. 15443)

BP–16766 New, Bridgeton, N.C.
V.W.B., Inc.
Req: 1380 kc, 5 kw, Day.
(Assigned new File No. BP–18370)

[F.R. Doc. 69–7013; Filed, June 12, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

SEATTLE, WASH., OFFICE

Notice of Closing

The Commission's office in Seattle, Wash., will close effective June 30, 1969. Inquiries may be made to:

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[4] Similarly, Southern notes that on June 14, 1967, the Commission granted the renewal application of KSUB. This grant was set aside in Southern Utah Broadcasting Company, 10 FCC 2d 320, 11 RR 2d 450 (1967), solely in order to permit consideration of the Carroll issue directed against New Era.

[5] See footnote 4, supra.

[6] Similarly, the wording of the second requested issue, which provides that the "activities" in Television Company of America, Inc., supra, provide the basis for the addition of a comparative issue, must be rejected. Activities as found are tantamount to findings of fact, essential to the judgment, and, as such, do not comport with the prerequisites for application of the doctrine.

[7] New Era proposes 10 kw power in contrast to KSUB's 1 kw operation.

[8] The inquiry was directed in that case because of a substantial difference in proposed operating power of the applicants. Aside from the fact that only one of the applicants here proposes a full-time operation, a similar difference in proposed operating power exists, and therefore the Board is authorizing a comparison under the efficiency criterion of the comparative issue, which should encompass consideration of comparative coverage.

[9] Review Board Member Kessler concurring in result only.

[1] See report and order released July 18, 1968, FCC 68–739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

Office of the Managing Director, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.
or
Pacific Coast District Manager, Federal Maritime Commission, Post Office Box 36067, 450 Golden Gate Avenue, Room 15001, San Francisco, Calif. 94102.

Dated: June 9, 1969.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-6995; Filed, June 12, 1969; 8:47 a.m.]

ATLANTIC COAST PORTS SERVICE CORP. AND STOCKARD SHIPPING & TERMINAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Francis A. Scanlan, Kelly, Deasey and Scanlan, 926 Four Penn Center Plaza, Philadelphia, Pa. 19103.

Agreement No. T-2306, between Atlantic Coast Ports Service Corp. (Atlantic) and Stockard Shipping & Terminal Corp. (Stockard), is a cooperative working arrangement for the joint operation and management of Stockard's Philadelphia Piers 3 and 5, North, including Atlantic's participation in the net profits and losses of the operation of the above described piers according to the terms of the agreement. Both parties agree at all times to work in cooperation and to the best interests of each other.

Dated: June 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6997; Filed, June 12, 1969; 8:47 a.m.]

KERR GRAIN CORP. AND PORT OF ASTORIA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Mairitime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Shoemaker, Jr., Shoemaker, Coleman, Bartlett and Saverude, 808 Executive Building, Portland, Oreg. 97204.

Agreement No. T-2307 between the Port of Astoria (Port) and Kerr Grain Corp. (Kerr) provides for Kerr to operate the Port's grain elevator under an agreement providing generally for the parties to evenly divide gross operating profits or losses. Kerr will charge rates which are published by the Port, and which shall be agreeable to both parties.

Dated: June 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6999; Filed, June 12, 1969; 8:47 a.m.]

NORTON, LILLY & CO., INC., AND STOCKARD SHIPPING & TERMINAL CORPORATION OF PHILADELPHIA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Francis A. Scanlan, Kelly, Deasey and Scanlan, 926 Four Penn Center Plaza, Philadelphia, Pa. 19103.

Agreement No. T-2305 between Norton, Lilly and Co., Inc. (Norton) and Stockard Shipping & Terminal Corporation of Philadelphia (Stockard) is a cooperative working arrangement whereby Norton, after conferring with owners and obtaining their approval will remove all possible operations of the ships consigned to their agency to piers operated by Stockard in Philadelphia and Baltimore. Stockard will accomodate these vessels using the contract stevedores of the respective owners of the vessels. Norton's subsidiary clerking company, The Atlantic Coast Ports Service Corp., subject to the terms of a side agreement (T-2306), will participate in the operation and management of Stockard's terminals in Philadelphia and Baltimore. Although Norton and Stockard will continue to be operated separately, they agree that they will cooperate and work closely together in all respects to promote the business of the other party.

Dated: June 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7000; Filed, June 12, 1969; 8:47 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, 2d Floor, Sumitomo Seimei Yaesu Building, 3,4-Chome Yaesu, Chuo-Ku, Tokyo, Japan.

Agreement No. 150-40 between the member lines of the Trans-Pacific Freight Conference of Japan amends Article 9, entitled, "Sworn Measurers", of the basic agreement, as amended. The modification would permit certain cargoes, as set forth specifically in the Conference tariffs, to be exempted from the overall requirement that all cargoes be weighed or measured by Sworn Measurers appointed by the Conference.

Dated: June 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7002; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 69-30]

ACME FAST FREIGHT INTERNATIONAL, INC.; PUERTO RICO DIVISION

Rates and Charges From Jacksonville to Puerto Rico; Investigation

There has been filed with the Federal Maritime Commission by Acme Fast Freight International, Inc.—Puerto Rico Division, a nonvessel operating common carrier by water in the domestic trades, certain revised pages to its Freight Tariff FMC-F No. 3 scheduled to become effective June 9, 1969, which generally increase rates and charges from Jacksonville to Puerto Rico.

Upon consideration of the said tariff pages and a protest thereto filed by the Commonwealth of Puerto Rico, there is reason to believe that the said increased rates and charges, as well as the present rates and charges, and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the aforementioned rate increases scheduled to become effective June 9, 1969, as well as the present rates, charges, rules, regulations, and classifications with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed, amended, or reissued before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That Acme Fast Freight International, Inc.—Puerto Rico Division be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6996; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 69-29]

CONSOLIDATED EXPRESS, INC.

General Increases in Rates in U.S. North Atlantic/Puerto Rico Trade; Investigation

There has been filed with the Federal Maritime Commission by Consolidated Express, Inc., a nonvessel operating common carrier by water in the domestic trades, certain revised pages to its Freight Tariff FMC-F No. 3 scheduled to become effective June 10, 1969, which generally increase rates and charges between New York and Puerto Rico.

Upon consideration of the said tariff pages and a protest thereto filed by the Commonwealth of Puerto Rico, there is reason to believe that the increased rates and charges, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916; and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the aforesaid tariff increases with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation;

It is further ordered, That Consolidated Express, Inc., be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-6998; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 69-25]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade; Correction

First Supplemental Order and Special Permission No. 5050. Change matter held in effect by reason of Suspension Waive Rule 20(c), Domestic Tariff Circular No. 3.

In First Supplemental Order served June 5, 1969, on page 2, paragraph 3, change "Second Supplemental Order" to "First Supplemental Order".

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7001; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order of Clarification

On February 25, 1969, an order in this proceeding was served, directing the New York Terminal Conference to include in its Truck Loading and Unloading Tariff No. 7, FMC-T No. 8, the truck detention rule set forth in that order.

Section 1 of the rules states in part:

A board of arbitration will resolve disputes concerning whether conditions on a

particular day will or will not excuse detention. The board of arbitration shall consist of a representative of the terminal conference, a representative of the truckers, and either a representative of the New York Waterfront Commission or a third party to be selected by the above-mentioned parties.

The terminal operators and truckers have indicated that they believe it more appropriate if a representative of the Commission serve as the third member of the board of arbitration. Accordingly, the District Manager, Atlantic Coast Office, Federal Maritime Commission, or his designated representative, will so serve.

On May 16, 1969, the Commission served an order setting forth, inter alia, procedures on detention claims filed by truckers. Section 8 of the procedures makes reference to the "Atlantic Coast Director, Federal Maritime Commission * * *". This title is erroneous and the address as indicated is no longer applicable.

A correct title and address are set forth below.

It is ordered, That the last sentence of section 8 to be corrected to read as follows: "The funds in such special account shall not be withdrawn except upon the signature of an official of the terminal operator and the District Manager, Atlantic Coast Office, Federal Maritime Commission, Room 4012, 26 Federal Plaza, New York, N.Y. 10007, or the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573."

It is further ordered, That since this order merely constitutes a clarification, rather than substantive change, to the original orders, it shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-7008; Filed, June 12, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-792 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 5, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 21, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-792	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	46	21	United Gas Pipe Line Co. (South Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	$2,079	5-15-69	[3] 6-19-69	[4] 6-20-69	13.2002	[5] [6] 14.0	
RI69-793	Otis Russell (Operator) et al., Post Office Box 1447, Bay City, Tex. 77414.	[7] 3	1	Valley Gas Transmission, Inc. (Lissie Field Area, Wharton County, Tex.) (RR. District No. 3).	11,552	5-15-69	[8] 6-15-69	[4] 6-16-69	[9] [10] 14.0	[4] [9] 15.0	

[3] The stated effective date is the contractually due date.
[4] The suspension period is limited to 1 day.
[5] "Fractured" rate. Contractually due 14.2156 cents per Mcf (14-cent base+0.2156-cent tax reimbursement).
[6] Pressure base is 14.65 p.s.i.a.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Periodic rate increase.
[9] Subject to a downward B.t.u. adjustment.
[10] Permanently certificated initial rate per order issued Dec. 23, 1968, in Docket No. CI69-383.
[11] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed area initial rate ceiling of 17 cents per Mcf.

Otis Russell (Operator) et al. (Russell) requests a retroactive effective date of April 1, 1966, the contractually effective date, for his proposed rate increase but no reasons in support of such request were given. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Russell's rate filing and such request is denied.

Atlantic Richfield Co. (Atlantic) is "fracturing" its contractually due rate of 14.2156 cents and proposing an increase to 14 cents so as not to exceed the area increased rate ceiling. However, Atlantic did not submit with its notice of change a waiver of its right to file for the remaining portion of its contractually due rate. Although the proposed 14 cents per Mcf rate does not exceed the area increased rate ceiling for Texas Railroad District No. 2 as announced in the Commission's statement of general policy No. 61-1, as amended, it is suspended for 1 day from June 19, 1969, the contractually due date, since Atlantic did not submit with its increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

The contract related to the rate filing of Otis Russell (Operator) et al., was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 15 cents per Mcf rate exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 3, but does not exceed the initial service ceiling of 17 cents per Mcf established for the area involved. We believe, in this situation, Russell's proposed rate filing should be suspended for 1 day from June 15, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-6894; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. RI69-786 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 5, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-786	Phillips Petroleum Co., Bartlesville, Okla. 74003, Attention: Mr. W. B. Gaul.	1-A	11	United Gas Pipe Line Co. (Marshall Field, Goliad County, Tex.) (RR. District No. 2).	$1,117	5-12-69	[2] 6-19-69	11-19-69	13.2002	[3] [4] 14.2156	
RI69-787	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	[5] 371	5	United Gas Pipe Line Co. (Pistol Ridge Field, Forrest and Pearl River Counties, Miss.).	5,653	5-15-69	[6] 6-15-69	11-15-69	[6] 20.0	[7] [6] 22.8	
	do	[8] 529	10	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis County, Miss.).	31,153	5-15-69	[6] 6-15-69	11-15-69	[9] 19.0	[10] [9] 22.0	R166-345
	do	[8] 442	4	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	16,042	5-15-69	[6] 6-15-69	11-15-69	14.86	[4] [6] 18.0	
	do	[8] 581	2	El Paso Natural Gas Co. (North Cox Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	190	5-15-69	[6] 6-15-69	11-15-69	16.5	[4] [6] 17.5	
	do	[8] 589	3	El Paso Natural Gas Co. (Sonora Field, Sutton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	358	5-15-69	[2] 8-1-69	1-1-70	15.85	[4] [7] 17.7345	
RI69-788	W. H. Hunt, 1401 Elm St., Dallas, Tex. 75202, Attention: Donald K. Young, Esq.	8	3	South Texas Natural Gas Gathering Co. (El Benadito Area, Starr County, Tex.) (RR. District No. 4).	800	5-19-69	[2] 7-1-69	12-1-69	[9] 15.5	[4] [9] 16.5	
RI69-789	Pan American Petroleum Corp., Security Life Bldg., Denver, Colo. 80202.	116	3	Mountain Fuel Supply Co. (Ace Unit Area, Moffat County, Colo.).	302	5-12-69	[6] 6-18-69	11-18-69	13.0	[2] [6] 14.0050	
	do	467	[2] [11] 7	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	6,377	5-12-69	[6] 6-12-69	11-12-69	[2] 12.2295	[2] [6] 15.0636	RI68-198
RI69-790	R. H. Feuille, 11th Floor, El Paso National Bank Bldg., El Paso, Tex. 79901.	1	[2] 6	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	34	5-14-69	[6] 6-14-69	11-14-69	[2] 14.0536	[2] [6] 15.0578	RI64-531
	do	1	[2] 7	do	140	5-14-69	[6] 6-14-69	11-14-69	[2] 14.0536	[2] [6] 15.0578	RI64-531

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R169-791	Atlantic Richfield Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102, Attention: Mr. P. T. Davis.	[11] 488	6	El Paso Natural Gas Co. (Lancaster Hills Field, Crockett County, Tex.) (RR. District No. 7-C).	$721	5-15-69	[3] 8- 1-69	1- 1-70	16.48	[4] [17] 17.7067	

[2] The stated effective date is the contractually due date.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Formerly Sinclair Oil Corp. Gas Rate Schedule No. 77.
[6] The stated effective date is the effective date requested by Respondent.
[7] Redetermined rate increase.
[8] Pressure base is 15.025 p.s.i.a.
[9] Settlement rate as approved by Commission order issued July 1, 1968, in Dockets Nos. G-9291, G-9292 et al.
[10] Increase to contractually provided for periodic.
[11] Subject to a 0.5-cent compression charge by buyer.
[12] Formerly Sinclair Oil Corp. Gas Rate Schedule No. 308.
[13] Formerly Sinclair Oil Corp. Gas Rate Schedule No. 203.
[14] "Fractured" rate increase from area ceiling rate. Respondent contractually due 21.8 cents per Mcf from date of initial delivery which was Mar. 17, 1961.
[15] Formerly Sinclair Oil Corp. FPC Gas Rate Schedules Nos. 261, 364, and 372, respectively.
[16] Increase from area ceiling rate to contract rate.
[17] Increase from area ceiling rate to contract rate plus tax reimbursement.
[18] Subject to a downward B.t.u. adjustment.
[19] Initial rate.
[20] Applies only to gas from the Dakota Formation.
[21] Includes letter from the buyer providing for the increase.
[22] Favored-nation rate increase.
[23] Rate effective subject to refund in Docket No. RI68-196. Rate of 13.0536 cents suspended in Docket No. RI69-374 until June 1, 1969 applies only to Pictured Cliffs gas.
[24] Applies to gas from the Mesa Verde Formation.
[25] Includes 1-cent minimum guaranteed payment for liquids.
[26] Applies to gas from the Dakota Formation.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Atlantic Richfield Co. (Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 589) in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-6895; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CI66-776 etc.]

ROSARIO PRODUCTION CO. ET AL.

Orders To Show Cause, Consolidating Proceedings for Further Hearing, Granting Interventions and Setting Date for Prehearing Conference

JUNE 5, 1969.

Rosario Production Co. (Operator) et al., Docket No. CI66-776; Maxwell D. Simmons, Operator, Inc. (Operator), et al., Docket No. CI67-788; Robbins Petroleum Corp. (Operator) et al., Docket No. CI67-811; H. J. Bissell et al., doing business as Key Production Co., Docket No. CI67-907; Amerada Petroleum Corp., Docket No. CI67-1375; Roosth & Genecov Production Co. (Operator) et al., Docket No. CI67-1632.

On September 14, 1966, the Commission issued orders to show cause in George Despot, Agent (Operator) et al., Docket No. CI65-974, et al., Socony Mobil Oil Co., Inc., Docket No. CI65-1227, and Superior Oil Co., Docket No. CI67-287 (36 FPC 628, 632, and 635). On October 3, 1966, and December 12, 1966, the Commission issued orders consolidating 31 dockets in these proceedings (36 FPC 714, 1027, and 1028). On October 21, 1966, the Commission granted interventions in all of the consolidated producer dockets. Hearings were held before Presiding Examiner Wenner on October 26, 1966, July 25, 26, and 27, 1967. On September 28, 1967, the Examiner issued a notice postponing briefs of the parties previously ordered until such time as new dates were to be set in a subsequent notice. The final hearing of July 27, 1967, was concluded with the view that the show cause orders and applications for certificates by the producers would be submitted to the Commission on the basis of a settlement formula, which has been referred to as the Mobil formula. Between July 27, 1967, and January 6, 1969, 26 of the producer dockets were terminated and severed from the Despot proceeding by the filing of offers of settlement by the producers and their acceptance by the Commission. The Commission has pending before it settlement proposals by George Despot, Docket No. CI65-974, Harry W. Brennan, Jr. (Operator) et al., Docket No. CI68-597 (a partial successor to International Helium, Inc., Docket No. CI66-564), J. W. Baton (Operator) et al., Docket No. CI66-1169, and Maxwell Herring Drilling Corp. (Operator) et al., Docket No. CI65-1176, and they are considered in separate orders.

Additional dockets consolidated. In the above listing are six additional pending producer applications for certificates of public convenience and necessity, filed under section 7 of the Natural Gas Act, to make sales of natural gas which appear to be similar to the so-called sales restricted by contract to compressor fuel or intrastate use only, which were the subject of the Supreme Court's decision in California v. Lo-Vaca Gathering Company, 379 U.S. 366 (1965). The aforesaid sales are being made from Texas Railroad District No. 6 as more fully described in Appendix A attached hereto and in the respective applications which are on file with the Commission and open to public inspection.

All of these sales are presently being made and initial service commenced without authorization by the Federal Power Commission. The sales to Lone Star Gas Co. are restricted by contract for intrastate use but it has been indicated that Lone Star commingles such gas with natural gas purchased from other producers and that some such commingled gas is transported to points in States other than that State in which such gas is produced and sold by applicants.

Appendix B to this order specifies owners of gas interests for whom Rosario Production Co., Docket No. CI66-776, acts as operator and delivers such gas to Lone Star Gas Co. for sale. Each said coowner, or any other interest owner, for whom Rosario acts as operator is hereby made a party to this proceeding: *Provided however*, That nonsignatory parties to a contract for sale of gas to Lone Star and signatory parties to such a contract who do not desire to make their own filings will be covered by the filings of Rosario Production Co. in Docket No. CI66-776 pursuant to § 154.91(b) of the Commission's regulations under the Natural Gas Act. Signatory interest owners to a contract with Lone Star may, but need not, make their own filings with the Commission pursuant to §§ 154.91(b), 154.92, 154.94, and 157.23 of the regulations under the Natural Gas Act. Such filings should be submitted promptly.

Consolidating proceedings for hearing. It appears that the applications which are listed above involve essentially the same issues of law and fact as the previously consolidated dockets, George Despot, Agent (Operator), et al., Docket No. CI65-974, et al., i.e., that in all of the above-mentioned dockets the Commission has not authorized the sales to the purported intrastate use and that under the ruling of the Supreme Court in the Lo-Vaca decision, they appear to be jurisdictional sales. Consequently, in order to avoid unnecessary duplication of a trial record on substantially the same issues, and in order to obtain uniform compliance with the Commission's previous determinations, it would be in the public interest to consolidate the above dockets with the previously consolidated dockets in George Despot et al., Docket No. CI65-974 et al.

In order to dispose of all of the above pending proceedings, the Commission is setting these proceedings for further hearing as may be appropriate and necessary. A prehearing conference pursuant thereto will be provided for in this order.

Petition to intervene. Parties previously admitted to the consolidated proceedings will be admitted as parties to the proceedings called for herein. Lone Star Gas Co. has filed a petition to intervene in Docket No. CI66-776. The petition to intervene is granted as hereinafter conditioned. Any other person having an interest in these proceedings shall file a notice or petition to intervene within 15 days after the date of issuance of this order.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the above-captioned Respondents appear and show cause, if there be any, as hereinafter ordered, why they should not be required to apply for and obtain certificates of public convenience and necessity authorizing the sales of gas which they have been making without authorization and also why they should not be required to make refunds for the period that such sales have been made without authorization from the Commission.

(2) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(3) The expeditious disposition of these proceedings may be effectuated by holding a prehearing conference and to that end a prehearing conference should be held as hereinafter ordered.

(4) It is desirable to allow the companies which have filed petitions to intervene in these proceedings to become and continue to be interveners, in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The following Respondents shall show cause, if any there be, at a public hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., why they should not be required to apply for, and obtain certificates of public convenience and necessity authorizing them to make the sales specified in their respective applications which they have previously made without authorization, and whether the initial price for such sales should not be fixed at the appropriate area initial service price prevailing at the date deliveries commenced:

	Dockets Nos.
Rosario Production Co. (Operator) et al	CI66-776
Maxwell D. Simmons, Operator, Inc. (Operator), et al	CI67-788
Robbins Petroleum Corp. (Operator) et al	CI67-811
H. J. Bissell et al., d.b.a. Key Production Co	CI67-907
Amerada Petroleum Corp	CI67-1375
Roosth & Genecov Production Co. (Operator) et al	CI67-1632

(B) The respondents named in paragraph (A) above shall also appear and show cause at the above-ordered hearing why they should not be required to refund the difference between the initial price determined in accordance with paragraph (A) above and the price actually charged for the related deliveries of gas. The date from which refunds shall be made, if any, by the respondents, shall be determined in this proceeding and evidence may be offered by any party as to the appropriate amount of refunds, if any, and the date from which liability for such refunds should be fixed.

(C) The above-captioned matters in paragraph (A) are hereby consolidated with the dockets presently consolidated in George Despot, Agent (Operator), et al., Docket No. CI65-974, et al.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure a prehearing conference before Presiding Examiner Wenner or any other duly designated examiner assigned by the Chief Examiner shall commence at 10 a.m., e.d.s.t., on July 8, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(E) The purpose of such conference shall be to consider all matters at issue in the above dockets still outstanding, the Wenner or any other duly designated exshall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall recommence, and to consider any and all matters which might contribute to an expeditious disposition of these consolidated proceedings. Upon completion of taking additional evidence and submission of briefs by the parties, the presiding examiner shall proceed to issue his initial decision and recommendations.

(F) Parties previously permitted to intervene in the proceedings George Despot, Agent (Operator), et al., Docket No. CI65-974, et al., are granted continuing intervention in the proceedings, subject to asserted rights and affected interests and need not file another notice or petition. Other protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days after the date of issuance of this order. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

(G) Lone Star Gas Co. is granted intervention in Docket No. CI66-776 subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such Intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further*, That the admission by such Intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A—SALES TO LONE STAR GAS COMPANY

Docket No. and date filed	Seller and dates of— Contract	Initial delivery	Sales area	Prices collected (cents per Mcf and effective dates— Initial	Increased	Applicable initial service rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)
CI66-776 2-24-66 [1]	Rosario Production Co. (Operator) et al.,[2] 1-11-60.[3]	12- 1-60	RR. District 6	[4] 14.49 12- 1-60	[5] 16.56 7- 1-63	[6] 15.0
CI67-788 12-12-66	Maxwell D. Simmons, Operator, Inc. (Operator) et al., 11-1-60.[7]	8- -63	do	[4] 16.56 8- -63		[6] 15.0
CI66-811 12-16-66	Robbins, Petroleum Corp. (Operator) et al., 9-13-61.	7- -62	do	[4] 14.49 7- -62	[5] 16.56 7- 1-63	[6] 15.0
CI67-907 1-18-67	H. J. Bissell et al., d.b.a. Key Production Co., 7-1-60,[8] 1-1-65.[9]	7- -65	do	[5] 16.56 7- -65		[6] 15.0
CI67-1375 3-31-67	Amerada Petroleum Corp.,[10] 1-11-60.[11]	4- 7-60	do	[4] 14.49 4- 7-60	[5] 16.56 7- 1-63	[6] 15.0
CI67-1632 5-3-67	Roosth & General Production Co. (Operator) et al., 1-11-60,[12] 12-7-64.[13]	8-23-63	do	[5] 16.56 8-23-63		[6] 15.0

[1] Application covers only that portion of Rosario's interests which Rosario alleges actually goes into interstate service—15,000 Mcf per month. Coowner respondents with Rosario are set out in Appendix B herein.
[2] Date of basic contract by Phillips Petroleum Co. and Lone Star. Acreage originally dedicated by Phillips and subsequently assigned to York Oil Corp., thence to Alamo Petroleum Co. and thence to Rasario.
[3] Rosario delivers gas for other parties whom Rosario alleges have separately contracted for the sale of their gas interests.
[4] Inclusive of tax reimbursement.
[5] Proposed price.
[6] Guideline initial service ceiling—statement of general policy No. 61-1, issued Sept. 28, 1960.
[7] Date of basic contract by Texaco, Inc. and Lone Star and effective date of ratification by Simmons et al. executed on July 28, 1965.
[8] Date of basic contract by Texaco, Inc. and Lone Star.
[9] Date of ratification of basic contract.
[10] Rosario delivers Amerada's gas to Lone Star.
[11] Date of basic contract by Phillips Petroleum Co. and Lone Star and effective date of ratification, which is not dated.
[12] Date of basic contract by Phillips Petroleum Co. and Lone Star.
[13] Date of ratification of basic contract.

APPENDIX B

Interest holders for whom Rosario Production Co. (operator) et al., Docket No. CI66-776, acts as operator and delivers such gas interests for sale to Lone Star Gas Co.

Owner	Unit	Working interest
Russell Bickley, Route No. 2, Overton, Tex. 75684.	Laird	0.0032720
Bess J. Brawner, 1244 Oak Dr., Kilgore, Tex. 75662.	Busby	.0011718
J. Afton Burke, Post Office Box 876, Corsicana, Tex. 75110.	Brown No. 1	.0100450
Milton Crow, Inc., 1000 Commercial National Bank Bldg., Shreveport, La. 71101.	Brown No. 1	.1250000
Delta Drilling Co., Post Office Box 2012, Tyler, Tex. 75701.	Carroll "B" Ellis.	.0409220
Elizabeth F. Dorfman Trust, 836 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Ellis	.0090120
Louis Dorfman, 836 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Ellis	.0033040
Sam Dorfman, Jr., 836 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Ellis	.0033040
Myron H. Dorfman, 500 Sklar Bldg., Shreveport, La. 71101.	Ellis	.0033040
Rita S. Gardiner, 4856 Rockwood Parkway NW., Washington, D.C. 20016.	Brown No. 1	.0312500
Gulf Oil Corp., Post Office Box 1635, Houston, Tex. 77001.	Alford 1-T Laird.	.1715620 .1796070
Maxwell Herring, Post Office Box 1297, Tyler, Tex. 75701.	Busby	.0827578
Mrs. Hubert Hightower, Post Office Box 994, Mount Pleasant, Tex. 75455.	Brown No. 1	.0312500
Estate of Hubert Hightower, Post Office Box 994, Mount Pleasant, Tex. 75455.	Brown No. 1	.0312500
G. P. Hill and Estate of Houston Hill, 1325 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Brown No. 1	.0406100
International Helium, Inc., Post Office Box 951, Longview, Tex. 75601.	Ellis Howard "A".	.4299060 .3552440
O. L. and Loanna Jacobs, Post Office Box 117 Overton, Tex. 75684.	Christian "A" Laird.	.0194170 .0184040
R. L. Jacobs Tr., No. 1, Post Office Box 1253, Liberty, Tex. 77575.	Laird	.0032720
Roger Jacobs, Route No. 3, Overton, Tex. 75684.	Laird	.0032720
Norman Macbeth, Post Office Box 950, Newburgh, N.Y. 12550.	Brown No. 1	.0390630
Helen Macbeth, Post Office Box 950, Newburgh, N.Y. 12550.	Brown No. 1	.0078120
Eugene E. Maneck, 60 Gramercy Park, New York, N.Y. 10010.	Brown No. 1	.0312500
Marshall National Bank, Post Office Box 968, Marshall, Tex. 75670.	Brown No. 1	.062500
Edna and J. R. Meeker, 6100 Camp Bowie Blvd., Fort Worth, Tex. 76116.	Brown No. 1	.0050780
J. R. Meeker, 6100 Camp Bowie Blvd., Fort Worth, Tex. 76116.	Jacobs	.0111640
Monsanto Co., Hydrocarbons Division, 1300 Main St., Houston, Tex. 77002.	Alford 1-T	.0141930
Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	Ellis	.1564220
R. C. Oberthier, Post Office Box 650, Kilgore, Tex. 75662.	Laird	.0153180
R. S. Peveto, 627 Citizens Bank Bldg., Tyler, Tex. 75701.	Busby	.0827578
Walter Russell, 44 Wall St., New York, N.Y. 10005.	Brown No. 1	.0312500
Paul Singstad, 166 East 61st St. (7G), New York, N.Y. 10021.	Brown No. 1	.0312500
Sklar & Phillips, Inc., Post Office Box 3735, Shreveport, La. 71103.	Ellis	.0198250
Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	Howard "A"	.0738910
C. B. and Donnie Ruth Tate, 802 South Main St., Henderson, Tex. 75652.	Alford 1-T Carroll "B" Christian "A". Kangerga	.0113630 .0181410 .0097080 .0492310
Paul M. Traub, River Road, Rural Delivery No. 1, Newburgh, N.Y. 12550.	Brown No. 1	.0468750
Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	Futch No. 2 Howard "A"	.3042660 .0645160
M. E. Zoller, Post Office Box 672, Kilgore, Tex. 75662.	Christian "A" Laird	.0009110 .0153180

[F.R. Doc. 69-6896; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. E-7486]

IOWA PUBLIC SERVICE CO.

Notice of Application

JUNE 6, 1969.

Take notice that on May 28, 1969, Iowa Public Service Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance prior to October 1, 1970, of promissory notes to banks and/or of commercial paper up to but not exceeding $30 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property.

The notes to banks will mature not later than 1 year following the date of issue and bear interest at the prime rate in effect at the lending bank on the date of the borrowing. The notes in the form of commercial paper will have varying maturities not to exceed 9 months from the date of issue. The commercial paper will be sold by Applicant directly to a commercial paper dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6956; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CP69-324]

IOWA PUBLIC SERVICE CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 6, 1969.

Take notice that on May 28, 1969, Iowa Public Service Co. (Applicant), Post Office Box 778, Sioux City, Iowa 51102, filed in Docket No. CP69-324 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to extend its transportation facilities to establish physical connection with Applicant's proposed facilities and to sell and deliver up to 492 Mcf of natural gas per day to Applicant for resale and distribution in the towns of Battle Creek and Danbury, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant will construct and operate the distribution facilities necessary to render natural gas service to Battle Creek and Danbury. The application indicates that the total estimated third year peak day and annual natural gas requirements of the two towns are 492 Mcf and 76,230 Mcf, respectively.

Applicant states that the total estimated cost of its proposed project is $135,043, which cost will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6957; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CP69-328]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 6, 1969.

Take notice that on May 29, 1969, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonett Avenue, Houston, Tex. 77005, filed in Docket No. CP69-328 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing construction and operation of certain facilities and an increase in sales to Applicant's existing resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase the winter contract demand of its existing utility customers by 80,000 Mcf per day, with lesser increases for the nonwinter months. The increases are to be provided from further utilization of Applicant's existing underground storage fields at Waverly, Ill., and Howell, Mich., and from an increase in Applicant's contracted volumes from Trunkline Gas Co. To implement the proposed program, Applicant intends to install 4,000 compressor horsepower at its existing Montezuma compressor station, increase the working storage volume at Waverly Storage Field by 3,500,000 Mcf beyond the presently authorized volume, increase the working storage volume at the Howell Storage Field by 600,000 Mcf beyond the presently authorized volume, and install measuring station revisions and other appurtenances.

Applicant maintains that despite the distribution of large volumes of additional supplies to Applicant's resale customers in recent years, those customers will have a need for the volumes proposed in the application commencing in the 1969-70 winter period.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a hearing or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, for, unless otherwise advised, it will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6958; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. RP66-24]

PIPELINE PRODUCTION AREA RATE PROCEEDING

Notice Fixing Oral Argument

JUNE 6, 1969.

The Commission has before it the Presiding Examiner's initial decision issued March 3, 1969, the briefs on exceptions and the briefs opposing exceptions. A request for oral argument was filed by Union Producing Co. in this proceeding.

Take notice that oral argument in the above-captioned proceeding will be heard by the Commission, en banc, commencing at 10 a.m., e.d.t., June 27, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before June 13, 1969, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6959; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CP69-185]

TRUNKLINE GAS CO.

Notice of Application To Amend

JUNE 6, 1969.

Take notice that on May 29, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-185 an application to amend the Commission's order issued April 15, 1969, in said docket by authorizing Applicant to sell and deliver an additional 50,000 Mcf of natural gas per day to an existing customer, Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set fourth in the application to amend which is on file with the Commission and open to public inspection.

The order of April 15, 1969, authorized Applicant to construct and operate certain facilities and to sell and deliver additional quantities of natural gas to certain of its customers. Said order did not provide for increased sales to Panhandle because Panhandle's plans for increased sales to its utility customers had not been finalized. Applicant now proposes to increase its contract demand deliveries to Panhandle at Tuscola, Ill., from 540,000 Mcf per day to 590,000 Mcf per day. The increased service will be rendered pursuant to Applicant's FPC Gas Rate Schedule P-1.

Applicant states that it has sufficient capacity to make the additional deliveries without constructing facilities in addition to those already authorized in this docket.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6960; Filed, June 12, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3087-7-3097]

A. J. INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
A. J. Industries, Inc.	7-3087
AMK Corp.	7-3088
Aetna Life and Casualty Co.	7-3089
American Electric Power Co., Inc.	7-3090
Atlas Corp.	7-3091
Braniff Airways, Inc.	7-3092
Bristol-Myers Co.	7-3093
Computer Sciences Corp.	7-3094
Continental Telephone Corp.	7-3095
R. R. Donneley & Sons Co.	7-3096
FMC Corp.	7-3097

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request

should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6970; Filed, June 12, 1969; 8:45 a.m.]

[Files Nos. 7-3111, 7-3112]

APCO OIL CORP. AND RAMADA INNS, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Apco Oil Corp	7-3111
Ramada Inns, Inc	7-3112

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6971; Filed, June 12, 1969; 8:45 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 10, 1969, through June 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6972; Filed, June 12, 1969; 8:45 a.m.]

[Files Nos. 7-3098—7-3108]

FAIRCHILD HILLER CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Fairchild Hiller Corp	7-3098
Flying Tiger Line, Inc	7-3099
Harvey Aluminum, Inc	7-3100
Howard Johnson Co	7-3101
S. S. Kresge Co	7-3102
Livingston Oil Co	7-3103
Niagara Mohawk Power Corp	7-3104
Roan Selection Trust, Ltd	7-3105
Singer Co	7-3106
Squibb Beech-Nut, Inc	7-3107
Sun Oil Co	7-3108

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6973; Filed, June 12, 1969; 8:45 a.m.]

[Files Nos. 7-3109, 7-3110]

TELEDYNE, INC., AND CAMPBELL SOUP CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Teledyne, Inc	7-3109
Campbell Soup Co	7-3110

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6974; Filed, June 12, 1969; 8:45 a.m.]

[70-4758]

WISCONSIN GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 5, 1969.

Notice is hereby given that Wisconsin Gas Co. ("Wisconsin"), 626 East Wisconsin Avenue, Milwaukee, Wis. 53201, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Wisconsin will issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $16 million principal amount of first mortgage bonds, ------ percent series, due July 15, 1994. The interest rate (which shall be a multiple of one-eighth of one percent) and the price, exclusive of accrued interest (which shall be not less than 98½ percent or more than 101½ percent of the principal amount), will be determined by the competitive bidding. The bonds are to be issued under a mortgage and deed of trust, dated as of November 1, 1950, between Wisconsin (formerly Milwaukee Gas Light Co.) and Mellon National Bank and Trust Co. and D. A. Hazlett, as trustees, as heretofore supplemented and as to be further supplemented by a seventh supplemental indenture to be dated as of July 15, 1969, which includes a prohibition until July 15, 1974, against refunding the issue with the proceeds of funds borrowed at lower interest cost.

Wisconsin will use the net proceeds from the issue and sale of the bonds to pay notes to banks, due November 15, 1969, in the estimated amount of $12 million. The balance of the net proceeds together with funds obtained from short-term bank borrowings and from internal sources will be used to finance Wisconsin's 1969 construction program estimated at $17,400,000.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the proposed issue and sale of the bonds and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $80,000, including legal fees of $23,000. The fee of counsel for the underwriters, to be paid by the successful bidders, is estimated at $9,500.

Notice is further given that any interested person may, not later than July 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-6975; Filed, June 12, 1969; 8:45 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Public Hearing and Availability of Report

Notice is hereby given that the Water Resources Council will hold public hearings commencing at 10 a.m. on the dates and at the locations indicated immediately below:

August 4, 1969, Dinkler Plaza Motor Hotel, Forsyth and Luckie Street NW., Atlanta, Ga.

August 6, 1969, Jung Hotel, 1500 Canal Street, New Orleans, La.

August 8, 1969, North Auditorium, 275 Hayes Street, San Francisco, Calif.

August 11, 1969, Department of Interior Auditorium, 1002 Northeast Holladay Street, Portland, Oreg.

August 14, 1969, Assembly Hall, Omaha Auditorium, 1804 Capitol Avenue, Omaha, Nebr.

August 18, 1969, Common Council Meeting Room, City-County Building, Detroit, Mich.

August 20, 1969, Faneuil Hall, Hay Market Square, Boston, Mass.

September 9 and 10, 1969, National Museum of History and Technology, Smithsonian Institution, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The purpose of these hearings is to obtain the views of the interested public on the policies and procedures used by the Federal agencies in the formulation and evaluation of plans for use and development of water and related land resources. The proposed hearings grow out of the following circumstances.

On October 6, 1961, the President requested the Secretaries of Interior, Agriculture, Army, and Health, Education, and Welfare to review evaluation standards for water and related land resources projects and to recommend improvements. Their report, "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources", was approved by the President on May 15, 1962, published as Senate Document No. 97, 87th Congress, 2d Session, and replaced Budget Circular No. A-47.

On July 26, 1968, the Water Resources Council published its proposal to revise the formula given in Senate Document No. 97 for determination of the discount rate to be used in the formulation and evaluation of water resource projects. In response to this proposal, the Council received about 200 responses from individuals and groups interested in water development. Many of the comments emphasized the need to better evaluate project effects, including both economic benefits and contributions to other social goals. Several Congressional Committees expressed their concern with the inadequacies or inconsistencies of present practices in evaluation of benefits and costs.

On December 24, 1968, the Council with the approval of the President, revised the formula in Senate Document No. 97 for determination of the discount rate. The Council also concluded that evaluation procedures should be reviewed. A Special Task Force was established for this purpose from the staffs of the Departments of Army, Agriculture, and Interior, and the Water Resources Council. In addition, the Council announced that a public hearing would be held in Washington, D.C., on January 13, 1969, at which the concerned public could present oral testimony on the practices followed by Federal agencies in evaluating benefits derived from water resources projects. The Council also announced that it planned to hold a series of regional and national hearings later in 1969 to provide the concerned public with an opportunity to express their views about policies for planning water and related land resources.

Members of the Special Task Force attended the hearing of January 13, 1969. The record of that hearing, which included written comments submitted for the record as well as the oral testimony, was made available to the Task Force. The Special Task Force has now completed its report to the Water Resources

Council entitled "Procedures for Evaluation of Water and Related Land Resource Projects". Copies of the Report and Senate Document No. 97 may be obtained by writing to the Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005.

The report sets forth a statement of the national objectives for water resources development, which include national income, regional development, environmental enhancement, and well-being of people. These objectives provide the framework within which the effects of water and related land resources projects may be evaluated. Benefits and costs are identified as the beneficial or adverse effects of plans toward attainment of these national objectives. All effects of the water and related land resource plans are to be displayed in a system of accounts.

The Council has taken no position either for or against the conclusions and recommendations reflected in the report. Before taking any action on the report the Council wishes to (1) obtain the views and comments of public officials, water users, scholars, and the general public, and (2) have appropriate Federal agencies test the procedures proposed in the report.

The Council therefore has scheduled the aforementioned hearings and has directed the appropriate Federal agencies to test the procedures proposed in the report on several types of projects in order to determine whether they can accomplish appropriate results and achieve reasonably uniform comparability in application. At the hearings to be held in August 1969, the Water Resources Council would like to obtain the views of all interested persons on (1) the report of the Special Task Force, (2) Senate Document No. 97 and Supplement No. 1 thereto, dated June 4, 1964, and (3) any other matters that are relevant to policies and procedures to be used by Federal agencies in the formulation and evaluation of water and related land resources projects. After consideration of the views and comments received, and of the results obtained in the tests, the Council will formulate, in accordance with the Council's authority under the provisions of the Water Resources Planning Act (Public Law 89-80), principles, standards, and procedures to be observed by the Federal agencies in the formulation and evaluation of water and related land resources projects. These proposals will be again submitted to the public for review and comment before they are approved.

Views may be presented at the hearings in person or by submitting a written statement for the record. No advance notice of intention to testify or to submit a written statement is necessary. The record will be kept open through September 19, 1969, for submission of further written statements not presented at the hearings. If necessary to accommodate all those wishing to testify, the Hearing Officer may limit each oral presentation to 30 minutes. Any person so limited shall have the privilege of submitting a written extension of his remarks, which will be incorporated in the record.

Written statements for the record not delivered to the Hearing Officer during the hearing should be addressed to Henry P. Caulfield, Jr., Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005.

Dated: June 10, 1969.

HENRY P. CAULFIELD, Jr.,
Executive Director.

[F.R. Doc. 69-6994; Filed, June 12, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 848]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 10, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 15728 (Sub-No. 9 TA), filed June 5, 1969. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan Avenue, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratiot, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reconditioned crates, reconditioned boxes, reconditioned pallets, and other reconditioned shipping containers*, from Rawsonville, Mich., Holly Township, Oakland County, Mich., and Avon Township, Oakland County, Mich., to points in Illinois, Indiana, Iowa, Kentucky, New York, North Carolina, Ohio, Pennsylvania, West Virginia, Tennessee, and Wisconsin, for 150 days. Supporting shipper: Auto Pallets—Boxes, Inc., 14844 Puritan Avenue, Detroit, Mich. 48227. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 55581 (Sub-No. 15 TA), filed June 6, 1969. Applicant: UTAH PACIFIC TRANSPORT CO., 15628 Southeast Old Carver Road, Clackamas, Oreg. 97015. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Lakepoint, Utah, to points in Oregon and Washington, for 180 days. Supporting shipper: Hardy Salt Co., Post Office Drawer 449, St. Louis, Mo. 63166. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97304.

No. MC 64994 (Sub-No. 106 TA), filed June 6, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, Dushore, Pa., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Reynolds Metals Co., Reynolds Metals Building, Richmond, Va. 23218. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 96770 (Sub-No. 4 TA), filed April 21, 1969. Applicant: FLORIDA TERMINALS AND TRANSPORT COMPANY, a corporation, 2804 Clear Lake Road, Post Office Box 1906, Cocoa, Fla. 32923. Applicant's representative: J. B. Rodgers, Jr., Suite 405, Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to traffic moving in freight forwarding service, from Orlando, Fla., to points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Republic Carloading & Distributing Co., Inc., 1540 Marietta Road NW., Atlanta, Ga. 30318. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 103993 (Sub-No. 413 TA), filed June 2, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be

drawn by passenger automobiles in initial movements, from La Grande, Oreg., to points in Montana and Wyoming, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Recreational Vehicle Division, Union County, Oreg. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 111401 (Sub-No. 280 TA), filed June 6, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate* liquid or dry bulk, from Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.), for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., J. C. Jessen, A.T.M. Motor Carrier Section, Wilmington, Del. 19898. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113861 (Sub-No. 50 TA), filed June 6, 1969. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, 44 North Second Street, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Nashville, Tenn., to points in Alabama and Kentucky, for 150 days. Supporting shipper: Missouri Portland Cement Co., 7751 Carondelet Avenue, St. Louis, Mo. 63105. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 123067 (Sub-No. 85 TA), filed June 6, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bulk, from Savannah, Ga., to Fernandina Beach, Fla., for 120 days. Supporting shipper: H. J. Baker & Bro., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 123067 (Sub-No. 86 TA), filed June 6, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from Savannah, Ga., to Fernandina Beach, Fla.; and *animal and poultry feed ingredients*, in bulk, from Fernandina Beach, Fla., to points in Georgia, for 150 days. Supporting shipper: H. J. Baker & Bro., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 127495 (Sub-No. 2 TA), filed June 5, 1969. Applicant: AIRLINE FREIGHT, INC., 731 Chester Pike, Prospect Park, Pa. 19076. Applicant's representative: William R. Rawding (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and commodities requiring special equipment), having a prior or subsequent movement by air, between the Philadelphia International Airport located at Philadelphia, Pa., the Newark Municipal Airport located at Newark, N.J., and the John F. Kennedy International Airport located at Jamaica, N.Y., on the one hand, and, on the other, points in Burlington, Camden, Gloucester, and Salem Counties, N.J., and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Supporting shippers: Copeland Shipping, Inc., Farmers and Rockaway Boulevard, Jamaica, N.Y. 11434; Airborne Freight Corp., Calcon Hook Road, Sharon Hill, Pa. 19079; Express Air Freight, Inc., 731 Chester Pike, Prospect Park, Pa. 19076; Furnival Machinery Co., Lancaster Avenue at 54th Street, Philadelphia, Pa. 19131; Wings & Wheels, World Headquarters Building, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Profit By Air, Inc., Post Office Box 647, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Davies, Turner & Co., 113 Chestnut Street, Philadelphia, Pa. 19106; Honeywell, Inc., 1100 Virginia Drive, Fort Washington, Pa. 19034; Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 127557 (Sub-No. 12 TA), filed June 5, 1969. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Pittsburgh, Pa., to points in Florida, for 120 days. Supporting shipper: Pittsburgh Brewing Co., 3340 Liberty Avenue, Pittsburgh, Pa. 15201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309.

No. MC 128375 (Sub-No. 31 TA), filed June 5, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 15th and Main, Crete, Nebr. 68333. Applicant's representative: Duane Acklie, 521 South 14th Street, Lincoln, Nebr. 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, including rolled products, wire and wire products, grader blades, grinding media, and line pipe (except those requiring special equipment to be furnished by carrier to load or unload, and except Mercer commodities other than line pipe), from the plantsite and facilities used by CF&I Steel Corp., at or near Pueblo, Colo., and its commercial zone, to points in Arizona, California, New Mexico, and Nevada, for 150 days. Supporting shipper: CF&I Steel Corp., Post Office Box 1920, Denver, Colo. 80201. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133676 (Sub-No. 1 TA), filed June 6, 1969. Applicant: COMET DISTRIBUTION SERVICES, INC., 2125 Sorrel Avenue, Post Office Box 3175, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, from Port Gardner, La., to Port Allen, La., *for export*, for 180 days. Supporting shipper: Louisiana Forest Products Corp. (Port Hudson Mill), Post Office Box 430, Zachary, La. 70791. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133780 TA, filed June 5, 1969. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue, Markham (Tinley Park), Ill. 60477. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and, including, *chocolate drink, chocolate milk, cottage cheese, fruit juices, fresh and frozen, sour cream, dip-n-dressing, and yogart, and puddings*, from the plantsite and warehouse facilities of Sealtest Foods Division of Kraftco, Milwaukee, Wis., to the plant and warehouse facilities of Sealtest Foods Division of Kraftco, South Bend, Ind., under a continuing contract or contracts with Sealtest Foods Division of Kraftco, New York, N.Y., and *empty containers, out-dated merchandise, spoiled merchandise*, on return movements, for 180 days. Supporting shipper: Max L. Kordisch, Division Transportation & Division Manager, Sealtest Foods Division, Kraftco, Inc., 455 East Grand Avenue, Chicago, Ill. 60611. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133782 TA, filed June 6, 1969. Applicant: RUSSELL J. LONG, General Delivery, Decaturville, Tenn. 38329. Applicant's representative: Billy W. Townsend, 111 West Second Street, Parsons, Tenn. 38363. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting

Mussel shells, in bags, from Perryville, Tenn., to Mobile, Ala., for 180 days. Supporting shipper: C & S Shell Co., an Illinois corporation, Beardstown, Ill. (Joe Senio, Vice President). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7004; Filed, June 12, 1969; 8:47 a.m.]

[Notice 362]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71218. By order of June 6, 1969, the Motor Carrier Board approved the transfer to Alice C. Jones, doing business as Bill's Towing, Klamath, Oreg., of the certificate in No. MC-125667, issued May 10, 1965, to William H. Jones and Alice C. Jones, a partnership, doing business as Bill's Towing, Klamath, Oreg., authorizing the transportation of wrecked and disabled motor vehicles from points in Modoc and Siskiyou Counties, Calif., to Klamath Falls, Oreg. O. W. Goakey, Suite 214, First National Bank Building, Klamath Falls, Oreg. 97601, attorney for applicants.

No. MC-FC-71306. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Bob Cook's Vagabond Travel Service, Inc., doing business as Vagabond Travel Service, Vagabond Tours, and Vagabond Travel Club, 605 North Plankinton Avenue, Milwaukee, Wis. 53203, of the license in No. MC-12836 issued May 28, 1963, to Eldred C. Knodt, doing business as Vagabond Tours, 605 North Plankinton Avenue, Milwaukee, Wis. 53203, authorizing operations as a broker at Milwaukee, Wis., in connection with the transportation of passengers and their baggage, in special or charter operations, beginning and ending at points in Milwaukee and Waukesha Counties, Wis., and extending to points in the United States, including Alaska and Hawaii.

No. MC-FC-71326. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Lewis R. Hunt and C. L. Hunt, a partnership, doing business as Hunt & Son, Warrensburg, Mo., of the operating rights in permits Nos. MC-125717 (Sub-No. 1), MC-125717 (Sub-No. 3), MC-125717 (Sub-No. 5), MC-125717 (Sub-No. 7), MC-125717 (Sub-No. 9), and MC-125717 (Sub-No. 11) issued May 25, 1965, May 25, 1966, December 5, 1966, August 18, 1967, August 18, 1967, and August 7, 1968, respectively, to Norman Joseph Choplin, doing business as Joe Choplin, Independence, Mo., authorizing the transportation of dairy replacement products, under contract with Presto Food Products, Inc., from Kansas City, Mo., to points in Texas, Oklahoma, Kansas, Arkansas, Louisiana, Illinois, Iowa, Minnesota, Nebraska, and Colorado, and pulpboard boxes, for the same shipper, from Garland, Tex., to Kansas City, Mo. Dual operations were approved. Frank W. Taylor, Jr., Esq., 1221 Baltimore Avenue, Kansas City, Mo. 64105, attorney for applicants.

No. MC-FC-71347. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Philip R. McLean, doing business as McLean Transportation, Canton, Mass., of the operating rights in certificate No. MC-65413 issued September 15, 1942, to Alden Motor Transportation Co., a corporation, Boston, Mass., authorizing the transportation of: Wool and waste, burlap bags and sheets, and hardware and pipe, between points in Massachusetts and Rhode Island. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-71369. By order of June 9, 1969, the Motor Carrier Board approved the transfer to P-N-J Kornacker, Inc., doing business as Kornacker Trucking Co., Waukegan, Ill., of the operating rights in permits Nos. MC-125479, MC-125479 (Sub-No. 1), MC-125479 (Sub-No. 3), MC-125479 (Sub-No. 4), and MC-125479 (Sub-No. 7) issued February 28, 1964, April 27, 1966, May 1, 1967, September 6, 1966, and August 11, 1967, respectively, to Joseph A. Kornacker doing business as Kornacker Trucking Co., Waukegan, Ill., authorizing the transportation, over irregular routes, of malt beverages from St. Louis, Mo., to Waukegan, Arlington Heights, Addison, and Montgomery, Ill., and from certain plantsites in Milwaukee, Wis., South Bend, Ind., Detroit, Mich., and St. Joseph, Mo., to Waukegan, Ill., restricted to service performed under contracts with named shippers. Alvin E. Rosenbloom, 33 North Dearborn Street, Chicago, Ill. 60602, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7005; Filed, June 12, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00352-33-46500. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Ultramicrotome, Model LKB 8800, table and knife maker combination. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning morphologic aspects of cardiovascular disease. Sections of heart, lungs, and blood vessels are studied by routine electron microscopy and by electron microscopic histochemistry. These tissues are sectioned very thin—from 50 angstroms to 2 microns—with the ultramicrotome for observation under the electron microscope. The ultrathin sections required for this work must be prepared in long series and must be cut in equal thickness throughout. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the specimen, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the sections are being prepared. The purpose of the experiments is to correlate the morphological, biochemical, and functional aspects of various cardiovascular diseases, for which the best obtainable resolution should be available. For this reason, we find that the lower minimum thickness capability of the foreign article is pertinent to the purposes for which it is intended to be used. We corrollarily find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON, *Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-6953; Filed, June 12, 1969; 8:45 a.m.]

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises by the "SS United States":

Sails New York	Returns New York	Itinerary
Nov. 9, 1969	Nov. 30, 1969	Bermuda, Lisbon, Madeira, Tenerife, Dakar, St. Thomas, Nassau.
Dec. 19, 1969	Jan. 4, 1970	St. Thomas, Dakar, Tenerife, Madeira.

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on June 25, 1969. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion its deems warranted.

Dated: June 10, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr., *Secretary.*

[F.R. Doc. 69-7072; Filed, June 12, 1969; 9:07 a.m.]

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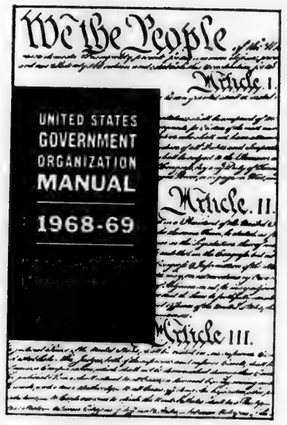

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Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—U.S. Standards for Grades of Shelled Pecans [1]

On page 5331 of the FEDERAL REGISTER of March 18, 1969, there was published a notice of proposed rule making to revise these grade standards by up-dating and making them adaptable to the qualities and sizes of pecan kernels being marketed. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until April 15, 1969 to submit written data, views, or arguments regarding the proposal. No comments have been received and the proposed revised standards are hereby adopted without change and are set forth below.

These standards shall become effective on July 15, 1969, and will thereupon supersede the U.S. Standards for Shelled Pecans which have been in effect since October 19, 1952 (7 CFR, § 51.1430–51.1453).

Dated: June 10, 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

GRADES

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51.1430 U.S. No. 1 Halves.
51.1431 U.S. No. 1 Halves and Pieces.
51.1432 U.S. No. 1 Pieces.
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COLOR CLASSIFICATIONS

51.1436 Color classifications.

SIZE CLASSIFICATIONS

51.1437 Size classifications for halves.
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TOLERANCES FOR DEFECTS

51.1439 Tolerances for defects.

APPLICATION OF STANDARDS

51.1440 Application of standards.

DEFINITIONS

51.1441 Half-kernel.
51.1442 Piece.
51.1443 Particles and dust.
51.1444 Well dried.
51.1445 Fairly well developed.
51.1446 Poorly developed.
51.1447 Fairly uniform in color.
51.1448 Fairly uniform in size.
51.1449 Damage.
51.1450 Serious damage.

METRIC CONVERSION TABLE

51.1451 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1430 U.S. No. 1 Halves.

"U.S. No. 1 Halves" consists of pecan half-kernels which meet the following requirements:

(a) For quality:
(1) Well dried;
(2) Fairly well developed;
(3) Fairly uniform in color;
(4) Not darker than "amber" skin color;
(5) Free from damage or serious damage by any cause;
(6) Free from pieces of shell, center wall and foreign material; and,
(7) Comply with tolerances for defects (see § 51.1439); and,
(b) For size:
(1) Halves are fairly uniform in size;
(2) Halves conform to size classification or count specified; and,
(3) Comply with tolerances for pieces, particles, and dust (see § 51.1437).

§ 51.1431 U.S. No. 1 Halves and Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For size:
(1) At least 50 percent, by weight, are half-kernels;
(2) Both halves and pieces will not pass through a 5/16-inch round opening; and,
(3) Comply with tolerances for undersize. (See Table III.)

§ 51.1432 U.S. No. 1 Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For quality:
(1) No requirement for uniformity of color; and,
(b) For size:
(1) No requirement for percentage of half-kernels;
(2) Conform to any size classification or other size description specified; and,
(3) Comply with applicable tolerances for off-size. (See Table III.)

§ 51.1433 U.S. Commercial Halves.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For quality:
(1) No requirement for uniformity of color; and,
(2) Increased tolerances for defects (see § 51.1439); and,
(b) For size:
(1) No requirement for uniformity of size.

§ 51.1434 U.S. Commercial Halves and Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves and Pieces except:

(a) For quality:
(1) No requirement for uniformity of color; and,
(2) Increased tolerances for defects. (See § 51.1439.)

§ 51.1435 U.S. Commercial Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Pieces except for:

(a) Increased tolerances for defects. (See § 51.1439.)

COLOR CLASSIFICATIONS

§ 51.1436 Color classifications.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(2) "Light amber" means that the kernel has more than 25 percent of its surface light brown, but not more than 25 percent of the surface darker than light brown, and none of the surface darker than medium brown.

(3) "Amber" means that the kernel has more than 25 percent of the surface medium brown, but not more than 25 percent of the surface darker than medium brown, and none of the surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that the kernel has more than 25 percent of the surface dark brown, but not more than 25 percent of the surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, PEC–MC–1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

the terms "golden," "light brown," "medium brown," and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wis. 53538.

SIZE CLASSIFICATIONS

§ 51.1437 Size classifications for halves.

The size of pecan halves in a lot may be specified in accordance with one of the size classifications shown in Table I:

TABLE I

Size classifications for halves	*Number of halves per pound*
Mammoth	250 or less.
Junior mammoth	251–300.
Jumbo	301–350.
Extra large	351–450.
Large	451–550.
Medium	551–650.
Small (topper)	651–750.
Midget	751 or more.

(a) The number of halves per pound shall be based upon the weight of half-kernels after all pieces, particles and dust, shell, center wall, and foreign material have been removed.

(b) In lieu of the size classifications in Table I, the size of pecan halves in a lot may be specified in terms of the number of halves or a range of numbers of halves per pound. For example, "400" or "600–700".

(c) Tolerance for count per pound: In order to allow for variations incident to proper sizing, a tolerance shall be permitted as follows:

(1) When an exact number of halves per pound is specified, the actual count per pound may vary not more than 5 percent from the specified number; and,

(2) When any size classification shown in Table I or a range in count per pound is specified, no tolerance shall be allowed for counts outside of the specified range.

(d) *Tolerances for pieces, particles, and dust.* In order to allow for variations incident to proper sizing and handling, not more than 15 percent, by weight, of any lot may consist of pieces, particles, and dust: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for portions less than one-half of a complete half-kernel, including not more than 1 percent for particles and dust.

§ 51.1438 Size classifications for pieces.

The size of pecan pieces in a lot may be specified in accordance with one of the size classifications shown in Table II.

TABLE II

Size classification	Maximum diameter (will pass through round opening of following diameter)	Minimum diameter (will not pass through round opening of following diameter)
		Inch
Mammoth pieces	No limitation	5/16
Extra large pieces	9/16 inch	7/16
Halves and pieces	No limitation	5/16
Large pieces	5/8 inch	3/16
Medium pieces	9/16 inch	3/16
Small pieces	4/8 inch	2/16
Midget pieces	3/16 inch	1/16
Granules	3/16 inch	1/16

(a) In lieu of the size classifications in Table II, the size of pieces in a lot may be specified in terms of minimum diameter, or as a range described in terms of minimum and maximum diameters expressed in sixteenths or sixty-fourths of an inch.

(b) Tolerances for size of pieces: In order to allow for variations incident to proper sizing, tolerances are provided for pieces in a lot which fail to meet the requirements of any size specified. The tolerances, by weight, are shown in Table III.

TABLE III

Size classification	Total tolerance for offsize pieces	Tolerance (included in total tolerance) for pieces smaller than	
		3/16 inch	1/16 inch
	Percent	*Percent*	*Percent*
Mammoth pieces	15	1	
Extra large pieces	15	1	
Halves and pieces	15	1	
Large pieces	15	1	
Medium pieces	15	2	
Small pieces	15	2	
Midget pieces	15		2
Granules	15		5
Other specified size	15	1	

TOLERANCES FOR DEFECTS

§ 51.1439 Tolerances for defects.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) U.S. No. 1 Halves, U.S. No. 1 Halves and Pieces, and U.S. No. 1 Pieces grades:

(1) 0.05 percent for shell, center wall, and foreign material;

(2) 3 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification but which are not otherwise defective; and,

(3) 3 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent for defects causing serious damage: *Provided*, That any unused portion of this tolerance may be applied to increase the tolerance for kernels which are "dark amber" or darker color, or darker than any specified lighter color classification.

(b) U.S. Commercial Halves, U.S. Commercial Halves and Pieces, and U.S. Commercial Pieces grades:

(1) 0.15 percent for shell, center wall, and foreign material;

(2) 25 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and,

(3) 8 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage.

APPLICATION OF STANDARDS

§ 51.1440 Application of standards.

The grade of a lot of shelled pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable container or number of containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.1441 Half-kernel.

"Half-kernel" means one of the separated halves of an entire pecan kernel with not more than one-eighth of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.

§ 51.1442 Piece.

"Piece" means a portion of a kernel which is less than seven-eighths of a half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

§ 51.1443 Particles and dust.

"Particles and dust" means, for all size designations except "midget pieces" and "granules," fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

§ 51.1444 Well dried.

"Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.1445 Fairly well developed.

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. (See Figure I.)

§ 51.1446 Poorly developed.

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure I.)

§ 51.1447 Fairly uniform in color.

"Fairly uniform in color" means that 90 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§ 51.1448 Fairly uniform in size.

"Fairly uniform in size" means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than one-half as much as the 10 largest halves.

§ 51.1449 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects should be considered as damage:

(a) Adhering material from inside the shell when attached to more than one-fourth of the surface on one side of the half-kernel or piece;

Figure 1

CROSS SECTION ILLUSTRATION

1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.

2. FAIRLY WELL DEVELOPED

Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.

3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

(b) Dust or dirt adhering to the kernel when conspicuous;

(c) Kernel which is not well dried;

(d) Kernel which is "dark amber" or darker color;

(e) Kernel having more than one dark kernel spot, or one dark kernel spot more than one-eighth inch in greatest dimension;

(f) Shriveling when the surface of the kernel is very conspicuously wrinkled;

(g) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth the length of the half-kernel or piece, or lesser areas of dark discoloration affecting the appearance to an equal or greater extent; and,

(h) Poorly developed kernel. (See Figure I.)

§ 51.1450 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernel or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Any plainly visible mold;

(b) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(c) Decay affecting any portion of the kernel;

(d) Insects, web, or frass or any distinct evidence of insect feeding on the kernel;

(e) Internal discoloration which is dark gray, dark brown, or black and extends more than one-third the length of the half-kernel or piece;

(f) Adhering material from inside the shell when attached to more than one-half of the surface on one side of the half-kernel or piece;

(g) Dark kernel spots when more than three are on the kernel, or when any dark kernel spot or the aggregate of two or more spots affect an area of more than 10 percent of the surface of the half-kernel or piece;

(h) Dark skin discoloration, darker than "dark brown," when covering more than one-fourth of the surface of the half-kernel or piece; and,

(i) Undeveloped kernel. (See Figure I.)

METRIC CONVERSION TABLE

§ 51.1451 Metric conversion table.

Inches	*Millimeters (mm)*
5/16	12.7
7/16	11.1
6/16	9.5
5/16	7.9
4/16	6.4
3/16	4.8
2/16	3.2
1/64	2.4
5/64	2.0
1/16	1.6

[F.R. Doc. 69–7052; Filed, June 13, 1969; 8:48 a.m.]

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Third Apportionment of the School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1969

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1969, are reapportioned among the States as follows in order to effect a further apportionment of funds.

State	Total apportionment	State agency	Withheld for private schools
Alabama	$97,412	$95,413	$1,999
Alaska	7,091	7,091	
Arizona	68,929	68,537	392
Arkansas	71,707	71,707	
California	153,880	153,880	
Colorado	52,876	47,227	5,649
Connecticut	57,598	57,598	
Delaware	1,185	1,185	
District of Columbia	53,375	53,375	
Florida	103,930	103,930	
Georgia	180,794	180,794	
Guam	11,769	11,769	
Hawaii	12,776	12,186	590
Idaho			
Illinois	104,236	104,236	
Indiana	100,343	100,343	
Iowa	75,849	70,027	5,822
Kansas	12,192	12,192	
Kentucky	74,867	74,867	
Louisiana	84,473	84,473	
Maine	31,167	29,088	2,079
Maryland	71,031	71,031	
Massachusetts	90,089	90,089	
Michigan	69,664	66,260	3,404
Minnesota	57,721	46,819	10,902
Mississippi	106,440	106,440	
Missouri	21,000	21,000	
Montana	21,535	18,225	3,310
Nebraska	10,742	10,752	8,990
Nevada	10,410	10,410	
New Hampshire	27,729	27,729	
New Jersey	102,364	94,074	8,290
New Mexico	38,529	38,529	
New York	105,837	105,837	
North Carolina	196,975	196,975	
North Dakota	7,597	5,875	1,722
Ohio	207,671	201,988	5,683
Oklahoma	100,039	100,039	
Oregon	14,194	14,194	
Pennsylvania	64,106	54,711	9,396
Puerto Rico	73,893	73,893	
Rhode Island	38,493	38,493	
South Carolina	75,362	75,362	
South Dakota	21,000	21,000	
Tennessee	114,241	114,241	
Texas	202,190	198,137	4,053
Utah	6,954	6,954	
Vermont	12,529	12,529	
Virginia	111,821	111,462	359
Virgin Islands			
Washington	33,000	30,763	2,237
West Virginia	99,229	99,229	
Wisconsin	45,980	38,052	7,928
Wyoming	16,386	16,386	
Samoa, American			
Total	3,500,000	3,417,196	82,804

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: June 11, 1969.

WINN F. FINNER,
Acting Administrator.

[F.R. Doc. 69-7070; Filed, June 13, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 378]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.678 Lemon Regulation 378.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 10, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 15, 1969, through June 21, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7101; Filed, June 13, 1969; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3273 is amended to reflect a 1-year extension, until June 30, 1970, of the Schedule B exception covering positions at GS–9 through GS–15 in new, experimental programs for which existing civil service lists of eligibles are inadequate. Effective on publication in the FEDERAL REGISTER, paragraph (b) of § 213.3273 is amended as set out below.

§ 213.3273 Office of Economic Opportunity.

* * * * *

(b) Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1970.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7043; Filed, June 13, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Confidential Assistant to the Assistant Secretary (Manpower and Reserve Affairs) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (55) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(55) One Confidential Assistant to the Assistant Secretary (Manpower and Reserve Affairs).

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7044; Filed, June 13, 1969; 8:47 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Miscellaneous Amendments

Subpart G of Part 550 is amended to lessen the restriction on entitlement to severance pay made by the amendment of section 550.701(b)(2) and the revocation of section 550.705 by F.R. Doc. 69–146, 34 F.R. 123. Section 550.701(b)(2) is amended and section 550.705 is added so that an employee who is separated because he declines to accept an assignment to another commuting area in either a transfer of function or reduction-in-force situation is entitled to severance pay. Effective June 14, 1969.

§ 550.701 Coverage.

* * * * *

(b) *Employees.* * * *

(2) This subpart does not apply to an employee who at the time of separation from the service, is offered and declines to accept an equivalent position in his agency in the same commuting area, including an agency to which the employee with his function is transferred in a transfer of functions between agencies. For purposes of this subparagraph, an equivalent position is a position of like seniority, tenure, and pay other than a retained rate.

* * * * *

§ 550.705 Failure to accept assignment.

When an employee is separated because he declines to accept assignment to another commuting area and the proposed assignment is the result of, or in connection with, a transfer of function or a reduction-in-force situation, the separation is an involuntary separation not by removal for cause on charges of misconduct, delinquency, or inefficiency for purposes of entitlement to severance pay.

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7179; Filed, June 13, 1969; 10:49 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

PART 650—PRODUCTION CREDIT ASSOCIATIONS

Maturities

In Chapter VI of Title 12 of the Code of Federal Regulations, Part 640 is amended by revising § 640.223(a) (31 F.R. 16249), and Part 650 is amended by revising § 650.143 (31 F.R. 16252) to read as follows:

§ 640.223 Maturities.

(a) Notes evidencing direct loans to financing institutions, and notes or other obligations discounted or accepted as collateral for loans by an intermediate credit bank usually will be drawn with maturities coinciding with the normal marketing seasons for the crops or livestock from which liquidation is expected, ordinarily not more than 12 months. Any note evidencing an intermediate-term loan may be discounted, or accepted as collateral for direct loans, provided the period from date of discount or acceptance of the note as collateral to its maturity does not exceed 7 years.

* * * * *

§ 650.143 Maturities.

Loans will usually be made with maturities coinciding with the normal marketing seasons for the crops or livestock being financed, ordinarily not more than 12 months. An intermediate-term loan may be made with a maturity not to exceed 7 years from the date of the note, under policies and procedures prescribed by the Bank.

(Sec. 2, 42 Stat. 1459, sec. 6, 47 Stat. 14, as amended, sec. 20, 48 Stat. 259, as amended; 12 U.S.C. 665, 1101, 1131d)

E. A. JAENKE,
Governor, Farm Credit Administration.

[F.R. Doc. 69-7057; Filed, June 13, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Milk Bread, Identity Standard; Confirmation of Effective Date of Order Listing Butter Oil, Dehydrated Butter, and Anhydrous Milk Fat as Optional Ingredients

In the matter of amending the definition and standard of identity for milk bread (21 CFR 17.3) by listing butter oil, dehydrated butter, and anhydrous milk fat as optional ingredients:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 15, 1969 (34 F.R. 6479). Accordingly, the amendment promulgated by that order will become effective June 14, 1969.

Dated: June 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7029; Filed, June 13, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2395) filed by Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of calcium disodium EDTA in distilled alcoholic beverages to promote stability of color, flavor, and/or product clarity. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1017(b)(1) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Distilled alcoholic beverages.	25	Promote stability of color, flavor, and/or product clarity.
* * *	* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7030; Filed, June 13, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 148k—NYSTATIN

Tablets

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148k.7(a) is revised to read as follows to provide for certification of film-coated nystatin tablets with up to 8 percent moisture content:

§ 148k.7 Nystatin tablets.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Nystatin tablets are tablets composed of nystatin and suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains 500,000 units of nystatin. If they are plain coated, the moisture content is not more than 5 percent and they shall disintegrate within 2 hours. If they are film coated, the moisture content is not more than 8 percent and they shall disintegrate within 15 minutes. The nystatin used conforms to the standards prescribed by § 148k.1(a)(1). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

This order provides for certification of nystatin tablets with a different moisture content from that heretofore permitted. Since the manufacturer has supplied data regarding such tablets that the Commissioner finds adequate with respect to stability and disintegration time and since this order is nonrestrictive and noncontroversial in nature, notice and public procedure are not prerequisites to this promulgation.

Effective date: This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7031; Filed, June 13, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In part 200 in the Table of Contents § 200.73 is deleted and §§ 200.72, 200.102, 200.106, and 200.108 are amended as follows:

Sec.
200.72 Director of the Management and Operations Assistance Division and Deputy.
200.102 Assistant Commissioners.
200.106 Assistant Commissioner for Field Operations and Deputy; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; and Assistant Commissioner for Administration and Deputy.
200.108 Director of the Management and Operations Assistance Division; Deputy Director of the Management and Operations Assistance Division; and Chief of the Contracting Section.

In § 200.68 paragraph (a) is amended and paragraph (j) is revoked as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(a) To be responsible for administrative-management functions of the Federal Housing Administration; organizational structures and related matters; budget activities; administrative staff planning and coordination of agency operations analysis activities; contracting for the maintenance, alteration, construction, repair, and operation of acquired properties and for credit reports; management surveys, forms and records management; coordination and maintenance of the FHA manual, directives, and other issuances and instructional material; planning and liaison with the Assistant Secretary for Administration on administrative-management matters in general, with the HUD Office of Personnel on personnel policies and procedures and on FHA personnel problems, and with the HUD Office of General Services on general services required for the operation of the Federal Housing Administration; review of departmental compliance cases, referral of such cases to the Inspection Division, HUD, and liaison with the Inspection Division on the disposition of the cases; to approve or direct the approval of overtime work, and to be in charge of the Budget Division, the Management and Operations Assistance Division, the Office of Compliance Coordination, and the Operations Analysis Staff.

* * * * *

In § 200.72 the heading and introductory paragraph (m) is added to read as follows:

§ 200.72 Director of the Management and Operations Assistance Division and Deputy.

To the position of Director of the Management and Operations Assistance Division and under his general supervision to the Deputy Director of the Management and Operations Assistance Division, and with respect to paragraphs (g), (h), and (i) of this section to the Chief of the Contracting Section there is delegated the following basic authority and functions:

* * * * *

(m) To be responsible for the review and recommendation to the Assistant Commissioner for Home Mortgages of approval, disapproval, or cancellation of approval of financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

In Part 200 § 200.73 is revoked as follows:

§ 200.73 Director, Audit Division and Deputy [Revoked].

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Assistant Secretary-Commissioner, Chairman; Deputy Assistant Secretary, Vice Chairman; Executive Assistant Commissioner; Assistant Commissioner for Field Operations; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; and Assistant Commissioner for Property Disposition.

* * * * *

In § 200.87 paragraph (a) is amended to read as follows:

§ 200.87 Management Improvement Committee.

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of the Management and Operations Assistance Division, Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Property Disposition; and Director of Budget Division.

* * * * *

In § 200.93 paragraph (a) is amended to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* The Multifamily Participation Review Committee shall consist of the following officials or their deputies: Assistant Commissioner for Field Operations, Chairman; Assistant Commissioner for Technical Standards; Assistant Commissioner for Multifamily Housing; Director, Compliance Coordination; and such other members as the Assistant Secretary-Commissioner shall designate.

* * * * *

In § 200.102 the heading and introductory text are amended to read as follows:

§ 200.102 Assistant Commissioners.

To the position of Assistant Commissioner, and to each of them, in addition to the authority granted under the provisions of section 204(g) of the National Housing Act, there is delegated the following duties and functions:

* * * * *

In § 200.106 the heading and paragraph (a) are amended to read as follows:

§ 200.106 Assistant Commissioner for Field Operations and Deputy; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration and Deputy.

(a) To the Assistant Commissioner for Field Operations; Deputy Assistant Commissioner for Field Operations; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; and the Assistant Commissioner for Administration, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16), incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

In § 200.108 the heading and introductory text are amended to read as follows:

§ 200.108 Director of the Management and Operations Assistance Division; Deputy Director of the Management and Operations Assistance Division; and Chief of the Contracting Section.

To the position of Director of the Management and Operations Assistance Division and under his general supervision to the positions of Deputy Director of the Management and Operations Assistance Division; and Chief of the Contracting Section, and to each of them, there is delegated the following basic authority and functions:

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 9, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7056; Filed, June 13, 1969; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

JUNE 6, 1969.

On pages 15429-31 of the FEDERAL REGISTER of October 17, 1968, there was published a notice of proposed rule making under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and under various statutes relating to the surface use of Indian lands to revise Part 151, Subchapter N, Chapter 1, Title 25, of the Code of Federal Regulations pertaining to the General Grazing Regulations.

Interested persons were given an opportunity to submit comments, suggestions, or objections with respect to the proposed regulation revisions within 30 days from the publication of the notice in the FEDERAL REGISTER. The period for submitting comments, suggestions, or objections was subsequently extended for an additional 90 days from November 16, 1968. During these periods many comments, suggestions, and objections were received from Indian tribes and associations, tribal attorneys, Members of the Congress, and other interested persons. Careful consideration was given to the comments received, and several revisions were made as a result of them. The most significant changes in the proposed revisions are as follows:

1. A definition of a "tribe" is added to and the definition of "assignment" is eliminated from § 151.1.

2. The references to assignments of tribal land are eliminated from the definitions of "tribal land" in § 151.1.

3. The definition of "Governing body" is expanded to include recognized tribal memberships in § 151.1.

4. Objective, § 151.3(c), is clarified relative to administering grazing privileges and the term "highest return" replaces "fair return."

5. The establishment of range units in § 151.5 is revised to be under the direction of the Superintendent rather than the Area Director and the reference to the Area Director's discretion is eliminated. Government land is added.

6. The responsibility for establishing grazing capacity by the Superintendent and the Area Director and their consideration of nonlivestock uses is clarified in § 151.6.

7. The issuance of permits for grazing on range units in § 151.7 is clarified by accounting for Government land.

8. The conditions for grazing exempt from permit in § 151.8 are clearly declared to be applicable to adult members of any tribe.

9. The authority of the Superintendent to include land in grazing permits is clarified and expanded to include orphaned minors and courts of Indian offenses in § 151.9(a); § 151.9(b) is clarified and the provisions for referendum vote is eliminated.

10. The responsibility to authorize the allocation of grazing privileges in § 151.10 is vested in tribal governing bodies instead of Superintendents, allocation to adult tribal members is clarified, and some of the Area Directors' responsibilities are assigned to Superintendents.

11. The rules for the advertisement and negotiation of grazing privileges in § 151.11 are revised to provide for a 30-day advertisement period, for oral auction at the discretion of the governing body instead of the Area Director, and to clarify Indian bid preference determinations.

12. The designation of the kind of livestock in § 151.12 is revised to vest tribal governing bodies with primary responsibility and Government land is accounted for.

13. The procedures for establishing grazing fees in § 151.13 are clarified and the provision for a referendum vote is eliminated.

14. The determination of grazing permit duration in § 151.14 is revised to vest tribal governing bodies with primary responsibility and Government land is accounted for.

15. The rules for the cancellation and modification of permits in § 151.15 are clarified.

16. The authorization requirements for hay cutting and uses other than grazing in § 151.19 are clarified.

17. All other revisions are primarily editorial in character. The revised Part 151 shall become effective upon the date of publication in the FEDERAL REGISTER, except that any grazing privileges and the rules which provided for their authorization for an established period of time which began prior to the effectiveness of this part shall endure undisturbed by this part through the end of the established period.

151.1 Definitions.
151.2 General authority.
151.3 Objectives.
151.4 Regulations; scope; exceptions.
151.5 Establishment of range units.
151.6 Grazing capacity.
151.7 Grazing on range units authorized by permit.
151.8 Grazing exempt from permit.
151.9 Authority of the Superintendent to include land in grazing permits.

151.10 Allocation of grazing privileges.
151.11 Competitive and negotiated sale of grazing privileges.
151.12 Kind of livestock.
151.13 Establishment of grazing fees.
151.14 Duration of grazing permits.
151.15 Assignment, modification, and cancellation of permits.
151.16 Conservation and land use provisions.
151.17 Range improvements; ownership.
151.18 Payment of tribal fees and taxes.
151.19 Special permit requirements and provisions.
151.20 Bonding and insurance requirements.
151.21 Payment of annual grazing fees.
151.22 Payment of preparation fees.
151.23 On-and-Off grazing privileges.
151.24 Livestock trespass.
151.25 Control of livestock diseases.

AUTHORITY: The provisions of this Part 151 issued pursuant to the authority of the Secretary of the Interior under 5 U.S.C. 301; R.S. 463, 25 U.S.C. sec. 2; R.S. 465, 25 U.S.C. sec. 9; and by sec. 6, 69 Stat. 986, 25 U.S.C. 406. Interpret or apply R.S. 2078, 25 U.S.C. 68; R.S. 3117, 25 U.S.C. 179; sec. 3, 26 Stat. 796, 25 U.S.C. 397; sec. 1, 28 Stat. 305, 25 U.S.C. 402; sec. 4, 36 Stat. 856, 25 U.S.C. 403; sec. 1, 39 Stat. 128, 25 U.S.C. 394; sec. 1, 41 Stat. 1232, 25 U.S.C. 393; C. 158, 47 Stat. 1417, 25 U.S.C. 413; secs. 16, 17, 48, Stat. 987, 988, 25 U.S.C. 476, 477; C. 210, 53 Stat. 840, 25 U.S.C. 68a, 87a; C. 554, 54 Stat. 745, 25 U.S.C. 380; secs. 1, 2, 4, 5, 6, 69 Stat. 539, 540, 25 U.S.C. 415, 415a, 415b, 415c, 415d.

CROSS REFERENCES: For Navajo grazing regulations, see Part 152 of this chapter. For leasing and permitting of restricted Indian lands for farming, farm pasture, and business, see Part 131 of this chapter.

§ 151.1 Definitions.

(a) "Tribe" means a tribe, band, community, group, or pueblo of Indians.

(b) "Governing body" means the general council or the tribal committee, board, or other membership body recognized by the Secretary as having the authority to act for the tribe, band, community, pueblo, or group of Indians.

(c) "Secretary" means the Secretary of the Interior.

(d) "Commissioner" means the Commissioner of Indian Affairs.

(e) "Area Director" means the Director of any established Area of the Bureau of Indian Affairs.

(f) "Superintendent" means the Superintendent of any Agency of the Bureau of Indian Affairs.

(g) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(h) "Tribal land" means land or any interest therein held by the United States in trust for a tribe, band, community, group, or pueblo of Indians subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when it is not immediately needed for such purposes. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. § 477).

(i) "Government land" means land, other than tribal land, acquired or reserved by the United States for Indian Bureau administrative purposes which is not immediately needed for the purposes for which it was acquired or reserved and land transferred to or placed under the jurisdiction of the Bureau of Indian Affairs.

(j) "Range unit" means a tract of range land designated as a management unit for administration of grazing. A range unit may consist of tribal, individually owned or Government land or any combination thereof consolidated for grazing administration.

(k) "Permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land.

(l) "Adult tribal member," for the purposes of this part, means a member of an Indian tribe, band, community, pueblo, or group, who has attained the age of 21 years.

(m) "Immediate family" means the spouse, brothers, sisters, lineal ancestors, and descendants of an adult tribal member.

(n) "Allocation" means the apportionment of grazing privileges without competitive bidding including the determination of who may graze livestock, the number and kind of livestock, and the place such livestock will be grazed.

§ 151.2 General authority.

It is within the authority of the Secretary to protect individually owned and tribal lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing. Improper use which threatens destruction of the range and soil resource is properly considered waste. With respect to reservations upon which the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), is applicable, the action of the Secretary must follow the directions in section 6 of that Act which are: "The Secretary of the Interior is directed to make rules and regulations for the operation and maintenance of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes." It is also the Secretary's responsibility to improve the economic well being of the Indian people through proper and efficient resource use.

§ 151.3 Objectives.

It is the purpose of the regulations of this part to:

(a) Preserve, through proper grazing management, the land, water, forest, forage, wildlife, and recreational values on the reservations and improve and build up these resources where they have deteriorated.

(b) Promote use of the range resource by Indians to enable them to earn a living, in whole or in part, through the grazing of their own livestock.

(c) Provide for the administration of grazing privileges in a manner which will yield the highest return consistent with sustained yield land management principles and the fulfillment of the rights and objectives of tribal governing bodies and individual land owners.

§ 151.4 Regulations; scope; exceptions.

The grazing regulations of this part apply to individually owned, tribal, and Government lands under the jurisdiction of the Bureau of Indian Affairs, except as superseded by special written instructions from the Commissioner in particular instances, or by provisions of any tribal constitution, bylaws, or charter, heretofore duly ratified or approved, or by any tribal action authorized thereunder. All forms necessary to carry out the purpose of the regulations of this part shall be approved by the Commissioner. Grazing lands not in range units established under this part may be leased pursuant to Part 131 of this chapter.

§ 151.5 Establishment of range units.

The conservation, development, and effective utilization of the range resource requires consolidation of small individual and tribal ownerships and the organization of the total range area into management units. This shall be done under the direction of the Superintendent, after consultation with the Indians, in a manner which will best meet the requirements of Indian needs, land ownership status, and proper land use. Any contiguous block of Indian and Government rangeland in excess of 2,560 acres shall be designated as one or more range units. Range units smaller than 2,560 acres may also be established under this procedure.

§ 151.6 Grazing capacity.

Subject to approval of the Area Director, the Superintendent shall prescribe the maximum number of livestock which may be grazed on each range unit and the season, or seasons, of use to achieve the objectives cited in § 151.3. The grazing capacity so prescribed will take into consideration the implementation of tribal objectives and programs requiring grazeable land to support wildlife and other nonlivestock uses. Stocking rates shall be reviewed on a continuing basis and adjusted as conditions warrant.

§ 151.7 Grazing on range units authorized by permit.

Grazing on range units authorized by a grazing permit except Indians' use of their own land pursuant to § 151.8. Permits on range units containing trust or restricted land which is entirely tribally owned, or is in combination with Government land, may be issued by the governing body, subject to approval by the Superintendent, or by the Superintendent pursuant to § 151.9(b). The Superintendent shall issue all permits on range units containing trust or restricted land

which is entirely individually owned or is in combination with tribal and or Government land.

§ 151.8 Grazing exempt from permit.

Adult tribal members of any tribe may, without approval of the Superintendent, graze livestock on their own individually owned grazing land or other grazing land for which they are responsible on behalf of those non compos mentis, on behalf of their minor children and on behalf of minor children or others to whom they stand in loco parentis when such children do not have a legal representative. The term "graze livestock" means the grazing of livestock which are either owned by those persons listed above, or if not owned, are under their direct management and supervision. Grazing of livestock under any other arrangement requires approval of the Superintendent.

§ 151.9 Authority of the Superintendent to include land in grazing permits.

(a) The Superintendent may include individually owned land in grazing permits on behalf of: (1) Orphaned minors; (2) persons who are non compos mentis and without legal guardians; (3) undetermined heirs or devisees of a deceased Indian owner; (4) adults whose whereabouts are unknown; (5) heirs or devisees, none of whom are using the land and who have not been able to agree upon the permitting of their land during a 3-month period, and after notice from the Superintendent given by posting a general notice in all Post Offices on the reservation and with the tribal governing body; (6) those Indian land owners listed in § 151.8 who give the Superintendent written authority to grant grazing privileges; and (7) any other Indian minor or person who is non compos mentis or otherwise under legal disability, if that person's guardian, conservator, or other fiduciary, appointed by a State court or by a tribal court or court of Indian offenses operating under an approved constitution or law and order code, gives the Superintendent written authority to grant grazing privileges.

(b) The Superintendent may include tribal land in grazing permits on behalf of governing bodies who given written authority. When timely action is not taken by the governing body to give the Superintendent written authority, or to issue permits pursuant to § 151.7 and the criteria prescribed in § 151.10, the Superintendent may proceed to issue permits on tribal land, subject to veto of the governing body, in order to prevent resource waste or unreasonable economic loss to the tribe or its members. The Superintendent shall notify the governing body in writing of the action he proposes to take and allow a 60-day period during which the tribal veto may be exercised.

(c) The Superintendent may include Government land in grazing permits provided such land is not already under revocable permit to the tribe, in which case, paragraph (b) of this section applies.

§ 151.10 Allocation of grazing privileges.

A tribal governing body may authorize the allocation of grazing privileges without competitive bidding on tribal and tribally controlled Government land to Indian corporations, Indian associations, and adult tribal members of the tribe represented by that governing body. The eligibility requirements for allocations shall be prescribed by the governing body, subject to written concurrence of the Superintendent. Where timely action is not taken by the governing body to prescribe satisfactory requirements, the Superintendent shall notify it in writing that it has a 60-day period during which it may present requirements. Subject to the approval of the Area Director, the Superintendent shall prescribe the eligibility requirements after expiration of the 60-day period in the event satisfactory action is not taken by the governing body.

§ 151.11 Competitive and negotiated sale of grazing privileges.

(a) Grazing privileges not exempt from permit under § 151.8 and not reserved for allocation under § 151.10 shall be advertised for competitive public sale by the Superintendent except as otherwise provided in paragraphs (b) and (c) of this section. Advertisements shall be (1) approved by the Area Director prior to publication; (2) shall be for a 30-day period unless otherwise authorized by the Area Director; (3) shall call for sealed bids; (4) may provide for oral auction subsequent to sealed bid opening at the discretion of the governing body; and (5) shall limit the privilege of meeting high sealed bids of non-Indians to adult tribal members, Indian corporations, and Indian associations, according to preferences determined by the governing body and concurred in writing by the Area Director.

(b) The Area Director may authorize the issuance of grazing permits by negotiation when in his discretion no useful purpose would be served by advertisement. Negotiated permits shall be limited to the grazing capacity established pursuant to § 151.6.

§ 151.12 Kind of livestock.

(a) Tribal governing bodies may determine, subject to the grazing capacity prescribed by the Superintendent and Area Director, the kind of livestock, e.g., cattle, sheep, etc., that may be grazed on range units composed entirely of tribal land or in combination with Government land.

(b) The Superintendent shall designate the same kind of livestock to be grazed on range units composed entirely of individually owned land, or in combination with tribal and or Government land, as that determined by governing bodies pursuant to paragraph (a) of this section, unless the principles of proper land management or efficient permit administration require otherwise.

§ 151.13 Establishment of grazing fees.

(a) Tribal governing bodies may determine the minimum rental rate to be charged for the use of tribal lands (1) included in advertisements for public sale, and (2) by allocation, except that allocated Indian permittees shall be required to pay not less than the reservation minimum rental rate established by the Area Director pursuant to paragraph (b) of this section for all non-Indian owned livestock which they may be authorized to graze on tribal lands. Prior to these determinations, the Superintendent shall provide the tribe with all available information including appraisal data concerning the value of grazing on tribal lands.

(b) The Area Director shall establish a reservation minimum acceptable grazing rental rate. The reservation minimum rate shall apply to all grazing privileges permitted on individually owned lands, to non-Indian owned livestock which allocated permittees may be authorized to graze on tribal lands, and to all tribal lands when the governing body fails to establish a rate pursuant to paragraph (a) of this section. Except as otherwise provided in paragraph (c) of this section, the rate established shall provide a fair annual return to the land owners.

(c) Indian landowners, in giving the Superintendent written authority to grant grazing privileges on their individually owned land, may stipulate a minimum rate above the reservation minimum set by the Area Director if justified because of above average value. They may also stipulate a lower rate than the reservation minimum, subject to approval of the Superintendent when the permittee is a member of the landowner's immediate family.

§ 151.14 Duration of grazing permits.

(a) Tribal governing bodies may determine the duration of grazing permits on range units composed entirely of tribal land or in combination with Government land, subject to a maximum period of 5 years except when substantial development or improvement is required, in which case the maximum period shall be 10 years.

(b) Subject to the same duration limits set forth in paragraph (a) of this section, the Superintendent shall prescribe the same period of duration for permits on range units composed entirely of individually owned land, or in combination with tribal and/or Government land, as that determined by governing bodies pursuant to paragraph (a) of this section unless the principles of proper land management or efficient permit administration require otherwise.

(c) Permits for a period in excess of 5 years shall provide for review of the grazing fees by the Superintendent at the end of the first 5 years and for adjustment as necessary.

§ 151.15 Assignment, modification, and cancellation of permits.

(a) Grazing permits shall not be assigned, subpermitted, or transferred without the consent of the contracting parties, including the surety, and the approval of the Superintendent.

(b) The Superintendent may revoke or withdraw all or any part of a grazing permit by cancellation or modification on 30 days' written notice for violation of the permit or because of termination of trust status of permitted land. In case of cancellation or modification because of trust termination the action shall be effected on the next annual anniversary date of the grazing permit following the date of notice.

(c) The Superintendent may revoke or withdraw all or any part of a grazing permit by cancellation or modification on 180 days' written notice for allocated Indian use or for grazing exempt from permit pursuant to § 151.8. Unless otherwise mutually agreed upon by the interested parties, such actions shall be effected on the next annual anniversary date of the grazing permit following the date of notice except when such timeliness of notice is not possible, in which case deferment of the intended action shall not be required to extend beyond 180 days from the date of the notice. Rental fees for grazing privileges taken for allocation shall not be less than those paid by the preceding permittee.

§ 151.16 Conservation and land use provisions.

Grazing operations shall be conducted in accordance with recognized principles of good range management. Stipulations or management plans necessary to accomplish this may be made a part of the grazing permit.

§ 151.17 Range improvements; ownership.

Improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Written permission to construct and to remove improvements must be secured from the Superintendent. The permit will specify the maximum time allowed for removal of improvements so excepted.

§ 151.18 Payment of tribal fees and taxes.

Fees and taxes exclusive of annual grazing fees, assessed by the tribe in connection with grazing permits and with the approval of the Commissioner or Secretary, shall be billed for by the tribe and paid annually in advance to the designated tribal official. Failure to make payment will subject the grazing permit to cancellation and may disqualify the permittee for future permits.

§ 151.19 Special permit requirements and provisions.

(a) All grazing permits shall contain the following provisions:

(1) While the lands covered by the permit are in trust or restricted status, all of the permittee's obligations under the permit and the obligation of his sureties are to the United States as well as to the owner of the land.

(2) Nothing contained in the permit shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the permit.

(3) The permittee agrees he will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.

(4) The permit authorizes the grazing of livestock only and the permittee shall not utilize the permitted area for hay cutting, hunting, post or timber cutting, or any other use without written authorization from the responsible Indian or Federal authority.

§ 151.20 Bonding and insurance requirements.

(a) A performance bond satisfactory to the Superintendent may be required in an amount that will reasonably assure performance of the contractual obligations. A bond, when required, may be for the purpose of guarantying the estimated construction cost of any improvement to be placed on the land which will become the property of the landowner or to insure compliance with special or additional contractual obligations.

(b) The permittee may be required to provide insurance in an amount adequate to protect any improvements on the permitted premises; and may also be required to furnish appropriate liability insurance and such other insurance as may be necessary to protect the landowner's interest.

§ 151.21 Payment of annual grazing fees.

Annual grazing fees for all grazing permits shall be paid in advance and the date due shall be a provision of the permit. Payment shall be made to the Bureau of Indian Affairs unless otherwise provided by the permit.

§ 151.22 Payment of preparation fees.

Permittees shall pay annually in advance the following fee, in addition to the grazing fee, to cover the cost of work performed in the preparation of grazing permits: *Provided*, That where all or any part of the expenses of the work are paid from tribal funds an alternate schedule of fees may be approved by the Commissioner:

Annual grazing fee	*Preparation fee (percent)*
On the first $500	3
On the next $4,500	2
On all above $5,000	1

In no event shall the fee be less than $2 nor exceed $250.

§ 151.23 On-and-off grazing privileges.

The permittee may be allowed credit for the grazing capacity of other range lands not covered by the permit, but which are owned or controlled by him and grazed in common with the permitted lands as a part of the range unit. The grazing capacity will be determined by the Superintendent and shown on the grazing permit.

§ 151.24 Livestock trespass.

The owner of any livestock grazing in trespass on restricted or trust Indian lands is liable to a penalty of $1 per head for each animal thereof for each day of trespass, together with the reasonable value of the forage consumed and damages to property injured or destroyed. The Superintendent shall take action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such penalties and damages shall be credited to the landowners where the trespass occurs. The following acts are prohibited:

(a) The grazing upon or driving across any individually owned, tribal, or Government lands of any livestock without an approved grazing or crossing permit.

(b) Allowing livestock to drift and graze on restricted or trust Indian lands without an approved permit.

(c) The grazing of livestock upon restricted or trust Indian lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by permittee upon an area of restricted or trust Indian lands withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the Superintendent of such withdrawal, or refusal to remove livestock upon instructions from the Superintendent when an injury is being done to the Indian lands by reason of improper handling of livestock.

§ 151.25 Control of livestock diseases.

Whenever livestock on Indian lands become infected with contagious or infectious diseases, or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable Federal and State laws and tribal ordinances.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-7036; Filed, June 13, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and in Secretary's Order No. 19–67 (32 F.R. 12980), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $70 to $80 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As amended, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $80 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 10th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-7069; Filed, June 13, 1969; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Sequoia and Kings Canyon National Parks, Calif.

A proposal was published at page 18444 and 18445 of the FEDERAL REGISTER of Thursday, December 12, 1968, to eliminate material on camping, entrance roads, and speed which is now covered in the general regulations of Part 2 of this title; to delete parts of the fishing regulations now covered in the general park regulations; to delete restrictions on eating and drinking establishments and the sale of food and drink now covered by Part 5 of this title; while retaining regulations on dogs and cats and adding new sections on health and sanitation and building construction laws and regulations of § 7.8 of Title 36 of the Code of Federal Regulations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and is set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 41 Stat. 731; 16 U.S.C. 61; 54 Stat. 41; 16 U.S.C. 80d)

Section 7.8 is revised to read as follows:

§ 7.8 Sequoia and Kings Canyon National Parks.

(a) *Dogs and cats.* Dogs and cats are prohibited on any park land or trail, except within one-fourth mile of developed areas which are accessible by a designated public automobile road.

(b) *Fishing.* (1) In Sequoia National Park the following waters are closed to fishing:

(i) On the watershed of the North Fork of the Kaweah River; Yucca Creek and tributaries from confluence with North Fork to sources from July 1 to close of State's fishing season; Cabin Creek from General's Highway to source.

(ii) On the watershed of the Marble Fork of the Kaweah River; Deer Creek from the foot bridge on the Sunset-Village Trail to source, except that children 10 years of age or younger are exempt from this closure; that section of Wolverton Creek from the dam upstream to the source, except that persons 15 years of age or younger are exempt from this closure at the pond held by the dam; and Silliman Creek from General's Highway to source at outlet of Silliman Lakes.

(iii) On the watershed of the Middle Fork of the Kaweah River: Crescent Creek from source to High Sierra Trail Bridge at lower Crescent Meadow.

(2) In Kings Canyon National Park the following waters are closed to fishing:

(i) On the watershed of the South Fork of the Kings River: Sheep Creek and its tributaries; Lewis Creek downstream from the first trail crossing; and Comb Creek from Lewis Creek upstream to first trail crossing.

(c) *Privately owned lands*—(1) *Water supply, sewage or disposal systems, and building construction or alterations.* The provisions of this paragraph apply to the privately owned lands within Sequoia and Kings Canyon National Parks.

(i) *Facilities.* (a) Subject to the provisions of subdivision (iii) of this subparagraph, no person shall occupy any building or structure, intended for human habitation or use, unless such building complies with standards, prescribed by State and county laws and regulations applicable in the county within whose exterior boundaries such building is located, as to construction, water supply and sewage disposal systems.

(b) No person shall construct, rebuild, or alter any building, water supply or sewage disposal system without the permission of the Superintendent. The Superintendent will give such permission only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such building or system comply with State or county standards. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

(ii) *Inspections.* (a) The appropriate State or county officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any building, water supply, or sewage disposal system, from time to time, in order to determine whether the building, water supply, or sewage disposal system comply with the State and county standards: *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(b) Any building, water supply, or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable cause to believe that such system presents an immediate and severe danger to the public health and safety.

(iii) *Defective systems.* (a) If upon inspection, any building, water supply or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after 1 year has elapsed from the mailing of such notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(b) If upon inspection, any building, water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health and safety or the health and safety of the occupants or users, the Superintendent shall post appropriate notices at conspicuous places on such premises, and thereafter, no person shall occupy or use the premises on which the deficiency or hazard is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance with established State and county standards.

(d) *Stock Driveways.* (1) The present county road extending from the west boundary of Kings Canyon National Park near Redwood Gap to Quail Flat junction of the General's Highway and the old road beyond is designated for the movement of stock and vehicular traffic, without charge, to and from national forest lands on either side of the General Grant Grove section of the park. Stock must be prevented from straying from the right of way.

JOHN S. MCLAUGHLIN,
Superintendent, Sequoia and Kings Canyon, National Parks, Calif.

[F.R. Doc. 69-7038; Filed, June 13, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATIONS OF THE DEPARTMENT

I. In § 113.8 paragraph (a) is revised so as to update the Department's policy statement relative to the release to the public of information respecting employees.

§ 113.8 Information concerning employees.

(a) *Policy.* (1) Prospective employers of a postal employee or a former postal employee may be furnished tenure of employment; Civil Service status; length of service in the postal service and the Federal Government; and when separated, the date and reason for separation shown on Standard Form 50. In addition, employee names, position titles, grades, salaries, and duty stations (which includes the room number, shop designation, or other identifying information regarding the building or place of employment) will be released by installation heads in response to requests unless:

(i) The release is prohibited under law or executive order in the interest of national defense or foreign policy.

(ii) The information is sought for purposes of commercial or other solicitation. Use of this information by an employee organization to increase its membership does not constitute commercial or other solicitation. An employee organization may not furnish or sell this information to others.

(iii) There is reason to believe that the names would be used for purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(2) In addition to the information to be made available under subparagraph (1) of this paragraph, the home address of an employee shall be made available to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that a complaint, information, accusation, or other writ involving nonsupport or a criminal offense, has been filed against him and his address is needed for service of a summons, warrant, subpoena, or other legal process.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, information required to be included in an official personnel folder by the instructions of the Civil Service Commission is not available to the public.

(4) The Commission makes information available to the public that will assist members of the public in understanding the purpose of, and in preparing for, civil service examinations. It makes information available to the public relative to the types of questions and the categories of knowledge or skill pertinent to a particular examination.

(i) Test material is not available to the public. The test papers of a competitor may be disclosed to him only during his examination. Each employee entrusted with test material has a positive duty to protect the confidentiality of that material and to assure that it is released only as required to conduct an examination authorized by the Commission.

(ii) The names of applicants for civil service positions or eligibles on civil service registers, certificates, employment lists, or other lists of eligibles, or their ratings or relative standings are not information available to the public. However, information of that type may be disclosed to Members of Congress and the press under the specific conditions prescribed in the Administrative Manual of the Commission.

(5) The Commission or other Government agency will disclose to the parties concerned any report of investigation under its control, or an extract of the report, to the extent the report is involved in a proceeding under Part 352, 353, 771, or 772 of the Civil Service Commission regulations and the report of investigation or the written summary thereof in a proceeding under Part 713 of the Civil Service Commission regulations, except when the disclosure would violate the proscription against the disclosure of medical information in § 794.-401 of the Civil Service Commission regulations. For the purpose of this paragraph, the "parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency involved in the proceeding.

(6) The Commission or other Government agency does not make a report of investigation or information from a report under its control available to the public, to witnesses, or, except as provided in subparagraph (5) of this paragraph, to the parties concerned in the investigation.

(7) No report of investigation, or an extract of the report, will be disclosed to the parties concerned in the investigation in any proceeding if it would violate a pledge of confidence.

* * * * *

NOTE: The corresponding Postal Manual section is 113.81.

PART 143—METERED STAMPS

II. In § 143.4 paragraph (f) is revised for clarification, and to state that mailing pieces bearing tapes which include only the month and year in the meter postmark may be accepted during the month shown and through the 10th day of the following month.

§ 143.4 Meter stamps.

* * * * *

(f) *Date of mailing.* (1) The actual date of deposit, including month, day, and year must be shown in the meter postmark on all first-class, airmail, and priority mail (heavy pieces), and on all registered, certified, insured, C.O.D., special delivery, and special handling mail, whether the postmark is printed directly on the mailing piece or on a separate tape affixed to the mailing piece.

(2) A date may not be shown in the meter postmark printed directly on a second-, third- or fourth-class mailing piece, but if the meter postmark is printed on a separate tape a date must be shown to lessen the possibility of improper reuse of the tape. The date must include the month and year, but the day may be omitted when the mailer does not definitely know what the actual date of deposit will be. Mailing pieces bearing tapes which include only the month and year in the meter postmark may be accepted during the month shown and through the 10th day of the following month.

* * * * *

NOTE: The corresponding Postal Manual section is 143.46.

PART 172—NONPOSTAL STAMPS AND BONDS

III. Section 172.1 is revised to state that documentary internal revenue stamps are no longer sold at post offices.

§ 172.1 Documentary internal revenue stamps.

The sale of documentary internal revenue stamps at post offices was discontinued at the close of business December 31, 1967. Persons desiring to purchase, exchange, or redeem the documentary stamps shall be referred to the nearest District Collector of Internal Revenue.

NOTE: The corresponding Postal Manual section is 172.1.

IV. In § 172.3 paragraph (b) is amended to reflect that bound books of 10-cent savings stamps have been eliminated.

§ 172.3 U.S. savings stamps.

* * * * *

(b) *Denominations.* Savings stamps are furnished in sheets in denominations of 10, 25, and 50 cents, and $1 and $5. The 25-cent stamps are also available bound in books. "Gift books" of ten 25-cent savings stamps sell for $2.50; and "gift books" of twenty 25-cent stamps for $5. Stamps in these books are not detached and sold separately, but they must be detached and affixed in an album before they may be redeemed at a post office.

* * * * *

NOTE: The corresponding Postal Manual section is 172.32.

V. In § 172.4 paragraphs (a) and (h) are amended, respectively, to provide that postmasters at certain post offices may request authority from their regional controllers to sell savings bonds; and to furnish information on the availability of U.S. savings notes (freedom shares) under the payroll savings plan.

Accordingly, in § 172.4 *U.S. savings bonds,* make the following changes:

Amend that part of paragraph (a) preceding the denomination table and amend paragraph (h) to read as follows:

§ 172.4 United States savings bonds.

(a) *Availability.* The Post Office Department acts as agent of the Treasury Department for the sale of Series E U.S. savings bonds at post offices in communities where no banks sell the bonds or where there are no other issuing agents. At any such office where there is a demand for bonds, the postmaster may request authority from his regional controller to sell them. Savings bonds are available in the following denominations:

* * * * *

(h) *Payroll savings plan*—(1) *Object.* The plan permits employees of the Postal Service to authorize withholding of salary deductions for the purchase of savings bonds and U.S. savings notes (freedom shares). Savings notes are in denominations of $25, $50, $75, and $100 with corresponding purchase prices of $20.25, $40.50, $60.75, and $81, respectively. They are available only with the simultaneous purchase of series E bonds. Savings bonds alone may be purchased through the payroll savings plan, or any combination of savings bonds and savings notes may be purchased providing the face value of the savings bond is equal to or exceeds the face value of the savings note. The availability of the payroll savings plan shall be made known to all employees.

(2) *Authorization.* Standard Form 1192, U.S. Savings Bonds Authorization for Purchase and Request for Change, shall be used by employees who wish to authorize deductions from pay each pay period for bonds only, or to authorize any changes desired in deductions or bonds. Standard Form 1192–A, Authorization for Purchase or Request for Change—U.S. Savings Bonds and Savings Notes (Freedom Shares), shall be used by employees who wish to authorize deductions from pay each pay period for the purchase of the bond and note combination. The form used shall be completed in detail by the employee and forwarded by the postmaster or other official to the postal data center. The minimum deduction for bonds is $3.75 each payday. Larger allotments in multiples of $1.25 may be made. The minimum deduction for the combined bond-and-note purchase is $3.90 each payday. The maximum allotment that can be applied to purchase of savings notes is $40.50 each payday. Deductions must be made in an aliquot amount of the combined purchase price of the bond and note.

(3) *Issuance of bond.* The postal data center will issue bonds and notes and deliver to purchaser when deductions are sufficient to pay for them. Bonds of the $50 and higher denominations will be given an issue date of the first day of the month in which at least half of the purchase price is accumulated, regardless of the number of payroll deductions required to complete the full purchase price of the bonds. Except for a combination containing $25 savings bonds, all bonds and notes issued under the bond-and-note combination will be given an issue date of the first day of the month in which one half or more of the purchase price has been accumulated.

(4) *Refund of deductions.* The postal data center will refund withheld deductions insufficient to purchase a bond or bond-and-note combination if the employee is separated from the service or cancels his withholding authorization.

NOTE: The corresponding Postal Manual sections are 172.41 and 172.48.

PART 173—POSTAL SAVINGS

VI. Part 173 is revised to eliminate instructions for paying postal savings withdrawals at post offices. Information about the discontinuance of the Postal Savings System and payment of withdrawals by the Treasury Department has been added.

Sec.
173.1 System discontinued.
173.2 Records of accounts.
173.3 Withdrawals.
173.4 Inquiries from depositors and claimants.

AUTHORITY: The provsions of this Part issued under 5 U.S.C. 301, 39 U.S.C. 501, 5225, 5228, 5229.

§ 173.1 System discontinued.

The Postal Savings System was discontinued by Public Law 89–377, approved March 28, 1966. The effective date for closing the system was April 27, 1966. After that date no postal savings deposits were accepted. In accordance with the law, all funds remaining on deposit July 1, 1967, were transferred to the Treasury Department to be held there subject to proper claims. Interest ceased to accrue on postal savings certificates on the interest anniversary dates of the individual certificates occurring before April 26, 1967. No interest accrues after that date, but the face value of a certificate and the interest due to anniversary date will be paid whenever the certificate is surrendered.

§ 173.2 Records of accounts.

The records of accounts with outstanding balances, Form PS 600, *Record of Postal Savings Account,* which were established when the accounts were opened, have been transferred to the Treasury Department. They will be maintained there as the official records of the accounts.

§ 173.3 Withdrawals.

All withdrawals will be paid by the Treasury Department. Postmasters will keep on hand a supply of Form 315, Depositor's Application to Withdraw Postal Savings, and other forms which have been used by the Post Office Department in connection with the accounts of deceased depositors. They will supply applicants with Form 315 and any other necessary forms, assist them in completing them, and tell them to mail them with the endorsed certificates to the Treasury Department, Bureau of Accounts, Investments Branch, Washington, D.C. 20226. A legal representative of a depositor should be advised to include a copy of his appointment with his application for payment on Form 315. If uncertain as to the requirements to be met for the Treasury Department to pay an account, the postmaster should advise the claimant to write to the Treasury Department, Bureau of Accounts, for information.

§ 173.4 Inquiries from depositors and claimants.

If a person claims to have a postal savings account, but does not have any certificates evidencing deposits, or requests information about an account as an entitled claimant, the postmaster will tell the person inquiring to write the Treasury Department at the above address for information and assistance.

NOTE: The corresponding Postal Manual Part is Part 173.

To the extent the foregoing amendments are not procedural regulations, they do not substantially affect rights of members of the public. Accordingly, they are effective upon publication in the FEDERAL REGISTER.

(5 U.S.C. 301, 552, 31 U.S.C. 757c, 39 U.S.C. 501, 4052, 4053)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-7048; Filed, June 13, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4668]

ALASKA

Modification of Public Land Order No. 4582

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos and Indians of Alaska, is hereby modified to the extent necessary to permit the issuance of rights-of-way for electrical plants, poles, and lines for the generation and distribution of electrical power to serve native villages, under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959) and/or the act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 10, 1969.

[F.R. Doc. 69-7049; Filed, June 13, 1969; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM UNDER TITLE II–A, HIGHER EDUCATION ACT OF 1965, AS AMENDED

Program Purposes

Correction

In F.R. Doc. 69–6580 appearing at page 8916 in the issue of Wednesday, June 4, 1969, § 131.(b)(2) should read as follows:

(2) Meeting special national or regional needs in the library and information sciences (hereinafter referred to as type B); or

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69–633]

PART 87—AVIATION SERVICES

INTERIM Basic Aeronautical Communications Emergency Plan

In the matter of amendment of Part 87 of the Commission's rules to align them with the INTERIM Basic Aeronautical Communications Emergency Plan (AEROCEP) and with the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids and revision of the INTERIM Basic Aeronautical Communications Emergency Plan to incorporate provisions for leased intercity private line facilities.

1. The Commission has under consideration a formal recommendation of the National Industry Advisory Committee (NIAC), which was submitted April 2, 1969, for minor revisions of the INTERIM Basic Aeronautical Communications Emergency Plan (AEROCEP) for operation during emergencies, heretofore adopted by the Commission on May 15, 1968.

2. Executive Orders 11092 and 10312 and section 606(c) of the Communications Act of 1934, as amended, places upon the Commission various functions including the development of plans and procedures covering authorization, operation and use of Safety and Special Radio Services facilities and personnel in the national interest in an emergency.

3. To the extent that they are not editorial in nature, the amendments contained in this order reflect Commission policy as established in the approved plans cited above. Moreover, their immediate adoption is justified for reasons of national security. They may therefore be adopted without regard to the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553).

4. *It is ordered*, Pursuant to sections 4(i), 606(c), and 606(d) of the Communications Act of 1934, as amended, and Executive Orders 11092 and 10312, that the revised INTERIM Basic Aeronautical Communications Emergency Plan, corrected to March 20, 1969, which includes new subparagraph 5 of Section F (Attachment 3)[1] and new Annex XIV to the Plan is approved, and

5. *It is further ordered*, That effective June 17, 1969, Part 87 of the Commission's rules is amended as set forth below.

(Secs. 4, 606, 48 Stat., as amended, 1066, 1104; 47 U.S.C. 154, 606; E.O. 11092, 10312)

Adopted: June 4, 1969.

Released: June 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

§§ 87.161, 87.163, 87.165 [Deleted]

1. In Subpart A of Part 87, the undesignated center heading National Defense and §§ 87.161, 87.163, and 87.165 are deleted.

2. A new Subpart Q is added to Part 87 to read as follows:

Subpart Q—National Defense

Sec.
87.601 Scope and objective.
87.602 Definition of terms.
87.603 Aeronautical Emergency Communications System.
87.604 National Defense Emergency Authorization (NDEA).
87.605 Notification of emergency action condition.
87.606 Termination of emergency action condition.
87.607 Security Control of Air Traffic and Air Navigation Aids (SCATANA).
87.608 Emergency operation.

AUTHORITY: The provisions of this Subpart Q issued under section 606, 48 Stat. 1104, as amended, 47 U.S.C. 606; Executive Order 10312, 16 F.R. 12452.

Subpart Q—National Defense

§ 87.601 Scope and objective.

(a) Sections 87.603 through 87.605 establish an Emergency Action Notification System for all Aviation Service licensees of the Federal Communications Commission, and an INTERIM Aeronautical Emergency Communications System (AECS) under the provisions of the approved INTERIM Basic Aeronautical Communications Emergency Plan (AEROCEP). The objectives are to provide an expeditious means for the dissemination of an Emergency Action Notification (with or without an Attack Warning) to Aviation Service licensees of the Federal Communications Commission during conditions of a grave National crisis or war, and to provide for an INTERIM Aeronautical Emergency Communications System (AECS), which would be activated upon release of an Emergency Action Notification by direction of the President of the United States.

(b) Sections 87.606 and 87.607 are for the purpose of providing for continued radio service and operation of facilities to the extent necessary for the safety or control of friendly aircraft during periods of attack or imminent threat thereof or as otherwise specified in these sections. These sections also provide for the security control of selected non-Federal air navigation aids during specified conditions under the provisions of the approved plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA). In addition, it is the objective to provide for actions to be taken under a Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids (SCATANA), in the interest of national security, to effect control of selected accurate non-Federal air navigation stations (VOR, VORTAC, TACAN, DECCA, and SHORAN) by the Regional Commanders, North American Air Defense Command during periods of Defense Emergency/Air Defense Emergency, or when the NORAD Region is under attack which will provide most effective utilization of such aids by military and civil aircraft, while denying their use to an enemy.

(a) *Accurate Air Naviagation Aids.* Radionavigation stations in the following categories: Very High Frequency Omni-directional Range (VOR), Very High Frequency Omni-directional Range and Tactical Air-Navigation (VORTAC), Tactical Air Navigation (TACAN), Short Range Hyperbolic Navigation System (DECCA) and Short Range Radionavigation (SHORAN).

(b) *Air Defense Emergency.* An emergency condition, declared or confirmed by either Commander-In-Chief, North American Air Defense (CINCNORAD) or Commander-In-Chief, Continental Air Defense (CINCONAD), or higher authority, which exists when attack upon the continental United States, Alaska, Canada, or U.S. installations in Greenland by hostile aircraft or missiles is considered probable, is imminent, or is taking place.

(c) *Defense Emergency.* An emergency condition which exists when a major attack is made upon U.S. forces overseas, or on allied forces in any theater of operations and is confirmed either by the commander of a command established by the Secretary of Defense or higher authority.

(d) *Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids.* A plan to establish the responsibilities, procedures, and general instructions for the security control of selected non-Federal air navigation aids (VOR, VORTAC, TACAN, DECCA, and SHORAN), under the provisions of the SCATANA Plan, during a Defense Emergency/Air Defense Emergency or imminence thereof.

(e) *Emergency Action Condition.* The period of time between the transmission of an Emergency Action Notification and the transmission of the Emergency Action Condition Termination.

(f) *Emergency Action Condition Termination.* The notice to all licensees and regulated services of the Federal Communications Commission, and to the general public, of the termination of an

[1] Attachment B filed as part of the original document.

Emergency Action Condition. The Emergency Action Condition Termination is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(g) *Emergency Action Notification.* The notice (with or without an Attack Warning) to all licensees and regulated services of the Federal Communications Commission and to the general public of the existence of an Emergency Action Condition. The Emergency Action Notification is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(h) *Emergency Action Notification System.* The System by which all licensees and regulated services of the Federal Communications Commission, and the general public, are notified (with or without an Attack Warning) of the existence of an Emergency Action Condition resulting from a grave national crisis or war. The Emergency Action Notification system and the INTERIM Aeronautical Emergency Communications System (AECS) Implementation System consist only of the following approved facilities, systems and arrangements:

(1) *First method.* From the President of the United States via the White House Communications Agency to the Associated Press (AP) and United Press International (UPI); thence via automatic selective switching and teletype Emergency Action Notification to all standard, FM, and television broadcast and other stations (including Aeronautical stations) subscribing to the AP and UPI Radio Wire Teletype Networks.

(2) *Second method.* From the President of the United States via the White House Communications Agency to specified control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co. and other specified points via a dedicated teletypewriter network; thence to all affiliates via any available internal commercial radio and television network alerting facilities.

(3) *Third method.* Off-the-air monitoring of specified standard, FM and television broadcast stations by standard, FM, and television broadcast stations and Federal Communications Commission licensees (including Aeronautical licensees) for receipt of the Emergency Action Notification. All broadcast station licensees are required to install, maintain, and operate radio receiving equipment for receipt of the Emergency Action Notification.

(4) *Fourth method.* Off-the-air monitoring of standard, FM, and television broadcast stations by the general public who are listening or viewing or whose receivers can be activated by standardized selective signalling transmitted by said stations.

(i) *Five-minute control time.* The maximum time allowed to start and/or discontinue transmission from an air navigation aid.

(j) *INTERIM Aeronautical Emergency Communications System (AECS).* A plan which provides for operation of aeronautical stations subject to this part, on a voluntary organized basis, to provide the President and the Federal Government as well as State and local governments, and the aeronautical industry with an expeditious means of emergency communications during an Emergency Action Condition.

(k) *National Defense Emergency Authorization (NDEA).* An authorization issued by the Federal Communications Commission to the licensees of aeronautical stations, subject to the provisions of this part, for operation in accordance with the INTERIM Aeronautical Emergency Communications System (AECS), the INTERIM Basic Aeronautical Communications Emergency Plan (AEROCEP), including the annexes and supplements to that plan and the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids.

(l) *Non-Federal Air Navigation Aids.* VOR, VORTAC, TACAN, DECCA, and SHORAN stations licensed by the Federal Communications Commission.

(m) *NORAD Region.* A geographical subdivision of the area for which NORAD is responsible.

(n) *North American Air Defense Command (NORAD).* An integrated United States-Canadian command. NORAD includes, as component commands, the U.S. Air Force Air Defense Command, U.S. Army Air Defense Command, and the Canadian Forces Air Defense Command.

(o) *SCATANA.* The short title for the Joint Department of Defense/Federal Aviation Administration/Federal Communications Commission plan for the Security Control of Air Traffic and Air Navigation Aids.

(p) *Tactical Air Traffic.* Military flights actually engaged in operational missions against the enemy, flights engaged in immediate development for a combat mission, and predesignated combat and logistical support flights contained in Emergency War Plans.

(q) *United States.* The several States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories and possessions of the United States (including areas of air, land, or water administered by the United States under international agreement), including the territorial waters and the overlying airspace thereof.

§ 87.603 Aeronautical Emergency Communications System.

The INTERIM Aeronautical Emergency Communications System (AECS) provides for operation of aeronautical stations subject to this part, on a voluntary organized basis, to provide the President and the Federal Government, as well as State and local governments, and the aeronautical industry with an expeditious means of emergency communications during an Emergency Action Condition. Provision is made in the approved INTERIM Basic Aeronautical Communications Emergency Plan (AEROCEP) for the development of an emergency aeronautical communications capability responsive to emergency contingencies on a voluntary organized basis.

§ 87.604 National Defense Emergency Authorization (NDEA).

A National Defense Emergency Authorization will be issued by the Federal Communications Commission to the licensees of aeronautical stations, subject to the provisions of this part, to permit operation of such stations on a voluntary organized basis during an Emergency Action Condition, consistent with the provisions of this subpart, the INTERIM Aeronautical Emergency Communications System (AECS), the INTERIM Basic Aeronautical Communications Emergency Plan (AEROCEP), including the annexes and supplements to that plan and to those licensees of non-Federal air navigation aids designated as Military Necessity Aids in the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids.

§ 87.605 Notification of emergency action condition.

(a) Authority for release of the Emergency Action Notification rests solely with the President of the United States. This authority has not been delegated, except as set forth in paragraph (b) of this section.

(b) Under the President's responsibility to activate the Emergency Broadcast System (EBS), he has directed that in the event an enemy attack has been detected, the White House Communications Agency shall be authorized to activate the Emergency Broadcast System (EBS) and the Office of Civil Defense shall be authorized to follow with the dissemination of appropriate warning messages.

(c) Upon release of the Emergency Action Notification all provisions of the Basic Emergency Broadcast System (EBS) Plan, Annexes and Supplements thereto, and all approved plans for all other Federal Communications Commission licensed and regulated services, including the Aviation Services, shall become effective for the duration of the Emergency Action Condition.

(d) The Emergency Action Notification will be released by direction of the President and will be disseminated only via the Four Methods of the Emergency Action Notification System in one of the following two forms:

(1) The Emergency Action Notification only (without Attack Warning Message).

(2) The Emergency Action Notification (with Attack Warning Message).

§ 87.606 Termination of emergency action condition.

Upon receipt of an Emergency Action Condition Termination, released upon direction of the President via the Emergency Action Notification System, all stations operating in the INTERIM Aeronautical Emergency Communications System (AECS) will transmit the following Termination Message twice:

This concludes operations under the INTERIM Aeronautical Emergency Communications System.

§ 87.607 Security Control of Air Traffic

action will be taken when an attack (2) *International Aircraft.*

§ 87.607 Security Control of Air Traffic and Air Navigation Aids (SCATANA).

A plan for the Security Control of Air Traffic and Air Navigational Aids has been promulgated in furtherance of the National Security Act of 1947, as amended, the Federal Aviation Act of 1958, the Communications Act of 1934, as amended, and Executive Order 10312. This plan, defines the responsibilities of the Federal Communications Commission for the security control of accurate non-Federal air navigation aids. SCAT ANA applies to radio navigation stations authorized by the Commission as follows:

(a) Upon receipt of notification from a Federal Aviation Administration Air Route Traffic Control Center (ARTCC) that an air defense emergency exists, or is imminent, each licensee of a radio range (VOR), VORTAC, TACAN, or DECCA station shall comply with the direction of the ARTCC with regard to beginning or terminating transmissions by the station.

(b) A NORAD Region Commander may impose any or all restrictions contained in the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids prior to the declaration of Defense Emergency/Air Defense Emergency when his region is under attack.

(c) Termination of the Defense Emergency/Air Defense Emergency declaration will be issued by the NORAD Region Commanders via the Federal Aviation Administration. This notice provides for the removal or reduction of restrictions on the operation of selected non-Federal air navigation aids in accordance with the provisions of the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids. This action will be taken when an attack phase is considered over. For those accurate non-Federal air navigation aids requiring more than 5 minutes control time, approval for resumption of operation must be obtained from the appropriate NORAD Region Commander before they can be returned to operation.

(d) Licensees of aeronautical radionavigation stations of the types specified in paragraph (a) of this section, may be requested by an ARTCC to participate in SCATANA tests. If such licensees elect to participate, testing procedures shall be in accordance with instructions issued by the Commission. However, the services of such radionavigation stations shall not be interrupted as a part of any SCATANA test.

§ 87.608 Emergency operation.

(a) Upon receipt of the Emergency Action Notification, the INTERIM Aeronautical Emergency Communications System (AECS), including approved and authorized facilities, systems, arrangements, procedures, and interconnecting facilities, will be immediately activated and maintained in an operational status for the duration of the Emergency Action Condition (grave National crisis or war), subject to the following conditions:

(1) *Domestic.* Air/ground communications within the continental United States shall be limited to those involving safety of flight; air/ground and aeronautical fixed communications on HF band frequencies shall be discontinued, except where other facilities are unavailable or inoperative and then only when appropriate security measures are employed. Security measures shall include at least the following: (i) Transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(2) *International.* Air/ground communications shall be limited to those involving safety of flight and such communications in the HF band shall be discontinued, except that international air carriers arriving or departing from U.S. gateway airports may use HF band frequencies when VHF and UHF radio are inoperative, not available, or will not provide the range required; international aeronautical fixed communications may be conducted on HF band frequencies only when appropriate security measures are employed. Security measures shall include at least the following: (i) Transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(3) *Weather transmission.* The HF band shall not be employed for transmission of clear text weather information except in emergencies; unscheduled weather reports and forecasts (not exceeding 2 hours ahead) may be transmitted in clear text only on VHF or higher frequencies; scheduled weather information may be transmitted in clear text only on frequency bands other than the HF band, and then only when the station involved is 200 miles or more from the nearest coast line.

(b) Upon receipt of the Defense Emergency/Air Defense Emergency declaration, or as directed by the appropriate NORAD Region Commander when his Region is under attack, the licensees of selected non-Federal air navigation aids will comply with the provisions of the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids (SCATANA). Detailed instructions will be provided by the FCC Regional Liaison Officer to those concerned.

[F.R. Doc. 69-7065; Filed, June 13, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

[Docket No. AO-265-A2]

TOMATOES GROWN IN FLORIDA

Notice of Hearing on Proposed Amendments to Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Auditorium of the Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Fla., beginning at 9 a.m., local time, June 30, 1969, with respect to proposed amendments to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of tomatoes grown in the State of Florida production area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendments to the marketing agreement and order were submitted by the Florida Tomato Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon. The proposals are as follows:

1. Amend § 966.7 *Handle* to read:

§ 966.7 Handle.

"Handle" or "ship" means to sell, transport, deliver, or in any other way to place fresh tomatoes in the current of commerce within the production area or between any point in the production area and any point outside thereof, or to cause fresh tomatoes to be so sold, transported or placed in such commerce. Such term shall not include the transportation, sale or delivery within the production area of such tomatoes by the producer thereof to a handler registered with the Committee who has adequate facilities within the production area for grading and packing tomatoes.

2. Amend § 966.12 *Maturity* to read:

§ 966.12 Maturity.

"Maturity" means any of the various degrees of ripeness of tomatoes as established by the committee with approval of the Secretary as determined at the time of the inspection, pursuant to § 966.60(a), performed with respect to the first handling of the tomatoes.

3. Amend § 966.18 *Export* to read:

§ 966.18 Export.

"Export" means shipment of tomatoes beyond the boundaries of the 48 contiguous States (including the District of Columbia) of the United States.

4. Add a new § 966.36 *Shippers Advisory Committee* to read:

§ 966.36 Shippers Advisory Committee.

(a) A Shippers Advisory Committee is hereby established consisting of nine members—two from each district to be selected by the Secretary from nominations made by shippers or from other eligible persons, and the ninth member to be the Chairman of the Florida Tomato Committee who shall serve as Chairman of the Shippers Advisory Committee.

(b) *Eligibility for membership.* Any individual, other than a member or alternate member of the Florida Tomato Committee (not including the member who is Chairman), who is a shipper, or an officer, or employee of a shipper, is eligible for membership on the Shippers Advisory Committee.

(c) *Duties.* As requested by the Florida Tomato Committee, the Shippers Advisory Committee shall consider current and prospective market conditions with respect to production area tomatoes, and with respect to supplies of tomatoes from other producing areas within and outside the United States, and submit its recommendations regarding such considerations as may be applicable to the regulation of tomato shipments and other marketing matters as requested by the Florida Tomato Committee.

(d) *Nomination.* The Secretary may select the members of the Shippers Advisory Committee from nominations which may be made in the following manner:

(1) A meeting or meetings of Shippers shall be held in each district to nominate members of the Shippers Advisory Committee prior to June 15 of each year or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

(2) At each such meeting, at least one nominee shall be designated for each position as member on the Shippers Advisory Committee.

(3) Nominations for Shippers Advisory Committee members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year, or by such other date as may be approved by the Secretary pursuant to recommendations of the committee.

(4) Only shippers may participate in designating nominees for members on the Shippers Advisory Committee. In the event a person is engaged in shipping tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(5) Regardless of the number of districts in which a person ships tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for Shippers Advisory Committee members. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Failure to Nominate.* If nominations are not made within the time and in the manner specified in § 966.36(d), the Secretary may, without regard to nominations, select the Shippers Advisory Committee members, which selection shall be on the basis of the representation provided for in §§ 966.36 (a) and (b).

(f) *Acceptance.* Any person selected as a Shippers Advisory Committee member shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

(g) *Vacancies.* To fill Shippers Advisory Committee vacancies, the Secretary may select such members from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 966.36(d). If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 966.36 (a) and (b).

(h) *Procedure.* (1) Five members of the Shippers Advisory Committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any action.

(2) The Shippers Advisory Committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(i) *Term of office.* (1) The term of office of Shippers Advisory Committee members shall be for one (1) year and shall begin as of August 1 and end as of July 31.

(2) Shippers Advisory Committee members shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which

they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

(j) *Reimbursement of expenses.* Members of the Shippers Advisory Committee may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties upon request of the Florida Tomato Committee.

5. Amend paragraph (d) of § 966.52 to read:

§ 966.52 Issuance of regulations.

* * * * *

(d) Fix the size, weight, capacity, dimensions, markings (including labels and stamps), or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

6. Amend § 966.60 *Inspection and certification* to read:

§ 966.60 Inspection and certification.

(a) During any period in which the handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected and certified as meeting the requirements of this subpart by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and such tomatoes are covered by a valid inspection certificate except when relieved from such requirements pursuant to §§ 966.53 or 966.54 or both.

(b) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(c) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

7. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the amendments which may result from this hearing.

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Field Representative, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, Fla. 33802.

Dated: June 10, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7053; Filed, June 13, 1969; 8:48 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A14]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held June 24, 1969, at the Holiday Inn Midtown, 2000 Menaul Boulevard NE., Albuquerque, N. Mex., beginning at 10 a.m., local time, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Rio Grande Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Producers, Inc., Arlington, Tex.:

Proposal No. 1. Continue the credits for specified Class II uses contained in § 1138.55 through August 1970.

Proposal No. 2. Amend § 1138.80 by deleting the words "advance payment" wherever they appear and substituting therefor the words "partial payment."

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Earl C. Born, Post Office Box 8636, 227 San Pedro Northeast, Albuquerque, N. Mex. 87108, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 10, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7054; Filed, June 13, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148n]

ANTIBIOTIC DRUG

Sterility Requirement

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 148n.23 be revised to read as follows to make sterility a certification requirement for the subject drug:

§ 148n.23 Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension is oxytetracycline hydrochloride and hydrocortisone acetate in a suitable and harmless oil base containing aluminum tristearate. Its potency is 5 milligrams of oxytetracycline per milliliter. It contains 15 milligrams of hydrocortisone acetate per milliliter. It is sterile. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) Oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, sterility, and moisture.

(ii) Samples required:

(*a*) Oxytetracycline hydrochloride used in make the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*)(*1*), and (c) of this paragraph; $12 for all immediate containers in the sample submitted in accordance with subparagraph (3)(ii)(*b*)(*2*) of this paragraph and $24 for all immediate containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 148n.1(b)(1)(i) or (ii), except prepare the sample as follows: Place a representative portion of the sample (usually 1.0 milliliter, accurately measured) in a glass blending jar containing 1.0 milliliter of polysorbate 80 and 199 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that the suspension is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.25 milliliter of the sample in lieu of 1 milliliter.

(3) *Moisture.* Proceed as directed in § 141a.8(b) of this chapter.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-7035; Filed, June 13, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18455]

REMOTE INDICATING PHASE MONITORS AND REMOTELY CONTROLLED DIRECTIONAL STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations, Docket No. 18455, RM-1098.

1. On February 28, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-173) with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations. The dates presently designated for the filing of comments and reply comments are June 9, 1969, and July 9, 1969.

2. On June 5, 1969, Columbia Broadcasting System, Inc. (CBS), asked the Commission to extend, for a period of 4 weeks, the dates for filing comments and reply comments. CBS states it has conducted a review of the performance of its directional antenna systems at KCBS, San Francisco, Calif., and WEEI, Boston, Mass., to determine how such performance relates to the proposed rules in this proceeding. It further states the additional time is required in order for it to complete its analysis of these data.

3. We believe that the requested extension of time is warranted and would be in the public interest.

4. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended to and including July 9, 1969, and the time for filing reply comments is extended to and including August 8, 1969.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 9, 1969.

Released: June 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief,
Broadcast Bureau.

[F.R. Doc. 69-7066; Filed, June 13, 1969; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18471]

DIRECTIONAL ANTENNAS AND PHASE MONITORS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to the maintenance and monitoring of the relative phases and currents in the elements of directional antennas and to provide for type approval of phase monitors used by standard broadcast stations, Docket No. 18471.

1. On February 28, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-185) inviting comments on a proposal with respect to the maintenance and monitoring of the relative phases of currents in the elements of directional antennas and the provision for type approval of those monitors used by standard broadcast stations. The dates presently designated for the filing of comments and reply comments are June 9, 1969, and July 9, 1969, respectively.

2. On June 5, 1969, Columbia Broadcasting System, Inc. (CBS), asked the Commission to extend, for a period of 4 weeks, the dates for filing comments and reply comments. CBS states it has conducted a review of the performance of its directional antenna systems at KCBS, San Francisco, Calif., and WEEI, Boston, Mass., to determine how such performance relates to the proposed rules in this proceeding. It further states the additional time is required in order for it to complete its analysis of these data.

3. We believe that the requested extension of time is warranted and would be in the public interest.

4. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended to and including July 9, 1969, and the time for filing reply comments is extended to and including August 8, 1969.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 9, 1969.

Released: June 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief,
Broadcast Bureau.

[F.R. Doc. 69-7067; Filed, June 13, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 69-59W]

RADIOTELEPHONES ON DRAWBRIDGES

Extension of Time

1. The FEDERAL REGISTER, Volume 34, Wednesday, April 16, 1969, on page 6539 published a proposal for the use of radiotelephones on drawbridges.

2. This notice required submission in writing of data, views, arguments or comments within 60 days of date of publication. The 60-day period will expire on June 15, 1969. The public response to this notice has been such that an extension of time is desirable to assure that all interested parties receive full and adequate opportunity to comment.

3. The time for submission in writing of data, views, arguments, or comments regarding radiotelephones on drawbridges is hereby extended from 15 June 1969 to and including 1 August 1969.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 941; 33 U.S.C. 494 and 499, 14 U.S.C. 85; 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Dated: June 10, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-7017; Filed, June 13, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

ELSE SONNTAG

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Mrs. Else Sonntag, Güldenstrasse 43, 3300 Braunschweig, Germany; Claim No. 60976; Vesting Order No. 14957; $5,786.38 in the Treasury of the United States.

Executed at Washington, D.C., on June 11, 1969.

For the Attorney General.

WILLIAM D. RUCKELSHAUS,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[F.R. Doc. 69-7068; Filed, June 13, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

COMMISSIONER

Delegation of Authority Regarding Forestry

JUNE 6, 1969.

Section 3.3 of Part 10 of the Bureau of Indian Affairs Manual, published at 34 F.R. 637 (F.R. Doc. 69-537) is hereby amended by the addition of an exception to the Forestry authorities delegated to the Area Directors. The exception returns to the Commissioner, authority for approval of timber management plans for the major forested reservations (Colville, Flathead, Fort Apache, Hoopa, Makah, Mescalero, Navajo, Quinault, Red Lake, Spokane, Warm Springs, and Yakima). As so amended the part will read as follows:

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

* * * * *

D. Forestry.

* * * * *

(5) Approve timber management plans pursuant to 25 CFR 141.4.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-7037; Filed, June 13, 1969; 8:47 a.m.]

Fish and Wildlife Service

OFFICIALS AND EMPLOYEES OF BUREAU OF COMMERCIAL FISHERIES

Delegation of Authority Regarding Federal Aid

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directive system of the Bureau of Commercial Fisheries.

1. *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 241, General Program Delegations, dated August 26, 1966 (31 F.R. 11685), redelegation of authority to officials and employees of the Bureau of Commercial Fisheries is hereby made.

2. *Exercise of authority.* The redelegation hereby made is of authority on behalf of the United States and the Bureau of Commercial Fisheries to the Regional Directors and the Area Director, Bureau of Commercial Fisheries, to approve Federal Aid project documents including project reports, other project results, and claims for reimbursement under the provisions of the Commercial Fisheries Research and Development Act of May 20, 1964, (78 Stat. 197) as amended, the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125), and the Jellyfish Act of November 2, 1966 (80 Stat. 1149).

3. *Effective date.* This redelegation shall become effective July 1, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-7047; Filed, June 13, 1969; 8:47 a.m.]

National Park Service

CARLSBAD CAVERNS NATIONAL PARK, N. MEX.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Cavern Supply Co., Inc., authorizing it to continue to provide concession facilities and services for the public at Carlsbad Caverns National Park, N. Mex., for a period of 20 years from January 1, 1970, through December 31, 1989.

The foregoing concessioner has performed its obligations under the existing contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: June 6, 1969.

EDWARD A. HUMMEL,
Associate Director,
National Park Service.

[F.R. Doc. 69-7039; Filed, June 13, 1969; 8:47 a.m.]

[Order No. 34, Amdt. 3]

REGIONAL DIRECTORS

Delegation of Authority

Section 1 of Delegation Order No. 34, approved March 4, 1966, and published in the FEDERAL REGISTER of March 10, 1966, 31 F.R. 4255, as amended, is further amended to revoke subsection (b), which withheld the authority to approve master plans. The authority of Regional Directors to approve master plans under this delegation is conditioned upon prior approval, by the Director, of management objectives for the park area for which approval of the master plan is under consideration. Subsections (c) through (s) of section 1 of the above order are redesignated as subsections (b) through (r), respectively.

Section 2 of the aforesaid delegation order is revised to read as follows:

SEC. *Redelegation.* Except as to master plan approval authority and the authority delegated in paragraphs (e) and (k) of section 1, the regional directors may, in writing, redelegate to any officer or employee the authority delegated in this order, and may authorize written delegations of such authority. Each delegation shall be published in the FEDERAL REGISTER.

(245 DM-1, 27 F.R. 6395; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 11, 1969.

GEORGE B. HARTZOG, JR.,
Director.

[F.R. Doc. 69-7104; Filed, June 13, 1969; 8:50 a.m.]

Office of the Secretary

EDWARD C. GLASS

Report of Appointment and Statement of Financial Interests

JUNE 10, 1969.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Edward C. Glass.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Director, DEPA Area 11.

The name of the appointee's private employer or employers: Northern States Power Co.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 23, 1969, as Director, DEPA Area 11, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Northern States Power Co.
Solitron.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

E. C. GLASS.

JUNE 2, 1969.

[F.R. Doc. 69-7040; Filed, June 13, 1969; 8:47 a.m.]

JACK P. LEWIS

Report of Appointment and Statement of Financial Interests

JUNE 10, 1969.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Jack P. Lewis.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 1.

The name of the appointee's private employer or employers: Hartford Electric Light Co.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 23, 1969, as Deputy Director, DEPA Area 1, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Telephone & Telegraph.
International Business Machines.
Eastman Kodak.
Northeast Utilities.
United Illuminating.
Columbus & Southern Ohio Electric.
Connecticut General Insurance.
Sperry & Hutchinson.
Standard Oil of California.
Southern New England Telephone.
General Motors.
Atlantic Richfield Oil.
Scudder, Stevens & Clark Common Stock Fund.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JACK P. LEWIS.

JUNE 2, 1969.

[F.R. Doc. 69-7041; Filed, June 13, 1969; 8:47 a.m.]

EVAN W. JAMES

Report of Appointment and Statement of Financial Interests

JUNE 10, 1969.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Evan W. James.

Name of employing agency: Defense Electric Power Administration, Department of Interior.

The title of the appointee's position: Deputy Director, DEPA Area 9.

The name of the appointee's private employer or employers: Wisconsin Public Service Corp.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 23, 1969, as Deputy Director, DEPA Area 9, Defense Electric Power Administration, an officer or director:

Wisconsin Public Service Corp., Vice President—Power Generation and Engineering.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, of other financial interests:

Wisconsin Public Service Corp.
Nekoosa-Edwards Paper Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

EVAN W. JAMES.

JUNE 3, 1969.

[F.R. Doc. 69-7042; Filed, June 13, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DR. MAYFIELD LABORATORIES

Notice of Withdrawal of Petition for Food Additive Cobalt Arsenate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of March 8, 1968 (33 F.R. 4343), proposing the issuance of a food additive regulation to provide for the safe use in chicken feed of cobalt arsenate for the removal of large round worms (Ascaridia) in chickens.

Dated: June 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-7032; Filed, June 13, 1969; 8:46 a.m.]

NORWICH PHARMACAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Norwich Pharmacal Co., Norwich, N.Y. 13815, has withdrawn its petitions, notices of which were published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5896), and June 1, 1968 (33 F.R. 8234), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for use of the following drug combinations in chicken feed:

A. Buquinolate, chlortetracycline, and arsanilic acid (38–973V).

B. Buquinolate, chlortetracycline, and 3 - nitro - 4 - hydroxy-phenylarsonic acid (38–972V).

C. Buquinolate, chlortetracycline, sodium sulfate, and arsanilic acid (38–656V).

D. Buquinolate, chlortetracycline, sodium sulfate, and 3-nitro-4-hydrophyphenylarsonic acid (38–655V).

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7033; Filed, June 13, 1969; 8:46 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Food Additive Petition

Pursuant to the provisions of the Federal Food Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2418) has been filed by Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017, proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.3 part per million for residues of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime) and its cholinesterase-inhibiting metabolites 2 - methyl - 2 - (methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl)oxime in or on cottonseed hulls resulting from application of the insecticide to the growing crop.

Notice was given in the FEDERAL REGISTER of February 18, 1969 (34 F.R. 2329), that the same firm had filed a related pesticide petition (PP 9F0798) proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide in or on the raw agricultural commodity cottonseed.

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7034; Filed, June 13, 1969; 8:46 a.m.]

Office of the Secretary

FOLLOW THROUGH PROGRAM

Memorandum of Understanding Relating to Administration

CROSS REFERENCE: For a document issued jointly by the Office of Economic Opportunity and the Department of Health, Education, and Welfare relating to the administration of the Follow Through Program, see F.R. Doc. 69–7064, Office of Economic Opportunity, *infra*.

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., acting pursuant to section 613 of the Merchant Marine Act, 1936, as amended, has applied to the Maritime Administration for approval of the following cruises:

Ship	Commences 1970	Terminates 1970	Itinerary
Argentina	Jan. 5	Jan. 29	New York, Port Everglades, San Juan, St. Thomas, Antigua, Guadeloupe, Barbados, Trinidad, La Guaira, Cristobal, Kingston, Port Everglades, New York.
Brasil	Jan. 7	Jan. 27	Port Everglades, San Juan, St. Thomas, Antigua, Guadeloupe, Barbados, Trinidad, La Guaira, Cristobal, Kingston, Port Everglades.
Do	Jan. 28	Feb. 4	Port Everglades, La Guaira, St. Thomas, Nassau, Port Everglades.
Do	Feb. 5	Feb. 11	Do.
Do	Feb. 12	Feb. 18	Do.
Do	Feb. 19	Feb. 25	Do.
Do	Feb. 26	Mar. 5	Do.
Do	Mar. 6	Mar. 12	Do.
Do	Mar. 13	Mar. 19	Do.
Do	Mar. 20	Mar. 26	Do.
Do	Mar. 27	Apr. 2	Do.
Do	Apr. 4	Apr. 10	Do.
Do	Apr. 11	Apr. 17	Do.
Do	Apr. 18	Apr. 24	Do.
Do	Apr. 25	May 4	Port Everglades, Philadelphia, Nassau, Kingston, Philadelphia.
Argentina	Apr. 24	July 1	New York, Port Everglades, Cristobal, Balboa, Papeete, Pago Pago, Suva, Bali, Singapore, Hong Kong, Osaka, Yokohama, Honolulu, Acapulco, Balboa, Cristobal, Port Everglades, New York.
Brasil	May 5	May 10	Philadelphia, Norfolk, Bermuda, Norfolk.
Do	May 11	May 16	Norfolk, Baltimore, Bermuda, Baltimore.
Do	May 17	May 24	Baltimore, San Juan, St. Thomas, Baltimore.
Do	May 25	May 31	Baltimore, Freeport, Nassau, Baltimore, Norfolk.
Do	June 1	June 8	Norfolk, San Juan, St. Thomas, Norfolk, New York.
Do	Aug. 20	Aug. 26	New York, Bermuda, New York.
Do	Aug. 27	Oct. 7	New York, Lisbon, Palma, Barcelona, Monaco, Naples, Venice, Dubrovnik, Corfu, Piraeus, Istanbul, Tangier, Funchal, New York, Baltimore, Drydock.
Argentina	Sept. 19	Dec. 14	Baltimore, New York, Port Everglades, Cristobal, Balboa, Acapulco, Honolulu, Yokohama, Kobe, Hong Kong, Bangkok, Singapore, Colombo, Bombay, Mombasa, Durban, Capetown, Santos, Rio de Janeiro, Barbados, St. Thomas, San Juan, Port Everglades, New York.
Brasil	Oct. 5	Oct. 19	Baltimore, Philadelphia, Port-au-Prince, Montego Bay, Nassau, Philadelphia, New York.
		1971	
Argentina	Dec. 15	Jan. 4	New York, Port Everglades, Port-au-Prince, Kingston, Cristobal, Curacao, La Guaira, Trinidad, Barbados, Martinique, St. Thomas, Port Everglades.
Brasil	Dec. 16	Jan. 4	New York, San Juan, St. Thomas, Martinique, Barbados, Curacao, Kingston, Port-au-Prince, Bermuda, New York.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by close of business on June 25, 1969.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: June 10, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–7073; Filed, June 13, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20472; Order 69–6–50]

MOHAWK AIRLINES, INC.

Order Regarding Renewal of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1969.

On November 18, 1968, Mohawk Airlines, Inc. (Mohawk), filed an application for indefinite renewal of its authority to engage in scheduled air transportation of persons, property, and mail between the terminal point Elmira-Corning, N.Y., and the terminal point Washington, D.C. and between the terminal point Elmira-Corning, N.Y., and the terminal point Philadelphia, Pa.[1] Its present authority for such operations expires on June 23, 1969.[2]

The Board finds that Mohawk's application in Docket 20472 should be set for hearing. In addition, we have decided to expand the scope of this proceeding to include issues of competitive nonstop service between other major upstate New York points and Philadelphia or Washington. The particular markets in question are:

Rochester, N.Y.—Philadelphia, Pa.[3]
Syracuse, N.Y.—Philadelphia, Pa.[3]
Buffalo, N.Y.—Washington, D.C.

All three of these markets are monopoly markets. United provides the only nonstop service in the Rochester-Philadelphia market; Eastern provides the only nonstop service in the Syracuse-Philadelphia market; and United provides the only nonstop service in the Buffalo-Washington market. These markets are sizeable. They generated, respectively, 144, 129, and 224 passengers per day in 1967. We conclude therefore that these circumstances warrant consideration of the need for additional nonstop authority.

Accordingly, it is ordered:

1. That Mohawk's application, Docket 20472, be and it hereby is set for hearing before an examiner of the Board at a time and place hereafter designated;

2. That the issues in this proceeding be and they hereby are expanded to include the question of whether the public convenience and necessity require the authorization of additional nonstop service between Rochester, N.Y. and Philadelphia, Pa., between Syracuse, N.Y. and Philadelphia, Pa., and between Buffalo, N.Y., and Washington, D.C.;

3. That any authority awarded in this proceeding shall be on a subsidy ineligible basis;

4. That applications, motions to consolidate, and motions or petitions for reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings shall be filed no later than 10 days thereafter; and

5. That a copy of this order shall be served upon Eastern Air Lines, Inc., Mohawk Airlines, Inc., United Air Lines, Inc., the Cities and Chambers of Commerce of Buffalo, Rochester, Syracuse, Philadelphia, and Washington, D.C., and the New York State Department of Transportation.

This order shall be published in the FEDERAL REGISTER.

[1] Elmira-Corning, N.Y.-Washington, D.C., is designated as Segment 8 of Mohawk's Route 94; Elmira-Corning, N.Y.-Philadelphia, Pa., is designated as Segment 9 of Mohawk's Route 94.

[2] Mohawk also invokes the provisions of 5 U.S.C. 558(c) to enable it to continue service to these points pending disposition of this application.

[3] By order 69–6–49, June 11, 1969, issued concurrently herewith, we have dismissed Mohawk's Subpart M application to provide nonstop service between these points.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–7058; Filed, June 13, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant to the Secretary for Congressional Services" to "Deputy Assistant to the Secretary for Congressional Relations".

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7045; Filed, June 13, 1969; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 26]

NATIONAL GENERAL CORP.

Notice of Receipt of Application for Permission To Acquire Harbor Savings and Loan Association

JUNE 11, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the National General Corp., Los Angeles, Calif., for approval of the latter corporation's acquisition of control of the Harbor Savings and Loan Association, Redondo Beach, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and section 584.4 of the rules and regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of at least 95 percent of the guaranty stock of Harbor Savings and Loan Association by National General Corp. followed by a merger of the Columbia Savings and Loan Association, Los Angeles, Calif., a subsidiary insured institution of National General Corp., into said Harbor Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69–7062; Filed, June 13, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

HAWAII/EUROPE RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David Lindstedt, Hawaii/Europe Rate Agreement, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 8410–6, between the member lines of the Hawaii/Europe Rate Agreement modifies Article 4 of the basic agreement to provide that rates, charges and changes established under the agreement except changes in the Conference agreement shall be by a three-fourths vote of the parties entitled to vote. Changes in the agreement continue to require the unanimous consent of all parties entitled to vote.

Dated: June 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7127; Filed, June 13, 1969; 8:50 a.m.]

INSTITUTO DE FOMENTO NACIONAL (INFONAC) NORTHBOUND CONTRACT

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the

Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. Patrick J. Creegan, Creegan and D'Angelo, Consulting Engineers, 1046 West Taylor Street, San Jose, Calif. 95126.

Notice is hereby given that the Instituto De Fomento Nacional (INFONAC) of Managua, Nicaragua, has filed with the Commission pursuant to section 14b of the Shipping Act, 1916, an application for permission to institute a dual rate system for the movement of cargo northbound from ports on the West Coast of Central America and Mexico to the Pacific Coast ports of the United States of Long Beach Harbor and Los Angeles Harbor. The application provides that noncontract rates shall be 15 percent higher than contract rates as set forth in INFONAC's tariff under terms and conditions described in the contract.

Dated: June 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7128; Filed, June 13, 1969; 8:50 a.m.]

INSTITUTO DE FOMENTO NACIONAL (INFONAC) SOUTHBOUND CONTRACT

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. Patrick J. Creegan, Creegan and D'Angelo, Consulting Engineers, 1046 West Taylor Street, San Jose, Calif. 95126.

Notice is hereby given that the Instituto De Fomento Nacional (INFONAC) of Managua, Nicaragua, has filed with the Commission pursuant to section 14b of the Shipping Act, 1916, an application for permission to institute a dual rate system for the movement of cargo southbound from the Pacific Coast ports of the United States of Long Beach Harbor and Los Angeles Harbor to ports on the West Coast of Central America and Mexico. The application provides that non-contract rates shall be 15 percent higher than contract rates as set forth in INFONAC's tariff under terms and conditions described in the contract.

Dated: June 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7129; Filed, June 16, 1969; 8:50 a.m.]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 7670-4 between the member lines of the North Atlantic Baltic Freight Conference amends the Preamble and Article I of the basic agreement to qualify the "common carriers" referred to therein as "vessel-operating." Further amendment of Article I is also proposed to limit the admission to Conference membership to any vessel-operating common carrier by water regularly engaged as such common carrier in the trade covered by this agreement, either by direct sailing, transshipment or transfer with the proviso that transshipment or transfer via ports outside the scope of the agreement shall be accomplished by fully owned or fully chartered feeder vessels, and who evidences an ability and intention in good faith to abide by all the terms and conditions thereof may hereafter become a party to this agreement.

Provision is made to delete from Article III of the basic agreement the word "direct" which appears in the first line thereof between the words "a" and "sailing."

Dated: June 11, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7130; Filed, June 13, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-801]

CHAMPLIN PETROLEUM CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

JUNE 6, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-801	Champlin Petroleum Co. (Operator) et al., Post Office Box 9365, Fort Worth, Tex. 76107.	[2] 94	4	Kansas Nebraska Natural (Gas Co., Inc. (Hamilton County, Kans.)	$1,775	5-16-69	[3] 6-16-69	[4] 6-17-69	[5] 12.5	[4] [6] 13.5	

[2] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rate does not exceed the initial service ceiling rate of 16 cents for Kansas.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

Champlin Petroleum Co. (Operator) et al. (Champlin), requests that their proposed rate increase be permitted to become effective as of June 15, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Champlin's rate filing and such request is denied.

The contract related to the rate filing of Champlin was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 13.5 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Champlin's proposed rate increase should be suspended for 1 day from June 16, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-6961; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. RI69-701]

STANDARD OIL COMPANY OF TEXAS

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates to Permit Substitute Rate Filing

JUNE 5, 1969.

On March 24, 1969, Standard Oil Company of Texas, a division of Chevron Oil Co. (Standard Oil) filed with the Commission a proposed change in rate from 16.659 cents to 17.650 cents per Mcf, designated as Supplement No. 6 to Standard Oil's FPC Gas Rate Schedule No. 41, which pertains to Standard Oil's jurisdictional sales of natural gas from the Indian Basin Area, Eddy County, N. Mex. (Permian Basin Area) to Natural Gas Pipeline Company of America. The Commission by order issued April 16, 1969, suspended for 5 months Standard Oil's rate filing in Docket No. RI69-701 until September 24, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On May 9, 1969, Standard Oil submitted a proposed superseding notice of change in rate from 16.659 cents to 17.646 cents per Mcf, designated as Supplement No. 1 to Supplement No. 6 to Standard Oil's FPC Gas Rate Schedule No. 41, which reflects the rates shown in the contract. The previous notice of change in rate (from 16.66 cents to 17.65 cents) rounded off the figures to the nearest one-hundred decimal fraction. The proposed substitute rate filing is set forth in Appendix A hereof.

Standard Oil's proposed 17.646 cents per Mcf rate exceeds the just and reasonable area ceiling rates established by the Commission in its Opinion Nos. 468 and 468A as did the previously suspended rate in said docket. Since Standard Oil's rate filing reflects the rates shown in the contract, we believe that it would be in the public interest to accept Standard Oil's corrective rate filing subject to the suspension proceeding in Docket No. RI69-701, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Sept. 24, 1969) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued April 16, 1969, in Docket No. RI69-701, is amended only so far as to permit the 17.646 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 6 to Standard Oil's FPC Gas Rate Schedule No. 41 to be filed to supersede the 17.650 cents per Mcf provided in Supplement No. 6 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-701. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (Sept. 24, 1969) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on April 16, 1969, in Docket No. RI69-701, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-701	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	41	1 to 6 [3]	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	$813	5-9-69	[1] 6-9-69	[2] 9-24-69	16.659	[3] [4] 17.646	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The end of the suspension period for the previously filed rate in Docket No. RI69-701.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Supersedes filing of Mar. 24, 1969 (Supplement No. 6), which reported a rate change from 16.66 cents to 17.65 cents which was suspended in Docket No. RI69-701 until Sept. 24, 1969.

[F.R. Doc. 69-6962; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. RI69-794 etc.]

TEXACO INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 6, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-794	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	167	11	Colorado Interstate Gas Co. (Adams Ranch Field, Meade County, Kans.).	$142 714 2,322 826	5- 9-69	[3] 6- 9-69	11- 9-69	[5] [6] 17.40 [7] [8] 16.72 [6] [9] 16.20 [6] [10] 16.19 [6] [11] 15.18	[3] [6] [8] 19.72 [3] [6] [7] [8] 17.77 [3] [6] [8] [9] 18.36 [3] [6] [8] [10] 17.20 [3] [6] [8] [11] 17.20	R163-126. R163-126.
	do	224	2	Panhandle Eastern Pipe Line Co. (Northeast Carthage Field, Texas County, Okla.) (Panhandle Area).	429	5-16-69	[3] 6-16-69	11-16-69	15.0	[6] [12] 16.0	
RI69-795	Atlantic Richfield Co.[13], Sinclair Oil Bldg., Tulsa, Okla. 74102.	393	9	Texas Gas Transmission Corp. (West Lisbon Field, Claiborne Parish, La.) (North Louisiana Area).	156	5-15-69	[12] 6-15-69	11-15-69	[14] 18.25	[13] [14] [15] [16] 19.75	
	do [13]	394	9	Natural Gas Pipeline Co. of America (Grand Valley Field, Texas County, Okla.).	317	5-15-69	[12] 6-15-69	11-15-69	[14] 17.8	[4] [15] [17] 18.615	RI66-165.
	do [13]	404	7	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	113	5-15-69	[12] 6-15-69	11-15-69	[14] 12.0	[4] [15] [16] 14.0	
	do [13]	408	8	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	344	5-15-69	[12] 6-15-69	11-15-69	[14] [20] 17.5	[4] [15] [16] [20] 18.5	RI66-166.
	do [13]	413	3	Northern Natural Gas Co. (East Spearman and Horizon Morrow Fields, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	1,468	5-15-69	[12] 6-15-69	11-15-69	[14] 17.5	[4] [15] [16] 18.5	RI66-165.
	do [13]	418	4	Northern Natural Gas Co. (John Creek Field, Hutchinson County, Tex.) (RR. District No. 10).	1,882	5-15-69	[12] 6-15-69	11-15-69	[14] 17.5	[4] [15] [16] 18.5	RI66-165.
	do [13]	424	6	Northern Natural Gas Co. (Ochiltree County, Tex.) (RR. District No. 10), and Beaver County, Okla.) (Panhandle Area).	241 969	5-15-69	[12] 6-15-69	11-15-69	[14] 17.5	[4] [15] [16] [21] 18.5 [4] [15] [16] [22] 18.515	RI66-165.
	do [13]	445	4	Michigan Wisconsin Pipe Line Co. (Laverne Area, Harper and Woodward Counties, Okla.) (Panhandle Area).	17,560	5-15-69	[12] 6-15-69	11-15-69	[14] [24] 17.8	[4] [24] [24] [24] 22.815	
	do [23]	446	2	Arkansas Louisiana Gas Co. (Calhoun Field, Ouachita and Lincoln Parishes, La.) (North Louisiana Area).	2,175	5-15-69	[12] 6-15-69	11-15-69	[14] 18.75	[25] [14] [16] 20.25	

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-795	Atlantic Richfield Co.[13], Sinclair Oil Bldg., Tulsa, Okla. 74102.	461	5	Colorado Interstate Gas Co. (Hugoton Field, Grant and Kearny County, Kans.).	$35,630	5-15-69	[12] 6-15-69	11-15-69	[13] 13.5	[4] [13] [14] 14.5	
	do [13]	466	6	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	6,423	5-15-69	[12] 6-15-69	11-15-69	[26] [28] [29] 18.428	[4] [13] [24] [26] [27] 19.447	
	do [13]	471	3	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Beaver County, Okla.) (Panhandle Area).	1,980	5-15-69	[12] 6-15-69	11-15-69	[13] 17.0	[4] [13] [15] [27] 18.5	
	do [13]	483	5	Lone Star Gas Co. (Knox Field, Stephens County, Okla.) (Carter-Knox Area).	173	5-15-69	[12] 6-15-69	11-15-69	17.9	[4] [13] [27] 19.015	RI65-514.
	do [13]	515	3	Panhandle Eastern Pipe Line Co. (East Trail Field, Dewey County, Okla.) (Oklahoma "Other" Area).	512	5-15-69	[12] 6-15-69	11-15-69	[24] [31] 19.924	[4] [13] [24] [27] [30] 21.111	RI66-541.
	Atlantic Richfield Co.	575	3	Northern Natural Gas Co. (Dewey County, Okla. (Oklahoma "Other" Area) and Woodward and Ellis Counties, Okla.) (Panhandle Area).	(32) 12,934	5-15-69	[12] 6-15-69	11-15-69	[24] [31] 15.0 [32] [33] 18.547	[4] [13] [24] [27] [31] [33] 18.015 [4] [13] [27] [31] [33] 19.653	
	Atlantic Richfield Co [13]	436	3	Texas Gas Transmission Corp. (Calhoun Field, Ouachita and Lincoln Parishes, La.) (North Louisiana Area).	6,793	5-15-69	[12] 6-15-69	11-15-69	[13] [15] 18.75	[13] [14] [15] [16] 20.25	
RI69-796	Atlantic Richfield Co. (Operator) et al.[13]	444	6	Lone Star Gas Co. (East Durant Field, Bryan County, Tex.) (Oklahoma "Other" Area).	3,264	5-15-69	[12] 6-15-69	11-15-69	17.9	[4] [13] [27] 19.015	RI66-166.
	do [13]	487	1	Panhandle Eastern Pipe Line Co. (Spooney Field, Hansford County, Tex.) (RR. District No. 10).	2,006	5-15-69	[12] 6-15-69	11-15-69	17.0	[4] [13] 18.5	
	do [13]	427	4	Cimarron Transmission Co. (West Enville Field, Love County, Okla.) (Oklahoma "Other" Area).	3,078	5-15-69	[12] 6-15-69	11-15-69	[24] [34] 15.5	[13] [24] [34] [35] 17.5175	
	do [13]	432	3	Lone Star Gas Co. (Knox Field, Stephens County, Okla.) (Carter-Knox Area).	577	5-15-69	[12] 6-15-69	11-15-69	17.9	[4] [13] [27] 19.015	RI66-166.
RI69-797	Atlantic Richfield Co. (Operator) [13]	479	3	Lone Star Gas Co. (Healdton Gas Plant, Carter County, Okla.) (Oklahoma "Other" Area).	9,990	5-15-69	[12] 6-15-69	11-15-69	17.9	[4] [13] 19.0	RI65-28.
RI69-798	Atlantic Richfield Co. et al.[13]	574	6	Michigan Wisconsin Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	2,901	5-15-69	[3] 6-15-69	11-15-69	[26] [27] 19.56	[4] [24] [26] [27] 21.175	RI67-252.
RI69-799	Doyle W. Cotton, Jr. (Operator), et al., Parkland Plaza Bldg., 2121 South Columbia, Tulsa, Okla. 74114.	1	1	Arkansas Louisiana Gas Co. (Centrahoma Field, Coal County, Okla.) (Oklahoma "Other" Area).	1,852	5-15-69	[12] 6-18-69	11-18-69	15.0	[4] [27] 16.015	
RI69-800	John C. Oxley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74103.	1	[12] 10	Arkansas Louisiana Gas Co. (Le Flore County, Okla.) (Oklahoma "Other" Area).	6,524	5-16-69	[12] 6-18-69	11-18-69	15.0	[4] [27] 16.015	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Renegotiated rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] For basic acreage (1,160 B.t.u. gas).
[5] Includes base rate of 15 cents before increase and a base rate of 17 cents after increase plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[6] Additional acreage under Supplement No. 1 (1,045 B.t.u. gas).
[7] Includes base rate of 16 cents before increase and a base rate of 17 cents after increase plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[8] Additional acreage under Supplement No. 2 (1,060 B.t.u. gas).
[9] Additional acreage under Supplement No. 5 except acreage acquired from Helmerich & Payne, Inc. (1,012 B.t.u. gas).
[10] Additional acreage acquired from Helmerich & Payne, Inc. under Supplement No. 5 (1,012 B.t.u. gas).
[11] The stated effective date is the effective date requested by Respondent.
[12] Periodic rate increase.
[13] Pressure base is 14.025 p.s.i.a.
[14] Subject to a downward B.t.u. adjustment.
[15] Includes 1.75-cent tax reimbursement.
[16] Four-step periodic increase plus 0.015-cent tax reimbursement.
[17] Two-step periodic rate increase.
[18] Filing as successor to Sinclair Oil Corp.
[19] Includes 1 cent for seller relinquishing its rights to process gas.
[20] Texas production.
[21] Oklahoma production.
[22] Two-step periodic increase plus 0.015-cent tax reimbursement.
[23] Base rate subject to upward and downward B.t.u. adjustment.
[24] Includes 17 cents base plus 0.8-cent upward B.t.u. adjustment (1,080 B.t.u. gas) before increase and 22-cent base rate plus 0.8-cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[25] Includes base rate of 17 cents plus 1.428-cent upward B.t.u. adjustment (1,084 B.t.u. gas) before increase and base rate of 18 cents plus 1.432-cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[26] Includes 0.015-cent tax reimbursement.
[27] The rate for the interest acquired from Earl Wakefield is effective subject to refund in Docket No. RI67-317.
[28] Includes base rate of 17 cents plus 2.924-cent upward B.t.u. adjustment (1,172 B.t.u. gas) before increase and base rate of 18 cents plus 3.086-cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[29] No production at present time.
[30] Oklahoma "Other" Area.
[31] Oklahoma Panhandle Area.
[32] Includes base rate of 17 cents plus 1.547-cent upward B.t.u. adjustment (1,091 B.t.u. gas) before increase and base rate of 18 cents plus 1.638-cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[33] Includes 0.0175-cent tax reimbursement.
[34] Buyer deducts 0.75 cent from price shown for treating gas.
[35] Filing to initial contract rate plus 0.015-cent tax reimbursement.
[36] Includes base rate of 17.9 cents plus 1.95-cent upward B.t.u. adjustment (1,166 B.t.u. gas) before increase and base rate of 19.5 cents plus 1.66-cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[37] Covers Spradley Unit, sec. 3, 8 N., 27 E., Hardin C Unit, secs. 33 and 34 in 9 N., 27 E.; and secs. 4 and 9, 8 N., 27 E. and sec. 31, 9 N., 27 E.

Texaco, Inc. (Texaco) requests that its proposed rate increases contained in Supplement No. 11 to its FPC Gas Rate Schedule No. 167 be permitted to become effective as of May 9, 1969, and its rate increase contained in Supplement No. 2 to Texaco's FPC Gas Rate Schedule No. 224 be permitted to become effective as of May 16, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco's rate filings and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, section 2.56).

[F.R. Doc. 69–6963; Filed, June 13, 1969; 8:45 a.m.]

[Dockets Nos. CP65–57, CP67–159]

BACA GAS GATHERING SYSTEM, INC.

Notice of Application to Amend

JUNE 9, 1969.

Take notice that on June 2, 1969, Baca Gas Gathering System, Inc. (Applicant), Hartford Building, Dallas, Tex. 75201, filed in Dockets Nos. CP65–57 and CP67–159 a petition to amend the certificate of public convenience and necessity to provide for the deletion of 8,808.69 total net acres from its gas purchase and sales agreement with Panhandle Eastern Pipe Line Co., all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Applicant maintains production has either ceased or gas has never been forthcoming from the acreage and all covering leases have expired and Applicant has amended its agreement with Panhandle Eastern Pipe Line Co. to delete the expired leases and acreage covered thereby.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7018; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP69–323]

LAKE SUPERIOR DISTRICT POWER CO., AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 9, 1969.

Take notice that on May 27, 1969, Lake Superior District Power Co. (Applicant), 101 West Second Street, Ashland, Wis. 54806, filed in Docket No. CP69–323 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to construct a satellite gas sales station in Barksdale, Wis., at Applicant's expense, to enable Applicant to deliver and sell interruptible or underrun gas available on Applicant's system to E. I. du Pont de Nemours and Co. for use in its Barksdale plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order of the Commission directing Respondent to construct a satellite sales station through which Respondent will deliver to Applicant gas to which Applicant states it is presently entitled under its service agreements with Respondent. Applicant is willing to reimburse Respondent for its estimated $17,200 cost and it will finance said expense from cash on hand or cash generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7019; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP–193 etc.]

NORTHERN NATURAL GAS CO., ET AL.

Order Consolidating Proceedings, Permitting Intervention and Prescribing Procedure

JUNE 9, 1969.

Northern Natural Gas Co., Docket No. CP68–193 (Phase II); Midwest Natural Gas, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP68–339; American Gas Company of Wisconsin, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69–32; Iowa Electric Light and Power Co., Docket No. CP69–131; Northern Natural Gas Co., Docket No. CP69–267; Wisconsin Gas Co., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69–272.

On April 18, 1969, Wisconsin Gas Co. (Wisconsin Gas) filed an application pursuant to section 7(a) of the Natural Gas Act seeking an order of the Commission requiring Northern to establish a physical connection with its proposed facilities and to deliver and sell up to 765 Mcf per day of natural gas for resale and distribution to the village of Hager City, Wis. Wisconsin Gas proposes to build approximately 3 miles of 1¼ to 4-inch distribution mains at an estimated cost of $69,027.[1] Northern Natural Gas Co. (Northern) filed its answer opposing the requested order on May 23, 1969. Requests for intervention have been timely filed by the following parties: Public Service Commission of Wisconsin, Metropolitan Utilities District of Omaha, Minnesota Natural Gas Co., and North Central Public Service Corps. The said petitioners indicate sufficient interest in Wisconsin Gas' application in Docket No. CP69–272 to warrant their intervention.

Since Wisconsin Gas anticipates that the requirements for its proposal in Docket No. CP69–272 can be met by Northern out of its as yet unallocated capacity, the proposal is sufficiently related to these consolidated proceedings and should be consolidated therewith.

The expeditious disposition of these consolidated proceedings requires that any further requests for gas service from Northern pursuant to section 7(a) of the Natural Gas Act, in order to be made a part of and considered in these consolidated proceedings, must be filed on or before June 27, 1969.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Docket No. CP69–272 be consolidated with the above-captioned proceedings for hearing and decision.

(2) It is desirable and in the public interest to allow the above named petitioners to intervene in these consolidated proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The application of Wisconsin Gas in Docket No. CP69–272 is hereby consolidated with these consolidated proceedings for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Any further request for gas service from Northern pursuant to 7(a) of the Natural Gas Act, in order to be made a part of and considered in these consolidated proceedings, must be filed on or before June 27, 1969.

By the Commission.

GORDON M. GRANT,
Secretary.

[SEAL]

[F.R. Doc. 69–7020; Filed, June 13, 1969; 8:45 a.m.]

[1] Notice of the application was issued on Apr. 23, 1969, and was published in the FEDERAL REGISTER on May 2, 1969 (34 F.R. 7262).

[Docket No. E–7475]

SOUTHERN CALIFORNIA EDISON CO. AND NEVADA POWER CO.

Notice of Application

JUNE 9, 1969.

Take notice that on April 3, 1969, Southern California Edison Co. (Edison) and Nevada Power Co., (Nevada Power) on May 27, 1969, have filed applications seeking authority pursuant to section 203 of the Federal Power Act for Edison to sell and Nevada Power to acquire an undivided interest in certain electric transmission facilities located in the State of Nevada.

Edison is incorporated under the laws of the State of California with its principal business office at Los Angeles, Calif., and is engaged in the electric utility business in 14 counties in southern California and in two counties in Nevada.

Nevada Power is incorporated under the laws of the State of Nevada with its principal business office at Las Vegas, Nev., and is engaged in the electric utility business in three counties in Nevada.

Edison, Nevada Power, Salt River Project Agricultural Improvement and Power District (Salt River Project) and the Department of Water and Power of the City of Los Angeles are participating in the construction of a coal-fired steam electric generating plant in southern Nevada known as the Mohave Project, and in the construction of major substation and transmission facilities known as the Eldorado System. Edison presently owns two single circuit 220-kv. a.c. transmission lines extending from Hoover Power Plant near Boulder City, Nev., to its interconnected transmission system in California of which approximately 21.7 circuit miles are to be reconstructed as a part of the Eldorado System.

Pursuant to a sale agreement beween Edison, Nevada Power and Salt River Project, dated December 20, 1967, Edison has agreed to sell to Nevada Power and Salt River Project an undivided 45.300 percent interest in said 21.7 circuit miles of existing transmission facilities. Upon effectuation of the sale agreement, the parties will own such facilities as tenants-in-common with their respective undivided interests therein being as follows:

	Percent
Edison	54.700
Nevada Power	26.425
Salt River Project	18.875

The sale agreement provides that Edison will be paid the sum of $161,268 for the undivided interest in the transmission facilities to be sold subject to certain adjustments.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7021; Filed, Jun. 13, 1969; 8:45 a.m.]

[Dockets Nos. CP64–314, CP65–81]

SOUTHERN NATURAL GAS CO.

Notice of Application to Amend

JUNE 9, 1969.

Take notice that on June 2, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35208, filed in Dockets Nos. CP64–314 and CP65–81 applications to amend the certificate of public convenience and necessity authorizing Applicant to install compressors at Gwinville Compressor Station, Thomaston Compressor Station, and McConnells Compressor Station; and pipeline from Griffin Gate to South Atlanta, Ga., and from Rome, Ga., to Chattanooga, Tenn. Applicant requests an amendment to authorize additional or varying facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that requirements varied substantially from estimates of operation and that expenses could be cut by varying the equipment, or in the case of pipeline, the pipeline was to be laid in areas susceptible to increased population density and Applicant thought it prudent to install pipe with a wall thickness variance to their application. Applicant also states that subsequent field surveys indicate that it is advisable for security of operation, to install a dual rather than a single line crossing a river, and a gas scrubber at Bell Mills, neither of which was included in the original cost estimates. Applicant further states that Topograph of the Bell Mills Compressor Station dictated alteration of suction and discharge piping length and size. Also, Applicant states that it is necessary to install a heater in the Chattanooga Measuring Station pressure regulating system and that the regulating station on the Rome lateral and the main line regulating station included in Applicant's application would not be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7022; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP63–35]

TEXAS GAS TRANSMISSION CORP.

Notice of Application to Amend

JUNE 9, 1969.

Take notice that on June 2, 1969, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP63–35 an application to amend the Commission's order issued January 24, 1963, in said docket by authorizing Applicant to establish an additional point of receipt for gas under its FPC Gas Rate Schedule X–29 of Gas Tariff, Original Volume No. 2, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of January 24, 1963, among other things, authorized Applicant to constuct and operate certain facilities and to transport natural gas, on a high priority interruptible basis, for the account of Gulf Oil Corp. (Gulf). The gas transported is produced by Gulf and delivered to Applicant at the Claiborne Gasoline Plant, Claiborne Parish, La., and redelivered by Applicant to Gulf in Hamilton County, Ohio. Applicant states that the supply of gas at the Claiborne Plant is diminishing and that Gulf desires to connect additional gas reserves from the Church Point Field, Acadia Parish, La. Accordingly, Applicant requests authority to establish a point of receipt in the Church Point Field. Applicant states that no new facilities will be required since there is an existing point of receipt under its FPC Gas Rate Schedule No. X–33.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18

CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to became a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7023; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP66-60]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 9, 1969.

Take notice that on June 2, 1969, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP66-60 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon the transportation service being rendered for Gulf Oil Corp. (Gulf), on a high priority basis, in volumes up to 11,500 Mcf of natural gas per day. The above transportation service was to be made pursuant to an agreement dated January 23, 1965, presently on file with the Commission as Applicant's FPC Gas Rate Schedule X-33, Original Volume No. 2 of Applicant's FPC Gas Tariff, and open to public inspection.

Applicant maintains that Gulf no longer requires the transportation service being rendered under Applicant's Rate Schedule X-33 and that pursuant to the terms thereof, Gulf and Applicant have terminated such rate schedule. Applicant further states that no transportation service has been rendered by Applicant under Rate Schedule X-33 since December 27, 1968.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7024; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP69-325]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 9, 1969.

Take notice that on May 28, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-325 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period following the authorization and operation of such facilities to allow Applicant to take into its certificated pipeline system natural gas from sources of supply purchased from independent producers and similar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system existing sources of supply, including fields from which Applicant is already authorized to receive gas where it is not possible to construct facilities under the exemption provided by § 2.55(d) of the Commission's rules; to provide necessary booster compressor facilities relating to such supplies; or to attach new supplies which Applicant has not heretofore relied upon.

Applicant requests a waiver of the project cost limitation contained in § 2.58(a)(2) of the Commission's Statements of General Policy and Interpretations under the Natural Gas Act to authorize any onshore project costs of no more than $750,000 and offshore project costs of $500,000, with overall project cost not to exceed $5 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7025; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP69-327]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 9, 1969.

Take notice that on May 29, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-327 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to connect additional reserves to Applicant's existing marine system, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 12 miles of 16-inch pipeline extending from the terminus of its existing line in the Block 10L Field to a platform to be constructed in Block 52L by Standard Oil Company of Texas, together with approximately 7 miles of 16-inch pipeline loop on its Southwest Louisiana Gathering System and a Block 52L meter and regulator station.

Applicant states the total estimated cost of the proposed project to be $3,096,000, which cost will be financed initially from funds on hand and by bank borrowings. Permanent financing will be through the issuance of long term securities.

Applicant states that no additional markets have been contracted in reliance upon this additional supply of gas, and that said supply is intended merely to augment Applicant's gas reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7026; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP69-326]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 9, 1969.

Take notice that on May 29, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-326 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to connect additional reserves to Applicant's existing marine system, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to purchase gas produced in the Block 239 Field, Ship Shoal Area, offshore Louisiana, pursuant to an executed gas purchase contract with Kerr-McGee Corp., Aquitane Oil Corp., Cabot Corp., Felmont Oil Co., Murphy Oil Corp., Ocean Drilling and Exploration Co., Southern Burmah Oil Co., and Sun Oil Co.

Specifically, Applicant proposes to construct and operate approximately 5½ miles of 16-inch pipeline extending from its existing facilities in Block 214E to a platform constructed in the Block 239 field by the above-named producers, together with a meter and regulator station to be located on such a platform.

Applicant states the total estimated cost of the proposed project is to be $1,659,000, which cost will be financed initially from funds on hand and by bank loans. Permanent financing will be through the issuance of long-term securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7027; Filed, June 13, 1969; 8:45 a.m.]

[Docket No. CP69-102]

TRANSWESTERN PIPELINE CO.

Notice of Application to Amend

JUNE 9, 1969.

Take notice that on June 2, 1969, Transwestern Pipeline Co. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP69-102 a petition to amend the certificate of public convenience and necessity issued by the Commission on December 2, 1968, which authorized Applicant to construct during the calendar year 1969, and operate facilities to take into its system deliveries of natural gas, the total cost of such facilities not to exceed $2 million, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Applicant states that it has now determined that said cost limitation is inadequate to cover its 1969 expenditures and requests an increase of the total authorized expenditures to $3 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7028; Filed, June 13, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry and Withdrawal From Warehouse for Consumption

JUNE 11, 1969.

On June 6, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning June 9, 1969, and extending through June 8, 1970, the restraint on imports into the United States of cotton textiles in Category 26 (duck only) produced or manufactured in Brazil. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter on June 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 26 (duck only), produced or maufactured in Brazil, which may be entered or withdraw from warehouse for consumption in the United States for the 12-month period beginning June 9, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective June 9, 1969, and for the 12-month period extending through June 8, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 26 (duck only)[1] produced or manufactured in Brazil, in excess of a level of restraint of 1,736,438 square yards.

In carrying out this directive, entries of cotton textiles in Category 26 (duck only) produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to June 9, 1969, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period June 9, 1968, through June 8, 1969. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 26 (duck only) in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–7055; Filed, June 13, 1969; 8:48 a.m.]

[1] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

OFFICE OF ECONOMIC OPPORTUNITY

FOLLOW THROUGH PROGRAM

Memorandum of Understanding Relating to Administration

A. *General.* OEO has, in accordance with section 621 of the EOA, delegated to HEW such of its authorities under the Economic Opportunity Act as are necessary for the administration of the Follow Through program, subject to the understandings contained in this memorandum.

B. *Policies.* The following policies will govern administration of the Follow Through program by HEW:

1. The program will be administered under the authorities included in the Economic Opportunity Act of 1964 as set forth in the existing delegation.

2. Except as provided in section 18 below, HEW shall make grants under section 222(a) of the Economic Opportunity Act to local public educational agencies.

3. HEW may grant funds for activities designed to assist the development of disadvantaged children which do not constitute aid to general education or a part of the basic services already available within the school system. Such activities include, but are not limited to, specialized and remedial teachers or teacher aides and materials, physical and mental health and social services staff and programs, nutritional improvement, culturally and educationally enriching experiences, and parent activities.

4. HEW shall give priority to programs which include a comprehensive range of services developed around identified needs of the children and families to be served.

5. Grants will be awarded by HEW on the basis of priorities to be established by the Commissioner of Education. Prior to the implementation of policies establishing priorities with respect to population groups to be served, and the geographical distribution of programs on a national basis, such policies shall be submitted to OEO for concurrence. In determining eligibility, preference will be given to those organizations having classes with a high proportion of children who have attended a full-year quality comprehensive preschool program for disadvantaged children and then to those classes with high proportions of children who have attended enriched summer preschool programs for disadvantaged children. With rare exceptions, at least 50 percent of the children participating in each grade of the program shall have had such experiences, and shall come from families whose income met Head Start income eligibility criteria at the time of enrollment in Head Start. Normally, the special individual medical or dental treatment, intensive individual psychological treatment and, where feasible, nutritional services shall not be available from Federal funds for any child whose family income is above the Head Start income eligibility criteria.

6. In general, communities participating in a Follow Through program for the first time shall, in that year, conduct the program at one grade level, which shall be the lowest grade of public school (either kindergarten or first grade). Communities participating in a Follow Through program for a second, third, or later consecutive year should each year expand the program to include the next higher grade (through grade 3). Children shall be eligible to participate in a Follow Through program in such higher grades:

(a) Who have been (i) previously included in a Head Start or other quality preschool program and (ii) have also participated in the next lower grade in Follow Through programs (or programs comparable in scope, comprehensiveness, and quality); or

(b) Whose participation in the program is necessary in order to implement adequately the design of the project or to increase its efficiency.

7. In those cases where funds are available to a grantee under title I of the Elementary and Secondary Education Act or other Federal or State statutes, the grantee shall give assurances that it will at least maintain the level of effort for children in the grades to be served that had previously been maintained. In addition, project funds (Federal and non-Federal) must add to existing programs of similar services, and non-Federal share contributions may not be diverted from other assistance to the poor.

8. HEW shall require that grantee agencies involve parents of Follow Through children in the development, conduct, and overall program direction of all projects.

9. Where positions are created for persons with nonprofessional qualifications, the grantee shall be required to give preference to low-income persons, especially parents of Follow Through children, who show promise of being able to carry out the assigned duties.

10. HEW may approve financial assistance in amounts exceeding the percentages set forth in section 225(c) of the EOA only if approval is made pursuant to regulations establishing objective criteria for determining that such approval furthers the purposes of title II of the EOA. No such regulation shall be adopted, revised or abandoned without OEO concurrence.

11. Where the applicant serves an area in which OEO has funded a community action agency, the applicant shall consult with that CAA in the development of its program and the CAA's views shall be a part of the application. In the event that the CAA poses objections which cannot be resolved between the LEA and the CAA, or after consultation by them with the SEA and State EOO, the appropriate HEW and OEO offices shall jointly consider the views of the respective agencies before HEW makes a final decision.

12. All applications shall be submitted simultaneously to the SEA, State EOO, HEW Regional Office, OEO Regional Office, and OEO and HEW Headquarters. The SEA, State EOO, HEW Regional Office, and OEO Regional Office shall review all applications and forward their recommendations to HEW Headquarters. HEW will make the final decision in accordance with established procedures, after consultation with OEO Headquarters. Copies of all approved grant applications will be accessible to OEO.

13. a. An amount not in excess of 10 percent of the funds transferred to HEW may be used to contract with or provide other financial assistance to SEA's for technical assistance, local training and staff development, and other activities designed to improve the capacity of the SEA to exercise leadership and to monitor Follow Through programs. The SEA shall involve the State EOO in the planning and implementation of activities funded under such grants. The views of the State EOO shall be included in the SEA application. At least 7 percent will be reserved by HEW for research, evaluation, administration, technical assistance, and special project activities, including training. However, in fiscal year 1969 the total percentage reserved for the purposes described in this section shall not exceed 23 percent.

In order to promote program variation, up to an additional 1 percent of Follow Through funds may be used by HEW for technical assistance grants to selected State EOO's and local CAA's to strengthen their abilities to coordinate the various community action programs with Follow Through and allow them to offer appropriate services to the SEA or LEA. HEW will develop annually a coordinated research and evaluation plan for Follow Through. This plan will be concurred in by OEO.

b. In fiscal year 1968 and thereafter, where the SEA is unable or unwilling to accept or carry out a contract or other arrangement to provide for technical assistance, local training and staff development or other activities designed to improve the capacity of the SEA to exercise leadership and to monitor Follow Through programs, HEW may make such a contract or other arrangement with the State EOO.

14. Of the funds available for local grants under section 222(a) of the Economic Opportunity Act, unless otherwise directed by OEO, 78 percent shall be allocated among the States in accordance with the formula contained in section 225 of the Economic Opportunity Act. Two percent shall be available for the territories and the remainder shall be distributed at the discretion of HEW. However, OEO shall retain final authority as to the availability and allocation of such funds in order to ensure compliance with section 225, and, to that end, OEO and HEW shall consult periodically.

15. If the funds available for grants within a State are insufficient to meet the expected demand for programs, HEW will select from projects which meet all requirements on a competitive basis giving equal weight to: (a) Need for the program, and (b) quality of the proposed program. Projects may be preselected upon criteria established by HEW with the concurrence of OEO.

16. Local applicants shall be required to include arrangements for training and staff development in their Follow Through program.

17. Services are to be made available to children in public and private schools in equitable proportions. These proportions shall be based on the numbers of participants in Head Start or similar programs for the community as a whole who are entering the public or private schools in the grades involved in the Follow Through program. Private school officials shall be involved in all stages of the development of plans to serve children enrolled in private schools. Their views on this element of the final proposal shall be included in the application. In developing plans to serve private school children, the local educational agency shall provide for such diversity of program and services as seems appropriate to the needs of the particular children involved, as long as such programs meet the quality criteria for Follow Through programs.

18. Operational grants shall be made directly to local educational agencies except as follows:

Where a local educational agency is unable or unwilling to provide Follow Through services to children in private schools in its district on an equitable basis, or where there is no local educational agency, or where it is determined by the Commissioner to be necessary to accomplish one or more of the pertinent purposes set forth in section 222 of the Economic Opportunity Act, the Commissioner shall arrange with an appropriate community action agency, Head Start agency, or if not with such CAA or HSA, then with a public or appropriate nonprofit, private agency or organization for the provision of Follow Through services. Any such grants made to regional or State agencies or organizations shall require OEO concurrence. The grantee agency providing services for children in private schools shall maintain supervision and administrative control over the provision of such services.

C. *Coordination.*

1. HEW will consult with OEO on policy issuances and guidelines. If during the consultative process OEO raises objections, HEW will formally notify OEO of its intention to proceed at least 10 days before issuing the policy. Departures from the policies enunciated within this agreement will require OEO concurrence. The two agencies will coordinate where necessary through joint task force arrangements on policies and regulations which would affect Operation Head Start as well as Operation Follow Through.

2. OEO will designate a liaison staff within the Community Action program to work with HEW staff in order to assure the full flow of information between the two agencies.

3. HEW will have the principal responsibility for site visits and audit of grantees. HEW may, however, request the assistance of OEO staff members in conducting such audits and site visits. OEO may also initiate, after notification to HEW, such joint or independent site visits as it deems necessary. HEW reports of site visits and audits will be available to OEO and OEO reports will be available to HEW.

4. HEW may request that services be performed by OEO staff on a reimbursable basis whenever it appears to be in the best interests of the program.

5. HEW will make a quarterly report to OEO on its administration of the delegation and will furnish such other information on a routine or special basis as OEO may require to meet its responsibilities. Included in this information will be written financial and program status reports; evaluation data; and program submissions required for the National Anti-Poverty Plan, budget justifications, and congressional presentations.

D. *Administration.*

1. OEO will transfer to HEW the amounts available for the Follow Through program including the amounts necessary for the administration of the program.

2. In accordance with section 621 of the EOA, the Secretary will redelegate authorities to the Commissioner of Education and shall make such administrative arrangements for the programs as required. The Secretary will advise OEO of these arrangements and secure concurrence of OEO on the selection of the program director.

E. *Review of memorandum of understanding.*

1. This memorandum shall be jointly reviewed annually and mutually agreeable changes will be made on the basis of legislative changes and of the experience gained in the program.

Approved: May 26, 1969.

ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare.

Approved: May 23, 1969.

ROBERT PERRIN,
Assistant Director for Governmental Relations, Office of Economic Opportunity.

[F.R. Doc. 69–7064; Filed, June 13, 1969; 8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

SUNRAY DX OIL CO.

Notice of Termination of Participation in Voluntary Agreement Relating to Foreign Petroleum Supply

Pursuant to section 702 of the Defense Production Act of 1950, as amended,

notice is hereby given that participation by the Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102, in the voluntary agreement entitled "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 8, 1956, has been terminated. The list of companies participating in that agreement was published in 32 F.R. 11296, August 3, 1967; a substitute participant was listed in a notice published in 33 F.R. 3657, March 1, 1968; and a termination of participation was listed in a notice published in 34 F.R. 5450, March 20, 1969.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. 2158; Executive Order 10480, Aug. 14, 1953, as amended; Reorganization Plan No. 1 of 1958, as amended; Executive Order 11051, Sept. 27, 1962, as amended)

Dated: June 9, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-7046; Filed, June 13, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41656—*Bituminous coal from L & N mines in Kentucky and Tennessee.* Filed by O. W. South, Jr., agent (No. A6104), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from L & N mines in eastern Kentucky and Tennessee, to specified points in North Carolina on the Seaboard Coast Line Railroad Co.

Grounds for relief—Rate relationship.

Tariff—Supplement 109 to Southern Freight Association, agent, tariff ICC S-327.

FSA No. 41657—*Rubber and rubber compounds from Addis, La.* Filed by Southwestern Freight Bureau, agent (No. B-38), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, loose, or in packages, in carloads, from Addis, La., to points in southern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 2 to Southwestern Freight Bureau, agent, tariff ICC 4849.

By the Commission

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7059; Filed June 13, 1969; 8:48 a.m.]

[Notice 849]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Sub-244 TA), filed June 6, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Rio Rancho Estates near Albuquerque, N. Mex., as an off-route point in connection with carrier's regular-route operations, for 150 days. NOTE: Applicant will tack to all of its existing authority at Albuquerque, N. Mex., and it will also interline with other carriers at Albuquerque, N. Mex. Supporting shippers: Numex Industries, S.S. Star Route, Box 5000, Albuquerque, N. Mex. 87114; West Mesa Manufacturing, Inc., Rio Rancho Industrial Park S.S. Star Route, Box 1, Albuquerque, N. Mex. 87114; Roman Fountains, Inc., Rio Rancho Industrial Park (State Route 528), Post Office Box 10190; Albuquerque, N. Mex. 87114. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 103490 (Sub-No. 65 TA), filed June 9, 1969. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Reynolds, Pa., to points in New York, for 180 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 110264 (Sub-No. 39 TA), filed June 2, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., Post Office Box 3459, Albuquerque, N. Mex. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), (a) between Albuquerque, N. Mex., and Amarillo, Tex., over (1) U.S. Highway 66 (Interstate 40) and return over the same route, serving all intermediate points in New Mexico, serving no intermediate points in Texas; (2) U.S. Highway 66 (Interstate 40) to junction U.S. Highway 84, thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 60 to Amarillo, Tex., and return over the same route serving all intermediate points in New Mexico, serving no intermediate points in Texas; (b) between Albuquerque, N. Mex., and Lubbock, Tex., (3) over route (2) above to Fort Sumner, N. Mex., thence over U.S. Highway 84 to Lubbock, Tex., and return over the same route, serving all intermediate points in New Mexico, serving no intermediate points in Texas; (c) between Amarillo, Tex., and Lubbock, Tex., (4) over U.S. Highway 87, serving no intermediate points and restricted against local service between Lubbock, Tex., and Amarillo, Tex., for operating convenience only; and (d) between Clovis, N. Mex., and Roswell, N. Mex., (5) over U.S. Highway 70 and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant intends to tack with its present authority at Albuquerque, N. Mex., and Roswell, N. Mex. Supporting shippers: There are approximately 33 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 113678 (Sub-No. 353 TA), filed June 9, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Stanley Averch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and pickles*, from Minneapolis, Minn., to Denver, Colo., for 180 days. Supporting shipper: Feinberg Distributing Co., Inc., 1114 Zane Avenue North, Minneapolis, Minn. 55422. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116702 (Sub-No. 31 TA), filed June 9, 1969. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium sulphide* in bulk, in tank trailers, from Wilmington, Del., and Cincinnati, Ohio, to the international boundary line between the United States and Canada at the port of entry at Detroit, Mich., for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 119988 (Sub-No. 25 TA), filed June 5, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ Timberland Drive, Post Office Box 1384, Lufkin, Tex. 75902. Applicant's representative: Bennie W. Haskins (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Alabama (except Birmingham and its commercial zone, Blackwell Nursery, Blakely, Blakely Island, Brookley AFB, Brookley Field, Chicasaw, Crishton, Eight Mile, Flowerwood Nursery, Grand Bay, Irvington, Klyono Nursery, Mobala Nursery, Mobile, Navco, Overlook Nursery, Plateau, Prichard, Saint Elmo, Semmes, Spring Hill, Theodore, Theodore Ammo Dump, and Whistler, Ala.); Florida (except Pensacola, Jacksonville, Marianna, Tallahassee, Lake City, and Crestview, Fla.); Kentucky; Mississippi (except Bay St. Louis, Biloxi, Bolton, Bovina, Centreville, Clinton, Edgewater Park, Edwards, Fountainbleau, Gautier, Gulfport, Handsboro, Hilda, International Paper Co. (near Redwood), Jackson, Johnsville, Keesler AFB, Kreole, Long Beach, Magna American Corp. plantsite (near Raymond), Mississippi City, Moss Point, N.A.S.A. (Hancock County), Natchez, Ocean Springs, Pascagoula, Pass Christian, St. Regis Paper Co. plantsite (near Ferguson, Lawrence County), Vicksburg, Waveland, and Woodville, Miss.); and Tennessee (except Bartlett, Benjes, Capleville, Frayser, Germantown, Goodman, Mallory AFB, Memphis, and its commercial zone, Memphis General Dept., Oakville, Raines, Raleigh, West Junction, Whitehaven, and Woodstock, Tenn.), for 150 days. Supporting shipper: Southland Paper Mills, Inc. (Mr. A. Q. Elliott, Traffic Manager), Post Office Box 1328, Lufkin, Tex. 75901. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128985 (Sub-No. 2 TA), filed June 5, 1969. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, R.F.D. No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots and mufflers; exhaust and tail pipe*, with or without fittings, between the plantsite and storage facilities of Maremont Corp., at or near Loudon, Tenn., on the one hand, and, on the other, points in the States which border on the Mississippi River, and points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Kochicing Counties, Minn., to the international boundary line between the United States and Canada, for 150 days. Supporting shipper: Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7060; Filed, June 13, 1969; 8:48 a.m.]

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Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years

1969 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1969 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

Section 730.22 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1969 crop of rice shall be 4.72 cents per pound. This is 65 per centum of the parity price as of June 15, 1969, which is determined to be 7.26 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 11, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–7138; Filed, June 16, 1969; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[§ 842.2, Amdt. 2]

PART 842—BEET SUGAR AREA

1968 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 842.2 (33 F.R. 9586, 10277, 11392) is amended by revising subparagraphs (1) and (5) of paragraph (a) to read as follows:

§ 842.2 Eligibility for acreage abandonment and crop deficiency payments.

(a) *Eligibility requirements.* * * *

(1) The sugar beets were planted on the farm on land suitable for the production of the crop, in a timely and workmanlike manner and under conditions conducive to normal production.

* * * * *

(5) With respect to acreage abandonment, the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes: *Provided*, That the county ASC committee may waive the requirement of prior notification if such committee (i) has knowledge that sugar beets were planted on the abandoned acreage and the extent of such plantings, (ii) has knowledge of widespread crop damage in the locality where the farm is located, and (iii) is satisfied that the abandonment on the farm in question resulted directly from drought, flood, storm, freeze, disease, or insects.

* * * * *

Statement of bases and considerations. For sugar beet acreage on a farm to be eligible for acreage abandonment or crop deficiency payments, certain requirements, specified in § 842.2, must be met. One of these requirements is that the sugar beets must be planted on land suitable for the production of the crop. Recently, questions have arisen as to whether or not sugar beet acreage would be eligible for abandonment or crop deficiency payments if the beets were planted on suitable land but not at a time or in a manner which would make it likely that a normal crop would be produced. This amendment adds to the requirement of suitability of land that the sugar beets must be planted in a manner and under conditions offering a fair opportunity for production. County ASCS offices will be instructed to publicize the dates by which sugar beets ordinarily should be planted. Plantings after such date would not ordinarily be eligible for abandonment or deficiency payments.

A further eligibility requirement is that the county ASCS office be notified of the intention to abandon the acreage before the sugar beets are destroyed or the acreage is used for other purposes. This provides an opportunity for a representative of the office to determine whether or not the abandonment resulted directly from one of the causes specified in the Act. A few instances have occurred wherein producers in areas which have suffered widespread crop damage have failed to report the abandonment to the county ASCS office prior to the abandonment, believing that the cause of the damage to the crop which resulted in the abandonment, such as a flood, was generally known. As a result of this technicality, such producers were ineligible for abandonment payments. This amendment provides that a county ASC committee may waive the requirement of prior notification if it has knowledge that sugar beets were planted on the land, the extent of such planting, and that the abandonment occurred solely because of drought, flood, storm, freeze, disease, or insects.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Secs. 303, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on June 11, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–7139; Filed, June 16, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Regulation 377, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available

information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.677 (Lemon Reg. 377, 34 F.R. 9059) are hereby amended to read as follows:

§ 910.677 Lemon Regulation 377.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 334,800 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7102; Filed, June 16, 1969; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOAN, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Rye Loan and Purchase Program

SUPPORT RATES

Correction

In F.R. Doc. 69–6290 (incorrectly designated as 62–6290) appearing at page 8290 in the issue of Thursday, May 29, 1969, the following corrections should be made in § 1421.2855:

1. In paragraph (b), the county "Elkhardt" under the center heading "Indiana" should read "Elkhart".

2. In paragraph (b), the couhty "Marrow" under the center heading "Oregon" should read "Morrow".

3. In paragraph (c), the parenthetical material following "Weed control discount" should read "(where required by § 1421.74)".

4. In paragraph (c), in the paragraph beginning "Other Factors:", the second word in the third line from the bottom should read "offices" instead of "officers".

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Discontinuance of Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285)

Part 201 of Chapter II, Title 22 (A.I.D. Reg. 1) is amended as follows:

§ 201.01 [Amended]

a. In § 201.01, paragraph (v) is deleted in its entirety.

§ 201.52 [Amended]

b. Section 201.52 is amended as follows:

1. In paragraph (a), subparagraphs (7) and (8) are deleted in their entirety.

2. Subparagraph (1) of paragraph (c) is revised to read as follows:

(c) *Execution of certificates.* (1) The original of each Supplier's Certificate, Certificate Concerning Commissions, and Commodity Approval Application shall be signed by hand and shall bind the person or organization in whose behalf the execution is made.

§ 201.72 [Amended]

c. Section 201.72 is amended as follows:

1. In the opening sentence of paragraph (b), the material within the parentheses following the phrase "examine the documents" is revised to read "(other than the Supplier's Certificate, the Certificate Concerning Commissions, and the Commodity Approval Application)".

2. Paragraph (c) is revised to read as follows:

(c) *Acceptance of certificates.* A bank shall not accept for submission to A.I.D. the original of the Supplier's Certificate, the Certificate Concerning Commissions, or the Commodity Approval Application, unless, to the best knowledge and belief of the bank, each such original has been signed by hand.

d. Section 201.73 is amended as follows: The opening sentence in paragraph (a) and paragraph (b) are revised to read as follows:

§ 201.73 Limitations on the responsibilities of banks.

* * * * *

(a) *Sufficiency and completeness of documents.* Any document, including the Supplier's Certificate, the Certificate Concerning Commissions, and the Commodity Approval Application, submitted by a bank to A.I.D. in support of a claim for reimbursement, shall be sufficient if it purports to be the sort required to be delivered and if it has been accepted by the bank in the ordinary course of business in good faith. * * *

(b) *Reimbursement right notwithstanding certain deficiencies.* A bank's right to reimbursement from A.I.D. for payments which the bank has made will not be affected by the fact that the Certificate Concerning Commissions, the Commodity Approval Application, or the Invoice-and-Contract Abstract on the reverse of the Supplier's Certificate may be incomplete, or may indicate noncompliance with any provision of this Part 201, the letter of commitment, a request for the opening of a special letter of credit, or any other implementing document, or may be inconsistent with other documents required for reimbursement.

* * * * *

e. Appendix D to Part 201 is deleted in its entirety.

f. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 7, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69–7074; Filed, June 16, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.1—Procurement of Stores Stock Items

IDENTIFYING STOCK ITEMS FOR WHICH STANDARD PACK HAS BEEN DEVELOPED

Section 5A–72.105–18 is revised to read as follows:

§ 5A–72.105–18 Packing requirements.

(a) *Standard pack items.* (1) Standard pack requirements are developed for stock items by the Standardization Division. Upon establishment of a standard pack requirement for an item, the Standardization Division notifies the appropriate commodity manager by means of a GSA Form 419A, SIPD Data Transmittal Worksheet. Standard pack items are identified by a "X" in block 4 of the March 1968 edition of GSA Form 419, Stock Item Purchase Description, or by the following notation on the face of the September 1954 edition of the form:

Standard Pack Item—Include standard pack clause in purchases for stores stock.

(2) Invitations for bids and requests for proposals covering standard pack items shall include the clause prescribed in § 5A–7.170–5 as provided in that section.

(b) *Nonstandard pack items.* (1) Invitation for bids and requests for proposals covering stock items for which a standard pack has not been established shall include the following clause:

NONSTANDARD PACK ITEMS

(a) Except for those items for which packaging and packing requirements are cited in the Schedule or included in a referenced specification, items covered by this invitation for bid may be shipped in commercial containers, Provided: (1) Each shipping container of each item in a shipment is of uniform size and content, except for residual quantities, (2) the gross weight of each shipping container does not exceed 65 pounds except when the weight of a single item within the shipping container is of a higher weight, and (3) shipping containers comply with requirements of the Uniform Freight Classification or the National Motor Freight Classification (issue in effect at time of shipment).

(b) Shipments delivered to a GSA supply depot which do not conform to the contract requirements set forth above shall be subject to rejection and replacement, or correction in accordance with the provisions of Article 5(b) of the General Provisions.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 4, 1969.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 69–7105; Filed, June 16, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Chincoteague National Wildlife Refuge, Va.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing, and clamming, in accordance with Virginia regulations, is permitted on the Chincoteague National Wildlife Refuge, Va., subject to the following conditions:

(1) Open areas: (a) Surf fishing—the entire beach front, except those areas designated by signs as areas closed to fishing, (b) Fishing and crabbing—from the impoundment banks designated as open to fishing. (c) Clamming—the area between high and low tide marks in Tom's Cove, except as posted closed.

(2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 5, and are effective until December 31, 1969.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 10, 1969.

[F.R. Doc. 69–7136; Filed June 16, 1969; 8:47 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—GROUNDFISH FISHERIES

Use of Multiple Flap-Type and Polish-Type Chafers

The use of multiple flap-type and Polish-type chafers has been ratified by all member governments. Therefore, these two types of chafers formerly not legal in Subarea 5, may now be used in any subarea.

The amendment is adopted under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986).

Effective date. This amendment is effective on July 4, 1969.

In § 240.3(h), the next to the last sentence reading "Within the regulatory area, the 'ICNAF-type chafer' may be used in any subarea; the 'multiple flap-type chafer' and the 'Polish-type chafer' may be used in any subarea other than Subarea 5" is deleted.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated June 5, 1969.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69–7103; Filed, June 16, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69–WA–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Domestic VOR Airways; Correction

The purpose of this amendment to F.R. Doc. 69–2251 (34 F.R. 4509) is to correct the description of V–8 between Kremmling, Colo., and Denver, Colo. This segment was inadvertently published as "Kremmling; 12 AGL Denver, Colo.;" and should have been described as "Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, 12 AGL Denver, Colo.;" so that the floors would coincide with the floors of the codesignated segment of V–200.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and for that reason may be made effective immediately.

In consideration of the foregoing, F.R. Doc. 69–2251 (34 F.R. 4509) is amended, effective immediately, as hereinafter set forth.

In V–8 "12 AGL Denver, Colo.;" is deleted and "9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, 12 AGL Denver, Colo.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–7088; Filed, June 16, 1969; 8:45 a.m.]

[Airspace Docket No. 68–WE–68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Transition Areas; Correction

On April 30, 1969, F.R. Doc. 69–5108 was published in the FEDERAL REGISTER (34 F.R. 7069) effective June 26, 1969, and in part, altered the 9,000 feet MSL portion of the Boise, Idaho, transition area by substituting V–330 for V–4 as the south boundary. V–4 should have been retained as the southwest boundary and V–330 substituted for V–4 as the south boundary. Corrective action is taken herein.

Since this change is minor in nature, notice and public procedure hereon are unnecessary and the effective date as originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69–5108 (34 F.R. 7069) is amended, effective immediately, as hereinafter set forth.

Item 2.a., is amended to read as follows:

In the 9,000 feet MSL portion of the Boise, Idaho, transition area "on the southwest by the northeast edge of V–4;" is deleted and "on the southwest by the northeast edge of V–4, and on the south by the north edge of V–330;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–7089; Filed, June 16, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9629; Amdt. 653]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to establish low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Mermaid Int	Perch Int	Via PMM R 227°	2300	T–dn	300–1	300–1	200–½
Musky Int	Perch Int	Via 131° crs and R 226° ELX	2300	S–dn–9°#	500–1	500–1	500–1
				C–dn*	500–1	500–1	500–1½
R 200°, ELX VORTAC CW	R 266°, ELX VORTAC (NOPT)	Via 22-mile DME Arc.	2300	A–dn$	800–2	800–2	800–2
R 320°, ELX VORTAC CCW	R 266°, ELX VORTAC (NOPT)	Via 22-mile DME Arc.	2300				
Perch Int	Coho Int (NOPT)	Direct	1600				

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2300′ within 10 miles of Coho Int/18-mile DME Fix.
Minimum altitude over facility on final approach crs, 1600′ over Coho Int/18-mile DME Fix.
Crs and distance, facility to airport, 086°—3.9 miles from Coho Int/18-mile DME Fix.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.9 miles of Coho Int or at 14.1-mile DME, climb to 2300′ and proceed direct to ELX VORTAC.
NOTE: Dual VOR or VOR/DME receivers required.
#500–¾ authorized with HIRL, except for 4-engine turbojets.
*Use South Bend altimeter setting when control zone not effective; circling and straight-in minimums increased 100′ except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
MSA within 25 miles of facility: 045°–225°—2400′; 225°–315°—2200′; 315°–045°—2300′.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642′; Fac. Class, L–BVORTAC; Ident, ELX; Procedure No. VOR Runway 9, Amdt. Orig.; Eff. date, 3 July 69

2. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Manchester VOR	Nashua NDB	Direct	3300	T–dn	300–1	300–1	NA
				C–dn*	600–1	600–1	NA
				A–dn	NA	NA	NA

Procedure turn N side of crs, 317° Outbnd, 137° Inbnd, 3300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 137°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing AMH RBn, climb to 1500′ on 137° bearing from AMH RBn within 5 miles, then left-climbing turn to 3300′ direct AMH RBn. Hold NW, 137° Inbnd, 1 minute, left turns.
NOTES: (1) Use Manchester altimeter setting. 700–1 required when Manchester control zone not effective and/or altimeter setting obtained from Concord FSS.* (2) Facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized, procedure turn required.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—1900′; 180°–270°—3100′; 270°–360°—4200′.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 199′; Fac. Class., MHW; Ident., AMH; Procedure No. NDB (ADF) Runway 14, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated, 1 July 67

3. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Marshalltown, Iowa—Marshalltown Municipal, NDB (ADF) Runway 12, Orig., 2 Mar. 1967 (established under Subpart C).
Christiansted, St. Croix, V.I.—Alexander Hamilton, VOR 1, Amdt. 3, 26 Nov. 1966 (established under Subpart C).
Thief River Falls, Minn.—Thief River Municipal, VOR Runway 13, Amdt. 1, 29 July 1967 (established under Subpart C).
Thief River Falls, Minn.—Thief River Municipal, VOR Runway 31, Amdt. 2, 29 July 1967 (established under Subpart C).

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Shreveport, La.—Shreveport Downtown, TerVOR–14, Amdt. 5, 3 July 1965 (established under Subpart C).

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing STX VOR.
STX NDB	STX VOR	Direct	2200	Climbing left turn to 2200′ direct to STX VOR and hold.
Grouper Int	STX VOR	Direct	2200	Supplementary charting information: Hold E STX VOR, 1 minute, right turns, 257° Inbnd. Final approach crs intercepts runway centerline 3000′ from threshold. VASI Runway 9. Runway 27, TDZ elevation, 60′.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 2200′ within 10 miles of STX VOR.
FAF, STX VOR. Final approach crs, 257°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over STX VOR, 1500′.
MSA: 000°–180°—1900′; 180°–360°—2200′.
NOTES: (1) Procedure not authorized when control tower not in operation. (2) Sliding scale not authorized. (3) 300′ per mile maximum rate of descent on final approach.
*Alternate minimums not authorized when control zone not effective.
@Category D circling authorized only S of centerline extended Runways 9/27.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27	740	1	680	740	1	680	740	1¼	680	740	1½	680
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	740	1	680	740	1	680	740	1¼	680	740	2	680
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Christiansted; Island, St. Croix, V.I.; Airport name, Alexander Hamilton; Elev., 60′; Facility, STX; Procedure No. VOR Runway 27, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 26 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing River Int.
Zeeland Int	River Int	Direct	2200	Make climbing right turn to 2200′ and return to River Int.
PMM VORTAC	River Int (NOPT)	Direct	2200	

Procedure turn W side of crs, 179° Outbnd, 359° Inbnd, 2200′ within 10 miles of River Int.
FAF, River Int. Final approach crs, 359°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over River Int., 2200′.
MSA: 000°–090°—2900′; 090°–180°—2400′; 180°–360°—2000′.
NOTES: (1) Use Grand Rapids, Mich., altimeter setting. (2) Dual VOR or VOR/DME receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1240	1	560	1240	1	560	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Holland; State, Mich.; Airport name, Tulip City; Elev., 680′; Facility, PMM; Procedure No. VOR–1, Amdt. Orig.; Eff. date, 3 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.2 miles after passing PHX VOR.
Olberg Int	PHX VOR (NOPT)	Direct	4100	Climbing left turn to 4000′ direct to PHX VOR.
CZG VOR	PHX VOR (NOPT)	Direct	4000	Supplementary charting information: Final approach crs to a point 1.1 miles S of midpoint Runways 3/21. Chart VFR tract MAP to airport.

Procedure turn W side of crs, 159° Outbnd, 339° Inbnd, 4000′ within 10 miles of PHX VOR.
FAF, PHX VOR. Final approach crs, 339°. Distance FAF to MAP, 10.2 miles.
Minimum altitude over PHX VOR, 4000′.
MSA: 010°–100°—6100′; 100°–190°—4200′; 190°–280°—5600′; 280°–010°—5900′.
NOTES: (1) Radar vectoring. (2) Use Phoenix altimeter setting.
%IFR departure procedures: Climb visually over airport to 1900′ or above, direct to PHX VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2140	1	661	2140	1	661	2140	1½	661	2140	2	661
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Scottsdale; State, Ariz.; Airport name, Scottsdale Municipal; Elev., 1479′; Facility, PHX; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 July 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DTN VOR.
SHV VORTAC	TEE VEE Int	Direct	3000	Climb to 1800′ on DTN R 131°, within 20 miles.
TEE VEE Int	Lee Int (NOPT)	Direct	1700	Supplementary charting information: Depict tower 2049′, 13 miles NW of airport.
BAD VOR	DTN VOR	Direct	3000	
DTN VOR	Lee Int	Direct	3000	

Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 3000′ within 10 miles of Lee Int.
Final approach crs, 126°.
Minimum altitude over Lee Int, 1700′.
MSA: 000°–270°—1800′; 270°–360°—3100′.
NOTES: (1) Radar vectoring. (2) Dual VOR equipment required or radar vector to final approach crs SE of 2049′ tower.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
8–14	680	1	501	680	1	501	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	780	1	601	780	1	601	NA	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Shreveport; State, La.; Airport name, Shreveport Downtown; Elev., 179′; Facility, DTN; Procedure No. VOR Runway 14, Amdt. 6; Eff. date, 3 July 69; Sup. Amdt. No. Ter VOR-14, Amdt. 5; Dated, 3 July 65

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.7 miles after passing IGN VOR.
				Right-climbing turn to 2800′ direct to IGN VOR and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 155° inbnd. 1436′ tower 2.2 miles E of airport. 1329′ terrain 1.8 miles ESE of airport. 1340′ terrain 2.1 miles E of airport.

Procedure turn W side of crs, 335° Outbnd, 155° Inbnd, 2800′ within 10 miles of IGN VOR.
FAF, IGN VOR. Final approach crs, 155°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over IGN VOR, 1800′.
MSA: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—4200′.
NOTES: (1) Radar vectoring. (2) Use Poughkeepsie FSS altimeter setting.
CAUTION: Terrain rises rapidly 1 mile E and SE of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C	1440	1¼	1082	NA	NA	NA
A	Not authorized.		T 2-eng. or less—700-1.		T over 2-eng.—Not authorized.	

City, Stormville; State, N.Y.; Airport name, Stormville; Elev., 358′; Facility, IGN; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TVF VOR.
				Climb to 2600′ on TVF VOR R- 130° within 10 miles; return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. 1613′ steel tower 3 miles N of airport. REIL Runway 13. Runway 13, TDZ elevation, 1112′.

Procedure turn S side of crs, 302° Outbnd, 122° Inbnd, 2600′ within 10 miles of TVF VOR.
Final approach crs, 122°.
MSA: 000°–360°—2700′.
CAUTION: TURF Runways 4/22 unlighted.
NOTES: (1). Use Grand Forks altimeter setting when control zone not effective and circling and straight-in MDA increased 180′ when control zone not effective except for operators with approved weather reporting service. (2) Inoperative table does not apply to nonstandard REIL Runway 13.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
% IFR departure procedure: Aircraft departing all runways, climb to 2100′ on runway heading before turning Northbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–13	1480	1	368	1480	1	368	1480	1	368	1480	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1480	1	364	1580	1	464	1580	1¼	464	1680	2	564
A	Standard.*		T 2-eng. or less—Standard.%				T over-2-eng.—Standard.%					

City, Thief River Falls; State, Minn.; Airport name, Thief River Municipal; Elev., 1116′; Facility, TVF; Procedure No. VOR Runway 13, Amdt. 2; Eff. date, 3 July 69; Sup. Amdt. No. 1; Dated, 29 July 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TVF VOR.
				Climb to 2600′ on TVF VOR R-302° within 10 miles; return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 4200′ from threshold 1613′ steel tower 3 miles N of airport. REIL Runway 31. Runway 31, TDZ elevation, 1112′.

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 2600′ within 10 miles of TVF VOR.
Final approach crs, 310°.
MSA: 000°–360°—2700′.
CAUTION: TURF Runways 4/22 unlighted.
NOTES: (1) Use Grand Forks altimeter setting when control zone not effective and all MDA's increased 180′ except for operators with approved weather reporting service.
(2) Inoperative table does not apply to nonstandard REIL Runway 31.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedure: Aircraft departing all runways, climb to 2100′ on runway heading before turning northbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–31	1500	1	388	1500	1	388	1500	1	388	1500	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	384	1580	1	464	1580	1½	464	1680	2	564
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Thief River Falls; State, Minn.; Airport name, Thief River Municipal; Elev., 1116′; Facility, TVF; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 3 July 69; Sup. Amdt. No. 2; Dated, 29 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 12.4-mile DME EWO R 305°.
EWO VORTAC	EWO, R 305°, 8-mile DME	Direct	2500	Left-climbing turn to 3000′ direct EWO VORTAC and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 306° Inbnd. Final approach crs crosses airport reference point. Chart: 1330′ tower, 37°41′59″ N./85°49′07″ W. 1450′ tower, 37°40′55″ N./85°50′32″ W.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 3000′ within 10 miles of EWO VORTAC.
Final approach crs, 306°.
Minimum altitude over EWO VORTAC, 3000′; over EWO R 305°, 8-mile DME, 2500′.
MSA: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2500′; 270°–360°—2500′.
NOTE: Use Fort Knox, Ky., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1480	1	600	1480	1	600	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Elizabethtown; State, Ky.; Airport name, Elizabethtown-Hardin County; Elev., 880′; Facility, EWO; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 3 July 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 13-mile DME Fix R 251°.
CLL VOR	LOA VORTAC	Direct	2100	Climb to 2100′, right turn direct to LOA VORTAC Supplementary charting information: Hillport UNICOM 122.8.

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 2100′ within 10 miles of LOA VORTAC.
Final approach crs, 251°.
Minimum altitude over LOA VORTAC, 2100′; over 8-mile DME, 2000′.
MSA within 25 miles of LOA VORTAC: 090°–270°—2100′; 270°–090°—1900′.
NOTE: Use College Station altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1040	1	539	1040	1	539	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Hilltop Lakes; State, Tex.; Airport name, Hilltop Lakes; Elev., 501′; Facility, LOA; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 3 July 69

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing AUS VORTAC.
Georgetown Int	AUS VORTAC (NOPT)	R 007°	1800	Climb to 3000′, right turn to AUS VORTAC R 189° within 15 miles or, when directed by ATC, climb to 2000′ turn left to AUS VORTAC R 125° within 15 miles. Supplementary charting information: Depict 845′ tower 2.2 miles N of airport. TDZ elevation, 632′.

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2500′ within 10 miles of AUS VORTAC.
FAF, AUS VORTAC. Final approach crs, 175°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over AUS VORTAC, 1800′; over 2.9-mile DME Fix R 175°, 1280′.
MSA within 25 miles of AUS VORTAC: 000°–090°—2100′; 090°–360°—3000′.
NOTE: ASR.
Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	1280	1	648	1280	1	648	1280	1¼	648	1280	1½	648
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	648	1280	1	648	1280	1½	648	1280	2	648
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	1040	1	408	1040	1	408	1040	1	408	1040	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1½	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24′, Runway 30L; others Standard.				T over 2-eng.—RVR 24′, Runway 30L; others Standard.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632′; Facility AUS; Procedure No. VOR Runway 16R, Amdt. 21; Eff. date, 3 July 69; Sup. Amdt. No. 20; Dated, 20 Mar. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing OCN VOR; (9.6 DME).
Kelp Int	OCN VOR (NOPT)	Direct	2500	Climbing right turn to 3000′ heading 240° to intercept OCN R 145° direct SAN VOR; or, when directed by ATC climbing right turn to 2500′ direct OCN VORTAC. Supplementary charting information: LRCO, 122.1R.

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500′ within 10 miles of OCN VORTAC.
FAF, OCN VORTAC. Final approach crs, 110°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over OCN VORTAC, 2500′.
MSA: 000°–090°—6800′; 090°–180°—4000′; 180°–270°—2100′; 270°–360°—6700′.
NOTE: Use Miramar (NKX) altimeter setting.
% IFR departure procedures: Runway 6, left turn after takeoff. West-, north-, and east-bound (280° CW through 120°) departures require a minimum climb rate of 200′ per mile to 2000′ MSL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1020	1	692	1020	1	692	1020	1¼	692	NA
A	Not authorized		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Carlsbad; State, Calif.; Airport name, Palomar; Elev., 328′; Facility, OCN; Procedure No. VOR-1, Amdt. 3; Eff. date, 3 July 69; Sup. Amdt. No. 2; Dated, 24 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing CNU VOR.
			Climbing right turn to 2600′ direct to CNU VOR.

Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2600′ within 10 miles of CNU VOR.
FAF, CNU VOR. Final approach crs, 056°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over CNU VOR, 2500′.
MSA: 000°–090°—2600′; 090°–180°—2500′; 180°–270°—2600′; 270°–360°—2500′.
*Night visibility minimum 1½ for Categories A and B, and 2 for Category C.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1480	1*	479	1480	1*	479	1480	1½*	479	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Chanute; State, Kans.; Airport name, Chanute Martin Johnson; Elev., 1001′; facility, CNU; Procedure No. VOR-1, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated, 4 Apr. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing COT VORTAC.
			Climbing right turn to 2000′ direct to COT VORTAC and hold.#

Supplementary charting information:
#Hold E, 1 minute, right turns, 257° Inbnd.
Final approach crs aligned to center of landing area.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 1600′ within 10 miles of COT VORTAC.
FAF, COT VORTAC. Final approach crs, 257°. Distance FAF to MAP, 5 miles.
Minimum altitude over COT VORTAC, 1500′.
MSA: 000°–090°—2000′; 090°–180°—1700′; 180°–270°—1900′; 270°–360°—2000′.
CAUTION: 553′ tower, 0.8 mile WSW; 562′ water tower, 1.1 mile SW; 839′ tower, 3.9 miles SW of airport.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C*	860	1	389	940	1	469	NA		NA	
A	1000–2.*		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*			

City, Cotulla; State, Tex.; Airport name, Cotulla Municipal; Elev., 471′; Facility, COT; Procedure No. VOR-1, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 3 Oct. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing CTB VORTAC.
R 152°, CTB VORTAC CCW	R 130°, CTB VORTAC	10-mile Arc	5300	Climb to 5300′ on CTB VOR R 311° within 8 miles, return to VORTAC.
10-mile Arc	CTB VORTAC (NOPT)	Direct	4500	Supplementary charting information: Runway 31, TDZ elevation, 3837′.

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 5300′ within 10 miles of CTB VOR.
FAF, CTB VOR. Final approach crs, 311°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over CTB VOR, 4500′.
MSA: 000°–180°—5300′; 180°–270°—6000′; 270°–360°—5500′.
NOTE: Final approach from holding pattern at VOR not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	4160	1	323	4160	1	323	4160	1	323	4160	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4220	1	366	4320	1	466	4320	1¼	466	4420	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cut Bank; State, Mont.; Airport name, Cut Bank; Elev., 3854′; Facility, CTB; Procedure No. VOR Runway 31, Amdt. 8; Eff. date, 3 July 69; Sup. Amdt. No. 7; Dated, 24 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing Island Int.
Windsor VOR	Island Int	Direct	1700	Climb to 2800′ direct to Bele Int or, when directed by ATC, make right-climbing turn proceed to Windsor VOR at 2000′.

Supplementary charting information:
Approach radial lies about 500′ left of Runway 33.
TDZ elevation, 623′.

Procedure turn not authorized. Approach crs (profile) starts at Windsor VOR.
FAF, Island Int. Final approach crs, 323°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over Windsor VOR, 2000′; over Island Int, 1700′.
MSA: 000°–180°—2000′; 180°–270°—2300′; 270°–360°—2800′.
NOTES: (1) ASR. (2) VOR and ADF receivers or radar required.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-33*	1200	1	577	1200	1	577	1200	1	577	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	575	1200	1	575	1200	1½	575	NA
A	Standard.		T 2-eng. or less—300′ ceilings and 1 mile required all runways.				T over 2-eng.—300′ ceiling and 1 mile required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625′; Facility, QC; Procedure No. VOR Runway 33, Amdt. 9; Eff. date, 3 July 69; Sup. Amdt. No. VOR Runway 33L, Amdt. 8; Dated, 10 Oct. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing Indian Hills Int.
EWO VORTAC	Indian Hills Int	EWO R305°	2500	Left-climbing turn to 3000′ direct EWO VORTAC, and hold.

Supplementary charting information:
Hold SE, 1 minute, right turns, 305° Inbnd.
Chart: 1330′ tower 37°41′59″ N./85°49′07″ W.; 1450′ tower 37°40′55″ N./85°50′32″ W.
Final approach crs crosses airport reference point.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 3000′ within 10 miles of EWO VORTAC.
FAF, Indian Hills Int. Final approach crs, 305°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over EWO VORTAC, 3000′; Over Indian Hills Int, 2500′.
MSA: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2500′; 270°–360°—2500′.
NOTE: Fort Knox, Ky., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1640	1	760	1640	1¼	760	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Elizabethtown; State, Ky.; Airport name, Elizabethtown-Hardin County; Elev., 680′; Facility, EWO; Procedure No. VOR-1, Amdt. 2; Eff. date, 3 July 69; Sup. Amdt. No. 1; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: IMT VOR.
				Climb to 2800′ on R 320° within 10 miles, return to VOR.
				Supplementary charting information:
				Final approach crs intercepts runway centerline 2520′ from threshold.
				LRCO, 122.1, 123.6.
				1700′ hill and tower 1.7 miles NNE.
				1400′ hill 1 mile S.
				TDZ elevation, 1124′.

Procedure turn S side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles of IMT VOR.
Final approach crs, 320°.
MSA: 000°–270°—2800′; 270°–360°—2900′.
NOTES: (1) Sliding scale not authorized. (2) Use Marquette altimeter setting when control zone not effective. Circling and straight-in MDA increased 220′ except for operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Circling NE of airport not authorized.
$Night minimums 2 miles.
% Aircraft departing Runway 1, climbing left turn to 2200′ on R 315° before proceeding on crs; aircraft departing Runway 13, climbing right turn to 2200′ on R 150° before proceeding on crs; aircraft departing Runway 31, right turn not authorized until reaching 2200′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31$	1640	1	516	1640	1	516	1640	1	516	1640	1¼	516
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
#C$	1700	1	551	1700	1	551	1700	1½	551	1700	2	551
A	Standard.*		T 2-eng. or less—500–1.$%				T over 2-eng.—500–1.$%					

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1149′; Facility, IMT; Procedure No. VOR Runway 31, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated 15 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Ithaca VOR.
				Climbing left turn to 3500′ on ITH VOR R 315° within 10 miles, direct to ITH VOR and hold.
				Supplementary charting information:
				Hold NW, 1 minute, left turns, Inbnd crs 135°.
				Final approach crs, 300′ left runway centerline at 3000′.
				2112′ tower plus high terrain, 3.3 miles SE of airport.
				TDZ elevation, 1062′.

Procedure turn E side of crs, 315° Outbnd, 135° Inbnd, 2600′ within 10 miles of ITH VOR.
Final approach crs, 135°.
MSA: 000°–270°—3300′; 270°–360°—3200′.
NOTE: Use Chemung County Airport altimeter setting when control zone not effective.
*Circling and straight-in MDA increases 100′ and alternate minimums not authorized when control zone not effective.
%IFR departure: Runway 14 departure requires 320′ per mile climb rate to 2200′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–14*	1480	¾	398	1480	¾	398	1480	¾	398	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1480	1	382	1560	1	462	1560	1½	462	NA
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Ithaca; State, N.Y.; Airport name, Tompkins County; Elev., 1098′; Facility, ITH; Procedure No. VOR Runway 14, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 20 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MHK VOR.
Chapman Int	MHK VOR	Direct	1800	Climbing right turn to 3000′, intercept MHK R 138°, proceed to Alma Int and hold.*
				Supplementary charting information:
				*Hold SE, 1 minute, right turns, 318° Inbnd.
				Also chart holding at Chapman Int, hold W, 1 minute, right turns, 071° Inbnd.
				Final approach crs intercepts runway centerline extended at 2200′.
				Chart restricted areas 3602A and 3602B.
				TDZ elevation, 1048′.

Procedure turn not authorized. Approach crs (profile) starts at Chapman Int.
Final approach crs, 024°.
Minimum altitude over Chapman Int, 3000′; over Whitside Int and Ogden Fan Marker, 1800′.
MSA: 000°–360°—2800′.
NOTES: (1) Use Salina, Kans., altimeter setting when control zone not effective, and all MDA's increased 200′ except for operators with approved weather reporting service.
(2) Depart Chapman Int from holding pattern.
CAUTION: Extensive helicopter operations at Marshall AAF during VFR weather conditions.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedures: Westbound 185° through 340°, proceed to Custer Int via MHK VOR R–174° or MHK NDB bearing 182° before departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–3	1800	1	752	1800	1¼	752	1800	1½	752	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1800	1	744	1800	1¼	744	1800	1½	744	NA
	VOR/NDB Minimums or VOR/Fan Marker Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–3	1560	1	512	1560	1	512	1560	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1	544	1660	1	604	1660	1½	624	NA
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056′; Facility, MHK; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 3 July 69; Sup. Amdt. No. 4; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing Ashland Int.
MHK VOR	Alma Int	Direct	3000	Climbing right turn to 3000′ to Alma Int and hold.*
Alma Int	Ashland Int (NOPT)	Direct	1900	Supplementary charting information:
				*Hold SE, 1 minute, right turns, 318° Inbnd.
				Chart restricted areas 3602A and 3602B.
				TDZ elevation, 1043′.

Procedure turn not authorized. Approach crs (profile) starts at Alma Int.
FAF, Ashland Int. Final approach crs, 318°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over Alma Int, 3000′; over Ashland Int, 1900′.
MSA: 000°–360°—2800′.
NOTES: (1) Dual VOR or VOR/ADF required. (2) Use Salina, Kans., altimeter setting when control zone not effective, and all MDA's increased 200′ except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedures: Westbound 185° through 340°, proceed to Custer Int via MHK VOR R 174° or MHK NDB bearing 182° before departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–31	1480	1	437	1480	1	437	1480	1	437	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1	544	1660	1	604	1660	1½	624	NA
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056′; Facility, MHK; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 3 July 69; Sup. Amdt. No. 1; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing MFD VORTAC
				Climbing left turn to 3000′ to Reedsburg Int via MFD VOR R 101° and hold; or when directed by ATC, climbing left turn to 2700′ to MFD VORTAC. Hold NW MFD VOR 1 minute, right turns, 130° Inbnd. Supplementary charting information: Hold W of Reedsburg Int, 1 minute, right turns, 101° Inbnd. TDZ elevation 1276′. Steel towers; 1.8 miles S of airport 1484′; 4.4 miles SW of airport 1725′.

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2700′ within 10 miles of MFD VORTAC.
FAF, MFD VORTAC. Final approach crs, 130°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over MFD VORTAC, 2300′.
MSA: 000°–270°—2800′; 270°–360°—2500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	1620	¾	344	1620	¾	344	1620	¾	344	1620	1	344
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	443	1760	1	463	1760	1¼	463	1860	2	563
A	Standard.		T 2-eng. or less—RVR 24′, Runway 32; Standard all other Runways.				T over 2-eng.—RVR 24′, Runway 32; Standard all other Runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297′; Facility, MFD; Procedure No. VOR Runway 14, Amdt. 6; Eff. date, 3 July 69; Sup. Amdt. No. 5; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: At 5-mile DME Fix R 133.
Mansfield VORTAC	R 133°, MFD VORTAC 9-mile DME Fix.	Direct	2700	Climb to 2700′ direct to MFD VORTAC and hold; or when directed by ATC climb on 313° crs to 2700′ right turn, return to 9-mile DME Fix R 133°. Hold SE, 1 minute, right turns, 313° Inbnd. Supplementary charting information: Hold NW Mansfield VORTAC, 1 minute, right turns, 130° Inbnd. TDZ elevation 1293′. Steel towers: 1.8 miles S of airport 1484′; 4.4 miles SW of airport 1725′.
R 096°, MFD VORTAC CW	R 133°, MFD VORTAC	15-mile Arc MFD, R 125° lead radial.	3000	
R 183°, MFD VORTAC CCW	R 133°, MFD VORTAC	15-mile Arc MFD, R 141° lead radial.	3000	
15-mile Arc	9-mile DME Fix, R 133° (NOPT)	313° crs	2500	

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 2700′ within 10 miles of 9-mile DME Fix R 133°.
Final approach crs, 313°.
Minimum altitude over MFD R 133°, 9-mile DME Fix, 2500′; over 5-mile DME Fix, 1700′.
MSA: 000°–270°—2800′, 270°–360°—2500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 50	407
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	443	1760	1	463	1760	1¼	463	1860	2	563
A	Standard.		T 2-eng. or less—RVR 24′, Runway 32; Standard all other Runways.				T over 2-eng.—RVR 24′, Runway 32; Standard all other Runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297′; Facility, MFD; Procedure No. VOR/DME Runway 32, Amdt. 5; Eff. date, 3 July 69; Sup. Amdt. No. 4; Dated, 23 May 68

7. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Burnet Int.
AUS VORTAC	Plateau Int	Direct	3000	Climb to 2200′ on SE crs AUS LOC within 15 miles or, when directed by ATC, climb to 2200′ turn left direct to AUS VORTAC. Supplementary charting information: TDZ elevation, 632′.
Lake Travis Int	Plateau Int	Direct	2300	
Plateau Int	Burnet Int (NOPT)	Direct	1400	

Procedure turn W side of crs, 305° Outbnd, 125° Inbnd, 3000′ within 10 miles of Plateau Int.
FAF, Burnet Int. Final approach crs, 125°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Plateau Int, 2300′; over Burnet Int, 1400′.
MSA within 25 miles of AUS LOM: 000°–090°—2100′; 090°–180°—1900′; 180°–360°—3000′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12R	1040	¾	408	1040	¾	408	1040	¾	408	1040	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1½	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24′, Runway 30L; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632′; Facility, I-AUS; Procedure No. LOC (BC) Runway 12R, Amdt. 8; Eff. date, 3 July 69; Sup. Amdt. No. 7; Dated, 26 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing DE LOM.
QG NDB	DE LOM	Direct	2300	Climb to 2000′ direct to QG NDB or, when directed by ATC, climb to 2000′ direct to QG VOR. Supplementary charting information: DE LOM is named Madison. TDZ elevation, 623′.
QG VOR	DE LOM	Direct	2300	
SVM VOR	DE LOM	Direct	2800	
Troy Int	DE LOM (NOPT)	100° crs and LOC crs 9.7	2000	

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300′ within 10 miles of DE LOM.
FAF, DE LOM. Final approach crs, 146°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over DE LOM, 2000′.
MSA: 000°–090°—2500′; 090°–180°—2300′; 180°–360°—2800′.
NOTES: (1) Back crs unusable. (2) ASR. (3) Inoperative component table does not apply to REIL's Runway 15R.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-15*	1160	1	527	1160	1	537	1160	1	537	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	555	1180	1	555	1180	1½	555	NA
A	Standard.		T 2-eng. or less—300-1 required all runways.				T over 2-eng.—300-1 required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625′; Facility, I-DET; Procedure No. LOC Runway 15, Amdt. 3; Eff. date, 3 July 69; Sup. Amdt. No. LOC Runway 15R, Amdt. 2; Dated, 5 Sept. 68

8. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIW NDB.
Dunbar Int	MIW NDB	Direct	2700	Climb to 2700′ on 135° bearing from MIW NDB within 10 miles; return to NDB.
Union Int	MIW NDB	Direct	2700	Supplementary charting information: Final approach crs intercepts runway centerline 2400′ from threshold. Runway 12, TDZ elevation, 974′.

Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2700′ within 10 miles of MIW NDB.
Final approach crs, 135°.
MSA: 000°–090°—2400′; 090°–180°—2300′ 180°–270°—2400′; 270°–360°—2600′.
NOTES: (1) Use Waterloo, Iowa, altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 160′. (3) Kev radio mike 122.8 five times to activate REIL Runway 12.
*Standard alternate minimums for operators with approved weather reporting service.
CAUTION: Runways 18/36 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–12	1520	1	546	1520	1	546	1520	1	546	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1620	1	646	1620	1	646	1620	1½	646	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Marshalltown; State, Iowa; Airport name, Marshalltown Municipal; Elev., 974′; Facility, MIW; Procedure No. NDB (ADF) Runway 12, Amdt.1; Eff. date, 3 July 69; Sup. Amdt. No. Orig.; Dated, 2 Mar. 67

9. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing AU NDB.
AUS VORTAC	LOM	Direct	2000	Climb to 3000′ on crs 305° AU NDB within 15 miles or, when directed by ATC, climb to 2200′, right turn direct to AUS VORTAC.
Butler Int	LOM	Direct	1900	Supplementry charting information: TDZ elevation, 611′.
BSM NDB	LOM	Direct	1900	

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 1900′ within 10 miles of AU LOM.
FAF, AU LOM. Final approach crs, 305°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over AU LOM, 1900′.
MSA within 25 miles of AU LOM: 000°–090°—2100′; 090°–180°—1900′; 180°–360°—3000′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–30L	940	RVR 40	329	940	RVR 40	329	940	RVR 40	329	940	RVR 50	329
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1¼	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24′, 30L; others Standard.				T over 2-eng.—RVR 24′, 30L; others Standard.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632′; Facility, AU; Procedure No. NDB (ADF) Runway 30L, Amdt. 23; Eff. date, 3 July 69; Sup. Amdt. No. 22; Dated, 26 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing DE LOM.
QG NDB	DE LOM	Direct	2300	Climb to 2000′ direct to QG NDB or, when directed by ATC, climb to 2000′ direct to QG VOR.
QG VOR	DE LOM	Direct	2300	
SVM VORTAC	DE LOM	Direct	2800	
Troy Int	DE LOM (NOPT)	Direct 100° and 326° bearing 9.7.	2000	Supplementary charting information: DE LOM is named Madison. TDZ elevation, 623′.

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300′ within 10 miles of DE LOM.
FAF, DE LOM. Final approach crs, 146°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over DE LOM, 2000′.
MSA: 000°–090°—2500′; 090°–180°—2300′; 180°–360°—2800′.
NOTE: ASR.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–15*	1200	1	577	1200	1	577	1200	1	577	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	575	1200	1	575	1200	1¼	575	NA
A	Standard.		T 2-eng. or less—300′ ceiling and 1 mile required all runways.				T over 2-eng.—300′ ceiling and 1 mile required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625′; Facility, DE; Procedure No. NDB (ADF) Runwsy 15, Amdt. 11; Eff. date, 3 July 69; Sup. Amdt. No. NDB (ADF) Runway 15R, Amdt. 10; Dated, 5 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing MC LOM.
MKC VORTAC	Manchester (MC) LOM	Direct	2600	Climb to 2800′ on bearing 005°, proceed to Camden Int.; or, when directed by ATC, climbing left turn to 2600′ to Manchester (MC) LOM.
Farley Int	Manchester (MC) LOM	Direct	2600	
Lansing Int	Manchester (MC) LOM	Direct	2600	
DeSoto Int	Manchester (MC) LOM (NOPT)	Direct	2300	
Camden Int	Manchester (MC) LOM	Direct	2600	Supplementary charting information: TDZ elevation, 1011′.
Rondell (RN) LOM	Manchester (MC) LOM	Direct	2600	
BSP VORTAC	Manchester (MC) LOM	Direct	3000	

Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2600′ within 10 miles of MC LOM.
FAF, MC LOM. Final approach crs, 005°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over Manchester (MC) LOM, 2300′.
MSA: 045°–135°—2500′; 135°–225°—3100′; 225°–315°—2700′; 315°–045°—2400′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			B		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–36	1380	RVR 40	369	1380	RVR 40	369	1380	RVR 40	369	1380	RVR 50	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1¼	515	1580	2	555
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025′; Facility, MC; Procedure No. NDB (ADF) Runway 36, Amdt. 6; Eff. date, 3 July 69; Sup. Amdt. No. 5; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.1 miles after passing MHK NDB.
MHK NDB	Volland Int	Direct	3000	Climbing right turn to 3000', to Volland Int and hold.*
Volland Int	MHK NDB (NOPT)	Direct	2000	Supplementary charting information: *Hold SE, 1 minute, right turns, 298° Inbnd. Chart restricted areas 3602A and 3602B. TDZ elevation, 1043'.

Procedure turn not authorized. Approach crs (profile) starts at Volland Int.
FAF, NDB, Final approach crs, 298°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over Volland Int, 3000'; over MHK NDB, 2000'.
MSA: 000°–180°—3000'; 180°–270°—2900'; 270°–360°—2700'.
NOTE: Use Salina, Kans., altimeter setting when control zone not effective, and all MDA's increased 200' except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedures: Westbound 185° through 340°, proceed to Custer Int via MHK VOR, R 174° or MHK NDB bearing 182° before departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-31	1580	1	537	1580	1	537	1580	1	537	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1600	1	544	1660	1	604	1680	1½	624	NA		
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Facility, MHK; Procedure No. NDB (ADF) Runway 31, Amdt. 6; Eff. date, 3d July 69; Sup. Amdt. No. 5; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing MF LOM
TVT VOR	MF LOM	Direct	2900	Climb to 2700' direct to MFD VORTAC via MFD VOR R 133° and hold; or when directed by ATC, climb on 320° crs to 2700', right turn return to MF LOM. Hold SE MF LOM, 1 minute, right turns, 320° Inbnd.
MFD VORTAC	MF LOM	Direct	2700	Supplementary charting information: Hold NW of MFD VORTAC, 1 minute, right turns, 130° Inbnd. TDZ elevation 1293'. Steel towers: 1.8 miles S of airport 1484'; 4.4 miles SW of airport 1725'.

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2700' within 10 miles of MF LOM.
FAF, MF, LOM. Final approach crs, 320°. Distance FAF to MAP, 4 miles.
Minimum altitude over MF LOM, 2500'.
MSA: 000°–360°—2600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1800	RVR 40	507	1800	RVR 40	507	1800	RVR 40	507	1800	RVR 50	507
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1800	1	503	1800	1	503	1800	1½	503	1800	2	563
A	Standard.		T 2-eng. or less—RVR 24', Runway 32; Standard all other Runways.				T over 2-eng.—RVR 24', Runway 32; Standard all other Runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297'; Facility, MH; Procedure No. NDB (ADF) Runway 32, Amdt. 4; Eff. date, 3 July 69. Sup. Amdt. No. 3; Dated, 23 May 68

10. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 811'; LOC 4.8 miles passing AU LOM.
Austin VORTAC	AU LOM	Direct	2000	Climb to 3000' on NW crs ILS 305° within 15 miles or, when directed by ATC, climb to 2200', right turn direct to AUS VOR TAC.
Butler Int	AU LOM	Direct	1900	Supplementary charting information: TDZ elevation, 611'.
BSM NDB	AU LOM	Direct	1900	

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 1900' within 10 miles of AU LOM.
FAF, AU LOM. Final approach crs, 305°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1913'; at MM, 763'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.5 mile.
MSA within 25 miles of AU LOM: 000°–090°—2100'; 090°–180°—1900'; 180°–360°—3000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-30L	811	RVR 24	200	811	RVR 24	200	811	RVR 24	200	811	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	880	RVR 24	269	880	RVR 24	269	880	RVR 24	269	880	RVR 40	269
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1½	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24', Runway 30L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, I-AUS; Procedure No. ILS Runway 30L, Amdt. 23; Eff. date, 3 July 69; Sup. Amdt. No. 22; Dated, 26 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1493'. LOC 4 miles after passing MF LOM
Tiverton VOR	MF LOM	Direct	2900	Climb to 2700' direct to MFD VORTAC via MFD VOR R 133° and hold; or when directed by ATC, climb to 2700' on NW crs ILS, right turn, return to MF LOM. Hold SE MF LOM, 1 minute right turns 320° Inbnd.
Mansfield VORTAC	MF LOM	Direct	2700	Supplementary charting information: Hold NW of MFD VORTAC, 1 minute, right turns, 130° Inbnd. TDZ elevation 1293'. Steel towers: 1.8 miles S of airport 1484'; 4.4 miles SW of airport 1725'.

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2700' within 10 miles of MF LOM.
FAF, MF LOM. Final approach crs, 320°. Distance FAF to MAP, 4 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2500'; at MM, 1510'.
Distance to runway threshold at OM, 4 miles; at MM, 0.6 mile.
MSA: 000°–360°—2800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-32	1493	RVR 24	200	1493	RVR 24	200	1493	RVR 24	200	1493	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 40	407
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	443	1760	1	463	1760	1½	463	1860	2	563
A	Standard.		T 2-eng. or less—RVR 24', Runway 32; Standard all other runways.				T over 2-eng.—RVR 24', Runway 32; Standard all other runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297'; Facility, I-MED; Procedure No. ILS Runway 32, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 23 May 68

11. By amending § 97.31 of Subpart C to amend precision approach (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Alexandria (England AFB) ASR minimum altitude vectoring chart (1700′)										1. Aircraft on vector to FAF at 5-mile radius of Alexandria-Pineville Airport in sector from 180° CW to 020° from Alexandria-Pineville Airport. 2. Descend aircraft to MDA after FAF (5-mile radius of Alexandria-Pineville Airport).

Missed approach: Climb to 1700′, right or left turn as appropriate direct ESF VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	700	800	1	700	800	1¼	700		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Alexandria; State, La.; Airport name, Alexandria-Pineville; Elev., 100′; Facility, Alexandria Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 3 July 69; Sup. Amdt. No. Orig.; Dated 6 Feb. 69

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From	To	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by AUS ASR minimum altitude vectoring chart										1. Descend aircraft after passing FAF. 2. Runway 30L, FAF AU LOM 4.8 miles from threshold. 3. Runway 12R, FAF Burnet Int 2.5 miles from threshold. Minimum altitude over Burnet Int, 1400′. 4. Runway 16R, FAF 2.2 miles from threshold. Minimum altitude over FAF 1300′. 5. Runway 34L, FAF 5 miles from threshold. Radar antenna located at BSM AFB. TDZ elevation 30L, 611′. TDZ elevation 12R, 632′.

Missed approach:
Runway 30L—Climb to 3000′ straight ahead on AUS LOC crs 305° within 15 miles, or climb to 3000′ right turn direct to AUS VORTAC and hold N, right turns, 1 minute, 187° Inbnd.
Runway 12R—Climb to 3000′ direct to AU LOM and hold SE, right turns, 1 minute, 305° Inbnd.
Runway 16R—Climb to 3000′ direct to AU LOM and hold SE, right turns, 1 minute, 305° Inbnd.
Runway 34L—Climb to 3000′ direct to AUS VORTAC and hold N, right turns, 1 minute, 187° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	900	RVR 24	289	900	RVR 24	289	900	RVR 24	289	900	RVR 50	289
S-12R	1060	¾	428	1060	¾	428	1060	¾	428	1060	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-30L, 34L and 16R	1060	1	428	1100	1	468	1100	1½	468	1200	2	568
C-12R	1100	1	468	1100	1	468	1100	1½	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24′, Runway 30L; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632′; Facility, Austin Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 26 Sept. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 28, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-6622; Filed, June 16, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Folpet

No comments were received in response to the notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6442), proposing certain reductions of tolerance levels for residues of folpet in or on raw agricultural commodities. No requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.191 is revised to read as follows:

§ 120.191 Folpet; tolerances for residues.

Tolerances for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on raw agricultural commodities are established as follows:

50 parts per million in or on celery, cherries, leeks, lettuce, onions (green), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries, boysenberries, crabapples, cranberries, currants, dewberries, gooseberries, grapes, huckleberries, loganberries, raspberries, strawberries, tomatoes.

15 parts per million in or on cucumbers, garlic, melons, onions (dry bulb), pumpkins, summer squash, winter squash.

15 parts per million in or on citrus fruits; this tolerance is on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on transmission of such residues to milk and meat from feeding cattle with dried citrus pulp of such treated citrus fruits.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7093; Filed, June 16, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-(*p-tert*-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP 9F0803) was filed with the Food and Drug Administration by Uniroyal, Inc., Bethany, Conn. 06525, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodity walnuts (meats).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.259 is amended by adding to the end thereof a new paragraph, as follows:

§ 120.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on walnuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7097; Filed, June 16, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Captan

No comments were received in response to the notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6442), proposing the reduction of certain tolerance levels for residues of captan in or on certain raw agricultural commodities and raisins. No requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348a(d)) and under authority delegated to the Commissioner (21 CFR 2.120), §§ 120.103 and 121.1061 are revised to read as follows:

§ 120.103 Captan; tolerances for residues.

Tolerances for residues of fungicide captan (*N*-trichloromethyl-mercapto-4-cyclohexene-1,2-dicarboximide) in or on raw agricultural commodities from preharvest or postharvest uses or combinations of such uses are established as follows:

100 parts per million in or on beet greens, cherries, lettuce, spinach.

50 parts per million in or on apricots, celery, grapes, leeks, mangoes, nectarines, onions (green), peaches, plums (fresh prunes), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries (huckleberries), cantaloups, crabapples, cranberries, cucumbers, dewberries, eggplants, garlic, honeydew melons, muskmelons, onions (dry bulb), pears, peppers, pimentos, pumpkins, quinces, raspberries, rhubarb, strawberries, summer squash, tomatoes, watermelons, winter squash.

2 parts per million in or on beets (roots), broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cottonseed, kale, mustard greens, peas (dry and succulent), rutabagas (roots), soybeans (dry and succulent), sweet corn (kernels plus cob with husk removed), turnip greens, turnips (roots).

Also, the following tolerances for residues of captan are established on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on the transmission of such residues to meat, milk, and eggs from feeding cattle or poultry with raw agricultural commodities or their byproducts when such commodities have been treated with captan:

100 parts per million in or on almond hulls.

25 parts per million in or on beans (dry and succulent), grapefruit, lemons, limes, oranges, pineapples, potatoes, tangelos, tangerines.

2 parts per million in or on almonds.

§ 121.1061 Captan.

A tolerance of 50 parts per million is established for residues of captan (*N* - trichloromethylmercapto - 4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348(d))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7092; Filed, June 16, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data in a petition (3406V) filed by Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of polyethylene as a roughage replacement in the ration of feedlot beef cattle. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Subpart C of Part 121:

§ 121.239 Polyethylene.

(a) *Identity.* Polyethylene consists of basic polymers manufactured by the catalytic polymerization of ethylene.

(b) *Specifications.* (1) For the purposes of this section, polyethylene shall meet the specifications in item 2.1 of § 121.2501(c).

(2) The polyethylene is designed in a pellet form in a configuration presenting maximum angular surface having the following dimensions in centimeters:

$0.9 \pm 0.1 \times 0.8 \pm 0.1 \times 1.2 \pm 0.1$

(c) *Use.* It is used as a replacement for roughage in feedlot rations for finishing slaughter cattle.

(d) *Labeling.* The labels and labeling shall bear in addition to the other information required by the act:

(1) The name of the additive "polyethylene roughage replacement."

(2) Adequate directions for use which shall provide for the administration of one-half pound of polyethylene pellets per head per day for 6 successive days. All natural roughage should be removed for a minimum of 12 hours prior to administration of polyethylene roughage replacement. Roughage replacement must be adequately mixed in the ration for uniform distribution.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7098; Filed, June 16, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Zinc Bacitracin

No comments were received in response to the notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6443), proposing that the antibiotic drug regulations be amended to provide for an improved method of sample preparation for a certification assay of zinc bacitracin. The Commissioner of Food and Drugs concludes that the proposal should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 141e.418 is amended by revising the section heading and paragraph (a) to read as follows:

§ 141e.418 Zinc bacitracin.

(a) *Potency.* Proceed as directed for bacitracin in § 141.110 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01*N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1) as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

* * * * *

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7099; Filed, June 16, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

MOTIONS TO LIMIT OR TO QUASH COMMISSION ORDERS TO FILE ANNUAL OR SPECIAL REPORTS

The Commission announces the following revision in Part 2 of Chapter I of Title 16, published June 13, 1967 (32 F.R. 8444, 8448). This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Paragraph (a) of § 2.12 is revised to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. Any motion to limit or quash such an order shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as the Commission may allow.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7114; Filed, June 16, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 240]

WINE

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, view, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to: (1) Prescribe minimum production and storage requirements; (2) authorize wine spirits storage tanks and wine spirits addition tanks to be located outside of buildings; (3) provide for retention by the proprietor of formulas on Forms 698—Supplemental, and for voluntary surrender of obsolete formulas; (4) provide for riders to formulas and for the adoption by a successor of a predecessor's approved formulas; (5) provide for return to the consignor of a leaking tank car or tank truck containing wine being transferred in bond; (6) provide for the submission of one Form 257 to cover all wine spirits to be transferred to the wine cellar during the calendar year; (7) strengthen and clarify requirements respecting entries on daily records; (8) expand the range of Table V, gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix; (9) update the list of materials authorized for treatment of wine; and (10) make a number of less significant liberalizing and clarifying changes, and minor editorial and technical changes; the regulations in 26 CFR part 240, Wine, are amended as follows:

§§ 240.2, 240.134, 240.940, 240.941, 240.942 [Amended]

PARAGRAPH 1. Sections 240.2, 240.134, 240.940, 240.941, and 240.942 are amended by deleting "Director, Alcohol and Tobacco Tax Division," wherever such term appears and inserting in lieu thereof the term "Director".

PAR. 2 Section 240.15 is amended to change the term "Assistant Regional Commissioner, Alcohol and Tobacco Tax" to "Assistant regional commissioner, alcohol, tobacco and firearms". As amended, § 240.15 reads as follows:

§ 240.15 Assistant regional commissioner.

"Assistant regional commissioner" shall mean the assistant regional commissioner, alcohol, tobacco and firearms, who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

PAR. 3. The heading and text of § 240.19 are amended to reflect the changes in the title of the "Director, Alcohol and Tobacco Tax Division" to "Director, Alcohol, Tobacco and Firearms Division". As amended, the heading and text of § 240.19 read as follows:

§ 240.19 Director.

"Director" shall mean the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Treasury, Department, Washington, D.C. 20224.

PAR. 4. Section 240.120 is amended to require a special application from persons wishing to establish a bonded wine cellar having a production capacity of less than 1,000 gallons or a storage capacity of less than 5,000 gallons. As amended, § 240.120 reads as follows:

§ 240.120 Bonded wine cellars.

Every person desiring to establish premises for the production, blending, cellar treatment, storage, bottling, packaging, or repackaging of untaxpaid wine (other than cider, family wine, or experimental wine produced free of tax under section 5042, I.R.C., and Subpart Y of this part) shall provide premises, make application to and file bond with the assistant regional commissioner, and receive his permission to operate a bonded wine cellar: *Provided*, That a person desiring to establish premises having a production capacity of less than 1,000 gallons or a storage capacity of less than 5,000 gallons shall, before providing premises, making application, and filing bond, submit a letter application, in triplicate, to the Director, setting forth the necessity for establishing such premises, and receive his approval thereof. The Director will approve such application if he is satisfied that the applicant will engage in the bona fide business of producing, blending, cellar treating, storing, bottling, packaging, or repackaging untaxpaid wine, and that there will be no jeopardy to the revenue.

(68A Stat. 867, 72 Stat. 1378; 26 U.S.C. 7302, 5351)

PAR. 5. Section 240.130 is amended to specifically refer to the receipt, preparation, use, or removal of concentrated or unconcentrated juice in the production of wine. As amended, § 240.130 reads as follows:

§ 240.130 Activity on bonded wine cellar premises.

Except as authorized in this subpart, bonded wine cellar premises shall be used exclusively for (a) the receipt, production, blending, cellar treatment, storage, bottling, packaging, repackaging, and removal of untaxpaid wine (including distilling material, vinegar stock, heavy bodied blending wine, Spanish type blending sherry, and other wine products made from natural wine for nonbeverage purposes), and (b) the receipt, preparation, use, or removal of fruit, concentrated or unconcentrated fruit juice, or other materials authorized by this part for use in the production and cellar treatment of wine. Wine not produced in the manner authorized for standard wine, for example, substandard beverage wine, made by the use of water in excess of limitations prescribed for standard wine, may not be produced or stored on premises used for the production or storage of standard wine. Any wine produced in accordance with the requirements for standard wine, which becomes substandard by reason of its condition, may not be retained on such premises unless the condition is corrected.

(72 Stat. 1378, 1380; 26 U.S.C. 5351, 5361)

PAR. 6. Sections 240.140, 240.142, 240.160, and 240.166 are amended to provide for the location of wine spirits storage tanks and wine spirits addition tanks outside of buildings, and §§ 240.140 and 240.142 are further amended to make clarifying changes. As amended, §§ 240.140, 240.142, 240.160, and 240.166 read as follows:

§ 240.140 Buildings or rooms of bonded wine cellars.

Bonded wine cellars shall be so located, constructed, and equipped, subject to approval by the assistant regional commissioner, as to be suitable for the production or storage of wine, and to afford protection of the revenue. The buildings, outside tanks, or rooms in which wines are stored or treated shall

be securely constructed of substantial material. All doors, windows, or other openings shall be so arranged that they may be locked or fastened, and shall be kept locked in the absence of the proprietor or his agents. Except for necessary openings for ventilation and for the passage of water, electric, sewer, or similar lines, the wine cellar shall be separated from adjoining buildings or rooms by suitable partitions: *Provided*, That where a bonded wine cellar, a distilled spirits plant, a taxpaid wine bottling house, another bonded wine cellar, or a wine vinegar plant are located in contiguous buildings or rooms, pipelines may be installed for the transfer of wine or wine spirits. Pursuant to a letter application, in triplicate, submitted by the proprietor, the assistant regional commissioner may approve doors in the partitions separating the bonded wine cellar from the production facility, bottling premises, or general premises of a distilled spirits plant, or from a taxpaid wine bottling house, wine vinegar plant, another bonded wine cellar, or a contiguous taxpaid room operated by the proprietor.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.142 Wine spirits storage room.

Where wine spirits are to be received in packages at a bonded wine cellar for use in wine production a wine spirits storage room shall be provided except where the wine spirits are withdrawn under the provisions of §§ 240.836 and 240.837. The room shall be sufficiently large to permit the storage of all wine spirits to be received or possessed at any one time. The room shall be securely constructed of substantial material so as to prevent unlawful access to the wine spirits. The door shall be equipped with a hasp and staple for locking with a Government lock. A sign bearing the words "Wine Spirits Storage Room" shall be placed over the entrance door of the room.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.160 Location of tanks.

(a) *General.* Tanks used for the storage or treatment of wine shall be located within wine cellar buildings, except as provided in paragraph (b) of this section. All fermenters, storage tanks, wine spirits storage tanks, bottling tanks, and other containers, shall be so arranged and located as to permit ready examination and determination of their contents by inspecting officers. Tanks to be used for the addition of wine spirits to wine shall be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than four feet between the top of the tank and the ceiling or roof above.

(b) *Tanks located outside of buildings.* Open fermenting tanks, except those used exclusively for the production of distilling material, shall be under a roof or other suitable covering, but need not be enclosed in a building. Closed tanks for storage of wine may be located outside of buildings on the bonded premises, and unless the premises are enclosed by a fence or wall which the assistant regional commissioner deems adequate for protection of the revenue, such tanks shall be enclosed within a secure fence. The assistant regional commissioner may approve wine spirits addition tanks located outside of buildings on bonded premises if he finds that such tanks are so constructed as to afford adequate protection from the elements and to create no jeopardy to the revenue.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.166 Wine spirits storage tanks, weighing tanks, and measuring tanks.

Where wine spirits are to be received in tank cars, tank trucks, or by pipelines, and are not to be used immediately in wine production, wine spirits storage tanks shall be provided in the wine cellar: *Provided*, That tanks for storage of wine spirits may be located outside of buildings, and unless the premises are enclosed by a fence or wall which the Director deems adequate for protection of the revenue, such tanks shall be enclosed within a secure fence. The fence directly enclosing tanks shall be embedded in a concrete foundation, shall be at least 10 feet high, and shall have three rows of barbed wire superimposed on top, or shall be constructed in such manner as the Director considers equally effective; the gate shall be fitted for locking. Wine spirits storage tanks shall be constructed of metal and be of uniform dimension from top to bottom. If a weighing tank is to be used, it shall be of suitable size with suitable and accurate scales. If a measuring tank is to be used for measuring wine spirits, it shall be of suitable size and shall be accurately calibrated.

(72 Stat. 1379, 1395; 26 U.S.C. 5357, 5552)

PAR. 7. Section 240.169 is amended to provide that wine spirits pipelines may be painted either black or blue. As amended, § 240.169 reads as follows.

§ 240.169 Wine spirits pipelines.

Pipelines used for the conveyance of wine spirits from the bonded premises of a distilled spirits plant to wine spirits storage tanks, measuring tanks, weighing tanks, and wine spirits addition tanks shall be constructed in accordance with the requirements of regulations prescribed in Part 201 of this chapter. If wine spirits are to be received by tank car or tank truck, a secure pipeline shall be provided from the unloading point to the storage tank, measuring tank, weighing tank, or wine spirits addition tank. Where wine spirits are stored in wine spirits storage tanks, a fixed pipeline, unbroken except for necessary short hose connections to pumps or weighing tanks, shall be provided from the wine spirits storage tank to the wine spirits addition tank. All joints in such pipelines shall be brazed, welded, or otherwise permanently joined. Valves, suitably equipped for locking, shall be provided to control the flow of the wine spirits from or into each tank. Pipelines for wine spirits shall be painted either black or blue, but all such pipelines within the bonded wine cellar shall be painted the same color.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 8. Sections 240.196 and 240.197 are amended to liberalize provisions relating to the description of certain buildings and equipment on Form 698. As amended, §§ 240.196 and 240.197 read as follows:

§ 240.196 Description of buildings and rooms.

All buildings on the bonded wine cellar premises shall be accurately described on Form 698. If the premises consist of one or more entire buildings, each building shall be described as to size, material of which constructed, and the purpose for which it will be used: *Provided*, That buildings which will not be used in connection with the operations authorized by this part may be described only as to size and the purpose for which used. If the premises consist of a part of a building, in addition to giving the size of the building and material of which constructed, there shall be described separately the rooms of floors constituting the bonded premises and the walls of floors separating the premises from adjoining portions of the buildings, and the activities conducted in adjoining and adjacent portions. The means of egress and ingress shall also be described.

(72 Stat. 1379; 26 U.S.C. 5356)

§ 240.197 Description of equipment.

All equipment, including tanks, crushing and pressing equipment, instruments and measures for testing and measuring wine shall be described on the Form 698. Tanks shall be listed by their intended use, stating, for each use, the total number of tanks and their total capacity. Barrels or other readily portable containers under 60 gallons capacity need not be listed but the approximate number of such containers used for the storage of wine shall be shown. Unless required by the assistant regional commissioner, hoses, filters, pumps, pasteurizers, coolers, and similar equipment need not be listed on the Form 698.

(72 Stat. 1379; 26 U.S.C. 5356)

PAR. 9. Section 240.205 is amended to delete the reference to the number of copies of Form 1534. As amended, § 240.205 reads as follows:

§ 240.205 Power of attorney, Form 1534.

If the application or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership, or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 240.203, such application or other qualifying documents shall be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534 and submitted to the assistant regional commissioner.

§ 240.206 [Deleted]

PAR. 10. Section 240.206 is deleted.

PAR. 11. Section 240.213 is amended to provide for retention of approved Forms 698—Supplemental, and for voluntary surrender of obsolete formulas. As amended, § 240.213 reads as follows:

§ 240.213 Retention of documents.

The proprietor shall keep at the bonded wine cellar premises or in an office adjacent thereto, the copies of all approved qualifying documents which have been returned to him by the assistant regional commissioner, and copies of formulas on Form 698—Supplemental which have been returned by the Director. Such copies shall be made available, without delay, for the examination of any internal revenue officer. Obsolete formulas for which the proprietor no longer has any use may be surrendered to the Director, through the assistant regional commissioner.

PAR. 12. Sections 240.220 and 240.225 are amended to delete the phrase "in triplicate". As amended, §§ 240.220 and 240.225 read as follows:

§ 240.220 General requirements.

Every person required to file a bond or consent of surety under this part shall prepare and execute such document on the prescribed form in accordance with this subpart and the instructions printed on the form or issued in respect thereto, and shall submit it to the assistant regional commissioner.

§ 240.225 Bond, Form 1676.

The proprietor of a wine vinegar plant desiring to withdraw wine from bonded wine cellars without payment of tax for use in the manufacture of vinegar shall file with the assistant regional commissioner of the region in which the vinegar plant is located, bond on Form 1676. The penal sum of the bond shall be not less than the tax on all wine to be withdrawn plus the tax on all wine on hand at the vinegar plant which has not been converted into vinegar and all wine in transit to the wine vinegar plant, but in no case shall the penal sum be less than $500. If the proprietor of the wine vinegar plant is also the proprietor of a bonded wine cellar located on adjacent premises, he may file consent of surety, Form 1533, extending the terms of his wine cellar bond as provided in § 240.651, instead of filing bond on Form 1676.

(72 Stat. 1380; 26 U.S.C. 5362)

§§ 240.237, 240.905 [Amended]

PAR. 13. Sections 240.237 and 240.905 are amended by deleting "Director, Alcohol and Tobacco Tax Division" wherever such term appears, and by inserting in lieu thereof the term "Director".

PAR. 14. Sections 240.256, 240.257, and 240.259 are amended to correct the title of Form 1490. As amended, §§ 240.256, 240.257, and 240.259 read as follows:

§ 240.256 Release or termination of Form 700 or 2053.

When the proprietor of a bonded wine cellar discontinues business and the notice of discontinuance has been approved, the assistant regional commissioner will issue a notice of termination of the bond on Form 1490 and will forward copies to the principal and to the surety; or, in the case of bond, Form 2053, the notice of termination of the bond will be issued upon receipt from the proprietor of written advice that he has discontinued removal of wine requiring a tax deferral bond. When a valid superseding bond has been approved, the assistant regional commissioner will issue a notice of termination of the bond on Form 1490 and will forward copies to the principal and to the surety.

(72 Stat. 1379; 26 U.S.C. 5354)

§ 240.257 Release or termination, Form 1676.

When the principal on a bond, Form 1676, notifies the assistant regional commissioner that he has discontinued the withdrawal of wine without payment of tax for use in the manufacture of vinegar, the assistant regional commissioner will issue a notice of termination of the bond on Form 1490. When a superseding bond on Form 1676 is approved by the assistant regional commissioner, he will issue a notice of termination of the bond on Form 1490 for the superseded bond.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 240.259 Release of collateral, Form 1676.

Collateral pledged and deposited to support a bond on Form 1676 will ordinarily be released by the assistant regional commissioner upon issuance of a notice of termination of the bond on Form 1490, provided all liabilities under the bond have been satisfied.

(61 Stat. 646; 6 U.S.C. 15)

PAR. 15. Section 240.272 is amended to liberalize provisions relating to depiction of certain buildings on the plat. As amended § 240.272 reads as follows:

§ 240.272 Depiction of premises.

The plat shall show the outer boundaries of the premises in contrasting color. The location and size of each building, and the purpose for which each will be used will be shown. If the bonded premises consist of only a room or floor of a building, the precise location of the room or floor, together with the means of access to a public street or yard, or to a public hall or elevator shaft leading to a public street or yard, will be shown. The first floor exterior doors and windows of each building used in connection with the operations authorized by this part will be shown on the plat. The surrounding driveways, streets, and sidings also shall be indicated.

PAR. 16. Section 240.274 is amended to delete the requirement that a draftsman certify to the accuracy of a plat he has prepared. As amended, § 240.274 reads as follows:

§ 240.274 Certificate of accuracy.

Each sheet of the plat shall contain in the lower right-hand corner a certificate of accuracy, signed by the proprietor, and a provision for approval by the assistant regional commissioner, substantially in the following form:

Accuracy certified by:

_____
(Name of proprietor)

_____
(Registry number)

_____
(Address)

_____
(By: Name and title)

Approved: _____
(Date)

_____
(Assistant Regional Commissioner)

PAR. 17. Sections 240.285 and 240.286 are amended, and a new section, § 240.290a, is added immediately following § 240.290, to provide for adoption of formulas. Sections 240.285 and 240.286, as amended, and § 240.290a, as added, read as follows:

§ 240.285 Nonfiduciary successor.

If a change in proprietorship of the bonded wine cellar is brought about otherwise than by appointment of an administrator, executor, receiver, trustee, or other fiduciary, the successor shall qualify in the same manner as the proprietor of a new bonded wine cellar, except that he may adopt the plat of the predecessor, as provided in § 240.290, and the formulas of the predecessor, as provided in § 240.290a.

(72 Stat. 1379; 26 U.S.C. 5354, 5356)

§ 240.286 Fiduciary.

If the bonded wine cellar is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary must comply with provisions of Subpart G to the extent that such provisions are applicable, except that in lieu of filing a new bond and a new plat, the fiduciary may furnish a consent of surety extending the terms of his predecessor's bond, may adopt the plat of such predecessor, and, as provided in § 240.290a, may also adopt the formulas of the predecessor. The fiduciary shall furnish certified copies, in triplicate, of the order of the court, or other pertinent documents, showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary shall be the same as the date of the court order, or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed with him.

(72 Stat. 1379; 26 U.S.C. 5354, 5356)

§ 240.290a Adoption of formulas, Forms 698—Supplemental.

If a successor desires to adopt the approved Forms 698—Supplemental of his predecessor, he shall submit, in triplicate, a letter application to, and receive approval from, the Director. Such letter shall list the formulas by number, date of approval, and name of the product. The application shall show that the predecessor has authorized the use of his previously approved formulas by the successor.

PAR. 18. Section 240.292 is amended to specify the number of copies of certain required applications. As amended, § 240.292 reads as follows:

§ 240.292 Successor to bonded wine cellar with bonded wine warehouse.

Where a bonded wine warehouse has been established at a bonded wine cellar under the provisions of § 240.201, and it is desired to continue the operation of the bonded wine warehouse subsequent to a change in proprietorship of the bonded wine cellar, it will be necessary for the proprietor of the bonded wine warehouse to file a new letter application, in quadruplicate, acompanied by a statement, in triplicate, from the new proprietor (applicant) of the bonded wine cellar requesting the continuation of such warehouse, and by consent of his surety thereto.

(72 Stat. 1379; 26 U.S.C. 5353)

PAR. 19. Section 240.296 is amended to provide that changes in required list of stockholders may, under certain conditions, be submitted annually. As amended, § 240.296 reads as follows:

§ 240.296 Changes in officers, directors, or stockholders of a corporation.

Where there is a change in officers or directors, or in the stockholders required to be listed under § 240.204, the proprietor shall submit, within 10 days of such change, a written notice to the assistant regional commissioner: *Provided*, That changes in the list of stockholders may be submitted annually on May 1, except where the sale or transfer of capital stock results in a change in the control or management of a business. The notice shall be filed in triplicate, shall describe the changes, and be prepared as required by § 240.204.

PAR. 20. Section 240.353 and its heading are amended to provide for certain operations respecting concentrated and unconcentrated juice. As amended, § 240.353 reads as follows:

§ 240.353 Concentrated and unconcentrated fruit juice.

Concentrated fruit juice reduced with water to its original density, or to 22 degrees Brix, or to any degree of Brix between its original density and 22 degrees Brix, and unconcentrated fruit juice reduced with water to not less than 22 degrees Brix, shall be deemed to be juice for the purpose of standard wine production. Where concentrated fruit juice is received on bonded wine cellar premises the proprietor shall procure from the producer thereof a certificate stating the kind of fruit juice from which it was produced and the total solids content of such juice before and after concentration. In addition, if the concentrated fruit juice is received from a concentrate plant, the certificate shall also state whether the volatile fruit flavor has been removed therefrom, and, if so, whether the identical fruit flavor has been restored thereto. Where unconcentrated fruit juice, processed at a concentrate plant, is received on bonded wine cellar premises, the proprietor shall procure from the producer thereof a certificate stating whether the volatile fruit flavor has been removed therefrom, and, if so, whether the identical fruit flavor has been restored thereto. Concentrated or unconcentrated fruit juice may be used in juice or wine made from the same kind of fruit for purposes of developing alcohol by fermentation or for sweetening as provided in this part. Concentrated fruit juice, or juice which has been concentrated and reconstituted, shall not be used in standard wine production if at any time it was concentrated to more than 80 degrees Brix.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

PAR. 21. Section 240.366 is amended to provide that the acid content of ameliorated wine shall be determined as before fermentation. As amended, § 240.366 reads as follows:

§ 240.366 Limitations on amelioration.

In producing wine from grapes or grape juice having a high acid content, there may be added to the juice or to the wine, or both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup. The total volume of ameliorating material shall not reduce the natural fixed acid content of the juice and ameliorating material combined to less than five parts per thousand. The acid content shall be determined as before fermentation, and calculated as tartaric acid. The volume of ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp). The ameliorating material may be added before, during, or after fermentation. Where ameliorating material is added after fermentation, the gallons of wine before and after such addition shall be determined and entered on the record provided for in § 240.908. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand of tartaric acid.

(72 Stat. 1384, as amended; 26 U.S.C. 5383)

PAR. 22. Section 240.375 is amended to delete the provision relating to the numbering of Forms 275. As amended, § 240.375 reads as follows:

§ 240.375 Application for release of wine spirits.

Prior to the addition of wine spirits, the wine will be placed in tanks (approved for the addition of wine spirits) located, equipped, and calibrated as provided in Subpart F of this part. The proprietor will accurately measure the wine, determine its alcohol content, the proof of the wine spirits to be added, calculate the quantity of wine spirits required (in accordance with instructions in Subpart XX of this part), and enter the details on Form 275. The alcohol content of the wine after the addition of wine spirits shall not exceed 24 percent by volume. The proprietor will certify on Form 275 that the wine has been produced in accordance with the requirements of this subpart and is eligible for the addition of wine spirits, and will make application for the release of the quantity of wine spirits desired by delivering one copy of Form 275 to the internal revenue officer. In the discretion of the internal revenue officer, a sample of the wine spirits may be taken before addition of the wine spirits.

(72 Stat. 1381, 1382; 26 U.S.C. 5367, 5373)

PAR. 23. Section 240.385 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.385 reads as follows:

§ 240.385 Production of Flor sherry wine.

(a) *General.* Proprietors desiring to produce sherry wine by the Flor process may add wine spirits to such wine at two different times, once before and once after the Flor treatment. A statement of process on Form 698—Supplemental, in triplicate, giving details of the production process, shall be filed with the Director and approved prior to the commencement of production. Where the proprietor has on file on the effective date of this part approved formulas covering the production of Flor sherry wine, new formulas need not be filed unless requested by the assistant regional commissioner. If the wine spirits are to be added at two different times a record shall be kept showing dates and quantities of first addition of wine spirits for Flor sherry production, inoculation with Flor sherry yeast and a record showing storage and movement of the wine to the time of the second addition of wine spirits. In case wine spirits are to be added only once, no separate record is required.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided*, That where a change in the quantity of ingredients or in the process of production does not alter the character of the product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingedients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1382, 1383, as amended; 26 U.S.C. 5373, 5382)

PAR. 24. In the order to provide that the acid content of ameliorated wine shall be determined as before fermentation, the fourth sentence of § 240.407 is amended to read as follows:

§ 240.407 Limitations on amelioration.

• • • The acid content shall be determined as before fermentation, and calculated as malic acid for apple wine

and as citric acid for other fruit wine. * * *

PAR. 25. Section 240.441 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.441 reads as follows:

§ 240.441 Formula required.

(a) *General.* Before producing any special natural wine, the proprietor shall receive approval of the formula by which it is to be made. The formula and process will be described on Form 698—Supplemental, which will be filed in triplicate with the Director. Two ½-quart samples of the base wine used and two ½-quart samples of the finished special natural wine shall be submitted under separate cover at the time of filing the formula. The samples will be taken to be representative of the finished product, and any material change in the flavor or other characteristics from those of the approved sample will require the filing of a new formula, even though the ingredients may be the same. All ingredients used will be shown on Form 698—Supplemental, and in the case of the basic wine, fruit juices, essences, sugar, water, or other soluble ingredients, the quantities required to make 1,000 gallons of special natural wine will be stated. In the case of roots, herbs, or similar materials, the quantity need not be stated, but each ingredient will be listed. The process of production will be stated in detail.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of the product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1386; 26 U.S.C. 5386)

PAR. 26. Section 240.444 is amended to delete the one-day restriction on the use of storage tanks in the production of special natural wine. As amended, § 240.444 reads as follows:

§ 240.444 Use of natural wine in production of special natural wine.

If flavoring materials are not to be added before or during fermentation, as provided in § 240.443, they may be added only to natural wine for the production of special natural wine. Any natural wine produced as provided in Subparts P and Q of this part may be used for this purpose. Caramel, pure dry sugar, liquid sugar, or invert sugar syrup, or pure dry sugar-water solution of not less than 60 degrees (Brix) may be used in special natural wine made under this section: *Provided,* That the minimum 60 degrees (Brix) limitation contained in §§ 240.40a and 240.40b, and in this section, shall not apply to such materials used in the manufacture of vermouth. Where vermouth is produced under this section the finished product shall contain not less than 80 percent by volume of natural wine. Heavy bodied blending wine (including juice or concentrated juice to which wine spirits have been added) may be used in the production of special natural wine if its use is specified in the formula. Special natural wine may be made in storage tanks. Precautions shall be taken to prevent the accidental flavoring of other wine.

(72 Stat. 1386; 26 U.S.C. 5386)

§ 240.447 [Amended]

PAR. 27. Section 240.447 is amended by deleting "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25 D.C.", "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25 D.C.", and "Director, Alcohol and Tobacco Tax Division," from the first, second, and seventh sentences, respectively, and by inserting in lieu thereof the terms "Director", "Director.", and "Director", respectively.

PAR. 28. Section 240.465 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.465 reads as follows:

§ 240.465 Formula required.

(a) *General.* Before producing any agricultural wine, the proprietor of the bonded wine cellar shall procure approval of the formula and process by which it is to be made. The formula and process will be described in detail on Form 698—Supplemental which will be filed in triplicate with the Director.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of a product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1386; 26 U.S.C. 5387)

PAR. 29. Section 240.481 is amended to make minor conforming and editorial changes. As amended, § 240.481 reads as follows:

§ 240.481 Classes of wine other than standard wine.

The following classes of wine are not standard wine:

(a) High fermentation wine, produced as provided in § 240.483;

(b) Heavy bodied blending wine, produced as provided in § 240.484;

(c) Spanish type blending sherry, produced as provided in § 240.485;

(d) Wine products not for beverage use, produced as provided in § 240.485a;

(e) Distilling material, produced as provided in § 240.486;

(f) Vinegar stock, produced as provided in § 240.487;

(g) Wines other than those in classes listed in paragraphs (a), (b), (c), (d), (e), and (f) of this section, not produced within the limitations of Subparts P, Q, and T of this part, but within limitations of § 240.352; and

(h) Spoiled wine, of the kind described in § 240.489.

Wines of classes listed in paragraphs (a), (b), (c), (d), (e), and (f) of this section may be produced, stored, and handled on standard wine premises. Wines of the class listed in paragraph (g) of this section may not be produced, stored, or handled on standard wine premises. Wine of the class listed in paragraph (h) of this section may not remain on standard wine premises, except as provided in § 240.489.

(72 Stat. 1381; 26 U.S.C. 5364)

PAR. 30. Section 240.482 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.482 reads as follows:

§ 240.482 Formula required.

(a) *General.* Each proprietor desiring to produce wine other than standard wine shall first procure approval of the formula by which it is to be made, except that no formula is required for distilling material or vinegar stock. The formula will be filed on Form 698—Supplemental, in triplicate, with the Director. Where the proprietor has on file on the effective date of this part approved formulas covering the production of high fermentation wine, heavy bodied blending wine, or Spanish type blending sherry, new formulas need not be filed unless requested by the assistant regional commissioner.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of a product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

PAR. 31. Sections 240.484 and 240.485 are amended to specifically provide for the transfer in bond of heavy bodied blending wine and Spanish type blending sherry, respectively, and § 240.485 is further amended to provide requirements for the marking of shipping containers, to delete provisions relating to production of other wine products not for beverage use, and to make minor editorial changes. As amended, §§ 240.484 and 240.485 read as follows:

§ 240.484 Heavy bodied blending wine.

Wine made from grapes or other fruit without added sugar, and with or without added wine spirits, may be made for blending purposes with a total solids content in excess of 21 percent. Heavy bodied blending wine is not natural wine or standard wine, but may be produced, stored, and handled on, or transferred in bond between, standard wine premises for use in blending with other wine made from the same kind of fruit, or for removal upon payment of tax, not for sale or consumption as beverage wine. A separate record shall be kept showing the quantities of heavy bodied blending wine produced, received, used, shipped, and on hand. Upon removal, the shipping containers (and Form 703, if in bond) will be marked "Heavy Bodied Blending Wine—Not for Sale or Consumption as Beverage Wine."

(72 Stat. 1380, 1381, 1387; 26 U.S.C. 5361, 5364, 5388)

§ 240.485 Spanish type blending sherry.

Blending wine made with partially caramelized grape concentrate may be produced, stored, and handled on, or transferred in bond between, bonded wine cellar premises, but not for sale or consumption as beverage wine. Wine of a high solids content and dark in color, produced under this section, shall be designated "Spanish Type Blending Sherry," and other wine containing caramelized concentrate shall be designated "Caramelized Blending Wine." The particular kind of wine, such as "sherry," may be shown, if desired. A separate record showing the production and disposition of such blending wine shall be maintained. Upon removal, the shipping containers (and Form 703, if in bond) shall be marked with the applicable designation and the legend "Not for Sale or Consumption as Beverage Wine." Blending wine of this class is not natural wine or standard wine, and may not be blended with natural wine or standard wine except under an approved formula in the further production of this class of blending wine.

(72 Stat. 1380, 1381, 1387; 26 U.S.C. 5361, 5364, 5388)

PAR. 32. A new section, § 240.485a, is added, immediately following § 240.485, to provide requirements respecting wine products not for beverage use. As added, § 240.485a reads as follows:

§ 240.485a Wine products not for beverage use.

In addition to wine products produced under §§ 240.484 and 240.485, wine products subject to tax as wine but not for sale or consumption as beverage wine may be made on bonded wine cellar premises from natural wine for nonbeverage purposes pursuant to formula on Form 698—Supplemental filed in accordance with the provisions of § 240.482. Wine products produced under this section may be stored and handled on, and transferred in bond between, bonded wine cellar premises. Each container used to remove such wine products from bond shall be marked in accordance with the provisions of § 240.562 and with the legend "Not for Sale or Consumption as Beverage Wine." A separate record shall be kept of wine products produced under this section showing the quantity produced, received, used, shipped, and on hand.

(72 Stat. 1380; 26 U.S.C. 5361)

PAR. 33. Section 240.486 is amended to liberalize provisions relating to the transfer of lees, filter wash, and other wine residues, to the distilling material account. As amended, § 240.486 reads as follows:

§ 240.486 Distilling material.

Wine may be produced on bonded wine cellar premises from grapes and other fruit, natural fruit products, or fruit residues, for use as distilling material, using any quantity of water desired to facilitate fermentation or distillation. No sugar may be added in the production of distilling material. Distillates containing aldehydes may be used in the fermentation of wine to be used as distilling material as provided in §§ 240.490 and 240.491 and Subpart YY of this part. Distilling material will be reported as produced at the time of removal from fermenting tanks. Lees, filter wash, and other wine residues, may also be accumulated on bonded wine cellar premises for use as distilling material. Such materials will be reported as wine on Form 702 until transferred to the distilling material account. If water is added to facilitate handling or distillation, the entire quantity, including the water, will be transferred to the distilling material account at the time the water is added. If wine is refermented for use as distilling material as provided in Subpart V of this part, the wine will be transferred to the distilling material account at the time fermentation is started, or when water is added to facilitate refermentation.

(72 Stat. 1380, 1381, 1382; 26 U.S.C. 5361, 5364)

PAR. 34. Section 240.512 is amended to specifically provide for the use of liquid sugar in the production of sparkling wine, and to make a minor editorial change. As amended, § 240.512 reads as follows:

§ 240.512 Process and materials.

In preparing still wine for the production of sparkling wine, pure sugar or a solution of pure sugar and water of not less than 60° Brix, and a small amount of tartaric acid, malic acid (for sparkling apple wine), or citric acid, may be added with yeast or yeast culture to facilitate the process of secondary fermentation or to correct the wine. Fruit syrup, pure sugar, a solution of pure sugar and water of not less than 60° Brix, wine, wine spirits, and the acids named above, may be used in preparing a finishing dosage for sparkling wine or carbonated wine. The fruit syrup, wine spirits and wine so used shall come from the same kind of fruit as the wine from which the sparkling wine or carbonated wine is made. In the production of effervescent natural wine, taxpaid wine spirits or wine spirits withdrawn tax-free under the provisions of Subpart PP, may be used. Tax-free wine spirits may not be used in the production of effervescent wine which is not natural wine. In the refermentation and finishing of the effervescent wine, the materials specifically authorized in § 240.1051 may be used.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

PAR. 35. Section 240.513 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.513 reads as follows:

§ 240.513 Statement of process for effervescent wine.

(a) *General.* Each proprietor intending to produce sparkling wine or artificially carbonated wine shall submit to the Director a statement in detail on Form 698—Supplemental showing each process by which he intends to make the product and giving the designation as to kind (class and type) under which he desires to market it. The statement shall set forth whether the product will be naturally or artificially carbonated, and if naturally carbonated, whether it will be carbonated in bottles or in tanks or other bulk containers, the kind of wine to be used, and any other materials to be used in connection with secondary fermentation, cellar treatment, and finishing of the product. The approximate period of time required to complete production shall also be stated. If more than one process is to be employed, or more than one product is to be made, a separate statement shall be filed for each process and for each product. Each statement of process shall bear the name, registry number, and address of the bonded wine cellar, shall be numbered in serial order beginning with "1" for each bonded wine cellar, shall be filed in triplicate, and be approved by the Director, before commencing manufacture. Where the proprietor has on file on the effective date of this part approved formulas covering production of effervescent wine, new formulas need not be filed unless requested by the assistant regional commissioner.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of a product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar,

shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1383, as amended, 1387; 26 U.S.C. 5382, 5387)

PAR. 36. Section 240.520 is amended to make a minor conforming change. As amended, § 240.520 reads as follows:

§ 240.520 Storage of wine.

Wine shall be stored in buildings or tanks on the bonded premises constructed and secured in accordance with the provisions of §§ 240.140 and 240.160. Wine may be stored in tanks, casks, barrels, cased or uncased bottles, or any other suitable receptacles, which will not contaminate the wine.

PAR. 37. Sections 240.525 and 240.534 are amended to specify the type and number of copies of certain required applications. As amended, §§ 240.525 and 240.534 read as follows:

§ 240.525 Use of tannin.

When fining agents, such as gelatin and isinglass, which require the presence of a certain amount of tannin in grape wine in order to work effectively, are used for clarification of grape wine, and the wine to be clarified does not contain sufficient tannin to permit the fining agents to precipitate completely, a small amount of tannin may be added to the grape wine for the purpose of assisting the fining agents. Tannin may also be added to grape wine after clarification to the extent necessary to raise the tannin content of the wine to that normally contained therein: *Provided*, That white wines in which tannin is used shall not contain more than 0.08 gram of tannin per 100 ml. after clarification, and red grape wine in which tannin is used shall not contain more than 0.3 gram of tannin per 100 ml. after clarification, unless the assistant regional commissioner authorizes a higher tannin content, pursuant to a letter application, in duplicate, in which the necessity for a higher tannin content is shown by the proprietor. Only tannin of a yellowish white or very light brown color, which does not color the wine, may be used in the cellar treatment of wine. The records required by § 240.918 will be kept covering the use of tannin.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

§ 240.534 Test and records of carbon dioxide in still wine.

The carbon dioxide contained in wines shall be determined in accordance with authorized test procedures announced by the Director. For purposes of this section, each proprietor bottling still wine containing carbon dioxide shall keep commercial records showing each item (that is, wine of the same class and type bottled under the same brand or label) bottled each day. A single day's bottling of the same item shall be considered a single batch, unless the proprietor desires to divide such a day's bottling of each item into two or more batches. The proprietor's commercial records shall show (a) by appropriate description or symbol, the batch identification of the wine; (b) the kind and quantity of the wine in each batch; and (c) the results of the individual tests of carbon dioxide contents made with respect to each such batch. Unless the proprietor has filed, in duplicate, a letter application with, and received approval from, the assistant regional commissioner to use a code identification on the label of the bottle, he shall mark on each case of wine at the time of filling (1) the date of filling, and (2) the batch identification of the wine. The method of marking the label or case shall be stated in the proprietor's notice under § 240.532.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 38. Section 240.537 is amended to make a conforming technical change. As amended, § 240.537 reads as follows:

§ 240.537 Application.

Where a proprietor desires to reduce the acid content of wine below 5 parts per thousand, other than as authorized in § 240.1051, he shall file an application with the assistant regional commissioner. The application shall be filed in letter form in triplicate. The application shall contain the following information:

(a) Name, address, and registry number of the proprietor;

(b) Statement of process or method to be used in effecting the acid reduction;

(c) Gallons of wine to be treated; and

(d) Kind of wine to be treated.

A 1 pint sample of the wine prior to treatment shall be submitted by the proprietor direct to the regional laboratory at the same time the application is filed. The sample will be labeled and marked in a manner that it may be readily identified. The proprietor shall not proceed to reduce the acid content of the wine until he receives approval of the application by the assistant regional commissioner.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

PAR. 39. Section 240.540 is amended to include the recognized rule for determining whether a person is the head of a family for the purposes of production of tax-free wine for family use. As amended, § 240.540 reads as follows:

§ 240.540 Registered producer.

A duly registered head of any family may produce annually for family use, and not for sale, not in excess of 200 gallons of wine without payment of tax. A person is deemed to be the head of a family only if he exercises family control or responsibility over one or more individuals closely connected with him by blood relationship, relationship by marriage, or by adoption, and who are living with him in one household. This exemption does not authorize the production of wine for such use contrary to State law.

(72 Stat. 1331; 26 U.S.C. 5042)

PAR. 40. Section 240.542 is amended to specify the retention period for Forms 1541. As amended, § 240.542 reads as follows:

§ 240.542 Registration, Form 1541.

Every person (other than the operator of a bonded wine cellar) coming within the statutory exemption and desiring to produce wine for the exclusive use of his family, shall file Form 1541 in accordance with the instructions on the form. Upon production of the wine, the registrant will enter the quantity produced and the date of production on the copy of the form returned to him by the assistant regional commissioner. Such form shall be retained at the place of production while the wine produced pursuant thereto remains on hand. A new form shall be submitted each succeeding year during which it is desired to produce wine for family use, the year to be reckoned as commencing on July 1 and ending June 30 following.

(72 Stat. 1331; 26 U.S.C. 5042)

PAR. 41. Section 240.550 is amended to specify the type and number of copies of certain required applications. As amended, § 240.550 reads as follows:

§ 240.550 Discontinuance of experimental wine operations.

When an institution discontinues experimental wine operations, all wine spirits must be disposed of either by their destruction or shipment to premises authorized to receive them. Prior to destruction or shipment, a letter application, in duplicate, shall be filed with the assistant regional commissioner, and authorization obtained for such destruction or shipment. When such authorized disposition of wine and wine spirits has been completed a letter of notification will be sent to the assistant regional commissioner.

(72 Stat. 1331; 26 U.S.C. 5042)

PAR. 42. Sections 240.562 and 240.564 are amended to provide that cases may be marked to show the number and size of bottles in each case in lieu of, or in addition to, showing wine gallons. As amended, §§ 240.562 and 240.564 read as follows:

§ 240.562 Marks.

Each cask, barrel, keg, tank, tank truck, railroad tank car, or case, or other approved container, used to remove wine shall be marked in a plain and durable manner with (a) the serial number, or the alternate marks in lieu of the serial numbers as provided in § 240.561, or (if recased in the taxpaid room) with the marks authorized in § 240.561 in lieu of the serial number, (b) the name of the proprietor and the registry number and location (by State, or city or town and State) of the wine cellar, (c) the kind (class and type) and the alcohol content of the wine, (d) the contents of the container in wine gallons, except that where wine is removed in cases, the cases may be marked to show the number and size of bottles in each case, and (e) except for cases, the date of removal or shipment. The kind of wine shall be stated in accordance with 27 CFR Part 4. The formula number shall be marked on bulk containers of special natural

wine. When wine is packed or bottled under an authorized trade name other than that under which the bonded wine cellar is operated, such trade name may be marked on the shipping container as the name of the proprietor as authorized in § 240.192. These marks may be cut, printed, or otherwise legibly and durably marked upon the container, or placed upon a label or tag securely affixed to the container. The marks shall be placed upon the head of the package, or the side of the case, or on the prescribed route board attached to the tank truck, tank car, tank ship, barge, or deep tank of a vessel, where they may be readily examined by internal revenue officers: *Provided*, That the serial number, or the alternate marks in lieu of a serial number, may be placed on a side other than the Government side as described in § 240.564 where such other side bears no marks in conflict with such serial number or alternate marks.

(72 Stat. 1381, 1387, 1407; 26 U.S.C. 5368, 5388, 5662)

§ 240.564 Other marks.

The head of the package, or the side of the case, bearing the prescribed marks shall be known as the "Government Head," and "Government Side," respectively, and shall contain no other marks except those authorized or required by Federal law or regulations: *Provided*, That the name and address of the consignee, brand name, bottle label, and other related data, including identifying marks such as lot numbers, which do not conflict with or detract from the prescribed marks, may be shown on the Government head or side of the container.

(72 Stat. 1381; 26 U.S.C. 5368)

PAR. 43. Section 240.567 is amended to make a minor conforming change. As amended, § 240.567 reads as follows:

§ 240.567 Fractional parts of gallons.

The wine gallon content of tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, will be marked on the containers in whole gallons. The wine gallon content of casks, barrels, kegs, cases (if so marked), or demijohns, will be marked on the containers in gallons and tenths of gallons. Where markings are in whole gallons, fractions of a gallon will be converted to the nearest gallon, and five-tenths gallon will be converted to the next full gallon. Similarly, where markings are in tenths of gallons, fractions less than one-tenth will be converted to the nearest one-tenth gallon, and five-hundredth gallon will be converted to the next full one-tenth gallon. Contents of bottles will be stated on the bottle labels in the manner prescribed by 27 CFR Part 4.

(72 Stat. 1331, 1381; 26 U.S.C. 5041, 5368)

PAR. 44. Paragraph (d) of § 240.579 is amended to make a minor editorial change. As amended, paragraph (d) reads as follows:

§ 240.579 Labeling bottled wine.

* * * * *

(d) The net contents of the bottle, unless displayed on the bottle as provided in 27 CFR 4.37(d).

* * * * *

(72 Stat. 1381, 1407; 26 U.S.C. 5368, 5662)

PAR. 45. Section 240.614 is amended to provide that a consignor prepare one additional copy of Form 703 which he will retain for his files. As amended, § 240.614 reads as follows:

§ 240.614 Preparation and handling of Form 703.

Where shipments are made to other premises in the same region, the proprietor will prepare four copies of Form 703 and, on the date of shipment, forward one copy to the assistant regional commissioner of his region, and two copies to the consignee and retain the remaining copy for his files. Upon receipt of the shipment the consignee will note on both copies of the form any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to the assistant regional commissioner before the close of the following business day. When wine is shipped in bond to premises in another region, the consignor will prepare five copies of Form 703, and, on the date of shipment, forward one copy to the assistant regional commissioner of his region, one copy to the assistant regional commissioner of the region to which the wine is shipped, and two copies to the consignee, and retain the remaining copy for his files. Upon receipt of the shipment the consignee will note on the form any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to the assistant regional commissioner of his region.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 46. Section 240.618 is amended to change the word "division" at the end of the first sentence, to "diversion". As amended, § 240.618 reads as follows:

§ 240.618 Reconsignment by consignor.

When the consignor desires to reconsign a shipment of wines, he will obtain the approval of the assistant regional commissioner of the consignor region, then prepare new Form 703 and attach thereto a notice of diversion. The substitute consignee is liable for the tax on all losses sustained in shipment, and shall file a consent of surety with the assistant regional commissioner of his region, in accordance with § 240.231, extending the terms of his bond to cover such losses.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 47. A new section, § 240.620, is added, immediately following § 240.619, to provide for the return to the consignor of a leaking tank car or tank truck containing wine being transferred in bond. As added, § 240.620 reads as follows:

§ 240.620 Return to consignor.

A tank car or tank truck containing wine being transferred in bond may, as provided in this section, be returned to the consignor in order to avoid an excessive loss of wine. The consignor shall, before wine is so returned, file a consent of surety with the assistant regional commissioner to extend the terms of his bond to cover the tax on the quantity of wine originally transferred in bond. Such consent shall contain a statement of purpose as follows:

To extend the terms of said bond (including all extensions or limitations of terms and conditions previously consented to and approved) to cover the internal revenue tax on the quantity of wine shipped in bond from the principal's bonded wine cellar when, under the provisions of 26 CFR Part 240, such shipment is returned to and received at said wine cellar.

The consignor will cancel the covering Form 703 and will notify all persons who received copies thereof that the wine was returned to him and the reasons therefor. The consignor will record in his daily records and on Form 702 the receipt of the wine returned, showing as received the actual quantity of wine originally shipped.

PAR. 48. Section 240.652 is amended to delete the phrase "in triplicate" from the first sentence. As amended, § 240.652 reads as follows:

§ 240.652 Consent of surety.

The required consent of surety, Form 1533, shall be filed with the assistant regional commissioner. Upon approval of the consent of surety, removals may be made thereunder from time to time. The reporting of such removals on Form 703 shall be in accordance with §§ 240.613 to 240.616.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 49. Paragraph (c) of § 240.657 is amended to provide the complete method for calculating the quantity of vinegar produced. As amended, paragraph (c) reads as follows:

§ 240.657 Vinegar plant records.

* * * * *

(c) The quantity of vinegar produced, and the date of production. (This quantity will be reported on a 100-grain strength basis and will be determined by multiplying the wine gallons of vinegar produced by the grain strength thereof and dividing the result by 100); and

* * * * *

PAR. 50. Section 240.660 is amended to specify the number of copies required of the prescribed application. As amended, § 240.660 reads as follows:

§ 240.660 Application for removal.

The proprietor of a bonded wine cellar desiring to remove still wine which has acetified and contains not less than 4 percent of acetic acid by volume will make letter application, in duplicate, to the assistant regional commissioner for each lot to be removed, showing the quantity and the acetic acid content. If the application is approved, the soured wine may be removed as vinegar.

PAR. 51. Section 240.741 is amended to delete the requirement that the name and address of the laboratory to which

wine samples are to be sent be shown in the application for removal of such samples. As amended, § 240.741 reads as follows:

§ 240.741 Application.

A proprietor desiring to remove samples of wine for analysis or testing by a laboratory shall make application, in duplicate, to the assistant regional commissioner. The application may be for the taking of samples from a specified lot or lots of wine, or it may be for continuing authority. The size of each sample should be limited to 1 quart from each lot to be analyzed or tested, unless the necessity for a larger quantity is established. The application shall state the number of samples to be taken, the size thereof, the kind or kinds of wine, and the frequency with which the samples will be taken. If the application is approved, the assistant regional commissioner will retain one copy, and return the other to the proprietor.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 52. Section 240.783 is amended to provide that semiannual inventories of untaxpaid wine be taken as of the close of business June 30 and December 31. As amended, § 240.783 reads as follows:

§ 240.783 Losses during fiscal year.

Losses on bonded wine cellar premises during the fiscal year, beginning July 1 and ending June 30, will be entered on monthly report, Form 702, as the extent thereof is determined. The proprietor shall take actual inventory of all untaxpaid wine on hand in the bonded wine cellar as of the close of business June 30 and December 31 of each year. The inventories will be reported on Form 702–C, as required by § 240.903, and losses disclosed by the inventories will be reported on Form 702 for the months of June and December. No claim for allowance of loss will be required for losses in production or storage provided (a) there are no circumstances indicating that the wine reported lost, or any part thereof, was unlawfully removed, and (b) the loss did not exceed 3 percent of the aggregate quantity of wine on hand at the beginning of the fiscal year and received in bond during the fiscal year, 6 percent of the still wine produced by fermentation, 6 percent of the sparkling wine produced by fermentation in bottles, 3 percent of the special natural wine produced under § 240.444, 3 percent of the artificially carbonated wine produced, and 3 percent of the bulk process sparkling wine produced, at the bonded wine cellar during the fiscal year.

(72 Stat. 1381; 26 U.S.C. 5370)

PAR. 53. Section 240.800 is amended to clarify provisions relating to the return of unmerchantable wine to bond. As amended, § 240.800 reads as follows:

§ 240.800 General.

Taxpaid unmerchantable foreign wine may be received on bonded wine cellar premises for reconditioning and removal without retaxpayment, or for destruction. Taxpaid unmerchantable U.S. wine may be returned to any bonded wine cellar premises for reconditioning or destruction and the tax paid on such wine may, when the wine is returned to bond, be refunded or credited in accordance with the provisions of this subpart: *Provided*, That no refund or credit of tax may be given under the provisions of this subpart in respect of any tax paid on unmerchantable U.S. wine which is returned to bond for reconditioning and removal without retaxpayment or for which a claim has been or will be made under the provisions of Subpart O of Part 170 of this chapter.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

PAR. 54. Section 240.801 is amended to provide for the marking of each lot of unmerchantable wine returned to bond. As amended, § 240.801 reads as follows:

§ 240.801 Receipt.

The unmerchantable taxpaid wine shall be received and retained off the bonded premises, or in the taxpaid room on the bonded premises; such wine, pending its disposition, shall be completely segregated from all other wine, be identified as returned wine, and be accessible for inspection by internal revenue officers until it is transferred to the general bonded area. A record of the wine received shall be maintained in accordance with § 240.921. Each lot of wine returned must be marked or identified so that it may readily be associated with credit memoranda or similar papers covering return of the wine.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

PAR. 55. The first sentence of § 240.802 is amended to provide that a notice of intention to transfer unmerchantable wine to bonded premises be filed in triplicate. As amended, § 240.802 reads as follows:

§ 240.802 Transfer of unmerchantable taxpaid wine to general bonded premises.

When the proprietor intends to transfer unmerchantable taxpaid wine (United States or foreign) to the general bonded area after receipt thereof, he shall give written notice of his intention, in triplicate, to the assistant regional commissioner or to an officer designated by him: *Provided*, That such notice may be submitted directly to an internal revenue officer at the bonded wine cellar. Each notice shall be serially numbered commencing with "1" on January 1 of each year. Separate notices shall be given for United States and foreign wines. The notice shall, except as otherwise provided in this section, specify the date on which the proprietor intends to effect the transfer, which shall not be less than 10 days from the date of mailing or otherwise furnishing the notice to the assistant regional commissioner or designated officer. Where the notice is given to an internal revenue officer at the bonded wine cellar, such officer may, without regard to the time otherwise provided in this section, supervise the transaction or transmit the notice to the assistant regional commissioner. Where it appears that delay in disposing of unmerchantable taxpaid wine may impose an undue hardship on the proprietor, the assistant regional commissioner may, on request by the proprietor, permit disposition of such wine without regard to the time otherwise provided in this section. This notice shall contain, as applicable, the following information:

* * * * * *

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

PAR. 56. Section 240.806 is amended to delete the reference to the number of copies of Form 2635. As amended, § 240.806 reads as follows:

§ 240.806 Claim for allowance of credit for tax.

A proprietor may file with the assistant regional commissioner a claim on Form 2635 for allowance of credit for the tax paid on unmerchantable taxpaid U.S. wine returned to bond. Such claim shall not be filed for a quantity on which credit of tax would be in amount of less than $10: *Provided*, That, as to any return wine on which the 6-month period for filing a claim will expire, a claim for allowance of tax on a lesser quantity of wine may be filed. Any such claim shall be executed by the proprietor under penalties of perjury. The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so recorded on the records required by this part. A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim. When allowance of the credit or any part thereof is made by the assistant regional commissioner, the proprietor shall make a proper adjusting entry and explanatory statement in the next subsequent wine tax return (or returns) to the extent necessary to exhaust the credit.

(72 Stat. 1332; 26 U.S.C. 5044)

PAR. 57. Section 240.822 is amended to delete the requirement that the approximate desired date of receipt of wine spirits be shown on Form 257, and to conform the provisions to those of § 240.825. As amended, § 240.822 reads as follows:

§ 240.822 Application, Form 257.

Where it is desired to withdraw wine spirits for use in wine production, from the bonded premises of a distilled spirits plant, application will be made by the proprietor on Form 257. The proprietor shall specify in the application whether the wine spirits are to be withdrawn in packages, railroad tank cars, tank trucks, or by pipeline. The same application may not include wine spirits from more than one distilled spirits plant, nor two or more lots to be removed from the same bonded premises of a distilled spirits plant at different times, except as provided in § 240.825.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 58. Section 240.824 and its heading are amended to provide for the deposit of wine spirits into a wine spirits addition tank directly from a tank car or tank truck, under certain conditions. As amended, § 240.824 reads as follows:

§ 240.824 Deposit of wine spirits.

On receipt of the wine spirits at the bonded wine cellar they will be deposited in the wine spirits storage room or tank, or in a wine spirits addition tank in which is contained the wine to which the wine spirits are to be added. If an internal revenue officer is not assigned to the bonded wine cellar, the proprietor will on receipt of the wine spirits request the assistant regional commissioner or designated officer to detail an officer to supervise the deposit or immediate use.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 59. Section 240.825 and its heading are amended to provide for the annual filing of Form 257. As amended, § 240.825 reads as follows:

§ 240.825 Annual withdrawals.

(a) *Contiguous premises.* If the distilled spirits plant and the wine cellar are located on contiguous premises and wine spirits are to be transferred to the bonded wine cellar from time to time, under supervision of an internal revenue officer, the proprietor's application on Form 257 may cover all wine spirits to be transferred to the wine cellar during the calendar year. However, if the bond of the proprietor is not in the maximum penal sum, the proprietor shall specify on Form 257 the maximum quantity of wine spirits that will be on hand, removed from the distilled spirits plant, and unaccounted for, on any one day.

(b) *Noncontiguous premises.* If the distilled spirits plant and the wine cellar are not located on contiguous premises and the proprietor's bond is in the maximum penal sum, the proprietor's application on Form 257 may cover all wine spirits to be transferred from the noncontiguous distilled spirits plant to the wine cellar during the calendar year. In such case, a separate Form 257 shall be submitted for each noncontiguous distilled spirits plant from which wine spirits will be transferred during the calendar year.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 60. Section 240.829 and its heading are amended to conform to the provisions of § 240.166. As amended, § 240.829 reads as follows:

§ 240.829 Transfer of wine spirits by pipeline to wine spirits storage tank.

Where it is desired to transfer wine spirits by pipeline to bonded wine cellar premises and store such spirits thereon prior to use, there shall be provided a suitable tank for storing the wine spirits. The pipeline from the adjacent bonded premises of the distilled spirits plant shall be connected to such tank as provided in § 240.169. The wine spirits will be transferred under supervision of the internal revenue officer, and if not gauged in the bonded premises of the distilled spirits plant, shall be gauged by weight or volume on the bonded wine cellar premises.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 61. Sections 240.830 and 240.832 are amended to conform to the provisions of §240.824, and § 240.830 is further amended to make minor technical changes. As amended, §§ 240.830 and 240.832 read as follows:

§ 240.830 General.

Wine spirits may be withdrawn in railroad tank cars (where receiving premises have suitable railroad siding facilities) and tank trucks, provided appropriate weighing tanks or tanks suitable for measuring the spirits are provided in the bonded wine cellar, or the wine spirits are transferred in accurately calibrated tank cars or tank trucks with calibration charts available at the wine cellar, and a wine spirits storage tank (or tanks) or wine spirits addition tank (or tanks) of sufficient capacity is provided on bonded wine cellar premises. Pipelines for transfer of wine spirits from the tank car or tank truck to the tank on the bonded wine cellar premises shall be provided in accordance with § 240.169.

(72 Stat. 1360, 1362, 1382; 26 U.S.C. 5206, 5214, 5373)

§ 240.832 Examination of tank car or tank truck upon arrival at wine cellar.

Upon arrival of the tank car or tank truck at the bonded wine cellar, the seals will not be broken nor will any wine spirits be removed except in the presence of the internal revenue officer, who will first carefully examine the car or truck to see whether the seals are intact and whether there is any evidence of loss by leakage or otherwise. The contents of the tank car or tank truck will be gauged by weight or volume at the time of receipt by the proprietor under the supervision of the internal revenue officer. If the tank car or tank truck has been accurately calibrated, and the calibration chart is available at the wine cellar, the wine spirits may be gauged by volume in the tank car or tank truck. In any case where a volume gauge is made, the actual measurements of the spirits in the gauging tank, tank car, or tank truck, and the temperature of the spirits, shall be recorded on Form 2629. The transfer of the wine spirits from the tank car or tank truck to the wine spirits storage tank, or wine spirits addition tank, shall be made under the supervision of the internal revenue officer. The label attached to the tank car or tank truck at the distilled spirits plant shall be destroyed by the proprietor immediately after the car or truck is emptied.

(72 Stat. 1360, 1362, 1381; 26 U.S.C. 5206, 5214, 5366)

PAR. 62. Section 240.854 is amended to delete the references to obsolete Form 1520 and insert in lieu thereof references to Forms 2629 and 2630. As amended, § 240.854 reads as follows:

§ 240.854 In wine cellar.

Losses by theft, or from other causes, in the bonded wine cellar, will be determined and reported at the time the losses are discovered. A physical inventory of wine spirits storage tanks shall be taken at the close of the month during which wine spirits are used in wine production, or upon completion of such use for the month and at any other time required by the assistant regional commissioner or a designated internal revenue officer. Any losses which have not previously been reported will be determined by the inventory. Where a loss is discovered requiring filing of a claim as provided in § 240.855, the proprietor will gauge the contents of the container from which the loss occurred and prepare a report of gauge on Form 2629, accompanied by Form 2630 if the loss was from packages, in quadruplicate. Three copies of Form 2629 and Form 2630, if any, will be delivered to the internal revenue officer at the premises.

(72 Stat. 1323; 26 U.S.C. 5008)

PAR. 63. Section 240.902 is amended to clarify the instructions for preparing Form 2052. As amended, § 240.902 reads as follows:

§ 240.902 Form 2052.

When the proprietor is required to prepay tax, as provided in §§ 240.594 and 240.595, he shall first prepare Form 2052, in quadruplicate, in amount sufficient to cover the tax on the quantity of wine proposed to be removed that day. The original and two copies of Form 2052 shall be delivered to the district director of internal revenue or deposited in the U.S. mail properly addressed to him, together with a remittance as provided in § 240.594, prior to removal of the wine. At the same time a copy shall be forwarded to the assistant regional commissioner. Form 2052 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2052 shall be executed by the proprietor under penalties of perjury. Credit for the amount prepaid on Form 2052 will be taken on the tax return, Form 2050, covering all removals for consumption or sale for the period covered by the return.

PAR. 64. Paragraph (a) of § 240.914a is amended to delete the requirement for reporting a summary of ameliorating materials on Form 702. As amended, § 240.914a reads as follows:

§ 240.914a Record of amelioration.

(a) *General.* Each proprietor who ameliorates juice or wine shall maintain daily records of such amelioration. Separate records shall be kept for each kind of fruit or berries, including grapes. No form of record is prescribed, but the rebords maintained shall contain all data necessary to enable internal revenue officers to readily ascertain whether the limitations on amelioration have been complied with. All quantities shall be recorded in gallons, and, where dry sugar is used, the quantity shall be determined either by measuring the increase in volume or by considering that each 13.5 pounds of dry sugar results in a volumetric increase of 1 gallon. Each separate record shall include the following:

(1) The quantity of juice (exclusive of pulp) deposited in fermenters.

(2) For juice from fruit and berries, other than grapes, the maximum quantity of pure dry sugar or liquid sugar

authorized for adjustment, as provided in § 240.407.

(3) The maximum quantity of ameliorating material to which the juice is entitled, as provided in § 240.366 or § 240.407, as applicable.

(4) The quantity of ameliorating materials used, including pure dry sugar or liquid sugar used for adjustment of the total solids.

(5) The quantity of ameliorating material authorized but not yet used.

Supporting records shall be maintained showing the basis for entries and calculations, including determination of the natural fixed acid content and total solids content of juice, as applicable. The records of amelioration shall be maintained on the basis of annual accounting periods, with each period commencing on July 1 of a year and ending on June 30 of the following year: *Provided*, That the record for an accounting period shall be continued after June 30, where the juice or wine included therein is to be held after that date for completion of fermentation or amelioration. When the amelioration of wine included in the record for one accounting period is complete, the record shall be closed and any unused ameliorating material shall not be used. Wines included in the records for different accounting periods shall not be mixed with each other until the amelioration of both wines is complete.

* * * * *

(72 Stat. 1381, 1385, as amended; 26 U.S.C. 5367, 5384)

PAR. 65. Section 240.922 is amended to strengthen and clarify requirements respecting entries on daily records. As amended, § 240.922 reads as follows:

§ 240.922 Time of making entries.

All operations and transactions shall be recorded in daily records or commercial papers at the time the operation or transaction occurs, except that where records are posted from work orders or from supplemental or auxiliary records of individual operations or transactions prepared at the time the operation or transaction occurs, entries in the prescribed records (or approved substitutes therefor) may be deferred until the next succeeding business day. Each proprietor shall retain as part of his records all work orders and supplemental and auxiliary records needed (a) to support entries in his daily records or commercial papers, or (b) for verification by internal revenue officers.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 66. Section 240.943 is amended to provide proprietors 45 days in which to submit a protest to a proposed assessment. As amended, § 240.943 reads as follows:

§ 240.943 Assessment of tax.

If an investigation or an examination of records discloses that liability for wine tax, distilled spirits tax, rectification tax, or occupational tax has been incurred by the proprietor of a bonded winery or a bonded wine cellar, the assistant regional commissioner will notify the proprietor by letter of the basis and the amount of the proposed assessment in order to afford him an opportunity to submit a protest, with supporting facts, within 45 days, or to request a conference with regard to the tax liability.

§ 240.980 Gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix.

TABLE V

Illustration-Reduce concentrate from 70° to 20° Brix. Opposite 70 Brix for concentrate and in column 20 Brix is 3.3791, which is the gallons of water required for each gallon of concentrate.

Brix of concentrate	Brix desired after dilution							
	4	5	6	7	8	9	10	11
	Gallons of water required per gallon of concentrate							
40	10.5993	8.2439	6.6736	5.5520	4.7108	4.0565	3.5331	3.1048
41	10.9413	8.5165	6.8999	5.7453	4.8792	4.2057	3.6668	3.2259
42	11.2863	8.7914	7.1282	5.9402	5.0491	4.3561	3.8017	3.3481
43	11.6343	9.0686	7.3584	6.1368	5.2206	4.5079	3.9378	3.4713
44	11.9852	9.3484	7.5906	6.3350	5.3933	4.6609	4.0750	3.5956
45	12.3391	9.6305	7.8248	6.5350	5.5677	4.8153	4.2134	3.7209
46	12.6961	9.9151	8.0610	6.7367	5.7435	4.9710	4.3529	3.8473
47	13.0562	10.2020	8.2993	6.9402	5.9206	5.1280	4.4937	3.9748
48	13.4193	10.4915	8.5396	7.1458	6.0997	5.2864	4.6358	4.1034
49	13.7856	10.7834	8.7819	7.3523	6.2801	5.4462	4.7790	4.2332
50	14.1550	11.0779	9.0264	7.5611	6.4621	5.6073	4.9235	4.3640
51	14.5277	11.3749	9.2730	7.7716	6.6456	5.7699	5.0692	4.4960
52	14.9035	11.6744	9.5217	7.9840	6.8308	5.9338	5.2162	4.6291
53	15.2826	11.9766	9.7725	8.1982	7.0175	6.0992	5.3645	4.7634
54	15.6649	12.2813	10.0256	8.4143	7.2059	6.2660	5.5141	4.8989
55	16.0506	12.5887	10.2808	8.6323	7.3959	6.4342	5.6649	5.0355
56	16.4396	12.8988	10.5382	8.8521	7.5875	6.6039	5.8171	5.1733
57	16.8320	13.2115	10.7979	9.0738	7.7808	6.7751	5.9706	5.3123
58	17.2277	13.5270	11.0598	9.2975	7.9758	6.9478	6.1254	5.4525
59	17.6269	13.8451	11.3239	9.5231	8.1725	7.1220	6.2816	5.5940
60	18.0295	14.1660	11.5904	9.7507	8.3708	7.2977	6.4391	5.7367
61	18.4356	14.4897	11.8592	9.9802	8.5709	7.4749	6.5980	5.8806
62	18.8452	14.8162	12.1303	10.2117	8.7728	7.6536	6.7583	6.0257
63	19.2584	15.1456	12.4037	10.4452	8.9764	7.8339	6.9200	6.1722
64	19.6751	15.4778	12.6795	10.6808	9.1817	8.0158	7.0830	6.3199
65	20.0954	15.8128	12.9577	10.9184	9.3888	8.1992	7.2475	6.4689
66	20.5193	16.1507	13.2383	11.1580	9.5978	8.3842	7.4134	6.6191
67	20.9469	16.4916	13.5213	11.3997	9.8085	8.5709	7.5808	6.7707
68	21.3782	16.8354	13.8068	11.6435	10.0210	8.7591	7.7496	6.9236
69	21.8132	17.1821	14.0947	11.8894	10.2354	8.9490	7.9199	7.0779
70	22.2520	17.5319	14.3851	12.1374	10.4517	9.1405	8.0916	7.2334
71	22.6945	17.8846	14.6780	12.3876	10.6698	9.3337	8.2648	7.3903
72	23.1408	18.2404	14.9734	12.6399	10.8898	9.5286	8.4396	7.5486
73	23.5909	18.5992	15.2714	12.8944	11.1117	9.7251	8.6158	7.7082
74	24.0449	18.9611	15.5719	13.1511	11.3354	9.9233	8.7936	7.8692
75	24.5026	19.3260	15.8749	13.4098	11.5611	10.1231	8.9728	8.0316
76	24.9645	19.6942	16.1807	13.6710	11.7888	10.3248	9.1537	8.1954
77	25.4302	20.0654	16.4890	13.9343	12.0184	10.5282	9.3360	8.3606
78	25.8998	20.4399	16.7999	14.1999	12.2499	10.7333	9.5199	8.5272
79	26.3734	20.8174	17.1134	14.4677	12.4834	10.9401	9.7054	8.6952
80	26.8511	21.1982	17.4296	14.7378	12.7189	11.1487	9.8925	8.8647

PAR. 67. Section 240.979 is amended to clarify the instructions respecting the use of Table V. As amended, § 240.979 reads as follows:

§ 240.979 Instructions.

Section 240.980 (Table V) shows the gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix according to the Brix of the concentrated juice and the Brix to which it is desired to reduce the concentrated juice. When standard wine is to be produced from concentrated juice, Table V may be used in calculating the quantity of water required to reduce the concentrate to a degree of Brix authorized by § 240.353.

PAR. 68. Section 240.980 is amended to expand the range of Table V. As amended, § 240.980 reads as follows:

TABLE V (Continued)

Brix of concentrate	Brix desired after dilution							
	12	13	14	15	16	17	18	19
	Gallons of water required per gallon of concentrate							
40	2.7480	2.4460	2.1871	1.9628	1.7665	1.5934	1.4394	1.3017
41	2.8565	2.5477	2.2812	2.0503	1.8462	1.6699	1.5114	1.3696
42	2.9701	2.6502	2.3761	2.1385	1.9306	1.7471	1.5840	1.4361
43	3.0826	2.7537	2.4718	2.2274	2.0136	1.8250	1.6573	1.5073
44	3.1960	2.8580	2.5683	2.3171	2.0974	1.9035	1.7312	1.5770
45	3.3105	2.9632	2.6656	2.4076	2.1819	1.9828	1.8057	1.6473
46	3.4259	3.0694	2.7638	2.4989	2.2672	2.0627	1.8809	1.7183
47	3.5424	3.1765	2.8628	2.5910	2.3531	2.1433	1.9567	1.7898
48	3.6598	3.2844	2.9627	2.6839	2.4399	2.2246	2.0332	1.8620
49	3.7783	3.3934	3.0635	2.7775	2.5274	2.3066	2.1104	1.9348
50	3.8978	3.5033	3.1651	2.8720	2.6156	2.3893	2.1882	2.0083
51	4.0183	3.6141	3.2676	2.9674	2.7046	2.4728	2.2667	2.0824
52	4.1399	3.7259	3.3710	3.0635	2.7944	2.5570	2.3459	2.1571
53	4.2625	3.8386	3.4753	3.1605	2.8850	2.6419	2.4258	2.2325
54	4.3862	3.9524	3.5806	3.2583	2.9763	2.7275	2.5064	2.3085
55	4.5110	4.0671	3.6867	3.3570	3.0685	2.8139	2.5877	2.3852
56	4.6368	4.1829	3.7938	3.4565	3.1615	2.9011	2.6697	2.4626
57	4.7638	4.2996	3.9017	3.5569	3.2552	2.9890	2.7524	2.5407
58	4.8918	4.4174	4.0107	3.6582	3.3498	3.0777	2.8358	2.6194
59	5.0210	4.5362	4.1206	3.7604	3.4453	3.1672	2.9200	2.6989
60	5.1513	4.6560	4.2314	3.8635	3.5415	3.2574	3.0049	2.7790
61	5.2827	4.7768	4.3432	3.9674	3.6386	3.3485	3.0906	2.8598
62	5.4153	4.8988	4.4560	4.0723	3.7366	3.4403	3.1770	2.9414
63	5.5490	5.0217	4.5698	4.1781	3.8354	3.5329	3.2641	3.0236
64	5.6839	5.1458	4.6846	4.2848	3.9350	3.6264	3.3521	3.1066
65	5.8200	5.2709	4.8003	4.3924	4.0356	3.7207	3.4407	3.1903
66	5.9572	5.3971	4.9171	4.5010	4.1370	3.8157	3.5302	3.2747
67	6.0957	5.5245	5.0349	4.6105	4.2393	3.9117	3.6205	3.3599
68	6.2353	5.6529	5.1537	4.7210	4.3425	4.0084	3.7115	3.4458
69	6.3762	5.7824	5.2735	4.8325	4.4465	4.1060	3.8033	3.5325
70	6.5183	5.9131	5.3944	4.9449	4.5515	4.2045	3.8960	3.6199
71	6.6616	6.0449	5.5164	5.0583	4.6574	4.3038	3.9894	3.7081
72	6.8061	6.1779	5.6393	5.1726	4.7643	4.4040	4.0837	3.7971
73	6.9519	6.3120	5.7634	5.2880	4.8720	4.5050	4.1787	3.8868
74	7.0990	6.4472	5.8885	5.4044	4.9807	4.6069	4.2746	3.9773
75	7.2472	6.5836	6.0147	5.5217	5.0903	4.7097	4.3713	4.0686
76	7.3969	6.7212	6.1421	5.6401	5.2009	4.8134	4.4690	4.1608
77	7.5478	6.8600	6.2705	5.7595	5.3125	4.9180	4.5674	4.2536
78	7.6999	6.9999	6.4000	5.8800	5.4250	5.0235	4.6666	4.3473
79	7.8534	7.1411	6.5306	6.0014	5.5384	5.1299	4.7668	4.4418
80	8.0082	7.2835	6.6623	6.1239	5.6529	5.2372	4.8677	4.5372

Brix of concentrate	Brix desired after dilution						
	20	21	22	23	24	25	26
	Gallons of water required per gallon of concentrate						
40	1.1777	1.0655	0.9636	0.8705	0.7851	0.7066	0.6341
41	1.2420	1.1265	1.0215	0.9257	0.8378	0.7570	0.6824
42	1.3068	1.1880	1.0800	0.9814	0.8910	0.8079	0.7311
43	1.3722	1.2501	1.1390	1.0376	0.9447	0.8591	0.7802
44	1.4382	1.3127	1.1985	1.0943	0.9988	0.9109	0.8297
45	1.5048	1.3758	1.2585	1.1515	1.0533	0.9631	0.8797
46	1.5719	1.4395	1.3191	1.2092	1.1084	1.0157	0.9301
47	1.6396	1.5037	1.3801	1.2673	1.1639	1.0688	0.9810
48	1.7079	1.5685	1.4417	1.3260	1.2199	1.1223	1.0323
49	1.7768	1.6338	1.5039	1.3852	1.2764	1.1764	1.0840
50	1.8463	1.6998	1.5666	1.4449	1.3334	1.2309	1.1362
51	1.9164	1.7663	1.6298	1.5052	1.3909	1.2859	1.1888
52	1.9871	1.8334	1.6936	1.5659	1.4490	1.3413	1.2420
53	2.0585	1.9010	1.7579	1.6272	1.5075	1.3973	1.2955
54	2.1304	1.9693	1.8228	1.6891	1.5665	1.4537	1.3496
55	2.2030	2.0382	1.8883	1.7515	1.6260	1.5106	1.4041
56	2.2763	2.1076	1.9544	1.8144	1.6861	1.5681	1.4591
57	2.3501	2.1777	2.0210	1.8779	1.7467	1.6260	1.5146
58	2.4246	2.2484	2.0882	1.9419	1.8078	1.6845	1.5706
59	2.4998	2.3197	2.1560	2.0065	1.8695	1.7435	1.6271
60	2.5756	2.3917	2.2244	2.0717	1.9317	1.8030	1.6841
61	2.6521	2.4642	2.2934	2.1375	1.9945	1.8630	1.7416
62	2.7293	2.5375	2.3630	2.2038	2.0578	1.9235	1.7995
63	2.8072	2.6113	2.4333	2.2707	2.1217	1.9846	1.8580
64	2.8857	2.6858	2.5041	2.3382	2.1861	2.0462	1.9171
65	2.9649	2.7610	2.5756	2.4063	2.2511	2.1084	1.9766
66	3.0448	2.8368	2.6477	2.4750	2.3167	2.1711	2.0367
67	3.1254	2.9133	2.7204	2.5443	2.3829	2.2343	2.0973
68	3.2067	2.9904	2.7937	2.6142	2.4496	2.2982	2.1584
69	3.2888	3.0682	2.8678	2.6847	2.5169	2.3625	2.2200
70	3.3715	3.1467	2.9424	2.7558	2.5848	2.4275	2.2823
71	3.4550	3.2259	3.0177	2.8276	2.6533	2.4930	2.3450
72	3.5392	3.3058	3.0937	2.9000	2.7224	2.5591	2.4083
73	3.6241	3.3864	3.1703	2.9730	2.7922	2.6258	2.4722
74	3.7096	3.4677	3.2476	3.0467	2.8625	2.6930	2.5366
75	3.7962	3.5497	3.3256	3.1210	2.9334	2.7608	2.6016
76	3.8834	3.6324	3.4043	3.1959	3.0050	2.8293	2.6671
77	3.9713	3.7158	3.4836	3.2715	3.0772	2.8983	2.7333
78	4.0600	3.8000	3.5636	3.3478	3.1500	2.9680	2.8000
79	4.1494	3.8848	3.6443	3.4247	3.2234	3.0382	2.8673
80	4.2396	3.9705	3.7257	3.5023	3.2975	3.1091	2.9351

PAR. 69. Section 240.1042 is amended to make a minor technical change. As amended, § 240.1042 reads as follows:

§ 240.1042 Application, Form 257.

A proprietor who intends to withdraw distillates containing aldehydes shall make application on Form 257 in accordance with § 240.822.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1044 [Deleted]

PAR. 70. Section 240.1044 is deleted.

PAR. 71. Section 240.1051 is amended to include additional materials authorized by revenue rulings, to delete materials which are no longer authorized or available, and to provide one category for ion exchange resins and for pectolytic enzymes. As amended, § 240.1051 reads as follows:

§ 240.1051 Materials authorized for treatment of wine.

The following materials are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine (including distilling material), within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to:

Materials	Use	Reference or limitation
Acetic acid	To correct natural deficiencies in grape wine.	The use of acetic acid shall not exceed 0.4 gallon of the equivalent of 100 percent pure acetic acid per 1,000 gallons of grape wine, and such acid shall not be added in a solution of less than 50 percent strength. Acetic acid in finished red grape wine shall not exceed 0.14 gram per 100 cubic centimeters or 0.12 gram per 100 cubic centimeters in other finished grape wine. § 240.364.
Actiferm (Roviferm)	Fermentation adjunct	The amount used shall not exceed 2 pounds per 1000 gallons of wine.
Activated carbon	To assist precipitation during fermentation.	§§ 240.361, 240.366, 240.401, 240.405.
	To clarify and purify wine.	
	To remove excess color in white wine.	§ 240.527.
Aferrin	To reduce trace metals from wine.	No insoluble or soluble residue in excess of one part per million shall remain in the finished wine, and the basic character of the wine shall not be changed by such treatment.
AMA special gelatine solution.	To clarify wine.	
Antifoam "A"	To reduce the foam in fermeters.	
Antifoam AF emulsion.		
Antifoam C	Defoaming agent in production of wine.	The residual silicone content in the wine shall not exceed 10 parts per million.
Ascorbic acid	To prevent darkening of color and deterioration of flavor in wines and wine materials, and the over oxidation of vermouth and other wines.	May be added to fruit, grapes, berries, and other materials used in wine production, to the juice of such materials, or to the wine, within limitations which do not alter the class or type of the wine. Its use need not be shown on labels.
Iso-ascorbic acid (Erythorbic acid).		
Atmos 300	Antifoaming agent	No soluble residue in excess of 25 parts per million shall remain in the finished wine.
Bentonite (Wyoming Clay)	To clarify wine.	
Bentonite compound (Bentonite, activated carbon, copper sulfate).	To clarify and stabilize wine.	Copper added in the form of copper sulfate shall not exceed 0.5 part per million of copper with a residual level not in excess of 0.2 part per million of copper.
Bentonite slurry	To clarify wine	Not more than 2 gallons of water shall be added to each pound of Bentonite used. The total quantity of water shall not exceed 1% of the volume of wine treated.
Bone charcoal	do	
Calcium carbonate	To reduce the excess natural acids in high acid wine.	The natural or fixed acids shall not be reduced below five parts per 1,000.
Calcium sulphate (Gypsum)	Production of Spanish type or Flor sherry wine.	§ 240.385. Finished wine shall not contain more than 2 grams of gypsum per 1,000 ml. of wine.
Carbon	To clarify and purify wine.	
Carbon dioxide, CO_2	To stabilize and preserve wine.	§§ 240.531 through 240.535.
Casein	To clarify wine.	
Citric acid	To increase the acidity of wine.	§§ 240.364, 240.404.
	To stabilize grape wine	§§ 240.526, 240.539.
Combustion gas	To maintain pressure during filtering and bottling of champagne and sparkling wines.	The carbon dioxide content of the combustion gas shall not exceed 1%. 21 CFR Part 121.
Compressed air	Aeration of sherry wine	The use of compressed air shall not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time.
Copper sulfate	To clarify and stabilize grape wine.	Copper added in the form of copper sulfate shall not exceed 0.5 part per million of copper with a residual level not in excess of 0.2 part per million of copper.
Cufex	To remove trace metal from wine.	No insoluble or soluble residue in excess of one part per million shall remain in the finished wine, and the basic character of the wine shall not be changed by such treatment.
Defoaming agents (polyoxyethylene-40-monostearate and silicon dioxide) (sorbic acid carboxy methyl cellulose, dimethyl polysiloxane, polyoxethylene (40) monostearate, and sorbitan monostearate).	Defoaming agent	Defoaming agents which are 100 percent active may be used in amounts not exceeding 0.15 pound per 1,000 gallons of wine. Defoaming agents which are 30 percent active may be used in amounts not exceeding 0.5 pound per 1,000 gallons of wine. Silicon dioxide shall be completely removed by filtration.
Diethyl pyrocarbonate	To preserve wine	The amount used shall not exceed 200 parts per million.
Eggs (albumen or yolks)	To clarify wine.	
Flue gas	To stabilize wine and prevent oxidation.	The carbon monoxide content of the gas shall not exceed 4.5 percent by volume. 21 CFR Part 121.
Freon C-318	Propellant in aerosol containers of vermouth.	Only a minute amount of the gas shall remain in the dispensed vermouth.
Fulgur (aluminum silicate and albumin).	To clarify wine	The amount used shall not exceed 6.6 pounds per 1,000 gallons of wine.
Fumaric acid	To stabilize grape wine and to correct natural deficiencies in grape and fruit wine.	The amount used shall not exceed 25 pounds per 1,000 gallons of wine. The fumaric acid content of the finished wine shall not exceed 0.3 percent. §§ 240.364, 240.404
Gelatin	To clarify wine.	
Glycine (amino acetic acid)	Yeast food in fermentation of wines.	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Granular cork	To treat wines stored in redwood and concrete tanks.	The amount used shall not exceed 10 pounds per 1,000 gallons of wine.
Gum arabic	To clarify and stabilize wine.	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Gypsum (see calcium sulphate).		
Hydrogen peroxide	To reduce aldehydes in distilling material.	The amount used shall not exceed 200 parts per million.
	To facilitate secondary fermentation in production of sparkling wine.	The amount used shall not exceed 3 parts per million. The finished product shall not contain any hydrogen peroxide.
Isinglass	do	
Lactic acid	To stabilize wine and correct natural deficiencies in wine.	§§ 240.364, 240.404, 240.526.
Malic acid	To increase acidity of wine	§§ 240.364, 240.404.
Mineral oil	On surface of wine in storage tanks to prevent the access of air to the wine.	The oil shall not remain in the finished wine when marketed.
Nitrogen gas	To maintain pressure during filtering and bottling of sparkling wine. To prevent oxidation of wine.	The gas shall not remain in sparkling or still wine.
Oak chips (charred)	To treat Spanish type blending sherry.	The finished product, after addition of oak chips, shall have the flavor and color of Spanish type blending sherry commonly obtained by storage of sherry wine in properly treated used charred oak whisky barrels.
Oak chips (uncharred and untreated).	To treat wines.	
Oak chip sawdust (uncharred and untreated).	do	
Oxygen	In baking or maturing wine.	May be used provided it does not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time. Application must be filed.
Pectolytic enzymes	To clarify and stabilize wine, and to facilitate separation of the juice from the fruit.	21 CFR Part 121.
Phosphates	To start secondary fermentation in manufacturing champagne and sparkling wines.	Small quantity only shall be used. (The use of ammonium phosphate, ammonium sulphate, or potassium acid phosphate as yeast food in the production of still wine is not permitted.)
Diammonium phosphate	Yeast food in distilling material.	The amount used shall not exceed 10 pounds per 1,000 gallons of distilling material.
Polyvinylpoly-pyrrolidone (PVPP).	To clarify and stabilize wine.	The amount used shall not exceed 6 pounds per 1,000 gallons of wine. Material shall be removed during filtration. 21 CFR Part 121.
Potassium metabisulphite	Sterilizing and preserving wine.	The sulphur content of the finished wine shall not exceed the limits prescribed in 27 CFR Part 4.
Potassium salt of sorbic acid	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of sorbic acid or salts thereof shall be used in wine or in materials for the production of wine.
Promine-D	To clarify and stabilize wine.	The amount used shall not exceed 1.5 pounds per 1,000 gallons of wine. Water used in process shall not exceed 0.5 percent of wine treated.
Protovac PV-7916	To clarify wine	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Roviferm (see Actiferm).		
Sodium bisulfite	As a sterilizing or preserving agent.	§ 240.523.
Sodium carbonate	To reduce excess natural acidity in wine.	Natural or fixed acids shall not be reduced below 5 parts per thousand § 240.523.
Sodium caseinate	To clarify wine	§ 240.523.
Sodium metabisulphite	Sterilizing and preserving wine.	§ 240.523.
Sodium salt of sorbic acid	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of the sorbic acid or salts thereof shall be used in wine or in materials for the production of wine.
Sorbic acid	do	Not more than 0.1% of the sorbic acid or salts thereof shall be used in wine or in materials for the production of wine.
Sparkaloid No. 1	To clarify wine.	
Sparkaloid No. 2	do	
Sulphur dioxide	Sterilizing and preserving wine.	§ 240.523, 27 CFR Part 4.
Sulphuric acid	To effect a favorable yeast development in distilling material.	§ 240.486.
Takamine cellulase 4,000	To clarify wine	The amount used shall not exceed 5 pounds per 1,000 gallons of wine.
Tannin	Clarifying grape wine	§ 240.525.
Tansul clays Nos. 7, 710, and 711.	To clarify wine	The amount used shall not exceed 10 pounds per 1,000 gallons of wine.
Tartaric acid	To increase acidity of grape wine.	§ 240.364.
Uni-Loid Type 43B (pure U.S.P. agar agar and standard supercel).	To clarify and stabilize wine.	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Urea	To facilitate fermentation of wine.	Do.
Veltol	As a stabilizing and smoothing agent.	The amount used shall not exceed 250 parts per million.
Vitagen gas	To remove air and reduce oxidation in still wines.	§ 240.531. 21 CFR Part 121.
	To maintain pressure in sparkling wines.	The vitagen gas shall be substantially free of carbon dioxide.
Wine clarifier (containing pure U.S.P. agar agar and standard supercel).	To clarify wine	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Wine clarifier (Clari-Vine B) (containing locust bean gum, carragheen, alginate, bentonite, agar agar, and diatomaceous earth).	do	Do.
Yeastex	To facilitate fermentation	Do.
Yeastex 61	do	Do.

§ 240.1052 [Amended]

PAR. 72. Section 240.1052 is amended by deleting "Director, Alcohol and Tobacco Tax Division," and "Director, Alcohol and Tobacco Tax Division", wherever such terms appear, and inserting in lieu thereof the term "Director".

[F.R. Doc. 69-7063; Filed, June 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

[Interpretation 18]

ECONOMIC POISONS

Warning, Caution, and Antidote Statements on Labels; Extension of Time for Filing Comments

On April 4, 1969, a proposed revision of Interpretation 18 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act was published in the FEDERAL REGISTER (34 F.R. 6106) setting forth certain proposed changes in requirements with respect to warning, caution, and antidote statements on labels of economic poisons. Sixty days were permitted for the submission of written data, views, or arguments in connection with this matter.

In order to enable all interested parties to further evaluate the proposed revision of Interpretation 18 and comment thereon, the time for submission of comments is extended through July 31, 1969. Persons wishing to submit written data, views, or arguments should submit them in triplicate to the Director, Pesticides Regulation Division, Agricultural Research Service, Washington, D.C. 20250, prior to August 1, 1969.

Done at Washington, D.C., this 12th day of June 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-7137; Filed, June 16, 1969; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 905]

[Docket No. AO-85-A7]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., on January 7, 1969, after notice thereof published in the FEDERAL REGISTER (33 F.R. 18709) on proposed further amendment of the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on April 28, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69–5215; 34 F.R. 7168).

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of The Eustis Fruit Co., Inc., Eustis, Fla., by Stewart Welch, Vice President. The exceptions were to the method to be used for determining the portion of a specified grade or size that may be handled during a particular week. An alternate method was proposed.

The exceptions have been considered carefully and fully in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. It is determined that the findings and conclusions as set forth in the recommended decision are correct and are hereby affirmed. To the extent that any exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such is denied.

The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69–5215; 34 F.R. 7168) are, as hereinafter augmented, hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

The discussion in the fourth paragraph of issue numbered (3) appearing at 34 F.R. 7169 is augmented by inserting the following between the second and the third sentences of that paragraph:

It is reasonable to assume that should the recommended amendatory provisions become operative, a handler who so desires would assure himself of the opportunity to ship the prescribed portion of a specified grade or size of a particular variety by conducting his operations prior thereto in a manner that will provide him with the required shipments of the variety that are to serve as the basis for computing his shippable percentage. As heretofore pointed out, a handler cannot always prefigure with certainty what his total shipments of a variety for the weekly period will be until he has actually made his final shipments and totaled the amounts. To eliminate such uncertainties, and possible unintended violations on account thereof, the method to be used in determining the portion of a specified grade or size should be as hereinafter set forth without the continued use (even as an alternative) of the current method based on shipments made during the week of regulation.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida" and "Order Amending the Order, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 5, 1968, through May 4, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Florida, in the production of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos for market to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended and further amended by the annexed order which will be published with this decision.

Dated: June 11, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] amending the order, as amended, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida

§ 905.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., January 7, 1969, upon proposed amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons on the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

1. Section 905.5 *Variety* is revised to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit:

(a) Early and Midseason oranges and other types commonly called "round oranges," except Navel oranges and except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(b) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(c) Temple oranges;

(d) Marsh and other seedless grapefruit, excluding pink grapefruit;

(e) Duncan and other seeded grapefruit, excluding pink grapefruit;

(f) Pink seedless grapefruit;

(g) Pink seeded grapefruit;

(h) Tangelos;

(i) Dancy and similar tangerines, including Robinson;

(j) Murcott Honey oranges; and

(k) Navel oranges.

2. Paragraph (a) of § 905.42 *Handler's accounts* is deleted and a new paragraph (a) is substituted therefor:

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one-half of one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

3. Paragraph (a) (1) and (3) of § 905.52, *Regulation by the Secretary* is revised to read as follows:

§ 905.52 Regulation by the Secretary.

(a) * * *

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided,* That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler during the last previous week, within the current fiscal period, in which he shipped such variety.

* * * * *

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided,* That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety other than for one period not exceeding 5 days during the week in which Thanksgiving Day occurs, and for not more than two periods not exceeding a total of 14 days during the period December 20 to January 20, both dates inclusive.

* * * * *

[F.R. Doc. 69-7141; Filed, June 16, 1969; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period and Carryover or Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1969, through February 28, 1970, will amount to $289,747; and

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7142; Filed, June 16, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 91, 121]

[Docket No. 9653; Notice 69-26]

ADDITIONAL ATTITUDE INSTRUMENT IN LARGE TURBOJET AIRPLANES

Proposed Requirement

The Federal Aviation Administration has under consideration a proposal to amend Parts 25, 91, and 121 of the Federal Aviation Regulations to require a third (additional) attitude indicating instrument, operating from a source of power independent of the normal electrical generating system, on all large turbojet powered airplanes operated under Part 121; and to permit certification and operation of airplanes without a gyroscopic rate of turn instrument installed, if equipped with an additional attitude indicating instrument as proposed.

Persons holding certificates issued under Parts 123 and 135 who operate large turbojet powered airplanes under the operating rules of Part 121 of the Federal Aviation Regulations would be subject to this proposed requirement, if adopted.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 15, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Reported single failures of vertical gyro instrument systems are occurring at a rate between 0.96 and 2.27 per 1,000 hours in scheduled air carrier service (449 to 1,040 hours, mean time between failures) and dual failures, on a probability basis, may be expected in the range from approximately one in 500,000 hours to one in 1 million hours. Total fleet hours projected for 1969 are 5 million hours; therefore, five to 10 dual failures are statistically projected for 1969, and the rate is increasing approximately 5 percent per year.

Electrical failures which result in the loss of one or more attitude indicating instruments are less frequent (on the order of 0.1 per 1,000 hours), but increase the probability of dual failures. As an example of these failures, in March 1962, a scheduled air carrier flight, while cruising at 29,000 feet, experienced complete loss of electrical power except for battery emergency lights. Attempts were made to restore power without success and after 53 minutes the airplane was safely landed at a military airport.

In March 1967, a scheduled airline transcontinental flight lost all four generators (alternators) en route. The aircraft made a VFR approach and landed safely at its destination.

More recently, during 1969, an air carrier airplane was involved in an accident and it is known that the airplane experienced a total electrical failure.

In addition, since December 1968, there have been four reported instances of attitude instrument failure in large turbojet airplanes, each case requiring in-flight corrective action. In one of these cases, as a direct consequence of the malfunctioning instrument, structural damage resulted to the plane when the design load factors were exceeded.

Consideration must also be given to the undetected failure of a single attitude instrument being used by the pilot at the controls. A warning flag is expected when the instrument malfunctions, but there are many cases of reported discrepancies between the pilot's and copilot's attitude instruments when no warning flags appeared. It is a natural tendency in a situation of this kind for the pilot at the controls to continue to follow the faulty instrument in his scan pattern without knowledge of the malfunction. In fact, if the pilot's instrument is the one giving the erroneous reading he probably will not know it until the effect is felt by an increase in "g" forces, the effect shows on another flight instrument, or it is brought to his attention by the copilot. In any event, a potentially dangerous situation exists and a separate "gyro horizon" within the pilot's scan range would immediately alert him to the need for corrective action.

While there are a great many safeguards presently built into the electrical system of transport category airplanes, experience indicates that there have been a number of instances when they did not prevent a system failure. As previously indicated, there also exists the probability that there will be five to 10 dual failures per year of the attitude indicating system in these airplanes for reasons other than electrical failure. When such failures occur they are likely to endanger the safe operation of the airplane, particularly during instrument flight. An additional attitude indicating instrument system powered independently of the aircraft's normal electrical generating system would enable the pilot to have attitude indication in the event such failures occurred.

This proposal is being limited to large turbojet powered airplanes being operated under Part 121, because their flight characteristics and speed require more precise control of aircraft attitude than is required of large reciprocating powered aircraft and their operating record has shown them to be more "prone to upset."

There are several sources that could be used to power an additional attitude indicating instrument system, each independent of the airplane's normal electrical generating system. One method would be to connect the additional attitude instrument system to the airplane's battery through a separate static inverter. Another would be to connect the instrument to a separate nickel-cadmium battery through the system's own static inverter. In any case, we believe the source should be capable of operating the instrument for a minimum of 30 minutes after total failure of the airplane's electrical generating system. The system also should have the capability of accurate presentation without manual switching should the airplane's generating system fail. These requirements would give the flight crew sufficient time to take corrective action, or land, as the situation may warrant, without additional risks from lack of a basic reference instrument.

One year should allow sufficient time for the procurement, programing, and installation of the additional attitude indicating system proposed. Accordingly, if adopted, the amendment would require compliance 1 year from the effective date of the amendment.

In addition to the foregoing, the FAA is proposing to amend Parts 25, 91, and 121 of the Federal Aviation Regulations to the extent necessary to permit certification and operation of an airplane without a gyroscopic rate of turn instrument, if the airplane is equipped with an additional instrument system as proposed herein for large turbojet powered airplanes. With respect to this proposal, the agency particularly requests comment upon the feasibility and desirability of such an amendment.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as follows:

1. By amending Parts 25, 91, and 121 to the extent necessary to permit the certification and operation of an airplane without a gyroscopic rate of turn instrument when it is equipped with an additional gyroscopic bank and pitch indicator system (artificial horizon) as proposed herein for large turbojet powered airplanes.

2. By amending Part 121 by adding the following paragraph to § 121.305:

§ 121.305 Flight and navigation equipment.

* * * * *

(j) After (1 year from adoption), on large turbojet powered airplanes, in addition to two gyroscopic bank and pitch indicators (artificial horizons) for use at the pilot stations, a third such instrument which:

(1) Is powered from a source independent of the electrical generating system;

(2) Is capable of reliable operation for a minimum of 30 minutes after total failure of the electrical generating system;

(3) Operates independently of any other attitude indicating system;

(4) Is operative without manual selection after total failure of the electrical generating system; and

(5) Is located before the pilot in command in the manner required by § 25.1321(b) of this chapter.

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, and 1354), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 11, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-7090; Filed, June 16, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-PC-2]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a part-time control zone and alter the transition areas for the Kamuela Airport, Kamuela, Hawaii.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must be also submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons in the Office of the Regional Counsel, 1833 Kalakaua Avenue, Honolulu, Hawaii.

The proposed part-time control zone and alteration of the 700-foot transition area are required to provide controlled airspace for aircraft executing instrument approach and departure procedures at the Kamuela Airport. The alteration of the 1,200-foot transition area will provide controlled airspace for direct flight from the Upolu Point VORTAC to the Jackson intersection and transition between airways. Weather reporting service will be available from 7:30 a.m. to 5:30 p.m. local standard time daily. Communications and air traffic control service will be available through the Kona Combined Station/Tower and the Honolulu ARTCC.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the following control zone is added:

KAMUELA, HAWAII

Within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective following the specific date and during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

The Kamuela transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

KAMUELA, HAWAII

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11, and on the southeast by V-3 and the Kamuela control zone.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Honolulu, Hawaii, on June 4, 1969.

W. C. MOORE,
Captain, U.S. Navy, Acting Director, Pacific Region.

[F.R. Doc. 69-7091; Filed, June 16, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

RELEASE OF CONFIDENTIAL INFORMATION

Notice of Opportunity To Present Written Views, Suggestions or Objections

The Federal Trade Commission is considering amending Part 4 of the rules of practice by revising § 4.11 which provides for the release of confidential information, for good cause shown, contained in its books and records.

Interested persons may file written data, views, or argument for consideration in connection with this proposal not later than July 16, 1969, with the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. All comments submitted in writing will be available for examination at the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., in Room 130, Washington, D.C.

The proposed amendments are as follows:

§ 4.11 Release of confidential information.

(a) The Commission may by order direct that certain records, files, papers, or information contained in its confidential records be made public or disclosed to a particular applicant. To the extent that copies of such records are provided by the Commission, the fees prescribed in § 4.8(c) will apply.

(b) Request by a member of the public for such disclosure shall be in writing, addressed to the Secretary of the Commission, and shall set forth the interest of the applicant in the subject matter; a description of the specific information, files, documents, or other material, inspection of which is requested; whether copies are desired; and the purpose for which the information or material, or copies, will be used if the request is granted.

(c) In the event that information contained in the confidential records of the Commission is desired for inspection, copying, or use by another governmental agency, a request therefor may be made by the administrative head of the agency. Such request shall be in writing, addressed to the Secretary of the Commission, and shall describe the information or material desired, its relevancy to the work and function of the agency, and, if the production of documents or records or the taking of copies thereof is asked, the use which is intended to be made of them.

(d) Any official or employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which is designated in § 4.10 as a part of the confidential records of the Commission, shall promptly advise the Commission of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the official or employee so served has not received instructions from the Commission prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal on this paragraph.

(e) The Commission will consider and act upon requests and compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records. In such consideration and action it is the policy of the Commission to favor maximum disclosure. When the Commission's consideration of the request or compulsory process, and of the specified confidential records, satisfies it that there is substantial justification for disclosure, the Commission will, where appropriate and applicable, notify the source of such records that a request or compulsory process for disclosure has been received, and that unless good cause is shown in writing within ten (10) days, or within such other time as may be allowed by the Commission, as to why the specified records or information should not be released, the request for disclosure will be granted. Failure to respond to such notice within the time allowed, or failure to show good cause for nondisclosure, shall constitute sufficient basis, if the Commission so determines, for the disclosure; but if there is a response, the notice and all communications with respect thereto shall not be disclosed by the Commission.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7115; Filed, June 16, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Modification of Grazing District No. 1; Correction

In F.R. Doc. 69-5370 (34 F.R. 7335-7338), in the issue of May 6, 1969, the following corrections are hereby made:

At page 7335, change "Tps. 9, 10, and 11 N., R. 2 E.," to "Tps. 8, 9, 10, and 11 N., R. 2 E."

At page 7337, add "Secs. 4 and 5, fractional;" between "T. 9 N., R. 1 W." and "Secs. 10 to 15, inclusive, fractional."

JOHN O. CROW, *Associate Director.*

JUNE 9, 1969.

[F.R. Doc. 69-7096; Filed, June 16, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLARKSON COLLEGE OF TECHNOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00616-25-62700. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Electrolytic tank plotting unit. Manufacturer: F. C. Robinson & Partners, Ltd., United Kingdom. Intended use of article: The article will be used by undergraduate students in courses in electromechanical energy conversion. The use of this article will make possible the precise plotting of fields with a minimum of error due to boundry effects and polarization. Further research will require the plotting of electric fields in the vicinity of insulators and conductors in high voltage power work. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00617-33-46040. Applicant: University of Colorado Medical Center and Webb-Waring Institute for Medical Research, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies given in detail of the following types of specimens:

1. Tissues of lung and nerve.
2. The examination of cells from cultures of lung, nerve, and bacteria.
3. To study cell fractions prepared from lung, nerve, and bacteria.
4. The study of macromolecules isolated from previous mentioned specimens.

Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00618-33-46500. Applicant: Wabash College, Crawfordsville, Ind. 47933. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for developing egg cells and chambers of *Drosphilia*. Cellular reconstructions of this type require that the sections be cut extremely thin to determine specific intracellular relationships. Equal thickness serial sections are mandatory and the thickness must easily be varied by the operator between 50 angstroms and 2 microns. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00619-33-74600. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Signal analyser, Model Biomac 1000, and integrator. Manufacturer: Data Lab. Ltd., United Kingdom. Intended use of article: the article will be used mainly as a signal averager for experiments measuring changes in optical properties of nerves during their activity. Changes in optical properties are of interest because they provide information about what happens to the structure of nerve cells during their activity. The changes in optical properties result in changes in light intensity reaching a photodetector. Since these changes are very much smaller than the noise level, many sweeps must be averaged before a change can be measured. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00621-33-46040. Applicant: Lenox Hill Hospital, 100 East 77th Street, New York, N.Y. 10021. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used by several investigators for various projects. A study is being made of a very recently discovered virus which is present in the oocysts of avian malarial parasite, *Plasmodium gallinaceum* which in turn infects *Aedes aegypti* mosquitoes. Another involves the ultrastructural study of various renal glomerular diseases taken from patient biopsies. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00622-33-46500. Applicant: University of Minnesota, College of Veterinary Medicine, St. Paul, Minn. 55101. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses will be for high resolution electron microscopy involving the ultrastructure of the nucleus of neoplastic cells and the study of demyelinating diseases of the nervous system. For quantitative work in ultrastructure it is necessary to cut long series of equal thickness serial sections and to be able to quickly and easily change the thickness of the sections from 50 angstroms to 2 microns. Application received by Commissioner of Customs: May 19, 1969.

CHARLEY M. DENTON, *Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-7076; Filed, June 16, 1969; 8:45 a.m.]

FLORIDA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the

regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00286-33-46070. Applicant: Florida State University, Department of Biological Science, Tallahassee, Fla. 32306. Article: Scanning electron microscope, Model Stereoscan MK IIA. Manufacturer: Cambridge Equipment Co., United Kingdom. Intended use of article: The article will be used primarily to examine biological material. Since not too much is known concerning the use in this field, the applicant anticipates a great deal of developmental work. To date studies have been made of sensory tissue from insects and mammals. Of particular interest are studies of the olfactory structure in a series of animals and visual structures in insects. Also, the applicant is studying the morphology of taste papillae, both fungiform and circumvallate. The microvilli of the taste receptors in the inner pore of the taste buds are of particular concern. A number of graduate students will use the microscope in conjunction with their research problems. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States and was available to the applicant within a reasonable delivery time as defined in § 602.1(f)(2) of the above-cited regulations. Reasons: At the time the applicant decided to purchase the foreign article, the only scanning electron microscope being manufactured in the United States was the Model SM-1 manufactured by the K Square Corp. (K Square) which provided a guaranteed resolution of 500 angstroms. The guaranteed resolution of the foreign article is 300 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) We have been advised by the Department of Health, Education, and Welfare (HEW) that for the purposes for which the foreign article is intended to be used, the best attainable resolution is a pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations Business and Defense Services Administration.

[F.R. Doc. 69-7077; Filed, June 16, 1969; 8:45 a.m.]

KOSAIR CRIPPLED CHILDREN HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00354-33-61200. Applicant: Kosair Crippled Children Hospital, 982 Eastern Parkway, Louisville, Ky. 40217. Article: Table for correction of spine deformities. Manufacturer: Ets Belembert Constructeur, France. Intended use of article: The article will be used in connection with research program on scoliosis deformities. The article has a type of traction factor as well as a derotation factor unavailable on any domestically manufactured table. These features have already been clearly pointed out in photographs to show correction of the rib hump or gibbous. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a treating table which combines traction with derotation to be used in a research and educational program on scoliosis deformities. We are advised by the Department of Health, Education, and Welfare in a memorandum dated April 9, 1969, that derotation is pertinent to the purposes for which the foreign article is intended to be used and there is no known equivalent instrument or apparatus produced in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7078; Filed, June 16, 1969; 8:45 a.m.]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00326-01-78030. Applicant: Michigan State University, Department of Chemistry, East Lansing, Mich. 48823. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co. GmbH., West Germany. Intended use of article: The article will be used for high resolution studies of gases and crystals. Among the gaseous molecules to be studied are the hydrogen halides (HX) and methyl halides (CH_3X) in the regions of the fundamental and overtone vibrations. Simple molecular and ionic crystals will also be studied. In this case, the capabilities of resolving splittings due to intermolecular coupling, and isotopic shifts, will be required. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an infrared recording spectrophotometer which is capable of scanning the wave member range 5,000 to 200 reciprocal centimeters (CM^{-1}). The most closely comparable domestic instrument is the Model IR-12 manufactured by Beckman Instruments, Inc., which has a wave number range of 4,000 to 200 reciprocal centimeters. For the purposes for which the foreign article is intended to be used, the additional upper range is a pertinent characteristic. For this reason, we find that the Beckman Model IR-12 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7079; Filed, June 16, 1969; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00293-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies on the structural and metabolic effects of hormones in adipose tissue, liver, blood vessels, and other tissues. It will also be used in highly specialized investigations (e.g. of cell membranes and other fine structures) and in routine work at the highest resolution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bona fide order for the article. Reasons: Applicant placed the order for the foreign article on June 17, 1968. At that time, the only electron microscope being manufactured in the United States was the Model EMU-4 of the Radio Corp. of America (RCA). The foreign article has a guaranteed resolving capability of 5 angstroms, whereas the RCA Model EMU-4 had a resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. The foreign article also provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. The lower accelerating voltages afford optimum contrast for unstained specimens and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages of the foreign article are pertinent characteristics. For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed a bona fide order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7080; Filed, June 16, 1969; 8:45 a.m.]

TULANE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00637-33-46040. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Electron microscope, Model JEM 100B with spare parts and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by certain investigators in the field of fine structure of the nervous system, and for high-resolution work to be carried out by the faculty. Investigations currently in progress include those described below:

1. Fine structure of the nervous system.
2. Fine structure of interneurons and synapses.
3. Electronmicroscopic and EM radio autographic studies of synthesis and release of certain hormones produced in the hypothalamus.
4. Electroncytochemistry and E.M. radio-autography.
5. Heart innervation.

Application received by Commissioner of Customs: May 27, 1969.

Docket No. 69-00638-33-46040. Applicant: University of California, Davis, School of Medicine, Davis, Calif. 95616. Article: Electron microscope, Model EM 801. Manufacturer: GEC—AEI Electronics, Ltd., United Kingdom. Intended Use of Article: The article will be used by graduate students, predoctoral and postdoctoral fellows in these laboratories for biological research in the following areas:

a. Changes in the nervous system and liver in response to toxic and physical agents.

b. Mitochondrial membrane changes as related to biochemical enzyme function.

c. Examination of macromolecules to characterize the size and shape and to compare the differences after isolation under diverse metabolic states.

d. Virus isolates and their effects in producting congenital deformities in marmosa monkeys, and rats.

e. Changes in the adrenal cortex of rats under various physiologic states and in the human fetal adrenals at various ages of gestation and in normal and diseased muscle of human, monkey, guinea pig, mouse, rat, and chicken.

f. Three dimensional reconstruction to study relationships and interconnections of cellular organelles in the adrenal cortex of rats and frogs requiring magnifications of X 30,000-X 70,000 on the microscope screen.

Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00639-99-62800. Applicant: Ohio University, Athens, Ohio 45701. Article: Pneumatic servo mechanism, Type PCM 140. Manufacturer: Feedback Ltd., United Kingdom. Intended use of article: The article will be used as a teaching aid by the instructor to demonstrate the characteristics of automatic control systems of various orders of complexity and to show how these overall characteristics may be affected by changing the parameters and individual system components. Also, the article will be used by students in laboratory sessions where they will verify theories developed in the classroom by conducting quantitative experiments using the article. Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00641-00-00500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Accelerator tube. Manufacturer: Dowlish Developments Ltd., United Kingdom. Intended use of article: The article will be used to replace a present tube fabricated at the Los Alamos Laboratory. The article will allow the operation of the accelerator at higher voltages, making possible higher energy particles for nuclear physics research. Application received by Commissioner of Customs: May 28, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7081; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00327–56–07730. Applicant: University of California, San Diego, Scripps Institution of Oceanography, Post Office Box 109, La Jolla, Calif. 92037. Article: Guinier-Hagg X-Ray diffraction instrument, Model XDC–700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for educational purposes in courses SIO 199, 209, 246, and 264; and in courses AEP 171, 174, and 294. It will also be used extensively in graduate student research in the following areas:

a. Investigation of the lunar material returned to Earth as part of the Apollo program;

b. Research on the structure of manganese concretion minerals on the ocean floor;

c. Research on superconducting compounds.

Comments: No comments have been received with respect to this application. Decision: Application approved. No. instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an X-ray diffraction instrument which has the capabilities of a built-in crystal monochromator, a focusing system for the X-ray beam and a vacuum enclosure for the entire system. We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 17, 1969, that the capabilities for focusing the X-ray beam, monochromatizing the X-rays and the system vacuum enclosure are all pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States, which provides these pertinent characteristics.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7084; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF MARYLAND

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00302–65–46040. Applicant: University of Maryland, Department of Mechanical Engineering, College Park, Md. 20740. Article: Electron microscope, HU–200E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in studying the configurations of imperfections in metals and alloys so as to arrive at the underlying problems of strength, ductility, brittleness, fracture, creep, fatigue, etc. A significant effort is also being made to study the structures of polymers as well as to problems relating to oxidation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides an accelerating voltage of 200 kilovolts. The most closely comparable instrument being manufactured in the United States is the Radio Corp. of America's (RCA) Model EMU–4B electron microscope which provides a maximum of 100-kilovolt accelerating voltage. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 21, 1969, that the additional penetrating power available with 200-kilovolt accelerating voltage will allow the applicant to study thicker metallurgical specimens and, consequently, permit the direct correlation between the results of the experiment and the behavior of bulk specimens. For such experiments, NBS finds that the 200-kilovolt accelerating voltage of the foreign article to be a pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7085; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00275–65–61060. Applicant: The University of Michigan, Purchasing Office, Ann Arbor, Mich. 48105. Article: Biaxial stress tester. Manufacturer: Mand Precision Engineering Co., Ltd., United Kingdom. Intended use of article: The article will be used in certain formal laboratory experiments where a comparison between strain hardening behavior due to uniaxial tension and balanced biaxial tension can be made by students. In addition, the tester will be used in formal research studies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a biaxial stress tester intended to be used for testing sheet metal when subjected to biaxial tension for true stress—true strain information and for experiments where a comparison between strain hardening behavior due to uniaxial tension and balanced biaxial tension will be made. We are advised by the National Bureau of Standards (NBS), in a memorandum dated March 17, 1969, that there is no known domestic instrument which is capable of fulfilling the purposes for which the foreign apparatus is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7086; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00628–33–46040. Applicant: The University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Electron microscope, Model JEM 7A. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for biological research in the following areas:

(1) Examination of virus ultrastructure—Thin sections and negatively stained preparations of viruses and viral components will be examined so as to determine their architecture and molecular structure.

(2) Low magnification examination of virus infected cells. Immunologic labeling of viral antigens for detection by low magnification electron microscopy is a valuable technique in searching for viral agents in tissues or cell cultures.

Application received by Commissioner of Customs: May 26, 1969.

Docket No. 69–00630–33–46040. Applicant: Columbia University Medical School, 630 West 168th Street, New York, N.Y. 10032. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching and training of medical students, residents, Ph. D. candidates, trainees, and visiting Fellows as well as for research on the structure, function, and disease of the eye. Various aspects of ocular morphology are being investigated (cornea, uvea, trabecular meshwork, retina, and ciliary body) as well as comparative studies of the normal structure and physiology of animals and humans. Application received by Commissioner of Customs: May 26, 1969.

Docket No. 69–00633–88–74000. Applicant: New York State Museum and Science Service—Geological Survey, Room 973, State Education Building Annex, Albany, N.Y. 12224. Article: Portable single-channel seismograph and accessories, Model FS–3. Manufacturer: Huntec Ltd., Canada. Intended use of article: The article will be used for a scientific study of the preglacial drainage patterns and glacial and post glacial surficial deposits of New York State to gain a better understanding of its Pleistocene history. Application received by Commissioner of Customs: May 26, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7087; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF VIRGINIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00623–33–46500. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Va. 22903. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for producing extremely thin sections (50–75 angstroms thick) of uniform thickness in order to permit the resolution of subunits in the walls of microtubules b by high resolution electron microscopy. Such techniques are required as a part of a research project concerned with studying the structure and function of cytoplasmic microtubules in the differentiation and motility of animal cells. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69–00624–89–70000. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Light-weight portable radiometer, Model PDI–QK. Manufacturer: Physikalisk Meteorologisures Observatorium, Switzerland. Intended use of article: The article will be used for the McCall Glacier project to measure the albedo of different surfaces, and to measure the albedo changes of the snow cover during the season in different altitudes. Furthermore, the long wave outgoing radiation of different surfaces can be measured. Application received by Commissioner of Customs: May 22, 1969.

Docket No. 69–00625–01–78030. Applicant: University of Massachusetts—Boston, 100 Arlington Street, Boston, Mass. 02116. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co., GmbH, West Germany. Intended use of article: The article will be used for teaching and research. More specifically, the use of the instrument will encompass structural investigations of organoborones. Some of the compounds will be studied in the gas phase, for which high spectral resolution is needed, others will be studied as crystals, for which access to the higher frequency overtone region is needed. Information on overtone frequencies is essential also for studies of vibrational anharmonicity in connection with the investigations of molecular force fields and determination of vibrational force constants. Application received by Commissioner of Customs: May 23, 1969.

Docket No. 69–00626–33–62550. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Plethysmograph, impedance. Manufacturer: Chalmers University, Sweden. Intended use of article: The article will be used to evaluate an electrical method for measuring pulmonary blood volume, flow, and changes in transthoracic electrical impedance changes in laboratory animals. Application received by Commissioner of Customs: May 23, 1969.

Docket No. 69–00627–01–77040. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Mass spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for studies of the kinetics and energetics of mass spectral reactions. One of the most important uses for this instrument will be the study of isotopically labeled maleimides which have been obtained by degradation of chlorophylls from organisms cultured in isotopically mixed media. The laboratory in which this instrument will be operated will be open for use by any scientist in the south east region of the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7082; Filed, June 16, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0829) has been filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of tolerances (21 CFR 120.254) for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on the raw agricultural commodities potatoes and sugarcane at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolite is a microcoulometric gas chromatographic technique with a nitrogen detector cell.

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7094; Filed, June 16, 1969; 8:45 a.m.]

CERTAIN SHORT-ACTING SYSTEMIC SULFONAMIDES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following short-acting systemic sulfonamide drugs:

A. Preparation containing sulfachlorpyridazine: Sonilyn Tablets, 0.5 gram; Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Mo. 63160 (NDA 13-141).

B. Preparations containing sulfadiazine:

1. Sulfadiazine Tablets, 0.5 gram; Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 4-122).

2. Coco-Diazine Suspension, 10 grams per 100 cc.; Eli Lilly & Co. (NDA 6-317).

3. Sulfadiazine and Sodium Bicarbonate Tablets, 0.324 gram of each; Pitman-Moore, Division of the Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46077 (NDA 5-573).

4. Sodium Sulfadiazine Solution Ampoules 25%: Parke Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 5-592).

5. Sulfadiazine Tablets, 0.5 gram; Parke Davis & Co. (NDA 4-154).

6. Sulfadiazine Tablets, 0.5 gram; The Upjohn Co., Kalamazoo, Mich. 49001 (NDA 4-305).

7. Sulfadiazine Tablets, 0.5 gram; Lederle Laboratories Division, American Cyanamide Co., Pearl River, N.Y. 10965 (NDA 4-054).

8. Sodium Sulfadiazine Injection, 0.25 gram per cc.: Lederle Laboratories Division, American Cyanamid Co. (NDA 5-036).

9. Sulfadiazine Tablets, 0.3 and 0.5 gram; Abbott Laboratories, North Chicago, Ill. 60064 (NDA 4-125).

C. Preparations containing sulfaethidole:

1. Sul-Spansion (Sustained Release Suspension), 0.65 gram per 5 cc.; Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 10-643).

2. Sul-Spantab (Sustained Release Tablets), 0.65 gram; Smith, Kline & French (NDA 11-135).

D. Preparations containing sulfamerazine:

1. Sulfamerazine Tablets, 0.5 gram; previously marketed by Eli Lilly & Co. (NDA 5-349).

2. Sulfamerazine Tablets, 0.5 gram; Merck & Co., Rahway, N.J. 07065 (NDA 5-301).

E. Preparations containing sulfamethizole: Thiosulfil Suspension, 0.25 gram per 5 cc., and Tablets, 0.25 gram and 0.50 gram; Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 8-565).

F. Preparation containing sulfamethoxazole: Gantanol Tablets, 0.5 gram; Hoffmann-La Roche, Inc., 340 Kingland Avenue, Nutley, N.J. 07110 (NDA 12-715).

G. Preparations containing sulfisomidine: Elkosin Tablets, 0.5 gram, and Elkosin Suspension in Syrup, 0.25 gram per 4 milliliters; CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 8-070).

H. Preparations containing sulfisoxazole:

1. Gantrisin Syrup and Pediatric Suspension, 0.5 gram of sulfisoxazole per 5 cc.; previously marketed by Hoffmann-La Roche, Inc. (NDA 6-911).

2. Gantrisin Tablets, 0.5 gram of sulfisoxazole; Hoffmann-La Roche, Inc. (NDA 6-525).

3. Gantrisin Acetyl Pediatric Suspension and Syrup, the equivalent of 0.5 gram of sulfisoxazole per 5 cc. in the form of sulfisoxazole acetyl; Hoffmann-La Roche, Inc. (NDA 9-182).

4. Lipo Gantrisin, the equivalent of 1.0 gram of sulfisoxazole per 5 cc., in the form of sulfisoxazole acetyl; Hoffmann-La Roche, Inc. (NDA 9-182).

5. Gantrisin Injectable, sulfisoxazole (as the diethanolamine salt) 0.4 gram per cc.; Hoffmann-La Roche, Inc. (NDA 6-917).

I. Preparations containing sulfadiazine and sulfamerazine: Sulfonamides Duplex Suspension, sulfamerazine 5 grams and sulfadiazine 5 grams per 100 cc.; Eli Lilly & Co. (NDA 6-317).

J. Preparations containing sulfadiazine, sulfamerazine, and sulfamethazine:

1. Neotrizine Tablets, sulfadiazine 0.167 gram, sulfamerazine 0.167 gram, and sulfamethazine 0.167 gram; Eli Lilly and Co. (NDA 6-317).

2. Neotrizine Suspension, sulfadiazine, sulfamerazine, and sulfamethazine 3.33 grams each per 100 cc.; Eli Lilly & Co. (NDA 6-317).

3. Sulfatriad Tablets, sulfadiazine 0.1875 gram, sulfamethazine 0.1875 gram, and sulfamerazine 0.125 gram; Smith, Miller & Patch, Inc., 902 Broadway, New York, N.Y. 10010 (NDA 6-334).

4. Neotresamide Tablets, sulfamerazine 0.1 gram, sulfadiazine 0.2 gram, and sulfamethazine 0.2 gram; Merck & Co., Inc. (NDA 6-437).

5. Triple Sulfas Tablets, sulfadiazine 0.167 gram, sulfamethazine 0.167 gram, and sulfamerazine 0.167 gram; Lederle Laboratories Division, American Cyanamid Co. (NDA 6-920).

The drugs are regarded as new drugs. Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

SULFACHLORPYRIDAZINE, SULFADIAZINE, SULFAETHIDOLE, SULFAMERAZINE, SULFAMETHIZOLE, SULFAMETHOXAZOLE, SULFISOMIDINE, SULFISOXAZOLE, AND COMBINATIONS OF SULFADIAZINE AND SULFAMERAZINE WITH AND WITHOUT SULFAMETHAZINE

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. These sulfonamides are effective in the treatment of chancroid; trachoma; nocardiosis; urinary tract infections due to susceptible organisms (usually *E. coli, Klebsiella aerobacter, Staphylococcus aureus,* and *Proteus mirabilis*) in uncomplicated cases; toxoplasmosis as adjunctive therapy; with pyrimethamine; malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy; meningococcal meningitis where the organism has been demonstrated to be susceptible; hemophilus influenzae meningitis as adjunctive therapy with parenteral and intrathecal streptomycin. Of these sulfonamides, only sulfadiazine is effective in the prophylaxis of rheumatic fever, as an alternative to penicillin.

2. These drugs are possibly effective for the treatment of acute and chronic otitis media (most commonly due to streptococci, staphylococci, pneumococci, *H. influenza* (in infants), and *Escherichia intermedia*); pneumococcal infections; gas gangrene; lymphogranuloma venereum; chronic urinary tract infections; sinusitis; and staphylococcal infections, especially *S. aureus,* except in urinary tract infections in uncomplicated cases.

3. There is a lack of substantial evidence of effectiveness of these drugs for: The treatment of tonsillitis; actinomycosis; gonococcal infections; streptococcal infections; all meningitides, except meningococcal infections and *H. influenzae*

meningitis as adjunctive therapy with parenteral and intrathecal streptomycin; Salmonella infections; systemic infections due to *Hemophilus influenzae,* except in otitis media (in infants) due to susceptible strains of this organism and *H. influenzae* meningitis as adjunctive therapy with parenteral and intrathecal streptomycin; systemic infections due to *Klebsiella pneumoniae;* pneumonia, except in that due to *Nocardia; Streptococcus faecalis* infections; proteus infections other than *Proteus mirabilis* and *Proteus vulgaris; Pseudomonas aeruginosa* infections; respiratory infections cystitis, pyelitis, prostatitis, and urethritis unless in uncomplicated infections due to susceptible organisms; pharyngitis; wound infections; skin and soft tissue infections; for the prevention of bacteremia and subacute bacterial endocarditis and for prophylaxis in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder, and bed-ridden patients; and before and after genitourinary surgery and instrumentation.

B. *Form of drug.* These sulfonamide preparations are in tablet, suspension, or syrup form suitable for oral administration, or in a form suitable for parenteral administration, and contain per dosage unit an amount appropriate for administration in the dosage ranges described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation. Include the following information in order that the physician may make an intelligent selection of the agent to be used: Blood levels of free, acetylated, conjugated, and protein-bound sulfa with various dosages of the sulfonamide; solubility of free, acetylated, and conjugated sulfonamide at pH 5.0, 6.0, and 7.5; ratio of free sulfonamide to conjugated sulfonamide in serum and cerebrospinal fluids; and mode of excretion, amount excreted in urine, and concentration of free sulfonamide in urine.)

ACTIONS

The systemic sulfonamides are bacteriostatic agents. The spectrum of activities is similar for all. Sulfonamides competitively inhibit bacterial synthesis of folic acid (pteroylglutamic acid) from aminobenzoic acid. Resistant strains are capable of utilizing folic acid precursors or preformed folic acid.

In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. Aminobenzoic acid should be added to the culture media when the patient is already taking sulfonamide. Currently, the increasing frequency of sulfonamide-resistant organisms is the major limitation of therapeutic usefulness.

Wide variation in blood levels may result with identical doses; therefore, blood levels should be measured in patients receiving sulfonamides for serious infections. Levels of 12-15 milligram-percent are optimal. Twenty milligram-percent should be the maximum level as the occurrence of adverse reactions, particularly crystalluria, occur at this level and above. These levels are usually determined on the basis of total sulfonamide concentration; however, only free sulfonamides are microbiologically active.

INDICATIONS

Chancroid.
Trachoma.
Nocardiosis.
Urinary tract infections due to susceptible organisms (usually *E. coli., Klebsiella aerobacter, Staphylococcus aureus,* and *Proteus mirabilis*) in uncomplicated cases.
Toxoplasmosis as adjunctive therapy with pyrimethamine.
Malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy.
Meningococcal meningitis where the organism has been demonstrated to be susceptible.
Hemophilus influenzae meningitis as adjunctive therapy with parenteral and intrathecal streptomycin.
Add for sulfadiazine only: Propyhlaxis of rheumatic fever as alternative to penicillin.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.
Infants less than 2 months of age (except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine).
Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk and may cause kernicterus.

WARNINGS

Sulfonamides are bacteriostatic and resistance is frequent in organisms responsible for common infections.
Sulfa drugs will not eradicate group A streptococci and have not been demonstrated to prevent such sequelae of these infections as rheumatic fever and glomerulonephritis.
Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.
The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.
Blood counts and renal function tests are recommended during treatment.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and in those with severe allergy or bronchial asthma.
The frequency of renal complications is considerably lower in patients receiving the more soluble sulfonamides. Urinalysis with careful microscopic examination should be obtained at least once a week in patients receiving sulfonamides.
Blood counts should also be obtained regularly in patients receiving sulfonamide therapy for longer than 2 weeks.
In glucose-6-phosphate dehydrogenase-deficient individuals, hemolysis may occur. This reaction is frequently dose-related.
Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias: Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.
Allergic reactions: Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritis, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.
Gastrointestinal reactions: Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.
C.N.S. reactions: Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.
Miscellaneous reactions: Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have occurred.
The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemia agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

SYSTEMIC SULFONAMIDES ARE CONTRAINDICATED IN INFANTS UNDER 2 MONTHS OF AGE, except in the treatment of congenital toxiplasmosis as adjunctive therapy with pyrimethamine.

1. *Oral dosage forms:*

a. Usual dose for infants over 2 months of age and children:
Initial dose: One-half of the 24-hour dose.
Maintenance dose: 150 mg./kg./24 hours or 4 gm./M²/24 hours—dose to be divided into 4-6 doses/24 hours with maximum of 6 gm./24 hours.
Rheumatic fever prophylaxis: Under 30 kg. (66 lb.)—0.5 Gm./24 hours; over 30 kg. (66 lb.)—1.0 gm./24 hours.

b. Usual adult dose:
Initial dose: 2-4 gm.
Maintenance dose: 2-4 gm./24 hours, divided in 3-6 doses/24 hours.

2. *Parenteral dosage forms:*
INJECTABLE SULFONAMIDES SHOULD BE USED ONLY WHEN ORAL ADMINISTRATION IS IMPOSSIBLE.
Usual dose for infants over 2 months of age, children, and adults:
Initial dose: One-half of the 24-hour dose.
Maintenance dose: 100 mg./kg./24 hours or 2.25 gm./M²/24 hours, administered in a 5 percent solution—
a. Subcutaneous administration, divided into three doses/24 hours; and
b. Intravenous administration, divided into 4 doses/24 hours.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide a substantial evidence of effectiveness.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to bring the application up to date by submitting a supplement containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. For preparations claiming sustained-action, timed-release, or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD–356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673).

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding paragraphs 1 and 2 are acted upon, provided that within 60 days after publication hereof in the FEDERAL REGISTER the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described above. (See paragraph D above for indications which may continue to be used for the period described therein.)

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation (§ 130.4(f) (1), (2), and (3)) published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling that is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing. For preparations claiming sustained action, timed release, or other delayed or prolonged effect, these data should show that the drug is available at a rate of release that will be safe and effective.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from publication hereof in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits to the Food and Drug Administration within 180 days from publication hereof, a new-drug application.

c. The applicant submits additional information that may be required for the approval of the application within a reasonable time as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Opportunity for a hearing.* 1. An applicant or any person who would be adversely affected by an order requiring deletion of the claims for which the drug lacks substantial evidence of effectiveness as described in paragraph A3 above may request a hearing within 30 days following publication hereof.

2. If no request for a hearing is received, the approval of all previously approved applications providing for such claims will be regarded as withdrawn and the applications will be approvable as supplemented in accord with this announcement. If such request is filed, an announcement will be published in the FEDERAL REGISTER setting forth the provisions of section 505(e) of said act on the basis of which the Commissioner proposes to withdraw approval of such new-drug applications and all amendments and supplements thereto, and staying those parts of this announcement which provide for labeling deleting such claims to be in use within 60 days after publication hereof.

H. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for these drugs solely for the conditions of use for which the drugs are regarded as effective as described herein.

I. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other that the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this notice. A request for such meeting should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drugs listed above or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE–300).
Supplements: Office of Marketed Drugs (MD–300), Bureau of Medicine.
Original abbreviated new-drug applications: Office of Marketed Drugs (MD–300), Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7095; Filed, June 16, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Proposed Issuance of Provisional Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating license, set forth below, which would authorize Rochester Gas & Electric Corp. (RG&E) to possess, use, and operate the Robert Emmett Ginna Nuclear Power Plant Unit No. 1, a pressurized, light water moderated, and cooled reactor. The reactor is located at RG&E's Brookwood site, in Wayne County, N.Y., about 16 miles east of the city of Rochester. The reactor is designed to operate at 1,300 megawatts thermal; however, until the Commission has reviewed (1) the Class I piping analysis and (2) the results of the research and development programs on heat transfer tests of the cooler tubes, fan motor tests, and process instrument transmitters, the power level will be restricted to 5 megawatts thermal. Upon completion of the above items and upon written notification from the Commission, operation at 1,300 megawatts will be allowed in accordance with the provisions of the license and the Technical Specifications appended thereto.

Prior to issuance of the provisional operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR–19, issued by the Commission on April 25, 1966, as amended by the Commission on November 12, 1966, and April 10, 1967. Upon issuance of the provisional operating license, RG&E will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (Amendments No. 6 through 19) filed during the period of January 18, 1968, through April 16, 1969, (2) the report of the Advisory Committee on Reactor Safeguards, dated May 15, 1969, (3) a related safety evaluation prepared by the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Materials Transfer Schedule, designated as Appendix B to the license, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 13th day of June 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission (the Commission) having found that:

a. The application for provisional operating license (Amendments No. 6 through 19, dated Jan. 18, 1968, Apr. 9, 1968, Sept. 23, 1968, Sept. 30, 1968, Oct. 10, 1968, Oct. 16, 1968, Dec. 2, 1968, Dec. 6, 1968, Jan. 31, 1969, Feb. 3, 1969, Feb. 12, 1969, Mar. 14, 1969, Mar. 28, 1969, and Apr. 16, 1969, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in title 10, Chapter I, CFR;

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–19, as amended;

c. There are involved features, characteristics and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (i) that upon satisfactory completion of (1) the Class I piping analysis and (2) the research and development programs on heat transfer tests of the cooler tubes, fan motor tests, and process instrument transmitter tests that the facility can be operated at power levels not in excess of 1,300 megawatts thermal in accordance with this license without endangering the health and safety of the public and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicant is technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicant has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR–_____ is hereby issued to Rochester Gas and Electric Corp. (RG&E), as follows:

1. This license applies to the Robert Emmett Ginna Nuclear Power Plant Unit No. 1, a closed cycle, pressurized, light water moderated and cooled reactor, and electric generating equipment (the facility). The facility is located on the applicant's site on the south shore of Lake Ontario, Wayne County, N.Y., about 16 miles east of the city of Rochester, and is described in license application Amendment No. 6, "Final Facility Description and Safety Analysis Report," as supplemented and amended (Amendments No. 7 through 19).

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses RG&E:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act) and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility as a utilization facility at the designated location on RG&E's Brookwood Site;

B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material," to receive, possess and use at any one time up to 2,300 kilograms of contained uranium-235 in connection with operation of the facility;

C. Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess and use 72.6 microcuries of neptunium-237 composed of six sealed sources contained in irradiation surveillance capsules; to receive, possess and use 600 curies of polonium-beryllium contained in encapsulated form as primary source rods in neutron source assemblies; and to possess and use 65,000 curies of antimony-beryllium contained in encapsulated form as a secondary source; and

D. Pursuant to the Act, and Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* RG&E is authorized to operate the facility at steady state power levels up to a maximum of 5 megawatts thermal until the items in section d are satisfactorily completed at which time operation at steady state power levels up to 1,300 megawatts thermal will be authorized.

B. *Technical specifications.* The Technical Specifications contained in Appendix A[1] attached hereto are hereby incorporated in this license. RG&E shall operate the facility at power levels not in excess of 1,300 megawatts thermal in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to the reports otherwise required under this license and applicable regulations:

(1) RG&E shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions. For each such occurrence, RG&E shall promptly notify by telephone or telegram the appropriate Atomic Energy Commission Regional Office listed in Appendix D of 10 CFR Part 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (Director, DRL), with a copy to the Division of Compliance.

(2) RG&E shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Final Facility Description and Safety Analysis Report (safety analysis report) of the Technical Specifications.

(3) RG&E shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the safety analysis report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), RG&E shall begin submitting reports in writing in accordance with the requirements of the Technical Specifications.

D. *Records.* RG&E shall keep facility operation records in accordance with the requirements of the Technical Specifications.

4. Pursuant to § 50.60 of 10 CFR Part 50, the Commission has allocated to RG&E for use in the operation of the facility 14,567 kilograms of uranium-235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to RG&E and returns to the Commission are contained in Appendix B[1] which is attached hereto. Transfers by the Commission to RG&E in accordance with Column 2 in Appendix B will be conditional upon RG&E's return to the Commission of material substantially in accordance with Column 3 (including the subcolumns headed "Scrap" and "Depleted Fuel[1]").

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date unless extended for

[1] This item was not filed with the Office of the Federal Register, but will be available for public inspection in the Public Document Room of the Atomic Energy Commission.

cause shown, or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-7238; Filed, June 16, 1969; 10:24 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19139]

TAG AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 25, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 10, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7143; Filed, June 16, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18564-18566; FCC 69-619]

RADIO ANTILLES, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Antilles, Inc., Ponce, P.R., Docket No. 18564, File No. BP-17547; Requests: 1490 kc, 250 w, 1 kw-LS, U, Class IV; Arecibo Broadcasting Corp., Inc. (WMNT), Manati, P.R., Docket No. 18565, File No. BP-17857; Has: 1500 kc, 250 w, 1 kw-LS, U, Class II, Requests: 1500 kc, 5 kw, DA-1, U, Class II; ZABA Radio Corp., Ponce, P.R., Docket No. 18566, File No. BP-17862; Requests: 1490 kc, 250 w, 1 kw, U, Class IV; for construction permits.

1. The Commission has before it for consideration the above captioned applications, which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules, and the petition of Arecibo Broadcasting Corp. for reconsideration and nunc pro tunc acceptance of its application.

2. To finance first year costs of construction and operation, which it estimates will total $49,622, Radio Antilles will rely on loans and stock subscription payments from its two stockholders. However, the balance sheet of the minority stockholder does not indicate sufficient liquid assets to meet his commitment. Also, the majority stockholder indicated, on March 3, 1967, that a $20,000 commitment from his mother would become available upon the settlement of her estate, the applicant has not advised the Commission that the funds are now available. In fact, all of Antilles' supporting financial documentation is no longer current. Accordingly, a financial issue will be specified.

3. Antilles also fails to meet the Commission's program survey requirements set forth in our public notice of August 22, 1968, 33 F.R. 12113. The applicant's principal states that he has spent a great deal of time in the Ponce area and has talked to many people about community radio needs. However, as to a survey and actual interviews with these persons, he names 11 community leaders with whom he has conferred, but fails to list any specific suggestions and comments made. Since the Commission is unable to determine whether the applicant is aware of and responsive to the needs of the Ponce area, a Suburban issue will also be specified.

4. Zaba Radio proposes to meet its first year costs, estimated to total $69,054, with $800 cash and a bank loan of $65,000. Thus, the applicant is more than $3,000 short of the required available liquid assets. Furthermore, the loan commitment letter does not specify the terms of repayment, and accordingly there is no provision for first year payments thereon included in applicant's costs. Moreover, both the bank letter and the corporate pro forma balance sheet are no longer current. Thus, a financial issue is specified.

5. A suburban issue is also necessary as to Zaba Radio. This applicant did conduct a "Radio Preference Survey," interviewing more than 75 persons chosen at random, as well as 13 "community leaders." However, the only suggestions reported are a need for expanded programing devoted to the dissemination of public service and community health information and an observation that there is a need to inform the farmers of new techniques which have been developed in scientific farming and modern equipment available to them. Thus, Zaba's listing of suggestions as to community needs received through the consultations with community leaders falls far short of an adequate showing in this regard. Although these two suggestions were properly attributed and reported, this report is obviously far too limited in scope to fulfill the Commission's requirement, included in the aforesaid public notice, that the listing of consultations "should include the significant suggestions as to community needs received through the consultations with community leaders." In addition to the foregoing financial and programing issues, a transmitter site issue is also necessary, because of the fact that Zaba's site photographs, being only four in number and thus oriented in only four directions, are inadequate for a determination as to whether the site is satisfactory.

6. The Arecibo Broadcasting Corp. (WMNT) application was originally tendered for filing on August 15, 1967, and returned as not acceptable for filing on November 2, 1967, because of overlap prohibited by § 73.37 of the Commission's rules.[1] On December 4, 1967, Arecibo filed its petition for reconsideration of our action rejecting its application, and resubmitted its application with field intensity measurements which establish that there would in fact be no prohibited overlap between these two proposals.[2] The applicant seeks reconsideration for the purpose of nunc pro tunc acceptance of its application, so that it can be treated as timely filed with the applications of Radio Antilles and Zaba Radio. (The cutoff date (Radio Antilles application) was Aug. 17, 1967.)

7. Pointing out that the Commission must accord precedence to field intensity measurements over theoretical values under § 73.152 of the rules, Arecibo cites Natick Broadcast Associates, Inc. v. FCC, 11 RR 2d 2065 (1967), in support of its contention that WMNT's application must be considered to have been acceptable at the time of the original tender even though the measurements were not submitted until after the application had been returned. We are of the view that the rationale of the Natick decision does apply in this case. Accordingly, since the WMNT proposal, based on the subsequently filed measurement data, indicates no prohibited overlap, it will be accepted for filing nunc pro tunc August 15, 1967, and consolidated for hearing with the Antilles and Zaba applications.

8. To meet its estimated costs of construction for the proposed changes, Arecibo will need a total of $34,292 during the first year. In its financial exhibit the applicant states that it will need $12,000 for operating costs for 1 year for its FM station and $33,300 for construction costs for both proposals—AM and FM.[3] In an attempt to establish its financial qualifications for the instant proposal, Arecibo relies on a letter from a bank stating that it could favorably consider an application for a loan up to $50,000. However, the letter does not specify the terms and conditions of the loan and the repayment thereof. Similarly, line of credit letters from two of the principals do not specify the terms. Furthermore, all of these letters of credit combine the instant proposal and the applicant's FM proposal for a new station. (Most of the applicant's liquid assets are reserved for the latter.) Finally, all of the applicant's supporting documentation is no longer current. Accordingly, a financial issue will be specified.

9. Arecibo points out that its president and stockholders are residents of Manati and are aware of the needs and interests of the public, both in WMNT's present and its proposed service area. Also Arecibo states that its gain area is substantially the same type of area as that presently served to the south of Manati. Although Arecibo filed a section IV-A exhibit "to call attention to matters of special interest in connection with its programming," it did not conduct a program survey, pointing out that its president and stockholders are residents of Manati and are thus aware of the needs and interests of the public—as to both its present service area and the gain area. In our public notice of August 22, 1968, we stated that the survey information is expected of all applicants for increased facilities serving a substantial amount of new area or population. Since a grant of the instant proposal of Arecibo would result in a substantial increase in its service area and population served, a Suburban issue must be specified as to Arecibo.[4]

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from Radio Antilles, Inc., and Zabo Radio Corp. and the availability of other primary aural (1 mv/m or greater in case of FM) service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMNT and the availability of other primary service to such areas and populations.

(3) To determine, with respect to the application of Radio Antilles, Inc.:

(a) The availability of loans and funds necessary to meet the costs of construction and operation of the proposed station during the first year.

(b) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(4) To determine the efforts made by Radio Antilles to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(5) To determine, with respect to the application of Zaba Radio Corp.:

(a) The terms of its bank loan commitment.

(b) The sources of additional funds necessary to meet the cost of construction and operation of the proposed station during the first year.

(c) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(6) To determine the efforts made by Zaba Radio to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(7) To determine whether the transmitter site proposed by Zaba Radio is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

(8) To determine, with respect to the application of Arecibo Broadcasting Corp., Inc.:

(a) The terms and conditions of a bank loan commitment and letters of credit from two principals.

(b) The amount of funds which will be available for the instant proposal after all of the costs of construction of its FM station have been expended.

(c) The sources of additional funds, if any, which will be necessary to meet the costs of construction and operation of the proposed station during the first year.

(d) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(9) To determine the efforts made by Arecibo Broadcasting to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(10) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(11) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would on a comparative basis better serve the public interest.

(12) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

12. *It is further ordered,* That, the petition of Arecibo Broadcasting Corp., Inc., licensee of Station WMNT, Manati, P.R., for reconsideration and nunc pro tunc acceptance of the application of Arecibo Broadcasting Corp., Inc., is granted, and said application is hereby accepted for filing as of August 15, 1967.

13. *It is further ordered,* That, in the event of a grant of the application of Radio Antilles, Inc., the construction permit shall contain the following conditions:

(a) Permittee shall install an approved type frequency monitor.

(b) Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of Stations WPAB, WISO or any other stations which may be necessary, to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

(c) Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

14. *It is further ordered,* That, in the event of a grant the application of Zaba Radio Corporation, permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

15. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

16. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 4, 1969.

Released: June 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7144; Filed, June 16, 1969; 8:47 a.m.]

[1] Commission studies, using the values of conductivities normally assumed for the land areas of Puerto Rico and giving consideration to the salt water paths involved, indicated overlap between the WMNT proposed 2.0 mv/m groundwave contour and the 25 mv/m contour of a proposal by Abacoa Radio Corp. (File No. BP-17292), licensee of Station WRAI, to change station location from Rio Piedras to San Juan, install directional antenna system, and increase power to 10 kilowatts, on 1520 kilocycles. Since the WMNT application was not tendered for filing prior to the WRAI cutoff date (Mar. 30, 1967), it was not timely filed for consideration with that proposal.

[2] Analysis of the applicant's measurements, which were made in reasonable agreement with the provisions of § 73.186, indicates that the established value of effective conductivity along the radials used (85° and 90° TRUE) is considerably lower than the values normally assumed for Puerto Rico. Based on Arecibo's exhibits, there will be 7.5 miles of clearance between the proposed WMNT 2.0 mv/m contour and the WRAI proposed 25 mv/m, and 10.5 miles clearance between the WMNT proposed 25 mv/m contour and the WRAI proposed 2 mv/m contour.

[3] Arecibo was granted a construction permit for a new FM Station for Manati, P.R. (WMNT-FM) (BPH-5897), on Mar. 21, 1968. The deadline for completion of construction is now July 15, 1969.

[4] Arecibo's nighttime proposal indicates an increase of approximately 80 percent in its service area and 55 percent in population (4.57 mv/m limited contour).

[5] Commissioner Robert E. Lee concurring in the result; Commissioner Wadsworth absent.

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward C. Farrell, Assistant City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, Calif. 90733.

Agreement No. T-2309, between the City of Los Angeles (City) and Matson Navigation Co. (Matson) is a commitment and guarantee agreement whereby the City agrees to proceed at its own cost and expense with the development and construction of a marine container terminal facility at Berths 207-209, Los Angeles Harbor. The parties agree to negotiate a long-term Preferential Berth Assignment on the basis of minimum and maximum guarantees for Matson's use of the facility. If construction of the facility is completed prior to any required approval of the preferential berthing agreement by the Federal Maritime Commission, Matson shall have the right and obligation to occupy the facility at tariff rates under the regular form of Preferential Berth Assignment in use at the time by the City. Matson agrees to be obligated to City for certain costs, as outlined in the agreement.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7131; Filed, June 16, 1969; 8:47 a.m.]

CITY OF OAKLAND AND MARINE TERMINALS CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

Agreement No. T-1908-4, between the City of Oakland and Marine Terminals Corp. (MTC), modifies the basic agreement which provides for the nonexclusive preferential assignment to MTC of certain premises in the "Port Area" of Oakland, Calif. The purpose of the modification is to increase the amount by which MTC may be reimbursed for the cost of constructing the bulk commodity bagging facility.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7132; Filed, June 16, 1969; 8:47 a.m.]

FEARNLEY & EGER AND A. F. KLAVENESS & CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Fearnley & Eger and A. F. Klaveness & Co. A/S Joint Service.

Notice of Agreement filed for approval by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 8512-4 between six (6) Norwegian companies under the operation and control of Fearnley & Eger and three (3) Norwegian companies under the operation and control of A. F. Klaveness & Co., A/S modifies the basic joint service Agreement No. 8512, as amended, covering various worldwide trades. The purpose of the modification is to accomplish the withdrawal of Fearnley & Egers Befragtningsforretning A/S as a party to the joint service pursuant to Article 12 of the basic agreement.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7133; Filed, June 16, 1969; 8:47 a.m.]

FERN LINE—BARBER-FERN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement filed for approval by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9346-1 between six (6) Norwegian companies under the management and control of Fearnley & Eger and operating under approved Agreement No. 9346 modifies the joint service covering the trade to and from ports of the United States and various worldwide areas as set forth in the agreement. The purpose of the modification is to accomplish the withdrawal of Fearnley & Eger Befragtningsforretning A/S as a party to the joint service pursuant to Article 10 of the basic agreement.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7134; Filed, June 16, 1969; 8:47 a.m.]

[Docket No. 69-26]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Third supplemental order and special permission No. 5043.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 17, 1969, Supplement No. 51 to Tariff FMC-F No. 3 (Pan-Atlantic Steamship Corp. FMC-F Series) and Supplement No. 15 to Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corp. FMC-F Series), among other tariff matters. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 255, filed by Sea-Land Service, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon statutory notice, of pages which will eliminate certain maximum rates thereby changing tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority is granted to Sea-Land Service, Inc., to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 69-26 to make the requested changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on statutory notice as requested by Special Permission Application No. 255.

2. The authority granted hereby does not prejudice the rights of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon this Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Third Supplemental Order in Docket No. 69-26 and Federal Maritime Commission Special Permission No. 5043."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of requested changes.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-7135; Filed, June 16, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-288 etc.]

ATLANTIC RICHFIELD CO. AND GULF OIL CORP.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Atlantic Richfield Co., Docket No. RI69-288 et al.; Gulf Oil Corp., Docket No. RI69-298.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued December 13, 1968, and published in the FEDERAL REGISTER December 24, 1968 (34 F.R. 19212), page 4, line 1, Docket No. RI69-298, Gulf Oil Corp.: Under column headed "Supp. No." change "38" to read "40".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7106; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-374 etc.]

PAN AMERICAN PETROLEUM CORP. AND AZTEC OIL & GAS CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Pan American Petroleum Corp., Docket No. RI69-374 et al.; Aztec Oil & Gas Co., Docket No. RI69-379.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 30, 1968, and published in the FEDERAL REGISTER January 9, 1969 (34 F.R. 329), Appendix A, page 7, line 1, Docket No. RI69-379, Aztec Oil & Gas Co.: Under column headed "Supp. No." change "35" to "36".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7107; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-349 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Pan American Petroleum Corp., Docket No. RI69-349 et al.; Pan American Petroleum Corp. (Operator) et al., Docket No. RI69-350.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 27, 1968, and published in the FEDERAL REGISTER January 8, 1969 (34 F.R. 278), Appendix A, page 7, Docket No. RI69-350, Pan American Petroleum Corp. (Operator) et al. (Opposite Rate Schedule No. 232, under column headed "Supp. No." change "3" to read "4".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7108; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. G-6931 etc.]

STAR GAS CO. ET AL.

Findings and Order; Correction

JUNE 5, 1969.

Star Gas Co. (successor to United Carbon Co.) and other Applicants listed herein, Docket No. G-6931 et al.; Magna Oil Corp., Docket No. G-19958.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued May 20, 1969, and published in the FEDERAL REGISTER May 29, 1969 (34 F.R. 8312), page 12, column 6: Change Supplement No. "8" to read Supplement No. "9" related to Docket No. G-19958.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7109; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-77 etc.]

SUNRAY DX OIL CO.

Order Permitting Rate Filing, Accepting Supplement and Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Sunray DX Oil Co., Docket No. RI69-77 et al.; Sunray DX Oil Co., Docket No. RI69-77.

In the order permitting rate filing, accepting supplement and contract amendment, providing for hearings on and suspension of proposed changes in rates, issued September 11, 1968, and published in the FEDERAL REGISTER September 18, 1968 (34 F.R. 14191), page 2, Docket No. RI69-77, Sunray DX Oil Co.: (Opposite Rate Schedule No. 259) under column headed "Supp. No." change "5" to read "7".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7110; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-740]

TEXACO, INC.

Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JUNE 5, 1969.

In the order accepting superseding contract, providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued May 9, 1969, and published in the FEDERAL REGISTER May 15, 1969 (34 F.R. 7733), on page 2 (opposite Rate Schedule No. 327): Under column headed "Effective Date Unless Suspended" change "5-17-69" to read "6-1-69" and change Footnote "4" to read Footnote "11". Under column headed "Date Suspended Until" change "5-18-69" to read "6-2-69". On page 2, under Footnotes: Add a new footnote to read:

[11] The stated effective date is the effective date requested by Respondent.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7111; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-732 etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Texaco, Inc., Docket No. RI69-732 et al.; Texaco, Inc., Docket No. RI69-732; Reading & Bates Production Co. et al., Docket No. RI69-733.

In the order accepting contract amendment, providing for hearings on and suspension of proposed changes in rates, issued May 9, 1969, and published in the FEDERAL REGISTER May 16, 1969 (34 F.R. 7837), page 2, line 1, Docket No. RI69-732, Texaco, Inc.: Under column headed "Effective Date Unless Suspended" change "5-27-69" to read "6-1-69." Under column headed "Date Suspended Until" change "10-27-69" to read "11-1-69." On page 2, Docket No. RI69-733, Reading & Bates Production Co. et al. (Operator) (Opposite Rate Schedule No. 1) under column headed "Supp. No." change "2" to read "3".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7112; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. G-3620 etc.]

J. R. WELCH ET AL.

Findings and Order; Correction

JUNE 5, 1969.

J. R. Welch (successor to Carl D. and Edith Rhyne Jackson d.b.a. Jackson Brothers) and other Applicants listed herein, Docket No. G-3620 et al.; Ray A. Jones (successor to Quaker State Oil Refining Corp., Docket No. CI65-1354; Sabiana Oil Co., Inc., et al., Docket No. CI69-855 (G-12057).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued May 7, 1969, and published in the FEDERAL REGISTER May 17, 1969 (34 F.R. 7877), on page 10, paragraph (N): Change Docket No. "G-12059" to read Docket No. "G-12057". On page 16, fourth column: Change the effective date to "11-1-68" in lieu of "1-1-68" related to Docket No. CI65-1354.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7113; Filed, June 16, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of all of the outstanding voting shares (less directors' qualifying shares) of the successor by merger to Scarsdale National Bank and Trust Co., Scarsdale, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C. this 10th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7071; Filed, June 16, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4759]

APPALACHIAN POWER CO. ET AL.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Exemption From Competitive Bidding

JUNE 11, 1969.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Va. 24009; Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Ind. 46801; Ohio Power Company, 301 Cleveland Avenue SW., Canton, Ohio 44701.

Notice is hereby given that Appalachian Power Co. ("Appalachian"), Indiana & Michigan Electric Co. ("I&M"), and Ohio Power Co. ("Ohio Power"), electric utility subsidiary companies of American Electric Power Co., Inc., a registered holding company, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

The applicant companies request that from the date of the granting of this application to June 30, 1971, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to the maximum amounts allowable under the certificates of incorporation of the respective companies. As of March 31, 1969, such amounts were $56,300,000 in the case of Appalachian, $39,500,000 in the case of I&M, and $74,600,000 in the case of Ohio. Such amounts represent the maximum amounts of notes presently to be authorized under this application. Changes may be made in the maximum amount of notes to be outstanding for each of the applicant companies after the filing of a posteffective amendment setting forth such changes and upon the granting of such posteffective amendment by further order of the Commission. The applicant companies propose, under such exemption, to issue and sell from time to time and renew from time to time short-term notes to banks and to dealers in commercial paper prior to June 30, 1971: *Provided*, That none of such notes shall mature later than December 31, 1971. The proceeds from the issue and sale of the notes will be used by each of the applicant companies to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures, for the second half of 1969 and for the years 1970 and 1971, are estimated to total $318 million for Appalachian, $360 million for I&M, and $274 million for Ohio. The application states that, unless otherwise authorized by the Commission, any short-term debt of any of the applicants outstanding after June 30, 1971, will be retired from internal cash resources, permanent debt or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by the applicant companies will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest at the prime rate of commercial banks at the time of issuance and will be prepayable at any time without premium or penalty. None of the applicant companies will effect any borrowings from banks pursuant to this application until a posteffective amendment thereto has been filed setting forth the name or names of the banks from which such borrowings are to be effected and such posteffective amendment shall have been granted by further order of the Commission.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of each applicant will be sold directly to two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealers may reoffer the commercial paper at a discount rate one-eighth of 1 percent per annum less than the discount rate to the applicant companies. No commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which the applicant companies could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that the applicant companies' commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

The applicant companies request exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of their commercial paper pursuant to paragraph (a)(5) thereof. They state that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as the applicant companies are published daily in financial publications. The applicants also request authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $1,000 for each of the applicant companies. It is further stated that the Virginia State Corporation Commission has jurisdiction over the transactions proposed by Appalachian and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 30, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7100; Filed, June 16, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 51, Amdt. 1]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 51 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7116; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 55, Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. ET AL.

Car Distribution

To: Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., and Missouri-Kansas-Texas Railroad Co.

Upon further consideration of Car Distribution Direction No. 55, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 55 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m.,

June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7117; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 54-A]

NORFOLK AND WESTERN RAILWAY CO. AND ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 54, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 54 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 10, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7118; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 52, Amdt. 1]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7120; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 53, Amdt. 1]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 53, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 53 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7119; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., and Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7121; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 56]

SEABOARD COAST LINE RAILROAD CO. AND ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., June 11, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7122; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Corrected Car Distribution Direction 44-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and The Atchison, Topeka and Santa Fe Railway Co.

Upon further consideration of Corrected Car Distribution Direction No. 44, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 44 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 10, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7123; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 46, Amdt. 2]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7124; Filed, June 16, 1969; 8:46 a.m.]

[Notice 850]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 49304 (Sub-No. 23 TA), filed June 10, 1969. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soft drinks*, from Winchester, Va., to points in Maryland, West Virginia, Pennsylvania, District of Columbia, New Jersey, Delaware, North Carolina, and the New York, N.Y. commercial zone, and return of *empty bottles and shipping containers*, to Winchester, Va., for 150 days. Supporting shipper: Bottler's International, Inc., 447 Millwood Avenue, Winchester, Va. 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 57880 (Sub-No. 10 TA), filed June 9, 1969. Applicant: ASHTON TRUCKING CO., 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bags, from Glenwood Springs, Colo., to points in New Mexico and Wyoming, for 180 days. Supporting shippers: Basic Chemical Corp., Post Office Box 249, Glenwood Springs, Colo. 81601; Smith Chemical Co., Post Office Box 788, 645 East Fourth Avenue, Grand Junction, Colo. 81501. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 69981 (Sub-No. 12 TA), filed June 9, 1969. Applicant: ADOLPH E. HULCHER AND AUSTIN W. HULCHER, doing business as A. E. HULCHER AND SON, Post Office Box 167, Virden, Ill. 62690. Applicant's representative: Mack Stephenson, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units, electric*, from Newton, Iowa, to points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Fulton, Greene, Hancock, Henderson, Henry, Jasper, Jersey, Knox, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Menard, Mercer, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Rock Island, Sangamon, Scott, Shelby, Stark, Tazewell, Vermilion, Warren, Washington, Whiteside, and Woodford Counties, Ill., for 180 days. Supporting shipper: The Maytag Co., Newton, Iowa 50208. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 115669 (Sub-No. 102 TA), filed June 6, 1969. Applicant: DAHLSTEN TRUCK LINE, Clay Center, Nebr. 68933. Applicant's representative: Howard Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed volcanic ash*, from Mankato, Kans., and points within 3 miles thereof, to points in Colorado, Iowa, Missouri, Minnesota, Nebraska, Oklahoma, South Dakota, and Wyoming, for 180 days. Supporting shipper: National Pumicite Development Corp., 5010 L Street, Lincoln, Nebr. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 117344 (Sub-No. 192 TA), filed June 9, 1969. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in tank vehicles, from Huntington, Ind., to the plantsite of Steelcraft Manufacturing Co., Cincinnati, Ohio, for 180 days. Supporting shipper: Inmont Corp., 1754 Dana Avenue, Cincinnati, Ohio 45207. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118159 (Sub-No. 68 TA), filed June 6, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution* (in containers), from Houston, Tex., to points in Mississippi and Arkansas, for 180 days. Supporting shipper: The Clorox Co., Oakland, Calif. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127844 (Sub-No. 5 TA), filed June 9, 1969. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., doing business as BARNHILL AND JOHNSON TRUCKING COMPANY, a partnership, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Bauxite ore, in bulk, in dump vehicles*, from Arkansas River barge line port or ports at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark., for 180 days. Supporting shipper: Orgulf Transport Co., Post Office Box 1460, Cincinnati, Ohio 45201. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133645 (Sub-No. 1 TA), filed June 9, 1969. Applicant: LEON OLSEN, ALBERT OLSEN AND WILLIAM OLSEN, doing business as LEON OLSEN TRUCKING COMPANY, a partnership, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Bauxite ore, in bulk, in dump vehicles*, from Arkansas River barge line port or ports at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark., for 180 days. Supporting shipper: Orgulf Transport Co., Post Office Box 1460, Cincinnati, Ohio 45201. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133698 (Sub-No. 1 TA), filed June 4, 1969. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Charles E. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith (including motion picture film used primarily for commercial theater and television exhibition)*, on traffic having an immediately prior or subsequent movement by air, rail or motor carrier, between Philadelphia, Pa., on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bucks, Cambria, Carbon, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Huntington, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Northampton, Snyder, Union, and York Counties, Pa.; (2) *business papers, reports and records, checks and audit and accounting media*, between Lancaster, Pa., on the one hand, and, on the other, points in Howard County, Md., and those in Spotsylvania and Frederick Counties, Va.; (3) *business papers, reports and records, and audit and accounting media*, between points in Baltimore County, Md., on the one hand, and, on the other, points in Dauphin, Bucks, and Blair Counties, Pa.; (4) *business papers, records and audit and accounting media*, between Harrisburg, Pa., on the one hand, and, on the other, Washington, D.C.; (5) *business papers, business records, and audit and accounting media*, between Allentown, Pa., on the one hand, and, on the other, Washington, D.C., for 150 days. Supporting shippers: Eastman Kodak Co., Rochester, N.Y. 14650; The Service Bureau Corp., 1350 Avenue of the Americas, New York, N.Y. 10019; D & H Distributing Co., Post Office Box 1967, 2525 North Seventh Street, Harrisburg, Pa. 17105; and Raub Supply Co., Lancaster, Pa. 17604. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133787 TA, filed June 9, 1969. Applicant: D & O-FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98901. Applicant's representative: Douglas A. Wilson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bins, pallets, box shook, paper and paper products, packing trays and fillers, and containers*, between points in Washington, Oregon, Idaho, and Montana, and between the point of entry to British Columbia, Canada, at Osoyoss, Wash., on the one hand, and Washington, Oregon, Idaho, and Montana, on the other hand, over irregular routes under contract with H. R. Spinner Corp. of Yakima, Wash., for 180 days. Supporting shipper: H. R. Spinner Corp., 115 South First Avenue, Post Office Box 1361, Yakima, Wash. 98901. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 133794 TA, filed June 9, 1969. Applicant: CONVERTERS TRANSPORTATION, INC., Box 351, Garnerville, New York, N.Y. 10923. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods and such commodities as are used in the dyeing or finishing of piece goods*, between Garnerville, N.Y., plantsite of Elk Piece Dye Works, Inc., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., for 180 days. Supporting shipper: Elk Piece Dye Works, Inc., Garnerville, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7125; Filed, June 16, 1969; 8:46 a.m.]

[Notice 364]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 12, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71156. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Fred Vangenhen, Jr., doing business as Vangenhen and Son, Belleville, Ill., of the certificate in No. MC-32530, issued February 25, 1941, to Jules Vangenhen and Fred Vangenhen, a partnership, doing business as Vangenhen and Son, Belleville, Ill., authorizing the transportation of coal, from points in St. Clair and Madison Counties, Ill., to St. Louis, Mo., and sand and gravel, from St. Louis, Mo., to Belleville, Ill., and points within 5 miles of Belleville. Sam S. Pessin, 25 West Main Street, Belleville, Ill. 62220, attorney for applicants.

No. MC-FC-71298. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Dean O. Konkle, Philadelphia, Pa., of the operating rights in permit No. MC-85070 issued May 13, 1949, to John E. Masciotro, Philadelphia, Pa., authorizing the transportation of pipes, valves, and fittings, from Philadelphia, Pa., to Wilmington, Del., and points in New Jersey within 50 miles of Philadelphia, Pa., and refused, rejected, or damaged shipments of such commodities on return. Anthony D. Pirillo, Jr., 42 South 15th Street, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-71397. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Transippi Motor Freight, Inc., Edwardsville, Ill., of certificate No. MC-80434, issued October 17, 1968, to Hartlage Truck Service, Inc., St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo., East St. Louis, Ill., commercial zone as defined by the Commission. James R. Madler, 189 West Madison Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-71362. By order of June 6, 1969, the Motor Carrier Board approved the transfer to Jay D. Miller, doing business as A & B Moving and Storage, Post Office Box 8473, 952 Fairway, Albuquerque, N. Mex. 87108; of a portion of the operating rights in certificate in No. MC-129483, issued March 26, 1968, to Jean Z. Vita, doing business as Vita Moving & Storage, 6029 Fifth Street NE., Seattle, Wash. 98115; authorizing the transportation of: Household goods, from points in Gaines and Culberson Counties, Tex.; to points in Eddy, Lea, Chaves, Curry, Roosevelt, and Otero Counties, N. Mex.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7126; Filed, June 16, 1969; 8:46 a.m.]

[Notice 363]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71106. By order of June 9, 1969, the Motor Carrier Board approved the transfer to M. Krammer Storage Corp., New York, N.Y., of certificate No. MC-13132 issued February 14, 1949, to Max Krammer, doing business as American Storage Co., New York, N.Y., authorizing the transportation of household goods, as defined by the Commission, 17 M.C.C. 467, between New York, N.Y., on the one hand, and, on the other, points and places in Connecticut, New Jersey, New York, and Pennsylvania, Irma F. Bloomberg, 277 Broadway, New York, N.Y. 10007, attorney for applicants.

No. MC-FC-71197. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Lowell L. Rhodes, doing business as Rhodes Truck Service, Wichita, Kans., of the certificate No. MC-13748 issued October 11, 1961, to W. L. Pickett, doing business as Pickett Truck Line, Council Grove, Kans., authorizing the transportation of: General commodities, with the usual exceptions, and certain specifically named commodities, between specified points in Kansas and Missouri. Paul V. Dugan, 1400 Wichita Plaza, Wichita, Kans. 67202, attorney for applicants.

No. MC-FC-71281. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Coastal Van Lines, Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-86770 issued February 28, 1952, to Central Fireproof Storage Warehouse, Inc., 352 Classon Avenue, Brooklyn, N.Y. 11238, authorizing the transportation of household goods, as defined by the Commission, traversing Indiana for operating convenience only, between Brooklyn, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; and between New York, N.Y., on the one hand, and, on the other, points in Ohio, Michigan, and Illinois. Morris Honig, Esq., 150 Broadway, New York, N.Y. 10038, attorney for transferee.

No. MC-FC-71296. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Edith V. Hodgson, doing business as Hodgson Transfer, Boulder, Colo.; of certificate of registration in No. MC-107384 (Sub-No. 3), issued March 26, 1964, to Neal F. Hodgson, doing business as Hodgson Transfer, Boulder, Colo.; authorizing certain operations in the State of Colorado. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-71303. By order of June 5, 1969, the Motor Carrier Board approved the transfer to E Z Messenger Service, Inc., Rego Park, N.Y., of a portion of the permit in No. MC-126283, issued May 17, 1965, to Bergen-Passaic Air Express, Inc., Palisades Park, N.J. authorizing the transportation of automobile accessories, material, parts, and supplies, between Mahwah, N.J., on the one hand, and, on the other, Hoboken, N.J., Newark Airport, Newark, N.J., Tetervoro Airport, Tetervoro, N.J., La Guardia and Kennedy International Airports, New York, N.Y., and Spring Valley Airport, Spring Valley, N.Y. Bowes & Millner, 744 Broad Street, Newark, N.J. 07102, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, Attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7061; Filed, June 13, 1969; 8:48 a.m.]

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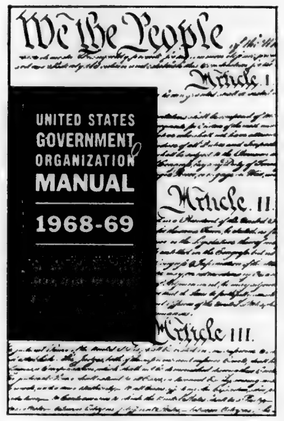

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VOL 34

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FEDERAL REGISTER

VOLUME 34 • NUMBER 116

Wednesday, June 18, 1969 • Washington, D.C.

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Foreign Direct Investments Office
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THE UNIVERSITY OF MICHIGAN

JUN 20 1969

REFERENCE

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(As of January 1, 1969)

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Executive Order 11473

AMENDING EXECUTIVE ORDER NO. 11157 AS IT RELATES TO INCENTIVE PAY FOR HAZARDOUS DUTY INVOLVING PARTICIPATION IN FLIGHT OPERATIONS ON THE FLIGHT DECK OF AN AIRCRAFT CARRIER

By virtue of the authority vested in me by section 301 (a) and (f) of title 37, United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, section 109(f) of Executive Order No. 11157 [1] of June 22, 1964, as amended by Executive Order No. 11242 of August 28, 1965, is amended to read as follows:

"(f) The term 'duty involving frequent and regular participation in flight operations on the flight deck of an aircraft carrier' shall be construed to mean duty performed by members who are designated for and ordered to such duty by competent authority from among the crew of a fixed-wing aircraft carrier or an aviation unit operating from that type of carrier, and who in any calendar month (1) participate in flight operations on the flight deck during a minimum of four days or (2) participate on the flight deck, in the minimum number of aircraft launches or recoveries, or both, that is prescribed by the Secretary of the Navy as the equivalent of participation under clause (1). No member shall be entitled, however, to receive the pay provided for in this subsection if, during any month or portion thereof, he is also eligible to receive incentive pay for other hazardous duty under the provisions of section 301 of title 37, United States Code."

Richard Nixon

THE WHITE HOUSE,
June 14, 1969.

[F.R. Doc. 69-7242; Filed, June 16, 1969; 12:48 p.m.]

[1] 29 F.R. 7973; 3 CFR, 1964–1965 Comp., p. 200.

Rules and Regulations

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 137—OFFICIAL MAIL

Postage and Fees Paid Endorsements

In § 137.2 paragraph (c)(1)(ii) is amended to update the listing of Government agencies authorized to use the "postage and fees paid" endorsement on their official mail.

Accordingly, in § 137.2 *Executive and judicial officers*, amend paragraph (c)(1) by inserting in proper alphabetical order in subdivision (ii) thereof the following agencies:

§ 137.2 Executive and judicial officers.

* * * * * *

(c) * * *
(1) * * *
(ii) * * *

Administrative Conference of the United States.
Advisory Commission on Intergovernmental Relations.
Alaska Railroad.
American Battle Monuments Commission.
Commission of Fine Arts.
D.C. Court of Appeals.
D.C. Court of General Sessions.
D.C. Juvenile Court.
Equal Employment Opportunity Commission.
Farm Credit Administration.
Federal Coal Mine Safety Board of Review.
Federal Highway Administration.
Federal Railroad Administration.
Great Lakes Basin Commission.
Indian Claims Commission.
Inter-Agency Committee on Mexican American Affairs.
International Boundary and Water Commission, U.S. Section.
National Advisory Council on Economic Opportunity.
National Foundation on the Arts and the Humanities.
National Security Council.
New England River Basin Commission.
Public Land Law Review Commission.
Transportation, Department of.

* * * * * *

NOTE: The corresponding Postal Manual section is 137.231b.

(5 U.S.C. 301, 39 U.S.C. 501, 4152)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-7174; Filed, June 17, 1969; 8:47 a.m.]

PART 156—RURAL SERVICE

Rural Boxes

Section 156.5 paragraph (a)(5) has been revised to update the list of the authorized manufacturers and suppliers of rural mailboxes.

§ 156.5 Rural boxes.

(a) *Specifications.*

* * * * * *

(5) Following is a list of manufacturers and suppliers of rural, and contemporary-style suburban mailboxes whose samples have been approved by the Department:

Akron Metal Sales Co., 1079 E and J Streets, Barberton, OH 44203. 1-1A-2
Babco Manufacturing, Inc., 11677 Sheldon Street, Sun Valley, CA 91352. C
Burkhead Manufacturing Co., Post Office Box 4, Houston, TX 77001. 1
Chicago Heights Furnace Supply Co., Inc., 96-104 East 22d Street, Chicago Heights, IL 60411. 1-1A-2
Deshler Mail Box Co., 101 East Maple Street, Deshler, OH 43516. 1-1A-2-C
Durable Punch & Die Co., 6635 West Irving Park Road, Chicago, IL 60634. 1-2
E. Z. Manufacturing Co., Springfield, SD. 57602. (Door Conversion Kit for No. 2)
Falls Stamping & Welding Co., Post Office Box 153, Cuyahoga Falls, OH 44222. 1-2
Handy-Tilt Corp., Post Office Box 2011, South Bend, IN 46618. C
Hermitage Stamping Co., 919 Ewing Avenue, Box 966, Nashville, TN 37202. 1

1 Traditional Rural Box Size No. 1.
1A Traditional Rural Box Size No. 1A.
2 Traditional Rural Box Size No. 2.
C Contemporary Style Suburban Box (also approved for use on rural routes).

Jackes-Evans Manufacturing Co., 4427 Geraldine Avenue, St. Louis, MO 63115. 1-1A-2
Kelley Manufacturing Co., Los Angeles Division, 5100 Santa Fe Avenue, Los Angeles, CA 90058. 1-2
Leigh Products, Inc., Coopersville, MI 49404. C
Macklanburg-Duncan Co., Post Office Box 25188, Oklahoma City, OK 73125. 1
Montgomery Ward & Co., 619 West Chicago Avenue, Chicago, IL 60610. 1-1A-2-C
Northern Fabricators Corp., Post Office Box 89, Worthington, OH 43085. C
Northwest Metal Products Co., Division of Noll Manufacturing Co., Post Office Box 10, Kent, WA 98031. 1
Sears, Roebuck & Co., 925 South Homan Avenue, Dept. 609, Chicago, IL 60607. 1-2-C
Southern Fabricators, Post Office Box 7321, Shreveport, LA 71107. C
Steel City Manufacturing Co., Post Office Box 1115, Youngstown, OH 44501. 1-1A-2-C
Superior Sheet Metal Works Co., 3201-9 Roosevelt Avenue, Indianapolis, IN 46218. 1-1A-2
The Bromwell Wire Goods Co., Michigan City, IN 46360. C
The Randall Co., 801 West Eighth Street, Cincinnati, OH 45203. C
Waterloo Industries, Inc., Post Office Box 209, Waterloo, IA 50704. C

* * * * * *

NOTE: The corresponding Postmanual section is 156.515.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-7175; Filed, June 17, 1969; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-138]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of May 1969, for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of May 1969, of approved fruit products and other approved products containing sugar amounts to Australian $78.10 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $78.10 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 69-71 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: June 9, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-7202; Filed, June 17, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter V, Subchapter G, is amended as follows:

PART 591—GENERAL PROVISIONS

1. Section 591.150 (a) and (b) is revised; § 591.151 is revoked; new Subpart B is added; and Subparts C and D are revised, as follows:

§ 591.150 Procurement channels and mailing addresses.

(a) Unless otherwise specifically prescribed, submittals to higher authority of recommendations, reports, findings, data, information, and other documents shall be through procurement channels as indicated in paragraph (c) of this section.

(b) Addressees which are frequently referred to in this subchapter are set forth below. The addressee in subparagraph (9) of this paragraph receives Army documents required to be distributed to and retained by the General Accounting Office.

(1) Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(2) Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), Attention: JAGL, Department of the Army, Washington, D.C. 20310.

(3) Chairman, Armed Services Board of Contract Appeals, Office of the Assistant Secretary of Defense (Installations and Logistics), 3110 Columbia Pike, Arlington, Va. 22204.

(4) Chief Trial Attorney, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310.

(5) Comptroller of the Army, Attention: Chief, Contract Financing Office, Department of the Army, Washington, D.C. 20310.

(6) Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installation and Logistics), Department of the Army, Washington, D.C. 20310.

(7) Director of Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(8) Office of Contract Adjustments, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(9) Commanding General, Finance Center, U.S. Army, Attention: Processing and Disposition Branch, Retained Accounts Division, Fort Benjamin Harrison, Indianapolis, Ind. 46249.

(10) Commanding General, Finance Center, U.S. Army, Attention: FINCY, Fort Benjamin Harrison, Indianapolis, Ind. 46249.

(11) Director of Procurement and Production, Headquarters U.S. Army Materiel Command, Washington, D.C. 20315.

(12) Office of the General Counsel, Headquarters U.S. Army Materiel Command, D.C. 20315.

* * * * *

§ 591.151 Signatures on correspondence relating to procurement. [Revoked]

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AUTHORITY: The provisions of Subparts B, C, and D, issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart B—Definition of Terms

§ 591.201 Definitions.

As used throughout this subchapter, the words and terms defined in § 1.201 of this title shall have the meanings set forth therein and the words and terms defined in this subpart shall have the meanings set forth below, unless—

(a) The context in which they are used clearly requires a different meaning, or

(b) A different definition is prescribed for a particular section, part, or paragraph.

§ 591.201–50 A principal assistant responsible for procurement.

This term means an individual designated by the head of procuring activity to be responsible for procurement functions at the procuring activity level which are not required by ASPR, APP, or other directive to be performed personally by the head of procuring activity or his deputy.

§ 591.201–51 A chief of purchasing office.

This term means an individual who is the head of a purchasing office as defined in § 1.201–24 of this title.

§ 591.201–52 A level higher than the contracting officer.

This term means the next higher procurement authority to whom a contracting officer is responsible; e.g., a chief of a purchasing office is a level higher than a contracting officer subordinate to him.

Subpart C—General Policies

§ 591.304 Procurement of privately developed items.

§ 591.304–2 Specific procurement methods.

The authority granted by § 1.304–2(b)(4) of this title to a head of procuring activity to authorize the use of reverse engineering may not be redelegated.

§ 591.307 Priorities, allocations, and allotments.

(a) The Assistant Secretary of the Army (Installations and Logistics) has assigned the responsibility for administering the Priorities and Allocations System within the Department of the Army to the Deputy Chief of Staff for Logistics and has delegated to him, with power of redelegation, the authority—

(1) To apply or assign the right to apply DO or DX ratings, as appropriate, to contracts and orders,

(2) To make allotments of controlled materials, and

(3) To reschedule deliveries of materials which are required in support of the Aircraft (A–1) and Tank Automotive (A–4) Programs.

These delegations of authority are reproduced in § 591.5102.

(b) Since the use of priorities and allocations is limited to procurements placed with U.S. suppliers, the Deputy Chief of Staff for Logistics has not redelegated his authorities to oversea commanders. Should an oversea commander be authorized to place a procurement directly with a U.S. supplier and a priority rating be required to obtain timely delivery, a request for a priority rating shall be submitted to the Deputy Chief of Staff for Logistics, Attention: PED/ISB, Department of the Army, Washington, D.C. 20310, containing the following information—

(1) Contract or purchase order number and date;

(2) Name and address of U.S. supplier;

(3) Item or items on order, giving FSN and nomenclature, number of each item on order, and dollar value of order;

(4) Address to which item or items are to be shipped; and

(5) Purpose for which item or items are required.

Upon receipt of a request, action will be taken, if appropriate, by the Office, Deputy Chief of Staff for Logistics, to advise the U.S. supplier of the assignment of the priority rating and to notify the purchasing office concerned of the action taken.

§ 591.310 Liquidated damages.

Whenever a contracting officer uses a liquidated damages provision in a contract, he shall document the contract file to show the reasons necessitating its use (see also § 608.113 of this subchapter).

§ 591.310–50 Applications for remission of liquidated damages to a purchasing office or procuring activity.

(a) When a contractor applies to a purchasing office or procuring activity for remission of liquidated damages, action shall be taken to ensure that all alternative administrative remedies available to the contractor (e.g. settlement of a dispute concerning excusable delay) have been exhausted before processing the case to the Comptroller General.

(b) If liquidated damages remain after all administrative remedies have been exhausted, the contracting officer shall prepare an administrative report which shall—

(1) Summarize the matter at issue;

(2) Furnish information as to the reasonableness of the rate of assessment of liquidated damages in relation to the total contract price and summarize the actions taken to mitigate the assessment of the liquidated damages;

(3) Provide any other information or evidence deemed necessary to clear understanding of the matter; and

(4) State the findings and recommendations of the contracting officer.

§ 591.310–51 Applications for remission of liquidated damages to the Secretary or to the Comptroller General.

(a) When a contractor applies directly to the Secretary of the Army or to the Comptroller General for remission of liquidated damages, the Assistant Secretary of the Army (Installations and Logistics) shall promptly notify the cognizant head of procuring activity of the contractor's application. The head of procuring activity shall in turn notify the appropriate purchasing office.

(b) The contracting officer shall prepare an administrative report containing the information prescribed in § 591.310–50(b) and, if all alternative administrative remedies available to the contractor have not been exhausted, identifying those remedies available and stating what actions are being taken thereunder.

§ 591.310–52 Forwarding of administrative reports.

(a) Administrative reports shall be forwarded by purchasing offices through the cognizant head of procuring activity to the addressee in § 591.150(b)(6).

(b) Recommendations of each level of authority through which reports are forwarded shall be attached to the reports.

§ 591.312 Voluntary refunds.

(a) When a contracting officer considers that a voluntary refund should be requested from a contractor, he shall, after coordination with legal counsel, forward his recommendation to the addressee in § 591.150(b)(6) through the cognizant head of procuring activity. The recommendation shall include—

(1) All facts and factors pertinent to the case;

(2) Reasons for seeking a voluntary refund; and

(3) Action proposed to be taken.

(b) Upon receipt of approval from the Assistant Secretary of the Army (Installations and Logistics) to seek a voluntary refund from a contractor, the contracting officer shall prepare a letter to the president or principal officer of the contractor which—

(1) Advises the contractor that he is acting in behalf of the Secretary of the Army to whom the results of his actions will be forwarded;

(2) States the results of his review of the matter;

(3) Advises that the Department of the Army considers it important that a voluntary adjustment or refund be made promptly;

(4) Requests the contractor to refund the determined amount or make the necessary adjustment voluntarily; and

(5) If desired, invites the president or principal officer of the contractor to discuss personally the payment of the refund to the Government.

(c) If a refund action has been recommended by the General Accounting Office (GAO), the contracting officer shall forward to the addressee in § 591.150(b)(6) through the cognizant head of procuring activity for review and approval a proposed response to the GAO which shall contain the information prescribed in paragraph (a) of this section. Upon notification of approval of a proposed response to the GAO which concurs with the recommendation to seek a voluntary refund, the contracting officer shall prepare a letter to the president or principal officer of the contractor which shall contain the information prescribed in paragraph (b) of this section.

(d) If the contracting officer is unable to secure the adjustment, he shall report his actions to the cognizant head of procuring activity and recommend what further action should be taken. The head of procuring activity shall thereupon exhaust every available means to obtain the adjustment. If the head of procuring activity is unable to obtain the adjustment, he shall refer the matter to the addressee in § 591.150(b)(6) with recommendations for further action.

§ 591.314 Disputes and appeals.

(a) When a dispute involves an amount not in excess of $5,000, the contracting officer shall include a paragraph in his final decision reading substantially as follows:

If any dispute resulting from the decision hereinabove set forth involves an amount not in excess of $5,000, there is available an Optional Accelerated Procedure of the Board (Rule 12) for disposition of the appeal. To invoke such procedure, the appellant must request that the appeal be processed under Rule 12.

(b) When an appeal to the Secretary of the Army has been filed under the Disputes clause, the cognizant head of procuring activity shall—

(1) Furnish appropriate technical and legal assistance to the contracting officer;

(2) Review the findings of fact for completeness as to all issues bearing on

the matter in dispute and for the consistency therewith of the decision from which the appeal is taken;

(3) Review for completeness the contracting officer's comprehensive report, including the evidence submitted in support of his decision;

(4) Advise the contracting officer either to furnish additional support for any decision from which a timely appeal has been taken or to withdraw the decision when it is clear from the contract provisions or the applicable law that the decision is not sufficiently supported by available and competent evidence or is erroneous;

(5) Not more than 10 calendar days after taking the action in subparagraph (4) of this paragraph, notify the Chief Trial Attorney of the nature of the action taken and of an estimated date as to when either additional support will be furnished or the decision will be withdrawn;

(6) Not more than 10 calendar days after receiving the contracting officer's comprehensive report, forward to the Chief Trial Attorney—

(i) Such evaluations, conclusions, and recommendations as he deems appropriate; and

(ii) Any additional evidence considered essential to enable the Chief Trial Attorney to protect the interests of the Government before the Armed Services Board of Contract Appeals (ASBCA); and

(7) Insure that assistance is rendered the Chief Trial Attorney in obtaining additional evidence or in making other necessary preparations for presenting the position of the Government before the Board.

(c) Decisions of the Board shall be reviewed by the procuring activity and, if the head of procuring activity is of the opinion that a decision should be reconsidered, he may within 10 calendar days after receipt of the decision, request the Chief Trial Attorney to file a motion for reconsideration, stating the grounds relied upon to sustain the motion.

(d) The Chief Trial Attorney shall present to the Board all Department of the Army cases, except that Corps of Engineers attorneys shall act as trial attorneys in connection with Corps of Engineers contract cases. When it is determined by the Commanding General, U.S. Army Materiel Command, that an appeal before the Board has particular significance to his procuring activity and that it involves difficult operational and technical facts, he may, on the filing of the contracting officer's comprehensive report and after consultation with The Judge Advocate General, Department of the Army, detail to the Chief Trial Attorney an attorney from his procuring activity who shall be an attorney of record.

(e) See § 616.1 of this subchapter hereto for procedural instructions keyed to the rules of § 30.1 of this title.

§ 591.321 Procurements involving work to be performed in foreign countries by U.S. contractors.

(a) The appropriate component Commanders from whom contracting officers shall request information prescribed in § 591.321(b) of this title are—

(1) Alaska—Commanding General, U.S. Army, Alaska, APO Seattle 98749.

(2) European Theater—Commanding General, U.S. Army Communications Zone, Europe, APO New York 09058.

(3) Pacific Theater—Commander in Chief, U.S. Army, Pacific, APO San Francisco 96558.

(4) Southern Command—Commanding General, U.S. Army Forces Southern Command, Fort Amador, C.Z.

(b) The component Commanders designated above shall—

(1) Secure the coordination of and make necessary arrangements with the other major commands, or his command, as appropriate; and

(2) Obtain and furnish the requesting contracting officer the information prescribed in § 591.321(b).

§ 591.329 Release of procurement information.

§ 591.329–1 Purpose and scope.

Part 518 of this chapter implements for the Department of the Army the provisions of Part 286 of this title. Contracting officers shall follow the instructions therein, in Army regulations referenced therein, and § 1.329 of this title and Part 286 of this title with respect to release of procurement information.

§ 591.329–50 Release of information by manufacturers, research organizations, educational institutions holding Army contracts or grants, and other commercial entities.

(a) AR 360–27 prescribes Department of the Army policies and clearance procedures with respect to release of procurement information by manufacturers, research organizations, and educational institutions holding Army contracts or grants, and by commercial firms or organizations which do not hold Army contracts or grants.

(b) Contracting officers shall comply with the requirements in AR 360–27 and shall include an appropriate clause in contracts for the production of military equipment, weapons, supplies, or for research and development and research analyses (see Part 597 of this subchapter).

§ 591.330 Total package procurement.

§ 591.330–6 Other guidance.

(a) Contract definition (CD) is not considered a part of the total package procurement (TPP) although it will often be a prerequisite since approval to proceed with development and production is normally not granted prior to completion of CD. TPP for engineering development, production and support normally shall be negotiated under the authority of 10 U.S.C. 2304(a)(14). When CD does not precede development, the use of 10 U.S.C. 2304(a)(10) as negotiation authority may be appropriate.

(b) Prior to using the TPP approach for any procurement, a request for approval of a detailed TPP plan shall be submitted to the Assistant Secretary of the Army (Research and Development) for joint approval of the Assistant Secretary of the Army (Installations and Logistics) and the Assistant Secretary of the Army (Research and Development). When CD precedes TPP, this submission may accompany the request for approval of the class determination and findings to cover the CD phase. The TPP plan shall contain salient information concerning the proposed engineering development, production, and support contract; such as a time-phased schedule of actions, incentives, production quantities, funding, maintenance, spares, production schedules, escalations, and options.

(c) In those instances where the use of 10 U.S.C. 2304(a)(10) is deemed appropriate, the proposed contract shall be submitted to the Assistant Secretary of the Army (Installations and Logistics) for a joint preaward review and notation by the Assistant Secretary of the Army (Installations and Logistics) and the Assistant Secretary of the Army (Research and Development).

§ 591.350 Extensions of contracts.

§ 591.350–1 Policy.

Contracts shall not be extended or renewed by exercise of options (see Subpart O, Part 1 of this title and § 591.1506) or otherwise for protracted periods of time for the purpose of eliminating competition or perpetuating the use of outmoded clauses, terms, and conditions. Contracts involving successive procurements or continuing services shall normally be closed out after not more than two extensions of the basic contract. An entirely new contract should be awarded for subsequent procurements of an item or service if further procurement is justified.

§ 591.350–2 Justification for extensions.

A complete justification, specific in detail, shall be placed in the contract file for each contract extension. Justifications may include, but are not limited to, such items as—

(a) The excessive burden to renumber Government property records;

(b) The increased costs or delay in production required to establish a new contract;

(c) The increased costs due to elimination of special concessions or other problems peculiar to a new contract;

(d) The substantial financial interests of the Government in severable and nonseverable facilities that are not readily transferable to another contractor; and

(e) The relatively small quantity remaining to be produced so that the entire contract can be completed within 6 months.

§ 591.350–3 First or second extensions.

The contracting officer may enter into a first or second extension of a basic contract when he makes the determinations in writing required by § 1.1505(c) of this title.

§ 591.350–4 Third or fourth extensions.

A third or fourth extension beyond the term of the basic contract shall be made only with advance written approval of the head of procuring activity, his deputy, or a principal assistant responsible for procurement.

§ 591.350–5 Extensions beyond fourth.

Extensions of a basic contract beyond the fourth shall be made only with advance written approval of—

(a) The Director of Procurement and Production, U.S. Army Materiel Command, for procuring activities of that command;

(b) The SENTINEL System Manager (SENSM) for the SENTINEL System Organization; or

(c) The Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics) for all other procuring activities.

§ 591.350–6 Requests for approval of extensions.

Requests for approval of extensions pursuant to §§ 591.350–4 and 591.350–5 shall be submitted to reach the appropriate addressee at least 3 months prior to the expiration of the previously approved extension date of the contract. Justification for the extension shall be forwarded with the request for approval.

§ 591.350–7 Exceptions.

The approval requirements in §§ 591.350–3, 591.350–4, and 591.350–5 do not apply to the following types of contracts which may normally extend for longer periods of time. The contracting officer shall however, place written justification in the contract file supporting continuation of these contracts beyond 5 years.

(a) Basic agreements;

(b) Facilities contracts;

(c) Government-owned contractor-operated (GOCO) ammunition plants;

(d) Layaway contracts;

(e) Leases;

(f) Production engineering contracts;

(g) Research and development contracts;

(h) Utilities contracts;

(i) Communications services contracts; and

(j) Corps of Engineers contracts for title evidence.

§ 591.350–8 Limitation.

Nothing in §§ 591.350—591.350–8 shall be construed as—

(a) Authorizing the negotiation of any contract;

(b) Eliminating any requirements for approvals; or

(c) Constituting an exception from any limitation on the use of funds.

§ 591.351 Procurement and maintenance of motor vehicles and aircraft.

Numerous statutes have been enacted to control the procurement, including leasing, of motor vehicles and aircraft as well as their operation, maintenance, and repair.

§ 591.351–1 Authorizations.

Section 606 of the Department of Defense Appropriations Act, 1969, permits the leasing of personal property, such as motor vehicles and aircraft, using annual funds, for 12 months beginning at any time during a fiscal year. Construction funds have also been made available for the hire of passenger motor vehicles (Public Law 90–513, section 105).

§ 591.351–2 Limitations.

(a) Section 16 of the Act of August 2, 1946, as amended (31 U.S.C. 638a–c) restricts the expenditure of funds for the purchase or hire of passenger motor vehicles or for the purchase of aircraft, their operation, maintenance, and repair; and imposes ceiling prices on the purchase of passenger motor vehicles.

(b) Section 412(b) of the Act of August 10, 1959, as amended (Public Law 86–149; 73 Stat. 322; 10 U.S.C. 133nt) prohibits the appropriation of funds for the procurement of aircraft and tracked combat vehicles, and for their research, development, test, and evaluation, unless authorized by legislation enacted after certain specified dates.

(c) The annual Department of Defense Appropriations Acts frequently contain quantity and monetary limitations on the purchase of passenger motor vehicles.

(d) Reprograming action to obtain approval from the Secretary of Defense may be required in certain instances, such as, in the application of funds—

(1) To new line items not previously presented to Congress;

(2) To increases of items in excess of specified threshold values; or

(3) To items of special interest to one or more Congressional Committees, e.g. administrative aircraft.

§ 591.352 Open end contract information circulars (OECIC).

(a) Open end contract information circulars (OECIC) shall be published as Department of the Army circulars in the 718 series to provide general information relative to indefinite delivery type contracts (§ 3.409 of this title) established by contracting officers within the U.S. Army Materiel Command for requirements that are nationwide in scope or that cover a large geographic area. The Director of Procurement and Production, Headquarters, U.S. Army Materiel Command is responsible for determining the need for publication of an OECIC. OECIC's shall not be published for contracts for subsistence items or for petroleums, oils, and lubricants.

(b) An OECIC shall contain information such as—

(1) The contract number and period;

(2) A brief description of the item or items involved;

(3) A statement as to whether usage of the contract is mandatory or optional upon Department of the Army purchasing offices;

(4) A statement as to time allowed for delivery and whether delivery is f.o.b. origin, destination, or otherwise;

(5) Limitations, if any, on minimum or maximum quantities required to be ordered;

(6) The contractor's name and address to which delivery orders are to be mailed; and

(7) The address where contracting officers may forward a direct request for copies of the contract.

(c) Department of the Army contracting officers shall, upon receipt of an OECIC, determine applicability to his purchasing office and obtain copies of the contract for use when needed.

§ 591.353 Trading stamps.

(a) When a purchase is made from a supplier who offers trading stamps, the supplier shall be requested to offer a cash discount instead. If the supplier refuses to do so, the trading stamps shall be accepted.

(b) Installation/activity commanders shall establish a central point for the receipt and disposition of trading stamps. They may be redeemed either for cash or merchandise in a manner which results in the least administration and most advantageous return.

(c) If trading stamps are redeemed for cash, the proceeds shall be deposited to Miscellaneous Receipts of the Treasury.

(d) If trading stamps are redeemed for merchandise, the merchandise shall be distributed to Department of the Army organizations to be used for welfare or morale purposes, e.g. in hospitals, dayrooms, or service clubs. The property shall be picked up under property accountability procedures appropriate for the type of property received.

(e) No supplier shall be given preference over another solely because trading stamps are offered by one and not the other.

Subpart D—Procurement Responsibility and Authority

§ 591.401 Responsiblity of each procuring activity.

(a) Each head of procuring activity shall—

(1) Insure that all purchases subject to provisions of ASPR and APP made within his procuring activity or by offices for which he exercises the functions of head of procuring activity (see § 591.401–50) are made in accordance with ASPR and APP and only by contracting officers selected and appointed pursuant to § 1.405 of this title and § 591.405; and

(2) Maintain surveillance over procurement performance to insure adequacy of organizational structure, staffing, and training programs of each purchasing office, and that procurement actions taken reflect credit upon the Department of the Army.

(b) When not inconsistent with ASPR, APP, or other directives of higher authority, a head of procuring activity may delegate, with or without power of redelegation, the authority to carry out procurement functions with which he is charged.

§ 591.401–50 Exercise of functions of head of procuring activity.

In addition to those purchasing offices within his procuring activity, the following heads of procuring activities shall exercise the functions of a head of procuring activity for the offices designated—

(a) Director of Procurement and Production, Headquarters, U.S. Army Materiel Command, for the—

(1) U.S. Army Research Offices, Durham, N.C., and Arlington, Va.; and

(2) U.S. Military Academy, West Point, N.Y.

(b) Commanding General, 1st U.S. Army, for The Judge Advocate General's School.

(c) Commanding General, 6th U.S. Army, for the sole purpose of appointing and terminating appointments of contracting officers for the Armed Forces Radio and Television Service, Los Angeles, Calif.

(d) Commanding General, Military District of Washington, U.S. Army for the—

(1) The Adjutant General's Office;

(2) Industrial College of the Armed Forces; and

(3) National War College.

§ 591.401–51 Purchasing offices not assigned to a head of procuring activity.

The Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics), shall exercise the functions of head of procuring activity for any purchasing office within the Department of the Army which has not otherwise been assigned to a head of procuring activity.

§ 591.401–52 Procurement conferences.

(a) Heads of procuring activities are encouraged to hold annual procurement conferences for key procurement personnel of purchasing offices under the jurisdiction of the head of procuring activity to—

(1) Furnish guidance on new management and procurement techniques;

(2) Stimulate improvements in procurement methods and procedures;

(3) Resolve common or special procurement problems;

(4) Permit an exchange of information between procurement personnel of purchasing offices; and

(5) Promote a close relationship between head of procuring activity and purchasing office personnel.

(b) To the extent feasible, legal and supply personnel should be invited to attend procurement conferences.

(c) Department of the Army personnel will be made available to participate in procurement conferences upon request of the head of procuring activity.

§ 591.402 Authority of contracting officers.

(a) Subject to any limitation in his Certificate of Appointment, DD Form 1539, a contracting officer is granted all authority conferred by law, ASPR, APP, and head of procuring activity instructions. Unless otherwise specifically provided, the words "a contracting officer" shall also mean his duly appointed successor.

(b) A contracting officer may enter into, amend, modify, and take other actions with respect to contracts, provided—

(1) Any action he takes is within any limitation in his Certificate of Appointment;

(2) Any approvals by higher authority, including approval of award, has been obtained, if approval is required, and the contract embodies the award as approved;

(3) The contract is written on a standard or approved form, if such form is prescribed;

(4) The contract is authorized by law and complies with the provisions of ASPR and APP with respect to the use of contract clauses and does not contain any clause or involve any matter in conflict with the established policy of higher authority; and

(5) The contract complies with all other requirements of law, ASPR, and APP.

(c) Technical personnel and others whose duties may require contact and discussions with suppliers and contractors shall not authorize purchases or direct changes in work under contracts which may change the contractual terms or result in claims against the Government.

(d) Commanders and others having administrative supervision over contracting officers shall bear in mind that acts exceeding the delegated powers of a contracting officer do not bind the Government and accordingly shall not direct contracting officers to take actions which might expose the contracting officer to serious consequences. The office of the contracting officer shall be placed in the local organization structure at a level which shall protect it from intraorganizational pressure which might lead the contracting officer to perform improper acts exposing him to personal risk and the Department of the Army to criticism.

(e) Contracting officers shall not be assigned additional duties which will interfere with performance of their procurement duties.

(f) A contracting officer may, when it is in the interest of the Government, consider a contract completed even though an inconsequential quantity of supplies or services called for by the contract has not been delivered. This authority may be exercised only when—

(1) The action is within any limitation in his Certificate of Appointment;

(2) Payment is provided for on a unit price or other severable basis and no further performance is contemplated;

(3) Payment is made only for performance actually rendered;

(4) The undelivered portion is inconsequential and the cost of effecting a formal contract modification, including but not limited to taking termination action, is excessive in relation to the benefits to the Government from such action; and

(5) The contracting officer makes a written statement setting forth data identifying the contract, describing the circumstances to show clearly that the above criteria have been met, and stating that the contract is considered completed. This statement shall be distributed to the contractor, the finance and accounting officer concerned, any other appropriate Government official (e.g., consignee, inspector), and a copy shall be placed in the contract file. This statement shall not be necessary when quantities delivered fall within variations permitted by contract terms.

§ 591.402–50 Responsibilities of contracting officers.

(a) A contracting officer is responsible for knowing and observing the scope and limitations of his authority and shall not exceed the authority conferred upon him.

(b) A contracting officer serving as chief of a purchasing office is responsible for the efficient performance of the procurement mission assigned the purchasing office.

§ 591.403 Requirements to be met before entering into contracts.

§ 591.403–50 Availability of funds.

(a) Except as authorized in §§ 1.309, 1.318, and 1.322 of this title, and in paragraphs (b) and (c) of this section, before soliciting bids, proposals, or quotations and before awarding any contract, purchase order, or delivery order, the contracting officer shall—

(1) Insure that sufficient funds are available for the procurement contemplated; and

(2) Have in the files a citation of funds to be charged together with a statement in writing that funds are available; except when funding procedures are automated and furnish a consolidated commitment and obligation listing with a positive accounting trail from the solicitation, contract, purchase order, or delivery order to the consolidated listing.

(See AR 37–21, AR 37–42, and AR 37–102.)

(b) Indefinite delivery requirements type contracts (§ 3.409–2 of this title), basic agreements (§ 3.410–1 of this title), basic ordering agreements (§ 3.410–2 of this title), and blanket purchase agreements § 3.605 of this title) may be established prior to insuring fund availability; however, orders or calls against such contracts and agreements shall not be placed until funds have been made available.

(c) Bids, proposals, or quotations may be solicited for high priority requirements before obtaining assurance of fund availability when the initiating and approving authority determines that the requirement has a high enough priority to insure that it will not be canceled. In such cases the comptroller activity shall inscribe and sign the following statement on the purchase request—

This requirement is included or provided for in the financial plan for FY _____. The accounting classification will be _____. This statement is not assurance of fund availability.

No contract shall be awarded nor shall a prospective contractor be notified of a pending award until funds have been certified available by the comptroller activity.

(d) In soliciting bids, proposals, or quotations under paragraph (c) of this section, the contracting officer shall be mindful of the administrative expense to the Government of preparing solicitations and to offerors in preparing offers. The authority in paragraph (c) of this section shall not be construed to permit indiscriminate solicitations subject to the availability of funds. Further, the authority in paragraph (c) of this section is not intended to permit soliciting subject to the availability of "windfall" or "hoped for" funds, but is restricted to use in those cases where funds are reasonably assured of becoming available for obligation within the normal offer acceptance time.

§ 591.403–51 Legal review of solicitations.

(a) Solicitations which will result in contracts of $100,000 or more shall be reviewed for legal sufficiency by a staff judge advocate or other legal counsel before issuance by the contracting officer.

(b) Solicitations which will result in contracts of $10,000 or more but less than $100,000 shall be reviewed for legal sufficiency to the maximum extent consistent with the availability of legal counsel.

(c) Contracting officers shall obtain legal advice and assistance from the staff judge advocate or other legal counsel as warranted by the situation, e.g. use of clauses other than standard clauses in a solicitation. In this connection see § 1.108(a) (2) and (3) of this title and § 597.000 of this chapter.

(d) Heads of procuring activities shall insure that legal advice and counsel are available at procuring activity level when not available at purchasing office level.

§ 591.403–52 Review of contracts and modifications.

(a) Except as stated in paragraph (e) of this section, each proposed contract or modification of $10,000 or more, whether advertised or negotiated, shall be reviewed by Boards of Awards (see § 591.450–2). If approval of award at a higher level is required, the review shall be made before seeking approval.

(b) The purpose of the review shall be to insure that—

(1) Applicable provisions of ASPR, APP, and other procedural requirements are satisfied, e.g. § 3.102(c) of this title;

(2) The proposed action represents a sound business judgment from the Government's viewpoint; and

(3) The proposed contract or modification is legally sufficient.

(c) As a minimum the review shall cover the following four major aspects—

(1) The procurement documents themselves, e.g. clarity; consistency; completeness; use of required forms, clauses, and specifications;

(2) The procurement method, e.g. advertising, negotiation, completion, sole source, suitability for small business or labor surplus area set-aside, adherence to advance procurement (AP) plan or specific guidance from higher authority;

(3) Support for actions to be taken, e.g. existence of proper authority for use of negotiation and type of contract, if applicable; existence of Government estimate of price; preaward survey; adequacy of any justifications or determinations required of the contracting officer; need for technical data; adequacy of pricing data; inputs from members of the contracting officer's team; necessity for deviations from ASPR or APP; and

(4) Comparison with alternatives, e.g. how else could the procurement objective be accomplished, what are the relative advantages and disadvantages of each.

(d) The depth of review of a contract or modification and the number of Board members participating in the review may vary to the extent determined by the Board Chairman.

(e) The following need not be reviewed by Boards of Awards—

(1) Contracts for utilities services (see § 591.450–6) and modifications thereto;

(2) Contracts subject to the provisions of AR 715–6 [such contracts shall be reviewed in accordance therewith]; and

(3) Modifications for funding purposes which do not increase the total price of a contract beyond the amount contemplated in the contract previously reviewed by the Board.

§ 591.403–53 Contracts and modifications subject to approval.

If approval of a contract or modification by any officer or official of the Department of the Army other than the contracting officer is required (see § 591.–450)—

(a) The Approval of Contract clause in § 7.105–2 of this title shall be used;

(b) All changes and deletions shall have been made before approval is requested; and

(c) The contract or modification shall not be binding upon the Government until so approved, even though signed by the contractor and the contracting officer.

§ 591.403–54 Departmental preaward review and secretarial notation.

(a) Proposed awards to be reviewed at Department of the Army level for notation by the Assistant Secretary of the Army (Installations and Logistics) shall consist of—

(1) Procurements determined by a head of procuring activity to be of such an intricate, complex, or controversial nature that the proposed procurement should warrant attention of the Secretary;

(2) Procurements determined by the Commanding Generals, U.S. Army Materiel Command or U.S. Continental Army Command or their designees to be of such importance as to warrant attention of the Secretary; and

(3) Procurements which, from time to time, the Secretary may specifically request to be forwarded for review and notation.

(b) Proposed awards to be reviewed at Department of the Army level for notation by the Assistant Secretary of the Army (Research and Development) shall consist of—

(1) Procurements funded from RDTE appropriations which are determined by the head of procuring activity to be of such an intricate, complex, or controversial nature that the proposed procurement should warrant attention of the Secretary;

(2) Procurements determined by the Commanding Generals, U.S. Army Materiel Command or other procuring activities or their designees to be of such importance as to warrant attention of the Secretary; and

(3) Procurements which, from time to time, the Secretary may specifically request to be forwarded for review and notation.

(c) Information relative to proposed procurements forwarded for Departmental preaward review and Secretarial notation shall be prepared.

(d) Submissions for postaward review and notation as may be directed from time to time shall be prepared.

§ 591.403–55 Procurements in support of Southeast Asia (SEA).

(a) All procurements in support of Southeast Asia (SEA) which propose a shift from a competitive to a noncompetitive basis shall be approved in advance at the following levels:

(1) From $10,000 to $25,000 at a level higher than the contracting officer;

(2) From $25,000 to 200,000 at a level higher than the contracting officer, after review by an appropriate Board;

(3) From $200,000 to $1 million by the head of procuring activity, his deputy, or a principal assistant responsible for procurement, after review by an appropriate Board;

(4) From $1 million to $10 million by the Assistant Secretary of the Army (Installations and Logistics); and

(5) Over $10 million by the Assistant Secretary of Defense (Installations and Logistics) after approval recommendation by the Assistant Secretary of the Army (Installations and Logistics).

(b) Any item for which a procurement package exists, whether or not previously purchased competitively but which, except for urgency, can now be purchased competitively, falls within the criteria of a shift from a competitive to a noncompetitive basis.

(c) Requests for approval of the Assistant Secretary of the Army (Installations and Logistics) or Assistant Secretary of Defense (Installations and Logistics) shall be concise and specific but in sufficient detail to demonstrate clearly the need to use noncompetitive procurement. As a minimum the following information shall be submitted by letter or message, marked "For Official Use Only," or classified higher, as appropriate, through the Deputy Chief of Staff for Logistics, Department of the Army, to the addressee in § 591.150(b) (7)—

(1) Proposed noncompetitive award.

(i) Description and quantity of supplies, work, or services being procured;

(ii) Estimated unit prices, total price, and profit (for FPI, CPIF, and CPFF contract types, furnish appropriate cost, profit, and total price data);

(iii) Name and address of proposed contractor;

(iv) Required delivery schedule included in proposed contract;

(v) Most favorable delivery schedule obtainable under competitive procurement (may be estimated based upon previous experience); and

(vi) Type of contract and negotiation authority.

(2) Current or previous (within 5 years) contractors.

(i) Name and address of contractors;

(ii) Quantity;

(iii) Unit price, total price;

(iv) First and last dates of production, highest monthly delivery requirements; and

(v) If currently producing, discussion of feasibility of exercising increase options, if any, plus feasibility and estimated cost of accelerating deliveries.

(3) Requirements and production analysis.

(i) Known requirements by month broken down by Army–SEA, MIPR–SEA, and other service, showing a beginning position;

(ii) Delivery schedule by month for all existing contracts, on a cumulative basis with a beginning position;

(iii) Net deficit between total requirements and monthly contractual deliveries;

(iv) Proposed delivery schedule compared with deficit;

(v) Quantities on MIPR from other services clearly identified; and

(vi) Quantities above program authorization clearly identified and adequately justified if normal procurement factor is exceeded.

(4) Brief narrative justification for shift from competitive to noncompetitive procurement.

(5) Brief narrative on why requirement cannot be met by diversion of present assets or diversion of material to be delivered in the same time frame required.

(6) Assets versus Program and Distributive Requirements in SEA.

(7) If Government property is to be furnished, include description, unit cost, source, and how procured.

(d) To permit timely response to requests for SEA procurement information, each purchasing office shall maintain a register of noncompetitive procurements approved pursuant to the foregoing instructions which shall show—

(1) Item description;
(2) Quantity;
(3) Total price;
(4) Contractor;
(5) Approval authority; and
(6) Date approved.

§ 591.405 Selection, appointment, and termination of appointment of contracting officers.

(a) In addition to the individuals named in § 1.405 of this title, the following individuals, or the designees of the individuals in subparagraphs (1), (2), or (3) of this paragraph may select, appoint, and terminate the appointment of contracting officers—

(1) The Under Secretary of the Army;

(2) The Assistant Secretary of the Army (Installations and Logistics);

(3) The Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics);

(4) The head of procuring activity, his deputy, or principal assistant responsible for procurement;

(5) An attaché;

(6) A chief of foreign mission (Army);

(7) A chief of a Department of the Army element of a joint military mission not operating under the cognizance of a major overseas command; and

(8) The Superintendent, U.S. Military Academy.

(b) The individuals named in paragraph (a)(4) of this section may redelegate to contracting officers they appoint the authority to appoint ordering officers (see § 591.452). Redelegations of this authority shall be made by entry on contracting officers' Certificates of Appointment, DD Forms 1539.

(c) The individuals named in paragraphs (a) (5) through (8) of this section shall exercise this authority without power of redelegation.

(d) The number of contracting officers appointed in any purchasing office shall be kept to the minimum essential for efficient operation.

§ 591.406 Contract administration functions.

§ 591.406–50 Contracting officers' representatives (COR's).

(a) A contracting officer may select and designate any Government employee, military or civilian, who is a U.S. citizen, to act as his authorized representative in administering a contract which is not assigned for administration to DCAS, subject to the authority and limitations in § 591.406–51. In selecting an individual for designation as his authorized representative, the contracting officer shall insure that the individual possesses qualifications and experience commensurate with the authorities with which he is to be empowered.

(b) Normally a COR shall be designated by name and position title. When it is not feasible to designate a COR by name and position title, a designation may be made by position title only, provided the designation is clearly understandable to all concerned.

(c) Each designation of a COR shall be in writing and shall clearly define the scope and limitations of his authority. Changes in the scope and limitations of authority may be made either by issuance of a new designation or by an amendment to the existent designation. When one COR is to act for the contracting officer on more than one contract, separate designations shall be issued for each contract.

(d) A designation of a COR shall remain in effect through the life of the contract concerned unless—

(1) Sooner revoked by the contracting officer or his successor; or

(2) Revoked by the reassignment of the individual designated.

(e) Nothing in this section shall be construed as—

(1) Requiring individuals responsible for accomplishment of broad functions of contract administration, such as engineering evaluation, testing, and inspection to be designated COR's; or

(2) Authorizing COR's to initiate procurement actions by use of imprest funds, blanket purchase agreements, or purchase orders, or to place calls or delivery orders under basic agreements, basic ordering agreements, or indefinite delivery type contracts.

§ 591.406–51 Authority and limitations.

(a) A COR may not be empowered to award, agree to, or sign any contract or modification thereto; except that—

(1) A COR may be empowered to issue change orders under the Changes clause in contracts for supplies and services and under the Changes [Standard Form 23] or subparagraph (a) of the Changes and Changed Conditions [Standard Form 19] clauses in construction contracts, provided such change orders do not involve a change in unit price, total contract price, quantity, quality, or delivery schedule;

(2) A COR may be empowered to issue or change shipping and marking instructions which may affect the unit or total contract price within the limits of funding authority certified to him, provided such shipping and marking instructions or changes thereto in no way change the total production quantity in the contract delivery schedule, and provided further that the COR furnishes a copy of each document issuing or changing shipping and marking instructions to the contracting officer concurrently with its release to the contractor;

(3) Area (resident) engineers acting as COR's for construction contracts for which Standard Forms 19 are used may be empowered to enter into modifications pursuant to the Changes and Changed Conditions clause in amounts not to exceed $1,000, provided the following statement is included in the contract—"The area (resident) engineer is the authorized representative of the contracting officer for the purpose of issuing instructions and entering into modifications pursuant to the Changes and Changed Conditions article of the General Provisions. The area (resident) engineer may execute on behalf of the contracting officer contract modifications where the amount involved in each instance does not exceed $_____."

(4) Area (resident) engineers acting as COR's for construction contracts for which Standard Forms 23 are used may be empowered to enter into modifications pursuant to the Changes or Differing Site Conditions clauses in amounts not to exceed $25,000, provided the following statement is included in the contract—"The area (resident) engineer is the authorized representative of the contracting officer for the purpose of issuing instructions and entering into modifications pursuant to the Changes or Differing Site Conditions articles of the General Provisions. The area (resident) engineer may execute on behalf of the contracting officer contract modifications where the amount involved in each instance does not exceed $_____."

(b) Within the limitations in paragraph (a) of this section, a COR may be empowered to take any actions under a contract which could lawfully be taken by the contracting officer except where the terms of the contract itself specifically prohibit a COR from exercising such authority.

§ 591.406–52 Terminations of designations.

Terminations of designations of COR's shall be in writing and shall set forth the date upon which the termination is effective.

§ 591.406–53 Distribution and acknowledgement of designations.

(a) The original and one copy of each COR designation shall be furnished the COR who shall be required to acknowledge its receipt on the original thereof and return it to the contracting officer for retention in the appropriate contract file.

(b) Two copies of each designation shall be furnished the contractor concerned by the contracting officer. The contractor shall be required to acknowledge receipt on one copy and return it for retention in the appropriate contract file.

(c) Copies of each designation shall be furnished by the contracting officer to each contract administration office concerned and to any other Government official having a need therefor.

(d) Changes in designations and terminations of designations shall be distributed in the same manner and acknowledgment of receipt obtained from COR's and contractors for retention in the appropriate contract file.

§ 591.406–54 Maintenance of records.

(a) Contracting officers shall instruct COR's as to the type of records they shall maintain and the distribution thereof.

(b) If the designation of a COR is revoked for any reason before completion of the contract concerned, the COR shall turn over his records to the successor COR or forward his records to the contracting officer, as instructed by the contracting officer.

(c) When a contract is completed, the COR shall forward all records maintained by him to the contracting officer for retention in the appropriate contract file.

§ 591.450 Approval of awards of contracts and modifications.

§ 591.450–1 By contracting officers.

Except as prescribed in ASPR or in §§ 591.403–54, 591.403–55, and 591.450–2 through 591.450–11, contracting officers may award contracts and modifications without approval of award by higher authority, subject to limitations in their Certificates of Appointment and to limitations which may otherwise be imposed by the cognizant head of procuring activity.

§ 591.450–2 Boards of awards.

(a) Heads of procuring activities shall establish, or authorize installation/activity commanders to establish, Boards of Awards for the purpose of reviewing proposed awards of contracts and modifications in amounts of $10,000 or more (see § 591.403–52). The appointing authority shall appoint the members of Boards of Awards and shall designate a chairman and alternate chairman.

(b) Boards of Awards shall be composed of qualified procurement, legal, production, technical, and contract pricing representatives to the extent required and available.

(c) A contracting officer who is a member of a Board of Awards may participate in its proceedings on proposed contracts and modifications for which he is the contracting officer but may not participate in its findings and recommendations.

(d) A summary of actions taken by Boards of Awards shall be prepared and a copy placed in appropriate contract files.

§ 591.450–3 Personal and professional services.

(a) Statutory provisions (see § 22.201 of this title and § 612.205 of this chapter) require Secretarial action before an award may be made of certain contracts for the temporary or intermittent services of experts, consultants, or stenographic reporters. Procedures for submitting requests for Secretarial action are set forth in § 612.206 of this chapter.

(b) The Assistant Secretary of the Army (Installations and Logistics) normally makes annual determinations and findings required by statute and delegates authority to approve awards of contracts for the following services to designated heads of procuring activities, the delegation of authority being published in a Department of the Army Circular in the 715–2 series—

(1) Personal services of alien specialists necessary to meet the requirements of the Defense Scientists Immigration Program (DEFSIP–B) (formerly "Project 63");

(2) Personal services to be performed outside the United States of experts and consultants in the fields of radio announcing in Asian languages, geodetics, anthropology and chemical analysis;

(3) Stenographic reporting services, where the services of qualified Government personnel are not available, in connection with—

(i) Hearings before Industrial Security Clearance Review Offices;

(ii) Functions of The Inspectors General; and

(iii) Hearings before claims and appeals boards of procuring activities;

(4) Personal services of actors, narrators, and other technical and professional personnel necessary in connection with motion pictures or television productions;

(5) Personal services of experts or consultants in the field of law to be performed outside the United States; and

(6) Personal services of instructors and translators in special purpose foreign languages and dialects.

(c) When a head of procuring activity has been authorized to approve an award of a contract for one or more of the above services, submission for Secretarial action before award is not required.

§ 591.450–4 Construction or rehabilitation of facilities, and repairs and utilities.

Awards of contracts and modifications thereto for construction or rehabilitation of facilities, and repairs and utilities do not require approval of award by higher authority, unless otherwise required by the head of procuring activity, except for—

(a) Cost-plus-a-fixed-fee contracts which exceed $25,000 (see § 18.112 of this title);

(b) Concurrent firm fixed-price and cost-type construction contracts (see § 18.114 of this title); and

(c) Construction contracts with design architect-engineers (see § 18.115 of this title).

§ 591.450–5 Architect-engineer (A–E) services.

(a) Authority to contract for title I (the production and delivery of designs, plans, drawings, and specifications) and title II (the supervision and inspection of construction) architect-engineer (A–E) services in the Department of the Army is limited to those procuring activities to whom the authority is specifically delegated in the annual delegation of authority by the Assistant Secretary of the Army (Installations and Logistics). This delegation of authority is published in a Department of the Army Circular in the 715–2 series.

(b) The U.S. Army Corps of Engineers has been assigned responsibility for Department of the Army implementation of DoD directives pertaining to uniform standards for the selection of architect-engineer firms for professional services and to uniform standards for the employment and payment of architect-engineer services.

(c) The selection of a prospective A–E contractor is governed by procedures in § 18.402 of this title and OCE publication entitled "Uniform Standards for the Employment and Payment of Architect-Engineer Services." Requests for approval at a level above the Chief of Engineers pursuant to § 18.402–3 of this title shall be made through the Office, Chief of Engineers, to the addressee in § 591.150 (b)(1). Requests shall contain a statement of the selection proposed together with information in support thereof and sufficient facts to show compliance with ASPR and other DoD requirements.

(d) When a Secretarial delegation of authority imposes a dollar limitation upon award approval, the cognizant head of procuring activity subject to the limitation shall submit any proposed award of an A–E contract for title I or title II services, or both, to the addressee in § 591.150(b)(7) through the Office, Chief of Engineers, in the following cases—

(1) When the contract price for either title I or title II services, or both, exceeds the dollar limitation; or

(2) Prior to increasing an existing A–E contract price from an amount equal to

or less than the dollar limitation to an amount more than the limitation: *Provided, however,* That award approval of a modification at Secretarial level is not required, regardless of amount, if the proposed modification pertains to—

(i) A contract previously approved at Secretarial level; or

(ii) A contract having a previous modification which has been so approved;

and, in either case, contains no material deviation from provisions previously approved.

(e) To provide for uniform application of criteria for A–E contracts within the Department of the Army, any procuring activity (except the Corps of Engineers) granted authority to contract for A–E services shall coordinate plans for entering into such contracts with the appropriate U.S. Army Engineer Division or District before selection of the prospective contractor and before negotiation of the proposed contract.

(f) Authority to negotiate and award A–E contracts relating to Master Planning is restricted and subject to the specific limitations and exclusions in the annual Secretarial delegation of authority.

(g) Compensation for A–E services is subject to the following—

(1) The consideration which may be paid to an architect-engineer under any fixed-price type contract for title I services may not be more than six percent (6%) of the estimate cost of the public work or utilities project (or portion thereof) for which the architect-engineer undertakes to perform such services;

(2) The consideration which may be paid under a cost-reimbursement type contract for title I services is subject to the limitations in § 3.406–4(c) or § 3.406–5(c)(2) of this title, whichever is applicable;

(3) When an A–E contract calls for title I and title II services, the consideration to be paid the architect-engineer for title I services shall be stated separately therein;

(4) The A–E contract price shall be negotiated in accordance with the applicable parts and related exhibits of the OCE publication entitled "Uniform Standards for the Employment and Payment of Architect-Engineer Services."

(h) A personal services contract with an individual for A–E services is subject to the requirements in Part 22 of this title and Part 612 of this chapter. Requests for determinations shall be processed in accordance with § 612.206 of this chapter.

§ 591.450–6 Utilities services.

(a) The Chief of Engineers, acting for the Secretary of the Army, is the Department of the Army Power Procurement Officer and in this capacity is responsible for the administration of the purchase and sale of utilities services, and for policies, engineering, rates, and legal sufficiency in connection with all utilities services transactions and contracts relating thereto in which the Department of the Army has a monetary interest. The Assistant Secretary of the Army (Installations and Logistics) has delegated to the Chief of Engineers, with power to redelegate to his deputy, the authority to enter into contracts for public utility services not to exceed 10 years. (See § 591.5102 and ASPR 85–105.2.)

(b) The purchase of utilities services is governed by ASPR Supplement No. 5 and AR 420–41, which define the term "utilities services" and prescribe the required approvals for utilities services contracts and modifications. All procurements without contracts, as well as all contracts and modifications which, under the provisions of the above regulations, are subject to the approval of the Chief of Engineers (as Army Power Procurement Officer), and any requests for interpretation of or deviation from ASPR Supplement No. 5, shall be submitted to the Chief of Engineers, Attention: ENGMC–KU.

(c) Instructions relative to the sale of utilities services are contained in AR 420–41, AR 420–62, and AR 420–80. Contracts for the sale of utilities services shall be consummated by Sales Officers pursuant to AR 735–5.

§ 591.450–7 Communications services.

(a) The Assistant Secretary of the Army (Installations and Logistics) has delegated to the Commanding Generals, U.S. Army Strategic Communications Command, and U.S. Continental Army Command, with power of redelegation, the authority to enter into contracts for communications services for periods extending beyond a current fiscal year but not exceeding 10 years (see § 591.5102). Contracting officers to whom this authority has not been redelegated shall not procure communications services with annual funds for periods beyond the end of the current fiscal year.

(b) Procurement of leased communications circuits, of telephone and telegraph communications facilities and services, and of certain other communications services is normally accomplished by the issuance of a Communication Service Authorization (CSA), DD Form 428. CSA's are issued against outstanding basic agreements or indefinite quantity indefinite delivery type contracts established by the Defense Communications Agency, the U.S. Army Strategic Communications Command, or other central agency.

(c) Limitations on procurements accomplished by issuance of CSA's are—

(1) The CSA shall not call for communications services beyond the end of the fiscal year applicable to the annual funds available for obligation unless it is approved by one of the Secretarial delegates referred to in paragraph (a) of this section or unless the appropriate authority has been redelegated to the cognizant contracting officer;

(2) The CSA shall not call for communications services beyond the expiration date of the contract or agreement under which it is issued;

(3) The CSA shall not call for communications services for a period greater than 10 years or such lesser period as may have been specified in the redelegation to the contracting officer; and

(4) Each CSA shall contain a specific date within subparagraphs (1), (2), or (3) of this paragraph, as appropriate, upon which date the CSA expires of its own terms.

§ 591.450–8 Government-owned contractor-operated (GOCO) plants.

Heads of procuring activities are authorized to approve awards of contracts and modifications thereto for the maintenance or operation of, or for manufacture in, GOCO plants. This authority may be redelegated to the extent deemed necessary without authority of further redelegation.

§ 591.450–9 Management, operations research and ADP services, studies, and projects.

(a) Management studies and advisory services obtained by contract are explained in paragraph 2*a*, AR 1–110. With respect to such studies and services, contracting officers shall not solicit bids or proposals nor award contracts or modifications, including amendments, extensions, additions, or supplements which are of a substantive nature or which will require additional funding, without evidence of prior approval of the Assistant Secretary of the Army (Financial Management).

(b) Operations research studies or projects obtained by contract are explained in paragraph 2*b*, AR 1–110. With respect to such studies or projects, contracting officers shall not solicit bids or proposals nor award contracts or modifications, including amendments, extensions, additions, or supplements which are of a substantive nature or which will require additional funding, without evidence of prior approval of—

(1) The Assistant Secretary of the Army (Research and Development) for operations research studies or projects which are estimated to cost in excess of $100,000;

(2) The Chief of Research and Development, Department of the Army, for operations research studies or projects which are estimated to cost $100,000 or less and which use RDTE funds;

(3) The sponsoring Department of the Army Staff agency after coordination with the Assistant Vice Chief of Staff, Army (Director of Studies), for operations research studies or projects sponsored by Department of the Army staff agencies which are estimated to cost $100,000 or less and which use OMA funds; or

(4) The sponsoring major Department of the Army command for operations research studies or projects sponsored by major Department of the Army commands which are estimated to cost $100,000 or less and which use other than RDTE funds.

(c) Automatic data processing (ADP) services, studies or projects obtained by contract are explained in paragraph 2*c*, AR 1–110. With respect to such services, studies, or projects, contracting officers shall not solicit bids or proposals nor award contracts or modifications, including amendments, extensions, additions, or supplements which are of a substantive nature or which will require additional funding, without evidence of prior approval of the Assistant Secretary of the Army (Financial Management) for ADP services, studies, or projects in excess of $10,000. Contracting for ADP services, studies, or projects through a series of incremental type contractual arrangements involving more than one contract of $10,000 or less, none of which provides a usable end product, is prohibited.

(d) Mixed contract studies are explained in paragraph 2*d*, AR 1–110. Contracting officers shall be alert to requests for mixed contract studies which have not been classified under any one of the above as "Management," "Operations Research," or "Automatic Data Processing." Contracting officers shall insure that appropriate approval has been obtained, as determined by the Comptroller of the Army (COA) prior to soliciting bids or proposals or awarding contracts or modifications, including amendments, extensions, additions, or supplements which are of a substantive nature or which will require additional funding.

(e) AR 1–110 is not applicable to the employment of experts or consultants on a per diem basis (see § 591.450–3).

§ 591.450–10 Leases of Government personal property.

(a) The Assistant Secretary of the Army (Installations and Logistics) has delegated to heads of procuring activities, with power of redelegation to a principal assistant and no further, the authority to lease personal property under the control of the Department of the Army under specified conditions (see § 591.5102).

(b) Proposed leases and modifications thereto of Government personal property shall be submitted for approval to the addressee in § 591.150(b)(7), except when approval authority has been delegated to heads of procuring activities.

§ 591.450–11 Automatic data processing equipment (ADPE).

(a) In connection with the award of contracts for acquisition or use of ADPE, see § 3.1100 of this title and AR 18–1 and 18–2.

(b) If the proposed equipment is to be used for classified information, consideration shall be given to AR 380–46(4) before requests for ADPE procurement are submitted.

§ 591.451 Participation of legal counsel in the procurement process.

(a) It is Department of the Army policy that—

(1) Procurement legal counsel participate fully in the entire procurement process from the stage of advance procurement planning to contract completion or termination and closeout; and

(2) The contracting officer's "team" concept set forth in § 3.801–2(a) of this title be used in all procurements, negotiated or advertised, in amounts of $10,000 or more, with the procurement legal counsel being a member of the team and being responsible for insuring the legal sufficiency of all actions taken by the team.

(b) Procurement legal counsel shall participate in the folowing stages of procurement in addition to those areas in which existing regulations require their participation—

(1) Review advance procurement (AP) plans;

(2) Serve as a member of Boards of Awards (see § 591.450–2); and

(3) Review and concur in all written determinations and findings relating to contracts and modifications in amounts of $10,000 or more.

§ 591.452 Ordering officers.

§ 591.452–1 Policy.

(a) It is Department of the Army policy that—

(1) Contracting officers be responsible for the efficient performance of the procurement mission assigned the installation/activity concerned; and

(2) The procurement function not be decentralized by the indiscriminate appointment of ordering officers.

(b) Ordering officers may be appointed outside of a centralized purchasing office or at isolated locations for the purposes in paragraph (c) of this section and within the limitations stated in the ASPR or APP paragraphs referenced in paragraph (c) of this section, only when—

(1) The appointing authority (see § 591.405(b)) determines in writing that the appointment of an ordering officer is essential for the efficient operation of the procurement mission and is not made for the purpose of decentralizing the procurement function;

(2) The idividual selected for appointment satisfies the considerations in §1.405–1(a) of this title;

(3) The individual selected for appointment has the time available to perform the functions for which he is appointed without redelegating his authority to others; and

(4) The appointing authority maintains a file containing justification for the appointment of each ordering officer and qualifications of each individual so appointed.

(c) Purposes for which ordering officers may be appointed and references as to limitations of their authority are—

(1) To make purchases using imprest funds (see § 593.607–4 of this chapter);

(2) To make over-the-counter purchases using Standard Forms 44 or DD Forms 1155 (see § 593.68–9 of this chapter);

(3) To place delivery orders or oral calls against Brand Name Contracts published in Defense Supply Agency Supply Bulletins in the 10–500 or 10–600 series (see § 594.5102 of this chapter);

(4) To place delivery orders or oral calls against Federal Supply Schedule contracts (see § 595.101 of this chapter);

(5) To place calls against indefinite delivery type contracts awarded by contracting officers of the Military Departments for the preparation of personal property for shipment, Government storage, and performing intracity or intra-area movement, provided contract terms so permit (see § 597.1650 of this chapter);

(6) To place Service Orders for Household Goods Against Commercial Warehousing and Related Services for Household Goods contracts (see § 597.1651 of this chapter); or

(7) To place delivery orders against indefinite delivery type contracts awarded by contracting officers of the Military Departments, provided the contract terms so permit and provided all orders placed are within monetary limitations set forth therein.

§ 591.452–2 Appointment.

(a) Ordering officers shall be appointed by a letter of appointment substantially in the following format, wording, or paragraphs inapplicable to the appointment being omitted—

SUBJECT: Appointment of Ordering Officer (Alternate Ordering Officer).

TO: (Address to individual by name, indicating rank or grade, section or location, and activity or installation.)

1. *Appointment.* Under Army Procurement Procedure 1–452, you are appointed an Ordering Officer (Alternate Ordering Officer) for the purposes set forth in paragraph 2 herein. Your appointment shall become effective (enter date) and shall remain effective unless sooner revoked (until expiration of the contract(s) enumerated in paragraph 2 herein, or) until you are reassigned or your employment is terminated. You are responsible to and under the technical supervision of the (enter name of installation or activity) Contracting Officer for your actions as an Ordering Officer.

2. *Authority, Limitations, and Requirements.* Your appointment is subject to the use of the method(s) of purchase and to the limitations and requirements stated below:

a. Subject to your insuring that local purchase authority exists for the transaction, you may make purchases using imprest funds for payments therefor and using Standard Forms 1165 (Receipt for Cash—Subvoucher), provided all of the following conditions are satisfied:

(1) The aggregate amount of a purchase transaction is not in excess of $100, or $250 under emergency conditions. You may not split purchases to avoid this monetary limitation:

(2) The supplies or nonpersonal services are available for delivery within 30 calendar days, whether at the supplier's place of business or at destination; and

(3) The purchase does not require detailed technical specifications or technical inspection.

b. Subject to your insuring that funds are available and that local purchase authority exists for the transaction, you may make over-the-counter purchases using Standard Forms 44 (Purchase Order—Invoice—Voucher) or DD Forms 1155 (Order for Supplies or Services) provided all of the following conditions are satisfied:

(1) The aggregate amount of a purchase transaction is not in excess of $250. You may not split purchases to avoid this monetary limitation;

(2) Supplies or nonpersonal services are immediately available; and

(3) One delivery and one payment shall be made.

c. Subject to your insuring that funds are available and that local purchase authority exists for the transaction, you may place delivery orders (DD Forms 1155) without monetary limitation against:

(1) Brand Name contracts published in Defense Supply Agency Brand Name Supply Bulletins in the SB 10–500 series; and

(2) Defense Personnel Support Center requirements contracts for subsistence items.

d. Subject to your insuring that funds are available and that local purchase authority exists for the transaction, you may place delivery orders (DD Forms 1155) without monetary limitation against:

(1) Defense Petroleum Supply Center requirements contracts;

(2) General Services Administration for Federal Stock File items maintained by the Defense Materials System of the General Services Administration; and

(3) The following indefinite delivery type contracts, copies of which are attached: (List contracts by number and name of Contractor).

e. Subject to your insuring that funds are available and that local purchase authority exists for the transaction, you may place Service Orders for Household Goods (DD Forms 1164) against Commercial Warehousing and Related Services for Household Goods contracts for military and civilian personnel, subject to the criteria and procedures prescribed in AR 55–42 and AR 743–455 and provided that no Service Order shall be in an amount in excess of $2,500.

f. You are responsible for (i) distributing administrating delivery orders that you place, (ii) establishing controls necessary to insure that all contract terms and conditions are met and that supplies or nonpersonal services ordered conform to contract requirements before acceptance is made or payment authorized, and (iii) reporting deficiencies in contractor performance promptly to the contracting officer who awarded the contract against which the delivery order was placed. You may not make any changes in the terms or conditions of any contracts against which you place delivery orders.

3. *Standards of Conduct and Procurement Reporting Requirements.*

a. You shall comply with the standards of conduct prescribed in AR 600–50, standards of Conduct for Department of the Army Personnel, and shall review the regulation at least semiannually. You shall sign a statement that you have read and understand the regulation and shall furnish one copy of your signed statement to the Contracting Officer to whom you are responsible at the time of acknowledging receipt of your authorization.

b. You shall furnish the Contracting Officer to whom you are responsible such information as he may require for procurement reporting purposes in the manner and at the time specified by him.

4. *Termination of Appointment.*

a. Your appointment may be revoked at any time by the undersigned authority or his successor and shall be terminated in writing, except that no written termination of your appointment shall be made upon expiration of contracts enumerated in paragraph 2 herein unless such contracts are terminated prior to the expiration dates established therein.

b. Should you be reassigned from your present position or should your employment be terminated while this appointment is in effect, you shall promptly notify the appointing authority in writing so that your appointment may be terminated.

(Typed Name and Title of Appointing Authority)

(b) Individuals appointed as ordering officers shall be required to acknowledge receipt, in writing, of their letters of appointment.

(c) Appointing authorities shall make distribution of letters of appointment to ordering officers, imprest fund cashiers, disbursing officers, and such other interested personnel as may be necessary.

(d) Individuals to whom ordering officers are responsible shall notify contractors of the names of ordering officers appointed to place delivery orders against their contracts, except that such notification is not required when ordering officers are named in contracts. Notifications to contractors may be accomplished by furnishing contractors with copies of ordering officers' letters of appointment.

§ 591.452–3 Orientation and instruction.

Individuals to whom ordering officers are responsible shall orient and instruct them either personally or in writing in—

(a) The proper use of the procedure the ordering officer will be authorized to use;

(b) The standards of conduct for Department of the Army personnel prescribed in AR 600–50; and

(c) The preparation and submission of information for procurement reporting purposes.

§ 591.452–4 Surveillance.

(a) Ordering officers shall be under the technical supervision of the contracting officer who appointed them or the individual designated by the appointing authority in those cases where appointment is made by persons designated in § 591.405.

(b) Activities of ordering officers shall be inspected or reviewed at least twice each year by the appointing authority or his designee, an individual well qualified in procurement procedures used by ordering officers. Reviews need not be made on site.

(c) Inspection or review findings shall be written and shall include specific comments as to whether or not the ordering officer is—

(1) Operating within the scope and limitations of his authority;

(2) Maintaining the standards of conduct prescribed in AR 600–50;

(3) Splitting purchase transactions to avoid monetary limitations;

(4) Delegating his authority to others; and

(5) Submitting correct and timely information for procurement reporting purposes.

(d) Copies of inspection and review findings shall be retained for 1 year in the files of ordering officers and of inspectors or reviewers.

(e) Should an appointing authority find that an ordering officer is not properly performing his duties or fails to take prompt action to correct deficiencies noted in inspections or reviews, the appointing authority shall. terminate the appointment of the ordering officer.

§ 591.452–5 Termination of appointment.

(a) The appointment of an ordering officer shall remain in effect until the ordering officer is reassigned or his employment is terminated, but it may be revoked at anytime by the appointing authority or his successor. No revocation, however, shall be made to take effect retroactively.

(b) Terminations of appointments, except when contracts against which ordering officers are appointed to place delivery orders expire upon the dates established therein, shall be in writing substantially in the following format—

SUBJECT: Termination of Appointment as Ordering Officer (Alternate Ordering Officer).

TO: (Address same as letter of appointment.)

Your appointment as Ordering Officer (Alternate Ordering Officer) made by letter of appointment issued (enter date) is terminated effective (enter date) without prejudice to any actions taken pursuant thereto.

(c) Individuals to whom ordering officers are responsible shall notify contractors, imprest fund cashiers, disbursing officers, and other interested personnel, of terminations of appointments of ordering officers. Such notifications shall be in writing and may be accomplished by furnishing copies of the termination of appointment letter.

§ 591.452–6 Other individuals authorized to make purchases.

(a) Individuals performing any of the following procurement actions shall be exempt from the requirements of §§ 591.452–1(b) and 591.452–2 through 591.452–5—

(1) Individuals authorized by a contracting officer to place calls against blanket purchase agreements (see § 3.605 of this title and § 593.605 of this chapter);

(2) Department of the Army aviators and masters of Army-owned or operated vessels authorized by AR 715–232 to make emergency purchases under conditions prescribed therein (see §§ 593.608–9 and 593.609 of this chapter);

(3) Individuals to whom U.S. Government National Credit Cards are issued for use while on official travel (see §§ 593.609 and 595.101 of this chapter); and

(4) Individuals authorized by AR 725–50 to order supplies from General Services Administration Stores Depots using MIL–STRIP procedures (see § 595.201 of this chapter).

(b) Individuals in paragraph (a) (1) through (3) of this section shall—

(1) Comply with requirements in § 591.113–1;

(2) Prepare and submit information for procurement reporting purposes to the contracting officer in the manner specified by him.

2. New § 591.601–1 is added; a new paragraph (d) is added to § 591.651; and new § 591.652 is added, as follows:

§ 591.601–1 General.

The record of firms or individuals debarred or suspended by the Department of the Army is maintained by the Assistant Judge Advocate General for Civil Law as the authorized representative of the Secretary and the Assistant Secretary of the Army (Installations and Logistics).

§ 591.651 Responsibilities.

* * * * *

(d) The Advisor on Fraud Matters to the Assistant Secretary of the Army (Installations and Logistics) is responsible for and has delegated authority to supervise and exercise surveillance over procurement fraud, allied matters of bribery, and kickbacks and other criminal conduct in connection with procurement activities by contractors and their personnel and by military personnel or civilian employees of the Department of the Army. The Chief of the Debarment and Suspension Branch, Litigation Division, OTJAG, is the Advisor on Fraud Matters to the Assistant Secretary of the Army (Installations and Logistics).

§ 591.652 Delegation of authority by head of procuring activity.

A head of procuring activity may delegate authority under this subpart to his deputy, a principal assistant responsible for procurement, or to his legal advisor. Any delegation shall be in writing and one copy shall be forwarded at time of issuance to the addressee in § 591.150(b)(6).

3. New §§ 591.705, 591.705–2, and 591.705–4 are added; § 591.750 is revised; and new §§ 591.750–1 and 591.750–2 are added, as follows:

§ 591.705 Cooperation with the Small Business Administration.

§ 591.705–2 SBA representatives.

SBA representatives shall comply with § 591.113–1.

§ 591.705–4 Certificates of competency.

Documents required to be forwarded to the Assistant Secretary of the Army (Installations and Logistics) shall be forwarded to the addressee in § 591.150(b)(6).

§ 591.750 Army Small Business and Economic Utilization Council.

§ 591.750–1 Establishment and membership.

A Department of the Army Small Business and Economic Utilization Council is established with the Department of the Army Small Business and Economic Utilization Policy Advisor as its Chairman. Members of the Council shall be representatives of Headquarters, U.S. Army Materiel Command, U.S. Continental Army Command, and such other commands or procuring activities as the Chairman may designate from time to time.

§ 591.750–2 Purpose and function.

(a) The purpose of the Council is to assist Army Small Business and Economic Utilization Advisors in developing uniform policies and procedures concerning small business and labor surplus area matters.

(b) The Council shall meet at the call of the Chairman to discuss special problems arising within the Department of the Army which have or may have an impact on small business or labor surplus area programs or policies.

(c) The Council shall consider recommendations from field activity Army Small Business and Economic Utilization Advisors made through advisors at head of procuring activity level for the purpose of making the small business or labor surplus area programs more effective.

4. New Subpart H is added; new §§ 591.1002 and 591.1002–6 are added; §§ 591.1006, 591.1006–50 and 591.1006–51 are revoked; and new §§ 591.1050, 591.1050–1, 591.1050–2, 591.1050–3, 591.1051, 591.1051–1, 591.1051–2, 591.1051–3, and 591.1051–4 are added, as follows:

Subpart H—Labor Surplus Area Concerns

§ 591.802 General policy.

(a) The booklet entitled "Area Trends in Employment and Unemployment," which establishes the boundaries of each labor market area and lists communities included in each area, is distributed by the Department of Labor directly to Department of the Army purchasing offices.

(b) The responsibility for administration of the Labor Surplus Area Program is assigned to Small Business and Economic Utilization Advisors as a dual function (see § 591.704–3).

§ 591.1002 Dissemination of information relating to invitations for bids and requests for proposals.

§ 591.1002–6 Paid advertisements in newspapers and trade journals.

(a) The Assistant Secretary of the Army (Installations and Logistics) has delegated to heads of procuring activities, their deputies and principal assistants responsible for procurement, and to certain other delegees, without power of redelegation, the authority to approve the publication of paid advertisements in newspapers (see § 591.6102).

(b) Policies with respect to use of paid advertising in recruitment of civilian personnel are contained in Subchapter 1, Federal Personnel Manual (FPM) 332 and are implemented in Department of the Army Civilian Personnel Regulation (CPR) 332, Subchapter 1.

§ 591.1006 Release of procurement information. [Revoked]

§ 591.1006–50 Congressional notification of proposed awards. [Revoked]

§ 591.1006–51 Release of information by manufacturers, colleges, and universities holding Army contracts or grants, and other commercial entities. [Revoked]

§ 591.1050 Congressional notification of proposed awards.

(a) The report required by this paragraph pertains to—

(1) Advance information on proposed contract awards in amounts of $1 million or more; and

(2) Postaward information on contracts under $1 million which are of significant local community or congressional interest or which have public relations aspects.

(b) Each purchasing office in the United States, including Alaska and Hawaii, shall report in accordance with instructions herein; except that purchasing offices under the jurisdiction of Headquarters, U.S. Army Materiel Command and its subordinate commands shall report through Headquarters, U.S. Army Materiel Command in accordance with AMC Regulation 715–2.

§ 591.1050–1 Proposed contract awards of $1 million or more.

(a) This reporting requirement applies to—

(1) All contracts of $1 million or more, including—

(i) Letter contracts when the amount being obligated at the time of letter contract award or definitization is $1 million or more; and

(ii) Work placed by means of an approved project or expenditure order in a Government-owned installation or activity when the amount of the project or expenditure order is $1 million or more;

(2) Modifications to existing contracts when the amount being obligated is $1 million or more and the scope of the work to be performed is increased, e.g. additional quantities being added, engineering changes which require additional future work to be performed; and

(3) Multiyear procurements when the total multiyear amount will be $1 million or more—

(i) An initial notification shall be made when the aggregate amount of the contract is $1 million or more even though the first year increment may be less than $1 million;

(ii) The quantities and monetary amounts related to the several fiscal years involved shall be included in the initial notification;

(iii) Notifications of subsequent yearly increments shall be related to previous notifications and shall include pertinent total information for the previous, current, and future fiscal year quantities and monetary amounts; and

(iv) Notifications of increments subsequent to the initial notification shall be made only if the current increment is $1 million or more.

(b) Contracting officers shall telephone the information called for in § 591.1050–3 to the Chief, Procurement Statistics Office, Data Processing Center, Office of the Deputy Chief of Staff for Logistics, Washington, D.C., at OXford 5–3032, OXford 7–2016, or OXford 5–3058, at least twenty (20) working hours before award. Information shall be furnished in the sequence set forth in § 591.1050–3.

(c) No award shall be made before 1600 hours Washington, D.C., time without prior approval obtained through the ODCSLOG Procurement Statistics Office (see paragraph (b) of this section).

(d) National or local releases to the wire services or to contractors shall not be made prior to the established award time even on a "hold for release time" basis. Time of release of replies to congressional inquiries pertaining to the award of proposed contracts which have been received directly by addressees shall be coordinated with the Office, Chief of Legislative Liaison, Department of the Army, before dispatch.

§ 591.1050–2 Contracts under $1 million.

(a) Contracting officers shall furnish the information called for in § 591.1050–3 for all contracts under $1 million which are of significant local community or congressional interest or which have public relations aspect by mail or message directed to Department of the Army, Attention: SACLL, Washington, D.C. 20310, or by telephone to the Special Operations Division, SACLL, at OXford 7–8131.

(b) Information shall be furnished in the sequence in § 591.1050–3.

§ 591.1050–3 Required information.

Information required to be furnished pursuant to §§ 591.1050–1 and 591.1050–2 shall consist of—

(a) Name and address of purchasing office;

(b) Statements as to whether a contract or modification of a contract is to be awarded; or, in the case of contracts under $1 million, has been awarded;

(c) Statement as to whether the contract is a letter contract or definitization of a letter contract, when applicable;

(d) Monetary amount and type of funds used (when multiple funds are involved, the monetary amount for each type shall be given, e.g. PEMA $1,200,000; OMA $100,000);

(e) Statement as to whether the contractor is a small or large business;

(f) Name and complete address of contractor, including ZIP code;

(g) Date and Washington, D.C., time award will be made; or, in the case of contracts under $1 million, date and Washington, D.C., time award was made (for the purpose of this report, the date of award for letter contracts shall be the mailing date to the contractor plus 1 working day);

(h) Quantity and description of supplies or services—

(1) The description shall be in adequate detail and shall include the end use or background of the supplies or services described in layman's terminology so that the purpose may be readily understood by persons not associated with the military;

(2) The description shall be presented in news media press release format giving sufficient background information to describe the procurement properly; and

(3) If the award is for a classified item, that fact shall be stated and no further description given;

(i) Statement as to who will perform the work, the contractor or a firm other than the contractor (if the latter, give name and complete address including ZIP code);

(j) Location where work will be performed—

(1) If the work is to be performed at more than one location, list the names and complete addresses of all plants or contractors together with the monetary amount or percentage of work involved at each location; and

(2) If for any reason, the location where work is to be performed is changed, prior to or after award but after the required initial information has been reported, the change in location or locations of work performance shall be telephoned or reported by the most expeditious means to the appropriate addressee in §§ 591.1050–1 or 591.1050–2, giving the reasons for the change in location or locations of work performance and the monetary amount or percentage of work involved at each location;

(k) Statement as to whether the place of performance is or is not in a labor surplus area;

(l) Extent of competition (this shall normally consist of the number of solicitations mailed and the number of offers received; sole source; in-house or directed procurement; and other items as may be pertinent);

(m) Type of contract used;

(n) Contract number; and

(o) Total contract amount of the reported award is modification.

§ 591.1051 Advance Planning Procurement Information (APPI) Program.

§ 591.1051–1 Policy.

It is Department of the Army policy to make available to Industry advance planning procurement information (APPI) on Department of the Army planned materiel programs on a continuous direct contact basis.

§ 591.1051–2 Purpose.

The purpose of the APPI program is to—

(a) Attract additional responsible bidders and offerors;

(b) Broaden the competitive base for any one procurement;

(c) Obtain better prices;

(d) Provide a reasonable basis for Industry to expand its facilities;

(e) Alleviate severe production fluctuations in any one commodity field, geographic area, or contractor facility; and

(f) Achieve greater Industry participation in all procurement-related Department of the Army programs.

§ 591.1051–3 Responsibilities.

(a) The Army Small Business and Economic Utilization Policy Advisor, Office of the Assistant Secretary of the Army (Installations and Logistics), is responsible for continuing supervision and surveillance of the APPI program.

(b) Heads of procuring activities responsible for national buying of Army materiel (except for the U.S. Army Security Agency) shall establish in geographical areas selected by them, Army/Industry Materiel Information Liaison Offices (AIMILO) to carry out the APPI program.

(c) Where AIMILO's are established, the activity shall make available all pertinent planning documents necessary for accomplishment of the APPI program. Overclassification of APPI shall be avoided. Information suitable for downgrading when taken out of classified documents shall be downgraded for use in unclassified APPI. Classified APPI shall be furnished Industry through existing security channels.

(d) Such pertinent information as is contained in the Department of the Army's planning documents shall be released to Industry in accordance with § 591.1051–4 at the earliest practicable time in the planning cycle, national security permitting. Information released shall be packaged in a form which shall be easily transmitted, easily stored, and capable of being easily understood. Information shall be released so as not to create a competitive advantage for any one or a group of firms.

(e) Semiannually all APPI items published in the Commerce Business Daily, which still describe "active" APPI, shall be reproduced for distribution to all participants in the APPI program.

§ 591.1051–4 Functions of AIMILO's.

(a) AIMILO's shall—

(1) Each month review source documents for candidate items for the APPI program (these documents shall include but not be limited to the appropriate Army Materiel Plan (AMP), the appropriate Item Management Plan (IMP), and the annual shopping list updated);

(2) Select from the candidate items those items which promise the most benefit to the Government and to Industry when included in the APPI program; i.e. items characterized by but not limited to a high dollar annual buy value, by a scarcity of available sources, by the immediacy of need by the Government, or by future importance in Army Force Structure;

(3) Research selected items for pertinent historical data, current and forecast procurement actions, quantities, production rates, last known costs, Government-furnished equipment, availability of technical data, amounts of material required, and other information which may assist a possible supplier in making a bid or no bid decision;

(4) Prepare a synopsis (see § 1.1003–9 of this title) of the APPI for publication in the Commerce Business Daily on the first Tuesday of the month (this publication date shall be the national release date of APPI on the advertised item);

(i) Prior to the publication date the AIMILO generating the APPI synopsis shall distribute it to the Army Small Business and Economic Utilization Policy Advisor and to all other AIMILO's (the APPI shall be accompanied by any and all additional background information available such as drawings, photographs, and manuals) and shall mail it to all firms currently on bidders mailing lists for the specific item, insuring that receipt does not occur before the national release date;

(ii) After the national release date, all AIMILO's shall use the APPI synopsis and all supporting technical data as described in subdivision (i) of this subparagraph to respond to oral and written inquiries from a firm or firms;

(iii) AIMILO's shall forward a copy of the APPI synopsis to the installation/activity Public Information Office for further dissemination in other public media on or after the national release date;

(5) Place the name of any firm or firms on the current bidder's list for any or all specific item(s), when so requested in accordance with § 2.205–1 of this title; and

(6) Immediately prepare new APPI and publish a new synopsis in the Commerce Business Daily when any major change occurs in the planning information for a specific item which had been previously included in the APPI program (AIMILO's shall follow the same procedure in publishing and distributing changes in information as was followed in handling the original).

(b) Each AIMILO shall act as the local industry service agent for APPI generated by all other AIMILO's for a period of 90 calendar days. Thereafter, such APPI shall be destroyed and respondents shall be referred to the generating AIMILO. Each AIMILO shall maintain a permanent file of self-generated APPI.

(c) In addition to implementing the APPI program, AIMILO's shall act as the focal point for all representatives of industry or the surrounding community who seek information about Department of the Army procurement programs; and shall undertake such other Army/Industry liaison activities as may be prescribed by higher authority.

5. Section 591.1202 is revised; §§591.1206 and 591.1206–2 are revoked; new § 591.1250 is added; Subpart M is revoked; and § 591.1506–50 is revised, as follows:

§ 591.1202 Mandatory specifications.

Federal and Military Specifications need not be used for purchases described in § 1.1202(b) of this title but may be used at the option of the contracting officer.

§ 591.1206 Purchase descriptions. [Revoked]

§ 591.1206–2 Brand name or equal purchase descriptions. [Revoked]

§ 591.1250 Unduly restrictive specifications.

(a) Specifications which unconditionally require that items bear the label of the Underwriters Laboratories, Inc., or similar organizations, have been generally held to be unduly restrictive and not in conformance with sound procurement practices (33 C.G. 573; MS Comp. Gen. B–116236, Dec. 5, 1955).

(b) Accordingly, the following wording shall be used in specifications where such labels are required—

The Contractor shall submit proof that the (state item) which he proposes to furnish under this specification conforms to the standards of the (list appropriate testing organization(s)). The label of (listed testing organization(s)) shall be accepted as conforming to this requirement.

In lieu of the label, the Contractor may submit a written certification from any nationally recognized testing agency, adequately equipped and competent to perform such services, that the (state item) has been tested and conforms to the standards, including methods of test, of the (listed testing organization(s)).

Subpart M—Transportation [Revoked]

§ 591.1506–50 Option to renew contract for additional period.

(a) The clause set forth in paragraph (d) of this section may be used in negotiated contracts for services funded by OMA appropriations when, in addition to the requirements in § 1.318 of this title and this subpart—

(1) The initial contract period expires at the end of a fiscal year and a renewal or extension thereof will likewise be for a period expiring at the end of the succeeding fiscal year; or

(2) An overlap in services and the transfer of inventory will be required between the predecessor and successor contractors.

(b) Before exercising the right of the Government to call for negotiation of a renewal or extension of the contract pursuant to the clause in paragraph (d) of this section, the contracting officer shall—

(1) Insure that, if funds are not then available, they may reasonably be expected to be available to continue the work for the succeeding period;

(2) Determine that approval action under § 591.350 has been completed for the renewal or extension; and

(3) Determine that, price and other factors considered, no useful purpose would be served by competitive negotiation.

(c) Before the negotiated supplemental agreement evidencing renewal or extension of the contract is executed, the contracting officer shall, if funds are not then available, insure that—

(1) The contractor understands that any work performed prior to his receiving notice of availability of funds is performed at the contractor's risk, and

(2) The supplemental agreement contains the clause set forth in § 1.318 of this title.

(d) Clause.

OPTION TO RENEW CONTRACT FOR ADDITIONAL PERIOD (MARCH 1969)

(a) At the option of the Government, the Contractor shall negotiate in good faith with the Government for the continuation of services of the general type hereunder using as a basis for the negotiation the terms and conditions of this contract: *Provided*, That, the Contracting Officer notifies the Contractor in writing of the intention to negotiate for such continuation at least sixty (60) calendar days prior to the 30th day of June of the current fiscal year, except that no services may be continued beyond June 30, 19—. If the performance of services is to be continued through the exercise of this option, the Contracting Officer shall notify the Contractor of the date on which such performance is to begin.

(b) The Contractor may refuse to continue the services of the general type hereunder beyond the 30th day of June of the current fiscal year: *Provided*, That, the Contractor notifies the Contracting Officer in writing of the intention not to negotiate for such continuation at least one hundred and twenty (120) calendar days prior to the 30th day of June of the current fiscal year.

(c) Notwithstanding the foregoing, this contract may be extended, at the option of the Government, under the terms and conditions hereof for 1 month for final contract administration and simultaneous cooperation by the Contractor with any other Contractor who may be awarded a contract for a period commencing with the extension: *Provided*, That, the Contracting Officer notifies the Contractor in writing of the exercise of this option at least thirty (30) calendar days prior to the 30th day of June of the current fiscal year.

6. New Subpart U is added; § 591.5005 is redesignated as § 591.5006, and a new § 591.5005 is added, as follows:

Subpart U—Advance Procurement Planning

Sec.
591.2100 Advance Procurement (AP) Planning.
591.2100–1 General.
591.2100–2 Applicability.
591.2100–5 Approval.

AUTHORITY: The provisions of this Subpart U issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 591.2100 Advance procurement (AP) planning.

§ 591.2100–1 General.

(a) Each project manager, or where items are not project-managed, each head of procuring activity shall be responsible for the accomplishment of advance procurement (AP) planning within his procuring activity with objectives to—

(1) Achieve competition in procurement whenever feasible; and

(2) Develop solicitations which are expressed in concise, intelligible, and consistent language, and which permit sufficient time for thorough evaluation of offers.

(b) Requirements personnel shall be directed to accommodate their efforts to the realities of procurement policies and procedures, e.g.—

(1) Drawings shall be consistent with specifications;

(2) Specifications and standards incorporated by reference shall be kept to a minimum and references to specifications and standards having no significance shall be omitted;

(3) Special provisions and specifications shall not include subject matter of clauses which cover the same ground as or conflict with prescribed ASPR or APP clauses;

(4) Restrictive specifications shall not be used; and

(5) Requirements described in the solicitation shall be complete and unambiguous.

§ 591.2100–2 Applicability.

(a) Advance procurement planning to insure timely and competitive procurement shall be accomplished for all procurements. The scope of such planning shall vary with the complexity and dollar value of the procurement contemplated.

(b) AR 705–5 requires the submission of AP plans for all projects for advanced, engineering, or operational system development that exceed $300,000 for any fiscal year.

(c) AP plans are required for advanced development projects or tasks only if the efforts can reasonably be expected to lead to engineering development as a result of the advanced development efforts, or to a hardware quantity buy. Separate AP plans are required for advanced development projects where more than one approach has been or is to be undertaken and separate contracts have been or will be executed.

(d) AP plans are not required if the advance development effort is primarily a continuation of applied research or exploratory development in which the effort being expended is to prove feasibility and practicability of proposed solutions and determining their parameters or interfaces of technical concepts.

§ 591.2100–5 Approval.

(a) AP plans or updates thereof shall be submitted to the Office, Chief of Research and Development, Department of the Army, Washington, D.C. 20310, for review and joint Secretarial (R&D) and (I&L) approval when the plan includes advanced, engineering, or operational system development.

(b) All other AP plans or updates thereof shall be submitted through the Deputy Chief of Staff for Logistics, Department of the Army, to the addressee in § 591.150(b)(7) for approval, whether negotiated or formally advertised, if for—

(1) PEMA hardware procurements in excess of $5 million, and

(2) Services procurements in amounts of $10 million or more.

(c) In addition to the data required by the ASPR, each AP plan shall include—

(1) The estimated program unit cost for each end item in the initial procurement year and in each of the planned succeeding procurement years;

(2) The estimated contractual unit price broken down to show each item and subitem to be acquired under the contract;

(3) The program unit cost broken down;

(4) If procurement is to be sole source—

(i) A discussion of component breakout regardless of first time procurement or not; and

(ii) An impact statement should the plan be disapproved; and

(5) If procurement is not for a usable end item, explanation of how the other components will be acquired regardless of dollar value of contracts.

(d) The general requirement to submit AP plans above the stated thresholds in paragraph (b) of this section is specifically waived for ammunition, except that AP plans shall be submitted for the following—

(1) Cartridge, 105mm, HE, M1;
(2) Projectile, 155mm, HE, M107;
(3) Projectile, 175mm, HE, M437E2;
(4) Cartridge, 81mm, HE, M374 (MPTS);
(5) Projectile, 8", HE, M106;
(6) Fuze, MTSQ, M564;
(7) Fuze, PD, M557; and
(8) Fuze, Proximity, M514A1.

(e) Individual procurements, either above or below stated thresholds, may be deleted or included at the discretion of the Assistant Secretary of the Army (Installations and Logistics).

§ 591.5005 Withholding of funds.

Pending determination of the Director of Procurement Policy and Review as to referral of a case to the Board and pending a decision of the Board if a hearing is recommended, the contracting officer administering the contract or contracts involved shall withhold from payments otherwise due the contractor a sum equivalent to 10 times the estimated costs of the gratuities alleged to have been offered or given by the contractor, his agents, or other representatives, in violation of the Gratuities clause.

§ 591.5006 Posthearing actions. [Redesignated]

7. In § 591.5102(c), delegations in subparagraphs (1) and (7) are revised; the delegation in subparagraph (9) is revoked; and subparagraph (15), with new delegation, is added; and a new § 591.5103 is added, as follows:

§ 591.5102 Delegations of authority.

* * * * *

(c) * * *

(1) SAOAS–68–1—Delegation of Authority to Approve the Publication of Advertisements, Notices, or Proposals.

* * * * *

(7) SAOSA–69–9—Delegation of Authority to Sell Government Property.

* * * * *

(9) [Revoked]

* * * * *

(15) SAOAS–68–20—Delegation of Authority to Certify as Just and Reasonable Indemnification Claims Not Exceeding $50,000.

Ref No: SAOAS–68–1 June 20, 1968.

DELEGATION OF AUTHORITY TO APPROVE THE PUBLICATION OF ADVERTISEMENTS, NOTICES OR PROPOSALS

1. Pursuant to Title 5, United States Code, section 302(b)(2), and General Orders No. 1, Headquarters, Department of the Army, January 1, 1968, I hereby delegate, without authority to redelegate further, the authority to approve the publication of advertisements, notices or proposals in newspapers, subject to the limitations in 44 United States Code 321, 322, and 324, to:

Heads of Procuring Activities, their Deputies, and Principal Assistants Responsible for Procurement.
The Adjutant General.
Director of Civilian Personnel, U.S. Army.
Director of Personnel and Training, U.S. Army Materiel Command.
Chief, U.S. Army Audit Agency.
Chief, Personnel Administration, Office of the Chief of Engineers.
Commanding General, U.S. Army Recruiting Command.
Division Engineers, Corps of Engineers.
Commander, U.S. Army Sentinel System Evaluation Agency.

2. Procedures prescribed in paragraph 1–1002.6 of the Armed Services Procurement Regulation shall be used in actions taken pursuant to this delegation of authority.

3. The foregoing delegation of authority becomes effective on July 1, 1968, and, as of that date, Delegation of Authority SAOAS–67–1, December 8, 1967, subject: Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army, Installations and Logistics.

Ref No: SAOSA–69–9 January 6, 1969.

DELEGATION OF AUTHORITY TO SELL GOVERNMENT PROPERTY

1. Under the Act of August 28, 1958 (Public Law 85–804, 72 Stat. 972; 50 U.S.C. 1431–1435); Executive Order No. 10789, November 14, 1958, 23 F.R. 8897; and section XVII of the Armed Services Procurement Regulation, I hereby delegate to each Head of Procuring Activity, without authority to redelegate further, the authority to approve contracts not in excess of $50,000 for:

a. The sale of uniforms, safety clothing, safety equipment, and other such special safety and protective articles to contractors under Defense contracts, to employees of such contractors, and to Government employees, at prices determined in accordance with applicable pricing regulations;

b. The sale of Government-owned unserviceable ammunition components, or scrap generated in the production of ammunition components, to selected metal processors at current market prices and on condition that quantities of raw materials equivalent to that processed from the unserviceable components be made available by them to Army contractors participating in approved ammunition programs.

2. A contract, or amendment or modification thereof, shall be entered into under paragraph 1a hereof only upon a written finding that the sale is made in connection with and will facilitate or expedite performance of a specific contract or work order for Defense procurement.

3. A contract, or amendment or modification thereof, shall be entered into under this delegation only if:

a. The approving authority:

(1) Finds that the action will facilitate the national defense;

(2) Deems that other legal authority in the Department to accomplish the sale is lacking or inadequate; and

(3) Deems that the use of the authority herein delegated is necessary and appropriate under all the circumstances; and

b. The requirements of part 3, section XVII, Armed Services Procurement Regulation, are otherwise met.

4. This authority does not apply to the sale of property subject to priorities or allocation under the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062), except where such sale is authorized under that Act or applicable regulations or orders thereunder.

5. The foregoing delegation of authority becomes effective on January 15, 1969, and, as of that date, Delegation of Authority, Ref No: SAOAS–67–9, October 28, 1966, subject: Delegation of Authority to Sell Government Property, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army, Installations and Logistics.

Ref No: SAOAS–68–20 September 11, 1968.

DELEGATION OF AUTHORITY TO CERTIFY AS JUST AND REASONABLE INDEMNIFICATION CLAIMS NOT EXCEEDING $50,000

Pursuant to the authority contained in the Act of August 28, 1958 (Public Law 85–804, 50 U.S.C. 1431) and Executive Order No. 10789, dated November 14, 1958, and under section XVII of the Armed Services Procurement Regulation, I hereby delegate to the Commander in Chief, U.S. Army, Pacific, without authority to redelegate further, the authority to certify as just and reasonable payments of amounts not to exceed $50,000 for claims received from contractors in the Republic of Vietnam which have been submitted pursuant to the indemnification clause of their contracts.

ROBERT A. BROOKS,
Assistant Secretary of the Army, Installations and Logistics.

§ 591.5103 Redelegations of authority.

(a) Redelegations of authority by delegees, when permitted by the pertinent delegation of authority reproduced herein or elsewhere referenced in ASPR or APP, shall be issued in the same format as the basic delegation of authority and shall be signed personally by the delegee.

(b) One copy of each redelegation of authority shall be forwarded on date of issuance by the delegee to the addressee in § 591.150(b)(6).

PART 592—PROCUREMENT BY FORMAL ADVERTISING

8. Part 592 is revised to read as follows:

Subpart A—Use of Formal Advertising

Sec.
592.103 General requirements for formal advertising.
592.104 Types of contracts.
592.104–3 Fixed-price contracts with escalation.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Opening of Bids and Award of Contract

592.406 Mistakes in bids.
592.406–3 Other mistakes.
592.406–4 Disclosure of mistakes after award.
592.407 Award.
592.407–9 Protests against award.

AUTHORITY: The provisions of this Part 592 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—Use of Formal Advertising

§ 592.103 General requirements for formal advertising.

Approvals of contract awards required by Department of the Army are contained in §§ 591.403–54, 591.403–55, and 591.450 of this chapter.

§ 592.104 Types of contracts.

§ 592.104–3 Fixed-price contracts with escalation.

If neither of the escalation clauses in § 7.106–1 or § 7.106–2 of this title are applicable and an escalation clause is considered necessary, the contracting officer shall forward through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter for approval the clause he proposes to use. The request for approval shall explain the requirement for use of an escalation clause and shall state reasons why neither of the clauses in ASPR are appropriate.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Opening of Bids and Award of Contract

§ 592.406 Mistakes in bids.

§ 592.406–3 Other mistakes.

(a) Authority is delegated to chiefs of purchasing offices having legal counsel available to make determinations described in § 2.406–3(a)(1) of this title. When a purchasing office does not have legal counsel available, such determinations shall be made at the cognizant head of procuring activity level.

(b) Authority is delegated to the individuals named in § 2.406–3(b)(1) of this title to make determinations described in § 2.406–3(a)(2), (3), and (4) of this title.

(c) Doubtful cases submitted to the Comptroller General for decision prior to award shall be forwarded by purchasing offices through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter. In addition to the data prescribed in § 2.406–3(e)(3) of this title, the case forwarded shall include a statement that an award has not been made. Recommendations of each level of authority through which the case is forwarded shall be added.

(d) Heads of procuring activities shall monitor and maintain records of administrative determinations in § 2.406–3(a)(1) of this title made by chiefs of purchasing offices in their procuring activity or at head of procuring activity level. For this purpose, chiefs of purchasing offices shall forward to the cognizant head of procuring activity not later than the 10th day of each month a copy of each administrative determination made during the preceding month together with the data prescribed in § 2.406–3(e)(3) of this title.

(e) Delegees named in § 2.406–3(b)(1) of this title shall maintain records of administrative determinations described in § 2.406–3(a)(2), (3), and (4) of this title made by them.

§ 592.406–4 Disclosure of mistakes after award.

(a) Heads of procuring activities shall maintain records of administrative determinations, including data prescribed in § 2.406–4(d)(2) of this title.

(b) In processing a mistake disclosed after award which would normally be handled pursuant to part 17 of this title but where—

(1) The contractor has requested in writing that a decision be made by the Comptroller General; or

(2) Cognizance of the case has been taken by the Comptroller General;

the contracting officer shall forward the case through the cognizant Head of Procuring Activity to the addressee in § 591.150(b)(6) of this chapter (also see § 17.205–2(a) of this title).

§ 592.407 Award.

§ 592.407–9 Protests against award.

(a) When a protest is received prior to award of a contract, the contracting officer shall attempt to resolve the issue, except when—

(1) He considers it desirable to submit the protest to a higher authority for resolution;

(2) He considers it desirable to obtain the opinion of the Comptroller General before award; or

(3) The person making the protest indicates that he intends to carry the protest to a higher authority.

(b) Protest cases submitted to higher authority for resolution shall be fully documented and shall include—

(1) A signed statement from the person making the protest setting forth the facts upon which his protest is based, together with any supporting evidence;

(2) A signed statement, when relevant, from other persons or bidders affected by or involved in the protest setting forth the facts with respect to their position in the matter, together with any supporting evidence;

(3) A copy of the bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, if relevant to the protest;

(4) A copy of the solicitation including pertinent specifications, if relevant to the protest;

(5) A copy of the abstract of bids;

(6) Any other documents relevant to the protest; and

(7) A statement signed by the contracting officer setting forth—

(i) His findings on each allegation made in the protest;

(ii) Actions taken to resolve the protest and results;

(iii) Any additional information and evidence relevant to determining the validity of the protest; and

(iv) His recommendations in the matter.

(c) Protest cases emanating in purchasing offices under the jurisdiction of Headquarters, U.S. Army Materiel Command, which are submitted for resolution to a level of authority higher than the cognizant head of procuring activity, shall be forwarded to the addressee in § 591.150(b)(12) of this chapter. Each intervening level of authority through which the protest is forwarded shall add its recommendations in the matter. Headquarters, U.S. Army Materiel Command, shall forward protests directly to the Comptroller General.

(d) Protest cases emanating in purchasing offices under the jurisdiction of the Chief of Engineers shall be forwarded to the Chief of Engineers, Attention: ENGGC–M, Department of the Army, Washington, D.C. 20315. The Chief of Engineers shall in turn forward protests directly to the Comptroller General.

(e) Headquarters, U.S. Army Materiel Command, and the Office, Chief of Engineers shall forward a copy of each transmittal letter, the contracting officer's administrative report, and the legal analysis and opinion of the issues (when appropriate) relative to each protest forwarded directly to the Comptroller General to the addressee in § 591.150(b)(7).

(f) Protest cases emanating in purchasing offices other than those enumerated in paragraphs (c) and (d) of this section, which are submitted for resolution to a level of authority higher than the cognizant head of procuring activity, shall be forwarded through the head of procuring activity to the addressee in § 591.150(b)(7) of this chapter. Each intervening level of authority through which the protest is forwarded shall add its recommendations in the matter.

(g) When a contracting officer makes an award pursuant to § 2.407–9(b)(3) of this title, he shall furnish copies of his decision to award to—

(1) The cognizant head of procuring activity; and

(2) The authority to which the person making the protest had indicated that he intended to carry the protest, if applicable.

(h) When the contracting officer forwards a protest received prior to award to a higher authority for resolution, he shall withhold the award pending instructions from the authority to which the protest was forwarded for resolution.

(i) When a protest is filed directly with the Comptroller General prior to award, the cognizant head of procuring activity shall be so notified by the Director of Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). The head of procuring activity shall in turn notify the contracting officer concerned and the contracting officer shall promptly forward the information prescribed in paragraph (b) of this section together with any other documentation specifically requested by the Comptroller General. Cases shall be forwarded as prescribed in paragraphs (c) and (d) of this section. Award of contract shall be withheld pending instructions from the Comptroller General except as provided in § 2.407–9(b)(2) of this title.

(j) When a protest is received after award of a contract, the following actions shall be taken—

(1) The contracting officer shall immediately notify the cognizant head of procuring activity of the nature of the protest;

(2) Where it reasonably appears that the award of the contract may be held to be invalid and a delay in receiving supplies or services covered by the contract is not prejudicial to the Government's interest, the contracting officer shall, subject to such instructions as the head of procuring activity deems appropriate, seek a mutual agreement with the contractor to "stop work" on a no cost basis;

(3) If the contractor refuses to enter into such a mutual "stop work" agreement, the head of procuring activity may direct the contracting officer in writing to issue a "stop work" order, unless the head of procuring activity determines that receipt of the supplies or services is so urgent that a "stop work" order would be prejudicial to the Government's interest;

(4) When a head of procuring activity subordinate to Headquarters, U.S. Army Materiel Command, considers that guidance from higher authority is necessary, the matter of withholding contractor performance shall be submitted by the most expeditious means to the addressee in § 591.150(b)(12) of this chapter;

(5) When a head of procuring activity not subordinate to Headquarters, U.S. Army Materiel Command, considers guidance necessary from higher authority, the matter shall be submitted to the addressee in § 591.150(b)(7) of this chapter;

(6) The contracting officer shall take no action pending receipt of advice from the appropriate level of higher authority.

PART 593—PROCUREMENT BY NEGOTIATION

9. Part 593 is revised to read as follows:

Subpart A—Use of Negotiation

Sec.
593.201 General requirements for negotiations.

Subpart B—Circumstances Permitting Negotiation

593.202 Public exigency.
593.202–2 Application.
593.204 Personal or professional services.
593.204–2 Application.
593.207 Medicines or medical supplies.
593.207–2 Application.
593.207–3 Limitation.
593.208 Supplies purchased for authorized resale.
593.208–2 Application.
593.208–3 Limitation.
593.209 Perishable or nonperishable subsistence supplies.
593.209–3 Limitation.
593.210 Supplies or services for which it is impracticable to secure competition by formal advertising.
593.210–2 Application.
593.210–3 Limitation.
593.211 Experimental, developmental, or research work.
593.211–3 Limitation.
593.212 Classified purchases.
593.212–2 Application.
593.213 Technical equipment requiring standardization and interchangeability of parts.
593.213–2 Application.
593.213–3 Limitation.
593.213–5 Records and reports.
593.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
593.214–2 Application.
593.215 Negotiation after advertising.
593.215–2 Limitation.
593.216 Purchases in the interest of national defense or industrial mobilization.
593.216–2 Application.
593.216–3 Limitation.
593.217 Otherwise authorized by law.
593.217–2 Application.
593.217–50 Limitation.

Subpart C—Determinations and Findings

593.301 Nature of determinations and findings.
593.302 Determinations and findings by the Secretary of a Department.
593.303 Determinations and findings below the Secretarial level.
593.305 Formats for determinations and findings.
593.306 Procedure with respect to determinations and findings.
593.306–50 Authority to negotiate.
593.306–51 Letter of transmittal.
593.306–52 Specialized research and development facilities.
593.306–53 Indemnification against extra hazardous risks.
593.306–54 Waiver of requirement for submission of cost or pricing data and certificate thereof.
593.306–55 Contracts for services of experts and consultants including stenographic reporting services.
593.306–56 Architect-engineer services.
593.307 Distribution of copies of determinations and findings.
593.308 Retention of copies of determinations and findings.

Subpart D—Types of Contracts

593.406 Other types of contracts.
593.406–1 Time and materials contracts.
593.406–2 Labor-hour contract.
593.408 Letter contract.
593.408–50 Letter contracts awarded, definitized, and outstanding.
593.408–51 Format for report on letter contracts awarded, definitized, and outstanding.
593.408–52 Change orders awarded, definitized, and outstanding.
593.408–53 Format for report on change orders awarded, definitized, and outstanding.

Subpart E—Solicitations of Proposals and Quotations

593.506 Late proposals and modifications.
593.550 Debriefing of unsuccessful offerors.
593.550–1 Definitions.
593.550–2 Policy.
593.550–3 Procedure.
593.550–4 Records.

Subpart F—Small Purchase and Other Simplified Purchase Procedures

593.604 Competition and price representation in small purchases.
593.604–3 Price representation.
593.605 Blanket purchase agreement (BPA).
593.605–3 Establishment of blanket purchase agreements.
593.605–4 Competition under blanket purchase agreements.
593.607 Imprest fund method.
593.607–3 Conditions for use.
593.607–4 Procedures.
593.608 Purchase orders.
593.608–4 Obtaining contractor acceptance and modifying the purchase order.
593.608–6 Use of DD Form 1155 as a delivery order.
593.608–8 Instructions for entries on DD Form 1155 and Standard Form 36.
593.608–9 Order—invoice—voucher method.
593.608–50 Use of DD Form 1155 for shipments to Army attachés.
593.609 U.S. Government national credit card.
593.609–1 General.

Subpart G—Negotiated Overhead Rates

Sec.
593.703 Applicability.
593.705 Procedure.
593.750 Negotiation of independent research and development costs.
593.750–1 Negotiation cognizance.
593.750–2 Prenegotiation review and evaluation.
593.750–3 Technical and scientific review and evaluation.
593.750–4 Use of audit services.
593.750–5 Conduct of negotiations.
593.750–6 Negotiation summary.
593.750–7 Recognition in contracts.

Subpart H—Price Negotiation Policies and Techniques

593.801 Basic policy.
593.801–2 Responsibility of contracting officers.
593.802 Preparation for negotiation.
593.802–1 Product or service.
593.807 Pricing techniques.
593.807–5 Defective cost or pricing data.
593.807–6 Refusal to provide cost or pricing data.

AUTHORITY: The provisions of this Part 593 issued under secs. 2301–2314, 3012, 70A Stat. 127–139, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—Use of Negotiation

§ 593.102 General requirements for negotiation.

Approvals of contract awards required by Department of the Army are contained in §§ 591.403–54, 591.403–55, and 591.450 of this chapter.

Subpart B—Circumstances Permitting Negotiation

§ 593.202 Public exigency.

§ 593.202–2 Application.

See AR 725–50 as it relates to the Uniform Materiel Movement and Issue Priority System (UMMIPS).

§ 593.204 Personal or professional services.

§ 593.204–2 Application.

Department of the Army procedures are set forth in Part 612 of this chapter.

§ 593.207 Medicines or medical supplies.

§ 593.207–2 Application.

Advance publicity is considered suitable when written solicitations have been furnished concerns engaged in the manufacture or sale of the supplies involved, including qualified suppliers known or reasonably believed to be interested in selling such supplies to the Government.

§ 593.207–3 Limitation.

Procurement shall not be made under this authority unless consistent with Subpart L, Part 5 of this title and AR 715–30.

§ 593.208 Supplies purchased for authorized resale.

§ 593.208–2 Application.

Advance publicity is considered suitable when written solicitations have been furnished to concerns engaged in the manufacture or sale of the supplies involved, including qualified suppliers known or reasonably believed to be interested in selling such supplies to the Government.

§ 593.208–3 Limitation.

Procurement shall not be made under this authority unless consistent with Subpart L, Part 5 of this title.

§ 593.209 Perishable or nonperishable subsistence supplies.

§ 593.209–3 Limitation.

Procurement shall not be made under this authority unless consistent with Subpart L, Part 5 of this title.

§ 593.210 Supplies or services for which it is impracticable to secure competition by formal advertising.

§ 593.210–2 Application.

Although 10 U.S.C. 2304(a)(10) refers to the impracticability of obtaining competition, the authority to negotiate under this exception is appropriate, subject to limitations stated in § 3.210–2 of this title, for supplies or services for which it is impracticable to obtain competition by formal advertising, including two-step formal advertising. Accordingly, competition shall be obtained when negotiating under this authority when more than one source is available.

§ 593.210–3 Limitation.

The written determination to justify negotiation under this authority shall state that the procurement is "for supplies (or services, or both) for which it is impracticable to obtain competition by formal advertising," and shall set forth the particular reasons why competition by formal advertising is not practicable.

§ 593.211 Experimental, developmental, or research work.

§ 593.211–3 Limitation.

To determine whether the written determination and findings must be made at Secretarial level or may be made below that level, see §§ 3.302 and 3.303 of this title and §§ 593.302 and 593.303.

§ 593.212 Classified purchases.

§ 593.212–2 Application.

See §§ 7.104–12 and 16.811 of this title and Industrial Security Regulation (DoD 5220.22–R) for guidance applicable to negotiation under this authority.

§ 593.213 Technical equipment requiring standardization and interchangeability of parts.

§ 593.213–2 Application.

(a) The term "standardization" as used herein includes the concept of uniformity to a degree which will accomplish maximum interchangeability of parts.

(b) Responsibility within the Department of the Army for action concerning candidate items for standardization and for monitoring the standardization program under 10 U.S.C. 2304(a)(13) is vested in the Commanding General, U.S. Army Materiel Command, who has assigned the responsibility to the Director of Procurement and Production of that command. The Director of Procurement and Production, U.S. Army Materiel Command, assigns responsibility for initiating standardization action, according to groups or categories of candidate items, to a head of procuring activity who is then responsible within the assigned category for—

(1) Initiating requests for standardization approval;

(2) Initiating determinations and findings for authority to negotiate after, or simultaneous with, standardization approval;

(3) The biennial review required by § 3.213–2(e) of this title; and

(4) Reporting the results of the biennial review with data supporting any determination made that the standardization should be continued, revised, or canceled, as the case may be.

(c) The head of procuring activity assigned a category of candidate items for standardization may select any item in the category which he believes will meet the criteria in § 3.213 of this title and in §§ 593.213—593.213–5 and may initiate a request for approval of standardization in accordance with § 593.306–54. If the facts appear to justify standardization, the head of procuring activity shall accumulate data concerning the makes and models of the item in the Army supply system and due in from procurement. Stocks on hand and due in from procurement of any make or model proposed for standardization shall constitute a significant portion, i.e. approximately 15 percent or more, of the assets of the item in the Army supply system. If the Army provides maintenance and repair parts in support of the Air Force, the combined assets of the two Departments may be considered; however, assets for the Military Assistance Program and for use exclusively at continental U.S. installations or activities, such as for repairs and utilities use, shall not be considered in selection of makes and models for initial standardization action.

(d) Requirements for the Military Assistance Program may be included in a purchase under this authority when—

(1) The Army's responsibility with respect to the Military Assistance Program equipment extends to replacement of parts;

(2) The Military Assistance Program requirements alone do not comprise a sufficient quantity for economical procurement; or

(3) Other circumstances set forth in the data supporting the determination to negotiate demonstrate the impracticability of advertising for the requirement.

(e) When redesign or redesignation of a standardized model will not affect interchangeability of parts of the new and old models, the standardization file of the cognizant head of procuring activity and the Director of Procurement and Production, U.S. Army Materiel Command, shall reflect a revision to the original standardization approval, supported by a determination of the head of procuring activity that cancellation of standardization is not warranted. When, for any reason, the head of procuring activity or the Director of Procurement and Production conclude that an approved standardization should be canceled, written notification shall be given promptly to the addressee in § 591.150(b)(7) of this chapter and to

the Assistant Secretary of Defense (Installations and Logistics). Consideration shall be given to cancellation when, after standardization, the quantity in the Army supply system of one or more of the selected suppliers falls below 15 percent, but cancellation is not required unless it reasonably appears that in future negotiated procurements such supplier(s) will not be able to offer effective competition. Nevertheless, when the quantity of one or more of the selected suppliers falls below 15 percent, standardization shall not be continued beyond one procurement except for the most compelling reasons.

§ 593.213–3 Limitation.

(a) To effect a procurement under this authority there shall have been executed at Secretarial level—

(1) A determination to standardize; and

(2) A determination and findings to support the negotiation of each proposed individual procurement or class of procurements.

(b) Approval of standardization does not constitute authority to negotiate a contract for procurement of the equipment or its parts.

(c) In negotiating procurements under this authority, effective competition shall be established between the selected suppliers, where more than one has been selected, and award shall be made to the supplier submitting the lowest responsive offer. Any contract for a standardized item shall contain a clause that the prices charged do not exceed the prices charged the contractor's most favored customer for similar quantities.

(d) The authority of a head of procuring activity to continue standardization following the required biennial review does not extend to continuation of standardization beyond the period of standardization approved by the Secretary.

(e) In transmitting Army initiated Military Interdepartmental Purchase Requests (MIPR's) requiring procurement of specific technical commercial type items of equipment for reasons of standardization, the initiating activity shall attach a copy of the approved determination of the Secretary to standardize.

§ 593.213–5 Records and reports.

The Director of Procurement and Production, U.S. Army Materiel Command, is responsible for maintaining and furnishing records pursuant to § 3.215–5 of this title.

§ 593.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.

§ 593.214–2 Application.

When avoidance of duplication of private investment is relied upon as a factor justifying negotiation under this authority, the supporting data submitted with the proposed determination and findings for Secretarial action shall contain convincing factual information that such duplication would be likely to result in additional cost to the Government.

§ 593.215 Negotiation after advertising.

§ 593.215–2 Limitation.

Subject to the limitations in § 3.215–2 of this Title, this authority may also be used for the procurement of an amount less than the entire portion of the procurement originally advertised.

§ 593.216 Purchases in the interest of national defense or industrial mobilization.

§ 593.216–2 Application.

(a) Section 3.216–2 of this Title must be read with emphasis upon the necessity for negotiation either to have a particular prospective contractor or a particular plant or facility available, and such necessity must arise from genuine considerations of national defense or industrial mobilization in event of a national emergency. The supporting data and the determinations and findings shall—

(1) Name the prospective contractor(s) with whom negotiation will be undertaken; and

(2) Clearly demonstrate that industrial mobilization or national defense considerations in event of a national emergency form the basis for the procurement with the particular contractor(s) named.

(b) Even though industrial mobilization, including production in completely separate plants, is a necessary consideration in placing a procurement, if competition is feasible the use of formal advertising including two-step formal advertising shall be considered, especially for the initial contract.

(c) Examples of procurements which might properly be negotiated under 10 U.S.C. 2304(a)(16) are—

(1) A contract for maintaining a facility in standby or layaway so as to have it available for production in event of a national emergency;

(2) A contract for the primary purpose of keeping existing lines and personnel of a mobilization base supplier active and current for national defense or industrial mobilization reasons; and

(3) A contract to train a particular contractor as a second or additional mobilization base producer.

(d) Procedures pertaining to approval of industrial mobilization projects are set forth in AR 37–40. However, the fact that a project falls under the Army Production Base Support Program does not necessarily justify use of negotiation under 10 U.S.C. 2304(a)(16). If the work to be performed under production engineering is virtually all design, development and test (i.e. design and test of a new, untried pilot line and of new production engineering solutions, development of production type specifications, design of new special tooling or of new special test equipment), the negotiation exception under § 3.211 of this title might be appropriate, notwithstanding that PEMA funds are to be used. For example, § 3.211 might be appropriate when the contract effort is—

(1) To modernize an existing Government-owned facility by the application of new techniques to the equipment, processes, and specifications; or

(2) To develop a procurement package suitable for competitive procurement from "raw" technical data and test results.

(e) If authority to negotiate under § 3.211 of this title is sought in a case where PEMA funds are to be used, the request for Secretarial approval of the determination and findings shall be forwarded to the addressee in § 591.150(b)(1) of this chapter.

§ 593.216–3 Limitation.

The authority under 10 U.S.C. 2304(a)(16) shall be used in preference to that under 10 U.S.C.(a)(12) but shall not be used when any other negotiation authority requiring Secretarial approval is appropriate.

§ 593.217 Otherwise authorized by law.

§ 593.217–2 Application.

(a) Any contract negotiated under this authority shall cite, in addition to 10 U.S.C. 2304(a)(17), the applicable statute or United States Code reference.

(b) The following United States Code references are illustrative of statutes which may be cited in appropriate cases in conjunction with 10 U.S.C. 2304(a)(17)—

(1) 5 U.S.C. 4105, training of civilian employees;

(2) 10 U.S.C. 1079, hospital and physicians contracts relating to dependent medical care;

(3) 15 U.S.C. 637(a), small business, section 8, Small Business Act;

(4) 15 U.S.C. 644, small business, section 15, Small Business Act;

(5) 18 U.S.C. 4124, prison-made supplies;

(6) 41 U.S.C. 48, blind-made supplies; and

(7) 49 U.S.C. 65, transportation services procured from commercial carriers lawfully operating in the territory in which such services are to be performed.

§ 593.217–50 Limitation.

Except as authorized in § 593.217–2, this authority shall not be used to negotiate a contract without the prior written approval of the cognizant head of procuring activity or higher authority. The contract file shall contain or cross-reference the required approval.

Subpart C—Determinations and Findings

§ 593.301 Nature of determinations and findings.

(a) Normally a determination shall not be stated in the alternative (Example 1); however, cases exist where such a statement may be proper (Example 2); and, when the facts adequately support alternatives, they may properly be stated conjunctively (Example 3). All examples are based upon a portion of § 3.214–3 of this title.

(1) *Example 1.* It is normally improper for the determination to state "that procurement by formal advertising either would be likely to result in additional cost to the Government by reason of duplication of investment, or would result in duplication of necessary preparation which would unduly delay the procurement." Instead, the alternative most responsive to the facts set forth in the findings should be used alone.

(2) *Example 2.* A statement in the alternative may be used in an appropriate class determination, e.g. where some of the procurement actions proposed would duplicate investment and others would unduly delay the procurement.

(3) *Example 3.* When both alternatives are supported by fact, the determination may properly state "that the procurement by formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment and would result in duplication of necessary preparation which would unduly delay the procurement."

(b) When class determinations and findings are requested, the identity of the property or services to be procured shall be clearly presented to the approving authority so as to apprise him of the procurement actions to which his approval would apply. Such identification is required to avoid an unlawful delegation of authority under 10 U.S.C. 2311. At the time an individual negotiated procurement is initiated under authority of a class determination and findings, the contracting officer shall insure that formal advertising is not feasible or practicable and shall prepare a statement of use for each procurement exceeding $10,000 showing—

(1) The identity of the class determination and findings;

(2) Purchasing office;

(3) Item(s) and quantity(ies);

(4) Contractor;

(5) Contract type;

(6) Contract number, date, and amount; and

(7) Whether or not competitive.

A copy of the statement of use shall be forwarded to the cognizant head of procuring activity. A continuing review of the use of class determinations and findings shall be made at head of procuring activity level.

(c) Premature disclosure of information contained in a determination and findings and its supporting data could provide an unfair advantage to one prospective contractor over another or create an impression that fair treatment was not being accorded all concerned. Accordingly, determinations and findings and supporting data not classified for other reasons shall be marked "For Official Use Only," unless the contracting officer determines in writing that there is no likely risk of prejudice to prospective contractors. Marking and removal of marking "For Official Use Only" shall be in accordance with AR 345–15.

§ 593.302 Determinations and findings by the Secretary of a Department.

In addition to the determination and findings set forth in § 3.302 of this title, determinations and findings may be required at Secretarial level in relation to—

(a) Section 3.404–7 of this title with respect to use of a contract providing for retroactive price redetermination after completion;

(b) 10 U.S.C. 2353 relating to the acquisition or construction by, or the furnishing to, a contractor of research, developmental, or test facilities and equipment and specialized housing therefor under a research or development contract (see § 593.306–52);

(c) 10 U.S.C. 2354 relating to use of an indemnification clause in a research and development contract (see § 593.306–53);

(d) Section 3.807–3(a) of this title with respect to a waiver in exceptional cases of requirements for submission by contractors of cost or pricing data and certificates relating thereto (see § 593.306–54);

(e) Part 17 of this title (Public Law 85–804) (see §§ 17.208 and 17.303 of this title and § 593.306–53(c));

(f) Contracts for services of certain experts or consultants and for stenographic reporting services (see §§ 591.450–3, 593.306–55, 612.205, and 612.209 of this chapter. NOTE: A separate determination and findings is required to support such contracts not covered by an annual delegation. The delegation applicable to DEPSIP–B personnel is limited by 10 U.S.C. 1584 and 2356); and

(g) Architect-engineer services under 10 U.S.C. 4540 and other pertinent statutes (see §§ 591.450–5 and 593.306–56 of this chapter).

§ 593.303 Determinations and findings below the Secretarial level.

(a) Heads of procuring activities, their deputies, and principal assistants responsible for procurement are delegated, without power of redelegation, the authority to make class determinations and findings with respect to negotiation pursuant to §§ 3.202, 3.207, 3.208, and 3.210 of this title.

(b) Determinations of estimated cost (§ 3.405–6(c)(2) of this title) for the purpose of measuring the maximum fixed fee (see 10 U.S.C. 2306(d)) or maximum total fee under § 3.405–4(c) of this title may be made by the cognizant head of procuring activity or his authorized designee. Each such determination of estimated cost for fee measurement purposes shall be made a matter of record at the time of award of any cost-reimbursement type contract which contains provisions both for cost incentives and for excluding certain estimated costs from the target cost, or which contains a firm fixed-price or cost-sharing element.

§ 593.305 Formats for determinations and findings.

A determination and findings shall be concise and normally shall not exceed 1½ pages. See § 593.306 and appendix J, ASPR, for—

(a) Format for letter of transmittal forwarding a determination and findings for Secretarial action;

(b) Description of supporting data required to accompany a determination and findings submitted for Secretarial approval;

(c) Cover sheet format of the justification for Secretarial authorization for negotiation; and

(d) Formats for determinations and findings.

§ 593.306 Procedure with respect to determinations and findings.

(a) The basic procedure for obtaining approval of a determination and findings requiring Secretarial action consists of—

(1) Preparation and submission through procurement channels to the appropriate Secretarial office of the document to be signed;

(2) A Justification for Secretarial authorization for negotiation containing required supporting data and an AP plan when appropriate; and

(3) A transmittal letter.

(b) The submission shall be made in an original and five copies in sufficient time to allow a minimum of fifteen (15) working days within Headquarters, Department of the Army.

§ 593.306–50 Authority to negotiate.

Each request for Secretarial determination under 10 U.S.C. 2304(a)(11) through (16) shall consist of—

(a) A letter of transmittal in the format in § 593.306–51;

(b) The justification for negotiation recommending approval of the determination and findings as required by appendix J, ASPR;

(c) The supporting data to the justification in the format prescribed in Appendix J, ASPR;

(d) The determination and findings in the appropriate format prescribed in Appendix J, ASPR;

(e) An AP plan, if applicable, in the format prescribed.

§ 593.306–51 Letter of transmittal.

The following format is typical of a letter of transmittal for requesting Secretarial approval of a determination and findings—

DEPARTMENT OF THE ARMY

(PROCURING OR REQUIRING ACTIVITY)

SUBJECT: Request for Approval of Determination and Findings.

THRU: [1]

TO: [2] Assistant Secretary of the Army, Washington, D.C. 20310.

Inclosed is a Justification for Secretarial Authorization to Negotiate recommending approval of a Determination and Findings to perform the work by contract under authority in 10 U.S.C. 2304(a)( ) [3] in the estimated amount of $-------

Inclosure

as

(Signature)

Footnotes:

[1] Here show any intermediate headquarters in procurement channels through which the request is forwarded. In addition, if RDT&E funded, show "Chief, Research and Development;" if funded otherwise, show "Director of Material Acquisition."

[2] If 10 U.S.C. 2304(a)(11) is applicable, show "(Research and Development)" except as provided in 3–216.2; show "(Installations and Logistics)" when required in 3–216.3 and in other cases where negotiation exceptions other than 10 U.S.C. 2304(a)(11) are applicable.

[3] Enter the appropriate subparagraph for negotiation.

§ 593.306–52 Specialized research and development facilities.

Each request for a Secretarial determination and findings under 10 U.S.C. 2353 shall contain—

(a) A description of the procurement to include contract type, funds used, property or services being procured, contractor, any urgency considerations, and any explanation necessary to apprise the approving authority of unique or unusual aspects. Factual information shall be given in sufficient detail to sustain a finding that the contract is for research, development, or both.

(b) A description of the research, development, or test facilities and equipment and specialized housing therefor which are to be provided the contractor at Government expense. This information shall include estimated cost; details concerning ownership of land on which they are to be affixed; severability; statement as to whether any of the proposed facilities have general utility; details which show that the property is of a special character useful primarily for research, development, or test purposes (see AR 415–25); and an explanation of why such property is necessary for the performance of the contract.

(c) An explanation of the basis upon which the facilities and equipment are to be provided to the contractor, e.g. loan, lease, other; whether they are readily removable or separable without unreasonable expense or unreasonable loss of value; and a description of the provisions which are to be included in the contract either for—

(1) Reimbursing the Government for the fair value of the property at or near the completion or termination of the contract;

(2) Options afforded the Government to acquire an interest in any underlying land; or

(3) Alternative provisions together with an explanation of why such alternatives are considered adequate to protect the interests of the Government.

§ 593.306–53 Indemnification against extra hazardous risks.

(a) Each request for a Secretarial determination and findings authorizing use of a provision indemnifying the contractor against an unusually hazardous risk shall contain—

(1) A description of the proposed or existing contract, e.g. contractor, nature of procurement, type of contract; urgency considerations, if any; and any explanation necessary to apprise the Secretary of any unique or unusual aspects of the procurement;

(2) An analysis of the elements of the contract which are considered to be unusually hazardous, with justification as to why they are so considered, including information concerning possible extent of loss, e.g. geographical areas involved, population density;

(3) Information as to any prior experience indicating demand or absence of demand for indemnification by the same contractor or other contractors in similar situations, and indicating the likelihood of loss occurring as a result of the performance of the contract and an appropriate statement concerning efficacy of preventive measures;

(4) Information concerning the availability of commercial insurance at a reasonable rate and the cost thereof; (this information must be factual, current, and complete, and must show that a bona fide effort has been made to explore feasible commercial insurance coverage); and

(5) A copy of the proposed indemnification clause, or an ASPR reference thereto (see Subpart G, Part 10 of this title).

(b) If the Secretarial determination and findings is under 10 U.S.C. 2354, the request shall also contain—

(1) Factual information showing that the contract in which the proposed clause is to be used is for research or development or both;

(2) A statement that the proposed indemnification clause complies fully with the requirements of 10 U.S.C. 2354; and

(3) The reasons why the use of such indemnification clause would be in the interest of the Government.

(c) If the Secretarial action is to be a Memorandum of Approval under Part 17 of this title (Public Law 85–804), the request shall contain factual information supporting a finding that the proposed action will facilitate the national defense.

§ 593.306–54 Waiver of requirement for submission of cost or pricing data and certificate thereof.

Each request for a Secretarial waiver shall contain an elaboration of the facts stated in the Secretarial determination and findings. Since the requirement for submission of cost or pricing data and for a certificate concerning the current status thereof is imposed by statute (10 U.S.C. 2306(f)), each request to the Secretary for approval of a waiver shall include a statement that the contractor has been advised of the statutory basis for the requirement. The request shall also contain facts which demonstrate that the case is of such an unusual, unique, or extraordinary character that the granting of the waiver would not establish a precedent which would tend to diminish the intended broad application of the statute.

§ 593.306–55 Contracts for services of experts and consultants including stenographic reporting services.

Requests for Secretarial approval of a determination and findings related to services of experts and consultants including stenographic reporting services shall comply with Part 612 of this chapter and Part 22 of this title.

§ 593.306–56 Architect-engineer services.

Architect-engineer services shall be procured only by those procuring activities to whom authority is delegated annually as described in §§ 591.450–5 and 591.5102 of this chapter. If a procuring activity to which architect-engineer contracting authority has not been delegated is required to obtain such services, arrangements for effecting the procurement shall be made with the appropriate Corps of Engineers District.

§ 593.307 Distribution of copies of determinations and findings.

(a) The original signed determination and findings shall be filed with the signed number of the contract retained in the official files of the purchasing office or cognizant procuring activity. Additional copies shall be distributed as prescribed.

(b) An authenticated copy of the determination and findings required by § 3.307 of this title to be forwarded shall accompany a copy of each relevant contract upon its submission to the General Accounting Office; except that, where it is known that a copy of a class determination and findings is on file in the General Accounting Office, it is permissible to make reference on the face of the contract copy to the applicable class determination and findings, provided the number of the prior contract to which the copy of the class determination and findings was attached is also cited.

§ 593.308 Retention of copies of determinations and findings.

Within the Department of the Army, the responsibility for the retention of copies of determinations and findings and supporting documents shall be that of the cognizant procuring activity.

Subpart D—Types of Contracts

§ 593.406 Other types of contracts.

§ 593.406–1 Time and materials contracts.

The determination that no other type of contract will suitably serve shall be made in writing by the contracting officer and shall be approved at a level higher than the contracting officer. The approved determination shall be filed in the appropriate contract file.

§ 593.406–2 Labor-hour contract.

The requirement in § 593.406–1 shall likewise apply to labor-hour contracts.

§ 593.408 Letter contract.

(a) A head of procuring activity, his deputy, or principal assistant responsible for procurement is authorized, without power of further delegation—

(1) To make the written determination required by § 3.408(c)(1) of this title;

(2) To approve letter contracts, provided preaward clearance has been obtained from the appropriate Secretary for a letter contract involving a selected item or project pursuant to § 591.403–54 of this chapter;

(3) To approve letter contracts in excess of 180 days or 40 percent of the work pursuant to § 3.408(c)(3) of this title;

(4) To approve letter contracts in excess of 50 percent of the total estimated cost of the contemplated definitive contract pursuant to § 3.408(c)(4) of this title.

(b) AR 37–22—

(1) Provides for commitment of the estimated amount of the definitive contract over and above the amount

obligated for performance of the letter contract;

(2) Precludes authorizing or creating a commitment in excess of the balances of uncommitted funds available in the appropriate allotment account; and

(3) Defines a commitment as a firm reservation of funds based upon a firm procurement directive which authorizes the creation of an obligation without recourse to the official responsible for assuring that funds are available.

(c) Accordingly, when it is necessary to enter into a letter contract and no-year funds available for obligation and commitment are less than the sum estimated to be necessary for an ultimate definitive contract which may be entered into when additional funds become available, § 3.408(c)(4) and (5) of this title require that the letter contract, including the attachment or other portion thereof describing the supplies to be delivered or the work to be performed, shall not describe, refer to, or otherwise commit the Government to a definitive contract in excess of the funds available for obligation and commitment at the time the letter contract is consummated. Nevertheless, before definitization, a letter contract may be amended to add additional work and funds at such time as funds and any other required approvals have become available.

(d) In addition to the clauses prescribed in Subpart H, Part 7 of this title, §§ 23.201–1 and 23.201–2 of this title set forth requirements for letter contracts under certain exceptional circumstances. Formats for letter contracts are in § 606.–552 of this chapter.

(e) The fee in any cost-reimbursement type letter contract and in the resulting definitive contract, and the price negotiation policies and techniques shall be consistent with §§ 3.405 and 3.800 of this title.

§ 593.408–50 Letter contracts awarded, definitized, and outstanding.

(a) Heads of procuring activities who award letter contracts shall prepare and submit quarterly reports on Letter Contracts Awarded, Definitized, and Outstanding, Reports Control Symbol DD–I&L(Q)–679, in the format in § 593.408–51. Reports shall be signed and submitted in duplicate to the addressee in § 591.150(b)(6) of this chapter within 25 calendar days after the close of each quarter year. Negative reports are not required.

(b) Heads of procuring activities subordinate to Headquarters, U.S. Army Materiel Command or U.S. Continental Army Command shall submit their reports to the appropriate Headquarters which shall consolidate the report for submission to the addressee in § 591.150(b)(6) of this chapter.

(c) For reporting purposes a letter contract consists of a basic letter contract with all amendments and shall be reported as a single letter contract. The total obligated dollar value of the basic letter contract combined with the obligated dollar value of all amendments shall be included. Letter contracts and amendments designated as supplemental agreements to definitive contracts shall be considered as a letter contract and shall be reported as such.

(d) The dollar amounts to be reported shall be obligated amounts prior to definitization. Definitization shall be considered complete when a definitized contract is signed by Government and contractor representatives.

(e) In addition to the quarterly reports from Headquarters, U.S. Army Materiel Command, information required by the quarterly report shall be submitted by that Command monthly in duplicate to the addressee in § 591.150(b)(6) of this chapter not later than the 20th calendar day of each month.

§ 593.408–51 Format for report on letter contracts awarded, definitized, and outstanding.

DEPARTMENT OF THE ARMY

(Name and Address of Reporting HPA)

LETTER CONTRACTS AWARDED, DEFINITIZED AND OUTSTANDING

Period From: ..... To: .....

Status	Number	Dollar amount ($000)
1. Not definitized at beginning of period		
2. Entered into during period		
3. Definitized during period		
4. Not definitized at end of period—Total		
a. Under 6 months		
b. 6 months up to 12 months [1]		
c. 12 months or more [1]		

[1] On separate sheet, list name of contractor, contract number, amendment or modification number, date letter contract was entered into, amount of letter contract, and reason the letter contract or amendment was not definitized at the end of period.

Instructions:
1. Dollar value of amendments shall be entered on line 2, but the amendment shall not be added into the number column.
2. The sums of entries on lines 1 and 2, minus entries on line 3, shall equal the entries on line 4.
3. Entries on line 4 shall be aged on lines a through c, the age to be computed from the date of each basic letter contract through the end of the report period.

§ 593.408–52 Change orders awarded, definitized, and outstanding.

(a) Heads of procuring activities shall prepare and submit quarterly reports on Change Orders Awarded, Definitized, and Outstanding, in the format in § 593.408–53, in the same manner as prescribed in § 593.408–50 (a) and (b). Negative reports are not required.

(b) For reporting purposes an undefinitized change order consists of all unpriced contract change notices (CCN's) or other change orders that have not been definitized in the contract by supplemental agreement.

(c) Change order actions for appeals, letter contracts, or terminations shall not be reported.

(d) The report shall include all change orders of $10,000 or more. The dollar amounts to be reported shall be obligated amounts prior to definitization or the estimated value, whichever amount reflects the total estimated cost impact of the change order.

(e) A statement identifying each outstanding undefinitized change order of $1 million or more, the reason for delay in definitization, and actions taken to obtain early settlement shall be attached to each report.

§ 593.408–53 Format for report on change orders awarded, definitized, and outstanding.

DEPARTMENT OF THE ARMY

(Name and Address of Reporting HPA)

CHANGE ORDERS AWARDED, DEFINITIZED AND OUTSTANDING

Period From: ..... To: .....

Status	All actions		Actions of $1 million or more	
	Number	Dollars ($000)	Number	Dollars ($000)
	(a)	(b)	(c)	(d)
(1) Not definitized at beginning of period				
(2) Entered into during period				
(3) Definitized during period				
(4) Not definitized at end of period—Total				
a. Under 6 months				
b. 6 Months or more				

Instructions:
1. The dollar amounts shall be reported in thousands.
2. Line 4 shall equal line 1 plus line 2 minus line 3.
3. Line 4 of the previous report shall be the same as line 1 of the current report.

Subpart E—Solicitations of Proposals and Quotations

§ 593.506 Late proposals and modifications.

(a) When a late proposal is received and the contracting officer believes that it should be considered under § 3.506(c)(2) of this title, he shall forward through procurement channels to the addressee in § 591.150(b)(6) of this chapter by the most expeditious means his reasons for considering the late proposal to be of extreme importance to the Government. All facts pertinent to the solicitation which lead to his conclusion shall be stated.

(b) When time of award is of the essence, direct communication between the contracting officer and the addressee in § 591.150(b)(6) of this chapter is authorized. In such cases, the contracting officer shall furnish the cognizant head of procuring activity a copy of the communication concurrent with its release to the addressee in § 591.150(b)(6).

(c) The Secretarial determination shall be forwarded directly to the contracting officer concerned with information copies to the cognizant head of procuring activity.

§ 593.550 Debriefing of unsuccessful offerors.

§ 593.550–1 Definitions.

For the purposes of this subpart the following definitions shall apply—

(a) "Debriefing" means an explanation of the evaluation of the significant factors contained in an unsuccessful offeror's approval, pointing out major weaknesses and strong points in his proposal.

(b) "Major negotiated procurements" means—

(1) Any negotiated procurement exceeding $1 million;

(2) Any negotiated procurement which it is contemplated will lead to follow on awards in excess of $1 million; and

(3) Any other type procurement which involves extensive proposals and evaluation of special areas such as scientific approach, technical capability, and business management; e.g., project definition studies.

§ 593.550–2 Policy.

(a) Although not mandatory, debriefings after award shall be given serious consideration by each head of procuring activity and commanders of each research, engineering, and test installation or activity in selected major negotiated procurements when it is obvious that extensive effort and substantial amounts of money and time have been expended in preparation of proposals.

(b) If any unsuccessful offeror requests a debriefing, the cognizant head of procuring activity or commander shall endeavor to have a debriefing conducted. Authority to conduct debriefings may be delegated as deemed appropriate by the head of procuring activity or commander.

§ 593.550–3 Procedure.

(a) When it is determined that a particular procurement justifies a debriefing each unsuccessful offeror shall be advised that a debriefing is available and shall be informed as to the Government office concerned and its location. Notification of debriefings shall be given at the time an unsuccessful offeror is notified of award of a procurement or as soon thereafter as practicable.

(b) If an offeror requests a debriefing, arrangements shall be made to conduct the debriefing promptly.

(c) A debriefing shall be confined to a discussion of the unsuccessful offeror's proposal in relation to the Government's requirement. Care shall be taken to avoid—

(1) Comparing one offeror's proposal with another; and

(2) Disclosure of information contained in other competitive offers, such as cost breakdown, trade secrets, processes, and techniques, or any information received in confidence.

(d) Information as to specific weights or points assigned during the evaluation shall not be disclosed.

§ 593.550–4 Records.

The contract file shall be documented with a record of any debriefing action taken.

Subpart F—Small Purchase and Other Simplified Purchase Procedures

§ 593.604 Competition and price representation in small purchases.

§ 593.604–3 Price representation.

Imprest funds, blanket purchase agreements, and Standard Forms 44 shall not be used for making small purchases to evade the use of the Price Representation information prescribed in § 3.604–3 of this title. Those small purchase methods shall be used only when all criteria set forth in ASPR for their use is met.

§ 593.605 Blanket purchase agreement (BPA).

§ 593.605–3 Establishment of blanket purchase agreements.

(a) Blanket purchase agreements shall not be established—

(1) For supplies or services for which unpriced purchase orders should be used (§ 3.608–3 of this title), e.g. repair services where disassembly of the item to be repaired is required to determine the nature and extent of repairs or where exact prices of repair services are not known; or

(2) With suppliers having brand name contracts for commissary resale items available thereunder (see § 594.5102 of this chapter), except—

(i) When a brand name contract specifies a minimum shipping quantity;

(ii) The resale items are normally purchased in quantities less than the minimum shipping quantity; and

(iii) The supplier is willing to sell the items in lesser quantities at reasonable prices.

(b) Contracting officers shall normally establish firm unit prices by negotiating prices or price lists for specific periods of time for incorporation in or attachment to BPA's established with suppliers.

(c) Responsibility for the function of placing calls under BPA's rests with the contracting officer, who may—

(1) Authorize individuals assigned to his purchasing office to place calls under any BPA's established by him in any dollar amount within the limitation in § 3.605–2 of this title; and

(2) Authorize individuals in requiring activities such as commissaries, hospitals, research laboratories, or isolated off-post locations to place calls under any prepriced BPA's established by him, provided the aggregate dollar amount of any call does not exceed $250; except that individuals in commissaries may be authorized to place calls for subsistence items without monetary limitation when the BPA contains the Examination of Records clause (§ 7.104–15 of this title).

(d) Contracting officers who authorize individuals to place calls against BPA's under paragraph (c) of this section shall—

(1) Instruct the individuals in the proper use of BPA's;

(2) Furnish copies of BPA's (with price lists, if prepriced) to each individual authorized to place calls thereunder;

(3) Insure that suppliers are informed of the names of the individuals authorized to place calls;

(4) Insure that individuals equitably distribute calls among suppliers with whom BPA's have been established;

(5) Insure that individuals do not split purchase transactions to evade monetary limitations; and

(6) Obtain from individuals at the end of each billing period copies of delivery tickets or sales slips so that suppliers' invoices may be promptly processed for payment.

§ 593.605–4 Competition under blanket purchase agreements.

The use of BPA's shall not relieve the contracting officer or any individual whom he may authorize to place calls thereunder of the responsibility for judicious buying at advantageous prices and for knowledge of items purchased and the current market prices of such items.

§ 593.607 Imprest fund method.

§ 593.607–3 Conditions for use.

AR 37–103–1 prescribes policy and procedures covering disbursing operations of the Department of the Army in connection with the use of imprest funds and supplements ASPR by authorizing the use of imprest funds for expenditures not related to small purchases.

§ 593.607–4 Procedures.

(a) Ordering officers may be appointed pursuant to § 591.452 of this chapter to make purchases using imprest funds. Imprest fund cashiers shall not be appointed ordering officers and shall not be authorized to make purchases using imprest funds.

(b) COD orders shall be placed only when the price of an item has been obtained by verbal or written quotation or has been taken from the supplier's current catalog or pricelist. When COD orders are placed with suppliers by mail, they may be placed either by letter or by use of DD Forms 1155 endorsed "Payment to be made from Imprest Funds." COD orders shall not be placed based upon "ceiling" prices.

§ 593.608 Purchase orders.

§ 593.608–4 Obtaining contractor acceptance and modifying the purchase order.

When a final shipment under a purchase order is received in which there is a shortage, the purchase order may be considered completed without issuance of a modification, provided the shortage is negligible.

§ 593.608–6 Use of DD Form 1155 as a delivery order.

When more practicable and economical than processing separate delivery orders and if agreeable with the supplier, DD Forms 1155 may be used to consolidate deliveries for payment at the end of a month or lesser period. In such cases items purchased need not be itemized on the consolidated DD Form 1155 if the supplier's invoice is itemized.

§ 593.608–8 Instructions for entries on DD Form 1155 and Standard Form 36.

(a) Accountable officers are responsible for completion of the Accepted portion of block 20 and for completion of blocks 26, 27, 31, 35, 37, 38, 39, 40, 41, and 42, subject to—

(1) When nonacceptable supplies or overages are received, disposition instructions shall be requested from the contracting officer;

(2) Errors in nomenclature or stock numbers may be corrected manually; and

(3) Receiving reports shall be completed within the time specified in AR 715–29.

(b) If inspection is made other than at destination, copies of DD Forms 1155 shall be furnished the inspection office by the contracting officer. Completed inspection reports shall be furnished the consignee unless otherwise indicated in each specific case by the contracting officer.

(c) Blocks 28, 29, 30, 32, 33, 34, and 36 shall be completed in accordance with AR 37–107.

§ 593.608–9 Order—invoice—voucher method.

(a) The signature of the contracting officer constitutes certification of fund availability under the appropriation cited on the order. The contracting officer is therefore responsible for insuring that funds are available for purchases which he makes and for entering the proper accounting classification on the order.

(b) When the bulk funding concept §§ 3.602 and 3.603–1 of this title) is used, the contracting officer shall inform the finance and accounting officer at the close of each accounting month of the amount of all purchases he has made from the bulk funding account by use of the Order—Invoice—Voucher method.

(c) The individual authorized to accept the supplies or nonpersonal services ordered shall sign in the space "Received By" and shall complete the spaces entitled "Title" and "Date" on copies 3 and 4 and such other copies of Standard Form 44 as may be required.

(d) The spaces on Standard Form 44 relating to payment shall be completed in accordance with AR 37–107. The contracting officer shall request the finance and accounting officer to enter the order number of the completed Standard Form 44 on the check for payment so that the supplier may identify the transaction for which he is receiving payment.

(e) If agreeable with the supplier, the contracting officer may hold completed Standard Forms 44 until the end of a month and prepare Standard Form 1034 as the payment voucher with the Standard Forms 44 attached as subvouchers. In such cases the signature of the contracting officer on Standard Form 1034 shall be sufficient in lieu of his signing each Standard Form 44 attached as subvouchers. If the supplier is not agreeable to this procedure, or if a time payment discount offered by the supplier cannot be taken because of use of this procedure, the individual Standard Form 444 shall be processed for payment without delay to obtain the benefit of the time payment discount.

(f) Pursuant to § 591.452 of this chapter ordering officers may be oppointed at isolated locations outside an installation or activity to make over-the-counter purchases using Standard Forms 44 or DD Forms 1155 when the conditions in § 3.609–9(b) of this title are satisfied.

(g) Department of the Army aviators and masters of Army-owned or operated vessels authorized by AR 715–232 to make emergency purchases under conditions prescribed therein may use Standard Forms 44.

§ 593.608–50 Use of DD Form 1155 for shipments to Army attachés.

(a) Certain small purchases made for Army attachés may be shipped direct from a supplier to the Assistant Chief of Staff for Intelligence, Department of the Army, for transmittal by surface pouch to the Army attaché.

(b) The following limitations shall apply—

(1) The maximum weight of each parcel shall not exceed 40 pounds;

(2) The maximum dimensions for each parcel shall be—

(i) Box—12 by 16 by 18 inches;

(ii) Flat package—4 by 18 by 18 inches; or

(iii) Cylindrical package—5 inches in diameter by 24 inches long; and

(3) A parcel shall not contain—

(i) Perishable, fragile, liquid, explosive, or flammable articles;

(ii) Firearms; or

(iii) Glass containers.

(c) Shipments shall be addressed to—

U.S. Army Attaché (City—Country), c/o Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20315.

(d) Shipments shall be identified by requisition and purchase order number, if available.

(e) Two copies of DD Form 1155, clearly indicating thereon the addressee to whom they are to be returned, shall be mailed by the contracting officer at the time the order is placed to—

Assistant Chief of Staff for Intelligence, Attention: Property Officer, Department of the Army, Washington, D.C. 20315.

(f) Payment shall be made upon the basis of a signed acceptance certificate of the Property Officer, Office of the Assistant Chief of Staff for Intelligence, on DD Form 1155.

§ 593.609 U.S. Government national credit card.

§ 593.609–1 General.

(a) Department of the Army aviators authorized by AR 715–232 to make emergency purchases while on authorized flights in Army aircraft and individuals authorized use of military vehicles while on official travel may make purchases by use of U.S. Government national credit cards.

(b) The delivery ticket prepared by the service station attendant and signed by the identification card holder at the time of delivery constitutes a delivery order consistent with AR 37–107.

Subpart G—Negotiated Overhead Rates

§ 593.703 Applicability.

(a) The appropriate negotiated overhead rates clause is authorized for use in all cost-reimbursement type contracts, except facilities contracts, with contractors listed for overhead negotiation in the master list of contractors for negotiated overhead rates and advance agreements for independent research and development costs. The master list is published annually and revisions thereto are published as required in defense procurement circulars (DPC's). The responsibility within the Department of the Army for the administration and maintenance of the master list is vested in the Commanding General, U.S. Army Materiel Command, who has assigned such responsibility to his Director of Procurement and Production.

(b) The appropriate negotiated overhead rates clause is authorized for use in cost-reimbursement type contracts, except facilities contracts, with any contractor not listed for overhead negotiation in the master list when—

(1) Such use will accomplish any or all of the purposes stated in § 3.702 of this title or will otherwise be advantageous to the Government.

(2) The initial use of the negotiated overhead rates clause selected has been coordinated with other Department of the Army procuring activities having a contractual interest with the contractor concerned. Where a procuring activity of the Departments of the Navy or Air Force has a contractual interest with the contractor concerned, coordination with that procuring activity shall be effected through the SENTINEL System Manager for the SENTINEL system organization or through the addressee in § 591.150 (b)(11) of this chapter for all other Department of the Army procuring activities; and

(3) Clearance by the cognizant head of procuring activity has been obtained.

(c) To insure uniformity in the manner of overhead settlement with each contractor to whom paragraph (a) or (b) of this section is applicable—

(1) Notification of the clearance by the cognizant head of procuring activity shall be furnished upon issuance to the addressee in § 591.150(b)(11) of this chapter, Attention: AMCPP–SC, for appropriate action to have the master list revised; and

(2) Each cognizant contracting officer shall include suitable safeguards to insure that no other provision is used in any subsequent cost-reimbursement type contract with the contractor concerned while the authorization in paragraph (b) of this section is in force or while the contractor is listed for overhead negotiation in the master list.

(d) Before discontinuing use of the negotiated overhead rates clause with

any contractor, clearance shall be obtained from the SENTINEL System Manager for the SENTINEL system organization or from the addressee in § 591.150 (b) (11) of this chapter for all other Department of the Army procuring activities. A request for clearance shall—

(1) Set forth all the circumstances bearing on the proposed discontinuance;

(2) Including the recommendation of the cognizant head of procuring activity; and

(3) Be coordinated in advance with any other interested Department of the Army procuring activity and the cognizant audit office.

§ 593.705 Procedure.

(a) When the Department of the Army is the sponsor of coordinated negotiations as described in § 3.706 of this title or when the contractor concerned has contracts with more than one Department of the Army procuring activity, negotiation cognizance shall be assigned to the procuring activity having the preponderance of contract interest. The conduct of negotiations may be assigned by the designated head of procuring activity to a field command or purchasing office of that activity, except where such reassignment is restricted by specific instructions from the SENTINEL System Manager for the SENTINEL system organization or from the Director of Procurement and Production, Headquarters, U.S. Army Materiel Command, for all other Department of the Army procuring activities.

(b) Upon notification by the Departments of the Navy or Air Force that coordinated overhead rate negotiations have been scheduled with a contractor, the Director of Procurement and Production, Headquarters, U.S. Army Materiel Command, or the SENTINEL System Manager, as appropriate, shall designate a procuring activity to represent the Department of the Army in the negotiations.

(c) The procuring activity assigned negotiation cognizance under paragraph (a) or (b) of this section shall furnish a principal representative of the Department of the Army for the purpose of—

(1) Conducting negotiations when the Department of the Army is the sponsor; or

(2) Representing the Department of the Army in negotiations sponsored by the Department of the Navy and Air Force if the extent of Department of the Army interest warrants participation.

(d) The principal Department of the Army representative shall be authorized to act for and on behalf of all Department of the Army procuring activities affected by the negotiation; consequently, he shall be selected because of his skill, tact, perseverance, experience, knowledge of procurement regulations, and familiarity with business practices. Procuring activities which do not have negotiation cognizance may designate personnel to attend the negotiation conference as observers, as technical advisors, or for training purposes.

(e) Before the negotiation conference, the principal Department of the Army representative shall—

(1) Solicit the comments and recommendations of other procuring activities as to the proposals made by the contractor and as to the related advisory audit report;

(2) Obtain the advisory comment and analyses of legal, pricing, audit, and technical personnel as to the rate or rates of overhead, application of cost principles, treatment of particular items of cost, and other pertinent issues;

(3) Develop the Department of the Army position in coordination with other interested Department of the Army procuring activities, with consideration being given to the limitations, special provisions, and cost-sharing arrangements of the affected contracts (any case in which agreement as to the Department of the Army position cannot be reached shall be referred to the SENTINEL System Manager or to the addressee in § 591.150(b) (11) of this chapter, as appropriate); and

(4) Notify in sufficient time to permit their participation all interested Department of the Army procuring activities, the Departments of the Navy and Air Force, and the cognizant audit office of the date established for the negotiation conference.

(f) The procuring activity having negotiation cognizance shall provide legal, pricing, and technical assistance to the principal representative in the preparation for and conduct of the negotiation conference and of any preliminary meetings.

(g) The negotiation summary prepared at the completion of the negotiations shall contain the following information as a minimum—

(1) The name, position, and organization of conferees representing the Government and the contractor;

(2) The purpose of the negotiation and period covered;

(3) A summary of the contractor's proposal, the pertinent advisory audit report comments, and the recommendations of legal, pricing, and technical advisors;

(4) The various rates of overhead resulting from the negotiation, with a discussion of the treatment given to cost factors requiring specific attention;

(5) A list of the contracts affected by the negotiation, showing contract number, total dollar value, and uninvoiced dollar amount, or a statement that the information is contained in the advisory audit report;

(6) Any special treatment agreed upon for contracts containing limitations, special provisions, or cost-sharing arrangements; and

(7) A specific comment as to the amounts allowed for costs of the contractor's independent research and development programs and the effect of such allowance on rates and total amounts of overhead and general and administrative expense.

(h) The negotiation summary shall be signed by the principal representative and shall be approved by an official responsible for procurement in the office which conducted the negotiations. Copies of the negotiation summary shall be distributed as follows, except that no distribution shall be made to the Departments of the Navy and Air Force when the contractor has no contracts with those Departments—

(1)—

Headquarters, U.S. Army Materiel Command, Attention: AMCPP-SC	[1] 3
Each subordinate command, installation, and activity of U.S. Army Materiel Command having contractual interest	3
Each other Department of the Army procuring activity having contractual interest	3
Headquarters, cognizant audit office	3
Headquarters, Defense Supply Agency, Attention: DSAH-FCA, Cameron Station, Alexandria, Va. 22314	25
Office of Naval Materiel, Department of the Navy (M-37), Washington, D.C. 20360	90
Headquarters, Air Force Systems Command (SCKPF), Andrews Air Force Base, Washington, D.C. 20331	60

[1] With one copy of distribution list.

(2) When the advisory audit report indicates that purchasing offices of Government agencies outside the Department of Defense have a contractual interest, one copy shall be forwarded to the purchasing office concerned.

§ 593.750 Negotiation of independent research and development costs.

(a) This section applies to all negotiations concerning the extent of allowability of costs of independent research and development (IR&D) (see § 15.205-35 of this title) under, or relating to, a contract to which Subparts B or F, Part 15 of this title applies, The procedures herein are intended to result in uniform application throughout the Department of the Army of ASPR cost principles relating to IR&D. IR&D costs are often an element in a contractor's overhead and hence may be considered in connection with overhead rate negotiations.

(b) The SENTINEL System Manager for the SENTINEL system organization and Headquarters, US. Army Materiel Command, for all other Department of the Army procuring activities, are responsible for administration of the program of coordinated negotiation of IR&D costs encompassed in the procedures set forth herein. Information required under the procedures herein shall be furnished the SENTINEL System Manager or the addressee in § 591.150(b) (11) of this chapter, Attention: AMCPP-SC, as appropriate.

§ 593.750-1 Negotiation cognizance.

(a) When a procuring activity has been assigned negotiation cognizance for purposes of overhead rate negotiation (see § 593.705), the same procuring activity shall be assigned negotiation cognizance for IR&D negotiation, whether such IR&D negotiation arises in conjunction with an advance agreement or with determination of a final overhead rate.

(b) When no procuring activity has been assigned negotiation cognizance under § 593.705 and when it is desired to undertake IR&D negotiations with a contractor who is doing business with more than one military department, negotiation cognizance shall be assigned by Headquarters, U.S. Army Materiel Command, in accordance with the criteria and procedures in § 593.705. When the contractor is doing business only with the Department of the Army, negotiation cognizance shall be exercised by the procuring activity having the preponderant dollar interest after coordination with other purchasing offices concerned. Notification of the assumption of such cognizance shall be given promptly to the addressee in § 591.150(b)(11) of this chapter, Attention: AMCPP-SC.

§ 593.750-2 Prenegotiation review and evaluation.

(a) Before negotiations are undertaken, the procuring activity having negotiation cognizance shall inform the contractor of the provisions of § 15.205-35 of this title and shall request the contractor to submit his proposal of amounts he considers to be allowable, supported by information sufficient to permit evaluation. Following are guidelines as to supporting information considered necessary—

(1) A summary for the contractor's fiscal year for which allowance is sought, separately stated as to the total independent development program, of the cost elements and amounts experienced (or forecast, if appropriate);

(2) An analysis of net sales for at least 3 years immediately preceding the year being negotiated, showing separately the sales attributed to Department of Defense contracts and to other customers, together with the amount of independent research costs allocated to each of these sales categories for each year and the amount of independent development costs so allocated;

(3) A statement of the extent and scope of the contractor's IR&D programs for at least 3 years preceding the year being negotiated, and a comparison with the programs for the year under negotiation, including a summary of any significant changes in science and technology affecting these programs;

(4) A list of contracts currently in force with Department of Defense agencies, showing agency contract number, total dollar value, uninvoiced dollar value, type of contract, and cost-sharing provisions, if any;

(5) A statement of the broad plan of each program as distinguished from individual projects, indicating its scope, its relationship to the income producing activities of the contractor, the method by which the programs are managed, and the accounting procedures employed for equitably distributing the total costs; and

(6) A list of product lines to which the costs of each independent project are to be distributed, the extent to which Department of Defense agencies have contracts within each product line, and the proposed basis for distribution of such costs.

(b) In any case where the allowability of the proposed or claimed costs of IR&D cannot be established by review, analysis, and discussion of information submitted by the contractor in accordance with paragraph (a) of this section, the contractor shall be requested to submit a more detailed statement prepared as follows—

(1) The detailed statement shall be divided into two sections—

(i) One section shall describe the contractor's independent research program, as defined in § 15.205-35(a) of this title, for which allowance is requested under § 15.205-35(d);

(ii) One section shall describe the contractor's independent development program, as defined in § 15.205-35(b), for which allowance is requested under § 15.205-35(e).

(2) Each section shall contain information on each project, i.e. the smallest administratively recognizable unit of task assignment. Each project description shall include as a minimum—

(i) The title of the project;

(ii) The budgeted or actual annual expenditure;

(iii) The length of time the project has been running, and total expenditures to date;

(iv) The estimated date of completion of the project;

(v) The estimated total effort in terms of professional man-hours and the professional grade or classification of the various personnel to be used;

(vi) A summary of past technical achievements under this and related projects in the same field; and

(vii) A concise statement of the project objectives and a narrative description of the technical approach.

(3) The technical portions of the individual project descriptions shall be concisely stated in appropriate technical terminology such as is customarily used in reporting the subjects in scientific journals. Obvious justification of the work required by internal management shall not be included in the project description. Reports or reprints resulting from past activity under the projects may accompany the submission. In the case of an independent development project, the contractor shall indicate the product lines for which he has contracts with the Government and under which the indirect costs of the project are claimed to be allowable.

(4) In addition to the written descriptions, the procuring activity having negotiation cognizance may elicit further information about specific projects in direct discussions. Accordingly, each detailed statement shall also contain the name, title, and address of two or three officials in the contractor's firm with overall responsibility and supervision of the IR&D programs who have knowledge of other individuals with specialized engineering and financial background information about the programs.

(c) Heads of procuring activities having negotiation cognizance shall establish the number of copies of proposals, supporting information, and detailed statements to be submitted by contractors. At least one copy shall be furnished each interested purchasing office. If technical and scientific review will be performed by the Armed Services Research Specialist Committee (see § 593.750-3), 15 additional copies shall be obtained and forwarded to the SENTINEL System Manager or to the addressee in § 591.150 (b) (11) of this chapter, as appropriate, for distribution.

(d) Pursuant to the Federal Reports Act of 1942 (5 U.S.C. 139-139f), the Bureau of the Budget has assigned Approval No. 22-R237 to the reporting requirement in this section.

§ 593.750-3 Technical and scientific review and evaluation.

(a) A technical and scientific review and evaluation of the contractor's proposal, supporting information, or detailed statement shall be accomplished except when, in the opinion of the procurement official responsible for the conduct of the negotiation, the extent of allowability of the estimated or claimed costs can be clearly and convincingly established without such review and evaluation.

(b) The technical and scientific review and evaluation shall—

(1) Determine whether the projects comprising each program are properly classified as either research or development;

(2) As to research, provide recommendations concerning scientific factors considered to affect the basis or extent to which the contractor's program is or is not appropriate for support; and

(3) As to development, provide recommendations as to the portion of the independent development program, if any, which is appropriate and the product lines to which such program costs should be allocated.

(c) When a contractor's normal course of business does not involve production work, the recommendation regarding a contractor's independent development program shall discuss the extent to which such development is related and allocable to the field of effort of the contractor's Government research and development contracts (see § 15.205-35(e) of this title).

(d) When a contractor's work is substantially with the Government, the recommendation shall—

(1) Discuss in particular the relevance of the various IR&D projects to the Government's interest, and

(2) Indicate those projects whose anticipated benefits are primarily commercial in nature or for other reasons have little relevance to the Government's interest.

(e) When a contractor is doing business with more than one military department, the military department which has negotiation cognizance shall be responsible for the technical and

scientific review and evaluation. The program information submitted by contractors listed in the master list (see § 593.703) shall, unless otherwise indicated in the master list, be reviewed and evaluated by the Armed Services Research Specialists Committee.

(f) When a contractor is doing business only with the Department of the Army, the procuring activity having negotiation cognizance is responsible for the technical and scientific review and evaluation. Assistance of the Department of the Army member of the Armed Services Research Specialists Committee shall be requested from Headquarters, U.S. Army Materiel Command, Attention: AMCRD–RS, Washington, D.C. 20315.

(g) The results of the technical and scientific review and evaluation shall be provided in writing to the requesting agency in the minimum number of copies necessary. Four copies shall be furnished the SENTINEL System Manager or the addressee in § 591.150(b)(11) of this chapter, as appropriate, by the procuring activity having negotiation cognizance.

§ 593.750–4 Use of audit services.

(a) An advisory report of the cognizant audit office shall be obtained where necessary to assist in establishing negotiation cognizance.

(b) Subject to the criteria in § 3.809 of this title, information obtained from contractor's pursuant to § 593.750–2 shall be referred to the cognizant audit office for advisory report as to—

(1) Reliability of the contractor's estimating and costing procedures;

(2) Methods used in identifying, segregating, and allocating costs of independent research and independent development programs;

(3) Allowability of costs within the criteria of § 15.205–35 of this title; and

(4) Other observations to provide cost guidance.

§ 593.750–5 Conduct of negotiations.

(a) The Department of the Army procuring activity having negotiation cognizance, as sponsor, shall—

(1) Insure that negotiations are fully coordinated with all other interested purchasing offices;

(2) Give timely notification of the time and place for the negotiation conference to all other interested purchasing offices;

(3) Furnish copies of information obtained pursuant to §§ 593.750–2 and 593.750–3 to all other interested purchasing offices; and

(4) In the conduct of negotiations, apply pertinent cost principles relating to IR&D programs as set forth in Part 15 of this title.

(b) Each purchasing office administering a contract which will be affected by the negotiations shall advise the procuring activity having negotiation cognizance of any limitations, special provisions, or cost-sharing arrangements contained in any such contract.

(c) Each purchasing office which sends a representative to participate in the negotiation conference shall insure that the representative is prepared for such participation by possession of a thorough knowledge of pertinent contract provisions, information submitted by the contractor, any advisory audit report, and any technical and scientific review and evaluation made by the Armed Services Research Specialists Committee or other reviewing group.

§ 593.750–6 Negotiation summary.

(a) Upon completion of negotiations, the procuring activity having negotiation cognizance shall prepare a negotiation summary which, in addition to the information required by § 593.705(g)(1), (2), (5), and (6) shall contain—

(1) A summary of the contractor's IR&D proposal and submitted information; the technical and scientific review and evaluation; pertinent audit comments; and the advisory comments of technical, pricing, and legal personnel of the procuring activity having negotiation cognizance;

(2) Special details of any negotiated cost allowance, including ceilings, if any, and the effect on overhead rates and general, and administrative expenses; and

(3) An estimate of the total cost, if any, to the Department of the Army resulting from agreements reached concerning the contractor's IR&D program (the cost estimate shall take into account both direct and indirect expenditure allocable to IR&D).

(b) The negotiation summary shall be signed and approved by the officials designated in § 593.705(h). Copies of the negotiation summary shall be distributed as follows, except that no distribution shall be made to the Departments of the Navy and Air Force when the contractor has no contracts with those Departments—

Headquarters, U.S. Army Materiel Command Attention: AMCPP–SC	[1] 3
Each subordinate command, installation, and activity of U.S. Army Materiel Command having contractual interest	3
Each other Department of the Army procuring activity having contractual interest	3
Headquarters, cognizant audit office	2
Headquarters, Defense Supply Agency, Attention: DSAH–FCA, Cameron Station, Alexandria, Va. 22314	25
Office of Naval Materiel, Department of the Navy (M–37), Washington, D.C. 20360	115
Headquarters, Air Force Systems Command (SCKPF), Andrews Air Force Base, Washington, D.C. 20331	177
Armed Services Research Specialists Committee, c/o addressee in §591.150(b)(11) of this chapter	5

[1] With one copy of distribution list.

§ 593.750–7 Recognition in contracts.

Agreements reached as a result of negotiations described in §§ 593.750–593.750–7 shall be incorporated in contracts affected thereby. Any limitations, ceilings, or cost-sharing arrangements shall be clearly described.

Subpart H—Price Negotiation Policies and Techniques

§ 593.801 Basic policy.

§ 593.801–2 Responsibility of contracting officers.

If the contracting officer cannot obtain a satisfactory solution, after exhausting the course of action outlined in § 3.801–2(c) of this title, he shall refer the prospective procurement to the cognizant head of procuring activity. If the head of procuring activity cannot resolve the matter, he shall forward the prospective procurement to the addressee in § 591.150(b)(6) of this chapter for a decision.

§ 593.802 Preparation for negotiation.

§ 593.802–1 Product or service.

(a) Before soliciting quotations, the contracting officer shall obtain an independent government cost estimate (IGCE) of the proper price level or value of the product or service to be purchased.

(b) The IGCE shall—

(1) Contain a statement by the preparing official as to the basis used in compiling the estimate and as to the extent of its reliability;

(2) Be properly marked or classified to prevent unauthorized disclosure of information developed;

(3) Be made a part of the documentation furnished the contracting officer responsible for procurement action;

(4) Serve as a part of the basis for evaluating reasonableness of offerors' cost proposal and for making awards on a sound basis;

(5) Establish realistic budgeting cost factors to support contract funding requirements;

(6) Provide a factual basis for analysis of offerors' proposals by furnishing a cost comparison benchmark; and

(7) Provide, as appropriate, for a break-out between recurring and nonrecurring costs.

(c) The complexity of the estimating technique shall be commensurate with the anticipated value of the planned procurement.

§ 593.807 Pricing techniques.

§ 593.807–5 Defective cost or pricing data.

If the contracting officer believes that the release of information contemplated in § 3.807–5(b) of this title would compromise military security or disclose trade secrets or other confidential business information, he shall request from the addressee in § 591.150(b)(6) of this chapter the conditions under which it may be made available. In cases of urgency, direct communication between the contracting officer and the addressee in § 591.150(b)(6) is authorized.

§ 593.807–6 Refusal to provide cost or pricing data.

When the situation described in § 3.807–6 of this title exists and the contracting officer has exhausted all means available to him to secure the required data, he shall refer the procurement

action to the cognizant head of procuring activity. If the head of procuring activity is likewise unable to secure the required data, he shall refer the procurement action to the addressee in §591.150(b)(6) of this chapter. Referral shall include, in addition to the information prescribed in § 3.807–6 of this title, the following—

(a) Type of contract and contract, solicitation, or purchase order number;

(b) A concise description of supplies or services being procured;

(c) Any outside influences and the time pressures affecting the procurement;

(d) Complete name and address of the company concerned;

(e) Complete description of the data the contractor or subcontractor refuses to submit;

(f) A summary statement as to the nature of approval action being requested; and

(g) A summary of the independent government cost estimate and price analysis of the contractor's proposal.

PART 594—SPECIAL TYPES AND METHODS OF PROCUREMENT

10. New §§ 594.110, 594.111, and 594.150 are added; and new Subparts YY and ZZ are added, as follows:

§ 594.110 Cost-sharing policy.

Requests for deviations or waivers which require the advance written approval of the Secretary of Defense or his designee pursuant to § 4.110(d)(4) of this title shall be forwarded through the cognizant head of procuring activity to the Assistant Secretary of the Army (Research and Development) and shall contain sufficient information upon which the Assistant Secretary may conclude that approval would be in the best interests of the U.S. Government.

§ 594.111 Special use allowances for research facilities acquired by educational institutions.

Requests for approval of special use allowances for the acquisition or construction costs of research facilities financed by educational institutions shall be forwarded through the cognizant head of procuring activity to the Assistant Secretary of the Army (Research and Development). Requests shall address each of the conditions set forth in § 4.111(e) of this title and shall clearly demonstrate that all of the conditions are met.

§ 594.150 Human factors engineering in research and development contracts.

(a) It is Department of the Army policy to apply principles of human factors engineering in the development of weapons and equipment to assure maximum effectiveness of the man-machine combination in the operational environment (see AR 70–8).

(b) Research and development contracts for materiel and equipment which require a human being for operation or maintenance shall include in the contract specifications specific requirements for the contractor to perform competent, professional human factors engineering to ensure that human factors engineering principles are incorporated into the design of the initial prototype.

(c) Contract specifications shall be explicit as to those human engineering factors, applicable to the materiel or equipment being procured. Human engineering factors include, but are not limited to, a consideration of the following in terms of the intellectual, physical, and psychomotor capabilities of intended user and maintenance personnel—

(1) Proper assignment of functions to machines and to operators;

(2) Human space requirements for operation and access for maintenance;

(3) Planning of operator functions and analysis of operator tasks;

(4) Layout of work space and design of operator stations;

(5) Information needed for operator decisions, e.g. selection of displays and controls;

(6) Environmental conditions, e.g. temperature, noxious gases, noise, vibration, illumination, stress;

(7) Compatibility of the equipment with the personal and protective gear of the fully equipped soldier;

(8) Communication under operational conditions;

(9) Simplification of maintenance; and

(10) Safety in operation and maintenance.

(d) When human engineering factors other than those above apply to the materiel or equipment being procured, they shall be explicitly stated in the contract specifications. Should any of the above factors not apply to the materiel or equipment being procured, they shall be omitted from the contract specifications.

Subpart YY—Procurement for Army Commissary Stores

Sec.

594.5100	Scope of subpart.
594.5101	Selection of items for resale.
594.5102	Brand name contracts.
594.5103	Blanket purchase agreements.
594.5104	Open market purchases.
594.5105	Special instructions to suppliers.

Subpart ZZ—Contracting for Aircraft Maintenance

594.5201	Contract assistance team.

AUTHORITY: The provisions of Subparts YY and ZZ issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart YY—Procurement for Army Commissary Stores

§ 594.5100 Scope of subpart.

This subpart prescribes policies and procedures for procurement of items for resale in Army commissary stores.

§ 594.5101 Selection of items for resale.

AR 31–200 places the responsibility for selecting items and brand names thereof to be purchased for resale in Army commissary stores in Continental United States, including Alaska and Hawaii, upon the commissary officer. In overseas areas selection is accomplished as determined by the responsible commander. AR 31–100 lists subsistence supplies authorized for sale in Army commissary stores.

§ 594.5102 Brand name contracts.

(a) Pursuant to the commodity assignments in § 5.1201–6 of this title, the Defense Personnel Support Center (DPSC) of the Defense Supply Agency (DSA) establishes brand name contracts for certain items for resale in commissary stores. These contracts are published in the DSA Supply Bulletin 10–500 and 10–600 series and their use is mandatory by Department of the Army, except where quantities needed do not meet minimum shipping quantities which may be specified therein.

(b) Ordering officers may be appointed pursuant to § 591.452 of this chapter to place calls and issue delivery orders under brand name contracts without monetary limitation. The authority of such ordering officers shall not include breach, termination, and dispute proceedings; these matters shall be referred to the purchasing office for necessary action.

(c) When an item is available under a brand name contract, it shall be ordered from the supplier named in the Supply Bulletin at the price set forth therein unless the supplier offers a voluntary price reduction (VPR). Suppliers shall not be solicited to determine whether they will offer a VPR on an item.

§ 594.5103 Blanket purchase agreements.

Contracting officers may establish blanket purchase agreements and authorize individuals in Army commissary stores to place calls under prepriced BPA's in accordance with § 593.605–3 of this chapter.

§ 594.5104 Open market purchases.

Purchases of items not available from brand name contracts or blanket purchase agreements shall be made by the installation or activity contracting officer, whether the purchase is formally advertised or negotiated.

§ 594.5105 Special instructions to suppliers.

In addition to the information prescribed in Supply Bulletin 10–500 to be included in delivery orders under brand name contracts, the following shall be included in such delivery orders and in all purchase orders for resale items not purchased under brand name contracts—

(a) A statement that the supplier shall place the purchase or delivery order number on the delivery document when delivery is made by the supplier's own transportation or by common carrier;

(b) A statement that, when a partial shipment is made by the supplier, the supplier shall notify the contracting officer in writing of the anticipated date of shipment of the remainder; and

(c) The commissary store receiving schedule, together with instructions to the supplier to notify the common carrier of the commissary store receiving schedule when shipment is to be made by common carrier. (Consideration shall be given to the fact that less than carload (LCL) shipments are not controlled by the supplier and cannot always be delivered on a certain date or at a certain

time; therefore, a time spread for delivery of LCL shipments by common carrier shall be allowed.)

Subpart ZZ—Contracting for Aircraft Maintenance

§ 594.5201 Contract Assistance Team.

(a) A Contract Assistance Team has been established to provide assistance to Department of the Army purchasing offices within the continental United States in contracting for aircraft maintenance. The mission of the team is to furnish specialized technical and professional aid in the negotiation and award of contracts for aircraft maintenance so as to assure the adoption and uniform utilization of accepted standards and techniques in the procurement of aircraft maintenance services. The Contract Assistance Team includes specialists in procurement and aircraft maintenance as well as such other special skills and professions as are necessary to accomplish its mission.

(b) Department of the Army purchasing offices in the continental United States shall use the services of the Contract Assistance Team in connection with any procurement action for aircraft maintenance which will result in a contract having an estimated dollar value in excess of $100,000. The services of the team may be used on such procurements when the resultant contract amount is $100,000 or less at the option of the contracting officer.

(c) Requests for the team's assistance shall be forwarded prior to the issuance of solicitations and as far in advance as circumstances permit to the Commanding General, U.S. Army Aviation Systems Command, 12th and Spruce Streets, St. Louis, Mo. 63166. An information copy of each request shall be forwarded to the addressee in § 591.150(b)(11) of this chapter, Attention: AMCPP–PC.

(d) Requests for assistance shall include—

(1) A description of aircraft or aircraft components that will be the subject of the proposed maintenance contract;

(2) The quantity of each;

(3) The location of the aircraft or components;

(4) The nature of the maintenance services required;

(5) The date or period when the maintenance services will be required;

(6) The planned date of issuance of solicitation;

(7) The tentative date of award of contract;

(8) A statement as to whether the estimated total cost of the proposed contract will be more or less than $100,000;

(9) The address and telephone number of the purchasing office and the name of the contracting officer responsible for the proposed procurement;

(10) The date when requested assistance will be needed;

(11) The location where contract assistance services are to be performed; and

(12) The estimated duration the Contract Assistance Team's services will be required.

(e) Upon receipt of a request for assistance, the Commanding General, U.S. Army Aviation Systems Command, shall arrange for the Contract Assistance Team to meet with the contracting officer concerned at appropriate times and places.

PART 595—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

11. Part 595 is revised to read as follows:

Subpart A—Procurement Under Federal Supply Schedule Contracts

Sec.
595.101 Federal Supply Schedule contracts.
595.102 Mandatory Federal Supply schedules.
595.102–2 Exceptions to mandatory use.
595.102–4 Establishment or revision of Federal Supply schedules mandatory upon the Department of Defense.
595.106 Federal Supply schedules with multiple source provisions.
595.108 Administration of orders under Federal Supply Schedule contracts.

Subpart B—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

595.201 Procurement from General Services Administration Stores Depots.

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Procurement of Printing and Related Supplies

595.601 Printing and related supplies.

Subpart K—Coordinated Procurement

595.1102 Responsibilities under single department procurement.
595.1103 General principles governing implementation of procurement assignments.
595.1103–1 Standard format—development and promulgation of implementing procedures.
595.1103–4 Emergency.
595.1104 Items in short supply.
595.1118 Procurement agreements.

AUTHORITY: The provisions of this Part 595 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—Procurement Under Federal Supply Schedule Contracts

§ 595.101 Federal Supply Schedule contracts.

(a) Ordering officers may be appointed pursuant to § 591.452 of this chapter to place delivery orders or calls against Federal Supply Schedule contracts in aggregate amounts not exceeding $250, except that they shall not be authorized to—

(1) Place delivery orders or calls under conditions covered in § 5.102–2(b)(1) and (2) of this title;

(2) Make a purchase from a source other than that in a Federal Supply Schedule not mandatory upon the Department of Defense under the exception in § 5.103 of this title;

(3) Place delivery orders or calls under completely optional Federal Supply Schedules under § 5.104–1 of this title;

(4) Place delivery orders or calls in any amount under any Federal Supply Schedule for articles of foreign origin for use in the United States (see § 595.106); or

(5) Take any adminstrative actions under § 5.108 of this title (see § 595.108).

(b) With respect to use of U.S. Government national credit cards, see § 593.609 of this chapter.

§ 595.102 Mandatory Federal Supply schedules.

§ 595.102–2 Exceptions to mandatory use.

When a contracting officer in accordance with § 5.102–2(b)(1) of this title has requested the Commissioner, Federal Supply Service, General Services Administration, to waive the requirement for using a Federal Supply Schedule item and the waiver is not granted, the case shall be referred to the cognizant head of procuring activity for final decision.

§ 595.102–4 Establishment or revision of Federal Supply Schedules mandatory upon the Department of Defense.

Requests for the establishment of or a change to a Federal Supply Schedule mandatory upon elements of the Department of Defense shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(11) of this chapter and shall contain complete item identification, including FSN if available, item use, and full justification for the action recommended. The head of procuring activity shall include its recommendations in the matter.

§ 595.106 Federal Supply Schedules with multiple source provisions.

(a) The justification memorandum required by § 5.106(a) shall be prepared and signed by the activity initiating the purchase request and shall be reviewed and approved by the chief of the purchasing office before an order is placed.

(b) Procurement of articles of foreign origin from Federal Supply Schedules shall be made only after the determinations required by Part 6 of this title and Part 596 of this chapter have been made or obtained from the appropriate approving authority.

§ 595.108 Administration of orders under Federal Supply Schedule contracts.

Whenever there is cause for taking an administrative action prescribed in § 5.108 of this title incident to the performance of an order placed by an ordering officer (see § 595.101), the matter shall be referred to the purchasing office for necessary action.

Subpart B—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

§ 595.201 Procurement from General Services Administration Stores Depots.

AR 725–50 authorizes accountable property officers and other individuals identified therein to order supplies from General Services Administration Stores Depots using MILSTRIP procedures (see § 591.452–6 of this chapter).

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Procurement of Printing and Related Supplies

§ 595.601 Printing and related supplies.

(a) AR 310–1 contains instructions which contracting officers shall follow pertaining to—

(1) Public printing and duplicating, including contract field printing;

(2) Preparation of the Annual Contract Printing Report (JCP Form 2), Reports Control Symbol JCP–1003; and

(3) The procurement of envelopes.

(b) AR 341–10 contains procedures for the procurement, control, and use of matter bearing the official indicia "Postage and Fees Paid, Department of the Army."

(c) Blank paper, ink, glues, and other related supplies manufactured or regularly carried in stock by the Government Printing Office (GPO) and which are used within the District of Columbia, shall be purchased from that office. Purchases of these items for field use may be made otherwise if they can be procured cheaper for delivery in the field than from the GPO, taking into consideration the cost of packing and transportation. Paragraph 11, section II, AR 37–27, contains instructions relative to purchases of Government publications from the GPO.

Subpart K—Coordinated Procurement

§ 595.1102 Responsibilities under single department procurement.

(a) The Commanding General, U.S. Army Material Command, shall be responsible for the assignment of procurement responsibility to procuring activities within the Department of the Army of those commodity assignments (see § 5.1201–3 of this title) made to the Department of the Army under the Department of Defense Coordinated Procurement Program.

(b) The Department of the Army procuring activity assigned procurement responsibility for a commodity shall be responsible for collecting and coordinating the requirements of the Department of the Army, or arranging therefor.

§ 595.1103 General principles governing implementation of procurement assignments.

§ 595.1103–1 Standard format—development and promulgation of implementing procedures.

Implementing procedures for Army single department procurement assignments are contained in AR 715–15.

§ 595.1103–4 Emergency.

Purchases made under the emergency provision of § 5.1103–4 of this title shall be limited to those where circumstances and conditions are comparable to those described in § 3.202–2 of this title.

§ 595.1104 Items in short supply.

Shortages of supplies and services requiring coordination with other Departments shall be reported, with complete information thereon, to the addressee in § 591.150(b)(11) of this chapter for resolution.

§ 595.1118 Procurement agreements.

To the extent that any interservice support agreement involves procurement, it may be executed under authority of, and at the level indicated in, AR 1–35. A copy of all proposed and final procurement agreements with other military departments shall be furnished the Commanding General, U.S. Army Materiel Command, Attention: AMCPP–SP, Washington, D.C. 20315.

PART 596—FOREIGN PURCHASES

12. Section 596.103–2 is revised; new §§ 596.104 and 596.104–4 are added; § 596.402 is revised; and new Subparts F, H, and K are added, as follows:

§ 596.103–2 Nonavailability in the United States.

(a) When determinations of nonavailability in the United States are required (determinations are not required for items listed in § 6.105 of this title), they shall be prepared in the format below and shall be signed by the contracting officer—

DETERMINATION

Pursuant to the authority contained in section 2, title III of the Act of March 3, 1933, popularly called the Buy American Act (41 U.S.C. 10 a–d), I hereby find:

a. (Describe the item(s) to be procured, unit, quantity, and purpose for which intended.)

b (State actual or estimated cost including transportation to destination and any applicable duty.)

c. (State country of origin and name and address of prospective contractor.)

d. (State whether the item(s) is (are) manufactured and assembled in the country of origin, or is (are) assembled in the United States, indicating whether the manufacture or assembly constitutes the greater percentage of cost.)

e. (State facts clearly establishing the nonavailability of or feasibility of substituting domestic source end products, including a listing of performance requirements or characteristics of the foreign end product which are not available in a domestic source end product and which are essential to meet the military requirement.)

f. (State reasons why the requirement cannot be foregone, the impact on the military operation should the foreign end product not be purchased, and whether the purchase is for a one-time or recurring requirement.)

Based upon the above showing of facts, I hereby determine that:

a. The above-described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured (as the case may be) in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and

b. The requirement cannot be foregone.

(Signature)

(b) Approvals of officials in § 6.103–2(b)(3) and (4) of this title (approval for procurement of items listed in § 6.105 of this title is required in accordance with § 6.103–2(b)) shall be prepared in the format below and shall be signed by the approving authority—

APPROVAL FOR PURCHASE

The requirement of the Buy American Act that domestic source end products be acquired for public use is not applicable to the procurement contemplated since said procurement is within the nonavailability exception stated in the Act. In accordance with the Balance of Payments Program, the feasibility of foregoing the requirement or providing a U.S. substitute has been considered. Authority is granted to the contracting officer (enter name of installation/activity) to procure (describe item(s)) of foreign origin at an (actual) (estimated) total cost of $_____, including duty and transportation costs to destination.

(Signature)

(c) When approval of the Secretary of the Army or Secretary of Defense is required, a letter request containing the following information and to which is attached a copy of the contracting officer's Determination shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter—

(1) A complete description of the item(s), including unit, quantity, and purpose for which intended;

(2) The actual cost, if available, including transportation to destination and any applicable duty, together with a copy of the solicitation and abstract of bids or proposals; or, when the actual cost is not available, the estimated cost, including transportation cost to destination and any applicable duty, together with a statement as to how the estimated costs were determined;

(3) The country of origin of the foreign end product; if a communist area, justification for the need for purchasing the product from a source in a Communist area;

(4) The name and address of the prospective contractor;

(5) A statement as to whether the foreign end product is manufactured and assembled in the country of origin, or whether the product is assembled in the United States, indicating whether the manufacture or assembly constitutes the greater percentage of cost;

(6) A statement of facts clearly establishing the nonavailability of domestic source end products, together with a listing of performance requirements or characteristics of the foreign end product which are not available in a domestic source end product and which are essential to meet the military requirement (this statement shall definitely establish that the performance requirements or characteristics listed are essential to the military requirement and are not available in domestic source end products; individual preference for a particular make or type of equipment is not sufficient justification); and

(7) A statement giving reasons why the requirement cannot be foregone, the impact upon the military operation should the foreign end product not be purchased, and whether the purchase is for a one-time or recurring requirement.

(d) When approval of the Secretary of the Army or Secretary of Defense is obtained, the contracting officer shall use the Secretarial approval in lieu of the Approval for Purchase statement in paragraph (b) of this section. The Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics), has been delegated the authority to approve the procurement of foreign end products pursuant to § 6.103–2(b)(2) of this title.

(e) A copy of each determination and approval for purchase shall be attached to the pertinent payment voucher.

§ 596.104 Procedures.

§ 596.104–4 Evaluation of bids and proposals.

(a) Proposed awards submitted for Secretarial decision pursuant to § 6.104–4 (b) or (d)(3) of this title shall be forwarded through the cognizant head of procuring activity for its recommendations to the addressee in § 591.150(b)(6) of this chapter.

(b) When appropriate, contracting officers shall request bidders or offerors to extend dates of acceptance of bids or offers.

§ 596.402 Exceptions.

(a) The determination and approval for purchase prescribed in § 596.103–2 shall be made prior to a contracting officer purchasing supplies originating from sources within Communist areas when the purchase is for $2,500 or less. The determination shall clearly explain the unusual situation which necessitated the purchase.

(b) Requests for approval of exceptions for purchases for more than $2,500 shall be forwarded through the cognizant head of procuring activity to the addressee in §591.150(b)(6) of this chapter and shall contain the information required in § 596.103–2(c) together with a statement explaining the unusual situation which necessitates the purchase.

(c) Appeals made to the Secretary of the Treasury pursuant to § 6.402(c) of this title shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter.

Subpart F—Duty and Customs

Sec.

596.603 Emergency purchases of war materials abroad.
596.603–4 Customs entries and duty-free certificates.
596.603–5 Immediate release permits.
596.604 Supplies for vessels or aircraft operated by the United States.

Subpart H—Balance of Payments Program—Procurement of Supplies and Services for Use Outside the United States and Procurement of Scientific and Technical Knowledge Involving Foreign Expenditures

596.802 Deviations.
596.804 Real property construction, repair, and maintenance.
596.804–2 Project approvals.
596.805 Supply and service contracts.
596.805–2 Procurement limitations.
596.806 Procedures for supply and service contracts.
596.806–1 Restricted solicitation.

Subpart K—Use of U.S.-Owned Foreign Currency for Payment of Contracts

596.1106 Awards.
596.1106–3 Awards requiring approval by higher authority.
596.1107 Determinations of nonfeasibility and contract certifications.

AUTHORITY: The provisions of Subparts F, H, and K issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart F—Duty and Customs

§ 596.603 Emergency purchases of war materials abroad.

§ 596.603–4 Customs entries and duty-free certificates.

Procuring contracting officers (PCO's) are designated as Government representatives to execute Customs Entries and Duty-Free Certificates, except—

(a) For Canadian supplies (see § 6.605–4(a) of this title); and

(b) For contracts assigned for administration, the administrative contracting officer (ACO) is responsible (see § 1.406 of this title).

§ 596.603–5 Immediate release permits.

Issuance of immediate release permits shall be accomplished by PCO's and ACO's as indicated in § 596.603–4.

§ 596.604 Supplies for vessels or aircraft operated by the United States.

The duty-free entry certificate in § 6.604(b) of this title shall be executed by PCO's and ACO's as indicated in § 596.603–4.

Subpart H—Balance of Payments Program—Procurement of Supplies and Services for Use Outside the United States and Procurement of Scientific and Technical Knowledge Involving Foreign Expenditures

§ 596.802 Deviations.

Requests for deviations shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter and shall set forth with particularity the reasons for requesting the deviation.

§ 596.804 Real property construction, repair, and maintenance.

§ 596.804–2 Project approvals.

(a) See AR 37–43, 415–15, 415–35, and 420–10 with respect to projects for construction, repair, and maintenance of real property outside the United States.

(b) Requests for approval of proposed repair projects described in § 6.804–2 (a) and (b) of this title shall be forwarded through the cognizant head of procuring activity to the Chief of Engineers, Department of the Army, Washington, D.C. 20315.

§ 596.805 Supply and service contracts.

§ 596.805–2 Procurement limitations.

(a) Requests for approval of the Secretary of the Army or Secretary of Defense to procure foreign end products (including construction materials) or services for use outside the United States shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) and shall contain the following information—

(1) A complete description of the foreign end product or service contemplated for purchase;

(2) The purpose for which the foreign end product or service is intended;

(3) If a foreign end product—

(i) The unit and quantity;

(ii) The required delivery date;

(iii) The cubic measure or weight when packed;

(iv) The country of origin and, if a Communist area, justification for the need for purchasing the product from a source in a Communist area; and

(v) A statement as to efforts made to obtain a U.S. end product and results thereof;

(4) If a foreign service—

(i) The period for which required;

(ii) The manner in which the service was previously performed, i.e. in-house or by contract—

(a) If in-house, reasons why the service must now be obtained by contract, or

(b) If a new requirement, reasons why the service must be obtained by contract, and

(iii) A statement as to efforts made to obtain organic capability to perform the service and results thereof;

(5) If under § 6.805–2(a)(11) of this title, Unreasonable Cost—

(i) The estimated costs from the foreign source and the U.S. source, showing as a separate cost transportation applicable to the domestic source end product or service;

(ii) A statement as to how the estimated costs were determined; and

(iii) The name and address of the prospective source in the foreign country and in the United States, when known;

(6) A statement as to whether the purchase is a one-time or recurring requirement; if a recurring requirement, the date of approval of the foreign source procurement determination for the previous requirement and by whom approved;

(7) The type contract contemplated with reasons therefor;

(8) A statement as to whether the procurement will be competitive or noncompetitive, and, if noncompetitive, reasons therefor;

(9) The price paid for the last previous procurement of the product or service and—

(i) Whether a domestic source end product or service or foreign end product or service was procured;

(ii) The date of the procurement;

(iii) The name and address of the contractor; and

(iv) If purchased under a cost-plus-a-fixed-fee (or incentive fee) contract, the amount of the fee indicated separately;

(10) A statement giving reasons why the requirement cannot be foregone and the impact upon the military operation should the offshore purchase not be made; and

(11) Any other pertinent information peculiar to the procurement, the knowledge of which would give a clear understanding of the necessity for the procurement.

(b) Requests for approval of foreign source procurement determinations shall be obtained in advance of issuance of solicitations and those for approval of recurring requirements shall be submitted so as to reach the addressee in § 591.150(b)(6) of this chapter at least ninety (90) calendar days prior to the date contemplated for issuance of the solicitation.

§ 596.806 Procedures for supply and service contracts.

§ 596.806–1 Restricted solicitation.

Submissions for approval of the Secretary of Defense pursuant to § 6.806–1(b)(1) of this title shall contain the information in § 596.805–2(a) and shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter.

Subpart K—Use of U.S.-Owned Foreign Currency for Payment of Contracts

§ 596.1106 Awards.

§ 596.1106–3 Awards requiring approval by higher authority.

(a) Referrals shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter.

(b) The Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics) has been delegated the authority to determine whether a proposed procurement described in § 6.1106–3 of this title shall be made payable in U.S.-owned foreign currency or in U.S. dollars.

§ 596.1107 Determinations of nonfeasibility and contract certifications.

Distribution of Contract Certifications shall be made in accordance with AR 37–39. Other distribution may be made in accordance with instructions issued by heads of procuring activities.

PART 597—CONTRACT CLAUSES

13. Part 597 is revised to read as follows:

Sec.

597.000 Scope of part.

Subpart A—Clauses for Fixed-Price Supply Contracts

597.103 Required clauses.
597.103–1 Definitions.
597.103–2 Changes.
597.103–5 Inspection.
597.103–8 Assignment of claims.
597.103–12 Disputes.
597.103–13 Renegotiation.
597.103–20 Covenant against contingent fees.
597.105 Additional clauses.
597.107 Price escalation clause (labor and material).
597.150 Department of the Army clauses.
597.150–1 Plant protection.
597.150–2 Marine risk.
597.150–3 Clinical study of investigational drugs.

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

597.203 Required clauses.
597.203–1 Definitions.
597.203–2 Changes.
597.203–5 Inspection of supplies and correction of defects.
597.203–8 Assignment of claims.
597.203–12 Disputes.
597.205 Additional clauses.
597.250 Medical services at Government-owned contractor-operator installations.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

597.302 Required clauses.
597.302–1 Definitions.
597.302–4 Inspection.
597.302–5 Assignment of claims.
597.302–11 Disputes.
597.304 Additional clauses.
597.304–1 Changes.

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

597.402 Required clauses.
597.402–1 Definitions.
597.402–5 Inspection and correction of defects.
597.402–8 Assignment of claims.
597.402–11 Disputes.
597.404 Additional clauses.
597.404–1 Changes.
597.450 Medical services at Government-owned contractor-operated installations.

Subpart E—[Reserved]

Subpart F—Clauses for Construction and Architect-Engineer Contracts

597.602 Required clauses for fixed-price construction contracts.
597.602–3 Changes.
597.602–6 Disputes.
597.602–8 Assignment of claims.
597.602–10 Contractor inspection system.
597.605 Required clauses for cost reimbursement type construction contracts.
597.605–2 Changes.
597.605–17 Disputes.
597.605–31 Assignment of claims.
597.607 Required clauses for lump sum architect-engineer contracts.
597.607–4 Disputes.
597.607–10 Assignment of claims.

Subpart G—Clauses for Facilities Contracts

597.702 Required clauses for consolidated facilities contracts.
597.702–1 Definitions.
597.702–4 Changes.
597.702–25 Period of this contract.
597.702–28 Disputes.
597.702–37 Assignment of claims.
597.703 Required clauses for facilities acquisition contracts.
597.703–1 Definitions.
597.703–4 Changes.
597.703–20 Disputes.
597.703–29 Assignment of claims.
597.704 Required clauses for facilities use contracts.
597.704–1 Definitions.
597.704–18 Period of this contract.
597.704–21 Disputes.
597.704–23 Assignment of claims.
597.706 Facilities use contracts with nonprofit educational institutions.
597.706–3 Definitions.
597.706–16 Period of this contract.
597.706–18 Disputes.

Subpart H—[Reserved]

Subpart I—Clauses for Time and Material and Labor Hour Contracts

597.901 Required clauses.
597.901–1 Definitions.
597.901–2 Changes.
597.901–7 Assignment of claims.
597.901–8 Disputes.
597.901–21 Inspection and correction of defects.

Subpart J—Clauses for Stevedoring Contracts

597.1002 Required clauses.
597.1002–1 Definitions.
597.1002–6 Assignment of claims.
597.1002–9 Disputes.

Subpart K—[Reserved]

Subpart L—Clauses for Mortuary Services Contracts

597.1201 Required clauses for other than port of entry requirements contracts.
597.1201–4 Specifications.
597.1201–16 Definitions.
597.1201–18 Assignment of claims.
597.1201–19 Disputes.

Subpart M—[Reserved]

Subpart N—[Reserved]

Subpart O—[Reserved]

Subpart P—Contracts for Preparation of Personal Property for Shipment, Government Storage, and Performing Intracity or Intra-Area Movement

597.1650 Placement of calls under contracts.
597.1651 Commercial warehousing and related services.

AUTHORITY: The provisions of this Part 597 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 597.000 Scope of part.

This part implements Part 7 of this title with respect to uniform contract clauses for use in connection with the procurement of supplies and services and sets forth additional clauses to be used in Department of the Army contracts under the conditions prescribed. No special contract clauses of a repetitive nature (see § 1.108(a)(2) of this title) shall

be authorized for use by a head of procuring activity or shall be used by a purchasing office unless deviations from ASPR or APP are first obtained in accordance with § 1.109–5 of this title and § 591.109–5 of this chapter.

Subpart A—Clauses for Fixed-Price Supply Contracts

§ 597.103 Required clauses.

§ 597.103–1 Definitions.

Additional definitions used shall not be inconsistent with the provisions of this subchapter.

§ 597.103–2 Changes.

When reasonable and practicable under the circumstances of a particular procurement, the contracting officer may substitute in the Changes clause a period longer or shorter than "30 days."

§ 597.103–5 Inspection.

(a) Specifications which do not contain complete and definite quality assurance provisions shall be supplemented to the extent necessary to define clearly the inspections required to be performed by the contractor.

(b) Solicitations shall contain reasonably definitive descriptions of the inspection system to be maintained by the contractor when it will be necessary for the contractor to establish an inspection system pursuant to subparagraph (e) of the Inspection clause (§ 7.103–5 of this title) which—

(1) Is likely to represent a departure from customary industry procedures;

(2) Is of a nature not normally found among the prospective contractors who may be expected to participate in the procurement; or

(3) May reasonably be expected to have a significant impact on the cost or other aspect of the procurement.

§ 597.103–8 Assignment of claims.

(a) A head of procuring activity may authorize deletion of the last sentence of subparagraph (a) of the Assignment of Claims clause in conformance with § 7.103–8 of this title.

(b) Reduction of or setoff from payments to be made to an assignee shall be effected in accordance with §§ 163.108–7 and 163.108–8 of this title as appropriate.

(c) In a case where a contracting officer believes that an assignee has received payments in excess of its beneficial interest and that a refund is to the advantage of the Government, the contracting officer may, after obtaining legal advice and approval at a level above the contracting officer, seek to have the assignee release moneys in excess of such beneficial interest.

(d) A contracting officer shall acknowledge notices of assignment filed by assignees. Where a notice of assignment of moneys due under a definitive contract, which supersedes a letter contract, is received pursuant to the Assignment of Claims Act of 1940, as amended, such notice shall be acknowledged regardless of the fact that a notice of assignment of moneys due under the letter contract had been previously acknowledged. The two notices of assignment shall be considered as one and filed accordingly.

(e) Where direct payment is made to an assignee, the contractor shall furnish on each voucher, invoice, or other supporting document, a statement to the effect that he recognizes the assignment, its validity and the right of the assignee to receive payment.

(f) A contracting officer shall, upon request of a contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. The contracting officer shall advise the assignee that the information is furnished only for privileged purposes restricted to use in connection with the assignment.

§ 597.103–12 Disputes.

(a) The head of procuring activity, U.S. Army, Europe, may modify the Disputes clause in § 7.103–12 of this title to read as set forth below: *Provided, however,* That the Commander in Chief, U.S. Army, Europe, may reserve to his headquarters the legal functions relating to appeals from disputes and to litigation arising from such contracts which are executed by purchasing offices in Europe and may take the action of the head of procuring activity in paragraphs (c), (d), and (e) of this section.

DISPUTES (APRIL 1963)

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days of the receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to ----------[*]----------. The decision of the ----------[*]----------, or his duly authorized representative (other than the Contracting Officer under this contract) for the determination of such appeals shall be final and conclusive if the amount involved in the appeal is $50,000 or less. If the amount involved exceeds $50,000 such decision shall be final and conclusive unless, within 30 days after receipt by the Contractor thereof, the Contractor furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals, or of the ----------[*]---------- in the case of appeals involving amounts of $50,000 or less, shall be final and conclusive [1. unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence.] [2. to the extent permitted by U.S. law.] In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided,* That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(b) In the above clause—

(1) The space indicated "----------[*]----------" shall be completed to state the proper title of the head of procuring activity (or the Commander in Chief, U.S. Army, Europe, if he so elects) pursuant to paragraph (a) of this section who has established the U.S. Army Board of Contract Appeals, Europe, in accordance with paragraph (c) of this section;

(2) The bracketed language numbered ----------[1]---------- in the clause shall be used in all contracts except those in which it is anticipated that the contractor will be a foreign entity, and

(3) The bracketed language numbered ----------[2]---------- in the clause shall be used in all contracts in which it is anticipated that the contractor will be a foreign entity.

(c) The head of procuring activity, U.S. Army, Europe (or the Commander in Chief, U.S. Army, Europe, if he so elects) shall appoint a board to be known as "The U.S. Army Board of Contract Appeals, Europe." The Board shall consist of three or more members who shall be persons trained in the law, one of whom shall be designated by the appointing authority as President of the Board. There shall also be appointed a Recorder of the Board who shall perform such duties as the Board may prescribe, and who may also be a member of the Board. The Board shall be designated by the appointing authority as his authorized representative to hear, consider, and decide as fully as the appointing authority himself might do, all appeals under contracts providing for such appeals. The Board shall be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, shall adopt and promulgate its own methods of procedure, rules, and regulations for its conduct and for the preparation and presentation of appeals and the issuance of its decisions. The appointing authority shall also designate one or more trial attorneys, who shall be qualified attorneys at law, for the preparation and presentation of the contentions of the Government in relation to appeals before the Board.

(d) The appointing authority shall issue instructions for processing appeals to the U.S. Army Board of Contract Appeals, Europe. An appeal to the Secretary taken from the decision of the Board shall be processed in accordance with paragraph (e) of this section.

(e) Upon receipt of a notice of appeal from the decision of the U.S. Army Board of Contract Appeals, Europe, or of advice that an appeal has been filed, the contracting officer shall immediately transmit to the appointing authority such notice or advice. Thereupon the appointing authority shall perform the duties of the contracting officer as set forth in Rule 4, § 30.1 of this title and § 616.1 of this chapter. Signed statements or summaries of expected testimony are not required with the comprehensive report when the substance of expected testimony is set forth in the transcript of proceedings.

§ 597.103–13 Renegotiation.

Contracts placed with the Canadian Commercial Corporation are exempted from compliance with the requirements of § 7.103–13 of this title.

§ 597.103–20 Covenant against contingent fees.

Contracts for the sale or lease of Government-owned real or personal property shall contain the following modification of the clause in § 7.103–20 of this title—

COVENANT AGAINST CONTINGENT FEES (FEBRUARY 1965)

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to require the Contractor to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 597.105 Additional clauses.

The clauses set forth in § 7.105 of this title shall be used in fixed-price supply contracts in accordance with the instructions of heads of procuring activities.

§ 597.107 Price escalation clause (labor and material).

(a) The clause set forth in § 7.107(c) of this title shall not be used where it is desired to adjust contract prices upon the basis of quantitative changes in the original estimates of labor hours or materials. When the criteria in § 7.107(a) of this title are met, the clause may be used in the procurement of items other than those of a standard commercial nature where adequate cost experience has been obtained on previous contracts and where the design of the supplies has been stabilized.

(b) Considerable latitude is permitted and encouraged in the selection of types of labor and material and rates of pay or price per unit to be negotiated under § 7.107(b) of this title. Wherever possible and practicable, costs selected for escalation should be reduced to a type of material price or rate of pay agreement that will require little if any audit review if a price adjustment is called for by either of the contracting parties.

§ 597.150 Department of the Army clauses.

The following clauses shall be used in fixed-price supply contracts in accordance with instructions given.

§ 597.150–1 Plant protection.

In those cases where another military department or agency does not have plant cognizance and the contracting officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract shall contain one of the following clauses—

(a) PLANT PROTECTION (FEBRUARY 1965)

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards, and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

(b) PLANT PROTECTION (FEBRUARY 1965)

(a) The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards, and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If after commencement of performance of this contract, the Contracting Officer shall require and authorize in writing the installation of additional plant protective devices or the employment of additional watchmen, guards, or other personnel, the cost of any such devices installed or the pay of any such personnel employed, or both shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer: *Provided,* That no reimbursement for any such installation or pay shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.*

(b) Title to all plant protective devices and equipment installed under paragraph (a) of this clause shall be in the Government, and shall not be affected by incorporation or attachment of such devices and equipment to any property not owned by the Government, nor shall any such device or equipment become a fixture or lose its identity as personality by reason of affixation to any realty. After completion or termination of the contract, the Government may, (i) allow the contractor to acquire any such devices and equipment under the conditions prescribed by and at a price or prices approved by the Contracting Officer, (ii) require the Contractor to comply, at Government expense, with directions of the Contracting Officer with respect to removal and shipment of such devices and equipment, or (iii) abandon all such devices and equipment in place, and thereupon all obligations of the Government regarding such abandoned devices and equipment shall cease.

(c) PLANT PROTECTION (GOVERNMENT-OWNED CONTRACTOR-OPERATED PLANTS) (FEBRUARY 1965)

(a) The Contractor shall at all times during the performance of the work under this Contract comply with all applicable Federal, State and local statutes, and with such rules and regulations as are furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling, or transporting of military explosives, pyrotechnic, and inert materials. The Contractor shall maintain such additional safety precautions for its personnel, for facilities staffed and operated by it, and for work in process, as are customary in the industry or in the Contractor's private operations. All personnel having access to the plant, including Government personnel, shall comply with all instructions issued by the Contractor in furtherance of the safety precautions. The Contractor shall install and maintain in and about the plant such plant protective devices and shall employ such guards and other personnel as the Contracting Officer may approve, including such personnel and protective devices for the prevention of espionage, sabotage, and other malicious destruction or damage. The Contractor shall make available such information with respect thereto as the Contracting Officer may request. The use by the Contractor of such Government-owned safety or plant protective equipment as may be located at the plantsite is authorized subject to approval by the Contracting Officer.

(b) The Contractor shall furnish the authorized Security and Safety personnel of the Department of the Army a survey of the existing internal security system and explosion-and-fire-prevention system in the portions of the plant staffed and operated by the Contractor. The Contractor shall make any changes necessary to cause the existing internal security system and explosion-and-fire-prevention system to comply with all applicable local, State, and Federal laws, rules, and regulations, including such Department of the Army regulations or ---------- instructions as are (Procuring Activity) furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling, or transporting of military explosives, pyrotechnic, and inert materials.

(c) At any time during the term of this contract, the Contracting Officer may require the Contractor to install and maintain in and about the plant additional protective devices, equipment, and personnel. The Contractor shall submit promptly to the Contracting Officer for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same, and a detailed estimate of the cost of maintaining any such additional protective devices or equipment and personnel.

(d) Title to all plant protective devices and equipment added under paragraph (c) of this clause shall be in the Government. The Contractor, during the term of this contract or any extension thereof, shall maintain and keep in good condition and repair all such protective devices and equipment.

(e) The Contracting Officer and authorized Security and Safety personnel of the Department of the Army, at all times during the performance of this contract or any extension thereof, shall have access to the portions of the plant staffed and operated by the Contractor in order to inspect, inventory, or remove any of said plant protective devices or equipment, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, safety, and security including any recommendations made by the appropriate Department of the Army personnel.

§ 597.150–2 Marine risk.

The following clause may be used in contracts for chartering vessels for coastal, harbor, inland water, or similar services—

MARINE RISK (FEBRUARY 1965)

The owner shall assume all marine risks of whatever nature or kind, including all risks or liability for breach of law or statutes or for damage caused to other vessels, persons, or property, except as otherwise provided herein. When official storm warnings have

*If desired an additional proviso may be added, reading substantially as follows:

Provided further that no reimbursement of the cost of any such installation or pay of any such personnel is being made to the Contractor by other means.

been issued or weather and water or other conditions render an operation unusually hazardous and the owner or master protests in writing to the Contracting Officer against undertaking the operation but thereafter the Contracting Officer orders him to perform the operation and he undertakes to do so and the vessel is damaged or lost as the proximate result of the unusual hazard protested against and not of the negligence of the owner, master, or crew, the Government shall, at its discretion, repair the damage to the vessel or reimburse the owner for the cost of such repairs or for the loss of the vessel, to the extent not covered by insurance and within the limit of funds against which indemnification by the Government to the Contractors for such loss or damage may lawfully be charged, but in no case in excess of the value of the vessel immediately preceding the incident causing the damage or loss and shall, for a period not to exceed _____ days (insert the number of days estimated to repair or replace the vessel), reimburse the owner, within the funds limitation as indicated above, for the actual expenses of stand-by time, as determined by the Contracting Officer. The Contractor shall file a report of such damage or loss within 3 working days after date of the incident or the date of the vessel's return to port, whichever is the later date. Failure to file such a report within the time specified shall constitute a waiver of the right to indemnification based on liability of the Government for the damage to or loss of the vessel. Failure to agree to any findings or determinations made by the Contracting Officer hereunder shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

§ 597.150–3 Clinical study of investigational drugs.

All contracts awarded pursuant to AR 40–7 under which drugs are to be clinically investigated shall contain the following clause—

CLINICAL STUDY OF INVESTIGATIONAL DRUGS (NOVEMBER 1966)

(a) The Contractor, before undertaking to conduct either the clinical pharmacology or clinical trials of an investigational drug under a Department of the Army contract, shall submit for the written approval of The Surgeon General, Department of the Army, a signed completed application and three copies to The Surgeon General, Attention: Chairman, Army Investigational Drug Review Board, Department of the Army, Washington, D.C. 20315, using the following format:

Investigator's statement:

I. Background data.

A. Name of investigator.

B. Date of request.

C. Name or other clear identification of drug.

D. Name of manufacturer or other source of drug.

E. Qualifications of investigator in detail or by reference to details already on file in Army records.

F. Name and address of facility or facilities where investigations will be conducted.

G. All known relevant information about past use or pertinent reference thereto available to both the investigator and the drug supplier, including all preclinical data, and all other information justifying the clinical investigation (i.e., the safety and rationale of the proposed study).

II. Plan and Conduct of Proposed Clinical Investigation.

A. Specific purpose and military need for or urgency of proposed clinical investigation.

B. Approximate number of subjects, their age, sex, condition, and other pertinent information relevant to the conditions of the investigation.

C. Number of subjects to be employed as controls (if any) and same information as in B above for such controls.

D. An outline of the phases of the investigation already planned either in detail or by reference to details already on file in Army records. This outline may include reasonable alternates and variations, and will be supplemented or amended when any significant change in direction or scope of the investigation is undertaken.

E. Description or copies of forms used to record data.

(b) The Contractor shall insure that each of its investigators who conduct either the clinical pharmacology or clinical trials of an investigational drug will maintain a record of clinical investigation separate from the patient's clinical record. This record of clinical investigation will include, minimally, a list of patients receiving the investigational drug; the name, lot number, date, and quantity of investigational drug prescribed; case histories; the details of clinical observations, tests, and laboratory procedures carried out on each subject before, during, and after administration of the drug in question.

(c) The Contractor shall also insure that either its responsible investigator or a responsible individual designated by him for the purpose will maintain a complete record of each investigational drug used under a DA contract for at least 3 years after completion of the investigational drug study. This record will include the following information:

1. Name of drug.
2. Manufacturer, or other source of drug.
3. Amount and date received.
4. Expiration date, if any.
5. Lot or control number.
6. Date of authority to use.
7. Names of individuals authorized to prescribe the drug.
8. Names of prescribing physician or dentist.
9. Date on which use of the drug is terminated, if applicable.
10. Date on which use of the drug was approved for general use as a safe and efficacious drug, if during course of investigation.

(d) The Contractor shall submit progress reports to The Surgeon General, Attention: Chairman, AIDRB, at least once annually, and shall submit a final report on termination of the investigaton. In addition the Contractor shall promptly report to the AIDRB any unusual or important observations occurring during the course of the investigational drug study, particularly if they involve any adverse effect that may be regarded as caused by the new drug; if the adverse effect is alarming, it shall be reported to the AIDRB immediately.

(e) Special Conditions Applicable to Clinical Investigation of New Drugs: The contractor shall insure that the investigational drug is administered to subjects only under the personal supervision of the responsible investigator or a qualified person to whom the responsible investigator has delegated this authority. The Contractor shall also insure that all subjects participating in the investigation or their representatives are fully informed and understand that the new drug is being used for investigational purposes. The written consent of the subjects, or their representatives shall be obtained except where this is not feasible or, in the responsible investigator's professional judgment, is contrary to the best interests of the subject. When the purpose of administering an investigational drug is not to benefit the individual to whom it is administered, final approval for the use of volunteer subjects shall be obtained as provided in paragraph 6, AR 70–25. Benefit to the individual is defined as the administration of a drug to an individual expected to result in the diagnosis, mitigation, treatment, cure, or prevention of disease or injury of the same individual.

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

§ 597.203 Required clauses.

§ 597.203–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.203–2 Changes.

Instructions in § 597.103–2 apply.

§ 597.203–5 Inspection of supplies and correction of defects.

Appropriate language to accomplish the requirements in § 597.103–5 shall be included in solicitations and resultant contracts.

§ 597.203–6 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.203–12 Disputes.

Instructions in § 597.103–12 apply.

§ 597.205 Additional clauses.

The clauses set forth in § 7.205 of this title shall be used in cost-reimbursement type supply contracts in accordance with the instructions of heads of procuring activities.

§ 597.250 Medical services at Government-owned contractor-operated installations.

The following clauses shall be included in all contracts at Government-owned contractor-operated installations—

MEDICAL SERVICES (FEBRUARY 1965)

The Contractor shall provide medical services, as a minimum, of a scope which shall include (i) treatment of on-the-job illnesses and dental conditions requiring emergency attention, (ii) preemployment examinations, and (iii) preventive programs related to health.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

§ 597.302 Required clauses.

§ 597.302–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.302–4 Inspection.

Appropriate language to accomplish the requirements in § 597.103–5 shall be included in solicitations and resultant contracts.

§ 597.302–5 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.302–11 Disputes.

Instructions in § 597.103–12 apply.

§ 597.304 Additional clauses.

Except as prescribed herein the clauses set forth in § 7.304 of this title shall be used in fixed-price research and development contract in accordance with the instructions of heads of procuring activities.

§ 597.304–1 Changes.

Instructions in § 597.103–2 apply.

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 597.402 Required clauses.

§ 597.402–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.402–5 Inspection and correction of defects.

Appropriate language to accomplish the requirements in § 597.103–5 shall be included in solicitations and resultant contracts.

§ 597.402–6 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.402–11 Disputes.

Instructions in § 597.103–12 apply.

§ 597.404 Additional clauses.

Except as prescribed herein, the clauses set forth in § 7.404 of this title shall be used in cost-reimbursement type research and development contracts in accordance with the instructions of heads of procuring activities.

§ 597.404–1 Changes.

Instructions in § 597.103–2 apply.

§ 597.450 Medical services at Government-owned contractor-operated installations.

Include the clause in § 597.250 in accordance with instructions therein.

Subpart E—[Reserved]

Subpart F—Clauses for Construction and Architect-Engineer Contracts

§ 597.602 Required clauses for fixed-price construction contracts.

§ 597.602–3 Changes.

Instructions in § 597.103–2 apply.

§ 597.602–6 Disputes.

Instructions in § 597.103–12 apply.

§ 597.602–8 Assignment of claims.

Instructions in § 597.103–8 except for paragraph (a) apply.

§ 597.602–10 Contractor inspection system.

Appropriate language to accomplish the requirements in § 597.103–5 shall be included in solicitations and resultant contracts.

§ 597.605 Required clauses for cost-reimbursement type construction contracts.

§ 597.605–2 Changes.

Instructions in § 597.103–2 apply.

§ 597.605–17 Disputes.

Instructions in § 597.103–12 apply.

§ 597.605–31 Assignment of claims.

Instructions in § 597.103–8 except for paragraph (a) apply.

§ 597.607 Required clauses for lump sum architect-engineer contracts.

§ 597.607–4 Disputes.

Instructions in § 597.103–12 apply.

§ 597.607–10 Assignment of claims.

Instructions in § 597.103–8 except for paragraph (a) apply.

Subpart G—Clauses for Facilities Contracts

§ 597.702 Required clauses for consolidated facilities contracts.

§ 597.702–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.702–4 Changes.

Instructions in § 597.103–2 apply.

§ 597.702–25 Period of this contract.

Requests for authorization to provide for a period of more than 5 years shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter.

§ 597.702–28 Disputes.

Instructions in § 597.103–12 apply.

§ 597.702–37 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.703 Required clauses for facilities acquisition contracts.

§ 597.703–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.703–4 Changes.

Instructions in § 597.103–2 apply.

§ 597.703–20 Disputes.

Instructions in § 597.103–12 apply.

§ 597.703–29 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.704 Required clauses for facilities use contracts.

§ 597.704–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.704–18 Period of this contract.

Instructions in § 597.702–25 apply.

§ 597.704–21 Disputes.

Instructions in § 597.103–12 apply.

§ 597.704–23 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.706 Facilities use contracts with nonprofit educational institutions.

§ 597.706–3 Definitions.

Instructions in § 597.103–1 apply.

§ 597.706–16 Period of this contract.

Instructions in § 597.702–25 apply.

§ 597.706–18 Disputes.

Instructions in § 597.103–12 apply.

Subpart H—[Reserved]

Subpart I—Clauses for Time and Material and Labor Hour Contracts

§ 597.901 Required clauses.

§ 597.901–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.901–2 Changes.

Instructions in § 597.103–2 apply.

§ 597.901–7 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.901–8 Disputes.

Instructions in § 597.103–12 apply.

§ 597.901–21 Inspection and correction of defects.

Appropriate language to accomplish the requirements in § 597.103–5 shall be included in solicitations and resultant contracts.

Subpart J—Clauses for Stevedoring Contracts

§ 597.1002 Required clauses.

§ 597.1002–1 Definitions.

Instructions in § 597.103–1 apply.

§ 597.1002–6 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.1002–9 Disputes.

Instructions in § 597.103–12 apply.

Subpart K—[Reserved]

Subpart L—Clauses for Mortuary Services Contracts

§ 597.1201 Required clauses for other than port of entry requirements contracts.

§ 597.1201–4 Specifications.

The specifications referenced in § 7.1201–4 of this title are contained in appendix IV, AR 638–40.

§ 597.1201–16 Definitions.

Instructions in § 597.103–1 apply.

§ 597.1201–18 Assignment of claims.

Instructions in § 597.103–8 apply.

§ 597.1201–19 Disputes.

Instructions in § 597.103–12 apply.

Subpart M—[Reserved]

Subpart N—[Reserved]

Subpart O—[Reserved]

Subpart P—Contracts for Preparation of Personal Property for Shipment, Government Storage and Performing Intracity or Intra-Area Movement

§ 597.1650 Placement of calls under contracts.

(a) Oral calls may be placed with contractors inasmuch as the exact weight of the shipment involved, services to be performed, and the cost thereof can not be predetermined so as to permit the issuance of a written delivery order before services are performed.

(b) Ordering officers may be appointed pursuant to § 591.452 of this chapter to place calls as specified in paragraph (a) of this section.

(c) DD Form 1155 is not required either to confirm an oral call or to serve as a payment voucher, provided the contracting or ordering officer who made

the oral call places a certificate of performance (see par. 3–9*e*, AR 37–107) on all copies of the contractor's invoice and signs the certificate on the original thereof.

(d) If a contractor uses Standard Form 1034 as its invoice, the certificate of performance shall be placed on all copies thereof and the original shall be signed by the contracting or ordering officer who made the oral call.

(e) If a contractor has Standard Form 1034 printed at its own expense for its own use with repetitive data, such as contract number and date and payee's name and address, printed thereon, the contracting officer may request the contractor to have the certificate of performance printed on the face thereof, provided the contractor agrees to do so at no expense to the Government.

(f) Under no circumstances shall a contractor be required to use Standard Form 1034 as its invoice in lieu of its own invoice form.

§ 597.1651 Commercial warehousing and related services.

(a) AR 743–455 governs the commercial warehousing and related services for household goods for military and civilian personnel (see § 606.551 of this chapter).

(b) Ordering officers may be appointed pursuant to § 591.452 of this chapter to place service orders under such contracts. Instructions in AR 743–455 shall be followed in placing service orders and ordering officers shall not be authorized to change terms and conditions of contracts in any way.

PART 598—TERMINATION OF CONTRACTS

14. Part 598 is revised to read as follows:

Subpart A—[Reserved]

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

Sec.
598.201 Authority of contracting officers.
598.202 Prior clearance of significant contract terminations.
598.212 Review and approval of proposed settlements.
598.212–4 Action by Board.

Subpart C—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Contracts

598.307 Settlement proposals.
598.307–2 Bases for settlement proposals.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Termination for Default

598.602–3 Procedure for default. contracts for default.
598.602–3 Procedure for default.

AUTHORITY: The provisions of this Part 598 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—[Reserved]

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

§ 598.201 Authority of contracting officers.

(a) Procuring contracting officers shall exercise the authority to terminate a contract for convenience of the Government only after proper authorization and instructions from the activity which requested the contract to be established.

(b) Contracting officers shall not terminate contracts for convenience if the contractor is in unexcusable default and the Government has a legal right to terminate for default, even though the Government's requirements for performance no longer exist. This prohibition shall not preclude a no-cost termination settlement agreement as provided in § 8.602–4(c) of this title.

(c) Termination of contracts awarded as a result of a MIPR shall be in accordance with § 5.1112 of this title.

§ 598.202 Prior clearance of significant contract terminations.

Reports Control Symbol SAOSA–62 has been assigned the reporting requirement in § 8.202 of this title for purchasing offices within the Department of the Army.

§ 598.212 Review and approval of proposed settlements.

§ 598.212–4 Action by Board.

(a) All actions by a Settlement Review Board shall be taken at duly constituted meetings of the Board. The written opinion of the Board setting forth its approval or disapproval of a proposed settlement shall be signed by each Board member present. The written opinion shall not be a repetition of the contracting officer's memorandum but shall contain all pertinent facts which prompted the Board's approval or disapproval.

(b) A proposed settlement which was reached by mutual agreement, if disapproved by the Board, shall be returned to the contracting officer for further negotiation within the framework of the Board's opinion. Upon conclusion of further negotiation, the new proposed settlement shall be submitted to the Board for further consideration.

(c) A proposed settlement which resulted from the contracting officer's redetermination, if disapproved by the Board, shall be returned to the contracting officer for redetermination or negotiation and resubmission to the Board.

(d) Except as provided in § 8.212–4 of this title, the contracting officer may not proceed with a proposed settlement until approval of the Settlement Review Board has been obtained.

Subpart C—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Contracts

§ 598.307 Settlement proposals.

§ 598.307–2 Bases for settlement proposals.

Requests for approval of the Secretary of the Army for the use of bases other than inventory or total cost in a termination claim shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Termination for Default

§ 598.602 Termination of fixed-price supply contracts for default.

§ 598.602–3 Procedure for default.

(a) Contracts which involve outstanding guaranteed loans, progress payments, or advance payments, except where the contractor is in bankruptcy, shall be terminated for default only after the procuring activity has coordinated the action with the U.S. Army Materiel Command, the U.S. Continental Army Command, or the Director of Procurement Policy and Review, Office of the Assistant Secretary of the Army (Installations and Logistics), as applicable. In addition, prior to termination, all such cases except those involving bankruptcy shall be coordinated with the Director of Contract Financing, Office of the Comptroller of the Army (the addressee in § 591.150(b)(5) of this chapter) who shall coordinate when necessary with the contract financing offices of other military departments. Cases forwarded shall include the following data—

(1) Contract number, item, and dollar value;

(2) Government financing outstanding;

(3) Statement as to probable jeopardy to repayment of loans in event of default;

(4) Alternative actions in lieu of default;

(5) Status of deliveries, i.e. scheduled versus actual;

(6) Production problems, if any, and Government assistance furnished to resolve them;

(7) Statement as to whether the contractor was certified by the Small Business Administration;

(8) Date of report "Contractors in Difficulty Authorized Guaranteed Loans, Progress Payments, or Advance Payments," Reports Control Symbol OSD–1477 (see § 163.30 of this title);

(9) Other pertinent information to insure clear understanding of the case; and

(10) Recommendation of the head of procuring activity.

(b) Contracts involving a contractor to whom a certificate of competency was issued by the Small Business Administration, or to whom loans were made with that agency's participation, shall not be terminated for default without prior written approval of the head of procuring activity. Copies of notices of intent to terminate such a contract for default shall be furnished the nearest Regional Office of the Small Business Administration after coordination with the Small Business and Labor Surplus Advisor serving the purchasing office.

(c) When considering a termination fo rdefault pursuant to subparagraph (a)(f) of the Default clause (§ 8.707 of this title), contracting officers should come to a decision within a reasonable time and should avoid actions which could be construed as waiving the delivery requirements. In a number of cases before the Armed Services Board of Contract Appeals (ASBCA) where the decision to terminate for default was unreasonably delayed or where inconsistent actions occurred, that Board invoked what is known as the doctrine of "waiver of due date" and converted default terminations into terminations for convenience pursuant to subparagraph (e) of the Default clause. To avoid this, contracting officers should seek legal advice at an early point in the decision making process.

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

15. Section 600.201–50 is revised, and Subpart D is revoked, as follows:

§ 600.201–50 Grant, extension, modification, and termination of authority to qualify as a corporate surety.

(a) From time to time the Treasury Department issues supplements to TD Circular 570 notifying all Federal agencies of the grant, extension, modification, and termination of authority of a specified company to qualify as a surety on Federal bonds. Contents of these supplements are published in Department of the Army Circulars in the 715–2 series.

(b) Upon receipt of notification of the termination of a company's authority to qualify as a surety on Federal bonds, the Contracting Officer shall examine each uncompleted bonded contract and shall require any affected Contractor to secure new bonds with acceptable surety in lieu of bonds executed by the surety company whose authority has been terminated. The obtaining of new bonds in such cases shall not relieve the original surety of liability but is necessary to insure adequate bond protection. New bonds so obtained shall be promptly forwarded for review in accordance with § 600.112.

Subpart D—Insurance Under Fixed-Price Contracts [Revoked]

PART 601—TAXES

16. Part 601 is revised to read as follows:

Sec.
601.000 Resolution of tax problems.
601.050 Implementation of part.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—State and Local Taxes

Sec.
601.350 Colorado sales and use tax—construction contracts.
601.351 Indiana gross income tax.
601.352 Iowa sales and use tax—construction contracts.
601.353 Nebraska sales and use tax—construction contracts.

Subpart D—[Reserved]

Subpart E—Tax Exemption Forms

601.502 State and local taxes.
601.502–1 Types of evidence of exemption.
601.502–50 Tax inclusive purchases.

AUTHORITY: The provisions of this Part 601 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 601.000 Resolution of tax problems.

(a) Actual or anticipated tax problems which cannot readily be solved by reference to Part II of this title shall be forwarded to the addressee in § 591.150(b)(6) of this chapter. Direct communication is authorized if the time by which a solution to a tax problem is required is so short that communication through channels would be inadequate.

(b) Tax problems forwarded shall be accompanied by—

(1) A comprehensive statement of pertinent facts, including documents and correspondence pertinent thereto;

(2) A copy of the contract or pertinent portions thereof;

(3) A review of the legal and factual issues involved;

(4) A statement of the effect of the tax problem on procurement policies and procedures, if appropriate; and

(5) The comments and recommendations of the contracting officer and of each successive echelon of command through which the correspondence passes.

§ 601.050 Implementation of part.

No directive, regulation, instruction, or procedure concerning Federal, State, or local taxes in relation to Army procurement functions shall be published by any agency, command, or office of the Department of the Army without prior approval of the Assistant Secretary of the Army (Installations and Logistics) obtained through the addressee in § 591.150(b)(6) of this chapter. If approval is obtained for publishing such instructions, the requirements in § 591.108 of this chapter shall apply.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—State and Local Taxes

§ 601.350 Colorado sales and use tax—construction contracts.

(a) A specific exemption from Colorado sales and use tax is available with respect to materials having a value of $2,500 or more furnished under contract to a Government agency and incorporated into a structure by a prime contractor or subcontractor.

(b) Tax exemption certificates shall be issued to contractors or subcontractors upon their personal application therefor to the Department of Revenue, State of Colorado, State Capitol, Denver, Colo. 80203. The contractor or subcontractor shall be required to furnish—

(1) The contract number, date, and amount; and

(2) The proposed date of completion.

(c) Solicitations for construction contracts which may reasonably be expected to involve purchases of materials of $2,500 or more shall contain—

(1) A notification concerning the availability of this exemption;

(2) A requirement that Colorado sales and use taxes be excluded from prices; and

(3) The method by which contractors or subcontractors may obtain tax exemption certificates.

§ 601.351 Indiana gross income tax.

(a) The Indiana gross income tax is applicable to gross receipts received by a Government contractor under a contract—

(1) For services performed in Indiana; or

(2) For supplies produced in Indiana and delivered to the Government in Indiana (including contracts requiring delivery f.o.b. carrier's equipment, wharf, or freight station in Indiana for shipment on a Government bill of lading to destinations outside Indiana).

(b) The tax does not apply to gross receipts received by a Government contractor under a contract for supplies produced in Indiana and delivered to the Government at a destination outside Indiana if—

(1) The contract provides that title to the supplies shall vest in the Government at destination; and

(2) Shipment is made on a commercial bill of lading or a commercial bill of lading convertible to a Government bill of lading at destination.

§ 601.352 Iowa sales and use tax—construction contracts.

(a) Government agencies may obtain from the Iowa State Tax Commission refunds of sales and use tax paid by their construction contractors with respect to goods, wares, or merchandise which becomes an integral part of a construction project.

(b) The contracting officer shall obtain from the contractor the statement required by section 422.45(7a), Iowa Code Annotated, and shall file an application for refund with the Iowa State Tax Commission within 60 days after final settlement as required by section 422.45(7b), Iowa Code Annotated.

(c) Solicitations for construction projects to be performed in Iowa shall contain a provision that the Contractor will be required to furnish the Contracting Officer with the statements required by section 422.45(7a), Iowa Code Annotated.

§ 601.353 Nebraska sales and use tax—construction contracts.

(a) A construction contractor or subcontractor may purchase materials free

of the Nebraska sales and use tax if the contract or subcontract provides separate amounts applicable to the performance of services and the furnishing of materials.

(b) Solicitations for fixed-price construction contracts of $10,000 or more to be performed in Nebraska shall contain the following statements—

(1) The contract to be awarded will be a construction contract which separately states amounts applicable to the performance of the services and the furnishing of materials as contemplated in section 2(3) of the Nebraska Revenue Act of 1967 and Rule TC-1-17 of the Nebraska State Tax Commissioner, dated June 1, 1967. Exemption from the Nebraska sales and use tax on material to be incorporated by the Contractor and his subcontractors into the structure or improvement to real estate may be secured under the terms of the cited law and regulations. The successful bidder to whom this contract is awarded may execute and deliver a resale certificate to his suppliers for such materials.

(2) Prior to award of a contract, the successful bidder shall furnish a breakdown to be incorporated into the contract separately pricing (i) materials to be incorporated into the structure or improvement to real estate, (ii) services and other obligations of the construction contract, and (iii) total contract price.

(c) The following clause shall be included in solicitations for fixed-price construction contracts of $10,000 or more to be performed in Nebraska—

NEBRASKA SALES AND USE TAX (MAY 1968)

(a) This contract is a construction contract which contains separate amounts applicable to the performance of the services and the furnishing of the materials as defined in section 2(3) of the Nebraska Revenue Act of 1967. Notwithstanding any other provisions of this contract, the contract price does not include any amount for Nebraska sales and use tax on materials to be incorporated by the Contractor or any Subcontractor into the structure or improvement to real estate. The Contracting Officer shall furnish to the Contractor any tax exemption certificate which may be required.

(b) For the purpose of complying with the requirements of the Nebraska Revenue Act of 1967 and the rules of the State Tax Commissioner, the Contractor, pursuant to the requirements of the solicitation, has furnished prior to contract award a breakdown separately pricing (1) materials to be incorporated into the structure or improvement to real estate, (2) services and other obligations of the construction contract, and (3) total contract price. This breakdown is for the sole purpose of complying with the requirements of the Nebraska Revenue Act of 1967 with regard to separate pricing of services and materials and has no other contractual significance.

(c) Any subcontracts awarded hereunder shall also contain separate amounts applicable to the performance of services and the furnishing of materials.

(d) At the time the contract is prepared for signature, a statement substantially as follows shall be included in the Schedule—

It is understood and agreed that the contract price of $_____ is comprised of $_____ for materials and $_____ for services and other obligations.

Subpart D—[Reserved]

Subpart E—Tax Exemption Forms

§ 601.502 State and local taxes.

§ 601.502–1 Types of evidence of exemption.

(a) Unless a different type of evidence of exemption is required by the taxing jurisdiction, Standard Form 1094 shall be used where exemptions, adjustment, or refunds of State and local taxes are allowed on commodities or services purchased for the exclusive use of the United States.

(b) Heads of procuring activities and contracting officers and their representatives are authorized to furnish evidence of exemption from State and local taxes.

§ 601.502–50 Tax inclusive purchases.

(a) When a State or local tax attaches at the time of sale to the United States, the legal incidence of the tax appears to be on the United States, and if a vendor refuses to sell at a price exclusive of the tax, Standard Form 1094 shall be used to obtain a record of the transaction for use by the Government in billing the taxing authority for refund of the tax.

(b) Standard Form 1094 shall be executed and delivered to the finance and accounting officer to whose accounts the vouchers in the transaction pertain. The certificate of the vendor shall be obtained on each Standard Form 1094 or receipt issued for the transaction. The payment voucher number shall be noted on the Standard Form 1094 and the serial number of the Standard Form 1094 shall be shown on the payment voucher.

(c) Finance and accounting officers shall forward the Standard Form 1094 to the Finance and Accounts Office, U.S. Army, Attention: Accounting Branch, Second and R Streets NW., Washington, D.C. 20315, which office shall bill the State or local taxing authority for refund of the tax paid. If that office is unable to obtain a refund of the tax, it shall refer the matter to the addressee in § 601.000 for determination whether it is appropriate to forward the file to the General Accounting Office for collection.

PART 602—LABOR

17. Part 602 is revised to read as follows:

Sec.

602.050 Definition.
602.051 Implementation.

Subpart A—Basic Labor Policies

602.101 Labor relations.
602.101–1 General.
602.101–3 Reporting of labor disputes.
602.101–4 Impact of labor disputes on defense programs.
602.101–5 Movement and removal of items from facilities affected by work stoppage.
602.101–50 Representatives of Labor organizations entering Department of the Army installations and activities.
602.101–51 Affect of work stoppage on award of new contract.
602.102 Overtime.
602.102–4 Approval of overtime premiums in certain cost-reimbursement type contracts.
602.103 Federal and State labor requirements.
602.103–1 General.
602.103–2 Applications for relaxation of requirements.
602.105 Location allowances at unfavorable sites.
602.105–3 Procedures.

Subpart B—[Reserved]
Subpart C—[Reserved]
Subpart D—[Reserved]
Subpart E—[Reserved]

Subpart F—Walsh-Healey Public Contracts Act

602.604 Responsibilities of contracting officers.
602.606 Procedure for obtaining exemptions with respect to stipulations required by the act.

Subpart G—Fair Labor Standards Act of 1938

602.701 Basic statute.
602.702 Suits against Government contractors.
602.750 Regulations of the Administrator of the Wage and Hour Division in the Department of Labor.

AUTHORITY: The provisions of this Part 602 issued under secs. 2301–2314, 3012, 70A Stat. 126–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 602.050 Definition.

As used in this part, the term "Labor Advisor" means the Labor Advisor, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

§ 602.051 Implementation.

So that there is maximum uniformity in application of basic labor policies within the Department of the Army, no implementation of this part shall be issued by any agency, command, or office of the Department of the Army without prior approval of the Labor Advisor, except as may be specifically authorized herein. If approval is obtained for implementing this part, the requirements in § 591.108 of this chapter shall apply.

Subpart A—Basic Labor Policies

§ 602.101 Labor relations.

§ 602.101–1 General.

(a) All problems arising out of the labor relations of Government contractors vitally affect procurement and are an essential part of procurement responsibility. Heads of procuring activities are encouraged to seek the assistance of the Labor Advisor (see § 602.050) in the disposition of these problems.

(b) A head of procuring activity or his designee is authorized to contact the appropriate regional office of the Federal Mediation and Conciliation Service, National Mediation Board, or National Labor Relations Board for information regarding the status of mediation proceedings, the nature of the dispute, or related matters of concern. However, in cases where administration of a contract has been transferred to the Defense Contract Administration Service (DCAS), requests for such information shall be made only upon the local DCAS regional office.

(c) Only the Labor Advisor is authorized to contact the national offices of the agencies named in paragraph (b) of this section. All inquiries for the national offices shall be forwarded to the Labor Advisor.

(d) Management and Labor representatives shall not be contacted with reference to matters related to disputes. Department of the Army personnel shall not volunteer information to nor answer requests from representatives of labor or management related to work stoppages or disputes without prior clearance from the Labor Advisor. Such clearances may be obtained by telephone when necessary: *Provided*, That written confirmation is made as soon thereafter as possible.

§ 602.101–3 Reporting of labor disputes.

(a) The report of labor disputes prescribed in § 12.101–3 of this title to be submitted on DD Form 1507, Work Stoppage Report, has been assigned Reports Control Symbol SAOSA–40 for Department of the Army purchasing offices.

(b) In cases of extreme urgency Contracting Officers shall make initial and supplemental reports by telephone or other informal means to the Labor Advisor. Information informally submitted shall be confirmed by DD Form 1507 as soon thereafter as possible. In situations where possible serious impact may ensue, direct communication is authorized between purchasing office, procuring activity representatives and the Labor Advisor.

§ 602.101–4 Impact of labor disputes on defense programs.

In addition to the information required by § 12.101–4(b) of this title, the head of procuring activity shall include in his findings the following—

(a) The overall production schedule of each critical item by week or month, as appropriate;

(b) The effect on end-item production schedules of a work stoppage lasting 15, 30, 60, and 90 days;

(c) A statement as to whether the production of each item concerned was on schedule prior to the work stoppage;

(d) The feasibility and leadtime required to bring alternate sources into production; and

(e) Any other pertinent information which will assist in clearly presenting the impact on production of other military items, stock position of items involved, effect on military operations, and consumption rates for items affected where appropriate.

§ 602.101–5 Movement and removal of items from facilities affected by work stoppage.

(a) Prior to taking actions pursuant to § 12.101–5(b) of this title to effect a removal from plants on strike, the Contracting Officer shall submit a request for removal to the Labor Advisor. The Labor Advisor shall solicit an appraisal from the national office of the Federal Mediation and Conciliation Service as to how such action would affect negotiations. The ultimate decision concerning removal shall be made by the Assistant Secretary of the Army (Installations and Logistics).

(b) Requests for removal shall be transmitted by rapid means and direct communication with the Labor Advisor is authorized. Requests for removal shall contain the following—

(1) The end item involved;

(2) A statement as to the importance of the project concerned;

(3) The location of items or material to be removed;

(4) The number of items or amount of material to be removed;

(5) An estimate of the length of time necessary to complete the removal;

(6) The purchase order or contract number; and

(7) The address of the company or agency to which the removed items are to be delivered.

§ 602.101–50 Representatives of labor organizations entering Department of the Army installations and activities.

(a) Whenever representatives of labor organizations request permission to enter military installations or activities of the Department of the Army on which private contractors are engaged in contract work for the purpose of conducting union business during working hours in connection with the contract between the Government and the Contractor on which union members are employees, the installation/activity commander may admit such representatives provided that—

(1) The presence and activities of the labor representatives will not interfere with the progress of the contract work involved; and

(2) The entry of the labor representatives to the installation or activity will not violate pertinent safety or security regulations.

(b) Labor representatives are not authorized to engage in organizing activities, collective bargaining discussions, or other matters not directly connected with the Government contract on military installations or activities. The installation/activity commander may, however, authorize labor representatives to enter upon the installation or activity for the purpose of distributing organizational literature and authorization cards to private Contractors' employees provided such distribution does not—

(1) Occur in working areas or during working times of employees concerned;

(2) Interfere with contract performance;

(3) Interfere with the efficient operation of the installation or activity; or

(4) Violate pertinent safety or security regulations.

(c) The determination as to who is an appropriate labor representative shall be made by the installation/activity commander after consultation with his Labor Advisor or Judge Advocate. Nothing in this section, however, shall be construed to prohibit Contractors' employees from distributing organizational literature or authorization cards on installation/activity property where such distribution does not violate the conditions in paragraph (b) of this section.

(d) Business offices or desk space for labor organizations for solicitation of membership among Contractors' employees, collection of dues, or other business of the labor organization not directly connected with the contract work shall not be permitted on the installation or activity except for the routine functions of the working steward whose union duties are incidental to his assigned job.

(e) If an installation/activity commander denies entry to a labor representative for any reason, he shall immediately notify the Labor Advisor (see § 602.050) giving reasons for denial, including the names and addresses of representatives denied entry and the union affiliation of the representatives if known.

(f) The above provisions concerning organization of private Contractors' employees shall be distinguished from those involving organization of Federal civilian employees. For the functions, duties, and obligations of an installation/activity commander regarding Federal civilian employee unions, see Civilian Personnel Regulation (CPR) 711.

§ 602.101–51 Affect of work stoppage on award of new contract.

Prior to award of a new contract, or increasing quantities under an existing contract, to a contractor whose plant is either on strike or is confronted with an imminent strike, the contracting officer or, when appropriate, the DCAS regional representative, shall solicit an appraisal from the regional Federal Mediation and Conciliation Service office as to how such action would affect negotiations. In the event the Federal Mediation and Conciliation Service is not participating in the negotiations, guidance shall be sought from the Labor Advisor. In support of the policy of freedom of negotiations and impartiality, personnel shall avoid a course of action which would either disturb that freedom or be construed as giving support or assistance to either party to the labor dispute.

§ 602.102 Overtime.

§ 602.102–4 Approval of overtime premiums in certain cost-reimbursement type contracts.

The following individuals are designated, without power of redesignation, to grant approvals described in § 12.102–4 of this title—

(a) Each head of procuring activity, his deputy, and principal assistant responsible for procurement;

(b) Each project manager;

(c) The Chief of Research and Development;

(d) The Director of Research and Development, U.S. Army Materiel Command;

(e) The Director of Army Research and Chief, Research Support Division, Office of the Director of Army Research; and

(f) Such others as may be specifically designated from time to time by the Director of Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics).

§ 602.103 Federal and State labor requirements.

§ 602.103–1 General.

(a) Sections 602.103—602.103–2 are applicable to all Government contractors within the United States and its possessions, including contractors operating Government-owned facilities irrespective of whether such facilities are located on private or Government property.

(b) The term "State" as used in §§ 602.103—602.103–2 includes the District of Columbia and all political subdivisions of the 50 States.

§ 602.103–2 Applications for relaxation of requirements.

A head of procuring activity may, consistent with limitations of security, furnish information to the appropriate State official, upon request, as to the fact that an application for relaxation of State labor standards filed with him relates to the execution of a contract with such agency in pursuance of a military procurement program. Such information shall not extend to support the application unless proper authorization under § 12.103–2(b) of this title has been obtained.

§ 602.105 Location allowances at unfavorable sites.

§ 602.105–3 Procedures.

(a) Determinations that conditions at a site justify location allowances shall be made in writing by individuals authorized to approve overtime (see § 602.102–4). Copies of the determinations shall be furnished to the cognizant contracting officer.

(b) Payments of location allowances, either as experienced costs or as an advance agreement (see § 15.107 of this title), may be approved by the contracting officer, provided that—

(1) The payments are reasonable in the light of criteria in § 12.105–2 of this title; and

(2) A written determination has been obtained in accordance with paragraph (a) of this section.

(c) The review required by § 12.105–3(a) of this title shall be scheduled and accomplished by the cognizant contracting officer whenever warranted by changes in conditions and circumstances, but in any case at least once each year.

(d) When disagreements on matters covered by this section occur between two or more purchasing offices under the jurisdiction of the Commanding General, U.S. Army Materiel Command, authority to resolve the dispute is vested in that commander. If a purchasing office of the U.S. Army Materiel Command is in disagreement with a purchasing office outside the jurisdiction of that command and a local agreement cannot be reached, the matter shall be forwarded for resolution to the addressee in § 591.150(b)(6) of this chapter. Disagreements between two or more purchasing offices not under the jurisdiction of the U.S. Army Materiel Command shall be handled in the same manner.

(e) Where two or more purchasing offices, one or more of which is not within the Department of the Army, have concurrent contracts at a single facility and the approval of location allowances by one such purchasing office is likely to affect the performance of, or payments in connection with, contracts of another such purchasing office, the purchasing office exercising jurisdiction over the facility shall coordinate with the other purchasing offices in applying the policy in § 12.105–2 of this title. If the purchasing offices do not agree on the application of the policy and the matter cannot be resolved by the cognizant head of procuring activity, the matter shall be forwarded to the addressee in § 591.150(b)(6) of this chapter for resolution.

(f) Where two or more facilities are so geographically located that determinations as to location allowances at one may affect the other, the purchasing offices involved shall coordinate in applying the policy in § 12.105–2 of this title. If agreement cannot be reached, the procedure in paragraph (d) or (e) of this section shall be used, as appropriate.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Walsh-Healey Public Contracts Act

§ 602.604 Responsibilities of contracting officers.

Requests for determinations by the Department of Labor pursuant to § 12.604(a) of this title shall be forwarded through the cognizant head of procuring activity to the addressee in § 602.050. A determination by the Department of Labor that a bidder or offeror is a "manufacturer" or a "regular dealer" is conclusive. Such determination does not, however, relieve the contracting officer of his duty of determining a bidder's or offeror's responsibility pursuant to § 1.904 of this title.

§ 602.606 Procedure for obtaining exemptions with respect to stipulations required by the Act.

(a) Contracting officers shall insure that an application from a contractor for an exception under section 6 of the Act clearly states—

(1) The nature of the exception requested;

(2) The need for the exception; and

(3) Any action taken by the contractor to avoid the necessity for the exception.

(b) Contracting officers shall review each application as to—

(1) The urgency of the particular procurement;

(2) The relation of existing production schedules to Department of the Army requirements;

(3) The relation of present and past deliveries to production schedules;

(4) The extent to which labor supply is a limiting factor in production and the reasons therefor;

(5) The steps, if any, taken either by the contractor or by any Government agency to resolve the labor supply problem;

(6) The extent to which factors inherent in the production processes involved necessitate the requested exception; and

(7) The extent to which the productive capacity of the facility or facilities in question is being used for Army procurement.

(c) After reviewing the contractor's application, the contracting officer shall forward it through the cognizant head of procuring activity to the addressee in § 602.050 together with—

(1) A statement of pertinent data; and

(2) His findings and recommendations in the matter.

Subpart G—Fair Labor Standards Act of 1938

§ 602.701 Basic statute.

The Act is applicable within the United States, its territories and possessions, and to the Bermuda defense area leased to the United States in 1940. The provisions of section 6, relating to minimum wages, and section 7, relating to overtime compensation, do not apply to certain categories of employees enumerated in the Act nor under certain circumstances enumerated therein.

§ 602.702 Suits against Government contractors.

In the event of any legal action based upon the Act under a cost-reimbursement contract, which may result in claims for increased allowable costs against the Government, the contracting officer shall—

(a) Immediately require the Contractor to furnish him with a copy of all papers pertinent thereto; and

(b) Make an immediate report of the legal action direct to the addressee in § 591.150(b)(2) of this chapter (also see AR 27–45).

§ 602.750 Regulations of the Administrator of the Wage and Hour Division in the Department of Labor.

The Act provides that the Administrator in the Department of Labor shall by regulation define certain terms used in the Act and may grant certain exemptions from its provisions. These regulations should be consulted in these respects; however, no action should be taken without first obtaining legal counsel.

PART 603—GOVERNMENT PROPERTY

18. Part 603 is revised to read as follows:

Subpart A—General

Sec.
603.150 Sale, loan, or gift of certain property (10 U.S.C. 4308).
603.151 Loan of Government property acquired for research and development.

Subpart B—[Reserved]

Subpart C—Providing Government Production and Research Property to Contractors

603.301 Providing facilities.
603.302 Securing approval for facilities projects.
603.307 Providing Government production and research property when disposal is limited.

Subpart D—Use and Rental of Government Production and Research Property

603.404 Rental rates and policies applicable to the use of Government production and research property.
603.405 Non-Government use of industrial plant equipment (IPE).
603.406 Rent-free use of Government production and research property on work for foreign governments.

Subpart E—[Reserved]
Subpart F—[Reserved]

Subpart G—Contract Clauses

603.703 Government property clause for cost-reimbursement contracts.
603.704 Special tooling clause for fixed-price contracts.
603.750 Liability for Government property furnished for repair or other services.

Subpart H—Administrative Practices

603.801 Appointment of property administrators.
603.803 Records of Government property.
603.850 Audits of Government property records.
603.850–1 Responsibility for audits.
603.850–2 Reports of audit.
603.850–3 Records in unsatisfactory condition.

AUTHORITY: The provisions of this Part 603 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—General

§ 603.150 Sale, loan, or gift of certain property (10 U.S.C. 4506).

(a) Heads of procuring activities are authorized to sell, lend, or give such samples, drawings, and manufacturing or other information as are considered in the interest of the national defense to—

(1) Any contractor for Army supplies under approved production plans; and

(2) Any person likely to manufacture or supply Army supplies under approved production plans.

(b) Such samples, drawings, and manufacturing or other information shall be sold, loaned, or given by appropriate written agreement.

(c) As a general rule, classified material shall not be sold, loaned, or given pursuant to the authority in this section.

(d) In determining whether to sell, loan, or give property under the authority in this section, consideration shall be given to—

(1) The current or probable future need of the Government for the property;

(2) The residual value of the property;

(3) Expenses incident to handling and storage of the property;

(4) The probable cost of reproduction of the property in the event of future procurement.

§ 603.151 Loan of Government equipment acquired for research and development.

Heads of procuring activities may authorize the loan of Government equipment acquired for research and development to a private industrial firm or educational institution for use in privately financed research and development programs; *Provided*, That—

(a) The programs are of interest to the Government;

(b) The results of the research will be furnished to the Government without additional cost; and

(c) The loan shall be reflected in a written agreement which sets forth the terms of the loan and the benefits to be derived by the Government therefrom.

Subpart B—[Reserved]

Subpart C—Providing Government Production and Research Property to Contractors

§ 603.301 Providing facilities.

Requests for a Secretarial determination pursuant to § 13.301(a)(3) of this title shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter.

§ 603.302 Securing approval for facilities projects.

(a) Requests for approval of facilities projects involving expenditures of $1 million or more shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter.

(b) PEMA and R&D financed facilities projects involving expenditures of less than $1 million shall be approved in accordance with AR 37–40 and AR 37–120.

(c) Reporting of facilities projects that involve real property transactions shall be accomplished in accordance with AR 405–10.

§ 603.307 Providing Government production and research property when disposal is limited.

Requests for Secretarial approval of an alternate provision pursuant to § 13.307(a)(3) of this title shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this title.

Subpart D—Use and Rental of Government Production and Research Property

§ 603.404 Rental rates and policies applicable to the use of Government production and research property.

Requests for authority to charge rent on other than time available for use basis shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter and shall contain justification therefor.

§ 603.405 Non-Government use of industrial plant equipment (IPE).

Requests for approval for non-Government use of industrial plant equipment exceeding 25 percent shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter.

§ 603.406 Rent-free use of Government production and research property on work for foreign governments.

A head of procuring activity cognizant of Government production and research property located in the United States, its possessions, or Puerto Rico; his deputy; or his principal assistant responsible for procurement, are authorized to approve requests for use of such property without charge on contracts of foreign governments or subcontracts thereunder, subject to the conditions enumerated in § 13.406 of this title.

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Contract Clauses

§ 603.703 Government property clause for cost-reimbursement contracts.

The clause in § 13.703 of this title shall be used in construction contracts under which the Department of the Army is to furnish the contractor material, special tooling, or such facilities as are authorized under § 13.303 of this title.

§ 603.704 Special tooling clause for fixed-price contracts.

The clause in § 13.704 of this title shall be used in negotiated construction contracts in accordance with § 13.305–2(d)(3) of this title.

§ 603.750 Liability for Government property furnished for repair or other services.

(a) The following clause shall be used in contracts for repair or servicing of Government property when such property is furnished to the contractor for that purpose, except when—

(1) The Ground and Flight Risk clause in § 10.404 of this title is required; or

(2) ASPR prescribes a different Liability or Loss or Damage clause to be used in specific contracts.

LIABILITY FOR GOVERNMENT PROPERTY FURNISHED FOR REPAIR OR OTHER SERVICES (MAY 1963)

(a) The provisions of this clause shall govern with respect to any Government property turned over to the Contractor to be repaired or to have services performed on it (referred to in this clause as "Government property furnished for servicing"), and such property shall not be considered "Government furnished property" within the meaning of any clause of the contract entitled "Government Property" or "Government Furnished Property." The Contractor shall maintain adequate records and procedures to insure that Government property furnished for servicing may be readily accounted for and identified at all times while in his custody or pos-

session or the custody or possession of any subcontractor.

(b) The Contractor shall be liable for any loss or destruction of or damage to the Government property furnished for servicing caused by the Contractor's failure to exercise such care and diligence as a reasonably prudent owner of similar property would exercise under similar circumstances. The Contractor shall not be liable for loss or destruction of, or damage to, Government property furnished for servicing resulting from any other cause except to the extent that such loss, destruction, or damage is covered by insurance (including self-insurance funds or reserves).

(c) In addition to any insurance (including self-insurance funds or reserves), affording protection in whole or in part against loss or destruction of, or damage to, such Government property carried by the Contractor on the date of this contract, the amount and coverage of which the Contractor hereby agrees to maintain, the Contractor agrees to obtain such additional insurance covering loss or destruction of or damage to Government property furnished to the Contractor for servicing as may, from time to time, be required by the Contracting Officer. The requirement for such additional insurance shall be effected under procedures established by the Changes clause of this contract.

(d) The Contractor shall hold the Government harmless and shall indemnify the Government against claims for injury to persons or damage to property of the Contractor or others arising from the Contractor's possession or use of the Government property furnished for servicing or arising from the presence of said property on the premises or property of the Contractor.

(b) If a substantial quantity of parts or materials are to be furnished the contractor or a significant amount of scrap may result from the repair or servicing, the appropriate Government property clause in Subpart G, Part 13 of this title shall be included in the contract. The contract schedule shall contain a statement that such parts, materials, or scrap shall be governed by the Government property clause contained in the contract.

Subpart H—Administrative Practices

§ 603.801 Appointment of property administrator.

The selection, appointment, and termination of appointment of property administrators shall be in accordance with § 591.406–50 of this chapter.

§ 603.803 Records of Government property.

(a) The head of procuring activity may name the head of one or more Department of the Army purchasing offices as his designee to approve exceptions to the policy of using a contractor's records of Government property as the official records.

(b) When a purchase order or contract does not exceed $5,000, the furnishing of jigs, patterns, fixtures, gages, and other manufacturing aids to a contractor from Government stocks to assist in the performance of work may be used as a basis for applying the exception in paragraph (a) of this section, provided the total cost of the aids furnished does not exceed $1,000.

(c) Policies and procedures governing the transfer of military property to contractors and accounting for such property in instances where the exception in paragraph (a) of this section is applied are contained in AR 735–71 and AR 735–72. AR 735–71 provides that, where Government property is lost or damaged and the property administrator is unable to exhibit conclusive proof of receipt of the items by a contractor, the property shall be accounted for on a Report of Survey (DD Form 200, Standard Form 361, or DD Form 1599) in accordance with AR 735–11.

§ 603.850 Audits of Government property records.

§ 603.850–1 Responsibility for audits.

Government and contractor maintained records of Government property in possession of contractors are subject to audit in accordance with AR 36–5.

§ 603.850–2 Reports of audit.

Audit findings and recommendations pertaining to the administration of Government property in possession of contractors shall be included in the internal audit report covering the audit of the installation/activity administering the contracts involved. Heads of procuring activities shall establish such controls and procedures as are necessary to insure that deficiencies recorded in internal audit reports are corrected and that due consideration is given all recommendations contained therein.

§ 603.850–3 Records in unsatisfactory condition.

(a) If Government or contractor maintained records of Government property in possession of contractors are in such condition that the status of Government property cannot be ascertained without undue expenditure of time, a report thereof shall be submitted by the cognizant audit office through the addressee in § 591.150(b)(6) of this chapter to the head of procuring activity concerned.

(b) Upon receipt of this report, the head of procuring activity shall direct the installation/activity commander to take the necessary corrective action and shall maintain a close followup to insure that such action is promptly taken. The head of procuring activity shall insure that the cognizant audit office is notified when corrective action has been completed.

(c) If the circumstances are such as to justify a waiver of accounting requirements, the case shall be prepared and submitted in accordance with AR 735–79.

PART 604—PROCUREMENT QUALITY ASSURANCE

19. Part 604 is revised to read as follows:

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Contract Provisions for Government Procurement Quality Assurance and Acceptance

604.306 Acceptance of supplies or services.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Performance of Government Procurement Quality Assurance Actions for Foreign Governments

604.701 General.

AUTHORITY: The provisions of this Part 604 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Contract Provisions for Government Procurement Quality Assurance and Acceptance

§ 604.306 Acceptance of supplies or services.

(a) Certificates of conformance may be for full or partial performance and may be accepted from prime contractors or from subcontractors provided the subcontractors' certificates are countersigned by a responsible official of the prime contractor.

(b) Certificates of conformance shall include the information below as a minimum—

(1) The contract or purchase order number;

(2) A complete nomenclature of supplies together with lot numbers or other identification, and the quantity in each lot or shipment;

(3) For each lot or shipment, analytical results for each test or inspection prescribed by the contract together with required specification limits;

(4) The name of the company and date of the test or inspection; and

(5) The following certification with the signature and title of the certifying official—

The undersigned, individually and as the authorized representative of the Contractor, warrants and represents that: All of the information supplied above is true and accurate; the material covered by this certificate conforms to all the contract requirements (including but not limited to the drawings and specifications); the analysis appearing herein is a true and accurate analysis; and this certificate is made for the purpose of inducing payment and with knowledge that the information and certification may be used as a basis for such payment.

(c) The following clause shall be used in contracts where acceptance precedes inspection—

CERTIFICATION ACCEPTANCE (MARCH 1969)

Notwithstanding any other provision of the contract, if the supplies for which the Contractor has furnished a certificate of conformance required by the contract are found not to conform to the contract requirements, the Government may, upon notice furnished within a reasonable time after discovery of such nonconformity, reject the supplies and require replacement thereof. Use by the Government of the Contractor's certificate of conformance does not preclude inspection or test or both by the Government. Where a certificate of conformance has been furnished by the Contractor and the Government rejects the supplies, the Contractor shall have the right to request that a reinspection or retest be performed at the Contractor's expense.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Performance of Government Procurement Quality Assurance Actions for Foreign Governments

§ 604.701 General.

Procedures for processing requests from foreign governments or international organizations for inspection of direct procurements placed by them with U.S. producers are contained in AR 715–23.

PART 606—PROCUREMENT FORMS

20. Part 606 is revised to read as follows:

Sec.
606.050 Use of procurement forms.
606.051 Translations of procurement forms.

Subparts A–D—[Reserved]

Subpart E—Special Contract and Order Formats and Forms

606.501 Format for educational service agreements.
606.501–50 Order form for use with educational service agreements.
606.550 Off-duty academic instruction agreements.
606.551 Commercial warehousing and related services for household goods.
606.552 Letter contract formats.
606.552–1 Cost-reimbursement type.
606.552–2 Fixed-price type.
606.553 Lease agreement—Government personal property.

Subparts F–WW—[Reserved]

Subpart XX—Supply of Procurement Forms

606.5001 Forms stocked by Adjutant General publications centers.
606.5002 Forms not stocked by Adjutant General publications centers.
606.5003 Reproducible masters.

AUTHORITY: The provisions of this Part 606 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 606.050 Use of procurement forms.

(a) Procurement forms prescribed by ASPR and APP for use in various aspects of procurement shall be used by all purchasing offices without deviation in format, size, or content unless authority to deviate therefrom has been obtained in accordance with § 1.109 of this title and § 591.109 of this chapter. Recommendations for changes in procurement forms may be submitted in accordance with § 591.105 of this chapter.

(b) Local and command forms as defined in AR 310–1, originated for use in various aspects of procurement for which no form is prescribed by ASPR and APP shall conform with the provisions of section II, Forms Management, AR 310–1. Six copies of all local and command forms shall be forwarded upon date of issuance to the addressee in § 591.150(b)(6) of this chapter for consideration for adoption as a DD or DA Form. The forms shall be accompanied by a transmittal letter giving—

(1) An explanation as to the purpose and need of each form;

(2) Instructions for preparation of each form; and

(3) Average monthly usage of each form.

§ 606.051 Translations of procurement forms.

To facilitate procurement in foreign countries, authority is granted to reproduce a translation of any procurement form. A bilingual form may be used or the translation may be printed as a separate form. When the foreign language translation is printed as a separate form, it shall be attached to the corresponding approved form printed in English. In either instance the clause in § 3.608–2 (b)(2)(ii)(b) of this title shall be included in the schedule.

Subparts A–D—[Reserved]

Subpart E—Special Contract and Order Formats and Forms

§ 606.501 Format for educational services agreements.

Instructions relative to use of educational service agreements are contained in AR 350–200. The format in § 606.501 replaces DA Form 357, Basic Agreement for Academic Instruction.

§ 606.501–50 Order form for use with educational service agreements.

DA Form 358, Order Form for Academic Instruction, shall be used for ordering educational services under educational service agreements in accordance with instructions in AR 350–200.

§ 606.550 Off-duty academic instruction agreements.

(a) DA Form 588, Basic Agreement for Off-Duty Academic Instruction, shall be used for off-duty academic instruction agreements in accordance with instructions in AR 621–5.

(b) DA Form 589, Order Form to Enter Into Contract for Off-Duty Academic Instruction, shall be used for ordering services under Basic Agreements in accordance with instructions in AR 621–5.

§ 606.551 Commercial warehousing and related services for household goods.

(a) DD Form 1162, Basic Agreement for Storage of Household Goods and Related Services, shall be used in accordance with instructions in AR 743–455.

(b) DD Form 1164, Service Order for Household Goods, shall be used to place orders under Basic Agreements in accordance with instructions in AR 743–455 (see also §§ 591.452–1 and 597.1651 of this chapter).

§ 606.552 Letter contract formats.

§ 606.552–1 Cost-reimbursement type.

The format below is prescribed for use when the definitized contract will be a cost-reimbursement type contract. The appropriate clauses in Subpart H, Part 7 of this title (also see § 23.201–2 of this title) shall be attached thereto as "Attachment A."

(LETTERHEAD)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal cost-reimbursement type contract with you for the delivery of the supplies and the performance of the services as set forth in the enclosure marked "Attachment A," upon the terms and conditions therein stated, which is incorporated in and made a part hereof.

2. You are directed in accordance with the clause entitled, "Execution, Commencement of Work and Priority Rating," to proceed immediately to commence performance of the work, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Attachment A, or if no time is so specified, at the earliest practicable date. You shall, in addition, obtain such approvals in respect of commitments hereunder as may be specified in Attachment A.

3. In accordance with the clause entitled "Definitization," you shall submit a quotation of the estimated cost to the Government, including fee, for the articles and services covered by this letter. Your quotation shall be supported by a cost breakdown reflecting the factors outlined in the suggested format enclosed, together with a Certificate of Current Cost or Pricing Data (ASPR 3–807.4) and such other information as may be specified herein.

4. In the event of a termination of performance of the work or any part thereof under this letter pursuant to the Termination clause in Attachment A or in the event that the formal contract is not executed you shall be paid in accordance with the provisions of such Termination clause. Your failure to execute a formal contract by reason of unexcusable delay may justify a termination. Your attention is specifically invited to the clause entitled "Limitation of Government Liability."

5. Please indicate your acceptance of the foregoing by signing this letter and returning three executed copies to this office.

6. This contract is entered into pursuant to 10 U.S.C. 2304(a)( ) and any required determination and findings have been made.

Sincerely yours,

Contracting Officer.

Executed as of the date shown below:

By _____
(Type above, name and position of officer executing this acceptance)

Date _____

§ 606.552–2 Fixed-price type.

The format below is prescribed for use when the definitized contract will be a fixed-price contract. The appropriate clauses in Subpart H, Part 7 of this title (see also § 23.201–1 of this title) shall be attached thereto as "Attachment A."

(LETTERHEAD)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the

intention of the Department to execute a formal fixed-price contract with you for the delivery of the supplies and the performance of the services as set forth in the enclosure marked "Attachment A," upon the terms and conditions therein stated, which is incorporated in and made a part hereof.

2. You are directed in accordance with the clause entitled "Execution, Commencement of Work, and Priority Rating," to proceed immediately to commence performance of the work, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Attachment A, or if no time is so specified, at the earliest practicable date.

3. In accordance with the clause entitled "Definitization," you shall submit a firm quotation for the articles and services covered by this letter. Your quotation shall be supported by a cost breakdown reflecting the price factors outlined in the suggested format enclosed, together with a Certificate of Current Cost and Pricing Data (ASPR 3-807.4), if required, and any other information specified herein.

4. In the event of termination of performance of the work or any part thereof under this letter pursuant to an appropriate clause in Attachment A or in the event that the formal contract is not executed, you shall be paid in accordance with the provisions of such clause. Your failure to execute a formal contract by reason of unexcusable delay may justify a termination. Your attention is specifically invited to the clause entitled "Limitation of Government Liability."

5. Please indicate your acceptance of the foregoing by signing this letter and returning three executed copies to this office.

6. This contract is entered into pursuant to 10 U.S.C. 2304(a)( ) and any required determination and findings have been made.

Sincerely yours,

Contracting Officer.

Executed, as of the date shown below:

_____

By _____

_____

(Type above, name and position of officer executing this acceptance)

Date_____.

§ 606.553 Lease agreement.—Government personal property.

(a) The format below is prescribed for any lease of Government personal property under the authority of 10 U.S.C. 2667 in cases where Subpart G, Part 7 of this title is not applicable.

(b) Variations in the terms and conditions in the format may be approved by a head of procuring activity to whom the authority to approve leases of Government personal property has been delegated (see § 591.5102(b)(4) of this chapter), but only to the extent that the approval complies with the limitations in the delegation of authority.

(c) For leases executed outside the United States, its possessions, and Puerto Rico, the Disputes clause in § 7.103-12(b) of this title or in § 597.103-12(a) of this chapter, as appropriate, shall be substituted for Article 18, Disputes, of the format below.

Contract No. _____

LEASE AGREEMENT—GOVERNMENT PERSONAL PROPERTY

DEPARTMENT OF THE ARMY

Lessee and address:
Property to be used at:
Payment:
To be made to_____
U.S. Army, at_____

This lease is authorized by 10 U.S.C. 2667.

This Lease Agreement, entered into this _____ day of _____ 19__ by and between the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this agreement, and_____

*a corporation organized and existing under the laws of the State of_____

_____

*joint venture consisting of_____

_____

*a partnership consisting of_____

_____

*an individual trading as_____

_____

of the City of _____ in the State of _____, hereinafter called the Lessee, Witnesseth That,

1. The Government hereby leases to the Lessee and the Lessee hereby hires from the Government, upon the terms and conditions hereinafter set forth, the personal property listed in Schedule A which is attached hereto and made a part hereof.

2. This lease is subject to the approval of _____ and shall not be binding until so approved. The term of this lease shall commence on the _____ day following the mailing of written notice to the Lessee that the lease has been so approved and that the property is ready for delivery, and shall continue for a period of _____ (days, month, or years)** or until sooner terminated or revoked in accordance with the provisions hereof.

3. At any time during the term, either party may terminate this lease in whole or in part effective not less than 90 days after receipt by the other party of written notice thereof without further liability to either party. However, the Secretary of the Army may revoke this lease in whole or in part at any time.

4. Upon commencement of the term of this lease, the Lessee shall take possession of the leased property at _____ as is, without warranty, express or implied, on the part of the Government as to condition or fitness for any purpose.

5. The Lessee shall pay rent during the term of this lease at the rate prescribed in Schedule A. The rental accrued at the end of any calendar month, or at the expiration, termination or revocation of this lease, shall be paid to the Government on or before the 10th day thereafter.

6. The Lessee at its own expense shall maintain the property in good condition and repair and make all necessary replacements of components and parts during the term of this lease. All fuel and lubricants shall be furnished by the Lessee. The Lessee shall make no changes or alterations in the property except with the written consent of the Contracting Officer.

7. The Lessee shall not mortgage, pledge, assign, transfer, sublet, or part with possession of any of the property in any manner to any third party either directly or indirectly, except that this provision shall not preclude the Lessee from permitting the use of the property by a third party with the prior written approval of the Contracting Officer; and the Lessee shall not do or suffer anything whereby any of the property shall or may be encumbered, seized, taken in execution, attached, destroyed, or injured.

8. After taking possession as provided in clause 4, the Lessee shall be solely responsible for the property until it is returned to the Government as provided for in this lease. The property shall be returned in as good condition as when received, reasonable wear and tear excepted. If the Lessee fails to return the property, the Lessee shall pay to the Government the amount specified in Schedule A as the value of the property less the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which the property was usable. If the Lessee returns the property in other than as good condition as when received, reasonable wear and tear excepted, the Lessee shall pay to the Government the amount necessary to place the property in such condition, or if it is determined by the Contracting Officer that the property cannot be placed in such condition, the Lessee shall pay to the Government the amount specified in Schedule A as the value of the property less both the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which the property was usable and the scrap value of the property.

9. The Lessee shall take all steps necessary to protect the interest of the Government in the property, and the Contracting Officer may require the Lessee, at its own expense, to take such specific measure, including but not limited to the procurement of insurance, as may be necessary to protect such interest.

10. On or before the last day of the term of this lease the Lessee shall return the property to the Government at _____ or such other place as the Contracting Officer may designate, except that in the event of revocation of this lease the Lessee shall return the property to the Government at the designated place as soon after such revocation as the same can be accomplished. The Lessee shall reimburse the Government immediately, upon presentation of a statement thereof, for all packing and handling costs incurred by the Government in performance of this lease. The Lessee shall also pay all other packing, handling, and transportation charges, including the expenses of reinstalling the property or processing it for extended storage, except that the Lessee's responsibility for return transportation charges shall not exceed the amount required to return the property to the place specifically named above. Further, if the Contracting Officer designates a place to which the property is to be returned other than that specifically named above and if the time required to return the property to such other place exceeds the time required to return the property to the place specifically named above, then the time for which the Lessee must pay rent under clause 5 shall be reduced by the amount of such excess.

11. The property is leased without operators. Any operator deemed incompetent by the Contracting Officer shall be removed from the property.

12. Upon request of the Lessee, the Contracting Officer shall furnish without charge, copies of such drawings, specifications or instructions as the Lessee may require for the operation or repair of the property and as may in the discretion of the Contracting Officer be reasonably available.

13. The Government shall not be responsible for damages to property of the Lessee or property of others, or for personal injuries to the Lessee's officers, agents, servants, or employees, or to other persons, arising from or incident to the use of the property herein leased, and the Lessee shall save the Government harmless from any and all such claims: *Provided*, That nothing contained in this Clause 13 shall be deemed to affect any liability of the Government to its own employees.

14. At all times the Contracting Officer shall have access to the job site whereon any of the property is situated, for the purposes of inspecting or inventorying the same, or for the purpose of removing the same in the event of the termination of this lease.

15. Control of Government Property. The Manual for Control of Government Property in Possession of Contractors set forth in Appendix B of the Armed Services Procurement Regulation is incorporated by reference and made a part hereof.

16. Officials Not To Benefit. No member or delegate to Congress, or resident commissioner, shall be admitted to any share or part of the lease, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this lease, if made with a corporation for its general benefit.

17. Covenant Against Contingent Fees. The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to require the Lessee to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

18. Disputes. Except as otherwise provided in this lease, any dispute concerning a question of fact arising under this lease which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Lessee. Within 30 days from the date of receipt of such copy, the Lessee may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearings of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent or capricious or arbitary or so grossly erroneous to imply bad faith, or not supported by substantial evidence, be final and conclusive: *Provided*, That, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Lessee shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Lessee shall proceed diligently with the performance of the lease and in accordance with the Contracting Officer's decision.

19. Adjustment of Rentals—State or Local Taxation. Except as may be otherwise provided, the rental rates established in this lease do not include any State or local tax on the property herein leased. If and to the extent that such property is hereafter made taxable by State and local governments by Act of Congress, then in such event the lease shall be renegotiated.

20. Except as otherwise specified in this lease, all notices to either of the parties to this lease shall be sufficient if mailed in a sealed postpaid envelope addressed as follows:

To the Lessee—

_____
(Name)
_____
(Address)

To the Government—

_____
(Name)
_____
(Title)
_____
(Address)

21. Definitions. As used throughout this lease, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary or any Assistant Secretary of the Department and the head or any assistant head of the executive agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this lease on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this lease, the authorized representative of a Contracting Officer acting within the limits of his authority.

22. This agreement shall be subject to the written approval of the Secretary of the Army or his duly authorized representative and shall not be binding until so approved.

23. Alterations. The following changes were made in this lease before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this lease as of the day and year first above written.

THE UNITED STATES OF AMERICA

By_____
_____
(Official Title)
_____
(Lessee)

By_____
_____
(Business Address)

Two witnesses:

_____
_____
(Address)
_____
_____
(Address)

I _____ certify that I am the Secretary of the Corporation named as Lessee herein, that _____ who signed this lease on behalf of the Lessee was then _____ of said corporation; that said lease was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporation powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 196__.

[CORPORATE SEAL]

_____
(Secretary)

* Delete all lines which do not apply.

** Term shall in no event exceed 5 years unless approved by the Secretary.

Subparts F–WW—[Reserved]

Subpart XX—Supply of Procurement Forms

§ 606.5001 Forms stocked by Adjutant General publications centers.

(a) Unless otherwise indicated, the procurement forms prescribed in ASPR and APP are procured by The Adjutant General and are stocked in Adjutant General publications centers. Requisitions for procurement forms shall be submitted through normal publications supply channels (see AR 310–1).

(b) Department of the Army Pamphlet 310–2 lists by category and number all blank forms prescribed for use throughout the Department of the Army. Most procurement forms are available either as cut sheet forms or as multiple part manifold forms. When forms are available in various constructions, requisitions shall indicate the particular construction desired; e.g., Standard Form 21 (Cut Sheet).

§ 606.5002 Forms not stocked by Adjutant General publications centers.

Certain procurement forms of limited application are not printed or stocked by The Adjutant General and local reproduction is authorized in Department of the Army Pamphlet 310–2. Such forms are identified by the letter "R" following the form number; e.g., DA Form 1229–R.

§ 606.5003 Reproducible masters.

(a) The Adjutant General normally does not stock reproducible masters of procurement forms. He may, however, authorize local purchase of reproducible masters when the cognizant head of procuring activity has approved their use.

(b) Contracting officers shall forward requests for the use and local purchase of reproducible masters (hectograph, stencil, offset) by letter to the cognizant head of procuring activity for approval of their use. Requests shall include—

(1) The proposed distribution list of each form and the number of copies required for each addressee;

(2) Justification for the requirement for each copy;

(3) The number of procurements for which each form is used in a 6-month period; and

(4) The number and type of reproducible masters for which approval is requested.

(c) If the cognizant head of procuring activity approves the use of the reproducible masters requested, he shall forward the approval to The Adjutant General, Attention: Chief, Army Publications Division, Department of the Army, Washington, D.C. 20315, for authority to purchase reproducible masters locally in accordance with AR 310–1.

(d) If the Adjutant General authorizes the local purchase of the reproducible masters (blanket approvals shall not be given), the contracting officer shall—

(1) Purchase reproducible fasters in quantities for current operational needs and not to exceed a 6-month supply; and

(2) Insure that reproducible masters purchased do not deviate from the approved form in format, size, or content, except that repetitive entries such as the name and address of the purchasing office may be included in the construction thereof.

(e) Except where the reverse of a form, e.g., DD Form 1155r, is available from Adjutant General publications centers, approval by The Adjutant General for local purchase of a reproducible master includes authority for local purchase of the reverse of the form.

PART 608—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

21. Part 608 is revised to read as follows:

Subpart A—General Provisions

Sec.
608.108 Government estimates.
608.150 Requests for Secretarial determinations and approvals.
608.151 Responsibility for new construction.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Architect-Engineer Selection Procedures

608.402 Selection.
609.402–1 Selection policy.
608.402–3 Special approval of selections.

Subpart E—Foreign Purchases and Construction in Foreign Countries

608.508 Exceptions.
608.508–1 Nonavailability in the United States.
608.508–2 Unreasonable costs or impracticability.
608.509 Procedures.
608.509–3 Evaluation of bids and proposals.

Subpart F—[Reserved]

Subpart G—Labor Standards for Contracts Involving Construction

608.704 Administration and enforcement.
608.704–2 Wage determinations.
608.704–12 Contracting officer's report.
608.704–14 Contract termination reports.
608.704–16 Overtime and liquidated damages under the Contract Work Hours Standards Act.
608.705 Construction labor standards report.

AUTHORITY: The provisions of this Part 608 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—General Provisions

§ 608.108 Government estimates.

Solicitations and any related documents which include the estimated cost or portions thereof of construction projects or architect-engineer services contemplated for procurement shall be designated "For Official Use Only," unless the nature of the information therein requires a security classification.

§ 608.150 Requests for Secretarial determinations and approvals.

Requests for determinations and approvals of the Assistant Secretary of Defense (Installations and Logistics) pursuant to §§ 18.110(c), 18.111, and 18.112 of this title, and of the Secretary of the Army pursuant to § 18.115 of this title shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter.

§ 608.151 Responsibility for new construction.

(a) The Chief of Engineers has been assigned the responsibility for the direction of all work pertaining to new construction for the Department of the Army. New construction includes the advance planning; preparation of plans, specifications, and estimates; design; erection; budgeting and allocation of funds; issuance of directives; and provision of labor, material, equipment, supplies, and transportation necessary for initial erection or installation of any building structure, plant, ground facility, utility system, wharf, airfield, or other real property for the Department of the Army built separately or apart from existing facilities. In the execution of new construction, the Chief of Engineers is charged with the application of Department of the Army construction policies including conformance with construction standards, suitability of the project, and technical and engineering accuracy.

(b) All work under the supervision of the Corps of Engineers, U.S. Army, including new work and modifications to work previously authorized, shall be accomplished by formal directive issued by the Chief of Engineers. The following officials, however, are authorized to accomplish emergency construction and necessary repair work for all installations/activities under their jurisdiction (see Army Regulations in the 415 and 420 series)—

(1) Major oversea commanders;

(2) Major commanders in the United States, its territories and possessions;

(3) Attachés;

(4) Chiefs of foreign missions (Army); and

(5) Chiefs of Army sections of any joint military missions not operating under the jurisdiction of a major oversea command.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Architect-Engineer Selection Procedures

§ 608.402 Selection.

§ 608.402–1 Selection policy.

The U.S. Army Corps of Engineers has been assigned responsibility for Department of the Army implementation of DoD directives pertaining to uniform standards for the employment and payment of architect-engineer services (see § 591.450–5 of this chapter).

§ 608.402–3 Special approval of selections.

Requests for approval of selections by the Secretary of the Army or the Assistant Secretary of Defense (Installations and Logistics) shall be forwarded through the Office, Chief of Engineers, to the addressee in § 591.150(b)(1) of this chapter. Requests shall contain information in support of the proposed selection with sufficient facts to show compliance with ASPR and other DoD requirements.

Subpart E—Foreign Purchases and Construction in Foreign Countries

§ 608.508 Exceptions.

§ 608.508–1 Nonavailability in the United States.

Letter requests for approval by the Secretary or Deputy Secretary of Defense shall contain the information required by § 596.103–2(c) or § 596.805–2(a) of this chapter, as applicable, and shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter.

§ 608.508–2 Unreasonable costs or impracticability.

Letter requests for approval by the Secretary or Deputy Secretary of Defense shall contain the information required by § 18.509–3 of this title and § 596.805–2(a) of this chapter herein when applicable and shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) of this chapter.

§ 608.509 Procedures.

§ 608.509–3 Evaluation of bids and proposals.

Proposed awards requiring approval of the Secretary or Deputy Secretary of Defense shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter.

Subpart F—[Reserved]

Subpart G—Labor Standards for Contracts Involving Construction

§ 608.704 Administration and enforcement.

§ 608.704–2 Wage determinations.

The Assistant Secretary of the Army (Installations and Logistics) has delegated to the Chief of Engineers, with authority to redelegate to a designee at a level no lower than the head of procuring activity, the authority to submit a written request to the Solicitor of Labor for an extension of the expiration date of a wage determination under the circumstances in § 18.704–2(a)(5) of this title. This delegation of authority is published in § 591.5102(b)(14) of this chapter.

§ 608.704–12 Contracting officer's report.

The report required by § 18.704–12 of this title is an exempt report, paragraph 7–2*t*, AR 335–15.

§ 608.704–14 Contract termination reports.

The report required by § 18.704–14 of this title is an exempt report, paragraph 7–2*t*, AR 335–15.

§ 608.704–16 Overtime and liquidated damages under the Contract Work Hours Standards Act.

The Assistant Secretary of the Army (Installations and Logistics) has delegated to the Chief of Engineers, with authority to redelegate to a designee at a level no lower than the head of procuring activity, the authority to—

(a) Recommend to the Solicitor of Labor that liquidated damages in excess of $100 be waived or adjusted under the conditions stated in § 18.704–16 of this title.

(b) Waive or adjust liquidated damages of $100 or less under the conditions stated in § 18.704–16 of this title.

This delegation of authority is published in § 591.5102(b)(14) of this chapter.

§ 608.705 Construction Labor Standards Report.

(a) Reports shall be forwarded through the cognizant head of procuring

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activity to the Labor Advisor, Office of the Assistant Secretary of the Army (Installations and Logistics), Washington, D.C. 20310.

(b) Reports Control Symbol SAOSA–41 has been assigned this report, which shall be prepared in accordance with instructions in § 18.705 of this title.

PART 612—SERVICE CONTRACTS

22. Section 612.150–1 is revoked; §§ 612–205 and 612.206(b) are revised; §612.357–4 is revoked; new §§ 612.358, 612.358–1, 612.358–2, 612.358–3, 612.358–4, 612.358–5, 612.358–6, and 612.358–7 are added; and Subpart F is revoked, as follows:

§ 612.150–1 Renewal of contracts. [Revoked]

§ 612.205 Authorization to enter into contracts "determinations and findings."

(a) In accordance with annual DoD Appropriations Acts, the Assistant Secretary of the Army (Installations and Logistics) or the Assistant Secretary of the Army (Research and Development), as appropriate, must personally determine—

(1) That to contract for expert or consultant services is advantageous to the national defense; and

(2) That the existing facilities of the Department of the Army are inadequate.

Except as provided in § 591.150–3(b) of this chapter, such determinations are made on a case-by-case basis after submission of information required by § 22.206 of this title and § 612.206 to the appropriate Assistant Secretary.

(b) If a proposed contract is in one of the categories described in § 591.450–3(b) of this chapter but authority to approve the award of the contract has not been delegated below Secretarial level, or, if a proposed contract is not in one of the categories in § 591.450–3(b), a request for determinations and findings and approval of award of contract shall be submitted to the appropriate Assistant Secretary of the Army.

(c) Proposed contracts submitted to the Assistant Secretary of the Army (Installations and Logistics) shall be forwarded through the cognizant head of procuring activity to the addressee in § 591.150(b)(7) of this chapter. Those submitted to the Assistant Secretary of the Army (Research and Development) shall be forwarded through the cognizant head of procuring activity to the Office, Chief of Research and Development, Department of the Army, Washington, D.C. 20310.

(d) If a proposed contract is in one of the categories described in § 591.450–3(b) of this chapter and the authority to approve the award of the contract has been delegated below Secretarial level, a request for approval of award shall be submitted to the appropriate delegee.

§ 612.206 Requests for determinations and findings.

* * * * *

(b) If a request is submitted in accordance with § 612.205(d), the information required by paragraph (a)(3) through (5) of this section shall be furnished.

§ 612.357–4 Reimbursable and nonreimbursable costs. [Revoked]

§ 612.358 Reimbursable and nonreimbursable costs.

§ 612.358–1 Travel and transportation.

(a) Government-furnished transportation for contractor personnel, their baggage and equipment, shall be used by the contractor for initial travel from its facility to the site of work, for travel on official business between sites of work, and for terminal travel from site of work to the contractor's facility.

(b) If the Government is unable to furnish Government transportation, CFS personnel shall be provided with official travel orders and the contractor shall be reimbursed in accordance with the rates applicable to Department of the Army civilian personnel. For this purpose, the policies, standards, and procedures applicable to Department of the Army civilian personnel, as published in the Joint Travel Regulations effective on the date of award of the contract, shall be used as guidelines.

(c) Travel, transportation, and other costs connected with replacement or reassignment of contractor personnel shall not be reimbursable if the replacement or reassignment was caused by—

(1) Unsatisfactory performance;

(2) Misconduct on or off duty;

(3) Security reasons;

(4) Voluntary termination of employment by the contractor personnel; or

(5) Voluntary removal by the contractor before the end of the contract period.

In the above instances Government-furnished transportation shall not be used by the replaced or replacement contractor personnel, except that when commercial transportation is not available, Government-furnished transportation may be used on a space-available basis provided the costs of such transportation are deducted from payments made under the contract.

(d) Contract transportation cost-reimbursement ceiling shall be established and shall not be exceeded without the prior written approval of the contracting officer.

(e) The cost of travel of dependents shall not be reimbursable nor shall the Government be obligated to provide transportation for them.

(f) Rental transportation furnished by the contractor to contractor personnel for their general use shall not be reimbursable. This does not apply to travel performed under authorized travel orders issued in lieu of Government-furnished transportation.

§ 612.358–2 Overtime.

(a) Payment shall be made for authorized overtime. However, prior written approval for use of overtime shall be obtained from the contracting officer or his authorized representative. When the approval is granted by the contracting officer's authorized representative, he shall not exceed the contractual overtime ceiling limitations without first obtaining the written approval of the contracting officer.

(b) Payment for authorized overtime performed shall be at the fixed hourly overtime rates prescribed in the contract. Time in travel shall not be considered as overtime work unless the contractor personnel is directed to travel during other than normal work hours or in excess of the normal workweek.

§ 612.358–3 Leave and other absences.

Reimbursement shall not be made for costs of services not performed by contractor personnel because of leave, illness, injury, legal holidays (except for U.S. holidays, or other absences).

§ 612.358–4 Allowances and differentials for foreign and non-foreign areas.

Contractor personnel performing services outside the continental United States shall be paid the designated rate set forth in the contract plus an authorized overseas differential. In determining the overseas differential, Department of the Army Civilian Personnel Regulations T6 and T7, in effect at the time of contract award, shall be applicable.

§ 612.358–5 Procurement of materiel by contractor.

The contractor shall not be reimbursed for the cost of material purchased by him in connection with performance under the contract.

§ 612.358–6 Uniforms.

When contractor personnel are directed to wear uniforms or other special clothing in accordance with AR 670–5, field commanders may issue on a temporary loan basis from available inventories items or organizational field clothing and equipment and items of special clothing and equipment: *Provided*, That the items used are in performance of official work and are returned to the issuing organization when no longer required. Collection for items not returned shall be at the same rate and manner as collections from Department of the Army military or civilian personnel, except that costs of items not collected from individual contractor personnel shall be noted on the contractor's Certificate of Performance and shall be deducted from payments due the contractor. There shall be no cost reimbursement for any uniforms or special clothing purchased by the contractor or by contractor personnel for use during contract performance.

§ 612.358–7 Deceased personnel.

(a) When contractor personnel die within the continental United States while on a duty assignment in the performance of work prescribed in the contract, the field commander shall notify the contracting officer who in turn shall inform the contractor. The contractor shall be responsible for arranging mortuary services and for payment of all costs incidental to the care and disposition of the remains and its transportation.

(b) Contractor personnel who die outside the continental United States while on duty assignment in the performance

of work under the contract are eligible for the care and disposition of their remains in accordance with AR 638–40. The contractor shall pay all costs incidental to the care and disposition of the remains. The Government shall provide on a reimbursable basis and at the request of the contractor suitable transportation for the remains from the place of death to the port of entry within the continental United States.

Subpart F—Contracts for Preparation of Household Goods for Shipment, Government Storage, and Related Services. [Revoked]

PART 616—APPENDIXES TO ARMY PROCUREMENT PROCEDURE

23. A new Part 616 is added to this subchapter, to read as follows:

Sec.

616.1 Appendix A—Armed Services Board of Contract Appeals.
616.2 Appendix B—Control of Government Property in Possession of Contractors.
616.3 Appendix C—Control of property in possession of nonprofit research and development contractors.

AUTHORITY: The provisions of this Part 616 issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 616.1 Appendix A—Armed Services Board of Contract Appeals.

(a) *Preliminary procedures*—(1) *Rule 3—Forwarding of appeals.* Contracting officers shall promptly forward notices of appeal received directly to the addressee in § 591.150(b)(3) of this chapter. When notices of appeal are received by mail, contracting officers shall forward the envelope showing the postmark.

(2) *Rule 4—Duties of the contracting officer.* (i) The contracting officer shall include with the compilation of documents enumerated in Rule 4 a listing of its contents and shall forward the compilation and listing direct to the Board.

(ii) Concurrent with forwarding the compilation to the Board, the contracting officer shall forward the following documents to the addressee in § 591.150 (b) (4) of this chapter with copies to the cognizant head of procuring activity.

(*a*) A copy of the listing and compilation referred to in paragraph (a) of this section; and

(*b*) A comprehensive report (this report shall not be furnished the Board nor the contractor) which shall include—

(*1*) The names and addresses of all potential witnesses, including those of the contractor, if known, having information concerning the facts in dispute;

(*2*) A signed statement by each Government witness reflecting the facts to which he will be able to testify (or a summary thereof if it is impossible to obtain a signed statement), and a statement as to the expected availability at the hearing of each Government witness;

(*3*) An analysis of the contractor's position and a discussion of the validity thereof;

(*4*) A memorandum by the legal advisor of the official making the decision, setting forth an analysis of the legal issues involved in the dispute and comments upon the adequacy of the findings of fact and the legal sufficiency of the decision; and

(*5*) The advisory report, if any, of the Contract Settlement Review Board.

(iii) A copy of the listing referred to in paragraph (a) of this section shall be provided the appellant in satisfaction of the listing requirement of Rule 4. The contracting officer shall notify the appellant that if the appellant desires to furnish any additional documentation, the contractor should—

(*a*) Identify such documentation with the appeal and forward it direct to the Board;

(*b*) Notify the contracting officer by furnishing him with a list of the documents so forwarded; and

(*c*) Maintain a copy of such documentation for examination by the contracting officer or his representative.

(iv) If the appellant suggests any additional documentation be provided by the contracting officer, the contracting officer shall notify the Chief Trial Attorney and shall withhold action with respect to the suggestion until advice of the Chief Trial Attorney has been considered, except that this provision shall not apply to obvious unintended omission of documentation on the part of the contracting officer.

(v) A copy of all correspondence and other data and information pertinent to the dispute received by the contracting officer after the comprehensive report has been submitted shall be promptly forwarded to the Chief Trial Attorney, with copies to the cognizant head of procuring activity.

(3) *Rule 6—Pleadings.* (i) If the complaint is received by the contracting officer subsequent to forwarding the comprehensive report, the contracting officer shall, as promptly as possible but in not more than 15 calendar days after receipt thereof, forward directly to the Chief Trial Attorney supplementary information covering any issues raised by the complaint which were not sufficiently covered in the comprehensive report. This information shall include specific admissions or denials of each allegation of fact contained in the complaint and a statement of any affirmative defenses or counterclaims applicable. Copies of the supplementary information furnished the Chief Trial Attorney shall be furnished the cognizant head of procuring activity.

(ii) The Chief Trial Attorney and the attorneys assigned to his office are authorized to communicate directly by telephone or otherwise with any person or organization to secure any witnesses, documents, or information considered necessary in connection with representing the Government in matters before the Board. The contracting officer shall be informed of any actions taken in connection with the above matters.

(b) *Representation*—(1) *Rule 27—The Respondent.* (i) Upon discovery of new facts or circumstances, the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the cognizant head of procuring activity for reconsideration in light of additional facts or circumstances disclosed.

(ii) An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may be entered into by the Chief Trial Attorney or by an individual trial attorney: *Provided*, That, in the case of a prehearing written stipulation or agreement, authority therefor shall have been granted the individual trial attorney in advance by the Chief Trial Attorney.

(iii) In appropriate cases, such as those where time-consuming delays would occur by returning the appeal to the contracting officer, the Chief Trial Attorney (or an individual trial attorney acting with the prior approval of the Chief Trial Attorney) may enter into an agreement with an appellant which will have the effect of disposing of an appeal after concurrence has been obtained from a representative of the cognizant head of procuring activity. Such agreement may then become the basis of a Board decision disposing of the appeal.

(c) *Motions for reconsideration [Rule 29].* The Chief Trial Attorney shall independently review all Board decisions involving Army contracts. If he determines that any decision should be reconsidered, he shall file with the Board a motion for reconsideration. If, in connection with § 591.314(c) of this chapter, the Chief Trial Attorney does not concur with a request of the cognizant head of procuring activity that a motion for reconsideration is appropriate, he shall forward the request together with his reasons in opposition within 5 calendar days to the addressee in § 591.150(b)(1) of this chapter for decision. At a hearing on a motion for reconsideration, the Government's case shall normally be presented by the Chief Trial Attorney assisted by the trial attorney who argued the Government's case on the appeal and by an attorney designated by the cognizant head of procuring activity.

§ 616.2 Appendix B—Control of Government property in possession of contractors.

(a) *Part 1—Introduction—General.* Local situations may in certain instances demand accounting for Government property by methods which differ from those prescribed in § 30.2 of this title. Where it can be clearly shown that such different accounting methods adequately protect the interest of the Government and do not place an improper burden upon the contractor, a request for approval to deviate from the methods prescribed in § 30.2 of this title may be submitted, in accordance with § 591.109 of this chapter and AR 735–79, to the addressee in § 591.150(b)(6) of this chapter.

(b) *Part 2—Contractor's responsibility—Assumption of responsibility—(1) Discrepancies incident to shipment.* In the absence of a transportation officer or agent (see AR 55–355), the property administrator shall initiate and follow through to conclusion all necessary action with respect to any discrepancies incident to shipment or receipt of Government-furnished property made on Government Bills of Lading, commercial bills of lading, or commercial bills of lading converted to Government Bills of Lading at destination. The property administrator shall use source data assembled by the contractor under § 30.2 (item 201.2) of this title (see AR 735–11).

(2) *Relief from responsibility.* The documentation of a written determination by the contracting officer as to liability for Department of the Army property lost, damaged, destroyed, or consumed in excessive quantities while in possession of a contractor serves the same purpose as a Report of Survey (see AR 735–11) in a Military Property Account, even though the contractor is the accountable and responsible party and his liability is for determination only under the terms of the contract. To this end, the presentation of facts surrounding the loss or damage or both shall be accurate and complete. The file shall—

(i) Reflect the investigative and other actions of the property administrator and contracting officer to validate the presentation;

(ii) Cite the specific contract terms on which a determination is made; and

(iii) Stand alone as a full report of the case without reference to other files.

The contracting officer shall insure that there is adequate documentation and validation in any case which he approves.

(c) *Part 3—Records of Government Property—(1) General.* In those cases where contractor's records of Government property are not used as the official records (see § 603.803 of this chapter), the property administrator shall maintain such of the records specified in § 30.2 (Part 3) as may be required to maintain effective property control. The property administrator shall include such a system of registration as is necessary to insure receipt by him of all property documentation pertinent to the contract.

(2) *Financial control accounts.* In order to administer the Financial Management Plan of the Department of the Army (see AR 37–5 and AR 37–108), summary financial data for each Army contract, representing Government-owned facilities and materials of the categories specified in § 30.2 (item 311) of this title shall be received and forwarded by property administrators in accordance with ASPR S3–603. Detailed procedures governing the handling of this data by Department of the Army property administrators and finance and accounting officers to meet DoD accounting and reporting requirements are contained in AR 735–20 and AR 735–72.

(d) *Part 4—Identification—(1) Plant equipment.* The identification marking of Government property furnished under Department of the Army contracts shall be physically affixed to the item as specified in § 30.2 (item 404). The standard Departmental registration system numbering is applicable to equipment such as—

(i) Motor vehicles (see AR 58–1);

(ii) Materials handling equipment (see AR 700–3900–5); and

(iii) Railroad equipment (see AR 55–255).

§ 616.3 Appendix C—Control of property in possession of nonprofit research and development contractors.

(a) *Part 1—Introduction—General.* Local situations may in certain instances demand accounting for Government property by methods which differ from those prescribed in § 30.3 of this title. Where it can be clearly shown that such different accounting methods adequately protect the interest of the Government and do not place an improper burden upon the contractor, a request for approval to deviate from the methods prescribed in § 30.3 of this title may be submitted, in accordance with § 591.109 of this chapter and AR 735–79, to the addressee in § 591.150(b)(6) of this chapter.

(b) *Part 2—Contractor's responsibility—Assumption of responsibility—(1) Discrepancies Incident to Shipment.* In the absence of a transportation officer or agent (see AR 55–355), the property administrator shall initiate and follow through to conclusion all necessary action with respect to any discrepancies incident to shipment or receipt of Government-furnished property made on Government bills of lading, commercial bills of lading, or commercial bills of lading converted to Government bills of lading at destination. The property administrator shall use source data assembled by the contractor under item 201.2 (a) in § 30.3 of this title (see AR 735–11).

(2) *Relief from responsibility.* The documentation of a written determination by the contracting officer as to liability for Department of the Army property lost, damaged, destroyed, or consumed in excessive quantities while in possession of a contractor serves the same purpose as a Report of Survey (see AR 735–11) in a Military Property Account, even though the contractor is the accountable and responsible party and his liability is for determination only under the terms of the contract. To this end, the presentation of facts surrounding the loss or damage or both shall be accurate and complete. The file shall—

(i) Reflect the investigative and other actions of the property administrator and contracting officer to validate the presentation;

(ii) Cite the specific contract terms on which a determination is made; and

(iii) Stand alone as a full report of the case without reference to other files.

The contracting officer shall insure that there is adequate documentation and validation in any case which he approves.

(c) *Part 3—Records of Government Property—(1) General.* In those cases where contractor's records of Government property are not used as the official records (see § 603.803 of this chapter), the property administrator shall maintain such of the records specified in § 30.3 (Part 3) of this title as may be required to maintain effectve property control. The property administrator shall include such a system of registration as is necessary to ensure receipt by him of all property documentation pertinent to the contract.

(2) *Financial control accounts.* In order to administer the Financial Management Plan of the Department of the Army (see AR 37–5 and AR 37–108), summary financial data for each Army contract, representing Government-owned facilities and materials of the categories specified in § 30.3 (item 311) of this title shall be received and forwarded by property administrators in accordance with ASPR S3–603. Detailed procedures governing the handling of this data by Department of the Army property administrators and finance and accounting officers to meet DoD accounting and reporting requirements are contained in AR 735–20 and AR 735–72.

(d) *Part 4—Identification—Plant equipment.* The identification marking of Government property furnished under Department of the Army contracts shall be physically affixed to the item as specified in § 30.3 (item 404) of this title. The standard Departmental registration system numbering is applicable to equipment such as—

(1) Motor vehicles (see AR 58–1);

(2) Materials handling equipment (see AR 700–3900–5); and

(3) Railroad equipment (see AR 55–255).

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–7075; Filed, June 17, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 850—RECORDS TO BE MADE OR KEPT RELATING TO AGE; NOTICES TO BE POSTED; ADMINISTRATIVE EXEMPTIONS

Exemption for Certain Activities Designed Exclusively To Provide or Encourage Employment of Persons With Special Employment Problems

Correction

In F.R. Doc. 69-6845, appearing at page 9157, in the issue for Wednesday, June 11, 1969, in the penultimate line of § 850.15(c), the word "Administration" should read "Administrator".

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued to permit exporters to file reports of their intention to export wheat (other than exports of wheat under Public Law 480) by telephone. These reports must, however, be confirmed immediately in writing. In the past, the Department has accepted reports by telephone of intentions to export wheat consisting of notices of sale covering sales made under Public Law 480. On the other hand, reports of intention to export consisting of an offer (other than notices of sale covering a sale under Public Law 480) have been required to be submitted in writing, such as by telegram, teletypewriter or telex. There have been times recently when exporters were unable to timely file their reports as a result of power failure within the Department's telegraph service and at times when the Department's telegraph service was overloaded with incoming messages. This amendment will provide a means by which reports may be filed with the Department when the exporter is unable to timely communicate by telegraph. Many exporters have requested that this additional means of filing reports of their intention to export wheat be made available to them. Corresponding changes in the Wheat Export Program (GR-345) which relate to export payments on wheat are issued concurrently with these regulations. It is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and this amendment shall be effective as hereinafter provided.

The Export Wheat Marketing Certificate Regulations (32 F.R. 14727 and 16251, as amended by 33 F.R. 10183 and 34 F.R. 6767) are hereby amended as follows:

§ 778.6 [Amended]

1. Section 778.6 is amended by changing the second sentence of paragraph (a) to read as follows: "The report should normally be filed in writing, such as by telegram, teletypewriter or telex although telephone may be used."

§ 778.7 [Amended]

2. Section 778.7 is amended by changing the first sentence of paragraph (b) (1) to read as follows: "An exporter of wheat described in paragraph (a) of this section shall submit the report of his intention to export wheat to the Assistant Sales Manager. The report should normally be submitted in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned reports must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter or telex."

3. Section 778.7 is further amended by changing in paragraph (b)(2) the language immediately preceding subdivision (i) and by changing paragraph (b)(5) to read as follows:

(2) *Form.* A report including a written confirmation of a telephoned report shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed or in the case of a telephoned report, transmitted by the exporter or a person authorized to make contracts on behalf of the exporter and shall state the following:

* * * * *

(5) A request to modify an offer or withdraw an offer should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned requests must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter or telex.

* * * * *

4. Section 778.7 is further amended by changing the language in the second set of parenthesis in paragraph (b)(4) to read: "(if otherwise made in writing or by telephone)."

5. Section 778.7 is amended by adding after the second sentence of paragraph (c)(1) the following: "In the case of a report submitted by telephone, Form CCC-342 will not be forwarded to the exporter until the written confirmation of the exporter's report has been received by the Assistant Sales Manager and the exporter's offer will not be considered accepted until such form has been transmitted by the Assistant Sales Manager."

§ 778.9 [Amended]

6. Section 778.9 is amended by changing the first sentence of paragraph (b)(1) to read as follows: "An exporter of Durum wheat described in paragraph (a) of this section shall submit the report of his intention to export wheat to the Assistant Sales Manager. The report should normally be submitted in writing, such as by telegram, teletypewriter or telex although telephone may be used. Telephoned reports must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter or telex."

7. Section 778.9 is further amended by changing in paragraph (b)(2) the language immediately preceding subdivision (i) and by changing paragraph (b)(5) to read as follows:

(2) *Form.* A report including a written confirmation of a telephoned report shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed or in the case of a telephoned report, transmitted by the exporter or a person authorized to make contracts on behalf of the exporter and shall state the following:

* * * * *

(5) A request to modify an offer should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned requests must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter or telex.

* * * * *

8. Section 778.9 is amended by adding after the second sentence of paragraph (e)(1) the following: "In the case of a report submitted by telephone, Form CCC-422 will not be forwarded to the exporter until the written confirmation of the exporter's report has been received by the Assistant Sales Manager, and the exporter's offer will not be considered accepted until such form has been transmitted by the Assistant Sales Manager."

(Secs. 379a to 379j, 52 Stat. 31 as amended, sec. 5, 62 Stat. 1070, sec. 102, 68 Stat. 454, as amended, 7 U.S.C. 1379a to 1379j, 15 U.S.C. 714c, 7 U.S.C. 1702)

Effective date: This amendment shall become effective at 3:31 p.m., e.d.t., on June 16, 1969.

Signed at Washington, D.C. on June 11, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-7189; Filed, June 13, 1969; 1:43 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 377, Amdt. 2]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.677 (Lemon Reg. 377, 34 F.R. 9069) are hereby amended to read as follows:

§ 910.677 Lemon Regulation 377.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 358,050 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 13, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7083; Filed, June 17, 1969; 8:45 a.m.]

PART 966—TOMATOES GROWN IN FLORIDA

Order Terminating Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments regulation should be terminated. The second picking of tomatoes in central Florida has been completed. Supplies of tomatoes from competing areas in South Carolina, Georgia, and Texas are increasing. Therefore, continuation in effect of the regulation would no longer tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This order relieves restrictions on the handling of tomatoes grown in the production area; (2) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (3) compliance with this termination order will not require any special preparation by handlers which cannot be completed by the effective date.

Order terminated. The provisions of § 966.396, as amended (33 F.R. 16330, 17310, 19161; 34 F.R. 128, 6326, 7135, 7170, 7578, 8152, 9191) are hereby terminated.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 13, 1969, to become effective June 14, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7207; Filed, June 17, 1969; 8:50 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Order Terminating Tomato Import Regulation

Pursuant to the requirements of § 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), Tomato Import Regulation § 980.303, as amended (33 F.R. 16440, 17310, 19161; 34 F.R. 128, 6326, 7570, 8119, 9191), is hereby terminated.

It is hereby found that good cause exists for not postponing the effective date of this termination order beyond that herein specified (5 U.S.C. 553) in that (1) the requirements of § 8e-1 of the Act make such termination mandatory upon termination of the corresponding regulations imposed on shipments of domestic tomatoes; (2) this termination corresponds with the termination of regulations on shipments of domestic tomatoes under Marketing Order No. 966 as amended (7 CFR Part 966); and (3) this termination action relieves restrictions on the importation of tomatoes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated June 13, 1969, to become effective June 14, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7206; Filed, June 17, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

[Amdt. 2]

PART 1408—SETOFF, WITHHOLDING, AND STOP PAYMENT POLICIES OF COMMODITY CREDIT CORPORATION

Setoff

The regulations governing the Setoff, Withholding, and Stop Payment Policies of the Commodity Credit Corporation published on June 24, 1965 (30 F.R. 8094) and amended on August 12, 1966 (31 F.R. 10733), are further amended as follows:

In § 1408.4, the introductory portion of paragraph (e)(2) and subdivision (iv) of paragraph (e)(2) are revised to read:

§ 1408.4 Setoff.

* * * * *

(e) * * *

(2) Any loss or damage debt of less than $250 if:

* * * * *

(iv) The debt cannot be grouped within 20 months from the date it was first declined by the carrier with other similar debts against the same carrier making a total of $250 or more.

(Sec. 4(d), 62 Stat. 1071; 15 U.S.C. 714b(d))

Effective date: On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 12, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-7182; Filed, June 17, 1969; 8:48 a.m.]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1966 and Subsequent Crop Barley Loan and Purchase Program regulations (31 F.R. 7964 and 32 F.R. 9151) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1969 crop of barley as follows:

Sec.
1421.2275 Availability.
1421.2276 Compliance requirements.
1421.2277 Warehouse charges.
1421.2278 Maturity of loans.
1421.2279 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2275 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1970, on barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1970, on barley stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1969 crop barley he will sell to CCC, on or before May 31, 1970, for barley stored in the States named in this section and on or before April 30, 1970, for barley stored in all other States.

§ 1421.2276 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966–69 Feed Grain Program Regulations (31 F.R. 8339), and any amendments thereto, on barley of the 1969 crop produced on the farm on which the barley tendered for loan or purchase was produced except that such qualification is not necessary with respect to barley produced in Alaska or in any other area of the United States in which the feed grain program is not in effect.

§ 1421.2277 Warehouse charges.

Subject to the provisions of § 1421.2269, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)	Maturity date of May 31, 1970
(1)		(1).
Prior to May 16, 1969	13	Prior to June 16, 1969.
May 16–June 12	12	June 16–July 13.
June 13–July 10	11	July 14–Aug. 10.
July 11–Aug. 7	10	Aug. 11–Sept. 7.
Aug. 8–Sept. 4	9	Sept. 8–Oct. 5.
Sept. 5–Oct. 2	8	Oct. 6–Nov. 2.
Oct. 3–Oct. 30	7	Nov. 3–Nov. 30.
Oct. 31–Nov. 27	6	Dec. 1–Dec. 28.
Nov. 28–Dec. 25	5	Dec. 29, 1969–Jan. 25, 1970.
Dec. 26, 1969–Jan. 22, 1970	4	Jan. 26–Feb. 22.
Jan. 23–Feb. 19	3	Feb. 23–Mar. 22.
Feb. 20–Mar. 19	2	Mar. 23–Apr. 19.
Mar. 20–Apr. 30, 1970	1	Apr. 20–May 31, 1970.

[1] Date storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible barley stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC: Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9–2151, Baltimore, Md.

(2) *Schedule of deductions for storage charges.*

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)
(1)	(2)
Prior to June 25, 1969	16
June 25–July 14, 1969	15
July 15–Aug. 3, 1969	14
Aug. 4–Aug. 23, 1969	13
Aug. 24–Sept. 12, 1969	12
Sept. 13–Oct. 2, 1969	11
Oct. 3–Oct. 22, 1969	10
Oct. 23–Nov. 11, 1969	9
Nov. 12–Dec. 1, 1969	8
Dec. 2–Dec. 21, 1969	7
Dec. 22, 1969–Jan. 10, 1970	6
Jan. 11–Jan. 30, 1970	5
Jan. 31–Feb. 19, 1970	4
Feb. 20–Mar. 11, 1970	3
Mar. 12–Mar. 31, 1970	2
Apr. 1–Apr. 30, 1970	1

[1] Storage commence date, all dates inclusive.

[2] If producer presents evidence that elevation charges were prepaid, the storage deduction shall be reduced by 2 cents per bushel.

§ 1421.2278 Maturity of loans.

Loans mature on demand but not later than: May 31, 1970, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming and April 30, 1970, on barley stored in all other States.

§ 1421.2279 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better barley stored in approved terminal warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Atchison, Kans	$1.01
Kansas City, Mo	1.01
St. Joseph, Mo	1.01
Omaha, Nebr	.99
Sioux City, Iowa	.99
Minneapolis, Minn	1.04
Duluth, Minn	1.04
Superior, Wis	1.04
St. Paul, Minn	1.04
Galveston, Tex	1.11
Houston, Tex	1.11
Port Arthur, Tex	1.11
Baton Rouge, La	1.11
New Orleans, La	1.11
Beaumont, Tex	1.11
Chicago, Ill	1.04
St. Louis, Mo	1.04
Milwaukee, Wis	1.04
Memphis, Tenn	1.03
Cairo, Ill	1.03
Longview, Wash	1.08
Tacoma, Wash	1.08
Vancouver, Wash	1.08
Seattle, Wash	1.08
Kalama, Wash	1.08
Portland, Oreg	1.08
Astoria, Oreg	1.08
San Francisco, Calif	1.14
Stockton, Calif	1.14
Oakland, Calif	1.14
Los Angeles, Calif	1.14
Long Beach, Calif	1.14
Wilmington, Calif	1.14
Albany, N.Y	1.13
Philadelphia, Pa	1.13
Baltimore, Md	1.13
New York, N.Y	1.13
Norfolk, Va	1.13

(b) *Basic support rates (counties).* Basic county support rates (marketing area rates in Alaska) for loan and settlement purposes for farm-stored and country warehouse-stored barley are established for barley grading No. 2 or better and are as follows:

ALABAMA

County	Rate per bushel
All counties	$0.85

ALASKA

Delta	$0.96	Kenai-Sold	$1.08
Fairbanks	.93	Palmer	1.14
Glennallen	1.04	Talkeetna	1.14
Homer	1.00		

ARIZONA

Apache	$0.76	Mohave	$0.82
Cochise	.89	Navajo	.76
Coconino	.76	Pima	.92
Gila	.76	Pinal	.95
Graham	.82	Santa Cruz	.90
Greenlee	.76	Yavapai	.76
Maricopa	.94	Yuma	.95

ARKANSAS

Arkansas	$0.88	Clay	$0.88
Ashley	.85	Cleburne	.88
Baxter	.78	Cleveland	.87
Benton	.75	Columbia	.77
Boone	.77	Conway	.86
Bradley	.80	Craighead	.90
Calhoun	.79	Crawford	.76
Carroll	.76	Crittenden	.91
Chicot	.86	Cross	.91
Clark	.79	Dallas	.80

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Desha	$0.87	Monroe	$0.89
Drew	.85	Montgomery	.77
Faulkner	.86	Nevada	.77
Franklin	.77	Newton	.77
Fulton	.83	Ouachita	.78
Garland	.79	Perry	.79
Grant	.80	Phillips	.90
Greene	.89	Pike	.77
Hempstead	.77	Poinsett	.91
Hot Spring	.80	Polk	.75
Howard	.77	Pope	.78
Independence	.85	Prairie	.89
Izard	.80	Pulaski	.87
Jackson	.88	Randolph	.89
Jefferson	.87	St. Francis	.91
Johnson	.77	Saline	.82
Lafayette	.77	Scott	.75
Lawrence	.88	Searcy	.77
Lee	.90	Sebastian	.76
Lincoln	.86	Sevier	.76
Little River	.77	Sharp	.83
Logan	.77	Stone	.81
Lonoke	.88	Union	.77
Madison	.75	Van Buren	.86
Marion	.77	Washington	.75
Miller	.77	White	.89
Mississippi	.91	Woodruff	.90
		Yell	.78

CALIFORNIA

Alameda	$1.01	Plumas	$0.92
Alpine	.92	Riverside	.97
Amador	1.01	Sacramento	1.01
Butte	.99	San Benito	.99
Calaveras	1.01	San Bernardino	.99
Colusa	1.00	San Diego	.96
Contra Costa	1.01	San Joaquin	1.03
El Dorado	.98	San Luis Obispo	.96
Fresno	1.00	San Mateo	1.01
Glenn	.99	Santa Barbara	.96
Humboldt	.87	Santa Clara	1.01
Imperial	.97	Santa Cruz	.98
Inyo	.87	Shasta	.90
Kern	.98	Sierra	.84
Kings	1.00	Siskiyou	.90
Lake	.97	Solano	1.01
Lassen	.86	Sonoma	1.00
Los Angeles	1.00	Stanislaus	1.02
Madera	1.02	Sutter	1.00
Marin	1.01	Tehama	.95
Mariposa	1.02	Tulare	.99
Mendocino	.93	Tuolumne	1.01
Merced	1.02	Ventura	1.00
Modoc	.90	Yolo	1.01
Monterey	.98	Yuba	1.00
Napa	1.01		
Orange	1.00		
Placer	1.00		

COLORADO

Adams	$0.78	Jackson	$0.76
Alamosa	.76	Jefferson	.78
Arapahoe	.78	Kiowa	.78
Archuleta	.76	Kit Carson	.78
Baca	.78	La Plata	.76
Bent	.78	Larimer	.78
Boulder	.78	Las Animas	.78
Chaffee	.76	Lincoln	.78
Cheyenne	.78	Logan	.78
Conejos	.76	Mesa	.76
Costilla	.76	Moffat	.76
Crowley	.78	Montezuma	.76
Custer	.78	Montrose	.76
Delta	.76	Morgan	.78
Denver	.78	Otero	.78
Dolores	.76	Ouray	.76
Douglas	.78	Phillips	.78
Eagle	.76	Pitkin	.76
Elbert	.78	Prowers	.78
El Paso	.78	Pueblo	.78
Fremont	.78	Rio Blanco	.76
Garfield	.76	Rio Grande	.76
Grand	.76	Routt	.76
Huerfano	.78	Saguache	.76

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
San Miguel	$0.76	Washington	$0.78
Sedgwick	.78	Weld	.78
Summit	.76	Yuma	.78

CONNECTICUT

All counties	$0.89

DELAWARE

All counties	$0.89

FLORIDA

All counties	$0.88

GEORGIA

All counties	$0.88

IDAHO

Ada	$0.83	Gem	$0.83
Adams	.83	Gooding	.83
Bannock	.82	Idaho	.89
Bear Lake	.81	Jefferson	.81
Benewah	.90	Jerome	.83
Bingham	.81	Kootenai	.89
Blaine	.82	Latah	.90
Boise	.83	Lemhi	.81
Bonner	.86	Lewis	.89
Bonneville	.81	Lincoln	.83
Boundary	.84	Madison	.81
Butte	.81	Minidoka	.83
Camas	.82	Nez Perce	.90
Canyon	.83	Oneida	.82
Caribou	.81	Owyhee	.83
Cassia	.83	Payette	.83
Clark	.81	Power	.82
Clearwater	.89	Shoshone	.77
Custer	.82	Teton	.81
Elmore	.83	Twin Falls	.83
Franklin	.82	Valley	.83
Fremont	.81	Washington	.83

ILLINOIS

Adams	$0.87	Johnson	$0.81
Alexander	.84	Kane	.91
Bond	.86	Kankakee	.91
Boone	.91	Kendall	.91
Brown	.86	Knox	.88
Bureau	.90	Lake	.91
Calhoun	.85	La Salle	.91
Carroll	.89	Lawrence	.82
Cass	.84	Lee	.91
Champaign	.88	Livingston	.90
Christian	.85	Logan	.87
Clark	.84	McDonough	.85
Clay	.84	McHenry	.91
Clinton	.89	McLean	.88
Coles	.86	Macon	.86
Cook	.91	Macoupin	.87
Crawford	.85	Madison	.87
Cumberland	.86	Marion	.87
De Kalb	.91	Marshall	.90
De Witt	.86	Mason	.86
Douglas	.87	Massac	.83
Du Page	.91	Menard	.86
Edgar	.84	Mercer	.88
Edwards	.85	Monroe	.86
Effingham	.85	Montgomery	.86
Fayette	.85	Morgan	.87
Ford	.89	Moultrie	.87
Franklin	.84	Ogle	.91
Fulton	.88	Peoria	.86
Gallatin	.80	Perry	.84
Greene	.87	Piatt	.86
Grundy	.91	Pike	.87
Hamilton	.83	Pope	.83
Hancock	.85	Pulaski	.84
Hardin	.80	Putnam	.89
Henderson	.87	Randolph	.84
Henry	.89	Richland	.84
Iroquois	.90	Rock Island	.89
Jackson	.84	St. Clair	.87
Jasper	.86	Saline	.80
Jefferson	.90	Sangamon	.86
Jersey	.87	Schuyler	.87
Jo Daviess	.88	Scott	.87

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Shelby	$0.86	Washington	$0.84
Stark	.89	Wayne	.86
Stephenson	.90	White	.80
Tazewell	.87	Whiteside	.90
Union	.84	Will	.91
Vermilion	.88	Williamson	.86
Wabash	.85	Winnebago	.91
Warren	.88	Woodford	.88

INDIANA

Adams	$0.80	Lawrence	$0.80
Allen	.80	Madison	.81
Bartholomew	.78	Marion	.79
Benton	.84	Marshall	.83
Blackford	.82	Martin	.79
Boone	.80	Miami	.83
Brown	.77	Monroe	.83
Carroll	.83	Montgomery	.81
Cass	.83	Morgan	.78
Clark	.75	Newton	.87
Clay	.83	Noble	.80
Clinton	.82	Ohio	.76
Crawford	.85	Orange	.84
Daviess	.78	Owen	.78
Dearborn	.76	Parke	.81
Decatur	.77	Perry	.85
De Kalb	.80	Pike	.82
Delaware	.80	Porter	.86
Dubois	.86	Posey	.84
Elkhart	.82	Pulaski	.85
Fayette	.78	Putnam	.79
Floyd	.84	Randolph	.81
Fountain	.80	Ripley	.75
Franklin	.77	Rush	.76
Fulton	.83	St. Joseph	.83
Gibson	.85	Scott	.75
Grant	.81	Shelby	.78
Greene	.78	Spencer	.85
Hamilton	.80	Starke	.84
Hancock	.79	Steuben	.80
Harrison	.84	Sullivan	.84
Hendricks	.80	Switzerland	.77
Henry	.80	Tippecanoe	.83
Howard	.83	Tipton	.81
Huntington	.80	Union	.78
Jackson	.77	Vanderburgh	.89
Jasper	.86	Vermillion	.89
Jay	.80	Vigo	.89
Jefferson	.75	Wabash	.83
Jennings	.76	Warren	.85
Johnson	.78	Warrick	.87
Knox	.82	Washington	.75
Kosciusko	.82	Wayne	.80
Lagrange	.81	Wells	.80
Lake	.89	White	.85
La Porte	.84	Whitley	.82

IOWA

Adair	$0.80	Decatur	$0.77
Adams	.81	Delaware	.80
Allamakee	.82	Des Moines	.83
Appanoose	.80	Dickinson	.82
Audubon	.82	Dubuque	.81
Benton	.80	Emmet	.83
Black Hawk	.81	Fayette	.81
Boone	.80	Floyd	.83
Bremer	.82	Franklin	.82
Buchanan	.81	Fremont	.83
Buena Vista	.81	Greene	.80
Butler	.82	Grundy	.81
Calhoun	.81	Guthrie	.80
Carroll	.81	Hamilton	.81
Cass	.81	Hancock	.83
Cedar	.82	Hardin	.81
Cerro Gordo	.83	Harrison	.83
Cherokee	.83	Henry	.81
Chickasaw	.82	Howard	.83
Clarke	.79	Humboldt	.81
Clay	.82	Ida	.80
Clayton	.80	Iowa	.80
Clinton	.83	Jackson	.84
Crawford	.82	Jasper	.80
Dallas	.79	Jefferson	.80
Davis	.80	Johnson	.81

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Jones	$0.81	Polk	$0.79
Keokuk	.79	Pottawattamie	.83
Kossuth	.83	Poweshiek	.79
Lee	.84	Ringgold	.78
Linn	.81	Sac	.80
Louisa	.81	Scott	.83
Lucas	.78	Shelby	.83
Lyon	.81	Sioux	.82
Madison	.78	Story	.80
Mahaska	.79	Tama	.80
Marion	.78	Taylor	.80
Marshall	.80	Union	.80
Mills	.83	Van Buren	.80
Mitchell	.83	Wapello	.79
Monona	.82	Warren	.78
Monroe	.79	Washington	.80
Montgomery	.83	Wayne	.79
Muscatine	.83	Webster	.81
O'Brien	.81	Winnebago	.83
Osceola	.82	Winneshiek	.82
Page	.82	Woodbury	.81
Palo Alto	.82	Worth	.83
Plymouth	.82	Wright	.82
Pocahontas	.81		

KANSAS

Allen	$0.84	Linn	$0.84
Anderson	.84	Logan	.77
Atchinson	.84	Lyon	.84
Barber	.80	McPherson	.82
Barton	.80	Marion	.82
Bourbon	.84	Marshall	.84
Brown	.84	Meade	.77
Butler	.82	Miami	.84
Chase	.84	Mitchell	.82
Chautauqua	.84	Montgomery	.84
Cherokee	.84	Morris	.84
Cheyenne	.76	Morton	.74
Clark	.77	Nemaha	.84
Clay	.83	Neosho	.84
Cloud	.83	Ness	.80
Coffey	.84	Norton	.80
Comanche	.78	Osage	.84
Cowley	.82	Osborne	.81
Crawford	.84	Ottawa	.82
Decatur	.79	Pawnee	.80
Dickinson	.82	Phillips	.80
Doniphan	.84	Pottawatomie	.84
Douglas	.84	Pratt	.80
Edwards	.80	Rawlins	.77
Elk	.84	Reno	.81
Ellis	.80	Republic	.83
Ellsworth	.82	Rice	.82
Finney	.77	Riley	.84
Ford	.79	Rooks	.80
Franklin	.84	Rush	.80
Geary	.84	Russell	.80
Gove	.79	Saline	.82
Graham	.80	Scott	.78
Grant	.76	Sedgwick	.82
Gray	.78	Seward	.75
Greeley	.76	Shawnee	.84
Greenwood	.84	Sheridan	.79
Hamilton	.76	Sherman	.76
Harper	.81	Smith	.82
Harvey	.82	Stafford	.80
Haskell	.77	Stanton	.75
Hodgeman	.80	Stevens	.75
Jackson	.84	Sumner	.82
Jefferson	.84	Thomas	.77
Jewell	.82	Trego	.80
Johnson	.84	Wabaunsee	.84
Kearny	.76	Wallace	.76
Kingman	.82	Washington	.83
Kiowa	.80	Wichita	.76
Labette	.84	Wilson	.84
Lane	.79	Woodson	.84
Leavenworth	.84	Wyandotte	.84
Lincoln	.82		

KENTUCKY

County	Rate per bushel
All counties	$0.83

LOUISIANA

All parishes	$0.76

MAINE

All counties	$0.89

MARYLAND

All counties	$0.89

MASSACHUSETTS

All counties	$0.89

MICHIGAN

Alcona	$0.70	Lake	$0.75
Alger	.74	Lapeer	.78
Allegan	.79	Leelanau	.70
Alpena	.67	Lenawee	.80
Antrim	.68	Livingston	.79
Arenac	.74	Luce	.70
Baraga	.79	Mackinac	.70
Barry	.79	Macomb	.79
Bay	.76	Manistee	.74
Benzie	.72	Marquette	.76
Berrien	.83	Mason	.75
Branch	.80	Mecosta	.76
Calhoun	.83	Menominee	.77
Cass	.83	Midland	.77
Charlevoix	.66	Missaukee	.74
Cheboygan	.66	Monroe	.80
Chippewa	.70	Montcalm	.76
Clare	.75	Montmorency	.69
Clinton	.78	Muskegon	.76
Crawford	.71	Newaygo	.76
Delta	.75	Oakland	.79
Dickinson	.76	Oceana	.75
Eaton	.79	Ogemaw	.73
Emmet	.66	Ontonagon	.75
Genesee	.78	Osceola	.75
Gladwin	.76	Oscoda	.71
Gogebic	.81	Otsego	.69
Grand Traverse	.71	Ottawa	.79
Gratiot	.78	Presque Isle	.66
Hillsdale	.80	Roscommon	.73
Houghton	.76	Saginaw	.78
Huron	.76	St. Clair	.78
Ingham	.79	St. Joseph	.82
Ionia	.78	Sanilac	.76
Iosco	.72	Schoolcraft	.74
Iron	.75	Shiawassee	.78
Isabella	.76	Tuscola	.76
Jackson	.83	Van Buren	.81
Kalamazoo	.83	Washtenaw	.80
Kalkaska	.71	Wayne	.80
Kent	.78	Wexford	.74
Keweenaw	.76		

MINNESOTA

Aitkin	$0.86	Faribault	$0.91
Anoka	.89	Fillmore	.89
Becker	.80	Freeborn	.91
Beltrami	.80	Goodhue	.91
Benton	.85	Grant	.82
Big Stone	.86	Hennepin	.90
Blue Earth	.91	Houston	.88
Brown	.91	Hubbard	.81
Carlton	.88	Isanti	.87
Carver	.91	Itasca	.85
Cass	.84	Jackson	.89
Chippewa	.88	Kanabec	.85
Chisago	.87	Kandiyohi	.86
Clay	.80	Kittson	.76
Clearwater	.80	Koochiching	.77
Cottonwood	.90	Lac qui Parle	.86
Crow Wing	.84	Lake of the Woods	.78
Dakota	.91	Le Sueur	.91
Dodge	.91	Lincoln	.87
Douglas	.83		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Lyon	$0.87	Rice	$0.91
McLeod	.90	Rock	.83
Mahnomen	.79	Roseau	.77
Marshall	.78	St. Louis	.85
Martin	.90	Scott	.91
Meeker	.87	Sherburne	.87
Mille Lacs	.87	Sibley	.91
Morrison	.84	Stearns	.85
Mower	.91	Steele	.89
Murray	.88	Stevens	.83
Nicollet	.91	Swift	.84
Nobles	.86	Todd	.84
Norman	.79	Traverse	.82
Olmsted	.91	Wabasha	.91
Otter Tail	.82	Wadena	.83
Pennington	.78	Waseca	.91
Pine	.88	Washington	.90
Pipestone	.84	Watonwan	.91
Polk	.79	Wilkin	.81
Pope	.83	Winona	.91
Ramsey	.89	Wright	.87
Red Lake	.79	Yellow Medicine	.90
Redwood	.91		
Renville	.91		

MISSISSIPPI

All counties	$0.85

MISSOURI

Adair	$0.81	Johnson	$0.84
Andrew	.84	Knox	.82
Atchison	.84	Laclede	.85
Audrain	.84	Lafayette	.84
Barry	.84	Lawrence	.84
Barton	.84	Lewis	.83
Bates	.84	Lincoln	.87
Benton	.82	Linn	.81
Bollinger	.88	Livingston	.83
Boone	.83	McDonald	.84
Buchanan	.84	Macon	.82
Butler	.87	Madison	.89
Caldwell	.84	Maries	.84
Callaway	.84	Marion	.84
Camden	.85	Mercer	.81
Cape Girardeau	.87	Miller	.81
Carroll	.83	Mississippi	.86
Carter	.78	Moniteau	.82
Cass	.84	Monroe	.83
Cedar	.84	Montgomery	.85
Chariton	.82	Morgan	.81
Christian	.84	New Madrid	.87
Clark	.83	Newton	.84
Clay	.84	Nodaway	.82
Clinton	.84	Oregon	.82
Cole	.83	Osage	.84
Cooper	.82	Ozark	.79
Crawford	.89	Pemiscot	.88
Dade	.84	Perry	.89
Dallas	.84	Pettis	.82
Daviess	.83	Phelps	.88
De Kalb	.84	Pike	.84
Dent	.87	Platte	.84
Douglas	.82	Polk	.84
Dunklin	.88	Pulaski	.86
Franklin	.87	Putnam	.80
Gasconade	.85	Ralls	.84
Gentry	.82	Randolph	.83
Greene	.84	Ray	.84
Grundy	.82	Reynolds	.85
Harrison	.81	Ripley	.87
Henry	.84	St. Charles	.90
Hickory	.84	St. Clair	.84
Holt	.84	St. Francois	.90
Howard	.83	Ste. Genevieve	.90
Howell	.80	St. Louis	.91
Iron	.89	Saline	.85
Jackson	.84	Schuyler	.81
Jasper	.84	Scotland	.82
Jefferson	.91	Scott	.87

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Shannon	$0.78	Vernon	$0.84
Shelby	.83	Warren	.81
Stoddard	.87	Washington	.90
Stone	.83	Wayne	.87
Sullivan	.81	Webster	.83
Taney	.82	Worth	.83
Texas	.82	Wright	.82

MONTANA

Beaverhead	$0.71	McCone	$0.62
Big Horn	.60	Madison	.75
Blaine	.62	Meagher	.71
Broadwater	.74	Mineral	.77
Carbon	.68	Missoula	.77
Carter	.64	Musselshell	.66
Cascade	.70	Park	.74
Chouteau	.68	Petroleum	.65
Custer	.63	Phillips	.58
Daniels	.61	Pondera	.69
Dawson	.63	Powder River	.62
Deer Lodge	.75	Powell	.75
Fallon	.64	Prairie	.62
Fergus	.67	Ravalli	.74
Flathead	.79	Richland	.63
Gallatin	.75	Roosevelt	.64
Garfield	.62	Rosebud	.63
Glacier	.69	Sanders	.77
Golden Valley	.68	Sheridan	.63
Granite	.74	Silver Bow	.75
Hill	.65	Stillwater	.66
Jefferson	.74	Sweet Grass	.71
Judith Basin	.67	Teton	.69
Lake	.74	Toole	.68
Lewis and Clark	.69	Treasure	.65
Liberty	.67	Valley	.60
Lincoln	.79	Wheatland	.60
		Wibaux	.65
		Yellowstone	.68

NEBRASKA

Adams	$0.82	Holt	$0.82
Antelope	.83	Hooker	.76
Arthur	.75	Howard	.83
Banner	.70	Jefferson	.84
Blaine	.78	Johnson	.84
Boone	.83	Kearney	.81
Box Butte	.73	Keith	.75
Boyd	.83	Keya Paha	.79
Brown	.79	Kimball	.72
Buffalo	.82	Knox	.83
Burt	.83	Lancaster	.84
Butler	.83	Lincoln	.77
Cass	.84	Logan	.78
Cedar	.83	Loup	.80
Chase	.74	McPherson	.77
Cherry	.77	Madison	.83
Cheyenne	.72	Merrick	.83
Clay	.82	Morrill	.72
Colfax	.83	Nance	.83
Cuming	.83	Nemaha	.84
Custer	.80	Nuckolls	.82
Dakota	.83	Otoe	.84
Dawes	.73	Pawnee	.84
Dawson	.80	Perkins	.75
Deuel	.74	Phelps	.80
Dixon	.83	Pierce	.83
Dodge	.83	Platte	.83
Douglas	.83	Polk	.83
Dundy	.74	Red Willow	.78
Fillmore	.83	Richardson	.84
Franklin	.80	Rock	.79
Frontier	.78	Saline	.84
Furnas	.79	Sarpy	.83
Gage	.84	Saunders	.83
Garden	.73	Scotts Bluff	.71
Garfield	.81	Seward	.83
Gosper	.80	Sheridan	.74
Grant	.74	Sherman	.82
Greeley	.83	Sioux	.72
Hall	.83	Stanton	.83
Hamilton	.83	Thayer	.83
Harlan	.80	Thomas	.78
Hayes	.75	Thurston	.83
Hitchcock	.76	Valley	.81

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Washington	$0.80	Wheeler	$0.83
Wayne	.83	York	.83
Webster	.81		

NEVADA

All counties	$0.88

NEW HAMPSHIRE

All counties	$0.89

NEW JERSEY

All counties	$0.89

NEW MEXICO

Bernalillo	$0.77	Mora	$0.77
Catron	.77	Otero	.77
Chaves	.79	Quay	.81
Colfax	.77	Rio Arriba	.76
Curry	.82	Roosevelt	.81
De Baca	.78	Sandoval	.77
Dona Ana	.77	San Juan	.76
Eddy	.77	San Miguel	.77
Grant	.77	Santa Fe	.77
Guadalupe	.77	Sierra	.77
Harding	.78	Socorro	.77
Hidalgo	.77	Taos	.77
Lea	.80	Torrance	.77
Lincoln	.77	Union	.80
Luna	.77	Valencia	.77
McKinley	.77		

NEW YORK

All counties	$0.89

NORTH CAROLINA

All counties	$0.89

NORTH DAKOTA

Adams	$0.69	McKenzie	$0.66
Barnes	.78	McLean	.71
Benson	.74	Mercer	.70
Billings	.69	Morton	.71
Bottineau	.70	Mountrail	.69
Bowman	.68	Nelson	.75
Burke	.69	Oliver	.71
Burleigh	.73	Pembina	.75
Cass	.78	Pierce	.73
Cavalier	.74	Ramsey	.74
Dickey	.77	Ransom	.78
Divide	.68	Renville	.69
Dunn	.69	Richland	.80
Eddy	.75	Rolette	.72
Emmons	.72	Sargent	.79
Foster	.76	Sheridan	.73
Golden Valley	.65	Sioux	.70
Grand Forks	.77	Slope	.69
Grant	.69	Stark	.69
Griggs	.77	Steele	.78
Hettinger	.69	Stutsman	.77
Kidder	.74	Towner	.73
La Moure	.76	Traill	.78
Logan	.74	Walsh	.75
McHenry	.72	Ward	.70
McIntosh	.74	Wells	.74
		Williams	.68

OHIO

Adams	$0.78	Darke	$0.82
Allen	.80	Defiance	.79
Ashland	.80	Delaware	.80
Ashtabula	.83	Erie	.80
Athens	.80	Fairfield	.80
Auglaize	.80	Fayette	.78
Belmont	.80	Franklin	.80
Brown	.78	Fulton	.79
Butler	.78	Gallia	.78
Carroll	.80	Geauga	.83
Champaign	.78	Greene	.78
Clark	.78	Guernsey	.80
Clermont	.78	Hamilton	.78
Clinton	.78	Hancock	.80
Columbiana	.81	Hardin	.80
Coshocton	.80	Harrison	.80
Crawford	.80	Henry	.79
Cuyahoga	.80	Highland	.78

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Hocking	$0.80	Paulding	$0.80
Holmes	.80	Perry	.80
Huron	.80	Pickaway	.79
Jackson	.78	Pike	.78
Jefferson	.82	Portage	.80
Knox	.80	Preble	.78
Lake	.82	Putnam	.80
Lawrence	.78	Richland	.80
Licking	.80	Ross	.79
Logan	.79	Sandusky	.80
Lorain	.80	Sciota	.78
Lucas	.79	Seneca	.80
Madison	.79	Shelby	.80
Mahoning	.83	Stark	.80
Marion	.80	Summit	.80
Medina	.80	Trumbull	.83
Meigs	.78	Tuscarawas	.80
Mercer	.80	Union	.80
Miami	.80	Van Wert	.80
Monroe	.80	Vinton	.80
Montgomery	.78	Warren	.78
Morgan	.80	Washington	.80
Morrow	.80	Williams	.80
Muskingum	.80	Wood	.80
Noble	.80	Wyandot	.80
Ottawa	.80		

OKLAHOMA

Adair	$0.81	Le Flore	$0.78
Alfalfa	.81	Lincoln	.82
Atoka	.82	Logan	.82
Beaver	.81	Love	.83
Beckham	.82	McClain	.82
Blaine	.82	McCurtain	.78
Bryan	.81	McIntosh	.82
Caddo	.82	Major	.81
Canadian	.82	Marshall	.82
Carter	.82	Mayes	.83
Cherokee	.82	Murray	.82
Choctaw	.78	Muskogee	.82
Cimarron	.81	Noble	.81
Cleveland	.82	Nowata	.84
Coal	.82	Okfuskee	.82
Comanche	.82	Oklahoma	.82
Cotton	.82	Okmulgee	.82
Craig	.84	Osage	.82
Creek	.82	Ottawa	.84
Custer	.81	Pawnee	.81
Delaware	.84	Payne	.82
Dewey	.81	Pittsburg	.82
Ellis	.81	Pontotoc	.82
Garfield	.82	Pottawatomie	.82
Garvin	.82	Pushmataha	.78
Grady	.82	Rogers Mills	.79
Grant	.81	Seminole	.82
Greer	.82	Sequoyah	.80
Harmon	.82	Stephens	.82
Harper	.80	Texas	.81
Haskell	.79	Tillman	.82
Hughes	.82	Tulsa	.83
Jackson	.82	Wagoner	.82
Johnston	.82	Washington	.84
Kay	.81	Washita	.82
Kingfisher	.82	Woods	.80
Kiowa	.82	Woodward	.81
Latimer	.78		

OREGON

Baker	$0.90	Jefferson	$0.95
Benton	.94	Josephine	.84
Clackamas	.95	Klamath	.90
Clatsop	.89	Lake	.89
Columbia	.91	Lane	.89
Coos	.81	Lincoln	.85
Crook	.92	Linn	.93
Curry	.83	Malheur	.83
Deschutes	.92	Marion	.96
Douglas	.84	Morrow	.94
Gilliam	.95	Multnomah	.95
Grant	.94	Polk	.95
Harney	.90	Sherman	.96
Hood River	.97	Tillamook	.97
Jackson	.84	Umatilla	.93

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Union	$0.91	Washington	$0.97
Wallowa	.89	Wheeler	.94
Wasco	.97	Yamhill	.96

PENNSYLVANIA

All counties	$0.89

RHODE ISLAND

All counties	$0.89

SOUTH CAROLINA

All counties	$0.89

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.81	Jackson	$0.78
Beadle	.83	Jerauld	.82
Bennett	.75	Jones	.80
Bon Homme	.82	Kingsbury	.83
Brookings	.86	Lake	.82
Brown	.82	Lawrence	.73
Brule	.81	Lincoln	.82
Buffalo	.82	Lyman	.81
Butte	.73	McCook	.82
Campbell	.77	McPherson	.79
Charles Mix	.80	Marshall	.79
Clark	.84	Meade	.73
Clay	.83	Mellette	.79
Codington	.84	Miner	.83
Corson	.73	Minnehaha	.82
Custer	.73	Moody	.86
Davison	.82	Pennington	.76
Day	.84	Perkins	.72
Deuel	.88	Potter	.82
Dewey	.76	Roberts	.83
Douglas	.80	Sanborn	.82
Edmunds	.82	Shannon	.74
Fall River	.71	Spink	.84
Faulk	.83	Stanley	.81
Grant	.85	Sully	.82
Gregory	.81	Todd	.79
Haakon	.78	Tripp	.80
Hamlin	.84	Turner	.81
Hand	.82	Union	.83
Hanson	.82	Walworth	.80
Harding	.73	Washabaugh	.78
Hughes	.81	Yankton	.81
Hutchinson	.81	Ziebach	.74
Hyde	.82		

TENNESSEE

Shelby	$0.88
All other counties	.86

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$0.94	Clay	$0.85
Archer	.83	Cochran	.82
Armstrong	.82	Coke	.82
Atascosa	.91	Coleman	.86
Austin	.99	Collin	.88
Bailey	.82	Collingsworth	.82
Bandera	.90	Comal	.93
Baylor	.82	Comanche	.87
Bee	.93	Concho	.87
Bell	.93	Cooke	.86
Bexar	.92	Coryell	.92
Blanco	.93	Cottle	.82
Borden	.82	Crane	.78
Bosque	.91	Crockett	.76
Bowie	.86	Crosby	.82
Brazoria	.99	Culberson	.73
Brazos	.97	Dallam	.81
Brewster	.73	Dallas	.90
Briscoe	.82	Dawson	.82
Brown	.87	Deaf Smith	.82
Burleson	.96	Delta	.86
Burnet	.91	Denton	.87
Callahan	.85	De Witt	.95
Cameron	.85	Dickens	.82
Camp	.88	Donley	.82
Carson	.82	Eastland	.86
Cass	.87	Ector	.81
Castro	.82	Edwards	.82
Chambers	.96	Ellis	.90
Cherokee	.94	El Paso	.72
Childress	.82	Erath	$0.87
Falls	.94	Milam	$0.95
Fannin	.86	Mills	.90
Fayette	.96	Mitchell	.82
Fisher	.82	Montague	.85
Floyd	.82	Montgomery	.99
Foard	.82	Moore	.81
Fort Bend	.99	Morris	.88
Franklin	.88	Motley	.82
Freestone	.94	Nacogdoches	.93
Gaines	.82	Navarro	.92
Garza	.82	Newton	.96
Gillespie	.88	Nolan	.82
Goliad	.96	Ochiltree	.81
Gonzales	.96	Oldham	.82
Gray	.82	Orange	.96
Grayson	.86	Palo Pinto	.86
Gregg	.90	Panola	.92
Grimes	.97	Parker	.89
Guadalupe	.93	Parmer	.82
Hale	.82	Pecos	.74
Hall	.82	Polk	.97
Hamilton	.89	Potter	.82
Hansford	.81	Presidio	.72
Hardeman	.82	Rains	.90
Hardin	.96	Randall	.82
Harris	.99	Reagan	.76
Harrison	.89	Red River	.85
Hartley	.81	Reeves	.74
Haskell	.82	Roberts	.81
Hays	.94	Robertson	.96
Hemphill	.81	Rockwall	.87
Henderson	.92	Runnels	.85
Hidalgo	.86	Rusk	.91
Hill	.92	Sabine	.93
Hockley	.82	San Augustine	.93
Hood	.88	San Jacinto	.98
Hopkins	.86	San Saba	.87
Houston	.96	Schleicher	.77
Howard	.82	Scurry	.82
Hudspeth	.73	Shackelford	.85
Hunt	.87	Shelby	.93
Hutchinson	.81	Sherman	.81
Irion	.77	Smith	.92
Jack	.86	Somervell	.88
Jackson	.96	Starr	.85
Jasper	.96	Stephens	.86
Jeff Davis	.73	Sterling	.79
Jefferson	.97	Stonewall	.82
Jim Wells	.91	Sutton	.76
Johnson	.90	Swisher	.82
Jones	.83	Tarrant	.90
Karnes	.93	Taylor	.83
Kaufman	.89	Terrell	.77
Kendall	.89	Terry	.82
Kenedy	.88	Throckmorton	.84
Kent	.82	Titus	.88
Kerr	.88	Tom Green	.82
Kimble	.87	Travis	.94
King	.82	Trinity	.97
Kinney	.86	Tyler	.96
Knox	.82	Upshur	.90
Lamar	.86	Upton	.74
Lamb	.82	Uvalde	.88
Lampasas	.91	Val Verde	.83
Leon	.95	Van Zandt	.90
Liberty	.99	Victoria	.96
Limestone	.94	Walker	.98
Lipscomb	.81	Waller	.99
Live Oak	.92	Ward	.77
Llano	.91	Washington	.97
Loving	.74	Wharton	.98
Lubbock	.82	Wheeler	.82
Lynn	.82	Wichita	.83
McCulloch	.87	Wilbarger	.82
McLennan	.93	Willacy	.86
Madison	.97	Williamson	.94
Marion	.88	Wilson	.92
Martin	.82	Winkler	.80
Mason	.87	Wise	.88
Maverick	.85	Wood	.89
Medina	.90	Yoakum	.82
Menard	.87	Young	.86
Midland	.81		

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$0.81	Piute	$0.81
Box Elder	.86	Rich	.86
Cache	.86	Salt Lake	.86
Carbon	.81	San Juan	.81
Daggett	.81	Sanpete	.81
Davis	.86	Sevier	.81
Duchesne	.81	Summit	.81
Emery	.81	Tooele	.86
Garfield	.81	Uintah	.81
Grand	.81	Utah	.81
Iron	.81	Wasatch	.81
Juab	.81	Washington	.81
Kane	.81	Wayne	.81
Millard	.81	Weber	.86
Morgan	.86		

VERMONT

All counties	$0.89

VIRGINIA

All counties	$0.89

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.93	Lewis	$0.90
Asotin	.90	Lincoln	.91
Benton	.94	Mason	.89
Chelan	.93	Okanogan	.91
Clallam	.83	Pacific	.89
Clark	.96	Pend Oreille	.86
Columbia	.93	Pierce	.94
Cowlitz	.93	San Juan	.91
Douglas	.92	Skagit	.91
Ferry	.88	Skamania	.97
Franklin	.93	Snohomish	.93
Garfield	.93	Spokane	.90
Grant	.92	Stevens	.87
Grays Harbor	.89	Thurston	.90
Island	.93	Wahkiakum	.93
Jefferson	.84	Walla Walla	.93
King	.95	Whatcom	.91
Kitsap	.88	Whitman	.91
Kittitas	.96	Yakima	.95
Klickitat	.96		

WEST VIRGINIA

All counties	$0.86

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.80	Marathon	$0.81
Ashland	.84	Marinette	.78
Barron	.85	Marquette	.81
Bayfield	.84	Menominee	.80
Brown	.81	Milwaukee	.88
Buffalo	.85	Monroe	.81
Burnett	.87	Oconto	.79
Calumet	.82	Oneida	.77
Chippewa	.84	Outagamie	.81
Clark	.82	Ozaukee	.84
Columbia	.82	Pepin	.86
Crawford	.80	Pierce	.87
Dane	.83	Polk	.87
Dodge	.83	Portage	.80
Door	.76	Price	.82
Douglas	.89	Racine	.88
Dunn	.86	Richland	.81
Eau Claire	.85	Rock	.84
Florence	.77	Rusk	.84
Fond du Lac	.83	St. Croix	.87
Forest	.78	Sauk	.81
Grant	.80	Sawyer	.85
Green	.83	Shawano	.80
Green Lake	.82	Sheboygan	.83
Iowa	.81	Taylor	.82
Iron	.83	Trempealeau	.83
Jackson	.83	Vernon	.81
Jefferson	.84	Vilas	.77
Juneau	.81	Walworth	.86
Kenosha	.90	Washburn	.87
Kewaunee	.78	Washington	.84
La Crosse	.82	Waukesha	.84
Lafayette	.81	Waupaca	.81
Langlade	.78	Waushara	.81
Lincoln	.77	Winnebago	.82
Manitowoc	.82	Wood	.82

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$0.78	Natrona	$0.80
Big Horn	.78	Niobrara	.73
Campbell	.65	Park	.78
Carbon	.80	Platte	.75
Converse	.71	Sheridan	.63
Crook	.66	Sublette	.80
Fremont	.80	Sweetwater	.80
Goshen	.75	Teton	.81
Hot Springs	.80	Uinta	.80
Johnson	.66	Washakie	.78
Laramie	.76	Weston	.72
Lincoln	.80		

(c) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

	Discount (cents per bushel)
Reason:	
Class—Mixed Barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent): [1]	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.74)	10

[1] Not applicable to barley of the class Western Barley.

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 11, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-7140; Filed, June 17, 1969; 8:45 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 5]

PART 1481—RICE

Subpart—Rice Export Program (GR–369)

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Rice Export Program (GR–369) Revision III (30 F.R. 778 as amended by 31 F.R. 7396, 31 F.R. 11309, 31 F.R. 11449 and 32 F.R. 5462) are hereby amended as follows:

1. In § 1481.101, the last two sentences are changed to read as follows:

§ 1481.101 General statement.

* * * This program will be administered in Washington, D.C., by the Export Marketing Service, U.S. Department of Agriculture and in the field by the Kansas City Agricultural Stabilization and Conservation Service Commodity Office. Information pertaining to the program may be obtained from the offices listed in 1481.140 and 1481.161.

2. In § 1481.106, paragraph (a) is amended by substituting for the first sentence the following:

§ 1481.106 Submission of offers.

(a) *Place and Time.* An exporter who wishes to receive an export payment under this subpart on an export of rice (other than an export of rice made pursuant to a sale under Public Law 480) should normally submit offers in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned offers must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex. Offers must be submitted to the office specified in § 148.161. * * *

3. In § 1481.106, paragraph (b) is amended by substituting for the language immediately preceding subparagraph (1) the following:

§ 1481.106 Submission of offers.

* * * * * * *

(b) *Form.* An offer including written confirmation of a telephoned offer shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed or in the case of a telephoned offer, transmitted by the exporter or a person authorized to make contracts on behalf of the exporter and shall state the following:

* * * * * * *

§ 1481.107 [Amended]

4. Section 1481.107 is amended by adding after the second sentence the following: "In the case of an offer submitted by telephone, Form CCC-411 will not be forwarded to the exporter until the written confirmation of the exporter's offer has been received by CCC."

5. In § 1481.108, the first sentence and paragraphs (a) (2), (3), and (4), and (c) (7) are revised to read as follows:

§ 1481.108 Notice of sale.

An exporter who wishes to receive an export payment under this program on an export of rice pursuant to a sale under a purchase authorization under Public Law 480 must file an offer consisting of a notice of sale with the office specified in 1481.161.

(a) *Time of filing.* (1) * * *

(2) The notice of sale should normally be filed by telegram, teletypewriter, or telex although telephone may be used. Telephoned notices of sale must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex.

(3) In order for the exporter to be assured of the payment rate in effect on the date the notice of sale is filed, the notice of sale must be filed or the telephone call made by 2:30 p.m. (e.s.t. or e.d.t. whichever is in effect) on such date. A notice of sale filed or a telephone call made after 2:30 p.m. will be considered as having been made on the following day for the purpose of determining the payment rate applicable to the rice exported under this program.

(4) The time of filing the notice of sale will be considered to be as follows:

(i) In case of a telephonic notice, the time transmission of the telephonic message to the Contracting Officer, CCC, begins.

(ii) In case the notice is filed by telegram, the time the message is accepted by the dispatching telegraph office. CCC will accept as the time of filing the time which appears on the telegram.

(iii) In case the notice is filed by teletypewriter or telex, the time transmission of the message to CCC begins.

(iv) If the notice is otherwise filed in writing, the time the notice is received by the office specified in § 1481.161.

* * * * * * *

(c) *Determination of date of sale.* * * *

(7) In any unusual cases involving factors other than those described above, an exporter should make a written request for a determination in writing from the office specified in § 1481.161 in advance of making the sale as to the effect of such factors on the time of sale.

§ 1481.109 [Amended]

6. Section 1481.109 is amended by adding after the second sentence of paragraph (a) the following: "In the case of a notice of sale filed by telephone, Form CCC–420 will not be forwarded to the exporter until written confirmation of the exporter's notice of sale has been received by CCC."

7. In § 1481.110, subparagraphs (1) and (2) of paragraph (a), are revised to read as follows:

§ 1481.110 Declaration of sale and evidence of sale.

(a) *Time of submission and required copies.* (1) If the sale is under Public Law 480, the exporter shall prepare a Form CCC–421 "Declaration of Sale" and should mail or deliver it to the office specified in § 1481.161 as soon as possible after receiving the notice of registration of sale from CCC.

(2) The declaration of sale must be submitted in an original and four copies. The original must be signed in an original signature by the exporter or his authorized representative. Two copies of the declaration of sale will be returned to the exporter signed by a Contracting Officer, CCC, confirming approval of the sale under this program for an export payment and approval of the sale for financing under the regulations issued pursuant to Public Law 480.

* * * * *

§§ 1481.111, 1481.113, 1481.116, 1481.128, 1481.129, 1481.130, 1481.136, 1481.137 [Amended]

8. Sections 1481.111(a)(1), (b) and (c)(1), 1481.113(b), 1481.116(a)(7), 1481.128(a), 1481.129(a)(7), 1481.130(b), 1481.136 and 1481.137(a) are amended by substituting the words "Assistant Sales Manager" for the words "Vice President, CCC."

§ 1481.156 [Revoked]

9. Section 1481.156 *Vice President* is revoked.

10. Section 1481.157 is amended to read as follows:

§ 1481.157 General sales manager.

"General Sales Manager" means the General Sales Manager of the Export Marketing Service, or his designee.

11. The following new § 1481.160 is added:

§ 1481.160 Assistant sales manager.

"Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, Export Marketing Service, or his designee.

12. The following new § 1481.161 is added:

§ 1481.161 Place of submission of offers and notices of sales.

(a) Offers to export rice, including offers consisting of notices of sale under Public Law 480 and related reports required to be submitted under this subpart, unless otherwise specified in these regulations, should be addressed as follows:

Chief, Contract Services Branch, Grain Division, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Delivery to the above office of telegraphic offers to export and notices of sale under Public Law 480 will be expedited if addressed as follows:

Substaff, USDA, (AG) Washington, D.C., TWX 710 822 9424 or 710 822 9425, Telex 089 491.

(c) Exporters calling the office in paragraph (a) of this section by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C., is 202. The telephone numbers of the office are DU8-7305, 8-7306, 8-3363, or 8-3364.

(Sec. 5, 62 Stat. 1072, sec. 407, 63 Stat. 1055, as amended, sec. 201(a), 70 Stat. 188; 15 U.S.C. 714c, 7 U.S.C. 1427, 1851)

Effective date: This amendment shall become effective at 2:31 p.m., e.d.t., on June 17, 1969.

Signed at Washington, D.C., on June 12, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

[F.R. Doc. 69-7185; Filed, June 13, 1969; 1:43 p.m.]

[Amdt. 3]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR-345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Wheat Export Program (GR-345) (32 F.R. 14739 and 32 F.R. 16251 as amended by 33 F.R. 10185 and 34 F.R. 6768) are hereby amended as follows:

§ 1483.111 [Amended]

1. Section 1483.111 is amended by changing the first sentence of paragraph (a) to read as follows:

(a) An offer for the exportation of wheat described in 1483.110 should normally be filed in writing, such as by telegram, teletypewriter, or telex, although telephone may be used. Telephoned offers must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex. * * *

2. Section 1483.111 is further amended by changing in paragraph (b) the language immediately preceding subparagraph (1) and by changing paragraph (e)(2) to read as follows:

(b) *Form.* An offer including a written confirmation of a telephoned offer shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed or in the case of a telephoned offer, transmitted by the exporter or a person authorized to make contracts on behalf of the exporter and shall state the following:

* * * * *

(e) * * *

(2) A request to modify an offer or withdraw an offer should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned requests must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex.

3. Section 1483.111 is further amended by changing the language in the second set of parentheses in paragraph (e)(1) to read: "(if otherwise made in writing or by telephone)."

§ 1483.112 [Amended]

4. Section 1483.112 is amended by adding after the second sentence of paragraph (a) the following: "In the case of an offer submitted by telephone, Form CCC-342 will not be forwarded to the exporter until the written confirmation of the exporter's offer has been received by CCC."

§ 1483.151 [Amended]

5. Section 1483.151 is amended by changing the first sentence of paragraph (a) to read as follows:

(a) An offer for the exportation of Durum wheat should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned offers must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex. * * *

6. Section 1483.151 is further amended by changing in paragraph (b) the language immediately preceding subparagraph (1) and by changing paragraph (e)(2) to read as follows:

(b) *Form.* An offer including a written confirmation of a telephoned offer shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed or in the case of a telephoned offer, transmitted by the exporter or a person authorized to make contracts on behalf of the exporter and shall state the following:

* * * * *

(e) * * *

(2) A request to modify an offer or withdraw an offer should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned requests must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex.

7. Section 1483.152 is amended by adding after the second sentence of paragraph (a) the following: "In the case of an offer submitted by telephone, Form CCC-422 will not be forwarded to the exporter until the written confirmation of the exporter's offer has been received by CCC."

(Secs. 4, 5, 62 Stat. 1070, 1072, sec. 102, 68 Stat. 454, as amended, sec. 407, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c, 7 U.S.C. 1702, 7 U.S.C. 1427)

Effective date: This amendment shall become effective at 3:31 p.m., e.d.t., on June 16, 1969.

Signed at Washington, D.C., on June 6, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager, Export Marketing Service.

[F.R. Doc. 69-7186; Filed, June 13, 1969; 1:43 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-26; Amdt. 39-781]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring: (1) A daily visual inspection for tail boom cracks using a three-power or higher magnifying glass; (2) a 25-hour periodic inspection for tail boom cracks using a three-power or higher magnifying glass along with necessary tail rotor balance; (3) replacement of the magnesium tail boom whenever certain cracks are found; and, (4) replacement, within specified limitations, of magnesium tail booms having or accumulating 500 hours' time in service on Bell Model 206A helicopters was published in 34 F.R. 7286.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206A helicopters, Serials Nos. 4 through 153, equipped with the magnesium tail boom assembly, Part No. 206-031-004-1 or -3.

Compliance required as indicated.

To prevent failure of the magnesium tail boom due to fatigue cracks, accomplish the following:

(a) Before the first flight of each day after the effective date of this AD:

(1) Remove the tail rotor drive shaft cover.

(2) Inspect the skin adjacent to the rivet holes for cracks in the following areas, using a 3-power or higher magnifying glass:

(i) The tab attachment of the drive shaft cover to the tail boom.

(ii) The area adjacent to the rivnut attachment of the tail rotor gear box fairing to the tail boom.

(iii) The horizontal stabilizer attachment fittings.

(3) Repair tail booms with only one skin crack less than 1 inch in length if the crack is located in an area described in (a)(2) (ii) or (iii) above, by stop drilling and deburring the holes.

(4) Remove and replace tail booms with any other skin crack, in accordance with paragraphs 8-37 through 8-47 of the Model 206A Maintenance and Overhaul Instructions.

(b) Within 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 25 hours' time in service from the last inspection:

(1) Remove the tail rotor drive shaft cover and the gear box fairing.

(2) Inspect the skin adjacent to the rivet holes for cracks in the following areas, using a 3-power or higher magnifying glass:

(i) The tab attachment of the driveshaft cover to the tail boom.

(ii) The rivnut attachments of the tail rotor gear box fairing to the tail boom.

(iii) The horizontal stabilizer attachment fittings.

(3) Repair tail booms with only one skin crack less than 1 inch in length if the crack is located in an area described in (b)(2) (ii) or (iii) above, by stop drilling and deburring the holes.

(4) Remove and replace tail booms with any other skin crack, in accordance with paragraphs 8-37 through 8-47 of the Model 206A Maintenance and Overhaul Instructions, before further flight.

(5) Inspect tail rotor balance and balance, if necessary, in accordance with paragraph 2A on Page 2 of Bell Service Bulletin No. 206A-7 dated August 22, 1968, or later FAA-approved revision or in accordance with an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(c) Remove and replace magnesium tail booms with 400 or more hours' time in service on the effective date of this AD within 100 hours' time in service therefrom.

(d) Remove and replace magnesium tail booms with less than 400 hours' time in service on the effective date of this AD, prior to accumulating 500 hours' time in service.

(e) Remove and replace all subsequent replacement magnesium tail booms prior to accumulating 500 hours' time in service.

(Bell Helicopter Co. Service Bulletin No. 206A-7 dated Aug. 22, 1968, pertains to this subject.)

This amendment becomes effective July 21, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6 (c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 10, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-7163; Filed, June 17, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-WE-11-AD; Amdt. 39-780]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 737 Series

Cracks have occurred in lugs of the aileron tab mast fittings and in the flanges of the aileron tab hinge fittings of Boeing 737 Series aircraft. The magnesium mast fitting failures have been attributed to stress corrosion caused by excessive clamp-up of the lugs during installation of the tab control rods. The magnesium tab hinge fitting failures have been attributed to static bending stresses developed during installation; also, the fixed length of the tab control rods may have contributed to the mast failures by causing a prestress in the lugs. Failure of the lugs or hinge fittings may result in trim tab flutter, which, in turn, may induce flutter in the aileron and wing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require initial and repetitive inspections of the aileron tab mast fittings, aileron tab hinge fittings, replacement of the mast and hinge fittings, and installation of adjustable tab control rods.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 to the Federal Aviation Regulations is amended by adding the following airworthiness directive:

BOEING. Applies to Boeing Model 737-100, 737-200, and 737-200C Series Airplanes.

Compliance required as indicated, unless already accomplished.

To detect cracking in the lugs of the aileron tab mast fittings and flanges of the aileron tab hinge fittings of Boeing Model 737 Series airplanes, and provide for the installation of parts to correct this condition, accomplish the following, or an equivalent inspection procedure and parts installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Within 25 hours' time in service after the effective date of this AD, visually inspect the aileron tab mast fittings for cracks in the lugs and for an excessive gap between the fitting lugs and the tab control rod ends in accordance with Boeing Alert Service Bulletin No. 57-1040, dated May 26, 1969 (hereinafter referred to as Boeing ASB 57-1040) or later FAA-approved revisions.

NOTE: Designated 737 Series aircraft listed in Group II, Boeing ASB 57-1040, delivered after April 15, 1969, have had the gaps shimmed and nuts torqued by the manufacturer and may therefore be inspected within the time intervals listed in Step (4).

(1) If cracks are found, replace the mast fitting with a new part in accordance with Boeing ASB 57-1040 (or later FAA-approved revision) before further flight.

(2) If no cracks are found, measure gap between mast fitting lugs and tab control rod end fitting, shim, and torque nut in accordance with instructions and limits specified in Boeing ASB 57-1040, or later FAA-approved revisions.

(3) If gaps between the fitting lugs and the tab control rod ends exceed those limits specified in Boeing ASB No. 57-1040, or later FAA-approved revisions, perform either (A) or (B) as follows:

(A) Shim the gaps and torque the nuts to the limits specified in the Alert Service Bulletin.

(B) Repeat the visual inspection for cracks at intervals not to exceed 25 hours' time in service, per (a)(1) and (a)(2) above.

(4) After the mast fittings have been properly gapped, shimmed and nuts torqued, per (a)(2) and (a)(3) above, inspect for cracks at intervals not to exceed 160 hours time in service until at least two inspections have been accomplished, or the part has accumulated an additional 260 hours time in service, whichever occurs later, and, thereafter, at intervals not to exceed 600 hours time in service.

(5) Inspection requirements under (a) of this AD may be terminated when: (A) the magnesium mast fittings are replaced with aluminum mast fittings per Boeing ASB No. 57-1040 (FAA-approved revision to be issued); and (B) the tab control rods are replaced with adjustable tab control rods, Boeing P/N 69-60081-1, installed per instructions in Boeing Service Bulletin 27-1025, dated April 30, 1969, or later FAA-approved revisions.

(b) Within 160 hours' time in service after the effective date of this AD, visually inspect the aileron tab hinge fitting flanges for cracks.

(1) If cracks are found, replace hinge fitting with a new Boeing P/N 6937805-6 before further flight.

(2) If no cracks are found, repeat inspection for cracks at intervals not to exceed 600 hours' time in service.

NOTE: Designated 737 Series aircraft listed in Group II, Boeing ASB 57-1040, delivered after April 15, 1969, have had the inspection of (b) performed by the manufacturer and may therefore be inspected at intervals not exceeding 600 hours' time in service.

(3) Inspection requirements under (b) of this AD may be terminated when magnesium

tab hinge fittings are replaced with an aluminum tab hinge fitting per Boeing ASB 57-1040 (FAA-approved revision to be issued).

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(d) Airplanes having cracked parts which require replacing under this AD may be flown in accordance with FAR 21.197 with the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region, to a base where the replacement of parts can be accomplished.

This amendment becomes effective on June 18, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 9, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-7164; Filed, June 17, 1969; 8:47 a.m.]

[Docket No. 9654; Amdt. 39-783]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Models BN-2 and BN-2A Aircraft Serial Nos. 3 Through 43 and Serial Nos. 45 and 46

A defective control system turnbuckle has been found on a Britten Norman Aircraft Model BN-2 airplane. In view of the serious consequences of the failure of such a turnbuckle and since this condition is likely to exist or develop on other aircraft of the same type design, an airworthiness directive (AD) is being issued to require inspection of the control system turnbuckles and replacement if found defective on Britten Norman Models BN-2 and BN-2A Aircraft Serial Nos. 3 through 43 and Serial Nos. 45 and 46.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN LTD. Applies to Britten Norman Models BN-2 and BN-2A Aircraft Serial Nos. 3 through 43 and Serial Nos. 45 and 46.

Compliance required as indicated unless already accomplished.

To prevent a possible failure of the aileron, rudder, or nose wheel steering control system, accomplish the following:

(a) Within the next 25 hours' time in service, inspect the threaded female portion of the fork-ends, P/N NB 45-B-879, of each turnbuckle assembly in the aileron, rudder, and nose wheel steering systems for evidence of thread defects in accordance with Britten-Norman Service Bulletin BN-2/SB.15, dated April 16, 1969, or later ARB-approved issue or later FAA-approved equivalent.

(b) If the threaded female portion of any turnbuckle fork-end is found to be defective during the inspection required by paragraph (a), replace each defective fork-end with a serviceable fork-end of the same part number before further flight.

This amendment becomes effective June 23, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; Sec. 601(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 10, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-7165; Filed, June 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Olympia, Wash., control zone.

Due to circumstances beyond the control of the agency, weather reporting service will not be available at Olympia after June 8, 1969, between the hours of 2100 to 0500 hours local time daily. The control zone is currently effective 24 hours daily, however, since weather services are a requirement for designation of a control zone and will not be available during the aforementioned hours, the control zone must be modified accordingly.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of public safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing in § 71.171 (34 FR 4557) the Olympia, Wash., control zone is amended by adding "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

Effective date: This amendment shall be effective upon publication in the FEDERAL REGISTER.

Issued in Los Angeles, Calif., on June 6, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7166; Filed, June 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Sullivan, Ind.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Sullivan, Ind., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 24, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

SULLIVAN, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07′00″ N., longitude 87°26′55″ W.); and within 3 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; (49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on May 7, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-7167; Filed, June 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Federal Airways

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to designate the United States segment of V-309 from the Prince Rupert, British Columbia, Canada, RBN, 1,200 feet AGL to Annette Island, Alaska; and to designate a segment of Blue 38 from the Prince Rupert RBN, 1,200 feet AGL to Annette Island, radio range station; 42 miles 1,200 feet AGL, 5,200 feet MSL Petersburg, Alaska, radio range station; 1,200 feet AGL to the Five Finger, Alaska, RBN. These actions are taken at the request of the Canadian Department of Transport to reduce delays to northbound instrument flight rule traffic departing Prince Rupert.

Since these amendments are minor in nature in that they involve the designation of a small amount of controlled airspace, notice and public procedure thereon are unnecessary, However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. Section 71.109 (34 F.R. 4508) is amended as follows:

a. In Blue 38 "From Five Finger, Alaska," is deleted and "From Prince Rupert, British Columbia, Canada, RBN, 12 AGL Annette Island, Alaska, RR; 42 miles 12 AGL, 52 MSL, Petersburg, Alaska, RR; 12 AGL Five Finger, Alaska, RBN;" is substituted therefor.

2. In § 71.125 (34 F.R. 4543) V-309 is added as follows:

a. V-309 From Prince Rupert, British Columbia, Canada, RBN, 12 AGL Annette Island, Alaska. The airspace within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348. Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-7189; Filed, June 17, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-55]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 is to extend the time of designation of Temporary Restricted Area R-4902 Nashua, N.H.

On October 28, 1965, the Department of the Navy requested the designation of a temporary restricted area to contain Navy aircraft conducting unusual classified operations that would be hazardous to nonparticipating aircraft. R-4902 was designated by Airspace Docket No. 65-WA-60 which was published in the FEDERAL REGISTER (30 F.R. 13864) on November 2, 1965, and was to expire on February 4, 1966. Since that time this area has been extended from year to year with the last previous designation to July 31, 1969, being contained in Airspace Docket No. 68-EA-18 (33 F.R. 6085).

The flight test operations for which the area was originally designated have been completed; however, the Navy has advised that other classified aircraft operations and testing hazardous to nonparticipating aircraft are now being performed within R-4902 and there is an urgent military requirement in the direct interest of national defense that the operations be continued and that the time of designation of R-4902 be extended to July 31, 1970.

Since the Department of the Navy has stated that the continued designation of the area is of urgent military necessity, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of Public Law 89-554 (5 U.S.C. 553), therefore, this amendment may become effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.49 (34 F.R. 4836) R-4902 Nashua, N.H. (Temporary), is amended as follows: "Time of designation: 0900 local time to sunset, November 4, 1965, through July 31, 1969," is deleted, and "Time of designation: 0900 local time to sunset, November 4, 1965, through July 31, 1970," is substituted therefor.

(Secs. 307(a), 307(f), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-7188; Filed, June 17, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-575, Amdt. 10]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES CHARTERS TO DIRECT FOREIGN AIR CARRIERS FOR LIMITED PURPOSES

Definitions and Reports of Emergency Commercial Charters for Other Direct Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1969.

In a notice of proposed rule making published in the FEDERAL REGISTER on February 20, 1969 (34 F.R. 2420) and circulated to the industry as EDR-155, Docket 20076, the Board proposed to amend Parts 207, 208, 212, 214, and 295 of the economic regulations (14 CFR Parts 207, 208, 212, 214, and 295) to permit direct air carriers and direct foreign air carriers to charter aircaft to direct foreign air carriers for transportation of commercial traffic in emergency cases, or solely for transportation of company personnel or company property. A reporting requirement would be imposed on the emergency commercial charter authorization.

In support of the proposal the Board stated that it appeared desirable from the standpoint of minimal inconvenience to passengers or delay in the carriage of cargo to permit emergency intercarrier charters, regardless of whether the charterer is a foreign or U.S. direct carrier. However, to assure that the emergency commercial charter authority is not abused, it was proposed to condition such authority on the filing of special reports by the carrier performing the transportation.

Pursuant to the notice, comments were received on behalf of four foreign air carriers,[1] three U.S.-flag route carriers,[2] two U.S. all-cargo carriers,[3] and four supplemental carriers.[4] The Board has given consideration to all comments presented. For the reasons hereinafter set forth and those announced in EDR-155, we have decided to adopt the proposed rules with modifications, and, except as modified, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated herein by reference and made final. In the case of emergency charters of foreign air carriers (Part 212), we shall delete the reporting requirement and we shall add to the reporting requirement in Parts 207, 208, 214, and 295 the following two items: (a) The date of initial contact by the chartering carrier regarding the charter; and (b) the reasons why the traffic in question could not be carried by other carriers certificated to serve the particular market.

In their comments the foreign route carriers raise questions concerning the applicability of the rule to on-route charters,[5] and we find that this matter requires clarification. It was not intended that the proposed amendment to Part 212 apply to on-route charters.[6] Its purpose was solely to expand the off-route charter authority of foreign route carriers, subject to a reporting requirement. Moreover, we shall not impose a reporting requirement in Part 212. As Swissair points out, a reporting requirement is unnecessary in light of the prior approval limitation contained in § 212.4.[7]

[1] Foreign route air carriers KLM Royal Dutch Airlines (KLM), Lufthansa German Airlines (Lufthansa), Swissair, Swiss Air Transport Co. (Swissair); and foreign charter carrier Martin's Air Charter (Martin's).

[2] Braniff Airways (Braniff); Pan American World Airways (Pan American); Trans World Airlines (TWA).

[3] The Flying Tiger Line Inc. (Flying Tiger); Seaboard World Airlines, Inc. (Seaboard).

[4] Modern Air Transport, Inc. (Modern); Overseas National Airways, Inc. (ONA); Trans International Airlines, Inc. (TIA); World Airways, Inc. (World).

[5] KLM also challenges the Board's authority to amend Part 212 through rule making proceedings. This same argument was discussed and rejected in ER-519, adopted Nov. 22, 1967, and ER-568, adopted Mar. 27, 1969.

[6] The same is true with respect to Part 207.

[7] § 212.4 "A foreign air carrier shall not perform any off-route charter trips unless specific authority in the form of a statement of authorization to conduct such charter trip has been granted by the Board."

Certain U.S. certificated route carriers urge that the rule define the term "emergency commercial charter" to prevent abuse in the exercise of this new authority. It is claimed that the language in the notice that the rule would authorize "one or at most a few flights" is nebulous and that the rule would be difficult to enforce. They suggest that the Board also enumerate the situations which would not qualify as "emergency" charters.

No carrier has submitted a proposed definition of the term "emergency commercial charter" and we will not, at this time, attempt to add a precise definition to the rule. As noted in the explanatory statement (EDR–155, supra, the purpose of the reporting requirement is to assure that the emergency commercial charter authority is not abused. We there stated that such authorization is intended to allow only one or at the most a few flights,[8] and that it does not authorize a continuing wet lease arrangement where, for example, a carrier has lost or is overhauling an aircraft. Without attempting to cover all types of situations which would qualify as emergency charters, we believe that events such as unforeseen mechanical difficulties would be within the scope of the rule. Circumstances which would not qualify as emergencies would include oversales, cancellation of a flight due to periodic overhaul of aircraft or delays in the delivery of new aircraft. Should the reports filed under the rule reveal numerous borderline cases of emergency charters, the Board will issue an interpretation of the rule for the future guidance of carriers.

Also, we shall reject other suggestions of the carriers. There is no sound basis for Seaboard's concern[9] that the rule would enable transatlantic supplemental carriers to perform emergency transatlantic cargo charters, since such carriers do not possess cargo authority and the rule will not grant a carrier any basic authority which it does not already possess.[10] Nor will we adopt the proposal for a 1-year authorization or for the abolition of the reporting requirement after a trial period. Both the authorization and the concomitant reporting requirement will be for an indefinite term. Should the need arise, the Board possesses ample power to revise the rule to meet unforeseen developments. Nor is it necessary that the charter rates for emergency charters be "prevailing" charter rates of the carriers authorized to provide charter services in the markets involved or that there be a "first refusal" procedure. As we view it, the emergency charter authorization will be limited in extent and will have no substantial adverse effect on the certificated route carriers or other classes of direct air carriers or direct foreign air carriers.[11]

On the other hand, we find merit in and shall adopt TWA's suggestion that the post operation report include the date of initial contact by the chartering carrier and the reasons why the traffic in question was not or could not have been carried on the services of other carriers certificated in the market. Such information will be of assistance in assuring that emergency charter authority is not abused.

Accordingly, the Civil Aeronautics Board amends Part 207 of the Economic Regulations (14 CFR Part 207) effective July 18, 1969, as follows:

1. Amend the Table of Contents to add new § 207.10 to read as follows:

Sec.

* * * * * *

207.10 Reports of emergency commercial charters for other direct carriers.

2. Amend subparagraph (1) of the definition of "Charter trip" in § 207.1 as follows:

§ 207.1 Definitions.

* * * * *

"Charter trip" means air transportation * * * where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis—

(1) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel ~~or~~ company property, or in cases of emergency, of commercial traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

* * * * *

3. Add new § 207.10 to read as follows:

§ 207.10 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by subparagraph (1) of the definition of "charter trip" in § 207.1 that each air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter trip, containing the following information:

(1) Name of direct carrier performing the charter and name of direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, if any;

(4) Number of passengers and/or tons of cargo transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867); 49 U.S.C. 1324, 1371)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7209; Filed, June 17, 1969; 8:50 a.m.]

[Reg. ER–576, Amdt. 2]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Charters To Direct Foreign Air Carriers for Limited Purposes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1969.

In a notice of proposed rule making dated February 17, 1969 (EDR–155, 34 F.R. 2420), the Board proposed to amend Parts 207, 208, 212, 214, and 295 to permit direct air carriers and direct foreign air carriers to charter aircraft to direct foreign air carriers for transportation of commercial traffic in emergency cases, or solely for transportation of company personnel or company property, and to impose a reporting requirement on the emergency commercial charter authorization. Pursuant to the notice, comments were received on behalf of certain direct air carriers and foreign air carriers.

For the reasons set forth in Regulation ER–575, published simultaneously herewith, we have determined to adopt the proposed rule with certain modifications. Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the economic regulations (14 CFR Part 208) effective July 18, 1969, as follows:

1. Amend the Table of Contents to add new § 208.5 to read as follows:

Sec.

* * * * * *

208.5 Reports of emergency commercial charters for other direct carriers.

2. Amend subparagraphs (2) (i)(*a*) and (ii)(*a*) of the definition of "Charter flight" in § 208.3(*s*) as follows:

§ 208.3 Definitions.

* * * * * *

(*s*) "Charter flight" * * * means—

(1) * * *

(2) Air transportation performed by a direct air carrier on a time, mileage or trip basis where—

(i) The entire capacity of one or more aircraft has been engaged for the movement of persons and property—

(*a*) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

* * * * *

(ii) Less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage—

(*a*) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

3. Add new § 208.5 to read as follows:

§ 208.5 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by § 208.3(*s*)(2) (i)(*a*) and (ii)(*a*) that each supplemental air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter flight, containing the following information:

(1) Name of direct carrier performing the charter and name of direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, if any;

(4) Number of passengers and/or tons of cargo transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867); 49 U.S.C. 1324, 1371)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7210; Filed, June 17, 1969; 8:50 a.m.]

[Reg. ER–577, Amdt. 4]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Charters To Direct Foreign Air Carriers for Limited Purposes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1969.

In a notice of proposed rule making dated February 17, 1969 (EDR–155, 34 F.R. 2420), the Board proposed to amend Parts 207, 208, 212, 214, and 295 to permit direct air carriers and direct foreign air carriers to charter aircraft to direct foreign air carriers for transportation of commercial traffic in emergency cases, or solely for transportation of company personnel or company property, and to impose a reporting requirement on the emergency commercial charter authorization. Pursuant to the notice, comments were received on behalf of certain direct air carriers and foreign air carriers.

For the reasons set forth in Regulation ER–575, published simultaneously herewith, we have determined to adopt the proposed rule with certain modifications, including omission of a reporting requirement in Part 212. Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the economic regulations (14 CFR Part 212), effective July 18, 1969, as follows:

Amend subparagraph (5) of the definition of "charter trip" in § 212.1(a) as follows:

§ 212.1 Definitions.

For the purposes of this part:

(a) "Charter trip" means foreign air transportation * * * where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis—

* * * * *

(5) By a direct air carrier, direct foreign air carrier, or surface carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic.

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7211; Filed, June 17, 1969; 8:50 a.m.]

[Reg. ER–578, Amdt. 2]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Charters To Direct Foreign Air Carriers for Limited Purposes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1969.

In a notice of proposed rule making dated February 17, 1969 (EDR–155, 34 F.R. 2420), the Board proposed to amend Parts 207, 208, 212, 214, and 295 to permit direct air carriers and direct foreign air carriers to charter aircraft to direct foreign air carriers for transportation of commercial traffic in emergency cases, or solely for transportation of company personnel or company property, and to impose a reporting requirement on the emergency commercial charter authorization. Pursuant to the notice, comments were received on behalf of certain direct air carriers and foreign air carriers.

For the reasons set forth in Regulation ER–575, published simultaneously herewith, we have determined to adopt the proposed rule with certain modifications. Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214) effective July 18, 1969, as follows:

1. Amend the Table of Contents to add new § 214.5 to read as follows:

Sec.

* * * * * *

214.5 Reports of emergency commercial charters for other direct carriers.

2. Amend subparagraphs (1)(i) and (2)(i) of the definition of "Charter flight" in § 214.2(b) as follows:

§ 214.2 Definitions.

* * * * * *

(b) "Charter flight" means air transportation * * * on a time, mileage, or trip basis where

(1) The entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided,* That emergency charters for commercial (passenger) traffic shall be reported in accordance with § 214.5);

* * * * *

(2) Less than the entire capacity of an aircraft has been engaged:

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is

[8] TWA would have the Board specify the maximum number of emergency charters permitted in any 1 year. We see no need for this further limitation. In our view, the reporting requirement and the elucidation of the term "emergency" set forth herein are sufficient to control any abuse in the exercise of the emergency charter authority.

[9] TWA makes a similar argument.

[10] Seaboard's request that the Board except from the rule transatlantic cargo charters by other classes of carriers is rejected. Seaboard has failed to show any substantial adverse effect from adoption of the proposed rule.

[11] Pan American requests that the post charter reports be accorded full public disclosure. We have always intended that this would be the case.

engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 214.5);

* * * * *

3. Add new § 214.5 to read as follows:

§ 214.5 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred in § 214.2(b) (1) (i) and (2) (i) that each foreign charter air carrier which performs an emergency charter transporting commercial passenger traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter flight, containing the following information:

(1) Name of direct carrier performing the charter and the name of the direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, if any;

(4) Number of passengers transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7212; Filed, June 17, 1969; 8:50 a.m.]

[Reg. ER-579, Amdt. 4]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Charters To Direct Foreign Air Carriers for Limited Purposes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1969.

In a notice of proposed rule making dated February 17, 1969 (EDR-155, 34 F.R. 2420), the Board proposed to amend Parts 207, 208, 212, 214, and 295 to permit direct air carriers and direct foreign air carriers to charter aircraft to direct foreign air carriers for transportation of commercial traffic in emergency cases, or solely for transportation of company personnel or company property, and to impose a reporting requirement on the emergency commercial charter authorization. Pursuant to the notice comments were received on behalf of certain direct air carriers and foreign air carriers.

For the reasons set forth in Regulation ER-575, published simultaneously herewith, we have determined to adopt the proposed rule with certain modifications. Accordingly, the Civil Aeronautics Board hereby amends Part 295 of the Economic Regulations (14 CFR Part 295), effective July 18, 1969, as follows:

1. Amend the Table of Contents to add new § 295.6 to read as follows:

Sec.

* * * * *

295.6 Reports of emergency commercial charters for other direct carriers.

2. Amend subparagraphs (1) (i) and (2) (i) of the definition of "Charter flight" in § 295.2(b) as follows:

§ 295.2 Definitions.

* * * * *

(b) "Charter flight" means air transportation performed by a direct air carrier on a time, mileage or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 295.6);

* * * * *

or (2) less the entire capacity of an aircraft has been engaged—

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 295.6);

* * * * *

3. Add new § 295.6 to read as follows:

§ 295.6 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred in § 295.2(b) (1) (i) and (2) (i) that each supplemental air carrier which performs an emergency charter transporting commercial passenger traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days after each charter flight, containing the following information:

(1) Name of direct carrier performing the charter and the name of the direct carrier for which the charter was performed;

(2) Date of flight or flights;

(3) Points of origin and destination, and intermediate points, if any;

(4) Number of passengers transported;

(5) Description of circumstances creating the emergency;

(6) Date of initial contact by the chartering carrier regarding the charter;

(7) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143 and 82 Stat. 867); 49 U.S.C. 1324, 1371)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7213; Filed, June 17, 1969; 8:50 a.m.]

[Reg. ER-580, Amdt. 1]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Air Taxi Mail Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of June 1969.

By notice of proposed rule making dated April 25, 1969, EDR-160, Docket 20945, and published at 34 F.R. 7065, the Board proposed to amend Part 298 to extend the exemption granted air taxi operators to engage in the transportation of mail until June 30, 1974.

Interested persons were afforded an opportunity to participate in the rule making. The only comment received, on behalf of the National Air Transportation Conferences, supports the proposed rule. The Board has decided to adopt the rule as proposed, and the tentative findings set forth in the explanatory statement to the proposed rule are incorporated herein by reference and made final.

Since this extension of the exemptions contained in Part 298 is a rule relieving a restriction, it may be made effective on less than 30 days' notice. Accordingly, the Board hereby amends § 298.13 of the economic regulations (14 CFR § 298.13), effective July 1, 1969, to read as follows:

§ 298.13 Duration of exemption.

The exemption from any provision of title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided*, That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators; *And, provided further*, That the authorizations to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii shall terminate on June 30, 1974.

(Secs. 204(a), 406, 416, of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 763 (as amended by 76 Stat. 145, 80 Stat. 942), 771; 49 U.S.C. 1324, 1376, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7214; Filed, June 17, 1969; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 35-16369]

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

Adoption of Modifications of Policies Regarding Redemption Provisions of Long-Term Debt Securities Issued and Sold Under Holding Company Act

On November 20, 1968, the Securities and Exchange Commission published an invitation for comments (Release No. 35-16211, 33 F.R. 17817) on the question of whether it should modify those provisions of its Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935 (Release No. 35-13105, 21 F.R. 1286) which heretofore have required that bonds issued and sold pursuant to the terms of sections 6 (15 U.S.C. 79(f)) and 7 (15 U.S.C. 79(g)) of such Act ("Act") be redeemable at the option of the issuer "at any time upon reasonable notice and with reasonable redemption premiums, if any." A number of persons have submitted comments.

The Commission has concluded that it is appropriate, in the public interest and in the interest of investors and consumers, to permit the issuers of first mortgage bonds subject to the Act to include a 5-year refunding limitation in the terms and provisions of new issues of such bonds. Accordingly, pursuant to the provisions of sections 6 (15 U.S.C. 79(f)), 7 (15 U.S.C. 79(g)) and 20 (15 U.S.C. 79(t)) of the Act, the Commission has suspended the redemption requirement now contained in its Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935 (Release No. 35-13105, 21 F.R. 1286), so that issuers may include in the indentures securing new issues of mortgage bonds a provision prohibiting, for a period of not more than 5 years, the refunding of such bonds by the issuance of debt securities at lower interest costs.

Heretofore, the general redemption prices of first mortgage bonds have been considered reasonable, within the meaning of the statement of policy, whenever such general redemption prices commence, immediately following the issuance of such bonds, at an amount equal to the sum of the coupon rate plus the public offering price and decline each year thereafter by equal amounts to the principal amount at the beginning of the last year prior to maturity. No change in this policy is authorized. Therefore, when the 5-year period of nonrefundability authorized herein expires, the general redemption price at which the bonds may then be called will be the same as it would have been if there had been no restriction on refundability.

The modification of redemption policy herein authorized shall not apply to the redemption of first mortgage bonds for sinking fund, or to redemptions in connection with mergers, sales of properties, or for other corporate purposes.

The foregoing modification of redemption policy shall also be applicable to other long-term debt securities issued and sold pursuant to sections 6 (15 U.S.C. 79(f)) and 7 (15 U.S.C. 79(g)) of the Act.

The Commission wishes to emphasize that it will continuously review the effects of its redemption policies, including specifically the foregoing modification, and based on experience with the modification make such adjustments in these policies as may from time to time be deemed appropriate, including a rescission of the present modification, an extension of the allowed 5-year nonrefunding period, or any other change experience would warrant.

The modification of policy as to refundability herein authorized shall become effective on May 8, 1969.

(Sec. 6, 49 Stat. 814, 15 U.S.C. 79(f); sec. 7, 49 Stat. 815, 15 U.S.C. 79(g); and sec. 20, 49 Stat. 833, 15 U.S.C. 79(t))

By the Commission.

NELLYE A. THORSEN, *Assistant Secretary.*

MAY 8, 1969.

[F.R. Doc. 69-7153; Filed, June 17, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Pursuant to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127) effective January 28, 1969 (33 F.R. 17804, Nov. 28, 1968), the Secretary of Housing and Urban Development published in the FEDERAL REGISTER (34 F.R. 2673-75, Feb. 27, 1969) a notice of proposed rule making in which he proposed a new Part 1910 of Title 24 in which were set forth criteria for land management and use in connection with the National Flood Insurance Program.

The purpose of the criteria is to encourage the adoption, where necessary, of permanent State and local land use and control measures for land management and use in flood-prone areas. Flood insurance under this program may be made available only in States or areas (or subdivisions thereof) which have evidenced a positive interest in securing flood insurance under this program and which have given assurances that by June 30, 1970, appropriate land use and control measures consistent with these criteria, with effective enforcement provisions, shall have been adopted. After June 30, 1970, no new flood insurance coverage may be provided under this program in any area which has not adopted such measures.

Comments on the proposed criteria were invited from all interested persons. Comments, views, and suggestions were received from many interested persons as well as from Federal and State agencies, local governments, insurance commissioners, and members of the National Flood Insurance Advisory Committee. These comments, views, and suggestions were carefully reviewed, and publication of the formal criteria has been delayed to enable them to be fully taken into consideration. The following formulation of revised criteria for land management and use thus deals explicitly with flood plain regulation, flood zoning, and flood damage prevention in flood-prone areas. Because of the substantial amount of public interest which has been shown in obtaining flood insurance at the earliest practicable date, it has been found that good cause exists to make these criteria under Part 1910 effective upon publication, in accordance with 5 U.S.C. 553(d).

Parts 1909 and 1911 through 1915. Under this program, which is designed to make flood insurance available through a cooperative effort between the Federal Government and the private property insurance industry, coverage will be available initially for residential properties designed for the occupancy of from one to four families and, at a later date, for small business properties, in inland and coastal flood-prone areas. As more experience is gained in the operation of the program, flood insurance coverage may be extended to include other types and classes of properties.

In accordance with the provisions of the National Flood Insurance Act, the Secretary expects to assign a priority in establishing estimated risk premium rates, which must precede the sale of insurance, to those States or areas (or subdivisions) which have evidenced a positive interest in securing flood insurance coverage.

The purpose of Parts 1909 and 1911 through 1915 is to set forth the general definitions applicable to the program, types of properties eligible for insurance and limits of coverage, manner in which insurance will be sold and loss claims adjusted, manner in which areas eligible

for coverage will be designated, and manner in which flood-prone areas having special flood hazards will be identified. Since Parts 1909 and 1911 through 1915 all relate to a benefits program, 5 U.S.C. 553 does not apply to such parts. However, as required by the Act, the Secretary has consulted with the Flood Insurance Advisory Committee, the National Flood Insurers Association, and appropriate representatives of the State insurance authorities prior to the issuance of this subchapter.

Under Title 24, Chapter VII, a new Subchapter B is established to read as follows:

PART 1909—GENERAL PROVISIONS

Sec.
1909.1 General definitions.

AUTHORITY: The provisions of Part 1909 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

§ 1909.1 General definitions.

As used in this subchapter—

"Accounting period" means any annual period during which the Agreement is in effect: *Provided*, That the first accounting period will begin June 6, 1969, and end June 30, 1970. Thereafter each accounting period will begin July 1 and end June 30. Each accounting period under the Agreement applies separately to the insurance premiums payable, losses incurred, premium equalization and reinsurance payments due, and operating costs and allowances attributable with respect to all policies issued under the program during the accounting period.

"Act" means the National Flood Insurance Act of 1968, enacted as title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127, which became effective January 28, 1969, by order of the Secretary (33 F.R. 17804, Nov. 28, 1968) pursuant to section 1377 of the Act.

"Actuarial rates" means the risk premium rates, estimated by the Administrator pursuant to studies and investigations undertaken by him in accordance with section 1307 of the Act, necessary to provide flood insurance in accordance with accepted actuarial principles. Actuarial rates include applicable operating costs and allowances.

"Administrator" means the Federal Insurance Administrator and the Deputy Federal Insurance Administrator, to whom the Secretary has delegated the administration of the program (34 F.R. 2680–81, Feb. 27, 1969).

"Agreement" means the contract entered into for the accounting period June 6, 1969, through June 30, 1970, by and between the Administrator and the Association, whereby the Association will provide policies of flood insurance under the program within designated areas and will adjust and pay claims for losses arising under such policies. The Agreement is renewed automatically with respect to each subsequent accounting period unless either the Administrator or the Association gives the other written notice of intention to terminate on or before January 31 of the then current accounting period.

"Association" means the National Flood Insurers Association and, as the context may indicate, the insurance pool composed of two or more of its members or any member acting for or on behalf of the Association under the Agreement.

"Chargeable rates" means the reasonable premium rates, estimated by the Administrator in accordance with section 1308 of the Act, which are charged to prospective insureds in order to encourage them to purchase the flood insurance made available under the program. Generally, for areas having special flood hazards, chargeable rates are considerably lower than actuarial rates.

"Coinsurance" means a sharing of the risk of a partial loss by an insured along with an insurance company, generally as a result of the insured's having purchased an insufficient amount of insurance. The coinsurance clause does not apply to losses in excess of coverage.

"Criteria" means the comprehensive criteria for land management and use developed under section 1361 of the Act for the purposes set forth in § 1910.51 of this chapter.

"Deductible" means the fixed amount or percentage of any loss not covered by an insurance policy. The amount of the deductible must be exceeded before insurance coverage takes effect.

"Department" means the U.S. Department of Housing and Urban Development, whose address is 451 Seventh Street SW., Washington, D.C. 20410.

"Designated area" means a State, area, or subdivision thereof for which the Administrator has authorized the sale of flood insurance under the program, as delineated on the Official Flood Insurance Map.

"Flood" or "flooding" means the general and temporary condition of partial or complete inundation of normally dry land areas (a) from the overflow of streams, rivers, or other inland waters or (b) from tidal surges, abnormally high tidal water, tidal waves, or rising coastal waters resulting from hurricanes, tsunamis, or other severe storms.

"Flood plain" means the area, usually a relatively flat or lowland area, adjoining a river, stream, watercourse, ocean, bay, or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood water.

"Flood plain area having special flood hazards" generally means the maximum area of the flood plain which is likely to be flooded at least once every 100 years. For the purposes of this part, it is the area identified in accordance with section 1360 of the Act and delineated on the Official Flood Hazard Map. This is the minimum area to which the requirements of this part apply and in which flood insurance initially will be sold after the prerequisites set forth in this part have been met.

"Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, based on an adequate understanding and description of probable flood hazards, including but not limited to emergency preparedness plans, flood control works, and flood plain regulations (land use and control measures).

"Flood-prone area" means any area which can reasonably be expected to be subject to periodic flooding. For the purpose of Part 1910 of this chapter the term is generally synonymous with "flood plain area".

"Floodway" means the area of the flood plain reasonably required to carry and discharge flood waters. The limits of the floodway will vary according to conditions within the flood plain. For coastal areas, the term is applied to the area where waters from the 100-year or reasonably anticipated flood could be expected to result in significant property losses to normally designed structures.

"Floodway-encroachment lines" means the lines marking the limits of floodways on official Federal, State, and local flood-plain maps.

"Insurance adjustment organization" means any organization or person engaged in the business of adjusting loss claims arising under insurance policies issued by any insurance company or other insurer.

"Insurance company" or "insurer" means any person or organization authorized to engage in the insurance business under the laws of any State.

"Land use and control measures" means zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for, and prudent use of, flood-prone areas.

"National Flood Insurers Association" is the Association sponsoring the industry flood insurance pool formed in accordance with sections 1331 and 1332 of the Act (See "Agreement" and "Association"). The Association headquarters is located at 125 Maiden Lane, New York, N.Y. 10038.

"Official Flood Hazard Map" means the official map published or designated by the Administrator to identify flood-plain areas having special flood hazards, in accordance with section 1360(1) of the Act.

"Official Flood Insurance Map" means the official map on which the Administrator has delineated the boundaries of the designated areas in which flood insurance under the program may be sold.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof.

"Policy" means the Standard Flood Insurance Policy.

"Policyholder premium" means the total insurance premium payable by the insured for the coverage or coverages provided under the policy. The calculation of the policyholder premium may be based upon either chargeable rates or actuarial rates, or both.

"Program" means the overall National Flood Insurance Program authorized by the Act, including its required coordination with land management programs in flood-prone areas in accordance with sections 1360–1362 of the Act.

"Secretary" means the Secretary of Housing and Urban Development, who is authorized to carry out the program by section 1304 of the Act.

"Standard Flood Insurance Policy" means the standard contract or policy by means of which flood insurance coverage under the program is made available to an insured by the Association. The form of the policy, as well as its terms and conditions, must have the prior approval of the Administrator and be uniform with respect to all areas.

"Start of construction" means the placement of permanent construction, such as pouring of footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; installation of sewer, gas, and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.

"State" means the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.

"Substantial improvement" means any improvement which increases the actual cash value of a structure by an amount in excess of 50 percent of its actual cash value before the making of the improvement. Substantial improvement does not include any temporary or other improvement which does not alter the internal or external design of the building. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

PART 1910—CRITERIA FOR LAND MANAGEMENT AND USE

Subpart A—General

Sec.
1910.1 Purpose of Subpart A.
1910.2 Priority for rate determination—evidence of positive interest.
1910.3 Conditions for insurance availability—assurances.

Subpart B—Criteria

1910.51 Purpose of criteria.
1910.52 State and local development goals.
1910.53 Planning considerations.
1910.54 State coordination.
1910.55 Local coordination.
1910.56 Land use and control measures.
1910.57 Subdivision planning requirements.
1910.58 Building and health code requirements.
1910.59 Revisions.

AUTHORITY: The provisions of Part 1910 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

Subpart A—General

§ 1910.1 Purpose of Subpart A.

(a) Pursuant to Section 1305(c) of the Act, flood insurance shall be available only in States or areas (or subdivisions thereof) which the Administrator determines:

(1) Have evidenced a positive interest in securing coverage under the flood insurance program; and

(2) Have given satisfactory assurances (i) that by June 30, 1970, land use and control measures, with effective enforcement provisions, will have been adopted by the State or area (or subdivision thereof) which are consistent with such criteria for land management and use as may be developed by the Administrator from time to time and published in this part, and (ii) that application and enforcement of such measures will commence as soon as the necessary technical information on floodways and controlling flood elevations is available.

(b) This subpart (1) describes and provides instructions for submission of (i) satisfactory evidence of positive interest in flood insurance coverage and (ii) satisfactory assurances of intent to comply with land use requirements, and (2) lists the considerations to be used in establishing priorities for surveys to provide a basis for insurance rate determinations.

(c) On receipt of satisfactory evidence of positive interest in flood insurance coverage, the Administrator will place the State or area (or subdivision thereof) on a register of areas eligible for rate-making determinations. Flood insurance will be made available as soon as practicable after satisfactory assurances of intent to comply with land management and use criteria have been submitted and rates have been established.

§ 1910.2 Priority for rate determination—evidence of positive interest.

(a) Priority in conducting studies and investigations and making estimates of risk premium rates for flood insurance will be given to those States or areas (or subdivisions thereof) which the Administrator determines to have officially evidenced a positive interest in securing flood insurance coverage under this program. The Administrator may give priorities within individual States to those local areas identified by an appropriate State agency as having the greatest need for flood insurance.

(b) Such evidence of positive interest at a minimum shall include, but shall not be limited to:

(1) Official legislative and executive actions, specifically applicable to the area for which such coverage is sought, by the duly constituted State or local bodies, agencies, or officials for such area, indicating:

(i) That there is a recognized public need for flood insurance;

(ii) The extent, if any, to which public and private flood plain management activities, including zoning, building codes, easements, and other flood plain regulatory measures, have been instituted; and

(iii) A willingness to take such other official actions as may be necessary to carry out the objectives of the program. Such actions should include cooperation with the Federal, State, and local agencies which undertake to study, survey, map, and identify flood-prone areas in individual localities; and the identification and evaluation of local flood hazards based upon current flood plain information reports.

For States, such official actions should include the enactment of enabling legislation, wherever necessary, conferring authority upon counties, cities, and other political subdivisions to enact and enforce land use measures, codes, and ordinances designed to reduce the exposure of property to flood losses;

(2) Materials which generally:

(i) Identify the proposed boundaries of the flood-prone areas for which flood insurance is sought, giving the relevant flooding history and flood plain characteristics;

(ii) Cite the legal authority for local or statewide flood plain regulation; and

(iii) Identify the rivers, bays, gulfs, lakes, or other bodies of water causing the flooding problems.

(c) The required evidence of interest and supporting documentation should be sent to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

(d) Those States or areas which comply with the requirements of paragraph (b) of this section will be placed on a register of areas eligible for rate-making studies. Areas for rate-making studies will be selected from this register on the basis of the following considerations:

(1) Location of area and exposure to flood damage;

(2) Urgency of need for flood insurance and evidence of initiation of local flood plain management activities;

(3) Population of area and intensity of existing or proposed flood plain development;

(4) Availability of information for the area with respect to flood characteristics and damage;

(5) Recommendations of State officials as to areas within States which should have priorities in flood insurance availability;

(6) Extent of State and local progress in flood plain management, including actual adoption by the area of land use regulations consistent with related ongoing programs in the area; and

(7) Assurances that any additional land use and control measures necessary in accordance with § 1910.3(a)(2) will be adopted.

§ 1910.3 Conditions for insurance availability—assurances.

(a) Satisfactory assurances of intent to comply with land management and use criteria shall include as a minimum:

(1) Citation of the legal authority to adopt land use and control measures for the flood plain in any or all parts of the jurisdiction submitting the assurances; and

(2) Legislative action by the appropriate local government or public body committing the jurisdiction:

(i) To recognize and evaluate flood hazards in all actions relating to land use in the flood plain areas having special flood hazards,

(ii) To enact by June 30, 1970, and maintain in force for those areas, land use and control measures with effective enforcement provisions consistent with the criteria set forth in Subpart B,

(iii) To cooperate with neighboring jurisdictions with respect to adjoining drainage areas and flood plains in order to prevent the aggravation of the flooding problem in the lower flood plain areas, and

(iv) To appoint or designate an agency or official with the responsibility, authority, and means to implement the commitment made herein.

(b) After taking the legislative action referred to in paragraph (a)(2) of this section, the local government shall:

(1) Submit to the Administrator the name of such agency or official when designated;

(2) Direct such agency or official to furnish, on request by an appropriate Federal or State agency or by a designated representative of the National Flood Insurers Association, information for each structure constructed within the area of special flood hazards after flood insurance is first made available in the community concerning (i) its first floor elevation; and (ii) if there is a basement, the distance down from the first floor to the bottom of the lowest opening where water flowing over the ground would enter; and

(3) Further direct such agency or official to assist the Administrator in furthering delineating, on available local maps of sufficient scale to identify the location of structures, the limits of the flood plain having special flood hazards as identified by the Administrator pursuant to section 1360 of the Act and as shown on the Official Flood Hazard Map.

(c) The required assurances should be submitted in duplicate to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, and shall include appropriate documentation.

(d) After June 30, 1970, no flood insurance coverage shall be provided or renewed under the program in any State or area (or subdivision thereof) unless an appropriate public body shall have adopted land use and control measures with effective enforcement provisions, which the Administrator finds to be consistent with the criteria for land management and use set forth in Subpart B of this part.

(e) In the event insurance under the program is made available in a State or area (or subdivision thereof), a duly authorized official thereof shall submit annually to the Administrator a report in triplicate as to the progress which has been made during the past year in the development and implementation of its flood plain land management and use measures. Copies of the annual report shall be submitted by such official to such coordinating agency as may be designated by each Governor and to other appropriate State and regional bodies. The Administrator shall be informed of the agencies to which the annual reports have been sent.

Subpart B—Criteria

§ 1910.51 Purpose of criteria.

In accordance with section 1361 of the Act, the purpose of the criteria set forth in this subpart is to encourage, where necessary and within the framework of revelant comprehensive flood plain management plans, the adoption of State and local measures which, to the maximum extent feasible, will accomplish the following objectives:

(a) Constrict the development of land which is exposed to flood damage where appropriate;

(b) Guide the development of proposed construction away from locations which are threatened by flood hazards;

(c) Assist in reducing damage caused by floods; and

(d) Otherwise improve the long-range management and use of flood-prone areas.

§ 1910.52 State and local development goals.

State and local flood plain land use and control measures should contribute to overall community and area-wide social and economic development goals by:

(a) Diverting unwarranted and inappropriate development away from flood-prone areas;

(b) Encouraging flood control and flood damage abatement efforts through public and private means;

(c) Deterring the inappropriate development of public utilities and public facilities in flood-prone areas; and

(d) Requiring such construction and land use practices as will reduce, to the maximum practicable extent, flooding from surface runoff, improper drainage, or inadequate storm sewers.

§ 1910.53 Planning considerations.

The planning and decision-making process for formulating overall community and area-wide social and economic development goals and for adopting related flood plain land use and control measures should include consideration, among others, of the following factors:

(a) Availability for needed development of lands not exposed to flooding;

(b) Possibilities for reserving certain flood hazard areas for private and public open space purposes;

(c) Potential adverse effects of inappropriate flood-plain development on other flood-prone areas;

(d) Opportunities for flood-proofing to reduce the flood hazard;

(e) Need for flood warning and emergency preparedness plans;

(f) Necessity for improving local drainage and for controlling any increased runoff which might increase the danger of flooding elsewhere in the area;

(g) Importance of coordination with neighboring soil and water conservation programs;

(h) For coastal areas, necessity of establishing programs for building bulkheads, seawalls, breakwaters, and other damage abatement structures, and for preserving natural barriers to flooding (such as sand dunes and vegetation); and

(i) Possibilities of acquiring land or land development rights for purposes consistent with effective flood plain management.

§ 1910.54 State coordination.

(a) State participation in furthering the objectives of these criteria may include:

(1) Enacting where necessary, enabling legislation which confers upon counties and municipalities the authority to regulate flood plain land use in inland and coastal areas;

(2) Designating an agency of the State government to be responsible for coordinating Federal, State, and local aspects of flood plain management activities in that State;

(3) Delineating the floodways for rivers and streams, and the special flood hazard areas of coastal regions;

(4) Establishing minimum flood plain regulation standards consistent with those established in this part;

(5) Guiding and assisting municipal and county public bodies and agencies in developing flood plain management plans and land use control measures;

(6) Recommending priorities for ratemaking studies among those communities of the State which qualify for such studies;

(7) Communicating flood plain information to local communities and to the general public;

(8) Participating in flood warning and emergency preparedness programs;

(9) Assisting communities in programs to provide information on minimum elevations for structures permitted to be constructed in flood plain areas having special flood hazards; and

(10) Advising appropriate public and private agencies whose activities or projects might obstruct the flow of rivers on the avoidance of unnecessary aggravation of flood hazards.

(b) For States whose flood plain management programs substantially encompass the activities described in paragraph (a) of this section, the Administrator will:

(1) Give special consideration to State priority recommendations before selecting areas or communities for rate-making studies from the register described in § 1910.2; and

(2) Seek State approval of local flood plain land use and control measures before accepting such measures as meeting the criteria established by this subpart.

§ 1910.55 Local coordination.

(a) Local flood plain management, flood forecasting, flood emergency preparedness, and flood control and flood damage abatement programs should be coordinated with relevant regional, State, and Federal programs.

(b) Localities adopting land use and control measures pursuant to these criteria should arrange for the coordination with the designated State agency of its program of information and education designed to promote public acceptance and use of sound flood plain management practices.

§ 1910.56 Land use and control measures.

(a) All appropriate statutes, ordinances, regulations, and similar measures, whether applicable on a statewide, regional, or local basis, should provide land use restrictions based on probable exposure to flooding. Such measures must be applicable at a minimum to the identified area having special flood hazards.

(b) As appropriate, there should be included in such measures a clear and comprehensive statement that such measures are intended to encourage only that development of the identified flood-prone areas which (1) is appropriate in the light of the probability of flood damage and (2) represents an acceptable social and economic use of the land in relation to the hazards involved, and to discourage all other development.

(c) The measures specified in paragraph (a) of this section should:

(1) Prohibit inappropriate new construction or substantial improvements in the floodway;

(2) Control land uses and elevations of all new construction within the flood plain outside of the floodway;

(3) For coastal flood plain areas (i) prescribe land uses and minimum elevations of the first floors of buildings and (ii) include consideration of the need for bulkheads, seawalls, and pilings;

(4) Be based on competent evaluation of the flood hazard as revealed by current authoritative flood plain information; and

(5) Be consistent with (i) existing flood plain management programs affecting the areas adjacent to the jurisdiction involved and (ii) applicable State standards.

Such measures should take into account the relation between first floor elevations and the anticipated level of the 100-year flood for the purpose of protecting structures and their contents from the damage which could result from such a flood.

§ 1910.57 Subdivision planning requirements.

In addition to land use restrictions commensurate with the degree of the flood hazards in various parts of the area, there should also be such subdivision regulations as may be necessary (a) to prevent the inappropriate development of flood-prone lands; (b) to encourage the appropriate location and elevation of public utilities and facilities, such as streets, sewers, gas electricity, and water systems; (c) to provide for adequate drainage so as to minimize exposure to flood hazards and to prevent the aggravation of flood hazards; and (d) to require such minimum elevation of all new development as may be appropriate.

§ 1910.58 Building and health code requirements.

Applicable State and local building codes and health regulations should require that proposed improvements and developments in flood-prone areas will:

(a) Properly elevate structures so as to assure protection from reasonably expected flooding;

(b) Design buildings so as to prevent flotation and collapse, giving special attention to the adequacy of foundations, and to prevent damage to nonstructural elements;

(c) Provide for the protection of the heating system and other critical mechanical or electrical installation from damage by flooding;

(d) Not create unhealthful areas of pondage or accumulation of debris and obstacles in flooding situations;

(e) Provide adequate sewerage and water systems which will not be adversely affected by flooding;

(f) Provide adequate controls on the placement of septic tanks to avoid contamination during flooding; and

(g) Require and encourage flood proofing, to the maximum extent practicable, in connection with all proposed major improvements, repairs, and rehabilitations of existing structures.

§ 1910.59 Revisions.

From time to time these criteria for land management and use may be revised by the Administrator. Such revisions will be based on such further studies and investigations as may be conducted in connection with the program under section 1361 of the Act.

PART 1911—INSURANCE COVERAGE AND RATES

Subpart A—Availability of Insurance Coverage

Sec.
1911.1 Special definitions.
1911.2 Purpose of part.
1911.3 Types of properties eligible for coverage.
1911.4 Limitations on coverage.

Subpart B—Actuarial and Chargeable Premium Rates

1911.51 General.
1911.52 Applicability of actuarial rates.
1911.53 Establishment of chargeable rates.
1911.54 Minimum policyholder premiums.

AUTHORITY: The provisions of this Part 1911 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

Subpart A—Availability of Insurance Coverage

§ 1911.1 Special definitions.

The definitions set forth in § 1909.1 of this chapter are applicable to this part except that, for the purposes of this part:

(a) "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters or (2) the unusual and rapid accumulation or runoff of surface waters from any source; and

(b) "Structure," unless the context indicates otherwise, means a residential building designed for the occupancy of from one to four families, including such buildings while in the course of construction, but does not include building materials or supplies intended for use in the construction, alteration, or repair of such structure or any private structure appurtenant thereto unless within an enclosed building on the premises or removed for protection against the peril of flood, as provided by the policy.

§ 1911.2 Purpose of part.

This part prescribes the types of properties eligible for flood insurance coverage under the program, the limits of such coverage, and the premium rates actually to be paid by the insured. The specific areas eligible for coverage will be designated by the Administrator from time to time as individual rate-making studies are completed. Such areas will be periodically set forth under Part 1914 of this chapter.

§ 1911.3 Types of properties eligible for coverage.

(a) Insurance coverage for structures under the program is currently available only for residential properties designed for the occupancy of from one to four families. Coverage for properties occupied by small business concerns and for other classes of properties is expected to be available at a later date.

(b) Insurance coverage for contents is available only in connection with the residential properties described in paragraph (a) of this section but may be purchased separately from structure coverage by either the building owner or a tenant.

§ 1911.4 Limitations on coverage.

(a) All flood insurance made available under the program is subject:

(1) To the terms and conditions of the Standard Flood Insurance Policy,

which shall be approved by the Administrator as to both substance and form;

(2) To the specified limits of coverage set forth in the application and declarations page of the policy; and

(3) To the maximum limits of coverage set forth in paragraph (c).

(b) Insurance under the program is available only for loss due to flood, as defined in § 1911.1. The policy covers damage from general flooding which results from other than natural causes, such as the bursting of a dam, but does not cover water damage which results from causes on the insured's own property or within his control or from a condition which does not cause general flooding in the area.

(c) The policy does not cover losses from rain, snow, sleet, hail, or water spray. It covers losses from freezing or thawing, or from the pressure or weight of ice and water, only where they occur simultaneously with and as a part of flood damage. It does not cover damage from mud slides, earthquakes, or other earth movements.

(d) The policy protects against loss to dwelling and contents only at the location described in the application, except that contents necessarily removed from the premises for preservation from a flood are also protected against loss or damage from flood at the new location pro rata for a period of 30 days.

(e) The maximum limits of coverage of the policy are the following:

(1) $35,000 aggregate liability for any dwelling unit, and $60,000 for any single structure containing more than one dwelling unit, and

(2) $10,000 aggregate liability per dwelling unit for any contents related to such unit.

(f) The policy contains the following terms and conditions which should be especially noted:

(1) No flood insurance is available for properties declared by a duly constituted State or local zoning or other authority to be in violation of any flood plain management or control law, regulation, or ordinance.

(2) In order to reduce the administrative costs of the program, of which the Federal Government pays a major share, payment of the full policyholder premium must be made at the time of application.

(3) The policy contains a deductible clause. Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of this deductible is either $100 for each type of loss (that is, $100 on the structure and $100 on contents) or 2 percent of the amount of insurance applicable to the type of loss, whichever is the greater.

(4) The policy contains a coinsurance clause applicable to structures. The purpose of this clause is to discourage an insured from underinsuring his property, since underinsurance places a disproportionate risk of loss on the program in relation to the premium paid. The coinsurance clause requires that the insured carry an amount of insurance on his building equal to 80 percent of its value. If he fails to do so, any partial loss claim under the program in excess of the applicable deductible will be paid only in the proportion that the amount of insurance purchased on the building bears to 80 percent of the actual cash value of the building at the time of the loss.

(5) The insured may apply up to, but not in excess of, 10 percent of the face amount of the policy to appurtenant structures and outbuildings (such as carports, garages, and guest houses) if they do not constitute a separate residence. If they do constitute a separate residence, or a residential structure still under construction, they must be insured under a separate policy.

(6) The following are not insurable under the program: fences, boathouses, wharves, piers, docks, and other structures located on or partially over water and property therein or thereon.

(7) The policy contains certain exclusions (such as money and securities) and limitations (such as on paintings and jewelry) with respect to the coverage on contents it provides. In addition, the coverage on contents excludes birds or animals, most motor vehicles, boats, trailers, business property, and certain other types of property.

(8) The policy may be canceled by the insurer only for nonpayment of premium. However, any willful fraud or concealment of any material fact by the insured at any time voids the entire policy.

Subpart B—Actuarial and Chargeable Premium Rates

§ 1911.51 General.

(a) Pursuant to section 1307 of the Act, the Administrator is authorized to undertake studies and investigations to enable him to estimate the risk premium rates necessary to provide flood insurance in accordance with accepted actuarial principles, including applicable operating costs and allowances. Such rates are herein referred to as "actuarial rates."

(b) The Administrator is also authorized to estimate the rates, if lower than the actuarial rates, which could reasonably be charged to prospective insureds in order to encourage them to purchase the flood insurance made available under the program. Such rates are herein referred to as "chargeable rates."

§ 1911.52 Applicability of actuarial rates.

Actuarial rates are applicable:

(a) To all flood insurance coverage made available to any property, the construction or substantial improvement of which was started (as defined in § 1909.1 of this chapter) after the Administrator has identified the area in which the property is located as an area having special flood hazards under Part 1915 of this chapter;

(b) To all insurance coverage in excess of the following limits:

(1) $17,500 aggregate liability for any dwelling unit, and $30,000 for any single structure containing more than one dwelling unit; and

(2) $5,000 aggregate liability per dwelling unit for any contents related to such unit; and

(c) Whenever the actuarial rates estimated by the Administrator for the designated area are lower than the chargeable rates prescribed by § 1911.53.

§ 1911.53 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, the following chargeable rates are established for all areas designated by the Administrator under Part 1914 of this chapter for the offering of flood insurance:

(1) The chargeable rate for structures shall be forty cents ($0.40) per year per one hundred dollars ($100) of flood insurance coverage; and

(2) The chargeable rate for contents shall be fifty cents ($0.50) per year per one hundred dollars ($100) of flood insurance coverage.

(b) The rates in paragraphs (a)(1) and (a)(2) of this section shall apply only to insurance coverage provided within the limits specified by § 1911.52 (b) (1) and (2).

§ 1911.54 Minimum policyholder premiums.

The minimum policyholder premium required for any policy, regardless of the amount of coverage, is $25. The minimum policyholder premium required for any added coverage or increase in the amount of coverage during the term of an existing policy is $4, regardless of the length of the unexpired term of the policy at the time of the change.

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Subpart A—Issuance of Policies

Sec.
1912.1 Purpose.
1912.2 National Flood Insurers Association.
1912.3 Limitations on sale of policies.

Subpart B—Claims Adjustment and Judicial Review

1912.51 Claims adjustment.
1912.52 Judicial review.

AUTHORITY: The provisions of this Part 1912 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4127, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

Subpart A—Issuance of Policies

§ 1912.1 Purpose.

The purpose of this part is to set forth the manner in which flood insurance under the program is made available to the general public in those areas designated by the Administrator under Part 1914 of this chapter, and to prescribe the general method by which claims for losses are paid.

§ 1912.2 National Flood Insurers Association.

(a) Pursuant to sections 1331 and 1332 of the Act, the Administrator has encouraged the formation of an industry flood insurance pool known as the National Flood Insurers Association (the "Association") and has entered into an agreement with the Association (the "Agreement") whereby the Association will provide the flood insurance coverage under the program in the areas designated by the Administrator and will assume the responsibility for the adjustment and payment of claims for losses.

(b) Membership in the Association shall be open to any insurance company or other insurer which:

(1) Is authorized to engage in the insurance business under the laws of any State;

(2) Has total assets of at least $1 million;

(3) Agrees to assume a minimum net loss liability of $25,000 under policies of insurance issued in the name of the Association for each accounting period of membership;

(4) Pays an admission fee equal to $50 for each $25,000 of participation; and

(5) Agrees to such other reasonable conditions as the Association may prescribe, subject to the approval of the Administrator.

(c) No insurer shall be admitted to membership in the Association for a term less than a full accounting period, nor subsequent to July 1 of any accounting period.

(d) The accounting period of the Association shall be the fiscal year beginning on July 1 and ending on June 30, except that the first accounting period shall run from June 6, 1969, to June 30, 1970.

(e) Any insurance company or other insurer, insurance agent or broker, or insurance adjustment organization desiring to cooperate with the Association as fiscal agent or otherwise, will be permitted to do so to the maximum extent practicable.

(f) The Association has contracted to use its best efforts to arrange for the issuance of policies of flood insurance to any person qualifying for such coverage under Parts 1911 and 1914 of this chapter, pursuant to applications submitted by any such person to either member or nonmember companies in accordance with the terms and conditions of the Agreement.

(g) Communications concerning membership in or cooperation with the Association should be addressed directly to the National Flood Insurers Association, 125 Maiden Lane, New York, N.Y. 10038.

§ 1912.3 Limitations on sale of policies.

(a) Each participating or cooperating insurer offering flood insurance under the program shall be deemed to have agreed, as a condition of such participation or cooperation, that it shall not offer flood insurance under any authority or auspices in any amount within the maximum limits of coverage specified in § 1911.4(e) of this chapter, in any area designated by the Administrator in Part 1914 of this chapter for the offering of insurance under the program, other than in accordance with this part, the Agreement, and the Standard Flood Insurance Policy issued pursuant thereto. Violation of this condition shall, at the discretion of the Administrator, exclude the violator from any further membership in or cooperation with the Association or the program.

(b) The Agreement and all flood insurance policies issued thereunder are subject to title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and to the applicable Federal regulations and requirements issued from time to time pursuant thereto. No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the program, on the ground of race, color, or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this part should be referred to the Administrator.

Subpart B—Claims Adjustment and Judicial Review

§ 1912.51 Claims adjustment.

(a) In accordance with the Agreement, the Association shall arrange for the prompt adjustment and settlement of all claims arising from policies of insurance issued under the program. Investigation of such claims may be made through the facilities of its members, nonmember insurers, or insurance adjustment organizations, to the extent required and appropriate for the expeditious processing of such claims. Settlements so made and loss adjustment expenses so incurred shall, subject to audit, be binding on the Administrator.

(b) All adjustment of losses and settlements of claims shall be made in accordance with the terms and conditions of the policy and these Parts 1911 of this chapter and 1912.

§ 1912.52 Judicial review.

Upon the disallowance by the Association of any claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within 1 year after the date of mailing of the notice of disallowance or partial disallowance of the claim, may, pursuant to section 1333 of the Act, institute an action on such claim against either the Association or the participating insurer which denied the claim, in the U.S. district court for the district in which the insured property or the major portion thereof shall have been situated, without regard to the amount in controversy.

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Sec.
1914.1 Purpose.
1914.2 Official Flood Insurance Map.
1914.3 List of designated areas.

AUTHORITY: The provisions of this Part 1914 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4127, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

§ 1914.1 Purpose.

Sections 1360 and 1307 of the Act contemplate that flood insurance under the program will be offered in designated areas only after the Administrator has identified the general area as one having special flood hazards under Part 1915 of this chapter and has completed a rate-making study for such area. A period of 15 years, ending August 1, 1983, has been allotted for this purpose. The priorities for conducting such rate-making studies are set forth in Part 1910. It is the purpose of this Part 1914 to list those areas in which rate-making studies have been concluded and the sale of insurance has been authorized. Additional areas will be added to this list from time to time as the necessary information becomes available and the requirements set forth in Part 1910 of this chapter have been met.

§ 1914.2 Official Flood Insurance Map.

Areas for which the Administrator has authorized the sale of flood insurance shall be designated on an Official Flood Insurance Map, which shall be maintained and made available for public inspection during business hours at the following locations:

(a) Information Center, Department of Housing and Urban Development, Room 1202, 451 Seventh Street SW., Washington, D.C. 20410;

(b) National Flood Insurers Association, 125 Maiden Lane, New York, N.Y. 10038;

(c) The information office of the State agency or agencies designated by each State to cooperate with the Administrator in implementing land management and use criteria and in providing flood insurance within such State, which shall be listed in this part whenever practicable simultaneously with the first offering of flood insurance within that State; and

(d) One or more official locations within the community or locality in which flood insurance is offered, which shall be specified in this part at the time the eligibility of the area is announced.

§ 1914.3 List of designated areas. [Reserved]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

Sec.
1915.1 Purpose.
1915.2 Official Flood Hazard Map.
1915.3 List of flood hazard areas. [Reserved]

AUTHORITY: The provisions of Part 1915 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

§ 1915.1 Purpose.

Sections 1360 and 1308(c) of the Act contemplate that the Administrator will identify and publish periodically over a 5-year period, ending August 1, 1973, information with respect to all flood plain areas having special flood hazards and that, once any such area has been so identified, flood insurance will not be made available at chargeable rates within such area with respect to any property which is thereafter constructed or substantially improved, as defined in § 1909.1 of this chapter. It is the purpose of this Part 1915 to list those areas which have been identified by the Administrator as having such special flood hazards. Additional areas will be added to this list from time to time as the necessary information becomes available.

§ 1915.2 Official Flood Hazard Map.

Areas which the Administrator has identified as flood plain areas having special flood hazards will be delineated on an Official Flood Hazard Map, which shall be maintained and made available for public inspection at the same times and places as those indicated in § 1914.2 of this chapter.

§ 1915.3 List of flood hazard areas. [Reserved]

Effective date. This subchapter shall be effective on publication in the FEDERAL REGISTER.

WILLIAM B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-7220; Filed, June 17, 1969; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Specially Adapted Housing

In § 3.809, paragraphs (b) and (d) are amended to read as follows:

§ 3.809 Specially adapted housing.

* * * * *

(b) *Disability.* The disability must have been incurred or aggravated as the result of service as indicated in paragraph (a) of this section and the veteran must be entitled to compensation for permanent and total disability due to:

(1) The loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Blindness in both eyes, having only light perception, plus the anatomical loss or loss of use of one lower extremity, or

(3) The loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair.

* * * * *

(d) *"Preclude locomotion."* This term means the necessity for regular and constant use of a wheelchair or other mechanical aid or contrivance as a normal mode of locomotion although occasional locomotion by other methods may be possible. (38 U.S.C. 801, 804; Public Law 91-22)

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective June 6, 1969.

Approved: June 12, 1969.

[SEAL] FRED B. RHODES,
Acting Administrator.

[F.R. Doc. 69-7194; Filed, June 17, 1969; 8:49 a.m.]

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. Section 36.4352 is revised to read as follows:

§ 36.4352 Tax, special assessment and other liens.

Tax liens, special assessment liens, and ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity. With the prior approval of the Administrator, Chief Benefits Director, or Director, Loan Guaranty Service, liens retained by nongovernmental entities to secure assessments or charges for municipal type services and facilities clearly within the public purpose doctrine may be disregarded. In determining whether a loan for the purchase or construction of a home is secured by a first lien the Administrator may also disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran-borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien to be created after June 6, 1969, the Administrator's determination must have been made prior to the recordation of the covenant.

2. In § 36.4502, paragraph (a) is amended to read as follows:

§ 36.4502 Use of guaranty entitlement.

(a) The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after May 7, 1968, shall be charged with an amount which bears the same ratio to $12,500 as the amount of the loan bears to $21,000 or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date, or the date on which an increased maximum is established pursuant to section 1811(d) for the area in which the loan security is located, shall be the amount which would have been charged had the loan been closed subsequent to such date.

* * * * *

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 7½ percent per annum, except where a commitment to make the loan was issued prior to January 27, 1969, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

4. In § 36.4504(b), subparagraph (1) is amended to read as follows:

§ 36.4504 Loan closing expenses.

* * * * *

(b) With respect to a loan made to a veteran-borrower pursuant to an application (VA Form 26-6921) received by the Veterans Administration on or after March 3, 1966, the borrower shall pay the Veterans Administration the following:

(1) $50, or one percent (1%) of the loan amount, whichever is greater, which charge shall be in lieu of the loan closer's fee, credit report, and cost of appraisal: *Provided,* That if the loan is to finance the cost of construction, repairs, alterations, or improvements necessitating disbursements of the loan proceeds as the construction or other work progresses, the charge to the veteran-borrower shall be two percent (2%) of the loan amount, but not less than $50 in any event. In addition to the foregoing fee, borrowers whose entitlement is derived from 38 U.S.C. 1818, shall remit to the Veterans Administration a fee of one-half of 1 per centum of the loan amount, exclusive of any amount included in the loan to enable the borrower to pay such fee. If all or part of the fee is included in the loan to the veteran, the amount of the loan as so increased may not exceed $21,000 or such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code. Notwithstanding the foregoing provisions, a veteran deriving entitlement under 38 U.S.C. 1818 shall not be required to remit the fee if (i) the period

of his entitlement based on service during World War II or the Korean conflict has not expired under section 1803(a)(3) of title 38, United States Code, and (ii) he has not used any of his entitlement derived from such service.

* * * * *

5. In § 36.4509, paragraph (b) is amended to read as follows:

§ 36.4509 Joint loans.

* * * * *

(b) Notwithstanding that an applicant and his spouse both be eligible veterans and will be jointly and severally liable as borrowers, the original principal amount of the loan may not exceed the maximum permissible under § 36.4503 (a). In any event the loan may not exceed $21,000 or such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811 (d) of title 38, United States Code.

6. In § 36.4511, paragraph (a) is amended to read as follows:

§ 36.4511 Advances after loan closing.

(a) The Veterans Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided,* That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the indebtedness to an amount in excess of $21,000 or such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code.

* * * * *

7. In § 36.4516, paragraph (c) is amended to read as follows:

§ 36.4516 Lien requirements.

* * * * *

(c) Tax liens, special assessment liens, and ground rent shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity. With the prior approval of the Administrator, Chief Benefits Director, or Director, Loan Guaranty Service, liens retained by nongovernmental entities to secure assessments or charges for municipal type services and facilities clearly within the public purpose doctrine may be disregarded. In determining whether a loan for the purchase or construction of a home is secured by a first lien the Administrator may also disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran-borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien to be created after June 6, 1969, the Administrator's determination must have been made prior to the recordation of the covenant.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective June 6, 1969.

Approved: June 11, 1969.

[SEAL] FRED B. RHODES,
Acting Administrator.

[F.R. Doc. 69-7195; Filed, June 17, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 717]

HOLDING OF REFERENDA

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department proposes to amend the regulations governing the holding of referenda.

The proposed amendment would accomplish the following purposes:

(1) The definition of referendum community in § 717.1(c) would be amended to include the rule expressed in § 717.4 that the entire county shall be the referendum community for purposes of referenda held by mail ballot. In addition, for purposes of referenda held at polling places, the entire county would be established as the referendum community in cases where there are less than 100 farms on which there are eligible producers unless the county committee determined that more than one referendum community was needed. Presently the county committee is required to take action to reach this result.

(2) Section 717.22 would be revised to add the procedure for State reporting of referenda results to the Deputy Administrator in case of mail ballot referenda in a manner similar to that prescribed in § 717.17 for referenda held at polling places.

Prior to the issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that Part 717—Holding of Referenda (33 F.R. 18345) be amended as follows:

1. The Table of Contents would be amended by changing the heading of § 717.22 to read as follows:

Sec.
717.22 Reporting and record of result of the referendum.

2. Paragraph (c) of § 717.1 would be revised to read as follows:

§ 717.1 Definitions.

* * * * *

(c) *Referendum community.* For referenda conducted by mail ballot, the entire county shall be the referendum community. For referenda conducted at polling places, the referendum community shall conform with the community established by the State committee for purposes of elective areas under the regulations in the subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees in Part 7, Subtitle A, of this Title (§ 7.7, 33 F.R. 12955), as amended from time to time: *Provided*, That a referendum community may be composed of an area differing from the community so established in the following cases:

(1) A referendum community may be established by the county committee, with the approval of a representative of the State committee, to conform to a political township, a local voting precinct for purposes of general elections, or a combination of such townships or precincts;

(2) A referendum community may be established by the county committee, if it determines eligible producers will be given a convenient place to vote, which consists of a combination of a community with less than 25 farms on which there are producers eligible to vote, with one or more communities; and

(3) The entire county shall be the referendum community in counties with less than 100 farms on which there are producers eligible to vote unless the county committee, with the approval of the State committee, determines that more than one referendum community is needed in the county.

The county committee shall maintain in the county office, and make available for public inspection, a descriptive list of the referendum communities established for the county for referenda conducted at polling places.

3. Section 717.22 would be revised to read as follows:

§ 717.22 Reporting and record of result of the referendum.

(a) *County committee.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee), as to the preliminary count of the votes on each question and the number of challenged ballots as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than 4 calendar days after canvassing of the ballots, have prepared and certified the county summary of ballots. Such summary shall be prepared and certified in triplicate, one copy of which shall be sent to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy filed in the office of the county committee and kept available for public inspection.

(b) *State committee.* The State committee for each State shall notify the Deputy Administrator by telephone or telegraph as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots shall be summarized on the State summary of ballots as soon as possible, but in no event later than 7 calendar days after canvassing of the ballots, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof, decide the dispute or challenge, and prepare the State summary accordingly within 14 calendar days after canvassing of the ballots. The State summary shall be prepared in triplicate and certified to by the State executive director. The original and one copy of the State summary shall be forwarded to the Director, Policy and Program Appraisal Division, ASCS. One copy of the State summary shall be filed for a period of 5 years in the office of the State committee available for public inspection.

Signed at Washington, D.C., on June 12, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-7181; Filed, June 17, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 912]

[Docket No. AO-333-A3]

HANDLING OF GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., on February 25, 1969, after notice thereof published in the FEDERAL REGISTER (34 F.R. 1253) on proposed further amendment of the marketing agreement and order (7 CFR Part 912) regulating the handling of grapefruit grown in the Indian River District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on May 2, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69-5498; 34 F.R. 7452). No exception was filed.

The material issues, rulings, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69-5498; 34 F.R. 7452) are hereby approved and adopted as the material issues, rulings, findings, and conclusions, and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 5, 1968, through May 4, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Indian River District in Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended and further amended by the annexed order which will be published with this decision.

Dated: June 13, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida*

§ 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., February 25, 1969, upon proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended and as hereby further amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

§ 912.46 [Amended]

1. The world "calendar" is deleted wherever it appears in § 912.46.

§ 912.47 [Amended]

2. The word "calendar" is deleted wherever it appears in § 912.46.

3. Section 912.48 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 912.48 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51-week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the said "current season" shall extend through the third full week preceding the week of regulation.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(e) [Deleted.]

4. Section 912.50 *Overshipments* is revised to read as follows:

§ 912.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or any other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

5. Section 912.52 *Allotment loans* is revised to read as follows:

§ 912.52 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with the transfer of allotment, each party shall promptly notify the committee so that proper adjustments of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

[F.R. Doc. 69-7183; Filed, June 17, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Proposed Rule Making

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the regulations contained in the CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has for convenience been eliminated from the section references contained in this notice. The terms "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national".

Notice is hereby given that the Office of Foreign Direct Investments ("the Office") proposes to make certain miscellaneous amendments to §§ 203, 306, 312, 313, 324, and 1105 of the Foreign Direct Investment Regulations (the "regulations"). The principal purpose of the amendments is to give DIs increased flexibility in the use of proceeds of long-term foreign borrowing as a means of complying with the program, by permitting allocation of such proceeds against positive direct investment (including the reinvested earnings component), and to clarify the rules with respect to the use of such proceeds.

1. *Introduction.* Briefly, and in numerical order, the proposed amendments are as follows:

(a) Section 203(a)(1), which defines "foreign balances", is amended to exclude "available proceeds" of long-term foreign borrowing (as that term is defined in revised section 324(d)) from the definition of "foreign balances". Consequently, section 203(c), which limits the amount of liquid foreign balances which a DI may hold at the end of any month, does not apply to "available proceeds" held in the form of liquid foreign balances. See paragraph (d) below.

(b) Section 203(a)(3), previously a definition of "direct investment liquid foreign balances", is revoked. It is replaced in section 203 by the term "available proceeds" which is defined in section 324(d) as proceeds of long-term foreign borrowing which have not been expended or allocated.

(c) Section 203(b), requiring that books and records be kept which identify separately the amount and use of long-term foreign borrowing, is abbreviated.

(d) Section 203(c) is amended to eliminate the reference to "direct investment liquid foreign balances". Since "allocation", which reduces available proceeds, now requires the repatriation of proceeds of long-term foreign borrowing to the United States prior to the end of the year involved (see paragraph (j) below), the previous concept of "direct investment liquid foreign balances" becoming "liquid foreign balances" after an allocation (see Gen. Bull. No. 1, § B203(g), Ex. 25) is no longer relevant. Section 203(c) continues to require, however, that "liquid foreign balances" held by a DI at the end of any month be reduced to the 1965–66 end-of-month average unless the $25,000 exemption of revised section 203(e)(1) applies. This requirement of section 203(c) applies whether a DI elects the $1,000,000 minimum allowable under section 503, the historical allowable under section 504 (a) and (c), or the 30 percent of earnings allowable under section 504(b).

(e) Section 203(d)(1) now requires a DI to expend or allocate "available proceeds" of long-term foreign borrowing, other than those held in the United States, before it is permitted to make a positive net transfer of capital with funds from other sources. Previously, the same requirement existed but only with respect to "direct investment liquid foreign balances" and not with respect to non-liquid foreign balances or other forms of securities issued by foreign nationals. The section has been amended to exempt DIs who elect the $1,000,000 minimum allowable under section 503 from the restrictions of section 203(d)(1). This exemption is allowed since DIs electing section 503 cannot carry forward any unused allowable to succeeding years which might arise from the application of section 203(d)(1).

(f) The certification procedure in former section 203(d)(2) is repealed. As discussed in section 4 of this notice, a specific exemption procedure is substituted for the certification procedure. Applications must be filed on or before December 1 to be assured of consideration.

(g) Former section 203(d)(3) has been renumbered section 203(d)(2). This section sets forth the rules by which a DI may change during subsequent calendar years the scheduled area in which a deduction is made for proceeds of long-term foreign borrowing originally expended in transfers of capital to AFNs. It is no longer required that available proceeds be expended "because of" section 203(d)(1) in order that a change may be made of the scheduled area in which a deduction is made.

(h) A new section 203(d)(3) has been added which is analogous to revised section 203(d)(2) referred to in paragraph (g) above. Section 203(d)(3) permits a change during subsequent calendar years of the scheduled area in which a deduction for allocated proceeds of long-term foreign borrowing has been made. Such change of scheduled area is made by reallocating the proceeds to a different scheduled area. Previously, that subparagraph provided for a change in the scheduled area in which a deduction could be taken only for proceeds initially expended in making transfers of capital and only one change in scheduled area was permitted.

(i) Section 203(e)(1) has been amended to permit an exemption from the section 203(c) end-of-month limitation on liquid foreign balances if the DI holds $25,000 or less in "liquid foreign balances". Previously, the exemption applied to "foreign balances", whether liquid or non-liquid, and included "direct investment liquid foreign balances". A technical amendment has been made to section 203(e)(2) to conform to the repeal of section 203(a)(3) and to substitute "available proceeds" held abroad for "direct investment liquid foreign balances".

(j) New section 306(e) is added to permit deductions from positive direct investment at the end of any year for proceeds of long-term foreign borrowing allocated to such positive direct investment. This provision permits "allocation" even though the positive direct investment may consist entirely of reinvested earnings. "Allocated" proceeds must, however, now be repatriated to, and held in, the United States prior to the end of the year before a DI can claim a deduction under section 306(e) for that year.

(k) Section 312(a)(7), which deals with complete or partial repayment of borrowings, and section 312(a)(9), which covers certain pledges, etc., have been amended to conform to new sections 306(e) and 203 (a) and (d), and to delete obsolete material.

(l) Section 313(d)(1), which previously covered deductions for proceeds of long-term foreign borrowing either expended or allocated, is amended to apply to expenditures only. As previously noted, new section 306(e) covers deductions for allocations.

(m) Section 324(c), which defines "proceeds of long-term foreign borrowing", has been clarified, and the provision therein which added to "available proceeds" amounts repaid by AFNs to the DI, or amounts distributed on liquidation of an AFN to a DI, has been deleted. Since available proceeds which are expended in making transfers to AFNs may now be freely reallocated to other scheduled areas, the provision for increasing available proceeds by the amount of AFN repayments or liquidation is no longer necessary.

(n) Section 324(d) has been amended to clarify the definition of "available proceeds". These are proceeds of long-term foreign borrowing, wherever held, which have not yet been allocated to positive direct investment or expended in making transfers of capital to AFNs.

(o) Section 1105(c), which related to the application of section 203(d) to Canadian foreign balances, has been revoked to conform with the changes made in section 203(a)(3) and (d). No substantive change is involved.

2. *"Available proceeds" of long-term foreign borrowing.* The term "proceeds of long-term foreign borrowing" is defined in section 324(c) to mean the gross amount or value received (before deducting discounts, commissions or fees) less repayment of principal of such borrowing. Further, such proceeds must be reported to the Office on the DI's quarterly and annual reports in order to qualify as "proceeds of long-term foreign borrowing" for purposes of the regulations. The term "available proceeds" of long-term foreign borrowing is defined in section 324(d) as such proceeds as remain after subtracting (1) amounts expended in making transfers of capital to AFNs and (2) amounts allocated to positive direct investment (and deducted under sections 313(d)(1) and 306(e), respectively). For purposes of calculating the amount of "available proceeds", it is immaterial whether the proceeds are actually held abroad or in the United States.

The following examples are illustrative:

Example 1. On March 1, 1969, an international finance subsidiary of a U.S. corporation (DI) sells in a public offering in Europe 12-year, $20,000,000 face amount convertible debentures at an aggregate discount of $500,000 and pays $500,000 in underwriting fees. DI thus receives $19,000,000 net as a result of the borrowing. However, for purposes of section 324(c), the proceeds of the borrowing are nevertheless $20,000,000 and DI has $20,000,000 in "available proceeds", including the $1,000,000 representing discount and fees. DI may allocate a full $20,000,000 to positive direct investment under section 306(e) even though only the $19,000,000 received is repatriated before the end of the year; or DI may transfer $1,000,000 abroad and hold a full $20,000,000 free of section 203(c) until expended in making transfers of capital deductible under section 313(d)(1). In both cases DI's books and records must indicate the use and employment of the proceeds, as provided in section 203(b).

Example 2. Same facts as Example 1. On April 1, 1969, DI loaned $15,000,000 of such proceeds to its Belgian subsidiary (X), and invested the remaining $4,000,000 of the actual borrowing in short-term certificates of deposit in the London branch of a U.S. bank. There are no other relevant transactions during 1969, and accordingly DI has "available proceeds" of $5,000,000 as of the end of 1969. On March 1, 1970, X makes a repayment of $1,000,000 to DI. As of such date, DI still has "available proceeds" of only $5,000,000. The repayment of $1,000,000 to DI from X does not increase "available proceeds" but constitutes a transfer of capital from Schedule C to DI under section 312(b). If the monies repaid are thereafter transferred to AFNs, section 312(a) will apply to such transfers.

Example 3. Same facts as Example 2 except that $2,000,000 face amount of debentures were converted during 1969. Assuming that the remaining facts in Example 2 are unchanged, DI has made a transfer of capital to X of $2,000,000 (which, if authorized by Subpart J, would reduce DI's allowable in Schedule C by $2,000,000 in 1970). In addition, the "available proceeds" are reduced by $2,000,000 in 1969 because of the repayment of principal (represented by the conversion). Accordingly, DI has "available proceeds" of $3,000,000 as of the end of 1969 instead of $5,000,000.

Example 4. On February 1, 1969, DI borrowed $1,000,000 from a foreign bank which qualified as long-term foreign borrowing under § 324 and expended the proceeds in making a transfer of capital in the form of a loan to its U.K. subsidiary (X). In its final report for the year 1969, DI would show no direct investment made since the transfer of proceeds of long-term foreign borrowing is disregarded under section 313(d)(1). On March 1, 1970, X repays $250,000 to DI and on June 30, 1970, DI repays $500,000 in principal amount to the foreign bank. There are no other relevant transactions during this time. Assuming DI is required to file quarterly reports in 1970, it would report a negative net transfer of capital of $250,000 under section 312(b) at the end of the first quarter. The repayment by X to DI would constitute an increase in "available proceeds". At the end of the second quarter, after DI has repaid $500,000 of its borrowing, DI would report a positive net transfer of capital to X of $250,000 for the half year.

Note also that DI has, as of June 30, only $500,000 of "proceeds of long-term foreign borrowing", all of which are expended in X. Note also that "available proceeds" cannot be less than zero and cannot exceed "proceeds of long-term foreign borrowing" (i.e., such borrowing as is outstanding at a given point in time).

3. *Allocation to positive direct investment under section 306(e).* New section 306(e) has been added to give additional flexibility to DI's in using proceeds of long-term foreign borrowing to reduce positive direct investment to the level authorized by Subparts E and M. During 1968, to the extent positive direct investment was attributable to reinvested earnings, it could only be reduced by payment of dividends by AFN's or by a negative net transfer of capital. The regulations did not permit the allocation of the proceeds of long-term foreign borrowing as an offset to reinvested earnings. This is now expressly permitted by section 306(e), provided that "available proceeds" equal to the amount allocated on the DI's books and records are repatriated to and are held in the United States prior to the end of the year for which the deduction under section 306(e) is claimed. Furthermore, after an allocation has been made (and proceeds have therefore been repatriated), a DI is prohibited from thereafter holding those proceeds in the form of foreign balances or other foreign property, except that they may be expended in making a transfer of capital to an AFN. However, if so expended, the DI will be charged with a transfer of capital under section 312(a) to the AFN. The repayment of the long-term foreign borrowing involved in the allocation will constitute a transfer of capital under section 312(a)(7) to the scheduled area with respect to which the allocation under section 306(e) was made.

The following examples are illustrative of sections 306(e) and 313(d)(1):

Example 5. DI elects the $1,000,000 minimum allowable under section 503 for 1969. During 1969, DI makes no net transfer of capital to its incorporated AFN (X), and X has earnings of $1,500,000 and pays no dividends. During 1969, DI makes a long-term foreign borrowing of $1,000,000 and reports such proceeds on its next quarterly report. Prior to December 31, DI repatriates $500,000 to the United States as provided in section 306(e)(1)(iii), and uses such amount for domestic working capital purposes. DI holds $500,000 of "available proceeds" in short-term balances abroad as permitted under the proviso to section 203(a)(1) and section 203(c). No other relevant transactions occur in 1969. DI thereafter enters the "allocation" on its books and records as required in section 306(e)(1) and deducts $500,000 from positive direct investment (calculated as provided in section 306(e)(3)) on its FDI–102F for 1969 as required in section 306(e)(1)

(ii). Accordingly, DI has made positive direct investment, for purposes of section 503, of $1,000,000 in 1969 and carries forward $500,000 in available proceeds for use in subsequent years.

Example 6. Same facts as Example 5, except DI elects to be governed by section 504 in 1970. During 1970, DI expends the $500,000 of "available proceeds" carried over from 1969 by a transfer of capital to X, and expends the $500,000 previously allocated and repatriated to the United States in 1969 plus an additional $600,000 by a transfer of capital to a newly-formed AFN (Y) in a different scheduled area. There are no other relevant transactions. DI has made total transfers of capital under section 312(a) during 1970 of $1,600,000 and, before applying the deduction provisions of section 313(d)(1), it has a positive net transfer of capital and positive direct investment in the same amount. However, DI may deduct under section 313(d)(1) the amount of available proceeds transferred to X ($500,000) in computing its net transfer of capital in 1970. The transfer to Y of previously allocated funds will be charged against DI's allowable for 1970 as provided in section 306(e). Note that upon repayment of the long-term foreign borrowing, a section 312(a) transfer of capital will occur in the amount of the repayment, all of which will be charged against DI's allowable in the scheduled area where X is located since the full amount of the proceeds were expended or allocated in that scheduled area; i.e., $500,000 representing the deferred charge for the deduction provided for expenditure of proceeds under section 313(d)(1) and $500,000 representing the deferred charge provided for allocations of proceeds under section 306(e). The transfer of the $500,000 allocated proceeds to a different scheduled area does not change the scheduled area to which a repayment of the borrowing is charged under section 312(a)(7).

4. *Use of "available proceeds" required by § 203(d)(1).* Section 203(d)(1) no longer applies to DIs electing the minimum allowable of § 503. Section 203(d)(1) requires, however, that DIs electing either the historical or earnings allowables of section 504 make use of any "available proceeds" which were not then held in the United States before making a positive net transfer of capital to a scheduled area for the year to the extent that the positive net transfer of capital results in positive direct investment in that scheduled area. For the purpose of complying with section 203(d)(1), affected "available proceeds" may be used to make actual transfers of capital to AFNs which are deducted under section 313(d)(1) or they may be allocated to positive direct investment and deducted under new section 306(e). Under revised section 203(d)(1), the fact that "available proceeds" may be held in "nonliquid" form abroad is no longer relevant. However, if they are held in the United States, and not in the form of foreign balances or securities, they are not subject to section 203(d)(1).

Section 203(d)(1) provides that any allocation to positive direct investment pursuant to section 306(e), even though made to bring the DI into compliance with its schedular allowables as well as for section 203(d)(1) purposes, shall first be deemed to reduce the positive net transfer of capital component of positive direct investment. Accordingly, any allocations under section 306(e) will serve the double purpose of satisfying section 203(d)(1) at the same time as they reduce positive direct investment for purposes of section 504. Note also that allocations may be made under section 306(e) to positive direct investment arising under sections 1202(b) and 1203(b) of proposed Subpart L.

Since to be exempt from section 203(d)(1) available proceeds must be held in the United States, and since the allocation of available proceeds under section 306(e) requires that proceeds so allocated be repatriated to, and held in, the United States, compliance with section 203(d)(1) may in certain instances be impossible or create substantial hardship. Section 203(d)(2) formerly provided relief from the provisions of section 203(d)(1) if a DI certified within 45 days after the end of the year that expenditure in transfers of capital of available proceeds held in the form of "direct investment liquid foreign balances" was not possible prior to the end of the year, or that repatriation "would have contravened express representations made by the direct investor to, or restrictions imposed on the direct investor by, persons from whom the relevant long-term foreign borrowings were obtained (as conditions to obtaining such borrowings) or would have created a substantial probability of material adverse United States or foreign tax consequences to the direct investor." These same grounds for relief from section 203(d)(1) will continue to apply, but relief will be granted in 1969 in the form of specific exemptions rather than by certification. Applications for such relief, however, must be filed on or before December 1 of the year for which exemption is sought in order to assure consideration by the Office. DIs should refer in this connection to the Revised Instructions for Submitting Applications for Specific Authorization or Exemptions or for Interpretive Opinions, dated June 6, 1969, issued by the Office.

As previously provided in the certification procedure, an application for specific exemption may be filed where there is a substantial probability of adverse tax consequences if the proceeds are allocated and repatriated. The Office recognizes that in certain instances DIs, particularly their international finance subsidiaries (frequently referred to as "80/20" or "section 861" corporations), may be concerned that any allocation of proceeds of long-term foreign borrowing as a result of section 203(d)(1) may jeopardize the exemption from United States withholding taxes on interest payable to foreign creditors. This would be particularly true if, as a result of holding allocated proceeds in the United States, more than 20 percent of the income of the international finance subsidiary was deemed to be from domestic sources. This problem may now be more acute since the change in section 203(d)(1) to apply to "available proceeds" unless held in the United States, and the requirement in section 306(e) that allocated proceeds be held in the United States, will no longer permit allocated proceeds to be held in Canada in liquid or nonliquid balances. It is anticipated, therefore, that more specific exemptions may have to be issued than would otherwise have been the case under former section 203(d)(1). In this respect, however, the Office wishes to direct the attention of DIs to Internal Revenue Service Technical Information Release No. 1005, issued December 27, 1968, in which there is discussion of several options available under section 861(a) of the Internal Revenue Code which are consistent with the objectives and requirements of the Foreign Direct Investment Program and will not adversely affect the international finance subsidiary's section 861 "foreign source income" position.

The following example is illustrative of section 203(d)(1):

Example 7. DI elects the 30 percent of earnings allowable under section 504(b) for 1969 and has a Schedule B allowable of $2,000,000. During 1969, DI makes a positive net transfer of capital to Schedule B of $2,500,000 and its Schedule B AFNs earn $1,000,000. In addition, DI holds $5,000,000 in "available proceeds" in the form of short-term deposits in a German bank. Assuming DI's Schedule B AFNs pay no dividends for 1969, DI may repatriate prior to the end of the year $1,500,000 of the "available proceeds" and allocate and deduct such amount pursuant to section 306(e), thereby reducing its positive direct investment in Schedule B to $2,000,000 ($2,500,000 plus $1,000,000 less $1,500,000) in compliance with its allowables under section 504(b). However, since DI would still hold overseas "available proceeds", and its net transfers of capital to Schedule B, after taking into account the proviso to section 203(d)(1), would be $1,000,000 ($2,500,000 less $1,500,000), DI is required to repatriate before the end of the year at least an additional $1,000,000 to comply with section 203(d)(1). If this repatriated amount is allocated to positive direct investment under section 306(e), DI will report positive direct investment in Schedule B during 1969 on its FDI-102F of $1,000,000 (deemed to consist of a zero net transfer of capital plus reinvested earnings of $1,000,000 under the proviso to section 203(d)(1)) and would have a Schedule B carry-forward into 1970 of $1,000,000 for its unused allowables in that amount. In the alternative DI may repatriate all remaining overseas "available proceeds" of $3,500,000 so that section 203(d)(1) does not apply, and it need not then allocate any portion of them to positive direct investment. DI would then show positive direct investment in Schedule C of $2,000,000, it would have no carry-forward and it would have $3,500,000 of domestic "available proceeds" for use in succeeding years.

5. *Change of scheduled area in which deductions are made.* Section 203(d)(3) as in effect during 1968 permitted proceeds of long-term foreign borrowing expended in a scheduled area in transfers of capital to be "reallocated" to another scheduled area, but only if such transfers were made because of the provisions of section 203(d)(1). Further, only one such "reallocation" could be made. Under new section 203(d)(2), a direct investor which expends proceeds of long-term foreign borrowing and makes a deduction from net transfer of capital to a scheduled area under section 313(d)(1), may thereafter make unlimited successive deductions, in successive years, from positive direct investment in other scheduled areas. Also, under new section 203(d)(3), a direct investor which allocates proceeds of long-term foreign borrowing and deducts the amount of such proceeds from positive direct investment in a scheduled area under section 306(e), may thereafter make unlimited successive allocations and deductions, in successive years, from positive direct investment in other scheduled areas. Both subparagraphs (2) and (3) of section 203(d) permit a change in the scheduled area to which an allocation is made whether or not the first expenditure or allocation was made because of the provisions of section 203(d)(1). In each case, however, during the year in which a change of scheduled area occurs, a transfer of capital in an equal amount is recognized to the scheduled area in which the last prior expenditure or allocation was made. No further "reallocation" may take place after the borrowing has been repaid, since allocated proceeds are, by definition, only those proceeds which are of outstanding borrowings. "Reallocation" may, however, in all events be made up to the amount of proceeds expended in transfers of capital until the long-term foreign borrowing with respect to those proceeds is repaid.

The following example is illustrative of section 203(d)(2) and and (3):

Example 8. DI elects the historical allowable for 1969 and has a Schedule B allowable of $2,000,000. During 1969, DI makes a long-term foreign borrowing, the proceeds of which are $5,000,000, and accordingly holds available proceeds of $5,000,000. During 1969, DI expends $3,000,000 of its available proceeds in a transfer of capital to X, its sole Schedule B AFN, for which a deduction is taken under section 313(d)(1), and X has earnings of $4,000,000 and pays no dividends, resulting in positive direct investment in Schedule B during 1969 of $4,000,000. Prior to the end of 1969, however, X repatriates and allocates its remaining $2,000,000 of available proceeds to positive direct investment in X and deducts such amount under section 306(e) to arrive at $2,000,000 of positive direct investment in 1969 authorized by its Schedule B allowable.

During 1970, DI again elects the historical allowable of $2,000,000 in Schedule B. DI acquires a Schedule C AFN (Y), with $4,000,000 of funds from U.S. sources. DI has no allowable and no other AFNs in Schedule C and makes no other transactions in Schedule C. The acquisition is a transfer of capital which results in positive direct investment in Schedule C during 1970 of $4,000,000. During 1970, DI deducts from Schedule C positive direct investment, under section 203(d)(2), $3,000,000 which was expended in making the transfer of capital to Schedule B during 1969. DI also allocates $1,000,000, under section 203(d)(3), which was previously allocated to positive direct investment in Schedule B during 1969, and therefore deducts a total of $4,000,000 from positive direct investment in Schedule C during 1970 in order to comply with the program in that scheduled area. This change in the scheduled area in which allocation and deduction is made results in transfers of capital to X in Schedule B during 1970 of $4,000,000 ($3,000,000 plus $1,000,000). During 1970, X has earnings of $4,500,000 and pays dividends in same amount to DI, and X also makes a transfer of capital to DI of $2,000,000, so that DI has positive direct investment in Schedule B for 1970 of $2,000,000 as authorized under its § 504 allowable for that scheduled area.

6. *Miscellaneous.* Section 203(e)(1) has been amended to revise the $25,000 exemption to apply only to "liquid foreign balances" held as of the end of any month, commencing July 1, 1969. Previously, this exemption applied to "foreign balances", which included nonliquid foreign balances and "direct investment liquid foreign balances". DIs which elect the section 503 minimum allowable, in particular, should note that the increase of the section 503 minimum allowable to $1,000,000 does not affect the ceiling provided in section 203(c) which continues to be based on the average end-of-month amounts of "liquid foreign balances" held by the DI during 1965 and 1966, subject only to the $25,000 exemption. All DIs should be aware that it is the intent of the regulations that the volume of "liquid foreign balances" should not vary significantly over the course of a month, except for legitimate business reasons. In addition, DIs are also reminded that section 203(a)(4) provides that certain liquid foreign balances nominally held by AFNs of a DI will be considered held by the DI itself. For example, intercompany loans to a subsidiary which result in liquid foreign balances not related to the business needs of the subsidiary are both transfers of capital under section 312(a) and "liquid foreign balances" subject to the ceilings established in section 203(c).

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to the Chief Counsel, Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Because of the necessity of distributing the quarterly reporting form (FDI-102) for 1969 as soon as possible, and since the proposed amendments primarily consist of additional measures designed to give additional flexibility to DIs and technical amendments which do not involve changes of substance, such communications concerning the proposed amendments will be considered only if received within 10 days after publication of this notice in the FEDERAL REGISTER. Subsequent to such time, the proposed amendments, if adopted, will be published in the FEDERAL REGISTER in final form either as proposed or as they may be changed in light of comments received.

The text of the amendments, effective with respect to transactions after January 1, 1969, unless otherwise specifically provided, is as follows:

1. Subparagraph (3) of paragraph (a) of § 1000.203 is revoked, and paragraphs (a)(1), (b), (c), (d), and (e) of that section are revised to read as follows:

§ 1000.203 Liquid foreign balances; prohibited positive net transfer of capital.

(a) For purposes of this section:

(1) The term "foreign balances" means money on deposit in a foreign bank (as defined in § 1000.317), including certificates of deposit and fixed interest deposits of such a bank, negotiable instruments, nonnegotiable instruments acquired after June 30, 1968, commercial paper of an unaffiliated foreign national (other than negotiable instruments, nonnegotiable instruments or commercial paper arising from the export by the direct investor of goods or services from the United States to foreign nationals) and securities issued or guaranteed by a foreign country: *Provided*, That foreign balances shall not, except as otherwise expressly provided in this part, include available proceeds as defined in paragraph (d) of § 1000.324.

* * * * *

(b) Each direct investor shall maintain books and records which identify separately all proceeds of long-term foreign borrowing which it receives and the uses to which such proceeds have been put.

(c) Except as provided in paragraph (e)(1) of this section and as otherwise provided by the Secretary by means of authorizations, exemptions or otherwise, each direct investor is hereby required, on or before June 30, 1968, to reduce the amount of liquid foreign balances held by such direct investor to an amount not in excess of the average end-of-month amounts of the same so held by such direct investor (whether or not a direct investor at that time) during 1965 and 1966; and, thereafter, to limit the amount of such balances held by the direct investor at the end of any month to such reduced amount.

(d)(1) Except as provided in paragraph (e)(2) of this section, and as otherwise permitted by the Secretary by means of authorizations, exemptions or otherwise, a direct investor which holds available proceeds in the form of foreign balances or securities as of the end of any year commencing with the year 1969 shall be prohibited from making a positive net transfer of capital to any scheduled area for such year to the extent of any positive direct investment in such scheduled area for such year: *Provided*, That this subparagraph shall not apply to a direct investor which elects to be governed by § 1000.503 for such year. For purposes of this paragraph, allocations to positive direct investment under § 1000.306(e) shall first be deemed to reduce any positive net transfer of capital to a scheduled area and thereafter to reduce any reinvested earnings in such scheduled area.

(2) A direct investor which expends proceeds of long-term foreign borrowing and makes a deduction from net transfer of capital to a scheduled area under § 1000.313(d)(1), may thereafter deduct the same amount or any portion thereof from positive direct investment in another scheduled area, up to the amount of such proceeds of long-term foreign borrowing, and such proceeds shall be deemed expended in such other scheduled area: *Provided*, That the direct investor shall be deemed at the time of such deduction from positive direct investment in a different scheduled area to have made a transfer of capital equal to the amount of such deduction to the scheduled area in which the deduction from net transfer of capital under § 1000.313(d)(1) was previously made.

The direct investor may thereafter continue to change the scheduled area in which a deduction from positive direct investment is made, up to the amount of proceeds of long-term foreign borrowing expended in making a transfer of capital: *Provided*, That each time such change occurs, the direct investor shall be deemed to have made a transfer of capital to the immediately previous scheduled area in the amount of the deduction from positive direct investment in the subsequent scheduled area.

(3) A direct investor which allocates proceeds of long-term foreign borrowing and deducts the amount of said proceeds from positive direct investment in a scheduled area under § 1000.306(e), may thereafter allocate all or part of such proceeds of long-term foreign borrowing to positive direct investment in another scheduled area: *Provided*, That a direct investor which makes a reallocation under this subparagraph (3) shall be deemed at the time of such reallocation to have made a transfer of capital equal to the amount so reallocated to the scheduled area in which the proceeds of long-term foreign borrowing were allocated immediately prior thereto. The direct investor may thereafter continue to reallocate all or part of such proceeds to different scheduled areas: *Provided*, That each time such reallocation occurs, the direct investor shall be deemed to have made a transfer of capital equal to the amount so reallocated to the scheduled area to which the proceeds of long-term foreign borrowing were allocated immediately prior to such reallocation.

(e)(1) Commencing with July 1, 1969, a direct investor which, as of the end of any month, has total liquid foreign balances not exceeding $25,000, shall not be subject to the provisions of paragraph (c) of this section with respect to such month.

(2) Paragraph (d)(1) of this section shall not apply with respect to a year if a direct investor, as of the end of such year, holds total available proceeds in the form of foreign balances or securities in the amount of no more than $25,000.

2. A new paragraph (e) is added to § 1000.306 to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(e)(1) There shall be deducted from positive direct investment in a scheduled area during any year, as calculated under paragraph (a) of this section, an amount equal to any available proceeds (as defined in § 1000.324(c)) allocated by the direct investor to such positive direct investment for such year. Available proceeds shall be allocated to such positive direct investment for such year if (i) an entry is made in the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601; (ii) the allocation and deduction is reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds, as of the end of the year for which the deduction is made, are held in the United States and are not held, directly or indirectly, in the form of foreign balances or property, or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of persons other than persons within the United States.

(2) A direct investor which allocates available proceeds as provided in subparagraph (1) of this paragraph is prohibited from thereafter holding such proceeds in any form other than as provided in subdivision (iii) of that subparagraph: *Provided*, That such proceeds may thereafter be expended in making transfers of capital to affiliated foreign nationals, but if so expended, § 1000.313 (d)(1) shall not apply.

3. Section 1000.312(a)(7) is revised to read as follows:

§ 1000.312 Transfers of capital.

(a) * * *

(7) The complete or partial satisfaction by a direct investor of a long-term foreign borrowing made by the direct investor before or after the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital on or after January 1, 1965, or were allocated by the direct investor (on the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601) to positive direct investment.

A transfer of capital resulting from the repayment of a borrowing by a direct investor shall be deemed to have been made to the scheduled area for which a deduction was last made under §§ 1000.203(d)(2), 1000.203(d)(3), 1000.306(e), or 1000.313(d)(1); or if a deduction was last made in two or more scheduled areas with respect to such repaid borrowing, the transfer shall be apportioned among such scheduled areas in the same proportions as the amount of such deductions in each such scheduled area. If any apportionment made by a direct investor hereunder is determined by the Secretary to be inconsistent with the purposes of this part, the Secretary shall have the right, in his discretion, to make an apportionment consistent with the purposes of this part.

* * * * *

4. Section 1000.312(a)(9) is amended to add after the words "as defined in § 1000.203(a)(1)" in the first sentence of said subparagraph, the words "and including available proceeds held as foreign balances".

5. Paragraph (d)(1) of § 1000.313 is revised to read as follows:

§ 1000.313 Net transfer of capital.

* * * * *

(d) In calculating the amount of the net transfer of capital made by a direct investor to a schedule area during any period (including the years 1965 and 1966) pursuant to paragraph (c) of this section:

(1) There shall be deducted an amount equal to the proceeds of long-term foreign borrowing actually expended in making transfers of capital to affiliated foreign nationals in such scheduled area during such period.

* * * * *

6. Paragraphs (c) and (d) of § 1000.324 are revised to read as follows:

§ 1000.324 Long-term foreign borrowing.

* * * * *

(c) "Proceeds of long-term foreign borrowing" means (1) the gross amount or value (before deducting any discounts, commissions or fees) of funds or other property received by a direct investor from the first purchaser or holder in exchange for the debt obligation issued or created in connection with the borrowing, and reported by the direct investor on its next and all succeeding periodic reports filed with the Office (whether quarterly on Form FDI–102 or annual on Form FDI–102F) for periods during which such borrowing is outstanding, less (2) repayments of principal on such borrowing.

(d) "Available proceeds" means proceeds of long-term foreign borrowing (as defined in paragraph (c) of this section) less (1) amounts which have been expended in transfers of capital to affiliated foreign nationals and deducted under § 1000.313(d) (1), and (2) amounts allocated to positive direct investment made in a scheduled area and deducted under § 1000.306(e).

§ 1000.1105 [Amended]

7. Section 1000.1105 is amended to revoke paragraph (c) of that section.

8. The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all direct investment and affected transactions occurring during the year 1969 and succeeding years.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

JUNE 16, 1969.

[F.R. Doc. 69–7239; Filed, June 16, 1969; 10:40 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–CE–36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Hibbing, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Hibbing, Minn., one of the instrument approach procedures for Chisholm-Hibbing Airport has been modified. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Hibbing, Minn., control zone and transition area to adequately protect aircraft executing the modified approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

HIBBING, MINN.

Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 1½ miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; within 2½ miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone northwest to 19 miles northwest of the VOR; and within 2½ miles each side of the 210° bearing from Chisholm-Hibbing Airport extending from the 5-mile radius zone to 6½ miles southwest of the airport.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 2½ miles each side of the Hibbing VOR 313° radial, extending from 19 to 20½ miles northwest of the VOR; and within 3 miles each side of the 070° bearing from Chisholm-Hibbing Airport, extending from the 8½-mile radius area to 13½ miles east of the airport, excluding the portion which overlies the Eveleth, Minn., transition area; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Hibbing VOR 133° radial, extending from the VOR to 18½ miles southeast of the VOR; within 4½ miles northeast and 9½ miles southwest of the Hibbing VOR 313° radial, extending from 9 to 31½ miles northwest of the VOR; within 4½ miles south and 9½ miles north of the 070° bearing from Chisholm-Hibbing Airport, extending from the airport to 24 miles east of the airport; and within 4½ miles northwest and 9½ miles southeast of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 18½ miles southwest of the airport, excluding the portion which overlies the Duluth, Minn., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 21, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–7169; Filed, June 17, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–37]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Vichy, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Vichy, Mo., terminal area, a new public use instrument approach procedure has been developed for the Rolla National Airport utilizing the Vichy VORTAC as a navigational aid. In addition, the criteria for the designation of transition areas have been changed. Accordingly, it is necessary to alter the Vichy, Mo., transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

VICHY, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the Vichy, Mo., VORTAC 067° radial, extending from the 6½-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 050° and 239° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 239° radial clockwise to the Vichy VORTAC 321° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 27, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69–7170; Filed, June 17, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–34]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pipestone, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in

order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Pipestone, Minn., Municipal Airport, utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Pipestone, Minn. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center will control IFR air traffic into and out of the Pipestone Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

PIPESTONE, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (latitude 43°-59'05" N., longitude 96°18'00" W.); and within 3 miles each side of the 193° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 013° and 193° bearings from Pipestone Municipal Airport, extending from 5 miles north to 18½ miles south of the airport; and within 5 miles each side of the 013° bearing from Pipestone Municipal Airport, extending from the airport to 12 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 21, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-7171; Filed, June 17, 1969; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Docket No. 9657; Notice 69-27]

DESIGNATION OF AREA NAVIGATION ROUTES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 71 and 75 of the Federal Aviation Regulations to establish repositories for the designation of area navigation routes and to define the spatial limitations of these routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 18, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Present navigational methods, based on the use of VOR/DME/TACAN ground facilities, result in routes or airways which lead either directly toward or away from the station. Such restrictions on alignments create a convergence or funneling of air traffic over the station and result in limitations on the configuration and the number of routes available between two points.

These limitations take on even more importance when one considers that arrival and departure procedures are based in large measure on the same ground stations which serve the en route structure. This means the funneling effect is compounded by altitude changes for traffic transiting to or from the en route structure.

The next logical step towards providing more airspace and reducing traffic congestion is the development of a navigational capability that permits accurate route definition on an area basis to take full advantage of the VORTAC system. This capability, commonly termed "area navigation", is described as navigation not confined to flying a radial to or from the ground station providing the navigational guidance. Area navigation, from one geographical point to another, can either be dependent upon ground based facilities or self-contained navigational aids.

Several airborne navigation systems have been developed. Among these are: (1) Course line computers; (2) pictorial displays; (3) doppler radars; and (4) inertial platforms.

The course line computer is an airborne computer which indicates a predetermined course to fly, on the basis of inputs from ground based signals. Pictorial display links the course line computer to a moving symbol seen against the background of an area chart, so that the geographical position of the aircraft is indicated at all times. Inertial platforms provide the pilot with exact ground speed and azimuth data, making possible accurate cockpit computation of position.

Area navigational devices permit additional flexibility over VOR/DME receivers being used in the conventional VOR airway and approach environment. These devices provide an airborne computer which utilizes bearing and distance information and computes the necessary information to permit navigation to any selected waypoint or geographical coordinates (also known as a waypoint) within the service volume of a predetermined ground station, providing facility performance is satisfactory. The airborne equipment, in effect, offsets a ground station to any selected point within the service volume of the reference facility, thus creating a waypoint. Other area navigation devices, such as Inertial Navigational Systems, use latitude and longitude coordinates to define a geographic waypoint. A succession of these waypoints provide definition of the designated course to be flown. Thus, any route or terminal area procedure may be devised by providing a proper succession of waypoints.

By amending the Federal Aviation Regulations, the FAA can provide the necessary protected airspace for the utilization of area navigation equipment. This proposed regulatory action is not to designate specific routes but rather to (1) propose spatial requirements for area high and low routes and (2) to create a repository where later airspace rule making actions can be placed.

By developing concepts of area navigation within the present air traffic system, we can enhance controller and pilot ability to cope with the ever increasing traffic volume through better use of the available airspace.

In consideration of the foregoing, it is proposed to amend Parts 71 and 75 of the Federal Aviation Regulations as follows:

1. By amending Part 71 as follows:

a. By amending the Title of Part 71 to read as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

b. By adding a new § 71.1(c) to read as follows:

§ 71.1 Applicability.

* * * * * *

(c) The airspace assignments described in Subpart J are designated as area low routes.

c. By adding a new § 71.6 to read as follows:

§ 71.6 Extent of area low routes.

(a) Each area low route segment consists of airspace on each side of a centerline extending between two or more waypoints. Waypoints are fixes located away from a specified VORTAC/VOR–DME, and are described by the VORTAC/VOR–DME radial and DME distance. The tangent point is the intersection of the area low route segment centerline or centerline extended with the perpendicular radial of the VORTAC/VOR–DME used to describe the waypoints. All mileages specified are nautical miles.

(b) Unless otherwise specified in Subpart J—

(1) Each area low route includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the area low route segments until they meet.

(2) Where the changeover point for an area low route segment is more than 51 miles from either tangent point and—

(i) The changeover point is midway between the tangent points, the route segment includes the airspace between lines diverging at angles of 4.5° from the centerline at each tangent point and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the tangent points, the route segment includes the airspace between lines diverging at angles of 4.5° from the centerline at the tangent point more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point, and between lines connecting these points of intersection and the tangent point nearer to the changeover point.

(3) Where an area low route terminates at a waypoint more than 51 miles from the tangent point, it includes the additional airspace within lines diverging at angles of 4.5° from the centerline extending from the tangent point to a line perpendicular to the centerline at the termination point.

(4) Where an area low route terminates, it includes the airspace within a circle centered at the terminating waypoint having a diameter equal to the route segment width at that point. However, an area low route does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart J—

(1) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified apply to the segment of a route between adjoining waypoints used in the description of the route; and

(2) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

d. By amending the first sentence of § 71.7 to read as follows:

§ 71.7 Control areas.

Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area.

* * * * *

e. By adding a new Subpart J—Area Low Routes to read as follows:

Subpart J—Area Low Routes

§ 71.221 Designation.

Waypoints used in the descriptions of area low routes designated herein are described by the VORTAC/VOR name, radial and DME distance forming those waypoints. Where waypoint place names are used, the place name will be enclosed in parentheses.

2. By amending Part 75 as follows:

a. By amending the Title of Part 75 to read as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

b. By inserting the following sentence at the end of § 75.1:

§ 75.1 Applicability.

* * * The routes described in Subpart D are designated as area high routes.

c. By adding a new § 75.13 to read as follows:

§ 75.13 Area high routes.

Each area high route designated in Subpart D consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route. Unless otherwise specified, the airspace centered on each of the following area high routes extending outside the continental control area has a lateral extent identical to that of an area low route and is designated as a control area.

d. By adding a new Subpart D—Area High Routes to read as follows:

Subpart D—Area High Routes

§ 75.401 Area high routes.

Waypoints used in the descriptions of area high routes designated herein are described by the VORTAC/VOR name, radial, and DME distance forming those waypoints. Where waypoint place names are used, the place name will be enclosed in parentheses.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 13, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-7190; Filed, June 17, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 9 (Rev.)]

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATORS

Delegations of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation, or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

(1) Deputy Administrator.

(2) Assistant Administrator, Bureau for Near East and South Asia.

(3) Assistant Administrator for Administration.

(4) Assistant Administrator, Bureau for Vietnam.

(5) Assistant Administrator, Bureau for Africa.

(6) Assistant Administrator, Bureau for East Asia.

This delegation of authority supersedes Delegation of Authority No. 9 (revised) of August 2, 1968 (33 F.R. 11418).

This delegation of authority is effective immediately.

Dated: June 11, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69-7187; Filed, June 17, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 9508]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Land

JUNE 11, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial New Mexico 9508, for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the general mining, but not the mineral leasing laws. The applicant desires the land for reclamation purposes in connection with the Pecos River Basin Water Salvage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 27 E.,
Sec. 33, W½SE¼NE¼.

The area described aggregates 20 acres in Eddy County.

W. J. EGAN,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-7149; Filed, June 17, 1969; 8:45 a.m.]

Office of the Secretary

E. CLYDE McGRAW

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Change name of Texas Compressor Corp. to Texas Commercial Industries, Inc.

(2) Delete Farmers Cooperative Grain Co. Change name of Texas Compressor Corp. to Texas Commercial Industries, Inc.

(3) None.

(4) None.

This statement is made as of June 9, 1969.

Dated: June 2, 1969.

E. CLYDE MCGRAW.

[F.R. Doc. 69-7206; Filed, June 17, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0836) has been filed by the Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 4 - (methylsulfonyl) -2,6 - dinitro - *N,N*-dipropylaniline in or on forage legumes, peanuts, and seed and pod vegetables at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with an electron capture detector.

Dated: June 10, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7173; Filed, June 17, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-60]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR, chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 9, 1969 to May 21, 1969 (list No. 14-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/381/3, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic (F.R.P.), oar-propelled lifeboat, 40-person capacity, identified by general arrangement drawing No. P-24-1A, Revision F, dated February 5, 1969, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—2,500 pounds; Condition "B"—10,027 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective May 21, 1969. (It supersedes Approval No. 160.035/381/2 dated July 14, 1967, to show change in construction and address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE. Approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.048/147/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City, Iowa 51105, effective May 19, 1969. (It is an extension of approval No. 160.048/147/0 dated May 21, 1964.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/24/0, model OVS safety valve for steam heating boilers and unfired steam generators, dwg. No. B-2807-S, dated June 20, 1962, and revised June 4, 1963, approved for a maximum pressure of 30 p.s.i and a maximum temperature of 450° F. in the following sizes and relieving capacities:

Size (inches)	*Capacity (pounds/hr.) @ 30 p.s.i.*
¾	310
1	554
1¼	866
1½	1242
2	2217

manufactured by J. E. Lonergan Co., Post Office Box 6167, Philadelphia, Pa. 19115, effective May 16, 1969.

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/105/0, model 94030 6" Marine Breather Valve, dwg. No. 9403-00010, approved for pressure vacuum relief on cargo oil tanks with a maximum pressure setting of 2.5 p.s.i.g. and a maximum vacuum setting of 0.5 p.s.i.g., manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective May 16, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/16/1, "No. 100 Ultralite MC Insulation," glass wool insulation-type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1519:FP2622 dated May 19, 1948, approved in a 1-pound per cubic foot density, manufactured by Gustin Bacon Division, Certain-Teed Products Corp., at Plant No. 7, 3031 Fiberglas Road, Kansas City, Kans. (formerly Certain-Teed/Saint Gobain), for Certain-Teed/Saint Gobain Insulation Corp., 100 Presidential Boulevard, Bala-Cynwyd, Pa. 19004, effective May 9, 1969. (It supersedes Approval No. 164.009/16/1 dated Oct. 31, 1967 to show change in name of manufacturer.)

Approval No. 164.009/23/0, "No. 75 Ultralite MC Insulation," glass wool insulation-type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656:FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 0.75-pound per cubic foot, manufactured by Gustin Bacon Division, Certain-Teed Products Corp., at Plant No. 7, 3031 Fiberglas Road, Kansas City, Kans. (formerly Certain-Teed/Saint Gobain), for Certain-Teed/Saint Gobain Insulation Corp., 100 Presidential Boulevard, Bala-Cynwyd, Pa. 19004, effective May 9, 1969. (It supersedes Approval No. 164.009/23/0 dated Oct. 31, 1967, to show change in name of manufacturer.)

Approval No. 164.009/24/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656:FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, manufactured by Gustin Bacon Division, Certain-Teed Products Corp., at Plant No. 7, 3031 Fiberglas Road, Kansas City, Kans. (formerly Certain-Teed/Saint Gobain), for Certain-Teed/Saint Gobain Insulation Corp., 100 Presidential Boulevard, Bala-Cynwyd, Pa. 19004, effective May 9, 1969. (It supersedes Approval No. 164.009/24/0 dated Oct. 31, 1967 to show change in name of manufacturer.)

Approval No. 164.009/125/0, "Spray-Don" sprayed asbestos fiber type incombustible material identical to that described in Sprayon Research Corp. letter dated March 3, 1969; approved without adhesive in a density of 11 through 15 pounds per cubic foot, manufactured by U.S. Gypsum Co., Plainfield, N.J., for Sprayon Research Corp., 1101 Northeast 110th Street, Miami, Fla. 33161, effective May 14, 1969.

Dated: June 13, 1969.

W. J. SMITH,
Admiral U.S. Coast Guard Commandant.

[F.R. Doc. 69-7201; Filed June 17, 1969; 8:49 a.m.]

AMERICAN BATTLE MONUMENTS COMMISSION

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

Section 4 of the Statement of Organization, Functions, and Procedures, published on page 17865 of the FEDERAL REGISTER of November 30, 1968, is revised to read as follows:

SEC. 4. *Procedures governing availability of records and information.* (a) This part is issued pursuant to 5 U.S.C. 552.

(b) Records available to the public on request. Records of the Commission are made available, upon request, for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in section 4(c). Records falling within the exemptions from disclosure set forth in section 552 (b) of title 5 of the United States Code and in section 4(c) of this part may, at the discretion of the Secretary, be made available if disclosure would not adversely affect the statutory responsibilities of the Commission, or some public or private interest intended to be protected by such exemptions.

(c) Information not disclosed: Except as may be authorized by the Secretary, information of the Commission that is not available to the public through other sources will not be made available for inspection, examination, or copying by any person if such information:

(1) Is exempted from disclosure by statute or executive order;

(2) Relates solely to internal personnel rules or practices of the Commission;

(3) Relates solely to personal information on employees other than their names, position titles, grades, salaries, and duty stations.

(d) Public access to information and records. Requests for information or for inspecting or copying records should be made orally or in writing to the Secretary, American Battle Monuments Commission, 2018 Munitions Building, Washington, D.C. 20360, where facilities are

available for such inspecting and copying.

(e) Appeals: Any person who is denied access to records of the Commission may, within 30 days thereafter, file with the Commission a written request for review of such action.

(f) Subpoenas: If an officer or employee of the Commission is served with a subpoena demanding the disclosure of information or the production of files, documents, and records described in section 4(c), he shall promptly inform the Secretary and ask for instructions. Unless the Secretary has authorized disclosure of the relevant information, the person shall appear at the time and place mentioned in the subpoena and respectfully decline to produce such information or give any testimony with respect thereto, basing his refusal upon this part.

AMERICAN BATTLE MONUMENTS COMMISSION,
A. J. ADAMS,
Major General, U.S. Army, Secretary.

JUNE 12, 1969.

[F.R. Doc. 69-7172; Filed, June 17, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19362]

ADDITIONAL SERVICE TO COLUMBIA AND AUGUSTA CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned Examiner on July 15, 1969, at 10 a.m., e.d.s.t., in the Senate Hearing Chamber, South Carolina General Assembly, State Capitol, Columbia, S.C. Upon conclusion of the Columbia session, at which the evidence of State and Civic Parties will be received, the hearing will reconvene on July 21, 1969 at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. to receive the evidence of the carrier applicants.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on March 26, 1969 and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 12, 1969.

[SEAL] LOUIS W. SORENSON,
Hearing Examiner.

[F.R. Doc. 69-7215; Filed, June 17, 1969; 8:51 a.m.]

[Docket No. 18496; Order 69-6-68]

CITY AND AIRPORT AUTHORITY OF LINCOLN, NEBR.

Order Regarding Application Set for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of June 1969.

In Order 69-2-109, the Board granted the petition of Lincoln, Nebr., for reconsideration of Order 68-12-12 and directed that the application of Lincoln, Docket 18496, be set for hearing, stating that while it was not prepared to hear Lincoln's application immediately, it expected to reach the application in the reasonably near future.

The Lincoln application requests issuance and amendment of certificates of public convenience and necessity for one or more air carriers to engage in scheduled air trasportation of persons, property, and mail between (1) Lincoln-Chicago, (2) Lincoln-Minneapolis/St. Paul, (3) Lincoln-St. Louis, and (4) Lincoln-Seattle/Portland as coterminals.

While the Board is prepared to go to hearing on the first three proposals of the Lincoln application, the Board is not persuaded that need exists for examination of the Lincoln-Seattle/Portland proposal. The Board notes that Lincoln in various pleadings seeking expansion of the Service to Omaha and Des Moines Case, Docket 18401 et al., and again in requesting that the record in that case be reopened, stressed its need and pressed for hearing on the Chicago, St. Louis, and Twin Cities proposals but did not press for consideration of its need for service to Seattle/Portland in that case.

Single-carrier service between Lincoln and Seattle/Portland is now provided by United Air Lines, and service is also available over Frontier Airlines to Denver, connecting there with the several carriers authorized to serve the Denver-Seattle/Portland markets. The Board notes that the 1967 O&D surveys reflect a total of 3,690 annual passengers exchanged between Lincoln, on the one hand, and Seattle and Portland, on the other.

On the basis of the foregoing, the Board has decided to amend ordering paragraph 2 of Order 69-2-109 to provide for hearing on the application of Lincoln, Nebr., Docket 18496, to the extent that it requests service between Lincoln-Chicago, Lincoln-Minneapolis/St. Paul, and Lincoln-St. Louis and for dismissal of that portion of Docket 18496 which requests service between Lincoln-Seattle/Portland.

Accordingly, it is ordered, That ordering paragraph 2 of Order 69-2-109 be and it hereby is amended to read as follows:

That the application of Lincoln, Nebr., Docket 18496, to the extent that it requests service between Lincoln-Chicago, Lincoln-Minneapolis/St. Paul, and Lincoln-St. Louis shall be set for hearing before an examiner of the Board at a time and place to be hereafter designated and that the remaining portion of Docket 18496 be dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7216; Filed, June 17, 1969; 8:51 a.m.]

[Docket No. 17657, etc.]

EXECUTIVE JET AVIATION, INC.

Notice of Resumption of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and Board Order 69-6-17, June 4, 1969, that the hearing in the above-entitled proceeding, recessed on January 13, 1969, will be resumed on July 15, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 12, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-7217; Filed, June 17, 1969; 8:51 a.m.]

[Docket No. 20291; Order 69-6-65]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority June 12, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement amends existing resolutions relating to affinity-group travel by the inclusion of provisions requiring that the tickets for all group members shall be issued by the same IATA-approved agent unless issued by the carrier. This provision would be placed into effect on November 1, 1969. We are herein approving the amended resolution as it applies between the United States and India/Pakistan/Afghanistan/Ceylon/Nepal, and, in accordance with established policy, we will herein disclaim jurisdiction over resolutions which do not apply in air transportation.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that Resolution JT123 (Mail 593) 076l, which is incorporated in Agreement CAB 20981, R-2, is adverse to the public interest or in violation of the Act; and

2. It is not found that the following resolutions, which are incorporated in the agreement indicated, affect air transportation within the meaning of the Act:

Agreement CAB 20981	*IATA resolution*
R-1	JT12(Mail 593)076f
R-3	JT123(Mail 593)076o

Accordingly, it is ordered, That:

1. Action on Agreement CAB 20981, R-2, is deferred with a view toward eventual approval; and

2. Jurisdiction is disclaimed with respect to Agreement CAB 20981, R-1 and R-3.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7218; Filed, June 17, 1969; 8:51 a.m.]

[Docket No. 20898; Order 69-6-60]

TYPE D AIR FREIGHT CONTAINERS

Order Regarding Application for Exemption To Conduct Experimental Leasing Program on Carrier-Owned

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of June, 1969.

By application filed April 9, 1969, six domestic airlines[1] request exemption from sections 403, 404, 411, and 412 of the Federal Aviation Act of 1958 with respect to conducting a 9-month experiment in one-way trip rental of a reusable carrier-owned Type D aluminum air freight container,[2] limited to the cities of New York, Chicago, and Los Angeles. Under the present container program of the carriers, Type D containers must be shipper-owned, and are essentially of a nondurable construction, primarily because of a tare weight allowance limitation of 63 pounds. The capital cost of such containers is understood to be typically about $20-$25, with a probable life expectancy of 15-18 (loaded) trips. The shipper must bear the expense of any return (empty) trips for positioning of his container inventory.[3] The total container cost to the shipper, per round-trip, is probably substantial.

The carriers state that shippers would employ Type D containers to a substantially greater extent if such containers were carrier-owned, and could be made available on a one-way trip rental basis at a charge considerably below that now being borne by the shipper, and, in order to provide a more durable unit and insure greater trip life, that an aluminum container has been developed[4] with a tare weight of 96 pounds. However, the carriers' agreement and their container tariff provide only a 63-pound tare allowance for the Class D containers and, therefore, the additional 33 pounds in the aluminum unit would discourage shippers from leasing it. The carriers further state that publication of their proposed Type D container one-way rental offering in their tariffs would create an undue burden and other difficulties regarding possible charges of (a) inadequate service, because of the very limited number of available containers; (b) undue preference, because of the special tare allowance being available only for these particular containers, and (c) unjust discrimination, because the rental service is being restricted only to shipments moving between New York, Chicago, and Los Angeles. The carriers, therefore, have requested exemption from complying with the requirements of sections 403, 404, 411, and 412 of the Act.

No opposition to the carriers' application has been received.

Upon consideration of the carriers' request, the Board will deny the exemptions sought.

The carriers' proposal to offer a one-way rental service utilizing a durable container appears to be a worthwhile feature of their containerization program. However, we have serious reservations concerning the specific proposal for which the carriers seek exemption from various sections of the Act. Under this proposal, shippers who utilize the carriers' rental containers would obtain a rate reduction in the form of an additional 33-pound allowance which is not available to other shippers who may use substantially identical containers. It appears that, without the additional 33-pound allowance, the use of these heavier metal containers would be precluded. The carriers have presented no circumstances which would justify, even on an experimental basis, approval of this discriminatory proposal which would have the economic effect of precluding shippers from utilizing their own metal containers and precluding other persons from engaging in the container rental business.

Moreover, no basis exists for exemption from the tariff filing requirements of the Act. Shippers typically receive notice of changes in rates from tariff publications, and the exemption application has presumably not received the same distribution as a tariff publication would. Thus, there is no assurance that the shipping public, and other persons who might be adversely affected by the proposal, have had notice of the exemption application, and the failure to file the proposal in the form of a tariff has thus deprived them of the opportunity to object. The Act contemplates that the tariff is the vehicle by which the public receives information as to a carrier's service and rates, and as the mechanism for fixing the legal obligations of the parties and insuring equal treatment of all.

Accordingly, pursuant to the Federal Aviation Act, and particularly sections 403, 404, 411, 412, and 416(b) thereof,

It is ordered, That:

1. The application of American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., filed April 9, 1969, in Docket 20898 for an exemption from the requirements of sections 403, 404, 411, and 412 of the Federal Aviation Act is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7219; Filed, June 17, 1969; 8:51 a.m.]

[1] American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[2] Type D containers, as defined in the carriers' container agreement (Agreement CAB No. 19982-A1) measure 45" high x 58" wide x 42" deep, have a cubic displacement of 63 cubic feet, and a tare weight allowance of 63 pounds.

[3] Some of the carriers offer a $2 per container-return between any two points on their routes.

[4] The carriers have contracted for 75 of the proposed aluminum containers, at a total cost of about $9,400, and propose to lease such units at $7.50 per one-way trip.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18559—18563; FCC 69-618]

UNITED TELEVISION CO., INC. (WFAN-TV) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18559, File No. BRCT-585, for renewal of license. Washington Community Broadcasting Co., Washington, D.C., Docket No. 18560, File No. BPCT-3849, for construction permit for new television broadcast station. United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18561, File No. BPCT-3917, for construction permit. Washington Civic Television, Inc., Washington, D.C., File No. BPCT-3835, for construction permit for new television broadcast station. United Broadcasting Co., Inc. (WOOK), Washington, D.C., Docket No. 18562, File No. BR-1104, for renewal of license. Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BP-17416, for construction permit for new standard broadcast station.

1. The Commission has before it for consideration (a) the applications for renewal of licenses of Television Broadcast Station WFAN–TV (formerly WOOK–TV) and Standard Broadcast Station WOOK, Washington, D.C., both of which are owned and controlled by Richard Eaton through United Television Co., Inc., and United Broadcasting Co., Inc., respectively (both hereinafter referred to as "United"); (b) the applications of Washington Community Broadcasting Co. (Community) for the frequencies occupied by Stations WFAN–TV and WOOK; (c) the application of Washington Civic Television, Inc. (Civic), for the frequency occupied by Station WFAN–TV; (d) the application of United for a construction permit to make changes in the facilities of Station WFAN–TV; (e) request for special temporary authority filed by United; and (f) petitions to deny or dismiss and related pleadings filed in this proceeding.

2. This order designates for hearing the mutually exclusive applications of United and Community for UHF television Channel 14 and also those of United and Community for standard broadcast frequency 1340 kc in Washington, D.C. The order denies the petitions filed by United against the applications of Community and Civic for the frequency occupied by Station WFAN–TV, dismisses, pursuant to the request of Civic,[1] its application to operate on Channel 14 and denies the request of United for special temporary authority. In addition, the order denies United's "Motion to Dismiss or Defer Action" on the acceptance of Community's application for the WOOK frequency and, insofar as it incorporates issues raised in the Community petitions to deny the license renewal applications of Stations WFAN–TV and WOOK, it grants them.

3. We have denied United's "Motion to Dismiss or Defer Action" on the application of Washington Community Broadcasting Co. to construct a new station operating on 1340 kc in Washington, D.C. because we are convinced that WOOK's last license expired at 3 a.m. October 1, 1966. Consequently, it was the obligation of United to file an application for renewal of the WOOK license if it desired to remain the licensee of that station, and it was also appropriate for the Commission to accept other mutually exclusive applications at that time.

4. United argues that its renewal application (which was filed in April 1962, and designated for hearing on January 19, 1965, Docket No. 15795) was granted for a 3 year term, measured either from the date the hearing examiner's decision became effective (June 23, 1966) or from the date of the designation order. It asserts that the application of Community to construct a new broadcast station on 1340 kc in the Washington, D.C., area should not have been accepted for filing since its license could not be challenged by competing applicants until the last three months of the current license, at which time a renewal application would be on file. United's argument relies on certain language contained in paragraph 4 of the "Conclusions" of the hearing examiner's opinion, where the examiner discussed and rejected the Broadcast Bureau's recommendation that WOOK be granted a 1-year short-term renewal and elected instead to renew the license "on a regular basis", while at the same time imposing a $7,500 forfeiture. In view of the October 1, 1966, regular expiration date for all licenses in the District of Columbia and the fact that the hearing examiner's decision was released only 5 months before, on May 4, 1966, United argues that the examiner must have intended the WOOK license to be renewed for more than just a few months, since he rejected the Bureau's proposal for a 1-year renewal. United further argues that § 73.34(a) of the rules which provides for the expiration of licenses by geographical location, is by its own terms restricted to licenses which are "regularly issued" and therefore inapplicable to WOOK's renewal which, being granted after a hearing, was an "irregular issuance."

5. Community's Opposition emphasizes the fact that on the date the hearing examiner's decision became final, the Commission issued a license on Form 352 which recited that the license authorization expired on October 1, 1966. Community points out that United made no objection to this license, but on the contrary, acquiesced to its terms, as was manifested by the filing of a new renewal application on July 5, 1966. (This is the pending application.) It also asserts that United did not request a waiver of § 73.34(a).

6. We agree with Community that a "regular" renewal is one which extends a license through the end of the current license term, as determined by § 73.34 (a). The word "regular" does not serve to differentiate renewals granted in the course of our normal processing from those granted at the conclusion of a hearing. We believe that whatever ambiguity may have been reflected in the hearing examiner's decision was settled by the issuance of the license, which unequivocally specified October 1, 1966, as the expiration date of the license.

7. Having disposed of United's motion to dismiss or defer action, we turn to a consideration of the merits of Community's petition to deny the WOOK and WFAN–TV renewals. Community asks that the Commission specify issues on four separate matters: (1) Alleged spurious religious programs on WOOK; (2) alleged deceptive advertisements of a book written by Richard Eaton broadcast by Station WOOK; (3) WOOK's "Lucky License" promotional contest; and (4) alleged failure of WFAN–TV to fulfill prior programing proposals. We believe that the first matter requires an issue to determine whether false, misleading, or deceptive statements were broadcast over the air by WOOK. Thereafter, we shall discuss in order the advertisements of the book, matters concerning the past programing of WOOK and WFAN–TV, United's efforts to ascertain the needs and interests of the residents of WOOK's service area, WOOK's "Lucky License" contest, and certain problems concerning the applicants' transmitter site and the request of United for special temporary authority to change WFAN–TV's transmitter site, modify its antenna height and operating power.

Dissemination of false, misleading or deceptive statements by WOOK over the air. 8. Community contends that WOOK regularly broadcasts "spurious" religious programs which allegedly are "patently contrary to the public interest." Programs like those conducted by Reverend M. Bonner, Prophet Thomas, and Prophet Williford are said to exploit gullible and credulous members of the community served by the station by offering listeners, under the guise of religion, magic articles such as "money-drawing incense", "conquer roots",[2] and "spiritual baths",[3] which will cure sickness, pay bills, bring estranged spouses together, give "quick cash money", provide employment and homes, and enable the user to "win" instead of losing in the "game". The "spiritual bath" was offered through the mail, while listeners were invited to come in and meet Bishop Bonner and others to get the magical roots. Also offered was a type of consultation with Prophet Williford which would bestow "luck" to the first 13 visitors.[4] Community stresses that these items were not made available gratuitously, hence the Commission could properly consider whether or not WOOK was broadcasting false, misleading, or deceptive solicitations for these items and services.[5] Community also alleges that some of the statements broadcast are not in the public interest or are against public policy because they allegedly encourage gambling and prevarication.[6]

9. United's opposition to the petition to deny challenges on first amendment grounds the authority of the Commission to question the bona fides of the religious ministers who conducted the programs or the various articles offered by them for use in the practice of the faith. United rejects Community's use of the term "spurious" religions, and asserts that Prophet Thomas' spiritual baths are comparable to the rite of baptism recognized by most Christians, and that the "conquer roots" offered by Bishop Bonner are talismans similar to such things as St. Christopher's medals of Catholics and Mezuzahs of Jews.

10. We have determined that a substantial and material question of fact has been raised relating to whether or not the described announcements or advertisements were false, misleading, or deceptive. The Communications Act of 1934, as amended, requires that where such questions of fact exist, they must be resolved in an evidentiary hearing. The fact that the articles in question are offered as religious objects creates no bar to an inquiry to determine whether the announcements were false, misleading, or deceptive statements.[7]

11. In view of the unresolved factual questions before us concerning the broadcasting of misleading advertising, the examiner shall consider WOOK's policies and practices on advertising matter to determine whether the licensee has fulfilled its obligation to protect the public from the dissemination over its facilities of false, misleading, or deceptive statements. To this end, the examiner should consider WOOK's past record with regard to complaints claiming false, misleading, and deceptive advertising.[8]

Advertising of Eaton's Book. 12. Community also contends that Station WOOK has broadcast misleading advertising or statements offering WOOK listeners an opportunity to buy Richard Eaton's book, Work Wonders Within Yourself. These statements offered WOOK listeners the book at the price of "$4 instead of $4.95", or as later somewhat modified, at "$4 instead of the published price of $4.95". Community argues that the language of the offer implied that the book was sold elsewhere in the Washington, D.C. area for $4.95. These advertisements according to Community violate guidelines of the Federal Trade Commission. Community states that, in response to telephone inquiries to most Washington area bookstores, only one store indicated that it had the book for sale. In contrast, United furnished a letter (dated Jan. 7, 1967) from Prentice-Hall, Inc., the publisher, in which it stated that a review of the 1964 records indicated that during that year Woodward and Lothrop ordered one copy, Doubleday Store ordered five copies, and Brentano's ordered 100 copies for distribution throughout all of its chain at a retail price of $4.95. The question of whether or not the advertised $4 price for the book constituted a true "bargain" or was false or misleading according to Federal Trade Commission guidelines may be considered under Issue No. 2.

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[1] On Jan. 9, 1969, Civic requested that its application be dismissed and it submitted an affidavit of no consideration in accordance with section 1.525 of the Rules. At the same time the Community application was amended to indicate that 18 of Civic's stockholders had subscribed to 13 percent of Community's stock.

[2] In broadcasts of Sept. 4 and 11, 1966, Community alleges (and United does not deny) that Bishop Bonner said:

I will be in Washington, all day on tomorrow * * * I am coming to bless you in a very special way * * * We are bringing tomorrow, Monday, a very special * * * money drawing root * * * This root has helped several that was separated. Men that wanted their wives back, God gave them back. Vice-a-versa. Men wanted employment, got employment. They wanted houses, got houses. They wanted quick cash money, they got it. If they wanted something else, they got it. Also on tomorrow all on tomorrow, we are passing out a very special money drawing incense. (The program continued:) This is Bishop Bonner * * * Come for one of our conquer roots. You want to conquer something? Every day you try to win and you don't win. You put a little money here and you put a little money there and you don't win. I'm going—men and women—I'm to give you one of these very special roots * * * we'll tell you when you come in tomorrow where and how to carry it—on the weekend you go someplace and, you know you want to do something, you try, you know, you will be the most successful person in the game.

[3] The instructions of Prophet Thomas on the procedure for the spiritual bath were as follows:

I want to explain to you children right now how to use the spiritual bath. I want to tell you how to use it, for your best medicine * * * I want you to first of all to take this bath on an even hour. Those are saying, what do you mean by an even hour? That means 2 o'clock, 4 o'clock, 6 o'clock, 8 o'clock, 10 o'clock, or 12 o'clock, and that can be in the morning or at night * * * I want you to take the package that I am going to send you and place it in your tub on an even hour and I want you to repeat or read the 23d section of Psalms and see what the Lord can do for you.

[4] Prophet Williford is said to have made the following remarks concerning the "lucky thirteen":

Yes I want you to know one thing. This Monday, September 5, Labor Day, that I have it. Somebody says, what you got? I don't have nothing but the naked real thing, to help you on your way. You know everybody is asking for something. I know I am. And I want to see 13 folks this Monday. I call it "The Lucky Thirteen." Thirteen folks will be lucky. If you are unlucky you are certainly not lucky. If you are unlucky you are certainly not lucky * * * I want to make thirteen folks * * * lucky this day, Monday, September 5 * * * If your bills are behind that's my job. I'm here to help you * * * You need money to straighten the condition out. If you want some I want you to see me today starting at 7 a.m. through 1 p.m. Lucky 13.

[5] To get the spiritual bath, Prophet Thomas stated listeners should write to "Prophet Thomas", Post Office Box 1228, Cleveland, Ohio. Listeners were told:

Be sure to include a trinity love offering of $3 to help keep this broadcast on the air. Send all donations in cash or money order only.

To get the benefits of being one of the "lucky thirteen," Prophet Williford told listenera "It don't cost nothing." However, he added:

Tomorrow night I want you to bring me three dimes. That's dimes. That's all I want you to do. Whatever your problem may be, come on and bring me three dimes tomorrow * * * Somebody says how much does it cost. It don't cost nothing. But I'm asking you to give $10 to the cause of Christ. Amen. You drink that much up a week then you're too narrow minded to help yourself. You smoke $10 up a week. You go into the liquor store when you get off the job on Friday and spend $20. Lots of you spend $25 and $35 for some liquor and you're too narrow minded to get out and help yourself. I'm telling you the truth. That's why God don't bless some folks. They pay God too cheap.

[6] Bishop Bonner is alleged to have stated in a broadcast of Sept. 4 and 11, 1966, that the "money-drawing root" could bring "success in the game," and he implored listeners at all costs to come by to get the benefits of the root:

Starting at 7 a.m. before you go to work Monday morning, come by. If you have to take off, take off. Don't go to work Monday morning. If you got to be late, call and say I've got to go to the doctor. I'm sick. The baby took sick. The baby fell down the steps. Grandmother took sick. Just anything happened, but come by 1443 G Street NE., before you go to work on tomorrow morning.

[7] The articles offered on WOOK bear striking resemblance to certain magical or necromantic articles which were the subject of a Post Office fraud order, upheld in Gottlieb v. Schaffer, 141 F. Supp 7 (S.D.N.Y., 1956). The Gottlieb fraud order was issued by the Postmaster General pursuant to 39 U.S.C., sections 259 and 732 (now combined in 39 U.S.C. section 4005) which authorized him, upon evidence satisfactory to him that any person is conducting a scheme for obtaining money or property through the mail by fraud, to return such mail to the sender marked "fraudulent" and to prohibit payment of postal money orders or notes sent in payment for the articles. The Gottlieb case involved such items as Holy Miracle cross, Holy Miracle anointing liquid, good luck roots, Magic Formula for Successful Prayer, lodestones, Lucky Whamie hand charm, Success brand incense, money drawing incense, Fast Luck oil, Fast Luck powder, Uncrossing Band powder and perfumes which would bring money, success, good luck, and romance. The Post Office found that the articles did not provide the means to accomplish the results promised in the advertisements, and were of no value therefore, and appealed only to the ignorant and credulous.

[8] In this regard we note that in February 1964, and again in September 1966, the Commission was notified by the Federal Trade Commission that complaints about false and fraudulent advertising had been issued against certain businesses advertising over WOOK facilities. (The 1964 case, World Wide Television Corp., et al, resulted in a cease and desist order which was affirmed by the U.S. Court of Appeals (Third Circuit), 352 F. 2d 308, cert. denied, 384 U.S. 928 (1965). The 1966 complaint involving the Empeco Corp. (d.b.a. Empire Furniture & Appliance Co.) resulted in a final cease and desist order issued by the FTC on Feb. 14, 1967 (Docket No. 8702)). In each instance, we sent a copy of the FTC complaint to WOOK together with copies of our public notice of Nov. 7, 1961, entitled "Licensee responsibility with respect to the broadcast of false, misleading, or deceptive advertising." In that document, we stressed that the licensee's responsibility in this area is not limited to reviewing the advertising copy submitted for broadcast; it has the additional obligation to take reasonable steps to satisfy itself as to the reliability and reputation of every prospective advertiser and as to the latter's ability to fulfill promises made to the public over the licensed facilities. Regarding the 1966 complaint against the Empeco Corp., we requested that WOOK submit a statement concerning the use of its facilities by the Empeco Corp. and the steps taken by the licensee to determine the reliability and reputation of the Empeco Corp. prior to broadcasting its advertisements. In response, WOOK stated that it ceased advertising for the Empeco Corp. 6 days prior to the issuance of the FTC complaint; that Empeco had been doing business at the same location for a number of years during which its advertisements had been accepted by other unnamed newspapers and radio stations in the Washington, D.C., area; and that it had received no complaints from its listeners concerning Empeco. In December 1965, a different complaint was received from a Richard W. Shaw alleging that a Bishop Butler, in advertisements over WOOK for a "blest consecrated wallet", included several testimonies by a female voice which ranged from the healing of an ill person by placing the wallet beneath his pillow to bringing raises in salaries and prestige to its owners. The wallets were to be available at the Annapolis Hotel on Dec. 14, 1965, for $2 each. A copy of this complaint was sent to the FTC for its review, but no action was initiated by that agency.

Past programing on WFAN–TV and WOOK. 13. Community's petition alleges that WFAN–TV failed to fulfill its prior programing proposals. In support of this allegation Community states that its spot-check monitoring of WFAN–TV revealed that eight of the live programs proposed in the July 1966, renewal application (totaling 7½ hours of the 44 hours WFAN–TV broadcasts per week) have rarely, if ever, been carried and that no amendment to the WFAN–TV renewal application to reflect these substantial changes was filed with the Commission within 30 days as is required by section 1.65 of the rules. Furthermore, Community alleges that United's explanation as to why one of its proposed programs was dropped raises inconsistencies which should be resolved in a hearing.

14. United's opposing pleading asserts that WFAN–TV has substantially fulfilled its programing proposals and that changes in the schedule were "minor variations" for which there were good reasons. Also, it refers to the 1966 renewal application which described the programing proposals as a "unique experiment" in all-live programing, the overall success of which could not be predicted.

15. In brief, Petitioner seeks an issue on compliance with § 1.65 and a proposal versus performance issue on WFAN–TV's programing for failing to implement or continue some 7½ hours of live programing out of a 44-hour broadcast week. The licensee maintains that its actions were reasonable since WFAN–TV is a UHF station in a market with four VHF and two other UHF television stations (one of these UHF stations is noncommercial) and is seeking to establish a viable program format in order to sucessfully compete. The points raised by Community (compliance with § 1.65 and proposal versus performance) may be considered under the standard comparative issue.

16. With respect to WOOK, we note that with the exception of an amendment filed April 30, 1969, listing certain public affairs and other programing now carried by the station, the applicant has filed virtually no past programing information with the Commission since the composite week analysis was filed with the April 1962, renewal application. No composite week analysis was filed with the July 1966, WOOK renewal application. Because of the paucity of programing information about Station WOOK after the date of its last renewal, we are directing United to submit WOOK's logs and part II, section IV–A (FCC Form 303) data for the 1967 and 1968 composite weeks. We also believe that similar data and logs for the 1967 and 1968 composite weeks for WFAN–TV should be submitted to provide more current information about the station's programing. After the filing of this material, the parties will have the right to file such pleadings as called for by the facts.

Ascertainment of community needs and interests. 17. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961) and our public notice of August 22, 1968 (FCC 68–847), entitled "Ascertainment of community needs by broadcast applicants", we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Having reviewed the applications now before us, we find that Community's applications for the facilities occupied by WOOK and WFAN–TV are complete with respect to provisions outlining efforts to ascertain the needs and interests of the public within the stations' proposed service areas. We note, however, that United's application for renewal of the WOOK license is incomplete in that it does not contain specific references to consultations with community leaders for the purpose of determining the ways in which the stations could better serve the public other than interviews with a limited number of leaders appearing as guests on the station's programs. Moreover, the application does not reflect suggestions which United may have received as to how the station could help meet the area's needs. Therefore, we are specifying an issue to determine the efforts made by United Broadcasting Co. to ascertain the community needs and interests of the people in the areas served by WOOK and to determine the means by which the applicant proposes to meet those needs and interests.

WOOK's "Lucky License" promotional contest. 18. In a supplement to its petition, filed in November 1967, Community alleges that a promotional contest entitled "Lucky License WOOK Boss Radio", commenced by WOOK in September 1967, constituted a lottery in violation of 18 U.S.C. section 1304 and § 73.122 of our Rules. Community also contends that the contest was against public policy as it induced contestants to place a sticker on the rear window of their cars in violation of sections 99 and 146 of the Traffic and Motor Vehicle regulations of the District of Columbia.

19. After a careful review of the pleadings concerning this matter, we are of the view that there are no unresolved factual questions necessitating an additional issue in this hearing, nor do the facts raised here bear reasonably on United's comparative qualifications.

Site availability. 20. United seeks the dismissal or denial of the applications of Civic and Community for the frequency occupied by Station WFAN–TV on the grounds that both applications are patently defective since neither applicant had reasonable assurance that the transmitter site specified would be available to it. As originally filed, Civic's application specified as its proposed transmitter site, the present transmitter site, which is owned and used by United for Station WFAN–TV. Community's application specified as its transmitter site the joint tower site located at 2400 Forest Glen Road, Silver Spring, Md., which site was proposed to be utilized by several operating Washington television broadcast stations.[*] United asserts that Civic never contacted United about whether Station WFAN–TV's site would be available for use by Civic in the event of a grant of its application. Furthermore, United states that if its renewal application for Station WFAN–TV is denied, it will not make the site available to Civic since United will continue to use the site for its FM station WFAN. With respect to the proposed joint tower site, United contends that while Community had inquired of the Joint Television Tower Committee (Committee) as to whether it could obtain an option in order to become a party to the joint tower, at the time Community filed its application, it had not received any assurance that it could use the tower. Moreover, United states that Community was subsequently advised by the Committee that it could not give any assurances concerning the availability of tower for use by Community. In this connection, United alleges that if its license to operate on Channel 14 is not renewed, then as a party to the joint tower venture, it would have the exclusive right, subject to the assent of 80 percent of the other parties, to assign its right to use the joint tower to some other party, including the successful applicant for Channel 50, the licensee of Channel 20 or the successful applicant for Channel 14. Finally, United alleges that the failure of Community and Civic to advise the Commission that they had no reasonable assurances that the specified transmitter sites would be available raises a question concerning the character qualifications of both applicants. In addition, United contends that Community's failure to advise the Commission of the nature of the response it received from the Committee raises a question of possible violation of § 1.65 of the Commission's rules, which requires an applicant to maintain the continuing accuracy and completeness of the information furnished in its pending application.

21. Civic states that in specifying Station WFAN–TV's transmitter site, it relied on the reasonable assumption that if United's license is not renewed, United would consider favorably a generous offer for the purchase of its site which would enable it to recoup a portion of its investment. Community asserts that it was reasonable for it to assume that the joint tower would in all probability be available to it or to whoever else was the successful applicant for Channel 14 in the event that United's renewal was denied. Moreover, Community states that if United decided to assign its rights to the licensee of Channel 20 or the permittee of Channel 50, it was reasonable to assume that the assignee would offer to make available to Community the site from which it would move. Both applicants contend that since they acted in a reasonable manner in their respective determinations concerning site availability, no question exists concerning their character qualifications. With respect to United's contention of possible violation of § 1.65 of the rules, Community asserts that since it viewed the Committee's letter as not foreclosing future negotiations for the joint tower site, it could reasonably believe that the site would still be available and therefore there was no need to amend the application.

[*] Plans for the use of the proposed joint tower site have since been abandoned by these stations. Civic and Community subsequently amended their respective applications in order to specify new transmitter sites, the availability of which are not contested.

22. We are of the view that the selection of the transmitter sites specified in both applications did not render these applications patently defective. In considering the question of site availability, we have held that neither absolute assurance nor legal control of a site is necessary, but only that when an applicant proposes a site, he must have done so with reasonable assurance in good faith that the site will be available to him. Beacon Broadcasting System, Inc., FCC 61–684, 21 R.R. 727 (1961); Brennan Broadcasting Company, FCC 57–1087, 15 R.R. 12e (1957). Under the present circumstances, we find that at the time of filing the applications, both applicants could have reasonably concluded that the sites specified by them would in all probability be available in the event of a denial of the license for Station WFAN–TV. It is not at all unreasonable to assume, as Civic assumed, that United would be receptive to an offer to purchase its site if its renewal were denied by the Commission. Similarly, the assumption made by Community that if United's renewal is denied, United's space on the proposed joint tower site would be made available by United to the successful applicant for Channel 14 is also a reasonable assumption. In the event that United decided to assign its rights to another licensee (Channel 20) or permittee (successful applicant for Channel 50), then Community would be in a position to negotiate with that party for the sale of its site. In any event, since both applicants subsequently amended their applications to specify different transmitter sites, and no question has been raised by United concerning the availability of the new sites, we believe that the question of reasonable assurance is now moot.

23. With respect to United's contention that the conduct of both applicants concerning the selection of their transmitter sites raises a question with regard to the character qualifications, we find that both applicants acted in good faith and that the specification of a character qualifications issue is not warranted. We also believe that Community's failure to advise the Commission of the nature of the response it received from the Committee does not constitute a violation of the applicant's obligations under section 1.65 of the Rules since the letter did not seem to preclude future negotiations for the proposed site between the parties concerned.

24. Full comparison of the programing proposals is warranted, when one applicant proposes predominantly specialized programing and the other general marketing programing. Ward L. Jones, FCC 67–82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Community proposes predominantly Negro oriented programing for its proposed television broadcast station and United general market programing for Television Broadcast Station WFAN–TV. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

25. The present predicted Grade B contour of Television Broadcast Station WFAN–TV presently overlaps a portion of the present predicted Grade A and city-grade contours of commonly owned Television Broadcast Station WMET–TV, Channel 24, Baltimore, Md. In the event of a grant of the application (BPCT–3917) for changes in the facilities of Station WFAN–TV, the predicted Grade B contour of that station would entirely overlap the predicted Grade A and city-grade contours of Station WMET–TV. Richard Eaton, the owner of both stations has indicated that in the event of a grant of the WFAN–TV renewal application and/or a grant of the pending application to change facilities, he will take prompt steps to dispose of any interest, direct or indirect, which he may have in Station WMET–TV. Accordingly, an appropriate ordering clause is included.

Request for special temporary authority. 26. United has submitted a request for special temporary authority to change the location of Station WFAN–TV's present transmitter site to the site proposed in its pending application (BPCT–3917) and to operate from the proposed site with a new antenna and with visual maximum effective radiated power of 246.5 kw from an antenna height of 770 feet above average terrain. WFAN–TV's pending application proposes operation with visual maximum effective radiated power of 1265 kw from an antenna height above average terrain of 770 feet. The station is presently authorized to operate with maximum visual effective radiated power of 245 kw from an antenna height of 330 feet above average terrain. The special temporary authority is requested for the period pending Commission action on United's application for a change in transmitter location and until the conclusion of any comparative hearing which may be required for operation on Channel 14. In support of its request, United states that Station WFAN–TV operated at a substantial loss in 1967, and that this was directly related to the inferior quality of the station's signal which results from a low effective antenna height causing not only reduced theoretical coverage but actual service shadowing and reflection. United asserts that by operating with the requested authority, there would be an increase in the area of service and an improvement in the quality of such service and that the location of the transmitter at the site presently used by the other two operating Washington UHF television broadcast stations would enable common antenna orientation. United indicates that it would not claim any comparative advantage from whatever capital expenditures may be made in operating pursuant to a grant of the request; that it will attempt to minimize capital expenditures and that Civic has consented to a grant of the request. Community opposes a grant of the request on the grounds that the proposed operation would violate the duopoly provisions of § 73.636 of the Commission's rules since there would be a substantial increase in the already existing service overlap between Station WFAN–TV and its commonly owned Station WMET–TV, Baltimore, Md., and that grant of the request would be prejudicial to the rights of the parties in the comparative hearing to be held for operation on Channel 14. We believe that grant of the special temporary authority is not warranted because of the possible prejudicial effect which such action might have on the comparative hearing to be held for regular operation on Channel 14. United is not proposing a joint interim operation of the facility in question, but rather it is seeking special authority to operate its station with improved facilities pending the outcome of the comparative hearing. In Community Broadcasting Co., Inc. v. Federal Communications Commission, 107 U.S. App. D.C. 95, 274 F. 2d 753, 19 R.R. 2047 (1960) the United States Court of Appeals for the District of Columbia Circuit had occasion to consider a Commission grant of temporary authority to one of two competing applicants in a comparative hearing. In reversing the Commission's action, the Court indicated that in view of the possible prejudicial effect that the grant of special authority would have on the comparative hearing, the Commission erred in granting temporary authority. In the present situation, we cannot conclude that there are compelling public interest considerations which would lead us to grant the requested temporary authority. Since Washington presently has four operating VHF television stations and two operating UHF stations, in addition to the present operation of Station WFAN–TV, we do not believe that there is any imperative public need for the improved service proposed by WFAN–TV. While a grant of the request might serve to improve the competitive position of Station WFAN–TV and to foster UHF antenna orientation, these considerations are not of sufficient weight to balance the possible prejudicial effect on the comparative hearing. Moreover, we believe that a grant would be inconsistent with the duopoly provisions of § 73.636 of the rules, since it would result in a substantial increase in the overlap of the service contours of commonly owned stations WFAN–TV and WMET–TV, Baltimore, Md.

27. There appears to be a significant disparity in the proposed Grade B contours of the television broadcast stations proposed by the applicants. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient

use of the frequency may be adduced under the comparative issue.[10]

28. Washington Community Broadcasting Co. is qualified to construct, own and operate the proposed new television broadcast station and new standard broadcast station, and except as indicated by the issues specified below, United Television Co., Inc., is qualified to construct, own, and operate Television Broadcast Station WFAN–TV and United Broadcasting Co., Inc., is qualified to own and operate Standard Broadcast Station WOOK. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

29. *Accordingly, it is ordered,* That United Broadcasting Co., Inc., file logs and part II, section IV–A, FCC Form 303, information for the composite weeks for 1967 and 1968 for Station WOOK, and that United Television Co., Inc., file logs and part II, section IV–B, FCC Form 303, information for the composite weeks for 1967 and 1968 for Station WFAN–TV.

30. *It is further ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications of Washington Community Broadcasting Co., United Television Co., Inc., and United Broadcasting Co., Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the broadcast by Station WOOK of announcements which advertised articles such as "conquer roots", "money-drawing roots", and "spiritual baths", constituted false, misleading, or deceptive advertisements.

(2) To determine whether United Broadcasting Co., Inc. has taken reasonable measures to protect its listening public from false, misleading, or deceptive advertising over its facilities.

(3) To determine the efforts made by United Broadcasting to ascertain the needs and interests of the areas served by Station WOOK and the means by which the licensee proposes to meet those needs and interests.

(4) To determine in the light of the evidence adduced under the foregoing issues whether a grant of the renewal of the license of Station WOOK would be in the public interest.

(5) To determine which of the mutually exclusive applications for a license to operate on 140 kc. in Washington, D.C., would better serve the public interest, convenience, and necessity.

(6) To determine which of the mutually exclusive applications for a license to operate on Television Channel 14 in Washington, D.C., would better serve the public interest, convenience, and necessity.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues, (a) which of the AM applications should be granted, and (b) which of the TV applications should be granted.

31. Since Issues 1 and 2 are based largely upon charges made in the petitions to deny, the burden of proceeding with the introduction of evidence on these issues will be upon Community; the renewal applicant will then proceed with his evidence and have the burden of establishing that grants of the WFAN–TV and WOOK renewal applications would serve the public interest, convenience and necessity.

32. If the findings under Issues 1 through 3 do not lead to the denial of the license renewal application of WOOK, the findings of these issues may be advanced by the parties as comparative factors with respect to the AM and TV applications.

33. *It is further ordered,* That the application of Washington Community Broadcasting Co. for the facilities of Station WOOK is accepted for filing and § 1.571(c) (cut-off-rule) is hereby waived.

34. *It is further ordered,* That the motion to dismiss or defer action filed by United Broadcasting Co., Inc., is denied.

35. *It is further ordered,* That the petitions to dismiss or deny filed by United Television Co., Inc., are denied.

36. *It is further ordered,* That the application (BPCT–3835) of Washington Civic Television, Inc., is dismissed, pursuant to § 1.568(a) of the Commission's rules.

37. *It is further ordered,* That in the event of a grant of the application (BRCT–585) for renewal of license and the application (BPCT–3917) for a construction permit to make changes in the facilities of Television Broadcast Station WFAN–TV, construction of the new facilities shall not commence until Richard Eaton, the owner of Station WFAN–TV, shall dispose of all of his interest in Station WMET–TV, Channel 24, Baltimore, Md.

38. *It is further ordered,* That the request for special temporary authority filed by United Television Co., Inc., is denied.

39. *It is further ordered,* That in the event of a grant of the application of the Washington Community Broadcasting Co., for the facilities of WOOK, the construction permit shall include the following condition:

Permittee shall accept such interference as may be imposed by existing 250 watts class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

40. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence of the issues specified in this order.

41. *It is further ordered,* That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 4, 1969.

Released: June 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–7203; Filed, June 17, 1969; 8:50 a.m.]

[10] Harriscope, Inc., FCC 65–1165, 2 FCC 2d 223.

[Docket No. 18567; FCC 69–639]

WWJC, INC. (WWJC)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of WWJC, INC. (WWJC), Superior, Wis., Has: 1270 kc, 5 kw, Day, Requests: 850 kc, 10 kw, Day, for construction permit, Docket No. 18567, File No. BP–17252.

1. The Commission has before it for consideration (a) the above-captioned application, as amended; (b) a petition to deny filed on December 19, 1966, by Midwest Radio-Television, Inc. (hereafter WCCO), licensee of radio station WCCO, Minneapolis, Minn.; and (c) an opposition to petition to deny filed on January 18, 1967, by WWJC, Inc.

2. Petitioner's Station WCCO is a Class I–A station presently authorized to operate on 830 kilocycles with 50 kilowatts of power and a non-directional antenna. Currently pending before the Commission are petitioner's application to operate with 750 kilowatts, employing a directional antenna at night, and an accompanying request for waiver of certin portions of the Commission's rules to allow acceptance and consideration of this superpower proposal on its merits. (Petition for Waiver filed Dec. 29, 1965, Docket No. 11227). WCCO contends that its field intensity measurements demonstrate that prohibitive overlap will occur between WWJC's proposed 25 mv/m contour and WCCO's proposed 750 kilowatt 2 mv/m contour, and that accordingly the two proposals are mutually exclusive and must be designated for a consolidated hearing.[1]

[11] Concurring statement of Commissioner Robert E. Lee filed as part of the original document.

[1] WWJC submitted measurement data with its application taken in August 1965, on Station WCCO, on radials 22° and 34° to establish that no overlap would be involved with WCCO if that station should eventually operate with 750 kilowatts of power. These measurements, on radials which bracket the WWJC transmitter site, clearly indicated that there would be no 2 and 25 mv/m overlap. For this reason, the WWJC application was accepted for filing.

3. The engineering statement filed with the petition places reliance upon measurements made on WCCO in February 1941 along the radial 26° True and during the time WCCO operated on 810 kilocycles with 50 kilowatts power prior to its present operation on 830 kilocycles with the same power. Petitioner's engineer extrapolated this measurement data to the 750 kilowatt level and projects the proposed WCCO 2 mv/m contour in the direction of Superior to a point just beyond the WWJC site. Hence, petitioner claims, overlap of the WWJC proposed 25 mv/m and the WCCO proposed 2 mv/m contour would be unavoidable.

4. The applicant on January 18, 1967, filed an opposition to the WCCO petition claiming that the measurements of the WCCO signal on 830 kc made by the applicant in August 1965 on the two radials 22° and 34° True are more representative of the actual conductivity existing today than the measurements made by the petitioner 26 years ago on the single radial and on the old frequency of 810 kilocycles. Furthermore, applicant states, it is not possible to determine the distance to the proposed WCCO 2 mv/m contour on 830 kc directly from measurements made on 810 kilocycles since these distances are to be found on two entirely different FCC graphs for the frequencies involved. Moreover, WWJC contends that a correct analysis and extrapolation of the WCCO 1941 measurements to the 750 kilowatt level (making allowance for the increased attenuation of the signal on 830 kilocycles viz-a-viz the 810 kilocycles signal) will show a value of ground conductivity at the distance where the 2 mv/m signal will occur which is lower than the value of 5 mmhos/m determined by the petitioner. Consequently, WWJC concludes that there will be no overlap of the proposed WCCO 2 mv/m contour with the proposed WWJC 25 mv/m contour.

5. Commission analysis of all the measurement data reveals that the measurements made by applicant in the summer of 1965 on 22° and 34° establish the conductivity as being significantly lower over the entire path than the measurement data submitted by petitioner. Furthermore, based on our analysis of the petitioner's own measurement data converted to the higher frequency and to the 750 kilowatt level, we find that the proposed WCCO 2 mv/m contour with 750 kilowatts power will extend to a point just virtually tangent to the predicted WWJC 25 mv/m contour.

6. The city of Superior, which is contiguous with Duluth, has a population of 33,563, and Duluth a population of 106,884, according to the 1960 U.S. Census. Based on WWJC's engineering information and data, the applicant's present 5 mv/m contour already encompasses all of the city of Duluth. The proposal would substantially expand this coverage to encompass adjacent suburban and rural areas as well, and also place a 25 mv/m signal for the first time over Duluth's principal business area. Under these circumstances, the Commission's section 307(b)-5 mv/m presumption arises.[2] Madison County Broadcasting Co., Inc., 5 FCC 2d 674, recon. den. 8 FCC 2d 752, 10 RR 2d 587 (1967).

7. In an amendment filed May 31, 1967, the applicant submitted data and arguments in an attempt to rebut the aforementioned presumption. However, after examination of this material the Commission finds that WWJC has failed to overcome this presumption and that an evidentiary hearing must be held to explore the matter further.

8. Except as indicated by the issue specified below, the applicant is qualified to construct, own and operate as proposed but, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

9. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issue:

(1) To determine whether the proposal of WWJC, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in the light of all the relevant evidence, including, but not necessarily limited to, a showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs.

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations.

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of its specified station location.

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(2) To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

10. *It is further ordered,* That the petition to deny filed by Mid-West Radio-Television, Inc., is denied.

11. *It is further ordered,* That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 5, 1969.

Released: June 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–7204; Filed, June 17, 1969; 8:50 a.m.]

[2] Policy Statement on Section 307(b) Consideration for Standard Broadcast Facilities Involving Suburban Communities, adopted Dec. 22, 1965, 2 FCC 2d 190, 6 RR 2d 1901.

[Docket No. 18519; FCC 69–647]

WESTERN UNION TELEGRAPH CO.

Order Specifying Issues

In the matter of the application of the Western Union Telegraph Co. for authorization and approval of the acquisition of Teletypewriter Exchange Service properties, facilities and operations, Docket No. 18519, File No. T–C–2228.

1. The Commission has under consideration its order, FCC 69–333, adopted April 2, 1969, and released April 9, 1969, in which the above-entitled application by the Western Union Telegraph Co. was designated for hearing.

2. The Commission stated that the purpose of the designated hearing would be to determine whether the proposed acquisition (1) is authorized by section 222(a) of the Communications Act of 1934, as amended; (2) conforms to all other applicable provisions of section 222; and (3) is in the public interest.

3. This case has particular significance in that, but for the provisions of section 222 and in the absence of Commission approval thereunder, the proposed acquisition would be presumptively in conflict with the antitrust laws of the United States. Therefore, in order to clarify the scope of the hearing issues designated by the Commission and to provide for a more orderly and expeditious proceeding, we shall identify herein the specific questions raised by the application. The resolution of these questions will enable the Commission to determine whether section 222 and the public interest warrant the requested authorization and approval.

4. *Accordingly, it is ordered,* That the following issues shall be considered in the designated hearing and resolved as a part of the evidentiary record herein.

I. Financial effects of the acquisition:

A. What will be the particular and total costs to Western Union if the acquisition is consummated and over what time period will these costs be incurred?

[3] Dissenting Statement of Chairman Hyde filed as part of the original document.

B. What is the basis for the purchase price(s) agreed to by the parties?

C. What effect will the proposed acquisition, if consummated, have on the revenue requirements of Western Union?

D. What will be the effects upon revenues and earnings of A.T. & T. if the acquisition is completed?

E. How will Western Union finance the acquisition?

F. What effect would the acquisition have on both short-term and long-term pricing policies of Western Union for TWX service and its other services?

G. What effect would the sale have on pricing by A.T. & T. for its non-TWX services or on the provision or pricing of any new services?

H. What effect would the acquisition have on the financial interests of stockholders of Western Union and A.T. & T. and the Bell System companies?

II. Effects on services and facilities:

A. What will be the methods and manner by which Western Union will provide TWX service?

B. Will such service be equal or improved in character, scope, quality, speed, and adequacy as compared to the TWX service now provided by the Bell System and its connecting carriers:

1. During the interim operating period referred to in Appendix C, sections 501 and 502, attached to Western Union's application?

2. After the expiration of such period?

C. To what extent will there be integration of TWX with Telex service and Public Message Service and over what time period will it take place?

D. What public benefits will flow from such integration?

E. Will such integration result in increased efficiency, economy and flexibility to Western Union?

F. To what extent will integration benefit or burden Western Union subscribers?

G. To what extent will the proposed transaction or arrangements thereunder affect Western Union's overall ability to provide adequate nationwide telegraph service and its ability to proceed with its proposed modernization program and integration of Public Message Service with Telex and TWX services?

III. Effects on competition:

A. What will be the effects of the acquisition, if consummated, on competition involving communications common carriers as well as other actual or potential competitors, including but not limited to the interconnection of customer-provided devices?

B. What services, if any, will A.T. & T. forego as a result of transferring the TWX service to Western Union?

C. What policies and practices will Western Union follow in the procurement of TWX facilities and associated operating materials?

D. How will the effects on competition resulting from consummation of the acquisition affect the public interest?

IV. Employees involved:

A. What, if any, employee problems will be created by the transfer of TWX service and how will such problems be resolved?

B. To what extent will additional personnel be required by Western Union to operate its proposed TWX service?

C. What are Western Union's plans and prospects for recruiting and training the additional manpower needed?

D. To what extent will personnel be transferred from other jobs within Western Union?

E. What effects, if any, will job reassignments have on Western Union's ability to sustain the quality of its other services?

F. How will pension, seniority and other employee rights be affected if the acquisition is completed?

V. Technical problems:

A. What, if any, will be the engineering and operating problems resulting from the acquisition and how will they be resolved?

VI. Effects on independent telephone companies:

A. What will be the financial effects of the acquisition, if consummated, on TWX and Telex settlements with the independent telephone companies?

B. What effects on services provided by independent telephone companies will result from the acquisition?

C. How will the acquisition affect competition between Western Union and independent telephone companies providing TWX service?

D. If the acquisition is consummated, what will be the interconnection problems, if any, and how will they be resolved?

VII. What conditions, if any, should the Commission place on the TWX transfer if Western Union's application for authorization and approval is granted?

Adopted: June 11, 1969.

Released: June 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7205; Filed, June 17, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Staff Investigation and Informal Conferences]

NONVESSEL OPERATING COMMON CARRIERS BY WATER (NVOCC'S) IN FOREIGN AND DOMESTIC OFFSHORE COMMERCE OF UNITED STATES

Notice of Further Informal Conferences

By FEDERAL REGISTER publications of February 12, 1969, and April 3, 1969, the Federal Maritime Commission instituted a nonadjudicatory review of the operations of NVOCC's in the foreign and domestic offshore commerce of the United States to be undertaken by the staff of the Federal Maritime Commission. The purpose of the staff inquiry is to gather background facts on the operation and problems of NVOCC's and to ascertain if there is a need for clear guidelines, rules, and/or legislation in the area of NVOCC regulation.

Comments were solicited from all known NVOCC's, steamship lines, steamship conferences, and shippers, and informal conferences were held at which statements were received from representatives of these industries. Statements of the parties submitting facts and opinions to the staff are summarized herein.

A further conference will be held in the offices of the Federal Maritime Commission, Room 1210, 1405 I Street NW., Washington, D.C., on June 25, 1969, beginning at 10 a.m.

All interested parties are invited to attend and they will be afforded the opportunity to present further comments and to rebut the statements or opinions expressed or hereinafter set forth. A transcript will be made and any party may submit statements in the nature of briefs within 4 weeks after the hearing.

Position and recommendations of the majority of NVOCC's. (1) The NVOCC provides a needed and valuable service to the public by focusing primarily on the requirements of shippers who do not have the capabilities for tendering large volumes of cargoes to vessel-operating common carriers. This activity has been largely ignored by the steamship operators. Moreover, the steamship operators do not have the terminal facilities to handle and consolidate smaller lot shipments. Consequently, the NVO provides a valuable service to the steamship lines and the shipping public. The NVOCC has thus created an important position in the transportation economic system. The NVOCC should be accorded all privileges and rights of a common carrier.

(2) Although the shipping statutes do not prohibit the NVOCC, a common carrier by water, from joining conferences and engaging in ratemaking activities with that conference, the NVOCC has no desire to engage in that activity. Rather than to become a part of the conference system, the NVOCC would prefer the establishment of rates by the conference system tailored to the NVOCC type of operation. With such a rate the dual rate contract would become unnecessary (the NVOCC has questions as to its legality when between the NVOCC and an underlying carrier). The NVOCC would prefer the "tailored" rate.

(3) The NVOCC's are unanimous in their belief that financial responsibility should be imposed; insurance requirements should be imposed; performance bonds should be made mandatory; and fitness criteria be required, before NVOCC operations are begun. With one exception the NVOCC's believe that for purposes of section 15 arrangements they should be treated as any other common carrier by water and be permitted to make whatever arrangements, including divisional arrangements with underlying carriers, they deem necessary to

[1] Commissioner Wadsworth absent.

transport the traffic. A household goods NVOCC states that ocean carriers should be required to provide service to all NVOCC's equally. Section 15 agreements if negotiated individually would be likely to create special advantages that would distort competition between the NVOCC's.

(4) The NVOCC has no objections to financial data reporting in the domestic offshore trades but would prefer that the form of the report be discussed with and subject to industry suggestions and comments.

Positions and recommendations of the majority of steamship lines. (1) For the most part the steamship lines are exploring the feasibility of expanding facilities to take care of container traffic. These facilities may embrace those facilities necessary to the stuffing and consolidating into trailers of small lot shipments. Consequently, the NVOCC for the most part is in direct competition with the steamship operator. Moreover, the steamship lines have large investments in facilities and equipment which must be protected. If the NVOCC is permitted to exist it should have restrictions imposed and should be placed in a category different than that of an equipment owning common carrier by water.

(2) The steamship lines feel that the NVOCC is no different than any other shipper with respect to the transportation of its traffic by the steamship lines and therefore, no special treatment should be accorded the NVOCC than is accorded other shippers.

(3) The steamship lines compete with the NVOCC. However, the NVOCC performs many varied services for the shipper, and these services for the most part are not fully set forth in the NVOCC tariff. The steamship lines should know precisely the areas of service which the NVOCC is offering because without that knowledge there could be substantial diversion of the steamship lines' traffic. The regulatory agency should, therefore, require that every service the NVOCC performs for a shipper should be fully and precisely set forth in its tariff. Moreover, if these services go beyond the area of activity normally performed by a carrier for its shipping public additional charges should be assessed.

(4) Financial responsibility, bonding, and fitness requirements should be imposed on the NVOCC.

(5) The steamship lines have long engaged in arranging for and carrying goods which originate at points other than the port cities. The NVOCC does not perform services that the steamship lines could not perform.

Position and recommendations of the majority of conferences. (1) The NVOCC's are shippers and steamship members of the conferences must continue to treat NVOCC's as shippers. No special rates or provisions should be accorded the NVOCC in the conference tariffs.

(2) The NVOCC is not a "common carrier by water" within the meaning of that term in the Shipping Act. The persons responding to the staff's request for statements are for the most part, those segments of the maritime industry that have been adversely affected by the superimposition of the NVOCC upon the shipping business. The decision of the old Federal Maritime Board in Docket No. 815, Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers, 6 FMB 245, "foisted upon the shipping industry and the shipping public an illogical and illegal concept of a common carrier by water that is unnecessary, untrue, and in its inevitable results unsavory". The Commission has no authority to make "common carriers by water" out of freight forwarders, express companies and truckers—persons who carry nothing at all by water. Therefore, the confusion caused by the old Board's fabrication of the false entity labeled nonvessel operating common carriers by water is not going to be corrected by fabricating new false theories of transportation law in an attempt to deal with its own creation. Nothing but further confusion can result and the Commission should admit the error in Docket 815, supra, and reverse that decision.

(3) The NVOCC's should not be permitted to become members of conferences because they are shippers and have no interest in protecting the equipment investment of vessel operators. Moreover, because of their peculiar characteristics, they should not be permitted to sign dual rate contracts with conference lines.

(4) Local port-to-port tariffs of the steamship conferences have been entirely satisfactory and appear to be so for the future. A breakdown of the port-to-port rate structures merely to accommodate NVOCC's through container traffic would achieve no real public benefit, would create chaos and destroy the conference system which must fix rates to protect carrier's equipment investment and to assure replacement and modernization of vessels.

Issues to be discussed. Is the NVOCC, like its counterparts, the Interstate Commerce Commission freight forwarder and the Civil Aeronautics Board indirect air carrier, providing a necessary or beneficial service in the ocean commerce transportation system; and does growth of NVOCC's in the last decade indicate a public need for an operation which focuses primarily on services to the smaller shipper?

Is there a flexibility in the NVOCC operation which permits the selection of the most efficient routes and means of transport from origin to destination and is this flexibility desirable and beneficial to the shipping public?

In Common Carriers By Water—Status of Non-Vessel Carriers, 6 FMB 245 (1961), the Federal Maritime Commission followed the concept that any person who offers to sell transportation to the general public will be treated as a common carrier. A question is whether the NVOCC is a shipper, not a carrier, when it tenders goods to an underlying carrier for transportation, although the NVOCC is a carrier to the shipping public and the shipper does not look beyond the NVOCC for remedy. Due to this dual characterization, is it necessary to promulgate rules and regulations, or seek amendments to the shipping acts which will recognize by definition the NVOCC's unique character and which will permit the NVOCC to operate to advantage but not disadvantage the equipment owning carriers with whom it must deal and depend upon for the carriage of its goods?

Other matters to be resolved are:

Should NVOCC's be licensed and bonded similar to the licensing and bonding requirements of independent ocean freight forwarders subject to the Federal Maritime Commission?

Is the NVOCC performing services to the small shipper which are not provided by equipment owning carriers?

Does the NVOCC generate business for the underlying water carrier, to the advantage of such carrier?

Does the NVOCC perform services for the underlying carrier which results in a saving to that carrier, and if so, should not that savings be reflected in the underlying carrier's rates?

Should the NVOCC be limited as to types of agreements with underlying carriers?

Should the NVOCC be required to inform the shipper by tariff identification that it is not an equipment operating carrier?

Should the NVOCC be required to state in its tariff all of the services it performs for a shipper and the charges for each service?

The Committee is interested in receiving comments and arguments on the above questions or other questions pertinent to this inquiry and in receiving any factual data which will assist in clarification of the position of the NVOCC in relation to the underlying carrier and the shipping public.

HERBERT K. GREER,
Chairman, Investigating Committee.

[F.R. Doc. 69-7191; Filed, June 17, 1969; 8:49 a.m.]

TRANS-ATLANTIC LAKES LINE-TACLINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication

of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9687-2, between the member lines of the Trans-Atlantic Lakes Line-Tacline agreement, modifies Clause c) of the basic agreement to provide that (1) each party shall participate in net profits or losses in accordance with such percentage proportions as the parties may from time to time agree upon, and (2) the parties will keep the Federal Maritime Commission currently informed as to participations and notice of any changes therein. The fixed percentage proportions established by the basic agreement are deleted.

Dated: June 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7192; Filed, June 17, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-330]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 11, 1969.

Take notice that on June 5, 1969, Colorado Interstate Gas Co. (Applicant), a division of Colorado Interstate Corp., Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-330 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction of miscellaneous gas sales and transportation facilities during a 12-month period beginning on July 22, 1969, and the operation of such facilities thereafter, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

Specifically, Applicant seeks authorization to construct not more than 15 new meter stations and mainline and lateral taps for existing resale customers and not more than five lateral pipelines with each line not to exceed 5 miles in length or 10 inches in diameter. The application states that the miscellaneous rearrangements to be constructed pursuant to the requested authorization will include not more than five relocations for highway construction, development of private property, or other similar projects and that such miscellaneous rearrangements to be constructed will not include pipe to exceed 26 inches in diameter with a maximum length of 1 mile.

The total estimated cost of Applicants' proposed construction is not to exceed $300,000, with the cost of any single new delivery point not to exceed $25,000, and the cost of any single lateral line not to exceed $50,000, and the cost of any single miscellaneous rearrangement not to exceed $50,000. Applicant proposes to finance the construction of facilities with current working funds on hand.

Any person wishing to become a party to make any protest with reference to said application should on or before July 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to interven is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7145; Filed, June 17, 1969; 8:45 a.m.]

[Docket No. CP69-22]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JUNE 11, 1969.

Take notice that on June 6, 1969, El Paso Natural Gas Co. (Applicant) Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-22 a petition to amend the certificate of public convenience and necessity authorizing applicant to continue operation of facilities utilized for the sale and delivery of natural gas pursuant to fourteen (14) direct sale contracts between Applicant and twelve (12) purchasers. Applicant states that it inadvertently omitted from the application a contract between Applicant and Standard Oil Company of Texas, a division of Chevron Oil Company. Applicant petitions the Commission to amend the authorization so as to extend the continued operation of facilities necessary to accomplish the limited-term sale and delivery of natural gas to the Standard Oil Company of Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7146; Filed, June 17, 1969; 8:45 a.m.]

[Docket No. CP69-204]

NORTHERN NATURAL GAS CO.

Notice of Amendment to Application

JUNE 11, 1969.

Take notice that on June 4, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-204 an amendmend to their application of January 29, 1969, in Docket No. CP69-204, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale and delivery of additional volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant initially had proposed to construct 31 million cubic feet per day of additional mainline pipeline capacity and had proposed to increase the capacity from its Redfield Storage Field by 57 million cubic feet per day to provide 88,241 Mcf per day of winter period service for the 1969-70 heating season at an estimated cost of $9,645,000. By this amendment Applicant proposes to provide winter period service in a total amount of 92,449 Mcf per day from its Redfield Storage Field. For the 1969-70 winter service period Applicant proposes to utilize 25.6 million cubic feet daily of presently authorized unallocated mainline capacity to substitute for 25.6 million of contract demand service now being supplied from Redfield. Thereafter, the mainline capacity will be available to provide additional contract demand service as required and Redfield Storage will be relied upon to provide both presently authorized contract demand service as well as the winter period service in its entirety. This method of providing for its customer's winter demands, states Applicant, eliminates the need to build the mainline facilities proposed originally. In its amendment Applicant proposes to build about 36.8 miles of branchline loop in Minnesota and Iowa, and install one 5,600 horsepower unit at Owatonna, Minn., at an estimated cost of $2,079,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7147; Filed, June 17, 1969; 8:45 a.m.]

[Docket Nos. CP69-236, CP69-238]

WESTERN GAS INTERSTATE CO. AND SOUTHERN UNION GAS CO.

Notice of Applications

JUNE 11, 1969.

Take notice that on March 6, 1969, Western Gas Interstate Co. (Western), Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP69-236 an application pursuant to Executive Order No. 10485 for a permit authorizing the connection and maintenance at the international boundary between the United States and Mexico of facilities for the exportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Western states that on March 4, 1968, Southern Union Gas Co. (Southern) was issued in Docket No. CP68-70 a permit authorizing Southern to connect facilities at the international boundary of the United States for the exportation of natural gas to Mexico. The natural gas facilities covered by said permit are operated and maintained by Del Norte Natural Gas Co. under a lease, dated February 9, 1968. Del Norte utilizes these facilities to export gas to Mexico. Western states further that Southern has executed and delivered to Western a bill of sale and assignment conveying said facilities and lease to Western. The application indicates that the bill of sale and assignment will not become effective until Western has been granted a permit authorizing the connection and maintenances of said facilities at the international boundary. Accordingly, Western is requesting the Commission to issue to it such a permit.

Take further notice that on March 6, 1969, Southern, Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP69-238 an application to terminate the permit issued to it on March 4, 1968, in Docket No. CP68-70, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests that, after issuing the permit requested by Western, Southern's permit be terminated effective as of the effective date of the transfer to Western of facilities covered thereby.

Any person desiring to be hard or to make any protest with reference to said applications should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7148; Filed June 17, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

ILLINOIS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated June 6, 1969, reading in part as follows:

I have determined that the situation in those areas of the State of Illinois adversely affected by flooding beginning on or about April 15, 1969, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Illinois.

I do hereby determine the following areas in the State of Illinois to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 6, 1969:

The counties of:

Adams.	Jo Daviess.
Calhoun.	Mercer.
Carroll.	Pike.
Hancock.	Rock Island.
Henderson.	Whiteside.
Jersey.	

Dated: June 11, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-7150; Filed, June 17, 1969; 8:45 a.m.]

IOWA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Iowa, dated May 1, 1969, and published May 9, 1969 (34 F.R. 7563), as amended, dated May 26, 1969, and published June 3, 1969 (34 F.R. 8729) is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 25, 1969:

Wapello.

Dated: June 11, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-7151; Filed, June 17, 1969; 8:45 a.m.]

MINNESOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Minnesota dated April 24, 1969, and published April 30, 1969 (34 F.R. 7095) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

Beltrami.	Fillmore.
Chisago.	Pennington.

Dated: June 11, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-7152; Filed, June 17, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-3113—7-3123]

ASAMERA OIL CORP., LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 10, 1969.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Asamera Oil Corp., Ltd.	7-3113
B.T.U. Engineering Corp.	7-3114
Barbara Lynn Stores, Inc.	7-3115
Bishop Industries, Inc.	7-3116
Chromalloy American Corp.	7-3117
Cluett, Peabody & Co.	7-3118
Computer Leasing Co.	7-3119
Continental Mortgage Investors	7-3120
Dome Petroleum, Ltd.	7-3121
Far West Financial Corp.	7-3122
Leasco Data Processing Equipment Corp	7-3123

Upon receipt of a request, on or before June 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7154; Filed, June 17, 1969; 8:45 a.m.]

[812-2468]

AURORA EQUITY FUND, INC.

Notice of Filing of Application for an Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

JUNE 10, 1969.

Notice is hereby given that Aurora Equity Fund, Inc. ("Applicant"), 30 Wall Street, New York, N.Y. 10005, a Delaware corporation registered as an open end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant for a period of 65 days from the provisions of section 22(d) of the Act to the extent that section 22(d) prohibits Applicant from accepting initial subscriptions in amounts less than the $5,000 minimum initial investment specified in Applicant's prospectus.

Applicant represents that if an exemption is granted, a minimum initial investment of less than $5,000 would be available for the 65-day period only to present clients of Brokaw, Schaenen, Clancy & Co. ("Brokaw"), the parent of the investment adviser to the Applicant, whose accounts with Brokaw may be less than $5,000. Applicant represents that there would be no difference in the actual offering price per share to the public and the clients and that the purpose of an exemption is to enable Brokaw to "clear house" of several small accounts which cannot be administered economically by Brokaw and many of which are infants' accounts established by Brokaw's clients. Applicant represents that there are approximately 12 such accounts having an aggregate value of something less than $15,000.

Section 22(d) of the Act provides, in pertient part, that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that the proposed exemption would be appropriate in the public interest and consistent with the protection of investors and the purposes and policies of the Act.

Notice is further given that any interested person may, not later than June 24, 1969, 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7155; Filed, June 17, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 11, 1969, through June 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7156; Filed, June 17, 1969; 8:46 a.m.]

[70-4716]

GENERAL PUBLIC UTILITIES CORP.

Notice of Post-Effective Amendment Regarding Cash Capital Contributions to Subsidiary Companies

JUNE 10, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated March 7, 1969 (Holding Company Act Release No. 16301), the Commission authorized GPU to make cash capital contributions, from time to time during 1969, to its subsidiary companies named below in amounts not in excess of those shown. GPU now proposes that said contributions be increased as follows:

	Original amounts	Proposed increase	New amounts
Metropolitan Edison Co.	$30,000,000	$5,000,000	$35,000,000
Jersey Central Power & Light Co.	23,000,000		23,000,000
New Jersey Power & Light Co.	4,500,000	900,000	5,400,000
Pennsylvania Electric Co.	20,000,000		20,000,000
Totals	77,500,000	5,900,000	83,400,000

The cash capital contributions will be utilized by the companies to finance their business as public-utility companies, including construction of new facilities and an increase of working capital.

Additional expenses to be incurred by GPU are estimated at $1,500, including legal fees not to exceed $1,000. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 24, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such requests, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said posteffective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the central rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7157; Filed, June 17, 1969; 8:46 a.m.]

[File No. 7-3126]

LEASCO DATA PROCESSING EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 10, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which security is listed and registered on one or more other national securities exchange:

Leasco Data Processing Equipment Corp., $2.20 cumulative convertible preferred stock, Series B—$1 par value, File No. 7-3126.

Upon receipt of a request, on or before June 25, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7158; Filed, June 17, 1969; 8:46 a.m.]

[File No. 7-3125]

LEASCO DATA PROCESSING EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 10, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading, privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Leasco Data Processing Equipment Corp., warrants series 1978, File No. 7-3125.

Upon receipt of a request, on or before June 25, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7159; Filed, June 17, 1969; 8:46 a.m.]

[File No. 7-3124]

LEASCO DATA PROCESSING EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 10, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase

common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Leasco Data Processing Equipment Corp., warrants series 1987, File No. 7-3124.

Upon receipt of a request, on or before June 25, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7160; Filed, June 17, 1969; 8:46 a.m.]

[Files Nos. 7-3127—7-3137]

LERNER STORES CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 10, 1969.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securiites Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Lerner Stores Corp	7-3127
Marine Midland Corp	7-3128
Marlene Industries Corp	7-3129
Max Factor & Co	7-3130
Memorex Corp	7-3131
J. P. Morgan & Co., Inc	7-3132
Nytronics, Inc	7-3133
Pennzoil United, Inc	7-3134
Purex Corp., Ltd	7-3135
Realty Equities Corporation of New York	7-3136
Reliance Electric Co	7-3137

Upon receipt of a request, on or before June 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7161; Filed, June 17, 1969; 8:46 a.m.]

[File No. 7-3138]

ZAPATA NORNESS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 10, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Zapata Norness, Inc., File No. 7-3138.

Upon receipt of a request, on or before June 25, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7162; Filed, June 17, 1969; 8:46 a.m.]

[70-4760]

CONSOLIDATED NATURAL GAS CO.

Notice of Filing of Declaration Regarding Proposal To Issue and Sell Principal Amount of Debentures

JUNE 12, 1969.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of ____ percent debentures due July 1, 1994. The interest rate (which shall be a multiple of one-eight of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued as a new series under an Indenture dated as of July 1, 1967, and by a First Supplemental Indenture to be dated as of July 1, 1969, between Consolidated and Irving Trust Co., New York, N.Y., as trustee. The indenture, as supplemented, includes a prohibition until July 1, 1974, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

The proceeds from the sale of the debentures will be used to finance, in part, the 1969 construction program of Consolidated's subsidiary companies, presently estimated at $109 million.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $94,000, including printing expenses of $28,600, service charges of Consolidated Natural Gas Service Co., Inc., at cost of $27,500, trustee's charges of $11,000, and consulting geologists' fees and expenses of $10,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 10, 1969, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington D.C. 20549. A copy of such request should be served personally or

by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from such rules and regulations as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7176; Filed, June 17, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

OHIO SECURITY AND SMALL BUSINESS INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Ohio Security and Small Business Investment Co. (Ohio), 6218 St. Clair Street, Cleveland, Ohio 44103, has pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company.

Ohio was incorporated March 27, 1959, under the laws of the State of Ohio, and was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Ohio is hereby accepted and accordingly, all rights, privileges, and franchises derived therefrom have been canceled and terminated.

Dated June 9, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-7177; Filed, June 17, 1969; 8:48 a.m.]

SMALL BUSINESS INVESTMENT COMPANY OF PENNSYLVANIA

Notice of License Surrender

Notice is hereby given that The Small Business Investment Company of Pennsylvania (Pennsylvania), 1315 Walnut Street, Philadelphia, Pa. 19107, has pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company.

Pennsylvania was incorporated August 18, 1958, under the laws of the Commonwealth of Pennsylvania, and was licensed by the Small Business Administration (License No. 03/03-0002) to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Pennsylvania is hereby accepted and accordingly, all rights, privileges, and franchises derived therefrom have been canceled and terminated as of June 3, 1969.

Dated: June 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-7178; Filed, June 17, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupation of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Amos Super Market, foodstore; 114 East Eighth Avenue, Homestead, Pa.; 4-14-69 to 4-13-70.

Andy's Model Market, foodstore; 1221 North Seventh, Harlingen, Tex.; 3-21-69 to 3-20-70.

Arne's Fairway, foodstore; 203 West Main, Ada, Minn.; 4-2-69 to 4-1-70.

Bethel Lutheran Home for Aged, nursing home; Williston, N. Dak.; 3-26-69 to 2-25-70.

Better Living Market, foodstores from 3-22-69 to 3-21-70: No. 2, Hattiesburg, Miss.; No. 3, Petal, Miss.

Black & White, Inc., department store; 236 South Main, Yazoo City, Miss.; 3-23-69 to 3-22-70.

Bladenboro Cash Store, Inc., foodstore; Main Street, Bladenboro, N.C.; 3-28-69 to 3-27-70.

L. T. Boswell, auto dealer; San Benito, Tex.; 3-22-69 to 3-21-70.

The Bottle Shoppe, liquor store; 8315 Hall Road, Utica, Mich.; 4-11-69 to 4-10-70.

Braeswood Pharmacy, Inc., drugstore; 2256 West Holcombe, Houston, Tex.; 4-17-69 to 4-16-70.

Paul Brower, agriculture; Holland, Mich.; 4-18-69 to 4-17-70.

Buchmaster's Market, Inc., foodstore; 343 West Grand Avenue, Decatur, Ill.; 4-1-69 to 3-31-70.

Buehler Markets, foodstore; 409 East Main Street, Streator, Ill.; 3-26-69 to 3-25-70.

Cattan's Food Market, foodstore; No. 2, Victoria, Tex.; 3-31-69 to 3-20-70.

Central Market, Inc., foodstore; 83 East Main Street, McConnellsville, Ohio; 3-23-69 to 3-22-70.

Central Park Super Market, foodstore; 5728 Avenue O, Birmingham, Ala.; 3-23-69 to 3-22-70.

Chamberlain Hospital & Home Association, hospital; Chamberlain, S. Dak.; 3-31-69 to 3-30-70.

Glenn W. Clay, agriculture; Carlisle, Ky.; 4-15-69 to 4-14-70.

Colby Super Market, Inc., foodstore; 200 North Franklin, Colby, Kans.; 3-24-69 to 3-23-70.

Columbia Shopping Center, foodstore; 1200 West Columbia, Evansville, Ind.; 3-22-69 to 3-21-70.

Community Memorial Hospital, hospital; Postaville, Iowa; 4-4-69 to 4-3-70.

Duckwall Stores Co., variety-department stores from 3-31-69 to 3-30-70 except as otherwise indicated: No. 70, Boulder, Colo.; Nos. 62, 64, 66, and 74, Colorado Springs, Colo.; No. 73, Commerce City, Colo.; Nos. 71 and 75, Denver, Colo.; No. 15, Fort Morgan, Colo.; No. 30, Longmont, Colo.; Nos. 65 and 76, Pueblo, Colo.; No. 1, Abilene, Kans.; No. 32, Colby, Kans.; No. 5, Concordia, Kans.; No. 11, Dodge City, Kans.; No. 12, Garden City, Kans.; No. 21, Goodland, Kans.; No. 7, Great Bend, Kans.; No. 17, Hays, Kans.; No. 59, Hutchinson, Kans.; No. 6, Junction City, Kans.; No. 18, Larned, Kans.; No. 14, Liberal, Kans.; No. 3, Manhattan, Kans. (3-31-69 to 1-31-70); No. 8, McPherson, Kans. (3-31-69 to 1-31-70); No. 19, Pratt, Kans.; No. 2, Salina, Kans. (3-31-69 to 1-31-70); No. 77, Salina, Kans.; No. 49, Topeka, Kans. (3-31-69 to 1-31-70); No. 52, Ulysses, Kans.; No. 33, Wichita, Kans.

Fant's Sunflower Food Store, foodstore; 100 West Claiborne Street, Greenwood, Miss.; 3-27-69 to 3-26-70.

Felsenthal's Department Store, department store; Brownsville, Tenn.; 3-24-69 to 3-23-70.

Field-Schlick, Inc., apparel store; 14 West Fifth Street, St. Paul, Minn.; 4-10-69 to 4-9-70.

Fleishman Co., department store; 115 South Main Street, Anderson, S.C.; 4-1-69 to 3-31-70.

Food Giant Super Markets, Inc., foodstore; No. 4, Tucson, Ariz.; 3-27-69 to 3-26-70.

J. H. Galley Florists, Inc., agriculture; 2244 Union Road, West Seneca, N.Y.; 4-17-69 to 4-16-70.

Gay Dolphin Gift Cove, gift shop; 910 North Ocean Boulevard, Myrtle Beach, S.C.; 4-4-69 to 3-15-70.

Goldblatt Brothers, Inc., department stores: 443–57 East 34th Street, Chicago, Ill., 4–3–69 to 4–2–70; 2430 North Harlem Avenue, Elmwood Park, Ill., 3–28–69 to 3–27–70.

Goudchaux's, department store; 1500 Main Street, Baton Rouge, La.; 4–3–69 to 4–2–70.

W. T. Grant Co., variety-department store; No. 522, Webster, Mass.; 3–21–69 to 3–20–70.

Grebe's Bakeries, Inc., bakery store; 601 West Mitchell, Milwaukee, Wis.; 4–13–69 to 4–12–70.

Hekkema Brothers, agriculture; 1131 Cadillic Drive, Muskegon, Mich.; 4–17–69 to 4–16–70.

Hellmans, Inc., variety store; 2202 Central Avenue, Kearney, Nebr.; 4–1–69 to 3–31–70.

Hermanson's Food Market, foodstore; 1415 Mount Rushmore Road, Rapid City, S. Dak.; 4–17–69 to 4–16–70.

T. D. Hubbard Co., foodstore; 111 Victoria Street, Kenedy, Tex.; 3–22–69 to 3–21–70.

Joe's Food Market, foodstore; Springfield, Ky.; 3–27–69 to 3–26–70.

Kaufman's, apparel store; 1040 Main Street, Wheeling, W. Va.; 4–1–69 to 3–31–70.

Kramer's Department Store, Inc., department store; 121 West Main Street, Wallace, N.C.; 3–23–69 to 1–31–70.

George F. Kremer Co., Inc., variety store; 323 First Avenue, West, Grand Rapids, Minn.; 4–3–69 to 4–2–70.

S. H. Kress and Co., variety-department stores from 4–1–69 to 3–31–70: 628 State Street, Bristol, Tenn.; 822 Market Street, Chattanooga, Tenn.

Kuhn Brothers Co., Inc., variety-department stores from 4–19–69 to 4–18–70 except as otherwise indicated: No. 26, Russellville, Ky.; No. 30, Tupelo, Miss. (4–15–69 to 4–14–70); No. 7, Clarksville, Tenn.; No. 16, Dickson, Tenn.; No. 17, Fayetteville, Tenn.; No. 51, Lexington, Tenn.; No. 45, Nashville, Tenn.; No. 25, Pulaski, Tenn.

Larkin Brothers, department store; Public Square, Logootee, Ind.; 4–18–69 to 4–17–70.

League Ranch, agriculture; Benjamin, Tex.; 3–31–69 to 3–30–70.

Lerner Shops, apparel stores from 3–21–69 to 3–20–70: No. 260, Fairview Park, Ohio; No. 258, Hamilton, Ohio; No. 259, Marion, Ohio.

Louis Market, foodstore; 5718 Military, Omaha, Nebr.; 3–25–69 to 3–24–70.

Luce Pharmacy, drugstore; 218 West Main Street, Flushing, Mich.; 4–17–69 to 4–16–70.

MFA Central Cooperative, foodstore; Morgan and Lafayette Streets, Marshall, Mo.; 4–7–69 to 4–6–70.

McMaken's Market, Inc., foodstore; Route 311 and Arlington Road, Brookville, Ohio; 4–9–69 to 4–8–70.

Men's Quality Shop, Inc., apparel store; 24–30 East Broughton Street, Savannah, Ga.; 3–24–69 to 1–28–70.

Morgan & Lindsey, Inc., variety store; No. 3006, Mansfield, La.; 4–14–69 to 4–13–70.

G. C. Murphy Co., variety-department stores from 4–1–69 to 3–31–70 except as otherwise indicated: No. 204, Paintsville, Ky.; No. 176, Pikeville, Ky.; No. 220, Hancock, Md. (4–17–69 to 4–16–70); No. 210, Oakmont, Pa. (4–14–69 to 4–13–70); Nos. 198 and 241, Alexandria, Va.; No. 214, Arlington, Va.; No. 24, Newport News, Va.; Nos. 142, 208, and 245, Richmond, Va.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 15, Elkins, W. Va.; No. 22, Kayser, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 182, Mullens, W. Va.; No. 168, North Fork, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 49, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 154, Princeton, W. Va.; No. 189, Shinnston, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; Nos. 162 and 254, Weirton, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; No. 131, Williamson, W. Va.

Mutzabaughs Market, Inc., foodstore; Main Street and Bloomfield Road, Duncannon, Pa.; 3–26–69 to 3–25–70.

Nelsner Brothers, Inc., variety-department store; No. 35, Chicago, Ill.; 4–18–69 to 4–17–70.

Neuman Food Store, foodstore; 1507 East Juan Linn, Victoria, Tex.; 3–31–69 to 3–30–70.

S. C. Orbach Co., apparel store; 1827 East 21st Street, Tulsa, Okla.; 3–26–69 to 3–25–70.

John B. Peters, agriculture; Gardners, Pa.; 4–18–69 to 4–17–70.

Pic N'Pay Supermarket, foodstore; 120 South Federal Highway, Dania, Fla.; 3–24–69 to 3–23–70.

Piggly Wiggly, foodstores: 501 West Main Street, Hartselle, Ala., 4–3–69 to 4–2–70; 200–204 Southwest Front Street, Walnut Ridge, Ark., 4–1–69 to 3–31–70; 110 North Pine, Vivian, La., 3–22–69 to 3–21–70; No. 37, Ridgeland, S.C., 3–25–69 to 3–24–70; 100–108 Richardson Avenue, Summerville, S.C., 4–8–69 to 4–7–70; No. 7, Jackson, Tenn., 3–21–69 to 3–20–70.

Pittston Hospital, hospital; Pittston, Pa.; 4–4–69 to 4–3–70.

Pleezing Variety Store of West Florida, Inc., variety store; 1980 North "T" Street, Pensacola, Fla.; 3–27–69 to 3–26–70.

Price-Black Farms, Inc., agriculture; Arrey, N. Mex.; 3–31–69 to 3–30–70.

QP Stores, Inc., foodstores; Sour Lake, Tex.; 4–2–69 to 4–1–70.

Quality Market, foodstore; Delta, Utah; 3–25–69 to 3–24–70.

Regan's Restaurant, restaurants from 3–31–69 to 3–30–70: 8031 Metcalf, Overland Park, Kans.; 95th and Nall, Overland Park, Kans.

Rex Hospital, hospital; 1311 St. Mary's Street, Raleigh, N.C.; 3–27–69 to 3–26–70.

Richards Brothers, foodstore; Mountain Grove, Mo.; 3–30–69 to 3–29–70.

Robinsons Co., department store; Osceola, Iowa; 3–27–69 to 3–26–70.

Rockford Standard Furniture Co., furniture store; 1100 11th Street, Rockford, Ill.; 4–1–69 to 3–31–70.

Rog & Scotty's Super Valu, foodstores from 3–22–69 to 3–21–70: Nos. 1, 2, and 3, Council Bluffs, Iowa.

Rogerson Restaurant, restaurant; 153 Main Avenue, East, Twin Falls, Idaho; 3–27–69 to 3–26–70.

Royal's, Inc., department store; 183 South Lake Avenue, Pahokee, Fla.; 3–28–69 to 3–27–70.

The Rudin Co., department store; 211 South Main Street, Mount Vernon, Ohio; 4–17–69 to 4–16–70.

St. Anthony's Hospital, hospital; Seventh and Friedman, Las Vegas, N. Mex.; 4–4–69 to 4–3–70.

St. Joseph Hospital, hospital; 321 East Alta Vista, Ottumwa, Iowa; 3–21–69 to 3–20–70.

St. Joseph's Hospital, hospital; 200–210 Michigan Street, Hancock, Mich.; 3–25–69 to 3–24–70.

Russell Lee Sell, agriculture; 12227 68th Avenue, Allendale, Mich.; 4–10–69 to 4–9–70.

San Rosario Hospital, hospital; 110 Canfield Street, Cambridge Springs, Pa.; 4–1–69 to 3–31–70.

Scotty's Food Store, foodstore; 930 Elm Street, Graham, Tex.; 3–25–69 to 3–24–70.

Shroat Markets, foodstore; 216 South D Street, Marion, Ind.; 4–9–69 to 4–8–70.

Sloan's Super-Save, foodstore; 108 West Wallace Street, San Saba, Tex.; 4–17–69 to 4–16–70.

Spies Supermarket, Inc., foodstores from 4–11–69 to 4–10–70; 521 Sixth Avenue, Brookings, S. Dak.; Watertown, S. Dak.

Star Clothes, apparel store; 5th Street and Greenup Avenue, Ashland, Ky.; 4–1–69 to 3–31–70.

Steer House, Inc., restaurant; 1119 Lisbon Street, Lewiston, Maine; 4–1–69 to 3–31–70.

Sterling Stores Co., Inc., variety store; 417 Cherry Street, Helena, Ark.; 3–27–69 to 3–26–70.

Sterns, Inc., department store; Madison Avenue and Water Street, Skowhegan, Maine; 4–9–69 to 4–8–70.

Stobie Shopping Center, foodstores from 4–15–69 to 4–14–70; No. 2, Plains, Mont.; No. 1, Thompson Falls, Mont.

Sutton's Food Mart, foodstore; 1313 West 21st Street, Topeka, Kans.; 4–2–69 to 4–1–70.

T. G. & Y. Stores Co., variety-department stores from 4–17–69 to 4–16–70 except as otherwise indicated: No. 190, Scottsdale, Ariz.; No. 41, Tulsa, Okla.; No. 251, Dallas, Tex.; No. 227, Port Arthur, Tex. (3–31–69 to 3–30–70); No. 124, Slaton, Tex. (4–10–69 to 4–9–70).

Taylor Pharmacy, drugstore; 2044 South Richey, Pasadena, Tex.; 3–24–69 to 3–23–70.

Tradewell Supermarket, foodstore; 1215 16th Street, Huntington, W. Va.; 4–3–69 to 4–2–70.

Tyler Brothers, foodstore; Wagener, S.C.; 3–27–69 to 3–26–70.

Valian's, Inc., restaurant; 6935 South Main, Houston, Tex.; 3–25–69 to 3–24–70.

P. E. Ward & Co., furniture and appliance store; Union Square, Dover-Foxcroft, Maine; 4–7–69 to 4–6–70.

J. Watercott & Co., department store; 500 Edward Street, Henry, Ill.; 3–28–69 to 3–27–70.

Weesies Brothers Farms, Inc., agriculture; 10126 Walsh Road, Montague, Mich.; 3–27–69 to 3–26–70.

Wood's 5 & 10¢ Stores, Inc., variety store; Laurinburg, N.C.; 4–1–69 to 3–31–70.

Woody's Super Market, foodstore; 104 Main Street, Wolfe City, Tex.; 3–29–69 to 3–28–70.

F. W. Woolworth Co., variety-department stores from 4–14–69 to 4–13–70 except as otherwise indicated: No. 775, Crookston, Minn.; No. 2136, West St. Paul, Minn.; No. 278, Kenosha, Wis.; No. 133, La Crosse, Wis. (4–10–69 to 4–9–70); No. 1744, Madison, Wis.

Zimmerman's Department Store, department store; 110 North Main Street, Salisbury, N.C.; 4–9–69 to 4–8–70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Arden-Mayfair, Inc., foodstores for the occupations of box clerk, courtesy clerk, 21 to 25 percent except as otherwise indicated, 4–1–69 to 3–31–70: 1760 East Santa Fe Avenue, Flagstaff, Ariz.; 5121 West Glendale Boulevard, Glendale, Ariz. (18 to 26 percent); 1422 East Main, Mesa, Ariz. (25 to 32 percent); 1018 West Main, Mesa, Ariz. (25 to 32 percent); 3115 North Third Avenue, Phoenix, Ariz.; 7830 North 12th Street, Phoenix, Ariz.; 5718 North 15th Avenue, Phoenix, Ariz.; 6025 North 27th Avenue, Phoenix, Ariz.; 1849 East Camelback Road, Phoenix, Ariz.; 3217 East Camelback Road, Phoenix, Ariz.; 5017 North Central Avenue, Phoenix, Ariz.; 6018 South Central Avenue, Phoenix, Ariz.; 3921 East Indian School Road, Phoenix, Ariz.; 5326 West Indian School Road, Phoenix, Ariz.; 2321 East McDowell Road, Phoenix, Ariz.; 4430 East McDowell Road, Phoenix, Ariz.; 3717 East Thomas Road, Phoenix, Ariz.; 3442 West Van Buren, Phoenix, Ariz.; 326 West Indian School Road, Scottsdale, Ariz. (31 to 41 percent); 929 Mill Avenue, Tempe, Ariz. (22 to 28 percent); 6321 East 22nd Street, Tucson, Ariz. (14 to 27 percent); 3607 East Broadway, Tucson, Ariz. (14 to 27 percent); 5560 East Broadway, Tucson, Ariz. (14 to 27 percent); 1930 East Grant Road, Tucson, Ariz. (14 to 27 percent); 3360 East Speedway, Tucson, Ariz. (14 to 27 percent); 367 West 16th Street, Yuma, Ariz. (12 to 25 percent).

Arnold's Food Market, Inc., foodstore; 14 North Baltimore Avenue, Mount Holly Springs, Pa.; bagger; 6 to 8 percent; 4–13–69 to 4–12–70.

A. J. Bayless Markets, Inc., foodstore; No. 8, Phoenix, Ariz.; package clerk, service clerk; 22 percent; 3–28–69 to 1–31–70.

Bergemann's Market, foodstore; 802 North Spring, Beaver Dam, Wis.; carryout; 5 to 21 percent; 4–16–69 to 4–15–70.

Better Living Market, foodstores for the occupations of service clerk, stock clerk, cleanup, 3–22–69 to 3–21–70: No. 1, Hattiesburg, Miss., 15 to 21 percent; No. 5, Hattiesburg, Miss., 17 to 21 percent; No. 6, Picayune, Miss., 17 to 21 percent.

Big Bear Supermarket, foodstores for the occupation of courtesy clerk, 3–26–69 to 3–25–70: No. 25, Eden, N.C., 10 to 13 percent; No. 26, Greensboro, N.C., 11 to 14 percent; No. 27, High Point, N.C., 18 to 20 percent.

Big John, foodstore; No. 4, Flora, Ill.; stock clerk, sacker; 10 percent; 4–17–69 to 4–16–70.

Big Star, foodstore; No. 37, Memphis, Tenn.; sacker, carryout, bottle sorter; 17 to 28 percent; 3–23–69 to 3–22–70.

Bryn Mawr Home, Inc., nursing home; 275 Penn Avenue North, Minneapolis, Minn.; nurse's aide, tray boy (girl); 6 to 15 percent; 3–25–69 to 3–24–70.

Carter's IGA Foodliner, foodstore; 138 South Washington, Charlotte, Mich.; carryout, bagger, stock clerk, checker; 10 percent; 4–2–69 to 4–1–70.

Casey Drug and Jewelry Co., drugstore; Chamberlain, S. Dak.; clerk, fountain clerk, janitorial; 10 to 73 percent; 4–17–69 to 4–16–70.

City Market, Inc., foodstore; No. 14, Farmington, N. Mex.; caddy clerk; 10 percent; 4–15–69 to 4–14–70.

Cooper's, apparel stores: 79 Winrock Center, Albuquerque, N. Mex., salesclerk, gift wrapper, 5 to 15 percent, 3–24–69 to 3–23–70; 54 East San Francisco Street, Santa Fe, N. Mex., salesclerk, stock clerk, office clerk, gift wrapper, 5 to 18 percent, 4–14–69 to 4–13–70.

Crest Stores Co., variety store, Peachtree Plaza Shopping Center, Greer, S.C.; salesclerk, stock clerk; 10 to 45 percent, 4–1–69 to 3–31–70.

Edwin Cutler Co., apparel store; 70 North Main Street, Old Town, Maine; stock clerk, salesclerk; 5 to 13 percent; 4–9–69 to 4–8–70.

Derryberry's Drug Co., Inc., drugstore; 115 West Seventh Street, Columbia, Tenn.; salesclerk, stock clerk, office clerk; 10 percent; 3–25–68 to 3–24–70.

Dickson Furniture & Appliance Co., furniture and appliance store; 101 West Ellison Street, Burleson, Tex.; salesclerk, stock clerk, display clerk, inventory clerk, office clerk, janitorial; 9 to 20 percent; 3–28–69 to 3–27–70.

Dillon Companies, Inc., foodstore; No. 48, Hutchinson, Kans.; cashier, checker, carryout, wrapper, clerk, maintenance; 11 to 32 percent; 4–18–69 to 4–17–70.

Dowden Food Stores, Inc., foodstore; 411 Greenville Plaza, Greenville, Mich.; carryout, stock clerk; 15 to 27 percent; 4–18–69 to 4–17–70.

Duckwall Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, 3–31–69 to 3–30–70: Nos. 98 and 100, Colorado Springs, Colo., 15 to 32 percent; No. 84, Denver, Colo., 20 to 44 percent; No. 88, Junction City, Kans., 20 to 44 percent; No. 86, Leavenworth, Kans., 16 to 28 percent; No. 97, Newton, Kans., 24 to 55 percent; No. 87, Topeka, Kans., 16 to 28 percent; No. 93, Wichita, Kans., 24 to 55 percent; No. 79, Winfield, Kans., 24 to 55 percent; No. 89, Albuquerque, N. Mex., 2 to 48 percent; No. 85, Clovis, N. Mex., 3 to 20 percent.

Durand IGA, foodstore; 219 North Saginaw, Durand, Mich.; carryout, bagger, checker, stock clerk; 10 percent; 4–2–69 to 4–1–70.

Easter Super Valu, foodstore; 209 North E Street, Oskaloosa, Iowa; stock clerk, bagger, carryout, cashier; 13 to 24 percent; 4–1–69 to 3–31–70.

Edge of the Ledge IGA Foodliner, foodstore; 512 South Clinton, Grand Ledge, Mich.; carryout, bagger, checker, stock clerk; 10 percent; 4–2–69 to 4–1–70.

Eldon's, foodstore; 351 North Sam Houston, San Benito, Tex.; stock clerk; 21 to 41 percent; 4–17–69 to 4–16–70.

Erspamer Super Market, foodstore; No. 521, Hurley, Wis.; carryout, stock clerk, cleanup; 7 to 14 percent; 4–16–69 to 4–15–70.

Escambia Drug Store, Inc., drugstore; 108 South Main Street, Atmore, Ala.; salesclerk, stock clerk, fountain clerk, delivery clerk, janitorial; 16 to 28 percent; 3–31–69 to 3–30–70.

Family Foodland, foodstore; 401 South Beechtree Street, Grand Haven, Mich.; carryout, cleanup, stock clerk; 21 to 35 percent; 4–11–69 to 4–10–70.

Farmers Discount Center, Inc., foodstore; 615 West Cherry, Chanute, Kans.; carryout, bottle clerk, sacker; 15 to 26 percent; 4–1–69 to 3–31–70.

Field-Schlick, Inc., department stores for the occupations of salesclerk, stock clerk, 1 to 6 percent, 4–10–69 to 4–9–70: Road B and Snelling Avenue, North, St. Paul, Minn.; 735 Cleveland Avenue, South, St. Paul, Minn.

Food Giant Super Market, Inc., foodstores for the occupation of carryout, 16 to 24 percent, 3–27–69 to 3–26–70: Nos. 6, 7, and 8, Tucson, Ariz.

Gee Bee, department stores for the occupations of salesclerk, stock clerk, cashier, wrapper, 0.2 to 3 percent, 3–27–69 to 3–26–70: Greensburg, Pa.; Johnstown, Pa.

Gerbes Super Markets, Inc., foodstores for the occupations of checker, cashier, carryout, wrapper, clerk, maintenance, 11 to 32 percent, 3–22–69 to 3–21–70: No. 309, Camdenton, Mo.; No. 311, Columbia, Mo.; No. 304, Eldon, Mo.; No. 306, Holden, Mo.; No. 312, Jefferson City, Mo.; No. 310, Pleasant Hill, Mo.; No. 301, Tipton, Mo.; No. 302, Versailles, Mo.; No. 303, Windsor, Mo.

Goldblatt Brothers, Inc., department store; McArthur and Outer Park Drive, Springfield, Ill.; salesclerk, stock clerk, office clerk, porter; 2 to 5 percent; 4–3–69 to 4–2–70.

W. T. Grant Co., variety-department stores for the occupations of office clerk, stock clerk, salesclerk, cashier except as otherwise indicated, 4–1–69 to 3–31–70 except as otherwise indicated: No. 1156, Downers Grove, Ill., 2 to 19 percent; No. 307, Salisbury, Md., 11 to 16 percent; No. 175, Kalamazoo, Mich., 3 to 22 percent (4–11–69 to 4–10–70); No. 1218, Medina, Ohio, 2 to 15 percent; No. 1022, Bloomsburg, Pa., 11 to 36 percent (salesclerk, stock clerk); No. 622, Sheboygan, Wis., 8 to 10 percent.

Autry Greer and Sons, Inc., foodstore; 911 South Wilson Avenue, Prichard, Ala.; bagger; 11 to 13 percent; 4–3–69 to 4–2–70.

H. E. B. Food Store, foodstore; No. 98, Brenham, Tex.; bottle clerk, package clerk, sacker; 10 percent; 4–9–69 to 4–8–70.

H & W Stop & Shop, foodstore; 600 Mulberry, Durant, Miss.; stock clerk, packager, sacker, cleanup; 11 to 15 percent; 4–15–69 to 4–14–70.

Haffner's 5¢ to 1.00 Store, variety store; No. 52, Kendallville, Ind.; salesclerk, stock clerk; 9 to 20 percent; 3–31–69 to 3–30–70.

Handy-Andy, Inc., foodstore; No. 30, San Antonio, Tex.; package clerk, stock clerk, checker, office cashier, bakery clerk, produce clerk, bottle sorter, dairy stock clerk, porter; 24 to 33 percent; 4–8–69 to 4–7–70.

Hardwick & Magee Co., furniture and carpet store; 650 West Lehigh Avenue, Philadelphia, Pa.; salesclerk; 3 to 9 percent; 3–28–69 to 3–27–70.

Heine Drugs, drugstore; 301 North Union, St. Louis, Mo.; clerk, delivery clerk; 7 percent; 4–9–69 to 4–8–70.

Jenny Lee Bakery, bakery store; Ingram and Fosters Avenues, Pittsburgh, Pa.; salesclerk; 16 to 22 percent; 3–27–69 to 3–26–70.

K–G Men's Stores, apparel stores for the occupations of stock clerk, sales clerk, office clerk, receiving clerk, delivery clerk, 9 to 22 percent, 4–1–69 to 3–31–70: 701 West Hampden Avenue, Englewood, Colo.; 10548 Melody Drive, Northglenn, Colo.

Kay Baum, Inc., apparel store; 22283–87 Michigan Avenue, Dearborn, Mich.; stock clerk; 4 to 21 percent; 4–1–69 to 3–31–70.

Kilroy's, apparel store; 119 West Broadway, Farmington, N. Mex.; salesclerk, stock clerk, office clerk, gift wrapper; 5 to 16 percent; 4–15–69 to 4–14–70.

Kings Drug, Inc., drugstore; 101 Lewisville Center, Lewisville, Tex.; salesclerk; 10 to 23 percent; 3–25–69 to 3–24–70.

S. H. Kress and Co., variety-department store; 1015 Randolph Road, Thomasville, N.C.; salesclerk, stock clerk; 9 to 46 percent; 4–17–69 to 4–16–70.

S. S. Kresge Co., variety-department stores: No. 4164, Birmingham, Ala., salesclerk, 3 to 11 percent, 4–4–69 to 4–3–70; No. 4187, Denver, Colo., salesclerk, stock clerk, office clerk, checker-cashier, 3 to 32 percent, 3–25–69 to 3–24–70; No. 4131, Englewood, Colo., stock clerk, salesclerk, checker-cashier, office clerk, 3 to 19 percent, 3–22–69 to 3–21–70; No. 4296, Hollywood, Fla., salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 7 to 10 percent, 3–23–69 to 3–22–70; No. 4122, Pensacola, Fla., salesclerk, 1 to 10 percent, 3–22–69 to 3–21–70; No. 4198, Columbus, Ga., salesclerk, cashier, 11 to 22 percent, 4–3–69 to 4–2–70; No. 4620, East St. Louis, Ill., salesclerk, stock clerk, checker-cashier, office clerk, maintenance, 5 to 10 percent, 4–7–69 to 4–6–70; No. 4154, North Aurora, Ill., salesclerk, stock clerk, office clerk, 5 to 10 percent, 3–28–69 to 3–27–70; No. 4226, Evansville, Ind., salesclerk, 3 to 7 percent, 4–15–69 to 4–14–70; No. 4126, Omaha, Nebr., salesclerk, stock clerk, office clerk, checker-cashier, 3 to 10 percent, 4–4–69 to 4–3–70; No. 4258, Akron, Ohio, salesclerk, checker-cashier, stock clerk, maintenance, office clerk, 2 to 7 percent, 4–15–69 to 4–14–70; No. 4229, Austintown, Ohio, salesclerk, checker-cashier, stock clerk, maintenance, 10 percent, 4–1–69 to 3–31–70; No. 4167, Hamilton, Ohio, salesclerk, 7 to 22 percent, 4–5–69 to 4–4–70; No. 4257, Middleburg Heights, Ohio, salesclerk, stock clerk, checker-cashier, maintenance, 10 percent, 4–20–69 to 4–19–70; No. 4264, Stow, Ohio, checker-cashier, salesclerk, stock clerk, maintenance, 4 to 10 percent, 3–24–69 to 3–23–70.

Kuhn Brothers Co., Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 4–19–69 to 4–18–70 except as otherwise indicated: No. 61, Athens, Ala., 0 to 17 percent (4–15–69 to 4–14–70); No. 60, Sheffield, Ala., 0 to 17 percent (4–13–69 to 4–12–70); No. 53, Hopkinsville, Ky., 11 to 59 percent; No. 55, Madisonville, Ky., 11 to 59 percent; No. 64, Murray, Ky., 1 to 18 percent (4–8–69 to 4–7–70); No. 43, Shelbyville, Ky., 11 to 59 percent; No. 57, Cookeville, Tenn., 11 to 21 percent; No. 42, Gallatin, Tenn., 11 to 21 percent; No. 35, Huntingdon, Tenn., 5 to 16 percent; No. 39,

Lenoir City, Tenn., 4 to 20 percent; Nos. 41 and 59, Nashville, Tenn., 11 to 21 percent; No. 56, Shelbyville, Tenn., 11 to 21 percent; No. 27, South Pittsburg, Tenn., 4 to 20 percent.

Lerner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk, 4–12–69 to 4–11–70 except as otherwise indicated: No. 35, Birmingham, Ala., 2 to 16 percent (4–19–69 to 4–18–70); No. 189, Huntsville, Ala., 2 to 21 percent (4–19–69 to 4–18–70); Nos. 93 and 112, Montgomery, Ala., 10 to 17 percent (4–19–69 to 4–18–70); No. 487, Englewood, Colo., 0 to 35 percent (4–17–69 to 4–16–70); No. 65, Clearwater, Fla., 1 to 32 percent; No. 139, Daytona Beach, Fla., 4 to 17 percent; Nos. 143 and 185, Fort Lauderdale, Fla., 13 to 27 percent; No. 184, Hollywood, Fla., 9 to 19 percent; Nos. 90 and 144, Jacksonville, Fla., 9 to 16 percent; Nos. 97 and 194, Jacksonville, Fla., 9 to 16 percent (4–19–69 to 4–18–70); No. 142, Lakeland, Fla., 8 to 28 percent (4–19–69 to 4–18–70); Nos. 60, 91, and 102, Miami, Fla., 2 to 14 percent (4–19–69 to 4–18–70); No. 66, Miami Beach, Fla., 2 to 14 percent (4–19–69 to 4–18–70); No. 147, Ocala, Fla., 1 to 25 percent (4–19–69 to 4–18–70); Nos. 122 and 181, Orlando, Fla., 10 to 24 percent (4–19–69 to 4–18–70); No. 71, Panama City, Fla., 2 to 19 percent; No. 136, Pensacola, Fla., 2 to 19 percent; Nos. 45 and 108, St. Petersburg, Fla., 4 to 18 percent; No. 44, Tallahassee, Fla., 7 to 24 percent; Nos. 95 and 141, West Palm Beach, Fla., 9 to 19 percent; No. 88, Augusta, Ga., 8 to 20 percent (4–19–69 to 4–18–70); No. 135, Columbus, Ga., 7 to 23 percent (3–28–69 to 3–27–70); No. 128, Macon, Ga., 8 to 19 percent (4–19–69 to 4–18–70); No. 114, Savannah, Ga., 1 to 23 percent (4–19–69 to 4–18–70); No. 340, Savannah, Ga., 1 to 23 percent (4–1–69 to 3–31–70); Nos. 218, 271 and 273, Indianapolis, Ind., 6 to 17 percent; No. 242, Lexington, Ky., 2 to 12 percent (4–19–69 to 4–18–70); Nos. 38 and 133, Baton Rouge, La., 2 to 20 percent (4–19–69 to 4–18–70); No. 49, Gretna, La., 2 to 19 percent (4–19–69 to 4–18–70); No. 126, Lake Charles, La., 2 to 19 percent (4–19–69 to 4–18–70); No. 119, Metairie, La., 2 to 19 percent (4–19–69 to 4–18–70); No. 109, New Orleans, La., 2 to 19 percent (4–19–69 to 4–18–70); Nos. 41, 55, and 57, Baltimore, Md., 27 to 38 percent (4–19–69 to 4–18–70); No. 73, Cumberland, Md., 13 to 52 percent (4–19–69 to 4–18–70); No. 43, Glen Burnie, Md., 27 to 38 percent (4–19–69 to 4–18–70); No. 232, St. Paul, Minn., 17 to 42 percent; No. 67, Gulfport, Miss., 5 to 21 percent (4–19–69 to 4–18–70); No. 145, Jackson, Miss., 1 to 12 percent (4–19–69 to 4–18–70); Nos. 420, 451, and 468, Albuquerque, N. Mex., 4 to 27 percent (4–19–69 to 4–18–70); No. 110, Durham, N.C., 4 to 19 percent; No. 92, Raleigh, N.C., 5 to 17 percent (4–19–69 to 4–18–70); No. 303, Columbus, Ohio, 3 to 10 percent (3–21–69 to 3–20–70); No. 312, Dayton, Ohio, 4 to 11 percent (3–21–69 to 3–20–70); No. 207, Maple Heights, Ohio, 7 to 12 percent; No. 214, Willowick, Ohio, 7 to 12 percent; No. 250, Youngstown, Ohio, 2 to 11 percent (4–19–69 to 4–18–70); Nos. 36 and 127, Oklahoma City, Okla., 1 to 12 percent; No. 216, East Liberty, Pa., 8 to 20 percent (4–19–69 to 4–18–70); No. 205, Harrisburg, Pa., 2 to 15 percent; No. 290, Monroeville, Pa., 0 to 20 percent (4–1–69 to 3–31–70); Nos. 222, 274, and 308, Pittsburgh, Pa., 8 to 20 percent (4–19–69 to 4–18–70); No. 85, Reading, Pa., 4 to 24 percent; No. 118, Scranton, Pa., 5 percent; No. 116, Charleston, S.C., 2 to 20 percent; No. 137, Columbia, S.C., 14 to 38 percent; No. 96, Greenville, S.C., 6 to 20 percent; No. 78, Spartanburg, S.C., 7 to 26 percent; No. 186, Chattanooga, Tenn., 1 to 16 percent; No. 213, Memphis, Tenn., 4 to 19 percent; No. 187, Pasadena, Tex., 0.3 to 4 percent; No. 34, San Antonio, Tex., 4 to 11 percent; No. 123, San Antonio, Tex., 4 to 19 percent (4–3–69 to 4–2–70); No. 68, Alexandria, Va., 6 to 15 percent; No. 87, Arlington, Va., 7 to 21 percent; No. 120, Newport News, Va., 11 to 20 percent; No. 32, Portsmouth, Va., 0 to 6 percent; No. 105, Roanoke, Va., 2 to 18 percent; No. 310, Virginia Beach, Va., 0 to 6 percent; No. 86, Charleston, W. Va., 3 to 12 percent; No. 81, Clarksburg, W. Va., 5 to 22 percent; No. 94, Huntington, W. Va., 0 to 26 percent.

Li'l General Stores, foodstore; 9120 Perry Hiway, Pittsburgh, Pa.; stock clerk, clerk; 11 to 25 percent; 4–1–69 to 3–31–70.

Lynn & Al's G. W. Foods, Inc., foodstore; 2602 Norfolk Avenue, Norfolk, Nebr.; cashier, stock clerk; 19 to 33 percent; 4–1–69 to 3–31–70.

May's Drug Store, drugstore; No. 202, Cedar Rapids, Iowa; salesclerk, stock clerk; 5 to 11 percent; 4–16–69 to 4–15–70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 384, Sanford, Fla., 6 to 30 percent, 3–24–69 to 3–23–70; No. 368, Ormond Beach, Fla., 4 to 17 percent, 3–24–69 to 3–23–70; No. 266, 0 to 19 percent, 3–21–69 to 3–20–70 (salesclerk, stock clerk, office clerk, porter); No. 242, Springfield, Mass., 7 to 15 percent, 4–9–69 to 4–8–70; No. 352, Toms River, N.J., 14 to 29 percent, 4–1–69 to 3–31–70; No. 248, Albuquerque, N. Mex., 4 to 27 percent, 4–10–69 to 4–9–70 (salesclerk, stock clerk, office clerk, porter); No. 268, Kinston, N.C., 0.4 to 24 percent, 3–24–69 to 3–23–70; No. 399, Lima, Ohio, 6 to 20 percent, 4–10–69 to 4–9–70; No. 99, Homestead, Pa., 12 to 33 percent, 4–18–69 to 4–17–70; No. 110, Huntington, Pa., 2 to 16 percent, 4–11–69 to 4–10–70; No. 206, Westerly, R.I., 7 to 28 percent, 4–9–69 to 4–8–70.

McFarland's Fine Foods, foodstore; 116 South First, Osborne, Kans.; carryout; 8 to 32 percent; 4–14–69 to 4–13–70.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 9 to 16 percent except as otherwise indicated, 4–1–69 to 3–31–70 except as otherwise indicated: No. 96, Jasper, Ala. (10 to 22 percent, 4–15–69 to 4–14–70); No. 303, Aliquippa, Pa. (3 to 18 percent, 3–21–69 to 3–20–70); No. 311, Altoona, Pa. (4 to 23 percent, 3–22–69 to 3–21–70); No. 321, Belle Vernon, Pa. (3 to 23 percent, 4–15–69 to 4–14–70); No. 295, Chattanooga, Tenn. (5 to 13 percent); No. 299, Nashville, Tenn. (5 to 13 percent); No. 316, San Antonio, Tex. (10 to 28 percent, 4–15–69 to 4–14–70); No. 308, Culpeper, Va.; No. 107, Danville, Va.; No. 278, Lynchburg, Va.; No. 63, Manassas, Va.; No. 240, Roanoke, Va.; No. 156, Woodbridge, Va. (13 to 23 percent).

S. C. Orbach Co. apparel stores for the occupations of salesclerk, stock clerk, gift wrapper, desk clerk, 8 to 65 percent, 3–26–69 to 3–25–70: 701 West Hampden, Englewood, Colo.; Tulsa, Okla.

Paul's Market, foodstores for the occupations of stock clerk, cleanup, bottle sorter, boxer, 2 to 12 percent, 4–14–69 to 4–13–70: Homedale, Idaho; Main Street, Meridian, Idaho.

Phil's Shoe Store, Inc., shoe store; 118 South Main Street, High Point, N.C.; salesclerk, stock clerk; 18 percent; 4–15–69 to 4–14–70.

Pic N'Pay Supermarket, Inc., foodstores for the occupations of stock clerk, bagger, 7 to 10 percent, 3–24–69 to 3–23–70: No. 2, North Miami Beach, Fla.; No. 3, Pompano Beach, Fla.

Piggly Wiggly, foodstores for the occupations of stock clerk, checker, sacker, clerk except as otherwise indicated, 10 percent except as otherwise indicated, 3–22–69 to 3–21–70 except as otherwise indicated: No. 24, Arkadelphia, Ark.; Nos. 15 and 16, Hot Springs, Ark.; Nos. 1 and 2, Minden, La.; 104 Mulberry, Durant, Miss. (stock clerk, packager, cleanup, 11 to 15 percent, 3–27–69 to 3–26–70); No. 36, Barnwell, S.C. (8 to 10 percent, 3–24–69 to 3–23–70); Sixth and Jefferson Streets, Sturgeon Bay, Wis. (carryout, sacker, 36 to 56 percent, 3–30–69 to 3–29–70).

Portland IGA Foodliner, foodstore; 228 Bridge Street, Portland, Mich.; carryout, bagger, checker, stock clerk; 10 percent; 4–2–69 to 4–1–70.

Randalls Food Market, foodstores for the occupations of stock clerk, carryout, 28 percent, 3–23–69 to 3–22–70 except as otherwise indicated: Nos. 1 and 2, Houston, Tex.; No. 3, Houston, Tex. (3–27–69 to 3–26–70).

Regan's Restaurant, restaurants for the occupation of bus boy (girl), 12 to 22 percent, 3–31–69 to 3–30–70: 6425 North Oak Trafficway, Gladstone, Mo.; 11124 Holmes, Kansas City, Mo.

Rockford IGA Foodliner, foodstore; 400 East Division, Rockford, Mich.; carryout, stock clerk; 15 to 27 percent; 4–16–69 to 4–15–70.

Rondavoo Market, foodstore; 223 11th Avenue, North, Nampa, Idaho; stock clerk, cleanup, bottle sorter, boxer; 2 to 12 percent; 4–14–69 to 4–13–70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker except as otherwise indicated, 4–1–69 to 3–31–70 except as otherwise indicated: No. 182, Gainesville, Ga., 13 to 31 percent (salesclerk, stock clerk, checker, window trimmer, marker, order writer, 4–7–69 to 4–6–70); No. 180, Fayetteville, N.C., 10 to 25 percent (4–7–69 to 4–6–70); No. 5003, Gastonia, N.C., 11 to 27 percent; No. 5005, Greensboro, N.C., 11 to 28 percent; No. 5001, Winston-Salem, N.C., 19 to 31 percent.

Schensul's Cafeteria, Inc., restaurant; Eastland Mall, Flint, Mich.; bus boy (girl), coffee girl (boy), counter helper, dishwasher, food preparer, short order cook; 49 to 77 percent; 4–1–69 to 3–31–70.

Scott Stores, variety-department stores for the occupations of salesclerk, stock clerk, checker, 16 to 37 percent: No. 912, Freeport, Ill., 4–18–69 to 4–17–70; No. 87, Rock Falls, Ill., 3–27–69 to 3–26–70.

Gilbert Sheatzley, Inc., foodstore; 198 Main Street, Amelia, Ohio; cashier, stock clerk, bagger, cleanup; 14 to 29 percent; 4–4–69 to 4–3–70.

Sinbro's, department store; 105 South Center Street, Thomaston, Ga.; salesclerk; 5 to 7 percent; 3–27–69 to 3–26–70.

Sisco's 7–11 Bi Rite, foodstore; 1509 18th Avenue North, Nashville, Tenn.; sacker; 10 to 18 percent; 3–28–69 to 3–27–70.

Spies Super Valu, foodstores for the occupations of stock clerk, checker, cleanup, carryout, wrapper, 18 to 26 percent except as otherwise indicated, 4–11–69 to 4–10–70: Sixth Street and Breckenridge, Breckenridge, Minn. (18 to 22 percent); Ninth and Dakota Avenue, Wahpeton, N. Dak.; 205–09 North Van Epps, Madison, S. Dak.

Spurgeon's, department stores for the occupations of salesclerk, stock clerk, marker, receiving clerk, janitorial: 124 South Banker Street, Effingham, Ill., 8 to 15 percent, 4–15–69 to 4–14–70; Market Place Shopping Center, McHenry, Ill., 12 to 20 percent, 4–14–69 to 4–13–70.

Steak House, Inc., restaurant, Winthrop, Maine; dishwasher, prep-worker, waiter (waitress); 12 to 32 percent; 4–1–69 to 3–31–70.

Super Drive Ins., foodstores for the occupations of sacker, bottle clerk: No. 4, Clarksville, Tenn., 8 to 20 percent, 4–1–69 to 3–31–70; No. 6, Hermitage, Tenn., 21 to 32 percent, 4–15–69 to 4–14–70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 241, Mobile, Ala., 15 to 30 percent, 3–29–69 to 3–28–70 (salesclerk, stock clerk); Nos. 193, 194, and 195, Phoenix, Ariz., 26 to 30 percent, 4–17–69 to 4–16–70; No. 712, Texarkana, Ark., 11 to 34 percent, 4–13–69 to 4–12–70; No. 509, Sepulveda, Calif., 21 to 30 percent, 4–9–69 to 4–8–70; No. 98, Derby, Kans., 19 to 30 percent, 4–1–69 to 3–31–70; No. 813, Great Bend, Kans., 19 to 30 percent, 3–26–69 to 3–25–70; No. 133, Olathe, Kans., 21 to 30 percent, 4–2–69 to 4–1–70; No. 325, Overland Park, Kans., 15 to 29 percent, 4–2–69 to 4–1–70; No. 154, Shawnee Mission, Kans., 15 to 29 percent, 4–10–69 to 4–9–70; No. 97, Wichita, Kans., 19 to 30 percent, 4–1–69 to 3–31–70; No. 342, Jennings, La., 6 to 22 percent, 3–25–69 to 3–24–70; No. 745, Sulphur, La., 6 to 22 percent, 3–25–69 to 3–24–70; No. 463, Belton, Mo., 17 to 30 percent, 4–17–69 to 4–16–70; No. 198, Albuquerque, N. Mex., 13 to 23 percent, 4–2–69 to 4–1–70; No. 1902, Las Cruces, N. Mex., 13 to 24 percent, 4–17–69 to 4–16–70; Nos. 70 and 409, Norman, Okla., 8 to 22 percent, 4–17–69 to 4–16–70; No. 431, Oklahoma City, Okla., 18 to 30 percent, 3–24–69 to 3–23–70; Nos. 441 and 442, Oklahoma City, Okla., 18 to 30 percent, 3–23–69 to 3–22–70; No. 1006, Tulsa, Okla., 24 to 30 percent, 4–2–69 to 4–1–70; No. 1700, Charleston, S.C., 18 to 30 percent, 4–9–69 to 4–8–70; No. 244, Baytown, Tex., 30 percent, 4–13–69 to 4–12–70; No. 394, Baytown, Tex., 30 percent, 4–12–69 to 4–11–70; No. 837, Garland, Tex., 30 percent, 4–1–69 to 3–31–70; Nos. 343, 382, and 383, Houston, Tex., 30 percent, 4–12–69 to 4–11–70.

Walter Foods, Inc., foodstore; 2682 Westerville Road, Columbus, Ohio; stock clerk, carryout, cashier; 23 to 35 percent; 4–15–69 to 4–14–70.

Wood's 5 & 10¢ Stores, Inc., variety store; Siler City, N.C.; salesclerk, cashier, stock clerk; 9 to 34 percent; 4–14–69 to 4–13–70.

F. W. Woolworth Co., variety-department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 10 to 27 percent except as otherwise indicated, 4–10–69 to 4–9–70 except as otherwise indicated; No. 47, Minneapolis, Minn. (salesclerk, stock clerk, cashier, 6 to 11 percent); No. 72, Milwaukee, Wis. (salesclerk, stock clerk, cleanup, 4–14–69 to 4–13–70); No. 437, Milwaukee, Wis. (salesclerk, stock clerk, cashier, 4–14–69 to 4–13–70); Nos. 842 and 2446, Milwaukee, Wis.

Younker Brothers, Inc., department store; Fairway Shopping Center, Burlington, Iowa; stock clerk, office clerk, salesclerk, messenger, wrapper, marker, delivery clerk, cleanup, porter; 9 to 16 percent; 4–1–69 to 3–31–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within thirty days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of June 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-7193; Filed, June 17, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 13, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41658—*Chlorine from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A6105), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Calvert, Ky., to Hine, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff ICC S–838.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7196; Filed, June 17, 1969; 8:49 a.m.]

[Notice 555]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 13, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 18), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed June 3, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 41 and Interstate Highway 80, over Interstate Highway 80 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 30, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway, near Winona Lake, Ind., thence over unnumbered highway via Lorane to Columbia City, Ind., thence over unnumbered highway (formerly portion U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, Ind., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 523), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed May 29, 1969. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Business Loop Interstate Highway 80 and Interstate Highway 80 (East Green River Junction, Wyo.) over Interstate Highway 80 to junction Business Loop Interstate Highway 80 (West Green River Junction), (2) from junction U.S. Highway 30N, unnumbered highway and Interstate Highway 80 (Granger Junction), over Interstate Highway 80 to junction unnumbered highway (Uintah-Sweetwater County line), (3) from junction Business Loop Interstate Highway 80 and Interstate Highway 80 (Lyman Junction) over Interstate Highway 80 to junction Business Loop Interstate Highway 80 (Fort Junction), and (4) from junction Business Loop Interstate Highway 80 and Interstate Highway 80 (East Evanston Junction) over Interstate Highway 80 to junction Business Loop Interstate Highway 80 (West Evanston Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a

pertinent service route as follows: From Rock Springs, Wyo., over Business Loop Interstate Highway 80 to junction Interstate Highway 80 (West Rock Springs Junction), thence over Interstate Highway 80 to junction Business Loop Interstate Highway 80 (East Green River Junction), thence over Business Loop Interstate Highway 80 to junction Interstate Highway 80 (West Green River Junction), thence over Interstate Highway 80 to junction unnumbered highway (Granger Junction), thence over unnumbered highway to junction Interstate Highway 80 (Uintah-Sweetwater County line), thence over Interstate Highway 80 to junction Business Loop Interstate Highway 80 (Lyman Junction), thence over Business Loop Interstate Highway 80 to junction Interstate Highway 80 (Fort Junction), thence over Interstate Highway 80 to junction Business Loop Interstate Highway 80 (East Evanston Junction), thence over Business Loop Interstate Highway 80 to junction Interstate Highway 80 (West Evanston Junction), thence over Interstate Highway 80 to the Wyoming-Utah State line (connects with Utah Route 2).

No. MC 1515 (Deviation No. 524) (Cancels Deviation No. 344), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed June 6, 1969. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 5 (Blaine), over Interstate Highway 5 to junction unnumbered highway (Ferndale Road), (2) from Bellingham over Interstate Highway 5 to junction unnumbered highway north of Burlington (North Burlington Junction), (3) from Bellingham over Interstate Highway 5 to junction unnumbered highway, (4) from Alger over unnumbered highway to junction Interstate Highway 5 (Algar Junction), thence over Interstate Highway 5 to junction unnumbered highway north of Burlington (North Burlington Junction), (5) from Mount Vernon over unnumbered highway to junction Interstate Highway 5 (South Mount Vernon Junction), (6) from junction unnumbered and Interstate Highway 5 (South Marysville Junction), over Interstate Highway 5 to Seattle, (7) from junction unnumbered highway and Interstate Highway 5 (South Marysville Junction), over Interstate Highway 5 to Everett, and (8) from Everett over Interstate Highway 5 to Seattle, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the international boundary over Interstate Highway 5 to Blaine, Wash., thence over unnumbered highway to junction Interstate Highway 5 (Ferndale Road), thence over Interstate Highway 5 to Bellingham, Wash., thence over unnumbered highway to junction Interstate Highway 5 (North Burlington Junction), thence over Interstate Highway 5 to junction unnumbered highway (South Marysville Junction), thence over unnumbered highway to Seattle, Wash., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7197; Filed, June 17, 1969; 8:49 a.m.]

[Notice 1304]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 13, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 37896 (Sub-No. 19) (Republication), filed May 31, 1968, published in the FEDERAL REGISTER of June 20, 1968, and republished this issue. Applicant: YOUNGBLOOD TRUCK LINES, INC., Post Office Drawer 38, Fletcher, N.C. 28732. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. In the above-entitled proceeding, as amended, the joint board recommended the granting to applicant of a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Atlanta, Ga., and Kernersville, N.C., from Atlanta over U.S. Highway 29 to Lexington, N.C. (also from Atlanta over Interstate Highway 85 to Lexington, N.C.), thence over U.S. Highway 52 to Winston-Salem, N.C., thence over North Carolina Highway 150 to Kernersville (also from Winston-Salem over Interstate Highway 40 to Kernersville), and return over the same routes, serving intermediate and off-route points as follows: (a) Intermediate and off-route points in Georgia within 25 miles of Atlanta except those south of U.S. Highways 29 and 41;

(b) All intermediate and off-route points in South Carolina, restricted to traffic moving to, from, or through Greenville, S.C., Greer, S.C., and points within 15 miles of Greer, S.C.; and (c) Wilmington, N.C., and all intermediate and off-route points in North Carolina on and west of U.S. Highway 1. A decision and order of the Commission Review Board No. 2, dated May 23, 1969, and served May 29, 1969, corrected June 6, 1969, and served June 12, 1969, as modified, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Atlanta, Ga., and Kernersville, N.C., from Atlanta over U.S. Highway 29 to Lexington, N.C. (also from Atlanta over Interstate Highway 85 to Lexington, N.C.), thence over U.S. Highway 52 to Winston-Salem, N.C., thence over North Carolina Highway 150 to Kernersville (also from Winston-Salem over Interstate Highway 40 to Kernersville), and return over the same routes, serving all intermediate points, and serving as off-route points; (a) points in that part of Georgia on and between U.S. Highways 29 and 41 north of and within 25 miles of Atlanta; (b) all points in South Carolina; and (c) Wilmington, N.C., and all points in North Carolina on and west of U.S. Highway 1, subject to the condition as to (b) above, that service to such off-route points is restricted to the transportation of shipments from, to, or through Greenville, S.C., Greer, S.C., and points within 15 miles of Greer; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may, file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 108340 (Sub-No. 18) (Republication), filed October 28, 1968, published in the FEDERAL REGISTER issue of November 15, 1968, and republished this issue. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. By application filed October 28, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of cannery food processing plant and animal food processing plant,

products (except frozen fruits, frozen berries, frozen vegetables, and frozen fish), materials, supplies, and equipment. Between points in Washington County, Oreg. on the one hand, and, on the other, points in Washington. Restricted to shipments originating at or destined to canneries, food processing plants, and animal food processing plants; and, restricted to shipments originating at or destined to points in Washington County, Oreg. An order of the Commission, Operating Rights Board, dated April 30, 1969, and served May 22, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of (1) *canned goods, and canned pet feed*, and (2) *materials, supplies, and equipment* used in the production, sale, and distribution of the commodities in (1) above, between points in Washington County, Oreg. on the one hand, and, on the other, points in Washington, restricted to the transportation of traffic originating at or destined to points in Washington County, Oreg., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 87720 (Sub-No. 83) (Notice of Filing of Petition for Modification of Permit by the Addition of a Shipper), filed May 15, 1969. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Petitioner holds authority in MC 87720 Sub 83 to conduct operations as a motor contract carrier, transporting over irregular routes, reclaimed rubber and hard scrap pulverized, plastic pellets or granules and powder, plastic scrap, loose, in containers, and in bulk, and rubber (crude, natural, or synthetic), except in bulk, in tank vehicles; (A) between points in Essex, Union, Hudson, Bergen, Passaic, and Middlesex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along unnumbered highway (formerly portion U.S. Highway 111) through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Pennsylvania Highway 295 (formerly portion U.S. Highway 111), thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence along Interstate Highway 83 through Lemoyne, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction U.S. Highway 15, near Harrisburg, Pa., and thence along U.S. Highway 15 to the Pennsylvania-New York State line and the District of Columbia; and (B) between points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Monmouth, Morris, Somerset, Mercer, Hunterdon, Warren, and Sussex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York. Restriction: The service authorized herein is limited to a transportation service to be performed, under a continuing contract, or contracts, with A. Schulman, Inc., of Akron, Ohio. By the instant petition, petitioner requests that it permit MC 87720 Sub 83 be modified, consistent with section 209(b) so as to authorize contract carrier service by the addition of Tenneco Chemicals, Inc., as a shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109937 (Sub-No. 3) (Notice of Filing of Petition To Open Grandfather Proceeding at Docket MC-59552 for Purpose of Clarification of Such Authority Now Held by Petitioner), filed May 21, 1969. Petitioner: HARRY O. KLINE, doing business as H. O. KLINE TRANSFER CO., 305 East Hazeldale Avenue, East Minquidale, New Castle, Del. Petitioner's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Petitioner received the authority in question by a transfer application on August 1, 1950, at Docket MC-FC-51789, and was assigned certificate Docket MC-109937, Sub 3. The transfer to Petitioner was from W. F. Perdue, doing business as Perdue's Express, who had received the authority in question on March 28, 1942, at Docket MC-59552. Perdue had obtained the authority in question as a result of a "grandfather application" filed January 23, 1936. The authority in question (MC-109937, Sub 3) and the authority as it was held by applicant's predecessor as originally issued on March 28, 1942, reads as follows: "*General commodities*, except those of unusual value, and except dangerous explosives, liquor requiring special permit, household goods as defined in *Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467*, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points and places in Maryland on and east of a line extending from the Delaware-Maryland State line along U.S. Highway 13 to Salisbury, Md., thence along Maryland Highway 12 to Snow Hill, Md., and on and north of a line extending from Snow Hill, Md., to the Chincoteague Bay via Spence, Md., those south and west and within 5 miles of the highways specified, on the one hand, and, on the other, Wilmington, Del., Philadelphia, Pa., and points and places in that part of Delaware and Pennsylvania on and east of a line extending from Wilmington, Del., along U.S. Highway 202 to junction U.S. Highway 1, thence along U.S. Highway 1 to Philadelphia; from Philadelphia, Pa., and Wilmington, Del., and points and places in Delaware and Pennsylvania in the territory specified above, to points and places in Delaware on or within 5 miles of U.S. Highways 13 and 113 extending from Dover, Del., to the Delaware-Maryland State line, with no transportation for compensation on return except as otherwise authorized." By the instant petition, petitioner requests the Commission to open the grandfather proceeding of W. F. Perdue, doing business as Perdue's Express at Docket MC-59552 (which was the original issue of petitioner's certificate in question) which he acquired by transfer from Perdue, and clarify and declare that petitioner's authority at MC-109937, Sub 3, enables him, inter alia, to serve points in Delaware on or within 5 miles of the entire length of U.S. Highway 13 and particularly that portion of U.S. Highway 13 in the State of Delaware north of Dover, Del., to the Delaware-Pennsylvania State line. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

MC-FC-71221. Authority sought by transferee, Maynard C. Johnson, doing business as Whitie's Transportation Service, Siren, Wis. 54872, for transfer of the operating rights of Transferor, John J. Byers, doing business as Arrowhead Charter Bus Service, 1320 Minnesota Avenue, Duluth, Minn. 55802. Applicant's representative, John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Operating rights in certificate No. MC-118853, sought to be transferred: Passengers and their baggage, in round-trip charter and special service, beginning and ending at points in St. Louis County, Minn., and extending to points in Michigan, North Dakota, South Dakota, and Wisconsin. By order entered May 7, 1969, the Commission, Division 3, vacated and set aside the order of April 1, 1969, approving the above-entitled transfer application under section 212(b) of the Interstate Commerce Act, and assigned the proceeding for hearing at a time and place to be fixed, for the purpose of determining whether full and

complete information relative to transferor's past operations was presented to the Commission to permit proper disposition of the application.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Finance Docket No. 25723. As part of the merger of the properties of the SOUTHERN PACIFIC COMPANY into SOUTHERN PACIFIC TRANSPORT COMPANY (Transport Company), a new corporation, and the acquisition by the latter of control of subsidiaries of the SOUTHERN PACIFIC COMPANY, including ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, the following acquisitions of control of motor carrier subsidiaries are proposed by TRANSPORT COMPANY: (1) Directly owned now by SOUTHERN PACIFIC COMPANY—(A) PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105 and (B) SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras Street, Dallas, Tex. 75202; and (2) Directly owned now by ST. LOUIS SOUTHWESTERN RAILWAY COMPANY — SOUTHWESTERN TRANSPORTATION COMPANY, 733 South Poydras Street, Dallas, Tex. 75202. Operating rights sought to be controlled: (1) (A) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Oregon, California, Arizona, Texas, Nevada, and New Mexico, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–78786 and Sub-numbers thereunder; *New automobiles, new trucks, and new buses*, in initial movements, in truckaway and driveaway service, as a *contract carrier*, over regular routes, between Los Angeles, Calif., and Calexico, Calif., between Los Angeles and San Ysidro, Calif., serving no intermediate points;

New automobiles, new trucks, and new buses, in initial movements, in truckaway and driveaway service, over irregular routes, from Raymer, Calif., to points in the Los Angeles Harbor commercial zone as defined by the Commission; *new automobiles and new trucks*, in initial movements, in truckaway and driveaway service, from the site of the General Motors Corp.'s plant at Fremont, Calif., to certain specified points in Nevada, with restrictions; from the site of General Motors Corp. assembly plant at South Gate, Calif., to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, and to San Francisco, Calif., from the site of the General Motors Corp. assembly plant at Los Angeles, Calif., to San Francisco, Calif., from the site of the General Motors Corp. assembly plant at Fremont, Calif., to San Francisco, Calif., and to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, with restrictions; *new passenger automobiles, new trucks, and new buses*, in truckaway and driveaway service, in secondary movements, from certain specified points in California, to points in California, and certain specified points in Nevada, with restrictions; and *new passenger automobiles, new trucks, and new buses*, in truckaway and driveaway service, in initial movements, from Los Angeles, Calif., to certain specified points in Nevada, with restrictions; (1) (B) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Texas and Louisiana, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–30319 and sub-numbers thereunder; and

(2) *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Dexter, Mo., and Malden, Mo., serving all intermediate points, between Malden, Mo., and Memphis, Tenn., serving the intermediate point of Blytheville, Ark., and certain off-route points, between Malden, Mo., and Jonesboro, Ark., serving all intermediate points between Jonesboro, Ark., and Memphis, Tenn., serving the intermediate point of Trumann, Ark., between Memphis, Tenn., and Texarkana, Tex., serving certain intermediate points, between Memphis, Tenn., and Texarkana, Tex., serving the intermediate points of Brinkley, Ark., and those between Brinkley and Texarkana, and the off-route point of Kedron, Ark., between Little Rock, Ark., and Gillett, Ark., between Stuttgart, Ark., and Hazen, Ark., serving all intermediate points, between Little Rock, Ark., and Pine Bluff, Ark., serving all intermediate points except those on U.S. Highway 65, between Little Rock, Ark., and Fordyce, Ark., serving no intermediate points, between Jonesboro, Ark., and Hickory Ridge, Ark., serving all intermediate points, between Paragould, Ark., and St. Louis, Mo., serving no intermediate points, between Lewisville, Ark., and Shreveport, La., serving all intermediate points, between Texarkana, Tex., and Shreveport, La., serving the intermediate point of Texarkana, Ark., between Texarkana, Ark., and Dallas, Tex., serving all intermediate points except those on U.S. Highway 67 between Greenville and Dallas, Tex., between Dallas, Tex., and Mount Pleasant, Tex., serving all intermediate points other than Wills Point, Tex., and those between Wills Point and Dallas, between Gladewater, Tex., and Shreveport, La., serving no intermediate points, between Tyler, Tex., and Waco, Tex., serving all intermediate points and the off-route point of Purdon, Tex., between Tyler, Tex., and Lufkin, Tex., between Brinkley, Ark., and Hickory Ridge, Ark., serving all intermediate points, between Pine Bluff, Ark., and Pine Bluff Municipal Airport, Ark., between Texarkana, Tex., and Red River Arsenal, Tex., serving no intermediate points; over two alternate routes for operating convenience only;

General commodities, except those of unusual value, livestock, loose bulk commodities, commodities requiring special equipment, and those injurious or contaminating to other lading, between Jonesboro, Ark., and Blytheville, Ark., serving intermediate points which are stations on the railroad of the St. Louis Southwestern Railway Co.; and *general commodities*, except automobiles, livestock, gasoline, and household goods as defined by the Commission, between Dallas, Tex., and Fort Worth, Tex., serving all intermediate points. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carriers' operating rights, without stating in full, the entirety, thereof.

No. MC–F–10416 (AMENDMENT) (NATIONAL FREIGHT, INC.—Purchase—(Portion)—FAB TRANSPORTATION, INC.), published in the March 19, 1969, issue of the FEDERAL REGISTER on page 5411. By amendment filed June 6, 1969, applicants seek to purchase the *entire* authority of FAB TRANSPORTATION, INC.; in lieu of portion. Additional authority sought to be purchased: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except such commodities in bulk), from the terminal of Fab Transportation, Inc., at Hoboken, N.J., and from Secaucus, Kearny, North Bergen, and Newark, N.J., to points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., with restriction. This amendment is pursuant to order by Review Board No. 5, dated April 18, 1969. NOTE: Amendment application for temporary authority also has been filed.

No. MC–F–10502. Authority sought for control by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216, of (1) UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120, and its subsidiaries (2) NORWALK TRUCK LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120, (3) NORWALK TRUCK LINES, INC., OF DELAWARE, 5773 South Prince Street, Littleton, Colo. 80120, and (4) MILLAR & BROWN, LTD., Cranbrook, British Columbia, Canada, and for acquisition by J. W. RINGSBY, 3201 Ringsby Court, Denver, Colo. 80216, of control of UNITED-BUCKINGHAM FREIGHT LINES, INC., NORWALK TRUCK LINES, INC., NORWALK TRUCK LINES, INC., OF DELAWARE, and MILLAR & BROWN, LTD., through the acquisition by RINGSBY TRUCK LINES, INC. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101, Joseph F. Mueller, 602 Midland Savings Building, Denver, Colo. 80202, and George A. Bangs, Box 350, Rapid City, S. Dak. 57701. Operating rights sought to be controlled: (1) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Montana, Minnesota, South Dakota, Nebraska, Iowa, Idaho, Wyoming, Colorado, Oregon, North Dakota, Utah, Texas, Wisconsin, Kansas, Oklahoma, Michigan, Indiana, Missouri, Washington, California, Illinois, and Wisconsin, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–103435 and subnumbers thereunder;

(2) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between specified points in the States of Ohio, Illinois, Indiana, Michigan, Pennsylvania, Wisconsin, Missouri, Iowa, and New York, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–71096 and subnumbers thereunder; (3) *general commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between specified points in the States of Pennsylvania, New York, Delaware, Ohio, Maryland, New Jersey, Connecticut, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–1638 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carriers' operating rights, without stating, in full, the entirety, thereof. (4) In pending Docket No. MC–133008, covering the transportation of general commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over irregular routes, between those ports of entry located on the international boundary line between the United States and Canada, at or near Blaine and Oroville, Wash., Porthill and Eastport, Idaho, Eureka and Sweet Grass, Mont., and Portal, Noyes, and Pembina, N. Dak. (This authority was granted pursuant to order by Operating Rights Board, dated November 29, 1969, and compliance not yet effected.) RINGSBY TRUCK LINES, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–10503. Authority sought for control by GOVAN EXPRESS, INC., Post Office Box 1545, Fort Worth, Tex. 76101, of DENTON PRODUCE, INC., Post Office Box 109, Enid, Okla. 73701, and for acquisition by GOVAN INC., 7505 John Carpenter Freeway, Dallas, Tex., of control of DENTON PRODUCE, INC., through the acquisition by GOVAN EXPRESS, INC. Applicants' attorney: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Operating rights sought to be controlled: *Bananas*, as a *common carrier*, over irregular routes, from Galveston, Tex., to Denver, Colo., Wichita Falls, Tex., and points in Nebraska, Kansas, and Oklahoma, from New Orleans, La., to Norfolk and Grand Island, Nebr., with restrictions; from Galveston, Tex., to Kansas City, Mo., and points in Texas, with restriction. GOVAN EXPRESS, INC., is authorized to operate as a *common carrier* in Oklahoma, Texas, and Louisiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10505. Authority sought to purchase by PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101, of the operating rights of SOUTH BEND TRANSFER, INC., also of South Bend, Wash. 98586, and for acquisition by PUGET SOUND FREIGHT LINES, and in turn by, H. E. LOVEJOY, C. H. CARLANDER, G. W. FOSS, J. KNOX WOODRUFF, LEAH J. LOVEJOY, L. S. CARLANDER and R. G. JOSCELYN, all also of Seattle, Wash., of control of such rights through the purchase. Applicants' attorney: Clyde H. MacIver, 2112 Washington Building, Post Office Box 340, Seattle, Wash. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, as a common carrier over regular routes, between South Bend, Wash., and Portland, Oreg., serving all intermediate points between South Bend and Pe Ell, Wash., including Pe Ell, Wash.; *general commodities*, with exceptions as above, over irregular routes, between points within 20 miles of South Bend, Wash.; *general commodities*, excepting among others, household goods and commodities in bulk, between Raymond and South Bend, Wash., on the one hand, and, on the other, points in Pacific County, Wash., between points within 3 miles of Raymond, Wash., including Raymond, Wash., between points within 3 miles of South Bend, Wash., including South Bend, Wash.; *household goods* as defined by the Commission, between points in Pacific County, Wash., on the one hand, and, on the other, certain specified points in Oregon, from points in Pacific County, Wash., to points in Washington County, Oreg., and those in that part of Multnomah and Clackamas Counties, Oreg., within 30 miles of Portland, Oreg., between points in Pacific County, Wash., between points in Pacific County, Wash., on the one hand, and, on the other, Centralia and Chehalis, Wash., and points in Oregon; *seed oysters*, during the oyster planting season, between South Bend, Wash., on the one hand, and, on the other, points in Oregon within 5 miles of the Pacific Ocean shore line. Vendee is authorized to operate as a *common carrier* in Washington, Oregon, and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10506. Authority sought for purchase by FREDONIA EXPRESS, INC., Post Office Box 222, 320 Eagle Street, Fredonia, N.Y., of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502, and for acquisition by ANGELINE DeCEILIO, 320 Eagle Street, Fredonia, N.Y., of control of such rights through the purchase. Applicants' attorney: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Cheriton and Hopeton, Va., points in Delaware, and points in Worcester, Wicomico, Somerset, Dorchester, Carolina, Talbot, and Queen Annes Counties, Md., to points in Pennsylvania, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Massachusetts, Michigan, New York, New Jersey, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10507. Authority sought for control by RYDER SYSTEM, INC., 2701 South Bayshore Drive, Miami, Fla. 33133, of COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075, and for acquisition by JAMES A. RYDER, RALPH B. RYDER, and ROLAND N. REEDY, all, also of Miami, Fla., of control of COMPLETE AUTO TRANSIT, INC., through the acquisition by RYDER SYSTEM, INC. Applicants' attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Operating rights sought to be controlled: *New automobiles, new trucks, new bodies, and parts thereof*, restricted to initial movements, truckaway and driveaway, as a *contract carrier*, over irregular routes, from Flint, Mich., and St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia, from Norwood, Ohio, to points in Arkansas, Illinois, Iowa, Michigan, Missouri, Pennsylvania, and Tennessee, from places of manufacture and assembly in Norwood and Cincinnati, Ohio, to points in Ohio, Indiana, Kentucky, and West Virginia; *new, used, unfinished or wrecked automobiles, trucks, bodies, and parts thereof* restricted to secondary movements in truckaway and driveaway service, between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia, (with exceptions); *automobiles, trucks, chassis, bodies, cabs, all other automotive vehicles, unfinished automobiles, and automobile parts and accessories*, restricted to initial movements, from Flint, Mich., St. Louis, Mo., and Norwood, Ohio, to points in Kansas, Louisiana, Mississippi,

Nebraska, Oklahoma, Texas, and Wisconsin;

The commodities specified immediately above, restricted to secondary movements, between points in Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Texas, and Wisconsin, between points in Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Texas, and Wisconsin, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia; *automobiles and trucks*, finished or unfinished *chassis, bodies, and cabs*, restricted to initial movements, from Doraville, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and points in that part of Louisiana east of the Mississippi River; *new automobiles, new trucks, new chassis*, with or without seat cabs, and *automobile parts and equipment*, when shipped with automobiles or chassis, and *automobile show paraphernalia*, restricted to initial movements, from Atlanta, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and that part of Louisiana east of the Mississippi River; the commodities specified in the next two above, restricted to secondary movements, between points in Alabama, Florida, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, and that part of Louisiana east of the Mississippi River (with exception); *trucks, chassis, bodies, cabs, and parts* thereof in driveaway service, in initial movements, from St. Louis, Mo., to points in Idaho, Montana, North Dakota, South Dakota, Minnesota, Wyoming, Nevada, Utah, Colorado, and New Mexico; *trucks, chassis, bodies, cabs, and parts* thereof in driveaway service, in secondary movements, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming;

Trucks and truck chassis, in initial movements, by the driveaway method, and *truck bodies and cabs*, from St. Louis, Mo., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina, traversing Arkansas, Tennessee, Mississippi, Illinois, Indiana, and Kentucky for operating convenience only; *automobiles, trucks, and chassis*, in truckaway and driveaway service, in secondary movements, between points in Arkansas, Kentucky, Virginia, West Virginia, and those in Louisiana, west of the Mississippi River; *automobiles, trucks, and chassis*, in truckaway and driveaway service, in initial movements, and *automobile bodies and cabs, and automobile show paraphernalia*, when moving with automobile show display vehicle, from Doraville, Ga., to points in Arkansas, Kentucky, Virginia, West Virginia, and those in Louisiana west of the Mississippi River; *trucks, truck tractors, chassis, and parts and accessories therefor* when moving with vehicles, to which they are to be attached, in initial movements, in truckaway and driveaway service, from the sites of the plants of the General Motors Corp. at Willow Run, Washtenaw County, Mich., to points in the United States; *new automobiles and parts and accessories therefor* when moving with such vehicles, in initial movements, in truckaway and driveaway service, from the sites of the plants of General Motors Corp., at Willow Run, in Washtenaw County, Mich., to points in the United States (except Alaska and Hawaii), with restrictions; *trucks, chassis, bodies, cabs, and parts thereof*, in driveaway service, in initial movements, from Flint, Mich., to points in Alabama, Florida, Georgia, Idaho, Minnesota, Montana, North Carolina, North Dakota, South Carolina, South Dakota, Washington, and Wyoming, with restriction;

Automobiles, bodies, and parts thereof when moving with shipments of such vehicles, and *trucks, chassis, bodies, cabs, and parts thereof*, when moving with shipments of such vehicles, in initial movements, in truckaway service, from the plantsite of the Chevrolet Motor Division of the General Motors Corp., in St. Louis, Mo., to points in Alabama, Colorado, Idaho, New Mexico, Utah, and Wyoming, with restrictions; *automobiles, bodies, and parts thereof* when moving with shipments of such vehicles, and *trucks, chassis, bodies, cabs, and parts thereof* when moving with shipments of such vehicles, in initial movements, in truckaway and driveaway service, from the plantsite of the Chevrolet Motor Division of the General Motors Corp., in St. Louis, Mo., to points in Arizona, with restriction; *trucks, chassis, bodies, cabs, and parts thereof* when moving with shipments of such vehicles, in initial movements, in driveaway service, from the plantsite of the Chevrolet Motor Division of the General Motors Corp., in St. Louis, Mo., to points in Oregon and Washington, with restrictions; *automobiles and trucks*, in initial movements, in truckaway and driveaway service, *automobile bodies, truck bodies, and cabs, and automobile parts and truck parts*, when transported with the automobiles, trucks, bodies or cabs of which they are a part, from Atlanta, Ga., to points in Arkansas, Kentucky, Virginia, West Virginia, and points in Louisiana west of the Mississippi River, with restrictions; *automobiles, bodies, and parts thereof*, when moving with its vehicle or body, and *trucks, chassis, bodies, cabs, and parts thereof*, when moving with the truck, chassis, or body, in initial movements, in truckaway and driveaway service, from the plantsite of Chevrolet Motor Division of General Motors Corp., at Norwood, Ohio, to points in Alabama, Georgia, North Carolina, and South Carolina, with restrictions;

New automobiles, in initial movements, in driveaway and truckaway service, from the plantsite of the General Motors Corp. located at Doraville, Ga., to points in Indiana and Ohio, with restrictions; and *new automobiles and new trucks*, in initial movements, in driveaway and truckaway service, from the plantsite of the General Motors Corp. located at Norwood, Ohio, to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia, with restrictions. RYDER SYSTEM, INC., holds no authority from this Commission. However, its wholly owned subsidiary, M. & G. CONVOY, INC., 590 Elk Street, Post Office Box 218, Buffalo, N.Y., is authorized to operate as a *common carrier* in Michigan, Delaware, Maryland, New Jersey, Pennsylvania, Alabama, Indiana, Illinois, Kentucky, New York, Ohio, West Virginia, North Carolina, Virginia, Mississippi, Missouri, Tennessee, Wisconsin, Connecticut, Florida, Georgia, Maine, Minnesota, New Hampshire, Rhode Island, South Carolina, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10508. Authority sought for purchase by LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, Conn. 14063, of a portion of the operating rights of ASA DUCKWORTH CO., INC., 311 Mount Pleasant Avenue, Newark, N.J., and for acquisition by LOUIS J. GARDELLA, also of Norwalk, Conn., of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, Bernard F. Flynn, Jr., East Blackwell Street, Dover, N.J. 07801 and William Traub, 10 East 40th Street, New York, N.Y. 10016. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Newark, N.J., on the one hand, and, on the other, certain specified points in New Jersey. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, Rhode Island, New Jersey, Maryland, Maine, Rhode Island, New Hampshire, Illinois, Pennsylvania, Ohio, West Virginia, Virginia, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-10504. Authority sought to purchase by VALLEY TRANSIT COMPANY, INC., Post Office Box 1870, Harlingen, Tex. 78550, of a portion of the operating rights of PAN AMERICAN MOTOR, Post Office Box 1870, Harlingen, Tex. 78550, and for acquisition by V. D. RAIMOND, also of Harlingen, Tex., ROGERS KELLEY and J. C. LOONEY, both also of Post Office Box 390, Edinburg, Tex., of control of such rights through the purchase. Applicants' attorney: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Passengers and their baggage, and newspapers, express and mail*, in the same vehicle with passengers, *as a common carrier* over regular routes, between San Benito, Tex., and the United States-Mexico Boundary line at or near Brownsville, Tex., serving all intermediate points, with restrictions; between Weslaco, Tex., and Las Flores, Tex., between Progreso and the boundary between the United States and Mexico, approximately 2 miles southeast of Progreso, serving all intermediate points, with restrictions; *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Mercedes, Tex., and junction U.S. Highway 281 and Texas Farm Road 491, between Pharr, Tex., and the port of entry on the United States-Mexico boundary line located at or near Hidalgo, Tex., between junction U.S. Highway 281 and Spur U.S. Highway 281, and Progreso, Tex., between junction U.S. Highway 281, Spur U.S. Highway 281 and unnumbered highway, and port of entry on the United States-Mexico boundary line located approximately 2 miles south of junction U.S. Highway 281 and Spur U.S. Highway 281, between Brownsville, Tex., and South Padre Island, Tex., between junction Queen Isabela Causeway and unnumbered highway on Padre Island, Tex., and Cameron County Park Site No. 1 (Isla Blanca Park), between junction Padre Boulevard and unnumbered highway on Padre Island, Tex., and Cameron County Park Site No. 2 (Andy Bowie Park), between junction Padre Boulevard and unnumbered highway on Padre Island, Tex., and Cameron County Park Site No. 3, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-7198; Filed, June 17, 1969; 8:49 a.m.]

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Executive Order 11474

ADJUSTING RATES OF PAY FOR CERTAIN STATUTORY SCHEDULES

By virtue of the authority vested in me by section 212 of the Federal Salary Act of 1967 (Public Law 90–206, 81 Stat. 634), and after seeking the views of employee organizations as provided therein, it is hereby ordered as follows:

General Schedule

SECTION 1. (a) The rates of basic pay in the General Schedule contained in section 5332(a) of title 5, United States Code, are adjusted as follows:

"GENERAL SCHEDULE

"Grade"	"Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS–1	$3,889	$4,019	$4,149	$4,279	$4,408	$4,538	$4,668	$4,798	$4,928	$5,057
GS–2	4,360	4,505	4,650	4,795	4,940	5,085	5,230	5,375	5,520	5,665
GS–3	4,917	5,081	5,245	5,409	5,573	5,737	5,901	6,065	6,229	6,393
GS–4	5,522	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178
GS–5	6,176	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030
GS–6	6,882	7,111	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943
GS–7	7,629	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934
GS–8	8,449	8,731	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987
GS–9	9,320	9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119
GS–10	10,252	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330
GS–11	11,233	11,607	11,981	12,355	12,729	13,103	13,477	13,851	14,225	14,599
GS–12	13,389	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403
GS–13	15,812	16,339	16,866	17,393	17,920	18,447	18,974	19,501	20,028	20,555
GS–14	18,531	19,149	19,767	20,385	21,003	21,621	22,239	22,857	23,475	24,093
GS–15	21,589	22,309	23,029	23,749	24,469	25,189	25,909	26,629	27,349	28,069
GS–16	25,044	25,879	26,714	27,549	28,384	29,219	30,054	30,889	31,724	
GS–17	28,976	29,942	30,908	31,874	32,840					
GS–18	33,495"									

(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in this section applies shall be initially adjusted as of the effective date of this order as follows:

(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this order at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this order at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this order at a rate in excess of the maximum rate of his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by this section in the maximum rate for his grade.

(4) If the officer or employee, immediately prior to the effective date of this order, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this order,

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plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of any provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

Schedules for the Postal Field Service

SEC. 2. (a) The rates of basic compensation in Postal Field Service Schedule II contained in section 3542(a) of title 39, United States Code, are adjusted as follows:

"POSTAL FIELD SERVICE SCHEDULE

"Level	"Annual rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
PFS-1	$4,522	$4,673	$4,824	$4,975	$5,126	$5,277	$5,428	$5,579	$5,730	$5,881	$6,032	$6,183
PFS-2	4,889	5,052	5,215	5,378	5,541	5,704	5,867	6,030	6,193	6,356	6,519	6,682
PFS-3	5,286	5,462	5,638	5,814	5,990	6,166	6,342	6,518	6,694	6,870	7,046	7,222
PFS-4	5,715	5,905	6,095	6,285	6,475	6,665	6,855	7,045	7,235	7,425	7,615	7,805
PFS-5	6,176	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442
PFS-6	6,675	6,898	7,121	7,344	7,567	7,790	8,013	8,236	8,459	8,682	8,905	9,128
PFS-7	7,216	7,457	7,698	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867
PFS-8	7,802	8,062	8,322	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	
PFS-9	8,434	8,715	8,996	9,277	9,558	9,839	10,120	10,401	10,682	10,963		
PFS-10	9,101	9,404	9,707	10,010	10,313	10,616	10,919	11,222	11,525	11,828		
PFS-11	10,110	10,447	10,784	11,121	11,458	11,795	12,132	12,469	12,806	13,143		
PFS-12	11,233	11,607	11,981	12,355	12,729	13,103	13,477	13,851	14,225	14,599		
PFS-13	12,478	12,894	13,310	13,726	14,142	14,558	14,974	15,390	15,806	16,222		
PFS-14	13,864	14,326	14,788	15,250	15,712	16,174	16,636	17,098	17,560	18,022		
PFS-15	15,404	15,917	16,430	16,943	17,456	17,969	18,482	18,995	19,508	20,021		
PFS-16	17,114	17,684	18,254	18,824	19,394	19,964	20,534	21,104	21,674	22,244		
PFS-17	19,011	19,645	20,279	20,913	21,547	22,181	22,815	23,449	24,083	24,717		
PFS-18	21,122	21,826	22,530	23,234	23,938	24,642	25,346	26,050	26,754	27,458		
PFS-19	23,467	24,249	25,031	25,813	26,595	27,377	28,159	28,941	29,723	30,505		
PFS-20	26,071	26,940	27,809	28,678	29,547	30,416	31,285	32,154				
PFS-21	28,976	29,942	30,908	31,874	32,840"							

(b) The rates of basic compensation in the Rural Carrier Schedule II contained in section 3543(a) of title 39, United States Code, are adjusted as follows:

"RURAL CARRIER SCHEDULE

	"Annual rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
"Fixed compensation	$2,786	$2,932	$3,078	$3,224	$3,370	$3,516	$3,662	$3,808	$3,954	$4,100	$4,246	$4,392
For each mile up to 30 miles of route	103	105	107	109	111	113	115	117	119	121	123	125
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25"

(c) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of this order shall be determined as follows:

(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to the provisions of this order, such changes shall be deemed to have occurred prior to conversion.

(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation shall be increased by the amount of increase made by this section in the maximum rate of his level.

Schedules for the Department of Medicine and Surgery of the Veterans' Administration

SEC. 3. The schedules contained in section 4107 of title 38, United States Code, for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, are adjusted as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $33,495.
"Medical Director, $28,976 minimum to $32,840 maximum.
"Director of Nursing Service, $21,589 minimum to $28,069 maximum.
"Director of Chaplain Service, $21,589 minimum to $28,069 maximum.
"Chief Pharmacist, $21,589 minimum to $28,069 maximum.
"Chief Dietitian, $21,589 minimum to $28,069 maximum.

"Physician and Dentist Schedule

"Director grade, $25,044 minimum to $31,724 maximum.
"Executive grade, $23,273 minimum to $30,257 maximum.
"Chief grade, $21,589 minimum to $28,069 maximum.
"Senior grade, $18,531 minimum to $24,093 maximum.
"Intermediate grade, $15,812 minimum to $20,555 maximum.
"Full grade, $13,389 minimum to $17,403 maximum.
"Associate grade, $11,233 minimum to $14,599 maximum.

"Nurse Schedule

"Assistant Director grade, $18,531 minimum to $24,093 maximum.
"Chief grade, $15,812 minimum to $20,555 maximum.
"Senior grade, $13,389 minimum to $17,403 maximum.
"Intermediate grade, $11,233 minimum to $14,599 maximum.
"Full grade, $9,320 minimum to $12,119 maximum.
"Associate grade, $8,037 minimum to $10,449 maximum.
"Junior grade, $6,882 minimum to $8,943 maximum."

Foreign Service Schedules

SEC. 4. (a) The per annum salaries of Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), are adjusted as follows:

"Class 1	$31,705	$32,762	$33,495					
Class 2	24,867	25,696	26,525	$27,354	$28,183	$29,012	$29,841	
Class 3	19,704	20,361	21,018	21,675	22,332	22,989	23,646	
Class 4	15,812	16,339	16,866	17,393	17,920	18,447	18,974	
Class 5	12,848	13,276	13,704	14,132	14,560	14,988	15,416	
Class 6	10,606	10,962	11,316	11,670	12,024	12,378	12,732	
Class 7	8,916	9,213	9,510	9,807	10,104	10,401	10,698	
Class 8	7,639	7,894	8,149	8,404	8,659	8,914	9,169"	

(b) The per annum salaries of staff officers and employees in the schedule contained in section 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 870(a)), are adjusted as follows:

"Class 1	$19,704	$20,361	$21,018	$21,675	$22,332	$22,989	$23,646	$24,303	$24,960	$25,617
Class 2	15,812	16,339	16,866	17,393	17,920	18,447	18,974	19,501	20,028	20,555
Class 3	12,848	13,276	13,704	14,132	14,560	14,988	15,416	15,844	16,272	16,700
Class 4	10,606	10,962	11,316	11,670	12,024	12,378	12,732	13,086	13,440	13,794
Class 5	9,517	9,834	10,151	10,468	10,785	11,102	11,419	11,736	12,053	12,370
Class 6	8,536	8,820	9,104	9,388	9,672	9,956	10,240	10,524	10,808	11,092
Class 7	7,655	7,910	8,165	8,420	8,675	8,930	9,185	9,440	9,695	9,950
Class 8	6,865	7,094	7,323	7,552	7,781	8,010	8,239	8,468	8,697	8,926
Class 9	6,158	6,363	6,568	6,773	6,978	7,183	7,388	7,593	7,798	8,003
Class 10	5,522	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178"

Effective Date

SEC. 5. This order shall become effective on the first day of the first pay period beginning on or after July 1, 1969.

Richard Nixon

THE WHITE HOUSE,
June 16, 1969.

[F.R. Doc. 69-7287; Filed, June 17, 1969; 4:04 p.m.]

Executive Order 11475

ADJUSTING THE RATES OF MONTHLY BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and in accordance with section 8 of the Act of December 16, 1967, Public Law 90-207 (81 Stat. 654), the rates of monthly basic pay for members of the uniformed services within each pay grade are, effective on July 1, 1969, adjusted upwards as set forth in the following tables:

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	2 or less	Over 2	Over 3	Over 4
O-10 [1]	$1,810.20	$1,874.10	$1,874.10	$1,874.10
O-9	1,604.40	1,646.40	1,681.80	1,681.80
O-8	1,453.20	1,496.70	1,532.40	1,532.40
O-7	1,207.20	1,289.70	1,289.70	1,289.70
O-6	894.60	983.40	1,047.60	1,047.60
O-5	715.50	840.90	898.20	898.20
O-4	603.60	734.40	783.90	783.90
O-3 [2]	561.00	627.00	669.60	741.60
O-2 [2]	449.70	534.00	641.40	662.70
O-1 [2]	386.40	427.80	534.00	534.00

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 6	Over 8	Over 10	Over 12
O-10 [1]	$1,874.10	$1,945.80	$1,945.80	$2,094.90
O-9	1,681.80	1,724.10	1,724.10	1,795.80
O-8	1,532.40	1,646.40	1,646.40	1,724.10
O-7	1,347.00	1,347.00	1,425.30	1,425.30
O-6	1,047.60	1,047.60	1,047.60	1,047.60
O-5	898.20	898.20	926.10	975.60
O-4	798.00	833.70	890.40	940.50
O-3 [2]	776.70	804.90	848.10	890.40
O-2 [2]	676.50	676.50	676.50	676.50
O-1 [2]	534.00	534.00	534.00	534.00

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-10 [1]	$2,094.90	$2,244.90	$2,244.90	$2,394.60
O-9	1,795.80	1,945.80	1,945.80	2,094.90
O-8	1,724.10	1,795.80	1,874.10	1,945.80
O-7	1,496.70	1,646.40	1,759.80	1,759.80
O-6	1,083.30	1,254.30	1,318.50	1,347.00
O-5	1,040.70	1,118.70	1,182.90	1,218.30
O-4	983.40	1,026.30	1,054.80	1,054.80
O-3 [2]	912.00	912.00	912.00	912.00
O-2 [2]	676.50	676.50	676.50	676.50
O-1 [2]	534.00	534.00	534.00	534.00

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O-10 [1]	$2,394.60	$2,544.30	$2,544.30
O-9	2,094.90	2,244.90	2,244.90
O-8	2,024.10	2,024.10	2,024.10
O-7	1,759.80	1,759.80	1,759.80
O-6	1,425.30	1,546.20	1,546.20
O-5	1,261.20	1,261.20	1,261.20
O-4	1,054.80	1,054.80	1,054.80
O-3 [2]	912.00	912.00	912.00
O-2 [2]	676.50	676.50	676.50
O-1 [2]	534.00	534.00	534.00

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $2,807.10 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
O-3	$741.60	$776.70	$804.90	$848.10	$890.40
O-2	662.70	676.50	698.10	734.40	762.90
O-1	534.00	570.30	591.60	612.90	634.20

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-3	$926.10	$926.10	$926.10	$926.10
O-2	783.90	783.90	783.90	783.90
O-1	662.70	662.70	662.70	662.70

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O-3	$926.10	$926.10	$926.10
O-2	783.90	783.90	783.90
O-1	662.70	662.70	662.70

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$571.20	$612.90	$612.90	$627.00	$655.20
W-3	519.30	563.40	563.40	570.30	577.20
W-2	454.80	491.70	491.70	506.10	534.00
W-1	378.90	434.70	434.70	470.70	491.70

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$684.00	$712.50	$762.90	$798.00	$826.50
W-3	619.50	655.20	676.50	698.10	719.10
W-2	563.40	584.70	605.70	627.00	648.60
W-1	513.00	534.00	555.90	577.20	598.50

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$[illegible].10	$876.30	$905.40	$975.60	$975.60
W-3	741.60	769.80	798.00	826.50	826.50
W-2	669.60	690.90	719.10	719.10	719.10
W-1	619.50	641.40	641.40	641.40	641.40

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[1]					
E-8					
E-7	$342.30	$410.10	$425.40	$440.40	$455.40
E-6	294.90	358.20	372.90	388.20	403.20
E-5	254.70	313.80	328.80	343.20	365.70
E-4	214.20	268.50	283.50	305.70	321.00
E-3	155.10	216.30	231.30	246.30	246.30
E-2	127.80	179.10	179.10	179.10	179.10
E-1	123.30	163.80	163.80	163.80	163.80
E-1 (Under 4 months)	115.20				

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[1]		$548.90	$663.90	$679.20	$694.20
E-8	$544.50	559.80	574.50	589.80	604.80
E-7	469.80	484.80	500.40	522.60	537.30
E-6	417.90	433.20	455.40	469.80	484.80
E-5	380.70	395.70	410.10	417.90	417.90
E-4	321.00	321.00	321.00	321.00	321.00
E-3	246.30	246.30	246.30	246.30	246.30
E-2	179.10	179.10	179.10	179.10	179.10
E-1	163.80	163.80	163.80	163.80	163.80

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]	$709.50	$723.60	$761.70	$835.80	$835.80
E-8	619.20	634.50	672.00	746.40	746.40
E-7	552.30	559.80	597.30	672.00	672.00
E-6	492.60	492.60	492.60	492.60	492.60
E-5	417.90	417.90	417.90	417.90	417.90
E-4	321.00	321.00	321.00	321.00	321.00
E-3	246.30	246.30	246.30	246.30	246.30
E-2	179.10	179.10	179.10	179.10	179.10
E-1	163.80	163.80	163.80	163.80	163.80

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,016.10 regardless of cumulative years of service computed under section 205 of this title.

Richard Nixon

THE WHITE HOUSE,
June 16, 1969.

[F.R. Doc. 69-7288; Filed, June 17, 1969; 4:04 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—Regulations Governing Inspection and Certification

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products.[1] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of considerations leading to amendment of regulations. The rising costs of maintaining the inspection service have made it necessary to increase the hourly rate of charge for inspection services rendered. The hourly rate was raised in 1968 together with increases in all categories of products which are based on a unit charge. Recent evaluation of the fee schedule in this subpart indicates that a further adjustment from $8 to $8.50 in the hourly rate is necessary. No changes are made in the current unit rate charges.

No other changes are made in this subpart, except for minor additions to the table on special analyses.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), the following paragraphs of §§ 52.42, 52.47, 52.48, and 52.49 dealing with fees and charges of this subpart are hereby amended as follows:

§ 52.42 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $8.50 per hour.

(b) Unless otherwise provided in this part, the respective fees for inspection services performed under this part on officially drawn samples shall be based on the applicable rates specified in this section plus the applicable charges for such micro, chemical, and certain other special analyses specified in § 52.47 which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

OFFICIALLY DRAWN SAMPLES

(1) For sampling, checkloading, condition of container examination, or for any related services, or any combination thereof, including travel time as provided for in § 52.51—$8.50 per hour.

* * * * *

(d) The fee for any inspection service performed on any processed product not included in paragraphs (b) and (c) of this § 52.42 shall be at the rate of $8.50 per hour for the time (including travel time as provided for in § 52.51) required by the inspector in performing the inspection service.

§ 52.47 Charges for micro, chemical, and certain other special analyses.

(a) * * *

Type of analysis	For first analysis	For each additional analysis
* * *	* * *	* * *
Moisture (drying method).....	$4.00	$4.00
* * *	* * *	* * *
Total solids (drying method)...	4.00	4.00
* * *	* * *	* * *

* * * * *

§ 52.48 Fees and charges not otherwise provided for; and situations where hourly rate required.

With respect to any inspection service for which no applicable fee or charge is set forth in this part, or when the inspection service performed is such that applicable fees and charges would be inadequate or inequitable, the total fees and charges shall be based upon the time consumed by the inspector in performance of such inspection service at the rate of $8.50 per hour.

§ 52.49 Charges for copies of score sheets.

If the applicant for inspection service requests one or more copies of a score sheet referable to the processed product covered thereby, he may obtain such copies from the inspector in charge of the office of inspection serving the area where the service was performed at a charge of $4 per copy: *Provided*, That no charge shall be made for one copy if requested in conjunction with the request for inspection.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than July 13, 1969 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated June 13, 1969, to become effective at 12:01 a.m., July 13, 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-7240; Filed, June 18, 1969; 8:46 a.m.]

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa; coffee; spices; condiments.

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 281]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.581 Valencia Orange Regulation 281.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C.

553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 20, 1969, through June 26, 1969, are hereby fixed as follows:

(i) District 1: 231,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: 119,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7351; Filed, June 18, 1969; 11:28 a.m.]

[Apricot Reg. 9]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Washington Apricot Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of apricots from the production area are expected to begin on or about June 23, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after June 23, 1969, of any apricots of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall size and quality of the crop and (2) maximizing returns to the producers pursuant to the declared policy of the act.

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril, and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties at comparable stages of maturity. There is a demand for fruit meeting the foregoing specifications in local markets. Due to the nearness to the source of supply shipments of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tends to improve the overall returns to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempted from regulation in that such shipments do not materially affect the demand in commerical channels. Certain safeguards respecting such shipments are imposed, consistent with the order, to prevent such apricots from entering into regulated channels of trade.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1969. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until it met on May 21, 1969; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the said meeting of the committee on May 21, 1969, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 3, 1969; shipments of the current crop of such apricots are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 922.309 Apricot Regulation 9.

(a) Order:

(1) Apricot Regulation 8 (33 F.R. 9147), is hereby terminated on June 23, 1969.

(2) During the period June 23, 1969, through June 30, 1970, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph.

(i) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That if such apricots are the Moorpark variety in open containers they are generally well matured; and

(ii) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter: *Provided,* That apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *And provided further,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generaly well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 4 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7257; Filed, June 18, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Acquisition of "Rights"

§ 211.104 Acquisition of rights to acquire shares incident to extensions of credit.

(a) When the Board grants its specific consent for a member bank or a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge" corporation) or operating pursuant to an agreement with the Board under section 25 thereof (an "Agreement" corporation) to acquire a controlling stock interest in another corporation, the terms of such consent ordinarily condition the continued holding of such stock upon the requirement that the subsidiary limit its activities to those permissible for an Edge corporation. Except for investments in the shares of "foreign corporations not doing business in the United States" to the limited extent authorized by the general consent in § 211.8(a) or as otherwise permitted in § 211.8 (b) or (c)(2), specific consent of the Board is required before an Edge corporation may acquire "shares" in another corporation. Section 211.8(c)(2) provides that "unless otherwise specified, 'shares' in this section includes any rights to acquire shares * * *".

(b) In borrowing abroad through affiliates to finance their overseas operations, U.S. corporations have made increasing use of obligations convertible into shares of the parent corporation or have offered rights to acquire such shares (both such convertible obligations and rights hereinafter being collectively referred to as "rights"). Since many foreign subsidiaries of member banks and Edge and Agreement corporations are important sources for such financing, the question has arisen whether the Board should permit such subsidiaries to acquire, without its consent, such "rights" to acquire shares of corporations which are organized or doing business in the United States.

(c) Having concluded that such subsidiaries should in certain circumstances be permitted to acquire such "rights" without its consent and that section 25(a) does not require otherwise, the Board hereby specifies that, as used in § 211.8(b), the term "shares" does not include "rights" to acquire shares of other corporations, even those organized or doing business in the United States: *Provided,* That such "rights" (1) are exercised only with specific consent of the Board, (2) are acquired incident to an extension of credit or the purchase of a debt obligation, (3) have an investment value relatively small in relation to the obligation to which they pertain, and (4) will not cause the subsidiary to have invested more than $500,000 in the "rights" and shares of any corporation.

(d) In this connection it is noted that section 25(a) prohibits the purchase and holding of stock (including the exercise of "rights") if the issuer is "engaged in the general business of buying or selling goods, wares, mechandise or commodities in the United States (or transacts) any business in the United States except such as in the judgment of the Board * * * may be incidental to its international or foreign business * * *".

(12 U.S.C. 615. Interprets or applies 12 U.S.C. 615(c))

Dated at Washington, D.C., this 5th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7222; Filed, June 18, 1969; 8:45 a.m.]

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Acquisition of "Rights"

§ 213.102 Acquisition of rights to acquire shares incident to extensions of credit.

For text of this interpretation, see § 211.104 of this subchapter.

(12 U.S.C. 601. Interprets or applies 12 U.S.C. 601)

Dated at Washington, D.C., this 5th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7223; Filed, June 18, 1969; 8:45 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.503 Minor irregularities—maximum irregular period limits.

(a) Section 226.5(d) specifies certain minimums in determining what minor irregularities in first payment periods may be disregarded in determining the annual percentage rate. The question arises as to what maximum limits for such periods would still permit the irregular periods to be considered regular in computing the annual percentage rate.

(b) If the period from the date on which the finance charge begins to accrue and the date the final payment is due is not less than 3 months in the case of weekly payments, 6 months in the case of biweekly or semimonthly payments, or 1 year in the case of monthly payments, the maximum interval of time from the date the finance charge begins to accrue to the date the first payment is due is as follows:

(1) In the case of weekly payments, 12 days;

(2) In the case of biweekly or semimonthly payments, 25 days;

(3) In the case of monthly payments, 50 days.

(c) If the period from the date on which the finance charge begins to accrue and the date the final payment is due is less than 3 months in the case of weekly payments, 6 months in the case of biweekly or semimonthly payments, or 1 year in the case of monthly payments, the maximum interval of time from the date the finance charge begins to accrue to the date the first payment is due is as follows:

(1) In the case of weekly payments, 10 days;

(2) In the case of biweekly or semimonthly payments, 21 days;

(3) In the case of monthly payments, 42 days.

(Interprets and applies 15 U.S.C. 1606)

§ 226.807 Assumption of an obligation—disclosures.

(a) The question arises as to which disclosures are required to be made under § 226.8(k).

(b) For the purposes of § 226.8(k), an "assumption" occurs only when, by written agreement entered into between a subsequent customer and the creditor, that subsequent customer is or will be accepted by that creditor as an obligor on an existing evidence of debt. In such circumstances, disclosures shall be made as follows:

(1) If the finance charge originally imposed on the existing evidence of debt

was an add-on or discount type finance, each payment must be first applied to [illegible]

was an add-on or discount type finance charge, the creditor need only disclose:

(i) The unpaid balance of the obligation assumed;

(ii) The total amount of the charges imposed by the creditor, individually itemized, in connection with the assumption;

(iii) The number, amount, and due dates of remaining payments to be made after assumption, the total of such payments, and any other applicable information required under § 226.8(b)(3);

(iv) Identification of the type of security interest, if any, retained or to be required in any property of the assuming customer and a brief identification of that property;

(v) The information required to be disclosed under § 226.8(b) (4), (6), and (7);

(vi) If applicable in connection with the assumption, the disclosures required under § 226.4(a) (5) and (6); and

(vii) If that obligation was entered into on or after July 1, 1969, the annual percentage rate originally disclosed on the existing obligation.

(2) If the existing evidence of debt is subject to a finance charge computed from time to time by application of a percentage rate to an unpaid balance, the creditor shall make the disclosures required under § 226.8 (b) and (d) and, if applicable in connection with the assumption, the disclosures required under § 226.4(a) (5) and (6), except that in determining the amount of the finance charge and the annual percentage rate to be disclosed to the customer who assumes the obligation, the creditor may disregard any prepaid finance charges paid by the original customer, but shall include in the finance charge as a "prepaid finance charge" the total amount of the charges imposed by the creditor, individually itemized, in connection with the assumption.

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639)

§ 226.808 Disclosure of amount of scheduled payments.

(a) Section 226.8(b)(3) requires the creditor to disclose the "amount * * * of payments scheduled to repay the indebtedness." In certain transactions each payment consists of an equal amount to apply on principal and a finance charge which is determined by application of a rate to the decreasing unpaid balance. In such cases no two payments are equal in amount. The question arises as to whether it is necessary to list the respective dollar amount of each such payment to comply with this requirement of § 226.8(b)(3), or whether an optional disclosure is permitted.

(b) In any transaction in which the amount of each regularly scheduled payment (other than a first or last payment) includes an equal amount to be applied on principal and a finance charge computed by application of a rate to the decreasing unpaid balance, at the creditor's option the requirement of § 226.8 (b)(3) with respect to the amount of each payment may be met by disclosing the following information:

(1) The amount of each payment to be applied on principal, and an identification of that amount as payment on principal; and

(2) The respective amount of finance charge included in the first and last scheduled payments so described.

(c) If this option is utilized, the exceptions provided under paragraphs (b)(3), and (c)(8) and (d)(3) of § 226.8 shall not apply.

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639)

§ 226.809 Disclosures for certain student loans.

Footnotes 10 and 11 to Regulation Z provide an exception from specified disclosure requirements for interim student loans under certain federally insured student loan programs. These exceptions are applicable to other student loans of the same type, including those made to students under federally supported loan programs or programs of loan guarantee, administered by or under agreement with the U.S. Department of Health, Education, and Welfare. In all of such cases, however, all disclosures must be made prior to the time the final note is executed or repayment schedule is agreed upon.

(Interprets and applies 15 U.S.C. 1639)

Dated at Washington, D.C., this 10th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7224; Filed, June 18, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-38]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulation is to reduce the designated altitudes of the Brookville, Kans., Restricted Area R-3601.

The U.S. Air Force has agreed to reduce the designated altitudes of R-3601 from surface to Flight Level 260 to surface to Flight Level 200.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and for this reason the amendment may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.36 (34 F.R. 4828) is amended as follows:

In R-3601 Brookville, Kans., delete "260" and substitute "200" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 11, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7236; Filed, June 18, 1969; 8:46 a.m.]

[Airspace Docket No. 68-WE-77]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On December 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18199) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 20 segment between Pendleton, Oreg., and Rock Springs, Wyo., and realign and extend Jet Route No. 54 segment from Pendleton to Pocatello, Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., August 21, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856) is amended as follows:

a. In the text Jet Route No. 20 "Boise, Idaho; Malad City, Idaho;" is deleted and "McCall, Idaho; Pocatello, Idaho;" is substituted therefor.

b. Jet Route No. 54 is amended to read:

Jet Route No. 54 (Pendleton, Oreg., to Pocatello, Idaho) from Pendleton, Oreg., via Boise, Idaho, to Pocatello, Idaho.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 11, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7235; Filed, June 18, 1969; 8:46 a.m.]

[Docket No. 9656; Amdts. 151-32, 153-5]

PART 151—FEDERAL AID TO AIRPORTS

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Exclusive Rights at Airports and Correction of References to FAA Forms

The purpose of these amendments to Parts 151 and 153 of the Federal Aviation Regulations is to (1) clarify the language of the regulations relating to exclusive rights at airports; and (2) correct the references to FAA Form in §§ 151.21 (a) and (c), 151.57(a), and 151.67(a)(3).

On February 25, 1969, the FAA issued Amendment 151-30 to clarify the policy on exclusive rights, at airports on which sponsors desired assistance under the Federal-Aid Airport Program, that were contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Policy on Exclusive Rights at Airports issued October 25, 1965 (30 F.R. 13661). In order to accurately reflect that policy, Amendment 151-30 distinguished between exclusive rights that were contrary to the FAA's exclusive rights policy at the time they were granted, and those that were not, by requiring termination at different times.

Since Amendment 151-30, §§ 151.121 (d) and 153.13(d)(3) require the sponsor or grantee, respectively, to agree to terminate "any other exclusive right." In its context, this language covers aeronautical activities alone. However, some sponsors under the Federal-Aid Airport Program have asserted that the phrase "any other exclusive right" can be interpreted to mean all exclusive activities on the airport, including nonaeronautical activities. In order to avoid this interpretation, §§ 151.121(d) and 153.13(d)(3) are now amended to relate to aeronautical activities alone.

The amendments to §§ 151.21(a) and 151.57(a) are made to conform references to the FAA Forms to the forms now used. The amendments to §§ 151.21 (c) and 151.67(a)(3) are made to strike out references to an FAA form that has been discontinued.

Since these amendments relate to public grants and benefits, and are only clarifying or procedural in nature, I find that notice and public procedure thereon are not required, and that they may become effective upon publication.

In consideration of the foregoing, effective June 19, 1969, Parts 151 and 153 of the Federal Aviation Regulations are amended as follows:

1. By amending Part 151 as follows:

§ 151.21 [Amended]

a. By striking out the words "Form FAA-1623" in § 151.21(a), and inserting the words "FAA Form 5100-3" in place thereof.

b. By striking out the words "Form FAA-1624" and "Form FAA-1624.1," in the first and third sentences of § 151.21 (c), respectively, and inserting the words "FAA Form 1624" in place thereof.

§ 151.57 [Amended]

c. By striking out the words "Form FAA-1625.1" in § 151.57(a), and inserting the words "FAA Form 5100-6" in place thereof.

§ 151.67 [Amended]

d. By striking out the words "Form FAA-1624.1" and "Form FAA-1624" in § 151.67(a)(3), and inserting the words "FAA Form 1624" in place thereof.

e. By amending paragraph (d) of § 151.121 to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

* * * * *

(d) Agrees that it will terminate any other exclusive right to conduct any aeronautical activity now existing at such an airport before the grant of any assistance under the Federal Airport Act.

2. By amending paragraph (d)(3) of § 153.13 to read as follows:

§ 153.13 Covenants in conveyances.

* * * * *

(d) * * *

(3) Agrees that it will terminate forthwith any other exclusive right to conduct any aeronautical activity now or hereafter existing at such an airport;

* * * * *

(Sec. 308(a), 313, Federal Aviation Act of 1958 (49 U.S.C. 1349(a), 1354); Federal Airport Act, as amended (49 U.S.C. 1101-1120); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(2), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on June 12, 1969.

G. S. MOORE,
Acting Administrator.

[F.R. Doc. 69-7234; Filed, June 18, 1969; 8:46 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

[Bureau of Mines Schedule 21B]

PART 14—FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

Requirements for Investigation, Testing, and Certificaiton

On pages 6735 and 6736 of the FEDERAL REGISTER of April 22, 1969, there was published a notice and text of proposed amendments of Part 14 of Subchapter B of Chapter I, Title 30, Code of Federal Regulations, prescribing requirements for investigation, testing, and certifying Filter-Type Dust, Fume, and Mist Respirators.

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections concerning the proposed amendment. The proposed amendments are adopted without change except for an addition in § 14.30(b) applying to respirators for protection against fumes of metals having a TLV not less than 0.1 milligram per cubic meter. No other comments or suggestions were received.

These amendments shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: June 12, 1969.

JOHN F. O'LEARY,
Director, Bureau of Mines.

Part 14 of Subchapter B of Chapter I of Title 30 is amended as follows:

1. Paragraph (b) of § 14.2 is amended as follows:

§ 14.2 Definitions.

* * * * *

(b) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

* * * * *

2. Section 14.3 is amended as follows:

§ 14.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss with qualified Bureau personnel proposed respirators to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

3. A new subparagraph (7) is added to paragraph (b) of § 14.4, as follows, and the present subparagraphs (7) and (8) are renumbered (8) and (9), respectively:

§ 14.4 Types of respirators for which certificates of approval will be issued.

* * * * *

(b) * * *

(7) Respirators for radon daughters and radon daughters attached to dusts, fumes, and mists.

* * * * *

4. Paragraphs (a) and (h) of § 14.5 are amended as follows:

§ 14.5 Applications.

(a) Investigation or testing, including retesting of equipment that has been previously tested and disapproved, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by all prescribed drawings, specifications, and related materials; and accompanied by a check, bank draft, or money order payable to the Bureau of Mines, to cover the fees. The application, all related matters, and all correspondence concerning it shall be sent to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

* * * * *

(h) When the Bureau notifies the applicant that the application has been accepted, it will also notify him as to the number of completely assembled respirators, together with the number of filters and other parts, that will be required for testing. All materials required for testing shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

5. New items (l) and (p) are added to § 14.6, as follows, and present items

(l), (m), (n), (o), and (p) are relettered (m), (n), (o), (q), and (r), respectively:

§ 14.6 Fees.

(l) Radon daughters and radon daughters attached to dusts, fumes, and mists	$740
(p) Facepiece only for respirator (1)	325

6. Section 14.8 is amended as follows:

§ 14.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers or as required under paragraph (c) of this section.

(b) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator as it deems appropriate.

(c) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the respirator and its components, subassemblies, or assemblies for testing, in preparing the respirator and its components, subassemblies, or assemblies for testing, and in operating the respirator during the tests.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

7. Paragraph (e) of § 14.10 is amended as follows:

§ 14.10 Approval labels or markings.

(e) Full-scale designs or reproductions of approval labels and markings, and a sketch or description of their position shall be submitted for approval before final adoption to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

8. Paragraph (a) of § 14.11 is amended as follows:

§ 14.11 Material required for record.

(a) The Bureau reserves the right to retain as part of the permanent record of the investigation, a complete respirator or any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and at his expense on written shipping instructions to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

9. Paragraph (a) of § 14.23 and subparagraph (1) of paragraph (b) of § 14.23 are amended as follows:

§ 14.23 Facepiece.

(a) *General requirements.* Each facepiece shall be constructed so as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. The overall efficiency of a full-facepiece respirator shall not be affected by the optional use of corrective spectacles. A mouthpiece-type respirator with provision for nasal seal may be used provided the respirator meets all other pertinent requirements of this part. Coverings of cloth or other material for the face-contacting portion of the facepiece approved as part of a respirator that is designed for respiratory protection against dusts, fumes, or mists, shall pass the complete facepiece tests for the particular type of respirator, except that no such covering of cloth or other material will be approved for use with a respirator for protection against radon daughters or radon daughters attached to dusts, fumes, and mists. The head harness shall be adjustable and replaceable.

(b) *Valves*—(1) *Respirators for dusts, fumes, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot or for radon daughters and radon daughters attached to dusts, fumes, and mists.* Each respirator shall be provided with an exhalation valve(s). The use of an inhalation valve(s) is desirable but optional, except that for respirators equipped with a canister, cartridge(s), or filter(s) not attached directly to the facepiece an inhalation valve(s) shall be provided in the breathing system.

10. Paragraph (b) of § 14.30 is amended as follows:

§ 14.30 Facepiece tests.

(b) *Coal-dust tightness test (applicable to respirators designed for respiratory protection against dusts, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, or for radon daughters and radon daughters attached to dusts, fumes, and mists).* (1) Three persons shall each wear two different respirators (six tests and six different respirators) in a concentration of 75±25 milligrams per cubic meter of bituminous coal dust. The coal dust shall be 100 percent through a 200-mesh sieve. The geometric mean particle diameter, determined from Coulter counter measurements, or equivalent, shall be 1.2 microns, with a standard deviation not greater than 2. Each person will perform not more than one test in a single day.

(2) Each respirator will be modified, in a manner which will least affect its performance, by connecting a lightweight tube through the facepiece to a 5-micron pore size membrane filter and holder assembly and a vacuum (sampling) pump operating at 2 liters per minute. Each wearer will perform the preliminary facepiece fit test recommended by the manufacturer. If he obtains a satisfactory fit, he will wear the respirator for 30 minutes while performing the following test in the coal dust chamber.

3 minutes—walking and turning and nodding head.
1½ minutes—smiling.
1½ minutes—frowning.
3 minutes—reciting alphabet.
3 minutes—talking.
3 minutes—shallow and deep breathing.
Repeat above schedule once.

(3) During the same 30-minute period, a second sampling pump, connected to a second membrane filter and holder assembly located in the wearer's breathing zone, will sample the test concentration in the ambient atmosphere.

(4) To meet the requirements of this test, the sample of coal dust, desiccated and weighed to the nearest 0.01 milligram, sampled from within the facepiece during the test, shall not exceed the following:

Respirator for—	Percent of ambient concentration
Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot	10
Fumes of metals having a TLV not less than 0.1 milligram per cubic meter	5
Radon daughters and radon daughters attached to dusts, fumes, and mists	5

11. The subject headings of paragraph (a), subparagraphs (1) and (2) of paragraph (a), and paragraph (c) of § 14.31 are amended, new paragraphs (f) and (l) are added to § 14.31, and the present paragraphs (f) and (g) are relettered (g) and (h), respectively, as follows:

§ 14.31 Mechanical filter tests.

(a) *Silica-dust tests of respirators designed for respiratory protection against dusts having a TLV not less than 2.4 million particles per cubic foot, dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, radionuclides, radon daughters and radon daughters attached to dusts, fumes, and mists.*—(1) *Single-use filters (applicable to all respirators described in this paragraph).* • • •

(2) *Reusable filters (applicable only to respirators designed for protection against dusts having a TLV not less than 2.4 million particles per cubic foot).* • • •

(c) *Lead fume tests for respirators designed for respiratory protection against fumes of various metals having a TLV not less than 0.1 milligram per cubic meter, or for radon daughters and radon daughters attached to dusts, fumes, and mists.* • • •

(f) *Lead-fume tests of air-purifying respirators (with attached blower in the contaminated atmosphere) designed for respiratory protection against radon daughters and radon daughters attached to dusts, fumes, and mists.* Three respirators will be tested at the effective airflow rate of the respirator as described in paragraph (c) of this section, except that the rate of continuous airflow through the respirator filter shall be not less than 4 cubic feet per minute for 4 hours to tight-fitting facepieces and not less than 6 cubic feet per minute for 4 hours to hoods and helmets. Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 4.8 milligrams for a test made at 4 cubic feet per minute or 6.2 milligrams for a test made at 6 cubic feet per minute.

• • • • •

(l) *Silica-dust tests of air-purifying respirators (with attached blower in the contaminated atmosphere) designed for respiratory protection against radon daughters and radon daughters attached to dusts, fumes, and mists.* Three respirators will be tested at the effective airflow rate of the respirator as described in subparagraph (1) of paragraph (a) of this section, except that the rate of continuous airflow through the respirator filter shall be not less than 4 cubic feet per minute for 4 hours to tight-fitting facepieces and not less than 6 cubic feet per minute for 4 hours to hoods and helmets. Tested under these conditions, the respirator resistance shall not exceed that specified in paragraph (a) of § 14.32 for respirators for protection against radon daughters and radon daughters attached to dusts, fumes, and mists.

12. Paragraph (a) of § 14.32 is amended as follows:

§ 14.32 Tests of complete respirator.

(a) *Resistance to airflow (applicable to all dust, fume, and mist respirators).* (1) The resistance to airflow of a complete respirator on inhalation and on exhalation will be determined on a mechanical apparatus before and after the tests are conducted as described in § 14.31 and as described in subparagraph (4) of paragraph (b) of this section. The continuous rate of airflow will be 85 liters per minute.

(2) The resistance to inhalation of respirators approved for respiratory protection against dusts, fumes, and mists but not for protection against radon daughters and radon daughters attached to dusts, fumes, and mists shall not exceed 30 millimeters of water-column height before and 50 millimeters height immediately after each test, and the resistance to exhalation shall not exceed 20 millimeters of water-column height at any time.

(3) The resistance to inhalation of respirators approved for respiratory protection against radon daughters and radon daughters attached to dusts, fumes, and mists shall not exceed 18 millimeters of water-column height before or 25 millimeters of water-column height immediately after the silica dust tests described in paragraphs (a) (1) and (l) of § 14.31. The resistance to exhalation shall not exceed 15 millimeters of water-column height at any time.

• • • • •

[F.R. Doc. 69-7226; Filed, June 18, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

In the appendix to Subchapter C the following changes are made:

1. In the country item *Australia* delete "Nauru Island" from the parenthetical listing in the heading.

2. At the end of the appendix under "Places Not Included In Alphabetical List of Countries" delete "Nauru Island (Australia)."

3. Insert in proper alphabetical order new country item *Nauru (Republic of)* with accompanying data as follows:

NAURU (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart I in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return Receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. dispatching exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 221.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 76 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.66	3	12	$12.30	7	4	$22.94
0	8	2.42	4	0	13.06	7	8	23.70
0	12	3.18	4	4	13.82	7	12	24.46
1	0	3.94	4	8	14.58	8	0	25.22
1	4	4.70	4	12	15.34	8	4	25.98
1	8	5.46	5	0	16.10	8	8	26.74
1	12	6.22	5	4	16.86	8	12	27.50
2	0	6.98	5	8	17.62	9	0	28.26
2	4	7.74	5	12	18.38	9	4	29.02
2	8	8.50	6	0	19.14	9	8	29.78
2	12	9.26	6	4	19.90	9	12	30.54
3	0	10.02	6	8	20.66	10	0	31.30
3	4	10.78	6	12	21.42			
3	8	11.54	7	0	22.18			

For rates over 10 pounds, charge $30.40 for each even 10 pounds plus the rate given above for the remainine pounds and/or ounces, if any. If there are none, charge from the table for the first 10 pounds.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $170	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE
$75.00
SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown under § 231.2 of this chapter apply.

JUNE 13, 1969.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-7227; Filed, June 18, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZ.

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (80 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in Secretary's Order 2508 (10 BIAM 2.1, section 15(a)), and by virtue of authority delegated by the Commissioner of Indian Affairs to Area Directors by 10 BIAM 3.1, notice is hereby given of the intention to modify paragraph (a) of § 221.63 *Assessments, joint works* of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Ariz., by increasing the annual basic assessment from $210,000 to $230,000 per annum and the rate of assessment from $2.10 to $2.30 per acre for each acre of land. The revised section will read as follows:

§ 221.63 Assessment, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provision of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1971 is estimated to be $230,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $2.30 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1971 and continue thereafter until further notice; the assessment for that part payable by the San Carlos Irrigation and Drainage District being due in advance of such fiscal year on March 1; for that part payable for the 50,000 acres of Indian land will be provided in §§ 221.110 to 221.116 inclusive of 25 CFR.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to W. Wade Head, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Ariz. 85011, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

W. WADE HEAD,
Area Director.

[F.R. Doc. 69-7246; Filed, June 18, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1032]

MILK IN SOUTHERN ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Southern Illinois marketing area is being considered for the month of July 1969.

The provision proposed to be suspended is in § 1032.14(b)(2) and reads as follows: "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

This suspension action was requested by Prairie Farms Dairy, Inc., and Mid-America Dairymen, Inc., to accommodate the handling of reserve milk for the market. The cooperative associations claim that it would be extremely difficult under the present diversion provision of the order to handle the expected volume of reserve milk without suspension for July 1969. They maintain the suspension would result in more efficient movement of producer milk that is surplus to the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 13, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-7241; Filed, June 18, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-85]

FEDERAL AIRWAYS

Proposed Designation and Modification

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 239 from Forney, Mo., to Hallsville, Mo., and extend V–132 from Springfield, Mo., to the Lenox intersection.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Air traffic into and out of Forney Army Air Field has increased considerably within the past few years. To facilitate flight planning and the control of air traffic in the vicinity of Forney AAF, the FAA proposes the following airspace actions:

1. Designate V–239 from Forney, Mo., 1,200 feet AGL to Hallsville, Mo., via the Forney 358° T (352° M) and Hallsville 183° T (177° M) radials.

2. Extend V–132 from Springfield, Mo., 1,200 feet AGL to Lenox intersection via the Springfield 058° T (051° M) and Forney 266° T (260° M) and 086° T (080° M) radials.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7237; Filed, June 18, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 218]

[Docket No. 21080; EDR-166]

LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Notice of Proposed Rule Making

JUNE 13, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration adoption of a new Part 218. The new part would apply to foreign air carriers and other persons not citizens of the United States who, as lessors, enter into so-called "wet leases" providing for the furnishing of aircraft and crew for the performance of foreign air transportation services of another foreign air carrier. The principal features of the proposed part are further described in the explanatory statement and the proposed part is set forth below. The part is proposed under authority of sections 204(a) and 402 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 757; 49 U.S.C. 1324, 1372).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before July 21, 1969, will be considered by the Board before taking action on the proposed part. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. From time to time, proposals are submitted to the Board or its staff which contemplate the provision of air transportation services by a foreign air carrier through the utilization of a so-called "wet lease." Under these arrangements a foreign air carrier will lease an aircraft with crew for the performance of air transportation services in the name of and on behalf of another foreign air carrier.

Where an aircraft is leased with crew, the operational control and ultimate safety responsibility for the flight will normally remain in the hands of the lessor, whose employee is in command of the aircraft, and whose operating specifications govern flight requirements. Accordingly, the Board has generally considered that a lease with crew is not a true lease, but rather a charter or series of charters of the aircraft, and that to the extent the "wet lease" provides for the performance of services in foreign air transportation, the lessor will be engaged in foreign air transportation. In such cases, the Board has required that a foreign air carrier (or any other foreign person) which furnishes an aircraft with crew for the performance of air transportation services on behalf of another foreign air carrier, pursuant to a so-called "wet lease", must obtain a foreign air carrier permit pursuant to section 402 of the Act, specifically authorizing the lessor to engage in such foreign air transportation.[1]

There have been occasions, however, where despite the furnishing of aircraft with crew by the lessor, a claim has been made that under the terms of the agreement true operational control and safety responsibility have been fully transferred to the lessee; that accordingly the lessor will not be engaged in foreign air transportation pursuant to the agreement; and that the Board therefore lacks jurisdiction over the transaction. Moreover, it is apparent that leases can be drawn in a manner which gives the appearance of transfer of operational control and safety responsibility to the lessee, while in reality many aspects of such responsibility remain with the lessor. Nevertheless, although the question as to whether a particular arrangement constitutes a charter or a true lease turns upon the facts, the Board has recently had occasion to observe that:

> • • • the Board's experience justifies a strong presumption that the carrier furnishing both aircraft and crews will actually exercise dominion and control over the operation, even if the lessee can direct some aspects of the service. Carriers who contend that a wet lease is not a charter carry a heavy burden of showing that the owner of the aircraft will in fact surrender control to the lessee.[2]

The Board has tentatively concluded that the public interest requires that, to the extent there exists a question whether a particular lease with crew arrangement constitutes a charter under which the lessor will be engaged in foreign air transportation, the matter should be passed upon by the Board prior to commencement of operations. Accordingly, the proposed rule prohibits the furnishing of an aircraft with crew for the performance of air transportation operations of another foreign air carrier,[3] unless the Board has issued the "lessor" a section 402 foreign air carrier permit authorizing such operation, or, upon application by the parties to the transaction, the Board has issued an order disclaiming jurisdiction. The implementation of the proposed rule will avoid confusion as to the necessity for additional section 402 permit authority by lessors under so-called "wet lease" transactions; will minimize the performance of unauthorized operations by "wet lease" lessors and thereby simplify the Board's enforcement responsibilities; and should, as a result, avoid intergovernmental friction and misunderstandings that might otherwise result from reliance upon the Board's enforcement procedures to ensure compliance with the requirements of the Federal Aviation Act.

The Board also proposes to include in the rule the presumption, which has been justified by experience, that a lease of aircraft with crew constitutes a charter rather than a true lease, and that the "lessor" will thereby be engaging in foreign air transportation. By specifically setting forth this presumption in the rule, lessors of aircraft with crews will be put on notice of the heavy burden that they must sustain in order to justify a finding that they will not be engaged in foreign air transportation under such an arrangement.

Proposed rule. It is proposed to issue a new Part 218 of the Board's economic regulations (14 CFR Part 218) as follows:

PART 218—LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Sec.
218.1 Definitions.
218.2 Applicability.
218.3 Prohibition.
218.4 Application for disclaimer of jurisdiction.
218.5 Issuance of order disclaiming jurisdiction.
218.6 Presumption.

§ 218.1 Definitions.

For the purposes of this part the term "lease" shall mean an agreement under which an aircraft is furnished by one party to the agreement to the other party, irrespective of whether the agreement constitutes a true lease, charter arrangement, or some other arrangement.

§ 218.2 Applicability.

This part applies to foreign air carriers and other persons not citizens of the

[1] See, ALM Dutch Antillean Airlines, Order 69–2–5, served Feb. 4, 1969; Lineas Aereas de Nicaragua, S.A. (LANICA), Order 69–2–7, served Feb. 4, 1969; Transportes Aereos Portugueses, Order E–23820, served June 18, 1966; Air Jamaica Ltd., Order E–23280, served Feb. 21, 1966. As used herein, the term foreign air transportation refers only to transportation to and from the United States. See section 101(21) of the Federal Aviation Act of 1958, as amended.

[2] ALM Dutch Antillean Airlines, Order 69–2–5, served Feb. 4, 1969 (mimeo pp. 4–5). See also, VIASA Enforcement Case, Order E–26974, 26975, June 25, 1968 (examiner's decision, pp. 27–30).

[3] Other than a foreign freight forwarder or foreign tour operator.

United States which, as lessors, enter into agreements providing for the lease of aircraft with crew to a foreign air carrier for use in foreign air transportation. This part does not apply to charter operations for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic, pursuant to the provisions of Part 212 or Part 214 of this chapter.

§ 218.3 Prohibition.

(a) No foreign air carrier, or other person not a citizen of the United States, shall lease an aircraft with crew to a foreign air carrier (other than a foreign freight forwarder or foreign tour operator) for use by the latter in performing foreign air transportation, unless:

(1) The Board has issued a foreign air carrier permit to the lessor pursuant to section 402 of the Act specifically authorizing the holder to engage in the foreign air transportation which will be conducted pursuant to the lease or other arrangement; or

(2) Upon application by both parties to the lease, the Board has issued an order in accordance with § 218.4 disclaiming jurisdiction over the matter.

(b) For purposes of this part, an aircraft is considered to be leased with crew, if the pilot in command of the aircraft:

(1) Is to be furnished by the lessor;

(2) Is employed by the lessor;

(3) Continues in the employ of the lessor in the operation of services other than those provided for in the agreement between the parties; or

(4) Has been employed by the lessor prior to the lease, and his employment by the lessee is coextensive with the period or periods for which the aircraft is available to the lessee under the lease agreement.

§ 218.4 Application for disclaimer of jurisdiction.

The parties to a lease with crew as described in § 218.3(b) may apply to the Board for an order disclaiming jurisdiction over the matter. The application shall be filed jointly by both parties to the lease, and shall generally conform to the procedural requirements of Part 302, Subpart A, of this chapter. It shall be served upon any air carrier providing services over all or any part of the route upon which air transportation services will be provided pursuant to the agreement. The application should set forth in detail all evidence and other factors relied upon to demonstrate that true operational control and safety responsibility for the air transportation services to be provided are in the hands of the lessee rather than the lessor. A copy of the agreement and all amendments thereof, as well as a summary interpretation of its pertinent provisions, shall be included with the applications. Until the Board has acted upon the application, no operations in foreign air transportation shall be performed pursuant to the agreement.

§ 218.5 Issuance of order disclaiming jurisdiction.

If the Board finds that true operational control and safety responsibility are fully vested in the lessee and not in the lessor (i.e., that the lease transaction is in substance a true lease of aircraft rather than a charter or series of charters), and that the performance of the operations provided for in such lease will not result in the lessor's being engaged in foreign air transportation, it will issue an order disclaiming jurisdiction over the matter. Otherwise the application for disclaimer of jurisdiction will be denied, and it will be necessary for the lessor to obtain a foreign air carrier permit pursuant to section 402 of the Act authorizing the lessor to perform the proposed air transportation services.

§ 218.6 Presumption.

Whether under a particular lease agreement the lessor of the aircraft is engaged in foreign air transportation is a question of fact to be determined in the light of all the facts and circumstances. However, in circumstances where the lessor furnishes both the aircraft and the crew, there shall be established a presumption that true operational control and safety responsibility are exercised by the lessor, and that the agreement constitutes a charter arrangement under which the lessor is engaged in foreign air transportation. The burden shall rest upon the applicants for disclaimer of jurisdiction in each instance to demonstrate by an appropriate factual showing that the operation contemplated will not constitute foreign air transportation by the lessor.

[F.R. Doc. 69-7252; Filed, June 18, 1969; 8:47 a.m.]

[14 CFR Part 241]

[Docket No. 21079; EDR-165]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Standard Passenger Weights Including All Baggage

JUNE 13, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 which would establish a standard passenger weight of 200 pounds, including all baggage, for all operations and services of route air carriers. The reasons for the proposal are explained in the explanatory statement below, and the proposed amendment is set out in the proposed rule. The amendment is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 21, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

Explanatory statement. A recent survey conducted by the Board and the Air Transport Association indicates that, because many carriers have adopted the "piece method" of free baggage allowance, the present standards prescribed for passenger weights in Part 241 are no longer valid. The present weights, including free baggage, are 190 pounds in domestic, 200 pounds in coach international/territorial, and 215 pounds in first-class international/territorial operations. The canvass of a representative number of route air carriers produced the following averages of passenger weights with accompanying baggage for domestic and international/territorial operations:

	Domestic	Int./Ter.
Average passenger weight (FAA)	160	160
Average weight of checked bags	23.5	23.5
Average number of checked bags per passenger	1.3	1.5
Average weight of unchecked bags	12.3	12.3
Average number of unchecked bags per passenger	.4	.7

Based on the above averages, the standard weights for passengers and baggage (free and excess) would be as follows:

	Domestic	Int./Ter.
Passenger weight	160	160
Average weight of checked bags (free and excess)	31	35.2
Average weight of carry-on bags	5	8.6
Total	196	203.8

It is obvious that the difference in the average passenger weights in actual operations is so insignificant that the overall average of 200 pounds (including all accompanying baggage) would be a reasonable standard. This figure is recommended by the Airline Finance and Accounting Conference and the Air Traffic Conference of the Air Transport Association. We agree that use of one passenger weight standard would simplify revenue-tons statistics, and we propose to adopt this standard.

The principal result of defining passenger weight to include all baggage is to eliminate excess baggage as a separate statistic in revenue ton-miles and include all baggage in passenger ton-miles. The definition of passenger weight conflicts with proposed definitions and traffic codes in the pending rule making proceeding, EDR-146, Docket 20290, which would adapt traffic statistics to ADP processing. The definition proposed herein supersedes the provisions of EDR-146, and that rule will be conformed if and when it is finally adopted. It is proposed that the present proposal would be made effective January 1, 1970.

Proposed rule. It is proposed to amend Part 241 of the economic regulations (14 CFR Part 241) as follows:

1. Amend section 03 "Definitions" by revising the definitions of "Ton-mile, passenger" and "Weight, passenger" to read as follows:

Ton-mile, passenger—1 ton of passenger weight (including all baggage) transported 1 mile. (See also *Weight, passenger.*)

Weight, passenger—for the purposes of this manual, a standard weight of 200 pounds per passenger (including all baggage) is used for all operations and classes of service. Other weights may be prescribed in specific instances upon the initiative of the Board or upon factually supported request by an air carrier.

2. Amend the text for Schedules T-1 and T-2 in section 25 "Traffic and capacity elements," by revising paragraph (i) and deleting paragraph (j), as follows:

Schedule T-1—Monthly Statement of Summarized Traffic * * *

Schedule T-2—Monthly Statement of Scheduled Services Traffic * * *

* * * * *

(i) Item 217 "Passenger ton-miles" shall be computed at the standard passenger weight (including all baggage) set forth in section 03 in the definition of "weight, passenger." The prescribed passenger weight may be reviewed from time to time upon request of individual air carriers, or upon the Board's initiative, and other weights may be prescribed in specific instances.

(j) [Deleted]

* * * * *

3. Amend Schedules T-1, T-1(a), and T-2 of CAB Form 41, which are incorporated herein by reference, by deleting therefrom the item "Excess baggage" under the "Revenue ton-miles" classification.

[F.R. Doc. 69-7253; Filed, June 18, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18541; RM-1433]

FM BROADCAST STATIONS

Table of Assignments, Southampton, N.Y.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations. (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541; RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

1. On May 5, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-475) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 237A to Southampton, N.Y. The time for filing comments and reply comments was designated as June 10 and June 20, 1969, respectively.

2. On June 9, 1969, Ira Littman, petitioner for above requested assignment, by his attorneys, filed a request for extension of 10 days in which to file comments. Mr. Littman's attorneys state they were retained by the petitioner to represent him in all steps necessary to obtain a first facility at Southampton, N.Y., and in particular to file comments in support of his petition to assign Channel 237 to that community. His attorneys further state the retainer came 1 day before the deadline for filing comments, thereby making it necessary to request the additional time so that they may prepare a showing of the need for a first local radio service at Southampton.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including June 20, 1969, and for the filing of reply comments to and including June 30, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: June 12, 1969.

Released: June 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GEORGE S. SMITH, *Chief, Broadcast Bureau.*

[F.R. Doc. 69-7258; Filed, June 18, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 8)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of June 1969.

The regulations governing the practices of motor common carriers engaged in the transportation of household goods in interstate or foreign commerce were revised, and additional rules prescribed, in Practices of Motor Common Carriers of Household Goods, 95 M.C.C. 138 (1964), as further modified in 96 M.C.C. 196 (1964) findings affirmed 102 M.C.C. 267 (1966). These revised rules, which were expressly designed to afford greater protection to shippers of household goods, became effective with certain exceptions on January 1, 1967 (49 CFR Part 1056). Our experience since that time, and the complaints which we continue to receive concerning the activities of motor common carriers of household goods and their agents, indicate a clear and present need to reexamine these regulations with the view toward eliminating the continuing friction between the household goods movers and their customers. The revisions and additions proposed in this notice reflect our strong belief that mover-shipper relations can best be improved through better understanding between the parties before the household goods movement begins. Improved understanding through better communication is thus at the heart of the present proposals.

The proposed revisions in the existing regulations, and a short justification for each such modification, are set forth in Appendix A to this notice and order. Briefly stated, the proposed rule changes will, among other things, (1) eliminate or change carrier estimating of weights and probable charges, (2) require the shipping documents to specify the expected times of pickup and delivery, (3) define reasonable dispatch of shipments, (4) require more responsive notification to the shipper of actual charges as well as when there is a delay in either pickup or delivery, (5) require weight certification on the bill of lading, and (6) improve the format and content of the brochure of general information which the carrier is required to furnish the shipper prior to the time arrangements are made for the move. This summary and the proposed rule changes are merely representative of the matters and things here under investigation and are not intended to be all-inclusive; they should not be construed as limiting in any manner the scope of this proceeding which is designed to enable this Commission to take all action with respect to the practices of motor common carriers of household goods as the facts and circumstances developed on the record in this proceeding may justify or require.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), including more specifically sections 204(a)(1), 204(a)(6), 208(a), 212(a), 216, 217, 219, 220, 222, and 223, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the adoption of the revised regulations set forth in the appendix to this notice or other regulations or similar purport applicable to the practices of motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further

action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before July 7, 1969, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX A—PROPOSED CHANGES AND ADDITIONS TO THE REGULATIONS GOVERNING THE PRACTICES OF INTERSTATE MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

New rule. Insert new § 1056.1(c) in lieu of paragraph "c"; "c" will be redesignated "d".

(c) *Reasonable dispatch.* The term reasonable dispatch means the performance of transportation on the dates or during the period of time agreed upon by the carrier and shown on the carrier's order for service and recorded on the bill of lading.

Justification. At present motor common carriers by terms of their bill of lading are only required to transport shipments with reasonable dispatch. During the summer months household goods carriers have been prone to overbook. This has resulted in numerous complaints revealing that the carriers are failing to met pickup and delivery dates for periods of time which have become unreasonable.

By defining the term reasonable dispatch as shown above, the carrier will be placed in a position where it will not be inclined to promise a shipper early pickup and delivery when it is presently overbooked.

Proposed change. Insert in § 1056.3 in lieu of present paragraph (a)(1) the following:

§ 1056.3 Determination of weights.

(a) *Loaded weight, tare weight, and net weight.* (1) Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the fuel tanks on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads. In the transportation of part loads, this subsection shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Also, the person paying the freight charges, or his representative, upon request of either, shall be permitted without charge to accompany, in his own conveyance, the carrier to the weighing station and to observe the weighing of his shipment after loading.

* * * * *

Justification. This change will permit a shipper, if he wishes, to observe the weighing of his shipment promptly after loading. Also, the words "gasoline tank" would be changed to "fuel tanks" to reflect the fact that many household goods carriers are using diesel power units. The first sentence of present § 1056.3(b) would be incorporated in this subsection in the interest of clarity.

Proposed change. Section 1056.3(a)(2) is to be eliminated.

Justification. Elimination of this subsection will require all shipments to be weighed by the carrier and thereby reduce the possibility of a carrier charging a shipper for more weight than is actually transported. It will also eliminate the use of constructive weight as a possible defense for the failure to obtain a scale weight.

Proposed change. Section 1056.3(b) is to be revised.

(b) *Obtaining weight tickets.* The carrier shall obtain a weight ticket signed by the weighmaster for each weighing required under this section, with tare and gross weights evidenced by separate tickets, and no addition or alteration shall be made on any ticket so obtained. True copies of these weight tickets shall be attached to the receipt or bill of lading accompanying the shipment, as soon as such weight tickets are obtained, and retained in the carrier's file as well as given to the shipper at the weighing station or upon delivery if shipper is not present at the weighing. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle. Additionally, an automobile or other item weighing in excess of 500 pounds which is mounted on wheels may be weighed separately by obtaining the weight of such item on a certified scale prior to loading onto the vehicle to be used for its transportation.

Justification. This change, requiring the carrier to obtain a weight ticket for both the tare and gross weights on each shipment loaded on the vehicle, will assist in assuring proper net weights. It will also require the carrier to retain true copies of the weight tickets.

Proposed change. Section 1056.3(c) *Driver's weight certificate* is to be eliminated.

Justification. In lieu of a weight certificate, the loaded, tare, and net weights will be shown on the weight tickets attached to and on the receipt or bill of lading and certified thereto by the driver. In addition, the shipper will receive a copy showing the applicable weights. The present rule only requires that the weight certificate be displayed upon request of the party paying the carrier's charges.

New rule. Insert in lieu of present § 1056.8; § 1056.8 will be redesignated § 1056.9 and all succeeding sections will be appropriately renumbered.

§ 1056.8 Order for service.

(a) Every common carrier shall prior to receipt of a shipment prepare an order for service which contains the following minimum information:

(1) Shipper's name and address.

(2) Consignee's name and address.

(3) Name and address of the carrier's destination agent, if one is located in destination city.

(4) Expected pickup date and expected delivery date or in lieu of specific dates the period of time within which the move will be accomplished.

(5) Consignor's destination contact.

(6) Special services ordered.

(7) Any identification or registration number assigned the shipment by the carrier.

(b) The order for service shall be signed by the shipper or its agent who is ordering the service and by the carrier or its agent. A copy of the order of service shall be furnished the shipper or its representative. This section shall not apply where there is an agreement for the extension of credit by the carrier.

Justification. These proposals require the carrier to prepare documents on which it can record the expected pickup and delivery dates. Since the carriers are prohibited from issuing a receipt or bill of lading prior to receipt of the goods, it would not otherwise be possible for the shipper to be assured of a prospective pickup date. Many household goods carriers are presently using orders for service which contain essentially the same information. No additional burden would be placed upon the carrier by this rule which would provide a method of fixing the pickup date prior to issuance of a receipt or bill of lading.

Proposed change. Insert § 1056.9(b) in lieu of present § 1056.8(b).

§ 1056.9 Receipt or bill of lading; information thereon.

* * * * *

(b) *Information required on receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a) of this section, the carrier shall cause to be included therein the following information:

(1) The name of the motor carrier (not the agent's name) which will transport the shipment; if the shipment is to be interlined, the names of the connecting carriers provided they are known when the shipment is received.

(2) The name, address, and telephone number of the office of the carrier that should be contacted in relation to the shipment, should there be a need for such contact.

(3) The name, address, and telephone number of a person to whom notification provided for in paragraph (d) of this section shall be given, except when this cannot be obtained from the shipper.

(4) The actual pickup date and the expected delivery date or the period of time within which delivery of the shipment may be expected to be made at destination. The expected delivery date or period of time in which delivery is expected to be made shall be in conformity with the order of service where one is required or otherwise agreed to in writing by the shipper and carrier before loading is accomplished.

(5) The loaded, tare, and net weights as required by § 1056.3(a). True copies of the weight tickets required by § 1056.3(b) shall be attached to the receipt or bill of lading as soon as such weight tickets are obtained.

Across the bottom of the receipt or bill of lading, and copies thereof, there shall be printed in red letters not less than one-eighth inch high the words "Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall knowingly and willfully neglect or fail to make full, true, and correct entries or who shall knowingly and willfully falsify, destroy, mutilate, or alter this receipt or bill of lading, shall be subject to a penalty of $5,000 for each such offense."

* * * * *

(Sec. 222; 49 U.S.C. 322)

Justification. By this revision, the receipt or bill of lading will be required to show the actual date of pickup in addition to the date or period of time within which delivery is expected to be made. This requirement is proposed for the purpose of discouraging the overbooking of shipments and will place the carrier in a position where it will not be inclined to make promises to shippers that it cannot keep. By placing the dates or time period on the receipt or bill of lading, they become a part of the contract of carriage. Subparagraph (5) is necessary to show the weights, as the requirement for a Driver's Weight Certificate is to be eliminated.

The proposed penalty statement on the receipt or bill of lading is intended primarily to reduce false weight entries.

New rule. Insert in lieu of present § 1056.8(c), which will be redesignated § 1056.9(d).

(c) *Notification of delay in pickup.* Whenever a carrier is unable to make pickup of a shipment of household goods on the date or during the period specified in the order for service, the carrier shall notify the shipper, by telephone or telegraph, at the carrier's expense, of the reason for such delay and the date on which pickup of the shipment will be made, and shall repeat such notification if any subsequent date so assigned is not met; such notification to be given as soon as the circumstances causing the delay occur. However, it is to be recognized that postponement may well mean that the service is not in conformity with the definition of "reasonable dispatch" set forth in § 1056.1(c).

Justification. This section requiring notice for failure to pickup, while not eliminating poor service, will provide the shipper with notification that his goods are not going to be picked up on the promised date, the reason for the delay, and advise him of the new date. If the new date is not satisfactory, the shipper may make other arrangements if he so desires.

Proposed change. Revise § 1056.9(d) which was redesignated from § 1056.8(c).

(d) *Notification of delay in delivery.* Whenever a carrier is unable to make delivery of a shipment of household goods on the date or during the period specified in the receipt or bill of lading the carrier shall notify the shipper, or person designated by the shipper, by telephone or telegraph, at the carrier's expense, of the reason for such delay and the date on which delivery of the shipment will be made, and shall repeat such notification if any subsequent date so assigned is not met; such notification to be given as soon as the circumstances causing the delay occur: *Provided*, That the requirement of this paragraph shall not apply where the carrier is unable to obtain from the shipper an address or telephone number for such notification. However, it is to be recognized that postponement may well mean that the service is not in conformity with the definition of "reasonable dispatch" set forth in § 1056.1(c).

Justification. This change requiring the carrier to give prompt notification when the delay occurs will eliminate complaints where the carriers have delays and fail promptly to notify the shipper. This will permit the shipper to have more responsive and current information so that he can better plan his personal arrangements.

New rule. Revise § 1056.9(e).

(e) *False or misleading information prohibited.* No carrier shall give false or misleading information as to the reasons for delay in picking up or delivering shipments.

Justification. This paragraph specifically prohibiting the carrier from giving false or misleading information is intended to afford the shipper greater protection from unscrupulous operators.

New rule. Revise § 1056.9(f).

(f) *Record of notification.* When notification required by paragraph (c) or (d) of this section is given, a record shall be prepared setting forth the time and date, the name of the person notified, and the reason for delay, which record the carrier shall preserve as a part of its record of the shipment.

Justification. The preservation of these records is required to permit proper surveillance of the carrier's compliance with the notification requirements.

Proposed change. Insert § 1056.11(a) in lieu of present § 1056.10(a).

(a) *Carrier estimates prohibited.* No common carrier by motor vehicle shall render to any shipper or prospective shipper of household goods any type of an estimate of cost for services in connection with the movement of a shipment.

Justification. Carrier estimates and underestimates have been a constant source of misunderstanding, agitation, and extreme inconvenience for C.O.D. shippers. In many instances, carrier-oriented estimators appear to have a tendency, deliberate or otherwise, to underestimate the weight of a shipment in order to obtain the householder's business. In lieu of carrier estimates, "do-it-yourself" estimating through the use by the shipper of appropriate estimate forms and information is to be encouraged. Additionally, it should be noted that the proposed rule does not preclude the creation of independent weight estimating services sponsored by groups of carriers. In addition to directing their attention and representations to this proposal, the parties should also address themselves to the retention of the present rules with a revised form as set forth in Appendix B to this notice.[1]

Proposed change. Insert § 1056.11(b) in lieu of present § 1056.10(b).

(b) *Estimate form for shipper's use.* Upon request carriers shall furnish to shippers or prospective shippers an estimate form which contains statements of the weights of average pieces of furniture and other household articles, rates, and charges for use by the shipper in making his own estimate of the total weight of his goods and the probable cost of their movement. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic-foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used. Across the top of each form there shall be printed in red letters not less than one-quarter inch high the words "This form is provided for your use in estimating the probable cost of services. You will be notified of the actual cost prior to delivery, if credit is not extended."

Justification. The addition of the printed statement is intended to emphasize that the form is used only to determine an estimate of probable charges.

Proposed change. Insert § 1056.11(c) in lieu of present § 1056.10(c).

[1] Appendix B filed as part of the original document.

(c) *Notification to shippers of charges.* The carrier shall notify the shipper of the weight of the shipment and the total accrued charges, by telephone or telegraph, at the carrier's expense, as soon as they are determined, and in no event later than 24 hours prior to the time the shipment is offered for delivery except where the shipment is in transit less than 24 hours. If such notification is not given, free waiting time of 6 hours shall be allowed. Waiting time shall not be computed prior to 8 a.m. and subsequent to 5 p.m., Mondays through Saturdays, inclusive: *Provided*, That this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied, upon request by the carrier, an address or telephone number at which the communication would be received.

Justification. At present the carrier must give advance notification of charges at his expense only when they exceed the carrier's estimate by 10 percent or more. Under the proposed changes he will be required to give advance notice at his expense. Credit shipments are excluded. It seems likely that nearly every C.O.D. shipper would like to receive advance notice of actual charges. This 6 hours waiting time requirement when notification is not given would put an end to the age-old complaint of spur-of-the-moment demands for charges in excess of the shipper's expectations. If notification is not given, the shipper will then have time to raise the extra money.

Proposed change. Section 1056.10(d) *Notification to shipper where charges exceed estimate* is to be eliminated in the event carrier estimates are prohibited under the adopted rules.

Proposed change. Section 1056.10(e) *Report of underestimates* is to be eliminated in the event carrier estimates are prohibited under the adopted rules.

Proposed change. Insert § 1056.11(d) in lieu of present § 1056.10(f).

(d) *Reweighing of shipment.* The carrier, upon request of shipper, owner, or consignee made prior to delivery of a shipment, will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight or if the difference between the initial net scale weight and the reweigh net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or 2 percent or less of the lower net scale weight on shipments in excess of 5,000 pounds, a reasonable reweigh charge may be established. The person paying the freight charges, or his representative, shall be permitted to observe the gross and tare reweighing.

Justification. The change makes it clear that the person paying the freight charges is to be permitted to observe the gross and tare reweigh. This should reduce complaints received where drivers have failed to tell the shippers they could observe the reweighings.

Proposed change. Section 1056.12(a) to be designated § 1056.13.

§ 1056.13 Information for shippers.

During the course of the first interview with every prospective shipper, each carrier of household goods shall cause to be given to the prospective shipper the summary of information set forth below in Form BOp( ). If no personal interview is had with a prospective shipper, the carrier shall cause Form BOp( ) to be mailed to the shipper on or prior to the day on which the order for service is placed. The carrier shall obtain the shipper's signature on the receipt portion of Form BOp( ) prior to acceptance of the shipment; the receipt shall be detached by the carrier and preserved as part of the record of the shipment.

Form BOp( ) must be presented to the shipper separate and apart from other material such as advertising material, brochures, etc.

SUMMARY OF INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS FORM BOp---- (SEE ATTACHMENT)[2]

Justification. The change proposed in this section is for the purpose of combining the Important Notice to Shippers of Household Goods as provided in present § 1056.12(a) and the General Information For Shippers of Household Goods as provided in present § 1056.12(b). It is intended that the summary be published in a brochure written in layman's language.

Proposed change. Section 1056.12(b) *Statement of general information* is to be eliminated.

Justification. This justification is the same as indicated for § 1056.13.

New rule.

§ 1056.16 Reasonable dispatch of shipment.

Each common carrier by motor vehicle will cause to be transported with reasonable dispatch each shipment accepted by it for transportation.

Justification. This section is designed to take care of complaints received where carriers have failed to make pickup and deliveries on time. These complaints generally result when carriers overbook shipments. Requiring the carrier to transport as promised will eliminate the carriers from making promises that will not be kept.

New rule.

§ 1056.17 Signed receipt for shipment—release prohibited.

No delivery acknowledgment on any shipping document to be signed by the consignee at time of delivery shall contain any language which purports to release or discharge the carrier or its agents from liability, other than a statement that the property has been received in apparent good condition except as noted on the shipping documents.

Justification. The persons receiving the household goods are presently required to sign a receipt for the goods. This section will prohibit carriers from obtaining a release of liability by merely obtaining the shipper's signature on the receipt.

New rule.

§ 1056.18 Tendering for delivery.

Except upon the request or concurrence of the shipper or consignee, a shipment shall not be tendered for delivery prior to the expected date of delivery specified on the bill of lading.

Justification. This will eliminate the practice of carriers arriving with the shipment prior to the promised delivery date. Carriers attempting to make early delivery in many instances will subject the shipper to additional storage and delivery charges resulting in numerous complaints.

[F.R. Doc. 69-7247; Filed, June 18, 1969; 8:47 a.m.]

[2] Attachment filed as part of the original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 141c, 146c, 146d, 146e]

USE OF ANTIBIOTICS IN ANIMALS

Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of April 9, 1969 (34 F.R. 6284), proposing amendments to food additive and antibiotic drug regulations to provide for safe use of certain antibiotics in food-producing animals, provided for the filing of comments thereon within 60 days following its publication.

The Commissioner of Food and Drugs has received a request for an extension of such time, and good reason therefor appearing, the time for filing comments on said proposal is hereby extended to August 7, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(d), 507, 59 Stat. 463, as amended, 72 Stat. 1787; 21 U.S.C. 348(d), 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 10, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7225; Filed, June 18, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 504]

[Docket No. 69-6]

COLLECTION, COMPROMISE, AND TERMINATION OF ENFORCEMENT CLAIMS

Enlargement of Time for Filing Answers

Upon request, and good cause appearing, time within which answers to Hearing Counsel's reply may be filed is enlarged to and including June 30, 1969.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7250; Filed, June 18, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

WYLER CHILDREN'S HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00402-33-46040. Applicant: Wyler Children's Hospital, University of Chicago, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens, West Germany. Intended use of article: The article will be used for the examination of cells from human patients having a variety of connective tissue diseases in an attempt to detail the specific cellular manifestations of these genetic disorders in one particular cell population. In addition, it will be used to examine the morphology of negatively stained particulate enzyme preparations, biochemically complete assemblies capable of synthesizing normal polysaccharide in a cell-free system. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities). We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 2, 1969) that the difference in the guaranteed resolving capabilities is pertinent to the purposes for which the foreign article is intended to be used, because there is a much greater likelihood of accomplishing the intended purposes with the better resolving capabilities of the foreign article than with those of the RCA Model EMU-4B. For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States and was available to the applicant within a reasonable time at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operation, Business and Defense Services Administration.

[F.R. Doc. 69-7221; Filed, June 18, 1969; 8:45 a.m.]

Maritime Administration

CHASE MANHATTAN BANK (NATIONAL ASSOCIATION) AND WELLS FARGO BANK, NATIONAL ASSOCIATION

Notice of Approval of Applicants as Trustees

In F.R. Docs. 66-4150 (31 F.R. 5849, Apr. 15, 1966) and 68-11474 (33 F.R. 14242, Sept. 20, 1968) notices were given that The Chase Manhattan Bank (National Association) and Wells Fargo Bank, National Association, respectively, were approved as trustees pursuant to Public Law 89-346 and 46 CFR 221.20-221.30.

Mergers of the above-mentioned banks were effected on February 28, and June 4, 1969, respectively, whereby among other things, each survivor bank assumed the name of the merging bank.

Notice is hereby given that the survivor banks; namely, The Chase Manhattan Bank (National Association) and Wells Fargo Bank, National Association, have been approved as trustees pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: June 16, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-7261; Filed, June 18, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-58]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 16, 1969, to May 9, 1969 (List Nos. 12-69 and 13-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/120/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Buddy Schoellkopf Products, Inc., Post Office Box AB, Mineola, Tex. 75773, for Red Head Brand Corp., Post Office Box 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective May 8, 1969.

Approval No. 160.002/121/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured

by Buddy Schoellkopf Products, Inc., Post Office Box AB, Mineola, Tex. 75773, for Red Head Brand Corp., Post Office Box 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective May 8, 1969.

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/396/3, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic (FRP) hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement drawing No. P-24-1C Rev. K, dated April 23, 1969, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective April 24, 1969. (It supersedes Approval No. 160.035/396/2, dated Dec. 21, 1966, to show change in construction and address of manufacturer.)

Approval No. 160.035/397/6, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic (FRP), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement dwg. No. P-24-ID Rev. N, dated April 10, 1969, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective April 17, 1969. (It supersedes Approval No. 160.035/397/5, dated Aug. 9, 1967, to show change in construction and change of address of manufactuer.)

Approval No. 160.035/439/2, 12.0' x 4.42' x 1.75' oar-propelled F.R.P. lifeboat, 4-person capacity, identified by construction and arrangement drawing 12-5, Rev. F, dated March 13, 1969, approved for use on vessels in bays, sounds, and lakes; and river service, if mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant, approved for 6-person capacity as replacement lifeboat, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective April 22, 1969. (It supersedes Approval No. 160.035/439/1, dated June 7, 1967, to show change in construction and address of manufacturer.)

HYDRAULIC AND MANUAL RELEASES FOR LIFESAVING EQUIPMENT

Approval No. 160.062/1/0, Raf 30 Model C hydraulic and manual release for lifesaving equipment; for buoyant loads of 200 pounds to 3,750 pounds; identified by assembly drawing CJH/HR/001, alteration 1, dated October 22, 1968, and drawing list dated April 17, 1969, to be used in accordance with installation and pretensioning details shown on gripe design drawing CJH/HR/005, alteration 1, dated January 17, 1969, manufactured by C. J. Hendry Co., 139 Townsend Street, San Francisco, Calif. 94107, effective April 22, 1969.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

Approval No. 161.001/2/0, light (water): electric, floating automatic (with bracket for mounting), dwg. No. E-851, alteration 2 (sheets 1 and 2), dated June 1, 1949, manufactured by Galbraith-Pilot Marine Corp., 600 Fourth Avenue, Brooklyn, N.Y. 11215, effective May 9, 1969. (It is an extension of Approval No. 161.001/2/0, dated July 27, 1964.) Specification 161.001 will be canceled on December 31, 1970.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/9/2, Style HN-MS-26, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. HV-8-MS, revised January 28, 1954, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/9/2, dated Apr. 16, 1964.)

Approval No. 162.001/10/2, Style HNA-MS-27, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. HV-10-MS, revised January 29, 1954, approved for sizes 1½", 2" 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/10/2, dated Apr. 16, 1964.)

Approval No. 162.001/11/2, Style HNA-MS-37, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 900° F., dwg. No. HV-11-MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/11/2, dated Apr. 16, 1964.)

Approval No. 162.001/12/2, Style HNA-MS-28, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 1,000° F., dwg. No. HV-10-MS, revised January 29, 1954, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/12/2, dated Apr. 16, 1964.)

Approval No. 162.001/13/2, Style HNA-MS-38, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 1,000° F., dwg. No. HV-11-MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/13/2, dated Apr. 16, 1964.)

Approval No. 162.001/17/2, Style HN-MS-36, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 750° F., dwg. No. HV-9-MS, revised February 1, 1954, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/17/2, dated Apr. 16, 1964.)

Approval No. 162.001/104/1, Style HN-MS-25, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. HV-8-MS, revised January 28, 1954, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/104/1, dated Apr. 16, 1964.)

Approval No. 162.001/105/1, Style HN-MS-35, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., dwg. No. HV-9-MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/105/1, dated Apr. 16, 1964.)

Approval No. 162.001/218/0, Style AC-M1 safety valve, bronze body, maximum pressure 300 p.s.i., maximum temperature 450° F., dwg. No. H-41473, revised May 18, 1959, approved for sizes 1½", 2", and 2½", manufactured by the Ashton Valve Co., Wrentham, Mass. 02093, effective April 16, 1969. (It is an extension of Approval No. 162.001/218/0, dated Apr. 16, 1964.)

Approval No. 162.001/219/0, Style AC-M2 safety valve, bronze body, 150 p.s.i., maximum temperature of 336° F., dwg. No. H-41473, revised May 18, 1959, approved for sizes 1½", 2", and 2½", manufactured by The Ashton Valve Co., Wrentham, Mass. 02093, effective April 24, 1969. (It is an extension of Approval No. 162.001/219/0, dated May 1, 1964.)

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/19/0, McDonnell No. 230-1" relief valve for hot water heating boiler, relieving capacity 743,400 B.t.u. per hour, at maximum set pressure of 30 p.s.i., dwg. No. MA230-1", dated October 20, 1952, approved for 1" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Ill. 60618, effective April 22, 1969. (It is an extension of Approval No. 162.013/19/0, dated Apr. 22, 1964.)

Approval No. 162.013/20/0, McDonnell No. 230-1½" relief valve for hot water heating boiler, relieving capacity 1,025,100 B.t.u. per hour, at maximum set pressure of 30 p.s.i., dwg. No. MA230-1½", dated August 14, 1952, approved for 1½" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Ill. 60618, effective April 22, 1969. (It is an extension of Approval No. 162.013/20/0, dated Apr. 22, 1964.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/23/3, figure ST-4000-R pressure vacuum relief valve, enclosed pattern, weight-loaded poppet, bronze body, dwg. No. ST-7500, dated February 16, 1951, approved for 6" size, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective April 22, 1969. (It is an extension of Approval No. 162.017/23/3, dated Apr. 22, 1964, and change of name and address of manufacturer.)

Approval No. 162.017/78/0, figure ST-4004 pressure vacuum relief valve, enclosed pattern, weight-loaded poppet, bronze body, dwg. No. ST-8470-2, rev. 2, dated Apr. 5, 1954, approved for 4" size, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective April 22, 1969. (It is an extension of Approval No. 162.017/78/0, dated Apr. 22, 1964, and change of name and address of manufacturer.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/37/0, "Spray-Don" sprayed asbestos fiber type structural insulation identical to that described in Underwriters' Laboratories, Inc., report No. R3655-5-6 approved for use without other insulating material to meet Class A-60 requirements in an untamped thickness of 3¼" and a tamped thickness of 2" and a density not less than 14.7 pounds per cubic foot, manufactured by U.S. Gypsum, Plainfield, N.J., for Sprayon Research Corp., 1101 Northeast 110th Street, Miami, Fla. 33161, effective May 9, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/31/0, LW marine acoustical unit, incombustible material in accordance with Johns-Manville Sales Corp. letter, dated February 3, 1954, and dwg. No. M-1-9, dated March 11, 1954, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective April 16, 1969. (It is an extension of Approval No. 164.009/31/0, dated Apr. 17, 1964.)

Dated: June 13, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 69-7249; Filed, June 18, 1969; 8:47 a.m.]

National Transportation Safety Board

[Docket No. SA-414]

ACCIDENT AT CUCAMONGA CANYON, CALIF.

Notice of Hearing

In the matter of investigation of accident involving Cessna 310N, of U.S. registry N4111Q which occurred at Cucamonga Canyon, near Upland, Calif., April 12, 1969.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. local time, on June 25, 1969, in the Ramada Room of the Ramada Inn, 1150 University Avenue, Riverside, Calif.

Dated this 16th day of June 1969.

[SEAL] RICHARD G. RODRIGUEZ,
Hearing Officer.

[F.R. Doc. 69-7260; Filed, June 18, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20999]

DOMESTIC AIR EXPRESS ET AL.

Notice of Proposed Approval

Application of Domestic Air Express, Intra-Mar Shipping Corp. et al., for approval of control relationships under section 408 of the Act, Docket 20999.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 16, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Domestic Air Express, Intra-Mar Shipping Corp. et al., for approval of control relationships under section 408 of the Act; Docket 20999.

By application filed May 15, 1969, Domestic Air Express, Inc. (DAX), Intra-Mar Shipping Corp. (Intra-Mar), Intra-Mar Transport Corp. (Transport), Intra-Mar Agency, Inc. (Agency), Intra-Mar Air Freight, Inc. (Air Freight) and Mr. Ernest R. Binder request approval under section 408 of the Federal Aviation Act of 1958, as amended, (the Act) of the acquisition by DAX of all the stock of the Intra-Mar companies named above from Mr. Binder. In addition, the applicants request, pursuant to section 408 of the Act, approval of interlocking relationships which will result from several of DAX's current officers and/or directors assuming positions as officers and/or directors of Intra-Mar.

DAX is an authorized domestic air freight forwarder. Intra-Mar is an authorized international air freight forwarder. It also acts as an IATA approved cargo sales agent and as an FMC authorized independent ocean freight forwarder.[1] Transport is a customs house broker, and Agency and Air Freight are dormant companies which hold no government authority of any nature.

The instant application presents potential "dual authorization" problems similar to those faced in DAX's previous application for approval under section 408 of the Act of its acquisition of Asiatic Forwarders, Inc. (AFI), and its wholly owned subsidiaries.[2] As the Board's order approving such acquisition under section 408 of the Act noted, AFI is one of seven indirect air carriers of used household goods presently exempt from certain provisions of the Act to the extent necessary to transport by air used household goods of personnel of the Department of Defense. It also has on file with the Board applications for regular household goods air freight forwarder authority which were filed pursuant to the condition imposed by Order E-21883, March 9, 1965, which first granted the exemption. The applicants asserted in their application for approval of DAX's acquisition of AFI that in the event such approval was granted, AFI would withdraw its application for domestic household goods air freight forwarder authority.[3] The instant application states that in the event the Board approves DAX's acquisition of Intra-Mar, AFI's application for international household goods air freight forwarder authority will also be withdrawn.

The applicants state that approval of the instant application would be in the public interest because it would strengthen the financial position of Intra-Mar and allow it to provide a better service to its customers.[4] Furthermore, they state that because Intra-Mar operates only internationally and DAX only domestically and because AFI will no longer be an applicant for either domestic or international household goods air freight forwarder authority, the traditional regulatory problem which arises upon the common control of carriers holding coextensive authority is not presented in the instant application.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Intra-Mar is an air carrier and that DAX's acquisition of Intra-Mar is subject to section 408 of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[5]

We also find that interlocking relationships within the scope of section 409 of the Act will result from the holding by current officers and/or directors of DAX of the positions of officers and/or directors of Intra-Mar. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by Part 287 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

1. That the acquisition by DAX of Intra-Mar and its wholly owned subsidiary companies, as described herein, and the resultant control relationships be and they hereby are approved; and

2. That except to the extent granted herein, the application in Docket 20999 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 3 days after the date of service of this order.

[1] The FMC does not consider such forwarders to be common carriers.

[2] By Order 69-2-117, Feb. 24, 1969, the Board approved DAX's acquisition of AFI and its subsidiary companies.

[3] By letter dated May 16, 1969, counsel for AFI advised the Board that that company was withdrawing its application for domestic household goods air freight forwarder authority.

[4] It is contemplated that the Intra-Mar group will operate as subsidiaries of DAX and will retain their current names for an indefinite period. However, the applicants contemplate that Intra-Mar's name will ultimately be changed to DAX, subject to Board approval.

[5] See Orders 69-1-64, Jan. 15, 1969 (Jet Air Freight, Copeland Shipping et al.) and 68-9-140, Sept. 27, 1968 (Airborne Freight Corp., Pacific Air Freight et al.).

FEDERAL AVIATION ADMINISTRATION

[Airspace Docket No. 69-SO-70]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla., control zone and transition area.

The Fort Lauderdale control zone and transition area would be altered to accommodate a new instrument approach procedure to Runway 9R at Fort Lauderdale-Hollywood International Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire to the Director, Southern Region, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed rule. No public hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to be considered. All communications received will be available for examination by interested persons at the Office of the Chief, Air Traffic Division, both before and after the closing date for comments.

The Fort Lauderdale control zone would be altered as follows:

Delete the present description and substitute the following:

Within a 5-mile radius of the center, 26°04'20" N., 80°08'40" W., of Fort Lauderdale-Hollywood International Airport; within 2 miles each side of the Fort Lauderdale VOR 009° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Fort Lauderdale VOR 189° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Fort Lauderdale VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Fort Lauderdale VOR 090° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; within 2 miles each side of the Fort Lauderdale VOR 027° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 207° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 117° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 297° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 045° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 135° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 315° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 180° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Fort Lauderdale VOR 000° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Fort Lauderdale VOR 252° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Fort Lauderdale VOR 072° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 162° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 342° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 234° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 054° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 144° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 324° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 216° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; 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The Fort Lauderdale transition area would be altered as follows:

Delete the present description and substitute the following:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 26°04'20" N., 80°08'40" W., of Fort Lauderdale-Hollywood International Airport; within 2 miles each side of the Fort Lauderdale VOR 009° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Fort Lauderdale VOR 189° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Fort Lauderdale VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Fort Lauderdale VOR 090° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; within 2 miles each side of the Fort Lauderdale VOR 027° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Fort Lauderdale VOR 207° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Fort Lauderdale VOR 117° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; 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within 2 miles each side of the Fort Lauderdale VOR 288° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR.

Issued in Atlanta, Ga., on June 13, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7250; Filed, June 18, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262; FCC 69-643]

CHANGES IN RULES AND REGULATIONS GOVERNING POINT-TO-POINT MICROWAVE RADIO SERVICE

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 21 and Part 43 of the Commission's rules and regulations governing the Point-to-Point Microwave Radio Service.

The Commission has before it for consideration a petition filed June 12, 1969, by Microwave Communications, Inc., requesting that the time for filing comments and reply comments in the above-entitled proceeding be extended to July 15 and August 15, 1969, respectively.

It appears that petitioner's request is reasonable and that a grant thereof will serve the public interest.

Accordingly, it is ordered, That the time for filing comments and reply comments in the above-entitled proceeding is extended to July 15 and August 15, 1969, respectively.

Adopted: June 13, 1969.

Released: June 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7251; Filed, June 18, 1969; 8:47 a.m.]

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7254; Filed, June 18, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-6-75]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1969.

By Order 69-5-12, dated May 5, 1969, action was deferred on certain resolutions, adopted by the International Air Transport Association (IATA), relating to specific commodity rates for the carriage of household goods and personal effects between Miami and Central and South American points. Action was deferred with a view of (1) eventual disapproval of the agreement insofar as it would establish commodity rates at a level higher than the Board-approved IATA general cargo rates, and (2) eventual approval of the agreement insofar as it would establish commodity rates equal to or lower than the Board-approved IATA general cargo rates. The order allowed 10 days for interested persons to file petitions in support of or in opposition to the proposed action.

Pan American World Airways, Inc. (PAA), filed a petition in opposition to the proposed disapproval.[1] In support of its petition, PAA alleges that the average density of air cargo now moving between Miami and points in Central and South America is 10 pounds per cubic foot whereas the average density for household goods and personal effects is approximately 7 pounds per cubic foot. PAA further asserts that such commodities require extra handling and that such shipments preclude the use of significant amount of revenue space in the aircraft. PAA avers that the otherwise usable space is lost since small consignments of cargo cannot be loaded as filler on top of pallets containing household goods and personal effects due to their susceptibility to damage.

The Board is not persuaded by the arguments of PAA that the proposed rates above the general cargo rates are warranted. While the density of household goods and personal effects may well be 7 pounds a cubic foot, the Board has approved an IATA-agreed density rule of 8.9 pounds per cubic foot. This rule requires that consignments having a density of less than 8.9 pounds per cubic foot be charged on the basis of 8.9 pounds per cubic foot. Further, we can find no justification for singling out household and personal effects for higher rates in an effort to equal the revenues derived from shipments of higher average density moving in the markets concerned.

With respect to the problem of unusable space, higher rates do not seem to be the answer. It would appear that the basic problem is one of packaging and not the level of rates. In this connection, we would observe that like commodities move via the North Atlantic at a reduction of approximately 25 percent from the otherwise applicable general cargo rates. Under the circumstances, the Board finds no reason to reverse the tentative findings made in Order 69-5-12.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that the agreement, insofar as it would establish commodity rates listed in Attachment A hereto,[2] is adverse to the public interest.

2. The Board does not find that the agreement, insofar as it would establish commodity rates listed in Attachment B hereto,[1] is adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement CAB 20806, R-15, insofar as it relates to those rates named in Attachment A hereto,[1] be and hereby is disapproved;

2. Agreement CAB 20806, R-15, insofar as it relates to those rates named in Attachment B hereto,[1] be and hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; and

3. The petition of Pan American World Airways, Inc., for approval of the rate agreement as described in Attachment A[1] is hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7255; Filed, June 18, 1969; 8:47 a.m.]

[Docket No. 21083; Order 69-6-78]

RAILWAY EXPRESS AGENCY, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1969.

By tariff revisions[1] filed May 15, 1969, and marked to become effective June 18, 1969, the Railway Express Agency, Inc. (REA), and air carriers participating in the tariffs with REA propose to increase most air express rates and charges in the United States. The proposal involves (1) raising the minimum charge from $5.50 to $6 per air express shipment for practically all its traffic, and (2) restructing general commodity rates and specific commodity rates for live animals and birds and for magazines, newspapers, and periodicals, and increasing many of those rates. Other specific commodity rates would not be changed.

REA claims, inter alia, that its proposed rate increases are warranted by sharply increased operating costs which have risen from $4.76 per air express shipment in 1966, when it made its latest general rate increase, to $5.65 in 1968 and to a projected cost, reflecting higher wage and related labor expenses based on agreements already in effect, of $5.98 for the last half of 1969. These cost increases amount to $1.22 per shipment. REA forecasts that between 1966 and the second half of 1969 revenues per shipment will rise by only 56 cents, 66 cents less than the rise in costs. It asserts that, unless rates are increased, the gross profit of 57 cents per shipment in 1966 will become a loss of 9 cents per shipment in the second half of 1969.

REA estimates that its proposals would result in a revenue increase of $8 million, or 88 cents per shipment, assuming that no diversion to other carriers would occur, and in an average increase of 75 cents per shipment if the expected amount of diversion occurs. Of that 75 cents, the airlines will in effect receive 6.5 cents per shipment, which will leave 68.5 cents to REA.

REA finally states that it has urgent need for additional revenues since it has incurred net operating losses for its total operations, both surface and air, during the past several years. It has filed to increase its surface rates and has intensified efforts to reduce costs and improve operating efficiency. It claims that the proposed increases in air rates, which will barely enable REA to catch up with increased costs, are necessary to permit it to continue offering air express service.

Upon consideration of the tariff and all other relevant matters, the Board finds that the proposed increases for shipments with charges above the proposed minimum charges may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and should be suspended pending investigation.

The proposed rise in the minimum charge from $5.50 to $6 per shipment does not appear excessive. It is generally recognized that terminal costs have risen. Furthermore, direct carriers have also increased their minimum charges (Order 68-8-77, Aug. 19, 1968, and Order 68-10-116, Oct. 21, 1968).[2]

However, although a number of REA's proposed rates above the minimum charges involve relatively little or no increase, many of them involve sharp increases which have not been adequately justified. These appear excessive and may have a significant effect upon shippers. In these circumstances we shall not permit them to become effective without investigation.

Certain of REA's proposals involve changes that may involve undue preference and prejudice as a result of the proposed rate structure modification, which would typically show the same charge for all shipments within 5-pound groups at the current level of the largest shipment in that group. The present structures consist of charges for shipments to the nearest pound. As a result of the foregoing modifications, the increases would vary widely depending upon whether the shipment size is at the bottom or top of a 5-pound group.

Based on data submitted by REA, we believe that an increase in revenues' including those received from the proposed higher minimum charges, averaging 35 cents per shipment, would appear to return to REA a reasonable profit. We would be willing to consider the filing of a rate schedule which would yield the foregoing average increase in revenues, although no individual rates may involve sharp increases.

Simultaneously with its current tariff proposal under a statutory 30-day filing period, REA filed an application that the Board grant special permission to make the tariff effective sooner in view of REA's purported critical financial need. Because of our action in suspending the proposal pending investigation, we are denying that application.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates, charges, and provisions described in Appendix A attached hereto[3] (insofar as they result in increased rates and charges), and rules, regulations, and practices affecting such rates, charges, and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto[3] (except those applying to or from Canadian points) are suspended and their use deferred to and including September 15, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by special permission of the Board;

3. Special Tariff Permission Application No. 5, dated May 14, 1969, filed by J. F. Mahon, Agent, is hereby denied;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon the carriers listed in Appendix B,[4] which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7256; Filed, June 18, 1969; 8:47 a.m.]

[1] The petition was not timely filed, but we are herein considering it on its merits.

[1] Filed as part of the original document.
[2] Revision to Agent's J. F. Mahon's, Tariff CAB No. 1.

[1] For technical reasons, we are suspending and setting for investigation most of the proposed minimum charges. We shall permit on less-than-statutory notice the refiling of rates reflecting the proposed minimum charges.

[2] Filed as part of the original document.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

FEDERAL COMMUNICATIONS COMMISSION

[Report 444]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 16, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

7362-C2-P-69—Empire Communications Co. (KFL955), C.P. to relocate control facilities at location No. 2 to: Awbrey Butte, 0.7 mile northwest of Bend, Oreg., operating on frequency 454.15 MHz.

7363-C2-P-69—Imperial Communications Corp. (KMA262), C.P. for an additional base channel to be located at a new site described as location No. 3: 110 West C Street, San Diego, Calif., to operate on frequncy 454.05 MHz.

7369-C2-P/L-69—The Western Reserve Telephone Co. (KQK583), C.P. and license to reinstate an expired 2-way station license, now operating on frequency 152.60 MHz located at 2.25 miles southeast of Twinsburg, Ohio.

7371-C2-P-69—Boston Two-Way Radio Service (KOC263), C.P. for an additional base channel to operate on frequency 454.300 MHz at location No. 3: 50 Bear Hill Road, Waltham, Mass.

7370-C2-P-69—Peabody Telephone Answering Service (KCC786), C.P. for an additional base channel to operate on frequency 454.250 MHz at station located on Newbury Street, West Peabody, Mass.

7372-C2-MP-69—New York Telephone Co. (KEA763), Modification of C.P. to add auxiliary test facilities to operate on frequencies 459.375, 459.450, 459.525, 459.550, 459.625, and 459.650 MHz located at 228 East 56th Street, New York, N.Y.

7373-C2-P-69—Suburban Two-Way Radio Service (New), C.P. for a new 2-way station to be located at 50 Bear Hill Road, Waltham, Mass., to operate on base frequency 454.350 MHz.

7374-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 330 West Beecher Street, Jacksonville, Ill., to operate on frequency 152.84 MHz.

7375-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 2-way station to be located at 0.1 mile west of junction U.S. Highway No. 66 and State Highway No.23, northwest of Pontiac, Ill., to operate on frequency 152.81 MHz.

7376-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 223 East Randolph Street, Macomb, Ill., to operate on base frequency 152.84 MHz.

7377-C2-AP/AL-(2)-69—Forester Radiotelephone Service, Consent to assignment of license from Pearl Forester and Yvonne Page, doing business as Forester Radiotelephone Service Assignor, to: Forester Radiotelephone, Inc., Assignee, Stations: KKG409 Dallas, Tex., KKO344 Dallas, Tex. (1-way).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7398–C1–P–69—Pacific Telephone & Telegraph Co. (KMN91), C.P. to add frequencies 11,365 and 11,805 MHz toward Loma Prieta Mountain, Calif., at station located at 95 Almaden Avenue, San Jose, Calif.

7400–C1–P–69—Pacific Telephone & Telegraph Co. (KMJ93), C.P. to add frequencies 10,915 and 11,155 MHz toward San Jose, Calif., and 10,715 and 10,955 MHz toward Salinas, Calif.; at station located at Loma Prieta Mountain, Calif.

7401–C1–P–69—Pacific Telephone & Telegraph Co. (KNK53), C.P. to add frequencies 11,405 and 11,645 MHz toward Loma Prieta Mountain, Calif., at station located at 340 Pajaro Street, Salinas, Calif.

7402–C1–P–69—South Central Bell Telephone Co. (New), C.P. for a new fixed station to be located at 1515 Cherry Street, Vicksburg, Miss., to operate on frequencies 6137.9 and 6019.3 MHz toward Vicksburg, Miss. (RT).

7403–C1–P–69—South Central Bell Telephone Co. (New), C.P. for a new fixed station to be located at 4.8 miles south-southeast of Vicksburg, Miss., to operate on frequencies 6241.7 and 6380.3 MHz toward Vicksburg, Miss., and 6271.4 and 6390.0 MHz toward Port Gibson, Miss.

7404–C1–P–69—South Central Bell Telephone Co. (KTF48), C.P. to add frequencies 5969.7 and 6108.3 MHz toward Vicksburg, Miss. (RT), at station located 1.6 miles southwest of Port Gibson, Miss.

7469–C1–P–69—Mountain States Telephone & Telegraph Co. (KPN87), C.P. to change the antenna system for station located at 160 East Cedar Street, Globe, Ariz., operating on frequencies 10,715 and 10,955 MHz.

7470–C1–P–69—Mountain States Telephone & Telegraph Co. (KOV63), C.P. to add frequencies 6301.0 and 6241.7 MHz toward Pinal Peak, Ariz., at station located at 228 West Adams Street, Phoenix, Ariz.

7471–C1–P–69—Mountain States Telephone & Telegraph Co. (KPN96), C.P. to add frequencies 6049.0 and 5988.7 MHz toward Phoenix, Ariz., at station located at 8.2 miles south-southwest of Globe, Ariz. (Pinal Peak).

7472–C1–P/L–69—Central Telephone Co. (New), C.P. and license for a new fixed station to be located at Palo Verde Road and Bell Drive, Las Vegas, Nev., to operate on frequencies 6060 and 6180 MHz toward Southern Nevada Vocational Technical Center, Las Vegas, Nev.

7473–C1–P–69—Illinois Bell Telephone Co. (KSN61), C.P. to add frequencies 6241.7 and 10,915 MHz toward Plano, Ill., at station located at 2.8 miles east-southeast of Norway, Ill.

7474–C1–P–69—Illinois Bell Telephone Co. (KZA71), C.P. to change frequency to 5937.8 MHz and replace the transmitter operating on same, located at 4.5 miles northwest of Berlin, Ill.

7480–C1–P–69—Paul Bunyan Rural Telephone Cooperative (New), C.P. for a new fixed station to be located near Ponemah, Minn., to operate on frequency 2128.0 MHz.

7481–C1–P–69—Paul Bunyan Rural Telephone Cooperative (New), C.P. for a new fixed station to be located near Tribal Law and Order Center, Red Lake, Minn., to operate on frequency 2178.0 MHz.

7482–C2–P–69—Communications Engineering Co. (KMA742), C.P. to change the antenna system operating on frequencies 152.18 and 152.21 MHz and relocate same to: 2.8 miles north of Porterville, Calif.

3041–C2–R–70—Southern Bell Telephone & Telegraph Co. (KIN644), Renewal of Developmental station license, expiring Aug. 1, 1969. Term: Aug. 1, 1969 to Aug. 1, 1970.

Correction

6665–C1–P–69—Southern Bell Telephone & Telegraph Co. (KJH41). Correct frequency to read: 6226.9 MHz. All other terms same as reported in public notice dated May 12, 1969, Report No. 439.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7379–C1–P–69—Northco Microwave, Inc. (New), C.P. for a new station on Mount Pritchard, near Burlington, Vt., at lat. 44°22'11" N., long. 73°06'19" W. Frequency 10,735 MHz on azimuth 314°51'. (Informative: Applicant proposes to provide the television signal of WPIX (New York City) to Dimension Cable TV, Inc., in Plattsburg, N.Y. Receiving site is to be located in Morrisonville, N.Y.)

[F.R. Doc. 69-7259; Filed, June 18, 1969; 8:46 a.m.]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7378–C2–P–(5)–69—Electrocom Corp. (New), C.P. for a new 2-way station at location No. 1: 111 Perkins Street, Boston, Mass., to operate on frequencies 454.175, 454.325, and 454.350 MHz and at location No. 2: On Nobscott Hill, 5 miles north of Framingham, Mass., to operate on frequencies 454.075 and 454.275 MHz.

7393–C2–P–69—Pacific Telephone & Telegraph Co. (KMJ93), C.P. for a new 2-way station to be located at the Buena Vista Hotel, Biloxi, Miss., to operate on base frequency 152.06 MHz.

7394–C2–AL–69—Messages By Radio, Inc., Consent to assignment of license from: Messages By Radio, Inc., Assignor, to: Paging Yonkers, Inc., Assignee, Station, KEA200 Yonkers, N.Y.

7395–C2–P–69—South Central Bell Telephone Co. (KKJ448), C.P. to reorient the antenna system operating on frequencies 152.60 and 152.63 MHz at station located at 555 Florida Street, Baton Rouge, La.

7396–C2–P–(2)–69—Southwestern Bell Telephone Co. (KAA697), C.P. to add a base channel on frequency 152.78 MHz; replace transmitter operating on frequency 152.66 MHz; change the antenna system and relocate all facilities to: 600 St. Louis Street, Springfield, Mo.

7466–C2–P–69—RMD Electronics, Inc. (New), C.P. for a new 2-way station to be located at 1960 Lincoln Park West, Chicago, Ill., to operate on 454.025 MHz.

7467–C2–P–69—ROC of Virginia, Inc. (New), C.P. for a new 1-way station to be located at 1318 Spradley Street, Portsmouth, Va., to operate on frequency 158.70 MHz.

7468–C2–P–69—Fire Safety Corp. (New), C.P. for a new 1-way station to be located on Old Highway No. 14, 2 miles west of Rochester, Minn., to operate on frequency 152.24 MHz.

7476–C2–P–69—General Telephone Co. of the Southwest (New), C.P. for a new 1-way station to be located 3.3 miles west of Texarkana, Tex., to operate on frequency 152.84 MHz.

7477–C2–P–69—Jack Loperena (New), C.P. for a new 1-way station to be located at the northwest corner of Walnut and Woodland, Visalia, Calif., to operate on frequency 158.70 MHz.

7478–C2–P–(3)–69—Georgia Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at the First National Bank Building, 2 Peachtree Street, Atlanta, Ga., to operate on frequencies 454.200, 454.250, and 454.300 MHz.

7479–C2–P–69—The Bell Telephone Co. of Pennsylvania (KGC229), C.P. to change the antenna system and relocate facilities to: Near junction of Route No. 23 and Stony Battery Road, West Hempfield Township, Pa., operating on base frequency 152.57 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

7364–C1–ML–69—Pacific Northwest Bell Telephone Co. (KOU55), Modification of license to change the point of communication to Saddle Mountain, Oreg., operating on frequencies 6034.2 and 10,715 MHz. All other terms of the existing license to remain the same.

7365–C1–ML–69—Pacific Northwest Bell Telephone Co. (KOP51), Modification of license to change the point of communication to Saddle Mountain, Oreg., via passive reflector, operating on frequencies 6093.5 and 10,995 MHz. All other terms of the existing license to remain the same.

7366–C1–P–69—Pacific Northwest Bell Telephone Co. (KYS68), C.P. to add frequencies 11,365 and 6271.4 MHz toward Sentinel Hill, Portland, Oreg.; 6286.2 and 11,445 MHz toward Tillamook, Oreg., via passive reflector and 6345.5 and 11,665 MHz toward Livingston Mountain, Wash., at station located on Saddle Mountain, 9.5 miles northwest of Cherry Grove, Oreg.

7367–C1–P–69—Pacific Northwest Bell Telephone Co. (KYS69), C.P. to add frequencies 10,995 and 10,715 MHz toward Portland, Oreg., and 6019.3 and 10,915 MHz toward Saddle Mountain, Oreg., at station located at Sentinel Hill near southwest Fairmount Boulevard, Portland, Oreg.

7368–C1–P–69—Pacific Northwest Bell Telephone Co. (KOC58), C.P. to add frequencies 11,405 and 11,645 MHz toward Sentinel Hill, Portland, Oreg., at station located at 819 Southwest Oak Street, Portland, Oreg.

7397–C1–P–69—The Mountain States Telephone and Telegraph Co. (KPX82), C.P. to add frequency 11,445 MHz toward Sidney, Mont., at station located at 424 South Central Avenue, Sidney, Mont.

7398–C1–P–69—The Mountain States Telephone and Telegraph Co. (KPV89), C.P. to add frequency 10,995 MHz toward Sidney, Mont. (424 South Central Avenue), at station located at 3.6 miles south-southeast of Sidney, Mont.

FEDERAL MARITIME COMMISSION

[Docket No. 69–25]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade

Second Supplemental Order and Special Permission No. 5042.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a temporary "Strike Surcharge" designed to increase rates and charges of the subject carrier by 10 percent during the period from May 17, 1969, to April 10, 1970; and suspended to and including September 16, 1969, Original, 1st, and 2d Revised Pages 10–A to Freight Tariff FMC–F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, unless otherwise ordered by the Commission. By first supplemental order in this proceeding the Commission amended its original order to permit the statutory filing of rate reductions.

By Special Permission Application No. 25, filed by Transamerican Trailer Transport, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of certain pages which will contain decreases and/or increases in rates and charges.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

Now therefore it is ordered, That:

1. Authority is granted to Transamerican Trailer Transport, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69–25 to make certain changes in rates and provisions held in effect by reason of suspension in said docket, upon statutory notice. The authorized changes, which will result in increases in some instances, shall be published in consecutively numbered revisions of pages 72, 84, and 103 to the aforementioned tariff.

2. The authority granted above does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Authority is also granted to file the specific reductions requested in the application, on not less than 1 day's notice, said reductions to be published in consecutively numbered revisions of pages 76, 80, 87, 91, 105, 106A, 109, 112, and 137 to the aforementioned tariff.

4. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69–25 and Federal Maritime Commission Special Permission No. 5042."

5. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except as provided herein.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69–7251; Filed, June 18, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The following description of the General Services Administration is published in accordance with 5 U.S.C. 552.

Creation and authority. The General Services Administration was established by section 101 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 379), effective July 1, 1949. The act consolidated and transferred to the agency a variety of real and personal property and related functions formerly assigned to various agencies. Subsequent laws assigned other related functions and programs.

Purpose. The General Services Administration was established to provide for the Government an economical and efficient system for the management of its property and records, including construction and operation of buildings, procurement and distribution of supplies, disposal of surplus property, traffic and communications management, stockpiling of strategic and critical materials, and creation, preservation, and disposal of records.

Organization. The General Services Administration is an independent agency in the executive branch of the Government. The work of the agency as a whole is directed by the Administrator, assisted by the Deputy Administrator and the Assistant Administrator. The services and staff offices are described below.

General regulations. Regulations of the General Services Administration and its components are codified in the Code of Federal Regulations, under Title 41, Chapters 1, 5, 5A—5D, 101, and 105. Title 41 of the Code of Federal Regulations is available at most legal and depository libraries, at the General Services Administration and its regional offices, and copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices established by that office.

Locations of material available for public inspection. Locations of reading rooms containing materials available for public inspection and copying are outlined under Part 105–60, Title 41, Code of Federal Regulations.

Addresses and telephone numbers. The Office of the Administrator, the staff offices, and the principal offices of each of the services, except the Federal Supply Service and the National Archives and Records Service, are located in the General Services Building, 18th and F Streets NW., Washington, D.C. 20405. The telephone is area code 202, number 343–1100. The Federal Supply Service is located in Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, Va. 20406, telephone area code 703, number 557–1221. The National Archives and Records Service is located in the Archives Building, Eighth and Pennsylvania Avenue NW., Washington, D.C. 20408. The telephone is area code 202, number 963–6411. The addresses of the 10 regional offices are provided in a table under that heading.

OFFICE OF THE ADMINISTRATOR

The Administrator of General Services, appointed by the President with the advice and consent of the Senate, is the head of the General Services Administration. The Deputy Administrator, who is appointed by the Administrator, performs such functions as the Administrator designates, serves as Acting Administrator of General Services during the absence or disability of the Administrator, and coordinates GSA activities related to audits, compliance, and civil rights. The Assistant Administrator, also appointed by the Administrator, directs programs for congressional liaison, legislation, public information, business services, and small business; and advises and assists the Administrator and Deputy Administrator in the formulation of policy and the executive direction of the agency.

OFFICE OF ADMINISTRATION

This Office, headed by the Assistant Administrator for Administration, is responsible for financial, personnel, and administrative management services, budget administration, management studies, manpower utilization, management review and improvement, and coordination of the planning-programming-budgeting and emergency mobilization functions of the agency.

Office of Administrative Services. Provides centralized administrative services for GSA and furnishes printing, duplicating, and publications services for GSA and other agencies.

Office of Budget. Provides policy direction and coordinates all budget administration activities of the agency.

Office of Finance. Establishes and maintains the agency's accounting systems and financial reports; determines the financial responsibility of contractors with GSA and approves the extension of credit; services the financial and insurance provisions of contracts; oversees the expenditure and collection of agency funds; maintains a world inventory of real property owned or leased by the Federal Government; and assists other agencies in the development of property accounting systems.

Office of Personnel. Directs and coordinates the agency's personnel management and internal training and coordinates the provision by GSA of interagency training related to GSA's functions.

OFFICE OF AUDITS AND COMPLIANCE

This Office, under the immediate direction of the Deputy Administrator, conducts internal and contract audits, inspections, and investigations of GSA activities, including equal employment opportunity compliance by both contractors and the agency as an employer, and conducts the agency's physical and personnel security program.

OFFICE OF GENERAL COUNSEL

This Office provides legal counsel to the Administrator and other agency officials, performs all legal services in connection with the agency's activities, and is responsible for the planning, development, and administration of the Federal Procurement Regulations System and General Services Administration Procurement Regulations (Chapters 1 and 5 of Title 41 CFR), and for monitoring development of the Federal Property Management Regulations (Chapter 101 of Title 41 CFR).

FEDERAL SUPPLY SERVICE

Creation and authority. The Federal Supply Service was established December 11, 1949, by the Administrator of General Services to supersede the Bureau of Federal Supply of the Department of the Treasury which was abolished by the Federal Property and Administrative Services Act of 1949.

Purpose. The Federal Supply Service procures personal property and nonpersonal services for Federal agencies, stores and distributes supplies, and regulates the supply functions performed by other agencies. It promulgates Federal Specifications and Standards, maintains the Federal Catalog System, and administers GSA's internal automatic data processing support operations and the Government-wide ADP resources management program.

Program Management Office. Performs budgetary services, manages financial resources, evaluates program performance, coordinates program planning, and performs special studies for the Commissioner, FSS.

Office of Automated Data Management Services. Provides for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies. Operates Federal Data Processing Centers, which provide data processing services to GSA and other Federal departments and agencies.

Office of National Supply Policies and Programs. Directs and coordinates supply management activities, including the integrated national supply system for the Federal Government. Develops supply management policies and procedures.

Office of Procurement. Directs procurement programs, including determination of method of supply.

Office of Standards and Quality Control. Directs the Federal Specifications and Standards and FSS Quality Control Programs. Maintains the civil agency portion of the Federal Catalog System.

Office of Supply Control. Develops and executes programs for commodity management, inventory management, and order processing and control; develops and controls FSS supply data systems.

Office of Supply Distribution. Manages a nationwide depot system for the storage and distribution of supplies to all Federal agencies.

Regulations. Regulations of the Federal Supply Service are published in the Code of Federal Regulations in Title 41, Chapters 5A and 101, Subchapter E. Availability of this material is outlined under general regulations stated above.

PROPERTY MANAGEMENT AND DISPOSAL SERVICE

Creation and authority. The Property Management and Disposal Service was established on July 29, 1966, by the Administrator of General Services. Transferred to the Service were functions formerly assigned to the Defense Materials Service and the Utilization and Disposal Service.

Purpose. The Property Management and Disposal Service acquires, stores, and otherwise manages inventories of materials essential for military and industrial use in times of national emergency, and disposes of such materials when they are no longer needed; supports the Department of Defense and the Department of Health, Education, and Welfare in the management of civil defense emergency programs; supports the Department of Defense in the administration of the National Industrial Equipment Reserve program; aids in expansion and maintenance of production of industrial raw materials; provides technical advice and assistance to the Department of Agriculture in connection with its barter programs; and administers the lead-zinc stabilization program. It promotes the utilization of real and personal property and the transfer of excess property among Federal agencies; provides for the maintenance, repair, rehabilitation, and reclamation of personal property; and disposes of real and personal property surplus to the needs of the Federal Government by donation, sale, or other means.

Office of Personal Property Disposal. Manages and regulates programs to obtain maximum utilization and minimize new procurement of personal property by all Federal agencies through maintenance, repair, rehabilitation, reclamation, and transfer within or among agencies. Disposes of surplus personal property by donation for educational, health, civil defense, and public airport purposes, or by sale. Sells strategic and critical materials excess to stockpile requirements.

Office of Program Support. Provides the Service with administrative and budget support. Conducts program planning and analysis and centralized reporting and information systems. Furnishes advice on materials technology and economic and marketing conditions. Coordinates and develops regulations governing all executive agencies in matters pertaining to programs of the Service. Develops the Service's position on legislative proposals affecting the Service.

Office of Property Management. Manages Service programs for the receipt, storage, quality control, maintenance, and distribution of strategic and critical materials, civil defense and medical supplies, and equipment in the National Industrial Equipment Reserve. Manages programs to acquire, rotate, and upgrade strategic materials. Administers the program to stabilize lead and zinc mining by small domestic producers.

Office of Real Property Disposal. Administers programs to promote and effect the utilization by Federal agencies of excess real property and to dispose of surplus real property, including the management of real property pending its disposition.

Regulations. Regulations for the Property Management and Disposal Service are published in the Code of Federal Regulations in Title 41, Chapters 5C and 101, Subchapters C and H. Availability of this material is outlined under general regulations stated above.

PUBLIC BUILDINGS SERVICE

Creation and authority. The Public Buildings Service was established December 11, 1949, by the Administrator of General Services, to supersede the Public Buildings Administration which was abolished by the Federal Property and Administrative Services Act of 1949.

Purpose. The Public Buildings Service is responsible for the design, construction, and management of federally owned and leased buildings, and the acquisition, utilization, and custody of GSA real and related personal property.

Program Management Office. Provides staff support in policy development, program planning and analysis, and real property management.

Office of Buildings Management. Manages, operates, maintains, and protects public buildings and related real and personal property. Tests and evaluates materials and equipment to improve building design and operation. Conducts GSA's safety program.

Office of Design and Construction. Oversees the design, construction, extension, and remodeling of public buildings. Provides architectural, engineering, construction contracting, and construction supervision services to other agencies as requested.

Office of Space Management. Determines Federal agency space requirements and recommends means for fulfilling them. Purchases and leases real property. Develops and promotes the application of standards to attain maximum utilization of space. Assigns space to Federal agencies and provides space layout services.

Regulations. Regulations of the Public Building Service are published in the Code of Federal Regulations in Title 41, Chapters 5B and 101, Subchapter D. Availability of this material is outlined under general regulations stated above.

TRANSPORTATION AND COMMUNICATIONS SERVICE

Creation and Authority. The Administrator of General Services established

the Transportation and Communications Service October 19, 1961, by renaming the former Transportation and Public Utilities Service and assigning to it the motor equipment operation and management functions of the Federal Supply Service, and the communications functions of the Office of Telecommunications and the Public Buildings Service.

Purpose. The Transportation and Communications Service is responsible for procuring for and/or promoting the economical use of transportation, motor equipment, public utilities, and communication services by executive agencies.

Program Management Office. Provides staff services in program planning and evaluation, budget, and administrative services.

Office of Motor Equipment. Manages programs for the operation and maintenance of automotive and other motorized equipment and the operation of interagency motor pools. Provides motor equipment management services to Federal agencies. Studies Federal motor equipment operations and recommends improved policies, procedures, and regulations.

Office of Telecommunications Engineering and Requirements. Evaluates the requirements of civil executive agencies for communications services. Provides specifications for communication system changes. Conducts research in communication equipment and network. Evaluates the engineering sufficiency of proposals by carriers and equipment suppliers to carry out system changes or develop new systems. Provides engineering advice to other agencies on the installation of communication facilities.

Office of Telecommunications Operations. Exercises operational control over the Federal Telecommunications System and maintains liaison with carriers concerning its operation. Studies communication traffic and operations, and develops operating procedures and standards. Provides operating assistance and training programs for civil executive agencies. Coordinates communications security requirements with the National Security Agency.

Office of Utilities and Communications Management. Develops policies, regulations, procedures, and standards for the procurement and utilization of utilities and communication services by civil executive agencies. Negotiates for utility and communications services and procures circuits. Advises agencies on utility rates, tariffs, and schedules and provides technical representation on these matters in hearings of regulatory bodies. Develops training programs in communications and utilities management. Conducts surveys of agencies' utilities and communications management. Administers cost forecasting and control systems for the FTS. Maintains liaison with the communications industry.

Office of Transportation. Provides traffic management services for civil executive agencies; represents such agencies in negotiations with carriers and in hearings of regulatory bodies; and develops policies, procedures, and regulations for the procurement and utilization of transportation services by the civil executive agencies.

Regulations. The regulations for the Transportation and Communications Service are published in the Code of Federal Regulations in Title 41, Chapters 5D and 101, Subchapters F and G. Availability of this material is outlined under general regulations stated above.

NATIONAL ARCHIVES AND RECORDS SERVICE

Creation and Authority. The National Archives and Records Service, under the direction of the Archivist of the United States, was established on December 11, 1949, by the Administrator of General Services to succeed the National Archives Establishment originally established by act of June 19, 1934 (48 Stat. 1122).

Purpose. The National Archives and Records Service selects, preserves, and makes available to the Government and the public the permanently valuable noncurrent records of the Federal Government. It promotes improved records management and paperwork practices in Federal agencies. It publishes those laws, constitutional amendments, Presidential documents, and administrative regulations having general applicability and legal effect, and administers the Presidential libraries.

Office of Administration and Technical Services. Provides special support programs for NARS, including the planning-programing-budgeting system, document preservation and reproduction, and the application of automation to archival administration. Operates a library containing materials on American history, Government organization, archival science, and records management. Sells to the public printed and microfilm publications, including facsimile reproductions of historic documents. Provides information about, and sells copies of, agencies' audiovisual materials.

Office of the National Archives. Preserves records of permanent value, arranges the records and publishes guides to them, makes them available for use, and exhibits those of historical significance and timely interest. Selects historic documents for reproduction in facsimile and important research materials for reproduction on microfilm.

Office of Presidential Libraries. Administers the Presidential libraries—Herbert Hoover Library, Franklin D. Roosevelt Library, Harry S. Truman Library, Dwight D. Eisenhower Library, John F. Kennedy Library, and Lyndon B. Johnson Library. The libraries preserve, describe, and render reference service on Presidential papers and collections; acquire related historical materials, prepare documentary and descriptive publications; and display exhibits of historic documents and museum items.

Office of Records Management. Administers the system of Federal records centers which store and service both noncurrent and historically valuable Federal records. Develops methods and standards for the management of forms, letters, reports, directives, and other paperwork. Conducts research in the application of automatic data processing to Federal records. Evaluates the recordmaking and recordkeeping practices of Federal agencies and assists them in automation, protection of vital records, and other paperwork problems.

Office of the Federal Register. Files, makes available for public inspection, and publishes in the daily FEDERAL REGISTER, Presidential proclamations and Executive orders, Federal administrative regulations, orders, and notices affecting a class of the public or describing the organization, practices, and procedures of Federal agencies. Publishes the Code of Federal Regulations, a codification of regulatory documents; the U.S. Government Organization Manual containing descriptions of the organization and functions of the Government; the Public Papers of the Presidents of the United States, annual volumes containing the text of most public messages and statements of the Presidents; and the Weekly Compilation of Presidential Documents, containing the text of White House releases. Also publishes constitutional amendments and acts of Congress in slip form and in the United States Statutes at Large, carries out the procedures for the certification of constitutional amendments, Presidential electors, and electoral votes cast for President and Vice President. Assists agencies in their rule-making and rule-drafting activities. Maintains an information service covering the foregoing documents, publications, and procedures.

Regulations. Regulations of the National Archives and Records Service are published in the Code of Federal Regulations in Title 41, Chapter 101, Subchapter B, and Chapter 105. Availability of this material is outlined under general regulations stated above.

REGIONAL OFFICES

Regional offices are established in 10 cities throughout the United States. Within its area of jurisdiction, each regional office is responsible for executing the General Services Administration programs with respect to the procurement and supply of personal property and management of federally owned and leased space and property, the utilization of available real and personal property, and, except for Region 3, records management. The organization plan established for each regional office provides for completely integrated operations and parallels the pattern established for the Central Office. Operating authorities and responsibilities have been delegated to the Regional Administrators, with the exception of several special activities.

REGIONAL OFFICES—GENERAL SERVICES ADMINISTRATION

Region	Address
No. 1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	620 Post Office and Courthouse, Boston, Mass. 02109. Area code 617–223–2601.
No. 2. Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, the Virgin Islands.	26 Federal Plaza, New York, N.Y. 10007. Area code 212–264–2600.
No. 3. District of Columbia, Maryland, Virginia, West Virginia.	Seventh and D Streets SW., Washington, D.C. 20407. Area code 202–963–6146.
No. 4. Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.	1776 Peachtree Street NW., Atlanta, Ga. 30309. Area code 404–526–5600.
No. 5. Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.	219 South Dearborn Street, Chicago, Ill. 60604. Area code 312–353–5395.
No. 6. Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	1500 East Bannister Road, Kansas City, Mo. 64131. Area code 816–361–7201.
No. 7. Arkansas, Louisiana, Oklahoma, Texas.	819 Taylor Street, Fort Worth, Tex. 76102. Area code 817–334–2321.
No. 8. Arizona, Colorado, New Mexico, Utah, Wyoming.	Building 41, Denver Federal Center, Denver, Colo. 80225. Area code 303–233–8525.
No. 9. California, Hawaii, Nevada	49 Fourth Street, San Francisco, Calif. 94103. Area code 415–556–3221.
No. 10. Alaska, Idaho, Montana, Oregon, Washington.	GSA Center, Auburn, Wash. 98002. Area code 206–833–5223.

Dated: June 12, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–7245; Filed, June 18, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3909]

BSF CO.

Order Suspending Trading

JUNE 13, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 14, 1969, through June 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7229; Filed, June 18, 1969; 8:45 a.m.]

[812–2167]

BERKSHIRE INDUSTRIES, INC.

Notice of and Order Reconvening Hearing To Adduce Additional Evidence on Application for Exemptive Order

JUNE 12, 1969.

On October 25, 1967, the Commission issued a notice of filing and order for hearing on an application filed by Berkshire Industries, Inc. ("Berkshire"), 360 Lexington Avenue, New York, N.Y., pursuant to section 17(b) of the Act for an order of the Commission exempting the proposed merger of Berkshire and American-Hawaiian Steamship Co. ("American") a management closed-end investment company registered under the Act from the provisions of section 17(a) of the Act (Investment Company Act Release No. 5148). Hearings were held and concluded. Under the post-hearing procedure, an initial decision of the hearing examiner was waived and the Division of Corporate Regulation was permitted to assist the Commission in the preparation of its decision. Briefs were submitted and the Commission heard oral argument on November 12, 1968.

On April 8, 1969, Berkshire filed an application for leave to adduce additional evidence with respect to the following events which have occurred subsequent to the close of the hearings:

A. Negotiations concerning a joint venture involving American and The Prudential Insurance Company of America ("Prudential") providing for ownership by each of the joint venturers of a 50 percent interest in the property known as Westlake Village, Calif.

B. The sale by American to R. J. Reynolds Tobacco Co. of 1 million shares of A Common Stock of McLean Industries, Inc., for $50 a share in cash.

C. Developments affecting the value of the interest of American in Burlington House, an office building on the Avenue of the Americas in New York City, including leases, signed or negotiated, at rentals in excess of those previously projected.

D. The completion of an unaudited balance sheet for American as of December 31, 1968, with information indicating, among other things, operating results of Journapak Corp. for the year ended December 31, 1968, and the sale of certain portfolio securities.

E. The actual and estimated tax liabilities of American, including those arising from the sale by American of portfolio securities and the transaction between American and Prudential.

It appearing to the Commission that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence at the hearing and that the aforementioned application to adduce such evidence should be granted, and that the hearing should be reconvened:

It is ordered, That the hearing in the above matter be reconvened under the applicable provisions of the Act and of the rules of the Commission on the 4th day of August 1969, at 10 a.m. in the offices of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time, the Hearing Room Clerk will advise as to the room in which such reconvened hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That Warren E. Blair or any other officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the proceedings herein, including the application to adduce additional evidence, and that upon the basis thereof, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination.

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company as recited in its registration statement and reports filed under the Act, and

(3) Whether the proposed transaction is consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid reconvened hearing, attention should be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing a copy of this notice and order by certified mail to Berkshire and its counsel and to all persons granted the right to be heard and participate in the above matter and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7228; Filed, June 18, 1969; 8:45 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JUNE 13, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 14, 1969, through June 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7230; Filed, June 18, 1969; 8:45 a.m.]

[File No. 2–9819]

STANDARD OIL CO. (INDIANA)

Notice of Application and Opportunity for Hearing

JUNE 13, 1969.

Notice is hereby given that Standard Oil Company of Indiana (the "Company") has filed an application under clause (ii) of the section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Continental Illinois National Bank and Trust Company of Chicago ("Continental Bank") under an indenture heretofore qualified under the Act, and a new indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Continental Bank from acting as Trustee under either of the indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the issuer are outstanding. However, under clause (ii) of subsection (1) there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

The Company alleges that:

(1) As of May 12, 1969 it had outstanding $1,799,300 principal amount of its 30-year 3½ percent Debentures due October 1, 1982 (the "1952 Debentures") issued under an indenture dated as of October 1, 1952 between the Company and Continental Bank (the "1952 Indenture") and qualified under the Act;

(2) Its wholly owned subsidiary, Amoco International Finance Corp. ("Amoco"), a Delaware corporation, proposes to issue and sell $50 million principal amount of its 5½ percent Convertible Guaranteed Debentures due 1984 (the "New Debentures") pursuant to an indenture dated as of May 15, 1969 executed by Amoco, the Company and Continental Bank (the "New Indenture"). The New Debentures will be unconditionally guaranteed by the Company and will be sold exclusively outside the United States;

(3) The 1952 Indenture and the New Indenture are wholly unsecured and the Company is not in default under the 1952 Indenture. The Company's liability as obligor under the 1952 Indenture and its liability as guarantor under the New Indenture will rank equally, without priority or preference of one over the other;

(4) Except as to the differences as to amounts, dates, interest rates, redemption, conversion privileges and other procedural differences, and except for provisions pertaining to the Trust Indenture Act, as contained in the 1952 Indenture, most of the provisions of the two indentures are substantially alike.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission with respect to this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capital Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 8, 1969 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7231; Filed, June 18, 1969; 8:45 a.m.]

TELSTAR, INC.

Order Suspending Trading

JUNE 13, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 14, 1969, through June 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7232; Filed, June 18, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JUNE, 13, 1969.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 15, 1969, through June 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7233; Filed, June 18, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1305]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 13, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 637 (Sub-No. 6), filed May 28, 1969. Applicant: AJAX TRANSPORT, INC., 2016 California Crossing Road, Mailing: Box 20337, Dallas, Tex. 75220. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk), including classes A and B explosives, and commodities, the transportation of which, because of their size or weight, requires the use of special equipment, when moving on U.S. Government bills of lading, between military installations and Department of Defense establishments located in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming and (b) between points in (a) above, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states it presently holds size and weight authority between an area in north Texas, Oklahoma, and Colorado. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 2228 (Sub-No. 56), filed May 27, 1969. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the junction of Texas Highway 288 and Farm to Market Road 2004, and the junction of Farm to Market Road 2004 and Farm to Market Road 2917 (Brazoria County Road 194); the entrance to Monsanto Chemical Co. plantsite, from the junction of Texas Highway 288 and Farm to Market Road 2004 over Farm to Market Road 2004 to junction Farm to Market Road 2917, thence northwesterly approximately 2 miles over Farm to Market Road 2917 to the plantsite of Monsanto Chemical Co., serving the termini and all intermediate points, and the plantsite of Monsanto Chemical Co. and Amoco Chemical Corp. as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 2860 (Sub-No. 56), filed May 27, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: David Skilowitz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and household goods), (a) between U.S. Military Installations of Department of Defense Establishments in the United States, except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and (b) between points in (a) above on the one hand, and, on the other, points in the United States except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 2900 (Sub-No. 173), filed May 19, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, household goods as defined by the Commission classes A and B explosives, and commodities requiring special equipment, between junction Interstate Highway 81 and U.S. Highway 22 near Harrisburg, Pa., and Houston, Tex., from Houston, Tex., over U.S. Highway 59 to junction U.S. Highways 59 and 96, thence over U.S. Highway 84 to Logansport, La., thence over Louisiana Highway 5 to junction U.S. Highway 171 and Louisiana 5, thence over U.S. Highway 171 to junction U.S. Highways 171 and 71 (serving this junction for joinder only), thence over U.S. Highway 80 to junction U.S. Highways 79 and 80, thence over U.S. Highway 79 to Homer, La., thence over Louisiana Highway 9 to junction U.S. Highway 167 and Louisiana Highway 9, thence over U.S. Highway 167 to Thornton, Ark., thence over U.S. Highway 79 to junction U.S. Highways 78 and 79 (serving this junction for joinder only), thence over Interstate Highway 40 to junction U.S. Highway 31W and Interstate Highway 40 (serving this junction for joinder only), thence over Interstate Highway 40 to junction U.S. Highway 11W and Interstate Highway 40 (serving this junction for joinder only), thence over U.S. Highways 11 and 11W (also Interstate Highway 81 where completed) to junction Interstate Highways 581 and 81 (serving this junction for joinder only), thence over U.S. Highway 11 (also Interstate Highway 81 where completed) to junction U.S. Highway 40 and Interstate Highway 81 (serving this junction for joinder only), thence over Interstate Highway 81 to junction Pennsylvania Highway 16 and Interstate Highway 81 (serving this junction for joinder only), thence over Interstate Highway 81 to junction U.S. Highway 30 and Interstate Highway 81 (serving this junction for joinder only), thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 22 (serving this junction for joinder only), and return over the same route as an alternate route for operating convenience only, serving no intermediate points, and serving the junctions specified above for joinder purposes only. Restrictions: (1) Restricted against local and interline traffic between Memphis, Tenn., and its commercial zone on the one hand, and, on the other, Shreveport, La., and Houston, Tex., and their commercial zones. (2) Restricted against local and interline traffic between Houston, Tex., and its commercial zone on the one hand, and, on the other Shreveport, La., and its commerical zone. NOTE: Applicant has regular route authority between junction Interstate Highway 81 and U.S. Highway 22 and New York, N.Y., over U.S. Highway 22. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 5470 (Sub-No. 55), filed May 26, 1969. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, scrap metal, pig iron, ores, and silicon metals*, in dump vehicles, between Niagara Falls, N.Y., Pittsburgh, Pa., Alloy, W. Va., and points in Ohio, on the one hand, and, on the other, points in the States of Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states it intends to tack with existing authority held in MC 5470 and Sub-Nos. 28, 29, and 35, wherein it operates in Pennsylvania, Ohio, and Michigan. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 14903 (Sub-No. 3), filed May 22, 1969. Applicant: FRY'S HORSE TRANSPORTATION, INC., 3740 Elm Street, Grove City, Ohio 43123. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants, supplies*, and *equipment, including mascots*, used in the care and/or exhibition of such animals; (1) between points in Delaware, Georgia, Maine, Massachusetts, North Carolina, South Carolina, Virginia, and Vermont; (2) between points in Delaware, Georgia, Maine, Massachusetts, North Carolina, South Carolina, Virginia, and Vermont on the one hand, and, on the other, points in Arkansas, Connecticut, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, and West Virginia. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16965 (Sub-No. 2), filed May 26, 1969. Applicant: ROBERT E. FRANKLIN, doing business as FRANKLIN TRUCKING COMPANY, Post Office Box 412, Hartford City, Ind. 47348. Applicant's representative: Henry A. Dillon, Post Office Box 2246, Muncie, Ind. 47304. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor*, from the plantsite of Ball Brothers Co., Inc., at Mundelein, Ill., to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan; (2) *Tin plate* from the plantsite of Caspers Tin Plate Co. (a subsidiary of Ball Brothers Co., Inc.) at Chicago, Ill., to points in Indiana, Ohio, and the Lower Peninsula of Michigan, under contract with Ball Brothers Co., Inc., and Caspers Tin Plate Co. (a subsidiary of Ball Brothers Co., Inc.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 17226 (Sub-No. 36), filed May 25, 1969. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison Street, Forest Park, Ill. 60130. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, machinery, appliances, parts, equipment, materials, and supplies and accessories*, between Alsip, Ill., and points in Lake County, Ind., under a continuing contract, or contracts with Whirlpool Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21242 (Sub-No. 4), filed May 22, 1969. Applicant: GENSER TRUCKING CO., INC., 1150 Longwood Avenue, Bronx, N.Y. 10474. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers having a prior or subsequent movement by water in interstate or foreign commerce, between points in the New York, N.Y., commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 25798 (Sub-No. 190), filed May 23, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite or storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsite or storage facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29130 (Sub-No. 101), filed May 19, 1969. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 2744 Southeast Market Street, Post Office Box 1355, Des Moines, Iowa 50305. Applicant's representative: George M. Mariner, 139 West Van Buren Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plantsite of Montgomery Elevator Co. located in Illinois

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

approximately 5 miles east of junction U.S. Highways 6 and 150 in Henry County as an off-route point in connection with applicant's authorized regular route operations to and from Moline, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill., or Des Moines, Iowa.

No. MC 31600 (Sub-No. 643), filed May 23, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, dry in bulk, from Paulsboro, N.J., to Philadelphia, Pa., and points in Michigan and Ohio. NOTE: Applicant states that the authority pending under its Sub 639 for clay, from Paulsboro, N.J., to Alma, Mich., will be amended to delete that portion. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 36531 (Sub-No. 4), filed May 26, 1969. Applicant: MAIN TRUCKING COMPANY, a corporation, 52 Rainbow Avenue, Sunbury, Ohio 43074. Applicant's representative: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, (1) from points in Delaware County, Ohio, to points in Kentucky, and (2) from points in Franklin County, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 42343 (Sub-No. 17), filed May 28, 1969. Applicant: MACHISE EXPRESS COMPANY, INC., 500 Egg Harbor Road, Hammonton, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Duck Island, N.J., to Pendell, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 42487 (Sub-No. 713) (Clarification), filed April 16, 1969, published in the FEDERAL REGISTER issue of May 15, 1969, and republished as clarified this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, livestock and assembled automobiles), (1) between Ames, Iowa, and Minneapolis, Minn., from Ames over U.S. Highway 69 to junction U.S. Highway 65 at or near Albert Lea, Minn., thence over U.S. Highway 65 to Minneapolis, and return over the same route, as an alternate for operating convenience only, in connection with applicant's regular-route operations, serving no intermediate points, and (2) between Kansas City, Mo., and Minneapolis, Minn., over Interstate Highway 35, as an alternate route for operating convenience only, in connection with applicant's regular-route operations, serving no intermediate points, restricted to the transportation of traffic moving between Kansas City, Mo., and Minneapolis, Minn., and points beyond either, or both, of these points. NOTE: The purpose of this republication is to reflect (1) as an alternate route in lieu of regular route as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D.C.

No. MC 52458 (Sub-No. 219), filed May 23, 1969. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Process clay*, in bulk, from Paulsboro, N.J., to Philadelphia, Pa.; and points in Delaware, Michigan, and Ohio. NOTE: Applicant states it would tack with any appropriate authorities now held. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 56388 (Sub-No. 32), filed May 23, 1969. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 21774. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from Frederick and Woodsboro, Md., to points in Virginia in and west of Rockingham, Augusta, Nelson, Amherst, Campbell, and Pittsylvania Counties. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59367 (Sub-No. 68), filed May 28, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid fiber shipping containers, paper, and paper products*, from Menasha, Wis., to Denison and Oakland, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61231 (Sub-No. 45), filed May 26, 1969. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pennington County, S. Dak., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 67450 (Sub-No. 32), filed May 29, 1969. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Manistee, Marysville, St. Clair, and Detroit, Mich., to points in Illinois, Indiana, Wisconsin, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 71331 (Sub-No. 14), filed May 22, 1969. Applicant: FOY CHALKER AND A. C. CREEL, a partnership, doing business as DOVE TRUCK LINE, 235 Kornegay Street, Dothan, Ala. 36301. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Brundidge, Ala., to points in Florida, on and east of a line beginning at the point of intersection of U.S. Highway No. 319 and the Georgia-Florida State line, thence along U.S. 319 through Tallahassee, Fla., to junction U.S. Highways 319 and 98, thence along U.S. Highway 98 through Panacea, Fla., to the Gulf of Mexico. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., Dothan, Ala., or Tallahassee, Fla.

No. MC 75320 (Sub-No. 145), filed May 23, 1969. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Lake Village, Ark., and Jackson, Miss., from Lake Village, Ark., over U.S. Highway 65 to junction with U.S. Highway 80 or Interstate Highway 20 at or near Tullulah, La., thence over U.S. Highway 80 or Interstate Highway 20 to Jackson, Miss., and return over the same route serving no intermediate points, as an alternate route for operating convenience only; (2) between Atlanta, Ga., and Memphis, Tenn., from Atlanta, Ga., over U.S. Highway 278 to junction with U.S. Highway 31 or Interstate Highway 65 at or near Cullman, Ala., thence over Interstate Highway 65 (also U.S. Highway 31) to junction with Alternate U.S. Highway 72 near Decatur, Ala., thence over Alternate U.S. Highway 72 to junction with U.S. Highway 72 south of Florence, Ala., thence over U.S. Highway 72 to Memphis, Tenn., and return over the same route as an alternate route for operating convenience only, serving no intermediate points; (3) between the junction of U.S. Highway 31 or Interstate Highway 65 and U.S. Highway 278 near Cullman, Ala., and Tupelo, Miss., from junction U.S. Highway 31 or Interstate Highway 65 near Cullman, Ala., thence over U.S. Highway 278 to junction with U.S. Highway 78 at or near Hamilton, Ala., thence over U.S. Highway 78 to Tupelo, Miss., and return over the same route as an alternate route for operating convenience only, serving no intermediate points and serving the junctions of U.S. Highway 31 or Interstate Highway 65 and U.S. Highway 65 and U.S. Highway 278 near Cullman, Ala., for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Birmingham, Ala.

No. MC 76032 (Sub-No. 240) (amendment), filed April 7, 1969, published in the FEDERAL REGISTER issue of May 1, 1969, and republished as amended this issue. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* including classes A and B explosives (except commodities in bulk, household goods as defined by the Commission and those commodities requiring special equipment) when moving (1) on Government bills of lading or (2) on commercial bills of lading containing endorsements approved in *Interpretation of Government rate tariff—Eastern Central* 332 I.C.C. 161, 164, and 165, between points in California, Arizona, Nevada, Utah, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, and Nebraska on the one hand, and, on the other, points in Louisiana, Missouri, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, and Maryland. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to reflect the new commodity description, and also to reflect the above restrictions. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 81419 (Sub-No. 2), filed April 24, 1969. Applicant: FUCILLO, INC., 528 Metropolitan Avenue, Hyde Park, Boston, Mass. Applicant's representative: Thomas B. Shea, 19 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Films, advertising matters, flyers, posters, still pictures, advertising mats, projector arc carbons, and projector parts*, between points in Boston, Mass.; New Haven, Conn.; and Fort Lee, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 83539 (Sub-No. 237) (Amendment), filed October 31, 1968, published in the FEDERAL REGISTER issue of November 21, 1968, and republished as amended this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size and weight, require the use of special equipment or special handling; and (2) *ammunition and explosives*; (a) between military installations or Defense Department establishments in the United States, except Hawaii, Maine, New Hampshire, and Vermont; and (b) between points in (a) above, on the one hand, and, on the other, points in the United States, except Hawaii, Maine, New Hampshire, and Vermont. NOTE: The purpose of this republication is to reflect the new commodity description and to reflect a radial movement in (b) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 83539 (Sub-No. 252), filed May 23, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and tow tractors*, from West Memphis, Ark., to points in the United States (except Arkansas and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Dallas, Tex., or Washington, D.C.

No. MC 83539 (Sub-No. 253), filed May 29, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments, and parts* therefor, from Oakland, Calif., to points in the United States (except California and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 83539 (Sub-No. 254), filed May 29, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh (same address as above) also W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments* including but not confined to backhoe loaders, ditchers, forklifts, buckets, and parts of the above-named commodities, between Topeka, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 94350 (Sub-No. 225), filed May 21, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, traveling on their own or removable undercarriages, equipped with hitch ball connectors, in initial movements, from Middle River, Md., to points in the United States. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 94876 (Sub-No. 5), filed May 23, 1969. Applicant: RICHARD ACERRA, INC., 43-09 Vernon Boulevard, Long Island City, New York, N.Y. 11101. Applicant's representative: J. Aiden Connors, Suite 454, 527 Lexington Avenue, New York, N.Y. 10017. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and products*, in containers, *bakery product containers and stale bakery products*, between points in New York, N.Y., and Boston, Mass., and points in Bristol County, Mass., under contract with Borden, Inc., food division Drake Bakeries, of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 99695 (Sub-No. 3), filed May 29, 1969. Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, Ark. 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plantsite of Michigan Chemical Corp., at or near El Dorado, Ark., as an off-route point in connection with applicant's authorized regular operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 103926 (Sub-No. 20) (Amendment), filed March 19, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and May 15, 1969, and republished as amended this issue. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, Post Office Box 43171, Industrial Brance, Atlanta, Ga. 30336. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; (2) *commodities*, each weighing 10,111 pounds or more, which do not require the use of special equipment or handling; and (3) *helicopters and helicopters parts and accessories;* (a) between military installations, Defense Department establishments, and/or Government contractors located at points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Red River Army Depot at Texarkana, Tex.; and (b) between points in (a) above, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Red River Army Depot at Texarkana, Tex. NOTE: The purpose of this republication is to reflect the new commodity description and to change the territorial description to (a) and (b) above. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 105375 (Sub-No. 42) filed May 19, 1969. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Spencer, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 402), filed May 22, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant): Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and *buildings* in sections equipped with hitch ball connector, in initial movements, from points in Crawford County, Ark., to points in Arkansas, Oklahoma, Kansas, Texas, Missouri, Louisiana, and Tennessee. NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109637 (Sub-No. 362), filed May 26, 1969. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene*, from the plantsite of Enjay Chemical Co., located at or near Baton Rouge, La., to the plantsite of B. F. Goodrich Chemical Co., Calvert City, Ky. NOTE: Applicant states it would tack with any appropriate authorities held, especially in its MC 109637 Sub 165, wherein it is authorized to conduct operations in the States of Kentucky, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 110098 (Sub-No. 99), filed May 26, 1969. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsite and warehouse facilities of the Pillsbury Co. at or near Denison, Tex., to points in Colorado, Nebraska, Kansas, Missouri, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 110098 (Sub-No. 100), filed May 26, 1969. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except meats, meat products, and meat byproducts) when transported with meats, meat products, and meat byproducts as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides from Austin, Minn.; Fort Dodge, Iowa; and Fremont, Nebr. to points in Texas, Oklahoma, and Louisiana; and (2) *meats, meat products, and meat byproducts* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from Des Moines, Iowa; Huron, S. Dak.; Mitchell, S. Dak.; Austin, Minn.; Fort Dodge, Iowa; and Fremont, Nebr., to points in Texas, Louisiana, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110420 (Sub-No. 591), filed May 23, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Savannah, Ga., to Minneapolis, Minn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 911), filed May 23, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19325. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene glycol, diethylene glycol, monethanolamine, diethanolamine, and triethanolamine*, in bulk, in tank vehicles, from

Orange, Tex., to points in Alabama, California, Colorado, Georgia, Illinois, Kansas, Kentucky, Missouri, Nebraska, North Carolina, South Carolina, Tennessee (except Kingsport), Virginia, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 111434 (Sub-No. 71), filed May 25, 1969. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from Fort Morgan, Colo., to points in Wyoming, points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver Counties, Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111545 (Sub-No. 119), filed May 26, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road, SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, meter boxes and parts, manhole frames and covers, and culverts*, from Anniston and Gadsden, Ala., to points in Maine, Delaware, Maryland, and the District of Columbia. NOTE: Tacking is possible with applicant's present authority in its Sub-75. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 111604 (Sub-No. 4), filed June 2, 1969. Applicant: ABLE TRUCKING CO., INC., 615 Industrial Road, Carlstadt, N.J. 07072. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam*, from the plantsite of Oknell Corp., at Lyndhurst, N.J., to points in Connecticut, Rhode Island, Massachusetts, Pennsylvania, New York, Maryland, Delaware, and the District of Columbia. NOTE: Aplicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111785 (Sub-No. 45), filed May 25, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Elkins, W. Va., to points in Michigan, North Carolina, Iowa, and New Jersey. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 112304 (Sub-No. 30), filed May 23, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon and graphite products*, between Hickman, Ky., on the one hand, and, on the other, points in Alabama, Florida, Illinois, Indiana, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin; and (2) *equipment, materials and supplies* (except commodities in bulk), used in the manufacture of carbon and graphite products, from the above-named States to Hickman, Ky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it seeks no duplicating authority and is willing to accept an appropriate restriction regarding same. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113267 (Sub-No. 216), filed May 23, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Alabama, Georgia, Kentucky, Tennessee, North Carolina, and South Carolina, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113267 (Sub-No. 217), filed May 22, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles* distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Louisiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 352), filed May 26, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles* distributed by meat packinghouses, as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Lower Michigan, Missouri, Montana, Nevada, New Mexico, New York, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113855 (Sub-No. 189) (Amendment), filed February 4, 1969, published FEDERAL REGISTER issues of March 6, 1969, April 11, 1969, and May 8, 1969, amended May 28, 1969, and republished as amended, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammunition and explosives*, regardless of size or weight; and (2) *commodities* which by reason of their size or weight require the use of special equipment; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in the United States, restricted to traffic moving to, from, or between military installations and contractors' facilities. NOTE: Applicant states it holds authority under MC 113855 Sub 84 and 70, to transport commodities, which because of their size or weight require the use of special

equipment or special handling. Some of the traffic involved may fall within such authority. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to redescribe the commodity and territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 197), filed May 15, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 2, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Landscaping, irrigation, forestry, digging and earthmoving equipment, and utility line installation and maintenance equipment, and attachments and parts* for such commodities, from Pella, Iowa, to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 113861 (Sub-No. 49), filed May 26, 1969. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, from West Memphis, Ark., to points in the States of Mississippi, Tennessee, Alabama, Kentucky, and Georgia. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114284 (Sub-No. 39), filed May 26, 1969. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyard Station, Oklahoma City, Okla. 73108. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses, from the plantsite and storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Arkansas, Nebraska, Oklahoma, South Dakota, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 114949 (Sub-No. 4), filed May 26, 1969. Applicant: APPOMATTOX TRUCKING COMPANY, INCORPORATED, Post Office Box 714, Appomattox, Va. 24522. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Lumber* (except plywood), from Drakes Branch, Va., to points in Connecticut, Kentucky (except Louisville), Illinois, Indiana (except Bargersville), Michigan, and Tennessee, under contract with Stanley Land & Lumber Corp. of Drakes Branch, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115311 (Sub-No. 101), filed May 25, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from the plantsite and warehouses of Johns-Manville Products Corp., Natchez, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115669 (Sub-No. 101), filed May 25, 1969. Applicant: HOWARD D. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed volcanic ash*, from Mankato, Kans., and points within 3 miles thereof, to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115840 (Sub-No. 39), filed May 23, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points on the Arkansas River located in Arkansas, to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115841 (Sub-No. 352), filed May 23, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. Aplicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., to points in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 116014 (Sub-No. 45), filed May 28, 1969. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets and lumber;* (a) from points in Tucker County, W. Va., to points in Missouri, Wisconsin, Louisiana, Iowa, and Arkansas; (b) from points in Cuyahoga County, Ohio, to points in Michigan, Indiana, Pennsylvania, Illinois, Kentucky, West Virginia, Wisconsin, Missouri, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Maine, and Rhode Island; (2) *lumber and pallets* from points in Tucker County, W. Va., to points in Alabama, Michigan, New Jersey, North Carolina, South Carolina, Delaware, Georgia, Kentucky, Missouri, Arkansas, Wisconsin, Louisiana, Iowa, Ohio, New York, Pennsylvania, Indiana, Connecticut, Massachusetts, and Maryland; and (3) *wooden pallets* between points in West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116325 (Sub-No. 63), filed May 26, 1969. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Arkansas, Oklahoma, Louisiana, Kansas, and Mississippi. NOTE: Applicant states there may be tacking or joining possibilities. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116544 (Sub-No. 106), filed May 19, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Alabama, Florida, Mississippi, Tennessee, and Kentucky, restricted to traffic originating at the plantsite or warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117765 (Sub-No. 82), filed May 23, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned or preserved in containers, from Owatonna, Minn., Galesville and New Richmond, Wis., to points in Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119315 (Sub-No. 11), filed May 22, 1969. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Glass fiber products*, from Toledo, Ohio, to points in West Virginia and Michigan; and (b) *refused, damaged, and rejected shipments*, from points in the destination States in (a) above, to Toledo, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119496 (Sub-No. 10), filed May 29, 1969. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue, Relay, Baltimore, Md. 21227. Applicant's representative: Russell R. Sage, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphaltic products*, in bulk, in tank vehicles, from North Charleroi and Floreffe, Pa., to points in Maryland, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 118), filed May 19, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fort Wayne, Ind., to points in Illinois, Kentucky, Michigan, and Ohio, and, (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of paper and paper products, from points in Illinois, Kentucky, Michigan, and Ohio, to Fort Wayne, Ind. NOTE: Applicant indicates tacking possibilities exists at Cleveland, Ohio, with presently held authority to provide through service to serve points in New Jersey, New York, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119531 (Sub-No. 119), filed May 16, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, between points in the States of Illinois, Indiana, Kentucky, Ohio, and West Virginia. NOTE: Applicant indicates tacking possibilities exists at Cleveland, Ohio, with presently held authority to provide through service to serve points in New Jersey, New York, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 155), filed May 25, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson, Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *power mowers and hand mowers*, and (3) *parts, attachments, and accessories* for the commodities named in (1) and (2) above, from South Bend, Ind., to points in South Carolina, Nebraska, Kansas, Oklahoma, Arkansas, Delaware, Louisiana, Mississippi, Alabama, Florida, Vermont, New Hampshire, Rhode Island, and Maine. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 385), filed May 26, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bags, from Greencastle, Ind., to Moffat Coal Co. Mine near Murdock, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124154 (Sub-No. 28), filed May 26, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *general commodities*, except those of unusual value, household goods, and commodities in bulk; (a) between military installations, manufacturers, contractors, and storage sites, and Defense Department establishments, in the United States (except Hawaii and Alaska); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract authority under MC 117504, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 124692 (Sub-No. 60) (Amendment), filed March 20, 1969, published in FEDERAL REGISTER issue of April 24, 1969, amended May 29, 1969, and republished as amended, this issue. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, beams, and channels, wire and wire products, posts, and grader blades and cutting edges*, from the plantsite of CF&I Steel Corp. at Pueblo, Colo., to points in Idaho, Montana, Oregon, Washington, and Big Horn County, Wyo., restricted against the transportation of oilfield commodities as defined in *Mercer Extension, Oilfield Commodities*, 74 M.C.C. 459. NOTE: Applicant states it would tack at destination points. The purpose of this republication is to (1) redescribe territorial description and (2) to change tacking information. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124769 (Sub-No. 2), filed May 29, 1969. Applicant: ALASKA BARGE AND TRANSPORT, INC., 200 Norton Street, Seattle, Wash. 98104. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof; (a) between points in Alaska north of the Arctic Circle; and (b) between Fairbanks, Alaska, on the one hand, and, on the other, points in Alaska north of the Arctic Circle. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 124813 (Sub-No. 68), filed May 22, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 118468 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124878 (Sub-No. 3), filed May 26, 1969. Applicant: LAPADULA AIR FREIGHT TRANSFER, INC., 149-04 New York Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Suffolk County Air Force Base, Westhampton Beach, N.Y., MacArthur Airport, Islip, N.Y., McGuire Air Force Base, Wrightstown, N.J., and Dover Air Force Base, Dover, Del., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y., restricted to shipments having an immediately prior or immediately subsequent movement by air. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125506 (Sub-No. 12), filed May 27, 1969. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by Retail Specialty Shops, dealing primarily in wearing apparel and accessories therefor, between stores and warehouses of Saks & Co. located at New York, N.Y., and Bala-Cynwyd, Pa.; under contract with Saks & Co., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125760 (Sub-No. 6), filed May 28, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin (Venango County), Pa. 16323. Applicant's representative: Frederick L. Kiger, 7823 Mount Carmel Road, Verona (Allegheny County), Pa. 15147. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy and dairy related products*, in refrigerated vehicles, from Youngstown and Cleveland, Ohio, to points in Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line, thence southward along U.S. Highway 219 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, under contracts with A & P Quaker Markets, Inc., Allied Super Markets, Inc., Sealtest Foods, Division of National Dairy Products Corp., and Harmony Dairy Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Columbus or Cleveland, Ohio.

No. MC 126039 (Sub-No. 10), filed May 23, 1969. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm feed equipment, boats, campers, and incidental parts thereof;* and (2) *supplies and materials*, used in the manufacturing, assembling, sales, and distribution thereof, between points in Lagrange and Elkhart Counties, Ind., and points in the United States except Hawaii. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 126483 (Sub-No. 4), filed May 23, 1969. Applicant: ED STORTZ AND EDWIN STORTZ, a partnership, doing business as HIGHWAY FUEL COMPANY, 2390 Fairgrounds Road, Salem, Oreg. 97310. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood sawdust and shavings*, from Silverton, Oreg., to Longview, Wash.; under contract with Johnson Brothers Co., Silverton, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126255 (Sub-No. 1), filed May 22, 1969. Applicant: WALTER M. BUTLER, JR., 605 East College Avenue, Salisbury, Md. 21801. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Salisbury, Wicomico County Airport, Salisbury, Md., on the one hand, and, on the other, Friendship International Airport, Anne Arundel County, Md., and Washington National Airport, Gravelly Point, Va., restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 36), filed May 26, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa. Applicant's representative: Josep W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cooked eggs*, from Monroe City, Mo., to points in Iowa, Colorado, Minnesota, Nebraska, Arizona, California, Oregon, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 127304 (Sub-No. 4), filed May 28, 1969. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, Kans. 67147. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorodifluoromethane and monochlordifluoromethane*, in containers and cylinders, and *plastic and plastic articles*, from Colwich, Kans., to points in the United States (except Alaska and Hawaii), under contract with International Plastics, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 128007 (Sub-No. 20), filed May 26, 1969. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk and/or bags, from Lawrence, Kans., and points within a 3-mile radius of Lawrence, Kans., to points in Colorado, Iowa, South Dakota, Nebraska, Oklahoma, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 128539 (Sub-No. 3), filed May 26, 1969. Applicant: H & P TRANSIT COMPANY, a corporation, Post Office Box 2508, Rocky Mount, N.C. 27801. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Henderson, N.C., to points in North Carolina, South Carolina, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C. or Washington, D.C.

No. MC 129345 (Sub-No. 1), filed May 25, 1969. Applicant: ESMOND'S DAIRY PRODUCTS, INC., 310 Main Street, Lena, Ill. 61048. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chemung, Ill., to Monroe, Wis., under contract with Ambler-Dean Milk Distributor. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129929 (Sub-No. 2), filed May 18, 1969. Applicant: BE WELL FARMS, INC., Elm Street, Franklin, Mass. 02038. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products*, fresh or frozen, loose or packaged; *fish*, namely *cakes, codfish; clam juice or broth; cooked or partially cooked fish or shrimp*, frozen or unfrozen; *smoked, salted, pickled, spiced, corned or kippered*; sticks frozen; and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities mentioned in (1) above, from Boston, Gloucester, Lowell, Mass., to points in that part of New York bounded on the east by a line beginning at Peekskill, N.Y., and extending along U.S. Highway 9W to Albany, N.Y., thence along U.S. Highway 4 to Lake George, N.Y., thence along U.S. Highway 9 to junction New York Highway 28; on the north by a line beginning at said junction U.S. Highway 9 and New York Highway 28 and extending along New York Highway 28 to junction combined New York Highways 28 and 8, thence along New York Highway 8 to junction New York Highway 12C, thence along New York Highway 12C to junction New York Highway 365, thence along New York Highway 12C to junction New York Highway 49, thence along New York Highway 49 via Rome, N.Y., to junction New York Highway 69, thence along New York Highway 69 to Camden, N.Y., and thence along New York Highway 13 to Pulaski; and on the south by a line beginning at junction U.S. Highways 9 and 6 at or near Peekskill, N.Y., and extending along U.S. Highway 6 to junction New York Highway 17 at Goshen, N.Y., and thence over New York Highway 17 to junction Interstate Highway 90 at Lake Ontario at or near Westfield, N.Y., including points on the indicated portions of the highways specified. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129987 (Sub-No. 2), filed May 26, 1969. Applicant: TERRA COTTA TRUCK SERVICE, INC., Junction Routes 31 and 76, Crystal Lake, Ill. 60014. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete*, from points in McHenry County, Ill., to points in Indiana, Iowa, Kentucky, Lower Peninsula of Michigan, and Wisconsin; (2) *precast concrete*, from Waukesha, Wis., to points in Illinois, Iowa, Indiana, Kentucky, and Lower Peninsula of Michigan; (3) *steel wire and cable*, from Chicago, Ill., to points in McHenry County, Ill., and Waukesha, Wis., restricted to the transportation of commodities having an immediately prior movement by water; (4) *steel wire and cable*, from Waukesha, Wis., to points in McHenry County, Ill.; and (5) *steel wire and cable*, from Milwaukee, Wis., to points in McHenry County, Ill., restricted to the transportation of commodities having an immediately prior movement by water. Restriction: The service proposed above will be conducted under a continuing contract with Spancrete of Illinois, Inc., of Crystal Lake, McHenry County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133401 (Sub-No. 1), filed May 23, 1969. Applicant: DONALD G. BEACHLER, doing business as B & B TRUCKING, 2949 Standiford, Modesto, Calif. 95350. Applicant's representative: J. Wilmar Jensen, 1514 H Street, Modesto, Calif. 95354. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured dry fertilizer in bulk*, from Richmond, Shell Point, and Nickols, Calif., to the counties of Klamath, Lake, and Jackson, all in the State of Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133514 (Sub-No. 1), filed May 26, 1969. Applicant: KINNISON TRUCK LINES, INC., 511 West Coolbaugh, Red Oak, Iowa 51566. Applicant's representative: Samuel Zacharia, 711 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables, dietary foods, soups, salad dressing, puddings, dessert toppings, and various tomato-based products* for human consumption, in containers, from Stockton and Modesto, Calif., to points in South Dakota, Nebraska, Minnesota, Iowa, and Illinois, under contract with Tillie Lewis Foods, Inc., a subsidiary of the Ogden Corp., Stockton, Calif. NOTE: Applicant's president holds common carrier authority under MC 117516 and (Sub-No. 1), therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Stockton, Calif.

No. MC 133553 (Sub-No. 1), filed May 26, 1969. Applicant: JACK CARTER, R.F.D. 1, Box 60, Carthage, Mo. 64836. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock and gravel*, in bulk, in dump vehicles, between points in Jasper, Vernon, and Barton Counties, Mo., on the one hand, and, on the other, points in Bourbon, Crawford, and Cherokee Counties, Kans., on and east of Kansas Highway 7. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 133609, filed March 28, 1969. Applicant: WILFRED L. GIRARD AND RICHARD W. GIRARD, a partnership, doing business as GIRARD TRUCKING, Post Office Box 703, Claremont, N.H. 03743. Applicant's representative: Raymond V. Denault, 25 Pine Street, Claremont, N.H. 03743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Claremont, N.H., on the one hand, and, on the other, points in Vermont; under a continuing contract with Montgomery Ward and Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 133625 (Sub-No. 1), filed May 28, 1969. Applicant: HAWK TRANSIT, INC., 118 Ashley Street, Post Office Box 943, Douglas, Ga. 31533. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Coffee County, Ga., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Douglas or Waycross, Ga., or Jacksonville, Fla.

No. MC 133766 (Sub-No. 1), filed May 26, 1969. Applicant: T.L.R. EXPRESS

CO., INC., 202 Old Farm Road, Levittown, N.Y. 11756. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages* (except malt, except in bulk), from Bronx, N.Y., to Carlstadt and Totowa, N.J.; and (2) *empty glass bottles*, from Orangebury, N.Y., and Wharton, N.J., to Bronx, N.Y.; under continuing contract with Nedick's N.Y. Bottling Co., Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133773, filed May 23, 1969. Applicant: JOHN YACONIELLO, JR., doing business as ALL STATES DRIVE-A-WAY SERVICE, 450 Main Street, East Hartford, Conn. 06118. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in a drive-away service, between points in Connecticut on the one hand, and on the other, points in the United States (except Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Washington, D.C.

No. MC 133783, filed June 2, 1969. Applicant: JOEL TRANSPORT, INC., 43 Chernucha Avenue, Merrick, N.Y. 11566. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from the facilities of ABC Freight Forwarding Corp., Midland Forwarding Corp., and Blue Ribbon Express, Inc., located at New York, N.Y., to points in Nassau and Suffolk Counties, N.Y. (restricted to shipments having prior movement via Freight Forwarders). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 413), filed May 16, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Atlantic City, N.J., and extending to points in the United States and Alaska but excluding Hawaii and New York City, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlantic City, N.J., or Philadelphia, Pa.

FREIGHT FORWARDER APPLICATIONS

No. FF-266 (Sub-No. 2), HAWAIIAN EXPRESS SERVICE, INC., Extension—Nevada, filed June 9, 1969. Applicant: HAWAIIAN EXPRESS SERVICE, INC., 646 First Street, San Francisco, Calif. 94107. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit authorizing applicant to extend operation as a *freight forwarder*, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, and motor vehicle in the transportation of *general commodities*, between points in California north of San Luis Obispo, Kern, and San Bernardino Counties, and points in Nevada on and north of Interstate Highway 6, and points in Hawaii.

No. FF-339 (Sub-No. 1), CTI—CONTAINER TRANSPORT INTERNATIONAL, INC.—General Commodities, filed June 3, 1969. Applicant: CTI—CONTAINER TRANSPORT INTERNATIONAL, INC., 17 Battery Place, New York, N.Y. 10004. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operations as a *freight forwarder* in interstate or foreign commerce, in the forwarding of *general commodities*, in containers (except used household goods, unaccompanied baggage, used automobiles, and commodities in bulk), from ports in Los Angeles Harbor and San Francisco Bay, Calif., and the Port of New York, N.Y., and to points in California, Illinois, Missouri, Wisconsin, Minnesota, Michigan, Ohio, Indiana, New York, Connecticut, Massachusetts, and New Jersey, restricted to import-export shipments moving in foreign commerce. NOTE: Applicant states it does not believe its past operation, as more fully described in the instant application, is subject to the Interstate Commerce Act, and intends to file a motion to dismiss the subject application.

No. FF-376, AMERICAN DELIVERY SYSTEMS, INC., Freight Forwarder Application, filed June 3, 1969. Applicant: AMERICAN DELIVERY SYSTEMS, INC., 300 East Seven Mile Road, Detroit, Mich. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought under section 410, Part IV of the Interstate Commerce Act, for permit authorizing applicant to institute operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by motor vehicle in the transportation of, *general commodities* limited to individual articles not exceeding 100 pounds: *Provided*, That no single shipment from one consignor to one consignee shall be in excess of 500 pounds, between points in the United States (except Alaska and Hawaii), and points in the same territory as described above.

No. FF-377 PARAMOUNT FORWARDERS, INC., Freight Forwarder Application, filed June 9, 1969. Applicant: PARAMOUNT FORWARDERS, INC., 4322 Bronze Way, Dallas, Tex. 75237. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by *railroad, express, water, air, or motor vehicle* in the transportation of *household goods*, between points in the United States including Alaska and Hawaii.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130088, filed May 26, 1969. Applicant: JAMES C. EATON, Three Journal Square, Jersey City, N.J. 07306. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. For a license (BMC 4) to engage in operations as a *broker* at Jersey City, N.J., in arranging for the transportation in interstate or foreign commerce of (1) *commodities* which because of size or weight require special equipment and all *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which, by reason of size or weight require special equipment; and (2) *commodities* moving on open flatbed, low-bed, low-boy, and drop-frame trailers, between points in the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 125844 (Sub-No. 11), filed May 26, 1969. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Placentae; derivatives of placentae; including subderivatives of derivatives of placentae; blood; derivatives of blood including subderivatives of derivatives of blood;* also *substances that are either chemically, physically, or structurally (individually or combined) analogous to placenta derivatives or subderivatives of derivatives of placentae such as but not confined to antihemophilliac factors, antibodies, antiserum, enzymes, antigens, albumin fractions, platelets, fibrinogen fractions, immunoglobulins, plasmin ceruloplasmin, and cholinesterase*, between points in the United States (including Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7200; Filed, June 18, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 16, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41659—*Asphalt from Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-45), for interested rail carriers. Rates on asphalt, petroleum road oil, and petroleum wax tailings, as described in the application, in tank carloads, from Chicago, Ill., and points taking same rates, to points in Arkansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 48, 122, and 3 to Southwestern Freight Bureau, agent, tariffs ICC 4714, 4548, and 4842, respectively.

FSA No. 41660—*Soda ash from points in Virginia, Ohio, and Michigan.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2949), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, as described in the application, from Saltville, Va., to Carteret and Woodbridge, N.J., and from Painesville, Ohio, and Detroit, Mich., groups, to Woodbridge, N.J.

Grounds for relief—Market competition.

Tariffs—Supplement 293 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-383, and supplement 13 to Norfolk and Western Railway Co. tariff I.C.C. 10028.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7248; Filed, June 18, 1969; 8:47 a.m.]

[Notice 851]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 13, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 137 TA), filed June 9, 1969. Applicant: SUCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products*, between Marshall, Mich., on the one hand, and on the other hand, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: St. Regis Paper Co., Folding Carton Division, 820 Industrial Road, Marshall, Mich. 49068. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 75835 (Sub-No. 8 TA), filed June 9, 1969. Applicant: EDGAR W. ROOT, INC., 57 West Silver Street, Westfield, Mass. 01085. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores and catalog order houses and related advertising material*, between Sears, Roebuck & Co. facilities located in Springfield, West Springfield, and Westfield, Mass., on the one hand, and, on the other, points in Litchfield, Hartford, and Tolland Counties, Conn., for 150 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 6742, Philadelphia, Pa. 19132. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, Room 338, Federal Building, Springfield, Mass. 01103.

No. MC 85934 (Sub-No. 52 TA), filed June 10, 1969. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, Dearborn, Mich. 48120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Akron, Mich., to Delta, Ohio, for 150 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio 44115. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 133793 TA, filed June 9, 1969. Applicant: WILEY J. LAMBERT, JR., doing business as U.S. CONTRACT CARRIERS, 3131 South Bristol, Santa Ana, Calif. 92704. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ordnance, engineer, signal, and quartermaster materials, equipment, and supplies, or component parts thereof* (except commodities in bulk and household goods) from the plant-sites and warehouses of Atlas Fabricators, Inc., located within Los Angeles, County, Calif., to points in Arizona, Arkansas, California, Indiana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington, for 150 days. Supporting shipper: Atlas Fabricators, Inc., 6375 Paramount Boulevard, Long Beach, Calif. 90805. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7199; Filed, June 17, 1969; 8:49 a.m.]

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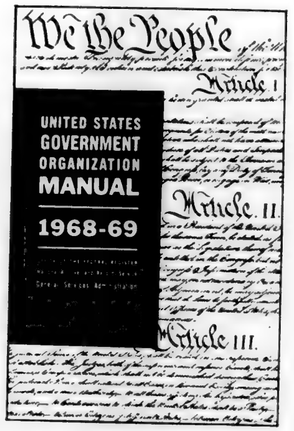

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Title 36—Parks, Forests, and Memorials (Revised) 1.25

[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

[PHTHALOCYANINATO (2-)] COPPER; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing [phthalocyaninato (2-)] copper for drug use subject to certification:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (1), (d), 74 Stat. 399–403, as amended; 21 U.S.C. 376 (b), (c) (1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 23, 1969 (34 F.R. 6777). Accordingly, the regulation (21 CFR 8.4026) promulgated by that order will become effective June 22, 1969.

Dated: June 10, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7262; Filed, June 19, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Certain Human-Use Penicillin-Streptomycin Combination Products for Injection

Correction

In F.R. Doc. 69–6989 appearing at page 9333 in the issue of Friday, June 13, 1969, the following correction should be made in § 146a.90: The sixth line should read "veterinary conform to all requirements".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314(a) Office of the Secretary is amended to show that the Director, Office of Minority Business Enterprise (Assistant to the Secretary) is in Schedule C. Effective on publication in the FEDERAL REGISTER subparagraph (46) is added to paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(46) Director, Office of Minority Business Enterprise (Assistant to the Secretary).

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7355; Filed, June 19, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 69–SW–41; Amdt. 39–782]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell (Aero Commander) Model 1121 Series Airplanes

There have been several failures of flexible fuel hose assemblies, P/N AE700024–1, 6723008–65, and 6723008–149, in the fuel supply system between the fuel tank outlets and the engine inlets on Aero Commander Model 1121 series airplanes. These failures have resulted in serious fuel leaks in the aft fuselage compartment and engine nacelles. Since this condition is likely to exist or develop in other airplanes of the same type design, resulting in the loss of fuel and the creation of a serious fire hazard, an airworthiness directive is being issued to require an inspection of the fuel system flexible hose assemblies, installation of guards over the fuel valve switches, and a vacuum test of the flexible fuel hose assemblies in the fuel supply system to the engines on Aero Commander Model 1121 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER DIVISION, North American Rockwell Corp. Applies to Aero Commander Model 1121 series airplanes, S/N 3 through 150.

Compliance required as indicated unless already accomplished.

To prevent failures of fuel supply system hose assemblies, P/N AE700024–1, 6723008–65, 6723008–67, 6723008–149, and 6723008–179, accomplish the following:

(a) Within the next 15 hours' time in service after the effective date of this AD,

(1) pressurize the engine fuel supply system by opening the fuel shut off valves and turning the fuel boost pumps on. Visually inspect the fuel system flexible hose assemblies, P/N AE700024–1, 6723008–65, 6723008–67, 6723008–149, and 6723008–179 for any indications of leakage. Replace any defective hose assembly in accordance with paragraph (c),

(2) install fuel valve switch guards, P/N 5883082–93, or the equivalent approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, on the fuel control panel in accordance with Aero Commander Service Bulletin No. J–7 dated May 13, 1969, or later FAA approved revision or in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA,

(3) insert FAA approved Airplane Flight Manual Revision dated April 9, 1969, in the applicable Airplane Flight Manual.

(b) Within the next 100 hours' time in service after the effective date of this AD, remove the fuel supply flexible hose assemblies referenced in paragraph (a) (1), unless replaced with new hose assemblies in accordance with paragraph (c), and vacuum test these flexible hose assemblies for separation of the hose liner material from the wire braid reinforcing cover in accordance with Part II of Aero Commander Service Bulletin No. J–7 dated May 13, 1969, or later FAA approved revision or in accordance with an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(c) Replace any defective hose assemblies found as a result of the inspections required by paragraphs (a) (1) and (b), before further flight, following procedures outlined in Part II, steps d, e, and f of Aero Commander Service Bulletin No. J–7 dated May 13, 1969, or later FAA approved revision, with new hose assemblies of the same part number or the equivalent approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

This amendment becomes effective June 21, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 11, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–7271; Filed, June 19, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9645; Amdt. 654]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Abilene, Tex.—Abilene Municipal, ADF 1, Amdt. 5, 22 Jan. 1966 (established under Subpart C).
Abilene, Tex.—Abilene Municipal, VOR 1, Amdt. 2, 28 Sept. 1963 (established under Subpart C).
Temple, Tex.—Draughon-Miller, VOR 1, Amdt. 6, 16 Jan. 1965 (established under Subpart C).

2. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Bridgeport, Conn.—Bridgeport Municipal, TerVOR–6, Amdt. 4, 27 June 1964 (established under Subpart C).
Bridgeport, Conn.—Bridgeport Municipal, TerVOR–24, Amdt. 2, 28 Mar. 1964 (established under Subpart C).
Sarasota, Fla.—Sarasota-Bradenton, TerVOR–13, Amdt. 6, 24 Sept. 1966 (established under Subpart C).

3. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Winder, Ga.—Winder, VOR/DME No. 1, Orig., 26 May 1966 (established under Subpart C).

4. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Abilene, Tex.—Abilene Municipal, ILS–17, Amdt. 6, 20 Aug. 1966 (BC) (established under Subpart C).
Abilene, Tex.—Abilene Municipal, ILS–35, Amdt. 5, 22 Jan. 1966 (established under Subpart C).

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
TUP VOR	Becker Int	R 128°, TUP VOR	2000	MAP: 6.4 miles after passing Becker Int.
HAB VOR	Becker Int	R 238°, HAB VOR	2000	Left turn, climb to 2000′ to Becker Int via R 359° UBS VORTAC and hold:
UBS VORTAC	Becker Int	R 359°, UBS VORTAC	2000	Supplementary charting information: Hold N, 1 minute, right turns, 179° Inbnd. Runway 19, TDZ elevation, 225′.

Procedure turn E side of crs, 359° Outbnd, 179° Inbnd, 2000′ within 10 miles of Becker Int.
FAF, Becker Int. Final approach crs, 179°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over Becker Int/30-mile DME, 2000′; over 26-mile DME Fix, 800′.
MSA: 000°–180°—1900′; 180°–360°—1900′.
NOTE: Use Columbus approach altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–19	800	1	575	800	1¼	575	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	860	1	635	860	1¼	635	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAT	MDA	VIS	HAT		
S–19	600	1	375	600	1¼	375	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	660	1	435	680	1¼	455	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Aberdeen-Amory; State, Miss.; Airport name, Monroe County; Elev., 225′; Facility, UBS; Procedure No. VOR Runway 19, Amdt. Orig.; Eff. date, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Terminal Routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
DYS VOR	ABI VORTAC	Direct	3500	MAP: 9.5 miles after passing ABI VORTAC. Climb to 3500′ on ABI VORTAC R 102° within 20 miles.

Procedure turn not authorized. One minute holding pattern, W of ABI VORTAC, 102° Inbnd, right turns, 3500′.
FAF, ABI VORTAC. Final approach crs, 102°. Distance FAF to MAP, 9.5 miles.
Minimum altitude over ABI VORTAC, 3500′.
MSA: 000°–090°—3400′; 090°–180°—3900′; 180°–270°—4600′; 270°–360°—4000′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2500	1	722	2500	1	722	2500	1½	722	2500	2	722
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778′; Facility, ABI; Procedure No. VOR–1, Amdt. 3; Eff. date, 10 July 69; Sup. Amdt. No. VOR 1, Amdt 2; Dated, 28 Sept. 63

Terminal routes			Missed approach
From—	To—	Via	MAP: BDR VOR.

Climb on BDR R 061° to 1500′ within 10 miles; climbing left turn to 1900′ direct BDR VOR and hold.
Supplementary charting information:
Hold NE, 1 minute, left turns, 228° Inbnd, 125′ steeple 1.8 miles S BDR VOR; 318′ tower 3.5 miles W BDR VOR, 362′ stack 3 miles NE BDR VOR.
Runway 6, TDZ elevation, 7′.

Procedure turn N side of crs, 241° Outbnd, 061° Inbnd, 1900′ within 10 miles of BDR VOR.
Final approach crs, 061°.
MSA: 000°–090°—2600′; 090°–270°—1700′; 270°–360°—2100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–6	620	¾	613	620	¾	613	620	¾	613	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	620	1	611	620	1	611	620	1¼	611	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bridgeport; State, Conn.; Airport name, Bridgeport Municipal; Elev., 9′; Facility, BDR; Procedure No. VOR Runway 6, Amdt. 5; Eff. date, 10 July 69; Sup. Amdt. No. Ter VOR–6, Amdt. 4; Dated, 27 June 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BDR VOR.
				Climb on BDR R 228°, to 1200′ within 10 miles; climbing right turn to 1900′ direct BDR VOR and hold. Supplementary charting information: Hold NE, 1 minute, left turns, 228° Inbnd. 125′ steeple 1.8 miles S BDR VOR; 362′ stack 3 miles NE BDR VOR; 318′ tower 3.5 miles W BDR VOR. Runway 24, TDZ elevation, 7′.

Procedure turn S side of crs, 048° Outbnd, 228° Inbnd, 1900′ within 10 miles of BDR VOR.
Final approach crs, 228°.
MSA: 000°–090°—3600′; 090°–270°—1700′; 270°–360°—2100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S–24	680	¾	673	680	¾	673	680	1	673	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	680	1	671	680	1	671	680	1¼	671	NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Bridgeport; State, Conn.; Airport name, Bridgeport Municipal; Elev., 9′; Facility, BDR; Procedure No. VOR Runway 24, Amdt. 3; Eff. date, 10 July 69; Sup. Amdt. No. TerVOR–24, Amdt. 2; Dated, 28 Mar. 64

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SRQ VOR.
Murdock Int	SRQ VOR	Direct	1500	Climb to 2000′ direct Murdock Int via SRQ R 110°.
Parrish Int	SRQ VOR	Direct	1500	
Egmont Key NDB	SRQ VOR	Direct	1500	Supplementary charting information: Final approach crs intercepts runway centerline 1600′ from threshold. Runway 13, TDZ elevation, 23′.

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 1500′ within 10 miles of SRQ VOR.
Final approach crs, 121°.
MSA: 180°–270°—1400′; 270°–180°—1600′.
NOTES: (1) Radar vectoring. (2) Use PIE FSS altimeter setting when control zone not effective.
*Straight-in and circling MDA's increased 135′ and visibility straight-in Category D increased to 1¼ miles when control zone not effective, except operators with approved weather service.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13*	420	1	397	420	1	397	420	1	397	420	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	480	1	456	480	1	456	480	1½	456	580	2	556
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Sarasota (Bradenton); State, Fla.; Airport name, Sarasota-Bradenton; Elev., 24′; Facility, SRQ; Procedure No. VOR Runway 13, Amdt. 7; Eff. date, 10 July 69; Sup. Amdt. No. TerVOR–13, Amdt. 6; Dated, 24 Sept. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing TPL VOR.
Barclay Int	TPL VOR	Direct	2100	Climbing left turn to 2100′ direct to TPL VOR and hold.
ACT VORTAC	Gerrell Int	Direct	2100	Supplementary charting information: Hold N, 1 minute, left turns, 159° Inbnd. Chart restricted area R–6302. Water tower on field 780′. Runway 15, TDZ elevation, 682′.
Gerrell Int	TPL VOR (NOPT)	Direct	1600	

Procedure turn E side of crs, 339° Outbnd, 159° Inbnd, 2100′ within 10 miles of TPL VOR.
FAF, TPL VOR. Final approach crs, 159°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over TPL VOR, 1600′.
MSA within 25 miles of TPL VOR: 000°–360°—3000′.
*Use Waco altimeter setting when control zone not effective and increase straight-in and circling MDA 115′, except for operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective, except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S–15*	1000	1	318	1000	1	318	1000	1	318	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1030	1	398	1140	1	458	1140	1½	458	NA	
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Temple; State, Tex.; Airport name, Draughon-Miller; Elev., 682′; Facility, TPL; Procedure No. VOR Runway 15, Amdt. 7; Eff. date, 10 July 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 16 Jan. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 16.9-mile DME Fix.
AHN VORTAC	7-mile DME Fix (NOPT)	AHN, R 277°	2300	Climbing right turn to 2300′ and proceed to AHN VORTAC via R 277° and hold. Supplementary charting information Hold E, 1 minute, right turns, 277° Inbnd. Final approach crs to center of landing area.

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 2300′ within 10 miles of AHN VORTAC.
Final approach crs, 277°.
Minimum altitude over AHN VORTAC, 2300′; over 7-mile DME Fix, 2300′; over 12-mile DME Fix, 2300′.
MSA: 180°–270°—3100′; 270°–180°—2400′.
NOTE: Use Athens, Ga., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1560	1	617	1560	1	617	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Winder; State, Ga.; Airport name, Winder; Elev., 943′; Facility, AHN; Procedure No. VOR/DME–1, Amdt. 1; Eff. date, 10 July 69; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 26 May 66

6. By amending § 97.23 of Subpart C to amend very high ferquency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing FYV VORTAC.
				Climbing left turn to 3000' direct FYV VORTAC and hold.
				Supplementary charting information: Hold N of FYV VORTAC R 351°–171° Inbnd, left turns, 1 minute.

Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 3000' within 10 miles of FYV VORTAC.
FAF, FYV VORTAC. Final approach crs, 171°. Distance FAF to MAP, 4 miles.
Minimum altitude over FYV VORTAC, 2300'.
MSA: 090°–180°—3500'; 180°–090°—3100'.
NOTE: Use Fayetteville FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–18	2020	1	668	2020	1	668	2020	1¼	668			
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C	2020	1	668	2020	1	668	2220	1½	868		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Springdale; State, Ark.; Airport name, Springdale Municipal; Elev., 1352'; Facility, FYV; Procedure No. VOR Runway 18, Amdt. 3; Eff. date, 10 July 69; Sup. Amdt. No. 2; Dated, 14 Nov. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing ACT VORTAC.
R 028°, ACT VORTAC CCW	R 321°, ACT VORTAC	7-mile Arc ACT, R 335°, lead radial.	2000	Climb to 2000' on ACT R 136° within 20 miles or, turn right, climb to 2000' on
R 306°, ACT VORTAC CW	R 321°, ACT VORTAC	7-mile Arc	2000	ACT R 187° within 20 miles.
7-mile DME Arc	ACT VORTAC (NOPT)	ACT, R 321°	1400	Supplementary charting information: Runway 14, TDZ elevation, 507'.

Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 2000' within 10 miles of ACT VORTAC.
FAF, ACT VORTAC. Final approach crs, 141°. Distance FAF to MAP, 3 miles.
Minimum altitude over ACT VORTAC, 1400'.
MSA: 000°–180°—2800'; 180°–270°—2500'; 270°–090°—2100'.
#RVR 24', Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–14	820	1	313	820	1	313	820	1	313	820	1	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	900	1	465	980	1½	445	1080	2	565
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Facility, ACT; Procedure No. VOR Runway 14, Amdt. 11; Eff. date, 10 July 69; Sup. Amdt. No. 10; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing Daniel Int.
EMR NDB	AGS VORTAC	Direct	2000	Climb to 2000' on AGS R 158° to Shell Bluff
R 238°, AGS VORTAC (CW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	Int; or, when directed by ATC, climbing
R 072°, AGS VORTAC (CCW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	left turn to 2000' direct to AGS VORTAC
10-mile DME Arc	AGS VORTAC (NOPT)	R 322°, AGS VORTAC	1700	and hold. Hold NW, 1 minute, right turns, 142° Inbnd.
				Supplementary charting information: Final approach crs to center of landing area.

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2000' within 10 miles of AGS VORTAC.
Final approach crs, 142°.
Minimum altitude over AGS VORTAC, 1700'; over Daniel Int/7.5-mile DME Fix, 1700'.
MSA: 000°–090°—2100'; 090°–180°—2900'; 180°–270°—2900'; 270°–360°—1900'.
NOTE: Operating DME or NDB receivers required.
#300–1 required on Runways 8/26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	1½	575	720	2	575
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 145'; Facility, AGS; Procedure No. VOR/DME–1, Amdt. 10; Eff. date, 10 July 69; Sup. Amdt. No. 9; Dated, 5 June 69

7. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitude (feet)	MAP: 4.7 miles after passing University Int.
ABI VORTAC	University Int	Direct	3100	Climb to 3900' on LOC crs 170° within 20
DYS VOR	AB LOM	Direct	3900	miles; or, turn left, climb to 3900' on
AB LOM	University Int	Direct	3100	ABI VORTAC R 110° within 20 miles.
Nugent Int	University Int (NOPT)	Direct	3000	Supplementary charting information: Depict fix at 4.7 miles from runway. Runway 17R, TDZ elevation, 1770'.

Procedure turn E side of crs, 350° Outbnd, 170° Inbnd. 3300' within 10 miles of University Int.
FAF, University Int. Final approach crs, 170°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over University Int, 3000'.
MSA: Not authorized.
*Circling not authorized NW defined by Runway 35 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17R	2100	¾	330	2100	¾	330	2100	¾	330	2100	1	330
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1½	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, I–ABI; Procedure No. LOC (BC) Runway 17R, Amdt. 7; Eff. date, 10 July 69; Sup. Amdt. No. ILS–17 (BC), Amdt. 6; Dated, 20 Aug. 66

8. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SAN R 076°, CW	I-SAN BC	15-mile Arc SAN VORTAC 093° R, lead radial.	3700	MAP: 4.5 miles after passing Encanto FM/Int.
Bostonia Int	Sweetwater Int	Direct	3700	Climb to 2500′ on localizer crs to Sargo Int; or, when directed by ATC, climbing right turn to 3000′ direct SAN VOR, then via R 326° within 15 miles.

Supplementary charting information:
Chart I-SAN DME distance at MAP.
Remove 560′ obstruction at 32°43′30″/117°08′00″.

Procedure turn not authorized. Approach crs (profile) starts at Sweetwater Int.
FAF, Encanto FM/Int. Final approach crs, 272°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Sweetwater Int, 3700′; over Spillway Int, 3300′; over Encanto FM/Int, 2000′.
NOTES: (1) Radar vectoring. (2) If DME is lost on Arc, proceed direct to SA LOM at 3700′. (3) DME should not be used to determine aircraft position over runway threshold or touchdown point. DME located at Runway 9 glide slope site. (4) Air carrier will not reduce landing visibility due to local conditions.
% IFR departure procedure. All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	785	800	1¼	785	800	1½	785	800	2	785
A	900-2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.%				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15′; Facility, I-SAN; Procedure No. LOC (BC) Runway 27, Amdt. 9; Eff. date, 10 July 69; Sup. Amdt. No. 8; Dated, 29 May 69

9. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
ABI VORTAC	AB LOM	Direct	3900	MAP: 5.9 miles after passing AB LOM.
DYS VOR	AB LOM	Direct	3900	Climb to 3300′ on bearing 350° from AB LOM within 15 miles; or, turn right, climb to 3300′ on ABI VORTAC, R 086° within 20 miles.
Clyde Int	AB LOM	Direct	3900	
Trussell Int	AB LOM	Direct	3900	
Nugent Int	AB LOM	Direct	3900	
Opiin Int	AB LOM	Direct	3900	Supplementary charting information: Runway 35L, TDZ elevation, 1778′.

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3900′ within 10 miles of AB LOM.
FAF, AB LOM. Final approach crs, 350°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over AB LOM, 3500′.
MSA: 225°–315°—4600′; 315°–225°—3900′.
NOTE: ASR.
*Circling not authorized NW defined by Runway 35 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	2200	¾	422	2200	¾	422	2200	¾	422	2200	1	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2200	1	422	2240	1	462	2240	1½	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778′; Facility, AB; Procedure No. NDB (ADF) Runway 35L, Amdt. 6; Eff. date, 10 July 69; Sup. Amdt. No. ADF 1, Amdt. 5; Dated, 22 Jan. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Bostonia Int	Sweetwater Int	Direct	3700	MAP 4.5 miles after passing Encanto FM/Int. Climb to 3000′ direct Sargo Int.

Procedure turn not authorized. Approach crs (profile) starts at Sweetwater Int.
FAF, Encanto FM/Int. Final approach crs, 272°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Sweetwater Int, 3700′; over Spillway Int, 3300′; over Encanto FM/Int, 2000′.
MSA: 050°–155°—5200′; 155°–320°—2100′; 320°–050°—4700′.
NOTES: (1) Radar vectoring. (2) Air Carrier will not reduce landing visibility due to local conditions. (3) DME should not be used to determine aircraft position over runway threshold or touchdown point. (4) DME located at Runway 9 glide slope site. (5) ADF, VOR, and DME or FM required.
%IFR departure procedures: All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	785	800	1¼	785	800	1½	785	800	2	785
A	900-2.		T 2-eng. or less— Runway 27, Standard; Runway 9, 13/31 500-1.%				T over 2 eng.— Runway 27, Standard; Runway 9, 13/31 500-1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15′; Facility, SA; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 10 July 69

10. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Woodville Int	LOM	Direct	1600	MAP: 3.8 miles from BT LOM.
BTR VOR	LOM	Direct	1600	Climb to 2000′, right turn direct BTR VOR.
Morganza Int	LOM	Direct	1600	Supplementary charting information: TDZ elevation, 67′.

Procedure turn S side of crs, 307° Outbnd, 127° Inbnd, 1600′ within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 127°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over BT LOM, 1300′.
MSA: 130°–220°—2800′; 220°–130°—1600′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
-13	520	1	453	520	1	453	520	1	453	520	1	453
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	490	560	1	490	560	1½	490	620	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Baton Rouge; State, La.; Airport name, Ryan; Elev., 70′; Facility, BT; Procedure No. NDB (ADF) Runway 13, Amdt. 14; Eff. date, 10 July 69; Sup. Amdt. No. 13; Dated, 26 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.6 miles after passing LOM.
CLT VORTAC	LOM	Direct	2300	Turn right, climb to 3000' on CLT VORTAC R-063° to Bradley Int and hold; or, when directed by ATC, turn right, climb to 2300' on FML VORTAC R-007° to FML VORTAC and hold S, 1 minute, right turns, 006° Inbnd.
Fort Mill VORTAC	Clover Int	Direct	2300	
Clover Int	LOM (NOPT)	Direct	2100	
York Int	Clover Int	Direct	2300	
Bradley Int	LOM	Direct	3000	
Mount Holly Int	LOM	Direct	3000	
Bethany Int	LOM	Direct	2300	

Supplementary charting information: Bradley Int, hold NE, 1 minute, right turns, 219° Inbnd.
REIL Runway 36.
TDZ elevation, 717'.

Procedure turn N side of crs. 230° Outbnd, 050° Inbnd, 2300' within 10 miles of CL LOM.
FAF, CL LOM. Final approach crs, 050°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over LOM, 2100'.
MSA: 000°–090°—3000'; 090°–180°—2300'; 180°–270°—2900'; 270°–360°—2000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-5	1200	RVR 40	483	1200	RVR 40	483	1200	RVR 40	483	1200	RVR 50	483
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1¼	472	1300	2	552
A	Standard.		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.				T over 2-eng.—RVR 24', Runway 5; Standard all other runways.					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, CL; Procedure No. NDB (ADF) Runway 5, Amdt. 22; Eff. date, 10 July 69; Sup. Amdt. No. 21; Dated, 30 Jan. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2.7 miles after passing HHB NDB.
HBG VORTAC	HHB NDB	Direct	2000	Climbing right turn to 2000' direct to HHB NDB and hold.

Supplementary charting information: Hold NW, 1 minute, right turns, 130° Inbnd.
Airspace restricted area (R-4401 A and B), 5 miles SE of airport.
LRCO 122.1, 123.6.
TDZ elevation, 151'.

Procedure turn W side of crs. 325° Outbnd, 145° Inbnd, 2000' within 10 miles of HHB NDB.
FAF, HHB NDB. Final approach crs, 125°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over HHB NDB, 1060'.
MSA: 000°–360°—1800'.
NOTE: Use MCB FSS altimeter setting between hours of 1700–0800 local and all MDA's increased 300'. Straight-in Runway 13 visibility increased ¼ mile for Category B and ½ mile for Category C. Circling visibility increased ¼ mile for Category B.
*Operators with approved weather reporting service authorized standard alternate minimums.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-13	620	1	469	620	1	469	620	1	469	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	489	660	1	509	700	1½	549	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151'; Facility, HHB; Procedure No. NDB (ADF) Runway 13, Amdt. 2; Eff. date, 10 July 69; Sup. Amdt. No. 1; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2 miles after passing SA LOM.
SAN VOR	SA LOM	Direct	2500	Immediate climbing left turn to 2000' to Sargo Int via LOM 272° bearing; or, when directed by ATC, immediate climbing left turn to 3000' on LMM 326° bearing within 15 miles.
Bostonia Int	SA LOM	Direct	4000	
Sargo Int	SA LOM (NOPT)	Direct	1000	

Supplementary charting information:
Remove 560' obstruction at 32°43'30" 117°08'00".
Runway 9, TDZ elevation, 14'.

Procedure turn S side of crs. 272° Outbnd, 092° Inbnd, 1500' within 10 miles of SA LOM.
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 2 miles.
Minimum altitude over SA LOM, 1000'.
MSA: 050°–155°—6200'; 155°–320°—2100'; 320°–050°—4700'.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL or ALS Runway 9. (3) Air carrier will not reduce landing visibility due to local conditions.
*Sliding scale not authorized.
%IFR departure procedures: All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-9*	620	1	606	620	1	606	620	1	606	620	1¼	606
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	785	800	1¼	785	800	1½	785	800	2	785
A	900-2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.%				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15'; Facility, SA; Procedure No. NDB (ADF) Runway 9, Amdt. 10; Eff. date, 10 July 69; Sup. Amdt. No. 9; Dated, 29 May 69

11. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 1978'; LOC 5.9 miles after passing AB LOM.
ABI VORTAC	AB LOM	Direct	3900	Climb to 3300' on LOC crs 350° within 20 miles; or, turn right, climb to 3300' on ABI VORTAC R-086° within 20 miles.
DYS VOR	AB LOM	Direct	3900	
Clyde Int	AB LOM	Direct	3900	
Trussell Int	AB LOM	Direct	3900	
Nugent Int	AB LOM	Direct	3900	
Oplin Int	AB LOM	Direct	3900	

Supplementary charting information:
Runway 35L, TDZ elevation, 1778'.

Procedures turn E side of crs. 170° Outbnd, 350° Inbnd, 3900' within 10 miles of AB LOM.
FAF, AB LOM. Final approach crs, 350°. Distance FAF to MAP, 5.9 miles.
Minimum glide slope interception altitude, 3500'. Glide slope altitude at OM, 3406'; at MM, 1966'.
Distance to runway threshold at OM; 5.9 miles; at MM, 0.6 mile.
MSA: 225°–315°—4600'; 315°–225°—3900'.
NOTE: ASR.
*Circling not authorized NW defined by Runway 35 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-35L	1978	½	200	1978	½	200	1978	½	200	1978	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	2160	½	382	2160	½	382	2160	½	382	2160	¼	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1½	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, I-ABI; Procedure No. ILS Runway 35L, Amdt. 6; Eff. date, 10 July 69; Sup. Amdt. No. ILS-35, Amdt. 5; Dated, 22 Jan. 66

12. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
R 285°, BTL VORTAC CW	BTL LOC (NOPT)	12-mile Arc BTL, R 034° lead radial	2600	MAP: ILS DH 1129'; LOC 3.7 miles after passing LOM
R 160°, BTL VORTAC CCW	BTL LOC (NOPT)	12-mile Arc BTL, R 054° lead radial.	2600	Make left-climbing turn to 3000' and proceed to Leroy Int via BTL VOR R 176°; or, when directed by ATC, climb to 2500' turn left and return to BT LOM.
BTL VORTAC	BT LOM	Direct	2500	Supplementary charting information:
JXN VORTAC	Bellevue Int	Direct	2500	Runway 22, TDZ elevation, 929'.
LFD VORTAC	BT LOM	Direct	2500	
Bellevue Int	BT LOM (NOPT)	LOC crs	2200	
Hickory Int	BT LOM	Direct	2500	

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2500' within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 224°. Distance FAF to MAP, 3.7 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2160'; at MM, 1155'.
Distance to runway threshold at OM, 3.7 miles; at MM, 0.5 mile.
MSA: 000°–180°—2700', 180°–270°—2400', 270°–360°—2900'.
*Inoperative component table does not apply to ALS for A, B, C category aircraft. Increase visibility to 1 mile when ALS inoperative.
#Air carrier sliding scale and reduction for ALS less than ¾ mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-22	1129	½	200	1129	½	200	1129	½	200	1129	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*#	1340	¾	411	1340	¾	411	1340	¾	411	1340	¾	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1½	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, I-BTL; Procedure No. ILS Runway 22, Amdt. 5; Eff. date, 10 July 69; Sup. Amdt. No. 4; Dated, 5 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 917'; LOC 4.6 miles after passing LOM.
CLT VORTAC	LOM	Direct	2300	Turn right, climb to 3000' on CLT VOR TAC R 063° to Bradley Int and hold; or, when directed by ATC, right turn climb to 2300' on FML VORTAC R 007° to FML VORTAC and hold S, 1 minute, right turns, 006° Inbnd.
Fort Mill VORTAC	Clover Int	Direct	2300	
Clover Int	LOM (NOPT)	Direct	2100	
Union Int	York Int	Direct	2300	
Bradley Int	LOM	Direct	3000	
Mount Holly Int	LOM	Direct	3000	
Fort Mill VORTAC	LOM	Direct	2300	
Bethany Int	LOM	Direct	2300	
York Int	Clover Int	Direct	2300	

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles of CL LOM.
FAF, CL LOM. Final approach crs, 050°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 2300'. Glide slope altitude at OM, 2000'; at MM, 917'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.5 mile.
MSA: 000°–090°—3000', 090°–180°—2300', 180°–270°—2900', 270°–360°—2900'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	917	RVR 24	200	917	RVR 24	200	917	RVR 24	200	917	RVR 24	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
4-5	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 40	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1½	472	1300	2	552
A	Standard		T 2-eng. or less—RVR 24', Runway 5, Standard all other runways				T over 2-eng.—RVR 24', Runway 5, Standard all other runways					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, I-CLT; Procedure No. ILS Runway 5, Amdt. 25; Eff. date, 10 July 69; Sup. Amdt. No. 23; Dated, 30 Jan 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 298; LOC 6 miles after passing IA LOM.
IAH VORTAC	IA LOM	Direct	1800	Climb to 1800' direct to Maxton Int and hold.
Silver Int	IA LOM	Direct	1800	Supplementary charting information:
Conroe Int	IA LOM	Direct	1800	Hold E, 1 minute, right turns, 262° Inbnd.
Sheppard Int	IA LOM	Direct	1800	257' control tower midfield.
Cypress Int	IA LOM (NOPT)	Direct	1800	TDZ elevation, 98'.
Magnolia Int	IA LOM (NOPT)	Direct	1800	

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1800' within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 082°. Distance FAF to MAP, 6 miles.
Minimum altitude over IA LOM, 1800'.
Minimum glide slope interception altitude, 1600'. Glide slope altitude at OM, 1791'; at MM, 298'; at IM, 204'.
Distance to runway threshold at OM, 36,750' (6 miles); at MM, 3,350' (0.55 mile); at IM, 1170' (0.19 mile).
MSA within 25 miles of IA LOM: 270°–090°—1600'; 090°–270°—2500'.
NOTE: ASR.
½ RVR 18' authorized Runway 8.
*Inoperative table does not apply to HIRL and ALS Runway 8. HIRL and ALS inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-8	298	RVR 18	200	298	RVR 18	200	298	RVR 18	200	298	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8*	440	RVR 40	342	440	RVR 40	342	440	RVR 40	342	440	RVR 40	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1½	462	600	2	562
	Category II special authorization required:											
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-8	248 RA152	RVR 16	150	248 RA152	RVR 16	150	248 RA152	RVR 16	150	248 RA152	RVR 16	150
S-8	198	RVR 12 RA103	100	198	RVR 12 RA103	100	198	RVR 12 RA103	100	198	RVR 12 RA103	100
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98'; Facility, I-IAH; Procedure No. ILS Runway 8, Amdt. 1; Eff. date, 10 July 69; Sup. Amdt. No. Orig.; Dated, 29 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 330'; LOC 5.1 miles after passing PW LOM.
Hiram Int	Limerick Int	Direct	3500	Make right-climbing turn to 2200' direct PW LOM and hold; or, when directed by ATC, make right-climbing turn to 3000' direct ENE VORTAC and hold.
Kennebunk VORTAC	Limerick Int	Direct	2700	
Limerick Int	Buxton Int	Direct	2200	
Kennebunk VORTAC	Buxton Int	Direct	2200	
Buxton Int	PW LOM (NOPT)	Direct	1800	Hold W, 1 minute, left turns, 061° Inbnd.
Freeport Int	PW LOM	Direct	2200	Supplementary charting information: Hold W of PW LOM, 112° Inbnd, 1 minute, left turns.
				TDZ elevation, 74'.

Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 2200' within 10 miles of PW LOM.
FAF, PW LOM. Final approach crs, 112°. Distance FAF to MAP, 5.1 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1773'; at MM, 299'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—1500'; 180°–270°—2700'; 270°–360°—3000'.
NOTE: Approach from a holding pattern not authorized; procedure turn required. Reduction of minimums not authorized.
2600-2 for Category D aircraft.
*Inoperative components table does not apply to ALS. Visibility 1 mile required with ALS inoperative.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	320	¾	256	320	¾	256	320	¾	256	320	¾	256
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11*	660	¾	396	660	¾	396	660	¾	396	660	¾	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	492	680	1	492	680	1¼	492	700	2	512
A	Standard #		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Portland; State, Maine; Airport name, Municipal; Elev., 74'; Facility, I-PWM; Procedure No. ILS Runway 11, Amdt. 9; Eff. date, 10 July 69; Sup. Amdt. No. 8; Dated, 10 Apr 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.6 miles after passing LOM.
CLT VORTAC	LOM	Direct	2300	Turn right, climb to 3000' on CLT VORTAC R 063° to Bradley Int and hold; or, when directed by ATC, turn right, climb to 2300' on FML VORTAC R 007° to FML VORTAC and hold S, 1 minute, right turns, 006° Inbnd.
Fort Mill VORTAC	Clover Int	Direct	2300	
Clover Int	LOM (NOPT)	Direct	2100	
York Int	Clover Int	Direct	2300	
Bradley Int	LOM	Direct	3000	
Mount Holly Int	LOM	Direct	3000	
Bethany Int	LOM	Direct	2300	

Supplementary charting information: Bradley Int, hold NE, 1 minute, right turns, 219° Inbnd
REIL Runway 36
TDZ elevation, 717'.

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles of CL LOM
FAF, CL LOM. Final approach crs, 050°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over LOM, 2100'.
MSA: 000°-090°—3000', 090°-180°—2300', 180°-270°—2900', 270°-360°—2900'.
NOTE: ASR

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-5	1200	RVR 40	483	1200	RVR 40	483	1200	RVR 40	483	1200	RVR 50	483
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1½	472	1300	2	552
A	Standard.		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.				T over 2-eng.—RVR 24', Runway 5; Standard all other runways.					

City, Charlotte, State, N C.; Airport name, Douglas Municipal; Elev., 748', Facility, CL; Procedure No. NDB (ADF) Runway 5, Amdt. 22; Eff. date, 10 July 69; Sup. Amdt. No. 21; Dated, 30 Jan. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2.7 miles after passing HHB NDB.
HBG VORTAC	HHB NDB	Direct	2000	Climbing right turn to 2000' direct to HHB NDB and hold.

Supplementary charting information: Hold NW, 1 minute, right turns, 130° Inbnd.
Airspace restricted area (R-4401 A and B), 5 miles SE of airport.
LRCO 122.1, 123.6
TDZ elevation, 151'.

Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 2000' within 10 miles of HHB NDB.
FAF, HHB NDB. Final approach crs, 125°. Distance FAF to MAP, 2.7 miles
Minimum altitude over HHB NDB, 1060'
MSA: 000°-360°—1800'
NOTE: Use MCB FSS altimeter setting between hours of 1700-0800 local and all MDA's increased 300'. Straight-in Runway 13 visibility increased ¼ mile for Category B and ½ mile for Category C. Circling visibility increased ¼ mile for Category B.
*Operators with approved weather reporting service authorized standard alternate minimums.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
8-13	620	1	469	620	1	469	620	1	469	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	489	660	1	509	700	1½	549	NA
A	Not authorized.*		T 2-eng or less—Standard.				T over 2-eng.—Standard.			

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151', Facility, HHB; Procedure No. NDB (ADF) Runway 13, Amdt. 2; Eff. date, 10 July 69; Sup. Amdt. No. 1; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2 miles after passing SA LOM
SAN VOR	SA LOM	Direct	2500	Immediate climbing left turn to 2000' to Sargo Int via LOM 272° bearing; or, when directed by ATC, immediate climbing left turn to 3000' on LMM 326° bearing within 15 miles.
Bostonia Int	SA LOM	Direct	4000	
Sargo Int	SA LOM (NOPT)	Direct	1000	

Supplementary charting information:
Remove 560' obstruction at 32°43'30 117°05'00".
Runway 9, TDZ elevation, 14'.

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles of SA LOM
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 2 miles.
Minimum altitude over SA LOM, 1000'.
MSA: 050°-185°—5200'; 185°-320°—2100'; 320°-050°—4700'.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL or ALS Runway 9. (3) Air carrier will not reduce landing visibility due to local conditions.
*Sliding scale not authorized.
†IFR departure procedures: All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-9*	620	1	606	620	1	606	620	1	606	620	1¼	606
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	785	800	1¼	785	800	1½	785	800	2	785
A	900-2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.†				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500-1.†					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15'; Facility, SA; Procedure No. NDB (ADF) Runway 9, Amdt. 10; Eff. date, 10 July 69; Sup. Amdt. No. 9; Dated, 29 May 69

11. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 1978'; LOC 5.9 miles after passing AB LOM.
ABI VORTAC	AB LOM	Direct	3900	Climb to 3300' on LOC crs 350° within 20 miles; or, turn right, climb to 3300' on ABI VORTAC R 086° within 20 miles.
DYS VOR	AB LOM	Direct	3900	
Clyde Int	AB LOM	Direct	3900	
Trussell Int	AB LOM	Direct	3900	
Nugent Int	AB LOM	Direct	3900	
Oplin Int	AB LOM	Direct	3900	

Supplementary charting information:
Runway 35L, TDZ elevation, 1778'.

Procedures turn E side of crs, 170° Outbnd, 350° Inbnd, 3900' within 10 miles of AB LOM.
FAF, AB LOM. Final approach crs, 350°. Distance FAF to MAP, 5.9 miles.
Minimum glide slope intercept altitude, 3500'. Glide slope altitude at OM, 3406'; at MM, 1966'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.6 mile.
MSA: 225°-315°—4600'; 315°-225°—3900'.
NOTE: ASR.
*Circling not authorized NW defined by Runway 35 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
8-35L	1978	½	200	1978	½	200	1978	½	200	1978	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-35L	2160	½	382	2160	½	382	2160	½	382	2160	½	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1½	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, I-ABI; Procedure No. ILS Runway 35L, Amdt. 6; Eff. date, 10 July 69; Sup. Amdt. No. ILS-35, Amdt. 5; Dated, 22 Jan. 66

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12. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1129'; LOC 3.7 miles after passing LOM
R-285°, BTL VORTAC CW	BTL LOC (NOPT)	12-mile Arc BTL, R 034° lead radial	2600	Make left-climbing turn to 3000' and proceed to Leroy Int via BTL VOR R 176°; or, when directed by ATC, climb to 2500' turn left and return to BT LOM.
R 160°, BTL VORTAC CCW	BTL LOC (NOPT)	12-mile Arc BTL, R 054° lead radial	2600	
BTL VORTAC	BT LOM	Direct	2500	Supplementary charting information:
JXN VORTAC	Bellevue Int	Direct	2500	Runway 22, TDZ elevation, 929'.
LFD VORTAC	BT LOM	Direct	2500	
Bellevue Int	BT LOM (NOPT)	LOC crs	2200	
Hickory Int	BT LOM	Direct	2500	

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2500' within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 224°. Distance FAF to MAP, 3.7 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2160'; at MM, 1155'.
Distance to runway threshold at OM, 3.7 miles; at MM, 0.5 mile.
MSA: 000°–180°—2700'; 180°–270°—2400'; 270°–360°—2900'.
*Inoperative component table does not apply to ALS for A, B, C category aircraft. Increase visibility to 1 mile when ALS inoperative.
#Air carrier sliding scale and reduction for ALS less than ¾ mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–22	1129	½	200	1129	½	200	1129	½	200	1129	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–22*#	1340	¾	411	1340	¾	411	1340	¾	411	1340	¾	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1½	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, I–BTL; Procedure No. ILS Runway 22, Amdt. 5; Eff. date, 10 July 69; Sup. Amdt. No. 4; Dated, 5 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 917'; LOC 4.6 miles after passing LOM.
CLT VORTAC	LOM	Direct	2300	Turn right, climb to 3000' on CLT VOR TAC R 063° to Bradley Int and hold; or, when directed by ATC, right turn climb to 2300' on FML VORTAC R 007° to FML VORTAC and hold S, 1 minute, right turns, 006° Inbnd.
Fort Mill VORTAC	Clover Int	Direct	2300	
Clover Int	LOM (NOPT)	Direct	2100	
Union Int	York Int	Direct	2300	
Bradley Int	LOM	Direct	3000	
Mount Holly Int	LOM	Direct	3000	
Fort Mill VORTAC	LOM	Direct	2300	Supplementary charting information:
Bethany Int	LOM	Direct	2300	Bradley Int, hold NE, 1 minute, right turns, 219° Inbnd.
York Int	Clover Int	Direct	2300	REIL Runway 36.
				LOC back crs unusable. Front crs unusable beyond 75° either side of centerline.
				TDZ elevation, 717'.

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles of CL LOM.
FAF, CL LOM. Final approach crs, 050°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 2300'. Glide slope altitude at OM, 2090'; at MM, 917'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.5 mile.
MSA: 000°–090°—3000'; 090°–180°—2300'; 180°–270°—2900'; 270°–360°—2900'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–5	917	RVR 24	200	917	RVR 24	200	917	RVR 24	200	917	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–5	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 40	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1½	472	1300	2	552
A	Standard.		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.				T over 2-eng.—RVR 24', Runway 5; Standard all other runways.					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, I–CLT; Procedure No. ILS Runway 5, Amdt. 23; Eff. date, 10 July 69; Sup. Amdt. No. 22; Dated, 30 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 298; LOC 6 miles after passing IA LOM.
IAH VORTAC	IA LOM	Direct	1800	Climb to 1800' direct to Marton Int and hold.
Silver Int	IA LOM	Direct	1800	
Conroe Int	IA LOM	Direct	1800	Supplementary charting information:
Sheppard Int	IA LOM (NOPT)	Direct	1800	Hold E, 1 minute, right turns, 262° Inbnd.
Cypress Int	IA LOM (NOPT)	Direct	1800	257° control tower midfield.
Magnolia Int			1800	TDZ elevation, 98'.

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1800' within 10 miles of IA LOM.
FAF, IA LOM. Final approach crs, 082°. Distance FAF to MAP, 6 miles.
Minimum altitude over IA LOM, 1800'.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1791'; at MM, 298'; at IM, 204'.
Distance to runway threshold at OM, 36,750' (6 miles); at MM, 3,350' (0.55 mile); at IM, 1170' (0.19 mile).
MSA within 25 miles of IA LOM: 270°–060°—1600'; 090°–270°—2500'.
NOTE: ASR.
¾RVR 18' authorized Runway 8.
*Inoperative table does not apply to HIRL and ALS Runway 8. HIRL and ALS inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–8	298	RVR 18	200	298	RVR 18	200	298	RVR 18	200	298	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–8*	440	RVR 40	342	440	RVR 40	342	440	RVR 40	342	440	RVR 40	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1½	462	660	2	562
	Category II special authorization required:											
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–8	248 RA152 198	RVR 16	150	248 RA152 198	RVR 16	150	248 RA152 198	RVR 16	150	248 RA152 198	RVR 16	150
8–8		RVR 12 RA103	100		RVR 12 RA103	100		RVR 12 RA103	100		RVR 12 RA103	100
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98'; Facility, I–IAH; Procedure No. ILS Runway 8, Amdt. 1; Eff. date, 10 July 69; Sup. Amdt. No. Orig.; Dated, 29 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 330'; LOC 5.1 miles after passing PW LOM.
Hiram Int	Limerick Int	Direct	3500	Make right-climbing turn to 2200' direct PW LOM and hold; or, when directed by ATC, make right-climbing turn to 3000' direct ENE VORTAC and hold. Hold W, 1 minute, left turns, 091° Inbnd.
Kennebunk VORTAC	Limerick Int	Direct	2700	
Limerick Int	Buxton Int	Direct	2200	
Kennebunk VORTAC	Buxton Int	Direct	2200	
Buxton Int	PW LOM (NOPT)	Direct	1800	
Freeport Int	PW LOM	Direct	2200	Supplementary charting information: Hold W of PW LOM, 112° Inbnd, 1 minute, left turns.
				TDZ elevation, 74'.

Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 2200' within 10 miles of PW LOM.
FAF, PW LOM. Final approach crs, 112°. Distance FAF to MAP, 5.1 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1773'; at MM, 399'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—1500'; 180°–270°—2700'; 270°–360°—3600'.
NOTE: Approach from a holding pattern not authorized; procedure turn required. Reduction of minimums not authorized.
#800-2 for Category D aircraft.
*Inoperative components table does not apply to ALS. Visibility 1 mile required with ALS inoperative.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–11	330	¾	256	330	¾	256	330	¾	256	330	¾	256
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–11*	460	¾	386	460	¾	386	460	¾	386	460	¾	386
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	506	580	1	506	580	1¼	506	740	2	606
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Portland; State, Maine; Airport name, Municipal; Elev., 74'; Facility, I–PWM; Procedure No. ILS Runway 11, Amdt. 9; Eff. date, 10 July 69; Sup. Amdt. No. 8; Dated, 10 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Sargo Int	SA LOM (NOPT)	Direct	*1500	MAP: ILS DH, 414'; LOC 2 miles after passing LOM.
Bostonia Int	SA LOM	Direct	4000	
SAN VOR	SA LOM	Direct	2500	
R 328°, SAN CCW	Front crs I-SAN	10-mile Arc SAN VORTAC 270° R, lead radial.	2500	Climbing left turn to 3000' direct SAN VOR, thence via SAN R 326° within 15 miles.

Supplementary charting information: Remove 560' obstruction at 32°43'30"/117°08'00".
Chart I-SAN DME at glide slope intercept 4.3 miles.
Runway 9, TDZ elevation, 14'.

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles of SA LOM.
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 2 miles.
Minimum altitude over SA LOM, 1000'.
Glide slope interception altitude, 1500'. Glide slope altitude at OM, 1011'; at MM, 349'.
Distance to runway threshold at OM, 2.7 miles; at MM, 0.7 mile.
MSA: 050°–155°—5200'; 155°–320°—2100'; 320°–050°—4700'.
NOTES: (1) Radar vectoring. (2) Glide slope unusable below 414' MSL. (3) DME located at glide slope; DME should not be used to determine aircraft position at LMM, runway threshold or touchdown point. If DME is lost on Arc, proceed direct SA LOM at 3700'. (4) Localizer, W crs unusable from MM Inbnd and beyond 20 miles below 1500'. (5) Air carrier will not reduce landing visibility due to local conditions.

*1000' authorized when glide slope not used.
$Sliding scale not authorized.
% IFR departure procedures: All IFR departures must comply with published SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9$	414	1	400	414	1	400	414	1	400	414	1	400
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9$	540	1	526	540	1	526	540	1	526	540	1¼	526
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	785	800	1¼	785	800	1½	785	800	2	785
A	900–2.		T 2-eng. or less—Runway 27, Standard; Runway 9, Runways 13/31, 500–1.%				T over 2-eng.—Runway 27, Standard; Runway 9, Runways 13/31, 500–1.%					

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15'; Facility, I-SAN; Procedure No. ILS Runway 9, Amdt. 9; Eff. date, 10 July 69; Sup. Amdt. No. 8; Dated, 29 May 69

13. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by ABI ASR minimum altitude vectoring chart.	1. Approach crs within 15-mile radius of airport from 160° CW to 180°. 2. From 15 miles to 6 miles FAF, 3600'. 3. Descend aircraft to MDA after FAF 6 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3300' on heading 350° within 20 miles.
*Circling not authorized NW as defined by Runway 36 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1¼	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, ABI ASR; Procedure No. ASR-1, Amdt. Orig; Eff. date, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by ABI ASR minimum altitude vectoring chart.	1. Approach course within 15-mile radius of airport from 340° CW to 360°. 2. From 15 miles to 4 miles FAF, 3000'. 3. Descend aircraft to MDA after FAF 4 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3900' on heading 170° within 20 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	562	2340	1	562	2340	1¼	562	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, ABI ASR; Procedure No. ASR-2, Amdt. Orig.; Eff. date, 10 July 1969

14. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
000° 360° 0–15 *2300 000° 105° 15–30 3000 105° 260° 15–30 2300 260° 360° 15–30 3000	1. Descend aircraft after passing FAF. 2. Runway 18 FAF, 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1300'. TDZ elevation, 747'. 3. Runway 23 FAF, 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1300'. TDZ elevation, 748'. 4. Runway 36 FAF, 6 miles from threshold. Minimum altitude over 3-mile Radar Fix, 1380'. TDZ elevation, 726'. 5. Runway 5 FAF, 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1160'. TDZ elevation, 717'. NOTES: MTI required for all surveillance approaches. REIL Runway 36. Inoperative component table does not apply to HIRL Runways 18 and 23.

All airways segments 0-35 miles published MEA or sector altitudes whichever is lower.
All bearings and distance are from radar site on Douglas Municipal Airport with sector azimuths progressing clockwise.
*Radar control will provide 1000' vertical clearance within a 3-mile radius of the following towers: 1932', 10 miles NE, 2049', 13 miles E, 1733', 16.5 miles W, 1866', 10 miles NW.
Missed approach:
Runway 18—Climb to 2300' direct to FML VORTAC, hold S, 1 minute, right turns, 006° Inbnd.
Runway 23—Climb to 2300' direct to CLT LOM, hold SW, 1 minute, left turns, 050° Inbnd.
Runway 36—Climb to 2600' on FML VORTAC R 007° to Mount Holly Int, hold N, 1 minute, left turns 187° Inbnd.
Runway 5—Turn right, climb to 3000' on CLT VORTAC R 063° to Bradley Int. Hold NE, 1 minute, right turns, 219° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	1160	1	413	1160	1	413	1160	1	413	1160	1	413
S-23	1160	1	412	1160	1	412	1160	1	412	1160	1	412
S-36	1060	¾	334	1060	¾	334	1060	¾	334	1060	1	334
S-5	1060	RVR 24	363	1060	RVR 24	363	1060	RVR 24	363	1060	RVR 50	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1½	472	1300	2	552
A	Standard.		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.				T over 2-eng.—RVR 24', Runway 5; Standard all other runways.					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, Charlotte Radar; Procedure No. Radar-1, Amdt. 9; Eff. date, 10 July 69; Sup. Amdt. No. 8; Dated, 27 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by ABI ASR minimum altitude vectoring chart.	1. Approach crs within 15-mile radius of airport from 160° CW to 180°. 2. From 15 miles to 6 miles FAF, 3600'. 3. Descend aircraft to MDA after FAF 6 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3300' on heading 350° within 20 miles.
*Circling not authorized NW as defined by Runway 36 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1¼	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, ABI ASR; Procedure No. ASR-1, Amdt. Orig; Eff. date, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by ABI ASR minimum altitude vectoring chart.	1. Approach crs within 15-mile radius of airport from 160° CW to 180°. 2. From 15 miles to 6 miles FAF, 3600'. 3. Descend aircraft to MDA after FAF 6 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3300' on heading 350° within 20 miles.
*Circling not authorized NW as defined by Runway 36 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1¼	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, ABI ASR; Procedure No. ASR-1, Amdt. Orig; Eff. date, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by OKC ASR minimum altitude vectoring chart.										Descend aircraft after passing FAF. 1. Runway 35L FAF—5 miles from threshold. Runway 35L, TDZ elevation, 1275'. 2. Runway 35R FAF—5 miles from threshold. Runway 35R, TDZ elevation, 1292'. 3. Runway 17L FAF—5 miles from threshold. Runway 17L, TDZ elevation, 1285'. 4. Runway 17R FAF—5 miles from threshold. Runway 17R, TDZ elevation, 1280'.

Missed approach:
Runways 35L and 35R—Climb to 3000' direct TWO NDB or; turn left, climb to 2500' direct OKC VORTAC.
Runways 17L and 17R—Climb to 2600' direct OK LOM and track on crs 171° from LOM within 15 miles or turn right, climb to 2500' direct OKC VORTAC.
#RVR 24', Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	1680	RVR 24	405	1680	RVR 24	405	1680	RVR 24	405	1680	RVR 50	405
S-35R	1680	1¼	388	1680	1¼	388	1680	1¼	383	1680	1	388
S-17L	1680	1¼	395	1680	1¼	395	1680	1¼	395	1680	1	395
S-17R	1680	1¼	400	1680	1¼	400	1680	1¼	400	1680	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	446	1760	1	466	1760	1½	466	1800	2	566
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294'; Facility, OKC ASR; Procedure No. ASR-1, Amdt. 8; Eff date, 10 July 69; Sup. Amdt. No. 7; Dated, 15 May 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 5, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-6977; Filed, June 19, 1969; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7015]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Identification of Book-Entry Treasury Securities

In order to modify the identification rules for purposes of determining basis and holding period of property in the case of certain Treasury securities, paragraph (c)(7)(ii)(*a*) of § 1.1012–1 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

§ 1.1012–1 Basis of property.

* * * * *

(c) *Sale of stock.* * * *

(7) *Book-entry Treasury securities.* * * *

(ii) * * *

(*a*) The term "book-entry Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act (31 U.S.C. 774(2)), as amended, in the form of an entry made as prescribed in 31 CFR Part 306, Subpart O, on the records of a Reserve Bank which is deposited in an account with a Reserve Bank (*1*) as collateral pledged to a Reserve Bank (in its individual capacity) for advances by it, (*2*) as collateral pledged to the United States under Treasury Department Circular No. 92 or 176, both as revised and amended, (*3*) by a member bank of the Federal Reserve System for its sole account for safekeeping by a Reserve Bank in its individual capacity, (*4*) in lieu of a surety or sureties upon the bond required by section 61 of the Bankruptcy Act, as amended (11 U.S.C. 101), of a banking institution designated by a judge of one of the several courts of bankruptcy under such section as a depository for the moneys of a bankrupt's estate, (*5*) pursuant to 6 U.S.C. 15, in lieu of a surety or sureties required in connection with any recognizance, stipulation, bond, guaranty, or undertaking which must be furnished under any law of the United States or regulations made pursuant thereto, (*6*) by a banking institution, pursuant to a State or local law, to secure the deposit in such banking institution of public funds by a State, municipality, or other political subdivision, (*7*) by a State bank or trust company or a national bank, pursuant to a State or local law, to secure the faithful performance of trust or other fiduciary obligations by such State bank or trust company or national bank, or (*8*) to secure funds which are deposited or held in trust by a State bank or trust company or a national bank and are awaiting investment, but which are used by such State bank or trust company or national bank in the conduct of its business;

* * * * *

Because this Treasury decision merely liberalizes the identification rules for purposes of determining basis and holding period in the case of certain securities, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: June 4, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-7298; Filed, June 19, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 8—ASSESSMENT OF FEES: NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Clarification of Assessment Applicable to Operating Subsidiary

Section 8.5, Part 8, Chapter 1, Title 12 of the Code of Federal Regulations, is amended by adding a clarifying sentence at the end thereof with the result that the section will read as follows:

§ 8.5 Daily rate for examinations of affiliates and for special examinations and investigations.

The assessment rate for examinations of affiliates and for special examinations and investigations is $140 a day for the Examiner-in-charge and $80 a day for each additional Examiner. A separate charge will not be made for a regular examination of any operating subsidiary if the assets of such subsidiary are included in the consolidated report of the parent bank.

Dated: June 17, 1969.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

[F.R. Doc. 69-7296; Filed, June 19, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–16—PROCUREMENT FORMS

Revision of Procurement Form

This amendment of the Federal Procurement Regulations prescribes the March 1969 edition of Standard Form 33A, Solicitation Instructions and Conditions. The new edition of the form includes the revision of Article 8, Late Offers and Modifications or Withdrawals, which was prescribed December 23, 1968, by FPR Amendment 51 (33 F.R. 20041, December 31, 1968).

Subpart 1–16.1—Forms for Advertised Supply Contracts

Paragraph (b) of § 1–16.101 is revised to read as follows:

§ 1–16.101 Contract forms.

* * * * *

(b) Solicitation Instructions and Conditions (Standard Form 33A, March 1969 edition).

* * * * *

Subpart 1–16.9—Illustration of Forms

Section 1–16.901–33A is revised to illustrate the March 1969 edition of Standard Form 33A as follows:

§ 1–16.901–33A Standard Form 33A. Solicitation Instructions and Conditions.

(a) Front of Standard Form 33A.

STANDARD FORM 33A, MARCH 1969
GENERAL SERVICES ADMINISTRATION
FPR PROC. REG. (41 CFR) 1–16.101

SOLICITATION INSTRUCTIONS AND CONDITIONS

1. DEFINITIONS.
As used herein
(a) The term "solicitation" means Invitation for Bids (IFB) where the procurement is advertised, and Request for Proposal (RFP) where the procurement is negotiated.
(b) The term "offer" means bid where the procurement is advertised, and proposal where the procurement is negotiated.
(c) For purposes of this solicitation and Block 7 of Standard Form 33, the term "advertised" includes Small Business Restricted Advertising and other types of restricted advertising.

2. PREPARATION OF OFFERS.
(a) Offerors are expected to examine the drawings, specifications, Schedule, and all instructions. Failure to do so will be at the offeror's risk.
(b) Each offeror shall furnish the information required by the solicitation. The offeror shall sign the solicitation and print or type his name on the Schedule and each Continuation Sheet thereof on which he makes an entry. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent are to be accompanied by evidence of his authority unless such evidence has been previously furnished to the issuing office.
(c) Unit price for each unit offered shall be shown and such price shall include packing unless otherwise specified. A total shall be entered in the Amount column of the Schedule for each item offered. In case of discrepancy between a unit price and extended price, the unit price will be presumed to be correct, subject, however, to correction to the same extent and in the same manner as any other mistake.
(d) Offers for supplies or services other than those specified will not be considered unless authorized by the solicitation.
(e) Offeror must state a definite time for delivery of supplies or for performance of services unless otherwise specified in the solicitation.
(f) Time, if stated as a number of days, shall include Saturdays, Sundays and holidays.
(g) Code names are for Government use only.

3. EXPLANATION TO OFFERORS. Any explanation desired by an offeror regarding the meaning or interpretation of the solicitation, drawings, specifications, etc., must be requested in writing and with sufficient time allowed for a reply to reach offerors before the submission of their offers. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished to all prospective offerors as an amendment of the solicitation, if such information is necessary to offerors in submitting offers on the solicitation or if the lack of such information would be prejudicial to uninformed offerors.

4. ACKNOWLEDGMENT OF AMENDMENTS TO SOLICITATIONS. Receipt of an amendment to a solicitation by an offeror must be acknowledged (a) by signing and returning the amendment, (b) on the reverse of Standard Form 33, or (c) by letter or telegram. Such acknowledgment must be received prior to the hour and date specified for receipt of offers.

5. SUBMISSION OF OFFERS.
(a) Offers and modifications thereof shall be enclosed in sealed envelopes and addressed to the office specified in the solicitation. The offeror shall show the hour and date specified in the solicitation for receipt, the solicitation number, and the name and address of the offeror on the face of the envelope.
(b) Telegraphic offers will not be considered unless authorized by the solicitation; however, offers may be modified by telegraphic notice, provided such notice is received prior to the hour and date specified for receipt. (However, see par. 8.)
(c) Samples of items, when required, must be submitted within the time specified, and unless otherwise specified by the Government, at no expense to the Government. If not destroyed by testing, samples will be returned at offeror's request and expense, unless otherwise specified by the solicitation.

6. FAILURE TO SUBMIT OFFER. If no offer is to be submitted, do not return the solicitation unless otherwise specified. A letter or postcard should be sent to the issuing office advising whether future solicitations for the type of supplies or services covered by this solicitation are desired. Failure of the recipient to offer, or to notify the issuing office that future solicitations are desired, may result in removal of the name of such recipient from the mailing list for the type of supplies or services covered by the solicitation.

7. MODIFICATIONS OR WITHDRAWAL OF OFFERS.
(a) If this solicitation is advertised, offers may be modified or withdrawn by written or telegraphic notice received prior to the exact hour and date specified for receipt of offers. An offer also may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the offer, but only if the withdrawal is made prior to the exact hour and date for receipt of offers. (However, see par. 8.)
(b) If this solicitation is negotiated, offers may be modified (subject to par. 8, when applicable) or withdrawn by written or telegraphic notice received at any time prior to award. Offers may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the offer prior to award.

8. LATE OFFERS AND MODIFICATIONS OR WITHDRAWALS. (This paragraph applies to all advertised solicitations. In the case of Department of Defense negotiated solicitations, it shall also apply to late offers and modifications (other than the normal revisions of offers by selected offerors during the usual conduct of negotiations with such offerors) but not to withdrawals of offers. Unless otherwise provided, this paragraph does not apply to negotiated solicitations issued by certain agencies.)
(a) Offers and modifications of offers (or withdrawals thereof, if this solicitation is advertised) received at the office designated in the solicitation after the exact hour and date specified for receipt will not be considered unless: (1) they are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained and is affixed by the Government that the late receipt was due solely to delay in the mails for which the offeror was not responsible, or (3) they are sent by mail (or by telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation, provided, that timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if any) available) within the control of such installation or of the post office serving it. However, a modification of an offer which is made the terms of an otherwise successful offer more favorable to the Government will be considered at any time it is received and may be accepted.
(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late offer was timely mailed.
(c) The time of mailing of late offers submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry to ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate business verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

9. DISCOUNTS. (a) Notwithstanding the fact that a blank is provided for a ten (10) day discount, prompt payment discounts offered for payment within less than twenty (20) calendar days will not be considered in evaluating offers for award, unless otherwise specified in the solicitation. However, offered discounts of less than 20 days will be taken if payment is made within the discount period, even though not considered in the evaluation of offers.
(b) In connection with any discount offered, time will be computed from date of delivery of the supplies to carrier when delivery and acceptance are at point of origin, or from date of delivery at destination or port of embarkation when delivery and

33-305 NOTE. Unless otherwise specified, this form (SF-33A) is designated as Pages 3 and 4 of this solicitation.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

(b) Back of Standard Form 33A.

acceptance are at either of those points, or from the date correct invoice or voucher is received in the office specified by the Government, if the latter date is later than date of delivery. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

10. AWARD OF CONTRACT. (a) The contract will be awarded to that responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered.

(b) The Government reserves the right to reject any or all offers and to waive informalities and minor irregularities in offers received.

(c) The Government may accept any item or group of items of any offer, unless the offeror qualifies his offer by specific limitations. UNLESS OTHERWISE PROVIDED IN THE SCHEDULE, OFFERS MAY BE SUBMITTED FOR ANY QUANTITIES LESS THAN THOSE SPECIFIED; AND THE GOVERNMENT RESERVES THE RIGHT TO MAKE AN AWARD ON ANY ITEM FOR A QUANTITY LESS THAN THE QUANTITY OFFERED AT THE UNIT PRICES OFFERED UNLESS THE OFFEROR SPECIFIES OTHERWISE IN HIS OFFER.

(d) A written award (or Acceptance of Offer) mailed (or otherwise furnished) to the successful offeror within the time for acceptance specified in the offer shall be deemed to result in a binding contract without further action by either party.

The following paragraphs (e) through (h) only are applicable to negotiated solicitations:

(e) The Government may accept within the time for acceptance therein, any offer (or part thereof, as provided in (c) above), whether or not there are negotiations subsequent to its receipt, unless the offer is withdrawn by written notice received by the Government prior to award. If subsequent negotiations are conducted, they shall not constitute a rejection or counter offer on the part of the Government.

(f) The right is reserved to accept other than the lowest offer and to reject any or all offers.

(g) The Government may award a contract, based on initial offers received, without discussion of such offers. Accordingly, each initial offer should be submitted on the most favorable terms from a price and technical standpoint which the offeror can submit to the Government.

(h) Any financial data submitted with any offer hereunder or any representation concerning facilities or financing will not form a part of any resulting contract; provided, however, that if the resulting contract contains a clause providing for price reduction for defective cost or pricing data, the contract price will be subject to reduction if cost or pricing data furnished hereunder is incomplete, inaccurate, or not current.

11. GOVERNMENT-FURNISHED PROPERTY. No material, labor, or facilities will be furnished by the Government unless otherwise provided for in the solicitation.

12. LABOR INFORMATION. General information regarding the requirements of the Walsh-Healey Public Contracts Act (41 U.S.C. 35-45), the Contract Work Hours Standards Act (40 U.S.C. 327-330), and the Service Contract Act of 1965 (41 U.S.C. 351-357) may be obtained from the Department of Labor, Washington, D.C. 20210, or from any regional office of that agency. Requests for information should include the solicitation number, the name and address of the issuing agency, and a description of the supplies or services.

13. SELLER'S INVOICES. Invoices shall be prepared and submitted in quadruplicate (one copy shall be marked "original") unless otherwise specified. Invoices shall contain the following information: Contract and order number (if any), item numbers, description of supplies or services, sizes, quantities, unit prices, and extended totals. Bill of lading number and weight of shipment will be shown for shipments made on Government bills of lading.

14. SMALL BUSINESS CONCERN. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is submitting offers on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

15. CONTINGENT FEE. If the offeror, by checking the appropriate box provided therefor, has represented that he has employed or retained a company or person (other than a full-time bona fide employee working solely for the offeror) to solicit or secure this contract, or that he has paid or agreed to pay any fee, commission, percentage, or brokerage fee to any company or person contingent upon or resulting from the award of this contract, he shall furnish, in duplicate, a complete Standard Form 119, Contractor's Statement of Contingent or Other Fees. If offeror has previously furnished a completed Standard Form 119 to the office issuing this solicitation, he may accompany his offer with a signed statement (a) indicating when such completed form was previously furnished, (b) identifying by number the previous solicitation or contract, if any, in connection with which such form was submitted, and (c) representing that the statement in such form is applicable to this offer.

16. PARENT COMPANY. A parent company for the purpose of this offer is a company which either owns or controls the activities and basic business policies of the offeror. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the offeror, such other company is considered the parent company of the offeror. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

17. EMPLOYER'S IDENTIFICATION NUMBER. (Applicable only to advertised solicitations.) The offeror shall insert in the applicable space on the offer form, if he has no parent company, his own Employer's Identification Number (E.I. No.) (Federal Social Security Number used on Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941), or, if he has a parent company, the Employer's Identification Number of his parent company.

18. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION. (a) This certification on the offer form is not applicable to a foreign offeror submitting an offer for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(b) An offer will not be considered for award where (a)(1), (a)(3), or (b) of the certification has been deleted or modified. Where (a)(2) of the certification has been deleted or modified, the offer will not be considered for award unless the offeror furnishes with the offer a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

19. ORDER OF PRECEDENCE. In the event of an inconsistency between provisions of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule; (b) Solicitation Instructions and Conditions; (c) General Provisions; (d) other provisions of the contract, whether incorporated by reference or otherwise; and (e) the specifications.

U.S. GOVERNMENT PRINTING OFFICE : 1969 O—340-401 2610

Effective date: This amendment is effective October 1, 1969, but the March 1969 edition of Standard Form 33A may be used as soon as copies are available.

Dated: June 12, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-7243; Filed, June 19, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peach Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Peach Commodity Committee reflect its appraisal of the California peach crop and the current and prospective market conditions. Shipments of California peaches are expected to begin on or about June 22, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after June 22, 1969, of California peaches of a lower grade or smaller size than specified herein for such peaches, so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 22, 1969. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until May 15, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; necessary supplemental information was submitted to the Department on June 10, 1969; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concernnig such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.417 Peach Regulation 1.

(a) *Order.* (1) During the period June 22, 1969, through October 31, 1969, no shipper shall ship:

(i) Any lot of packages or containers of peaches unless such peaches meet the requirements of the U.S. No. 1 grade: *Provided,* That with respect to ripe peaches, a tolerance of 10 percent, by count, for bruises not causing serious damage is allowed in addition to the tolerances provided for such U.S. No. 1 grade;

(ii) Any package or container of peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any lot of packages or containers of peaches if more than three (3) percent, by count, of the peaches in such lot are immature;

(iv) Any package or container of peaches unless at least 85 percent of the peaches contained in such package or container measure not less than 2⅜

inches in diameter: *Provided,* That peaches (a) when packed in a 12B California fruit box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box, or (b) when packed in a No. 22D standard lug box, which are of the size that will pack, in accordance with the requirements prescribed by a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement, and: *Provided, further,* That for the purpose of determining whether ripe peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking: (i) Have shoulders and sutures well filled out and smooth; (ii) have skin which is at least very light green to yellowish green in color; (iii) have flesh that is yellow or straw color with only a small portion usually next to the skin being greenish yellow or greenish straw color; (iv) have flesh which shows some juiciness; and (v) yield very slightly to moderate pressure at the suture or tip.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the U.S. Standards for Peaches (7 CFR 51.1210–1223); "No. 22D Standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; "No. 12B California fruit box" shall have the same meaning as set forth in section 43598 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7278; Filed, June 19, 1969; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Honey Price Support Regs., for 1968 and Subsequent Crops, Rev. 1, Amdt. 1]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 34 F.R. 6966 and setting forth the requirements with respect to price support for the 1968 and each subsequent crop of extracted honey for which a price support program is authorized, are hereby amended as follows:

1. Section 1434.7 is amended to add the floral source "Athel" as eligible nontable honey in paragraph (b)(2). The amended section reads as follows:

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable eligibility requirements of this subpart and the applicable annual supplement thereto in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.8 is not eligible.

(a) *Production.* The honey must have been produced and extracted in the United States by an eligible producer during the calendar year for which price support is requested.

(b) *Floral source.* Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support and shall be classed as follows:

(1) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include Alfalfa, Bird's-foot Trefoil, Blackberry, Brazil Brush, Catsclaw, Clover, Cotton, Firewood, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Soybean, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar mild flavors, or blends of mild flavored honeys, as determined by the Director, Farmer Programs Division, ASCS.

(2) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of Aster, Athel, Avocado, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix Gallica), Spanish Needle, Spikeweed, Titi-Toyon (Christmas Berry), Tulip-Poplar, Wild Cherry, and similarly flavored honey or blends of such honeys, as determined by the Director, Farmer Programs Division, ASCS.

(c) *Containers.* The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons and of a style used in normal commercial practice in the honey industry.

(1) *Five-gallon.* The 5-gallon containers must contain approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled can. The cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) *Steel drums.* Steel drums must be open-end type, filed to their rated capacities and be new, or used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting and fitted with gaskets which provide a tight seal.

2. Section 1434.8 is amended to delete the floral source "Athel" from ineligible honey in paragraph (a). The amended section reads as follows:

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, Bitterweed, Broomweed, Cajeput, Chinquapin, Dog Fennel, Desert Holly Hock, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Rabbit Brush, Snowbrush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar objectionable flavored honey or blends of honey as determined by the Director, Farmer Programs Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(b) *Contamination or poisonous substances.* Honey which is contaminated or which contains chemicals or other substances poisonous to man or animals is not eligible for price support.

(c) *Containers.* Honey packed in steel drums which have removable liners of polyethylene, or other materials is not eligible for price support regardless of whether it meets other eligibility requirements.

3. Section 1434.13 is amended to provide that a producer shall pay a fee of $8 for each farm storage loan disbursed and $4 for each cooperative storage loan disbursed. The amended section reads as follows:

§ 1434.13 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $8 for each farm storage loan disbursed. An approved cooperative marketing association shall pay a loan service fee of $2 for each cooperative storage loan disbursed. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge of 1 percent per hundredweight, in addition to any loan service fee, shall be paid by producers at time of settlement on the quantity of honey delivered to or acquired by CCC under the loan or purchase.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 63 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c; 7 U.S.C. 1446, 1421).

Effective date: This amendment is effective June 1, 1969.

Signed at Washington, D.C., June 16, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-7300; Filed, June 19, 1969; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

PART 13—SETTLEMENTS INVOLVING HEADWATER BENEFITS

PART 131—FORMS

PART 159—FEES FOR CERTAIN APPLICATIONS FILED PURSUANT TO THE NATURAL GAS ACT

Amendments of Authorities

1. The authority for Part 13 of Chapter I of Title 18 of the Code of Federal Regulations is amended by substituting 5 U.S.C. 554 for 5 U.S.C. 1004(b).

2. The authority for Part 131 of Chapter I of Title 18 of the Code of Federal Regulations is amended by adding 16 U.S.C. 797.

3. The authority for Part 159 of Chapter I of Title 18 of the Code of Federal Regulations is amended by adding 15 U.S.C. 717g.

GORDON M. GRANT,
Secretary,
Federal Power Commission.

[F.R. Doc. 69-7279; Filed, June 19, 1969; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 417-69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart V—Authorizations With Respect to Personnel and Certain Administrative Matters

DELEGATION OF AUTHORITY FOR THE WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS OF PAY

By virtue of the authority vested in me by sections 509 and 510 of Title 28 and section 301 of title 5 of the United States Code, Subpart V of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new § 0.155, to read as follows:

§ 0.155 Waiver of claims for erroneous payments of pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals) are authorized to exercise the authority provided under 5 U.S.C. 5584 for the waiver of claims of the United States for erroneous payments of pay to employees of the Department of Justice in accordance with standards prescribed by the Comptroller General, 4 CFR, Ch. III.

Dated: June 5, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-7276; Filed, June 19, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

Subpart O—Book Entry Procedure

NOTICE OF ADOPTION OF REGULATIONS

On April 25, 1969, a notice of proposed rulemaking was published in the FEDERAL REGISTER (34 F.R. 6930) with respect to Subpart O of Treasury Department Circular No. 300, Third Revision (31 CFR Part 306). After consideration of such relevant matter as was presented by interested parties, Subpart O, revised and amended in the form shown below, was adopted on June 13, 1969, with an effective date of July 15, 1969.

Dated: June 13, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Subpart O of Treasury Department Circular No. 300, Third Revision, dated December 23, 1964, as amended (31 CFR Part 306), is hereby further amended and revised as follows:

§ 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of the United States.

(b) "Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book-entry Treasury security.

(c) "Definitive Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in engraved or printed form.

(d) "Book-entry Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Serially-numbered advice of transaction" means the confirmation (prescribed in § 306.116) issued by a Reserve Bank which is identifiable by a unique number and indicates that a particular written instruction to the Reserve Bank with respect to the deposit or withdrawal of a specified book-entry Treasury security (or securities) has been executed.

(f) "Pledge" includes a pledge of, or any other security interest in, Treasury securities held as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(g) "Date of call" (see § 306.2) is "the date fixed in the official notice of call published in the FEDERAL REGISTER on which the obligor will make payment of the security before maturity in accordance with its terms."

§ 306.116 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized and directed, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the title of the loan (or the series) and the maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; (c) otherwise service and maintain book-entry Treasury securities; and (d) issue serially-numbered advices of transactions with respect to each instruction relating to the deposit or withdrawal of a book-entry Treasury security (or securities) which has been executed. Each such advice shall confirm that book-entry Treasury securities of the amount, loan title (or series) and maturity date specified in the depositor's instruction have been deposited or withdrawn.

§ 306.117 Scope and effect of book-entry procedure.

(a) The book-entry procedure shall apply to Treasury securities deposited with any Reserve Bank (1) as collateral pledged to a Reserve Bank (in its individual capacity) for advances by it, (2) as collateral pledged to the United States under Treasury Department Circulars No. 92 or 176, both as revised and amended, and (3) by a member bank of the Federal Reserve System for its sole account and in lieu of the safekeeping of definitive Treasury securities by a Reserve Bank in its individual capacity. Any depositor which has definitive Treasury securities on deposit with a Reserve Bank (in either its individual capacity or as Fiscal Agent) for any purpose specified above or which hereafter deposits such securities for any such purpose shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve Bank.

(b) (1) A Reserve Bank as Fiscal Agent of the United States may also apply the book-entry procedure provided for in this subpart to any Treasury securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragarph is applicable, but not limited, to securities deposited:

(i) In connection with deposits in member banks of funds of States, municipalities, or other political subdivisions; or

(ii) In connection with the performance of an obligation or duty under Federal, State, municipal or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Treasury securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Treasury securities.

(2) The rights of all persons in all Treasury securities (whether pledged or otherwise) referred to in subparagraph (1) of this paragraph shall in all respects be the same when those securities are in book-entry form as if definitive Treasury securities in bearer form in the same amount and of the same loan (or series) and maturity date had at all times been held in custody by the Reserve Bank in its individual capacity in accordance with the agreement between such bank and its depositors.

(c) In addition to applying the book-entry procedure to Treasury securities deposited under paragraphs (a) and (b) of this section, the procedure may be applied by any Reserve Bank, with the approval of the Secretary of the Treasury, to any other Treasury securities deposited with the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 306.118 Pledges.

A pledge of book-entry Treasury securities maintained under § 306.117 is effected, notwithstanding any provision of law to the contrary, by a Reserve Bank's making an appropriate entry in its records of the amount of the securities pledged. The making of such entry (a) shall have the effect of a delivery of definitive Treasury securities in bearer form in the amount of the obligations pledged; (b) shall have the effect of a taking of delivery by the pledgee; (c) shall effect a perfected security interest therein in favor of the pledgee; and (d) shall contsitute such pledgee a holder. No filing or recording with a public recording office or officer shall be necessary to perfect any pledge in any book-entry Treasury securities under this subpart. Any pledge of definitive Treasury securities existing at the time of the conversion hereunder of such securities to book-entry form shall continue to be fully effective notwithstanding such conversion. A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Treasury securities into definitive Treasury securities and deliver them to the pledgee or other appropriate party for disposition under the applicable pledge arrangement; and the pledge interest of the pledgee in such book-entry Treasury securities prior to conversion to definitive securities shall continue without interruption to be fully effective with respect to such definitive securities.

§ 306.119 Limitations on transfers or pledges.

Except as provided in this subpart, book-entry Treasury securities may not be assigned, transferred, hypothecated, pledged as collateral, or used as security for the performance of an obligation, and the Treasury Department will not recognize any such assignment, transfer, hypothecation, pledge or use.

§ 306.120 Withdrawals and transfers.

Withdrawals and transfers of book-entry Treasury securities may be made upon a depositor requesting (a) delivery of like definitive Treasury securities to itself or on its order to a transferee, or (b) transfer to any transferee eligible under § 306.117. The making of any book-entry transfer by a Reserve Bank shall have the same effect as a delivery to the transferee of definitive Treasury securities in bearer form. The transfer of book-entry Treasury securities within a Reserve Bank will be made in accordance with procedures established by the latter not inconsistent with this subpart. The transfer of book-entry Treasury securities between Reserve Banks will be made through a telegraphic transfer procedure. All requests for withdrawal or for transfer must be made prior to the maturity or date of call of the securities. Treasury bonds and notes which are actually to be delivered upon withdrawal or transfer may be issued either in registered or in bearer form, except that EA and EO series of Treasury notes will be issued in bearer form only.

§ 306.121 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve Bank (in either its individual capacity or as Fiscal Agent) on the effective date of this subpart for any purpose specified in § 306.117(a). Registered Treasury securities deposited thereafter with a Reserve Bank for any purpose specified in § 306.117 shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of the regulations in this part, so far as applicable, shall be to "Federal Reserve Bank of _____, as Fiscal Agent of the United States, for conversion to book-entry Treasury securities."

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

[F.R. Doc. 69-7297; Filed, June 19, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-97]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

ANNAPOLIS HARBOR, MARYLAND

1. The Commander, Fifth Coast Guard District, Portsmouth, Va., by letter dated 9 April 1969, requested that the anchorage grounds in Annapolis Harbor be redefined and published using fixed points of reference. The reason for the request is that some of the buoys and other reference points referred to in § 110.159 have been relocated or removed. The Superintendent, U.S. Naval Academy, Annapolis, Md., approved the proposed changes.

2. This document merely amends the description of some of the existing anchorage grounds by using new reference points and does not appreciably alter the boundaries thereof. Accordingly, it is found that compliance with the provisions of the Administrative Procedure Act relative to proposed rule making, and public rule making procedures thereon, is unnecessary.

3. In Subpart B of Part 110, § 110.159 is revised to read as follows:

§ 110.159 Annapolis Harbor, Md.

(a) *The Anchorage Grounds*—(1) *Naval Anchorage for Deep Draft Vessels.* In the Chesapeake Bay, bounded on the north by latitude 38°58'00"; on the east by a line bearing 203° from latitude 38°58'00", longitude 76°24'00"; on the south by latitude 38°56'30"; and on the west by a line bearing 139° from Greenbury Point Shoal Light. This anchorage is reserved for deep draft naval vessels. Berths in the area will be assigned on application to the Superintendent, U.S. Naval Academy.

(2) *Middle Ground Anchorage.* Beginning at a point in the Severn River 139°, 620 yards from Triton Light (located at the intersection of the northeast and southeast seawall of the Naval Academy grounds); thence easterly to a point 112°30', 970 yards from Triton Light; thence southeasterly to a point 274°, 1,045 yards from the radio tower at the tip of Greenbury Point; thence southsoutheasterly to a point 233°30', 925 yards from the radiotower at the tip of Greenbury Point; thence west to a point 295°, 1,015 yards from Greenbury Point Shoal Light; thence to the point of beginning.

(3) *South Anchorage.* In the Severn River, begining at a point on the shoreline at Horn Point, Eastport, 168°, 1,190 yards from Triton Light; thence east to a point 294°, 1,075 yards from Greenbury Point Shoal Light; thence northwest to a point 143°, 595 yards from Triton Light; thence westerly to a point 209°, 700 yards from Triton Light; thence 180° to a point on the shoreline at Eastport. No vessel shall anchor within 100 feet of any wharf, marine railway, or other structure without the permission of the owner thereof.

(4) *Naval Anchorage for Small Craft.* In the Severn River, beginning at a point 80 feet off the southeast seawall of the Naval Academy bearing 132° from Triton Light; thence easterly to a point 072°30', 285 yards from Triton Light; thence southeasterly to a point 109°, 785 yards from Triton Light; thence westerly to a point 211°, 537 yards from Triton Light; thence northwesterly to a point 45 yards off the southeast seawall of the Naval Academy bearing 214°, 535 yards from Triton Light; thence to the point of beginning. Except in the case of emergency, no vessel shall be anchored in this area without the permission of the Superintendent, U.S. Naval Academy. Anchorages will be assigned upon request to the Superintendent, U.S. Naval Academy.

(5) *Anchorage A.* In Spa Creek beginning at a point on the shoreline 219°30', 545 yards from Triton Light; thence southeasterly to a point 214°30', 555 yards from Triton Light; thence southwesterly to a point 237°30', 185 yards from the Naval Academy Light; thence southwesterly to a point 235°30', 315 yards from the Naval Academy Light; thence westerly to a point 240°, 410 yards from the Naval Academy Light; thence northeasterly to a point 244°, 305 yards from the Naval Academy Light; thence northeasterly to a point on the shoreline 255°, 205 yards from the Naval Academy Light.

(6) *Anchorage B.* In Spa Creek beginning at a point 223°, 185 yards from the Naval Academy Light; thence southeasterly to a point 214°, 190 yards from the Naval Academy Light; thence southwesterly to a point 211°, 335 yards from the Naval Academy Light; thence southwesterly to a point 212°, 520 yards from the Naval Academy Light; thence northwesterly to a point 229°30', 465 yards from the Naval Academy Light; thence northeasterly to the point of beginning.

(b) *The regulations.* (1) Except in the case of emergency, no vessel shall be anchored in the area to the north and east of the Annapolis Channel bounded on the east by Greenbury Point; on the south by a line bearing 270° from the southern tip of Greenbury Point; on the west by the Annapolis Channel; on the north by the southern boundry of the cable area and the shoreline of the Government reservation and Carr Creek.

(2) Except in the case of emergency, no vessel shall be anchored in Annapolis Harbor to the westward of the dredged channel and northward of the southern boundry of the South Anchorage outside of the established anchorage areas, except in Spa Creek and the area to the southwestward of the Naval anchorage for small craft. No vessel shall be so anchored that any part of the vessel extends at any time within this area. Any vessel anchoring, under great emergency, within this area shall be placed as close to an anchorage area as practicable, and shall move away immediately after the emergency ceases.

(3) No vessel shall be anchored in the cable and pipeline area, lying between the Naval Academy and the Naval Ship Research and Development Laboratory and having the following limits: Southeastern limit, from Triton Light 072° to white "Cable Crossing" sign at the Naval Ship Research and Development Laboratory; northwestern limit, a line bearing 054° from the Capitol Dome.

(4) Except in the case of emergency, no vessel shall be anchored, without permission of the Superintendent, U.S. Naval Academy, in the Naval Academy Drill area described as follows:

That portion of the Severn River lying to the northeastward of the Naval Academy, bounded on the north by the State Highway Bridge and on the south by the northern limit of the cable and pipeline area, excluding that area off the eastern shoreline enclosed by a line bearing approximately 131° from the eastern abutment of the State Highway Bridge to the vicinity of Ferry Point. This drill area also includes the lower part of Dorseys Creek below the Naval Academy Drawbridge. Requests to anchor in this drill area shall be made to the Superintendent, U.S. Naval Academy.

(5) The restrictions in this section do not apply to the anchoring or marking by buoys or apparatus used for the purpose of taking seafood, except within the cable or pipeline area described in subparagraph (3) of this paragraph.

(6) The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, and such agencies as he may designate.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(1))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: June 13, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-7270; Filed, June 19, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

1969–70 Hunting Seasons for Puerto Rico and the Virgin Islands

There was published in the FEDERAL REGISTER of May 14, 1969, beginning on page 7654 (34 F.R. 7654) a notice of proposed rule making to issue regulations governing the hunting of doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico; and for doves in the Virgin Islands.

All interested persons were invited to submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of the notice. That notice advised that those amendments for hunting doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for hunting doves in the Virgin Islands would be proposed for final adoption no later than June 10 to become effective no later than July 1, 1969. However, since publication of that notice was on May 14, 1969, and in keeping with Department policy of providing 30 days from the date such notice is published during which all interested persons are invited to submit comments, objections, or suggestions; and none having been received, those amendments are proposed for adoption at this time to be effective upon publication in the FEDERAL REGISTER.

Accordingly, Title 50, Chapter I, Subchapter B, Part 10, § 10.52—Code of Federal Regulations is revised to read:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Puerto Rico.

	Doves[1]	Pigeons[1]
Daily bag limit[1]	15 singly or in the aggregate of all permitted species.	8 singly or in the aggregate of all permitted species.
Possession limit	23 doves and pigeons singly or in the aggregate of all permitted species.	
Open season dates[1 2 3 4]	July 29 to Sept. 26, 1969, inclusive.	
Shooting hours	One-half hour before sunrise until sunset daily.	

[1] On Mona Island, the daily bag and possession limit on doves and pigeons is 15, singly or in the aggregate of all permitted species.
[2] No open season is prescribed for doves or pigeons on Culebra Island.
[3] No open season is prescribed for doves or pigeons in the Municipality of Cidra composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatris, Ceiba, Rio Abajo, Rencon, Toita, Honduras, Rabanel, and Salto.
[4] Species protected at all times: *Puerto Rican Plain Pigeon* (Columba inornata wetmorei)—Blue pigeon, Puerto Rican Pigeon, Palma Sabanera; *Ground Dove* (Columbigallina passerina nigrirostis)—Tortolita, Rola, Tobacco dove; *Ruddy Quail Dove* (Geotrygon montana)—Partridge, Perdix.

(b) Puerto Rico.

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limit	4	6	8	8
Possession limit	8	12	16	16
Open season dates[1 2 3]	Dec. 3, 1969 to Jan. 31, 1970, inclusive.			
Shooting hours	One-half hour before sunrise until sunset daily.			

[1] Check Commonwealth regulations for additional restrictions.
[2] No open season for waterfowl is prescribed for Culebra Island.
[3] The season on Bahama pintail is closed by Commonwealth law.

(c) Virgin Islands.

	Zenaida doves
Daily bag limit	10 Zenaida doves.
Possession limit	Do.
Open season dates[1 2]	Aug. 1 to Oct. 9, 1969, inclusive.
Shooting hours	One-half hour before sunrise until sunset daily.

[1] The season is closed on all species of game birds in the Virgin Islands except Zenaida doves.
[2] See Territorial regulations for any additional restrictions.

Local names for game birds: *Zenaida dove* (Zenaida aurita) Mountain dove; *Bridled Quail Dove* (Geotrygon mystacea)—Perdiz, Barbara dove (Protected). *Ground Dove* (Columbigallina passerina nigrirostris)—Stone dove, Tobacco dove, Rola, Tortolita (Protected).

(40 Stat. 755; 16 U.S.C. 703 et seq.)

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-7265; Filed, June 19, 1969; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are permitted on a leash not over 10 feet in length. Lunches are permitted in designated areas where lunch facilities are provided. Fishing and hunting, the launching of boats and parking of boat trailers may be permitted in designated areas.

The refuge area, comprising 4,680 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 13, 1969.

[F.R. Doc. 69-7274; Filed, June 19, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-633]

PART 87—AVIATION SERVICES

INTERIM Basic Aeronautical Communications Emergency Plan

Correction

In F.R. Doc. 69-7065 appearing on page 9390 in the issue of Saturday, June 14, 1969, the following section heading should be inserted in the third column preceding paragraph (a) *Accurate Navigation Aids:*

§ 87.602 Definition of terms.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 29]

RIGHTS-OF-WAY REGULATIONS

Proposed Transfer of Certain Administrative Responsibility

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 4(d)(2) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa), and by 5 U.S.C. 22 and 43 U.S.C. 1201, it is proposed to revise Part 29, Title 50, Code of Federal Regulations, as set forth below. The proposed changes will transfer the administrative responsibility for issuing permits and easements over and across lands under the administration of the Fish and Wildlife Service to the Bureau of Sport Fisheries and Wildlife. Heretofore, permits and easements for rights-of-way across such lands were issued by the Bureau of Land Management under regulations published in 43 CFR Part 2234.

1. Section 29.21 is changed from "Rights-of-Way" to "Definitions" and is revised and expanded to include §§ 29.21–1 to 29.21–8 inclusive which set out regulations and procedures for the filing of applications and the issuance of right-of-way permits or easements over and across lands administered by the Fish and Wildlife Service. Under these proposed regulations, the Regional Directors, Bureau of Sport Fisheries and Wildlife, will consider applications and issue permits or easements as appropriate. The Bureau of Sport Fisheries and Wildlife will coordinate with the Bureau of Commercial Fisheries and handle applications for rights-of-way across lands administered by that agency in accordance with existing arrangements where real property management functions of the Bureau of Commercial Fisheries are handled by the Bureau of Sport Fisheries and Wildlife.

2. Section 29.22 is changed from "Fees" to "Hearing and Appeals." Fees will now be covered in § 29.21–7, *Payment Required*. Hearing and Appeals procedures as published in 43 CFR 1840 and 1850 will be adopted in these regulations by reference.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JUNE 13, 1969.

Subpart B—Rights-of-Way General Regulations

29.21 Definitions.
29.21–1 Purpose and scope.
29.21–2 Application procedures.
29.21–3 Nature of interest granted.
29.21–4 Terms and conditions.
29.21–5 Construction.
29.21–6 Disposal, transfer or termination of interest.
29.21–7 Payment required.
29.21–8 Requirements for electric power transmission lines.
29.22 Hearing and appeals procedures.

AUTHORITY: The provisions of this subpart B issued under R.S. 161, as amended; sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; secs. 5, 10, 45 Stat. 449, 1224; secs. 4, 2, 48 Stat. 402, as amended, 1270; sec. 4, 76 Stat. 654; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 2, 315a, 1201; 76 Stat. 653, as amended, 16 U.S.C. 460k; 80 Stat. 926; 16 U.S.C. 668aa et seq.

Subpart B—Rights-of-Way General Regulations

§ 29.21 Definitions.

(a) "Secretary" means Secretary of the Interior or his authorized representatives acting under delegated authority.

(b) "Bureau" means Bureau of Sport Fisheries and Wildlife or Bureau of Commercial Fisheries.

(c) "Regional Director" means the Regional Director for one of the Bureau of Sport Fisheries and Wildlife's five regions.

(d) "Project Manager" means the officer in charge of the land under administration by the Bureau of Sport Fisheries and Wildlife or the Bureau of Commercial Fisheries.

(e) "National Wildlife Refuge System land" means lands and waters, or interests therein, administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

(f) "Easement area" means land, or interests therein, over which the Secretary administers an easement for waterfowl management rights to assure preservation of waterfowl nesting habitat.

(g) "Other lands" means all other lands, or interests therein, and waters administered by the Secretary through the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries which are not included in National Wildlife Refuge System lands; e.g., coordination areas, administrative sites, research stations, fish hatcheries, fishery research stations, and biological laboratories.

(h) "Compatible" means that the requested right-of-way or use will not interfere with or detract from the purposes for which units of the National Wildlife Refuge System are established.

§ 29.21–1 Purpose and scope.

The regulations in this subpart prescribe the procedures for filing applications and the terms and conditions under which rights-of-way over and across the lands administered by the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries may be granted.

(a) National Wildlife Refuge System lands. Applications for all forms of right-of-way on or over such lands shall be submitted under authority of Public Law 89–669 (80 Stat. 926; 16 U.S.C. 668dd) following application procedures set out in § 29.21–2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See § 29.21–8 for special requirements for electric power transmission line rights-of-way. Applications for rights-of-way for roads and highways included in the Federal-aid primary system, the Federal-aid secondary system, and the National System of Interstate and Defense Highways may be submitted in accordance with procedures set out in § 29.21–2, or at the option of the State Highway Departments, may be submitted to the Regional Director pursuant to Title 23 U.S.C. in accordance with applicable provisions of Title 43 CFR, Chapter II, Subpart 2234, which are hereby incorporated by reference in these regulations.

(b) National Wildlife Refuge System lands—easement interest. Applications for all forms of rights-of-way across lands in which the United States owns only an easement interest may be submitted to the Regional Director in letter form. No map exhibit is required, however, the affected land should be described in the letter or shown on a map sketch. If the requested right-of-way will not adversely affect the United States' interest, the Regional Director may issue a letter stating that the interest of the United States to the right-of-way easement would not be affected provided there would be no objection to a right-of-way by the fee owner. If the interest of the United States will be affected, application for the right-of-way must be submitted in accordance with procedures set out in § 29.21–2.

(c) Other lands outside the National Wildlife Refuge System. Application for all forms of rights-of-way on or over other lands should be submitted to the Regional Director in triplicate in accordance with controlling authorities and applicable regulations contained in 43 CFR, Chapter II, Subpart 2234, which are hereby incorporated by reference in these regulations.

§ 29.21–2 Application procedures.

(a) Application. (1) No special form of application is required. The application should state the purpose for which the right-of-way is being requested together with the length, width on each side of the centerline, and the estimated acreage. Applications, including exhibits, shall be filed in triplicate with the Regional Director for the region in which the State is located. A list of States in each region and the addresses of the Regional Directors are contained in paragraph (c) of this section.

(2) All applications filed pursuant to this part in the name of individuals, corporations or associations must be accompanied by an application service fee of $10. The service fee will not be returnable. No application service fee will be required of States or agencies or instrumentalities thereof or of Federal agencies.

(b) Maps. A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Bureau land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Bureau project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown. If the right-of-way or site is located wholly within Bureau project land, a tie to a Government corner or prominent cultural feature which can be readily recognized and recovered should be shown.

(c) Regional Directors' addresses.

(1) For the States of Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington:

Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, 730 Northeast Pacific Street, Portland, Oreg. 97208.

(2) For the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming:

Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building and U.S. Courthouse, Post Office Box 1306, Albuquerque, N. Mex. 87103.

(3) For the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450.

(4) For the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, 50 Seventh Street NW., Atlanta, Ga. 30323.

(5) For the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

§ 29.21–3 Nature of interest granted.

(a) Where the land administered by the Secretary is owned in fee by the United States and the right-of-way is compatible with the objectives of the area, the right-of-way may be approved and granted by an easement or permit. Generally an easement or permit will be issued for a term or period of 50 years or for a lesser term when considered appropriate.

(b) Unless otherwise provided, no interest granted shall give the grantee any right whatever to remove any material, earth, or stone for construction or other purpose, except that stone or earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

§ 29.21–4 Terms and conditions.

(a) Any right-of-way easement or permit granted will be subject to outstanding rights, if any, in third parties.

(b) An applicant, by accepting a right-of-way easement or permit, agrees to such terms and conditions as may be prescribed by the Bureau including but not limited to any of the following:

(1) To comply with State and Federal laws applicable to the project within which the right-of-way is granted, and to the lands which are included in the right-of-way, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the right-of-way to the extent and in the manner directed by the project manager in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such a manner as to decrease the fire hazard and also in accordance with such instructions as the project manager may specify.

(3) To prevent the disturbance or removal of any public land survey monument or project boundary monument unless and until the applicant has requested and received from the Regional Director approval of measures the applicant will take to perpetuate the location of aforesaid monument.

(4) To take such soil and resource conservation and protection measures, including weed control on the land covered by the right-of-way as the project manager in charge may request.

(5) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near, lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(6) To rebuild and repair such roads, fences, structures, and trails as may be destroyed or injured by construction work and upon request by the Regional Director, to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(7) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the right-of-way, except where a right-of-way is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages.

(8) To notify promptly the project manager in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States in advance of construction such sum of money as the project manager may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(9) That all or any part of the right-of-way granted may be terminated by the Director, Bureau of Sport Fisheries and Wildlife for failure to comply with any or all of the terms or conditions of this grant, or for nonuse for a 2-year period, or abandonment of the right-of-way granted. In the event of noncompliance, the Regional Director will notify the permittee in writing of the corrections needed, and the permittee shall have a period of 60 days from the date of the notice to complete corrective action. In the event of termination of an easement or permit for noncompliance, nonuse, or abandonment, a written notice of termination will be furnished to the permittee.

(10) To restore the land to its original condition to the entire satisfaction of the Bureau, so far as it is reasonably possible to do so upon revocation and termination of the right-of-way, unless this requirement is waived in writing.

(11) To keep the project manager informed at all times of his address, and, in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

(12) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national

origin and shall require an identical provision to be included in all subcontracts.

(13) That the allowance of the right-of-way shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal by the United States of the land affected thereby, and that the applicant agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the right-of-way not actually occupied or required by the applicant for the purpose of the granted rights or the full and safe utilization thereof.

(14) That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or relocated if such is found by the Director, Bureau of Sport Fisheries and Wildlife, to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.

(15) That the right-of-way herein granted shall be for the specific use described and may not be construed to include the further right to authorize installation of utilities within the right-of-way unless approved in writing by the Regional Director.

§ 29.21–5 Construction.

(a) If construction is not commenced within two (2) years after date of right-of-way grant, the right-of-way may be canceled by the Director of the Bureau of Sport Fisheries and Wildlife at his discretion.

(b) Proof of Construction. Upon completion of construction, the applicant shall file an affidavit of completion with the Regional Director.

§ 29.21–6 Disposal, transfer or termination of interest.

(a) Change in jurisdiction over and disposal of lands. The final disposal by the United States of any tract of land traversed by a right-of-way shall not be construed to be a revocation of the right-of-way in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way unless it has been specifically canceled.

(b) Transfer of right-of-way. Any proposed transfer, by assignment, lease, operating agreement or otherwise, of a right-of-way must be filed in triplicate with the Regional Director and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the right-of-way. No assignment will be recognized unless and until approved in writing by the Regional Director.

(c) Disposal of property on termination of right-of-way. In the absence of any agreement to the contrary, the holder of the right-of-way will be allowed 6 months after termination to remove all property or improvements other than a road and useable improvements to a road, placed thereon by him; otherwise, all such property and improvements shall become the property of the United States. Extensions of time may be granted at the discretion of the Regional Director.

§ 29.21–7 Payment required.

(a) Charges for use and occupancy of lands under the regulations of this part will be required and will be commensurate with the charges made for similar right-of-way privileges by private landowners in the vicinity, as determined by appraisal by the Regional Director. The charges may be periodic payments or a lump-sum payment, both payable in advance, at the discretion of the Regional Director.

(b) When periodic payments are used, such rates may be reviewed by the Regional Director at any time not less than 5 years after the grant of the permit, right-of-way, or easement or the last revisions of charges thereunder. After reasonable notice and opportunity for hearing, the Regional Director may impose such new charges as may be reasonable and proper commencing with the ensuing charge year.

§ 29.21–8 Requirements for electric power transmission lines.

Applications for electric power transmission line rights-of-way for the transmission or distribution of electric power and energy of 33 kilovolts or higher shall be made in accordance with the provisions of 43 CFR 2234.4–1 which are incorporated herein by reference, and in particular to 43 CFR 2234.4–1(b)(4), (c).

§ 29.22 Hearing and appeals procedure.

An appeal may be taken from any final disposition of the Regional Director, to the Director, Bureau of Sport Fisheries and Wildlife, and, from the latter's decision to the Secretary of the Interior. Such appeals may be taken pursuant to Title 43 CFR Parts 1840 and 1850 except that (a) all references to the "Director" or "Director, Bureau of Land Management," are changed to Director, Bureau of Sport Fisheries and Wildlife and;

(b) All references to "Bureau" are changed to Bureau of Sport Fisheries and Wildlife.

The above procedures for hearing and appeals, so provided and amended, are hereby adopted as procedures for hearings and appeals by said Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69–7266; Filed, June 19, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Procedure Regarding Transfers of Allotment Bases

Notice is hereby given of a proposal to amend § 991.146 with respect to establishing a procedure applicable to transfers of allotment bases. The proposed procedure would establish specific guidelines that are to be followed to effectuate transfers of hop allotment bases. This subpart is operative pursuant to Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Hop Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, within 7 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposal to amend § 991.146 is as follows:

§ 991.146 Transfer of allotment bases.

As provided in § 991.46, any producer may transfer all or part of an allotment base from himself to another producer.

(a) Such a transfer shall be recognized, and annual allotments granted thereunder, if in accordance with the following:

(1) Prior to a producer transferring all or a part of his allotment base to another producer, he notifies the Committee in writing of such intent;

(2) The execution by the producers, in the presence of a designated agent of the Committee, of a Committee-approved allotment base transfer form at a time and place mutually agreed upon by the producers and the agent of the Committee; and at such time the producers deliver their applicable allotment base certificates to the agent of the Committee;

(3) The executed allotment base transfer form sets forth, among other things, the amount of the allotment base being transferred and the effective date of the transfer;

(4) The transferee's evidence as to capability to produce and harvest in the first marketing year the annual allotment referable to the allotment base being transferred is accepted by the Committee; and

(5) Written notification of recognition of the transfer is issued by the Committee to the producers involved.

(b) After the written recognition by the Committee, it shall issue to each producer involved a new allotment base certificate showing the producer's total allotment base as a result of the transfer. However, if a producer transfers all of his allotment base, no new allotment base certificate shall be issued to him.

(c) Whenever a producer transfers all or part of his allotment base to another producer, the annual allotment referable to such transferred allotment base, or part thereof, shall be issued to the transferee only if the transfer is effective prior to the issuance of an annual allotment to the transferor or prior to April 1, whichever is the earlier.

Dated: June 17, 1969.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–7301; Filed, June 19, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9661]

AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Dowty Rotol Propellers. There have been failures of operating cylinders on certain Dowty Rotol Propellers. Since this condition is likely to exist or develop in other propellers of the same type design the proposed airworthiness directive would require installation of a modified propeller cylinder.

Interested person are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 21, 1969, will be considered by the Administrator before taking action on proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to the following Dowty Rotol propellers with propeller cylinder P/N's RA 44133/1 or RA 44709 or RA 62807 or RA 67888, except propeller cylinders modified by Modification No. (c) VP.2422: (c) R.130/4–20–4/12E installed on Vickers Viscount Model 745D Aircraft; (c) R.148/4–20–4/21E on Viscount Model 744 Aircraft; (c) R.186/4–30–4/16 on Hawker Siddeley Argosy AW–650 Aircraft; and (c) R.175/4–30–4/13E on Fairchild F.27 and F.27B Aircraft.

Compliance required as indicated unless already accomplished.

To prevent failure of propeller cylinders, at the next scheduled propeller overhaul after the effective date of this AD, or before the cylinder accumulates 6,000 hours total time in service, whichever occurs later, incorporate Dowty Rotol Modification No. (c) VP.2480 in accordance with Dowty Rotol Service Bulletin No. 61–564 Revision 4, dated December 1968, or later ARB-approved issue, or FAA-approved equivalent.

Issued in Washington, D.C., on June 16, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–7272; Filed, June 19, 1969; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69–EA–52]

JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 43 segment between Rosewood, Ohio, and Carleton, Mich.; and renumber the segment of Jet Route No. 590 between Sault Ste. Marie, Mich., and Carleton, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign J–43 segment from Rosewood direct to Carleton. This realignment would facilitate the transitioning of jet aircraft departing Detroit Metropolitan terminals into the jet route system by aligning this segment of J–43 over the centerline of Federal airway No. 47.

2. Renumber Jet Route No. 590 segment from Sault Ste. Marie to Carleton, a segment of J–43. This would provide route number continuity north of Carleton and would facilitate flight planning.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., June 12, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–7273; Filed, June 19, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. G-436]

RALPH WILLIAM SCURLOCK

Notice of Loan Application

JUNE 13, 1969.

Ralph William Scurlock, General Delivery, Sargent, Tex. 77414, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 30.8-foot registered length wood vessel to engage in the fishery for shrimp and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JOHN I. HODGES,
Acting Assistance Director for Resource Development.

[F.R. Doc. 69-7275; Filed, June 19, 1969; 8:46 a.m.]

Office of the Secretary

COMMERCIAL FISHERY FAILURE DUE TO A RESOURCE DISASTER

Determination

Whereas, a serious decline in the haddock resource in waters off the New England Coast of the United States has continued without interruption since 1965; and

Whereas, the effects of a more than 60 percent decline in resource abundance reached its climax in 1969; and

Whereas, the U.S. haddock fishery is primarily based at New England ports; and

Whereas, many firms and individuals are engaged in harvesting, processing, and marketing haddock in the New England States; and

Whereas, losses in the haddock fishery in 1969 will result in a several million dollar decrease in State incomes; and

Whereas, there is little prospect for a significant increase in haddock resource abundance for the next several years; and

Whereas, the serious disruption of the haddock fishery is substantially a result of repeated spawning failures, a natural cause;

Now, therefore, as Secretary of the Interior, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster within the meaning of Section 4(b) of Public Law 88-309. Pursuant to this determination, I hereby authorize the use of funds in the New England States for such measures as may be necessary to provide disaster relief within the meaning and intent of this legislation.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 9, 1969.

[F.R. Doc. 69-7267; Filed, June 19, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL FOODS CORP.

Enriched Macaroni Product Deviating From Identity Standard; Notice of Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to General Foods Corp., 250 North Street, White Plains, N.Y. 10602. This permit covers interstate marketing tests of an enriched macaroni product not provided for by the standards of identity for macaroni and noodle products (21 CFR 16.1 to 16.14).

The product will contain yellow corn flour in a quantity not less than 50 percent, soy flour in a quantity not less than 27 percent, and hard wheat flour in a quantity not less than 10 percent by weight of the farinaceous ingredients. Nutrients will be added as specified in § 16.9(a) except that calcium will be added in such quantity that each pound of the finished food contains not less than 1,700 milligrams and not more than 1,900 milligrams of calcium (Ca). The product will be labeled "enriched yellow corn-soy-wheat macaroni." The labels of the product will declare by common name the ingredients used.

The term of this permit is from April 28, 1969, to April 28, 1970.

Dated: June 10, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7263; Filed, June 19, 1969; 8:45 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition (55-001V), notice of which was published in the FEDERAL REGISTER of September 24, 1968 (33 F.R. 14380), proposing the issuance of a food additive regulation (21 CFR Part 121, Subpart C) to provide for the safe use of a formulation containing procaine penicillin, dihydrostreptomycin, gentamicin, betamethasone acetate, and prednisone acetate in oil to be administered from pressurized containers for the treatment of mastitis in dairy cattle.

Dated: June 10, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7264; Filed, June 19, 1969; 8:45 a.m.]

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT

Notice of Establishment of Closing Dates for Certain Programs During 1971 Fiscal Year

Notice of establishment of closing dates for receipt of proposals for certain programs to be conducted during the Fiscal Year 1971 under the Education Professions Development Act (Public Law 90-35) as amended.

The Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended) provides for programs to improve the quality of education and to help meet critical shortages of adequately trained educational personnel.

Notice is hereby given that in order to be assured of consideration, applications (program proposals) of State and local education agencies and institutions of higher education to participate in the following programs during the fiscal year 1971 must be received in the U.S. Office of Education by the following dates:

Teacher Corps (Title V-B-1)	Dec. 15, 1969.
Fellowships and Institutes for Personnel serving in programs other than higher education (Title V-C, D, F)	Nov. 1, 1969.
Fellowships and Institutes for Higher Education Personnel (Title V-E)	Aug. 1, 1969.

Basic information is being sent to all professional personnel on the mailing roster of the programs. Additional program materials for specific programs will be sent upon request. Further information about programs for personnel in higher education (Title V-E) may be obtained from the Public Information Director, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202; and about all other programs from the Public Information Director, Bureau of Educational Personnel Development, U.S. Office of Education, Washington, D.C. 20202.

Dated: June 16, 1969.

DON DAVIES,
Associate Commissioner, Bureau of Educational Personnel Development.

PRESTON VALIEN,
Acting Associate Commissioner, Bureau of Higher Education.

[F.R. Doc. 69-7299; Filed, June 19, 1969, 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SS-P-2]

NORTHERN INDIANA PUBLIC SERVICE CO.

Accident at Gary, Ind.; Notice of Hearing

In the matter of investigation of a natural gas pipeline accident in a residential area with explosions and fire involving a distribution system of the Northern Indiana Public Service Co., at Gary, Ind., on June 3, 1969.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m., c.s.t., on June 25, 1969, in the Holiday Inn, located at Routes 12 and 20 (Exit 3, Indiana Turnpike), in Gary, Ind.

Dated this 13th day of June 1969.

[SEAL] OSCAR M. LAUREL,
Chairman, Board of Inquiry.

[F.R. Doc. 69-7281; Filed, June 19, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21020; Order 69-6-84]

FISCHER BROS. AVIATION, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority June 16, 1969.

Fischer Bros. Aviation, Inc. (Fischer), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-82, June 16, 1969, the Board approved Agreement CAB 20967 between Fischer and Allegheny Airlines, Inc. (Allegheny). This agreement contemplates that Fischer will discharge Allegheny's certificate obligation to serve Mansfield through the operation of small aircraft between Mansfield and Cleveland, Ohio. Fischer expects to initiate service with Beech B-80 aircraft.

No service mail rate is currently in effect for this service by Fischer. By petition filed May 19, 1969, Fischer requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Mansfield and Cleveland, Ohio. Fischer requests that the multielement rates previously paid to Allegheny on this route pursuant to Orders E-25610 and E-17255 be established. On May 28, 1969, the Postmaster General filed an answer in support of Fischer's petition.[1]

The rate for the air transportation of mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. This rate is the same as that requested in Fischer's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Fischer at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Fischer in the same manner as they were applicable to Allegheny in providing mail services between Mansfield and Cleveland, Ohio.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Fischer that Fischer will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Fischer at the level established in Order E-17255, as amended. We will also make Fischer a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Fischer Bros. Aviation, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Mansfield and Cleveland, Ohio. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after June 16, 1969 to Fischer Bros. Aviation, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mansfield and Cleveland, Ohio shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after June 16, 1969 to Fischer Bros. Aviation, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mansfield and Cleveland, Ohio, shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Fischer Bros. Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions

[1] The present rates are as follows: Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Mansfield and 2.34 cents per pound at Cleveland. Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.96 cents per pound at Mansfield and 1.66 cents per pound at Cleveland.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that Part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in the matter under authority delegated in section 385.14(g).

and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Fischer Bros. Aviation, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Fischer Bros. Aviation, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Fischer Bros. Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7293; Filed, June 19, 1969; 8:47 a.m.]

[Docket No. 20993; Order 69-6-79]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority June 16, 1969.

By Order 69-5-141, dated May 29, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA). The resolutions, insofar as they apply in air transportation as defined by the Act, would technically amend existing IATA resolutions governing carrier procedures for consignments supported by a U.S. Government bill of lading by specifying that the lading identification number shall be endorsed in the special accounting information box of the air waybill, and listing those countries which compose the area defined as the "Middle East" so as to update the name of one country listed therein.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-5-141 will herein be made final.

Accordingly, it is ordered, That:

1. Agreement CAB 21024, R-1 and R-2, is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7295; Filed, June 19, 1969; 8:47 a.m.]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Postponement of Prehearing Conference

By letter dated June 12, 1969, with copies to all parties of record, the Society of American Florists and Ornamental Horticulturists has requested a brief postponement of the prehearing conference currently scheduled for June 24, 1969, in the above-entitled matter. This request has not been opposed by any party and will be granted.

Notice is therefore given that the prehearing conference in Docket 20398 is postponed to June 26, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. In addition, the date for submission to the Examiner and the other parties of (1) proposed statements of the issues; (2) proposed stipulations; (3) requests for evidence; (4) statements of position; and (5) proposed procedural dates is hereby postponed to June 20, 1969.

Dated at Washington, D.C., June 17, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-7289; Filed, June 19, 1969; 8:47 a.m.]

[Docket No. 19685]

SERVICE TO SALT LAKE CITY INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 5, 1969, at 10 a.m. local time in the Moot Courtroom, College of Law, 345 University Street, Salt Lake City, Utah, before the undersigned Examiner. Upon conclusion of the Salt Lake City session, the hearing will reconvene on August 11, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 17, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 16, 1969.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 69-7290; Filed, June 19, 1969; 8:47 a.m.]

[Docket No. 20334, etc.; Order 69-6-85]

ST. LOUIS-DAYTON/COLUMBUS/PITTSBURGH

Order Consolidating and Setting Applications for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of June, 1969.

On October 7, 1968, Allegheny Airlines, Inc. (Allegheny), filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience and necessity for Route 97 to permit nonstop service, without subsidy eligibility, between St. Louis, on the one hand, and Columbus, Dayton, and Pittsburgh, on the other hand.[1]

Answers in support of Allegheny's application have been filed by the Dayton parties,[2] the county of Allegheny, Pa., and the St. Louis parties.[3] Answers in opposition to Allegheny's application have been filed by American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and the Flying Tiger Line Inc. Allegheny has filed a consolidated reply to the answers of TWA and American.

American Airlines, Inc., has filed a motion to consolidate its application in Docket 20542 which requests amendments to its certificates for Routes 7 and 25 to permit nonstop service between St. Louis, on the one hand, and Columbus, Dayton, and Pittsburgh, on the other hand. An answer in support of American's motion to consolidate has been filed by the Columbus parties.[4] Answers in opposition to American's motion to consolidate have been filed by Allegheny and TWA. American has filed a consolidated reply to the answers of Allegheny and TWA.

Mohawk Airlines, Inc., has filed a motion to consolidate its application in Docket 20556 which requests an amendment of its certificate to permit nonstop service between St. Louis and Pittsburgh. Answers in support of Mohawk's motion have been filed by the New York State

[1] By Order 68-11-64, dated Nov. 15, 1968, the Board set the application for further proceedings pursuant to the provisions of Subpart M.

[2] City of Dayton and the Dayton Area Chamber of Commerce.

[3] City of St. Louis and the Chamber of Commerce of Metropolitan St. Louis.

[4] City of Columbus and the Columbus Area Chamber of Commerce.

parties.[5] Answers in opposition to Mohawk's motion have been filed by Allegheny, American, TWA, and the Flying Tiger Line, Inc. Mohawk has filed a reply to the Flying Tiger Line, Inc.'s, answer and a consolidated reply to the answers of Allegheny, American, and TWA.

The Columbus parties have filed a motion to consolidate the applications in Dockets 18104, 20127, 20085, 20334, and 20542 to the extent they affect Columbus.[6] An answer in opposition to the Columbus parties' motion to consolidate has been filed by Allegheny. The Columbus parties have filed a reply to Allegheny's answer.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Allegheny's application, Docket 20334, for hearing. We shall consolidate American's application, Docket 20542, and Mohawk's application, Docket 20556. However, we shall deny the Columbus parties' motion to consolidate insofar as it seeks consolidation of the applications in Dockets 18104, 20127, and 20085. The broad transcontinental investigation which Columbus' motion contemplates is far beyond the scope of this Subpart M proceeding, and there has been no showing that the consolidation requested by Columbus is required as a matter of law.

In addition, as suggested by TWA, to further insure that the scope of this proceeding remains focused on the midwestern markets at issue and does not become subordinated to issues of transcontinental service, we will impose a pretrial restriction prohibiting any single-plane service west of St. Louis. American, whose present exhibits do not conform to the amended scope of this proceeding, shall be given an opportunity to submit revised exhibits and the opposing parties will be given an opportunity to submit exhibits rebutting American's revised exhibits. Dates for the exchange of the revised direct and rebuttal exhibits will be set by the examiner assigned to the proceeding.

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Inc., Docket 20334, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated;

2. The applications of American Airlines, Docket 20542, and Mohawk Airlines, Docket 20556, be and they hereby are consolidated for hearing with Docket 20334;

3. Any authority awarded in this case shall be subject to a restriction prohibiting any single-plane service west of St. Louis.

4. Except to the extent otherwise granted herein, the motion of the city of Columbus and the Columbus Area Chamber of Commerce to consolidate be and it hereby is denied; and

5. Procedural dates not provided for in this order will be established by the examiner assigned to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7294; Filed, June 19, 1969; 8:47 a.m.]

[Docket No. 20569]

TRANSATLANTIC SUPPLEMENTAL CHARTER AUTHORITY RENEWAL CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 17, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Evidence requests, motions, statements of proposed issues, and procedural dates shall be filed with the Examiner and all parties on or before July 10, 1969.

Dated at Washington, D.C., June 16, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7291; Filed, June 19, 1969; 8:47 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 16, 1969, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested parties are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 16, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-7292; Filed, June 19, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4761]

MONONGAHELA POWER CO.

Notice of Proposed Sale of Utility Assets to Nonaffiliated Company

JUNE 16, 1969.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W.Va. 26554, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

In 1967, Monongahela completed the construction of a 204-mile 500 kv transmission line interconnecting its system with that of Virginia Electric and Power Co. ("VEPCO"), a nonaffiliated electric utility company. The line was built with the understanding that each participating company would share in the cost of the line in proportion to the benefits such company would realize as measured by the transmission capability it would be entitled to use. To achieve this result, Monongahela proposes to sell to VEPCO 5.72 miles of such line, including related equipment and rights-of-way, at the original cost thereof, which, as of March 31, 1969, amounted to $671,180.

The declaration states that Monongahela's expenses in connection with the proposed transaction are estimated not to exceed $5,000 in the aggregate. It is further stated that the West Virginia Public Service Commission has jurisdiction over the proposed sale by Monongahela; that a copy of the order of that State commission will be filed by amendment; and that, if this Commission takes jurisdiction over the sale, the Federal Power Commission, by virtue of section 318 of the Federal Power Act, will not have jurisdiction in such matter. According to the declaration, VEPCO is applying to the Federal Power Commission for approval of its acquisition of the facilities being sold by Monongahela and a copy of the order of that commission will be filed by amendment. No other State commission has jurisdiction over the proposed sale of facilities, and, assuming this Commission's approval of

[5] The New York State Department of Transportation, the county of Albany, the Joint Aviation Council of the Chamber of Commerce of Chemung County, the Board of Supervisors of Chemung County, the Greater Corning Area Chamber of Commerce, and the Greater Syracuse Chamber of Commerce.

[6] Docket 18104, the Additional Service to San Diego Case, has, inter alia, San Diego-Columbus service at issue. Docket 20127 is an application filed by United Air Lines, Inc., which requests, inter alia, that Columbus be added to United's Route 1, a transcontinental route. Docket 20085 is an application filed by Allegheny which requests, inter alia, authority between Columbus and Philadelphia. Dockets 20334 and 20542 are the applications filed by Allegheny and American, respectively, in the instant proceeding.

the proposed sale, no Federal commission, other than this Commission, has jurisdiction with respect thereto.

Notice is further given that any interested person may, not later than July 7, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7268; Filed, June 19, 1969; 8:45 a.m.]

[File Nos. 54-239, 59-112]

PENNZOIL CO. ET AL.

Notice of and Order for Hearing With Respect to Allowance of Fees and Expenses

JUNE 12, 1969.

In the matters of Pennzoil Co., Houston, Tex.; United Gas Corp., Shreveport, La.; Pennzoil United, Inc., Houston, Tex.

By order dated February 21, 1968 (Holding Company Act Release No. 15980), the Commission approved an amended plan, as modified ("plan"), filed by Pennzoil Co. ("Pennzoil"), then a registered holding company, and its subsidiary gas utility company United Gas Corp. ("United"), pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), as necessary to effectuate the provisions of section 11(b) of the Act and as fair and equitable to the persons affected thereby. The plan provided generally for the consolidation of Pennzoil and United to form Pennzoil United, Inc., and for the disposition by Pennzoil United, Inc., of the retail gas distribution properties of United.

In the order approving the section 11 (e) plan jurisdiction was reserved in respect of the payment of all fees and expenses incurred and to be incurred in connection with the entire section 11(e) proceeding, including the proposed sale of United's gas distribution facilities in the original plan.

It appears to the Commission that fees and expenses have been requested by paid to or agreed to be paid to the persons and in the amounts set forth below:

Name	Fees	Expenses
Counsel		
Baker, Botts, Shepherd & Coates	$440,000.00	$24,506.91
Morton E. Yohalem	150,000.00	5,856.86
Andrews, Kurth, Campbell & Jones	25,000.00	2,503.19
John T. Miller, Jr. [a]	[b] 102,331.10	[c] 16,000.00
Benton & Moseley [d]	[e] 91,142.21	4,526.64
Boyce Holleman (Mr. Holleman also received $550 from Benton & Moseley) (see below)	33,500.05	
Robert McHale (Mr. McHale also received $1,440.28 from Mr. Miller, and $1,500 from Benton & Moseley) (see below)	27,500.00	
Accountant		
Arthur Andersen & Co.	82,331.00	10,504.00
Expert Witness		
Robert D. Hedberg (Hedberg & Gordon, Inc.)	101,581.40	4,281.81
Other Consultants		
Stone & Webster Management Consultants, Inc.	86,480.00	6,053.90
H. Zinder & Associates, Inc. (Contends that fees and expenses were not paid in connection with above-captioned proceeding)	78,994.00	12,854.24
Shareholder		
Morton M. Adler	18,500.00	1,214.86
Total	1,207,359.76	88,302.41

[a] After deduction of payments made in b and c below, Mr. Miller's fees amounted to $65,000 and expenses to $829.82.

[b] From which fees of $15,000 and expenses of $3,329.15 were paid to Simmons J. Barry (engineering consultant) (Mr. Barry also received fees of $25,000 and expenses of $7,691.36 from Benton & Moseley).

[c] From which fees of $15,000 and expenses of $4,001.95 were paid to James H. Blackburn (including Abroms & Co.).

[d] From which $741.96 was paid to James H. Blackburn (including Abroms & Co.).

[e] From which $1,440.28 was paid to Robert M. McHale.

[f] From which fees of $7,853, expenses of $134.94 and a bonus of $5,000 were paid to Van Scoyoc & Wiskup, Inc. (public utility consultants).

[g] After deduction of payments made in c below, Benton & Moseley's fees amounted to $48,250.85 and expenses to $4,526.64.

[h] From which $32,691.36 was paid to Simmons J. Barry.
From which $1,500.00 was paid to John Edwards.
From which $1,350.00 was paid to Jos. S. Gueno, Jr.
From which $1,000.00 was paid to Ed Glussman.
From which $1,500.00 was paid to Robert McHale.
From which $550.00 was paid to Boyce Holleman.
From which $500.00 was paid to France W. Watts, III.
From which $500.00 was paid to Coy Broussard.
From which $800.00 was paid to Toxie L. Bush.
From which $500.00 was paid to Stephen P. Boulet.
From which $350.00 was paid to J. Donald Aaron.
From which $350.00 was paid to Edzar Perkins, Jr.
From which $350.00 was paid to Ernest C. Hunt, Jr.
From which $300.00 was paid to Marcy Lyons.
From which $250.00 was paid to Edward M. Mouser.
From which $250.00 was paid to Ray Ryder.
From which $250.00 was paid to City of Crowley.
From which $200.00 was paid to City of Sulphur.

It further appears to the Commission that additional fees and expenses in such amounts and to such persons other than set forth hereinabove may have been requested, paid, or agreed to be paid.

It appearing to the Commission that it is necessary and appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the allowance of all fees and expenses in connection with the above-captioned consolidated proceedings, including but not limited to those fees and expenses set forth hereinabove;

It is hereby ordered, That a public hearing with respect thereto be held at a time and place to be fixed by further order.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That on or before July 14, 1969 Pennzoil United, Inc., submit in affidavit form the names and addresses of all persons having received or to receive fees and expenses or any other form of compensation or payment, whether cash or otherwise, in connection with the above-captioned consolidated proceedings; the respective amounts thereof; a description of the nature of the respective services performed; and a justification for the payment thereof.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the issues presented and, on the basis thereof, the following matters and questions are presented for consideration without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether the services and disbursements for which remuneration is requested, was paid or will be paid are for, and associated with, compensable services rendered in connection with any of the various aspects of the consolidated proceedings, and whether it is lawful to grant allowances for such fees and expenses.

2. Whether the amounts of such fees and expenses are reasonable and, if not, what amounts should be allowed as reasonable.

3. Whether there are any other factors apart from the nature, necessity and value of the services rendered and the capacity in which rendered that would make the payment of compensation and reimbursement improper.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions, and to any others which may be properly presented during the course of the hearing.

It is further ordered, That any person other than those named hereinabove who is not a party to, or has not been granted leave to participate in, or to be heard in, the consolidated proceedings and who desires to be heard or otherwise wishes to participate in such hearing or proposes to intervene therein, shall file with the Secretary of the Commission, on or before July 14, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy

of such request should be contemporaneously served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Pennzoil United, Inc., the Federal Power Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission and to each of such persons herein indicated as having requested or received remuneration in connection with the above proceedings; that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release in respect of this notice and order be distributed to the press and mailed to the mailing list of the Commission.

It is further ordered, That the Secretary shall mail a copy of this notice and order to the following persons together with our November 14, 1968, letter relating to the payment of fees and expenses: Lehman Brothers; Gruss & Co.; Abroms & Co.; Van Scoyoc & Wiskop, Inc.; City of Crowley; City of Sulphur; and Messrs. Blackburn; Bush; Lyons; Holleman; McHale; Edwards; Broussard; Ryder; Sandols; Vidrine; Crain; Muhlfeld; Mandel; and Flye, Shuebruk, Blume, and Gaguine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7269; Filed, June 19, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41661—*Chlorine to New Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A6107), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Geismar, Baton Rouge, North Baton Rouge, and Gramercy, La., to New Johnsonville, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 97 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41662—*Clay from Mississippi to official territory.* Filed by O. W. South, Jr., agent (No. A6106), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Aberdeen and Amory, Miss., and points taking same rates, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 49 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 41663—*Anhydrous ammonia from points in Canada.* Filed by Western Trunk Line Committee, agent (No. A-2590), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from Brandon, Manitoba, Calgary, and Medicine Hat, Alberta, Canada, to specified points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Revised pages to Canadian Pacific Railway Co., tariff ICC W.1091.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7284; Filed, June 19, 1969; 8:46 a.m.]

[Notice 852]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 16, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 97009 (Sub-No. 18 TA), filed June 10, 1969. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics and such equipment, materials and supplies* used or useful in the manufacture and sale of toilet preparations and cosmetics, between Milford and Matamoris, Pa., and Port Jervis, N.Y., on the one hand, and, on the other, Mountaintop, Wilkes-Barre, and Kingston, Pa., for 150 days. Supporting shipper: Dana Perfumes Corp., Crestwood Park, Mountaintop, Pa. 18707. Send protests to: District Supervisor Paul J. Kenworthy, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133641 (Sub-No. 2 TA), filed June 10, 1969. Applicant: C. D. SAUNDERS, INC., Post Office Box 70, Bedford, Va. 24523. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or invert sugar (including blends with other sweeteners)*, in bulk in tank vehicles, from points in Bedford and Campbell Counties, Va., to points in West Virginia on and south of U.S. Highway 33; points in Kentucky on and east of Kentucky State Highway 7, running southward from the Ohio border to its junction with Highway 80 at Hueysville, thence along U.S. Highway 80 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Virginia State line; points in Tennessee on and east of U.S. Highways 25E and 25; points in North Carolina on and north of Interstate Highway 40 from the Tennessee State line to its junction with U.S. Highway 64 near Mocksville, thence along U.S. Highway 64 to and including Raleigh, thence along U.S. Highway 1 to the Virginia-North Carolina State line, for 180 days. Supporting shipper: American Sugar Co., 120 Wall Street, New York, N.Y. 10005. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 133796 TA, filed June 10, 1969. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Custom enclosures and related metal trim*, used in connection with heating, ventilating, and air conditioning installations, from plantsite of The Brandt Corp., Long Island City, N.Y., to San Francisco and Los Angeles, Calif., Richland and Seattle, Wash.; Milwaukee, Wis.; Little Rock, Ark.; Cleveland, Ohio, and Pittsburgh, Pa., for 180 days. Supporting shipper: The Brandt Corp., 50-20 25th Street, Long Island City, N.Y. 11101. Send protests to: District Supervisor Paul J. Kenworthy, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7285; Filed, June 19, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7356; Filed, June 19, 1969; 8:49 a.m.]

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Okra [1]

A proposal to revise the U.S. Standards for Grades of Frozen Okra was published in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17312). Interested persons were given 90 days to submit written data, views, or arguments for consideration in connection with the proposed revision.

Statement of consideration leading to the revised standards. The National Association of Frozen Food Packers—along with a number of the major packers of Frozen Okra—submitted similar comments in connection with the proposal of November 22, 1968. Certain changes are made as a result of those comments. Most important of these changes from the notice of proposed rule making are:

(1) Excluding "Whole Baby Okra" as a separate style and removal of the criteria by which Whole Okra may be so classified.

(2) Redefining "poorly trimmed" units as those with portions of inedible okra stem and/or cap material.

(3) Removing "loose seeds" from the category of "small pieces."

(4) Requiring that "pathological or insect injury" be obvious before classification as such.

(5) Redefining "tough fiber" as the tough fibrous development which materially affects the eating quality of the unit.

Other changes include some reorganization of text and modification of wording for purposes of clarification of meaning.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Frozen Okra are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

The revision is as follows:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

PRODUCT DESCRIPTION, STYLES, GRADES
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52.1511 Product description.
52.1512 Styles of frozen okra.
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LOT COMPLIANCE
52.1519 Ascertaining the grade of a lot.
SCORE SHEET
52.1520 Score sheet for frozen okra.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1511 Product description.

Frozen okra is the product prepared from the clean, sound, succulent, and edible fresh pods of the okra plant (Hibiscus esculentus) of the green variety. The product is properly prepared and properly processed and is then frozen and stored at temperatures necessary for preservation.

§ 52.1512 Styles of frozen okra.

(a) "Whole okra" consists of trimmed whole pods of any length which may possess an edible portion of the cap. The length of a whole pod is determined by measuring from the outermost point of the tip end of the pod to the outermost point of the stem end of the pod, exclusive of any inedible stem portion which may be present.

(b) "Cut okra" is trimmed whole pods, which may possess an edible portion of cap, and which have been cut transversely into pieces of approximate uniform length. The length of a unit of cut okra is determined by measuring the longitudinal axis of the unit.

§ 52.1513 Grades of frozen okra.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen okra that:

(1) Possesses similar varietal characteristics in all styles;

(2) Has a good flavor and odor;

(3) Has a good color;

(4) Is practically free from defects;

(5) Has a good character; and

(6) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen okra that:

(1) Possesses similar varietal characteristics in the whole style;

(2) May or may not possess similar varietal characteristics in the cut style;

(3) Has a normal flavor and odor;

(4) Has a reasonably good color;

(5) Is reasonably free from defects;

(6) Has a reasonably good character; and

(7) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen okra that fails to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.1514 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of frozen okra is ascertained by considering the factors of varietal characteristics and flavor and odor which are not scored; the ratings for the factors of color, defects, and character, which are scored; the total score; and the limiting rules which apply.

(b) *Definitions.* (1) "Good flavor" means that the product, before and after cooking, has a good, distinctive flavor and odor, characteristic of young, tender okra and is free from any kind of objectionable flavor or objectionable odor.

(2) "Normal flavor" means that the product, before and after cooking, has a normal, typical flavor and odor, characteristic of properly prepared and processed okra and is free from any kind of objectionable flavor or objectionable odor.

(c) *Sample Units.* (1) A "sample unit" of "Whole" okra shall be comprised of 50 pods of okra.

(2) A "sample unit" of "Cut" okra shall be comprised of 10 ounces of okra.

(d) *Evaluating quality factors.* The rating for the factors of color, defects, and character (with respect to pod and seed development), and the evaluation of similar varietal characteristics are determined immediately after thawing to the extent that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is properly cooked (in sufficient unsalted water) to ascertain the tenderness of the units and freedom from fiber development before final evaluation of character. Flavor and odor is evaluated on both the uncooked and cooked sample.

(e) *Application of percentages.* (1) The term "percent", or the symbol, "%", wherever used in this subpart, means: Percent, by count, in the "Whole" style of frozen okra and percent, by weight, in the "Cut" style of frozen okra.

(f) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors	*Points*
Color	30
Defects	40
Character	30
Total score	100

§ 52.1515 Ascertaining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example: 27 to 30 points means 27, 28, 29, or 30 points).

§ 52.1516 Color.

(a) (*A*) *Classification.* Frozen okra that possesses a good color may be given a score of 27 to 30 points. "Good color" means that the color of the frozen okra is bright, practically uniform, and typical of the varietal characteristic for young, tender okra. No more than 10 percent of the units in the sample unit may possess a slightly dull color, or possess a slight yellowish-green to brownish-green cast, or vary materially from the overall general, uniform color; and none of the units in the sample unit may possess a noticeable yellow or brown color or be "off color."

(b) (*B*) *Classification.* Frozen okra that possesses a reasonably good color may be given a score of 24 to 26 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen okra possesses a color which may be slightly dull but which is typical of the varietal charactertistic for reasonably young and reasonably tender okra. No more than 20 percent of the units in the sample unit may possess a color that is typical of less than reasonably young and reasonably tender okra: *Provided,* That not more than 6 percent of the units in the sample unit may possess a noticeable yellow or brown color or vary markedly from the general, overall color; and none of the units may be "off color."

(c) (*SStd.*) *Classification.* Frozen okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1517 Defects.

(a) *Visual aids.* Color print photographs illustrative of certain types of defects defined in this subpart are available for review at specified USDA Processed Products Inspection offices. Information regarding the location of such offices is available upon request from:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) *General.* The factor of defects concerns the degree of freedom from units or any material as may be defined in paragraph (c) of this section or from any other defects present, whether or not specifically defined or listed therein, which would affect the appearance or edibility of the product.

(c) *Definitions of types of defects.* (1) "Insignificantly blemished unit" refers to very slight abnormalities, scars, discolorations, or any other imperfections on the individual unit which may affect the appearance slightly but which do not affect the edibility of the unit.

(2) "Blemished unit" means any unit which is so affected by discoloration or abnormalities, including trimmed or cut surfaces, as to materially affect the appearance of the unit.

(3) "Seriously blemished unit" means any unit which is so affected by discoloration or abnormalities, including trimmed or cut surfaces, as to seriously affect the appearance or edibility of the unit.

(4) "Harmless extraneous material" consists of leaves, attached inedible stems in excess of one-half inch, detached stems of any length, and similar harmless plant material.

(5) "Poorly trimmed" units in the "Whole" style of frozen okra include, but are not limited to:

(i) Apparent untrimmed pods;

(ii) Pods with attached inedible stems of one-half inch or less;

(iii) Pods possessing a conical-shaped or severely biased cut of the cap portion;

(iv) Trimmed pods with cut surface having very ragged edges;

(v) Pods with partially detached cap portions;

(vi) Pods with attached portions of cap that are inedible.

(6) "Poorly trimmed" units in the "Cut" style of frozen okra include, but are not limited to:

(i) Units with attached inedible stems of one-half inch or less;

(ii) Units with portions of cap that are inedible.

(7) "Excessively trimmed" are whole pods that:

(i) Have been so trimmed as to collapse the pod;

(ii) Have been so trimmed as to expose a longitudinal plane of the seed cavity;

(iii) Have been obviously trimmed on both ends.

(8) A "small piece" in "Whole" frozen okra means a piece of pod (exclusive of very small tip ends) which is one-fourth or less the weight of the smallest whole pod in the sample unit.

(9) "Small pieces" or "damaged pieces" in cut frozen okra means pieces of pods one-fourth inch in length or less, or units that may be broken, mashed, split, shattered, or improperly or incompletely cut so as to noticeably affect the appearance or edibility of the unit.

(10) "Damaged by mechanical injury" means whole pods or portions thereof that have been broken, mashed, split, or shattered to the extent that the appearance of the unit is noticeably affected.

(11) "Misshapen units" are whole pods which are seriously deformed.

(12) "Pathological or insect injury" refers to any unit that possesses obvious pathological or insect damage.

(13) "Sand, grit, or silt" means any particle of earthy material.

(d) (*A*) *Classification.* Frozen okra that is practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that:

(1) Any defects present, whether or not specifically defined or listed herein, do not materially detract from the appearance or edibility of the product; and

(2) The defects that may be present in the sample unit do not exceed the allowances specified in table I.

(e) (*B*) *Classification.* Frozen okra that is reasonably free from defects may be given a score of 32 to 35 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) Any defects present, whether or not specifically defined or listed herein, do not seriously detract from the appearance or edibility of the product; and

(2) The defects that may be present in the sample unit do not exceed the allowances specified in table I.

(f) (*SStd.*) *Classification.* Frozen okra that fails to meet the requirements of paragraph (e) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—ALLOWANCES FOR DEFECTS IN FROZEN OKRA

	Whole style		Cut style	
	Grade A	Grade B	Grade A	Grade B
	Maximum—per 50 pods		*Maximum—per 10 ounces*	
Blemished units; and seriously blemished units[1]	3 units, but not more than 1 unit seriously blemished.	6 units, but not more than 2 units seriously blemished.	6 units but not more than 2 units seriously blemished.	12 units but not more than 4 units seriously blemished.
Insignificantly blemished units	Do not more than slightly detract from the appearance.	Do not seriously detract from the appearance.	Do not more than slightly detract from the appearance.	Do not seriously detract from the appearance.
Harmless extraneous material	2 pieces	3 pieces	1 piece	2 pieces.
Poorly trimmed; excessively trimmed; small or damaged units; misshapen units; or any combination of these.	10 units	15 units	12 units	18 units.
Damaged by mechanical injury	5 units	10 units	Not applicable	Not applicable.
Pathological or insect injury	None	1 unit	1 unit	2 units.
Sand, grit, or silt	None	Trace	None	Trace.
Total: All defects above and any other defects or including above.	10 units, do not materially detract from the appearance.	15 units, do not seriously detract from the appearance.	12 units, do not materially detract from the appearance.	18 units, do not seriously detract from the appearance.

§ 52.1518 Character.

(a) *General.* The factor of character refers to the development of the pods and seeds and to the degree of freedom from tough fiber. "Tough fiber" in frozen okra means any cooked unit that contains tough fibrous development to the extent that the eating quality of the unit is materially affected.

(b) (*A*) *Classification.* Frozen okra that possesses a good character may be given a score of 27 to 30 points. "Good character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 2 whole pods or 4 cut units (as applicable) per sample unit possess tough fibers.

(c) (*B*) *Classification.* Frozen okra that possesses a reasonably good character may be given a score of 24 to 26 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost their fleshy texture to a considerable extent, that the units are reasonably tender, that the seeds may have passed the early stages of maturity, and that not more than 4 whole pods or 8 cut units (as applicable) per sample unit possess tough fibers.

(d) (*SStd.*) *Classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

SCORE SHEET

§ 52.1520 Score sheet for frozen okra.

Size and kind of container
Container marks or identification
Label
Net Weight (ounces)
Style (whole; cut)
Variety

Factors		Score points	
Color	30	(A)	27–30
		(B)	1 24–26
		(SStd.)	1 0–23
Defects	40	(A)	36–40
		(B)	1 32–35
		(SStd.)	1 0–31
Character	30	(A)	27–30
		(B)	1 24–26
		(SStd.)	1 0–23
Total score	100		

Flavor and odor
Grade

1 Indicates limiting rule.

Effective date and supersedure. The U.S. Standards for Grades of Frozen Okra (which is the third issue) contained in this subpart, shall become effective 60 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the U.S. Standards for Grades of Frozen Okra which have been in effect since March 16, 1959.

Dated: June 17, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7352; Filed, June 20, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1969 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.7, Amdt. 2 (34 F.R. 7015), which established allotments for the Mainland Cane Sugar Area for the calendar year 1969.

This amendment is necessary to substitute final data for estimated data on 1968 crop sugar production and January 1, 1969, sugar inventories on the basis of data which have become a part of the official records of the Department and to establish allotments of the entire Mainland Cane Sugar Area Quota on the basis of such final data.

In accordance with paragraphs (5), (6), and (8) of the findings and conclusions set forth in S.R. 814.7, Amdt. 1 (34 F.R. 6031), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The quantity of sugar and the percentages referred to in finding (5) based on final data for 1968 crop processings and January 1, 1969, inventories for determining allotments are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966-68		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment [5]
					Effective inventory Jan. 1, 1969 [2]	New crop quota marketings		Measures used				
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1966-68	Shares of difference [3]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	short tons, raw value
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co	10,480	0.853	10,076	0.871	4,859	7,956	2,213	7,072	0.605	0.807	9,436	9,129
Alma Plantation, Ltd	11,562	.940	10,088	.872	5,978	8,142	2,264	8,242	.705	.879	10,278	9,944
J. Aron & Co., Inc	17,334	1.409	13,480	1.165	8,381	12,054	3,352	11,733	1.003	1.279	14,955	14,468
Billeaud Sugar Factory	11,185	.909	9,534	.824	6,385	6,365	1,770	8,155	.697	.850	9,939	9,616
Breaux Bridge Sugar Co-op	11,808	.960	9,267	.801	8,910	5,280	1,471	10,381	.888	.914	10,687	10,339
Wm. T. Burton Ind., Inc	7,895	.642	7,026	.607	3,974	5,413	1,505	5,479	.469	.600	7,016	6,789
Caire & Graugnard	6,516	.530	5,814	.503	4,104	4,156	1,156	5,260	.450	.609	5,952	5,758
Cajun Sugar Co-op., Inc	26,610	2.163	23,174	2.003	26,610	14	4	26,614	2.276	2.154	25,196	[6] 26,610
Caldwell Sugar Co-op., Inc	17,530	1.425	13,381	1.157	10,770	10,544	2,933	13,703	1.172	1.321	15,446	14,943
Columbia Sugar Co	10,128	.823	8,459	.731	6,328	5,736	1,595	7,923	.678	.776	9,074	8,779
Cora-Texas Manufacturing Co., Inc	11,295	.918	8,168	.706	11,262	1,799	500	11,762	1.006	.893	10,442	[6] 11,262
Dugas & LeBlanc, Ltd	20,378	1.657	15,534	1.343	13,776	10,821	3,010	16,786	1.436	1.550	18,124	17,534
Duhe & Bourgeois Sugar Co	11,190	.934	10,091	.872	5,817	8,256	2,296	8,113	.694	.874	10,220	9,888
Erath Sugar Co., Ltd	6,662	.542	6,515	.563	2,575	5,234	1,456	4,031	.345	.507	5,928	5,735
Evan Hall Sugar Co-op., Inc	29,768	2.420	23,115	1.998	18,243	17,725	4,930	23,173	1.982	2.248	26,285	25,430
Frisco Cane Co., Inc	2,532	.206	2,602	.225	854	2,182	607	1,461	.125	.194	2,268	2,194
Glenwood Co-op., Inc	21,924	1.783	16,249	1.405	13,734	12,539	3,487	17,221	1.473	1.645	19,235	18,609
Helvetia Sugar Co-op., Inc	15,881	1.291	12,401	1.072	10,420	8,812	2,451	12,871	1.101	1.209	14,137	13,677
Iberia Sugar Co-op., Inc	23,996	1.951	19,022	1.644	17,442	10,476	2,914	20,356	1.741	1.848	21,608	20,905
Lafourche Sugar Co	21,518	1.750	18,316	1.583	12,533	13,546	3,767	16,300	1.394	1.645	19,235	18,609
Harry L. Laws & Co., Inc	18,607	1.513	15,710	1.358	10,858	10,668	2,967	13,825	1.182	1.416	16,557	16,018
Levert-St. John, Inc	16,035	1.304	13,101	1.133	7,310	11,479	3,193	10,503	.898	1.189	13,903	13,451
Little Texas, Inc	5,881	.478	5,160	.446	4,624	2,619	728	5,349	.457	.467	5,461	5,283
Louisa Sugar Co-op., Inc	13,124	1.067	11,485	.993	7,955	7,723	2,148	10,103	.864	1.012	11,833	11,448
Louisiana State Penitentiary	3,857	.311	4,124	.357	3,360	962	268	3,628	.310	.320	3,742	3,620
Meeker Sugar Co-op., Inc	12,497	1.016	11,756	1.016	12,045	1,298	361	13,306	1.138	1.040	12,161	[6] 12,437
Milliken & Farwell, Inc	13,358	1.086	10,535	.911	8,876	7,261	2,019	10,895	.932	1.030	11,927	11,539
M. A. Patout & Son, Ltd	18,285	1.487	15,782	1.364	9,951	11,940	3,321	13,272	1.135	1.302	16,276	15,746
Poplar Grove Planting & Refining Co	11,202	.911	8,871	.767	7,774	5,559	1,546	9,320	.797	.859	10,044	9,717
Savoie Industries	21,095	1.715	15,448	1.336	14,478	10,821	3,010	17,488	1.496	1.595	18,660	18,043
St. James Sugar Co-op., Inc	25,647	2.085	19,927	1.723	24,834	5,415	1,506	26,340	2.253	2.046	23,924	[6] 24,834
St. Mary Sugar Co-op., Inc	17,770	1.445	14,861	1.285	10,272	11,164	3,105	13,377	1.144	1.353	15,820	15,305
South Coast Corp	73,338	5.963	63,855	5.520	72,678	11,283	3,138	75,816	6.484	5.978	69,900	[6] 72,678
Southdown, Inc	42,915	3.489	37,092	3.207	28,365	22,370	6,222	34,587	2.958	3.326	38,890	37,625
Sterling Sugars, Inc	32,592	2.650	26,485	2.290	19,075	19,639	5,462	24,537	2.098	2.467	28,846	27,907
J. Supple's Sons Planting Co., Ltd	6,330	.515	5,719	.494	4,319	3,375	939	5,258	.450	.498	5,823	5,634
Valentine Sugars, Inc	14,321	1.164	10,677	.923	8,150	8,554	2,379	10,529	.900	1.063	12,429	12,025
Vida Sugars, Inc	5,403	.439	5,436	.470	1,866	4,464	1,242	3,108	.266	.411	4,806	4,650
A. Wilbert's Sons Lumber & Shingle Co	10,681	.868	10,563	.913	5,862	7,369	2,049	7,911	.676	.839	9,810	9,491
Young's Industries, Inc	7,203	.586	6,977	.603	3,864	4,333	1,205	5,069	.433	.559	6,536	6,323
Louisiana subtotal	666,612	54.198	555,876	48.053	460,368	325,355	90,489	550,857	47.111	51.552	602,789	593,992
Atlantic Sugar Association, Inc	30,739	2.499	35,352	3.056	29,546	0	0	29,546	2.527	2.616	30,588	29,593
Florida Sugar Corp	20,449	1.663	18,031	1.559	23,084	1,637	455	23,539	2.013	1.712	20,018	[7] 21,499
Glades County Sugar Growers Co-op. Association	38,321	3.116	43,701	3.778	43,117	0	0	43,117	3.688	3.363	39,323	[7] 40,155
Osceola Farms Co	48,719	3.961	50,609	4.375	55,538	0	0	55,538	4.750	4.292	49,143	[7] 51,723
South Puerto Rico Sugar Co., Inc	72,239	5.873	77,099	6.665	75,316	2,567	714	76,030	6.502	6.157	71,993	71,993
Sugarcane Growers Co-op. of Florida	99,423	8.083	110,397	9.543	110,966	0	0	110,966	9.490	8.656	101,213	[7] 103,344
Talisman Sugar Corp	40,410	3.285	44,255	3.826	42,250	0	0	42,250	3.613	3.459	40,446	40,446
United States Sugar Corp	213,050	17.322	221,474	19.145	232,508	17,734	4,932	237,440	20.306	18.283	213,780	[7] 216,538
Florida subtotal	563,350	45.802	600,918	51.947	612,325	21,938	6,101	618,426	52.889	48.448	566,494	575,291
Total all mainland cane	1,229,962	100.000	1,156,794	100.000	1,072,693	347,293	96,590	1,169,283	100.000	100.000	1,169,283	1,169,283

[1] The higher of either the production of sugar from the 1968 crop sugarcane or 82 percent of the average production from the 1966 and 1967 crops of sugarcane.

[2] Effective inventory, Jan. 1, 1969, is the physical inventory Jan. 1, 1969, plus processings from 1968 crop cane in 1969.

[3] The difference between 1,169,283 tons (quota for 1969 established by S.R. 811, less 50 tons reserve for Louisiana State University) and the total Jan. 1, 1969, effective inventories prorated on the basis of the 1966-68 average new-crop marketings shown in Column 6.

[4] Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 50 tons reserved for Louisiana State University, by Column (10).

[5] Basic allotments (Col. 11) which were less than the respective processors' Jan. 1, 1969, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1969, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 50 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1969, effective inventory. The basic allotments of those processors having Jan. 1, 1969, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1969, effective inventory by the use of this adjustment than other affected processors.

[6] Adjusted allotment established to equal Jan. 1, 1969, physical inventory.

[7] Adjusted allotment established to permit each processor affected to market 93.1313 percent of its Jan. 1, 1969, effective inventory.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.7 of this chapter, paragraph (a) of such § 814.7 is amended to read as follows:

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1969 sugar quota for the Mainland Cane Sugar Area of 1,169,333 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co	9,129
Alma Plantation, Ltd	9,944
J. Aron & Co., Inc	14,468
Billeaud Sugar Factory	9,616
Breaux Bridge Sugar Co-op	10,339
Wm. T. Burton Industries, Inc	6,789
Caire & Graugnard	5,758
Cajun Sugar Co-op., Inc	26,610
Caldwell Sugars Co-op., Inc	14,943
Columbia Sugar Co	8,779
Cora-Texas Manufacturing Co., Inc	11,262
Dugas & LeBlanc, Ltd	17,534
Duhe & Bourgeois Sugar Co	9,888
Erath Sugar Co., Ltd	5,735
Evan Hall Sugar Co-op., Inc	25,430
Frisco Cane Co., Inc	2,194
Glenwood Co-op., Inc	18,609
Helvetia Sugar Co-op., Inc	13,677
Iberia Sugar Co-op., Inc	20,905
Lafourche Sugar Co	18,609
Harry L. Laws & Co., Inc	16,018
Levert-St. John, Inc	13,451
Little Texas, Inc	5,283
Louisa Sugar Co-op., Inc	11,448
Louisiana State Penitentiary	3,620
Louisiana State University	50
Meeker Sugar Co-op., Inc	12,437
Milliken & Farwell, Inc	11,539
M. A. Patout & Son, Ltd	15,746
Popular Grove Planting & Refining Co	9,717
Savoie Industries	18,043
St. James Sugar Co-op., Inc	24,834
St. Mary Sugar Co-op., Inc	15,305
South Coast Corp	72,678
Southdown, Inc	37,625
Sterling Sugars, Inc	27,907
J. Supple's Sons Planting Co., Ltd	5,634
Valentine Sugars, Inc	12,025
Vida Sugars, Inc	4,650
A. Wilbert's Sons Lumber & Shingle Co	9,491
Young's Industries, Inc	6,323
Louisiana subtotal	594,042
Atlantic Sugar Association	29,593
Florida Sugar Corp	21,499
Glades County Sugar Growers Co-op., Association	40,155
Osceola Farms Co	51,723
South Puerto Rico Sugar Co., Inc	71,993
Sugarcane Growers Co-op. of Florida	103,344
Talisman Sugar Corp	40,446
United States Sugar Corp	216,538
Florida subtotal	575,291
Total, all mainland cane	1,169,333

* * * * *

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for all processors are larger than the allotments established in S.R. 814.7, Amdt. 2 (34 F.R. 7015). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 17, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-7280; Filed, June 17, 1969; 3:01 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 379]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.679 Lemon Regulation 379.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 22, 1969, through June 28, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7397; Filed, June 20, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Wheat Loan and Purchase Program

Correction

In F.R. Doc. 69-6518 appearing at page 8897 in the issue of Wednesday, June 4, 1969, the following corrections should be made in § 1421.2119(b) under the center heading "Indiana":

1. Insert the following alphabetically:

County	Rate per bushel
Decatur	1.23
De Kalb	1.19

2. Delete the county "Lawrence" where it appears following "Kosciusko" and insert "Lagrange" in lieu thereof.

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Elimination of Publication of Texts of Certain Licenses

The Atomic Energy Commission's rules of practice, 10 CFR Part 2, provide for publication in the FEDERAL REGISTER of notice of proposed issuance and of issuance of licenses and amendments for production and utilization facilities (other than construction permits for power and test reactors) and for waste disposal activities (§§ 2.105 and 2.106). By the terms of §§ 2.105 and 2.106, the notices must now set forth, among other things including the nature of the licensing action, the text of the proposed license or amendment and the text of the license or amendment as issued (if the text was not previously published with the notice of proposed issuance).

The Commission has adopted amendments to Part 2 which eliminate the requirement for publication of the text of proposed or issued licenses or amendments subject to §§ 2.105 and 2.106. Since the text of each type of license published by the Commission has become essentially the same, no useful purpose is now served by publication of the text of each license. Accordingly, the Commission has decided to dispense with such publication as a further step in simplifying its licensing procedures. The FEDERAL REGISTER notice of proposed issuance or issuance will continue to state the nature of the licensing action and each license or amendment itself will continue to be available for public inspection in the Commission's Public Document Room.

Because these amendments relate to minor and nonsubstantive matters, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as necessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of 10 CFR Part 2 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. Paragraph (b) of § 2.105 is amended by adding the word "and" to the end of subparagraph (2), substituting a period for the semicolon in subparagraph (3), deleting the word "and" at the end of subparagraph (3), and deleting subparagraph (4).

2. Paragraph (b) of § 2.106 is amended by adding the word "and" to the end of subparagraph (2), substituting a period for the semicolon in subparagraph (3), and deleting subparagraph (4).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 9th day of June 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-7354; Filed, June 20, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Advertising of Interest on Deposits

1. Effective August 1, 1969, Part 217 (Regulation Q) is amended in the following respects:

a. The heading of the part is amended to read as set forth above.

§ 217.7 [Redesignated]

b. The last two sentences of § 217.6 are revoked and the remainder of that section redesignated as § 217.7.

c. The heading of § 217.3 and paragraphs (a) and (e) thereof are amended to read as follows:

§ 217.3 Interest on time and savings deposits.

(a) *Maximum rate.* Except as provided in this section, no member bank shall, directly or indirectly, by any device whatsoever, pay interest on any time or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time in § 217.7. In ascertaining the rate of interest paid, the effects of compounding of interest may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, member banks may pay interest for such periods at one-twelfth of the maximum rate, one-quarter of the maximum rate, one-half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit, no member bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

* * * * *

d. In § 217.3(g) the reference to "§ 217.6" is amended to refer to "§ 217.7".

e. A new § 217.6 is added to read as follows:

§ 217.6 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest paid on deposits in member banks shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest rates shall be stated in terms of the annual rate of simple interest. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No member bank shall advertise a percentage yield based on the effect of grace periods permitted in § 217.3.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate to apply shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest paid on deposits.

(f) *Accuracy of advertising.* No member bank shall make any advertisement, announcement, or solicitation relating to the interest paid on deposits that is inaccurate or misleading or that misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization that solicits deposits for a member bank shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for a member bank that is not authorized to be paid and advertised by such bank.

§§ 217.104, 217.145 [Revoked]

f. Sections 217.104 and 217.145 are revoked.

2 a. The amendments implement the authority granted to the Board by Congress in the Act of September 21, 1968 (Public Law 90-505). Similar rules are being adopted by the Federal Deposit Insurance Corporation and by the Federal Home Loan Bank Board with respect to institutions under their jurisdictions.

b. Under the amendments, a State member or national bank is prohibited from advertising an average annual percentage yield on deposits. This rule, which differs from a rule proposed in the FEDERAL REGISTER of April 5, 1969 (34 F.R. 6200), was adopted by the Board after consideration of all relevant material relating to the proposed rule, including communications received from interested persons.

c. The amendments are expressly applicable to persons or organizations who solicit deposits for member banks in their advertisements relating to such deposits. The effect of this is to prevent brokers from advertising percentage yields on deposits solicited for member banks that are in excess of yields member banks themselves are permitted to advertise.

(12 U.S.C. 248(i) and 371b)

Dated at Washington, D.C., the 16th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7305; Filed, June 20, 1969; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Miscellaneous Provisions

Correction

In F.R. Doc. 69-6864, appearing in the issue at page 9203, of the issue for Wednesday, June 11, 1969, § 221.3(a) should read as follows:

(a) *Required statement as to stock-secured credit.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-1 executed by the recipient of such extension of credit (sometimes referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided*, That this requirement shall not apply to any credit described in paragraph (o) or (w) of this section or § 221.2 except for credit described in § 221.2 (f), (g), and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter (Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2 the bank may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Advertising of Interest on Deposits

On April 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6198) stating that the Board of Directors of the Federal Deposit Insurance Corporation was considering an amendment to Part 329 of Title 12 of the Code of Federal Regulations. The amendment as proposed would add a new § 329.8, entitled "Advertising of interest on deposits", and would make certain technical changes to existing provisions in Part 329. Interested persons were afforded an opportunity to participate in the rule making process through the submission of relevant data, views, or arguments. After consideration of all such relevant matter as was submitted by interested persons, the Board of Directors concluded that advertisements of yields based on periods in excess of a year should be prohibited. Accordingly, appropriate changes in wording are made to § 329.8(c). The Board of Directors also concluded that certain changes in wording should be made to the proposed § 329.8 (d), (f) and (g). In addition the Board concluded that the words "or misleading" should be added to § 329.8(f). As so revised, the proposed amendment was adopted by the Board of Directors on June 13, 1969, with an effective date of August 1, 1969. Accordingly, effective August 1, 1969, Part 329 of Title 12 of the Code of Federal Regulations is amended in the manner set forth below:

1. The heading of the part is amended to read as set forth above.

2. In the table of sections, § 329.3 entitled "Maximum rate of interest on time and savings deposits" is amended to read "Interest on time and savings deposits"; a new § 329.8 entitled "Advertising of interest on deposits" is added; and § 329.101 entitled "Payment of interest on basis that 360 days equals one year" is deleted.

§ 329.0 [Amended]

3. In § 329.0, "§§ 329.7 and 329.8" is substituted for "§ 329.7".

4. In § 329.3 the heading, paragraph (a) and paragraph (e) are amended to read as follows:

§ 329.3 Interest on time and savings deposits.

(a) *Maximum rate.* Except as provided in this section, no insured nonmember bank shall, directly or indirectly, by any device whatsoever, pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time in § 329.6 of this part. In determining the maximum amount of interest permitted to be paid, the effects of compounding may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, insured nonmember banks may pay interest for such periods at one twelfth of the maximum rate, one quarter of the maximum rate, one half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit no insured nonmember bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

* * * * *

§ 329.6 [Amended]

5. The last two sentences in § 329.6 are revoked.

§ 329.7 [Amended]

6. The last sentence of § 329.7(c) is revoked, and the first sentence is amended to read: "In determining the maximum amount of interest or dividends permitted to be paid, the effects of compounding may be disregarded."

7. A new § 329.8 is added, as follows:

§ 329.8 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on deposits in insured nonmember banks (including insured nonmember mutual savings banks) shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured nonmember bank shall advertise a percentage yield based on the effect of grace periods permitted such banks in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on deposits.

(f) *Accuracy of advertising.* No insured nonmember bank shall make any advertisement, announcement or solicitation relating to the interest or dividends paid on deposits which is inaccurate or misleading or which misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization which solicits deposits for an insured nonmember bank shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for an insured nonmember bank which is not authorized to be paid and advertised by such bank.

§ 329.101 [Revoked]

8. Section 329.101 is revoked.

The purpose of the new § 329.8 is to prohibit misleading advertising of interest or dividends paid on deposits in insured nonmember banks. These rules are authorized by section 18(g) of the Federal Deposit Insurance Act, as amended, 82 Stat. 856 (1968), 12 U.S.C. sec. 1828(g), and are intended to replace advertising guidelines set forth in the Corporation's letter of December 16, 1966, to insured nonmember banks. The new rules incorporate the guideline requirements that interest rates be in terms of annual rates of simple interest; that the annual rate of simple interest be stated with equal prominence where a percentage yield achieved by compounding interest during 1 year is advertised; and that time and amount requirements for an advertised rate be stated. In addition the rules prohibit advertisement of yields based on periods in excess of a year (such as average annual yields achieved by compounding). The regulations are made expressly applicable to persons or organizations who solicit deposits for insured nonmember banks in advertisements relating to such deposits. This requirement would prevent brokers from advertising a percentage yield on deposits solicited for insured nonmember banks which is in excess of the percentage yield which such banks themselves are permitted to advertise.

The amendments also effectuate various technical changes necessitated by the advertising regulation, or designed to clarify and simplify existing provisions in the interest regulations.

Dated at Washington, D.C., this 13th day of June 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-7302; Filed, June 20, 1969; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,944]

PART 526—LIMITATIONS ON RATE OF RETURN

Advertising Rates of Return

JUNE 16, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6199) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, hereby amends Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) to implement an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts, by adding a new § 526.6, immediately after § 526.5, to read as follows, effective August 1, 1969:

§ 526.6 Advertising of interest or dividends on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in member institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No member institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on savings accounts.

(f) *Accuracy of advertising.* No member institution shall make any advertisement, announcement, or solicitation, relating to the interest or dividends paid on savings accounts which is inaccurate or misleading or which misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for member institution.* Any person or organization which solicits savings accounts for a member institution shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for a member institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-7303; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,945]

PART 569—LIMITATIONS ON RATE OF RETURN

Advertising Rates of Return

JUNE 16, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6200) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, hereby amends Part 569 of the regulations for the Insurance of Accounts (12 CFR Part 569) to implement an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts, by adding a new § 569.6, immediately after § 569.5, to read as follows, effective August 1, 1969:

§ 569.6 Advertising of interest or dividends on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in insured institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on savings accounts.

(f) *Accuracy of advertising.* No insured institution shall make any advertisement, announcement, or solicitation, relating to the interest or dividends paid on savings accounts which is inaccurate or misleading or which misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for an insured institution.* Any person or organization which solicits savings accounts for an insured institution shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for an insured institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425b, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-7304; Filed, June 20, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-SO-37; Amdt. 39-784]

PART 39—AIRWORTHINESS DIRECTIVES

Eisemann Magnetos Type AM-4, AM-6, LA-4, LA-6

Amendment 39-759 (34 F.R. 7006), AD 69-9-1 requires replacement of improperly manufactured coils in Eisemann magnetos used on certain Continental and Franklin engines. After issuing Amendment 39-759 the Administration determined that there is a shortage of replacement coils and that field personnel were having difficulty determining which coils should be replaced when there were no identification markings or inspection stamps on the coils being inspected. Therefore, the airworthiness directive is being amended to provide additional information concerning coil identification and to extend the compliance time. Since this amendment extends the compliance time and provides a clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-759 (34 F.R. 7006), AD 69-9-1 is amended as follows:

Revise the compliance time in the first paragraph from 25 hours to 50 hours.

Add an additional paragraph (d) as follows:

(d) This airworthiness directive affects only coils with the green plastic covering and does not affect:

(1) Taped coils.

(2) Those covered in black plastic.

(3) Those bearing inspection stamps of any type or color (other than those listed under (b) above).

(4) Those bearing no inspection stamp.

This amendment becomes effective June 24, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on June 12, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7335; Filed, June 20, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On June 3, 1969, F.R. Doc. 69-6471 was published in the FEDERAL REGISTER (34 F.R. 8702), amending Part 71 of the Federal Aviation Regulations by designating the Centerville, Tenn., transition area.

Subsequent to publication of the rule, the geographic coordinate for the Centerville Municipal Airport (lat. 35°50'00" N., long. 87°27'00" W.) was further refined by Coast and Geodetic Survey. The correct geographic coordinate is lat. 35°50'15" N., long. 87°26'45" W. Therefore, action is taken herein to amend the description accordingly.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective 0901 G.m.t., July 24, 1969, F.R. Doc. 69-6471 is amended as follows:

In lines 3 and 4 of the Centerville, Tenn., transition area description "• • • (lat. 35°50'00" N., long. 87°27'00" W.) • • •" is deleted and "• • • (lat. 35°50'15" N., long. 87°26'45" W.) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 12, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7337; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Walnut Ridge, Ark., control zone.

The Walnut Ridge control zone is presently designated full-time in Part 71 (34 F.R. 4632) of the Federal Aviation Regulations. The FAA expects to relocate the Walnut Ridge Flight Service Station to Jonesboro, Ark., June 26, 1969, and discontinue weather observations at Walnut Ridge effective 2359 CDT, June 25, 1969. Currently, negotiations are underway to provide a part-time supplementary weather observing program at Walnut Ridge starting on or about June 26, 1969.

In view of the foregoing, it is appropriate to change the Walnut Ridge control zone designation to part-time with the effective dates and times established in advance by a Notice to Airmen and

continuously published thereafter in the Airman's Information Manual. Definite dates and times will be established and published as soon as they are available.

Since this amendment does not increase the extent of controlled air space nor place an undue burden on the public, notice and public procedures thereon are unnecessary and it may be made effective to coincide with relocation of the Flight Service Station.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective June 26, 1969, as herein set forth.

In § 71.171 (34 F.R. 4632), the Walnut Ridge, Ark., control zone is amended by adding the following. "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 11, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7338; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of the Chandler, Ariz., control zone. This action is necessary to reflect the name change of the Chandler VOR to Rittenhouse VOR.

In § 71.171 (34 F.R. 4557) the Chandler, Ariz., control zone is amended by deleting "* * * Chandler VOR," and substituting "* * * Rittenhouse VOR * * *" therefor.

Since this change is editorial in nature and imposes no additional burden on any person, notice, and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Issued in Los Angeles, Calif., on June 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7339; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Montpelier, Vt., control zone (34 F.R. 4606) and transition area (34 F.R. 4730); the Henderson, Ky. (34 F.R. 4699), and Rutland, Vt. (34 F.R. 4757), transition areas.

A change in the name of Henderson Airport, Henderson, Ky., Barre-Montpelier Municipal Airport, Barre-Montpelier, Vt., and Rutland Municipal Airport, Rutland, Vt., requires alteration of the present designation of the transition areas and control zone where the description includes specific reference to these airports.

Since these changes are editorial in nature and impose no additional burden on any person, notice and public procedure are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Montpelier, Vt., Henderson, Ky., and Rutland, Vt., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Montpelier, Vt., control zone, "Barre-Montpelier, Airport, Montpelier, Vt." and insert "Barre-Montpelier State Airport, Barre-Montpelier, Vt." in lieu thereof.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete:

(a) In the description of the Montpelier, Vt., transition area, "Barre-Montpelier Airport, Montpelier, Vt." and insert "Barre-Montpelier State Airport, Barre-Montpelier, Vt." in lieu thereof.

(b) In the description of the Henderson, Ky., transition area, "Henderson Airport" and insert "Henderson City-County Airport" in lieu thereof.

(c) In the description of the Rutland, Vt., transition area, "Rutland Airport" and insert "Rutland State Airport" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 10, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7340; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-CE-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the segment of VOR Federal airway No. 193 west alternate between White Cloud, Mich., and Traverse City, Mich. The Federal Aviation Administration is taking action herein to realign V-193W between White Cloud and Traverse City via the Manistee, Mich., VOR, which was commissioned on May 7, 1969. Realignment of V-193W via the Manistee VOR will provide better course guidance, shorten the distance on this airway segment and reduce the amount of controlled airspace.

Since this airway alteration is minor in nature and causes no additional burden, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-193 is amended by deleting "INT White Cloud 329° and Traverse City 235° radials;" and substituting "Manistee, Mich.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348 sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7341; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Rifle, Colo., transition area.

For the benefit of more accurate plotting of Rifle, Colo., transition area one of the geographical coordinates contained in the description of the transition area will be changed. Corrective action is taken herein.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In consideration of the foregoing the Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In 71.181 (34 F.R. 7961) the description of the Rifle, Colo., transition area is amended by deleting "* * * latitude 39°24'00" N. * * *" in the 17th line and substituting "* * * 39°24'30" N. * * *" therefor.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Issued in Los Angeles, Calif., on June 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7342; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas; Correction

On May 2, 1969, F.R. Doc. 69-5253, effective June 26, 1969, was published in the FEDERAL REGISTER (34 F.R. 7221, 7222), amending Part 71 of the Federal Aviation Regulations by designating the Marion, S.C., transition area and altering the Florence, S.C., transition area.

Subsequent to publication of the rule, Coast and Geodetic Survey refined the final approach radial of the VOR instrument approach from the Florence VORTAC 100° to the 101° radial. Accordingly, it is necessary to alter the Marion, S.C., transition area description to reflect this change.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the rule accordingly.

In consideration of the foregoing, effective immediately, F.R. Doc. 69-5253 is amended as follows:

In line five of the Marion, S.C., transition area description "* * * Florence VORTAC 100° * * *" is deleted and "* * * Florence VORTAC 101° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 16, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-7344; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Areas and Alteration of Continental Control Area

On April 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7030) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate three temporary joint use restricted areas in the vicinity of Camp Hale, Colo., and that would alter the description of the continental control area to reflect the designation of these areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. In § 73.26 (34 F.R. 4819) the following is added:

R-2603 CAMP HALE, COLO.

Boundaries:

A-LAUNCH SITE

A circle with a five-mile radius centered at lat. 39°26'30" N., long. 106°19'30" W.

B-NORTH IMPACT AREA

Beginning at lat. 39°45'41" N., long. 106°28'55" W.; to lat. 39°45'01" N., long. 106°30'46" W.; to lat. 39°52'54" N., long. 106°35'51" W.; to lat. 39°53'46" N., long. 106°33'26" W.; thence to point of beginning.

C-SOUTH IMPACT AREA

Beginning at lat. 38°50'30" N., long. 106°01'20" W.; to lat. 38°51'10" N., long. 105°59'15" W.; to lat. 38°59'20" N., long. 106°03'10" W.; to lat. 38°58'40" N., long. 106°05'15" W.; thence to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: 0001 to 0900 daily, September 2, 1969, to October 11, 1969, and January 5, 1970, to February 10, 1970.

Controlling agency: FAA, Denver ARTC Center.

Using agency: Atmospheric Sciences Officer, Atmospheric Sciences Laboratory, U.S. Army Electronics Command, White Sands Missile Range, N. Mex.

2. In § 71.151 (34 F.R. 4546) "R-2603 Camp Hale, Colo." is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 16, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-7343; Filed, June 20, 1969; 8:48 a.m.]

[Docket No. 9113; Amdt. 93-17]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports; Arrival and Departure Reservations and VFR Flight Plans

The purpose of this amendment is to permit operations at airports designated as high density traffic airports without obtaining an arrival or departure reservation, or filing a VFR flight plan, where appropriate.

Under the provisions of the high density traffic airport rules prescribed in Subpart K (Amdt. 93-15; 34 F.R. 2603), an arrival or departure reservation and an IFR or VFR flight plan, as appropriate, are required for operations conducted at the airports involved. Since the effective date of those rules, the number of operations at the airports involved that are conducted between the hours of midnight and 6 a.m., local time, is extremely small and does not justify the need for an arrival or departure reservation during those hours. Accordingly, the requirement for an arrival or departure reservation is hereby deleted from the provisions of § 93.125 for all operations between midnight and 6 a.m., local time.

Inasmuch as reservations will no longer be required between the hours of midnight and 6 a.m., local time, the provisions of § 93.125 are further amended to provide that pilots operating VFR during those hours need not file a VFR flight plan.

If operational experience indicates that the demand for use of the affected airports between the hours of midnight and 6 a.m. begins to exceed the maximum hourly limitation specified in § 93.123, the FAA will take further regulatory action to restore the original terms of § 93.125 to operations conducted during those hours.

Since this amendment provides relief from procedural requirements, compliance with further notice and procedure is unnecessary and it is made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 93.125 is amended, effective June 21, 1969, by adding a flush paragraph at the end of that section to read as follows:

§ 93.125 Arrival or departure reservation and flight plan.

* * * * *

The arrival or departure reservations prescribed in paragraph (a) of this section and the VFR flight plan prescribed in paragraph (b) of this section are not required for an operation conducted to or from a high density traffic airport between 12 midnight and 6 a.m., local time.

(Secs. 103, 307 (a), (b), (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b), (2), Part 1, Regulations of the Office of the Secretary)

Issued in Washington, D.C., on June 19, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-7404; Filed, June 20, 1969; 8:50 a.m.]

[Docket No. 9466; Amdt. 151-33]

PART 151—FEDERAL AID TO AIRPORTS

Land Acquisition Costs for Approach Lighting Systems; U.S. Share

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to provide, for projects under the Federal-aid Airport Program, that the U.S. share of the acquisition costs of land needed for the installation of approach lighting systems is 75 percent regardless of the intensity of the lights involved.

This amendment was proposed in Notice 69–8, issued on March 4, 1969, and published in the FEDERAL REGISTER on March 12, 1969 (34 F.R. 5111). Seven public comments were received on the notice, all of which concurred in the proposal. One comment suggested that the 75 percent Federal participation in acquisition costs for a parcel of land within a clear zone should also apply to any excess portion of that parcel lying outside the clear zone boundary. However, this comment is outside the scope of the notice.

As proposed in the notice, this amendment provides for the same percent of Federal participation in the acquisition costs of land needed for medium intensity approach lighting systems and like systems with runway alignment indicator lights that are now incorporated into the National Airspace System, as has been previously applied to high intensity approach lighting systems.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 151.13 of the Federal Aviation Regulations is amended, effective July 21, 1969, by striking out the words "high intensity" from the flush sentence at the end of paragraph (a) of that section.

(Secs. 9, 10, Federal Airport Act; 49 U.S.C. 1108, 1109; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(2), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on June 16, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–7336; Filed, June 20, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CARBARSONE (NOT U.S.P.)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (10–285V) filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, and other relevant material, concludes that § 121.310 should be amended to provide for the safe use of a lower level of carbarsone (not U.S.P.) in the feed of turkeys for the prevention of blackhead.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.310 *Carbarsone (not U.S.P.)* is amended in the second column of the table in paragraph (b) by changing "340.5 (0.0375%)" to read "227–340.5 (0.025–0.375%)."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7321; Filed, June 20, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CLOPIDOL; CORRECTION

In F.R. Doc. 69–5588 appearing at page 7612 in the issue of Tuesday, May 13, 1969, the text under "Limitations" for item 3 of the table in § 121.325 (b) is corrected to read: "For replacement chickens intended for use as caged layers; do not feed to laying chickens; do not feed to chickens over 16 weeks of age."

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7322; Filed, June 20, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 860—INTERPRETATIONS

Miscellaneous Amendments

Pursuant to the Age Discrimination in Employment Act of 1967 (81 Stat. 602; 29 U.S.C. 620) and Secretary's Orders No. 10–68 (33 F.R. 9729) and No. 11–68 (33 F.R. 9690), 29 CFR Part 860 is amended as set forth below.

As these are interpretive rules and are not substantive, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delay in effective date do not apply. I do not believe such procedure and delay will serve a useful purpose here. Accordingly, these rules shall be effective immediately.

1. A new § 860.30 is added to read as follows:

§ 860.30 Definitions.

Considering the purpose of the proviso to section 7(c) of the Act as indicated in the reports of both the Senate and House Committees (see S. Rept. No. 723, 90th Cong., 1st Sess., and H. Rept. No. 805, 90th Cong., 1st Sess.) it was clearly the intent of Congress that the term "employee" in that proviso should apply to any person who has a right to bring an action under the Act, including an applicant for employment.

2. Paragraph (b) of § 860.92 is revised to read as follows:

§ 860.92 Help wanted notices or advertisements.

* * * * *

(b) When help wanted notices or advertisements contain terms and phrases such as "age 25 to 35," "young," "boy," "girl," "college student," "recent college graduate," or others of a similar nature, such a term or phrase discriminates against the employment of older persons and will be considered in violation of the Act. Such specifications as "age 40 to 50," "age over 50," or "age over 65" are also considered to be prohibited. Where such specifications as "retired person" or "supplement your pension" are intended and applied so as to discriminate against others within the protected group, they too are regarded as prohibited, unless one of the exceptions applies.

* * * * *

3. In § 860.95, the existing language is designated as paragraph (a), and a new paragraph (b) is added to read as follows:

§ 860.95 Job applications.

* * * * *

(b) An employer may limit the active period of consideration of an application so long as he treats all applicants alike regardless of age. Thus, for example, if the employer customarily retains employment applications in an active status for a period of 60 days, he will be in compliance with the Act if he so retains those of individuals in the 40 to 65 age group for an equal period of consideration as those of younger persons. Further, there is no objection to the employer advising all applicants of the above practice by means of a legend on his application forms as long as this does not suggest any limitation based on age. If it develops, however, that such a legend is used as a device to avoid consideration of the applications of older persons, or otherwise discriminate against them because of age, there would then appear to be a violation of the Act. It should be noted that this position in no way alters the recordkeeping requirements of the Act which are set forth in Part 850 of this chapter.

4. In § 860.104, a new paragraph (c) is added to read as follows:

§ 860.104 Differentiations based on reasonable factors other than age—Additional examples.

* * * * *

(c) *Refusal to hire relatives of current employees.* There is no provision in the Act which would prohibit an employer, employment agency, or labor organization from refusing to hire individuals within the protected age group not because of their age but because they are relatives of persons already employed by the firm or organization involved. Such a differentiation would appear to be based on "reasonable factors other than age."

5. Section 860.110 is revised to read as follows:

§ 860.110 Involuntary retirement before age 65.

(a) Section 4(f)(2) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, the Act authorizes involuntary retirement irrespective of age, provided that such retirement is pursuant to the terms of a retirement or pension plan meeting the requirements of section 4(f)(2). The fact that an employer may decide to permit certain employees to continue working beyond the age stipulated in the formal retirement program does not, in and of itself, render an otherwise bona fide plan invalid insofar as the exception provided in section 4(f)(2) is concerned.

(b) This exception does not apply to the involuntary retirement before 65 of employees who are not participants in the employer's retirement or pension program. It should be noted that section 5 of the Act directs the Secretary of Labor to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate legislative recommendations to the President and to Congress.

6. Section 860.120 is revised to read as follows:

§ 860.120 Costs and benefits under employee benefit plans.

(a) Section 4(f)(2) of the Act provides that it is not unlawful for an employer, employment agency, or labor organization "to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, an employer is not required to provide older workers who are otherwise protected by the law with the same pension, retirement or insurance benefits as he provides to younger workers, so long as any differential between them is in accordance with the terms of a bona fide benefit plan. For example, an employer may provide lesser amounts of insurance coverage under a group insurance plan to older workers than he does to younger workers, where the plan is not a subterfuge to evade the purposes of the Act. A retirement, pension, or insurance plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of pension or retirement benefits, or insurance coverage. Further, an employer may provide varying benefits under a bona fide plan to employees within the age group protected by the Act, when such benefits are determined by a formula involving age and length of service requirements.

(b) Profit-sharing plans: Not all employee benefit plans but only those similar to the kind enumerated in section 4(f)(2) of the Act come within this provision and a profit-sharing plan as such would not appear to be within its terms. However, where it is the essential purpose of a plan financed from profits to provide retirement benefits for employees, the exception may apply. The "bona fides" of such plans will be considered on the basis of all the particular facts and circumstances.

(c) Forfeiture clauses in retirement programs: Clauses in retirement programs which state that litigation or participation in any manner in a formal proceeding by an employee will result in the forfeiture of his rights are unlawful insofar as they may be applied to those who seek redress under the Act. This is by reason of section 4(d) which provides that it "shall be unlawful for an employer to discriminate against any of his employees * * * because such individual * * * has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act."

(81 Stat. 602; 29 U.S.C. 620. Secretary's Order No. 10–68, 33 F.R. 9729; Secretary's Order No. 11–68, 33 F.R. 9690)

Signed at Washington, D.C., this 17th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69–7374; Filed, June 20, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICE

PART 813—SCHEDULE OF FEES FOR COPYING, CERTIFYING AND SEARCHING RECORDS AND OTHER DOCUMENTARY MATERIAL

Part 813 is revised to read as follows:

Sec.
813.0 Purpose.
813.2 Policy on fees.
813.4 Restrictions on copying.
813.6 Services provided without charge.
813.8 Reviewing schedule of fees.
813.10 Schedule of fees and rates.

AUTHORITY: The provisions of this Part 813 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 12–32, April 28, 1969.

§ 813.0 Purpose.

This part establishes the schedule of fees to be collected by the Air Force for copying, certifying, and searching records and other documentary material.

§ 813.2 Policy on fees.

The Air Force collects fees for copying, certifying, and searching records and other documentary materials to make these services as self-sustaining as possible. (Services and fees are listed in § 813.10.) Requests for information and copies of records are subject to AFR 11–30 (Disclosure of Unclassified Records and Use of the Term "For Official Use Only"). When the fee can be determined in advance, the activity concerned will collect it before performing the service. However, exceptions may be made for unusual requests.

§ 813.4 Restrictions on copying.

The copying or sale of copyright material contained in Air Force documents may violate exclusive rights granted to a copyright owner. See AFR 110–8 (Inventions, Patents, Copyright, and Trademarks) prior to copying or sale. For other restrictions on the copying or reproduction of material, see AFR 6–1 (Policies and Procedures Governing AF Printing and Duplicating).

§ 813.6 Services provided without charge.

Fees are not collected when requests for the following types of services are received from the sources specified: (The term "Armed Forces" includes the Air Force, Army, Navy, Marine Corps, and their civilian components.)

(a) Any service requested by members of the Armed Forces who require the document or information in their capacity as members of the Armed Forces of the United States.

(b) Any service requested by members of the Armed Forces who are in a casualty status, or by their next of kin

or legal representatives; and requests for information from any source relating to a casualty.

(c) Any service requested by members (or retired members) of the Armed Forces for copies of or information from their own medical or dental records.

(d) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military medical or dental facilities. The information must be required for further medical or dental care and be requested by an accredited medical facility, physician, or dentists, or by the patient, his next of kin, or legal representative.

(e) Any service requested by members (or retired members) of the Armed Forces or their dependents for copies of or information from the dependents' medical or dental records.

(f) The address of record of an active duty member or former member of the Armed Forces of the United States when it can be furnished informally through local directory (locator) reference and is requested by:

(1) A member (or retired member) of the Armed Forces of the United States, or

(2) A relative or legal representative of a member of the Armed Forces of the United States, or

(3) Any source when the address is required to pay money or forward property to a member or former member of the Armed Forces of the United States, or

(4) A custodian or manager of property owned by the member or former member who seeks to communicate with the member regarding the property.

(g) Any service requested by or on behalf of a member or former member of the Armed Forces, or, if deceased, his next of kin or legal representative, pertaining to requests for:

(1) Information required to obtain financial benefits.

(2) Document showing membership and military record in the Armed Forces, if discharge or release was under honorable conditions.

(3) Information relating to a decoration or award or information required for memorial purposes.

(4) Review or change in type of discharge or correction of records.

(5) Personal documents, e.g., birth certificates, when such documents are required to be furnished by the individual.

(h) Those services furnished free in accordance with statutes or Executive orders.

(i) Any service that relates to or furthers the Armed Forces recruiting programs and any service furnished representatives of public information media or the general public in the interest of public understanding of the Armed Forces.

(j) Any service involving confirmation of employment or salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(k) Any service requested by and furnished to a Member of Congress for official use.

(l) Any service requested by a State, U.S. possession, county, or municipal government, or an agency thereof, which is carrying on a function that is related to or furthers the public safety, health or welfare.

(m) Any service requested by a court that will serve as a substitute for the personal court appearance of a military or civilian employee of the Department of Defense.

(n) Any service requested by a nonprofit organization which is carrying on a function that is related to or furthers an objective of public safety, health, and welfare.

(o) Any service requested when the cost of such services ultimately would be charged to the Federal Government.

(p) Any service requested by donors regarding their gifts.

(q) Any request that results in an unsuccessful search of records, other than requests to determine the existence or nonexistence of a record.

(r) Requests for service that are occasional, incidental, and not often made (including any request from a resident of a foreign country), if it is administratively determined that a fee for such an occasional case would be inappropriate.

(s) Any request when furnishing the service without charge is an appropriate courtesy to a foreign country or international organization. When comparable fees are set on a reciprocal basis with a foreign country, such fees apply instead of the fees in § 813.12.

(t) Any request from Federal employees to complete forms applicable to claims for reimbursement under the Federal Employees Health Benefit Act of 1959 (5 U.S.C. 8901 et seq.).

(u) Administrative services normally provided in reference or reading rooms or libraries for public inspection of records, except for copies of records or documents furnished.

§ 813.8 Reviewing schedule of fees.

The schedule of fees is reviewed whenever costs change significantly. It is reviewed at least once each year to determine whether the Air Force should collect a fee for any other services rendered the public or change or discontinue any of the existing fees. Activities concerned will submit their recommendations to Hq USAF (AFDASB). Costs are determined or estimated in accordance with cost standards in AFR 177-8 (User Charges and User Charges Report).

§ 813.10 Schedule of fees and rates.

This schedule applies to authorized services related to copying, certifying, and searching records rendered to the public, unless those services are excluded or excepted from charges under § 813.6. Except as provided in special cases prescribed below, a minimum fee of $1.50 is levied for processing any chargeable case. Normally only one copy of any record is provided.

Requests involving:

1. Training and education:

a. Transcripts:	
Original Copy	$1.50
Each additional copy (Includes requests for transcripts of graduation from military academies and schools)	.25
b. Certificates:	
Original Copy	1.50
Each additional copy (Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities)	.25

2. Medical and dental records of patients and former patients when requested for purposes other than further treatment. Covers requests for information from or copies of medical records, including Clinical Records (inpatient records of military and nonmilitary patients), Health Records (military outpatient records), Outpatient Records (nonmilitary outpatient records), Dental Records, and loan of X-rays.

a. Searching and processing (per hour)	$5.00
Minimum charge	2.50
b. Each typewritten page	1.50
c. Office copy reproductions (per image)	.25
d. Loan of each X-ray	1.50

3. Military membership and record (excluding medical and dental records).

a. Address of record, each	$1.50
b. Copies of releasable military personnel records, such as effectiveness reports for officers and enlisted men, reproduced for the personal use of active, retired and former member or next of kin of missing in action or deceased member of the Armed Forces.	
(1) Minimum charge (up to six office copy reproductions)	1.50
(2) Each additional image	.25
(3) Statement of verification of service or report of separation, for individuals other than honorable discharges	2.50

4. Claims, Litigation (includes court-martial records, furnishing information from Investigative Reports, e.g., automobile collision investigations, etc.). Requests pertaining to private litigation and to cases in which the United States is a party are made at the following rates where court rules provide for reproduction of records without cost to the Government (if not covered in paragraphs 2 or 3 of this section):

a. Searching and processing (per hour)	$5.00
Minimum charge	2.50

NOTE. Charges for professional search or research will be made in accordance with paragraph 8b below.

b. Office copy reproduction (minimum up to six reproduced images)	$1.50
c. Each additional image	.25
d. Certification and validation with seal, each	2.50

5. Publications and forms. A search and/or processing fee as prescribed in paragraph 8a of this section will be made for requests requiring extensive time (1 hour or more).

a. Shelf Stock. (Requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.)

(1) Minimum fee per request plus	$1.50
(a) Forms, per copy	.05
(b) Publications, per printed page	.01

(Examples: Cost of 20 forms, $2.50; cost of a publication with 100 pages, $2.50.)

b. Office copy reproduction (when shelf stock is not available).	
(1) Minimum charge (up to six reproduced pages)	$1.50
(2) Each additional image	.25
6. Engineering data (microfilm).	
a. Aperture cards:	
(1) Silver duplicate negative, per card	.35
When key punched and verified, per card	.40
(2) Diazo duplicate negative, per card	.30
When key punched and verified, per card	.35
b. 35mm roll film, per frame	.30
c. 16mm roll film, per frame	.20
d. Paper prints (engineering drawings), each	.50
e. Paper reprints of microfilm indices, each	.05
7. Photography and magnetic tape.	
8 x 10 single weight glossy finish, 1st print	.90
2d and 3d prints each	.40

See AFR 95-4 (Sale of Documentary Still Photographs) for fees applicable to other still picture services and AFR 95-12 (Sale or Release of Motion Picture and Second-Track Stock-footage) for those pertaining to motion picture photography and magnetic tape.

8. General services. Charges for any additional services not specifically provided above, and consistent with this part and AFR 177-8 (User Charges and User Charges Report), are made at the following rates:

a. Clerical search and processing per hour	$5.00
Minimum charge	2.50
b. Professional searching or researching (To be established at actual hourly rate prior to search. A minimum charge is established at one half of the hourly rate.)	
c. Minimum charge for office copy reproduction (minimum up to six images)	1.50
d. Each additional image	.25
e. Each typewritten page	1.50
f. Certification and validation with seal, each	2.50
g. Hand drawn plots and sketches, each hour or fraction thereof	6.00

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7310; Filed, June 20, 1969; 8:45 a.m.]

PART 818—PRIVATE INDEBTEDNESS

Part 818 is revised to read as follows:

Subpart A—Private Indebtedness

Sec:
818.0 Purpose.
818.2 Financial responsibility of member.
818.4 Payment of debts.

Subpart B—General Requirements for Debt Complaints To Be Accepted

818.6 Standards of fairness and full disclosure.
818.8 Previous efforts to resolve the matter.
818.10 Nonconforming complaints.

Subpart C—Processing Debt Complaints

818.12 Action required when complaint is received.

AUTHORITY: The provisions of this Part 818 issued under sec. 8012, 70A Stat. 488; U.S.C. 8012.

SOURCE: AFR 35-10, April 15, 1969.

Subpart A—Private Indebtedness

§ 818.0 Purpose.

This part establishes standards for considering the financial responsibility of Air Force military members. It states conditions a complainant must meet before requests for assistance in collecting debts are accepted, and tells how to process accepted requests. The rules and regulations are effective immediately, except that § 818.8 will not be enforced until 30 days after the date of this publication.

§ 818.2 Financial responsibility of member.

Air Force military members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment that conforms to the Soldiers' and Sailors' Civil Relief Act (50 U.S. Code Appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner in which the immediate commander determines is in good faith.

§ 818.4 Payment of debts.

The Air Force is without legal authority to require a member to pay a private debt, or to divert any part of his pay for the satisfaction thereof, even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of Air Force members is a matter for civil authorities.

Subpart B—General Requirements for Debt Complaints To Be Accepted

§ 818.6 Standards of fairness and full disclosure.

AF Form 459, or its equivalent, must be provided by the complainant. If an equivalent of AF Form 459 is not provided by the seller or lender, locally reproduce AF Form 459 on 8" x 10½" paper. Produce part I on one sheet, produce parts II and III (continued) head to foot on another sheet. Complaints of the following types need not meet the requirements of this section:

(a) Claims from companies furnishing utility, milk, laundry, and similar services when credit is extended solely to facilitate the service.

(b) Claims by accommodation indorsers, comakers, or lenders against the party primarily liable on obligations not intended to benefit the accommodating party through payment of interest or otherwise.

(c) Contracts for the purchase, sale, or rental of real estate.

(d) Claims in which the total unpaid amount does not exceed $50.

(e) Claims for support of dependents.

(f) Claims based on a revolving or open end credit account if the account shows the periodic interest rate and its annual rate equivalent and the balance to which it is applied to compute the charge.

(g) Purchase money liens on real property (this does not include other liens on real property and related obligations such as those that represent obligations for improvement or repair).

(h) Claims by local, State, or Federal Government agencies unless the claim is based on subrogation to rights arising under a private contract not excluded from processing by this section.

(i) Those in which the debt has been reduced to a judgment.

§ 818.8 Previous efforts to resolve the matter.

The complainant must show that he has attempted to adjust the debt by direct contact with the member.

§ 818.10 Nonconforming complaints.

Debt complaints received, but not in compliance with the requirements of this subpart, will be returned to the complainant with an explanation of the deficiency.

Subpart C—Processing Debt Complaints

§ 818.12 Action required when complaint is received.

(a) By the CBPO Quality Control Special Actions Unit (SA).

(1) Complaints that meet the requirements of Subpart B of this part are sent to the immediate commander of the individual concerned.

(2) Complaints that do not meet the requirements of Subpart B of this part will be returned to the complainant.

(3) Complaints concerning separated or reassigned members:

(i) *Retired.* Send these complaints to the Retired Activities Section, USAFM PC (AFPMSDF), Randolph AFB, TX 78148.

(ii) *Discharged.* Complaints concerning members with no known military status will be returned to the complainant.

(iii) *Released from active duty and assigned to the Reserve forces.* These complaints will be forwarded to the Air Reserve Personnel Center, with a copy to the complainant.

(iv) *Reassigned.* Forward such complaints to the current unit of assignment with a copy to the complainant.

(b) By the commander of the alleged debtor.

(1) Direct from the complainant: Send the complaint to the CBPO Quality Control Special Actions Unit (SA) for action under Subpart B of this part.

(2) From the CBPO Quality Control Special Actions Unit (SA).

(i) *Preliminary inquiry.* The commander thoroughly reviews all the available facts surrounding the transaction forming the basis of the complaint. These

facts are obtained from the complainant's correspondence and the member concerned. This inquiry also includes a general review of the member's financial situation over the life of the obligation complained of.

(ii) *Counseling.* The commander applies the Air Force policy to the facts of the situation, and advises the member what actions, if any, he should take to comply with the policy. In every case, the member is advised of his right to advice under the legal assistance program and to counseling available to members from the on-base credit union.

(iii) *Response to complainant.* The complainant is entitled to a courteous response from the commander. The response will not admit, nor in any way imply, an admission of liability of the member. Neither will it report any action taken against the member as a result of the complaint. The commander will not act as an intermediary for either party nor give that impression in his response. The following should be an adequate response to most complaints:

Subject: (Name of alleged debtor).
To: (Complainant).

1. I have received your letter of (date) concerning (name of alleged debtor) and have discussed the matter with him.

2. As a result of that discussion, I advised (name of alleged debtor) of the Air Force policy concerning matters of this nature as it applies to this situation. The policy is that Air Force members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act (50 United States Code appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner which the immediate commander determines is in good faith.

3. The Air Force has no authority to arbitrate, intervene in, or enforce settlement of matters of this type. They are of a private civil nature for resolution in the civil courts only. The Air Force may take action in cases of continued financial irresponsibility. Such action is designed to improve discipline and to maintain the standards of conduct expected of Air Force personnel, but cannot be used to enforce private civil obligations. I hope the above information clarifies the limits of Air Force authority in this matter.

(iv) *Report to the Armed Forces Disciplinary Control Board.* In every case where it appears that a complainant has engaged in usurious, fraudulent, misleading, or deceptive business practices, the commander will report the situation to the Armed Forces Disciplinary Control Board (AFR 125-11 (Armed Forces Disciplinary Control Boards)).

(v) *Return the file to the CBPO (SA).* The complaint letter and a copy of the commander's response to the complainant will be returned to the CBPO. In addition, a summary of the case will be prepared and included in the file in every case where it should be made part of the Unfavorable Information File (AFR 35-32 (Control Roster Procedures)). The summary will consist of a brief statement of the facts and the commander's evaluation of the case.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7308; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 846—SUPPORT OF DEPENDENTS

Part 846 is revised as follows:

Sec.
846.0 Purpose.
846.2 Policy.
846.4 Airmen in paygrade E-1 through E-4 (four or less years service).
846.6 Officers and airmen in pay grade E-4 (over four years service) through E-9.
846.8 Court orders and disputed claims.
846.10 Rights of personnel.
846.12 Processing complaints.
846.14 Counseling personnel.
846.16 Action by the commander.

AUTHORITY: The provisions of this Part 846 issued under sec. 8012, 70A Stat. 488, 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 35-29, April 15, 1969.

§ 846.0 Purpose.

This part sets forth Air Force policy pertaining to support of dependents. It provides guidance for all Air Force personnel and for commanders who process complaints of this nature.

§ 846.2 Policy.

Each Air Force member must provide adequate and regular support to the best of his financial ability to his dependents until relieved from such obligation by a civil court of competent jurisdiction. Pending or contemplated court action does not relieve an individual from this obligation. An Air Force member's obligation to support the dependent children of a marriage continues even though a divorce decree or other court order or decree is silent concerning their support. The assumption of additional responsibilities or remarriage does not relieve an Air Force member of his obligation to support his dependents and to comply with court orders relative thereto. Any unreasonable failure of an Air Force member to provide adequate and regular support to his dependents becomes a proper subject of command consideration for appropriate disciplinary or administrative action.

§ 846.4 Airman in pay grade E-1 through E-4 (four or less years service).

The Dependents Assistance Act of 1950 as amended (50 U.S.C. App. 2201, et seq.); and DOD Military Pay and Allowances Entitlements Manual (DODPM), paragraph 30235, provides airmen in pay grades of E-1, E-2, E-3, and E-4 with 4 or less years of service a means of furnishing support for eligible dependents through a Class Q allotment, provided Government quarters are not occupied in accordance with DODPM, part 6, chapter 2, section A. When the airman complies with the above act he will generally be considered as complying with the Air Force policy for support of such eligible dependents. However, the fact that the airman is not eligible for a class Q allotment or that a dependent is not considered an eligible dependent under the Dependents Assistance Act does not relieve the airman of his obligation to provide adequate support for his dependents. Also, additional factors, such as serious illness, may indicate an obligation for the airman to provide additional support over and above the class Q allotment. If the airman fails or refuses to initiate a class Q allotment for his eligible dependents, action will be taken according to DODPM, paragraph 60201b and table 6-2-1.

§ 846.6 Officers and airmen in pay grade E-4 (over four years service) through E-9.

The amount constituting adequate or reasonable support ordinarily should be determined by agreement between the parties or by a court order which specifies an amount to be paid for support. In the absence of a written and signed agreement or a court order, an Air Force member in this category is expected to provide at least an amount equal to his BAQ as minimum support for the dependents of his present marriage (unless a lesser amount is currently requested by or on behalf of such dependents) and to provide such additional amount as is reasonably necessary based on the following:

(a) The needs of the dependents.
(b) The support provided before controversy.
(c) The number and age of all dependents.
(d) The current pay and allowances of the member.
(e) The allowances received by the member by reason of his dependents.
(f) Any other facts pertaining to the individual case, such as serious illness if dependents, etc. Where children of more than one marriage and/or dependents of different categories claim support, Air Force members in this category are expected to apportion their income, in consideration of the factors noted in this section, to provide reasonable support for all dependents to the extent of the member's financial ability.

§ 846.8 Court orders and disputed claims.

As a general rule, a court order or decree issued by a municipal, State, or Federal court of the United States in a case involving support of dependents is a legal determination of any controversy concerning such support and the amount thereof. The Air Force expects a service member to comply with the support provisions of such court order or decree to the best of his financial ability. The Air Force has no authority to specifically enforce a court order or to relieve an individual of an obligation imposed by a court order or decree. Such enforcement or relief may only be obtained through a civil court of competent jurisdiction.

Once an obligation for support has been established by a court order or decree, either temporary or permanent, Air Force members are expected to provide support to the best of their ability according to the terms of the order or decree.

§ 846.10 Rights of personnel.

Nothing in this part will deny Air Force personnel the right to settle obligations through compromise, negotiation, or litigation. When such action is undertaken, it must be conducted in good faith without undue delay. Every Air Force member should be given the opportunity to consult with a legal assistance officer or his personal civilian lawyer if he desires legal advice concerning matters involving support of dependents. When a member's income is inadequate to fully satisfy the amount stated in a court order or decree and adequately maintain himself, he should consult immediately with his legal assistance officer or his personal civilian lawyer with the view of reaching an acceptable compromise. Nevertheless, it is expected that reasonable and regular support will be provided dependents pending any compromise, negotiation, or litigation.

§ 846.12 Processing complaints.

All complaints received must be given prompt consideration and a courteous reply (see AFR 11-25 (Communications With and Service to the Public)). Judicious handling promotes the reputation of Air Force personnel and enhances the desired relationship between the Air Force and the civilian community. All complaints are referred to the commander of the service member for appropriate investigation, counseling, and reply.

(a) *Reassigned personnel.* The commander will forward complaints concerning a former member of his command to the commander of the individual's new unit of assignment. Complainant will be advised of this action and furnished new unit of assignment unless such information is classified. If the commander is aware that a delay en route, extended travel time, etc., the complainant will be advised.

(b) *Discharged personnel.* When an individual has been discharged, the commander will advise the complainant of the date of separation and that jurisdiction over Air Force personnel ceases at the time of discharge. The latest home address of record, if available locally, may be furnished without charge per AFR 11-6 (Schedule of Fees for Copying, Certifying, and Searching Records), paragraph 2r, January 28, 1964.

(c) *Retired personnel.* Complaints received concerning retired personnel will be forwarded to the USAFMPC (AFPMSDM), Randolph AFB TX 78148. Complainant will be advised of this referral.

(d) *Reserve personnel not on extended active duty.* Complaints received involving Reserve personnel not on extended active duty will be forwarded to ARPC, 3800 York St., Denver, CO 80205, and complainant advised of this referral. If the member is a Mobilization Augmentee, ARPC will forward the complaint to his commander for counseling according to § 846.14. The commander will furnish ARPC a report of the action taken. ARPC refers other complaints to the member with a request that he advise ARPC of the action taken to resolve the matter. In appropriate circumstances, the reservist should be advised that his continued failure to provide adequate support for his dependents without good cause or his actions which bring discredit on the Air Force may result in the initiation of discharge action under AFR 45-40 (Discharge of Officers of the AF Reserve by Reason of Misconduct or Inefficiency) or AFR 45-43 (Administrative Discharge of Airmen Members of the AF Reserve).

§ 846.14 Counseling personnel.

(a) The commander will investigate complaints or inquiries received concerning personnel under his command, advise them of the applicable Air Force policy, as appropriate, and counsel them individually as follows:

(1) Failure to support a dependent upon whose account BAQ is claimed may result in nonentitlement to BAQ and BAQ is not payable to a member on behalf of a dependent whom he refuses to support (par. 30236, DODPM).

(2) Regular payment of an amount specified in a current court order or decree will be considered the extent of an individual's legal obligation.

(3) The assumption of additional responsibility or remarriage does not relieve the member from the obligation of support.

(4) The obligation of a father to support his dependent children continues to exist, if claimed by or on behalf of such children, despite the fact that receipt of such support was previously waived by either parent.

(5) Once an obligation to support exists by operation of law, by acknowledgement, by written agreement, by court order or decree, or otherwise, the service member is expected to reasonably and promptly provide support without regard to ancillary disputes, such as, rights of visitation, marital misconduct, property settlements, etc.

(6) Personnel should be advised of the desirability of assuring that their support obligation is met through allotment whenever possible, particularly before reassignment or departure on extended temporary duty.

(b) Commanders will assure that members of their commands are aware of Air Force policies pertaining to support of dependents. Personnel should be encouraged to maintain accurate records of support payments if payments are not made by allotment.

§ 846.16 Action by the commander.

The commander is the best judge of of the facts in each case. He should seek the Staff Judge Advocate's advice on any legal issues involved in the case as well as any matters about which the Staff Judge Advocate may have particular knowledge and experience. Complaints of nonsupport are forwarded to a service member's commander to permit him to obtain all the facts in the case and to give the service member an opportunity.

(a) The Air Force has no authority to adjudicate private disputes with regard to the facts or the law. Except in a case within the purview of the Dependents Assistance Act there is no authority to involuntarily allot or divert a portion of a serviceman's pay for the support of dependents. A commander has no authority to direct a service member under his command to take specific action or forward a specific amount in support of his dependents. However, is the absence of a written agreement or a court order which specifies a definite amount for support, the commander should determine, in the light of all the facts and the policies expressed herein, what he considers to be a reasonable and adequate amount for support and so advise the service member.

(b) All complaints will be given prompt consideration and a courteous reply (AFR 11-25 (Communications With and Service to the Public)). The individual concerned will be counseled by the commander, given an opportunity to examine all information furnished by the complainant, and the Air Force policy will be explained to him.

(c) When the service member takes immediate steps to provide support in the amount requested, the commander will so advise the complainant. In other cases, the commander will explain to the complainant in a clear and courteous manner the position taken by the service member and applicable Air Force policy. Commanders will take such monitoring action as necessary to assure that statements and promises of the service member are carried out expeditiously.

(d) The commander will evaluate facts whenever an individual is not complying with Air Force policy and determine whether administrative or disciplinary action is appropriate.

(e) The commander will determine if the member's continued failure to furnish adequate support to his dependents, as prescribed by Air Force policy, or refusal to support his dependents, warrants action to request the stoppage of BAQ payments under the provisions of DODPM, paragraph 30236, and AFM 177-105.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7309; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER F—AIRCRAFT

PART 859—NON-AIR FORCE PILOTS FLYING AIR FORCE TEST AIRCRAFT

Part 859 is revised to read as follows:

Sec.
859.0 Purpose.
859.2 Test aircraft explained.

Sec.
859.4 Who may fly Air Force test aircraft.
859.6 Approval of flights.

AUTHORITY: The provisions of this Part 859 issued under sec. 9012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 60-30, April 16, 1968.

§ 859.0 Purpose.

This part authorizes the flying of Air Force test aircraft by non-Air Force pilots, and tells who may approve such flights.

§ 859.2 Test aircraft explained.

A test aircraft is any aircraft undergoing Air Force research and development testing or used by the Air Force research and development testing or used by the Air Force for conducting component or related tests in the research and development program. Production aircraft undergoing acceptance testing but not yet accepted from the contractor by the Air Force are not included.

§ 859.4 Who may fly Air Force test aircraft.

Non-Air Force pilots who possess qualifications comparable to Air Force standards may fly Air Force test aircraft provided:

(a) Flights are in the interest of the Air Force development program and do not hinder the Air Force testing program.

(b) The person making the flight submits a report of the findings of each flight to the approving Air Force agency.

(c) Classified information is not disclosed or revealed except with specific approval.

§ 859.6 Approval of flights.

(a) Hq USAF (AFSPD) approves flying of Air Force:

(1) Test aircraft by:

(i) Persons officially sponsored by or representing foreign governments whose visit within CONUS has been approved by AFNIN.

(ii) Other non-United States citizens.

(iii) U.S. citizens who are not members of the Department of Defense, NASA, or FAA.

(2) Research or experimental aircraft by persons not directly involved in the testing program for that aircraft.

(b) The Commander, AFSC, approves flying of Air Force test aircraft by:

(1) U.S. citizens who are members of the Department of Defense, NASA, or FAA.

(2) Civilian contractor personnel actively engaged in approved Air Force test programs.

(c) The cognizant Air Force representative approves flights of contractor personnel in Air Force test aircraft provided through bailment agreement.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7307; Filed, June 20, 1969; 8:45 a.m.]

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Losses

Section 1459.5(a) *Losses in prior or subsequent years* is amended by deleting the third and fourth sentences in their entirety and inserting in lieu thereof the following: "Under certain circumstances, however, there will be allowed as a cost in a fiscal year ending after December 31, 1958, the sum of the "renegotiation loss carryforwards" to such fiscal year from the preceding 5 fiscal years. (See § 1457.9 of this chapter.)"

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: June 18, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7365; Filed, June 20, 1969; 8:49 a.m.]

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Taxes Measured by Income

Section 1459.9(e) *State income tax measured by income for preceding year* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1459.9 Taxes measured by income ("State income taxes").

* * * * *

(e) *State income tax measured by income for preceding year.* When a State income tax for a succeeding fiscal year is measured by the income of the contractor for the fiscal year under review, an adjustment pursuant to section 103(f) of the act will be made on account of such tax in eliminating excessive profits for the fiscal year under review, except that if the fiscal year under review is the first year in which the contractor does business in the State and a tax measured by the income for such year is payable for such year, an adjustment will be made on account of the tax payable for such year but no adjustment will be made on account of the tax payable for the succeeding year.

Example. State *X* imposes a franchise tax for the privilege of doing business in the State for a taxable year. The tax is based upon the taxpayer's net income for the preceding year, except that the tax for the first year in which the taxpayer does business in the State is based upon its income in that year. Assume that a contractor incorporated in State *X* pays a franchise tax of $10,000 for Year 1, measured by its net income for Year 1. The contractor's tax for Year 2 is again $10,000, since it is also measured by the income for Year 1. For Year 3, the contractor pays a tax of $15,000, measured by its Year 2 income. In renegotiation, if excessive profits are determined for each year, the contractor will be allowed a State tax adjustment in the amount of $10,000 for Year 1, and $15,000 for Year 2. The adjustment for Year 3 will be the amount paid in Year 4, measured by the Year 3 income.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: June 18, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7366; Filed, June 20, 1969; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive 12]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

REDELEGATION OF FUNCTIONS

By virtue of the authority vested in me by § 0.159 and Subpart AA of Title 28, Code of Federal Regulations, in order to reflect more accurately the responsibilities of certain officials of the Bureau of Narcotics and Dangerous Drugs as a result of reorganization and reassignment, I hereby make the following changes in previous directives:

ENFORCEMENT OFFICERS: DELEGATION OF AUTHORITY TO CARRY FIREARMS

Directive No. 8 (33 F.R. 18237) is hereby rescinded, and the following officers and employees of the Bureau of Narcotics and Dangerous Drugs are authorized to carry firearms:

1. The Director.
2. The Deputy Director.
3. All criminal investigators, Series 1811, under Civil Service Commission regulations.

ISSUANCE OF IMPORTATION AND EXPORTATION PERMITS

Directive No. 9 (33 F.R. 18236) is hereby rescinded, and the authority to perform all functions with respect to the issuance of narcotic drug importation and exportation permits pursuant to sections 173 and 182 of title 21, United States Code, and Part 302 of title 21, Code of Federal Regulations, is redelegated to the Chief of the Compliance Investigation Division.

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

Directive No. 11 (34 F.R. 4889) is hereby rescinded, and I direct that in the case of my inability or disqualification to act in the office of the Director, or in the event of my temporary absence, all duties and functions shall be performed by the Deputy Director, or in the event of his absence, by the Assistant Director for Enforcement.

Dated: June 16, 1969.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 69-7359; Filed, June 20, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

NOTIFICATION OF DECISION UNDER DISPUTES CLAUSE AND NOTICE OF APPEAL

Chapter 5A is amended as follows:

PART 5A-1—GENERAL

The Table of Contents of Part 5A-1 is amended to add the following new entry:

Sec.
5A-1.318 Notification to a contractor of contracting officer's decision under the Disputes clause.

Subpart 5A-1.3—General Policies

Section 5A-1.318, which reads as follows, is added to Subpart 5A-1.3, General Policies:

§ 5A-1.318 Notification to a contractor of contracting officer's decision under the Disputes clause.

(a) The adequacy of the contracting officer's decision under the Disputes clause, as required by § 1-1.318-1, and of the contents of any subsequent notice of appeal, as provided for by § 5-60.201, shall be properly ensured. Accordingly, the following paragraphs shall be set forth in all contracting officers' decisions subject to the disputes clause:

This decision is made in accordance with the disputes clause and shall be final and conclusive as provided therein, unless a written notice of appeal addressed to the Administrator of General Services is mailed or otherwise furnished to the Contracting Officer. The notice of appeal, which is to be signed by you as the contractor or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, should refer to this decision and should identify the contract by number. The notice of appeal should include a statement of the reasons why the decision is considered to be erroneous.

In the event you desire to file an appeal from this decision, there is enclosed for your convenience GSA Form 2465, notice of appeal, in triplicate, for completion and signature. All the types of information requested must be supplied. If sufficient space is not available on this form for each item, please attach a supplemental sheet or sheets. Also attached is an additional copy of the form which should be completed and retained for your files. The notice of appeal is to be signed by the appellant personally, if an individual or, if not, by an authorized officer or duly authorized representative of the appellant organization and submitted in triplicate to the Contracting Officer.

The notice of appeal must be mailed or otherwise furnished to the Contracting Officer within 30 days from receipt of this decision or your appeal shall be considered untimely.

(b) Notice of appeal action under the above circumstances may be effected by use of GSA Form 2465, notice of appeal, as illustrated by § 5A-16.950-2465.

PART 5A-16—PROCUREMENT FORMS

The Table of Contents of Part 5A-16 is amended to revise the "Note" and add a new entry, as follows:

NOTE: Copies of the forms identified in this Part 5A-16 are filed with the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407.

5A-16.950-2465 GSA Form 2465, notice of appeal.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1969.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 69-7244; Filed, June 20, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Rates of Federal Financial Participation

Section 220.61(f)(2)(ii) is revised to read as follows:

§ 220.61 Federal financial participation; AFDC.

* * * * *

(f) *Rates of Federal financial participation.* * * *

(2) * * *

(ii) For the fiscal year ending June 30, 1970, at a rate, determined in accordance with standards and methods prescribed by the Secretary from time to time, which gives due regard to the amount of services furnished.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: June 13, 1969.

JOSEPH H. MEYERS,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7398; Filed, June 20, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4669]

ALASKA

Modification of Public Land Order 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit the issuance of airport leases under the Act of May 24, 1928 (45 Stat. 728), as amended (49 U.S.C. 211-214), and issuance of airport conveyances under section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115).

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JUNE 16, 1969.

[F.R. Doc. 69-7325; Filed, June 20, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designated by signs as open to hunting. This open area, comprising 2,249 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all

applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1 through October 15, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7326; Filed, June 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 5,050 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1 through October 15, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7327; Filed, June 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Keithsburg Division designated by signs as open to hunting. This open area, comprising 1,296 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1 through October 15, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7328; Filed, June 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7329; Filed, June 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7330; Filed, June 20, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Chlordiazepoxide and Its Salts and Diazepam; Notice of Extension of Time To File Exceptions to Tentative Order Placing These Drugs Under Control

A tentative order including findings of fact and conclusions of law which amended 21 CFR 320.3(c)(1) listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965 (Public Law 89-74, 79 Stat. 226) because of their having a potential for abuse due to their depressant effect on the central nervous system was published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968). This order allowed 30 days from the date of its publication for any interested person to file written exceptions to such order.

By letter of June 5, 1969, the law firm of Clifford, Warnke, Glass, McIlwain & Finney, Washington, D.C., representing Hoffmann-LaRoche, Inc., Nutley, N.J., the party of interest in this matter, submitted a motion for an extension of time within which to file written exceptions to the above tentative order. Based upon the submission in the motion that more time was needed to adequately prepare a reply and that "Grant of the additional time sought will enable Respondent to prepare its exceptions to the tentative order in a complete and self-contained document, avoiding the necessity of extensive cross references to earlier pleadings and briefs," the time for filing exceptions to the tentative order of May 21, 1969 (34 F.R. 7968), is extended an additional 60 days to August 19, 1969.

Dated: June 16, 1969.

JOHN E. INGERSOLL,
Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-7332; Filed, June 20, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Measles-Smallpox Vaccine, Live

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Measles-Smallpox Vaccine, Live. Attention is called to the fact that cross references herein to §§ 73.170 through 73.176 relating to the manufacture of the smallpox component of the product refer to proposed additional standards for Smallpox Vaccine which were published February 26, 1969, as a notice of proposed rule making in 34 F.R. 2610 through 2612.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

1. Amend the table of contents by adding the following in numerical sequence:

ADDITIONAL STANDARDS: MEASLES-SMALLPOX VACCINE, LIVE

Sec.
73.177 The product.
73.178 Production.
73.179 Tests for safety.
73.180 Potency tests.
73.181 General requirements.
73.182 Clinical trials to qualify for license.
73.183 Equivalent methods.

2. Add the following in numerical sequence:

ADDITIONAL STANDARDS: MEASLES-SMALLPOX VACCINE, LIVE

§ 73.177 The product.

(a) *Proper name and definition.* The proper name of this product shall be Measles-Smallpox Vaccine, Live. The product shall consist of a preparation of live, attenuated measles virus combined with live vaccinia virus.

(b) *Strains of virus.* Any strain of attenuated measles seed virus used in the manufacture of this product shall meet the requirements of § 73.140(b) and any strain of vaccinia seed virus used in the manufacture of this product shall meet the requirements of § 73.170(b).

(c) *Neurovirulence of measles virus and seed strain.* The neurovirulence of the measles virus seed strain shall be tested as prescribed in, and meet the requirements of, § 73.140(c).

(d) *Reference vaccines.* Reference Measles Virus Vaccine, Live, Attenuated, and Reference Smallpox Vaccine and reconstitution fluid shall be obtained from the Division of Biologics Standards. The reference measles vaccine shall be used as a control for correlation of virus titers for the measles component of the product. The reference smallpox vaccine shall be used to determine the potency of the smallpox component of the product.

§ 73.178 Production.

The measles vaccine component of this product shall be manufactured in accordance with, and meet the requirements of, § 73.141. The smallpox vaccine component of this product shall be manufactured in accordance with, and meet the requirements of, § 73.172, and in addition, prior to any filtration or dilution, shall be tested for potency in accordance with § 73.174 and shall have a potency at least equivalent to that of the Reference Smallpox Vaccine.

§ 73.179 Tests for safety.

The measles virus component of this product shall be tested for safety as prescribed in § 73.142. The smallpox component of this product shall be tested for safety as prescribed in § 73.173(a). The product is satisfactory if the safety test results meet the requirements of §§ 73.142 and 73.173(a), respectively.

§ 73.180 Potency tests.

Each lot of Measles-Smallpox Vaccine, Live, shall be tested for potency, as follows:

(a) *Measles.* After neutralization of the vaccinia virus, each lot of the product shall be tested for, and shall meet the measles vaccine requirements of, potency prescribed in § 73.143.

(b) *Smallpox.* Each lot of the product shall be tested for potency as prescribed in § 73.174. The product is satisfactory if the vaccinia virus contained in one human dose is at least equivalent to that contained in 0.5 ml. of the Reference Smallpox Vaccine diluted 1:100.

(c) *Heated vaccine.* Samples of dried vaccine from final containers shall be taken at random and tested as prescribed in, and shall meet the potency requirements of, § 73.174(a)(6)(iv) or (b)(4)(iv).

§ 73.181 General requirements.

(a) *Sterility.* Each lot of vaccine shall be tested for, and meet the sterility requirements of, § 73.73, regardless of the source of the vaccinia virus.

(b) *Identity.* An immunological and virological identity test shall be performed either on each pool or the bulk vaccine prior to filling into final containers, or for each filling lot. If the immunological and virological identity test was performed only on the pool or bulk vaccine, a final container identity test must be performed pursuant to § 73.75.

(c) *Photochemical deterioration; protection.* Vaccine final containers shall be protected against photochemical deterioration. Such containers may be colored, or outside coloring or protective covering may be used for this purpose: *Provided,* (1) The method used is shown to provide the required protection, and (2) visible examination of the contents is not precluded.

(d) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, labeling shall contain a statement that the product is intended for administration only by jet injector and a description of the method of administration.

(e) *Samples; protocols; official release.* For each lot of vaccine the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of manufacture of each filling lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) A total of no less than 120 ml. in 10 ml. volumes, in a frozen state (−60° C.), of the bulk measles component prior to clarification and containing no preservative or adjuvant, and no less than 100 ml. in 10 ml. volumes, in a frozen state (−60° C.), of the bulk measles component after clarification and containing a stabilizer but no preservative or adjuvant, taken prior to filling into final containers.

(3) A frozen 5-ml. sample of the smallpox component prior to any dilution or filtration.

(4) A frozen 5-ml. sample of the smallpox component taken subsequent to any dilution or filtration.

(5) A sample consisting of no less than the equivalent of 25 ml. of reconstituted vaccine packaged in no less than five final containers.

The product shall not be issued by the manufacturer until notification of official release of the filling lot is received from the Director, Division of Biologics Standards.

§ 73.182 Clinical trials to qualify for license.

In addition to demonstrating that the measles component meets the requirements of § 73.145, the measles and smallpox antigenicity of the final product shall have been determined by clinical trials of adequate statistical design conducted with five consecutive lots of the final vaccine manufactured by the same methods and administered as recommended by the manufacturer. Such clinical trials shall include administration of the product to measles and smallpox susceptible individuals and to persons previously immunized with smallpox vaccine. At least 95 percent of the smallpox susceptible persons shall show a primary vaccination reaction and at least 95 percent of persons previously immunized with smallpox vaccine shall show a re-vaccination reaction. At least 90 percent of the measles susceptible individuals shall demonstrate measles neutralizing antibodies at the 1:8 dilution or greater. There shall also be a demonstration of the safety of the product, by administration as recommended by the manufacturer, under circumstances wherein adequate clinical and epidemiological surveillance of illness has been maintained.

§ 73.183 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in these additional standards relating to Measles-Smallpox Vaccine, Live, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such finding a matter of official record.

§ 73.74 [Amended]

3. Amend § 73.74(a)(2) by inserting immediately after "Measles Virus Vaccine, Live, Attenuated" a comma and the words "Measles-Smallpox Vaccine Live."

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: May 2, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 17, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7364; Filed, June 20, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-28]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate Control 1155 as that airspace extending upward from 5,000 feet MSL, within 5 miles each side of the Avenal, Calif., VORTAC 226° T (210° M) radial, including the additional airspace between lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U.S. coast line to the Oakland Oceanic CTA/FIR boundary.

This action would provide an alternate access route for western Pacific air traffic to and from the Los Angeles terminal area when existing access routes are temporarily closed for national defense operations.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7345; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-62]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attn: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Toccoa transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport.

Current criteria appropriate to Toccoa Airport requires an increase in the basic radius circle to 11.5 miles. This increase permits the revocation of the transition area extensions predicated on the 180° and 360° radials of the Toccoa VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 12, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-7346; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-37]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Midland, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

A new public use instrument approach procedure has been developed for the Ector County Airport at Odessa, Tex., using the Midland VORTAC as the navigational aid. In addition, the criteria for designation of terminal controlled airspace has been changed. Accordingly, it is necessary to alter the Midland, Tex., transition area to provide controlled airspace protection for aircraft executing the new procedure and to comply with the new criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4726) the Midland, Tex., transition area 700-foot portion is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (Lat. 31°56'25" N., Long. 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (Lat. 32°02'00" N., Long. 102°05'55" W.), within a 5-mile radius of Ector County Airport (Lat. 31°-55'00" N., Long. 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 11, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7347; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-56]

TRANSITION AREA

Proposed Designation and Revocation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 1,200-foot Connecticut transition area for the State of Connecticut.

To simplify the airspace structure, portions of the Bridgeport, Hartford, Conn., 1,200-foot transition areas lying within the State of Connecticut will be consolidated under a single designation of Connecticut. While some transition areas will be revoked, others will remain in effect for technical reasons, giving a dual coverage. However, in time, this duality will be terminated with the designation of more state-wide transition areas.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace

requirements for the terminal areas of the State of Connecticut proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by:

(a) Deleting in the Hartford, Conn., transition area description the second paragraph describing the 1,200-foot transition area.

(b) Designating a Connecticut transition area described as follows:

CONNECTICUT

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 11, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7348; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-39]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Burnet, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

BURNET, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal Airport (lat. 30°44'34" N., long. 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (lat. 30°44'35" N., long 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Burnet Municipal Airport, Burnet, Tex. The southerly extension to the proposed transition area is based on the 191° true (182° magnetic) bearing from the proposed Burnet RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7349; Filed, June 20, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[RM 364.12]

MURRAY-ALLEN

Notice of Application for Recordation of Trade Name

JUNE 11, 1969.

Application has been filed pursuant to § 11.16, Customs Regulations (19 CFR 11.16), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Murray-Allen used by Murray-Allen Imports, Inc., a New York corporation, 30 Pine Street, New Rochelle, N.Y. 10801.

The application states that the trade name is applied to confectionery, chocolates, biscuits, baked goods, jams, preserves and snack items. The application states further that no foreign person, partnership, association, or corporation is now authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20226, in time to be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-7367; Filed, June 20, 1969; 8:50 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 147-6]

ASSISTANT SECRETARY (ENFORCEMENT AND OPERATIONS)

Assignment of INTERPOL Functions

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, the Assistant Secretary (Enforcement and Operations) is hereby designated, effective immediately, to serve as the United States representative to the International Criminal Police Organization (INTERPOL). In this capacity he will deal with all questions relating to INTERPOL dues, INTERPOL functions, obligations of membership and agenda of and representation at INTERPOL conferences and General Assembly sessions.

This order modifies Treasury Department Order 147-5 of March 29, 1968.

Dated: June 5, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-7368; Filed, June 20, 1969; 8:50 a.m.]

[Treasury Dept. Order No. 107 (Rev. 12)]

DIRECTOR OF ADMINISTRATIVE SERVICES ET AL.

Authority To Affix Seal of Treasury Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (Revised), it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733 (b):

(a) In the Office of Administrative Services:

(1) Director of Administrative Services.
(2) Chief, General Services Division.
(3) Chief, Printing and Procurement Division.
(4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue.
(2) Director, and Assistant Director, Collection Division.
(3) Chief, and Assistant Chief, Disclosure and Liaison Branch, Collection Division.
(4) Director, Assistant Director and Technical Advisor, Alcohol, Tobacco and Firearms Division.
(5) Chief, and Assistant Chief, Enforcement Branch, Alcohol, Tobacco and Firearms Division.
(6) Chief, and Assistant Chief, Operations-Coordination Section, Enforcement Branch, Alcohol, Tobacco and Firearms Division.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.
(2) Deputy Commissioner of Customs.
(3) Assistant Commissioner of Customs (Administration).
(4) Assistant Commissioner of Customs (Investigations).
(5) Assistant Commissioner of Customs (Operations).
(6) Assistant Commissioner of Customs (Regulations and Rulings).

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.
(2) Deputy Commissioner in Charge of the Chicago Office.
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: June 16, 1969.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 69-7369; Filed, June 20, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

ALASKA, COLORADO, MONTANA, NEW MEXICO, UTAH

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3120.2-2(b) notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD	EFFECTIVE DATE	ACREAGE
(2) ALASKA		
Beaver Creek	Aug. 20, 1968	5,000
Nicolai Creek	Feb. 26, 1969	2,760
Sterling	Mar. 13, 1969	3,840
(6) COLORADO		
Texas Mountain	Mar. 11, 1969	4,164
(26) MONTANA		
Guinn Dome	May 9, 1969	320
(31) NEW MEXICO		
Allison-Bagley	Feb. 28, 1969	125,908
(44) UTAH		
Upper Valley	Apr. 21, 1969	3,312

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

ARTHUR A. BAKER,
Acting Director.

JUNE 12, 1969.

[F.R. Doc. 69-7331; Filed, June 20, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. & S. Docket No. 298]

SAINT JOSEPH STOCK YARDS DIVISION OF UNITED STOCKYARDS CORP.

Notice of Petitions for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 25, 1969, continuing in effect to and including April 30, 1970, an order issued on October 17, 1967 (26 A.D. 1081), authorizing the respondent, Saint Joseph Stock Yards Division of United Stockyards Corp., to assess the current temporary schedule of rates and charges.

By petitions filed on June 4 and June 12, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including April 30, 1970.

Yardage—Item No. 1	Present rate	Proposed rate
	Per head	*Per head*
Cattle and calves over 400 lbs. (except bulls 700 lbs. or over)	$1.20	$1.32
Bulls (minimum 700 lbs.)	2.00	2.15
Cattle and calves, 400 lbs. or under	.65	.75
Hogs	.39	.45
Sheep or goats	.27	.29
Horses or mules	1.20	1.32
(b) Exceptions		
No change.		
(c) No change.		
Direct delivery—Item No. 2		
Cattle and calves over 400 lbs. (except bulls 700 lbs. or over)	.55	.61
Bulls (minimum 700 lbs.)	.90	.97
Cattle and calves, 400 lbs. or under	.29	.34
Hogs	.17	.20
Sheep or goats	.11	.12
Resales reweighs—Item No. 3		
(1) Cattle	.39	.43
Calves	.21	.24
Hogs	.14	.16
Sheep or goats	.08	.09
(2) Cattle	.20	.22
Calves	.11	.13
Hogs	.07	.08
Sheep or goats	.05	.06

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of June 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

JUNE 17, 1969.

[F.R. Doc. 69-7353; Filed, June 20, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00348-01-42800. Applicant: University of Virginia, Charlottesville, Va. 22901. Article: MD4 cryostat, magnet support system, optical tail attachment and a superconducting coil. Manufacturer: The Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for research work by students and postdoctoral personnel. The research work which is a part of the degree program is in the field of molecular spectroscopy. In this research work the article will also be used in conjunction with the Durrum-Jasco ORD/CD/UV-5 which is used to measure samples of cells with the magnetic field of the superconducting coil in the "on" position. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a custom designed and manufactured cryostat and magnet support system for a superconducting solenoid which subjects samples to a high magnetic field while they are being observed in a spectrometer. We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 15, 1969, that there is no known domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7306; Filed, June 20, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 69-7087, appearing at page 9462, in the issue for Tuesday, June 17, 1969, in the fifth line of the paragraph beginning "Docket No. 69-00630-33-46040", the reference to "Model EM 98" should read "Model EM 9S".

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has filed application dated April 24, 1969, as supplemented June 3, 1969, for a waiver under section 804 of the Merchant Marine Act, 1936, as amended, to charter and/or own foreign-flag containerships of approximately 3500 d.w.t. to be operated in a container feeder service, initially between London, England, and Bilbao, Spain, and eventually among other European ports which must be served through feeder vessels such as ports in Ireland and Scandinavia.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having an interest in this application, who desires to offer views and comments thereon for consideration by the Maritime Administration should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on June 30, 1969.

The Maritime Administration will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: June 19, 1969.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-7451; Filed, June 20, 1969; 9:57 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, has withdrawn its petitions (5), notice of which was published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5635), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of combinations of erythromycin thiocyanate and the following coccidiostats in chicken feeds for prevention of coccidiosis, for growth promotion and feed efficiency, improvement of pigmentation, and prevention and treatment of specified conditions of chickens:

1. 3,5-Dinitrobenzamide, sulfanitran, and 3-nitro-4-hydroxyphenyl-arsonic acid.
2. Aklomide and sulfanitran.
3. Aklomide, sulfanitran, and 3-nitro-4-hydroxyphenylarsonic acid.
4. Aklomide.
5. Aklomide and 3-nitro-4-hydroxyphenylarsonic acid.

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 69-7323; Filed, June 20, 1969; 8:46 a.m.]

NORWICH PHARMACAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Norwich Pharmacal Co., Norwich, N.Y. 13815, has withdrawn its petition (39-040V), notice of which was published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5896), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of combination drugs containing buquinolate and chlortetracycline in low-calcium chicken feed:

1. As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix,* and *E. acervulina;*
2. For treatment of chronic respiratory disease (air sac infection) and bluecomb (nonspecific infectious enteritis); and
3. For prevention of synovitis.

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7324; Filed, June 20, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

ECONOMIST (TRANSPORTATION)

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on June 9, 1969, that there is a manpower shortage for the single position of Economist (Transportation) GS-110-14, Bureau of Transportation, Post Office Department, Washington, D.C. This finding will terminate when the position is filled.

Assuming other legal requirements are met the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7357; Filed, June 20, 1969; 8:49 a.m.]

PROGRAM SPECIALIST, PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission found on June 9, 1969, that there is a manpower shortage for the single position of Program Specialist GS-301-14 (President's Committee on Mental Retardation), Office of the Assistant Secretary for Community and Field Services, Department of Health, Education, and Welfare, Washington, D.C. This finding will terminate when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7358; Filed, June 20, 1969; 8:49 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 25, 1969, beginning at 2 p.m. The hearing will be held in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Pennsylvania Fish Commission.* A 117-acre impoundment on Jacksonville Branch of Ontelaunee Creek, Lehigh County, Pa. This project will be used for fishing and other recreation activities.

2. *City of Philadelphia Department of Commerce.* Enlargement of the Packer Avenue Marine Terminal adjacent to the Walt Whitman Bridge. The wharf area will be extended approximately 1,100 feet to provide additional docking space, and 20 acres of land will be developed behind a bulkhead for access and storage.

3. *City of Dover Water Department.* A well water supply project to augment public water supplies in the city of Dover, Kent County, Del. Two drilled wells will be developed that are expected to yield 1 million gallons per day each.

4. *Montgomery County Sewer Authority.* A project to extend the existing Perkiomen interceptor sewer an approximate distance of 6 miles from its present terminus to the community of Gratersford, Perkiomen Township, Montgomery County, Pa. The extension will serve intervening municipalities adjacent to Perkiomen Creek.

5. *Muhlenberg Township Authority.* A well water supply project to augment public water supplies in the Authority's service area in Muhlenberg Township, Berks, County, Pa. Existing Well No. 6 will be modified and a new Well No. 10 will be developed. The withdrawal from Well No. 6 will be increased from 375 to 500 gallons per minute, and Well No. 10 is expected to yield 75 gallons per minute.

6. *Borough of Doylestown.* A well water supply project to augment public water supplies in the Borough of Doylestown, Bucks County, Pa. Designated as Well No. 10, the new facility has a design capacity of 0.5 million gallons per day.

7. *Hatboro Borough Authority.* A well water supply project to augment public water supplies in the Authority's service area in the Borough of Hatboro and Upper Moreland and Horsham Townships, all in Montgomery County, Pa. Designated as Well No. 16, the new facility is expected to yield 0.36 million gallons per day.

8. *Western Berks Water Authority.* A regional water supply project involving

withdrawal of six million gallons daily from Tulpehocken Creek, Berks County, Pa. The withdrawal is projected to increase ultimately to 25 million gallons daily and be derived from the Blue Marsh Reservoir. New water supplies will be distributed in the Boroughs of Shillington, West Reading, Wyomissing and adjacent municipalities.

9. *Township of Voorhees.* A sewerage project to serve the Kirkwood section of Voorhees Township, Camden County, N.J. A collecting system and temporary treatment plant with capacity of 500,000 gallons per day will be constructed. Treated effluent will discharge to the Cooper River.

10. *Upper Moreland-Hatboro Joint Sewer Authority.* A project to expand the Authority's existing sewage treatment plant in Upper Moreland Township, Montgomery County, Pa. The new facility will increase capacity from 3.6 to 6.6 million gallons daily and provide 95 percent removal of BOD. Treated effluent will discharge to Pennypack Creek, a tributary of the Delaware River.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission, telephone (609) 883-9500.

W. B. WHITALL,
Secretary.

JUNE 13, 1969.

[F.R. Doc. 69-7360; Filed, June 20, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18538; FCC 69R-270]

STAY OF CONSTRUCTION OR OPERATION OF CATV SYSTEM IN BLOOMINGTON AND NORMAL, ILL.

Memorandum Opinion and Order Modifying Issues

In the matter of petition by TeleCable Corporation to stay construction or operation of a CATV system in Bloomington and Normal, Ill. by GT&E Communications, Inc., Docket No. 18538, File No. SR-3695-N.

1. This expedited proceeding involves the petition of TeleCable Corp. (TeleCable), which seeks to prevent the further construction or operation of CATV facilities in Bloomington and Normal, Ill., by GT&E Communications, Inc. (GT&E Com). In an Order to Show Cause, FCC 69-485, 17 FCC 2d 517, released May 6, 1969, the Commission directed the General Telephone Company of Illinois (General) and GT&E Com to show cause why they should not be ordered to cease and desist from the construction, operation and offering of CATV facilities in the communities noted above, and designated the matter for hearing.[1] The history of this proceeding is detailed in the Commission's Show Cause Order and need not be recited here. In brief, TeleCable alleges that General and GT&E Com have commenced construction of CATV facilities without first having obtained the required section 214 authority under the Commission's decision in Docket No. 17333 (see General Telephone Company of California, 13 FCC 2d 448, 13 RR 2d 667 (1968)); and that the actions of these companies have been anti-competitive, illegal in nature, and contrary to the public interest. Presently before the Review Board is a motion to amend the Order to Show Cause, filed May 16, 1969, by the Common Carrier Bureau, which seeks an amendment of the Commission's Show Cause Order: (1) To reflect the fact that GT&E Com is a wholly owned subsidiary of General Telephone and Electronics Corp. (GT&E) (in its Order, the Commission referred to GT&E Com as the wholly owned subsidiary of General); (2) to make GT&E a party respondent to this proceeding; and (3) to amend various designated issues in this proceeding to include appropriate references to the parent company, GT&E.[2]

2. The Bureau, in its motion,[3] alleges that GT&E Com is a wholly owned subsidiary of GT&E, and that majority voting control (92.08 percent) of General is also vested in GT&E. The Bureau's description of these corporate relationships has not been challenged in opposition, and, in fact, GT&E Com and General acknowledge the propriety of the Bureau's requested correction. The Order to Show Cause in this proceeding will, therefore, be modified in all appropriate portions of said Order to reflect the proper relationship of GT&E, GT&E Com and General.

3. In support of its requests for the specification of GT&E as a party respondent in this proceeding and appropriate modification of the issues herein, the Bureau submits that this proceeding is designed to determine whether the affiliated companies have, through their concerted action, sought either to undermine the Commission's Section 214 Decision, or have sought to retain, in an anticompetitive manner, complete ownership and control of the CATV distribution facilities in the subject communities. It is the Bureau's view that any investigation into these questions would not be complete without inquiry into the participation of the controlling corporation (GT&E) which, according to the Bureau, may have been responsible for the alleged acts of the respondents; and that the effectiveness of any cease and desist order which might issue herein would be dependent on its applicability to GT&E. In its comments in support of the Bureau's requests,[4] TeleCable avers that GT&E's involvement in the subject cable service goes far beyond that of a mere holding company and contends that the Commission should investigate in this hearing the extent to which the parent corporation controlled or coordinated the activities of its subsidiaries in acquiring the Bloomington and Normal CATV franchise. TeleCable submits portions of the material allegedly filed by GT&E Com before the Bloomington and Normal governing councils, which indicates that GT&E, the parent corporation, "has agreed to advance the funds necessary for the construction and operation" of GT&E Com's cable systems; and that GT&E's president was quoted as saying, "we feel that whatever type of services will someday be provided by coaxial cable networks ought to be provided by us."

4. In their opposition, General and GT&E Com argue that the Commission has no authority to proceed against GT&E in this instance and that the Bureau has failed to indicate why GT&E's presence in this proceeding is essential to the effectiveness of any cease and desist order. Respondents contend that, with the exception of section 218 of the Communications Act,[5] "there is nothing in the Communications Act which brings General Telephone and Electronics Corp. within the jurisdiction of the Commission".[6]

[1] By Memorandum Opinion and Order, FCC 69-574, — FCC 2d —, released May 28, 1969, the Commission prohibited General and GT&E Com from placing into operation any CATV distribution facilities in Bloomington of Normal, Ill., pending resolution of the issues in the instant proceeding or certification of such facilities by the Commission.

[2] Also before the Board are: (a) comments in support of motion, filed May 23, 1969 by TeleCable; (b) opposition, filed May 28, 1969 by General and GT&E Com; and (c) reply, filed May 29, 1969, by the Common Carrier Bureau.

[3] GT&E Com and General argue that the Bureau's pleading should be dismissed as an unauthorized petition for reconsideration of the Order to Show Cause. Considering the Bureau's requests, such argument is untenable and must be rejected. See Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1966). The matter of GT&E's relationships with the parties respondent and its potential role in the ultimate resolution of this proceeding were not considered by the Commission which, apparently, did misapprehend the actual corporate relationships involved. In such circumstances, the Board may appropriately consider the Bureau's requests even though they contemplate modification of the Commission's earlier action. It should also be noted in this regard that the Bureau's motion and related pleadings are properly being considered by the Board pursuant to its delegated authority. See Florida-Georgia Television Company, Inc., 12 FCC 2d 332, released April 15, 1968.

[4] GT&E Com and General erroneously argue that TeleCable is not authorized to file responsive "comments" and that only "oppositions" are authorized by Rule 1.45. See Musical Heights, Inc., FCC 58-1094, 17 RR 1101, released November 21, 1958.

[5] Section 218 of the Communications Act authorizes the Commission to inquire into the management of the business of all carriers subject to the Act and to obtain information from persons directly or indirectly controlling or controlled by such carriers "to enable the Commission to perform the duties and carry out the objects for which it was created."

[6] Respondents also argue that the Commission erroneously assigned the burden of proof on the specified issues in this case. To the extent that the respondents petition for modification of such burden, their request is improper, as it is contained in a responsive pleading. See Charles County Broadcasting Co., Inc., FCC 63R-76, 24 RR 1153; Saul M. Miller, FCC 62R-122, 24 RR 550.

5. It is uncontested that GT&E Com is a wholly owned subsidiary of GT&E and that GT&E also possesses 92.08 percent voting control of General. As noted in the Bureau's reply, section 411(a) of the Communications Act provides, in part, that:

> • • • it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

Considering the voting control held by GT&E in the common carrier, General, and in the subject CATV system, it is clear that GT&E would be "interested in or affected by" the disposition of the instant proceeding. Furthermore, the specified issues herein are designed, in essence, to determine whether the policies of the local telephone company and CATV system were jointly established in order to retain improperly the exclusive ownership and control of CATV distribution facilities within the communities by the telephone company. It would appear essential that the parent company, which proposes to finance the CATV facilities and which holds voting control of both the telephone and cable companies, be made part of such an inquiry; it is the parent company which may be in a position to establish, maintain and coordinate such policies. The Board, therefore, finds no procedural or substantive impediment to designating the parent company, GT&E, as a party respondent in this proceeding and to amending the specified issues herein to reflect such participation.[7]

6. *Accordingly, it is ordered,* That the motion to amend order to show cause, filed May 16, 1969, by the Common Carrier Bureau, is granted; and

7. *It is further ordered,* That the order to show cause (FCC 69-485, 17 FCC 2d 517, released May 6, 1969) in this proceeding is modified in all apropriate portions thereof to reflect the proper corporate relationship of General Telephone and Electronics Corp., GT&E Communications, Inc., and General Telephone Company of Illinois, as noted herein; and

8. *It is further ordered,* That General Telephone and Electronics Corp. is made a party to the proceeding; and

9. *It is further ordered,* That existing issues (1)(b), (2), (3), and (4) in this proceeding are modified as follows:

(1) To determine all the facts and circumstances surrounding:

(b) The relationship among GT&E Communications, Inc., General Telephone Company of Illinois, and General Telephone and Electronics Corp.;

(2) To determine whether in view of the relationship among GT&E Communications, Inc., General Telephone Company of Illinois, and General Telephone and Electronics Corp. and the evidence adduced pursuant to Issue 1 above, the proposed actions by GT&E Communications, Inc., and General Telephone Company of Illinois, are such as to require prior section 214 certification by the Commission.

(3) To determine whether the actions of General Telephone Company of Illinois, GT&E Communications, Inc., and General Telephone and Electronics Corp., vis-a-vis the TeleCable Corp., and Bloomington-Normal Perfect Picture are anticompetitive and monopolistic in nature, in contravention of the Communications Act or are otherwise contrary to the public interest.

(4) To determine whether in light of the evidence adduced pursuant to the foregoing issues, General Telephone Company of Illinois, GT&E Communications, Inc., and General Telephone and Electronics Corp., jointly or separately, should be directed to cease and desist from providing CATV facilities or services in the communities of Bloomington and Normal, Illinois; and

10. *It is further ordered,* That the order to show cause in this proceeding is modified to reflect that the burden of proof with respect to Issues 1 (b), (c), and (d) is upon respondents, GT&E Communications, Inc., General Telephone Company of Illinois, and General Telephone and Electronics Corp.; and

11. *It is further ordered,* That General Telephone and Electronics Corp. is directed to appear and give evidence with respect to the matters described above and in the order to show cause at a hearing to be held in Washington, D.C., at a time and place and before an Examiner to be specified in a subsequent order, unless the hearing is waived, in which event a written statement may be submitted within thirty (30) days of the service of this order; and

12. *It is further ordered,* That the Secretary of the Commission shall send copies of this order and the order to show cause (FCC 69-485, 17 FCC 2d 517, released May 6, 1969) in this proceeding by certified mail, return receipt requested, to General Telephone and Electronics Corp.; and

13. *It is further ordered,* That, to avail itself of the opportunity for hearing herein provided, General Telephone and Electronics Corp. shall file its appearance in accordance with § 1.91(c) of the Commission's rules.

Adopted: June 16, 1969.

Released: June 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7372; Filed, June 20, 1969; 8:50 a.m.]

[7] Due to its voting control, a cease and desist order may ultimately be directed against GT&E. Issue 4 in this proceeding, as modified herein, would permit the issuance of such an order against General, GT&E Com and GT&E, jointly or separately. Consistent with our action here, we will also modify that portion of the order to show cause which allocates the burden of proof under the specified issues, to reflect GT&E's participation in this proceeding.

[8] Review Board Member Berkemeyer absent.

[Canadian List 257]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

JUNE 5, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		1220 kilocycles							
CKDA (PO: 1220 kc, 25 kw, DA-1—change of site and radiation pattern from that notified in List No. 240).	Victoria, British Columbia, N. 48°26'00" W., 123°14'55".	50	DA-1	U	II				6-1-70.
		1240 kilocycles							
CKQR (correction of call letters)..	Castlegar, British Columbia, N. 49°18'4.8" W., 117°36'50".	1D/0.25N	DA-D ND-N-121	U	IV	415	120	320	
		1450 kilocycles							
CHEF (PO: 1450 kc, 1 kw D/0.25 kw N, ND—this notification is for a change in daytime operation only and replaces that shown on list No. 251).	Granby, Province of Quebec, Day N. 45°19'03" W., 72°41'43". Night N. 45°24'38" W., 72°45'13".	1D/0.25N	DA-D ND-N-182	U	IV	154	120	550	6-1-70.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-7373; Filed, June 20, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 45]

HILTON & SON, INC.

Order of Revocation

On April 22, 1969, The St. Paul Mercury Insurance Co. notified the Federal Maritime Commission that Independent Ocean Freight Forwarder Surety Bond No. 431TB7844, underwritten in behalf of Hilton & Son, Inc., 26 Beaver Street, New York, N.Y., would be canceled at the earliest possible time.

By letter dated May 1, 1969, the Commission notified Hilton & Son, Inc., that the aforesaid bond was being terminated effective May 22, 1969, and that unless a new or reinstated surety bond was submitted prior to May 22, 1969, its Independent Ocean Freight Forwarder License No. 45 would be canceled pursuant to § 510.9, General Order 4.

Hilton & Son, Inc., has failed to submit a surety bond in compliance with the above rule.

In accordance with the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 45 of Hilton & Son, Inc., be and is hereby revoked effective May 22, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Hilton & Son, Inc.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-7375; Filed, June 20, 1969; 8:50 a.m.]

"8900" LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, D.C. 20006

Agreement No. 8900-4, between the members of The 8900 Lines Rate Agreement, modifies Articles 1 and 2 of the basic agreement to provide for the payment of brokerage and/or compensation to forwarders agreed upon by the parties in accordance with the terms and conditions set forth in the agreement.

Dated: June 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7376; Filed, June 20, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

LAND WITHDRAWN IN PROJECT NO. 71

Vacation of Power Site Withdrawal

JUNE 16, 1969.

Request has been received from the Bureau of Land Management, Department of the Interior, to verify the legal descriptions of lands listed in the Commission's Executive Secretary's October 26, 1920 letter to the Commissioner, Public Lands, Interior Department (now the Bureau of Land Management) purportedly withdrawn pursuant to the filing on October 21, 1920, of an application for preliminary permit for proposed Project No. 71. The Bureau cites as an example in the October 26 letter: sec. 14: S½, SE¼, SW¼. It is patently obvious that the S½ embraces also the SE¼ and SW¼.

The Commission's Files on Project No. 71 contain no maps or other information to serve as sources for the land descriptions listed in the October 26, 1920 letter.

Project No. 71 proposed the development of power by the diversion conduit method in the reach of the Middle Yuba River now being developed by the Yuba County Water Agency under a license for Project No. 2246. The application for Project No. 71 was withdrawn. The power values of U.S. lands in the region are protected by Power Site Reserve No. 88 and Power Site Classification No. 183, and reservations created pursuant to the filings of applications for Project Nos. 2240 and 2246.

In the above circumstances, and in an effort to clarify the public land records involved, we are vacating the entire land withdrawal made by the filing of the application in Project No. 71.

The Commission finds: The withdrawal of the lands pursuant to the application for Project No. 71 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the lands pursuant to the filing of the application for Project No. 71 is hereby vacated in its entirety.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7314; Filed, June 20, 1969; 8:45 a.m.]

[Docket No. E-6431]

CITIZENS UTILITIES CO.

Notice of Application

JUNE 13, 1969.

Take notice that on May 12, 1969, Citizens Utilities Co. (Applicant), incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Arizona, Colorado, Connecticut, Idaho, Hawaii and Vermont, with its principal place of business at Stamford, Conn., filed an application in the above docket for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Applicant may transmit from the United States to Mexico.

By Commission order issued October 30, 1959, in the above docket (22 FPC 773), Applicant was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 25,000,000 kilowatt-hours per year at a maximum transmission rate of 5,000 kilowatts over certain facilities of Applicant covered by its Presidential Permit signed by the President of the United States on August 8, 1952, as amended by the Amendatory Permit signed by the Chairman of the Federal Power Commission on September 16, 1955, Docket No. E-6432.

Applicant now seeks to transmit electric energy in an amount not to exceed 60,000,000 kilowatt-hours annually at a rate not to exceed 12,000 kilowatts over the above-mentioned facilities located at the international border between the United States and Mexico adjacent to Nogales, Ariz., and Nogales, Sonora, Mexico, for delivery and sale, as at present, to Cia. de Servicios Publicos de Nogales, S.A., a Mexican corporation, to meet the expanding electric energy requirements of its customers in Nogales, Sonora, Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7315; Filed, June 20, 1969; 8:45 a.m.]

[Docket No. CP69-331]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 13, 1969.

Take notice that on June 9, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-331 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 13, 1969, and operation of natural gas purchase facilities which will enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from independent producers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas coextensive with said system.

The total cost of the proposed facilities, which may include gathering lines, lateral lines, valves, metering facilities, compressor stations, and treatment facilities, will not exceed $5,000,000 and no single project will exceed a cost of $1,000,000 for any offshore facility and $750,000 for any onshore facility. Applicant requests a waiver of § 2.58(a)(2) of the Commission's rules of practice and procedure as to the cost of any single facility. Applicant will finance the proposed facilities with cash generated from operations and no new financing will be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7316; Filed, June 20, 1969; 8:46 a.m.]

[Project No. 2699]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for License for Constructed Project

JUNE 16, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (correspondence to: J. F. Roberts, Jr., vice president, Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif. 94106) for constructed Project No. 2699, known as the Angels Project, located on Angels Creek, a tributary to the North Fork of the Stanislaus River, in Calaveras County, Calif., near the Towns of Angels and Altaville.

The existing Angels Project consists of: (1) Angels Diversion Dam—a rock wall structure 5 feet, 7 inches high and 71 feet in length and topped with an additional 1-foot-2-inch-timber wall crest; (2) Upper Angels Conduit, consisting of approximately 9,030 feet of canal, 3,220 feet of flume and 480 feet of natural water way, leading from Angels Diversion to Ross Reservoir; (3) Ross Dam—an earth-fill, masonry and rock structure with a crest length of 710 feet at elevation, 1,921.7 feet (U.S.G.S. datum), and a maximum height of 44 feet, with a concrete spillway 10 feet wide and 6.9 feet deep, located at the right abutment, and creating a reservoir with gross storage capacity of 100 acre-feet; (4) Lower Angels Conduit consisting of approximately 13,090 feet of canal, 690 feet of flume, and 1,580 feet of pipe leading from Ross Reservoir to Pipe Reservoir; (5) Pipe Dam—an earth-fill structure with a crest length of 570 feet at elevation, 1,837.7 feet (U.S.G.S. datum), and a maximum height of 12 feet and creating Pipe Reservoir (also known as Angels Forebay) with a gross storage capacity of 2 acre-feet; (6) Angels Penstock—a steel pipe 8,624 feet in length with inside diameter narrowing from 36 inches to 18 inches and leading from Pipe Reservoir to Angels Powerhouse; (7) Angels Powerhouse containing one generator rated at 1,400 kw. and (8) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a

party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7317; Filed, June 20, 1969; 8:46 a.m.]

[Docket No. RP69-35]

PANHANDLE EASTERN PIPE LINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JUNE 12, 1969.

Panhandle Eastern Pipe Line Co. (Panhandle), on May 5, 1969, tendered for filing proposed changes in its presently effective FPC Gas Tariff, original volume No. 1.[1] The proposed changes would increase all jurisdictional rates for sales of natural gas for resale, resulting in an annual revenue increase of approximately $21.5 million, or 10.2 percent based upon estimated sales for the year ended February 28, 1969, as adjusted. The increased rates are proposed to become effective on June 20, 1969.

Panhandle states in support of the proposed increased rates that the filing is necessitated by, and based on increased costs which in summary include: (1) Operating and maintenance costs; (2) interest and other financial costs; (3) Federal and State income taxes, ad valorem and other taxes; and (4) costs of supplies, materials, labor, and services. The rate levels proposed are stated to be based upon historical rate design relationships underlying presently effective rates. The supporting statements include a claimed 7.5 percent rate of return allowance, and claimed allowance for Federal income taxes computed at 48 percent plus the 10 percent surtax.

In further support of the proposed increased rates, Panhandle states that it has, since 1967, installed expensive additional facilities needed: (i) To meet the increased peak day requirements of its customers; (ii) to shift the takes of gas supply from one producing area to another due to depletion of reserves in certain areas; and (iii) to provide for carbon dioxide removal from certain gas streams. It also states that increases in purchased gas costs are due to diminishing lower cost gas supplies which have been replaced with higher cost gas supplies. In support of its claimed rate of return, Panhandle asserts that its fixed charges for long-term debt have increased and that they will inevitably increase in the future as a result of retirement of lower cost debt, and the financing of normal plant additions at current debt cost levels. Included in Panhandle's claimed increased cost of senior capital is a "proposed" $20 million issue of 7.5 percent cumulative preferred stock.

Review of the rate filing indicates that certain issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

Fourteen customers of Panhandle, the cities of Indianapolis, Ind., and Toledo, Ohio, have filed petitions for leave to intervene, and notices of intervention have been filed by State Corporation Commission of the State of Kansas and by Michigan Public Service Commission.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on July 1, 1969, at 10 a.m. (e.d.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon Panhandle's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until November 20, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on July 1, 1969, Pandhandle's prepared testimony (Statement P) filed and served on May 20, 1969, together with its entire rate filing as submitted and served on May 5, 1969, be admitted to the record as Panhandle's complete case-in-chief as provided in Commission regulations § 154.63(e)(1), and Order No. 254, 28 FPC 496, subject to appropriate motions, if any, by parties to the proceeding.

(D) Following admission of Panhandle's complete case-in-chief, the parties shall present their views and the presiding examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in the initial phase hearing; fix dates for service of staff's and interveners' evidence on such issues and service of Panhandle's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(E) Chief Examiner Joseph Zwerdling, or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7319; Filed, June 20, 1969; 8:46 a.m.]

[Docket No. CP69-329]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 12, 1969.

Take notice that on June 5, 1969, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Tennessee Building, Houston, Tex. 77002, filed in Docket No. CP69-329 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to take into its main transmission system additional supplies of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities required to connect natural gas reserves in the south-half of Block 21, West Delta Block 30 Field, Offshore Louisiana, to Applicant's existing Louisiana Coastal Line in Plaquemines Parish, La. The facilities required are approximately 7.9 miles of 12-inch pipeline.

The application shows the total estimated cost of the proposed facilities to be $1,509,600, which Applicant intends to finance through revolving credit to be retired in the future by permanent financing or from general funds of the company.

[1] 30 proposed revised Tariff Sheets: Sixth Revised Sheets Nos. 24-A, 24-B, 24-C; Seventh Revised Sheets Nos. 26-F, 26-G; Eighth Revised Sheet No. 26-E; Ninth Revised Sheets Nos. 26-A, 26-B; Thirteenth Revised Sheets Nos. 5, 6, 8, 9, 11, 12, 23, 24; Fourteenth Revised Sheets Nos. 4, 7, 10, 13, 14, 16, 17, 20, 22, 29, 31; Fifteenth Revised Sheets Nos. 19, 27; Eighteenth Revised Sheet No. 30.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7318; Filed, June 20, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BANKS AND FINANCIAL INSTITUTIONS

Capital Transfers Abroad

In accordance with Executive Order 11387 (Jan. 1, 1968, 3 CFR 1968 Comp., p. 90), the "Foreign Direct Investment Regulations" of the Secretary of Commerce (15 CFR 1000.201(b)(2)) exempt from such regulations: (1) banks and financial institutions certified by the Board of Governors as subject to its Foreign Credit Restraint Program (2) "to the extent that may be delineated from time to time by the Board". By letter of June 2, 1969, set forth below, the Board certified that certain holding companies (besides registered bank holding companies, which are covered by a previous certification) are subject to such program, and modified its delineation for exemption accordingly. (For previous certifications and delineations, see 33 F.R. 240 and 6999.)

Dated at Washington, D.C., the 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
OFFICE OF THE VICE CHAIRMAN
JUNE 2, 1969.

The Honorable MAURICE H. STANS,
Secretary,
U.S. Department of Commerce,
Washington, D.C. 20230

DEAR MR. SECRETARY: In accordance with the provisions of section 1(c) of Executive Order 11387, by letter of January 2, 1968 to Secretary Trowbridge, and by letter of April 29, 1968, to Secretary Smith, the Board of Governors certified that 12 enumerated categories of banks and financial institutions are subject to the foreign credit restraint program referred to in said section 1(c).

The Board of Governors hereby expands the scope of said certification by adding a new item reading as follows:

13. Corporations whose assets consist principally of stock of institutions of the first 10 categories enumerated, in accordance with provisions of Executive Order 11387, January 1, 1968, in the letter from the Chairman of the Board of Governors to the Secretary of Commerce of January 2, 1968, as amended by letter of April 29, 1968.

In accordance with the provisions of said section 1(c), the Board of Governors delineates for exemption from the provisions of section 1 of said Executive Order all banks and financial institutions comprised within the Board's certification, as expanded hereby, with the exception of any bank or financial institution that is subject to the reporting provisions of said programs but is not reporting (or covered by reports filed by another or others on its behalf) in substantial compliance with said reporting provisions.

The foregoing certification and delineation are subject to modification or termination with respect to any category or individual bank or financial institution, in the event that (a) the foreign credit restraint programs referred to in section 1(c) of said Executive order are so modified that such category or individual bank or financial institution is no longer subject to said programs or (b) the Board of Governors determines that modification or termination of said delineation is necessary or appropriate in the public interest. Any such modification or termination will be communicated by the Board to the Secretary of Commerce.

Sincerely,

J. L. ROBERTSON.

[F.R. Doc. 69-7320; Filed, June 20, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[59-102]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Filing Regarding Request for Extension of Time To Comply

JUNE 16, 1969.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, has requested, pursuant to section 11(c) of the Public Utility Holding Company Act of 1935 ("Act"), an additional period of 6 months from April 3, 1969, to comply with this Commission's order of March 19, 1964 (Holding Company Act Release No. 15035). The order became final upon the entry, on April 3, 1968, of a judgment of the U.S. Court of Appeals for the First Circuit affirming the order of the Commission. That order directed, pursuant to section 11(b)(1) of the Act, that NEES dispose of all interests, direct or indirect, it holds in its subsidiary gas utility companies.

NEES states that counsel has been retained to assist in the disposition of its gas utility subsidiary companies and in this connection to draft a declaration of trust for a proposed holding company. NEES asserts that it has been unable in the exercise of due diligence to comply with the divestment order within the 1 year period prescribed by section 11(c) of the Act and that pursuant to that section, a 6-month extension of such period is necessary or appropriate in the public interest or for the protection of investors or consumers.

In support of the request, it is stated that unforeseen developments occurred which prevented the disposition of the gas companies; namely, that the earnings of the eight NEES gas utility subsidiary companies were lower in 1968 and seven of such companies have filed for rate increases, which have been suspended until December 1, 1969, and that until the earnings of these companies have reached a reasonable level, disposition will be difficult; and that the future peak shaving requirements of the gas companies are quite uncertain as a result of difficulties experience by the pipeline company supplier, which situation NEES anticipates may be clarified during the coming year. NEES also refers to the fact that hearings of the proposed affiliation with Boston Edison Co. and Eastern Utilities Associates are still continuing (see Holding Company Act Release No. 16245).

Notice is further given that any interested person may, not later than July 10, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as

it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7350; Filed, June 20, 1969; 8:49 a.m.]

[54-239]

PENNZOIL UNITED, INC.

Notice of Filing and Order for Hearing on Plan To Effectuate Disposition of Utility Assets

JUNE 12, 1969.

I. Notice is hereby given that Pennzoil United, Inc. ("Pennzoil United"), 900 Southwest Tower, Houston, Tex. 77002, the successor company to Pennzoil Co. ("Pennzoil"), formerly a registered holding company, has filed a Plan and amendments thereto ("Plan") with this Commission pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") for the purpose of effectuating compliance with a section 11(b)(1) order. All interested persons are referred to the Plan, which is summarized below, for a complete statement of the proposed transactions.

On February 7, 1968, pursuant to section 11(b)(1) of the Act, the Commission entered an order (Holding Company Act Release No. 15963) directing Pennzoil and its then subsidiary gas utility company, United Gas Corporation ("United"), to dispose or cause the disposition of their direct and indirect interest in all of the gas utility assets then owned by United. By order dated February 21, 1968 (Holding Company Act Release No. 19580), pursuant to section 11(e) of the Act, the Commission approved a modified plan filed by Pennzoil and United which, among other things, provided for the consolidation of Pennzoil and United to form Pennzoil United, Inc. and, following the consolidation, Pennzoil United, as corporate successor to Pennzoil and United, the disposition of the gas utility properties then held by United. Thereafter, the Commission applied to the United States District Court for the District of Delaware for an order to enforce and carry out the terms of that plan. On March 22, 1968, such an order was entered, and the plan was consummated as of April 1, 1968.

By order dated March 21, 1968 (Holding Company Act Release No. 16014), issued pursuant to section 5(d) of the Act, the Commission declared that, effective upon the date of the consolidation of Pennzoil and United, Pennzoil would cease to be a holding company and that the registration of Pennzoil as a holding company would cease to be in effect, subject, among other things, to the condition that the Commission retain jurisdiction over Pennzoil United to secure compliance with the February 7, 1968, divestment order. On February 7, 1969 (Holding Company Act Release No. 16286), the Commission extended until February 7, 1970, the time for Pennzoil United to comply with the Commission's order to dispose of its gas utility properties.

II. The principal retail gas utility assets acquired by Pennzoil United from United in the consolidation are located in Texas, Louisiana and Mississippi and are described in the Findings and Opinion of the Commission issued February 7, 1968 (Holding Company Act Release No. 15963). The smaller retail gas utility assets located in and around St. Petersburg, Fla., which were then also owned by United, were thereafter sold by Pennzoil United to a nonassociate company pursuant to an order of the Commission issued February 23, 1969 (Holding Company Act Release No. 16279). In addition, during the latter part of 1968 five Louisiana municipalities purchased the gas utility properties serving such municipalities. With the exception of the distribution gas system serving the city of Monroe, La., the remaining retail gas properties comprise the retail Gas Distribution Division of Pennzoil United and are hereinafter referred to as the "Distribution Division".

The Distribution Division consists primarily of approximately 18,000 miles of underground mains and service lines, meters, service regulators, transportation equipment, lands and structures, including service and warehousing buildings; and as of December 31, 1968, it served approximately 687,000 customers, of which 618,800 were residential, 66,700 were commercial, and 1,500 were industrial. As at December 31, 1968, the net plant of the Distribution Division was carried on the books at cost in the amount of $111,334,000.

III. Pennzoil United proposes to transfer the operating assets and current liabilities comprising its Distribution Division (excluding those applicable to the city of Monroe, La.) to a new company, United Gas, Inc., and, in exchange therefor, Pennzoil United will receive the following securities of United Gas, Inc.: (i) $62,000,000 principal amount of 6½ percent First Mortgage Bonds due 1989, (ii) $8,000,000 of 6½ percent subordinated sinking fund debentures, and (iii) 4,057,000 shares of common stock, $5 par value, comprising the total pro forma capitalization of United Gas, Inc., which as at December 31, 1968 would aggregate $104,500,000 per books and composed of 59.3 percent First Mortgage Bonds, 7.7 percent debentures, and 33 percent common stock equity. The Indentures will be qualified under the Trust Indenture Act of 1939.

The common stock of United Gas, Inc. will be offered, on a when-issued basis, by Pennzoil United pro rata to its stockholders for subscription through the exercise of rights. Such offering will be registered under the Securities Act of 1933 and may include a standby underwriting for shares of common stock not subscribed for by the exercise of the rights. Pennzoil United proposes to fix the subscription price for the common stock in the rights offering at an amount that bears a fair relationship to the earning capacity of United Gas, Inc., taking into account the price/earnings ratio of comparable securities of comparable companies and current market conditions at the time of the offering. The actual subscription price will be subject to Commission approval.

The common stock rights offering will take place on the same date as the transfer of the Distribution Division in exchange for the securities of United Gas, Inc. It is stated that upon consummation of the proposed transactions, neither Pennzoil United nor any of its subsidiary companies will have any interest, direct or indirect, in the common stock of United Gas, Inc., and that no officer or director of United Gas, Inc. will be an officer or director of Pennzoil United or any of its subsidiary companies. Pennzoil United will dispose of the First Mortgage Bonds, and debentures, subject to Commission approval, within one year from the transfer of the Distribution Division. If, Pennzoil United is unable, in the exercise of due diligence, to comply with the requirement on a reasonable basis within such time, it may request the Commission to extend such time for an additional period not exceeding one year. Pennzoil United will apply the net proceeds derived from the sale of the common stock in the rights offering and the net proceeds from the sale of the First Mortgage Bonds and debentures to reduce its indebtedness and the net capital gain (when fully determined) will be applied to the reduction of its excess acquisition cost account appearing on its balance sheet as "Cost of Investment of Stock of United over Underlying Book Value".

The Plan also states that Pennzoil United will dispose, in an appropriate manner approved by the Commission, its retail gas system serving the city of Monroe, La. Until so disposed of, Pennzoil United and United Gas, Inc. propose to enter into an operating agreement, subject to Commission approval, whereby United Gas, Inc. will operate such system for the account and at the expense of Pennzoil United. The franchise with such city, which was granted in 1947 and expires in April 1972, has resulted in substantial operating losses to United (now Pennzoil United) over the years.

Pennzoil United has requested that the Commission's Order to be entered herein recite that the carrying out of the proposed transactions is necessary or appropriate to effectuate the provisions of section 11(b) of the Act in accordance with the meaning and requirements of section 1081(f) of the Internal Revenue Code as amended.

IV. It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions; that the stockholders of Pennzoil United and other interested persons be afforded an opportunity to be heard in such hearing with respect to the Plan and related matters and that the Plan should not become effective except pursuant to further order of the Commission.

It is ordered, That a hearing be held herein on July 7, 1969 at 10:00 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the Plan is fair and equitable to the persons affected thereby and effectuates compliance with the section 11(b)(1) order of February 7, 1968.

2. Whether, following effectuation of the Plan, there will be continuance of any control by Pennzoil United over United Gas, Inc. or continuance of any interlocking relationships between such companies.

3. Whether the proposed transactions meet the standards of sections 7, 10, and 12(d) of the Act.

4. Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

5. What terms or conditions, if any, the Commission's order should contain.

6. Whether the accounting entries proposed to be made in connection with the Plan are proper and in accord with sound accounting principles.

7. Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed in said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than Pennzoil United desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before July 1, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Pennzoil United at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or to be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Federal Power Commission, the Louisiana Public Service Commission, and the Public Service Commission of Mississippi; and that notice to all other interested persons shall be given a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7334; Filed, June 20, 1969; 8:47 a.m.]

[812-2538]

SOUTHWESTERN LIFE INSURANCE CO. AND ISI TRUST FUND

Notice of Filing of Application for Order of Exemption

JUNE 17, 1969.

Notice is hereby given that Southwestern Life Insurance Co. ("Southwestern"), Post Office Box 2699, Dallas, Tex. 75221, and ISI Trust Fund ("Trust Fund"), 100 California Street, San Francisco, Calif. 94120 (collectively "Applicants"), have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), for an order exempting from the provisions of section 17(a) of the Act the proposed acquisition by Southwestern from Trust Fund of 440,000 shares of Southwestern capital stock in exchange for certain investment securities held by Southwestern and a cash payment, as described below. All interested persons are referred to the application on file with Commission for a statement of the representations made therein, which are summarized below.

Trust Fund, a registered open-end diversified investment company, owns 440,000 shares (5.25 percent) of the outstanding common stock of Southwestern, a Texas life insurance company. Southwestern is therefore an affiliated person of Trust Fund within the meaning of section 2(a)(3) of the Act. Applicants state that apart from this relationship there are no business dealings or affiliations between Southwestern and Trust Fund.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliate of a registered investment company to sell to or purchase from such investment company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

By a letter agreement dated May 1, 1969, Southwestern agreed to acquire from Trust Fund its holding of 440,000 shares of Southwestern capital stock at $31 per share (a total of $13,640,000) in exchange for certain common stocks held by Southwestern and a cash payment. The price of $31 per share was the asked price of Southwestern capital stock as quoted over the counter in Dallas, Tex., on April 25, 1969. The following stocks to be transferred to Trust Fund were valued at their closing prices on the New York Stock Exchange on the same date.

Number of shares		Value at closing price Apr. 25, 1969
46,400	American Telephone & Telegraph	$2,552,000.00
16,500	Houston Lighting & Power	703,312.50
12,200	Southern California Edison	428,525.00
7,600	American Cyanamid	243,200.00
2,700	Columbia Broadcasting System	148,162.50
3,900	DuPont	565,012.50
3,700	General Electric	342,712.50
22,500	General Motors	1,794,375.00
200	International Business Machines	63,550.00
8,200	Sears, Roebuck	572,975.00
51,200	Standard Oil, New Jersey	4,128,000.00
600	Xerox	154,875.00
16,600	Chemical N.Y. Corp	1,076,925.00
10,900	Chase Manhattan Corp	861,100.00
	Total	13,634,725.00

A cash payment of $5,275 was agreed upon to make it unnecessary to transfer odd lots in the stocks. No commission will be paid in connection with the exchange.

Trust Fund initially invested in Southwestern capital stock in 1954 and made its last purchase in November 1967. Trust Fund's current holding of 440,000 shares represents 1.48 percent of its total investments taken at market value as of March 31, 1969.

Trust Fund investments historically have been made primarily in the securities of insurance companies and insurance holding companies. On August 15, 1968, Trust Fund's investors voted to change its investment policy to eliminate the requirement that a certain percentage of its assets be invested in such securities. Trust Fund management has subsequently taken steps to reduce Trust Fund's concentration in insurance stocks with the objective that over a period of time less than 25 percent of the total value of Trust Fund's assets will be represented by the securities of insurance

companies and insurance holding companies. Trust Fund states that the proposed exchange will enable it to dispose of a large block of insurance company stock that is traded only over the counter in return for readily marketable stocks of fourteen industrial and financial companies, without payment of brokerage fees that would be involved in the sale of Southwestern shares and the purchase of other securities with the proceeds.

Southwestern states that its management considers the proposed exchange to be a sound business transaction, and that after the proposed exchange is effected, Southwestern will have sufficient surplus to provide a substantial basis for future growth. No capital gains tax will be incurred by Southwestern in connection with the exchange. As required by Texas law, a public hearing has been held before the Commissioner of Insurance of the State of Texas with respect to the compliance of Southwestern with the Texas Insurance Code and all other applicable laws in connection with the proposed exchange. On June 2, 1969, the Texas Commissioner of Insurance issued an Order stating that no action was indicated apart from the granting by this Commission of the order pursuant to section 17(b) of the Act requested by Applicants herein.

Notice is further given that any interested person may, not later than July 1, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7333; Filed, June 20, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41664—*Roofing and building material to Port Wentworth, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-48), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from specified points in Arkansas, Louisiana, Oklahoma, and Texas, to Port Wentworth, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Southwestern Freight Bureau, agent, tariff ICC 4791.

FSA No. 41665—*Commodity rates from and to Nadeau, Tex.* Filed by southwestern Freight Bureau, agent (No. B-52), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from and to Nadeau, Tex., one the one hand, to and from points in the United States and Canada, on the other.

Grounds for relief—Rate relationship.

FSA No. 41666—*Cement from points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2691), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from Boettcher and Medbery, Colo., and Laramie, Wyo., to points in western trunkline and southwestern territories.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplement 84 to Western Trunk Line Committee, agent, tariff ICC A-4527, and supplement 137 to Southwestern Freight Bureau, agent, tariff ICC 4587.

FSA No. 41667—*Barite (Barytes) from Arkansas and Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-42), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, as described in the application, from specified points in Missouri and Arkansas, to Mexia, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 44 to Southwestern Freight Bureau, agent, tariff ICC 4703.

FSA No. 41668—*Fertilizing compounds from Salt Lake City, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2587), for interested rail carriers. Rates on fertilizing compounds (manufactured fertilizers), n.o.i.b.n., dry, in bulk in packages, or other containers, in carloads, as described in the application, from Salt Lake City, Utah, to points in official territory.

Grounds for relief—Modified short-line distance formula and grouping, Tariff—Supplement 143 to Western Trunk Line Committee, agent, tariff ICC A-4620.

FSA No. 41669—*Phosphatic fertilizer solution to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2588), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in Colorado, Idaho, and Utah, to points in southern territory.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 143 to Western Trunk Line Committee, agent, tariff ICC A-4620.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7361; Filed, June 20, 1969; 8:49 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 18, 1969.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71468. By application filed June 16, 1969, SCHULZ, INCORPORATED, 310 Bluff St., Red Wing, Minn., seeks temporary authority to lease the operating rights of FLOYD A. DEZOTELL, doing business as DEZOTELL TRUCKING COMPANY, Post Office Box 636, Mankato, Minn. 56001, under section 210a(b). The transfer to SCHULZ, INCORPORATED, of the operating rights of FLOYD A. DEZOTELL, doing business as DEZOTELL TRUCKING COMPANY, is presently pending.

No. MC-FC-71469. By application filed June 17, 1969, MILTON TRANSPORTATION, INC., R.D. 2, Milton, Pa., seeks temporary authority to lease the operating rights of H. H. FOLLMER TRANSPORTATION, INC., Old Route 15, West Milton, Pa., under section 210a(b). The transfer to MILTON TRANSPORTATION, INC., of the operating rights of H. H. FOLLMER TRANSPORTATION, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7370; Filed, June 20, 1969; 8:50 a.m.]

[S.O. 994; ICC Order 25-A]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 25 (Louisville and Nashville Railroad Co.) and good cause appearing therefor:

It is ordered, That: (a) ICC Order No. 25 be, and it is hereby, vacated and set aside. (b) Effective date: This order shall become effective at 4:30 p.m., June 16, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., June 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7362; Filed, June 20, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 48, Amdt. 2]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 48, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 48 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 22, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7363; Filed, June 20, 1969; 8:49 a.m.]

[Notice 365]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71375. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Lincoln Bus Lines, Inc., Hanover, Pa., of certificates in Nos. MC-105704, MC-105704 (Sub-No. 2), MC-105704 (Sub-No. 3), and MC-105704 (Sub-No. 4), issued December 9, 1948, January 4, 1956, July 4, 1958 and March 20, 1961, respectively, to N. Dale Lightner, doing business as Lincoln Bus Lines, Hanover, Pa.; authorizing the transportation of: Passengers, between York, Pa., and Frederick, Md., and passengers in special or charter operations, from points in York County, Pa., to points in the United States including Alaska. Norman T. Petow, 43 North Duke Street, York, Pa. 17401, attorney for applicants.

No. MC-FC-71378. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Clayton Ross, doing business as Ross Trucking, Amherst, S. Dak. 57421, of the operating rights in certificate Nos. MC-125489 and MC-125489 (Sub-No. 2) issued August 24, 1964, and December 22, 1967, respectively, to Robert Pashen, 211 East 1st Street, Morris, Minn. 56560, authorizing the transportation of fertilizer, in bags, from Savage, Minn., and points in Scott County, Minn., within 10 miles thereof, to Britton, Hecla, and Claremont, S. Dak., including farm sites located within a 10-mile radius thereof, and from Minneapolis, St. Paul, Inver Grove Heights, Pine Bend, Savage, and Valley Park, Minn., to points in Brown, Day, Marshall, and Roberts Counties, S. Dak.

No. MC-FC-71398. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Harrison Transfer & Storage Co., a corporation, Augusta, Ga., of certificate No. MC-30821 issued December 2, 1941, to R. O. Harrison, doing business as Harrison Transfer Co., Augusta, Ga., authorizing the transportation of household goods between Augusta, Ga., and points within 100 miles of Augusta, on the one hand, and, on the other, points in South Carolina, North Carolina, and Tennessee. James E. Slaton, Suite 307, Southern Finance Building, Augusta, Ga. 30902, attorney for applicants.

No. MC-FC-71403. By order of June 9, 1969, the Motor Carrier Board approved the transfer to William T. Collins, doing business as Chatterton's Express, Attleboro, Mass., of the certificate in No. MC-29751, issued July 19, 1960, to Basil A. Chatterton, doing business as Chatterton's Express, Attleboro, Mass., authorizing the transportation of general commodities with exceptions, over regular routes, between Attleboro, Mass., Providence, R.I., serving named intermediate and off-route points; between Attleboro, Mass., and Norton, Mass., serving named off-route points; and between Attleboro, Mass., and Plainville, Mass., serving the intermediate point of North Attleboro, Mass. Herbert F. Patriquin, 190 Chauncy Street, Mansfield, Mass. 02048, attorney for applicants.

No. MC-FC-71404. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Rowe Cambridge Motor Transportation, Inc., Tyrone, Pa., of the permits in Nos. MC-93151, MC-93151 (Sub-No. 3), MC-93151 (Sub-No. 4), MC-93151 (Sub-No. 5), MC-93151 (Sub-No. 6) and MC-93151 (Sub-No. 7), issued June 18, 1942, February 8, 1960, February 5, 1965, November 1, 1968, November 1, 1968 and April 7, 1969, respectively, to Rowe Cambridge, Tyrone, Pa., authorizing the transportation of numerous specified commodities from to and between points and areas in the States of Pennsylvania, Maryland, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware North Carolina, and South Carolina, Ohio, New Hampshire, Vermont, Kentucky, Virginia, West Virginia and the District of Columbia. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-71407. By order of June 12, 1969, the Motor Carrier Board approved the transfer to Gilman Express Co., Inc., 37 Medford Street, Somerville, Mass. 02143 of certificate of registration No. MC-71487 issued January 10, 1964, to Earl E. Mokler, doing business as Gilman Express, 37 Medford Street, Somerville, Mass. 02143, evidencing a right to engage in interstate or foreign commerce solely within the State of Massachusetts.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7286; Filed, June 19, 1969; 8:47 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71336. By order of May 29, 1969, the Motor Carrier Board approved

companies and insurance holding companies. Trust Fund states that the proposed exchange will enable it to dispose of a large block of insurance company stock that is traded only over the counter in return for readily marketable stocks of fourteen industrial and financial companies, without payment of brokerage fees that would be involved in the sale of Southwestern shares and the purchase of other securities with the proceeds.

Southwestern states that its management considers the proposed exchange to be a sound business transaction, and that after the proposed exchange is effected, Southwestern will have sufficient surplus to provide a substantial basis for future growth. No capital gains tax will be incurred by Southwestern in connection with the exchange. As required by Texas law, a public hearing has been held before the Commissioner of Insurance of the State of Texas with respect to the compliance of Southwestern with the Texas Insurance Code and all other applicable laws in connection with the proposed exchange. On June 2, 1969, the Texas Commissioner of Insurance issued an Order stating that no action was indicated apart from the granting by this Commission of the order pursuant to section 17(b) of the Act requested by Applicants herein.

Notice is further given that any interested person may, not later than July 1, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7333; Filed, June 20, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41664—*Roofing and building material to Port Wentworth, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-48), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from specified points in Arkansas, Louisiana, Oklahoma, and Texas, to Port Wentworth, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Southwestern Freight Bureau, agent, tariff ICC 4791.

FSA No. 41665—*Commodity rates from and to Nadeau, Tex.* Filed by southwestern Freight Bureau, agent (No. B-52), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from and to Nadeau, Tex., one the one hand, to and from points in the United States and Canada, on the other.

Grounds for relief—Rate relationship.

FSA No. 41666—*Cement from points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2591), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from Boettcher and Medbery, Colo., and Laramie, Wyo., to points in western trunkline and southwestern territories.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplement 84 to Western Trunk Line Committee, agent, tariff ICC A-4527, and supplement 137 to Southwestern Freight Bureau, agent, tariff ICC 4587.

FSA No. 41667—*Barite (Barytes) from Arkansas and Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-42), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, as described in the application, from specified points in Missouri and Arkansas, to Mexia, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 44 to Southwestern Freight Bureau, agent, tariff ICC 4703.

FSA No. 41668—*Fertilizing compounds from Salt Lake City, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2587), for interested rail carriers. Rates on fertilizing compounds (manufactured fertilizers), n.o.i.b.n., dry in bulk in packages, or other containers, in carloads, as described in the application, from Salt Lake City, Utah, to points in official territory.

Grounds for relief—Modified short-line distance formula and grouping. Tariff—Supplement 143 to Western Trunk Line Committee, agent, tariff ICC A-4620.

FSA No. 41669—*Phosphatic fertilizer solution to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2588), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in Colorado, Idaho, and Utah, to points in southern territory.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 143 to Western Trunk Line Committee, agent, tariff ICC A-4620.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7361; Filed, June 20, 1969; 8:49 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 18, 1969

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71468. By application filed June 16, 1969, SCHULZ, INCORPORATED, 310 Bluff St., Red Wing, Minn., seeks temporary authority to lease the operating rights of FLOYD A. DEZOTELL, doing business as DEZOTELL TRUCKING COMPANY, Post Office Box 636, Mankato, Minn. 56001, under section 210a(b). The transfer to SCHULZ, INCORPORATED, of the operating rights of FLOYD A. DEZOTELL, doing business as DEZOTELL TRUCKING COMPANY, is presently pending.

No. MC-FC-71469. By application filed June 17, 1969, MILTON TRANSPORTATION, INC., R.D. 2, Milton, Pa., seeks temporary authority to lease the operating rights of H. H. FOLLMER TRANSPORTATION, INC., Old Route 15, West Milton, Pa., under section 210a(b). The transfer to MILTON TRANSPORTATION, INC., of the operating rights of H. H. FOLLMER TRANSPORTATION, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7370; Filed, June 20, 1969; 8:50 a.m.]

[S.O. 994; ICC Order 25-A]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 25 (Louisville and Nashville Railroad Co.) and good cause appearing therefor:

It is ordered, That: (a) ICC Order No. 25 be, and it is hereby, vacated and set aside. (b) Effective date: This order shall become effective at 4:30 p.m., June 16, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., June 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7362; Filed, June 20, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 48, Amdt. 2]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 48, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 48 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 22, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7363; Filed, June 20, 1969; 8:49 a.m.]

[Notice 365]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71375. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Lincoln Bus Lines, Inc., Hanover, Pa., of certificates in Nos. MC-105704, MC-105704 (Sub-No. 2), MC-105704 (Sub-No. 3), and MC-105704 (Sub-No. 4), issued December 9, 1948, January 4, 1956, July 4, 1958 and March 20, 1961, respectively, to N. Dale Lightner, doing business as Lincoln Bus Lines, Hanover, Pa.; authorizing the transportation of: Passengers, between York, Pa., and Frederick, Md., and passengers in special or charter operations, from points in York County, Pa., to points in the United States including Alaska. Norman T. Petow, 43 North Duke Street, York, Pa. 17401, attorney for applicants.

No. MC-FC-71378. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Clayton Ross, doing business as Ross Trucking, Amherst, S. Dak. 57421, of the operating rights in certificate Nos. MC-125489 and MC-125489 (Sub-No. 2) issued August 24, 1964, and December 22, 1967, respectively, to Robert Pashen, 211 East 1st Street, Morris, Minn. 56560, authorizing the transportation of fertilizer, in bags, from Savage, Minn., and points in Scott County, Minn., within 10 miles thereof, to Britton, Hecla, and Claremont, S. Dak., including farm sites located within a 10-mile radius thereof, and from Minneapolis, St. Paul, Inver Grove Heights, Pine Bend, Savage, and Valley Park, Minn., to points in Brown, Day, Marshall, and Roberts Counties, S. Dak.

No. MC-FC-71398. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Harrison Transfer & Storage Co., a corporation, Augusta, Ga., of certificate No. MC-30821 issued December 2, 1941, to R. O. Harrison, doing business as Harrison Transfer Co., Augusta, Ga., authorizing the transportation of household goods between Augusta, Ga., and points within 100 miles of Augusta, on the one hand, and, on the other, points in South Carolina, North Carolina, and Tennessee. James E. Slaton, Suite 307, Southern Finance Building, Augusta, Ga. 30902, attorney for applicants.

No. MC-FC-71403. By order of June 9, 1969, the Motor Carrier Board approved the transfer to William T. Collins, doing business as Chatterton's Express, Attleboro, Mass., of the certificate in No. MC-29751, issued July 19, 1960, to Basil A. Chatterton, doing business as Chatterton's Express, Attleboro, Mass., authorizing the transportation of general commodities with exceptions, over regular routes, between Attleboro, Mass., Providence, R.I., serving named intermediate and off-route points; between Attleboro, Mass., and Norton, Mass., serving named off-route points; and between Attleboro, Mass., and Plainville, Mass., serving the intermediate point of North Attleboro, Mass. Herbert F. Patriquin, 190 Chauncy Street, Mansfield, Mass. 02048, attorney for applicants.

No. MC-FC-71404. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Rowe Cambridge Motor Transportation, Inc., Tyrone, Pa., of the permits in Nos. MC-93151, MC-93151 (Sub-No. 3), MC-93151 (Sub-No. 4), MC-93151 (Sub-No. 5), MC-93151 (Sub-No. 6) and MC-93151 (Sub-No. 7), issued June 18, 1942, February 8, 1960, February 5, 1965, November 1, 1968, November 1, 1968 and April 7, 1969, respectively, to Rowe Cambridge, Tyrone, Pa., authorizing the transportation of numerous specified commodities from to and between points and areas in the States of Pennsylvania, Maryland, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware North Carolina, and South Carolina, Ohio, New Hampshire, Vermont, Kentucky, Virginia, West Virginia and the District of Columbia. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-71407. By order of June 12, 1969, the Motor Carrier Board approved the transfer to Gilman Express Co., Inc., 37 Medford Street, Somerville, Mass. 02143 of certificate of registration No. MC-71487 issued January 10, 1964, to Earl E. Mokler, doing business as Gilman Express, 37 Medford Street, Somerville, Mass. 02143, evidencing a right to engage in interstate or foreign commerce solely within the State of Massachusetts.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7286; Filed, June 19, 1969; 8:47 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71336. By order of May 29, 1969, the Motor Carrier Board approved

the transfer to Braun's Express, Inc., Medway, Mass., of certificate No. MC-8713, issued February 3, 1969, to Joseph L. Braun, doing business as Braun's Express, Medway, Mass., authorizing the transportation of: General Commodities, excluding household goods, commodities in bulk, and other specified commodities; between Boston, Mass., and Bellingham, Mass., serving all intermediate points and certain off-route points. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-71340. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Alvin Graham and Rodney Askin, a partnership, doing business as Baker Trucking Service, 16 South Second West, Baker, Mont. 59313, of the operating rights in certificate No. MC-98971 (Sub-No. 1) issued December 31, 1958, to Donna Ione Jacobs, doing business as Jacobs Trucking Service, 16 South Second West, Baker, Mont. 59313, authorizing the transportation, over a specified regular route of general commodities, except those of unusual value classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, between Miles City, Mont., and Marmarth, N. Dak., serving all intermediate points, with certain restrictions.

No. MC-FC-71366. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Jordan Sand and Gravel Co., Inc., Sedalia, Mo., of certificate No. MC-127944 issued May 19, 1967, to Ronald L. Alexander, El Dorado Springs, Mo., authorizing the transportation of blacktop, lime (except lime from the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), sand, crushed rock (filter rock), and gravel, between specified points in Kansas, Oklahoma, Arkansas, and Missouri. Ray N. Fowler, 120 North Main, El Dorado Springs, Mo. 64744, attorney for applicants.

No. MC-FC-71387. By order of May 29, 1969, the Motor Carrier Board approved the transfer to West End Transfer, Inc., Bluefield, W. Va., of the certificate in No. MC-113298, issued November 18, 1952, to Jack Ritchie, doing business as Jack's Transfer, Oceana, W. Va., authorizing the transportation of household goods between Oceana, W. Va., and points within 10 miles thereof in Wyoming County, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, Virginia, North Carolina, Tennessee, Kentucky, and the District of Columbia. Robert W. Hensley, Suite 301, Coal & Coke Building, Bluefield, W. Va. 24701, attorney for applicants.

No. MC-FC-71392. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Turner Auto Transport, Inc., North Kansas City, Mo., of the certificates in No. MC-115357 and MC-115357 (Sub-No. 6), issued August 23, 1955, and March 18, 1969, respectively, to George Willard Turner, doing business as Turner Auto Transport, North Kansas City, Mo., authorizing the transportation of new and used autos, in secondary movements, between Kansas City, Mo., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, and Texas. Sherman L. Gibson, 1700 Traders National Bank Building, 1125 Grand Avenue, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-71395. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Webb Delivery Service, Inc., Orange, Calif., of the certificate of registration in No. MC-96872 (Sub-No. 1) issued November 4, 1963, to Phillip L. Webb, doing business as Webb's Delivery Service, Orange, Calif., evidencing a right to engage in transportation in interstate commerce corresponding in scope to the authority granted by the California Public Utilities Commission in decision No. 54320 dated December 27, 1956. Lester L. Carden, Jr., Esq., Carden & Gray, 914 West Lincoln Avenue, Anaheim, Calif. 92805, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7277; Filed, June 19, 1969; 8:46 a.m.]

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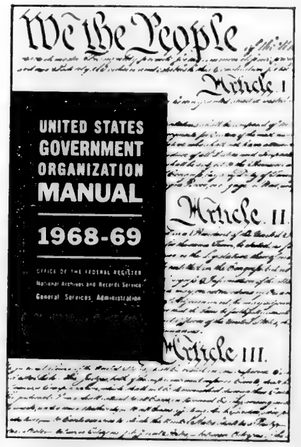

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PART 1

FEDERAL REGISTER

VOLUME 34 • NUMBER 120

Tuesday, June 24, 1969 • Washington, D.C.

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FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Rev. 5]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

Import Regulation 1, Revision 4, as amended (7 CFR 6.20 to 6.32), governing the manner in which licenses may be obtained and used for the importation of certain articles subject to import restrictions proclaimed pursuant to section 22 of the Agricultural Adjustment Act, as amended, is revised to read as set forth below.

The regulation as herein revised incorporates, with changes indicated below, provisions similar to those contained in Import Regulation 1, Revision 4, as amended. It also provides for the issuance of licenses for the importation of articles subject to import quotas provided for in TSUS items 950.10A (Italian-type cheese, made from cow's milk, not in original loaves), 950.10D ("other" cheese imported from New Zealand), and 950.14 (milk chocolate crumb); licenses will be required by Presidental Proclamation 3884, dated January 6, 1969, for the importation of such articles beginning July 1, 1969. No portion of the quotas provided for in TSUS items 950.10A and 950.15 will be set aside for the issuance of licenses on a nonhistorical basis until the next quota year beginning January 1, 1970. Prior thereto, notice will be given to enable persons to apply for nonhistorical licenses for the importation of such articles.

Minor changes have been made in the wording of Import Regulation 1 for the purpose of clarification, and the provision has been omitted previously contained therein which limited the historical quota share of a person for any type of cheese to 30 percent of the amount which may be imported during any quota year from a particular country of origin. Form FAS 65 will no longer be required. In lieu thereof a copy of Custom Forms 7501 or 7505 will be used.

Sec.
6.20 Determination.
6.21 Definitions.
6.22 Prohibitions and restrictions on imports.
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6.25 Eligibility.
6.26 Allocation of annual quotas and issuance of licenses.
6.27 Use of licenses.
6.28 Records and inspection.
6.29 Suspension or revocation of eligibility.
6.30 Delegation of Authority.
6.31 Effective date.

AUTHORITY: The provision of this subpart issued under sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Proclamations 3548, 3558, 3562, 3597, 3709, 3790, 3822, 3856, 3870, and 3884 and sec. 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950); Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202.

§ 6.20 Determination.

Part 3 of the Appendix to the Tariff Schedules of the United States, which contains the quantitative limitations on certain articles imported into the United States proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act, as amended, provides that articles which are listed in appendix 1 to this regulation may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture and only in accordance with the terms of such license. It is further provided that such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in (a) the equitable distribution of the respective quotas for such articles among importers or users and (b) the allocation of shares of the respective quotas for such articles among supplying countries, based upon the proportion supplied by such countries during previous representative periods, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned and that no licenses shall be issued which will permit any of the cheese or substitutes for cheese to be entered during the first 6 months of a quota year in excess of more than one-half of the annual import quotas specified for such articles. It is hereby determined that the regulations will, to the fullest extent practicable, accomplish this result.

§ 6.21 Definitions.

Except where the context otherwise requires, the following terms shall have the meanings set forth in this section:

(a) "Annual quota" means the quantity of an article which may be imported in a quota year as provided in appendix 1.

(b) "Appendix 1" means appendix 1 to the regulation in this Subpart.

(c) "Article" means an article referred to in appendix 1.

(d) The meaning of the terms "butter," "dried cream," "malted milk," "dried whole milk," "dried skim milk," "dried buttermilk," "dried whey," "milk chocolate crumb," and "cheese" shall be that as provided in appendix 1.

(e) The terms "Country of origin" and "Supplying country" mean the country in which the article was produced and from which it was exported under a through bill of lading.

(f) "Date of entry" means the date the formal consumption entry or withdrawal from warehouse for consumption is accepted by the Bureau of Customs.

(g) "Eligible applicant" means a person applying for a license to import an article who has established, to the satisfaction of the Licensing Authority, his eligibility to import such commodity.

(h) "Import or enter" means to enter, or withdraw from warehouse, for consumption in the customs territory of the United States.

(i) "Licensee" means any person to whom an import license has been issued pursuant to the regulation.

(j) "Licensing Authority" means the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, and any other officer or employee of the Department designated in writing as Acting Chief in the absence of the Chief.

(k) "Other Countries" shall refer to those countries as shown in appendix 1 as sharing a common quota and for the purpose of the regulation, shall be deemed to be one country of origin.

(l) "Person" includes any individual, firm, corporation, partnership, association, or other legal entity. It also includes any government (other than the Government of the United States and any agency thereof).

(m) "Quota share" means that part of the annual quota of an article listed in appendix 1 for which a person is eligible.

(n) "Quota year" means the 12-month period beginning on January 1 of any year.

(o) "The regulation" means the regulation contained in this subpart.

(p) "United States" means the United States, the District of Columbia, and Puerto Rico.

§ 6.22 Prohibitions and restrictions on imports.

(a) No person shall import or cause to be imported any article listed in Appendix 1, except as provided in § 6.23 or as authorized by an import license issued pursuant to the regulation.

(b) The issuance of an import license does not relieve any person from compliance with any requirement of the regulation or any other applicable laws and regulation.

§ 6.23 Exceptions.

The requirements of the regulation shall not apply to—

(a) Articles imported by or for the account of any agency of the U.S. Government.

(b) Articles with an aggregate value not over $10 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research.

(c) Articles imported for exhibition, display, or sampling at a trade fair, or for research, if written approval of the Licensing Authority is obtained.

§ 6.24 Applications for licenses.

Applications to the Licensing Authority for the issuance of licenses to import articles shall be addressed to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, Ref. IR–1 (Agricultural Imports). Each application must state the article (including type thereof in the case of cheese), the country of origin from which importation is to be made, and the port or ports of entry at which importations are to be made.

§ 6.25 Eligibility.

(a) *Historical eligibility.* Any person shall be eligible for a license to import a quota share of any article who imported such article during the specified base period or has been recognized by the Licensing Authority as a successor-in-interest of such person: *Provided,* That any person shall be eligible for a license to import from New Zealand a quota share of cheese subject to the quota provided for in TSUS 950.10D if such person was by reason of base period imports, a licensee in the first 6 months of the 1969 quota year for the importation from New Zealand of cheese subject to the quotas provided for in TSUS Items 950.08A and 950.08B (Cheddar and American cheese other than Cheddar). Eligibility shall be established upon the submission of evidence, satisfactory to the Licensing Authority, of such importations and that such person is actively operating an individual business of importing such article.

(b) *Nonhistorical eligibility.* Any person who is not eligible under paragraph (a) of this section to receive a license to import a particular article listed in Groups II through VI of appendix I and who meets the requirements of this paragraph shall be eligible to obtain a license to import a quota share of such article for which nonhistorical set-asides have been established as shown in appendix 1, except that a person may establish such eligibility for only one of the types of cheese listed under Group II of the appendix. Eligibility shall be established upon submission of (1) evidence satisfactory to the Licensing Authority that such person during the quota year preceding that for which application for license is made, was and continues to be actively engaged in the commercial importation in his own name of cheese or cheese products, and (2) a certification by such person that he is not a part of or an affiliate of the business of any other person eligible for an import license for the cheese for which application for license is made and is not an officer, member, partner, associate, or employee of such business.

(c) *Establishment of eligibility.* Evidence required to establish the eligibility of a person making application to receive an article must be received and approved by the licensing authority no later than 30 days preceding the quota year for which the license to import such commodity is first requested, except as may otherwise be provided by notice published in the FEDERAL REGISTER or approved by the Administrator for good cause shown.

(d) *Continuation of eligibility.* The eligibility of a person to receive a license to import a quota share of any article established under the regulation will be continued for subsequent quota years unless suspended or revoked pursuant to § 6.29.

(e) *Transfer of eligibility.* Upon receipt of evidence acceptable to the Licensing Authority that the entire dairy products and milk chocolate crumb business of a person who has established eligibility for a quota share has been sold or otherwise transferred to a person who is assuming the operation of the entire business involving dairy products and milk chocolate crumb, the Licensing Authority will recognize the successor-in-interest as having eligibility for such quota share: *Provided, however,* That, in the event of the merger of the businesses of two or more persons, the successor-in-interest, with the historical eligibility of all persons for whom he is successor-in-interest, shall be considered only as one person for the purpose of determining eligibility for non-historical quota shares.

§ 6.26 Allocation of annual quota and issuance of licenses.

(a) *Nonhistorical licensees.* There shall be set aside for allocations to nonhistorical eligible applicants the amounts specified under nonhistorical set-aside in appendix 1. The initial maximum annual nonhistorical quota share for such article shall be as follows:

Article	TSUS Item No.	Quantity
		Pounds
Blue-mold cheese	950.07	2,500
Italian type cow's milk cheese in original loaves	950.10	5,000
Natural Edam and Gouda cheese	950.09A	10,000
Processed Edam and Gouda cheese	950.09B	5,000
Swiss or Emmenthaler cheese with eye formation	950.10B	5,000
Swiss or Emmenthaler cheese other than with eye formation	950.10C	5,000
Cheddar cheese	950.08A	20,000
American type cheese	950.08B	20,000
"Other" cheese (not from New Zealand)	950.10D	5,0000
"Other" cheese (from New Zealand)	950.10D	20,000

Subject to these maximum quota quantities, the amount set aside for nonhistorical licensees shall be allocated proportionately among eligible applicants for such licenses; *Provided,* That the quota share of any person for any type of such cheese shall not exceed the quantity of such cheese for which he requested an import license; *Provided, further,* That any unallocated amounts shall be made available for distribution to historical licensees.

(b) *Historical licensees.* The annual quota amounts, less the quantities allocated to nonhistorical licensees, shall be allocated among historical eligible applicants on the basis of their average imports during the respective base periods as shown in appendix 1, *Provided,* That the annual quota quantity for cheese from New Zealand specified in TSUS Item 950 10D, less the quantity allocated for nonhistorical licensees, shall be allocated first to historical licensees in an amount equivalent to that net total quantity of cheese for which they formerly received licenses and for which they are no longer eligible due to the elimination of the 30 percent rule previously provided in section 6.26, Revision 4 of the regulation, and the remainder of such quota shall be allocated among eligible applicants therefor (as provided in § 6.25) on the basis of their historical licensed quota shares of cheese from New Zealand subject to the quotas provided for in TSUS Items 950.08A and 950.08B (Cheddar and American cheese other than Cheddar). The quantity of an article imported during the base period by a person who is not as of the beginning of a quota year actively operating an independent business of importing such articles shall, for the purpose of determining the quota shares of eligible applicants, be deemed to have been imported by his successor-in-interest, if any, to whom such business has been sold or otherwise transferred (which transfer has been recognized by the licensing authority) and who is actively operating such business as of the beginning of the quota year.

(c) *Reduction of quota share.* The quota share of a person or firm, who has imported during each of the preceding 2 quota years less than 85 percent of his authorized quota share, shall be reduced in the following quota year to 110 percent of his average imports during the preceding 3 quota years, unless the licensee establishes that he was unable to import the quota share either due to the lack of supply in the country of origin or other reasons acceptable to the licensing authority: *Provided,* (1) That once such reduced quota share has been established the quota share of the licensee in each of the following quota years shall be no less than 110 percent of his imports during the quota year immediately preceding; (2) That a reduced quota share of an article shall not be less than one-half of the initial maximum nonhistorical quota share for that article except that such minimum shall not apply in case of further failures to import the quota share; (3) That once a reduced quota share has again reached 85 percent of the average of the quota shares during the quota years on which the reduced quota share was based, the original quota base shall be reestablished.

(d) *Licenses.* (1) Annual basis. Licenses to import quota shares of articles, other than cheese and milk chocolate crumb, may be issued on an annual basis.

(2) *Semiannual basis.* In the absence of specific circumstances which the licensing authority determines would warrant an annual quota share license, quota shares of cheese and milk chocolate crumb shall be divided into two parts, as nearly equal as practicable, each to be covered by a license valid on the first day of the first and seventh month

of each calendar year: *Provided,* That licenses shall not be issued which would permit the importation of any such article during the first 6 months of the quota year in excess of one-half the annual quota therefor.

(e) *Advance against next period license.* Notwithstanding any other provision herein, any person eligible for a license to import a quota share of any article may be given an advance against his next period license in order to permit him to import an additional quantity of such article upon a determination by the licensing authority that not to grant the advance against his next period license would result in an undue hardship to such person: *Provided,* That no advance may be given which would permit the total quantity of any such article to be imported in excess of the quota therefor, as set forth in Part III of appendix 1 to the TSUS.

§ 6.27 Use of licenses.

(a) The article imported must be a product of the country of origin specified in the license under which it is entered.

(b) Notwithstanding any other rules, regulations, or procedures for the importation of goods, the article entered under license shall be accompanied by a through bill of lading from the country of origin named in the license and may be entered or withdrawn from warehouse only in the name of the licensee either by him or by his agent acting in the licensee's name under power of attorney, and the quantity so entered must be charged against the license in effect on the date of entry.

(c) In the event of a sale in transit, an article may be entered as a consumption entry under a license issued to an authorized person to whom the sale has been made against a properly endorsed through bill of lading and a certified copy of the bill of sale from the original consignee showing the amount paid and the date of purchase;

(d) In the event of the loss of the original through bill of lading, an article may be entered as a consumption entry under a license issued to the authorized person named as consignee on a carrier's certificate which certifies the shipment is a through shipment;

(e) An article may be entered as a warehouse entry under bond only in the manner prescribed above for consumption entries. Withdrawal of goods from bond may be made only under license issued to the authorized person who made the entry; or, in the event of a sale in bond, under license issued to an authorized person or firm to whom the sale has been made and only upon the presentation of a properly endorsed Customs Form 7505 and a certified copy of the bill of sale, showing the amount and date of sale.

(f) Consolidated entries or withdrawals from bond may not be made except with the written approval of the licensing authority.

(g) Entries or withdrawals from bond may be made only at the port of entry designated on the license, except when the licensing authority has, upon prior request of the licensee, authorized entry at another port.

(h) Each entry or withdrawal from bonded warehouse for consumption must be accompanied by a copy of Customs entry Form 7501 or Customs warehouse withdrawal Form 7505. The Bureau of Customs will stamp the copy with the "duty paid" stamp, the date of entry and the Customs entry or withdrawal number and submit it to the Import Branch.

§ 6.28 Records and inspection.

Any person making an importation, except as provided in § 6.23 of an article listed in appendix 1 shall retain all records, including invoices, of all purchases, entries, withdrawals, sales, and deliveries of such articles for a period of not less than 2 years subsequent to the end of the quota year during which importation was made. The licensing authority or his designee shall be entitled to make such audit and inspection of such records, to inspect the premises and stocks of articles of such person, and to make such other investigations as may be necessary or appropriate in the enforcement or administration of the regulation.

§ 6.29 Suspension or revocation of eligibility.

(a) *Failure to import quota share.* (1) The eligibility of a person for a quota share of an article shall, upon his failure to import any of such article in any quota year, be suspended for the following quota year unless application to receive a license to import such article is received and approved by the licensing authority no later than 6 months after the beginning of such following quota year.

(2) The eligibility of a person for a quota share of an article shall, upon his failure to import any of such article during 2 consecutive quota years be revoked unless the licensee establishes that he was unable to import such article due to reasons acceptable to the licensing authority.

(b) *Violation of regulations.* — (1) *Charge against licenses.* Any quantity of an article imported by any person contrary to this regulation may be charged against any unused import license held by, or to be issued to, such person for such article.

(2) *Civil and criminal liability.* Any person who violates any provision of the regulation may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or enjoin any violation of any provision of the regulation or requirements pursuant hereto.

(3) *Withholding of licenses.* The Administrator, Foreign Agricultural Service, upon reasonable cause to believe that a licensee has violated the provisions of the regulation or has furnished false or incomplete information in connection therewith, may, after notice to the licensee, withhold for a period of not to exceed 6 months, the issuance of further licenses to the licensee for a quota share of an article.

(4) *Suspension and revocation.* The Administrator, Foreign Agricultural Service, may suspend or revoke the eligibility of a person for a quota share of an article or article upon written notice to such person and with opportunity for a hearing, if he determines on the basis of information available to him and the records of the administrative hearing, if one is held, that such person has violated the provisions of the regulation or has furnished false or incomplete information in connection therewith.

§ 6.30 Delegation of authority.

(a) The administration of the regulation is vested in the Administrator, Foreign Agricultural Service, or his designee, who may promulgate interpretative rules and procedures and issue statements of policy which he determines necessary for the efficient administration thereof, taking due account of any special factors which may have affected or may be affecting the trade in the article. This authority may include transfer of quota shares to other countries of origin but may not permit the total quantity of any article to be imported in excess of the quota therefor.

(b) The powers vested in the Administrator, FAS, insofar as such powers relate to the functions vested in the licensing authority by the regulation are hereby delegated to the licensing authority.

The regulation shall become effective July 1, 1969, and, except as herein provided, shall supersede the provisions of Import Regulation 1, Revision 4, as amended, heretofore in effect. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Import Regulations, as amended and revised, prior to the effective date hereof, all provisions of said Import Regulation 1, as amended and as revised, in effect at the time when such violations occurred, rights accrued, liabilities incurred, or appeals taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

It is hereby determined that the foregoing revision of Import Regulation 1, Revision 4, is necessary and must be made effective July 1, 1969, since on such date licenses for the first time are required for the importation of cheese from New Zealand described in TSUS item 950.10D and articles described in TSUS items 950.10A and 950.15 and licenses for the second half of the 1969 quota year are required for other commodities covered by this regulation. Therefore, it is found upon good cause that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 553) is impracticable, unnecessary, and contrary to the public interest and that the revision shall be effective July 1, 1969.

Proposals for amendment or modification of this revision are invited. They may be addressed to the Chief, Import

APPENDIX 1—ARTICLES [1] SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR—Continued

Articles [1] by TSUS item numbers	Base period [2]	Annual import quota (pounds)	Non-historical set aside (pounds)
Jan. 1, 1967, to Dec. 31, 1967			
Group V: [3]			
Swiss or Emmentaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheese; (all the foregoing if not containing over 0.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection) and if having a purchase price under 47 cents per pound.			
Swiss or Emmentaler cheese with eye formation (Item 950.10B):		972,000	97,200
Austria		969,000	96,900
Denmark		1,945,000	194,500
Finland		367,000	36,700
Norway		200,000	20,000
Switzerland		124,000	12,400
West Germany		156,000	15,600
Other countries			
Other than Swiss or Emmentaler with eye formation (Item 950.10C):		463,000	48,300
Austria		119,000	11,900
Denmark		1,516,000	151,600
Finland		10,000	1,000
Switzerland		1,079,000	107,800
Other countries		83,000	8,300
Cheese and substitutes for cheese provided for in Items 117.75 and 117.85, part 4C, schedule 1 of the Tariff Schedules of the United States, except cottage cheese containing cow's milk; cheese, except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat, and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States); all the foregone, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (Item 950.10D):		207,000	20,700
Austria		966,000	896,600
Denmark		1,124,000	112,400
Finland		981,000	98,100
France		960,000	96,000
Iceland		151,000	15,100
Netherlands		59,000	5,600
Norway		222,000	222,200
Poland		2,064,000	206,400
Sweden		1,535,000	153,500
Switzerland		34,000	3,400
United Kingdom		274,000	27,400
West Germany		994,000	99,400
New Zealand		7,500,000	1,875,000
Other countries		388,000	38,800
Group VI: [3]	Jan. 1, 1965, to Dec. 31, 1967		
Italian-type cheese, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provolone, Provoletti, and Sbrinz), and cheese and substitutes for cheese containing, or processed from, such cheese, whether or not in original loaves (Item 950.10A).		1,347,600	(4)
Argentina		104,500	(4)
Italy		13,700	(4)
Australia		28,800	(4)
Other countries			
Group VII: [3]	Jan. 1, 1965, to Dec. 31, 1967		
(Chocolate products)			
Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese (Item 950.06B):			
Denmark		171,400	
Ireland		38,100	
Netherlands		15,900	
Norway		368,000	
West Germany		543,000	
Other countries		56,000	

See footnotes at end of table.

Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of such proposal.

Issued at Washington, D.C., this 19th day of June 1969.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

APPENDIX 1—ARTICLES [1] SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR

Articles [1] by TSUS item numbers	Base period [2]	Annual import quota (pounds)	Non-historical set aside (pounds)
Group I:			
(a) Butter (Item 950.05)	Jan. 1, 1961, to Dec. 31, 1965	332,000	
New Zealand		212,000	
Australia		165,000	
Other countries as follows: Argentina, Australia, Canada, Netherlands, Norway, Sweden, and Switzerland.			
(b) Dried cream (Item 950.04)	Jan. 1, 1951, to Dec. 31, 1952	500	
(c) Malted milk (Item 950.11)	July 1, 1951, to June 30, 1952	6,000	
(d) Dried whole milk (Item 950.03)	July 1, 1951, to Dec. 31, 1952	7,000	
(e) Dried skimmed milk (Item 950.02)	July 1, 1950, to Aug. 8, 1951	1,807,000	
(f) Dried buttermilk and whey (Item 950.01)	Jan. 1, 1951, to Dec. 31, 1952	496,000	
Group II: [3]	Jan. 1, 1948, to Dec. 31, 1950 [4]		
Edam and Gouda cheese (Item 950.06A)		9,200,400	920,000
Blue-mold cheese (except Stilton), and cheese and substitutes for cheese containing or processed from Blue-mold cheese (Item 950.07)		5,016,999	200,000
Italian-type cheese made from cow's milk in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provolone, Provoletti, and Sbrinz) (Item 950.10)	Jan. 1, 1961, to Dec. 31, 1965	11,500,100	1,150,000
Group III: [3]			1,508,100
Cheddar cheese, and cheese and substitutes for cheese containing or processed from Cheddar cheese (Item 950.08A):			
Australia		1,696,150	
Canada		612,352	
Ireland		562,250	
New Zealand		5,502,498	
Sweden		130,850	
Other countries as follows: Austria, Belgium, Bulgaria, Denmark, Israel, Italy, Netherlands, Norway, Portugal, Switzerland, United Kingdom, and West Germany.		308,400	
American-type cheese, including Colby washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese (Item 950.08B):			
Australia		1,680,000	420,000
Ireland		560,000	140,000
New Zealand		3,360,000	840,000
Sweden		125,000	31,250
Other countries as follows: Austria, Belgium, Bulgaria, Italy, Denmark, Israel, Netherlands, Portugal, Switzerland, United Kingdom, and West Germany.		371,600	92,900
Group IV: [3]	Jan. 1, 1965, to Dec. 31, 1967		
Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese (Item 950.06B):			
Denmark		1,714,000	171,400
Ireland		381,000	38,100
Netherlands		159,000	15,900
Norway		368,000	36,800
West Germany		543,000	51,300
Other countries		56,000	5,600

See footnotes at end of table.

APPENDIX 1—ARTICLES [1] SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR—Continued

Articles [1] by TSUS item numbers	Base period [2]	Annual import quota (pounds)	Non-historical set aside (pounds)
Ireland		9,450,000	(6)
United Kingdom		7,450,000	(6)
Netherlands		100,000	(6)
Other Countries		None	None

[1] Each time a particular TSUS Item No. is referred to in this appendix it includes all the articles classified under that item number in Part III of the Appendix to the Tariff Schedules of the United States except where specifically otherwise provided in the article description.
[2] Importers of record during following periods have historical eligibility; each importer's quota share is prorated on basis of his historical imports from each country of origin.
[3] Annual quota allocated 2 times annually on Jan. 1 and July 1 of each quota year.
[4] Importer's allocation based on 1950 imports or base period averages, whichever are higher.
[5] Up to 307,400 pounds may be set aside from the amount allocated to "Other" countries. Not more than 25 percent of the amounts allocated to each of the individual countries, New Zealand, Australia, Ireland, and Sweden, may be set aside.
[6] To be announced prior to Jan. 1, 1970.

[F.R. Doc. 69-7420; Filed, June 23, 1969; 8:48 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat-grading services are hereby amended by changing the phrases "$8.60 per hour," "$10.40 per hour," and "$17.20 per hour" to "$9.80 per hour," $11.80 per hour," and "$19.60 per hour," respectively.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat-grading services rendered under its provisions. The Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206) has required increases in salaries paid to Federal employees engaged in the performance of Federal meat-grading services. It has been determined that in order to cover the increased cost of the service resulting from the salary increase to be effective the first pay period after July 1, 1969, and other increased costs of operation, the hourly fee charges in connection with the performance of the services must be increased as provided for herein. The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions of 5 U.S.C. 553 it is found that notice and other public procedure with respect to this amendment are impractical and unnecessary.

This amendment shall become effective July 27, 1969, with respect to all Federal meat-grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 19th day of June 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7421; Filed, June 23, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Increase in Expenses for 1968-69 Fiscal Period

Notice was published in the June 6, 1969, issue of the FEDERAL REGISTER (34 F.R. 9035), that consideration was being given to a proposal regarding an increase in the expenses and rate of assessment previously approved for the fiscal period August 1, 1968, through August 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

The Cranberry Marketing Committee has found the amount of money allocated for expenses and rate of assessment for the 1968-69 fiscal period to be insufficient because the costs of establishing the producer allotment program were greater than originally anticipated. Thus, the committee has recommended amending the budget and assessment rate so that the additional expenses resulting from the producer allotment program can be met. The budget would be increased from $64,500 to $77,106.26 and the assessment rate from 4½ cents to 5½ cents.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice and the recommendation thereof which was submitted by the Cranberry Marketing Committee (established pursuant to the said marketing agreement and order): *It is hereby ordered,* That the provisions pertaining to expenses and rate of assessment in paragraph (a) and (b) of § 929.208 *Expenses and rate of assessment* (33 F.R. 18228) be, and hereby are, amended to read as follows:

§ 929.208 Expenses and rate of assessment.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1968, through August 31, 1969, will amount to $77,106.26.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at five and one-half cents ($0.055) per barrel of cranberries, or equivalent quantity of cranberries.

(c) Terms used in said marketing agreement and order shall, when used herein, have the same meanings as given to the respective terms in said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) It is necessary for the committee to incur expenses during the current fiscal period in excess of that previously thought likely to be incurred; (2) the relevant provisions of said marketing agreement and order require that the rate of assessment herein fixed shall be applicable to all assessable cranberries handled during the aforesaid fiscal period; and (3) such period began August 1, 1968, and said rate of assessment will automatically apply to all such cranberries beginning such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7422; Filed, June 23, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-12-AD; Amdt. 39-786]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on June 6, 1969, and made effective immediately by telegram as to all known U.S. operators of Boeing 707/720 series aircraft. This directive incorporated the provisions of Boeing Alert Service Bulletin 2903, dated June 2, 1969, and the telegraphic revision 1 thereto, dated June 4, 1969. This directive requires inspection and modification of the rudder hydraulic actuator support fitting.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707/720 series aircraft by individual telegrams dated June 6, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

BOEING. Applies to Model 707/720 series airplanes listed in Boeing Service Bulletin 2903 dated June 2, 1969.

Compliance required as indicated unless already accomplished.

To prevent cracks and failures in the rudder hydraulic power actuator support fitting, accomplish the following:

a. Within 75 hours' time in service after the effective date of this AD, perform a visual inspection with magnification, or dye penetrant, or eddy current inspection of the rudder hydraulic support fitting for cracks in accordance with the instructions in Boeing Service Bulletin 2903, telegraphic revision 1, dated June 4, 1969, or later FAA approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, Western Region.

1. If cracks are found within the oversizing limits specified in Part II—Bushing Replacement, of Boeing ASB No. 2903, rework the fittings to remove the cracks and replace the steel bushing per the instructions in Part II—Bushing Replacement, prior to further flight.

2. If cracks are found and cannot be removed by rework to the limits specified in Part II—Bushing Replacement, of Boeing ASB No. 2903, replace the existing fitting with a fitting made of 7075-T73 material, or a serviceable spare fitting with aluminum-nickel-bronze bushings per the instructions of Part II—Bushing Replacement, of Boeing ASB No. 2903, dated June 2, 1969, prior to further flight.

3. If no cracks are found, repeat the inspection identified in paragraph (a) of this AD, above, at intervals not to exceed 325 hours' time in service up to a maximum total of 1,400 hours' time in service after the effective date of this AD. If any inspection reveals cracks, accomplish (a)(1) or (a)(2), above, as appropriate.

b. Within 1,400 hours' time in service after the effective date of this AD, remove the flush steel bushings and install flanged aluminum-nickel-bronze bushings, per the instructions of paragraph C and Part II—Bushing Replacement, Boeing ASB No. 2903, dated June 2, 1969.

c. After accomplishment of (b), of this AD, inspect the fitting assembly for cracks in the fitting, at intervals not to exceed 1,200 hours' time in service, until a replacement of the support fitting made of 7075-T73 material which has flanged aluminum-nickel-bronze bushings installed has been accomplished, per paragraph C of Boeing ASB No. 2903. This modification will constitute terminating action for this AD.

The airplane may not be ferried under the provisions of FAR 21.197 (b) and (c). Airplanes may be ferried after issuance of individual special flight permits under the provisions of FAR 21.197(a)(1) and FAR 21.199 after a pretakeoff determination that the rudder operates normally in the boost-on mode. Pursuant to FAR 21.199(a)(6), the limitations in the special flight permit will prohibit flights over congested areas or which may otherwise endanger persons or property on the ground.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated June 6, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Co., Renton Branch, Post Office Box 3707, Seattle, Wash. 98124, Attention: Mr. H. P. Hemke, manager, Field Service. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this airworthiness directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on June 16, 1969.

LEE E. WARREN,
Acting Director, Western Region.

The incorporation by reference provisions in this document were approved by the Director of the FEDERAL REGISTER on June 23, 1969.

[F.R. Doc. 69-7391; Filed, June 23, 1969; 8:46 a.m.]

[Docket No. 69-EA-75; Amdt. 39-785]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-23 and PA-30 Type airplanes.

There have been reports of carbon monoxide contamination of the ventilating air in various Piper model aircraft due to failure of the Stewart-Warner model 940 aircraft heaters installed in Piper PA-23 and PA-30 type airplanes. These reports indicate that failures have been occurring in the Stewart-Warner P/N 486238 heater exhaust extension and heat-exchanger walls, which will permit exhaust gases to move into and contaminate the cabin air system. Since these failures are likely to occur on airplanes of the same type design, an airworthiness directive is being issued requiring the installation of a stainless steel exhaust extension and periodic overhaul of the complete heater assembly in accordance with the heater manufacturer's instructions.

Since expeditious action is required in the interest of safety, notice, and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER: Applies to Piper PA-23, PA-23-160, PA-23-235, PA-23-250, Pa-E23-250, and PA-30 airplanes equipped with Stewart-Warner "Southwind" model 940 series heater.

To prevent carbon monoxide from entering the airplane cabin, accomplish the following:

(a) Within 25 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished, remove the heater exhaust tube shroud and by means of a magnet determine if Stewart-Warner P/N 486238 exhaust extension (Piper P/N 754708) is mild steel (magnetic) or stainless steel (nonmagnetic). Mild steel extensions, regardless of condition, must be replaced with stainless steel extensions, when available.

(b) If stainless steel extensions are not available, a mild steel extension may continue to be used but must be visually inspected for deterioration at intervals not to exceed 25 hours time-in-service. If inspection reveals deterioration in the form of cracks, corrosion, rust, or flaking, the exhaust tube must be replaced and if with a new or nondeteriorated mild steel P/N 486238 tube, it must continue to be inspected in accordance with this paragraph.

(c) (1) For heaters having 900 or more hours' time in service, unless already accomplished within the last 400 hours' time in service after the effective date of this airworthiness directive, overhaul the heater assembly within the next 100 hours' time in service and every 500 hours thereafter in accordance with Stewart-Warner Service Manual PM-10035 dated July 1966, or an equivalent procedure approved by the Chief, Engineering & Manufacturing Branch, FAA Eastern Region. An overhaul consists of a complete disassembly, cleaning, repair, reassembly, and test as described in the above service manual.

(2) Heaters having less than 900 hours' time in service on the effective date of this AD shall be overhauled in accordance with paragraph (1) prior to the accumulation of 1,000 hours' time in service and every 500 hours thereafter.

(3) In complying with (1) and (2) above, if the owner or operator cannot document heater operating time, aircraft time should be used.

This amendment becomes effective July 2, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7392; Filed, June 23, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7287 of the FEDERAL REGISTER for May 3, 1969, the Federal Aviation Administration published proposed regulations which would alter the Cambridge, Md., transition area (34 F.R. 4658).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Cambridge, Md., transition area, the last period and add the following: "and within 2 miles each side of the Salisbury, Md. VORTAC 295° radial, extending from the 5-mile radius area to 25 miles northwest of the VORTAC."

[F.R. Doc. 69-7393; Filed, June 23, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-142]

PART 1—GENERAL PROVISIONS

Ports of Entry; Tulsa, Okla.

It has been determined that less costly, and more timely Customs service can be provided to the importing public through extending the present limits of the port of Tulsa, Okla. The extension will provide a larger geographical area through which the importing public can be served, by the inclusion of the area known as the port of Catoosa Industrial Park in Rogers County, Okla.

Accordingly, under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 6 (34 F.R. 6298), the present geographical limits of the Tulsa, Okla., port of entry in the Houston, Tex., Customs district (Region VI), are extended to include a portion of Rogers County north of State Highway 33, west of State Highway 88, and south of State Highway 20.

The geographical limits of the extended port of Tulsa, Okla., are described as follows:

All of the area lying within the outer boundaries of the city of Tulsa, Okla., including any independent cities, towns, political subdivisions, or unincorporated areas lying within the said boundaries and that part of Rogers County, Okla., lying within the area bounded on the north by State Highway 20; on the east by State Highway 88; on the south by the southern boundary of Rogers County; and on the west by the western boundary of Rogers County.

Section 1.2(c) of the Customs Regulations is amended by deleting from the column headed "Ports of Entry" in the Houston, Tex., Customs district (Region VI), "(T.D. 69-108)" which appears after "Tulsa, Okla.," and inserting in lieu thereof "(T.D. 69-142)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JUNE 12, 1969.

[F.R. Doc. 69-7409; Filed, June 23, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl S-[2-(Ethylthio)Ethyl] Phosphorodithioate

A petition (PP9F0808) was filed with the Food and Drug Administration by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing that § 120.183 be amended by increasing the tolerance level for residues of *O,O*-diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate in or on the raw agricultural commodity sorghum grain from 0.1 part per million to 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being increased.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since there is no reasonable expectation for such residues to occur in eggs, meat, milk, or poultry from the proposed and established uses, tolerances regarding these items are unnecessary. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerance increased by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended to make editorial changes by revising the items "Demeton * * *" and "*O,O*-Diethyl *S*-2- * * *" to read as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * * *

(e) * * *

(5) * * *

Demeton (a mixture of *O,O*-diethyl *O*-(and *S*-)[2-(ethylthio)ethyl] phosphorothioates).

* * * * * *

O,O-Diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites.

* * * * * *

2. Section 120.183 is amended by revising the section heading, the introductory paragraph, and the paragraphs "0.75 part per million * * *" and "0.1 part per million * * *" to read as follows:

§ 120.183 *O,O*-Diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate; tolerances for residues.

Tolerances for residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on raw agricultural commodities are established as follows:

* * * * * *

0.75 part per million in or on barley grain, beans (dry), beans (lima), beans (snap), broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, lettuce, oat grain, peanuts, peas, pecans, pineapples, potatoes, rice, sorghum grain, spinach, and tomatoes.

* * * * * *

0.1 part per million in or on soybeans.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department

of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7399; Filed, June 23, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8, of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., P. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 81–D for the needlework and fabricated textile products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 81–D are hereby published, to be effective July 10, 1969, in this order amending § 612.2 of Title 29, Code of Federal Regulations. The recommendations are carried out in paragraph (b) of § 612.2. As revised, § 612.2 reads as follows:

§ 612.2 Wage rates.

(a) *Requirement.* Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(b) *Pre 1961 coverage classifications.* The classifications in this paragraph (a) apply to all activities in the needlework and fabricated textile products industry in Puerto Rico to which section 6 of the Act would have applied before the Fair Labor Standards Amendments of 1961.

(1) *Knit gloves classification.* (i) The minimum wage for the knit gloves classification is $1.48 an hour.

(ii) This classification is defined as the manufacture of knit or crocheted gloves and mittens, slipper socks, mukluks, and similar types of footwear.

(2) *Hand-crocheting and hand-embroidery of crocheted hats classification.* (i) The minimum wage for this classification is $1.15 an hour.

(ii) This classification is defined as the operations of hand-crocheting, hand-knitting, and hand-embroidery of crocheted or knitted headwear for women, misses, girls, and infants 3 years of age or under.

(3) *Other operations on crocheted hats classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as any operation on crocheted or knitted headwear for women, misses, girls, and infants 3 years of age or under, other than the hand-crocheting and hand-embroidery operations, as defined above.

(4) *General classification.* (i) The minimum wage for this classification is $1.52 an hour.

(ii) This classification is defined as the manufacture from any material of all apparel and apparel furnishings and accessories, and all textile products and like articles in which a synthetic material in sheet form is the basic component, which are not included in any other classification of the needlework and fabricated textile products industry in Puerto Rico nor in the new coverage classifications; the outlining or embroidery of lace by machine and embroidery of any article or trimming on a bonnaz embroidery machine, or by a crochet beading process, or with bullion thread, and all operations immediately incidental thereto; the manufacture of crocheted slippers; and the manufacture of slacks, pedal pushers, culottes, dungarees, shorts, and similar apparel for women, misses, and girls.

(c) *1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

(2) This classification is defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 who are not included in any other classification of this industry or any other industry in Puerto Rico.

(d) *1966 coverage classification.* (1) The minimum wage for this classification is $1.15 an hour for the period ending January 31, 1969, $1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and $1.45 an hour thereafter.

(2) This classification is defined as all activities in the needlework and fabricated textile products industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 19th day of June 1969.

FRANCIS J. COSTELLO,
Acting Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-7417; Filed, June 23, 1969; 8:48 a.m.]

PART 614—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8, of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 81–B for the corsets, brassieres, and related garments industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 81–B are hereby published, to be effective July 10, 1969, in this order amending § 614.2 of Title 29, Code of Federal Regulations, by revising paragraph (a)(1). As amended, § 614.2 reads as follows:

§ 614.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classification.*

(1) The minimum wage for this classification is $1.52 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 19th day of June, 1969.

FRANCIS J. COSTELLO,
Acting Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-7418; Filed, June 23, 1969; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Crater Lake National Park, Oreg.; Fishing and Boating

A proposal was published at page 14710 of the FEDERAL REGISTER of October 2, 1968, to revise § 7.2 of Title 36 of the Code of Federal Regulations. The effect of the revision is to establish a uniform fishing season throughout the park; and to clarify restrictions on private vessels and boat motors.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received and the proposed revision is hereby adopted without change and is set forth below. The revision shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 32 Stat. 202; 16 U.S.C. 122)

Section 7.2 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.2 Crater Lake National Park.

(a) *Fishing.* Fishing in Crater Lake and park streams is permitted from May 20 through October 31.

(b) *Boating.* No private vessel or motor may be used on the waters of the park.

DONALD M. SPALDING,
Superintendent, Crater Lake National Park.

[F.R. Doc. 69-7382; Filed, June 23, 1969; 8:45 a.m.]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Natchez Trace Parkway, Tennessee-Alabama-Mississippi; Animal-Drawn Vehicles, Animals, and Speed

A proposal was published at pages 10803 and 10804 of the FEDERAL REGISTER of July 30, 1968, to revise § 7.43 of Title 36 of the Code of Federal Regulations. The effect of the revision is to eliminate material which is duplicated in the general regulations, to prohibit the launching of boats and other water equipment on waters of the Ross Barnett reservoir from the Natchez Trace Parkway; to prohibit the parking of motor vehicles on parkway lands for the purpose of hunting on lands outside of the parkway; and to restrict the use of parkway motor roads by farm vehicles and implements and other vehicles exceeding three-fourths of a ton rated capacity. Animal-drawn vehicles are also prohibited from using parkway motor roads.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received and the proposed revision is hereby adopted without change and is set forth below. This revision shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 52 Stat. 407; 16 U.S.C. 460)

Section 7.43 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.43 Natchez Trace Parkway.

(a) *Boating.* No vessel shall be launched on waters of the Ross Barnett Reservoir from the lands of the Natchez Trace Parkway.

(b) *Parking.* No motor vehicle shall be parked on lands of the parkway for the purpose of hunting on lands adjacent to the parkway right-of-way.

(c) *Vehicles*—(1) *Trucks. Pickup* trucks and other vehicles not exceeding three-fourths ton rated capacity are permitted to travel on the parkway when used solely for transportation of persons or for recreational purposes.

(2) *Animal-drawn vehicles.* Animal-drawn vehicles or implements are prohibited on the main parkway road.

(3) *Farm vehicles.* Farm vehicles, including agricultural implements, with or without load carrying capacity, and whether or not self-propelled, are prohibited on the parkway, except when such travel is authorized by the Superintendent or when such travel is in connection with the construction, operation, or maintenance of the parkway.

(4) *Recreational vehicles.* Recreational vehicles, including but not limited to, campers, boat trailers, housetrailers, and vehicles up to 1½-ton rated capacity, when such recreational vehicles are used solely to carry persons for recreational purposes together with their personally owned baggage, camping equipment, and related articles for vacation or recreational purposes, are permitted on the parkway.

KEITH E. MILLER,
Acting Superintendent, Natchez Trace Parkway.

[F.R. Doc. 69-7383; Filed, June 23, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A—POST OFFICE SERVICES, DOMESTIC

PART 143—METERED STAMPS

PART 146—SPECIAL CANCELLATION

Miscellaneous Amendments

I. Section 143.1(d) is updated to show the manufacturers presently authorized to lease postage meters to mailers.

§ 143.1 Postage meters.

* * * * *

(d) *Meter manufacturers.* Postage meters may be leased from authorized manufacturers who are held responsible by the Post Office Department for the control, operation, maintenance, and replacement, when necessary, of meters manufactured by them. The following manufacturers are presently authorized to lease meters to mailers:

(1) National Cash Register Co., Dayton, OH 45409.

(2) Pitney-Bowes, Inc., Pacific and Walnut Streets, Stamford, CT 06904.

(3) Postalia Corp., 32–31 57th Street, Woodside, Flushing, NY 11377.

(4) The Singer Co., Friden Division, 2350 Washington Avenue, San Leandro, CA 94577 (for the following-named meters):

Commercial Controls Corp.
Friden, Inc.
International Postal Supply Co.
The Singer Co., Friden Division.

NOTE: The corresponding Postal Manual section is 143.14.

II. In § 143.2 paragraph (a) is revised for clarification.

§ 143.2 Meter license.

(a) *Application.* A patron may obtain a "License to Use a Postage Meter" by submitting "Application for a Postage Meter License, Form 3601–A" (or a form supplied by the manufacturer) to the post office where his metered mail will be deposited. No fee is charged. The application must specify the make and model of the meter. On approval, the postmaster will issue a license.

NOTE: The corresponding Postal Manual section is 143.21.

§ 143.6 [Amended]

III. In § 143.6 *Mailings* make the following changes.

1. In paragraph (a) *Preparation* strike out "Form 1835—Record of Call or Visit" and insert in lieu thereof "Form 3749—Irregularities in the Preparation of Mail Matter".

2. In paragraph (c) *Wrong date* strike out "Form 3611—Notice of Improperly Prepared Meter Mail" and insert in lieu thereof "Form 3749—Irregularities in the Preparation of Mail Matter".

NOTE: The corresponding Postal Manual sections are 143.61 and 143.63.

In § 146.2 paragraphs (c)(2) and (d) are amended, respectively, to change 2 months to 3 months in order to allow manufacturers more time to make die hubs; and to clarify instructions on ordering special cancellation die hubs.

Accordingly, in § 146.2 *How sponsors obtain special cancellations*, make the following changes:

1. Amend paragraph (c)(2) and (d) to read as follows:

§ 146.2 How sponsors obtain special cancellations.

* * * * *

(c) * * *

(2) *When to apply.* The application should be submitted to the postmaster at least 3 months before the date the cancellation die hub is to be placed in operation.

* * * * *

(d) *Referral by postmaster.* The postmaster will forward the application to the Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260. The postmaster must furnish with the application the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and must specify whether the machine is new or old (square- or round-type ring die). If the canceling machine is a Model Flier, M or G, the postmaster must state the correct die hub part number from the Operating Instruction Book (1207 or 1207–G for Flier and M Machines, and 218 or 218–E for G Machines). The base of the ring die on parts 218 and 1207 is round. The base of the ring die on part 218–E and 1207–G is square. No die hub part number is required for Models D, K, H.D.2, and Mark II. The postmaster must also state the effect the approval would have on the use of special cancellations already approved for his office.

NOTE: The corresponding Postal Manual sections are 146.232 and 146.24.

(5 U.S.C. 301, 39 U.S.C. 501, 2508, 4025, 4053)

DAVID A. NELSON,
General Counsel.

JUNE 18, 1969.

[F.R. Doc. 69-7389; Filed, June 23, 1969; 8:45 a.m.]

PART 156—RURAL SERVICE

Rural Boxes

TYPES OF BOXES MANUFACTURED; CORRECTION

In the daily issue of Wednesday, June 18, 1969 (34 F.R. 9487), the Department published a revision of paragraph (a)(5) of 39 CFR 156.5 to update the list of authorized manufacturers and suppliers of rural mailboxes. The following footnote material explaining the types of boxes manufactured, which appears between the companies, "Hermitage Stamping Co.," and "Jackes-Evans Manufacturing Co.,", should appear at the end of the paragraph following the listing of the company "Waterloo Industries":

1 Traditional Rural Box Size No. 1.
1A Traditional Rural Box Size No. 1A.
2 Traditional Rural Box Size No. 2.
C Contemporary Style Suburban Box (also approved for use on rural routes).

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

JUNE 18, 1969.

[F.R. Doc. 69-7386; Filed, June 23, 1969; 8:45 a.m.]

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

In the Appendix to Subchapter C the following changes are made:

1. In the country item *Bahamas*, under Parcel Post, amend the table showing limits of indemnity which appears under the item *Insurance* to read as follows:

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

* * * * *

2. In the country item *Great Britain and Northern Ireland*, under Parcel Post, make the following changes:

a. Amend the second and fourth paragraphs under *Prohibitions* to read as follows:

Arms, etc. Firearms (except shotguns with barrels at least 24 inches long) and other deadly weapons and parts thereof, including guns for throwing liquid or gas and munitions therefor; accessories for reducing the sound or flash of firearms. The foregoing are admitted, however, if the addressee possesses an import license issued by the competent British authorities.

To Northern Ireland: Airguns, and shotguns with barrels 24 inches or more in length in addition to the above.

b. Amend the paragraph headed *Import restrictions* to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Certain hallucinogenic, narcotic, and stimulant drugs; vaccines, antigens, antitoxins, and sera; antibiotics for parenteral injection; salvarsan and similar substances; enzyme and harmone preparations; and certain surgical material for human use require import authorization from the competent British authority.

Foods or beverages to which any preservative or other substance has been added must comply with the British regulations for importation.

Many categories of merchandise require import licenses from the British Board of Trade, except when sent as bona fide unsolicited gifts (see "Observations") or as trade samples.

3. In the country item *India*, under Parcel Post in the paragraph *Prohibitions*, amend the paragraph headed *Arms, etc.* to read as follows:

Arms, etc.: Arms (offensive and defensive weapons of all kinds) and military equipment, except for the Indian Government.

Appliances (including pistols, pistol pencils, etc.) for discharging gas, except on behalf of the Government.

4. In the country item *Malaysia* make the following changes:

a. Under Postal Union Mail, amend the paragraph *Prohibitions* to read as follows:

Prohibitions. To the States of Malaya only: Paper money exceeding 100 Malaysian dollars ($32.60 U.S. currency) in value. Malaysian, Indian or Indonesian paper money in any amount unless authorized by the Malaysian Exchange Control.

Coins; manufactured or unmanufactured platinum, gold or silver; jewelry and other precious articles.

Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

See also § 221.3 of this chapter.

b. Under Parcel Post, in paragraph *Prohibitions*, amend the paragraph headed "For other reasons" to read as follows:

For other reasons: Coins or ingots of a value higher than 50 Malaysian dollars ($16.30 U.S. currency), except coins for ornament. Paper money of Malaysia, Singapore or Brunei unless authorized by the Exchange Control Department, Bank Negara Malaysia at Kuala Lumpur.

4. In the country item *New Caledonia and Dependencies* make the following changes:

a. Amend country heading to read as follows: *New Caledonia. (Including Isle of Pines, Loyalty Islands, Huan Islands, and the Wallis and Futuna Islands.)*

b. Under Parcel Post, the paragraph *Prohibitions* is amended to read as follows:

Prohibitions. Saccharine and similar substances unless addressed to pharmacists. Tobacco leaves or manufactured tobacco. Weights and measures not of the decimal system. Also see § 231.2(a)(4) of this chapter.

c. Also under Parcel Post, at the end, add new paragraph *Import restrictions* reading as follows:

Import restrictions. The attention of senders should be called to the following: Addressees are required to obtain government permission to import firearms.

5. In the country item *Nepal*, under Postal Union Mail, in the paragraph *Classifications, weight limits and dimensions*, delete the sentence: "Small packets not accepted."

6. In the country item *Spain*, under Parcel Post, make the following changes:

a. Amend the paragraph headed *Prohibitions* to read as follows:

Prohibitions. Tobacco (admitted only to the Canary Islands, Couta and Melilla). Playing cards. Foodstuffs containing saccharine in any amount. Weapons of all kinds.

b. Under *Import restrictions* delete the last sentence.

7. In the country item *Sweden*, under Postal Union Mail, amend the paragraph *Observations* to read as follows:

Observations. Customs clearance of articles of merchandise will be expedited if a commercial invoice, signed by the sender, is enclosed in the package.

As books, periodicals and newspapers are often subject to import charges, a completed Form 2976 should be marked "Gift" in appropriate cases.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

JUNE 18, 1969.

[F.R. Doc. 69-7385; Filed, June 23, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—LOAD LINES
[CGFR 68-126]

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Miscellaneous Amendments

Correction

In F.R. Doc. 69-6510 appearing at page 9010 in the issue of Thursday, June 5, 1969, the following changes should be made:

1. In the last line of § 42.20-3(e)(4), the word "foot" should read "feet".

2. The line preceding amendment 52 on page 9016 reading "§ 42.20-60 [Amended]" should read "§ 42.20-65 [Amended]".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

FOREIGN-BUILT CONTAINERS IN INTERNAL TRAFFIC

Proposed Use

Resolution No. 24 adopted on May 23, 1968, by the Working Party on Customs Questions affecting Transport of the Inland Transport Committee of the United Nations Economic Commission for Europe, of which the United States is a participating member, recommends that governments authorize the use of containers which have been admitted under any temporary importation procedure for the transport of goods in internal traffic with the understanding that the internal journey may be limited to one which will bring the container by a reasonably direct route to, or nearer to, the place where export cargo is to be loaded or where the container is to be reexported empty.

Notice is hereby given that to implement the recommendation, it is proposed to amend paragraph (f) of § 10.41a, Customs Regulations, which describes the uses in the United States of instruments of international traffic which do not constitute a diversion to unpermitted point-to-point local traffic or a withdrawal of such instrument from its use as an instrument of international traffic, under authority of section 251 of the Revised Statutes (19 U.S.C. 66), section 322 of the Tariff Act of 1930 (19 U.S.C. 1322), and section 301 of title 5, United States Code, to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic.

* * * * *

(f) Except as provided in paragraph (h) of this section, no part of this section precludes (1) the use of an instrument in picking up and delivering loads at intervening points in the United States while en route between the port of arrival and the point of destination of its imported cargo or (2) such use of the instrument while en route from such point of destination of imported cargo to a point where export cargo is to be loaded or to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, provided such point-to-point traffic is incidental to the efficient and economical utilization of the instrument in the course of its use in international traffic. Such use does not constitute a diversion to unpermitted point-to-point local traffic within the United States or a withdrawal of an instrument in the United States from its use as an instrument of international traffic under this section.

* * * * *

Before action is taken on this proposed amendment, consideration will be given to all relevant data, views, or arguments which may be submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 13, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-7406; Filed, June 23, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-369]

HANDLING OF ORANGES GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Correction

In F.R. Doc. 69-6520, appearing at page 8705 of the issue for Tuesday, June 3, 1969, the second paragraph under the heading for sec. 64 should be preceded by the following:

Sec. 65 Separability.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 519]

EMPLOYMENT OF FULL TIME STUDENTS AT SPECIAL MINIMUM WAGES

Proposed Change in Conditions for Certificates

The notice of proposed rulemaking which was published in the FEDERAL REGISTER at 34 F.R. 9345 is amended by providing that interested persons may submit data, views, or argument in writing to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, on the proposal, within 30 days from the date of publication of this amendment in the FEDERAL REGISTER.

Signed at Washington, D.C., this 19th day of June 1969.

FRANCIS J. COSTELLO,
Acting Administrator, Wage and Hour and Public Contracts Division.

[F.R. Doc. 69-7419; Filed, June 23, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 45]

[CGFR 69-68]

GREAT LAKES VESSELS

Load Lines

1. Notice is hereby given that the Commandant, U.S. Coast Guard, under authority contained in sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 6(b), 80 Stat. 937; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), is considering the addition of a new § 45.15-100 to Subchapter E, Title 46 of the Code of Federal Regulations, as set forth below.

2. Interested persons are invited to submit written data, views, arguments or comments regarding the proposed new section to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, within 30 days after publication of this notice in the FEDERAL REGISTER.

3. To expedite the handling of submissions regarding this proposal, it is requested that each submission state: the subject and paragraph number to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

4. In addition to publication in the FEDERAL REGISTER, copies of the printed document will be mailed to persons and organizations who have previously requested that they be furnished with copies of proposed changes in the regulations. Also, copies of the printed document will be furnished upon request to the Commandant (CMC), as long as they are available. Copies will in any event be available for examination at the office of the Commandant (CMC), as well as at the offices of the Coast Guard District Commanders. Attached to the printed copies of this document are some copies of Form CG-3287 which may be used for the submittal of comments. This form may be reproduced, if desired.

5. No hearing is contemplated on the proposal in this document. However, arrangements may be made for informal conferences with cognizant Coast Guard personnel by contacting Commandant (CMC), Room 4211, U.S. Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences should also be submitted in writing in accordance with this notice, in order to become a part of the record.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons in Room 4211, U.S. Coast Guard Headquarters, Washington, D.C., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the communications received.

7. The existing loadline regulations for Great Lakes vessels do not contain a freeboard table for vessels over 750 feet in length. See Table 45.15-97(a). Vessels over 750 feet in length are presently under construction for use on the Great Lakes. Sometime ago the extension of the table to cover vessels over 750 feet in length was considered by the United States/Canadian Joint Technical Committee for Great Lakes Load Lines. This Committee is sponsored jointly by the U.S. Coast Guard and by the Department of Transportation of the Canadian Government and is composed of representatives from industry, ship operators, classification societies and the two Governments. The Committee recommended the adoption of a freeboard table for vessels from 750 to 1,000 feet in length that satisfy four specified construction requirements. This recommendation duplicated the Type B Table of the 1966 International Load Line Convention for vessels from 800 to 1,000 feet in length. A straight line interpolation was employed between the end of the existing Great Lakes Table at 750 feet and the 1966 Convention figure at 800 feet.

8. Amendments to the existing regulations to implement the recommendation of the Joint Technical Committee was included in a notice of proposed rule making published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1831) and as Item PH 6b-69 of the Merchant Marine Public Hearing Agenda (CG-249) dated March 24, 1969. This original proposal, as distinguished from the present one, proposed to amend Table 45.15-97 to include vessels from 760 to 1,000 feet and to add § 45.15-105 which provided four specified construction requirements to be applied only to vessels over 750 feet in length. The Merchant Marine Council favorably considered these amendments in the executive session which followed the public hearing on March 24, 1969.

9. Almost immediately after this executive session, various shipping interests in the United States and Canada pointed out that a number of existing vessels under 750 feet in length already comply with the four construction requirements and requested that the loadline marks for these vessels be determined on the basis of the Type B Table of the 1966 International Load Line Convention. Study reveals that the freeboards required by the Type B Table of the International Load Line Convention is less than the freeboards required by the Great Lakes Table for vessels between 440 to 750 feet in length. The difference in freeboard varies from .3 inch for a vessel of 440 feet in length to 5.8 inches for a vessel of 750 feet in length. This matter was referred for study to the working group of the Joint Technical Committee. This group reported unanimously that vessels between 440 and 750 feet in length which comply with the four construction requirements, originally imposed on vessels over 750 feet in length, would not suffer a loss of safety at the slightly deeper drafts resulting from the application of the Type B Table of the 1966 International Load Line Convention, provided they were structurally suitable for the resulting load draft in all operating conditions.

10. In consonance with the report of the working group, it is now proposed to add to Part 45 of Subchapter E a new § 45.15-100. This new section contains Table 45.15-100(R) which specifies the basic minimum summer freeboards for vessels from 440 to 1,000 feet on Great Lakes voyages. This Table has been determined on the basis of the Type B Table of the 1966 International Load Line Convention and is made applicable only to vessels which comply with the five construction requirements specified in the proposed section. If § 45.15-100 as now proposed is ultimately promulgated in substantially the form set forth below, the amendments to the regulations proposed in Item PH 6b-69 will not be adopted and the existing § 45.15-97 will remain unchanged. In short, § 45.15-100, as now proposed renders the changes originally proposed in Item PH 6b-69 unnecessary.

11. It is proposed to amend Part 45 of Subchapter E, Title 46 Code of Federal Regulations by adding a new § 45.15-100 to read as follows:

§ 45.15-100 Reduced freeboards for steamers having superior design and operational features engaged on Great Lakes voyages.

(a) Subject to compliance with the additional conditions in paragraph (b) of this section but otherwise in accordance with the usual conditions of assignment, freeboards of steamers over 440 feet in length engaged on Great Lakes voyages, may be computed from the lesser tabular values given by the Table 45.15-100(a) in lieu of those given by Table 45.15-97(a).

TABLE 45.15-100(a)—REDUCED BASIC MINIMUM SUMMER FREEBOARDS FOR STEAMERS ON GREAT LAKES VOYAGES

Length of ship (feet)	*Freeboard (inches)*
440	78.2
450	80.7
460	83.1
470	85.6
480	88.1
490	90.6
500	93.1
510	95.6
520	98.1
530	100.6
540	103.0
550	105.4
560	107.7
570	110.0
580	112.3
590	114.6
600	116.8
610	119.0
620	121.1
630	123.2
640	125.3
650	127.3
660	129.3
670	131.3
680	133.3
690	135.3
700	137.1
710	139.0
720	140.9
730	142.7
740	144.5
750	146.3
760	148.1
770	149.8
780	151.5
790	153.2
800	154.8
810	156.4
820	158.0
830	159.6
840	161.2
850	162.8
860	164.3
870	165.9
880	167.4
890	168.9
900	170.4
910	171.8
920	173.3
930	174.7
940	176.1
950	177.5
960	178.9
970	180.3
980	181.7
990	183.1
1000	184.4

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation.

(b) In order to be eligible for the reduced freeboards permitted by this section, vessels shall comply with following supplementary conditions:

(1) Vessels shall be built of steel complying with the amended classification society specifications issued in 1948, or thereafter.

(2) Hatch covers shall be one piece weathertight steel or equivalent material.

(3) A protected underdeck fore and aft passage shall be provided.

(4) Deck houses and superstructures shall be of steel or equivalent material.

(5) Vessels shall be structurally suitable for the resulting load draft in all operating conditions.

Dated: June 18, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-7371; Filed, June 23, 1969; 8:45 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-37]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Pocatello, Idaho control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Subsequent to the designation of the original Pocatello, Idaho, control zone and transition area, the criteria for such areas has been changed. Accordingly, it is necessary to alter this airspace to comply with the new criteria.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (34 F.R. 4557) the Pocatello, Idaho, control zone is amended to read as follows:

POCATELLO, IDAHO

Within a 5-mile radius of Pocatello Municipal Airport (lat. 42°54'35" N., long. 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

In § 71.181 (34 F.R. 4637) the Pocatello, Idaho, transition area is amended to read as follows:

POCATELLO, IDAHO

That airspace extending upward from 700 feet above the surface within 4.5 miles south-east and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VOR TAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to longitude 113°00'00" W., thence to 43°20'30" N., longitude 112°-45'00" W., thence to point of beginning.

These amendments are proposed under the authority of sec. 307(a), of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 13, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7394; Filed, June 23, 1969; 8:46 a.m.]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. FRA-SA-1]

RAILROAD SAFETY APPLIANCE STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the Federal Railroad Administration has under consideration proposed amendments to §§ 231.10 and 231.11 of its Railroad Safety Appliance Standards to eliminate the present requirements for running boards, roof handholds, and end ladders on caboose cars with or without end platforms and to make a number of incidental changes in associated safety appliances.

The proposed amendments would remove regulatory requirements which impede the free movement of caboose cars between Canada and the United States and would bring our Railroad Safety Appliance Standards into closer harmony with comparable regulations of the Canadian Transport Commission.

Running boards and associated appliances are no longer required on box and other house cars without roof hatches and they no longer appear to be necessary or desirable on caboose cars for safety in modern railroad operations.

Accordingly, it is proposed to amend Part 231 of the Railroad Safety Appliance Standards as follows:

1. By striking paragraphs (b), (c), (d), and (e) of § 231.10. All caboose cars with end platforms built and placed in service after October 1, 1969, except those under construction on that date, must comply with this amendment. Caboose cars built and placed in service before October 1, 1969, or under construction on that date must comply with this amendment by October 1, 1974; they may, however, be equipped in accordance with this amendment as soon as it becomes effective.

2. By striking paragraphs (c) and (i) of § 231.11; and making incidental changes in paragraphs (a), (f), (h), (j), and (l) to provide specifications for associated ladders, roof handholds and other end safety appliances similar to those contained in § 231.27. All caboose cars without end platforms built and placed in service after October 1, 1969, except those under construction on that date, must comply with this amendment. Caboose cars built and placed in service before October 1, 1969, or under construction on that date must comply with this amendment by October 1, 1974; they may, however, be equipped in accordance with this amendment as soon as it becomes effective.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the Federal Railroad Administration, Office of Hearings and Proceedings, Attention: Docket No. FRA-SA-1, Washington, D.C. 20591. All written submissions should be received before July 21, 1969. Since the Safety Appliance Act requires a hearing, an oral hearing will also be held. The hearing will be held in the offices of the Federal Railroad Administration, Conference Room 2B, beginning at 9:30 a.m., July 23, 1969. It will be a fact-finding, nonadversary type hearing. All interested parties are also invited to participate in the oral hearing.

Written submissions and oral presentations made at the hearing will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments and the testimony received. The Docket in this proceeding will be available for examination by interested persons at any time during normal working hours, at the Office of Public Affairs, Room 206, Federal Railroad Administration, 400 Sixth Street SW., Washington, D.C. 20591.

This amendment is proposed under the authority of sections 2, 4, and 6, 27 Stat. 531, as amended, sections 1 and 3, 32 Stat. 943, as amended, sections 1-6, 36 Stat. 298-299, as amended, of the Safety Appliance Acts (45 U.S.C. 2, 4, 6, 8, 10, 11-16), and of section 6(e) and (f), 80 Stat. 939, of the Department of Transportation Act (49 U.S.C. 1655).

Issued in Washington D.C., on June 18, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-7406; Filed, June 20, 1969; 1:30 p.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

LAND REGISTRATION

State Filings

Notice is hereby given that the Acting Assistant Secretary for Mortgage Credit, Department of Housing and Urban Development, having determined that filings made under the Illinois Installment Land Sales Act of August 13, 1965, would satisfy certain requirements under the Federal Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718), proposes to amend the regulations of the Office of Interstate Land Sales Registration (24 CFR Part 1710, § 1710.25) to add Illinois to the list of acceptable filing States. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment reads as follows:

§ 1710.25 State filings.

(a) Except as provided in paragraph (b) of this section, if a developer complies with the requirements of § 1710.115 with respect to the property report and the requirements of § 1710.120 with respect to the statement of record, a copy of material filed with State authorities and allowed to become effective by such authorities shall be an effective statement of record, an amendment thereto, or an effective consolidation of a subsequent statement of record into an earlier statement of record, as of the date of filing such copy together with the required fee with the Secretary, as follows:

(1) With respect to a subdivision located in California, Florida, Hawaii, Illinois, or New York, where the material is filed in full compliance with the laws and requirements of the authorities of such State, with the exception that material filed with the State of Hawaii will not be acceptable if it was filed with that State prior to the enactment of Act 223, Session Laws of Hawaii 1967, and material filed with the State of Florida will not be acceptable if it was filed with the State prior to the enactment of section 478, Florida Statutes, effective August 1, 1967.

(2) With respect to a subdivision located outside of California, Florida, Hawaii, Illinois, or New York and covered by material filed with any such State, if all lots and tracts in such subdivision have been made the subject of the State filing and if there has been full compliance with the laws and requirements of the authorities in such State, with the exception that material filed with the State of Hawaii will not be acceptable if it was filed with that State prior to the enactment of Act 223, Session Laws of Hawaii 1967, and material filed with the State of Florida will not be acceptable if it was filed with the State prior to the enactment of section 478, Florida Statutes, effective August 1, 1967.

(b) A statement of Record or similar instrument filed in a State which is not named in paragraph (a) (1) or (2) and which has been allowed to become effective as a filing by the authorities in a State named in paragraph (a) (1) or (2) may not be filed with the Secretary for the purpose of complying with this section.

Issued at Washington, D.C., June 18, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Assistant Secretary for Mortgage Credit.

[F.R. Doc. 69-7403; Filed, June 23, 1969; 8:47 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket No. G-2793 etc.]

ATLANTIC RICHFIELD CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Accepting Notices of Succession for Filing, Redesignating FPC Gas Rate Schedules, Substituting Respondent, Redesignating Proceedings, and Dismissing in Part Petition To Amend

JUNE 12, 1969.

On March 17, 1969, Atlantic Richfield Co. (Petitioner) filed in Docket No. G-2793, et al., a petition to amend the orders issuing certificates of public convenience and necessity to Sinclair Oil Corp. (Sinclair) pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner in lieu of Sinclair as certificate holder, all as more fully set forth in the petition to amend and in the appendix hereto.

Petitioner merged Sinclair effective March 4, 1969, and proposes to continue the sales of natural gas heretofore authorized by the Commission to be made by Sinclair. Petitioner has filed notices of succession to the FPC gas rate schedules of Sinclair and a motion to be substituted as respondent in Sinclair's rate proceedings. Petitioner has heretofore filed a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issuing certificates to Sinclair should be amended as hereinafter ordered, that the notices of succession to the FPC gas rate schedules of Sinclair should be accepted for filing, that the related FPC gas rate schedules should be redesignated, that Petitioner should be substituted in lieu of Sinclair as respondent in the latter's rate proceedings, that said proceedings should be redesignated accordingly, and that the petition to amend should be dismissed in part.

The Commission orders:

(A) The orders issuing temporary and permanent certificates of public convenience and necessity to Sinclair are amended by substituting Petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Sinclair as applicant in all pending certificate proceedings, including those in which temporary certificates have been issued.

(C) The notices of succession to the FPC gas rate schedules of Sinclair are accepted for filing effective as of March 4, 1969, and the FPC gas rate schedules are redesignated as those of Petitioner as set forth in the appendix hereto.

(D) Petitioner is substituted in lieu of Sinclair as respondent in the latter's rate proceedings, and said proceedings are redesignated accordingly. Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(E) Sales authorized to be continued from the Southern Louisiana area are subject to the orders accompanying Opinion Nos. 546 and 546-A and all other orders which have been or which hereafter may be issued in Docket No. AR61-2, et al., including those orders relating to rate reductions, refunds, reports and compliance filings.

(F) The petition to amend is dismissed as moot with respect to the sales authorized in Docket Nos. G-4882 and CI64-1500 which have been permitted to be abandoned in Docket Nos. CI65-1271 and CI69-820.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

Certificate Docket No.	Sinclair R.S. No.	Atlantic R.S. No.	Rate suspension Docket No.
G-2887	1	330	
G-2888	2	331	
G-2889	3	332	
G-2890 and G-10282	4	333	RI64-3, RI66-85, and RI69-383.
G-2891	5	334	RI64-3, RI66-85, and RI69-383.
G-2892	6	335	RI64-3, RI66-85, and RI69-383.
G-2893	7	336	G-14060, RI65-75, and RI68-502.
G-2894, G-14350, and G-14889	8	337	RI64-3, RI65-75, and RI68-502.
G-2895	9	338	RI66-321.
G-2896	10	339	RI67-281.
	[13]		G-14060 and G-16534.
	[15]		RI60-215.
	[16]		RI60-215.
G-2903	17	340	RI60-215 and RI64-645.
G-2904	18	341	
G-2905	19	322	RI66-86 and RI68-585.
G-2913	27	343	
G-2914	28	344	G-14060, RI65-75, and RI68-530.
G-2916	30	345	RI66-86 and RI68-240.
G-2921	35	346	
G-2927	39	347	RI66-93.
G-2930	42	348	
G-4676	44	349	
G-4677	45	350	
G-7310	46	351	
G-7674	47	352	
G-8539	50	353	
G-8733 and G-14888	*51	*354	RI64-463.
G-8788	**52	**355	
G-8801	53	356	
G-8836 and G-13568	55	357	RI66-93.
G-9077	59	358	
G-8493, G-10456, and G-13020	61	[2] *359	RI64-395.[2]
G-8493	**62	**360	RI64-395.[2]
G-8493	*63	*361	RI64-256.[2]
G-8493	64	362	
G-8493	65	363	RI64-3, RI65-75, and RI68-520.
G-8493	66	364	
G-8493	67	365	
G-8493	68	366	
G-8493	70	367	
G-8493	71	368	RI64-3, RI65-38, and RI68-530.
G-8493	73	369	
G-8493	75	370	
G-9395	77	371	
G-9424	78	372	RI66-165 and RI68-286.
G-8493	82	373	
	[83]		RI64-3 and RI65-38.
G-10119	86	274	RI66-178 and RI67-28.
G-10179	87	375	
G-11414	*90	*376	RI64-465.
G-11551 and G-13567	92	377	G-14060, RI65-38 ,and RI68-520.
G-11587	93	378	RI66-177 and RI68-245.
G-11744 and G-15291	*94	*379	RI66-177 and RI67-260.
G-11229	*95	*380	
G-11229	*96	*381	
G-11229	97	382	RI66-119.
G-11229	99	383	
G-11229	101	384	

APPENDIX—Continued

Certificate Docket No.	Sinclair R.S. No.	Atlantic R.S. No.	Rate suspension Docket No.
CI61-1500	216	432	
G-2925, G-2924, G-2925, and G-2926	217	*433	
CI61-1766	218	434	RI66-165.
CI62-34	219	435	RI65-152.
CI62-96	*220	*436	
	1 221	437	RI65-39 and RI65-636.
CI62-287	223	438	RI65-38.
CI62-296	224	439	
CI62-297	225	440	
G-2966, G-2967, G-2968, and G-2969	226	441	RI66-86.
CI62-531	227	442	RI65-103.
CI62-530	*228	*443	
G-2906 and G-2907	*230	*444	
G-2930	232	445	
CI62-1070	233	446	RI67-317.
CI62-1398	234	447	RI67-430.
CI63-1705	235	[3] ***448	
CI63-538	*237	*470	RI66-83.
CI63-578	238	471	
CI63-603	*239	*472	RI66-86 and RI68-624.
CI63-1104	240	473	RI65-219 and RI68-627.
CI63-1025	243	474	RI67-79.
CI63-1523	244	*475	RI68-103.
CI63-1408	*245	*477	RI69-143.
CI63-1486	*246	*477	
CI64-12	*248	*478	
CI64-11	*249	**479	RI65-28.
CI64-1127	*250	[3] ***480	
CI63-1184	*251	*481	RI69-20.
G-2977	254	482	RI64-109 and RI64-733.
CI60-112	256	*484	RI65-44.
CI60-113	257	484	RI66-57.
CI60-114	*258	*485	RI66-66.
CI61-696	*259	*486	RI65-466.
CI64-121	*260	*487	
CI64-436	*261	*488	RI65-40.
CI64-546	*262	*489	RI69-377.
G-4580	*264	*490	
G-4537	*265	[3] ***492	RI61-437, RI64-108, RI65-108, and RI68-603.
G-4536	266	493	
G-4535	267	494	
G-4545	268	495	
G-4543	270	*496	
G-4547	*271	*497	
G-4546	272	498	RI64-108, RI64-483, and RI69-383.
G-4542	273	499	
G-4541	274	*500	
G-4539	275	501	RI64-106, RI64-493, and RI69-383.
G-4538	*276	502	
	*277	*503	
	1 279	504	RI60-213.
G-4881	*280	*505	
G-8880	*281	*506	
G-13941	**282	**507	RI68-290.
G-13954	283	508	
G-16760	*284	*509	
G-16099	**285	*510	RI64-119 and RI68-302.
CI61-1454	286	511	RI64-107.
CI64-436	**288	**512	RI64-106, RI64-489, and RI69-383.
G-4311	*289	*513	
G-4621	290	514	
G-3056	*291	515	RI68-541.
G-2703	**294	**516	
G-2825	**295	**517	
G-2831	296	518	
G-2829	297	519	RI66-394.
G-9783	*298	1 520	
G-10228	299	521	RI64-631.
	300	522	RI64-637.
	301	523	RI69-137.
	302	524	

APPENDIX—Continued

Certificate Docket No.	Sinclair R.S. No.	Atlantic R.S. No.	Rate suspension Docket No.
G-11229	102	385	
G-11229	105	386	
G-11229	106	387	
G-11229	116	388	
G-11229	128	389	
G-12134	135	390	RI66-178 and RI67-251.
G-12311	136	391	
G-12332	137	392	
G-12332	138	393	
G-12404	139	394	RI66-165.
G-12405	140	395	RI66-165.
G-12942	141	396	RI68-103.
G-12608	142	397	RI66-86.
G-10289	**143	*398	RI64-314.[2]
G-12850	144	399	RI67-430.
	1 145		RI65-38.
G-13128	146	400	RI66-321.
G-13329	147	401	
G-13393	148	402	
G-13350	149	403	
G-13385	150	404	
G-13701	152	405	RI66-178 and RI68-99.
G-13695	153	406	
G-13907	154	407	RI68-103.
G-14401	155	408	RI67-127 and RI68-103.
G-14497	156	409	RI67-127.
G-14628	*157	*410	RI66-97 and RI67-462
	1 158		RI65-38.
G-14791	161	411	RI66-86 and RI68-240.
G-16610	163	412	
G-16630	164	413	RI66-165.
G-13399	*165	*414	RI61-305.
G-16570	166	415	RI64-463.
	1 168		RI65-38.
G-17396	169	416	RI68-103.
G-17389	170	417	RI64-3 and RI65-38.
G-17847	171	418	RI66-165.
G-2922	172	*419	
	1 174	420	RI65-38.
G-18919	177	421	RI69-38.
G-19222	178	422	RI68-627.
G-18747	180	423	RI64-3, RI66-86, and RI69-383.
G-14498	181	424	RI66-165.
G-20057	182	425	RI66-165.
G-19885	*183	*426	RI66-166.
G-17017	*184	*427	
G-20297	185	428	RI66-165 and RI68-627.
G-20146	186	429	
G-19941	188	430	RI66-162.
G-19844	*189	*431	RI66-166.
G-17917	*190	*432	RI60-231, RI61-172, RI61-530, RI62-152,
G-20358	***192	1 433	RI63-131, RI64-257, RI65-219, and RI66-77.
G-17979	*193	*434	RI66-166.
CI60-460	195	435	RI68-240.
CI60-263	*196	1 436	
CI61-76	197	437	RI68-304.
CI61-220	199	438	RI68-108.
CI61-334	*200	*440	RI64-341 and RI68-520.
CI61-340	201	441	RI68-13.
CI61-498	202	442	
CI61-691	203	443	RI67-316, RI68-70, RI68-536, RI69-295, and
	*204	*443	RI69-302.
CI61-949	*205	*444	RI66-166.
CI61-1032	206	445	
CI61-1073	207	446	
CI61-1137	208	447	RI68-103.
CI61-1210	**212	**448	
CI61-1237	213	449	RI64-341, RI68-240, and RI68-520.
CI61-1461	214	450	RI64-3 and RI65-38.
CI61-1383	215	451	

See footnotes at end of table.

APPENDIX—Continued

Certificate Docket No.	Sinclair R.S. No.	Atlantic R.S. No.	Rate suspension Docket No.
C167-867	*371	*588	
C167-928	372	589	R165-319.
C167-1082	373	590	
C167-1205	374	591	
C167-1642	375	592	R166-146.
C168-1302	***393	***593	
C168-1302	***376	***594	R166-703.
C167-1599 [4]	*378	*595	
C167-365	379	596	R166-671.
C168-55	380	597	R169-21.
C168-130	381	598	R168-378.
C168-121 [4]	*382	*599	
G-20914 [4] G-2911	383	600	
C168-1151 [4]	384	601	
C168-196 [4]	385	602	
C168-197 [4]	*386	*603	
C168-672	387	604	
C168-737	388	605	
C168-867 [4]	389	606	
C168-1007 [4]	390	607	
C168-1058 [4]	391	608	R169-457.
C168-860	392	609	R169-457.
C168-1058 [4]	393	610	
C168-1240	394	611	
C169-110	*395	*612	
C168-1352 [4]	396	613	
C169-80	397	614	
C169-1001	398	615	
C169-981	399	616	
C169-663	400	617	
G-20182 [4]	401	618	
C169-812	402	619	R168-2.
C169-838 [5]	403	620	
C169-662 [6]	(7)	(7)	

AREA RATE AND OTHER PROCEEDINGS [8]

William Harvey Denman, trustee et al., Docket No. RI67-113 et al. [9]
Sinclair Oil Corp. et al., Docket No. G-10700 et al. G-19077 et al. [9] [10]
Atlantic Refining Co., Docket No. G-10073 et al. G-19077 et al. [9]
Union Texas Petroleum et al., Docket No. G-18221 et al.
Michigan Wisconsin Pipe Line Co., Docket No. RP68-20.
Area Rate Proceeding Docket No. AR61-1 [9]
Area Rate Proceeding Docket No. AR61-2, et al.
Area Rate Proceeding Docket No. AR64-1, et al.
Area Rate Proceeding Docket No. AR64-2, et al.
Area Rate Proceeding Docket No. AR64-1, et al.

*(Operator), et al.
**(Operator)
***et al.

[1] Sale abandoned, certificate terminated and rate schedule canceled but rate suspension proceeding still pending.
[2] Sale abandoned, certificate changed and to letter from Sinclair dated Dec. 10, 1968.
[3] Proceeding terminated by order of Dec. 5, 1968, accepting offer of settlement, etc.; however, required refunds for period prior to June 1, 1965, remain commingled pending further order of the Commission.
[4] Temporary certificate.
[5] Proceeding terminated by order of Jan. 25, 1966, accepting offer of settlement, requiring notice of change, etc.; however, required refunds remain commingled pending further order of the Commission.
[6] Sinclair is successor in interest to Oil Reserves Corp. (Operator) et al., respondent in Docket No. RI66-203.
[7] No certificate issued.
[8] Has not been assigned a rate schedule number.
[9] Proceedings terminated as to Sinclair, awaiting Commission's order directing disposition of refundable amounts.
[10] Formerly designated H.L. Hawkins & H.L. Hawkins, Jr., (Operator) et al., Docket No. G-19077 et al.

[F.R. Doc. 69-7311; Filed, June 23, 1969; 8:45 a.m.]

APPENDIX—Continued

Certificate Docket No.	Sinclair R.S. No.	Atlantic R.S. No.	Rate suspension Docket No.
G-10035	303	525	R166-345 and R168-286.
	1 304		R166-346.
G-10949	305	526	
G-12128	306	527	R166-345.
G-12949	307	528	
G-3145	308	529	R166-345.
G-3010	309	530	R166-345.
G-3009	310	531	R166-345.
G-4288	311	532	
C164-54	312	533	R169-602.
G-12308 [4]	313	534	R166-345.
C164-1447	314	535	R166-345.
C63-772	315	536	
C162-27	316	537	R168-716.
G-13138	**317	**538	R164-219 and R169-165.
C164-1481	318	539	
G-7258	320	540	
G-7256	321	541	
G-7272	322	542	
G-10968	323	543	
G-20016	325	544	
C165-76	*326	*545	
C164-1511	327	546	
C165-535	328	547	
C165-571	329	548	
G-2931	330	549	
C165-421	331	550	
C165-461	332	551	
C165-587	333	552	R169-383.
G-14562	334	553	
	*335	*554	G-19669 [1] G-19821, RI61-120, RI62-126, RI63-113, RI64-155, and R165-244.
C165-1174		*555	
C165-1257		*556	
C165-1150		557	R169-449.
C166-572		558	
C166-464 [4]		559	
C166-635		560	
C165-583		*561	
C166-822 [4]		562	R169-602.
C166-806		563	
C166-410		564	
C166-1004		565	
C166-1128		*566	
C161-464 [4]		567	
C166-1234		1 ***568	R167-316.
C166-1272		569	R166-203 [3]
C169-1292		570	R169-307.
C167-55		571	
C166-1166		572	
C167-182		573	
C167-209		***574	R167-252.
G-4544		575	
C167-363 and G-4544		576	R169-21.
C167-352		577	
C167-385		578	
C167-561		579	R169-383.
C167-173		580	
C167-690		581	
C167-703		582	
C167-792		583	
C167-786		*584	
		*585	R169-21.
		586	R169-137.

See footnotes at end of table.

[Docket No. G-4930 etc.]

PERMEATOR CORP. ET AL.

Findings and Order After Statutory Hearing

JUNE 16, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's Statement of General Policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Bachus Oil Co., Applicant in Docket No. CI69–902, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–10073 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 192. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68–2. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on June 11, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Docket Nos. G–4930, G–4931, G–10073, G–17795, CI60–61, CI61–100, CI61–121, CI61–1142, CI61–1523, CI62–511, CI63–234, CI64–1314, CI65–387, CI66–67, CI66–1297, CI 68–1110 and CI68–1163 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale heretofore authorized to be made in Docket No. CI63–1556 should hereafter be made pursuant to the authorization granted in Docket No. CI61–1523 and the certificate in Docket No. CI63–1556 should be terminated.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Bachus Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI68–2, that said proceeding should be redesignated accordingly, and that Bachus should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the

Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's Statement of General Policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. G–17795, CI69–965 and CI69–970 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Docket Nos. CI69–965 and CI69–970 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(c) Applicants in Docket Nos. CI69–965 and CI69–970 shall advise the Commission of any contemplated processing of the gas under the subject contracts.

(d) Sales authorized in Docket Nos. CI69–807 and CI69–808 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Further, the certificates are conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves for the first 2 years and to a 1 to 7,300 ratio of takes to reserves thereafter.

(e) The certificate in Docket No. CI69–866 is conditioned by limiting buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(f) The sale authorized in Docket No. CI69–982 shall be made at the initial rate of 15.0 cents per Mcf at 14.65 p.s.i.a.

(F) The rate schedule related to the certificate in Docket No. CI68–1163 is redesignated from FPC Gas Rate Schedule No. 1 to FPC Gas Rate Schedule No. 2.

(G) The orders issuing certificates in Docket Nos. G–17795, CI61–100, CI61–1523, CI63–234, CI64–1314, CI66–1297, CI68–1110 and CI68–1163 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The sale heretofore authorized to be made in Docket No. CI63–1556 shall be made pursuant to the authorization granted in Docket No. CI61–1523 in paragraph (G) above and the certificate heretofore issued in Docket No. CI63–1556 is terminated.

(I) The authorization granted in Docket No. CI63–234 in paragraph (G) above shall not be construed to relieve Applicant of any refund obligation which may be incurred in the related rate suspension proceeding pending in Docket No. RI69–57.

(J) The orders issuing certificates in Docket Nos. G–10073 and CI61–121 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI69–902 and CI64–1314, respectively.

(K) The orders issuing certificates in Docket Nos. G–4930, G–4931, CI60–61, CI61–1142, CI62–511, CI65–387 and CI66–67 are amended by substituting the successors in interest as certificate holders.

(L) The authorization granted in Docket No. CI66–67 involving the sale of gas by Horizon Oil & Gas Co. of Texas to its affiliate, Baca Gas Gathering System, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(M) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) Permission for and approval of the abandonment in Docket No. CI69–977 shall not be construed to relieve Applicant of any refund obligations in the related rate proceedings pending in Dockets Nos. G–20546 and RI65–541.

(O) The certificate heretofore issued in Docket No. G–4616 is terminated only with respect to Texaco, Inc., FPC Gas Rate Schedule No. 23.

(P) The certificates heretofore issued in Dockets Nos. G–10488, G–14677, G–20220, CI66–1095 and CI67–1497 are terminated.

(Q) Bachus Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI68–2, and said proceeding is redesignated accordingly.

(R) Within 30 days from the issuance of this order Bachus Oil Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI68–2. Unless notified to the contrary by the Secretary of the Commission within 30 day from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(S) Bachus Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, and the agreement and undertaking filed by it shall remain in full force and effect until discharged by the Commission.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4930 E 4–21–69	Permeator Corp. (Operator) et al. (successor to Westates Petroleum Co.).	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	Westates Petroleum Co., FPC GRS No. 6.	2	
			Supplement Nos. 1–3	2	1–3
			Notice of succession (undated).		
			Assignment 9–30–68 [1]	2	4
			Assignment 9–30–68 [2]	2	5
			Effective date: 9–30–68		
G–4931 E 4–21–69	do	Pennzoil United, Inc., Elk District, Kanawha County, W. Va.	Westates Petroleum Co., FPC GRS No. 5.	3	
			Supplement Nos. 1–2	3	1–2
			Notice of succession (undated).		
			Assignment 9–30–68 [1]	3	3
			Assignment 9–30–68 [2]	3	4
			Effective date: 9–30–68		
G–17795 C 2–24–69	Continental Oil Co. (Operator)[3]	El Paso Natural Gas Co., Ramsey Plant, Reeves and Culberson Counties, Tex.	Supplement agreement 2–3–69.	168	7
			Letter agreement 4–7–69 [4]	168	1 to 7
			Quality statement, 2–3–69 [5]	168	2 to 7
CI60–61 E 4–21–69	Permeator Corp. (Operator) et al. (successor to Westates Petroleum Co.).	Consolidated Gas Supply Corp., Big Sandy District, Kanawha County, W. Va.	Westates Petroleum Co., FPC GRS No. 7.	4	
			Supplement No. 1	4	1
			Notice of succession (undated).		
			Assignment 9–30–68 [1]	4	2
			Assignment 9–30–68 [2]	4	3
			Effective date: 9–30–68		
CI61–100 D 4–18–69	Horizon Oil & Gas Co. of Texas (partial abandonment).	Transwestern Pipeline Co., East Farnsworth Field, Ochiltree County, Tex.	Notice of partial cancellation 4–16–69 [7]	16	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI60–902 (G–10073) F 3–24–69	Bachus Oil Co. (successor to Humble Oil & Refining Co..	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Contract 1–17–56 [8]	8	
			Letter agreement 1–10–66	8	1
			Letter agreement 12–8–67	8	2
			Assignment 2–25–69 [9]	8	3
			Effective date: 3–1–69		
CI60–982 (G–4616) [10] B 4–11–69	Texaco, Inc.	El Paso Natural Gas Co., Waskom Field, Harrison, Rusk, Panola, Reagan County, Tex.	Notice of cancellation 4–8–69 [11]	23	14
CI60–964 A 4–17–69 [12]	Stuarco Oil Co., Inc.	Kansas-Nebraska Natural Gas Co., Inc., Red Lion Area, Sedgwick County, Colo.	Ratified 10–18–63 [13]	5	
			Contract 7–19–68 [14]	5	1
			Ratified 10–20–69 [15]	6	
			Contract 7–19–68 [14]	6	1
			Contract 2–6–69 [14]	9	
CI60–968 A 4–18–69 [12]	John H. Hill (Operator) et al.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	Notice of cancellation 4–14–69 [16]	390	1
CI60–969 B 4–17–69	Mobil Oil Corp.	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.			
CI60–970 A 4–17–69	Pennzoil United, Inc.[2]	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	Contract 4–8–69 [8]	33	
CI60–975 A 4–21–69 [12]	Harry A. Holtom	United Fuel Gas Co., Rocky Fork Field, Boone District, Kanawha County, W. Va.	Contract 3–19–69 [17]	1	
CI60–976 (CI66–1095) B 4–21–69	Cleary Petroleum Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Kismet Field, Seward County, Kans.	Notice of cancellation 4–18–69 [8]	20	3
CI60–977 (G–14677) B 4–21–69	Bachus Oil Co. (Operator) et al.	Cities Service Gas Co., Driftwood Field, Harber County, Kans.	Notice of cancellation 4–17–69 [8]	1	3
CI60–978 (G–20220) B 4–21–69	Cities Service Co.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	Notice of cancellation 4–17–69 [8]	2	3
				33	13
CI60–980 A 4–21–69 [12]	Beacon Resources Corp. (Operator) et al.	Cities Service Gas Co., acreage in Barber County, Kans.	Contract 4–2–69	1	
			Agreement 4–23–69 [18]	1	1
CI60–982 A 4–22–69 [12]	Jake L. Hamon [19]	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, and Kinta Field, Sequoyah County Okla.	Contract 4–3–69 [8]	55	

[1] From Westates Petroleum Co. to The Wolf Corp.
[2] Assignment of interest from The Wolf Corp. to Permeator Corp.
[3] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468–A.
[4] Amends the contract to delete the impermissible pricing provision and substitute a provision in accord with section 154.93 (b–1) of the regulations with regard to the production delivered by the Feb. 3, 1969 agreement.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[6] Source of gas depleted.
[7] Effective date: Date of this order.
[8] Applicant is successor to Suzanne H. Poole in Docket No. CI63–1556. Applicant and assignors are signatory parties to a basic agreement dated Mar. 10, 1969, as supplemented, which is to be filed as a rate schedule.
[9] Rufus G. Poole assigns interest in certain leases to his wife, Suzanne H. Poole.
[10] Suzanne H. Poole assigns all her interest in certain leases to McCulloch Oil Corp. of California (complete succession to interest covered by Rufus G. Poole and Suzanne H. Poole, FPC GRS No. 1. Therefore, the certificate in Docket No. CI63–1556 will be terminated).
[11] Rupe has succeeded Pentagon as operator but not as interest owner. Pentagon's interests transferred to "et al."
[12] Effective date: Date Rupe became operator (Rupe shall advise the Commission of the date that he became operator).
[13] Production of gas no longer economically feasible.
[14] By letter filed Mar. 10, 1969, Glen A. Martin requested that Houston Natural as operator in the field, cover

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI61–1142 E 4–21–69	Permeator Corp. (Operator et al. (Successor to Westates Petroleum Co.).	Pennzoil United, Inc., Big Sandy District, Kanawha County, W. Va.	Westates Petroleum Co., FPC GRS No. 8.	5	
			Supplement Nos. 1–4	5	1–4
			Notice of succession (undated).		
			Assignment 9–30–68 [1]	5	5
			Assignment 9–30–68 [2]	5	6
			Effective date: 9–30–68.		
CI61–1523 (CI63–1556) C 4–2–69 [4]	McCulloch Oil Corp. of California (successor to Rufus G. Poole and Suzanne H. Poole).	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	Assignment 1–31–64 [3]	14	4
			Assignment 12–28–66 [10]	14	5
			Effective date: 12–1–66.		
CI62–511 E 4–21–69	G. N. Rupe, agent (Operator) et al. (successor to Pentagon Corp., Inc. (Operator) et al.).	Cities Service Gas Co., acreage in Barber County, Kans.	Pentagon Corp., Inc. (Operator) et al., FPC GRS No. 2.	1	
			Supplement No. 1	1	1
			Notice of succession (undated). [11]		
CI63–234 D 4–20–68	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, La Flore County, Okla.	Notice of partial cancellation 5–16–68. [12]	333	25
CI64–1314 (CI61–121) F 3–19–69 [13]	Houston Natural Gas Production Co. (Operator) et al.	Valley Gas Transmission, Inc., Seiita Field, Duval County, Tex.	Assignment 9–30–68 [1]	14	7
			Effective date: 4–1–68		
			Amendment 3–11–69 [10]	14	8
			Effective date: 4–19–69		
CI65–387 E 4–21–69	Permeator Corp. (Operator et al. (Successor to Westates Petroleum Co.).	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	Westates Petroleum Co., FPC GRS No. 9.	1	
			Supplement No. 1	1	1
			Notice of succession (undated).		
			Assignment 9–30–68 [1]	1	2
			Assignment 9–30–68 [2]	1	3
			Effective date: 9–30–68.		
CI66–67 E 4–9–69	Horizon Oil & Gas Co. of Texas (successor to Shell Oil Co.).	Baca Gas Gathering System, Inc., Flank and Midway Fields, Baca County, Colo.	Shell Oil Co., FPC GRS No. 320	27	
			Supplement Nos. 1–2	27	1–2
			Notice of succession 4–8–69.		
			Assignment 2–14–69 [1]	27	3
			Effective date: 3–1–69		
CI66–1297 C 4–15–69 [14]	Thomas A. Dugan	El Paso Natural Gas Co., Twin Mounds Area, San Juan Basin, San Juan County, N. Mex.	Notice of partial agreement 4–11–69. [15]	6	6
CI68–1110 C 4–21–69 [14]	Cleary Petroleum Corp. (Operator) et al.	Northern Natural Gas Co., North Sand Area, Elk City Field, Beckham	Agreement 2–10–69.	5	1
CI68–1163 C 4–17–69 [14]	W. M. Gallaway et al.	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	Supplement agreement 3–27–69 [16]	2 [2]	1
			Supplement agreement 3–27–69 [16]	2	2
CI69–807 A 2–28–69 [14]	Erwin L. Cox	Northern Natural Gas Co., Kiowa Creek (Upper Morrow Oil) Field, Lipscomb County, Tex.	Contract 2–10–69	74	
			Compliance 4–21–69 [21]	74	1
CI69–808 A 2–27–69 [14]	Phillcon Development Co.	do	Contract 2–10–69	2	
CI69–853 A 3–10–69 [14]	Cecil Townsend	Equitable Gas Co., Union District, Ritchie County, W. Va.	Compliance 4–1–69 [21]	2	1
			Contract 2–24–69 [1]	1	
CI69–965 A 4–16–69	Stelco '68, Ltd.[3]	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	Contract 4–8–69 [1]	2	
CI69–966 A 3–13–69 [14]	Stonehenge Oil Co., Inc. (Operator) et al.[22]	Natural Gas Co. Inc., Mallen Ranch Area and Natrona Counties, Wyo.	Contract 12–10–68	1	
			Letter of Agreement 11–20–68. [14]	1	1

See footnotes at end of table.

Martin's interests acquired from Richard M. Finder doing business as Texkan Oil Co., the acreage is covered under Texkan's FPC GRS No. 10 (effective rate thereunder is 14 cents).

[15] Assigns Texkan's interests in two leases to Martin. Houston also has interests in these leases.

[16] Provides for 15 cents settlement rate for Martin's interests. By letter dated Mar. 13, 1969, Houston stated it has no objection to inclusion of Martin's interests in the settlement.

[17] From Shell Oil Co. to Horizon Oil & Gas Co. of Texas.

[18] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.

[19] For gas produced from Ben Ute Well No. 2 (Mesa Verde) Supplement No. 1 and for gas produced from Ben Ute Well No. 3 (Dakota) Supplement No. 2, respectively.

[20] Applicant's rate schedule was erroneously designated as FPC GRS No. 1 by order dated May 31, 1968 issuing a certificate in Docket No. C168-1163.

[21] Complies with temporary certificate issued Mar. 28, 1969; Applicant stated willingness to accept a permanent certificate conditioned to a take-or-pay obligation limited to a 1 to 3,650 ratio of reserves for the first 2 years and a 1 to 7,300 ratio of reserves thereafter.

[22] By letter filed May 13, 1969, Applicant agreed to accept a permanent certificate conditioned to the buyer not being required to take-or-pay for a daily quantity of more than 1 to 7,300 Mcf of reserves.

[23] Between Stonehenge and North Central Oil Corp., whereby North Central agrees to asssme the cost of drilling the Madden No. 5 Well or other wells on specified acreage in return for the assignment of a portion of Stonehenge's interest.

[24] Currently on file as Humble Oil & Refining Co., FPC GRS No. 192.

[25] From Humble Oil & Refining Co. to Buchus Oil Co.

[26] Other sales covered under Docket No. G-4616; therefore, the certificate in said docket will be terminated only with respect to Texaco, Inc., FPC GRS No. 23.

[27] Ratifies contract dated July 19, 1968, between Continental Oil Co. and Kansas-Nebraska Natural Gas Co., Inc.

[28] Ratifies contract dated July 19, 1968, between E. Lyle Johnson and Kansas-Nebraska Natural Gas Co., Inc.

[29] Covers the sale of gas from the Newburg Formation.

[30] Corrects description of acreage dedicated under the contract (filed May 26, 1969).

[31] Contract rate is 16 cents; by letter filed May 7, 1969, Applicant stated willingness to accept a permanent certificate at 15 cents Mcf.

Suggested general undertaking in accordance with Order No. 377

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ------, 196--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 69-7312; Filed, June 23, 1969; 8:45 a.m.]

[Docket No. G-4820 etc.]

TEXACO INC. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 16, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price Per Mcf	Pressure base
G-4820 ..... C 6-2-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Raymondville Field, Willacy County, Tex.	[1] 17.0	14.65
G-7241 ..... C 6-2-69	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
G-7726 ..... E 5-20-69	Koch Development Corp. (successor to Fred C. Koch), Post Office Box 2256, Wichita, Kans. 67201.	El Paso Natural Gas Co., San Juan Basin Area, San Juan County, N. Mex.	[2] 14.0	15.025
G-8949 ..... E 5-9-69	R. P. Isaacs (successor to Eustace Gas Co.), West Hamlin, W. Va. 25571.	Pennzoil United, Inc., Sheridan District, Lincoln County, W. Va.	12.0	15.325
G-8958 ..... E 5-9-69	R. P. Isaacs (successor to Wiley Gas Co.).	....do.....	12.0	15.325
G-12368 ..... E 5-20-69	Koch Development Corp. (successor to Fred C. Koch).	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0	15.025
G-16149 ..... D 5-23-69	MAPCO Production Co., 800 Oil Center Bldg., Tulsa, Okla. 74119 (partial abandonment).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price Per Mcf	Pressure base
G-17548 ..... C 3-13-69 [3] 5-26-69 [4]	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
G-20333 ..... E 5-23-69	Texas Oil & Gas Corp. (successor to Cities Service Oil Co.), 2520 Fidelity Union Tower, Dallas, Tex. 75201.	United Gas Pipe Line Co., North LaWard Field, Jackson County, Tex.	[5] 14.1792	14.65
C160-383 ..... E 5-26-69	Clinton Oil Co. (successor to James A. Wood, Trustee (Operator) et al.), 6810 West Highway 54, Wichita, Kans. 67209.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South La Reforma Field, Starr County, Tex.	17.2437	14.65
C162-861 ..... E 5-20-69	Koch Development Corp. (successor to Fred C. Koch).	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[6] 14.0	15.025
C162-910 ..... E 5-29-69	Union Texas Petroleum, a division of Allied Chemical Corp. (successor to Neches Petroleum Corp.), Post Office Box 2120, Houston, Tex. 77001.	Texas Gas Pipe Line Corp., North Big Hill Field, Jefferson County, Tex.	15.0	14.65
C164-1481 ..... D 5-26-69	Atlantic Richfield Co. (successor to Sinclair Oil Corp.), Post Office Box 521, Tulsa, Okla. 74102 (partial abandonment).	Cities Service Gas Co., Groendyke Area, Barber County, Kans.	(7)	.....
C165-739 ..... D 5-28-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020 (partial abandonment).	Michigan Wisconsin Pipe Line Co., Kings Bayou Field, Cameron Parish, La.	Uneconomical	.....
C166-543 ..... E 5-20-69	Koch Development Corp. (successor to Fred C. Koch).	El Paso Natural Gas Company Basin-Dakota Field, Rio Arriba and San Juan Counties, New Mexico.	[8] 13.0	15.025
C166-1213 ..... C 5-29-69	J. Gregory Merrion (Operator) et al., Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Company Ballard Pictured Cliffs Field, Sandoval County, New Mexico.	13.0	15.025
C167-193 ..... 4-21-69 [9]	Eason Oil Co. (Operator) et al., c/o Robert J. Emery, attorney, Lytle, Soule & Emery, 2210 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Company West Sharon Field, Woodward County, Oklahoma.	[8] 17.0	14.65
C167-266 ..... 4-21-69 [9]	Evelynn M. Windolph, c/o Robert J. Emery, attorney, Lytle, Soule & Emery, 2210 First National Bldg., Oklahoma City, Okla. 73102.	....do.....	[8] 17.0	14.65
C167-267 ..... 4-21-69 [9]	Robert L. Shorney, c/o Robert J. Emery, attorney, Lytle, Soule & Emery, 2210 First National Bldg., Oklahoma City, Okla. 73102.	....do.....	[8] 17.0	14.65
C167-268 ..... 4-21-69 [9]	Floyd Blaine, c/o Robert J. Emery, attorney, Lytle, Soule & Emery, 2210 First National Bldg., Oklahoma City, Okla. 73102.	....do.....	[8] 17.0	14.65
C167-280 ..... 4-21-69 [9]	Ben J. Shaw, c/o Robert J. Emery, attorney, Lytle, Soule & Emery, 2210 First National Bldg., Oklahoma City, Okla. 73102.	....do.....	[8] 17.0	14.65
C167-286 ..... C 5-26-69	Monsanto Co. (Operator) et al., 1300 Main St., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	[10] 15.0	14.65
C167-286 ..... C 5-26-69	....do.....	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	[10] 15.0	14.65
C167-751 ..... C 5-27-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Southwest Fort Supply Field, Woodward County, Okla.	[8] 17.0	14.65
C167-1103 ..... 5-23-69 [11]	Sue Trammell Whitfield and W. B. Trammell, Jr., Houston Natural Gas Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria and Matagorda Counties, Tex.	14.0	14.65
C168-650 ..... D 5-26-69	Texas Oil & Gas Corp. (Operator) et al.	Cities Service Gas Co., Mocane-Laverne Area, Beaver County, Okla.	(12)	.....
C168-848 [13] ..... E 5-26-69	Clinton Oil Co. (successor to Wood Brothers (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lockhart Field, Starr County, Tex.	16.0	14.65
C168-909 [14] (C169-1127) C 6-2-69	L. O. Ward (Operator and Agent) et al., 1420 Lahoma Road, Enid, Okla. 73701.	Arkansas Louisiana Gas Co., Enid Area, Garfield County, Okla.	15.0	14.65

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price Per Mcf	Pressure base
C168-1164 ..... E 5-26-69	Clinton Oil Co. (successor to James A. Wood, Trustee (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., La Reforma Field, Starr County, Tex.	[15] 15.6	14.65
C168-1407 ..... C 6-2-69	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Equitable Gas Co., Otter District, Braxton County, W. Va.	27.0	15.325
C169-103 ..... E 5-26-69	Clinton Oil Co. (successor to James A. Wood, Trustee (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Hargill Field, Hidalgo County, Tex.	[16] 15.0 [17] 16.0	14.65
C169-107 ..... E 5-26-69	....do.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., San Salvador Field, Hidalgo County, Tex.	[16] 15.6	14.65
C169-591 ..... C 5-23-69	J. C. Baker & Son, Inc.....	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	27.0	15.325
C169-1094 ..... (C168-63) F 5-23-69	Edwin G. Staats (successor to H. H. Champlin et al.), 700 First National Bank Bldg., Enid, Okla. 73701.	Oklahoma Natural Gas Gathering Corp.,[18] Ringwood Field, Major County, Okla.	12.0	14.65
C169-1095 ..... A 5-23-69	Greenbrier 68 Limited et al., Post Office Box 297, Dallas, Tex. 75221.	South Texas Natural Gas Gathering Co., Jeffress Field, Hidalgo County, Tex.	17.8	14.65
C169-1096 ..... A 5-23-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Block 206, Ship Shoal Area, Offshore Louisiana.	21.25	15.025
C169-1097 ..... A 5-5-69	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Southern Natural Gas Co., Blocks 273, 305, and 306, Main Pass Area, Gulf of Mexico.	[8] 21.25	15.025
C169-1098 ..... A 5-26-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Grand Isle Blocks 33 and 34, and West Delta Blocks 95 and 96, Offshore Louisiana.	21.25	15.025
C169-1099 ..... A 5-26-69	....do.....	Natural Gas Pipeline Co. of America, Grand Isle Blocks 33 and 34, and West Delta Blocks 95 and 96, Offshore Louisiana.	21.25	15.025
C169-1100 ..... B 5-26-69	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Texas County, Okla.	Depleted	
C169-1102 ..... A 5-23-69	Chester Board, agent, Box 41, Dunbar, W. Va. 25064.	United Fuel Gas Co., Contrary Creek Field, Lawrence County, Ky.	16.0	15.325
C169-1107 ..... (G-18933) F 5-26-69	Texas Oil & Gas Corp. (Operator) et al (successor to Apache Corp.).	Michigan Wisconsin Pipe Line Co., Mocane Field, Beaver County, Okla.	[8] 17.0	14.65
C169-1108 ..... A 5-26-69	Deephole Gas Co., c/o James S. Ray, coowner, 718 Kanawha Valley Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	20.0	15.325
C169-1109 ..... (G-10083) F 5-26-69	Herman Geo. Kaiser (successor to Texaco, Inc.), 909 Palace Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	[20] 12.0	14.65
C169-1110 ..... A 5-26-69	Beech Creek Gas Co., c/o James S. Ray, coowner, 718 Kanawha Valley Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Magnolia District, Mingo County, W. Va.	22.0	15.325
C169-1112 ..... B 5-26-69	Marathon Oil Co.....	Natural Gas Pipeline Co. of America, Camrick Southeast Gas Pool, Beaver County, Okla.	Depleted	
C169-1114 ..... A 5-27-69	Paul F. Barnhart et al., 600 Post Oak Bank Bldg., Houston, Tex. 77027.	Natural Gas Pipeline Co. of America, Frost (Smackover) Field, Cass County, Tex.	15.0	14.65
C169-1115 [21] ..... A 5-27-69	Southland Royalty Co., c/o Bernard A. Foster, III, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Seabreeze Pass Field, Terrebonne Parish, La.	21.25	15.025
C169-1117 ..... A 5-28-69	Cities Service Oil Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Blocks 95 and 96, and Grand Isle Blocks 33 and 34, Offshore Louisiana.	21.25	15.025
C169-1124 ..... A 5-29-69	Edwin L. Cox, Operator, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Cimarron Transmission Co., acreage in Love County, Okla.	[8] 17.0	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price Per Mcf	Pressure base
C169-1125 ..... A 6-2-69	Atlantic Richfield Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Blocks 33 and 34 and West Delta Blocks 95 and 96, Offshore Jefferson and Plaquemines Parishes, La.	21.25	15.025
C169-1126 ..... A 6-2-69	Brad's Petroleum Co., Suite 211, 4040 North Lincoln, Oklahoma City, Okla. 73105.	El Paso Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
C169-1128 ..... A 6-2-69	King Resources Co., c/o Hayden J. Upchurch, 700 Houston Natural Gas Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Port Allen Field, West Baton Rouge Parish, La.	20.0	15.025
C169-1129 ..... B 6-2-69	Jake L. Hamon (Operator) et al., c/o Wm. Taylor LaGrone, attorney, Post Office Box 663, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., North Riverside Field, San Patricio County, Tex.	Depleted	
C169-1130 ..... A 6-3-69	Paul M. Toce, c/o J.A. Dykes, attorney, 1500 Beck Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	21.25	15.025
C169-1131 ..... B 6-3-69	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Texas Eastern Transmission Corp., North Mission Valley Field, De Witt County, Tex.	Depleted	
C169-1132 ..... A 6-2-69	Atlantic Richfield Co.....	Michigan Wisconsin Pipe Line Co., Ship Shoal Block 206 Field, Offshore Terrebonne Parish, La.	21.25	15.025
C169-1134 ..... A 5-27-69	W.R. Smith et al., c/o W. R. Smith, trustee, Hindman, Ky. 41822.	United Fuel Gas Co., acreage in Knott County, Ky.	16.0	15.325

[1] Contract provides for rate of 17 cents per Mcf; however, Applicant states its willingness to accept certificate at 16 cents per Mcf.
[2] Rate in effect subject to refund in Docket No. RI65-639 (includes 1 cent per Mcf minimum guarantee for liquids). An increase in rate to 14 cents (excluding minimum guarantee for liquids) has been suspended in Docket No. RI69-536, but not yet made effective.
[3] Application previously noticed Mar. 26, 1969 in Docket No. G-8785 et al. at a total initial rate of 12.0495 cents per Mcf.
[4] Amendment to application filed to reflect a total initial rate of 13 cents per Mcf in lieu of 12.0495 cents.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Rate in effect subject to refund in Docket No. RI65-639 (includes 1 cent per Mcf minimum guarantee for liquids).
[7] Well is no longer capable of producing gas in commercial quantities.
[8] An increase in rate to 14 cents per Mcf has been suspended in Docket No. RI69-536, but not yet made effective.
[9] Amendment to certificate filed to add low-pressure gas.
[10] Subject to reduction for compression and/or treating costs, if required.
[11] Application to amend certificate to revise average daily contract quantity, extend the contract term and provide for new price schedule to apply during extended term.
[12] Deletes Sec. 24-T5N-R7ECM which was inadvertently included in amendatory agreement dated Jan. 24, 1969 (Supp. No. 1 to Applicant's FPC GRS No. 52).
[13] Pending—temporary authorization granted only.
[14] Application was erroneously assigned Docket No. CI69-1127. Docket No. CI69-1127 is cancelled and application will be processed as a petition to amend the certificate in Docket No. CI68-969.
[15] Rate in effect subject to refund in Docket No. RI67-273.
[16] Gas well gas.
[17] Casinghead gas.
[18] Rate in effect subject to refund in Docket No. RI67-272.
[19] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[20] Subject to B.t.u. adjustment.

[F.R. Doc. 69-7313; Filed, June 23, 1969; 8:45 a.m.]

[Docket No. RI68-259 etc.]

HUNT OIL CO. ET AL.

Order Requiring Refunds and Terminating Proceedings in Part

JUNE 16, 1969.

Hunt Oil Co., Docket No. RI68-259, Hassie Hunt Trust, Docket No. RI68-263, H. L. Hunt, Docket No. RI68-264, Texas Gas Transmission Corp., Docket No. RP69-38.

On November 20, 1968, each of the above-named respondents filed a motion to terminate its respective above-docketed section 4(e) proceeding. On November 16, 1967, each of the respondents filed an increase in rate from the certificated initial rate of 18.25 cents to 19.75 cents per Mcf of natural gas at 15.025 p.s.i.a. under its respective rate schedules for sales made to Texas Gas Transmission Corp. in North Louisiana.[1]

By Commission order issued December 8, 1967, the proposed increased rates were suspended until June 1, 1968, and, thereafter, were made effective, subject to refund, upon expiration of the suspension period.

On October 10, 1968, the respondents filed notice of change in rate reducing the effective rates from 19.75 cents to 18.25 cents per Mcf at 15.025 p.s.i.a. under each of its respective rate schedules. By letter order issued November 1, 1968, the proposed reductions in rate were made effective as of October 1, 1968.

In the instant motion, each respondent proposed to refund the monies collected subject to refund under each of its rate schedules for June 1, 1968 to October 1, 1968, and requests that the Commission thereafter terminate the above-docketed proceeding applicable to it.

Since each respondent proposes to refund all monies collected subject to refund by it, with applicable interest, good cause exists to terminate these proceedings.

On May 3, 1968 (while the rates here involved were still under suspension) we issued our Opinion No. 540 in Texas Eastern Transmission Corp., Docket No. RP66-12 (34 FPC 630). In that opinion we announced the general policy that refunds accruing to any pipeline subsequent to the date of that opinion would have to be flowed through in appropriate portion to the pipelines jurisdictional customers. That opinion also stated that it was the pipeline's responsibility to protect its rights by filing a tracking rate increase.

We conclude that Texas Gas is obligated to flow through the proportionate amount of the refunds accruing hereunder to its jurisdictional customers. Therefore, we are impleading Texas Gas Transmission Corp. on our own motion and instituting in Docket No. RP69-38 a new proceeding concerning Texas Gas' flow through obligations as determined herein.

It appears that these refunds aggregate the nominal amount of approximately $3,400, and are of insufficient size to effectuate a distribution to the jurisdictional customers. We shall, therefore, require Texas Gas to retain these amounts until the amounts available to it for refund equal $50,000 as provided in its settlement agreement in Docket No. RP67-10 approved by our order issued November 8, 1966 (36 FPC 835).

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that the above-docketed section 4(e) proceedings be terminated as hereinafter provided.

The Commission orders:

(A) The motions filed by each of the respondents in the above-docketed proceedings on November 20, 1968, are granted.

(B) Each of the respondents shall compute the difference between the rate of 19.75 cents collected subject to refund in the above-entitled proceedings from June 1, 1968 to October 1, 1968, and the presently effective rate of 18.25 cents per Mcf of natural gas at 15.025 p.s.i.a., under each of its subject rate schedules, with applicable interest to the date of this order, and shall, within 15 days from the date of issuance of this order, submit a report to this Commission of the amount of refunds related to each of said rate schedules for the period specified, showing separately the principal and applicable interest.

(C) A copy of each of the refund reports required by ordering Paragraph (B) hereof shall be served on Texas Gas Transmission Corp. and within 10 days from receipt of such reports it shall file with the Commission its written concurrence or disagreement thereto, and if it disagrees the reason therefor, and shall serve a copy thereof on each of the respondents herein.

(D) If Texas Gas Transmission Corp. files a concurrence in the refund reports with the Commission, the respondents shall 10 days thereafter pay to Texas Gas Transmission Corp. such refund monies involved, and each shall forthwith file with the Commission a receipt and discharge therefor.

(E) Upon compliance by the respondents with the terms and provisions of this order the section 4(e) proceedings in Dockets Nos. RI68-263 and RI68-264 shall terminate, and the proceeding in Docket No. RI68-259 shall terminate only insofar as Hunt's FPC Gas Rate Schedules Nos. 47 and 53 are concerned, all without further order of the Commission.

(F) Texas Gas Transmission Corp. shall retain the refunds received hereunder until such time as the total amount it has available for refund to its customers aggregates $50,000, and thereupon it shall flow through the proportionate share applicable to each jurisdictional customer in accordance with the procedures in its stipulation in RP 67-10 and our order thereon issued November 8, 1966 (36 FPC 835).

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7377; Filed, June 23, 1969; 8:45 a.m.]

[1] The sales are made under the following rate schedules: Hunt Oil Co., FPC Gas Rate Schedules Nos. 47 and 53; Hassie Hunt Trust, FPC Gas Rate Schedule No. 25, and H. L. Hunt, FPC Gas Rate Schedule No. 31.

[Docket No. RI69-405]

NATIONAL COOPERATIVE REFINERY ASSOCIATION

Order Accepting Notice of Change in Rate and Terminating Proceeding

JUNE 16, 1969.

On November 29, 1968, National Cooperative Refinery Association (National) filed a notice of change in rate, designated as Supplement No. 3 to its FPC Gas Rate Schedule No. 6, proposing a rate increase from 12 cents to 12.5727 cents per Mcf of natural gas at 15.025 p.s.i.a., for its jurisdictional sale to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska) in Natrona County, Wyo. The justification for the proposed increase in rate was stated to be contractually provided for tax reimbursement. National made the proposed increased rate effective, subject to refund, on January 2, 1969.

Although the proposed increased rate did not exceed the applicable area increase rate ceiling of 13 cents per Mcf (section 2.56, rules of practice and procedure, general policy and interpretations under the Natural Gas Act) it was suspended for 1 day in Docket No. RI69-405 because Kansas-Nebraska protested the stated contractual basis for the proposed increase. National now proposes to decrease its rate to 12 cents per Mcf of natural gas at 15.025 cents, and requests that Docket No. RI69-405 be terminated. National in support of its request avers that it has not collected any portion of the rate increase involved in Docket No. RI69-405.

The proposed decrease in rate to 12 cents per Mcf for this sale, designated as Supplement No. 4 to National's FPC Gas Rate Schedule No. 6, shall be accepted for filing, and the proceeding in Docket No. RI69-405 shall be terminated.

The Commission orders: Supplement No. 4 to National's FPC Gas Rate Schedule No. 6 is accepted for filing effective as of January 2, 1969, and the proceeding in Docket No. RI69-405 is terminated.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7378; Filed, June 23, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order No. 701, Amdt. 8]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

1. The heading of Part IV is amended to read:

PART IV—REDELEGATION OF SPECIFIC AUTHORITY TO MANAGER, EASTERN STATES LAND OFFICE AND MANAGERS, OUTER CONTINENTAL SHELF OFFICES

2. Section 4.5 is amended to read:

Section 4.5—The Manager, Outer Continental Shelf Office, New Orleans, La.,[a] is authorized to take all actions on the following matters as listed in Part I of this order.

3. A new Section 4.6 is added as follows:

Section 4.6—The Managers of the Outer Continental Shelf Offices are authorized to take all actions in their respective areas of responsibility in connection with the following:[a]

(a) The making of determinations respecting the compliance or noncompliance of mineral leases issued by a State with the requirement of Section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.): *Provided*, That such determinations shall be submitted to the Solicitor for concurrence.

(b) Mineral leases pursuant to the Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), and the regulations under 43 CFR Part 3380, except the issuance of calls for the submission of requests for oil and gas or other mineral lease offerings pursuant to 43 CFR 3382.1 and the publication of notices of the offer of lands for lease pursuant to 43 CFR 3382.3.

4. Paragraph (a) of section 4.10 is amended to read:

§ 4.10 Designation of Acting Officials.

(a) The Managers of the Outer Continental Shelf Offices, may be written order, designate any qualified employee of the office to perform the functions of the manager in his absence.

[a] The New Orleans Outer Continental Shelf Office has responsibility for the Gulf of New Mexico and the Atlantic coast. The Los Angeles Outer Continental Shelf Office has responsibility for the Pacific coast.

5. Part VIII is amended to read as follows:

PART VIII—REVOCATION

Part VIII, Bureau of Land Management Orders Nos. 575 and 684, as amended, are revoked. Any redelegation of authority pursuant to these orders not inconsistent with the delegations herein made, shall continue in force until revoked or suspended.

JOHN O. CROW, *Associate Director.*

JUNE 18, 1969.

[F.R. Doc. 69-7381; Filed, June 23, 1969; 8:45 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 16, 1969.

Notice of a Bureau of Land Management, U.S. Department of the Interior application, Riverside 06638, for withdrawal and reservation of lands for the protection of Indian Petroglyphs and related artifacts, was published as F.R. Doc. 65-4542, on page 6123 of the issue for Friday, April 30, 1965. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2311, such lands at 10:00 a.m. on July 21, 1969, will be relieved of the segregative effect of the above mentioned application.

WALTER F. HOLMES, *Assistant Land Office Manager.*

[F.R. Doc. 69-7380; Filed, June 23, 1969; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

BALL BEARINGS FROM JAPAN

Antidumping Proceeding Notice

JUNE 10, 1969.

On February 28, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that precision miniature and instrument ball bearings from Japan, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

Precision miniature ball bearings includes all ball bearings whose outside diameters are less than 0.3543 inches (9mm). Precision instrument ball bearings are those with outer diameters between 9 and 30mm (0.3543" to 1.1811"), manufactured to specified (ABEC 5 or better) tolerances.

The information was submitted by MPB Corp., Keene, N.H.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices for home consumption are higher than the prices of the merchandise sold for exportation to the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-7407; Filed, June 23, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

PALO ALTO AIR TRAFFIC CONTROL TOWER, CALIF.

Notice of Commissioning

Notice is hereby given that on June 15, 1969, the Airport Traffic Control Tower at Palo Alto, Calif., 1909 Embarcadero Road, will be operationally commissioned. This information will be reflected in the FAA Organization Statement the next time it is reissued. Communications to the Palo Alto Airport Traffic Control Tower should be addressed as follows:

Palo Alto Airport Traffic Control Tower, Department of Transportation, Federal Aviation Administration, 1909 Embarcadero Road, Palo Alto, Calif. 94303

Issued in Los Angeles, Calif., on June 11, 1969.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 69-7395; Filed, June 23, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20882]

SERVICE TO FORT MYERS, SARASOTA-BRADENTON AND ORLANDO CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 17, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Evidence requests, motions, statements of positions, and proposed procedural dates shall be filed with the Examiner and all parties before July 10, 1969.

Dated at Washington, D.C., June 18, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7414; Filed, June 23, 1969; 8:47 a.m.]

[Docket No. 19255; Order 69-6-108]

EAST COAST POINTS-EUROPE SERVICE INVESTIGATION

Order Separating Proceeding Into Two Phases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of June 1969.

By Order E-25991 (Nov. 17, 1967) and Order E-26731 (May 1, 1968), the Board instituted the subject investigation and defined its scope.

The issues involved in the case, as in any international route proceeding, may be separated into two general categories: (1) the need for service on the routes (including the number of carriers); and (2) the selection of a carrier or carriers to provide the service.

Not to be regarded as a precedent in other proceedings, the Board has decided to divide this proceeding into two phases. The first phase will be solely concerned with the question of whether there is a need for first or competitive single-plane and single-carrier U.S. flag service from points in the United States through the east coast coterminals previously put in issue in this proceeding to the foreign points designated in Order E-25991; and if so, how many carriers should be selected to provide it.

We are directing the Examiner to proceed with the first phase of the case through prehearing conference and hearing and to recommend a decision to the Board. In the trial of such first phase, the applicants will, of course, be permitted to support the need for the routes they propose with the evidence customarily produced in prosecuting applications for foreign air transportation certificates. The Board will then decide the case on the questions specified above and submit its decision to the President for approval.

The second phase of the case, involving selection of carrier issues (as to those routes found by the President to be required) will not be processed until after the President has returned his decision in the first phase to the Board.

Selection of carrier issues will be tried only as to those routes found by the President to be required; and the carriers open for selection may be limited by conditions, if any, which have been prescribed by the President in the course of the first phase.

Such second phase will proceed through the normal hearing procedures to final Board decision. Section 801 of the Federal Aviation Act will require that the Board's decision on this phase as well be submitted to the President for approval, but the President's task at this stage will involve the choice between or among carriers, and therefore, it seems unlikely that significant international relations or national defense problems will exist.

Accordingly, it is ordered, That:

1. The instant proceeding be divided into two phases to be hereinafter designated "The Need for Service Phase" and "The Carrier Selection Phase".

2. The Need for Service Phase be set for hearing promptly at a time and place to be hereafter determined.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7415; Filed, June 23, 1969; 8:48 a.m.]

[Docket No. 20084; Order 69-6-98]

AMERICAN AIRLINES, INC., ET AL.

Order Denying Temporary Exemptions and Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of June 1969.

Applications of American Airlines, Inc., Northwest Airlines, Inc., and Trans-World Airlines, Inc., for an exemption under section 416(b) of the Federal Aviation Act of 1958, as amended, Dockets Nos. 20084, 20153, 20154, 20200; Chicago-Baltimore Nonstop Service Investigation, Docket 21101.

American Airlines, Inc. (American),[1] Northwest Airlines, Inc. (Northwest),[2] and Trans-World Airlines, Inc. (TWA),[3] have applied for authority by exemption to provide unrestricted nonstop service between Chicago and the Washington/Baltimore area through Friendship International Airport. In addition, Northwest has applied for an exemption permitting it to serve the Washington/Baltimore area through Friendship Airport on flights serving segments 2 and 9 of its route 3.[4]

In support of their applications, both American and Northwest assert that increasing traffic demands and the present saturation of the facilities of Washington National Airport require that they be permitted to accommodate additional Washington area traffic through Friendship Airport, in the interest of avoiding further congestion at National.[5] Each argues that of the two alternative Washington airports to National, Dulles, and Friendship, Friendship is a more convenient alternative outlet than Dulles for many Washington metropolitan area passengers, and that the present demand for service at Dulles does not warrant the addition of additional schedules at that airport at this time.

In addition, American argues that both of its nonstop competitors in this market, TWA and United, are free to choose between each of the three area airports in providing Chicago-Washington service; that there is no longer any justification for retention of condition (3) of American's certificate;[6] and that American's inability to provide service through Friendship is not in the public interest and is an undue burden upon the carrier.

Northwest asserts that the economic soundness of its proposal in Docket 20153 is demonstrated by the size of the Baltimore-Chicago market (528 O&D passengers per day in the fourth quarter of 1967), as contrasted with the relatively limited volume of service now being provided, and that its proposed service in Docket 20154 between Friendship Airport and Cleveland, Detroit, Milwaukee, and Minneapolis-St. Paul is needed in view of existing inadequate service in each of these markets. Northwest contends that, under these circumstances, enforcement of the Act and the Board's regulations to prevent the operation of its proposed services would constitute an undue burden on Northwest and is not in the public interest.

In support of its application in Docket 20200, TWA asserts that no need for retention of its long-haul restriction still exists, since it was originally imposed to protect Capital which has since been absorbed by United; and that grant of its limited request would permit it to achieve cost savings and added flexibility without adverse impact on any other carrier.

Answers supporting and opposing the foregoing requests were filed by a number of parties,[7] and replies to the answers submitted were filed by Northwest in Dockets 20153 and 20154, and by American in Docket 20084.

Upon consideration of the pleadings and all of the relevant facts, we have decided to deny each of the applications before us.

None of the applicants have demonstrated a need for additional unrestricted nonstop service in the Chicago-Baltimore (or Chicago-Washington) market sufficient to justify resort to our extraordinary exemption power.[8]

With respect to Northwest's application in Docket 20154 seeking an exemption permitting it to serve this area through Friendship Airport in providing service to and from Cleveland, Detroit, Milwaukee, and Minneapolis-St. Paul, we are not persuaded that a sufficient showing of public need for the proposed services, or undue burden on the carrier, has been made to warrant grant of the requested exemption. In addition, service in the Baltimore-Milwaukee/Minneapolis-St. Paul markets is presently at issue in the pending Twin Cities-Milwaukee Long Haul Investigation, Docket 19097.

We have concluded, however, that several factors appear to warrant institution of an investigation into the need for additional unrestricted nonstop service in the Baltimore-Chicago market. At this time, United is the only carrier holding unrestricted nonstop authority in the subject market. As noted earlier, TWA, the only other Baltimore-Chicago nonstop carrier, is subject to a long-haul restriction requiring that it serve Kansas City, or a point west thereof, on all nonstop flights conducted between Chicago and Baltimore.[9] In our view, the size of the Baltimore-Chicago market, which amounted to 135,310 passengers in 1967 (approximately 185 passengers per day in each direction), is sufficient to justify consideration of additional unrestricted nonstop authority in this market. We wish to emphasize, however, that it is our desire to focus attention upon the need for additional service between Baltimore and Chicago, and, to this end, we will not entertain applications for authority to provide service between Chicago and Washington, notwithstanding that the particular application may propose to serve Washington through Friendship Airport.[10]

Accordingly, in order to limit the scope of the proceeding, and thereby to avoid undue complication of the issues and delay, we will consolidate only those applications which seek new or improved Chicago-Baltimore authority.

Accordingly, it is ordered, That:

1. The applications of American Airlines, Inc., in Docket 20084, Northwest Airlines, Inc., in Dockets 20153 and 20154, and Trans World Airlines, Inc., in Docket 20200 be and they hereby are denied;

2. The applications of Northwest Airlines, Inc., in Docket 20149 and Trans-World Airlines, Inc., in Docket 19655, to the extent that they conform to the issues as delineated above, be and they hereby are set for consolidated hearing

[1] In Docket No. 20084, filed August 7, 1968, American seeks an exemption from condition (3) of its certificate for route 25, which prohibits, inter alia, the conduct of nonstop flights between Chicago and Baltimore, in order to permit it to utilize Friendship Airport in providing authorized nonstop service between Chicago and Washington. In the alternative, American requests that the Board affirm that an Airport Notice, filed by American on December 10, 1958, is sufficient to authorize service to the Washington/Baltimore area through Friendship Airport.

[2] In Docket No. 20153, filed August 27, 1968, Northwest seeks an exemption permitting it to operate nonstop flights between Chicago and Baltimore, pending final decision on its application for the same authority by certificate amendment in Docket No. 20149. Northwest's present certificate for route 3 authorizes it to operate between Chicago and Washington, but requires a stop at either Cleveland or Detroit, which are segment junction points.

[3] In Docket No. 20200, filed September 6, 1968, TWA seeks unrestricted Chicago-Baltimore nonstop authority through exemption from condition (6) of its certificate for route 2, which requires, inter alia, that all nonstop flights conducted by TWA between Chicago and Baltimore must originate or terminate at Kansas City, or a point west thereof, pending final decision on its application for this authority by certificate amendment in Docket No. 19655.

[4] In Docket No. 20154, filed August 27, 1968, as amended on August 28, 1968, Northwest seeks exemption authority permitting it to provide service between Friendship Airport, on the one hand, and Cleveland, Detroit, Milwaukee, and Minneapolis-St. Paul, on the other. It presently possesses certificate authority between Washington, D.C. (through Dulles and National) and each of these points.

[5] Northwest also urges that grant of the the exemption would avoid some further congestion at Chicago's O'Hare Airport, since four of its six proposed daily flights would serve Chicago through Midway Airport.

[6] Condition (3) was placed on American's certificate for route 25 in the Middle Atlantic Area Case, 9 CAB 131 (1948) in the interest of protecting Capital Airlines' predecessor, Pennsylvania Central Airlines. Capital has since been absorbed by United Air Lines, United-Capital Merger Case, 33 CAB 307 (1961).

[7] American's application in Docket 20084 is opposed by Allegheny, TWA, and United. The Baltimore and Maryland parties support American's request.

Northwest's application in Docket 20153 is opposed by Allegheny, American, TWA, and United. Its request in Docket 20154 is opposed by Allegheny, TWA (in part), United, the Metropolitan Washington Board of Trade, and the Virginia Airports Authority et al. The Baltimore and Maryland parties, and the Commission support the application.

TWA's application in Docket 20200 is opposed by American.

[8] We also disagree with American's suggestion that use of the airport notice procedure may be an appropriate means of permitting it to institute service at Friendship Airport, notwithstanding the existence of condition (3) of its certificate barring Chicago-Baltimore nonstop authority. Airport notices are designed to permit the implementation of authority authorized by the Board, and constitute an entirely inappropriate vehicle for circumventing restrictions on operating authority presently in force.

We are cognizant that, in Order E-24132, Aug. 29, 1966, the Board granted approval of an airport notice filed by Eastern Air Lines, Inc., proposing to provide its Washington, D.C.-Bermuda service through Friendship Airport instead of National. The Board noted, however, that Eastern was the only U.S. carrier providing Bermuda service to this area; that Eastern was urged by the FAA to shift some of its service out of National because of congestion at that airport; and that the approval of service to Washington through Friendship is temporary in nature. Because of the special circumstances involved in that case, we do not view it as supporting American's contention. See also, Order E-25324, June 20, 1967.

[9] As of Jan. 1, 1969, United and TWA were offering a total of 11 daily schedules in each direction between Chicago and Baltimore, including nine eastbound nonstop flights, and eight nonstops westbound.

[10] With five carriers presently providing Chicago-Washington service (American, Eastern, Northwest, TWA, and United), we are unable to perceive any need for consideration of additional authority in this market.

in a proceeding to be known as the Chicago-Baltimore Nonstop Service Investigation, Docket 21101;

3. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings shall be filed not later than 10 days thereafter; and

4. This proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7416; Filed, June 23, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18385, 18386; FCC 69R-273]

HARRY D. AND ROBERT E. STEPHENSON AND CHINA GROVE BROADCASTING CO.

Memorandum Opinion and Order Modifying and Enlarging Issues

In re applications of Harry D. Stephenson and Robert E. Stephenson, Lexington, N.C., Docket No. 18385, File No. BP-17021; China Grove Broadcasting Co., China Grove, N.C., Docket No. 18386, File No. BP-17686; for construction permits.

1. This proceeding involves the mutually exclusive applications of Harry D. Stephenson and Robert E. Stephenson (Stephensons) and China Grove Broadcasting Co. (China Grove) for authorizations to construct new standard broadcast stations at Lexington and China Grove, N.C., respectively. It was designated for hearing by memorandum opinion and order, 15 FCC 2d 335, 14 RR 2d 945, released December 5, 1968, on various issues, including a § 1.65 issue as to both applicants and a limited financial issue to determine the manner in which the Stephensons will obtain additional funds to construct and operate their proposed station. Presently before the Review Board is a petition to delete/modify and enlarge issues, filed December 26, 1968, by China Grove.[1] The petition requests the Review Board to delete the § 1.65 issue insofar as it relates to China Grove and to enlarge the issues against the Stephensons by the inclusion of inquiries into compliance with §§ 1.526 and 1.580(f)(10) of the rules, cost of construction, and various matters relating to the Stephensons' technical proposal. Also before the Review Board is a further petition to enlarge issues, filed March 17, 1969, by China Grove,[2] requesting the addition of the following issue to this proceeding:

> To determine with respect to Harry D. Stephenson and Robert E. Stephenson, the circumstances surrounding the information originally supplied the Commission as to the size, location and cost of the proposed transmitter-studio site and whether in light thereof, the Stephensons failed to reveal or otherwise attempted to conceal facts pertinent to their application.[3]

Deletion of § 1.65 issue. 2. The petitioner contends that the specification of a § 1.65 issue as to its application was based on a mistake of fact. It notes that the issue was designated against it for its apparent failure to disclose in its application that Ray A. Childers, then a principal of China Grove, was also a principal in a pending application for Eden, N.C. (BP-17493). However, China Grove requests the Review Board to take official notice of the fact that its application, as originally filed, made reference to Mr. Childers' interest in an application for Spray, N.C. (BP-17493); that, subsequent to the filing of the Spray application, Spray and two other communities were consolidated into the city of Eden, N.C.; that, on November 2, 1967, the Spray application was amended to specify Eden, N.C., as the proposed station's location; and that the Spray-Eden application retained the same file number. On this basis, the petitioner concludes that the Commission was under the misapprehension that the Spray application was different from the Eden application when, in fact, they were identical. The Broadcast Bureau, in its comments, supports China Grove's factual allegations and petitioner's request for deletion of the § 1.65 issue.[4] The circumstances set forth by the petitioner reveal that the Commission was indeed under a misapprehension concerning the identity of the Spray and Eden applications and that the § 1.65 issue was specified on the basis of factual error. Such circumstance warrant departure from our usual practice of refusing to delete issues on the basis of post-designation pleadings or amendments. Therefore, the Board will modify existing Issue 5 in this proceeding, as requested, in order to delete the § 1.65 inquiry directed against China Grove. See Salter Broadcasting Co., 8 FCC 2d 212, 10 RR 2d 14 (1967).

Sections 1.526 and 1.580(f)(10) issue. 3. China Grove asserts that a review of the public notice which the Stephensons published concerning the filing of their Lexington application reveals the absence of any identification of the location of a public inspection file. It is petitioner's position that this failure not only illustrates the fact of the Stephensons' noncompliance with the publication requirements of § 1.580(f)(10) of the rules, but also raises a question as to whether the Stephensons have ever maintained a local public file, pursuant to the provisions of § 1.526, since the tender of their application to the Commission. On this basis, the petitioner requests an issue to determine whether the Stephensons have complied with the requirements of these rules. The Broadcast Bureau, in commenting on this request, notes the following facts: (1) The Stephensons' application was originally tendered for filing on April 12, 1965; (2) a notice of publication, pursuant to § 1.580, was submitted on April 12, 1965; (3) the notice did not disclose the existence or the location of a local public inspection file; (4) on September 15, 1965, the Commission returned the Stephensons' application as unacceptable for filing for its failure to support a requested § 1.569 waiver; (5) the application was retendered for filing on November 22, 1965; and (6) no other notice of publication concerning the filing of the Lexington application could be found in the application or associated papers. The Bureau also points out that the requirement to maintain a local public file, by the terms of § 1.526, is not applicable to applications tendered for filing on or before May 13, 1965, or to applications tendered for filing after that date which contain major amendments to applications tendered on or before May 13, 1965. Although the Bureau notes that the retendered Stephensons' application was not an amendment of the first application and that, therefore, it appears that the Stephensons have violated the provisions of both §§ 1.526 and 1.580(f)(10), it concedes that the exceptions to § 1.526, noted above, are possibly ambiguous and that the noncompliance appears to have been unintentional and not to have prejudiced any person. Ultimately, the Bureau recommends denial of petitioner's request if the Stephensons, in their responsive pleading, demonstrate such an unintentional omission and a present willingness to comply with the requirements of the rules in question.

4. In their opposition to China Grove's request, the Stephensons deny any conscious attempt to keep the existence of a local public file a secret and attribute their noncompliance to confusion stemming from the belief that republication of the retendered application was unnecessary. They also point out that the public notice of designation for hearing, published by them on January 16, 17, 23, and 24, 1969, did set forth existence and location of a local public inspection file, and they argue that, therefore, they have complied with Commission requirements. China Grove, in its reply, disagrees with the Bureau that either the intent of the applicant or the existence of prejudice is a relevant consideration in this situation; in any event, the petitioner alleges that both it and the public have been prejudiced by the Stephensons' noncompliance. Finally, China Grove notes that the Stephensons' responsive pleading fails to support its allegations of intention with an appropriate affidavit of a person with knowledge of the facts.

5. The Review Board agrees with the Broadcast Bureau that, given the possible ambiguity of the note to § 1.526(a)(1) and given the Stephensons' establishment of a local public file and publication of a notice of the file's location, the applicant's original failure to comply with the requirements of §§ 1.526 and 1.580(f)(10) can be considered to be the result of unintentional and excusable error which, contrary to China Grove's bare allegations, has not been shown to have prejudiced the parties or the public. Even though China Grove correctly points out that the Stephensons have not provided the proper documentation of their contention of unintentional omission, we do not find that such a defect is fatal to our conclusion to deny the request in these circumstances. The chronology of events in this proceeding, the language of the note to § 1.526(a)(1) and the Stephensons' voluntary compliance with the requirements of both § 1.526 and § 1.580(f)(10) are adequate support for the conclusion that the original noncompliance was due to unintentional omission. Since the Stephensons have admitted their earlier failure to comply with the requirements of these rules, which admission is readily accepted by the petitioner, and since we can accept the allegations concerning the nature of said noncompliance, we can see no value in adding the requested issue or an issue inquiring into the effects of noncompliance where, as here, we fail to see how any decisional significance can attach to the matter in terms of the Stephensons' requisite or comparative qualifications. We must point out, however, that our action here is prompted by the factual considerations noted above and should not be interpreted to mean that we will condone the failure of parties to support factual allegations with appropriate documentation in the context of other proceedings.

Issues relating to technical proposal. 6. Petitioner requests the addition of the following issues to this proceeding which relate to the Stephensons' technical proposal:

(a) The exact location and boundaries of the proposed transmitter site and antenna system.

(b) The exact size of the antenna ground system which the applicant proposes and which the property will allow.

(c) The exact nature of irregular[ly] terrain features on or within the immediate vicinity of the proposed transmitter site.

(d) Whether, in light of the evidence adduced pursuant to (a), (b), and (c) above, and in view of the short spacing between towers proposed, the proposed antenna system will meet minimum RMS and can be adjusted and maintained.

In support of these requested issues, China Grove submits the verified statement of its consulting engineer who notes the following alleged deficiencies in the Stephensons' engineering proposal: (1) The plat of the Stephensons' proposed transmitter site on the topographic map does not agree with the geographic coordinates, a difference of approximately 0.25 mile; (2) the sketch of the antenna ground system does not show reference to roads or other markings which would delineate the site; and (3) the ground elevation of the proposed towers does not agree with either of the sites shown by the application. Petitioner claims that the inaccuracy in the location of the site raises numerous questions as to where the actual site is located, what the terrain features are at the actual site, whether there is an FAA clearance problem because of a higher ground elevation, whether the proposed contours are affected, and whether the varying elevations at the site, the limited ground system and the short-spaced towers 60° will affect the tunability of the directional antenna system, i.e., whether the array can be adjusted and maintained as proposed, and will permit the array to meet minimum antenna efficiency of 175 mv/m (RMS).

7. The Broadcast Bureau supports the request for a site location issue on the theory that site location is critical to a determination of contours under the areas and populations issue and to the question of FAA clearance. The Bureau also is of the opinion that the petitioner has raised significant questions as to the suitability of the Stephensons' site which would warrant an appropriate issue unless the Stephensons satisfactorily respond to the points made by China Grove's consulting engineer. In opposition to the petitioner's request, the Stephensons admit that the proposed site has been incorrectly identified but state that it was through an "honest mistake" and that a corrective amendment is being concurrently filed which indicates the actual transmitter site proposed by them. The Stephensons also attach affidavits of their consulting engineer who asserts that the proposed change in site does not result in any interference problems and does not significantly alter any contour locations, service areas or population data. The Stephensons contend further, through their consulting engineer, that the 10-foot difference in elevation between towers is considered to be negligible; that the ground system would cover 90 percent of the area that would normally be used with the type of array proposed here and will not affect the operation or efficiency of the antenna system; and that the proposed antenna system will not cause any problems in adjustment allowing a RMS well above the minimum efficiency of 175 mv/m. In reply to the responsive pleadings, China Grove's engineer contends that the Stephensons' property will allow for only 78.5 percent of the area of a normal 0.25 wave length ground system and that there still exists a substantial question as to whether the proposed antenna system will meet the minimum RMS value based upon the less than normal ground system, the use of less than 0.25 wave length towers and the short-spacing between the towers.

8. The Stephensons' amendment of February 24, 1969, noted above, which was accepted by the Hearing Examiner by memorandum opinion and order, FCC 69M-331, released March 18, 1969, effectively moots those questions which have been raised by China Grove concerning the Stephensons' site location. In addition, we do not believe that petitioner has adequately supported its contentions concerning the suitability of the site and whether the proposed antenna system will meet minimum antenna efficiency and can be adjusted and maintained as proposed. Petitioner has not satisfactorily responded to the major points raised by Stephensons' engineer that: (1) The shortened radials will not affect the operation or efficiency of the directional array; (2) the area enclosed by the proposed ground system is 90 percent of the area that would normally be used with this type of antenna system; (3) a 10-foot variation in terrain elevation between the towers is negligible; and (4) the antenna system will allow a calculated RMS of 186 mv/m, well above the minimum efficiency of 175 mv/m. It should be noted that even a reduction of as much as 10 mv/m in expected RMS as a result of the shortened ground system, as the petitioner urges, would still result in the Stephensons' proposal meeting minimum RMS. Without further substantiation of the petitioner's claims in this regard, therefore, we are not persuaded that the remaining issues relating to the Stephensons' technical proposal should be added to this proceeding.

Lack of candor issue. 9. In support of its request for an issue to determine whether the Stephensons attempted to conceal information from the Commission concerning the size, location and cost of their proposed transmitter site, China Grove first notes that the Stephensons' original application listed $12,000 for the acquisition of land, while their amendment of February 24, 1969, states that land is "on hand" and allocates $5,000 towards the remodeling of a building. Petitioner asserts that, in investigating this apparent discrepancy and in searching the land records in Lexington, N.C., its co-counsel discovered a lease agreement, dated March 31, 1965, and a deed of trust, dated March 31, 1966, both involving the Stephensons. China Grove contends that it appears certain that the 3 acres which are the subject of the lease agreement and the deed of trust is the property intended by the Stephensons to be used as their proposed transmitter site since:

[1] Related pleadings before the Review Board are: (a) Comments, filed Feb. 7, 1969, by the Broadcast Bureau; (b) opposition, filed Feb. 24, 1969, by the Stephensons; (c) reply, filed Mar. 17, 1969, by China Grove; and (d) petition for leave to accept late reply, filed Mar. 17, 1969, by the Stephensons. In item (d), noted above, Stephensons' counsel indicate that they had volunteered to file China Grove's reply pleading on Mar. 12, 1969, after service of said pleading on them by China Grove, but that, through inadvertence, the reply was not filed until Mar. 17, 1969. Since "good cause" has been shown for the delay in the filing of China Grove's reply, the pleading will be accepted by the Board for consideration herein.

[2] Related pleadings before the Board are: (a) Opposition, filed Apr. 1, 1969, by the Stephensons; (b) comments, filed Apr. 4, 1969, by the Broadcast Bureau; and (c) reply, filed Apr. 23, 1969, by China Grove.

[3] In its Mar. 17, 1969, petition, China Grove also requested a zoning issue; however, it withdrew its request in its reply pleading, filed Apr. 23, 1969.

[4] In the final paragraph of its comments, the Broadcast Bureau states that it "* * * oppose the deletion of the section 1.65 issue as it relates to China Grove Broadcasting * * *." A reading of the pleading, taken as a whole, makes it clear that the Bureau supports the deletion of the section 1.65 issue as to China Grove and that the contrary language in its final paragraph is the result of an error.

(1) Petitioner's engineer has found that the 3 acres correspond exactly to the eastern two-thirds of the amended plat of the Stephensons' proposal; and (2) an option to purchase the land involved in the lease agreement is identical in amount ($12,000) to the estimated cost of land acquisition in the Stephensons' original application. In view of these facts and the contention of its engineer that the 3 acres are totally insufficient to contain an adequate ground system, China Grove argues that the Stephensons must have been aware that the land was inadequate and that their estimate of $12,000 to acquire sufficient land for the proposal was unrealistic. Thus, the petitioner contends that the "above noted facts provide at least an explanation for the failure of [the Stephensons' original application] to contain the precise boundaries of the transmitter site".

10. In their opposition to this request, the Stephensons, through the attached affidavit of Robert E. Stephenson, confirm that the land which is the subject of the lease agreement and the deed of trust is the land which they intend to use as their transmitter site. They reiterate their contention that the error as to site location in the original application was innocent, and they state that the actual transmitter site which they intended to use from the time of the filing of their original application is the same site which is specified in their amendment of February, 1969. In addition, the Stephensons point out that, at the time they obtained the lease and the option to purchase the 3 acres, they were advised that the ground system could be adequately provided for either by acquiring an easement on adjoining property to bury certain of the radials of the system, or by adding extra copper ground screens at the tower bases and additional stub radials and that, therefore, the 3 acres were sufficient to contain an adequate ground system. Finally, the Stephensons reveal that they obtained a $4,500 option on January 20, 1969, for an additional 1½ acres of land contiguous to the original 3 acres in order to make certain that sufficient land is available. The Broadcast Bureau also opposes the petitioner's request and contends that China Grove has failed to allege facts which would establish that the Stephensons failed to reveal or sought to conceal information regarding the location or size of their site. The Bureau also notes that China Grove alleges that the land owned by the Stephensons comprises only two-thirds of the land indicated by their amended plat whereas the Stephensons' opposition indicates they have an option to purchase an additional 1½ acres.

11. In reply, China Grove points to the Stephensons' admission that it was their intention to either acquire easements on adjoining property or add copper ground screens and stub radials; the petitioner notes that these facts were not contained in the engineering exhibits submitted with the Stephensons' application. Petitioner argues that the $12,000 land acquisition estimate was known by the Stephensons to be unrealistic since they were aware that additional land purchases, easements or equipment would be necessary. China Grove notes that the February 1969, amendment shows land "on hand", with 1½ acres merely on option; that, according to the deed of trust, the eastern boundary of the site corresponds to the middle of Raleigh Road which means that the Stephensons cannot use the full 3 acres for their ground system; and that neither the Stephensons' original application nor their amendment describes the eastern boundary of the site with respect to Raleigh Road. Finally, China Grove notes that an aerial photograph, attached to the Stephensons' opposition, shows at least two buildings within the confines of the proposed transmitter site and that the deed of trust also refers to a "building", but that the plat of the proposed site, as originally filed or as amended, fails to indicate the presence of obstructions which, petitioner contends, would further restrict the employment of the ground system.

12. The Review Board is of the opinion that the requested issue should be added to this proceeding. A serious question of whether the Stephensons have been lacking in candor concerning the cost of their proposed transmitter site is raised by a key discrepancy in their February 24, 1969, amendment. That amendment indicates that the land for the transmitter site is "on hand", and the revised plat of the site in the same amendment indicates that it consists of approximately 4½ acres. However, the Stephensons admit in their opposition to the further petition to enlarge issues that they actually have purchased 3 acres, which represents the land originally option for $12,000 and noted in their original application. It is apparent, therefore, that 1½ acres of the proposed 4½ acre site were not on hand at the time of the February 1969, amendment. It is revealed for the first time in their opposition to the further petition to enlarge issues, filed April 1, 1969, that the Stephensons obtained an option on the additional 1½ acres on January 20, 1969. No mention is made of this new option in the February 24th amendment. Moreover, the failure of the Stephensons to fully inform the Commission of the cost of their proposed transmitter site extends back to the time of the filing of their original application. In his affidavit attached to the Stephensons' opposition, Robert E. Stephenson states that the site specified in the February 24th amendment is the actual site which he and his brother intended to use at the time of the filing of the original application on November 22, 1965. Yet, in their original application, the Stephensons allocated only $12,000 for the acquisition of land, which represented the option price on the 3 acres subsequently purchased and which sum was obviously inadequate for the purchase of the entire 4½ acres indicated in the February 24, 1969, amendment and, by their own admission, the site that the Stephensons intended to specify in their original application. In view of the foregoing, an issue will be added to this proceeding to determine whether the Stephensons have been lacking in candor in regard to their apparent failure to disclose information in their application concerning the cost of land acquisition for their proposed transmitter site.

Cost of construction issue. 13. In its initial petition to the Review Board, China Grove also requests an enlargement of the limited financial issue presently specified against the Stephensons in order to determine whether the cost of construction of the proposed station, as estimated in the Stephensons' application, is realistic. In support of this request, China Grove submits the affidavit of its consulting engineer who asserts that the Stephensons will require an additional $10,000 in order to construct the proposed station. More specifically, petitioner's engineer is of the opinion that the estimate for technical equipment (transmitter, antenna system and monitors) is currently understated by about $5,000;[5] that the required proof of performance of the directional antenna system will result in an additional expense of $2,100; and that the clearing and leveling (if necessary) of the proposed transmitter site will require an additional $2,000. Considering these factors plus other miscellaneous expenses,[6] the petitioner contends that the Stephensons who originally estimated total construction costs of $35,212, will need an additional $10,000, excluding such items as wiring, furniture, fixtures, and records, in order to construct their proposed station.

14. The Broadcast Bureau, in its comments, states that China Grove's allegations are sufficient to warrant the requested enlargement of the financial issue unless satisfactorily rebutted by the Stephensons. In their opposition to the petitioner's request, the Stephensons contend that the request is premature in view of their subsequent tendering of a petition for leave to amend their application with the Hearing Examiner. The amendment, which modifies the Stephenson's financial proposal, reflects a new estimate of $30,300 for technical equipment, a $5,000 estimate for acquiring, remodeling or constructing buildings, an estimate of $5,000 for preair expenses and a projection of $70,000 for first-year operating expenses. The amendment also includes substantiation of a proposed bank loan of $100,000 with appropriate endorsements and a letter of credit from a proposed equipment supplier in the total amount of $30,300. The Stephensons contend that these commitments resolve any question concerning their financial ability to construct and operate the proposed facility. Petitioner, in its reply, disputes the contentions that the request for an expanded financial issue is premature and that the financial amendment resolves the question of the Stephensons' financial qualifications. Even accepting the Stephensons' revised estimates for the purpose of argument, China Grove points out that approximately $97,000 of the $100,000 in available funds will be required to cover the equipment down payment and first-year payments on principal and interest, the cost of remodeling or constructing a building, preair expenses and first-year operating costs. In addition, the petitioner notes that a question still exists as to whether the Stephensons' proposed transmitter site is large enough to contain an adequate ground system. Finally, China Grove questions whether the new estimate of $5,000 for other preair expenses is sufficient to cover the costs estimated by its consulting engineer as necessary, as well as the costs of such items as freight, furniture, fixtures, etc.

15. By memorandum opinion and order, FCC 69M-331, released March 18, 1969, the Hearing Examiner granted the Stephensons' petition for leave to amend their financial proposal. The amendment, which contains a revised estimate of $30,300 for technical equipment and a total construction cost estimate of $40,300, effectively moots China Grove's objections to the Stephensons' original projections for technical equipment. Since we have already declined to include an inquiry in this proceeding concerning the suitability of the Stephensons' transmitter site, we must also reject petitioner's attempt to supplement its showing in support of an expanded financial issue on speculative assertions regarding the suitability of the proposed site. Nevertheless, we are of the opinion that an inquiry into the basis of the Stephensons' estimates for construction costs is warranted. Petitioner's assertion that the Stephensons' estimate of $5,000 for preair expenses is insufficient to cover the costs estimated by its consulting engineer as necessary as well as the costs of such items as freight, furniture, fixtures, etc., is well taken and has not been adequately answered by the Stephensons. Even though the recent amendment to the Stephensons' application reflects an increase in the budgeted amount for miscellaneous expenses from $2,500 to $5,000, we must note the items claimed by petitioner as necessary expenses (proof of performance, clearing and leveling of transmitter site, etc.) amount to $5,000, exclusive of the costs of items such as freight, furniture, fixtures, and the like. In addition, as our discussion concerning the request for a lack of candor issue indicates, the Stephensons rely on a transmitter site of 4½ acres (on which basis we declined to include a site suitability issue in this proceeding), and, yet, the option price of $4,500 for the additional 1½ acres of land apparently has not been included in the recent projection of construction costs by the Stephensons. We also note that the Stephensons do not dispute the petitioner's allegations concerning additional expenses but merely state that their recent amendment answers all questions of financial ability. Since these additional expenses noted by the petitioner and by the Board exceed the small cushion that now exists over and above estimated construction and operating costs (approximately $3,500)[7] and since there is no indication in the amendment or the opposition pleading that repayments of principal and interest under the equipment credit arrangement are included in projected operating costs, we cannot dismiss or discount the effect that such higher construction costs may have upon the Stephensons' financial qualifications. We will, therefore, grant petitioner's request, and we will expand the financial issue in this proceeding to include an inquiry into the basis of the Stephensons' estimates for construction costs.

16. *Accordingly, it is ordered,* That the petition for leave to accept late reply, filed March 17, 1969, by Harry D. Stephenson and Robert E. Stephenson, is granted, and the reply, filed March 17, 1969, by China Grove Broadcasting Co., is accepted; and

17. *It is further ordered,* That the petition to delete/modify and enlarge issues, filed December 26, 1968, by China Grove Broadcasting Co., and the further petition to enlarge issues, filed March 17, 1969, by China Grove Broadcasting Co., are granted to the extent indicated below and are denied in all other respects; and

18. *It is further ordered,* That Issues 3 and 5 in this proceeding are modified to read as follows:

3. To determine, with respect to the application of Harry D. and Robert E. Stephenson:

(a) The basis of the applicant's estimated construction costs and whether such estimates are reasonable.

(b) The manner in which the applicant will obtain additional funds to construct and operate the proposed station for 1 year.

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

5. To determine whether Harry D. Stephenson and Robert E. Stephenson have submitted complete and accurate information in response to the Commission's Form 301, and have continued to keep the Commission advised of substantial and significant changes as required by § 1.65 of the Commission's rules; and

19. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Harry D. Stephenson and Robert E. Stephenson were lacking in candor in failing to reveal facts pertinent to their application concerning the cost of their proposed transmitter site and, if so, what effect such conduct has on the requisite and comparative qualifications of the Stephensons to be a Commission licensee; and

20. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added in paragraph 19 above will be on China Grove Broadcasting Co. and the burden of proof under such issue will be on Harry D. Stephenson and Robert E. Stephenson.

Adopted: June 18, 1969.

Released: June 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7410; Filed, June 23, 1969; 8:47 a.m.]

[5] China Grove's engineer offers the following comparison between his projection and the estimate for technical equipment contained in the Stephensons' application:

	Stephensons' proposal	China Grove's projection
Transmitter	$5,205.00	$5,795.00
Antenna System	10,867.00	14,382.00
Frequency and Modulation Monitors	1,550.00	1,745.00
Studio Technical Equipment	3,000.00	3,795.00
Total	20,712.00	25,717.00

[6] Other miscellaneous expenses are estimated at $610 and include such items as out-of-pocket expenses for conducting the proof of performance, reproduction of maps, filing fee, etc.

[7] Our use of $3,500 as the anticipated financial cushion assumes that the Stephensons are able to meet the limited financial issue (availability of funds) now outstanding against them.

[8] Board Member Stone absent and Board Member Berkemeyer concurring.

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of Central Park First National Bank, Orange County, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of

the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 17th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7379; Filed, June 23, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2546]

AMOSKEAG CO.

Notice of Filing of Application for Order of Exemption

JUNE 16, 1969.

Notice is hereby given that Amoskeag Co. ("Applicant"), Suite 4500, Prudential Center, Boston, Mass. 02199, a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the proposed acquisition from Applicant by persons who may be deemed affiliated persons of Applicant or affiliated persons of affiliated persons of Applicant (other than the persons referred to below as "The Dumaines Group") of securities and cash in connection with the proposed invitation by Applicant to holders of its common stock ("Shares") for tenders of Applicant's Shares as described below. Tenders will be invited from all Shareholders of the Applicant, including Shareholders who are affiliated persons of Applicant under section 2(a)(3) of the Act by virtue of being directors thereof, as well as Shareholders who are otherwise affiliated persons of Applicant as defined in section 2(a)(3) of the Act or who are affiliated persons of such persons. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person of a registered investment company, or an affiliated person of such a person from purchasing from such registered investment company any security or other property, unless the Commission upon application grants an exemption from the provisions of section 17(a) pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Applicant proposes to invite holders of Applicant's Shares to tender Shares for acquisition by Applicant in exchange for a package of securities now in the portfolio of Applicant plus cash, if required, to produce an aggregate market value of securities delivered in exchange amounting, with any such cash, to approximately 95 percent of the net asset value (after provision for estimated taxes on unrealized appreciation) of the Shares tendered. The determination of net asset value (after provision for estimated taxes on unrealized appreciation) is to be made on the last practicable trading day before the invitation for tenders is mailed. Such invitation will not be made unless and until the Commission issues the order for which this application has been filed.

The package of securities proposed to be distributed consists of shares of the common stock, par value $7.50 per share, of Baystate Corp., shares of the Series A $1.70 Cumulative Convertible Preference Stock of International Industries, Inc., shares of the common stock, par value 15 cents per share, of Louisiana Land & Exploration Co. and shares of the common stock, par value $6.25 per share, of Standard Oil Company of California. All tenders of Shares of Applicant will be irrevocable. Tenders must be in lots of 10 Shares each except that holders of fewer than 100 Shares may tender their entire holdings. Tenders may be made only by holders of record at the close of business June 13, 1969. Applicant will not accept tenders of more than 200,000 Shares in the aggregate; if more than that number are tendered, Applicant will accept in full all tenders made by holders of fewer than 100 Shares each and will accept other tenders on a pro rata basis.

Applicant asserts that it has 1,100,000 Shares authorized, of which 1,016,176 have been issued and are outstanding. Of the shares outstanding, 456,594 Shares are held by certain affiliated persons of Applicant and associates of such persons (referred to herein collectively as "The Dumaines Group"). The Dumaines Group includes Dumaines, a private trust, which holds 321,055 Shares and is deemed to control Applicant. The other persons in The Dumaines Group are other private trusts, the holdings of which may be deemed to be owned beneficially by F. C. Dumaine, Jr., president and director of Applicant, and members of Mr. Dumaine's immediate family and other private trusts which may be deemed associates of Mr. Dumaine. The Dumaines Group has advised Applicant that they will not tender. Consequently, Applicant has not requested an exemptive order applicable to The Dumaines Group. An additional 100,122 Shares are held beneficially by other directors of Applicant, some of whom have indicated to Applicant that they may tender some part or all of their holdings.

Applicant represents that as of May 29, 1969, the net asset value of one Share, after provision for estimated taxes as above-stated, was $76.76, 95 percent of which would be $72.92 and that on said date the bid and asked prices for Shares on the over-the-counter market were 62 and 65 respectively, on a dealer-to-dealer basis, such asked price representing a discount of 15.3 percent under such net asset value. Applicant also states that at December 31 in the years 1964–68, inclusive, the asked prices for Shares represented discounts under the net asset values, after provision for estimated taxes as above-stated, on such dates as follows: 1964, 35.51 percent; 1965, 30.31 percent; 1966, 28.30 percent; 1967, 24.98 percent; 1968, 7.89 percent.

Applicant asserts that the terms of the proposed invitation are reasonable and fair in that Shareholders whose Shares are acquired will receive a package of securities more readily marketable than such Shares and having a fair market value, with any cash which may be included, not less than and perhaps more than the market value of their Shares and of a value representing a higher percentage of the net asset value of Shares than the market price of such Shares has offered, being also a greater value than holders of Shares could presently obtain other than in complete liquidation of Applicant. Applicant further asserts that such terms are reasonable and fair in that Shareholders who do not tender or whose tenders are not accepted in full will hold Shares the net asset value and earnings per share of which will be somewhat increased as a result of the tender transaction. Applicant also asserts (1) that its acquisition of 200,000 Shares on the proposed basis would allow Applicant to distribute the portfolio securities in question without itself realizing, and being taxed upon, the appreciation in market value of such securities over the tax basis of Applicant therefor; and (2) that subject to certain possible exceptions, Applicant's Shareholders who tender Shares and receive securities in return therefor will realize and recognize capital gain (or loss) in their tax years in which their tenders are accepted.

Applicant alleges that in the period commencing November 27, 1968, the date when, according to the application, the management of Applicant first gave consideration to inviting tenders, through December 23, 1968, the day before the proposed tender transaction was initially authorized by the Board of Directors of Applicant, Dumaines purchased a total of 2,270 Shares from dealers in nine separate transactions at prices ranging from a low of 75, paid on December 23, to 80, paid on December 5, 1968. Applicant further alleges that on December 12, 1968, it purchased seven Shares at 78, that on January 20, 1969, Dudley Dumaine, an officer, purchased 10 shares at 75, both purchases being from dealers, that on May 20, 1969, the wife of F. C. Dumaine, Jr., purchased 100 Shares at 62 from a dealer, and that it has no knowledge of any other purchases or sales of Shares from November 27, 1968, to date by it, any of its officers, directors, or employees, Dumaines or any of the trusts mentioned in connection with F. C. Dumaine, Jr.

Notice is further given that any interested person may, not later than July 1, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That Applicant shall cause a copy of this notice to be mailed to each dealer from whom each of the persons mentioned hereinabove purchased Shares of Applicant since November 27, 1968, and to each person from whom such dealer obtained Shares of Applicant in connection with the dealer's sale of Shares to such purchasers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7387; Filed, June 23, 1969; 8:45 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JUNE 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 19, 1969 through June 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7388; Filed, June 23, 1969; 8:46 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

JUNE 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 19, 1969 through June 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7389; Filed, June 23, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS ASSISTANCE CORP.

Notice of Surrender of License

Notice is hereby given that the Small Business Administration (SBA) accepted, on June 11, 1969, the surrender of the license issued to Small Business Assistance Corp (Licensee), New York, N.Y. (incorporated in New York).

SBA published a notice in the FEDERAL REGISTER on March 18, 1969, inviting comments regarding the request of the Licensee to surrender its license. SBA received no comments. The licensee repaid its debt to SBA and satisfied all other conditions for the surrender of its license.

The corporation no longer is licensed to operate as a small business investment company.

Dated: June 13, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-7390; Filed, June 23, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 853]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 372 TA), filed June 12, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato harvesters* (mounted on trailers other than those designed to be drawn by passenger automobiles) from Lansing, Mich., to points in New York, Maine, Wisconsin, Pennsylvania, Ohio, New Jersey, Minnesota, and North Dakota, for 180 days. Supporting shipper: FMC Corp., John Dean Division, 1305 South Cedar Street, Box 9490, Lansing, Mich. 48909. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 41406 (Sub-No. 25 TA), filed June 13, 1969. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 48323. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from (a) Ashland, Ky., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin and (b) between Ashland, Ky., and Middletown, Ohio, for 180 days. Supporting shipper:

Armco Steel Corp., Ashland, Ky. Send protests to: District Supervisor Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 112801 (Sub-No. 94 TA), filed June 13, 1969. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy syrup*, in bulk, in tank vehicles, from Remington, Ind., to Taylorville, Ill., for 150 days. Supporting shipper: Allied Mills, Inc., 110 North Wacker Drive, Chicago, Ill. 60606. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113514 (Sub-No. 105 TA), filed June 12, 1969. Applicant: SMITH TRANSIT, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Wm. D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molecular sieves*, in bulk, from Fort Worth, Tex., to Michigan City, Ind., for 180 days. NOTE: Product is a dry chemical compound akin to catalytics. Applicant does not intend to tack with existing authority. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113678 (Sub-No. 354 TA), filed June 12, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats*, from Waterloo, Iowa, and Trenton, Mo., to Los Angeles and San Francisco, Calif., for 180 days. Supporting shipper: Cudahy Co., 5014 South 33d Street, Omaha, Nebr. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114533 (Sub-No. 191 TA), filed June 13, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, Milwaukee, Wis., for 150 days. Supporting shippers: The Service Bureau Corp., 1923 North Meridian Street, Indianapolis, Ind. 46202; Blue Cross and Blue Shield Co., 110 North Illinois Street, Indianapolis, Ind. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604

No. MC 116073 (Sub-No. 99 TA), filed June 12, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete or in sections, in initial movement, from Tekamah, Nebr., to points in South Dakota, North Dakota, Iowa, Montana, Colorado, Oklahoma, Wyoming, Minnesota, Missouri, and Kansas, for 180 days. Supporting shipper: Shar-Lo Homes Tekamah, Nebr. 68061. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 99 TA), filed June 12, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete or in sections, in initial movement, from Tekamah, Nebr., to points in South Dakota, North Dakota, Iowa, Montana, Colorado, Oklahoma, Wyoming, Minnesota, Missouri, and Kansas, for 180 days. Supporting shipper: Shar-Lo Homes, Tekamah, Nebr. 68061. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 118989 (Sub-No. 30 TA), filed June 13, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and related parts*, from Valparaiso, Ind., to points in Iowa, Michigan, Wisconsin, and Ohio, for 150 days. Supporting shipper: The Coca-Cola Co., Foods Division, East Highway 30, Post Office Box 188, Valparaiso, Ind. 46383. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 118989 (Sub-No. 30 TA), filed June 13,' 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and related parts*, from Valparaiso, Ind., to points in Iowa, Michigan, Wisconsin, and Ohio, for 150 days. Supporting shipper: The Coca-Cola Co., Foods Division, East Highway 30, Post Office Box 188, Valparaiso, Ind. 46383. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123283 (Sub-No. 4 TA), filed June 12, 1969. Applicant: CITY BEVERAGES, INC., 725 Saar Street, Kent, Wash. 98031. Applicant's representative: F. M. Basel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mayonnaise, salad dressing and syrup*, from Kent, Wash., to points in Oregon, for 180 days. Supporting shipper: Blue Banner Foods, Post Office Box 348, 806 West Meeker, Kent, Wash. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 125788 (Sub-No. 2 TA) (correction), filed June 2, 1969, published FEDERAL REGISTER, issue of June 11, 1969, and republished as corrected this issue. Applicant: RAYMOND A. HARSCH, INC., 53 Evans Avenue, Elmont, N.Y. 11003. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Odenton and Savage, Md., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, and Virginia, and *returned shipments* in the opposite direction, under contract with National Industries, Inc., for 180 days. NOTE: The purpose of this republication is to correct the "commodity description". Supporting shipper: National Industries, Inc., Odenton, Md. 21113. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126276 (Sub-No. 17 TA), filed June 13, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes transporting: *Glass containers and closures*, from Mudelein, Ill., to Terre Haute, Ind., for 180 days. Supporting shipper: Ball Brothers, Co., Inc., Muncie, Ind. 47302. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127834 (Sub-No. 34 TA), filed June 12, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. Applicant's representative: M. Bryan Stanley, 540-42 Merritt Avenue, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in North Carolina, South Carolina, Georgia, Alabama, and Mississippi, and from points in Mississippi to Nashville, Tenn., for 180 days. Supporting shipper: Production Steel Co., Inc., Nashville, Tenn.; Mid-State Steel, Inc., Nashville, Tenn.; Mitchell Steel, Inc., Nashville, Tenn.; Justice Steel, Inc., Nashville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 128774 (Sub-No. 2 TA), filed June 13, 1969. Applicant: RICE TRUCKING, INC., 151 St. James Street, Mansfield, Pa. 16933. Applicant's representative: John D. Lewis, 19 Central Avenue, Wellsboro, Pa. 16901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from plant-site of Armco Steel Corp., Mansfield, Pa., to points in New Jersey, for 150 days. Supporting shipper: Armco Steel Corp., Mansfield, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 129445 (Sub-No. 7 TA), filed June 13, 1969. Applicant: DIXIE TRANSPORT CO. OF TEXAS, 3840 IH 10 South, Post Office Box 5447, Beaumont, Tex. 77706. Applicant's representative: Archie L. Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in chunks, in bulk, from Port Neches, Tex., to Garden City, La., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Texaco, Inc. (Mr. Harry E. Colwell, traffic manager), 1111 Rusk Avenue, Post Office Box 52332, Houston, Tex. 77052. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7411; Filed, June 23, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 57]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to the Missouri Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., June 19, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7412; Filed, June 23, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 56-A]

SEABOARD COAST LINE RAILROAD CO., AND ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 56, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 56 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 18, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., June 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7413; Filed, June 23, 1969; 8:42 a.m.]

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PART 2

FEDERAL REGISTER

VOLUME 34 • NUMBER 120

Tuesday, June 24, 1969 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

Social and Rehabilitation Service

•

Institutional Services in Intermediate Care Facilities Amount, Duration and Scope of Medical Assistance

Standards for Payment for Skilled Nursing Home Care

No. 120—Pt. II——1

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Institutional Services in Intermediate Care Facilities

Interim Policy Statement No. 23 which sets forth regulations to implement section 1121 of the Social Security Act, as amended, with respect to assistance in the form of institutional services in intermediate care facilities was published in the FEDERAL REGISTER of September 12, 1968 (33 F.R. 12925). After consideration of views presented by interested persons, the following changes in the regulations were made: (1) interim policy paragraph 3.A.(3)(a) has been revised in the final policy under paragraph (a)(3)(i) to mention State agencies for mental retardation; (2) interim policy paragraph 3.A.(3)(b) has been revised in the final policy under paragraph (a)(3)(ii) to provide for certification of need by a Christian Science practitioner, rather than a physician, in the case of services provided in a Christian Science sanatorium; (3) interim policy paragraph 3.A.(4) has been revised to add the requirement in the final policy under paragraph (a)(4) that a registered professional nurse participate in the regular periodic review of care being received by recipients in intermediate care facilities; (4) interim policy paragraph 3.A.(5) was revised to add the clarifying phrase "with respect to social and related problems" under paragraph (a)(5) of the final policy; (5) the definition of "institutional services" under interim policy paragraph 3.D. has been revised in the final policy under paragraph (d)(1) to provide that Christian Science sanatoria operated, or listed and certified, by the Church are not required to provide the range or level of care defined under paragraph (d)(4) of the final policy; (6) the requirement under interim policy paragraph 3.D., "Intermediate care facility" (1), with respect to licensing of an intermediate care facility has been reworded in the final policy under paragraph (d)(3)(i) to provide that Christian Science sanatoria need only be operated, or listed and certified, by the Church and recognized under State law; (7) interim policy paragraph 3.D., "Range of level of care and services", (3), has been revised in the final policy under paragraph (d)(4)(iii) to provide that services to assist residents in dealing with social and related problems may be provided by caseworkers on the staff of the facility or through other arrangements; (8) interim policy paragraph 3.D., "Range of level of care and services", (7) Health services, (a), has been revised in the final policy under paragraph (d)(4)(vii)(a) to provide that where a State establishes two or more classifications of intermediate care facilities, the employment of a nurse is not required of institutions in classifications serving only residents determined by their physicians not to need supervision by a licensed nurse; (9) physician supervision provided for under 3.D., "Range of level of care and services", (7) Health services, (b) of the interim policy has been revised in the final policy under paragraph (d)(4)(vii)(*b*) to provide that residents be seen by their physician as needed; (10) interim policy paragraph 3.D. "Range of level of care and services", (7) Health services, (c), has been revised in the final policy under paragraph (d)(4)(vii)(*c*) to clarify the point that the nurse in charge of the facilities' health services gives general supervision to the individual's personal health program and that the facility is not required to employ additional nurses on their staffs to provide such services. Accordingly, the regulations as so amended are hereby codified by adding a new § 234.130 to part 234 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 234.130 Assistance in the form of institutional services in intermediate care facilities.

(a) *State plan requirements.* If a State plan under title I, X, XIV, or XVI of the Social Security Act includes benefits in the form of institutional services in intermediate care facilities, it must:

(1) Provide that such benefits will be provided only to individuals who:

(i) Are entitled (or would, if not receiving institutional services in intermediate care facilities, be entitled) to receive assistance, under the State plan, in the form of money payments; and

(ii) Because of their physical or mental condition (or both) require living accommodations and care which, as a practical matter, can be made available to them only through institutional facilities; and

(iii) Do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in title XIX of the Act) is designed to provide.

(2) Provide that, in determining financial eligibility for benefits in the form of institutional services in intermediate care facilities, available income will be applied, first, for personal and incidental needs including clothing, and that any remaining income will be applied to the costs of care in the intermediate care facility.

(3) Provide methods of administration that include

(i) Placing of responsibility, within the State agency, with one or more staff members who devote full time to direction and guidance of the agency's activities with respect to services in intermediate care facilities including arrangements for consultation and working relationships with the State standard-setting authority and State agencies responsible for mental health and for mental retardation;

(ii) Provisions for evaluation by a physician of the individual's physical and mental condition and the kinds and amounts of care he requires; evaluation by the agency worker of the resources available in the home, family, and community; and participation by the recipient in determining where he is to receive care, except that, in the case of services being provided in a Christian Science sanatorium, certification by a qualified Christian Science practitioner that the individual meets the requirements specified in paragraphs (a)(1)(ii) and (a)(1)(iii) of this section may be substituted for the evaluation by a physician;

(iii) Provisions that assure that such evaluations will be made immediately prior to authorization of the benefits originally, and that reevaluations will be made as indicated by changes in the conditions or circumstances of the recipient and, in no case, at intervals longer than quarterly.

(4) Effective July 1, 1969, provide for regular, periodic review and reevaluation (by or on behalf of the State agency administering the plan and in addition to the activities described in subparagraph (3) of this paragraph) of recipients in intermediate care facilities to determine whether their current physical and mental conditions are such as to indicate continued placement in the intermediate care facility, whether the services actually rendered are adequate and responsive to the conditions and needs identified, and whether a change to other living arrangements, or other institutional facilities (including skilled nursing homes) is indicated. Such reviews must be followed by appropriate action on the part of the State agency administering the plan. They must be conducted by or under the supervision of a physician with participation by a registered professional nurse and other appropriate medical and social service personnel not employed by or having a financial interest in the facility, except that, in the case of recipients who have elected care in a Christian Science sanatorium, review by a physician or other medical personnel is not required.

(5) Describe the services with respect to social and related problems that the agency will make available to applicants and recipients and provide for extending the full scope of such services to all applicants for and recipients of benefits in the form of institutional services in intermediate care facilities.

(6) Include copies of (i) the State's requirements for licensing of facilities, however described, that will qualify under the State plan for participation as intermediate care facilities; (ii) any requirements imposed by the State in addition to licensing and to definition of intermediate care facilities and the definition of the range or level of care and services set forth in paragraph (d)(4) of this section; and (iii) a description of the manner in which such requirements are applied and enforced including copies of agreements or contracts, if any, with the licensing authority for this purpose.

(7) Provide for and describe methods of determining amounts of vendor payments to intermediate care facilities which systematically relate amounts of the payment to the kinds, levels, and quantities of services provided to the recipients by the institutions and to the cost of providing such services.

(b) *Other requirements.* Except when inconsistent with purposes of section 1121 of the Act or contrary to any provision therein, any modification, pursuant thereto, of an approved State plan shall be subject to the same conditions, limitations, rights, and obligations as obtain with respect to such approved State plan. Included specifically among such conditions and limitations are the provisions of titles I, X, XIV, and XVI of the Act relating to payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution).

(c) *Federal financial participation.* Beginning with the effective date of approval of amendments to the State plan pursuant to section 1121 of the Act, Federal financial participation is available, under this section of the Act, in vendor payments for institutional services provided to individuals who are eligible under the respective State plan and who are residents in intermediate care facilities. The rate of participation is the same as for money payments under the respective title or, if the State so elects, at the rate of the Federal medical assistance percentage as defined in section 1905(b) of the Act.

(d) *Definition of terms.* For purposes of section 1121 of the Social Security Act, the following definitions apply:

(1) *Institutional services.* The term, "institutional services," means those items and services furnished by the institution in connection with providing the required range or level of care and services as defined in subparagraph (4) of this paragraph; and other services provided by or under the auspices of the institution which contribute to the health, comfort, and well-being of the residents thereof; or, in the case of a Christian Science sanatorium operated or listed and certified by the First Church of Christ, Scientist, Boston, Mass., the institutional services deemed appropriate by the State; except that the term, "institutional services," does not include allowances for clothing and incidental expenses for which money payments to recipients are made under the plan, nor does it include medical care, in a form identifiable as such and separable from the routine services of the facility, for which vendor payments may be made under a State plan approved under title I, X, XIV, XVI, or XIX of the Act.

(2) *Distinct part of an institution.* A "distinct part" of an institution is defined as a part which meets the definition of an intermediate care facility and the following conditions:

(i) *Identifiable unit.* The "distinct part" of the situation is an entire unit such as an entire ward or contiguous wards, wing, floor, or building. It consists of all beds and related facilities in the unit and houses all residents, except as hereafter provided, for whom payment is being made for intermediate care. It is clearly identified and is approved, in writing, by the agency applying the definition of intermediate care facility herein.

(ii) *Staff.* Appropriate personnel are assigned and work regularly in the unit. Immediate supervision of staff is provided in the unit at all times by qualified personnel.

(iii) *Shared facilities and services.* The distinct part may share such central services and facilities as management services, building maintenance and laundry, with other units.

(iv) *Transfers between distinct parts.* In a facility having distinct parts devoted to skilled nursing home care and intermediate care, which facility has been determined by the appropriate State agency to be organized and staffed to provide services according to individual needs throughout the institution, nothing herein shall be construed to require transfer of an individual within the institution when in the opinion of the individual's physician such transfer might be harmful to the physical or mental health of the individual.

(3) *Intermediate care facility.* An intermediate care facility is an institution or a distinct part thereof which

(i) Is licensed under State law to provide the residents thereof, on a regular basis, the range or level of care and services, defined in subparagraph (4) of this paragraph, which is suitable to the needs of individuals who

(*a*) Because of their physical or mental limitations or both, require living accommodations and care which, as a practical matter, can be made available to them only through institutional facilities, and

(*b*) Do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in title XIX of the Act) is designed to provide;

(ii) Does not provide the degree of care required to be provided by a skilled nursing home furnishing services under a State plan approved under title XIX of the Act;

(iii) Meets such standards of safety and sanitation as are applicable to nursing homes under State law; and

(iv) Regularly provides a level of care and service beyond board and room.

The term "intermediate care facility" also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass.

(4) *Range or level of care and services.* The range or level of care and services suitable to the needs of individuals described in subparagraph (3)(i) (*a*) and (*b*) of this paragraph is defined as including, as a minimum, the following items.

(i) *Admission, transfer, and discharge of residents.* The admission, transfer, and discharge of residents of the facility are conducted in accordance with written policies of the institution that include at least the following provisions.

(*a*) Only those persons are accepted into the facility whose needs can be met within the accommodations and services the facility provides;

(*b*) As changes occur in their physical or mental condition, necessitating service or care not regularly provided by the facility, residents are transferred promptly to hospitals, skilled nursing homes, or other appropriate facilities;

(*c*) The resident, his next of kin, and the responsible agency if any, are consulted in advance of the discharge of any resident, and casework services or other means are utilized to assure that adequate arrangements exist for meeting his needs through other resources.

(ii) *Personal care and protective services.* The types and amounts of protection and personal service needed by each resident of the facility are a matter of record and are known to all staff members having personal contact with the resident. At least the following services are provided.

(*a*) There is, at all times, a responsible staff member actively on duty in the facility, and immediately accessible to all residents, to whom residents can report injuries, symptoms of illness, or emergencies, and who is immediately responsible for assuring that appropriate action is taken promptly.

(*b*) Assistance is provided, as needed by individual residents, with routine activities of daily living including such services as help in bathing, dressing, grooming, and management of personal affairs such as shopping.

(*c*) Continuous supervision is provided for residents whose mental condition is such that their personal safety requires such supervision.

(iii) *Social services.* Services to assist residents in dealing with social and related problems are available to all residents through one or more caseworkers on the staff of the facility; and/or, in the case of recipients of assistance, through caseworkers on the staff of the assistance agency; or through other arrangements.

(iv) *Activities.* Activities are regularly available for all residents, including social and recreational activities involving active participation by the residents, entertainment of appropriate frequency and character, and opportunities for participation in community activities as possible and appropriate.

(v) *Food service.* At least three meals a day, constituting a nutritionally adequate diet, are served in one or more dining areas separate from sleeping quarters, and tray service is provided for residents temporarily unable to leave their rooms.

(vi) *Special diets.* If the facility accepts or retains individuals in need of medically prescribed special diets, the menus for such diets are planned by a professionally qualified dietician, or are reviewed and approved by the attending physician, and the facility provides supervision of the preparation and serving of the meals and their acceptance by the resident.

(vii) *Health services.* Whether provided by the facility or from other sources, at least the following services are available to all residents:

(*a*) Immediate supervision of the facility's health services by a registered professional nurse or a licensed practical nurse employed full-time in the facility and on duty during the day shift except that, where the State recognizes and describes two or more distinct levels of institutions as intermediate care facilities such personnel are not required in any level that serves only individuals who have been determined by their physicians not to be in need of such supervision and whose need for such supervision is reviewed as indicated, and at least quarterly as provided in paragraphs (a)(3)(iii) and (d)(4)(vii)(*b*) of this section.

(*b*) Continuing supervision by a physician who sees the resident as needed and, in no case, less often than quarterly;

(*c*) Under direction by the resident's physician and (where applicable in accordance with subdivision (vii)(*a*) of this subparagraph) general supervision by the nurse in charge of the facility's health services, guidance and assistance for each resident in carrying out his personal health program to assure that preventive measures, treatments, and medications prescribed by the physician are properly carried out and recorded;

(*d*) Arrangements for services of a physician in the event of an emergency when the resident's own physician cannot be reached;

(*e*) In the presence of minor illness and for temporary periods, bedside care under direction of the resident's physician including nursing service provided by, or supervised by, a registered professional nurse or a licensed practical nurse;

(*f*) An individual health record for each resident including

(*1*) the name, address, and telephone number of his physician;

(*2*) a record of the physician's findings and recommendations in the preadmission evaluation of the individual's condition and in subsequent reevaluations and all orders and recommendations of the physician for care of the resident;

(*3*) all symptoms and other indications of illness or injury brought to the attention of the staff by the resident, or from other sources, including the date, time, and action taken regarding each.

(viii) *Living accommodations.* Space and furnishings provide each resident clean, comfortable and reasonably private living accommodations with no more than four residents occupying a room, with individual storage facilities for clothing and personal articles, and with lounge, recreation and dining areas provided apart from sleeping quarters.

(ix) *Administration and management.* The direction and management of the facility are such as to assure that the services required by the residents are so organized and administered that they are, in fact, available to the residents on a regular basis and that this is accomplished efficiently and with consideration for the objective of providing necessary care within a homelike atmosphere. Staff are employed by the facility sufficient in number and competence, as determined by the appropriate State agency, to meet the requirements of the residents.

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Effective date: The regulations in this section shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: May 6, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary

[F.R. Doc. 69-7400; Filed, June 23, 1969; 8:45 a.m.]

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Amount, Duration and Scope of Medical Assistance

Interim Policy Statement No. 19 which sets forth regulations with respect to the amount, duration, and scope of medical assistance under title XIX of the Social Security Act, including recent amendments to sections 1902(a)(10) and (13), 1905(a)(4)(B), and 1907, was published in the FEDERAL REGISTER of November 5, 1968 (33 F.R. 16165). After consideration of views presented by interested persons, the following changes in the regulations were made: (1) the effective date of the requirement of transportation under section A(4) of the Interim Policy Statement has been postponed to July 1, 1970 (see § 249.10(a)(4) of this part); (2) section B(4)(a)(viii) of the Interim Policy Statement relating to skilled nursing home services has been revised under § 249.10(b)(4)(i)(*h*) of this part to incorporate by reference the standards for skilled nursing homes issued pursuant to section 1902(a)(28) of the Social Security Act; (3) section B(4)(a)(xii) of the Interim Policy Statement has been revised under § 249.10(b)(4)(i)(*l*) of this part to provide that State regulations on the correction of deficiencies for State licensure will govern for the provisions of section 234(c) of the Social Security Amendments of 1967; (4) section B(14)(d) of the Interim Policy Statement has been revised under § 249.10(b)(14)(iv) of this part to postpone to July 1, 1970 the date by which institutions for mental diseases under subdivision (*b*) must meet the standards of title XVIII, section 1861(f), and a new provision has been added that, effective October 1, 1969, in the case of such an institution the single State agency must have on file a written plan describing steps which the institution will take for meeting such standards by July 1, 1970; (5) provision of whole blood as an item of medical care which was previously in section B(15)(c) of the Interim Policy Statement has been deleted because it is included in services provided under § 249.10(b)(1) of this part; (6) provision of the services of Christian Science Practitioners under section B(15)(d) of the Interim Policy Statement has been deleted and services of Christian Science nurses have been added to § 249.10(b)(15)(iii) of this part; and (7) provision of personal care services in the recipient's home under § 249.10(b)(15)(vii) of this part will be eliminated, effective July 1, 1969. Accordingly, the regulations as so amended are hereby codified by adding a new § 249.10 in part 249 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 249.10 Amount, duration, and scope of medical assistance.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Specify that at least the first five items of medical and remedial care and services, set forth in paragraph (b)(1) through (5) of this section, will be provided to the categorically needy.

(2) Specify that, if the plan includes the medically needy, at least the following items of medical and remedial care and services will be provided to the medically needy:

(i) The first five items set forth in paragraph (b)(1) through (5) of this section; or

(ii) (*a*) Any seven of the items set forth in paragraph (b)(1) through (14) of this section; and

(*b*) If the plan includes inpatient hospital services or skilled nursing home services, physicians' services to eligible individuals when they are patients in a hospital or skilled nursing home, even though physicians' services as defined in paragraph (b)(5) of this section are not otherwise included for the medically needy.

(3) Effective July 1, 1970, provide for the inclusion of home health services for any eligible individual who, under the plan, is entitled to skilled nursing home services.

(4) Specify the amount and/or duration of each item of medical and remedial care and services that will be provided to the categorically needy and to the medically needy, if the plan includes this latter group. Such items must be sufficient in amount, duration, and scope to reasonably achieve their purpose. Effective July 1, 1970, specify that there will be provision for assuring necessary transportation of recipients to and from providers of services and describe the methods that will be used.

(5) Provide that the medical and remedial care and services made available to any categorically needy individual included under the plan will not be less in amount, duration, or scope than those made available to other individuals included under the program, except that:

(i) Skilled nursing home services may be limited to persons 21 years of age or older;

(ii) Services to persons in institutions for tuberculosis or mental diseases may be limited to persons 65 years of age or over;

(iii) Benefits under part B of title XVIII of the Social Security Act made available to individuals 65 years of age or over through a "buy-in" agreement or payment of the premiums, or the payment of part or all of the deductibles, cost sharing or similar charges under part B, may be limited to such individuals; and

(iv) Early and periodic screening and diagnosis for individuals, and treatment of conditions found, as provided in section 1905(a)(4)(B) of the Act, may be limited to individuals under 21 years of age.

(6) Provide that the medical and remedial care and services made available to a group (i.e., either the categorically needy or the medically needy) will be equal in amount, duration, and scope for all individuals within the group, with the permissible exceptions specified in subparagraph (5) of this paragraph.

(7) Include a description of the methods that will be used to assure that the medical and remedial care and services are of high quality, and a description of the standards established by the State to assure high quality care.

(8) Provide for broadening the scope of the medical and remedial care and services made available under the plan, to the end that, by July 1, 1975, comprehensive medical and remedial care and services will be furnished to all eligible individuals.

(9) If the State plan includes medical and remedial care and services in relation to family planning, as defined in paragraph (b)(15)(ii) of this section, provide that there shall be freedom from coercion or pressure of mind and conscience, and freedom of choice of method, so that individuals can choose in accordance with the dictates of their consciences.

(b) *Federal financial participation.* Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions:

(1) *Inpatient hospital services (other than services in an institution for tuberculosis or mental diseases).* "Inpatient hospital services" are those items and services ordinarily furnished by the hospital for the care and treatment of inpatients provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases and which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation; and which has in effect a hospital utilization review plan applicable to all patients who receive medical assistance under title XIX of the Act.

(2) *Outpatient hospital services.* "Outpatient hospital services" are those preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under the direction of a physician or dentist to an outpatient by an institution which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation.

(3) *Other laboratory and X-ray services.* The term "other laboratory and X-ray services" means professional and technical laboratory and radiological services ordered by a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law, and provided to a patient by, or under the direction, of a physician or licensed practitioner, in an office or similar facility other than a hospital outpatient department or a clinic, and provided to a patient by a laboratory that is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation.

(4)(i) *Skilled nursing home services (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older.* "Skilled nursing home services" means those items and services furnished by a skilled nursing home maintained primarily for the care and treatment of inpatients with disorders other than tuberculosis or mental diseases which are provided under the direction of a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law. A "skilled nursing home" is a facility, or a distinct part of a facility, which meets the following conditions:

(*a*) The facility is constructed, equipped, maintained, and operated in compliance with all applicable State and local laws and regulations affecting the health and safety of the patients and their protection against the hazards of fire and other disaster, and there is a written, rehearsed disaster plan.

(*b*) The administrator is qualified by training and experience for successful operation of a nursing home and has the necessary authority and responsibility for management of the facility.

(*c*) The facility employs staff sufficient in number and qualifications to meet the requirements of the patients accepted for care or remaining in the facility for care.

(*d*) Food is prepared and served under competent direction, at regular and appropriate times. Professional consultation is available to assure good nutritional standards and that the dietary needs of the patients are met.

(*e*) Patient care is provided in accordance with written policies formulated with the advice of one or more professional registered nurses.

(*f*) Constructive care directed toward restoring and maintaining each patient at his best possible functional level is provided, including activities designed to encourage self-care and independence provided as a part of the patient's treatment program.

(*g*) Patients in need of nursing care are admitted to a facility only upon recommendation by a physician of the need for the level of care provided by that facility. The care of such patients is continuously under the supervision of a physician; and the facility maintains arrangements that assure that the services of a physician who can act in case of emergency are continuously available.

(*h*) Effective July 1, 1969, the facility has been determined by the single State agency to meet all of the standards established under section 1902(a)(28) of the Act, as evidenced by an agreement between the single State agency and the facility for the provision of skilled nursing home care and the making of payments under the plan. The predecessor condition relating to nursing service staff as stated in Interim Policy Statement No. 19, paragraph B.(4)(a)(viii), published in the FEDERAL REGISTER on November 5, 1968 (33 F.R. 16165), and in the Handbook of Public Assistance, Supplement D, section D-5141.4.1(h), is revoked as of July 1, 1968.

(*i*) All drugs and medications are prescribed, handled, stored, and administered in accordance with accepted professional practices.

(*j*) An individual record is maintained for each patient covering his medical, nursing, and related care in accordance with accepted professional standards.

(*k*) Effective arrangements are maintained through which services required by the patients but not regularly provided within the facility can be obtained promptly when needed. This includes laboratory, X-ray, and other diagnostic services, and regular and emergency dental care. It includes, also, provisions for recognition of need for social services and for prompt reporting of such need to the local welfare department or other appropriate source.

(*l*) Effective July 1, 1968, the facility is licensed or formally approved as a nursing home by an officially designated State standard-setting authority and has not been determined by such authority not to meet fully all requirements of the State for licensure as a nursing home except as provided in the next sentence. Payments to a nursing home which formerly met fully all requirements of the State for licensure as a nursing home, but is currently determined not to meet fully all such requirements, may be recognized for a period specified by the State standard-setting authority, if during such period such home promptly takes all necessary steps to again meet such requirements.

(ii) *Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.* Effective July 1, 1969 (or earlier at the option of the State), early and periodic screening and diagnosis of individuals under the age of 21 who are eligible under the plan to ascertain their physical or mental defects, and health

care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby.

(5) *Physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled nursing home or elsewhere.* "Physicians' services" are those services provided, within the scope of practice of his profession as defined by State law, by or under the personal supervision of an individual licensed under State law to practice medicine or osteopathy.

(6) *Medical care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law.* This term means any medical or remedial care or services other than physicians' services, provided within the scope of practice as defined by State law, by an individual licensed as a practitioner under State law.

(7) *Home health care services.* "Home health care services" in addition to the services of physicians, dentists, physical therapists, and other services and items available to patients in their homes and described elsewhere in these definitions, are any of the following items and services when they are provided on recommendation of a licensed physician to a patient in his place of residence, but not including as a residence a hospital or a skilled nursing home:

(i) Intermittent or part-time nursing services furnished by a home health agency;

(ii) Intermittent or part-time nursing services of a professional registered nurse or a licensed practical nurse under the direction of the patient's physician, when no home health agency is available to provide nursing services;

(iii) Medical supplies, equipment, and appliances recommended by the physician as required in the care of the patient and suitable for use in the home;

(iv) Services of a home health aide, who is an individual assigned to give personal care services to a patient in accordance with the plan of treatment outlined for the patient by the attending physician and the home health agency which assigns a professional registered nurse to provide continuing supervision of the aide on her assignment. The term "home health agency" means a public or private agency or organization, or a subdivision of such an agency or organization, which is qualified to participate as a home health agency under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation.

(8) *Private duty nursing services.* "Private duty nursing services" are nursing services provided by a professional registered nurse or a licensed practical nurse, under the general direction of the patient's physician, to a patient in his own home or in a hospital, skilled nursing home, or extended care facility when the patient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the hospital, nursing home, or extended care facility.

(9) *Clinic services.* "Clinic services" are preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician or dentist in a facility which is not part of a hospital but which is organized and operated to provide medical care to outpatients.

(10) *Dental services.* "Dental services" are any diagnostic, preventive, or corrective procedures administered by or under the supervision of a dentist in the practice of his professon. Such services include treatment of the teeth and associated structures of the oral cavity, and of disease, injury, or impairment which may affect the oral or general health of the individual. The term "dentist" means a person licensed to practice dentistry or dental surgery.

(11) *Physical therapy and related services.* "Physical therapy and related services" means physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders, and the use of such supplies and equipment as are necessary.

(i) "Physical therapy" means those services prescribed by a physician and provided to a patient by or under the supervision of a qualified physical therapist. A "qualified physical therapist" is a graduate of a program of physical therapy approved by the Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association, or its equivalent, and where applicable, is licensed by the State.

(ii) "Occupational therapy" means those services prescribed by a physician and provided to a patient and given by or under the supervision of a qualified occupational therapist. A "qualified occupational therapist" is registered by the American Occupational Therapy Association or is a graduate of a program in occupational therapy approved by the Council on Medical Education of the American Medical Association and is engaged in the required supplemental clinical experience prerequisite to registration by the American Occupational Therapy Association.

(iii) "Services for individuals with speech, hearing, and language disorders" are those diagnostic, screening, preventive or corrective services provided by or under the supervision of a speech pathologist or audiologist in the practice of his profession for which a patient is referred by a physician. A speech pathologist or audiologist is one who has been granted the Certificate of Clinical Competence in the American Speech and Hearing Association, or who has completed the equivalent educational requirements and work experience necessary for such a certificate, or who has completed the academic program and is in the process of accumulating the necessary supervised work experience required to qualify for such a certificate.

(12) *Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select.* (i) "Prescribed drugs" are any simple or compounded substance or mixture of substances prescribed as such or in other acceptable dosage forms for the cure, mitigation, or prevention of disease, or for health maintenance, by a physician or other licensed practitioner of the healing arts within the scope of his professional practice as defined and limited by Federal and State law. With respect to "prescribed drugs", Federal financial participation is available in expenditures for drugs dispensed by licensed pharmacists and licensed authorized practitioners in accordance with the State Medical Practice Act. When dispensing, the practitioner must do so on his written prescription and maintain records thereof.

(ii) "Dentures" are artificial structures prescribed by a dentist to replace a full or partial set of teeth and made by, or according to the directions of, a dentist.

(iii) "Prosthetic devices" means replacement, corrective, or supportive devices prescribed for a patient by a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law for the purpose of artificially replacing a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body.

(iv) "Eyeglasses" are lenses, including frames when necessary, and other aids to vision prescribed by a physician skilled in diseases of the eye, or by an optometrist, whichever the patient may select, to aid or improve vision.

(13) *Other diagnostic, screening, preventive, and rehabilitative services.* (i) "Diagnostic services", other than those for which provision is made elsewhere in these definitions, include any medical procedures or supplies recommended for a patient by his physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law, as necessary to enable him to identify the existence, nature, or extent of illness, injury, or other health deviation in the patient.

(ii) "Screening services" consist of the use of standardized tests performed under medical direction in the mass examination of a designated population to detect the existence of one or more particular diseases or health deviations or to identify suspects for more definitive studies.

(iii) "Preventive services" are those provided by a physician or other licensed practitioner of the healing arts, within the scope of his practice as defined by State law, to prevent illness, disease, disability and other health deviations or their progression, prolong life and promote physical and mental health and efficiency.

(iv) "Rehabilitative services", in addition to those for which provision is made elsewhere in these definitions, include any medical remedial items or services prescribed for a patient by his physician or other licensed practitioner of the healing arts, within the scope of his practice as defined by State law, for the purpose of maximum reduction of physical or mental disability and restoration of the patient to his best possible functional level.

(14) *Inpatient hospital services and skilled nursing home services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases.* For purposes of this subparagraph:

(i) "Inpatient hospital services" are those items and services ordinarily furnished by the hospital to inpatients, which are provided to an inpatient in the institution or to a patient who is receiving care in the institution under a day-care or a night-care plan, and which are furnished under the direction of a physician to a patient in an institution for tuberculosis or an institution for mental diseases.

(ii) "Skilled nursing home services" are those items and services given in a skilled nursing home, as defined in subparagraph (4)(i) of this paragraph, when these items and services are furnished to patients who would not have been discharged from, or would be admitted to, an institution for tuberculosis or mental diseases if skilled nursing home services were not available to them.

(iii) An "institution for tuberculosis", qualified to carry out the provisions of the Act in respect to the care and treatment of individuals 65 years of age or over is one that (*a*) meets the requirements for a tuberculosis hospital under title XVIII, section 1861(g), of the Social Security Act; or (*b*) effective only until July 1, 1969, is licensed, or formally approved, by an officially designated State standard-setting authority as a hospital or medical institution operated primarily to provide diagnosis, treatment and rehabilitation to inpatients with tuberculosis.

(iv) An "institution for mental diseases", qualified to carry out the provisions of the Act in respect to the care and treatment of individuals 65 years of age or over is one that (*a*) meets requirements for a psychiatric hospital under title XVIII, section 1861(f), of the Social Security Act; or (*b*) effective only until July 1, 1970, is approved by appropriate State standard-setting authorities as a hospital established for the care of the mentally ill and as being physically safe and as having staff adequate in number and qualifications to carry out an active program of diagnostic, treatment and rehabilitative services for its patients; and specifically provides psychiatric supervision, medical services, including 24-hour nursing services under the supervision of a registered nurse, and the social services necessary to assure a continuous plan of treatment and care for all of its patients. Effective October 1, 1969, in the case of any institution for mental diseases which qualifies for Federal Financial Participation through subdivision (*b*) the single State agency must have on file a written plan which describes the steps which the institution will take for meeting the requirements of title XVIII, section 1861(f) of the Act by July 1, 1970.

(15) *Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary.* This term includes the following items in those States in which they are recognized under State law and under the circumstances, and to the extent to which, they are so recognized:

(i) Transportation, including expenses for transportation and other related travel expenses, necessary to securing medical examinations and/or treatment when determined by the agency to be necessary in the individual case. "Travel expenses" are defined to include the cost of transportation for the individual by ambulance, taxicab, common carrier or other appropriate means; the cost of outside meals and lodging en route to, while receiving medical care, and returning from a medical resource; and the cost of an attendant to accompany him, if medically or otherwise necessary. The cost of an attendant may include transportation, meals, lodging, and salary of the attendant, except that no salary may be paid a member of the patient's family.

(ii) Family planning services, including drugs, supplies, and devices, when such services are under the supervision of a physician.

(iii) Services of Christian Science nurses who are listed and certified by the First Church of Christ Scientist, Boston, Mass., when these services have been requested by the patient and are provided (*a*) by, or under the supervision of, a Christian Science visiting nurse organization listed and certified by the First Church of Christ Scientist, Boston, Mass.; or (*b*) as private duty services to an individual in his own home or in a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass., when the patient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the sanatorium.

(iv) Care and services provided in Christian Science sanatoria operated by, or listed and certified by, the First Church of Christ Scientist, Boston, Mass.

(v) Skilled nursing home services, as defined in subparagraph (4)(i) of this paragraph, provided to patients under 21 years of age.

(vi) Emergency hospital services which are necessary to prevent the death or serious impairment of the health of the individual and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital available which is equipped to furnish such services, even though the hospital does not currently meet the conditions for participation under title XVIII of the Social Security Act, or definitions of inpatient or outpatient hospital services set forth in subparagraphs (1) and (2) of this paragraph.

(vii) Effective only until July 1, 1969, personal care services in a recipient's home prescribed by a physician in accordance with a plan of treatment and rendered by an individual, not a member of the family, certified by a physician as being qualified to perform such services.

(c) *Limitations.* Federal financial participation in expenditures for medical and remedial care and services listed in paragraph (b) of this section is not available with respect to any individual who is an inmate of a public institution (except as a patient in a medical institution), or any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

(d) *General provisions.* (1) In all the items listed in paragraph (b) of this section, the following definitions apply, except to the extent the context otherwise requires:

(i) "Patient" is an individual who is in need of and receiving professional services directed by a licensed practitioner of the healing arts toward maintenance, improvement, or protection of health or alleviation of disability or pain.

(ii) "Inpatient" is a patient who has been admitted to a hospital, skilled nursing home, or other medical institution on recommendation of a physician or dentist and is receiving room, board, and professional services in the institution on a continuous 24-hour a day basis.

(iii) "Outpatient" is a patient who is receiving his professional services at an organized medical facility, or distinct part of such facility, which is not providing him with room and board and professional services on a continuous 24-hour-a-day basis.

(2) Nothing in the Social Security Act or Federal policies thereunder will be construed to require any State to compel any person to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under its approved State plan if such person objects, or in the case of a child, his parent or guardian objects, to such care on religious grounds. An individual may not be found eligible unless he undergoes such physical examination as is necessary to establish his eligibility, e.g., an examination must be made of an individual applying for medical assistance on the basis of his disability (as disabled under the AFDC, AB, APTD, or AABD program).

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date: The regulations in this section shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: May 6, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7401; Filed, June 23, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

STANDARDS FOR PAYMENT FOR SKILLED NURSING HOME CARE

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sections 1102 and 1902(a)(28) of the Social Security Act, 42 U.S.C. 1302 and 1396a(a)(28)) prescribed certain interim policies and requirements for Social and Rehabilitation Service programs which are binding on States on the date of their publication in the FEDERAL REGISTER:

Federal financial assistance extended under the regulations herein is subject to the Regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: May 6, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 18, 1969.

/s/ JOHN G. VENEMAN,
Acting Secretary.

INTERIM POLICY STATEMENT

1. Subject: Standards for payment for skilled nursing home care under title XIX of the Social Security Act

2. Purpose: To implement section 1902(a)(28) of the Social Security Act.

3. Regulations:

SEC. 249.33 *Standards for Payment for Skilled Nursing Home Care*—(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide that any skilled nursing home receiving payments under the plan must:

(i) Supply to the licensing agency of the State full and complete information, and promptly report any changes which would affect the current accuracy of such information, as to the identity

(*a*) Of each person having (directly or indirectly) an ownership interest of 10 percentum or more in such skilled nursing home,

(*b*) In case a skilled nursing home is organized as a corporation, of each officer and director of the corporation, and

(*c*) In case a skilled nursing home is organized as a partnership, of each partner;

(ii) Have and maintain an organized nursing service, as defined in paragraph (b) of this section, for its patients which is under the direction of a professional registered nurse who is employed full-time by such skilled nursing home, and which is composed of sufficient nursing and auxiliary personnel to provide adequate and properly supervised nursing services for such patients during all hours of each day and all days of each week;

(iii) Make satisfactory arrangements, as defined in paragraph (b) of this section, for professional planning and supervision of menus and meal service for patients for whom special diets or dietary restrictions are medically prescribed;

(iv) Have satisfactory policies and procedures, as defined in paragraph (b) of this section:

(*a*) Relating to the maintenance of medical records on each patient of the skilled nursing home;

(*b*) Relating to dispensing and administering of drugs and biologicals;

(*c*) To assure that each patient is under the care of a physician;

(d) To assure that adequate provision is made for medical attention to any patient during emergencies;

(v) Have arrangements, as defined in paragraph (b) of this section, with one or more general hospitals under which such hospital or hospitals will provide needed diagnostic and other services to patients of such skilled nursing home, and under which such hospital or hospitals agree to timely acceptance, as patients thereof, of acutely ill patients of such skilled nursing home who are in need of hospital care. The single State agency, however, may waive this requirement wholly or in part with respect to any skilled nursing home which meets all other requirements and is unable to effect such an arrangement with a hospital, as provided in paragraph (c) of this section;

(vi) Meet conditions relating to environment and sanitation, as specified in paragraph (b)(9) of this section, applicable to extended care facilities under title XVIII of the Act. The single State agency, however, may waive for such periods and under such conditions as the approved plan provides any requirement imposed by paragraph (b)(9) in accordance with the regulations set forth in paragraph (c) of this section;

(vii) Meet (after December 31, 1969) such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to nursing homes; except that the State agency may waive in accordance with regulations of the Secretary, for such periods as it deems appropriate, specific provisions of such code which, if rigidly applied, would result in unreasonable hardship upon a nursing home, but only if such agency makes a determination (and keeps a written record setting forth the basis of such determination) that such waiver will not adversely affect the health and safety of the patients of such skilled nursing home; and except that the requirements of this subdivision need not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in nursing homes.

(2) Provide and specify the methods and procedures which assure that:

(i) The single State agency will, prior to execution of an agreement with any facility for provision of skilled nursing home care and making payments under the plan,

(*a*) Obtain sufficient evidence of compliance through survey arrangements with the State licensing authority or with the agency of the State designated pursuant to section 1864 of the Social Security Act, that the facility

(*1*) Meets the requirements of subparagraph (1) of this paragraph; or

(*2*) Is a participating provider of extended care under title XVIII of the Social Security Act, and in addition meets the requirements of subdivisions (i) and (v) of such subparagraph (1); or

(*b*) Otherwise obtain sufficient evidence that the facility meets the requirements of such subparagraph (1); provided, however, that if the single State agency elects not to use the services of the State licensing authority or the agency of the State designated pursuant to section 1864 of the Social Security Act, a written justification is submitted to the Administrator that such election is not inconsistent with efficiency and economy of administration.

(ii) Beginning July 1, 1969, the single State agency shall:

(*a*) Review information contained in reports of medical review teams on inspections made pursuant to State plan provisions under section 1902(a)(26) of the Social Security Act;

(*b*) Review statements obtained by appropriate State agencies from each skilled nursing home, on forms provided by such agencies, setting forth the average numbers and types of personnel (full-time and full-time equivalents) employed daily during the quarter in which the report was made;

(*c*) Evaluate such statements to determine that requirements relating to personnel were or were not met during any quarter in which payment is being requested.

(iii) Beginning January 1, 1970, at least one onsite inspection by qualified personnel will be made during the term of an agreement with a skilled nursing home and the single State agency will review the information thus obtained, except that this requirement may be deemed to be met for skilled nursing homes also certified to participate as extended care facilities under title XVIII of the Act;

(iv) The single State agency agreement with a facility for payments under the plan may not exceed a period of 1 year. Execution of a new agreement or renewal of an agreement shall be contingent upon a determination of compliance with the provisions of subparagraph (1) of this paragraph except that:

(*a*) In the case of any skilled nursing home determined or certified to be in substantial compliance (i.e., is in compliance except for deficiencies) with the requirements of such subparagraph (1), the single State agency may enter into an agreement with such skilled nursing home for the provision of services and making of payments under the plan for a period not to exceed 6 months provided:

(*1*) There is a reasonable prospect that the deficiencies can be corrected within 6 months and the skilled nursing home provides in writing a plan acceptable to the single State agency for so doing;

(*2*) The deficiencies noted, individually or in combination, do not jeopardize the health and safety of the patients and a written justification of such a finding is maintained on file by the appropriate State agency;

(*3*) No more than two successive agreements for 6 months are executed with any skilled nursing home having deficiencies, and no second agreement is executed if any of the deficiencies existing are the same as those which occasioned the prior agreement;

(*b*) Notwithstanding the foregoing provisions, in the case of skilled nursing homes certified as extended care facilities under the provisions of title XVIII of the Social Security Act, the term of agreements may extend until 90 days after the next inspection performed, as required for extended care facility certification.

For the purposes of this subdivision (iv), waivers granted pursuant to paragraph (a)(1)(v)–(vii) and paragraph (c) of this section are not considered deficiencies.

(v) All information and reports used in determining whether a skilled nursing home meets the requirements set forth in subparagraph (1) of this paragraph are maintained on file for a period of at least 3 years by the appropriate State agency for ready access by the Department of Health, Education, and Welfare; and

(*a*) Copies of reports of inspection made on or after January 1, 1970, are completed by the inspector(s) surveying the premises with notations indicating whether each requirement for which inspection is made, is or is not satisfied, with documentation of deficiencies;

(*b*) Copies of official notices of waiver of any requirement imposed pursuant to subparagraph (1)(vii) of this paragraph and regulations pertaining thereto are on file.

(vi) Facilities which do not qualify under this section are not recognized as skilled nursing homes for purposes of payment under title XIX of the Act.

(b) *Definition of terms.* For purposes of paragraph (a)(1) of this section the following definitions apply:

(1) *Organized nursing service.* The term "organized nursing service" means that:

(i) Nursing services are under the direction of a director of nursing service who is a professional registered nurse and who:

(*a*) Is employed full-time in the facility, devotes her full-time to supervising the nursing service, and is on duty during the day shift;

(*b*) Is qualified by education, training or experience for supervisory duties;

(*c*) Is responsible to the administrator for the selection, assignment, and direction of the activities of nursing service personnel;

(*d*) Is responsible to the administrator for development of standards, policies, and procedures governing skilled nursing care and for assuring that such standards, policies and procedures are observed;

(ii) There is at least one professional registered nurse or licensed practical (or vocational) nurse on duty at all times and in charge of the nursing activities during each tour of duty;

(iii) (*a*) No later than July 1, 1970, there is on duty at all times and in charge of nursing activities at least one professional registered nurse or licensed practical (or vocational) nurse who is a graduate of a State-approved school of practical nursing, or who is found by the appropriate State licensing authority on the basis of the individual's education and formal training to have background considered to be equivalent to graduation from a State-approved school of practical nursing;

(*b*) By December 31, 1969, any State which has not adopted the standards of subdivision (iii)(*a*) shall submit to the Secretary by that date a specific plan for achieving it;

(iv) Lines of administrative and supervisory responsibility are clearly established in writing, and are known to all members of the nursing staff and to appropriate personnel in other units of the facility;

(v) Duties are clearly defined and assigned to staff members competent to perform them in accordance with written standards;

(vi) There are written patient-care policies and procedures governing skilled nursing care and related services, and staff members are familiar with them.

(2) *Nursing and auxiliary personnel.* Nursing and auxiliary personnel includes professional registered nurses and licensed practical (or vocational) nurses holding valid and current licenses as required by State law; and also nurse aides, orderlies, attendants, and ward clerks.

(3) *Adequate . . . nursing services.* The phrase "adequate nursing services" means that:

(i) Numbers and categories of personnel are determined by the number of patients and their particular need in accordance with accepted policies of effective nursing care.

(ii) Nursing and auxiliary personnel are employed and assigned on the basis of their experience or qualifications to perform designated duties.

(iii) The amount of nursing time is sufficient to assure that each patient:

(*a*) receives treatments, medications, and diet as prescribed.

(*b*) receives proper care to prevent decubiti and is kept comfortable, clean, and well-groomed.

(*c*) is protected from accident and injury by the adoption of appropriate safety measures.

(*d*) is encouraged to perform out-of-bed activities, as permitted.

(*e*) receives assistance to maintain optimal physical and mental functions.

(4) *Professional planning and supervision of menus and meal service.* The phrase "professional planning and supervision," when used in relation to menus and meal service for patients for whom special diets or dietary restrictions are medically prescribed means that:

(i) Menus are planned and supervised by professional personnel meeting the following qualifications:

(*a*) A dietitian who meets the American Dietetic Association's standards for qualification as a dietitian; or

(*b*) A graduate holding at least a bachelor's degree from a university program with major study in food and nutrition; or

(*c*) A trained food-service supervisor, an associate degree dietary technician, or a professional registered nurse, with frequent and regularly scheduled consultation from a dietitian or nutritionist meeting the qualifications stated in subdivisions (*a*) and (*b*) of this subparagraph (4)(i);

(ii) Special and restricted diet menus are kept on file for at least 30 days, notations are made of any substitutions or variations in the meal actually served, and the patients to whom the diets were actually served are identified in the dietary records;

(iii) Procedures are established and regularly followed which assure that the serving of meals to patients for whom special or restricted diets have been medically prescribed is supervised and their acceptance by the patient is observed and recorded in the patient's medical record.

(5) *Satisfactory policies and procedures relating to maintenance of medical records.* Satisfactory policies and procedures relating to the maintenance of medical records means the standards set forth in 20 CFR 405.1132 pertaining to extended care facilities under title XVIII of the Social Security Act.

(6) *Satisfactory policies and procedures relating to dispensing and administering of drugs and biologicals.* Satisfactory policies and procedures relating to dispensing and administering of drugs and biologicals means the standards set forth in 20 CFR 405.1127 pertaining to extended care facilities under title XVIII of the Social Security Act.

(7) *Satisfactory policies and procedures relating to physician coverage.* Satisfactory policies and procedures relating to physician coverage and emergency medical attention means the standards set forth in 20 CFR 405.1123 pertaining to extended care facilities under title XVIII of the Social Security Act.

(8) *Arrangement with one or more general hospitals.* Arrangements with one or more general hospitals means:

(i) Written agreements providing a basis for effective working arrangements under which inpatient hospital care is available promptly to the skilled nursing home's patients when needed, which include as a minimum:

(*a*) procedures for transfer of acutely ill patients to the hospital ensuring timely admission,

(*b*) provisions for continuity in the care of the patient and for the transfer of pertinent medical and other information between the skilled nursing home and the hospital.

(ii) Written agreements containing provisions for the prompt availability of diagnostic and other out-patient services.

(9) *Conditions relating to environment and sanitation.* Conditions relating to environment and sanitation applicable to extended care facilities under title XVIII of the Act means standards set forth in 20 CFR 405.1125(i) and 405.-1134–405.1136.

(c) *Conditions Under Which the Single State Agencies May Waive Certain Requirements.* (1) The requirement for arrangements with one or more general hospitals may be waived wholly or in part if by reason of remote location or other good and sufficient reason a skilled nursing home is unable to effect such an arrangement with a hospital. However, this requirement may not be waived in whole if it can be satisfied in part. A finding of remote location or other good and sufficient reason may be made when:

(i) there is no general hospital serving the area in which the skilled nursing home is located; or

(ii) there are one or more general hospitals serving the area and the skilled nursing home has attempted in good faith and has exhausted all reasonable possibilities to enter into an agreement with such hospital or hospitals, and

(*a*) the nursing home has provided copies of letters, records of conferences, or other evidence to support its claim that it has attempted in good faith to enter into an agreement, and

(*b*) hospitals in the area have, in fact, refused to enter into an agreement with the skilled nursing home in question.

(2) The single State agency may waive the application to skilled nursing homes of one or more specific provisions of 20 CFR 405.1125(i), 405.1134, 405.1135, or 405.1136 if after consultation with the surveying agency it finds that such provision(s), if rigidly applied, would result in unreasonable hardship upon a skilled nursing home and that:

(i) The waiver of the specific provision(s) does not adversely affect the health and safety of the patients in the facility and a written justification of such determination is maintained on file;

(ii) Where structural changes in the skilled nursing home are necessary to meet a provision, the change is of such magnitude as to be infeasible, or economically impracticable; delay in making such changes would not adversely affect the health and safety of patients; and an explanation of this finding is maintained on file;

(iii) The conditions of waiver in subdivisions (i) and (ii) of this subparagraph are redetermined at the time of each survey and written evidence of such redetermination is maintained on file;

(iv) The waiver of requirements is rescinded at any time any of the conditions of subdivisions (i) and (ii) of this subparagraph are found to no longer apply.

(d) *Federal financial participa*
(1) Federal financial participation
available at 75 per centum in expe
tures of the single State agency for c
pensation (or training) of its skilled
fessional medical personnel and
directly supporting such perso
which are necessary to carry out th
regulations.

(2) Federal financial participation
applicable rates is also available for
single State agency to enter into a w
ten contract (under the supervision
the Medical Assistance Unit) with
State licensing authority, the agency
the State designated pursuant to sect
1864 of the Social Security Act or oth
appropriate State agencies providing
at least:

(i) On-site surveys and resurveys
skilled nursing homes applying to par
ipate or participating as providers
service under the medical assistance p
to be performed at appropriate interv
by properly qualified personnel,

(ii) Timely furnishing to the sin
State agency of all information and re
ords herein required, and

(iii) Methods and procedures acce
able to the Secretary for determining
agency's expenditures in which Feder
financial participation is available.

Such Federal financial participation
available only for those expenditures
the State licensing authority or oth
appropriate State agencies which are
attributable to the overall cost of meeti
responsibilities under State law and re
lations for establishing and maintain
standards but which are necessary a
proper for carrying out these regulatio

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NOTICE

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

POTASSIUM SODIUM COPPER CHLOROPHYLLIN (CHLOROPHYLLIN-COPPER COMPLEX); CONFIRMATION OF EFFECTIVE DATE

In the matter of listing potassium sodium copper chlorophyllin (chlorophyllin-copper complex) for drug and cosmetic use exempt from certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(2), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 26, 1969 (34 F.R. 6975). Accordingly, the regulations promulgated by that order (21 CFR 8.6014, 8.8004) will become effective June 25, 1969.

2. To correct an error, § 8.6014(b) promulgated by said order is amended by changing in the specification "Ratio, absorbance * * *" the measurement "730 mμ" to read "630 mμ."

3. Effective June 25, 1969, § 8.501 *Provisional lists of color additives* is amended by deleting from paragraph (g) the item "Chlorophyll copper complex and chlorophyllin copper complex."

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7432; Filed, June 24, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 451—INCENTIVE AWARDS

Award Scale for Job Performance; Correction

When miscellaneous amendments were made to Part 451 in the FEDERAL REGISTER of May 27, 1969, F.R. Doc. 69-6284, one new section was erroneously omitted. New § 451.303a is set out below.

§ 451.303a Award scale for job performance.

A cash award for job performance that exceeds normal requirements and is sustained over a significant period of time shall be granted in accord with the following scale:

General schedule grade	*Award range*
1–4	$100 to $150.
5–8	$150 to $200.
9–11	$200 to $250.
12–13	$250 to $300.
14–18	$300 to $350.

Application of the scale to a position not under the General Schedule shall be made by comparing the annual entrance pay for the grade. For a Wage Position, the annual entrance pay is determined by multiplying the entrance hourly rate by 2080. An agency may make an exception from the scale only in a unique case of unusual merit and when the reason therefor is documented.

(5 U.S.C. 4506)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7479; Filed, June 24, 1969; 8:49 a.m.]

PART 713—EQUAL OPPORTUNITY

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

MISCELLANEOUS AMENDMENTS; CORRECTION

In F.R. Doc. 69-3265 appearing in the FEDERAL REGISTER of March 19, 1969, on pages 5368 and 5370 under Miscellaneous Amendments to Chapter, § 713.204(d)(6), lines 7 and 8, "§§ 713.211 through 713.221" should read "§§ 713.211 through 713.222" and at the very end of § 713.217 (c) "§ 713.220" should read "§ 713.221".

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR 1964–1965 Comp., pp. 306, 339, E.O. 11375; 3 CFR 1967 Comp., p. 320)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7480; Filed, June 24, 1969; 8:49 a.m.]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Change of Enrollment

On April 23, 1969, the following was published in the FEDERAL REGISTER as proposed rule making. The purpose is to extend to annuitants the same privileges now granted to employees to change their health benefits enrollments during the 1969 open season. No adverse comments, objections, or suggestions on the proposal have been received by the Civil Service Commission. Accordingly, Part 890 of Title 5, Code of Federal Regulations, is amended by revising subparagraph (2) of paragraph (d) of § 890.301 as set out below.

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * * *

(d) *Open season.* * * *

(2) During the period November 10 to November 28, 1969, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

* * * * * *

(5 U.S.C. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7481; Filed, June 24, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 378, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such

lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.678 (Lemon Reg. 378, 34 F.R. 9380) are hereby amended to read as follows:

§ 910.678 Lemon Regulation 378.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 358,050 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 20, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7485; Filed, June 24, 1969; 8:49 a.m.]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On June 7, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9078) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1969, and ending February 28, 1970, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1969, through February 28, 1970, will amount to $253,989.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed as follows:

(1) One and one-tenth cent ($0.011) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Four and two-tenths cents ($0.042) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) One cent ($0.01) per California peach box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1969, shall be carried as a reserve in accordance with the applicable provisions of § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (2) the fiscal period began March 1, 1969, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 20, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7486; Filed, June 24, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Barley Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

Correction

In F.R. Doc. 69-7140 appearing at page 9540 in the issue of Wednesday, June 18, 1969, the following changes should be made in § 1421.2279(b):

1. Under Iowa, the county following Guthrie which now reads "Mamilton" should read "Hamilton".

2. Under Nebraska, the rate per bushel for Washington County should read "0.83" instead of "$0.80".

3. Under Wisconsin, the rate per bushel for Wood County should read ".81" instead of ".82".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;

Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwall, Runnels, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds to the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Indian River County in Florida; Concordia and Red River Parishes in Louisiana; Blaine, Cherry, Hooker, Logan, and McPherson Counties in Nebraska; Cotton County in Oklahoma; Cass, Clay, and Rockwall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1969.

E. E. SAULMAN,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-7452; Filed, June 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-EA-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Reporting Point and Designation, Modification, and Revocation of Jet Routes

On April 9, 1969, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6289) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign segments of Jet Route Nos. 34, 80, 110, and 518; revoke Jet Route No. 12 and segment of Jet Route No. 49; designate Jet Route Nos. 145 and 162; and designate Bellaire, Ohio, VORTAC high altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. Section 75.100 (34 F.R. 431, 2307, 4856) is amended as follows:

a. Jet Route No. 12 is revoked.

b. In the caption Jet Route No. 34 "to Front Royal, Va." is deleted and "to

Westminster, Md." is substituted therefor, and in the text all after "Cleveland, Ohio;" is deleted and "Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials." is substituted therefor.

c. In the caption of Jet Route No. 49 "Charleston, W. Va." is deleted and "Philipsburg, Pa." is substituted therefor, and in the text all before "Albany, N.Y.;" is deleted and "From Philipsburg, Pa., via Hancock, N.Y.;" is substituted therefor.

d. In the text Jet Route No. 80 all between "Indianapolis, Ind.;" and "Coyle, N.J.;" is deleted and "Bellaire, Ohio;" is substituted therefor.

e. In the text of Jet Route No. 110 all between "Indianapolis, Ind.;" and "Coyle, N.J.;" is deleted and "Bellaire, Ohio;" is substituted therefor.

f. Jet Route No. 145 is added:

Jet Route No. 145 (Charleston, W. Va., to Bellaire, Ohio).

From Charleston, W. Va., to Bellaire, Ohio.

g. Jet Route No. 162 is added:

Jet Route No. 162 (Cleveland, Ohio, to Front Royal, Va.).

From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

h. Jet Route No. 518 is amended to read:

Jet Route No. 518 (Cleveland, Ohio, to Westminster, Md.).

From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

2. Section 71.207 (34 F.R. 4799) is amended by adding "Bellaire, Ohio."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 17, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7460; Filed, June 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-19]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On April 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6795) stating that the Federal Aviation Administration was considering the realignment of segments of Jet Route No. 30 and No. 149.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 5010) is amended as follows:

a. In the text of Jet Route No. 30 "to Front Royal, Va." is deleted and "INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va." is substituted therefor.

b. Jet Route No. 149 is amended to read:

Jet Route No. 149 (Casanova, Va., to Fort Wayne, Ind.)

From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 17, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7459; Filed, June 24, 1969; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-146]

CUSTOMS CONVENTIONS

The United States on December 3, 1968, deposited instruments of accession to the following Conventions:

Customs Convention on the Temporary Importation of Professional Equipment.
Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.
Customs Convention on the E.C.S. Carnets for Commercial Samples.
Customs Convention on Containers.

The Conventions, the texts of which were published in T.D. 69-68, entered into force on March 3, 1969.

Legislation necessary to implement the Conventions in respects not previously authorized under domestic law was enacted in Public Law 90-635, approved October 24, 1968 (T.D. 68-295).

The Customs Convention on the E.C.S. Carnets for Commercial Samples is a companion Convention to the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material (8 UST 1636; TIAS 3920) to which the United States is a party.

On February 11, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1951) a notice of proposed rule making setting forth proposed amendments to the Customs Regulations to give effect to Public Law 90-635 and implement the above-mentioned Customs Conventions. Representations submitted pursuant to the notice have been carefully considered.

The amendments as proposed, with technical and clarifying changes, and the deletion of the requirement for a bond in support of the undertaking provided for in present § 33.11(a), are adopted as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

1. The first sentence of paragraph (d) of § 8.4 is amended by inserting ", or an A.T.A. or E.C.S. carnet issued under Part 33 of this chapter" after "5119-A)", so that the sentence will read as follows:

§ 8.4 Preliminary examination of entry papers; making entry or withdrawal; applicable rate of duty; date of importation.

* * * * *

(d) Entry is made under an appraisement entry (customs Form 7500), a formal consumption entry (customs Form 7501), a combined entry for rewarehouse and withdrawal for consumption (customs Form 7519), an informal entry (customs Form 5119 or 5119-A), or an A.T.A. or E.C.S. carnet issued under Part 33 of this chapter when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, at the port or station with the customs officer designated to receive such entry papers and any duties or taxes required to be paid at the time of making entry have been deposited with the customs officer designated to receive such monies. * * *

* * * * *

2. Paragraph (k) of § 8.6 is amended to read:

§ 8.6 Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.

* * * * *

(k) A nonresident consignee has the right to make entry but the bond, customs Form 7551, 7553, or other appropriate form when required, shall have thereon a resident corporate surety or, when a carnet is used as an entry form, an approved resident guaranteeing association.

* * * * *

(R.S. 251, 77A Stat. 14, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1484, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

3. Paragraph (a) of § 10.31 is amended by inserting ", unless covered by a carnet provided for in Part 33 of this chapter," after "shall" in the first sentence; by inserting the following new sentence after the second sentence: "When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry." and by changing "collector" in the final sentence to "district director of customs", so that the paragraph will read as follows:

§ 10.31 Entry; bond.

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under Schedule 8, Part 5C, Tariff Schedules of the United States,[34] shall, unless covered by a carnet provided for in Part 33 of this chapter, be made on customs Form 7501, except that, when § 10.36 or § 10.36a is applicable, or the aggregate value of the articles is not over $250, the form prescribed for the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. When entry is made on customs Form 7501, it shall be in original only except in the case of entries under item 864.05, in which case a duplicate copy shall be required for statistical purposes. When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry. In addition to the data usually shown on a regular consumption entry, there shall be set forth on each temporary importation bond entry (1) the item number under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the district director of customs to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

§ 10.31 [Amended]

* * * * *

4. Footnote 34 to Part 10, § 10.31 is amended as follows:

a. Paragraph 1 is amended to read:

"34 "1. (a) The articles described in the provisions of this subpart, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial 1 year, shall not exceed a total of 3 years, except that (1) articles imported under item 864.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such 6-month period shall not be extended, and (2) in the case of professional equipment and tools of trade admitted into the United States under item 864.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure. For purposes of this headnote, an aircraft engine or propeller, or any part or accessory of either, imported under item 864.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported.

"(b) For articles admitted into the United States under item 864.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.

b. Item 864.50 in paragraph 5 is amended to read:

"Item 864.50 Professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents * * *."

5. Section 10.31(f) is amended to read:

(f) With the exceptions stated herein, a bond shall be given on customs Form 7563 in an amount equal to double the duties which it is estimated would accrue (or such larger amount as the district director shall state in writing to the entrant is necessary to protect the revenue) had all the articles covered by the entry been entered under an ordinary consumption entry. In the case of samples solely for use in taking orders entered under item 864.20, Tariff Schedules of the United States, motion-picture advertising films entered under item 864.25, and professional equipment, tools of trade and repair components for such equipment or tools entered under item 864.50, the bond required to be given shall be in an amount equal to 110 percent of the estimated duties determined at the time of entry. A term bond on customs Form 7563-A, a general term bond on customs Form 7595, or, in appropriate cases, a carnet under Part 33 of this chapter, may be given in lieu of the bond on customs Form 7563. Cash deposits in the amount of the bond may be accepted in lieu of sureties. When the articles are entered under item 864.05, 864.20, or 864.50, Tariff Schedules of the United States, without formal entry, as provided for in §§ 10.36 and 10.36a, or the amount of the bond taken under any item of Schedule 8, Part 5C, Tariff Schedules of the United States, is less than $25, the bond shall be without surety or cash deposit, and the bond shall be modified to so indicate.

6. Section 10.36 is amended as follows: The first sentence of paragraph (a) and the first sentence of paragraph (d) are amended to read:

§ 10.36 Commercial travelers' samples; professional equipment and tools of trade; theatrical effects and other articles.

(a) Samples accompanying a commercial traveler who presents an adequate descriptive list or a special customs invoice, and professional equipment, tools of trade, and repair components for such equipment or tools imported in his baggage for his own use by a nonresident sojourning temporarily in the United States may be entered on the importer's baggage declaration in lieu of formal entry and examination and may be passed under item 864.20 or item 864.50, Tariff Schedules of the United States, at the place of arrival in the same manner as other passengers' baggage. * * *

* * * * *

(d) The privilege of clearance of commercial travelers' samples or professional equipment, tools of trade, and repair components for such equipment or tools imported for his own use by a nonresident sojourning temporarily in the United States on a baggage declaration under bond without surety or cash deposit shall not be accorded to a commercial traveler or such nonresident who, through fraud or culpable negligence, has failed to comply with the provisions of such a bond in connection with a prior arrival. * * *

7. Section 10.37 is amended to read:

§ 10.37 Extension of bonds.

A bond given to assure the exportation of a temporary importation entered under Schedule 8, Part 5C, Tariff Schedules of the United States, may be extended for not more than two further periods of 1 year each, or such shorter period as may be appropriate, by the district director of customs at the port where the entry was filed, upon written application to such district director on customs Form 3173, provided the articles have not been exported or duly destroyed before the receipt of the application by the district director, and provided liquidated damages have not been assessed under the bond before such receipt. No extension of the period for which a carnet is valid shall be granted.

§ 10.38 [Amended]

8. Section 10.38 is amended as follows:

a. Paragraph (a) is amended to read:

(a) Articles entered under a temporary importation bond may be exported at the port of entry or at another port. An application on customs Form 3495 shall be filed in duplicate with the district director of customs a sufficient length of time in advance of exportation to permit the examination and identification of the articles if circumstances warrant such action and, in such event, the applicant shall be notified on a copy of customs Form 3495 where the articles are to be sent for identification. If a carnet was used for entry purposes, the reexportation voucher of the carnet shall be filed, in addition to customs Form 3495, and the carnet shall be presented for certification.

b. Paragraph (c) is amended by changing "duplicate" in the first sentence to "triplicate."

c. Paragraph (d) is amended to read:

(d) If the goods are examined at one port and are to be exported from another port, they shall be forwarded to the port of exportation under a transportation and exportation entry. In such cases customs Form 3495 shall be filed in triplicate. Articles entered under a carnet shall not be examined elsewhere than at the port from which they are to be exported.

d. A new paragraph (g) is added as follows:

(g) Upon the presentation of satisfactory evidence to the district director at the port at which samples were entered under item 864.20, Tariff Schedules of the United States, or professional equipment or tools of trade were entered under item 864.50, that such articles cannot be exported for the reason that they have been seized (other than by seizure at the suit of private persons), the requirement of exportation shall be suspended for the duration of the seizure. The articles shall be exported promptly after release from seizure.

9. Section 10.39 is amended as follows: Paragraph (a) is amended by inserting (a) new sentence immediately after the first sentence, paragraph (d) is revised, and paragraph (e)(3) is amended by adding a sentence at the end.

§ 10.39 Cancellation of bonds.

(a) * * * A completed reexportation counterfoil on a carnet establishes that

the articles covered by the carnet have been exported, and no claim shall be brought against the guaranteeing association under the carnet for failure to export, except under the provisions of § 33.26 of this chapter. * * *

* * * * *

(d) (1) If any article entered under Schedule 8, Part 5C, Tariff Schedules of the United States, except those entered under a carnet, has not been exported or destroyed in accordance with the regulations in this part within the bond period (including any lawful extension), the district director shall make a demand in writing under the bond for the payment of liquidated damages equal to the entire amount of the bond. If the entry covering the articles is charged against a term bond, the demand shall be limited to an amount equal to double the estimated duties applicable to such entry, unless a lower amount is prescribed by § 10.31(f). The demand shall include a statement that a written application for relief from the payment of the full liquidated damages may be filed with the district director within 60 days after the date of the demand.

(2) If articles entered under a carnet have not been exported or destroyed in accordance with the regulations in this part within the carnet period, the district director shall promptly after expiration of that period make demand in writing upon the importer and guaranteeing association for the payment of liquidated damages in the amount of 110 percent of the estimated duties on the articles not exported or destroyed. The guaranteeing association shall have a period of 6 months from the date of claim in which to furnish proof of the exportation or destruction of the articles under conditions set forth in the Convention under which the carnet is issued. If such proof is not furnished within the 6-month period, the guaranteeing association shall forthwith pay the liquidated damages provided for above. The payment shall be refunded if the guaranteeing association within 3 months from the date of payment furnishes the proof referred to above. No claim for payment under a carnet covering a temporary importation may be made against the guaranteeing association more than 1 year after the expiration of the period for which the carnet was valid.

(e) * * *

(3) * * * Satisfactory documentary evidence of exportation, in the case of carnets, would include the particulars regarding importation or reimportation entered in the carnet by the customs authorities of another contracting party, or a certificate with respect to importation or reimportation issued by those authorities, based on the particulars shown on a voucher which was detached from the carnet on importation or reimportation into their territory, provided it is shown that the importation or reimportation took place after the exportation which it is intended to establish.

* * * * *

10. Section 10.41a is amended as follows: Paragraph (a) is amended, footnote 38 is amended, and new footnote 38a is added. Paragraph (b) is added, paragraphs (e) and (h) are amended, and paragraph (i) is added to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

(a) (1) Lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic are hereby designated as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. The Commissioner of Customs is authorized to designate as instruments of international traffic, in decisions to be published in the weekly Customs Bulletin, such additional articles or classes of articles as he shall find should be so designated. Such instruments may be released without entry or the payment of duty, subject to the provisions of this section.

(2) Repair components for a particular container of foreign production which is an instrument of international traffic may be entered, or withdrawn from warehouse, for consumption without the deposit of duty if the person making the entry or withdrawal from warehouse files therewith his declaration that the repair component was imported to be used in the repair of a particular container of foreign production which is an instrument of international traffic, and the district director of customs is satisfied that the importer of the repair component had the declared intention at the time of importation. Liquidation of the entry covering the repair component shall be suspended until proof of use is furnished or the time allowed for the production thereof has expired. Upon satisfactory proof of the use of the repair component, the entry shall be liquidated free of duty. When such proof is not filed within 3 years from the date of entry or any extension of the period of the bond (see § 25.18(b) of this chapter), the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.[38]

(3) As used in this section, "instruments of international traffic" includes the normal accessories and equipment imported with any such instrument which is a "container" as defined in Article 1 of the Customs Convention on Containers.[38a]

(b) The reexportation of a container, as defined in Article 1 of the Customs Convention on Containers, which has become badly damaged, shall not be required in the case of a duly authenticated accident if the container (1) is subjected to applicable import duties and import taxes, or (2) is abandoned free of all expense to the Government or destroyed under customs supervision at the expense of the parties concerned, following the procedure outlined in § 15.4(c) of this chapter. Any salvaged parts and materials shall be subjected to applicable import duties and import taxes. Replaced parts which are not reexported shall be subjected to import duties and import taxes except where abandoned free of expense to the Government or destroyed under customs supervision at the expense of the parties concerned.

* * * * *

(e) The person who filed the application for release under paragraph (a)(1) of this section shall promptly notify a district director at a port of entry in the United States as defined in section 401(k), Tariff Act of 1930, as amended, (1) that the container is to be abandoned or destroyed, as described in paragraph (b) of this section, or (2) that the instrument is the subject of a diversion or withdrawal as described in paragraph (d) of this section, in which event he shall file with the district director a consumption entry for the instrument and pay all import duties and import taxes due on the container or instrument at the rate or rates in effect and in its condition on the date of such diversion or withdrawal.

* * * * *

(h) When an instrument of international traffic, as provided in paragraph (a) of this section, is returned to the United States and released in accordance with the provisions of that paragraph, any repairs which may have been made to the instrument while it was abroad are not subject to entry or the payment of duty whether the instrument is of foreign or domestic manufacture, whether it left the United States empty or loaded, and whether or not the repairs made abroad were in contemplation when the instrument left the United States.

(i) Containers and other articles designated as instruments of international traffic in accordance with this section are nevertheless subject to the application of the coastwise laws of the United States, with particular reference to section 883, title 46, United States Code (see § 4.93 of this chapter).

11. A new § 10.41c is added as follows:

§ 10.41c Containers accepted for transport under customs seal; requirements.

(a) Containers covered by the Customs Convention on Containers shall be accepted for transport under customs seal (see § 18.4 of this chapter), if (1) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers and (2) constructed and equipped as outlined in Annex 1 to the Customs Convention on Containers as evidenced by an unexpired certificate of approval in the form prescribed by Annex 2 to that Convention or by a metal plate showing design type approval by the competent authority in the country of manufacture. The district director may nevertheless refuse to accept for transport under customs seal a container bearing evidence of approval if, in his opinion, the container does in fact no longer meet the requirements of the Convention.

(b) Containers, except those approved by design type, may be approved by the competent authority of the country in which the owner is resident or established or of the country where the container is used for the first time for transport under customs seal. Containers approved by design type may be approved only by the competent authority of the country of manufacture.

(c) The certificate of approval shall be inserted in a protective frame affixed to one of the outside walls of the container and shall be covered on both sides by transparent plastic sheets hermetically sealed together. The frame shall be so designed as to protect the certificate and make it impossible to extract the certificate without breaking the seal that will be affixed in order to prevent removal of the certificate; it shall also adequately protect the seal. The metal plate showing design type approval shall be affixed by the manufacturer in a clearly visible place on or near one of the doors or other main openings of each container manufactured to the approved design.

(d) Containers which are not approved under the provisions of the Customs Convention on Containers may be accepted for transport under customs seal only if the district director at the port of origin is satisfied that (1) the container can be effectively sealed and (2) no goods can be removed from or introduced into the container without obvious damage to it or without breaking the seal.

12. Paragraph (a) of § 10.68 is amended to read:

§ 10.68 Procedure.

(a) Theatrical scenery, properties, and effects, motion-picture films (including motion-picture films taken aboard a vessel for exhibition only during an outward voyage and returned for the same purpose during an inward voyage on the same or another vessel), and commercial travelers' samples, of domestic or foreign origin, taken abroad may be returned without formal entry and without payment of duty: *Provided*, That prior to exportation of such articles an exportation voucher from a carnet, when applicable, or an application on customs Form 4455 was filed and the merchandise was identified as set forth in § 10.8, governing the exportation of articles sent abroad for repairs. When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry. In the case of commercial travelers' samples taken abroad for temporary use, district directors, in their discretion, may waive examination at the time of exportation, except where exportation involves certification of a carnet. When motion-picture films are to be taken aboard a vessel for exhibition only during an outward voyage and are to be returned for the same purpose during an inward voyage on the same or another vessel, district directors may waive examination and supervision at the time of exportation. In the case of theatrical scenery, properties, and effects taken abroad by rail for temporary use in carload lots in cars sealed by customs officers for entry at any Canadian or Mexican port where U.S. customs officers are stationed, application and examination prior to or at the time of exportation is waived if customs Form 4455 is filed with the U.S. customs officer in the appropriate Canadian or Mexican port, and that officer examines the articles prior to their release from customs custody by the foreign customs officers.

* * * * *

(77A Stat. 14, sec. 14, 67 Stat. 516, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Gen. Hdnote. 11), 1322, 1623, 1624).

PART 25—CUSTOMS BONDS

13. Section 25.1 is amended to read:

§ 25.1 Classes of bonds.

All bonds required to be given under the customs statutes or regulations shall be known as customs bonds and shall consist of two classes: Those approved by the Bureau and those approved by district directors of customs.[1] Carnets provided for in Part 33 of this chapter are guaranteed by separate undertakings with the Government of the United States and, accordingly, are acceptable in appropriate cases without posting of further security under customs statutes or regulations requiring bonds.

14. Paragraph (a)(15) of § 25.4 is amended to read:

§ 25.4 Bonds approved by collectors; form and execution.

(a) * * *

(15) Bond for temporary importations, customs Form 7563, in an amount equal to double the estimated duties as determined at the time of entry (except in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade in which case the bond shall be in an amount equal to 110 percent of such estimated duties).

* * * * *

(80 Stat. 379, R.S. 251, secs. 623, 624, 46 Stat. 759, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1623, 1624)

PART 33—CARNETS

15. Chapter I is amended to add a new Part 33 reading as follows:

Sec.
33.0 Scope.

Subpart A—General Provisions

33.1 Definitions.
33.2 Customs Conventions.
33.3 Carnets.

Subpart B—Issuing and Guaranteeing Associations

33.11 Approval.
33.12 Termination of approval.

Subpart C—Processing of Carnets

33.21 Acceptance.
33.22 Coverage of carnets.
33.23 Maximum period.
33.24 Additions.
33.25 Replacement of carnets.
33.26 Discharge of carnets.

Subpart D—Miscellaneous

33.31 Mail importations.
33.32 Samples for taking orders.
33.33 Action against carnet user.

AUTHORITY: The provisions of this Part 33 issued under R.S. 251, 77A Stat. 14, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1623, 1624.

§ 33.0 Scope.

This part is concerned with the use of international customs documents known as carnets. It also contains provisions concerning the approval of associations to issue carnets in the United States covering merchandise to be exported and to guarantee carnets issued abroad covering merchandise to be imported. The carnet serves simultaneously as a customs entry document and as a customs bond.

Subpart A—General Provisions

§ 33.1 Definitions.

The following are general definitions for the purpose of this Part 33:

(a) *Commissioner.* "Commissioner" means the Commissioner of Customs.

(b) *Issuing association.* "Issuing association" means an association approved by the Commissioner for the issue of carnets in the customs territory of the United States under a Customs Convention to which the United States has acceded.

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[38] "Substantial containers and holders, if products of the United States (including shooks and staves of United States production when returned as boxes or barrels containing merchandise), or if of foreign production and previously imported and duty (if any) thereon paid, or if of a class specified by the Secretary of the Treasury as instruments of international traffic, and repair components for a particular container of foreign production which is an instrument of international traffic * * * Free" (Item 808.00, Tariff Schedules of the United States.)

[38a] "* * * The term 'container' shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

"(i) Of a permanent character and accordingly strong enough to be suitable for repeated use;

"(ii) Specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;

"(iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

"(iv) So designed to be easy to fill and empty; and

"(v) Having an internal volume of one cubic metre or more.

and shall include the normal accessories and equipment of the container, when imported with the container; the term 'container' includes neither vehicles nor conventional packing; * * *." (Article 1, Customs Convention on Containers.)

(c) *Guaranteeing association.* "Guaranteeing association" means an association approved by the Commissioner to guarantee the payment of obligations under carnets covering merchandise entering the customs territory of the United States under a Customs Convention to which the United States has acceded.

(d) *A.T.A. carnet.* "A.T.A. carnet" (Admission Temporaire — Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.

(e) *E.C.S. carnet.* "E.C.S. carnet" (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the E.C.S. Carnets for Commerical Samples.

§ 33.2 Customs Conventions.

The regulations in this part relate to carnets provided for in the following Customs Conventions:

(a) Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (hereinafter referred to as A.T.A. Convention).

(b) Customs Convention on the E.C.S. Carnets for Commercial Samples (hereinafter referred to as E.C.S. Convention).

§ 33.3 Carnets.

A carnet issued in conformity with the provisions of a Convention identified in § 33.2 and of the regulations in this part shall serve as an entry document within the scope contemplated by the applicable Convention and as a bond for the performance of acts in compliance with the provisions of such Convention and the customs statutes and regulations which are involved. Such carnet shall (a) show the period for which it is valid, (b) be fully completed in accordance with the provisions of the Convention which provides for its issuance, and (c) include an English translation whenever the goods covered by a carnet are described in another language.

Subpart B—Issuing and Guaranteeing Associations

§ 33.11 Approval.

(a) *Document to be furnished.* Before an association may be approved to serve as issuing association or guaranteeing association or a guaranteeing association spect to carnets authorized under a Customs Convention to which the United States has acceded, such association shall furnish the Commissioner a written undertaking, in a form satisfactory to the Commissioner, to perform the functions and fulfill the obligations specified in the Convention under which carnets are to be issued or guaranteed.

(b) *Publication of notice of approval.* Notice of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

§ 33.12 Termination of approval.

(a) *For cause.* The Commissioner may suspend or revoke the approval previously given to any issuing association or guaranteeing association for failure or refusal to comply with the duties, obligations, or requirements set forth in its written undertaking on which the approval was based; in the applicable Customs Convention; or in the customs regulations. Before such suspension or revocation, the Commissioner shall give the association a reasonable opportunity to refute the alleged failure of compliance.

(b) *Withdrawal.* To be relieved of future obligations, an approved guaranteeing association must notify the Commissioner, in writing, not less than 6 months in advance of a specified termination date that it will not guarantee the payment of obligations under carnets accepted by district directors of customs after the specified date. The receipt of such notice by the Commissioner will in no way affect the responsibility of the guaranteeing association for payment of claims on carnets accepted by district directors before the designated termination date.

(c) *Notice.* Notice of the suspension or revocation of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

Subpart C—Processing of Carnets

§ 33.21 Acceptance.

A carnet executed in accordance with § 33.3 shall be accepted provided that when the carnet is presented an association for the guaranteeing of such carnets has been approved in accordance with § 33.11 and such approval has not been terminated as provided for in § 33.12.

§ 33.22 Coverage of carnets.

(a) *A.T.A. carnet.* The A.T.A. carnet is acceptable for goods to be temporarily entered under (1) the Customs Convention on the Temporary Importation of Professional Equipment, or (2) the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material.

(b) *E.C.S. carnet.* The E.C.S. carnet is acceptable for (1) commercial samples, or (2) motion-picture advertising films not exceeding 16 mm. consisting essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues; *Provided,* That the films:

(i) Relate to products or equipment offered for sale or for hire by a person established in the territory of another contracting party;

(ii) Are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and

(iii) Are imported in a packet which contains not more than one copy of each film and which does not form part of a larger consignment of films.

There shall be presented with each E.C.S. carnet covering motion-picture advertising films a statement showing how each of the foregoing requirements is met.

§ 33.23 Maximum period.

No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

§ 33.24 Additions.

When an A.T.A. or E.C.S. carnet has been issued, no extra item shall be added to the list of goods enumerated on the reverse of the cover of the carnet or on any continuation sheet annexed thereto.

§ 33.25 Replacement of carnets.

In the case of destruction, loss, or theft of an A.T.A. or E.C.S. carnet while the goods which it covers are in the customs territory of the United States, the district director of customs at the port where such goods were imported may, upon request of the association which issued the carnet abroad, accept a replacement document, the validity of which expires on the same date as that of the carnet which it replaces, provided the district director determines that the description of merchandise in the replacement document fully corresponds to the description set forth in the importation voucher from the carnet to be replaced.

§ 33.26 Discharge of carnets.

When a district director of customs has unconditionally discharged a carnet by completion of the appropriate certificate, no claim may be brought against the guaranteeing association for payment under the carnet, unless it can be established that the discharge was obtained improperly of fraudulently, or that there had been a breach of the conditions of temporary importation.

Subpart D—Miscellaneous

§ 33.31 Mail importations.

Carnets shall not be accepted for importations by mail.

§ 33.32 Samples for taking orders.

E.C.S. carnets may be accepted for unaccompanied samples and samples imported by a natural person resident in the customs territory of the United States, as well as for samples imported by a natural person resident in the territory of another contracting party to the E.C.S. Convention.

§ 33.33 Action against carnet user.

In the event of fraud, violation, or abuse of the privileges of a Convention, action may be taken against the users of carnets for applicable duties and charges or liquidated damages, as the case may be. Penalties to which such persons have thereby rendered themselves liable may also be imposed.

Effective date. Since the procedures provided for in these amendments are either optional with or voluntarily undertaken by the parties involved, good cause is found under 5 U.S.C. 553 for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER. These amendments shall be effective on June 30, 1969.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 17, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-7490; Filed, June 24, 1969; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

PART 1550—HOUSING FOR THE ELDERLY OR HANDICAPPED

In Title 24, Chapter III, a new Part 1550 is added as follows:

Sec.
1550.1 Definitions.
1550.2 General policy.
1550.3 Sponsorship.
1550.4 Eligible projects.
1550.5 Loan applications.
1550.6 Loan terms.
1550.7 Loan agreement.
1550.8 Regulatory agreement.
1550.9 Other requirements.
1550.10 Assistance to nonprofit organizations.
1550.11 Refinancing.

AUTHORITY: The provisions of this Part 1550 issued under title II of the Housing Act of 1959, as amended, 12 U.S.C. 1701q; and Secretary's delegation of authority to Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8968, June 29, 1966.

§ 1550.1 Definitions.

As used in this part:

(a) All terms shall have the same meaning as given them in the Act.

(b) "Act" means title II of the Housing Act of 1959, as amended, 12 U.S.C. 1701q.

(c) "Applicant" means any nonprofit corporation no part of the net earnings of which inures to the benefit of any private shareholder, contributor, or individual, if such corporation is approved by the Secretary; any limited profit sponsor approved by the Secretary; any consumer cooperative; or any public body or agency eligible under section 202(a)(2) of the Act.

(d) "Construction" means erection of new structures or rehabilitation, alteration, conversion, or improvement of existing structures and includes acquisition of existing structures to be rehabilitated, altered, converted, or improved.

(e) "Development cost" means the costs of construction of housing and related facilities, and of land and necessary site improvements, and includes preliminary development costs, architect and engineering costs, organizational and development costs, legal and administrative costs, and interest during construction and rent-up period.

(f) "Elderly or handicapped families" means families consisting of two or more persons, the head of which (or his spouse) is 62 years of age or over or is handicapped; and any single person who is 62 years of age or over or is handicapped.

(g) "Handicapped person" means any person having a physical impairment which is expected to be of long-continued and indefinite duration, substantially impedes his ability to live independently, and is of such nature that such ability could be improved by more suitable housing conditions.

(h) "Housing and related facilities" means structures suitable for dwelling use by elderly or handicapped families, and structures suitable for use as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities.

(i) "Secretary" means the Secretary of Housing and Urban Development or any officer authorized to perform the functions of the Secretary.

(j) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

§ 1550.2 General policy.

The purpose of the program described in this part is to provide assistance for the development of rental housing projects, to serve elderly or handicapped families whose incomes are below those needed to pay the rentals in adequate private-market housing, through direct loans where private financing is not available on equally favorable terms and conditions. Project design, site selection, and financial arrangements must be consistent with the ultimate purpose of providing pleasant living arrangements at minimum rentals to promote independent living by elderly or handicapped families.

§ 1550.3 Sponsorship.

An applicant either must be an established organization the purposes of which include promotion of the welfare of elderly or handicapped families or must be sponsored by a fraternal, civic, religious, charitable, or similar organization with long-term social and financial responsibility. The sponsor must be willing and able to maintain a continuing interest in and support of the project and its affairs during the life of the loan.

§ 1550.4 Eligible projects.

Loan assistance to finance the construction of housing and related facilities for elderly or handicapped families may be provided under the following conditions:

(a) Construction must not be of elaborate or extravagant design or materials and must be undertaken in an economical manner.

(b) Project design, site selection, and costs must provide access to community activities and services, a pleasant environment, and independent living units with kitchen facilities and separate bathrooms.

(c) Nursing homes, hospitals, or similar medical establishments, and chapels or other facilities of a religious nature are not eligible for loan assistance.

(d) Customary leasing arrangements with periodic payments for rentals and collateral services must be provided; life-care contracts, founders' fees, or similar arrangements are not permissible.

(e) An eligible facility must be financially feasible and essential for the welfare of the project residents, and may include such facilities as project-management office space, project workshops and storage space, recreation and social centers, snack bars, craft shops, multipurpose rooms, laundry facilities, and cafeterias or dining halls. Commercial facilities, such as grocery stores, restaurants, beauty and barber shops, may be included if they are essential for the elderly or handicapped families in the project and are not otherwise conveniently available to them.

§ 1550.5 Loan applications.

Information and application forms may be obtained from and applications submitted to the HUD Regional Office which serves the area in which the applicant or sponsoring organization is located. A list of HUD Regional Offices with their addresses and areas of jurisdiction appears at § 3.8 of this title. Prior to loan approval, an applicant must establish that:

(a) It has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to provide such security as shall be required by the Secretary;

(b) It has the ability to comply with the terms and conditions for repayment of the loan and operation of the project; and

(c) It has or will have such interest in or title to the project site, including access thereto, as will assure undisturbed use, possession, and operation of the facilities during the term of the loan.

§ 1550.6 Loan terms.

Loans shall be repayable within such period, not to exceed 50 years, shall bear interest at such rate, not to exceed 3 percent per annum, and shall be so secured and subject to such terms and conditions, as shall be determined by the Secretary. A loan may be in an amount not to exceed the total development cost of the project except that, in the case of limited profit sponsors, a loan may not exceed 90 percent of total development cost.

§ 1550.7 Loan agreement.

Upon approval of a loan and reservation of funds, the Secretary will prepare and forward a loan agreement for execution by the applicant. The loan agreement will set forth the terms and conditions of the loan and will also specify conditions which must be fulfilled precedent to the making of the loan. The fully executed loan agreement will constitute the loan contract between the

applicant and the Secretary during the life of the loan.

§ 1550.8 Regulatory agreement.

Prior to loan disbursement, an applicant is required to enter into a regulatory agreement with the Secretary under which the applicant shall agree (a) to establish rentals approved by the Secretary, (b) to limit occupancy of the project to elderly or handicapped families in accordance with occupancy criteria approved by the Secretary, including prescribed income limits, (c) not to rent any portion of the project for transient or hotel use, and (d) to provide a governing board and management acceptable to the Secretary.

§ 1550.9 Other requirements.

(a) All laborers and mechanics employed by contractors and subcontractors in the construction of housing and related facilities assisted under the Act shall be paid wages at rates not less than those prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, 40 U.S.C. 276a—276a–5, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act, 40 U.S.C. 327–332.

(b) All contracts for construction work paid for in whole or in part from loan funds provided under the Act shall provide that the contractor shall comply with the Copeland ("Anti-Kickback") Act, 40 U.S.C. 276c, and the regulations of the Secretary of Labor thereunder (Part 3 of this title).

(c) The requirements of title VI of the Civil Rights Act, 42 U.S.C. 2000d et seq., that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination are applicable to projects receiving assistance under the Act.

(d) All contracts for construction work paid for in whole or in part from loan funds provided under the Act are subject to Executive Order No. 11246 (30 F.R. 12319, Sept. 28, 1965), providing for equal opportunity in employment, and the rules and regulations of the Department of Labor with respect thereto.

(e) The provisions of title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601–3619, prohibiting refusal to rent to or discrimination against any person in terms or conditions of rental or provision of services on account of race, color, religion, or national origin, are applicable to projects assisted under the Act.

§ 1550.10 Assistance to nonprofit organizations.

Nonprofit organizations are eligible for financial assistance under section 106 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701x, to cover costs expected to be incurred in planning and obtaining financing for the rehabilitation or construction of housing projects for elderly or handicapped persons under the Act. Such assistance is in the form of 80 percent interest-free loans to cover such costs directly related to the project as organization expenses, legal fees, consultant fees, preliminary site engineering fees, site options, FHA and FNMA application fees, and construction loan fees. Requests for such assistance should be submitted to the FHA Assistant Commissioner for Multi-Family Housing, 451 Seventh Street, SW., Washington, D.C. 20411.

§ 1550.11 Refinancing.

Projects may be refinanced by mortgages insured under section 236(j) of the National Housing Act, 12 U.S.C. 1715z–1(j), provided that application therefor is made within a reasonable time after project completion. As a condition of obtaining a direct loan, an applicant must agree to seek such refinancing within 30 days after project completion if it finds that refinancing is feasible and advantageous to the occupants of the project. Application for refinancing should be made to the appropriate HUD Regional Office.

Effective date. This part shall be effective on June 19, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69–7464; Filed, June 24, 1969; 8:48 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is added to read as follows:

§ 1915.3 List of flood hazard areas.

Each of the following areas as designated on the applicable Federal Insurance Administration Official Flood Hazard Map is identified as a flood plain area which has special flood hazards. In accordance with § 1915.2, the maps on which such areas are designated are available for public inspection at the State and local repositories set forth below.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Fairbanks North Star Borough.	Fairbanks and vicinity.	H 02 039 0770 01	Alaska Department of Natural Resources, Juneau, Alaska 99801.	Fairbanks North Star, Borough Planning Division, Post Office Box 1267, Fairbanks, Alaska 99701.	June 24, 1969.
				Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	City of Fairbanks, Engineering Department, Post Office Box 790, Fairbanks, Alaska 99701.	
Louisiana	Jefferson (Parish).	Metairie	H 22 051 1545 01	Louisiana Department of Public Works, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois St., Metairie, La. 70005 (on East Bank).	June 24, 1969.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968)

Effective date. This § 1915.3 shall be effective at the time this document is filed for public inspection at the Office of the Federal Register.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69–7491; Filed, June 24, 1969; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Ill., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is not permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting of migratory game birds on designated "open" areas concurrent with applicable State and Federal seasons is permitted.

(2) The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESTOA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest fall State game bird or game animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the closed of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox, and crows shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

(4) Except with permission in writing obtained from the Refuge Manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wildlife and Fish Refuge during the period from March 1 until the first day of the earliest Fall State game bird or game animal season applicable to the geographic area concerned.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, which ever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. All fishing is subject to the following conditions:

(1) During the open season from January 1, 1970, through December 31, 1970, and unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable State regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wildlife and Fish Refuge in Carroll County, Ill., is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which

govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective from January 1, 1970, through December 31, 1970.

Dated: June 18, 1969.

R. W. BURWELL,
Regional Director.

[F.R. Doc. 69-7446; Filed, June 24, 1969; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Tuberculin

On December 3, 1968, a notice of rule making was published in the FEDERAL REGISTER (33 F.R. 17921-17923) proposing to amend Part 73 of the Public Health Service Regulations, by prescribing specific standards of safety, purity, and potency for Tuberculin.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, which included requests for an extension of time to make labeling changes, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER, except that changes in labeling requirements as set forth in § 73.614(b) shall be effective when the manufacturer's current supplies of labels have been exhausted or 1 year from the date of publication of this amendment in the FEDERAL REGISTER, whichever date is earlier.

Part 73 of the Public Health Service Regulations is hereby amended as follows:

1. The table of contents is hereby amended by adding in numerical sequence, the following:

ADDITIONAL STANDARDS: TUBERCULIN

Sec.
73.610 Proper name and definition.
73.611 U.S. Standard preparations.
73.612 Production.
73.613 Potency test.
73.614 General requirements.
73.615 Equivalent methods.

§ 73.86 [Amended]

2. Section 73.86 is hereby amended by deleting the product names, dating periods and storage temperatures for "Tuberculin, Old", "Tuberculin, Patch Test", "Tuberculin, Purified Protein Derivative" and "Tuberculin, Tine Test", and inserting in lieu thereof, the following:

Tuberculin ----	*Old, concentrated:* Containing 50 percent glycerin, 5 years.
	Old, diluted: 1 year.
	Purified Protein Derivative, concentrated: 2 years containing 50 percent glycerin (5° C., 1 year).
	Purified Protein Derivative, diluted: 1 year. § 73.84 does not apply.
	Purified Protein Derivative, dried: 5 years.
	Old, dried on multiple puncture device: 2 years, provided labeling recommends storage at no warmer than 30° C. (30° C., 1 year).

3. The following is hereby added to Part 73, in numerical sequence:

ADDITIONAL STANDARDS: TUBERCULIN

§ 73.610 Proper name and definition.

The proper name of this product shall be Tuberculin, which shall be a preparation derived from *Mycobacterium tuberculosis* or *M. Bovis*.

§ 73.611 U.S. Standard preparations.

(a) The U.S. Standard Tuberculin, Old, shall be used for determining the potency of nonfractionated tuberculin, as prescribed in § 73.613. One U.S. Tuberculin unit is 0.1 ml. of a 1:10,000 dilution of this standard.

(b) The U.S. Standard Tuberculin, Purified Protein Derivative, shall be used in determining the potency of tuberculins made from protein fractions, as prescribed in § 73.613. One U.S. Tuberculin unit is 0.1 ml. of a 1: 5,000 dilution of this standard.

§ 73.612 Production.

(a) *Propagation of mycobacteria.* The medium used for production of mycobacteria shall not contain ingredients known to be capable of producing allergenic effects in human subjects.

(b) *Tests for viable mycobacteria.* The culture filtrate from each strain in its most concentrated form shall be shown to be free of viable mycobacteria by the following tests:

(1) *Animal test.* A 1.0 ml. sample of the filtrate shall be injected intraperitoneally into each of at least three healthy guinea pigs weighing between 300 and 400 gm. At least two-thirds of the animals must survive an observation period of at least 6 weeks and must show a normal weight gain. After the observation period the animals shall be necropsied and examined for signs indicative of tuberculosis except that animals that die during the observation period shall be necropsied and examined as soon as feasible after death. The filtrate is satisfactory for Tuberculin manufacture if none of the animals in the test show evidence of tuberculosis infection.

(2) *Culture test.* A 2.0 ml. sample of the filtrate shall be inoculated onto Löwenstein-Jensen's egg medium or other media demonstrated to be equally capable of supporting growth. A control test on the culture medium shall be conducted simultaneously with the sample under test and shall be shown to be capable of supporting the growth of small numbers of the production strain(s). All the test vessels shall be incubated at a suitable temperature for a period of 6 weeks under conditions that will prevent drying of the medium, after which the cultures shall be examined for evidence of mycobacterial colonies. The filtrate is satisfactory for Tuberculin manufacture if the test shows no evidence of mycobacteria.

§ 73.613 Potency test.

The potency of each lot of Tuberculin shall be estimated from a comparison of the responses obtained by the intradermal injection into sensitized guinea pigs weighing over 500 gm. of a sample of the lot under test and of the appropriate standard preparation. The U.S. Standard Tuberculin, Old, shall be used in determining the potency of tuberculins made from the concentrated filtrate of the soluble products of the growth of the mycobacteria. The U.S. Standard Tuberculin, Purified Protein Derivative, shall be used in determining the potency of tuberculins made from protein fraction of the soluble products of the growth of the mycobacteria. The test shall be performed as follows:

(a) *Sensitization of test animals.* At least four white guinea pigs shall be sensitized with *M. tuberculosis* or *M. bovis*. The degree of sensitivity shall be such that an intradermal injection of one U.S. unit of the appropriate standard preparation will produce in each test animal an erythematous reaction approximately 100 mm^2 within 18–24 hours.

(b) *Test Procedure.* The hair shall be removed from both sides of the sensitized test animals without producing abrasions of the skin. Dilutions of the standard containing 0.5, 1, 2, and 4 U.S. units in the test dose of 0.1 ml. and four comparable levels of activity of the lot under test shall be injected intradermally into opposite and parallel sites of each animal. Only three dilutions need be used when the initial concentration of the lot under test does not contain four units in 0.1 ml. Within 18–24 hours following injection, measurements of the greater and lesser diameters of erythema measured to the closest millimeter shall be made at each site. The mean value of the product of the diameters for each dilution shall be calculated. The number of U.S. units in the lot under test shall be estimated from its relationship to the reactivity of the appropriate standard preparation.

(c) *Potency.* The potency of the lot is satisfactory if the test results are within limits, as follows:

(1) *Products for Mantoux testing.* ±20 percent of the labeled U.S. units.

(2) *Liquid products for multiple puncture testing.* ±20 percent of the U.S. units claimed by the manufacturer in the license application.

(3) *Products dried on multiple puncture devices.* ±50 percent of the U.S. units claimed by the manufacturer in the license application.

§ 73.614 General requirements.

(a) *General safety.* Each lot of Tuberculin shall be tested for safety as prescribed in § 73.72, except that the sample of tuberculin from multiple puncture devices shall be obtained by removing the tuberculin in a manner that will permit the injection of material from at least five devices into each of two guinea pigs and from at least two devices into each of two mice.

(b) *Labeling.* In addition to complying with all other applicable labeling provisions of this part, the package label shall state the following:

(1) For Tuberculin for Mantoux testing, the number of U.S. units (TU) per dose.

(2) For Tuberculin for multiple puncture testing, a statement indicating that the activity per test is comparable to a stated number of U.S. units (TU) administered by the Mantoux method.

(3) The applicable type of Tuberculin placed immediately following and of no less prominence than the proper name, as follows:

(i) "Old," or

(ii) "Purified Protein Derivative" or "PPD."

(c) *Samples; protocols; official release.* For each lot of Tuberculin the following shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) Tuberculin distributed on a multiple puncture device, as follows:

(i) A total of no less than 100 devices,

(ii) A total of no less than 20 ml. of bulk tuberculin.

(3) A total of no less than 20 ml. of liquid tuberculin.

(4) Sufficient dried tuberculin in final containers so that upon reconstitution as recommended in labeling it will yield at least 20 ml.

The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

§ 73.615 Equivalent methods.

Modification of any particular method or process or the conditions under which it is conducted as set forth in the additional standards relating to Tuberculin, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the product that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: April 23, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7462; Filed, June 24, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A20]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on April 29, 1969, pursuant to notice thereof which was issued April 16, 1969 (34 F.R. 6697).

The material issue on the record of hearing relates to the extension of the Class I base provisions of the order through December 31, 1970.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I base plan provisions of the order should be extended through December 31, 1970, the expiration date of the enabling legislation. The Class I base plan is now effective through December 31, 1969.

Amendments to the Agricultural Marketing Agreement Act by Public Law 89-321 (Food and Agriculture Act of 1965) authorized Class I base plans for Federal milk orders through December 1969. The Congress has since extended that authorization through December 1970 by Public Law 90-559.

The extension of the Class I base plan was widely supported by producer groups, including the cooperative associations representing a major portion of the producers supplying the market. The only opposition testimony to the extension was from spokesmen representing possibly as many as 90 "new producers." A new producer is a producer under the order who does not hold a base. Some of the opposition testimony was that the new producers had relied on the termination date of December 31, 1969, and should have the opportunity of making new bases if the plan is extended.

In December 1968, 357 of the 1,866 producers supplying the market were new producers. Of these, 252[1] had taken on new producer status by selling the bases originally assigned to them. Since the inception of the Class I base plan in September 1967, the monetary return realized from the sale of Class I bases by 776 dairy farmers who sold them was about $7 million.

The decision providing for the Puget Sound Class I base plan specified December 31, 1969 as the termination date, the same termination date first provided by the Congress for the enabling legislation. Such authority was later extended by the Congress to December 31, 1970. A spokesman for new producers acknowledged that from the inception of the base plan in the market there was the possibility that the Congress might extend the enabling legislation. Such action, of course, would make possible consideration of an extension of the Puget Sound base plan. Whether a producer has held or sold his base was a personal decision based upon his own estimate as to whether the legislative authority for Class I base plans and the Puget Sound Class I base plan would be extended beyond December 31, 1969.

A Class I base plan assigns each producer a share of the Class I market in proportion to his deliveries to the market during a representative period. A production history base was computed for each producer on the market in May 1967 who delivered milk to a Puget Sound handler 120 days or more in August-December 1966. The production history base computed was the highest of such producer's average daily delivery in August-December 1964, 1965 or 1966 in which he delivered producer milk under the order on 120 days or more.

From his production history base a Class I base was computed for each producer. Such base represented his pro rata share of 120 percent of the average daily pounds of producer milk classified as Class I in 1966. Deliveries within the Class I base receive the base price and deliveries in excess receive the lower excess milk price. Neither the production history base nor the Class I base is adjusted because of changes in producer deliveries or in Class I sales.

As provided in the enabling legislation and specified in the order, any increase in Class I base resulting from enlarged or increased consumption and any producer Class I bases forfeited or surrendered must be made available first to new producers and to the alleviation of hardship and inequity among producers. Total Class I base available to new producers is prorated among them on the basis of their deliveries during the month. The Class I base assigned new producers in September 1967 through March 1969 averaged 32 percent of their deliveries, ranging between 18 percent and 50 percent in the 19-month period.

New producers opposed to the extension contended also that the Class I base plan should not be extended unless the provisions for allowing new producers to participate in the plan are amended to provide a larger share of the Class I market for such producers. A request presented at the hearing by a new producer spokesman would defer action on the proposal to extend the Class I base plan until consideration had been given at a hearing on a proposal to assign more Class I base to new producers than is now provided in the order.

The order provisions for assigning Class I base to new producers are in accord with the enabling legislation. The legislation, which has been extended through December 31, 1970, provides no authority for changing the basis for assigning Class I base to new producers. Under the law, Class I base may be assigned to new producers only as it becomes available through increased Class I sales and from forfeited and surrendered bases. For these reasons the request to continue the hearing is denied.

Of the 1,252 million pounds of milk pooled under the Puget Sound order in 1968, the 613 million pounds in the surplus utilizations (Class II and Class III) were 49 percent of producer deliveries. This approximates the utilization of producer milk in the surplus classes under the Puget Sound order in recent years. It is the type of surplus situation which the plan was designed by the Congress to remedy.

The market thus continues to show a large proportion of producer milk above Class I needs. Moreover, no change in marketing conditions since the inception of the Class I base plan which might justify early termination of the plan was cited on the record. The findings and conclusions of the decision issued by the Assistant Secretary on July 17, 1967, continue to be applicable to marketing conditions for producers and justify extension of the Class I base plan as proposed by the large majority of producers. Official notice is taken of the findings of that decision (32 F.R. 10742) and they are adopted as if set forth herein.

[1] Official notice is taken of Marketing Service Information for the Puget Sound Marketing Area, Vol. 19, No. 3, for March 1969, issued by the Market Administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Puget Sound marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

The following order provisions, which are effective through December 31, 1969, are hereby made effective through December 31, 1970: §§ 1125.22(k)(2), 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 125.123, and 125.124.

Signed at Washington, D.C., on June 20, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7487; Filed, June 24, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

COLBY CHEESE

Identity Standard; Optional Use of Liquid Smoke Product

Notice is given that a petition has been jointly filed by the County Line Cheese Co., Auburn, Ind. 46706, and Development Consultants, Inc., 5657 Vine Street, Cincinnati, Ohio 45216, proposing that the standard of identity for colby cheese (21 CFR 19.510) be amended to permit the optional addition, to impart a smoked flavor, of a clear aqueous solution prepared by condensing or precipitating wood smoke in water. Grounds given in support of the proposal are that (1) the experience gained from test marketing under a temporary permit established the need and consumer desire for the new product and (2) that providing for such use is in line with a recognized increasing tendency to use such a solution to impart a smoked flavor to food products.

Accordingly, it is proposed that § 19.510 (d) and (e) be revised to read as follows:

§ 19.510 Colby cheese; identity; label statement of optional ingredients.

* * * * *

(d) (1) Colby cheese in the form of slices or cuts may have added to it a clear aqueous solution prepared by condensing or precipitating wood smoke in water.

(2) Colby cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

(e) (1) If colby cheese has added to it a clear aqueous solution prepared by condensing or precipitating wood smoke in water, the name of the food is immediately followed by the words "with added smoke flavoring" with all words in this phrase of the same type size, style, and color without intervening written, printed, or graphic matter.

(2) If colby cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d)(2) of this section, the label shall bear the statement "_____ _____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in subparagraph (2) of this paragraph, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter except for the statement "with added smoke flavoring," as set forth in subparagraph (1) of this paragraph.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7433; Filed, June 24, 1969; 8:45 a.m.]

[21 CFR Part 19]

COTTAGE CHEESE

Identity Standard; Optional Use of Direct Acidification Method of Manufacture

Notice is given that a petition has been filed by the Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20005, proposing that the standard of identity for cottage cheese (21 CFR 19.525) be amended to provide for the optional use of the direct acidification method of manufacture.

Grounds given in support of the proposal are:

1. The direct addition of food grade acid to set the curd will eliminate the problems of variation in flavor and of the abnormal and erratic behavior of lactic acid-producing bacteria.

2. The new method will result in a cottage cheese that is equivalent to that produced by the procedures now permitted by the standard and that is uniform in flavor and physical characteristics.

3. The new method will result in greater economies in the production of cottage cheese—appreciable savings will be gained in the entire manufacturing process from the receiving of ingredients to the packaging of the product.

4. The enhanced keeping quality and shelf life of the product will benefit consumers.

5. The results of a consumer survey indicate that the product is acceptable to consumers.

Accordingly, it is proposed that § 19.525 (b)(1) be revised to read as follows:

§ 19.525 Cottage cheese; identity.

* * * * *

(b)(1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; thereafter one of the following methods is employed:

(i) Harmless lactic acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt; or

(ii) Food grade phosphoric acid, lactic acid, citric acid, or hydrochloric acid, with or without rennet, is added in such amount as to reach a pH of between 4.5 and 4.7; coagulation to a firm curd is achieved while heating to a maximum of 120° F. without agitation during a continuous process. It may be warmed; it may be stirred; it is then drained. The curd is washed with water, stirred, and further drained. It may be pressed, chilled, worked, seasoned with salt.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7434; Filed, June 24, 1969; 8:45 a.m.]

[21 CFR Part 53]

TOMATO PUREE AND TOMATO PASTE

Identity Standards; Measurement of Tomato Soluble Solids by Refractometer

Notice is given that a petition has been filed by National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standards of identity for tomato puree (21 CFR 53.20) and tomato paste (21 CFR 53.30) be amended to provide for measurement of tomato soluble solids by refractometer instead of determining salt-free tomato solids by the vacuum oven drying method.

Grounds given in the petition in support of the proposal are that the proposed method for determining tomato solids (1) is both easier and faster than the laborious method presently required, (2) is accurate and reliable, (3) can readily be used by packers at their plants on a routine basis, (4) yields results which correlate with those obtained by the presently required method, and (5) would permit those processors who have not added salt to the product to avoid having to make a salt determination and a salt correction. Also, the Draft Provisional Standard for Processed Tomato Concentrates proposed by the Codex Alimentarius Commission provides for determination of tomato solids by refractometer.

Accordingly, it is proposed that:

1. Section 53.20 be amended by revising the text following paragraph (a)(3) but preceding paragraph (b) and by revising paragraph (b)(2); and

2. Section 53.30 be amended by revising the text following paragraph (a)(7) but preceding paragraph (b).

The affected portions would read as follows:

§ 53.20 Tomato puree, tomato pulp; identity; label statement of optional ingredients.

(a) * * *
(3) * * *

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.0 percent, but less than 24.0 percent, of natural soluble solids, as determined by the following method: Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 828-30, Reference Tables 43.008 and 43.009 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. If no salt has been added, this percent for the total soluble solids found shall be considered the percent of natural soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 519, section 30.009, under "Sodium Chloride—Official," of "Official Methods of Analysis of Association of Official Agricultural Chemists," 10th edition, 1965. Subtract the percent of sodium chloride from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural soluble solids.

(b) * * *

(2) The name specified for the food covered by this section is "tomato puree" or alternatively "tomato pulp"; however, if the only optional tomato ingredient used is the ingredient specified in paragraph (a)(1) of this section and the food contains not less than 20.0 percent of natural soluble solids as determined by the refractive index method specified in paragraph (a)(3) of this section, the name "concentrated tomato juice" may be used in lieu of the names "tomato puree" or "tomato pulp."

* * * * *

§ 53.30 Tomato paste; identity; label statement of optional ingredients.

(a) * * *
(7) * * *

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 24.0 percent natural soluble solids as determined by the following method: Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 828-30, Reference Tables 43.008 and 43.009 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. If no salt has been added, this percent for the total soluble solids found shall be considered the percent of natural soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 519, section 30.009, under "Sodium Chloride-Official," of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. Subtract the percent of sodium chloride found from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural soluble solids.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7435; Filed, June 24, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-51]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 14, 30, 92, and 435, in the vicinity of Attica, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions that will permit the Attica VORTAC to be deleted from the airway system, and permit a more efficient utilization of the airspace. The proposed actions would also provide a refinement of the airway structure for handling en route traffic into and from Cleveland, Ohio, terminal area.

1. Realign V-14 segment from Findlay, Ohio, with a 1,200-foot AGL floor via the intersection of Findlay 062° T (064° M) and Cleveland 258° T (261° M) radials; to Cleveland.

2. Realign V-30 segment from Waterville, Ohio, with a 1,200-foot AGL floor direct to Cleveland; direct to Akron, Ohio.

3. Realign V-92 segment from Waterville with a 1,200-foot AGL floor direct to Mansfield, Ohio.

4. Realign V-435 segment from Rosewood, Ohio, with a 1,200-foot AGL floor via the intersection of Rosewood 045° T (046° M) and Cleveland 241° T (244° M) radials (Upper Sandusky Intersection); to Cleveland.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7461; Filed, June 24, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18573; FCC 69-668]

TELEVISION BROADCAST STATIONS

Table of Assignments; Estherville and Fort Dodge, Iowa

In the matter of amendment of § 73.606 *Table of assignments*, Television Broadcast Stations (Estherville and Fort Dodge, Iowa), Docket No. 18573, RM-1438.

1. On April 4, 1969, the State Educational Radio and Television Facility Board (of Iowa) and Northwest Television Co., licensee of Station KVFD-TV, Fort Dodge, Iowa (hereinafter referred to as Iowa Educators and KVFD-TV respectively), filed a joint petition with this Commission requesting the replacement of Channel *28 with Channel *49 at Estherville, Iowa, and the addition of Channel *46 to Fort Dodge, Iowa. Emmet County with its population of 14,871 contains Estherville with its population of 7,927 persons. At the present time this community has only one television assignment, reserved Channel *28, which has no application pending for it. Fort Dodge with its population of 28,399 is located in Webster County which has 47,810 residents.[1] The only television allocation presently located at Fort Dodge is commercial Channel 21 licensed to petitioner's KVFD-TV.

2. Petitioners have come to an agreement to jointly use a proposed new television antenna tower to be located approximately 25 miles from Fort Dodge, near Bradgate, Iowa. They are both of the view that transmission from the proposed site would bring better service to a larger segment of the population adjacent to Fort Dodge. Such improved service is important, it is alleged, both to the economic welfare of existing KVFD-TV and to the proposed operation of the Iowa Educators on Channel *46 at Fort Dodge. The Iowa Educators are desirous of activating a television service at Fort Dodge as one key in a statewide educational television network. Their research and the research of the National Association of Educational Broadcasters indicate a statewide television network composed of 15 television stations. In this, the first stage of development, six television stations are contemplated. In order for the new antenna site to be available, both to KVFD-TV (Channel 21) and the Iowa Educators, it is essential because of our spacing requirements to delete Channel *28 from Estherville. It is proposed to replace it with Channel *49.

3. A computer analysis of channel availability indicates that Channel *46 will not violate any of our spacing requirements if assigned to Fort Dodge. Channel *49 would meet our spacing requirements at Estherville.

4. In view of the foregoing, the ample availability of frequencies in the Fort Dodge, Estherville area and the intent to provide at an early date, new service, we are proposing to change the television assignments at Estherville, Iowa from Channel *28 to Channel *49 and the assignment at Fort Dodge, Iowa from Channel 21 to Channel 21 and Channel *46.

5. Authority for the action proposed herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934 as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before July 28, 1969, and reply comments on or before August 8, 1969. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 18, 1969.

Released: June 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7482; Filed, June 24, 1969; 8:49 a.m.]

[1] All population statistics are in accordance with the 1960 U.S. Census.

[47 CFR Part 73]

[Docket No. 18574; FCC 69-669]

FM BROADCAST STATIONS

Table of Assignments; Lineville, Ala., etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia), Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. Notice is hereby given of proposed rule making in the above-entitled matter, concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All proposed assignments are alleged and appear to meet the minimum

separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government, under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as otherwise noted, all population figures are from the 1960 Census.

2. *RM–1394, Lineville and Roanoke, Ala.* On December 2, 1968, Clay County Broadcasters filed a petition, amending it on January 9, 1969, seeking assignment of a first class A FM assignment to Lineville, Ala., by substitution of another channel for the assignment at Roanoke, Ala., as follows:

City	Channel No.	
	Present	Proposed
Lineville, Ala.		237A
Roanoke, Ala.	237A	272A

Lineville, with a population of 1,612 persons, is the largest community of Clay County, which has a population of 12,400 persons. The only other community in the county with a population in excess of 1,000 is Ashland (1,610), the county seat. There are no FM assignments in the county, whose only radio outlet is daytime-only Station WANL, Lineville, licensed to petitioner.

3. The petitioner submits that its proposal would permit establishing a first full-time outlet within Clay County, which, in 1963, had 28 manufacturing establishments with 893 employees providing an annual payroll of $2,657,000. In the same year, the county boasted 142 retail stores, with annual sales of $7,296,000, paying 204 employees total salaries of $450,000.

4. It appears that no channel meeting the minimum spacing requirements is available to Lineville without deletion or changes in one or more existing assignments. It is demonstrated by petitioner that Channel 237A can be assigned at Lineville and meet all separation requirements if that channel is deleted at Roanoke and Channel 272A substituted therefor. Channel 272A is presently occupied by a new station, WELR–FM, at Roanoke. It is therefore requested that Station WELR–FM be ordered to show cause why its channel should not be changed to Channel 272A. Petitioner shows that Channel 272A at the site authorized for WELR–FM would meet the separation requirements of the rules.

5. We are not convinced by petitioner's showing that the very small community of Lineville warrants a second aural outlet, especially when we note that Ashland, located about 6 miles from Lineville and serving as the county seat, is essentially equal in size but without any local outlet. It appears that Channel 237A would also work in Ashland if the Roanoke assignment is changed as proposed. In view of the foregoing, we are adopting a notice of proposed rule making here to determine whether there is any interest in assigning Channel 237A to Ashland and to give petitioner an opportunity to advance additional arguments as to why the assignment should be made to Lineville. We also invite comments from interested parties on their willingness to defray the reasonable costs of the proposed change in channel assignment for WELR–FM, Roanoke. Appropriate action will be taken with respect to the WELR–FM authorization in the event assignment of Channel 237A to either Lineville or Ashland is determined to be in the public interest.

6. *RM–1397, Bloomington, Ind.* Southern Indiana Media Corp. (SIMCO), a potential FM applicant, filed a petition on January 24, 1969, requesting assignment of Channel 244A to Bloomington, Ind., without requiring any other changes in the table, as follows:

City	Channel No.	
	Present	Proposed
Bloomington, Ind.	222, 279	222, 244A, 279

Bloomington has a population of 31,357 persons and is the largest city and county seat of its county, Monroe (population 59,225). Petitioner includes an engineering statement wherein it is demonstrated that the proposed assignment can be made and meet all minimum spacing requirements, providing a site is selected about 2 miles northeast of the Bloomington standard reference point. Regarding preclusion impact, it is shown that only a small area for the proposed channel would be involved, which contains no community of 1,000 or more population.[1] One AM, two TV and two FM stations presently operate in Bloomington. The AM station (unlimited-time), one TV station, and one FM station are operated by a common licensee. The remaining FM (on commercial Channel 279) and TV facilities are operated as noncommercial educational stations by Indiana University. There are no other AM or FM broadcast outlets in Monroe County.

7. In support of its proposal, SIMCO submits that Bloomington and its county increased 11.3 and 18.3 percent, respectively, between 1950 and 1960, and that Bloomington is attractive as a cultural center of central Indiana by virtue of its being the location of Indiana University. Statistics on the high industrial employment in the area are also cited. Finally, it is urged that making an additional commercial broadcast facility available to the area will permit a second commercial broadcast voice to the community, and it is pointed out that, since two of the three existing aural outlets are FM, the community is well oriented toward FM listening and would be well served by an additional FM facility.

8. Comments supporting petitioner's proposal were submitted by Bloomington Broadcast Co., who notes inter alia that a special 1965 census revealed that Bloomington's population had then reached 42,058 and that there was an estimated (1966) population of 9,500 in Bloomington's immediate suburbs. It is further claimed that the University of Indiana is one of the 10 largest in the country, with a 1967 full-time enrollment in excess of 27,000 students on the Bloomington local campus.

9. Under the population criterion used in making the Table of Assignments, cities of less than 50,000 population were normally restricted to two assignments, as was the case for Bloomington. However, as noted above (par. 6), one of the commercial channels made available to Bloomington is occupied by a station which operates solely as a noncommercial educational station. We consider under these circumstances that sufficient justification exists to warrant departure from the usual restriction of making only two assignments to a community of this size, since the petition represents, in effect, a proposal to assign a second commercial channel to Bloomington. We further note that no significant preclusion of other communities would accrue from the proposed "drop-in" assignment. Accordingly, we are inviting comments on petitioner's proposal to add Channel 244A to Bloomington and on our own proposal to designate Channel 279 for noncommercial educational use only. Since the proposals, if adopted, would result in mixture of commercial A and B channels for the same place of assignment, a result we attempt to avoid where possible, comments are also requested on this aspect of the matter.

10. *RM–1400, St. George, S.C.* In a petition filed December 10, 1968, and amended January 31, 1969, WQIZ Inc., St. George, S.C., seeks assignment of a first Class A channel to St. George as follows:

City	Channel No.	
	Present	Proposed
Charleston, S.C.	220	300
St. George, S.C.		228A

St. George has a population of 1,833 persons and is the county seat of Dorchester County, population 24,383. The community is located about 45 miles northwest of Charleston, S.C. An unoccupied Class A channel at Summerville is the only FM assignment in the county. There are two AM stations in the county, both daytime-only, one at Summerville, the other at St. George and licensed to petitioner. An application (BPH–6659) for a new station is pending for Channel 229 at Charleston.[2]

[1] We note that if sites are selected with proper consideration to the minimum spacing requirements of the rules, applications specifying Elletsville (1,222) and Broadview (1,865) would also be acceptable under the "10-mile" provision of § 73.209(b), if the assignment were made to Bloomington as proposed.

[2] Channel 221A, which could be assigned to St. George without any other changes in the table, was originally proposed by petitioner. That proposal was amended to that outlined above in deference to the Commission's interim policy of avoiding assignments on Channel 221A, pending completion of its study of a Table of Assignments for educational assignments on Channels 201–220 (Docket 14185).

11. In support of its request, petitioner urges that the assignment would permit a first local nighttime service to the city of St. George and its surrounding area. It is shown that Channel 228A can be assigned and meet the separation requirements if Channel 229, a presently unoccupied assignment at Charleston, is replaced by Channel 300. Although other channels appear to be available as a replacement at Charleston, it is suggested by petitioner that assignment of Channel 300 would be preferred to Channel 297, for example, since Channel 300 offers a minimum preclusion on other channels, and notes that Channel 296A would still be assignable to one or more of five places of significant populations in the general area.

12. We are of the opinion that petitioner's proposal to assign a first Class A channel to St. George warrants institution of rule making. We note, however, that assignment of Channel 228A would conflict with the recent assignment of the same channel in another rule making proceeding (RM–1264, Columbia, S.C., Docket 18125, FCC 69–571). In order to avoid a conflict between assignments, we are making a counterproposal requiring a substitution for the unoccupied assignment at Summerville and switching the channel proposed for St. George, as follows:

City (All in South Carolina)	Channel No.	
	Present	Proposed
Charleston	220, 236, 245	236, 245, 300
St. George		240A
Summerville	240A	228A

Comments are invited on the latter proposal in order that all interested parties may file pertinent comments with supporting data. We will consider substitutions of one of the other available channels at Charleston in this proceeding, but such proposal must be accompanied by a showing that any other available channel would offer less preclusion impact in other areas than would assignment of Channel 300.

13. *RM–1405, Muskegon, Mich.* In a petition filed February 6, 1969, Multi-Com, Inc., requests assignment of Channel 269A as a second FM assignment to Muskegon, Mich., as follows:

City	Channel No.	
	Present	Proposed
Muskegon, Mich.	295	269A, 295

Muskegon has a population of 46,485 persons and its SMSA (Muskegon-Muskegon Heights), consisting of Muskegon County, has a total population of 149,943. Two FM assignments have been made thus far within the SMSA: The Class B channel at Muskegon is occupied; Channel 237A at Whitehall is vacant. There are five AM stations operating within the SMSA, two unlimited-time and one daytime-only at Muskegon, an unlimited-time at Whitehall, and a daytime-only at Muskegon Heights.

14. The petition contains a showing that the proposed assignment can be made in conformance with the requirements of the rules without any other changes in the table. A preclusion showing is also included, but is inconclusive as to the impact that would be caused. It appears from our study, however, that only Channels 269A and 272A would be involved. Channel 269A would not involve any community that would not also be eligible (under § 73.203(b)) for the channel if the proposed assignment were made. The preclusion area for Channel 272A would include three communities, which either already have an assignment, or else other Class A channels are available. Thus, the preclusion resulting from the assignment would not be significant.

15. Petitioner supports its proposal by submitting statistical data on the retail outlets, manufacturing, wholesale, and unincorporated businesses for the city of Muskegon. It is urged that, except for the single existing Muskegon FM operation, the population residing in smaller communities immediately to the south have difficulty in receiving nighttime service from the Muskegon area due to the necessity for the AM stations to directionalize nighttime. It is submitted that these communities are closely associated, socially and economically, with the Muskegon-Muskegon Heights area, and that the requested assignment would alleviate a need for additional nighttime service.

16. We are persuaded that Muskegon, being the principal city of a relatively large metropolitan area, as well as having a population of its own approaching 50,000 persons, is of sufficient importance and size to warrant institution of rule making looking toward assignment of a second FM channel. However, as we have frequently indicated, we are reluctant to mix classes of channels in the same community, particularly in a principal city of a metropolitan area, as here. Accordingly, we are offering an alternate proposal to assign a second Class B channel to Muskegon, as follows:

City (All in Michigan)	Channel No.	
	Present	Proposed
Muskegon	295	283, 295
Fremont	257A	261A
Ludington	261A	292A
Zeeland	285A	257A

None of the above changes would involve occupied channels and all would appear to meet the minimum spacing requirements with other assignments.[3]

17. In view of the foregoing, we are inviting pertinent comments with supporting data from all interested parties on the petitioner's proposal and the alternate proposal outlined above to assign either Channel 269A or 283 to Muskegon, Mich. Proponents for the Class B assignment should accompany their comments with a preclusion showing for Channel 283 and the pertinent adjacent six channels.

18. *RM–1407, Paintsville and Jackson, Ky.* By a petition filed December 30, 1968, and supplemented on February 18, 1969, Big Sandy Broadcasting Co., Inc., proposes that Class C Channel 255 be assigned to Paintsville, Ky., by moving it from Jackson, Ky., and Channel 249A be assigned to Jackson as a replacement, as follows:

City	Channel No.	
	Present	Proposed
Jackson, Ky.	255	249A
Paintsville, Ky.	261A	255

Paintsville is the largest city and is the county seat of Johnson County, with populations of 4,025 and 18,300, respectively. Jackson has a population of 1,852 persons and is the seat of its county, Breathitt, which has a population of 14,600. Petitioner is licensee of Stations WSIP(AM), Class IV, and WSIP-FM, Channel 261A, at Paintsville, which are the only stations authorized in the county. A newly authorized daytime-only station (WEKG) operates at Jackson; Channel 255 assigned there is unoccupied.

19. In an earlier rule making proceeding, petitioner's proposal to assign Channel 255 to Paintsville in place of Channel 261A was denied because of the proposal of the present Jackson AM permittee to use the channel at Jackson. FCC 65–980, 6 R.R. 2d 1585 (1965). Petitioner states that it has determined from its 4 years experience in the operation of the Class A facility at Paintsville that extensive FM shadowing exists within the area it desires to service due to the mountainous terrain. It is claimed that this condition, together with the nighttime limitation imposed on its Class IV AM operation, has made it impossible to adequately serve the surrounding area dependent upon Paintsville for commercial, educational and cultural opportunities. In an associated engineering statement it is illustrated that use of Channel 255, because of other interrelated assignments in the area, is restricted to a relatively small area. In fact, the area includes neither Paintsville nor Jackson, but does include petitioner's existing FM site, from which location it is claimed all separation requirements with the other pertinent channels can be met.

20. Petitioner notes that no preclusion area would develop on the six pertinent adjacent channels, nor would a change in the existing preclusion area occur for Channel 255, if the proposed changes were adopted. Similarly, it is shown that assignment of Channel 249A at Jackson would not involve preclusion to any community without an FM assignment of sufficient size to warrant consideration. It appears that the relatively small

[3] In another outstanding rule making proceeding, RM–1358, Battle Creek, Mich., Docket No. 18424, we proposed to switch the present assignments of Fremont and Zeeland with one another. The alternate proposal herein for Fremont will not affect our consideration of the Battle Creek proposal. We propose to assign only one channel to Fremont.

areas that would lose a first or second FM service by the deletion of Channel 255 at Jackson would be, essentially, compensated for by comparable gains at other locations by assignment of the channel to Paintsville.[4]

21. Intermountain Broadcasting Co., Inc., permittee of Station WEKG (AM), Jackson, filed comments supporting the petitioner's proposal outlined above. Intermountain states that its president, Jerry F. Howell, filed comments in the earlier rule making which resulted in the assignment of Channel 255 to Jackson, wherein it was indicated that he would promptly file an application for its use to serve Jackson and surrounding areas. It was ultimately determined, however, that any site meeting spacing requirements for the channel would need to be at locations where line-of-sight and proper service could not be obtained over Jackson because of intervening terrain.[5] Thus, WEKG claims that plans for activating the channel were reluctantly abandoned. Based on the assumption that the channel now proposed for Jackson presents no spacing problems, Intermountain claims it will promptly file for Channel 249A upon its assignment to Jackson.

22. After careful consideration of the petitioner's proposal and the comments filed in this case, we conclude it offers sufficient merit to be included in a notice of proposed rule making. We are therefore inviting comments on the change in assignments outlined above. Action looking toward modifying the outstanding license for WSIP–FM, Paintsville, to specify operation on Channel 255 in lieu of Channel 261A, will be withheld pending a final decision in this case.

23. *RM–1416, Exmore, Va.* A petition filed on February 28, 1969, by James A. Rew, Jr., requests assignment of FM Channel 298 to Exmore, Virginia. Exmore, with a population of 1,566 persons, is located at about the midpoint of the Delmarva Peninsula in Northampton County (population 17,404), an area also referred to as the "Eastern Shore of Virginia". Petitioner estimates the current population within Exmore's town limits as 2,200 persons and the total population of the Eastern Shore (Virginia) at more than 55,000.

24. In support of its proposal, petitioner represents that Exmore is the leading commercial and retail market in a 60-mile radius and that it serves as the primary shopping center for the region. The local area boasts four local airports and plans for a new $3 million hospital expected to be built in the near future. Petitioner submits that the Eastern Shore has long been recognized as a leading agricultural and seafood area, and that Exmore is experiencing a significant growth in diversified industry, population and general importance within the area.

25. In further support of the proposal, petitioner submits that there are no existing FM or AM local outlets in Northampton County and that the only aural facilities authorized on the Eastern Shore are an operating daytime-only AM station and an outstanding construction permit for a Class B FM station, both located at Tasley in the northern portion (Accomack County) of the Virginia part of the peninsula. An engineering study is included representing that the proposal would provide a first FM service to a land area of 51 square miles containing 2,598 persons and a second such service to an area of 360 square miles containing 26,683 persons, practically eliminating thereby an existing FM "white area" near the southern end of the Eastern Shore. These computations are based on a contemplated operation equivalent to 50 kw ERP and an antenna height of 170 feet, as well as the authorized FM station at Tasley (50 kw, 320 feet).

26. It appears from engineering exhibits provided by petitioner that the area to which Channel 298 may be assigned and meet the minimum spacing requirements is essentially limited to the Eastern Shore. No community of comparable size would be precluded from assignment of the same channel on either the Eastern Shore or the mainland if it were assigned to Exmore.

27. In view of the showing of the relative importance of the community in the area, the gains of first or second FM service in a relatively isolated (service-wise) area, and the favorable preclusion aspects, we are inviting comments on the proposal to assign Channel 298 to Exmore, Va.[6]

28. *RM–1420, Montour Falls, N.Y.* On March 11, 1969, a petition was received from Watkins Glen-Montour Falls Broadcasting Corp., licensee of Station WGMF(AM), daytime-only, Watkins Glen, N.Y., requesting assignment of Channel 285A as a first FM channel to Watkins Glen-Montour Falls, N.Y. The communities, with populations of 2,813 and 1,533, respectively, are but 4 miles apart and are the largest in Schuyler County, which has a population of 15,044. There are no FM assignments in the county, and at present the petitioner's AM daytime-only operation is the county's only aural outlet.

29. The petitioner submits that Channel 285A is the only available channel that could be assigned in the area without requiring changes in existing stations. It is noted by petitioner, however, that it would propose to operate the channel at the site of its AM station if the assignment were adopted, in which case it would be 4.1 miles short to Station WOIV, Channel 286, De Ruyter, N.Y. Request is therefore made for waiver of the minimum separation requirements of § 73.207 of the rules. In the alternative, petitioner proposes that the channel be assigned for use at a location in the area that will meet the spacing requirements of the rules. In support of the proposed assignment, petitioner urges that there exists a dire need for a first FM and local nighttime service in the area. Letters from various individuals and organizations in the area expressing a desire for a first FM service are included with the petition.

30. We are not persuaded by petitioner's brief showing that waiving the minimum mileage separation requirements in order to make the proposed assignment would serve the public interest. We have previously stated on numerous occasions our reasons for not waiving minimum spacing requirements in FM rule making proceedings. See Rock Hill, S.C. FCC 67–387 and Lake Geneva, Wis., 9 FCC 2d 20 and 10 FCC 2d 530 (1967). It appears that sites other than that of petitioner's existing AM operation may be available from which all spacing requirements can be met. We are therefore denying the request for waiver of § 73.207 of the rules. We are of the opinion, however, that comments should be invited on the alternate proposal to assign the channel to the area, subject to use of a site meeting all the technical requirements of the rules.

31. It is not apparent from information made available with the petition that a site meeting such requirements would be available with respect to Watkins Glen, because of the required distance from that city. We are therefore limiting our invitation for comments to the proposed assignment of Channel 285A to Montour Falls. Parties supporting such proposal should provide a showing of the availability of a site from which the minimum required signal can be placed over the community, including a terrain profile graph of a radial between such site and the far city limits.

32. *RM–1426, Catlettsburg, Ky.* By a petition filed March 18, 1969, K & M Broadcasting Co. seeks assignment of Channel 224A as a first FM assignment to Catlettsburg, Ky., without requiring any other changes in the Table. It appears that the proposed assignment would meet the required spacing requirements with all other channels, providing a site about 1 mile west or northwest of Catlettsburg is used.

33. Catlettsburg, with a population of 3,874 persons, is the county seat of Boyd County, population 52,163, both of which are a part of the Huntington, W. Va.-Ashland, Ky. SMSA. Catlettsburg is in the Huntington-Ashland Urbanized Area.[7] There are presently two FM channels listed in the table for Ashland, which is also in Boyd County and is its largest city. Both are occupied by a Class C at Ashland and a Class A authorized for use at Grayson, Ky. (under § 73.203 (b) of the rules), which is outside of the Huntington-Ashland SMSA. Three Class B channels have been assigned to Huntington, two of which are occupied, and the third, Channel 300, is the subject of a consolidated hearing involving two applications (Dockets Nos. 18439–40). One application proposes use of the channel at Huntington; the other application, filed by petitioner herein, proposes use of the channel at Catlettsburg. The petitioner is also an applicant (BP–18042) for a first AM station at Catlettsburg.

34. Petitioner submits that the mutual exclusivity of its pending application with the Huntington application for the last remaining unoccupied assignment in the area "threatens a long, protracted, and expensive hearing proceeding", and urges, therefore, institution of rule making to "drop-in" the Class A assignment proposed herein in order that it may amend its application to specify such channel and avoid the need for the hearing.

35. As we have previously stated (Public Notice, May 12, 1967, 9 R.R. 2d 1245), making additional assignments in order to avoid the necessity of hearings will not ordinarily be sufficient basis for instituting rule making proceedings for additional FM assignments. However, in the instant case it appears that the community of Catlettsburg is of sufficient size and importance as seat of its county to warrant consideration for a first Class A assignment, irrespective of petitioner's desire to avoid a hearing. Use of a Class A channel for a smaller urbanized community, as is proposed here, would also be more commensurate with the purposes such channels are designed than would the comparable use of a Class C channel, for which petitioner has filed an application. (See § 73.206 (a)(2) and (b)(2).) Furthermore, it would serve to replace Channel 292A originally assigned in the county but ultimately authorized at Grayson (Carter County) under the former "25-mile" provision of § 73.203(b).

36. It is shown in an engineering supplement to the petition that areas would develop where Channels 223 and 224A would be precluded from future assignment if the proposal were adopted. However, it appears that any community contained within the areas with 2,500 or more population either has one or more existing assignments or another channel would be available.

37. Accordingly, it is our opinion that sufficient favorable considerations prevail here to warrant institution of rule making in order that comments from interested parties may be submitted on the proposal to assign Channel 224A to Catlettsburg, Ky.

38. *RM–1431, Winona, Miss.* In a petition filed March 24, 1969, Panola Broadcasting Co., licensee of AM Station WBLC, daytime-only, Batesville, Miss., proposes that Channel 244A be substituted for Channel 240A at Winona, Miss., so as to permit acceptance of an application to use Channel 240A, presently assigned and unoccupied at Sardis, Miss., at Batesville under the "10-mile" provision of § 73.203(b). An application for Batesville specifying Channel 240A would not now be acceptable, since it would not meet the cochannel spacing requirements with Channel 240A assigned at Winona. The Winona assignment is unoccupied.

39. Since the action requested here would increase the places for which applications specifying the unoccupied Sardis assignment may be filed, we believe institution of rule making is warranted and are therefore inviting comments from interested parties on the proposal to substitute Channel 244A for Channel 240A at Winona, Miss.

40. *RM–1404, Braddock Heights, Md.* In a petition filed February 6, 1969, Musical Heights, Inc., seeks assignment of Channel 280A to Braddock Heights, Md., by substitution of Channel 288A for vacant Channel 280A at Front Royal, Va., as follows:

City	Channel No.	
	Present	Proposed
Braddock Heights, Md.		280A
Front Royal, Va.	280A	288A

Braddock Heights is an unincorporated residential community of 660 persons located about 5 miles west of Frederick, both in Frederick County.[8] Frederick County has a population of 71,930. The only local outlet in the community is AM Station WMHI (daytime-only), licensed to petitioner. The remaining aural outlets in the county consist of two AM stations (one daytime-only and one unlimited-time), and a Class C FM station, all located in the city of Frederick.

41. The petition is accompanied by an engineering showing indicating that the substitution of Channel 288A at Front Royal would be in full compliance with the rules and that the spacing requirements can be met for the proposed assignment for Braddock Heights if a site about midway between Hagerstown and Frederick, and slightly under 8 miles from the community of Braddock Heights, is selected. The petitioner submits that the proposed assignment would not necessitate a waiver of the rules and would provide Braddock Heights with its first nighttime service and a first competitive FM service for Frederick County.

42. The petition includes a terrain profile graph of a radial drawn between an assumed elevated site and the community, by which it is claimed that an antenna height above average terrain over the selected radial of at least 600 feet could be obtained, thereby permitting the 3.16 mv/m contour, the minimum signal required over the principal community, to extend about 4 miles beyond Braddock Heights.[9] This prediction is based on a maximum allowable power of 3 kw. for Class A channels and also appears to be based on the unsupported assumption that the site considered would provide an antenna height above average terrain for the standard eight radials of only 300 feet or less. If the antenna height above average terrain were anything greater than 300 feet for the anticipated operation, it would be necessary to reduce the maximum power pursuant to § 73.211(b) of the rules. Thus, it is not possible to determine from the information submitted whether the anticipated operation could, under the rules, provide the minimum required signal over the farthest town limits of Braddock Heights.[10]

43. It appears from the proponent's preclusion study that by the substitution of Channel 288A for Channel 280A at Front Royal, Channel 280A, if not assigned to Braddock Heights, would become available to a number of larger communities that are without a first FM or AM assignment, including the following with populations of over 2,000: Hancock, Md. (2,005); Strasburg, Va. (2,428); and Romney, W. Va. (2,203).

44. We are of the opinion that petitioner's proposal merits inclusion in the subject notice in order that comments with pertinent supporting data may be filed by interested parties, concerning use of this channel at Braddock Heights or another community in the area. Proponents of the proposal should include a showing that the minimum required signal can be provided over the entire town limits of Braddock Heights. This determination should be based on the anticipated antenna height above ground and above average terrain (eight standard radials) at an assumed suitable and available site from which all spacing requirements can be met.

45. In view of the small size of Braddock Heights and its proximity to Frederick, we also invite counterproposals on use of Channel 288A at one of the larger places listed in paragraph 43, above, or elsewhere in the general area where it will meet applicable mileage separations. We are not persuaded that, used at Braddock Heights on the basis proposed, it would necessarily represent

[4] The "white" and "gray" showings provided by petitioner would be somewhat less than represented if reasonable assumptions are assumed for certain assignments (including Channel 249A at Jackson) in accordance with criteria previously determined acceptable for this purpose (FCC 67–665, 32 F.R. 8530).

[5] Exhibits by petitioner herein indicates that use of Channel 255 at Jackson would need to be located about 10 miles northeast of Jackson in order to meet the minimum spacing requirements with other authorized stations.

[6] Petitioner notes that assignment of Channel 298 would conflict with proposed channel changes involved in another rule making proposal for Chesapeake, Va. (RM–1402), and shows that Channel 241 could also be assigned to Exmore, thereby avoiding a conflict if the Chesapeake proposal were adopted. We will consider Channel 241 as an alternate proposal in the instant proceeding in the event a decision is reached that assignment of a Class B channel to Exmore would be in the public interest. In such an event, preclusion aspects will also be a consideration for Channel 241.

[7] The populations of the Huntington-Ashland SMSA and Urbanized Area are, respectively, 254,780 and 165,732.

[8] Braddock Heights is not listed in the 1960 U.S. Census. The population of 660 was accepted in another proceeding involving petitioner's AM application. (Musical Heights Inc., 19 R.R. 49.)

[9] If true, the 3.16 mv/m contour would also include a portion of the city of Frederick.

[10] It is noted here that the town limits were established to be about 2 miles in length and 0.32 to 0.48 miles in width in connection with petitioner's AM application (BP–10918) for Station WMHI. On this basis, the site considered by petitioner in this proceeding would be about 9 miles from the extreme town limits so established. This becomes significant in this case, since the "normal" distance for a 3.16 mv/m contour for a maximum Class A facility is about 8 miles.

an efficient or desirable utilization of the FM spectrum; pertinent in this connection would be a showing as to what preclusion effect assignment of Channel 288A as a replacement at Front Royal—which is a prerequisite to the proposed assignment—would have on possible use of that channel in other places.

46. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

47. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 28, 1969, and reply comments on or before August 8, 1969. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

48. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 18, 1969.

Released: June 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7483; Filed, June 24, 1969; 8:49 a.m.]

[1] Commissioner Cox dissenting to the proposal for Braddock Heights, Md.; Commissioners Wadsworth and Johnson concurring in the result.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 18)]

MEMPHIS, TENN., COMMERCIAL ZONE

Redefinition of Limits

JUNE 20, 1969.

Redefinition of the limits of the Memphis, Tenn., commercial zone, heretofore defined in Ex Parte No. MC-37 Commercial Zones and Terminal Areas (Memphis, Tenn., Commercial Zone) 71 M.C.C. 467.

Petitioners: Day & Night Manufacturing Co. and The Payne Co., Divisions of Carrier Corp. Petitioners' representative: Robert L. Miller, 97 South Byhalia Road, Collierville, Tenn. 38017.

By petition filed April 30, 1969, Day & Night Manufacturing Co. and The Payne Co., Division of Carrier Corp., request the redefinition of the limits of Memphis, Tenn., commercial zone which were last defined on April 15, 1957, in the 15th Supplemental Report of the Commission in Commercial Zones and Terminal Areas, 71 M.C.C. 467 at page 470, so as to include an area extending easterly from the present zone limits to Collierville, Tenn.

As presently defined, the Memphis commercial zone is bounded, in part, by a line drawn 5 miles beyond the corporate limits of Memphis. Petitioners request the Commission to include within the zone an area bounded by a line commencing at the intersection of the present zone limits with U.S. Highway 72 near Germantown, Tenn., and extending southeasterly along said highway to the junction of U.S. Highway 72 and Byhalia Road, thence south along Byhalia Road to the Tennessee-Mississippi State line, westerly thence along said State line to its intersection with the present limits of the Memphis commercial zone. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Memphis, Tenn., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before August 11, 1969. Each such statement shall contain a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7466; Filed, June 24, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HIROSHIMA PEACE CENTER ASSOCIATES AID TO BIAFRAN CHILDREN—A PROGRAM OF HPCA

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration [1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Hiroshima Peace Center Associates Aid to Biafran Children—A Program of HPCA, 380 Madison Avenue, New York, N.Y. 10017

Dated: June 17, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-7484; Filed, June 24, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LIVESTOCK FEED PROGRAM

Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1-4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

UTAH

Kane.

WASHINGTON

Okanogan.

Signed at Washington, D.C., on May 16, 1969.

GEORGE V. HANSEN,
Deputy Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-7453; Filed, June 24, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CANCER RESEARCH LABORATORY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00640-33-46040. Applicant: Cancer Research Laboratory, Mercy Hospital, 1400 Locust Street, Pittsburgh, Pa. 15219. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in four major areas of biological and medical investigations in the hospital which include the following:

1. The study of biopsy specimens from patients with carcinomatous myopathies.

2. The examination of cell-free supernatants having leukemogenic activity in cell cultures for the presence of virus particles.

3. The study of polyribosome formation during differentiation of the embryonic chick lens in vitro and the associated synthesis of specific proteins.

4. The examination of various different types of human tumor specimens obtained during surgical biopsy.

Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00642-33-46500. Applicant: Veterans Administration Hospital, Oteen, N.C. 28805. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research concerning utrastructural investigation of human and animal lung, heart, and other biological specimens. Because of the continuity of cellular structure, it is important that the instrument be able to cut long series of equal thickness serial sections. The ability to cut thin sections down to 50 angstroms with a thermal advance system is very desirable. Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00644-82-58200. Applicant: Miami University, Oxford, Ohio 45056. Article: Pulmac Permeability Tester (PPT). Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article will be used to evaluate the properties of beaten pulp in a general study of stock preparation systems and testing procedures. The first two phases of this long range program are:

1. The development of a method for evaluating highly beaten pulp to be used in manufacturing carbonizing tissue.

2. A study of the effect of stock concentration during the beating process. This involves a complete evaluation of the pulp properties after beating to determine certain properties relating to drainage and surface characteristics.

Application received by Commissioner of Customs: June 2, 1969

Docket No. 69-00645-33-46500. Applicant: The Franklin Institute Research Labs., 20th and Parkway, Philadelphia, Pa. 19103. Article: Ultramicrotome, Model Reichert "OmU2", Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used in connection with research presently being pursued for the identification by electron diffraction techniques of crystalline substances which are present in thin tissue samples prepared by ultramicrotomy. These crystalline particles are of greater density than the tissue itself which requires sections as thin as possible (50 angtroms) to assure that a satisfactory diffraction pattern will be obtained. The thin 50-angstrom sections also are necessary to obtain maximum resolution of the fine structure within the crystalline particles. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00646-33-46040. Applicant: Cold Spring Harbor Laboratory of Quantitative Biology, Bungtown Road,

Post Office Box 100, Cold Spring Harbor, Long Island, N.Y. 11724. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an integral part of a number of on going research projects, most of which require microscopy at the molecular level. Of particular importance are the following:

1. Investigation of the structure and function of ribosomes.
2. Investigation of the structure of replicating deoxyribonucleic acid.
3. Mapping of ribosome initiation sites on messenger ribonucleic acid.
4. The mechanism of infection by ribonucleic acid bacterial viruses.

Application received by Commissioner of Customs: June 3, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7455; Filed, June 24, 1969; 8:47 a.m.]

NEW YORK UNIVERSITY MEDICAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is publishd in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the director must cert..., that such copy has been mailed or delivered to the applicant.

Docket No. 69-00647-33-46040. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Electron microscope, Model Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used both for specific research purposes and for teaching of ultrastructure of nervous system tissues to medical students, hospital medical residents and research fellows. The research purposes are as follows:

A. Study of ultrastructure of human and experimental brain tumors.

B. Study of experimental hydrocephalus induced by metallic tellurium.

C. A comparative in vivo and in vitro ultrastructural study of myelination of the central and peripheral nervous systems.

D. Ultrastructure of human demyelinating diseases and lipidoses.

Application received by Commissioner of Customs: June 3, 1969.

Docket No. 69-00648-33-46040. Applicant: Puerto Rico Nuclear Center, Bio-Medical Building, Caparra Heights Station, San Juan, P.R. 00935. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a program concerned with the induction of interferon in tissue culture cells by polynucleotides and the effect of irradiation on this process. An attempt will be made to study some of the molecular parameters concerned with the induction of interferon and its interaction with the host-virus system. Furthermore, the intentions are to make a serious attemp to follow virus latency at the cellular level using both high resolution and standard microscopy. Application received by Commissioner of Customs: June 3, 1969.

Docket No. 69-00649-33-46040. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Electron microscope, Model HS-8. Manufacturer: Mitachi, Ltd., Japan. Intended use of article: The article will be used for teaching, research and service. For teaching, it will be used to (1) train students in medical technology, (2) train post sophomore medical students interested in undertaking a research project involving electron microscopy, (3) teach basic electron microscopic techniques to interns and residents in pathology, and (4) complement a Ph. D. program in pathology which has been in effect for years. Research consists of exploring the ultrastructure of endometrium and highly proliferative tissues. Service encompasses all liver and renal biopsies routinely processed for electron microscopic studies by the institution. Application received by Commissioner of Customs: June 4, 1969.

Docket No. 69-00650-30-7200. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Rheogoniometer, R. 18 Type C/2d. Manufacturer: Farol Research Engineers, Ltd., U.K. Intended use of article: The article will be used to study the rheological properties of viscoelastic and power law fluids. In particular, it will be used to determine the effect of changes in shear rate, about a steady state shear, upon the stress response of the fluids. Proper identification of the fluid properties is vital to ongoing research in fluid mechanics and mass transfer. It will be significant in heat transfer and thermodynamics research. Application received by Commissioner of Customs: June 4, 1969.

Docket No. 69-00652-65-46070. Applicant: Drexel Institute of Technology, 33d and Chestnut Streets, Philadelphia, Pa. 19104. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for various graduate research programs which have as their objective a detailed and quantitative understanding of structure, surface detail, and fracture in relation to: Composite materials, powder metallurgy, polymetric materials, soft polymers in biomaterials research, ceramic materials, and electronic materials. Application received by Commissioner of Customs: June 5, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7454; Filed, June 24, 1969; 8:47 a.m.]

PLANETARIUM OF THE VANDERBILT MUSEUM

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00500-16-66700. Applicant: Planetarium of the Vanderbilt Museum of the County of Suffolk, N.Y. 11721. Article: Planetarium projector, Model JHS Custom. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs at the Planetarium of the Vanderbilt Museum, including astronomy and navigation instruction. Article will also be used in preparing photographic sky charts for press release purposes, to aid observers in fireball trajectory end point coordinate determination in connection with the NAFT (Network for the Analysis of Fireball Trajectories) program, and in conjunction with the telescope to be installed on same premises in anticipated cooperation with the program of AAVSO (American Association of Variable Star Observers). Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a planetarium that provides precise simulation of the sky and the motion of astronomical bodies in a program that includes instruction in astronomy and navigation, as well as the preparation of charts to aid observers in the determination of end point coordinates in connection with the analysis of fireball trajectories. The only known domestic manufacturer of planetaria suitable for such purposes is the Spitz Laboratories (Spitz) which offered to furnish its Model STP planetarium without modification. The Spitz Model STP has an instrument cutoff of 5.85 magnitude which can be raised to 5.95, which is equivalent to providing 4,000 stars of correct magnitude. The foreign article provides a cutoff magnitude of 6.50 and about 9,000 stars which are visible under ideal conditions to the naked eye and can be accurately positioned. We are advised by the National Bureau of Standards (NBS) in its memorandum of June 4, 1969, that since the number of stars visible at a given cutoff magnitude increases exponentially with the cutoff magnitude, the larger cutoff magnitude of the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the Spitz Model STP is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7456; Filed, June 24, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (35-805V) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a combination drug containing chlortetracycline and sulfamethazine that is administered free choice to cattle in a protein block form as an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7436; Filed, June 24, 1969; 8:46 a.m.]

CPC INTERNATIONAL, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2422) has been filed by CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632, proposing that § 121.1017 *Calcium disodium EDTA* (21 CFR 121.1017) be amended in paragraph (b)(1) to provide for the safe use of calcium disodium EDTA in pickled cabbage, at a level not in excess of 220 parts per million, to promote color, flavor, and texture retention.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7437; Filed, June 24, 1969; 8:46 a.m.]

DOLE CO.

Canned Pineapple Juice Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to The Dole Co., Division of Castle & Cook, Inc., Honolulu, Hawaii 96801. This permit covers interstate marketing tests of canned pineapple juice deviating from its standard of identity (21 CFR 27.54) in that it is prepared from frozen concentrated pineapple juice, an ingredient not provided for by such standard. The finished food will be labeled in part "unsweetened pineapple juice from concentrate."

The term of this permit is from May 31, 1969, to May 31, 1970.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7438; Filed, June 24, 1969; 8:46 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (13-162V) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of tylosin in the feed of laying chickens for improving feed efficiency.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7445; Filed, June 24, 1969; 8:46 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (39-004V), notice of which was published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5635), proposing that the food additive regulations be amended to provide for the safe use of a combination drug containing diethylstilbestrol and methimazole in feed for beef cattle to promote fattening, growth, and feed efficiency.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7439; Filed, June 24, 1969; 8:46 a.m.]

PENNWALT CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2423) has been filed by Pennwalt Corp., Lucidol Division, 1740 Military Road, Buffalo, N.Y. 14240, proposing that § 121.2562 *Rubber articles intended for repeated use* (21 CFR 121.2562) be amended to provide for the safe use of 2,5 - dimethyl - 2,5-di(*tert*-butylperoxy) hexane as a vulcanizing agent in the production of rubber articles intended for repeated food-contact use.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7440; Filed, June 24, 1969; 8:46 a.m.]

[Docket No. FDC-D-133; NDA No. 12-957]

PITMAN-MOORE

Toldex Tablets: Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6449), the holder of the new-drug application for Toldex Tablets (a drug containing 0.5 milligram of dexamethasone and 88.0 milligrams of phenyltoloxamine dihydrogen citrate per tablet) and any other interested person were invited to submit pertinent data on the drug's effectiveness. The available information does not provide substantial evidence of effectiveness of the drug for its recommended use as an anti-inflammatory, antihistaminic, and calmative agent in dogs.

Therefore, notice is given to Pitman-Moore, Division of the Dow Chemical Co., Zionsville, Ind. 46077, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 12-957 and all amendments and supplements thereto held by Pitman-Moore for the drug Toldex Tablets on the grounds that:

Information before the Commissioner with respect to such drug, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 12-957 should not be withdrawn. Promulgation of the order will cause any drug for canine use containing dexamethasone and phenyltoloxamine dihydrogen citrate and recommended for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20204, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7441; Filed, June 24, 1969; 8:46 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0837) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of tolerances (21 CFR Part 120) for combined negligible residues of the herbicide dichlobenil (2,6-dichlorobenzonitrile) and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities almond hulls, figs, nuts, and stone fruits at 0.15 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is that of Kenneth J. Meulemans and Edwin T. Upton published in the "Journal of Official Analytical Chemists," vol. 49, pp. 976-981 (1966).

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7442; Filed, June 24, 1969; 8:46 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2416) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of glyceryl polyoxypropylene triol (average molecular weight 1,000) as a component of food-packaging adhesives.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7443; Filed, June 24, 1969; 8:46 a.m.]

WYANDOTTE CHEMICALS CORP. AND STEPAN CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9A2405) has been filed jointly by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, and Stepan Chemical Co., Edens and Winetka, Northfield, Ill. 60093, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of α-hydro-*omega*-hydroxypoly (oxyethylene) poly (oxy-propylene) (53-59 moles) poly(oxyethylene) block copolymer, average molecular weight 3,800, as a processing aid and wetting agent in combination with dioctyl sodium sulfosuccinate for fumaric acid used in fumaric acid-acidulated dry beverage base and in fumaric acid-acidulated fruit juice drinks.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7444; Filed, June 24, 1969; 8:46 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., Apr. 16, 1968), is hereby amended as follows:

8-B *Operations Analysis and Standards Staff, BDOO,* through *Assistant Bureau Director, Operating Policy and Procedure, Division of Operating Policy and Procedure, BDOO,* is superseded by the following:

Assistant Bureau Director, Division of Appraisal, BDOO. Provides the Director with a detailed appraisal and overview of operations. Initiates or as directed conducts special analyses, studies, and investigations; carries out a continuing program of appraisal through statistical and other methods. Develops, in concert with Bureau components, criteria for objective measurement of overall Bureau operations. Designs and directs a Bureau-wide program of surveys. Establishes standards for claims processing time and work production rates for field facilities. Develops criteria and specifications for the Bureau reports system based on analysis of the need for operational data and information. Participates in a continuing nationwide review of field installation operations and management designed to identify problems and contribute to the overall appraisal of SSA policies and procedures. Receives and evaluates periodic statistical and other management reports, organizing for the Director a comprehensive and coherent picture of operations.

Assistant Bureau Director, Division of Field Management and Organization, BDOO. Provides leadership to regional and district offices throughout the country to assure effective and economical fiscal, personnel, and other management activities. Develops management policies and procedures, assists in their implementation, and appraises their effectiveness. Contributes to the development, appraisal, and modification of SSA management policies and procedures from the viewpoint of administrative feasibility, public reaction, and district office experience. Directs a broad organization and methods program affecting the design and nature of district and branch offices and resident and contact stations throughout the country. Conducts long-range studies leading to improved organizational arrangements and a continuing program of planning. Represents the Bureau in coordinating regional and district office management operations with other SSA components and with outside organizations.

Assistant Bureau Director, Division of Operating Policy and Procedures, BDOO. Provides leadership to regional and district offices to assure effective and economical implementation of social security program provisions. Develops operating policies and procedures, assists in the implementation of substantive policies and procedures, and gives assistance to regional offices. Contributes to the development, appraisal, and modification of substantive policy and procedure and legislative program planning from the viewpoint of administrative feasibility and public and district office reaction and experience. Conducts continuing systems analysis and participates in SSA-wide systems improvements which involve the field. Represents the Bureau in coordinating regional and district office operations with other SSA and outside organizations.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: June 19, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-7463; Filed, June 24, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-6-104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 6, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-80:
Commodity Item 1400—Floral and/or Nursery Stock and Bulbs, Flowers, Seeds and Tubers, N.E.S., 235 cents per kg., minimum weight 500 kgs., Auckland to Miami.

R-81:
Commodity Item 4123—Aircraft Parts and Accessories, 173 cents per kg., minimum weight 100 kgs., Auckland to West Coast.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-80 and R-81, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7474; Filed, June 24, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-6-103]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 6, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-31:
Commodity Item 9213—Baseballs, 33 cents per kg., minimum weight 5,000 kgs., Port au Prince to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-31, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7475; Filed, June 24, 1969; 8:48 a.m.]

[Docket No. 21097]

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JUNE 20, 1969.

Notice is hereby given that the Civil Aeronautics Board on June 18, 1969, received an application, Docket 21097, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86 to authorize it to engage in nonstop service between Denver, Colo., and Milwaukee,

Wis. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7476; Filed, June 24, 1969; 8:48 a.m.]

[Docket No 19793; Order 69-6-99]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 19, 1969.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Ross Aviation, Inc. (Ross), an air taxi operator, a final service mail rate of 38.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Midland, Abilene, and Dallas, Tex. Subsequently, this final mail rate was established by Order E-26977, dated June 25, 1968.

On May 26, 1969, the Postmaster General filed a petition on behalf of Ross stating that since the submission of the proposal which resulted in establishment of the above rate, added requirements by the Post Office on air taxi operators and other unanticipated cost increases in connection with the operation make operation under the old rate economically unfeasible. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 44.1 cents per great circle aircraft mile for the transportation of mail by aircraft between Midland, Abilene, and Dallas, Tex. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department. Furthermore, cost data submitted with the petition tend to support that the increased rate is reasonable.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

On and after May 26, 1969, the fair and reasonable final service mail rate to be paid in its entirety to Ross Aviation, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Midland, Abilene, and Dallas, Tex., shall be 44.1 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 10 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7477; Filed, June 24, 1969; 8:49 a.m.]

[Docket No. 20334, etc.]

ST. LOUIS-DAYTON/COLUMBUS/PITTSBURGH PROCEEDING

Notice of Hearing

Subpart M proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 24, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Pursuant to provisions in order 69-6-85, American Airlines, Inc., may submit revised exhibits conforming to the amended scope of this case on or before July 7, 1969, and opposing parties may submit rebuttal exhibits thereto on or before July 17, 1969. Copies of such exhibits and rebuttal exhibits shall be furnished the Examiner and all parties.

Notice is given that the Bureau of Operating Rights will participate in the proceeding. Any exhibits of the Bureau shall be submitted on or before July 7, 1969, and any rebuttal exhibits thereto shall be submitted on or before July 17, 1969.

Dated at Washington, D.C., June 20, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7478; Filed, June 24, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/HAWAII CONFERENCE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following agreement will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER.

Agreement No. 170, as amended, between member lines provides for the establishment of uniform freight rates to be charged by all parties for the U.S. North Atlantic, South Atlantic and/or Gulf ports and/or Canadian Atlantic ports to ports in the Hawaiian Islands. The agreement also provides for the nonpayment of brokerage and for the establishment of open rates to meet outside competition moving traffic between foreign ports and Hawaii. The cancellation by the Commission of Agreement No. 170, as amended, effective September 1, 1969, will render the Atlantic and Gulf/Hawaii Conference inoperative and tariffs applying in the involved trade issued pursuant to Agreement No. 170 will be canceled effective on that date.

Dated: June 20, 1969.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7488; Filed, June 24, 1969; 8:49 a.m.]

[Docket No. 69-31]

UNITED FREIGHTWAYS CORP.

Order of Investigation Regarding Rates and Charges in South Atlantic/Puerto Rico Trade

There has been filed with the Federal Maritime Commission by United Freightways Corp., a nonvessel operating common carrier by water in the domestic trades, certain revised pages to its Freight Tariff FMC-F No. 1 which will, upon becoming effective July 3, 1969, generally increase southbound rates and charges from Jacksonville and Miami to Puerto Rico.

Upon consideration of the said tariff pages there is reason to believe that the general revenue level resulting from said increased rates and charges and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective July 3, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff pages hereby placed under investigation are changed, amended or reissued before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That United Freightways Corp. be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7489; Filed, June 24, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-15]

BACA GAS GATHERING SYSTEM, INC.

Notice of Petition To Amend

JUNE 18, 1969.

Take notice that on June 13, 1969, Baca Gas Gathering System, Inc. (Applicant), Hartford Building, Dallas, Tex. 75201, filed in Docket No. CP69-15 a petition to the Commission, pursuant to section 154 of the regulations under the Natural Gas Act, to amend the certificate of public convenience and necessity issued November 22, 1968, as may be needed to provide for the addition of about 333.42 net acres to its Gas Purchase and Sales Agreement with Panhandle Eastern Pipe Line Co. dated April 22, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has entered into a Gas Purchase and Sales Agreement with Horizon Oil and Gas Company of Texas (Producer), whereby Applicant agrees to purchase and producer agrees to sell gas produced from said acreage. Applicant has been notified that producer has previously applied to the Commission for certification for the sale of gas from this additional acreage and has submitted this contract as its gas rate schedule, filed in Docket No. CI69-997.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7423; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. CP69-333]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 17, 1969.

Take notice that on June 11, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-333 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of additional pipeline facilities on its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate 13.5 miles of 8-inch pipeline which will loop a portion of its existing Trinidad lateral. Applicant states these facilities are necessary to meet increased peak day and peak hour requirements of the customers served from this lateral.

Applicant estimates the total cost of the proposed facilities to be $390,167, which will be financed from current working funds on hand, funds from operations, or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natral Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7424; Filed, June 24, 1969; 8:45 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. E-7490]

CONSUMERS POWER CO.

Notice of Application

JUNE 18, 1969.

Take notice that on June 12, 1969, Consumers Power Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to December 31, 1970, of promissory notes to evidence bank borrowings and commercial paper up to but not exceeding $90 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Michigan, with its principal place of business in Jackson, Mich., and is engaged in the electric and natural gas utility business in the State of Michigan.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds necessary for the construction, completion, extension and improvement of facilities, the cost of which is expected to total $211,811,500 in 1969 and $252 million in 1970.

The bank notes will mature not later than 9 months from the date of issue, and will carry an interest rate of the prime rate in effect at the banks at the time of issuance which will change during the period of the note to conform to changes in prime interest rates in effect at the banks. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7425; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. CP69-334]

IROQUOIS GAS CORP.

Notice of Application

JUNE 17, 1969.

Take notice that on June 12, 1969, Iroquois Gas Corp., a division of National Fuel Gas Co. (Applicant), 10 Lafayette Square, Buffalo, N.Y. 14203, filed in Docket No. CP69-334 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of a 2-mile, 16-inch transmission pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate the proposed facilities northeast of Buffalo in the town of Clarence, Erie County, N.Y. Applicant states that the increased capacity to be provided by the new pipeline is required for the increases in the surrounding market.

Construction of the facilities is proposed to be completed by December 31, 1969, at an estimated cost of $241,411, which will be financed in part out of available company funds and in part from the issuance of securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7426; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. CP68-33]

MID STATES GAS CO., INC.

Notice of Petition To Amend

JUNE 18, 1969.

Take notice that on June 12, 1969, Mid States Gas Co., Inc. (Petitioner), 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, filed in Docket No. CP68-33 a petition to amend the order issued on November 21, 1967, in Docket No. CP68-33 (38 FPC 1039), by requesting that its allocation of natural gas for the towns of Lizton, Jamestown, and Advance contained in the aforementioned order to be transferred to West Central Indiana Gas Authority, Inc., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued November 21, 1967, the Commission directed Panhandle Eastern Pipeline Co. to establish physical connection of its pipeline system with the proposed facilities of Petitioner and to sell and deliver up to 1,091 Mcf of natural gas daily for distribution and resale. Petitioner herein seeks that such allocation be transferred to West Central Indiana Gas Authority in that West Central Indiana Gas Authority, Inc., now possesses the requisite franchises which were duly transferred by the towns of Lizton, Jamestown, and Advance, to West Central Indiana Gas Authority, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7427; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. RI69-811]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 17, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 5, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by the producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-811	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	59	11	United Gas Pipe Line Co. (Cabeza Creek Area, De Witt, Goliad, and Karnes Counties, Tex.) (RR. District No. 2).	$3,865	5-22-69	[2] 6-22-69	[3] 6-23-69	13.2002	[4] [6] 14.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase. Contractually due 14.2156 cents per Mcf (14-cent base rate, plus 0.2156-cent tax reimbursement).
[5] Pressure base is 14.65 p.s.i.a.

Mobil Oil Corp. (Mobil) requests that its proposed rate increase be permitted to become effective as of June 21, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filing and such request is denied.

Mobil is fracturing its contractually due rate of 14.2156 cents per Mcf and proposing a rate increase to 14 cents per Mcf. No reasons were given for fracturing the rate. The proposed rate does not exceed the area increased rate ceiling for Texas Railroad District No. 2 as announced in the Commission's statement of general policy No. 61-1, as amended; however, Mobil's filing did not include a waiver of its right to file for the remaining portion of its contractually due rate. Consistent with prior Commission action on similar rate increase filings, we conclude that Mobil's proposed rate increase should be suspended for one day from June 22, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7430; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. RI69-723]

AINSLIE PERRAULT ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

JUNE 18, 1969.

On April 7, 1969, Ainslie Perrault (Operator) et al. (Perrault), filed with the Commission two proposed rate increases, from 13 cents to 14 cents per Mcf, which pertain to Perrault's jurisdictional sales of natural gas to El Paso Natural Gas Co. in the Blanco and Basin Dakota Fields, San Juan County, N. Mex. (San Juan Basin Area). The Commission by order issued May 7, 1969, suspended for 5 months Perrault's rate filings in Docket No. RI69-723 until November 1, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On May 23, 1969, Perrault filed with the Commission two superseding notices of change in rates, designated as Supplement No. 1 to Supplement No. 2 to Perrault's FPC Gas Rate Schedule Nos. 1 and 2, respectively, amending the supplements to the rate schedules previously submitted to provide for a rate of 15 cents instead of the 14 cents per Mcf filed on April 7, 1969. Perrault did not include as part of his previously filed 14-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Perrault was thus advised that if he wanted to collect under the minimum guarantee provision he could do so provided he filed a notice of change in rate. Such notification is consistent with the Commission's order issued on December 7, 1967, in Docket Nos. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al. The proposed substitute rate filings are set forth in Appendix A hereof.

Perrault's proposed 15 cents per Mcf rates exceed the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Perrault's revised notices of change in rates subject to the suspension proceeding in Docket No. RI69-723, with the suspension period of such substitute rate filings to terminate concurrently with the suspension period (Nov. 1, 1969) of the original rate filings in said docket.

The Commission orders:

(A) The suspension order issued May 7, 1969, in Docket No. RI69-723, is amended only so far as to permit the 15 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 2 to Perrault's FPC Gas Rate Schedule Nos. 1

and 2, respectively, to be filed to supersede the 14 cents per Mcf rate contained in Supplement No. 2 to the aforementioned rate schedules, subject to the suspension proceeding in Docket No. RI69–723. The suspension period for such substitute filings shall terminate concurrently with the suspension period (Nov. 1, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on May 7, 1969, in Docket No. RI69–723, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–723	Ainslie Perrault (Operator) et al., 301 Philtower Bldg., Tulsa, Okla. 74103.	1	[1] 1 to 2	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,550	5–23–69	[2] 6–23–69	[3] 11–1–69	[6] 14.0	[4] [6] 15.0	
	do	2	[1] 1 to 2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	686	5–23–69	[2] 6–23–69	[3] 11–1–69	[6] 14.0	[4] [6] 15.0	

[1] Amends filing of Apr. 7, 1969 (Supplement No. 2) by adding 1-cent minimum guarantee for liquids. Previous filing suspended in Docket No. RI69–723 until Nov. 1, 1969.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The end of the suspension period for the previously filed rate in Docket No. RI69–723.
[4] Periodic rate increase. Previously reported as an increase from 14 cents inclusive of 1-cent minimum guarantee for liquids to 14 cents exclusive of the 1-cent minimum guarantee for liquids.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1-cent minimum guarantee for liquids.

[F.R. Doc. 69–7428; Filed, June 24, 1969; 8:45 a.m.]

[Docket No. RI69–780]

SUPERIOR OIL CO.

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

JUNE 18, 1969.

On May 1, 1969, The Superior Oil Co. (Superior) filed with the Commission a proposed change in rate from 16.659 cents to 17 cents per Mcf (designated as Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 115) which pertains to Superior's jurisdictional sales of natural gas from the Indian Basin Field, Eddy County, N. Mex. (Permian Basin Area) to Natural Gas Pipeline Company of America. The Commission by order issued May 29, 1969, in Docket No. RI69–780, suspended for 5 months Superior's rate filing until November 1, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On May 19, 1969, Superior submitted a proposed superseding notice of change in rate from 16.659 cents to 17.60 cents per Mcf, designated as Supplement No. 1 to Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 115, amending the supplement to the aforementioned rate schedule to include 0.60 cent upward B.t.u. adjustment which Superior neglected to include in its previous filing. The proposed substitute rate filing is set forth in Appendix A hereof.

Superior's proposed 17.60 cents per Mcf rate exceeds the just and reasonable area ceiling rates established by the Commission in its Opinion Nos. 468 and 468A as did the previously suspended rate in said docket. Since Superior's rate filing reflects an upward B.t.u. adjustment provided by the contract, we believe that it would be in the public interest to accept Superior's corrective rate filing subject to the suspension proceeding in Docket No. RI69–780, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Nov. 1, 1969) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued May 29, 1969, in Docket No. RI69–780, is amended only so far as to permit the 17.60 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 115 to be filed to supersede the 17-cent rate provided in Supplement No. 4 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69–780. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (Nov. 1, 1969) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on May 29, 1969, in Docket No. RI69–780, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–780	The Superior Oil Co., 909 R.C.A. Bldg., Washington, D.C. 20006.	115	[1] 1 to 4	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	$6,305	5–19–69	[2] 6–19–69	[3] 11–1–69	16.659	[4] [5] 17.60	

[1] Previously reported as a notice of change in rate from 16.659 cents to 17 cents which was suspended in Docket No. RI69–780 until Nov. 1, 1969.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] End of the suspension period for the previously filed rate in Docket No. RI69–780.
[4] Increase from applicable area ceiling rate to contract rate.
[5] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 69–7431; Filed, June 24, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MID AMERICA BANCORPORATION, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Mid America Bancorporation, Inc., St. Paul, Minn., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Valley National Bank of Eagan Township, St. Paul, Minn.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid America Bancorporation, Inc., St. Paul, Minn., for the Board's prior approval of action whereby Applicant, presently the owner of 92 percent of the voting shares of Highland Park State Bank, St. Paul, Minn., would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Valley National Bank of Eagan Township, St. Paul, Minn.

As required by section 3(b) of the Act, the Board gave written notice to the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 23, 1969, 34 F.R. 6810, providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

Dated at Washington, D.C., this 16th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69–7457; Filed, June 24, 1969; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.
[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 20, 1969, through June 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–7447; Filed, June 24, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JUNE 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 19, 1969, at 10:30 a.m., e.d.t., through June 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–7448; Filed, June 24, 1969; 8:47 a.m.]

[812–2456]

STATE BOND AND MORTGAGE CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

JUNE 19, 1969.

Notice is hereby given that State Bond and Mortgage Co. ("Applicant"), 28 North Minnesota Street, New Ulm, Minn. 56073, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d–1 with respect to the proposed purchase by Applicant of certain property located in New Ulm, Minn., and the proposed leasing of part of said property by Applicant. The application requests an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act the proposed purchase by Applicant of a two-story building at 104–107 North Minnesota Street, New Ulm, Minn. (the "Premises"), from its present owners—three trusts, of which Henry N. Somsen, Jr. is a trustee. The application also requests an order granting said application pursuant to Rule 17d–1 with respect to the purchase and to the proposed leasing of part of Premises to the law firm of Somsen and Dempsey, of which Henry N. Somsen, Jr. is a partner. All persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant represents that it needs additional space for its own operations and those of State Bank of New Ulm ("Bank"), a wholly owned subsidiary of Applicant (except for directors' qualifying shares), and proposes to purchase Premises which is immediately adjacent to property now owned by Bank which in turn is adjacent to property now occupied by Applicant, with only a street in between. Premises is owned by certain trusts created under wills. The trust created by the will of J. H. Vogel owns an undivided one-half interest in Premises and each of the trusts created under Articles IV and VII of the will of J. C. Vogel owns an undivided one-quarter interest in Premises. Henry N. Somsen, Jr. is the sole trustee of the trust created under the will of J. H. Vogel and is a cotrustee of the two trusts created under the will of J. C. Vogel. The remaindermen of the trusts collectively own, beneficially, 6.9 percent of the outstanding stock of Applicant, and Henry N. Somsen, Jr. owns 6.55 percent of the outstanding stock of Applicant and is a director of Applicant. Premises consist of land with approximately 55 feet of frontage on North Minnesota Street, the principal business street of New Ulm, and a depth of 165 feet, which is improved by a two-story building built in 1936. Applicant presently has subleased from the owners of Premises approximately 4800 square feet of basement area for which it pays monthly rentals of $225 under a lease which terminates on December 31, 1971. On May 17, 1968, Applicant entered into an option agreement with the owners to purchase Premises for $165,000. The initial option payment was $750, and Applicant paid an additional $500 to extend the option to June 30, 1969. Both option payments may be credited against the purchase price. The option agreement provides that a conveyance of Premises will be made subject to any and all prior existing leases. Approximately 1900 square feet on the second floor of Premises are presently leased to the law firm

of Somsen and Dempsey on a month-to-month basis with a monthly rental of $175, and Applicant proposes to continue this lease on the same basis.

Section 2(a)(3) of the Act, as here pertinent, defines "affiliated person" to include any officer or director, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of another person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by another person. Therefore, Mr. Somsen and Applicant may be deemed to be affiliated persons of each other, and the remaindermen of the trusts, collectively, and Applicant may be deemed to be affiliated persons of each other.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any securities or other property and thus would prohibit the proposed sale unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policies of Applicant as recited in its registration statement and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered company is a joint and several participant with such person unless an application regarding such transaction pursuant to Rule 17d-1 has been granted by the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Supporting statements. Applicant represents that it has made an extensive search in the New Ulm area for the required additional space and has determined that it would be in the best interests of Applicant to exercise the option because of the location of Premises in relation to Applicant's present facilities, because the option price compares favorably with the price of any similar facilities Applicant could obtain in the New Ulm area, and because the building is soundly constructed, has fully adequate utilities for Applicant's operations and the operations of Bank and no major remodeling will be required. Applicant has submitted an appraisal report which values Premises at $165,000; $30,000 attributable to the land and $135,000 to improvements. The "full and true" value of Premises as of January 1, 1967, for the purposes of Minnesota Real Property Taxation was $46,780, and Applicant represents that this customarily represents one-third of fair market value and that, accordingly, the fair market value of Premises, as established by the County Assessor, was conservatively $140,340. Exercise of the option agreement is conditioned upon approval of the sale by order of the appropriate court having jurisdiction over the trusts, and Applicant represents that an order of the court was obtained as of November 29, 1968, which, under Minnesota statutes relating to trusts, is deemed final and conclusive upon all trust beneficiaries. In addition, all necessary written consents to the sale have been executed by the remaindermen. In the opinion of counsel for Applicant, the order is final and conclusive upon the beneficiaries, and there are no grounds under which a successor trustee or the beneficiaries could set it aside. Applicant further represents that Mr. Somsen and his father before him have been renting space in Premises for a period of well over 20 years and that the rental of $175 per month is fair for the space involved.

Applicant represents that the terms of the proposed purchase, including the consideration, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed purchase is consistent with its policy as recited in its registration statement and reports filed under the Act, that its participation in the purchase and lease arrangements is on the same basis and is as advantageous as that of the other participants and the proposed purchase and lease would not be inconsistent with the provisions, policies and general purposes of the Act.

Notice is further given that any interested person may, not later than June 27, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7449; Filed, June 24, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Midwestern Area) Rev. 2, Amdt. 2]

MIDWESTERN AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Midwestern Area) (Revision 2) (33 F.R. 9851) as amended (34 F.R. 5043) is hereby further amended by:

1. The addition of I.H. to read as follows:

I. *Area Coordinators.* * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6 to read as follows:

II. *Regional Directors.* * * *

B. *Development Company Assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,

By: ----------
Regional Director,
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

3. Revising Items II.I. 3 and 4 and adding thereto a new Item II.I.5 to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator.

By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing, requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

4. Revising Items III.A. 1, 4, and 12 to read as follows:

III. *Branch Manager—Marquette, Mich.*—A. *Financial Assistance.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

* * * * *

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

* * * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

Effective date: May 19, 1969.

RICHARD E. LASSAR,
Area Administrator,
Midwestern Area.

[F.R. Doc. 69-7450; Filed, June 24, 1969; 8:47 a.m.]

[License No. 02/02-0107]

WOODROCK BUSINESS CAPITAL CORP.

Notice of Surrender of License

Notice is given hereby that Woodrock Business Capital Corp., New York, N.Y., has pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) requested the surrender of its license to operate as a small business investment company. The licensee was incorporated on February 16, 1961, under the laws of the State of New York, and licensed by the Small Business Administration (SBA) on October 20, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Woodrock Business Capital Corp. will be accepted, and Woodrock Business Capital Corp., accordingly, will no longer be licensed to operate as a small business investment company.

Dated: June 12, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-7458; Filed, June 24, 1969; 8:47 a.m.]

TARIFF COMMISSION

[337-23]

COFFEE CONCENTRATES

Amendment of Scope of Investigation

The Tariff Commission hereby gives notice that the scope of investigation No. 337-23, instituted on May 14, 1969 (34 F.R. 8320), is amended to include alleged unfair acts and unfair methods of competition in the importation of and sale in the United States by General Foods Corporation of White Plains, N.Y., and possibly others, of freeze dried coffee and other coffee concentrates produced abroad in accordance with the claims of U.S. Letters Patent No. 3,381,302 and/or 3,404,007 and/or 3,449,129, owned by the complainant, Struthers Scientific and International Corporation of New York, N.Y.

On June 13, 1969, the complainant filed a request with the Commission that its complaint be amended to include U.S. Letters Patent No. 3,449,129, issued June 10, 1969, stating that a request for the amendment was precluded at the time the original complaint was filed because the patent had not yet been issued. As the latest patent is deemed to be relevant to investigation No. 337-23 and as the patent was issued subsequent to the date an amendment to complaint is ordinarily permitted, the Commission in accordance with § 201.4(b) of its rules of practice and procedure has waived the requirements of § 203.2(c) that an amendment to a complaint be submitted prior to the institution of a formal investigation.

The hearing of this investigation will begin July 22, 1969, as originally ordered (34 F.R. 8320).

Notice of receipt of the original complaint was published in the FEDERAL REGISTER of January 23, 1969 (34 F.R. 1091).

Issued: June 20, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-7465; Filed, June 24, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 58]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., June 23, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7467; Filed, June 24, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41670—*Fresh meats and packinghouse products to points in official territory.* Filed by Western Trunk Line Committee, agent (No. A-2589), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, as described in the application, from Ogden, Provo, and Salt Lake City, Utah, to points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 30 to Western Trunk Line Committee, agent, tariff ICC A-4649.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7468; Filed, June 24, 1969; 8:48 a.m.]

[Notice 556]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 20, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 49387 (Deviation No. 6), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Box 658, Moberly, Mo. 65270, filed June 11, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 36 and Interstate Highway 35, at or near Cameron, Mo., over Interstate Highway 35 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Chenoa, Ill., thence over U.S. Highway 24 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 36, thence over U.S. Highway 36 to St. Joseph, Mo.; (2) from Keokuk, Iowa, over U.S. Highway 61 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U.S. Highway 63, thence over U.S. Highway 63 to Kirksville, Mo.; (3) from St. Joseph, Mo., over U.S. Highway 71 to Kansas City, Mo., thence over U.S. Highway 69 to Excelsior Springs, Mo., thence over Missouri Highway 10 to Carrollton, Mo. (also from junction U.S. Highway 69 and Missouri Highway 10 west of Liberty, Mo., over Missouri Highway 10 to Carrollton), thence over U.S. Highway 24 to Quincy, Ill.; (4) from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Hannibal, Mo.; and (5) from Kirksville, Mo., over U.S. Highway 63 to Jefferson City, Mo., and return over the same route.

No. MC 50544 (Deviation No. 6), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103, filed June 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Dallas, Tex., and New Boston, Tex., over Interstate Highway 30 (traversing U.S. Highway 67 and Texas Highway 98 pending completion of Interstate Highway 30), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 75 to Sherman, Tex., thence over U.S. Highway 82 to New Boston, Tex., and return over the same route.

No. MC 85850 (Sub-No. 5) (Deviation No. 1), JOHN E. NEYLON, doing business as NEYLON BROS. FREIGHT LINES, 541 South First Street, Lincoln, Nebr. 68508, filed June 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lincoln, Nebr., over Nebraska Highway 2 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 36 west of Hiawatha, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lincoln, Nebr., over U.S. Highway 77 to junction U.S. Highway 36, thence over U.S. Highway 36 to Hiawatha, Kans., and return over the same route.

No. MC 104004 (Deviation No. 36), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed June 10, 1969. Carrier's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, N.Y. 11227. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70N to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to Charlotte, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Nashville, Tenn., over Tennessee Highway 12 to junction Tennessee Highway 49, thence over Tennessee Highway 49 to Cumberland City, Tenn., and return over the same route.

No. MC 112713 (Deviation No. 15), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114, filed June 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn., and Albuquerque, N. Mex., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mount Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mount Vernon, Ill., over U.S. Highway 460 via McLeansboro, Ill., to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn.; (2) from Booneville, Mo., over U.S. Highway 40 to National Stock Yards, Ill.; (3) from Booneville, Mo., over U.S. Highway 40 to Kansas City, Kans.; (4) from Kansas City, Mo., over U.S. Highway 40 to junction U.S. Highway 24 north of Lawrence, Kans., thence over U.S. Highway 24 to junction U.S. Highway 40 north of Topeka, Kans., thence over U.S. Highway 40 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans., thence over Kansas Highway 25 to Atwood, Kans., thence over U.S. Highway 36 to Wheeler, Kans. (also from Colby over U.S. Highway 24 to Goodland, Kans., thence over Kansas Highway 27 to Wheeler); (5) from Denver, Colo., over U.S. Highway 36 to Bird City, Kans.; (6) from Denver, Colo., over U.S. Highway 85 to Walsenburg, Colo.; and (7) from Holbrook, Ariz., over U.S. Highway 66 to Albuquerque, N. Mex., thence over U.S. Highway 85 to Walsenburg, Colo., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 525), (Cancels Deviation No. 341), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 94 and U.S. Highway 6, approximately 6 miles east of Harvey, Ill., south over Interstate Highway 94 to junction Interstate Highway 80 and Illinois Highway 394, thence south over Illinois Highway 394 to Goodenow, Ill., and (2) from Chicago Heights, Ill., over U.S. Highway 30 to junction Illinois Highway 394, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over Sibley Boulevard to junction Torrence Avenue, thence over Torrence Avenue to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 1, and (2) from Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over Sibley Boulevard to junction Illinois Highway 1, thence over Illinois Highway 1 to Norris City, Ill., thence over U.S. Highway 45 to Harrisburg, Ill., thence over Illinois Highway 34 to junction Illinois Highway 145, thence over Illinois Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to Paducah, Ky., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7469; Filed, June 24, 1969; 8:48 a.m.]

[Notice 1306]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 20, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 52054 (Sub-No. 27) (Republication), filed December 11, 1967, published in the FEDERAL REGISTER issue of January 5, 1968, and republished this issue. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. 67501. Applicant's representative: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Upon consideration of the application, as amended, and the record in the above-entitled proceeding, the examiner recommended the granting to applicant of a certificate of public convenience and necessity authorizing the operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. A decision and order of the Commission, Review Board Number 3, dated May 5, 1969, and served May 13, 1969, as modified, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *foodstuffs*, not frozen, and except dairy products, from the plantsite and storage facilities of Western Food Products Co., Inc., at or near Hutchinson, Kans., to points in Colorado (except Denver), Missouri, Nebraska, North Dakota, and South Dakota; (2) of *foodstuffs*, not frozen, and except fresh meats and dairy products, from Hutchinson, Kans., to points in Arkansas, Oklahoma, and Texas; (3) of *foodstuffs*, not frozen, from La Junta, Colo., to Hutchinson, Kans.; (4) of *glass, glass containers, and glassware*, from

Okmulgee and Muskogee, Okla., to the plantsites and storage facilities (a) of Western Food Products Co., Inc., at or near Hutchinson, Kans., and (b) of Wichita Cider and Vinegar Works at or near Wichita, Kans., restricted in (1) and (4) above to the transportation of shipments originating at the named origins and destined to the named destinations. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133121 (Sub-No. 2) (Republication), filed January 21, 1969, published FEDERAL REGISTER issue of February 20, 1969, and republished this issue. Applicant: SILLS TRUCKING COMPANY, INC., 339 Whitaker Street, Apartment No. 5, Savannah, Ga. 31401. Applicant's representative: John R. Calhoun (same address as applicant). By application filed January 21, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plant mix asphalt and aggregates used in the construction of highways or other paved surfaces, in bulk, in dump type vehicles, from points in Chatham County, Ga., to points in South Carolina. An order of the Commission, Operating Rights Board, dated May 28, 1969, and served June 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *asphalt and aggregates*, in bulk, in dump vehicles, from points in Chatham County, Ga., to points in South Carolina; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133270 (Republication), filed October 31, 1968, published in FEDERAL REGISTER issue of December 12, 1968, and republished this issue. Applicant: WESTERN MEAT TRANSPORT COMPANY, INC., Route 1, Box 672, Eugene, Oreg. 97401. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. By application filed October 31, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: Meats and packinghouse products, as described in parts A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Portland and Eugene, Oreg., to points in Marion, Polk, Benton, Lincoln, Linn, Lane, Douglas, Coos, Curry, Josephine, Jackson, Klamath, Lake, and Deschutes Counties, Oreg. A report of the Commission Review Board Number 4, decided June 4, 1969, and served June 12, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting of *Meats, meat products, meat byproducts, and dairy products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, (1) from Portland and Eugene, Oreg., to points in Coos, Curry, Josephine, Jackson, Lane, Douglas, and Klamath Counties, Oreg., and (2) from Eugene, Oreg., to points in Marion, Polk, Benton, Lincoln, and Linn Counties, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 17002 (Notice of Filing of Petition for Waiver of Rule 101(e) for Reconsideration and Modification of Certificate) filed May 21, 1969. Petitioner: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Huntington, W. Va. Petitioner holds authority in MC 17002, to conduct operations as a motor carrier, the part here pertinent, transporting, "Heavy machinery, and machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum," between points in West Virginia, Virginia, Ohio, Kentucky, and that part of Pennsylvania west of U.S. Highway 15. In support of its petition for waiver of rule 101(e) Petitioner states that various factors which require the modification of Petitioner's certificate were not present at the time of the issuance, nor could they have been reasonably foreseen. The purpose of the instant petition is to request that the above certificate be modified, substituting the description for heavy machinery to read as follows: Commodities, the transportation which because of their size or weight require special equipment or special handling, and related contractors' materials, supplies, and equipment, when the transportation is incidental to the transportation by said carrier, of commodities which by reason of size or weight require special handling or special equipment. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124333 (Sub-No. 2) (Notice of Filing of Petition for Modification of Outstanding Permit), filed June 3, 1969. Petitioner: BAKER PETROLEUM TRANSPORTATION CO., INC., New Castle, Del. Petitioner's representative: Samuel Earnshaw, 833 Washington Building, Washington, D.C. 20005. Petitioner states it is presently authorized in MC 124333 (Sub-No. 2), as a contract carrier of certain liquid petroleum products, in bulk, in tank vehicles, which reads in part, "under a continuing contract with Atlantic Richfield Co. of Philadelphia, Pa., of petroleum asphalt, in tank vehicles, from Philadelphia, Pa., Paulsboro and Gloucester, N.J., to points in Delaware and that part of Maryland and Virginia known as the DelMarVa Peninsula." Petitioner further states that as a result of the establishment by Atlantic of a new distribution facility at Seaford, Del., for barge-truck traffic, in bulk, which will bring some Philadelphia traffic by water to Seaford for subsequent distribution therefrom by truck, that company has now requested applicant to obtain amendment to and modification of its Sub 2 permit. By the instant petition, petitioner seeks modification of its permit MC 124333 (Sub-2), to read as follows: "under a continuing contract with Atlantic Richfield Co. of Philadelphia, Pa., of petroleum asphalt, in tank vehicles, from Philadelphia, Pa., Paulsboro and Gloucester, N.J., to points in Delaware and that part of Maryland and Virginia known as the DelMarVa Peninsula, *and from Seaford, Del., to that part of Maryland and Virginia known as the DelmarVa Peninsula.*" Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10485 (Amendment) (EDGAR F. HURFF CO.—Control—FAIRCHILD GENERAL FREIGHT, INC., and D & O—FAIRCHILD, INC.; FAIRCHILD GENERAL FREIGHT, INC.—Merger—D & O—FAIRCHILD, INC.) published in the May 28, 1969, issue of the FEDERAL REGISTER on page 8262. Application filed June 13, 1969, for temporary authority under section 210a(b).

No. MC-F-10486 (Amendment) (MATLACK, INC.—Control and Purchase—BAGGETT BULK TRANSPORT, INC.), published in the May 28, 1969, issue of the FEDERAL REGISTER on page 8262. Application filed June 13, 1969, for temporary authority under section 210a(b).

No. MC-F-10508 (Amendment) (LOUIS J. GARDELLA, INC.—Purchase (Portion)—ASA DUCKWORTH CO., INC.), published in the June 18, 1969, issue of the FEDERAL REGISTER on page 9598. Application filed June 19, 1969, for temporary authority under section 210a(b).

No. MC-F-10509. Authority sought for purchase by ANTRIM TRANSPORTATION CO., INC., 7-11 Suffern Place, Suffern, N.Y. 10901, of a portion of the operating rights of DAVIS & RANDALL, INC., 154 Chautaugua Street, Fredonia, N.Y. 14063, and for acquisition by FRANK VILORD and HENRY MAYER, all also of Suffern, N.Y., of control of such rights through the purchase. Applicants' attorney: Werner and Alfano, attention of Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from New York, N.Y., to points in New York (except Gloversville and points in Niagara, Erie, Orleans, Genesee, Wyoming, Allegany, Monroe, Livingston, Steuben, Chemung, Schuyler, Yates, and Onondaga Counties. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, New Jersey, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10510. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040, of ARMORED MOTOR SERVICE, INC., 1020 West Seventh Street, Fort Worth, Tex. 76102, and for acquisition by PUROLATOR, INC., 970 New Brunswick Avenue, Rahway, N.J. 07065, of control of ARMORED MOTOR SERVICE, INC., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorney and representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006 and John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040. Operating rights sought to be controlled: *Currency, coin, bonds, and other valuables* customarily transferred between banks, in armored vehicles, as a *contract carrier* over irregular routes, between Dallas, Tex., on the one hand, and, on the other, points in Marshall, Johnston, Coal, Atoka, Bryan, Pushmataha, Choctaw, and McCurtain Counties, Okla., and points in that part of Louisiana in and north of Sabine, Natchitoches, Grant, La Salle, Catahoula, and Concordia Parishes, La., with restriction; *coin*, between Little Rock, Ark.; Denver, Colo.; New Orleans, La.; Oklahoma City, Okla.; Nashville and Memphis, Tenn.; and Dallas, El Paso, Houston, and San Antonio, Tex. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Illinois, Iowa, Nebraska, Kentucky, Ohio, West Virginia, Pennsylvania, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, South Dakota, Missouri, North Dakota, Kansas, Louisiana, Florida, Alabama, Mississippi, Vermont, Georgia, North Carolina, Arkansas, Texas, Oklahoma, Tennessee, South Carolina, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, North Carolina, Tennessee, Georgia, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Nebraska, New Hampshire, Vermont, Michigan, North Dakota, South Dakota, Alabama, South Carolina, Arkansas, Texas, Florida, Louisiana, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10512. Authority sought for purchase by HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Route 3, Box 24, Petersburg, W. Va. 26847, of a portion of the operating rights of COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicants' representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Operating rights sought to be transferred: *Lime and limestone products*, dry, in bulk, in tank or hopper type vehicles, as a *common carrier*, over irregular routes, from points in Monongalia and Pendleton Counties, W. Va., to points in Delaware, Kentucky, Maryland, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Pennsylvania, and Virginia. Vendee is authorized to operate as a *common carrier* in West Virginia, Kentucky, Maryland, Pennsylvania, Virginia, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10513. Authority sought for control by AAA MOTOR LINES, INC., Post Office Box 1328, Dothan, Ala. 36301, of COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426, and for acquisition by JOHN H. DOVE, also of Dothan, Ala., of control of COOPER TRANSFER CO., INC., through the acquisition by AAA MOTOR LINES, INC. Applicants' attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004 and J. Douglas Harris, 410 Bell Building, Montgomery, Ala. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Bay Minette, Ala., and Perdue Hill, Ala., from Perdue Hill, Ala., to Frisco City, Ala., serving all intermediate points, and the off-route point of Goodway, Ala., between Mobile, Ala., and Brewton, Ala., serving all intermediate points, between Mobile, Ala., on the one hand, and, on the other, points in Alabama; between New Orleans, La., and Geneva, Ala., serving certain intermediate points with restriction; between Camilla, Ga., and Tallahassee, Fla., serving all intermediate points; *general commodities*, excepting among others, household goods, but not excepting commodities in bulk, between Opp, Ala., and Dothan, Ala., serving all intermediate points, between Pensacola, Fla., and Uriah, Ala., over one alternate route for operating convenience only; *general commodities*, between Dothan, Ala., and Montgomery, Ala., between Dothan, Ala., and Thomasville, Ga., between Columbus, Ga., and Valdosta, Ga., serving all intermediate points; over one alternate route for operating convenience only; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckloads, over irregular routes, between Mobile, Ala., on the one hand, and, on the other, points in Alabama;

General commodities, except classes A and B explosives, loose bulk commodities and those requiring special equipment, between Mobile, Ala., on the one hand, and, on the other, Opp, Ala.; *petroleum products in containers*, from New Orleans and Gretna, La., to points in Alabama within 150 miles of Brewton, Ala.; *textile products*, from points in Alabama within 150 miles of Brewton, Ala., including Brewton, Ala., and points in Florida within 100 miles of Pensacola, Fla., including Pensacola, Fla.; *cotton and burlap bags*, from New Orleans, La., to points in Alabama within 150 miles of Brewton, Ala., including Brewton, Ala.; *peanut butter in containers*, from Opp, Ala., to New Orleans, La.; *peanut butter in packages*, from Opp, Ala., to points in those parts of Alabama, Florida, Georgia, Louisiana (east of the Mississippi River), Mississippi, South Carolina, and Tennessee, within 500 miles of Opp, Ala., from Dawson, Ga., to points in Alabama and Mississippi; *glass containers, and caps, covers, and tops therefore*, from Jackson, Miss., to Opp, Ala., *shelled peanuts*, from points in that part of Georgia on and south of U.S. Highway 80, to Opp, Ala.; *asphalt tile floor covering*, from New Orleans, La., and points within 10

miles thereof, to Brewton, Ala., and points in Alabama and Florida within 150 miles of Brewton, Ala.; *roofing, and roofing materials, and asbestos wallboard*, from Mobile, Ala., to points in Georgia and Florida within 350 miles of Mobile, Ala. (except Atlanta, Ga., and points in that part of Florida on and west of U.S. Highway 319); *paper and paper bags*, from Cantonment, Fla., to points in Alabama and Mississippi, points in Georgia on and South of U.S. Highway 78, and points in that part of Louisiana on and north of U.S. Highway 90 and on and east of U.S. Highway 165; *paper and paper products*, from the plantsite of the St. Regis Paper Co. at or near Wanilla (Ferguson), Miss., to New Orleans, La., Pensacola, Fla., and points in Alabama; and *paper mill equipment, paper mill materials and supplies* (except commodities in bulk, in tank vehicles), from New Orleans, La., Pensacola, Fla., and points in Alabama, to the plantsite of the St. Regis Paper Co. at or near Wanilla (Ferguson), Miss. AAA MOTOR LINES, INC., is authorized to operate as a *common carrier* in Alabama and Georgia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10514. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, of (1) a portion of the operating rights of NORWALK TRUCK LINES, INC., OF DELAWARE, Post Office Box 192, Littleton, Colo. 80120, and (2) a portion of the operating rights of NORWALK TRUCK LINES, INC., Post Office Box 192, Littleton, Colo. 80120, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo. 64113, GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo. 64113, and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kans. 66208, of control of such rights through the purchase. Applicants' attorneys: Kenneth E. Midgley and Richard K. Andrews, 1500 Commerce Trust Building, Kansas City, Mo. 64106, and David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: (1) *General commodities*, as a *common carrier*, over regular routes within an area bounded generally by Rochester, N.Y., Philadelphia, Pa., Washington, D.C., and Cleveland, Ohio, serving numerous intermediate and off-route points; over irregular routes between points in Lancaster County, Pa., on the one hand, and, on the other, points in New Jersey; *beans and canned goods* from Rochester, N.Y., to Baltimore, Md., and points in Pennsylvania; *linoleum and floor tile*, from Lancaster, Pa., to Washington, D.C., and points in Ohio, New York, and Maryland; *confectionery*, from Elizabethtown and Mount Joy Pa., to points in Ohio; *machinery*, from Lancaster, Pa., to Arrowhead, N.Y.; *wine and grape juice*, between points in New York, on the one hand, and, on the other, Boston, Mass., New Haven, Conn., New York, N.Y., points in Pennsylvania, and Baltimore, Md.; and (2) *General commodities*, as a *common carrier*, over regular routes, within an area bounded generally by Buffalo, N.Y., Pittsburgh, Pa., Cleveland, Ohio, and Erie, Pa., serving numerous intermediate and off-route points; and *general commodities*, over irregular routes between Erie, Pa., on the one hand, and, on the other, points in Pennsylvania within 10 miles of Erie. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Kansas, Oklahoma, Missouri, Texas, Indiana, Michigan, Illinois, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10515. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va., of the operating rights of JOHN J. HUIZINGA, 2525 South Artesian Avenue, Chicago, Ill. 60608, and for acquisition by R. R. SMITH and R. P. HARRISON, both also of Staunton, Va. of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points and places in Cook County, Ill., on the one hand, and, on the other, points and places in Lake and Porter Counties, Ind. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maine, New Hampshire, Vermont, Delaware, Illinois, Ohio, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee, Michigan, Georgia, South Carolina, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10516. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401, of the operating rights of BATTLETOWN TRANSFER, INC., 300 South Central Avenue, Baltimore, Md. 21202, and for acquisition by R. R. SMITH and R. P. HARRISON, both also of Staunton, Va., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Rubber heels and soles*, as a *common carrier*, over regular routes, from Winchester, Va., to Philadelphia, Pa., serving the intermediate point of Gettysburg, Pa., without restriction; and the off-route points of Hagerstown, Md., and Littlestown, Pa., restricted to delivery only, from Winchester, Va., to Baltimore, Md., serving the intermediate point of Washington, D.C., restricted to delivery only, over one alternate route for operating convenience only; *carbon black, paper cartons, fertilizer, feed, and mineral tar*, from Baltimore, Md., to Winchester, Va., serving off-route points in Virginia within 15 miles of Winchester, restricted to delivery of *fertilizer and feed*, only, over one alternate route for operating convenience only; *carbon black*, from Winchester, Va., to Gettysburg, Pa., serving the off-route point of Hagerstown, Md.; *carbon black and mineral tar*, from Baltimore, Md., to Gettysburg, Pa., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Hagerstown, Md., and Baltimore, Md., between Hagerstown, Md., on the one hand, and, on the other, points within 25 miles of Hagerstown;

General commodities, excepting, among others, household goods, but not excepting commodities in bulk, from Baltimore, Md., to certain specified points in Virginia, between points in Berkeley County, W. Va., on the one hand, and, on the other, points in Frederick County, Va.; *agricultural commodities, livestock, farm machinery, building materials, coal, feed, and fertilizer*, between points within 50 miles of Big Pool, Md., in Maryland, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in Washington; *coal*, from points in Huntington County, Pa., to points in Washington County, Md., from points in Maryland, and West Virginia, to Martinsburg, W. Va.; *fertilizer*, from Baltimore, Md., to Winchester, Va., and points within 50 miles of Big Pool, Md., in Maryland, Pennsylvania, and West Virginia; *flavoring syrup* used in the preparation of coca cola and other fountain and soft drinks, from Baltimore, Md., to Bedford, Pa.; *food and food products*, from Baltimore, Md., to certain specified points in Pennsylvania; *fruit*, between points in Hancock, Md., from points in Maryland, Pennsylvania, Virginia, and West Virginia within 75 miles of Hancock, Md., including Hancock, to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia within 75 miles of Hancock, Md., including Hancock; *fruit and material, supplies and equipment*, used or useful in, the maintenance and operation of orchards, between points in Maryland, Pennsylvania, Virginia, and West Virginia within 75 miles of Hancock, Md., including Hancock; *fruit and fruit products, canned tomatoes and tomato juice, and materials, supplies and equipment* used in the maintenance and operation of orchards, between Hancock, Md., including Hancock; *fruit and* thereof, on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virgina, and West Virginia within 250 miles of Hancock, Md., but not including those within 10 miles of Hancock;

Fruit products, from Winchester, Va., to Baltimore, Md.; *lumber and lumber mill products, seed, grain, fertilizer, hardware, and farm implements*, from Baltimore and Hagerstown, Md., to certain specified points in Pennsylvania; *malt beverages*, from Baltimore and Cumberland, Md., to Winchester, Va., from Philadelphia, Pa., to Hagerstown, Md., from New York, N.Y., to Cumberland and Hagerstown, Md., and Martinsburg, W. Va.; *oyster shells*, in bags, from Alexandria, Va., to Hancock, Md.; *petroleum products*, in containers, from Marcus Hook, Pa., and Claymont, Del., to certain specified points in Virginia, and Martinsburg, W. Va.; *pulpwood*, from Hancock, Md., and points within 10 miles thereof, to Spring Grove, Pa.; *scrap metals*, from Hancock, Md., to Johnstown, Pa., and Washington, D.C.; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, from Winchester, Va., to certain specified points in Virginia and West Virginia; *sugar*, from Baltimore, Md., to Winchester, Va.; and *apples, peaches, and canned fruits*, from points in Berkeley County, W. Va., to Winchester, Va. SMITH'S TRANSFER CORPORATION is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maine, New Hampshire, Vermont, Delaware, Illinois, Indiana, Ohio, Maryland, Georgia, Pennsylvania, Virginia, Kentucky, Tennessee, South Carolina, North Carolina, West Virginia, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10517. Authority sought for purchase by MILLS TRANSFER COMPANY, 51 Sleeper Street, Boston, Mass. 02210, of the operating rights of KELLEHER TRANSPORTATION, INC., 500 Congress Street, Boston, Mass. 02201, and for acquisition by HAROLD E. BOOMA and JOHN H. MEYER, both of 140 Federal Street, Boston, Mass., of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99395 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Rhode Island, Maine, and Vermont. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–765 Sub-3 is a matter directly related.

No. MC–F–10518. Authority sought for purchase by CLAREMONT MOTOR LINES, INC., Post Office Box 296 (Highway 64–70 East), Claremont, N.C. 28610, of the operating rights of JAMES H. C. HUITT (J. ALLLEN ARNDT, BOBBY SPRINKLE AND WILLIAM R. JOHNSON, EXECUTORS AND TRUSTEES), doing business as HUITT ROOFING & TRUCKING COMPANY, Post Office Box 68, Hiddenite, N.C. 28636, and for acquisition by LOY THOMAS MILLER and DALE MAURICE MILLER, both also of Claremont, N.C., of control of such rights through the purchase. Applicants' attorney: Martin C. Pannell, Box 46, 25 North Brady Avenue, Newton, N.C. 28658. Operating rights sought to be transferred: *Cotton yarn*, on beams, as a *common carrier*, over irregular routes, from Statesville, N.C., and points within 15 miles thereof, and Mount Holly, N.C., and points within 5 miles thereof, to New Bedford, Mass.; *cotton yarn*, in cartons, from Statesville, N.C., and points within 15 miles thereof, and Mount Holly, N.C., and points within 5 miles thereof, to Baltimore, Md., Newark, N.J., points in the *New York, N.Y., commercial zone*, 1 M.C.C. 665, points in that part of Pennsylvania on and east of U.S. Highway 11, and points in Connecticut, Massachusetts, and Rhode Island; and *empty yarn beams*, from New Bedford, Mass., to Statesville and points within 15 miles thereof, and Mount Holly and points within 5 miles thereof. Vendee is authorized to operate as a *common carrier* in North Carolina, Ohio, West Virginia, Virginia, Maryland, Alabama, Florida, Georgia, Kentucky, South Carolina, Tennessee, and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–10511. Authority sought for control and merger by ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y., of the operating rights and property of NATIONWIDE TOURS, INC., 1344 Albany Street, Schenectady, N.Y. 12304, and for acquisition by LOUIS H. VAN GONSIC, 75 Valentine Avenue, Kingston, N.Y., and JOHN J. VAN GONSIC, JR., Round Lake Road, Rhinebeck, N.Y., of control of such rights and property through the transactions. Applicants' attorneys: James E. Wilson, 1735 K Street NW., Washington, D.C., and Louis H. Shereff, 292 Madison Avenue, New York, N.Y. Operating rights sought to be controlled and merged: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Gloversville, N.Y., and Schenectady, N.Y., between Fonda, N.Y., and Fultonville, N.Y., between Albany, N.Y., and Schenectady, N.Y., between Rutland, Vt., and Cambridge, N.Y., between Rutland, Vt., and Whitehall, N.Y., between Whitehall, N.Y., and Glens Falls, N.Y., serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Whitehall, N.Y., and points in New York within 25 miles of Whitehall, and those in Vermont within 20 miles of Whitehall, N.Y., to Hanover, N.H., New York, N.Y., and points in Massachusetts, and Vermont, and return, from Schenectady, N.Y., and points within 35 miles of Schenectady, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, from Schenectady, N.Y., and points within 25 miles of Schenectady, N.Y., to points in New York, and return, from Albany, N.Y., and points within 25 miles of Albany, N.Y., to points in Massachusetts, New Hampshire, Maine, Vermont, New York, Connecticut, Rhode Island, Delaware, Ohio, Maryland, New Jersey, Pennsylvania, North Carolina, South Carolina, Virginia, West Virginia, Michigan, Indiana, Illinois, Missouri, and the District of Columbia, and return; passengers and their baggage in the same vehicle with passengers, in special service round-trip all expense tours, beginning and ending at Albany, N.Y., and extending to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia;

Passengers and their baggage, in special operations, in round-trip all-expense tours, beginning and ending at Albany, N.Y., and extending to points in Florida, Louisiana, Tennessee, and Wyoming, beginning and ending at Albany, N.Y., and extending to points in Arizona, California, Montana, and Texas; passengers and their baggage, in special operations, in round-trip, all-expense sightseeing or pleasure tours, beginning and ending at Schenectady, N.Y., and points in New York within 35 miles thereof, which are located on and north of a line comprised of New York Highway 7 from the New York-Vermont State line to the point of its crossing over or under Interstate Highway 90 and comprised of Interstate Highway 90 from such point of crossing to a point thereon located 35 air miles west of Schenectady, N.Y., and extending to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Florida, Louisiana, Tennessee, Wyoming, Arizona, California, Montana, Texas, and the District of Columbia; and passengers and their baggage in round-trip charter-party service limited to eight passengers in addition to the driver in each vehicle, during the seasons from September 1 to June 15, inclusive, beginning and ending at Skidmore College in Saratoga Springs, N.Y., and extending to points in Connecticut, Massachusetts, New Hampshire, New Jersey, and Rhode Island. ADIRONDACK TRANSIT LINES, INC., is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–7470; Filed, June 24, 1969; 8:48 a.m.]

[Notice 854]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 1 TA), filed June 12, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Co., Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.), for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: E. I. du Pont de Nemours & Co. (Mr. J. C. Jessen, A.T.M. Motor Carrier Section), Wilmington, Del. 19898. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 3252 (Sub-No. 59 TA), filed June 13, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, fabricated steel and steel articles*, from Augusta, Maine, to Ticonderoga, N.Y., for 150 days. Supporting shipper: Augusta Iron Works, Division of Cives Corp., Riverside Drive, Post Office Box 850, Augusta, Maine. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 76 Pearl Street, Portland, Maine 04112.

No. MC 35045 (Sub-No. 5 TA), filed June 12, 1969. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, containers, and packages; and, *mixed shipments of fertilizer and pine bark mulch*, in bags, containers, and packages, from the warehouse of Greenlife Products Co., at or near Covington, Ga., to points in Tennessee, Ohio, Kentucky, Indiana, Michigan, and Illinois, for 150 days. Supporting shipper: Greenlife Products Co., West Point, Va. 23181. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 72231 (Sub-No. 5 TA), filed June 17, 1969. Applicant: THE J. W. JONES & SON COMPANY, 495 Andrews Avenue, Youngstown, Ohio 44501. Applicant's representative: W. L. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, and dairy products*, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; and Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa., for 150 days. Supporting shipper: N. H. Luethans, Swift & Co., East St. Louis, Ill. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103993 (Sub-No. 423 TA), June 17, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections mounted on wheeled undercarriages, from points in Columbia County, N.Y., to points in Connecticut, Pennsylvania, Massachusetts, Rhode Island, New Jersey, and New York, for 180 days. Supporting shipper: Taconic Industries, Inc., Columbia County, N.Y. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 110525 (Sub-No. 914 TA), filed June 13, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten dimethyl terephthalate*, in bulk, from Old Hickory, Tenn., to Brevard, N.C., for 120 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111812 (Sub-No. 381 TA), filed June 13, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Washington, Oregon, Montana, Idaho, California, and South Dakota, for 180 days. Supporting shipper: Elm Tree Baking Co., 3300 West College Avenue, Appleton, Wis., Clarence O. Stingle, Service and Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113063 (Sub-No. 6 TA), filed June 13, 1969. Applicant: RALPH H. BURNS & SON, INC., U.S. Highway No. 219, Post Office Box No. 38, Hillsboro, W. Va. 24946. Applicant's representative: Arden J. Curry, 1115 Virginia Street East, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Alleghany County, Va., to points on Interstate Project I–64 in Greenbrier County, W. Va., for 180 days. Supporting shippers: Commonwealth Sand & Gravel Corp., Darbytown Road, Post Office Box No. 7598, Richmond, Va. 23231; Attention: Mr. Harry Beattie III, Vice President; Southern Materials Co., Inc., Post Office Box 1–J, Richmond, Va. 23201; Attention: Mr. R. E. Benjamin. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 116073 (Sub-No. 100 TA), filed June 17, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from El Monte and Anaheim, Calif., to points in Utah, New Mexico, Colorado, and Texas, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Post Office Box 7638, Riverside, Calif. 92503. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116273 (Sub-No. 116 TA), filed June 17, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbonized ink*, in bulk, in tank vehicles, from Sycamore, Ill., to Emigsville and York, Pa., and Temple, Tex., for 180 days. Supporting shipper: Duplex Products, Inc., 228 West Page Street, Sycamore, Ill. 60178. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 118989 (Sub-No. 31 TA), filed June 13, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Lomira, Wis., to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kentucky, Missouri, Illinois, Indiana, Kansas, Ohio, Pennsylvania, and Michigan, for 150 days. Supporting shipper: California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106 (William R. Loney, traffic manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119880 (Sub-No. 32 TA), filed June 17, 1969. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in New Jersey and New York to St. Louis, Mo., for 180 days. Supporting shipper: David Sherman Corp., 5050A Kemper Avenue, St. Louis, Mo. 63139. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124328 (Sub-No. 34 TA), filed June 17, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money orders and travelers cheques*, from Rochester, N.Y., to Trenton, N.J.; Atlanta, Ga.; Chicago, Ill.; San Francisco, Calif.; Denver, Colo.; and New York, N.Y., for 180 days. Supporting shipper: American Express Co., 65 Broadway, New York, N.Y. 10006. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 125140 (Sub-No. 8 TA), filed June 11, 1969. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and fruit juices*, from points in Whitehall and Chippewa Falls, Wis., to points in the area in Minnesota bounded by Minnesota Highway 60 from Wabasha, Minn., to junction with U.S. Highway 65, thence U.S. Highway 65 southward to Iowa-Minnesota State line, thence along the Iowa-Minnesota State line eastward to the Mississippi River, thence northward along the Mississippi River to Wabasha, Minn., the point of beginning, including points on the highways indicated for 180 days. Supporting shipper: Land O'Lakes Creameries, Inc., 2215 Kennedy Street NE., Minneapolis, Minn. 55413. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125433 (Sub-No. 13 TA), filed June 13, 1969. Applicant: F–B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pressure treated timber* cut to size, drilled, incised, and impregnated with oil-borne preservatives, from plantsite, Boise, Idaho, to points in Utah, other than Logan, Ogden, Salt Lake City, and Provo, Utah, for 180 days. Supporting shipper: Pressure Treated Timber Co., Gowen Field Road, Post Office Box 4085, Boise, Idaho 83705. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 127539 (Sub-No. 10 TA), filed June 12, 1969. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and food products* requiring refrigeration, and *exempt commodities* when moving therewith, from points in California and Oregon to points in Washington, and from points in California to points in Oregon, for 180 days. Supporting shippers: There are approximately (13) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 127638 (Sub-No. 4 TA), filed June 17, 1969. Applicant: RALPH BEYER, doing business as RALPH BEYER TRUCKING COMPANY, 3800 Carman Road, Schenectady, N.Y. 12303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand*, in bulk, in dump vehicles, from points in Albany and Saratoga Counties, N.Y., to points in Delaware, Maine, Maryland, New Hampshire, New Jersey, Ohio, and Pennsylvania, for 150 days. Supporting shipper: Whitehead Brothers Co., Inc., 60 Hanover Road, Florham, N.J. 07932. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 128799 (Sub-No. 2 TA), filed June 17, 1969. Applicant: C. B. THOMPSON, doing business as C B T TRUCKING, 1500 East Powell Street, Fort Worth, Tex. 76104. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and in bulk (other than in tank type vehicles), from Texas City, Tex., to points in Oklahoma and Kansas, for 180 days. Supporting shipper: Smith-Douglass, Division of Borden Chemical, 5100 Virginia Beach Boulevard, Norfolk, Va. 23502. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133613 (Sub-No. 1 TA), filed June 17, 1969. Applicant: AXTELL TRUCKING, INC., Route 2, Box 250D, Salem, Wis. 53168. Applicant's representative: Richard A. Heilprin, 222 South Hamilton Street, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dirt, gravel, sand, lime, and stone*, from points in Lake County, Ill., to points in Kenosha, Walworth, and Racine Counties, Wis., for 180 days. Supporting shipper: Thelen Sand & Gravel, Route No. 3, Box 330, Antioch, Ill. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–7471; Filed, June 24, 1969; 8:48 a.m.]

[Notice 367]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71260. By order of June 13, 1969, the Motor Carrier Board approved the transfer to Orville F. McConahay, doing business as McConahay Trucking, Post Office Box 575, Lovell, Wyo. 82431, of the operating rights in permit No. MC-119563 issued August 30, 1965, to L. James Averett and Don J. Kelsey, a parnership, doing business as Averett & Son Trucking Co., Post Office Box 226, Cowley, Wyo. 82420, authorizing the transportation, over irregular routes, of clay products, and fittings and accessories therefor, from Lovell, Wyo., to points in Wyoming, Montana, Colorado, Idaho, Utah, Nebraska, North Dakota, and South Dakota; structural clay products from Billings, Mont., to Lovell, Wyo.; and firebrick from Denver, Colo., to Lovell, Wyo., for a named shipper.

No. MC-FC-71401. By order of June 12, 1969, the Motor Carrier Board approved the transfer of Broker License No. MC-12933 to P. Franklin Long, doing business as 7 League Travel, 521 Seventh Street, New Kensington, Pa. 15068, issued June 27, 1966, by the Commission to William J. Sprowls, 521 Seventh Street, New Kensington, Pa., 15068, authorizing the conduct of brokerage operations in the transportation of passengers and their baggage, beginning and ending at New Kensington, Lower Burrell, and Arnold, Pa., and extending to points in the United States.

No. MC-FC-71410. By order of June 13, 1969, the Motor Carrier Board approved the transfer to George E. Papscott, Pleasant Plains, Ill., of the permit No. MC-129168 (Sub-No. 1) issued October 30, 1968, to Raymond C. Lovell, doing business as R & L Trucking, Springfield, Ill., authorizing the transportation of: Steel storage tanks, and parts, from Springfield, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-71411. By order of June 13, 1969, the Motor Carrier Board approved the transfer to Clayton A. Finlay, Carbondale, Kans. 66414, of certificates Nos. MC-104290 and MC-104290 (Sub-No. 2) issued December 12, 1957, and January 16, 1963, to Laurence Hase, Carbondale, Kans. 66414, authorizing the transportation of: Mill feeds, roofing and hardware, and livestock, between points in Kansas and Missouri. Clyde M. Burns, Lyndon, Kans. 66451, attorney for applicants.

No. MC-FC-71419. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Howard B. Foor, Monroe, Mich., of the permit No. MC-123959 issued April 18, 1962, to Howard C. Holtz, doing business as Holtz Brothers Moving, Monroe, Mich., authorizing the transportation of: Uncrated furniture, household appliances, and floor coverings, from Monroe County, Mich., to points in specified counties in Ohio. John W. Ester, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-71422. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Cappy's Trucking, Inc., West Boylston, Mass., of the operating rights in certificate No. MC-126213 (Sub-No. 2) issued July 23, 1965, to Soter F. Veshi, West Boylston, Mass., authorizing the transportation of pies, fresh, not frozen, in shipper-owned trailers, from Worcester, Mass., to Union, N.J. Arthur A. Wentzell, Registered Practitioner, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7472; Filed, June 24, 1969; 8:48 a.m.]

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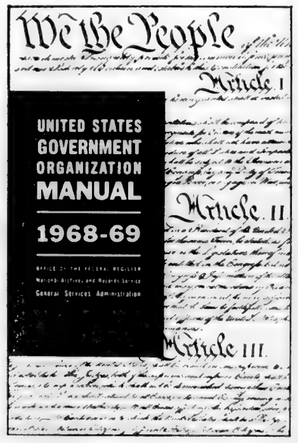

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31 ---- 9860

49 CFR
172 ---- 9868
173 (4 documents) ---- 9868, 9869
1033 ---- 9870
1048 ---- 9870
PROPOSED RULES:
1249 ---- 9876

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Subpart A—Regulations Under the U.S. Cotton Standards Act

Subpart C—Standards

Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers

AMERICAN PIMA COTTON

On April 24, 1969 a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6852) regarding proposed revisions in the Official Cotton Standards of the United States for the Grade of American Egyptian Cotton (7 CFR 28.501–28.510) and proposing to substitute the term American Pima for the term American Egyptian in 7 CFR 28.2 (o) and (p), 28.123, 28.303(b), 28.501 through 28.510, 28.525(b), and 28.908(b).

Statement of Considerations. The proposed revised standards were displayed and explained at public meetings in six cities across the cotton belt. The proposed revised standards were favorably received at the public meetings. Only one objection to the proposed standards was received which concerned the amount of trash in the standards. In view of the general acceptance of the proposed standards it was decided they should be adopted. No objections were received concerning the proposal to substitute the term American Pima for the term American Egyptian.

Subparts A and B (7 CFR Part 28) are amended pursuant to authority contained in the U.S. Cotton Standards Act, as amended (sec. 10, 42 Stat. 1519, 7 U.S.C. 61). Subpart D (7 CFR Part 28) is amended pursuant to authority contained in the Cotton Statistics and Estimates Act, as amended (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c).

The amendments are as follows:

As to Subpart A:

§§ 28.2, 28.123 [Amended]

In paragraphs (o) and (p) of § 28.2 and in § 28.123 the word "Egyptian" wherever it appears is changed to read "Pima".

(Sec. 10, 42 Stat. 1519, 7 U.S.C. 61)

As to Subpart C:

§ 28.303 [Amended]

1. In paragraph (b) of § 28.303 the word "Egyptian" in the paragraph heading is changed to read "Pima".

2. The center heading preceding § 28.501, and §§ 28.501 through 28.510 are revised to read as follows:

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN PIMA COTTON

§ 28.501 Grade No. 1.

Grade No. 1 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 1, effective July 1, 1970."

§ 28.502 Grade No. 2.

Grade No. 2 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 2, effective July 1, 1970."

§ 28.503 Grade No. 3.

Grade No. 3 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 3, effective July 1, 1970."

§ 28.504 Grade No. 4.

Grade No. 4 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 4, effective July 1, 1970."

§ 28.505 Grade No. 5.

Grade No. 5 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 5, effective July 1, 1970."

§ 28.506 Grade No. 6.

Grade No. 6 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 6, effective July 1, 1970."

§ 28.507 Grade No. 7.

Grade No. 7 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 7, effective July 1, 1970."

§ 28.508 Grade No. 8.

Grade No. 8 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 8, effective July 1, 1970."

§ 28.509 Grade No. 9.

Grade No. 9 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 9, effective July 1, 1970."

§ 28.510 Grade No. 10.

American Pima cotton which in grade is inferior to Grade No. 9 shall be designated as "Grade No. 10."

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56)

3. Paragraph (b) of § 28.525 is revised to read as follows:

§ 28.525 Symbols and code numbers.

* * * * * *

(b) *Symbols and Code Numbers for Grades of American Pima Cotton.*

Full grade name	Symbol	Code No.
Grade No. 1	AP 1	10
Grade No. 2	AP 2	20
Grade No. 3	AP 3	30
Grade No. 4	AP 4	40
Grade No. 5	AP 5	50
Grade No. 6	AP 6	60
Grade No. 7	AP 7	70
Grade No. 8	AP 8	80
Grade No. 9	AP 9	90
Grade No. 10	AP 10	00

* * * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

As to Subpart D:

§ 28.908 [Amended]

In paragraph (b) of § 28.908 the word "Egyptian" is changed to read "Pima".

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

Effective date. These amendments are effective July 1, 1970.

Dated: June 23, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7558; Filed, June 25, 1969; 8:50 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Pecans in the Shell [1]

PECAN KERNEL COLOR STANDARDS

The U.S. Department of Agriculture hereby amends the U.S. Standards for Grades of Pecans in the Shell (7 CFR, §§ 51.1400–51.1418). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the amendment of the grade standards. In §§ 51.1413, 51.1414, 51.1415, and 51.1416 of these grade standards reference is made to the terms "golden," "light brown," "medium brown," and "dark brown" in defining the kernel color classifications "light," "light amber," "amber," and "dark amber".

Pecan kernel color standards, consisting of plastic models of pecan kernels, have been developed by NASCO, with the collaboration of and approval by the U.S. Department of Agriculture. These color standards illustrate the terms "golden," "light brown," "medium brown," and "dark brown," referenced in the U.S. Standards for Grades of Pecans in the Shell.

The Administrator has designated U.S. Department of Agriculture Pecan Kernel Color Standards Pec–MC–1 as an official color standard and has authorized its manufacture and sale by NASCO.

As amended, § 51.1404 in the U.S. Standards for Grades of Pecans in the Shell is changed to read as follows:

§ 51.1404 Kernel color classification.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the outer surface of the kernel is mostly golden color or lighter, with not more than 25 percent of the outer surface darker than golden, none of which is darker than light brown.

(2) "Light amber" means that more than 25 percent of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, none of which is darker than medium brown.

(3) "Amber" means that more than 25 percent of the outer surface of the kernel is medium brown, with not more than 25 percent of the outer surface darker than medium brown, none of which is darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that more than 25 percent of the outer surface of the kernel is dark brown, with not more than 25 percent of the outer surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, Pec–MC–1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown," and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wis. 53538.

§§ 51.1413–51.1416 [Deleted]

Secs. 51.1413, 51.1414, 51.1415, and 51.1416 are deleted.

Notice of proposed rule making, public procedure thereon is impractical, unnecessary, and contrary to the public interest in that this amendment is necessary to reference in these grade standards newly developed kernel color standards illustrating color terms referenced in definitions of the various color classifications.

This amendment shall become effective August 1, 1969.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: June 23, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7559; Filed, June 25, 1969; 8:50 a.m.]

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

INCREASE IN FEE

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) the provisions of 7 CFR 58.39 (b) and (c) are hereby amended by changing the phrase "$7.20 per hour" to "$8.00 per hour."

The Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) provides for collection of suoh fees as will be reasonable and which, as nearly as may be, cover the cost of the service rendered under its provisions.

As a result of the third and final stage of the Federal Salary Act of 1967, salaries of Federal employees who perform dairy product inspection and grading services will increase approximately 10 percent effective with the first pay period beginning on or after July 1, 1969. It has been determined that in order to cover these increased costs and to bring that portion of the service covered by the hourly fee onto a self-sustaining basis the fee needs to be raised from $7.20 per hour to $8 per hour.

The need for the increase and the amount thereof are dependent upon the facts within the knowledge of the Consumer and Marketing Service. Therefore, pursuant to the Administrative Procedure Act (5 U.S.C. 553) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective July 1, 1969, with respect to inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 23d day of June 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7560; Filed, June 25, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 282]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.582 Valencia Orange Regulation 282.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 24, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 27, 1969, through July 3, 1969, are hereby fixed as follows:

(i) District 1: 198,000 cartons;

(ii) District 2: 294,000 cartons;

(iii) District 3: 108,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7629; Filed, June 25, 1969; 11:17 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[Lime Reg. 27, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective from June 30, through July 6, 1969, because, historically, during this holiday period the market demand is weak with prices declining severely. Hence, a higher minimum grade and larger minimum size regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable supply while providing consumers with more desirable limes of a larger size and better quality.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1969. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 27 (34 F.R. 6438, 7867) and unless sooner terminated, will continue to be so regulated through April 30, 1970; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to June 30, 1969, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on June 11, 1969, held to consider recommendations for regulations; other necessary supplemental information was submitted to the Department on June 19, 1969; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867), subdivisions (ii) and (iii) of paragraph (a)(2) are amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided,* That during the period June 30 through July 6, 1969, no limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) may be handled which grade lower than U.S. No. 1; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than $1\frac{7}{8}$ inches in diameter: *Provided,* That during the period June 30 through July 6, 1969, no limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) may be handled which are of a size smaller than 2 inches in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated June 23, 1969, to become effective June 30, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7561; Filed, June 25, 1969; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 9—PUBLIC RECORDS

Miscellaneous Amendments

On September 27, 1968, the Atomic Energy Commission published in the

FEDERAL REGISTER (33 F.R. 14531) amendments of 10 CFR Part 9, Public Records, to become effective on October 27, 1968.

Because these amendments related solely to agency organization and practice and procedure, the Commission found that notice of proposed rule making and public procedure thereon were unnecessary. Subsequent to the publication of these amendments, comments were received regarding the amendments. After careful consideration of these comments and other factors involved, the Commission has adopted the amendments to 10 CFR Part 9 set forth below.

Subparagraph (6) of § 9.5(a) has been amended to delete the statement as to the meaning of "clearly unwarranted invasion of personal privacy", and to reinsert two sentences, one relating to the availability of records identified in subparagraph (6) to the person involved or his authorized representative and the other introducing examples of such records, which were inadvertently deleted in a previous amendment of this subparagraph. Comments received on the definition of "clearly unwarranted invasion of personal privacy" indicated that the definition was insufficiently clear to serve any useful purpose.

Subparagraph (7) of § 9.5(a), which exempts from public disclosure certain investigatory files compiled for law enforcement purposes, has been amended to provide two examples of the types of records included in this exempt category.

Paragraphs (a) and (c) of § 9.8 have been amended to clarify the procedure by which members of the public may request copies of AEC records and the procedures which the AEC will follow in responding to such requests. The significant change effected by this amendment is to provide that written requests for AEC records may be addressed to the managers of any of the Commission's major operating field offices in addition to the Secretary of the Commission.

The present § 9.9(f)(1) provides that no charges for locating copies of AEC records will be made for requested records on file in the AEC Public Document Room or in a comparable facility at a major field office of the AEC. The amendment clarifies this provision by providing that no charges for such service will be made for AEC records on file not only in the AEC Public Document Room but also those readily available at AEC Headquarters and at major operating field offices of the AEC.

Subparagraph (2) of § 9.9(f) has been amended to substitute the words "either's designee" in place of "authorized representatives" in order to conform with other provisions of Part 9.

The provisions of §§ 9.10(b) (1) and (3) and 9.10(c) have been amended to provide that designees of the General Manager, the Director of Regulation and the General Counsel may also take certain of the actions provided for in these provisions. Under this amendment the only action which is reserved exclusively for the General Manager or the Director of Regulation is notifying a requester of an exempt record that the record cannot be disclosed. The purpose of these amendments is to expedite the disposition of requests for copies of records exempt from disclosure under § 9.5(a).

The present § 9.10(d) has been amended to clarify that a decision of the General Manager or the Director of Regulation denying a request for the disclosure of an exempt record constitutes the final action of the AEC on the matter.

In addition, a number of editorial changes of a clarifying nature have been made.

Because these amendments relate solely to agency organization and practice and procedure, the Commission has found that notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of 10 CFR Part 9 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. In § 9.5(a), the prefatory language of subparagraph (6) and subparagraph (7) is amended to read as follows:

§ 9.5 Exemptions.

(a) * * *

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Information in such files which is not exempt from disclosure pursuant to other provisions of this section will not be withheld from the individual concerned or from his designated legal representative, and it may be disclosed to others with his written consent. To the extent that they involve a clearly unwarranted invasion of personal privacy, examples of files exempt from disclosure include, but are not limited to:

* * * * *

(7) Except to the extent available by law to a private party, investigatory files compiled for law enforcement purposes, including without limitation the enforcement of statutes, regulations, terms of licenses, and orders. To the extent not so available by law, examples include, but are not limited to:

(i) Personnel security files;

(ii) Correspondence received by the AEC relating to an alleged or possible violation of any statute, regulation, order, license or permit.

2. Paragraphs (a) and (c) of § 9.8 are amended to read as follows:

§ 9.8 Copies of records.

(a) Copies of records may be requested in person at the AEC Public Document Room or at any one of the major operating field offices of the AEC identified in § 1.6(b) of this chapter. Written requests for copies of records shall be addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or to the Manager of any one of the major operating field offices of the AEC identified in § 1.6(b) of this chapter.

* * * * *

(c) If the record for which a request is made has been adequately described pursuant to paragraph (b) of this section and is subject to disclosure pursuant to this part, the person making the request will be informed by the Secretary, or his designee, or the Manager of the major operating field office involved, or his designee: (1) Where the record will be made available, (2) when it is anticipated that the record will be available, and (3) the estimated cost, if any, of conducting the search for the record and furnishing copies. If the record for which a request is made has not been adequately described pursuant to paragraph (b) of this section, the requester shall be so informed by the Secretary, or his designee, or the Manager of the major operating field office involved, or his designee. If the record for which a request is made is not subject to disclosure pursuant to this part, the requester shall be so informed pursuant to § 9.10(c).

3. Paragraph (f) of § 9.9 is amended to read as follows:

§ 9.9 Charges for locating and reproducing copies of records.

* * * * *

(f) No charge will be made for:

(1) Locating requested records which are on file in the AEC Public Document Room or are readily available at AEC Headquarters or at any one of the major operating field offices of the AEC identified in § 1.6(b) of this chapter.

(2) A record search for a requested record or for furnishing copies of records if the General Manager, the Director of Regulation, or either's designee determines it to be appropriate in the interest of the AEC program.

4. In § 9.10, paragraphs (b) (1) and (3) and paragraphs (c) and (d) are amended to read as follows:

§ 9.10 Production or disclosure of exempt records.

* * * * *

(b) * * *

(1) If an exempt record is sought from a major operating field office, the request or the subpoena shall promptly be forwarded to the Manager of the field office involved, who in turn, after consultation with his Chief Counsel, shall forward copies of the request or subpoena to the General Manager, or his designee, and to the General Counsel, or his designee, with an appropriate recommendation for disposition.

* * * * *

(3) If an exempt record is sought at any other place, the request or subpoena shall promptly be forwarded to the General Manager or to the Director of Regulation, as appropriate, or to either's designee, with a copy to the General Counsel, or his designee.

(c) If, after consultation with the General Counsel, or his designee, the General Manager or the Director of Regulation, or either's designee, finds that the record sought is not exempt from production or disclosure, or, if the record is exempt, that its production or disclosure is not contrary to the public interest and will not adversely affect the rights of any person, the General Manager or the Director of Regulation, or either's designee, will authorize the production or disclosure of the record to the person who sought it. If, after such consultation, it is found that the record sought is exempt from production or disclosure pursuant to § 9.5(a) and its production or disclosure is contrary to the public interest or will adversely affect the rights of any person, the General Manager or the Director of Regulation shall so inform the person who sought the record. If the request for a record exempt from disclosure pursuant to § 9.5(a) is received from any State or political subdivision thereof, the General Manager, or the Director of Regulation, or either's designee, after consultation with the General Counsel, or his designee, will, upon a finding that the disclosure of the record is not contrary to the public interest, authorize the production or disclosure of the record. Authority of the Director of Regulation to authorize production or disclosure of a record shall extend to records in the custody of divisions which report to him pursuant to Part 1 of this chapter, and the authority of the General Manager to authorize production or disclosure of a record shall extend to all other divisions, offices, and activities of the AEC.

(d) Decisions of the General Manager or the Director of Regulation that a record sought is exempt from production or disclosure pursuant to § 9.5(a) and its production or disclosure is contrary to the public interest or will adversely affect the rights of any person shall be in writing and shall constitute the final action of the AEC.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 19th day of June 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-7592; Filed, June 25, 1969; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,983]

PART 545—OPERATIONS

Acceptance of Share Accounts by Deposit Associations

JUNE 19, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of amending paragraph (b) of § 545.1–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–2(b)), hereby amends said paragraph (b) by adding after subparagraph (4) a new subparagraph (5), to read as follows, effective upon publication in the FEDERAL REGISTER:

§ 545.1–2 Savings deposits.

* * * * *

(b) * * *

(5) *Acceptance of share accounts by deposit associations.* Any Federal association which has adopted the charter amendment set forth in § 545.1–3(a) of this part may raise capital in the form of such share accounts as would have been authorized for such association if such charter amendment had not been adopted: *Provided*, That a resolution to that effect is adopted by its board of directors: *And, provided further*, That such association may not accept deposits while said resolution is in effect: *And, provided further*, That the Federal Home Loan Bank Board shall approve the resolution of the association's board of directors.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–1948 Comp. p. 1071)

Resolved further that, since affording notice and public procedure would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-7566; Filed, June 25, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9669, Amdt. 37-18]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Incorporation by Reference of Technical Publications

The purpose of this amendment of Part 37 of the Federal Aviation Regulations is the addition of new § 37.23 which provides for incorporation by reference of technical publications.

The Technical Standard Orders (TSOs) issued in Part 37 of the Federal Aviation Regulations often contain references to technical publications prepared by various nationally recognized organizations such as the Society of Automotive Engineers, Radio Technical Commission for Aeronautics, and the National Standards Association. These publications are almost always prepared in cooperation with government and industry organizations, are widely distributed, and are generally accepted by the aviation industry. Because these publications are of a highly technical nature, frequently contain complex diagrams, and are usually lengthy, their publication in the Federal Register either as appendices or parts of TSOs would be impractical and expensive. The recently adopted provision for incorporation by reference in 5 U.S.C. 552(a)(1), which is set out in greater detail in 1 CFR Part 20, makes their publication in their entirety unnecessary.

This amendment provides for incorporation by reference of these technical publications and makes them a part of specific TSOs in Subpart B of Part 37. All incorporated publications will be available for examination at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Additional availability, including availability by purchase from the issuing organization, will be stated in the TSO in which reference is made to a particular publication. Each incorporated publication will be identified in the TSO by title, name of the issuing organization, and date. Revisions of the publication will not be incorporated and made part of the TSO unless this is done by an amendment of the TSO.

Since this amendment is procedural in nature, and does not impose a burden on the public, I find that notice and public procedure thereon are not necessary, and that it may become effective on less than 30 days notice.

In consideration of the foregoing, Part 37 of the Federal Aviation Regulations is amended, effective June 26, 1969, by the addition of new section 37.23 to read as follows:

§ 37.23 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the technical publications to which reference is made in TSOs in Subpart B, and which have been prepared by organizations other than the FAA, are incorporated and made a part of such TSOs. The incorporated technical publications are available for inspection at Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Additional availability will be indicated as appropriate in particular TSOs.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 19, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-7515; Filed, June 25, 1969; 8:57 a.m.]

[Docket No. 69-EA-72; Amdt. 39-787]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which would require alteration of the landing gear warning system of the Piper PA-31 and PA-31-300 type airplanes.

The original design of the landing gear warning system failed to establish a system which would give an aural warning when one or both throttles were closed and the gear not down and locked as required by § 23.729(e) of the Federal Aviation Regulations (formerly CAR 3.359). As this is a deficiency in airplanes of the same type design, an airworthiness directive is being issued to require alteration of the system to comply with § 23.729(e).

Since a situation exists which requires expeditious adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORP. Applies to PA-31 and PA-31-300 airplanes.

Compliance required as indicated:

Modify the landing gear warning system to comply with FAR 23.729(e) (formerly CAR 3.359) as follows:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the aircraft in accordance with instructions contained in Piper Kit 760-250 dated October 23, 1968, or an alternative method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective July 3, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 17, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7514; Filed, June 25, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the 700-foot transition area at Oklahoma City, Okla.

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7975) stating the Federal Aviation Administration proposed to alter the 700-foot transition area at Oklahoma City, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) recommended that a Westheimer (Max Westheimer Field, Norman, Okla.), approach procedure be developed which will not directly interfere with traffic serving Will Rogers (Will Rogers World Airport, Oklahoma City, Okla.). ATA commented that their reply to the previous non-rule-making circular pointed out that the proposed approach procedure for Westheimer was not compatible with Will Rogers and recommended development of another procedure.

Although radar will be used to monitor approaches at Westheimer Field, it is not feasible at this time to establish a surveillance approach procedure to Westheimer Field. Neither is it possible to develop a nonradar procedure which would be entirely compatible with all IFR operations to and from Will Rogers World Airport and Tinker Air Force Base. The proposed procedure, however, is the most practical and the one which would have the least impact on air traffic flow in the Oklahoma City terminal area. It is expected that aircraft executing the procedure to Westheimer Field will normally be radar vectored to the final approach course without a procedure turn. Aircraft conducting IFR operations to and from Westheimer Field will be under the control jurisdiction of the same approach control facility as aircraft conducting IFR operations to and from Will Rogers World Airport and other airports in the Oklahoma City terminal area.

At the present time, IFR aircraft destined for Norman execute an approach to Will Rogers and then proceed VFR to Westheimer Field. This, too, delays traffic and is otherwise undesirable. An approach procedure to serve Westheimer Field would improve this situation by eliminating possible conflicts between IFR and marginal VFR aircraft thereby increasing the level of safety in the terminal area. In view of the foregoing, the agency cannot foresee any added adverse effect on IFR operations at Will Rogers World Airport by the addition of the proposed instrument approach procedure to serve Westheimer Field.

Subsequent to development of the proposed alteration, the criteria for designation of terminal controlled airspace was changed. Accordingly, an additional area is required to provide the controlled airspace protection which was intended. This area is small and there are no airports of record therein. Action is being taken herein to encompass the additional airspace.

Since this change in the proposal is minor in nature and is required in the interest of safety, notice and public procedures hereon are not practical and the change may be made without further delay.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In section 71.181 (34 F.R. 4738), the Oklahoma City, Okla., transition area 700-foot portion is amended in part by deleting "* * * lat. 35°08'00" N., long. 97°42'00" W.; to lat. 35°08'00" N., long. 97°28'00" W.; to lat. 35°15'30" N., long. 97°28'00" W.; * * *" and substituting "* * * lat. 35°08'00" N., long. 97°42'00" W., to lat. 35°03'45" N., long. 97°31'15" W., to lat. 35°07'00" N., long. 97°30'00" W.; to point of beginning; * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 18, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7556; Filed, June 25, 1969; 8:50 a.m.]

[Airspace Docket No. 69-SO-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7455), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Walterboro, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 32°55'15" N., long. 80°38'30" W.) for Walterboro Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the transition area description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

WALTERBORO, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Walterboro Municipal Airport (lat. 32°55'15" N., long. 80°38'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 18, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7557; Filed, June 25, 1969; 8:50 a.m.]

[Airspace Docket No. 69-CE-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Zionsville, Ind., transition area.

On May 29, 1969 the name of Terry Memorial Airport will be changed to Indianapolis Terry Airport. Therefore, it is necessary to alter the Zionsville, Ind., transition area to reflect the new name of the airport. Action is taken herein to effect this change.

Since the change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 29, 1969 as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ZIONSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 2, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-7516; Filed, June 25, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Guthrie, Tex., transition area.

The 700-foot portion of this transition area provides controlled airspace for aircraft executing an instrument approach procedure to the 6666 Ranch Airport at Guthrie, Tex. This procedure, as amended effective August 21, 1969, will no longer require a 700-foot transition area extension north of the Guthrie VOR. Therefore, action is being taken herein to revoke that portion of controlled airspace no longer required.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary and the amendment may be made to coincide with the next charting date.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as herein set forth.

In § 71.181 (34 F.R. 4696) the 700-foot portion of the Guthrie, Tex., transition area is amended to read:

GUTHRIE, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of lat. 33°38'25" N., long. 100°20'50" W., and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 17, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7517; Filed, June 25, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7288 of the FEDERAL REGISTER for May 5, 1969, the Federal Aviation Administration published proposed regulations which would designate a part time 700-foot transition area over Errol Airport, Errol, N.H.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time Errol, N.H., transition area described as follows:

ERROL, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°47'25" N., 71°09'30" W.) of Errol Airport, Errol, N.H., and within 2 miles each side of the Berlin, N.H., VOR (44°38'05" N., 71°11'12" W.) 006° radial extending from the 5-mile radius area to the VOR, excluding the portion that coincides with the Berlin, N.H., 700-foot transition area. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 69-7518; Filed, June 25, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Seymour, Tex., transition area.

On May 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7579) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Seymour, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

SEYMOUR, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°39'00" N., long. 99°20'00" W., thence to lat. 33°46'00" N., long. 99°-23'00" W., to lat. 33°52'00" N., long. 99°-07'00" W., to lat. 33°42'00" N., long. 99°-03'00" W., to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 17, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7519; Filed, June 25, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Area

On page 7288 of the FEDERAL REGISTER for May 3, 1969, the Federal Aviation Administration published proposed regulations which would alter the White Sulphur Springs, W. Va., transition area (34 F.R. 4784), and designate a 700-foot transition area over Greenbrier Valley Airport, Lewisburg, W. Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Lewisburg, W. Va., transition area described as follows:

LEWISBURG, W. VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°51'35" N., 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va.; within 2 miles each side of the Runway 22 centerline, extended from the 7-mile radius area to 8 miles southwest of the end of the runway; within 2 miles each side of the Runway 4 centerline, extended from the 7-mile radius area to 15.5 miles northeast of the end of the runway; within 2 miles each side of the White Sulphur Springs, W. Va. VOR 321° radial, extending from the 7-mile radius area to the VOR; and within 2 miles each side of a 208° bearing from the Lewisburg, W. Va., RBN (37°51'39" N., 80°24'02" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the White Sulphur Springs, W. Va., transition area by deleting the description of the area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°47'00" N., 80°20'00" W. of Greenbrier Airport, White Surphur Springs, W. Va., and within 2 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial extending from the 7-mile radius area to 8 miles southeast of the VOR, excluding the portion that coincides with the Lewisburg, W. Va., transition area. This transition area shall be effective from sunrise to sunset daily.

[F.R. Doc. 69-7520; Filed, June 25, 1969; 8:47 a.m.]

[Airspace Docket No. 69-AL-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Summit, Alaska, control zone.

The Summit control zone, a 5-mile radius of the airport, is continuously designated. Designation of a control zone requires that official weather observations and radio communications be available. The U.S. Weather Bureau has advised that effective June 15, 1969, weather observations will no longer be available on a 24-hour basis.

A review of aeronautical activity at the Summit Airport discloses there were no instrument approaches conducted in calendar year 1968.

Since this amendment is necessary due to the reduction in weather observations effective June 15, 1969, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective June 15, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4627), the Summit, Alaska, control zone is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on June 13, 1969.

H. H. STANLEY,
Acting Director, Alaskan Region.

[F.R. Doc. 69-7521; Filed, June 25, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-21]

PART 73—SPECIAL USE AIRSPACE

Designation of Prohibited Area and Alteration of Restricted Area

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to designate a prohibited area at San Mateo Point, Calif., and alter the Oceanside Restricted Area R-2533.

The FAA has been requested to prohibit the flight of aircraft in the vicinity of President Nixon's California residence for the security of the President. Public interest in the President may attract numerous aircraft over the Presidential residence for sightseeing and photographic purposes. In order to provide adequate safeguards for the protection of the President and persons or property on ground, it is necessary to designate certain airspace above the Presidential residence near San Mateo Point, Calif., as a prohibited area.

Since there is a requirement for the immediate adoption of this regulaton, further notice and the public procedure are impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

1. Section 73.89 is added as follows:

P-25 SAN MATEO POINT, CALIF.

Boundaries. That airspace within a 1-nautical-mile radius of the San Mateo Point Loran Station, lat. 33°23'32" N., long. 117°35'37" W.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D.C.

2. In § 73.25 (34 F.R. 4814) R-2533 Oceanside, Calif., "thence to the point of beginning." is deleted and "thence to the point of beginning, excluding that airspace within the San Mateo Point Prohibited Area P-25." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

These amendments become effective on June 23, 1969.

Issued in Washington, D.C., on June 23, 1969.

FERRIS J. HOWLAND,
Acting Director,
Air Traffic Service.

[F.R. Doc. 69-7590; Filed, June 25, 1969; 8:51 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-582, Amdt. 6]

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

Position Titles of Postal Employees To Be Carried Free

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of June 1969.

The Post Office Department (in Docket 21064) has requested amendment of paragraphs (c) through (f) of § 233.1 to reflect the changes in position titles of those Postal employees who may obtain free transportation without having to present a "Request for Access to Aircraft for Free Transportation" on U.S. Government Standard Form 160. The Department states that the amendment is necessary to reflect reorganization actions in the Department and the establishment of a new Bureau of Planning and Marketing. In view of the probability of further organizational changes, the Department suggests that the functional designation be omitted from the position of the six Assistant Postmasters General. Finally, the Department requests that the amendment be made effective immediately since there will be no increase in the total number of credentials authorized and since current credentials will expire June 30, 1969.

We find that public rule making proceedings are not required on the requested amendment since it relates essentially to Post Office management changes and the rule shall be effective immediately.

Accordingly, the Board hereby amends paragraphs (c) through (f) of § 233.1 (14 CFR 233.1), effective June 23, 1969, to read as follows:

§ 233.1 Postal employees to be carried free.

* * * * *

(c) The two Executive Assistants to the Postmaster General; the three Special Assistants to the Postmaster General; the two Executive Assistants to the Deputy Postmaster General; and one Deputy Executive Assistant to the Postmaster General.

(d) The six Assistant Postmasters General and the General Counsel; the deputies of the Assistant Postmasters General and of the General Counsel; the Director of Operations, Bureau of Research and Engineering; and the Assistant Deputy Assistant Postmaster General, Regional Administration, Bureau of Operations.

(e) The Chief Postal Inspector; and the Deputy Chief Postal Inspector.

(f) The Director, Distribution and Routing Division; the Director, Air Transportation Branch; the Director, International Service Division, Bureau of Operations; the Assistant General Counsel, Transportation; the Regional Director in each of the 15 Postal Regions; the Postal Inspector-in-Charge in each of the 15 Postal Regions; and the Field Officers in Alaska.

* * * * *

Secs. 204(a) and 405(j) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760; 49 U.S.C. 1324, 1375)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7541; Filed, June 25, 1969; 8:49 a.m.]

[Reg. ER-581, Amdt. 23]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reclassification of Local Service Carriers as Group III Route Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of June 1969.

By circulation of EDR-162 (Docket 20988), dated May 12, 1969, and published at 34 F.R. 7706, the Board gave notice that it proposed to amend Part 241 to reclassify local service carriers as Group III route air carriers for reporting purposes, effective July 1, 1969.

Comments supporting the proposal were filed by Continental Air Lines, Inc., and Pan American World Airways, Inc. In addition, Pan American suggested that the rule be expanded to reclassify Airlift International, Inc., Aloha Airlines, Inc., Trans Caribbean Airways, Inc., and Caribbean-Atlantic Airlines, Inc., as Group III route carriers or, in the alternative, that a revised notice propose such reclassifications. Airlift, Aloha, and Trans Caribbean are presently Group II route carriers, and Caribair is a Group I route carrier.

In support of its proposal, Pan American asserts that Airlift, Trans Caribbean, and Caribair have greatly expanded their routes; their expenses are comparable to those of the larger local service carriers; and these carriers compete with Group III carriers in major markets. Pan American argues that comparable cost data should therefore be available in route and rate cases involving these carriers and markets. With respect to Aloha, Pan American reasons that since Aloha participates with Hawaiian Airlines, which is a Group III route carrier, in mainland-Hawaii common fare arrangements, the participating Hawaiian carriers should report on the same basis, namely, as Group III route carriers.

Although Pan American's proposed reclassifications have some merit, we must reject them as beyond the scope of this proceeding. Moreover, we are currently engaged in an overall study of carrier groupings and we believe it would be premature to propose further reclassifications solely on the basis of criteria used to establish present classifications. We shall therefore deny the alternative request for a revised rule making proceeding.

We have decided to adopt the rule as proposed, and the tentative findings set out in EDR-162 are hereby made final. Inasmuch as the notice proposed an effective date of July 1, 1969 and no local service carrier objected, the Board finds that the final rule may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, the Board hereby amends section 04 of Part 241 of the economic regulations (14 CFR 241.04), effective July 1, 1969, to read as follows:

Section 04—Air Carrier Groupings and Standard Name Abbreviations

GROUP I ROUTE AIR CARRIERS

Name	*Abbreviation*
Aspen Airways, Inc.	Aspen.
Caribbean-Atlantic Airlines, Inc.	Caribair.
Chicago Helicopter Airways, Inc.	Chicago Helicopter.
Kodiak Airways, Inc.	Kodiak.
Los Angeles Airways, Inc.	LA Airways.
New York Airways, Inc.	NY Airways.
Reeve Aleutian Airways, Inc.	Reeve.
San Francisco & Oakland Helicopter Airlines, Inc.	SFO Helicopter.
Western Alaska Airlines, Inc.	Western Alaska.
Wien Consolidated Airlines, Inc.	Wien.

GROUP II ROUTE AIR CARRIERS

Airlift International, Inc.	Airlift.
Aloha Airlines, Inc.	Aloha.
Trans Caribbean Airways, Inc.	Trans Car.

GROUP III ROUTE AIR CARRIERS

Air West, Inc.	Air West.
Alaska Airlines, Inc.	Alaska.
Allegheny Airlines, Inc.	Allegheny.
American Airlines, Inc.	American.
Braniff Airways, Inc.	Braniff.
Continental Air Lines, Inc.	Continental.
Delta Air Lines, Inc.	Delta.
Eastern Air Lines, Inc.	Eastern.
The Flying Tiger Line Inc.	Flying Tiger.
Frontier Airlines, Inc.	Frontier.
Hawaiian Airlines, Inc.	Hawaiian.
Mohawk Airlines, Inc.	Mohawk.
National Airlines, Inc.	National.
North Central Airlines, Inc.	North Central.
Northeast Airlines, Inc.	Northeast.
Northwest Airlines, Inc.	Northwest.
Ozark Air Lines, Inc.	Ozark.
Pan American World Airways, Inc.	Pan American.
Piedmont Aviation, Inc.	Piedmont.
Seaboard World Airlines, Inc.	Seaboard.
Southern Airways, Inc.	Southern.
Texas International Airlines, Inc.	Texas.
Trans World Airlines, Inc.	Trans World.
United Air Lines, Inc.	United.
Western Air Lines, Inc.	Western.

GROUP I SUPPLEMENTAL AIR CARRIERS

Name	*Abbreviation*
Interstate Airmotive, Inc.	Interstate.
Johnson Flying Service, Inc.	Johnson.
Purdue Airlines, Inc.	Purdue.
Standard Airways, Inc.	Standard.
Vance International Airways, Inc.	Vance.

GROUP II SUPPLEMENTAL AIR CARRIERS

American Flyers Airline Corp.	American Flyers.
Capitol International Airways, Inc.	Capitol.
Modern Air Transport, Inc.	Modern.
Overseas National Airways, Inc.	Overseas National.
Saturn Airways, Inc.	Saturn.
Southern Air Transport, Inc.	Southern Air Transp.
Trans International Airlines, Inc.	Trans International.
Universal Airlines, Inc.	Universal.
World Airways, Inc.	World.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7542; Filed, June 25, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1536]

PART 13—PROHIBITED TRADE PRACTICES

Albert Bell's Midwest Appliance Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-70 Percentage savings; 13.155-78 Repossession balances. Subpart—Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices:* § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Albert Bell's Midwest Appliance Co. et al., Kansas City, Mo., Docket C-1536, May 22, 1969]

In the Matter of Albert Bell's Midwest Appliance Co., a Corporation, and Albert Bell and Harold A. Bell, Individually and as Officers of Said Corporation

Consent order requiring a Kansas City, Mo., retailer of home appliances to cease using deceptive pricing and savings claims and failing to disclose the

total purchase price and other interest and service charges.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Albert Bell's Midwest Appliance Co., a corporation, and its officers, and Albert Bell and Harold A. Bell, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of household furniture, television, stereo sets, or other home appliances or products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any savings, or stated amount or percentage of savings, are afforded to purchasers of respondents' merchandise unless the price at which such merchandise is offered constitutes a significant reduction, and a reduction equal to any amount or percentage, stated or otherwise, from an established selling price at which such merchandise has been sold in substantial quantities by respondents in the recent regular course of their business.

2. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

3. Representing, directly or by implication, that merchandise is offered for sale for the unpaid balance of the purchase price or for taking over the payments or on any other terms or conditions as unclaimed or lay-away merchandise or for any other reason unless such merchandise is of the represented kind and status and its purchase affords the purchaser all of the reductions in price and advantages claimed for it.

4. Failing to disclose the exact amount of the total purchase price of merchandise and all interest, credit, insurance, service or other charges in writing at the time the contract for the sale of such merchandise is executed by the purchaser or purchasers.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 22, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7498; Filed, June 25, 1969; 8:45 a.m.]

[Docket No. 8657 o.]

PART 13—PROHIBITED TRADE PRACTICES

Mississippi River Fuel Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Mississippi River Fuel Corp., St. Louis, Mo., Docket 8657, May 20, 1969]

Order requiring a St. Louis, Mo., firm primarily engaged in oil and gas explorations and drilling, to divest itself of two acquired producers of ready-mixed concrete, and refrain from acquiring any such company for a period of 10 years without prior Commission approval.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Mississippi River Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, as going concerns, all stock, assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks, and goodwill, acquired by respondent, as a result of the acquisitions of the stock and/or assets of Stewart Sand and Material Co., John A. Denie's Sons Co., Richter Concrete Corp., and Richter Transfer Co., together with all additions and improvements thereto of whatever description, and replacements thereof.

It is further ordered, That pending divestiture, respondent shall not make or permit any deterioration or changes in any of the plants, machinery, equipment, buildings, or other property or assets to be divested which would impair their present capacity or market value, unless such capacity is restored prior to divestiture.

It is further ordered, That none of the stock, assets, properties, rights or privileges to be divested be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee or agent of, or under the control or direction of, Mississippi River Corp. or any of its subsidiaries or affiliates, or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of voting stock of Mississippi River Corp. or any of its subsidiaries or affiliates.

It is further ordered, That for a period of ten (10) years respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the share capital or other assets of any corporation engaged in the sale of ready-mixed concrete or concrete products within respondent's present or future marketing area for portland cement or which purchased in excess of 10,000 barrels of portland cement in any of the five (5) years preceding the merger.

It is further ordered, That respondent shall, within sixty (60) days from the date of service of this order and every sixty (60) days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the divestiture provisions of this order, and fulfilling its objectives. All reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with potential purchasers of the stock, assets, properties, rights or privileges to be divested under this order, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

By the Commission, Commissioner MacIntyre not participating.

Issued: May 20, 1969.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7499; Filed, June 25, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 82-A for the sweater and knit swimwear industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 82-A are hereby published, to be effective July 12, 1969, in this order amending § 611.2 of Title 29, Code of Federal Regulations, by revising paragraph (a)(1). As amended, § 611.2 reads as follows:

§ 611.2 Wage rates.

* * * * *

(a) *Previously covered classification.* (1) The minimum wage for this classification is $1.55 per hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 20th day of June 1969.

FRANCIS J. COSTELLO, *Acting Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.*

[F.R. Doc. 69-7536; Filed, June 25, 1969; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

MISCELLANEOUS AMENDMENTS

Section 203.12(a)(1) is amended by adding a new subdivision (v) to read as follows:

§ 203.12 Application and commitment extension fees.

(a) *Application fee*—(1) *Amount of fee.* * * *

(v) $15 for an application filed on or after July 1, 1969, which involves property, which respect to which the Veterans Administration has issued a Certificate of Reasonable Value, if the mortgagee submits with the application evidence, satisfactory to the Commissioner, that such Certificate is outstanding and has not expired.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

In Part 220, Subpart A, in the Table of Contents a new § 220.2 is added as follows:

Sec.
220.2 Application and commitment extension fees.

Section 220.1 is amended by adding § 203.12 to the listed exceptions as follows:

§ 220.1 Incorporation by reference.

(a) * * *

Sec.
203.12 Application and commitment extension fees.

* * * * *

In Part 220, Subpart A, a new § 220.2 is added to read as follows:

§ 220.2 Application and commitment extension fees.

All of the provisions of § 203.12 concerning application and commitment extension fees apply to mortgages insured under this part, except the provision in § 203.12(a)(1)(v) for an application fee of $15 where the mortgagee establishes that the Veterans Administration has issued a Certificate of Reasonable Value which has not expired.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., June 23, 1969.

WILLIAM B. ROSS, *Acting Federal Housing Commissioner.*

[F.R. Doc. 69-7540; Filed, June 25, 1969; 8:48 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.3 is added to read as follows:

§ 1914.3 List of designated areas.

The sale of flood insurance is authorized for each of the following areas as designated on the applicable Federal Insurance Administration Official Flood Insurance Map. In accordance with § 1914.2, the maps on which such areas are designated are available for public inspection at the State and local repositories set forth below.

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alaska	Fairbanks North Star Borough.	Fairbanks and Vicinity.	I 02 039 0770 01.	Alaska Department of Natural Resources, Juneau, Alaska 99801.	Fairbanks North Star Borough Planning Division, Post Office Box 1267, Fairbanks, Alaska 99701.	June 25, 1969.
				Director of Insurance State of Alaska, Pouch D, Juneau, Alaska 99801.	City of Fairbanks Engineering Department, Post Office Box 790, Fairbanks, Alaska 99701.	
Louisiana	Jefferson (Parish).	Metairie	I 22 051 1545 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois St., Metairie, La. 70005 (on East Bank).	June 25, 1969.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	West Bank Drainage District, 1972 Ames Blvd., Post Office Box 335, Marrero, La. 70072.	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968)

Effective date. This § 1914.3 shall be effective at the time this document is filed for public inspection at the Office of the Federal Register.

WILLIAM B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-7565; Filed, June 25, 1969; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

CONTINUANCE IN EFFECT OF ALL CURRENT REGULATIONS AND OTHER FORMAL ISSUES AND CONFIRMATION OF ISSUES PROMULGATED BY OR PURSUANT TO THE AUTHORITY OF W. J. DRIVER TO BECOME EFFECTIVE AFTER TERMINATION OF HIS APPOINTMENT

All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of W. J. Driver to become effective on a date subsequent to the termination of his appointment as Administrator of Veterans' Affairs are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked. This issue is effective June 23, 1969.

[SEAL] DONALD E. JOHNSON,
Administrator of Veterans' Affairs.

[F.R. Doc. 69-7582; Filed, June 25, 1969; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Notification to Public Agencies of Surplus Property for Zoning and Acquisition Purposes

The Intergovernmental Cooperation Act of 1968, 82 Stat. 1098, among other things, amended the Federal Property and Administrative Services Act of 1949, as amended, to add a new title VIII thereto entitled "Urban Land Utilization." Section 803 thereof, requires that the unit of general local government having jurisdiction over zoning and land use regulations be notified prior to offering for sale real property situated in an urban area to afford that local governmental unit the opportunity of such zoning for the use of the land in accordance with local comprehensive planning. It also provides that prospective purchasers be furnished with such zoning information and advice as availability of streets, sidewalks, water, street lights, and other service facilities. This amendment to Part 101-47 implements section 803 of the Federal Property Act, and makes other incidental revisions in the regulations. The requirement to give the local governmental unit the opportunity to zone in accordance with local comprehensive planning prior to offering for sale supersedes the previous practice of soliciting comprehensive and coordinated plans from the local public agencies for the use and procurement of surplus real property.

The table of contents for Part 101-47 is amended by adding three entries, as follows:

Sec.
101-47.303-2a Notice for zoning purposes.
101-47.4906a Attachment to notice sent to zoning authority.
101-47.4906b Paragraph to be added to letter sent to zoning authority.

Subpart 101-47.3—Surplus Real Property Disposal

1. Section 101-47.303-2 is amended as follows:

§ 101-47.303-2 Disposals to public agencies.

Citations of the statutes authorizing the disposal of property to public agencies, the type of property the public agencies may procure under each statute, and the public agencies eligible to procure such property are given in § 101-47.4905.

* * * * *

(f) If the disposal agency is not informed within the 20-calendar-day period provided in the notice of the desire of a public agency to acquire the property under the provisions of the statutes listed in § 101-47.4905, or is not notified by the Department of Health, Education, and Welfare of a potential educational or public health requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

(g) The disposal agency shall promptly review each response of a public agency to the notice given pursuant to § 101-47.303-2(b). The disposal agency shall determine what constitutes a reasonable period of time to allow the public agency to develop and submit a formal application for the property. When making such determination, the disposal agency shall give consideration to the potential suitability of the property for the use proposed, the length of time the public agency has stated it will require to develop and submit a formal application, the protection and maintenance costs to the Government during such length of time, and any other relevant facts and circumstances. The disposal agency shall coordinate such review and determination with the proper regional office of any interested Federal agencies listed below:

(1) Bureau of Outdoor Recreation, Department of the Interior;

(2) Department of Health, Education, and Welfare;

(3) Federal Aviation Administration, Department of Transportation;

(4) Fish and Wildlife Service, Department of the Interior; and

(5) Federal Highway Administration, Department of Transportation.

(h) When the disposal agency has made a determination as to what constitutes a reasonable period of time to develop and submit a formal application, the public agency shall be so notified. The public agency shall be advised of the information required in connection with an application to procure the property.

(i) Upon receipts of the formal application for the property, the disposal agency shall consider and act upon it in accordance with the provisions of the statute and applicable regulations.

2. New § 101-47.303-2a is added as follows:

§ 101-47.303-2a Notice for zoning purposes.

(a) Where the surplus land is located in an urban area as defined in section 806 of the Act, that copy of the notice to public agencies required under § 101-47.303-2(b) which is sent to the head of the local governmental unit having jurisdiction over zoning and land use regulation in the area shall be accompanied by a copy of section 803 of the Act (see § 101-47.4906a) and the transmittal letter in such instances shall include an additional paragraph requesting information concerning zoning as set forth in § 101.47.4906b.

(b) Information which is furnished by the unit of general local government pursuant to the action taken in paragraph (a) of this section shall be included in Invitations for Bid in advertised sales. In negotiated sales, this information shall be presented to prospective purchasers during the course of the negotiations and shall be included in the sales agreements. In either instance, this information shall be followed by a written statement, substantially as follows:

The above information was obtained from ---------- and is furnished pursuant to section 803 of the Federal Property and Administrative Services Act of 1949, as amended. The Government does not guarantee that the information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in the above information shall not be cause for adjustment or rescission of any contract resulting from this Invitation for Bid or Sales Agreement.

(c) If no response to a request for such zoning information is received, the property may be offered for sale without furnishing such information to prospective purchasers. If the unit of general local government notifies the disposal agency of its desire to zone the property, it shall be afforded a 30-calendar-day period (in addition to the 20 calendar days afforded in the notice of surplus determination) to issue such zoning regulations. If the zoning cannot be accomplished within this time frame, the sale may proceed but the prospective purchasers shall be advised of the pending zoning of the property.

Subpart 101-47.49—Illustrations

1. Section 101-47.4906 is revised as follows:

§ 101-47.4906 Sample notice to public agencies of surplus determination.

NOTICE OF SURPLUS DETERMINATION—GOVERNMENT PROPERTY

(Date)

(Name of property)

(Location)

Notice is hereby given that the ----------, ----------
(Name of property)
----------, has been determined to be surplus Government property. (Location)
The property consists of 1,333.65 acres of fee land and a 5.968-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government has determined that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations: [1]

Statute	*Type of disposal*
50 U.S.C. App. 1622(h)	Public park, recreational area, or historic monument.
40 U.S.C. 484(k)(1)(A)	School, classroom, or other educational purposes.
40 U.S.C. 484(k)(1)(B)	Protection of public health, including research.
50 U.S.C. App. 1622(g)	Public airport.
23 U.S.C. 107 and 317	Federal aid and certain other highways.
40 U.S.C. 484(e)(3)(H)	Negotiated sales to public bodies for use for public purposes generally.[2]

If any public agency desires to acquire the property under cited statutes, notice thereof in writing must be filed with ---------- (Name of disposal agency) ---------- (Address) before ---------- Standard Time, ---------- (Hour and zone), ---------- (Day) ---------- (Date).[3] Such notice shall:

1. Disclose the contemplated use of the property;
2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;
3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;
4. State the length of time required to develop and submit a formal application for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and
5. Give the reason for the time required to develop and submit a formal application.

Any planning for an educational or a public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare ---------- An application form to acquire property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office. Application forms or instructions to acquire property for all other public use requirements may be obtained from ---------- (Name of disposal agency) ---------- (Address).[4]

(Address of proper regional office)

Upon receipt of such written notice, the public agency shall be promptly informed concerning the period of time that will be allowed for submission of a formal application.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

2. New §§ 101-47.4906a and 101-47.4906b are added as follows:

§ 101-47.4906a Attachment to notice sent to zoning authority.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

TITLE VIII—URBAN LAND UTILIZATION

DISPOSAL OF URBAN LANDS

SEC. 803

(a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning:

(1) Current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

(2) Current availability to such propery of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

§ 101-47.4906b Paragraph to be added to letter sent to zoning authority.

As the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulations in the geographical area within which this surplus property is located, you also may be interested in section 803 of the Federal Property and Administrative Services Act of 1949, as amended, 82 Stat. 1105, a copy of which is attached for ready reference. It is requested that the information contemplated by section 803(b) be forwarded this office within the same 20-calendar-day period prescribed in the attached notice of surplus determination for the advising of a desire to acquire the property. If the property is unzoned and you desire the opportunity to accomplish such zoning in accordance with local comprehensive planning pursuant to section 803(a), please so advise us in writing within the same time frame and let us know the time you will require for the promulgation of such zoning regulations. We will not delay sale of the property pending such zoning for more than 50 days from the date of this notice. However, if you will not be able to accomplish the desired zoning before the property is placed on sale, we will advise prospective purchasers of the pending zoning in process.

3. Section 101-47.4906-1 is revised as follows:

§ 101-47.4906-1 Sample letter for transmission of notice of surplus determination.

(Date)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

(Addressee)

Dear ----------:

The former ----------, ----------
(Name of property) (Location)
has been determined to be surplus Government property and available for disposal.

Included in the attached notice are a description of the property and procedural instructions to be followed if any public agency desires to submit an application for the property. Please note particularly the name and address given for filing written

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

[2] List only for properties having an estimated fair market value of $10,000 or more.

[3] This date shall be 20 calendar days after the date of the notice.

[4] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

notice if any public agency desires to submit such an application, the time limitation within which written notice must be filed, and the required content of such notice.

In order to ensure that all interested parties are informed of the availability of this property, please post the additional copies of the attached notice in appropriate conspicuous places.[a]

A notice of surplus determination also is being mailed to ----------
(Other addressees)

Sincerely,

Attachment

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: June 20, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 69-7539; Filed, June 25, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4670]

[Colorado 4254]

COLORADO

Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Grand Mesa National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the proposed Battlement Mesa Project:

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 92 W.,
Sec. 1, W½NW¼SW¼, W½SW¼NW¼;
Sec. 2, SE¼NE¼SE¼.

The areas described aggregate 42.5 acres in Mesa County.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws (act of June 17, 1902, supra, as amended and supplemented), including the use of the lands under lease, license, or permit, at such time as the Battlement Mesa Project is authorized by the Congress.

[a] Attach as many copies of the notice as may be anticipated will be required for adequate posting.

3. Pending authorization of the project, this withdrawal does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purpose for which the lands are withdrawn.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 20, 1969.

[F.R. Doc. 69-7505; Filed, June 25, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18477; FCC 69-653]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B TELEPHONE COMPANIES

All-Inclusive Income Statement and Revision of the Accounting for Taxes

1. On March 5, 1969, the Commission adopted a notice of proposed rule making in the above matter. This notice was published in the FEDERAL REGISTER on March 12, 1969 (34 F.R. 5114), in accordance with section 4(a) of the Administrative Procedure Act. The notice presented for comment on or before April 15, 1969, and for reply comment on or before April 25, 1969, a proposal to amend Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, to accomplish the following: (a) To transfer from the earned surplus accounts to the income accounts delayed, extraordinary and all other items now includible as entries to earned surplus except those pertaining to capital stock, the transfer of net income to earned surplus and appropriations of earned surplus; (b) to change all references to "earned surplus" and "capital surplus" to read "retained earnings" and "other capital," respectively; (c) to provide for intra-period allocation of income taxes by charging separate tax accounts for such taxes pertaining to operating income, "below-the-line" income, extraordinary and delayed income, and retained earnings entries; (d) to delete the accounts for reservations of income and to provide in lieu of the two surplus reservation accounts currently prescribed, a single account for all reservations of retained earnings; and (e) to make other changes occasioned by the foregoing such as number and title references.

2. Comments were received from the American Telephone and Telegraph Co. (AT&T), the GT&E Service Corporation (GT&E) and the Public Service Commission of Wyoming (Wyoming). No comments in reply to the original comments were received. Wyoming's only comment was that it had no objection to the proposed amendments. AT&T indicated that it believes the proposed accounting will result in improved financial reporting, as well as serving to reduce the differences in accounting practices between industries. However, some of the principal comments of AT&T and GT&E were with respect to the accounting for delayed and extraordinary items in which our proposed accounting differs in certain respects from the generally accepted accounting principles adopted by the Accounting Principles Board (APB) of the American Institute of Certified Public Accountants (AICPA). In line with its comments, each company suggests that certain sections of Part 31 be further amended or amended in a manner somewhat different from that proposed in the notice of proposed rule making.

3. In December 1966 the APB issued its Opinion No. 9, "Reporting the Results of Operations." This Opinion was the result of a general review of reporting practices in which it was concluded that, beginning in 1967, net income should reflect all items of profit and loss recognized during the accounting period with the exception of material prior period adjustments, with large extraordinary items to be shown separately as an element of net income of the period. Under that Opinion material prior period adjustments are handled as adjustments of the opening balance of retained earnings and, therefore, are excluded from the determination of net income for the current period.

4. In the rules as finalized herein the term "delayed items" is defined to include all items relating to a prior accounting period, including interim and final adjustments of estimated amounts included in the accounts in prior years. However, under this accounting for delayed items, only those delayed items considered to be large enough to distort the current accounts, which were previously includible in surplus, will be included in the new accounts for delayed items, except that there may be included in account 402, "Miscellaneous credits to retained earnings," or account 413, "Miscellaneous debits to retained earnings," as appropriate, in addition to certain specified items, any other amounts which the Commission may approve or direct to be included therein. All other delayed items will be includible in the accounts in which they would have been included had the items not been delayed.

5. No criteria, other than judgment of the company, is now included in Part 31 for the measurement of what size of delayed item would result in distortion of the accounts and none is included in these amendments. However, it is to be noted that Annual Report Form M for telephone companies, starting with the report form for 1968, contains a new schedule 44, Delayed Items, in which are to be reported all delayed items included in the regular accounts that amount to $100,000, or to 1 percent or more of total operating revenues, whichever is smaller. It is believed that the accounting finalized herein for delayed items, together with the data which are to be reported annually in schedule 44, will provide adequate information for regulatory purposes with respect to all significant delayed items.

6. Most of the nonrecurring items which are currently includible in the surplus accounts are to be included in new extraordinary and delayed income accounts. Those items that pertain to capital stock transactions will continue to be included in the retained earnings accounts and a few items of a recurring nature, now includible in the surplus accounts, are listed for inclusion in "below-the-line" income accounts. As previously mentioned, APB Opinion No. 9 provides that only extraordinary items of material size should be excluded from ordinary income and shown separately. It seems appropriate, however, for regulatory purposes that the nature of the items rather than their size should determine whether they are extraordinary. The alternate accounting for the smaller extraordinary items specified in the APB Opinion, therefore, is, in our opinion, not acceptable for regulatory purposes. These items, which we propose to classify as extraordinary, include, among others, such items as profits and losses on sales of plant, provision for past unprovided for depreciation, and adjustments in connection with the reacquisition of company bonds and other evidences of debt. Furthermore, it seems to us that the showing of all extraordinary items in a separate account should not work a hardship on any company. In any event, the accounting is simplified since the items will always be chargeable to the same accounts based on the nature of the item without regard to size.

7. The new accounts prescribed in the attached Appendix for inclusion in Part 31 for delayed and extraordinary items are as follows: Account 360, "Extraordinary income credits," account 365, "Delayed income credits," account 370, "Extraordinary income charges," account 375, "Delayed income charges," and account 380, "Income tax effect of extraordinary and delayed items—Net." It is believed that the differences between the accounting set forth in the attached Appendix for these accounts and that to be performed under Opinion No. 9 are desirable from a regulatory viewpoint.

8. AT&T and GT&E urge that Part 31 be amended to provide for interperiod income tax allocation consistent with APB Opinion No. 11. We would point out that the matter of the interperiod allocation of Federal income taxes for rate purposes is a subject at issue in Docket No. 16258, In the Matter of Charges for Interstate and Foreign Communication Services by the American Telephone and Telegraph Co. and the Associated Bell System Cos. We, therefore, conclude that any consideration of amendment of Part 31 should be deferred until we have ruled on this matter for rate purposes.

9. AT&T and GT&E also suggest that certain expenses incurred in connection with proposed construction projects that are abandoned should be treated as operating expenses rather than as charges to the miscellaneous income charges account. This suggestion has not been adopted since we are of the opinion that this subject warrants more intensive study and consideration than it has received in this docket before we make any changes in our accounting rules along the lines suggested by AT&T and GT&E.

10. GT&E also takes exception to the proposed Note B to account 307, "Other operating taxes." This note permits telephone companies to spread Social Security taxes evenly over the year to the accounts benefited. GT&E objects on the grounds that such spreading of Social Security taxes would result in different treatment than that used in handling unemployment taxes. Also, that such method disregards the theory of recording an expense in the period in which the expense is incurred. The reference to Social Security taxes is used in the broad sense to cover all types of taxes applicable to wages. We have, therefore, changed the proposed language to "Social Security and certain other taxes" in the amendments adopted herein. The note is permissive only and is intended for the purpose of specifically providing for the use by all subject companies of procedures that have been used by the Bell System companies for the past several years with our approval. We feel that the use of the optional method results in a better allocation of taxes both to the proper months of the year and to the proper accounts and projects. Without the use of the optional method, construction projects performed during the latter months of the year would be charged with little or no taxes on wages since, for example, in the case of Social Security taxes, the taxable earnings maximum would have been reached earlier in the year.

11. Certain modifications suggested by AT&T are being made in the proposed amendments as follows:

(a) Section 31.304 is being deleted from the cross-references listed at the end of section 31.130;

(b) Sections 31.179, 31.402, and 31.413 have been added to the list of cross-references in section 31.166;

(c) In the note to section 31.166 and in the texts of §§ 31.129, 31.130, and 31.131 the words "of the period in which they are chargeable to income" have been added after the words "paid in advance";

(d) Section 31.402 has been amended to eliminate therefrom the proposed inclusion therein of the income tax effects of preferred stock dividends charged to account 416 since such amounts are to be included in account 306;

(e) The item in the item list of § 31.323 reading "Cost of abandoned projects" has been amended to read "Cost of abandoned construction projects";

(f) In §§ 31.365 and 31.375 the term "ordinary income" has been substituted for the term "normal income";

(g) In lieu of the suggestion that the seventh item in the item list of § 31.370 be amended to read "Lump sum dispositions (other than those chargeable to account 614) of debit balances in account 100:4, 'Telephone plant acquisition adjustment,' and in account 201 'Organization,'" reference to § 31.100:4(c)(3) has been added to this item; and

(h) The note to § 31.705 has been revised to provide that engineering costs included in account 705 that are applicable to abandoned construction projects shall be charged to account 323 and such costs applicable to contemplated purchases or sales shall be charged to account 370.

Certain other changes in the amendments as proposed were suggested by AT&T which changes, although carefully considered, have not been adopted in the rules as finalized herein.

12. Other minor amendments have also been included in the attached appendix. They consist principally of additional cross-reference revisions and changing references to "surplus" to read "retained earnings."

13. Necessary changes in Annual Report Form M and Monthly Report Form 901 that are occasioned by amendments to Part 31 made in this proceeding will be made the subject of a separate rule making proceeding at an early date.

14. *Accordingly, it is ordered,* That, under authority contained in sections 4(i), 5(d)(1), and 220 of the Communications Act of 1934, as amended, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules and regulations is amended as set forth below effective January 1, 1970.

15. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 5, 220, 48 Stat., as amended, 1066, 1068, 1078; 47 U.S.C. 154, 155, 220)

Adopted: June 18, 1969.

Released: June 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies is amended as follows:

1. Section 31.01-4 is amended to read as follows:

§ 31.01-4 Unaudited items.

When the amount of any known item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited, the necessary adjustments shall be handled as a delayed item as provided in § 31.01-5(b). If during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The company is not required to anticipate minor items which would not appreciably affect these accounts.

2. Section 31.01–5 is amended to read as follows:

§ 31.01–5 Delayed items.

(a) The term "delayed items" means items which are accounted for in the current accounts with respect to transactions which occurred before the current calendar year. It includes adjustments of errors and additional entries with respect to items in the operating revenue, operating expense and other income accounts of prior years.

(b) Unless the inclusion of a delayed item in the current accounts would seriously distort those accounts, it shall be included in the same account in the current year that would have been credited or charged if the item had not been delayed. If the delayed item would seriously distort the current accounts, it shall be credited to account 365, "Delayed income credits," or charged to account 375, "Delayed income charges," as appropriate.

(c) The company shall keep such records as are necessary in order to show the full particulars with respect to all delayed items included in accounts 365 and 375 and also with respect to such other delayed items included in the ordinary accounts as are required to be reported in its annual report to the Commission.

3. In § 31.01–7, paragraph (a) is amended to read as follows:

§ 31.01–7 Profits and losses from foreign exchange.

(a) Profits and losses from premiums and discounts on foreign exchange shall be included, so far as practicable, in the accounts appropriate for the transactions in connection with which such items arise. For example, profits realized and losses suffered due to the difference in rates of exchange between the date that money is borrowed or loaned and the date of payment or collection shall be included in account 360, "Extraordinary income credits," or account 370, "Extraordinary income charges," as may be appropriate.

* * * * *

4. Section 31.1–10 is amended to read as follows:

§ 31.1–10 Purpose of balance sheet accounts.

The balance sheet accounts (100:1 to 181, inclusive) are designed to show the assets, liabilities, capital stock and retained earnings or deficit of the company.

5. In § 31.11, paragraph (b) is amended to read as follows:

§ 31.1–11 Current assets.

* * * * *

(b) The amount of any current asset written off shall be included in account 323, "Miscellaneous income charges," account 530, "Uncollectible operating revenues—Dr.," or other appropriate account.

6. In § 31.1–12, paragraph (b) is amended to read as follows:

§ 31.1–12 Book cost of securities owned.

* * * * *

(b) The company is allowed the option of writing down such book cost in recognition of the decline in value of the securities. It shall write down to a nominal amount or write off the book cost if there is no reasonable prospect of future substantial value. The amount of such adjustment shall be charged to account 370, "Extraordinary income charges."

7. In § 31.1–13, paragraphs (b), (c), (d), (e), (f), and (g) are amended to read as follows:

§ 31.1–13 Company securities owned.

* * * * *

(b) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that have been reacquired and (2) the amounts actually paid therefor plus the expenses incurred in connection with their reacquisition shall be included, when a credit, in account 360, "Extraordinary income credits," and when a debit in account 370, "Extraordinary income charges." (See also § 31.1–15(f).) In the case of refinancing, amounts that ordinarily would thus be credited to account 360 or charged to account 370 may be made subject to amortization upon specific approval by the Commission in each instance.

(c) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt previously reacquired that are resold and (2) the amounts actually received therefor less the expense incurred in connection with their resale shall be included, when a credit, in account 360, "Extraordinary income credits," and when a debit, in account 370, "Extraordinary income charges."

(d) The necessary adjustments for the difference between (1) the book amount of capital stock that has been reacquired and (2) the amount actually paid for it plus the amount of expense incurred in connection with its reacquisition shall be included in account 179, "Other capital," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit adjustment shall be included in account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to retained earnings on account of transactions in the same class of stock have not been offset by previous credits to retained earnings on account of such transactions.

(e) The necessary adjustments for the difference between (1) the book amount of capital stock that previously has been reacquired and is resold, and (2) the amount actually received for it less the amounts of expense incurred in connection with its resale shall be included in account 179, "Other capital," except that the excess of a debit adjustment over the balance in account 179 applicable to capital stock of the same class shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit adjustment shall be credited to account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to retained earnings on account of transactions in capital stock of the same class have not been offset by previous credits to retained earnings on account of such transactions.

(f) The company's records shall be so maintained that in reports to the Commission there may be shown the extent to which the retained earnings accounts have been charged and credited in connection with transactions in each class of capital stock.

(g) The book amount for nonpar stock reacquired shall be obtained by first ascertaining the amount in account 150, "Capital stock," for the particular class of stock before the reacquirement. In this amount shall be included the proceeds realized at the sale, the amount of any assessments against stockholders, the amounts transferred to account 150 from retained earnings less any amount which has been distributed from account 150 to the stockholders in liquidation. The amount thus ascertained shall be prorated to the shares reacquired on the basis of the proportion that the reacquired shares bear to the total number of shares actually outstanding immediately prior to their reacquirement. (Note also accounts 104, 105, 136, and 137.)

8. In § 31.1–14, paragraph (e) is amended to read as follows:

§ 31.1–14 Discount and premium on capital stock.

* * * * *

(e) When capital stock which has been actually issued or assumed by the company is reacquired the proportion (based upon the relation of the amount of stock reacquired to the total amount of that particular class or series of stock outstanding before its reacquirement) of the balance in the discount and premium account with respect to the stock reacquired shall be cleared to account 179, "Other capital," except that any excess of a debit amount over the balance in account 179 applicable to capital stock of the same class shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit amount shall be credited to account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to account 413 on account of transactions in capital stock of the same class have not been offset by previous credits to account 402 on account of such transactions.

* * * * *

9. In § 31.1–15, paragraphs (c) and (f) are amended to read as follows:

§ 31.1–15 Discount, premium, and expense on long-term debt.

* * * * *

(c) The company may extinguish at any time through charges to account 370, "Extraordinary income charges," all or any part of the debit balance remaining in any particular discount, premium, and debt expense account.

* * * * *

(f) Except as provided in paragraphs (c), (d), and (e) of this section, the balance in each of these accounts shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based upon the relation of the amount of long-term debt reacquired to the total amount of that particular class or series of long-term debt outstanding before its reacquirement) of the balance in the discount, premium and debt expense account with respect to the long-term debt reacquired shall be cleared to account 360, "Extraordinary income credits," or account 370, "Extraordinary income charges," as appropriate. In the case of refinancing, amounts that ordinarily would thus be charged or credited to the extraordinary income accounts may be made subject to amortization upon specific approval of the Commission in each instance. (See also § 31.1–13(b).)

* * * * *

10. Section 31.1–18 is revoked.

§ 31.1–18 [Revoked]

11. In § 31.100:4, paragraph (c)(1) and Note A are amended to read as follows:

§ 31.100:4 Telephone plant acquisition adjustment.

* * * * *

(c) * * *

(1) Debit amounts may be charged to account 370, "Extraordinary income charges," in whole or in part, or amortized over a reasonable period through charges to account 323, "Miscellaneous income charges," without further direction or approval by this Commission. Should a carrier desire the disposition of debit amounts in any manner other than as herein provided, it shall request that the Commission (i) approve recommended disposition or (ii) direct appropriate disposition according to the circumstances involved in each transaction.

* * * * *

NOTE A: Disposition as herein provided is for accounting purposes only and shall not be construed as determining or controlling the amount or disposition of the items in a rate or other proceedings, nor shall anything contained in paragraph (c) of this section be construed as precluding the Commission from subsequently requiring disposition of such amounts in a different manner or from altering a previously determined amortization period.

* * * * *

12. Section 31.129 is amended to read as follows:

§ 31.129 Prepaid rents.

This account shall include the amounts of rents paid in advance of the period in which they are chargeable to income, except amounts chargeable to telephone plant under construction and minor amounts which may be charged direct to the final accounts. As the term expires for which the rents are paid, this account shall be credited at monthly intervals and the appropriate account charged. (Note also §§ 31.2–22(b)(9), 31.2–23(a), 31.303, 31.315, 31.671, 31.702, 31.704, 31.705, 31.706, and 31.707.)

13. Section 31.130 is amended to read as follows:

§ 31.130 Prepaid taxes.

This account shall include the amounts of taxes paid in advance of the period in which they are chargeable to income, except amounts chargeable to telephone plant under construction and minor amounts which may be charged direct to the final accounts. As the term expires for which the taxes are paid, this account shall be credited at monthly intervals and the appropriate account charged. (Note also §§ 31.2–22(b)(8), 31.306, 31.307, 31.326 and 31.327.)

14. Section 31.131 is amended to read as follows:

§ 31.131 Prepaid insurance.

This account shall include the amount of insurance premiums paid in advance of the period in which they are chargeable to income, except premiums chargeable to telephone plant under construction and minor amounts which may be charged direct to the final accounts. As the term expires for which the premiums are paid, this account shall be credited at monthly intervals and the appropriate account charged.

15. In § 31.134:2, paragraphs (b) and (c) are amended to read as follows:

§ 31.134:2 Capital stock expense.

* * * * *

(b) When any issue of capital stock, or a portion thereof, is reacquired, there shall be credited to this account and charged to account 179, "Other capital," the amount herein with respect to such stock, except that any excess of such amount over the balance in account 179 applicable to capital stock of the same class, shall be charged to account 413, "Miscellaneous debits to retained earnings."

(c) The company may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 179, "Other capital," or to account 413, "Miscellaneous debits to retained earnings," in case the amount exceeds the balance in account 179 applicable to the same class of stock.

* * * * *

16. Section 31.139 is amended to read as follows:

§ 31.139 Other deferred charges.

This account shall include all deferred charges not provided for elsewhere, such as unaudited amounts and other debit balances in suspense that cannot be cleared and disposed of until additional information is received; debit balances in clearing accounts; the amount, pending determination of loss, of funds on deposit with banks which have failed; assets of current character but of doubtful value (note also § 31.1–11); revenue, expense, and income items held in suspense (note also § 31.01–6); amounts paid for options pending final disposition; the cost of preliminary surveys, plans, investigations, etc., made for determining the feasibility of construction projects under contemplation. If the contemplated projects are carried out, the preliminary costs shall be included in the cost of the plant constructed. If the contemplated projects are abandoned, the preliminary costs shall be charged to account 323, "Miscellaneous income charges." This account shall include also the cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition or sale of property. If the property is subsequently acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition, or if it is sold, such costs shall be deducted from the sale price in accounting for the property sold. If contemplated purchases or sales are abandoned, the preliminary costs included herein (including options paid, if any) shall be charged to account 370, "Extraordinary income charges."

17. In § 31.159:2, paragraph (a) is amended to read as follows:

§ 31.159:2 Other accounts payable.

(a) This account shall include amounts currently due to nonaffiliated companies and individuals, and not provided for in other accounts, such as those for wages, traffic settlements, material and supplies, repairs to telephone plant, matured rents, and interest payable under monthly settlements on short-term loans, advances, and open accounts. It shall also include amounts of taxes payable that have been withheld from employees' salaries.

* * * * *

18. Section 31.166 is amended to read as follows:

§ 31.166 Taxes accrued.

This account shall include the amount of unpaid taxes accrued. (Note also §§ 31.2–22(b)(8), 31.159:2, 31.179, 31.304, 31.306, 31.307, 31.326, 31.327, 31.380, 31.402, and 31.413.)

NOTE: Taxes paid in advance of the period in which they are chargeable to income shall be included in account 130.

19. In § 31.169, paragraph (a) is amended to read as follows:

§ 31.169 Insurance reserve.

(a) This account shall be credited with appropriations of retained earnings specifically made to cover self-carried risks for losses through accident, fire, flood, or other causes.

* * * * *

20. In § 31.170, paragraph (a) is amended to read as follows:

§ 31.170 Provident reserve.

(a) This account shall include specific appropriations of retained earnings and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the company) for pensions, accident and death benefits, savings, relief, hospital and other provident purposes, when administered by trustees or managers acting for the company.

* * * * *

21. In § 31.171 paragraph (a) is amended to read as follows:

§ 31.171 Depreciation reserve.

(a) This account shall be credited with amounts concurrently charged to account 608, "Depreciation," and to clearing accounts for currently accruing depreciation of telephone plant. (Note also §§ 31.02–80 to 31.02–82.) It shall also be credited with any amounts which the company may elect to charge to account 370, "Extraordinary income charges," and include in this account with respect to past accrued depreciation not provided for. (Note also §§ 31.174(b), 31.2–20(b), 31.2–21, and 31.315.)

* * * * *

22. In § 31.172, paragraphs (b) and (c) are amended to read as follows:

§ 31.172 Amortization reserve.

* * * * *

(b) This account shall be credited with any amounts concurrently charged to account 323, "Miscellaneous income charges," to provide a reserve for the retirement of amounts carried in account 201, "Organization." It shall also be credited with any amounts of amortization which this Commission may authorize under a plan to amortize the balance in account 100:4, "Telephone plant acquisition adjustment."

(c) When any leasehold carried in account 211, "Land," or any franchise or patent expires, is sold, is relinquished, or is otherwise retired from service, or when the amortization of an amount in account 201 is completed, this account shall be charged with the amount included herein with respect to the property going out of service. The original cost of the property so retired less the amount chargeable to this account and less any proceeds realized at retirement shall be included in account 360, "Extraordinary income credits," or in account 370, "Extraordinary income charges," as appropriate. (Note also § 31.2–25(f).)

23. In § 31.174, paragraph (b) is amended to read as follows:

§ 31.174 Other deferred credits.

* * * * *

(b) When miscellaneous physical property not previously used in telephone service is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property and the book cost of the property so retired less the amount chargeable to this account and less the value of the salvage recovered or the proceeds from the sale of the property shall be included in account 360, "Extraordinary income credits," or in account 370, "Extraordinary income charges," as appropriate. In case the property had been used in telephone service previous to its inclusion in account 103, "Miscellaneous physical property," the amount accrued for depreciation thereon after its retirement from telephone service shall be charged to this account and credited to account 171, "Depreciation reserve," and the accounting for its retirement from account 103 shall be in accordance with that applicable to telephone plant retired. (Note also § 31.2–25.)

24. Section 31.179 is amended to read as follows:

§ 31.179 Other capital.

(a) Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancellation, from a reduction of a stated value, and from the donation by stockholders of the company's capital stock; capital arising from the forgiveness of debt of the company; capital recorded upon the reorganization or recapitalization of the company; and amounts that become the property of the company as a result of a forfeiture by others of deposits on subscriptions to capital stock and of installments paid on capital stock.

(b) All items included in this account shall be entered herein net of income tax effect, if any.

NOTE: When the circumstances under which debt is forgiven indicate that its forgiveness is an adjustment of retained earnings it may be treated as such upon the approval by this Commission in the specific instance.

25. The undesignated center heading preceding § 31.180 reading "Earned Surplus" is amended to read "Retained Earnings".

26. Section 31.180, including the headnote, is amended to read as follows:

§ 31.180 Retained earnings reserved.

(a) This account shall include the amount of retained earnings reserved or otherwise set aside for any purpose not provided for elsewhere. (Note § 31.3–31.)

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

27. Section 31.181, including the headnote, is amended to read as follows:

§ 31.181 Unappropriated retained earnings.

(a) This account shall include the undistributed balance of retained earnings derived from the operations of the company and from all other transactions not includible in the other accounts appropriate for inclusion of stockholders equity.

(b) The retained earnings analysis accounts (400 to 416, inclusive), wherein are recorded all entries to retained earnings during the year, shall be closed into this account as at the end of the year.

28. In § 31.2–22, paragraph (b)(8) is amended to read as follows:

§ 31.2–22 Cost of construction.

* * * * *

(b) * * *

(8) "Taxes" includes social security and similar taxes on wages applicable to plant construction and taxes on physical property during construction and before the facilities are completed ready for service which are assessed separately from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction.

* * * * *

29. In § 31.2–25, paragraphs (c), (d), (f), and (g) are amended to read as follows:

§ 31.2–25 Telephone plant retired.

* * * * *

(c) Leaseholds: The accounting for leaseholds retired shall be as provided for in the text of account 172, "Amortization reserve."

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 360, "Extraordinary income credits," or debited to account 370, "Extraordinary income charges," as appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

* * * * *

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property shall be as provided for in the texts of account 100:4, "Telephone plant acquisition adjustment," account 172, "Amortization reserve," and account 370, "Extraordinary income charges."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a credit, in account 360, "Extraordinary income credits," and if a debit, in account 370, "Extraordinary income charges." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in § 31.171(b).

30. In § 31.202, Note B is amended to read as follows:

§ 31.202 Franchises.

* * * * *

NOTE B: Franchise taxes payable annually or more frequently shall be charged to account 307, "Other operating taxes."

* * * * *

31. Section 31.3–30 is amended to read as follows:

§ 31.3–30 Purpose of income accounts.

The income accounts (300 to 380, inclusive) are designed to show as nearly as practicable for each calendar year the total operating revenues; the total operating expenses; the income and other operating taxes of the company; the income from securities owned; the net income from property not used in the company's communication operations;

amounts accrued for interest costs; credits from interest charged to construction; miscellaneous income, expenses, and taxes; rents from and for operating property; and extraordinary and delayed income credits and charges. The net balance in the income accounts shall be cleared to account 400, "Balance transferred from income accounts."

32. Section 31.3–31 is amended to read as follows:

§ 31.3–31 Income from sinking and other funds.

When interest and other income arising from funds carried in account 104, "Sinking funds," account 136, "Provident funds," or account 137, "Insurance and other funds" (note also account 314) are required by the mortgage or other provisions to be held in the funds, they shall be charged to those accounts. If such funds are represented by a reserve established through reservations of retained earnings, amounts so set aside shall be charged to account 415, "Reservations of retained earnings," and credited to account 169, "Insurance reserve," account 170, "Provident reserve," account 173, "Employment stabilization reserve," or account 180, "Retained earnings reserved," as may be appropriate.

33. Section 31.305 is revoked.

§ 31.305 [Revoked]

34. New § 31.306 is added as follows:

§ 31.306 Federal income taxes—Operating.

(a) This account shall include the amount of Federal income taxes relating to telephone operations for the accounting period including the income tax effect of all items included in accounts 300, 301, 302, 303, 307, 335, 336, 338, 339, and 340. It shall also include any income tax effects of sales of plant or items previously included in plant for which no book profit or loss is recorded, tax effects of casualties to plant and tax effects of dividends on preferred stock charged to account 416. Taxes accrued through this account prior to their payment shall be credited to account 166, "Taxes accrued." (See also §§ 31.304, 31.307, 31.326, 31.327, 31.380, 31.402, and 31.413.)

(b) Taxes should be accrued each month on an estimated basis and adjustments made as later data become available. Amounts so accrued shall be credited to account 166, "Taxes accrued."

NOTE A: No entries shall be made in this account to reflect interperiod allocation of taxes except as provided in Case 26.

NOTE B: Taxes not includible in this account shall be accounted for as provided in §§ 31.2–22(b)(8), 31.179, 31.304, 31.307, 31.326, 31.327, 31.380, 31.402, or 31.413, as appropriate.

35. New § 31.307 is added as follows:

§ 31.307 Other operating taxes.

(a) This account shall include all taxes, other than Federal income taxes, relating to telephone operations. Among the taxes includible in this account are property, gross receipts, franchise, capital stock, Social Security (see Note B), unemployment and the tax effect of State and local income taxes on items included in accounts 300, 301, 302, 303, 306, 335, 336, 338, 339, 340, and from items included in this account.

(b) Taxes on telephone plant leased to others shall be included in this account by the owner. (See also Note H.)

NOTE A: Taxes which are not includible in this account shall be accounted for as provided in §§ 31.2–22(b)(8), 31.179(b), 31.304, 31.306, 31.326, 31.327, 31.380, 31.402, or 31.413, as appropriate.

NOTE B: Social Security and certain other taxes are higher in the earlier months than in the later months of the year as a result of taxes ceasing with respect to an employee once he has reached the established maximum of taxable wages. This frequently results in spreading such taxes in a manner inconsistent with the occurrence of labor charges during the year. In order to spread such taxes in a more equitable manner, the taxes applicable to the monthly payroll may be charged initially to a clearing account under account 139, "Other deferred charges," and credited to account 166, "Taxes accrued." The clearing account shall then be credited each month and this account, plant under construction and other appropriate accounts shall be charged with such amounts as will properly allocate the total estimated annual Social Security taxes on the basis of the relationship of the labor charges to operations, construction and other accounts during the month to the estimated total annual payroll.

NOTE C: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Discounts allowed for prompt payments of taxes shall be credited to the account to which the taxes are chargeable.

NOTE E: Interest on tax assessments which are not paid when due shall be included in account 336, "Other interest deductions."

NOTE F: Taxes paid by the company under tax-free covenants on indebtedness shall be charged to account 340, "Other fixed charges."

NOTE G: Sales and use taxes shall be accounted for, so far as practicable, as a part of the cost of the items to which the taxes relate.

NOTE H: Taxes on rented telephone plant which are borne by the lessee shall be credited by the owner to account 524, "Rent revenues," or to account 302, "Rent from lease of operating property," as appropriate, and shall be charged by the lessee to account 671, "Operating rents," or to account 303, "Rent for lease of operating property," as appropriate.

36. In § 31.313, paragraph (d) is amended to read as follows:

§ 31.313 Interest income.

* * * * *

(d) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and date of maturity, the difference between the purchase price and the par value of securities owned, the income from which is includible in this account. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished at the sale or upon the maturity and satisfaction of such securities shall be cleared to account 360, "Extraordinary income credits," or to account 370, "Extraordinary income charges," as appropriate.

* * * * *

37. In § 31.314, paragraph (b) is amended to read as follows:

§ 31.314 Income from sinking and other funds.

* * * * *

(b) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the difference between the purchase price and the par value of securities held in sinking or other funds. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished upon the maturity and satisfaction of such securities shall be cleared to account 360, "Extraordinary income credits," or to account 370, "Extraordinary incomes charges," as appropriate.

* * * * *

38. In § 31.315, Note B is amended to read as follows:

§ 31.315 Income from miscellaneous physical property.

* * * * *

NOTE B: Taxes on miscellaneous physical property shall be included in account 327.

39. Section 31.316 is amended to read as follows:

§ 31.316 Miscellaneous income.

This account shall include all items, not provided for elsewhere, properly creditable to income.

ITEMS

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.
Profits from the telephone operations of other companies realized by the company under contracts.
Profits realized from custom work performed for others not incident to the company's telephone operations.
Profits realized on sale of temporary cash investments.

40. Section 31.322 is revoked.

§ 31.322 [Revoked]

41. Section 31.323 is amended to read as follows:

§ 31.323 Miscellaneous income charges.

This account shall include all items not provided for elsewhere properly chargeable to income.

ITEMS

(Note § 31.01–8)

Amortization of amounts included in account 201, "Organization."
Contributions for charitable, social or community welfare purposes.
Cost of abandoned construction projects.
Current expenses of trustees in maintaining and administering trusts incident to outstanding debt of the company.

Losses realized on sale of temporary cash investments.
Uncollectible amounts previously credited to accounts 312 to 316, inclusive. (See also § 31.1–11 and note to account 530.)

42. New § 31.326 is added as follows:

§ 31.326 Federal income taxes—Nonoperating.

This account shall include the amount of Federal income taxes and the reductions in such income taxes that are applicable to items included in accounts 312, 313, 314, 315, 316, 323, and 327.

43. New § 31.327 is added as follows:

§ 31.327 Other nonoperating taxes.

(a) This account shall include the amount of State and local income, gross receipts and similar taxes and reductions in such taxes that are applicable to items includible in accounts 312, 313, 314, 315, 316, 323, and 326. (See particularly Note B to § 31.307.)

(b) This account shall also include taxes on miscellaneous physical property, taxes on wages not applicable to operations or construction, and all other taxes not provided for elsewhere. (See §§ 31.2–22(b)(8), 31.179, 31.304, 31.306, 31.307, 31.326, 31.380, 31.402, and 31.413.)

NOTE A: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE B: Discounts allowed for prompt payment of taxes shall be credited to the account to which the taxes are chargeable.

NOTE C: Interest on tax assessments which are not paid when due shall be included in account 336, "Other interest deductions."

44. In § 31.335, paragraph (a) is amended to read as follows:

§ 31.335 Interest on funded debt.

(a) This account shall include the current accruals of interest on all classes of debt the principal of which is includible in account 154:1, "Funded debt," and account 155, "Receivers' certificates." (Note also § 31.2–22(b)(10).) It shall also include the interest on funded debt the maturity of which has been extended by specific agreement.

* * * * *

45. Sections 31.341, 31.342, and 31.343 are revoked and the undesignated center headings reading "Contingent Interest" and "Disposition of Net Income" which precede and follow revoked § 31.341 are deleted.

§§ 31.341, 31.342, and 31.343 [Revoked]

46. Insert a new undesignated center heading reading "Extraordinary and Delayed Items" following § 31.340.

47. New § 31.360 is added as follows:

§ 31.360 Extraordinary income credits.

This account shall include credits to income resulting from nonrecurring transactions that are not customary business activities of the company.

ITEMS

(Note § 31.01–8)

Amounts to extinguish the credit balance in the discount, premium and debt-expense accounts relating to long-term debt reacquired. (Note § 31.1–15.)
Amounts received for abrogation of contracts by others.
Credits from adjustments in connection with the reacquisition of company bonds and other evidences of debt.
Forfeitures by others of deposits under options relating to the sale or lease of property.
Profits derived from the resale of interest-bearing company securities.
Profits derived from disposal of securities of others, except temporary cash investments. (See § 31.316.)
Profits derived from the sale of unexpired leases.
Profits derived from the sale of land used in telephone service and from telephone plant sold with traffic. (Note § 31.2–25 (d) and (g).)
Profits derived from the sale of land carried in account 103 and from the sale of depreciable property in account 103 that had not previously been used in telephone service. (Note § 31.174.)

48. New § 31.365 is added as follows:

§ 31.365 Delayed income credits.

This account shall include the amount of delayed credits relating to operating revenue, operating expense and other income accounts that are excluded from ordinary income for the current year by the provisions of § 31.01–5.

49. New § 31.370 is added as follows:

§ 31.370 Extraordinary income charges.

This account shall include charges to income resulting from nonrecurring transactions that are not customary business activities of the company.

ITEMS

(Note § 31.01–8)

Debits from adjustments in connection with the reacquisition of company bonds and other evidences of debt. (Note §§ 31.1–13 (b) and 31.1–15.)
Losses of funds due to bank failures.
Losses resulting from the resale of interest-bearing company securities.
Losses resulting from the sale of land used in telephone service and from telephone plant sold with traffic. (Note § 31.2–25 (d) and (g).)
Losses resulting from sale of land carried in account 103 and from sale, destruction or retirement of depreciable property in account 103 that had not previously been used in telephone service. (Note § 31.174.)
Losses resulting from disposal of securities of others, except temporary cash investments. (See § 31.323.)
Lump sum disposition of debit balances in account 100:4, "Telephone plant acquisition adjustment," and in account 201, "Organization." (See also § 31.100.4(c)(3).)
Payments for abrogation of contracts.
Penalties and fines paid on account of violations of statutes.
Provision for past unprovided for depreciation. (Note § 31.171.)
Write down or write off of securities owned in recognition of a decline in value. (Note §§ 31.1–11 and 31.1–12.)

50. New § 31.375 is added as follows:

§ 31.375 Delayed income charges.

This account shall include the amount of delayed charges applicable to operating revenue, operating expense and other income accounts that are excluded as deductions from ordinary income for the current year by the provisions of § 31.01–5.

51. New § 31.380 is added as follows:

§ 31.380 Income tax effect of extraordinary and delayed items—Net.

This account shall include all income tax effects of items included in accounts 360, "Extraordinary income credits," 365, "Delayed income credits," 370, "Extraordinary income charges," and 375, "Delayed income charges." This account shall also include the income tax effect, not provided for elsewhere, of profits and losses from nonrecurring transactions that are recognized for income tax purposes but for which no profit or loss is recorded in the accounts. The records supporting the entries in this account shall be maintained with sufficient particularity to identify each amount included herein with the extraordinary or delayed item to which it is attributable.

52. The undesignated center heading preceding § 31.4–40 reading "Instructions for Earned Surplus Accounts" is amended to read "Instructions for Retained Earnings Accounts".

53. Section 31.4–40, including the headnote, is amended to read as follows:

§ 31.4–40 Purpose of retained earnings accounts.

The retained earnings accounts (400 to 416, inclusive) are designed to provide an analysis of all increases and decreases in the company's retained earnings or deficit during each calendar year resulting from (a) the operations and other transactions during the year reflected in net income transferred from income accounts, (b) appropriations or other reservations of retained earnings for specific purposes, (c) dividends declared and (d) entries relating to capital stock of the company which increase or decrease retained earnings. No entries shall be made directly to account 181, "Unappropriated retained earnings." The balance of accounts 400 to 416, inclusive shall be closed into account 181 at the end of each calendar year.

54. The undesignated center heading preceding § 31.400 reading "Earned Surplus Accounts" is amended to read as "Retained Earnings Accounts".

55. Section 31.400, including the headnote, is amended to read as follows:

§ 31.400 Balance transferred from income accounts.

This account shall include the net income for the year after extraordinary and delayed income credits and charges that is transferred to retained earnings. As at the end of the year the balance of all income primary accounts (300 to 380, inclusive) shall be closed into this account.

56. Section 31.401 is revoked.

§ 31.401 [Revoked]

57. Section 31.402, including the headnote, is amended to read as follows:

§ 31.402 Miscellaneous credits to retained earnings.

This account shall include credits to retained earnings arising from the reacquisition and resale of the company's capital stock which are not includible in account 179 (note § 31.1–13 (d), (e) and (f)); the amount of unclaimed dividends; restorations to retained earnings of amounts previously appropriated therefrom; any income tax effect of items included in account 413; and any other amounts which the Commission may approve or direct to be included herein.

58. Section 31.410 is revoked.

§ 31.410 [Revoked]

59. Section 31.413, including the headnote, is amended to read as follows:

§ 31.413 Miscellaneous debits to retained earnings.

This account shall include amounts arising from the reacquisition and resale of the company's capital stock which are not chargeable to account 179 (note § 31.1–13 (d), (e) and (f)); the amounts of capital-stock expense written off which are not chargeable to account 179 (note § 31.134:2); appropriations to nonpar stock accounts; any income tax effect of items included in account 402; and any other amounts the Commission may approve or direct to be included herein.

60. Section 31.414 is revoked.

§ 31.414 [Revoked]

61. Section 31.415, including the headnote, is amended to read as follows:

§ 31.415 Reservations of retained earnings.

This account shall include all reservations of retained earnings required under the terms of mortgages, deeds of trust, orders of courts or regulatory authorities, contracts, or other agreements, and retained earnings reserved at the company's discretion.

NOTE: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

62. In § 31.416, the headnote and paragraph (a) are amended to read as follows:

§ 31.416 Dividends declared.

(a) This account shall include dividends declared on capital stock actually outstanding.

* * * * *

63. In § 31.524, Note A is amended to read as follows:

§ 31.524 Rent revenues.

* * * * *

NOTE A: The expense of maintaining and operating the rented property, including depreciation and insurance shall be included in the appropriate operating expense accounts. Taxes applicable to the rented property shall be included by the owner of the rented property in account 307, "Other operating taxes."

* * * * *

64. In § 31.530, the note is amended to read as follows:

§ 31.530 Uncollectible operating revenues—Dr.

* * * * *

NOTE: Uncollectible amounts which have not been treated as operating revenues shall be charged to account 323, "Miscellaneous income charges," account 370, "Extraordinary income charges," or other appropriate account.

65. In § 31.673, Note B is amended to read as follows:

§ 31.673 Telephone franchise requirements.

* * * * *

NOTE B: Franchise taxes paid annually or more frequently shall be charged to account 307, "Other operating taxes."

* * * * *

66. In § 31.705, the Note is amended to read as follows:

§ 31.705 Engineering expense.

* * * * *

NOTE: Expenses included in this account incurred in connection with projects which are abandoned shall be cleared to account 323, "Miscellaneous income charges," if they pertain to construction projects and to account 370, "Extraordinary income charges," if they pertain to contemplated purchases or sales. (See also § 31.139.)

67. In Appendix A to Part 31, Cases 2 and 13 are deleted and Cases 10, 11, and 21 are amended as follows:

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS

a. Case 2 of Appendix A is deleted.

b. Case 10 of Appendix A is amended to read as follows:

Case 10–R–1 (Cancels Case 10)

JANUARY 1, 1970.

STATEMENT OF FACTS

Amounts included in account 100:4, "Telephone plant acquisition adjustment," subdivided as provided in the text of the account, may include the following:

(a) Debit amounts with respect to one or more transactions which in the opinion of the carrier should be charged to account 370, "Extraordinary income charges."

(b) Credit amounts with respect to transactions other than those reflected in the debit amounts mentioned in the preceding subparagraph, or of a different character, which have not been submitted to the Commission for its consideration.

Question: May all or any of such credit amounts be netted with all or any of such debit amounts and the resulting debit amount charged to account 370 or amortized, without further direction or approval, as provided in § 31.100:4(c)(1)?

Answer: No. Only amounts referred to in subparagraph (a), aforementioned, may be treated as provided in § 31.100:4(c)(1). Amounts of the character referred to in subparagraph (b) of the "statement of facts" shall be submitted to the Commission as required by § 31.100:4(c)(2).

c. Case 11 of Appendix A is redesignated as Case 11–R–1 and question and answer (a) and question and answer (b) are amended to read as follows:

Case 11–R–1 (Cancels Case 11)

JANUARY 1, 1970.

* * * * *

Question (a): May the cost to the merging company (A), at the time of the merger, of the total net assets taken over be determined by adding to the amount which the A Company paid for the B and C Companies' common stocks the amounts of the now outstanding investment advances made by it to these subsidiaries, and deducting from this total the decrease in retained earnings suffered by Companies B and C since 1933?

Answer (a): Yes, for B Company, C Company's retained earnings should be adjusted to reflect its retained earnings at date of acquisition of C Company by B Company.

Question (b): Should the decrease in retained earnings of the two subsidiary companies since the respective dates of acquisition be charged directly against the retained earnings account of the A Company?

Answer (b): Yes.

* * * * *

d. Case 13 of Appendix A is deleted.

e. Case 21 of Appendix A is redesignated as Case 21–R–1 and the answer is amended to read as follows:

Case 21–R–1 (Cancels Case 21)

JANUARY 1, 1970.

* * * * *

Answer: Account 152, "Premium on capital stock," account 134:1, "Discount on capital stock," and the respective capital stock accounts are intended to include the amounts received from purchasers of capital stock, but not expenses of issuing and selling the stock. For each class and series of capital stock there should be recorded separately in the prescribed accounts the par or stated value of the stock, discount or premium, and the expenses incurred in connection with the issuance and sale of the stock.

[F.R. Doc. 69–7554; Filed, June 25, 1969; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Order Listing Fructose, Gluconic Acid, and Gluconate Salts of Calcium, Magnesium, Potassium, or Sodium as Optional Ingredients

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) to permit the use of fructose, gluconic acid, and gluconate salts of calcium, magnesium, potassium, or sodium as optional ingredients:

No comments were received in response to a notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of March 20, 1969 (34 F.R. 5436), and set forth a proposal by Dawe's Laboratories, Inc., 4800 South Richmond Street, Chicago, Ill. 60632.

On the basis of the information submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 31.1(b) (1), (4), and (5) be revised to read as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(1) Nutritive sweeteners consisting of the dry or liquid form of sugar, invert sugar, dextrose, fructose, corn sirup, glucose sirup sorbitol, or any combination of two or more of these.

* * * * *

(4) One or more of the acidifying agents acetic acid, adipic acid, citric acid, fumaric acid, gluconic acid, lactic acid, malic acid, phosphoric acid, or tartaric acid.

(5) One or more of the buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, gluconate, lactate, orthophosphate, or sulfate salts of calcium, magnesium, potassium, or sodium.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7523; Filed, June 25, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-16; Amdts. 172-3, 173-8]

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171-179 OF THIS CHAPTER

PART 173—SHIPPERS

Shipment of Benzene Phosphorus Dichloride and Benzene Phosphorus Thiodichloride

The purpose of these amendments to the Hazardous Materials Regulations is to prescribe specific packaging for shipping benzene phosphorous dichloride and benzene phosphorus thiodichloride.

On March 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-16; Notice No. 69-4 (34 F.R. 5112) to authorize the shipment of certain corrosive liquids in tank motor vehicles and tank cars where the regulations do not currently authorize the use of such transport vehicles. Additionally, shipments in smaller packages were also provided for. Specific commodity descriptions were proposed for addition to § 172.5 and a new § 173.250a was proposed for the packaging requirements. Interested persons were afforded an opportunity to participate in this rule making.

Two respondents submitted written comments on the notice. One suggested a reevaluation of the adequacy of the numerous types of packagings provided in § 173.245 on the premise that some of the packages may not be suitable for these commodities in air transportation. The additions to § 172.5 do not constitute initial authorization for movement by air since heretofore, these materials could be shipped as "Corrosive liquid, n.o.s.". As such, shipments were authorized for air transportation as provided for in 14 CFR §§ 103.7 and 103.9. The other commenter recommended that cargo tanks be lined as specified in § 178.343. To clarify the corrosion protection required for cargo tanks, reference to the provision for such protection in specification MC 312 has been included. Additionally, paragraph (a)(1) of § 173.250a has been modified by the Board to assure the use of packagings compatible with their contents.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are amended effective September 3, 1969 as follows. However, compliance with the regulations as amended herein is authorized immediately.

I. Part 172 is amended as follows:

(A) In § 172.5 paragraph (a) Commodity List is amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
* * *	* * *	* * *	* * *	* * *
Add				
Benzene phosphorus dichloride	Cor. L	173.244 173.250a	White	5 pints.
Benzene phosphorus thiodichloride	Cor. L	173.244 173.250a	White	5 pints.
* * *	* * *	* * *	* * *	* * *

II. Part 173 is amended as follows:

(A) In Part 173 the Table of Contents is amended by adding § 173.250a to read as follows:

Sec.
173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(B) Section 173.250a is added to read as follows:

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) Benzene phosphorus dichloride and benzene phosphorus thiodichloride must be packaged as follows:

(1) In packagings prescribed in § 173.245 which are made of or lined with materials compatible with the lading.

(2) Spec. MC 310, MC 311, or MC 312 (§ 178.343) cargo tanks. Corrosion protection must be provided in accordance with spec. MC 312.

(3) Spec. 103AW (§§ 179.200 and 179.201) tank cars. Tanks must be lined.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on June 19, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

[F.R. Doc. 69-7529; Filed, June 25, 1969; 8:48 a.m.]

[Docket No. HM-19; Amendment No. 173-10]

PART 173—SHIPPERS

Methyl Chloride in Specification 110A500W Tank Car Tanks

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize rail and highway shipments of methyl chloride in Specification 110A500W tanks.

On April 9, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-19; Notice No. 69-7 (34 F.R. 6290) which proposed to amend the Hazardous Materials Regulations to permit the use of Specification 110A500W multiunit tank car tanks for shipments of methyl chloride.

Interested persons were afforded an opportunity to participate in this rule making. No comments were received on the substance of the proposal.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.314(c) the table is amended as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
* * *	*Percent*	* * *
Change		
Methyl chloride	84	DOT-106A500X, 110A500W, Note 7.
	86	DOT-105A300W, Note 4.
* * *	* * *	* * *

* * * * *

This amendment is effective September 3, 1969. However, compliance with the regulations as amended herein is authorized immediately.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on June 20, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

[F.R. Doc. 69-7527; Filed, June 25, 1969; 8:47 a.m.]

[Docket No. HM-15; Amdt. 173-7]

PART 173—SHIPPERS

Aerosol Flash Point Restriction

The purpose of this amendment to the Hazardous Materials Regulations (49 CFR 170-189) is to delete § 173.306(a)(3)(iv) and thereby remove the flash point restriction applicable to aerosol products packaged in compliance with the "exempt shipment" provisions otherwise specified.

On March 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-15; Notice No. 69-3 (34 F.R. 5112) to eliminate § 173.306(a)(3)(iv). The deletion of the subparagraph would have the effect of allowing the "exempt shipment" of aerosol products which are flammable by § 173.300(b) criteria without regard to flash point. However, all the other restrictions specified such as use of metal containers only, 50 cubic inches capacity limitation, pressure limitation of contents in relation to container strength, adequate head space, and a heat test of 130° F. of each complete container filled for shipment, would be retained. Interested persons were afforded an opportunity to participate in this rule making.

A number of comments were received in response to this notice. The large majority of comments concurred with the proposal. One commenter objected to removal of the 20° F. limitation for aerosol products shipped by air or water in the belief that, should leakage occur in a confined cargo space, a flash fire could result from a spark or other source of heat. Another commenter expressed the opinion that the flashpoint limitation should be retained, asserting that materials used to pressurize these containers could explode and splash burning materials over a wide range, thus propagating fire over a wider range. It is true that there is some possibility that these incidents could occur but the same is true for materials having flashpoints higher than 20° F. when they are expelled under pressure.

No adverse experience has been reported to the Department concerning the transportation of several million cans shipped under special permits issued by the Department wherein the flashpoint restriction had been removed. Further, the integrity of each can will be adequately preserved by compliance with the requirements retained in § 173.306(a)(3). In view of the previous experience under special permits and of the requirements retained, and considering the conditions normally incident to transportation, deletion of § 173.306(a)(3)(iv) is considered reasonable and justified.

In consideration of the foregoing, 49 CFR Part 173 is amended, effective September 3, 1969, by canceling § 173.306(a)(3)(iv). However, compliance with the regulations as amended herein is authorized immediately.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on June 19, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[F.R. Doc. 69-7528; Filed, June 25, 1969; 8:47 a.m.]

[Docket No. HM-17; Amdt. 173-8]

PART 173—SHIPPERS

Shipment of Residual Motor Fuel Antiknock Compound

The purpose of this amendment to the Hazardous Materials Regulations is to authorize the shipment of residual motor fuel antiknock compound in steel storage tanks conforming to ASME specifications.

On March 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-17; notice No. 69-5 (34 F.R. 5113) which proposed to amend the Hazardous Materials Regulations to permit the shipment of non-DOT specification storage tanks built to ASME specifications containing only solid or semisolid residual motor fuel antiknock compound. Interested persons were afforded an opportunity to participate in this rule making.

Two comments were received and each suggested some modification of § 173.354 (c) as proposed. One respondent suggested that the provision would be more explicit if the subject tanks were required to be designed, constructed, inspected and stamped to ASME specifications. The other respondent suggested paragraph (c) be modified to eliminate the requirement that the tanks be "built to ASME specifications" on the premise that there are certain vessels adequate for this service that do not come under the jurisdiction of the ASME Code. It was further suggested that the word "only" should be deleted from paragraph (c) so as not to preclude residual material containing iron rust and other contaminants in minute quantities.

In view of the comments made and in the belief that the type of tanks authorized should be the type of steel tanks previously permitted under special permit conditions, the Board has determined that only steel tanks conforming to ASME specifications, and so marked, be authorized at this time. Furthermore, the Board concurs in the suggestion that paragraph (c) be reworded to recognize that the residual poisonous material may

contain minute quantities of foreign contaminants.

In consideration of the foregoing, 49 CFR Part 173 is amended, effective September 3, 1969, by adding paragraph (c) in § 173.354 to read as set forth below. However, compliance with the regulations as amended herein is authorized immediately.

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

* * * * *

(c) Steel tanks conforming to ASME specifications (including marking) which contain solid or semisolid residual motor fuel antiknock compound (including rust, scale, or other contaminants) may be shipped by rail freight or highway. All openings must be closed with gasketed blank flanges or vapor tight threaded closures. Each tank must be secured and braced to prevent movement under conditions normally incident to transportation.

This amendment is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on June 19, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69-7530; Filed, June 25, 1969; 8:48 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1025; Amdt. 1]

PART 1033—CAR SERVICE

Regulations for Return of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of June 1969.

Upon further consideration of Service Order No. 1025 (34 F.R. 7451), and good cause appearing therefor:

It is ordered, That:

Section 1033.1025 *Service Order No. 1025.* (Regulations for return of covered hopper cars) be, and it is hereby amended by substituting the following paragarph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7547; Filed, June 25, 1969; 8:49 a.m.]

[Ex Parte No. MC-37 (Sub-No. 13)]

PART 1048—COMMERCIAL ZONES

COMMERCIAL ZONES AND TERMINAL AREAS

Rio Grande Border Municipalities

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of May 1969.

It appearing, that the Commission, on January 29, 1968, issued a notice of proposed rulemaking in this proceeding, under authority of sections 4 and 12 of the Administrative Procedure Act (5 U.S.C. 553 and 559) and sections 204(a)(1), 204(a)(6), 206, 207, 209, and 212(a) of the Interstate Commerce Act (49 U.S.C. 304(a)(1), 304(a)(6), 306, 307, 309, and 312(a)), for the purpose of inquiring into the applicability of the Commission's regulations pertaining to commercial zones and terminal areas (49 CFR Part 1048) to municipalities situated along the Rio Grande River between the United States and Mexico, and the desirability of modifying such regulations, as more fully set forth in the appended report;

It further appearing, that the said notice of proposed rulemaking invited the representations of all interested parties setting forth their views with respect to the proposed inquiry; and that notice to all interested parties was given through publication of said notice in the FEDERAL REGISTER of February 16, 1968 (33 F.R. 3082);

And it further appearing, that various parties submitted their views and suggestions as to the proposed inquiry and desirability of modification of existing regulations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That § 1048.101 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by deleting therefrom the words "within the United States" appearing in paragraphs (b) and (c), and the words "United States" appearing in paragraph (d) thereof.

(40 Stat. 43, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on July 12, 1969, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7548; Filed, June 25, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Petition Seeking an Exemption for Use of Peyote for Religious Purposes

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), notice is hereby given that on May 15, 1969, the Director of the Bureau of Narcotics and Dangerous Drugs received a petition from the Church of the Awakening, a New Mexico corporation, and John W. Aiken, Socorro, N. Mex., President of the Church, and 13 members of the Church, as copetitioners, to amend § 320.3(c)(3) of Title 21 of the Code of Federal Regulations to include said Church in the exemption for the nondrug use of peyote in bona fide religious ceremonies.

All interested persons are invited to submit their views in writing regarding this proposal. Views and comments should be submitted, in quintuplicate, to the Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537, within 30 days following the date of publication of this notice in the FEDERAL REGISTER and may be accompanied by a memorandum or brief in support thereof.

Dated: June 18, 1969.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-7506; Filed, June 25, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Limitation of Shipments Regulation

Consideration is being given to the issuance of the limitation of shipments regulation hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of potatoes from the production area are expected to begin on or about July 7, 1969. The proposed regulation provided herein is necessary to prevent immature potatoes and potatoes of lower grades and undesirable sizes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area and (3) maximize returns to the producers pursuant to the declared policy of the Act.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.328 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements.*—(1) *Grade. All varieties.* U.S. No. 2, or better grade.

(2) *Size.*—(i) *Round red varieties.* 1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	*Weight range*
Larger than 50 count	15 ounces or larger.
50 count	12–19 ounces.
60 count	10–16 ounces.
70 count	9–15 ounces.
80 count	8–13 ounces.
90 count	7–12 ounces.
100 count	6–10 ounces.
110 count	5–9 ounces.
120 count	4–8 ounces.
130 count	4–8 ounces.
140 count	4–8 ounces.
Smaller than 140 count	4–8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) 5 percent for undersize; and,

(*b*) 10 percent for oversize.

(3) *Cleanliness.*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties*—"Generally fairly clean."

(b) *Minimum maturity requirements.*—(1) *White Rose variety.* During the period July 7, 1969, through December 31, 1969, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements. "Moderately skinned" means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in

paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation; and
(vii) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning of freezing, dehydration, experimentation, seed pieces cut from stock eligible for certification, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7562; Filed, June 25, 1969; 8:50 a.m.]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO, AREA 3

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Area Committee for Area No. 3, Colorado, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1969 crop in Area No. 3 and of the marketing prospects for this season. Harvesting is expected to begin on or about July 7 so the regulation should become effective on that date.

The grade, size, quality and pack requirements provided herein are necessary to prevent immature potatoes, or those that are of undesirable sizes, or below grade, or in deceptive packs from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation follows:

§ 948.360 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) through (h) of this section.

(a) *Grade and size requirements.*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements.—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments.*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; or
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; or
(ii) Prepeeling.

(4) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall,

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto or such other document as the committee may specify.

(g) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

(i) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1969, through June 4, 1970, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7563; Filed, June 25, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Exploration and Development Expenditures

On the basis of comments received and further analysis of past and projected exploration and development expenditures in the extractive industries, the Office of Foreign Direct Investments hereby withdraws proposed Subpart L—"Exploration and Development Expenditures"—which proposal was published in the FEDERAL REGISTER on May 9, 1969 (34 F.R. 7536–7544).

This withdrawal is effective upon the filing of this notice with the FEDERAL REGISTER.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

JUNE 24, 1969.

[F.R. Doc. 69–7594; Filed, June 25, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

CERTAIN FRUIT JUICE BEVERAGES

Enforcement Regulations for Fair Packaging and Labeling Act

Notice is given that the National Juice Products Association, 512 Florida Avenue, Tampa, Fla. 33601, and the Florida Canners Association, Post Office Box 780, Winter Haven, Fla. 33880, have jointly submitted a petition requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to exempt single strength and less than single strength fruit juice beverages from certain requirements of § 1.8b as proposed below.

Grounds given in support of the requested exemption are:

1. Single strength and less than single strength beverages are packaged in paper, plastic, and glass containers, customarily in 8-, 16-, 32-, and 64-fluid-ounce and 1-gallon sizes—containers of sizes readily recognizable by consumers. Dual declaration (not applicable on 64-fl. oz.) and lower 30 percent placement of the quantity of contents declaration is therefore unnecessary.

2. By permitting continuation of the practice of splitting labeling between the lid and the container itself, the same lid may be used for more than one size container, thus reducing costs and eliminating the possibility of production mixups.

3. Many single strength fruit juice beverages, particularly pasteurized orange juice and orange juice from concentrate, and some less than single strength fruit juice beverages are displayed and marketed in retail stores side by side with fluid milk and milk products. Orange juice and milk are customarily sold, frequently in identical containers, by neighborhood milk drivers. Such products should be treated alike under the Fair Packaging and Labeling Act.

4. Granting the requested exemption would have the fringe benefit of discouraging proliferation of package sizes.

The petitioners also request that the subject products be exempt from the requirement that the quantity of contents declaration be in a type size based upon the area of the principal display panel of the package; however, this request is not included in this proposal since reasonable grounds therefor were not given.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

* * * * * *

(a) *Foods.* * * *

( )(i) Single strength and less than single strength fruit juice beverages when packaged in containers of ½-pint, 1-pint, 1-quart, ½-gallon, and 1-gallon capacities are exempt from the placement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(ii) Single strength and less than single strength fruit juice beverages when packaged in containers of 1-pint, 1-quart, and ½-gallon capacities are exempt from the dual net-contents declaration requirement of § 1.8b(j).

(iii) Single strength and less than single strength fruit juice beverages, when packaged in containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of § 1.8(b)(2) to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as ½ pint (or half pint) and ½ gallon (or half gallon), respectively.

* * * * * *

Any interested person may, within 30 days from the date of publication of this

notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7500; Filed, June 25, 1969; 8:45 a.m.]

[21 CFR Part 1]

QUANTITY OF CONTENTS DECLARATIONS ON MULTIUNIT CONTAINERS

Enforcement Regulations for Fair Packaging and Labeling Act

Notice is given that the National Conference on Weights and Measures, Washington, D.C. 20234, has submitted a petition proposing that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to require a declaration of quantity of contents on multiunit containers in terms of the number of individual units, the quantity of each individual unit, and the total quantity of the contents of the multiunit package.

Grounds given in support of the proposal are that:

1. The present Federal practice of permitting the labeling of multiunit packages in terms of the number of units and the quantity of each unit may present an unfair competitive advantage to those manufacturers putting up multiunit packages. Such multiunit packages compete directly with packages on which the total quantity is required to be declared.

2. The labeling of multiunit packages in accordance with existing Food and Drug Administration regulations forces a consumer to make additional calculations to determine the best value among competing products; therefore, it impedes rather than enhances a consumer's ability to make such value comparisons.

3. The current practice in the marketplace is nonuniform. Some multiunit packages are labeled in terms of the individual number of units—the quantity of each unit plus the total quantity of the package. Other multiunit packages are labeled simply with the number of individual units and the quantity of each unit.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 1.8b be amended by adding thereto a new paragraph, as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

* * * * *

( ) On a multiunit package (that is, a package containing more than one individually packaged unit of the same commodity), the quantity of contents declaration shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and the total quantity of the contents of the multiunit package, provided that any such required declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7524; Filed, June 25, 1969; 8:47 a.m.]

[21 CFR Part 19]

CHEESE AND CHEESE PRODUCTS

Low Sodium Cheddar Cheese and Low Sodium Colby Cheese; Identity Standards

Notice is given that a petition has been filed by the Chicago Dietetic Supply, Inc., 405 East Shawmut Avenue, La Grange, Ill. 60525, proposing the establishment of standards of identity for low sodium cheddar cheese and low sodium colby cheese. The petitioner proposes that in place of salt certain salt substitutes shall be used. A moisture level not to exceed 41 percent by weight of the foods is also proposed, rather than the maximum moisture levels specified by the cheddar and colby cheese standards (21 CFR 19.500 and 19.510) of 39 and 40 percent respectively.

Grounds given in support of the proposed standards are (1) that low sodium cheddar and colby cheeses would be useful in the diet of those who for medical reasons must restrict their intake of sodium and (2) that with the omission of salt it is necessary to increase the moisture content of the cheese slightly in order to maintain the same consistency and texture.

1. Accordingly, it is proposed by the petitioner that two new sections be added to Part 19 as follows:

§ 19.___ Low sodium cheddar cheese; identity; label statement of optional ingredients.

Low sodium cheddar cheese is the food prepared from the same ingredients and in the same manner prescribed in § 19.500 for cheddar cheese and complies with all the provisions of § 19.500, including the requirements for label statement of optional ingredients, except that:

(a) Salt as prescribed by § 19.500(b) is not used, but is replaced by one of the following salt substitutes:

(1) Potassium chloride.
(2) Monoammonium glutamate.
(3) Glutamic acid.
(4) A combination of potassium chloride, glutamic acid, ammonium chloride, potassium glutamate, and tricalcium phosphate, provided that potassium chloride shall constitute approximately 75 percent of the combination.
(5) A combination of potassium chloride, choline chloride, ammonium chloride, and tricalcium phosphate.

(b) It contains not more than 41 percent of moisture.

(c) It contains not more than 96 milligrams of sodium per pound of finished food.

(d) The name of the food is "low sodium cheddar cheese." The letters in the words "low sodium" shall be of the same size and style of type as the letters in the words "cheddar cheese," wherever such words appear on the label.

(e) The label shall bear the statement "_____ added as a salt substitute," the blank being filled in with the common name or names of the ingredient or ingredients used as a salt substitute.

(f) Low sodium cheddar cheese is subject to the regulations for foods for special dietary uses promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act.

§ 19.___ Low sodium colby cheese; identity; label statement of optional ingredients.

Low sodium colby cheese is the food prepared from the same ingredients and in the same manner prescribed in § 19.510 for colby cheese and complies with all the provisions of § 19.510, including the requirements for label statement of optional ingredients, except that:

(a) Salt as prescribed by § 19.510(b) is not used, but is replaced by one of the following salt substitutes:

(1) Potassium chloride.
(2) Monoammonium glutamate.
(3) Glutamic acid.
(4) A combination of potassium chloride, glutamic acid, ammonium chloride, potassium glutamate, and tricalcium phosphate, provided that potassium chloride shall constitute approximately 75 percent of the combination.
(5) A combination of potassium chloride, choline chloride, ammonium chloride, and tricalcium phosphate.

(b) It contains not more than 41 percent of moisture.

(c) It contains not more than 96 milligrams of sodium per pound of finished food.

(d) The name of the food is "low sodium colby cheese." The letters in the words "low sodium" shall be of the same size and style of type as the letters in the words "colby cheese," wherever such words appear on the label.

(e) The label shall bear the statement "_____ added as a salt substitute," the blank being filled in with the common name or names of the ingredient or ingredients used as a salt substitute.

(f) Low sodium colby cheese is subject to the regulations for foods for special dietary uses promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 121.291 be amended by revising the introductory text of paragraph (a) to read as follows:

§ 121.291 Buquinolate.

* * * * *

(a) It is used or intended for use in feeds that do not contain bentonite, as follows:

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7501; Filed, June 25, 1969; 8:45 a.m.]

2. The Commissioner of Food and Drugs proposes on his own initiative that the moisture content of low sodium cheddar cheese shall not be more than 39 percent and the moisture content of low sodium colby cheese shall not be more than 40 percent, inasmuch as in his opinion the proposed increase in moisture is not necessary. The Commissioner also proposes that addition of salt substitutes be made optional rather than mandatory, and that any safe and suitable ingredient or combination of ingredients that contains no sodium, but simulates the flavor of salt, may be used. In addition, the Commissioner proposes that sodium sorbate, one of the optional mold-inhibiting ingredients specified by §§ 19.500(d) and 19.510(d), may not be used in the low sodium cheeses.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1969.

J. K. KIRK,
Associate Commission for Compliance.

[F.R. Doc. 69-7525; Filed, June 25, 1969; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Bentonite in Buquinolate-Containing Feed

Based on available information, the Commissioner of Food and Drugs concludes that § 121.291 of the food additive regulations should be amended to provide that animal feeds containing buquinolate not contain bentonite. Information establishes that the presence of bentonite in feeds interferes with the methods of analysis and activity of buquinolate and thereby reduces the safety and effectiveness of buquinolate-containing feeds.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 121.291 be amended by revising the introductory text of paragraph (a) to read as follows:

§ 121.291 Buquinolate.

* * * * *

(a) It is used or intended for use in feeds that do not contain bentonite, as follows:

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7501; Filed, June 25, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 97]

[Docket No. 9668; Notice No. 69-28]

STANDARD INSTRUMENT APPROACH PROCEDURES

Proposed Incorporation by Reference

The Federal Aviation Administration is considering amending Part 97 of the Federal Aviation Regulations to provide for incorporation by reference of Standard Instrument Approach Procedures (SIAPs) in accordance with 5 U.S.C. 552(a)(1) and 1 CFR Part 20. Approval for the proposed incorporation by reference has been granted by the Director of the Federal Register.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 25, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At the present time, SIAPs are adopted as amendments to Part 97, and they are published in their entirety in the FEDERAL REGISTER on a weekly basis. Contemporaneously with publication in the FEDERAL REGISTER, the SIAPs are made available to the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts where they are published as approach procedure charts or "approach plates." These charts are made available to the members of the aviation community, and are used by pilots to ascertain instrument approach requirements.

The large volume of amendments to the SIAPs, their complex technical nature, and the need for a special publication format, makes their publication in the FEDERAL REGISTER expensive and cumbersome. For this reason, and because most airmen use the charts printed by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts, the FAA proposes to take advantage of the recently adopted provision for incorporation by reference in 5 U.S.C. 552(a)(1), set out in greater detail in 1 CFR Part 20, which makes the publication of the SIAPs in the FEDERAL REGISTER in their entirety unnecessary.

Under the proposed procedure, Subparts B and C of Part 97 would be amended to provide for incorporation by reference of SIAPs into Part 97 by incorporating by reference for each SIAP FAA Form 8260-3, 8260-4, or 8260-5 on which the SIAP is described. In addition, the FAA would continue to promulgate, revise, and cancel SIAPs by adopting amendments to Part 97. The amendments or, in cases where safety in air commerce does not require immediate action, notices of proposed rule making revising Part 97 would continue to be published in the FEDERAL REGISTER on a weekly basis. The amendments or notices of proposed revisions would identify the SIAPs and incorporate them by reference by incorporating by reference FAA Forms 8260-3, 8260-4, or 8260-5.

All incorporated SIAPs would be available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., 20590. The National Flight Data Center would also maintain a historical file of all SIAPs. Copies of SIAPs adopted in a particular FAA Region would also be available for examination at the headquarters of that Region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office would be available for examination at that Office. Finally, the incorporated SIAPs would continue to be portrayed on instrument approach procedure charts that can be obtained from the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts.

In consideration of the foregoing, it is proposed to amend Subparts B and C of Part 97 of the Federal Aviation Regulations as follows:

1. By adding a new § 97.10 to Subpart B to read as follows:

§ 97.10 General.

Standard instrument approach procedures adopted by the FAA and described on FAA Forms 8260–3, 8260–4, or 8360–5 are incorporated into this part and made a part hereof as provided in 5 U.S.C. 552(a) (1) and pursuant to 1 CFR Part 20. The incorporated standard instrument approach procedures are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that Region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that Office. Based on the information contained on FAA Forms 8260–3, 8260–4, and 8260–5, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts.

* * * * *

2. By amending § 97.20 to read as follows:

§ 97.20 General.

This subpart prescribes standard instrument approach procedures based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). The standard instrument approach procedures adopted by the FAA and described on FAA Forms 8260–3, 8260–4, or 8260–5 are incorporated into this Part and made a part hereof as provided in 5 U.S.C. 552(a) (1) and pursuant to 1 CFR Part 20. The incorporated standard instrument approach procedures are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that Region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that Office. Based on the information contained on FAA Forms 8260–3, 8260–4, and 8260–5, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts.

* * * * * *

(Secs. 307, 313, 601, 602, 603, 902, 1110, 1202, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1422, 1423, 1472, 1510, 1522; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–7522; Filed, June 25, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRATION

Degrees in Medicine

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182), I hereby propose to revise Group I of Schedule A of 29 CFR Part 60 as set forth below.

Any person interested in this proposal may file a written statement of date, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

SCHEDULE A

Group I: Persons who received an advance degree in a particular field of study from an institution of higher learning accredited in the country where the degree was obtained (comparable to a Ph. D. or master's degree given in American colleges or universities), other than graduates of medical schools outside of the United States and Canada.

Physicians and surgeons whose medical degree or qualification was conferred by a medical school outside the United States and Canada who (1) have passed the examination of the Educational Council on Foreign Medical Graduates, or (2) submit proof of eligibility for medical licensure or proof of eligibility to undergo the necessary training for medical licensure within the United States, or (3) have evidence of intent to engage in activities such as teaching, research, or laboratory work that will not involve any direct care of patients.

(79 Stat. 911; 8 U.S.C. 1182)

Signed at Washington, D.C., this 23d day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–7538; Filed, June 25, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 22,968]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Adjustment of Book Value of Over-Valued Assets; Withdrawal

JUNE 19, 1969.

Whereas, by Resolution No. 22,752, dated April 24, 1969, and duly published in the FEDERAL REGISTER on April 30, 1969 (34 F.R. 7089), this Board resolved to propose that § 563.17–2(d) of the Rules and Regulations for Insurance of Accounts (12 CFR 563.17–2(d)) be amended by an amendment the substance of which is set out in said publication; and

Whereas, careful consideration has been given to such proposed amendments;

It is hereby resolved, that this Board determines not to adopt the amendment proposed by said Resolution No. 22,752.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–7534; Filed, June 25, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1249]

[No. 35129]

CLASS I AND CLASS II MOTOR CARRIERS OF PROPERTY

Proposed Annual Reports

JUNE 5, 1969.

Notice is hereby given pursuant to section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553, that the Interstate Commerce Commission has under consideration revision of annual reports of Class I and Class II Motor Carriers of Property (49 U.S.C. 1249.1, 1249.2) so as to require the reporting of additional data relating to transactions between the carriers and their affiliates, effective with reports for the year ending December 31, 1969.

The Commission proposes to replace Schedule 9009, Contracts and Agreements—Affiliated Companies, and related instructions and requirements, motor carrier annual report Form A; and Schedule 909, Contracts and Agreements—Affiliated Companies, and related instructions and requirements, motor carrier annual report Form B, with revised schedules, instructions and requirements, as follows: Schedule 9009–A, Contracts and Agreements—Affiliated Companies and Schedule 9009–B, Contracts and Agreements—Affiliated Companies, motor carrier annual report Form A; and Schedule 909–A, Contracts and Agreements—Affiliated Companies and Schedule 909–B, Contracts and Agreements—Affiliated Companies, motor carrier annual report Form B. Copies of proposed Schedules 9009–A and 9009–B, and instructions are attached to and made a part of this notice. Schedules 909–A and 909–B, and instructions are identical, except for the schedule identification numbers.

The proposed schedules call for disclosure of information essential to proceedings involving motor carrier rates, charges and similar matters. The reporting is divided into two parts, designated as Schedule 9009–A and Schedule 9009–B, in the interest of more orderly and meaningful presentation of the information. In Schedule A the carrier is asked to list the name of each affiliate to which it paid or from which it received consideration during the year of $5,000 or more plus other information including salaries, dividends, etc., received from

affiliates by carrier officials, stockholders, and their near relatives. The instructions also call for inclusion of a copy of each affiliate's balance sheet and income statement with which respondent carrier had transactions aggregating $5,000 or more during the year. Schedule B calls for details on each contract or arrangement with the individual affiliates. Among other new facts, Schedule B requests advice as to the accounting performed by the carrier for the consideration paid to or received from its affiliates. Attention is referred to the fact that the consideration of $2,500, applied as a standard since 1949 in determining the affiliates to be reported, has been lifted to $5,000 in the proposed schedules.

Any party desiring to make representations in favor of or against the proposed change may do so through submission of written data, views, or comments for consideration. The original and five copies of such representations must be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 30, 1969.

Notice shall be given motor carriers hereby affected subject to the provisions of Part II of the Interstate Commerce Act, and the general public by depositing a copy of this Notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 204, 220, 49 Stat. 546, as amended, 563, as amended; 49 U.S.C. 304, 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7549; Filed, June 25, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 080298]

CALIFORNIA

Order Opening Public Lands

JUNE 18, 1969.

1. Public Land Order No. 1633 of May 8, 1958, revoked in part, Executive Order No. 4203 of April 14, 1925, which withdrew lands in California and Nevada in aid of classification for national forest status under the Act of February 20, 1925 (43 Stat. 952).

2. Pursuant to the authority vested in the Secretary of the Interior, and pursuant to authority redelegated to me by Bureau Order No. 701 of July 23, 1964, as amended, the following described land which was not included in the restoration made by Public Land Order No. 1633, is hereby restored to the operation of the public land laws, including location under the mining laws (30 U.S.C., Ch. 2) for nonmetalliferous minerals, subject to any valid rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations, as of 10 a.m. on July 31, 1969:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 13 E.,
Sec. 32, lot 4.

The area described contains 5.7 acres, more or less, in El Dorado County.

3. The land has been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. It will be open to location for nonmetalliferous minerals under the U.S. mining laws beginning at 10 a.m. on July 31, 1969.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, E-2807 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-7531; Filed, June 25, 1969; 8:48 a.m.]

[OR 5020 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

JUNE 20, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5020 (Wash.), for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Louella Work Center Administrative Site. The site was withdrawn by Secretary of the Interior order dated June 12, 1908. The applicant wishes to revoke the 1908 withdrawal simultaneously with effecting the proposed withdrawal.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

Louella Work Center Administrative Site

T. 29 N., R. 3 W.,
Sec. 20, SE¼NE¼.

The area described contains approximately 40 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-7532; Filed, June 25, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WYOMING

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Wyoming, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WYOMING

Campbell.	Weston.
Crook.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of June 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-7533; Filed, June 25, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED CALIFORNIA BANK

Notice of Approval of Applicant as Trustee

Notice is hereby given that United California Bank, a corporation organized and existing under the laws of the State of California, with offices at 600 South Spring Street, Los Angeles, Calif., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: June 23, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-7567; Filed, June 25, 1969; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1307]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 20, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1977 (Sub-No. 13), filed June 2, 1969. Applicant: GOLDSTEIN TRANSPORTATION AND STORAGE, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); between Denver, Colo., and the plantsite, warehouses, and other facilities of Eastman Kodak Co. at or near Windsor, Colo.: (1) From Denver, Colo., over Interstate Highway 25 to junction U.S. Highway 34, thence east over U.S. Highway 34 to junction Colorado Highway 257, thence over Colorado Highway 257 and unnumbered roads to plantsite, warehouses and other facilities of Eastman Kodak Co., and return over the same route, serving no intermediate points, (2) from Denver, Colo., over U.S. Highway 85 to its junction with U.S. Highway 34, thence west on U.S. Highway 34 to its junction with Colorado Highway 257, thence over Colorado Highway 257 and unnumbered roads to the plantsite, warehouses and other facilities of Eastman Kodak Co., and return over the same route, serving no intermediate points, (3) from Denver, Colo., over Interstate Highway 25 to its junction with Colorado Highway 392, thence east on Colorado Highway 392 to Windsor and to intersection with Colorado Highway 257, thence over Colorado Highway 257 and unnumbered roads to the plantsite, warehouses, and other facilities of Eastman Kodak Co., and return over the same route, serving no intermediate points, and (4) from Denver, Colo., over U.S. Highway 85 to its junction with Colorado Highway 392, thence west on Colorado Highway 392 to Windsor, thence over Colorado Highway 257 and unnumbered roads to the plantsite, warehouses, and other facilities of Eastman Kodak Co., and return over the same route, serving no intermediate points. NOTE: Common control may be involved. Applicant states it holds a certificate of registration which would authorize the services here proposed, but only on irregular routes and not on schedule, and also the certificate of registration contains restrictions which parallel the Colorado intrastate certificate. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 2202 (Sub-No. 370) (Clarification), filed May 8, 1969, published in the FEDERAL REGISTER issue of May 29, 1969, and republished as clarified, this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: Douglas Faris, Post Office Box 471, Akron, Ohio 44309, and William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Amity Hall, Pa., and Buffalo, N.Y., from Amity Hall over U.S. Highway 15 to Wayland, N.Y., thence over New York Highway 63 to junction U.S. Highway 20 near Bethany, N.Y., thence over U.S. Highway 20 to Buffalo, and return over the same route as an alternate route in connection with applicant's regular route authority, serving no intermediate points and serving Amity Hall for joinder purposes only, and (2) between Amity Hall, Pa., and Rochester, N.Y., over U.S. Highway 15 (also over New York Highway 15A), as an alternate route in connection with applicant's authorized regular-route operations, serving no intermediate points and serving Amity Hall for joinder purposes only. NOTE: The purpose of this republication is to reflect also over New York Highway 15A in lieu of U.S. Highway 15A in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 473), filed May 23, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, and trailer chassis, other than those designed to be drawn by passenger automobiles* in initial truckway and driveaway service, from Atlanta, Ga., to points in the United States, excluding Hawaii and (2) *tractors*, in secondary movements in driveaway service only when drawing trailers, semitrailers, and trailer chassis in initial movements, from Atlanta, Ga., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 6031 (Sub-No. 42), filed June 3, 1969. Applicant: BARRY TRANSFER & STORAGE COMPANY, a corporation, 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial, plumbing and heating materials, and supplies*, from Appelton, Wis., to points in the Upper Peninsula of Michigan; and (2) *scrap metals* from Munising, Mich., to Appelton, Wis.; under contract with I. Bahcall, Inc., Appelton, Wis. NOTE: Applicant holds common carrier authority under MC 123765 and subs, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 10761 (Sub-No. 240), filed June 5, 1969. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 25798 (Sub-No. 191), filed June 5, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1187, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (a) from points in Illinois to points in Georgia, Kentucky, Tennessee, Virginia, and West Virginia, (b) from Port Wentworth, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Minnestoa, Missouri, Ohio, West Virginia, and Wisconson, (c) from Port Wentworth, Ga., to points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, and the District of Columbia, and (d) from Charleston, S.C., to points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, and the District of Columbia, (2) *frozen citrus products*, from points in Florida, to points in Georgia and South Carolina and (3) *canned goods*, from Hopeton, Va., to points in Delaware and points in Worcester, Wicomico, Somerset, Dorchester, Carolina, Talbot, and Queen Annes Counties, Md., to points in Georgia, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the purpose of the instant application is to remove a gateway point in North Carolina in (1) and (2) above and remove a gateway point in Virginia in (3) above. Applicant also states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 30237 (Sub-No. 17), filed June 10, 1969. Applicant: YEATTS TRANSFER COMPANY, a corporation, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage, children's toys, and plastic charts, and graph boards with accessories*, from Altavista, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30938 (Sub-No. 11), filed June 5, 1969. Applicant: EASTERN TRANSPORTATION CO., a corporation, 87 Central Street, Mansfield, Mass. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Mansfield, Mass., on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island and Connecticut. NOTE: Applicant states that tacking could take place in the Boston Mass., area. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 31389 (Sub-No. 109) (Amendment), filed May 8, 1969, published in FEDERAL REGISTER issue of June 12, 1969, amended June 10, 1969, and republished as amended this issue. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment) serving Daviess, Henderson, Hopkins, McLean, Muhlenburg, Ohio, Union, and Webster Counties, Ky., as off-route territory, in connection with applicant's existing regular-route operations in Kentucky. NOTE: The purpose of this republication is to include Union, Daviess, Henderson, Hopkins, McLean, and Webster Counties, as additional off-route points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 298), filed June 4, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Cohoctah, Mich., as off-route point, in connection with regular route operations authorized by certificate MC 35628 Sub 2. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 36832 (Sub-No. 25), filed May 28, 1969. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago, Ill. 60601. Applicant's representative: Herman Wendorf (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment), between points in Illinois, Indiana, Lower Peninsula of Michigan, Ohio, Louisville, Ky., and Pittsburgh, Pa., on the one hand, and, on the other, the plantsite of Wiltco Manufacturing, Inc., at or near Yankton, S. Dak. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41635 (Sub-No. 47), filed June 5, 1969. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 1368 Riverside Boulevard, Memphis, Tenn. 38102. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, in secondary movements, in driveaway and truckaway service, from points in Louisiana to points in Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 42487 (Sub-No. 721), filed June 2, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in California on the one hand, and, on the other, points in Oregon. NOTE: Applicant intends to tack the proposed authority at points in Oregon with existing authority held by applicant on the same commodities to perform through services between California points, on the one hand, and, on the other, points in Idaho and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 50069 (Sub-No. 424), filed June 4, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol* in bulk, in tank vehicles, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Common control and dual operations may be involved. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 425), filed June 4, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, (1) from Kentland, Ind., to points in Illinois, and (2) from Yoder, Ind., to points in Ohio and Michigan (Lower Peninsula). NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59583 (Sub-No. 124), filed June 6, 1969. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: Clifford E. Sanders, 311 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite of U.S. Plywood-Champion Papers, Inc., located approximately 3 miles north of Alternate U.S. Highway 72 near Courtland, Ala., as an off-route point in connection with applicant's presently authorized regular-route authority between Decatur, and Florence, Ala., over Alabama Highway 20 (Alternate U.S. Highway 72) and U.S. Highway 43. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 59609 (Sub-No. 8) (Amendment), filed October 9, 1968, published FEDERAL REGISTER issue of November 7, 1968, amended and republished this issue. Applicant: HARRY CROW & SON, INC., 1808 52d Street, Kenosha, Wis. 53140. Applicant's representative: Gordon Crow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro metal ores*, in bulk, in dump vehicles, (1) between points in Milwaukee and Waukesha Counties, Wis., on the one hand, and, on the other, points in Cook and Lake Counties, Ill.; and (2) between points in Milwaukee County, Wis., and points in Waukesha County, Wis. NOTE: The purpose of this republication is to broaden the scope of authority sought. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kenosha, Milwaukee, or Madison, Wis., or Chicago, Ill.

No. MC 64994 (Sub-No. 107), filed June 4, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Dushore, Pa., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 67200 (Sub-No. 34), filed June 2, 1969. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from North Dartmouth and New Bedford, Mass., to points in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; and *returned, refused, and rejected shipments* of merchandise of the same description and return. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 69512 (Sub-No. 6), filed May 28, 1969. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Phoenix and Tucson, Ariz., (a) from Phoenix over U.S. Highways 60 and 70 to junction of Arizona Highway 87, thence south on Arizona Highway 87 to junction Arizona Highways 84 and 93 to Tucson, and (b) from Phoenix over U.S. Highways 60 and 70 to junction Arizona Highway 87, thence south on Arizona Highway 87 to junction Arizona Highway 93, thence south on Arizona Highway 93 to junction Arizona Highway 84, thence southeast on Arizona Highways 84 and 93 to Tucson, and return over the same route, serving all intermediate points, and the off-route points in the Industrial area south of Davis Monthan Air Base, Tucson, Ariz., and north of the Tucson Benson Highway (Interstate Highway 10), and (2) between Phoenix and Tucson, Ariz., over Interstate Highway 10, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests that it commence at Phoenix, Ariz., then Los Angeles, Calif., and terminate at Tucson, Ariz.

No. MC 70176 (Sub-No. 3), filed May 22, 1969. Applicant: ERNEST L. SECCOMB AND ERNEST M. KINGSBURG, a partnership, doing business as KITTO'S TRUCKING & STORAGE, 700 East Front Street, Butte, Mont. 59701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Montana, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Butte, Mont.

No. MC 73165 (Sub-No. 266), filed June 2, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from the plantsite and warehouses of Johns-Manville Products Corp. at or near Natchez, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 85012 (Sub-No. 7), filed June 2, 1969. Applicant: CAPITOL TRANSFER & STORAGE COMPANY, a corporation, 1545 Hansford Street, Charleston, W. Va. 25311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in West Virginia, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 88141 (Sub-No. 6), filed June 4, 1969. Applicant: SPENCER TRANSFER, INC., 830 Bollingbrook Street, Petersburg, Va. 23831. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transit oil*, in bulk, in tank vehicles, between points in Virginia and points in Grant, Greenbrier, Mercer, McDowell, Monroe, Pocahontas, Raleigh, Summers, and Wyoming Counties, W. Va., and points in Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Edgecombe, Gates, Granville, Greene, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pimlico, Pasquotank, Perquimans, Pitt, Tyrrell, Vance, Warren, and Washington Counties, N.C., under a continuing contract with Virginia Electric & Power Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 94201 (Sub-No. 71), filed June 5, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment serving the plantsite of U.S. Plywood-Champion Papers, Inc., located approximately 2.5 miles north of Courtland, Ala., and approximately 18 miles northwest of Decatur, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 94265 (Sub-No. 218), filed June 4, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, and Rhode Island. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95084 (Sub-No. 74), filed June 4, 1969. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsites, shipping points, and warehouses of Continental Steel Corp., located in Howard County, Ind., to points in the continental United States on and east of U.S. Highway 85 and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from the above-named destinations to the plantsites, shipping points and warehouses of Continental Steel Corp., located in Howard County, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 95540 (Sub-No. 747), filed June 2, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Mississippi, restricted to traffic originating at the plantsite or storage facilities utilized by Great Northwestern Packing Co., at or near Hillsdale, Mich. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 95540 (Sub-No. 748), filed June 3, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, from the plantsite and storage facilities used by National Beef Packing Co. at/or near Liberal, Kans., to points in Alabama, Connecticut, Delaware, Florida, Georgia, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, North Carolina, Tennessee (except Memphis), Vermont, Virginia, West Virginia, the District of Columbia, Maryland, Massachusetts, and Maine, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 100666 (Sub-No. 141), filed June 2, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, roofing, and insulating materials, and gypsum and gypsum products* (except in bulk) from Fort Dodge, Iowa, to points in Arkansas, Kentucky, Oklahoma, and Tennessee. NOTE: Applicant states it would tack with its Sub 67 at Duke, Okla., for service to Texas and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 103993 (Sub-No. 415), filed June 6, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul P. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Barnwell County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 416), filed June 6, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduits and pipe drainage*, sewer and other underground work, and *connections and fittings* therefor, bituminized fiber and indurated, from Sherman, Tex., to points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Montana, Idaho, Washington, and Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103993 (Sub-No. 417), filed June 6, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections mounted on wheeled undercarriages, from points in Mecklenburg County, Va., to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 103993 (Sub-No. 418), filed June 9, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. Applicant's representatives: Paul D. Borghesani (same address as above) and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile, in initial movement, from points in Union County, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 103993 (Sub-No. 419), filed June 9, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani, also Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lincoln County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 103993 (Sub-No. 420), filed June 9, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above) and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck campers and camp coaches*, from points in Humphreys County, Miss., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 421), filed June 9, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Monroe County, Miss., to points in the United States except Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 104123 (Sub-No. 73), filed June 4, 1969. Applicant: JOHN SCHUTT, JR., INC., 4361 River Road, town of Tonawanda, N.Y. 14150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, Elberta, and Lockport, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 104951 (Sub-No. 18), filed June 2, 1969. Applicant: W. R. HALL TRANSPORTATION AND STORAGE COMPANY, a corporation, 2158 U.S. Highway 6–50, Grand Junction, Colo. 81501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Colorado; Rio Arriba, McKinley, Sandoval, and San Juan Counties, N. Mex.; Uintah, Carbon, Daggett, Grand, Emery, Wayne, Garfield, and San Juan Counties, Utah; and Carbon, Freemont, Lincoln, Natrona, Sublette, Sweetwater, and Uinta Counties, Wyo., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 105566 (Sub-No. 8), filed June 4, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and canned foodstuffs*, from Avoyelles and West Feliciana Parishes, La., to points in Arizona and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106760 (Sub-No. 108), filed June 11, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant) and Leonard E. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, flat; glass glazing units; glass doors*, with and without fittings, from Toledo, Ohio, to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Alaska, and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107012 (Sub-No. 96), filed June 9, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Pianos and organs, and piano and organ benches, and accessories*, crated and uncrated, from Corinth and Holly Springs, Miss., to points in the United States (except Alaska and Hawaii), and *returned shipments* of the same commodities from points in the United States (except Alaska and Hawaii) to Corinth and Holly Springs, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is sought or intended. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107295 (Sub-No. 200), filed May 23, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof deck*, from Oregon, Ohio, to points in the United States (except Alaska, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, Wisconsin and Hawaii). NOTE: Applicant states it intends to tack with its authority, where feasible. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107403 (Sub-No. 774), filed June 3, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene*, dry in bulk, from West Deptford Township, N.J., to points in Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 108053 (Sub-No. 86), filed May 29, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from Council Bluffs, Iowa, to points in Arizona, California, Oregon, Utah, and Washington. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108119 (Sub-No. 22), filed May 28, 1969. Applicant: E. L. MURPHY TRUCKING CO., 3033 Sibley Memorial Highway, St. Paul, Minn. 55101. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, and commodities not requiring the use of special handling or special equipment when moving incidental to or in connection with commodities requiring the use of special equipment or special handling, and (2) *ammunition and explosives*, (a) between military installations and Department of Defense establishments located at points in the United States (except Hawaii), and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108228 (Sub-No. 40), filed May 12, 1969. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566. Applicant's representative: Carl H. Fondren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and confectionery products, including advertising matter, display racks, and premiums* when moving at the same time, (1) from points in Marion and Washington County, Ill., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina and (2) from Sulphur Spring, Tex., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 109397 (Sub-No. 171), filed June 4, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I-44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, byproduct radioactive materials, component parts and containers thereof*, between the Kerr-McGee Cimarron Facilities at or near Crescent, Okla., on the one hand, and, on the other, Argonne National Laboratory near Lemont, Ill. NOTE: Applicant holds contract autority under MC 128814 Sub 4, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Salt Lake City, Utah, or Denver, Colo.

No. MC 110012 (Sub-No. 18), filed May 25, 1969. Applicant: G. B. C., INC., 707 North Liberty Hill Road, Post Office Box 68, Morristown, Tenn. 37814. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, upholstered or not upholstered, crated or uncrated, from Wichita, Kans., to Chicago, Ill., and Morristown, Tenn., (2) *lumber*, including plywood, but excluding dimension stock lumber, loose or bundled, from points in Mississippi, Florida, Georgia, New Jersey, Arkansas, Maryland, Virginia, Alabama, and South Carolina, to points in Hamblen County, Tenn., (3) *plastic cover*, in rolls, from Port Clinton, Ohio, Mishawaka, and Elkhart, Ind., and Newberg, N.Y., to Morristown, Tenn., (4) *molded plastic chair arms*, palletized or bundled, from Crawfordsville, Ind., to Morristown, Tenn., (5) *wood frame parts and chair frames*, loose, from Tupelo, Miss., to Morristown, Tenn., (6) *wood bands*, loose or in bundles, from Dearborn, Mich., to Morristown, Tenn., (7) *dimension stock lumber*, loose or in bundles, from Canton and West Point, Miss., Bedford, Pa., and Delphos, Ohio, to Morristown, Tenn., (8) *glue*, in containers from Columbus, Ohio, and Lansdale, Pa., to Morristown, Tenn., (9) *rubbing lubricants and wax*, in containers, from Racine, Wis., to Morristown, Tenn., (10) *furniture hardware*, in cartons, from Grand Rapids, Mich., Jamestown, N.Y., and Rockford, Ill., to Morristown, Tenn., (11) *foam rubber*, loose or in cartons, from Fall River, Mass., to Morristown, Tenn., (12) *kapok*, in bundles, from Savannah, Ga., and Baltimore, Md., to Morristown, Tenn., (13) *staples*, in containers, from Brooklyn, N.Y., to Morristown, Tenn., (14) *wood seats*, banded, from Cleveland, Tex., to Morristown, Tenn., and (15) *tuftex*, (fibers used in padding chairs, similar to felt), in bundles, from Atlanta, Ga., to Morristown, Tenn. NOTE: Applicant

states that no duplicating authority is being sought. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Knoxville, Tenn.

No. MC 111545 (Sub-No. 120), filed June 2, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in Hempstead County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority is sought. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111545 (Sub-No. 121), filed June 2, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* complete or in sections, mounted on wheeled undercarriages, from points in Mecklenburg County, Va., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 31), filed May 23, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gun mounts and related equipment* requiring special equipment or special handling, between Louisville, Ky., and Crane, Ind., on the one hand, and, on the other, Long Beach, San Diego, and San Francisco, Calif.; Bremerton, Wash.; Boston, Mass.; Charleston, S.C.; Norfolk, Va., and Jacksonville, Fla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 203), filed June 2, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except cement), from points in Florida north of State Highway 40 to points in Georgia and Alabama. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112617 (Sub-No. 260), filed June 5, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112696 (Sub-No. 40), filed June 3, 1969. Applicant: HARTMANS, INCORPORATED, Post Office Box 898, Harrisonburg, Va. 22801. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, candy, frozen foods, and equipment and supplies used in the preparation and serving of foods in restaurants and commissaries, and equipment and supplies used in the manufacture of frozen foods*, between New York, N.Y., on the one hand, and, on the other, Washington, D.C., restricted to traffic originating at or destined to plants or storage facilities of Frank G. Shattuck Co. of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 196), filed June 3, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, and products thereof*, in bulk, in tank vehicles, (1) from the plantsite of Central Soya Co., Inc., at or near Decatur, Ind., to points in Illinois, Ohio, Pennsylvania, Michigan, Wisconsin, Kentucky, Missouri, New Jersey, New York, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine (except Arrostook County), Minnesota, Iowa, Delaware, Texas, Oklahoma, Kansas, and Nebraska; and (2) from Bellevue, Delphos, and Marion, Ohio; Gibson City and Chicago, Ill.; Chattanooga, Tenn., and Belmond, Iowa, to the plantsite of Central Soya Co., Inc., at or near Decatur, Ind. NOTE: Common control may me involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 124), filed May 28, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment* designed for use in conjunction with tractors, (3) *agricultural, industrial and construction machinery, and equipment*, (4) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (5) *attachments* for the above-described commodities, (6) *internal combustion engines*, and (7) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the plant and warehouse sites and experimental farms of Deere & Co. in Black Hawk and Dubuque Counties, Iowa, to points in Indiana, Ohio, Michigan, Kentucky, Tennessee, and Mississippi. Restriction: The above is restricted to traffic originating at the plant and warehouse sites, and experimental farms, named above. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 125), filed June 9, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery, and parts* for agricultural implements and agricultural machinery, from the plantsite and warehouse facilities of Oliver Corp. located at or near South Bend, Ind., to ports of entry on the international boundary line between the

United States and Canada located at Port Huron, and Detroit, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it does not seek any duplicating authority for the purpose of sale or otherwise. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114365 (Sub-No. 5), filed June 2, 1969. Applicant: RAY ACKERMAN, 283 Roosevelt Street, Kingsford, Mich. 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages, namely pop, seltzer, and soft drinks*, in full straight and mixed loads, from Milwaukee, Wis., to Kingsford (Dickinson County), Mich., and *empty containers*, on return, under contract with Rice Juice Co., Kingsford (Dickinson County), Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 114608 (Sub-No. 24), filed May 28, 1969. Applicant: CAPITAL EXPRESS, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48236. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Aircleaners, coolers*, other than water evaporative type, dehumidifiers, heaters other than portable, *humidifiers or washers*, with blowers or fans, from Grand Rapids, Mich., to points in Illinois, Indiana, and Ohio, under contract with Gibson Products Corp. and Kelvinator, Inc., and (B) *materials, equipment, and supplies* used in the manufacture of the foregoing articles (except those which because of size or weight or inherent nature require the use of special equipment or special handling), from points in Illinois, Indiana, and Ohio, to Grand Rapids, Mich., under contract with Gibson Products Corp. and Kelvinator, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 114608 (Sub-No. 25), filed May 28, 1969. Applicant: CAPITAL EXPRESS, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48236. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, parts, materials, and supplies* used in the manufacture of household appliances (except those which because of size or weight or inherent nature require the use of special equipment or handling), from Grand Rapids, Mich., to Cleveland, Ohio; and (b) *refrigeration machinery and/or compressors*, from Grand Rapids, Mich., to points in Illinois, Indiana, and Ohio. Restriction: The above service to be performed under a continuing contract or contracts with Kelvinator, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 115162 (Sub-No. 173), filed May 23, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials* (except in bulk) and *materials* used in the installation thereof, from Port Clinton, Ohio, to points in Kentucky, Tennessee, Georgia, and Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 115162 (Sub-No. 175), filed June 6, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from East Canton, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 115838 (Sub-No. 6), filed May 28, 1969. Applicant: COMMODITY HAULAGE CORPORATION, 146-92 New York Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment), between La Guardia Airport and John F. Kennedy International Airport, N.Y., on the one hand, and, on the other, points in Suffolk County, N.Y., east of New York Highway 111, except Calverton, N.Y., between Newark Municipal Airport, Newark, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., between Westchester County Airport, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (restricted to shipments having an immediately prior or subsequent movement by air, over irregular routes). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115841 (Sub-No. 340) (Amendment), filed January 10, 1969, published in FEDERAL REGISTER issue of January 30, 1969, amended May 28, 1969 and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Columbia, Dutchess, and Ulster Counties, N.Y., to points in Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Texas, and Oklahoma. Restriction: Restricted to traffic originating at the named originating Counties. The purpose of this republication is to show Columbia County in lieu of Hudson as previously published. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Birmingham, Ala.

No. MC 116763 (Sub-No. 150), filed June 2, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products, and frozen vegetables*, from Easton, Portland, Presque Isle, and Washburn, Maine, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania east of U.S. Highway 15, South Carolina, Tennessee, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116859 (Sub-No. 8), filed June 5, 1969. Applicant: CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia, Pa. 19130. Applicant's representative: V. Baker Smith and James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from Easton, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 116859 (Sub-No. 9), filed June 4, 1969. Applicant: CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia, Pa. 19130. Applicant's representative: V. Baker Smith, 2107 The Fedelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Philadelphia, Pa., to Danville, Lynchburg, and Roanoke, Va., Bluefield, W. Va., and Durham and Winston-Salem, N.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 117119 (Sub-No. 415), filed June 2, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw, Post Office Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cooked diced eggs*, from Monroe City, Mo., to points in Massachusetts, New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Oklahoma, Texas, Louisiana, Colorado, Arizona, California, Oregon, Washington, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Little Rock, Ark.

No. MC 117613 (Sub-No. 2), filed May 29, 1969. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, Md. 21795. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (except refractory brick) and tile, from Winchester, Va., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under contract with Shenandoah Brick & Tile Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 37), filed May 26, 1969. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84120. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to Elko, Ely, Sparks, and Winnemucca, Nev., and Jordan, Oreg. NOTE: Applicant states that it is presently authorized and it is presently serving all points of origin and all destination through the tacking of existing authority and the purpose of this instant application is to eliminate gateways. Applicant further states that it would tack with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117823 (Sub-No. 38), filed June 2, 1969. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 California Avenue, Salt Lake City, Utah 84114. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Thayne, Wyo., to Victor, Idaho, and Salt Lake City, Utah, and (2) *pickles and pickle products*, when shipped with dairy products, from Salt Lake City, Utah, to points in California, Idaho, and Nevada. NOTE: Applicant states it intends to tack at Victor, Idaho, and Salt Lake City, Utah, with its authority in MC 117823 Sub 10, wherein it is authorized to conduct operations in the States of Nevada, Utah, California, and Idaho. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117963 (Sub-No. 2), filed June 3, 1969. Applicant: JAMES VISCONTI AND PETER VISCONTI, a partnership, doing business as VISCONTI BROS., Morton Avenue, Rosenhayn, N.J. 08352. Applicant's representative: Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* (1) from Wilmington, Del., to Philadelphia and Harrisburg, Pa., Rosenhayn, N.J., Baltimore, Md., New York, N.Y., and Boston, Mass., (2) from Philadelphia, Pa., to Baltimore and Landover, Md., and (3) from Port Newark, N.J., to Philadelphia, Pa., under contract with West Indies Fruit Co., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 1181127 (Sub-No. 12), filed May 28, 1969. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Blue Anchor and Garfield, N.J., Boston and Southboro, Mass., and Philadelphia, Pa., to points in Los Angeles County, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 118288 (Sub-No. 33), filed June 2, 1969. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which is partially exempt, pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with the commodities in (2) and (3); (2) *meats, meat products, meat byproducts*, and articles distributed by meat packinghouses and *commodities* used by meat packers, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (3) *such merchandise* as is dealth in by wholesale, retail, and chain grocery, and food business houses and *equipment, materials and supplies* used in the conduct of such business between points in Montana. NOTE: Applicant states it intends to tack with its other authority where possible and to interline with other carriers. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118959 (Sub-No. 44), filed June 3, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: James E. Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving, and roofing materials*, except in bulk, from Chicago, Ill., to points in Kentucky and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Tampa, Fla.

No. MC 118989 (Sub-No. 29), filed June 6, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and related parts*, from Valparaiso, Ind., to points in Iowa, Michigan, Wisconsin, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119765 (Sub-No. 17), filed June 2, 1969. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides) from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 119777 (Sub-No. 153), filed May 29, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon and graphite products*, between Hickman, Ky., on the one hand, and, on

the other, points in Alabama, Florida, Illinois, Indiana, Michigan, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Texas, West Virginia, Wisconsin and, (2) *equipment, materials, and supplies* (except commodities in bulk) used in the manufacture of carbon and graphite products from the above named States to Hickman, Ky. NOTE: Applicant also holds contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 120398 (Sub-No. 7), filed June 2, 1969. Applicant: VALLEY EXPRESS, INC., Post Office Box 158, Schofield, Wis. 54476. Applicant's representative: Earle H. Haupt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Plover and Wausau, Wis., over U.S. Highway 51, serving the intermediate points of Whiting, Stevens Point, Rothschild, and Schofield, Wis.; (2) between Stevens Point, Wis., and Junction Wisconsin Highway 66 and Wisconsin Highway 49 east of Rosholt, over Wisconsin Highway 66, serving all intermediate points; (3) between Northland, Wis., and Junction Wisconsin Highway 39 and Wisconsin Highway 29 east of Wittenberg, serving all intermediate points; (4) between Wittenberg and Wausau, Wis., over Wisconsin Highway 29, serving all intermediate points, and (5) between Elderon, Wis., and Junction U.S. Highway 51 and Wisconsin Highway 153 east of Mosinee, over Wisconsin Highway 153, serving all intermediate points. Irregular routes: (a) *Paper and paper articles, dried lignin pitch, dried yeast, cellulose or plastic film, articles manufactured from cellulose or plastic film*, and (b) *materials, supplies, and equipment* used or useful in the manufacture, sale, or distribution of the commodities described in (a), between Rhinelander, Wis., on the one hand, and, on the other, Green Bay, Madison, Milwaukee, and Wausau, Wis., and points in the Chicago, Ill., commercial zone, as described by the Commission. NOTE: Applicant now conducts regular route operations transporting general commodities, with exceptions, set forth above, under the pertinent provisions of section 206(a)(7) of the Interstate Commerce Act, as amended, under a certificate of registration issued on August 6, 1965, in Docket No. MC-120398 (Sub-No. 1). Applicant here seeks a certificate in lieu of its existing certificate of registration because of the irregular route operations proposed above, involving operations not solely within a single State. Applicant states it intends to tack with its Sub 4 and 5 at either Wausau or Wittenberg, Wis. If a hearing is deemed necessary, applicant requests it be held at Wausau, Wis.

No. MC 121427 (Sub-No. 6), filed June 2, 1969. Applicant: MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Box 8802, Jackson, Miss. 39202. Applicant's representative: Shelby F. Bryant (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Meridian, and Laurel, Miss., from Meridian over U.S. Highway 11 and/or Interstate Highway 59 to Laurel, and return over the same route, serving all intermediate points, and the off-route point of Stonewall, Miss., (2) between Laurel and Waynesboro, Miss., from Laurel to Waynesboro over Mississippi Highway 84 and return over the same route, serving all intermediate points; and (3) between Meridian, and Waynesboro, Miss., from Meridian over U.S. Highway 45 to Waynesboro and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to join the above authority with present authority at Meridian, Miss., for service or interchange at all points on its authorized routes. If a hearing is deemed necessary, applicant requests it be held at Meridian, or Jackson, Miss.

No. MC 121489 (Sub-No. 5), filed June 2, 1969. Applicant: NEBRASKA IOWA XPRESS, INC., 525 Jones Street, Omaha, Nebr. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers and parts thereof*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming and to points in that part of Missouri on and west of U.S. Highway 63. NOTE: Applicant states that it holds authority between all points in Nebraska and Omaha, Nebr., and if the instant application is granted, it could originate corrugated containers at any point in Nebraska, tack at Omaha and deliver to points for which authority is requested herein. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 123392 (Sub-No. 16), filed June 2, 1969. Applicant: JACK B. KELLY, doing business as JACK B. KELLY CO., 3801 Virginia, Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide* in bulk, from Newark, Calif., Joliet, Ill., East Rutherford, N.J., and Houston, Tex., including their commercial zones, to points in the continental United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 124069 (Sub-No. 8), filed June 2, 1969. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, N.Y. 14218. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between Buffalo, N.Y., on the one hand, and, on the other, points in New York, and those in Cameron, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Tioga, Venango, and Warren Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 124341 (Sub-No. 2), filed June 2, 1969. Applicant: LAWRENCE LAWYER, 757 North Indiana Street, Mooresville, Ind. 46158. Applicant's representatives: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204, and Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder blocks, tile, clay and clay products, shale and shale products, concrete and concrete products;* (1) between the plantsite of General Shale Products of Indiana, Inc., at or near Mooresville, Ind., on the one hand, and, on the other, points in Kentucky, Illinois, Michigan, and Ohio; (2) between the plantsite of General Shale Products Corp. at or near Coral Ridge, Ky., on the one hand, and, on the other, points in Indiana; restricted to a continuing contract, or contracts, with General Shale Products of Indiana, Inc., and General Shale Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125479 (Sub-No. 11), filed May 28, 1969. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) from the plantsite and/or facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to Montgomery, Addison, Arlington Heights, Waukegan, and Chicago, Ill., and (2) from the plantsite and/or facilities of Anheuser-Busch, Inc., at St. Louis, Mo., to Chicago, Ill., and *empty bottles* on return, from Montgomery, Addison, Arlington Heights, Waukegan, and Chicago, Ill., to the plantsites of Anheuser-Busch, Inc., at St. Louis, Mo., and Columbus, Ohio, under contract with Marg-Ann, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125628 (Sub-No. 1), filed June 4, 1969. Applicant: S. S. BAIRD & SONS, LIMITED, 437 Aberdeen Street, Fredericton, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete beams, joints and tees, lumber, steel, structural steel and steel articles, and materials and supplies* used in the installation of the described commodities, from the ports of entry on the international boundary line between the United States and Canada, located at or near Calais, Houlton, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 125708 (Sub-No. 115), filed May 28, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Mount Clare, Ill., and 5 miles thereof and points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would join the sought authority with any authority held wherever the possibility existed to serve the public. Applicant further states it seeks no duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125788 (Sub-No. 3) filed June 2, 1969. Applicant: RAYMOND A. HARSCH, INC., 53 Evans Avenue, Elmont, N.Y. 11003. Applicant's representatives: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006, and Douglas Miller, 14 Front Street Hempstead, N.Y. 11550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Odenton and Savage, Md., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, and Virginia, and returned shipments in the opposite direction, under contract with National Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126154 (Sub-No. 5), filed June 6, 1969. Applicant: DOMENIC MARCHI, 508 North Stephenson Avenue, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely beer and ale; and *carbonated beverages*, namely soda water, pop, and soft drinks, from Minneapolis, and St. Paul, Minn., to points in Marquette County, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwuakee, Wis.

No. MC 126322 (Sub-No. 2), filed May 19, 1969. Applicant: CLEARFIELD TRUCKING CO., INC., Meadow Street, Post Office Box 120, Curwensville, Pa. 16833. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, processed cheese, cheese ingredients, additives, materials and supplies; dry acids and dry chemicals, cleaning compounds and salt; corn meal mush, oleo, margarine, dried milk, plastic cream, salad dressings, vinegar, dried cheese, fish bait, butter, advertising materials and supplies, and commodities exempt under section 203(b)(6) of the Interstate Commerce Act* when moving in the same vehicle; (2) *containers, packaging, shipping materials, liners and pallets*, (3) *machinery, equipment, materials and supplies used in or in connection with the processing, manufacture, research, development, operation, maintenance, and distribution of cheese and cheese products*, between Los Angeles and San Francisco, Calif.; Denver, Colo.; New Haven, Conn.; Atlanta, Ga.; Somerville, Mass.; Clinton, Mo.; Portland, Oreg.; Curwensville and Philadelphia, Pa.; Murfreesboro, Franklin, Tulahoma, and Woodbury, Tenn.; San Antonio, Tex.; Wellsville, Utah; Seattle, Wash.; and Marathon and Green Bay, Wis.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (4) *cheese, cheese products, and cheese food compounds*, between points in the United States (except Alaska and Hawaii), under contract with Clearfield Cheese Co. of Curwensville, Pa., and its various affiliated corporations. NOTE: Applicant states that Clearfield Cheese Co. operates plants and distribution facilities at several points in the United States, and in most cases, these plants are separately incorporated. It is proposed that all of the corporations will enter into mutual contract with the contract carrier. Applicant further states that the supporting shipper and its affiliated company are presently engaged in private carriage and that the purpose of this instant application is to convert the operations into regulated carriage so that the same contract carrier entity will be to serve Clearfield Cheese Co. and its affiliated corporations in for-hire rather than private carriage. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126715 (Sub-No. 1), filed May 26, 1969. Applicant: TRANSPORT SERVICE, 6395 Southeast Alberta, Post Office Box 06179, Portland, Oreg. 97206. Applicant's representative: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oil*, from points in Jackson County, Oreg., to points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, and Shasta Counties, Calif., and Curry County, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 127042 (Sub-No. 37), filed June 6, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and vegetable oil compounds, dessert toppings, and coffee whitener* (a nondairy product), from Kansas City, Mo., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Omaha, Nebr., or Sioux City, Iowa.

No. MC 127042 (Sub-No. 38), filed June 6, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions to Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Clay Center and Wichita, Kans., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 127042 (Sub-No. 39), filed June 6, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address and applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), (1) from Hartley and Spencer, Iowa, to points in Kansas and Missouri; and (2) from the plantsite and storage facilities utilized by Greenlee Packing Co., at or near Sioux Falls, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Michigan, Nebraska, and Wisconsin. NOTE: Applicant states it does

not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Minneapolis, Minn.

No. MC 127047 (Sub-No. 8), filed June 5, 1969. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, Kans. 67214. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, wheels, axle parts, hub and drum assemblies, wheel rims, and related parts and accessories*, from Newton, Kans., to points in Colorado, Nebraska, South Dakota, Minnesota, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Georgia, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127057 (Sub-No. 1), filed May 23, 1969. Applicant: MOTOR RAIL TRANSPORT INC., Post Office Box 1031, Syracuse, N.Y. 13201. Applicant's representative: Milton E. Diehl, 3610 Arlington Boulevard, Arlington, Va. 22204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment, between Buffalo, Rochester, Syracuse, Utica, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York (except New York, N.Y., and those in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties, N.Y.), restricted to shipments having an immediately prior or subsequent movement by air. NOTE: Applicant holds authority under No. MC 127057 restricted to prior or subsequent movement by rail. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 127812 (Sub-No. 4) (Amendment), filed April 6, 1969. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts; dairy products and articles distributed by meat packinghouses* (except hides and commodities in bulk), from St. Paul, Minn., to Superior, Wis. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. The purpose of this republication is to broaden the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128486 (Sub-No. 2), filed June 5, 1969. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Boston (Allston), Mass. 02134. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles*, (a) from Danielson, Conn.; Bridgeton, Freehold, Jersey City, North Bergen, and Salem, N.J.; Elmira, N.Y.; Knox and Marienville, Pa.; Coventry, R.I., and Lawrence, Mass., to Buckfield, Maine, and (b) from North Bergen, N.J., to Lawrence, Mass.; (2) *fruit juices and fruit drinks* (except in bulk), from Buckfield, Maine, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Lincoln Foods, Inc., of Lawrence, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129218 (Sub-No. 1), filed May 29, 1969. Applicant: COMMERCIAL TELEVISION, INC., 3501 Sheridan Road, Youngstown, Ohio 44502. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances and equipment, household furniture and cabinets, sporting goods equipment, and musical instruments*, in retail delivery service, from the plantsite and warehouse facilities of the Western Auto Supply, Inc., at or near Butler, Pa., to points in Mahoning and Trumbull Counties, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129475 (Sub-No. 5), filed June 2, 1969. Applicant: E. D. CARRELL, doing business as CARRELL TRUCKING CO., Post Office Box 186, Monroe, Ga. 30655. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, between the warehouses of Sears, Roebuck and Co., Atlanta, Ga., and Murphy, Franklin, and Sylva, N.C., under contract with Sears, Roebuck and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 129990 (Sub-No. 3), filed June 6, 1969. Applicant: AL GAZZOLLE & SONS, INC., Pier 26 North River, New York, N.Y. 10013. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients and raw materials used to manufacture cosmetics, soaps, and bath powders*, shipped in overseas containers and having prior movement to United States by water, between steamship piers in New York, N.Y., commercial zone and Ramsey, N.J., limited to shipments moving under continuing contract with Vita Bath, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133373 (Sub-No. 1), filed May 28, 1969. Applicant: A. G. BRIGGS, doing business as BRIGGS TRUCK LINE, Sidney, Iowa 51652. Applicant's representative: Robert E. Leonard, Sidney, Iowa 51652. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil* in bulk, in tank vehicles, from Falls City, Nebr., and from oil well storage tanks located in Richardson County, Nebr., and points in Brown and Nemaha Counties, Kans., to points in Missouri, Nebraska, Kansas, South Dakota, and Iowa under contract with Carter-Waters Corp., Kansas City, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 133655 (Sub-No. 2), filed May 29, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission from points in Parmer County, Tex., to points in California, Nevada, Arizona, Utah, Oregon, Washington, and Kansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133655 (Sub-No. 3), filed May 29, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission, from points in Parmer County, Tex., to points in Massachusetts, Pennsylvania, New Jersey, New York, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133655 (Sub-No. 4), filed May 29, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, as defined by the Commission, from points in Hale County, Tex., to points in North Carolina, South Carolina, Georgia, Florida, Pennsylvania, New Jersey, New York, and Massachusetts. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133655 (Sub-No. 5), filed May 29, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, as defined by the Commission, from points in Hale County, Tex., to points in Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133670, filed April 21, 1969. Applicant: DELBERT L. ARMSTRONG, doing business as A & H DELIVERY SERVICE, 2039 San Jose Avenue, Louisville, Ky. 40216. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Retail merchandise* in retail deliveries only, from points in Jefferson County, Ky., to points in Floyd, Harrison, Clark, Scott, and Washington Counties, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 133679, filed June 4, 1969. Applicant: B R TRUCKING COMPANY, INC., 467 Greenwich Street, New York, N.Y. 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from the New York, N.Y., commercial zone as defined by the Commission, to points in Essex, Bergen, and Passaic Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133685 (Sub-No. 2), filed May 26, 1969. Applicant: CARROLL TRUCKING, INC., 8001 Douglas Avenue, Gaithersburg, Md. 20760. Applicant's representative: Martin Sterenbuch, 1120 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plumbing supplies and fixtures, and electrical supplies*, from Frederick Junction, Md., to points in Maryland, the District of Columbia, points in Adams, Cumberland, Franklin, and York Counties, Pa., points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William and Warren Counties, Va., and points in Berkeley, Grant, and Jefferson Counties, W. Va., and returned shipments of the above specified commodities, from the above described destination points to Frederick Junction, Md. Restriction: The operations herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Wickes Lumber and Building Supplies Division of the Wickes Corp., Frederick Junction, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133761 (Sub-No. 1), filed May 28, 1969. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 100–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, containers, and chassis*, from Middleton, N.Y., to Fairless Hills and Philadelphia, Pa.; Norfolk, Va.; Baltimore, Md.; Port Jervis, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Interstate Commerce Commission in 53 M.C.C. 451, within which local operations may be conducted under the exemption provision provided by section 203(b)(8); and (2) *trailers and trailer parts*, from Fairless Hils, Pa., to Middletown, N.Y., all under contract with Strick Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133776, filed May 21, 1969. Applicant: ASSOCIATED TRANSFER & STORAGE, INC., 815 East University, Urbana, Ill. 61801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Iroquois, Vermillion, Edgar, Coles, Douglas, Champaign, Ford, McLean, De Witt, Piatt, Macon, and Moultrie Counties, Ill., and (2) between points in Iroquois, Vermillion, Edgar, Coles, Douglas, Champaign, Ford, McLean, De Witt, Piatt, Macon, and Moultrie Counties, Ill., on the one hand, and, on the other, points in Illinois, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133785, filed May 28, 1969. Applicant: CONWAY TRUCKING CORPORATION, a corporation, 37 Second Street, Lynbrook, N.Y. 11563. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods and equipment and supplies*, from John F. Kennedy Airport, N.Y., to Elmsford, N.Y., restricted to shipments having prior movement by air, under contract with Beconta Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133786, filed May 26, 1969. Applicant: GENERAL CARTAGE, INC., Rural Route No. 10, Bloomington, Ind. 47401. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk) between Bloomington, Ind., on the one hand, and, on the other, points in Owens, Morgan, Brown, Jackson, Monroe, Lawrence, Greene, and Martin Counties, Ind., restricted to traffic having an immediately prior or subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133790, filed June 2, 1969. Applicant: C AND C SHRIMPERIES INC., 2364 Toussaint Avenue, Savannah, Ga. 31404. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, between points in Glynn and Chatham Counties, Ga., and points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Brunswick, Ga., or Jacksonville, Fla.

No. MC 133791, filed June 2, 1969. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed and/or dealt in by rubber manufacturers, steel manufacturers, plastics and manufacturers, chemical manufacturers, and *equipment, materials and supplies* used in the conduct of such business, between plantsites and storage facilities used by Firestone Rubber Co. and/or its subsidiaries located in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and New Hampshire, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and New Hampshire. NOTE: Applicant is authorized to operate as a common carrier under MC 128273 and subs, therefore, dual operations may be involved. Applicant further states that authority sought herein would duplicate minute portions of authority now held or sought in MC 128273 Subs 2, 6, 8, 9, 11, 12, 14, 16, 17, 18, 21, 22, 25, 32, 35, 39, 40, 41, 42, 43, and 44. If a hearing is deemed necessary, appplicant requests it be held at Washington, D.C.

No. MC 133797, filed June 3, 1969. Applicant: GEORGE A. STULL, 1785 Old Forge, Niles, Ohio 44446. Applicant's representative: Lewis S. Witherspoon, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New empty steel and plastic containers, transformer tanks, container and transformer tank ends, parts and accessories, steel coils and sheets, paint and related materials, cartons and waste board, and materials* involved in the manufacture of shipping containers, between Warren, Ohio, on the one hand, and, on the other, points in Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Massachusetts; under contract with The Ohio Corrugating Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 133801, filed June 6, 1969. Applicant: FEDERATION TRUCKING CORP., 457 Water Street, New York, N.Y. Applicant's representative: Abel Just, 11 Park Place, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ski boots, ski poles, ski clothes, skis and track and field equipment, and related accessories*, between shipper's site at Elmsford, N.Y., on the one hand, and, on the other, points in New York, N.Y., commercial zone as defined by the Commission in 5th supplemental report 53 M.C.C. 451; under contract with Beconta, Inc., and Sports Beconta, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133802, filed June 4, 1969. Applicant: EMPAK TRANSPORTATION COMPANY, a corporation, 20th and William Streets, Omaha, Nebr. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, and antifreeze*, (2) *dispenser and containers* for the commodities described in (1) above, (3) *such commodities* as are processed, packaged or dealt in by processors or packagers of the commodities described in (1) above, (4) *such materials and supplies* as are processed, packaged, utilized by or dealt in by processors or packagers of commodities described in (1) above or manufacturers or fabricators of the commodities described in (2) above, between Spencer, Iowa, and Omaha, Nebr., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), under contract with Empak Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 133803, filed June 6, 1969. Applicant: B & W DISTRIBUTING CORPORATION, 11 Franklin Avenue, Rye, N.Y. 10580. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newspapers, magazines, periodicals, newspaper supplements, circulars, leaflets, catalogues, advertising matter, printed forms and calendars*, from John F. Kennedy International Airport, La Guardia Airport, and New York, N.Y., and Jersey City, N.J., to points in New York, New Jersey, and Connecticut; under contract with Mark Associates, Inc., Triangle Publications, and New Yorker Magazine. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 133784, filed May 26, 1969. Applicant: T. C. AIRPORT LIMOUSINE COMPANY, INCORPORATED, 2670 South M–139 and Somerlayton Road, Benton Harbor, Mich. 49022. Applicant's representative: Donald L. Bleich, 814 Port Street, St. Joseph, Mich. 49085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their excess baggage and newspapers* for purposes other than emergency continuation of air transportation, from Benton Harbor/St. Joseph, Mich., area to Chicago, Ill., and South Bend, Ind. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 133792, filed June 2, 1969. Applicant: MID-ISLAND TRANSIT SYSTEM, INC., 299 Main Street, Westbury, N.Y. 11590. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Nassau and Suffolk Counties, N.Y., to points in the United States (except Hawaii) and return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Mineola, N.Y.

APPLICATION OF WATER CARRIERS

No. W–379 (Sub-No. 4), BAY CITIES TRANSPORTATION COMPANY—Extension—Towage (2). Applicant: BAY CITIES TRANSPORTATION COMPANY, a corporation, Pier 32, San Francisco, Calif. 94105. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Application of Bay Cities Transportation Co., filed June 9, 1969, subject of Part III of the Interstate Commerce Act, is seeking a revised certificate authorizing extension of its operations to include operations as a *common carrier* by nonself-propelled vessels with the use of separate towing vessels, in interstate or foreign commerce, in the transportation of *property generally, including the towing of vessels which applicant does not own, rent or charter*, between ports and points on San Francisco Bay and its tributary waterways but not including Sacramento and Stockton, Calif., nor point on the Sacramento and San Joaquin Rivers above those ports. NOTE: Applicant states that should the Commission find that applicant already holds the authority to tow vessels which it does not own, rent or charter, applicant will request that this application be dismissed.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 123490 (Sub-No. 12), filed June, 2, 1969. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs; fried porkskins; potato chips and bakery goods*, (1) between plants and warehouses of Frito-Lay, Inc., in Oklahoma and Texas on the one hand, and, on the other, plant and warehouses of Frito-Lay, Inc., in Kansas, Missouri, Iowa, Nebraska, and Colorado, (2) between plant and warehouses of Frito-Lay, Inc., in Texas, and plant and warehouses of Frito-Lay, Inc., in Oklahoma, under contract with Frito-Lay, Inc., of Dallas, Tex.

No. MC 129384 (Sub-No. 1), filed June 2, 1969. Applicant: BETHANY EXPRESS, INC., 616 South 22d Street, Bethany, Mo. 64424. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between the junction of U.S. Highway 69 and Missouri Highway 6 and Bethany, Mo., from the junction of U.S. Highway 69 and Missouri Highway 6 over Missouri Highway 6 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 136, thence over U.S. Highway 136 to Bethany, and return over the same route, serving all intermediate points and the junction of U.S. Highway 69 and Missouri Highway 6 as a point for joinder purposes only; (2) between Bethany, Mo., and Yorktown, Iowa, from Bethany over U.S. Highway 136 to Princeton, Mo., thence over U.S. Highway 65 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction with unnumbered highway, thence over unnumbered highway to Yorktown, and return over the same route, serving all intermediate points, and the off-route points of Corydon, Iowa; and Cainsville and Saline, Mo.; (3) between Eagleville, Mo., and Leon, Iowa, over U.S. Highway 69, serving all intermediate and the off-route points of Saline and Cainsville, Mo., serving Leon, Iowa, as a point for joinder purposes only; (4) between the junction of U.S. Highways 136 and 169 and Mount Ayr, Iowa, over U.S. Highway 169, serving all intermediate points and the off-route points of Worth and Denver, Mo., and serving the junction of U.S. Highways 136 and 169 and Mount Ayr, Iowa, for joinder purposes only; (5) between Stanberry, Mo., and the junction of Missouri Highways 246 and 46, from Stanberry over U.S. Highway 136 to junction Missouri Highway 46, thence over Missouri Highway 46 to its junction with Missouri Highway 246, and return over the same route, serving all intermediate points and the off-route points of Conception and Conception Junction, Mo., for joinder purposes only; (6) between the junction of U.S. Highway 71 and Missouri Highway 27, and Bedford, Iowa, from junction U.S. Highway 71 and Missouri Highway 27 over Missouri Highway 27 to the Iowa State line, thence over Iowa Highway 148 to Bedford, and return over the same route, serving all intermediate points, and the junction of U.S. Highway 71 and Missouri Highway 27, and Bedford, Iowa, for purposes of joinder only; (7) between Hopkins, Mo., and the junction of Missouri Highway 46 and U.S. Highway 69, from Hopkins over Missouri Highway 27 to junction Missouri Highway 246, thence easterly over Missouri Highway 246 to Grant City, Mo., thence over Missouri Highway 46 to junction U.S. Highway 69, and return over the same route, serving all intermediate points and the off-route points of Worth and Denver, Mo., and Athelson and Blockton, Iowa, and serving (a) Hopkins, Mo., (b) the junction of Missouri Highways 46 and 246; (c) Grant City, Mo., and (d) the junction of Missouri Highway 46 and U.S. Highway 69 for joinder purposes only; and (8) between points in the Kansas City, Mo.-Kans., commercial zone and Clarinda, Iowa, from points in Kansas City, Mo., over Interstate Highway 29, to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, and return over the same route, serving the intermediate point of St. Joseph, Mo. (restricted against service between the Kansas City, Mo.-Kans., commercial zone and St. Joseph, Mo.), and also serving Clarinda, Iowa, as a point for joinder purposes only.

No. MC 133778, filed May 22, 1969. Applicant: ROBERT W. LAUSCH, doing business as R. W. LAUSCH, Rural Route No. 1, Post Office Box 25, Chanute, Kans. 66720. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greyhound dogs* for racing and breeding purposes and *Greyhound dog racing equipment*, between points in Kansas, Oklahoma, Texas, Colorado, Missouri, Nebraska, Arkansas, South Dakota, Massachusetts, Florida, and Arizona.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7473; Filed, June 25, 1969; 8:45 a.m.]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969

JUNE 9, 1969.

Notice is hereby given that the common carriers by railroads shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission, pursuant to section 13 and section 15a(2) of the Interstate Commerce Act, to institute an investigation to determine whether intrastate rates, fares, and charges within the State of Mississippi are unreasonably low to the extent that they do not reflect the general increase authorized in Ex Parte No. 256, Increased Freight Rates, 1967, 332 I.C.C. 280 (1968), 329 I.C.C. 854 (1967). The petitioners are: The Alabama Great Southern Railroad Co.; Bonhomie and Hattiesburg Southern Railroad Co.; Columbus and Greenville Railway Co.; The Corinth and Counce Railroad Co.; Fernwood, Columbia & Gulf Railroad Co.; Gulf, Mobile and Ohio Railroad Co.; Illinois Central Railroad Co.; Louisville and Nashville Railroad Co.; Meridian & Bigbee Railroad Co.; Mississippi & Skuna Valley Railroad Co.; Mississippi Export Railroad Co.; Mississippian Railway; Missouri Pacific Railroad Co.; Pearl River Valley Railroad Co.; St. Louis-San Francisco Railway Co.; and Southern Railway Co.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies each upon the attorneys for the petitioners, viz.: John H. Doeringer, 135 East 11th Place, Chicago, Ill. 60605; James L. Howe III, Post Office Box 1808, Washington, D.C. 20013; W. A. Kimbrough, Jr., 104 St. Francis Street, Mobile, Ala. 36602; W. B. Kopper, 906 Olive Street, St. Louis, Mo. 63101; and John F. Smith, 908 West Broadway, Louisville, Ky. 40201. Thereafter a determination will be made as to whether an investigation is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–7550; Filed, June 25, 1969; 8:49 a.m.]

[Notice 855]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 23, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 373 TA), filed June 18, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial driveaway service, from Scotia, N.Y., to New Cumberland Army Depot, Pa., for 150 days. Supporting shipper: Leonard Hynes, Military Traffic Management Terminal Service, Washington, D.C. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 138 TA), filed June 18, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306.

Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nichols, Wis., to Green Bay, Wis., for 180 days. NOTE: Applicant intends to tack MC 51146 Sub No. 8 and

Sub No. 14 at Green Bay, Wis., and interline at Green Bay, Wis., with motor carriers serving the west coast. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 103993 (Sub-No. 424 TA), filed June 18, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Undercarriages and frames for trailers* designed to be drawn by passenger automobiles, from points in Marion County, Ala., to points in Alabama, Louisiana, and Mississippi, for 180 days. Supporting shipper: B & L of Alabama, Inc., Marion County, Ala. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 114408 (Sub-No. 9 TA), filed June 18, 1969. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, from points in Williams County, Ohio, to points in Hillsdale County, Mich., for 180 days. Supporting shipper: Northwest Materials, Inc., Bryan, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124813 (Sub-No. 69 TA), filed June 18, 1969. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee grounds*, in bulk, from Knoxville, Tenn., to Eagle Grove, Iowa, for 150 days. Supporting shipper: M & M Livestock Products Co., Eagle Grove, Iowa 50533. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133734 (Sub-No. 1 TA), filed June 13, 1969. Applicant: R & S TRUCKING, INC., 114 Arbor Street, Bradford, Ill. 61421. Applicant's representative: William A. Rouse (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Gravity flow farm boxes, including related parts and running gears;* (1) from the plantsite of Bradford Industries, Inc., at or near Bradford, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; and (2) from the plantsite of Smith & Co. at or near Manlius, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin; (b) *gravity flow farm boxes, including related parts and running gears and grinder mixers*, from the plantsite of Helix Corp., at or near Crown Point, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, for 180 days. Supporting shippers: Bradford Industries, Inc., Bradford, Ill. 61421; Helix Corp., Post Office Box 289, Crown Point, Ind. 46307; Smith & Co., Manlius, Ill. 61338. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133816 TA, filed June 18, 1969. Applicant: KENNETH L. PARKS & KEITH O. PARKS, doing business as K & K WHOLESALE CO., Post Office Box 222, Lowell, Oreg. 97452. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags or packages, from points in Clark County, Nev., to points in Oregon, for 180 days. Supporting shipper: The Flintkote Co., 1120 21st Street, Milwaukie, Oreg. 97222. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 133822 TA, filed June 19, 1969. Applicant: CLARENCE C. HATCHER AND RICHARD L. HATCHER, doing business as C. C. AND R. L. HATCHER, Box 59, Alsey, Ill. 62610. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay*, in bulk and bags, from Goss, High Hill, Olney, New Florence, Paris, and Wentzville, Mo., to Alsey, Ill., for 180 days. Supporting shipper: Alsey Refractories Co., Alsey, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7557; Filed, June 25, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FORT DODGE LABORATORIES

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (33-428V) was filed by Fort Dodge Laboratories, Division of American Home Products Corp., Fort Dodge, Iowa 50502, notice of which was published in the FEDERAL REGISTER of March 8, 1968 (33 F.R. 4343), proposing the issuance of a food additive regulation to provide for the safe use of a combination drug containing trichlorfon (dimethyl (2,2,2-trichloro-1-hydroxyethyl)-phosphonate) and atropine in dimethyl sulfoxide containing 0.5 percent chlorobutanol as a preservative, as an injectable anthelmintic for swine up to 60 days old. The drug was not to be used within 21 days of slaughter.

Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is considered withdrawn without prejudice to a future ruling.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7502; Filed, June 25, 1969; 8:45 a.m.]

GOODYEAR TIRE & RUBBER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2419) has been filed by the Goodyear Tire & Rubber Co., Akron, Ohio 44316, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522) be amended to provide for the safe use of 4,4'-methylenebis(cyclohexylisocyanate) as a reactant and 4,4'-methylenedianiline as a curing agent in the preparation of polyurethane resins for use in contact with dry bulk food.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7503; Filed, June 25, 1969; 8:45 a.m.]

[Docket No. FDC-D-111; NDA No. 14-241]

UNIMED, INC.

Serc Tablets (Betahistine Hydrochloride): Notice of Scheduling of Second Prehearing Conference and Postponement of Date of Hearing

Pursuant to notice published in the FEDERAL REGISTER of June 10, 1969 (34 F.R. 9140), and § 130.18 of the new-drug regulations (21 CFR 130.18), a prehearing conference was held in this matter on June 18, 1969. During this conference there came on for argument a motion by Unimed, Inc., to postpone the hearing in this matter presently scheduled to commence on June 25, 1969 (34 F.R. 9140), for a period of at least 75 days based upon the arguments advanced by respondent's counsel and over the objection of counsel for the Food and Drug Administration. It is concluded that reasonable grounds, as set forth in the transcript of the prehearing conference proceedings, have been shown which warrant the postponement of the beginning date of the hearing in this matter to July 29, 1969. In addition, it has been concluded with the agreement of counsel representing both the respondent and the Government that an additional prehearing conference is necessary to expedite the conduct of the hearing in this matter.

Therefore, it is hereby ordered that a second prehearing conference will be held beginning at 10 a.m., July 17, 1969, in Room 5169, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, and it is further ordered that the hearing in the matter of the proposal of the Commissioner of Food and Drugs to withdraw the approval of New-Drug Application No. 14-241 for marketing the drug Serc Tablets will begin at 10 a.m., July 29, 1969, in Room 5169, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Dated: June 20, 1969.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 69-7504; Filed, June 25, 1969; 8:46 a.m.]

OLD VIRGINIA, INC.

Fruit Jelly and Jams Deviating From Identity Standards; Notice of Amendment of Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that the temporary permit (notice of which was published in the FEDERAL REGISTER of April 26, 1969; 34 F.R. 6985) held by Old Virginia, Inc., Front Royal, Va. 22630, to cover interstate marketing tests of black raspberry jelly, apple-raspberry jelly, and black raspberry jam made from dried black raspberries, and ingredient not provided for by the standard of identity for fruit jellies (21 CFR 29.2) or preserves and jams (21 CFR 29.3), is amended to change the beginning and ending dates of the permit. The term of the original permit (granted Apr. 18, 1969, to expire Aug. 1, 1969) is hereby amended to permit market testing for the period from November 1, 1969, to November 1, 1970. The label states "Made from dried black raspberries."

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7526; Filed, June 25, 1969; 8:47 a.m.]

Public Health Service

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Transfer of the Milk, Food, and Interstate Travel Programs from the Environmental Control Administration to the Food and Drug Administration.

Part 3 (Consumer Protection and Environmental Health Service) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 19044-54 dated Dec. 20, 1968) is amended to transfer the milk, food, and interstate travel sanitation program and the Environmental Control Administration to the Food and Drug Administration.

* * *

Section 3-B is amended as follows:

Sec. 3-B *Organization.* * * *

* * * * * *

(2) *Food and Drug Administration.*

* * * * * *

(j) *Bureau of Compliance.* Develops compliance and surveillance programs covering regulated industries and areas of related economic activity. Fosters development of good manufacturing practices and improved food sanitation. Develops or coordinates the development of regulations, model codes, and other standards covering industry practices and for the control of hazards to health associated with interstate shipment of food, including shellfish and milk and with interstate travel. Develops and carries out programs designed to encourage compliance by industry on a voluntary basis. Provides technical assistance to public and public service institutions and agencies for the control of hazards to health associated with interstate shipment of food, including shellfish and milk and with interstate travel. Provides support and guidance upon request to the district offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance. Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by the Administration.

(j-1) *Office of Operations and Industry Services.* Develops compliance and surveillance programs covering the food and drug industries and other regulated industries or areas of economic trade activity. Fosters development of good manufacturing practices and improved food sanitation. Develops or coordinates the development of regulations, model codes, and other standards covering industry practices and for the control of health hazards associated with food, including shellfish and milk and with interstate travel. Develops and carries out programs designed to encourage compliance by industry on a voluntary basis including the conduct of national seminars and conferences, industry workshops, and the implementation of industry self-inspection and quality assurance programs. Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by the Administration.

(i) *Division of Operational Services.* Develops or coordinates the development of compliance and surveillance programs covering the food and drug industries and other regulated industries or areas of economic trade activity. Fosters development of good manufacturing practices and improved food sanitation. Develops or coordinates the development of regulations, model codes, and other standards and guides covering industry practices and for the control of health hazards associated with food, including shellfish and milk and with interstate travel. Analyzes data and other information concerning the degree of industry compliance

* * * * * *

(j-2) *Office of Control and Guidance.* Administers sanitary control programs in milk and food sanitation, shellfish sanitation and interstate travel sanitation, including the cooperative State-Federal certification programs. Provides support and guidance in handling legal actions and provides liaison between FDA, and the General Counsel and other Government agencies in the conduct of various enforcement actions.

(i) *Division of Sanitation Control.* Provides advice and assistance in milk and food sanitation programs and administers the cooperative Interstate Milk Shippers Program designed to maintain a high quality of milk shipped in interstate commerce. Administers the National Shellfish Certification Program for the maintenance and improvement of the sanitary quality of commercial shellfish. Administers the Interstate Travel Sanitation Program designed to protect the health of travelers and of crews on commercial transportation conveyances. Encourages the adoption of adequate sanitation standards by States and municipalities and provides technical assistance to State and local agencies and to industries on sanitation problems and new developments which have public health significance. Standardizes Regional Milk and Food Consultants who in turn standardize and certify State Milk and Food Service Sanitation Survey Officers. Participates

with industry health organizations and others in the development of sanitary standards for the design and construction of dairy and food equipment.

* * * * *

(1) *Bureau of Science.* Plans, develops and administers a program of scientific support for FDA activities. Develops scientific standards and conducts research relating to the composition, quality, and safety effects of foods, drugs, cosmetics, and pesticides. Conducts research designed to improve the detection, prevention, and control of contamination that may be responsible for illness conveyed by foods including milk and dairy products. Reviews industry petitions and recommends the promulgation of regulations for food standards and to permit safe use of color additives, food additives, and pesticides. Conducts laboratory activities in connection with antibiotics, insulin, and color certification program. Provides expert advice and scientific services to other organizational components with respect to research, technological developments and the interpretation of scientific information. Designs and participates in collaborative studies to establish the reliability of new analytical methods. Initiates or participates in the formulation of regulatory programs. Performs analyses of regulatory samples as may be necessary to support FDA's compliance programs. Cooperates with Association of Official Analytical Chemists (AOAC) and similar scientific societies.

* * * * *

(1-3) *Division of Microbiology.* Originates, plans, and conducts research to determine nature, extent, and significance of microbial and other microscopic contaminants in foods and drugs; studies causes and develops methods for detection and prevention of food poisoning. Devises microanalytical and biological methods for the analysis of foods, drugs, and cosmetics. Develops procedures for protecting foods including milk and other dairy products against contamination; evaluates and improves concepts and methods used in food protection. Conducts research into the technological and engineering aspects of food processing procedures designed to eliminate contamination that may be responsible for food borne illness. Conducts reviews for standardization and certification, of State and local milk and food laboratories and officials are required. Operates the National Center for Microbiological Analysis.

* * * * *

(3) *Environmental Control Administration.* * * *

* * * * *

(g) *Bureau of Community Environmental Management.* Formulates and establishes criteria and recommends standards for sustaining man's health and well-being in the living environment of the community. Conducts and participates in studies and demonstrates to establish data for formulating criteria and standards. Conducts or participates in research, investigations and demonstrations to control environmental hazards to health. Collects epidemiological information and maintains an information resource of statistical data on environmental hazards to health. Plans, conducts, and supports a program to control injuries caused by environmental situations, human behavior and community environments. Assists in the development of manpower and training needs for community environmental management.

* * * * *

(g-4) (The Division of Food, Milk, and Interstate Travel Sanitation is abolished and its functions transferred).

* * * * *

Effective date: This amendment is effective on the date of its publication in the FEDERAL REGISTER.

Dated: June 19, 1969.

JOHN D. R. COLE,
Deputy Assistant Secretary for Personnel and Training.

[F.R. Doc. 69-7513; Filed, June 25, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21010]

LAKER AIRWAYS LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 17, 1969, at 10 a.m., e.d.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 20, 1969.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[F.R. Doc. 69-7543; Filed, June 25, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-6-110]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 20, 1969.

By Order 69-6-38, dated June 9, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-38 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-26 through R-30, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7544; Filed, June 25, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-6-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 20, 1969.

By Order 69-6-39, dated June 9, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-39 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-78 and R-79, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7545; Filed, June 25, 1969; 8:49 a.m.]

[Docket No. 20462]

SEAGREEN AIR TRANSPORT, LTD.

Notice of Prehearing Conference

A prehearing conference in the above-entitled proceeding was held on December 18, 1968, and the Examiner issued a prehearing conference report on December 27, 1968. Because of a defect in the application of Seagreen, it was necessary for the applicant to file an amended application. This matter was processed through diplomatic channels and Amendment No. 1 to Docket 20462 was filed on April 21, 1969. Therefore, a second prehearing conference will be held on July 2, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Appendix A of the Examiner's Prehearing Conference Report which was served on December 27, 1968, sets forth the Bureau's request for information and evidence. If there is any additional information the Bureau now seeks, this request should be submitted to the Examiner and all parties on or before June 27, 1969.

Dated at Washington, D.C., June 23, 1969.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 69-7546; Filed, June 25, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 445]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 23, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

7559-C2-P-(3)-69—James D. and Lawrence D. Garvey doing business as Radiofone (New), C.P. for a new 2-way station to be located at corner O'Keefe and Howard Streets, New Orleans, La., to operate on base frequencies 454.125, 454.175, 454.200 MHz.

7560-C2-MP-69—New Jersey Bell Telephone Co. (KEA761), Modification of C.P. to add auxiliary test station at 95 William Street, Newark, N.J., to operate on frequencies 459.425, 459.475, 459.575 MHz.

7561-C1/C2-TC-(2)-69—Nocona Telephone Co. (KLB696), Consent to transfer of control from: D. G. Gardner, Jr., Sue Gardner Parsons, N. R. Parsons, and Mabel H. Gardner, Transferors, to: Allied Telephone Co., Transferee. (2-way station, Nocona, Tex.)

7564-C2-P-69—Cincinnati Radio Telephone Systems, Inc. (KQK710), C.P. to relocate base station operating on frequency 152.03 MHz from: Location No. 2—2324 Madison Road, Cincinnati, Ohio, to: Location No. 1—Eighth Street and Matson Avenue, Cincinnati, Ohio.

7565-C2-P-69—Liberty Communications, Inc. (KCC485), C.P. to change antenna location for base station 454.05 MHz from existing location No. 2, to a new site described as location No. 3: Booth Hill Road, Trumbull, Conn.

7566-C2-P-(3)-69—The Pacific Telephone & Telegraph Co. (KMA745), C.P. to add base frequency 454.55 MHz at location No. 2: 99 Moultrie Street, San Francisco, Calif., and at location No. 3: Daly City Reservoir No. 5, near Palisades Drive and Westmoor Drive, Daly City, Calif. Also add auxiliary test station at 1587 Franklin Street, Oakland, Calif., to operate on test frequency 459.55 MHz.

7584-C2-P-(3)-69—Texas Mobile Telephone Co. (New), C.P. for a new 2-way station to be located on hill west of trail Modrones Road, about 7,000 feet west of Austin City, Austin, Tex. to operate on base frequencies 454.200, 454.250, 454.300 MHz.

7613-C2-P-69—Mobile Telephone Co. of Alabama (New), C.P. for a new 2-way station to be located at 1.5 miles west of Sumiton, Dora, Ala., to operate on frequency 152.21 MHz.

7676-C2-P-69—The Mountain States Telephone & Telegraph Co. (New), C.P. for new 2-way station to be located at 11.5 miles east of Bozeman, Mont., to operate on frequency 152.66 MHz.

7678-C2-P-69—Mobile Radio System of Ventura, Inc. (KMA835), C.P. to replace transmitter operating on base frequency 152.21 MHz at 7,000 feet north of Foothill and Day Road, Willis Canyon Peak, Ventura, Calif.

7979-C2-MP-(2)-69—The Pacific Telephone & Telegraph Co. (KMA744), Modification of C.P. to change antenna system for the base frequency 454.40 MHz at location No. 2: 1587 Franklin Street, Oakland, Calif., and location No. 3: Daly City Reservoir No. 5, near Palisades Drive and Westmoor Drive, Daly City, Calif.

7699-C2-P-69—General Telephone Co. of the Southwest (New), C.P. for a new 2-way station to be located at 205 North Jackson Street, McCrory, Ark., to operate on frequency 152.78 MHz.

7700-C2-P-(3)-69—Rhode Island Mobile Radio Service, Inc. (New), C.P. for new 2-way station to be located at WJAR-TV standby tower east of Pine Street, Providence, R.I., to operate on frequencies 454.100, 454.250, and 454.300 MHz.

7701-C2-P-(3)-69—Texas Mobile Telephone Co. (New), C.P. for new 2-way station to be located at ¾ mile north of Ingram Road and ¾ mile west of Loop 410, San Antonio, Tex., to operate on base frequencies 454.250, 454.150, and 454.200 MHz.

7702-C2-TC-69—Lett Electronics, Inc. (KEK275), Consent to Transfer of Control from: Clinton J. Lett, Jr., Donald F. Lett, and Royce Garand Lett, Transferors, to: Clinton J. Lett, Sr., Transferee.

7720-C2-P-(3)-69—Caprock Radio Dispatch (KKO353), C.P. to add base and repeater stations at a new location identified as location No. 6: 3.5 miles southwest of Caprock, N. Mex. Base frequency 152.18 MHz. Repeater 459.15 MHz and add control facilities 454.15 MHz at a new site location No. 7: 601 North Grimes Street, Hobbs, N. Mex.

7721-C2-P-(3)-69—Radio Mobile Phones, Inc. (KKG412), C.P. to add base station at a new location identified as location No. 4: Preston Tower Building, 6211 West Northwest Highway, Dallas, Tex., to operate on frequencies 454.125, 454.225, and 454.275 MHz.

Major Amendment

5066-C2-P-69—Credit Bureau of Decatur, Inc. (New), Amend to read: C.P. to operate on frequency 152.24 MHz. All other particulars remain the same as reported on public notice dated Mar. 10, 1969, Report No. 430.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

7719-C1-P-69—Mountain Microwave Corp. (New). C.P. for a new transmitting station at 1.2 miles north-northeast of Garden City, S. Dak. (lat. 44°58'30" N., long. 97°34'28" W.), to operate on frequencies 11,245, 11,325, and 11,405 MHz toward Lake Kampeska, S. Dak. (lat. 44°53'49" N., long. 97°11'05" W.), on azimuth of 105°45'. (Information: Applicant proposes to provide the TV signals of stations KWGN-TV, KOA-TV, and KBTV of Denver, Colo., to Midcontinent Broadcasting Co. in Lake Kampeska, S. Dak.)

Major Amendment

1633-C1-P-69—Mountain Microwave Corp. (New). Application amended to delete Lake Hendricks, S. Dak., as point of communication, and add Toronto, S. Dak. (lat. 44°36'22" N., long. 96°40'52" W.) as a new point of communication on frequency 11,135 MHz and azimuth of 244°10'. Transmitter location: 0.5 mile southeast of Montevideo, Minn.

1634-C1-P-69—Mountain Microwave Corp. (New). Amended to change site location from Lake Hendricks to Toronto, S. Dak., as described above, and add frequency 11,625 MHz, via power split, toward three new points of communication at (a) De Smet, S. Dak. (lat. 44°26'29" N., long. 97°37'10" W.), on azimuth of 256°15'; (b) Brookings, S. Dak. (lat. 44°18'50" N., long. 96°46'55" W.), on azimuth of 190°40'; and (c) Lake Kampeska (Watertown), S. Dak. (lat. 44°53'49" N. long. 97°11'05" W.), on azimuth of 308° 45'. Transmitter location: 3 miles northwest of Toronto, S. Dak.

1635-C1-P-69—Mountain Microwave Corp. (New). Amended to change site location from Lake Henry to De Smet, S. Dak., as described above, and add frequency 11,135 MHz, via power split, toward points of communication at (a) Huron, S. Dak. (lat. 44°20'05" N., long. 98°14'00" W.), on azimuth of 256°50'; and (b) Redfield, S. Dak. (lat. 44°54'40" N., long. 98°32'05" W.), azimuth of 306°30'. Transmitter location: 5 miles south of De Smet, S. Dak. (Informative: Applicant proposes to modify its original proposal to include the delivery of the TV signal station WTCN-TV, Minneapolis, Minn., to a CATV system to be operated by Oliver H. Riedel in Watertown, S. Dak., and KOTA Cable Co. in Brookings, S. Dak. NOTE: Other particulars same as reported in public notice dated Sept. 30, 1968. See also public notice dated Dec. 16, 1968, page 11 for notice of apparent mutual exclusivity with Minnesota Microwave, Inc., file numbers 3481/3482-C1-P-69.)

[F.R. Doc. 69-7555; Filed, June 25, 1969; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 22,981]

UNITED FINANCIAL CORPORATION OF CALIFORNIA

Notice of Intention To Acquire La Mirada Savings and Loan Association

JUNE 19, 1969.

Resolved that the Secretary to the Federal Savings and Loan Insurance Corporation is hereby directed to file the following notice for publication in the FEDERAL REGISTER and with the Savings and Loan Commissioner, State of California:

UNITED FINANCIAL CORPORATION OF CALIFORNIA

NOTICE OF INTENTION TO ACQUIRE LA MIRADA SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the United Financial Corporation of California, Los Angeles, Calif., for approval of the latter corporation's aquisition of the La Mirada Savings and Loan Association, La Mirada, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and section 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR sec. 584.4). The proposed acquisition would be effected by the exchange of stock of the United Financial Corporation of California for the assets of La Mirada Savings and Loan Association, which assets will be transferred to United Savings and Loan Association of California, a subsidiary of United Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 10 days of the date this notice appears in the FEDERAL REGISTER.

RURAL RADIO SERVICE

7561-C1/C2-TC-(2)-69—Nocona Telephone Co. (KKA25). Consent to transfer of control from: D. G. Gardner, Jr., Sue Gardner Parsons, N. R. Parsons, and Mabel H. Gardner, Transferors, to: Allied Telephone Co., Transferee.

7562-C1-P-69—Pacific Northwest Bell Telephone Co. (KOU52). C.P. to replace transmitter operating on 157.83 MHz at Big Lake 16.8 miles west-northwest of Sisters, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

7563-C1-P/ML-69—Southwestern Bell Telephone Co. (KAD26). C.P. and modification of license to add frequency 6062.5 MHz toward (KTWU-TV) Topeka, Kans. Station location: Third and Oakley Streets, Topeka, Kans.

7567-C1-P-69—Illinois Bell Telephone Co. (New). C.P. for a new fixed station to be located at 1.1 miles west-northwest of Woodstock, Ill., to operate on frequencies 5989.7 and 11,605 MHz toward Silver Lake, Ill.

7568-C1-P-69—Illinois Bell Telephone Co. (KVU52). C.P. to add frequencies 6093.5 and 10,915.0 MHz toward Collinsville, Ill. Station location: 213 East Third Street, Alton, Ill.

7569-C1-P-69—Illinois Bell Telephone Co. (KVU31). C.P. to add frequencies 6345.5 and 11,365.0 MHz toward Alton, Ill. Station location: 203 Goethe Avenue, Collinsville, Ill.

7585-C1-P-69—Illinois Bell Telephone Co. (New). C.P. for a new fixed station to be located at 3.3 miles north-northeast of Plano, Ill., to operate on frequencies 6078.6 and 11,565.0 MHz toward Wasco, Ill., and frequencies 6019.3 and 11,365.0 MHz toward Norway, Ill.

7586-C1-P-69—Illinois Bell Telephone Co. (KSN59). C.P. to add frequencies 6301.0 and 11,115 MHz toward Plano, Ill. Station location: Town Hall Road, 2.5 miles southwest of Wasco, Ill.

7680-C1-P/ML-69—The Chesapeake and Potomac Telephone Co. of Virginia (KJG53). C.P. and modification of license to add 6115.5 MHz toward (WHRO-TV Studio) Norfolk, Va. Station location: 120 West Bute Street, Norfolk, Va.

7681-C1-P/ML-69—The Chesapeake and Potomac Telephone Co. of Virginia (KIR28). C.P. and modification of license to add frequency 6390 MHz toward (ETV Station WCVE) Richmond, Va. Station location: 703 East Grace Street, Richmond, Va.

7682-C1-MP-69—Puerto Rico Telephone Co. (WWZ32). Modification of C.P. to change the location of passive repeater from Cerro Maguelles to Cerro Lazo, P.R., on frequency 2124.0 MHz. All other terms to remain same as existing C.P.

7683-C1-MP-69—Puerto Rico Telephone Co. (WWz29). Modification of C.P. to change azimuth to (Cerro Lazo) passive reflector to read: 81°53'. All other terms to remain same as existing C.P.

Major Amendment

7027-C1-P-69—Carolina Telephone & Telegraph Co. (KJJ95). Change frequency 6115.7 MHz toward Fountain Crossroads, N.C., to 6146.3 MHz. All other particulars same as reported in public notice dated May 26, 1969, Report No. 441.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7675-C1-P-69—Western Microwave, Inc. (KPR99). C.P. to power split frequencies 6060 and 6360 MHz toward Hardin, Mont., on azimuth 260°35'. Location: 3.5 miles northeast of Sarpy, Mont., at lat. 45°50'27" N., long. 106°54'39" W. (Informative: Applicant proposes to provide the television signals of stations KSL-TV and KUED of Salt Lake City, Utah, to Hardin, Mont., for delivery to TV Cable Associates, Inc.)

7705-C1-P-69—Mountain Microwave Corp. (New). C.P. for a new transmitting station at 2 miles north-northwest of Redfield, S. Dak. (lat. 44°54'40" N., long. 98°32'05" W.), to operate on frequency 11,625 MHz toward Aberdeen, S. Dak. (lat. 45°28'50" N., long. 98°30'00" W.), on azimuth of 02°28'. (Informative: Applicant proposes to provide the TV signal of station WTCN-TV of Minneapolis, Minn., to Midcontinent Broadcasting Co. in Aberdeen, S. Dak. NOTE: See file Nos. 1633 through 1635-C1-P-69, page 9 of this public notice.)

7718-C1-P-69—Mountain Microwave Corp. (New). C.P. for a new transmitting station at 2 miles north-northwest of Redfield, S. Dak. (lat. 44°54'40" N., long. 98°32'05" W.), to operate on frequencies 10,715, 10,795, and 10,875 MHz toward Garden City, S. Dak. (lat. 44°58'30" N., long. 97°34'28" W.), on azimuth of 84°38'.

For the Federal Savings and Loan Insurance Corporation.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-7535; Filed, June 25, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-342, 50-343]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Receipt of Application for Construction Permits and Facility Licenses

The Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, N.Y. 10003, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 3, 1969, for authorization to construct and operate a two-unit nuclear power station at its 130-acre site on the east side of the Hudson River in the town of Cortlandt, Westchester County, N.Y. The site is contiguous to the company's Indian Point site at Buchanan.

The proposed nuclear power station will consist of two identical boiling water nuclear reactors, designated by the applicant as Nuclear Units 4 and 5, each of which will have a net electrical output of approximately 1,115 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of June 1969.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

[F.R. Doc. 69-7492; Filed, June 25, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

HAMBURG-AMERICAN LINE AND NORTH GERMAN LLOYD

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 9802, between Hamburg-American Line and North German Lloyd, provides for the establishment of a joint service designated as the "Hapag/Lloyd Magellan Service", to operate in the trade from U.S. Atlantic ports to ports in Chile under terms and conditions set forth therein. In the case of any trades or traffic within the scope of this agreement where the rates, charges and practices are not prescribed by any conference to which the joint service is a party, the joint service shall establish and maintain its own rates, charges and practices.

Dated: June 23, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-7564; Filed, June 25, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bankers Trust New York Corp., New York, N.Y., for approval of acquisition of all of the voting shares of Bank of Jamestown, Jamestown, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Bankers Trust New York Corp., New York, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of all of the voting shares of Bank of Jamestown, Jamestown, N.Y.

As required by section 3(b) of the Act, the Board notified the Superintendent of Banks of the State of New York of the application and requested his views and recommendation. The New York State Banking Board advised the Board of its action, consistent with a recommendation made to it by the Superintendent, approving an application filed pursuant to the New York Banking Law with respect to the same transaction.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 5, 1969 (34 F.R. 6214), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 18th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-7497; Filed, June 25, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-802, etc.]

PERRY R. BASS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JUNE 17, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[1] Does not consolidate for hearing or dispose of the several matters herein.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 5, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-802	Perry R. Bass (Operator) et al., 1200 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	6	15	Transwestern Pipeline Co. (Keystone Plant Area, Winkler, Crane, Ward, and Reeves Counties, Tex.) (RR. District No. 8 and Bell Lake Field Area, Lea County, N. Mex.) (Permian Basin Area).	$970,937	5-19-69	[2] 6-19-69	11-19-69	[3] 16.25	[3] [4] [5] 20.5	
					15,968				[6] 14.26	[3] [4] [6] 20.5	
									[7] 14.67	[3] [4] [7] 20.5	
									[8] 13.86	[3] [4] [8] 18.5	
	do	17	6	Transwestern Pipeline Co. (Hamon Field, Reeves County, Halley Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	[10] 134,844	5-22-69	[2] 6-22-69	11-22-69	[9] 14.35 [11] 13.48 [12] 16.49 [13] 14.48	[3] [4] [9] 18.5 [3] [4] [11] 17.5 [3] [4] [12] 20.5 [3] [4] [13] 20.5	
RI69-803	Hunting Oil Co., Inc., 14701 Detroit Ave., Lakewood, Ohio 44107.	1	[14] 3	The Ohio Fuel Gas Co. (Lebanon Township, Meigs County, Ohio).	3,600	5-21-69	[2] 6-21-69	11-21-69	25.0	[15] [16] [17] 27.0	
RI69-804	Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414.	14	7	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Pool, San Juan County, N. Mex.) (San Juan Basin Area).	1,501	5-23-69	[18] 6-25-69	11-25-69	[21] 12.0454	[18] [20] [21] 13.0454	
	do	15	7	do	1,013	5-23-69	[18] 6-25-69	11-25-69	[21] 12.0454	[18] [20] [21] 13.0454	
	do	19	5	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	842	5-22-69	[18] 6-22-69	11-22-69	[21] 12.0454	[18] [20] [21] 13.0454	
	do	21	5	El Paso Natural Gas Co. (Angels Peak Gallup Pool, San Juan Basin County, N. Mex.) (San Juan Basin Area).	537	5-22-69	[18] 6-22-69	11-22-69	[21] 12.0454	[19] [20] [21] 13.0454	
RI69-805	Husky Oil Co. of Delaware (Operator) et al.	20	8	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	8,211	5-23-69	[18] 6-25-69	11-25-69	[23] 13.0495	[20] [22] [23] 14.0495	RI64-320.
RI69-806	Acoma Oil Corp. (Operator) et al., Hamm Bldg., St. Paul, Minn. 55102.	5	9	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.) (Permian Basin Area).	1,650	5-23-69	[18] 8-1-69	1-1-70	14.99	[4] [24] 15.99	
RI69-807	do	10	10	do	[25]	5-26-69	[18] 8-1-69	1-1-70	14.99	[4] [24] 15.99	
RI69-808	Ashland Oil & Refining Co. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	122	6	Northern Natural Gas Co. (Guymon-Hugoton Field, Texas, County, Okla.) (Panhandle Area).	1,160	5-21-69	[18] 7-1-69	12-1-69	[26] [28] 12.0	[4] [19] [26] [28] 13.01	RI68-117.
RI69-809	Atlantic Richfield Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	414	50	Michigan Wisconsin Pipe Line Co. (Laverne et al., Fields, Harper, and Beaver Counties, Okla.) (Panhandle Area).	273,255	5-22-69	[2] 6-22-69	11-22-69	[27] 20.5	[4] [18] [27] [29] 23.015	RI66-305.
	do	443	[30] 45	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey and Major Counties, Okla.) (Oklahoma "Other" Area) and Woodward County, Okla.) (Panhandle Area).	489,358 19,180	5-22-69 ------	[2] 6-22-69 ------	11-22-69 ------	[27] [31] [33] 18.9 [32] [34] 20.5	[4] [13] [27] [31] [32] 24.1325 [4] [18] [27] [32] [34] 24.1325	[35] RI68-70.
	do	472	12	Lone Star Gas Co. (East Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	19,299 867	5-22-69 ------	[2] 6-22-69 ------	11-22-69 ------	[34] 15.0 17.9	[4] [19] [29] 19.015 [4] [19] 19.015	RI68-624.
RI69-810	Atlantic Richfield Co.	431	29	El Paso Natural Gas Co. (Various Fields, Beaver and Ellis Counties, Okla. (Panhandle Area) and Lipscomb and Ochiltree Counties, Tex.) (RR. District No. 10).	112,911	5-22-69	[2] 6-22-69	11-22-69	[34] 19.0 [35] 19.0	[4] [19] [29] [34] 23.015 [4] [19] [29] 23.0	RI66-162. RI66-162.
	do	537	5	Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	15	5-22-69	[2] 6-22-69	11-22-69	17.9	[4] [19] [29] 19.015	RI63-716.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Increase from applicable area ceiling rates to contract rates.
[4] Pressure base is 14.65 p.s.i.a.
[5] Keystone Field Area, Texas, new gas-well gas.
[6] Keystone Field Area, Texas, old gas-well gas and casinghead gas.
[7] Crawar Field, Tex.
[8] Bell Lake Field, N. Mex., Devonian Formation.
[9] Bell Lake Field, N. Mex., Pennsylvanian Formation.
[10] Filing does not include breakdown on volumes for types of gas.
[11] Hamon Field, new gas-well gas.
[12] Halley Field, new gas-well gas.
[13] Halley Field, casinghead gas.
[14] Includes letter from the buyer providing for the increase.
[15] Renegotiated rate increase.
[16] Pressure base is 15.325 p.s.i.a.
[17] For volumes delivered in excess of 1,000 Mcf per month. Rate reduces to 25 cents for volumes delivered between 500 and 1,000 Mcf per month and 22 cents for less than 500 Mcf per month.
[18] The stated effective date is the effective date requested by Respondent.
[19] Periodic rate increase.
[20] Pressure base is 15.025 p.s.i.a.
[21] Includes 0.0495 cent per Mcf tax reimbursement.
[22] Periodic increase from rate inclusive of 1 cent per Mcf minimum guarantee for liquids to rate exclusive of 1 cent per Mcf minimum guarantee for liquids.
[23] Includes 0.0495 cent per Mcf tax reimbursement.
[24] "Fractured" rate increase. Respondent contractually due 17.5 cents per Mcf on Aug. 1, 1969.
[25] Well shut in by Conservation Commission—no volume given.
[26] Subject to a downward B.t.u. adjustment.
[27] Includes 1-cent upward B.t.u. adjustment (1,100 B.t.u. gas). Base rate subject to 1/100-cent upward B.t.u. adjustment for each B.t.u. in excess of 1,000 B.t.u. and proportionate downward B.t.u. adjustment from 1,000 B.t.u.'s.
[28] Includes 0.01-cent tax reimbursement.
[29] Includes 0.015-cent tax reimbursement.
[30] Not applicable to acreage added by Supplement No. 42 to Atlantic's Rate Schedule No. 443 (Orie C. Johnson Unit).
[31] Oklahoma "Other" area production.
[32] Includes 1.135-cent tax reimbursement.
[33] Effective subject to refund in Dockets Nos. RI67-316, RI68-636, and RI69-296 for various acreage under contract.
[34] Oklahoma Panhandle area production.
[35] Applicable to acreage added by Supplements Nos. 9 and 10 to Atlantic's Rate Schedule No. 472.
[36] Texas production.

Perry R. Bass (Operator) et al. (Bass) requests waiver of the statutory notice to permit his proposed rate increases to become effective on May 19, 1969 (Supplement No. 15 to Bass' FPC Gas Rate Schedule No. 6) and May 22, 1969 (Supplement No. 6 to Bass' FPC Gas Rate Schedule No. 17). Atlantic Richfield Co. (Operator) et al., and Atlantic Richfield Co. (both referred to herein as Atlantic) also request waiver of the statutory notice to permit an effective date of May 22, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Bass and Atlantic's rate filings and such requests are denied.

The basic contract related to the proposed rate increase of Husky Oil Company of Delaware (Operator) et al. (Husky) contains a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Husky is advised that a notice of change in rate will be required if he intends to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket Nos. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al.

Hunting Oil Co., Inc. (Hunting) proposes an increase to 27 cents per Mcf at 13.325 p.s.i.a. for a sale of gas in Eastern Ohio where no formal rate ceiling has been announced. The gas is being produced from an area contiguous with West Virginia where the increased rate ceiling is 25 cents per Mcf. The Commission has heretofore considered the West Virginia ceilings to be applicable to this area. We conclude that Hunting's proposed rate increase should be suspended for 5 months from June 21, 1969, the expiration date of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Hunting, mentioned above, for which no formal ceiling rates have been established for the area involved but exceeds the area increased rate ceiling for adjacent West Virginia which has been used for similar cases in the past, and the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

[F.R. Doc. 69-7429; Filed, June 25, 1969; 8:45 a.m.]

[Docket No. CP69-332]

EL PASO NATURAL GAS CO. AND EL PASO GAS TRANSPORTATION CORP.

Notice of Application

JUNE 17, 1969.

Take notice that on June 11, 1969, El Paso Natural Gas Co. (Applicant El Paso) and El Paso Gas Transportation Corp. (Applicant Transportation), both having addresses of Post Office Box 1492, El Paso, Tex. 79999, jointly filed in Docket No. CP69-332 an application for (1) a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing Applicant El Paso to acquire certain mainline and branchline facilities owned by Applicant Transportation and (2) permission and approval to abandon under section 7(b) of the Natural Gas Act permitting Applicant Transportation to abandon its pipeline facilities in favor of the acquisition thereof by Applicant El Paso, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant Transportation, a wholly owned subsidiary of Applicant El Paso, is seeking permission to abandon approximately 11.3 miles of 16-inch O.D. pipeline, 1.6 miles of 2⅜-inch to 10¾-inch pipeline, and various tap and measuring and regulating facilities. Applicant El Paso states that it is no longer necessary or advantageous to continue the separate operations of its subsidiary and proposes to acquire and operate all of the natural gas facilities of Applicant Transportation by purchase thereof in the amount of $240,864.03. Such cost represents the original book cost of such facilities less the sum of accumulated depreciation and accrued reserve for deferred Federal income taxes, and will be financed by current working funds.

Applicants state that no interruption or impairment of service to customers will result, and the current rate schedules will be continued. Applicants also state no additional deliveries are involved in the proposal, and therefore, no change in Applicant El Paso's gas supply will result from the transaction.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7493; Filed, June 25, 1969; 8:45 a.m.]

[Dockets Nos. E-7482, E-7481]

NORTHERN STATES POWER CO. ET AL.

Notice of Application; Correction

JUNE 19, 1969.

Northern States Power Co., Otter Tail Power Co., and Minnkota Power Cooperative, Inc.

In the notice of application issued May 23, 1969, and published in the FEDERAL REGISTER, May 30, 1969 F.R. 34(8382), in paragraph 2, line 5, change "Minneapolis" to "Fergus Falls."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7494; Filed, June 25, 1969; 8:45 a.m.]

[Docket No. CP69-336]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 19, 1969.

Take notice that on June 13, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-336 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas which will enable Applicant to connect additional reserves to its existing marine system, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to purchase gas produced in the Block 215 Field, Vermilion Area, offshore Louisiana, pursuant to an executed gas purchase contract with Mobil Oil Corp. (Mobil). In connection with this purpose, Mobil has reserved the right to require Applicant to deliver certain volumes to Mobil at a mutually agreeable point on Applicant's existing system in the vicinity of Mobil's Beaumont Refinery in Jefferson County, Tex., in exchange for like quantities of gas delivered by Mobil to Applicant in the Block 215 Field.

Specifically, Applicant proposes to construct and operate approximately 28 miles of 20-inch pipeline extending from its existing facility in Block 49A, South Marsh Island Area to a platform constructed in the Block 215 Field by the above-named producer, together with a meter and regulator station to be located on such platform.

Estimated total cost is $7,568,000, which will be financed initially from funds on hand and by bank loans. Permanent financing will be through the issuance of long term securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7495; Filed, June 25, 1969; 8:45 a.m.]

[Docket No. CP69-337]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 19, 1969.

Take notice that on June 16, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-337 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to abandon:

(1) Approximately 1.76 miles of 10-inch transmission purchase pipeline and one (1) metering and regulator station known as the Pan Am-Placid Thibodaux purchase facilities, Lafourche Parish, La.

(2) Approximately 1.90 miles of 10-inch transmission purchase pipeline constituting a portion of the St. Charles lateral, Refugio County, Tex.

Applicant states that reserves available at the first of these facilities have declined to the point where production has terminated. The second facility constitutes part of a line previously abandoned.

The transmission purchase lines will be abandoned in place if they cannot be sold whereas the metering and regulator station facilities will be salvaged for future company use.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7496; Filed, June 25, 1969; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

WHOLE DRIED EGGS FROM HOLLAND

Antidumping Proceeding Notice

JUNE 18, 1969.

On February 10, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27), indicating a possibility that whole dried eggs from Holland, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by Milton G. Waldbaum Co., Wakefield, Nebr.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of whole dried eggs from Holland are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-7553; Filed, June 25, 1969; 8:50 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

COMMUNITY ACTION PROGRAMS

Requirement of Affirmative Action Civil Rights Program

The following notice is applicable to all grantees and delegate agencies receiving financial assistance under Titles I-B, I-D, II, and III-B of the Economic Opportunity Act, if the assistance is administered by the Office of Economic Opportunity. This notice will be incorporated into OEO Instruction 6710-1, "Applying for a CAP Grant", when that instruction is revised and reissued in the near future.

Requirement for affirmative action civil rights program. The purpose of CAP Form 11 is to obtain assurance from each applicant for a grant and each delegate that he will comply with the requirements of title VI of the Civil Rights Act of 1964. CAP Form 11, as revised, now states that the grantee "hereby gives assurance that it will immediately, in all phases and levels of programs and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation."

The requirements for affirmative action under title VI of the Civil Rights Act of 1964 apply to all the benefits of Federal expenditures except employment. The latter is covered only when a primary purpose of the particular Federal expenditure is to create employment. Therefore, affirmative action under title VI requires that the members of all ethnic groups be informed of and be drawn into participation in all the benefits of the program for which they are eligible. This includes an active information and outreach program so that all the eligible people in the community are aware of these benefits and are informed as to how to obtain them. It also involves the inclusion of members of all ethnic groups on governing boards and on policy advisory committees set up to provide for participation of citizens in planning programs and in setting priorities for action.

Other elements of affirmative action include locating the sites of community centers, service facilities, education and training programs so as to achieve integration and to provide full and equal access to these programs for the members of all ethnic groups. Another element in affirmative action is to provide staff members who can communicate with all ethnic groups in the community in terms of their own language and culture.

Instruments for evaluating the success of these affirmative efforts will include:

(1) Copies of posters, news releases, letters to key individuals and organizations, and a description of other efforts to inform the members of all ethnic groups in the community of the benefits and opportunities available to them under the program.

(2) Descriptions of on-going outreach programs designed to reach and serve all ethnic groups. This should be reflected in the work program of each application for funds.

(3) An ethnic breakdown of the enrollees in each program which should bear a reasonable relation to the ethnic composition of the people in the target area. This should be reflected in the work program and CAP Form 84 of each funding request.

(4) An ethnic breakdown of the members of the governing board of each project. The members of all ethnic groups should be adequately represented, both as delegates from community agencies and as individuals chosen to represent the people of the target area. This should be reflected in CAP Form 3 submitted by each applicant as part of his funding cycle.

(5) An ethnic breakdown of the members of the policy advisory committee which should bear a reasonable relationship to the ethnic composition of the target area. This should be reflected in CAP Form 3 submitted by each applicant as part of his funding cycle.

(6) Maps of the community showing the areas of concentration of the members of different ethnic groups in relation to the sites selected for the activities under the program. This site selection should seek to balance the goals of integration in every program and convenience to the individuals to be served. This information should be reflected in each applicant's regular submission of CAP Form 5.

(7) An analysis of the cultural background and the language skills of the members of the staff to make sure that they can communicate effectively with the clients to be served.

Effective date. This notice becomes effective 30 days after publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.
WALTER L. ROBBINS,
Acting Assistant Director
for Civil Rights.

[F.R. Doc. 69-7552; Filed, June 25, 1969; 8:49 a.m.]

RENEGOTIATION BOARD

GENERAL COUNSEL

Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, and of section 211(b) of Public Law 90-206, the General Counsel of the Renegotiation Board shall receive compensation at the rate of $33,495 per annum, effective July 13, 1969.

Dated: June 20, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7507; Filed, June 25, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMPETITIVE CAPITAL FUND ET AL.

Notice of Filing of Application Exemption

JUNE 20, 1969.

In the matter of Competitive Capital Fund, Competitive Capital Corp., 44 Montgomery Street, Suite 3800, San Francisco, Calif.; Studley, Shupert and Co., Inc., of Boston, 155 Berkeley Street, Boston, Mass.; 812-2463.

Notice is hereby given that Competitive Capital Fund (the "Fund"), a Delaware corporation registered under the Investment Company Act of 1940 (the "Act") as an open-end diversified management investment company, Competitive Capital Corp. ("Fund Manager"), a California corporation, and Studley, Shupert and Co., Inc., of Boston ("Studley Shupert"), a Delaware corporation, have filed an application pursuant to section 6(c) of the Act for an order of exemption from section 15(a) of the Act to the extent necessary to permit Studley Shupert to act as portfolio manager of Fund pursuant to a Portfolio Manager Agreement between Fund, Fund Manager, and Studley Shupert, without shareholder approval, for the period beginning February 24, 1969, the date of commencement of service by Studley Shupert, and ending April 8, 1969, the date of the annual meeting of shareholders of Fund. All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein, which are summarized below.

Under the terms of the Fund Manager Agreement between Fund and Fund Manager, Fund Manager manages the business of the Fund and administers the allocation of Fund's assets among five portfolio managers which Fund Manager is authorized to retain, subject to approval by Fund, to manage a portion of Fund's assets and to render investment advisory and other related services. Fund Manager terminated its Portfolio Manager Agreement with one of its portfolio managers pursuant to the terms of the agreement and section 15(a) of the Act. The terminated manager indicated to Fund and Fund Manager its willingness to forego any compensation to which it might be entitled under its Portfolio Manager Agreement and has transferred the assets of Fund formerly under its advisement to Studley Shupert. At the annual meeting held on April 8, 1969, the Fund shareholders approved a Portfolio Manager Agreement with Studley Shupert in substantially the form and containing substantially the same provisions as the Portfolio Manager Agreement in effect with Fund's four other portfolio managers. Fund proposes to compensate Studley Shupert for its services from February 24, 1969, to April 8, 1969, at the lesser of actual cost or the compensation provided in the form of Portfolio Manager Agreement of Fund.

Fund and Fund Manager state that it was in the best interests of Fund and its shareholders for Studley Shupert to assume management of the subject assets immediately and Fund represents that it would have been unduly expensive and burdensome to call a special meeting of shareholders for the purpose of approving the new Portfolio Manager Agreement with Studley Shupert especially in view of the imminence of the regular annual meeting.

Section 15(a) of the Act provides in pertinent part that it shall be unlawful for any person to act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such registered company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 30, 1969 at 5 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a

statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rule and regulations promulgated under the Act, an order disposing the matter herein may be issued by the Commission upon the basis of the information stated in this application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in such matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7508; Filed, June 25, 1969; 8:46 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 21, 1969, through June 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7509; Filed, June 25, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 712]

NEW MEXICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Valencia, N. Mex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, suffered damage or destruction resulting from floods occurring on June 15, 1969.

OFFICE

Small Business Administration Regional Office, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1969.

Dated: June 17, 1969.

R. B. BLANKENSHIP,
Acting Administrator.

[F.R. Doc. 69–7510; Filed, June 25, 1969; 8:46 a.m.]

[License No. 10/10–0135]

ALLIANCE CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Alliance Capital Corp., Fort Worth, Tex., has pursuant to section 107.105 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), surrendered its license to operate as a small business investment company. It was incorporated on August 16, 1963, under the laws of the State of Texas, and licensed by the Small Business Administration (SBA) on March 3, 1964, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

On June 10, 1969, Alliance Capital Corp. repaid its total indebtedness to the Small Business Administration.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and the Regulations promulgated thereunder, the surrender of the license of Alliance Capital Corp. is hereby accepted, and Alliance Capital Corp., accordingly is no longer licensed to operate as a small business investment company.

Dated: June 17, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–7511; Filed, June 25, 1969; 8:46 a.m.]

FIRST TEXAS INVESTMENT CO.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to section 107.701 of the Regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for the transfer of control of First Texas Investment Co. (First Texas), 120 Jefferson Street, Sulphur Springs, Tex. 75482, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License no. 10/10–0013.

First Texas was licensed on December 11, 1959, and as of March 1, 1969, had paid-in capital and paid-in surplus from private sources amounting to $180,000. It has 17,534 shares of issued and outstanding common stock. George Leavesley, James C. Leavesley, and John E. Leavesley propose to purchase the entire 17,534 shares of issued and outstanding common stock. Each of these individuals will individually purchase one-third of the currently outstanding stock. The proposed transaction is subject to and contingent upon approval of SBA.

The proposed new officers and directors are as follows:

President, Director—George Leavesley.
Vice President, Director—James C. Leavesley.
Secretary, Treasurer and Director—John E. Leavesley.

The above persons are also officers and directors of Leavesley Industries, Inc. The Licensee's principal office will be located at 506 Nebraska Street, South Houston, Tex. 77587. This is also the main office of Leavesley Industries. A branch office will be maintained at 120 Jefferson Street, Sulphur Springs, Tex. 75482. When loan demand indicates the need, additional capital will be invested by the Leavesleys or unissued stock will be sold to other individuals.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested person may, within 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in South Houston and Sulphur Springs, Tex.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–7512; Filed, June 25, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Ben Franklin, variety store; No. 7544, Joplin, Mo.; 4–23–69 to 4–22–70.

Billups Plantation, Inc., agriculture; Indianola, Miss.; 4–25–69 to 4–24–70.

Vern Brower, agriculture; 14950 Lake Michigan Drive, West Olive, Mich.; 4–22–69 to 4–21–70.

Buehler Market, foodstores from 4–27–69 to 4–26–70: 90 Broad Street, Southwest, Atlanta, Ga.; 104 Georgia Avenue, Southeast, Atlanta, Ga.

Buehler Markets, foodstore; 429 Market Street, Chattanooga, Tenn.; 4–27–69 to 4–26–70.

Byrd's Supermarkets, Inc., foodstore; Mount Olive, Miss.; 4–28–69 to 4–27–70.

Carson Pirie Scott & Co., department store; 111–113 North Tremont, Kewanee, Ill.; 4–28–69 to 4–27–70.

Charming Shoppes, Inc., apparel store; 8 East Main Street, Norristown, Pa.; 4–28–69 to 4–27–70.

City Market, Inc., foodstores from 4–28–69 to 2–28–70: 117 Chestnut Street, Cortez, Colo.; 625 Meeker Street, Delta, Colo.; 1316 Main Avenue, Durango, Colo.; Nos. 1 and 2, Grand Junction, Colo.; 1410 South Grand Avenue, Glenwood Springs, Colo.; 128 South Townsend, Montrose, Colo.; No. 7, Rifle, Colo.

City Meat Market, foodstore; Humphrey, Nebr.; 4–28–69 to 4–27–70.

Community Hospital, hospital, Newman Grove, Nebr.; 4–24–69 to 4–23–70.

Dillon Companies, Inc., foodstores from 4–28–69 to 2–23–70: No. 16, Hays, Kans.; No. 9, Larned, Kans.

Donenfeld's, Inc., department store; 35 North Main Street, Dayton, Ohio; 4–22–69 to 4–21–70.

Eventide Manor Nursing Home, nursing home; 2700 East 12th Street, Cheyenne, Wyo.; 5–1–69 to 4–30–70.

W. T. Grant Co., variety-department store; No. 400, Rumford, Maine; 5–1–69 to 4–30–70.

Hack's Distributing, Inc., furniture-appliance stores from 4–21–69 to 4–20–70: 7833 West Capitol Drive, Milwaukee, Wis.; 3390 North Green Bay Avenue, Milwaukee, Wis.; 1308 West Mitchell Street, Milwaukee, Wis.; 333 North Plankinton Avenue, Milwaukee, Wis.; 7713 West Greenfield Avenue, West Allis, Wis.

Hub Clothing Co., apparel store; 41–49 South Main Street, Wilkes-Barre, Pa.; 5–1–69 to 4–30–70.

Kittson War Veterans Memorial Hospital Association, Inc., hospital; Cedar and 10th Streets South, Hallock, Minn.; 4–28–69 to 4–27–70.

Knopf Poultry Farm, agriculture; Pinson, Ala.; 4–25–69 to 4–24–70.

S. S. Kresge Co., variety-department store; No. 713, Atlanta, Ga.; 4–28–69 to 4–27–70.

S. H. Kress and Co., variety-department stores from 4–26–69 to 4–25–70 except as otherwise indicated: 1106 Noble Street, Anniston, Ala. (4–24–69 to 4–23–70); 101 West Main Street, Dothan, Ala. (4–24–69 to 4–23–70); 39 Dexter Avenue, Montgomery, Ala. (4–23–69 to 4–22–70); 30 North Wilson Avenue, Prichard, Ala. (4–24–69 to 4–23–70); 121 Broad Street, Selma, Ala. (424–69 to 4–23–70); 2223 Broad Street, Tuscaloosa, Ala. (4–24–69 to 4–23–70); 326 Main Street, Pine Bluff, Ark. (4–24–69 to 4–23–70); 500 Duval Street, Key West, Fla.; 475 Central Avenue, St. Petersburg, Fla.; 400 Clematis Street, West Palm Beach, Fla.; 121 Washington Street, Albany, Ga.; 118 Jackson Street, Americus, Ga.; 153 East Clayton Street, Athens, Ga. (4–28–69 to 4–27–70); 50 Broad Street, SW., Atlanta, Ga.; 1505 Newcastle Street, Brunswick, Ga.; 1117 Broad Street, Columbus, Ga.; 137 Main Street, La Grange, Ga.; 620 Cherry Street, Macon, Ga.; 120 Broughton Street, West, Savannah, Ga.; 105 North Patterson Street, Valdosta, Ga.; 308 Mary Street, Waycross, Ga.; 1102 Third Street, Alexandria, La. (4–24–69 to 4–23–70); 439 Third Street, Baton Rouge, La. (4–24–69 to 4–23–70); 316 Texas Street, Shreveport, La. (4–24–69 to 4–23–70); 500 Main Street, Hattiesburg, Miss. (4–24–69 to 4–23–70); 402 Central Avenue, Laurel, Miss. (4–24–69 to 4–23–70); 19 Patton Avenue, Asheville, N.C.; 101 West Main Street, Durham, N.C.; 208 South Elm Street, Greensboro, N.C.; 141 South Main Street, High Point, N.C.; 307 Middle Street, New Bern, N.C.; 162 South Main Street, Rocky Mount, N.C.; 11 North Front Street, Wilmington, N.C.; No. 225, Winston-Salem, N.C.; 300 South Main Street, Anderson, S.C.; 281 King Street, Charleston, S.C.; 1508 Main Street, Columbia, S.C.; 117 West Evans Street, Florence, S.C; 27 South Main Street, Greenville, S.C.; 311 Main Street, Greenwood, S.C.; 301 Russell Street, NE., Orangeburg, S.C.; 115 East Main Street, Spartanburg, S.C.; 49 South Main Street, Sumter, S.C.; 591 Pearl Street, Beaumont, Tex. (5–1–69 to 4–30–70); 230 Main Street, Eagle Pass, Tex. (5–1–69 to 4–30–70); 6407 Harrisburg Boulevard, Houston, Tex. (5–1–69 to 4–30–70).

Karl J. Krueger, agriculture; Stuart, Fla.; 4–22–69 to 4–21–70.

Liberty Super Market, foodstore; No. 99, Granada, Miss.; 4–28–69 to 4–27–70.

Clifton L. Meador, agriculture; Dumas, Ark.; 4–27–69 to 4–26–70.

G. C. Murphy Co., variety-department stores from 4–28–69 to 4–27–70 except as otherwise indicated: No. 261, Huntsville, Ala. (4–25–69 to 4–24–70); No. 263, Tuscaloosa, Ala. (4–25–69 to 4–24–70); No. 255, Daytona Beach, Fla. (4–26–69 to 4–25–70); No. 276, Hialeah, Fla. (4–26–69 to 4–25–70); No. 279, Holly Hill, Fla. (4–26–69 to 4–25–70); No. 262, Jacksonville, Fla. (4–26–69 to 4–25–70); No. 264, Miami, Fla. (4–26–69 to 4–25–70); No. 253, Pensacola, Fla. (4–26–69 to 4–25–70); No. 272, St. Petersburg, Fla. (4–26–69 to 4–25–70); No. 274, West Palm Beach, Fla. (4–26–69 to 4–25–70); No. 243, Moultrie, Ga. (4–26–69 to 4–25–70); No. 251, Berwyn, Ill. (4–25–69 to 4–24–70); No. 439, Effingham, Ill. (4–25–69 to 4–24–70); No. 457, Flora, Ill. (4–26–69 to 4–25–70); No. 112, Pontiac, Ill. (4–26–69 to 4–24–70); No. 113, Streator, Ill. (4–27–69 to 4–26–70); No. 449, Vandalia, Ill. (4–25–69 to 4–24–70); No. 461, Aurora, Ind.; No. 401, Bluffton, Ind.; No. 101, Brazil, Ind.; No. 99, Clinton, Ind.; No. 81, Columbus, Ind.; No. 423, Crawfordsville, Ind. (4–27–69 to 4–26–70); No. 407, Decatur, Ind.; No. 404, Elwood, Ind.; No. 103, Fort Wayne, Ind. (4–27–69 to 4–26–70); No. 412, Franklin, Ind. (4–27–69 to 4–26–70); No. 223, Greensburg, Ind. (4–26–69 to 4–25–70); No. 408, Hartford City, Ind.; No. 425, Huntingsburg, Ind.; Nos. 123 and 224, Indianapolis, Ind. (4–27–69 to 4–26–70); Nos. 235 and 260, Indianapolis, Ind.; No. 445, Kendallville, Ind. (4–27–69 to 4–26–70); No. 300, Kokomo, Ind.; No. 203, Linton, Ind.; No. 405, Portland, Ind.; No. 420, Princeton, Ind.; No. 100, Rockville, Ind.; No. 72, Seymour, Ind.; No. 105, Shelbyville, Ind.; No. 114, Washington, Ind.; No. 270, St. Paul, Minn. (4–25–69 to 4–24–70); No. 249, Hickory, N.C. (4–26–69 to 4–25–70); No. 275, Milwaukee, Wis.

Neisner Brothers, Inc., variety-department store; No. 76, Chicago, Ill.; 4–25–69 to 4–24–70.

Oakley's Department Store, department store; South Hill, Va.; 4–28–69 to 4–27–70.

Pleezing Food Store of West Florida, Inc., foodstore; 980 North T Street, Pensacola, Fla.; 4–27–69 to 4–26–70.

The Poor Sisters of Nazareth, Inc., nursing home; 814 Jackson Street, Stoughton, Wis.; 4–28–69 to 4–27–70.

J. C. Robinson Seed Co., agriculture; Waterloo, Nebr.; 4–28–69 to 4–27–70.

St. Luke's Home & Center, nursing home; Kearney, Nebr.; 4–24–69 to 4–23–70.

Schensul's Cafeteria, Inc., restaurant; 333 South Burdick Street, Kalamazoo, Mich.; 4–25–69 to 4–24–70.

Seeley, Inc., apparel store; 617 St. Joseph Street, Rapid City, S. Dak.; 4–21–69 to 4–20–70.

Skag-Way Dept. Stores, Inc., department store; 620 West State Street, Grand Island, Nebr.; 4–22–69 to 4–21–70.

Stafford's Shopping Center, Inc., foodstore; 1509 Chatsworth Road, Ga.; 4–22–69 to 4–21–70.

Summit Mercantile Co., foodstore; Blackduck, Minn.; 4–21–69 to 4–20–70.

Vlasic Food Products Co., agriculture; 7451 Carlock Road, Carson City, Mich.; 5–1–69 to 4–30–70.

Wright's Food Service, Inc., foodstore; 731 East Elm Street, Union City, Ind.; 4–25–69 to 4–24–70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Barrett Community Home, Inc., nursing home; Barrett, Minn.; nurse's aide, dining room worker, kitchen helper; 4 to 16 percent; 4–30–69 to 4–29–70.

J. Berends & Sons, agriculture; Byron Center, Mich.; vegetable weeder, vegetable harvester; 0 to 70 percent; 4–21–69 to 4–20–70.

Big Bear Supermarket, foodstores for the occupation of courtesy clerk, 13 to 18 percent except as otherwise indicated, 4–22–69 to 4–21–70: No. 19, Greensboro, N.C. (11 to 14 percent); No. 2, High Point, N.C. (18 to 20 percent); No. 24, Stanleyville, N.C.; Nos. 18, 20, 22, and 23, Winston-Salem, N.C.

Big Star Food Center, foodstores for the occupations of sacker, stock clerk, 10 percent, 4–25–69 to 4–24–70: No. 78, Carmi, Ill.; No. 118, Effingham, Ill.

Buehler Market, foodstores for the occupations of stock clerk, checker, carryout, 8 to 11 percent, 4–27–69 to 4–26–70: 1979 Boulevard Drive SE., Atlanta, Ga.; 1553 Gordon Street SW., Atlanta, Ga.

City Market, Inc., foodstores for the occupation of caddy clerk, 10 percent, 4–28–69 to 2–28–70 except as otherwise indicated: No. 1, Basalt, Colo.; No. 9, Grand Junction, Colo.; No. 10, Moab, Utah; No. 12, Rawlins, Wyo. (4–21–69 to 4–20–70).

Dillon Cos., Inc., foodstore; No. 40, El Dorado, Kans.; checker, cashier, carryout, clerk, maintenance, wrapper; 9 to 17 percent; 4–24–69 to 4–23–70.

Duckwall Stores Co., variety-department store; No. 101, Colorado Springs, Colo.; salesclerk, stock clerk; 13 to 32 percent; 4–28–69 to 4–27–70.

Fashion Bug, Inc., apparel store; Plymouth Meeting, Pa.; salesclerk, cashier, stock clerk; 2 to 13 percent; 4–25–69 to 4–24–70.

W. T. Grant Co., variety-department store; No. 1042, Rockford, Ill.; salesclerk; 6 to 15 percent; 4–22–69 to 4–21–70.

S. S. Kresge Co., variety-department store; for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated, 5 to 10 percent except as otherwise indicated, 5–1–69 to 4–30–70 except as otherwise indicated: No. 4292, Hialeah, Fla. (checker-cashier, salesclerk, stock clerk, office clerk, maintenance, 7 to 10 percent, 4–29–69 to 4–28–70); No. 4293, Decatur, Ill.; No. 4297, Moline, Ill.; No. 4294, Marion, Ind. (salesclerk, checker-cashier, stock clerk, maintenance, 4 to 10 percent, 4–24–69 to 4–23–70); No. 4077, Lexington, Ky. (6 to 23 percent, 4–23–69 to 4–22–70); Nos. 4216 and 4270, St. Louis, Mo.

S. H. Kress and Co., variety-department stores for the occupations of salesclerk, stock clerk, 4–26–69 to 4–25–70: 3300 Robinhood Road, Winston-Salem, N.C., 3 to 22 percent; Guignard Drive, Sumter, S.C., 3 to 19 percent.

Lerner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk, 4–25–69 to 4–24–70 except as otherwise indicated: No. 198, St. Petersburg, Fla., 4 to 18 percent (4–24–69 to 4–23–70); No. 149, Alexandria, La., 2 to 19 percent; No. 313, Bethesda, Md., 10 percent (4–24–69 to 4–23–70); No. 227, Minneapolis, Minn., 17 to 42 percent; No. 251, Levittown, Pa., 3 to 9 percent; No. 79, Wilkes-Barre, Pa., 5 percent; No. 211, Knoxville, Tenn., 1 to 16 percent; No. 113, Memphis, Tenn., 3 to 19 percent (4–27–69 to 4–26–70).

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 4–24–69 to 4–23–70 except as otherwise indicated: No. 385, Albertville, Ala., 10 to 17 percent; No. 211, Zephyr Hills, Fla., 10 to 30 percent (salesclerk, office clerk, stock clerk, porter, 4–23–69 to 1–31–70), Replacement; No. 383, Jacksonville, Ill., 10 to 27 percent; No. 222, Crawfordsville, Ind., 7 to 16 percent (5–1–69 to 4–30–70); No. 294, Albuquerque, N. Mex., 4 to 27 percent (salesclerk, stock clerk, office clerk, porter, 4–25–69 to 4–24–70).

Morgan & Lindsey, Inc., variety-department store; No. 3002, Oakdale, La.; salesclerk, stock clerk, office clerk; 8 to 27 percent; 4–25–69 to 4–24–70.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 4–26–69 to 4–25–70 except as otherwise indicated: No. 289, Gainesville, Fla., 9 to 27 percent; No. 284, Orlando, Fla., 3 to 24 percent; No. 287, Panama City, Fla., 12 to 25 percent; No. 292, Pensacola, Fla., 12 to 25 percent; No. 290, West Hollywood, Fla., 10 to 17 percent; No. 277, Mount Prospect, Ill., 14 to 32 percent (4–25–69 to 4–24–70); No. 161, Minneapolis, Minn., 13 to 22 percent (4–25–69 to 4–24–70); No. 174, Monroeville, Pa., 9 to 25 percent (4–29–69 to 4–28–70).

Neisner Brothers, Inc., variety-department stores: No. 44, Miramar, Fla., salesclerk, stock clerk, office clerk, 24 to 48 percent, 4–24–69 to 4–23–70; No. 203, Tampa, Fla., salesclerk, stock clerk, office clerk, maintenance, 10 to 29 percent, 4–23–69 to 4–22–70.

North Mississippi Medical Center, hospital; Tupelo, Miss.; housekeeper, dietary aide, laundry aide; 0.7 to 4 percent; 5–1–69 to 4–30–70.

Piggly Wiggly, foodstore; No. 3, Columbus, Ga.; sacker, bottle clerk, janitorial; 10 to 13 percent; 4–1–69 to 8–31–70.

Robinson's Hardware, hardware store; 221 Morley Avenue, Nogales, Ariz.; salesclerk, cashier, stock clerk; 9 to 30 percent; 4–23–69 to 4–22–70.

Rose's Stores, Inc., variety-department stores for the occupation of salesclerk, 13 to 24 percent, 4–22–69 to 4–21–70: Nos. 6001 and 6002, Norfolk, Va.

Spurgeon's, department store; 113–115 Central Avenue NW., Le Mars, Iowa; salesclerk, stock clerk, janitorial, receiving clerk, marker; 12 to 16 percent; 4–25–69 to 4–24–70.

Sterling Stores Co., Inc., variety store; 225 Yazoo Avenue, Clarksdale, Miss.; salesclerk, stock clerk, janitorial; 11 to 38 percent; 4–28–69 to 4–27–70.

T.G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk: No. 627, San Jose, Calif., 20 to 30 percent, 4–28–69 to 4–27–70; No. 816, Baton Rouge, La., 3 to 30 percent, 4–24–69 to 2–27–70, Replacement; No. 327, New Roads, La., 8 to 30 percent, 4–22–69 to 4–21–70; Nos. 283 and 285, Albuquerque, N. Mex., 13 to 24 percent, 4–30–69 to 4–29–70; No. 817, Deer Park, Tex., 30 percent, 5–1–69 to 4–30–70; No. 772, Galveston, Tex., 30 percent, 4–28–69 to 4–27–70; No. 232, Orange, Tex., 7 to 20 percent, 4–29–69 to 4–28–70.

Vonadas Store, foodstore; Aaronsburg, Pa.; stock clerk, carryout; 7 percent; 4–24–69 to 4–23–70.

Wiest's, Inc., apparel store; North Mall Shopping Center, York, Pa.; salesclerk, stock clerk; 2 to 13 percent; 4–29–69 to 4–28–70.

Winks Super Valu, foodstore; Quincy, Ill.; carryout; 8 to 18 percent; 4–22–69 to 4–21–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 18th day of June 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-7537; Filed, June 25, 1969; 8:48 a.m.]

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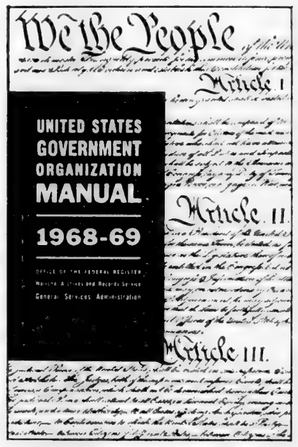

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FEDERAL REGISTER

VOLUME 34 • NUMBER 123
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OF MICH

NOTICE

New Location of Federal Register Office.

On and after June 30, 1969, the Office of the Federal Register will be located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

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Business and Defense Services Administration
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Administration
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Trade Commission
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Geological Survey
Internal Revenue Service
International Joint Commission—United States and Canada
Interstate Commerce Commission
Land Management Bureau
National Park Service
Public Health Service
Securities and Exchange Commission
Social and Rehabilitation Service
Social Security Administration
Wage and Hour Division

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CODE OF FEDERAL REGULATIONS

(As of January 1, 1969)

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Title 21—Food and Drugs (Parts 120–129) (Revised)-- 1.75

Title 32—National Defense (Parts 40–399) (Revised)-- 2.75

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Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69–CE–9–AD; Amdt. 39–790]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and A99 Airplanes

As a result of tests conducted by the manufacturer on Beech Models 99 and A99 airplanes, it has been determined that an unsafe condition exists due to the installation of incorrect autofeather valves on the propeller overspeed governor. This valve affects the time required to autofeather the propeller in the event of an engine malfunction. An incorrect valve will sufficiently delay the autofeather cycle so as to cause high propeller drag during a critical phase of takeoff and reduce both controllability and single engine climb performance.

Since this condition may exist in other airplanes of the same type design, appropriate action is required to bring about:

1. An inspection to determine whether the improper autofeather valve is installed on the propeller overspeed governor in the affected airplanes.

2. Replacement of all improper valves found during the inspection and reidentification of the propeller overspeed governor on all affected airplanes.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 99 and A99, Serial Nos. U–2, U–3, U–5 through U–10, U–12 through U–35, U–37 through U–60, U–62 through U–77, U–79 through U–87, U–89 through U–95, U–98, U–100 through U–103, U–107, U–108 Airplanes.

Compliance: Required within the next 10 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished.

To prevent excessive propeller drag in the event of engine failure during takeoff, accomplish the following:

Visually inspect Beech P/N 115–389014 propeller overspeed governor to determine whether Woodward Governor autofeather valve P/N 1310–115–E is installed. The letter E denotes a major change to this assembly. If the Change E valve is installed, reidentify the propeller overspeed governor by engraving a –3 on the governor nameplate after Beech P/N 115–389014. If Woodward Governor autofeather valve P/N 1310–115–E is not installed, remove the existing valve and install Woodward Governor valve P/N 1310–115–E in accordance with Beech Service Instructions No. 0214–241 and reidentify the overspeed governor by engraving a –3 on the governor nameplate after Beech P/N 115–389014. Any other method of identification approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region, is also satisfactory.

NOTE: The autofeather valve, which also contains the identifying information, is mounted on the lower side of the propeller overspeed governor.

This amendment becomes effective June 28, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.S. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 20, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–7576; Filed, June 26, 1969; 8:45 a.m.]

[Docket No. 9672; Amdt. 39–791]

PART 39—AIRWORTHINESS DIRECTIVES

Britten-Norman Ltd. Models BN–2 and BN–2A Aircraft

There have been reports of fuel leakage from cracks found on the fuel line P/N BN–57–439 between the fuel pump and the carburetor on Britten-Norman Ltd. Models BN–2 and BN–2A Aircraft that could result in an engine compartment fire. In view of the serious consequences of such a fire and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require a repetitive inspection of the fuel line. This inspection may be discontinued when a Dunlop fuel line PN/6/W2/121/51/51/24.0 or 6/W2/121/51/51/15.5 has been installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN-NORMAN LTD. Applies to BN–2 and BN–2A Aircraft with fuel line P/N NB–57–439.

Compliance required as indicated.

(a) To prevent fuel leaks in the engine compartment, before the next flight and before each subsequent flight, inspect fuel line P/N NB–57–439 installed between the engine driven fuel pump and the carburetor for evidence of leakage in accordance with Britten-Norman Ltd. Service Bulletin BN–2/SB.11 Issue 2 dated February 24, 1969, or later ARB approved issue, or an FAA approved equivalent.

(b) If during the inspection required by paragraph (a) of this AD evidence of leakage is found, replace P/N NB–57–439 with a serviceable part of the same part number, or with Dunlop P/N 6/W2/121/51/51/24.0 or 6/W2/121/51/51/15.5.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued when Dunlop P/N 6/W2/121/51/51/24.0 or 6/W2/121/51/51/15.5 has been installed in accordance with Britten-Norman Ltd. Service Bulletin BN–2/SB 11 Issue 2, dated February 24, 1969, or later ARB approved issue, or an FAA approved equivalent.

This amendment becomes effective July 2, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 601(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 23, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–7577; Filed, June 26, 1969; 8:46 a.m.]

[Docket No. 69–EA–37; Amdt. 39–788]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On page 7579 of the FEDERAL REGISTER for May 10, 1969, the Federal Aviation Administration published a proposed airworthiness directive which would require a modification to the wing fuel access doors of the Fairchild Hiller F–27 type aircraft.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective July 9, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to add a new airworthiness directive described as follows:

FAIRCHILD HILLER. Applies to F-27 Type Airplanes, Serial Nos. 1 through 75, Certificated in all categories.

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce working of the wing outer panel fuel access door attach bolts, and to prevent possible cracking of the lower skin radiating from the holes drilled for attaching screws of the nut retainer plate assembly, accomplish the following:

(a) For Serial Nos. 1 through 65 airplanes, comply with Fairchild Hiller Service Bulletin No. 57-4, Revision 2 dated October 31, 1963, or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) For Serial Nos. 1 through 75 airplanes, comply with Fairchild Hiller Service Bulletin 57-5, Revision 1 dated April 21, 1966, or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

[F.R. Doc. 69-7580; Filed, June 26, 1969; 8:46 a.m.]

[Docket No. 69-EA-76; Amdt. 39-789]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will be applicable to Fairchild Hiller UH-12 type helicopters.

The manufacturer has recently received reports from military operators of UH-12 helicopters that failures have been found in the inserts for the attachment of a collective control system bracket to the upper transmission housing. The collective control system bracket provides the fulcrum for the collective yoke and is therefore a highly critical part of the control system and is attached to the transmission housing by only two bolts.

Since this is a deficiency which can exist in other helicopters of the same design, an airworthiness directive is being issued which will require inspection and replacement where necessary of the yoke support bracket attachment bolts and inserts and eventual replacement of the inserts and bolts with different seried parts.

Since expeditious adoption of the amendment is required, in the public interest, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER. Applies to UH-12D, UH-12E, UH-12E-L, UH-12L, and UH-12L4 type helicopters certified in all categories.

Compliance required as indicated.

To prevent failure of the attachment of collective yoke support brackets, P/N 31351 or 31483, to upper transmission housings, P/N 23541 or 23541-5, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, inspect the collective yoke support bracket attachment bolts for torque and visually inspect the Rosan inserts in the transmission housing for cracks or any other damage. Replace damaged inserts, and inserts where a bolt torque of less than 50 inch pounds is encountered, prior to further flight in accordance with Fairchild Hiller Service Bulletins SB UH12L-23-1 and SB UH12D through G-23-1 dated May 20, 1969 or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, remove the Rosan R206SB-8 inserts and install Rosan RD206SB-8 inserts in their place, and install MS20073-04-7 bolts in accordance with Fairchild Hiller Service Bulletins SB UH12L-12-1 and SB UH12D through G-23-1 dated May 20, 1969, or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective July 9, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a) 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7581; Filed, June 26, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7975) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would amend the Blanding, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective August 21, 1969.

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the description of the Blanding, Utah, transition area is amended to read as follows:

BLANDING, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC. Excluding that portion within R-6410 during the times that R-6410 is in use.

[F.R. Doc. 69-7575; Filed, June 26, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9652; Amdt. 655]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to establish low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less, 65 knots or less	2-engine or less, More than 65 knots	More than 2-engine, more than 65 knots
IND VOR	Terry DME Radar Fix (final)	Direct	2400	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-36	500-1	500-1	500-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized. Final approach crs, 022°.
Minimum altitude over Terry DME Radar Fix on final approach crs, 2400'.
Crs and distance, Terry DME Radar Fix to airport, 022°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Terry DME Radar Fix, make climbing left turn to 2400' and proceed direct to IND VOR.
NOTES: (1) Use Indianapolis altimeter setting. (2) DME or radar required.
MSA within 25 miles of facility: 000°-180°—2900'; 180°-360°—2300'.

City, Indianapolis, State, Ind.; Airport name, Indianapolis-Terry; Elev., 920'; Fac. Class., H-BVORTAC; Ident., IND; Procedure No. VOR Runway 36, Amdt. Orig.; Eff. date, 17 July 69

2. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less, 65 knots or less	2-engine or less, More than 65 knots	More than 2-engine, more than 65 knots
SCK VOR	LOM	Direct	2000	T-dn	300-1	300-1	300-1
Woodward Int.	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
				S-dn-29R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 111° Outbnd, 291° Inbnd, 1-minute right turns, minimum altitude 1600'.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 291°-5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, heading 200°, climb to 2000', intercept SCK VOR R 251° or on 254° bearing from SC LOM and proceed to Byron Int.
MSA within 25 miles of facility: 000°-090°—3900'; 090°-180°—4400'; 180°-270°—5100'; 270°-360°—2000'.

City, Stockton, State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., LOM; Ident., SC; Procedure No. NDB (ADF) Runway 29R, Amdt. 6; Eff. date, 17 July 69; Sup. Amdt. No. 5, Dated, 21 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn[6]--------	300-1	300-1	300-1
				C-dn*--------	600-1	600-1	600-1½
				A-dn*--------	800-2	800-2	800-2

Shuttle descent to 6000′ on R 045°, LWS VOR.
Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 4600′ within 10 miles
Minimum altitude over facility on final approach crs, 3700′
Crs and distance, facility to airport, 246°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LWS VOR, climb to 5000′ on R 246° within 15 miles of LWS VOR.
*Alternate minimums not authorized when weather service not available. Use Walla Walla altimeter setting when Lewiston altimeter not available. Authorized ceiling minimums 300′ higher when Walla Walla altimeter used.
[6] Takeoffs all runways: Climb direct LWS VOR, thence climb on LWS VOR R 234°, within 10 miles to cross the VOR at or above 3000′ northbound on V 253; 3000′ westbound on V 29, 3500′ southbound on V 253.
MSA within 25 miles of facility: 000°-090°—5200′; 090°-180°—6800′; 180°-270°—7100′; 270°-360°—6000′.

City, Lewiston; State, Idaho; Airport name, Lewiston-Nez Perce County; Elev., 1438′; Facility, L-BVOR; Ident., LWS; Procedure No. VOR-1, Amdt. 4; Eff. date, 17 July 69; Sup. Amdt. No. VOR Runway 25, Amdt. 3; Dated, 29 Feb. 68

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn----------	300-1	300-1	200-½
				C-dn----------	500-1	500-1	500-1½
				S-dn-29R*-----	400-1	400-1	400-1
				A-dn----------	800-2	800-2	800-2

Procedure turn not authorized. All maneuvering and descent shall be accomplished in the VOR holding pattern, 123° Outbnd, 303° Inbnd, 1-minute right turns, minimum altitude 1600′.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 304°—4, miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing VOR, turn left, heading 209°, climb to 2000′, intercept SCK VOR R 251°, and proceed to Byron Int.
*400-¾ authorized with operative HIRL, except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°-090°—3800′; 090°-180°—4000′; 180°-270°—5100′; 270°-360°—2000′.

City, Stockton; State, Calif; Airport name, Stockton Metropolitan; Elev., 29′; Facility, H-BVORTAC; Ident., SCK; Procedure No. VOR Runway 29R, Amdt 9; Eff. date, 17 July 69; Sup. Amdt. No. 8; Dated, 21 Oct 67

3. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Hibbing, Minn.—Chisholm-Hibbing Municipal, VOR Runway 13, Amdt. 1, 23 Dec. 1967 (established under Subpart C).
Hibbing, Minn.—Chisholm-Hibbing Municipal, VOR Runway 31, Amdt. 4, 23 Dec. 1967 (established under Subpart C).
Lawrenceville, Ga.—Gwinnett County, VOR 1, Orig., 15 Sept. 1966 (established under Subpart C).

4. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Zionsville, Ind.—Terry Memorial, VOR Runway 1, Orig., effective 27 Apr. 1967, canceled, effective 17 July 1969.

5. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Walnut Grove Int	Courtland Int	Direct	2500	T-dn----------	300-1	300-1	200-½
Courtland Int	LOM (final)	Via S crs localizer	1300	C-dn----------	500-1	500-1	500-1½
				S-dn-2*--------	200-¾	200-¾	200-½
				A-dn----------	600-2	600-2	600-2

Radar available.
Procedure turn S side of crs, 196° Outbnd, 016° Inbnd, 2000′ within 10 miles of OM.
Minimum altitude at glide slope intercept Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1220′—4 miles; at MM, 219′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing MM, climb straight ahead to 1000′, then left heading 300°, climbing to 2000′ intercept and proceed NW on SAC VOR, R 329° within 20 miles of SAC VOR, or when directed by ATC, climb to 2500′ on SAC ILS N crs within 20 miles of OM.
*400-¾ required if glide slope not utilized. Reduction not authorized.

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21′; Facility, ILS; Ident., I-SAC; Procedure No. ILS Runway 2, Amdt. 12; Eff. date, 17 July 69; Sup. Amdt. No. 11; Dated, 27 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Linden VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
SCK VOR	LOM	Direct	2000	S-dn-29R*	300-½	300-½	300-½
Orange Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Stomar Int	MOD VOR	Via MOD R 180°	3000				
MOD VOR	Simms Int	Via MOD R 323°	2000				
Granger Int	Simms Int	Via MOD R 060°/ SCK LOC E crs.	3000				
Simms Int	LOM (final)	Via SCK LOC E crs.	1600				

Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 111° Outbnd, 291° Inbnd, 1-minute right turns, minimum altitude 1600′.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1528′—5.4 miles; at MM, 248′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, heading 200°, climb to 2000′, intercept SCK VOR R 251°, or 254° bearing from SC LOM and proceed to Byron Int.
NOTES: (1) Back crs unusable. (2) When authorized by ATC, LIN DME may be used between LIN R 167° and R 165° via 19-mile clockwise arc at 3000′ to position aircraft on SCK LOC E crs for straight-in approach.
*300-¾ required when glide slope not used. Reduction not authorized.
MSA within 25 miles of LOM: 000°-090°—3900′; 090°-180°—4400′; 180°-270°—5100′; 270°-360°—2000′.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29′; Fac. Class., ILS; Ident., I-SCK; Procedure No. ILS Runway 29R, Amdt. 8; Eff. date, 17 July 69; Sup. Amdt. No. 7; Dated, 21 Oct. 67

6. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
HIB VOR	Carson Lake Int	Direct	3300	MAP: 4.2 miles after passing Carson Lake Int. Climb to 2900′ direct to HIB VOR.

Supplementary charting information: 2126′ steel tower 4.6 miles W of airport. Runway 13, TDZ elevation, 1352′.

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 3300′ within 10 miles of Carson Lake Int.
FAF, Carson Lake Int. Final approach crs, 128°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over Carson Lake Int, 2300′.
MSA: 000°-090°—3100′; 090°-180°—2800′; 180°-360°—3200′.
NOTES: (1) Final approach from holding pattern at Carson Lake Int not authorized. Procedure turn required. (2) Inoperative components table does not apply to REIL Runway 13. (3) Dual VOR receivers required.
CAUTION: Runways 18/36 and 4/22 unlighted.
[1] IFR departure procedures: Aircraft departing Runway 31, climb to 2600′ on runway heading before turning west- or south-bound. Aircraft departing Runway 22, climb to 2600′ on runway heading before turning west- or north-bound.

Cond.	DAY AND NIGHT MINIMUMS A: MDA	A: VIS	A: HAT	B: MDA	B: VIS	B: HAT	C: MDA	C: VIS	C: HAT	D: MDA	D: VIS	D: HAT
S-13	2000	1	648	2000	1	648	2000	1¼	648	2000	1½	648
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	648	2000	1	648	2000	1½	648	2000	2	648
A	Standard.		T 2-eng. or less—Standard. [1]				T over 2-eng.—Standard. [1]					

City, Hibbing; State, Minn.; Airport name, Chisholm-Hibbing Municipal; Elev., 1352′; Facility, HIB; Procedure No. VOR Runway 13, Amdt. 2; Eff. date 17 July 69; Sup. Amdt. No. 1; Dated, 23 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE TERMINAL VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.9 miles after passing HIB VOR.
Kelsey Int	Cotton Int	EVM R 180°	2800	Climb to 2800' on R 308° within 10 miles; return to VOR.
Shaw Int	HIB R 128°	263° crs 1 mile	2800	
D.R. position R 128°	Cotton Int	HIB, R 128°	2800	Supplementary charting information:
Cotton Int	HIB VOR (NOPT)	HIB, R 128°	2800	2126' steel tower 4.6 miles W of airport. Runway 31, TDZ elevation, 1343'.

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2900' within 10 miles of HIB VOR.
FAF, HIB VOR. Final approach crs, 308°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over HIB VOR, 2900'; over Swan Int, 1660'.
MSA: 000°–090°—3100'; 090°–180°—2800'; 180°–360°—3200'.
NOTE: Inoperative table does not apply to REIL Runway 31.
CAUTION: Runways 18/36 and 4/22 unlighted.
%IFR departure procedures: Aircraft departing Runway 31, climb to 2600' on runway heading before turning west- or south-bound. Aircraft departing Runway 22, climb to 2600' on runway heading before turning west- or north-bound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1660	1	317	1660	1	317	1660	1	317	1660	1	317
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1760	1	408	1820	1	468	1820	1½	468	1920	2	508
Dual VOR Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1600	1	257	1600	1	257	1600	1	257	1600	1	257
A	Standard.			T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%				

City, Hibbing; State, Minn.; Airport name, Chisholm-Hibbing Municipal; Elev., 1352'; Facility, HIB; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 17 July 69; Sup. Amdt. No. 4; Dated, 23 Dec. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
VNA VORTAC	5-mile DME Fix (NOPT)	VNA, R 045°	1800	Climb to 2000', right turn to VNA VOR TAC via R 045° and hold. Supplementary charting information: Hold W, 1 minute, left turns, 079° Inbnd.

Procedure turn not authorized. Approach crs (profile) starts at 5-mile DME Fix.
Final approach crs, 045°.
Minimum altitude over 5-mile DME Fix, 1800'; over 11-mile DME Fix, 1800'.
MSA: 000°–090°—2600'; 090°–180°—1800'; 180°–270°—1700'; 270°–360°—1800'.
NOTES: (1) Radar required. (2) Use Robins AFB altimeter setting. (3) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-4	860	1	525	860	1	525	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	920	1	585	920	1	585	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Cochran; State, Ga.; Airport name, Cochran; Elev., 335'; Facility, VNA; Procedure No. VOR/DME Runway 4, Amdt. Orig.; Eff. date, 17 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE TERMINAL VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ANB VOR.
Steele Int	ANB VOR	ANB, R 328°	3000	Climbing right turn to 4000' to Gossett Int via ANB VOR, R 186° and hold.
Gossett Int	ANB VOR	ANB, R 186°	3000	Supplementary charting information: Hold S, 1 minute, right turns, 006° inbnd. LRCO 122.1.

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 3000' within 10 miles of ANB VOR.
Final approach crs, 070°.
MSA: 000°–090°—3200'; 090°–180°—4000'; 180°–270°—3000'; 270° 360°—2600'.
NOTE: Use ANB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1180	1	654	1180	1	654	1180	1½	654	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.			

City, Talladega; State, Ala.; Airport name, Talladega Municipal; Elev., 526'; Facility, ANB; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 15.5-mile DME Fix.
VNA VORTAC	5-mile DME Fix (NOPT)	VNA, R 045°	1800	Climb to 2000', right turn to VNA VOR TAC via R 045° and hold. Supplementary charting information: Hold W, 1 minute, left turns, 079° Inbnd.

Procedure turn not authorized. Approach crs (profile) starts at 5-mile DME Fix.
Final approach crs, 045°.
Minimum altitude over 5-mile DME Fix, 1800'; over 11-mile DME Fix, 1800'.
MSA: 000°–090°—2600'; 090°–180°—1800'; 180°–270°—1700'; 270°–360°—1800'.
NOTES: (1) Radar required. (2) Use Robins AFB altimeter setting. (3) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-4	860	1	525	860	1	525	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	920	1	585	920	1	585	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Cochran; State, Ga.; Airport name, Cochran; Elev., 335'; Facility, VNA; Procedure No. VOR/DME Runway 4, Amdt. Orig.; Eff. date, 17 July 69

7. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing CYS VORTAC.
CYS VORTAC, R 267° CW	CYS VORTAC, R 317°	10-mile Arc	8000	Left climbing turn to 8000', heading 145° to intercept CYS VOR, R 166°, direct to Nunin Int.
CYS VORTAC, R 317° CW	CYS VORTAC, R 016°	10-mile Arc, R 004° lead radial	7600	
CYS VORTAC, R 016°/010°	CYS VORTAC (NOPT)	Direct	7600	Supplementary charting information:
CYS VORTAC, R 081° CCW	CYS VORTAC, R 016°	10-mile Arc, R 028° lead radial	7600	Final approach crs to center of airport.
CYS VORTAC, R 026°/010°	CYS VORTAC (NOPT)	Direct	7600	Tank, 2.1 miles NNE of airport, 6337'.
Millbrook Int	CYS VORTAC	Direct	8500	
Silver Crown Int	CYS VORTAC	Direct	8000	

Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 7600' within 10 miles of CYS VORTAC.
FAF, CYS VORTAC. Final approach crs, 196°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over CYS VORTAC, 7600'.
MSA: 000°–180°—7500'; 180°–360°—10,100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6640	1	484	6640	1	484	6640	1½	484	6720	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156'; Facility, CYS; Procedure No. VOR-1, Amdt. 8; Eff. date, 17; Sup. Amdt. No. 7; dated, 8 May 69

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 4868'; LOC 6.5 miles after passing PU LOM.
Stone Int	PU LOM (NOPT)	130° Mag and W crs PUB LOC 9.4 miles.	6000	Climb to 7000' on the back crs of PUB ILS to PCX NDB and hold;* or, when directed by ATC, continue straight ahead to 5000' then right-climbing turn to 7000' direct PU LOM and hold.
PUB VORTAC	PU LOM	Direct	7000	
Rosebank Int	PU LOM	Direct	7300	
Hanover Int	PU LOM	Direct	7300	
Pinon Int	PU LOM	Direct	7300	
PCX NDB	PU LOM	Direct	7000	Supplementary charting information:
Cedarwood Int	PU LOM	Direct	7000	*Hold E, 255° Inbnd, right turns, 1 minute.
Vigil Int	PU LOM	Direct	7300	Runway 7L, TDZ elevation, 4668'.
R 008°, PUB VORTAC CCW	PU LOM	10-mile DME Arc	7000	
R 133°, PUB VORTAC CW	Swallows Fix	17-mile DME Arc PUB. R247 lead radial.	7300	
Swallows Fix	PU LOM (NOPT)	Direct	7000	
			6000	

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000' within 10 miles of PU LOM.
FAF, PU LOM. Final approach crs, 075°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over PU LOM, 6000'.
Minimum glide slope interception altitude, 6000'. Glide slope altitude at OM, 6834'; at MM, 4929'.
Distance to runway threshold at OM, 6.5 miles; at MM, 0.6 mile.
MSA: 000°–180°—7400'; 180°–270°—13, 300'; 270°–360°—11,100'.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245°, MCA 7200'; R 313°, MCA 5300'.
CAUTION: 6320' tower 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7L	4868	½	200	4868	½	200	4868	½	200	4868	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	5260	½	592	5260	½	592	5260	½	592	5260	¾	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725'; Facility, I-PUB; Procedure No. ILS Runway 7L, Amdt. 8; Eff. date, 17 July 69; Sup. Amdt. No. 7; Dated, 29 May 69

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance Altitude
As established by Houston ASR minimum vectoring altitude chart.										Descend aircraft to MDA after passing FAF 5-mile radius of La Porte Municipal Airport reference point. Supplementary charting information: 629' monument 5 miles NNW, 447' tower 3 miles NNW, 449' stack 3 miles S of La Porte Municipal Airport. Use Houston, Tex., altimeter setting.

Missed approach: Climb to 1500' right or left turn direct to La Porte intersection and hold E, 1 minute, right turns, 262° Inbnd. Or, when directed by ATC, climb to 2500' and proceed direct to HOU VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS
C	740	1	711	740	1	711	NA			NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Facility, Houston Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 17 July 69; Sup. Amdt. No. 2; Dated, 22 May 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 10, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-7168; Filed, June 26, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-583, Amdt. 10]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Implementation of Truth in Lending Act and Regulations of Federal Reserve Board Relating Thereto; Record Keeping Provisions as to Evidence of Compliance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

In Regulation SPR-30, issued concurrently herewith, a new Part 374 is promulgated which calls attention to the Truth in Lending Act adopted by Congress in 1968 and which goes into effect on July 1, 1969. It also calls attention to the Federal Reserve Board's Regulation Z which implements the Act and which will be applicable to air carriers and foreign air carriers subject to the Federal Aviation Act of 1958. This amendment to Part 249 reflects the record-retention requirements of the Federal Reserve Board's Regulation Z.

Since this regulation is for informational purposes only, notice and public procedure hereon are unnecessary and the regulation may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective July 1, 1969, as follows:

1. Amend the Table of Contents as follows:

Subpart C—Truth in Lending Act and Regulations Thereunder

Sec.
249.30 Applicability.
249.31 Preservation and inspection of evidence of compliance.

AUTHORITY: The provisions of this Subpart C issued under secs. 204(a) and 407 of the Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377; Titles I and V of the Consumer Credit Protection Act, Public Law 90-321, 82 Stat. 146 et seq., 15 U.S.C. 1601-1665; Regulation Z of the Board of Governors of the Federal Reserve System, 12 CFR Part 226.

2. Add Subpart C to read as follows:

Subpart C—Truth in Lending Act and Regulations Thereunder

§ 249.30 Applicability.

This subpart is applicable to all air carriers and foreign air carriers as defined in section 101 of the Federal Aviation Act of 1958, including, without limitation, direct carriers, air taxi operators authorized under Part 298 of this chapter, indirect air carriers authorized under Parts 296 and 297 of this chapter, tour operators authorized under Part 378 of this chapter, and foreign air carriers holding permits pursuant to section 402 of the Act to engage in indirect foreign air transportation.

§ 249.31 Preservation and inspection of evidence of compliance.

Evidence of compliance with the requirements imposed under Regulation Z of the Board of Governors of the Federal Reserve System (12 CFR Part 226), implementing the provisions of Title I (Truth in Lending Act) and Title V (General Provisions) of the Consumer Credit Protection Act (Public Law 90-321; 82 Stat. 146 et seq.), insofar as they pertain to air carriers and foreign air carriers, other than advertising requirements under § 226.10 of Regulation Z, shall be preserved by the carrier for a period of not less than 2 years after the date each disclosure is required to be made. Each carrier shall permit the Board's authorized representatives to inspect its relevant records and evidence of compliance with 12 CFR Part 226.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7604; Filed, June 26, 1969; 8:48 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-30]

PART 374—IMPLEMENTATION OF THE TRUTH IN LENDING ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

Title I of the Consumer Credit Protection Act (82 Stat. 146 et seq.; 15 U.S.C. 1601–1665), which is known as the Truth in Lending Act, contains a delegation to the Board of the duty of enforcing its provisions as to "any air carrier or foreign air carrier subject to" the Federal Aviation Act of 1958.[1] The purpose of the Truth in Lending Act is to require disclosure of credit terms covering virtually the entire breadth of consumer credit. In light of the above delegation, the Board finds it desirable to issue a Special Regulation calling attention to the above provision of the Truth in Lending Act and the regulations of the Federal Reserve Board relating thereto[2] insofar as they relate to air carriers and foreign air carriers. The regulation also prescribes the procedure for processing alleged violations.[3]

Since the regulation herein is purely informational and procedural, notice and public procedure hereon are not necessary and the regulation may be made effective on less than 30 days' notice. The Board further finds that the rule should be made effective on July 1, 1969, the effective date of the Truth in Lending Act.

In consideration of the foregoing, the Civil Aeronautics Board hereby enacts new Part 374 of its Special Regulations (14 CFR Part 374), effective July 1, 1969, to read as follows:

Sec.
374.1 Purpose.
374.2 Applicability.
374.3 Compliance with Act and regulations.
374.4 Procedure.

AUTHORITY: The provisions of this Part 374 issued under sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324; Titles I and V of the Consumer Credit Protection Act (Truth in Lending Act), 82 Stat. 146 et seq., 15 U.S.C. 1601–1665; Regulation Z of the Board of Governors of the Federal Reserve System, 12 CFR Part 226.

§ 374.1 Purpose.

Section 108(a)(5) of the Truth in Lending Act (Title I of the Consumer Credit Protection Act, Public Law 90–321; 82 Stat. 146 et seq., 15 U.S.C. 1601–1665 and hereafter referred to as the "Act"), effective July 1, 1969, provides that the Civil Aeronautics Board shall have the duty of ensuring compliance with the requirements of title I "with respect to any air carrier or foreign air carrier subject to" the Federal Aviation Act of 1958. In addition, section 108(b) of the Act provides that "(f)or the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act." The Board of Governors of the Federal Reserve System, which has the statutory responsibility for prescribing regulations to carry out the purposes of the Act, has promulgated Regulation Z (12 CFR Part 226) to implement the provisions of the Act. The purpose of this part is to implement the Act and Regulation Z of the Board of Governors of the Federal Reserve System insofar as applicable to the Civil Aeronautics Board's responsibility thereunder.

§ 374.2 Applicability.

This regulation is applicable to all air carriers and foreign air carriers as defined in section 101 of the Federal Aviation Act of 1958, including, without limitation, direct carriers, air taxi operators authorized under Part 298 of this chapter, indirect air carriers authorized under Parts 296 and 297, of this chapter, tour operators authorized under Part 378 of this chapter, and foreign air carriers holding permits pursuant to section 402 of the Act to engage in indirect foreign air transportation.

§ 374.3 Compliance with Act and regulations.

All air carriers and foreign air carriers shall comply with the applicable provisions of title I of the Consumer Credit Protection Act and Regulation Z of the Board of Governors of the Federal Reserve System.

§ 374.4 Procedure.

The procedure set forth in Subpart B of Part 302 of the Board's rules of practice in economic proceedings (Part 302 of this chapter) shall be applicable to proceedings for enforcement of the provisions of title I of the Consumer Credit Protection Act and Regulation Z of the Board of Governors of the Federal Reserve System.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7603; Filed, June 26, 1969; 8:48 a.m.]

[1] Section 108(a)(5) of the Truth in Lending Act.

[2] 12 CFR Part 226. The Board of Governors of the Federal Reserve System (Federal Reserve Board) has the statutory responsibility for prescribing regulations to carry out the purposes of the Act.

[3] Contemporaneously, the Board is also amending Part 249 (Preservation of Air Carrier Accounts, Records and Memoranda) to reflect the 2-year record keeping requirement as to evidence of compliance imposed on air carriers and foreign air carriers by the Federal Reserve Board's regulations (Regulation Z).

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 113—LADIES' HANDBAG MANUFACTURING INDUSTRY

PART 247—GUIDES FOR THE LADIES' HANDBAG INDUSTRY

The Commission from time to time, publishes Guides to advise the business community of the Commission's views as to the requirements of laws which it administers. Guides are published in the belief that the businessman who is fully informed of the legal pitfalls he may encounter can conduct his affairs so as to avoid legal difficulties. It is the Commission's further belief that the more knowledge businessmen have respecting the laws it administers, the more likelihood there is that they will conduct their business in accordance therewith.

Trade practice rules for this industry were promulgated by the Commission in August 1936. Since that time changes in industry technology and legislation have rendered certain portions of these rules obsolete. Thus these Guides, a revision of the trade practice rules, are reflective of existing technology and law, and as such, are designed to assist industry members and protect the public interest.

Proceedings to establish these Guides were instituted pursuant to an industry application. Proposed Guides were thereafter released by the Commission to afford interested or affected parties an opportunity to present the Commission with their views, suggestions, objections, or other information concerning the proposed Guides. After full consideration of all comments that were received, and other pertinent information, the Commission adopted the Guides in their present form.

While the Guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58) and the Clayton Act, as amended by the Robinson-Patman Act (15 U.S.C. sec. 13). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce," as commerce is defined therein. The applicable provisions of the amended Clayton Act are referred to, where appropriate, in the Guides.

The content of these Guides is not to be construed as an expression of opinion concerning the relative merits of the various materials used in the manufacture of the products of this industry. Rather, the disclosure provisions of the Guides are intended to insure that the consumer is not deceived into thinking he is receiving one material when actually he is furnished another.

Commissioner Jones filed a dissenting statement copies of which may be obtained from the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

The Guides become effective August 26, 1969, and supersede the trade practice rules for the Ladies' Handbag Manufacturing Industry (Part 113) as promulgated on August 18, 1936.

Inquiries and requests for the Guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

Sec.
247.0 Definitions.
247.1 Misrepresentation (general).
247.2 Misrepresentation and deception as to material composition.
247.3 Form of disclosure as to material composition.
247.4 Misrepresentation as to aniline finish, graining, embossing, and processing.
247.5 Misuse of terms such as "Scuffproof," "Scratchproof," "Scuff Resistant," and "Scratch Resistant."
247.6 Deceptive pricing.
247.7 Discriminatory prices, rebates, discounts, etc.
247.8 Advertising or promotional allowances, or services or facilities.
247.9 Inducing or receiving illegal discrimination in price, advertising or promotional allowances, or services or facilities.

AUTHORITY: The provisions of this Part 247 issued under secs. 5, 6, 38 Stat. 719, as amended, 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 247.0 Definitions.

For purposes of this part the following definitions apply:

(a) "Industry member" means any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of any industry products as defined below.

(b) "Industry product" means all kinds and types of ladies' handbags, shoulder bags, purses, pocketbooks, and similar articles, of any composition.

§ 247.1 Misrepresentation (general).

No representation should be made in advertising, labeling, or any other manner, which is likely to mislead or deceive any purchaser concerning the material composition, quality, finish, durability, price, origin, construction, ease of cleaning, or any other feature, of an industry product.

[Guide 1]

§ 247.2 Misrepresentation and deception as to material composition.

(a) The material composition of an industry product should not be misrepresented in any manner. Included in, but not limited to, representations which should not be made concerning material composition are the following:

(1) Any representation that an industry product or part thereof is made of top grain leather, split leather, leather from the skin or hide of a certain animal, vinyl, plastic, brass or other metal, or any other material, when such is not the fact.

(2) Any representation that an industry product is made wholly or substantially of a particular material when such is not the fact.

(3) Any trade name, coined name, trademark or other word, term or representation which has the capacity and tendency to convey the impression that an industry product is made in whole or in part from the skin or hide of an animal, or that material in the product is leather, split leather, vinyl, plastic, or other material, when such is not the fact. Also any stamping, tag, label, or other device, in the shape of an animal silhouette, used in connection with an industry product having the appearance of leather but which is not wholly or substantially made from the skin or hide of such an animal should not be used.

(4) Any trade name, coined name, trademark or other word, term or representation that has the capacity and tendency to convey the impression that an industry product is made in whole or in part from the skin or hide of an animal which in fact is nonexistent.

(b) In some instances the failure to disclose certain pertinent facts concerning the material composition of an industry product may have the capacity and tendency to mislead or deceive purchasers. Generally such instances involve split leather which has the appearance of being top grain leather, or nonleather material which has the appearance of being leather, or leather which has been processed to simulate a different kind of leather. Included in, but not limited to, disclosures which should be made concerning material composition are the following:

(1) Disclosure should be made of the split leather content of an industry product or part thereof if the split leather is visible or if any representation is made as to composition thereof.

NOTE: Split leather should be considered as that leather which results from the splitting of hides or skins into two or more thicknesses, other than the grain or hair side.

(2) Disclosure should be made concerning the material composition of an industry product or part thereof which is made of a nonleather material having the appearance of leather. Such disclosure may either state that the material is not leather or describe the general nature of the material in a manner that would clearly show that it is not leather. Thus, some examples of the manner in which such material may be described are:

Nonleather
Imitation Leather
Simulated Leather
Vinyl
Vinyl Coated Fabric
Plastic

NOTE: Nonleather materials which have the appearance of leather and which primarily contain ground, pulverized or shredded leather, are subject to subparagraph (2) of this paragraph (b). Such materials may be described as "Nonleather", "Imitation Leather" or "Simulated Leather" or as "Ground Leather", "Pulverized Leather" or "Shredded Leather", as the case may be.

When nonleather material has been processed to simulate a particular kind of leather, such as alligator leather, any representation as may be made concerning the simulated appearance of the product should be immediately accompanied by the disclosure relating to the nonleather composition of the product. Some examples of the manner in which such material may be described are:

"Not Leather Simulated Alligator Grain"
"Plastic with Imitation Alligator Grain"

(3) Disclosure should be made of the kind of leather of which an industry product or part thereof is made when the leather has been embossed, dyed, or otherwise processed to simulate the appearance of a different kind of leather. Thus, a product made wholly of top grain cowhide which has been processed to simulate alligator may be described as:

"Top Grain Cowhide"

Any additional representation as may be made concerning the simulated appearance of the product should be immediately accompanied by the disclosure relating to the actual kind of leather in the product. An example of the manner in which such a product may be described is:

"Top Grain Cowhide Simulated Alligator Grain"

(4) Disclosure should be made that any material in an industry product is backed with another kind of material when the backing is not apparent upon casual inspection of the product, or when representations are made which in the absence of such disclosure would be deceptive as to composition of the product. Some examples of the manner in which such material may be represented are:

"Top Grain Cowhide Backed with Split Cowhide"
"Split Cowhide Backed with Simulated Leather"
"Vinyl Backed with Other Material"

If the backing material is visible and is split leather, nonleather material having the appearance of leather, or leather processed to simulate a different kind of leather, disclosure should be made consistent with subparagraphs (1), (2), and (3) of this paragraph (b).

(5) Disclosure as to the composition of an industry product, composed of more than one kind of leather or composed of leather and nonleather material having the appearance of leather, should clearly indicate the part to which the representation is applicable. Thus, some examples of the manner in which products composed of top grain cowhide except for the handles have the appearance of leather may be described are:

"Top Grain Cowhide with Handle of Simulated Leather"
"Top Grain Cowhide with Plastic Handle"
"Top Grain Cowhide with Split Leather Handle"

[Guide 2]

§ 247.3 Form of disclosure as to material composition.

All disclosures under § 247.2 should appear in the form of a stamping on the

product, or on a tag, label, or card attached thereto, and be affixed with such degree of permanence as to remain on or attached to the product until it is received by the consumer purchaser. All such disclosures on industry products shall also appear in all advertising of the products irrespective of the media used whenever statements, representations or depictions appear in such advertising which in the absence of such disclosures would have the capacity and tendency to create a false impression that the products, or parts thereof, are of a certain kind of composition. The disclosures affixed to products and made in advertising should be of such conspicuousness and clarity as to be noted by purchasers and prospective purchasers casually inspecting the products or casually reading, or listening to, such advertising. A disclosure made in connection with any such statement, representation or depiction should be in close conjunction therewith.

[Guide 3]

§ 247.4 Misrepresentation as to aniline finish, graining, embossing, and processing.

A representation should not be made that an industry product has been:

(a) Colored, finished, or dyed with aniline dye when such is not the fact; or

(b) Dyed, embossed, grained, processed, finished, or stitched in a certain manner when such is not the fact.

[Guide 4]

§ 247.5 Misuse of terms such as "Scuffproof", "Scratchproof", "Scuff Resistant", and "Scratch Resistant".

(a) An industry product should not be represented as "Scuffproof", "Scratchproof", or as not subject to wear in any other respect, unless the outer surface of the product is immune to scuffing, scratches, or is in fact not subject to wear as represented.

(b) An industry product should not be represented as "Scuff Resistant", "Scratch Resistant", or as resistant to wear in any other respect, unless there is a basis for such claim and the outer surface of the product is in fact meaningfully and significantly resistant to scuffing, scratches, or to wear as represented.

[Guide 5]

§ 247.6 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means of instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. See Part 233 of this chapter for the Guides Against Deceptive Pricing.

[Guide 6]

§ 247.7 Discriminatory prices, rebates, discounts, etc.

NOTE: § 247.7 is interpretive of sections 2 (a) and (b) of the amended Clayton Act.

(a) Industry members, engaged in commerce, in the course of such commerce, should not grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by the U.S. Government, State and local government entities, schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which industry products are sold or delivered to different purchasers;

NOTE: Cost justification under the above proviso (2) depends upon savings in cost based on all facts relevant to the transactions under the terms of such proviso. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor or a greater promotional allowance or other service or facility paid for or furnished by a competitor.

NOTE: "Meeting competition in good faith" is an affirmative defense which may be undertaken by a supplier charged with a violation of subsection (a), (d), or (e) of section 2 of the amended Clayton Act who can defend his actions by establishing that his lower price or granting of disproportionate promotional allowance or other service or facility was made in good faith to meet an equally low price of a competitor or a greater promotional allowance or other service or facility paid for or furnished by a competitor. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating subsection (a), (d), or (e) of section 2 of the amended Clayton Act solely on the basis that competition in a particular industry is very keen, requiring that special prices or allowances be given to some customers if a seller is "to be competitive."

(b) The following are examples of price differential practices to be considered as subject to the provisions of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by the U.S. Government, State and local government entities, schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when—

(1) The commerce requirements specified in this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and provided that—

(3) The price differential was not justified by cost savings (see paragraph (a)(2) of this section); or

(4) The price differential was not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); or

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section):

Example 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

Example 2. An industry member sells handbags to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example 3. An industry member sells handbags directly to a retailer at a lower price than he charges distributors whose retail customers compete with the favored retailer.

Example 4. An industry member pays freight on shipments to one customer and does not pay freight on shipments to another customer, or pays freight on shipments to a distributor's customer and does not pay such freight on shipments to other distributors' customers thereby effecting a difference in price between customers.

Example 5. Terms of 5/10 prox. are granted by an industry member to some customers on handbags purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed or granted an extended period of time within which to avail themselves of the originally offered discount.

Example 6. An industry member invoices handbags to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: *Functional discounts.* Neither this section, nor section 2(a) of the Clayton Act, as amended, of which this section is interpretive, expressly permits or prohibits the granting of functional discounts. The propriety of such discounts is contingent, principally, on whether they may substantially lessen competition or tend to create a monopoly. Ordinarily, however, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers, without such effects as may substantially lessen competition or tend to create a monopoly. But if such wholesalers also sell at retail, in competition with other of the seller's retail customers, they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

[Guide 7]

§ 247.8 Advertising or promotional allowances, or services or facilities.

(a) *Advertising or promotional allowances.* No member of the industry engaged in commerce should pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any industry products manufactured, sold, or offered for sale by such member, unless such payment or consideration is offered to and made available on proportionally equal terms to all other customers competing in the distribution of the seller's products of like grade and quality.

(b) *Services or facilities.* No member of the industry engaged in commerce should discriminate in favor of one purchaser against another purchaser or purchasers of industry products bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such products unless such services or facilities are offered to and made available on proportionally equal terms to all other customers competing in the distribution of the seller's products of like grade and quality.

NOTE 1: The "meeting competition in good faith" defense which is set forth in the note following paragraph (a)(5) of § 247.7 is also applicable to provisions of both (a) and (b) of this section.

NOTE 2: For further guidance in this area see Part 240 of this chapter for the Commission's Guides for Advertising Allowances and Other Merchandising Payments and Services.

[Guide 8]

§ 247.9 Inducing or receiving illegal discrimination in price, advertising or promotional allowances, or services or facilities.

NOTE: § 247.9 is interpretive of section 2(f) of the amended Clayton Act and of section 5 of the Federal Trade Commission Act, as amended.

(a) Industry members engaged in commerce, in the course of such commerce, should not knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, as reflected in §§ 247.7 and 247.8.

(b) The following are examples of inducing or receiving discriminations in price, advertising or promotional allowances, or services or facilities, to be considered as subject to this section when the requisites of an improper discrimination on the part of the seller as reflected in §§ 247.7 and 247.8 are present and the party receiving the discriminations knows or has reason to know that the discriminations are illegal.

Example 1. An industry member purchases handbags purportedly for resale to retailers, and is charged a lower price than the seller charges other customers for handbags which they resell at retail; but the member then transfers such handbags to another part of its business where they are resold at retail, thereby receiving a discrimination in price which is covered in § 247.7.

Example 2. An industry member induces suppliers to contribute sums of money to defray some or all of the costs of advertising sponsored by such member and designed to promote the sale of such suppliers' handbags in its place of business, when the industry member knows or should know that allowances for such purpose are not made available on proportionally equal terms by the same suppliers to other customers competing with the favored member, thereby receiving a discrimination in promotional allowances subject to the provisions reflected in § 247.8.

[Guide 9]

Promulgated by the Federal Trade Commission June 27, 1969.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-7593; Filed, June 26, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 _____)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

ALLOWANCE IN LIEU OF SPECIFIC RECOGNITION OF OTHER COSTS

This amendment is prepared to conform to the Department of Health, Education, and Welfare budget policy for fiscal 1970 in implementation of the President's Review of the 1970 Budget which was released on April 15, 1969, by the Executive Office of the President. For this reason, it is determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary.

(Secs. 1102, 1814(b) and 1833(a), 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 302; 42 United States Code 1302, 1395, et seq.)

Subpart D of Social Security Administration Regulations No. 5, as amended (20 CFR 405.101 et seq), is amended by amending § 405.428 to read as follows:

§ 405.428 Allowance in lieu of specific recognition of other costs.

(a) *Cost reporting period ending before July 1, 1969.* With respect to any cost reporting period ending before July 1, 1969, there shall be included as an element of reasonable cost of services an allowance in lieu of specific recognition of other costs in providing and improving services amounting to 2 percent of allowable costs (with the exception of interest expense and the allowance of this principle) except that for proprietary providers the allowance shall be 1½ percent of allowable costs (with the exception of interest expense, the allowance under this principle and the return allowed on equity capital).

(b) *Cost reporting period beginning after June 30, 1969.* With respect to any cost reporting period beginning after June 30, 1969, there shall not be included as an element of reasonable costs any allowance in lieu of specific recognition of other costs.

(c) *Cost reporting period beginning before July 1, 1969, and ending after June 30, 1969.* With respect to any cost reporting period beginning before July 1, 1969, and ending after June 30, 1969, an allowance in lieu of specific recognition of other costs in providing and improving services shall be calculated in accordance with the provisions of paragraph (a) of this section: *Provided,* That, there

shall be included as an element of reasonable costs of services only that part of such allowance in lieu of specific recognition of other costs which is apportioned to that part of the cost reporting period falling before July 1, 1969. The amount to be apportioned to the period before July 1, 1969, is computed by applying to the amount computed in accordance with paragraph (a) of this section, a fraction whose numerator is the number of months before July 1969, and denominator the total number of months in the cost reporting period. (Where a cost reporting period ends on a day other than the last day of the month, the days in the reporting period before July 1969, shall be included in the numerator, and the total days in the reporting period shall be included in the denominator.)

Effective date. This amendment shall be effective July 1, 1969.

Dated: June 12, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 24, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-7602; Filed, June 26, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CARBARSONE (NOT U.S.P.)

Correction

In F.R. Doc. 69-7321 appearing at page 9708 in the issue of Saturday, June 21, 1969, in the fourth line of the second column, the figure "0.375%" should read "0.0375%".

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 225—ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Miscellaneous Amendments

The Department of the Treasury finds it necessary to amend its regulations at 31 CFR Part 225 which govern the acceptance of Treasury securities in lieu of surety or sureties on penal bonds in order to replace an obsolete statutory reference with the current reference, and to reflect the revision of Subpart O of Part 306 of this chapter which appeared at 34 F.R. 9676 insofar as the revised § 306.117(b)(1)(ii) authorizes Federal Reserve banks to apply book-entry procedures to Treasury securities deposited under this part. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendments involve rules of agency procedure.

Accordingly, Part 225, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended in the following ways:

§§ 225.16, 225.20, 225.21 [Amended]

1. In §§ 225.16, 225.20, and 225.21, the phrase "section 1126 of the Revenue Act of 1926, as amended" is deleted and the phrase "6 U.S.C. 15" is substituted therefor.

§ 225.22 [Revoked]

2. The existing § 225.22 is revoked.

3. A new § 225.22 is added to read:

§ 225.22 Conversion to book-entry Treasury securities.

Transferable Treasury bonds, notes, certificates of indebtedness, or bills deposited with a Federal Reserve bank or branch bank under this part may be converted into book-entry Treasury securities in accordance with Subpart O of Part 306 of this chapter, and the pertinent provisions of that subpart shall apply to such Treasury securities. (6 U.S.C. 15)

Effective date. These amendments shall be effective on July 15, 1969.

Dated: June 23, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-7607; Filed, June 26, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4671]

[Sacramento 1781]

CALIFORNIA

Addition of Lands to the Farallon National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an addition to the Farallon National Wildlife Refuge:

MOUNT DIABLO MERIDIAN

Unsurveyed Southeast Farallon Island together with the rocks, heads, reefs, and islands which lie southeast of the Middle Farallon Island offshore in California, situated between latitude 37°41'00" and 37°42'00" north and between longitude 122°59'20" and 123°01'10" west from Greenwich.

The area described contains approximately 120 acres in San Francisco County.

2. The lands described in paragraph 1 were reserved as a lighthouse station by Executive order dated August 8, 1859. The administration of the lands for wildlife purposes will be subordinate to their administration by the U.S. Coast Guard for lighthouse purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 23, 1969.

[F.R. Doc. 69-7572; Filed, June 26, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy or Veterinary Medicine

Subpart J—Scholarship Grants to Schools of Nursing

Notice of proposed rule making, public rule-making procedures, and postponement of effective date have been omitted in the issuance of the following revised Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, or Veterinary Medicine, and new Subpart J—Scholarship Grants to Schools of Nursing, which relate solely to grants. The purpose of the revision of Subpart G is to implement the amendments made to section 780 of the Public Health Service Act by Public Law 90-490 (82 Stat. 779), including the addition of schools of veterinary medicine as eligible grantees, the change in eligibility requirements so that scholarships may be awarded only to students of exceptional financial need who need such assistance to pursue a course of study at the school for such year, and the amendment which permits a school to transfer to its Federal Capital Contribution Fund up to 20 percent (or a higher percentage with the approval of the Secretary) of the amount paid to it from appropriations for any fiscal year for scholarships; and to make certain other miscellaneous amendments. The purpose of the new Subpart J is to implement the provisions of Public Law 90-490 (82 Stat. 785) authorizing a new program of scholarship grants to schools of nursing.

The following revised Subpart G shall become effective upon the date of publication in the FEDERAL REGISTER, but only with respect to grants made under section 780 of the Public Health Service Act as amended (42 U.S.C. 295g) from appropriations for fiscal years ending after June 30, 1969. The following new Subpart J shall become effective upon the date of publication in the FEDERAL REGISTER.

Part 57 is amended as follows:

1. Subject G is revised to read as follows:

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, or Veterinary Medicine

Sec.
57.601 Definitions.
57.602 Eligibility of schools.
57.603 Application by school.
57.604 Grant award; determination of number of students.
57.605 Use of funds.
57.606 Nondiscrimination.
57.607 Eligibility and selection of scholarship recipients.
57.608 Maximum amount of scholarship award.
57.609 Payment of scholarship award.
57.610 Records, reports, inspection.
57.611 Noncompliance.

AUTHORITY: The provisions of this Subpart G issued under sec. 780(d), Public Health Service Act as amended, 79 Stat. 1056; 42 U.S.C. 295g(d).

§ 57.601 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Act.* The Public Health Service Act, as amended.

(b) *Secretary.* The Secretary of Health, Education, and Welfare, or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) *School.* A public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study, or a portion thereof, which leads respectively to a degree of Doctor of Medicine, Doctor of Dental Surgery or an equivalent degree, Doctor of Osteopathy, Doctor of Optometry or an equivalent degree, Doctor of Podiatry or an equivalent degree, Bachelor of Science in pharmacy or an equivalent degree, or Doctor of Veterinary Medicine or an equivalent degree, and which is accredited as provided in section 721(b)(1)(B) or section 773(b)(2) of the Act.

(d) *Scholarship or scholarship award.* The amount of money awarded to a student by a school as authorized by section 780(c) of the Act.

(e) *Scholarship grant.* A grant to a school for making scholarship awards as authorized by section 780(a) of the Act.

(f) *Full-time student.* A student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a degree specified in § 57.601(c).

(g) *Fiscal year.* The Federal fiscal year beginning July 1 and ending on the following 30th day of June.

(h) *National of the United States.* (1) A citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(i) *State.* A State or the District of Columbia, Puerto Rico, or the Virgin Islands.

§ 57.602 Eligibility of schools.

To be eligible for a scholarship grant under this subpart, the applicant school shall:

(a) Meet the applicable requirements of section 780(a) of the Act;

(b) Submit an application as required by § 57.603; and

(c) Be located in a State.

§ 57.603 Application by school.

Each school desiring a scholarship grant under the Act shall submit an application in such form and at such time as the Secretary may require. The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any scholarship grant, including the regulations of this subpart.

§ 57.604 Grant award; determination of number of students.

(a) The Secretary shall award annually to each eligible school applying therefor a scholarship grant in an amount computed in accordance with section 780(b) of the Act. When the amount of funds available for any fiscal year is less than the total of the amounts so computed, the grant awarded to each participating school shall be reduced proportionately.

(b) For purposes of computing the amount of the scholarship grant to be awarded to any school for any fiscal year, the number of full-time students of such school shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment, determines to be the number of such students to be enrolled in such school on October 15 of such year.

§ 57.605 Use of funds.

(a) *Scholarship awards.* Except for funds transferred as provided in paragraph (b) of this section, scholarship grant funds shall be obligated by the grantee school solely for awarding scholarships to students during the period specified in the grant award document. Any funds not so transferred, and not required to discharge such obligations, shall be returned to the Public Health Service.

(b) *Transfer of funds.* In the case of a school which has in operation a Health Professions Student Loan Fund established with Federal Capital Contributions pursuant to section 740 of the Act, not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under section 780 of the Act and this subpart, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school for (and shall be regarded as) Federal Capital Contributions, to be used for the same purpose as such sums.

§ 57.606 Nondiscrimination.

(a) No eligible applicant shall be denied a scholarships on the ground of sex or creed.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.607 Eligibility and selection of scholarship recipients.

(a) *Eligibility.* Scholarships may be awarded with respect to any year only to students who are:

(1) Nationals of the United States or who are in a State for other than temporary purposes and intend to become permanent residents of the United States;

(2) Enrolled and in good standing, or accepted for enrollment, in the school as full-time students; and

(3) Of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year.

(b) *Selection of scholarship recipients and determination of need.* It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(1) In determining whether a student is one of exceptional financial need who needs such financial assistance to pursue a course of study at the school for such year, the school shall take into consideration:

(i) The financial resources available to the student; and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(2) In making scholarship awards to students of exceptional financial need as determined pursuant to subparagraph (1) of this paragraph, a school may give

priority to those students whose backgrounds are characterized by educational, cultural, or economic deprivation.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a scholarship award.

§ 57.608 Maximum amount of scholarship award.

The amount of the scholarship award to any student shall not exceed the amount of such student's financial need, as determined by the school in accordance with § 57.607, and shall in no case exceed $2,500 for any 12-month period.

§ 57.609 Payment of scholarship award.

(a) Scholarship awards shall be paid to students in such installments as are deemed appropriate by the school, except that no scholarship recipient may receive more during any given installment period (e.g., semester, term, or quarter) than he needs for such period.

(b) No payment shall be made from any scholarship award to any student if at the time of such payment such student is not a full-time student as defined in § 57.601(f).

§ 57.610 Records, reports, inspection.

(a) *Records and reports.* Each scholarship grant shall be subject to the condition that the school shall maintain such records and file with the Secretary such reports relating to the use of scholarship grant funds as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be maintained for a period of 5 years, or until audit by representatives of the Department of Health, Education, and Welfare has been completed and any questions arising therefrom have been resolved, whichever is sooner.

(b) *Inspection and audit.* Any application for a scholarship grant shall constitute the consent of the applicant school to inspection and fiscal audit, by persons designated by the Secretary, of the fiscal and other records of the applicant school which relate to the grant.

§ 57.611 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with the Act or the regulations of this subpart, he may, after reasonable notice, withhold further payments, and take such other action as he finds necessary to carry out the purposes of the Act and regulations. In such case no further expenditures shall be made by the school from the scholarship grant until the Secretary determines there is no longer any such failure of compliance.

2. A new Subpart J is added as follows:

Subpart J—Scholarship Grants to Schools of Nursing

Sec.
- 57.901 Definitions.
- 57.902 Eligibility of schools.
- 57.903 Application by school.
- 57.904 Grant award; determination of number of students.
- 57.905 Use of funds.
- 57.906 Nondiscrimination.
- 57.907 Eligibility and selection of scholarship recipients.
- 57.908 Maximum amount of scholarship award.
- 57.909 Payment of scholarship award.
- 57.910 Records, reports, inspection.
- 57.911 Noncompliance.

AUTHORITY: The provisions of this Subpart J issued under sec. 860(d), Public Health Service Act as amended, 82 Stat. 786; 42 U.S.C. 298c(d).

§ 57.901 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Act.* The Public Health Service Act, as amended.

(b) *Secretary.* The Secretary of Health, Education, and Welfare, or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) *School.* A public or other nonprofit school of nursing as defined in section 843 of the Act.

(d) *Scholarship or scholarship award.* The amount of money awarded to a student by a school as authorized by section 860(c) of the Act.

(e) *Scholarship grant.* A grant to a school for making scholarship awards as authorized by section 860(a) of the Act.

(f) *Full-time student.* A student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

(g) *Fiscal year.* The Federal fiscal year beginning July 1 and ending on the following 30th day of June.

(h) *National of the United States.* (1) A citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(i) *State.* A State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.902 Eligibility of schools.

To be eligible for a scholarship grant under this subpart, the applicant school shall:

(a) Meet the applicable requirements of section 860(a) of the Act;

(b) Submit an application as required by § 57.903; and

(c) Be located in a State.

§ 57.903 Application by school.

Each school desiring a scholarship grant under the Act shall submit an application in such form and at such time as the Secretary may require. The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any scholarship grant, including the regulations of this subpart.

§ 57.904 Grant award; determination of number of students.

(a) The Secretary shall award annually to each eligible school applying therefor a scholarship grant in an amount computed in accordance with section 860(b) of the Act. When the amount of funds available for any fiscal year is less than the total of the amounts so computed, the grant awarded to each participating school shall be reduced proportionately.

(b) For purposes of computing the amount of the scholarship grant to be awarded to any school for any fiscal year, the number of full-time students of such school shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment, determines to be the number of such students to be enrolled in such school on October 15 of such year.

§ 57.905 Use of funds.

(a) *Scholarship awards.* Except for funds transferred as provided in paragraph (b) of this section, scholarship grant funds shall be obligated by the grantee school solely for awarding scholarships to students during the period specified in the grant award document. Any funds not so transferred, and not required to discharge such obligations, shall be returned to the Public Health Service.

(b) *Transfer of funds.* In the case of a school which has in operation a Nursing Student Loan Fund established with Federal Capital Contributions pursuant to section 822 of the Act, not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under section 860 of the Act and this subpart, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school for (and shall be regarded as) Federal Capital Contributions, to be used for the same purpose as such sums.

§ 57.906 Nondiscrimination.

(a) No eligible applicant shall be denied a scholarship on the ground of sex or creed.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.907 Eligibility and selection of scholarship recipients.

(a) *Eligibility.* Scholarships may be awarded with respect to any year only to students who are:

(1) Nationals of the United States or who are in a State for other than temporary purposes and intend to become permanent residents of the United States;

(2) Enrolled and in good standing, or accepted for enrollment, in the school as full-time students; and

(3) Of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year.

(b) *Selection of scholarship recipients and determination of need.* It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(1) In determining whether a student is one of exceptional financial need who needs such financial assistance to pursue a course of study at the school for such year, the school shall take into consideration:

(i) The financial resources available to the student; and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(2) In making scholarship awards to students of exceptional financial need as determined pursuant to subparagraph (1) of this paragraph, a school may give priority to those students whose backgrounds are characterized by educational, cultural, or economic deprivation.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a scholarship award.

§ 57.908 Maximum amount of scholarship award.

The amount of the scholarship award to any student shall not exceed the amount of such student's financial need, as determined by the school in accordance with § 57.907, and shall in no case exceed $1,500 for any 12-month period.

§ 57.909 Payment of scholarship award.

(a) Scholarship awards shall be paid to students in such installments as are deemed appropriate by the school, except that no scholarship recipient may receive more during any given installment period (e.g., semester, term, or quarter) than he needs for such period.

(b) No payment shall be made from any scholarship award to any student if at the time of such payment such student is not a full-time student as defined in § 57.901(f).

§ 57.910 Records, reports, inspection.

(a) *Records and reports.* Each scholarship grant shall be subject to the condition that the school shall maintain such records and file with the Secretary such reports relating to the use of scholarship grant funds as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be maintained for a period of 5 years, or until audit by representatives of the Department of Health, Education, and Welfare has been completed and any questions arising therefrom have been resolved, whichever is sooner.

(b) *Inspection and audit.* Any application for a scholarship grant shall constitute the consent of the applicant school to inspection and fiscal audit, by persons designated by the Secretary, of the fiscal and other records of the applicant school which relate to the grant.

§ 57.911 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with the Act or the regulations of this subpart, he may, after reasonable notice, withhold further payments, and take such other action as he finds necessary to carry out the purposes of the Act and regulations. In such case no further expenditures shall be made by the school from the scholarship grant until the Secretary determines that there is no longer any such failure of compliance.

Dated: May 19, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-7600; Filed, June 26, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

JUNE 23, 1969.

Section 7 of the Fishermen's Protective Act of 1967 (Public Law 90-482; 22 U.S.C. 1977), authorized the Secretary of the Interior to set fees to be charged for the furnishing of a Guarantee Agreement. The Fishermen's Protective Act Procedures, which became effective February 9, 1969, established fees, based on anticipated losses, to provide for payment of the administrative costs and one-third of the estimated claims to be paid from the Fishermen's Protective Fund. Experience to date in the payment of claims under this program indicates that a change in the fee schedule for the fiscal year ending June 30, 1970, is not warranted at this time.

To avoid the necessity for issuing two Guarantee Agreements within a period of 5 months with the consequent additional cost to the owners, the regulations were amended on February 25, 1969, to provide for an optional fee covering the balance of the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970. It is now necessary to delete that portion of the regulation relating to Guarantee Agreements covering both fiscal years.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003). Furthermore this amendment has the effect of continuing fees which were previously adopted and so makes no change in the conduct of the program. This amendment is hereby adopted and will become effective July 1, 1969.

Section 258.5 is hereby amended by changing paragraph (b) and deleting paragraph (d) in its entirety as follows:

§ 258.5 Fees.

* * * * * * *

(b) The fees to be paid by an applicant during the fiscal year ending June 30, 1970, shall be as follows: For each vessel $60 plus $1.80 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

* * * * * *

(d) [Deleted]

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-7573; Filed, June 26, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 240]

WINE

Notice of Proposed Rule Making

Correction

In F.R. Doc. 69–7063 appearing at page 9440 in the issue of Tuesday, June 17, 1969, in the table of § 240.1051 the entry in the "Use" column opposite the "Material" entry "Isinglass" now reading "do", should read "To clarify wine".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3380]

OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 5 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 464; 43 U.S.C. 1334), it is proposed to amend certain regulations in Part 3380 of Title 43 and to transfer certain regulations therein to Part 250 of Title 30 as set forth below.

The principal purpose of the proposed amendments is to clarify and prescribe specific procedures to be taken by the Department prior to leasing of mineral deposits in all areas of the Outer Continental Shelf. In addition, certain regulations contained in Part 3380 of Title 43 which pertain to functions of the Geological Survey are transferred to Part 250 of Title 30.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed amendments of 30 CFR Part 250 to the Director, U.S. Geological Survey, Washington, D.C. 20242, and with respect to the proposed amendments to 43 CFR Part 3380, to the Director, Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 24, 1969.

I. Part 3380 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 3380.0–3 is revised to read as follows:

§ 3380.0–3 Purpose and authority.

The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.), referred to in this part as "the act", among other things, authorizes the Secretary of the Interior to issue on a competitive basis leases for oil and gas, sulphur, and other minerals in submerged lands of the Outer Continental Shelf, as defined in section 2 of the act. Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director, Bureau of Land Management, hereinafter referred to in this part as the Director.

2. The last sentence of § 3380.0–3 is redesignated as a new § 3380.0–4 to read as follows:

§ 3380.0–4 Applicability of public land laws.

The laws and regulations pertaining to the public lands of the United States are not applicable to the submerged lands of the Outer Continental Shelf. Mineral deposits in the submerged lands of the Outer Continental Shelf are subject to disposition only in accordance with the provisions of the act and the regulations promulgated by the Secretary thereunder.

3. Sections 3381.1, 3381.2, 3381.3, and 3381.4 are redesignated §§ 250.50, 250.51, 250.52, and 250.53, respectively, of Chapter II of Title 30 of the Code of Federal Regulations.

4. Section 3381.5 is redesignated § 3385a.2 and its content is included in a new Subpart 3385a, as hereinafter provided.

5. Section 3380.2 (a) and (b) is redesignated § 3381.1 (a) and (b), respectively, and § 3380.2(c) is deleted and its content is included in the revision of Subpart 3382, as hereinafter provided.

6. Subpart 3381—Cooperative Conservation Provisions is deleted and a new Subpart 3381 is added as follows:

Subpart 3381—Leasing Areas

§ 3381.1 Leasing maps.

* * * * *

§ 3381.2 Resources evaluation.

At such time as an area of the Outer Continental Shelf is initially considered for mineral leasing, or as the need arises, the Director shall request the Director, Geological Survey, to prepare a summary report describing the potential mineral resources of a specified area and shall request other Federal agencies as appropriate to prepare reports describing to the extent known any other valuable resources contained within the specified area and the potential effect of mineral operations upon the resources or upon the total environment.

§ 3381.3 Nominations of tracts.

In selecting tracts for oil and gas, sulphur, or other mineral leasing, the Director will receive and consider nominations of tracts or requests describing areas and expressing an interest in leasing of minerals, or, from time to time, upon his own motion, upon approval of the Secretary, may issue calls for nominations of tracts for the leasing of minerals in specified areas. Nominations of tracts should be addressed to the Director, with copies to the appropriate Bureau of Land Management field office and the appropriate oil and gas supervisor of the Geological Survey. The Director, Geological Survey, shall submit recommendations to the Director on tract selections and lease terms and conditions.

§ 3381.4 Selection of tracts.

The Director, prior to the final selection of tracts for leasing, either selected on his own motion or nominated pursuant to § 3381.3, shall evaluate fully the potential effect of the leasing program on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during exploration, development and operational phases. He shall request and consider the views and recommendations of appropriate Federal agencies and may hold public hearings and may consult with State agencies, organizations, and individuals to aid him in his evaluation and determinations. The Director shall develop special leasing stipulations and conditions necessary to protect the environment and all other resources, and such special stipulations and conditions shall be contained in the proposed notice of lease offer. The proposed notice of lease offer, together with all views and recommendations received and the Director's findings or actions thereon, shall be submitted to the Secretary for final approval.

§ 3381.5 Notice of lease offer.

Upon approval of the Secretary, the Director shall publish the notice of lease offer at the expense of the United States in the FEDERAL REGISTER, as the official publication, and in other publications as may be desirable. The publication in the FEDERAL REGISTER shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids will be filed, and the place, date, and hour at which bids will be opened. The notice shall contain any special stipulations or conditions which will become a part of any lease issued pursuant to such notice, including stipulations or conditions for the protection of the environment, aquatic life and other resources.

§ 3381.6 Tracts subject to drainage.

Upon direction of the Secretary, the Director, after obtaining the recommendation of the Director, Geological Survey, is authorized to publish on his own motion notices of lease offer of tracts which have been determined by the Director, Geological Survey, to be subject to drainage of their oil and gas deposits from wells on other tracts. The Director may request and consider the views and recommendations of appropriate Federal and State agencies prior to publishing the notice of lease offer. The notice shall be published in accordance with § 3381.5.

7. Section 3382.1 is revised to read as follows:

§ 3382.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the notice of lease offer. Each oil and gas lease issued pursuant to section 8 of the act shall cover a compact area not exceeding 5,760 acres.

8. Section 3382.2 is redesignated § 3385a.1 and is included in a new Subpart 3385a, as hereinafter provided. A new § 3382.2 is added as follows:

§ 3382.2 Term.

(a) All oil and gas leases shall be issued for a term of 5 years and so long thereafter as oil or gas may be produced from the leasehold in paying quantities, or drilling or well reworking operations, as approved by the Secretary under § 3385a.1, are conducted thereon.

(b) All sulphur leases shall be issued for a term of 10 years and so long thereafter as sulphur may be produced from the leasehold in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon.

(c) Other mineral leases shall be issued for such terms as may be prescribed at the time of offering the leases in the notice of lease offer.

9. Section 3382.3 is deleted. Its content is included in a new § 3381.5, as heretofore provided.

10. The first sentence of § 3382.5 is revised to read as follows:

§ 3382.5 Award of lease.

Sealed bids received in response to the notice of lease offer shall be opened at the place, date, and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the act, leases will be awarded only to the highest responsible qualified bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution. * * *

11. Section 3383.4 is redesignated § 3385a.3 and is included in a new Subpart 3385a, as hereinafter provided.

12. Paragraph (a) of § 3383.5 is revised as follows:

§ 3383.5 Effect of suspensions on royalty and rental.

(a) In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1) the regional oil and gas supervisor of the Geological Survey with respect to any lease directs the suspension of both operations and production, or with respect to a lease on which there is no producible well directs the suspension of operations, no payment of rental or minimum royalty will be required for the period of the suspension.

(b) In the event the anniversary date of a lease falls within a period of suspension directed by the supervisor under paragraph (a) of this section, the prorated rentals or minimum royalties, if any are due and payable as of the date the suspension period terminates, shall be computed and notice thereof given the lessee. Payment of the amount due shall be made by the lessee within 30 days after receipt of such notice. The anniversary date of a lease will not change by reason of any period of lease suspension or rental or royalty relief resulting therefrom.

13. Paragraph (b) of § 3383.5 is redesignated paragraph (e) of § 250.12 of Chapter II of Title 30 of the Code of Federal Regulations.

14. In § 3384.1 in the first sentence the amount "$15,000" is changed to read "$50,000", and in the first and the sixth sentences the amounts "$100,000" are changed to read "$300,000".

15. In § 3384.2 the amount "$100,000" is changed to read "$300,000".

16. A new Subpart 3385a is added as follows:

Subpart 3385a—Extension of Leases

§ 3385a.1 Extension of leases by drilling or well reworking operations.

* * * * *

§ 3385a.2 Directional drilling.

* * * * *

§ 3385a.3 Compensatory payments.

* * * * *

§ 3385a.4 Effect of suspensions on lease term.

In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1), the regional oil and gas supervisor of the Geological Survey directs the suspension of either operations or production, or both, with respect to any lease, the term of the lease will be extended by a period equivalent to the period of the suspension. In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1), the supervisor approves the suspension of either operations or production, or both, with respect to any lease, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

II. Part 250 of Chapter II of Title 30 of the Code of Federal Regulations, as published on May 7, 1969, on page 7381 of the FEDERAL REGISTER in a notice of proposed rule making to amend regulations governing oil and gas operations on the Outer Continental Shelf, are amended as follows:

1. Paragraph (c) of § 250.12 is amended by adding after the word "operation" the words "including production".

2. Paragraph (d) of § 250.12 is amended and a new paragraph (e) (as heretofore redesignated from 3383.5 (b)) is added to read as follows:

§ 250.12 Regulation of operations.

* * * * *

(d) *Other suspensions.* (1) In addition to the provisions of section 12 (c) and (d) of the act providing for suspension of operations and production, the supervisor in the interest of conservation may direct or, at the request of a lessee, may approve the suspension of operations or production, or both, including the approval of suspension of production for leases on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities and thereafter temporarily abandoned or permanently plugged and abandoned to facilitate proper development of the lease. Suspensions of operations or production, or both, may be approved for an initial period, not exceeding 2 years, and for succeeding periods, not exceeding 1 year each.

(2) As to any leases maintained under section 6 of the act covering minerals in addition to oil and gas, the supervisor may suspend operations separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(3) The supervisor is authorized by written notice to the lessee to suspend any operation, including production, for failure to comply with applicable law, the lease terms, the regulations in this part, OCS orders, or any other written order or rule including orders for filing of reports and well records or logs within the time specified.

(e) *Reduction of rental and royalty.* * * *

3. In the second sentence of § 250.50 (as heretofore redesignated) the word "Secretary" is changed to read "Director".

4. In paragraph (a) and in the last sentence of paragraph (b) of § 250.52 (as heretofore redesignated) the words "Secretary" are changed to read "Supervisor".

5. In the first sentence of paragraph (a) and in the last sentence of paragraph (b) of § 250.53 (as heretofore redesignated) the words "Secretary" are changed to read "Director".

[F.R. Doc. 69–7591; Filed, June 26, 1969; 8:47 a.m.]

Geological Survey

[30 CFR Part 250]

OIL AND GAS AND SULPHUR OPERATIONS IN OUTER CONTINENTAL SHELF

Notice of Proposed Rule Making

CROSS REFERENCE: For a document proposing to transfer certain regulations

from Part 3380 of Title 43 to Part 250 of Title 30, see F.R. Doc. 69-7591, Department of the Interior, Bureau of Land Management (43 CFR Part 3380), *supra*.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Washington potatoes and of the marketing prospects for this season. Harvesting is expected to begin the first week in July. The grade, size, cleanliness, and maturity requirements provided herein, which are the same as those currently in effect (33 F.R. 9756), are necessary to prevent immature potatoes, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation follows:

§ 946.324 Limitation of shipments.

During the period July 16, 1969, through July 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties: U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* $1\frac{7}{8}$ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties: At least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Starch;
(4) Canning or freezing;
(5) Dehydration;
(6) Export;
(7) Potato chipping; or
(8) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, recoval of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421-52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports.* Pursuant to section 608e-1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the grade, size, quality and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7589; Filed, June 26, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EXEMPTIONS

Notice of Proposed Rule Making

Section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213(a)(1)), provides an exemption from the minimum wage and overtime requirements of the Act for any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Secretary of Labor. The Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor has been delegated the authority to issue such regulations (34 F.R. 1203), and the regulations are contained in 29 CFR Part 541. Among other things, they provide that executive employees must be paid at a rate of not less than $100 a week on a salary basis ($75 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), that administrative employees must be paid at a rate of not less than $100 a week on a salary or fee basis ($75 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), and that professional employees must be paid at a rate of not less than $115 a week on a salary or fee basis ($95 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). These regulations also contain special high salary provisions for such employees who are paid $150 a week or more, including those in Puerto Rico, the Virgin Islands, or American Samoa.

The salary tests in 29 CFR Part 541 were last amended effective September 30, 1963, for nonretail industries and September 3, 1965, for retail and service activities. A recent report containing data pertaining to earnings of executive, administrative, and professional employees indicates that significant increases in wages and salary levels have taken place since the salary tests were last amended. Based on an analysis of the data, it is proposed that the minimum weekly salary requirements for exemption under 29 CFR Part 541 be as follows:

	United States	Puerto Rico, the Virgin Islands, and American Samoa
Executive	$130	$100
Administrative	130	100
Professional	150	125

It is also proposed that the minimum salary for application of the special high salary provisions be increased to $200 a week.

Copies of the report upon which these proposals are predicated are available upon request at the Wage and Hour and Public Contracts Divisions, 14th Street and Constitution Avenue NW., Washington, D.C.

Notice is hereby given of a public hearing to be held beginning at 9:30 a.m. on September 16, 1969, in Room 107 A, B, C, of the Department of Labor Building at 14th Street and Constitution Avenue NW., Washington, D.C., before a hearing examiner to be designated for that purpose, at which interested persons may submit oral data, views, or arguments concerning the foregoing proposals. All persons wishing to be heard on the proposals shall, not later than August 15, 1969, file with the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.

3. The approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Administrator at the above address at any time prior to the hearing, or they may be filed at the hearing.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentations to matters pertinent to the proposals. Upon completion, the hearing examiner shall certify the record to me, and upon consideration thereof, and the written submissions and other information as may be available, I shall make appropriate changes in 29 CFR Part 541.

Signed at Washington, D.C., this 24th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-7609; Filed, June 26, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Idaho Falls, Idaho, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Subsequent to the designation of the original Idaho Falls, Idaho, control zone and transition area the criteria for such areas has been changed. Accordingly, it is necessary to alter this airspace to comply with the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the Idaho Falls, Idaho, control zone is amended to read:

IDAHO FALLS, IDAHO

That airspace extending upward from the surface within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.) within 3.5 miles each side of the Idaho Falls VOR 223° radial, extending from the 5-mile-radius zone to 11 miles southwest of the VOR; within 3.5 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VOR and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile-radius zone to 9 miles northeast of the RBN.

In § 71.181 (34 F.R. 4637) the Idaho Falls transition area is amended to read:

IDAHO FALLS, IDAHO

Thas airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile-radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile-radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of

section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7578; Filed, June 26, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-42]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Montrose, Colo., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of control zones and transition areas has been changed. Accordingly, it is necessary to alter these areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Montrose, Colo., control zone is amended by deleting the numerals "* * * 2 * * *" and "* * * 7 * * *" in the second and third lines respectively and substituting "* * * 4 * * *" and "* * * 14 * * *" therefor.

In § 71.181 (34 F.R. 4637) the Montrose, Colo., transition area is amended to read:

MONTROSE, COLO.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7579; Filed, June 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC-19 (Sub-No. 9)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Agency Relationships

JUNE 24, 1969.

This proceeding is being initiated to examine and consider the agency relationships existing in the regulated household goods moving industry with a view to determining what action, if any, this Commission should take or propose with respect to the further regulation and control of these arrangements. Today, most of the major household goods carriers engaged in operations in interstate or foreign commerce subject to our jurisdiction appear to operate through three different types of agents—carrier-agents, noncarrier hauling agents, and booking agents. The background of the development of some of these carrier systems is described in such cases as North American Van Lines, Inc., Common Carrier Application, 41 M.C.C. 771 (1943); North American Van Lines, Inc., Investigation of Control, 60 M.C.C. 701 (1955); United Van Lines, Inc., Extension of Operations, 42 M.C.C. 451 (1943); Geitz Storage and Moving Co., Inc., Investigation of Control, 65 M.C.C. 257 (1955); Aero Mayflower Transit Co., Inc., Com. Car. Application, 20 M.C.C. 633 (1939); and Grayvan Lines, Inc., Common Carrier Application, 32 M.C.C. 719 (1942):

Generally, the carrier-agents are small motor common carriers holding interstate authority from this Commission to transport household goods in a limited area. They accept shipments for their own transportation when moving within the scope of their operating authority and for the account of the national van line when moving to points beyond their own authority. Noncarrier hauling agents hold no interstate operating authority in their own right, but may provide independent intrastate service under appropriate intrastate rights. Apparently many such agents own motor vehicles and operate in the same manner as the carrier-agents, except that all interstate shipments are transported for the account of the national van line. Booking agents perform no actual transportation, but confine their operations to the booking of shipments for transportation by the national van lines.

The householder, in arranging for the interstate movement of his household goods, usually deals directly with these agents or with employees of these agents, and not with the national van line principals. The agent is thus the point of contact between the public and the authorized motor common carrier of household goods, and his role in the rendition of interstate moving service is an extremely important one not only from an operational standpoint, but from a public relations viewpoint as well. The householder judges the adequacy of the interstate household goods moving service by the agent's performance. The manner in which these agents are selected, their qualifications, the agreements pursuant to which they are employed, including terms relating to tenure, performance standards, bonding, methods of compensation, and other similar requirements, the circumstances under which they are discharged or replaced, and other related factors are all matters of vital interest and concern to the shipping public which this Commission has a duty to protect. Compare American Trucking Assns., Inc. v. United States, 344 U.S. 298 (1953).

At the present time, the household goods carriers may freely create, exchange, or replace their agents subject to no control and regulation by this Commission. To some extent, the present situation with respect to these agency relationships seems to have created an atmosphere of instability and concomitant irresponsibility within the household goods moving industry inconsistent with the public interest and the National Transportation Policy. It therefore is desirable and necessary that all aspects of these agency relationships be explored and fully considered by this Commission. It is for these purposes that the instant proceeding is instituted.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 set seq.), and more specifically sections 204(a) (1), (6), and (7), 204(b), and 208(a) thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purposes (1) of inquiring into the nature of existing agency agreements and relationships entered into by motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, (2) of investigating the effect these agency agreements and relationships have upon the adequacy of interstate moving services and the obligation of the authorized common carrier principals to perform reasonably adequate and continuous service pursuant to the terms of their certificates, (3) of considering whether there should be adopted rules and regulations, or attached to the exercise of the privileges granted by the certificates such reasonable terms, conditions, or limitations, governing these agency relationships, including the formulation of appropriate requirements as to the registration of agents with this Commission and the determination by this Commission of such agents' fitness, as well as the possible prescription of uniform agency agreements, agent qualifications and performance standards, bonding and tenure requirements, methods of compensation, and other related matters, and (4) of taking such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That (1) all respondents herein that participate in agency relationships of the type here under investigation, be, and they are hereby, directed, and (2) any other interested party including shippers, agents, or carriers not subject to the Interstate Commerce Act, be, and they are hereby, invited, to submit to this Commission, on or before July 28, 1969, representations, consisting of a signed original and 15 copies, setting forth the extent of such participation and the practices connected therewith. Respondents filing representations should include therein, among other things, the following information to assist this Commission in accomplishing the purposes of this investigation: representative blank agreements of the kind generally used by them in connection with their agents, including an indication of the usual terms embraced in signed agreements and the extent of such agreements' use within their organization; the criteria utilized by them in the selection, discharge, or replacement of their agents; the steps taken by them to police their agents' dealings with the public; their performance standards; bonding and tenure requirements, if any; methods of compensation; and all other relevant information pertaining to the establishment, maintenance, and termination of agency relationships.

It is further ordered, That thereafter any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before August 18, 1969, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy of this order be served upon the Household Goods Carriers' Bureau, Inc., American Movers Conference, Movers' and Warehousemen's Association of America, Inc., and the motor common carrier respondents; that a copy be mailed to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7595; Filed, June 26, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-493]

EDWARD P. CHURCHILL, SR.

Notice of Loan Application

JUNE 23, 1969.

Edward P. Churchill, Sr., Box 45, Wrangell, Alaska 99929, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.4-foot, registered length vessel to engage in the fishery for halibut, salmon, and herring.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-7584; Filed, June 26, 1969; 8:46 a.m.]

National Park Service

[Order 7]

ASSISTANT SUPERINTENDENT ET AL., LAKE MEAD NATIONAL RECREATION AREA

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment, or Services

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve and administer contracts not in excess of $200,000 for supplies, equipment, services, and construction, in conformity with applicable regulations and statutory authority and subject to availability of appropriations. Contracts for construction will be entered into only with the advice and consent of the appropriate design and construction office chief.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 3. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 4. *General Supply Assistant.* The General Supply Assistant may execute, and approve and administer contracts not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 5. *Supervisory Park Rangers.* The Supervisory Park Rangers, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 6. *Maintenancemen.* The Maintenancemen, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 7. *Revocations.* This order supersedes Order No. 6, as published in 33 F.R. 14654, dated October 1, 1968.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

Dated: June 3, 1969.

C. E. JOHNSON,
Acting Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 69-7574; Filed, June 26, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

STANFORD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00620-33-77040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Mass spectrometer, Model CH-7. Manufacturer: Varian/MAT GmbH, West Germany. Intended use of article: The article will be used in the following areas:

1. The detection and structure elucidation of metabolites of anesthetics in the liver.

2. The detection of impurities in anesthetics.

3. General mass spectrometry of compounds found to be of scientific importance to members of the Department of Anesthesia.

Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00634-88-46070. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Scanning electron microscope, Model JSM-2 with the following accessories:

1. Goniometer stage, Model JSM-GS;

2. 35-mm. reflex camera with hood, Model JSM-F;

3. Rapid scan television, Model JSM-TVS;

4. Goniometer Stage for Vacuum Evaporator, Model JEE-RTS.

Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for educational and scientific purposes outlined below:

1. Educational purposes will encompass the application of the scanning electron microscope to paleontological problems demonstrated in elementary and intermediate level courses taught within the Department of Geology. Students in advanced courses of botany and zoology will have similar access to the instrument.

2. Scientific purposes will take in a wide variety of investigations involving the examination of both hard (e.g. rock specimens, alloys) and soft (e.g. biological materials, organic polymers) specimens, as well as lunar samples returned during the Apollo project.

Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00635-33-46040. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for ultrastructural work on central nervous system tissue; for study of the developing brain in experimental animals and for study of degenerative diseases on human biopsy material. It will also be used to teach students the principles of the electron microscope in order that they clearly understand its operation and use. Application received by Commissioner of Customs: May 27, 1969.

Docket No. 69-00636-33-46040. Applicant: Boston University Medical Center, University Hospital, 750 Harrison Avenue, Boston, Mass. 02118. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for training advanced students at the postdoctoral level and for research programs concerned with the study of human disease states and comparable diseases in animal models at the ultrastructural level. The proposed projects are as follows:

1. The ultrastructure of human coronary artery, cerebral artery, and aortic atherosclerosis will be compared with naturally occurring and experimentally induced lesions in the new world monkey.

2. The fine structure of bascular smooth muscle cells and hopefully elastic fibers grown in tissue culture with various nutrients will be evaluated to correlate morphologic findings with biochemical data in respect to mucopol lysaccaride and lipid metabolism.

3. Human nutritional diseases will be investigated, the various vitamin deficiency states, protein deficiency and amino acid deficiency will be studied at the ultrastructural level in experimental animals.

4. Various human tissues procured at the time of surgery or autopsy will be studied with regard to the fine structure of specific cardiovascular, nutritional or immunologic conditions, the pathogenesis of which at the present time are obscure.

Application received by Commissioner of Customs: May 27, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7569; Filed, June 26, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDA-D-132; NDA No. 4-664 and 5-988]

HIGH CHEMICAL CO. AND HARVEY LABORATORIES

Ammonium Sulfate Injection; Notice of Withdrawal of Approval of New-Drug Applications

High Chemical Co., 1760 North Howard Street, Philadelphia, Pa. 19122, holder of approved new-drug application No. 4-664 and all amendments and supplements thereto for the drug Ammozyl Injection (contains 7.5 milligrams of ammonium sulfate per cubic centimeter and 0.75 percent benzyl alcohol) and Harvey Laboratories, Inc., 5109 Germantown Avenue, Philadelphia, Pa. 19144, holder of approved new-drug application No. 5-988 and all amendments and supplements thereto for the injectable drug Dolamin (contains 0.75 percent ammonium sulfate, 0.75 percent benzyl alcohol, and 0.48 percent sodium chloride) have waived opportunity for a hearing on the proposed withdrawal of approval of such applications as announced in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17322).

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated with the evidence available when the applications were approved that there is a lack of substantial evidence that the subject drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug applications No. 4-664 and No. 5-988 and all amendments and supplements thereto applying to Ammozyl Injection and Dolamin are withdrawn, effective on the date of signature of this document.

Accordingly, ammonium sulfate injection for human use labeled for the treatment of pain syndromes will be regarded as a new drug for which no approval is in effect.

Dated: June 20, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7570; Filed, June 26, 1969; 8:45 a.m.]

[Docket No. FDC-D-124; NDA Nos. 30-517V, 34-765V, F-3197]

STANDARD MILLING CO., INC.

Notice of Withdrawal of Approval of New-Drug Applications

Standard Milling Co., Inc., 1501 Fourth Street, Lubbock, Tex. 79408, holder of the following approved new-drug applications and supplements thereto:

1. No. 30-517V for medicated animal feeds containing diethylstilbestrol;

2. No. 34-765V for medicated animal feeds containing medroxyprogesterone acetate; and

3. No. F-3197 for medicated animal feeds containing diethylstilbestrol and chlortetracycline;

has waived opportunity for a hearing on the proposed withdrawal of approval of said applications. A notice of opportunity for hearing on the proposed withdrawal of approval of these applications was published in the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6004).

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that the methods used in and facilities and controls used for the manufacture, processing, and packaging of the medicated feeds are inadequate to assure and preserve their identity, strength, quality, and purity.

Therefore pursuant to the foregoing finding, approval of new-drug applications Nos. 30-517V, 34-765V, and F-3197, and all amendments and supplements pertaining thereto, are withdrawn effective on the date of signature of this document.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7571; Filed, June 26, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-44]

WESTINGHOUSE ELECTRIC CORP.

Notice of Filing of Petition for Rule Making

Notice is hereby given that Westinghouse Electric Corp., Gateway Center, Pittsburgh, Pa., by letter dated May 20, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of byproduct material.

The petitioner requests that the Commission amend its regulations "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30 so as to exempt from licensing requirements electron tubes, designed for use as radar receiver protectors, containing not more than 150 millicuries of tritium.

A copy of the petition for rule making is available for public inspection in the

Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 23d day of June 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-7568; Filed, June 26, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20884; Order 69-6-122]

AIR PANAMA INTERNATIONAL S.A.

Order Regarding Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

This proceeding involves the application of Air Panama International S.A. (Air Panama) for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act. Iberia Air Lines of Spain (Iberia) owns a 33 percent stock interest in Air Panama.

The Bureau of Operating Rights of the Board has filed a motion to make Iberia a party to this proceeding and to broaden the issues governing the disposition of Air Panama's application.[1] The Bureau proposes to expand the issues to determine whether Iberia will be engaging in foreign air transportation under section 402 of the Act, whether Iberia should be issued a foreign air carrier permit, and whether any terms, conditions or limitations should be imposed upon Iberia by amendment of its permit or otherwise relating to the manner in which its services and those of Air Panama are held out, identified, and performed.

No answers to the Bureau's motion have been filed. Upon consideration of the matters presented by the Bureau's motion, we have decided to grant the motion of the Bureau. In view of the admitted relationship between Iberia and Air Panama, the public interest requires that the issues in this proceeding be sufficiently broad to explore such relationship and to take whatever action is required by the public interest. The public interest further requires that Iberia be made a party to this proceeding in order that it can be bound by such action.

Accordingly, it is ordered:

1. That Iberia be and it is hereby made a party in this proceeding; and

2. That the issues in this proceeding be broadened to include the issues whether Iberia will be engaging in foreign air transportation under section 402 of the Act, whether Iberia should be issued a foreign air carrier permit, and whether any terms, conditions or limitations should be imposed upon Iberia by amendment of its permit or otherwise relating to the manner in which its services and those of Air Panama are held out, identified, and performed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] Mabel McCart,
Acting Secretary.

[F.R. Doc. 69-7605; Filed, June 26, 1969; 8:48 a.m.]

[Docket No. 21113; Order 69-6-124]

NORTHEAST AIRLINES, INC.

Order of Investigation and Suspension Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

By tariff revisions[1] marked to become effective July 1, 1969, Northeast Airlines, Inc. (Northeast), proposes to (1) increase its Discover America fares to/from Florida to 160 percent of the jet day coach fares; (2) increase the military and youth reservation and standby fares to 80 and 60 percent, respectively, of the jet day coach fares; (3) eliminate all of its night first-class and night coach fares; (4) eliminate weekend travel to/from Florida at family fares, Discover America fares, and military and youth reservation fares; and (5) add a traffic imbalance surcharge of $3 between Baltimore/Washington, Boston, Hartford, New York/Newark, and Philadelphia, on the one hand, and Miami/Fort Lauderdale, and Tampa/St. Petersburg, on the other.[2]

The proposed $3 traffic imbalance surcharge on normal first-class and coach fares would apply southbound from November 1969 through April 15, 1970, on flights scheduled to depart from 4 a.m. through 12 noon, daily. Northbound, the surcharge would apply from December 1969 through May 15, 1970, on flights scheduled to depart from 12 noon through 9:59 p.m. The proposed surcharge reflects increases between New York and Miami of 3.09 percent for first-class service and 4.17 percent for coach service. Northeast estimates that the effect of its various proposals will be the generation of $4.6 million in additional passenger revenues per year.

National Airlines, Inc. (National), and the Southern Florida Hotel and Motel Association (Association) have filed complaints against Northeast's proposals requesting their suspension and investigation. National asserts that the deliberate application of Northeast's changes, aimed specifically at the Florida markets, causes these proposals to be unjustly discriminatory to the traveling public; and that the strong competition, empty seats, seasonality, and heavy peaking reflect the competitive nature of the East Coast-Florida market and are problems which will not be solved by Northeast's proposals. National further alleges that there is no justification for burdening this portion of the traveling public with surcharges and travel restrictions, that the traveling public should receive the benefit of the fact that the East Coast-Florida market is highly competitive.

The Association, on the other hand, asserts that Northeast has increased its flight frequencies far beyond the market's ability to utilize the additional new capacity; that this is the major cause of its problems rather than the alleged special costs incurred in its Florida operations; and that Northeast ignores the fare discount methods which the carriers have traditionally used in the Florida market to fill slack traffic periods. The Association contends that Northeast's proposals will further depress its load factors; and that a serious discrimination would be imposed upon Florida travelers by introducing directional surcharges, raising fares, and further limiting the availability of the discount fares in these markets, without taking similar action with respect to its Bermuda and Bahama services.

In support of its proposal and in answer to the complaints, Northeast alleges that the primary purpose of its tariff revisions is to reduce or recover certain additional operating costs which are incurred in its predominant north-south recreational travel markets due to the high degree of traffic imbalance and the consequent unused capacity which is produced. Northeast submits that while the purpose of weekend discount fares is to induce passengers to travel during off-peak periods, weekends in the East Coast-Florida markets are in fact peak travel periods; that the increases in discount fares are necessary since their present levels are not justified by underlying costs; and that the carrier is simultaneously eliminating night first-class and coach fares because it believes they no longer serve the purpose for which they were intended. Northeast submits that neither of the complaints contains matters worthy of serious consideration by the Board, and that they should, accordingly, be dismissed.

Upon consideration of the tariff proposals, the complaints and answer thereto, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariffs in question should

[1] Iberia presently serves New York, N.Y., from points in Spain and Portugal. Iberia, Lineas Aereas de Espana, S.A., 29 CAB 1295 (1959). The Bureau cites the following matters, among others, as showing a relationship between Iberia and Air Panama. Iberia is the largest single shareholder in Panama holding 1,650 shares of a total of 5,000 shares of stock issued and outstanding; three of the nine directors of Air Panama are nominees of Iberia; and an agreement between Iberia and Air Panama provides that Iberia will supply Air Panama with advice, assistance, and services, including the provision upon request of qualified employees and equipment.

[1] Airline Tariff Publishers, Inc., Agent, Tariffs, CAB Nos. 90, 98, 101, and 117, filed with a posting date of May 16, 1969.

[2] The carrier has requested a waiver from the requirements of Part 221 of the Board's economic regulations to enable publication of the proposal in the form proposed.

be suspended pending investigation. Since the Board has determined that it would suspend the proposed $3 directional surcharge, we will herein deny the carrier's request for a waiver to publish this aspect of the proposal.

Northeast's proposals regarding the various promotional fares can be expected to have a significant impact on the price conscious segment of the traveling public. Taking New York-Miami as a typical example, the proposed fare changes would be as follows:

Fare description	Fare		Increase	
	Proposed	Present	Amount	Percent
Military and Youth (o.w.):				
Reservation	$58	$49	$9	18.4
Standby	43	37	6	16.2
Night Service (o.w.):				
First-class	[1]97	65	32	49.2
Coach	[1]72	57	15	26.3
Discover America (r.t.)	115	110	5	4.5

[1] Normal day fares.

Furthermore, the impact upon the public of the proposed changes would be greater than indicated by the above table, since the carrier is also proposing to blackout weekend travel to/from Florida for Discover America fares, family fares, and military and youth reservation fares. Hence, these fares would apply only from Monday noon to Friday noon, with Discover America fares continuing to be blacked-out altogether during the peak winter season. Finally the $3 peak-hour on-season surcharge would be reflected in all promotional fares which are based on a percentage of the applicable full adult fare.

It has been the Board's policy to give the carriers considerable flexibility in pricing promotional fare services. However, it has also been the Board's policy not to permit broad substantive changes involving increased charges which affect significant volumes of traffic without careful review of the impact of the proposals on the public and the industry as a whole. In view of the scope of these proposals, the Board believes that they must be considered as a general increase in revenues.

The Board remains concerned about the declining trend of the industry's passenger load factors and the effect which this situation may be having upon the industry's continuing ability to maintain existing fare levels. We note that Northeast's passenger load factor of 46.3 percent for the calendar year 1968 is down substantially from recent years.[3] The carrier's load factor for the first 3 months of 1969, which averaged 46.7 percent, is particularly disturbing since load factors for the first quarter are normally significantly higher in the Florida market than for the year as a whole. The Board continues to be of the view that the traveling public should not be asked to pay for the operation of a volume of capacity which is significantly out of line with market demand.

[3] These are system load factors; however, they are heavily weighted by the carrier's operations in the Florida markets.

The Board would like to make it clear that its decision to suspend the proposal here before it does not represent a departure from our basic policy of affording the carriers broad discretion in the matter of promotional fares. Nor does it represent a conclusion that certain modifications in the various promotional fares, either as to level or applicable conditions or both, would not be in order at this time. Our decision rests essentially on the fact that the proposal would result in a substantial increase in revenues, and has broad implications for the industry as a whole which we are not prepared to accept in total without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares, charges, and provisions described in Appendix A attached hereto,[4] and rules, regulations, or practices affecting such fares, charges, and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares, charges, and provisions, and rules, regulations, and practices affecting such fares, charges, and provisions;

2. Pending hearing and decision by the Board, the fares, charges, and provisions described in Appendix A hereto[4] are suspended and their use deferred to and including September 28, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of National Airlines, Inc., in Docket 21056 and Southern Florida Hotel and Motel Association in Docket 21057 are hereby dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

5. The waiver application of Airline Tariff Publishers, Inc., Agent, which would permit Northeast to publish the proposed surcharge in a manner not permitted by the regulations is hereby denied; and

6. A copy of this order be filed with the aforesaid tariffs and be served on Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] Mabel McCart,
Acting Secretary.

[F.R. Doc. 69-7606; Filed, June 26, 1969; 8:48 a.m.]

[4] Filed as part of the original document.

[5] Gillilland and Adams, Members, would have let the fares go into effect.

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 26]

AFFILIATED CAPITAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of State Savings and Loan Association et al.

JUNE 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received applications from the Affiliated Capital Corp., Houston, Tex., for permission to acquire control of State Savings and Loan Association, Lubbock, Texas, Arlington Savings Association, Arlington, Tex., and Center Savings Association, Houston, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition of control of Arlington Savings Association is to be effected by the exchange of approximately 70 percent of the outstanding stock of Arlington Savings Association for cash and stock in Affiliated Capital Corp. and assumption of indebtedness by Affiliated Capital Corp. The proposed acquisitions of Center Savings Association and State Savings and Loan Association are to be effected by cash purchases. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] Jack Carter,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-7610; Filed, June 26, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALASKA HOUSEHOLD GOODS MOVERS, INC., ET AL.

Bureau of Domestic Regulation; Notice of Intent To Cancel Inactive Tariffs

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of 1 year or longer; or because the Commission's staff has been advised in writing that the tariff filers no longer offer a common carrier service. The following carriers (including their last known addresses) fall into the "inactive" category:

Alaska Household Goods Movers, Inc., Seattle, Wash.
Alaska Seavan, Inc., Seattle, Wash.
Aloha Navigation Co., Ltd., 1401 Middle Harbor Road, Oakland, Calif.
Berger Transportation Co., Ames Terminal, Seattle 6, Wash.

Beverly Hills Transfer & Storage Co., 221 South Beverly Drive, Beverly Hills, Calif. 90212.
Container Transport International, Inc., 17 State Street, New York, N.Y. 10004.
Furniture Forwarding, Inc., Indianapolis, Ind.
Ghezzi Trucking Co., 2200 Sixth Avenue, Room 941, Seattle, Wash. 98121.
Hawaiian Pacific Line, Inc., 149 California Street, San Francisco, Calif.
Knudsen Fast Freight, Anchorage, Alaska.
Puerto Rico Transfer, 760 North Ogden Avenue, Chicago 22, Ill.
Pyramid Van Lines, Inc., 184 Harbor Way, South San Francisco, Calif.
Skipper's Freight Forwarding Service Co., 218 Washington Avenue, Carlstadt, N.J.
Trans Ocean Van Service, 1143 Caspian Avenue, Long Beach, Calif.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and accordingly the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Domestic Regulation at 1405 I Street NW., Washington, D.C. 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order will be canceled.

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-7608; Filed, June 26, 1969; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temp. Reg. D-18]

SECRETARY OF TRANSPORTATION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to extend the firm term of the Indianapolis, Ind., Air Route Traffic Control Center lease on a year-to-year basis, beginning September 15, 1971, and to repair, alter, and improve the space as long as it is leased.

2. *Effective date.* This delegation is effective immediately.

3. *Expiration date.* This delegation shall expire 10 years from the effective date of the lease covering the rented premises.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471, 486(d)), authority is delegated to the Secretary of Transportation to extend the firm term of the Indianapolis, Ind., Air Route Traffic Control Center lease on a year-to-year basis, beginning September 15, 1971, for not more than 10 years, and to repair, alter, and improve the space as long as it is leased.

b. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

c. This authority shall be exercised in accordance with applicable limitations and requirements of the above-cited Act.

Dated: June 20, 1969.

J. W. CHAPMAN, JR.,
Acting Administrator
of General Services.

[F.R. Doc. 69-7583; Filed, June 26, 1969; 8:46 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

LAKE ERIE-NIAGARA ICE BOOM

Notice of Hearing Regarding Installation Date

Notice is hereby given that the International Joint Commission will conduct a public hearing on Tuesday, July 29, 1969, at 10 a.m., local time, in Hearing Room No. 1, General William J. Donovan State Office Building, 125 Main Street, Buffalo, N.Y. The purpose of the hearing is to receive testimony and evidence from interested persons as to the desirability of providing more flexible requirements regarding the dates when the ice boom at the entrance of the Niagara River is to be installed in the fall and opened in the spring.

The present method of operation of the boom is prescribed in the Commission's Order of Approval of June 9, 1964, as amended by Supplementary Order of May 25, 1965. Installation of the floating boom and the transverse cable shall commence not earlier than November 1 and complete closure shall not be accomplished before the first Monday of December or such later date as may be communicated to the operators by the Commission. All sections of the floating boom must be opened by the first Monday of April, with disassembly completed by May 15, or by such earlier dates, respectively, as the Commission may communicate to the operators, Ontario Hydro, and the Power Authority of the State of New York.

At the hearing, opportunity will be given to all interested persons to express their views orally or by written statements as to the desirability of amending the said Order of Approval. Fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) copies being deposited at the hearing.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

JUNE 24, 1969.

[F.R. Doc. 69-7621; Filed, June 26, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JUNE 23, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1969, through July 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7585; Filed, June 26, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JUNE 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1969, through July 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7586; Filed, June 26, 1969; 8:46 a.m.]

[File 24 W-2909]

DOMALITE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 23, 1969.

I. Domalite Corp. (Issuer), 1224 F Street NW., Washington, D.C., a District of Columbia corporation, incorporated on August 7, 1968, with principal offices at 1224 F Street NW., Washington, D.C., filed with the Washington Regional Office of the Commission on February 17, 1969, Form 1-A Notification with exhibits for an offering of 60,000 shares of its common stock (10 cents par value), at $5 per share for an aggregate offering price of $300,000, in order to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

The Commission has reasonable cause to believe that:

A. The notification and offering circular of Domalite Corp. contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The background as a professional gambler and the convictions for criminal offenses of Joseph A. Nesline, the president and principal stockholder of the Issuer; and

2. The present cost price advantage of the Issuer over certain of its competitors, the loss of which may have an adverse effect on its gross profits.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer failed to disclose in the Notification that Joseph A. Nesline is an affiliate of the Issuer;

2. The certified financial statements contained in the offering circular were not prepared in accordance with generally accepted accounting principles and practices in that they were certified by a Certified Public Accountant who was not independent;

3. The Issuer failed to file copies of provisions of the governing instruments defining the rights of the holders of the Issuer's equity securities; and

4. The Issuer failed to disclose the aggregate annual remuneration of all officers and directors of the Issuer as a group and the annual remuneration of each of the three highest paid officers of the Issuer.

C. The offering, if made, would be made in violation of the anti-fraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7587; Filed, June 26, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JUNE 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1969, through July 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7588; Filed, June 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 24, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41671—*Commodity rates from and to East Baytown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-54), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from and to East Baytown, Tex., on the Missouri Pacific Railroad Co. and Southern Pacific Co., on the one hand, to and from points in the United States and Canada, on the other.

Grounds for relief—Rate relationship.

FSA No. 41672—*Sulphur from Donner, La.* Filed by Southwestern Freight Bureau, agent (No. B-46), for interested rail carriers. Rates on sulphur, as described in the application, in carloads, from Donner, La., to specified points in Alabama, Florida, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Virginia.

Grounds for relief—Market competition.

Tariff—Supplement 25 to Southwestern Freight Bureau, agent, tariff ICC 4795.

FSA No. 41673—*Proportional rates on corn and corn products to Kankakee, Ill.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2950), for interested rail carriers. Rates on corn and corn products, as described in the application, in carloads, from points in Illinois on the Kankakee Belt Line branch of the Penn Central Co., to Kankakee, Ill., applicable only on traffic destined to western termini of eastern trunk lines and to points in trunk-line and New England territories.

Grounds for relief—Barge-rail competition.

Tariff—Supplement 170 to Penn Central Co. tariff ICC 2382.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7596; Filed, June 26, 1969; 8:47 a.m.]

[Notice 856]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 115311 (Sub-No. 100 TA) (Correction), filed May 14, 1969, published FEDERAL REGISTER, issue of May 24, 1969, and republished as corrected this issue. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Clyde W. Carver, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, accessories and material, equipment and supplies*, used in the installation thereof, from Marrero, La., to points in Georgia, Alabama, Mississippi, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, West Virginia, Missouri, Illinois, Indiana, Ohio, Pennsylvania, Maryland, District of Columbia, and Delaware, for 180 days. NOTE: The purpose of this republication is to show 180 days in lieu of 30. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116077 (Sub-No. 266 TA), filed June 17, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry bulk, from Pineville, Rapides Parish, La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.), for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co. (Mr. J. C. Jessen, A. T. M.—Motor Carrier Section), Wilmington, Del. 19898. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123067 (Sub-No. 88 TA), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed jet fuel*, in bulk, from Douglasville, Ga., to Greensboro and Swannanoa, N.C., and Roanoke, Va., for 150 days. Supporting shipper: Central Oil Asphalt Corp., 1520 Cleveland Avenue SW., Roanoke, Va. 24015. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 123490 (Sub-No. 11 TA) (Correction), filed June 2, 1969, published FEDERAL REGISTER, issue of June 11, 1969, and republished as corrected this issue. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs; fried porkskins; potato chips and bakery goods*, between plants and warehouses of Frito-Lay, Inc., in Oklahoma and Texas on the one hand, and plants and warehouses of Frito-Lay, Inc., in Kansas, Missouri, Iowa, Nebraska, Colorado, on the other hand; and between plants and warehouses in Texas, and plants and warehouses in Oklahoma, for 180 days. NOTE: The purpose of this republication is to show "between plants and warehouses in Texas," which was inadvertently omitted. Supporting shipper: Frito-Lay, Inc., Post Office Box 35034, Dallas, Tex. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125479 (Sub-No. 10 TA) (Correction), filed June 5, 1969, published FEDERAL REGISTER, issue of June 12, 1969, and republished as corrected this issue. Applicant: JOSEPH KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite and/or facilities of Anheuser-Busch, Inc., at St. Louis, Mo., and Columbus, Ohio, to Chicago, Ill., and *empty bottles* on return, for 180 days. NOTE: The purpose of this republication is to include the return movements. Supporting shipper: Arthur White, President, Marg-Ann, Inc., 8331 South Michigan Avenue, Chicago, Ill. Send protests to: District Supervisor William E. Gallagher, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128985 (Sub-No. 2 TA), (Correction), filed June 5, 1969, published FEDERAL REGISTER, issue of June 14, 1969, and republished as corrected this issue. Applicant: M. L. WILKERSON, doing business as, WILKERSON TRUCKING COMPANY, R.F.D. No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Hardwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots and mufflers; exhaust and tail pipe*, with or without fittings, between the plantsite and storage facilities of Maremont Corp. at or near Loudon, Tenn., on the one hand, and, on the other, points in the States which border on the Mississippi River, and points in the United States on and east of a line beginning at the mouth of Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Kochicing Counties, Minn., to the international boundary line between the United States and Canada, for 150 days. NOTE: The purpose of this republication is to show "contract" carrier in lieu of "common" carrier. Supporting shipper: Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133793 TA (Correction), filed June 9, 1969, published FEDERAL REGISTER, issue of June 19, 1969, and republished as corrected this issue. Applicant: WILEY J. LAMBERT, JR., doing business as U.S. CONTRACT CARRIERS, 3131 South Bristol, Santa Ana, Calif. 92704. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ordnance, engineer, signal, and quartermaster materials, equipment, and supplies, or component parts thereof* (except commodities in bulk and household goods) from the plantsites and warehouses of Atlas Fabricators, Inc., located within Los Angeles County, Calif., to points in Arizona, Arkansas, California, Indiana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington, for 180 days. NOTE: The purpose of this republication is to show 180 days in lieu of 150 days. Supporting shipper: Atlas Fabricators, Inc., 6375 Paramount Boulevard, Long Beach, Calif. 90805. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7597; Filed, June 26, 1969; 8:47 a.m.]

[Notice 368]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 23, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 25629. By order of June 16, 1969, the Motor Carrier Board approved the transfer to The "B" Line Tug & Barge Co., a corporation, Portland, Oreg., of water carrier certificate No. W-602, issued in the name of Alace R. Leach, doing business as Towboat Co., Portland, Oreg., authorizing transportation as follows: Common carriage by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally, and by towing vessels in the performance of general towage, in interstate or foreign commerce, between ports and points along the Columbia River, and its tributaries below and including Bingen, Wash., but not including the Willamette River above Albany, Oreg. Clarence A. Potts, 1225 Yeon Building, Portland, Oreg. 97204, attorney for applicants.

No. MC-FC-71324. By order of June 13, 1969, the Motor Carrier Board approved the transfer to Edward J. Huber, Jr., doing business as Silex Trucking Co., Silex, Mo. 63377; of certificate in No. MC-104804, issued October 7, 1949, to C. E. Dwyer, doing business as Dwyer Motor Freight, Rural Route No. 3, Silex, Mo. 63377; authorizing the transportation of: General commodities with the usual exceptions, between Silex, Mo.; and East St. Louis, Ill.; feed and grain, from points in Illinois to Silex, Mo., and points within 20 miles of Silex; and, livestock, between Silex, Mo., and points within 20 miles of Silex on the one hand, and, on the other, National Stock Yards, Ill.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7598; Filed, June 26, 1969; 8:47 a.m.]

[Notice 369]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71416. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Casazza Trucking Co., a corporation, Sparks, Nev., of a portion of the operating right in certificate No. MC-120789 (Sub-No. 4) issued February 8, 1967, to Universal Transport System, Inc., Mountain View, Calif., authorizing the transportation of Road construction machinery and equipment, and excavation and logging machinery and equipment, requiring special equipment, between specified counties in California and Nevada. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-71417. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Norman W. Wenger, Terre Hill, Pa., of certificate No. MC-117096 issued April 17, 1959, to Erbie W. Sauder, East Earl, Pa., authorizing the transportation of: Stone and sand, between points in Pennsylvania, New Jersey, Maryland, and Delaware. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-71418. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Burchett Trucking Co., Inc., Prestonburg, Ky., of certificate No. MC-108141 issued September 28, 1948, to Arvie M. Burchett, Prestonburg, Ky., authorizing the transportation of: Gas and oil field machinery, equipment, materials, and supplies, between points in Kentucky, Ohio, and West Virginia. Walter Scott Collins, 1117 Cardinal Drive, Prestonburg, Ky. 41653. Louis J. Amato, Post Office Box E., Bowling Green, Ky. 42101, attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7599; Filed, June 26, 1969; 8:47 a.m.]

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PART 2

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PART II

Department of Health, Education, and Welfare

Social and Rehabilitation Service

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Grants for Construction and Initial Staffing of Community Mental Retardation Facilities

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Title 45—PUBLIC WELFARE

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

PART 416—GRANTS FOR CONSTRUCTION AND INITIAL STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

MAY 23, 1969.

Notice of proposed regulations for the programs administered under Title I, Parts C and D, and Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88–164) as amended, was published in the FEDERAL REGISTER, March 1, 1969 (34 F.R. 3689). After consideration of the views presented by interested persons certain substantive changes in the proposed regulations were made providing for consultation, coordination, and review of State plans and applications by city and local governments, citizen groups, and private organizations, concerned with planning and construction of facilities or delivery of services (§§ 416.11, 416.12, 416.15, 416.19, 416.21, 416.93, and 416.94). Certain other technical and clarifying changes have also been made. Accordingly, a new Part 416 is added to Chapter IV of Title 45 of the Code of Federal Regulations as set forth below.

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

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AUTHORITY: The provisions of this Part 416 issued under sec. 133, 77 Stat. 287; 42 U.S.C. 2673; sec. 144, 81 Stat. 529; 42 U.S.C. 2678c. Interpret and apply secs. 131–137, 141–145, 401–407, 408, 77 Stat. 286–290, 81 Stat. 528–530, 77 Stat. 296–299, 79 Stat. 429; 42 U.S.C. 2671–2677, 2678–2678d, 2691–2697.

Subpart A—General

§ 416.1 Terms.

Unless otherwise indicated in the regulations in this part, the terms below are defined as follows:

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended;

(b) "Administrator" means the Administrator of the Social and Rehabilitation Service;

(c) "Community" means a contiguous geographic territory from which the mentally retarded come or might be expected to come to existing or proposed facilities, the delineation of which is based on such factors as population distribution, economic, social and cultural characteristics, natural geographic boundaries, and transportation accessibility. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned;

(d) "Community service" means that the services furnished by the facility will be available primarily to the general public of the community or communities served;

(e) "Comprehensive services" means a complete range of services in sufficient quantity to meet the needs of the mentally retarded within the community or communities served and includes: (1) Diagnostic services; (2) treatment services; (3) educational services; (4) training services; (5) personal care; and (6) sheltered workshop services. These services are defined as follows: (1) "Diagnostic services" means coordinated medical, psychological, and social services, supplemented where appropriate by nursing, educational, or vocational services and carried out under the supervision of qualified personnel and which includes (*a*) Diagnosis, appraisal, and evaluation of mental retardation and associated disabilities, and the strengths, skills, abilities, and potentials for improvement of the individual; (*b*) determination of the needs of the individual and his family; (*c*) development of recommendations for a specific plan of services to be provided with necessary counseling to carry out recommendations; and (*d*) where indicated, periodical reassessment of progress of the individual; (ii) "treatment services" means services under medical direction and supervision providing specialized medical, psychiatric, neurological, or surgical treatment, including dental therapy, physical therapy, occupational therapy, speech and hearing therapy, or other related therapies which provide for improvement in the effective physical, psychological or social functioning of the individual; (iii) "educational services" means services, under the direction and supervision of teachers qualified in special education, which provide a curriculum of instruction for preschool children, for school age children unable to participate in public schools, and for the mentally retarded beyond statutory school age; (iv) "training services" means services, carried out under the supervision of qualified personnel, which provide: (*a*) Training in self-help and motor skills; (*b*) training in activities of daily living; (*c*) vocational training; (*d*) opportunities for personality development; and (*e*) experiences conducive to social development; (v) "custodial services" means personal care which includes, where needed, health services supervised by qualified medical or nursing personnel; and (vi) "sheltered workshop services" means services in a facility, under the supervision of personnel qualified to direct such activities, which provides or will provide comprehensive services involving a program of paid work which includes: (*a*) Work evaluation; (*b*) work adjustment training; (*c*) occupational training; and (*d*) transitional or extended employment;

(f) "Construction" means (1) the construction of new buildings; the acquisition, expansion, remodeling, and alteration of existing buildings, (2) initial equipment for such buildings, and (3) architects' fees. The cost of off-site improvements and the cost of the acquisition of land are not included in this definition of constructions;

(g) "Equipment" means those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms, and soap;

(h) "Facility for the mentally retarded" means a specially designed facility for the diagnosis, treatment, education, training, or personal care of the mentally retarded, including sheltered workshops which are part of facilities which provide or will provide comprehensive services for the mentally retarded, and which principally serves the needs of the particular community or communities in or near which the facility is located. These facilities include: (1) "Diagnostic and evaluation clinic" which provides diagnostic and evaluation services only; (2) "day facility" which provides on less than a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services; (3) "residential facility" which provides on a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services;

(i) "Nonprofit facility for the mentally retarded" means a facility for the mentally retarded which is owned and operated by one or more nonprofit corporation or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(j) "Population" means the latest figures of total population residing in the States as certified by the Federal Department of Commerce;

(k) "Regional Commissioner" means the Regional Commissioner of the Social and Rehabilitation Service.

(l) "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

§ 416.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for which payment is made under another part of this chapter, or other authority.

§ 416.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the Act, or which conflict with his duties in such other position.

Subpart B—Grants for Construction of Community Facilities for Mental Retardation

§ 416.10 Allotments; transfer of allotments.

(a) *Allotments to States.* The allotments to the several States under Part C, Title I, of the Act shall be computed as follows:

(1) One-third on the basis of a facility need factor expressed by the relationship of the total population under 21 in each State to the total population under 21 in the United States;

(2) Two-thirds on the basis of total population weighted by financial need. "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Federal Department of Commerce for the three most recent consecutive years for which satisfactory data are available.

(b) *Transfer of allotment to another State.* A State may submit a request in writing to the Administrator that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of Part C of Title I of the Act, the Administrator shall consider the accessibility of the facility, and the extent to which services will be made available to the residents of the State making the request.

(c) *Transfer of allotment to the allotment for community mental health facilities.* A State may submit a request in writing to the Administrator that a specified portion of its allotment be added to the allotment to such State under Title II of the Act for the construction of community mental health centers. The Administrator shall adjust the allotments of such State upon either:

(1) Certification by the State agency that it has afforded a reasonable period of time, not less than 6 months, during which application could be made for the portion so specified and that no approvable applications for such funds were received during that period of time; or

(2) A demonstration satisfactory to the Administrator that the need for community mental health centers is substantially greater than for facilities for the mentally retarded, such demonstration to include the concurrence or other views of the State advisory council designated under section 134(a)(3) of Title I, Part C of the Act.

§ 416.11 State plan: Submission; modification; publicizing; accessibility.

(a) *Submission of State plan.* Each State wishing to participate in the program shall submit to the Administrator a State plan which conforms to the Act, the regulations of this subpart, and procedures prescribed by the Administrator.

(b) *Modification of the State plan.* The State agency shall from time-to-time as necessary review its overall State plan. Annually, the State agency shall submit to the Administrator a report which contains such revision of the construction program as the State agency deems necessary to administer the annual construction allotment. A complete revision of the State plan, including the construction program, is to be submitted biennially. Amendments to the State plan may be submitted whenever necessary.

(c) *State advisory council.* The State plan shall provide for the designation of a State advisory council which shall include representatives of each of the following: (1) State agencies concerned with planning, operation, and utilization of facilities for the mentally retarded; (2) non-government organizations or groups concerned with (i) education, (ii) employment, (iii) rehabilitation, (iv) welfare, and (v) health; and (3) representatives of consumers of services, such as parents' groups. Representatives of consumers of service shall include representatives of minority groups. The advisory council shall meet at least once a year to advise and consult with the State agency in carrying out the State plan.

(d) *Publicizing the State plan.* At least 30 days prior to the submission of the State plan or revised construction program to the Administrator, the State agency shall submit evidence that (1) there was published or caused to be published in newspapers and other news media having general circulation throughout the State a general description of the plan and the construction program; and (2) copies of the plan have been made available to interested State and local governmental and private nonprofit agencies and organizations, such as the Comprehensive Health Planning Agency, local area wide health and rehabilitation planning agencies, and units of State and local governments engaged in local area wide planning (Demonstration Cities and Metropolitan Development Act of 1966, Public Law 89–754) for their review and comments. The plan shall be made available for examination as a public document at the office of the State agency.

(e) *Construction schedule.* After approval of the State plan and the construction program the State agency shall establish an annual construction schedule listing projects to be approved in order of relative need insofar as funds are available for construction and for maintenance and operation, on forms prescribed by the Administrator.

(f) *Audit.* The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Administrator.

§ 416.12 Adequate services and facilities.

(a) *Adequate services.* The State plan shall provide for services which are necessary to provide adequate mental retardation services for all persons in the State which include:

(1) Diagnostic and evaluation services;

(2) Treatment services;

(3) Training services;

(4) Educational services;

(5) Personal care services;

(6) Sheltered workshop services.

(b) *Adequate facilities.* (1) The State plan shall provide for adequate facilities so that all persons in the State including those unable to pay for services shall have access to adequate services in such numbers as will meet the needs of each area taking into account the caseloads necessary to maintain and operate efficient facilities and the financial resources available therefor. Facilities shall be so planned to serve the needs of the particular community or communities in or near which the facility is located.

(2) The State plan shall provide that a minimum number of 1 percent of the population of the State shall be used to determine need for services in each planning area. Use of any percentage in excess of 3 percent must be submitted to the Administrator for approval prior to its use in the State plan.

(c) *Planning.* The State plan shall show that:

(1) It is consistent with the comprehensive planning for mental retardation services in the State;

(2) Cognizance has been taken of health, rehabilitation, and welfare planning efforts and planning in urban developments and for other related facilities; and

(3) There has been coordination with city, metropolitan areas, and interstate planning agencies to achieve consistency between the State plan for, and the delineation of, areas to be served by mental retardation facilities and other health, rehabilitation, and welfare plans and activities.

(d) *Size of facility.* (1) Diagnostic and evaluation clinics shall be planned to provide services for an annual caseload of not less than 150 or more than 300 retardates.

(2) Day facilities shall be planned to provide services for not less than 40 or more than 200 retardates.

(3) Residential facilities shall be planned for not less than 40 or more than 500 retardates.

(4) The Administrator may at the request of the State agency modify requirements in this paragraph if he finds that such modifications conform with acceptable program standards.

§ 416.13 Priority.

(a) *Areas.* The State plan shall set forth a division of the State into contiguous areas. The basic population, economic, social, and cultural characteristics of each area shall be set forth and described.

(b) *Relative need.* The relative need of each delineated area shall be determined according to the following criteria and the State plan shall indicate the relative weight assigned to each of these criteria in ranking the areas of the State:

(1) Need for additional services for the mentally retarded;

(2) Existence of low income families, low per capita income, chronic unemployment, and substandard housing;

(3) Mean years of schooling completed;

(4) Rate of infant mortality;

(5) Special needs of certain mentally retarded groups within the area especially those with associated handicaps and those beyond school age; and

(6) Present availability of public and private community resources for the retarded (including personnel, services, and facilities) and the utilization of those resources.

The criteria listed in subparagraphs (5) and (6) of this paragraph may not be weighted more than one each without prior approval of the Administrator.

(c) *Approval of projects.* Projects shall be considered in accordance with the priority ranking of areas. If more than one project is submitted from the same area the projects shall be considered in order of importance as given below:

(1) Facilities which alone or in conjunction with other existing facilities provide comprehensive services for the retarded in the particular community or communities.

(2) Facilities which alone or in conjunction with other existing facilities provide multiple but less than comprehensive services for the retarded in the particular community or communities.

(3) Facilities which provide a single service for the retarded in the particular community or communities.

§ 416.14 General standards of construction and equipment.

The State agency shall adopt general standards of construction and equipment for facilities for the mentally retarded assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Administrator and set forth in § 416.27 "Appendix A—General standards of construction and equipment."

§ 416.15 Construction program.

The State program for the construction of facilities for the mentally retarded shall be developed in the following manner:

(a) The State agency shall determine the need for facilities and services in accordance with §§ 416.12 and 416.13 taking into account existing facilities and services. The plan for a delineated area shall take into account planning activities of local agencies and shall be developed after consultation with such local planning bodies as may be involved.

(b) The State agency shall determine, through field investigation and otherwise, the approximate locations in which facilities should be constructed.

(c) After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in § 416.12 and shall, insofar as funds are available, provide for construction in the order of relative need determined in accordance with § 416.13.

§ 416.16 Minimum standards of maintenance and operation.

The State plan shall provide minimum standards for the maintenance and operation of facilities receiving aid under Part C, Title I of the Act, and effective not later than July 1, 1969, shall provide for enforcement of such standards.

§ 416.17 Personnel administration.

(a) A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

(b) Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense on January 23, 1963, 28 F.R. 734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(c) No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant directly or indirectly, in payment for services provided in connection with the planning, design, construction, or equipping of the project.

§ 416.18 Fair hearings.

The State plan shall provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 416.19 Application; submittal; amendment; processing.

(a) *Submittal of application.* Construction applications, including both a narrative description and an estimate of the cost of the project, shall be submitted to the Administrator through the State agency on forms prescribed by the Administrator. In the case of proposed acquisition of a building, the application shall include (1) such documentation submitted by the applicant as the Administrator may prescribe (including the reports of such real estate appraisers as the Administrator may approve), (2) a statement that the costs in which Federal participation is requested are not excessive for providing mental retardation services, and (3) a statement that the architectural, structural, fire safety, and other pertinent features of the building, including electrical and mechanical systems, as modified by any proposed expansion, remodeling, or alteration will be suitable for the provision of mental retardation services.

(b) *Amendment to application.* An amendment to any application approved by the Administrator shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend and forward to the Administrator applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority; and

(2) The State agency certifies to the Administrator that financial resources for the construction, maintenance, and operation of projects of higher priority are not then available. Applications for projects located in metropolitan areas (designated by the Bureau of the Budget, in accordance with section 204, Public Law 89-754) and in model cities are to be submitted to the appropriate areawide planning agency for comments.

§ 416.20 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Administrator may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Administrator's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Administrator, upon written justification by the applicant, to be required by the needs of the program;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Administrator;

(e) That applicant will submit to the Adminisrtator for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Administrator may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327-332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) Applicable labor provisions of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Administrator and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for the maintenance and operation of such facilities;

(n) That the applicant will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order;

(o) That applicant will comply with the provisions of Executive Order No. 11296, relating to evaluation of flood hazards; and the provisions of Executive Order No. 11288 relating to the prevention, control, and abatement of water pollution;

(p) That applicant will incorporate into the bid document and construction contracts the standards for the design, construction and alteration of buildings issued by the Administrator of the General Services Administration or the Secretary of Housing and Urban Development pursuant to the Act approved August 12, 1968 (Public Law 90-480). Prior to the issuance of such standards the applicant will incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1-1961, as modified from time-to-time.

(q) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this subpart.

§ 416.21 Community service; services for persons unable to pay; nondiscrimination.

Before an application for the construction of a facility for the mentally retarded is recommended by a State agency for approval, the State agency shall obtain assurances from the applicant that:

(a) The facility will furnish a community service; and that consideration will be given to involvement of residents of the community in management and operation of the facility;

(b) The facility will furnish a reasonable volume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as Community Chest or may be contributed at the expense of the facility itself. In determining what constitutes a reasonable volume of services to persons unable to pay therefor, there shall be considered conditions in the area to be served by the applicant,

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including the amount of such services that may be available otherwise than through the applicant. The requirements of assurances from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Administrator, that to furnish such services is not feasible financially;

(c) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Federal Act is sought, will be made available without discrimination on account of creed; and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

§ 416.22 Certification to the Administrator.

After the State agency has approved a construction application, it shall recommend it to the Administrator for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed;

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurance acceptable to the Administrator;

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget for the two-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income for the operation of the constructed addition for the two-year period immediately following its completion, except that any applicant which is concurrently applying for a staffing grant shall so state and the documentation meeting the requirements of § 416.93(b) shall be acceptable unless and until the applicant is notified to the contrary.

(b) That the application is in conformity with and contains the assurances required by the State plan and these regulations.

§ 416.23 Request for construction payments.

Payments will be made on the basis of the certification from the State agency as to amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections by the State agency to determine that work has been performed upon a project or purchases have been made in accordance with the approved plans and specifications. Payments will be made at periodic intervals consistent with the construction progress of the project. Final payment will not be made until after the project is completed and final inspection is made by appropriate representatives of the Administrator.

§ 416.24 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts reflecting similar information shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local, or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Administrator for approved construction projects.

§ 416.25 Notice of change of status of facility.

The State agency shall promptly notify the Administrator in writing, if at any time within 20 years after the completion of construction, any facility which received funds under Part C of Title I of the Act is transferred to any person, agency, or organization not qualified to file an application under Part C, Title I of the Act or not approved as a transferee by the State agency; or ceases to be a public or nonprofit facility for the mentally retarded as defined in the Act.

§ 416.26 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public or nonprofit facility for the mentally retarded, the Administrator in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for the care of the mentally retarded will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 416.27 Appendix A—General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Administrator as required by the Act. These standards constitute minimum requirements for construction and equipment, and shall apply to all projects for which Federal assistance is requested under the Act. Standards for the design, construction and alteration of buildings issued by the Administrator of the General Services Administration or the Secretary of Housing and Urban Development pursuant to the Act approved August 12, 1968 (Public Law 90-480), must also be incorporated into the bidding documents and construction contracts for all such projects. Prior to the issuance of such standards the USASI "American Standard Specifications for Making Buildings and Facilities Accessible To and Usable by the Physically Handicapped," No. A117.1–1961, as modified from time-to-time, will be incorporated into such bidding documents and construction contracts. The Administrator may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of codes, ordinances, and regulations relating to zoning and to building construction and fire safety as enforced by State, county, city, or other local jurisdictions. In jurisdictions without such code, it shall be the responsibility of the applicant to consult one of the national building codes generally used in the area for all components of the building type which are not specifically covered by the minimum standards set forth herein provided the requirements of the code are not inconsistent with the minimum standards herein.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates;

(2) The submission of programs, drawings, outline specifications, and estimates shall be in three stages as follows:

(i) *First stage.* (*a*) Program.[1]

(*b*) Schematic plans.[1]

(*c*) Outline specifications.

(*d*) Site survey.

(*e*) Estimated construction costs.

(ii) *Second stage.* (*a*) Preliminary plans.

(*b*) Outline specifications.

(*c*) Revised cost estimates.

(iii) *Third stage.* (*a*) Working drawings.

(*b*) Specifications.

(*c*) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be of not less than 1-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms over 100 square feet in area used for the storage of combustible materials shall be of 2-hour fire-resistive construction;

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating;

(iii) Subject to prior approval by the Administrator these requirements may be varied for free-standing facilities containing only educational, recreational, or workshop functions utilized by ambulant groups of mild or moderate levels of mentally retarded.

(2) Buildings more than one story in height shall have a structural framework and building elements of an appropriate fire-resistive combination of materials using steel, concrete and masonry. Load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials	2

(3) Interior finish of walls and ceilings of all exit ways, storage rooms, and areas of unusual fire hazard shall have a flamespread rating of 25 or less. Interior finish of other areas shall have a flamespread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flamespread rating up to 200. Flamespread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) Exit facilities: Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection, Association Bulletin No. 101, except that in facilities housing other than acute nursing care residents minimum corridor widths shall be 6 feet and all doorways between occupied spaces and required exits and all exit doorways shall be at least 36 inches wide.

(d) *Mechanical.* All installations of fuel-burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall meet all requirements of local and State codes and regulations and shall comply with applicable standards of the following national associations and agencies.

(1) The American Insurance Association (formerly National Board of Fire Underwriters), 85 John Street, New York, N.Y. 10038.

(2) National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(3) United States of America Standards, Institute (formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10010.

(4) American Gas Association, 1725 Eye Street NW., Washington, D.C. 20006.

(5) Report of PHS Technical Committee on Plumbing Standards—PHS Publication No. 1038.

(6) American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10008 (codes relating to pressure vessels).

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electric Code and the following:

(1) Hazardous locations: Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used to store shall comply with the requirements of NFPA No. 56 and No. 70.

(2) Fire alarms: Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) If radiation producing equipment is used, rooms in which it is located shall be protected in compliance with applicable requirements and standards of the National Bureau of Standards.

(4) Emergency electric service: Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code, NFPA No. 101.

(f) *Elevators, dumbwaiters, escalators.* (1) Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code of Elevators, Dumbwaiters, and Escalators, ASA A17.1A–1967.

(2) Any multistory mental retardation facility with services, other than for staff, located on one or more floors above the first shall have at least one electric or electrohydraulic elevator except that elevators are not required in two-story buildings of residential occupancy, only, if all physically handicapped occupants are located on the first floor. The minimum inside dimension of the elevator cab shall be five (5) feet.

[1] A narrative program and schematic plans in sufficient detail to permit a comprehensive evaluation of the projects are to be submitted with the initial part of the application.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Retardation Facilities

§ 416.90 Purpose.

Staffing grants authorized in section 141 of the Act shall be made for the purpose of paying part of the costs of compensation of professional and technical personnel for the initial operation of: (a) New public or other nonprofit facilities; or (b) new services in existing facilities for the mentally retarded.

§ 416.91 Professional and technical staff.

Professional and technical staff for the purpose of this section shall include such staff as physicians, psychologists, social workers, nurses, physical therapists, occupational therapists, special educators, nutritionists, vocational counselors, vocational evaluators, recreational specialists, speech and hearing pathologists, dentists, administrators, aides in professional and technical fields and staff in such other positions as the Administrator may approve.

§ 416.92 Conditions of eligibility.

(a) A grant may be made only if the applicant is a public or nonprofit agency or organization which owns or operates a facility for the mentally retarded; and (1) a grant was made under Title I, Part C of the Act to assist in the construction of the facility, or (2) a new type of service will be provided in an existing facility;

(b) The facility must provide one or more of the comprehensive services for the mentally retarded and be principally designed to serve the needs of the particular community in or near which the facility is or will be located;

(c) In the case of (1) a diagnostic and evaluation clinic, services shall be provided for an annual caseload of not less than 150 or more than 300 retardates; (2) a day facility, services shall be provided for not less than 40 or more than 200 retardates; and (3) a residential facility, services shall be provided for not less than 40 or more than 500 retardates. However, the Administrator may, at any time, modify the caseload requirements of these facilities if he finds that such modifications conform with acceptable program standards;

(d) If the requirements for a grant are met in each instance, there shall be no maximum number of initial staffing grants for which a facility may be eligible;

(e) The type of services will not be regarded as having been previously provided by the facility if it is a component of service: (1) Which during the 2 years immediately preceding an initial grant period has not been provided by the applicant or any predecessor of the applicant in any form, or (2) which the applicant proposes to provide in accordance with methods of treatment or delivery of services not used by the applicant or predecessor of the applicant during such 2-year period, or (3) which the applicant proposes to provide in a way designed to meet the needs of a specific group not served by such a specific program during such 2-year period, or (4) which represents the portion of an expanded component of service attributable to the needs of persons residing in an area where such component was not provided during such 2-year period, or (5) which has been provided by the applicant or predecessor

of the applicant only on a pilot or developmental basis for a period of 9 months or less;

(f) The State mental retardation construction agency shall be requested to submit to the Administrator an evaluation of the application as to the feasibility and effectiveness of the proposal in achieving new and adequate services for the mentally retarded in the community; a statement indicating the relationship of the application to the purposes and priorities of the State construction plan for the mentally retarded; and, such information as the Administrator may require in order to make a finding that Federal funds applied for will be supplemental and that non-Federal funds for mental retardation services have not declined and will not decline in the State during the project period.

§ 416.93 Applications.

Each application shall be submitted to the appropriate Regional Commissioner and shall be in the form and detail required by the Administrator.

(a) The initial application for each project shall include the following information:

(1) Extent of the need in the community for the mental retardation services to be provided;

(2) Ages and level of the mentally retarded to be served and the services to be provided;

(3) Socioeconomic and population characteristics of the community served or to be served;

(4) Accessibility to the facility, including availability of public and private transportation and the number of hours per day and days per week the facility is open;

(5) Type, number and qualifications of professional and technical personnel proposed, and plans for their recruitment and compensation, giving consideration to residents of the community where the facility is located;

(6) Existing and proposed arrangements with other public and private agencies concerned with the mentally retarded in the community; and

(7) Extent to which services contemplated by the proposal have been and are being provided by the applicant or its predecessor with financial assistance Federal, State, and local programs other than under this subpart.

(b) In addition each application shall include the following information:

(1) A statement for each of the two most recent 12-month period of operation, and an estimate for each budget period of the project, of costs incurred or to be incurred and income received or to be received by the applicant and predecessor of the applicant with respect to all services included in the program set forth under paragraph (a) of this section;

(2) Identification of all actual or contemplated staff positions, and the compensation for such positions; and

(3) Identification of those costs for which Federal assistance is requested and the amount thereof.

(c) Any applicant which is concurrently applying for a construction grant shall so state and the documentation meeting the requirements of paragraph (b) of this section shall be acceptable in lieu of the similar information required for construction grant under Title I, Part C of the Act (§ 416.22(a)(2)) unless and until the applicant is notified to the contrary.

(d) Such other information as the Administrator may require.

§ 416.94 Assurances.

In addition to any other requirements imposed by law each staffing grant shall be subject to the condition that the applicant will furnish and comply with the following assurances:

(a) That the services to be provided by the applicant will be made available principally to persons residing in the particular community or communities in or near which such facility is to be situated; and that consideration will be given to involvement of residents of the community in management and operation of the facility;

(b) That the facility will furnish a reasonable volume of services to persons unable to pay therefor (if this is not financially feasible submit justification for such conclusion);

(c) That the services of the facility will not be denied to any person within the community served solely on the ground that such person does not meet a minimum period of residence in such community (if unable to give this assurance, submit supporting information);

(d) That in the selection, compensation, or other employment practices of the facility with respect to its technical or professional personnel referred to in this subpart there shall be no discrimination because of race, creed, sex, or national origin;

(e) That the facility will be maintained and operated in accordance with minimum standards prescribed by the appropriate State authority for the maintenance and operation of such facilities;

(f) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the project, and permit audit of such records and accounts at any reasonable time; and

(g) That it will comply with all the regulations of this subpart.

§ 416.95 Allocations; priorities.

(a) The total amount of grants that may be awarded in any State in any fiscal year may not exceed the share of that State of any funds appropriated for such year which has been calculated as an allotment to that State in accordance with section 132(a) of the Act, except that the Administrator may, in particular circumstances, modify this requirement if he finds that grants in one or more other States will be less than required.

(b) In determining priority for projects the Administrator shall rank applications in order of the relative effectiveness of the proposed programs giving due weight to comprehensiveness and adequacy of the services to be provided and to the evaluation of the application by the State mental retardation construction authority.

§ 416.96 Federal financial participation.

(a) The Administrator may approve an application for Federal participation up to 75 percentum of eligible compensation costs for the period ending with the close of the 15th month of the initial grant, 60 percentum of such costs for the first year thereafter, 45 percentum of such costs for the second year thereafter, and 30 percentum of such costs for the third year thereafter.

(b) For purposes of this subpart, "compensation" may include remuneration for services, including vacation, holiday and severance pay, sick leave, workmen's compensation and employee insurance, social security taxes and retirement plans cost, and such other benefits in return for services performed as the Administrator finds reasonably necessary to secure the services of qualified personnel in the area.

§ 416.97 Payments.

Payment of the Federal share of the costs of the initial staffing project may be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 416.98 Records, audits, and reports.

The applicant shall keep such records as the Administrator shall prescribe, and shall make any books, documents, papers, and records of the applicant that are pertinent available for audit and examination by representatives of the Administrator and the Comptroller General of the United States. The applicant shall also submit such reports or other information as the Administrator may require.

§ 416.99 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

Effective date. The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: June 5, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: June 24, 1969.

ROBERT H. FINCH,
Secretary.

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PART 1

FEDERAL REGISTER

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PART I
(Part II begins on page 10501)

NOTICE

New Location of Federal Register Office.

On and after June 30, 1969, the Office of the Federal Register will be located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

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Agriculture Department
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Export Marketing Service
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Federal Contract Compliance Office
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Land Management Bureau
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CODE OF FEDERAL REGULATIONS

(As of January 1, 1969)

Title 26—Internal Revenue (Part 1) (§§ 1.0–1—1.300) (Revised) ---------- $3.00

Title 29—Labor (Part 900–End) (Revised) ---------- 1.25

[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

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PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Congressional and Public Affairs Officer is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (o) is added under § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(o) One Congressional and Public Affairs Officer.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7675; Filed, June 27, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Rev. 5]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

APPENDIX 1

Correction

In F.R. Doc. 69-7420 appearing at page 9743 in the issue of Tuesday, June 24, 1969, in Appendix 1, "Group V", under "Cheese and substitutes * * *" the "Annual Import Quota (pounds)" entry for Denmark should read "8,966,000".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 380]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.680 Lemon Regulation 380.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 24, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 29, 1969, through July 5, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7747; Filed, June 27, 1969; 8:50 a.m.]

PART 911—LIMES GROWN IN THE STATE OF FLORIDA

Expenses and Rate of Assessment

On June 10, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9124) regarding proposed expenses and the related rate of assessment for the period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in the State of Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 911.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1969, through March 31, 1970, will amount to $12,900.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at $0.025 per bushel of limes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of

limes are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (3) such period began on April 1, 1969, and said rate of assessment will automatically apply to all such limes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7673; Filed, June 27, 1969; 8:49 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On June 10, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9124) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1969, through March 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 915.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during the period April 1, 1969, through March 31, 1970, will amount to $12,900.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 915.41, is fixed at $0.04 per bushel of avocados.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of avocados are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable avocados handled during the aforesaid period, and (3) such period began on April 1, 1969, and said rate of assessment will automatically apply to all such avocados beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and marketing Service.

[F.R. Doc. 69-7672; Filed, June 27, 1969; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Paragraph (b) of § 214.1 is amended to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

* * * * *

(b) *Termination of status.* Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver previously authorized in his behalf under section 212(d) (3) or (4) of the Act; by the revocation and invalidation of his visa pursuant to section 221(i) of the Act; or by the introduction of a private bill to confer permanent resident status on such alien.

§ 238.3 [Amended]

1. The listing of transportation lines of paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Piedmont Aviation, Inc."

§ 238.4 [Amended]

2. The listing of transportation lines under "At Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Standard Airways, Inc."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 214.1(b) is interpretative in nature and the amendments to §§ 238.3(b) and 238.4 add transportation lines to the listings.

Dated: June 24, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-7630; Filed, June 27, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYL PYROCARBONATE

Section 121.1117(b)(3) prohibits use of diethyl pyrocarbonate in specified beverages for which identity standards have been promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act. This restriction is too inclusive as it was intended only that the restriction apply to such standards if they do not permit such use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat, 1785; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 121.1117(b)(3) is revised to read as follows:

§ 121.1117 Diethyl pyrocarbonate.

* * * * *

(b) * * *

(3) In noncarbonated soft drinks and fruit-based beverages to be added before or during packaging at a level not exceeding 300 parts per million, except beverages or fruit juices for which standards of identity established pursuant to section 401 of the act do not permit such use. The treated beverages shall not contain more than 5 parts per million of diethyl carbonate when tested 24 hours or more after the time of packaging.

* * * * *

Notice and public procedure are not prerequisites to this promulgation since this corrective amendment is nonrestrictive and noncontroversial in nature.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a))

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7615; Filed, June 27, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 270—JUVENILE DELINQUENCY AND YOUTH DEVELOPMENT PROGRAMS AND ACTIVITIES

Notice is hereby given that the regulations set forth below (made pursuant to section 131, 82 Stat. 466, section 401, 82 Stat. 471, 42 U.S.C. 3841, 3881) prescribe certain interim policies and requirements for Juvenile Delinquency and Youth Development Programs and Activities under the Juvenile Delinquency Prevention and Control Act of 1968.

Federal financial assistance extended under the regulations herein is subject to the Regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the povisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

These regulations are effective on the date of their publication in the FEDERAL REGISTER.

Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 13, 1969.

JOSEPH H. MEYERS,
Acting Administrator, Social and Rehabilitation Service.

Aproved: June 24, 1969.

ROBERT H. FINCH,
Secretary.

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270.214 Termination.

AUTHORITY: The provisions of this Part 270 issued under secs. 270.1–270.214 issued under sec. 131, 82 Stat. 466, sec. 401, 82 Stat. 471, 42 U.S.C. 3841, 3881.

Subpart A—Definitions

§ 270.1 Definitions.

For the purposes of the regulations in part, unless the context otherwise requires:

(a) "Act" means the Juvenile Delinquency Prevention and Control Act of 1968.

(b) "Department" means the U.S. Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Service" means the Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare.

(e) "Administrator" means the Administrator of the Social and Rehabilitation Service.

(f) "Fiscal year" refers to the Federal fiscal year.

(g) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(h) "State agency" means the State agency designated in a State's comprehensive juvenile delinquency plan under section 131 of the Act.

(i) "Public agency" means a duly elected political body or subdivision thereof and includes any agency emanating from such a political body or subdivision thereof. Such term includes an Indian tribe.

(j) "Nonprofit private agency or organization" means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such organizations, but only if such agency, organization, or institution was in existence at least 2 years before the date of an application under this Act.

(k) "State plan" means the document or documents submitted by the State pursuant to section 131 of the Act in order to participate under Parts B and C of Title I of the Act.

(l) "Delinquent youth" refers to any youth who has been found to be delinquent by a court.

(m) "Youth in danger of becoming delinquent" refers to any youth whose behavioral patterns or environmental or situational influences are likely to bring him to the attention of law enforcement agencies and courts.

(n) "Community-based programs" refers to those residential or nonresidential programs providing services to youth within or in close proximity to the community and which draw on services from agencies in the community and which provide opportunity for full participation in community activities.

(o) "Technical assistance" refers to consultation to State, local or other public and private agencies or organizations in matters relating to the prevention of delinquency or to rehabilitative services for delinquent youth and youth in danger of becoming delinquent.

Subpart B—Grants to States and Localities for Comprehensive Planning

§ 270.10 Purpose.

The purpose of this subpart is to assist in preparing or revising a comprehensive plan for rehabilitative and preventive services based on a thorough evaluation of the problem of juvenile delinquency.

§ 270.11 Eligibility.

(a) Grants under this subpart may be made to any State or local public agency (referred to in this subpart as the planning agency), designated by the chief executive of the applicant jurisdiction.

(b) The planning agency must:

(1) Have authority to conduct the comprehensive juvenile delinquency planning functions.

(2) Have authority to receive and spend funds for comprehensive juvenile delinquency planning functions.

(c) In the case of the State planning agency, in the interest of promoting the fullest possible integration and coordination of crime and delinquency programs being developed in response to the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968, it is desirable to have a single State planning agency which would prepare a single comprehensive plan.

§ 270.12 Matching requirements.

(a) Federal financial participation in the cost of comprehensive planning will not exceed 90 percent of the total cost of the planning for which the grant is made.

(b) The non-Federal participation may be derived from a variety of sources, including:

(1) New State or local appropriations or other new grantee funds;

(2) Existing funds and time of personnel used for the on-going activities of the agency which are made a part of the project. Services or space donated to the project may not be included as a grantee contribution to the cost of the project. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

(c) The application must contain assurances that the Federal grant funds for delinquency planning will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for comprehensive delinquency planning and that the Federal funds will not supplant such non-Federal funds.

(d) If an Indian tribe applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of a project, the Administrator may increase the Federal share of the cost to the extent necessary. An application from an Indian tribe requesting an increased Federal share must be accompanied by a complete financial statement substantiating its inability to meet the non-Federal share requirement.

§ 270.13 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification.

(2) A description of the qualifications of the principal staff members to be responsible for the planning.

(3) A description of how the planning (in accordance with § 270.17) will be conducted.

(4) The anticipated length of time the planning agency will need to prepare or revise its comprehensive juvenile delinquency plan.

(5) A description of any planning functions which will be contracted with other public or private agencies or organizations.

(6) Such other information as the Administrator may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this Subpart.

(c) Any major proposed amendments to an approved application shall be submitted in writing in advance to the Administrator. No such changes shall be put into effect without the approval of the Administrator.

§ 270.14 Application review.

All applications which meet the legal requirements for a grant under this Subpart will be processed by the Service and may be submitted to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.15 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.16 Advisory body and policy board on juvenile delinquency planning.

(a) *Advisory body.* The planning agency must provide for the establishment of an advisory body on juvenile delinquency planning to work with it in carrying out its functions under the planning grant. The advisory group shall have a direct and clear role in the decision-making process of the planning agency so that the views of its members can influence the planning process.

(1) Membership in the body shall include youth and other citizens, as well as representatives of public agencies and of non-governmental groups concerned with youth. State and local public agency representation could include State and local courts; law enforcement agencies; parole and probation agencies; other preventive and rehabilitative agencies; educational institutions; child welfare agencies; housing agencies; vocational rehabilitation agencies; job training and placement agencies; and public, preventive, and mental health agencies. Nonprofit private and voluntary agency representation could include those that deal with youth, especially delinquent youth and those in danger of becoming delinquent. Youth members could include, among others, those who have had formal or informal contact with law enforcement agencies or the juvenile justice system. Representation on such bodies should provide a balance of interest in rehabilitation and prevention, with a proportionate distribution among local public and private agencies and representatives of youth and youth groups.

(2) The applicant shall provide for:

(i) Regular consultation with advisory body on major policy issues concerned with planning.

(ii) Review and consideration by the body of any recommendations or reports that are sent to the chief executive of the State or locality.

(iii) Submission to the chief executive of the body's comments or recommendations on the final report of the planning agency, including majority and minority views.

(b) *Policy board.* Where States have designated a single planning agency under § 270.11(c), the following additional requirements must be met:

(1) The single planning agency must be in the executive branch and be empowered to conduct comprehensive planning functions and to receive and disburse funds.

(2) The single planning agency must have a policy making board which is responsible for reviewing, and maintaining general oversight for the State plan and its implementation.

(3) The policy board must be broadly representative of police services, juvenile delinquency, the courts, corrections, general units of Government, and citizen interests. It must approximate proportionate representation of local and State interests. Juvenile delinquency representation should include persons from both public and private agencies concerned with delinquency prevention and rehabilitation.

(4) Membership of policy boards should be large enough to reflect adequately the foregoing representative elements and not too large to impede working efficiency.

(5) The policy board should be supported by committees, task forces or panels of specialized persons as necessary to accomplish its mission and provide broader involvement of professionals and citizens. With respect to juvenile delinquency, this requirement will be met by the advisory body on juvenile delinquency planning required by paragraph (a) of this section.

§ 270.17 Planning.

(a) Application for funds under this Subpart may be submitted in two phases: Data collection and analysis (Phase I), and the substantive planning process (Phase II). In the case of applications directly for Phase II, evidence must be shown that the information required in Phase I has been collected, or that a satisfactory system for obtaining such information has been established.

(b) Under Phase I, the planning agency is required to gather information relative to the existing delinquency problem that will be utilized in planning for a comprehensive program, including:

(1) Collection within the State or, in the case of a planning grant to a local public agency, within a designated locality of the following data:

(i) The current rate, incidence by type of offense and distribution of juvenile delinquency.

(ii) The present and projected socio-economic factors and population data relating to youth.

(iii) School dropout rates and youth unemployment rates.

(iv) Youth health statistics.

(v) The nature and scope of existing public and private agencies, organizations, and programs concerned with the prevention, rehabilitation and control of delinquency.

(vi) In light of the information and data gathered in subdivisions (i), (ii), (iii), (iv), and (v), of this subparagraph, a description of the adequacy of existing services, gaps in services and projected need for services to delinquent youth and youth in danger of becoming delinquent.

(2) Consultation with:

(i) Governmental and nongovernmental agencies, organizations and groups concerned with delinquent youth and those in danger of becoming delinquent, including State and local courts; law enforcement agencies; delinquency prevention and rehabilitation services; child welfare services; vocational rehabilitation services and voluntary organizations; local and areawide youth groups and youth-managed organizations; educational institutions; health services; mental health services; job training and job placement programs; housing agencies; as well as other basic services for youth.

(ii) Specialized delinquency or youth planning and other related planning operations on the local, county, municipal or State levels. Comprehensive planning by local public agencies must provide for coordination with the State planning agency, where it exists.

(iii) Other Federal programs involved in the planning or operation of programs within the State related to youth, particularly programs under the Demonstration Cities and Metropolitan Development Act of 1966 and the Omnibus Crime Control and Safe Streets Act of 1968.

(iv) The State or local advisory bodies on juvenile delinquency planning established under section 270.16.

(3) Finding resources in other Federal and non-Federal programs that might bear on the problem of delinquency prevention and rehabilitation.

(4) Review of policies, procedures, and statutes relating to the custody, care, treatment, and release of adjudicated delinquents.

(5) Provision for on-going informational support and collection of statistical data relative to the problem of delinquency, as well as for updating methods for the collection of such information and data.

(c) Under Phase II, the planning agency is required to conduct a planning process, which shall include:

(1) Planning for delinquency prevention and rehabilitation; manpower needs, employment and training; model or demonstration programs emphasizing improved techniques and practices in the areas of prevention, rehabilitation and training; technical assistance to local public agencies or nonprofit private agencies and organizations in the planning or operation of programs for which funds may be available under this Act; and other services related to youth, such as education, mental health, health services and housing.

(2) A method for setting planning priorities to insure that the most critical areas of need will be scheduled for early attention. The application must provide evidence that the information gathered under Phase I will be utilized in this process.

(3) An on-going in-service program of staff development for professional and nonprofessional personnel in juvenile delinquency planning.

(4) A method for distributing to interested public and private agencies and organizations and to the general public the planning recommendations which have been adopted by the planning agency.

(5) In the case of State planning agencies, provision of technical assistance for the development of needed regional, metropolitan area or other local delinquency planning.

§ 270.18 Notification to jurisdictions affected.

Applicants must send copies of grant applications to the governing bodies of each of the political units principally affected, and to the chief executive of the State or to an officer designated by him

or by State law. Such governing bodies and officials have 30 days from the receipt of copies of the application to submit evaluations of the proposed planning to the Administrator. They may request from the Administrator additional time to comment. The applicant should indicate to whom copies of the application have been submitted for evaluation.

§ 270.19 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the provisions of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.20 Expenditure of grant funds.

(a) Except as otherwise authorized, the administrative provisions of State or local law applicable to the monies appropriated to the planning agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

(1) Salaries, cost of travel and related expenses of project personnel;

(2) Necessary supplies, equipment, and related expenses;

(3) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget circular A–87, and as the Administrator may establish; and

(4) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project as approved.

§ 270.21 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.22 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.23 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases, records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.24 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project without prior review by the Service: *Provided*, That such publications carry an acknowledgement of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publication are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.25 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.26 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart C—Grants for Planning Projects or Programs

§ 270.30 Purpose.

The purpose of this subpart is to assist in meeting the cost of planning any project or program for which a grant may be made under Subparts D, E, F, or G of these interim regulations.

§ 270.31 Eligibility.

Grants under this subpart may be made to any State, county, municipal, or other public agency or nonprofit private agency or organization.

§ 270.32 Matching requirements.

(a) Federal financial participation in the cost of planning projects or programs will not exceed 90 percent of the total cost of the planning for which the grant is made. The non-Federal participation may be derived from a variety of sources including:

(1) New State or local appropriations or other new grantee funds;

(2) Existing funds and time of personnel used for the ongoing activities of the agency which are made a part of the project. Services or space donated to the project may not be included as a grantee contribution to the cost of the project. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

(b) The application must contain assurances that the Federal grant funds for planning will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available for planning and that the Federal funds will not supplant such non-Federal funds.

(c) If an Indian tribe applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of planning under this subpart, the Administrator may increase the Federal share of the cost to the extent necessary. An application from an Indian tribe requesting an increased Federal share must be accompanied by a complete financial statement substantiating its inability to meet the non-Federal share requirement.

§ 270.33 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the planning.

(3) The purpose of the planning activity for which funds are requested.

(4) A description of the extent to which the applicant has formulated project goals, program content and structure for implementation.

(5) A description of the nature and extent of delinquency problems within the designated area of concern and a statement of the need for preventive and rehabilitative services.

(6) A description of existing services for delinquent youth and those in danger of becoming delinquent within the designated area of concern.

(7) The anticipated length of time the applicant will need to plan the project or program.

(8) Such other information as the Administrator may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Administrator. No such changes shall be put into effect without the approval of the Administrator.

§ 270.34 Coordination and consultation.

Planning conducted under this subpart shall include:

(a) Coordination with all relevant planning affecting the designated area, including State and local comprehensive planning funded under subpart B of this part.

(b) Coordination and consultation, to the extent possible, with other agencies, organizations, and groups concerned with delinquent youth and those in danger of becoming delinquent, including law enforcement agencies; probation and parole agencies; courts; educational institutions; child welfare agencies; agencies concerned with job training and placement, health, mental health, and housing; and any other agencies concerned with prevention and rehabilitation.

(c) Participation of, and consultation with, youth and others toward whom the project being planned is directed.

§ 270.35 Application review.

All applications which meet the legal requirements for a grant under this subpart will be processed by the Service for submission to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.36 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.37 Notification to jurisdictions affected.

Applicants must send copies of grant applications to the governing bodies of each of the political units principally affected, and to the chief executive of the State or to an officer designated by him or by State law. Such governing bodies and officials have 30 days from the receipt of copies of the application to submit evaluations of the proposed planning to the Administrator. They may request from the Administrator additional time to comment. The applicant should indicate to whom copies of the application have been submitted for evaluation.

§ 270.38 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the provisions of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.39 Expenditure of grant funds.

(a) Except as otherwise authorized, where the grantee is a public agency, administrative provisions of State or local law applicable to the monies appropriated to the public agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

(1) Salaries, cost of travel and related expenses of project personnel;

(2) Necessary supplies, equipment, and related expenses;

(3) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget circular A–21, or A–87, and as the Administrator may establish; and

(4) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project as approved.

§ 270.40 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.41 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.42 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.43 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project without prior review by the Service, provided that such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publication are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrighted material resulting from the grant-supported activity.

§ 270.44 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be

held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.45 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart D—The State Plan

§ 270.50 Purpose.

Federal funds are available to the single State agency designated under the State plan for: (a) Making grants for rehabilitative and preventive services projects and programs in accordance with Title I, Parts B and C of the Act; and for (b) the costs of administration of the State plan.

§ 270.51 State plan.

(a) The basic condition for receiving Federal funds under this subpart is the submission, by the designated State agency, of a State plan meeting the requirements of the Act and this subpart, in the form prescribed by the Administrator.

(b) The State plan and all amendments thereto shall be submitted to the Administrator by an authorized officer of the State agency. The plan shall indicate the official or officials who are authorized to submit amendments to the plan.

§ 270.52 State plan: amendment.

The State's administration of the program shall be kept in conformity with the approved State plan. Amendments to the State plan shall be submitted whenever there is any material change in the applicable State law, organization, policy, or agency operation.

§ 270.53 State plan: approval.

(a) The Administrator shall approve for each fiscal year a plan meeting the requirements of the Act and this subpart.

(b) The Administrator may, if he finds that a State plan for a fiscal year is in substantial (but not complete) compliance with the requirements set forth in the Act and this subpart, approve that part of the plan which is in compliance with such requirements and make available to that State only those funds which he determines to be necessary to carry out that part of the plan so approved.

(c) The Administrator shall not finally disapprove any State plan or amendment thereto without first according the State agency submitting the plan reasonable notice and opportunity for a hearing.

§ 270.54 Approval of assistance under a State plan.

Depending upon the availability of funds, and the other applications under Title I, Part B or C of the Act, the Administrator may approve all or part of the assistance requested by a State agency pursuant to an approved State plan, but all assistance requested by such agency, pursuant to an approved State plan, may be disapproved only if he determines that the provision of such assistance would so disperse available funds that the effectiveness of other projects or programs under Title I, Part B or C of the Act, which would more effectively carry out the purposes of those parts, would be impaired.

§ 270.55 Matching requirements.

(a) Federal financial participation for rehabilitative services grants under the State plan will not exceed 60 percent of the cost of the project or program.

(b) Federal financial participation for preventive services grants under a State plan will not exceed 75 percent of the cost of the project or program.

(c) Federal financial participation for the construction of rehabilitative facilities under the State plan will not exceed 50 percent of the cost of construction.

(d) The State plan shall provide that the State will furnish at least one-half of the non-Federal share of funds required to meet the cost of programs and projects aided under the State plan.

(e) Federal financial participation shall not exceed 75 percent of the cost of administering an approved State plan.

(f) The non-Federal financial participation, by States and their grantees, may be derived from a variety of sources, including:

(1) New State or local appropriations or other new grantee funds;

(2) Existing funds or time of personnel used for the on-going activities of the State or grantee agency which are made a part of the project or program. Donated services or space may not be included as a State or grantee contribution to the cost of the project or program. Funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

§ 270.56 Use of funds.

The State plan shall provide that the grant to the State will be used solely: (a) For making grants to local agencies in accordance with Title I, Part B or C of the Act, to meet the cost of providing or securing services designed to carry out the purposes of such parts, but only to the extent and for the period reasonably necessary for the community to provide such services, and to meet the cost of construction of rehabilitative facilities; and (b) for paying up to 75 percent of the cost of administering the State plan.

§ 270.57 Costs of administration.

Costs of administration of a State plan include, but are not limited to, costs of program planning and development; costs of evaluation activities; costs of information services; costs of salaries and related expenses of personnel; costs of advisory committees; and costs of staff development, including educational leave.

§ 270.58 Grants for rehabilitative services.

(a) State agencies may make grants for rehabilitative services, to fulfill the purposes expressed in section 111 of the Act, to any county, municipality, or other local public agency or combination thereof.

(b) Applications to the State agency for rehabilitative services grants must contain the following information:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project or program.

(3) A statement of the goals of the proposed project or program.

(4) A description of the methods to be employed in implementing the goals of the project or program.

(5) A description of how the proposed project or program represents a new or innovative, community-based alternative to traditional correctional practices.

(6) A description of the nature and extent of delinquency problems within the designated area of concern and a statement of the need for the proposed services.

(7) A description of existing services for delinquent youth and those in danger of becoming delinquent within the designated area of concern.

(8) A description of the relationship of the project or program to other Federal, State, or local preventive and rehabilitative services within the designated area of concern.

(9) A description of how the project or program will complement comprehensive plans and programs developed under other Acts related to the purposes of this Act.

(10) A description of how the resources and services of public and private agencies furnishing welfare, education, health, mental health, preventive and rehabilitative, job training, job placement, recreation, corrections and other basic services in the community will be available and accessible to the project or program participants.

(11) A description of how public and private agencies and organizations concerned with youth as well as youth themselves have been involved significantly in determining the appropriateness of the project or program and in designing the nature and scope of the activities to be conducted.

(12) A description of how the participants will be involved significantly in the operation and evaluation of the proposed project or program.

(13) A description of the provisions to be made for an on-going in-service program of staff development for both professional and nonprofessional project or program staff.

(14) A description of the provisions that have been made for a systematic evaluation of the project or program results.

(15) Evidence that the applicant demonstrates an awareness of the need for the continuation of those program aspects which prove to be valid.

(16) Such other information as the State agency may require.

(c) Applications to the State agency for rehabilitative services grants must contain assurances that:

(1) Provisions will be made, to the extent feasible, for coordination of the project or program on a continuing basis with the operations of public and private agencies and organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, corrections and other basic services in the community for youth;

(2) Reasonable efforts will be made to secure or provide necessary services for diagnosing, treating and rehabilitating delinquent youth and those in danger of becoming delinquent, including youth who are on parole or probation, which are either not being provided in the community or are inadequate to meet its needs;

(3) Maximum use will be made of other Federal, State, or local resources available for diagnosing, treating, and rehabilitating these youth;

(4) Public and private agencies and organizations furnishing the services referred to in subparagraph (1) of this paragraph will be consulted in the formulation of the project or program, taking into account their services and expertise, and with a view to adapting such services to the better fulfillment of the purposes expressed in section 111 of the Act.

(d) States may make grants for the construction of community-based, unusual or innovative facilities for the rehabilitation of delinquent youth and those in danger of becoming delinquent to any county, municipality or other local public agency or combination thereof in accordance with the provisions of Subpart F of this part.

§ 270.59 Grants for preventive services.

(a) State agencies may make grants for preventive services, to fulfill the purposes expressed in section 121 of the Act, to any local public agency or local nonprofit private agency or organization.

(b) Applications to the State agency for preventive services grants must contain the following information:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project or program.

(3) A statement of the goals of the proposed project or program.

(4) A description of the methods to be employed in implementing the goals of the project or program.

(5) A description of the innovative features of the project or program.

(6) A description of the nature and extent of delinquency problems within the designated area of concern and a statement of the need of the proposed services.

(7) A description of existing services for delinquent youth and those in danger of becoming delinquent within the designated area of concern.

(8) A description of the relationship of the project or program to other Federal, State, or local preventive and rehabilitative services within the designated area of concern.

(9) A description of how the project or program will complement comprehensive plans and programs developed under other Acts related to the purposes of this Act.

(10) A description of how the resources and services of public and private agencies furnishing welfare, education, health, mental health, preventive and rehabilitative, job training, job placement, recreation, corrections, and other basic services in the community will be available and accessible to the project or program participants.

(11) A description of how public and private agencies and organizations concerned with youth as well as youth themselves have been involved significantly in determining the appropriateness of the project or program and in designing the nature and scope of the activities to be conducted.

(12) A description of how the participants will be involved significantly in the operation and evaluation of the proposed project or program.

(13) A description of the provisions to be made for an ongoing, inservice program of staff development for both professional and nonprofessional project or program staff.

(14) A description of the provisions that have been made for a systematic evaluation of the project or program results.

(15) Such other information as the State agency may require.

(c) Applications to the State agency for preventive services grants must contain assurances that:

(1) Steps have been or will be taken toward provision, within a reasonable period of time, of a program of services within the area served which are necessary for the prevention of delinquency, including the diagnosis, treatment and rehabilitation of youth in danger of becoming delinquent;

(2) Special efforts will be made to assure that the services provided will be available for youth with serious behavioral problems;

(3) Provisions will be made, to the extent feasible, for coordination of the project on a continuing basis with the operations of public and private agencies and organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, corrections, and other basic services in the community for youth;

(4) Reasonable efforts will be made to secure or provide necessary services for diagnosing, treating, and rehabilitating youth in danger of becoming delinquent, including youth who are on parole or probation, which are either not being provided in the community or are inadequate to meet its needs;

(5) Maximum use will be made of other Federal, State or local resources available for diagnosing, treating and rehabilitating these youth;

(6) Public and private agencies and organizations furnishing the services referred to in subparagraph (3) of this paragraph will be consulted in the formulation of the project or program, taking into account their services and expertise, and with a view to adapting such services to the better fulfillment of the purposes expressed in section 121 of the Act.

§ 270.60 The State agency.

(a) The State plan shall describe the organizational structure of the State agency, including a description of the organizational units, the functions assigned each and the relationships among units. The organizational structure shall provide for all the functions for which the State is responsible under the plan, shall provide for interdisciplinary staff, and shall be suited to the size and scope of the projects and programs in the State.

(b) The plan shall demonstrate the capability of the State agency in the areas of planning, project and program development, technical assistance and evaluation.

(c) The plan shall describe the administrative procedures to be employed in the evaluation of applications for grants for projects and programs, in making such grants and in insuring that funds are used in accordance with approved applications.

(d) The plan shall provide for ongoing planning of delinquency prevention and control activities.

(e) The plan shall provide for technical assistance to local public and private agencies and organizations throughout the State engaged in or preparing to engage in activities related to delinquency prevention and control.

§ 270.61 Distribution of funds.

(a) The State plan shall set forth a method for the distribution of funds which gives emphasis to the areas of greatest need. To do this, the State plan shall set forth priorities for location and types of projects and programs. The following factors shall be used to determine the priorities for the distribution of funds among projects and programs throughout the State:

(1) Demographic data regarding youth populations within geographical subdivisions of the State, including:

(i) Present and projected numbers of children and youth, taking into account mobility within the State.

(ii) Present and projected rates of police handling, rates of court handling and rates of commitment to institutions within the juvenile justice system.

(iii) Present and projected youth school population and dropout rates.

(iv) Present and projected youth unemployment rates.

(v) Other statistical indicators of socio-economic status of youth, including information on race, family income, health status, housing, education, etc.

(2) The nature and scope as well as the adequacy of current prevention projects and programs in the State for delinquent youth and youth in danger of becoming delinquent, including existing educational, vocational training, preventive health, social and youth service programs, and other community programs for youth.

(3) The nature and scope of current rehabilitation projects and programs in the State for delinquent youth and youth in danger of becoming delinquent, including programs and institutions relating to the custody, care, treatment, and release of delinquent youth. In light of the information and data gathered in the above areas, an evaluation of the adequacy of existing rehabilitative services, gaps in services and programs and projected need for services to delinquent youth and youth in danger of becoming delinquent.

(4) The statutes, policies, and procedures of the juvenile justice system, as well as any proposed changes in the system.

(b) The State plan in its priorities for location and types of projects and programs must give emphasis to community-based alternatives to methods of institutionalization and to community-based programs which make maximum use of educational and vocational opportunities as well as other community resources.

(c) The State plan shall provide for distribution of funds in accordance with the priorities established under paragraphs (a) and (b) of this section.

§ 270.62 Balance between prevention and rehabilitation projects and programs.

The State plan must provide for an appropriate balance between prevention and rehabilitation projects and programs, the acceptability of which will be determined by the Administrator. The State plan shall show how it will serve to improve, expand, or supplement existing services to provide an appropriate balance between prevention and rehabilitation projects and programs.

§ 270.63 Relationships with other programs.

(a) The State plan shall provide that plans, projects, and programs developed or approved by the State under the State plan will be coordinated with related agencies, organizations, and groups on the local, county, municipal, and State levels including, but not limited to:

(1) State and local programs under the Social Security Act, the Elementary and Secondary Education Act of 1965, the Vocational Rehabilitation Act, the Manpower Development and Training Act of 1962, the Economic Opportunity Act, the Demonstration Cities and Metropolitan Development Act of 1966, the Omnibus Crime Control and Safe Streets Act of 1968 as well as those projects and programs funded under titles II and III of this Act.

(2) Public and private agencies, organizations, and groups concerned with delinquent youth and those in danger of becoming delinquent such as State and local courts; law enforcement and correctional agencies; child welfare agencies; local and areawide youth groups; educational institutions; health and mental health organizations; job training and job placement agencies; and housing agencies.

(b) The State plan shall also provide, where appropriate, that resources under other programs, including programs described in paragraph (a) of this section, will be used, to the maximum extent, in carrying out plans, projects, and programs under the State plan.

§ 270.64 Public participation.

(a) The State plan shall provide that State, local and areawide public and private groups and organizations concerned with youth as well as youth themselves will be engaged in the process of developing and implementing the State plan. State and local public agencies represented could include courts; law enforcement agencies; correctional agencies; parole and probation agencies; preventive and rehabilitative services; educational institutions; vocational rehabilitation services; public, preventive, and mental health agencies; and child welfare agencies. Private and voluntary agency representation could include those that deal with youth, especially delinquent youth and those in danger of becoming delinquent. Youth members could include, among others, those who have had formal or informal contact with law enforcement agencies or the juvenile justice system. Local and areawide groups, including youth, could participate by means of representation on State, regional and local advisory boards, such as the advisory body on juvenile delinquency planning referred to in § 270.16 of Subpart B. Representation on these boards should provide a balance of interest in rehabilitation and prevention with a proportionate distribution among local public and private agencies and representatives of youth and youth groups. Such boards shall have a direct and clear role in the decision-making processes of the single State agency so that the boards can help to shape delinquency prevention and control activities within the State.

(b) The State plan shall provide for:

(1) Regular consultation with such boards on major policy issues concerning the State plan and on-going planning activities.

(2) Review and consideration by such boards of local applications for funds under the State plan.

(3) Review and consideration by such boards of any recommendations or reports that are sent to the chief executive of the State.

The boards shall submit to the chief executive of the State their written majority and minority reports on issues, applications, and reports considered by them.

§ 270.65 Maintenance of effort.

The State plan must set forth policies and procedures which give assurance that the Federal grant will supplement and, to the extent practicable, increase the fiscal effort that would, in the absence of such a Federal grant, be made by the State and subdivisions thereof in the field of juvenile delinquency and youth development.

§ 270.66 Evaluation.

The State plan shall provide for the evaluation, at least annually, of the effectiveness of the projects and programs supported under the State plan.

§ 270.67 Dissemination of information.

The State plan shall provide for the dissemination of information obtained in the evaluation required under § 270.66 and any other useful information to local public or nonprofit private agencies and organizations in the State operating in the field of juvenile delinquency or in related fields.

§ 270.68 Monitoring of use of funds.

The State plan shall provide for adoption of procedures to assure that funds paid to local public or nonprofit private agencies and organizations with respect to projects and programs under the plan will be used in accordance with applications therefor approved under the plan.

§ 270.69 Reports.

(a) The State plan shall provide for making an annual report to the Administrator, containing the results of evaluations under § 270.66 and any other information necessary for an assessment of the effectiveness of the program within the State.

(b) This report shall include a description of the activities of the advisory bodies established under § 270.64.

(c) The grantee shall also submit to the Administrator other reports in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.70 Project review.

(a) Applications submitted to the State agency for either rehabilitative or preventive services grants shall be reviewed by an advisory committee established by the State as specified in § 270.64.

(b) In determining whether or not to approve applications for rehabilitative or preventive services grants, the State agency shall consider the following, among other relevant factors, in the State or in the applicant's community:

(1) The relative cost and effectiveness of the project or program in effectuating the purposes expressed in section 111 or section 121 of the Act;

(2) The incidence of and rate of increase in youth offenses and juvenile delinquency;

(3) The school dropout rates;

(4) The youth unemployment rates;

(5) The adequacy of existing facilities and services for carrying out the purposes expressed in section 111 or section 121 of the Act;

(6) The extent of comprehensive planning in the community for carrying out the purposes expressed in section 111 or section 121 of the Act;

(7) The extent to which the proposed project or program will incorporate new or innovative techniques to carry out the purposes expressed in section 111 or section 121 of the Act;

(8) The extent to which the proposed project or program will incorporate programs for the parents of delinquent youth and those in danger of becoming delinquent, as well as programs for other adults who offer guidance or supervision to these youth.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the State agency for review. No such changes shall be put into effect without the approval of the State agency.

(d) The State agency may establish additional application requirements, evaluation criteria, and grant conditions which are not inconsistent with the Act or this subpart.

§ 270.71 Denial of approval.

The State plan shall provide that final action by the State agency denying (in whole or in part) or withholding funds with respect to any application (or amendment thereof) made to it for a grant under title I, part B or C of the Act shall not be taken without first affording the applicant reasonable notice and opportunity for a hearing.

§ 270.72 Projects which depart from plan.

The State plan shall provide, in the case of an application for a project or program which is in the nature of an amendment to the State plan or a clear departure from the purview of the State plan, that final approval by the State agency of such application shall not be given unless such application has been submitted to the Administrator together with a brief statement describing the proposed project or program, and the Administrator has not, within 30 days after such submission, disapproved such application.

§ 270.73 Effect of State or local law.

Except as otherwise authorized, the administrative provisions of State or local law applicable to the monies appropriated, respectively, to State or local public agencies, shall apply to Federal monies paid, respectively, to States and local agencies under this subpart.

§ 270.74 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The State and its grantees shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to them. Accounts and supporting documents relating to project and program expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* The State and its grantees shall make appropriate provision for the auditing of project and program expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.75 Retention of records.

(a) *General rule.* The State and its grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the State or its grantees, inventories and other records supporting accountability shall be maintained until the State is notified of the completion of the Department's review and audit covering disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.76 Publications and copyrights.

(a) *Publications.* The State or its grantees may publish the results of any project or program without prior review by the Service: *Provided*, That such publications carry an acknowledgement of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service; and provided that copies of the publication are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the State or its grantees are free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.77 Failure to comply with the State plan.

Whenever the Secretary, after reasonable notice and opportunity for hearing to any State agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under this subpart, the Secretary shall notify the agency that further payments will not be made to the State under title I, parts B and C of the Act (or, in his discretion, that the State agency shall not make further payments thereunder to specified public agencies or nonprofit private agencies or organizations affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under such parts or payments by the State agency under such parts shall be limited to public agencies or nonprofit private agencies and organizations not affected by the failure, as the case may be.

Subpart E—Rehabilitative Services; Direct Grants

§ 270.80 Purpose.

(a) The purpose of this subpart is to promote the use of community-based services for the rehabilitation of delinquent youth, including youth who are on probation or parole and youth in danger of becoming delinquent; to assist courts, correctional institutions, law enforcement agencies, and other agencies having responsibility with respect to delinquent youth and youth in danger of becoming delinquent to develop, improve and make full use of rehabilitative services for these youth, especially alternatives to traditional correctional practices; to encourage and assist States to utilize resources under other programs, in such fields as general and vocational education, crime prevention and detection, job training, health, and welfare; to support community-based programs for the rehabilitation of delinquent youth and youth in danger of becoming delinquent; to assist State and local communities to establish effective methods of coordinating the planning, conduct and delivery of rehabilitative services; and to encourage the design and development of community-based, unusual and special-purpose or innovative types of facilities for the rehabilitation of delinquent youth and youth in danger of becoming delinquent.

(b) Grants are available to meet the cost of securing or providing services designed to carry out these purposes, but only to the extent and for the period reasonably necessary for the community to provide such services.

§ 270.81 Eligibility.

Grants under this subpart may be made to any State, county, municipality, or other public agency or combination thereof, in States not having a State plan approved under section 131 of the Act.

§ 270.82 Matching requirements.

(a) Federal financial participation for rehabilitative services projects will not exceed 60 percent of the total cost of the project or program for which the grant is made.

(b) The non-Federal participation may be derived from a variety of sources, including:

(1) New State or local appropriations or other new grantee funds;

(2) Existing funds and time of personnel used for the on-going activities of the agency which are made a part of the project.

Services or space donated to the project may not be included as a grantee contribution to the cost of the project or program. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

(c) The application must contain assurances that the Federal grant funds for rehabilitative services will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for this purpose and that the Federal funds will not supplant such non-Federal funds.

(d) If an Indian tribe applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of a project or program, the Administrator may increase the Federal share of the cost to the extent necessary. An application from an Indian tribe requesting an increased Federal share must be accompanied by a complete financial statement substantiating its inability to meet the non-Federal share requirement.

§ 270.83 Application.

(a) An application for funds under this subpart shall contain the following information:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project or program.

(3) A statement of the goals of the proposed project or program and how they relate to the purposes of this subpart.

(4) A description of the methods to be employed in implementing the goals of the project or program.

(5) A description of the innovative features of the project or program.

(6) A description of the nature and extent of delinquency problems within the designated area of concern and a statement of the need for the proposed services.

(7) A description of existing services for delinquent youth and those in danger of becoming delinquent within the designated area of concern.

(8) A description of the relationship of the project or program to other Federal, State, or local preventive and rehabilitative services within the designated area of concern.

(9) A description of how the resources and services of public and private agencies furnishing welfare, education, health, mental health, preventive and rehabilitative, job training, job placement, recreation, corrections, and other basic services in the community will be available and accessible to project participants.

(10) A description of how the project or program will complement comprehensive plans and activities developed under other Acts related to the purposes of this Act.

(11) A description of how public and private agencies and organizations concerned with youth as well as youth themselves have been involved significantly in determining the appropriateness of the project or program and in designing the nature and scope of the activities to be conducted.

(12) A description of how the participants will be involved significantly in the operation and evaluation of the proposed project or program.

(13) A description of how the proposed project or program represents a new or innovative, community-based alternative to traditional correctional practices.

(14) A description of the provisions to be made for an on-going in-service program of staff development for both professional and nonprofessional project or program staff.

(15) A description of the provisions that have been made for a systematic evaluation of project or program results.

(16) Such other information as the Administrator may require.

(b) In addition, applications shall contain assurances that:

(1) Provisions will be made, to the extent feasible, for coordination of the project or program on a continuing basis with the operations of public and private agencies and organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, corrections, and other basic services in the community for youth.

(2) Reasonable efforts will be made to secure or provide necessary services for diagnosing, treating, and rehabilitating delinquent youth and those in danger of becoming delinquent, including youth who are on parole or probation, which are either not being provided in the community or are inadequate to meet its needs.

(3) Maximum use will be made of other Federal, State, or local resources available for diagnosing, treating, and rehabilitating these youth.

(4) Public and private agencies and organizations furnishing the services referred to in subparagraph (1) of this paragraph will be consulted in the formulation of the project or program, taking into account their services and expertise, and with a view to adapting such services to better fulfillment of the purposes of this subpart.

(c) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Administrator. No such changes shall be put into effect without the approval of the Administrator.

§ 270.84 Factors considered in evaluating proposals.

In determining whether or not to approve applications for rehabilitative services grants, the Administrator shall consider the following among other relevant factors:

(a) The relative cost and effectiveness of the project or program in effectuating the purposes expressed in section 111 of the Act.

(b) The incidence of and rate of increase in youth offenses and juvenile delinquency.

(c) The school dropout rates.

(d) The youth unemployment rates.

(e) The adequacy of existing facilities and services for carrying out the purposes expressed in section 111 of the Act.

(f) The extent of comprehensive planning in the community for carrying out the purposes expressed in section 111 of the Act.

(g) The extent to which the proposed project or program will incorporate new or innovative techniques within the State or community to carry out the purposes expressed in section 111 of the Act.

(h) The extent to which the proposed project or program will incorporate programs for the parents of delinquent youth and those in danger of becoming delinquent, as well as programs for other adults who offer guidance or supervision to these youth.

(i) The relative extent to which financial support is committed by the applicant for the operation of the project or program.

(j) The relative extent to which public and private agencies and organizations concerned with youth as well as youth themselves have been involved significantly in determining the appropriateness of the project or program, and in designing the nature and scope of the activities to be conducted.

(k) The relative extent to which the project or program will complement comprehensive plans and activities developed under other Acts related to the purposes of this Act.

(l) The relative extent to which the applicant has been assured of the cooperation of public and private agencies whose participation is necessary to project or program success.

(m) The relative extent to which the services and resources of public and private agencies and organizations furnishing welfare, education, health, mental health, preventive and rehabilitative, recreation, job training, job placement, corrections, and other basic services in the community will be available and accessible to the project or program participants.

(n) The relative extent to which the project or program will result in new employment and new careers in the field of delinquency prevention and control.

(o) The relative extent to which the participants will be involved significantly in the operation of the proposed project or program.

(p) The relative extent to which opportunities for full community participation will be afforded to the project or program participants.

§ 270.85 Project review.

All applications which meet the legal requirements for a grant under this subpart will be processed by the Service for submission to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.86 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.87 Notification to jurisdictions affected.

Applicants must send copies of grant applications to the governing bodies of each of the political units principally affected and to the chief executive of the State or to an officer designated by him or by State law. Such governing bodies and officials have thirty days from the receipt of copies of the application to submit evaluations of the proposed project or program to the Administrator. They may request from the Administrator additional time to comment. The applicant should indicate to whom copies of the application have been submitted for evaluation.

§ 270.88 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project or program. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.89 Expenditure of grant funds.

(a) Except as otherwise authorized, the administrative provisions of State or local law applicable to monies appropriated to the public agency shall apply to Federal monies paid to the public agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects or programs:

(1) Salaries, cost of travel, and related expenses of project or program personnel;

(2) Necessary supplies, equipment, and related expenses;

(3) Purchase or provision of services to individuals served by the project or program;

(4) Costs of administration and other indirect costs of the project or program, subject to such limitations as are set forth in the Bureau of the Budget Circular A-87, and as the Administrator may establish; and

(5) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project or program as approved.

§ 270.90 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.91 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project or program expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provisions for the auditing of project or program expenditure records and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.92 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.93 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project or program without prior review by the Service, provided that such publications carry an acknowledgement of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publications are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.94 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.95 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancelable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart F—Construction

§ 270.100 Purpose.

Grants under this subpart are available to pay part of the cost of construction of community-based, unusual, and special purpose or innovative facilities for the rehabilitation of delinquent youth and those in danger of becoming delinquent.

§ 270.101 Eligibility.

(a) In States having a State plan approved under section 131 of the Act, grants are available, upon application to the State agency administering the plan, to any county, municipality, or other local public agency or combination thereof.

(b) In States without such a plan, grants are available, upon application to the Service, to any State, county, municipality, or other public agency or combination thereof.

§ 270.102 Matching requirements.

(a) Federal financial participation under this Subpart may not exceed 50 percent of the total cost of the construction. Services, space or materials donated to the project may not be included as a grantee contribution to the cost of the project or program. Grantee funds or services derived from other Federal funds or used for matching other Federal grants may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

(b) The application must contain assurances that the Federal grant funds for construction will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for this purpose and that the Federal funds will not supplant such non-Federal funds.

(c) If an Indian tribe applying directly to the Service under § 270.101(a) does not have sufficient funds available to meet the non-Federal share of the cost of a project under this subpart, the Administrator may increase the Federal share of the cost to the extent necessary. An application from an Indian tribe requesting an increased Federal share must be accompanied by a complete financial statement substantiating its inability to meet the non-Federal share requirement.

§ 270.103 Use of funds.

(a) Project funds, Federal and matching, may be used for:

(1) Construction of new buildings.

(2) Acquisition of existing buildings.

(3) Expansion, remodeling or alteration of existing buildings.

(4) Initial equipment for such buildings.

(b) Project funds, Federal and matching, may not be used for:

(1) Purchase of land.

(2) Off-site improvements.

§ 270.104 Application and review procedures.

(a) Applications directly to the Service shall be submitted in such form and containing such information as the Administrator may prescribe, including the requirements of § 270.105.

(b) Applications to States having an approved State plan shall be submitted in such form and containing such information as the State agency and the Administrator may prescribe, including the requirements of § 270.105. Such applications shall be considered by the agency and evaluated in the light of the priorities for rehabilitation activities stated in the State plan and the criteria stated in § 270.107. Applications which the State agency determines to fund shall be submitted to the Service for review and concurrence.

(c) All applications which meet the legal requirements for a grant are processed by the Service for submission to a Technical Advisory Committee appointed by the Administrator, which evaluates them in the light of the criteria stated in § 270.107. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application, and notifies the State agency, or, in the case of direct applications, the applicant accordingly.

(d) Any proposed amendments to an approved application in a State with an approved State plan shall be submitted in writing, in advance to the State agency, which will evaluate it and forward it to the Adminstrator for concurrence. Any major proposed amendments to an application approved directly by the Service shall be submitted in writing, in advance to the Administrator. No changes shall be put into effect without the approval of the Administrator.

(e) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

§ 270.105 Application content.

(a) An application for funds under this subpart shall contain the following information:

(1) A description of the applicant's financial resources for the project, both for the facility itself and the program to be operated in the facility.

(2) A statement of need for the project or program.

(3) A description of the applicant's existing and proposed program of services.

(4) A description of the existing and the proposed staffing plans.

(5) A description of the relationship of the applicant agency to other State or local services for delinquent youth and those in danger of becoming delinquent.

(6) A description of the relationship of the project or program to any comprehensive juvenile delinquency plan, and any plan developed under any other Act which is related to the purposes of this Act.

(7) A description of community support for the project or program.

(8) A description of the resources and services of public and private agencies furnishing welfare; education; mental, public and preventive health; vocational and other rehabilitative; job training; job placement; recreation; corrections; and other basic services in the community that will be available and accessible to the project or program participants.

(9) A set of schematic drawings of the proposed project.

(10) If youth are to be detained in the facility, a review of the authority to detain and the circumstances under which detention is authorized.

(11) Such other information as the Administrator, or the State agency, may require.

(b) In addition, applications shall contain assurances that:

(1) Provisions will be made, to the extent feasible, for coordination of the activities to be conducted in the facility on a continuing basis with the operations of public and private agencies and organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, corrections and other basic services in the community for youth;

(2) Reasonable efforts will be made to secure or provide necessary services for diagnosing, treating and rehabilitating delinquent youth and those in danger of becoming delinquent, including youth who are on parole or probation, which are either not being provided in the community or are inadequate to meet its needs;

(3) Maximum use will be made of other Federal, State, or local resources available for diagnosing, treating, and rehabilitating these youth;

(4) Public and private agencies and organizations furnishing the services referred to in subparagraph (1) of this paragraph will be consulted in the formulation of the project or program to be operated in the facility, taking into account their services and expertise, and with a view to adapting such services to better fulfillment of the purposes of this subpart.

§ 270.106 Notification.

Applicants who apply directly to the Service must send copies of grant applications to the governing bodies of each of the political units principally affected and to the chief executive of the State or to an officer designated by him or by State law. Such governing bodies and officials have 30 days from the receipt of copies of the application to submit evaluations of the proposed project or program to the Administrator. They may request from the Administrator additional time to comment. The applicant should indicate to whom copies of the application have been submitted for evaluation.

§ 270.107 Factors considered in evaluating applications.

In determining whether or not to approve applications for the construction of rehabilitation facilities, the State agency and the Administrator shall consider the following, among other relevant factors:

(a) The relative cost and effectiveness of the proposed facility in effectuating the purposes of this subpart.

(b) The incidence of and rate of increase in youth offenses and juvenile delinquency;

(c) The school dropout rates;

(d) The youth unemployment rates;

(e) The adequacy of existing facilities and services for carrying out the purposes of this subpart;

(f) The extent of comprehensive planning in the community for carrying out the purposes of this subpart;

(g) The extent to which the proposed facility will incorporate new or innovative techniques within the State or community to carry out the purposes of this subpart;

(h) The extent to which the project or program to be carried out in the proposed facility will incorporate programs for the parents of delinquent youth and those in danger of becoming delinquent, as well as programs for other adults who offer guidance or supervision to these youths;

(i) The relative extent to which financial support is committed by the applicant for the operation of the project or program;

(j) The relative ability of the applicant to make effective and productive use of the proposed facility;

(k) The relative extent to which public and private agencies and organizations concerned with youth as well as youth themselves have been involved in determining the appropriateness of the proposed facility, its location, size and design, and in designing the nature and scope of the activities to be conducted;

(l) The relative extent to which the project or program will complement comprehensive plans and programs developed under other Acts related to the purposes of this Act;

(m) The relative extent to which the proposed facility will materially upgrade the physical and social qualities of the neighborhood and the extent to which it will enhance the neighborhood by applying a high standard of design and architecture;

(n) The relative extent to which the applicant has been assured of the cooperation of public and private agencies whose participation is necessary to project or program success;

(o) The relative extent to which the services and resources of public and private agencies and organizations furnishing welfare, education, health, mental health, preventive and rehabilitative, recreation, job training. job placement, corrections and other basic services in the community will be available and accessible to youth to be served by the proposed facility;

(p) The relative extent to which the project or program will result in new employment and new careers in the field of rehabilitation;

(q) The relative extent to which the youth served in the facility are to be involved in the operation of the proposed project or program;

(r) The relative extent to which the proposed project or program represents an innovative, community-based alternative to traditional forms of incarceration;

(s) In the case of residential facilities, the relative extent to which opportunities for active and meaningful participation in the community will be offered to the residents.

§ 270.108 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.109 Payments.

Payments will be made on the basis of a certification by a qualified individual as to the amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections to determine that the work has been performed upon a project or purchases have been made in accordance with the approved plans and specifications. Payments shall be made at periodic intervals consistent with the construction progress of the project. In extraordinary circumstances when necessary to maintain construction progress, advance payments may be made. Final payment shall not be made until after the completion of the project.

§ 270.110 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Administrator may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the project or program.

(a) That the applicant has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 10 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) That the Administrator's approval of the final working drawings and specifications, which conform to the standards of construction and equipment specified by the Administrator, will be obtained before the project or program is advertised or placed on the market for bidding.

(c) That the applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid.

(d) That the applicant will enter into no construction contract or contracts for the project or program or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Administrator.

(e) That the applicant will submit to the State agency or, in the case of applications directly to the Service to the Administrator, for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility.

(f) That the applicant will construct the facility, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications.

(g) That the applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project or program, and permit audit of such records and accounts at any reasonable time.

(h) That the applicant will furnish progress reports and such other information as the State agency or the Administrator may require.

(i) That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(j) That sufficient funds will be available to meet the non-Federal share of the cost of construction. Availability of funds for the non-Federal share of construction costs shall mean: (1) Funds immediately available, placed in escrow, or acceptably pledged; or (2) funds or fund sources specifically earmarked in a sum sufficient for that purpose; or (3) other assurances acceptable to the Administrator.

(k) That sufficient funds will be available, when construction of the facility is completed, for its effective use, as evidenced by a proposed operating budget for the 2-year period immediately following completion of the facility; or such other evidence as the Administrator finds acceptable.

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5), and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) Provisions pertaining to the applicable labor standards provision of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act, except in the case of contracts in the amount of $2,000, or less, and the rules and regulations issued under each of these Acts.

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance.

(iii) Representatives of the State agency and the Administrator will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for

the maintenance and operation of such facilities.

(n) That the grantee will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with Federal financial participation under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order.

(o) That, for a period of not less than 10 years after the completion of construction of the facility, it will be used as a rehabilitation facility.

(p) That the applicant will comply with the provisions of Executive Order No. 11296, relating to flood plain evaluation and necessary controls.

(q) That the applicant will incorporate into the bid document and construction contracts the standards for the design, construction, and alteration of buildings issued by the Administrator of the General Services Administration pursuant to the Act approved August 12, 1968 (Public Law 90–480). Prior to the issuance of such standards the applicant will incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified from time-to-time.

(r) That the applicant will conform to all the regulations of this subpart.

§ 270.111 Standards.

Approved projects shall be constructed according to general standards of construction and equipment for rehabilitative facilities prescribed by the Administrator under this Act. Applicable State and local rules and regulations shall be observed. The Administrator's standards shall be followed where they exceed any State and local codes and regulations.

§ 270.112 Recovery: good cause for other use of facility.

(a) If, within 10 years after completion of any construction project or program for which funds have been paid under this subpart, the rehabilitative facility shall cease to be a rehabilitative facility, the Service shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. District Court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(b) The Administrator may, for good cause, release the applicant or other owner of the facility from the obligation to maintain the facility. In determining whether there is such good cause the Administrator shall take into consideration the extent to which:

(1) The facility will be devoted by the applicant or other owner to use for another purpose which will promote the purposes of the Act; or

(2) There are reasonable assurances that for the remainder of the 10-year period other facilities not previously utilized for the purposes for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes; or

(3) Changing needs and circumstances have eliminated or modified the need for the facility.

Subpart G—Preventive Services; Direct Grants

§ 270.120 Purpose.

The purpose of this subpart is to promote the use of community-based services for the prevention of juvenile delinquency; to assist States and communities to establish and develop special preventive services, including educational delinquency prevention programs in schools, for youth in danger of becoming delinquent, including youth who are on parole or probation.

§ 270.121 Eligibility.

Grants may be made under this subpart to any public agency or nonprofit private agency or organization in States not having a State plan approved under section 131 of the Act.

§ 270.122 Matching requirements.

(a) Federal financial participation for preventive services projects will not exceed 75 percent of the total cost of the project or program for which the grant is made.

(b) The non-Federal participation may be derived from a variety of sources, including:

(1) New State or local appropriations or other new grantee funds;

(2) Existing funds and time of personnel used for the on-going activities of the agency which are made a part of the project. Services or space donated to the project may not be included as a grantee contribution to the cost of the project or program. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

(c) The application must contain assurances that the Federal grant funds for preventive services will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for this purpose and that the Federal funds will not supplant such non-Federal funds.

(d) If an Indian tribe applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of a project or program, the Administrator may increase the Federal share of the cost to the extent necessary. An application from an Indian tribe requesting an increased Federal share must be accompanied by a complete financial statement substantiating its inability to meet the non-Federal share requirement.

§ 270.123 Application.

(a) An application for funds under this Subpart shall contain the following information:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project or program.

(3) A statement of the goals of the proposed project or program and how they relate to the purposes of this subpart.

(4) A description of the methods to be employed in implementing the goals of the project or program.

(5) A description of the innovative features of the project or program.

(6) A description of the nature and extent of delinquency problems within the designated area of concern and a statement of the need for the proposed services.

(7) A description of existing services for delinquent youth and those in danger of becoming delinquent within the designated area of concern.

(8) A description of the relationship of the project or program to other Federal, State, or local preventive and rehabilitative services within the designated area of concern.

(9) A description of how the project or program will complement comprehensive plans and programs developed under other Acts related to the purposes of this Act.

(10) A description of how the resources and services of public and private agencies furnishing welfare, education, health, mental health, preventive and rehabilitative, job training, job placement, recreation, corrections and other basic services in the community will be available and accessible to the project or program participants.

(11) A description of how public and private agencies and organizations concerned with youth as well as youth themselves have been involved significantly in determining the appropriateness of the project or program, and in designing the nature and scope of the activities to be conducted.

(12) A description of how the participants will be involved significantly in the operation and evaluation of the proposed project or program.

(13) A description of the provisions to be made for an on-going in-service program of staff development for both professional and nonprofessional project staff.

(14) A description of the provisions that have been made for a systematic evaluation of project or program results.

(15) Such other information as the Administrator may require.

(b) In addition, applications shall contain assurances that:

(1) Steps have been or will be taken toward provision, within a reasonable period of time, of a program of services within the area served which are necessary for the prevention of delinquency, including the diagnosis, treatment and rehabilitation of youth in danger of becoming delinquent;

(2) Special efforts will be made to assure that the services provided will be available for youth with serious behavioral problems;

(3) Provisions will be made, to the extent feasible, for coordination of the project or program on a continuing basis with the operations of public and private agencies and organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, corrections and other basic services in the community for youth;

(4) Reasonable efforts will be made to secure or provide necessary services for diagnosing, treating and rehabilitating youth in danger of becoming delinquent, including youth who are on parole or probation, which are either not being provided in the community or are inadequate to meet its needs;

(5) Maximum use will be made of other Federal, State or local resources available for diagnosing, treating and rehabilitating these youth;

(6) Public and private agencies and organizations furnishing the services referred to in subparagraph (3) of this paragraph will be consulted in the formulation of the project or program, taking into account their services and expertise, and with a view to adapting such services to the better fulfillment of this subpart.

(c) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(4) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Administrator. No such changes shall be put into effect without the approval of the Administrator.

§ 270.124 Factors considered in evaluating proposals.

In determining whether or not to approve applications for preventive services grants, the Administrator shall consider the following among other relevant factors:

(a) The relative cost and effectiveness of the project or program in effectuating the purposes expressed in section 121 of the Act;

(b) The incidence of and rate of increase in youth offenses and juvenile delinquency;

(c) The school dropout rates;

(d) The youth unemployment rates;

(e) The adequacy of existing facilities and services for carrying out the purposes expressed in section 121 of the Act;

(f) The extent of comprehensive planning in the community for carrying out the purposes expressed in section 121 of the Act;

(g) The extent to which the proposed project or program will incorporate new or innovative techniques within the State or community to carry out the purposes expressed in section 121 of the Act;

(h) The extent to which the proposed project or program will incorporate programs for the parents of delinquent youth and those in danger of becoming delinquent, as well as programs for other adults who offer guidance or supervision to these youth;

(i) The relative extent to which financial support is committed by the applicant for the operation of the project or program;

(j) The relative extent to which public and private agencies and organizations concerned with youth as well as youth themselves have been involved significantly in determining the appropriateness of the project or program, and in designing the nature and scope of the activities to be conducted;

(k) The relative extent to which the project or program will complement comprehensive plans and programs developed under other Acts related to the purpose of this Act;

(l) The relative extent to which the applicant has been assured of the cooperation of public and private agencies whose participation is necessary to project or program success;

(m) The relative extent to which the services and resources of public and private agencies and organizations furnishing welfare, education, health, mental health, preventive and rehabilitative, recreation, job training, job placement, corrections, and other basic services in the community will be available and accessible to the project or program participants;

(n) The relative extent to which the project or program will result in new employment and new careers in the field of delinquency prevention and control;

(o) The relative extent to which the participants will be involved significantly in the operation of the proposed project or program;

(p) The relative extent to which opportunities for full community participation will be afforded to the project or program participants.

§ 270.125 Project review.

All applications which meet the legal requirements for a grant under this subpart will be processed by the Service for submission to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.126 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.127 Notification to jurisdictions affected.

Applicants must send copies of grant applications to the governing bodies of each of the political units principally affected, and to the chief executive of the State or to an officer designated by him or by State law. Such governing bodies and officials have 30 days from the receipt of copies of the application to submit evaluations of the proposed project to the Administrator. They may request from the Administrator additional time to comment. The applicant should indicate to whom copies of the application have been submitted for evaluation.

§ 270.128 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.129 Expenditure of grant funds.

(a) Except as otherwise authorized, where the grantee is a public agency, the administrative provisions of State or local law applicable to the monies appropriated to the public agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

(1) Salaries, cost of travel and related expenses of project or program personnel;

(2) Necessary supplies, equipment, and related expenses;

(3) Purchase or provision of services to individuals served by the project or program;

(4) Costs of administration and other indirect costs of the project or program, subject to such limitations as are set forth in the Bureau of the Budget Circular A–21, or A–87, and as the Administrator may establish; and

(5) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project or program as approved.

§ 270.130 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.131 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project or program expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provisions for the auditing of project or program expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.132 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.133 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project or program without prior review by the Service: *Provided,* That such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publications are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.134 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577) a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.135 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart H—Training

§ 270.140 Purpose.

(a) The purpose of this subpart is to utilize training as a means of increasing the number of qualified individuals to work with delinquent youth and those in danger of becoming delinquent; to increase the capacity and ability of persons now employed in such activities; to improve the capacity of agencies and organizations to utilize training for internal staff development; and to improve parental instruction and supervision of delinquent youth and those in danger of becoming delinquent.

(b) Grants and contracts are authorized to carry out these purposes. This subpart is applicable to grants.

§ 270.141 Eligibility.

Grants under this subpart may be made to any Federal, State, or local public or nonprofit private agency or organization.

§ 270.142 Matching requirements.

(a) There are no specific matching requirements for grants under this subpart. However, to the extent deemed appropriate, the Administrator may require matching funds, facilities, or services for carrying out the project.

(b) The application must contain assurances that the Federal grant funds for training will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for this purpose and that the Federal funds will not supplant such non-Federal funds.

§ 270.143 Application.

(a) An application for funds under this suppart shall contain the following:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project.

(3) A statement of the goals of the proposed project and how they relate to the purposes of this subpart.

(4) A description of the methods to be employed in implementing the goals of the project.

(5) Where appropriate, a description of the types of training materials, publications, films, curriculum materials, training tapes, or other products anticipated from the project.

(6) Where appropriate, a description of the job placement procedures contemplated for individuals trained for new careers, and an estimate of the marketability of the skills in which they are trained.

(7) Where appropriate, a description of the relationship of the project to other Federal, State, or local preventive and rehabilitative services.

(8) Where appropriate to the training project purposes, evidence that public and private agencies furnishing welfare, education, health, mental health, preventive and rehabilitative, job training, job placement, recreation, corrections and other basic services in the community will coordinate and cooperate with the project.

(9) When the training project is related to the objectives of a comprehensive plan developed under section 101 of the Act, a description of the relationship of the project to that plan.

(10) Where appropriate, a description of the role of youth in the project.

(11) A description of the provisions that have been made to incorporate the project methods and goals into on-going agency or organizational programs.

(12) A description of the provisions that have been made for a systematic evaluation of the project results.

(13) Such other information as the Administrator may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Administrator. No change shall be put in effect without the approval of the Administrator and the Secretary of Labor, or his Designee.

§ 270.144 Training priorities.

Projects with training in one or more of the following areas will be given priority in funding:

(a) Additional training for persons employed in agency programs serving delinquent youth or providing preventive services for youth in danger of becoming delinquent.

(b) Training for persons preparing for careers of service to delinquent youth and those in danger of becoming delinquent.

(c) The development of youth leadership programs on a local, State or National level.

(d) Furthering the development of academic and short-term training capabilities in universities, colleges, and other settings for purposes related to this Act.

(e) The development of inter-disciplinary approaches to the training of persons employed in or seeking careers in the diagnosis, treatment, rehabilitation, or prevention of delinquency.

(f) The development of curricula to be utilized in the education and training of persons working in delinquency prevention, rehabilitation, and control activities. Attention should also be given to the utilization and dissemination of materials already developed as well as to the greater utilization of persons who are qualified to provide training in this field.

(g) The establishment and extension of the capabilities of university training centers so as to provide the general and specialized knowledge necessary to serve delinquent youth and those in danger of becoming delinquent.

(h) The development of new career opportunities for youth and adults in work related to delinquency prevention, rehabilitation, youth development, and delinquency control. Former youth and adult offenders are to be considered for inclusion in new careers training.

(i) Counseling and instruction of parents of delinquent youth and those in danger of becoming delinquent.

§ 270.145 Factors considered in evaluating applications.

In evaluating applications the Administrator will consider a number of factors, including the following:

(a) The relative need for the project in relation to national, State, or local priorities.

(b) The relative extent to which financial support is committed by the applicant for the operation of the project.

(c) The relative ability of the applicant to employ innovative and effective methods and techniques.

(d) The relative extent to which the applicant has been assured of the cooperation of public and private agencies whose participation is necessary to program success.

(e) The relative extent to which the project will result in new employment and new career opportunities in the field of delinquency preyention and control.

§ 270.146 Project review.

All applications which meet the legal requirements for a grant under this subpart will be processed by the Service for submission to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who, with the concurrence of the Secretary of Labor, or his designee, determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.147 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.148 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the provisions of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.149 Expenditure of grant funds.

(a) Except as otherwise authorized where the grantee is a State or local public agency the administrative provisions of State or local law applicable to the monies appropriated to the public agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

(1) Salaries, cost of travel, and related expenses of project personnel.

(2) Necessary supplies, equipment, and related expenses.

(3) Purchase or provision of services to individuals served by the project.

(4) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget Circular A–21, or A–87, and as the Administrator may establish.

(5) Stipends, traineeships, travel allowances, and subsistence as may be necessary for training conducted under the provisions of this subpart.

(6) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project as approved.

§ 270.150 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.151 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.152 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.153 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project without prior review by the Service: *Provided,* That such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publications are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.154 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political

subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.155 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart I—Improved Techniques and Practices

§ 270.160 Purpose.

(a) The purpose of this subpart is to assist in the development of improved and experimental techniques and practices which hold promise of making a substantial contribution toward the prevention of delinquency; the treatment of delinquent youth and those in danger of becoming delinquent; and the improvement of rehabilitative services for delinquent youth and those in danger of becoming delinquent, including techniques and practices for the training of personnel.

(b) Grants and contracts are authorized to carry out these purposes. This subpart is applicable to grants.

§ 270.161 Eligibility.

Grants under this subpart may be made to any State, local, or other public agency or nonprofit private agency or organization.

§ 270.162 Matching requirements.

(a) There are no specific matching requirements for grants under this subpart. However, to the extent deemed appropriate, the Administrator may require matching funds, facilities, or services for carrying out the project.

(b) The application must contain assurances that the Federal grant funds for improved techniques and practices will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for this purpose and that the Federal funds will not supplant such non-Federal funds.

§ 270.163 Application.

(a) An application for funds under this supbpart shall contain the following:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project.

(3) A statement of the goals of the proposed project and how they relate to the purposes of this subpart.

(4) A description of the methods to be employed in implementing the goals of the project.

(5) A description of how the project is likely to bring about needed changes in practices and policies in the community.

(6) A description of the provisions that have been made for a systematic evaluation of project results.

(7) Where appropriate, a description of how the project participants will be involved significantly in the development and operation of the proposed project or program.

(8) Where appropriate, a description of how the project will relate to or supplement other relevant projects in the community and other programs funded under this Act.

(9) A description of the provisions that have been made to incorporate the project methods or goals into on-going agency or organizational programs.

(10) Such other information as the Administrator may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Administrator. No change shall be put in effect without the approval of the Administrator.

§ 270.164 Areas of emphasis.

Areas of emphasis may include:

(a) The development of new techniques and practices in services to delinquent youth and those in danger of becoming delinquent, including:

(1) Innovative community-based rehabilitative services, such as new approaches to services to the offender in the community.

(2) Innovative community-based preventive programs, such as those which create new roles for youth in the community.

(3) Methods of improving the effectiveness of the juvenile justice system.

(b) The development of new patterns of service to delinquent youth and those in danger of becoming delinquent, including:

(1) New ways of delivering services within the structure of existing organizations and agencies.

(2) New patterns of coordinating community services.

(3) New methods of establishing linkages between community resources and the juvenile justice system.

(c) The development of new methods for the utilization of professional and nonprofessional personnel, both youth and adults, as well as for new training techniques.

(d) The development of effective methods and techniques for program assessment.

§ 270.165 Factors considered in evaluating applications.

In evaluating applications, the Administrator will consider a number of factors, including the following:

(a) The relative extent to which the project or program contributes to the development of new knowledge in the field of delinquency prevention and rehabilitation.

(b) The relative extent to which project results have potential for adoption within the community upon termination of the Federal grant.

(c) The relative ability of the applicant to employ innovative and effective methods and techniques.

§ 270.166 Project review.

All applications which meet the legal requirements for a grant under this subpart will be processed by the Service for submission to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the application. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.167 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.168 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.169 Expenditure of grant funds.

(a) Except as otherwise authorized, where the grantee is a public agency the administrative provisions of State or local law applicable to the monies appropriated to the public agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

(1) Salaries, cost of travel, and related expenses of project personnel.

(2) Necessary supplies, equipment, and related expenses.

(3) Purchase of provision of services to individuals served by the project.

(4) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget Circular A–21, or A–87, and as the Administrator may establish.

(5) Stipends, traineeships, travel allowances, and subsistence as may be necessary for training conducted under the provisions of this subpart.

(6) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project as approved.

§ 270.170 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.171 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.172 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.173 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project without prior review by the Service, provided that such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publications are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.174 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.175 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart J—Technical Assistance Grants

§ 270.180 Purpose.

(a) The purpose of this subpart is to aid State, local, or other public or private agencies or organizations in matters relating to the prevention of delinquency or to rehabilitative services for delinquent youth and youth in danger of becoming delinquent through the provision of technical assistance. The Administrator shall determine whether the necessary assistance will be provided directly or through such means as grants and contracts.

(b) This subpart is applicable to grants.

§ 270.181 Eligibility.

Grants under this subpart may be made to any public agency or nonprofit private agency or organization.

§ 270.182 Matching requirements.

(a) There are no specific matching requirements for grants under this subpart. However, to the extent deemed appropriate, the Administrator may require matching funds, facilities, or services for carrying out the project.

(b) The application must contain assurances that the Federal grant funds for technical assistance will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State or locality for this purpose and that the Federal funds will not supplant such non-Federal funds.

§ 270.183 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification.

(2) The qualifications of the principal staff members to be responsible for the project.

(3) A statement of the need for such technical assistance and the goals to be attained in providing such assistance. This statement could be prepared as a cooperative effort between the grantee and the agencies or organizations to be assisted.

(4) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance.

(5) Such other information as the Administrator may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance, to the Administrator. No such changes shall be put into effect without the approval of the Administrator.

§ 270.184 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.185 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditures by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.186 Expenditure of grant funds.

(a) Except as otherwise authorized, where the grantee is a public agency, the administrative provisions of State or local law applicable to the monies appropriated to the public agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

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(1) Salaries, cost of travel, and related expenses of project personnel;

(2) Necessary supplies, equipment, and related expenses;

(3) Purchase or provision of services to individuals served by the project;

(4) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget Circular A–21, or A–87, and as the Administrator may establish; and

(5) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project as approved.

§ 270.187 Reports and records.

The grantee shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.188 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and funds-accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.189 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.190 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project without prior review by the Service, provided that such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publication are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.191 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.192 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart K—Grants to States for Technical Assistance to Local Units

§ 270.200 Purpose.

The purpose of this subpart is to make grants to States for the provision of technical assistance to local public agencies and nonprofit private agencies and organizations engaged in or preparing to engage in activities for which aid may be provided under the Act. It will assist States to develop and devote resources to provide consultation in the techniques, methods, and approaches by which delinquency prevention and rehabilitation programs may be developed, improved, strengthened, and made more effective and relevant.

§ 270.201 Eligibility.

Grants under this subpart may be made to any State agency administering a State plan submitted under Subpart D of these interim regulations which is able and willing to provide such technical assistance.

§ 270.202 Matching requirements.

(a) Federal financial participation in the cost of providing technical assistance will not exceed 90 percent of the total cost of the technical assistance for which the grant is made.

(b) The non-Federal participation may be derived from a variety of sources, including:

(1) New appropriations or other new grantee funds;

(2) Existing funds and time of personnel used for the on-going activities of the agency which are made a part of the project.

Services or space donated to the project may not be included as a grantee contribution to the cost of the project. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

(b) The application must contain assurances that the Federal grant funds for technical assistance will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be made available by the State for technical assistance and that the Federal funds will not supplant such non-Federal funds.

§ 270.203 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification.

(2) The qualifications of principal staff members to be responsible for the project.

(3) A statement of the goals of the proposed technical assistance project and how they relate to the purposes of the Act.

(4) A description of the program areas in which assistance is to be provided as well as the methods to be employed in implementing the goals of the project.

(5) Where appropriate, a description of the role of youth in the technical assistance project.

(6) Where appropriate, evidence that public and private agencies furnishing welfare, education, health, mental health, preventive and rehabilitative, job training, job placement, recreation, corrections, law enforcement, and other basic services in the community will coordinate and cooperate with the State agency giving technical assistance.

(7) A description of the relationship between the technical assistance project and the activities being conducted under the State plan.

(8) Such other information as the Administrator may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including this subpart.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Administrator. No such changes shall be put into effect without the approval of the Administrator.

§ 270.204 Factors considered in evaluating proposals.

In evaluating applications, the Administrator will consider a number of factors, including the following:

(a) The need for the technical assistance project.

(b) The capability of the State agency to provide technical assistance.

(c) The capability of the State agency to maintain such technical assistance.

§ 270.205 Project review.

All applications which meet the legal requirement for a grant under this subpart will be processed by the Service for submission to a Technical Advisory Committee appointed by the Secretary. The applicant may be requested to submit additional information either before or after consideration of the project by the Technical Advisory Committee. The Technical Advisory Committee makes recommendations to the Administrator, who determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 270.206 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 270.207 Payments.

The Administrator shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditures by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Administrator may prescribe.

§ 270.208 Expenditure of grant funds.

(a) Except as otherwise authorized, the administrative provisions of State law applicable to monies appropriated to the State agency shall apply to Federal monies paid to the agency under this subpart.

(b) Grants under this subpart will be available for the following types of expenditures for approved projects:

(1) Salaries, cost of travel, and related expenses of project personnel;

(2) Necessary supplies, equipment, and related expenses;

(3) Purchase or provision of services to individuals served by the project;

(4) Costs of administration and other indirect costs of the project, subject to such limitations as are set forth in the Bureau of the Budget Circular A–87, and as the Administrator may establish; and

(5) Such other items as are included in the approved application.

(c) Expenditures shall be in connection with the conduct of the project as approved.

§ 270.209 Reports and records.

The State agency shall make reports to the Administrator in such form and containing such information as may reasonably be necessary to enable the Administrator to perform his functions under this subpart, and shall keep such records and afford such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 270.210 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund-accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 270.211 Retention of records.

(a) *General rule.* Grantees are required to maintain grant accounting records, identifiable by grant number, until audit by or on behalf of the Department or for 5 years after the end of the budget period, whichever is the lesser. Original documents, such as invoices, checks, time records, and payrolls in support of direct costs, may be retained in grant files or in the grantees' regular files provided the grantees' accounting records contain adequate references for identifying and locating the original documents. However, in all cases records shall be retained until resolution of audit questions relating to individual grants.

(b) *Inventories of equipment.* Where equipment which costs $300 or more per item is purchased by the grantee, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 270.212 Publications and copyrights.

(a) *Publications.* Grantees under this subpart may publish the results of any project without prior review by the Service: *Provided,* That such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Service, and provided that copies of the publication are furnished to the Service.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 270.213 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Service all interest earned on grant funds.

§ 270.214 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator. Noncancellable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[F.R. Doc. 69–7627; Filed, June 27, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. In § 74.2, paragraph (a) is amended by deleting "New Jersey," from subparagraph (1); and by amending subparagraphs (3) and (5) to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) * * *

(3) All counties in Pennsylvania except Chester, Dauphin, Franklin, Juniata, Lancaster, Lehigh, and Mifflin.

* * * * *

(5) All counties in New Jersey except Camden, Monmouth, and Salem.

2. Subparagraphs (2) and (4) of § 74.3 (a) are amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) * * *

(2) The following counties in Pennsylvania: Chester, Dauphin, Franklin, Juniata, Lancaster, Lehigh, and Mifflin.

* * * * *

(4) The following counties in New Jersey: Camden, Monmouth, and Salem.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, 21 U.S.C. 111–113, 115, 117, 120, 123–126, 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add Lancaster County in Pennsylvania and Monmouth County in New Jersey to the list of infected and eradication areas and delete such counties from the list of free areas due to the presence of sheep scabies therein. After the effective date of the amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such areas.

The amendments impose certain restrictions on the interstate movement of sheep from Lancaster County in Pennsylvania and Monmouth County in New Jersey for the purpose of preventing the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–7671; Filed, June 27, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANK, BROKERS, OR DEALERS

Miscellaneous Amendments

The document revising Part 207 of Chapter II of Title 12 of the Code of Federal Regulations (F.R. Doc. 69–6862), published in the FEDERAL REGISTER on June 11, 1969, is corrected as follows:

(a) By changing the part heading to read as set forth above.

(b) In § 207.1(f)(1) by changing the paragraph reference in the last sentence from "(c)" to "(e)";

(c) In § 207.1(f)(2) by changing "defined in paragraph (e)(7) of Rule 240–15c3–1" to "defined in paragraph (c)(7) of Rule 15c3–1" and by deleting the period at the end of § 207.1(f)(2) and adding "(17 CFR 240.15c3–1(c)(7))";

(d) In § 207.2(c)(3) by changing "is 'purpose' credit." to "is 'purpose credit.'";

(e) By deleting § 207.2(g) and § 207(g)(1) and inserting therefor "(g) Purchase and sale: (1) The term 'purchase' includes any contract to buy, purchase, or otherwise acquire.

"(2) The term 'sale' includes any contract to sell or otherwise dispose of.";

(f) In § 207.4(a) by inserting a comma between "subsidiary" and "or" at both places where these two words appear;

(g) In § 207.4(a)(1) by changing "the dates shall be July 8, 1968, and July 8, 1969," to "such dates shall be July 8, 1969, and July 8, 1970," and by changing "423, and 424," to "423, or 424,";

(h) In § 207.4(f) by changing "accrued interest" to "applicable interest"; and

(i) In 207.5(d)(1) by italicizing "1" in "781" at both places where it appears.

Dated at Washington, D.C., this 19th day of June 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–7633; Filed, June 27, 1969; 8:46 a.m.]

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Miscellaneous Amendments

The document revising Part 220 of Chapter II of Title 12 of the Code of Federal Regulations (F.R. Doc. 69–6863), published in the FEDERAL REGISTER on June 11, 1969, is corrected as follows:

(a) By changing the part heading to read as set forth above.

(b) In § 220.2(e)(1) by deleting in the first sentence the comma between "stock" and "not" and the comma between "exchange" and "which";

(c) In § 220.3(c)(2) by changing in the second sentence "except that a registered equity" to "except that a margin equity"; and

(d) In § 220.4(k) by changing in the first sentence "accrued interest" to "applicable interest".

Dated at Washington, D.C., this 19th day of June 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–7631; Filed, June 27, 1969; 8:46 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Miscellaneous Amendments

The document revising Part 221 of Chapter II of Title 12 of the Code of Federal Regulations (F.R. Doc. 69–6864), published in the FEDERAL REGISTER on June 11, 1969, is corrected as follows:

(a) By changing the part heading to read as set forth above.

(b) In § 221.1(a)(2) by changing "(and no other margin security)" to "(and no other margin stock)";

(c) In § 221.3(w)(2) by changing "of the Commission (17 CFR 15c3–1(b)(2) of" to "of the Commission (17 CFR 240.15c3–1(b)(2)), of"; and

(d) In § 221.3(x) by changing "accrued interest" to "applicable interest".

Dated at Washington, D.C., this 19th day of June 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–7631; Filed, June 27, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–WA–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area and Reporting Points

On March 18, 1969, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (34 F.R. 5335) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter Control Area No. 1310 and associated reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable. In addition to the actions proposed in the NPRM, the Department of Transport, Canada, requested that the Halibut Intersection be included as a noncompulsory reporting point in the high altitude structure. Separate action will be taken to establish this reporting point.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. Section 71.163 (34 F.R. 4549) is amended as follows:

a. In Control 1310, all after "between Anchorage and Middleton Island;" is deleted and "thence within 16 miles each side of a line extending from the Middleton Island RBN to the Sandspit, British Columbia, Canada, RR; including that airspace between lines diverging at 5° angles from the centerline, extending southeast from the Middleton Island RBN and northwest from the Sandspit RR, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States." is substituted therefor.

2. In § 71.211 (34 F.R. 4804) the following Alaskan low altitude reporting points are amended to read as follows:

a. Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Sitka, Alaska, RR.

b. Shrimp INT: INT 122° bearing Middleton Island, Alaska, RBN southwest course Gustavus, Alaska, RR.

c. Porpoise, INT: INT 122° bearing Middleton Island, Alaska, RBN, southwest course Yakutat, Alaska, RR.

d. Halibut INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska, RR.

3. In § 71.213 (34 F.R. 4805) the following Alaskan high altitude reporting points are amended to read as follows:

a. Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, Biorka Island, Alaska, 207° radial.

b. Porpoise INT: INT 122° bearing Middleton Island, Alaska, RBN, Yakutat, Alaska, 215° radial.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–7638; Filed, June 27, 1969; 8:46 a.m.]

[Airspace Docket No. 68–SW–62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes and Positive Control Areas

On April 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6660) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign J–8 from Springfield, Mo., via Kingfisher, Okla., to Amarillo, Tex.; and that would renumber the existing segment of J–8 from Oklahoma City, Okla., via Tulsa, Okla., to Springfield, as J–98.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined advantageous to realign the Kansas City/Fort Worth ARTC Center boundaries to minimize coordination between the respective centers when providing air traffic control service to aircraft operating along realigned J–8. This action relocates a segment of the boundary northwestward less than 2 nautical miles.

In as much as a short segment of the southern boundary of the Continental Positive Control Area, floored at 18,000 feet MSL, is coincident with the segment of the Kansas City/Fort Worth ARTC Center boundary to be relocated, it is deemed appropriate to alter the boundary of the Continental Positive Control Area to coincide with the relocated center boundary. Such action is taken herein.

Since the amendment to the Continental Positive Control Area boundary is minor in nature, it has been determined that notice and public procedure thereon are unnecessary and for these reasons may be made effective concurrently with the amendment to the jet routes.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.193 (34 F.R. 4791) is amended as follows:

a. In Continental Positive Control Area "thence to latitude 36°55′00″ N., longitude 95°05′00″ W.; thence to latitude 36°42′00″ N., longitude 95°53′00″ W.;" is deleted and "thence to latitude 35°56′00″ N., longitude 95°06′00″ W.; thence to latitude 36°45′00″ N., longitude 95°48′00″ W.; thence to latitude 36°43′30″ N., longitude 95°53′00″ W.;" is substituted therefor.

2. In Section 75.100 (34 F.R. 4856) the following changes are made:

a. J–8 is amended as follows:

(1) In the caption "Oklahoma City, Okla.," is deleted and "Amarillo, Tex.," is substituted therefor.

(2) In the text all before "Springfield, Mo.;" is deleted and "From Amarillo, Tex., via Kingfisher, Okla.;" is substituted therefor.

b. J–98 is amended as follows:

(1) In the caption "Springfield, Mo.," is deleted and "Oklahoma City, Okla.," is substituted therefor.

(2) In the text "From Springfield, Mo.," is deleted and "From Oklahoma City, Okla., via Tulsa, Okla.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–7639; Filed, June 27, 1969; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 257—RESALE OF LANDS WITHIN THE BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE)

On pages 6783–85 of the FEDERAL REGISTER of April 23, 1969, there was published a notice of proposed rule making pursuant to authority vested in the Secretary of the Interior under 5 U.S.C. 301, 25 U.S.C. 2, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of August 8, 1968 (Public Law 90–468; 82 Stat. 663), to add a new Part 257 to Title 25, Code of Federal Regulations, to implement those provisions of the Act of August 8, 1968 (82 Stat. 663), relating to the resale of lands within the Badlands Air Force Gunnery Range to the former Indian and non-Indian owners.

Interested persons were given an opportunity to submit comments, suggestions, or objections with respect to the proposed regulations within 30 days from the publication of the notice in the FEDERAL REGISTER. During this period comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to the comments received, and certain revisions were made as a result of them. Among the revisions are the following:

1. Additional requirement that a non-Indian applicant for purchase of land furnish proof of ownership is incorporated in § 257.6(b).

2. A revision of § 257.7(a)(5) to clarify the right of the grantee, his family, or assignee to cut native trees for firewood for his personal use.

3. Addition to § 257.7(a)(11) of the word "directly" to modify the exemption from liability.

4. Revision of § 257.7(b) to provide that the pro rata share of permit fees to

which the Indian purchaser will be entitled may be applied as a credit to the amount due as down payment for the land involved.

5. Addition of a new § 257.8(a) governing the section of lieu lands to clarify the order of priority of such lieu selections.

The new Part 257 shall become effective upon the date of publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 24, 1969.

Sec.
257.1 Purpose.
257.2 Definitions.
257.3 Eligibility to purchase.
257.4 Notice to former owners.
257.5 Special notice to former Indian owners.
257.6 Applications by former owners.
257.7 Conveyance documents.
257.8 Selection of lieu lands.
257.9 Lands formerly held subject to restrictions against alienation.

AUTHORITY: The provisions of this Part 257 issued under R.S. 161; 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2; 16 U.S.C. 3; 82 Stat. 663.

§ 257.1 Purpose.

The regulations in this part govern the reacquisition by former Indian and non-Indian owners of lands, or interests therein, acquired by the United States of America as a part of the Badlands Air Force Gunnery Range, sometimes referred to and known as the Pine Ridge Aerial Gunnery Range. The regulations also govern the acquisition by former Indian owners of life estates in national monument lands formerly owned by them and the acquisition of lieu lands when lands formerly owned by them are not available or are not desired by them for reacquisition. The legislative authority for reacquisition of lands or interests therein by former owners is the Act of August 8, 1968 (Public Law 90–468; 82 Stat. 663).

§ 257.2 Definitions.

(a) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) "Superintendent" means the officer in charge of the Pine Ridge Indian Agency, Pine Ridge, S. Dak.

(c) "Act" means the Act of August 8, 1968 (Public Law 90–468; 82 Stat. 663).

(d) "Gunnery Range" means the area on the Pine Ridge Indian Reservation in South Dakota that was acquired by the United States for use of the Air Force commonly known as the Pine Ridge Aerial Gunnery Range or the Badlands Air Force Gunnery Range.

(e) "Monument" means the Badlands National Monument as enlarged by section 1 of the Act of August 8, 1968 (Public Law 90–468).

(f) "Tribe" means the Oglala Sioux Tribe of Indians of South Dakota.

§ 257.3 Eligibility to purchase.

(a) Any former owner of a tract of land or interest in a tract of land, whether title was held in trust or in fee, which was acquired by the United States as a part of the Gunnery Range may purchase such tract pursuant to the provisions of the Act and the regulations set forth in this part: *Provided*, Said tract has been declared excess to the needs of the Department of the Air Force, has been transferred to the administrative jurisdiction of the Secretary of the Interior, and is not within the boundaries of the Monument or within that portion of the Gunnery Range retained for use of the Department of the Air Force.

(b) If a former owner is deceased and is survived by a spouse, the spouse may purchase under the same terms and conditions as the former owner except that if the former owner was an Indian whose land was held in trust and his surviving spouse is a non-Indian, the title to said tract shall be conveyed to the non-Indian spouse in a fee simple status.

(c) If the former owner is deceased and the spouse is also deceased, the children of the former owner may repurchase the tract.

(d) If the former owner is not survived by a spouse or children there exist no repurchase rights involving the tract.

(e) Not more than five former owners may join in purchasing a tract of land. "Former owner" means each person from whom the United States acquired an interest in a tract of land, or if such person is deceased, the surviving spouse, or if such spouse is deceased, his children. If more than five former owners apply to acquire a tract, the Superintendent shall notify them in writing that it will be necessary for them to agree among themselves as to the five or less of them who shall acquire the tract. If agreement among the owners is obtained, those individuals who are to acquire the tract shall then file an application to purchase it. The matter of reaching agreement among the owners is the sole responsibility of said owners and not the responsibility of the Department of the Interior and/or the Bureau of Indian Affairs to participate in the negotiations between the owners. If the former owners fail to reach such an agreement, all applications for the tract shall be rejected.

§ 257.4 Notice to former owners.

After publication of these regulations, there shall be published in the FEDERAL REGISTER notice that certain described lands and interests in lands have been transferred to the administrative jurisdiction of the Secretary and are available for repurchase by the former owners pursuant to section 3(b) of the Act. Upon transfer of administrative jurisdiction over lands that may thereafter be declared excess to the needs of the Department of the Air Force and acceptance by the Secretary, notice of such transfer shall be published in the FEDERAL REGISTER. No attempt shall be made to notify each individual former non-Indian owner personally, but the transfer of jurisdiction to the Secretary may be further publicized by the publishing of notice in a local newspaper of general circulation.

§ 257.5 Special notice to former Indian owners.

(a) The Superintendent shall notify the former Indian owners, in writing, at their last known addresses of their right to repurchase the tracts formerly owned by them in those instances where the tracts are outside of the boundaries of the Monument and are outside of the boundaries of the area of the Gunnery Range retained by the Department of the Air Force. Such notice shall include (1) the legal description, (2) the purchase price thereof, (3) the minimum amount of down payment required, (4) a recital that balance of purchase price may be paid in 20 annual installments, (5) the annual rate of interest on unpaid balance, (6) information whether title is to be taken in trust or in fee, and (7) the date by which the executed application to purchase must be received in the office of the Superintendent. A form of application for execution by the former owners shall accompany said notice, said application to include the legal description of the land, purchase price and other pertinent information.

(b) In those instances where the tracts of land or portions thereof are within the boundaries of the area of the Gunnery Range retained by the Department of the Air Force, the Superintendent shall notify the former Indian owners, in writing, at their last known addresses that they may elect to purchase available tracts of land in lieu of the lands formerly owned by them, said lieu lands to be of substantially the same value as the tracts originally owned by them. Such notice shall also advise said former owners that they may, as an alternative, elect to purchase the tracts formerly owned by them at such time as the tracts may be declared excess to the needs of the Department of the Air Force and transferred to the Secretary of the Interior. As to this alternative, no promise or prediction may be made as to when, or whether, the land may eventually become surplus to the needs of the Department of the Air Force, and the notice shall specifically so state. Such notice shall include (1) the legal description of the lands formerly owned by them (2) the purchase price of the lieu land which price shall be computed on the same basis as though the original tract were available, (3) the minimum amount of down payment required, (4) a recital that balance of purchase price may be paid in 20 annual installments, (5) the annual rate of interest on unpaid balance, (6) information whether title is to be taken in trust or in fee, and (7) the date by which election to purchase lieu lands or wait until lands formerly owned by them are declared excess must be received in the office of the Superintendent. The notice shall be accompanied by a form for execution by the former owner whereby said owner elects to purchase lieu lands or to repurchase the tract formerly owned by said owner when it is declared excess.

(c) In those instances where a tract of land or portion thereof is within the boundaries of the Monument, the Superintendent shall notify the former Indian owner, in writing, at his last known address that he may elect to acquire a life estate in such tract or portion thereof at no cost but subject to the restrictions on use referred to under "Conveyance Documents" (section 257.7). Such notice shall include the legal description of the lands formerly owned by him upon which he may acquire a life estate. The notice shall also inform the former owner that he may elect to purchase any available tract of land in lieu of the lands formerly owned by him, said lieu lands to have substantially the same values as the tract originally owned by him. Such notice shall include (1) the purchase price of the lieu land which price shall be computed on the same basis as though the original tract were available for purchase, (2) the minimum amount of down payment required, (3) a recital that balance of purchase price may be paid in 20 annual installments, (4) the annual rate of interest on unpaid balance, (5) information whether title is to be taken in trust or in fee, and (6) the date by which the election to acquire the life estate or lieu lands must be received in the Office of the Superintendent. Such notice shall be accompanied by a form for execution by the former owner whereby said owner elects to acquire a life estate in the lands formerly owned by said owner or elects to purchase lieu lands.

§ 257.6 Applications by former owners.

(a) Applications by former Indian owners to purchase lands formerly owned by them, or to purchase lieu lands, or to take a life estate in a tract of land within the Monument area should be made on forms furnished by the Superintendent and filed within the period specified in section 3(b)(5) of the Act. Such applications shall be filed in the Office of the Superintendent.

(b) A former non-Indian owner may file application to purchase land pursuant to subsection 3(b) of the Act within 1 year from the date notice is published in the FEDERAL REGISTER that the land he formerly owned has been declared excess to the needs of the Department of the Air Force and has been transferred to the Secretary. Such application shall be filed in the Office of the Superintendent. The applicant shall furnish proof of his ownership or the ownership of his predecessor in interest at the time of the acquisition of the land by the United States. Upon receipt of an application to purchase and proof of ownership the Superintendent shall cause the land to be appraised and thereafter he shall inform the applicant in writing of the fair market value of the tract which shall be the purchase price, the minimum amount of down payment required, that the balance of the purchase price may be paid in 20 annual installments, and the annual rate of interest on the unpaid balance.

§ 257.7 Conveyance documents.

(a) Where there is an election by a former Indian owner of a tract of land within the monument boundary to acquire a life estate in such tract at no cost the following types of provisions and restrictions shall be applicable to the use thereof: (1) Agricultural uses are permitted. Only those commercial activities associated with normal agricultural operations would be allowed. (2) Construction or reconstruction of any roads to the property, including locations and materials used, are subject to approval by the National Park Service. (3) Mining activities of all kinds are prohibited inasmuch as the United States retains all mineral rights. (4) Residential and other facilities necessary for, or incidental to, ranching and other agricultural purposes are permitted. This includes, but is not limited to, barns, sheds, fences, stock dams, wells utilizing surface or subsurface water, and other needed access accessory structures. (5) The cutting of native trees, except for firewood for the personal use of the grantee, his family or assignee, is prohibited unless determined by the National Park Service to be essential to the permitted use of the tract. (6) All improvements and structures are subject to removal upon termination of the life estate or they shall be deemed to become the property of the United States. The family or assignee of the grantee shall have a reasonable time to vacate the premises upon termination of the life estate and may harvest annual crops planted during the tenure of the estate. (7) Water rights owned by the United States in the premises remain vested in the United States, but the grantee has a right to reasonable use of the water. (8) Grantee must observe and adhere to all applicable Federal, State, and local laws and regulations, including Federal laws and regulations for the protection of the black-footed ferret and other wildlife in the Monument. The United States reserves the right to enter upon the conveyed lands to assure such compliance and for the exercise of any other rights and privileges reserved to it. (9) The conveyed premises must be kept in a neat and orderly condition and no waste or injury may be committed to the land. Pollution of water on or adjacent to the property is prohibited. (10) Reasonable precautions must be taken to prevent, suppress, and extinguish forest, brush, grass, and other fires on the property. (11) Grantee may not claim damages for injury by or against the United States which might be directly attributable to existence of the Monument. (12) Other provisions deemed necessary by the National Park Service in individual circumstances may be included in the conveyance document.

(b) When title to the land being acquired is to be taken in trust for the purchaser and the purchase is effected by deferred payments as authorized in section 3(b)(2) of the Act, a sale contract shall be executed by the purchaser and the Secretary. The down payment shall be not less than $100 or 20 per centum of the purchase price, whichever is less. The purchaser shall be entitled to a credit of a pro rata share of the grazing fees collected by the United States for use of the land during the grazing year in which the sale contract is executed, which credit shall be applied as all or a part of the down payment for the land being purchased. In the event the proportionate share of the grazing fees credited to the purchaser is less than the required down payment, the purchaser shall pay the balance of the down payment in cash, or by certified check, cashier's check, money order, or U.S. Treasury check, payable to the Bureau of Indian Affairs at the time the sale contract is executed. Upon execution of the contract by the Secretary, a deed shall be prepared and executed by the Secretary conveying title to the land to the United States in trust for the purchaser. When the sale contract and deed are executed, the balance of the proportionate share of the grazing fees, if any, due the purchaser shall be paid to him and the down payment shall be deposited in the U.S. Treasury to the credit of the United States as general fund receipts. All subsequent installment payments shall be deposited in a like manner to the credit of the United States. The sale contract shall include (1) the legal description of the land, (2) the purchase price, (3) the amount of down payment, (4) the amount of annual principal installment payments, (5) the annual rate of interest on unpaid balance, (6) the due dates of annual installments, (7) a recital that the unpaid balance is a lien against the land and against all rents, bonuses and royalties received therefrom, (8) a recital that a delinquency of 90 days in making annual installment payments will subject the contract to foreclosure with loss of all payments theretofore made thereon, and (9) a recital that upon payment being made in full the deed to the United States in trust for the purchaser will be delivered to the purchaser.

(c) If title to the tract is acquired in a trust status and full payment therefor is made by the purchaser at the time the application for purchase is approved, the title shall be conveyed to the United States of America in trust for the purchaser by a deed executed by the Secretary.

(d) If the purchaser is to acquire the tract in a fee status and the purchase is effected by deferred payments as authorized in section 3(b)(2) of the Act, the title shall be conveyed to the purchaser in a fee status by a deed executed by the Secretary. The purchaser shall execute a mortgage naming the United States as mortgagee and shall execute promissory notes for the annual installment payments with the annual rate of interest set forth therein. The deed and mortgage shall be recorded in the office of the register of deeds of the county in which the land is situated, the recording costs to be borne by the purchaser. Upon payment of the full amount of the mortgage a satisfaction of mortgage shall be executed by the Secretary and delivered to the purchaser who shall be responsible for recordation thereof in the office of the register of deeds.

(e) If the purchaser is to acquire the tract in a fee status and full payment therefor is made by the purchaser at the

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time the application for purchase is approved, the title shall be conveyed to said purchaser in a fee status by a deed executed by the Secretary. The purchaser shall be responsible for recordation of the deed in the office of the register of deeds of the county in which the land is situated.

(f) Each deed executed pursuant to paragraphs (c), (d), and (e) of this section shall contain a provision that if the tract is offered for sale by the purchaser within a period of 10 years from the date of said deed, the tribe shall be notified in writing that the tract is being offered for sale and of the terms of the offer and said tribe shall have a period of 60 days to exercise a right of first refusal to purchase such tract upon the terms set forth in the notice.

(g) All sale documents referred to in this section shall be recorded in the office of the Bureau of Indian Affairs having custody of the land title records of the Pine Ridge Indian Reservation pursuant to Part 120, Title 25, Code of Federal Regulations.

§ 257.8 Selection of lieu lands.

(a) Lieu lands which may be selected for purchase by former Indian owners whose lands are within the boundaries of the area retained for use by the Department of the Air Force or are within the boundaries of the Monument are defined as (1) those lands heretofore acquired by the United States for use of the Air Force Gunnery Range which are outside the boundaries of the Monument and outside the boundaries of the area retained for use by the Department of the Air Force which are not selected for repurchase by former owners within 1 year from date of publication of the notice prescribed in section 3(b)(5) of the Act, and (2) all of the submarginal lands acquired by the United States under authority of the National Industrial Recovery Act of 1933 and subsequent relief acts, within the Pine Ridge Indian Reservation, except those submarginal lands within the area retained for use by the Department of the Air Force or within the Monument, administrative jurisdiction over which was transferred to the Secretary of the Interior by Executive Order No. 7368, dated April 15, 1938.

(b) The former Indian owners whose lands are within the boundaries of the area retained for use by the Department of the Air Force or are within the boundaries of the Monument may elect to purchase lieu lands of substantially the same value pursuant to section 4(b) and section 4(c) of the Act. Inasmuch as identification of all of the lands from which lieu selections may be made cannot be determined until the time has expired for former owners of lands outside of the area used by the Department of the Air Force and outside the boundaries of the Monument to purchase the tracts formerly owned by them, former owners who have filed an election to purchase lieu lands within 1 year from the date of publication of the notice prescribed in section 3(b)(5) of the Act, shall be deemed to have filed a timely application to purchase notwithstanding the fact that a specific tract of land has not been designated in said election.

(c) Upon the expiration of 1 year from date of publication of the notice prescribed in section 3(b)(5) of the Act, the Superintendent shall prepare a complete list of all lands available from which selections of lieu lands may be made. The Superintendent shall also prepare a list of all former owners who elected to purchase lieu lands, numbering them consecutively without regard as to date of receipt of such election. The numbers shall then be placed on separate uniform slips of paper and placed in a bowl. The numbers will then be withdrawn from the bowl and a record made of the order in which they were withdrawn. The owner of the first number withdrawn shall be afforded the first opportunity to select lieu lands. The owners of lands represented by the following numbers will be afforded an opportunity to select lieu lands in the priority in which their numbers were drawn.

(d) When all selections of lieu lands have been made as provided in paragraph (c) of this section, the Secretary shall determine the comparability of the lands originally owned and the lieu selections. If the lieu selections are not substantially the same value as the lands originally owned, the owners shall be afforded an opportunity to make other selections which are substantially the same value.

(e) To determine whether the former Indian owned land and the selected lieu land in each case are of substantially the same value, the consideration paid by the United States for each tract may be accepted as indicative of the value of each tract at the time it was acquired. If information as to the price paid for any specific tract is not available, or if for any reason it is concluded that the consideration paid by the United States for the land is not acceptable evidence as to value for this purpose, the Secretary shall cause the tracts to be appraised to determine their comparability. The appraisals of lands shall be made on the basis of current market values. The lands shall be considered to be substantially the same value if the differences in values do not exceed 10 percent of the greater value.

§ 257.9 Lands formerly held subject to restrictions against alienation.

Former Indian owners who held title to the lands which were acquired for the gunnery range subject to restrictions against alienation without the approval of the Secretary of the Interior shall be conveyed title to the reacquired lands in a trust status in the same manner as though they had held trust title to the lands taken.

[F.R. Doc. 69-7636; Filed, June 27, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C., Chapters 34, 35, and 36

PERIOD OF OPERATION OF COURSE

In § 21.4251, paragraph (b) is amended to read as follows:

§ 21.4251 Period of operation of course.

* * * * *

(b) *Operation for 2 years.* A course is considered to have been in operation for 2 years when it has been given continuously for 24 calendar months inclusive of reasonable vacation and holiday periods. Where courses are only offered on an ordinary school-year basis (approximately 9 months), 2 ordinary school years in the 24 calendar months will constitute a 2-year period. Where short courses of less than an ordinary school year are offered on a regular cycle, two cycles of such operation will constitute the 2-year period if each one of the two cycles occurs in a separate calendar year.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective March 3, 1966.

Approved: June 20, 1969.

[SEAL] FRED B. RHODES,
Acting Administrator.

[F.R. Doc. 69-7637; Filed, June 27, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1-28]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart A—Delegations by Secretary of Transportation

The purpose of this amendment is to revise Subpart A—Delegations by Secretary of Transportation of Part 1 of the Regulations of the Office of the Secretary (49 CFR Part 1).

The revision contains a consolidated listing of all delegations from the Secretary to other officials of the Department.

Since this amendment involves delegations of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment can be made effective in less than 30 days.

In consideration of the foregoing, effective June 20, 1969, Subpart A of Part 1 of Title 49, Code of Federal Regulations, is amended to read as set forth below.

Issued in Washington, D.C., on June 20, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

JUNE 20, 1969.

Sec.
1.1 Purpose.
1.2 Department of Transportation.
1.3 Organization.
1.4 Delegation of powers and duties.
1.5 Reservations of authority.
1.6 General reservation.
1.7 Exercise of authority.
1.8 Delegations to Secretarial officers.

AUTHORITY: The provisions of this Subpart A issued under 80 Stat. 931; 49 U.S.C. 1651 note.

§ 1.1 Purpose.

This subpart provides for the exercise of the powers and performance of the duties vested in the Secretary of Transportation by law.

§ 1.2 Department of Transportation.

The Department of Transportation was established by the Department of Transportation Act, Public Law 89-670. The Secretary of Transportation is the head of the Department.

§ 1.3 Organization.

(a) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the National Transportation Safety Board were established by law within the Department of Transportation. The U.S. Coast Guard was transferred by law to the Department. The Urban Mass Transportation Administration was established within the Department by Reorganization Plan No. 2 of 1968. The St. Lawrence Seaway Development Corporation was placed by law under the supervision and direction of the Secretary.

(b) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, and the St. Lawrence Seaway Development Corporation are each headed by an Administrator, who reports directly to the Secretary. The U.S. Coast Guard is headed by the Commandant, who also reports directly to the Secretary. The National Transportation Safety Board, consisting of five members appointed by the President with the advice and consent of the Senate, is independent of the Secretary and the other offices and officers of the Department in the exercise of its functions, powers, and duties under the Act. Its functions, powers, and duties relate primarily to the determination of probable cause of transportation accidents; investigation of aircraft accidents; appellate review of the suspension, modification, revocation, or denial of certificates and licenses; the conduct of safety studies; making recommendations to the Department which will tend to prevent transportation accidents; and general oversight of the procedures for and the quality of accident investigations conducted by the Department.

(c) Pursuant to the authority vested in the Secretary by law, there have been established within the Federal Highway Administration, the Bureau of Public Roads, the National Highway Safety Bureau, and the Bureau of Motor Carrier Safety. The Director of each Bureau reports to the Federal Highway Administrator. Pursuant to Executive Order 11357, the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.), is carried out by the National Highway Safety Bureau.

§ 1.4 Delegation of powers and duties.

Except as provided in § 1.5, and subject to §§ 1.6 and 1.7, the Commandant of the Coast Guard and the Administrators exercise the powers and perform the duties under the following provisions of law:

(a) The Commandant of the Coast Guard is delegated authority to—

(1) Carry out the Great Lakes Pilotage Act of 1960, as amended, except the authority to enter into, revise, or amend arrangements with Canada (74 Stat. 259, 46 U.S.C. 216 et seq.).

(2) Carry out all the activities of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea, aids to navigation, search and rescue, ice breaking, oceanographic research and military readiness functions (49 U.S.C. 1655(b)(1)).

(3) Carry out the following laws relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States:

(i) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471);

(ii) Article 11 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 98, 33 U.S.C. 180);

(iii) Rule 9 of section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258);

(iv) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322);

(v) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362, 33 U.S.C. 499);

(vi) The Act of June 21, 1940, as amended (54 Stat. 497, 33 U.S.C. 511 et seq.);

(vii) The Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.);

(viii) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151, 33 U.S.C. 401);

(ix) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.); and

(x) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except sections 502(c) and 503.

(4) Carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

(5) Request the Secretary of the Navy to build at Naval shipyards Coast Guard vessels not normally or economically obtainable from private contractors (14 U.S.C. 145(a)(1)).

(6) Administer Executive Order 11459 (34 F.R. 5057), relating to approval of containers for transport under Customs seal.

(7) Exchange information, through the Secretary of State, with foreign governments on matters dealing with the safety of life and property at sea, other than radio communications, but not including the submission of suggestions to the Secretary of State on international collaboration and conferences (14 U.S.C. 142).

(8) Exchange personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with the Navy, and agree to undertake such assignments and functions for each other as are necessary and advisable, except with respect to those exchanges and agreements which, in the Commandant's judgment, may have substantial political impact or adversely affect mission performance (14 U.S.C. 145(d)).

(9) Approve retention of a rear admiral on active duty for a period not exceeding 1 year (14 U.S.C. 290(b)).

(10) Settle and pay claims of not more than $5,000 against the United States through the Chief Counsel, U.S. Coast Guard (10 U.S.C. 2733).

(11) Award Meritorious Service Medals to Coast Guard military members and members of the other Armed Forces attached to the Coast Guard (Executive Order No. 11448, 34 F.R. 915 (1968)).

(b) The Federal Aviation Administrator is delegated authority to—

(1) Carry out title XII of the Federal Aviation Act of 1958, as amended (72 Stat. 800; 49 U.S.C. 1931 et seq.), relating to War Risk Insurance.

(2) Carry out the powers and duties pertaining to aviation safety set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.

(3) Carry out the civil administration of Wake Island under the agreement between the Secretary of Interior and the Secretary of Transportation of August 26, 1967.

(4) Provide for guaranties of private loans for the purchase of aircraft, including consultation with the Civil Aeronautics Board under the Act of September 7, 1957, as amended (49 U.S.C. 1324 (note)), and the Department of Transportation Act (49 U.S.C. 1655(a)(3)(A) and (B)).

(5) Administer Executive Orders 11419 and 11322 relating to prohibited aviation operations and the prohibited carriage of commodities and products to and from Southern Rhodesia.

(6) Provide certain facilities and services to FAA employees and their dependents at remote locations (49 U.S.C. 1659).

(7) Apportion funds for Federal-Aid Airports (49 U.S.C. 1105).

(c) The Federal Highway Administrator is delegated authority to—

(1) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), so far as it relates to motor carriers.

(2) Administer the following laws relating generally to highways:

(i) Title 23, United States Code, including the apportionment of funds for Federal-Aid Highways once Congress approves estimates submitted by the Secretary; but not including 23 U.S.C. 138;

(ii) The Federal-Aid Highway Act of 1968, but not including section 18 (82 Stat. 815);

(iii) The Federal-Aid Highway Act of 1966 (80 Stat. 766);

(iv) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145, 23 U.S.C. 307 note);

(v) The Act of July 14, 1960, as amended (74 Stat. 526, 23 U.S.C. 313 note);

(vi) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70);

(vii) The Act of September 26, 1961, as amended (75 Stat. 670);

(viii) The Highway Revenue Act of 1956, as amended (70 Stat. 387, 23 U.S.C. 120 note);

(ix) The Highway Beautification Act of 1965, as amended (79 Stat. 1028, 23 U.S.C. 131 et seq. notes);

(x) The Alaska Omnibus Act, as amended (73 Stat. 141, 48 U.S.C. 21 note prec.);

(xi) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578, 23 U.S.C. 101 et seq. notes);

(xii) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525(c));

(xiii) The Act of April 27, 1962 (76 Stat. 59); and

(xiv) Reorganization Plan No. 7 of 1949 (63 Stat. 1070).

(3) Administer the following laws relating generally to highway and traffic safety:

(i) The National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89–563 (80 Stat. 718); and

(ii) The Highway Safety Act of 1966, Public Law 89–564 (80 Stat. 731).

(4) Carry out the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), relating to medals for heroism, so far as it pertains to motor vehicles.

(5) Carry out sections 831–835 of title 18, United States Code, relating generally to explosives and other dangerous articles, so far as they pertain to motor carriers.

(6) Carry out section 226 of the Interstate Commerce Act, as amended (49 U.S.C. 325), relating generally to investigation of motor vehicle sizes, weights, and services of employees.

(7) Carry out sections 204(a) (1), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers.

(8) Carry out sections 221(a), 221(c), and 224 of the Interstate Commerce Act, as amended (49 U.S.C. 321 et seq.), relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles, so far as they pertain to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers.

(9) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to motor carrier safety transferred to the Secretary from the Interstate Commerce Commission (49 U.S.C. 1655(f)(2)(B)(ii)).

(10) Administer the following laws relating generally to the reasonableness of tolls:

(i) Section 4 of the Act of March 23, 1906, as amended (34 Stat. 85, 33 U.S.C. 494);

(ii) Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 526);

(iii) Section 17 of the Act of June 10, 1930, as amended (46 Stat. 552, 33 U.S.C. 498a);

(iv) The Act of June 27, 1930, as amended (46 Stat. 821, 33 U.S.C. 498b); and

(v) The Act of August 21, 1935, as amended (49 Stat. 670, 33 U.S.C. 503 et seq.).

(11) Carry out the Department's responsibilities relating generally to Appalachian Regional Development Act of 1965, as amended (79 Stat. 5, 40 U.S.C. App. 1 et seq.).

(12) Carry out section 212(a) of the Interstate Commerce Act, as amended (49 Stat. 555, 49 U.S.C. 312(a)), relating generally to the suspension, change, or revocation of motor carrier certificates, permits, or licenses.

(13) Carry out the Act of September 21, 1966, Public Law 89–599, relating generally to certain approvals concerned with a compact between the States of Missouri and Kansas.

(14) Carry out the law relating to the Chamizal border highway (80 Stat. 1477).

(d) The Federal Railroad Administrator is delegated authority to—

(1) Investigate and report on safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), relating to railroads and pipelines other than water and gas.

(2) Carry out the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 et seq.), relating generally to high-speed ground transportation.

(3) Carry out the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(i) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(ii) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(iii) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(iv) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(v) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 et seq.);

(vi) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(vii) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 45 U.S.C. 22 note);

(viii) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(ix) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.);

(x) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(xi) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.).

(4) Carry out the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.), relating generally to hours of service of railroad employees.

(5) Carry out the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), relating generally to medals for heroism so far as it pertains to railroads.

(6) Carry out sections 830–835 of title 18, United States Code, relating generally to explosives and other dangerous articles so far as they pertain to railroads and pipelines other than water and gas.

(7) Carry out section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26), relating generally to railroad safety appliances, methods, and systems.

(8) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to railroad and pipeline (other than water and gas) safety transferred to the Secretary.

(9) Operate and administer the Alaska Railroad under the Act of March 12, 1941, as amended (38 Stat. 305), and Executive Order No. 11107 (28 F.R. 4225 (1963)).

(10) Change general freight rates and passenger fares for the Alaska Railroad, without power to redelegate except with respect to domestic interline freight matters.

(11) Undertake research and development with respect to the appropriations and associated authority for projects under the appropriation heading "Railroad Research" (49 U.S.C. 1653(a), 1657(e)(1), 1657(n)(1), and 1657(q)(1).

(e) The Urban Mass Transportation Administrator is authorized to exercise the functions vested in the Secretary by section 1 of Reorganization Plan No. 2 of 1968 (82 Stat. 1369).

(f) Except as otherwise prescribed by the Secretary of Transportation, each Administrator and the Commandant is authorized to—

(1) Exercise the authority of the Secretary over and with respect to any personnel within their respective organizations.

(2) Exercise the authority of the Secretary as executive head of a department, under any statute, Executive order or regulation.

(3) Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an amount exceeding $25,000 (28 U.S.C. 2672).

(4) Exercise the authority to:

(i) Originate information and assign security classifications thereto with further power to redelegate this authority with respect to information in the Secret and Confidential categories, and

(ii) Approve the release of any information classified as national defense information pursuant to Executive Order No. 10501 (3 CFR Ch. IV, 50 U.S.C. 401 (1953)) to any person outside the executive branch, including but not limited to releases under the Industrial Security regulations in accordance with Executive Order No. 10865 (3 CFR Ch. IV, 50 U.S.C. 401 (1960)).

(g) Except as otherwise specifically provided, each official to whom authority is granted by this subpart may redelegate and authorize successive redelegations of that authority within the organization under his jurisdiction.

§ 1.5 Reservations of authority.

The delegations of authority in § 1.4 do not extend to the following actions, authority for which is reserved to the Secretary or his delegatee within the Office of the Secretary:

(a) *Legislation and reports.* (1) Submission to the President, the Director of the Bureau of the Budget, or the Congress of proposals or recommendations for legislation, Executive orders, Proclamations or Reorganization Plans or other Presidential action.

(2) Submission to Congress or the President of any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(b) *Budget and finance.* (1) Approval and submission to the Bureau of the Budget of original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 22–24).

(2) Approval of requests for legislation which, if enacted, would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(3) Transfer of the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(4) Submission to the Director of the Bureau of the Budget of requests for the transfer of the balance or portions of an appropriation from one element to another within the Department (31 U.S.C. 665).

(c) *Interventions and appearances.* Except with respect to proceedings relating to safety fitness of an applicant (49 U.S.C. 1653(e)), the making of decisions on requests to intervene or appear before courts and administrative agencies to present the views of the Department.

(d) *Personnel.* (1) Recommendations to the Civil Service Commission of the allocation of a position to GS–16, 17, or 18 (5 U.S.C. 5108).

(2) Recommendations to the Civil Service Commission of approval of the qualifications of any candidate for a position at grade GS–16, 17, or 18 (5 U.S.C. 3324), or to an executive level position.

(3) Recommendations to the Civil Service Commission of a Lump-Sum Incentive Award in Excess of $5,000 (5 U.S.C. 4502).

(4) Approval of the following actions relating to Schedule C and noncareer executive assignment positions or incumbents:

(i) Establishment or abolishment of positions;

(ii) Hires;

(iii) Promotions other than quality and periodic within grade promotions;

(iv) Transfer of personnel to Schedule C positions or noncareer executive assignment positions, either permanently or on detail, and

(v) Transfer of personnel from Schedule C or noncareer executive assignment positions to career Civil Service positions.

(e) *Security.* (1) Termination of an individual from employment in a position in the Department for security reasons under Executive Order No. 10450 (12 F.R. 1935).

(2) Authorizing the filling of a critically sensitive position for a limited period by a person on whom a preappointment full-field investigation has not been completed (Executive Order No. 10450).

(3) Requesting Presidential approval of a claim of executive privilege with respect to information requested by any Congressional Committee or Member of Congress.

(4) Making of determinations prescribed by sections 4(a)(2)(B), 4(b)(3), 5(b), and 9 of Executive Order No. 10865 (3 CFR Ch. IV, 50 U.S.C. 401 (1960)) relating to the adjudication and final denial of access to classified information to industry personnel.

(f) *Procurement.* Exercise of the extraordinary authority for defense contracts provided for in Public Law 85–804 (50 U.S.C. 1431–1435), and considerations and decisions on contract appeals and other matters pursuant to the Department of Transportation Contract Appeals Regulations (41 CFR Part 12–60).

(g) *Printing.* Requesting approval of the Joint Committee on Printing for any procurement or other action requiring Committee approval.

(h) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with the head of another executive department or agency.

(i) *Withholding of funds.* Withholding or suspension of Federal-Aid Highway funds on a statewide basis and the waiver or compromise of such withholding or suspension.

(j) *Alaska Railroad.* Extension or abandonment of railroad service.

(k) *National Highway Safety Advisory Committee.* Directing the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(l) *Coast Guard.* The following powers relating to the Coast Guard:

(1) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(2) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(3) Establishment of promotion zone for selection of rear admirals (14 U.S.C. 256(b)).

(4) Removal of an officer from active duty when recommended by a board convened under section 323 of title 14, United States Code (14 U.S.C. 326).

(5) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(6) Convening General Courts-Martial under the personal authority granted by law (10 U.S.C. 822(a)(2)).

(7) Approval of execution of a sentence dismissing a commissioned officer or cadet (10 U.S.C. 871(b)).

(8) Approval of vacation of a suspension of dismissal (10 U.S.C. 872(b)).

(9) Establishing procedures for the correction of military records (10 U.S.C. 1552(a)).

(10) Establishing a board of review discharge or dismissal of former Coast Guard members (10 U.S.C. 1553(a)).

(11) Reviewing findings of board established under section 1553(a) (10 U.S.C. 1553(b)).

(12) Reviewing findings of boards established under section 1554(a) to forward requests of officers released or retired from active duty without pay for physical disability (10 U.S.C. 1554(b)).

§ 1.6 General reservation.

All powers and duties that are not delegated by the Secretary in §§ 1.4 or 1.8 or otherwise vested in officials other than the Secretary are reserved to the Secretary.

§ 1.7 Exercise of authority.

In exercising powers, and performing duties delegated by this subpart or redelegated pursuant thereto, officials of the Department of Transportation are governed by applicable law, Executive orders, and regulations and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the

Under Secretary, the Deputy Under Secretary, the General Counsel, an Assistant Secretary, the Commandant, or an Administrator. This includes, wherever specified, the requirement for advance notice to, prior coordination with, or prior approval by an authority other than that of the official proposing to act.

§ 1.8 Delegations to Secretarial officers.

(a) This section sets forth specific delegations to the Under Secretary, the Deputy Under Secretary, the General Counsel, and the Assistant Secretaries.

(b) Each officer named in paragraph (a) of this section is delegated authority to—

(1) Redelegate and authorize successive redelegations of authority granted by the Secretary within their respective organizations except as limited by law or specific administrative reservation.

(2) Authorize and approve official travel (except overseas travel) and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, the Office of the Secretary.

(3) Approve proposed hires of experts and consultants by the Office of the Secretary, both full-time and intermittent, within their respective areas of responsibility, without authority to redelegate, but not including proposals to appoint full-time experts or consultants at the daily rate of the base of a GS–16 and above.

(4) Communicate directly with Chairmen of Field Coordination Groups provided such communications are largely informational in character and do not conflict with program responsibilities of the operating administrations or the National Transportation Safety Board.

(5) Establish ad hoc committees for specific tasks within their assigned staff area.

(6) Establish, modify, extend, or terminate standing committees within their specific areas of responsibility when directed or authorized to do so by the Secretary.

(7) Designate members of interagency committees when such committees are specifically concerned with responsibilities of direct interest to their office.

(8) Exercise the following authorities with respect to executive level positions (GS–16, 17, or 18 or equivalent) positions within their respective areas of responsibility:

(i) Determine how executive level positions will be filled; i.e., by reassignment, promotion, appointment.

(ii) Establish selection criteria to be used in identifying eligible candidates.

(iii) Confer with the Commandant and the Administrators on selection criteria and candidates for an executive level position that is a counterpart of an activity or position in the Office of the Secretary.

(iv) Recommend final selection for executive level positions, subject to review by the Executive Committee of the Departmental Executive Personnel Board and approval by the Secretary and the Civil Service Commission.

(v) Serve as ad hoc member of the Departmental Executive Personnel Board at the call of the Chairman and serve on the Board's Executive Committee whenever matters involving their respective offices or a functional counterpart thereof in an operating administration are presented to the Executive Committee for its consideration.

(9) Administer and perform the functions described in their respective functional statements.

(c) The Under Secretary may exercise the authority of the Secretary except where specifically limited by law, order, regulation, or instruction of the Secretary. In addition, the Under Secretary is delegated authority to—

(1) Exercise executive control over the Departmental Planning-Programing-Budgeting System.

(2) Issue monetary authorizations for use of reception and representation funds.

(3) Serve as Chairman of the National Highway Safety Advisory Committee.

(4) Serve as the official sponsor of the DOT Advisory Council on Urban Transportation and as Chairman in the absence of the Secretary or as directed by him.

(5) Serve as Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(6) Act on Departmental requests for employment limitation relief through use of the Secretary's vacancy reserve.

(7) Originate direct correspondence to chairmen of Field Coordination Groups on overall Departmental matters.

(8) Approve the establishment, modification, extension or termination of:

(i) Department-wide (intra-Department) committees affecting more than one program.

(ii) OST sponsored interagency committees.

(iii) All Advisory Committees (including Industry Advisory Committees) except those sponsored by field activities of the operating administrations.

(9) Approve the designation of—

(i) Departmental representatives and the Chairman for interagency committees sponsored by the Office of the Secretary.

(ii) Departmental representatives on all Advisory Committees except those sponsored by a field component of one of the operating administrations.

(iii) Departmental members for international committees.

(10) Authorize and approve official travel and transportation for himself, his subordinates and others performing services for, or in cooperation with, the Office of the Secretary; approve all requests for overseas travel within the Office of the Secretary.

(d) The Deputy Under Secretary is delegated authority to—

(1) Act for the Secretary and the Under Secretary in respect to the internal affairs of the immediate Office of the Secretary and represent the Secretary and Under Secretary in matters assigned by them.

(2) Exercise day-to-day operating management responsibility over the Office of Planning and Program Review and the Office of Budget.

(3) Direct and manage the Departmental Planning-Programing-Budgeting System.

(4) Request apportionment or reapportionment of funds by the Bureau of the Budget and redelegate this authority to the Director of Budget, provided that no request for apportionment involving a deficiency appropriation shall be submitted to the Bureau of the Budget without appropriate certification by the Secretary.

(5) Issue allotments or allocations of funds to components of the Department and to redelegate this authority to the Director of Budget.

(6) Authorize and approve official travel and transportation for himself and staff members of the immediate Office of the Secretary, including authority to sign and approve related travel orders and travel vouchers but not including requests for overseas travel.

(e) The Assistant Secretary for Policy and International Affairs is delegated authority to—

(1) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before administrative agencies to present the views of the Department subject to concurrence by the General Counsel.

(2) Serve as the Department's point of contact in relationships with the Central Intelligence Agency and the Defense Intelligence Agency.

(3) Serve as the Department's point of coordination for foreign travel, advising administrations of potential "overlap" in participation in overseas conferences.

(f) The Assistant Secretary for Public Affairs is delegated authority to—

(1) Administer regulations and procedures governing public access to the records of the Office of the Secretary (a decision by the Assistant Secretary not to disclose a record is considered to be a withholding by the Secretary), and issue supplementary policies and procedures to insure uniform Department implementation of related Secretarial orders and regulations.

(2) Monitor the overall public information program and, through the Office of Public Information, review and approve informational materials having policy-making ramifications before they are printed and disseminated.

(3) Establish procedures for responding to Congressional correspondence and review all replies on matters having policy implications, with final authority to coordinate, with other offices, any replies he deems necessary.

(g) The Assistant Secretary for Urban Systems and Environment is delegated authority to—

(1) Develop innovative solutions to urban transportation problems.

(2) Provide leadership in the initiation of urban transportation systems and environmental enhancement programs.

(3) Perform any functions of the Secretary as a member of The Migratory Bird Conservation Commission.

(h) The Assistant Secretary for Research and Technology is delegated authority to—

(1) Plan and recommend to the Secretary an integrated Research and Development program consistent with the Department's objectives and priorities of interest.

(2) Recommend to the Secretary actions to improve, modify, or disapprove elements of the Research and Development program as necessary to eliminate unpromising or unnecessarily duplicative projects and to initiate projects indicating promise.

(3) Recommend to the Secretary appropriate funding for the Department's Research and Development program as part of the planning, programing, and budgeting process.

(4) As the Secretarial Officer having cognizance over the Department's Research and Development program, participate fully in the planning, programing, and budgeting process whenever Departmental Research and Development matters are involved.

(5) Assure common use of research facilities of the Department of Transportation and the National Aeronautics and Space Administration, such as high-speed ground transportation test facilities.

(6) Assure coordination of research and development efforts in the areas of aircraft noise and sonic boom to be carried out by the Department of Transportation and the National Aeronautics and Space Administration.

(7) Perform the functions, powers, and duties of the Secretary pursuant to the Natural Gas Pipeline Safety Act of 1968 (Public Law 90–481). This authority, which has been redelegated to the Director of Pipeline Safety, includes:

(i) Adoption of interim minimum Federal safety standards for pipeline facilities and the transportation of gas.

(ii) Establishment of minimum Federal safety standards for the transportation of gas and pipeline facilities.

(iii) Establishment of the Technical Pipeline Safety Standards Committee.

(iv) Administration of State certifications, agreements, reports, and records and other compliance provisions under the Act.

(8) Serve as the official sponsor of the Department of Transportation Citizens Advisory Committee on Transportation Quality and the Department of Transportation Advisory Committee on Air Traffic Control.

(9) Expedite the establishment of high speed rail service between New York and Washington.

(10) Chair the Departmental Research Coordinating Committee.

(i) The General Counsel is delegated authority to—

(1) Conduct all rule-making proceedings, except the issuance of final rules, under specific laws relating generally to standard time zones and daylight saving (advanced standard) time.

(2) Determine the practicability of applying the standard time of any standard time zone to the movements of any common carrier engaged in interstate or foreign commerce and issue operating exceptions in any case in which he determines that it is impractical to apply the standard time.

(3) Provide and coordinate the Department's counseling service to employees on questions of conflict of interest and other matters of legal import covered by Departmental regulations on employee responsibility and conduct, assuring that counseling and interpretations on these matters are available to designated Deputy Counselors of the Department, and serve as the Department's designee to the Civil Service Commission on these matters.

(4) Collect claims of the United States not exceeding $20,000 and suspend and terminate action to collect such claims. (Limited to claims arising out of the activities of, or referred to the Office of the Secretary.)

(5) Review and take final action on referrals of the findings of the Coast Guard Board for the Correction of Military Records and the Coast Guard Board for the Review of Discharges and Dismissals.

(6) Approve vacation of suspension of dismissal of military personnel (10 U.S.C. 872(b)).

(7) Grant permission, under specific circumstances, to deviate from a policy or procedure prescribed by Part 9 of the "Regulations of the Office of the Secretary" (49 CFR Part 9) with respect to testimony of OST employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(8) Prepare proposed Executive orders and proclamations (including transmittal documents), effect appropriate departmental coordination, and determine whether the transmittal to the Bureau of the Budget should be submitted over the Secretary's signature or the General Counsel's.

(9) Emboss and affix the official departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(10) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before courts to present the views of the Department, subject to the concurrence of other interested staff elements in the Office of the Secretary.

(j) The Assistant Secretary for Administration is delegated authority for the following:

(1) *Procurement.* (i) Exercise procurement authority with respect to requirements of the Office of the Secretary.

(ii) Make the required determinations with respect to mistakes in bids relative to sales of personal property conducted by the Office of the Secretary without power of redelegation.

(2) *Personnel.* (i) Administer and conduct personnel management activities for the Office of the Secretary, including but not limited to:

(*a*) Establishment and classification of positions at GS–1 through GS–15;

(*b*) Effectuation of personnel actions to appoint, promote, demote, reassign, separate, and remove employees;

(*c*) Establishment of training programs and approval of training expenses; and

(*d*) Evaluation of trades, labor, and manual skills positions and approval of pay schedules therefor.

(ii) Administer oaths incident to entrance on duty in the Federal service and any other oath which might be required by law in connection with employment.

(iii) Coordinate Departmental requests for employment limitation relief with appropriate Secretarial Officers prior to submission to the Under Secretary for action, advise the Under Secretary on priorities, and act on requests for temporary relief through granting position advances from the Secretary's vacancy reserve for a period not to exceed 60 days.

(iv) Exercise emergency authority to hire without the prior approval of the Under Secretary normally required by Departmental procedures implementing the general personnel reduction statute, when in the judgment of the Assistant Secretary immediate action is necessary to effect the hire and avoid the loss of a well-qualified job applicant, and for similar reasons.

(v) Review proposals of the Office of the Secretary for each new appointment or transfer to (1) verify the essentiality of the position and (2) assure compliance with the Action Plan for Equal Opportunity of the Office of the Secretary.

(vi) Approve periodic accession plans for the Office of the Secretary.

(vii) Serve as Vice Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(3) *Finance.* (i) Establish and maintain systems of fund control within the Office of the Secretary in accordance with Departmental criteria and policies, and develop and prescribe a system of accounts and reports that will provide for (1) prompt recording in the official accounts of all financial transactions having an effect on apportionment and fund controls and (2) prompt reporting on the status of such accounts.

(ii) Designate certifying officers for the Office of the Secretary.

(iii) Certify vouchers for payment of all classes for the Office of the Secretary and letters of credit for the Urban Mass Transportation Administration.

(4) *Working Capital Fund.* Establish and operate the working capital fund to cover services approved by the Secretary for such treatment (49 U.S.C. 1657 (j)).

(5) *Security.* (i) Represent the Secretary on the U.S. Communications Security Board and the Interdepartmental Committee on Internal Security.

(ii) Issue official credentials "By direction of the Secretary".

(iii) Classify information in the interests of national defense.

(iv) Take certain classified actions on behalf of the Department in connection with counter-audio programs.

(v) Authorize exceptions to investigative standards for National Defense Reservists.

(vi) Determine when emergencies, other than attack on the United States, justify activation of Personnel Security National Emergency Standby Regulations.

(vii) Approve exceptions to the Personnel Security Regulations issued by the Secretary.

(viii) Request the Civil Service Commission to modify investigative requirements in certain areas.

(ix) Approve exemptions for official identification on Government motor vehicles.

(6) *Printing.* (i) Request approval of the Joint Committee on Printing, Congress of the United States, for any procurement or other action requiring Committee approval.

(ii) Certify the necessity for Departmental periodicals and request approval of the Director of the Bureau of the Budget (BOB Circular No. A-3 Revised as of Sept. 8, 1960).

(7) *Document authentication.* Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(8) *Reports.* Process requests for Bureau of the Budget clearance of reports covered by the Federal Reports Act of 1942.

(9) *Foreign travel.* Review written requests for modification to the Department's overseas travel plan approved by the Bureau of the Budget.

[F.R. Doc. 69-7626; Filed, June 27, 1969; 8:46 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1029]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. Authorized To Operate Over Tracks of Penn Central Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d of June 1969.

It appearing, that because abandonment of the Albany Union Passenger Station and removal of the passenger train interchange tracks between the Delaware and Hudson Railway Co. and the Penn Central Co. at Albany, N.Y., these railroads are unable to interchange passenger trains at Albany, N.Y.; that the Delaware and Hudson Railway Co., in Finance Docket No. 25677, has requested that the Commission authorize operation by the Delaware and Hudson Railway Co. over tracks of the Penn Central Co. between Penn Central Co. Milepost 142.4 in the vicinity of Rensselaer, N.Y. and Milepost 156.6 in the vicinity of Carmen, N.Y., a distance of approximately 14.2 miles, pending final disposition by the Commission of the application of the Delaware and Hudson Railway Co. in Finance Docket No. 25677.

It is ordered, That:

§ 1033.1029 Service Order No. 1029.

(a) *Delaware and Hudson Railway Co. authorized to operate over tracks of Penn Central Co.* The Delaware and Hudson Railway Co., and it is hereby, authorized to operate over tracks of the Penn Central Co. between Penn Central Co. Milepost 142.4 in the vicinity of Rensselaer, N.Y., and Milepost 156.6 in the vicinity of Carmen, N.Y., a distance of approximately 14.2 miles.

(b) *Application.* The provisions of this order shall apply to instrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 29, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7646; Filed, June 27, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

1969-70 Hunting Season; Basic Regulations

On pages 7654 and 7655 of the FEDERAL REGISTER of May 14, 1969, there was published a notice of proposed rule making to amend specified paragraphs of Part 10 of the basic regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations (50 CFR Part 10) are hereby adopted without change and are set forth below.

Section 10.2 *Definition of terms* is revised to read:

§ 10.2 Definition of terms.

* * * * *

(d) *Open season.* Time during which migratory game birds may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

* * * * *

Section 10.4 *Open seasons, limits, and other provisions* is revised by redesignating paragraphs (c), (d), and (e) as paragraphs (f), (g), and (h); and inserting new paragraphs (a), (b), (c), (d), and (e) as follows:

§ 10.4 Open seasons, limits, and other provisions.

(a) Migratory game birds may be taken only in accordance with the daily bag limits during the open season and shooting hours prescribed annually under §§ 10.41 through 10.54, and when so taken, may be possessed only as prescribed in this part.

(b) No person may possess any freshly killed migratory game birds during the closed season.

(c) No person on the opening day of the season, may possess any freshly killed migratory game birds in excess of the daily bag limit or aggregate daily bag limit, whichever applies.

(d) No person may take in any 1 day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

(e) No person may possess more birds lawfully taken in the United States, than the possession limit or the aggregate possession limit, whichever applies.

(f) Nothing in this part shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 USC 715), or any area of the United States set aside under any other law, proclamation, or executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge, or on any area designated as a closed area under the Migratory Bird Treaty Act except so far as may be permitted by the Secretary.

(g) No migratory bird may be taken at any time, by any means, from, on, or across any highway, road, trail, or other right-of-way, whether public or private, within the exterior boundaries of any established national wildlife refuge.

(h) Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

* * * * *

Section 10.6 *Transportation within a State, between States, or to foreign countries* is revised by amending the first sentence of paragraph (b) to read:

§ 10.6 Transportation within a State, between States, or to foreign countries.

* * * * *

(b) One fully feathered wing or head must remain attached to all migratory game birds except doves at all times while being transported by any means whatsoever from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility. One fully feathered wing must remain attached to each migratory game bird, including doves, while being transported by any means whatsoever from the United States and/or any of its possessions to any foreign country.

* * * * *

Section 10.9 *Tagging and record keeping requirements* is revised by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c) and inserting new paragraphs (a) and (b) as follows:

§ 10.9 Tagging and record keeping requirements.

(a) No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), unless such birds have a tag attached, signed by the hunter, stating his address, the total number and kinds of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

(b) No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under paragraph (a) of this section.

(c) Any commercial preservation facility receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this part may enter such facilities at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of 1 year, following the close of the open season on migratory game birds prescribed for the State in which such commercial preservation facility is located.

* * * * *

(Migratory Bird Treaty Act of July 3, 1918, as amended; 40 Stat. 755; 16 U.S.C. 704)

Effective date. These regulations shall be effective on the date of publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK, *Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 69-7635; Filed, June 27, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Buffalo Lake National Wildlife Refuge, Tex.

As a management measure to improve the quality of sport fishing in the waters of the Buffalo Lake National Wildlife Refuge, Tex., the Bureau of Sport Fisheries and Wildlife has, by chemical means, eliminated the entire fish population within Buffalo Lake proper. Following the chemical treatment, game fish species have been reintroduced. In the interim, until the reintroduced game fish grow to sufficient size to provide quality fishing opportunities, fishing will be temporarily suspended in Buffalo Lake proper.

The special regulations appearing as F.R. Doc. 68-12943, filed October 23, 1968 (33 F.R. 15711) are hereby revised to read as follows effective on date of publication in the FEDERAL REGISTER:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Buffalo Lake National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 25 acres, are delineated on maps available at refuge headquarters, Umbarger, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

A. V. TUNISON, *Acting Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 69-7670; Filed, June 27, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Ch. 60]

SEX DISCRIMINATION

Oral Presentation on Guidelines

On January 17, 1969, notice of a proposed amendment to Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60–20, dealing with sex discrimination, was published in the FEDERAL REGISTER (34 F.R. 758). In addition to the submission of written comments, interested persons are hereby afforded an opportunity to make oral presentation concerning the proposal.

Accordingly, an oral proceeding on the proposed Guidelines will be held before an official or officials designated for this purpose on August 4, 5, 6, 1969, at 10 a.m., e.d.t., in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Interested persons who wish to make oral presentations should within ten (10) days after the date of publication of this notice in the FEDERAL REGISTER so notify in writing the Office of the Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210 and indicate the amount of time requested for their presentations.

Signed at Washington, D.C., this 25th day of June 1969.

ARTHUR A. FLETCHER,
Assistant Secretary of Labor.

[F.R. Doc. 69–7651; Filed, June 27, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 317]

MEAT INSPECTION REGULATIONS

Extension of Time for Filing Comments on Proposed Amendment Pertaining to the Fat Content of Cooked Sausages

On May 16, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7823) an announcement of an oral public hearing to consider a proposed amendment to the Federal Meat Inspection Regulations (9 CFR, Ch. III, Subch. A) pertaining to the fat content of frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

The announcement stated that written material related to the proposal could be submitted by any interested person on or before June 27, 1969. During the public hearing, request was made for extension of the time for filing such written submissions for a period of 15 days. There was no objection to such extension of time, and the presiding officer granted an extension for filing written comments, views, arguments, or briefs to July 13, 1969, midnight. Therefore, any interested person who wishes to submit such written material on the proposal should file two copies of such material with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, in accordance with the announcement of the presiding officer.

All written statements received concerning the proposal and a transcript of oral testimony along with exhibits introduced at the hearing will be available for inspection in the Hearing Clerk's office during normal office hours (9 a.m. to 5:30 p.m. Mondays through Fridays, excepting holidays).

Done at Washington, D.C., on June 26, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-7748; Filed, June 27, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

GRATED CHEESE

Proposed Identity Standard; Correction

In the proposed standard of identity for grated cheese published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9079), a final sentence was inadvertently omitted from paragraph (a)(1). As corrected said paragraph reads as follows:

§ 19.___ **Grated cheese; identity; label statements of optional ingredients.**

(a) (1) Grated cheese is the food prepared by grinding, grating, shredding, or otherwise comminuting cheese of one variety or a mixture of two or more varieties. The cheese varieties that may be used are those for which definitions and standards of identity have been promulgated pursuant to section 401 of the act, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim milk cheese for manufacturing. One or more of the optional ingredients specified in paragraph (b) of this section may be used.

* * * * *

The standard is proposed pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7616; Filed, June 27, 1969; 8:45 a.m.]

[21 CFR Part 37]

CANNED TUNA

Proposal To Amend Identity Standard To Provide for Use of Lemon Flavoring in Canned Tuna

Notice is given that a petition has been filed by Star-Kist Foods, Inc., Terminal Island, Calif. 90731, proposing that the standard of identity for canned tuna (21 CFR 37.1) be amended to provide for the use of lemon flavoring prepared from lemon oil and citric acid in a suitable carrier containing an emulsifier. When lemon flavoring is added, the label shall bear the statement "Lemon flavored" or "With lemon flavoring."

Grounds given in support of the proposal are that a satisfactory lemon flavor for tuna has been developed and a survey shows that lemon flavored tuna is readily accepted by consumers as a valuable and convenient new type of tuna product.

Accordingly, it is proposed that § 37.1 be amended by adding to paragraph (f) a new subparagraph (8), by revising paragraph (h) (6) and (8), and by adding to paragraph (h) a new subparagraph (9), as follows:

§ 37.1 **Canned tuna; definition and standard of identity; label statement of optional ingredients.**

* * * * *

(f) * * *

(8) Lemon flavoring to be prepared from lemon oil and citric acid together with safe and suitable carriers for the lemon oil which are present at nonfunctional and insignificant levels in the finished canned food. When lemon flavoring is added, a safe and suitable solubilizing and dispersing ingredient may be added in a quantity not exceeding 0.005 percent by weight of the finished food. A substance used in accordance with this paragraph is deemed to be suitable if it is used in an amount no greater than is necessary to achieve the intended flavor effect, and is deemed to be safe if it is not a food additive as defined in section 201(s) of the act or, if it is a food additive as so defined, it is used in conformity with regulations established pursuant to section 409 of the act.

* * * * *

(h) * * *

(6) Where the canned tuna contains one or more of the ingredients provided for in paragraph (f) of this section, the label shall bear the statement "Seasoned with _____," the blank being filled in with the name or names of the ingredient or ingredients used, except that if the ingredient designated in paragraph (f)(6) of this section is used the blanks shall be filled in with the term "vegetable broth"; and if the ingredient designated in paragraph (f)(5) of this section is used alone, the label may alternatively bear either the statement "spiced" or the statement "with added spice"; and if salt is the only seasoning ingredient used the label may alternatively bear any of the statements "salted," "with added salt," "salt added," and if the flavoring ingredients designated in paragraph (f)(8) of this section are used, the label may alternatively bear either the statement "Lemon flavored" or the statement "With lemon flavoring." "Lemon oil" and "citric acid" used in the lemon flavoring shall be declared on the label, and any optional solubilizing and dispersing agent used as specified in paragraph (f)(8) of this section in connection with lemon flavoring ingredients shall be designated on the label by its common or usual name.

* * * * *

(8) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients, used, as specified in subparagraphs (3), (6), and (7) of this paragraph (except if lemon flavoring is added, this subparagraph applies only to the terms "Lemon flavored" or "With lemon flavoring," not to the constituent ingredients of that flavoring or to any optional solubilizing or dispersing ingredient used in connection with lemon flavoring ingredients), shall immediately and conspicuously precede or follow such name, without intervening, written, printed, or graphic matter, except that the common name of the species of tuna fish may so intervene; but the species name "albacore" may be employed only for canned tuna of that species which meets the color designation "white" as prescribed by paragraph (d)(1) of this section.

(9) Statements of optional ingredients present required by subparagraph (6) of this paragraph, but not subject to the provisions of subparagraph (8) of this paragraph, shall be set forth on the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase.

In view of the provisions of section 403(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(g)(2)), the Commissioner of Food and Drugs further proposes that in the event the petitioner's proposal as it concerns the addition of lemon flavoring is adopted, the listing of lemon oil be made optional rather than mandatory. He further proposes that the words "lemon flavored" or words of similar import be made part of the name of the food.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs., 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7617; Filed, June 27, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–SO–56]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marks, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Marks transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Riverside Industries Airport; within 3 miles each side of the 197° bearing from Marks, Miss. RBN (lat. 34°13'50" N., long. 90°17'28" W.) extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Riverside Industries Airport, utilizing the Marks (private) nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 20, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–7624; Filed, June 27, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Dyersburg, Tenn., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments

presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Dyersburg control zone described in § 71.171 (34 F.R. 4557) would be amended as follows:

"* * * within 2 miles each side of the Dyersburg VORTAC 258° radial * * *" would be deleted and "* * * within 1.5 miles each side of the Dyersburg VOR TAC 258° radial * * *" would be substituted therefor.

The Dyersburg transition area described in § 71.181 (34 F.R. 4637) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (lat. 36°00'00" N., long 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

The application of current airspace and Terminal Instrument Procedures (TERPs) criteria appropriate to Dyersburg Municipal Airport and the associated instrument approach procedure requires an increase in the transition area basic radius circle from 5 to 6.5 miles, an increase in the width of the transition area extension predicated on the Dyersburg VORTAC 078° radial from 4 to 6 miles, and an increase in length of this extension from 7 to 8.5 miles. Additionally, it permits a reduction in the width of the control zone extension predicated on the Dyersburg VORTAC 258° radial from 4 to 3 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 20, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7623; Filed June 27, 1969; 8:45 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 69-SW-23]

FEDERAL AIRWAYS AND JET ROUTES

Proposed Alterations and Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-12 north alternate from Gage, Okla., 1,200 feet AGL via the INT of Gage 025° T (015° M) and Wichita, Kans., 250° T (241° M) radials, to Wichita.

2. Realign V-17 west alternate from Oklahoma City, Okla., 1,200 feet AGL via INT Oklahoma City, 282° T (273° M) and Gage 153° T (143° M) radials, to Gage.

3. Designate a 1,200 feet AGL north alternate to V-74 from Anthony, Kans., via INT Anthony 091° T (081° M) and Ponca City, Okla., 327° T (318° M) radials, to Ponca City.

4. Realign V-280 from Gage 1,200 feet AGL INT Gage 025° T (015° M) and Hutchinson, Kans., 235° T (226° M) radials; 1,200 feet AGL Hutchinson.

5. Extend V-210 from Lamar, Colo., 13 miles, 1,200 feet AGL 79 miles, 5,500 feet MSL, 1,200 feet AGL Liberal, Kans.; 1,200 feet AGL INT Liberal 137° T (126° M) and Oklahoma City 282° T (273° M) radials; 1,200 feet AGL Oklahoma City.

6. Realign J-20 from Liberal via INT Liberal 137° T (126° M) and Oklahoma City 282° T (273° M) radials; to Oklahoma City.

7. Realign J-23 from Oklahoma City via Ponca City; to Wichita.

8. Realign J-26 from Amarillo, Tex., via Gage; to Wichita.

The Federal Aviation Administration has the capability of providing air traffic control service to T-38 type military aircraft operating to and from Vance AFB, Okla., Intensive Student Jet Training Area No. 1 (ISJTA) and also to provide this service to the T-38 at all altitudes while within the training area. To facilitate the provision of this service, the agency, under separate cover as nonrulemaking case 69-FTW-3-NR, is considering a reconfiguration of the boundaries of Vance AFB ISJTA No. 1.

The proposed alteration of airways and jet routes would expedite the movement of nonparticipating aircraft in the vicinity of Vance AFB ISJTA No. 1 as follows:

1. The realignment of V-12N would permit traversing the training area when training activities are light.

2. The realignment of V-17W would provide unrestricted operations between Oklahoma City and Gage when the training area is in use. V-17 may be used for these operations when training is not in progress.

3. The realignment of V-74N would provide a bypass route outside the training area for operations between Anthony and Ponca City at altitudes above the base of the training area. V-74 would remain available for operations between these points at altitudes below the base of the training area.

4. V-210 would provide for unrestricted operations between Liberal and Oklahoma City when training is in progress. It would underlie proposed J-20 for transition between the high and low route structure. The extension of V-210 from Lamar to Liberal would provide continuity in the airway description.

5. The realignment of V-280 would permit traversing of the training area when training activities are light.

6. The realignment of J-20 would provide for unrestricted operations between Liberal and Oklahoma City when the training area is in use. Aircraft would be cleared direct from Oklahoma City via Gage to Liberal when training is not in progress.

7. The realignment of J-23 would provide for unrestricted operations between Oklahoma City and Wichita when the training area is in use. Aircraft could operate direct when training is not in progress.

8. The inclusion of Gage in the description of J-26 would reduce controller/pilot communications when it is necessary for aircraft to transition from the jet route to the airway structure.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7640; Filed, June 27, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-44]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a standard east alternate on VOR Federal airway No. 11 between Paducah, Ky., and Evansville, Ind. Due to increased traffic and lack of radar coverage, the proposed alternate airway is necessary to facilitate the handling of air traffic southwest of Evansville.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7641; Filed, June 27, 1969; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 69-AL-4]

FEDERAL AIRWAY AND JET ROUTE

Proposed Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate a Federal airway and jet route from Anchorage, Alaska, via Talkeetna, Alaska, and Nenana, Alaska; to the Chandalar Lake, Alaska, RBN. This action would provide a low and high altitude bypass route around the Fairbanks, Alaska, terminal area and serve as an alternate route between the North Slope operations and Anchorage during such times as V-438 and the Fairbanks/Prudhoe Bay, Alaska, additional control area are overburdened with traffic.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7642; Filed, June 27, 1969; 8:47 a.m.]

Federal Highway Administration

[49 CFR Parts 392, 393]

[Docket No. MC-11; Notice No. 69-12]

ANCHORAGE OF SEATS; SEAT BELT ASSEMBLIES; SEAT BELT ASSEMBLY ANCHORAGES; RESTRAINT OF SLEEPER BERTH OCCUPANTS

Notice of Proposed Rule Making

The Federal Highway Administrator is considering amending the Motor Carrier Safety Regulations by adding a new § 392.16 to Part 392 of Title 49, CFR and by adding a new § 393.76(i) and a new § 393.93 to Part 393 of title 49 CFR.

The new § 393.93 would require drivers' and right front passengers' seats (if any) of trucks and truck tractors and the drivers' seats of intercity buses to conform to Motor Vehicle Safety Standard No. 207 if the truck, truck tractor, or bus is manufactured after May 31, 1970. It would also require the drivers' and right front passengers' seats (if any) of trucks and truck tractors and the drivers' seats of intercity buses to be equipped with seat belt assemblies and seat belt assembly anchorages that conform to Motor Vehicle Safety Standards Nos. 209 and 210, respectively. The new section 392.16 would require drivers to use the seat belts installed in compliance with proposed § 393.93. Vehicles manufactured before June 1, 1970, would have to be fitted with seat belt assemblies that conform to Standard No. 209 at the drivers' seats and at the right front passengers' seats (if any) of trucks and truck tractors. The proposal would require seat belt assembly anchorages that conform to the location and geometric requirements of Standard No. 210 for all required seat belt assemblies. The new § 393.76(i) would require sleeper berths of vehicles manufactured after May 31, 1970, to have bunk straps or other means of preventing ejection of the berths' occupants.

Vehicles which operate exclusively within commercial zones and which do not transport explosives or other dangerous articles are exempt from the requirements of Part 393 under § 390.33 of the Motor Carrier Safety Regulations. Therefore, the proposed new §§ 393.76(i) and 393.93 would not apply to those vehicles.

On June 1, 1966, the Interstate Commerce Commission issued a notice and order, Ex Parte No. MC-69, requesting comments on a draft regulation concerning the installation and use of seat belts in the operations of interstate motor carriers of passengers. Thereafter, responsibility for administration of the Motor Carrier Safety Regulations was transferred to the Department of Transportation by section 6(e) of the Department of Transportation Act, 49 U.S.C. 1655(e).

Responses to Ex Parte No. MC-69, as well as other available data in this area have been carefully studied. Because of certain operational problems, the structural limitations of existing buses, and studies currently being made by the National Highway Safety Bureau relating to safety performance requirements of buses to be built in the future, the Administrator does not at this time propose to require installation of seat belt assemblies and anchorages for passenger seats in intercity buses.

On the other hand, responses to Ex Parte MC-69 and other data indicate that the public interest would be served by the installation and use of seat belts for drivers of commercial vehicles. Studies have indicated that ejection from the cabs of commercial vehicles is an important cause of fatality and injury to the drivers of those vehicles when they are involved in accidents. Insuring that the driver will remain in his seat during evasive maneuvers and crash situations should decrease the possibility of injury to passengers in commercial vehicles and to other users of the highways.

The requirement that a seat belt be provided for the occupant of the right front outboard seat in trucks and truck tractors and the requirement that occupant restraint be provided for persons using sleeper berths should also serve to decrease the possibility of injury to co-drivers and authorized passengers in accident situations.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or arguments pertaining to them. Comments must identify the docket (No. MC-11) and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received before the close of business 90 days after the publication of this notice in the FEDERAL REGISTER will be considered by the Administrator. All comments received will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to amend Parts 392 and 393 of title 49 CFR as set forth below.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued on June 20, 1969.

F. C. TURNER,
Federal Highway Administrator.

I. Part 392 of title 49 CFR would be amended by adding the following new section:

§ 392.16 Use of seat belts.

A motor vehicle which has a seat belt assembly installed at the driver's seating position shall not be driven unless the driver has properly restrained himself with the seat belt assembly.

II. Part 393 of title 49 CFR would be amended by adding the following new paragraph and section:

§ 393.76 Sleeper berths.

* * * * *

(i) *Occupant restraint.* A motor vehicle manufactured after May 31, 1970, and equipped with a sleeper berth must have bunk straps or equivalent means of preventing ejection of the occupant of the sleeper berth during deceleration of the vehicle. The bunk straps or equivalent means must be designed, installed, and maintained to withstand a load of 10,000 pounds.

* * * * *

§ 393.93 Seats, seat belt assemblies, and seat belt assembly anchorages.

(a) *General requirements.*

(1) *Buses.* Except as provided in paragraph (b) of this section, every bus must be equipped with a driver's seating system that conforms to Motor Vehicle Safety Standard No. 207, a Type 1 or Type 2 seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209 installed at the driver's seat, and seat belt assembly anchorages that conform to Motor Vehicle Safety Standard No. 210 for that seat belt assembly.

(2) *Trucks and truck tractors.* Except as provided in paragraph (b), every truck and truck tractor, except a truck or truck tractor being transported in driveaway-towaway operation and having an incomplete vehicle seating and cab configuration, must be equipped with seating systems that conform to Motor Vehicle Safety Standard No. 207 installed for the use of the driver and, if the vehicle has a front right outboard seat, for the occupant of that seat, a Type 1 or Type 2 seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209 installed at the driver's seat and at the front right outboard seat, if the vehicle has one, and seat belt assembly anchorages that conform to Motor Vehicle Safety Standard No. 210 for each seat belt assembly that is required by this subparagraph.

(b) *Exemptions and effective dates.*—(1) *Exemptions.* A motor vehicle manufactured before June 1, 1970, is exempt from the requirements for seating systems specified in paragraph (a) and the requirements for strength of seat belt assembly anchorages specified in Motor Vehicle Safety Standard No. 210. After December 31, 1970, that vehicle must conform to the other requirements of paragraph (a) of this section and of Motor Vehicle Safety Standards which are incorporated by reference in paragraph (a) of this section.

(2) *Effective date of standards.* Whenever paragraph (a) of this section requires conformity to a Motor Vehicle Safety Standard, the vehicle or equipment must conform to the version of the Standard that is in effect on the date the vehicle is manufactured or on the date the vehicle is modified to conform to the requirements of paragraph (a) of this section, whichever is later.

[F.R. Doc. 69-7643; Filed, June 27, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 378, 378a]

[Docket No. 21120; SPDR-16]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

PART 378a—BULK INCLUSIVE TOURS BY TOUR OPERATORS

JUNE 25, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed new Part 378a of the Special Regulations. The proposed rule establishes the terms and conditions governing the furnishing of bulk-inclusive tours in foreign air transportation by tour operators and foreign tour operators. In addition certain amendments to Part 378 are proposed. The principal features of the proposals are set forth in the explanatory statement, and the new part and the amendments to Part 378 are set forth in the proposed rule.

These regulations are proposed under the authority of sections 101(3), 204(a), 409, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 768, 771; 49 U.S.C. 1301, 1324, 1379, and 1386).

Interested persons may participate in the proposed rule making through submission of seventeen (17) copies[1] of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before July 18, 1969, and reply comments thereon received on or before July 30, 1969, will be considered by the Board before taking action on the proposals. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

Explanatory statement. By Order 69-4-138 the Board approved, subject to conditions, CAB Agreement 20848, which incorporated a number of IATA resolutions. Among these are Resolutions 079a and 079c concerning North Atlantic and Mid Atlantic Contract Bulk Inclusive Tour Fares, to be effective November 1, 1969. The Board also set the agreements embodying these resolutions for investigation and limited their approval to the period through March 31, 1970.

These resolutions contemplate the sale of blocks of seats (at least 40 eastbound and 20 westbound) to tour operators, or other contractors, at a bulk fare price for use in connection with 14-21 day tours. In general, the level of fares between U.S. points and closer European points such as London, Amsterdam, Paris, and Madrid would be established with peak, shoulder, and off-season period differentials. For example, base round-trip fares for travel between New York and London would be established at $220 in the peak season, at $190 in the shoulder season, and at $175 in the off-season. Three stopovers would be permitted. Beyond those European points named above, higher stopover charges in shoulder and off-season periods would eliminate the shoulder and off-season fare differential for stopover passengers. Other principal provisions are (1) a minimum-tour price per person for ground accommodations, etc., of $100 for the 14-day minimum-stay period plus $7 per day thereafter, (2) advance 10-percent nonrefundable deposits 3 months before departure, and (3) full payment 1 month before departure. Sales by carriers to contractors are to be noncommissionable.

In Order 69-4-138 the Board concluded that the tour operator of bulk inclusive tours would be engaging indirectly in air transportation within the meaning of section 101 of the Act. The Board noted that there is presently no authority for tour operators providing bulk inclusive tours. However, for the same reasons as underlay its interim approval of the bulk fare agreement itself, it found that it is in the public interest to provide such authority to the tour operators as will be necessary to implement that agreement. To this end the Board stated it would institute a rule making proceeding with a view toward exempting bulk fare inclusive tour operators, subject to appropriate conditions for the protection of the public.

The instant rule making proceeding, proposing a new Part 378A, implements the Board's statement. In general, proposed Part 378A is patterned after Part 378—Inclusive Tours by Supplemental Air Carriers, Certain Foreign Air Carriers, and Tour Operators. However, there are certain additional conditions proposed in the new part which are also applicable to and are being proposed for Part 378. The specific proposals are discussed seriatim.

1. *Exemption.* The Board finds that it is in the public interest that tour operators be relieved from various provisions of Title IV of the Act, as set forth in § 378A.3, infra. This relief, which is identical to that extended tour operators under Part 378, will enable such tour operators to engage in indirect air transportation and permit them to provide bulk inclusive tours. The Board also finds

[1] Twelve (12) copies in the case of responsive comments.

that it is in the public interest that this exemption authority be effective only for such period as the Board approves Resolutions 079a and 079c.

2. *Additional conditions.* Although the proposed exemption does not extend to sections 404(b) and 411 of the Act and tour operators would in any event be subject to those sections, we desire to put special emphasis on the fact that tour operators are bound by those provisions of the statute. The proposed rule and amendment to Part 378 will therefore include conditions to this effect. We shall also add a specific condition that the advertising of tour prices involving bulk fares be limited to the total tour price without a breakdown into component parts. We also propose to add such a condition to Part 378.[1]

We realize that in Order 69-4-138 we rejected a condition to our approval of bulk inclusive tour rules to this effect, basing our action on the fact that under section 411 of the Act tour operators are required to refrain from deceptive advertising. It has come to our attention, however, that tour operators under Part 378 frequently advertise in such a way as to disclose in very small print that there are charges in addition to the price highlighted in very large print. And in defense of this practice tour operators have pointed out that Part 378 does not prohibit such advertising and that they do not regard the practice as violating section 411. Reliance on section 411, therefore, has not proved a deterrent to misleading, or potentially misleading, advertising under Part 378. Further, investigation and enforcement proceedings under section 411 would be cumbersome, time consuming, and expensive.

3. *Jurisdiction over foreign tour operators.* As in the case of foreign tour operators engaging in the formation of groups for transportation on inclusive tours under Part 378, we propose to decline jurisdiction over foreign tour operators engaging in the formation of groups on bulk inclusive tours with respect to tours which originate in a foreign country. Our reasons are similar to those set forth in SPR-28 in connection with the former. Thus, a requirement that a foreign tour operator secure a section 402 permit before engaging in the indirect air transportation of bulk inclusive tour groups would be so burdensome as to negate the notion that foreign tour operators would invoke this procedure. Their offices are outside the United States. Many may be interested in performing only one or a few tours. Under our normal procedures they would be required to file an application through diplomatic channels, retain counsel, and attend hearings. Until the permit was approved by the President there would be no assurance that the tour could be performed, and foreign tour operators could not risk entering into firm contracts with direct air carriers with respect to bulk inclusive tours under these circumstances. Further, the mounting of an inclusive tour program requires a considerable lead time if it is to be accomplished successfully. This fact, together with the difficulty, expense and uncertainty of complying with the licensing procedures, would discourage most potential foreign tour operators from attempting to secure permits. Under the circumstances, we find that the public interest requires that we decline to exercise jurisdiction over these foreign tour operators with respect to foreign-originated tours to enable exploitation of the bulk inclusive tour market to encourage foreign travel to the United States and contribute toward reduction of the balance of payments deficit.

4. *Bulk inclusive tour requirements.* The bulk inclusive tour rules approved by the Board apply specific limitations regarding itinerary features and accommodations and the tour price. The limitations on inclusive tours in § 378.2(b) are, in our view, either unnecessary or inapplicable to bulk inclusive tours and none of these limitations is proposed herein.[2] We are, nonetheless, receptive to suggestions as to whether limitations on bulk inclusive tours in addition to those contained in the approved bulk inclusive tour rules should be imposed. In addition, although as stated in Order 69-4-138 we are not persuaded that the public interest requires that tour operators be restricted to IATA-approved agents, the question of whether appropriate conditions are needed to protect the public in these respects is reserved and open for comment.

5. *Tour prospectus.* Section 378.18 provides that no inclusive tour or series of tours shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a tour prospectus satisfying the rquirements of § 378.13.

The Board tentatively finds that a tour prospectus should not be required of tour operators for bulk inclusive tours. In this connection it is noted that Resolution 810e requires that the "Sponsoring Member"[3] approve the tour literature. And the tour literature is required by that resolution to include a description of tour prices and features, contain at least one illustration or map promoting the tour and shall show the dates between which the tours are to be operative. In sum, the data contained in the tour literature appear to be substantially the same as that contained in a tour prospectus under Part 378.

Since a bulk inclusive tour must conform to the IATA bulk inclusive rules which we have approved and since the direct air carriers have an obligation to approve tour literature which conforms to these rules, we see no need for filing with the Board a tour prospectus, containing essentially the same matter as in the tour literature. The only documents which need be filed prior to the commencement of the tour will be the contract between the tour operator and the tour participants and the surety bond.[4]

6. *Surety bond.* Section 378.16 (a) and (b)(1) contain surety bond requirements to insure "the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participant." The Board considers that there should be a similar bonding requirement under Part 378A and also an alternative surety arranagement as contained in § 378.16(b)(2).

In addition, although we are not making a specific proposal on the matter, we shall consider adoption of an additional alternative arrangement in which a tour operator may enter into a contract with the direct air carrier and the latter undertake to guarantee all deposits made by the tour participant to the tour operator. If such an alternate surety arrangement is adopted, we shall, of course, provide for a similar arrangement under Part 378.[4a]

7. *Posttour reporting.* Subpart C of Part 378 and § 378.20 thereunder cover posttour reporting. Specifically, within 30 days after completion of a tour of the last of a series of tours the supplemental air carrier and tour operator are required to jointly file a posttour report. This report must indicate whether or not the tours were in fact performed and, to the extent that the operation differed from those described in the tour prospectus, such differences are to be fully detailed including the reason therefor.

In our view, there is no need for posttour reporting with respect to bulk inclusive tours are not performed under Part detailed including the reasons therefor. sive tours. It has been Board experience that from one-third to one-half of inclusive tours are not performed under Part 378 and a nonperformance factor to this extent needs to be monitored. On the other hand, possible nonperformance of bulk inclusive tours would not appear to be likely, since the tour operator has

[1] The amendments to Part 378 will also include editorial changes to reflect that a Statement of Authorization and a Statement of Qualification are no longer required of tour operators.

[2] As stated in SPR-28, the restrictions in § 378.2(b) are designed to preserve the distinction between charter and individually ticketed services, which is a legal requirement so far as U.S. supplemental carriers are concerned. No such considerations are present here.

[3] Defined as the "participating IATA Member to whom the tour operator submits the tour literature for approval."

[4] If the Board finalizes Part 378A we intend to amend Part 389 (Fees and Charges for Special Services) to impose a filing fee of $25 for contracts and bonds covering a tour or series of tours. Cf. § 389.25.

[4a] Comments on this alternative proposal should address themselves, inter alia, to the possibility that direct carrier-surety arrangements might be made only with favored tour operators, unless the regulation contained enforceable provisions to preclude discriminatory practices in this area. One possible solution to this problem, of course, would be to provide that the carrier surety arranagement would be the only acceptable arranagement for both CBIT's and ITC's, thus eliminating the alternative methods now provided for in Part 378.

already purchased bulk space and has every incentive to go foward with the tour, even though all seats are not retailed by him, rather than lose his investment.[5] Accordingly, we do not propose to require posttour reports under Part 378A.

8. *Charge restrictions in Part 378.* The Board is also concerned with the impact of bulk inclusive tour fares on the charge restrictions on inclusive tours in Part 378. Section 378.2(b)(4) provides, in brief, that the charge to inclusive tour passengers shall be not less than 110 percent of any "available fare or fares charged by a certificated route air carrier or combination of such carriers" for individually ticketed service on the tour route. The provision contemplates that the available fare be the charge to an individually ticketed passenger under the carrier's tariff. In the case of bulk inclusive tours, however, the seat price paid by the tour operator to the direct air carrier is less than the price paid by the passenger for the air transportation. As stated in Order 69-4-138:

> With respect to the air transport component of the tour operator's costs, he must charge a sufficient price per seat to cover not only the seat price paid the direct carrier but also the number of seats which he anticipates he may be unable to sell, and his selling and other costs. It is thus apparent that the tour operator must necessarily include in the tour price a component for the air transportation portion which is in excess of the air carrier's bulk fare tariff.

In view of the foregoing, the 110 percent standard, as applied to the bulk fares, may not constitute an appropriate floor for ITC charges. Comments are invited as to appropriate amendments to § 378.2(b)(4).

It is proposed that the new Part 378A become effective on November 1, 1969.

Proposed rule. The Civil Aeronautics Board proposes to issue a new Part 378A (14 CFR Part 378A) and to amend Part 378 (14 CFR Part 378) as follows:

1. Issue new Part 378A to read as follows:

Subpart A—General Provisions

Sec.
378a.1 Applicability.
378a.2 Definitions.
378a.3 Exemption.
378a.4 Duration of exemption.
378a.5 Approval of certain interlocking relationships.
378a.6 Effect of exemption on antitrust laws.
378a.7 Suspension of exemption authority.
378a.8 Jurisdiction over foreign tour operators.

Subpart B—Conditions and Limitations

378a.10 Procedure.
378a.11 Discrimination.
378a.12 Methods of competition.
378a.13 Surety bond.
378a.14 Contract between tour operators and tour participants.

Subpart C—Miscellaneous

378a.20 Waiver.
378a.21 Enforcement.

[5] The tour operator is charged for the entire capacity contracted for, whether or not such capacity is entirely used by him, with some exceptions.

Subpart A—General Provisions

§ 378a.1 Applicability.

This part establishes the terms and conditions governing the furnishing of bulk inclusive tours in foreign air transportation by tour operators and foreign tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide bulk inclusive tours to members of the general public. It also contains a limited declination of exercise of jurisdiction over foreign tour operators. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires,

(a) "Bulk inclusive tour" means round, circle or single open jaw tour trip transportation performed pursuant to IATA Resolutions 079a and 079c as approved by the Board, which meets the requirements of said resolutions, as approved;

(b) "Foreign tour operator" means any person who is not a U.S. citizen (other than a direct foreign air carrier) engaging in the formation of groups for transportation on bulk inclusive tours and over which the Board by § 378a.8 has declined to exercise its jurisdiction;

(c) An "inclusive tour group" means an aggregate of persons who are assembled by a tour operator or a foreign tour operator for the purpose of participation as a single unit in a bulk inclusive tour;

(d) "Tour operator" means any person of United States citizenship (other than a direct air carrier) authorized hereunder to engage in the formation of groups for transportation on bulk inclusive tours;

(e) "Tour participant" means a member of the bulk inclusive tour group;

(f) "Tour price" means the total amount of money paid by the tour participant to the tour operator for the bulk inclusive tour.

§ 378a.3 Exemption.

Subject to the provisions of this part and the conditions imposed, tour operators are hereby temporarily relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to provide bulk inclusive tours:

Section 401.
Section 403.
Section 404(a), except the requirement to provide safe and adequate service, equipment and facilities in connection with tours operated hereunder.
Section 405(b).
Section 407 (b) and (c).
Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

§ 378a.4 Duration of exemption.

The relief granted by § 378a.3 shall continue in effect only for such period as the Board approves IATA Resolutions 079a and 079c.

§ 378a.5 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a) (3) and (6) by participating in interlocking relationships covered by the exemption granted by § 378a.3, such participation is hereby approved by the Board.

§ 378a.6 Effect of exemption on antitrust laws.

The relief granted by §§ 378a.3 and 378a.5 from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 378a.7 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

§ 378a.8 Jurisdiction over foreign tour operators.

The Board declines to exercise its jurisdiction over foreign tour operators with respect to bulk inclusive tours which originate in a foreign country. The Board reserves the right to exercise its jurisdiction over any foreign tour operator at any time if it finds that such action is in the public interest.

Subpart B—Conditions and Limitations

§ 378a.10 Procedure.

No bulk inclusive tour or series of tours shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board the form of contract between the tour operator and tour participants and the tour operator's surety bond. The contract form and surety bond shall be filed at least 60 days before commencement of the tour or tours and late filing will not be permitted except for good cause shown.

§ 378a.11 Discrimination.

No tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378a.12 Methods of competition.

No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators of tour prices involving bulk fares shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378a.13 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator shall furnish a surety bond in an amount of not less than twice the amount of the price for the air transportation to be furnished in connection with such tour: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The prospective tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $100,000 for a series of 10 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator shall enter into an agreement with a designated bank, the terms of which shall include the following:

(i) Each tour participant shall pay for his deposit and subsequent payments comprising the tour price only by check or money order payable to such bank which shall maintain a separate account for each tour; *Provided, however,* That if the tour participant makes a cash deposit, the tour operator or travel agent who receives such cash deposit shall forthwith remit to the designated bank a check for the full amount of the deposit without deduction of commission; (ii) the bank shall not pay the direct air carrier the price for the transportation earlier than 2 banking days preceding the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the direct air carrier; (iii) the bank shall reimburse the tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator; (iv) if the tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make the applicable refunds directly to the tour participants; and (v) except as provided in subdivision (iii) of this subparagraph, the bank shall not pay any funds from the account to the tour operator prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator, upon certification of the completion date by the direct air carrier. As used in this subparagraph, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(c) The bond required under paragraphs (a) and (b)(1) of this section shall insure the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participants, and shall be in the form set forth in the appendix attached to Part 378A.[6] Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 174.8, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator and the tour participant shall contain notice of this provision.

§ 378a.14 Contract between tour operators and tour participants.

Where each participant in a tour receives the same accommodation, land tours, etc., the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change in plans;

(c) Carriers' liability limitations for passengers' baggage;

(d) Aircraft equipment substitutions;

(e) Seating accommodations;

(f) Nonperformance of tour because of insufficient number of participants; and

(g) Unless the tour participant files a claim with the tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378a.13(d)).

[6] Filed as part of the original document.

Subpart C—Miscellaneous

§ 378a.20 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a tour operator of a written request therefor, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 378a.21 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or, in the case of willful violation, to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions.

2. Amend the table of contents to revise the titles of §§ 378.10, 378.11, and 378.12 and to delete § 378.18 as follows:

Sec.
378.10 Procedure.
378.11 Discrimination.
378.12 Methods of competition.
378.18 (deleted)

3. Delete § 378.18 and amend § 378.10 to read as follows:

§ 378.10 Procedure.

(a) No inclusive tour or series of tours shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be over 180 days. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

(b) In the event of any change in the facts as reflected in the Prospectus, an amended Prospectus shall be filed no later than five (5) days following such change. Deviations from the Tour Prospectus, or the amended Prospectus, may not be made except where they are compelled by circumstances beyond the control of the carrier or tour operator and there is insufficient time to file an amended prospectus.

* * * * *

§ 378.18 [Deleted]

4. Substitute for the contents of existing §§ 378.11 and 378.12 the following language:

§ 378.11 Discrimination.

No tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378.12 Methods of competition.

No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators of tour prices shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

[F.R. Doc. 69-7661; Filed, June 27, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-150]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

JUNE 23, 1969.

Under date of June 21, 1955, advice was received from the Secretary of Commerce that the Federal Republic of Germany allowed privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317) in respect of aircraft registered in a foreign country and actually engaged in foreign trade (T.D. 53867(1)). On April 30, 1969, the Department of Commerce issued a finding that the Federal Republic of Germany does not allow exemption from duty or tax on ground equipment brought into that country for U.S. registered aircraft engaged in foreign trade.

Accordingly, effective May 1, 1969, ground equipment may not be withdrawn under section 309(a)(3) of the Tariff Act of 1930, as amended, for aircraft registered in the Federal Republic of Germany.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-7652; Filed, June 27, 1969; 8:48 a.m.]

[T.D. 69-149]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

JUNE 23, 1969.

Under date of February 13, 1950, advice was received from the Department of Commerce that Canada allowed privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those referred to in sections 309(a) and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309(a), 1317), in respect of aircraft registered in a foreign country and actually engaged in foreign trade (T.D. 52431(4)). The Department of Commerce now advises that its finding did not include ground equipment since it was not included in the exemptions allowable under section 309 of the tariff act prior to its amendment by the Customs Simplification Act of 1953 (sec. 11(a), 67 Stat. 514). On April 30, 1969, the Department of Commerce issued a finding that Canada does not allow exemption from duty or tax on ground equipment brought into that country for aircraft of U.S. registry engaged in foreign trade.

Accordingly, effective May 1, 1969, ground equipment may not be withdrawn under section 309(a)(3) of the Tariff Act of 1930, as amended, for aircraft registered in Canada.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-7653; Filed, June 27, 1969; 8:48 a.m.]

ELECTRON PROBE MICROANALYZERS FROM JAPAN

Antidumping Proceeding Notice

JUNE 18, 1969.

On January 27, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that electron probe microanalyzers manufactured by Hitachi, Ltd., Tokyo, Japan, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The merchandise under consideration consists of instruments which permit microanalysis of a small selected area of a few cubic microns of specimen surface by electron probe.

The information was submitted by Petty, Andrews, Olsen, Tufts, Jackson & Sander, San Francisco, Calif.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices for home consumption are higher than the prices of the merchandise sold for exportation to the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-7654; Filed, June 27, 1969; 8:48 a.m.]

Internal Revenue Service

JOSEPH GRANT FERRIELL

Notice of Granting of Relief

Notice is hereby given that Joseph Grant Ferriell, 3154 Bohannon Avenue, Louisville, Ky. 40215, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 8, 1940, by the U.S. District Court for the Eastern District of Kentucky of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Joseph Grant Ferriell, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Acts of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Ferriell to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Ferriell's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Joseph Grant Ferriell be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws, with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of June 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-7655; Filed, June 27, 1969; 8:48 a.m.]

LLOYD PRICE

Notice of Granting of Relief

Notice is hereby given that Lloyd Price, d.b.a. Price's General Merchandise, Route 5, Box 152, Somerset, Ky. 42501, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 13, 1956, by the U.S. District Court, London, Kentucky, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lloyd Price, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammuntion importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Price to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Price's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Lloyd Price be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of June 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-7656; Filed, June 27, 1969; 8:48 a.m.]

THEODORE R. FELLOWES ET AL.

Notice of Granting of Relief

The Federal Firearms Act was repealed by section 906 of the Omnibus Crime Control and Safe Streets Act of 1968. (82 Stat. 234.) Section 907 of that Act provided that the repeal of the Federal Firearms Act should not in itself terminate any valid license issued pursuant to that Act, and any such license should be deemed valid until it expired according to its terms unless it was sooner revoked or terminated pursuant to applicable provisions of law. (82 Stat. 235.) However, title VII of the same Act prohibited persons convicted of felonies from receiving, possessing, or transporting in commerce or affecting commerce, any firearm. (82 Stat. 236.)

Section 10 of the Federal Firearms Act provided that persons who had been convicted of certain crimes punishable by imprisonment for a term exceeding 1 year could apply for relief from their disabilities incurred under the Act by virtue of such convictions. (79 Stat. 788.) The following persons applied for and were granted relief, and a notice thereof was published in the FEDERAL REGISTER as required by law:

(1) Theodore R. Fellowes, 33 F.R. 5893 (1968).

(2) Robert John Jacox, 32 F.R. 7639 (1967).

(3) Wolfrum Joffee, 32 F.R. 14337 (1967).

(4) Floyd W. Jorn, 32 F.R. 7346 (1967).

(5) Elmer Benjamin Joyce, 33 F.R. 154 (1968).

(6) Olin Mathieson Chemical Corp., 31 F.R. 540 (1966).

It will be necessary for these persons to be granted relief from their disabilities under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236) and the Gun Control Act of 1968 (82 Stat. 1213) if they wish to continue to receive, possess, transport, and deal in firearms.

Notice is hereby given that I have considered the previous applications for relief from disabilities of the persons named above. I have found that:

(1) Their convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) The circumstances regarding their convictions, and the applicants' records and reputations, are such that they will not be likely to act in a manner dangerous to public safety, and that granting them relief pursuant to 18 U.S.C. 925(c) would not be contrary to the public interest.

Therefore, it is ordered, Pursuant to the authority vested in the Secretary of the Treasury by 18 U.S.C. 925(c), delegated to me by 26 CFR 178.144(c), that all the persons listed above be, and they are hereby, granted relief from any and all disabilities imposed by the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) and the Gun Control Act of 1968 (82 Stat. 1213) with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of their conviction of crimes punishable by imprisonment for a term exceeding 1 year as described in the issue of the FEDERAL REGISTER cited after each listed name.

Signed at Washington, D.C., this 17th day of June 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-7657; Filed, June 27, 1969; 8:48 a.m.]

Office of the Secretary

DICHLOROBENZIDINE DIHYDROCHLORIDE FROM JAPAN

Notice of Tentative Negative Determination

Information was received on June 26, 1968, that dichlorobenzidine dihydrochloride (also known as DCB) manufactured by Wakayama Seika Industry Co., Ltd., Wakayama, Japan (Wakayama Seika Kogyo Co., Ltd., Wakayama, Japan), was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 24, 1968, on page 15732.

I hereby make a tentative determination that dichlorobenzidine dihydrochloride (also known as DCB) manufactured by Wakayama Seika Kogyo Co., Ltd., Wakayama, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based:

It was determined that the appropriate comparison for fair value purposes was between purchase price and home market price.

Purchase price was based on the manufacturer's price to the exporters, with appropriate deductions for inland freight and export packing.

Home market price was based on the price to distributors in the home market with appropriate deduction made for inland freight, incentive bonus, packing, technical services, and differences in quantity allowances.

Purchase price was not lower than home market price.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JUNE 19, 1969.

[F.R. Doc. 69-7658; Filed, June 27, 1969; 8:48 a.m.]

TIRE STUDS FROM SWEDEN

Notice of Tentative Negative Determination

Information was received on August 19, 1968, that tire studs manufactured by Frank Dahlberg, A.B., Stockholm, Sweden, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 31, 1968, on page 16029.

I hereby make a tentative determination that tire studs manufactured by Frank Dahlberg, A.B., Stockholm, Sweden, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based:

It was determined that the appropriate comparison for fair value purposes is between home-market price and exporter's sales price.

Home-market price was based on sales of similar merchandise in the home market, with due allowances for differences in the merchandise.

Exporter's sales price was based upon the price to all purchasers in the United States with deductions of costs, charges, and expenses on these sales to the United State purchasers.

Exporter's sales price was not lower than home-market price.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JUNE 18, 1969.

[F.R. Doc. 69-7659; Filed, June 27, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2969]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 23, 1969.

The Department of Agriculture has filed an application, Serial No. 2969 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for recreational purposes for the Evergreen Campground on the Weiser River in Payette National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

T. 18 N., R. 1 E.
Sec. 18, lot 4 except the E½SW¼ and E½W½SW¼ of said lot 4.

The area described aggregates approximately 32.50 acres in Adams County.

CURTIS R. TAYLOR,
Acting Manager, Land Office.

[F.R. Doc. 69-7634; Filed, June 27, 1969; 8:46 a.m.]

National Park Service

HISTORIC PLACES

National Register

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places.

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal Agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following corrections are to be made:

COLORADO

Bent County

Las Animas vicinity, *Bent's Old Fort National Historic Site*, is in Otero County only and not in Bent County.

MISSOURI

Gasconade County

Hermann, *Old Stone Hill, Inc.*, should be *Old Stone Hill Historic District*, bounded by West 12th, Goethe, and Jefferson Streets, and Iron Road.

Ste. Genevieve County

Ste. Genevieve vicinity, *The Kreilich Archeological Site*, SW NW sec. 18, T. 37 N., R. 10 E.

The following properties have been added to the National Register since June 3, 1969:

ARIZONA

Maricopa County

Gila Bend vicinity, *Fortaleza*, Gila Bend Indian Reservation.

CONNECTICUT

Fairfield County

Stamford, *Hoyt-Barnum House*, 713 Bedford Street.

DISTRICT OF COLUMBIA

Washington

Congressional Cemetery, 1801 E Street SE.
Executive Office Building, southeast corner, Pennsylvania Avenue and 17th Street NW.
Folger Shakespeare Library, 201 East Capitol Street SE.
Freer Gallery of Art, 12th Street and Jefferson Drive SW.
Heurich (Christian) Mansion, 1307 New Hampshire Avenue NW.
The Lindens, 2401 Kalorama Road NW.
Pan American Union, 17th Street, between C Street and Constitution Avenue, NW.

MINNESOTA

Lake County

Two Harbors vicinity, *Split Rock Lighthouse*, about 20 miles northeast of Two Harbors on U.S. 61.

MISSOURI

Barton County

Lamar, *Truman (Harry S.) Birthplace Memorial*, north corner, 11th Street and Truman Avenue.

Benton County

Fairfield vicinity, *Rodgers Shelter Archeological Site*, SW SW NE sec. 33, T. 39 N., R. 22 W.

Cole County

Jefferson City, *Missouri State Capitol Building and Grounds*, High Street between Broadway and Jefferson Streets.

Cooper County

Lamine vicinity, *Mellor Village and Mounds Archeological Site*, W½ sec. 26, SE SE sec. 27, T. 49 N., R. 18 W.

Lafayette County

Lexington, *Anderson House and Lexington Battlefield*, bounded on the west by 10th Street, on the northwest by the Missouri Pacific Railroad, on the south by Utah and Wood Streets, and on the east by the continuation of 15th Street.

Mississippi County

Crosno vicinity, *Crosno Fortified Village Archeological Site*, NW SW sec. 25, NE SE sec. 26, T. 25 N., R. 17 E.

Monroe County

Florida vicinity, *Crigler Mound Group Archeological Site*, SW SW SW sec. 25, NW NW NW sec. 36, T. 55 N., R. 8 W.

Randolph County

Cairo vicinity, *Mitchell Petroglyph Archeological Site*, SE SE sec. 23, T. 55 N., R. 13 W.

St. Louis County

Afton, *Benoist (Louis Auguste) House*, 7802 Genesta Street.

Texas County

Clara vicinity, *White Rock Bluffs Archeological Pictograph Site*, SE NW SE sec. 10, T. 30 N., R. 10 W.

OHIO

Lake County

Kirtland, *Kirtland Temple*, 9020 Chillicothe Road.

Richland County

Mansfield, *Oak Hill Cottage*, 310 Springmill Street.

Tuscarawas County

Zoar, *Zoar Historic District*, bounded by Fifth Street on the north, Foltz Street on the east, First Street on the south, and by the rear property lines of those properties fronting on West Street on the west.

VIRGINIA

Accomack County

Accomac, *St. James Church*, east side of Daugherty Road between Back Street and Ocean Highway.

Fredericksburg (independent city)

Kenmore, 1201 Washington Avenue.

Lynchburg (independent city)

The Academy of Music, 522–526 Main Street.

Newport News (independent city)

Hilton Village, bounded by the James River on the southwest, Post Street on the northwest, the Chesapeake and Ohio Railroad tracks on the northeast, and Hopkins Street on the southeast.

Jones (Matthew) House, Fort Eustis Military Reservation, intersection of MacAuliffe Avenue and James River Road.

Petersburg (independent city)

City Market, Cockade Alley.
Exchange Building, 15–19 West Bank Street.

Richmond (independent city)

Bell Tower, Capitol Square.
Governor's Mansion, Capitol Square.
Jefferson Hotel, Northeast corner, West Main and North Jefferson Streets.
Morson's Row, 219–223 Governor Street.
Putney Houses, 1010–1012 East Marshall Street.
St. Paul's Church, 815 East Grace Street.
St. Peter's Church, 800 East Grace Street.
U.S. Post Office and Customshouse, 1000 East Main Street.
Valentine Museum, 1005–1015 East Clay Street.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-7622; Filed, June 27, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Export Marketing Service

DIRECTOR OF PROGRAM OPERATIONS DIVISION

Redelegation of Authority To Issue EMS Form 480 Authorizations

By virtue of the authority vested in the General Sales Manager, Export Marketing Service, by the Secretary of Agriculture on June 5, 1969 (34 F.R. 8963) the Director, Program Operations Division, Export Marketing Service, is authorized to issue EMS Form 480 authorizations for the procurement of agricultural commodities and ocean transportation, and any amendments or modifications thereto under the regulations governing sales of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) as amended. (7 CFR Part 17)

Signed at Washington, D.C., on June 24, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager, Export Marketing Service.

[F.R. Doc. 69-7674; Filed, June 27, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

EVANSTON HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00661–33–46040. Applicant: Evanston Hospital, 2650 Ridge Avenue, Evanston, Ill. 60201. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for the following purposes:

A. The examination of biopsies from human patients with a variety of disease states.

B. The study of tissues and cells from laboratory animals having a variety of connective tissue alterations in an attempt to detail the specific ultrastructural manifestations associated with abnormal permeability of small blood vessels.

C. The examination of the surfaces of cells from human patients and laboratory animals in hope to understand the relationships between these cells and their environment under normal and abnormal circumstances.

Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00662–33–46500. Applicant: Kuakini Hospital, 347 North Kuakini Street, Honolulu, Hawaii 96817. Article: Ultra microtome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for studies concerning the Hawaiian feral mongoose stomach. The stratum compactum of this animal is attached to a layer of fibroblasts and mucosal mast cells. Previous studies demonstrated that the stratum compactum is composed of collagen fibers and ground substance in which there are scattered fibroblasts. A study of the ultrastructural topographical relationship of these three components of different consistency and composition and cellular interaction between the fibroblasts and mucosal mast cells demands ultrathin sections of various uniform thickness. Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00663–65–46040. Applicant: University of California, Lawrence Radiation Laboratory, Post Office Box 808, 7000 East Avenue, Livermore, Calif. 94550. Article: Electron microscope, Model Elmiskop 51. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used specifically for examining and characterizing finely powdered materials in vacuum at near ambient temperatures. Powder characterization work requires simultaneous insertion of up to 15 samples to meet minimum research requirements. Application received by Commissioner of Customs: June 11, 1969.

Docket No. 69–00664–01–77030. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Nuclear magnetic resonance spectrometer, Model HFX–3. Manufacturer: Bruker Scientific, Inc., West Germany. Intended use of article: The article will be used to study carbon 13 (^{13}C) chemical shifts in mixtures of purines and pyrimidines; ^{13}C chemical shifts of nucleosides, nucleotides, and polynucleotides in water (H_2O). Compounds in low concentration and/or high molecular weight require computer averaging techniques and a field-frequency lock system for ^{13}C nuclear magnetic resonance. It will also be used for Fourier transform spectroscopy of phosphorus 31, as well as for INDOR spectroscopy in the study of carbohydrate derivatives and to study contact shifts of antitumor chelating agents bound to metaloenzymes. Application received by Commissioner of Customs: June 11, 1969.

Docket No. 69–00665–33–46500. Applicant: Puerto Rico Nuclear Center, Bio-Medical Building, Caparra Heights Station, San Juan, P.R. 00935. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections of tissue for electron microscopic examination. Primary uses are for the study at subcellular level of serial tissue sections and also to try to observe molecular events. The experiments are expected to have almost a continuity between cellular structures and the parasites involved in the studies. For this reason extremely thin sections are needed to determine these relationships and the effect of irradiation in these structures. Therefore, it is mandatory that long series of equal thickness sections between 50 angstroms to 2 microns be cut to perform these experiments. Application received by Commissioner of Customs: June 12, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7611; Filed, June 27, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00653–33–46500. Applicant: University of California, San Diego, La Jolla, Calif. 92037. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections of nerve tissue for electron microscopic examination. The main target of the investigation is myelin with particular reference to changes in experimental and human diseases. Because early alteration of myelin lamellae must be determined, there is a need for extremely thin sections, from 50 angstroms to 2 microns, to permit measurements of membrane thickness and of the distances between membranes. Therefore, it is mandatory that long series of equal thickness serial section can be cut. Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00654–33–46500. Applicant: Veterans Administration Hospital, 1201 Broad Rock Road, Richmond, Va. 23219. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopy. Two different projects are planned. The first study planned is of the tight junctions between liver cells, using colloidal lanthanum nitrate as a contrast medium. The tight junctions are the areas where the cell membranes of adjacent liver cells appear to fuse. The exact structure of the area is unknown. The second study will be the diagnostic study of surgical specimens, particularly liver, kidney, and small bowel biopsies. These will require the reliable cutting of ultrathin sections, as well as thicker sections for light microscopy. Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00655–25–58700. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Phase shift unit, Model 818 (500VA). Manufacturer: F. C. Robinson & Partners, Ltd., United Kingdom. Intended use of article: The article will be used by undergraduate students in courses EE 70, 71, 74, and 75, Electrical Engineering Laboratory A, B, and D respectively. These courses are required for all students and they support theory courses EE 31 and 32, Electromechanical Energy Conversion I and II, and EE 24, Industrial Electronics. It is expected that the article will also be used by graduate students engaged in experimental work in the power and control fields where it is often necessary to control the phase angle of an alternating voltage with respect to a reference voltage. Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00657–01–77030. Applicant: Wellesley College, Wellesley, Mass. 02181. Article: Nuclear magnetic resonance spectrometer, Model R–12. Manufacturer: Perkin-Elmer Ltd., United Kingdom. Intended use of article: The article will be used for teaching routine analysis of proton resonance in chemical compounds. The article will be useful in a number of courses starting with the introductory organic chemistry course and including the most upper level chemistry courses. In addition there will be extensive use of the article in student and faculty research programs. Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00658–01–10100. Applicant: University of Oregon, Institute of Molecular Biology, Eugene, Oreg. 97403. Article: Temperature jump apparatus. Manufacturer: Messanlagen Studiengesellschaft MBH, West Germany. Intended use of article: The article will be used for research concerning the development of techniques for monitoring and indicating the chemical course of rapid biocatalysis by making observations of the reactions within the time range of microseconds. Application received by Commissioner of Customs: June 10, 1969.

Docket No. 69–00660–33–46040. Applicant: Mount Sinai School of Medicine, 2 East 100th Street, New York, N.Y. 10029. Article: Electron microscope, Model EM–801 and accessories. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used in structural studies on viruses and bacteria. The viral studies will entail detailed examination of subunits of viral capsids, determination of the configuration of components of the tails, tail fibers, and sheaths of small bacteriophages, as well as the early intracellular events of viral replication both in bacterial and animal cells. The bacterial studies are directed toward defining the precise arrangement of the components that comprise the cell walls of Gram positive cocci.

Application received by Commissioner of Customs: June 10, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operation, Business and Defense Services Administration.

[F.R. Doc. 69-7612; Filed, June 27, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIETHYL DITHIOBIS(THIONOFORMATE)

Notice of Establishment of Temporary Tolerances

At the request of the Roberts Chemicals Division, Security Chemicals, Inc., Post Office Box 546, Nitro, W. Va. 25143, temporary tolerances are established for negligible residues of the herbicide diethyl dithiobis(thionoformate) in or on the raw agricultural commodities sugar beets and sugar beet tops at 0.1 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Roberts Chemicals Division, Security Chemicals, Inc., name.

These temporary tolerances will expire June 18, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated June 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7618; Filed, June 27, 1969; 8:45 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0840) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerances (21 CFR 120.127) for residues of the insecticide piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) in milk fat at 0.25 part per million (reflecting negligible residues in milk) and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 part per million.

The analytical method proposed in the petition for determining residues for the insecticide is a gas-liquid chromatographic procedure with an electron-capture detector.

Dated June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7619; Filed, June 27, 1969; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0832) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide *S*-2, 3-dichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities alfalfa, alfalfa hay, barley grain, forage, and straw, clover, clover hay, corn grain, fodder, and forage, flaxseed, lentils, peas, pea forage and hay, potatoes, safflower seed, soybeans, soybean forage and hay, sugar beets, and sugar beet tops at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic procedure using a microcoulometric detector.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7620; Filed, June 27, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission is considering the issuance of Amendment No. 7 to Facility License No. R-25. The license authorizes The University of Utah to operate at power levels up to 100 milliwatts (thermal) the Model AGN-201, Serial No. 107, nuclear reactor located on its campus in Salt Lake City, Utah. The proposed amendment, as set forth below, would authorize the University to operate the reactor at increased levels of up to a maximum of 5 watts (thermal) and would redesignate the reactor as a Model AGN-201M.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment, see (1) the University's application for license amendment dated February 28, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) Change No. 1 to the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the Safety Evaluation may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of June 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License R-25, Amdt. 7]

The Atomic Energy Commission ("the Commission") has found that:

A. The application for amendment dated February 28, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that (1) the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public, and (2) such activities will be conducted in compliance with the rules and regulations of the Commission; and

C. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-25, as amended, is hereby further amended as follows:

1. Revise paragraph 1 and subparagraph 3.A in their entirety to read:

"1. This license applies to the Model AGN-201M, Serial No. 107, nuclear reactor (herein 'the reactor') which is owned by The University of Utah and located in the Merrill Engineering Building situated on its campus in Salt Lake City, Utah, and described in the University's application for license dated June 1, 1957, and subsequent amendments thereto dated July 7, 1961, September 15, 1961, September 25, 1967, and February 28, 1969 (herein 'the application')."

"3.A *Maximum Power Level.* The University of Utah may operate the reactor at steady-state power levels up to a maximum of 5 watts (thermal)."

2. Add the following paragraph to subparagraph 3.B:

"The Technical Specifications contained in Appendix A are changed as set forth in Attachment A appended hereto as Change No. 1."

This amendment is effective as of the date of issuance.

Attachment A: Change No. 1 to Technical Specifications.[1]

Date of Issuance: June 23, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-7645; Filed, June 27, 1969; 8:47 a.m.]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Hearing

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, 10 CFR, notice is hereby given that a hearing will be held on August 19, 1969, at 10 a.m., local time, in Room 261, U.S. Customs Court, 1 Federal Plaza, New York, N.Y., to consider the issuance of an operating license pursuant to section 104c. of the Act to the Trustees of Columbia University in the City of New York (applicant) which would authorize the operation of a "TRIGA Mark II" type nuclear reactor at power levels up to 250 kilowatts on the Columbia University campus in upper Manhattan in New York City.

The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Commission, consisting of Dr. Eugene Greuling, Durham, N.C.; Mr. Hood Worthington, Wilmington, Del.; and Mr. Valentine B. Deale, Chairman, Washington, D.C. Dr. A Dixon Callihan, Oak Ridge, Tenn., has been designated as a technically qualified alternate, and Mr. J. D. Bond, Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the reactor was authorized by Construction Permit No. CPRR-78 issued by the Commission on December 30, 1963, following public notice.

A notice of proposed issuance of an operating license for the facility was issued by the Commission on March 18, 1968, and published in the FEDERAL REGISTER on March 26, 1968, 33 F.R. 5021. The notice provided that within 30 days from the date of publication, any person whose interest may be affected by the issuance of the facility license could file a petition for leave to intervene in accordance with the requirements of the Commission's rules. Thereafter, Mrs. Mary Hays Weik (Mrs. Weik), Morningside Renewal Council (Morningside), and Riverside Democrats, Inc. (Riverside), sought to intervene in the proceeding. Other expressions of interest were received. The Commission's regulatory staff filed an answer to the three requests to intervene, taking the position that it would not object to the granting of intervention as a matter of discretion. The applicant filed no response.

In view of the foregoing, including the extensive public interest expressed, the Commission has determined that a public hearing should be held and that Mrs. Weik, Morningside, and Riverside may be permitted to intervene as parties in this proceeding on matters limited to the issues set forth in this notice of hearing.

A prehearing conference will be held at the same location in Room 261, July 31, 1969, at 1:30 p.m., local time, to consider pertinent matters in accordance with the Commission's rules of practice, 10 CFR Part 2, including section II of Appendix A.

The issues to be considered at the hearing will be the following:

1. Whether there is reasonable assurance (i) that operation of the reactor at not in excess of 250 kilowatts (thermal) under the conditions and limitations proposed can be conducted without endangering the health and safety of the public, and (ii) that such operation will be conducted in compliance with the rules and regulations of the Commission;

2. Whether the applicant is technically and financially qualified to engage in the activities as authorized by the operating license in accordance with the rules and regulations of the Commission; and

3. Whether issuance of the license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be received from the applicant and from the intervenors on or before July 25, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, and original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 69-7724; Filed, June 27, 1969; 8:50 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20465, 20467]

ALASKA AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 9, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 24, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7662; Filed, June 27, 1969; 8:48 a.m.]

[Docket No. 20850; Order 69-6-134]

CITY OF FRESNO ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1969.

Application of City of Fresno, County of Fresno, and the Fresno County and City Chamber of Commerce for amendment of the certificate of United Air Lines, Inc., so as to designate Fresno as an intermediate point on segment 5 of route 1 in said certificate.

On March 25, 1969, the City of Fresno, County of Fresno, and the Fresno County and City Chamber of Commerce (Fresno Parties), filed an application in Docket 20850 requesting an amendment of the certificate of public convenience and necessity of United Air Lines, Inc. (United), so as to designate Fresno as an intermediate point on segment 5 of route 1. The Fresno Parties concurrently filed a petition for issuance of an order to show cause why the application should not be granted. In their petition the Fresno Parties indicated that the purpose of the proposed amendment is to give United authority to provide direct single-plane service between Fresno and its communities of interest in the east, such as Denver, Kansas City, Chicago, and New York.[1] The City of Fresno is presently certificated on segment 7 of United's route 1, and segments 2 and 3 of Air West's route 76, all of which are basically north-south routings. To provide single-plane service to the east, United must operate via segment junction points, such as Sacramento or San Francisco.

United Air Lines filed an answer endorsing and supporting the Fresno Parties' application and petition.

[1] Presently Fresno's only direct service to the east consists of one daily flight (Flight 918) to Chicago and New York via Sacramento.

Upon consideration of the pleadings and other relevant matters, we have decided to grant the motion of the Fresno Parties for an order to show cause proposing to amend the certificate of United so as to designate Fresno as an intermediate point on segment 5 of its route 1. We tentatively find and conclude that the public convenience and necessity require the above described amendment of United's certificate.

In support of our proposed ultimate finding, we tentatively conclude as follows: That designation of Fresno as an intermediate point on United's segment 5 (east-west segment) would be mutually beneficial to Fresno and United; that the proposed certificate amendment will permit Fresno to receive new and improved service including direct single-plane service to the east coast (Denver, Kansas City, Chicago, and New York), while affording United increased operational flexibility; and that certification of Fresno on the east-west segment (segment 5) will not have a significant adverse financial impact on any other carrier.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

United should file an appropriate certificate application with the Board within the time period set forth below if it desires an amendment to its certificate in accordance with the tentative findings and conclusions set forth herein. Any such application should include an estimate of the first year's gross transport revenue increase within the ranges specified in § 389.25(a)(2)(i).

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before July 15, 1969, why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending United's certificate of public convenience and necessity for route 1 so as to designate Fresno as an intermediate point on segment 5;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[2]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Air West, Inc., United Air Lines, Inc., Western Air Lines, Inc., City of Fresno, Calif., Fresno County and City Chamber of Commerce, and County of Fresno, Calif.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7663; Filed, June 27, 1969; 8:49 a.m.]

[Docket No. 21085; Order 69-6-119]

EXECUTIVE AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 23, 1969.

Executive Airlines, Inc., (Executive), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-59, dated June 12, 1969, the Board approved Agreement CAB 20969 between Northeast Airlines, Inc. (Northeast), and Executive. This agreement contemplates that Executive will discharge Northeast's certificate obligation to serve Bar Harbor, Maine, through the operation of small aircraft between Bar Harbor, Maine, and Boston, Mass., Executive expects to begin service with Beechcraft 99 and Twin Otter aircraft.

No service mail rate is currently in effect for this service by Executive. By petition filed June 13, 1969, Executive requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Bar Harbor, Maine, and Boston, Mass. Executive requests that the multielement rates incorporated in Orders E-25610 and E-17255 as they may be amended be established on this route. On June 19, 1969, the Postmaster General filed an answer in support of Executive's petition.[1]

* * * * *

The rate for the air transportation of priority mail applicable to service by Northeast was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. This rate is the same as that requested in Executive's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Executive at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Executive in the same manner as they were applicable to Northeast in providing mail services between Bar Harbor, Maine, and Boston, Mass.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Northeast) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Executive receive the same compensation as Northeast would for the same services, we propose to establish a temporary service rate for nonpriority mail for Executive at the level established in Order E-17255, as amended. We will also make Executive a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Executive Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Bar Harbor, Maine, and Boston, Mass. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after June 13, 1969, to Executive Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bar Harbor, Maine, and Boston, Mass., shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after June 13, 1969, to Executive Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bar Harbor, Maine, and Boston, Mass., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Executive Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Executive Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7664; Filed, June 27, 1969; 8:49 a.m.]

[Docket No. 21100]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Prehearing Conference

Application of Pacific Western Airlines, Ltd., for amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, to perform an exclusive charter contract with Lockheed Aircraft Corp. between Belfast, Ireland, and Palmdale, Calif.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 8, 1969, at 10 a.m., e.d.s.t. time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Dated at Washington, D.C., June 25, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7665; Filed, June 27, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Field Services, Community Relations Service.

UNITED STATE CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7676; Filed, June 27, 1969; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Prisons.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7677; Filed, June 27, 1969; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of Defense (Manpower Research and Utilization, OASD (Manpower and Reserve Affairs)).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7678; Filed, June 27, 1969; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the titles of the following positions so authorized to be filled by noncareer executive assignment have been changed from Deputy Director, Associate Director for Conciliation, Assistant Director for Community Action, and Chief, Program Evaluation and Development Division, Community Relations Service, to Associate Director for Planning and Policy, Associate Director for Program Direction, Assistant Director for Support Services, and Program Evaluation and Development Officer.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7679; Filed, June 27, 1969; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill

[1] The present rates are as follows:
Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Bar Harbor and 2.34 cents per pound at Boston.
Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Bar Harbor and 1.660 cents per pound at Boston.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in 385.14(g).

[3] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

by noncareer executive assignment the positions of Associate Deputy Attorney General for Legal Administration, Office of the Deputy Attorney General, and Assistant Director for Media Relations, Community Relations Service. These positions are removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7680; Filed, June 27, 1969; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment the position of Deputy Assistant Secretary (Special Manpower Programs), OASD (Manpower and Reserve Affairs). This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7681; Filed, June 27, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND OVERSEAS SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward C. Farrell, Assistant City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, Calif. 90733.

Agreement No. T-2310 between City of Los Angeles (City) and Overseas Shipping Co. (Company) provides for the construction and lease of a hoist to be used for lifting containers to and from truck beds. City will construct the hoist and rent it to Company for a period not to exceed 20 years. As compensation, Company will make an initial payment of $2,100, thereafter monthly payments of $175. Company will have the right to manage, operate, and use the hoist and may license others to use it with or without compensation. Revenue collected for use of the hoist by third parties will be retained by Company.

Dated: June 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7666; Filed, June 27, 1969; 8:49 a.m.]

LEEWARD & WINDWARD & GUIANAS CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. T. Schoonebeek, Vice Chairman, Leeward & Windward Islands & Guianas Conference, Broadway, New York, N.Y. 10004.

Agreement No. 7540-19, between the member lines of the Leeward & Windward Islands & Guianas Conference, amends the basic agreement by modifying (1) Article 6(c) by changing the makeup of a quorum for any meeting from all of the members of the Conference less one, to a majority of the members of the Conference, and (2), Article 6(e) which requires the vote of two-thirds of the members for the taking of Conference action, except as otherwise provided in the agreement, to require the vote of a majority of the members present and entitled to vote.

Dated: June 25, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7667; Filed, June 27, 1969; 8:49 a.m.]

PORT OF NEW ORLEANS AND PUBLIC GRAIN ELEVATOR OF NEW ORLEANS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, La. 70160.

Agreement No. T-590-2 between the Port of New Orleans (Port) and Public Grain Elevator of New Orleans, Inc. (Elevator), modifies the basic agreement which provides for the lease to Elevator of the Public Grain Elevator and New Orleans. The purpose of the modification is to provide for (1) a 2-year extension of the lease; (2) the handling of fertilizers at the facility; and (3) the construction or installation of certain capital improvements.

Dated: June 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7668; Filed, June 27, 1969; 8:49 a.m.]

[Docket No. 69-24]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Third supplemental order and special permission No. 5052.

By original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 15, 1969, Supplement No. 47 to Tariff FMC-F No. 1 and Supplement No. 22 to Tariff FMC-F No. 3. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 180, filed by Seatrain Lines, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon statutory notice, of pages which will eliminate certain maximum rates thereby changing tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority is granted to Seatrain Lines, Inc., to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 69-24 to make the requested changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on statutory notice as requested by Special Permission Application No. 180.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon this Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Third Supplemental Order in Docket No. 69-24 and Federal Maritime Commission Special Permission No. 5052."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of requested changes.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7669; Filed, June 27, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-338]

NORTHERN UTILITIES, INC.

Notice of Application

JUNE 20, 1969.

Take notice that on June 17, 1969, Northern Utilities, Inc. (Applicant), Post Office Box 1091, Casper, Wyo. 82601, filed in Docket No. CP69-338 an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction of approximately 9 miles of 20-inch gas transmission pipeline and related facilities, from MP-95 near Mills, Wyo., to a point near Compressor Station of Kansas-Nebraska Natural Gas Co., east of Casper, Wyo., to supplement the present 8.35 miles of 12-inch gas transmission pipeline and 1.35 miles of 16-inch loop, between said two points, all in Natrona County, Wyo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed construction will increase the capacity of the interstate pipeline facilities, from the various points in Fremont and Natrona Counties, where gas is delivered by Kansas-Nebraska Natural Gas Co., to the compressor station east of Casper, Wyo., where gas is redelivered to Kansas-Nebraska, from approximately 60,000 Mcf per day to approximately 85,000 Mcf per day and will permit Applicant to transport and redeliver to Kansas-Nebraska at the inlet of the latter's Casper Compressor Station the annual volume of 26 million Mcf which Kansas-Nebraska desires transported.

Applicant estimates that the total cost of facilities to be constructed will be $453,295, including interest and overhead, which amount will be financed from cash on hand and that generated from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7613; Filed, June 27, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction Order No. 55-A]

KANSAS CITY SOUTHERN RAILWAY CO. ET AL.

Car Distribution

To: Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., and Missouri-Kansas-Texas Railroad Co.

Upon further consideration of Car Distribution Direction No. 55, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 55 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 23, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7647; Filed, June 27, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 48-A]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 48, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 48 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 23, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7648; Filed, June 27, 1969; 8:47 a.m.]

[Notice 857]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 25, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 110420 (Sub-No. 592 TA), filed June 18, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural latex*, in bulk, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, California, for 180 days. Supporting shipper: Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016. (R. Slavin, General Manager, Transportation & Distribution). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 114632 (Sub 22 TA), filed June 17, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps Avenue, Madison, S. Dak. 57042. Applicant's representative: Robert Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from plantsite and/or warehouse facilities of Rod Barnes Packing Co., Huron, S. Dak., to Sioux City, Iowa, Dakota City, Nebr., and Fremont, Nebr., for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912; K. O. Petrick, Manager, Transportation Services. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building Pierre, S. Dak. 57501.

No. MC 116414 (Sub-No. 5 TA), filed June 19, 1969. Applicant: WILLIAM G. McCROSSEN, doing business as McCROSSEN CARTAGE COMPANY, 6550 West Forest Home Avenue, Milwaukee, Wis. 53220. Applicant's representative: Thomas J. Regan, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glue stock*, from Waukegan, Ill., to Oak Creek, Wis., for 150 days. Supporting shipper: The Griess-Pfleger Tanning Co., Waukegan, Ill. (William M. Parkeer, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116544 (Sub-No. 107 TA), filed June 17, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I as defined by the Commission (except commodities in bulk, in tank vehicles, and hides), from Great Bend, Kans., to points in Florida, Georgia, Alabama, North Carolina, South Carolina, and Tennessee (except Memphis), for 150 days. Supporting shipper: Thies Packing Co., Inc., Post Office Box 49, Great Bend, Kans. 67530. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118318 (Sub-No. 16 TA), filed June 12, 1969. Applicant: IDA-CAL FREIGHT LINES, INC., Post Office Box 422, 1798 Floral Avenue, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in section A of appendix I to the report in Motor Carrier Certificate 61 M.C.C. 209 and 766, from Gooding, Idaho, and points within 6 miles thereof, to points in Nevada, for 130 days. NOTE: Applicant does not intend to tack or interline authority herein sought. Supporting shipper: Magic Valley Packing Co., Meat Packers, Post Office Box 89, Gooding, Idaho 83330. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 119641 (Sub-No. 82 TA), filed June 18, 1969. Applicant: RINGLE EXPRESS, INC., 409 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Alki Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Claysburg, Sproul, and Salina, Pa., to points in Kentucky, Indiana, and Illinois, for 150 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, Pa. 19102. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Waybe Street, Fort Wayne, Ind. 46802.

No. MC 133707 (Sub-No. 1 TA), filed June 18, 1969. Applicant: MIDLAND RENTALS, INC., 103 Delphinium Drive, Billings, Mont. 59102. Applicant's representative: Jerome Anderson, Suite 300, First National Bank Building, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *plastic products, novelties, novelty parts, and affiliated items*, and (b) *paper products and cartons*, between Chicago, Ill., and Milwaukee, Wis., on the one hand, and, on the other, Ashland, Mont., and points within 5 miles thereof, for 180 days. Supporting shipper: Guild Arts & Crafts, Inc., Northern Cheyenne, Division, Post Office Box 137, Ashland, Mont. 59003. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133725 (Sub-No. 1 TA), filed June 13, 1969. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and materials* used in the installation of such commodities, from Roselle Park, N.J., to Philadelphia, Pa., New York, N.Y., points in Nassau and Suffolk Counties, N.Y., points in Connecticut, Delaware, and those in Maryland on and east of U.S. Highway 15 (except Baltimore, Md.), for 120 days. Supporting shipper: Midas International Corp., 410 West Westfield Avenue, Roselle Park, N.J. 07204. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7649; Filed, June 27, 1969; 8:47 a.m.]

[Notice 370]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71243 (Republication). By order of June 16, 1969, the Motor Carrier Board, supplemented the order of the Commission, Motor Carrier Board, entered April 4, 1969, to authorize transfer of certificate No. MC-115162 and numerous sub numbers thereunder to Poole Truck Line, Inc., Evergreen, Ala., from Walter Poole, doing business as Poole Truck Line, Evergreen, Ala., to authorize the transfer of the additional operating rights contained in the corrected certificate No. MC-115162 (Sub-No. 118) issued to transferor April 15, 1969, authorizing the transportation of: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery, and equipment, trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *Internal combustion engines, and parts* of the above-described commodities when moving in mixed loads with such commodities, from the plant and warehouse sites and experimental farms of Deere & Co. in Rock Island County, Ill., Dodge County, Wis., and Black Hawk, Dubuque, Wapello, and Polk Counties, Iowa, to points in Mobile and Monroe Counties, Ala., with no transportation for compensation on return except as otherwise authorized. Robert E. Tate, Post Office Box 310, Evergreen, Ala. 36401, practitioner for applicants.

No. MC-FC-71371. By order of June 13, 1969, the Motor Carrier Board approved the transfer to R. W. Bryan, doing business as R. W. Bryan Co., Grand Junction, Colo., of a portion of the operating rights in certificate No. MC-115092 issued May 16, 1967, to Weiss Trucking, Inc., Vernal, Utah, authorizing the transportation of: Road oil, in bulk, in tank trucks, between points in Colorado, on and west of U.S. Highway 85, on the one hand, and, on the other, points in Utah. Alvin J. Meiklejohn, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-71414. By order of June 17, 1969, the Motor Carrier Board approved the transfer to James C. Kindbeiter, Jr., doing business as Delaware Motor Freight, 2434 Owens Drive, Wilmington, Del. 19809, of certificate No. MC-120609 (Sub-No. 2), issued August 1, 1968, to James C. Kindbeiter, Sr., doing business as Delaware Motor Express, 22 Alfred Avenue, Wilmington, Del. 19805, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in that part of Delaware bounded on the east by the Delaware River, on the north by the Delaware-Pennsylvania State line, on the west by the Delaware-Maryland State line, and on the south by the Chesapeake and Delaware Canal.

No. MC-FC-71424. By order of June 17, 1969, the Motor Carrier Board approved the transfer to Robert DeMorro, doing business as Traveler's Transport, New Haven, Conn., of the operating rights in certificate No. MC-127368 issued February 11, 1966, to Robert DeMorro and Joseph Campano, a partnership, doing business as Traveler's Transport, New Haven, Conn., authorizing the transportation of trunks, baggage, and personal effects, of travelers, between points in Connecticut, on the one hand, and, on the other, steamship piers in New York, N.Y. Paul E. Farren, 185 Church Street, New Haven, Conn. 06510, attorney for applicants.

No. MC-FC-71425. By order of June 17, 1969, the Motor Carrier Board approved the transfer to J & W Transfer & Storage, Inc., Janesville, Wis., of the operating rights in certificate No. MC-110672 (Sub-No. 1) issued May 12, 1960, to Harry Knopes, doing business as J & W Transfer & Storage Co., Janesville, Wis., authorizing the transportation of, among other things, church, chapel, cathedral, and seminary furniture, interior trim and woodwork, sashes, and doors for such institutions, from Janesville, Wis., to points in 39 States and the District of Columbia; and household goods, as defined by the Commission, between points in Jefferson, Rock, and Walworth Counties, Wis., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia. Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7650; Filed, June 27, 1969; 8:47 a.m.]

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PART 2

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PART II

Section 1

(Section 2 begins on page 10809)

OF MICHIGAN

EXECUTIVE ORDER 11476

Manual for Courts-Martial United States 1969 (Revised Edition)

Title 3—THE PRESIDENT

Executive Order 11476

PRESCRIBING THE MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1969 (REVISED EDITION)

By virtue of the authority vested in me by the Uniform Code of Military Justice (Title 10, United States Code, Ch. 47), and as President of the United States, I hereby prescribe the following Manual for Courts-Martial, to be designated as "Manual for Courts-Martial, United States, 1969 (Revised edition)."

This Manual shall be in force and effect in the armed forces of the United States on and after August 1, 1969, with respect to all court-martial processes taken on and after that date: *Provided*, That nothing contained in this Manual shall be construed to invalidate any investigation, trial in which arraignment has been had, or other action begun prior to August 1, 1969; and any such investigation, trial, or other action begun prior to that date, may be completed in accordance with the applicable laws, Executive orders, and regulations pertaining to the various armed forces in the same manner and with the same effect as if this Manual had not been prescribed: *Provided further*, That nothing contained in this Manual shall be construed to make punishable any act done or omitted prior to the effective date of this Manual which was not punishable when done or omitted: *Provided further*, That the maximum punishment for an offense committed prior to August 1, 1969, shall not exceed the applicable limit in effect at the time of the commission of such offense: *And provided further*, That for cases arising under section 12 of the Act of May 5, 1950, 64 Stat. 147 (50 U.S.C. 740), the provisions of paragraph 110, Manual for Courts-Martial, United States, 1951, shall remain in effect.

Richard Nixon

THE WHITE HOUSE,
June 19, 1969.

[F.R. Doc. 69-7405; Filed, June 19, 1969; 1:56 p.m.]

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KEY TO REFERENCES, CITATIONS, AND ABBREVIATIONS

The Manual for Courts-Martial, United States, 1969, (Revised edition) may be cited as "MCM, 1969, (Rev.)."

In the manual the Uniform Code of Military Justice is referred to as "the code."

In the manual the United States Court of Military Appeals is referred to as "The Court of Military Appeals."

The terms defined in Article 1 of the code are used throughout the manual in the sense of the respective definitions unless the context indicates to the contrary.

In the manual, references and citations appear in the following forms:

Reference or citation	*In open text*	*In parentheses*
An article of the code	Article 15	(Art. 15)
A paragraph of the manual	5*a*(2)	(5*a*(2))
Plural paragraphs of the manual	5*a*(2), (5), and (6), and 5*b*(3).	(5*a*(2), (5), and (6), 5*b*(3)).
A paragraph of the manual and an article of the code.	9 and Article 2	(9; Art. 2)
Plural articles of the code	Articles 65, 66, and 69	(Arts. 65, 66, 69)
A chapter of the manual	chapter II	(ch. II)
A paragraph and an appendix of the manual	32*f*(1) and appendix 3	(32*f*(1); app. 3)
An appendix of the manual	appendix 2	(app. 2)
Plural appendices of the manual	appendices 5 and 6	(apps. 5, 6)

Chapter I

MILITARY JURISDICTION

SOURCES—EXERCISE

1. SOURCES. The sources of military jurisdiction include the Constitution and international law. International law includes the law of war. The specific provisions of the Constitution relating to military jurisdiction are found in the powers granted to Congress, in the authority vested in the President, and in a provision of the fifth amendment.

2. EXERCISE. Military jurisdiction is exercised by a belligerent occupying enemy territory (military government); by a government temporarily governing the civil population within its territory or a portion thereof through its military forces, without the authority of written law, as necessity may require (martial law); by a government in the execution of that branch of the municipal law which regulates its military establishment (military law); and by a government with respect to offenses against the law of war.

The gencies through which military jurisdiction is exercised include:

Military Commissions and Provost Courts for the trial of offenses within their respective jurisdictions. Subject to any applicable rule of international law or to any regulations prescribed by the President or by any other competent authority, these tribunals will be guided by the applicable principles of law and rules of procedure and evidence prescribed for courts-martial.

Courts-Martial—General, Special, and Summary for the trial of offenders against military law and, in the case of general courts-martial, of persons who by the law of war are subject to trial by military tribunals.

Commanding Officers and Officers in Charge exercising nonjudicial powers under Article 15.

Courts of Inquiry for the investigation of any matter referred to such court by competent authority. See Article 135. Under the provisions of Article 140, the authority to promulgate regulations governing courts of inquiry is hereby delegated to the Secretaries concerned.

Chapter II

CLASSIFICATION—COMPOSITION OF COURTS-MARTIAL

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3. CLASSIFICATION. Courts-martial are classified as general, special, and summary courts-martial (Art. 16).

4. COMPOSITION. ***a. General.*** General courts-martial shall consist of a military judge and any number of members not less than five or of a military judge alone. Special courts-martial shall consist of any number of members not less than three, and, if so detailed, a military judge, or of a military judge alone. The military judge is not a member of the court. In any case to which a military judge has been detailed, the accused, knowing the identity of the military judge and after consulting with counsel, may request, in writing, trial by the military judge alone. If the military judge approves the request, he alone constitutes the general or special court-martial without participation by the members. Summary courts-martial shall consist of one commissioned officer (Art. 16).

b. Who may serve as members. Any commissioned officer on active duty with the armed forces is eligible to serve on courts-martial (Art. 25(a)). Any warrant officer on active duty with the armed forces is eligible to serve on general and special courts-martial for the trial of any person other than a commissioned officer (Art. 25(b)). Any enlisted member on active duty with the armed forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted accused who has personally requested in writing prior to assembly (61*h*) that enlisted members serve on the court (Art. 25(c)).

No distinction exists among the various classes of commissioned officers, warrant officers, or enlisted members on active duty with the armed forces. The term "active duty" as used herein refers to the status of being in the active Federal service of any of the armed forces under a competent appointment or enlistment or pursuant to a competent muster, order, call, or induction. Retired members of any Regular component and members of any Reserve component of the armed forces are eligible to serve on courts-martial only when they are in an active duty status. Members of the Environmental Science Services Administration and the Public Health Service are eligible to serve on courts-martial when they are assigned to and serving with an armed force.

No member of an armed force is eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case (62*f*; Arts. 1(9), 25(d)(2)) or, in the case of a rehearing or a new or other trial, if he was a member of the court which first heard the case (62*f*; Art. 63(b)). No enlisted member of an armed force may serve as a member of a court-martial for the

trial of another enlisted member who is a member of the same unit (Art. 25(c)(1)). The word "unit" as used herein means any regularly organized body as defined by the Secretary concerned, but in no case may it be a body larger than a company of the Army, a squadron of the Air Force, or a ship's crew, or a body corresponding to one of them (Art. 25(c)(2)).

Definitions made pursuant to Article 25(c)(2) are as follows:

Army. A "unit" of the Army in the sense of Article 25(c) is a company, battery, troop, detachment, or other organization of the Army for which a separate morning report is prepared.

Navy and Coast Guard. A "unit" of the Navy or the Coast Guard in the sense of Article 25(c) is a ship, company, detached command, or other organization for which a separate unit personnel diary is prepared.

Air Force. A "unit" of the Air Force in the sense of Article 25(c) is a squadron or other organization of the Air Force for which a separate unit military strength balance report is prepared.

Marine Corps. A "unit" in the Marine Corps in the sense of Article 25(c) is a company, battery, squadron, detachment, or other organization for which a separate unit personnel diary is prepared.

Arrest or confinement renders a person ineligible to serve as a member of a court-martial. For other cases in which a person should not serve as a member of a general or special court-martial and for grounds for challenge, see 62*f*.

The availability of certain persons for detail may be restricted by regulations of the Secretary of a Department.

c. Rank of members. A commissioned officer may be tried only by a court-martial composed of commissioned officers. A warrant officer may be tried only by a court-martial composed of commissioned officers or of commissioned and warrant officers (Art. 25(a), (b)). When it can be avoided, no member of an armed force may be tried by a court-martial any member of which is junior to him in grade or relative rank (Art. 25(d)(1)), nor, in the case of a commissioned officer, by those below him on the same promotion list.

Whenever practicable, the senior member of a general or special court-martial should be an officer whose grade is not below that of lieutenant of the Navy or Coast Guard or captain of the Army, Air Force, or Marine Corps. Whenever practicable, a summary court-martial should be an officer whose grade is not below that of lieutenant of the Navy or Coast Guard or captain of the Army, Air Force, or Marine Corps.

An enlisted member who has requested in writing that enlisted members serve on the general or special court-martial which will try his case may not be tried by a court the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court unless eligible enlisted members cannot be obtained because of physical conditions or military exigencies. If these members cannot be obtained, the court may be assembled and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained (Art. 25(c)(1)). For example, when the only enlisted members on duty at an isolated station or on board a ship at sea are members of the same unit (Art. 25(c)(2)) as the accused and no other enlisted members can be obtained without manifest injury to the service, the convening authority may, in his sound discretion, direct that the trial be held without

enlisted members. Mere inconvenience is not a ground for proceeding with a trial without enlisted members. The detailed written statement appended to the record stating that enlisted members could not be obtained as members is subject to review when the record of trial is examined under Articles 65, 66, and 69.

d. Qualification of members. When convening a court-martial, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament (Art. 25(d)(2)).

e. Military judge of a court-martial. The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto (Art. 26(a)).

A military judge shall be a commissioned officer of the armed forces on active duty who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member (Art. 26(b)).

The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority. Unless the general court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge (38). A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member. He may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee (Art. 26(a)).

The order convening a court-martial to which a military judge is detailed will expressly state that the military judge is certified as qualified for such duty by the Judge Advocate General of the armed force of which he is a member (Art. 26(b)). The order convening a general court-martial will further state that the military judge has been designated and assigned in accordance with Article 26(c). See appendix 4 for the form of these statements.

Proceedings of a court-martial are void unless the military judge of a general court-martial, or when detailed, of a special court-martial, is qualified as prescribed by Article 26.

No person is eligible to act as military judge in a case if he is the accuser (Art. 1(9)), or a witness for the prosecution (63), or has acted as an investigating officer or counsel in the same case (Art. 26(d)). An officer who has served as a member should not be detailed as military judge for a rehearing (92*a*), or a new (110*a*(2)) or other (92*b*) trial of the same case. Prior participation in the same case as military judge, staff judge advocate, or legal officer to the convening authority may be a ground for challenge for cause. (See 62*f*.)

f. Detail of members and military judge from other commands of the same armed force. The convening authority may, with the concurrence of their proper commander, detail as members of a court-martial or as military judge of a court-martial eligible members of the same armed force who are not otherwise under his command. Concurrence of the proper commander may be oral and need not be evidenced by the record of trial.

g. Detail of military judge and members from other armed forces. (1) *General policy.* A convening authority may detail a military judge from among qualified officers under his command or made available to him regardless of the armed force of which the military judge is a member. Members of courts-martial ordinarily are members of the same armed force as the accused. When a court composed of members of more than one armed force is convened, at least a majority of the membership of a general or special court-martial should be members of the same armed force as the accused unless exigent circumstances render it impracticable to obtain such a majority without manifest injury to the service.

(2) *Joint command or joint task force.* Subject to the provisions of 4*g*(1) above, the commanding officer of a joint command or joint task force who has been specifically empowered by the President or the Secretary of Defense to exercise jurisdiction over personnel of another armed force (13) may detail as members of courts-martial any eligible persons under his command or made available to him. The commanding officer of a subordinate joint command or joint task force who has been authorized by the superior commander to exercise reciprocal special and summary court-martial jurisdiction (13) may, subject to similar restrictions, detail as members of special courts-martial any eligible persons under his command or made available to him. However, a summary court-martial will be a member of the same armed force as the accused.

(3) *All other convening authorities.* All other convening authorities may, under exceptional circumstances, request from the Judge Advocate General concerned the authority to detail members of other armed forces to courts-martial. With the concurrence of the other Judge Advocates General concerned, authority may be granted to detail members of other armed forces, subject to the provisions of 4*g*(1) above, for a particular case or, when appropriate, generally.

Chapter III

COURTS-MARTIAL

CONVENING AUTHORITIES—DETAIL OF TRIAL COUNSEL, DEFENSE COUNSEL, ASSISTANTS—DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS

5. CONVENING AUTHORITIES. ***a. General courts-martial.*** (1) General courts-martial may be convened by the President of the United States, the Secretary concerned, the commanding officers of commands designated in Article 22(a), and any other commanding officer designated by the Secretary concerned or empowered by the President. The term "Secretary concerned" refers to the Secretary of the Army, with respect to matters concerning the Army; the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the Secretary of the Air Force, with respect to matters concerning the Air Force; and the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy. (See app. 3, 10 U.S.C. § 101(8).)

(2) When a commanding officer is designated by the Secretary concerned pursuant to Article 22(a)(6) or empowered by the President pursuant to Article 22(a)(7) to convene general courts-martial, the convening order will cite the authorization. See appendix 4 for form.

(3) It is unlawful for a commanding officer who is an accuser to convene a general court-martial for the trial of the person so accused. When any commanding officer who would normally convene the general court-martial is the accuser in the case, he shall refer the charges to a superior competent authority who will either convene the court or designate another competent convening authority who is superior in rank to that accuser or, if in the same chain of command, who is superior in command to that accuser to exercise jurisdiction. A superior competent authority may convene the court to try any other case in a subordinate command if he so desires (Art. 22(b)). Thus, if the exigencies of the service interfere with the prompt disposition of cases, a superior competent to convene general courts-martial properly may convene courts for the trial of cases arising in a subordinate command.

(4) An accuser is a person who signs and swears to charges, a person who directs that charges nominally be signed and sworn to by another, or any other person who has an interest other than an official interest in the prosecution of the accused (Art. 1(9)). No person will be ordered to sign and swear to charges if he does not believe the allegations therein to be true in fact to the best of his knowledge and belief. The person who signs and swears to charges is always an accuser. Whether a commanding officer who convened the court is the accuser in other cases is a question of fact. Action by a commanding officer which is merely official and in the strict line of duty cannot be regarded as suf-

ficient to disqualify him. For example, a commanding officer may, without becoming the accuser in the case, direct a subordinate to investigate an alleged offense with a view to formulating and preferring appropriate charges if the facts disclosed by the investigation should warrant preferring charges. The commanding officer may thereafter refer the charges for trial as in other cases.

(5) Except as provided in Article 140, no one other than those expressly designated in Article 22 as having the authority to convene general courts-martial has this authority and anyone having this authority cannot delegate or transfer it to another. The authority of a commanding officer to convene general courts-martial is independent of his rank and is retained by him as long as he continues to be such a commanding officer. The rules as to the devolution of command in case of the death, disability, or temporary absence of a commanding officer are stated in regulations of the Secretary of a Department.

(6) An officer who has power to convene a general court-martial may determine the cases to be referred to it for trial and may dissolve it, but he cannot control the exercise by the court of the powers vested in it by law. In this connection, see Article 37. He may withdraw any specification or charge at any time unless the court has finally terminated the proceedings thereon by a finding or by a ruling which amounts to a finding of not guilty. See, however, Article 44(c).

b. Special courts-martial. (1) Special courts-martial may be convened by any person who may convene a general court-martial, the commanding officers of the commands designated in Article 23(a), and any other commanding officer empowered by the Secretary concerned. See 5*a*(1) for definition of "Secretary concerned." When empowered by the Secretary, an officer in charge of a command of the Navy may also convene special courts-martial (Art. 23(a)(7)).

(2) The principles stated in 5*a*(2) to 5*a*(6), inclusive, apply to special courts-martial. See Article 23(b) as to accusers.

(3) A squadron, battalion, or corresponding unit or command is "separate" or "detached" when isolated or removed from the immediate disciplinary control of a superior in such a manner as to make its commander primarily the one to be looked to by superior authority as the officer responsible for the discipline of the command. Whenever there is doubt whether a command is detached in the sense of Article 23 the matter, if arising in the Army or the Air Force, will be referred to the officer exercising general court-martial jurisdiction over the command, and if arising in the Navy or Coast Guard, to the flag or general officer in command or the senior officer present who designated the detachment, for his determination. This determination shall be final. The terms "separate" or "detached" are used in a disciplinary sense and are not necessarily limited to what constitutes separation or detachment in a physical or tactical sense. For instance, the commanding officer of a field artillery battalion which is part of an army division, if responsible directly to the division commander for the discipline of the battalion, may convene special courts-martial even though there is a division artillery commander who controls the battalion in other matters. Also, an air force squadron might be responsible directly to an air force for disciplinary matters although responsible to a group for its operations. In such a case, the squadron would be separate in the sense of Article 23(a)(4). The power of the squadron or battalion com-

mander to convene special courts-martial is subject to the power of superior competent authority to reserve to himself the right to convene these courts for any or all subordinate units and detachments in his command.

(4) A subordinate commander may exercise his power to convene special courts-martial unless a competent superior reserves that power to himself and so notifies the subordinate.

c. Summary courts-martial. Summary courts-martial may be convened by any person who may convene a general or special court-martial, the commanding officers of the commands designated in Article 24(a), and any other commanding officer empowered by the Secretary concerned. See 5*a*(1) for definition of "Secretary concerned." When empowered by the Secretary, an officer in charge of a command of the Navy may also convene summary courts-martial (Art. 24(a)(4)). Summary courts-martial may, however, be convened in any case by superior competent authority when deemed desirable by him. When but one commissioned officer is present with a command or detachment he shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him (Art. 24(b)), and no order convening the court need be issued. When more than one commissioned officer is present, a subordinate commissioned officer will be detailed as summary court-martial.

If the convening authority of a summary court-martial or the summary court officer is the accuser of the person or persons to be tried, it is discretionary with the convening authority whether he will forward the charges to superior authority with a recommendation that the summary court-martial be convened by the latter; but the fact that the convening authority or the summary court officer is the accuser in a case does not invalidate the trial.

The principles stated in 5*a*(2), (5) and (6), and 5*b*(3) and (4) apply to summary courts-martial.

6. DETAIL OF TRIAL COUNSEL, DEFENSE COUNSEL, ASSISTANTS. ***a. General.*** For each general and special court-martial the authority convening the court shall detail a trial counsel and a defense counsel, together with such assistants as he deems necessary or appropriate. Detailed counsel shall be commissioned officers. An accused may, however, be represented by individual counsel (48*a*, *b*). No person who has acted as investigating officer, military judge, or court member in a case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused (61*f*(4); app. 8*a*), as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later for the prosecution (Art. 27(a)). In the absence of evidence to the contrary, a person who, between the time the case has been referred for trial and the trial, has been a detailed counsel or assistant counsel of the court to which the case has been referred, shall be deemed to have acted as a member of the prosecution or the defense, as the case may be. A person who has acted for the accused at a pretrial investigation or other proceedings involving the same general matter is ineligible to act thereafter for the prosecution. An accuser, unless expressly requested by the accused (61*f*(4); app. 8*a*), may not act as defense counsel or assistant defense counsel in the same case.

The power to detail under Article 27 cannot be delegated.

The convening authority may, with the concurrence of the appropriate commanding officer, detail as counsel or as assistant counsel of general and special courts-martial any qualified officer regardless of the armed force of which that officer is a member.

b. Qualification of counsel of general courts-martial. An officer who is detailed as trial counsel or defense counsel of a general court-martial must be a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist of the Coast Guard, who is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; or must be a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Coast Guard who is a member of the bar of a Federal court or of the highest court of a State (Art. 27(b) (1)); and, in addition to the foregoing qualification, must be an officer who is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member (Art. 27(b) (2)).

A "judge advocate of the Army" is any commissioned officer of the Regular Army appointed in the Judge Advocate General's Corps, any other member of the Army assigned thereto by the Secretary of the Army, or any of the other persons mentioned in Section 3072, title 10, United States Code. A "judge advocate of the Navy" is a commissioned officer of the Judge Advocate General's Corps of the Navy. A "judge advocate of the Air Force" is a commissioned officer of the Air Force designated as a judge advocate by the Secretary of the Air Force (10 U.S.C. § 8067(*g*)). A "judge advocate of the Marine Corps" is a commissioned officer on the active list of the Marine Corps who is designated as a judge advocate with the approval of the Secretary of the Navy. A "law specialist" is a commissioned officer of the Coast Guard designated for special duty (law) (Art. 1(11)).

The order convening a general court-martial will expressly state the qualification of the trial counsel and the defense counsel as prescribed by Article 27(b). See appendix 4 for the form of statement of qualification. A statement that counsel is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member is sufficient to show that the person so certified is fully qualified by reason of legal training or bar membership as prescribed by Article 27(b) (1).

c. Qualification of counsel of special courts-martial. In all special courts-martial the accused must, prior to an Article 39(a) session or assembly of the court, be afforded the opportunity to be represented by counsel qualified under Article 27(b) unless such counsel cannot be obtained because of physical conditions or military exigencies (Art. 27(c)). The accused may, however, decline to be represented by qualified counsel, in which event such counsel need not be provided (61*f*(3)). The case may initially be referred to a court with counsel who is not qualified under Article 27(b), provided prior to trial the requirements of Article 27(c) are met. If the accused chooses not to exercise his right to be represented by qualified counsel, trial may proceed with counsel initially detailed. There is no requirement, as there is in the case of general courts-martial, that trial counsel be qualified under Article 27(b). Any commissioned officer not disqualified by reason of prior participation in the same case (6*a*) may be detailed as trial counsel in a special court-martial. Physical conditions or military exigencies, as the terms are here used, may exist under

rare circumstances, such as on an isolated ship on the high seas or in a unit in an inaccessible area, provided compelling reasons exist why trial must be held at that time and at that place. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to extend to an accused the right to qualified counsel.

If qualified defense counsel cannot be obtained because of physical conditions or military exigencies, trial may proceed. In that event, however, the convening authority must, prior to assembly of the court, make a written statement explaining why counsel with such qualifications could not be obtained. This statement, which shall be submitted at trial as an appellate exhibit, must set forth in detail not only the reasons why qualified defense counsel could not be obtained, but also why the trial had to be held at that time and at that place, notwithstanding the fact that qualified counsel could not be obtained. This written statement is subject to review when the record of trial is examined under Article 65. If trial proceeds without qualified defense counsel, a bad-conduct discharge may not be adjudged at that trial. (For this and other reasons precluding the adjudging of a bad-conduct discharge, see 15*b*.)

When counsel qualified under Article 27(b) need not be detailed, any commissioned officer not disqualified by reason of prior participation in the same case (6*a*) may be detailed as defense counsel of a special court-martial. But if the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel must be similarly qualified (Art. 27(c) (1)); and if the trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or of the highest court of a State, the defense counsel detailed by the convening authority must be one of the foregoing (Art. 27(c) (2)). Likewise, if any assistant trial counsel is qualified to act as counsel before a general court-martial, the detailed defense counsel must be similarly qualified; and if any assistant trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, the detailed defense counsel must be one of the foregoing.

The convening order will expressly state whether trial counsel and defense counsel are or are not legally qualified lawyers in the sense of Article 27(c). See appendix 4 for forms. Proof of the qualification of judge advocates, law specialists (see 6*b*), and officers certified as qualified by an appropriate Judge Advocate General pursuant to Article 27(b) (2) is on file in the office of the Judge Advocate General of the armed force of which the officer concerned is a member. The qualifications of other officers as members of the bar of a Federal court or of the highest court of a State (Art. 27(c) (2)) will be determined by the convening authority before detail on the basis of the officer's personnel records or by interrogation of the officer, or both. After such a determination the officer concerned will report any change in his qualifications to the convening authority. The record of trial will show verification of the qualifications recited on the orders. See 61 *e* and *f* and appendices 8*a* and 8*b*.

d. Qualifications of assistant trial counsel and assistant defense counsel. In general, it is desirable that as many assistant defense counsel as assistant trial counsel be detailed, and that officers be detailed as assistant defense counsel and assistant trial counsel who have comparable military experience and legal qualifications. In special courts-martial when the conduct of the defense devolves upon the assistant defense counsel because of the absence of defense counsel, the assistant defense counsel must have the same

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qualifications (Art. 27(c)) as are required for defense counsel (6*c*; Art. 38(e)). See 45 and 47 as to duties of assistant trial counsel and assistant defense counsel.

The convening order for every general or special court-martial will expressly state whether assistant counsel are or are not legally qualified as lawyers in the sense of Article 27 (6*c*). Whenever appropriate, the qualifications of assistant counsel detailed for special courts-martial shall be determined and shown as prescribed in 6*c*. See appendix 4 for form and 61*f*(2) for procedure as to inquiry into the qualifications of individual counsel for the defense.

7. DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS. Under such regulations as the Secretary concerned may prescribe, the convening authority of a court-martial or military commission or a court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court or commission. Under like regulations the convening authority of a court-martial, military commission, or court of inquiry may detail or employ interpreters who shall interpret for the court or commission (Art. 28). No person may act as reporter or interpreter in any case in which he is an accuser.

The detail or employment of reporters and interpreters may be effected by the convening authority personally or through a staff officer, including the trial counsel. The detail or employment of reporters and interpreters may be oral and need not be shown in the record of trial or allied papers.

Unless otherwise directed by the convening authority, a reporter will not be detailed or employed for summary courts-martial. The convening authority, when he deems it appropriate, may direct that a reporter not be used in special courts-martial. By regulations, the Secretary concerned may require or restrict the detail or employment of reporters for summary and special courts-martial. See Article 19.

See chapter XXII as to oaths generally, and 49 and 50 for duties. See appropriate regulations of the Secretary concerned for compensation and other matters pertinent to the employment of reporters and interpreters.

Chapter IV

JURISDICTION OF COURTS-MARTIAL

SOURCES, NATURE, AND REQUISITES—JURISDICTION AS TO PERSONS—JURISDICTION AS TO CONTEMPTS—TERMINATION OF JURISDICTION—EXCLUSIVE AND NONEXCLUSIVE JURISDICTION—RECIPROCAL JURISDICTION—JURISDICTION OF GENERAL COURTS-MARTIAL—JURISDICTION OF SPECIAL COURTS-MARTIAL—JURISDICTION OF SUMMARY COURTS-MARTIAL

8. SOURCES, NATURE, AND REQUISITES. While courts-martial have no part of the jurisdiction set apart under the article of the Constitution which relates to the judicial power of the United States, they have an equally certain constitutional source. They are established under the constitutional power of Congress to make rules for the government and regulation of the armed forces of the United States, and they are recognized in the provisions of the fifth amendment expressly exempting "cases arising in the land and naval forces" from the requirement as to presentment and indictment by grand jury.

The jurisdiction of courts-martial is entirely penal or disciplinary. They have no power to adjudge the payment of damages or to collect private debts (126*h*).

The jurisdiction of courts-martial does not, in general, depend on where the offense was committed (Art. 5). See, however, 213*e* as to crimes and offenses not capital punishable under Article 134. Similarly, the jurisdiction of a court-martial with respect to offenses against military law is not affected by the place where the court sits.

The jurisdiction of a court-martial—its power to try and determine a case—and hence the validity of each of its judgments, is conditioned upon the following requisites: That the court was convened by an official empowered to convene it; that the membership of the court was in accordance with the law with respect to number and competency to sit on the court; and that the court was invested by act of Congress with power to try the person and the offense charged.

9. JURISDICTION AS TO PERSONS. Article 2 describes certain persons who are subject to the code. In addition to the persons described in Article 2, certain persons whose status as members of the armed forces or as persons otherwise subject to the code apparently has been terminated may, nevertheless, be amenable to trial by court-martial. See Articles 3, 4, and 73, appendix 2. Notwithstanding the provisions of Article 2(11), persons serving with, employed by, or accompanying the armed forces cannot be tried by courts-martial under that article in peacetime.

It is not necessary that an accused be a person subject to the code under Article 2 in order to be amenable to trial by court-martial for a violation of

Article 83, 104, or 106. For the jurisdiction of general courts-martial to try persons who by the law of war are triable by military tribunals, see 14.

10. JURISDICTION AS TO CONTEMPTS. A court-martial, provost court, or military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder (Art. 48). See 118 (Contempts).

11. TERMINATION OF JURISDICTION. ***a. General rule.*** The general rule is that court-martial jurisdiction over commissioned officers, cadets, midshipmen, warrant officers, enlisted members and other persons subject to the code ceases on discharge from the service or other termination of that status and that jurisdiction as to an offense committed during a period of service or status thus terminated is not revived by re-entry into the military service or return into such a status.

b. Exceptions. To this general rule there are, however, some exceptions which include the following:

Jurisdiction as to an offense against the code for which a court-martial may adjudge confinement for five years or more committed by a person while in a status in which he was subject to the code and for which he cannot be tried in the courts of the United States or of a State, a Territory, or the District of Columbia is not terminated by discharge or other termination of that status (Art. 3(a)). Courts-martial may not try such offenses if, at the time of trial, the accused has severed all connection with the military and is in civilian status, but may do so if he has subsequently become subject to the code by re-entry into the armed forces or otherwise.

All persons in the custody of the armed forces serving a sentence imposed by a court-martial remain subject to military jurisdiction (Art. 2(7)).

Each person discharged from the armed forces who is later charged with having fraudulently obtained his discharge is, subject to the statute of limitations, subject to trial by court-martial on that charge (Art. 83(2)) and is after apprehension subject to the code while in the custody of the armed forces for that trial. See 162. Upon conviction of that charge he is subject to trial by court-martial for all offenses under the code committed before the fraudulent discharge (Art. 3(b)).

No person who has deserted from the armed forces may be relieved from amenability to the jurisdiction of the code by virtue of a separation from any later period of service regardless of the type of discharge under which the separation was accomplished (Art. 3(c)).

When the person's discharge or other separation does not interrupt his status as a person belonging to the general category of persons subject to the code, court-martial jurisdiction over him does not terminate. Thus, when an officer holding a commission in a Reserve component of an armed force is discharged from that commission, while on active duty, by reason of his acceptance of a commission in a Regular component of that armed force, there being no interval between the periods of service under the respective commissions, there is no termination of the officer's military status—merely the accomplishment of a change in his status from that of a temporary to that of a permanent officer—and court-martial juris-

diction to try him for an offense committed before the discharge is not terminated by the discharge. Also, a discharged prisoner in the custody of an armed force may be tried for an offense committed while a member of the armed forces and before the execution of his discharge.

c. Effect of voluntary absence from trial. The accused's voluntary and unauthorized absence after the trial has commenced in his presence and he has been arraigned does not terminate the jurisdiction of the court, which may proceed with the trial to findings and sentence notwithstanding his absence. In such a case the accused, by his wrongful act, forfeits his right of confrontation.

d. Effect of termination of term of service. Jurisdiction having attached by commencement of action with a view to trial—as by apprehension, arrest, confinement, or filing of charges—continues for all purposes of trial, sentence, and punishment. If action is initiated with a view to trial because of an offense committed by an individual before his official discharge—even though the term of enlistment may have expired—he may be retained in the service for trial to be held after his period of service would otherwise have expired. Similarly, if jurisdiction has attached by the commencement of action before the effective terminal date of self-executing orders, a person may be held for trial by court-martial beyond that terminal date. See also Article 2(1).

12. EXCLUSIVE AND NONEXCLUSIVE JURISDICTION. Courts-martial have exclusive jurisdiction of purely military offenses. But a person subject to the code is, as a rule, subject to the law applicable to persons generally, and if by an act or omission he violates the code and the local criminal law, the act or omission may be made the basis of a prosecution before a court-martial or before a proper civil tribunal, and in some cases before both. See 68*d* (Former jeopardy).

Under such regulations as the Secretary concerned may prescribe, a member of the armed forces accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial (Art. 14(a)). See 97*c* and Article 14(b) as to the effect of such delivery to the civil authorities upon the execution of a sentence of a court-martial. See also pertinent departmental regulations made pursuant to Article 14.

Under international law, a friendly foreign nation has jurisdiction to punish offenses committed within its borders by members of a visiting force, unless it expressly or impliedly consents to surrender its jurisdiction to the visiting sovereign. Which nation shall exercise jurisdiction is a matter for determination by the nations involved and is not a right of the individual concerned.

The provisions of the code conferring jurisdiction upon courts-martial do not deprive military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by military commissions, provost courts, or other military tribunals (Art. 21). See Articles 104 and 106 for some instances of concurrent jurisdiction.

13. RECIPROCAL JURISDICTION. Each armed force has court-martial jurisdiction over all persons subject to the code. The exercise of jurisdiction by one armed force over personnel of another armed force shall be in accordance with regulations prescribed by the President (Art. 17(a)). So much

of the authority vested in the President by Article 22(a)(7) as enables him to empower any officer of the armed forces who is the commander of a joint command or joint task force to convene a general court-martial for the trial of members of any of the armed forces in accordance with Article 17(a) and this paragraph is delegated to the Secretary of Defense.

Jurisdiction by one armed force over personnel of another should be exercised only when the accused cannot be delivered to the armed force of which he is a member without manifest injury to the service. However, the commander of a joint command or joint task force who has authority to convene general courts-martial may convene courts-martial for the trial of members of another armed force when specifically empowered by the President or the Secretary of Defense to refer such cases for trial by courts-martial. Such a commander may, in his discretion, specifically authorize commanding officers of subordinate joint commands or joint task forces who are authorized to convene special and summary courts-martial to convene such courts for the trial of members of other armed forces under regulations which the superior commander may prescribe.

Cases involving two or more accused who are members of different armed forces should not be referred to a court-martial for a joint or a common trial.

As to the composition of a general or special court-martial for the trial of an accused who is a member of another armed force, see 4*g*.

In all cases, departmental review after that by the officer with authority to convene a general court-martial for the command which held the trial, where that review is required by the code, shall be carried out by the department that includes the armed force of which the accused is a member (Art. 17(b)).

14. JURISDICTION OF GENERAL COURTS-MARTIAL. ***a. Persons and offenses.*** Subject to the regulations prescribed in 13, general courts-martial have power to try any person subject to the code for any offense made punishable by the code. In addition they have power to try any person who by the law of war is subject to trial by military tribunal for any crime or offense against the law of war and for any crime or offense against the law of the territory occupied as an incident of war or belligerency whenever the local civil authority is superseded in whole or in part by the military authority of the occupying power. The law of occupied territory includes the local criminal law as adopted or modified by competent authority, and the proclamations, ordinances, regulations, or orders promulgated by competent authority of the occupying power (Art. 18).

A general court-martial composed only of a military judge does not have jurisdiction to try any person for any offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case (Art. 18).

b. Punishments. Upon a finding of guilty of an offense made punishable by the code, general courts-martial have the power, within certain limitations, to adjudge any punishment not forbidden by the code (Art. 18).

Certain punishments are mandatory under the law, for example, those prescribed by Articles 106 and 118 (1) and (4); the discretion of courts-martial to adjudge punishments may be limited by the President under Article 56 (125–127); the death penalty can be adjudged only when specifically authorized

(Arts. 18, 52(b)(1)); and certain kinds of punishment are prohibited (Art. 55). When a general court-martial exercises jurisdiction under the law of war, it may adjudge any punishment permitted by the law of war (Art. 18). Certain limitations on the discretion of military tribunals to adjudge punishments under the law of war are prescribed in international conventions.

15. JURISDICTION OF SPECIAL COURTS-MARTIAL. ***a. Persons and offenses.*** (1) Subject to the regulations prescribed in 13, special courts-martial have power to try any person subject to the code for any noncapital offense made punishable by the code and, under regulations as provided in this paragraph, for capital offenses (Art. 19). Although a capital offense for which there is prescribed a mandatory punishment beyond the punitive power of a special court-martial may never be referred to such a court, an officer exercising general court-martial jurisdiction over the command which includes the accused may cause any other capital offense to be referred to a special court-martial for trial. The Secretary of a Department may, by regulations, authorize officers exercising special court-martial jurisdiction to cause capital offenses, except those in violation of Articles 106 and 118 (1) and (4), to be tried by special court-martial without first obtaining the consent of the officer exercising general court-martial jurisdiction over the command.

(2) An offense is capital within the meaning of Article 19 when the maximum punishment which a general court-martial may adjudge therefor includes the death penalty. Subject to the exceptions noted in the following subparagraph, the offenses denounced in Articles 94, 99, 100, 102, 104, 110(a), 118(1) and (4), and 120(a) are capital at all times; those denounced by Articles 85, 90, 101, 106, and 113 are capital if committed in time of war.

(3) Although capital under one of the articles cited, an offense is not capital if the applicable maximum limit of punishment prescribed by the President under Article 56 is less than death (127*c*); nor is a case in which the death penalty is not mandatory but is authorized by law capital if the authority competent to convene a court-martial for a capital case has directed that the case be treated as not capital (126*a*). Upon a rehearing or new or other trial, a case is not capital if the legal sentence adjudged at a prior hearing or trial or as ultimately reduced by the convening or other proper authority was other than death (Art. 63). However, no offense for which a mandatory punishment is prescribed can be tried by a special court-martial if that punishment is beyond the power of a special court-martial to adjudge. Thus, a case of premeditated murder cannot be referred to a special court-martial for trial because the penalty in the event of conviction must be either death or imprisonment for life (Art. 118(1)).

See 92*a* regarding limitations on rehearings on sentence only before special courts-martial.

b. Punishments. Special courts-martial may, under such limitations as the President may prescribe (125–127; Art. 56) adjudge any punishment not forbidden by the code except death, dishonorable discharge, dismissal, confinement for more than six months, hard labor without confinement for more than three months, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for more than six months. A bad-conduct discharge may not be adjudged by a special court-martial unless (1) a military judge was detailed to the trial, except in any case in which a military judge could not be detailed

because of physical conditions or military exigencies, (2) counsel qualified under Article 27(b) was detailed to represent the accused, and (3) a complete and verbatim record of the proceedings and testimony was made.

Physical conditions or military exigencies, as the terms are here used, may exist under rare circumstances, such as on an isolated ship on the high seas or in a unit in an inaccessible area, provided compelling reasons exist why trial must be held at that time and at that place. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to detail a military judge.

If a military judge cannot be detailed because of physical conditions or military exigencies, a bad-conduct discharge may be adjudged provided the other conditions have been met. In that event, however, the convening authority must, prior to trial, make a written statement explaining why a military judge could not be obtained. This statement, which shall be submitted at trial as an appellate exhibit, must set forth in detail not only the reasons why a military judge could not be detailed, but also why the trial had to be held at that time and at that place, notwithstanding the absence of a military judge. This written statement is subject to review when the record of trial is examined under Articles 65, 66, and 67. Under no circumstances, however, may an accused be sentenced to a bad-conduct discharge by a special court-martial without counsel qualified under Article 27(b) having been detailed to represent the accused (6*c*). The requirement for counsel will be satisfied when counsel qualified under Article 27(b), and not otherwise disqualified, has been detailed and made available, even though the accused may choose not to cooperate with, or utilize the service of, such detailed counsel. See 48*a*.

When a bad-conduct discharge is adjudged and it appears:

(1) that counsel qualified under Article 27(b) was not detailed to represent the accused, or

(2) that a military judge was not present at trial and either no explanatory statement by the convening authority was attached to the record of trial, or the attached statement fails to establish the requisite physical conditions or military exigencies, the portion of the sentence providing for a bad-conduct discharge may not be approved. See 81*d*. As to forfeiture of pay, even when a bad-conduct discharge is adjudged, a special court-martial may not adjudge forfeitures in excess of two-thirds pay per month for six months. As to other limitations, see 125 to 127 (Punishments).

16. JURISDICTION OF SUMMARY COURTS-MARTIAL. ***a. Persons and offenses.*** Subject to the regulations prescribed in 13, summary courts-martial have the power to try persons subject to the code except commissioned officers, warrant officers, cadets, aviation cadets, and midshipmen for any noncapital offense made punishable by the code. No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. This is true even though the person may also have refused punishment under Article 15 and demanded trial by court-martial. See 132. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial, as may be appropriate (Art. 20).

The principles stated in 15*a*(2) and (3) apply to summary courts-martial,

b. Punishments. Summary courts-martial may, under such limitations as the President may prescribe (125–127; Art. 56), adjudge any punishment not forbidden by the code except death, dismissal, dishonorable or bad-conduct discharge, confinement for more than one month, hard labor without confinement for more than 45 days, restriction to certain specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay (Art. 20); but in the case of enlisted members above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next inferior grade.

The maximum amount of confinement and forfeiture of pay or of confinement and detention of pay, may be adjudged together in one sentence. Since confinement and restriction to limits are both forms of deprivation of liberty, only one of those punishments may be adjudged in a maximum amount in any one sentence. An apportionment must be made if it is desired to adjudge both forms of punishment—confinement and restriction to limits—in one and the same sentence. For example, assuming the punishment to be in conformity with other limitations, a summary court-martial might adjudge confinement at hard labor for 15 days (one-half of the authorized confinement), restriction to limits for 30 days (one-half of the authorized restriction), and forfeiture of two-thirds pay for one month. In such a case, the more severe form of deprivation of liberty is served first, the less severe thereafter.

Chapter V

APPREHENSION AND RESTRAINT

SCOPE—GENERAL—APPREHENSION—RESTRAINT—ARREST AND CONFINEMENT—DURATION AND TERMINATION—APPREHENSION OF DESERTERS BY CIVILIANS

17. SCOPE. The paragraphs on this subject deal primarily with the apprehension and restraint of persons subject to the code in connection with trial by court-martial, and deal only incidentally or not at all with the apprehension and restraint of these persons for other purposes, with the apprehension and restraint of persons not subject to the code, and with various other matters touching apprehension and restraint such as those concerning confinement on bread and water or diminished rations (125), the effective date of certain sentences (126*h*(5)), execution of a sentence of confinement (93), resisting apprehension (174*a*), breaking arrest or escaping from custody or confinement (174*b*, *c*, *d*), breaching or escaping from correctional custody imposed pursuant to Article 15 (213*f*(13)), releasing a prisoner without authority (175*a*), unlawful detention of another (176), and confinement as punishment for contempt (118).

18. GENERAL. *a. Definitions.* *Apprehension* is the taking of a person into custody (Art. 7(a); see 174*d*).

Arrest is the restraint of a person by an order, not imposed as punishment for an offense, directing him to remain within certain specified limits (Art. 9(a)).

Confinement is the physical restraint of a person (Art. 9(a)).

b. Basic considerations. (1) Any person subject to the code accused of an offense under the code shall be ordered into arrest or confinement, as circumstances may require; but when accused only of an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement (Art. 10). The foregoing provision is not mandatory and its exercise rests within the discretion of the person vested with the power to arrest or confine. No restraint need be imposed in cases involving minor offenses. A failure to restrain does not affect the jurisdiction of the court.

(2) No member of the armed forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces (Art. 12). If members of the armed forces are separated from the other categories mentioned, however, they may be confined in the same jails, prisons, or other confinement facilities.

(3) Other than restraint administered as prescribed in this subparagraph (18*b*(3)), forfeiture of pay or allowances due on and after the date of approval of certain sentences, and minor punishments for infractions of discipline while confined, no punishment may be imposed upon an accused as a

result of trial by court-martial until the sentence has been approved and ordered executed. No person, while being held for trial or the result of trial, may be subjected to punishment or penalty other than arrest, restriction, or confinement upon the charges pending against him, nor shall the arrest, restriction, or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during that period for infractions of discipline (Art. 13). Minor punishment shall include all punishment authorized by regulations of the Secretary of a Department for violation of the discipline prescribed for the place in which an accused is confined. See 68*g* regarding the effect of punishments for minor offenses upon subsequent court-martial proceedings. Prisoners being held for trial or whose sentences have not been approved and ordered executed will be accorded the facilities, accommodations, treatment, and training prescribed in pertinent regulations.

19. APPREHENSION. ***a. Who may apprehend.*** All commissioned officers, warrant officers, petty officers, noncommissioned officers, and, when in the execution of their guard or police duties, Air Force security police, military police, members of the shore patrol, and such persons as are designated by proper authority to perform guard or police duties, including duties as criminal investigators, are authorized to apprehend, if necessary, persons subject to the code or subject to trial thereunder upon reasonable belief that an offense has been committed and that the person apprehended committed it. See Article 7(b).

Petty officers, noncommissioned officers, and enlisted members performing guard or police duties should apprehend a commissioned or a warrant officer offender only pursuant to specific orders of a commissioned officer, except when this action is necessary to prevent disgrace to the service, the commission of a serious offense, or the escape of one who has committed a serious offense. In all cases involving the apprehension of commissioned officers and warrant officers by petty officers, noncommissioned officers, and enlisted members performing guard or police duties, the individual effecting the apprehension will, immediately thereafter, notify the officer to whom he is responsible or an officer of the Air Force security police, military police, or shore patrol.

b. In quarrels, frays or disorders. Commissioned officers, warrant officers, petty officers, and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to the code and to apprehend persons subject to the code who take part therein (Art. 7(c)).

c. Procedural steps to apprehend. An apprehension is effected by clearly notifying the person to be apprehended that he is thereby taken into custody. The order of apprehension may be either oral or written.

d. Securing custody of alleged offender. There is a clear distinction between the authority to apprehend and the authority to arrest or confine. Any person empowered to apprehend an offender is authorized to secure the custody of an alleged offender until proper authority may be notified, the limitations (21*a*; Art. 9) on the power to arrest or confine notwithstanding.

20. RESTRAINT. ***a. Status of a person in arrest.*** As used in this chapter, arrest is moral restraint imposed upon a person by oral or written orders of

competent authority limiting the person's personal liberty pending disposition of charges. The restraint imposed is binding upon the person arrested, not by physical force, but by virtue of his moral and legal obligation to obey the order of arrest. He is subject to the restrictions incident to arrest prescribed in regulations of the Secretary concerned. A person in the status of arrest cannot be required to perform his full military duty, and if he is placed—by the authority who placed him in arrest or by superior authority—on duty inconsistent with this status his arrest is thereby terminated. This, however, does not prevent his being required to do ordinary cleaning or policing, or to take part in routine training and duties not involving the exercise of command or the bearing of arms. But see 131*c*(3) with respect to arrest in quarters imposed as a punishment under Article 15.

b. Restriction in lieu of arrest. An officer authorized to arrest (21*a*) may, within his discretion and without imposing arrest, restrict an accused person of his command, or subject to his authority, to specified areas of a military command with the further provision that he will participate in all military duties and activities of his organization while under the restriction. Thus, an accused person may be required to remain within a specified area at specified times either because his continued presence pending investigation may be necessary or because it may be considered a wise precaution to restrict him to such an area in order that he may not again be exposed to the temptation of misconduct similar to that for which he is already under charges. Violations of these restrictions are punishable as violations of Article 134, as are breaches of punitive restrictions.

c. Confinement before trial. As used in this chapter, confinement is physical restraint, imposed by either oral or written orders of competent authority, depriving a person of freedom pending the disposition of charges. Confinement will not be imposed pending trial unless deemed necessary to insure the presence of the accused at the trial or because of the seriousness of the offense charged.

d. Procedure for arresting or confining. (1) *General.* No person may be ordered into arrest or confinement except for probable cause (Art. 9(d)). No authority may order a person into arrest or confinement unless he has personal knowledge of the offense or has made inquiry into it. Full inquiry is not required, but the known or reported facts should be sufficient to furnish reasonable grounds for believing that the offense has been committed by the person to be restrained.

The foregoing does not preclude imposition of restraint necessary for the administration of military justice, such as arrest, restriction, or confinement to insure the presence of an accused for impending execution of a punitive discharge. See also 21*d*. A person subject to punitive restraint as a result of the sentence of a court-martial or punishment under Article 15 is not chargeable with conformance to this restraint until notified of the action which places it in effect. See 131*e* and Article 57(b) and (c). Reasonable restraint may, however, be imposed pending receipt of notice that the sentence has been ordered into execution.

(2) *Procedural steps to arrest.* An arrest is imposed by notifying the person to be arrested that he is under arrest and informing him of the limits of his arrest. The order of arrest may be either oral or written.

(3) *Procedural steps to confine.* A person to be confined is placed under guard and taken to the place of confinement. The authority ordering the confinement will cause to be delivered to the provost marshal, commander of the guard, correction officer, or master at arms, a written statement of the name, grade, and organization of the prisoner and of the offense of which he is accused. No provost marshal, commander of the guard, correction officer, or master at arms may refuse to receive or keep any prisoner committed to his charge by a commissioned officer of the armed forces, when the committing officer furnishes a statement, signed by him, of the offense charged against the prisoner (Art. 11(a)).

(4) *Notification to accused.* When any person subject to the code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him (Art. 10). Concerning the time element between service of charges and trial, see Article 35. See Article 98 concerning unnecessary delay in the disposition of any case.

(5) *Report required.* Every provost marshal, commander of a guard, correction officer, or master at arms to whose charge a prisoner is committed shall, within 24 hours after that commitment, or, in the case of a commander of the guard or master at arms, as soon as he is relieved from guard, report in writing to the commanding officer the name of the prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment (Art. 11(b)).

e. Unlawful detention. Any person subject to the code who, except as provided by law, apprehends, arrests, or confines any person is subject to trial by court-martial (Art. 97).

21. ARREST AND CONFINEMENT. ***a. Who may arrest or confine.*** Persons subject to the provisions of the code or to trial thereunder may be ordered into arrest or confinement as follows:

(1) *Commissioned officer, warrant officer, or civilian.* Only a commanding officer to whose authority the individual is subject may order a commissioned officer, warrant officer, or civilian into arrest or confinement. The arrest or confinement must be effected by an order, oral or written, delivered in person or by another commissioned officer (Art. 9(c)). The authority to order such persons into arrest or confinement may not be delegated (Art. 9(c)). For this particular purpose, the term "commanding officer" refers to an officer commanding a post, camp, station, base, auxiliary airfield, Marine barracks, naval or Coast Guard vessel, shipyard, or other place where members of the armed forces are on duty, and the officer commanding or in charge of any other command who, under Article 24, has power to convene a summary court-martial.

(2) *Enlisted member.* Any commissioned officer may order an enlisted member into arrest or confinement. The arrest or confinement must be effected by an order, oral or written, delivered in person or through other persons subject to the code (Art. 9(b)). A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of his command or subject to his authority into arrest or confinement (Art. 9(b)). Thus, the commanding officer of any command or detachment may delegate to the warrant officers, petty officers, or noncommissioned officers thereof authority to place enlisted members who are assigned or attached to his command

or detachment, or who are temporarily within its jurisdiction, for example, in quarters, camp, base, station, or ship, in arrest or confinement as a means of restraint at the instant when restraint is necessary.

b. Authority of trial counsel to restrain. A trial counsel of a court-martial, as such, has no authority to place in arrest or confinement a person about to be tried by the court. These are duties which devolve upon the convening authority or upon the post, station, or base commander or other proper officer in whose custody or command the accused is at the time.

c. Authority of courts-martial to restrain. A court-martial has no control over the nature of the arrest or other status of restraint of a prisoner except as regards his custody in its presence.

d. Responsibility for restraint after trial. Upon notification from a trial counsel of the result of a trial (44*e*), a commanding officer will take prompt and appropriate action with respect to the restraint of the person tried. This action, depending on the circumstances, may involve the immediate release of the person from any restraint, or the imposition of any necessary restraint pending final action on the case. See 20*d*(1) and 88*f*.

22. DURATION AND TERMINATION. Although charges should be preferred promptly (25; Arts. 10, 30(b), 33), the accused is not automatically released from restraint because of any delay in preferring the charges. He must remain in arrest, restriction, or confinement until released by proper authority. The proper authority to release the accused from arrest is normally the officer who imposed the arrest. The proper authority to release from confinement in a military confinement facility is the commanding officer to whose command that facility is subject. Once a prisoner is placed in confinement, he passes beyond the control and power of release of the officer who initially ordered him confined, unless that officer is the commanding officer described above. The release of a prisoner without proper authority is a punishable offense (Art. 96). Undue delay in preferring or prosecuting charges should be investigated with a view to prompt disposition of the case or, when appropriate, the release of the accused from arrest, restriction, or confinement by competent authority. Any person subject to the code who is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under the code is subject to trial by court-martial (Art. 98).

23. APPREHENSION OF DESERTERS BY CIVIL AUTHORITIES. Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or possession, or the District of Columbia may summarily apprehend a deserter from the armed forces and deliver him into the custody of those forces (Art. 8).

The fact that the person who apprehended and delivered a deserter was not authorized to do so is not a legal ground for the discharge of the deserter from military custody.

See Article 14 and appropriate regulations of the Secretary concerned as to delivery of offenders to and return from civil authorities.

Chapter VI

PREPARATION OF CHARGES

DEFINITIONS—WHEN PREFERRED—GENERAL RULES AND SUGGESTIONS—DRAFTING OF CHARGES—DRAFTING OF SPECIFICATIONS

24. DEFINITIONS. ***a. Charges and specifications.*** The formal written accusation in court-martial practice consists of two parts, the technical charge and the specification. For offenses in violation of the code, the charge merely indicates the article the accused is alleged to have violated, while the specification sets forth the specific facts and circumstances relied upon as constituting the violation. Each specification, together with the charge under which it is placed, constitutes a separate accusation. The term "charges," or "charges and specifications," is applied to the formal written accusation or accusations against the accused. See Article 30.

b. Additional charges. New and separate charges preferred after others have been preferred are known in military law as "additional charges." These ordinarily relate to transactions not known at the time or to offenses committed after the original charges were preferred. Charges of this character do not require a separate trial if incorporated in the trial of the original ones before arraignment, but necessary preliminary procedures for all charges must be completed. See 65*b*. Additional charges may not be incorporated in the trial after arraignment.

25. WHEN PREFERRED. When any person subject to the code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused (32*f*(1)) and to try him or to dismiss the charges and release him (Art. 10). Any person subject to the code who is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under the code shall be punished as a court-martial may direct (Art. 98). When it is intended to prefer charges, they should be preferred without unnecessary delay. An accumulation or saving up of charges through improper motives is prohibited; but when a good reason exists—as when a person is permitted to continue a course of conduct so that a ringleader or other conspirators may also be discovered or when a suspected counterfeiter goes uncharged until his guilty knowledge becomes apparent—a reasonable delay is permissible if the person concerned is not in arrest or confinement.

Ordinarily, charges for an offense should not be preferred against an individual if, after investigation, the only available evidence that the offense was committed is his statement that he committed it. In rare cases, however, it may be advisable to prefer charges before the completion of an investigation made pursuant to such a statement, as, for example, when the statute of limitations may run before all contemplated witnesses can be interrogated.

¶ 26d CHAPTER VI

26. GENERAL RULES AND SUGGESTIONS. ***a. Elements of the offense.*** Before drafting charges and specifications, the accuser should analyze the facts and study the pertinent paragraphs of chapter XXVIII, in which appear the elements of proof of various offenses, and appendix 6, in which the forms of specifications are set forth.

b. Offenses arising out of one transaction. One transaction, or what is substantially one transaction, should not be made the basis for an unreasonable multiplication of charges against one person. A person should not be charged with both disorderly conduct and assault if the disorderly conduct consisted in making the assault, or with both a failure to report for a routine scheduled duty, such as reveille, and with absence without leave if the failure to report occurred during the period for which he is charged with absence without leave. The larceny of several articles should not be alleged in several specifications, one for each article, when the larceny of all of them can properly be alleged in one specification (200*a*(8)). If a person willfully disobeys an order to do a certain thing, and persists in his disobedience when the same order is given by the same or other superior, a multiplication of charges of disobedience should be avoided (169*b*). There are times, however, when sufficient doubt as to the facts or the law exists to warrant making one transaction the basis for charging two or more offenses. See 74*b*(4) and 76*a*(5).

c. Joining minor and serious offenses. Ordinarily, charges for minor derelictions should not be joined with charges for serious offenses. For example, a charge of failure to report for a routine roll call should not be joined with a charge of burglary. If, however, the minor offense serves to explain the circumstances of the greater offense, it is permissible to charge both. But see 30*g* and 33*h* regarding joinder of charges at a single trial.

d. Joint offenses. A joint offense is one committed by two or more persons acting together in pursuance of a common intent. See 156 for a discussion of principals and 157 for a discussion of accessories after the fact. Principals may be charged jointly with the commission of the same offense, but an accessory after the fact cannot be charged jointly with the principal he is alleged to have received, comforted, or assisted. Offenders are properly joined only if there is a common unlawful design or purpose; the mere fact that several persons happen to have committed the same types of offenses at the same time, although material as tending to show concert of purpose, does not necessarily establish it. The fact that several persons happen to have absented themselves without leave at about the same time will not, in the absence of evidence indicating a conspiracy, justify joining them in one specification, for they may merely have been availing themselves of the same opportunity of leaving.

In joint offenses, the participants may be separately or jointly charged. However, if the participants are members of different armed forces, they should be charged separately. See 13. The preparation of joint charges is discussed in detail in appendix 6(*a*)(8). The advantage of a joint charge is that all the accused will be tried at one trial, thereby saving time, labor, and expense. This must be weighed against the possible unfairness to the accused which may result if their defenses are inconsistent or antagonistic. See 69*d* (Motion to sever). In drafting charges, it must also be remembered that an accused cannot be called as a witness except upon his own request (148*e*). If, therefore, the testimony of an accomplice is necessary, he should not be tried jointly with those against whom he is expected to testify.

27. DRAFTING OF CHARGES. The technical charge should be appropriate to all specifications under it and ordinarily will be written: "Violation of the Uniform Code of Military Justice, Article ____," giving the number of the article. Subparagraphs of the article under which the specification is laid need not be stated. Thus, in alleging murder while engaged in the perpetration of a robbery, "Article 118" is alleged in the charge, not "Article 118(4)." When an offense is specifically defined in a particular punitive article, it ordinarily should be charged under that article rather than under Article 134, the general article. Neither the designation of a wrong article nor the failure to designate any article is ordinarily material, provided the specification alleges an offense of which courts-martial have jurisdiction. For example, if an offense is alleged for which a mandatory punishment is prescribed by a particular article, such as premeditated murder (Art. 118), the mandatory punishment prescribed by the correct article must be adjudged, even if the offense has been laid under another article. See 74*c*. For other instructions, see appendix 6*a*.

28. DRAFTING OF SPECIFICATIONS. ***a. Contents of specification.*** The specification should include the following:

(1) The name of the accused and a showing, either by a description by rank and organization or otherwise, that he is within court-martial jurisdiction as to persons. For rules as to the manner of describing the accused, see the instructions in appendix 6*a*. The service number of the accused should not appear in the specification.

(2) A statement of where and when the offense was committed. Examples of the correct form for alleging place and time appear in appendix 6*a*.

(3) A statement in simple and concise language of the facts constituting the offense. As a general rule, the facts so stated will include all the elements of the offense sought to be charged. However, see appendix 6*c* for examples of permissible abbreviated pleadings. See 87*a*(2) as to the legal sufficiency of specifications. Any intent or state of mind, such as guilty knowledge, expressly made an essential element of an offense should be alleged; thus, the offense of delivering less than is called for by receipt in violation of Article 132 should be alleged as "knowingly" done. If the alleged act of the accused is not specifically proscribed by one of the punitive articles of the code, but is made an offense under the code by applicable statute (including Arts. 133 and 134), regulations, or custom having the effect of law (213*b*), words importing criminality such as "wrongfully," "unlawfully," "without authority," or "dishonorably," depending upon the nature of the particular offense involved, should be used to describe the accused's acts. In this connection, see 28*c*. However, if the alleged act of the accused would not under any circumstances be an offense, the mere addition to the specification of words importing criminality will not in itself convert the act into an offense. To a reasonable extent, matters of aggravation may be recited. If applicable, the wording of the appropriate punitive article or other statute should be used in preference to a supposedly equivalent expression. For example, in charging a person with being found drunk on duty, the specification should not allege that he was found intoxicated on duty.

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b. Each specification to allege but one offense. One specification should not allege more than one offense either conjunctively or in the alternative. Thus, a specification should not allege that the accused "lost and destroyed" or that he "lost or destroyed" certain property. However, if two acts or a series of acts constitute one offense or if an offense is committed by more than one means, they may be alleged conjunctively.

c. Alleging written instruments; orders; directives. When a written instrument, for example, a false pass, a forged document, or a threatening letter, or a part thereof, forms the gist of an offense, the specification should set forth the writing, preferably verbatim, and the act or acts which constitute the offense. When the offense alleged constitutes a violation of an official directive, the specification should contain sufficient information to indicate what specific directive, or part thereof, the accused is alleged to have violated, and the act or acts which constitute the alleged violation. In this connection, see 147*a* and 171. However, omission, or an error in the citation, of the directive does not constitute fatal error if the omission or error does not mislead the accused to his prejudice. Oral statements should be set out as nearly as possible in exact words, but should always be qualified by the words "or words to that effect," or some similar expression.

d. Specimen forms. Specimen charges and forms for specifications covering the more usual offenses are in appendix 6. These prescribed forms should always be used when they are applicable or when they can be adapted to the offense which is to be alleged.

Chapter VII

SUBMISSION OF AND ACTION UPON CHARGES

INITIATING AND PREFERRING CHARGES—BASIC CONSIDERATIONS—ACTION BY PERSON HAVING KNOWLEDGE OF A SUSPECTED OFFENSE—ACTION BY COMMANDER EXERCISING IMMEDIATE JURISDICTION UNDER ARTICLE 15—ACTION BY OFFICER EXERCISING SUMMARY COURT-MARTIAL JURISDICTION—INVESTIGATION OF CHARGES—ACTION BY OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION

29. INITIATING AND PREFERRING CHARGES. ***a. Who may initiate.*** Charges are initiated by someone bringing to the attention of the military authorities information concerning an offense suspected to have been commited by a person subject to the code. This information may, of course, be received from anyone, whether subject to the code or not.

b. Who may prefer. Any person subject to the code may prefer charges, even if he is under charges, in arrest, or in confinement. In many cases, if the commander who exercises immediate jurisdiction over the accused under Article 15 is not empowered to convene courts-martial, he actually prefers the charges. However, when such a commander is also empowered to convene courts-martial and has only an official interest in the disposition of the case, it is customary for him to direct a commissioned officer of his command to make a preliminary inquiry into the suspected offense and to prefer appropriate charges if the facts shown by the inquiry warrant the preferring of charges. See 5*a*(3) and (4), 33*a*, and Article 1(9).

c. Ordering preferment. A person subject to the code cannot be ordered to prefer charges to which he is unable truthfully to make the required oath on his own responsibility.

d. Preparation of charge sheet. Charges will be prepared as prescribed by regulations of the Secretary of a Department.

e. Signing and swearing to charges. Charges and specifications shall be signed under oath before a commissioned officer of the armed forces authorized to administer oaths. For example, they may not be sworn to before a warrant officer who is not commissioned, even if such a warrant officer is an adjutant and therefore would have general authority to administer oaths for other purposes. See 113 and Articles 30 and 136. The form of oath is prescribed in 114*i* and is set forth on the charge sheet. In no case may an accused be tried on unsworn charges over his objection.

30. BASIC CONSIDERATIONS. The following basic considerations apply to any action upon a charge or with respect to a suspected offense:

a. No person subject to the code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing

him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. See Article 31(b).

b. In an interrogation at which an accused or suspect is in custody, he will also be advised that he has a right to consult with counsel, provided as indicated in 34*c*, and to have counsel present at the interrogation. After having been advised of these rights, the accused or suspect ordinarily should not be interrogated in the absence of counsel unless he expressly and voluntarily states (1) that he does not desire counsel and (2) that he is willing to make a statement. See 140*a*(2).

c. No charge may be referred to a general court-martial for trial until the formal investigation required by Article 32 has been made (34).

d. No charge may be referred to a general court-martial for trial until it has been referred for consideration and advice to the staff judge advocate or legal officer of the convening authority (35*b*; Art. 34(a)).

e. No charge may be referred for trial if the convening authority is satisfied that the accused is insane or was insane at the time of the offense charged (121).

f. When it appears to any accuser, or to any investigating officer or commander to whom sworn charges are forwarded in a particular case, that a witness then available may not be so available at a subsequent stage of the proceedings or that, because of distance or other reasons, the disposition of the case may be delayed pending the taking of depositions, he will promptly make the matter known to the officer competent to convene a court-martial for the trial of the offense charged so that depositions may be taken in accordance with the provisions of Article 49. See 5 and 117.

g. Subject to jurisdictional limitations and at the discretion of the convening authority, charges against an accused, if tried at all, ordinarily should be tried at a single trial by the lowest court that has power to adjudge an appropriate and adequate punishment. See 26*c* and 33*h*.

h. Immediately upon receipt of charges or of information as to a suspected offense, the proper authority shall determine the type of restraint, if any, that is to be imposed on the accused pending trial or other disposition of the case. See 18*b*, 20, 22, and Article 10.

i. Upon receipt of charges or of information as to a suspected offense, the proper authority—ordinarily the immediate commanding officer of the accused—shall take prompt action to determine what disposition should be made thereof in the interests of justice and discipline. See Articles 30 and 98. When a person is held for trial by a general court-martial, the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction; otherwise he shall report in writing to that officer the reasons for delay (Art. 33).

31. ACTION BY PERSON HAVING KNOWLEDGE OF A SUSPECTED OFFENSE. When any person has knowledge of an offense committed by a person subject to the code, it is customary to report the facts to the commander exercising immediate jurisdiction over the accused under Article

15 to permit that commander to take the action outlined in 32. If charges are preferred by someone other than the commander who exercises immediate jurisdiction under Article 15, they should be forwarded to that commander to permit him to take the action outlined in 32.

32. ACTION BY COMMANDER EXERCISING IMMEDIATE JURISDICTION UNDER ARTICLE 15. The provisions of this paragraph (32) apply only when the commander exercising immediate jurisdiction is not also empowered to convene courts-martial. If this commander is so empowered, see 33. Upon receipt of charges or information indicating that a member of his command has committed an offense punishable by the code, action will be taken by the commissioned officer or warrant officer immediately authorized to exercise powers over the accused under Article 15, who is referred to hereafter in this chapter as the "immediate commander." Ordinarily he will dispose of the case in the following manner:

a. General. All actions taken under this paragraph are subject to the basic considerations stated in 30.

b. Preliminary inquiry. He will make, or cause to be made, a preliminary inquiry into the charges or the suspected offenses sufficient to enable him to make an intelligent disposition of them. This inquiry is usually informal. It may be conducted by the commander or by a member of his command. It may consist only of an examination of the charges and the summary of expected evidence which accompanies them. In other cases it may involve a more extensive investigation and the collection of evidence. With respect to searches, see 152. See 32*f* for the information which must accompany charges if they are forwarded with a recommendation for trial. It is not the function of the person making the inquiry merely to prepare a case against the accused. He should collect and examine all evidence that is essential to a determination of the guilt or innocence of the accused, as well as evidence in mitigation or extenuation.

c. Preferring charges. When charges have not already been preferred and the preliminary inquiry shows that offenses punishable by the code have been committed by a member of his command, he may prefer appropriate charges for those offenses which he believes cannot properly be disposed of under Article 15. Charges may be preferred against an accused who is absent without authority, to stop the running of the statute of limitations. If charges have already been preferred but they are not formally correct or do not conform to the expected evidence, formal corrections, and those changes in the charges and specifications which are needed to make them conform to the evidence, may be made (33*d*; Art. 34(b)). When the preliminary inquiry shows that additional or different offenses have been committed (24*b*), the immediate commander may prefer appropriate new charges for those offenses which he believes cannot properly be disposed of under Article 15. In such a case, he should consolidate all charges against the accused into one set of charges.

d. Dismissal of charges. He may decide, as a result of the preliminary inquiry, that all or some of the charges do not warrant further action because they are trivial, do not state offenses, or are unsupported by available evidence, or because there are other sound reasons for not punishing the accused with respect to the acts alleged. Likewise, as to suspected offenses for which charges have not been preferred, he may determine that charges should not be preferred.

If so, he need not prefer charges. Unless competent superior authority has directed otherwise, he may dismiss all or part of any charges that have been preferred. With respect to offenses for which charges have been preferred, specifications and charges thus disposed of will be lined out and initialed. If all offenses charged are dismissed, he may notify the accuser of the action taken and the reasons therefor.

e. Nonjudicial punishment. Unless competent superior authority has directed otherwise, he may impose punishment under Article 15 for any minor offense, whether or not it is charged. See 128 and 131. With respect to offenses for which charges have been preferred, specifications and charges disposed of under Article 15 will be lined out and initialed and any remaining charges and specifications renumbered. If he believes punishment under Article 15 is proper in the case of a commissioned officer or warrant officer, he ordinarily should forward the charges and allied papers or the report of preliminary inquiry to the officer exercising immediate summary court-martial jurisdiction with an appropriate recommendation. When reduction in pay grade is considered a proper punishment and he is not authorized to impose that punishment, he should forward the charges or report to a commander who has that authority under Article 15. In this connection, see 129 and 131*b*(2).

f. Forwarding charges. If trial by court-martial is believed to be appropriate for any remaining offenses, the charges will be forwarded, ordinarily through the chain of command, to the officer exercising summary court-martial jurisdiction over the command of which the accused is a member. In forwarding the charges, the following rules will be observed:

(1) *Informing accused of charges.* Before forwarding the charges, the immediate commander will inform the accused of the charges against him (Arts. 10, 30(b)) and complete and sign the certificate to that effect on the charge sheet. When, because of the unavailability of the accused, it is impracticable to comply with this requirement, a report of the circumstances will be included in the letter forwarding the charges.

(2) *Notice of refusal to accept punishment under Article 15.* The immediate commander will note in the space provided on page 4 of the charge sheet whether the accused has been permitted and has elected to refuse punishment under Article 15 as to any offense charged. See 16*a*, 132, and Article 20.

(3) *Minor offenses.* When charges are submitted with a view to trial by summary court-martial or action under Article 15, they need not be forwarded by a formal letter of transmittal, but should be accompanied by evidence of admissible previous convictions and sufficient information about the circumstances, including an informal summary of the expected evidence, to enable the commander receiving them to make an intelligent disposition of the case without an additional investigation.

(4) *Serious offenses.* When charges are submitted with a view to trial by special or general court-martial, they will be forwarded by a letter of transmittal signed personally by the forwarding officer. The letter will include, or carry as inclosures, the following:

(*a*) A summary of the evidence expected from each witness or other source. The signature of each witness to the summary of his testimony will be obtained unless the procurement of the signature will unduly delay the forwarding of the charges.

(*b*) All reasonably available documentary evidence and exhibits. If, because of the bulk of this evidence or for other good reason, it is inadvisable to forward it with the letter of transmittal, it should be properly marked, preserved, and referred to in the charges or the letter of transmittal, with a statement as to where it may be found.

(*c*) Evidence of admissible previous convictions by courts-martial (75*b*(2)) which, in the case of enlisted persons, is usually in the form of an attested copy of the pertinent entries in the accused's personnel records. See 143*b*(2) and 144*b* (Official records).

(*d*) Explanation of any unusual features of the case, including such matters as the character of the accused's military service before the offense charged and his record before entry into the military service, if known.

(*e*) Specific recommendation as to the disposition of the charges.

33. ACTION BY OFFICER EXERCISING SUMMARY COURT-MARTIAL JURISDICTION. Upon the receipt of charges or information indicating that a member of his command has committed an offense punishable by the code, the officer exercising summary court-martial jurisdiction over the accused will—subject to the *basic considerations* stated in 30—ordinarily dispose of the case in the following manner:

a. Preliminary inquiry. When charges have not already been preferred, and the officer exercising summary court-martial jurisdiction is also the commander exercising immediate jurisdiction over the accused under Article 15, he may take the action outlined in 32*b* and *c*. However, if the officer exercising summary court-martial jurisdiction becomes an accuser in fact, he renders himself ineligible to exercise whatever powers he may have had to convene a special or general court-martial for the trial of the case. See Articles 22(*b*) and 23(*b*). Accordingly, when he has only an official interest in the case (5*a*(4)), he ordinarily will transmit the available information about the case to an officer of his command "for preliminary inquiry and report, including, if appropriate in the interest of justice and discipline, the preferring of any charges which appear to you to be sustained by the expected evidence."

Unless otherwise directed, the officer to whom such a case is transmitted will make a preliminary inquiry similar to that described in 32*b*. If the officer making the inquiry forwards his report without preferring charges, the officer exercising summary court-martial jurisdiction will take the action outlined in 32, as appropriate. If the officer making the inquiry prefers charges, the officer exercising summary court-martial jurisdiction will dispose of them in accordance with the rules prescribed in the remaining subparagraphs of this paragraph (33).

b. Date of receipt. Immediately upon the receipt of sworn charges, the officer exercising summary court-martial jurisdiction over the command will cause the hour and date of receipt to be entered in the space provided on page 3 of the charge sheet. This date is important as it fixes the end of the period of time which is to be considered in determining whether the prosecution of the accused is barred by the statute of limitations. See Article 43(b) and (c).

c. Informing accused of charges. If, when charges are received by the officer exercising summary court-martial jurisdiction, it appears that the accused has not been advised of the charges against him, the action prescribed in 32*f*(1) will be taken promptly.

d. Alterations. The officer exercising summary court-martial jurisdiction will make a preliminary examination of the charges and the allied papers to determine whether the specifications are laid under the proper punitive articles, are formally correct, and are supported by the expected evidence. Charges forwarded or referred for trial and the accompanying papers should be free from defect of form and substance, but delays incident to the return of papers to the accuser for correction of defects which are not substantial will be avoided. Obvious errors may be corrected and the charges may be redrafted over the accuser's signature, provided the redraft does not include any person, offense, or matter not fairly included in the charges as preferred. Corrections and redrafts should be initialed by the officer making them. If a change involves the inclusion of any person, offense, or matter not fairly included in the charges as preferred, new charges, consolidating all offenses which are to be charged, should be signed and sworn to by an accuser. See Article 34(b).

e. Investigations. When the offenses are so serious that it may be appropriate to forward them with a recommendation for trial by general court-martial, he will appoint a commissioned officer to investigate the charges in accordance with 34 and Article 32, subject to the following exceptions:

(1) *Effect of investigation of subject matter before charges preferred.* If an investigation of the subject matter of an offense was conducted before the accused was charged with the offense, for example, by a court of inquiry, and if the accused was present at the investigation and was afforded the rights set forth in Article 32(b), no further investigation of that charge is necessary unless it is demanded by the accused after he is informed of the charge. A demand for further investigation in such a case entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf. See Article 32(c).

(2) *Effect of changing charges after investigation is made.* If the charges were investigated pursuant to 34 and Article 32(b) before reaching the officer exercising summary court-martial jurisdiction, he need not direct another investigation unless there is reason to believe that a further investigation would aid in the administration of military justice. In any event, supplementary investigations by the same or a different investigating officer may be directed. If, at any time after an investigation under Article 32(b) has been conducted, the charges are changed to allege a more serious or essentially different offense, a new investigation should be directed to give the accused an opportunity to exercise the privileges afforded him by 34 and Article 32(b) with respect to the new or different matters alleged. In this connection, see 33*d*.

f. Dismissal of charges. He has the same authority as the commander exercising immediate jurisdiction over the accused under Article 15 with respect to dismissal of all or part of the charges. In this connection, see 32*d*.

If the officer exercising summary court-martial jurisdiction finds that trial of a particular case would be warranted except for the fact that it would probably be detrimental to the prosecution of a war or inimical to the national security, he will, without dismissing any charges that may have been preferred, forward the case to the officer exercising general court-martial jurisdiction over the command. Any officer exercising general court-martial jurisdiction who receives the charges in such a case is authorized to determine whether trial

of the accused is warranted under the circumstances and, if so, whether the security considerations involved are paramount to trial. As appropriate under the circumstances, such a commander may dismiss the charges, authorize their trial, or forward them to the Secretary concerned. In this connection, see Article 43(e).

g. Nonjudicial punishment. He has the same authority as the commander exercising immediate jurisdiction over the accused under Article 15 with respect to the imposition of nonjudicial punishment. See 32*e*, 129, and 131. He may impose this punishment himself or he may return the case to the immediate commander of the accused for appropriate action. In the case of warrant officers and commissioned officers, he may, unless his disciplinary authority has been limited or withheld (128), impose nonjudicial punishment. If his authority has been limited or withheld, or if he believes a greater punishment is appropriate in the interest of justice and discipline, he should forward the charges and allied papers or, if charges have not been preferred, the report of preliminary inquiry to the officer exercising general court-martial jurisdiction or the general or flag officer in command. See 131*b*(1)(*b*) and Article 15(b)(1)(B).

h. Disposition of the charges by trial. If he determines that some punishment should be adjudged against the accused but that punishment under Article 15 is not appropriate or has in a proper case been refused by the accused, he must decide to which kind of court-martial the case should be referred. Subject to jurisdictional limitations and at the discretion of the convening authority, charges against an accused, if tried at all, ordinarily should be tried at a single trial by the lowest court that has the power to adjudge an appropriate and adequate punishment. See 26*c*, if both major and minor offenses are involved. The fact that, upon conviction of a particular offense, the Table of Maximum Punishments (127*c*) may authorize a punishment in excess of that which can be adjudged by a summary or special court-martial does not in itself preclude reference of such an offense to a summary or special court-martial for trial. In this connection, see 15*a* and 16*a* as to the authority to cause a capital case to be tried by an inferior court-martial. He should take into consideration the character and prior service of the accused in deciding upon his action or recommendation. If he determines that the offense is so serious that the accused, if convicted, should be separated from the service by a punitive discharge, he must decide to which court the case should be referred in order that the appropriate kind of discharge—dishonorable or bad-conduct—may be adjudged. In this connection, see 76*a* (3) and (4). Ordinarily, a specification as to which the statute of limitations (Art. 43) apparently may be successfully pleaded should not be referred for trial. See 68*c*.

i. Forwarding charges. When trial by a special or general court-martial is deemed appropriate and he is not empowered to convene such a court for the trial of the case (5*a*, *b*), he will forward the charges and necessary allied papers, in accordance with regulations of the Secretary concerned, to an officer exercising the appropriate kind of court-martial jurisdiction. If, however, the forwarding officer is an accuser (5*a*(4)), the court must be convened by a competent authority superior in rank or command. The charges will be forwarded by indorsement or letter of transmittal, signed by the forwarding officer, and will contain his recommendation as to their disposition. If the charges are forwarded

with a recommendation for trial by general court-martial, the forwarding officer should observe the following rules:

(1) He will inclose a copy of the report of investigation made under 34 and Article 32 or will explain why such an investigation was not made before forwarding the charges.

(2) If an investigation under 34 and Article 32 was made, he will cause a copy of the substance of the testimony taken on both sides during the investigation to be furnished to the accused and will report that fact in his indorsement or letter of transmittal.

(3) He will note in the indorsement or letter of transmittal whether any material witnesses may not be available at the time of the trial and the action that has been initiated to have these witnesses or their depositions available at the trial. See chapter XXIII and Article 49.

j. Reference for trial. (1) *Manner of reference.* Charges are ordinarily referred to a court-martial for trial by means of the indorsement on the charge sheet. Although the indorsement is usually completed on all copies of the charge sheet, only the original need be signed. The indorsement may include any proper instructions; for instance, a direction that the charges be tried with certain other charges against the accused (24*b*), or in a common trial with other persons (33*l*), or that a capital case be treated as not capital (15*a*(3)); or, in a special court-martial, that the authorized maximum punishment does not include a bad-conduct discharge (15*b*). If, for any proper reason, it is desired to refer charges to a court different than that to which they were originally referred, the new reference is customarily accomplished by means of a new indorsement affixed to the charge sheet. In such a case the original indorsement is lined out and initialed.

(2) *Special court-martial.* The officer exercising summary court-martial jurisdiction (5*c*; Art. 24) is *often also empowered to convene special courts martial* (5*b*; Art. 23). If he is so empowered and determines that trial by special court-martial is appropriate, he should complete the indorsement in the prescribed manner and transmit the charges and allied papers to the trial counsel of the court.

(3) *Summary court-martial.* If he determines that trial by summary court-martial is appropriate, he should complete the indorsement in the prescribed manner and transmit the charges to the summary court-martial. If the only officer present with a command decides to try the charges as summary court-martial, no indorsement is required.

k. Reporters in trials by special courts-martial. When the convening authority is authorized to direct that a reporter not be detailed or employed for trials by special courts-martial, he may, in an appropriate case, include in the indorsement referring the charges for trial the direction, "Reporter not authorized." In this connection, see 7.

l. Common trial. If two or more persons are charged with the commission of an offense or offenses which, although not jointly committed (26*d*), were committed at the same time and place and are provable by the same evidence, the convening authority may in his discretion direct a common trial for these offenses only. Offenses charged against different accused which are not closely related should not be tried in a common trial, notwithstanding the fact that

some other offenses with which each accused is charged may be closely related. See 69*d* (Motion to sever).

m. Suspected insanity. If he suspects that an accused lacks mental capacity or that he was not mentally responsible at the time of the offense charged, he should initiate an inquiry into the mental condition of the accused as provided in 121.

34. INVESTIGATION OF CHARGES. ***a. Introductory statement.*** No charge may be referred to a general court-martial for trial until a thorough and impartial investigation thereof has been made (Art. 32).

The officer appointed to make such an investigation should be a mature officer, preferably an officer of the grade of major or lieutenant commander or higher, or one with legal training and experience. Neither the accuser nor any officer who is expected to become the military judge or a member of the prosecution or defense upon possible trial of the case will be designated as investigating officer.

In conducting the investigation, the investigating officer will comply with Articles 31 and 32. The purpose of the investigation required by Article 32 is to inquire into the truth of the matters set forth in the charges, the form of the charges, and to secure information upon which to determine what disposition should be made of the case. It is not the function of the investigating officer to perfect a case against the accused, but to ascertain and impartially weigh *all* available facts in arriving at his conclusions. He is required to conduct *a thorough and impartial investigation* and is not limited to the examination of witnesses and documentary evidence listed on the charge sheet or mentioned in the papers accompanying the charges. He should extend his investigation as far as may be necessary to make it thorough. The investigation should be dignified and military, as brief as is consistent with thoroughness and fairness, and limited to the issues raised by the charges and to the proper disposition of the case. Any failure to comply substantially with the requirements of Article 32 which results in prejudice to the substantial rights of the accused at the trial—such as a denial of a reasonable opportunity to secure material witnesses for use at the trial or of an opportunity to prepare his defense—may require a delay in disposition of the case or disapproval of the proceedings. See 69*c* and 87*c*. Similarly, a failure to comply with the provisions of Article 31 may result in a miscarriage of justice. Recommendations of an investigating officer are advisory only.

The remainder of this paragraph (34) is intended primarily to indicate a proper procedure in the usual cases. Variations to meet the circumstances of other cases or exceptional or local conditions, or for any other good reason, are not only permissible but should be adopted, provided the spirit and purpose of the statutory requirements referred to above are observed and carried out.

b. Advising the accused. At the outset of the investigation the accused will be informed of the following: The offense charged against him; the name of the accuser and of the witnesses against him as far as then known by the investigating officer; the fact that charges are about to be investigated; his right to have counsel certified under Article 27(b) represent him at the investigation if he so desires, including the several alternatives available to him as set forth in 34*c*; his right to cross-examine witnesses against him if they are available

and to present anything he may desire in own behalf, either in defense, extenuation, or mitigation; his right to have the investigating officer examine available witnesses requested by him; his right to make a statement in any form; and his rights under Article 31(b).

c. Counsel. If the accused requests that he be represented by counsel, the investigating officer will promptly report the request to the officer who referred the charges for investigation. The latter will take the following action:

(1) If the accused desires civilian counsel provided by him, he will give the accused a reasonable opportunity to obtain the civilian counsel without unduly delaying the investigation, but that counsel will not be provided at government expense; or

(2) If the accused desires military counsel of his own selection and that counsel is reasonably available within the command, he will provide that military counsel. If the counsel is not under the command of the officer who referred the charges for investigation, that officer will take prompt action to ascertain the availability of the requested counsel and, if available, to obtain his services without unduly delaying the investigation; or

(3) If counsel is not provided as indicated in (1) or (2) above and if the officer who ordered the investigation is the officer exercising general court-martial jurisdiction over the command, he will detail counsel certified under Article 27(b) to represent the accused as counsel at the investigation; otherwise he will forward the request of the accused directly and expeditiously to the officer exercising general court-martial jurisdiction over the command, who will promptly designate and provide certified counsel.

The principles stated in 42*b* and, except as indicated above, in 48 apply equally to the counsel at the investigation. Whenever counsel is requested by the accused, the investigation will be conducted in the presence of the counsel unless the accused expressly excuses him.

If practicable, charges must be forwarded to the officer exercising general court-martial jurisdiction within eight days after an accused is ordered into arrest or confinement (Art. 33). The investigation should be conducted promptly, while the events are fresh in the minds of witnesses. An investigation will not be delayed if the accused is unable to obtain civilian counsel provided by him within a reasonable time after having been given an opportunity to obtain that counsel.

If the accused is represented by counsel, the government may be represented at the investigation by counsel with equivalent qualifications designated by the officer who directed the investigation, at the discretion of the latter.

d. Witnesses. All available witnesses, including those requested by the accused, who appear to be reasonably necessary for a thorough and impartial investigation will be called and examined in the presence of the accused, and if counsel has been requested, in the presence of the accused and his counsel. Ordinarily, application for the attendance of any witness subject to military law will be made to the immediate commanding officer of the witness, who will determine the availability of the witness. There is no provision for paying compensation to any witness who gives evidence at the pretrial investigation. There is no provision for compelling the attendance of witnesses not subject to military jurisdiction.

Witnesses who give evidence during the investigation must be examined

on oath or affirmation and, unless procurement of their signatures will cause undue delay in the completion of the investigation, they should sign and swear to the truth of the substance of their statements after they have been reduced to writing. If the accused elects to make a statement, he shall have the option of making it under oath or affirmation or of making an unsworn statement and he should be afforded the opportunity of signing and swearing to the truth of the substance of his statement after it has been reduced to writing. See 114*j* for forms of oaths. If it appears that material witnesses on behalf of the accused or the prosecution may not be available at the time of trial, the investigating officer should initiate action with a view toward obtaining necessary depositions. See 30*f*, 117, and Article 49.

When the investigating officer makes known to the accused the substance of the testimony expected from a witness as ascertained from a written statement of the witness, interview with the witness, or other similar means, and the accused states that he does not desire to cross-examine the witness, the witness need not be called even if available. When a witness requested by the accused is available, the witness need not be called if the accused withdraws his request upon being informed that the testimony expected by the accused from the witness will be regarded as having been actually taken.

To the extent required by fairness to the Government and the accused, documentary evidence and statements of witnesses who are not available will be shown, or the substance thereof will be made known, to the accused and, if counsel has been requested, to his counsel. Upon objection by the accused or his counsel, statements of unavailable witnesses which are not under oath or affirmation will not be considered by the investigating officer.

e. Formal report. Whenever it appears that the case may be disposed of by reference to a general court-martial for trial, a formal report of investigation will be made to the officer who directed it. In this connection, see 34*f*. Such a report ordinarily will be made in triplicate, but one additional copy will be made for each accused in excess of one. Although previously prepared forms may be used, special care should be exercised to insure that the use of these forms does not result in perfunctory or inaccurate certifications of compliance with the requirements of this paragraph (34). Unless otherwise indicated by him, the submission of his report by an investigating officer will be regarded as a statement that to the best of his knowledge and belief the investigation of the matters set forth in the charges was made in substantial conformance with all requirements, the matters set forth in the charges as to which he recommends trial are true, and the charges are in proper form.

A formal report by indorsement or letter will include or carry as inclosures or by reference to other papers returned or submitted by him with the report:

(1) A statement of the name, organization, or address of counsel and information as to the presence or absence of counsel throughout the proceedings in all cases in which counsel has been requested by the accused.

(2) A statement of the substance of the testimony taken on both sides, including any stipulated testimony, for example, when an accused withdraws a request for a witness upon being told that the testimony expected would be regarded as taken. One additional copy of the statement of the substance of the testimony taken will be prepared for each accused to enable the officer exercising summary court-martial jurisdiction to furnish each

accused with a copy if the charges are forwarded to the officer exercising general court-martial jurisdiction. See 33*i*(2) and Article 32(b).

(3) Any other statements, documents, or matters considered by him in reaching his conclusions or making his recommendations, or recitals of the substance or nature of these items.

(4) A statement of any reasonable ground for the belief that the accused is, or was at the time of an offense, mentally defective, deranged, or abnormal.

(5) A statement as to whether essential witnesses will be available in the event of trial. If essential witnesses will not be available, the reasons for nonavailability will be stated.

(6) The recommendation of the investigating officer as to what disposition should be made of the case.

f. Informal report. Unless competent superior authority has directed otherwise, if it does not appear that the case will be disposed of by reference for trial by general court-martial, an informal report to the officer who directed the investigation will be made orally or by a brief memorandum, indorsement, notations on the charge sheet, or other suitable means. However made, the report need include in abbreviated form only the items required in 34*e*(1), (2), (4), and (6) above, but the sources of any material evidence for either side which were not shown in the papers received by the investigating officer should be reported.

35. ACTION BY OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION. ***a. General.*** The charges received by the officer exercising general court-martial jurisdiction ordinarily will have been investigated under the provisions of 34 and Article 32, and will have been examined and forwarded with an appropriate recommendation by an officer exercising summary court-martial jurisdiction. The charges and allied papers usually will be in triplicate, with one additional copy for each accused in excess of one. With respect to the disposition of charges received by him, he is empowered, as the officer exercising general court-martial jurisdiction, to refer them for trial to a general court-martial convened by him, to authorize the trial of certain capital offenses by inferior courts-martial, or, in lieu of trial, to impose any of the punishments authorized in Article 15(b)(1)(B) upon commissioned officers and warrant officers of his command (See 131*b*(1)). In addition to these powers—of which only the power under Article 15 may be delegated (128*a*)—he may take any action on the charges which the immediate commander (32) or the officer exercising summary court-martial jurisdiction (33) is authorized to take. He may take this latter action himself or he may return the charges and allied papers to a proper subordinate commander for appropriate disposition.

b. Reference to staff judge advocate or legal officer. Before directing the trial of any charge by general court-martial, the convening authority shall refer it to his staff judge advocate or legal officer for consideration and advice. The convening authority may not refer a charge to a general court-martial for trial unless he has found that the charge alleges an offense under the code and is warranted by evidence indicated in the report of investigation (Art. 34(a)). In those cases in which the Secretary concerned is the convening authority, the

appropriate Judge Advocate General shall act as the staff judge advocate or legal officer. In any case in which the proceedings have been terminated by declaration of a mistrial, the convening authority, before directing further trial by general court-martial, will again refer the charges to his staff judge advocate or legal officer for consideration and advice. See 56*e*(3).

Subject to the provisions of this paragraph (35), reference to a staff judge advocate or legal officer will be made and his advice submitted as provided in 35*c*. The convening authority shall at all times communicate directly and personally with his staff judge advocate or legal officer in matters relating to the administration of military justice. See Article 6(b). No person who has acted as investigating officer, military judge, or member of the court, prosecution, or defense in any case may later act as staff judge advocate or legal officer in the same case. See Article 6(c).

c. Action of the staff judge advocate or legal officer. The advice of the staff judge advocate or legal officer shall include a written and signed statement as to his findings with respect to whether there has been substantial compliance with the provisions of Article 32, whether each specification alleges an offense under the code, and whether the allegation of each offense is warranted by evidence indicated in the report of investigation. The advice should include, as appropriate, a discussion of the circumstances and available evidence, significant mitigating and extenuating factors, and any prior recommendations for disposition of the case. It shall also include a signed recommendation of the action to be taken by the convening authority. The recommendation will accompany the charges if they are referred for trial.

Chapter VIII

CONVENING OF COURTS-MARTIAL

CONVENING ORDERS—CHANGES IN PERSONNEL—COMMAND RELATIONSHIP WITH COURT

36. CONVENING ORDERS. ***a. General.*** See 4 to 6, inclusive, for various matters relating to the convening of courts-martial including the detail of a military judge, and the detail of trial counsel, defense counsel, and their assistants. It may be inferred that personnel detailed to court-martial duty are on active duty with an armed force. See Article 25.

b. Form and content. A court-martial is created by a convening order issued by the convening authority. The convening order designates the kind of court, the place and time it is to meet, lists the members of the court, and, when appropriate, the military judge and the members of the prosecution and defense. It should designate no more members than those who are expected to be present for the trial of cases referred to the court which it convenes. The qualifications of the military judge under Article 26 and of the members of the prosecution and defense under Article 27 are shown in the convening order. Unless otherwise provided by regulations of the Secretary concerned, the convening order shall also show that the certified legal personnel (Art. 26(b) and Art. 27(b)) have previously taken a prescribed oath to perform their duties faithfully (Art. 42(a)). See chapter XXII as to oaths generally. If enlisted persons are detailed as members of the court, the unit—company, squadron, ship's crew, or corresponding body—of which each is a member is shown (4*b*; Art. 25(c)). The convening order may contain a provision for the withdrawal of cases from other courts-martial and referral of those cases to the new court (56); it should contain no reference as to whether a reporter or interpreter is authorized. See appendix 4 for forms of convening orders.

c. Selection of personnel. (1) *General.* Courts-martial are ordinarily composed of personnel of the convening authority's command. With respect to utilizing personnel of other commands or other armed forces, see 4*f* and *g*. If his subordinate commands are separated geographically, the convening authority may convene a court for each locality, using personnel from the area where the court is to sit. When a general court-martial is to be, or has been, convened to sit at a post, camp, station, or subordinate command located at a distance from the officer exercising general court-martial jurisdiction, and the personnel of the court are selected from that post, camp, station, or subordinate command, the commander of the installation or subordinate command should transmit timely recommendations to the convening authority as to the availability of members of his command, as affected by leave, reassignment, relief from active duty, or other matters, to act as personnel of any court to which they have been or may be detailed.

(2) *Enlisted members.* When charges against an enlisted person have been referred to a general or special court-martial to which enlisted members have not been detailed, the accused may request that enlisted persons serve on the court (61*h*, *j*; Art. 25(c)). Such a request should be made in writing before the conclusion of any Article 39(a) session called by the military judge prior to assembly, and must be made before the court is assembled for the trial of the accused. When a request is made, the convening authority shall:

(*a*) Detail a sufficient number of eligible enlisted persons to the court and, if appropriate, relieve a sufficient number of officers or warrant officers from the court to the end that at least one-third of the members who will actually participate in the trial of the case will be enlisted persons; or

(*b*) Withdraw the charges from the court to which they were originally referred and refer them to a court which includes the required percentage of eligible enlisted persons; or

(*c*) Advise the court before which the charges are pending to proceed with the trial in the absence of enlisted members if eligible enlisted persons cannot be obtained because of physical conditions or military exigencies. When this action is taken, the convening authority should transmit to the trial counsel, for inclusion in the record of trial, a detailed written statement of the reasons why enlisted persons could not be obtained for the trial of the case. This statement may be transmitted to the trial counsel when the charges are referred to trial if the facts are known at that time.

37. CHANGES IN PERSONNEL. ***a. General.*** Subject to the exceptions stated below (37*b*), it is within the discretion of the convening authority to make changes in the composition of courts-martial convened by him. For instance, he may detail new members to a court in lieu of, or in addition to, the members of the original court; or he may detail a new military judge, trial counsel, or defense counsel in lieu of the personnel designated to perform those respective duties by the original convening order. When practicable, the convening authority should change the composition of courts-martial from time to time to provide the maximum opportunity for eligible personnel to gain experience in the administration of military justice.

b. Exceptions. No member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused except for physical disability or as a result of a challenge or by order of the convening authority for good cause (Art. 29(a)). Good cause contemplates a critical situation such as emergency leave or military exigencies, as distinguished from the normal conditions of military life. The determination of facts which constitute good cause for the excuse from attendance or the relief of a member rests within the discretion of the convening authority. The record of trial should detail the basis for absence or relief of any member after assembly and affirmatively establish that the absence or relief falls within the provisions of Article 29(a). The convening authority may not detail additional members to a general or special court-martial after the court has been assembled unless the court is reduced below a quorum or for other good cause. If practicable, he should excuse from future sessions of the court in a particular case any member who was absent when testimony on the merits was heard or other important proceedings were held.

See 41*c* for procedure when a member is absent.

c. Manner in which effected. (1) *Changes in composition.* Changes in the composition of a court-martial, such as changes which involve the detail of new personnel to a court or the relief of a member, are usually accomplished by the promulgation of formal written orders amending the original convening order. If it is necessary to make a change by oral order, message, or signal, the oral order, message, or signal should be confirmed by written orders. For forms of amending orders, see appendix 4. Amendments of the original convening order should be kept to a minimum. To avoid making a number of separate changes by way of amendment, it is better practice to convene a new court. If trial proceedings have not begun, any case pending before the old court may be withdrawn from it and referred to the new court subject to the limitations in 56. In convening a new court, the old court should not be dissolved, nor the order convening the old court rescinded or revoked, as it may be necessary to reassemble the old court for revision proceedings.

(2) *Excusing personnel.* If the convening authority excuses a member or counsel from attendance at future sessions of a general or special court-martial in a particular case or series of cases, but does not desire to relieve him permanently as a member or counsel, he may do this by oral order, message, or signal and need not confirm the action by a written order. See 41*c*, 44*b* and *c*, and 46*b* and *c*.

38. COMMAND RELATIONSHIP WITH COURT. ***a. General.*** Convening authorities and other commanding officers are expressly forbidden to censure, reprimand, or admonish a court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceedings. No person subject to the code may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case or the action of any other convening, approving or reviewing authority with respect to their judicial acts (Art. 37). See also Article 98.

b. Exceptions. (1) *Instructions.* The provisions of 38*a* do not prohibit general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial.

(2) *Court statements.* The provisions of 38*a* do not prohibit statements and instructions given in open court by the military judge, president of a special court-martial without a military judge, or counsel.

c. Evaluation of member. In the preparation of an effectiveness, fitness or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to the code may consider or evaluate the performance of duty of any such member as a member of a court-martial.

d. Evaluation of counsel. In the preparation of an effectiveness, fitness or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified

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to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to the code may give a less favorable rating or evalaution of any defense counsel because of the zeal with which such counsel represented any accused before a court-martial. See 43.

e. Evaluation of military judge. (1) *General courts-martial.* Unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge detailed to a general court-martial, which relates to his performance of duty as a military judge.

(2) *Special courts-martial.* The convening authority shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to a special court-martial which relates to his performance of duty as a military judge. When the military judge is normally rated or his report is reviewed by the convening authority, the manner in which such military judge will be rated or evalauted upon his performance of duty as a military judge may be as prescribed in regulations of the Secretary concerned. These secretarial regulations will insure the absence of any command influence in the rating or evaluation of the military judge's judicial performance. See 38*a* and Article 37.

Chapter IX

PERSONNEL OF COURTS-MARTIAL

MILITARY JUDGE—PRESIDENT—MEMBERS—COUNSEL; GENERAL PROVISIONS—SUSPENSION OF COUNSEL—TRIAL COUNSEL—ASSISTANT TRIAL COUNSEL—DEFENSE COUNSEL—ASSISTANT DEFENSE COUNSEL—COUNSEL FOR THE ACCUSED—REPORTER—INTERPRETER—GUARDS, CLERKS, AND ORDERLIES

39. MILITARY JUDGE. ***a. Selection.*** See 4*e* for qualifications and assignment of the military judge.

b. Duties. (1) *General.* The military judge shall preside over each open session of the court-martial to which he has been detailed. He takes appropriate action in the open sessions of the court in order that the proceedings may be conducted in a dignified, military manner. He is responsible for the fair and orderly conduct of the proceedings in accordance with law. During the trial, he rules on all interlocutory questions including challenges (57), determines if a deposition may be taken while the case is being heard (117*b*), recesses or adjourns the court as appropriate, and instructs the court on questions of law and procedure which may arise. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is final and constitutes the ruling of the court. He may, however, change his ruling at any time during the trial.

(2) *Article 39(a) sessions.* The military judge may call the court into session without the presence of the members of the court pursuant to Article 39(a) for the purpose of hearing and determining interlocutory motions raising defenses and objections, ruling on other matters that may legally be ruled on by the military judge, and performing other procedural functions which do not require the presence of court members. He may also, if permitted by regulations of the Secretary concerned, hold the arraignment, receive pleas, and enter findings of guilty upon an accepted plea of guilty. See 53*d*, 70*b* and appendix 8*a*. The military judge prescribes the uniform to be worn at Article 39(a) sessions.

(3) *Assembling with members.* The military judge should set the time for assembly of the court after consultation with the senior member. The military judge is not a member of the court and does not vote with the members of the court on matters properly referred to the court for decision. Before the court closes to vote on the findings, he instructs it as provided in 73. After the court has finally voted on the findings, he may, at the request of the court, assist it in open court so that it may put the findings in proper form (74*b;* Art. 39). Before the court closes to vote on the sentence, he must give appropriate instructions including the maximum authorized punishment which it may impose (76*b* and 81*d*).

(4) *Interference in conduct of trial.* The military judge may properly intervene in a trial of a case to prevent unnecessary waste of time or to clear up

some obscurity. He should bear in mind, however, that his undue interference or participation in the examination of witnesses, or a severe attitude on his part toward witnesses, may tend to prevent the proper presentation of the case or hinder the ascertainment of the truth.

Consultation between the military judge and counsel in court is often necessary, but the military judge should avoid controversies which are apt to obscure the issues before the court. In addressing counsel, the accused, witnesses, or the court members, he should avoid a controversial manner or tone. He should avoid interruptions of counsel in their arguments except to clarify his mind as to their positions, and he should not be tempted to the unnecessary display of learning or a premature judgment.

(5) *Court-martial composed of military judge alone (Art. 16).* The military judge alone may assemble as a court in the presence of the accused, the defense counsel, and the trial counsel as indicated in 53*d*. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings, make findings of guilt or innocence, and, if the accused is convicted, adjudge an appropriate sentence. He shall make a general finding and shall in addition find the facts specially when requested. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein (74*f*).

c. Record. All proceedings involving rulings or instructions made or given by the military judge during the course of a trial shall be made a part of the record. All rulings and instructions shall be made or given in open session in the presence of the accused and the counsel for the prosecution and defense, but the rulings which, in the discretion of the military judge, should not be brought to the attention of the members (57*g*(2)), if any, need not be made in their presence. See Article 39. A conference between the military judge and counsel for either side, or the senior member of the court, held outside of court for the purpose of discussing the time of the commencement or continuation of the trial, need not be made a part of the record. See 58*a* as to postponement of meeting of the court for a trial. See also 57*g*(2) for rules governing proceedings held outside the presence of members of a court-martial with respect to preliminary evidence, offers of proof, and arguments as to the admissibility of offered evidence, and 73*d* for rules governing the preparation of instructions by the military judge.

d. Absence of military judge. In any case in which a military judge has been detailed to the court, no proceedings may be held in his absence. When the military judge is presiding at a trial with members, he must be present at all times during the trial of the case except when the court is closed to deliberate or vote (Art. 39). When the military judge is absent from any open session of the court during the trial of a case, the court will adjourn until either the military judge is present or a new military judge is regularly detailed and is present. In appropriate cases, the court will report the absence of the military judge to the convening authority. If, before trial, it appears to a military judge that he should not sit on the court, either at all or in a particular case, for reasons enumerated in 62*f* or for other reasons, he will bring the matter to the attention of the convening authority.

e. New military judge. The military judge may not be replaced during the progress of a trial except for physical disability, as a result of challenge, or

for other good cause. As in 37*b*, good cause contemplates a critical situation such as emergency leave or military exigencies, as distinguished from the normal conditions of military life. The record of trial should show the facts which constitute good cause. If a new military judge is detailed to the court in the course of a trial, an opportunity to challenge him for cause having been given, the trial may proceed as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof has been read and shown to him in the presence of the accused and counsel for both sides. An accused who was being tried by the military judge alone, must once again be given the opportunity to request trial by the new military judge alone. If the accused does not so request or if the new military judge does not approve the request, the accused should be tried by a court composed of a military judge and members. See 80*b* for the procedure to be followed when a new military judge is present at revision proceedings.

f. Authentication of record. The military judge who was present at the conclusion of the proceedings in a case will authenticate the record of trial. See 82*f*.

40. PRESIDENT. ***a. General.*** The senior in rank among the members detailed to a general or special court-martial is the president; however, the senior member present at a trial, whether or not he is the senior member detailed to the court, is president of the court for the trial of that case.

b. Duties. (1) *Court-martial with a military judge.* The president of a court-martial with a military judge detailed has the duties, powers, and privileges of members in general. He has the following additional powers and duties:

(*a*) He consults with the military judge as to the time of assembly and prescribes the uniform to be worn at sessions attended by the members.

(*b*) If authorized by regulations of the Secretary concerned, he shall administer oaths to such personnel not previously sworn as those regulations may prescribe. See chapter XXII as to oaths generally.

(*c*) He presides over closed sessions of the court and speaks for the court in announcing the findings and sentence and the results of any vote upon a matter properly presented to the court members for decision.

(*d*) He speaks for the members of the court in conferring with, or in requesting instructions from, the military judge upon any question of law or procedure; but, except for his right as a member to object to certain rulings of the military judge (57*d*, 118), he shall not interfere with those rulings of the military judge which affect the legality of the proceedings.

(2) *Special court-martial without a military judge.* The president of a special court-martial without a military judge is responsible for the fair and orderly conduct of the proceedings in accordance with law in all cases referred to the court. After consultation with trial counsel, he sets the time of trial. As the presiding officer of the court, he takes appropriate action to preserve order in the open sessions of the court in order that the proceedings may be conducted in a dignified, military manner. He also performs, as applicable, the duties prescribed for the president of a court-martial with a military judge (40*b*(1)). In addition, he rules upon all questions of law and all interlocutory questions except challenges (57). He recesses or adjourns the court as appropriate. His

ruling upon any question of law other than a motion for a finding of not guilty is final and constitutes the ruling of the court. On a motion for a finding of not guilty and any interlocutory question of fact, he rules subject to the objection of any member (57*c*). He may, however, change his ruling at any time during the trial. Before the court closes to vote on the findings, he gives the court those instructions which are required by the law in the light of the circumstances of the case. See 73*a*, *b*. Before the court closes to vote upon the sentence, he must give appropriate instructions, including the maximum authorized punishment which may be imposed (76*b* and 81*d*). He will not inform the court of any punishment in excess thereof which could be imposed by a different court or, in case of a rehearing or a new other trial, which could have been imposed had the prior proceedings not taken place. See Article 63(b). With respect to the conduct of trials, he will be guided by the principles outlined in 39*b*(4).

c. Authentication of record. At a special court-martial without a military judge the senior member of the court who was present at the conclusion of the proceedings will authenticate the record of trial as president. See 83 and appendix 9*b*(3).

41. MEMBERS. ***a. General.*** This paragraph is inapplicable to trials by the military judge alone and to Article 39(a) sessions which are conducted without the presence of the members.

The qualifications of members of courts-martial are discussed in 4*a* to *d* inclusive.

b. Duties. Members of courts-martial hear the evidence, determine the guilt or innocence of the accused and, if the accused is found guilty, adjudge a proper sentence. Each member has an equal voice and vote with other members in deliberating upon and deciding all questions submitted to a vote or ballot, the senior member having no greater rights in these matters than any other member. In this connection, see 57*f*, 62*h*(3), 74*d*, and 76*b*(2). Members will be dignified and attentive. Members should not fraternize with the military judge, witnesses, or trial personnel during the course of the trial and should avoid any conduct which may create any appearance of prejudice to the accused. Members should not discuss the case with nonmembers or with other members, until it is submitted to them for final decision. Although a court has no power to punish its members, improper conduct by a member, such as a refusal or failure to vote or properly to discharge any other duty under his oath or otherwise, may be a military offense.

c. Absence of members. No member of a general or special court-martial may be absent from the court during the trial of a case except for physical disability, as a result of a challenge, or by order of the convening authority. If, before the meeting of the court for the trial of a case, it appears to a member that he should not sit on the court for reasons enumerated in 62*f* or for any other reason except physical disability, he will take appropriate steps to bring the matter to the attention of the convening authority.

If he is able to do so, a member of a general or special court-martial who is, or has reason to believe that he will be, absent from a session of the court because of physical disability will so inform the trial counsel. The latter will make an informal inquiry to verify the cause of the absence and, if it occurs after the

assembly of the court for the trial of the accused, will report his findings to the court (41*d*(4)).

d. Effect of absence. (1) *General.* When less than a quorum, that is, the minimum number of members required by Article 16, is present, the court may not proceed with a trial. Less than a quorum may adjourn until a prescribed time. When a quorum is present at a special court-martial without a military judge and one member is challenged, the remaining members may pass on the challenge.

(2) *Enlisted members.* When, pursuant to Article 25(c), an enlisted person requests participation of enlisted members in his trial by general or special court-martial, the court may not proceed with his trial unless at least one-third of the members actually sitting on the court at all sessions at which the members are present after assembly are enlisted members, or the convening authority has directed that the court assemble without enlisted members. See 4*c* and 36*c*(2).

(3) *Before assembly.* The unauthorized absence of a member of a general or special court-martial from a session of the court may be a military offense, but his absence before the assembly of the court for the trial of the accused will not prevent the court from proceeding with the trial if a quorum is present. The trial counsel will report any unauthorized absence of a member to the convening authority.

(4) *After assembly.* If a member who was present at the assembly of the court for the trial of the accused is absent from a future session of the court in the same case, the court may proceed only if a quorum remains and the absence is the result of a challenge, physical disability, or the order of the convening authority for good cause. As to the latter, see 37*b*. In determining whether a member is absent because of physical disability the military judge or president of a special court-martial without a military judge may accept the statement of the trial counsel as to the results of his informal inquiry into the cause of absence (41*c*) or may require the trial counsel to procure and present other evidence, such as a certificate from a physician or a proper official as to the illness of the absent member. To determine whether a member is absent by order of the convening authority, the military judge or the president of a special court-martial without a military judge may accept the statement of the trial counsel that he has been advised by oral order, message, or signal that the member has been excused by the convening authority from further attendance in the case. The trial counsel shall include in his statement the reason for the excusal (37*c*).

e. New member of general court-martial. When a member who was previously absent from, or who has been newly detailed to, a general court-martial has been sworn (or it has been ascertained as a matter of record that he has been previously sworn in accordance with regulations of the Secretary concerned), an opportunity to challenge him having been given, the trial may proceed after the recorded evidence previously introduced in open session has been read to him in the presence of the military judge, the accused, counsel, and the other members of the court. See Article 29(b).

f. New member of special court-martial. When a member who was previously absent from, or who has been newly detailed to, a special court-martial has been sworn (or it has been ascertained as a matter of record that

he has been previously sworn in accordance with regulations of the Secretary concerned), an opportunity to challenge him having been given, the trial shall proceed as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced is read, or a stipulation thereof is read to him, in the presence of the military judge, if any, the accused, counsel, and the other members of the court. See Article 29(c).

42. **COUNSEL; GENERAL PROVISIONS.** ***a. Definition of terms.*** The term "counsel" as used in this manual includes, unless otherwise indicated by the context, the detailed trial counsel and defense counsel of a general or special court-martial and their assistants, if any, and any individual counsel, civilian or military. Whenever the term "trial counsel" is mentioned, it refers to the detailed trial counsel of a general or special court-martial, including, unless otherwise indicated by the context, any assistant trial counsel. Whenever the terms "defense counsel" or "counsel for the accused" are used, they include, unless otherwise indicated by the context, the detailed defense counsel, any detailed assistant defense counsel, and any individual counsel. The term "individual counsel" refers to military counsel selected by the accused and to civilian counsel provided by him.

b. General rules of conduct. In performing their duties before courts-martial, counsel should maintain a courteous and respectful attitude toward the military judge, the members of the court, and opposing counsel, and should treat adverse witnesses and the accused with fairness and due consideration. Personal colloquies between counsel which cause delay or promote unseemly wrangling should be carefully avoided. The conduct of counsel before the court and with each other should be characterized by candor and fairness. Counsel should not knowingly misquote the contents of a paper, the testimony of a witness, the language or argument of opposing counsel, or the language of a decision or a textbook; nor, with knowledge of its invalidity, should counsel cite as authority a decision that has been reversed or an official directive that has been changed or rescinded. As publication in the public press, or on the radio or television, of the circumstances of a pending case may interfere with a fair trial and otherwise prejudice the due administration of justice, counsel should refrain from discussing any such circumstances with representatives of the press, radio, or television unless authorized by the convening authority or other competent superior authority.

c. Interviewing witnesses. Counsel may properly interview any witness or prospective witness for the opposing side in any case without the consent of opposing counsel or the accused. See 44*h* as to relations between the prosecution and the accused. In interviewing a witness, counsel should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth when appearing as a witness at the trial. See Article 31.

43. **SUSPENSION OF COUNSEL.** Rules defining professional or personal misconduct, or other reasonable grounds, which disqualify a person, either temporarily or indefinitely, from acting as counsel before courts-martial may be announced by the Judge Advocates General of the armed forces in appropriate regulations. These regulations shall provide for notice and opportunity to be heard and will also establish procedures to provide for the suspension of persons from acting as counsel before courts-martial. Appropriate action may be taken

by a convening authority, in accordance with the regulations, to recommend suspension of the person affected from practice as counsel before courts-martial of the armed force concerned. Suspension will not be effected except by the Judge Advocate General of the armed force concerned. The Judge Advocate General concerned may, upon good cause shown, modify or revoke a prior order of suspension.

When any person is suspended as counsel before courts-martial by the Judge Advocate General of any armed force, the Judge Advocate General taking that action will notify the Judge Advocates General of the other armed forces and this suspension will be good cause for suspension of the person from acting as counsel before courts-martial of the other armed forces, without further hearing. Also, disbarment by the Court of Military Appeals will be good cause for suspension from acting as counsel before courts-martial without further hearing.

44. **TRIAL COUNSEL.** ***a. Selection.*** See 6 for qualifications of trial counsel.

b. Disqualification. When it appears to the court or to the trial counsel that any member of the prosecution named in the convening order is for any reason, including misconduct, bias, prejudice, hostility, previous connection with a particular case, or lack of legal qualifications, if required, disqualified or unable properly and promptly to perform his duties, a report of the facts will be made at once to the convening authority and appropriate action taken to insure that the disqualified member shall not act for the prosecution.

c. Absence. For a proper reason, for example, preparation of another case, the convening authority, the military judge, or the president of a special court-martial without a military judge may excuse from attendance during a trial or trials those personnel of the prosecution whose attendance will not be required.

d. General duties. The trial counsel shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of the proceedings (Art. 38(a)). When charges are referred to him for trial, it is his duty to bring them promptly to trial before the court indicated in the reference for trial. In general, he may bring cases to trial in the order he deems expedient. He will be given ample opportunity to prepare properly the prosecution of each case.

e. Reports of result of trial. Upon final adjournment of the court in a case, the trial counsel will, in writing, notify the immediate commanding officer of the accused of the result, including any findings reached and any sentence imposed by the court. Unless otherwise directed by the convening authority, the trial counsel will furnish a copy of this report to the convening authority and, if the accused is in confinement, to the commanding officer to whose command the place of confinement is subject. Immediate action will be taken to release the accused if the trial results in an acquittal or in a sentence not involving confinement. See 21*d* and 22 in this respect.

f. Duties before trial. (1) *Examination of file.* He will report to the convening authority any substantial irregularity in the order convening the court or in the charges or accompanying papers. If the membership of the court to which the case is referred is reduced below a quorum for any reason or if the

trial counsel has good reason to anticipate such a reduction, he will report the facts through appropriate channels to the convening authority. See 36*c*(1). Ordinarily, he will correct and initial slight errors or obvious mistakes in the charges, but will not without authority make any substantial change therein. See 33*d* and *e*(2). He will take proper action to assure that the data on the charge sheet and any evidence of previous convictions are complete and free from errors of substance or form.

(2) *Notification of personnel; witnesses.* He will give timely oral or written notice to the members of the court and to all others concerned, including any officer whose duty it is to see that the accused attends the court, of the date, hour, and exact place of any meeting of the court. He may include in this notice such other matter as the military judge or president may direct, such as a statement of the uniform to be worn. Before trial, he will notify and arrange to have present at the trial witnesses who are to testify in person, including witnesses desired by the defense, and the reporter and interpreter if required. Before deciding that the presence of any particular witness is necessary, he should first consider whether the evidence which the witness is expected to give is material and necessary and whether a deposition will properly answer the purpose and is practicable. See 117 and Article 49. The trial counsel does not, however, have authority to determine whether witnesses requested by the defense will be required to attend. If he disagrees with the defense counsel as to whether the attendance of a witness is necessary, he will report the matter to the convening authority in the matter prescribed in 115*a*.

(3) *Preparing for trial.* Before the court assembles, he will obtain a suitable room for the court, see that it is in order, procure requisite stationery, prepare a copy of the charges and specifications for each member of the court and the military judge, and take such other action as will enable him to make a prompt, full, and systematic presentation of the case at the trial. As to each offense charged, the burden is on the prosecution to prove beyond a reasonable doubt by competent evidence that the offense was committed, that the accused committed it, and that he had the requisite criminal intent at the time, except to the extent that such a burden is relieved by a plea of guilty. When the question of jurisdiction of the court over the accused is placed in issue, the prosecution also has the burden of proving that jurisdiction exists, without regard to the accused's pleas. Whatever the defense may be, the burden of proof in each of these instances never changes. Proper preparation to meet this burden includes a consideration of the essential elements of the offense and of the pertinent rules of evidence, to the end that only competent evidence will be introduced at the trial, and requires a determination of the order in which the evidence will be introduced. In general, evidence should be presented in the sequence of events as nearly as practicable, and when several offenses are charged, especially if unrelated, the evidence should be directed to the development of their proof in the order charged. If evidence is to be presented out of proper sequence to suit the convenience of witnesses or for other reasons, the trial counsel may invite the attention of the court to the anticipated deviation.

(4) *Legal research.* If he finds that the provisions of this manual do not clearly settle a question likely to arise at the trial, he should endeavor to secure for use at the trial authorities to sustain his contentions, such as pertinent de-

cisions of the courts or authoritative military precedents. To secure these authorities, he may communicate with the convening authority.

(5) *Reporting inadvisability of trial.* If, while preparing a case, he discovers a matter which in his opinion makes it inadvisable to bring the case to trial, he will inform the convening authority at once, provided it is reasonably apparent that the matter was not known to the convening authority when the charges were referred for trial. For example, this action would be appropriate when the trial counsel discovers that there has not been a substantial compliance with Article 32, and it appears that the accused may be prejudiced thereby, or that the accused was or is insane, or that the only witness to an essential fact has disappeared or repudiates the substance of the testimony expected from him.

g. Duties during trial. (1) *General.* He executes all orders of the court. Under the direction of the court, he keeps or superintends the keeping of the required record of proceedings.

Although his primary duty is to prosecute, any act, such as the conscious suppression of evidence favorable to the defense, inconsistent with a genuine desire to have the whole truth revealed is prohibited. With a view to saving time and expense, he should join in appropriate stipulations as to unimportant or uncontested matters. See 154*b* (Stipulations).

He should respectfully call the attention of the court to any apparent illegalities or irregularities in its action or in the proceedings.

He will take care that any papers in his possession which relate to a case referred to him for trial and which are not in evidence are not exposed to any risk of inadvertent examination by members of the court. He will not bring to the attention of the court any intimation of the views of the convening authority, or those of the staff judge advocate or legal officer, with respect to the guilt or innocence of the accused, an appropriate sentence, or concerning any other matter exclusively within the discretion of the court. See Article 37.

Aside from opinions expressed in the proper discharge of his duty to prosecute, for example, in his closing argument or in an argument on a motion or on the admissibility of evidence, he should not give the court his opinion upon any point of law arising during the trial except in court when it is requested by the military judge or the president of a special court-martial without a military judge. It is improper for him to assert before the court his personal belief as to the guilt or innocence of the accused. When he addresses the court, he will rise.

(2) *Presentation of the case.* The trial counsel may make an opening statement—that is, a brief statement of the issues to be tried and what he expects to prove—but he will avoid including or suggesting matters as to which no admissible evidence is available or intended to be offered. Ordinarily, such a statement is made immediately before the introduction of evidence for the prosecution, but in exceptional cases the military judge, or the president of a special court-martial without a military judge, in his discretion may permit like statements to be made at later stages of the proceedings.

On behalf of the prosecution, he conducts the direct and redirect examination of the witnesses for the prosecution and the cross and recross-examination of the witnesses for the defense. He will, unless the military judge, or the president of a special court-martial without a military judge, otherwise directs, conduct the examination for the court of any witnesses called by the court.

On behalf of the prosecution, he may cross-examine a witness called by the court if the witness has not previously testified for the prosecution or defense (see 153*b*(1)), or if the witness has so testified, as to any new matter elicited upon recall by the court (see 149*b*(3)).

See 72 as to closing arguments.

h. Relations with the accused and his counsel. Except to the extent that this manual may otherwise require, it is not his duty to assist or advise the defense.

Immediately upon receipt of charges referred to him for trial, he will serve a copy of the charge sheet, as received and corrected by him, on the accused and will inform the defense counsel that the copy has been so served. Except as otherwise directed by the convening authority (see, for example, 151*b*(1) and (3)), he will permit the defense to examine from time to time any paper accompanying the charges, including the report of investigation and papers sent with the charges on a rehearing. He will also permit the defense to examine from time to time the order convening the court and all amending orders. Before trial, he should advise the defense of the probable witnesses to be called by the prosecution, and the fact that the defense has not been so advised with respect to a witness who appears at the trial may be a ground for a continuance.

His dealings with the defense should be through any counsel the accused may have. Thus, if he desires to know how the accused intends to plead or whether an enlisted accused desires enlisted members on the court, he will ask the regularly detailed defense counsel or other counsel, if any, of the accused. He will not attempt to induce a plea of guilty.

The trial counsel will furnish every person tried by the court a copy of the record of the proceedings as soon as it is authenticated. In this connection, see 82*g*(1) (Disposition—Delivery to accused).

i. Duties after trial. See 82, 83, and appendix 9*b* for rules and procedures governing the preparation, authentication, and disposition of the record of trial.

45. ASSISTANT TRIAL COUNSEL. ***a. General court-martial.*** Unless he is disqualified by reason of prior participation in the case (6*a*), any person named in the convening order as an assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by Article 27(b), perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. See Article 38(d). He will perform those duties in connection with trials which the trial counsel may designate. However, an assistant trial counsel who is not qualified to be a trial counsel as required by Article 27(b) may not perform any of the duties of the trial counsel before the court in a general court-martial case. Except when the contrary affirmatively appears, all duties performed outside of court by the assistant trial counsel of a general court-martial shall be deemed to have been performed under the direction of the trial counsel.

b. Special court-martial. Unless he is disqualified by reason of prior participation in the case, any person named in the order as an assistant trial counsel of a special court-martial may perform any duty of the trial counsel. See Article 38(d). He will perform those duties in connection with trials which the trial counsel may designate.

46. DEFENSE COUNSEL. ***a. Selection.*** See 6 for qualifications of defense counsel.

b. Disqualification. A report of facts will be made at once to the convening authority for his appropriate action when it appears to the court or to the defense counsel that any member of the defense named in the convening order is for any reason, including unfitness, bias, prejudice, hostility toward the accused, lack of legal qualifications if required, or previous connection with the same case, unable properly and promptly to perform his duties in any case.

c. Absence. For a proper reason, for example, preparation of another case, the military judge, or the president of a special court-martial without a military judge, shall, with the express consent of the accused, excuse from attendance during a trial those personnel of the defense whose attendance will not be required. See Article 38(b).

d. General duties. When the defense is not in charge of individual counsel (42*a*), the duties of defense counsel are those outlined in 48. When the defense is in charge of individual counsel, civilian or military, the duties of defense counsel as associate counsel are those which the individual counsel may designate.

When charges are referred to a court for trial, the defense counsel will inform the accused immediately that he has been detailed to defend him at the trial, explain his general duties, and advise him of his right to select individual counsel, civilian or military, of his own choice pursuant to Article 38(b). If the accused expresses a desire to be represented by individual counsel, the defense counsel will immediately report the fact to the convening authority, through the trial counsel, and take appropriate steps to secure and consult the requested counsel and, if the accused desires, act as associate counsel. Unless the accused otherwise desires, the defense counsel will undertake the immediate preparation of the defense without waiting for the detail or retention of any individual counsel.

47. ASSISTANT DEFENSE COUNSEL. Unless he is disqualified by reason of prior participation in the case (6*a*; Art. 27(a)), any person named in the order as an assistant defense counsel of a general or special court-martial may, when he is qualified to be the defense counsel as required by Article 27, perform any duty imposed by law, regulations, or custom of the service upon counsel for the accused. See Article 38(e). Unless in charge of the defense, he will perform those duties in connection with the trial that the counsel in charge of the defense may designate. However, an assistant defense counsel who is not qualified to be defense counsel as required by Article 27 may not perform any of the duties of the defense counsel before the court in a general or special court-martial case. Except when the contrary affirmatively appears, all duties performed outside of court by the assistant defense counsel shall be deemed to have been performed under the direction of the counsel in charge of the defense.

48. COUNSEL FOR THE ACCUSED. ***a. Statutory right to counsel of his own choice.*** The accused has the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him,

or by the military counsel of his own selection if reasonably available, or by the defense counsel detailed under Article 27. Should the accused have counsel of his own selection, the defense counsel and any assistant defense counsel who were detailed, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the military judge or by the president of a special court-martial without a military judge (Art. 38(b)). Civilian counsel will not be provided at the expense of the United States.

Only a person qualified under Article 27(b) or otherwise qualified as a lawyer may act as individual counsel or represent an accused before a general court-martial or a special court-martial at which a bad-conduct discharge may be adjudged. Even at his own insistence after full advice an accused may not be represented by a person who does not fall within one of these categories. An accused may, if he desires, conduct his own defense without assistance of counsel. In such a case, the military judge or the president of a special court-martial without a military judge (15*b*), shall advise him of his right to be represented by qualified counsel. In any case, whether represented by counsel or by himself, an accused may have a nonlawyer present and seated at the counsel table and may consult with him, subject to the discretion of the military judge or the president of a special court-martial without a military judge.

Military personnel on active duty or persons employed by the armed forces shall not solicit or accept fees of any kind from an accused as reimbursement for acting as his counsel before a court-martial or before any of the appellate agencies concerned with the administration of justice under the code.

b. Detail of individual military counsel. The application for the detail of a person requested by the accused as military counsel may be made by the accused or by anyone on his behalf, but it is usually forwarded by the defense counsel to the convening authority. The convening authority will take the following action:

(1) If the requested counsel is within his immediate command and is reasonably available, he will make the detail and order any necessary travel. If he determines that the requested counsel is not reasonably available, he will so advise the accused.

(2) If the requested counsel is not a member of the command of the convening authority, the convening authority will forward the request for a determination of availability to the commanding officer or head of the organization, activity, or agency with which the requested counsel is on duty.

When a determination is made within a military department that requested counsel is not available, unless made at departmental level or by a commanding officer or supervisor immediately subordinate to the departmental level, that determination is subject to appeal to the requested counsel's next higher commanding officer or level of supervision. Appeals may not be made which require action at departmental or higher level. The accused will be promptly notified of any decision on a request or an appeal. A pending appeal is ordinarily a proper ground for postponement or continuance of the trial. When a determination has been made that requested military counsel is not reasonably available and the case is subsequently tried by a special or general court-martial, the application of the accused for that counsel and the actions of the convening authority and, if applicable, of other authorities, together with the reasons for

the determination, shall be made a matter of record and be included with the record of trial.

A person who has acted as a member of the prosecution in the same case is not available for detail as individual counsel. See 6*a* and Article 27. A military person who has been made available to act as individual counsel will, so far as is practicable, be relieved of all other duties which may interfere with the proper preparation and presentation of the accused's case.

c. Duties in general. An officer or other military person acting as counsel for the accused before a general or special court-martial will perform such duties as usually devolve upon the counsel for a defendant before a civilian court in a criminal case. He will guard the interests of the accused by all honorable and legitimate means known to the law. It is his duty to undertake the defense regardless of his personal opinion as to the guilt of the accused; to disclose to the accused any interest he may have in connection with the case, any ground of possible disqualification, and any other matter which might influence the accused in the selection of counsel; to represent the accused with undivided fidelity; and not to divulge his secrets or confidence. It is improper for him to assert in argument his personal belief in the innocence of the accused or to tolerate any manner of fraud or chicane.

When a defense counsel is designated to defend two or more coaccused in a joint or common trial, he should advise them of any conflicting interests in the conduct of their defense which would, in his opinion, warrant a request on the part of any of the accused for other counsel.

d. Securing witnesses. He should make timely request to the trial counsel to secure the attendance of defense witnesses, and with a view to saving time, labor, and expense, he should cooperate with the trial counsel in the preparation of depositions and in appropriate stipulations as to unimportant or uncontested matters. See 154*b* (Stipulations).

e. Request for trial by the military judge alone. If the case has been referred to a court to which a military judge has been detailed, he will advise the accused that, prior to assembly, the accused may request that he be tried by the military judge alone. See Articles 16 and 18. If the accused desires to request trial by the military judge alone, the defense counsel will prepare a written request to be signed by the accused and himself and forward it through the trial counsel to the military judge for decision. See appendix 8*e*.

f. Request for enlisted members for the court. Before the trial, he will also advise an accused enlisted person of his right to have enlisted persons as members of the court. See Article 25(c). If the accused elects to exercise this right, the defense counsel will prepare the written request required by Article 25(c), have it signed by the accused, and forward it without delay, through the trial counsel, to the convening authority or to the court if trial is imminent.

g. Consultation with the accused. He will explain to the accused the meaning and effect of a plea of guilty and his right to introduce evidence after such a plea (70; app. 8*a*); his right to testify or to remain silent (148*e*, 149*b*; app. 8*a*); his right, after findings are announced, to make an unsworn statement and to introduce evidence as to matters in extenuation and mitigation (75*c*; app. 8*a*); and his right to assert any proper defense or objection, such as the statute of limitations in an appropriate case (68*c*, 74*h*). These explanations

will be made regardless of the intentions of the accused as to testifying or as to how he will plead. Counsel should endeavor to obtain full knowledge of all the facts of the case before advising the accused, and he is bound to give the accused his candid opinion of the merits of the case.

h. Preparation for trial. Ample opportunity will be given the accused and his counsel to prepare the defense, including opportunities to interview each other and any other person. See 42*e* and 44*h*. Counsel's preparation for trial should include a consideration of the essential elements of each offense charged and of the pertinent rules of evidence, to the end that the evidence he proposes to introduce in defense may be confined to competent evidence, and that he may be ready to make appropriate objection to any incompetent evidence that might be offered by the prosecution. If practicable, he should plan to introduce the defense evidence in the sequence of events and to defend against the alleged offenses in the order charged. When he addresses the court, he will rise.

The provisions of 44*f*(4) apply equally to counsel for the defense.

i. Presentation of the defense. Counsel may make an opening statement for the defense similar to that indicated in 44*g*(2). This statement is ordinarily made just after the prosecution has rested or immediately following the opening statement of the trial counsel, but in exceptional cases the military judge, or the president of a special court-martial without a military judge, as a matter of discretion may permit it or other like statements to be made at other stages of the proceedings.

On behalf of the defense, he conducts the direct and redirect examination of witnesses for the defense. He conducts cross and recross-examination of prosecution witnesses and of witnesses called by the court.

See 72 as to closing arguments.

j. Absence of accused. When the trial proceeds after the accused has voluntarily absented himself without authority (11), the counsel should continue to represent the accused.

k. Duties after trial. (1) *Clemency petition.* At the close of the trial or as soon thereafter as practicable, if the accused is found guilty, the defense counsel may prepare a recommendation for clemency setting forth any matters as to clemency which he desires to have considered by the members of the court or the reviewing authority. He will secure the signatures of those members of the court who have indicated their willingness to sign the recommendation, and will submit it to the trial counsel for attachment to the record of trial. See 77*a*.

(2) *Appellate brief.* In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he considers appropriate (82*e*; Art. 38(c)).

(3) *Advising accused of appellate rights.* If the accused is convicted, the defense counsel will advise him in detail of his appellate rights. For example, in an appropriate case, he shall advise him of his right to be represented before the Court of Military Review and, when appropriate, he will assist the accused in requesting appellate representation by preparing a letter for the signature of the accused, addressed to the appropriate authority, or by other means. Although

direct communication with the appellate defense counsel is authorized, a request for appellate representation ordinarily will be forwarded to the convening authority in order that it may be attached to the record of trial. The accused shall have 10 days from notice of the action of the convening authority (84), or in special court-martial cases in which action is taken by a separate officer exercising general court-martial authority (94*a*(3)), from notice of the action of the latter, in which to forward a request that he be represented by appellate counsel before a Court of Military Review. Such a request should be made conditional upon the record being referred to a Court of Military Review under Article 66 or Article 69. The accused should be advised that his failure to forward within 10 days a request for appellate representation may be regarded as a waiver of his right to appellate counsel before the Court of Military Review, if that court has taken its final action in the case before receipt of such a request. The defense counsel should also advise the accused of any right he may have to appeal to the Court of Military Appeals and to be represented before that court by appellate defense counsel. See 102 in this connection.

(4) *Deferment of confinement.* If the accused is convicted and his sentence includes confinement at hard labor, the defense counsel will advise him of his right to make application for deferment of service of the confinement in accordance with Article 57(d). See 88*f*.

(5) *Examination of record.* See 82*e* for duties in connection with examination of the record of trial.

49. REPORTER. ***a. Authority to detail or employ.*** See 7 and Article 28 for the authority for, and the manner of detailing or employing, reporters and 33*k* as to the manner of directing that a reporter not be used in a special court-martial.

b. Duties. (1) *General.* See Article 39. He shall record the proceedings of and testimony taken before courts-martial, courts of inquiry, or military commissions for which he is detailed or employed (Art. 28) and may do this in the first instance in longhand, shorthand, or by mechanical or electronic means. If a question is raised at the trial as to whether any particular matter is included in the term, "proceedings of and testimony taken," the military judge, or the president of a special court-martial without a military judge, will determine the question in accordance with applicable law and regulation. It is the duty of the reporter to include in the record everything which is said or takes place in open sessions, hearings out of the presence of the court members, and the reporter will omit no portion of these proceedings from the record. The reporter will follow the forms prescribed for the preparation of records contained in appendix 9 and will be familiar with the provisions of 82. He will discharge his duties as promptly as practicable under the circumstances.

(2) *Copies of record.* In general and special court-martial cases in which the sentence adjudged affects a general or flag officer, or includes death, dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more, the reporter will prepare an original and two copies of each record and of all documentary exhibits and additional copies of each record and of all documentary exhibits received in evidence equal to the number of accused tried. In all other general and special court-martial cases, the reporter will prepare an original of each record and of all documentary exhibits and copies

of each record and of all documentary exhibits received in evidence equal to the number of accused tried.

In any general or special court-martial case, the convening authority may direct that additional copies of the record and of documentary exhibits be prepared.

(3) *Oath; compensation.* See chapter XXII as to oaths generally. The Secretary concerned will provide regulations concerning the form of the oath for the reporter, the time and place of the taking thereof, the manner of recording same, and whether the reporter shall take one oath for all cases in which he performs these duties, or whether he shall take an oath for each particular case. The Secretary concerned may prescribe regulations for the payment of allowances, expenses, per diem, and compensation of reporters.

50. INTERPRETER. ***a. Authority to detail or employ.*** See Article 28. See 7 for the authority for, and manner of detailing or employing, interpreters and 53*i* for the rule as to the detail or employment of an interpreter for an accused who does not understand the English language.

b. Duties; oath; compensation. He shall interpret for the court, commission, or the accused. In questioning a witness through an interpreter, the question should be put in the same interrogatory form as when questioning a witness not through an interpreter. The interrogator, for example, will ask, "What is your name?" rather than state to the interpreter, "Ask the witness what his name is." The interpreter should translate questions and answers as given to him. Thus, if the question is, "What is your name?" the question should be asked in the language of the witness, and the interpreter should not use such a form as, "They want to know what your name is."

The Secretary concerned will provide regulations concerning the form of the oath for the interpreter, the time and place of the taking thereof, the manner of recording same, and whether the interpreter shall take one oath for all cases in which he performs these duties, or whether he shall take an oath for each particular case. The Secretary concerned may prescribe regulations for the payment of allowances, expenses, per diem, and compensation of interpreters.

c. Counter-interpreters. The accused may, at his own expense, provide a counter-interpreter to test the translation of the detailed or employed interpreter. See 141.

51. GUARDS, CLERKS, AND ORDERLIES. When appropriate, the convening authority or, if the trial is to be held at a distance, the commanding officer of the post, camp, or station where the trial is to be held will provide guards and detail suitable enlisted persons as clerks and orderlies to assist the members and officers of the court.

Chapter X

GENERAL PROCEDURAL RULES

REFERENCE TO CONVENING AUTHORITY—MISCELLANEOUS MATTERS—INTRODUCTION OF EVIDENCE—ACTION WHEN EVIDENCE INDICATES AN OFFENSE NOT CHARGED—WITHDRAWAL OF SPECIFICATIONS; MISTRIALS—INTERLOCUTORY QUESTIONS OTHER THAN CHALLENGES—POSTPONEMENTS AND CONTINUANCES

52. REFERENCE TO CONVENING AUTHORITY. When a matter as to future proceedings in a trial by court-martial is referred to a convening authority exercising general court-martial jurisdiction, he will refer the matter to his staff judge advocate or legal officer for consideration and advice.

53. MISCELLANEOUS MATTERS. ***a. Order of proceedings.*** The chronological order of the usual proceedings in trials by general and special courts-martial is indicated in the guide to procedure in appendix 8 and in the forms of records in appendices 9 and 10.

b. Proceedings in each case to be complete. In each case, the proceedings and the record thereof must be completed without reference to any other case. For example, the requirement for appropriate instructions in each case cannot be met if the military judge, or president of a special court-martial without a military judge, simply refers to instructions given to those same court members in another or related case.

c. Joint and common trials. In joint trials (26*d*) and in common trials (33*l*) each of the accused must in general be accorded every right and privilege which he would have if tried separately. For example, each accused may, if he desires, be defended by individual counsel, make individual challenges for cause (62*h*), make individual peremptory challenges (62*e*), cross-examine witnesses, testify in his own behalf, introduce evidence in his own behalf, make an individual request that the membership of the court include enlisted persons, if an enlisted accused (4*b*, 61*h*), and, if a military judge has been detailed, make an individual request for trial by the military judge alone. In a joint or common trial, evidence which is admissible against only one or some of the joint or several accused may be considered only against the accused concerned. For example, see 140*b*. When the evidence is equally applicable to several or all accused, however, needless repetition may be avoided by the use of appropriate language and consolidation of evidence pertinent to all accused.

d. Sessions. (1) *Article 39(a) session.* At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to Article 35, call the court into session without the presence of the members for the purpose of:

(*a*) hearing and determining motions raising defenses or objections

which are capable of determination without trial of the issues raised by a plea of not guilty;

(*b*) hearing and ruling upon any matter which may be ruled upon by the military judge, whether or not the matter is appropriate for later consideration or decision by the members of the court;

(*c*) holding the arraignment and receiving the pleas of the accused, if permitted by the regulations of the Secretary concerned; and

(*d*) performing any other procedural function which may be performed by the military judge which does not require the presence of the members of the court.

These proceedings are a part of the trial and shall be conducted in the presence of the accused, the defense counsel, and the trial counsel. See 57*g*(2) and 73*d*. Process, including a subpoena, may be issued to compel the attendance of witnesses and the production of evidence. See 115.

The military judge of a court-martial composed of a military judge and members should, ordinarily, call the court into session without the attendance of members for the purpose of ascertaining, when applicable, the existence of a request for trial by military judge alone or a request for enlisted members; disposing of interlocutory matters; hearing defenses and objections; ruling upon other matters that may legally be ruled upon by the military judge such as admitting evidence; and performing other procedural functions which do not require the presence of court members. He may also, if permitted by regulations of the Secretary concerned, hold the arraignment, receive pleas, and enter findings of guilty upon an accepted plea of guilty. The military judge may call the court into one or more Article 39(a) sessions prior to assembly, after assembly, and when directed by the appropriate reviewing authority, subsequent to announcement of sentence.

A typical matter which may be disposed of at an Article 39(a) session prior to assembly is the decision on the admissibility of a contested statement of the accused. An objection by the defense to the admissibility of a statement on the ground that it was not voluntary may involve a lengthy hearing before the military judge from which the members of the court are excluded. By ruling on this question at such a session before the members of the court have assembled, the members are not required to spend considerable time waiting for a decision of the military judge. If the military judge sustains the objection, the issue is resolved, and the facts and innuendoes surrounding the making of the statement will not reach the members by inference or otherwise. If the military judge determines to admit the statement, the issue of voluntariness may be presented to the full court.

An Article 39(a) session may be held after announcement of sentence in order to dispose of matters raised by appellate authorities such as questions of jurisdiction or speedy trial. For example, if a Court of Military Review remands a case for consideration of a speedy trial issue, the military judge may call the court into session without members to dispose of the question.

(2) *Military judge alone.* (*a*) *General.* A general or special court-martial to which a military judge has been detailed shall consist of the military judge alone if the accused, before the court is assembled, so requests in writing and the military judge approves. Before deciding whether to make such a request, the accused is entitled to know the identity of the military judge and to consult

with his defense counsel (Article 16). The military judge may hear arguments from both trial and defense counsel prior to acting on a request for trial before him alone. See appendix 8*e* for form of request.

Since a general court-martial composed of a military judge alone does not have jurisdiction to try any case which has been referred for trial as capital (14*a*), the accused in such a case has no right to request trial before the military judge alone.

(*b*) *Request prior to trial.* If the accused has requested trial by the military judge alone and the military judge has approved the request prior to the start of trial, he should assure himself at the trial, before announcing that the court has assembled, that the request was understandingly made by the accused. After a request has been approved, it may be withdrawn by the accused at any time before assembly of the court in the discretion of the military judge. If the military judge finds that the approved request is defective or allows the accused to withdraw it, he may either adjourn the session or call the court into Article 39(a) session preparatory to assembly of the court with members. If the request was understandingly made and has not been withdrawn, the military judge should immediately announce that the court has assembled. See 61*g* and appendix 8*b* for procedure.

(*c*) *Request made at Article 39(a) session.* A request for trial by the military judge alone, if not made earlier, should be made at any Article 39(a) session held prior to assembly. If the military judge has a pending request at an Article 39(a) session, he will assure himself at the session that the request was understandingly made. If the military judge approves the request, he should announce that the court is assembled and proceed with the trial of the case. If the military judge disapproves the request, he should continue with the Article 39(a) proceedings. See appendix 8*a* for procedure.

(*d*) *Inquiry prior to assembly with members.* If a request for trial by the military judge alone has not been made prior to trial or at an Article 39(a) session, if any, the military judge, after calling the court to order, should give the accused an opportunity to make such a request. If the accused submits a request and the military judge approves, the military judge should excuse the members from further participation in the case and announce that the court is assembled for the trial of the case. If the accused expressly declines to submit a request or if the military judge disapproves the request, the trial will proceed. See 61*g* and appendix 8*b* for procedure.

(*e*) *Procedure.* The same general procedure shall be used in a trial before the military judge alone as is used in a trial before a military judge and members. The military judge rules finally on all questions of law and fact in the case including the admissibility of evidence and the factual issue of the mental responsibility of the accused. The military judge shall also determine the guilt or innocence of the accused and, when appropriate, adjudge a sentence. The military judge shall make a general finding and shall in addition find the facts specially when requested. See 39*b*(5), 74*i*, and appendix 8*b*.

(3) *Miscellaneous Provisions.* The Article 39(a) session and the proceedings before the court composed of the military judge alone, as well as the proceedings before the court with members, are all open sessions. Consultation of the court members with counsel or the military judge, shall also take place in open session, shall be made a part of the record, and shall be in the presence

of the accused, the defense counsel, the trial counsel, and, when a military judge is detailed, in the presence of the military judge. See 57*g*(2) and 73*d*.

A court-martial with members will sit in closed sessions during the deliberation and voting upon the findings and sentence, and upon other matters properly referred to it for decision. Only the members of the court who are to vote shall be present at these closed sessions. The military judge may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may the military judge vote with the members of the court.

No member of a general or special court-martial shall have access to or use in any open or closed session the Manual for Courts-Martial, reports of decided cases, or any other reference material, except that the president of a special court-martial without a military judge may use these publications or materials in open session.

e. Spectators; publicity. As a general rule, the public shall be permitted to attend open sessions of courts-martial. Unless otherwise limited by directives of the Secretary of a Department, the convening authority, the military judge, or the president of a special court-martial without a military judge may, for security or other good reasons, direct that the public or certain portions thereof be excluded from a trial. However, all spectators may be excluded from an entire trial, over the accused's objection, only to prevent the disclosure of classified information. The authority to exclude should be cautiously exercised, and the right of the accused to a trial completely open to the public must be weighed against the public policy considerations justifying exclusion. In most instances, it is proper to exclude only those persons falling within a limited category for which good reasons exist for exclusion. For example, it would be proper to exclude minors when the evidence is likely to involve scandalous or indecent matter which would have an adverse effect on immature minds, to exclude those persons that would cause an overcrowded courtroom or displace those with a special concern in the trial, and to exclude any person who interferes with the administration of justice. Further, it would be proper to exclude all spectators temporarily when a child witness cannot coherently testify before an audience.

Persons other than the accused have no standing to object to the exclusion of spectators. When practicable, notices of the time and place of sessions of courts-martial will be published so that persons subject to the code may be afforded opportunity to attend as spectators provided attendance does not interfere with the performance of their duties. See also 118 (Contempts).

The taking of photographs in the courtroom during an open or closed session of the court, broadcasting of the proceedings from the courtroom by radio or television, or the recording of the proceedings by recording or similar devices for public release or broadcast will not be permitted.

The release of information with respect to suspected offenses and trials by courts-martial will be in accordance with regulations of the Secretary of a Department.

f. Witnesses. Ordinarily, witnesses other than the accused should be excluded from the courtroom except when they are testifying. To prevent the false shaping of testimony through collusion, coercion, or other means, the military judge, or the president of a special court-martial without a military judge,

upon his own motion or upon motion of counsel may instruct a witness to refrain from discussing his testimony or prospective testimony with anyone except counsel or the accused in the case. See appendix 8 for form of instruction.

g. Opportunity to present and support contentions. Both sides are entitled to an opportunity properly to present and support their respective contentions upon any question or matter presented to the court for decision. Restricting argument, particularly in long and complicated cases, or an arbitrary refusal to entertain argument on an interlocutory question, may constitute error; however, the right to present argument should not be abused, and the military judge or president of a special court-martial without a military judge may as a matter of discretion limit or refuse to hear argument when it is trivial, mere repetition, or made for the purpose of delay. Arguments throughout the trial may be oral, in writing, or both. See 82*b*(4) in this connection.

h. Explanation of rights of accused. Ordinarily, the military judge, or the president of a special court-martial without a military judge, need not volunteer advice to the accused during the course of the trial as it may be assumed that his counsel has performed his duties properly, has advised the accused of his rights and the law affecting the case, and that, for reasons best known to them, they desire to pursue a certain course. When deemed necessary, the military judge, or the president of a special court-martial without a military judge, will satisfy himself that the accused is aware of any right to which he is entitled by inquiry of counsel or by explaining that right. The rights of the accused with respect to the statute of limitations (68*c*; Art. 43) will, when applicable, be explained to the accused unless it otherwise affirmatively appears that the accused is aware of these rights. See 70*b* for the procedure to be followed as to guilty pleas. An accused who is not represented by legally qualified counsel should be advised of his rights to remain silent, testify as a witness, or make an unsworn statement as appropriate at the proper stages of a trial (75*c*(2), 140*a*, 148*e*, and 149*b*). When an accused is represented by legally qualified counsel, it may be assumed that he has been correctly advised of these rights, and it is unnecessary to inquire if the accused has been so advised or to explain the right to the accused. Any inquiry or explanation as to the rights of the accused to testify in a court-martial with a military judge shall be made out of the hearing of the court members. See appendix 8 for forms of instructions.

i. Right of accused to interpreter. Upon a showing by the defense that the accused does not understand the English language and desires the services of an interpreter, the military judge, or the president of a special court-martial without a military judge, will direct the trial counsel to take appropriate action to provide the accused with a competent interpreter. The latter will interpret for the accused all proceedings had in open session and all testimony given in any language other than that understood by the accused. The interpreter will be sworn before entering upon his duties. See chapter XXII as to oaths generally.

54. INTRODUCTION OF EVIDENCE. ***a. Presentation of the case.*** Witnesses are usually examined in the following order: Witnesses for the prosecution, witnesses for the defense, witnesses for the prosecution in rebuttal, witnesses for the defense in rebuttal, witnesses for the court. The order of examining each witness is usually direct examination, cross-examination,

redirect examination, recross-examination, and examination by the court. In a court-martial with a military judge, the examination by the court is ordinarily conducted by the military judge; thereafter, if necessary, members of the court may ask questions of the witness. The court should protect every witness from improper questions, insulting treatment, and unnecessary inquiry into his private affairs. See 149*b* in this regard. Also see 150 and Article 31(a) and (c) for questions which a witness cannot be required to answer over his objection and 148, 149, 151, and 153 for other rules respecting the examination of witnesses.

b. Responsibility of the court. The court is not obliged to content itself with the evidence adduced by the parties. When that evidence appears to be insufficient for a proper determination of the matter before it or when not satisfied that it has received all available admissible evidence on an issue before it, the court may take appropriate action with a view to obtaining available additional evidence. The court may, for instance, require the trial counsel to recall a witness, to summon new witnesses, or to make an investigation or inquiry along certain lines with a view to discovering and producing additional evidence. In doing so, however, the court must be careful not to depart from an impartial role. The right of the members to cause the recall of a witness or to call for additional evidence is subject to an interlocutory ruling by the military judge or the president of a special court-martial without a military judge as to the propriety therefor.

c. Exclusion of improper evidence. When offered evidence would be excluded on objection, the military judge, or the president of a special court-martial without a military judge, may as a matter of discretion bring the matter to the attention of any party entitled, but failing, to object to its admission. This action is particularly important when improper testimony is elicited by questions asked by a member of the court—the reason for this being the natural hesitancy of the parties to object to a question asked by a member of the court and the weight likely to be given to testimony elicited through questions by the court. In the interest of justice, the military judge or the president of a special court-martial without a military judge may on his or its own motion exclude inadmissible evidence.

Rules of evidence are stated in chapter XXVII and in various connections throughout this manual; for example, in 122*c* (Insanity), and 164 (Desertion).

d. Documentary evidence. If a document is marked for identification but not admitted in evidence, it should be appended to the record for the information of the convening authority and appellate agencies. See 154*c* (Offer of proof).

When a document, such as an original record, which must or should be returned to the source from which it was obtained, is received in evidence or marked for identification, a suitable copy or extract copy thereof will be substituted for the document and it will then be returned. Similar action may be taken to substitute an accurate description or photograph for an item of real evidence which must be returned to its source or is too bulky for inclusion in the record of trial. In this connection, see 138*c* (Real evidence).

e. Views and inspections. In exceptional circumstances, the military judge or the president of a special court-martial without a military judge may as a matter of sound discretion authorize the court to view or inspect the premises or place or an article or object if the view or inspection is necessary to enable the members better to understand and apply the evidence in the case. The proceeding is authorized only if conducted in the presence of counsel, the accused, and, in a court-martial with a military judge, the military judge. The view should not be undertaken if the members of the court are already familiar with the premises involved or if photographs, diagrams, or maps adequately present the situation. The court may be escorted to the view by any person familiar with the premises and objects. The escort, without making any statement in the nature of evidence or argument, may point out particular features to be noted by the court. Before entering on his duties as escort, he will take the oath or affirmation prescribed in 114*h*.

The members may consider and apply the evidence in the light of the knowledge obtained by their inspection. The court should not hear witnesses or take evidence at the view, but anything said thereat by counsel, the authorized escort, members of the court, or the military judge will be recorded verbatim and constitute a part of the record of trial in any general court-martial case or in any special court-martial case in which a verbatim record is taken. Reenactments of the events involved or acts alleged to have been committed are not authorized upon a view.

The fact that a view or inspection has been made does not preclude the introduction in evidence of photographs or diagrams of articles or objects viewed, nor of maps or sketches of the premises or place viewed, if that evidence is otherwise admissible.

f. Inquiry into mental status. See 122 for action by the court when it appears that further inquiry into the mental responsibility of the accused is warranted in the interest of justice.

55. ACTION WHEN EVIDENCE INDICATES AN OFFENSE NOT CHARGED. ***a. General.*** If during the trial it becomes manifest to the court that there is substantial evidence, either before the court or offered, tending to prove that the accused is guilty of some other untried offense not alleged in any specification before the court, the court must proceed with the trial of the offenses charged. A report of the matter may properly be made to the convening authority after the conclusion of the trial.

b. Trial of new charges. When charges are preferred for an offense indicated by the evidence referred to in 55*a*, they may be referred to trial only to a court none of whose members participated in the previous trial.

56. WITHDRAWAL OF SPECIFICATIONS; MISTRIALS. ***a. General.*** Although the convening authority may withdraw, or cause to be withdrawn, any specification or an entire case from the consideration of any court for any reason, both the grounds upon which the specification or case is withdrawn and the time at which the withdrawal is directed will have an effect upon the action that may subsequently be taken. Withdrawal is accomplished by the convening authority directing the prosecution to take the necessary action to remove from the consideration of a particular court a specification and, when appropriate, the charge under which it is laid or the entire case. This action may be taken only when directed by the convening authority, who may give such a direction either on his own initiative or on application made to him. In the case of a joint or common trial, the withdrawal may be limited to one or more of the

accused. In no event will a specification or case be withdrawn arbitrarily or unfairly to the accused.

b. Grounds for withdrawal. Normally, less than all of the specifications may not be withdrawn after the trial proceedings have begun except upon a determination of the convening authority that the specifications so withdrawn should be dismissed or for other good cause determined by the convening authority and made a matter of record. Among the proper grounds upon which a particular specification may be withdrawn are that the specification contains a fatal defect, that the evidence in support thereof is insufficient, or that one of the accused is to be used as a witness.

Further, a convening authority normally should not withdraw an entire case after commencement of the trial with a view to further prosecution unless he determines that urgent and unforeseen military necessity requires that the trial be postponed or terminated, and it does not appear that the military situation will permit the rescheduling or resumption of the trial within a reasonable time. However, this action may sometimes be appropriate for other good cause in the interest of justice. See, for example, 122*b*(2). When a case is withdrawn with a view to future prosecution, a detailed statement of the reasons therefor must be included in the record.

If, prior to trial, the accused has requested trial before a military judge alone (53*d*(2)), the case may not be withdrawn with a view to further prosecution except for good cause shown in the record of trial.

c. Effect of withdrawal. The withdrawal of a specification on proper grounds before the commencement of the trial in a case is not in itself a ground of objection or a defense in a subsequent trial for the same offense. However, a future trial may be precluded for other reasons, such as a grant of immunity (68*h* and 148*e*). Although a specification should not be withdrawn after commencement of the trial without a showing of good cause in the record unless it is to be dismissed, a showing of good cause is especially important after the introduction of evidence bearing on the guilt or innocence of the accused as to the alleged offense, as withdrawal at this stage may bar future prosecution for that offense. See Article 44. Accordingly, if further prosecution is intended, the power to withdraw a specification or a case after commencement of the trial should be exercised only because of urgent and unforeseen military necessity or for other good cause in the interest of justice.

d. Action of trial counsel upon a withdrawal. A withdrawal of a specification before trial is accomplished by the trial counsel lining out and initialing the withdrawn specification on the charge sheet and renumbering the remaining specifications or charges when appropriate.

If less than all of the specifications are withdrawn after the members of the court are aware that those withdrawn had been referred to trial, the trial counsel should announce the withdrawal in open session and the military judge, or the president of a special court-martial without a military judge, should instruct the court not to consider those specifications for any reason. When a specification is withdrawn after the trial of a case commences, but before the members of the court are aware that it had been referred to trial, the trial counsel should line out and initial the withdrawn specification on the charge sheet, renumber the remaining specifications and charges when appropriate, and insure

that the withdrawn specification is not brought to the attention of the court members.

e. Mistrials. (1) *General.* Aside from the withdrawal of charges as provided for in 56*a* through *d*, the declaration of a mistrial acts to withdraw the charges from the court-martial. The military judge or the president of a special court-martial without a military judge may as a matter of discretion declare a mistrial when, after considering all the circumstances, that action is manifestly necessary in the interest of justice because of circumstances arising during the proceedings which cast substantial doubt upon the fairness of the trial. A mistrial may be declared respecting the entire proceedings or respecting only the proceedings after findings. Examples of circumstances warranting this action are prejudicial misconduct by a court member and the improper disclosure to the court of inadmissible evidence, opinions, or information which is so highly prejudicial to either side that its effects cannot be removed by an instruction to the court to disregard the disclosure (57*d*(2)).

(2) *Procedure.* When it appears to the military judge, or the president of a special court-martial without a military judge, that a mistrial may be in order or when either party moves for a mistrial, the military judge, or the president of a special court-martial without a military judge, shall immediately determine the position of both parties on the subject. In a court-martial with a military judge this should be done in a hearing conducted out of the presence of the members of the court. Counsel for each side should be given an opportunity to state whether he objects to the declaration of a mistrial and to argue upon the question if he desires. Thereupon, the matter will be ruled upon as an interlocutory question (57).

(3) *Effect upon further proceedings.* The declaration of a mistrial is within the sound discretion of the military judge or the president of a special court-martial without a military judge; and unless there has been an abuse of discretion, it does not preclude further prosecution for the same offense before another court-martial. Further, in no case does a mistrial granted with the consent of the defense preclude such a further prosecution. In any case in which a mistrial has been declared, a record of trial will be prepared showing the proceedings up to the time of the declaration of the mistrial. See generally 82 and 83. If a mistrial has been declared in a general court-martial and further prosecution is not contemplated, the review of the staff judge advocate or legal officer should be limited to questions of jurisdiction. See 85*b*. If further prosecution is contemplated, a review will not be prepared, but the convening authority, before directing trial by general court-martial, will again refer the charges to his staff judge advocate or legal officer for consideration and advice. See 35 *b* and *c* and Article 34(a).

57. INTERLOCUTORY QUESTIONS OTHER THAN CHALLENGES. ***a. General provisions.*** The military judge shall rule on all interlocutory questions arising during the proceedings. Any ruling by the military judge upon a question of law, including a motion for a finding of not guilty (71*a*), or upon any interlocutory question other than the factual issue of mental responsibility of the accused is final and constitutes the ruling of the court. He also rules finally as to challenges. See 62. The president of a special court-martial without a military judge shall rule on all interlocutory questions other than challenges. See 62*h*(3) as to procedure for determining challenges. Any ruling made by the president of a special court-martial without a military judge

on any question of law other than a motion for a finding of not guilty is final and constitutes the ruling of the court.

The military judge or the president of a special court-martial without a military judge may change his ruling at any time during the trial. (Art. 51(b)).

The following rules and procedures apply to both the military judge and the president of a special court-martial without a military judge:

(1) *Mental responsibility.* When the factual issue of mental responsibility of the accused is raised as an interlocutory question (122*b*), the ruling of the military judge or the president of a special court-martial without a military judge is final unless objected to by a member of the court. Before asking whether any member of the court objects to his ruling, he should give the court members such instructions as will enable them to understand the issue that is before them and the legal standards and procedure by which they will determine it if objection is made. If objection is then made, the court will be closed and the issue decided by a vote of the members (57*f*). In a court-martial with a military judge, he shall not be present while the court is closed to deliberate or vote.

(2) *Treatment of offered evidence.* The military judge or the president of a special court-martial without a military judge may examine an offered item of real or documentary evidence before ruling on its admissibility. He will take care that an offered document or, when practicable, an item of real evidence is not exposed to risk of inadvertent examination by members of the court until he has ruled that the document or item of real evidence is admissible. In this connection, see 57*g*(2) for rules governing certain proceedings held by the military judge outside the presence of the members of a court-martial. The military judge or the president of a special court-martial without a military judge should give the court members appropriate instructions to disregard evidence which, once having been admitted, is excluded by a subsequent ruling. He should also advise the court members of any limitations applicable to evidence which has been admitted for a limited purpose; for examples, see 138*g*, 140*b*, and 153*b*(2)(c).

b. Applicability of this paragraph. This paragraph (57) applies to the disposition of questions of law and interlocutory questions, that is, to all questions other than the findings, sentence, and administrative matters such as declaring recesses and adjournments, arising during trial, except the question of whether a challenge should be sustained. It should be kept in mind, however, that these two categories may be overlapping in that a question may be both interlocutory and a question of law.

All questions of law are ruled upon finally by the military judge. Except for a motion for a finding of not guilty, all questions of law are ruled upon finally by the president of a special court-martial without a military judge. Questions of the applicability of a rule of law to an undisputed set of facts are normally questions of law. Similarly, the legality of an act is normally a question of law. For example, the legality of an order when disobedience of the order is charged, the legality of restraint when there is a prosecution for breach of arrest, or the sufficiency of a pre-interrogation warning are customarily all questions of law. It is possible, however, for such questions to be decided solely upon some factual issue, in which case they would be questions of fact. An example is a question of whether the person who issued an order in fact occupied a position which would authorize him to issue it.

A question is interlocutory unless the ruling on it would finally decide the case on its merits. Questions that go to the ultimate issue of guilt or innocence are not interlocutory. Whether a question is interlocutory may vary with the context in which it arises. An issue is not purely interlocutory if an accused raises a defense or objection and the disputed facts involved go to the ultimate question of guilt or innocence. For example, if during a trial for desertion the accused makes a motion to dismiss for lack of jurisdiction and presents evidence tending to show that he is not a member of an armed force, his status as a military person reaches the ultimate question of guilt or innocence, and, if the motion is denied, the disputed facts must be resolved by each member of the court in connection with his deliberation upon the findings. If, on the other hand, the accused was charged with larceny and presented the same evidence as to his military status, the evidence would bear only upon his amenability to trial and the issue would be disposed of solely as an interlocutory question.

Interlocutory questions may be questions of fact or questions of law. This distinction is important because generally the president of a special court-martial without a military judge rules finally on interlocutory questions of law, but not on interlocutory questions of fact. On interlocutory questions of fact he rules subject to the objection of any other member. On mixed questions of fact and law, rulings should be made subject to objection by any other member to the extent that the issue of fact can be isolated and considered separately. For example, a mixed question of fact and law could arise in connection with the admissibility of an out-of-court statement by the accused. If a conflict were to exist in the testimony, with a law enforcement agent testifying that he gave a certain preliminary warning and the accused testifying that no such statement was made at all, that would be a question of fact. A question could also exist as to whether the agent's statement would, if in fact made, constitute a legally sufficient warning. This would be a question of law. In such a case, the admissibility of the accused's out-of-court statement would be a mixed question of law and fact.

c. Rulings by the president of a special court-martial without a military judge. The president of a special court-martial without a military judge shall rule in open session upon all interlocutory questions (57*b*), other than challenges, arising during the trial, such as questions as to the admissibility of evidence offered during the trial, competency of witnesses, continuances, adjournments, recesses, motions, order of the introduction of witnesses, and the propriety of any argument or statement of the trial or defense counsel. His ruling upon any question of law other than a motion for a finding of not guilty is final. For example, the ruling of the president upon instructions is final and is not subject to objection by a member. Any question as to whether the ruling of the president is conclusive shall be determined by him. Although he rules finally on all questions of law, his rulings on interlocutory questions of fact, including a factual issue of mental responsibility or mental capacity of the accused (122*b*(2)), are subject to objection by any member of the court. As to mixed questions of law and fact see 56*b*.

The ruling of the president on a motion for a finding of not guilty is final unless objected to by a member of the court. Before asking whether any member of the court objects to his ruling on a motion for a finding of not guilty, the president should give the court such instructions as will enable them to under-

stand the issue that is before them and the legal standards by which they will determine it if objection is made. See 71*a*. If, thereafter, a member objects to the president's ruling on a motion for a finding of not guilty, the court will be closed and the question voted on as stated in 57*f*.

d. Rulings by the military judge. A ruling by the military judge on a question of law, including a motion for a finding of not guilty, or on an interlocutory question other than the factual issue of mental responsibility of the accused, is final so far as concerns the court and no repetition of the ruling is necessary (57*a*). The military judge shall determine whether a ruling made by him is final.

e. Form of ruling. Each ruling by the military judge and the president of a special court-martial without a military judge which is subject to objection should be prefaced by a statement such as, "Subject to objection by any member."

f. Voting on interlocutory questions. When voting on any interlocutory question other than a challenge, the members of the court shall vote orally, beginning with the junior in rank, and the question shall be decided by a majority vote. A tie vote on a motion for a finding of not guilty or on a question relating to the sanity of the accused is a determination against the accused. A tie vote on any other question is a determination in favor of the accused. See Articles 51(b) and 52(c). The voting is in closed session, but the president announces the decision in open session. See 62*h*(3) for the manner of voting on challenges by a special court-martial without a military judge.

g. Necessary inquiry to be made; preponderance of evidence controls.

(1) *General.* The ruling or decision on an interlocutory question should be preceded by any necessary inquiry into the pertinent facts and law. For example, the party making the objection, motion, or request may be required to furnish evidence or legal authority in support of his contention. Upon such an inquiry, questions of fact are determined by a preponderance of the evidence.

(2) *Military judge.* The military judge is responsible for rulings made by him, but he may consult with the members of the court in open session upon appropriate matters such as a continuance, adjournment, or recess before making his ruling. When necessary, he may recess the court for a time sufficient to enable him to consult pertinent legal authorities before making his ruling.

When sitting with members, the military judge should hear arguments of counsel on proposed instructions (73*d*), and, at the request of the defense, on matters concerning the admissibility of a pretrial statement of the accused, out of the hearing of the members of the court. Also, if it appears to the military judge that an offer of proof (154*c*), preliminary evidence or argument with respect to the admissibility of offered evidence, or any other proceeding not requiring the presence of the members may contain matters prejudicial to the rights of the accused or the Government, he should, upon his own motion or upon motion of counsel, direct that the members of the court be excluded during these proceedings. Counsel for both sides, the accused, and the reporter will be present during these proceedings, which will be fully recorded, transcribed, and incorporated in the record of trial. But see 82*b*(1) and 83*b*.

When, as a result of a hearing held out of the presence of the members of the court, the military judge rules that offered evidence is admissible, the

evidence will be offered in open session; in addition, if preliminary evidence adduced at such a hearing goes to the weight of the evidence admitted by the ruling of the military judge, both sides will be given an opportunity to present for the consideration of the members of the court any competent evidence affecting the weight to be given to the evidence so admitted. In this connection, see 140*a*(2) and (3).

In lieu of, or in addition to, any oral arguments of counsel with respect to the admissibility of evidence, the military judge may also direct counsel to submit written arguments or briefs on questions of law. These written arguments should not be brought to the attention of the members of the court but should be made part of the record of trial.

(3) *President of a special court-martial without a military judge.* While the responsibility for a ruling rests with the president of a special court-martial without a military judge, he may properly close the court and consult with the other members of the court before making his ruling, when such ruling is subject to the objection of any member of the court.

58. POSTPONEMENTS AND CONTINUANCES. ***a. Postponement of trial.*** The necessity for a formal continuance may often be avoided by requesting the convening authority, the military judge or the president of a special court-martial without a military judge, whoever is appropriate, to postpone the initial session of the trial or by requesting an adjournment or recess.

b. Continuances, general. The military judge or the president of a special court-martial without a military judge should, upon a showing of reasonable cause, grant a continuance to any party and for such time, and as often as, may appear to be just (Art. 40). Whether a request for continuance should be granted is a matter of sound discretion and is an interlocutory question (57). There is no limit to the number of continuances which may be granted.

c. Grounds for continuance. Among the grounds that may be considered as reasonable are the absence of a material witness; sickness of the trial counsel, accused, defense counsel, or a witness; insufficient time to prepare for trial; and a pending prosecution in a civil court based on the same act or omission.

A failure by the trial counsel to cause a copy of the charges to be served as required by Article 35 may be a ground for a continuance. In time of peace, no person may, against his objection, be brought to trial before a general court-martial within a period of five days after the service of the charges upon him, or before a special court-martial within a period of three days after the service of charges upon him (Art. 35). In computing these time periods, the date of service of the charges on the accused and the date of trial are excluded. Holidays and Sundays are not excluded.

d. Effect of denying application for continuance. The refusal to grant a continuance when reasonable cause is shown may be a good ground for directing a rehearing. The right to prepare for trial and to secure necessary witnesses is fundamental and must be extended to all accused persons. Although the question of a continuance is one within the sound discretion of the military judge or president of a special court-martial without a military judge, whenever it appears that there has been an abuse of discretion and the accused has been denied a reasonable opportunity to prepare for trial or otherwise perfect his

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defense, the proceedings should be disapproved. A rehearing should be ordered only if the prejudice to the rights of the accused can be cured thereby.

e. Application for a continuance. The military judge or the president of a special court-martial without a military judge acts upon the application for continuance as an interlocutory question (57). Both parties may present matters for and against the granting of the continuance, and the trial counsel may be directed, on behalf of the court, to obtain and present information which will permit an informed decision. This may include information obtained from the convening authority or other military sources. The determination of whether a continuance should be granted, however, rests with the military judge or the president of a special court-martial without a military judge independently of the convening authority's preference.

Although the proper time for making an application for a continuance is at an Article 39(a) session held prior to assembly or, if no such session is held, immediately after arraignment, an application made at any other time should be considered on its merits.

f. Matters in support of application. Reasonable cause for the application must be shown. For instance, when a continuance is desired because of the absence of a witness, the application should show that the witness is material, that due diligence has been used to procure the testimony or attendance, that the party applying for the continuance has reasonable ground to believe that he will be able to procure the testimony or attendance within the period stated in the application, the facts which he expects to be able to prove by the witness, and that he cannot safely proceed with the trial without the witness.

In general, the matters as set forth in the application may be accepted as substantially true; but if long or repeated delay is involved or the facts are disputed or improbable, or if any other good reason therefor exists, the applicant may be required to furnish further information. On any issue of law or fact arising in the proceedings on an application for a continuance, both parties will be given an opportunity to present pertinent matters and to make an argument.

Chapter XI

ORGANIZATION OF THE COURT AND ARRAIGNMENT OF THE ACCUSED

ATTENDANCE OF THE COURT—ATTENDANCE AND SECURITY OF ACCUSED—PRELIMINARY ORGANIZATION OF THE COURT—CHALLENGES—WITNESS FOR THE PROSECUTION—INVESTIGATING OFFICER—ARRAIGNMENT

59. ATTENDANCE OF THE COURT. A general or special court-martial reports in accordance with the order convening it—thereafter according to adjournment. When this order, after stating the hour and date of the first meeting, adds the words "or as soon thereafter as practicable"; or when the court adjourns to meet at the call of the military judge or the president of a special court-martial without a military judge, the military judge or the president will fix the hour and date for the first or subsequent meeting, as the case may be. He will advise the trial counsel in order that proper notice of the meeting may be given to all concerned. See 58*b* (Postponement of trial).

A court-martial may hold sessions at any hour of the day, but it should not meet at unusual hours nor should the duration of the sittings be unusually protracted, unless the case is one of extraordinary urgency and such a measure is therefore warranted.

60. ATTENDANCE AND SECURITY OF ACCUSED. The convening authority, the ship or station commander, or other proper officer in whose custody or command the accused is at the time of trial is responsible for the attendance of the accused before the court and will determine the nature and degree of any restraint to be imposed on the accused. However, physical restraint will not be imposed upon the accused during open sessions of the court unless prescribed by the military judge or the president of a special court-martial without a military judge. The accused will be properly attired in the class of dress or uniform prescribed by the military judge or president for the court. An accused officer, warrant officer, or enlisted person will wear the insignia of his rank or grade and may wear any decorations, emblems, or ribbons to which he is entitled.

The presence of the accused throughout the proceedings in open court is, unless otherwise stated, essential. See 11*c* (Effect of voluntary absence from trial).

61. PRELIMINARY ORGANIZATION OF THE COURT. ***a. Informal inquiry.*** A court-martial should not be called to order for any session of the trial of a new case until the military judge, or the president of a special court-martial without a military judge, after examining the order convening the court and making an informal inquiry of the personnel present has determined that the accused and, if the presence of the members is required at such ses-

sion, a quorum of the court are present for the trial of the case, and that the detailed members of the prosecution and defense are apparently qualified, as prescribed by Article 27(b) or (c), to conduct the prosecution and defense of the case. In determining the presence of a quorum of the court, the military judge or president should consider whether an enlisted accused has made a proper request for enlisted members; if so, at least one-third of the members present must be enlisted members unless the convening authority has determined that eligible enlisted persons are not available. In this connection, see 36*c*(2) and 41*d*(2).

The military judge should also inquire into the existence of a request by the accused for trial by the military judge alone in appropriate cases. See 53*d*(2).

b. Seating of personnel and the accused. When the court is ready to proceed, it is called to order by the military judge or the president of a special court-martial without a military judge. The members will be seated with the president in the center and other members alternately to the right and left according to rank. If the rank of a member is changed, he will sit according to his new rank. The military judge will sit apart from the court. Depending upon the size and arrangement of the courtroom, other personnel and the accused will be seated as the military judge or the president of a special court-martial without a military judge may direct, except that the accused will be permitted to sit with his counsel. See appendix 8*b* for suggested seating arrangements for general courts-martial.

c. Announcing personnel of the court and the accused. After the court is called to order for the trial of a new case, the trial counsel will announce the name of the accused and will state by what order, including any amendment thereof, the court is convened. He will then announce the names of the military judge if one has been detailed; the members, if any are present; and counsel who are present. The trial counsel will also announce the names of members absent, when the presence of members is required, and of counsel who are absent. Similar announcement will be made whenever there is a replacement of the military judge, the members or counsel present, either through the appearance of new personnel or personnel previously absent or through the absence of personnel previously present. When the court meets after an adjournment or recess or after it has been closed for any reason, the trial counsel will state for the record whether all parties to the trial who were present at the time of the adjournment or recess, or at the time the court closed, are present.

d. Swearing reporter and interpreter. After accounting for the above personnel, the trial counsel will ascertain as a matter of record whether or not the reporter and interpreter, if any, have previously been sworn in accordance with regulations of the Secretary concerned (Art. 42(a)). If not previously sworn, the reporter and interpreter, if any, will be sworn pursuant to regulations of the Secretary concerned. See chapter XXII as to oaths generally. A similar procedure will be followed in the case of any new reporter or interpreter who may be detailed or employed during the course of a trial.

e. Introduction of prosecution counsel. A general court-martial is not legally constituted unless the detailed trial counsel has been certified as competent to perform such duties by the Judge Advocate General of the armed

force of which he is a member (Art. 27(b)). The trial counsel will next announce whether the legal qualifications of the members of the prosecution are other than as stated in the order convening the court and whether any member of the prosecution has acted as investigating officer (64), military judge, court member, or member of the defense in the same case, or has acted as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter (6*a*; Art. 27). If it appears that the trial counsel or any of his assistants may be disqualified by reason of prior participation in the case, the military judge, or the president of a special court-martial without a military judge, will initiate an inquiry to determine whether the individual concerned is, in fact, disqualified and, if so, whether he has acted for the prosecution (6*a*). When it appears that a member of the prosecution is disqualified by reason of prior participation and that he has acted as a member of the prosecution in the case before the court, the court should be adjourned and the facts reported to the convening authority. If the disqualified member has not acted for the prosecution, the proceedings may continue, but the disqualified member will not be permitted to act for the prosecution during any future stage of the proceedings and he will be excused forthwith. When, as a result of excusing a disqualified member of the prosecution, no qualified trial counsel or assistant trial counsel remains, the court should be adjourned and the facts reported to the convening authority.

Any change in prosecution counsel during the trial and the qualifications of any new counsel should be brought to the attention of the court in the manner prescribed in the preceding subparagraph.

f. Introduction of defense counsel. (1) *General rules as to legal qualifications.* A general court-martial is not legally constituted unless the detailed defense counsel has been certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member (Art. 27(b)). Similarly, a special court-martial is not legally constituted if the accused has not been afforded the opportunity to be represented by counsel qualified under Article 27(b) unless such counsel cannot be obtained because of physical conditions or military exigencies (6*c*). If qualified defense counsel cannot be obtained because of physical conditions or military exigencies or if the accused has declined qualified counsel, a special court-martial is not legally constituted unless the following jurisdictional requirements are also satisfied:

(*a*) If the detailed trial counsel or any assistant trial counsel is qualified to act as counsel before a general court-martial, the detailed defense counsel shall be a person similarly qualified (6*c*; Art. 27(c)(2)); or

(*b*) If the detailed trial counsel or any assistant trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, the detailed defense counsel shall be one of the foregoing (6*c*; Art. 27(c)(3)).

(2) *Ascertaining legal qualifications of counsel for the defense.* After the court has ascertained the qualifications of the members of the prosecution, the military judge will ask the accused whom he desires to introduce as counsel. Counsel representing the accused will then be asked to state whether the legal qualifications of the detailed members of the defense are other than as stated in the order convening the court.

If the accused introduces counsel of his own selection and the qualifications of that counsel are not shown in the order convening the court, his selected counsel will be asked to state whether he has been certified by an appropriate Judge Advocate General as competent to act as counsel before a general court-martial and, if not, whether he has any of the legal qualifications enumerated in Article 27(b)(1). See 48*a* regarding qualifications of counsel before general and special courts-martial.

(3) *Action when defense counsel is not legally qualified.* If the detailed defense counsel of a general court-martial has not been certified as competent to perform these duties by the Judge Advocate General of the armed force of which he is a member (Article 27(b)), the military judge will adjourn the court and report the matter to the convening authority. If the accused in a trial by general court-martial has selected as individual counsel a person who is neither qualified under Article 27(b) nor otherwise qualified as a lawyer, the military judge will advise the accused that he may not be represented by a person who does not have the requisite qualifications and will not permit the unqualified counsel to represent the accused at the trial. See 48*a*.

At a special court-martial, the military judge or the president of a special court-martial without a military judge will adjourn the court and report the matter to the convening authority when it appears:

(*a*) That the accused has not been afforded the opportunity to be represented by counsel qualified under Article 27(b) unless such counsel cannot be obtained because of physical conditions or military exigencies (6*c*; Art. 27(c)(1)); or

(*b*) That the detailed trial counsel or any assistant trial counsel is qualified to act as counsel before a general court-martial, but the detailed defense counsel is not so qualified (6*c*; Art. 27(c)(2)); or

(*c*) That the detailed trial counsel or any assistant trial counsel is a a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, but the detailed defense counsel is not one of the foregoing (6*c*; Art. 27(c)(3)).

When the equivalency requirements of (*b*) and (*c*) have been satisfied by the detailed counsel, the trial may not proceed without the presence of such counsel unless the accused expressly states at the trial that he does not desire his presence. If the accused does not so state, the court will adjourn pending procurement of a detailed defense counsel who has the requisite qualifications. The accused may also defend himself or be represented by individual counsel. If the special court-martial may legally adjudge a bad-conduct discharge (15*b*), the accused may not be represented by an individual counsel who is not qualified as a lawyer (48*a*). Regardless of the legal qualifications of individual counsel, the detailed defense counsel and assistant defense counsel shall, if the accused so desires, act as his associate counsel; otherwise, they shall be excused by the military judge or the president of a special court-martial without a military judge (Art. 38(b)).

(4) *Prior participation of defense counsel in same case.* After the court has determined that the defense counsel has the requisite legal qualifications, the trial counsel will ask the counsel representing the accused to state whether any member of the defense present, including individual counsel, is the

accuser or has acted in the same case as a member of the prosecution (6*a*, *d*), or as investigating officer (64), military judge, or court member. If it appears that any member of the defense has previously acted in the same case for the prosecution, he will be excused forthwith. If a member of the defense is the accuser or has participated in the same case as an investigating officer, military judge, or court member, he will be excused unless the accused expressly requests his services. If, as a result of excusing a member of the defense, the accused is left without counsel having the requisite legal qualifications, the court will be adjourned and the matter reported to the convening authority.

g. Announcement of request for trial by the military judge alone. When it has been ascertained that counsel representing the prosecution and defense are qualified to perform their respective duties, the military judge or the president of a special court-martial without a military judge will so state. In every case in which a military judge has been detailed and in which the death penalty may not be adjudged (14*a*), the military judge should ascertain whether the accused has been advised of his right to request trial by the military judge alone. If the accused has not been so advised, the military judge should insure that the accused is properly advised and, after consultation with counsel, given an opportunity to submit a request at that time. See appendix 8*e* for form of request.

h. Announcement of request for enlisted members. After the announcement of the qualifications of counsel and if the accused is not to be tried by a military judge alone, the trial counsel will, in the case of an enlisted accused, announce whether the accused has made a request in writing that the membership of the court include enlisted persons. See appendix 8. If a written request, signed by an enlisted accused, is not made before or at this time, the accused may not thereafter assert his right to have enlisted members on the court. If a proper request for enlisted members is made before or at this time, the court may not be assembled unless at least one-third of the members actually sitting on the court are enlisted persons or unless the convening authority has directed that the trial proceed in the absence of enlisted members. See 4*b* and *c*. When one or more, but not all, of the accused being tried at a joint or common trial make a proper request for enlisted members, the military judge or the president of a special court-martial without a military judge will take action similar to that prescribed when a motion to sever has been granted. In this connection, see 69*d*.

i. Oaths. The oaths for military judges, court members, counsel, reporters and interpreters shall be prescribed in regulations of the Secretary concerned (Art. 42(a)). See chapter XXII as to oaths generally.

It must be established in open session whether the members of the court if any, or properly qualified counsel, or the military judge if any, have previously been sworn pursuant to regulations of the Secretary concerned. Any such personnel, including individual defense counsel, not previously sworn should now be sworn in accordance with regulations of the Secretary concerned. When an oath is being administered to any of the above personnel, all persons in the courtroom will stand.

j. Assembly of the court. Following the procedure outlined by this paragraph (61), the military judge or the president of a special court-martial

without a military judge may announce that the court is assembled. The court is assembled when, after the members have gathered in the courtroom to start the trial, the military judge or the president of a special court-martial without a military judge has announced that the court is assembled. In a court-martial consisting of a military judge alone, the court is assembled at the time announced by the military judge. See appendix 8*b*.

k. Applicability to Article 39(a) sessions. Immediately after commencing an Article 39(a) session (53*d*), the military judge should insure that the court is properly constituted by following the procedure in *b*, *c*, *d*, *e*, *f*, and *i* above. After insuring that the court is properly constituted, the military judge may proceed to take up the matters in *g* and *h* above. See appendix 8*a*.

62. CHALLENGES. ***a. Statutory provisions.*** The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge, or if none has been detailed, the court members shall determine the relevancy and validity of challenges for cause, but a challenge may not be received to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered. Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause (Art. 41).

b. Disclosing grounds for challenges. After the members of the court, the military judge, and counsel have been sworn, the trial counsel will announce to the court the general nature of the charges, the name of the accuser, the investigating officer, the officer or officers forwarding the charges to the convening authority, and the name of any court member or military judge who participated in any proceedings already had. He will then disclose in open session every ground for challenge believed by him to exist in the case and will request that the military judge and each member do likewise with respect to grounds of challenge, whether against the military judge or member himself or against any others who are subject to challenge for cause. In disclosing grounds for challenge, personnel should state only the ultimate nature of the circumstances which in their opinion makes them subject to challenge, and not details such as derogatory information regarding the accused. Among the grounds for challenge which a member or military judge should disclose are these: That he has participated in the investigation of the case, has acted as counsel for the accused, will be a witness for the prosecution, or has forwarded the charges to the convening authority with a recommendation concerning trial by court-martial.

Similar disclosures and requests will be made by the trial counsel with respect to a new member or military judge; and the trial counsel, any member, or the military judge will disclose any such ground at any time during the proceedings that he becomes aware of it.

Without challenging for cause, the trial or defense counsel may question the court, or individual members thereof, and the military judge concerning the existence or nonexistence of facts which may disclose a proper ground of challenge for cause. Thus, the defense counsel may question the court, or individual members thereof, with respect to whether they know the accused and, if so, whether they are hostile or friendly toward him. It is optional with the

questioning party whether the member being questioned shall be sworn to testify as to his competency as a member before answering these preliminary questions.

In any case referred to a court-martial composed of a military judge and members, the military judge may direct that the examination of a member be conducted out of the presence of the remaining members of the court, and he should do so in any case in which the information elicited may be derogatory to the accused and may disqualify the other members. In a special court-martial without a military judge, the questioning of a member should be free enough to provide the court members with sufficient information to pass upon the impartiality of the member concerned, but disclosure of information derogatory to the accused may disqualify the other members who hear it. If the members are disqualified by a disclosure, the president should adjourn the court and report the matter to the convening authority.

c. Action upon disclosure. If it appears from any disclosure that the military judge or a member is subject to challenge on any ground stated in clauses (1) through (8) of 62*f*, and the fact is not disputed, the military judge or member will be excused forthwith. If the military judge is excused or the court is reduced below a quorum, the court will adjourn pending detail of a new military judge or additional members. Except as just stated, no action is required under this subparagraph (62*c*) with respect to any disclosure that may be made; but proceedings under this paragraph are without prejudice to any rights of challenge on either side.

d. When made; reconsideration; opportunity to challenge new member. In any case in which an Article 39(a) session is held prior to assembly, challenge of the military judge should be made during the Article 39(a) session. Whenever counsel is aware of any possible grounds for challenge for cause of a member, he should raise the matter at the earliest practicable session of the court. In all other cases, challenges should be made immediately following assembly of the court. The military judge or the president of a special court-martial without a military judge should, however, permit a challenge for cause to be presented at any stage of the proceedings. The fact that a particular challenge for cause has been adversely determined does not preclude the court from again entertaining it if good cause, such as newly discovered evidence, is shown. Full and timely opportunity will be given to challenge every new member or military judge.

e. Peremptory challenges. A peremptory challenge does not require any reason or ground therefor to exist or to be stated. It may be used before, during, or after challenges for cause, or against a member unsuccessfully challenged for cause, or against a new member if not previously utilized in the trial. It cannot be used against the military judge. A member challenged peremptorily will be excused forthwith.

In a joint or common trial each accused is entitled to one peremptory challenge.

f. Challenges for cause—grounds for. Among the grounds of challenges for cause against members of special and general courts-martial and, unless otherwise indicated by the context, the military judge are the following:

(1) That the challenged military judge or member is not eligible to serve as military judge or member, respectively, on courts-martial.

(2) That he is not a member or military judge of the court.

(3) That he is the accuser as to any offense charged. See Article 1(9) for definition of accuser.

(4) That he will be a witness for the prosecution. See 63 for definition of witness for the prosecution.

(5) That he was the investigating officer as to any offense charged. See 64 for definition of investigating officer.

(6) That he has acted as counsel for the prosecution or the accused as to any offense charged.

(7) That upon a rehearing or a new or other trial of the case he was a member of the court which first heard the case.

(8) That he is an enlisted member who is a member of the same unit as the accused. See 4*b* and Article 25(c)(2) for definitions of the word "unit."

(9) That he has forwarded the charges in the case with his personal recommendation concerning trial by court-martial.

(10) That he has formed or expressed a positive and definite opinion as to the guilt or innocence of the accused as to any offense charged, except that this shall not necessarily apply to a military judge who has formed or expressed such an opinion solely in his role as military judge sitting alone in a previous trial of the same or a closely related case.

(11) That he has acted in the same case as the convening authority or as the legal officer or staff judge advocate to the convening authority.

(12) That he will act in the same case as the reviewing authority (84) or as the legal officer or staff judge advocate to the reviewing authority (85*a*).

(13) Any other facts indicating that he should not sit as a member or military judge in the interest of having the trial and subsequent proceedings free from substantial doubt as to legality, fairness, and impartiality. Examples of the facts which may constitute grounds for challenge are: That he will be a witness for the defense; that he testified or submitted a written statement in connection with the investigation of the charges, unless at the request of the accused; that he has officially expressed an opinion as to the mental condition of the accused; that, when it can be avoided, a member is junior in rank or grade to the accused; that he has a direct personal interest in the result of the trial; that he is in any way closely related to the accused; that he participated as a member or as counsel in the trial of a closely related case; that he is decidedly hostile or friendly to the accused; that, not having been present as a member when testimony on the merits was heard, or other important proceedings were held in the case, his sitting as a member will involve an appreciable risk of injury to the substantial rights of an accused, which risk will not be avoided by a reading of the record. In connection with this last example, see 41*e* and *f*, and 62*h*(1).

g. Limitations on inquiry as to eligibility of military judge. A challenge against a military judge based on the ground that he is not eligible to act as military judge (62*f*(1)) will not be sustained unless it is shown: (1) That he is not a commissioned officer; or (2) that he is not on active duty with an armed force; or (3) that he is not a member of the bar of a Federal court or of the highest court of a State of the United States; or (4) that he has not been certified to be qualified for duty as a military judge (Art. 26(b)); or (5) that

in a general court-martial he is not designated and assigned in accordance with Article 26(c). The hearing on such a challenge will be limited to the issue of determining whether any one of the reasons enumerated above exists. In this connection, it may be inferred that a person detailed as the military judge of a court-martial is a commissioned officer on active duty with an armed force, and the recital of his qualifications in the convening order is evidence of the facts recited therein. An inquiry into the general educational, legal, or judicial experience of the military judge is improper.

h. Procedure. (1) *Manner of making challenges.* After any challenges made by the trial counsel have been decided, he will, after complying with any request made by the accused to be permitted to examine the papers referred to in 44*h*, give the accused an opportunity to exercise his rights as to challenge. The accused thereupon may challenge, in turn, the military judge and each member to whom he objects. As to peremptory challenges, see 62*e*. Full and timely opportunity will be given to the accused, including each accused in a joint or common trial, to exercise his right of challenge. A challenge may be withdrawn by the challenger for any reason, as when the challenged member makes a statement or reply which is satisfactory to the challenger. A challenge on the ground that a member was absent when testimony or the merits or other important proceedings was had will often be withdrawn by the challenger upon his being informed that certain witnesses will be recalled and re-examined.

(2) *Inquiry.* If a member or the military judge is challenged for cause, the challenge, if not withdrawn, must be passed on by the military judge, or if none has been detailed, by the members of the court less the member challenged, after both sides have been given an opportunity to question the person challenged, to introduce evidence and to argue. The challenger may subject a challenged member to an examination which may be under oath as to the subject matter of the challenge. For form of the oath, see 114*g*. This examination may properly extend to any of the matters enumerated in 62*f* as constituting or possibly constituting a ground for challenge and any other matters which have a substantial or direct bearing on the rights of the accused or the Government to a fair and impartial court. The military judge will rule upon challenges as to his own participation in a case, and all interlocutory matters arising during the hearing on challenge. Any member, against whom a challenge for cause has been directed, will take no part in the hearings upon the challenge except when called to testify or to make a statement as to his competency. If the challenged member is president of a special court-martial without a military judge, he shall, subject to 57*a* and *c*, continue to rule upon interlocutory questions arising during the hearing although he may, at the time such a question arises, be testifying under oath as to his competency. In any case in which the military judge while making a statement or the president of a special court-martial without a military judge while testifying as to his competency, is required to rule upon an interlocutory question, he should preface any ruling by a statement such as, "As military judge (president) I rule that . . ."

The military judge, or if none has been detailed, the court should be liberal in passing on challenges, but need not sustain a challenge upon the mere assertion of the challenger. The burden of maintaining a challenge rests on the challenging party. A failure to sustain a challenge when good ground is

shown may require a disapproval on jurisdictional grounds or cause a rehearing because of error injuriously affecting the substantial rights of an accused.

(3) *Deliberation and voting by a special court-martial without a military judge.* In a special court-martial without a military judge, deliberation and voting upon a challenge will be in closed session, and the challenged member will be excluded. Before closing the court, the president should instruct the court on the applicable law and procedure to be followed in deciding the challenge. The vote upon the challenge is by secret written ballot, which ballot may be in the form "Sustained" or "Not Sustained." See Article 51(a) as to counting and checking the vote and announcing the result of the ballot. Deliberation on the challenge may properly include full and free discussion. The influence of superiority in rank will not be employed in any manner in an attempt to control the independence of members in the exercise of their judgment. A majority of the ballots cast by the members present at the time the vote is taken shall decide the question of sustaining or not sustaining the challenge. A tie vote on a challenge disqualifies the member challenged (Art. 52(c)). Upon the court being opened, the president shall state that the challenge has been sustained or not sustained. When three members of a special court-martial without a military judge are present and one is challenged, the remaining two may vote on the challenge.

(4) *Action.* If the challenge is sustained, the challenged member or military judge will withdraw from the court; otherwise he will resume his seat. The court will then proceed to consider the next challenge, if one is presented. When a court has been reduced below a quorum, or when the number of enlisted persons on a court is reduced below one-third in a case in which the accused has requested enlisted members, or when a challenge of the military judge for cause is sustained, the court will adjourn and report the matter to the convening authority.

63. WITNESS FOR THE PROSECUTION. If at any stage of the proceedings the military judge or any member of the court is called as a witness for the prosecution, he shall, before qualifying as a witness, be excused from further duty as military judge or member, respectively, in the case. Whether the military judge or a member called as a witness for the court is to be considered as a witness for the prosecution depends on the character of his testimony. In case of doubt he will be excused as military judge or member, respectively. If a witness called by the defense testifies adversely to the defense, he does not thereby become a "witness for the prosecution."

For the purpose of this paragraph, a witness includes not only one who testifies in court but anyone whose declaration is received as evidence for any purpose, including written declarations made by affidavit or otherwise. For example, a person who by his certificate has attested or otherwise authenticated an official record introduced in evidence by the prosecution, or who has authenticated any writing so introduced, is a witness for the prosecution even if he does not testify in person.

64. INVESTIGATING OFFICER. Within the meaning of the fifth clause of 62*f* and Articles 25(d)(2), 26(a), and 27(a), the term "investigating officer," as applied to a particular offense, shall be understood to include a person who, under the provisions of 34 and Article 32, has investigated that offense or a

closely related offense alleged to have been committed by the accused. The term also includes any other person who, as counsel for, or a member of, a court of inquiry, or as an investigating officer or otherwise, has conducted a personal investigation of a general matter involving the particular offense. However, it does not include a person who, in the performance of his duties as counsel, has conducted an investigation of a particular offense or a closely related offense with a view to prosecuting or defending it before a court-martial. But see 6*a* and 62*f*(6).

65. ARRAIGNMENT. ***a. General.*** When a general or special court-martial has been organized and both parties are ready to proceed, the trial counsel will present the court with copies of the charges and specifications upon which the accused is about to be tried. See 56*d* in this connection and 79*d* for procedure of a summary court-martial. The trial counsel will then read to the accused the charges and specifications. Thereafter, each accused will be called upon to plead. This proceeding constitutes the arraignment. The pleas are not part of the arraignment. The accused may waive the reading of the charges and specifications.

As a rule, after arraignment in a case involving several charges and specifications, the procedure to be followed will be to receive pleas according to numerical order on the specifications of the first charge, then on the first charge, and so on with the rest. When appropriate, a single plea may be entered as to all charges and specifications without enumerating them.

If an Article 39(a) session is conducted by the military judge prior to assembly, the arraignment may be held and the pleas of the accused accepted at that time if permitted by the regulations of the Secretary concerned. If the arraignment is held at such a session, the trial counsel may present the court members with copies of the charges and specifications immediately after assembly. See 39*b*, 53*d*(1) and 70*b* for entering findings on a plea of guilty.

b. Additional charges. After the arraignment of the accused upon certain charges, additional charges cannot be introduced at the same trial. However, additional charges can be introduced at any stage of the proceedings before the arraignment if all the usual pre-arraignment proceedings concerning those additional charges have been completed, including proceedings as to qualifying counsel and challenging and excusing the military judge and members of the court. In such a case, the accused may be arraigned on the additional charges as well as on the original charges, and the trial may proceed on both sets of charges. It is not necessary that any personnel of the court be resworn when additional charges are introduced. An application for a reasonable continuance should be granted.

Chapter XII

PLEAS AND MOTIONS

GENERAL—MOTIONS RAISING DEFENSES AND OBJECTIONS—MOTIONS TO DISMISS—MOTIONS TO GRANT APPROPRIATE RELIEF—PLEAS—MOTION FOR FINDING OF NOT GUILTY; RES JUDICATA

66. GENERAL. ***a. Pleas.*** Pleas in court-martial procedure are pleas of guilty, not guilty, and pleas corresponding to permissible findings (70, 74*b*). Pleas are entered after arraignment.

b. Motions. A motion is an application to the military judge or to the president of a special court-martial without a military judge for particular relief. Defenses and objections raised before a plea is entered shall be raised only by a motion to dismiss or to grant appropriate relief as provided in this chapter. Motions to dismiss (67*a*) normally are made before a plea is entered and motions for appropriate relief normally are made prior to plea or prior to the conclusion of any Article 39(a) session held prior to assembly, whichever occurs earlier (67*b*). Any defense or objection, however, which is capable of determination without trial of the issue raised by a plea of not guilty may be raised before trial by reference to the convening authority as well as by motion made at the appropriate time at trial. Reference of these matters to the convening authority before trial is without prejudice to the renewal of the assertion by motion at the trial.

67. MOTIONS RAISING DEFENSES AND OBJECTIONS. ***a. Defenses and objections which may be raised.*** Defenses and objections such as that trial is barred by the statute of limitations, former jeopardy, pardon, constructive condonation of desertion, former punishment, promised immunity, lack of jurisdiction, and failure of the charges to allege an offense should ordinarily be asserted by motion to dismiss before a plea is entered; but failure to assert them at that time does not constitute a waiver of the defense or objection. Unless otherwise stated, failure to assert any such defense or objection—except lack of jurisdiction or failure of the charges to allege an offense—before the conclusion of the hearing of the case constitutes a waiver.

b. Defenses and objections which must be raised. Defenses and objections based on defects in the preferring of charges, reference for trial, form of the charges and specifications, investigation, or other pretrial proceedings, other than objections going to the jurisdiction of the court or the failure of the charges to allege an offense, may be raised only by a motion for appropriate relief. Failure to raise any such objection prior to plea or prior to the conclusion of any Article 39(a) session held prior to assembly, whichever occurs earlier, constitutes a waiver thereof, but the military judge or the president of a special

court-martial without a military judge may grant relief from the waiver for good cause shown.

c. Form and content of motion. The motion should briefly and clearly set forth the nature and grounds of the defense or objection which it is intended to raise. It may be presented orally or in writing. The substance of the motion and not its form or designation will control; for instance, if an accused makes a motion which he calls a motion for appropriate relief, but which in fact raises an objection to trial on jurisdictional grounds, the motion will be treated as a motion to dismiss. Defenses and objections which may appear to be available to the accused shall, if not asserted, be brought to the attention of the accused in any case in which he is not represented by counsel and may be brought to his attention in any case.

d. Time of making motions. A motion raising any of the defenses and objections discussed in *a* and *b* above normally is made before the plea is entered or prior to the conclusion of any Article 39(a) session held prior to assembly, whichever occurs earlier. See 53*d*.

Motions for a finding of not guilty are made after the prosecution has rested its case or at the conclusion of all of the evidence. A motion to inquire into the mental condition of the accused (122) or to delay the proceedings on the ground that the accused lacks the requisite mental capacity (120*d*) may be raised at any time during the trial.

e. Hearing on the motion. A motion raising a defense or objection will be determined at the time it is made unless the military judge or the president of a special court-martial without a military judge defers action on the motion until a later time. If action is deferred, however, the military judge or the president of a special court-martial without a military judge should rule on the motion before the court closes to deliberate on the accused's guilt or innocence. Before action is taken on a contested motion, each side will be given an opportunity to introduce pertinent evidence and to make an argument. When trying a case with members, the military judge may conduct the hearing out of their presence; but, a hearing on a motion in which the mental responsibility of the accused is in issue should be conducted in the presence of the members. Although counsel may refer to the facts of other pertinent cases when arguing out of the hearing of the members of the court, he may do so before the members only when the motion is one in which the ruling is made subject to the objection of any member of the court. Except as otherwise indicated in the discussion of motions (68*c*, Statute of limitations) and elsewhere (122*a*, Insanity), the burden generally rests on the accused to support by a preponderance of the evidence a motion raising a defense or objection. A decision on such a motion is always an interlocutory matter, but matters presented on such a motion may also raise a contested issue of fact of a kind which should properly be considered by the court in connection with its determination of the accused's guilt or innocence. See 57*b*. For example, if a specification alleges that an offense was committed at a time which is within the statute of limitations and the accused makes a motion to dismiss on the ground that trial is barred by Article 43, asserting that the offense was committed at an earlier time than that alleged, the time of the commission of the offense must, if the motion is denied, be specifically considered by each member of the court in connection with his deliberation on

the findings of guilt or innocence. If by exceptions or substitutions the court finds that the offense was committed at an earlier time, the ruling denying the motion to dismiss must be changed to one granting the motion, provided the statute of limitations has run against the offense in view of the earlier time of commission found. See also 122 for a discussion of the question of the mental responsibility of the accused in connection with the findings on the general issue.

f. Effect of rulings on motion. The denial of a motion raising a defense or objection does not prevent the entering of another motion to the same specification or charge. The military judge or the president of a special court-martial without a military judge may reconsider any action in denying or sustaining a motion as long as the specification affected thereby is before the court.

Except as otherwise indicated in the discussion on motions, an accused will not be required to plead to a specification or charge so long as the action of the court in granting a motion to dismiss or for appropriate relief relating to the specification or charge stands; but when all such motions as to a given charge or specification are denied, the accused should enter a plea or, if he stands mute, a plea of not guilty should be entered for him by the military judge or by the president of a special court-martial without a military judge.

Notwithstanding the action of the court on a motion raising a defense or objection, the trial may proceed in the usual course as long as one or more specifications and charges remain as to which a plea stands. For example, when a motion to dismiss is granted as to all but one specification and charge to which the plea is not guilty, the trial on that specification and charge may continue. But when the trial cannot proceed further as the result of the action of the court on a motion raising a defense or objection, the court will adjourn and submit the record of its proceedings to the convening authority.

If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any further appropriate action (Art. 62(a)). This action should be taken only on application by the prosecution, with notice to the defense, after affording both sides an opportunity to be heard. The convening authority may not return the record to the court for reconsideration of a ruling which amounts to a finding of not guilty, as, for example, the granting of a motion to dismiss because of lack of mental responsibility at the time of the offense (120*b*) or the granting of a motion for a finding of not guilty (71*a*; Art. 62(b)). Likewise, the convening authority may not direct the military judge or the president of a special court-martial without a military judge to reconsider a ruling on a motion to grant appropriate relief or a ruling granting a request for a continuance. In returning the record of proceedings to the court, the convening authority will include a statement of his reasons for disagreeing, together with instructions to reconvene and reconsider the ruling with respect to the matter in disagreement. Except as provided in 122*b*(3) he will not refer to or include in his communication any factual information relative to the ruling in question which is not already a part of the record nor will he direct the court to consider any evidence or information other than that which is already in the record. To the extent that the matter in disagreement relates solely to a question of law, as, for example, whether the charges allege an offense

cognizable by a court-martial, the military judge or the president of a special court-martial without a military judge will accede to the view of the convening authority. If the matter in disagreement relates to issues of fact, as, for example, whether an officer exercising general court-martial jurisdiction has unconditionally restored a suspected deserter to duty without trial with knowledge of the alleged desertion (68*f*), the military judge or special court-martial without a military judge will exercise his or its discretion in reconsidering the motion.

If the convening authority does not return the record for reconsideration, he will take the necessary action to conclude the case by publishing appropriate orders. See generally 82, 83, and 85*b*.

When a motion to grant appropriate relief has been granted by the military judge or the president of a special court-martial without a military judge, the convening authority may cause appropriate action to be taken to remedy the defect and, if appropriate, may return the record to the court or another court for appropriate further action. If he does not return the record to the court or arrange for trial by another court, as when a motion for change of venue has been granted (69*e*), he will dismiss the charges to which the motion relates.

68. **MOTIONS TO DISMISS.** ***a. General.*** A motion to dismiss properly relates to any defense or objection raised in bar of trial. Among the defenses and objections which may be raised by this motion before entering a plea are lack of jurisdiction (68*b*), failure of the charges to allege an offense (68*b*), running of the statute of limitations (68*c*), former jeopardy (68*d*), pardon (68*e*), constructive condonation of desertion (68*f*), former punishment (68*g*), immunity (68*h*), and unreasonable denial of speedy trial (68*i*). See 57 for finality of rulings.

b. Lack of jurisdiction; failure to allege an offense. (1) *General.* If the court lacks jurisdiction or if the charges fail to allege any offense under the code, the proceedings are a nullity. These objections cannot be waived and may be asserted at any time.

(2) *Lack of jurisdiction.* A motion to dismiss on the ground of lack of jurisdiction is ordinarily based on an assertion that the court is not properly constituted because it was not convened by an official empowered to convene it or on an assertion that the accused is not a person who properly may be tried by court-martial. See 8 as to requisites for court-martial jurisdiction and 9 as to jurisdiction of courts-martial as to persons. With respect to jurisdiction of an offense committed before a fraudulent discharge, a final conviction of having fraudulently obtained the discharge in violation of Article 83(2) may be shown by the prosecution as a final adjudication of the fraudulent discharge, and the accused may not dispute the jurisdiction of the court as to the earlier offense on the ground that his separation from the service was not fraudulent. See Article 3(b).

(3) *Failure to allege an offense.* By a motion to dismiss, the accused may object to the failure of a specification to allege any offense triable by court-martial. With the exceptions stated in 14*a*, courts-martial do not have jurisdiction to try any offenses not cognizable under the code. Unless the specification of a charge alleges an offense of which a court-martial may take cognizance, a motion to dismiss should be granted as to the specification. If the motion is

granted, the military judge, or the president of a special court-martial without a military judge, will direct that the specification be striken and disregarded.

c. Statute of limitations (Art. 43). Except for certain offenses for which there is no limitation as to time (Art. 43(a)), a person charged with an offense under the code is not liable to be tried by court-martial, unless the statute of limitations has been tolled (Art. 43(d)), extended (Art. 43(e)), or suspended (Art. 43(f)), if sworn charges have not been received by the officer exercising summary court-martial jurisdiction over the command within the period of time—either two or three years after the commission of the offense—specified in Article 43. See 215*d* for a discussion of the substantive rules with respect to the statute of limitations.

When it appears from the charges or from the evidence introduced at the trial that the statute has run against an offense charged or, in the case of a continuing offense, a part of the offense charged, the military judge, or the president of a special court-martial without a military judge, will bring the matter to the attention of the accused and advise him of his right to assert the statute unless it otherwise affirmatively appears that the accused is aware of his rights in this regard. See 53*h*. If the accused pleads guilty to a lesser included offense against which the statute of limitations has apparently run, the military judge, or the president of a special court-martial without a military judge, will advise the accused of his right to interpose the statute in bar of trial as to that offense. See also 74*h*.

The burden is not on the defense to show that neither absence from the territory in which the United States has authority to apprehend him nor other impediment prevents the accused from claiming exemption under Article 43. For example, if it appears from the charges in a peacetime desertion case that more than three years have elapsed between the date of the commission of the offense and the date when sworn charges and specifications were received by an officer exercising summary court-martial jurisdiction over the command, the motion should be granted unless the prosecution shows by a preponderance of evidence that the statute does not apply because of periods which, under the provisions of Article 43(d), are to be excluded in computing the three years.

Since the statute of limitations is a matter of defense, it may be waived by the accused provided he is aware of his right to assert it. A plea of guilty, after explanation of its effect with respect to the statute of limitations, operates as such a waiver. If an accused pleads guilty to an included offense against which the statute of limitations has run and persists in the plea after the meaning and effect thereof have been explained to him including his right to interpose the statute of limitations as to the included offense, the plea of guilty, as long as it stands, is a waiver of his right to interpose the statute of limitations. Under these circumstances he may not, after a finding of guilty of the included offense, assert the statute of limitations.

The defense of the statute of limitations generally is raised by a motion to dismiss. However, the defense also may be raised under a plea of not guilty by introducing evidence during the trial in those cases involving contested issues of fact which must be considered by the members of the court in connection with the issue of guilt or innocence. See 67*e* for an example of a case in which it is appropriate to raise the defense under a plea of not guilty. In such a case, however, the accused should advise the military judge or the president of a special

court-martial without a military judge that he is insisting upon the defense of the statute of limitations under his plea of not guilty, as failure to assert the defense during the hearing may constitute a waiver.

See 74*h* for the procedure to be followed when the accused is found guilty of a lesser included offense to which he has not entered a plea of guilty and against which the statute of limitations has run.

d. Former jeopardy. No person may, without his consent, be tried a second time for the same offense (Art. 44(a)). See 215*b* for a discussion of the substantive rules with respect to the defense of former jeopardy. Former jeopardy by court-martial, in support of a motion to dismiss, may be established in appropriate cases by the order publishing the results of the trial. Former jeopardy before a civilian court may be established by the indictment and record of conviction or acquittal.

e. Pardon. A pardon is an act of the President which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed. A pardon may be interposed in bar of trial by a motion to dismiss. The usual rules as to documentary evidence apply to a written pardon, whether in the nature of an individual pardon or of a general amnesty. If the document is not sufficiently explicit to determine whether the motion should be sustained, the defense may introduce other evidence tending to establish the pardon.

f. Constructive condonation of desertion. If an officer exercising general court-martial jurisdiction unconditionally restores a deserter to duty without trial with knowledge of the alleged desertion, this action amounts to a constructive condonation of the desertion and may be interposed in bar of trial subsequently ordered. If an officer exercising general court-martial jurisdiction has directed that a deserter be restored to duty but that he remain subject to trial for the offense, such a restoration is not a constructive condonation of the desertion and the individual so restored remains subject to trial.

g. Former punishment. Nonjudicial punishment previously imposed under Article 15 for a minor offense and punishment imposed under Article 13 for a minor disciplinary infraction may be interposed in bar of trial for the same offense or infraction. For a definition of "minor offenses," see 128*b*. See 215*c* for a discussion of the substantive rules with respect to the defense of former punishment.

h. Grant or promise of immunity. An authority competent to order a person's trial by general court-martial may grant or promise him immunity from trial. A grant of immunity may be interposed as a bar to trial if the trial in question is contrary to the grant. A promise of immunity may also be interposed as a bar to trial if the trial is contrary to the terms of the promise.

i. Speedy trial. An accused has the right to a speedy trial, the denial of which may be asserted by a motion to dismiss. See 215*e* for a discussion of the substantive rules with respect to the right to a speedy trial. When the accused moves for a dismissal of certain charges on the ground that there has been an unreasonable delay as to those charges, the prosecution has the burden of establishing that the delay was not unreasonable. Objections based on the lack of a speedy trial may be waived by a failure to make a timely motion to dismiss the affected charges.

69. MOTIONS TO GRANT APPROPRIATE RELIEF. ***a. General.*** A motion to grant appropriate relief is one made to cure a defect of form or substance which impedes the accused in properly preparing for trial or conducting his defense. Among the objections which may be raised by such a motion are defects in charges and specifications which do not amount to a failure of the charge to allege an offense (69*b*), a substantial defect in the conduct of the pretrial investigation (see 34, 69*c*, Art. 32), prejudicial joinder in a joint trial (69*d*), misjoinder in a common trial (33*l*, 69*d*), and a general atmosphere of prejudice at the place of trial (69*e*). In general these objections are waived if not asserted before the entry of a plea or the conclusion of an Article 39(a) session held prior to assembly, whichever occurs earlier, but relief from the waiver may be granted for good cause (67*b*). The motion should briefly and clearly set forth the nature of and grounds for the request, objection, or questions it is intended to make or raise. The motion admits nothing as to either the jurisdiction of the court or the merits of the case. For examples of other motions to grant appropriate relief which may be made during the trial, see 69*f*. See 57 for finality of rulings.

b. Defects in charges and specifications. (1) *General.* If a specification, although alleging an offense cognizable by courts-martial, is defective in matters of form, as when it is inartfully drawn, indefinite, or redundant or when it misnames the accused, is laid under the wrong article, or does not contain sufficient allegations as to time and place, the objection should be raised by a motion for appropriate relief.

(2) *When accused is not misled.* If it clearly appears that the accused has not in fact been misled by the form of the charges and specifications and that a continuance is not necessary for the protection of his substantial rights, the court may proceed immediately with the trial upon directing an appropriate amendment of the defective charge or specification.

(3) *When accused may be misled.* If the specification is defective to the extent that it does not fairly apprise the accused of the particular offense charged, the military judge or the president of a special court-martial without a military judge, when the defect is raised, will according to the circumstances direct the specification to be stricken and disregarded, or continue the case to allow the trial counsel to apply to the convening authority for directions as to further proceedings, or permit the specification to be amended so as to cure the defect and continue the case for such time as in the opinion of the military judge or the president of a special court-martial without a military judge will enable the accused properly to prepare his defense in view of the amendment.

In determining which of the courses mentioned in the preceding subparagraph is to be followed, the military judge or the president of a special court-martial without a military judge will exercise discretion in the light of the circumstances of each case. The following discussion is intended to provide guidance only and is not to be considered as providing a solution for every case.

When a defective specification alleges a relatively minor offense and one or more specifications remain before the court alleging serious offenses as to which a delay of the trial might prejudice the interests of the accused or the Government, the military judge or the president of a special court-martial

without a military judge may strike the defective specification and proceed with the trial of the remaining offenses.

Proper occasions for amending a defective specification and continuing the case may arise when the prosecution is prepared to propose an appropriate amendment which, without changing the nature of the offense charged, supplies sufficient particulars to enable the accused properly to prepare his defense.

When the trial counsel is not prepared to propose an appropriate amendment to a defective specification, or when a proposed amendment to such a specification would change the nature of the offense intended to be alleged and when the interests of justice do not require that the defective specification be stricken in order that the trial may proceed with respect to other specifications, the military judge or the president of a special court-martial without a military judge may continue the case in order to permit the trial counsel to refer the matter to the convening authority. This procedure is also appropriate in any case when there is doubt as to the proper relief which should be granted with respect to a defective specification.

c. Defects arising out of the pretrial investigation. A substantial failure to comply with the requirements of 34 and Article 32 may be brought to the attention of the court by a motion for appropriate relief. Such a motion should be granted only if the accused shows that the defect in the conduct of the investigation has in fact prevented him from properly preparing for trial or has otherwise injuriously affected his substantial rights. If the motion is granted, the military judge may direct a continuance to enable the accused to prepare his defense properly, or may adjourn the proceedings to permit compliance with 34 and Article 32 and report the basis of his action to the convening authority. The latter may, after taking necessary action to cure the defect, return the record to the court with instructions to proceed with the trial.

d. Motion to sever. A motion to sever is a motion by one of two or more co-accused to be tried separately from the other or others. Occasion for the motion may arise in either a joint or a common trial.

In a common trial, a motion to sever will be liberally considered. It should be granted on the motion of an accused arraigned in a common trial with other accused against whom offenses are charged which are unrelated to those charged against the mover (33*l*).

The motion should be granted in any case if good cause is shown; but when the essence of the offense is a combination between the parties—conspiracy, for instance—the military judge or the president of a special court-martial without a military judge may properly be more exacting than in other cases as to whether the facts established in support of the motion constitute good cause. The more common grounds for this motion are that the mover desires to use at his trial the testimony of one or more of his co-accused or the testimony of the wife of one, that a defense of the other accused is antagonistic to his own, or that evidence as to the other accused will in some manner prejudice his defense.

If the motion is granted, the military judge or the president of a special court-martial without a military judge will decide which accused will be tried first and, in the case of joint charges, direct an appropriate amendment of the charges and specifications. For instance, if after severance the court proceeds with the trial of B in a case in which A and B have been jointly charged with

an offense, the specification should be amended to allege, in effect, either that B committed the offense or that B committed the offense in conjunction with A. The amendment should be formally made as a part of the proceedings, no actual alteration being made in the charge sheet itself. For an example see the procedural guide, appendix 8*b*. When, as a result of action on a motion to sever, trial of one or more accused is deferred, the trial counsel will report the facts at once to the convening authority so that he may take appropriate action to try the deferred accused or to make other disposition of the charges as to that accused.

e. Change of venue. If the accused demonstrates that there exists at the place of trial where the prosecution is pending so great a general atmosphere of prejudice against him that he cannot obtain a fair and impartial trial in that place, he is entitled, upon a motion for a change of venue, to be tried at some other place. When such a motion is granted, the charges shall be returned to the convening authority for arrangements for trial elsewhere.

f. Miscellaneous motions for relief. In addition to the grounds for motions discussed above in this paragraph (69), there are others which may be made for the purpose of raising a specific objection on the merits before trial of the general issue. For examples, see 121 and 122 (Insanity). If a motion amounts in substance to an application for a continuance, or to a challenge, motion to dismiss, or other matter for which a procedure is provided, the motion will be regarded as such application, challenge, motion to dismiss, or other matter. A motion to elect—that is, a motion that the prosecution be required to elect upon which of two or more charges or specifications it will proceed—will ordinarily not be granted. But see 26*b*.

70. PLEAS. ***a. General.*** In court-martial procedure, pleas include guilty, not guilty, and pleas corresponding to permissible findings of included offenses. See 74*b*(3). The military judge, the president of a special court-martial without a military judge, or summary court-martial may refuse to accept a plea of guilty and should not accept the plea without first determining that it is made voluntarily with understanding of the nature of the charge. If an accused arraigned before a court-martial makes any irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record and the court shall proceed as though he had pleaded not guilty (Art. 45(a)). The term "irregular pleading" includes such contradictory pleas as guilty without criminality or guilty to a charge after pleading not guilty to all specifications thereunder.

A plea of guilty by the accused may not be received to any charge or specification alleging an offense for which the death penalty may be adjudged (Art. 45(b); see 15*a*(3)), but a plea of guilty may be received as to a noncapital offense which is necessarily included in a capital offense alleged.

Except as to matters covered by a plea of guilty, a plea admits nothing as to the jurisdiction of the court and nothing as to the merits of the case. Any admission or waiver involved in a plea of guilty to any offense has effective existence only as long as the plea stands. A plea of not guilty or guilty will, in the absence of a motion to grant appropriate relief, be regarded as a waiver of

any objection which must be raised by such a motion before plea, including any objection based on a misnomer of the accused whether under an alias or otherwise. See 67*b*. By standing mute, an accused does not waive any objections otherwise waived by a plea.

The accused has a legal and moral right to enter a plea of not guilty even if he knows he is guilty. This is so because his plea of not guilty amounts to nothing more than a statement that he stands upon his right to cast upon the prosecution the burden of proving his alleged guilt.

A plea of guilty does not exclude the taking of evidence, and if there are aggravating or extenuating circumstances not clearly shown by the specification and plea, any available and admissible evidence as to those circumstances may be introduced. If a plea of guilty to an included offense is entered, the trial counsel shall proceed with the prosecution of the offense charged.

b. Procedure if plea of guilty is entered. The following procedure is prescribed for all cases in which a plea of guilty is entered:

(1) In general and special court-martial cases, the plea of guilty will be received only after the accused has had an opportunity to consult with the counsel detailed for or selected by him. If the accused has refused counsel, the plea should not be received.

(2) The military judge, the president of a special court-martial without a military judge, or summary court-martial should explain to the accused the meaning and effect of any plea of guilty made by him. This explanation should include the following:

The elements of the offense to which the plea of guilty relates;

That, as to the offense to which the plea of guilty relates, the plea admits every element charged and every act or omission alleged and authorizes conviction of the offense without further proof;

The maximum authorized punishment, including permissible additional punishment (127*c*, Section B), as appropriate, which may be adjudged upon conviction of the offense; and

That the maximum authorized punishment may be adjudged upon conviction of the offense.

(3) A plea of guilty will not be accepted unless the military judge, the president of a special court-martial without a military judge, or summary court-martial, after the accused has been questioned, is satisfied not only that the accused understands the meaning and effect of his plea and admits the allegations to which he has pleaded guilty but also that he is voluntarily pleading guilty because he is convinced that he is in fact guilty. See appendix 8*b* for an example of the procedure which may be followed.

(4) The explanation made and the replies of the accused thereto will be set forth verbatim in the record of trial when a verbatim record is kept. In other records of trial, the substance of the explanation and replies will be set forth in the record of trial. In records of trial by summary court-martial, the fact that a plea of guilty was explained will be recorded in the space provided.

(5) The question whether the plea will be received is an interlocutory one.

In a trial by court-martial with members to which a military judge has been detailed, the explanation of the meaning and effect of a guilty plea and

any inquiry into the providence of a guilty plea should be accomplished by the military judge out of the presence of the members of the court-martial.

When an accused in the course of a trial following a plea of guilty makes a statement to the court, in his testimony or otherwise, inconsistent with the plea, the military judge, the president of a special court-martial without a military judge, or the summary court-martial will inquire into the providence of the plea. If as a result of this inquiry it appears that the accused in fact entered the plea improvidently or through lack of understanding of its meaning and effect, or if the accused does not voluntarily withdraw his inconsistent statement, a plea of not guilty shall be entered and the trial will proceed as though he had pleaded not guilty. See Article 45(a). If before the sentence is announced in a trial by general or special court-martial the accused asks permission to withdraw a plea of guilty and substitute a plea of not guilty or a plea to a lesser included offense, the military judge or the president of a special court-martial without a military judge may, as a matter of discretion, permit him to do so. As to the procedure at a trial by summary court-martial, see 79*d*(2). If a plea of guilty previously entered is set aside, the prosecution will be given an opportunity to reopen its case and produce any available evidence which it did not introduce because of the plea of guilty. See 81b(2) as to the procedure when an accused asks permission to withdraw a plea of guilty during a rehearing on the sentence only.

If the accused is being tried by a military judge alone or by a summary court-martial, a finding of guilty may be entered immediately following the acceptance of the plea. In a trial by a court-martial with members, a finding of guilty of the charge and specifications may, if permitted by regulations of the Secretary concerned, be entered immediately without vote after a plea of guilty has been accepted by the military judge or the president of a special court-martial without a military judge. The findings will be entered by the announcement that the accused has been found guilty in accordance with his pleas. See Appendix 8*b*.

71. MOTION FOR FINDING OF NOT GUILTY; RES JUDICATA. ***a. Motion for finding of not guilty.*** On motion of the defense, a finding of not guilty may be entered as to any offense charged after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of that offense. If a motion for a finding of not guilty at the close of the evidence offered by the prosecution is not granted, the defense may offer evidence without having reserved the right to do so. But if all the evidence in the record, whether adduced by the defense or the prosecution, or both, is sufficient to sustain a conviction, the conviction need not be set aside upon review merely because the court erred in denying the motion for a finding of not guilty at the time it was made.

The military judge, or the president of a special court-martial without a military judge, in his discretion may require that the motion specifically indicate wherein the evidence is legally insufficient. The matter will be determined as an interlocutory question. See 57 and Article 51(b). If there is any evidence which, together with all inferences which can properly be drawn therefrom and all applicable presumptions, could reasonably tend to establish every essential element of an offense charged or included in any specification to which the motion is directed, the motion will not be granted. The military judge, or the

president of a special court-martial without a military judge, in his discretion may defer action on any such motion as to any specification and permit the trial counsel to reopen the case for the prosecution and to produce any available evidence. If the motion is granted as to any specification, the ruling amounts to a finding of not guilty of that specification and, when appropriate, of the proper charge.

The ruling of the military judge upon a motion for a finding of not guilty is final and constitutes the ruling of the court, but the president of a special court-martial without a military judge rules subject to objection by any member of the court (Art. 51(b)). After ruling initially and before asking whether any member objects to the ruling, the president shall instruct the court as to the elements of the offense and any lesser included offenses, the test to be applied in determining whether the motion should be granted, and any other matters which properly warrant instruction at that time (57*c*).

b. Res judicata. The doctrine of res judicata provides that a matter put in issue and finally determined by a court of competent jurisdiction cannot be disputed between the same parties in a subsequent trial, even though the determination was based upon an erroneous view or application of the law. Res judicata applies only to the matter determined and not to any principle of law announced by the court which may have led to the determination of the matter. In criminal trials, the doctrine of res judicata precludes the prosecution from relitigating a matter determined in the accused's favor by a previous final judgment or ruling, whether the present trial is for the same or a different offense and whether the previous proceeding culminated in an acquittal, a conviction, or otherwise. The accused may invoke the doctrine by asserting a motion to dismiss on the basis of a matter finally determined in his favor at a previous trial or by objecting to evidence which is offered to prove a matter which was finally determined in his favor at a previous trial. The former adjudication may be proved by the record of trial in which it appears. Whether res judicata applies to a certain matter is an interlocutory question. See 57. The accused may invoke the doctrine of res judicata as to matters finally determined in a previous trial by court-martial or in any previous trial in which the United States or any governmental unit deriving its authority therefrom was a party. The doctrine may not be asserted by the prosecution. See, however, 68*b*(2).

As an example of the operation of the doctrine of res judicata, if the accused is being tried by court-martial for the murder of A, he may successfully object to the introduction of evidence that he shot A if he had been acquitted at a previous trial by court-martial of a charge of having assaulted A by shooting him on the same occasion, and this is so even though the defense of former jeopardy (68*d*) might not be available to the accused. As another example, the accused may successfully object to the introduction of a confession against him if that confession was excluded as being inadmissible against him at a previous trial by court-martial, even if the confession was excluded under an erroneous concept of the law.

Chapter XIII

MATTERS RELATED TO FINDINGS AND SENTENCE

ARGUMENTS—INSTRUCTIONS TO A COURT-MARTIAL WITH MEMBERS—FINDINGS—PRESENTENCING PROCEDURE—SENTENCE—CONCLUSION OF THE TRIAL

72. ARGUMENTS. ***a. General.*** After both sides have rested, arguments may be made to the court by the trial counsel, the accused, and his counsel. The trial counsel has the right to make the opening argument and, if any argument is made on behalf of the defense, the closing argument. The closing argument of the trial counsel is generally limited to the discussion of propositions or matters argued by the defense. If the trial counsel is permitted by the court to introduce new matter in his closing argument, the defense should be afforded an opportunity to reply thereto, but this will not preclude the trial counsel from presenting a final argument. See 75*e* as to argument on the sentence.

If the arguments indicate that a plea of guilty was entered improvidently, the military judge or the president of a special court-martial without a military judge will take appropriate action as indicated in 70.

Arguments of counsel may be oral, in writing, or both. See 82*b*(4) in this connection.

b. Content. A reasonable latitude should be allowed counsel in presenting their arguments. Restricting argument, particularly in long and complicated cases, may constitute error; however, the military judge, or the president of a special court-martial without a military judge may as a matter of discretion limit argument when it is trivial or mere repetition. In arguments on findings and sentence, as discussed in this paragraph and 75*e*, and as distinguished from arguments on other matters (53*g* and 57*g*(2)), neither counsel may cite legal authorities or the facts of other cases, except when arguing before the military judge sitting alone.

Counsel may make a reasonable comment on the evidence and may draw such inferences from the testimony as will support his theory of the case. The testimony, conduct, motives, and evidence of malice on the part of witnesses may, so far as disclosed by the evidence, be commented upon. It is improper to state in an argument any matter of fact as to which there has been no evidence. A party may, however, argue as though the testimony of his own witnesses conclusively established facts related by them.

The prosecution may not comment upon the failure of the accused to take the witness stand; however, if the accused has testified on the merits with respect to an offense charged and if he fails in that testimony to deny or explain specific facts of an incriminating nature that the evidence of the prosecution tends to establish with respect to that offense, such a failure may be commented upon. When an accused is on trial for a number of offenses and has testified

to one or more of them only, no comment can be made on his failure to testify as to the others. Trial counsel may not comment on the exercise by the accused of his rights under Article 31(b), the conduct of the defense at the Article 32 investigation, nor upon the probable effect of the court's findings on relations between the military and civilian communities.

Refusal of a witness to answer a proper question may be commented upon. But see 148*e* and 150*b*. As to permissible comments on the fact that one witness testified after hearing another, see 149*a* (Examination of witnesses).

c. Improper argument. Argument should not be interrupted by the other side or by the court unless it becomes improper, in which case it may be appropriate for the military judge or the president of a special court-martial without a military judge to order that the argument be confined to proper matters, and that any improper part already made be disregarded.

73. INSTRUCTIONS TO A COURT-MARTIAL WITH MEMBERS.

a. General. After closing arguments have been concluded, the military judge, or the president of a special court-martial without a military judge, will give the court those instructions which are required by the law in the light of the circumstances of the case. He will instruct the court as to the elements of the offense charged in each specification and the elements of each included offense in issue. The elements of the offense, for instructional purposes, are those issues of fact related to the offense which must be determined by the members of the court on the question of the guilt or innocence of the accused. When the question of insanity is reasonably raised by the evidence, he must instruct the court as to this issue. He should give instructions on the law governing each affirmative defense reasonably in issue under the evidence and on the meaning of each term having a special legal connotation employed in the instructions. For example, in offenses of murder or manslaughter, instructions on self-defense (216*c*) must be given if that defense is reasonably raised by the evidence; and in the case of offenses requiring proof of specific intent or actual knowledge, instructions on the possible effect of intoxication (154*a*(3)) must be given when this is an issue reasonably raised by the evidence. If any evidence, including evidence of other acts of misconduct of the accused, has been admitted for a limited purpose, he should instruct the court concerning the limited purpose for which it was received. See chapter XXVII as to instructions concerning other evidentiary matters.

Information as to the elements of certain offenses and included offenses may be obtained from the subparagraphs entitled "Discussions" and "Proof" which appear in the discussion of the punitive article relating to each. See chapter XXVIII. A mere reading of the elements of proof from applicable subparagraphs will not, however, in most cases be sufficient to apprise the court of what must be proved to warrant a conviction, nor will it provide other necessary instructions, such as those on affirmative defenses in issue. Instructions should be tailored to fit the circumstances of the individual case. If the military judge, or the president of a special court-martial without a military judge, entertains any doubt as to the elements of a particular offense, the law governing an affirmative defense, what matter should be included in any instruction, or any other question relating to instructions, he may call upon trial and defense counsel to produce any law available on these matters, including citations and authorities.

If there is an accepted plea of guilty to an offense and a finding of guilty has not been entered without vote, the military judge, or the president of a special court-martial without a military judge, may invite the attention of the court to the fact that no further proof of the offense to which the plea relates need be introduced by the prosecution to warrant a finding of guilty of that offense. See 70*b*.

All instructions given by the military judge, or the president of a special court-martial without a military judge, will be given in open session in the presence of the accused and counsel for both sides.

b. Charging the court. After instructing the court as set forth in 73*a*, the military judge, or the president of a special court-martial without a military judge, shall, in all cases in which a not guilty plea has been entered and, when appropriate, in cases in which a plea of guilty to all charges and specifications has been entered, charge the court:

(1) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

(3) That if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the United States.

c. Military judge's summarizing and commenting upon the evidence. When the military judge deems it necessary or desirable, he may give the court such additional instructions as will assist it in making its findings. For example, he may, in an appropriate case, make an orderly statement of the issues of fact, summarize and comment upon the evidence on each side of those issues, and discuss the law applicable thereto at greater length than required by 73*a*.

In summarizing or commenting upon the evidence, the military judge should use the greatest caution to insure that his remarks do not extend beyond an accurate, fair, and dispassionate statement of what the evidence shows, both in behalf of the prosecution and the defense. He should not depart from the role of an impartial judge, or assume the role of a partisan advocate. He should not assume as true the existence or nonexistence of a material fact in issue as to which the evidence is conflicting, as to which there is dispute, or which is not supported by the evidence, and he should make it clear that the members of the court are left free to exercise their independent judgment as to the facts.

d. Preparing instructions. If the military judge, or the president of a special court-martial without a military judge, deems it necessary or desirable, he may recess the court so that he may have time to prepare his instructions, and he may request counsel for both sides to furnish him with proposed instructions as to a particular issue in the case or as to any or all of the offenses charged. Counsel may submit proposed instructions without such a request, however, and need not submit them even when requested to do so. If either counsel submits proposed instructions or requests instructions on any matter, the military judge, or the president of a special court-martial without a military judge, should

provide instructions on the matter if it is in issue and has not been adequately covered elsewhere in his instructions. Any proposed instructions submitted by counsel will be presented in writing and copies will be furnished to the opposing counsel. The military judge, or the president of a special court-martial without a military judge, may accept, reject, or modify any proposed instruction that is submitted, and may substitute instructions of his own or refuse to give any instructions on a matter included in a proposed instruction submitted by counsel, subject to the limitations above. In giving an instruction proposed by counsel, he should not identify its source. He will cause all proposed instructions to be marked for identification and appended to the record of trial for consideration on review. Counsel may be permitted to present argument upon proposed instructions. The military judge will exclude the members during the presentation of any argument upon a proposed instruction. The argument should be recorded and incorporated in the record.

Normally, written instructions are not taken into closed session by the court, but any copy which is taken into closed session must be appended to the record of trial as an appellate exhibit.

74. FINDINGS. ***a. General.*** The following principles apply to findings whether made by the military judge alone or by the members:

(1) *Basis of findings.* Only matters properly before the court as a whole may be considered. A member should not, for instance, be influenced by any knowledge of the acts, character, or service of the accused not based on the evidence or other proper matter before the court; by any opinions not properly in evidence; or by motives of partiality, favor, or affection. Matters as to which comment in argument is prohibited cannot be considered.

(2) *Weighing evidence.* In weighing the evidence, a member is expected to utilize his common sense and his knowledge of human nature and of the ways of the world. In the light of all the circumstances of the case, he should consider the inherent probability or improbability of the evidence, and, with this in mind, he may properly believe one witness and disbelieve several witnesses whose testimony is in conflict with that of the one. In this connection, see 153*a* (Credibility of witnesses) and 153*b* (Impeachment of witnesses).

(3) *Reasonable doubt.* In order to convict of an offense, the court must be satisfied beyond a reasonable doubt that the accused is guilty thereof. By "reasonable doubt" is intended not a fanciful or ingenious doubt or conjecture but substantial, honest, conscientious doubt suggested by the material evidence, or lack of it, in the case. It is an honest, substantial misgiving, generated by insufficiency of proof of guilt. It is not a captious doubt, nor a doubt suggested by the ingenuity of counsel or court and unwarranted by the testimony, nor a doubt born of a merciful inclination to permit the accused to escape conviction, nor a doubt prompted by sympathy for him or those connected with him. The meaning of the rule is that the proof must be such as to exclude not every hypothesis or possibility of innocence but any fair and rational hypothesis except that of guilt; what is required is not an absolute or mathematical certainty but a moral certainty.

The rule as to reasonable doubt extends to every element of the offense. If, in a trial for desertion with intent to remain away permanently, a reasonable doubt exists as to that intent, the accused cannot properly be convicted as charged, although he might be convicted of the lesser included offense of

absence without proper authority (app. 12). It is not necessary that each particular fact advanced by the prosecution be proved beyond a reasonable doubt; it is sufficient to warrant conviction if, on the whole evidence, the court is satisfied beyond a reasonable doubt that the accused is guilty.

If a reasonable doubt exists as to the mental responsibility of an accused for an offense charged, the accused cannot legally be convicted of that offense. See 120*b* as to the standard of mental responsibility and 122 as to the burden of proof and presumption of sanity. See the fourth paragraph of 214 as to the burden of proof when a special (affirmative) defense is in issue.

A reasonable doubt may arise from the insufficiency of direct as well as circumstantial evidence. There is no general rule for contrasting the weight of direct and circumstantial evidence. See 138*b*. The rule as to reasonable doubt applies equally to cases supported by direct evidence and those in which the only competent evidence is circumstantial.

b. Findings as to the specifications. (1) *General.* Permissible findings include guilty; not guilty; guilty with exceptions, with or without substitutions, and not guilty of the exceptions and guilty of any substitutions, as stated below.

The finding as to a specification should be consistent throughout. A finding of guilty without criminality should not be made.

When two or more accused are tried jointly, the findings as to each accused should be stated separately. Any different findings as to two or more joint accused should be consistent with one another. Thus, if A and B are joint accused and the court finds B guilty of the offense charged and finds A not guilty, B should be found guilty by excepting from the specification the name of A and the words in the specification which indicate that the offense was a joint one.

(2) *Exceptions and substitutions.* One or more words or figures may be excepted and, when necessary, others substituted, provided the facts as so found constitute an offense by the accused which is punishable by the court and provided such an action does not change the nature or identity of any offense charged in the specification or increase the amount of punishment that might be imposed for any such offense. The substitution of a new date or place may, but does not necessarily, change the nature or identity of an offense. For action to be taken when the evidence indicates an offense not charged, see 55.

(3) *Included offenses.* If the evidence fails to prove the offense charged but does prove the commission of an offense necessarily included in that charged or of an attempt to commit the offense charged or of an offense necessarily included therein, the court may by its findings except appropriate words and figures of the specification and, if necessary, substitute others, finding the accused not guilty of the excepted matter but guilty of the substituted matter. For a discussion of included offense, see 158; for a discussion of attempts, see 159.

A table listing some commonly included offenses appears in appendix 12.

(4) *Offenses arising out of the same act or transaction.* The accused may be found guilty of two or more offenses arising out of the same act or transaction, without regard to whether the offenses are separate. In this connection, however, see 76*a*(5).

c. Findings as to the charges. Permissible findings include guilty; not guilty; not guilty, but guilty of a violation of Article —.

An attempt should be found as a violation of Article 80 unless the attempt is included in the express terms of some other article. For examples, see Articles 85, 94, 100, 104, and 128.

The finding as to a charge should not be inconsistent with, but should support, the findings as to the specifications thereunder. Thus, if two specifications of desertion are under one charge and the accused is found guilty of the first specification, but guilty of only absence without leave as to the second specification, the finding as to the charge should be: Of the Charge: As to Specification 1: Guilty. As to Specification 2: Not guilty, but guilty of a violation of Article 86. A finding of guilty of one specification appropriate to its charge requires a finding of guilty of the charge, but a finding of not guilty of another such specification under that charge does not require any finding of the charge as to it. Thus, upon finding an accused guilty of one of the two specifications under a proper charge, and not guilty of the other, the finding as to the charge should be simply guilty.

A court may not find an offense as a violation of an article under which it was not charged solely for the purpose of increasing the authorized punishment or for the purpose of adjudging less than the prescribed mandatory punishment.

d. Procedure for courts-martial with members. (1) *General.* In every case tried by a court-martial with members in which findings of guilt or innocence are to be made, the members must vote on the findings unless regulations of the Secretary concerned permit a finding of guilty to be entered without vote upon the acceptance of a plea of guilty. After the military judge, or the president of a special court-martial without a military judge, has instructed the court as prescribed in 73, the court will close to deliberate and vote on the findings. Only the members of the court will be present. Deliberation may properly include full and free discussion as to the merits of the case. The influence of superiority in rank shall not be employed in any manner in an attempt to control the independence of members in the exercise of their judgment.

(2) *Voting.* Voting shall be by secret written ballot (Art. 51(a)) and is obligatory for all charges and specifications for which findings have not been entered without a vote (Art. 45(b)). The order in which the several charges and specifications are to be voted upon will ordinarily be determined by the president, subject to the objection of a majority of the court, except that all the specifications under a charge shall precede that charge. The members normally vote upon a specification or charge by marking on their ballots: "Guilty;" "Not guilty;" or "Not guilty, but guilty of _____." The junior member of the court shall count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court (Art. 51(a)).

(3) *Numbers of votes required.* No person may be convicted of an offense for which the death penalty is made mandatory by law (see, for example, Art. 106), except by the concurrence of all the members of the court-martial present at the time the vote is taken. No person may be convicted of any other offense, when voting is required (74*d*(1)), except by the concurrence of two-thirds of the members present at the time the vote is taken (Art. 52). If, in computing

the number of votes required, a fraction results, the fraction will be counted as one; thus, if five members are to vote, a requirement that two-thirds concur is not met unless four concur. A finding of not guilty results as to any specification or charge if no other valid finding is reached thereon; however, a court may reconsider any finding before the same is formally announced in open session. The court may also reconsider any finding of guilty on its own motion at any time before it has first announced the sentence in the case. Any member of a court may propose that a finding be reconsidered. If a reballot is proposed by any member as to a finding of guilty of an offense for which the death penalty is mandatory by law, an additional ballot shall be taken immediately. Otherwise, the question shall be determined on secret written ballot, and a reballot shall be taken on a prior not guilty finding when a majority of the members vote in favor thereof or on a prior guilty finding if more than one-third of the members favor reballoting.

e. Requesting additional instructions. If during their deliberation on the findings, the members of a court-martial with a military judge are in doubt as to the applicability of the law or the effect of certain evidence in a case, such as whether they may make a finding of guilty of a specification by substitutions and exceptions, or whether there is any lesser included offense of which they may find the accused guilty, the court may be opened and additional instructions requested from the military judge. These instructions will be given in open session in the presence of the accused and counsel for both sides and will be made a part of the record.

If a special court-martial without a military judge desires additional information on the subjects mentioned above, it may open and request counsel for both sides to present legal authorities on the question or direct the trial counsel to obtain the information. The proceedings, including any information that is given the court by the trial counsel pursuant to such direction, will be in open session in the presence of the accused and his counsel and will be made a part of the record.

f. Form of Findings. (1) *Court-martial with a military judge and members.* After a court-martial with a military judge detailed has finally voted on the findings in closed session, the court may open and ask the military judge for assistance so that it may put the findings in proper form. The military judge should first require the president to state whether the court has reached its findings and, if so, what those findings are. This statement of the president does not constitute the announcement of the findings. The military judge may require the president to submit the findings to him in writing in lieu of an oral statement. The president shall speak for the court members in discussing the findings with the military judge, and he shall be careful not to disclose the vote of any particular member of the court; he may, however, indicate whether a finding was concurred in by two-thirds or all of the members, as the case may be. If the court has not reached its findings, the military judge may give such additional instructions as the court members may require to assist them in arriving at findings.

(2) *Special court-martial without a military judge.* A special court-martial without a military judge shall put its findings in proper form in closed session, following the forms indicated in appendix 8*b* and the instructions contained in 74 *b* and *c*.

(3) *Court-martial composed of a military judge alone.* The military judge sitting alone shall put his findings in proper form following the forms indicated in appendices 8*b* and 8*f* and the instructions contained in 74 *b* and *c*.

(4) *Reason for findings.* No finding by a court-martial with members should include any indication of the reasons for making it. For memorandum of decision and special findings by the military judge sitting alone, see 74*i* and appendix 8*f*.

g. Announcing the findings. As soon as a court-martial with members has determined the findings in a case, it will announce them in open session in the presence of the military judge, if any, counsel, and the accused. Only the required percentage of members who concurred in findings of guilty should be announced. If it is discovered before the conclusion of a trial that there was an error made in announcing the actual findings of the court, the error may be remedied by the announcement of the correct findings. This does not amount to a reconsideration by the court. See 74*d*(3) as to when reconsideration is proper. In any case tried by a military judge with members, the military judge may require the president to submit the findings to him in open session in writing prior to their announcement.

When the military judge who is trying the case alone has determined the general findings, he will announce them in open session in the presence of counsel and the accused (74*i*).

h. Statute of limitations. If by exceptions and substitutions an accused is found guilty of an included offense to which he has not entered a plea of guilty, and against which it appears that the statute of limitations (Art. 43) has run, the military judge, or the president of a special court-martial without a military judge will, as soon as such a finding is announced, advise him in open session of his right to avail himself of the statute. If an accused interposes the statute, the issue will be determined in substantially the same manner as a motion to dismiss on the grounds of the statute of limitation (68*c*), and if it is determined that the statute has run against the offense, the military judge, or the president of a special court-martial without a military judge, will set aside the findings and dismiss the specification.

However, if an accused has pleaded guilty to an included offense and has persisted in his plea after the meaning and effect thereof have been explained to him, including his right to interpose the statute of limitations as to that offense, he has thereby waived the right to interpose the statute of limitations for the offense as long as his plea of guilty stands. Under these circumstances an accused may not, after a finding of guilty of such an included offense, assert the statute.

i. Court-martial composed of a military judge alone. The military judge sitting alone decides the guilt or innocence of the accused. He shall make general findings as indicated in 74*b* and *c* and may make such special finding as he deems appropriate. Upon request, however, special findings shall be made of factual matters reasonably in issue. The special findings will usually include findings as to the elements of the offenses of which accused may be found guilty, findings on the question of mental responsibility if raised by the evidence, and findings on special defenses reasonably in issue. A request for special findings must be made prior to the announcement of general findings by the military

judge and must specify the matter to be determined. Only one set of special findings may be requested by a party in any case. The military judge may require that a request for special findings be submitted in writing. The general findings, when determined, must be announced in open court with all parties present and special findings may be announced at that time. If the military judge files an opinion or memorandum of decision, however, it is sufficient if the special findings appear therein.

Requested special findings need not be made in the event of an acquittal of an offense, or relating to the principal offense, if conviction is of an included offense.

If the accused so requests, the military judge may announce his special findings prior to the presentencing procedure; otherwise the special findings may be attached to the record within a reasonable time after sentencing and before authentication of the record. The military judge may file an opinion or memorandum of decision at any time prior to authentication although the general and special findings were previously announced.

75. PRESENTENCING PROCEDURE. ***a. General.*** After the findings of guilty have been announced, the prosecution and defense may present appropriate matter to aid the court in determining the kind and amount of punishment to be imposed. If the accused was tried by a military judge sitting alone, the presentencing procedure may begin after the military judge announces the findings of guilty. See 74*i*.

Matter which is presented to the court after findings of guilty have been announced may not be considered as evidence against the accused in determining the legal sufficiency of the findings of guilty upon review. If any matter inconsistent with a plea of guilty is received or if it appears from any matter received that a plea of guilty was entered improvidently, action should be taken as outlined in 70.

b. Matter presented by the prosecution. (1) *Data as to service.* The trial counsel will read to the court from the charge sheet the data as to the age, pay, and service of the accused and the duration and nature of any restraint imposed before trial. If the defense objects to the data as being inaccurate or incomplete in a specified material particular, or as containing certain specified objectionable matter, the military judge or the president of a special court-martial without a military judge shall determine the issue. Objections not asserted may be regarded as waived.

(2) *Evidence of previous convictions.* The trial counsel will next introduce evidence of any previous convictions of the accused by courts-martial. This evidence is not limited to offenses similar to the one of which the accused stands convicted. The evidence must, however, relate to offenses committed during the six years next preceding the commission of any offense of which the accused stands convicted. In computing the six-year period, periods of unauthorized absence as shown by the findings in the case or by the evidence of previous convictions should be excluded.

Unless the accused has been tried for an offense within the meaning of Article 44(b), evidence as to the offense is not admissible as evidence of a previous conviction. See 68*d* (Former jeopardy). Therefore, no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall, as to that charge or specification, be admissible as a

previous conviction until the finding of guilty has become final after review of the case has been fully completed. A pending request to the Judge Advocate General to vacate or modify the findings and sentence of a court-martial on grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused (Art. 69) is not a part of the review within the meaning of Article 76 (108), and does not affect the admissibility of that court-martial as a previous conviction.

Ordinarily, previous convictions are proved by the record of previous convictions or the personnel records of the accused or an admissible copy or extract copy thereof. They may also be proved by the order promulgating the result of trial. The rules as to documentary evidence (143) apply to the proof of previous convictions as discussed in this subparagraph. A vacation of a suspended sentence does not itself qualify as a previous conviction and is not admissible as such.

(3) *Matter showing aggravation of an offense to which a plea of guilty has been entered.* If a finding of guilty of an offense is based upon a plea of guilty and available and admissible evidence as to any aggravating circumstances was not introduced before the findings, the prosecution may introduce that evidence after the findings are announced. See 70 in this connection.

c. Matter presented by the defense. (1) *General.* Whether or not it introduced evidence on the issue of guilt or innocence, the defense may, after findings of guilty are announced and before the court closes to vote on the sentence, introduce matter in extenuation or mitigation. With respect to matter in extenuation and mitigation offered by the defense, the military judge or the president of a special court-martial without a military judge may relax the rules of evidence to the extent of receiving affidavits, certificates of military and civil officers, and other writings of similar apparent authenticity and reliability.

(2) *Statement of accused.* Whether or not he testified on the issue of guilt or innocence or as to matters in extenuation or mitigation, the accused may make an unsworn statement to the court in mitigation or extenuation of the offenses of which he stands convicted, but the right to make such an unsworn statement does not permit the filing of the affidavit of the accused. This unsworn statement is not evidence, and the accused cannot be cross-examined upon it, but the prosecution may rebut statements of fact therein by evidence. The statement may be oral or in writing, or both. It may be made by the accused, by counsel, or by both. The statement should not include what is properly argument, but ordinarily the military judge or the president of a special court-martial without a military judge will not stop a statement on that ground if it is being made orally and personally by the accused.

(3) *Matter in extenuation.* Matter in extenuation of an offense serves to explain the circumstances surrounding the commission of the offense, including the reasons that actuated the accused but not extending to a legal justification or excuse.

(4) *Matter in mitigation.* Matter in mitigation has for its purpose the lessening of the punishment to be assigned by the court or the furnishing of grounds for a recommendation for clemency. The fact that nonjudicial punishment under Article 15 has been imposed and enforced against the accused may

be shown by the accused as a factor in mitigation upon trial for an offense growing out of the same act or omission for which the punishment was imposed and enforced. See 68*g*. Matter in mitigation may include particular acts of good conduct or bravery. It may exhibit the reputation or record of the accused in the service for efficiency, fidelity, subordination, temperance, courage, or any other traits that go to make a good officer or enlisted person. For example, the accused may introduce evidence of the character given him on any former discharge from the military service, subject to the right of the prosecution to introduce in rebuttal evidence of the character given the accused on other discharges from the service.

d. Optional matter presented when court-martial constituted with military judge. Under regulations of the Secretary concerned the trial counsel may, prior to sentencing, obtain and present to the military judge any personnel records of the accused or copies or summaries thereof. Summaries of such records will be prepared and authenticated by the custodian thereof as provided in appendix 8*g*. Personnel records of the accused include all those records made or maintained in accordance with departmental regulations which reflect the past conduct and performance of the accused. If the accused objects to the data as being inaccurate or incomplete in a specified material particular, or as containing certain specified objectionable matter, the military judge shall determine the matter. Objections not asserted will be regarded as waived. The accused may submit in rebuttal any matter which reflects on his past conduct and performance. In cases where members determine sentence, the military judge may admit for their consideration any information from these records which reflects the past conduct and performance of the accused.

e. Rebuttal evidence. After matter in aggravation, extenuation, or mitigation has been introduced, the prosecution or defense has the right to cross-examine any witnesses and to offer evidence in rebuttal.

f. Argument. After introduction of matters relating to the sentence, counsel for each side may make argument for an appropriate sentence. Trial counsel may not, in this argument, purport to speak for the convening authority or any higher authority, refer to the views of these authorities, refer to any policy directive relative to punishment, or refer to any punishment or quantum of punishment in excess of that which can lawfully be imposed in the particular case by the particular court.

76. SENTENCE. ***a. Basis for determining.*** In determining the kind and amount of punishment to be imposed, the following matters are applicable:

(1) Except for an offense for which a mandatory punishment is prescribed, the determination of a proper punishment for an offense rests within the discretion of the court subject to the limitations prescribed in chapter XXV and by the article violated. See particularly the Table of Maximum Punishments (127*c*). To the extent that punishment is discretionary, the sentence should provide a legal, appropriate, and adequate punishment.

(2) When applicable, the Table of Maximum Punishments prescribes the maximum limits authorized for each offense listed therein, and it should not be interpreted as indicating what is an appropriate sentence in an individual case. Whether the maximum or a lesser sentence will be imposed should be determined after a consideration of all the facts and circumstances involved in the case, regardless of the stage of the trial at which they were established.

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Accordingly, the court may consider evidence of other offenses or acts of misconduct which were properly introduced in the case, even if that evidence does not meet the requirements of admissibility in 75*b*(2) and even if it was introduced for a limited purpose before the findings. See 138*g* and 153*b*(2)(*b*). In the exercise of its discretion in adjudging a sentence, the court may consider evidence when properly introduced respecting the character of the accused as given in former discharges, the number and character of previous convictions, that a guilty plea is a mitigating factor, the nature and duration of any pretrial restraint, any evidence of mental impairment or deficiency (123), and the circumstances extenuating, mitigating, or aggravating the offense. It must also consider collateral features which limit the punishment—such as value in larceny, the length of absence in absence without leave, or the fact that the convening authority has directed that a capital case be treated as not capital (Art. 49). For matters to be considered upon a rehearing, see 81*d*. See 145*c* and Article 50 for limitations resulting from the use by the prosecution of testimony contained in a record of a court of inquiry.

(3) Dishonorable discharge should be reserved for those who should be separated under conditions of dishonor, after having been convicted of offenses usually recognized by the civil law as felonies, or of offenses of a military nature requiring severe punishment. See 127*c*, Section B, as to when a dishonorable discharge is authorized as an additional punishment.

(4) A bad-conduct discharge may be imposed in any case in which a dishonorable discharge may be imposed as well as in certain other cases. It is a less severe punishment than dishonorable discharge and is designed as a punishment for bad-conduct rather than as a punishment for serious offenses of either a civil or military nature. It is appropriate as punishment for an accused who has been convicted repeatedly of minor offenses and whose punitive separation from the service appears to be necessary. See 127*c*, Section B, as to when a bad-conduct discharge is authorized as an additional punishment.

(5) The maximum authorized punishment may be imposed for each of two or more separate offenses arising out of the same act or transaction. If one offense is included in the other, the offenses are not separate. Also, the general rule is that offenses are not separate unless each requires proof of an element not required to prove the other. For example, if an accused is convicted of escape from confinement (Art. 95) and desertion (Art. 85) which both arose out of the same act or transaction, the court may legally adjudge the maximum punishment authorized for each offense because an intent to remain permanently absent is not a necessary element of the offense of escape, and a freeing from restraint is not a necessary element of the offense of desertion; but if, in this example, the accused had been convicted of absence without leave instead of desertion, he could not be separately punished for the two offenses because absence without leave does not require proof of any element not also required to prove the escape.

Care must be exercised in applying the general rule stated in the above paragraph as there are other rules which may be applicable, with the result that in some instances a final determination of whether two offenses are separate can be made only after a study of the circumstances involved in the individual case. The following are examples of rules under which offenses may not be

separate although each offense requires proof of an element not required to prove the other:

(*a*) *When the intent for each of several offenses is to be inferred from the same fact.*

Example: An accused is convicted of desertion by an absence with an intent to remain away permanently (Art. 85(a)(1)) and also of desertion by quitting his organization with intent to shirk important service (Art. 85(a)(2)), as the result of one absence. If the intent for each offense is to be inferred from the fact that the accused failed to comply with orders for overseas shipment, the offenses are not separate.

(*b*) *When two offenses are committed as the result of a single impulse or intent.*

Example: An accused is convicted of unlawfully opening mail matter (Art. 134) and larceny (Art. 121) therefrom. If he opened the mail bag for the purpose of stealing money contained in a letter in the bag, the offenses would not be separate.

The following are examples of rules which establish that offenses are separate whether or not each offense requires proof of an element not required to prove the other:

(*a*) *When the offenses involve violations of different social standards.*

Example: An accused is convicted of robbery (Art. 122) and conspiracy (Art. 81) to commit the same robbery. Even if the overt act set forth in the conspiracy is the consummated robbery, the offenses are separate. See 160.

(*b*) *When the offenses involve the breach of separate duties.*

Example: An accused is convicted of misbehavior before the enemy through cowardly conduct in wrongfully failing to join his unit in the front lines (Art. 99(5)) and the willful disobedience of the lawful order of a superior officer to join his unit in the front lines (Art. 90(2)). The offenses are separate because in the first instance the accused had a duty to be with his unit and in the second he had a duty to obey the order to join it.

When an accused is convicted of two or more offenses which are not separate, the maximum punishment for all of those offenses which merge is the maximum prescribed in the Table of Maximum Punishments for the one carrying the most severe punishment.

b. Procedure for courts-martial with members. (1) *Instructions on punishment.* Before a court-martial closes to deliberate and vote on the sentence, the military judge, or the president of a special court-martial without a military judge, must give appropriate instructions on the punishment, to include a statement of the maximum authorized punishment which may be imposed. The instructions should be tailored to fit the facts and circumstance of the individual case and should fully inform the members of the court-martial on their sole responsibility for selecting an appropriate sentence and that the court-martial may consider all matters in extenuation and mitigation as well as those in aggravation, whether introduced before or after the findings; evidence admitted as to the background and character of the accused; and the reputation or record

of the accused in the service for good conduct, efficiency, fidelity, courage, bravery, or other traits of good character. The maximum punishment will be the lowest of the following: the total permitted by 127*c* for the offenses of which the accused stands convicted, or the jurisdictional limit of the court-martial (see Art. 19), or, in a rehearing or new or other trial of the case, the maximum authorized pursuant to 81*d* or 110*a*(2). A court-martial must not be advised of the basis for the sentence limitation or of any sentence which might be imposed for the offense if not limited as set forth above. If an additional punishment is authorized because of the provisions of 127*c*, Section B, however, the military judge or the president of a special court-martial without a military judge, should advise the court of the basis for the increased permissible punishment. If the president of a special court-martial without a military judge has any question as to the maximum punishment that may be adjudged in a case, he may request counsel for either or both sides to procure and present pertinent information concerning the matter for his consideration. This information will be given in open session in the presence of the accused and his counsel and should be made a matter of record.

(2) *Deliberation and voting.* The court sits in closed session during deliberation and voting upon the sentence. Only the members of the court will be present. Deliberation may properly include full and free discussion. The influence of superiority in rank shall not be employed in any manner in an attempt to control the independence of members in the exercise of their judgment.

When the discussion is completed, any member who desires to propose a sentence writes his proposal on a slip of paper. The junior member collects these proposed sentences and submits them to the president. The court then votes on the proposed sentences, beginning with the lightest, until a sentence is adopted by the concurrence of the required number of members. Voting is by secret written ballot. The junior member shall in each case collect and count the votes. The count shall be checked by the president who shall forthwith announce the result of the ballot to the members of the court.

It is the duty of each member to vote for a proper sentence for the offense or offenses of which the accused has been found guilty, without regard to his opinion or vote as to the guilt or innocence of the accused. Any sentence, even in a case where the punishment is mandatory, must have the concurrence of the required number of members. If the required proportion of the court members are conscientiously unable to reach agreement on a sentence, this fact shall be announced in open session and a mistrial declared. The convening authority may thereafter direct a rehearing on the sentence before a different court.

(3) *Number of votes required.* No person may be sentenced to suffer death, except by the concurrence of all the members of the court-martial present at the time the vote is taken. No person may be sentenced to life imprisonment or to confinement for more than ten years, except by the concurrence of three-fourths of the members present at the time the vote is taken. All other sentences shall be determined by the concurrence of two-thirds of the members present at the time the vote is taken. See Article 52(b). If, in computing the number of votes required, a fraction results, the fraction will be counted as one; thus, if six members are to vote, a requirement that three-fourths concur is not met unless five concur.

(4) *Form of sentence.* Forms of sentences appear in appendix 13. The sentence adjudged should follow one of those forms or a combination or modification of those forms. The court may be given additional instructions in open session concerning the sentence when it so requests or when otherwise appropriate to assist in a proper sentence determination. See 74*e* for the correct procedure on additional instructions.

c. Announcing of sentence by court-martial with members. As soon as the court has determined the sentence, the president will announce it in open session in the presence of the military judge, if any, the accused, and counsel for both sides. Only the required percentage of members who concurred in the sentence should be announced. If the military judge notes any ambiguity or apparent illegality in the sentence as announced by the court, he should bring the irregularity to the attention of the court so that it may close to reconsider and correct the sentence. The court may not, however, reconsider the sentence with a view to increasing its severity after the sentence has been announced unless the sentence prescribed for the offense of which the accused has been convicted is mandatory (Art. 62(b)). If it is discovered before the dispersal of a court, however, that there was an error made in announcing the sentence as actually determined by the court, the error may be remedied by announcing the correct sentence in open session. In appropriate cases, such an error may also be corrected in a similar manner by reconvening the court if the error is not discovered until after dispersal. In these situations it is unnecessary to have a reconsideration. These procedures may not be used when the sentence announced is the one actually determined but it is later discovered that it does not express the actual intent of the court members. In a trial by special court-martial without a military judge, an ambiguous or apparently illegal sentence may be called to the attention of the court by the trial counsel.

Within the limitations prescribed in this paragraph, the court may reconsider a sentence on its own motion at any time before the record of trial has been authenticated and transmitted to the convening authority. In such a case, however, all personnel of the court, the accused, counsel for both sides, and the military judge, if any, must be present.

d. Procedure for reconsideration by a court-martial with members. Subject to the rules provided in *c* above, any member of the court may propose that a sentence be reconsidered. The question shall be determined by secret written ballot, and a reballot on the sentence with a view to increasing it will be taken only if a majority of the members present vote in favor thereof; but a reballot on the sentence with a view to decreasing it will be taken if the vote therefor indicates that reconsideration *is not opposed* by the number of votes required for the sentence that was previously agreed upon.

e. Court-martial composed of military judge alone. Following the presentencing procedure (75), the military judge sitting alone will, after deliberation, announce the sentence in open session in the presence of the accused and counsel for both sides.

77. CONCLUSION OF THE TRIAL. ***a. Recommendation for clemency.*** After the sentence has been announced, the defense may submit in writing for attachment to the record any matters as to clemency which it desires to have considered by the military judge, the members of the court or the convening

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authority. The rules of evidence are not applicable to these matters, but they should not be cumulative of matters presented to the court before the sentence was announced.

Mitigating circumstances which could not be taken into consideration in determining the sentence may be the basis of a recommendation for clemency by the military judge who adjudged the sentence or by individual members of the court. The recommendation should represent the free and voluntary expression of the individuals who join therein. It should be specific as to the amount and character of the clemency recommended and as to the reasons for the recommendation.

A recommendation for clemency will never be based upon a doubt as to the guilt of the accused. If, contrary to law, such a recommendation is made, it will not impeach the finding of the court on the matter of guilt. The guilt or innocence of the accused is determined by the findings of the court, and, if the necessary number of members do not concur in a finding of guilt, the accused must be acquitted. A recommendation for clemency which clearly expresses a doubt as to guilt divulges the vote or opinion of any member making such a recommendation and thereby violates his oath.

b. Adjournment. At the conclusion of the case, the court may proceed to other business, adjourn until a definite time, or adjourn to meet at the call of the military judge or the president of a special court-martial without a military judge.

c. Post trial matters. See 48*j*(2) as to the right of the defense to submit a brief of the matters which it desires to have considered in behalf of the accused on review.

In those cases in which confinement at hard labor is included in the sentence adjudged, the accused may submit to the convening authority an application for the deferment of the service of the confinement. See 88*f*.

As to the duty of trial counsel to notify the accused's commanding officer of the result of trial, see 44*e*. For preparation and authentication of the record, see chapter XVI.

Chapter XIV

PROCEDURE OF INFERIOR COURTS-MARTIAL

SPECIAL COURTS-MARTIAL—SUMMARY COURTS-MARTIAL

78. SPECIAL COURTS-MARTIAL. The principal distinction in procedure between general and special courts-martial is that a military judge and a verbatim recording of the trial are required in every general court-martial, whereas they are not mandatory in all special courts-martial. The same procedure should be followed at a special court-martial with a military judge as at a general court-martial, including any Article 39(a) session that may be held (app. 8*a* and *b*). The procedure for a special court-martial without a military judge may be provided for in regulations of the Secretary of a Department and will, so far as practicable, conform to that provided for general courts-martial. With respect to the preparation of records of trial by special courts-martial, see 83 and appendices 9 and 10; as to the disposition of such records by the convening authority, see 91*b*.

79. SUMMARY COURTS-MARTIAL. ***a. Function.*** The function of a summary court-martial is to exercise justice promptly for relatively minor offenses under a simple form of procedure. The summary court will thoroughly and impartially inquire into both sides of the matter and will assure that the interests of both the Government and the accused are safeguarded. Unless otherwise stated herein or in regulations of the Secretary of a Department, the procedure prescribed for a general court-martial will, when applicable, serve as a guide for a summary court-martial. See appendix 8*b* in this connection. See also 137.

b. Power to obtain evidence. A summary court has the same power as the trial counsel of a general or special court-martial to compel the attendance of civilian witnesses by subpoena (115; Art. 46) and to take depositions in proper cases (117; Art. 49). To obtain the attendance of witnesses, the summary court will take action similar to that taken by the trial counsel of a general or special court-martial. In this connection, see 44*f*(2).

c. Examination of file. When charges are referred to a summary court-martial, the court will carefully examine the charges and allied papers to see that the charges are in proper form and that the data on the charge sheet and any evidence of previous convictions are complete and free from error of substance or form. The summary court will report to the convening authority any substantial irregularity in the charges or accompanying papers. Ordinarily, the court will correct and initial slight errors or obvious mistakes in the charges, but if substantial changes are required, the court will refer the matter to the convening authority. See 33*d*.

d. Trial procedure. (1) *Determining jurisdiction.* After determining that the charges and other data are in proper form, the summary court should arrange for the presence of the accused. When the accused appears, the court should advise him of the following matters: the general nature of the charges; the fact that they have been referred to a summary court-martial for trial; who convened the court; the name of the accuser; the names of the witnesses who will probably be called; the right of the accused to cross-examine them or have the court ask any questions which the accused desires answered; the right of the accused to call any witnesses or produce any evidence in his own behalf with the assurance that the court will assist him in every possible way to do so; his right to testify on the merits or to remain silent (148*e*; app. 8*a*; Art. 31) and, after any findings of guilty are announced, to make an unsworn statement in mitigation or extenuation of any offense of which he may be convicted (75*c*; app. 8*a*); the maximum sentence which the court can adjudge if the accused is found guilty of the offense or offenses charged.

The summary court will also advise him of his right to object to trial by summary court-martial (Art. 20) and will ask him whether he consents or objects to trial. After giving the accused a reasonable time to consider the question, the summary court will record his response in the space provided on the charge sheet. If the accused objects to trial, the summary court will note those facts on the charge sheet and will return the charges and allied papers to the convening authority. If the accused consents to trial, the summary court will proceed with the trial.

(2) *Arraignment and pleas.* After complying with the provisions of the preceding paragraph (79*d*(1)) and determining that it has jurisdiction over the accused, the summary court will read or show the charges and specifications to the accused. Any necessary explanation of the charges may be made. The accused should then be asked how he pleads to each specification and charge.

If the accused pleads guilty to any specification or charge, the summary court should explain to him the meaning and effect of the plea. This explanation should include the following:

The elements of the offense to which the plea of guilty relates;

That, as to the offense to which the plea of guilty relates, the plea admits every element charged and every act or omission alleged and authorizes conviction of the offense without further proof;

The maximum authorized punishment which may be adjudged upon conviction; and

That the maximum authorized punishment may be adjudged upon conviction of the offense. See 70*b*(2).

A plea of guilty will not be accepted unless the summary court-martial after questioning the accused is satisfied not only that the accused understands the meaning and effect of his plea and admits the allegations to which he has pleaded guilty but also that he is voluntarily pleading guilty because he is convinced that he is in fact guilty. See 70*b*(3).

If the accused desires to change his plea, or if the summary court is in doubt as to his understanding and desire to plead guilty, or if at any time during the trial the accused makes a statement, sworn or unsworn, inconsistent with his plea of guilty, a plea of not guilty will be entered. If a plea of guilty to all specifications and charges is allowed to stand, the court may proceed at

once to find the accused guilty. However, the court may, in the interest of justice, proceed with the trial and consider evidence on the merits. If, after hearing evidence on the merits, the court believes the plea of guilty to have been improvidently entered, it shall enter a plea of not guilty and proceed as though the accused had pleaded not guilty. See 70 and Article 45.

(3) *Presentation of evidence.* If the accused has pleaded not guilty or if following a plea of guilty evidence on the merits or in extenuation or mitigation is to be received, arrangements will be made for the attendance of necessary witnesses. Witnesses should be excluded from the courtroom until called to testify. Witnesses for the prosecution will be called first and examined under oath as to all matters relevant to the offense charged. The accused will be extended the right to cross-examine these witnesses. The summary court will aid the accused in the cross-examination, and, if the accused desires, will ask questions suggested by the accused. On behalf of the accused, the court will obtain the attendance of witnesses, administer the oath and examine them, and obtain such other evidence as may tend to disprove or negative guilt of the charges, explain the acts or omissions charged, show extenuating circumstances, or establish grounds for mitigation. Before determining the findings, he will explain to the accused his right to testify on the merits or to remain silent and will give the accussed full opportunity to exercise his election. See appendix 8*b* for form of explanation.

(4) *Findings and sentence.* The applicable principles stated in 74 and 76 should be considered by a summary court-martial in determining the findings and sentence, respectively. The court will announce the findings to the accused as soon as they are determined. If the accused has been found guilty of any offense, the summary court will advise him of his right to submit matter in extenuation or mitigation, including the making of an unsworn statement (75*c;* app. 8). Before determining the sentence, the summary court will show or read to the accused any admissible evidence of previous convictions (75*b*(2)) and the personal data appearing on the charge sheet and will ask him whether they are correct. If the accused claims they are not correct in any particular, the court will determine the issue (75*b*(1), (2)). The court will advise the accused of the sentence as soon as it is determined. If the sentence includes confinement, the summary court will take such action as may be prescribed by the convening authority to have the accused delivered to an appropriate place of confinement. The court will also advise the accused of his right to apply to the convening authority for deferment of service of the confinement. See 88*f*.

e. Record. Unless otherwise prescribed by regulations of the Secretary of a Department, the procedures provided herein are applicable to summary court-martial records. So much of the proceedings as relate to pleas, findings, and sentence must be recorded in the appropriate place on all copies of the charge sheet. The number of previous convictions considered and the fact that the accused was advised of the matters outlined in 79*d* will also be noted in the spaces provided on all copies of the charge sheet. Unless otherwise prescribed by the convening or higher authority, the evidence considered by the summary court-martial need not be summarized or attached to the record of trial. The summary court should, however, line out and initial the name or names of any witnesses who are listed on the charge sheet but who were not called to testify. If the testimony of witnesses other than those listed was considered, the

court should insert their names and addresses on all copies of the charge sheet and note whether they testified for or against the accused. The summary court will authenticate the record by signing each copy. He will forward all copies and the accompanying papers without formal letter of transmittal to the convening authority. If the summary court is the only officer present with the command, the record will so state, and that officer thereafter holds the record as convening authority for purposes of review. For disposition of summary court-martial records, see 91*c*.

Chapter XV

PROCEDURAL ASPECTS OF REVISION PROCEEDINGS, REHEARINGS, AND NEW OR OTHER TRIALS

REVISION—REHEARINGS AND NEW OR OTHER TRIALS

80. REVISION. ***a. General.*** The procedure of a general or special court-martial when reconvened for the purpose of revising its action or correcting its record will in general be as indicated by the form of record of proceedings in revision (app. 8*c*). See Article 62 for matters that cannot be reconsidered and 67*f* as to procedure in reconsideration of action on motions and similar matters. A certificate of correction is the proper action for correcting an erroneous record to show the true proceedings. In this connection, see 86*c* (Correction of record).

b. Personnel. Proceedings in revision may be taken only by the members of the court, or, if trial was by a military judge alone, the military judge who adjudged the findings and sentence. These proceedings may not be taken if the court has been dissolved. In this connection see 37*c*(1). The military judge, the accused, and counsel for both sides must be present during the open sessions of the court in revision. In those cases which were tried by a court with members, the absence of a member of the court who participated in the findings and sentence does not invalidate the proceedings if a quorum is present (five for a general court-martial—three for a special court-martial). In such cases, the same military judge should be present, but, unlike a case tried by the military judge alone, the legality of the proceedings will not be affected if a new military judge is properly detailed to the court, sworn (or it has been ascertained as a matter of record that he has previously been sworn in accordance with regulations of the Secretary concerned) and, opportunity to challenge him for cause having been afforded counsel, he has familiarized himself with those portions of the record which are to be considered by the court in taking its action in revision. Similarly, the legality of the proceedings is not affected if a member of the prosecution or defense is present who was previously absent from, or who has been newly detailed to, the court, provided he has the requisite legal qualifications and has been sworn (or it has been ascertained as a matter of record that he has previously been sworn in accordance with regulations of the Secretary concerned).

c. Procedure. In cases in which the court has not reconvened on its own motion, the trial counsel will read in open session the communication from the convening authority returning the record and directing the reconvening. The military judge, or the president of a special court-martial without a military judge should give the court any instructions necessary for the proper accomplishment of the revision action. If the members of a court-martial to

which a military judge has been detailed have any doubt as to the action which they may take, the military judge should be requested to give them additional instructions. If the president of a special court-martial without a military judge has any doubt as to the court's action in such a case, he may direct the trial counsel to produce in open session such legal authority and other information as may be necessary. The instructions will be given in open session and will be made a matter of record. If necessary, the court will then close to consider and determine the appropriate action to be taken on the matter before it. As soon as it has determined its action, the court will announce that action in the presence of the military judge, if any, the accused, and counsel for both sides. In this connection, see 74*f* (Form of findings) and 76*b*(4) (Form of sentence). The court will then adjourn.

As the action which may be taken is entirely corrective, a case will not be reopened by the calling or recalling of witnesses or otherwise. The military judge, or the trial counsel of a special court-martial without a military judge, may invite the attention of the court to any ambiguous or apparently illegal action taken by it.

d. Record. All proceedings in open session will be in the presence of the military judge, if any, the accused, and counsel for both sides, and will be made a matter of record which will be authenticated in the manner prescribed for the original record. No physical change will be made in the original record. Amendments to the original convening order detailing a new military judge to a court with members or counsel will be incorporated in the record of revision. See 82*b* (Contents of record) and appendices 8*d* (Revision procedure) and 9*b* (Authentication of record).

e. Revision action by summary court-martial. What has been said with respect to the procedure in revision by general or special courts-martial will, so far as applicable, govern procedure in revision by summary courts-martial.

81. REHEARINGS AND NEW OR OTHER TRIALS. ***a. Related provisions.*** See 92 (Ordering rehearing or other trial), 94*a*(2) (Review of records of trial pursuant to Article 65(c)), 109 and 110 (New trial), and 145*b* (Former testimony); Articles 63, 66(d), and 67(e) (Rehearings), and 73 (New trial).

b. Procedure. (1) *New or other trials and rehearings in full.* In new or other trials and in rehearings which require findings on all charges and specifications referred to a court-martial, the procedure in general is the same as in an original trial.

(2) *Rehearings on sentence only.* In a rehearing on the sentence only (92), the procedure in general is the same as in any trial, but the portion of the procedure usually occurring after challenges, through and including the findings, is omitted. The court is advised of the offenses of which the accused stands convicted and for which they shall impose sentence. No new evidence of guilt or innocence not presented at the original trial shall be presented, but the matters covered in 75 are proper. The prosecution and defense may establish the content of the record of the original trial, relative to the evidence on the merits relating to the offenses of which the accused stands convicted but not sentenced. This may be done by stipulation (154*b*), or it may be done by reading from the record of the original hearing, whether or not testimony so read would be admissible as former testimony under the former testimony

exception to the hearsay rule (145*b*) and whether or not the testimony was given through an interpreter. Matters excluded from the record or improperly admitted at the previous hearing will not be brought to the attention of the court. The accused at such a rehearing may not withdraw any plea of guilty upon which the findings of guilty now before the court were based. However, if he establishes that such a plea was improvident (70*b*), the hearing will be suspended and the matter referred to the authority directing the rehearing on the sentence, for appropriate action.

(3) *Combined rehearings.* When a rehearing on sentence is combined with a trial on the merits of some of the specifications referred to the court, whether or not those specifications are being reheard, the trial will first proceed on the merits without reference to the rehearing on sentence. After the court has announced its findings, it will then be advised of the offenses on which the rehearing on sentence is being held, additional challenges for cause will be permitted if appropriate, and the principles set forth in 81*b*(2) will apply as to those offenses. The court will then continue with its sentencing procedure and will adjudge a single sentence as to all offenses under consideration. See 81*d*(1).

c. Examination of record of former proceedings. No member of a general or special court-martial upon a rehearing or upon a new or other trial should be permitted to examine the record of the former proceedings or any document, other than the charges, referred with the charges to the trial counsel, except when received in evidence at the rehearing or new trial. But see 81*b*(2) as to the procedure for reading from the record on rehearings on sentence. The president of a special court-martial without a military judge, however, may examine that part of the record of any prior proceedings which relates to errors committed at the former proceedings when necessary to enable him to decide upon the admissibility of offered evidence or other questions of law involved. In this connection, see the ninth paragraph of 92*a*. Such a part of the record may be read to the court when necessary for it to pass upon a ruling made subject to objection by any member under Article 51(b). See 57 and 67*f*.

The military judge may examine the record of the former proceedings and may read to the court such parts as may be necessary for the court to pass upon a ruling made subject to objection by any member.

d. Rules relating to sentence. (1) *Rehearings and new trials.* Before a court-martial retires to determine a sentence upon a rehearing or new trial, it will be advised of the maximum sentence it may impose (76*b*(1)). See Article 63(b) as to limitations on sentence with respect to rehearings and 110*a*(2) with respect to new trials.

Offenses on which a rehearing or new trial is held shall not be the basis for punishment in excess of or more severe than the legal sentence upon a previous hearing or trial, as ultimately reduced by the convening or other proper authority when any such action has been taken. Thus, if the sentence in the previous proceeding to dishonorable discharge, confinement at hard labor for three years, and total forfeitures was modified by a convening or other proper authority to bad-conduct discharge, confinement at hard labor for two years, and total forfeitures, based upon considerations of appropriateness or clemency, the sentence as modified is the most severe which can be predicated on findings of guilty of the reheard offenses. In adjudging a sentence

not in excess of or more severe than the one imposed at a previous hearing or trial, a court-martial is not limited to adjudging the same or a lesser form or amount of the same type of punishment formerly adjudged. When a rehearing is combined with a trial on additional charges (92), the maximum sentence is computed by combining the maximum punishments, as determined above, for the reheard offenses with the maximum for the additional offenses of which the accused is found guilty, subject to the applicable provisions of 126 and 127.

The court shall not be advised of the basis for the sentence limitation.

If the accused is found guilty upon any charge and specification upon a new trial under Article 73 or a rehearing the court will, subject to the pertinent limitations above, adjudge an appropriate sentence (76*a*) without regard to any credit to which the accused may be entitled by virtue of the prior execution of any part of the sentence. See 89*c*(7)(*a*) (Action on rehearing) for the action of the convening authority with respect to the sentence adjudged on a rehearing. See 89*c*(7)(*b*) and 110*b* for such action on the sentence adjudged upon a new trial.

(2) *Other trials.* The term "other trial" refers to another trial of a case in which the original proceedings were declared invalid because of lack of jurisdiction (8) or failure of the charges to allege any offense under the code (68*b*). The other trial of a case is subject to the sentence rules provided for rehearings in (1) above, except that no sentence limitations apply if the original trial was invalid because a summary or special court-martial improperly tried an offense involving a mandatory punishment or one otherwise considered capital. See 15*a* and 16*a*.

Chapter XVI

RECORDS OF TRIAL

GENERAL COURTS-MARTIAL—INFERIOR COURTS-MARTIAL

82. GENERAL COURTS-MARTIAL. ***a. Responsibility for preparation.*** Each general court-martial shall keep a separate record of the proceedings of the trial of each case brought before it. The record is prepared by the trial counsel under the direction of the court, but the persons authenticating the record are responsible for its accuracy. See Articles 38(a) and 54(a). It is immaterial to the sufficiency of a record whether it was kept or written by the trial counsel or by a reporter acting under his direction.

If practicable, the trial counsel will retain or cause to be retained any stenographic or other notes or any mechanical or electronic recordings from which the record of trial was prepared for such a period as may be prescribed in appropriate regulations.

b. Contents. (1) *General.* The record of the proceedings in each case will be separate and complete in itself and independent of any other document. The record will show all the essential jurisdictional facts. It will set forth a verbatim transcript, except as provided below, of all proceedings had in open sessions of the court, all sessions held by the military judge, and hearings held out of the presence of the members. See 74*f*(1) and Article 39. Unless otherwise prescribed by regulations of the Secretary concerned, transcripts need not be verbatim in the following cases: if the proceedings have resulted in an acquittal of all charges and specifications or if terminated prior to findings with prejudice to the government, the record need only contain sufficient information to establish lawful jurisdiction over the accused and the offenses; if the court has adjudged a sentence not including discharge, and not in excess of that which can otherwise be adjudged by a special court-martial, and if not affecting a general or flag officer, the record shall contain the same matter as prescribed by 83*b* in special court-martial cases. If testimony is given through an interpreter, the record will so state. When a trial is terminated before findings or sentence, the record of trial will show the proceedings up to the time of the termination. For details of contents and certain exceptions to the foregoing rules, see appendices 9 and 10.

(2) *Matter stricken from the record.* Although not considered by the court as evidence, any remarks or testimony ordered to be stricken or disregarded will nevertheless be fully recorded.

(3) *Record of revision proceedings.* When a record is amended in revision proceedings, the record of the proceedings in revision will show specifically, ordinarily by page and line, the part of the original record that is changed and the changes made. In such a case, no physical change will be made in the original record. See 80*d* and appendix 8*d*.

(4) *Arguments and briefs.* All oral arguments and statements of counsel made during the trial shall be set forth verbatim in the record. If the speed of an oral argument is such that the reporter is unable to record it verbatim, the military judge should direct counsel either to reduce the speed of his argument or to submit the argument in writing. A written brief or statement of counsel may be read to the court if appropriate and thereafter attached to the record as an exhibit.

(5) *Appendages.* Accompanying the original record—securely bound together—will be the original charge sheet and, if not used as exhibits or properly disposed of otherwise, the other papers which accompanied the charges when referred for trial, including the report of investigation under Article 32 and, if the trial was a rehearing or new or other trial of the case, the record of the former hearing or hearings.

The following matters will, in an appropriate case, be bound into the record immediately following the exhibits: Recommendations and other papers relative to clemency (77*a*); offered exhibits which were excluded as not admissible in evidence (54*d*); proposed instructions and any arguments made thereon (73*d*); the certificate of a medical officer as to the physical condition of an accused who has been sentenced to confinement on diminished rations or on bread and water (125).

Copies of vouchers for the payment of reporters or witnesses need not be attached to the record.

c. Copies. For instructions as to the preparation of copies of the record, see 49*b*(2) and appendix 9*f*. All copies of the record except those delivered to the accused will be attached to the original record of trial when it is forwarded to the convening authority.

d. Security classification. When the record contains information which is required to be classified by the security regulations of the armed force concerned, the trial counsel will take appropriate action in accordance with pertinent regulations to assign a proper security classification to the record. However, convening authorities, staff judge advocates, and legal officers will be on the alert to downgrade or declassify a record of trial which does not contain data requiring *security* protection. If the papers accompanying the record of trial include classified matter which is not material to the inquiry, this matter should be withdrawn from the papers to be bound with the record if the withdrawal will permit downgrading or declassification of the record. If the accompanying papers include classified matter which is material to the inquiry, action should be taken to have this matter declassified or downgraded when that action is possible and will permit downgrading or declassification of the record.

e. Correction of record. After the record has been transcribed and before it is authenticated, the trial counsel should examine it carefully for errors or omissions. If any are discovered, he should make and initial those changes which are necessary to make the record show the true proceedings. If major corrections are necessary, he should direct the reporter to rewrite the record or the part of it that is defective. Changes may not be made by the trial counsel after the record is authenticated.

When undue delay will not result, the trial counsel should permit the defense counsel to examine the record before it is forwarded to the convening authority. A suitable notation that this examination has been accomplished by the defense counsel should be included in the record, preferably on the page bearing the authentication. See appendix 9*c* for form. If the defense counsel discovers errors or omissions in the record, he should suggest to the trial counsel appropriate changes to make the record show the true proceedings. If the trial counsel does not concur with the defense counsel as to a suggested change, or if the record has already been authenticated, the trial counsel should bring the suggestions to the attention of those who authenticated the record.

At any time before the record is forwarded to the convening authority, the persons who authenticate the record may change it to make it show the true proceedings. Those changes, as well as any changes made by the trial counsel, should be initialed by the persons who authenticate the record.

f. Authentication. The record in each case shall be authenticated by the signature of the military judge who was actually present at the conclusion of the proceedings. If the record cannot be authenticated by the military judge by reason of his death, disability or absence, it shall be authenticated by the signature of the trial counsel who was actually present at the conclusion of the proceedings or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which impose such a duty on a member under this paragraph. See appendix 9*b* for forms of authentication.

g. Disposition. (1) *Delivery to accused.* Subject to the exceptions noted below with respect to security matters, the trial counsel will arrange for the accused to be furnished with a copy of the record of trial and all documentary exhibits received in evidence as soon as the record is authenticated. See 54*d* 143*a*(2), appendix 9*f*, and Article 54(c). The receipt of the accused for the copy of the record furnished him will be attached to the original record of trial. If it is impracticable to secure a receipt from the accused before the original record is forwarded to the convening authority, the trial counsel will attach to the original record a certificate to the effect that a copy of the record has been transmitted to the accused—giving the means of transmission and the addressee. In this case, the receipt of the accused will be forwarded to the convening authority as soon as it is obtained.

The accused is also entitled to an authenticated copy of a record in revision to the same extent that he is to a copy of the original proceedings.

If the copy of the record prepared for the accused contains matter requiring security protection, the trial counsel, unless otherwise directed by the convening authority, will forward the accused's copy to the convening authority. The latter will excise or withdraw from the accused's copy any matter requiring security protection (82*d*) and will, thereafter, cause the expurgated copy to be delivered to the accused together with a certificate to the effect that certain matter has been deleted or withdrawn from the accused's copy of the record for reasons of national security, and that the original record of trial may be inspected in the files of the Judge Advocate General of the appropriate Depart-

ment under such regulations as may be prescribed by the Secretary concerned. The certificate will list:

(*a*) The pages from which matter has been deleted;
(*b*) The pages which have been removed in their entirety; and
(*c*) The exhibits which have been withdrawn.

A copy of this certificate, together with a statement signed by the accused acknowledging receipt of an expurgated copy of the record of trial, or a certificate of delivery of the expurgated copy, shall be attached to the original record of trial.

(2) *Forwarding to convening authority.* The original record and accompanying papers and the necessary copies of the record will be forwarded to the convening authority or to his successor in command or, if the court was convened by the President of the United States or the Secretary of a Department, to the Judge Advocate General of the Department concerned. See Articles 17(b) and 60.

h. Loss of record. When a record of trial is lost or destroyed, a new record will be prepared if practicable and will become the record of trial in the case. The new record will, however, be prepared only when the available original notes or other sources enable the preparation of a complete and substantially accurate record of the case. In any case of loss of a record before action by the convening authority, the trial counsel or other proper person will fully inform the convening authority as to the facts and as to the action, if any, taken.

i. Loss of notes or recordings of the proceedings. If the notes or recordings of the proceedings in court are lost before the record of trial has been prepared, the convening authority will be fully informed of the facts. Thereafter, unless the convening authority directs otherwise, a record of trial will be prepared following, as nearly as practicable, the form of record prescribed in appendices 8 and 9. The record will be authenticated and disposed of as provided in 82*f* and *g*. The fact that such a record does not contain a verbatim transcript of all the proceedings may deprive the accused of his right under the code to a full appellate review of his case and, thus, be a proper reason for disapproving any sentence adjudged, but it shall not preclude the convening authority from ordering a rehearing as to any offense of which the accused was found guilty if the finding is supported by the summary of the evidence contained in the record. In this connection, see 92.

83. INFERIOR COURTS-MARTIAL. ***a. Special court-martial records involving bad-conduct discharge.*** Subject to the exceptions set forth in appendices 8 and 9, a record of trial by special court-martial in which a bad-conduct discharge is adjudged will contain a verbatim transcript of all proceedings held in open session and, if a military judge is detailed, all sessions and hearings held by him out of the presence of the members. It will follow the form in appendix 9 and will be prepared and disposed of in accordance with the rules prescribed in 82 for a record of trial by general court-martial. As to authentication, see appendix 9*b*.

b. Special court-martial records not involving bad-conduct discharge. When a bad-conduct discharge is not adjudged, and the proceedings have not resulted in an acquittal of all charges and specifications, and have not been terminated prior to findings with prejudice to the Government, a record of trial

by special court-martial need contain only a summarized report of the testimony, objections and other proceedings (app. 10). In such a case, however, if a reporter was detailed and actually served in that capacity throughout the trial, the convening or higher authority may direct that the proceedings be reported verbatim as prescribed by 83*a* and appendices 8 and 9. Unless otherwise provided by regulations of the Secretary concerned, if the trial has resulted in an acquittal of all charges and specifications or if terminated prior to findings with prejudice to the Government, the record of trial need contain only sufficient information to establish lawful jurisdiction over the accused and the offenses. The notes or recordings of the original proceedings need not be retained after the record of trial has been authenticated, unless otherwise provided by regulations of the Secretary concerned. The form of the summarized record of trial and instructions as to its preparation, authentication, and disposition will be as prescribed by the Secretary of a Department.

c. Summary courts-martial. For the preparation, authentication, and disposition of records of trial by summary courts-martial, see 79*e*.

Chapter XVII

INITIAL REVIEW OF AND ACTION ON RECORDS OF TRIAL

WHO MAY TAKE INITIAL ACTION—REFERENCE TO STAFF JUDGE ADVOCATE OR LEGAL OFFICER—ADDITIONAL POWERS AND DUTIES OF THE CONVENING AUTHORITY—EXAMINATION OF FINDINGS OF GUILTY—POWERS OF THE CONVENING AUTHORITY WITH RESPECT TO THE SENTENCE—FORMS OF ACTION AND RELATED MATTERS—ORDERS AND RELATED MATTERS—DISPOSITION OF THE RECORD AND RELATED MATTERS

84. WHO MAY TAKE INITIAL ACTION. ***a. General.*** After every trial by court-martial, including rehearings and new and other trials, the record shall be forwarded to the convening authority for initial review and action. As used in this chapter, the term "convening authority" includes the person who convened the court, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction. See Article 60. The convening authority cannot delegate his functions as such to anyone. The fact that the accused is not a member of, or is not present in, the command of the convening authority does not divest the latter of his right to take initial action on the record of trial.

b. Normal convening authority. The person who convened the court-martial which adjudged the sentence in a particular case normally is the convening authority who takes initial action on the record of trial of that case. The power of a convening authority to take initial action on a record of trial vests in the office, not in the person, of the authority so acting. Thus, when an assigned commander is not present for duty with his command because of illness, leave, or for any other cause, the commissioned officer temporarily succeeding to command during that absence is, within the meaning of Article 60, the officer commanding for the time being and, as such, is authorized to take initial action as convening authority on a record of trial of a court convened by the assigned commander. Similarly, if an officer has assumed permanently the command functions of a predecessor by reason of assignment, absorption of one command by another, or otherwise, he is, within the meaning of Article 60, a successor in command and, as such, is authorized to take initial action as convening authority on a record of trial of a court convened by his predecessor.

c. Officer exercising general court-martial jurisdiction. When it is impracticable for the person who convened the court, the commissioned officer commanding for the time being, or a successor in command to take initial action upon a record of trial, this action may be taken by any officer exercising general court-martial jurisdiction. For example, in a case in which a command has

been inactivated or has been alerted for immediate overseas movement action upon a sentence adjudged by a court-martial convened by the commander prior to the inactivation or movement may be taken by any officer exercising general court-martial jurisdiction. Similar action would be appropriate if the person who normally would take action as convening authority is disqualified, as when he has granted immunity to a witness for the prosecution or when a member of the court-martial which tried the accused subsequently became the officer commanding for the time being or the successor in command. In these cases, the normal convening authority will forward the record of trial—ordinarily through the chain of command—to an officer authorized to exercise general court-martial jurisdiction. For purposes of regularity, the record should be forwarded by a letter of transmittal containing a statement of the reasons for the failure of the normal convening authority to act on the record.

d. Action when a bad-conduct discharge is adjudged by a special court-martial. Ordinarily, action upon a record of trial is taken by only one convening authority. When, however, the convening authority who has approved a sentence of bad-conduct discharge adjudged by a special court-martial does not exercise general court-martial jurisdiction, the officer exercising general court-martial jurisdiction over the command within which the accused was tried by special court-martial ordinarily also reviews and takes action upon the record in the same manner as on a record of trial by general court-martial. See 94*a*(3) and Article 65(b). In such a case, the officer exercising general court-martial jurisdiction shall act only with respect to the findings and sentence as approved by the convening authority. As to the vacation of a suspended sentence, see 97*b*. As to the deferment of service of a sentence to confinement, see 88*f*.

85. REFERENCE TO STAFF JUDGE ADVOCATE OR LEGAL OFFICER. ***a. General.*** Before acting upon a record of trial by general court-martial, or a record of trial by special court-martial which involves a sentence of bad-conduct discharge, a convening authority who exercises general court-martial jurisdiction will refer it to his staff judge advocate or legal officer for review and advice. See Articles 61 and 65(b).

No person who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer in any case may later act as a staff judge advocate or legal officer to any reviewing (convening) authority upon the same case (Art. 6(c)).

If a convening authority has no staff judge advocate or legal officer, or if the person serving in that capacity is ineligible to act as staff judge advocate or legal officer for any reason (*e.g.*, Art. 6(c)), he may request the assignment of a staff judge advocate or legal officer to review the record, he may forward the record for action to an officer exercising general court-martial jurisdiction as provided in 84*c*, or, if permitted by appropriate regulations, he may forward the record to the Judge Advocate General concerned for review and advice before acting thereon.

b. Form and content of review. The staff judge advocate or legal officer to whom a record of trial is referred for review and advice will submit a written review thereof to the convening authority. The review will include a summary of the evidence in the case, his opinion as to the adequacy and weight of the evidence and the effect of any error or irregularity respecting the proceedings, and a specific recommendation as to the action to be taken. Reasons for

both the opinion and the recommendation will be stated. The review may include matters outside the record of trial which, in the opinion of the reviewer, may have a legitimate bearing on the action of the convening authority in the exercise of his discretion to disapprove all or a part of the findings, but resort may not be had to these matters to support a finding of guilty. Matters outside the record may be included in the review to assist the convening authority in determining his action on the sentence. However, if an adverse matter from outside the record is included, the accused must be afforded an opportunity to rebut or explain the matter, unless he supplied the information himself or may be charged with knowledge that the information might be used against him, as when it appears in a record of nonjudicial punishment.

If the final action of the court has resulted in an acquittal of all charges and specifications, the review shall be limited to questions of jurisdiction (Art. 61). The review should also be limited to questions of jurisdiction when, after trial has begun, the proceedings were terminated without findings, and no further action is contemplated. See 35*b*, 56*e*(3), and 82*b*(1).

c. Disagreement between convening authority and staff judge advocate or legal officer. Ordinarily, the convening authority should accept the opinion of his staff judge advocate or legal officer as to the effect of any error or irregularity respecting the proceedings, as to the adequacy of the evidence, and as to what sentence can legally be approved. However, it is within the particular province of the convening authority to weigh evidence, judge the credibility of witnesses, determine controverted questions of fact that may have been raised in the record, and determine what legal sentence should be approved. In those unusual cases in which a convening authority is in disagreement with his staff judge advocate or legal officer as to the effect of any error or irregularity respecting the proceedings, as to the adequacy of the evidence, or as to what sentence can legally be approved, the convening authority may transmit the record of trial, with an expression of his own views and the opinion of his staff judge advocate or legal officer, to the Judge Advocate General of the armed force concerned for advice. In any case which is forwarded to the Judge Advocate General, if the convening authority takes an action different from that recommended by his staff judge advocate or legal officer, he should state the reasons for his action in a letter transmitting the record to the Judge Advocate General (91*a*).

d. Disposition of review. The original of the review of the staff judge advocate or legal officer will be attached to the original record of trial, and other copies of such review will be prepared in such number and distributed as prescribed in regulations of the Secretary of a Department.

86. ADDITIONAL POWERS AND DUTIES OF THE CONVENING AUTHORITY. ***a. General.*** Express approval of a sentence by a convening authority is an action which must precede the execution of the sentence (Arts. 60, 61, 64, 65, 71(d)). Express approval of the findings is unnecessary and, in the absence of express approval of the sentence, is not sufficient to give the sentence legal effect. In acting on the findings and sentence of a court-martial, the convening authority may approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he in his discretion determines should be approved. Unless he indi-

cates otherwise, approval of any part of the sentence shall constitute approval of the findings of guilty. See Article 64.

Unless the convening authority indicates otherwise, disapproval of the entire sentence constitutes disapproval of all findings of guilty. If he disapproves the findings and sentence of a court-martial, he may, except when there is lack of sufficient evidence in the record to support the findings, order a rehearing. In this connection, see 92 and Article 63.

b. Matters to be considered on review. (1) *When proceedings resulted in findings of guilty.* Before he may approve a finding of an offense or the sentence adjudged therefor, the convening authority must determine:

(*a*) That the court was legally constituted throughout the trial (chs. II, III) and had jurisdiction over the offense 87*a*(2) and the person tried (ch. IV);

(*b*) That the accused had the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of the offense (ch. XXIV, especially 124);

(*c*) That the competent evidence of record (87*a*(3); ch. XXVII) established beyond a reasonable doubt each element of the offense of which the accused was found guilty (ch. XXVIII);

(*d*) That the sentence was within the power of the court to adjudge (ch. IV) and within the prescribed limitations on punishments (110*a*(2); Art. 63(b); ch. XXV);

(*e*) That there were no errors which materially prejudiced the substantial rights of the accused (87*c*).

(2) *Finding of not guilty or ruling amounting to finding of not guilty.* Neither a finding of not guilty nor a ruling of the court which amounts to a finding of not guilty requires any action by the convening authority thereon. He should neither approve nor disapprove the action of the court in such a case. Disapproval cannot in any event affect the finality of a legal acquittal or a ruling of the court that amounts to a legal acquittal. The record of trial in a case involving an acquittal of all charges and specifications should be examined, however, to determine whether the court was properly constituted and had jurisdiction over the accused and the offense tried. A similar examination should be made with respect to findings of not guilty of some, but not all, of the specifications upon which the accused was tried. In this connection, see 87*a*(2), 89*c*(1), and 92.

No action may be taken by the convening authority that would amount to censure of the court or member, military judge, or counsel thereof. See Article 37.

For action when the convening authority differs with the court with respect to a ruling which does not amount to an acquittal, see 67*f*.

c. Correction of record. A record of trial may upon review be found to be incomplete or defective in some material respect, as when it fails to show that the members of the court were sworn or that the required number of members concurred in the vote on the finding or sentence. The court may have performed its duty properly, but through clerical error or inadvertence the events may have been improperly recorded. In such a case, the record must be corrected to make it show the true proceedings. It may be returned to the military judge, or to the president of a special court-martial without a military judge, or to

the summary court-martial for a certificate of correction to relate the true facts. The certificate will be authenticated in the same manner as the record of trial. See 82*f*, 83*c*, and 79*e*. In general and special court-martial cases, the authenticated certificate will be attached to the record of trial after the original signatures authenticating the record, the accused will be furnished a copy of the certificate of correction, and his receipt will be obtained and attached to the record of trial. See 82*g*(1) and appendix 9. If, in accordance with regulations of the Secretary of a Department, the accused is furnished a copy of the summary court-martial record of trial, he will also be furnished a copy of the certificate of correction. The certificate will be attached to the record of trial together with the accused's receipt. A copy of the certificate will be attached to all other copies of the record which were prepared. See 79*e* and appendices 9*f* and 10*d*. A certificate of correction may be used only to make the record correspond to that which actually occurred at the trial. If the court was not sworn, for example, the error cannot be cured by a certificate of correction.

d. Revision proceedings. For procedure in revision, see 80. When there is an apparent error or omission in the record, or when the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action (Art. 62(b)). For example, if the sentence adjudged is less than the mandatory sentence for the offense, the convening authority may return the record to the court to reconsider the matter and revise its proceedings accordingly. In such a case, the record is ordinarily transmitted to the trial counsel of a general or special court-martial or to the summary court-martial by a written communication pointing out the apparent defect in the record and directing the reconvening of the court for the purpose of reconsideration and revision of its proceedings. See Article 62(b) as to matters that cannot be reconsidered. Except for the purpose of making the record show the true proceedings and the exceptions stated in Article 62(b) (2) and (3), proceedings in revision may not be had in any case in which any part of the sentence has been ordered executed.

e. Action when insanity indicated. For action to be taken by the convening authority when it appears from the record or from any other source that the accused may have been insane at the time of the commission of the offense or at the time of trial, regardless of whether such question was raised at the trial or how it was determined if raised, see 124.

87. EXAMINATION OF FINDINGS OF GUILTY. ***a. Findings as to a specification.*** (1) *General.* The convening authority must make a specific and independent determination with respect to each finding of guilty. In considering the legality of a finding of guilty of a specification, the convening authority will be guided by the principles stated in 74*a* and *b*.

(2) *Legal sufficiency of the specification.* If a specification of which the accused has been found guilty fails to allege any offense under the code, the proceedings as to that specification are a nullity and will be declared invalid (86*b*(2), 89*c*(1), 92; app. 14, form 27). If a specification alleges an offense under the code, the proceedings as to that specification should not be held invalid solely because the specification is defective; however, if it appears

from the record that the accused was in fact misled by the defect or that his substantial rights were in fact otherwise materially prejudiced thereby, appropriate corrective action will be taken. See 87*c*. The test of the sufficiency of a specification is not whether it could have been made more definite and certain, but whether the facts alleged therein and reasonably implied therefrom set forth the offense sought to be charged with sufficient particularity to apprise the accused of what he must defend against, and whether the record is sufficient to enable him to avoid a second prosecution for the same offense. In this connection, see 28, 69*b*, and appendix 6.

(3) *Sufficiency of the evidence.* In the course of taking action upon a record of trial, the convening authority is empowered to weigh evidence, judge the credibility of witnesses, and determine controverted questions of fact. In considering the evidence he should recognize that the trial court saw and heard the witnesses, and he will be guided by the principles stated in 74*a* and chapter XXVII. Unless he determines that a finding of guilty was established beyond a reasonable doubt by the competent evidence of record, he must disapprove the finding.

(4) *Lesser included offense.* When the evidence, although insufficient to establish the guilt of the accused of the offense of which he was found guilty, is sufficient to support a finding of guilty of an included offense, the convening authority may approve so much of the finding of guilty as involves a finding of guilty of the included offense. In this connection, see 158, appendices 12 and 14*b* (forms 15–18), and Article 59(b). In approving only so much of a finding of guilty as involves a lesser included offense, all elements of the offense intended to be approved should be clearly indicated in the statement of approval.

b. Consideration of the findings as to the charge. Although the guilt of the accused is, in general, determined by the findings as to the specification, there should be a consistent finding as to the charge under which the specification is laid. If the finding as to a specification is not consistent with the finding as to the charge, and the inconsistency raises a reasonable doubt as to the intent of the court (as when the court finds the accused guilty of a proper specification, but finds him not guilty of, or makes no findings as to, the charge under which it is laid), the convening authority should return the record to the court for reconsideration and revision. However, if the inconsistency leaves no doubt as to the intent of the court, it may be corrected by the convening authority in his action. For example, when, in a trial for desertion in violation of Article 85, the court finds the accused guilty only of absence without leave, but finds such offense to be a violation of Article 85 instead of Article 86, the convening authority may correct the inconsistency by approving only so much of the finding of guilty of the specification and charge as involves a finding of guilty of the specification in violation of Article 86.

c. Effect of errors on the findings. The convening authority may not approve a finding of guilty if, as a result of an error affecting that finding, the substantial rights of the accused were materially prejudiced. See Article 59. In determining whether the substantial rights of the accused have been materially prejudiced, the convening authority must determine what effect the error had or reasonably may have had on the court's decision. The test is not merely whether there was sufficient competent evidence to support the result. Rather, the test is whether the competent evidence of record is of such quantity and quality that

a court of reasonable and conscientious men would have reached the same result had the error not been committed. Regardless of the compelling nature of the competent evidence of record, however, if the error amounts to so flagrant a violation of a fundamental right of the accused that he has not had a fair trial, the finding must be disapproved.

If the court lacked jurisdiction as to some of the offenses for which the accused was tried, the proceedings as to the other offenses tried are not invalid for that reason.

88. POWERS OF THE CONVENING AUTHORITY WITH RESPECT TO THE SENTENCE. ***a. General.*** The convening authority has the power to disapprove a legal sentence in whole or in part, as well as the power to reduce the sentence in quality and quantity and to change a punishment to one of a different nature, so long as its severity is not increased. However, neither the convening authority nor any other authority is authorized to increase the punishment imposed by a court-martial. A sentence adjudged by the court may be approved if it was within the jurisdiction of the court to adjudge and it does not exceed the maximum limits prescribed by the President under Article 56 (ch. XXV) for the offenses of which the accused legally has been found guilty. When a sentence is in excess of the legal limits, that part included in the adjudged sentence which is legal may be approved. See chapter XXV for limitations on sentence. See 81*d* regarding sentence limitations upon a rehearing or new or other trial. With respect to action on a rehearing or new or other trial, see also 89*c*(7).

The disapproval of a sentence nullifies it as a basis for punishment; affirmation of a disapproval is not required. For limitations upon ordering a rehearing after disapproval of a sentence, see 92. An approval or disapproval of a sentence should be express and explicit and should not be left to implication. For example, in approving "only so much" of a sentence as involves a reduced sentence, the entire sentence intended to be approved should be set forth clearly in the statement of approval.

b. Determining what sentence should be approved. In determining what sentence, or part thereof, should be approved, the convening authority will be guided by the principles stated in 76. The sentence approved should be that which is warranted by the circumstances of the offense and the previous record of the accused. Appropriate action should be taken to approve a less severe sentence when the sentence, though legal, appears unnecessarily severe. In approving sentences, consideration should be given to all factors, including the possibility of rehabilitation as well as the possible deterrent effect. In considering matters outside the record, the provisions of 85*b* will apply.

The convening authority should consider as a basis for approving only a part of a legal sentence all matters relating to clemency, such as long confinement pending trial.

The convening authority will consider in taking his action that an accused who is not serving confinement should not be deprived of more than two-thirds of his pay for any month as a result of one or more sentences by court-martial or other stoppages or deductions, unless requested by the accused. See 88*d*(3) and 126*h*(5) concerning deferral of forfeitures.

c. Approval of a part of a sentence. The convening authority may, subject to the limitations in 88*a* or elsewhere below, approve any sentence which

is no more severe than that adjudged by the court-martial. He may change the nature of the punishment adjudged by the court-martial but may not approve any sentence which the court-martial might not itself legally have adjudged in the case. However, when a court has adjudged a mandatory sentence, such as imprisonment for life (Art. 118(1) and (4)), the convening authority may approve a lesser sentence.

In determining whether the part of a sentence to be approved is one that legally could have been adjudged by the court, the convening authority will be guided by the applicable rules in chapter XXV, and, if a rehearing or new or other trial is involved, by 81*d*. For example, a sentence as approved may not provide for restriction in excess of two months or hard labor without confinement for more than three months.

d. Execution of sentence. (1) *Authority to order.* Except in the case of a new trial (110*b*), the convening authority may, at the time of approval of any sentence, order its execution if, as approved by him, it does not involve a general or flag officer, a sentence of death or dismissal, or an unsuspended sentence of dishonorable discharge, bad-conduct discharge, or confinement for one year or more. See Article 71. Except in the case of a new trial, if the convening authority in his action approves but suspends the execution of that part of a sentence providing for dishonorable or bad-conduct discharge, or confinement for one year or more, he may order all other parts of the sentence into execution unless any part thereof requires the approval of the President under Article 71(a) or the Secretary concerned under Article 71(b).

The authority ordering the execution of a sentence of death issues instructions concerning the time and place of execution. Any designations or instructions in this particular matter by the court or the convening authority will be disregarded.

(2) *To confinement.* See 126*j* concerning the effective date of the running of a sentence to confinement and 97*c* and 88*f* as to the interruption thereof in certain instances.

(3) *To forfeitures of pay or allowances.* If a sentence as approved by the convening authority does not include confinement or if the sentence to confinement is to be suspended, any approved forfeitures may not be *applied* until the sentence is ordered into execution. See 126*h*(5) and Article 57. In those cases where a sentence which includes forfeitures may not be ordered into execution by the convening authority in his initial action because of Article 71, the forfeitures will nevertheless apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority when the approved sentence also includes confinement not suspended, unless the convening authority specifically defers the application of the forfeitures. See Article 57(a).

Approved forfeitures may not be applied during any period in which the service of a sentence to confinement is deferred. In the action or order deferring the service of confinement, the officer directing such action should, when forfeitures have also been adjudged, include a statement to the effect that the application of the remaining forfeitures is deferred until the sentence is ordered into execution, unless such deferment is sooner rescinded. When deferment of confinement is rescinded, or the sentence to confinement is ordered into execution, the order promulgating such action should state whether the forfeitures are to apply effective the date of the rescission or at a subsequent date. See appropriate forms in appendices 14 and 15.

If the convening authority is authorized to order forfeitures applied or executed at the time he takes his initial action, his action should state, as appropriate, whether the forfeitures are to be executed, suspended, applied as of the date of his action, or deferred until some future date.

e. Suspension of execution of sentence. (1) *General.* See 97*b* for the procedure involved in the vacation of a suspension, and 97*a* for the general rules affecting suspensions.

At the time he approves a sentence, the convening authority may suspend for a stated period of time the execution of all or any part of it except a sentence of death. The purpose of suspending the execution of a sentence is to grant the accused a probationary period within which he may by refraining from further misconduct earn the remission of his sentence. However, the period of suspension should not be unreasonably long and no suspension may extend beyond the current enlistment or period of service. The period for which the execution of a sentence may be suspended may be further limited by regulations of the Secretary of a Department. The convening authority should suspend the whole of a sentence, except death, when it appears to him that this action will promote discipline and aid in the rehabilitation of the accused.

A part of a sentence should not be suspended if it would be contrary to the customs of the service to execute the portion of the sentence that remains unsuspended. For example, with respect to a sentence of dishonorable or bad-conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor, it would be contrary to the customs of the service to suspend the execution of the punitive discharge and the confinement and order the total forfeitures into execution. See the last paragraph of 88*b* in this regard.

(2) *Types of suspensions.* (*a*) *General.* Except as otherwise provided in this paragraph (88*e*) or as may be provided by regulations of the Secretary of a Department, the convening authority may, at the time he approves a sentence, suspend its execution for a specific term, for example, for a number of months or until a certain date, or he may suspend it until the occurrence of an anticipated future event. In either case, he should provide in his action that unless the suspension is sooner vacated the expiration of the period of suspension shall operate as a remission of the suspended portion of the sentence. An appropriate authority may, before the expiration of the period of suspension, remit any part of the sentence, including a suspended part; reduce the period of suspension; or, for a proper reason, vacate the suspension. In this connection, see 97*a*, 105*b*, and Article 74.

(*b*) *Suspending dishonorable or bad-conduct discharge when sentence also includes confinement.* If the approved sentence involves a dishonorable or bad-conduct discharge and confinement, the convening authority may determine that the execution of the punitive discharge should be suspended to the end that the accused may have the opportunity of redeeming himself in the military service, but that the execution of the confinement should not be suspended. In such a case, he may suspend the execution of the punitive discharge until the release of the accused from confinement, or for a definite pe-

riod thereafter, and provide in his action for the remission of the suspended portion of the sentence as indicated in the preceding subparagraph.

(*c*) *Suspending the execution of forfeiture.* See 88*d*(3).

(3) *Termination of suspension by remission.* The expiration of the period specifically provided in the action suspending a sentence or part thereof remits the suspended portion unless the suspension is sooner vacated. However, the unauthorized absence of an accused interrupts the running of the period of suspension of a sentence. The death, a discharge which terminates status as a person subject to the code, or the release from active duty of a person under a suspended sentence shall operate as a remission of the suspended portion of the sentence.

f. Deferment of service of sentence to confinement. Deferment of service of a sentence to confinement is a postponement of the running of the sentence. It is to be distinguished from suspension of the execution of a sentence to confinement. Deferment is not a form of clemency, nor does it have any such connotation. Under the provisions of Article 57(d), the officer who convened the court or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is assigned, may, in his sole discretion and upon application by the accused, defer an accused's service of a sentence to confinement, which has not been ordered executed. A court-martial is not empowered to defer the service of a sentence to confinement. The deferment is terminated and the sentence to confinement begins to run or resumes running when the sentence is approved and ordered executed. The officers so empowered to defer the service of sentences to confinement should take into consideration all relevant factors in each case and grant or deny deferment based upon the best interests of the accused and the service. Deferment should not be granted, for example, when the accused may be a danger to the community or when the likelihood exists that he may repeat the offense or flee to avoid service of his sentence. The discretion to defer confinement is sole and plenary. The power to take such action vests in the office, not in the person, of the authority so acting. Application may be made to the officer exercising general court-martial jurisdiction only when the accused is no longer under the jurisdiction of the officer who convened the court. In this event, application is made to the officer exercising general court-martial jurisdiction over the command to which the accused is then assigned, whether or not this officer exercises supervisory authority over the case within the meaning of 94.

Application for deferment of the service of confinement may be made by an accused or through his counsel, at any time after the adjournment of the court which imposed the sentence.

The application for deferment and the granting or denying of such application must be in writing. This correspondence will be included, or forwarded for inclusion, in the record of the trial.

The granting of an application for deferment, together with the date upon which it was granted, will be set forth in the convening authority's action in those cases in which the granting of the application takes place prior to or concurrently with the action being signed. See appendix 14 for appropriate forms of action. In all other cases the granting of an application for deferment will be promulgated in supplementary orders and such orders will be included, or forwarded for inclusion, in the record of trial. See appendix 15.

When deferment is granted, no form of restriction to specified limits or any other limitation on the accused's liberty shall be ordered as a substitute for the confinement so deferred. The deferring of a sentence will not in and of itself give rise to any other form of limitation on an accused's liberty. An accused may, however, be restricted to certain specified limits or have his liberty curtailed during the period of a deferred sentence to confinement for any independent reason which would warrant this action being taken. See 20*a* and *b*.

The deferment is terminated when the sentence is ordered into execution. The confinement may at this time be suspended but it may not be further deferred.

Deferment of the service of confinement and suspension of confinement cannot exist concurrently. When the service of a sentence to confinement at hard labor has been deferred and the confinement is thereafter suspended, the deferment is thereby terminated and only the suspension of the sentence to confinement is operative.

g. Rescission of deferment of sentence to confinement. The officer granting the deferment or, if the individual is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is assigned, has sole and plenary discretionary authority to rescind it at any time. This power likewise vests in the office, not in the person of the authority so acting. Rescission of a deferment occurring prior to or concurrently with the taking of the initial action in the case, will be set forth in the action, together with the dates of the granting of deferment and the rescission thereof. See appendix 14 for appropriate forms. Rescission of a deferment taking place after the convening authority's action will be promulgated in supplementary orders and such orders will be included, or forwarded for inclusion, in the record of trial. See appendix 15.

89. FORMS OF ACTION AND RELATED MATTERS. ***a. General.*** The convening authority will state at the end of the record of trial in each case his decisions and orders. This requirement equally applies in summary court-martial cases, including those in which the convening authority is the officer that tried the case as summary court. See 5*c* and 79*e*. The action will be signed personally by the convening authority. Below his signature will appear his rank and the fact that he is the commanding officer or other fact authorizing him to take the action. Appendix 14 contains forms of action of the convening authority. These forms, or a combination or modification of them, should be used whenever they are appropriate.

b. Modification of initial action. The convening authority may recall and modify any action taken by him at any time before it has been published or the accused has been officially notified thereof. When, as an incident of the review of a record of trial pursuant to Articles 65(b), 66, or 67, or examination of a record of trial pursuant to Article 69, any incomplete, ambiguous, void, or inaccurate action of the convening authority is noted, this action will be modified by him in accordance with the advice or instructions of a higher reviewing authority or the Judge Advocate General. See 95. Any supplementary or corrective action taken by the convening authority shall be signed personally by the convening authority.

c. Action on findings and sentence. (1) *General.* If the court acquitted the accused of all charges and specifications, no action is required unless the proceedings are declared invalid because of a lack of jurisdiction or failure of the specifications, or any of them, to allege any offense cognizable by courts-martial. In this connection, see 86*b*(2), 87*a*(2), and 92*b*.

(2) *Disapproval of sentence.* As disapproval of the entire sentence, without mention of the findings, constitutes disapproval of all findings of guilty, the action in a case in which all the findings of guilty are to be disapproved ordinarily will not mention the findings. If the convening authority disapproves the sentence and does not order a rehearing, he will dismiss the charges. If a rehearing is ordered or if any finding is declared invalid because of the failure of a specification to allege any offense, the disapproval or the declaration of invalidity, together with the reasons therefor, will be set forth in the action. See 92. Similarly, if the reasons for the disapproval of a particular finding of guilty might aid in determining the effect of the proceedings upon future administrative disposition of the accused, the reasons for the disapproval should be set forth in the action. This action would be appropriate, for example, when a finding of guilty is disapproved because of the insanity of the accused (124), or because trial of the offense was barred by the statute of limitations (68*c;* Art. 43), or if a finding of guilty of desertion is disapproved. The reasons for the disapproval of a finding of guilty may be set forth in any case.

(3) *Approval of sentence.* When any part of the sentence is to be approved, mention will be made in the action only of those findings or parts of findings which are to be disapproved. See 89*c*(2) for the rule as to stating reasons for disapproving a finding of guilty. Approval of the sentence, standing alone, constitutes approval of all findings of guilty.

(4) *Execution; suspension.* A statement of the approval of all or a part of the sentence should be followed in the action by a statement, when appropriate, of whether, as approved, the sentence is to be executed or whether the execution of all or any part thereof is to be suspended. See, however, 88*d*(3) as to deferral of forfeitures. Also, see appendix 14 for forms. The reasons for the approval, execution, or suspension of all or any part of a sentence need not be stated in the action.

(5) *Place of confinement.* If the convening authority orders a sentence of confinement at hard labor into execution, the place of confinement, as prescribed in pertinent regulations of the Secretary of a Department will be designated in his action. When a sentence of confinement is ordered into execution subsequent to the initial action of the convening authority, the authority ordering the execution will designate the place of confinement. In this connection, see 93.

(6) *Custody or confinement while awaiting result of appellate review.* When a record of trial involving an approved sentence is required to be forwarded to the appropriate Judge Advocate General (Art. 65(a), (b)), the convening authority will, unless he orders any approved sentence of confinement into execution and designates a place of confinement, provide in his action for the temporary custody or confinement of the accused pending final disposition of the case upon appellate review. See appendix 14 (form 41) for form of action and 96 for action to be taken in event the place of temporary custody or confinement is changed prior to final disposition of the case upon appellate review.

(7) *Deferment of service of sentence to confinement.* Whenever the service of the sentence to confinement is deferred by the convening authority prior to or concurrently with his initial action in the case, the action will include the date on which the deferment became effective. The reason for the deferment need not be stated in the action. Deferment of the service of confinement subsequent to initial action is accomplished by supplementary orders. See 88*f* generally and appendices 14 and 15 for appropriate forms.

(8) *Action on rehearing or new or other trial.* (*a*) *Rehearing or other trial.* In acting on a rehearing or other trial, the convening authority is subject to the sentence limitations prescribed for the court in adjudging a sentence. See 81*d*. Additionally, except when a rehearing or other trial is combined with a trial on additional offenses, if any portion of the original sentence was suspended and the suspension was not properly vacated (97*b*) before the order directing the rehearing, the convening authority shall take the necessary suspension action to prevent an increase in the same type of punishment as was previously suspended.

The convening authority may approve a sentence adjudged upon a rehearing or other trial without regard to whether any portion or amount of the punishment adjudged at the former trial has been served or executed. However, in computing the term or amount of punishment actually to be served or executed under the new sentence, the accused will be credited with any portion or amount of the former sentence included within the new sentence that was served or executed prior to the time it was disapproved or set aside. For example, if the original sentence consisted of confinement at hard labor for six months and forfeiture of $50 per month for six months, of which one month's confinement has been served (Art. 57(b)) but no pay has been forfeited, and the sentence adjudged upon the rehearing is identical to the original sentence, the person charged with administrative execution of the new sentence would credit the accused with one month's confinement; the accused would have a balance of confinement for five months and forfeitures for six months yet to be executed. To insure that credit shall be given in proper cases, the convening authority shall, if he approves any part of a sentence adjudged upon a rehearing or other trial, direct in his action that any portion or amount of the former sentence served or executed between the date it was adjudged and the date it was disapproved or set aside shall be credited to the accused. See appendix 14 (forms 19 and 45).

If, in his action on the record of a rehearing, the convening authority disapproves the findings of guilty of all charges and specifications which were tried at the former hearing and that part of the sentence which was based on these findings, he will, unless a further rehearing is ordered, provide in his action that all rights, privileges, and property affected by any executed portion of the sentence adjudged at the former hearing shall be restored. The same restorative action will be taken if the court, at a rehearing, acquits the accused of all charges and specifications which were tried at the former hearing. See Article 75 and appendix 14 (forms 10 and 24).

(*b*) *New trial.* Insofar as authorized and practicable, the action of the convening authority, on a new trial, will conform to the rules prescribed in (*a*) above. See 110*a*(2), *b*, *d*, and *f* for rules regarding action on a new trial.

(9) *Reprimand; admonition.* Any reprimand or admonition provided for by the sentence of a general or special court-martial as ordered executed by the convening authority will be included in his action. In those cases in which the execution of the sentence, including the reprimand or admonition, requires the approval of the President under Article 71(a) or the Secretary concerned under Article 71(b), a reprimand or admonition will not be set forth in the action of the convening authority and need not be set forth in the action of the President or Secretary, but it is included in the promulgating order directing the execution of the sentence.

90. ORDERS AND RELATED MATTERS. ***a. General.*** Unless otherwise prescribed by regulations of the Secretary of a Department, orders promulgating the result of trial and action by the convening or higher authorities on the record will be prepared, issued, and distributed as indicated herein (90).

An order promulgating the result of a trial by general or special court, and any action by the convening or higher authorities on the record of trial, although not necessary to the validity of the trial, will be issued whether the result was an acquittal or otherwise, and regardless of the action of the convening or higher authorities thereon. For forms of orders and data to be shown therein, see appendix 15 and pertinent regulations.

An order promulgating the proceedings and the initial action of the convening authority will bear the date of the action of the convening authority on the record of trial except when the order promulgating the result of a trial by special court-martial involving a bad-conduct discharge is issued by the officer exercising general court-martial jurisdiction over the command (90*b*(1)). In the latter case, the order will bear the date this officer took action on the record of trial, but will recite in the body of the order the action of the convening authority and the date thereof.

An order promulgating an acquittal or action on the findings or sentence taken subsequent to the initial action of the convening authority will bear the date of its publication.

The promulgating order will state the date upon which the sentence was adjudged by the court or the date upon which the acquittal was announced.

b. By whom issued. (1) *Initial orders.* The order promulgating the result of trial and the initial action of the convening authority will be issued by the convening authority in all cases except those in which a record of trial by special court-martial involving an approved bad-conduct discharge is forwarded to the officer exercising general court-martial jurisdiction over the command under the provisions of Article 65(b). In the latter case, the promulgating order will be issued by the officer exercising general court-martial jurisdiction who takes action on the record.

(2) *Orders issued subsequent to initial action of the convening authority.* Action taken on the findings or sentence subsequent to the initial action thereon by the convening authority shall be promulgated by appropriate orders. The officer or official empowered to take subsequent actions will vary according to the nature of the action taken. According to the circumstances, the officer or official having authority to act may include one or more of the following: the convening authority who took the initial action, the officer exercising general court-martial jurisdiction over the accused, the Secretary concerned, and an Under Secretary, Assistant Secretary, Judge Advocate General, or commanding

officer designated under Article 74. As to authority to modify the initial action and to publish promulgating orders required thereby, see 89*b* (Modification of initial action) and 95 (Correction of records of trial subject to appellate review); as to the authority to take other actions and to publish promulgating orders required thereby, see 94 (Review of sentences of special and summary courts-martial), 97*a* (Remission and suspension), 97*b* (Vacation of suspension), 88*f* (Deferment of execution of sentence to confinement), 88*g* (Rescission of deferment of confinement), 100*b* (Action when sentence is set aside), 100*c* (Action when sentence is affirmed in whole or in part), 107 (Court-martial orders), and 110 *b*, *d*, and *e* (New trial); as to authority of the Judge Advocate General to vacate or modify findings or sentence in cases finally reviewed, see 110A (Powers of the Judge Advocate General after final review).

c. Orders containing classified information or matter unfit for publication. When an order contains information which must be classified, only the order retained in the unit files and those copies which accompany the record of trial are to be complete. When the order contains obscene matter that is unfit for open publication, only the order retained in the unit files, those copies which accompany the record of trial, those which are furnished the chief custodian of the personnel records of the armed force concerned, the authorities of the command where the accused is held in custody or to which he is to be transferred, and the commander of the place where the accused is to be confined, if confinement is involved, are to be complete.

All other copies are prepared to eliminate, by use of asterisks, sufficient data to avoid the necessity of classification and such obscene matter as may be unfit for open publication.

d. Distribution. Distribution of promulgating orders will be in accordance with pertinent regulations of the Secretary of a Department. In this connection, however, see 91*a*, 91*b*, and appendices 9*e* and 10*b*.

e. Summary court-martial. An order promulgating the result of a trial by summary court-martial need not be issued. However, the action of the convening authority will be shown on all copies of the record of trial. See 79*e* and appendix 11. The action on the original copy will bear the signature of the convening authority; if a promulgating order is not used, action on the other copies either will bear the signature of the convening authority or will be prepared and certified as true copies of the original.

Any action taken on a summary court-martial case subsequent to the initial action of the convening authority will be promulgated in appropriate orders.

91. DISPOSITION OF THE RECORD AND RELATED MATTERS. ***a. General court-martial.*** A record of trial by general court-martial, with the action of the convening authority thereon, ordinarily will be transmitted without letter of transmittal directly to the Judge Advocate General of the armed force concerned. However, if the convening authority has taken an action contrary to that recommended by his staff judge advocate or legal officer, he should forward the record by a letter of transmittal containing an explanation of his action. See 85*c*.

With the original record of trial will be forwarded the accompanying papers (82*b*) and, unless otherwise prescribed by regulations of the Secretary of a Department, 10 authenticated copies of the order promulgating the result

of trial as to each accused and the review of the staff judge advocate or legal officer. If the approved sentence in the case affects a general or flag officer or extends to death, dismissal of an officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for one year or more, two additional copies of the record of trial will be attached to the original record. If a copy of the record cannot be delivered to the accused for any reason, the copy prepared for him will also be attached to the record with an explanation of the reason for nondelivery.

See appendix 9*e* as to the arrangement of the record and accompanying papers for forwarding.

b. Special court-martial. (1) *Cases including an approved bad-conduct discharge.* After taking action thereon, a special court-martial convening authority who does not also exercise general court-martial jurisdiction will forward the original and two copies of a special court-martial case that includes an approved bad-conduct discharge directly to the officer who exercises general court-martial jurisdiction over the command. No orders promulgating this initial action need be published (90*b*(1)). If a copy of the record cannot be delivered to the accused for any reason, the copy prepared for him will also be attached with a statement of the reasons for nondelivery. See appendix 9*e* as to the arrangement of a verbatim record.

The officer exercising general court-martial jurisdiction receiving such a record, or who has himself convened a special court-martial which has adjudged a bad-conduct discharge, will, after receiving the advice of his staff judge advocate or legal officer (85), take appropriate action upon the findings and sentence. If the sentence as approved includes a bad-conduct discharge, the record will be disposed of in the manner prescribed in 91*a* for records of trial by general courts-martial.

(2) *Other cases.* A convening authority who does not exercise general court-martial jurisdiction will forward all records of trial by special court-martial in which the sentence as approved by him does not include a bad-conduct discharge directly to the officer exercising general court-martial jurisdiction over the command for review (94). With the record will be forwarded the accompanying papers and, unless otherwise prescribed by regulations of the Secretary of a Department, four authenticated copies of the order promulgating the result of trial (90*b*). See appendix 10*b* as to the arrangement of these records.

c. Summary court-martial. Unless otherwise prescribed by regulations of the Secretary of a Department, a record of trial by summary court-martial will be disposed of as indicated herein (91*c*).

The original and two copies thereof will, after action by the convening authority, be delivered to the custodian of the personnel records of the unit, who will, in the case of an approved sentence, enter the essential data on the service record of the accused and on any other records as required by regulations. A notation that the entry has been made will be recorded on all copies of the record of trial.

The original and one copy will be forwarded, ordinarily without letter of transmittal, to the officer exercising general court-martial jurisdiction over the command. The remaining copy will be retained in the unit files until disposed of in accordance with pertinent regulations.

If the sentence, as ordered executed, involves confinement on bread and water or diminished rations, the medical certificate required by 125 will be attached to the original record of trial and a copy of this certificate will be attached to each copy of the record.

Chapter XVIII

ACTION

ORDERING REHEARING OR OTHER TRIAL—PLACE OF CONFINEMENT

92. ORDERING REHEARING OR OTHER TRIAL. ***a. Rehearing.*** If the convening authority disapproves the findings of guilty and the sentence of a court-martial he may, except when there is lack of sufficient evidence in the record to support the findings, order a rehearing, in which case he shall state the reasons for disapproval (Art. 63(a)). A rehearing may not be ordered in a case in which there is a lack of evidence in the record to support a finding of guilty of the offense charged or of an offense necessarily included in that charged; but if proof of guilt consisted of inadmissible evidence, for which there is available an admissible substitute, a rehearing may properly be ordered. For example, if proof of guilt of absence without leave was made on the basis of improperly authenticated documentary evidence, over the objection of the defense, the convening authority may disapprove the findings of guilty and the sentence and order a rehearing if he has reason to believe that properly authenticated documentary evidence will be available for use at the rehearing. On the other hand, if no proof of unauthorized absence was introduced at the trial, a rehearing may not be ordered. If a sentence is disapproved because of any procedural error prejudicial to the substantial rights of the accused, a rehearing may properly be ordered, subject to the foregoing restrictions. A rehearing may be ordered as to any offense if the conviction thereof is based on a plea of guilty.

Under like limitations a rehearing may be ordered by an officer having supervisory authority (94*a*(2)), an officer authorized to convene general courts-martial (94*a*(3)), a Court of Military Review (Art. 66(d)), or the Court of Military Appeals (Art. 67(e)). If a rehearing has been ordered, but the convening authority finds a rehearing impracticable, he may dismiss the charges.

A rehearing may not be ordered by an authority competent to take that action if, upon taking his action, he approves a part of the sentence. The order directing a rehearing will be made at the time of disapproving or setting aside the sentence and, when appropriate, will be included in the action on the sentence. If, as a result of review by higher authority, a rehearing is ordered in a case in which the sentence or any part thereof has already been ordered into execution, the order of execution shall be vacated at the time the rehearing is ordered.

In addition to having the power, as indicated above, to order a rehearing in full which requires findings on all charges and specifications referred to the court-martial (81*b*(1)), the convening authority or a reviewing authority may order a rehearing on the sentence only based on the sustained findings (81*b*(2)) or a combined rehearing which requires findings by the court-martial on only some specifications and sentencing based on those of which the accused is con-

victed at the rehearing combined with those which have been sustained on review (81*b*(3)). When such a combined rehearing is ordered by an authority superior to the convening authority and the latter finds a rehearing impracticable on any specification, he may reassess and approve a sentence on the basis of the findings which were approved or affirmed, if not otherwise precluded from so doing, for example, when the reviewing authority in ordering a rehearing on certain specifications also sets aside the sentence. In the latter event, or in any case in which he finds it to be more appropriate, he may order a rehearing on the sentence based on the findings which have been approved or affirmed.

As to procedure and rules relating to the sentence imposable in each of the three types of rehearings, see 81.

Additional charges (24*b*) may be referred for trial together with charges as to which a rehearing has been directed.

Every rehearing, including a rehearing on the sentence only, shall take place before a court-martial composed of members who were not members of the court-martial which previously heard the case. The military judge at a rehearing may be the same military judge who presided over a previous trial of the same case. See 62*f*(10). The existence or absence of a request for trial by the military judge alone at the previous hearing has no effect on the composition of the court at the rehearing. In any rehearing which is referred to a court with a military judge and members, the accused may request that the case be heard by the military judge alone. Upon a rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court-martial and the sentence shall be limited as provided in 81*d*(1).

If at a previous trial the accused was guilty of an included offense, a rehearing may properly be ordered only as to that included offense or as to an offense necessarily included in that found. If, however, a rehearing is ordered improperly on the original offense charged and the accused is found guilty thereof, that finding may be valid as to the lesser offense of which he was found guilty at the first trial. If the accused was found guilty of the offense charged on a previous trial, a rehearing may be ordered as to any offense necessarily included therein, provided there is evidence in the record which tends to prove that included offense.

When a rehearing is ordered by the convening authority, there will be referred to the trial counsel, in order to inform him of the errors made at the former hearing which have necessitated the rehearing, not only the charges but also the record of the former proceedings and all pertinent accompanying papers, together with a copy of any decision of the Court of Military Review or the Court of Military Appeals, the review of the staff judge advocate or legal officer, and the statement by the convening authority of his reasons for disapproving the original sentence.

A rehearing on the sentence only may not be referred to a court-martial of a different kind from that which made the original findings. The three kinds of courts-martial are summary, special, and general courts-martial. See Article 16.

See 81 for the procedure to be followed at a rehearing, 89*c*(7) for the action by the convening authority upon the record of a rehearing, and 94*a*(2) for rehearings directed as a result of the action of the officer having supervisory authority with respect to summary court-martial cases and special court-martial

cases in which a bad-conduct discharge is not adjudged. For related provisions as to a new trial upon the application of the accused see 109 and 110.

b. Other trial. If the convening or higher authority finds the original proceedings to be invalid because of lack of jurisdiction (8) or failure of the charges to allege any offense cognizable by courts-martial (68*b*), that authority will, in his action, state the basis for declaring the proceedings invalid. For form, see appendix 14. This type of case will be referred to a court none of whose members has participated in the former trial. If the case is referred to a court with a military judge and members, the accused may request that the case be heard by the military judge alone. The military judge at the other trial may be the same military judge who presided over a previous trial of the case. See 62 *f*(10). See 81*b*(1) and *d* as to the procedure and sentence limitations applicable to other trials.

93. PLACE OF CONFINEMENT. For action of the convening authority in providing for the temporary custody or confinement of the accused pending final disposition of the case upon appellate review, see 89*c*(6) and appendix 14. When the service of a sentence to confinement at hard labor has been deferred and the deferrment is subsequently rescinded, the place of confinement will be designated in the convening authority's initial action on the sentence or the order which rescinds the deferment.

The authority who orders a sentence to confinement into execution shall designate the place of confinement in accordance with pertinent departmental regulations. Under such instructions as the Secretary concerned may prescribe, a sentence of confinement adjudged by a court-martial or other military tribunal, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the armed forces or in any penal or correctional institution under the control of the United States, or which the United States may be allowed to use. Persons so confined in a penal or correctional institution not under the control of one of the armed forces are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District of Columbia, or place in which the institution is situated (Art. 58(a)).

Chapter XIX

ACTION AFTER PROMULGATION

REVIEW OF SENTENCES AND FILING OF RECORDS OF SPECIAL AND SUMMARY COURTS-MARTIAL—CORRECTION OF RECORDS OF TRIAL SUBJECT TO APPELLATE REVIEW—REPORTS IN CERTAIN CASES—MISCELLANEOUS MATTERS

94. REVIEW OF SENTENCES AND FILING OF RECORDS OF SPECIAL AND SUMMARY COURTS-MARTIAL. ***a. Review.*** (1) *General.* The officer immediately exercising general court-martial jurisdiction over a command and such other authority as may be designated by the Secretary concerned have supervisory powers over special and summary courts-martial in that command. Except as specifically provided in this paragraph (94), the manner of exercising these supervisory powers shall be as prescribed in regulations of the Secretary concerned.

(2) *Review of records of trial pursuant to Article 65(c).* When forwarded to him for review (91), the officer having supervisory authority will cause a judge advocate, or a law specialist or lawyer of the Coast Guard to review records of trial by summary court-martial and records of trial by special court-martial which do not include approved sentences to bad-conduct discharge (Art. 65(c)). If the action of the court has resulted in an acquittal of all charges and specifications, or if the convening authority has disapproved the findings of guilty and the sentence and has dismissed the charges, the review shall be limited to the question of jurisdiction. The officer having supervisory authority shall act only with respect to the findings of guilty and the sentence as approved or approved and suspended, in whole or in part, by the convening authority and as found correct in law and fact pursuant to Art. 65(c) and may, in the interest of justice, take any action with respect to such findings and sentence as may be taken by a convening authority in the latter's initial action on the record, including suspending the sentence in whole or in part or ordering a rehearing. See chapters XVII and XVIII. When, however, a review made pursuant to this subparagraph indicates that proceedings in revision (Art. 62(b)) are necessary, the record normally will be returned to the convening authority with advice concerning the necessary action. An officer having supervisory authority may order the restoration of any rights, privileges, and property affected by such part of the sentence as he may set aside. See 106.

The officer having supervisory authority may bring any fatal error to the attention of the convening authority or his successor. If warranted by the circumstances, he may advise the convening authority that he has the power to withdraw his previous action, disapprove the findings of guilty and the sentence, and either direct a rehearing or dismiss the charges pursuant to Article 63. See 92. After a finding of guilty upon a rehearing, the court will adjudge an

appropriate sentence without regard to any credit to which the accused may be entitled by virtue of the prior execution of any part of the original sentence. See 81. Persons charged with the administrative duty of executing a sentence adjudged upon a rehearing after the sentence has been ordered into execution shall credit the accused with any executed portion or amount of the original sentence in computing the term or amount of punishment actually to be executed pursuant to the sentence adjudged upon the rehearing. See Article 75(a).

When, upon review pursuant to this paragraph and any further review and procedures which may be provided in regulations of the Secretary concerned, the proceedings, findings, and sentence as approved by the convening authority have been found correct in law and fact, the proceedings shall be final in the sense of Articles 44 and 76.

(3) *Review of special court-martial records pursuant to article 65*(b). If the sentence of a special court-martial as approved by a convening authority who does not exercise general court-martial jurisdiction includes a bad-conduct discharge, whether or not suspended, the record shall, ordinarily, be forwarded to the officer exercising general court-martial jurisdiction over the command to be reviewed and acted upon in the same manner as a record of trial by a general court-martial (Art. 65(b)). The Secretary concerned may, however, provide by regulation for forwarding of the record in appropriate cases to any officer exercising general court-martial jurisdiction, who shall be considered "the officer exercising general court-martial jurisdiction over the command" within the meaning of Article 65(b). The reviewing authority shall act only with respect to the findings of guilty and the sentence as approved, suspended, or deferred by the convening authority. If the sentence as approved by an officer exercising general court-martial jurisdiction, either as the convening authority (Art. 60) or as prescribed in this subparagraph, includes a bad-conduct discharge, whether or not suspended, the record shall be forwarded to the appropriate Judge Advocate General to be reviewed by a Court of Military Review (Art. 65(b)). If the sentence as approved by the officer exercising general court-martial jurisdiction does not include a bad-conduct discharge, the record of trial shall thereafter be treated as a special court-martial record not involving a bad-conduct discharge.

b. Filing of records. After review as prescribed by 94*a*(2), records of trial by summary court-martial and records of trial by special court-martial which do not involve approved sentences to bad-conduct discharge shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation. Special court-martial records which involve approved sentences to bad-conduct discharge shall be filed in the office of the appropriate Judge Advocate General.

95. CORRECTION OF RECORDS OF TRIAL SUBJECT TO APPELLATE REVIEW. When a record of trial by general court-martial, or a record of trial by special court-martial in which a sentence to bad-conduct discharge has been approved, has been forwarded by a convening authority to higher authority and error of the kind mentioned in 86*c* and *d* is noted by the higher authority, the record will be returned to the convening authority (Art. 60) with directions for the correction of the record or revision of the proceedings.

When, as an incident of the review of a record of trial pursuant to Articles 65(b), 66, 67, or 69, it is noted that the action of the convening authority or of a higher authority is incomplete, ambiguous, or contains clerical errors, the

authority who took the incomplete, ambiguous, or erroneous action may be instructed to withdraw the original action and to substitute a corrected action therefor. See appendix 14 for a form of corrected action by the convening authority.

96. REPORTS IN CERTAIN CASES. In the case of an officer, immediately upon promulgation of any sentence of a court-martial which does not require appellate review under Article 66 but which involves any material change in the status of the officer, the commander issuing the order will, by prompt means, advise the appropriate officer of the Department concerned of the sentence imposed as approved, reduced, or deferred and the date of promulgation thereof.

Whenever an accused person under a court-martial sentence subject to review under Article 66 is transferred from the general court-martial jurisdiction which has been designated as the command having temporary custody of the accused (89*c*(6)) before the accused has been notified of the decision of the Court of Military Review, the officer ordering the transfer will, by prompt means, notify the appropriate Judge Advocate General.

97. MISCELLANEOUS MATTERS. ***a. Remission and suspension.*** As to the power of the convening authority to reduce, change the nature of, or suspend a sentence at the time he takes his action or orders the sentence into execution, see 88 and Articles 64 and 71(d). As to the powers of the supervisory authority, and the powers of the reviewing authority of a special court-martial the sentence of which includes a bad-conduct discharge, to reduce, change the nature of, or suspend a sentence at the time he takes his action, see 94*a*(2) and 94*a*(3).

Under Article 74(a) the Secretary concerned and, when designated by him, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures, other than a sentence approved by the President, except as provided in 105*b*. The officials authorized by the Secretary concerned to exercise these powers after the sentence has been ordered into execution shall be designated in departmental regulations. The officer having supervisory authority (94*a*(1)) and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence are empowered to remit or suspend any part or amount of the unexecuted part of any sentence by summary court-martial or of a sentence by special court-martial which does not include a bad-conduct discharge. Such action may be taken without regard to whether the person acting has previously approved the sentence. Suspension actions taken under the authority of this paragraph (97) and Article 74(a) are subject to the rules set forth in 88*e*.

The Secretary concerned may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial (Art. 74(b)).

b. Vacation of suspension. Before the vacation of the suspension of a special court-martial sentence which as approved includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged

violation of probation. The probationer shall be represented at the hearing by counsel if he so desires (Art. 72(a)). Insofar as applicable the procedure at the hearing shall be similar to that prescribed for investigations conducted under the provisions of 34. See appendix 16 for a form of record of this proceeding and a procedural guide.

The record of the hearing and the recommendations of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If this officer vacates the suspension, any unexecuted part of the sentence affected by the vacation shall be executed, unless the sentence then extends to dismissal, or includes, unsuspended, dishonorable discharge, bad-conduct discharge, or confinement for one year or more, and has not been affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals. See Articles 71(b) and (c). Also, if the sentence extends to dismissal, no part of the sentence may be ordered into execution until approved by the Secretary concerned (Art. 71(b)) and a vacation of a suspension of a dismissal is not effective until approved by the Secretary concerned (Art. 72(b)).

The suspension of any sentence by summary court-martial, or of a sentence by special court-martial which does not include a bad-conduct discharge, may be vacated (without a hearing) by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence. See Article 72(c).

An act of misconduct, in order to serve as a basis for vacation of suspension of a sentence, must occur within the period of suspension. Similarly, the order of vacation of the suspension must be issued prior to the end of the period of suspension even though, in certain cases, it may not be effective as an order of execution of the suspended sentence until the completion of appelate review or action by the Secretary concerned. See the second paragraph of 97*b*. The running of the period of suspension of a sentence is, however, interrupted by the unauthorized absence of the accused.

For forms of orders vacating suspension, see appendix 15.

c. Interruptions of execution of a sentence. A sentence to confinement, hard labor without confinement, restriction to limits, or deprivation of privileges is continuous until the term expires, with certain exceptions. These exceptions include the following:

When delivery under Article 14 is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent military authority, be returned to military custody for the completion of his sentence (Art. 14(b)).

When a prisoner serving a court-martial sentence to confinement is later convicted by a court-martial of another offense for which he is sentenced to confinement, the subsequent sentence interrupts the running of the prior sentence to confinement. Any unremitted remaining portion of the prior sentence will be served after the subsequent sentence has been fully executed.

Periods during which the person undergoing such a sentence is absent without authority, or is absent under a parole which proper authority has later revoked, or is erroneously released from confinement through misrepresentation or fraud on the part of the prisoner, or is erroneously released from confinement upon his petition for a writ of habeas corpus under a court order which is later reversed by a competent tribunal shall be excluded in computing the service of the term of the punishment.

Periods during which a sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement (Art. 57(b)).

d. Changes in place of confinement. Subject to pertinent regulations, the authority who designated the place of confinement, higher authority, or any other authority authorized by pertinent regulations may change the place of confinement of any prisoner under his jurisdiction.

e. Distribution of court-martial orders. The distribution of orders promulgating the results of courts-martial and any action after promulgation of the sentence will be as prescribed in regulations of the Secretary of a Department.

f. Powers of the Judge Advocate General after final review. See 110A and Article 69.

Chapter XX

APPELLATE REVIEW—EXECUTION OF SENTENCES

GENERAL—PRELIMINARY ACTION—REVIEW BY THE COURT OF MILITARY REVIEW—REVIEW BY THE COURT OF MILITARY APPEALS—APPELLATE COUNSEL—REVIEW IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL—BRANCH OFFICES—COMMUTATION, REMISSION, AND SUSPENSION—RESTORATION—COURT-MARTIAL ORDERS—FINALITY OF COURT-MARTIAL JUDGMENTS

98. GENERAL. A sentence of a court-martial may not be executed until approved by the convening authority (Arts. 60, 61, 64, 65, 71(d)). A special court-martial sentence which, as approved by the convening authority, includes a bad-conduct discharge must, generally, also be approved by an officer exercising general court-martial jurisdiction (94*a*(3); Art. 65(b)). In addition to this approval, certain sentences may not be executed until approved or affirmed by higher authority.

No court-martial sentence extending to death or involving a general or flag officer may be executed until affirmed by a Court of Military Review and the Court of Military Appeals and approved by the President (Arts. 66(b), 67(b)(1) and 71(a)). No sentence extending to the dismissal of a commissioned officer (other than a general or flag officer), cadet, or midshipman may be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals, and approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by him (Arts. 66(b), 71(b)). No sentence to dishonorable or bad-conduct discharge, whether or not suspended, may be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals. No sentence which includes, unsuspended, a dishonorable or bad-conduct discharge, or confinement for one year or more may be ordered executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals (Arts. 67(b), 71(c), 72(b)). All other court-martial sentences, unless suspended, may be ordered executed by the convening authority when approved by him (Art. 71(d)). See 88*d* as to the effect of a suspension on the execution of some sentences.

99. PRELIMINARY ACTION. All records of trial by general courts-martial and records of trial by special courts-martial which, as approved by the convening authority and by an officer exercising general court-martial jurisdiction, include a bad-conduct discharge shall be sent after approval by the proper authority to the Judge Advocate General of the armed force of which the accused is a member (Arts. 17(b), 65(a) and (b)). In these cases, a general or special court-martial order announcing the result of the trial and the action of the convening or higher authority will be promulgated before forwarding.

100. REVIEW BY THE COURT OF MILITARY REVIEW. ***a. General.*** Each Judge Advocate General shall establish a Court of Military Review composed of appellate military judges. For the composition of these courts, the qualifications of the appellate military judges, the grounds for their ineligibility and the restrictions upon the official relationship of a member of the court to other members, see Article 66.

The Judge Advocate General shall refer to a Court of Military Review the record in every case of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for one year or more (Art. 66(b)). In a case referred to it, the Court of Military Review may act only with respect to the findings and sentence as approved by proper authority. It may affirm only such findings of guilty or such part of a finding of guilty as includes an included offense, and the sentence or such part of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. It has generally the same powers with respect to modification of a sentence as does the convening authority (88*c*), but it does not have authority to suspend a sentence or any part thereof. However, it may reduce the period of a suspension prescribed by a convening authority. It does not have the authority to defer the service of a sentence to confinement. In considering the record, it may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses (Art. 66(c)).

A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused (Art. 59(a)).

b. Action when sentence is set aside. (1) If the Court of Military Review sets aside any findings of guilty or the sentence, it may, except as to findings set aside for a lack of sufficient evidence in the record to support the findings, order the applicable type of rehearing (81*b*) or reassess the sentence as appropriate under the circumstances of the case. If it sets aside all the findings and the sentence and does not order a rehearing, it shall order that the charges be dismissed. See Articles 59(a) and 66(d).

(2) In his discretion, the Judge Advocate General may forward the decision of the Court of Military Review and the record of trial to the Court of Military Appeals for review with respect to any matter of law (Art. 67(b)(2), 67(d)). In these cases, he will cause a copy of the decision of the Court of Military Review and his order of reference to be served upon the accused and upon the appellate defense counsel.

(3) If the Judge Advocate General does not order the case forwarded to the Court of Military Appeals, he shall advise an appropriate convening authority (see 84 and Article 60) to take action in accordance with the decision of the Court of Military Review. If the Court of Military Review has ordered a rehearing the record shall be sent to an appropriate convening authority. If he finds a rehearing impracticable, he may dismiss the charges (Art. 66(e)). Ordinarily, the final action will be promulgated by an appropriate convening authority. If the charges are dismissed, all rights, privileges, and property affected by an executed portion of the sentence which has been set aside, except an executed dismissal or discharge, shall be restored. (Art. 75(a)). See 110*d*

as to the action which may be taken if an executed dismissal or dishonorable or bad-conduct discharge is not sustained on a new trial.

c. Action when sentence is affirmed in whole or in part. (1) *Sentences which do not require the approval of the President.* (*a*) If the sentence, as affirmed by the Court of Military Review extends to dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more, the Judge Advocate General, in his discretion, may take the action prescribed in 100*b*(2) above. Otherwise he will transmit a copy of the preliminary court-martial order (90*b*(1)) and two copies of the decision of the Court of Military Review, with such instructions as to future action as may be appropriate (Art. 66(e)) and with instructions to cause a copy of the decision to be served upon the accused, to the officer immediately exercising general court-martial jurisdiction over the accused. This copy will bear an indorsement notifying the accused of his right to petition the Court of Military Appeals for review with respect to any matter of law within 30 days from the time he is notified of the decision of the Court of Military Review, and that any petition for review will be forwarded through the officer immediately exercising general court-martial jurisdiction over the accused and through the appropriate Judge Advocate General. Either the receipt of the accused for the copy of the decision of the Court of Military Review or a certificate of service upon him, showing the date of service will be transmitted in duplicate by expeditious means to the appropriate Judge Advocate General. The latter will forward one copy of the receipt or certificate of service to the Clerk of the Court of Military Appeals when required by the court. If the officer who exercises immediate general court-martial jurisdiction over the accused is not the officer who convened the court, or his successor in command, the Judge Advocate General shall also transmit a copy of the decision of the Court of Military Review to the convening authority who convened the court for his information.

The accused has 30 days from the time when he is notified of the decision of a Court of Military Review to petition the Court of Military Appeals for review. The placing of a petition for review in proper military channels divests the Court of Military Review of jurisdiction over the case, and jurisdiction is thereby conferred on the Court of Military Appeals. If the accused does not so petition, the convening authority, or the officer immediately exercising general court-martial jurisdiction over the accused, or the Secretary concerned (Art. 60) may order any sentence which, as affirmed by the Court of Military Review, extends to dishonorable or bad-conduct discharge or confinement for one year or more into execution or take other authorized appropriate action (Art. 74(a)) as the circumstances may warrant.

(*b*) If an accused, whose sentence as affirmed by the Court of Military Review extends to dismissal, does not forward a timely petition for review, the Judge Advocate General will transmit the record, the decision of the Court of Military Review, and his recommendations to the Secretary concerned or to the appropriate Under Secretary or Assistant Secretary for action under Article 71(b). He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of any part of the sentence as approved by him. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person so

reduced may be required to serve for the duration of the war or emergency and six months thereafter (Art. 71(b)). The action of the Secretary concerned will be promulgated by departmental court-martial orders.

(*c*) If the accused forwards a timely petition for review no supplemental order of execution will be promulgated until final action by the Court of Military Appeals is taken.

(2) *Sentences which require the approval of the President.* If the Court of Military Review affirms any sentence which affects a general or flag officer or which, as affirmed by it, extends to death, the Judge Adovcate General shall transmit the record of trial and the decision of the Court of Military Review directly to the Court of Military Appeals. He shall cause a copy of the decision of the Court of Military Review to be served upon the accused and upon the appellate defense counsel.

d. Rules of procedure. Uniform rules of procedure for proceedings in and before Courts of Military Review shall be prescribed by the Judge Adovcates General of the armed forces (Art. 66(f)).

101. REVIEW BY THE COURT OF MILITARY APPEALS. Under such rules as it may prescribe, the Court of Military Appeals shall review the record in the following cases (Art. 67(b)):

(1) All cases in which the sentence, as affirmed by a Court of Military Review affects a general or flag officer or extends to death;

(2) All cases reviewed by a Court of Military Review which the Judge Advocate General orders sent to the Court of Military Appeals for review; and

(3) All cases reviewed by a Court of Military Review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review. But see 103 and Art. 69.

In any case reviewed by it, the Court of Military Appeals may act only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the Court of Military Review. In a case which the Judge Advocate General orders sent to the Court of Military Appeals, that action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, that action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action only with respect to matters of law (Art. 67(d)).

If the Court of Military Appeals sets aside any findings of guilty or the sentence, it may, except as to findings set aside for a lack of sufficient evidence in the record to support the findings, order the applicable type of rehearing (81*b*) or reassessment of the sentence as appropriate under the circumstances of the case. If it sets aside all the findings and the sentence and does not order a rehearing, it shall order that the charges be dismissed. See Articles 59(a) and 67(e).

After it has acted on a case, the Court of Military Appeals may direct the Judge Advocate General to return the record to the Court of Military Review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President or the Secretary concerned, the Judge Advocate General shall instruct an appropriate convening

authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority to whom the record is transmitted finds a rehearing impracticable, he may discuss the charges. (Art. 67(f)).

If the sentence, as affirmed by the Court of Military Appeals, requires the action of the Secretary concerned, action thereon will be taken in accordance with the procedures prescribed in 100*c*(1)(*b*). If the sentence as affirmed by the Court of Military Appeals extends to death or affects a general or flag officer, the record of trial, the decision of the Court of Military Review, the recommendations of the Judge Advocate General, and the decision of the Court of Military Appeals shall be transmitted to the Secretary concerned for the action of the President pursuant to Article 71(a).

102. APPELLATE COUNSEL. ***a. Detail.*** The Judge Advocate General shall detail in his office one or more commissioned officers as appellate Government counsel, and one or more commissioned officers as appellate defense counsel, who are qualified under Article 27(b)(1) (Art. 70(a)).

b. Duties. The appellate Government counsel shall represent the United States before the Court of Military Review or the Court of Military Appeals when directed to do so by the Judge Advocate General (Art. 70(b)).

The appellate defense counsel shall represent the accused before the Court of Military Review or the Court of Military Appeals (Art. 70(c))—

(1) when he is requested to do so by the accused;

(2) when the United States is represented by counsel; or

(3) when the Judge Advocate General has sent a case to the Court of Military Appeals.

For duties of the defense counsel who conducted the defense at the trial with respect to advising the accused of his right to be represented by the appellate defense counsel in connection with the appellate review of his case, see 48*j*(3).

If his opinion is requested, the appellate defense counsel will, to the best of his professional knowledge, advise the accused as to whether there are meritorious grounds for petitioning the Court of Military Appeals for review. If the appellate defense counsel is convinced that there are no substantial questions of law presented by the record of trial with respect to the findings of guilty and the sentence as affirmed by the Court of Military Review, he should so advise the accused. Regardless of his personal opinion as to the merit of the issues which can be raised, the appellate defense counsel will, if requested, assist the accused in the preparation of his petition and render such other assistance as may be proper if the accused decides to petition for review. He is authorized to communicate directly with the accused and with his counsel in the field. These communications are privileged.

In any case in which the sentence as affirmed by the Court of Military Review is subject to review by the Court of Military Appeals, the officer exercising general court-martial jurisdiction over the accused shall, if requested by the accused, detail a qualified counsel to advise and assist the accused in connection with any proper matter concerning further appellate review. If he is reasonably available, the defense counsel who conducted the defense during the trial may perform these duties.

c. Civilian counsel. The accused has the right to be represented before the Court of Military Appeals or the Court of Military Review by civilian counsel if provided by him (Art. 70(d)).

103. REVIEW IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL. Every record of trial by general court-martial, in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by Article 66, shall be examined in the office of the Judge Advocate General. If any part of the findings or sentence is found unsupported in law, or if the Judge Advocate General so directs, the record shall be reviewed by a Court of Military Review in accordance with Article 66, but in that event there may be no further review by the Court of Military Appeals unless the Judge Advocate General orders the record sent to the Court of Military Appeals under Article 67(b)(2) (Art. 69).

When a record by trial by general court-martial is referred to a Court of Military Review under Article 69, the Judge Advocate General shall advise the appellate defense counsel of the reference if such a counsel must be detailed under Article 70(c)(1) or (2). See 48*j*(3). Additionally, if an accused has not been advised of his right to representation before the Court of Military Review and made a request in this regard, he shall be advised of the reference and of his right to representation before the Court of Military Review under Article 70, provided he forwards a prompt request therefor.

If the Judge Advocate General forwards a case to the Court of Military Appeals for review, he will take the action prescribed in 100*b*(2).

104. BRANCH OFFICES. Courts of Military Review established in branch offices of the Judge Advocate General and the Assistant Judge Advocate General in charge of these offices may perform their duties in the manner prescribed for the Judge Advocate General and the Court of Military Review in his office. They operate under the general supervision of the Judge Advocate General. Records of trial involving sentences requiring action by the President shall be sent directly to the Judge Advocate General without action in the branch office. See Article 68.

105. COMMUTATION, REMISSION, AND SUSPENSION. *a. Commutation.* The power to commute, that is to change a punishment to one of a different nature, may be exercised by the President and by the Secretary concerned or such an Under Secretary or Assistant Secretary as may be designated by him. See Article 71(a) and (b). See also 88*c* for the powers of convening and reviewing authorities to change the nature of a punishment.

b. Remission and suspension. If the Judge Advocate General is of the opinion that a sentence as affirmed by the Court of Military Review which does not require the approval of the President should be remitted or suspended in whole or in part, he may, before taking the action prescribed in 100*c*(1), transmit the record of trial and the decision of the Court of Military Review with his recommendations to the Secretary concerned for action pursuant to Article 74, or take such action as may be authorized by the Secretary concerned under Article 74(a). See also 97*a*.

After the President has commuted a death sentence to a lesser punishment, the Secretary concerned may remit or suspend any remaining part or amount

of the unexecuted portion of the sentence of a person convicted by a military tribunal under his jurisdiction.

106. RESTORATION. See 110*d* as to action which may be taken when the sentence adjudged upon a new trial is set aside or disapproved.

In other cases all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved by any competent authority shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing (Art. 75(a)). Ordinarily, any restoration should be announced in the court-martial order promulgating the final results of the proceedings (90*b*(2), 107; app. 15*b*).

107. COURT-MARTIAL ORDERS. General court-martial orders publishing the final results of proceedings in cases in which the President or the Secretary concerned has taken final action are promulgated by departmental orders. In other cases, the final action may be promulgated by an appropriate convening authority or the Secretary concerned.

108. FINALITY OF COURT-MARTIAL JUDGMENTS. The appellate review of records of trial provided by the code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by the code, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by the code, are final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in Article 73, to action by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused as provided in Article 69, and to action by the Secretary concerned as provided in Article 74, and the authority of the President (Art. 76). See 75*b*(2).

Chapter XXI

NEW TRIAL, RELATED AND OTHER MATTERS

THE PETITION FOR NEW TRIAL—CONDUCT OF NEW TRIAL AND SUBSEQUENT ACTION—POWERS OF THE JUDGE ADVOCATE GENERAL AFTER FINAL REVIEW—RIGHT OF DISMISSED OFFICER TO TRIAL BY COURT-MARTIAL

109. THE PETITION FOR NEW TRIAL. ***a. General.*** At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the ground of newly discovered evidence or fraud on the court (Art. 73).

A petition may not be submitted after the death of an accused.

The execution of a sentence need not be delayed to permit a petition for a new trial. Presentation of a petition does not, of itself, operate to stay the execution of a sentence.

b. Who may petition. A petition for a new trial may be submitted either by the accused or by his counsel or representative regardless of whether the accused is in the service or has been separated therefrom. See 109*e*.

c. Who may act on petition. If the accused's case is pending before a Court of Military Review or the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise, the Judge Advocate General of the armed force which reviewed the previous trial shall act upon the petition except that petitions submitted by persons who, at the time of trial and sentence from which the petitioner seeks relief, were members of the Coast Guard, and who are members of the Coast Guard at the time the petition is submitted, will be acted upon in the Department in which the Coast Guard is serving at the time the petition is so submitted, that is, either by the Judge Advocate General of the Navy or the General Counsel of the Department of Transportation, as the case may be. See Article 73.

d. Grounds for new trial. (1) *General.* A new trial under Article 73 will be granted only upon the grounds of newly discovered evidence or fraud on the court. Sufficient grounds for granting a new trial will be deemed to exist only if within the discretion of the authority considering the petition all the facts and information before that authority, including, but not limited to, the record of trial, the petition, and other matters presented by the accused affirmatively establish that an injustice has resulted from the findings or the sentence and that a new trial would probably produce a substantially more favorable result for the accused.

(2) *Newly discovered evidence.* A new trial will not be granted on the grounds of newly discovered evidence unless the petition shows:

(*a*) That the evidence is in fact newly discovered, that is, discovered since the trial;

(*b*) That the evidence is not such that it would have been discovered by the petitioner at the time of trial in the exercise of due diligence;

(*c*) That the newly discovered evidence, if considered by a court-martial in the light of all other pertinent evidence, would probably produce a substantially more favorable result for the accused.

(3) *Fraud on the court.* No alleged fraud on the court will be deemed to constitute good cause unless it had a substantial contributing effect upon the findings of guilty or upon the sentence adjudged.

Examples of fraud on the court which may warrant the granting of a new trial are:

(*a*) Confessed or proved perjury in testimony or forgery of documentary evidence which clearly had a substantial contributing effect upon a finding of guilty and without which there probably would have been a finding of not guilty or a failure of proof of the offense alleged.

(*b*) Willful concealment by the prosecution from the defense of evidence favorable to the defense which, if produced and considered by the court in the light of all the other evidence, would probably have resulted in a finding of not guilty.

(*c*) Willful concealment of a material ground for challenge of the military judge or any member of the court or of the disqualification of any official of the court or the convening authority, when that ground or disqualification was not known to the defense at the time of trial.

e. Form of petition. The petition will be in writing. It will be signed under oath or affirmation by the accused, by a person possessing the power of attorney of the accused for that purpose, or by a person with the authorization of an appropriate court of law to sign the petition as the representative of the accused. It will be forwarded in triplicate directly to the Judge Advocate General of the armed force concerned. When practicable, the petition will be typewritten with lines double spaced and will contain the following:

(1) The name and service number of the accused, the date of the trial. and the present address of the accused.

(2) The request for a new trial.

(3) The sentence or a description thereof as approved or affirmed, together with any subsequent reduction thereof by clemency or otherwise.

(4) A brief description of any finding or sentence believed to be unjust.

(5) A full statement of the newly discovered evidence or fraud on the court relied upon for the remedy sought.

(6) Affidavits pertinent to the facts asserted in (5)above.

(7) The affidavit of each person whom the accused expects to present as a witness in the event of a new trial. Each affidavit should set forth briefly the relevant facts within the personal knowledge of the affiant.

f. Action upon petition. In cases referred to a Court of Military Review, it shall take action in accordance with the rules of procedure prescribed under Article 66(f). In cases referred to it, the Court of Military Appeals shall take action in accordance with its rules. The authority considering the petition may cause such additional investigation to be made and such additional information to be secured as he may deem appropriate.

Upon written request and within his discretion, the authority considering the petition may allow oral argument upon a petition. If the petition is considered by the Judge Advocate General, the hearing may be before him or before an officer or officers designated by him.

If the Judge Advocate General is of the opinion that meritorious grounds for relief under Article 74 have been established but that a new trial is not indicated, he may take action under that article when authorized or transmit the petition and related papers to the Secretary concerned with his recommendations. The Judge Advocate General may also, in those cases which have been finally reviewed but have not been reviewed by a Court of Military Review, take action under Article 69. See 110A.

A new trial should not be granted by a Court of Military Review or the Court of Military Appeals if a consideration of the record of trial indicates that appropriate action should be taken under Articles 66(d) or 67(e).

110. CONDUCT OF NEW TRIAL AND SUBSEQUENT ACTION. ***a. Conduct of new trial.*** (1) If a new trial is granted, the Judge Advocate General shall designate a convening authority who has power to convene a court-martial appropriate for the trial of the case. The new trial shall be held at such time and place as the convening authority directs.

(2) Every new trial shall take place before a court-martial composed of members who were not members of the court-martial which first heard the case. The military judge at a new trial may be the same military judge who presided over a previous trial of the same case. See 62*f*(10). The existence or absence of a request for trial by the military judge alone at the previous trial has no effect on the composition of the court at the new trial. In any new trial which is referred to a court with a military judge and members, the accused may request that the case be heard by the military judge alone. Upon a new trial, the accused shall not be tried for any offense of which he was found not guilty, or upon which he was not tried by the first court-martial, and no sentence shall be adjudged in excess of or more severe than the legal sentence upon the previous trial, as ultimately reduced by the convening or other proper authority when any such action has been taken.

(3) If the accused is found guilty upon any charge or specification on a new trial, the court will, subject to the foregoing limitations, adjudge an appropriate sentence without regard to any credit to which the accused may be entitled by virtue of the prior execution of any part of the sentence. See 81*d*(1).

b. Action by the convening authority upon the record. The convening authority's action is the same as in other cases except that he may not order any part of the sentence executed. See 88*d*(1), 89, and appendix 14.

c. Disposition of record of new trial. Irrespective of the result of the new trial, the record thereof shall be forwarded to the appropriate Judge Advocate General after action by the convening authority and, in special court-martial cases reviewed by him, by the officer exercising general court-martial jurisdiction over the command, or by another officer having supervisory authority (94*a*).

d. Restoration; disposition of original sentence. Except as hereafter provided, the Secretary concerned will order the restoration of rights, privileges, and property affected by an executed portion of a court-martial sentence which has not again been adjudged upon a new trial or which, after the new trial, has not been sustained upon the action of any reviewing authority (Arts. 60, 65, 66, 67). The Secretary shall set aside so much of the findings and so much of the sentence adjudged upon the original trial as may be appropriate.

If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the Secretary concerned shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment (Art. 75(b)).

If a previously executed sentence of dismissal is not imposed on a new trial, the Secretary concerned shall substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the President alone to such commissioned grade and with such rank as in the opinion of the President that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances (Art. 75(c)).

e. Court-martial orders. Court-martial orders promulgating the final action taken as a result of a new trial including any restoration of rights, privileges, and property, shall be promulgated by departmental orders. See appendix 15*b*.

f. Action by persons charged with the execution of the sentence. Persons charged with the administrative duty of executing a sentence adjudged upon a new trial after it has been ordered into execution shall credit the accused with any executed portion or amount of the original sentence included within the new sentence in computing the term or amount of punishment actually to be executed pursuant to the new sentence. For example, if one year of an original sentence to confinement for five years has been executed, and a sentence to confinement for three years is adjudged and approved upon a new trial, the accused will be credited with the confinement for one year already served, leaving only confinement for two years of the new three-year sentence yet to be executed.

110A. POWERS OF THE JUDGE ADVOCATE GENERAL AFTER FINAL REVIEW. The findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review, may be vacated or modified, in whole or part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused (Art. 69). Each Judge Advocate General shall provide appropriate procedures for considering all cases properly submitted under this paragraph. An accused need not make a request in order for the Judge Advocate General to exercise these powers, but each Judge Advocate General may prescribe the manner and form by which application for this relief may be made and, if requested by a person other than the accused, may require that the applicant establish his authority to act on behalf of the accused.

The procedure by which a case may be considered by the Judge Advocate General under this paragraph is not part of the appellate review within the meaning of Article 76 (see 75*b*(2)). Court-martial orders promulgating action taken under this authority will be as designated by the Secretary concerned. See 90*b*(2).

The authority granted to the Judge Advocate General under this provision of Article 69 does not limit the powers of the Judge Advocate General to grant a new trial under Article 73 nor of the Secretary concerned acting through boards established under 10 U.S.C. 1552 to correct an error or remove an injustice.

111. RIGHT OF DISMISSED OFFICER TO TRIAL BY COURT-MARTIAL. The President may dismiss a commissioned officer of any armed force in time of war under 70A Stat. 89, 10 U.S.C. § 1161. See Article 4 for the details regarding the right of a commissioned officer so dismissed to trial by court-martial.

Chapter XXII

OATHS

OATHS IN TRIALS BY COURTS-MARTIAL—AUTHORITY TO ADMINISTER OATHS—FORMS OF OATHS

112. OATHS IN TRIALS BY COURTS-MARTIAL. ***a. General.*** The word "oath" includes the word "affirmation." In the administration of an affirmation, the words "So help you God" are omitted. Matters concerning oaths in proceedings of courts of inquiry are found in Article 135.

b. Persons required to be sworn. All court-martial personnel, which includes the military judge, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters, shall take an oath to perform their duties faithfully (Art. 42(a)). Additionally, an individual defense counsel, military or civilian, shall take a similar oath. Each witness before a court-martial shall be examined on oath (Art. 42(b)). All persons whose testimony is taken by deposition, oral or written, shall be examined on oath (117*a*; Art. 49(c)). See 114 for forms of other specialized oaths.

c. Secretarial regulations. As to all court-martial personnel required to be sworn, Article 42(a) specifically provides that regulations of the Secretary concerned shall prescribe the following: the form of the oath; the time and place of the taking thereof; the manner of recording same; and whether the oath shall be taken for all cases in which these duties are to be performed, or for a particular case. Such secretarial regulations may also prescribe similar provisions as to the oath to be taken by individual counsel, military or civilian. In the case of certified legal personnel (Art. 26(b); Art. 27(b)), these secretarial regulations may provide for the administration of an oath on a one-time basis (Art. 42(a)). Unless provided otherwise by regulations of the Secretary concerned, it is not required that the oaths to court-martial personnel be administered in the presence of the accused.

See also 61*i* concerning that point in the proceedings at which it is usually ascertained that the required oaths have previously been taken, or are then administered.

d. Procedure for administering oaths. There is no particular procedure which must be used in administering an oath. Any procedure which appeals to the conscience of the person to whom the oath is administered and which binds him to speak the truth, or, in the case of one other than a witness, properly to perform his duties, is sufficient. The customary procedure in administering the prescribed oath consists (1) of requiring the person taking it to place a hand upon a Bible while the oath is administered or (2) of the raising of the right hand by both the individual administering the oath and the individual taking

the oath at the time of the reading thereof and the response thereto. Persons who recognize special forms or rites as obligatory may be sworn in their own manner or according to the ceremonies of the religion they profess and declare to be binding.

In those instances when the prescribed oath is administered in open court to the military judge, or the court members, or the trial and defense counsel or their assistants, or the individual counsel (military or civilian), all persons present in the courtroom will stand. While any other person is being sworn, such as a reporter, interpreter, or witness, he and the person administering the oath will stand. In those rare instances when the trial counsel testifies as a witness, the prescribed oath will be administered by the military judge, or, by the president of a special court-martial without a military judge, or as prescribed in regulations of the Secretary concerned. If the assistant trial counsel testifies as a witness, the trial counsel will administer the oath.

113. AUTHORITY TO ADMINISTER OATHS. The following persons on active duty may administer oaths necessary in the performance of their duties: The president, military judge, trial counsel, and assistant trial counsel for all general and special courts-martial; the president and the counsel for the court of any court of inquiry; all officers designated to take a deposition; all persons detailed to conduct an investigation; all recruiting officers; and all other persons designated by regulations of the armed forces or by statute (Art. 136(b)).

For other persons who are authorized to administer oaths, see Articles 49(c) and 136(a).

114. FORMS OF OATHS. Unless otherwise prescribed by regulations of the Secretary concerned, the forms of oaths set forth in *a* through *e* below may be used for those instances in which the personnel concerned have not previously been sworn, and may be administered by the individual indicated. The remaining forms of oaths set forth herein (*f*–*k* below) are to be used in other specialized situations.

a. Oath for military judge. The trial counsel shall administer the following oath to the military judge:

"You (name of military judge) do swear (or affirm) that you will faithfully and impartially perform, according to your conscience and the laws applicable to trials by courts-martial, all the duties incumbent upon you as military judge of this court. So help you God."

b. Oath for court-members. The following oath, as appropriate, will be administered to court-martial members by the trial counsel:

"You (name(s) of member(s)) do swear (or affirm) that you will faithfully perform all the duties incumbent upon you as a member of this court; that you will faithfully and impartially try, according to the evidence, your conscience, and the laws applicable to trials by courts-martial, the case of (the accused now before this court) (any accused brought before you); and that you will not disclose or discover the vote or opinion of any particular member of the court (upon a challenge or) upon the findings or sentence unless required to do so in due course of law. So help you God."

c. Oaths for counsel. The following oath, as appropriate, will be administered to trial counsel and to each assistant trial counsel, if any; and to defense counsel and to each assistant defense counsel, if any:

"You (name(s) of counsel) do swear (or affirm) that you will faithfully perform the duties of (trial counsel) (defense counsel) (in the case now in hearing) (in any case referred to this court). So help you God."

The following oath will be administered to individual counsel (military or civilian), if any:

"You (name of counsel) do swear (or affirm) that you will faithfully perform the duties of individual counsel in the case now in hearing. So help you God."

In the case of any counsel not previously sworn, the oath will be administered by the military judge if one is detailed to the court; otherwise, by the president.

d. Oath for reporter. The trial counsel shall administer the following oath to every reporter of the proceedings of a court-martial:

"You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

e. Oath for interpreter. The trial counsel or the summary court shall administer the following oath to every interpreter in the trial of any case before a court-martial before he enters upon his duties:

"You swear (or affirm) that in the case now in hearing you will interpret truly the testimony you are called upon to interpret. So help you God."

f. Oath for witnesses. The trial counsel or the summary court shall administer the following oath to each witness before he first testifies in a case:

"You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

g. Oath for questioned member. When a member is challenged or is questioned concerning his competency to serve, the trial counsel shall administer, when appropriate (62*b*), the following oath to the member who is to be examined under oath as to his competency.

"You swear (or affirm) that you will answer truthfully to the questions touching your competency as a member of the court in this case. So help you God."

h. Oath for escort. The escort on views or inspections by the court shall, before entering upon his duties as escort, take the following oath, which shall be administered by the trial counsel:

"You swear (or affirm) that you will escort the court and will well and truly point out to them (the place in which the offense charged in this case is alleged to have been committed) ( ); and that you will not speak to the court concerning (the alleged offense) ( ), except to describe (the place aforesaid) ( ). So help you God."

i. Oath to charges. The form of oath to charges, which shall be administered by a commissioned officer of the armed forces authorized to administer oaths, is as follows:

"You swear (or affirm) that you are a person subject to the Uniform Code of Military Justice; that you have personal knowledge of or have

investigated the matters set forth in the foregoing charge(s) and specification(s); and that the same are true in fact to the best of your knowledge and belief. So help you God."

j. Oath to witnesses at Article 32 investigation. The oath administered by the investigating officer to witnesses in an investigation under Article 32 is as follows:

"You swear (or affirm) that the (statement given by you is) (evidence you are about to give shall be) the truth, the whole truth, and nothing but the truth. So help you God."

k. Oath to person giving a deposition. Any person whose testimony is taken by deposition, whether on oral examination or by written interrogatories, shall, before he testifies, be examined on oath, administered by the officer, civil or military, taking the deposition, in the following form:

"You swear (or affirm) that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth. So help you God."

Chapter XXIII

INCIDENTAL MATTERS

ATTENDANCE OF WITNESSES—EMPLOYMENT OF EXPERTS—DEPOSITIONS—CONTEMPTS—EXPENSES OF COURTS-MARTIAL

115. ATTENDANCE OF WITNESSES. ***a. General.*** The trial counsel, defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and shall run to any part of the United States, or the Territories, Commonwealths, and possessions (Art. 46).

The formal written instrument or process that serves to summon a witness to appear and testify is a *subpoena*. A subpoena cannot be used for the purpose of compelling a witness to appear at an examination before trial, except for the taking of a deposition. See, however, Article 135 as to courts of inquiry.

In this paragraph (115) the term "trial counsel" includes a summary court-martial unless the context indicates otherwise. See 79*b* concerning the authority of summary courts-martial to compel the attendance of witnesses.

The trial counsel will take timely and appropriate action to provide for the attendance of those witnesses who have personal knowledge of the facts at issue in the case for both the prosecution and the defense. He will not of his own motion take that action with respect to a witness for the prosecution unless satisfied that the testimony of the witness is material and necessary. The trial counsel will take similar action with respect to all witnesses requested by the defense, except that when there is disagreement between the trial counsel and the defense counsel as to whether the testimony of a witness so requested would be necessary, the matter will be referred for decision to the convening authority or to the military judge or the president of a special court-martial without a military judge according to whether the question arises before or after the trial begins. A request for the personal appearance of a witness will be submitted in writing, together with a statement, signed by the counsel requesting the witness, containing (1) a synopsis of the testimony that it is expected the witness will give, (2) full reasons which necessitate the personal appearance of the witness, and (3) any other matter showing that the expected testimony is necessary to the ends of justice. The decision on the request must be made on an individual basis in each case by weighing the materiality of the testimony and its relevance to the guilt or innocence of the accused, together with the relative responsibilities of the parties concerned, against the equities of the situation. If the convening authority determines that the witness will not be required to attend the trial, the request may be renewed at the trial for determination by the military judge or the president of a special court-martial without a military judge, as if the question arose for the first time during the trial.

The trial counsel may consent to admit the facts expected from the testimony of a witness requested by the defense if the prosecution does not contest these facts or if they are unimportant. An application for the attendance of any witness may be withdrawn if the trial counsel and defense counsel enter into a stipulation as to the testimony of that witness. See 48*d* and 154*b* (Stipulations).

b. Military witnesses. The attendance of a person in the military service stationed at the place of the meeting of the court, or so near that travel at government expense will not be involved, will ordinarily be obtained by notification, oral or otherwise, by the trial counsel, to the person concerned of the time and place he is to appear as a witness. In order to assure the attendance of the person, the proper commanding officer should be informally advised so that he can arrange for the timely presence of the witness. If for any reason formal notice is required, the trial counsel will, through regular channels, request the proper commanding officer to order the witness to attend.

If a military person, desired as a witness, is not present at the place where the court-martial is convened and his attendance would involve travel at government expense, the appropriate superior will be requested to issue the necessary order.

The attendance of military persons not assigned to active duty should be obtained in the same manner as the attendance of civilian witnesses not in government employ.

If practicable, a request for the attendance of a military witness will be made so that the witness will have notice at least 24 hours before starting to attend the meeting of the court.

c. Use and examination of documentary and other evidence in control of military authorities. If documents or other evidentiary materials are in the custody and control of military authorities, the trial counsel, the convening authority, the military judge, or the president of a special court-martial without a military judge will, upon reasonable request and without the necessity of further process, take necessary action to effect their production for use in evidence and, within any applicable limitations (see 151*b*(1) and (3)), to make them available to the defense to examine or to use, as appropriate under the circumstances. See also 44*h*.

d. Civilian witnesses. (1) *Issue, service, and return of subpoena.* The trial counsel is authorized to subpoena as a witness, at government expense, any civilian who is to be a material witness and who is within any part of the United States, or the Territories, Commonwealths, and possessions, and can compel the attendance of such a civilian (Art. 46). As to employment of expert witnesses, see 116.

A subpoena normally is prepared, signed, and issued in duplicate on the official forms provided. See appendix 17 for the form of a completed subpoena with certificate of service. If a subpoena requires the witness to bring with him a document or an exhibit to be used in evidence, each document or exhibit will be described in sufficient detail to enable the witness to identify it readily.

If practicable, a subpoena will be issued in time to permit service to be made or accepted at least 24 hours before the time the witness will have to start from home in order to comply with the subpoena.

Unless he believes that formal service is advisable, the trial counsel will mail the subpoena to the witness in duplicate, inclosing a postage paid envelope

bearing a return address, with the request that the witness sign the acceptance of service on the copy and return it in the postage paid envelope. The return envelope should be addressed to the trial counsel of the court and not to that officer by name. The trial counsel may, and ordinarily should, include with the request a statement to the effect that the rights of the witness to fees and mileage will not be prejudiced by voluntary compliance with the request and that a voucher for fees and for mileage going to and returning from the place of the sitting of the court will be delivered to him promptly on being discharged from attendance on the court.

If formal service is believed to be necessary, the trial counsel will take appropriate action with a view to timely and economical service. For example, if the witness is near the place where the court is convened, the trial counsel, or someone detailed or designated by the commanding officer of the installation, may serve the subpoena; if the witness is near some other military installation, the duplicate subpoenas may be inclosed with a suitable letter to the commanding officer of that installation; or the duplicate subpoenas may be inclosed with a suitable letter to the commander of an army area, naval district, air command, or other comparable command within which the witness resides or may be found. These commanders will take appropriate action to complete prompt service of the subpoena by the most economical available means. Travel orders for the purpose will be issued when necessary. Service ordinarily will be made by persons subject to military law, but may legally be made by others. Service is made by personal delivery of one of the copies to the witness. The other copy, with proof of service made as indicated on the form, will be promptly returned to the trial counsel. If service cannot be made, the trial counsel will be promptly so informed. When use for it is probable, a return postage paid envelope, addressed to the trial counsel of the court and not to that officer by name, may be sent to the person who is to serve the subpoena.

In foreign territory, the attendance of civilian witnesses may be obtained in accordance with existing agreements or, in the absence thereof, within the principles of international law. However, in occupied enemy territory, the appropriate commander is empowered to compel the attendance of a civilian witness in response to a subpoena issued by the trial counsel.

(2) *Neglect or refusal to appear.* See Article 47 and *Warrant of attachment below.* In order to maintain a prosecution under Article 47, a person must not only be duly subpoenaed but must be paid or tendered fees, including the fee for one day of actual attendance and mileage both ways, "at the rates allowed to witnesses attending the courts of the United States" (Art. 47).

When it appears advisable, the trial counsel may address a written request or the senior officer present may address a written order, for the provision of fees, to a finance or disbursing officer under the command of the convening authority, or to a finance or disbursing officer of the same armed force as the convening authority and convenient to the place where the witness is found. On receipt of the request or order, the finance or disbursing officer will immediately provide the trial counsel, or any other person designated for the purpose, the required amount of money to be tendered or paid to the witness for one day of attendance and mileage for the journey to and from the court. In this respect, see appropriate regulations of the Secretary of a Department. If an officer charged with serving a subpoena pays from his

personal funds the necessary fees and mileage to a witness, taking a receipt therefor, he is entitled to reimbursement.

(3) *Warrant of attachment.* In order to compel the appearance of a civilian witness in an appropriate case, the trial counsel will consult the convening authority, the military judge, or the president of a special court-martial without a military judge, according to whether the question arises before or after the court has convened for trial of the case, as to the desirability of issuing a warrant of attachment under Article 46.

When it becomes necessary to issue a warrant of attachment, the trial counsel will prepare it and, when practicable, effect execution through a civil officer of the United States. Otherwise, the trial counsel will deliver or send it for execution to an officer designated for the purpose by the commander of the proper army area, naval district, air command, or other appropriate command.

As the arrest of a person under a warrant of attachment involves depriving him of his liberty, the authority for this action may be inquired into by a writ of habeas corpus. To enable the officer to make a full return in case a writ of habeas corpus is served upon him, the warrant of attachment will be accompanied by the orders convening the court-martial, or copies thereof; a copy of the charges in the case, including the order referring the charges for trial, each copy certified by the trial counsel to be a full and true copy of the original; the original subpoena, showing proof of service of a copy thereof; a certificate stating that the necessary witness fees and mileage have been duly tendered; and an affidavit of the trial counsel that the person being attached is a material witness in the case, that the person has willfully neglected or refused to appear although sufficient time has elapsed for that purpose, and that no valid excuse has been offered for the failure to appear.

In executing this process, it is lawful to use only such force as may be necessary to bring the witness before the court. When it appears that the use of force may be required or when travel or other orders are necessary, appropriate application to the proper commander for assistance or for orders will be made by the officer who is to execute the process.

116. EMPLOYMENT OF EXPERTS. The provisions of this paragraph are applicable unless otherwise prescribed by regulations of the Secretary of a Department. When the employment of an expert is necessary during a trial by court-martial, the trial counsel, in advance of the employment, will, on the order or permission of the military judge or the president of a special court-martial without a military judge, request the convening authority to authorize the employment and to fix the limit of compensation to be paid the expert. The request should, if practicable, state the compensation that is recommended by the prosecution and the defense. When, in advance of trial, the prosecution or the defense knows that the employment of an expert will be necessary, application should be made to the convening authority for permission to employ the expert, stating the necessity therefor and the probable cost. In the absence of a previous authorization, only ordinary witness fees may be paid for the employment of a person as an expert witness.

117. DEPOSITIONS. ***a. Definitions.*** A *deposition* is the testimony of a witness in response to questions submitted by the party desiring the deposition and by the opposite party, which is reduced to writing and taken under oath

before a person empowered to administer oaths. Depositions normally are taken to preserve the testimony of witnesses whose availability at the time of the trial appears uncertain. See 30*f* and 34*d*. *Written interrogatories* are questions, prepared by the prosecution or defense or both, which are reduced to writing before submission to a witness whose testimony is to be taken by deposition. The answers, reduced to writing and properly sworn to, constitute the deposition testimony of the witness. Under Article 49(a), a deposition taken on oral examination constitutes an *oral deposition*, and a deposition taken on written interrogatories constitutes a *written deposition*.

b. Rules and procedures generally applicable. In addition to the requirements under Article 49 and those contained elsewhere herein (117), the following rules apply to depositions, written or oral, to be used in trials by courts-martial:

(1) *Submission of request.* At any time after charges have been signed as provided in Article 30, any party may request permission to take oral depositions or, with the approval of the other party, written depositions. Normally, before the taking of any deposition, a request for permission to do so will be submitted to the convening authority or, if impracticable, to another authority competent to convene a court-martial for the trial of the pending charges. If a request to take a deposition originates after the commencement of a trial, it will be submitted to the military judge or the president of a special court-martial without a military judge. Opposing counsel will be permitted to inspect the request and any accompanying papers before submission to such an authority. All requests will include the reasons for taking the deposition and the points desired to be covered therein. If the name of the person whose deposition is desired is unknown, he may be identified by his office or position, for example, "Commanding Officer, Company C, 1st Battalion, 27th Infantry, Fort Adams, Vermont;" "Commander, 3101st Maintenance Squadron, Reese Air Force Base, Lubbock, Texas;" "Cashier, Commercial National Bank, Fort Leavenworth, Kansas."

(2) *Rights of the accused.* The qualifications of counsel and the rights of the accused to counsel for the taking of a deposition are the same as those prescribed for trial by the type of court-martial before which the deposition is to be used (6*a*, *b*, and *c*, 48*a* and *b*). The accused and his counsel with whom he has established an attorney and client relationship shall be present at the taking of any deposition unless the accused consents to the taking of the deposition in the absence of himself, his counsel, or both. If a deposition is to be taken before counsel have been otherwise detailed to a case, the authority who approved the taking of the deposition will designate counsel, preferably the trial counsel and defense counsel of an existing court or their assistants, to represent the prosecution and the defense in taking the deposition of any witness.

(3) *Action on the request.* A pretrial request for the taking of a deposition may be denied for good cause only by an authority competent to convene a court-martial for the trial of the pending charges. See Article 49(a). When the request for the taking of a deposition is submitted after the commencement of a trial, the military judge or the president of a special court-martial without a military judge shall rule as to whether it shall be taken (57).

(4) *Notice.* The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition (Art. 49(b)). Notice of the taking of a deposition for the prosecution may be given to the accused or his civilian or military counsel. Notice of the taking of a deposition for the defense may be given to the trial counsel, an assistant trial counsel, or the convening authority.

(5) *Obtaining witnesses.* If it is necessary to subpoena a civilian witness, the person designated to take the deposition will cause the duplicate subpoena to be served personally upon the witness and will return the original to the trial counsel by an indorsement stating that the duplicate has been delivered.

If the deposition of a person in the military service is required, the person designated to take the deposition or appropriate military authority shall direct the witness to appear at the proper time and place.

(6) *Examination of witnesses in capital cases.* When the defense calls for testimony to be taken by deposition in a capital case, the deponent may be cross-examined by written interrogatories, or otherwise, in the same manner as a deponent in a case not capital. See 145*a*.

(7) *Taking the deposition.* The person taking a deposition shall administer the appropriate oath to the witnesses and to the reporter and interpreter, if any (see 114; Art. 42), and in the presence of the witness shall record or cause to be recorded the testimony of the witness. Objections and motions made during the taking of a deposition shall not be ruled on by the officer taking the deposition, but they shall be recorded in the deposition, and the evidence objected to shall be taken and recorded. The person taking the deposition is responsible for maintaining order during the taking of the deposition and for protecting counsel and the deponent from annoyance, embarrassment, or oppression. When improper conduct of counsel or the deponent prevents the conducting of orderly and fair proceedings, the person taking the deposition should adjourn the proceedings and make a report of the circumstances to the court or the convening authority, as appropriate.

(8) *Authentication.* Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths (Art. 49(c)). See 147*a* as to taking judicial notice of the seals of foreign notaries public with respect to the authentication of depositions taken before them, and of the signatures of persons authorized to administer oaths under Article 136 and chapter XXII.

(9) *Fees and expenses.* A civilian who performs travel to give his deposition is entitled to the same fees and expenses as if he had personally testified before the court sitting at the place the deposition is taken.

If a military officer takes a deposition, he will ordinarily complete and certify the voucher. When a deposition is taken by a civil officer, he should, if so requested, obtain and furnish with the return of the deposition the data necessary for the completion of the witness voucher.

(10) *Action on receipt of completed deposition.* Upon receipt of the completed deposition the trial counsel will notify the accused or his counsel and will give the defense an opportunity to examine it. The trial counsel, as the legal custodian of the deposition, is responsible that no alteration whatever is made therein.

(11) *Use at trial.* See 79*b* concerning the use of depositions in trials by summary courts-martial. See 145*a* for the rules of evidence applicable to depositions.

c. Written depositions. (1) *Submission of interrogatories to opposition.* The side desiring a deposition on written interrogatories will submit to opposing counsel a list of written interrogatories to be propounded to the absent witness. Opposing counsel may examine the interrogatories and will be allowed a reasonable time for the preparation of cross-interrogatories and objections, if any.

(2) *Sending out interrogatories.* All interrogatories are entered upon any prescribed form as indicated by any notes and instructions thereon. The trial counsel normally should send the interrogatories to the commanding officer of the military station nearest the witness. According to circumstances, the interrogatories will be accompanied by such of the following as are advisable or necessary: A proper explanatory letter, an addressed return envelope, a subpoena in duplicate, and a voucher for fees and mileage.

The return envelope should be addressed to the trial counsel of the court and not to that officer by name. The subpoena will, but the voucher will not, be signed; but both subpoena and voucher will be completed to the extent permitted by the known facts, and the latter will be accompanied by the required number of copies of the orders convening the court.

(3) *Action by person receiving interrogatories.* When interrogatories are received by a military officer, he will take appropriate action with a view to the prompt and economical taking of the deposition by a competent person. It may be left to the person designated to take the deposition to indicate the time and place of the taking.

In the event that the deposition cannot be taken promptly upon receipt of the interrogatories, the person receiving the interrogatories will take immediate steps to advise the officer who requested the deposition of the delay and of the approximate date that the deposition will be taken.

(4) *Procedures.* Before a witness gives his answers to the interrogatories they should be read and, if necessary, explained to him, or he should be permitted to read them over in order that his answers may be clear, full, and to the point. The person taking the deposition should not advise the witness how he should answer, but he should endeavor to see that the witness understands the questions, what is desired to be brought out by them, and that the answers are clear, full, and to the point.

When the testimony is fully transcribed the deposition will ordinarily be submitted to the witness for examination or read to him. Appropriate changes in form or substance which the witness desires to make may be entered by the person taking the deposition. The deposition will then be signed by the witness unless the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the person taking the deposition will, over his own signature, state the reason for the omission of the signature of the witness. The certificate of the person taking the deposition will then be executed on the forms.

d. Oral depositions. An oral deposition is taken by propounding oral questions which along with the answers thereto are reduced to writing or other verbatim record. The entire proceeding is recorded verbatim, and the record need not be signed by the witness but will normally be certified by the officer taking the deposition. See 117*b* as to rules and procedures generally applicable.

118. CONTEMPTS. ***a. General.*** The power to punish for contempt is vested in general, special, and summary courts-martial.

A court-martial, provost court, or military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder. The punishment may not exceed confinement for 30 days or a fine of $100, or both (Art. 48).

The words "any person," as used in Article 48, include all persons, whether or not subject to military law, except the military judge and the members of the court. These excepted persons may be punishable as indicated in 41*b*.

The conduct described in Article 48 constitutes a direct contempt. Neither indirect or constructive contempt, that is, that which is not committed in the presence or immediate proximity of the court while it is in session, nor the conduct and the action described or referred to in Article 47(a) is punishable under Article 48. Having been duly subpoenaed, persons not subject to military law may be prosecuted and punished under Article 47 for neglect or refusal to appear or refusal to qualify as a witness or to testify or to produce evidence. Persons subject to military law may be punished under Article 134 for the offenses discussed in this subparagraph.

When requested by a member of the court or any party to the trial and when the court deems it advisable, the military judge, the president of a special court-martial without a military judge, or a summary court-martial may warn a person that his conduct is improper and that his persistence therein may cause the court to hold him in contempt.

b. Procedure when a person is charged with contempt. When the conduct of a person before a court-martial warrants action under Article 48, the regular proceedings of the court should be suspended and the person directed to show cause why he should not be held in contempt. He will be given an opportunity to explain his conduct. The mere insistence by the person that his language or behavior was proper does not necessarily purge him of contempt.

When the military judge is trying the case alone, he will determine whether a person shall be held in contempt, and if he so determines, he will proceed to determine an appropriate punishment within the limits authorized by Article 48 and chapter XXV.

When the court includes members, the preliminary question as to whether a person should be held in contempt will be disposed of by a ruling of the military judge, or the president of a special court-martial without a military judge, both of which will be made subject to the objection of any member of the court.

Before asking whether any member of the court objects to his ruling, the military judge, or the president of a special court-martial without a military judge, should give the court members such instruction as will enable them to understand the issue that is before them and the legal standards and procedure by which they will determine it if objection is made. If there is no objection to a preliminary ruling that the person not be held in contempt, no further action thereon is required, and the court will resume its regular proceedings.

If any member objects to the ruling, the court will close and vote orally, beginning with the junior in rank, and the question shall be decided by a majority vote. A tie vote shall be a determination in favor of the person who is being proceeded against.

If, as a result of the vote of the court, or a ruling of the military judge or the president of a special court-martial without a military judge that is not objected to, there has been a preliminary determination that the person be held in contempt, the court will close to determine, by secret written ballot, whether he shall be held in contempt. Before closing for a final determination, the court should be given any instructions considered appropriate by the military judge or the president of a special court-martial without a military judge. In the event of conviction, the court will also determine by secret written ballot an appropriate punishment within the limits authorized by Article 48 and chapter XXV. Concurrence of two-thirds of the members present at the time the vote is taken is required both to convict and to punish a person for contempt.

Thereupon the court will open and the president will announce the holding and the punishment, if any, adjudged.

The action thus taken is properly summary, a formal trial not being required and no appeal or review being authorized except for the automatic review by the convening authority.

Before resuming the original proceedings, a record will be made in and as a part of the regular record of the case before the court, showing the facts concerning the contempt and the proceedings with reference to it; or the court may, upon the accomplishment of the record of the contempt proceedings, forthwith transmit the record to the convening authority, appropriate entries concerning this action being entered in and as a part of the regular record. For an example of proceedings in contempt, see appendix 8*c*.

In order to be effective, a punishment for contempt requires approval of the convening authority. Upon notification of the action of the court and pending formal review of the record of the contempt proceedings, the convening authority may require the person to undergo any confinement adjudged (21*d*; Art. 57(b)). The person held in contempt shall be advised, in writing, of the holding and punishment of the court and also of the action of the convening authority upon the proceedings for contempt. Copies of this communication shall be furnished to such other persons as may be concerned with the execution of the punishment, and a copy shall also be included with the record of trial proper.

The court, instead of proceeding as stated above, may cause the removal of the offender and, in a proper case, initiate his prosecution before a civil or military court.

A person held in contempt may be allowed to continue to testify or to perform his functions before the court.

c. Place of confinement of person held in contempt. The place of confinement for a civilian or military person who is held in contempt and is to be punished by confinement shall, upon approval of the punishment by the convening authority, be designated by that officer.

119. EXPENSES OF COURTS-MARTIAL. See appropriate regulations of the Secretary of a Department.

Chapter XXIV

INSANITY

GENERAL CONSIDERATION—INQUIRY BEFORE TRIAL—INQUIRY AND DETERMINATION BY COURT—EFFECT OF MENTAL IMPAIRMENT OR DEFICIENCY UPON SENTENCE—ACTION BY CONVENING OR HIGHER AUTHORITY

120. GENERAL CONSIDERATION. ***a. Insanity.*** A person is insane within the meaning of this chapter either if he lacked mental repsonibility at the time of the offense as defined in 120*b*, or if he lacks the requisite mental capacity at the time of trial as stated in 120*d*.

b. General lack of mental responsibility. If a reasonable doubt exists as to the mental responsibility of the accused for an offense charged, the accused cannot be legally convicted of that offense (74*a*(3)). A person is not mentally responsible in a criminal sense for an offense unless he was, at the time, so far free from mental defect, disease, or derangement as to be able concerning the particular act charged both to distinguish right from wrong and to adhere to the right. The phrase "mental defect, disease, or derangement" comprehends those irrational states of mind which are the result of deterioration, destruction, or malfunction of the mental, as distinguished from the moral, faculties. To constitute lack of mental responsibility, the impairment must not only be the result of mental defect, disease, or derangement but must also deprive the accused of his ability to distinguish right from wrong or to adhere to the right as to the act charged. Thus, mere defect of character, will power, or behavior, as manifested by one or more offenses, ungovernable passion, or otherwise, does not necessarily indicate insanity, even though it may demonstrate a diminution or impairment in ability to adhere to the right with respect to the act charged. Similarly, mental disease, in itself, does not always amount to mental irresponsibility. For example, if a person commits an assault under psychotic delusion with a view to redressing or revenging some supposed injury to his reputation, he is nevertheless mentally responsible if he knew at the time that the act was contrary to law, and if he was not acting under an irresistible impulse. On the other hand, an accused is not responsible for a homicide, if, as a result of mental disease, he had an insane delusion that another person was in the act of attempting to kill him and he thereupon killed the supposed attacker under the delusion that it was necessary to kill the deceased to preserve his own life.

c. Partial mental responsibility. A mental condition, not amounting to a general lack of mental responsibility (120*b*), which produces a lack of mental ability, at the time of the offense, to possess actual knowledge or to entertain a specific intent or a premeditated design to kill, is a defense to an offense having one of these states of mind as an element. For example, if premeditated murder is charged and the court finds that, as a result of mental impairment, not

amounting to a general lack of mental responsibility, the accused at the time of the offense lacked the mental ability to entertain a premeditated design to kill, the court must find the accused not guilty of premeditated murder, but it may find him guilty of the included offense of unpremeditated murder as a premeditated design to kill is not an element of the latter.

d. Mental capacity at time of trial. No person should be brought to trial unless he possesses sufficient mental capacity to understand the nature of the proceedings against him and to conduct or cooperate intelligently in his defense.

121. INQUIRY BEFORE TRIAL. If it appears to any commanding officer who considers the disposition of charges as indicated in 32, 33, and 35 or to any investigating officer (34), trial counsel, or defense counsel that there is reason to believe that the accused is insane (120*d*) or was insane at the time of the alleged offense (120*b*), that fact and the basis of the observation should be reported through appropriate channels in order that an inquiry into the mental condition of the accused may be conducted before trial. When the report indicates a reasonable basis for the belief, the matter will be referred to a board of one or more medical officers for their observation and report as to the sanity of the accused. At least one member of the board should be a psychiatrist. The board should be fully informed of the reasons for doubting the sanity of the accused and, in addition to other requirements, should be required to make separate and distinct findings as to each of the three following questions:

a. Was the accused at the time of the alleged offense so far free from mental defect, disease, or derangement as to be able concerning the particular acts charged to distinguish right from wrong (120*b*)?

b. Was the accused at the time of the alleged offense so far free from mental defect, disease, or derangement as to be able concerning the particular acts charged to adhere to the right (120*b*)?

c. Does the accused possess sufficient mental capacity to understand the nature of the proceedings against him and to conduct or cooperate intelligently in his defense (120*d*)?

To determine these questions the board should place the accused under observation, examine him, and conduct any further investigation that it deems necessary. On the basis of this report, further action in the case may be suspended, the charges may be dismissed by an officer competent to convene a court-martial appropriate to try the offense charged, administrative action may be taken to discharge the accused from the service on the grounds of his mental disability, or the charges may be referred for trial. Such additional mental examinations may be directed at any stage of the proceedings as circumstances may require. The officer directing or requesting the mental examination of the accused will attach the report of examination to the charges if referred for trial or forwarded.

122. INQUIRY AND DETERMINATION BY THE COURT. ***a. Presumption of sanity; reasonable doubt; burden of proof.*** The accused is presumed initially to be sane and to have been sane at the time of the alleged offense. This presumption authorizes the court to assume that the accused was and is sane until evidence is presented to the contrary. When, however, some evidence which could reasonably tend to show that the accused is insane (120*d*)

or was insane at the time of his alleged offense (120*b*) is introduced either by the prosecution or by the defense or on behalf of the court, then the sanity of the accused is an essential issue. Although the defense usually raises the issue of insanity by producing evidence of mental irresponsibility or lack of capacity, it is the duty of the court to call for evidence on this matter whenever there is reasonable indication that such an inquiry is warranted in the interest of justice. The burden of proving the sanity of the accused, like every other fact necessary to establish the offense alleged, is always on the prosecution, and when the sanity of the accused becomes an issue, the prosecution should introduce any available evidence tending to prove his sanity. If, in the light of all the evidence, including that supplied by the inference of sanity (138*a*(2)), a reasonable doubt as to the mental responsibility of the accused at the time of the offense (120*b*) remains, the court must find the accused not guilty of that offense. If a reasonable doubt extends only to the accused's ability, at the time of the offense, to possess the actual knowledge, specific intent, or premeditated design to kill which is an element of the offense, the court must find the accused not guilty of that offense, but it may convict him of any included offense which does not require proof of one of these states of mind and as to which there is not otherwise a reasonable doubt. If a reasonable doubt as to the mental capacity of the accused at the time of trial (120*d*) remains, the court will adjourn and transmit to the convening authority the record of its proceedings with a statement of its determination of the issue of mental capacity.

b. Procedure. (1) *General.* Different issues relating to the sanity of an accused may be raised in a variety of ways at any time during the course of a trial. The method of disposing of an issue depends upon the kind of issue and manner in which it is raised.

(2) *Inquiry.* The actions and demeanor of the accused as observed by the court or the bare assertion from a reliable source that the accused is believed to lack mental capacity or is mentally irresponsible may be sufficient to warrant inquiry by the court. It should be remembered, however, that although a person who lacks mental capacity or responsibility to the extent indicated in 120 should not be tried, sanity is presumed (122*a*), and a mere assertion that a person is insane is not necessarily sufficient to impose any burden of inquiry on the court or to raise the issue of insanity.

A request or other action to cause the court to make inquiry concerning the accused's sanity may be initiated by the military judge or any member of the court, prosecution, or defense. The military judge rules finally as to whether an inquiry should be made into the mental capacity of the accused at the time of trial or into the mental responsibility of the accused at the time of the offense (Art. 51(b); see 122*b*(3) and (4)). The president of a special court-martial without a military judge rules finally on all questions of law but rules subject to objection by any member on all factual issues. Thus, if the issue of whether an inquiry should be made into the mental capacity of the accused at the time of trial or into the mental responsibility of the accused at the time of the offense involves only a legal determination, the president of a special court-martial without a military judge rules finally. When such an issue is solely one of fact, the president of a special court-martial without a military judge rules subject to objection by any member (Art. 51(b); see 122*b*(3) and (4)). As to mixed questions of law and fact, see 57*b*. Before asking whether any

member objects to a ruling which is subject to objection, the members should be given such instructions as will enable them to understand the question that is before them and the legal standards and procedure by which they will determine it if objection is made. If thereafter, a member objects to the ruling, the court will close and vote on whether an inquiry should be made (57*f*). A tie vote of the members upon a motion relating to the sanity of the accused is a determination against the accused (Art. 52(c)). If it is determined to make an inquiry, priority will be given to it, and the inquiry should exhaust all reasonably available sources of information with respect to the mental condition of the accused. If it appears that the inquiry will be protracted or if the court desires to hear expert testimony, the court may adjourn and report the matter to the convening authority with its recommendations. These recommendations may include a recommendation that the accused be examined as provided in 121 and that the officer or officers conducting the examination be made available as witnesses. As a result of a subsequent report of mental examination conducted under 121, the convening authority may withdraw the charges from the court, hold the proceedings in abeyance, refer the matter to the court for its consideration subject to the provisions of 122*c*, or take other appropriate action.

(3) *Issue of mental capacity at time of trial.* Regardless of the manner in which it is raised, the issue of mental capacity at the time of trial is always an interlocutory question, since a determination in favor of the accused has no effect on his guilt or innocence of an offense but only interrupts the trial until the incapacity no longer exists. An issue of mental capacity should be resolved as early in the trial as possible in order to prevent confusion if an issue of mental responsibility is also raised. The military judge rules finally on the issue of mental capacity at the time of trial (57*d*). In a special court-martial without a military judge, the president rules subject to objection by any member of the court on the issue of mental capacity (57*c*). See 122*b*(2) for instructions to be given and methods of ruling and voting. If it is determined that a reasonable doubt exists as to the requisite mental capacity of the accused (120*d*), this fact shall be recorded and the record of all proceedings held in the case forwarded to the convening authority. Otherwise, the trial shall continue. If the convening authority disagrees with the determination of the court or if he determines that the disability was temporary and that the accused has recovered his mental capacity, he may return the case to the court with instructions to reconsider the question and, if appropriate, to proceed with the trial.

(4) *Issue of mental responsibility at time of offense.* Regardless of whether the issue of mental responsibility is raised as an interlocutory matter by a motion to dismiss or by the introduction of evidence on the question of guilt or innocence, the court must always determine the issue in arriving at its findings on guilt or innocence. When the issue is raised by motion, however, it may be considered as an interlocutory question at the discretion of the military judge or the president of a special court-martial without a military judge. The usual procedure is to submit the issue to the court for determination during its deliberations on the findings. See 122*b*(2) for the instructions to be given and the methods of ruling and voting when the issue is treated as an interlocutory question. When the issue is so treated, both the military judge and the president

of a special court-martial without a military judge rule subject to objection by any member.

If the court finds the accused not mentally responsible for his acts (120*b*) upon an interlocutory determination, it will forthwith enter findings of not guilty as to the proper charges and specifications, and forward the record of all proceedings held to the convening authority. If the accused is found to be sane, the trial proceeds.

If the issue of insanity is raised as an interlocutory question and the court finds the accused sane, the defense is not precluded by this finding from offering further evidence on the issue of insanity. In considering its findings upon the issue of guilt or innocence, if the court entertains a reasonable doubt that the accused was mentally responsible for his acts it will enter findings of not guilty as to the proper charges and specifications (120*b*).

*c. **Evidence.*** The issue of the sanity of the accused is one of fact, and the modes of proof and rules of evidence with respect to this issue are, generally, those prescribed in chapter XXVII. Although the testimony of an expert on mental disorders as to his observations and opinion with respect to the mental condition of the accused may be given greater weight than that of a lay witness, a lay witness who is acquainted with the accused and who has observed his behavior may testify as to his observations and may also give such an opinion as to the general mental condition of the accused as may be within the bounds of the common experience and means of observation of men.

As in the proof of other matters, evidence may be presented by the testimony of witnesses in open session, depositions (145*a*,) stipulated testimony, or documentary evidence.

So much of the report of a board of medical officers or any other medical record as pertains to entries of facts or events which are properly admissible under the official records or business entry exceptions to the hearsay rule (144*b*, *c*, and *d*) may be received in evidence. The opinions as to the mental condition of the accused contained in such a report are not within these exceptions to the hearsay rule. They may be received in evidence by stipulation or, in a proper case, as memoranda of past recollections recorded (146*a*). The report or any other pertinent matter, although not necessarily admissible in evidence, may nevertheless be examined by the military judge, or the president of a special court-martial without a military judge, for the limited purpose of determining whether further inquiry into the mental condition of the accused should be made. Before ruling, the military judge, or the president of a special court-martial without a military judge, should make available to the members of the court any portions of the document which are necessary for them to intelligently consider the ruling. The court should be instructed that this information is made available only for the limited purpose of determining if further inquiry into the mental condition should be made.

For the rules of evidence as to expert witnesses, hypothetical questions, and similar matters, see 138*e*.

123. EFFECT OF MENTAL IMPAIRMENT OR DEFICIENCY UPON SENTENCE. In arriving at its sentence, the court may consider any evidence with respect to the mental condition of the accused which falls short of creating a reasonable doubt as to his sanity. The fact that the accused is a person of low intelligence or that, by virtue of a mental or neurological condi-

tion his ability to adhere to the right is diminished, may be a mitigating factor. On the other hand, in determining the severity of a sentence, the court may consider evidence properly introduced, tending to show that an accused has little regard for the rights of others, such as evidence showing that he possesses homicidal tendencies.

124. ACTION BY CONVENING OR HIGHER AUTHORITY. After consideration of the record as a whole, if it appears to the convening or appropriate higher authority that a reasonable doubt exists as to the sanity of the accused, the findings of guilty affected by that doubt should be disapproved and appropriate action taken with respect to the sentence. If the doubt relates to mental capacity at the time of trial, a rehearing may be directed when the incapacity no longer exists.

Convening or higher authorities will take the action prescribed in 121 before taking action on the record of trial when it appears from the record or otherwise that further inquiry as to the mental condition of the accused is warranted in the interest of justice, regardless of whether the question was raised at the trial or how it was determined if raised. When further inquiry results in a determination that the accused lacks the mental capacity to understand the review proceedings, a conviction may not be approved or affirmed under Articles 64, 65, or 66 until the accused regains the requisite mental capacity. However, this should not cause a delay in making a determination in favor of an accused which will result in the setting aside of a conviction. When further inquiry after trial produces new information which raises an issue concerning mental responsibility at the time of the offense, the affected charges and specifications may be dismissed and appropriate action taken on the sentence or a new trial or rehearing may be directed, as may be appropriate under the circumstances of the case.

Chapter XXV

PUNISHMENTS

GENERAL LIMITATIONS—MISCELLANEOUS LIMITATIONS—MAXIMUM LIMITS OF PUNISHMENTS

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125. GENERAL LIMITATIONS. In all cases of conviction, a court-martial should adjudge a legal, appropriate, and adequate punishment, with due regard for the requirements of the code. See 76*a* and 127 for the basis of determining adequate punishment. The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe

for that offense (Art. 56). See also 118 (Contempts), 126 (Miscellaneous limitations), and 127 (Maximum limits of punishments).

No member of the armed forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces (Art. 12), nor, subject to the provisions as to the effective date of forfeitures set forth in 126*h*(5), may any person while being held for trial or the results of trial be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him (see Art. 13). Prisoners being held for trial or whose sentences have not yet been approved and ordered executed will be accorded the facilities, accommodations, treatment, and training prescribed in pertinent regulations. During the period that he is held for trial or awaiting action on his sentence, an accused will not be required to observe either duty hours or training schedules devised as punitive measures, required to perform punitive labor, nor required to wear other than the uniform prescribed for unsentenced prisoners, except that during those periods he may be subjected to minor punishment for infractions of discipline (see Art. 13).

Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by any court-martial or inflicted upon any person subject to the code. The use of irons, single or double, except for the purpose of safe custody, is prohibited (Art. 55).

Courts-martial shall not impose any punishment not sanctioned by the custom of the service, such as carrying a loaded knapsack, shaving the head, placarding, pillorying, placing in stocks, or tying up by the thumbs. Loss of good conduct time will not be adjudged as punishment by a court-martial.

Confinement on bread and water or diminished rations may be adjudged only against enlisted members attached to or embarked in a vessel and shall not be adjudged in excess of three days. However, the categories of enlisted personnel upon whom this type of punishment may be imposed may be limited by regulations of the Secretary concerned. A court-martial may not adjudge a sentence to solitary confinement, but a sentence to confinement on bread and water or diminished rations may be carried into execution by confining the prisoner in a place where he can communicate only with authorized personnel. The ration to be furnished an enlisted member undergoing a punishment of confinement on diminished rations is that specified by the authority charged with the administration of the punishment, but the ration may not consist solely of bread and water unless this punishment has been specifically adjudged. When any person is sentenced to be confined on bread and water or diminished rations, the signed certificate of a medical officer, containing his opinion as to whether serving the sentence would produce serious injury to the health of the accused, must be obtained before the sentence is ordered into execution. The certificate, which shall be attached to the record of proceedings, shall be in the following form:

> "I certify that from an examination of _____, and of the place where he is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water) (diminished rations) will (not) produce serious injury to his health."

126. MISCELLANEOUS LIMITATIONS. ***a. General comments.*** The death penalty is mandatory in the case of spies (Art. 106); it is mandatory that either death or life imprisonment be adjudged for murder upon a finding of

guilty under subsections (1) or (4) of Article 118. Punishment as adjudged by the court must be in conformity with the article prescribing the offense, and may not exceed the maximum authorized for the offense in the Table of Maximum Punishments, unless the limitations in the table have been suspended. For example, Article 85 (Desertion) authorizes such punishment other than death as a court-martial may direct, except in time of war when either death or such other punishment as a court-martial may direct is authorized. However, the maximum penalty that may be adjudged for desertion is also limited by the Table of Maximum Punishments unless the limitations in the table have been suspended by the President under the authority of Article 56, in which event only the limits prescribed in Article 85 would govern. See 127*c*(5) for offenses as to which the Table of Maximum Punishments is automatically suspended upon declaration of war.

A court-martial may not adjudge the death penalty except for an offense made expressly so punishable by an article of the code (Art. 52(b)(1)). See 15*a*(2) for an enumeration of the particular articles. Although an offense may be made expressly punishable by death, the death penalty cannot be adjudged for that offense if the applicable limit of punishment prescribed by the President under Article 56 (127) is less than death, nor can the death penalty be adjudged if the convening authority has directed that a case be treated as not capital (see Arts. 19, 49(f)). With reference to the limitation on the imposition of the death penalty in the case of a rehearing or new or other trial, see 81*d* and 110*a*(2). See 145 for limitations on the use of depositions, former testimony, and records of courts of inquiry in cases involving the death sentence and on the use of records of courts of inquiry in cases involving the dismissal of a commissioned officer.

In adjudging a sentence of death, a court-martial will not prescribe the method of execution. A dishonorable discharge is by implication included in a death sentence. A sentence to death which has been finally ordered executed will be carried into effect in the manner authorized or prescribed by regulations of the Secretary concerned.

A court-martial may not adjudge an administrative separation from the service, and dishonorable or bad-conduct discharge or dismissal, as appropriate according to the status of the accused (see 126 *d* and *e*), are the only forms of punitive separations that may be adjudged. Concerning the appropriateness of a sentence to dishonorable or bad-conduct discharge, see 76*a* (3) and (4).

b. General courts-martial. Subject to the provisions of this chapter (XXV), general courts-martial may adjudge any punishment not forbidden by the code, including the penalty of death when specifically authorized by the code, and, in appropriate cases, any punishment permitted by the law of war (Art. 18). See 14*a* for jurisdiction of a general court-martial composed of a military judge alone.

c. Special and summary courts-martial. (1) *Special courts-martial.* See 15*b* and Article 19 for the limitations on the jurisdiction of a special court-martial in adjudging punishments.

(2) *Summary courts-martial.* See 16*b* and Article 20 for the limitations on the jurisdiction of a summary court-martial in adjudging punishments.

(3) *General comments.* Special and summary courts-martial are not limited to the kinds of punishments set forth in Articles 19 and 20. See 16*b* as

to the apportionment that may be required if a summary court-martial wishes to adjudge both confinement and restriction. The Table of Equivalent Punishments (127*c*) will be used to make an apportionment.

d. Commissioned officers and warrant officers. In general, any limitation as to the punishment that may be imposed on a commissioned officer by a court-martial is applicable in the case of a warrant officer. A commissioned or warrant officer may not be reduced in grade by any court-martial. However, in time of war or national emergency the Secretary concerned, or such Under Secretary or Assistant Secretary as may be designated by him, may commute a sentence of dismissal to reduction to any enlisted grade (Art. 71(b)).

A commissioned officer or warrant officer may be punished by a punitive separation from the service when convicted by general court-martial of any offense in violation of the code. The separation from the service of commissioned officers, including commissioned warrant officers, when adjudged by the sentence of a general court-martial, shall be by dismissal. The separation from the service of all other warrant officers by sentence of a general court-martial shall be by dishonorable discharge.

Only a general court-martial may sentence a commissioned or warrant officer to confinement, and in no case shall the confinement exceed the maximum prescribed for enlisted members by the Table of Maximum Punishments. A commissioned or warrant officer may not be sentenced to hard labor without confinement in any case.

e. Enlisted members; prisoners sentenced to punitive discharge. For the maximum limits of punishment for certain offenses committed by enlisted members, see 127. Under Article 58a, unless otherwise provided in regulations prescribed by the Secretary concerned, a court-martial sentence of an enlisted member in a pay grade above E–1, as approved by the convening authority, that includes (1) a dishonorable or bad-conduct discharge, (2) confinement, or (3) hard labor without confinement reduces that member to pay grade E–1, effective on the date of that approval. If the sentence of a member who is thus reduced in pay grade is set aside or disapproved, or, as finally approved, does not include any of these punishments, the rights and privileges of which he was deprived because of that reduction shall be restored to him and he is entitled to the pay and allowances to which he would have been entitled, for the period the reduction was in effect, had he not been so reduced. Reduction effected under Article 58a is not a part of the sentence, but is an administrative result thereof.

A court-martial is authorized to sentence an enlisted member to be reduced to the lowest or any intermediate grade. But see 16*b* concerning the limitations on the power of summary courts-martial to sentence enlisted members above the fourth enlisted pay grade to a reduction.

If a prisoner already under a suspended sentence to dishonorable or bad-conduct discharge is tried by a court-martial, dishonorable or bad-conduct discharge may be adjudged as well as other appropriate penalties. However, if a prisoner has been separated from the service by dishonorable or bad-conduct discharge, the adjudging of another punitive discharge would, in general, be futile.

f. Reprimand; admonition. There is no restriction either as to the court which may adjudge a reprimand or admonition as punishment or as to the

persons subject to the code upon whom this punishment may be imposed, but the court will not specify the terms or wording of a reprimand or admonition.

g. Restriction to limits. There is no limitation either as to the court which may adjudge the punishment of restriction to limits or as to the persons subject to the code upon whom it may be imposed. It will not be adjudged in excess of two months and will not in any event operate to exempt the person on whom it is imposed from any military duty.

h. Forfeiture; fine; detention of pay. (1) *General.* Any partial forfeiture, fine, or detention of pay should be adjudged in express terms and stated in dollars only rather than in dollars and cents, or in days' pay (see app. 13). In determining the amount of a forfeiture or fine, particularly a large fine, the court should consider the ability of the accused to pay.

Fines and forfeitures accrue to the United States and cannot be adjudged by a court-martial for the benefit of any individual. A court-martial has no authority to provide by stoppage, assignment, or otherwise for the settlement of any pecuniary liability whatever, including any liability to a government agency, such as a unit fund. A sentence directing an accused to make a deposit or a contribution of pay or of other funds is illegal.

(2) *Forfeiture.* A forfeiture is an appropriate form of punishment for all military personnel whatever their rank or status. Unless a total forfeiture is adjudged, a sentence to forfeiture deprives the accused of the amount expressly stated in the sentence and applies for the period of time expressly stated. Allowances are forfeited only when the sentence includes the forfeiture of all pay and allowances. Subject to the provisions of Article 57(a), a forfeiture applies to pay and allowances which accrue during the enlistment, extension of enlistment, or other engagement or obligation of service in which the accused is serving at the time the sentence is adjudged. Forfeiture of a member's deposits or of the interest thereon cannot be adjudged by sentence of a court-martial. A forfeiture may not be applied to money to be paid by an employer other than the United States. A general court-martial is not limited as to the amount of forfeiture it may adjudge. For the limit of jurisdiction of a special or a summary court-martial to adjudge a forfeiture, see 15*b* and 16*b*.

The maximum amount of a partial forfeiture (app. 13) is computed by using the basic pay authorized for the cumulative years of service of the accused and, if no confinement is adjudged, any sea or foreign duty pay. When a sentence includes a reduction of an enlisted member, expressly or by operation of law (see Art. 58a) and whether or not suspended, the forfeiture must be based on the pay for the reduced grade. Additionally, any monthy contribution which an enlisted member is required to make, or will be required to make as the result of a sentence including a reduction, in order to entitle him to a basic allowance for quarters must be deducted before the amount of pay subject to forfeiture is computed. However, other allotments need not be deducted. The term "basic pay" includes no element of pay other than the basic pay of the grade or class within grade as fixed by statute and does not include special pay for a special qualification such as diving pay, or incentive pay for the performance of hazardous duties such as flying, parachute jumping, or duty on board a submarine. See appropriate regulations of the Secretary of a Department as to periods which may not be counted in computing increase of pay for length of service.

The terms "forfeiture of all pay and allowances" and "to forfeit all pay and allowances," as used in 88, this chapter (XXV), and appendix 13 mean the forfeiture of all pay and allowances becoming due on and after the date a lawfully adjudged sentence is approved by the convening authority. But see 88*d*(3) with respect to the suspension or deferral of forfeitures in certain cases. See, generally, as to forfeitures, applicable regulations of the Secretary of a Department.

(3) *Fine.* Whereas a forfeiture deprives the accused of all or part of his pay only as it accrues, a fine, when ordered executed, is in the nature of a judgment and makes him immediately liable to the United States for the entire amount of money specified in the sentence. All courts-martial have the power to adjudge fines instead of forfeitures in cases involving members of the armed forces. General courts-martial have the further power to adjudge fines in addition to forfeitures in appropriate cases. See Section B, 127*c*. Special and summary courts-martial may not adjudge any fine in excess of the total amount of forfeitures which may be adjudged in a case. A fine normally should not be adjudged against a member of the armed forces unless the accused was unjustly enriched as the result of the offense of which he is convicted. However, a fine may always be imposed as a punishment for contempt (Art. 48).

In general, a court-martial has the same power to fine a prisoner of war that it has to fine a member of the armed forces. Ordinarily, a fine, rather than a forfeiture, is the proper monetary penalty to be adjudged against a civilian subject to military law. In order to enforce collection, a fine may be accompanied by a provision in the sentence that, in the event the fine is not paid, the person fined shall, in addition to any period of confinement adjudged, be further confined until a fixed period considered an equivalent punishment to the fine has expired (see app. 13, form 11). The total period of confinement so adjudged shall not exceed the jurisdictional limitations of the court (15*b*, 16*b*, 126*b*).

(4) *Detention of pay.* Detention of pay is a less severe form of punishment than a forfeiture in that the amount detained is ultimately returned to the accused. The period for which the pay is to be detained may not exceed one year from the date the sentence is ordered executed. Summary courts-martial may not adjudge detention of pay of more than two-thirds of one month's pay. All other courts-martial may not adjudge detention of pay of more than two-thirds pay per month for three months. The rules prescribed in 126*h*(2) for determining maximum allowable partial forfeitures also apply in determining the maximum detention that may be adjudged in a case. The amount of pay detained is returned to the accused at the expiration of the specified period of detention or the offender's term of service, whichever is earlier.

(5) *Effective date of certain sentences.* See Article 57. Whenever a sentence of a court-martial as approved includes a forfeiture of pay or allowances in addition to confinement not suspended or deferred, the forfeiture will apply to pay or allowances becoming due on and after the date the sentence is approved by the convening authority. However, a convening authority may defer the effective date of forfeitures by providing specifically therefor in his action. See 88*d*(3). No forfeiture shall extend to any pay or allowances accrued before the date a sentence is approved by the convening authority. Except as provided above, all other sentences to forfeiture and sentences to fine or detention of pay become effective on the date the sentence is ordered executed.

i. Suspension from rank, command, or duty; loss of rank, promotion, numbers, or seniority. Sentences to suspension from rank, command, or duty are not authorized.

Sentences to loss of rank or promotion are not authorized except as provided below.

Sentences to loss of numbers, lineal position, or seniority are authorized only in cases of Navy, Marine Corps, and Coast Guard officers. All losses of numbers will be numbers in the appropriate lineal list. For line officers, it will be numbers of officers not restricted in the performance of duty. For officers of staff corps, it will be numbers corresponding to line officers not restricted in the performance of duty.

j. Confinement at hard labor. Any person subject to trial by court-martial may be sentenced to confinement at hard labor. A sentence to confinement does not of itself automatically result in any fine or forfeiture of pay or allowances. The place of confinement will not be designated by the court. See, in this respect, 93.

Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or the service thereof is deferred shall be excluded in computing the service of the term of confinement (Art. 57(b)). See also 97*c*, 88*f* and Article 14 concerning the interruption of the execution or the running of a sentence to confinement.

Confinement without hard labor should not be adjudged. The omission of the words "hard labor" from any sentence of a court-martial adjudging confinement does not deprive the authority executing that sentence of the power to require hard labor as a part of the punishment (Art. 58(b)).

k. Hard labor without confinement. Hard labor without confinement will not be adjudged in excess of three months. A summary court-martial will not adjudge hard labor without confinement in excess of 45 days. It may be adjudged only in the cases of enlisted members. Hard labor without confinement, adjudged as punishment by courts-martial, shall be performed in addition to other regular duties which fall to enlisted members; and no enlisted member shall be excused or relieved from any military duty for the purpose of performing it. A sentence imposing hard labor without confinement shall be considered satisfied when the enlisted member shall have performed hard labor during available time in addition to performing his military duties. Normally, the immediate commanding officer of the accused will designate the amount and character of the labor to be performed. The daily performance of the designated hard labor before or after routine duties are completed satisfies the sentence whether the particular daily assignment requires one, two, or more hours. Upon completion of the daily assignment, the accused should be permitted to take leave or liberty to which he properly is entitled.

127. MAXIMUM LIMITS OF PUNISHMENTS. ***a. Persons and offenses.*** The limits prescribed herein (127) will be applied by courts-martial in cases of enlisted members and prisoners sentenced to punitive discharge. These limitations, though not binding upon courts sentencing commissioned officers, warrant officers, aviation cadets, cadets, midshipmen, and civilians subject to military law, except as stated in 126*d*, may be used as a guide, subject to

any exceptions deemed warranted for determining the appropriate punishment for those persons. These limitations will also be applied insofar as applicable in the cases of enlisted prisoners of war.

b. General limitations. The limitations herein (127) do not exclude any other applicable limitations (81*d*, 125, 126). In using the Table of Maximum Punishments to determine the maximum allowable sentence in a case, it must be remembered that summary and special courts-martial may not adjudge punishments in excess of those prescribed in 15*b* and 16*b* even when the table prescribes a maximum in excess thereof. See 76*b* and 81*d* for rules concerning sentence instructions when sentence limitations apply.

c. Maximum punishments. (1) *Applicability and use of Table of Maximum Punishments.* The punishment stated opposite each offense listed in the Table of Maximum Punishments is hereby prescribed as the maximum punishment for that offense, and for any lesser included offense if the latter is not listed, and for any offense closely related to either if not listed. If an offense not listed in the table is included in an offense which is listed and is also closely related to some other listed offense, the lesser punishment prescribed for either the included or closely related offense will prevail as the maximum limit of punishment. However, if the offense is closely related to more than one listed offense, the maximum punishment for the most closely related offense shall be used in making this determination.

Offenses not listed in the table and not included within an offense listed, or not closely related to either, are punishable as authorized by the United States Code (see, generally, Title 18) or the Code of the District of Columbia, whichever prescribed punishment is the lesser, or as authorized by the custom of the service. When the maximum punishment is thus determined by reference to the United States Code or the Code of the District of Columbia and the respective Code provides for confinement or imprisonment for a specified period or not more than a specified period, the maximum punishment by court-martial includes confinement at hard labor for that period. If the period is one year or more, the maximum punishment by court-martial also includes a dishonorable discharge and total forfeitures; if six months or more, a bad-conduct discharge and total forfeitures. With respect to other matters which properly may be considered in fixing punishment, see 76*a*, 123, and 154*a*.

The maximum punishment prescribed for the offense should be restricted to those cases in which, due to aggravating circumstances, the greatest permissible punishment should, in the discretion of the court, be imposed. In this connection, see 76*a* (Sentence—Basis for determining) and 88*b* (Determining what sentence should be approved).

The limitations are for each separate offense, not for each separate charge. In this connection, see 76*a*(5). For several separate and distinct offenses, even though they are alleged under the same charge, the court may, in its discretion, where the circumstances warrant severity, adjudge in its sentence the aggregate of the limit of punishment for each separate and distinct offense. In determining the maximum punishment for two or more separate and distinct, but like, offenses against property, the values as found in different specifications cannot be aggregated, as if alleged in a single specification, for the purpose of increasing the maximum punishment.

(2) *Applicability and use of Table of Equivalent Punishments.* The Table of Maximum Punishments, which lists the maximum punishment in terms of confinement or forfeiture, or both, contains no reference to lesser forms of punishment, such as hard labor without confinement, restriction to limits, or detention of pay, which are appropriate for many minor offenses. In the case of enlisted members, the court in its discretion may substitute at the following rates other punishments for those listed in the table:

Table of Equivalent Punishments

Confinement on bread and water or diminished rations*	Confinement at hard labor	Hard labor without confinement	Restriction to limits	Forfeiture	Detention
½ day	1 day	1½ days	2 days	1 day's pay	1½ day's pay

*Maximum authorized is 3 days (125).

The foregoing table may be used in a variety of ways to determine substitute punishments. Thus, if an enlisted member is convicted of an offense for which the maximum forfeiture is two-thirds of one month's pay, the court may substitute other punishments, at the above indicated rates, for all or part of the 20 days' forfeiture. For example, it may impose forfeiture of 10 days' pay and for the remaining 10 days' forfeiture it may substitute 10 days' confinement, or 15 days' hard labor without confinement, or 20 days' restriction. Similarly, if the authorized punishment for an offense is confinement at hard labor for one month and forfeiture of two-thirds of one month's pay, the court may, for example, by substitution adjudge hard labor without confinement for 15 days (1½ for 1), restriction to limits for 40 days (2 for 1), and forfeiture of two-thirds pay for one month. However, in making substitutions the court must observe the limitations on its jurisdiction and on particular types of punishment. For instance, the two examples given above would not be applicable in a trial by summary court-martial of an enlisted member above the fourth enlisted pay grade, as confinement or hard labor without confinement cannot be adjudged (16*b*). Also, if the authorized punishment for an offense is confinement at hard labor for one month and forfeiture of two-thirds pay for one month, a summary court-martial could not adjudge additional forfeitures in lieu of any part of the confinement, since it has no jurisdiction to adjudge a forfeiture of more than two-thirds of one month's pay. Similarly, if the authorized punishment for an offense is confinement at hard labor for two months and forfeiture of two-thirds pay per month for two months, no court can substitute restriction to the limits for all of the confinement (that is, 2 x 60, or 120 days) since in no event may restriction be imposed in excess of two months (60 days). Since confinement and restriction are both forms of deprivation of liberty, only one of these two punishments may be imposed in the maximum amount in any one sentence—an apportionment must be made if it is desired to adjudge both forms of punishment in one and the same sentence (16*b*). Substituted punishments are of importance chiefly in cases of minor offenses. By

substituting additional forfeitures, or hard labor without confinement, the accused will be adequately punished but will not be prevented from performing his regular duties.

(3) *Computation of period of unauthorized absence.* In computing time of absence without leave, any one continuous period of absence found that totals not more than 24 hours is counted as a day; any such period found that totals more than 24 hours and not more than 48 hours is counted as two days, and so on. The hours of departure and return on different dates are assumed to be the same if both are not found. For example, if an accused is convicted of an absence without leave from 0600 hours, 4 April, to 1000 hours, 7 April, of the same year (76 hours), the maximum punishment would be based on an absence of four days. However, if the accused is convicted simply of an absence from 4 to 7 April, the maximum punishment would be based on an absence of three days (72 hours).

(4) *Punitive discharges.* A bad-conduct discharge may be adjudged upon conviction of any offense for which a dishonorable discharge is authorized in the table. In determining whether a bad-conduct discharge is more appropriate than a dishonorable discharge, see 76*a*(3) and (4).

(5) *Automatic suspension of limitations.* Immediately upon a declaration of war subsequent to the effective date of this manual, the prescribed limitations on punishment for violations of Articles 82, 85, 86(3), 87, 90, 91(1) and (2), 113, and 115 automatically will be suspended and will not apply until the formal termination of the war or until restored by Executive Order before formal termination.

(6) *Arrangement of Table of Maximum Punishments.* The headings of the table and the descriptions of offenses therein are condensed for convenience of arrangement, are intended solely to identify the portions of this manual and the offenses to which they pertain, and do not define any offense. In the case of a discrepancy between a heading or description of an offense in the table and any other part of this manual, the other part shall be controlling. The descriptions of offenses do not purport to define either the elements of proof of (ch. XXVIII) or the form of pleading for (app. 6) the various offenses.

TABLE OF MAXIMUM PUNISHMENTS

SECTION A

Article	Offenses	Punishments				
		Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed—		Forfeiture of two thirds pay per month not to exceed—
				Years	Months	Months
77	Principals.[1]					
78	Accessory after the fact.[2]					
79	Conviction of lesser included offense. (See 158 and Art. 79.)					

[1] Any person punishable under the code who aids, abets, counsels, commands, procures, or causes the commission of an offense punishable by the code shall, unless otherwise specifically prescribed, be subject to the maximum punishment authorized for the commission of the offense.

[2] Any person subject to the code who is found guilty as an accessory after the fact to an offense punishable by the code shall be subject to the maximum punishment authorized for the offense to which he is an accessory, except that in no case shall the death penalty be imposed nor the confinement authorized exceed more than one-half of the maximum confinement authorized for that offense, nor shall the period of confinement in any case, including offenses for which life imprisonment may be adjudged, exceed 10 years.

TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments				
		Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed—		Forfeiture of two-thirds pay per month not to exceed—
				Years	Months	Months
80	Attempts.[3]					
81	Conspiracy.[4]					
82	Soliciting or advising another:					
	If the offense is not committed or attempted—					
	To desert	Yes		3		
	To mutiny	Yes		10		
	If the offense is not committed—					
	To commit an act of misbehavior before the enemy	Yes		10		
	To commit an act of sedition	Yes		10		
83	Fraudulent enlistment:					
	Procured by means of false representation concerning, or failure fully to disclose, any detail of membership in, association with, or activities in connection with, any of the organizations, associations, movements, groups, or combinations listed in the enlistment documents processed and noted at the time of enlistment.	Yes		5		
	Other cases of	Yes		1		
	Fraudulent separation	Yes		5		
84	Effecting an unlawful enlistment or appointment:					
	Of a person having membership in, association with, or activities in connection with, any prohibited organization, association, movement, group, or combination listed in enlistment or appointment documents.	Yes		5		
	Other cases of	Yes		1		
	Effecting an unlawful separation	Yes		5		
85	Desertion:					
	With intent to avoid hazardous duty or to shirk important service.	Yes		5		
	Other cases of—					
	Terminated by apprehension	Yes		3		
	Terminated otherwise	Yes		2		
	Attempted desertion:					
	With intent to avoid hazardous duty or to shirk important service.	Yes		5		
	Other cases of	Yes		1		
86	Absence without leave:					
	Failing to go to, or going from, the appointed place of duty.				1	1
	From unit, organization, or other place of duty—					
	For not more than 3 days				1	1
	For more than 3 days but not more than 30 days				6	6
	For more than 30 days	Yes		1		
	From guard or watch				3	3
	With intent to abandon		Yes		6	
	With intent to avoid maneuvers or field exercises				6	6
87	Missing movement of ship, aircraft, or unit:					
	Through design	Yes		1		
	Through neglect		Yes		6	
89	Behaving with disrespect toward his superior commissioned officer.		Yes		6	

[3] Unless otherwise provided in this table, any person subject to the code who is found guilty of an attempt to commit any offense punishable by the code shall be subject to the same maximum punishment authorized for the commission of the offense attempted, except that in no case shall the death penalty be imposed nor the authorized period of confinement exceed 20 years.

[4] Any person subject to the code who is found guilty of conspiracy shall be subject to the maximum punishment authorized for the offense which is the object of the conspiracy, except that in no case shall the death penalty be imposed.

TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed— Years	Confinement at hard labor not to exceed— Months	Forfeiture of two-thirds pay per month not to exceed— Months
90	Striking, drawing, or lifting up any weapon or offering any violence to his superior commissioned officer in the execution of his office.	Yes		10		
	Willfully disobeying a lawful order of his superior commissioned officer.	Yes		5		
91	Striking or otherwise assaulting, while in the execution of his office, a:					
	Warrant officer	Yes		5		
	Noncommissioned or petty officer	Yes		1		
	Willfully disobeying the lawful order of a:					
	Warrant officer	Yes		2		
	Noncommissioned or petty officer		Yes		6	
	Treating with contempt or being disrespectful in language or deportment, while in the execution of his office a:					
	Warrant officer		Yes		6	
	Noncommissioned or petty officer				3	3
92	Violating or failing to obey any lawful general order or regulation.[1]	Yes		2		
	Knowingly failing to obey any other lawful order [1]		Yes		6	
	Being derelict in the performance of duties				3	3
93	Cruelty toward or oppression or maltreatment of any person subject to his orders.	Yes		1		
94	Mutiny, sedition, failing to report, etc. (See Art. 94.)					
95	Resisting apprehension		Yes	1		
	Breaking arrest		Yes		6	
	Escaping from custody or confinement	Yes		1		
96	Releasing, without proper authority, a prisoner duly committed to his charge.	Yes		2		
	Suffering a prisoner duly committed to his charge to escape:					
	Through design	Yes		2		
	Through neglect		Yes	1		
97	Unlawful detention of another	Yes		3		
98	Unnecessary delay in disposing of a case, or failing to enforce or comply with procedural rules.		Yes		6	
99	Misbehavior before the enemy. (See Art. 99.)					
100	Subordinate compelling surrender. (See Art. 100.)					
101	Improper use of countersign. (See Art. 101.)					
102	Knowingly forcing a safeguard. (See Art. 102.)					
103	Captured or abandoned property, failing to secure, give notice and turn over, selling, or otherwise wrongfully dealing in or disposing of:					
	Of a value of $50 or less		Yes		6	
	Of a value of $100 or less and more than $50		Yes	1		
	Of a value of more than $100	Yes		5		
	Looting or pillaging. (Any punishment other than death.)					
104	Aiding the enemy. (See Art. 104.)					
105	Misconduct as a prisoner. (Any punishment other than death.)					

[1] This punishment does not apply in the following cases:
(1) If in the absence of the order or regulation which was violated or not obeyed the accused would on the same facts be subject to conviction for another specific offense for which a lesser punishment is prescribed in this table.
(2) If the violation or failure to obey is a breach of restraint imposed as a result of an order.

In these instances, the maximum punishment is that specifically prescribed elsewhere in this table for the offense.

TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed— Years	Confinement at hard labor not to exceed— Months	Forfeiture of two-thirds pay per month not to exceed— Months
106	Spies. (See Art. 106.)					
107	Signing any false record, return, regulation, order, or other official document.	Yes		1		
	Making any other false official statement:					
	By a noncommissioned or petty officer	Yes		1		
	By any other enlisted member				3	3
108	Selling or otherwise disposing of military property of the United States:					
	Of a value of $50 or less		Yes		6	
	Of a value of $100 or less and more than $50		Yes	1		
	Of a value of more than $100	Yes		5		
	Through neglect damaging, destroying, or losing, or through neglect suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of, military property of the United States of a value or damage:					
	Of $50 or less				3	3
	Of $100 or less and more than $50				6	6
	Of more than $100		Yes	1		
	Willfully damaging, destroying, or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of, military property of the United States of a value or damage:					
	Of $50 or less		Yes		6	
	Of $100 or less and more than $50		Yes	1		
	Of more than $100	Yes		5		
109	Wasting, spoiling, destroying, or damaging any property other than military property of the United States of a value or damage:					
	Of $50 or less		Yes		6	
	Of $100 or less and more than $50		Yes	1		
	Of more than $100	Yes		5		
110	Hazarding or suffering to be hazarded any vessel of the armed forces:					
	Willfully and wrongfully (See Art. 110(a)).					
	Negligently	Yes		2		
111	Operating any vehicle while drunk or in a reckless or wanton manner:					
	Resulting in personal injury	Yes		1		
	Otherwise		Yes		6	
112	Found drunk on duty		Yes		9	
113	Misbehavior of sentinel or lookout:					
	In areas designated as authorizing entitlement to special pay for duty subject to hostile fire.	Yes		10		
	In all other places	Yes		1		
114	Dueling	Yes		1		
115	Feigning illness, physical disablement, mental lapse, or derangement.	Yes		1		
	Intentional self-inflicted injury	Yes		7		
116	Riot	Yes		10		
	Breach of the peace				6	6
117	Provoking or reproachful words or gestures				3	3
118	Murder. (See Art. 118.)					
119	Manslaughter:					
	Voluntary	Yes		10		
	Involuntary	Yes		3		
120	Rape. (See Art. 120.)					
	Wrongful carnal knowledge of a female under the age of 16 years.	Yes		15		

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CHAPTER XXV

TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed— Years	Confinement at hard labor not to exceed— Months	Forfeiture of two-thirds pay per month not to exceed— Months
121	Larceny of property:					
	Of a value of $50 or less		Yes		6	
	Of a value of $100 or less and more than $50		Yes	1		
	Of a value of more than $100 or any motor vehicle, aircraft, or vessel	Yes		5		
	Wrongful appropriation of property:					
	Of a value of $50 or less				3	3
	Of a value of $100 or less and more than $50				6	6
	Of a value of more than $100		Yes		6	
	Of any motor vehicle, aircraft, or vessel	Yes		2		
122	Robbery	Yes		10		
123	Forgery	Yes		5		
123a	Check, worthless, making, drawing, uttering, delivering, with intent to defraud (for procurement of an article or thing of value), in the face amount of:					
	$50 or less		Yes		6	
	$100 or less and more than $50		Yes	1		
	More than $100	Yes		5		
	Check, worthless, making, drawing, uttering, delivering, with intent to deceive (for payment of past due obligation or any other purpose).		Yes		6	
124	Maiming	Yes		7		
125	Sodomy:					
	By force and without consent	Yes		10		
	With a child under the age of 16 years	Yes		20		
	Other cases of	Yes		5		
126	Arson:					
	Aggravated	Yes		20		
	Simple, where the property is—					
	Of a value of $100 or less	Yes		1		
	Of a value of more than $100	Yes		10		
127	Extortion	Yes		3		
128	Assault				3	3
	Upon a commissioned officer of the Air Force, Army, Coast Guard, Navy, or a friendly foreign power, not in the execution of his office.	Yes		3		
	Upon a warrant officer, not in the execution of his office.	Yes		1½		
	Upon a noncommissioned or petty officer, not in the execution of his office.		Yes		6	
	Upon any person who, in the execution of his office, is performing Air Force security police, military police, shore patrol, or civil law enforcement duties.	Yes		1		
	Upon a sentinel or lookout while in execution of his duty.	Yes		1		
	Assault (consummated by a battery):					
	On a child under the age of 16 years	Yes		2		
	Other cases of				6	6
	Assault, aggravated:					
	With a dangerous weapon or other means or force likely to produce death or grievous bodily harm.	Yes		3		
	Intentionally inflicting grievous bodily harm, with or without a weapon.	Yes		5		
129	Burglary	Yes		10		
130	Housebreaking	Yes		5		
131	Perjury	Yes		5		

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TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed— Years	Confinement at hard labor not to exceed— Months	Forfeiture of two-thirds pay per month not to exceed— Months
132	Frauds against the United States:					
	In connection with making or presenting a claim or obtaining the approval, allowance, or payment of a claim (Art. 132(1) and (2)).	Yes		5		
	By delivering an amount less than called for by a receipt or by making or delivering a receipt without knowledge of the facts (Art. 132(3) and (4))—					
	When the amount involved is $50 or less		Yes		6	
	When the amount involved is $100 or less and more than $50.		Yes	1		
	When the amount involved is more than $100.	Yes		5		
134	Abusing a public animal				3	3
	Adultery	Yes		1		
	Assault:					
	Indecent	Yes		5		
	With intent to commit voluntary manslaughter, robbery, sodomy, arson or burglary.	Yes		10		
	With intent to commit housebreaking	Yes		5		
	With intent to commit murder or rape	Yes		20		
	Bigamy	Yes		2		
	Bribe or graft, accepting, asking, receiving, offering, or promising.	Yes		3		
	Burning with intent to defraud	Yes		10		
	Check, worthless, making and uttering (by dishonorably failing to maintain sufficient funds).		Yes		6	
	Correctional custody:					
	Escape from	Yes		1		
	Breach of restraint during		Yes		6	
	Criminal libel	Yes		5		
134	Debt, dishonorably failing to pay		Yes		6	
	Disloyal statements undermining discipline and loyalty, uttering.	Yes		3		
	Disorderly:					
	In command, quarters, station, camp, or on board ship.				1	1
	Under such circumstances as to bring discredit upon the military service.				4	4
	Drinking liquor with a prisoner				3	3
	Drugs, habit forming, wrongful possession, sale, transfer, use or introduction into a military unit, base, station, post, ship or aircraft.	Yes		10		
	Drugs, marihuana, wrongful possession, sale, transfer, use or introduction into a military unit, base, station, post, ship or aircraft.	Yes		5		
	Drunk:					
	Aboard ship				3	3
	In command, quarters, station, or camp				1	1
	Prisoner found				3	3
	Under such circumstances as to bring discredit upon the military service.				3	3
	Incapacitating self to perform duties through prior indulgence in intoxicating liquor.				3	3
	Drunk and disorderly:					
	Aboard ship		Yes		6	
	In command, quarters, station, or camp				3	3
	Under such circumstances as to bring discredit upon the military service.				6	6

TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed— Years	Confinement at hard labor not to exceed— Months	Forfeiture of two-thirds pay per month not to exceed— Months
134	False or unauthorized military pass, permit, discharge certificate, or identification card:					
	Making, altering, selling	Yes		3		
	Possessing or using with intent to defraud or deceive.	Yes		3		
	Other cases		Yes		6	
	False pretenses, obtaining services under:					
	Of a value of $50 or less		Yes		6	
	Of a value of $100 or less and more than $50		Yes	1		
	Of a value of more than $100	Yes		5		
	False swearing	Yes		3		
	Firearm, discharging:					
	Through carelessness				3	3
	Wrongfully and willfully, under circumstances as to endanger life.	Yes		1		
	Fleeing from the scene of an accident		Yes		6	
	Gambling by a noncommissioned or petty officer, with a person of lower military grade.					3
	Homicide, negligent		Yes	1		
	Impersonating an officer, warrant officer, noncommissioned or petty officer, or agent of superior authority:					
	With intent to defraud	Yes		3		
	All other cases		Yes		6	
	Indecent acts or liberties with a child under the age of 16 years.	Yes		7		
	Indecent exposure of person				6	6
	Indecent, insulting, or obscene language:					
	Communicated to a female of the age of 16 years or over.	Yes		1		
	Communicated to any child under the age of 16 years.[8]	Yes		2		
134	Indecent or lewd acts with another	Yes		5		
	Mail matter in the custody of the Post Office Department or in the custody of any other agency, or not yet delivered or received; taking, opening, abstracting, secreting, destroying, stealing, or obstructing.	Yes		5		
	Mails, depositing or causing to be deposited obscene or indecent matter in.	Yes		5		
	Misprision of a felony	Yes		3		
	Nuisance, committing				3	3
	Obstructing justice	Yes		5		
	Pandering	Yes		5		
	Parole, violation of		Yes		6	
	Perjury, statutory	Yes		5		
	Perjury, subornation of	Yes		5		
	Prisoner, allowing to do an unauthorized act				3	3
	Public record, willfully and unlawfully altering, concealing, destroying, mutilating, obliterating, removing, or taking and carrying away with intent to alter, conceal, destroy, mutilate, obliterate, remove, or steal.	Yes		3		
	Quarantine, medical, breaking				6	6
	Refusing, wrongfully, to testify before a court martial, military commission, court of inquiry, board of officers, investigation under Article 32, or officer taking deposition.	Yes		5		

[8] See indecent acts or liberties with a child when the offense is so charged as a result of an indecent, insulting, or obscene communication in the physical presence of a child.

TABLE OF MAXIMUM PUNISHMENTS—Continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad-conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed— Years	Confinement at hard labor not to exceed— Months	Forfeiture of two-thirds pay per month not to exceed— Months
134	Restriction, administrative or punitive, breaking				1	1
	Sentinel or lookout:					
	Behaving in an insubordinate or disrespectful manner toward, while in the execution of his duty.				3	3
	Loitering or sitting down by, while on duty				3	3
	Soliciting another to commit an offense.[7]					
	Stolen property knowingly receiving, buying, concealing:					
	Of a value of $50 or less		Yes		6	
	Of a value of $100 or less and more than $50		Yes	1		
	Of a value of more than $100	Yes		3		
	Straggling				3	3
	Threat, communicating	Yes		3		
	Transporting, unlawfully, a vehicle or aircraft in interstate or foreign commerce.	Yes		5		
	Unclean accouterment, arms, clothing, equipment, or other military property, found with.				1	1
	Uniform, unclean, appearing in, or not in prescribed uniform, or in uniform worn otherwise than in manner prescribed.				1	1
	Unlawful entry		Yes		6	
	Weapon, concealed, carrying		Yes	1		
	Wearing unauthorized insignia, medal, decoration, or badge.				6	6
	Wrongful cohabitation				4	4

[7] Unless otherwise provided in the Table, any person subject to the Code who is found guilty of soliciting or inducing another person to commit an offense which, if committed by one subject to the Code, would be punishable under this Table, shall be subject to the maximum punishment authorized for the offense solicited or induced, except that in no case shall the death penalty be imposed nor shall the period of confinement in any case, including offenses for which life imprisonment may be adjudged, exceed 5 years.

SECTION B

Permissible additional punishments. If an accused is found guilty of an offense or offenses for none of which dishonorable discharge is authorized, proof of three or more previous convictions adjudged by a court during the year next preceding the commission of any offense of which the accused stands convicted will authorize dishonorable discharge and forfeiture of all pay and allowances and, if the confinement otherwise authorized is less than one year, confinement at hard labor for one year. In computing the one-year period preceding the commission of any offense, periods of unauthorized absence as shown by the findings in the case or by the evidence of previous convictions should be excluded. See 75*b*(2) as to further limitations on consideration of previous convictions.

If an accused is found guilty of an offense or offenses for none of which dishonorable or bad-conduct discharge is authorized, proof of two or more previous convictions adjudged by a court during the three years next preceding the commission of any offense of which the accused stands convicted will authorize bad-conduct discharge and forfeiture of all pay and allowances and, if the confinement otherwise authorized is less than three months, confinement at hard labor for three months. See 15*b* concerning the limitations on the power of special courts-martial to adjudge a bad-conduct discharge and forfeitures and 75*b*(2) for limitations on consideration of previous convictions.

If an accused is found guilty of two or more offenses for none of which dishonorable or bad-conduct discharge is authorized, the fact that the authorized confinement without

substitution for these offenses is six months or more will, in addition, authorize bad-conduct discharge and forfeiture of all pay and allowances. But see 15*b*.

A general court-martial may adjudge a fine as an additional punishment in an appropriate case. See 126*h* (3).

If an enlisted member of other than the lowest enlisted grade is convicted by a court-martial the court may, in its discretion, adjudge reduction to any inferior grade in addition to the punishments otherwise authorized. But see 16*b* concerning the limitations on summary courts-martial. See also 126*c*. Reprimand or admonition may be adjudged in any case.

Chapter XXVI

NONJUDICIAL PUNISHMENT

AUTHORITY—POLICIES APPLICABLE—EFFECT OF ERRORS—PUNISHMENTS—RIGHT TO DEMAND TRIAL—PROCEDURE; RECORDS OF PUNISHMENT—SUSPENSION, MITIGATION, REMISSION, AND SETTING ASIDE—APPEALS

128. AUTHORITY. ***a. Who may impose nonjudicial punishment.*** Unless otherwise provided by this chapter or regulations of the Secretary concerned, a commanding officer may, under Article 15, impose disciplinary punishments for minor offenses, without the intervention of a court-martial, upon commissioned officers, warrant officers, and other military personnel of his command. As used in this chapter, the term "commanding officer" or "commander" includes a warrant officer exercising command.

Under regulations prescribed by the Secretary concerned, a commanding officer exercising general court-martial jurisdiction or an officer of general or flag rank in command may delegate his powers under Article 15 to an officer who is one of his principal assistants. Those regulations shall define what officers may be considered as principal assistants for these purposes. Unless otherwise prescribed by those regulations or the terms of the delegation, the officer to whom those powers are delegated has the same authority under Article 15 as the officer who delegated the powers. Subject to regulations of the Secretary concerned, a commanding officer having disciplinary authority under Article 15 may limit or withhold the exercise by a subordinate commander of any disciplinary authority that subordinate commander would otherwise have under that article.

In the Army and Air Force, authority under Article 15 may be exercised only by commanding officers and officers to whom this authority has been delegated. In the Navy, Marine Corps, and Coast Guard, that authority may be exercised by commanding officers and officers to whom this authority has been delegated. In addition, an officer in charge of any unit of the Navy, Marine Corps, or Coast Guard may impose upon enlisted members assigned to the unit of which he is in charge, and take action under 134 concerning, those punishments authorized to be imposed by a commanding officer who is below the grade of lieutenant commander or major which the Secretary concerned may specifically prescribe by regulation. For the purposes of Article 15, the term "assigned," as used in the preceding sentence, has the same meaning as the term "of his command." In matters within the authority of an officer in charge, the term "commanding officer" or "commander," as used in this chapter, includes an officer in charge. The Army and Air Force have no "officer in charge" as that term is used in Article 15(c).

b. Minor offenses. The term "offenses," as used in connection with the authority to impose disciplinary punishment under Article 15 for minor offenses,

includes only those acts or omissions constituting offenses under the punitive articles of the Uniform Code of Military Justice. The nature of an offense, and the circumstances surrounding its commission, are among the factors which must be considered in determining whether or not it is minor in nature. Generally, the term "minor" includes misconduct not involving any greater degree of criminality than is involved in the average offense tried by summary court-martial. This term ordinarily does not include misconduct of a kind which, if tried by general court-martial, could be punished by dishonorable discharge or confinement for more than one year. The imposition and enforcement of disciplinary punishment under this article for an act or omission is not a bar to trial by court-martial for a serious crime or offense which grew out of the same act or omission and which is not properly punishable under this article. See 68*g* and Article 15(f). However, the accused may show at the trial that he has been punished under Article 15 and, if he does, this fact must be considered in determining the measure of punishment to be adjudged if a finding of guilty results.

c. Nonpunitive measures. Article 15 and this chapter do not apply to, include, or limit the use of those nonpunitive measures that a commanding officer or an officer in charge is authorized and expected to use to further the efficiency of his command or unit, such as administrative admonitions, reprimands, exhortations, disapprovals, criticisms, censures, reproofs, and rebukes, written or oral, not imposed as punishment for a military offense. These nonpunitive measures may also include, subject to any applicable regulations, administrative withholding of privileges.

d. Double punishment and increase in punishment prohibited. When punishment has been imposed upon a person under Article 15 for an offense, punishment may not again be imposed upon him for the same offense under Article 15 either by the commanding officer who imposed the punishment or by any other commanding officer. But see 128*b*.

Once punishment has been imposed it may not be increased, upon appeal or otherwise.

129. POLICIES APPLICABLE. ***a. General.*** Commanders are responsible for the maintenance of discipline within their commands. In the great majority of instances, discipline can be maintained through effective leadership including, when required, the use of those nonpunitive measures which a commander is expected to use to further the efficiency of his command or unit and which are not imposed under Article 15. See 128*c*. When a minor offense has been committed and nonpunitive measures are considered insufficient, authority under Article 15 should ordinarily be used unless it is clear that only trial by court-martial will meet the needs of justice and discipline.

If a commanding officer determines that his authority under Article 15 is insufficient to make a proper disposition of the case, or if his authority to impose punishment under that article has been withheld (see 128*a*), he may refer the case to a superior commander for appropriate disposition.

Before exercising authority under Article 15, the officer who is to exercise it must thoroughly evaluate each case on an individual basis. No policy may be established whereby certain categories of offenses must be disposed of under Article 15 regardless of the circumstances, or predetermined kinds or amounts

of punishments must be imposed for certain classifications of offenses that are proper for disposition under Article 15.

b. Purpose and nature of action under Article 15. Punishments under Article 15 are primarily corrective in nature. In determining the appropriate kind and amount of punishment to be administered, commanding officers should consider the age, experience, intelligence, and prior disciplinary and military record of the offender, as well as all the other facts and circumstances of the case. When selecting the appropriate kind or combination of punishments to be imposed, commanders should consider the nature and characteristics of the various forms of authorized punishment discussed in 131*c*. This information should also be used by superior authority to whom appeals from punishments imposed under this article are directed when he takes action on those appeals.

In determining an appropriate punishment, commanders should consider the desirability of suspending probationally all or a portion of the punishment selected. Probational suspension of punishment normally is warranted in the case of first offenders or when persuasive extenuating or mitigating matters are present. Suspension not only provides a behavioral incentive to the offender but also affords the commander an excellent opportunity to evaluate the offender during the period of suspension.

130. EFFECT OF ERRORS. A failure to comply with any of the procedural provisions of this chapter will not invalidate a punishment imposed under Article 15, except to the extent that may be required by a clear and affirmative showing of injury to a substantial right of the person on whom the punishment was imposed, which right was neither expressly or impliedly waived.

131. PUNISHMENTS. ***a. General limitations.*** The Secretary concerned may, by regulations, place limitations on the powers granted by Article 15 with respect to the kind and amount of the punishment authorized (Art. 15(a)). Subject to 128*a*, and any limitations contained in regulations of the Secretary concerned, the kinds and amounts of punishment authorized by Article 15(b) may be imposed upon military personnel of any armed force as provided in this paragraph (131).

b. Authorized maximum punishments. In addition to or in lieu of admonition or reprimand, one or more of the following disciplinary punishments may, subject to the limitations of 131*d*, be imposed upon military personnel of their commands by the categories of commanding officers designated herein:

(1) *Upon commissioned officers and warrant officers of his command.* (*a*) by any commanding officer, restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days;

(*b*) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command—

1. arrest in quarters for not more than 30 consecutive days;

2. forfeiture of not more than one-half of one month's pay per month for two months;

3. restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

4. detention of not more than one-half of one month's pay per month for three months.

(2) *Upon other military personnel of his command* (*a*) by any commanding officer—

1. if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;
2. correctional custody for not more than seven consecutive days;
3. forfeiture of not more than seven days' pay;
4. reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;
5. extra duties, including fatigue or other duties, for not more than 14 consecutive days;
6. restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days;
7. detention of not more than 14 days' pay;

(*b*) if imposed by a commanding officer of the grade of major or lieutenant commander or above—

1. if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;
2. correctional custody for not more than 30 consecutive days;
3. forfeiture of not more than one-half of one month's pay per month for two months;
4. reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but enlisted members in pay grades above E–4 may not be reduced more than one pay grade, except that during time of war or national emergency declared by the Congress, this category of persons may be reduced two grades if the Secretary concerned determines that circumstances require the removal of this limitation;
5. extra duties, including fatigue or other duties, for not more than 45 consecutive days;
6. restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;
7. detention of not more than one-half of one month's pay per month for three months.

c. Nature of punishments. (1) *Admonition and reprimand.* When admonition or reprimand is imposed as punishment under Article 15, it should be clearly indicated that it is imposed as a punishment under that article. See 128*c* as to admonitions and reprimands imposed as purely administrative measures.

In the case of commissioned officers and warrant officers, admonitions and reprimands given as punishment under Article 15 must be administered in writing. In other cases, unless otherwise prescribed by regulations of the Secretary concerned, they may be administered either orally or in writing.

An admonition or reprimand may be imposed in lieu of or combined with other Article 15 punishments.

(2) *Restriction.* This form of punishment is the least severe form of deprivation of liberty. Restriction involves moral rather than physical restraint. The severity of this type of restraint is dependent not only upon its duration but also upon the geographical limits specified when the punishment is imposed. A person undergoing restriction may be required to report to a designated place at specified times if it is considered reasonably necessary to insure that the punishment is being properly executed. Unless otherwise specified by the commanding officer imposing this form of punishment, a person in restriction may be required to perform any military duty.

(3) *Arrest in quarters.* The authority to impose arrest in quarters as punishment under Article 15 may be exercised only by an officer exercising general court-martial jurisdiction or by a general or flag officer in command. Arrest in quarters as a punishment under Article 15 may be imposed only upon commissioned officers and warrant officers.

As in the case of restriction, the restraint involved in this punishment is enforced by a moral obligation rather than by physical means. An officer undergoing this punishment may be required to perform those duties prescribed by regulations of the Secretary concerned. However, an officer so punished is required to remain within his quarters during the period of punishment unless the limits of his arrest are otherwise extended by appropriate authority. The quarters of an officer may consist of his military residence, whether a tent, stateroom, or other quarters assigned to him, or a private residence occupied by him when he has not been furnished Government quarters.

(4) *Correctional custody.* Correctional custody is the physical restraint of a person during duty or nonduty hours, or both, imposed as a punishment under Article 15, and may include extra duties, fatigue duties, or hard labor. If practicable, this form of restraint will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial. A person undergoing correctional custody may be required to perform those regular military duties, extra duties, fatigue duties, and hard labor which may be assigned by the authority charged with the administration of the punishment. The conditions under which correctional custody is served shall be prescribed by regulations of the Secretary concerned. In addition, the Secretary concerned may, by regulations, limit the categories of enlisted members upon whom this kind of punishment may be imposed. The authority competent to order the release of a person from correctional custody shall be as designated by regulations of the Secretary concerned.

(5) *Confinement on bread and water or diminished rations.* This punishment may be imposed only upon an enlisted person attached to or embarked in a vessel. See 132. Confinement on bread and water or diminished rations involves confinement in a place where the person so confined may communicate only with authorized personnel. The ration to be furnished a person undergoing a punishment of confinement on diminished rations is that specified by the authority charged with the administration of the punishment, but the ration may not consist solely of bread and water unless this punishment has been specifically imposed. When punishment on bread and water or diminished rations is imposed, a signed certificate of a medical officer (see 125), containing his opinion that no serious injury to the health of the person to be confined will be caused by that punishment, must be obtained before the punishment is executed. The categories of enlisted personnel upon whom this type of punishment may be imposed may be limited by regulations of the Secretary concerned.

(6) *Extra duties.* This punishment involves the performance of duties in addition to those normally assigned to the person undergoing the punishment. Extra duties may include fatigue duties. Military duties of any kind may be assigned as extra duty (but see 125). Extra duties assigned as punishment of noncommissioned officers, petty officers, or any other enlisted persons of assimilative positions designated by regulations of the Secretary concerned, may not be of a kind which demeans their grades or positions.

(7) *Reduction in grade.* Reduction in grade is one of the most severe forms of nonjudicial punishment which may be imposed as a penalty for misconduct. Accordingly, a commander's authority to effect a reduction should be utilized with discretion.

As used in Article 15, the phrase "if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction" does not refer to the authority to promote the individual concerned but to the general authority to promote to the grade held by the individual to be punished.

(8) *Forfeiture of pay.* Forfeiture involves a permanent loss of entitlement to the pay forfeited. The word "pay," as used with respect to forfeiture of pay under Article 15, refers only to the basic pay of the individual plus any sea or foreign duty pay. "Basic pay" includes no element of pay other than the basic pay fixed by statute for the grade and length of service of the individual concerned and does not include special pay for a special qualification, incentive pay for the performance of hazardous duties, proficiency pay, subsistence and quarters allowances, and similar types of compensation. If the punishment includes both reduction, whether or not suspended, and forfeiture of pay, the forfeiture must be based on the grade to which reduced. Also, any monthly contribution from his pay that an enlisted person with dependents is required by law to make to entitle him to a basic allowance for quarters must be deducted before the net amount of pay subject to forfeiture is computed. The amount to be forfeited will be expressed in dollar amounts only (not in dollars and cents) and not in a number of days' pay or fractions of monthly pay. If the forfeiture is to be applied for more than one month, the amount to be forfeited per month and the number of months should be stated. Forfeiture of pay may not extend to any pay accrued before the date of its imposition.

(9) *Detention of pay.* Unlike a forfeiture of pay, a detention of pay involves only a temporary withholding of pay. The period for which the pay is to be detained, which may not be for more than one year from the date punishment is imposed, must be specified at the time the punishment of detention is imposed. As in the case of a forfeiture of pay, only basic pay plus sea or foreign duty pay may be detained. The amount to be detained will be expressed in dollar amounts only (not in dollars and cents) and not in a number of days' pay or fractions of monthly pay. If the detention is to be applied for more than one month, the amount to be detained per month and the number of months should be stated. If the punishment includes both reduction, whether or not suspended, and detention of pay, the detention must be based on the grade to which reduced. Any monthly contribution that an enlisted person with dependents is required by law to make to entitle him to a basic allowance for quarters must be deducted before the net amount of pay subject to detention is computed. The amount of pay detained is returned to the offender at the expiration of the

specified period of detention or the offender's term of service, whichever is earlier. Detention of pay may not extend to any pay accrued before the date of its imposition.

d. Combination and apportionment. The punishments of restriction and extra duties may be combined to run *concurrently*, but the combination may not exceed the maximum duration imposable for extra duties. Neither restriction nor extra duties may be combined to run concurrently with correctional custody beyond the maximum duration imposable for correctional custody. The punishment of restriction in the case of an officer may not be combined to run concurrently with arrest in quarters beyond the maximum duration imposable for arrest in quarters. The punishment of correctional custody inherently includes a form of restriction and may include extra duties.

As provided by Article 15(b), neither the punishments of arrest in quarters and restriction in the case of an officer, nor two or more of the punishments of correctional custody, extra duties, and restriction in the case of an enlisted person, may be combined to run *consecutively* in the maximum amount imposable for each. All of these punishments are in the nature of deprivation of liberty, and when they are combined to run consecutively there must be an apportionment in accordance with the provisions of this subparagraph (131*d*). Forfeiture of pay and detention of pay may not be combined to run either consecutively or concurrently without an apportionment. Both punishments amount to a deprivation of entitlement to pay, either permanently or temporarily. See example (2), below, for an illustration of a properly apportioned combination

Confinement on bread and water or diminished rations may not be imposed in combination with correctional custody, extra duties, or restriction.

In those instances in which an apportionment is required when combining certain punishments, the following Table of Equivalent Nonjudicial Punishments, derived from the statutory maximum authorized punishments, will be used in substituting one form of punishment for another:

Table of Equivalent Nonjudicial Punishments

Kind of punishment	Upon commissioned and warrant officers (To be used only by an officer with GCM jurisdiction, or by a flag officer in command or his delegate)	Upon other personnel
Arrest in quarters	1 day	
Restriction	2 days	2 days
Extra duties		1½ days*
Correctional custody		1 day
Forfeiture of pay	1 day's pay	1 day's pay
Detention of pay	1½ days' pay	1½ days' pay*

*The factors designated by asterisks in the table above are 2 instead of 1½ when the punishment is imposed by a commanding officer below the grade of major or lieutenant commander. The punishment of forfeiture and detention of pay may not be substituted for the other punishments listed in the table, nor may those other punishments be substituted for forfeiture or detention of pay.

The use of the foregoing table is illustrated by the following examples:

(1) A commanding officer in the grade of major or lieutenant commander, or above, may impose punishment consisting of correctional custody for 10 days, extra duties for 15 days, and restriction to limits for 20 days to run consecutively, using the following calculation: the authorized maximum

correctional custody imposable is 30 days, of which only 10 days have been imposed; 15 days of extra duties can be substituted for 10 of the unused days of correctional custody (1½ for 1); and 20 days of restriction to limits can be substituted for the remaining 10 days of unused correctional custody (2 for 1). Additionally, the commanding officer may impose a forfeiture or detention of pay, or a properly apportioned combination of those punishments, a reduction, and an admonition or reprimand.

(2) A commanding officer in the grade of major or lieutenant commander, or above, may impose upon an enlisted person a forfeiture of 5 days' pay and a detention of 10 days' pay for the first month, the same forfeiture and detention for the next month, and a detention of 10 days' pay for the third month. This is calculated as follows: the total amount that may be forfeited is one-half of one month's pay per month for two months, or 30 days' pay. However, a total of only 10 days' pay has been forfeited, leaving a total permissible detention of 30 days' pay (20 x 1½). The monthly allocation of forfeitures and detentions, shown in the example, has been made because (A) the combination of punishments may not operate so as to deprive the offender of more than one-half of his monthly pay in any one month, and (B) the forfeitures may not be imposed beyond the second month. Other allocations, equally within the above principles, could be made.

The Table of Equivalent Nonjudicial Punishments may be used only when punishment is initially imposed. It may not be used in mitigating punishment or at the time of vacation of suspension of punishments. For example, a punishment of 20 days' correctional custody may not, at the end of ten days, be mitigated to restriction for more than 10 days as only 10 days of the original punishment remains unserved. Also, a punishment of 20 days' correctional custody which has been suspended may not at the time of the vacation of the suspension be mitigated to restriction for more than 20 days.

e. Effective date and execution of punishments. The punishments of reduction, forfeiture of pay, and detention of pay, if unsuspended, take effect on the date the commanding officer imposes the punishments. Other punishments, if unsuspended, will take effect and be carried into execution as prescribed by regulations of the Secretary concerned.

132. RIGHT TO DEMAND TRIAL. Except in the case of a person attached to or embarked in a vessel, punishment may not be imposed under Article 15 upon any member of the armed forces who has, before the imposition of the punishment under that article, demanded trial by court-martial in lieu of the punishment thereunder. He also has the right, in all cases, to refuse trial by summary court-martial (Art. 20; 16*a;* 79*d*(1)). Thus, if a serviceman refuses both punishment under Article 15 and trial by summary court-martial, he may then be tried, if at all, only by a special or general court-martial. A person is attached to or embarked in a vessel if, at the time the nonjudicial punishment is imposed, he is assigned or attached to the vessel, is on board for passage, or is assigned or attached to an embarked staff, unit, detachment, squadron, team, air group, or other regularly organized body. If the member is attached to or embarked in a vessel, he does not have the right to demand trial by court-martial in lieu of punishment under this article unless this right shall have been specifically granted by regulations of the Secretary concerned.

133. PROCEDURE; RECORDS OF PUNISHMENT. ***a. Procedure for Army and Air Force.*** The commanding officer, upon ascertaining to his satisfaction after any inquiry he considers necessary that an offense punishable under Article 15 has been committed by a member of his command, will, if he determines to exercise his Article 15 authority, so notify the member of the nature of the alleged misconduct by a concise statement of the offense in such terms that a specific violation of the code is clearly stated and inform him that he intends to impose punishment under Article 15 for the misconduct unless, if such a right exists (132), trial by court-martial is demanded. Also, unless prohibited by regulations of the Secretary concerned, the commander may notify the member concerned of his intention to recommend to a superior commander that the member be punished under Article 15 for his alleged misconduct unless, if such a right exists (132), trial by court-martial is demanded. The notification will also inform the member that he may submit any matter desired in mitigation, extenuation, or defense. In every case, the member will be notified that he is not required to make any statement regarding the offense or offenses of which he is accused or suspected and that any statement made by him may be used against him in a trial by court-martial. An election to accept nonjudicial punishment constitutes a waiver of the right to demand trial. A demand for trial does not require that charges be preferred, transmitted, or forwarded, but punishment may not be imposed under Article 15 while the demand is in effect.

The member will be given a reasonable time to reply to the notification of intent to impose or recommend the imposition of Article 15 punishment, state whether he demands trial by court-martial, if that right exists (132), and submit any matter in extenuation, mitigation, or defense he desires to be considered. With respect to an offense or offenses as to which a right to trial by court-martial exists but has not expressly been demanded, punishment may be imposed immediately by the commander indicated in the notice as the commander who is to impose the punishment. Punishment may be imposed only by the personal action of the commander or officer delegated that authority in accordance with 128*a*. The member will be notified of the punishment imposed, informed of his right to appeal to the next superior authority, and directed to acknowledge receipt of the notification of punishment and to state his election regarding an appeal.

The proceedings will be conducted in writing in all cases involving commissioned officers and warrant officers and in all cases in which the punishment includes reduction in grade, confinement on bread and water or diminished rations, correctional custody, restriction or extra duties for more than 14 days, or forfeiture or detention of pay. In other cases the proceedings may be in writing or may be conducted orally, following the same sequence. However, in any case the member may be permitted to appear in person before the officer authorized to impose the punishment, and that officer may personally interview witnesses. Any written statements or other documentary evidence pertaining to the case which have been considered by the officer authorized to impose the punishment shall be attached to the file in the manner prescribed by pertinent regulations. When oral proceedings are conducted, the commander will cause a summarized record to be made and filed.

b. Procedure for Navy, Marine Corps, and Coast Guard. Unless in appropriate cases (132), the accused has demanded trial by court-martial in lieu of nonjudicial punishment, the commanding officer will ordinarily inquire at the mast, or office hours, into the facts as to any minor offenses allegedly committed by a member of his command. If, where permitted under 132, the accused has demanded trial by court-martial, the commanding officer may proceed in accordance with 33 without a mast or office hours hearing, except that he may not impose nonjudicial punishment while the demand is in effect. An accused who does not demand trial by court-martial in lieu of nonjudicial punishment may nevertheless be tried by court-martial if the circumstances of the case so warrant.

Subject to the foregoing, when the mast or office hours procedure is followed, the accused will be accorded a hearing which shall include the following elemental requirements:

(1) Presence of the accused before the officer conducting the mast.

(2) Advice to the accused of the offenses of which he is suspected.

(3) Explanation to the accused of his rights under Article 31(b) of the Uniform Code of Military Justice.

(4) Presentation of the information against the accused, either by the testimony of witnesses in person or by the receipt of their written statements, copies of the latter being furnished to the accused.

(5) Availability to the accused for his inspection of all items of information in the nature of physical or documentary evidence which will be considered.

(6) Full opportunity to the accused to present any matters in mitigation, extenuation, or defense of the suspected offenses. At the completion of the hearing, the commanding officer may impose punishment under Article 15.

Under extraordinary circumstances, the commanding officer may designate an officer to conduct the hearing, described above, and that officer shall thereafter promptly provide him with a summary transcript of all information presented at the hearing and having any bearing on the guilt or innocence of the accused and the quantum of punishment to be imposed. Upon the receipt of that transcript, punishment under Article 15 may be imposed without further hearing.

The record of a court of inquiry or other fact-finding body, in which proceeding the accused was accorded the rights of a party with respect to an act or omission for which nonjudicial punishment is contemplated, may be substituted for the impartial hearing required above.

A summary transcript of all information presented at a hearing and having any bearing on the guilt or innocence of the accused and the quantum of punishment to be imposed, or a copy of the report of a court of inquiry or other fact-finding body, together with any additional information presented by the accused, shall be forwarded with any reference of a breach of discipline to a superior competent authority when that reference is made under the policy set forth in 129. If the superior competent authority imposes punishment under Article 15, the accused shall be notified personally or in writing as soon as practicable of the punishment imposed.

The officer imposing punishment shall cause the accused to be promptly and fully informed of his right to appeal from the punishment so imposed. Receipt of all written communications by an accused must be by written indorsement through proper channels.

Admonitions and reprimands imposed as punishments under Article 15 shall be by written communication through proper channels in the case of a commissioned officer or warrant officer, and may, in any case, be by written communication.

c. Records of punishment. Consistent with the requirements of this chapter, records of nonjudicial punishment shall be in that form and contain that matter prescribed by regulations of the Secretary concerned. These regulations will also provide for the disposition of records of nonjudicial punishment.

134. SUSPENSION, MITIGATION, REMISSION, AND SETTING ASIDE. Under Article 15(d), the officer who imposes the punishment or his successor in command may, at any time, remit or mitigate any part or amount of the unexecuted portion of the punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. He may also mitigate reduction in grade, whether executed or unexecuted, to forfeiture or detention of pay. In addition, he may, at any time, suspend probationally any part or amount of the unexecuted portion of the punishment imposed and may suspend probationally a reduction in grade or a forfeiture, whether or not executed. An uncollected forfeiture of pay shall be considered as unexecuted. A "successor in command," within the meaning of Article 15, shall be as prescribed by regulations of the Secretary concerned.

Pursuant to Article 15(a), relating to the promulgation of rules concerning the suspension of punishments, the following rules are prescribed:

(1) An executed punishment of reduction or forfeiture may be suspended only within a period of four months after the date of its imposition.

(2) Suspension of a punishment may not be for a period longer than six months from the date of the suspension, and the expiration of the current enlistment or term of service of the person involved automatically terminates the period of suspension.

(3) Unless the suspension is sooner vacated, suspended portions of the punishment are remitted, without further action, upon the termination of the period of suspension.

(4) Vacation of suspension may be effected by any commanding officer or officer in charge competent to impose upon the offender concerned punishment of the kind and amount involved in the vacation of suspension.

Although a formal hearing is not necessary to vacate a suspension, if the punishment suspended is of the kind set forth in Article 15(e)(1)–(7), the probationer should, unless impracticable, be given an opportunity to appear before the officer authorized to vacate suspension of the punishment to rebut any derogatory or adverse information upon which the proposed vacation is based, and may be given the opportunity so to appear in any case.

When mitigating—

(1) arrest in quarters to restriction;

(2) confinement on bread and water or diminished rations to correctional custody;

(3) correctional custody or confinement on bread and water or diminished rations to extra duties or restriction, or both; or

(4) extra duties to restriction;

the mitigated punishment may not be for a greater period than the punishment

mitigated. For example, if a punishment of arrest in quarters for 15 days is to be mitigated to restriction to specified limits, the duration of the restriction may not exceed 15 days. Similarly, when mitigating forfeiture of pay to detention of pay, the amount of the detention may not be greater than the amount of the forfeiture. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention may not be greater than the amount that could have been imposed initially under Article 15 by the officer who imposed the punishment mitigated. Thus, if a commander in a grade below major or lieutenant commander imposes a reduction and it is later mitigated by him or superior authority, the maximum mitigated punishment would be 7 days' forfeiture of pay or 14 days' detention of pay (131). Restriction may not be mitigated to a lesser period of other punishments in the nature of deprivation of liberty, such as correctional custody or extra duties, for restriction is the least severe form of deprivation of liberty.

The power to set aside punishments and restore rights, privileges, and property affected by the executed portion of a punishment should ordinarily be exercised only when the authority considering the case believes that, under all the circumstances of the case, the punishment has resulted in a clear injustice. Also, the power to set aside an executed punishment and mitigate a reduction in grade to a forfeiture or detention of pay should ordinarily be exercised only within a reasonable time after the punishment has become executed. In this connection, four months is a reasonable time in the absence of unusual circumstances.

An application for suspension, mitigation, remission, or setting aside of the punishment in whole or in part not made within a reasonable time may be rejected by the authority to whom the application is made. In the absence of unusual or special circumstances, such an application made more than 15 days after the punishment was imposed may be considered as not having been made within a reasonable time.

135. APPEALS. A person punished under the authority of Article 15 who considers his punishment unjust or disproportionate to the offense may, through the proper channels, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may, in the meantime, be required to undergo the punishment adjudged (Art. 15(e)). An appeal not made within a reasonable time may be rejected by the superior authority. In the absence of unusual circumstances, an appeal made more than 15 days after the punishment was imposed may be considered as not having been made within a reasonable time. Authority "superior" to a particular commanding officer is the authority normally superior in the chain of command or any other authority who may be designated as a superior for the purposes of Article 15, under regulations which the Secretary concerned may prescribe. However, when the punishment has been imposed under a delegation of a commander's power to impose nonjudicial punishment (see 128), the appeal will not be directed to that commander.

Appeals will be made in writing and may include the appellant's reasons for regarding the punishment as unjust or disproportionate. Before acting on an appeal from any punishment of the kind set forth in Article 15(e)(1)–(7), the authority who is to act on the appeal shall refer the case to a judge advocate of the Army, Navy, Air Force or Marine Corps, or a law specialist or lawyer of

the Marine Corps, Coast Guard, or Transportation Department for consideration and advice, and may so refer the case upon appeal from any punishment imposed under Article 15. When a case is referred to a judge advocate, law specialist, or lawyer for consideration, he is not limited to an examination of any written matter comprising the record of proceedings and may make any inquiries he determines to be desirable. If the authority to whom an appeal is made has no legal personnel of the categories mentioned above serving on his staff or otherwise available to him, he may either—

(1) refer the case for consideration and advice by appropriate legal personnel of one of those categories serving on the staff of another commander or

(2) refer the case for action to a superior authority who has appropriate legal personnel available to him for this purpose.

In acting upon an appeal, the superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under Article 15(d) by the officer who imposed the punishment or his successor in command. Thus, under the conditions set forth in 134, he may suspend, remit, mitigate, or set aside in whole or in part the punishment imposed. After having considered an appeal, the superior authority will transmit to the appellant, through channels, a written statement of his disposition of the case. Under Article 15(e), any superior authority may exercise the same powers as may be exercised by the officer who imposed the punishment or his successor in command under 134 and Article 15(d), whether or not an appeal has been made from the punishment. If authorized by regulations of the Secretary concerned, a superior authority who is a commanding officer exercising general court-martial jurisdiction, or is an officer of general or flag rank in command, may, under Article 15(a), delegate those powers he has as a superior authority under Article 15(e) and this chapter to a principal assistant.

Chapter XXVII

RULES OF EVIDENCE

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137. GENERAL. The rules stated in this chapter are applicable in cases before courts-martial, including summary courts-martial, and a summary court-martial has the same discretionary power as a military judge concerning the reception of evidence. So far as not otherwise prescribed in this manual, the rules of evidence generally recognized in the trial of criminal cases in the United States district courts or, when not inconsistent with those rules, at common law will be applied by courts-martial. See 57 as to who shall make the rulings and decisions of the court with respect to the admissibility of evidence and other interlocutory matters in general and special court-martial cases.

Unless it is shown that the relaxation of the rules of evidence might injuriously affect the substantial rights of the accused or the interests of the United States, the military judge or the president of a special court-martial without a military judge may as a matter of discretion relax them as to interlocutory matters relating to an application for a continuance (see 58) or to the availability of witnesses (see 145*b*, *c;* Art. 49(d)). For example, with respect to these matters it is permissible to receive in evidence affidavits, certificates of military and civilian officials, and other writings of similar apparent authenticity and reliability, such as a certificate of a physician as to the illness of a witness. See 75*c* as to matters in extenuation or mitigation, 122*c* as to matters concerning the question as to whether further inquiry into the mental condition of the accused should be made, and 146*b* as to the use of affidavits or other written statements to prove the character of the accused.

In court-martial trials conducted in foreign countries, certain categories of witnesses may, by virtue of treaty or executive agreement, have privileges in addition to those mentioned in this chapter.

Evidence to be admissible (competent) must primarily be relevant. Evidence is not relevant, as that term is used in this manual, when the fact which it tends to prove is not part of any issue in the case. Also, evidence is not relevant when, though the fact intended to be proved thereby is part of an issue in the case, the evidence itself is too remote to have any appreciable probative value for that purpose. As used in this manual with reference to the pertinency of evidence, "material evidence" has the same meaning as "relevant evidence."

Evidence which is apparently irrelevant may be admitted provisionally at the discretion of the military judge or the president of a special court-martial without a military judge upon a statement of the party offering it that other facts later to be proved will show its relevancy, but the evidence should afterward be excluded, and the members of the court instructed to disregard it, if its relevancy is not ultimately shown. It is generally more desirable, however, to require the party offering the evidence first to prove the facts showing its relevancy.

The military judge or the president of a special court-martial without a military judge may as a matter of discretion limit the number of witnesses called by either side to testify to the same matter if it appears that the testimony of the excluded witnesses would be merely cumulative.

138. PRESUMPTIONS AND PERMISSIBLE INFERENCES; DIRECT AND CIRCUMSTANTIAL EVIDENCE; REAL EVIDENCE; TESTIMONIAL KNOWLEDGE; OPINION EVIDENCE; CHARACTER EVIDENCE; EVIDENCE OF OTHER OFFENSES OR ACTS OF MISCONDUCT OF THE ACCUSED; EVIDENCE OF HABIT OR USAGE.

a. Presumptions and permissible inferences. (1) *Presumptions.* The term "presumption" is applied to facts which courts are bound to assume in the absence of adequate evidence to the contrary. Examples of presumptions are—An accused person is presumed to be innocent until his guilt is proved beyond a reasonable doubt; and an accused is presumed to have been sane at the time of the offense charged, and to be sane at the time of trial, until a reasonable doubt of his sanity at the time in question is raised by the evidence. See also 148 as to the presumption of competency of witnesses.

These presumptions are procedural rules governing the production of evidence and do not themselves supply evidence.

(2) *Permissible inferences.* There are a number of permissible inferences encountered in the trial of criminal cases which are sometimes loosely referred to as "presumptions" but which actually are not presumptions at all but are merely well-recognized examples of the use of circumstantial evidence. The drawing of these inferences is not mandatory, and their weight or effect is to be measured only in terms of their logical value. The weight which should be given to any inference will depend upon all the circumstances attending the proved facts which give rise to the inference. The fact that evidence is introduced to show the nonexistence of a fact which might be inferred from proof of other facts does not, if the evidence can reasonably be disbelieved, necessarily destroy the logical value of the inference, but the rebutting evidence must be weighed against the inference. The same is true if the evidence is introduced to show the nonexistence of the facts upon which the inference is based. In drawing and weighing inferences, and in considering evidence introduced in rebuttal thereof, common sense and a general knowledge of human nature and the ordinary affairs of life should be applied.

Some examples of common inferences, only the first example having a presumption also present, are—

Since most persons are sane, it may be inferred that a certain person is sane and that he was sane at any given time. Thus, it may be inferred that an accused was sane at the time of the offense and is sane at the time of trial. The inference of sanity permits consideration of all the evidence in the light of the general human experience that most persons are sane.

It may be inferred that a sane person intended the natural and probable consequences of acts shown to have been intentionally committed by him.

When it is shown that a person was acting as a public officer, it may be inferred that he was legally in office and that he performed his duties properly.

It may be inferred that a condition shown to have existed at one time continues to exist. Thus, it may be inferred that a person's residence remains unchanged; for instance, it may be inferred that at the time of trial a deponent continues to reside where he resided at the time his deposition was taken. Also, proof that a certain condition existed at one time will support an inference of its earlier existence if the subsequent condition is one which ordinarily would not exist unless it had also existed at the earlier time. For example, proof that immediately after a collision the lights on a vehicle were not burning, although in working order at that time, would support an inference that the lights had not been turned on at the time of the collision.

Proof that a letter correctly addressed and properly stamped or franked was deposited in the mail will support an inference that it was delivered to the addressee, and a similar inference is permissible in regard to telegrams regularly filed with a telegraph company for transmission.

Identity of name ordinarily will support an inference of identity of person. Whether or not this inference may be drawn in a particular case, and the weight to be given to it if it is drawn, will depend upon how common the name is and upon other circumstances.

When it is shown that a person was in possession of recently stolen property or a part thereof, it may be inferred that the person stole the property and, if it is shown that the property was stolen from a certain place at a certain time and under certain circumstances, that he stole it from that place at that time and under those circumstances.

It may be inferred that one who has assumed the custody of another's property has stolen the property if he refuses or fails to account for or deliver it when an accounting or delivery is due.

The fact that one or more inferences contradict or are inconsistent with one or more other inferences does not necessarily neutralize or destroy the inferences on either side of the question. The relative weights of conflicting inferences should be assessed in accordance with the logical value of each in the light of all attendant circumstances.

b. Direct and circumstantial evidence. Evidence which tends directly to prove or disprove a fact in issue is called direct evidence. Evidence which tends directly to prove or disprove not a fact in issue but a fact or circumstance from which, either alone or in connection with other facts or circumstances, one may, according to the common experience of mankind, reasonably infer the existence or nonexistence of another fact which is in issue is called indirect or circumstantial evidence. For example, on a charge of larceny of a wallet, testimony of a witness that he saw the accused take the wallet from the coat of the owner is direct evidence that the accused took the wallet, and testimony of a witness that he found the wallet hidden in the locker of the accused is circumstantial evidence that the accused took it.

Circumstantial evidence is not resorted to as a secondary or inferior kind of evidence or only when there is an absence of direct evidence. It is admissible even when there is direct evidence. There is no general rule for contrasting the weight of circumstantial and direct evidence. The assertion of an eyewitness may be more convincing than contrary inferences that may be drawn from certain circumstances. Conversely, an inference drawn from one or more circumstances may be more convincing than a contrary assertion of an eyewitness.

c. Real evidence. Physical objects, such as clothing, jewelry, weapons, and marks or wounds on a person's body, may be received or exhibited in evidence if they are relevant to an issue in the case. Evidence of this kind is called real evidence. If an item of real evidence which has been introduced in the case is not to be attached to the record of trial because of the impossibility or impracticability of doing so or for some other reason, the item should be clearly and accurately described for the record by testimony, photographs, or other means so that it may be considered properly upon review of the case. See also 54*d*.

d. Testimonial knowledge. Ordinarily, a witness is qualified to speak only of what he has learned through his senses. For instance, a sentry might testify

that while on a sentry post at night he heard two shots and saw two persons running in the distance, but he may not proceed further and state that the shots killed a man and that one of the persons running was the accused if his information as to the effect of the shots and the identity of the persons running away is based on rumor and gossip heard the following day.

That a witness is not able to testify with positive or absolute certainty about a fact which he has personally observed, or concerning which he is otherwise qualified to testify (see, for example, 138*e*), goes only to the weight and not to the admissibility of whatever testimony he may be able to give with respect to that fact.

A witness may testify as to his own age, including the date of his birth. Similarly, a witness who is a near relation or an adoptive parent of a person may testify as to the person's age, including the person's date of birth.

e. Opinion evidence. It is a general rule that a witness must state facts and not his opinions or conclusions. However, if an inference drawn by a witness from certain facts personally observed by him is of a kind which is commonly drawn and which cannot, or ordinarily cannot, adequately be conveyed to the court by a mere recitation of the observed facts, the witness may state the inference, when the matter inferred is relevant, even though the inference amounts to an opinion or conclusion. Examples of admissible inferences of this kind are the speed of an automobile, whether a voice heard was that of a man, woman, or child, and whether or not a person was drunk. As to the expression of opinion with respect to general mental condition, see 122*c*. See also 138*f*(1) as to opinion evidence concerning character, 138*h* concerning habit or usage, and 143*b*(1) as to opinion evidence concerning handwriting. That a witness is not able to testify with positive or absolute certainty about a fact which he has personally observed, or concerning which he is otherwise qualified to testify, goes only to the weight and not to the admissibility of whatever testimony he may be able to give with respect to that fact.

An expert witness—that is, one who is skilled in some art, trade, profession, or science or who has had specialized training or experience in relation to matters which are not generally within the knowledge of men of common education and experience—may express an opinion on a matter which is within his specialty and which is involved in the inquiry. Before being permitted to express his opinion, it should be shown that he is an expert in the specialty. A showing of expert qualifications may be waived, however, either expressly or by a failure to object on the ground of a lack of such a showing to the reception in evidence of testimony of an expert nature.

Expert testimony may be adduced in several ways. An expert witness may be asked to state his relevant opinion shown to have been based on his personal observation or on an examination or study conducted by him, including an examination or study by him of reports of others of a kind customarily considered in the practice of the expert's specialty, without introducing in evidence or specifying hypothetically or otherwise in the question the particular data upon which the opinion was based and without showing the details of the expert's observation, examination, or study. The expert may be required, on direct or cross-examination, to specify the data upon which his opinion was based and to relate the details of his observation, examination, or study. If in the course of doing so he refers to matters which, if themselves regarded as evidence in the

case would be inadmissible and might improperly influence the members of the court, as when a psychiatrist testifies that his opinion as to the accused's mental responsibility was based in part on the accused's past criminal record, the military judge, or the president of a special court-martial without a military judge, should instruct the members of the court in open session that these matters are to be considered only with respect to the weight to be given to the expert opinion.

An expert witness may also be asked to express an opinion upon a hypothetical question—a question assuming a certain state of facts to exist—if the question is based on facts in evidence at the time the question is asked or, if the military judge or the president of a special court-martial without a military judge as a matter of discretion so permits, on facts which are later to be received in evidence. If evidence of these facts is not later introduced, the hypothetical opinion based on them should be excluded and the members of the court instructed to disregard it. The requirement that hypothetical questions, and the answers thereto, shall be based upon facts in evidence does not apply, however, to questions asked upon cross-examination for the purpose of testing the credibility of the expert witness. See 149*b*(1).

An expert witness who to some extent has based an opinion upon his study of books or papers dealing with his specialty may be cross-examined as to that opinion by reference to any reputable works in his field, including works not relied upon by the expert witness in his testimony.

An admissible opinion or conclusion may be regarded as evidence of the matter to which the opinion or conclusion relates.

f. Character evidence—Proof of character; character of the accused; of others. (1) *Proof of character.* When proof of the character of a person is admissible, the opinion of a witness as to that person's character may be received in evidence if it is shown that the witness has such an acquaintance or relationship with the person as to qualify him to form a reliable opinion in this respect. Another method of proving character is by introducing evidence of reputation for the kind of character involved. By "reputation" is meant the repute in which a person generally is held in the community in which he lives or pursues his business or profession. Testimony concerning the reputation of a person in the community in which he lives or pursues his business or profession must come from someone whose knowledge of that reputation was gained from having himself been a member of the community in question. Thus, testimony of this kind by one who has merely visited the community of a person for the purpose of investigating his character is inadmissible. In the military service, "community" includes an organization, post, camp, ship, or station.

See 146*b* as to the use of affidavits or other written statements to prove the character of the accused.

(2) *Character of the accused.* Evidence that the accused has a bad moral character may not be introduced for the purpose of raising an inference of guilt, although this evidence may be introduced for the purpose of rebutting evidence of good moral character introduced by the defense.

To show the probability of his innocence, the accused may introduce evidence of his own good character, including evidence of his military record and standing as shown by authenticated copies of efficiency or fitness reports or otherwise and evidence of his general character as a moral, well-conducted person and law-abiding citizen. However, he may not, for this purpose, introduce evidence as to some specific trait of character unless evidence of that trait would have a reasonable tendency to show that it was unlikely that he committed the offense charged. For example, evidence of good character as to peaceableness would be admissible to show the probability of innocence in a prosecution for any offense involving violence, but it would not be admissible for such a purpose in a prosecution for a non-violent theft. After the accused introduces evidence as to his good character, the prosecution may, in rebuttal, introduce evidence as to his bad character. However, the character evidence in rebuttal which may properly be received will be limited by the scope of the character evidence introduced by the accused. Thus, when in a prosecution for larceny the accused has confined his proof of good character to evidence of his good character as to honesty, the prosecution may not show in rebuttal that the accused has a bad character as to general morality and conduct but will be limited, with respect to the introduction of character evidence in rebuttal, to proof of his bad character as to honesty; but if the accused has introduced evidence of his general good character as a moral and law-abiding person the prosecution may show not only that the accused has a bad moral character generally but also that he has a bad character as to honesty.

The prosecution is not limited in its rebuttal of evidence of the accused's good character to the method of proving character used by the defense. Consequently, the prosecution may use opinion evidence of bad character in rebuttal of reputation evidence of good character presented by the defense and may use reputation evidence of bad character in rebuttal of opinion evidence of good character presented by the defense. Additionally, if a defense witness testifies as to the good reputation of the accused, the prosecution may cross-examine the witness as to his personal opinion of the character of the accused, provided the witness is qualified to express such an opinion. Also, if a defense witness testifies that in his opinion the accused has a good character, the prosecution may cross-examine the witness concerning the reputation of the accused, provided the witness is qualified to testify concerning the accused's reputation. In all these situations, however, the prosecution will be bound by the general limitations upon the introduction of evidence of bad character in rebuttal previously mentioned.

The prosecution may not, for the purpose of rebutting evidence of the accused's good character, introduce evidence of other specific offenses or acts of misconduct of the accused unless that evidence is in rebuttal of evidence introduced by the defense that other offenses or acts of misconduct were not committed (see the seventh paragraph of 153*b*(2)(*b*)) or is admissible under 138*g*. See also 75*d*.

If the accused testifies as a witness, the prosecution may, for the purpose of impeaching his credibility, show that the accused has a bad character as to truth and veracity. If the credibility of the accused is attacked on this or any other ground, the defense may show that the accused's character as to truth and veracity is good. See 153*b*(2)(*a*).

(3) *Character of persons other than the accused.* Evidence as to the character of persons other than the accused is admissible when it is relevant to an issue in the case. Thus, for example, when there is a question as to whether the accused was acting in the heat of sudden passion caused by adequate provocation in taking the life of a person who purportedly attacked him (see 198*a*,

Voluntary manslaughter) or as to whether the accused was acting in self-defense or in defense of another (see 216*c*), it may be shown that the alleged victim of the homicide or assault had a violent character or that he had a peaceable character. This evidence is admissible because of its relevancy to the inquiry as to whether the alleged victim had provoked the accused or as to whether the alleged victim had been the aggressor. It may also be shown in such a case that the accused, at the time of his act, was aware of the violent or peaceable character of the alleged victim or entertained a belief with respect to that character, for this evidence would have some bearing upon the question as to the reasonableness and extent of the passion or apprehension of danger on the part of the accused. When it may be shown, for example, that the alleged victim had a violent character, evidence of specific acts of violence of the alleged victim is admissible to show his violent character as well as opinion or reputation evidence of his violent character (see (1) above). Likewise, when the accused's knowledge or belief, possessed at the time of his act, that the alleged victim had a violent character has been shown, evidence that the accused at that time knew of specific acts of violence of the alleged victim or entertained a belief with respect to those acts is admissible.

Proof of bad moral character of persons other than the accused, including his associates and confederates, is not admissible to raise an inference of the accused's guilt by an implication that he also must have been a person of bad moral character.

See 153*b*(2)(*a*) and the fifth paragraph of 153*b*(2)(*b*) as to the admissibility of evidence of the character of witnesses and of alleged victims of sexual offenses.

g. Evidence of other offenses or acts of misconduct of the accused. The general rule is that evidence of other offenses or acts of misconduct of the accused is not admissible as tending to prove his guilt, for ordinarily this evidence would be useful only for the purpose of raising an inference that the accused has a disposition to do acts of the kind charged or criminal acts in general and, if the disposition thus inferred was to be made the basis for an inference that he did the act charged, the rule forbidding the drawing of an inference of guilt from evidence of the bad moral character of the accused would apply. However, if evidence of other offenses or acts of misconduct of the accused has substantial value as tending to prove something other than a fact to be inferred from the disposition of the accused or is offered in proper rebuttal of matters raised by the defense, the reason for excluding the evidence is not applicable. For instance, evidence of other offenses or acts of misconduct of the accused is admissible in the following circumstances:

(1) When it tends to identify the accused as the perpetrator of the offense charged.

Example: Two adjoining buildings are burglarized on the same night and in a similar manner. It is permissible to show upon the trial of an accused for burglarizing one of the buildings that he participated in the burglary of the other, for this evidence has a reasonable tendency to establish that he participated in the burglary charged.

Example: The accused is charged with burglary. Evidence is admissible that the burglar left a pistol at the scene of the burglary and that the pistol had recently been stolen from X by the accused.

Example: The accused is being tried for inducing X to turn over a large sum of money by a peculiarly ingenious fraudulent scheme. Evidence that the accused obtained money from Y by the same scheme is admissible.

(2) When it tends to prove a plan or design of the accused.

Example: The accused is being tried for having obtained money from Z by going through a marriage ceremony with her, securing the funds on a false representation that he would invest them for her, and then absconding. Evidence that he pursued the same course with W, X, and Y is admissible.

(3) When it tends to prove knowledge or guilty intent in a case in which these matters are in issue.

Example: The accused is charged with receiving stolen goods knowing them to have been stolen. Evidence that before the occasion charged he had received stolen goods under similar circumstances is admissible as tending to prove that on the occasion charged he knew that the goods which were then received by him had been stolen.

Example: The accused is charged with larceny of property belonging to X. Evidence that the accused sold the property is admissible—even if the sale is itself an offense—since this evidence would tend to prove that he intended to deprive X of the property permanently.

But: On a charge of assaulting a person and intentionally inflicting grievous bodily harm, a former assault on a third person under entirely different circumstances would not be admissible, for it would have no bearing on the intent in the case charged.

(4) When it tends to show the accused's consciousness of guilt of the offense charged.

Example: The accused is charged with homicide. Evidence that the accused had absented himself without proper authority shortly after the homicide is admissible as tending to show the accused's consciousness of guilt of the homicide.

(5) When it tends to prove motive.

Example: The accused is charged with desertion with intent to remain away permanently. The fact that at the time of the alleged desertion the accused had allegedly committed larceny and knew that he was under investigation or awaiting trial for that offense would be admissible as evidence of a motive to desert.

Example: The accused is charged with falsification of his accounts. Evidence that he had stolen some of the goods to be accounted for is admissible as tending to show that he had a motive to falsify the accounts for the purpose of concealing the theft.

But: On a charge of falsification of accounts, evidence of falsification in a totally distinct transaction would be inadmissible, for that evidence does not bear upon the involvement of the accused in the offense charged but bears solely upon his moral character.

(6) When it tends to rebut a contention, express or implicit, made by the accused that his participation in the offense charged was the result of accident or mistake or was the result of entrapment.

Example: The accused is charged with an offense involving an accusation that he administered poison to X. The accused, expressly or by implication, defends on the ground that he administered the poison to X as a result of accident or mistake. Evidence that the accused had poisoned other persons is admissible if the circumstances of the other acts are so similar to the circumstances of the act charged that the other acts tend to show that the act charged was not the result of accident or mistake.

Example: The accused is charged with selling military property without proper authority. He defends on the ground of entrapment, claiming that the sale was solicited by a government agent. Evidence that on previous relatively recent occasions the accused had sold military property without proper authority is admissible to show that on the occasion charged the accused was not an otherwise unwilling participant.

(7) When it tends to rebut any issue raised by the defense, unless its sole purpose (see the fourth paragraph of 138*f*(2)) is to rebut evidence of the accused's good character.

Example: The accused is charged with murder committed by stabbing the alleged victim with a knife, and he defends on the ground that he took the life of the victim in self-defense. Evidence that shortly before the homicide the accused had threatened another person with a knife in the absence of any apprehension of harm is admissible as tending to show that the accused was the aggressor with respect to the homicide charged.

If evidence of other offenses or acts of misconduct of the accused is admitted under the above provisions, the military judge, or the president of a special court-martial without a military judge, should instruct the members of the court in open session concerning any limitations upon the purpose for which the evidence may be considered. See 73*a*.

Evidence that the accused *has committed* other offenses or acts of misconduct not amounting to proof of conviction thereof is not admissible, on cross-examination of the accused or otherwise, merely to impeach his credibility as a witness; but if that evidence is in rebuttal of evidence introduced by the defense that other offenses or acts of misconduct were not committed or is for some other reason admissible independently of impeachment it will also be admissible to impeach the accused's credibility as a witness, provided it has a tendency to do so. Evidence that the accused was *convicted* of a crime involving moral turpitude or otherwise affecting his credibility is admissible to impeach his credibility if he testifies. See 153*b*(2)(*b*). When evidence that the accused was convicted

of crime is introduced before the findings and is of a kind which is then admissible only for the purpose of impeaching his credibility as a witness, the military judge, or the president of a special court-martial without a military judge, should instruct the members of the court in open session that in arriving at the findings they may consider the evidence only for the purpose of determining the credibility of the accused.

h. Evidence of habit or usage. Evidence that a person was in the habit of doing a certain thing in a certain way, or that he had been doing a certain thing in a certain way as a matter of usage, is admissible as tending to prove that he acted according to his habit or usage on a specified occasion. Evidence of specific instances of behavior is admissible to prove habit or usage if the evidence is of a sufficient number of instances to warrant a finding of the habit or usage. The most common instance of admissible evidence of habit or usage is evidence of the regular course of action in a business or calling.

See, however, 138*f*(2) and *g* as to the rule forbidding the drawing of an inference of guilt from evidence of the bad moral character of the accused.

139. HEARSAY RULE. ***a. General rule.*** A statement which is offered in evidence to prove the truth of the matters stated therein, but which was not made by the author when a witness before the court at the hearing in which it is so offered, is hearsay. The word "statement" means not only an oral or written expression but also non-verbal conduct of a person intended by him as a substitute for words in expressing the matter stated. Hearsay may not be recited or otherwise introduced in evidence, and it does not become competent evidence by reason of a mere failure to object to its reception in evidence. This rule simply means that a fact cannot be proved by showing that someone stated it was a fact. The basis of the rule is the fundamental principle, which is subject to certain well-established exceptions, that in a criminal prosecution the testimony of the witnesses shall be taken before the court, so that at the time they give the testimony offered in evidence they will be sworn and will be subject to cross-examination, the scrutiny of the court, and confrontation by the accused. Hearsay as defined above includes the testimony of a witness given at the hearing that on another occasion he made a certain statement, if that statement is offered to prove the truth of the matters stated and has not been adopted by the witness as a part of his testimony at the hearing.

The fact that a given statement was made may itself be relevant. If this is so, the making of the statement may be shown by any competent evidence, not for the purpose of proving the truth of what was stated but for the purpose of proving the fact that it was stated.

b. Illustrations. Lieutenant A had conducted a preliminary inquiry (32*b*) into the alleged offense. Testimony by Lieutenant A at the trial that persons other than the accused stated certain facts at the inquiry would be inadmissible to prove those facts since the testimony of Lieutenant A would be hearsay if it was offered for this purpose. However, the testimony of any person who was present at the inquiry that he heard Lieutenant A warn the accused that he did not have to make any statement regarding the offense and that any statement made by him could be used as evidence against him in a trial by court-martial would be admissible for the purpose of showing that the warning was in fact given.

A is being tried for assaulting B. The defense presents the testimony of C that just before the assault C heard B say to A that he was about to kill him with his knife. The testimony of C is not hearsay, for it is offered to show that A acted in self-defense because B made the statement and not to prove the truth of B's statement.

A is being tried for the rape of B. C is able to testify that at an identification lineup B indicated—verbally or otherwise—that A was her attacker. The testimony of C would not be admissible to prove that it was A who raped B, for if it was admitted for that purpose it would be hearsay. See, however, the fourth paragraph of 153*a*.

Private A is being tried for disobedience of a certain order given him orally by Lieutenant B. C is able to testify that he heard Lieutenant B give the order to A. This testimony, including testimony of C as to the terms of the order, would not be hearsay.

The accused is being tried for the larceny of clothes from a locker. A is able to testify that B told A that he, B, saw the accused leave the quarters in which the locker was located with a bundle resembling clothes about the same time the clothes were stolen. This testimony from A would not be admissible to prove the facts stated by B.

B is being tried for wrongfully selling government clothing. Policeman A is able to testify that while on duty as a policeman he saw the accused go into a shop with a bundle under his arm, that A entered the shop and the accused ran away and A was unable to catch him, and that thereafter A asked the proprietor of the shop what the accused was doing there and the proprietor replied that the accused sold him some uniforms for which he paid the accused $30. Testimony by the policeman as to the reply of the proprietor would be hearsay if it was offered to prove the facts stated by the proprietor. The fact that the policeman was acting in the line of his duty at the time the proprietor made the statement would not render the evidence admissible to prove the truth of the statement.

A defense witness in an assault case testifies on direct examination that the accused did not strike the alleged victim, B. On cross-examination by the prosecution, the witness admits that at a preliminary investigation he stated that the accused had struck B. The testimony of the witness as to this statement, unless he further testifies that the statement is true and thus adopts it as part of his testimony at the trial, is inadmissible to prove that the accused in fact struck B, for if it was received for this purpose it would be hearsay. See 153*b*(2)(*c*) with respect to the use of such an inconsistent statement for impeachment purposes.

Official statements made by an officer—as by the commanding officer of a battalion, squadron, or ship, or by a staff officer, in an indorsement or other communication—are not excepted from the operation of the hearsay rule merely by reason of the official character of the communication or the rank or position of the officer making it. Nor is such a statement excepted from the hearsay rule merely because it is among papers referred to the trial counsel with the charges. See 144.

c. Exceptions. The principal exceptions to the hearsay rule applicable in court-martial trials are stated in 140 through 146.

140. CONFESSIONS AND ADMISSIONS; ACTS AND STATEMENTS OF CONSPIRATORS AND ACCOMPLICES. ***a. Confessions and admissions.*** (1) *Definitions.* A confession is an acknowledgment of guilt. An admission is a self-incriminatory statement falling short of an acknowledgment of guilt, even if it was intended by its maker to be exculpatory.

(2) *Voluntariness.* To be admissible against him, a confession or admission of the accused must be voluntary. A confession or admission which was obtained through the use of coercion, unlawful influence, or unlawful inducement is not voluntary. See Article 31.

Some instances of coercion, unlawful influence, and unlawful inducement in obtaining a confession or admission are:

Infliction of bodily harm, including questioning accompanied by deprivation of the necessities of life, such as food, sleep, or adequate clothing.

Threats of bodily harm.

Imposition of confinement, or deprivation of privileges or necessities, because a statement was not made by the accused, or threats thereof if a statement is not made by him.

Promises of immunity or clemency as to any offense allegedly committed by the accused.

Promises of reward or benefit, or threats of disadvantage, likely to induce the accused to make the confession or admission.

Obtaining the statement in violation of Article 31(b) or other warning requirements in this subparagraph (140*a*(2)) as to the right to remain silent.

Obtaining the statement in violation of the warning requirements in this subparagraph (140*a*(2)) as to the right to counsel.

A statement is obtained in violation of Article 31(b) if, without an adequate warning under that article, a person subject to the code or acting as an instrument of such a person or a unit of an armed force obtained it by official interrogation or request, formal or informal, from one who in connection with the interrogation or request was accused or suspected of the offense to which the statement relates. A statement is obtained in violation of other warning requirements as to the right to remain silent if any other official or agent of the United States or of any State thereof or political subdivision of either, or someone acting as an instrument of such an official or agent, obtained it by custodial interrogation from an accused or suspect without having, before any questioning, warned him of his right to remain silent and that anything said by him could be used against him in court. If before or during the questioning the accused or suspect indicates in any manner that he desires to exercise his right to remain silent and that desire remains in effect, any statement thereafter obtained from him by continued interrogation is considered to be the product of unlawful influence and to be involuntary.

A statement is obtained in violation of the warning requirements as to the right to counsel if a person of the types described in the above paragraph obtained it by official interrogation from an accused or suspect when he was in custody without having, before any questioning, warned him of his right to consult, and to have with him at the interrogation, civilian counsel provided by him (or, when entitled thereto, civilian counsel provided for him) or, if the interrogation is a United States military interrogation, military counsel assigned to his case for the purpose. Even if such a warning and the warning

of the right to remain silent were given, a statement obtained at the interrogation from the accused or suspect without the presence of counsel may be regarded as not being the product of unlawful influence, and as being voluntary, only if it is affirmatively shown that with respect to the statement the accused or suspect freely, knowingly, and intelligently waived his right to the assistance of counsel and to remain silent.

A statement of an accused or suspect obtained from him in violation of any of the above warning requirements as to the right to remain silent or the right to counsel is considered to be involuntary, and therefore inadmissable against him, because of the violation alone, even if the accused or suspect knew that he had these rights despite the lack of warning. These warning requirements do not apply to the questioning of witnesses at a trial.

A statement obtained from an accused or suspect in an interrogation conducted in accordance with all applicable rules is not involuntary because that interrogation was preceded by one which was not so conducted, if it clearly appears that all improper influences of the preceding interrogation had ceased to operate on the mind of the accused or suspect at the time he made the statement. See the last paragraph of 150*b* as to the inadmissibility of evidence obtained as a result of information supplied by a statement obtained from the accused by compelling him to incriminate himself, when the compulsion was applied by certain persons acting in a governmental capacity.

The admissibility of a confession or admission of the accused must be established by an affirmative showing that it was voluntary, unless the defense expressly consents to the omission of such a showing. If the statement of the accused was not *obtained* from him, but was made by him spontaneously, for example, without urging, interrogation, or request, it may be regarded as voluntary. However, when the statement was *obtained* from the accused, it may affirmatively be shown that it was voluntary by proof that its making was not induced by a threat, promise, or use of duress amounting to coercion, unlawful influence, or unlawful inducement and that any warnings required above as to the right to remain silent or to counsel were given. See the fourth paragraph of this subparagraph (140*a*(2)) as to the additional proof that is necessary in certain cases.

The accused has the right to testify concerning the involuntary nature of his confession or admission without thereby subjecting himself to cross-examination upon other issues in the case or upon the truth or falsity of the statement, but he will be subject to proper cross-examination as to the voluntariness of the statement and as to his credibility. If he desires to exercise it, he should be accorded this right to testify before a ruling is made as to the admissibility of the statement. If he so requests, he should also be allowed, before such a ruling is made, to present other evidence for the purpose of showing that the statement was involuntary and to cross-examine any witness who has testified as to its voluntary nature. See 57*g*(2) as to hearings upon these matters conducted by the military judge out of the presence of the members of the court.

A ruling of the military judge or the president of a special court-martial without a military judge that a confession or admission of the accused is admissible does not establish for the members of the court that the statement was voluntary. Such a ruling, although it must be based on an interlocutory finding that the statement was voluntary, merely places the confession or admission before the members of the court, that is, the ruling is

final only on the question of admissibility. If a ruling has been made that a confession or admission of the accused is admissible and evidence raising an issue as to the voluntariness of the statement has been introduced in open session, the military judge, or the president of a special court-martial without a military judge, should instruct the court in open session that each member of the court, in connection with his deliberation upon the findings of guilt or innocence, should consider the evidence regarding the circumstances under which the statement was obtained with a view to determining whether the statement was voluntary and must disregard the statement entirely as evidence against the accused if he is not convinced beyond a reasonable doubt that it was voluntary; that each member who so concludes that the statement was voluntary should further consider the evidence regarding the circumstances under which the statement was obtained in determining the weight to be given to the statement and should give weight to the statement only to the extent that he believes it to be truthful; and that with respect to these matters each member should in no way be influenced by the ruling admitting the statement in evidence. So that the members of the court may properly apply the above instruction, the court should also be instructed concerning the legal aspects of voluntariness, including any requirement of a warning or understanding of a warning, pertinent to the case.

(3) *Purported confession or admission of the accused claimed not to have been made by him.* The accused has the right to testify that he did not in fact make a confession or admission asserted to have been made by him without thereby subjecting himself to cross-examination upon other issues in the case or upon the truth or falsity of the disputed statement, but he will be subject to proper cross-examination as to whether the statement was made by him and as to his credibility. If he so requests, the accused should be accorded this right to testify and an opportunity to show otherwise that the statement was not made by him before a ruling is made as to the admissiblity of the statement. See 57*g*(2) as to hearings upon these matters conducted by the military judge out of the presence of the members of the court. If a confession or admission has been received in evidence as having been made by the accused and evidence has been introduced in open session raising an issue as to whether the statement was in fact made by the accused, the military judge, or the president of a special court-martial without a military judge, should instruct the court in open session that each member of the court, in connection with his deliberation upon the findings of guilt or innocence, should consider the evidence as to whether the accused made the statement with a view to determining whether the statement was in fact made by the accused and, if he concludes that it was so made, with a view to determining the weight to be given to the statement; that he must disregard the statement entirely as evidence against the accused if he is not convinced beyond a reasonable doubt that it was in fact made by the accused; and that with respect to these matters he should in no way be influenced by the ruling admitting the statement in evidence.

(4) *Admission by silence.* If an imputation against a person comes to his attention under circumstances that would reasonably call for a denial by him of the accuracy of the imputation if the imputation was not true, a failure on his part to utter such a denial will support an inference that he thereby admitted the truth of the imputation. Thus, if a friend of A, in discussing the theft of a watch, says to A, "I saw you steal that watch last night," and A remains silent, competent evidence of these facts may, in a trial of A for

larceny of the watch, be introduced against A for the purpose of raising an inference that by his silence A admitted the truth of the imputation, for in such a case it could reasonably be concluded that A, if he was innocent, would have exclaimed to his friend that he had not stolen the watch. A person's failure to utter a denial of the correctness of an imputation concerning an offense for which, at the time of the failure, he was in confinement, arrest, or custody or for which, at that time, he was under official investigation cannot be made the basis for an inference of an admission of the truth of the imputation. The fact that on official questioning the accused, in the exercise of his rights under Article 31(b) or its civilian counterpart (see the third paragraph of (2) above), remained silent or refused to answer a certain question is inadmissible against him.

(5) *Corroboration of confessions and admissions.* It is a general rule that a confession or admission of the accused cannot be considered as evidence against him on the question of guilt or innocence unless independent evidence, either direct or circumstantial, has been introduced which corroborates the essential facts admitted sufficiently to justify an inference of their truth. Other confessions or admissions of the accused, if they are themselves of a kind subject to this general rule, may not be used to supply this independent evidence. If the independent evidence raises an inference of the truth of some, but not all, of the essential facts admitted, then the confession or admission may be considered as evidence against the accused only with respect to those essential facts stated in the confession or admission which are so corroborated by the independent evidence. Although the independent evidence is usually introduced before introducing evidence of the confession or admission, the military judge or the president of a special court-martial without a military judge may as a matter of discretion admit the confession or admission in evidence prior to the introduction of the independent evidence upon the condition that the statement must be excluded and disregarded if the above requirement as to the introduction of independent evidence is not eventually met. The independent evidence need not of itself be sufficient to establish beyond a reasonable doubt the truth of facts stated in the confession or admission. For example, if an accused charged with premeditated murder has voluntarily confessed that, intending to kill the alleged victim, he concealed himself so that he might surprise the victim at a certain place and, when the victim passed by, plunged a knife in his back, independent evidence that the victim was found dead as a result of a knife wound in his back at the place where, according to the confession, the incident occurred would support an inference of the truth of the essential facts admitted in the confession and would authorize consideration of the confession in determining whether the accused was guilty of premeditated murder. Although, to satisfy the requirement of corroboration of a confession or admission of an accused, the independent evidence need only raise an inference of the truth of the essential facts admitted, the accused cannot be convicted unless the confession or admission, together with the corroborating and any other evidence, is sufficent to convince the court of the guilt of the accused beyond a reasonable doubt. The rule requiring independent corroborating evidence does not apply to a confession or admission made by the accused before the court by which he is being tried. The rule requiring independent corroborating evidence also does not apply to statements made prior to or contemporaneously

with the act, nor does it apply to statements which are admissible to prove the truth of the matters stated under some rule of evidence other than that pertaining to the admissibility of confessions and admissions.

(6) *Miscellaneous.* A confession or admission not made as testimony in the trial is admissible for the purpose of proving the truth of the matters stated in the confession or admission only when the person who made it is an accused in the case, and it is then admissible for that purpose only with respect to, and against, the accused who made it. These limitations do not apply, however, if the statement is admissible to prove the truth of the matters stated therein without regard to the fact that it is a confession or admission, as when in his testimony at a former trial of the accused an accomplice has made a confession damaging to the accused which is admissible as former testimony under 145*b*.

If only part of a confession or admission or supposed confession or admission of the accused is shown, the defense by cross-examination or otherwise may introduce all other parts of the statement—which may consist of a connected series of statements—that are explanatory of, or in any way relevant to, that part.

A voluntary oral confession or admission of the accused may be proved by the testimony of anyone who heard him make it, even if it was reduced to writing and the writing is not accounted for.

A statement of the accused obtained from him in violation of Article 31 or any of the warning requirements in (2) above, or through the use of coercion, unlawful influence, or unlawful inducement is not admissible in evidence even if it is offered against him for some purpose other than to establish a confession or admission. See Article 31(d). For example, in a case in which a statement of the accused so obtained is charged as being false, it cannot be received in evidence to show that he made it.

See 142*e* (Polygraph tests and drug-induced or hypnosis-induced interviews).

b. Acts and statements of conspirators and accomplices. A statement, including non-verbal conduct amounting to a statement, made by one conspirator during the conspiracy and in pursuance of it is admissible in evidence for the purpose of proving the truth of the matters stated against those of his coconspirators who were parties to the conspiracy at the time the statement was made or who became parties to the conspiracy thereafter. The statement is not admissible merely because it was made while the conspiracy was existing; it must, to be admissible under this rule, have been made in pursuance of the conspiracy. When evidence of such a statement is offered, the question as to whether the conspiracy existed and whether the statement was made in pursuance of it is, for the purpose of determining the admissibility of the statement, decided by the military judge or the president of a special court-martial without a military judge. However, at the discretion of the military judge or the president of a special court-martial without a military judge, the statement may be admitted in evidence without preliminary proof of these matters upon the condition that the statement must ultimately be excluded and disregarded if it is not afterwards shown to be admissible as coming within the rule under discussion or to be otherwise admissible. When the existence of a conspiracy is in issue, either on the merits or as a foundation for the admissibility of evidence, evidence of any act or other conduct of each of the alleged conspirators tending

to prove the conspiracy, including evidence of statements offered for a purpose other than as tending to prove the truth of the matters stated, is admissible for the purpose of showing the existence of the conspiracy, and this is so even if the act or other conduct occurred after the conspiracy had ended.

It is immaterial that the offense charged is the doing of an act rather than a conspiracy to do the act. For example, if X is charged with having murdered A, evidence that X, Y, and Z conspired to murder A and that Z did the killing is admissible. If the conspiracy is shown to have existed, any statement of Y or of Z made during the conspiracy and in pursuance of the purpose to kill A is admissible in evidence against X.

The agreement constituting the conspiracy may be, and usually is, proved by circumstantial evidence. It is seldom possible to prove a formal or express agreement. The agreement constituting the conspiracy may be a tacit one. Evidence of the conduct, including the statements, of an accomplice of the accused or of any person acting in concert with him is, for the purpose of determining its admissibility, treated as if it was evidence of the conduct of a coconspirator.

A statement made by one conspirator after the main objectives of the conspiracy have been achieved or abandoned does not become admissible against his coconspirators, for the purpose of proving the truth of the matters stated, merely because the statement was made in pursuance of a then existing common intent to conceal the conspiracy or otherwise avoid apprehension or punishment therefor. However, if it is shown that as part of the agreement constituting the conspiracy there existed an express agreement among the conspirators to continue, after the achievement or abandonment of the main objectives of the conspiracy, to act in concert with a view to concealing the conspiracy or otherwise avoiding its penal consequences, a statement made in pursuance of that express agreement by one conspirator after the achievement or abandonment of the main objectives of the conspiracy may be received in evidence against his coconspirators for the purpose of proving the truth of the matters stated if the statement is in other respects admissible for that purpose under the general rules set forth above.

When two or more accused are tried at the same trial, evidence of a statement made by one of them which is admissible against him only or against him and some, but not all, of his co-accused may not be received in evidence unless all references inculpating an accused against whom it is inadmissible are effectively deleted or the maker of the statement becomes subject to relevant cross-examination. See also 153*b*(2)(c) as to the instruction which should be given in the case of inconsistent statements of a coconspirator or accomplice.

Evidence that an accomplice of the accused was convicted of or pleaded guilty to the offense charged against the accused or an offense arising out of the same circumstances cannot be received against the accused as tending to prove that the offense charged was committed or that the accused participated in it.

141. STATEMENTS MADE THROUGH INTERPRETERS. As a general rule, a statement made through an interpreter outside of a judicial proceeding may be proved only by the testimony of the interpreter or by other evidence of the statement itself and may not be proved by evidence of the interpreter's translation. However, as an exception to this general rule, if otherwise admissible, evidence of any of the following translations is admissible to prove the statement translated:

A translation made by an agent of the accused, provided proof of the statement translated is to be used against the accused;

A translation made during and in pursuance of the common venture, but not necessarily with knowledge of the venture, by an agent of a coconspirator or accomplice of the accused, provided proof of the statement translated is to be used against the accused;

A translation made by an agent of a witness, provided proof of the statement translated would tend to impeach the credibility of the witness.

When admissible, evidence of a translation of a statement may be furnished by the testimony of any person who heard the translation being made, or by a writing which contains the translation and which is admissible because acknowledged by the person who made the statement or for some other reason. When a party introduces evidence of only part of a translation of a statement, an adverse party may introduce evidence of all other parts of the translation that are relevant to that part. If a person who has carried on a conversation through an interpreter could have rejected the services of that interpreter or in any manner had agreed to his employment or to the accuracy of the translation, it may be considered that the interpreter was the agent of that person. The foregoing provisions as to statements made through interpreters relate only to permissible methods of proving the statements. Other rules should be consulted with respect to determining the admissibility of the statements themselves. See, for example, 140*a* (Confessions and admissions), 140*b* (Acts and statements of conspirators and accomplices), and 153*b*(2)(c) (Inconsistent statements).

When otherwise admissible, testimony given through a sworn interpreter at the trial in which it is offered may properly be received in evidence. Testimony of a *witness* given through an interpreter at another trial or hearing may be proved by the testimony of the interpreter. It may be also proved by the record of trial or hearing or by other evidence of the interpretation when the testimony of the witness is competent as former testimony under 145*b*, or otherwise, without a showing that the interpreter is unavailable. An interpretation may not be used to prove the truth of the testimony interpreted unless that testimony is itself competent as former testimony or is otherwise competent in the case being tried for the purpose of proving the truth of the matters stated. Subject to Article 49, a deposition taken through a sworn interpreter may be read in evidence to the same effect that it could be had the deponent testified in the English language at the taking of the deposition (see 145*a*). Also, subject to Article 50, testimony through a sworn interpreter contained in a record of the proceedings of a court of inquiry may be read in evidence in a trial by court-martial to the same effect that it could be had the testimony been given in the English language (see 145*c*). An interpreter who has made an affirmation to interpret truly is considered to be a sworn interpreter.

Evidence of an interpreter's translation of a statement may be used, in a proper case, to enable the interpreter, or some other person who heard the statement being made and who understood it, to refresh his present recollection or show his past recollection concerning the statement, and this is so even if the evidence of the translation thus used would not itself be admissible to prove the statement. See 146*a* and the last paragraph of 149*c*(1)(b).

A person who interprets at a trial is a witness with respect to the interpretation given by him. Consequently, under such limitations as the military judge or the president of a special court-martial without a military judge may proprly impose to prevent undue delay in the trial or to maintain an appropriate trial procedure in general, such a person is subject to the usual tests of credibility, including, in a proper case, cross-examination, impeachment, and contradiction by the testimony of other interpreters. See also 50.

142. DYING DECLARATIONS; SPONTANEOUS EXCLAMATIONS; FRESH COMPLAINT AND LACK OF FRESH COMPLAINT; STATEMENTS OF MOTIVE, INTENT, OR STATE OF MIND OR BODY; POLYGRAPH TESTS AND DRUG-INDUCED OR HYPNOSIS-INDUCED INTERVIEWS. ***a. Dying declarations.*** In trials for homicide or for any offense resulting in the death of the alleged victim, whether or not homicide is charged, the dying declaration of the alleged victim concerning the circumstances of the act which induced his dying condition, including the identity of the person or persons who caused the injury, is admissible in evidence to prove those circumstances. To be admissible as a dying declaration, the declaration must have been made while the victim was in extremity and while he was under a sense of impending death and without hope of recovery. There is no requirement that death immediately follow the declaration, but if it was made while the victim had a hope of recovery it is not admissible under this exception to the hearsay rule even though he died shortly thereafter. It may be shown that the victim was under a sense of impending death and was without hope of recovery by evidence that he made an assertion to this effect or by other competent evidence, including inferences from the nature and extent of the wound or illness. If not obtained by duress or under circumstances indicating that the declarant may have been misled, a dying declaration may be received in evidence even if it was made in answer to leading questions or upon urgent solicitation. The declaration may be by spoken words or intelligible signs or it may be in writing.

A dying declaration is not admissible unless there is evidence that the declarant had an opportunity to observe the matters he purports to describe. Evidence that the declarant had such an opportunity may be supplied by assertions to that effect in the declaration itself or by direct or circumstantial evidence independent of the declaration. The fact that the declaration in question is in the form of a conclusion will not prevent it from being properly receivable in evidence as a dying declaration, unless it appears that the declarant was giving expression to suspicion or conjecture rather than to known facts.

Except as otherwise indicated in the above second paragraph of this subparagraph, a dying declaration is not admissible in evidence as such if it would have been inadmissible as testimony given on the witness stand by the declarant. For example, a dying declaration which was made by a person who would not have been competent as a witness is not admissible under this exception to the hearsay rule.

Dying declarations are admissible both in favor of and against the accused. The utmost care should be exercised in weighing these declarations since they are often made under circumstances of mental and physical debility and are not subject to the usual tests of veracity. A dying declaration and its maker may be contradicted and impeached in the same manner as other testimony and witnesses (see 153*b*), and to discredit the declaration it may be shown that the declarant had a bad character either generally or as to specific traits or that he did not believe in future rewards and punishments.

b. Spontaneous exclamations. An utterance concerning the circumstances of a startling event made by a person while he was in such a condition of excitement, shock, or surprise, caused by his participation in or observation of the event, as to warrant a reasonable inference that he made the utterance as an impulsive and instinctive outcome of the event, and not as a result of deliberation or design, is admissible as an exception to the hearsay rule to prove the truth of the matters stated. Such a spontaneous exclamation may be proved by any competent evidence, and the testimony of a person who heard the utterance being made, but who was not present at the occurrence which gave rise to it, is competent for this purpose. For example, in a prosecution for assault by stabbing, the testimony of a person who did not see the attack, but who came upon the alleged victim thereafter, that the victim, while visibly in agony as a result of the wounds received, cried out, "John Drew stabbed me!", is admissible to prove the exclamation of the victim, and the exclamation, thus shown to be a spontaneous exclamation, is admissible as tending to prove that the stabbing was done by a man named John Drew.

An exclamation is not admissible as a spontaneous exclamation unless independent evidence of the startling event which gave rise to it and of an opportunity on the part of its maker to observe the event is introduced. The example given above of an admissible spontaneous exclamation made by the victim of a stabbing meets this requirement, for the testimony of the witness concerning the victim's wounds would supply independent evidence of both the startling event—the stabbing—and the opportunity for observation on the part of the vicitim. The fact that the exclamation is in the form of a conclusion will not prevent it from being properly receivable in evidence as a spontaneous exclamation, unless it appears that the person who made it was giving expression to suspicion or conjecture rather than to known facts. A spontaneous exclamation is not inadmissible because it was made by a person who is or would have been—by reason of infancy or mental infirmity, for example—incompetent as a witness.

Except as otherwise indicated in the above second paragraph of this subparagraph, a spontaneous exclamation is not admissible in evidence as such if it would have been inadmissible as testimony given on the witness stand by the person who made it. For example, a spontaneous exclamation is not admissible as such if the person who made it is the spouse of the person against whom it is to be used and the privilege prohibiting the use of one spouse as a witness against the other is applicable and has not been waived (see 148*e*).

A spontaneous exclamation is admissible even though it was made by a person who is alive and whether or not he is available as a witness. It is not essential to the admissibility of a spontaneous exclamation that the event which called it forth be the act charged.

The fact that the utterance was made in response to questioning does not necessarily indicate that it is not admissible as a spontaneous exclamation, but this fact should be considered in determining whether the utterance was impulsive and instinctive rather than the result of deliberation or design. Similarly, a lapse of time between the startling event and the utterance will not render the

utterance inadmissible as a spontaneous exclamation if the person who made it was, at the time of making it, still in a condition of excitement, shock, or surprise caused by his observation of the event.

Spontaneous exclamations are sometimes called res gestae, but that term is often used with respect to other kinds of admissible utterances whether or not their admissibility depends upon an exception to the hearsay rule. For instance, the term has been applied to statements which are received in evidence merely to prove the fact that they were made (see examples in 139*b*). The term res gestae cannot properly be used to describe any particular rule of evidence.

c. Fresh complaint and lack of fresh complaint. In a prosecution for a sexual offense in which an alleged victim of either sex has testified that consent was lacking, evidence that the alleged victim made a complaint of the offense within a reasonable time after its commission is admissible for the purpose of corroborating the testimony of the victim, and this is so whether or not lack of consent is an element of the offense and even if the credibility of the victim has not been directly attacked. This evidence is to be restricted to proof that the complaint, including the identification of the offender, was made. A description of the details of the offense given during the course of making the complaint is not admissible under this rule. However, a description of the details of the offense related during the course of making the complaint may be received in evidence if admissible as evidence of a consistent statement for the purpose of corroboration under 153*a* or if admissible under the spontaneous exclamation (142*b*), or any other, exception to the hearsay rule.

In a prosecution for a sexual offense in which lack of consent is an element or in which the alleged victim has testified that consent was lacking, evidence that the alleged victim failed to make a complaint of the offense within a reasonable time after its commission is admissible. If evidence of such a failure to make a complaint has been received, the military judge, or the president of a special court-martial without a military judge, should, upon request by the defense, instruct the members of the court in open session that this evidence may be considered only on the question of the credibility of the testimony of the alleged victim generally and, if lack of consent is an element of an offense in issue, also on the question as to whether or not there was consent.

Sexual offenses include all offenses of a sexual nature, such as rape, carnal knowledge, sodomy, attempts to commit these offenses, assault with intent to commit rape or sodomy, and indecent assaults or acts.

d. Statements of motive, intent, or state of mind or body. If a statement made under circumstances not indicative of insincerity discloses a relevant and then existing motive, intent, or state of mind or body of the person who made the statement, evidence of the statement is admissible for the purpose of proving the motive, intent, or state of mind or body so disclosed. However, evidence of a statement of a person other than the accused may not be adduced by the prosecution or the court under this rule when the statement would amount to an accusation that the accused committed the act charged or that the act charged had been committed, even though the statement would incidentally disclose a relevant motive, intent, or state of mind or body of the person who made the statement. For example, in a case in which A is charged with having murdered B by poisoning him, and A maintains that the poison was intentionally administered by B himself, the prosecution may not show an absence of a

suicidal frame of mind on the part of B by introducing evidence that shortly before his illness B stated, "I'm afraid A is putting poison in my food," or, "I'm afraid someone is putting poison in my food." On the other hand, had B's statement been, "I intend to buy a farm when I retire next year," evidence of that statement could be introduced by the prosecution to show that B had not intended to take his own life.

The admissibility of evidence of a statement disclosing motive, intent or state of mind or body constitutes an exception to the hearsay rule only when the disclosure depends upon the statement being accepted as true. If the disclosure results from the mere fact that the statement was made, as when the mental condition of a person is indicated by his statement that he is the Emperor Napoleon, the admissibility of evidence of the statement does not constitute an exception to the hearsay rule. Whatever the theory of admissibility, a statement of motive, intent, or state of mind or body may be proved by the testimony of anyone who heard it being made or by other competent evidence.

The rule relating to the admissibility of evidence of statements of motive, intent, or state of mind or body does not authorize proof of a person's motive, intent, or state of mind or body by evidence of a disclosure thereof made in another person's statement, unless the person whose motive, intent, or state of mind or body is so disclosed has in some manner approved of the statement. Thus, in a homicide case, evidence of a statement of the victim, not shown to have had the approval of the accused, to the effect that the victim was going to remain at home on the night of the homicide because the accused intended to visit him is not admissible to show an intention of the accused to visit the victim and thus raise an inference that the accused kept the appointment. However, if a statement made by one person would tend to supply or produce, rather than disclose, a relevant motive, intent, or state of mind or body on the part of another, evidence that the statement was made may be received to show its probable effect on the other. See the illustration in the second paragraph of 139*b*.

Evidence of a person's statement as to his memory or belief of a fact, offered as tending to prove the fact remembered or believed, is not admissible under the rule pertaining to evidence of statements of motive, intent, or state of mind or body.

Subject to the limitations pertaining to the admissibility of confessions or admissions (see 140*a*), evidence of statements of the accused tending to show a consciousness of guilt is admissible. Evidence of statements of the accused, not made under circumstances indicative of insincerity, tending to show a consciousness of innocence is also admissible, and this is so whether the statement was made before, during, or after the alleged offense.

e. Polygraph tests and drug-induced or hypnosis-induced interviews. The conclusions based upon or graphically represented by a polygraph test and the conclusions based upon, and the statements of the person interviewed made during, a drug-induced or hypnosis-induced interview are inadmissible in evidence in a trial by court-martial.

143. DOCUMENTARY EVIDENCE—PROVING CONTENTS OF A WRITING; AUTHENTICATION OF WRITINGS; CERTAIN PROCEDURAL MATTERS RELATING TO DOCUMENTARY EVIDENCE; DEFINITION OF "WRITING". ***a. Proving contents of a writing.*** (1) *Gen-*

eral rule, best evidence rule. A writing, to be admissible, must meet the requirements of one or more of the exceptions to the hearsay rule (see, for example, 144*b* as to official records and 144*c* as to business entries) or be otherwise admissible, must be properly authenticated (143*b*), and must, when applicable, meet the requirements of or fall within an exception to the best evidence rule. The *best evidence rule* provides that, in proving the contents of a writing, the "original" of the writing is the best evidence of its own contents and must, therefore, be introduced except in certain situations described in 143*a*(2). The term "original" in this rule, in addition to its ordinary meaning, includes a carbon copy of a writing, as complete as the ribbon copy in all respects, including relevant signatures, if any, and includes an identical copy made by photographic or other duplicating process for use as an original or as one of a number of originals. These copies are known as duplicate originals. Any other evidence of the contents of a writing, including testimony, is known as secondary evidence.

In some cases, the terms of a copy or purported copy of a writing may themselves be relevant, without regard to the terms of the original writing. In these cases, with respect to the operation of the best evidence rule, the copy in question is considered to be the "original."

The best evidence rule applies only to methods of proving the contents of a writing, not to methods of proving matters which exist independently of a writing. Consequently, relevant matters existing independently of a writing in which they are recited may be proved by any competent evidence without regard to, or accounting for, the writing. Also, even if a writing satisfies the requirements of the best evidence rule or an exception thereto, it may not be received in evidence to prove matters recited therein unless it is admissible for this purpose under some other rule of evidence. See, for example, 144*b* (Official records) and 144*c* (Business entries).

When evidence is offered to show the contents of a writing, any objection to the admission of the evidence on the ground that the document offered is not the original or a duplicate original and that the evidence offered is secondary is waived by a failure to object on that ground. Such a failure to object does not, however, necessarily constitute a waiver of other possible objections to the admissibility of the evidence. For example, it does not waive authentication of the writing (see 143*b*(1) as to waiver of authentication), nor will it render a writing competent if it would not otherwise be admissible for the purpose of proving the truth of the matters stated therein, such as a writing which is hearsay and not within any of the exceptions to the hearsay rule. See 139*a*.

(2) *Exceptions to the best evidence rule.* (*a*) *Exceptions pertaining to writings lost, destroyed, infeasible to produce, or in the accused's possession and to machine, electronic, or coded writings.* If it is shown that an admissible writing has been lost or destroyed or for any reason cannot feasibly be produced or, if a party other than the accused desires to introduce its contents, that it is in the possession of the accused, the contents may be proved by an authenticated copy or by the testimony of a witness who has seen and can remember the substance of the writing. When the prosecution desires to introduce the contents of a writing the original of which has been shown to be in the possession of the accused, there is no requirement that a demand be made upon the accused for the production of the original before secondary evidence is admissible. Also, if an admissible machine, electronic, or coded writing (see 143*d*) is of a kind

which, without skilled interpretation, may be unintelligible or subject to misunderstanding, its contents may be proved and its meaning explained by the testimony of a witness sufficiently familiar with the system used in producing the writing to be able to interpret the writing accurately, or the contents of the writing may be proved by a machine "translation" authenticated by the testimony of a witness familiar with the system used in producing the "translation." See also 143*a*(2)(*c*) and (*e*) and 144*b* and *c* as to machine, electronic, or coded official records and business entries.

(*b*) *Summarization of numerous or bulky writings.* When admissible writings are so numerous or bulky that they cannot conveniently be examined by the court and the fact to be proved is the result of a summarization of the whole collection, as when the fact to be proved is the balance shown by account books, the collection may be summarized by a qualified person or group of qualified persons and he or a member of the group may testify as to the result of the summarization. In these cases, it must first be shown that the writings would be admissible but are so numerous or bulky that they cannot conveniently be examined by the court; that the fact to be proved is the result of a summarization of the whole collection; that the witness is qualified by training or experience to summarize the writings; that he or a group of which he was a member composed of persons qualified by training or experience for their respective tasks examined and summarized the whole collection; and that the opposite party had access to the writings on which the summarization was based. The writings may be examined and summarized by mechanical or electronic means. The opposite party may question the witness and his associates concerning the writings and may have as many of the writings, or authenticated copies thereof, as are necessary for this purpose produced in court. A showing of the qualifications of the witness, or of any person associated with him in the examination and summarization of the writings, can be waived by a failure to object on the ground of a lack of such a showing to the testimony of the witness.

(*c*) *Copies and official publications of official records.* An official record (144*b*) kept in official custody, if admissible for any purpose, may be evidenced by a properly authenticated (143*b*(2)) copy, without first proving that the original has been lost or destroyed and without otherwise accounting for the original. If the record is written in a spoken language or is pictorial (see 144*e*), only an exact (true) copy is admissible under this exception to the best evidence rule, although it may consist merely of an extract of those portions relevant to the case and handwritten portions may be copied in type when the handwriting is not to be evidenced by the copy. The copy may be made by photographic or other duplicating process. If the record is a machine, electronic, or coded record, the copy or extract copy may consist of an accurate written "translation" of the record, whether made by machine or by a person. See also the second paragraph of 144*c* as to government records photographically or otherwise reproduced in the regular course of business. An official record, if admissible for any purpose, may also be evidenced by an official publication thereof, without accounting for any other form of the record.

(*d*) *Summaries of official records.* If the head of an executive or military department or independent governmental agency determines that it would be detrimental to the public interest to disclose the text or informational source of a certain official record kept under the authority of the department or agency, a properly authenticated (143*b*(2)(*f*)) certificate or statement signed by him, or

by his deputy or assistant, setting forth a summary of the record is as admissible in evidence as the record itself, provided that the certificate or statement contains a statement to the effect that the above-mentioned determination was made. Also, any admissible foreign official record may be evidenced by a properly authenticated (143*b*(2)(*f*)) written summary if the foreign jurisdiction will not furnish an exact copy or extract of the record. Unless otherwise indicated by a provision of this manual or by a rule of law generally applicable in criminal cases in the United States district courts, however, other summaries of official records are not admissible.

(*e*) *Copies of banking entries.* A business entry (144*c*) of a business regularly but not necessarily exclusively engaged in public banking activities may, if the entry relates to these activities and is admissible for any purpose, be evidenced by a properly authenticated (143*b*(3)) copy, without first proving that the original has been lost or destroyed and without otherwise accounting for the original. If the entry is written in a spoken language, only an exact (true) copy is admissible under this exception to the best evidence rule, although it may consist merely of an extract of those portions relevant to the case and handwritten portions may be copied in type when the handwriting is not to be evidenced by the copy. The copy may be made by photographic or other duplicating process. If the entry is a machine, electronic, or coded entry, the copy or extract copy may consist of an accurate written "translation" of the entry, whether made by machine or by a person. See also the second paragraph of 144*c* as to business entries photographically or otherwise reproduced in the regular course of business.

(*f*) *Certificates of fingerprint comparison and identity.* A certificate or statement signed by a custodian of personnel or fingerprint records of an armed force of the United States, or by his deputy or assistant, that a qualified fingerprint expert on duty with the custodian has compared certain attached fingerprints—those which had been forwarded for the purpose of comparison—with fingerprints in the custodian's custody of a person described in the certificate by name, military status, and service number, and that the attached fingerprints and the fingerprints with which they were compared have been found by the expert to be those of one and the same person, is admissible as evidence that the identity and military status of the person whose fingerprints are attached are as described in the certificate. A similar certificate or statement signed by a custodian, or by his deputy or assistant, of fingerprint records of any department, bureau, or agency of the Federal government of the United States is equally admissible. The attached fingerprints may be identified as those of a certain person by the testimony of the person who took them, by the testimony of anyone who observed the taking of the fingerprints, or by other competent evidence.

(*g*) *Evidence of absence of official record.* A properly authenticated (143*b*(2)(*f*)) certificate or statement to the effect that after diligent search no record or entry of a specified tenor was found to exist in certain official records designated by the certificate or statement, signed by the custodian of the records, by his deputy or assistant, or, as to foreign official records, by any person authorized in the place where the records are kept to make the certificate or statement, is admissible as evidence that the designated official records contain no record or entry of the specified tenor; and a properly authenticated certificate or written statement which is otherwise acceptable as proof of the

nonexistence of a record or entry under the law of the place where the official records are kept or under any law of the United States is likewise admissible. It may also be shown that certain official records contain no record or entry of a specified tenor by the testimony of the custodian of the records, by the testimony of his deputy or assistant, or by the testimony of any person who searched the records or was a member of a group which searched them and who is familiar with the product of the group and qualified to testify thereto. Official records may be searched by physical, mechanical, or electronic means. If a disputed fact or event is of a kind which within the scope of an official duty would have been made the subject of a record or entry in certain official records, proof that these records contain no record or entry of the fact or event may be received as evidence that the fact does not exist or that the event did not occur.

(*h*) *Evidence of absence of business entry.* It may be shown that certain business entries contain no record or entry of a specified tenor by the testimony of the person in charge of the entries, by the testimony of his assistant, or by the testimony of any person who searched the entries or was a member of a group which searched them and who is familiar with the product of the group and qualified to testify thereto. Also, as to those business entries of a business regularly but not necessarily exclusively engaged in public banking activities which relate to these activities, a properly authenticated (143*b*(3)) certificate or statement to the effect that after diligent search no record or entry of a specified tenor was found to exist in certain of these entries designated by the certificate or statement, signed by the person in charge of the entries in question or his assistant, is admissible as evidence that the designated business entries contain no record or entry of the specified tenor. The entries searched may be indicated in the certificate or statement as being in fact business entries relating to public banking activities in a manner similar to that described in 143*b*(3) with respect to a certificate or statement authenticating a banking entry or copy thereof. Business entries may be searched by physical, mechanical, or electronic means. If a disputed act, transaction, occurrence, or event is of a kind which in the regular course of business would have been made the subject of a record or entry in certain business entries, proof that these business entries contain no record or entry of that act, transaction, occurrence, or event may be received as evidence that the act, transaction, occurrence, or event did not take place.

(*i*) *Copies of telegrams and radiograms.* See the second paragraph of 143*b*(1) as to copies of telegrams and radiograms.

b. Authentication of writings. (1) *General.* A writing that is not authenticated may not be introduced in evidence as being genuine, but authentication can be waived by a failure to object on the ground of lack of proof of authenticity to the reception in evidence of the writing. A mere failure to object on this ground to the reception in evidence of a writing, however, will add nothing to the evidentiary nature of the writing. For example, it will not render a writing competent if it would not otherwise be admissible for the purpose of proving the truth of the matters stated therein, such as a writing which is hearsay and not within any of the exceptions to the hearsay rule. See 139*a*. A writing may be authenticated by any competent proof that it is genuine—is in fact what it purports or is claimed to be. It may be authenti-

cated by a certificate or other written statement only when the certificate or statement is admissible for this purpose as an exception to the hearsay rule. See 143*b*(2). (Authentication of official records) and 143*b*(3) (Authentication of banking entries). When so admissible and itself properly authenticated (see, for example, the second paragraph of 143*b*(2)(*a*)), the certificate or other written statement may be introduced in evidence to prove the truth of all authenticating facts stated or indicated therein, including the stated or indicated identity, position, and duties of the signer thereof.

A letter or similar written communication, or a telegram or radiogram, purporting to be a reply from the addressee of a written or other type of message shown to have been communicated to that addressee or to have been placed in a reliable channel of communication may be inferred to be genuine. A purported reply, however, is not to be considered as evidence of the genuineness of the letter or other type of communication to which the reply was purportedly made. The contents of a telegram or radiogram in the terms in which it was filed for transmission may, if admissible, be evidenced by the original filed for transmission or, without accounting for that original, by any copy of the message, whether or not made as a memorandum or record, which was made in the regular course of business of a military or civilian transmitting or receiving agency, including such a copy delivered to the addressee of the telegram or radiogram. Any copy so made may be inferred to be an accurate copy of the original message. Likewise, the contents of a telegram or radiogram in the terms in which it was received by the addressee may, if admissible, be evidenced by the copy received by the addressee or, without accounting for that copy, by the original filed for transmission or by any copy of the kind referred to above. See the third paragraph of 144*c* for an application of the principle of inferred genuineness of replies in relation to checks returned with payment refused.

When there is a question as to whether certain handwriting is that of a certain person, as when the question is whether a signature appearing on a check or on an admissible photographic copy thereof is in fact the signature of the person who purportedly signed the check, any proved—by evidence raising an inference of genuineness—or admitted specimen of the person's handwriting is admissible in evidence for the purpose of comparison by witnesses or the court to prove that the handwriting in question is or is not the person's handwriting. Also, when there is a question as to whether certain handwriting is that of a certain person, the opinion of a handwriting expert (see 138*e*), or of anyone acquainted with the person's handwriting, to the effect that the handwriting is or is not that of the person is admissible in evidence. Anyone who, under circumstances which enable him to form a belief as to the character of a person's handwriting, has seen another write by hand or has seen handwriting which can reasonably be believed to be that of a person may be considered to be acquainted with the handwriting of that person. Examples of handwriting which can reasonably be believed to be that of a certain person are handwriting purporting to be his apparently written in the ordinary course of business and handwriting purporting to be his in a letter apparently written by him in reply to a letter shown to have been mailed to him. A failure by a party to object to the reception in evidence of a writing on the ground that the genuineness of a certain signature or certain other handwriting appearing thereon has not been shown

may be regarded as a waiver by him of that objection if he does not contest the general authenticity of the writing.

If a part of a writing appears to have been altered after the execution of the writing, neither that part nor any part dependent for its authenticity upon the altered part may be received in evidence as being genuine unless the alteration is satisfactorily explained or authentication has been waived.

Upon cross-examination of a witness who has testified concerning his opinion as to whether certain handwriting was that of a certain person, unidentified specimens of the handwriting or purported handwriting of that person or of others may be used for the purpose of testing the credibility of the opinion of the witness, whether or not the unidentified specimens had previously been authenticated in the case or would otherwise be admissible if authenticated. After the specimens have been so used, they may be authenticated and introduced by either party if this has not already been done in some other connection. In the interest of fairness and orderly procedure, the military judge or the president of a special court-martial without a military judge may impose reasonable conditions upon the use of this method of testing the credibility of the opinion of the handwriting witness, as by requiring that the witness be given adequate time and opportunity to study the unidentified handwriting specimens.

(2) *Authentication of official records.* (*a*) *General provisions and definitions.* Like any other writing, an official record (144*b*) or copy thereof must be properly authenticated if it is to be introduced in evidence as being genuine, although authentication can be waived by a failure to object on the ground of lack of proof of authenticity to the reception in evidence of the writing. Official records kept in official custody are ordinarily evidenced by properly authenticated copies. Original official records may be authenticated in the same manner as copies, except that if an attesting certificate is used for this purpose it will indicate that the attested writing is an original. See also the fourth paragraph of 143*b*(2)(*f*). When used in connection with a copy of an official record, an "attesting certificate" is a certificate or statement, signed by the custodian of the record or his deputy or assistant, which in any form indicates that the writing to which the certificate or statement refers is a true copy of the record (or an accurate "translation" of a machine, electronic, or coded record) and that the signer of the certificate or statement is acting in an official capacity as the person having custody of the record or as his deputy or assistant. See, however, the last paragraph of 143*b*(2)(*e*) as to the signer and form of a certificate or statement attesting a copy of a foreign official record. An "authenticating certificate" is a certificate or written statement which in any manner indicates that the signature on the attesting certificate is genuine. When an authenticating certificate or any certificate or written statement in the chain of authentication of an official record or copy thereof indicates the genuineness of the *official position* of the purported signer of another certificate or statement in the chain, such an indication may be inferred to be also an indication that the *signature* on that other certificate or statement is genuine.

A custodian of an official record is a person who has official custody thereof, that is, a person who is the official keeper of the record, as distinguished from a person who has mere manual possession of the record for official or other purposes. If a certificate or statement in the previously described form of an attesting certificate is itself properly authenticated, this official custody in the person indicated in the attestation as having custody of the record, and

the status as his deputy or assistant of one who has signed the attestation in that capacity, may be inferred. Some attesting certificates may be authenticated by taking judicial notice of the signature thereto. Others require authentication by a proper and judicially noticeable seal, by an accompanying certificate or statement in the chain of authentication having a proper and judicially noticeable signature or seal, or by other proof of genuineness, according to whatever procedure is adequate to authenticate the official record or copy thereof attested and, consequently, the attestation. See the following provisions of 143*b*(2) and see 147*a* (Judicial notice). An authenticating certificate, or any certificate or written statement in the chain of authentication, may be similarly authenticated.

(*b*) *Military records.* A copy of an official record of the Department of Defense or any department, agency, bureau, branch, force, command, or unit thereunder, of the Coast Guard or National Guard or any of their subordinate commands or units, or of a military agency or unit of an ally of the United States may be authenticated by the seal, inked stamp, or other identification mark of that department, agency, bureau, branch, force, command, or unit or by an attesting certificate. Thus, an attesting certificate reading, "A true (extract) copy of the original in the custody of the [Adjutant General, First Infantry Division] [Director of Administrative Services, First Air Division] [Commanding Officer (USS) (USCG_____) _____]: /s/ John Smith, [Major (Asst Adjutant General, First Infantry Division) (Director of Administrative Services, First Air Division)] [LCDR, (U.S. Navy) (U.S. Coast Guard), Personnel Officer, (USS) (USCG_____) _____]," may be considered to be an authentication of a copy of an official record in the custody of the custodian mentioned in the attesting certificate.

(*c*) *United States records.* A copy of an official record of the United States, of a Commonwealth or possession thereof or any political subdivision of that Commonwealth or possession, or of the District of Columbia may be authenticated by:

Any indication under the seal of the United States, the seal of the Commonwealth or possession or political subdivision thereof in which the record is kept, or the seal of the District of Columbia as to records kept therein that the writing is a true copy (or an accurate "translation" of a machine, electronic, or coded record);

Any authentication provided for by any law of the United States, including rules of criminal procedure for the United States district courts made pursuant thereto, or by any law of the Commonwealth or possession or political subdivision thereof in which the record is kept or of the District of Columbia as to records kept under its authority;

An attesting certificate, without further authentication, as to records kept under the authority of any department, bureau, agency, office, or court of the Federal government of the United States;

An attesting certificate, under the seal of the department, bureau, agency, office, or court in which the record is kept or under the seal of office of an official or office having a seal of office and having supervision over the department, bureau, agency, or office in which the record is kept, or an attesting certificate, accompanied by an authenticating certificate under the seal of office of an official having a seal of office and having supervision

over the department, bureau, agency, or office in which the record is kept, and signed by such an official or his deputy or assistant;

An attesting certificate, under the seal of a court, or the seal of a judge or clerk of a court, existing by authority of a law of the United States and located in the district, Commonwealth, or possession in which the record is kept or existing by authority of the Commonwealth or possession or political subdivision thereof in which the record is kept or of the District of Columbia as to records kept therein, or an attesting certificate, accompanied by an authenticating certificate signed by a judge or clerk, including a deputy or assistant clerk, of such a court under the seal of the court or the seal of a judge or clerk thereof; or

An attesting certificate, accompanied by an authenticating certificate under the seal of office of an official having a seal of office and having duties by authority of the United States in the district, Commonwealth, or possession in which the record is kept, or having duties in, and by authority of, the Commonwealth or possession or political subdivision thereof in which the record is kept, or having duties in, and by authority of, the District of Columbia as to records kept therein, and signed by such an official or his deputy or assistant.

The uncapitalized word "district" as used above means a judicial district of the United States. As used with reference to possessions of the United States in this subparagraph (143*b*(2)(*c*)) and in 147*a* (Judicial notice), the word "possession" includes, in addition to those possessions of the United States designated as such by law, any trust territory administered by the United States and any territory or area administered by the United States by treaty, executive agreement, or act of Congress, whether or not sovereignty thereover exists in the United States.

A copy of an official record of a former Territory or possession of the United States or a political subdivision of such a former Territory or possession may be authenticated as though the record was originally an official record of the governmental unit having custody thereof at the time of authentication.

(*d*) *State records.* A copy of an official record of a State of the United States or of a political subdivision of a State may be authenticated by:

Any indication under the seal of the State or political subdivision thereof in which the record is kept that the writing is a true copy (or an accurate "translation" of a machine, electronic, or coded record);

Any authentication provided for by the law of the State or political subdivision thereof in which the record is kept, or by any law of the United States, including rules of criminal procedure for the United States district courts made pursuant thereto;

An attesting certificate, under the seal of a court, or the seal of a judge or clerk of a court, existing by authority of the State or political subdivision thereof in which the record is kept, or an attesting certificate, accompanied by an authenticating certificate signed by a judge or clerk, including a deputy or assistant clerk, of such a court under the seal of the court or the seal of a judge or clerk thereof; or

An attesting certificate, accompanied by an authenticating certificate under the seal of office of an official having a seal of office and having duties in, and by authority of, the State or political subdivision thereof in which the record is kept, and signed by such an official or his deputy or assistant.

(*e*) *Foreign records.* A copy of an official record of a foreign country or political subdivision thereof may be authenticated by:

Any indication under the great seal (seal of state) of the foreign country in which the record is kept that the writing is a true copy (or an accurate "translation" of a machine, electronic, or coded record);

Any authentication provided for by the law of the foreign country or political subdivision thereof in which the record is kept, or by any law of the United States, including rules of criminal procedure for the United States district courts made pursuant thereto and treaties to which the United States is a party;

An attesting certificate, accompanied by an authenticating certificate signed by a United States secretary of embassy or legation, consul general, consul, vice consul, consular agent, or foreign service officer or by a diplomatic or consular official of the foreign country assigned or accredited to or recognized by the United States; or

An attesting certificate, accompanied by a certificate or statement signed by a United States secretary of embassy or legation, consul general, consul, vice consul, consular agent, or foreign service officer, or by a diplomatic or consular official of the foreign country assigned or accredited to or recognized by the United States, which indicates the genuineness of the signature of any foreign official whose certificate or written statement indicating genuineness of signature relates to the attestation or is in a chain of certificates or written statements indicating genuineness of signature relating to the attestation.

As to the last two methods of authenticating a copy of a foreign official record set forth above, if armed forces of the United States or an ally thereof are stationed in, passing through, or occupying the foreign country or place in which the record is kept, the certificate or statement furnishing the authentication of a copy of the record may be signed by an officer commanding or administering any unit or agency of those armed forces or by his deputy or assistant or any judge advocate, law specialist, or legal officer or advisor serving under him, instead of by a diplomatic or consular official. Such an authentication is final if made by a commissioned officer of the United States. If the person providing the authentication is not a commissioned officer of the armed forces of the United States, final authentication shall be furnished by a certificate or statement signed by a commissioned officer of the United States indicating that the signature on the authenticating certificate is genuine.

If a foreign certificate or statement in the chain of authentication of a copy of a foreign official record is under the seal of a foreign official or agency, the seal, instead of the signature on the certificate or statement, may be indicated as being genuine by the next certificate or statement in the chain.

A certificate or statement attesting a copy of a foreign official record may be signed by the custodian of the record or his deputy or assistant or by any person authorized in the place where the record is kept to attest a copy of the record, and the attestation may be in any form authorized in that place. If a certificate or statement attesting a copy of a foreign official record is itself properly authenticated, it may be inferred that the attestation and the form thereof are authorized in the place where the record is kept.

(*f*) *Miscellaneous.* Copies of foreign, or other, official records and their attesting, authenticating, and other accompanying certificates or statements, when written in a language other than English, may be translated through the testimony of one having knowledge of the language concerned. Also, a written translation accompanying an attesting, authenticating, or other certificate or written statement in the chain of authentication is as admissible as the writing translated and may in the absence of an objection to its accuracy be inferred to be an accurate translation.

In addition to the methods of authentication set forth in the foregoing provisions of 143*b*(2), an official record or a copy thereof may be authenticated by the testimony of any person, based on his personal knowledge, to the effect that the writing in question is an official record or was obtained by him, as a record, from the proper official custody or that the writing is a correct copy of such a record or of a record thus shown to be an official record by the testimony of another, as the case may be. Also, if an attesting certificate, or any certificate or written statement in the chain of authentication, is directly authenticated by admissible testimony or in any other manner, it need not be accompanied by whatever additional certificates or statements might otherwise be required by the foregoing provisions of 143*b*(2). Thus, if an attesting certificate, or any certificate or statement in the chain of authentication, is apparently signed by a proper person or is apparently under a proper seal and that signature or seal is shown to be genuine by admissible testimony, the certificate or statement may be considered to be an authentication of the official record, or copy thereof, to which it pertains, provided that when the certificate or statement is not an attesting certificate the intervening written authentication meets applicable requirements.

If an original official record is subscribed by a judicially noticeable signature or is under a judicially noticeable seal or symbol (see 147*a*), that original (or an admissible photographic or other facsimile thereof, for example, a facsimile itself admissible as an official record) may be authenticated by taking judicial notice of the signature, seal, or symbol.

A certificate or statement that no record or entry of a specified tenor was found to exist in certain official records (143*a*(2)(*g*)) may be authenticated in the same manner as a certificate or statement attesting a copy of a record taken from those official records. The inferences applicable to a properly authenticated attesting certificate (see the last paragraphs of 143*b*(2)(*a*) and (*e*)) are similarly applicable to a properly authenticated certificate or statement of the nonexistence of an official record or entry. A certificate or statement of the head of an executive or military department or independent governmental agency, or his deputy or assistant, setting forth a summary of an official record the text or informational source of which should not be disclosed (143*a*(2)(*d*)) may be authenticated in the same manner as a certificate or statement attesting a copy of that record. A written summary of a foreign official record (143*a*(2)(*d*)) may be authenticated in the same manner as a copy of the record, although an attesting certificate or other identification in this case will refer to a summary instead of a copy. A document that, on its face, appears to be an official publication of an official record is admissible as being in fact an official publication of the record unless it is shown to lack that character.

(3) *Authentication of banking entries.* A business entry, or copy thereof, of a business regularly but not necessarily exclusively engaged in public banking activities may, if the entry relates to these activities, be authenticated by a certificate or statement, signed under oath before a notary public by the person

in charge of the business entry or his assistant, which in any form indicates that the writing to which the certificate or statement refers is the entry itself or a true copy thereof (or an accurate "translation" of a machine, electronic, or coded entry), as the case may be, that the entry was made as a memorandum or record in the regular course of the business and relates to its public banking activities, and that the signer is the person in charge of the entry or his assistant, accompanied by a statement signed by the notary, under the seal of his office, which indicates that the certificate or statement was signed under oath before him. A certificate or statement that after diligent search no record or entry of a specified tenor was found to exist in certain entries of this kind (see 143*a*(2)(*h*)) also may be authenticated by an accompanying statement signed by a notary public, under the seal of his office, which indicates that the certificate or statement was signed under oath before him. When a certificate or statement of either of these two types is notarized as provided above, it may be inferred that a person who has signed it as the person in charge of the business entry or entries referred to therein, or as his assistant, in fact occupies that status.

A business entry, or copy thereof, of the kind mentioned above may also be authenticated in the same manner as any business entry. See 144*c*.

c. Certain procedural matters relating to documentary evidence. See 53*g*, 54*d*, and 57*g*. Before a ruling is made upon an objection to the reception in evidence of a writing, the objecting party, on request, will be allowed to support the objection by argument, the presentation of evidence, and proper cross-examination of witnesses who have testified concerning the writing.

A writing does not become admissible against a party merely because he requested its production or inspected it.

d. Definition of "writing." The word "writing" as used in this chapter (XXVII), means every method of recording data upon any medium. For example, it includes handwriting, typewriting or other machine writing, printing, and all documentary, pictorial, photographic, chemical, mechanical, or electronic recordings or representations of facts, events, acts, transactions, communications, places, ideas, or other occurrences or things, whether expressed by words, letters, numbers, pictures, signs, symbols, marks, or chemical, mechanical, or electronic media, including all types of machine, electronic, or coded records, memoranda, or entries.

144. OFFICIAL WRITINGS; OFFICIAL RECORDS; BUSINESS ENTRIES; LIMITATIONS AS TO THE ADMISSIBILITY OF OFFICIAL RECORDS AND BUSINESS ENTRIES; MAPS, PHOTOGRAPHS, SKETCHES, CHARTS, AND FINGERPRINTS; BUSINESS, PROFESSIONAL, OR PUBLIC LISTS AND DIRECTORIES. ***a. Official writings.*** The fact that a writing is an official writing does not in itself make the writing admissible in evidence for the purpose of proving the truth of the matters stated therein. An official writing may be admitted in evidence for this purpose only when it comes within an exception to the hearsay rule.

b. Official records. A writing made as a record of a fact or event, whether the writing is in a regular series of records or consists of a report, finding, or certificate, is admissible as evidence of the fact or event if it was made by any person within the scope of his official duties and those duties included a duty to

know, or to ascertain through appropriate and trustworthy channels of information, the truth of the fact or event, and to record such fact or event. It may be inferred that:

A person who had these duties performed them properly; and

A foreign or domestic record of a fact or event purporting or indicated to have been officially made or kept meets all the above requirements for admissibility, if the record is properly authenticated or authentication is waived, in accordance with 143*b*(2). An official duty is any duty included in a military or civilian governmental function.

Examples of military records containing entries which may be admissible under this exception to the hearsay rule are enlistment papers, physical examination papers, outline-figure and fingerprint cards, morning reports, service records, officer and enlisted qualification records, records of court-martial convictions, logs, unit personnel diaries, individual equipment records, guard reports, daily strength records of prisoners, and rosters of prisoners.

If admissible under this exception, an official record is not subject to objection on the ground that it was copied or compiled from notes, memoranda, or other writings or from other official records, nor is it otherwise subject to objection on the ground that it is secondary evidence. See 143*a*(2) as to those copies and summaries of official records which are not themselves admissible as official records but are admissible under an exception to the best evidence rule.

If a machine, electronic, or coded official record is of a kind which, without skilled interpretation, may be unintelligible or subject to misunderstanding, its contents may be proved and its meaning explained by the testimony of a witness sufficiently familiar with the system used in producing the record to be able to interpret the record accurately, or the contents of the record may be proved by a machine "translation" authenticated by the testimony of a witness familiar with the system used in producing the "translation." Also, written "translations" of machine, electronic, or coded official records, whether made by machine or by a person and however properly authenticated, are admissible if they are otherwise within an exception to the best evidence rule (see 143*a*(2)(*c*)) or if they were themselves made as official records.

c. Business entries. Any writing or record, whether in the form of any entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event is admissible as evidence of the act, transaction, occurrence, or event, if made in the regular course of any business and if it was the regular course of that business to make the memorandum or record at the time of the act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but these circumstances will not affect its admissibility. The term "business," as used with respect to business entries, includes a business, profession, occupation, or calling of any kind.

If in the regular course of business or activity any business, institution, department or agency of government, or member of a profession or calling has kept or recorded any memorandum, writing, entry, print, representation, or combination thereof of any act, transaction, occurrence, or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, minia-

ture photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless its preservation is required by law or regulation. Such a reproduction, when satisfactorily identified, is as admissible in evidence as the original itself whether the original is in existence or not and an enlargement or facsimile of the reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under the direction of the court. Also, whether or not the reproduction is available, a properly authenticated copy of the reproduction is admissible in evidence subject to the same conditions of admissibility that would apply to a properly authenticated copy of the original itself. See 143*a*(2)(*c*) and (*e*). These rules relating to the destruction of originals and to the admissibility of reproductions and facsimiles, enlargements, and authenticated copies of reproductions, will not preclude admission of the originals or exclude from evidence any writing or copy thereof which is otherwise admissible under the rules of evidence.

A writing purporting to be a memorandum or record of an act, transaction, occurrence, or event may be authenticated as a business entry by proof that it came through a reliable source from a business whose regular course it was to make a memorandum or record of the act, transaction, occurrence, or event, for it may be inferred from this proof that the writing was in fact made as a memorandum or record in the regular course of that business. Also, it is not necessary that a business entry be authenticated by the person who made it or that an authenticating witness have personal knowledge that the entry was correct. Thus, if the holder of a check, draft, or other order for the payment of money upon a bank or other depository, or a person or organization acting on behalf of the holder, presents the instrument through regular banking channels for payment, collection, or deposit and the instrument is returned to the holder or his agent purportedly through regular banking channels with a notation in the form of a stamp, ticket, or other writing either on the instrument itself or accompanying it, purportedly made by the drawee or presenting bank or other depository or clearinghouse, indicating that payment of the instrument has been refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control or for other reasons, proof of the above facts will support an inference of the authenticity of the notation as having been made as a memorandum or record in the regular course of a banking business. The notation if thus authenticated, is admissible under the business entry exception to the hearsay rule as evidence that payment of the instrument was refused by the drawee for the reasons indicated in the notation, and this is so whether or not a similar notation also made as a memorandum or record was kept in the drawee or presenting bank or other depository or clearinghouse. See also 143*b*(3) regarding the authentication of banking entries.

If admissible under the business entry exception to the hearsay rule, a business entry is not subject to objection on the ground that it was copied or compiled from notes, memoranda, or other writings or from other business entries, nor is it otherwise subject to objection on the ground that it is secondary evidence. However, unless they are themselves writings made as business entries or are admissible under an exception to the best evidence rule, copies and written compilations of business entries are subject to objection on the ground that they are secondary evidence. The reproductions of business entries

mentioned as being admissible in the second paragraph of this subparagraph (144*c*) are examples of copies which themselves are made as business entries. On the other hand, the admissibility of enlargements, facsimilies, or authenticated copies of reproductions provided for in that paragraph constitutes an exception to the best evidence rule. See 143*a* as to the best evidence rule and its exceptions in general, and see 145*a* as to the use of copies of business entries in depositions.

If a machine, electronic, or coded business entry is of a kind which, without skilled interpretation, may be unintelligible or subject to misunderstanding, its contents may be proved and its meaning explained by the testimony of a witness sufficiently familiar with the system used in producing the entry to be able to interpret the entry accurately, or the contents of the entry may be proved by a machine "translation" authenticated by the testimony of a witness familiar with the system used in producing the "translation." Also, written "translations" of machine, electronic, or coded business entries, whether made by machine or by a person and however properly authenticated, are admissible if they are otherwise within an exception to the best evidence rule (see 143*a*(2)(*e*)) or if they were themselves made as business entries.

A memorandum or record which satisfies the requirements of the business entry exception to the hearsay rule is admissible under that exception regardless of whether it was made in a private or governmental capacity.

d. Limitations as to the admissibility of official records and business entries. Official records are admissible in evidence only insofar as they relate to a "fact or event," and the admissibility of business entries is limited to a memorandum or record of "any act, transaction, occurrence, or event." The word "event" may be considered to include the words "act," "transaction," and "occurrence," and to be included within the meaning of the word "fact." Records or entries of "opinion" are not admissible under either the official record or the business entry exception to the hearsay rule. However, it is often difficult as a practical matter to draw the line between what is opinion and what is fact, and some assertions based on trained observation which, strictly speaking, might be considered statements of opinion so closely approximate statements of fact as to permit the law to place them in the latter category rather than in the former, at least to the extent of allowing a record of them to be admitted in evidence without incurring an appreciable risk of doing an injustice because of lack of opportunity to cross-examine. For example, if otherwise admissible as official records or business entries, entries in a physician's report setting forth his diagnosis of an illness of a kind which can readily be diagnosed by the medical profession, and in an autopsy report setting forth the opinion of the pathologist as to the physical cause of death, as when he concludes that death was caused by a certain disease, by a certain poison, or by a gunshot wound, are admissible in evidence to prove the illness and the physical cause of death, respectively. On the other hand, entries in a report of a board of medical officers (psychiatrists) as to the mental condition of a certain person are not admissible to prove that mental condition, for a diagnosis of a person's mental condition involves opinion to such a degree as to require that those making the diagnosis be subject to cross-examination. See 122*c*.

Under the official record exception to the hearsay rule, the maker of the record must not only have acted within the scope of his official duties in recording the fact or event but must, in addition, have had an official duty to know or ascertain the truth of that fact or event. A somewhat correlative principle applies under the business entry exception to the hearsay rule. It is not sufficient that an entry was made in a regular course of conduct which had some relationship to business if it was not made in the regular course of a business. "Regular course" of business must find meaning in the inherent nature of the business in question and in the methods systematically employed for the conduct of the business as a business. Because of these limitations and the opinion limitation, a pathologist's entry in an autopsy report as to whether the death was caused by homicide, accident, or suicide, as distinguished from his entry as to the physical cause of death, is not admissible under either the official record or the business entry exception to the hearsay rule. The above-mentioned limitations apply in such a case because any official duty the pathologist might have to make an entry as to his finding in this respect would not fix upon him the additional official duty of ascertaining the truth of circumstances surrounding the occurrence of death reported to him by others but not observed by him during the course of his examination, and it is obvious that it is not the regular course of the business of a pathologist to make such an entry based on that kind of data; and if the entry was based not on reported matters but on an examination of the body by the pathologist, the opinion thus expressed by him would be of a kind which should be open to the test of cross-examination.

Neither the official record nor the business entry exception to the hearsay rule renders admissible in evidence writings or records made principally with a view to prosecution, or other disciplinary or legal action, as a record of, or during the course of an investigation into, alleged unlawful or improper conduct. Thus, a report of a military policeman concerning his investigation of an offense and the statements of witnesses accompanying the report are not admissible under either of these exceptions as evidence of the truth of the facts stated therein, although an accompanying statement of the accused may be admissible if it constitutes a voluntary confession or admission of the accused contained in that statement (see 140*a*) and an accompanying statement of a person who later testifies may be used to show any inconsistent statement appearing therein (see 153*b*(2)(*c*)). With the exceptions indicated below concerning the use of records and reports of preliminary judicial hearings, the same considerations apply to a record or report of an investigation conducted under Article 32. On the other hand, since it is not the function of a pathologist performing an autopsy to determine that the death was caused by any particular person or even that the death was the result of any unlawful conduct, his entries in the autopsy report as to the identification of the person upon whose body the autopsy was performed, as to the physical facts found to exist with respect to the corpse, and as to the physical cause of death do not come within this limitation, and these entries may be admissible under either the official record or the business entry exception to the hearsay rule. Official record entries in morning reports, unit military strength balance reports, logs, unit personnel diaries, and service records as to absence without leave or the circumstances of return to military control, and in the above records and in guard reports, daily strength records of prisoners, and rosters of prisoners as to escape from confinement, are not inadmissible because of this limitation, for these entries are

made principally for the purpose of reflecting day to day events as they affect strength in personnel and other administrative matters not within the limitation. The limitation does not prohibit the use of depositions to prove the deposition testimony of the deponent under Article 49, the use of records and reports of trials or preliminary judicial hearings, such as an investigation conducted under Article 32, to prove former testimony under the former testimony exception to the hearsay rule, or the use of records of courts of inquiry as contemplated by Article 50. See 145. Also, the limitation does not prohibit the use of depositions, records and reports of trials or preliminary judicial hearings, and records and reports of courts of inquiry to prove statements recorded or reported therein which, if proved by testimony given at the trial, would be admissible under the rules of evidence in general (see the last paragraphs of 145 *a*, *b*, and *c*), nor does the limitation prohibit the use of records of conviction or imposition of nonjudicial punishment as proof of the conviction or imposition of nonjudicial punishment when this proof is otherwise admissible.

e. Maps, photographs, sketches, charts, and fingerprints. Maps, photographs, x-rays, sketches, and similar projections of localities, objects, persons, and other matters are admissible when verified by any person, whether or not he made or took them, who is sufficiently familiar with the locality, object, person, or other thing thereby represented or pictured to be able from his own personal knowledge or observation to state that they faithfully represent the actual appearance of the subject matter in question. Such writings are also admissible when they come within either the official record or business entry exception to the hearsay rule. See 144*b* and 144*c*. See 143*a*, however, as to the admissibility of a photograph or other projection of a writing for the purpose of proving the contents of the writing.

In cases involving complicated mathematical computations or compilations, charts showing these computations or compilations and the mathematical results thereof, authenticated by a witness qualified to understand and interpret the computations or compilations and prepared from data contained in writings and testimony properly received in evidence, are admissible at the discretion of the military judge or president of a special court-martial without a military judge. The charts should not contain conclusionary captions or statements other than those indicating the mathematical results of the computations or compilations, nor should the charts be in the possession of, or observable by, the members of the court during their deliberations in closed session. Charts may also be used in connection with the summarizations of numerous or bulky writings mentioned in 143*a*(2)(*b*).

When a witness points or otherwise refers to certain parts of a map, photograph, sketch, or chart, the military judge, or the president of a special court-martial without a military judge, should require counsel examining the witness to have the witness mark the exhibit in some fashion and identify the mark in his testimony so that reviewing authorities may obtain a clear comprehension of the testimony of the witness. If a large map, photograph, sketch, or chart is being used so that it can be observed by all parties to the trial, the military judge, or the president of a special court-martial without a military judge, should require that it, or a copy complete with all marks placed upon the original, be attached to the record of trial as an exhibit. A blackboard should not be used unless it can be photographed or reproduced in some manner.

Fingerprints are admissible when they come within either the official record or the business entry exception to the hearsay rule or are in any manner properly verified, but evidence concerning the comparison of fingerprints must come from persons skilled in comparing fingerprints.

f. Business, professional, or public lists and directories. A list, register, directory, catalogue, or other published compilation intended for use in a line of business or a profession is admissible as an exception to the hearsay rule to prove the truth of any matter appearing therein, or the nonexistence of any matter not appearing therein but which could reasonably be expected to have been included had it existed, if it appears that the compilation is generally used and relied upon in the line of business or profession as being accurate. Also, a list, register, or directory intended for use by the public at large, such as a telephone directory, is likewise admissible if it is common knowledge that the compilation is generally regarded by the public as being accurate. If, however, it is shown that a compilation intended for business, professional, or public use is not in fact generally accurate, it is not admissible under these rules.

145. DEPOSITIONS; FORMER TESTIMONY; RECORDS OF COURTS OF INQUIRY. ***a. Depositions.*** See Article 49. For procedure in taking depositions, see 117. To satisfy the conditions of admissibility set forth in Article 49(d)(2), it must appear that the witness, for one of the specific causes enumerated or for other reasonable cause, in fact is unable or refuses to appear and testify in person. For example, if nonamenability to process is the only ground advanced for the admissibility of a deposition, it must appear, either through a refusal of the witness to comply with a request for his attendance or otherwise, that the witness is in fact unavailable. The condition set forth in Article 49(d)(3) cannot be considered as satisfied unless it appears that there has been an exercise of due diligence in attempting to locate the witness. Although not specifically so indicated in Article 49, a deposition is inadmissible against an accused if he was not afforded an opportunity to be present with his counsel at the taking thereof (see 117*b*(2)), but such a defect may be waived.

A case referred to a special court-martial for trial under 15*a*(1) is a case "not capital" within the meaning of Article 49. Under Article 49(f), a case in which the death penalty is authorized by the code but is not mandatory for an offense of the kind charged is not capital when the convening authority has directed that the case be treated as not capital. Upon a rehearing or new or other trial thereof, a case in which the death penalty is imposable under the code for an offense of the kind charged is not capital within the meaning of Article 49 if the legal sentence upon a previous hearing or trial of the case, as ultimately reduced by the convening or other proper authority when any such action has been taken, was other than death. Although an offense is punishable by death under the article denouncing it, the offense is not legally so punishable, and therefore is not capital, if the applicable limit of punishment prescribed by the President under Article 56 is less than death. In a trial upon two or more specifications, the proceedings as to each constitute a separate "case."

Testimony taken by deposition may be introduced by the defense in capital cases if otherwise admissible. If the defense calls for testimony to be taken by deposition in a capital case, the deponent may be cross-examined by written interrogatories, or otherwise, in the same manner as a deponent in a case not

capital. With the express consent of the defense made or presented in court, but not otherwise, competent deposition testimony not for the defense may be introduced in a capital case. When otherwise admissible, deposition testimony not for the defense may be admitted without the consent of the defense in a case not capital tried with a capital case if the testimony is not relevant to the capital case or, when it is relevant to the capital case, if the cases do not involve the same criminal transaction and the military judge instructs the court in open session that the testimony is not to be considered as to the capital case.

If only part of a deposition is offered in evidence by a party, he should, at the request of the opposite party, be required to offer all of it that is relevant to the part offered. This should be done even though the prosecution may seek to use it to compel presentation of a deposition relevant to a capital case. If the party at whose instance a deposition has been taken does not offer it or offers only a part of it, any other party may offer the deposition or the parts not offered, except that (1) the prosecution may not thus offer, in a capital case, a deposition or part thereof without the express consent of the defense made or presented in court, and (2) in no case may a deposition or part thereof be used against a party, whether or not he initiated the taking of the deposition, who raises a valid objection to its use against him. For example, when the objecting party has introduced no part of the document as a deposition, no part may then be admitted over objection if it fails to meet any of the requirements of Article 49(d)(1), (2), or (3) or if that party did not have notice of its taking.

A deposition will ordinarily be read to the court by the side on whose behalf it is being offered. At the reading, objections may be made to the introduction of the evidence which it contains in the same way that they would be made if the evidence was offered in the usual manner. If the ground of an objection to the use of a deposition or a part thereof is one which might have been obviated or removed, either in connection with the deposition itself or by retaking the deposition, if presented at the time interrogatories were submitted to the objecting party or to the military judge or the president of a special court-martial without a military judge or at the time the deposition was taken, a failure to have made the objection at that time is a waiver of the objection. It may be shown that an objection actually was made even if the objection is not noted in the body of the deposition, but in the absence of such a showing it may be assumed that no objections were made other than those noted. If the military judge or the president of a special court-martial without a military judge has ruled on an objection at the time interrogatories were submitted for acceptance, the objection shall again be considered at the time the deposition is read, if a request to do so is then made, without regard to the previous ruling.

The same rules as to the competency of witnesses and the admissibility of evidence apply to the introduction of evidence taken by deposition that apply to the introduction of other evidence before the court, except that a wider latitude than usual should be allowed as to leading questions put to a deponent upon written interrogatories. Also, when a business entry is properly authenticated by the testimony of a witness taken on deposition, a copy of the business entry, identified as such by the witness, may be substituted for the original. The copy, marked by the person taking the deposition in such a manner as to indicate that it is the copy identified by the witness, will accompany and be part of the deposition and shall be admissible in evidence equally with the original.

A failure to object to the introduction of a deposition on the ground that it was not taken on reasonable notice or before a proper officer, on the ground that it does not appear that the deponent is unavailable as a witness, or on the ground that the accused was not afforded in connection with the taking of the deposition an opportunity to be adequately represented by counsel and to confront and cross-examine the deponent may be regarded as a waiver of that objection.

When it is stated that a deposition or a part thereof is "admissible" or may be "introduced" in evidence, this means merely that, in the terms of Article 49 (d), the document or an appropriate part thereof "may be read in evidence." Except for inspection of the document by the president of a special court-martial without a military judge for the purpose of determining the admissibility of its contents, the document itself is not shown to the members of the court. However, after having been read to the court, the document will be marked as an appellate exhibit and included in the record.

The limitations upon the use of deposition testimony mentioned above and in Article 49 do not apply with respect to statements of deponents which are admissible under some rule of evidence other than that authorizing the introduction of depositions. Any such statement, for example, a voluntary confession or admission of the accused made while a deponent or an inconsistent statement of a witness similarly made, may be proved by the deposition in which it appears, if that document is properly receivable as an official record of the statement or otherwise as a writing, or by other competent evidence. See, however, 141 for rules applying to proof of statements made through an interpreter.

b. Former testimony. In any trial by court-martial, including a rehearing or new trial, the testimony of a witness given in a civil or military court at a former trial of the accused in which the issues were substantially the same, except a former trial shown by the objecting party to be void because of lack of jurisdiction as to the proceedings, may when properly proved and otherwise admissible, be received in evidence to the same effect that it could be received if the witness were given again to give the testimony in person at the present trial, provided that the witness refuses at the trial to testify concerning the matter in question or it appears:

That the witness is dead, insane, or too ill or infirm to attend the trial;

That the witness is nonamenable to process and not otherwise available to testify at the trial;

That despite the exercise of due diligence in trying to locate him the witness cannot be found; or

That due to military necessity or other reasonable cause the witness is unable to attend the trial.

The prosecution, however, may not introduce the former testimony of a witness unless, in addition to the above requirements having been met, the accused was afforded at the former trial an opportunity to be adequately represented by counsel and to confront and cross-examine the witness and unless, in a capital case, it appears that the witness is dead or insane or is nonamenable to process and not otherwise available to testify at the trial. Cases considered "not capital" in 145*a* are also considered "not capital" with respect to the admissibility of former testimony. If refusal of a witness to testify is the ground upon which

his former testimony is to be introduced, his former testimony will be admissible only insofar as it relates to the matters concerning which he has refused to testify. Former testimony given at a preliminary judicial hearing, such as an investigation conducted under Article 32, of an allegation against the accused is admissible under the same conditions as testimony given at a former trial of the accused.

A failure to object to the introduction of testimony given at a former trial or preliminary judicial hearing of the accused on the ground that the issues in the former trial or hearing were not substantially the same, on the ground that the accused was not afforded at the former trial or hearing an opportunity to be adequately represented by counsel and to confront and cross-examine the witness or on the ground that it does not appear that the witness is now unavailable may be regarded as a waiver of that objection.

When former testimony of an accused is sought to be admitted or used to cure the error arising from the erroneous use of an inadmissible pretrial statement the Government must affirmatively show that the prosecution's use of the inadmissible statement did not induce the accused's in court testimony. The Government must affirmatively demonstrate the lack of causal relationship between the in court testimony and the inadmissible pretrial statement, and must affirmatively dispel the inference that no testimonial utterance would have been made had not the prosecution introduced the illegally obtained statement.

The testimony of a witness who has testified at a former trial or preliminary judicial hearing may be proved by a record of the testimony in an official or other admissible record of the former trial or hearing, by an admissible copy of such a record of the testimony, by an official or other admissible stenographic, mechanical, or electronic report of the testimony, or—whether or not any record or report of the testimony is available—by a person who heard the witness give the testimony and who remembers all of it, or the substance of all of it, that is relevant to the topic in question. Although a record or report of former testimony is not inadmissible to prove that testimony merely because of being nonverbatim, a record or report of former testimony of a witness which is not complete as to that testimony or its substance, whether or not an otherwise verbatim record or report, is, because of its incompleteness, inadmissible to prove the testimony unless the omissions are shown to be inconsequential or irrelevant to the purposes for which the testimony is offered. See 141 as to proving former testimony given through an interpreter. If only part of the former testimony of a witness is offered in evidence by a party, he should, at the request of the opposite party, be required to offer all of the former testimony of the witness that is relevant to the part offered.

If the former testimony of a witness is to be proved by the record of the former trial or hearing or other writing in which it appears, the testimony should merely be read in evidence from the writing. Except for inspection of the writing by the president of a special court-martial without a military judge for the purpose of determining the admissibility of its contents, the writing itself is not shown to the members of the court. See also 81*c*. However, the writing or the pertinent parts thereof will be properly included in the record as an appellate exhibit.

If otherwise admissible under 145*a* and Article 49, a deposition taken for use or used at a former trial by court-martial is admissible in a subsequent trial of the same person on the same issues.

The limitations upon the use of former testimony mentioned above do not apply with respect to statements made at a former trial or preliminary judicial hearing, or at any trial or hearing, which are admissible under some rule of evidence other than that authorizing the introduction of former testimony. Any such statement, for example, a voluntary confession or admission of the accused or an inconsistent statement of a witness, may be proved by any competent evidence, for instance, by the testimony of a person who heard the statement being made or by a record or report of the statement in an official or other admissible record or report of a trial or preliminary judicial hearing at which it was made. However, a statement made by an accused at a trial in connection with an inquiry into the providence of his plea of guilty or in connection with the sentencing proceedings is not, in a subsequent trial of that accused for the same or any other offense, admissible to prove his guilt or to impeach his credibility in regard to his testimony on the issue of guilt or innocence. See 141 for rules applying to proof of statements made through an interpreter. As to the use of former testimony in connection with the sentencing proceedings in a rehearing on the sentence only or in a combined rehearing, see 81*b*(2) and (3).

c. Records of courts of inquiry. See Article 50. The effect of the words "not capital and not extending to the dismissal of a commissioned officer" as used in Article 50 is that if the prosecution uses the record of a court of inquiry to prove part of the allegations in a specification, neither death nor dismissal may be adjudged as a result of a conviction under that specification, but other lawful punishment may be adjudged. The introduction of the record of a court of inquiry by the defense will not affect the punishment which may be adjudged. It may be considered that a person's "oral testimony cannot be obtained" in the sense of Article 50 if the person refuses at the trial to testify concerning the matter in question or if it appears (1) that the person is dead, insane, or too ill or infirm to attend the trial, (2) that he is nonamenable to process and is not otherwise available to testify at the trial, (3) that despite the exercise of due diligence in trying to locate him he cannot be found, or (4) that due to military necessity or other reasonable cause he is unable to attend the trial. A failure to object to the introduction of testimony contained in a record of a court of inquiry on the ground that it does not appear that the oral testimony of the witness cannot be obtained may be regarded as a waiver of that objection. If only part of the testimony of a witness contained in a record of a court of inquiry is offered in evidence by a party, he should be required, at the request of the opposite party, to offer all of the testimony of the witness contained in the record that is relevant to the part offered.

Admissible testimony contained in a record of a court of inquiry is, in the terms of Article 50, "read in evidence." Except for inspection of the record by the president of a special court-martial without a military judge for the purpose of determining the admissibility of its contents, the record itself is not shown to the members of the court. However, after testimony contained in a record of a court of inquiry has been read to the court, a duly authenticated copy of the record or of pertinent parts of the record will be properly marked as an appellate exhibit and included in the record of trial.

The limitations mentioned above and in Article 50 upon the use of testimony contained in a record of a court of inquiry do not apply with respect to statements made before a court of inquiry which are admissible under some

rule of evidence other than that set forth in Article 50. Any such statement, for example, a voluntary confession or admission of the accused or an inconsistent statement of a witness, may be proved by a record or report of the statement in an official or other admissible record or report of the court of inquiry proceedings at which it was made or by other competent evidence. See 141 for rules applying to proof of statements made through an interpreter.

146. MEMORANDA; AFFIDAVITS. ***a. Memoranda.*** Memoranda may be used to enable a witness to supply facts once known by him but now forgotten or only uncertainly or incompletely remembered or to enable a witness to refresh his memory. Memoranda are therefore of two sorts. *First*, if the witness, after having used the memorandum in an attempt to refresh his memory, does not actually remember the facts or events or has only an uncertain or incomplete recollection of them and, accordingly, relies on the recital of the facts or events set forth in the memorandum, as when a witness uses an old diary in this manner, then the witness must be able to state that the memorandum represents his past knowledge possessed at a time when his recollection was reasonably fresh as to the facts or events recorded. It is not necessary that he should himself have made the memorandum if he can state from his present memory that at a time when his recollection was reasonably fresh as to the facts or events recorded he read the memorandum and found it to be correct, or must have done so. If the certainty of the witness that a particular memorandum represents his past recollection rests upon his normal habit or course of business in making or perusing memoranda similar to the memorandum in question, this may be considered a sufficient foundation for the use of the memorandum. *Second*, if the witness can actually remember the facts or events and uses the memorandum merely to refresh his present memory or a part of it, then the witness need not have had any previous connection with the memorandum.

Even if not in itself otherwise admissible to prove the truth of the matters stated therein, a memorandum of the first sort may be received in evidence as a record of the past recollection of the witness, and it may be considered to be evidence of the facts or events shown by that past recollection. If it meets the requirements of a memorandum of the first sort, a newspaper account of an incident may be used to establish the past recollection of a witness.

If the memorandum is of the second sort, the party using the memorandum to refresh the memory of the witness may not introduce it in evidence unless it is otherwise admissible. However, the opposite party may introduce it for the purpose of showing that it could not have refreshed the memory of the witness.

A memorandum of either the first or second sort used during the examination of a witness must, upon demand, be shown to the opponent for purposes of inspection and examination of the witness thereon.

See also the last paragraph of 149*c*(1)(*b*).

b. Affidavits. The general rule is that affidavits are not admissible as evidence of the truth of the matters stated therein, for they are hearsay assertions. However, the defense may introduce affidavits, or other written statements, of persons other than the accused concerning the character of the accused. If the defense introduces affidavits or other written statements as to the character of the accused under this subparagraph, the prosecution may, in rebuttal, also

introduce affidavits or other written statements regarding the accused's character. Character evidence of this type may be introduced by the defense or prosecution only if that evidence, aside from the fact of being contained in an affidavit or other written statement, would otherwise be admissible under 138*f*(2). See 75*c* as to the use of affidavits and other written statements in extenuation and mitigation. See also the second paragraph of 137.

147. JUDICIAL NOTICE; DETERMINATION OF FOREIGN LAW.

a. Judicial notice. Certain kinds of matters need not be proved by the formal presentation of evidence, for the existence of these matters may be recognized without formal proof. This recognition is termed judicial notice.

The following are the principal matters of which judicial notice may be taken:

The ordinary divisions of time into years, months, weeks, and other periods; general facts and laws of nature, including their ordinary operations and effects; general facts of history; generally known geographical facts; such specific facts and propositions of generalized knowledge as are so universally known that they cannot reasonably be the subject of dispute; such facts as are so generally known, or are of such common notoriety, in the area in which the trial is held that they cannot reasonably be the subject of dispute; and specific facts and propositions of generalized knowledge which are capable of immediate and accurate determination by resort to easily accessible sources of reasonably indisputable accuracy.

The treaties of the United States, and executive agreements between the United States and any State thereof, foreign country, or international organization or agency; and current political or de facto conditions of war and peace.

The laws, and regulations published pursuant thereto, of the United States, of the District of Columbia, and of a State, Commonwealth, or possession of the United States or any political subdivision of such a State, Commonwealth, or possession; the contents of official informational bulletins, manuals, and pamphlets and similar official publications of any agency of the Federal government of the United States; military custom in an armed force of the United States; international law, including the law of war; general maritime law and the law of the air; and the common law.

The political organization and the identity of the principal officials of the United States, of the District of Columbia, and of a State, Commonwealth, or possession of the United States or any political subdivision of such a State, Commonwealth, or possession; the signatures of the principal officials of the Federal government of the United States purportedly written in their respective official capacities; and the signature of a person attesting or otherwise authenticating an official record or copy thereof, or a certificate or statement of the nonexistence of an official record or entry, that is or would be kept under the authority of any department, bureau, agency, office, or court of the Federal government of the United States.

When on a certificate or statement furnishing a final authentication of a foreign official record or copy thereof or of a certificate or statement of the nonexistence of a foreign official record or entry, the signature of a United States secretary of embassy or legation, consul general, consul, vice consul, consular agent, or foreign service officer or of a diplomatic or consular official of the foreign country assigned or accredited to or recognized by the United States.

The seal of the United States, of the District of Columbia, or of a State, Commonwealth, or possession of the United States or any political subdivision of such a State, Commonwealth, or possession; the great seal (seal of state) of any foreign country, the seal of any court or judge or clerk thereof, and the seal of office of any official or office, of the United States, of the District of Columbia, or of a State, Commonwealth, or possession of the United States or any political subdivision of such a State, Commonwealth, or possession; and the seal of a notary public, foreign or domestic.

If not judicially noticeable on a more general basis, any signature, seal, or symbol furnishing an authentication of a foreign or domestic official record or copy thereof, or of a certificate or statement of the nonexistence of a foreign or domestic official record or entry, which is sufficient under the law of the place where the record is or would be kept or under any law of the United States.

The organization of the Department of Defense and the departments, agencies, bureaus, branches, forces, commands, and units thereunder, of the Coast Guard and National Guard and their subordinate commands and units, and of military agencies and units of allies of the United States; the signature of a person attesting or otherwise authenticating an official record or copy thereof, or a certificate or statement of the nonexistence of an official record or entry, that is or would be kept under the authority of any of the foregoing; and, as to the foregoing, their locations, their seals, inked stamps, or other identification marks, and the contents of written regulations, written orders and directives, official informational bulletins, manuals, and pamphlets, and similar official publications issued thereby or pertaining thereto, including general and special orders, circulars, price lists, and court-martial orders.

The signatures of the Judge Advocates General and their deputies and assistants; the signatures of custodians of personnel or fingerprint records of an armed force of the United States and their deputies and assistants; the signatures of custodians of fingerprint records of any department, bureau, or agency of the Federal government of the United States and their deputies and assistants; the signature of any person authorized to administer oaths by Article 136 or any of the provisions of law referred to in Chapter XXII, when affixed to a deposition or any sworn writing to indicate the execution of that authority; the signatures of authorities convening courts-martial, courts of inquiry, or other military courts, commissions, boards, or hearings of the United States, or an ally thereof, and the signatures of authorities acting upon, or giving official notice of, the proceedings or results of the proceedings of these courts, commissions, boards, or hearings; the signatures of persons authenticating records of the proceedings of the above courts, commissions, boards, or hearings, or copies of these records; and the signature of an official of an armed force of the United States, or an ally thereof, when on a certificate or statement furnishing a final authentication of a foreign official record or copy thereof, or of a certificate or statement of the nonexistence of a foreign official record or entry, in accordance with 143*b*(2)(*e*) and (*f*).

The actual duties of a person who has signed a writing in a capacity which would allow judicial notice to be taken of his signature.

The principle of judical notice does not prohibit the court from receiving formal evidence of a matter of which it is authorized to take judicial notice, and in taking or determining the propriety of taking judicial notice of a matter it may resort to any source of relevant information, whether or not that source or information would otherwise be admissible in evidence or was submitted by a party. Unless the matter to be judicially noticed is one of universal knowledge or one of common knowledge in the armed forces of the United States or is a judicially noticeable signature, seal, or inked stamp, a party desiring the court to take judicial notice of a matter should ask the court to do so, at the same time presenting for the court's consideration the source of information upon which he relies with respect to the matter. For instance, when counsel asks the court to take judicial notice of a law of a State of the United States, he should present for the court's consideration an official publication of that State, such as a statute book or book of reports, setting forth the law in question or, if an official publication of the State is not reasonably available, he should present for the court's consideration some other source, such as a generally recognized compilation, treatise, or textbook, setting forth that law. The court is not legally required, however, to reject a source of relevant information on the ground that a more primary source is or may be available. A party intending to ask the court to take judicial notice of a matter on the basis of a certain source of information should give the opposite party sufficient notice to enable him to consider that source and to obtain other sources if he so desires.

If a writing is used by the court in aiding it to take judicial notice of a matter, the record should indicate that the writing was so used, and, unless it is a statute of the United States, an executive order or proclamation of the President of the United States, or an official publication of the Department of Defense, the Departments of the Army, Navy, or Air Force, or the Headquarters of the Marine Corps or Coast Guard, the writing, or pertinent extracts therefrom, should be included in the record of trial as an exhibit.

Because of their inherent nature, some matters can be judicially noticed only in the sense that they may be inferred to exist, to be true, or to be genuine, and this inference can be overcome by adequate contradicting information. Examples of these matters are the various signatures, including the capacity in which the signer purports to sign the writing, and seals of which judicial notice can be taken and other judicially noticeable matters which are reasonably subject to contradiction.

b. Determination of foreign law. For the purpose of this subparagraph (*b*), the term "foreign law" means the laws and regulations of foreign countries and their political subdivisions and of international organizations and agencies. The court—that is, the military judge or the president of a special court-martial without a military judge—will determine foreign law, and such a determination will constitute a ruling on a question of law. In determining foreign law, the military judge or the president of a special court-martial without a military judge should require that it be established either by the testimony of a qualified person who is familiar with that law or by the presentation of materials or sources indicated below.

Although the court may consider any relevant material or source pertaining to foreign law whether or not it was submitted by a party, a party desiring that certain foreign law be determined by the court should present to the military judge or the president of a special court-martial without a military judge the material or source upon which he relies, having first given the opposite party sufficient notice to enable him to consider that material or source and to obtain other materials and sources if he so desires. Any material or source received by the court for use in determining foreign law, or pertinent extracts therefrom, should be included in the record of trial as an exhibit, but testimony as to foreign law should appear in the record where testimony usually appears.

In addition to testimony, materials or sources pertaining to foreign law include, but are not limited to, official publications setting forth foreign law published by the foreign jurisdiction concerned, such as statute books, books of reports, journals, and gazettes; official publications setting forth foreign law published by an agency of the Federal government of the United States; and compilations, treatises, textbooks, and commentaries concerning foreign law. The court is not legally required to reject any relevant material or source pertaining to foreign law on the ground that more primary materials or sources are or may be available.

148. COMPETENCY OF WITNESSES. ***a. General.*** A person of fourteen or more years of age is presumed to be generally competent to be a witness. If, upon an allegation of incompetency with respect to such a person, it does not appear by clear and convincing evidence that a specific ground of incapacity exists, the person should be allowed to testify.

Any known objection to the competency of a person as a witness should be made before he is sworn. If it later appears that he is incompetent, however, an objection on that ground should be sustained or the military judge or the president of a special court-martial without a military judge should on his or its own motion refuse to hear him further and order that any testimony he may have given while incompetent be disregarded.

b. Children. The competency of children as witnesses is not dependent upon their age. A child of any age is competent as a witness if he knows the difference between truth and falsehood, understands the moral importance of telling the truth, and is sufficiently intelligent to observe, recollect, and describe with reasonable accuracy the facts in question. This knowledge, understanding, and intelligence may appear upon such preliminary questioning of the child as the military judge or the president of a special court-martial without a military judge deems necessary or from the appearance of the child and the testimony that he gives in the case. A person below the age of fourteen, however, cannot be presumed to be competent as a witness.

c. Mental infirmity. Although a witness may be suffering from mental infirmity, he is nevertheless competent to testify if he knows the difference between truth and falsehood, understands the moral importance of telling the truth, and has sufficient mental capacity to observe, recollect, and describe with reasonable accuracy the facts in question.

d. Conviction of crime. Conviction of an offense does not disqualify a witness but certain convictions may be shown to diminish his credibility. See 153*b* (2) (*b*).

e. Interest or bias, and competency and privileges of husband and wife, the accused, and accomplices. Interest or bias does not disqualify a witness. For instance, the fact that a person owes a party money or has property interests with or against the party does not disqualify him from testifying for or against that party. A person who is an avowed friend or enemy of the accused, or who is an enemy national, is not thereby disqualified from testifying for or against the accused.

Husband and wife are competent witnesses in favor of each other. Although husband and wife are also competent witnesses against each other, the general rule is that each is entitled to a privilege prohibiting the use of one spouse as a witness against the other. The privilege also extends to the use of an extrajudicial statement, made by one spouse against the other which is offered as evidence of the maker's own statement to prove the truth of the matter stated. See 140*a*(4) for an example of when a statement of one spouse may be adopted as the statement of the other. There are certain limitations upon the privilege prohibiting the use of one spouse as a witness against the other, and prohibiting the use of one spouse's statement against the other. *First*, the privilege does not exist in favor of the accused spouse when the other spouse is the person or one of the persons injured by the offense charged, as in a prosecution for an assault by one spouse upon the other, for bigamy, unlawful cohabitation, or adultery, for abandonment of the wife or children or failure to support them, for mistreatment of a child of the other spouse, or for forgery by one spouse of the other's signature to a writing when the forgery is an injury to the legal rights of the other. Except as otherwise provided below, this limitation upon the privilege applies only to the accused spouse and only when the offense was committed after the mariage or, if before it, when the offense was unknown to the other spouse at the time of the marriage. *Second*, the privilege does not exist in favor of either spouse and, consequently, cannot be asserted by either—

(1) In a prosecution of the husband for any of the offenses set forth in chapter 117, title 18, United States Code, when the wife is the victim or for any offense involving the using or transporting of the wife for "white slave" or other immoral purposes, regardless of whether the offense was committed before or after the marriage.

(2) In a prosecution under Section 278 of the Immigration and Nationality Act (66 Stat. 230; 8 U.S.C. § 1328; Importation of alien for immoral purpose).

(3) When the marital relationship was entered into with no intention of the parties to live together as husband and wife, but only for the purpose of using the purported marital relationship as a sham, and that relationship remains a sham at the time the testimony or statement of one of the parties is to be introduced against the other.

(4) When, at the time the testimony or statement of one of the parties to the marriage is to be introduced in evidence against the other party, the witness-party is dead or the parties are divorced.

When the privilege exists, the spouse or spouses entitled thereto may consent to waive it either expressly or by implication. If an accused's spouse testifies in his favor, the privilege may not be asserted by either spouse upon cross-examination of the spouse who has so testified, provided the cross-examination is limited to the issues concerning which the spouse has testified on direct examination and the question of the credibility of the spouse. Also, if the defense, through the testimony of the accused or otherwise, introduces evidence concerning a communication between the accused and his spouse, the accused may not assert the privilege so as to prevent the use of his spouse as a witness in an attempt to contradict that evidence. However, except as indicated in the preceding sentence, an accused who testifies in his own behalf does not, merely by reason of so testifying, waive the privilege as it may apply with respect to the use of his spouse as a witness against him. See 151*b*(2) as to the privilege relating to communications between husband and wife.

The accused is at his own request, but not otherwise, a competent witness. His failure to make such a request or to become a witness as to a particular offense charged will not create any inference against him. As to cross-examination of the accused if he testifies, see 149*b*(1).

One of two or more accomplices or conspirators is competent to testify whether he is charged jointly or separately or not at all, whether he is tried jointly, in common, or separately, and whether he is called for the prosecution or for the defense, except that he may assert his privilege not to incriminate himself when that privilege is applicable and has not been waived and, if he is an accused at the same trial, he cannot be called as a witness except upon his own request. See in this connection 150*b* (Compulsory self-incrimination). See also 149*b*(1) as to the extent to which the privilege of self-incrimination is waived by the accused when he testifies.

The fact that an accomplice testifies for the prosecution does not make him afterwards immune to trial except to the extent that immunity may have been promised him by an authority competent to order his trial by general court-martial. The fact that a witness has been granted or promised immunity does not make him incompetent as a witness.

149. EXAMINATION OF WITNESSES. ***a. General.*** As to oaths of witnesses, see 114. When a witness is recalled to the witness stand, he will not be sworn again, but should be reminded that he has been sworn in the case and is still under oath. A failure so to remind him, however, does not affect the validity of the trial and will not be a ground for rejecting his testimony.

Witnesses other than the accused should be excluded from the courtroom except when they are testifying. However, at the discretion of the military judge or the president of a special court-martial without a military judge, exceptions may be made to this rule. The fact that prior to giving his testimony a witness was present in court under circumstances which might have colored his testimony may be commented upon in argument by either side in relation to the weight to be given to the testimony of the witness. See also 53*f*.

Witnesses usually are examined in the following order: Witnesses for the prosecution, witnesses for the defense, witnesses for the prosecution in rebuttal, witnesses for the defense in rebuttal, and witnesses for the court. The order of examining each witness is usually direct examination, cross-examination, redirect examination, recross-examination, and examination by the court. However, the military judge or the president of a special court-martial without a military judge may permit or cause the recall of witnesses, including an accused, at any stage of the proceedings; may permit or cause relevant testimony to be introduced by either party out of its regular order and place; and may

permit or cause a case once closed by either or both sides to be reopened for the introduction of testimony previously omitted. See also 54*b*.

The military judge, or the president of a special court-martial without a military judge, should not excuse a witness until satisfied that neither party has any further questions to ask him.

Refusal by a witness to answer a proper question is an offense under Article 134, or 133 in a proper case, if the witness is a person subject to the code or an offense under Article 47 if the witness is a person punishable under that article. If the witness is neither subject to the code nor punishable under Article 47, such a refusal may nevertheless constitute an offense under applicable provisions of the law in effect in occupied territory or of foreign law.

It is never necessary for a party to ask questions through the military judge or the president of a special court-martial without a military judge.

A witness should be required to limit his answer to the question asked. He cannot, however, be required to answer categorically by a simple "yes" or "no" unless it is clear that such an answer will be a complete response to the question. A witness may always be permitted at some time before completing his testimony to explain any of his testimony.

The reason for any objection will ordinarily be stated.

With reference to questioning witnesses through an interpreter, see 50*b*.

b. Cross-examination; redirect and recross-examination; examination by the court or a member. (1) *Cross-examination.* Cross-examination of a witness is a matter of right. It should, in general, be limited to the issues concerning which the witness has testified on direct examination and the question of his credibility. Counsel often cannot know in advance what pertinent facts may be brought out on cross-examination, and for that reason it is to some extent exploratory. Reasonable latitude should be given the cross-examiner, even if he is unable to state to the court what facts his cross-examination is intended to develop. The cross-examination of a witness need not be restricted merely because it appears to be repetitious of the questioning or testimony of the witness on direct examination. Leading questions may be used freely on cross-examination.

The extent of cross-examination with respect to a legitimate subject of inquiry is within the discretion of the military judge or president of a special court-martial without a military judge. No obligation is imposed upon the military judge or president of a special court-martial without a military judge to protect a witness, whatever his rank, office, or station in life, from being discredited upon cross-examination, so long as the interrogation falls short of an attempted invasion of his right, properly invoked, not to incriminate himself. The witness should, however, be protected from questions which go beyond the bounds of proper cross-examination merely to harass, annoy, or humiliate him. On the question of his credibility and within the limits imposed by the privilege against self-incrimination with respect to requiring an answer, a witness may be cross-examined concerning any subject touching upon his worthiness of belief. For instance, unless the military judge or president of a special court-martial without a military judge determines as a matter of discretion that the particular subject of the inquiry would be so remote with respect to the credibility of the witness as to be irrelevant, a witness may be cross-examined as to his relation to the parties and the issues in the case, his interest, motives, and inclinations, his way of life, affiliations, associations, acts of misconduct, habits,

and prejudices, his means of obtaining his knowledge of the facts about which he testifies and the manner in which he has used those means, his powers of discernment, memory, and description, and his physical defects, infirmities, and mental idiosyncrasies. In a proper case, he may be asked whether he has expressed animosity toward the accused, or he may, if a proper foundation has been laid, be asked whether he made a statement inconsistent with his testimony. See 153*b* (Impeachment of witnesses) generally and see 153*b*(2)(*b*) as to limitations applicable to cross-examination concerning acts of misconduct of the witness.

An accused who voluntarily testifies as a witness becomes subject to cross-examination upon the issues concerning which he so testifies and upon the question of his credibility. So far as the latitude of the cross-examination is discretionary with the military judge or president of a specal court-martial without a military judge, a greater latitude may be allowed in his cross-examination than in that of other witnesses. See, however, the last paragraph of 138*g* as to limitations upon cross-examination of the accused concerning other offenses or acts of misconduct. When an accused voluntarily testifies as a witness, he thereby, with respect to the issues concerning which he so testifies, waives the privilege against self-incrimination. Consequently, when an accused voluntarily testifies concerning the issue of his guilt or innocence of an offense for which he is being tried, as when he voluntarily testifies in explanation or denial of such an offense, he cannot, upon cross-examination as to matters relevant to that issue, justify a refusal to answer questions on the ground that his answers might tend to incriminate him. If the accused is on trial for two or more offenses and on direct examination testifies concerning the issue of his guilt or innocence of only one or some of them, he may not be cross-examined with respect to the issue of his guilt or innocence of the offense or offenses concerning which he has not testified unless the cross-examination is relevant to an offense concerning which he testified. If an accused testifies on direct examination only as to matters not bearing upon the issue of his guilt or innocence of any offense for which he is being tried, he may not be cross-examined on the issue of his guilt or innocence at all. See 140*a* as to the right of an accused who has made or is said to have made a confession or admission to testify concerning the involuntary nature of the statement or that the statement was not in fact made by him without thereby subjecting himself to cross-examination upon other issues in the case or upon the truth or falsity of the statement.

(2) *Redirect and recross-examination.* Ordinarily, the redirect examination deals with matters brought out in the cross-examination, but new matters may be developed. The recross-examination should be confined to the issues brought out on the redirect examination.

(3) *Examination by the court or a member.* The general rule is that the court, including the military judge, and its members may ask a witness any question that either side might properly ask the witness. If new matter, not properly the subject of cross-examination of the witness on his previous testimony, is elicited by questions of the court or its members, both parties will be permitted to cross-examine the witness upon the new matter. In questioning witnesses, including an accused who has become a witness, the court and its members must be careful not to depart from an impartial role.

In questioning an accused, the court and its members must confine themselves to questions which would be permissible on cross-examination of the ac-

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cused by the prosecution. In questioning a witness concerning the character of the accused, the court and its members must confine themselves to matters which could properly be inquired into by the prosecution. See also the first paragraph of 142*d* (Statements of motive, intent, or state of mind or body).

Questions by the court or its members and evidence elicited by these questions are subject to objection on proper grounds by either side. The military judge, or the president of a special court-martial without a military judge, may require members to submit their questions to him either orally or in writing so that a ruling may be made on the propriety of the questions or course of questioning and so that the questions may be asked on behalf of the court in either their original or rephrased form by the military judge, president of the special court-martial without a military judge, or trial counsel. See also 44*g* and 54*b*, and *c*.

c. Leading questions; ambiguous and misleading questions; other objectionable questions. (1) *Leading questions.* (*a*) *General rule.* Leading questions are questions which either suggest the answer it is desired the witness shall make or which, embodying a material fact, are susceptible of being answered by a simple yes or no. A leading question, except on cross-examination, should be excluded upon proper objection. For example, if a knife is introduced in evidence, a witness should not be asked on direct examination whether it is the knife with which he saw the accused stab A. He should be asked first whether he recognizes the knife, and if he answers that he does, then he may be asked where he saw it and what was done with it. A question may be leading even though it includes the prefatory phrase, "Did you or did you not ——?"

(*b*) *Exceptions.* To abridge the proceedings, the witness may be led at once to points upon which he is to testify. The general rule is therefore not applicable to that part of the examination of a witness which is purely introductory. For example, in a desertion case the policeman who supposedly apprehended the accused may be asked whether he saw the accused at a time and place mentioned in the question.

When a witness appears to be hostile to the party calling him or is manifestly unwilling to give evidence, the party calling him may use leading questions. The party calling a witness may also use leading questions in any situation in which the party may impeach that witness (see 153*b*, Impeachment).

When it appears that a witness has made an erroneous statement through a slip of the tongue or other inadvertence, his attention may be directed to the matter by a leading question in order to give him an opportunity to correct the statement if he so desires.

When, from the nature of the case, the mind of the witness cannot be directed to the subject of the inquiry without specifying it, a leading question may be asked for that purpose. Thus, if a witness testifies that he heard the accused make a certain statement on a certain occasion in the hearing of certain other persons and these persons are called to contradict the witness, each of them may be asked whether he heard the accused make the statement on that occasion.

In other cases, the military judge or the president of a special court-martial without a military judge may, as a matter of discretion, allow liberal departures from the rule, as when the witness is obviously embarrassed and timid

through fear of strange surroundings or for other reasons, or when the witness, because of his age or mental infirmity, is laboring under obvious difficulties in directing his mind toward the subject matter of the inquiry, or when the exact meaning of words used by the witness is obscured by language difficulties. However, in such cases, the witness should not be allowed an opportunity to shape his testimony as he thinks the questioner desires, nor should the witness be allowed an opportunity to shape his testimony to conform to the testimony of other witnesses from suggestions he may gather during the examination.

A witness who is not certain about, or does not recollect, a matter concerning which he is called upon to testify may be permitted, on his direct or other examination, to refresh his present recollection concerning the matter and then to testify from that present recollection or, if he cannot refresh his present recollection, to state that his past recollection as to the matter, possessed at a time when that recollection was reasonably fresh, is represented by certain data. So that he may properly refresh his present recollection or testify concerning his past recollection, data or events having a tendency to aid him in this respect may be brought to his attention and he may be questioned as to the effect of the data or events on his memory. See 146*a* (Memoranda).

(2) *Ambiguous and misleading questions.* A question which is ambiguous or misleading should never be permitted either on direct or cross-examination. Such a question is unfair to the witness, who may thereby be led into making an unintentional misstatement. Moreover, his answer may give a wrong impression to the court. Included in ambiguous or misleading questions are those embodying two or more separate elements or questions. Thus, the question "Did you see the accused leave the quarters with a bundle under his arm?" really contains four questions. Under certain circumstances, the affirmative or negative answer of the witness might be intended to apply to only one of the four questions involved and might be understood by the court to apply to all of them. Also included are questions which assume a fact to which the witness has not previously testified. Thus, the question "When you saw the accused was anyone with him?" would be improper unless the witness has previously testified that he had seen the accused.

(3) *Other objectionable questions.* Questions should not be asked for the purpose of suggesting matters that are known not to exist or that the rules of evidence clearly make inadmissible.

150. DEGRADING AND INCRIMINATING QUESTIONS. ***a. Compulsory self-degradation.*** Under Article 31(c), no person may be compelled to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. The privilege against compulsory self-degradation applies only to matters not material to the issue, whereas the privilege against compulsory self-incrimination applies to all matters. When a witness refuses to answer a question on the ground that the answer thereto would not be material to the issue and might tend to degrade him, the military judge or the president of a special court-martial without a military judge shall determine whether the question does or does not call for an answer material to the issue and if it is determined that it does, or that the answer could not tend to degrade the witness, the witness may be required to answer the question. A question calls for an answer material to the

issue when the answer might be expected to have some bearing upon any subject of inquiry legitimately before the court, including the credibility of witnesses.

b. Compulsory self-incrimination. The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case to be a witness against himself. The principle embodied in this provision applies to trials by courts-martial, and it is not limited to the person on trial but extends to any person who may be called as a witness. Also, Article 31(a) provides that no person subject to the code may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

If a witness states that the answer to a question may tend to incriminate him, he will not be required to answer unless it clearly appears to the military judge or the president of a special court-martial without a military judge that no answer the witness might make to the question could possibly have the effect of tending to incriminate him or that he has, with respect to the question, waived the privilege against self-incrimination. Although an answer to a certain question might normally be expected to incriminate a witness, he may be required to answer if he has been granted immunity. Also, the witness may be required to answer if, because of former trial, the running of the statute of limitations, or any other reason, he can successfully object to being tried for any offense as to which the answer may supply information tending to incriminate him.

The privilege of a witness to refuse to respond to a question the answer to which may tend to incriminate him is a personal one which the witness may exercise or waive as he may see fit. Such a question is not subject to objection by counsel or by the court, although the military judge, or the president of a special court-martial without a military judge, should advise an apparently uninformed witness that he has a right to decline to make any answer which might tend to incriminate him and that any self-incriminating answer he might make can later be used as evidence against him. A witness who answers a question without having asserted the privilege and thereby admits a self-incriminating fact may, at the trial in which the answer was given, be required to disclose all relevant details with respect thereto, so long as, in testifying in answer to any particular question, there is no real danger of further self-incrimination. The witness may be considered to have waived the privilege to this extent by having made the answer, but such a waiver will not extend to a rehearing or new or other trial. See the last paragraph of 149*b*(1) as to waiver of this privilege by an accused when he testifies.

The fact that a witness has asserted the privilege against self-incrimination in refusing to answer a question cannot be considered as raising any inference unfavorable to either the accused or the Government.

The privilege against compulsory self-incrimination protects a person only from being compelled to testify against himself or to provide the Government otherwise with evidence of a testimonial or communicative nature and does not protect him from being compelled by an order or force to exhibit his body or other physical characteristics as evidence. The privilege is therefore not violated, for example, by the use of compulsion in taking the fingerprints of an accused or other person, in exhibiting or requiring him to exhibit a scar on his body, in placing his feet in tracks or trying clothing or shoes on him or requiring him to do so. Also, the privilege is not violated by the use of compulsion in requiring a person to produce for use as evidence or otherwise a record or writing under his control containing or disclosing matter incriminating him when the record or writing is under his control in a representative rather than a personal capacity, as when it is in his control as the custodian of a nonappropriated fund.

A statement obtained from the accused by compelling him to incriminate himself is inadmissible against him regardless of the person applying the compulsion (see also 140*a* and Art. 31(d)), and any evidence obtained as a result of information supplied by the statement is inadmissible against the accused if the compulsion was applied by, or at the instigation or with the participation of, an official or agent of the United States, or any State thereof or political subdivision of either, who was acting in a governmental capacity. Also, evidence obtained as a result of subjecting the accused to gross and brutal maltreatment—for example, pumping out the contents of his stomach over his protest for the purpose of securing evidence rather than of preserving his health—is inadmissible against him if the maltreatment was administered by, or at the instigation or with the participation of, an official or agent of the United States, or any State thereof or political subdivision of either, who was acting in a governmental capacity. The reason for this latter rule is that to admit evidence of this kind against the accused would violate due process.

151. PRIVILEGED AND NONPRIVILEGED COMMUNICATIONS.
a. General. A privileged communication is a communication made as an incident of a confidential relation which it is the public policy to protect. Since public policy is involved, evidence of such a communication should not be received unless it appears that the privilege has been waived by the person or government entitled to the benefit of it or that the evidence comes from a person or source not bound by the privilege.

b. Certain privileged communications. (1) *Military and state secrets, and informants.* Official communications and documents containing military or state secrets, including diplomatic correspondence, are privileged from disclosure in a court-martial proceeding where in the opinion of the head of the executive or military department or government agency concerned such disclosure would be detrimental to the national interest. The deliberations of courts and of grand or petit juries are privileged, but the results of their deliberations are not privileged. The identity of persons supplying information to public officials engaged in the discovery of crime is privileged against disclosure, and the communications of these informants imparting the information are also privileged to the extent necessary to prevent disclosure of the informant's identity.

The privilege pertaining to the identity and communications of informants may be waived by appropriate governmental authorities. This privilege is no longer applicable once the identity of the informant has been disclosed to those who would have cause to resent his communication. Also, the privilege is not applicable with respect to an informant the disclosure of whose identity is necessary to the accused's defense on the issue of guilt or innocence. Whether such a necessity exists will depend upon the particular circumstances of each case, taking into consideration the offense charged, the possible defenses, the possible significance of the informant's testimony, and other relevant factors.

When the prosecution uses an informant as a prosecution witness, the privilege pertaining to communications made by informants is waived by the Government with respect to statements or reports of the informant which relate to the subject matter of the testimony of the witness, and therefore the privilege cannot be applied in opposition to an attempt by the defense to discover or disclose such a statement or report of the informant. See 153*b* (Impeachment of witnesses). The principles expressed above, however, cannot be applied in opposition to a proper invocation of the privilege pertaining to diplomatic correspondence or to communications the disclosure of which would, in the opinion of the head of the executive or military department or independent governmental agency concerned, be detrimental to the public interest. In this connection, it should not be considered that the mere fact of disclosure of the communications or identity of informants is, of itself and regardless of the nature of the disclosure, detrimental to the public interest.

However, it should be recognized that invocation of such privilege might, depending upon the circumstances of the case, make it impossible to proceed with the trial where to do so would prejudice the substantial rights of the accused. See 33*f*.

(2) *Communications between husband and wife, client and attorney, and penitent and clergyman.* Confidential communications between husband and wife, made while they were husband and wife and not living in separation under a judicial decree, are privileged. However, a confidential communication between husband and wife is not privileged when the marital relationship was a sham at the time the communication was made. See 148*e*(3) as to the meaning of "sham." Communications between a client or his agent and an attorney or his agent, such as the attorney's clerk, stenographer, or other associate, are privileged when made while the relationship of client and attorney existed and in connection with that relationship, unless the communications clearly contemplated the future commission of a fraud or crime, for instance, perjury or subornation of perjury. Military or civilian counsel detailed, assigned, or otherwise engaged to defend or represent a person in a court-martial case or in any military investigation or proceeding are attorneys, and the person is a client, with respect to the client and attorney privilege. Also privileged are communications between a person and a chaplain, priest, or clergyman, or assistant or other agent thereof, of any denomination made in the relationship of penitent and chaplain, priest, or clergyman, either as a formal act of religion or concerning a matter of conscience. The person entitled to the benefit of the privilege pertaining to confidential communications between husband and wife is the spouse who made the communication; the person entitled to the benefit of the client and attorney privilege is the client; and the person entitled to the benefit of the penitent and clergyman privilege is the penitent. A communication made by one spouse to the other, by a client to an attorney, or by a penitent to a clergyman is not within these privileges if it was made intending that it be passed on to someone outside the privileged relationship, nor is a communication between husband and wife, client and attorney, or penitent and clergyman within these privileges if to the knowledge of the spouse making it or the client or penitent it was made in the presence of someone outside the privileged relationship capable of understanding the communication. A person interpreting the communication as the agent of either party thereto and an agent of the client, attorney, or clergyman is not outside the privileged relationship.

The general rule is that the disclosure of a privileged communication between husband and wife, client and attorney, or penitent and clergyman should not be required or permitted unless the person who is entitled to the benefit of the privilege consents to the disclosure of the communication or has otherwise waived the privilege, as when he has consented to a disclosure of the communication at a previous trial or hearing. To this general rule, there are the following exceptions:

The privilege pertaining to confidential communications between husband and wife will not prevent allowing or requiring such a communication to be disclosed at the request of the spouse to whom the communication was made if that spouse is an accused, and this is so even when the spouse who made the communication objects to its disclosure.

The privilege pertaining to a privileged communication between husband and wife, client and attorney, or penitent and clergyman, which is based on a recognition of the public advantage that accrues from encouraging free communication in these circumstances, will not prevent allowing or requiring a person outside the privileged relationship who either by accident or design gained knowledge of the communication to testify concerning it, nor will it prevent the reception in evidence of a writing containing the communication which was obtained by such a person either by accident or design. But see 152. However, this exception to the general rule does not apply if the person outside the privileged relationship who gained knowledge of the privileged communication or who obtained the writing containing it did so, as to a communication between husband and wife, with the connivance of the spouse to whom the communication was made, or, as to a communication between client and attorney or penitent and clergyman, with the connivance of the attorney or clergyman or agent thereof or in any other manner not reasonably to be anticipated by the client or penitent.

Unless he voluntarily testifies concerning the communications, an accused who testifies in his own behalf, or a person who testifies under a grant or promise of immunity, does not, merely by reason of so testifying, waive any privilege pertaining to communications between husband and wife, client and attorney, or penitent and clergyman to which he may be entitled. If the defense introduces evidence concerning a communication between the accused and his spouse, the accused may not assert the privilege pertaining to confidential communications between husband and wife so as to prevent an attempt to contradict that evidence through the testimony of the accused's spouse or by other means.

(3) *Confidential and secret evidence.* The Inspectors General of the various armed forces, and their assistants, are confidential agents of the military or executive departments concerned or of the military commander on whose staff they may be serving. Their investigations are privileged unless a different procedure is prescribed by the authority ordering the investigation. Reports of these investigations and their accompanying testimony and exhibits are likewise privileged and copies thereof need not be furnished to any person other than the authority ordering the investigation or superior authority. However, when application is made to the authority ordering the investigation for permission to examine for use, or to use, in a trial by court-martial or other military course of justice certain testimony, or an exhibit, accompanying the report of investigation, which testimony or exhibit may become material in

the trial or course of justice, for example, to show an inconsistent statement of a witness, he should approve the application unless he is of the opinion that it would be contrary to public policy to divulge the information desired.

In certain cases, it may become necessary to introduce evidence of a confidential or secret nature, as when an accused is on trial for having unlawfully communicated information of such a nature to persons not entitled thereto. In a case of this type, adequate precautions should be taken to insure that no greater dissemination of the confidential or secret evidence occurs than the necessities of the trial require. The courtroom should be cleared of spectators while evidence of this nature is being received or commented upon, and all persons whose duties require them to remain should be warned that they are not to disclose the confidential or secret information. But see 33*f* as to cases which, because of the security risks involved, should not be brought to trial.

c. Certain nonprivileged communications. (1) *Communications by wire or radio.* Communications are not privileged because transmitted by wire or radio and the information concerning them that comes to the knowledge of operators, either military or civilian, of any such means of transmission is likewise not privileged by reason of the means of transmission used. Wire or radio operators, military and civilian, may be ordered or subpoenaed to testify before courts-martial as to wire or radio communications, and telegrams and radiograms may be brought before courts-martial by the usual process. But see 151*b*(1) and the next to the last paragraph of 152.

(2) *Communications to medical officers and civilian physicians.* It is the duty of medical officers to supply medical services to members of the armed forces, to make periodical physical examinations as required by regulations, and to examine persons for appointment and enlistment, and medical officers may be specifically directed to observe, examine, or attend members of the armed forces. This observation, examination, or attendance is official and the information thereby acquired is official. Although the ethics of the medical profession forbid medical officers and civilian physicians to disclose without authority information acquired when acting in a professional capacity, no privilege attaches to this information or to statements made to them by patients.

152. CERTAIN ILLEGALLY OBTAINED EVIDENCE. Evidence is inadmissible against the accused:

If it was obtained as a result of an unlawful search of the person or property of the accused conducted, instigated, or participated in by an official or agent of the United States, or any State thereof or political subdivision of either, who was acting in a Governmental capacity; or

If it was obtained without the freely given consent of the accused as a result of an *unlawful search* of another's premises on which the accused was legitimately present, and the search in question was conducted, instigated, or participated in by an official or agent of the United States, or any State thereof or political subdivision of either, who was acting in a Governmental capacity; or

If it was obtained as a result of a seizure or examination of property of the accused upon an *unlawful search* of anyone's property, unless the presence of the property of the accused was due to trespass, whether or not the accused was present, and the search in question was conducted, instigated, or participated in by an official or agent of the United States, or any

State thereof or political subdivision of either, who was acting in a Governmental capacity.

Evidence obtained as a result of information supplied by illegal acts of the kinds mentioned above is itself considered as having been obtained as a result of the illegal acts. For example, if a search is unlawful because conducted without probable cause and a second search is conducted based on information supplying probable cause discovered during the first search, evidence obtained by the second search is inadmissible against an accused entitled to object to the evidence even if the second search would otherwise be lawful. Evidence is not considered as having been obtained as a result of the illegal acts merely because it would not have come to light but for those acts. Evidence is considered as having been obtained as a result of the illegal acts only if it has been acquired by an exploitation of those acts instead of by means sufficiently distinguishable to be purged of the taint of the illegality.

The defense is free to deny all the elements of the case against the accused without thereby giving leave to the Government to introduce by way of rebuttal evidence which would be inadmissible against the accused under the above rules. If, however, the defense introduces evidence as to other matters, as when the accused testifies on direct examination that he has never committed an offense of the kind in question, contradicting evidence as to those matters which was obtained as a result of an unlawful search may be introduced in rebuttal, even if that evidence would otherwise be inadmissible against the accused because of the unlawful search.

The following searches are among those which are lawful:

A search conducted in accordance with the authority granted by a lawful search warrant.

A search conducted as an incident of lawfully apprehending a person, which may include a search of his person, of the clothing he is wearing, and of property which, at the time of apprehension, is in his immediate possession or control, and a search of the place where the apprehension is made; but a search which involves an intrusion into his body, as by taking a sample of his blood for chemical analysis, may be conducted under this rule only when there is a clear indication that evidence of crime will be found, there is reason to believe that delay will threaten the destruction of the evidence, and the method of conducting the search is reasonable. See the example of an unreasonable method in the last paragraph of 150*b*.

A search incident to a lawful hot pursuit of a person, including, when so incident, a search reasonably necessary to prevent his resistance or escape.

A search of open fields or woodlands, with or without the consent of the owner or tenant.

A search under circumstances demanding immediate action to prevent the removal or disposal of property believed on reasonable grounds to be criminal goods.

A search of one's person with his freely given consent, or of property with the freely given consent of a person entitled in the situation involved to waive the right to immunity from an unreasonable search, such as an owner, bailee, tenant, or occupant as the case may be under the circumstances.

A search of any of the following three kinds which has been authorized upon probable cause by a commanding officer, including an officer in charge,

having control over the place where the property or person searched is situated or found or, if that place is not under military control, having control over persons subject to military law or the law of war in that place:

(1) A search of property owned, used, or occupied by, or in the possession of, a person subject to military law or the law of war, the property being situated in a military installation, encampment, or vessel or some other place under military control or situated in occupied territory or a foreign country.

(2) A search of the person of anyone subject to military law or the law of war who is found in any such place, territory, or country.

(3) A search of military property of the United States, or of property of nonappropriated fund activities of an armed force of the United States.

The commanding officer may delegate to persons of his command, or made available to him, the general authority to order searches upon probable cause, and a search ordered by virtue of any such delegation is to be considered as having been authorized by the commanding officer. Any such delegation should be made to an impartial person. The person who orders a search need not himself make or be present at the search.

The examples of lawful searches set forth above are not intended to indicate a limitation upon the legality of searches otherwise reasonable under the circumstances.

To be lawful even under circumstances that would permit a lawful search, searches by United States or other domestic authorities of a person's house, dwelling, automobile, effects, papers, or person without his freely given consent must be for instrumentalities or fruits of crime, things which might be used to resist apprehension or to escape, property the possession of which is itself a crime, or evidence which there is reason to believe will otherwise aid in a particular apprehension or conviction. This restriction does not apply to administrative inspections or inventories conducted in accordance with law, regulation, or custom.

Probable cause for ordering a search exists when there is reason to believe that items of the kind indicated above as being properly the subject of a search are located in the place or on the person to be searched. Such a reasonable belief may be based on information which the authority requesting permission to search has received from another if the authority ordering the search has been apprised of some of the underlying circumstances from which the informant concluded that the items in question were where he claimed they were and some of the underlying circumstances from which the authority requesting permission to search concluded that the informant, whose identity need not be disclosed, was credible or his information reliable.

When the accused objects to evidence obtained as a result of a search on the ground that the search was unlawful, the burden is on the Government to show, as an interlocutory matter, either that the search was lawful or that for some other reason the search would not render the evidence in question inadmissible against the accused. If the justification for using evidence obtained as a result of a search is that there was a freely given consent to the search, that consent must be shown by clear and positive evidence.

Military courts have no authority to entertain a motion for or to order the return of property obtained as a result of an unlawful search or seizure or to

entertain a motion for or to order the suppression for use as evidence of property or information so obtained, as distinguished from ruling as to whether or not it is admissible against the accused.

Evidence is inadmissable against the accused if it was obtained under such circumstances and in such a place that its use against him would be prohibited by section 2515, title 18, United States Code, pertaining to the prohibition of the use as evidence of certain intercepted wire or oral communications, or by section 605 of the Communications Act of 1934 (82 Stat. 223; 47 U.S.C. § 605), as amended, pertaining to the unauthorized divulgence or publication of wire or radio communications.

See also 140*a* and the last paragraph of 150*b*.

153. CREDIBILITY OF WITNESSES; IMPEACHMENT OF WITNESSES. ***a. Credibility of witnesses.*** The credibility of a witness is his worthiness of belief and may be determined from the acuteness of his powers of observation, the accuracy and retentiveness of his memory, his general manner in giving evidence, his relation to the matter in issue, his appearance and deportment, his friendships and prejudices, and his character as to truth and veracity, from comparison of his testimony with other statements made by him and with the testimony of others, and from other evidence bearing upon his veracity. See in this connection 149*b*(1) (Cross-examination).

The court may ordinarily draw its own conclusions as to the credibility of a witness and attach such weight to his evidence as his credibility may warrant. However, there are cases in which the court would not be warranted in accepting certain testimony as being sufficient to constitute a basis for a determination of guilt. For example, a conviction cannot be based solely upon self-contradictory testimony given by a witness other than the accused, even if a motive on the part of the accused to commit the offense charged is shown, if the contradiction is not adequately explained by the witness in his testimony. Also, a conviction cannot be based upon uncorroborated testimony given by an alleged victim in a trial for a sexual offense or upon uncorroborated testimony given by an accomplice in a trial for any offense, if in either case the testimony is self-contradictory, uncertain, or improbable. Even if apparently corroborated and apparently credible, testimony of an accomplice which is adverse to the accused is of questionable integrity and is to be considered with great caution. See also 210 and 213*f*(4) for special standards applying to proof of falsity in prosecutions for perjury and false swearing. When appropriate, the above rules should, upon request by the defense, be included in the general instructions of the military judge or the president of a special court-martial without a military judge.

In general, a person gains no corroboration merely because he repeats a statement a number of times. Consequently, a witness ordinarily may not be corroborated by showing that he made statements consistent with his testimony. But this is only a general rule, and there are some situations in which consistent statements are admissible to corroborate the witness. If the testimony of a witness has been attacked on the ground that it was due to a certain influence, evidence of his statements or conduct, consistent with his testimony, made or occurring before the creation of that influence, may be introduced for the purpose of corroborating his testimony. For example, if the credibility of a witness has been attacked on the ground of bias due to a quarrel with the accused, the fact

that before the date of the quarrel he made an assertion similar to his testimony is admissible for this purpose. Similarly, if his impeachment has been sought on the ground of collusion or corruption, evidence of a consistent statement made by him prior to the collusion or corruption is admissible for the same purpose. Also, if the testimony of a witness has been attacked on the ground that he made one or more inconsistent statements or on the ground that it was a fabrication of recent date, evidence of a consistent statement made by him before there was a motive to misrepresent is admissible to corroborate his testimony.

When in his testimony a witness identifies the accused as being, or not being, a participant in the offense or makes any other relevant identification concerning a person in the courtroom, evidence that on a previous occasion the witness made a similar identification is admissible to corroborate his testimony as to identity, even if the credibility of the witness has not been directly attacked. In such a case, the identifying witness himself and any person who has observed the previous identification may testify concerning it. An identification of an accused or suspect as being a participant in the offense, whether made at his trial or otherwise, which was a *result* of his having been subjected by United States or other domestic authorities to a lineup for the purpose of identification without the presence of counsel for him is inadmissible against the accused or suspect if he did not voluntarily and intelligently waive his right to the presence of counsel. Concerning the determination as to whether the identification was a result of an illegal lineup, see the second paragraph of 152. However, when an identification was made at a lineup conducted in violation of the right to counsel, that identification is a result of the illegal lineup, and a later identification by one present at such an illegal lineup is also a result thereof unless the contrary is shown by clear and convincing evidence.

If a consistent statement of a witness is admissible as an exception to the hearsay rule to prove the truth of the matters stated therein, the statement is also admissible to corroborate his testimony, and this is so even if the statement would not otherwise be admissible for the purpose of corroboration.

See also 142*c* (Fresh complaint and lack of fresh complaint).

Evidence which raises an inference of the truth of other evidence "corroborates" that other evidence.

b. Impeachment of witnesses. (1) *General.* See 149*b*(1) (Cross-examination). Impeachment is the process of attempting to diminish credibility. The credibility of any witness, including an accused who has become a witness may be attacked.

The general rule is that a party is not permitted to impeach his own witness, that is, deliberately to attempt to discredit him. Inconsistencies which incidentially develop between witnesses for the same side are not impeachments prohibited by this rule. The general rule is subject to the following exceptions. If a party is compelled to call a witness because the law or the circumstances make his testimony indispensible or if the testimony of a witness proves unexpectedly adverse to the party calling him, the party is permitted to impeach the witness. In the latter case, it must first appear that the party calling the witness has been surprised by adverse testimony given by the witness. If surprise is the only reason for permitting a party to impeach his own witness, the party may directly attack the credibility of the witness only by proof of prejudice, bias, or other motive to misrepresent with respect to the adverse

testimony as to which the party was surprised, or by proof of statements or conduct of the witness inconsistent with that adverse testimony, and may not, for instance, show that the witness has a bad character as to truth or veracity or that the witness has been convicted of crime. The surprise caused by adverse testimony given by a party's own witness which will allow the party to impeach him must be actual, not feigned, surprise. The party must have had an honest belief that the witness would testify as expected. The fact that the party was advised by a person other than the witness that the witness would testify in a certain manner is no basis for a claim of surprise when the witness fails to do so. In this respect, however, the party, unless he is in possession of information indicating that the witness is likely to testify otherwise, may rely upon statements purportedly made by the witness in the course of an official investigation as set forth in a summary of the expected testimony of the witness or in other documents.

Witnesses for the court are not witnesses for the prosecution or defense and may be impeached by either side.

(2) *Various grounds.* (*a*) *General lack of veracity.* For the purpose of impeachment, it may be shown that a witness has a bad character as to truth and veracity. If the credibility of a witness has been attacked, proof that the witness has a good character as to truth and veracity may be introduced. A witness who gives competent testimony concerning a person's character as to truth and veracity may be asked whether he would believe the person on oath. See 138*f*(1) as to methods of proving character.

(*b*) *Conviction of crime.* A witness may be impeached by showing that he has been convicted by a civil or military court of a crime—that is, any offense of a civil or military nature—which involves moral turpitude or otherwise affects his credibility. Proof of the conviction may be made by introducing in evidence an admissible record of the conviction, an admissible copy of such a record, or other competent evidence of the conviction. See also 147*a* as to the taking of judicial notice of court-martial orders. Another permissible method of proving that a witness has been convicted of an offense involving moral turpitude or otherwise affecting his credibility is to question him with reference to convictions of offenses of this type in general or with reference to a conviction of a specific offense of this type. Nonaccusatory questions regarding convictions of offenses of this type in general may properly be asked in an attempt in good faith to impeach the witness even if the questioner has no definite information that the witness has been convicted of any such offense. If, in reply to questioning, the witness admits a conviction, other proof of the conviction is unnecessary. When proof of a conviction of a witness has been received for the purpose of impeaching him, the witness, if he so desires, should be permitted to explain the circumstances of the conviction. Evidence as to any juvenile proceeding, adjudication, or conviction which involved an accused is not admissible against him under the rules provided above. However, see the seventh paragraph herein (153*b*(2)(*b*)) as to when this evidence is admissible against an accused.

See the last paragraph of 138*g* as to the instruction that should be given when evidence of a conviction of the accused is introduced before the findings and is of a kind which is then admissible only for the purpose of impeaching his credibility as a witness.

The following convictions are among those which are considered to be convictions of offenses involving moral turpitude or otherwise affecting credibility:

(1) A conviction by court-martial of an offense for which a punishment of dishonorable discharge or confinement at hard labor for more than one year is authorized, whether or not such a punishment was actually adjudged.

(2) A conviction by a Federal civilian court of a felony, that is, of an offense punishable under the United States Code by confinement for more than one year, whether or not that punishment was actually adjudged.

(3) A conviction by any other court of an offense similar to an offense made punishable by the United States Code as a felony or of an offense characterized by the jurisdiction in question as a felony or as an offense of comparable gravity.

(4) A conviction of any offense involving fraud, deceit, larceny, wrongful appropriation, or the making of a false statement.

Any conviction which has been disapproved, set aside, or otherwise revised, or which is undergoing appellate review, or as to which the time for appeal has not expired is not admissible for impeachment purposes. A pending request to the Judge Advocate General to vacate or modify the findings and sentence of a court-martial under Article 69 (110A) is not a part of the review within the meaning of Article 76 (108). The time limitations upon the introduction of evidence of previous convictions set forth in 75*b*(2) do not apply to impeachment proceedings.

In general it is not permissible, except on cross-examination of a witness who is not the accused, to impeach a witness on the ground that he has committed an offense involving moral turpitude or otherwise affecting his credibility by adducing evidence of the offense not amounting to proof of conviction thereof. However, in a prosecution for a sexual offense in which lack of consent is an element, any evidence, otherwise competent, tending to show the unchaste character of the alleged victim is admissible on the issue of the probability of consent by the alleged victim to the act charged (whether or not the alleged victim has testified as a witness) and on the question of the credibility of the alleged victim, and this is so whether or not there was a conviction of any offense involved. For this purpose, evidence of the alleged victim's lewd repute, habits, ways of life, or associations, and of the alleged victim's specific acts of illicit sexual intercourse or other lascivious acts with the accused or others, is admissible, and this is so whether the circumstances to which that evidence refers existed before or after the commission of the alleged offense, unless the military judge or the president of a special court-martial without a military judge, determines as a matter of discretion that the particular evidence would be so remote with respect to the question of consent or credibility as to be irrelevant. For example, on cross-examination of the alleged victim in a rape case, it would be proper to exclude a question calling for her testimony as to whether, at a time which was thus remote, she had participated in illicit sexual intercourse. On the other hand, it would be improper to prohibit an attempt, on her cross-examination or otherwise, to show that she was engaged in the business of prostitution at or about the time of the alleged rape. For the purpose of impeaching the credibility of the alleged victim, defense evidence that the victim has an unchaste character is admissible subject to the above conditions,

in a prosecution for any sexual offense, even if consent is not an element of the offense. Evidence that the alleged victim of a sexual offense has a good character as to chastity is admissible for the purpose of showing the probability of lack of consent, when lack of consent is material, or to rebut the implications arising from evidence that the alleged victim has an unchaste character.

It is permissible on cross-examination of any witness other than the accused to adduce, for the purpose of impeaching the witness, evidence that he has committed an offense involving moral turpitude or otherwise affecting his credibility, even if that evidence does not amount to proof of conviction of the offense and even if the witness has not in fact been convicted of the offense. Consequently, any witness other than the accused may, on cross-examination, be questioned concerning the commission by him of an offense of this type; but in cross-examining a witness under this rule the questioner must be in possession of facts which support a genuine belief that the witness has committed the offense to which the questioning relates. An answer denying commission of such an offense may be contradicted by evidence other than the testimony of the witness given at the trial only if the contradicting evidence would be admissible without regard to the answer.

If the accused testifies on direct examination to the effect that he has never, or has not within a certain period of time, committed an offense of any kind or of a certain kind, evidence contradicting that testimony, or any inference which could reasonably be drawn therefrom, may be introduced through cross-examination of the accused or otherwise for the purpose of impeaching his credibility as a witness as well as for the purpose of rebuttal, whether or not he has been convicted of any offense shown by the contradicting evidence. Likewise, if evidence to the effect that the accused has never, or has not within a certain period of time, committed an offense of any kind or of a certain kind is introduced by the defense through witnesses other than the accused, evidence contradicting that defense evidence or any inference which could reasonably be drawn therefrom may be introduced in rebuttal, whether or not the accused has been convicted of any offense shown by the contradicting evidence. If that evidence involves an offense affecting credibility, it may also be considered for the purpose of impeaching the credibility of the accused if he testifies.

If evidence that the accused has committed an offense is admissible for any purpose under 138*g* and the offense affects credibility, that evidence may also be considered for the purpose of impeaching the credibility of the accused as a witness, whether or not he has been convicted of the offense.

For the purpose of impeachment, it may be shown by cross-examination or otherwise that a witness has been given or promised immunity or other advantage; that he is in custody and that his testimony may have been affected by fear or hope of favor growing out of his detention; or that he has charges pending against him for the offense concerning which he has testified or an offense closely related thereto and that his testimony may have been colored by the pendency of these charges.

(*c*) *Inconsistent statements.* A witness may be impeached by showing by any competent evidence that he made a statement, or engaged in other conduct, inconsistent with his testimony or any part thereof, but a foundation must first be laid before introducing evidence of an inconsistent statement if that evidence is admissible only for the purpose of impeachment. The founda-

tion for the introduction of evidence of the making of an inconsistent oral statement is laid by directing the attention of the witness to the time and place of the statement and the person or persons to whom it was made and then asking the witness if he made it. This procedure may also be used as constituting a sufficient foundation in the case of an inconsistent written statement, and, if it is used, the writing need not be shown to the witness. If the witness denies making the inconsistent statement, or testifies that he does not remember whether he made it, or refuses to testify as to whether he made it, competent evidence that he did make it, including competent evidence of the text or substance of the statement, may be introduced. Even if the witness admits making the inconsistent statement, other competent evidence that he made it, including other competent evidence of the text or substance of the statement, may be introduced in addition to the admission. When the inconsistent statement is contained in a writing apparently signed or written by the witness, a sufficient foundation may be laid by showing the writing to the witness and asking him whether the signature is his or whether he was the author of the written statement. If he admits that the signature is his or that he was the author, the writing then becomes admissible in evidence. If he does not make any such admission but either of these facts is otherwise proved, the writing will then become admissible in evidence.

An oral inconsistent statement of a witness may be proved by the testimony of anyone who heard him make it, even if the statement was reduced to writing and the writing is not accounted for. See 141 as to proving an inconsistent statement made through an interpreter.

Proof that a witness made an inconsistent statement generally is admissible only for the purpose of impeaching him. Proof of an inconsistent statement of a witness is admissible to establish the truth of the matters asserted in the statement only if that proof may properly be received as evidence of a voluntary confession or admission of the witness, when he is the accused, or of some statement of the witness which is otherwise admissible as an exception to the hearsay rule, or if the witness testifies that his inconsistent statement is true, not merely that he made it, and thus adopts the statement as part of his testimony. If proof of an inconsistent statement of a witness is admissible merely for the purpose of impeachment, the military judge, or the president of a special court-martial without a military judge, should, when evidence of the inconsistent statement is introduced, instruct the members of the court in open session that the evidence is to be considered only for the purpose of determining the credibility of the witness and not for the purpose of establishing the truth of the matters asserted in the statement.

The fact that the inconsistent statement was made in the course of an investigation or at another trial does not cause evidence of the making of the statement to be inadmissible for the purpose of impeachment. However, an accused who has testified as a witness may not be cross-examined upon, or impeached by evidence of, any statement which was obtained from him in violation of Article 31 or any of the warning requirements in 140*a*(2) or through the use of coercion, unlawful influence, or unlawful inducement. See Article 31(d).

A witness has a right to explain any apparently inconsistent statement made by him and may, if excused from the stand, be recalled for that purpose.

When a witness refuses to testify as to a certain fact, as when he relies on his right not to incriminate himself, or when a witness who gives no material testimony properly subject to impeachment testifies that he has no knowledge, or that he has no recollection, of that fact, it cannot be shown by way of impeachment that at some other time he made a statement as to the fact. The reason for this rule is that proof of such a statement either would not impeach the testimony of the witness at all or would improperly impeach his testimony. However, when the witness merely claims a failure of memory, the statement may be used in a proper attempt to refresh his present recollection or to establish his past recollection. See 146*a* and the last paragraph of 149*c*(1)(b).

(*d*) *Prejudice and bias.* Former quarrels, relationship, friendship, or illicit relations with the accused and other matters showing prejudice, bias, or any motive to misrepresent may be shown to diminish the credibility of the witness, either by cross-examination of the witness himself or by evidence otherwise adduced.

(3) *Effect of impeaching evidence.* Whether the credibility of a witness has been successfully impeached is a question to be decided, during deliberation upon the matter as to which the testimony of the witness was offered, by whoever is responsible for determining that matter, for example, by each member of the court during his deliberation as to his vote upon the matter if the matter is one properly determined by vote. Consequently, the military judge, or the president of a special court-martial without a military judge, should not strike the admissible testimony of a witness or instruct that it be disregarded simply because impeaching evidence with respect to that witness or his testimony has been introduced.

154. MISCELLANEOUS MATTERS—GUILTY STATE OF MIND; STIPULATIONS; OFFER OF PROOF; WAIVER OF OBJECTIONS. ***a Guilty state of mind.*** (1) *General.* A guilty state of mind of one kind or another is a requirement of many offenses. In certain offenses, such as burglary, larceny, and desertion, a specific intent is necessary. In the kind of murder denounced by Article 118(1), a premeditated design to kill must be proved. In some offenses, knowledge of a certain matter is a requirement. For details concerning the various guilty states of mind with respect to specific offenses, see chapter XXVIII (Punitive Articles).

A guilty state of mind may be established either by direct evidence, for example, by words proved to have been used by the offender, or by circumstantial evidence, as by inference from the act itself.

(2) *Effect of insanity, mental defects, and character and behavior disorders.* See 122.

(3) *Effect of drunkenness.* A temporary loss of reason which accompanies and is part of a drunken spree and which is not the result of delirium tremens or some other mental defect, disease, or derangement is not insanity in the legal sense. It is a general rule that voluntary drunkenness not amounting to legal insanity, whether caused by liquor or drugs, is not an excuse for an offense committed while in that condition. However, evidence of any degree of voluntary drunkenness may be introduced for the purpose of raising a reasonable doubt as to the existence of actual knowledge, specific intent, or a premeditated design

to kill if actual knowledge, specific intent, or premeditated design to kill is a requirement of the offense.

Evidence of drunkenness of the accused may be admitted on the question of the measure of punishment to be awarded in the event of conviction, even if that drunkenness would not be a defense to the offense charged.

As to proof of drunkenness, see 138*e* (Opinion evidence) and 191 (Drunk on duty).

(4) *Effect of ignorance or mistake of fact.* Ignorance or mistake of fact on the part of the accused is a defense when any type of knowledge of a certain fact is necessary to establish the offense. However, depending on the offense and facts involved, ignorance or mistake of fact may not be a defense unless the ignorance or mistake is reasonable. A feigned ignorance or mistake is, of course, no ignorance or mistake at all. If a certain fact, although an element of the offense, is one as to which no type of knowledge is required, such as the age of the victim in carnal knowledge (199*b*), ignorance or mistake as to that fact, even if reasonable, will not be a defense but may be shown in extenuation. Some specific applications of these rules appear in chapter XXVIII (Punitive Articles).

(5) *Effect of ignorance or mistake of law.* As a general rule, ignorance or mistake of law, or of properly published regulations or directives of a general nature having the force of law, is not an excuse for the commission of an offense. If, however, to indicate the existence of a requisite intent or for any other reason, actual knowledge of a certain law or of the legal effect of certain known facts is necessary to establish the offense, ignorance or mistake as to that law or legal effect will be a defense. Also, ignorance or mistake of law or the legal effect of certain known facts may be a defense to show the absence of a guilty state of mind involved in an offense when actual knowledge thereof is not necessary to establish the offense. In this instance, however, depending on the offense and facts involved, the ignorance or mistake may not be a defense, unless it is reasonable. A feigned ignorance or mistake of law or the legal effect of certain known facts is, of course, no ignorance or mistake at all. Additionally, except for general orders or regulations, a person cannot be held responsible for a violation of a military regulation or directive unless he had actual knowledge of the regulation or directive. See 171*a* and *b* as to the distinction between general orders or regulations and other military orders.

Even if the offense is one as to which ignorance or mistake of law is not a defense, the ignorance or mistake may nevertheless be shown in extenuation.

b. Stipulations. (1) *As to facts and the contents of writings.* The parties may make a written or oral stipulation as to the existence or nonexistence of any fact. If an accused has pleaded not guilty and the plea still stands, a stipulation which practically amounts to a confession should not be received in evidence. Also, a stipulation which if true would operate as a complete defense to an offense charged should not be received in evidence. A stipulation should not be received in evidence if any doubt exists as to the accused's understanding of what is involved. A party may withdraw from an agreement to stipulate or from a stipulation at any time before the stipulation is received in evidence, and in such a case the stipulation cannot be received in evidence. Also, the military judge or the president of a special court-martial without a military judge may as a matter of discretion permit a party to withdraw from a stipulation which has been received in evidence, and in this event the stipulation must be disregarded by the court. Unless it is properly withdrawn or is ordered stricken

from the record, a stipulation of fact which has been received in evidence may not be contradicted by the parties thereto.

Subject to the above observations as to stipulations of facts, stipulations may be made as to the contents of a writing.

(2) *As to testimony.* The parties may stipulate that if a certain person were present in court as a witness he would give certain testimony under oath. Such a stipulation does not admit the truth of the indicated testimony, nor does it add anything to the weight or the evidentiary nature of the testimony. Stipulated testimony may be attacked, contradicted, or explained in the same way as though the witness had actually so testified in person. The principles set forth in (1) above, as to the reception in evidence of stipulations and as to the withdrawal by a party from agreements to stipulate and from stipulations apply here also.

A written stipulation as to testimony is merely read in evidence. Except for inspection of the writing by the president of a special court-martial without a military judge for the purpose of determining the admissibility of its contents, the writing itself is not shown to the members of the court. However, the writing will be properly marked and incorporated in the record.

(3) *Instructions concerning stipulations received in a joint or common trial.* When in a joint or common trial a stipulation is received which was made by only one or some of the accused, the members of the court should be instructed that the stipulation may be considered only with respect to the accused person or persons who joined in it.

c. Offer of proof. When the court refuses to hear certain testimony offered in behalf of the accused or refuses to receive certain evidence of any kind offered in his behalf, the defense may make a concise statement setting forth the substance of the expected testimony or other excluded evidence. The statement and any documentary evidence referred to therein will be included in the record of trial for the purpose of aiding reviewing and appellate authorities in arriving at their determination as to whether the exclusion of the evidence in question was proper. No such statement shall be considered as proof of the matters contained therein. See also 57*g*.

d. Waiver of objections. The prosecution or the defense may in court either orally or in writing waive an objection to the admissibility of offered evidence. Unless otherwise indicated by a specific principle of law, such a waiver adds nothing to the weight of the evidence or to the credibility of its source. The military judge or the president of a special court-martial without a military judge may as a matter of discretion refuse to accept, and may permit the withdrawal of, any such waiver. There is no prescribed form for making a waiver. Thus, if it clearly appears that the defense or prosecution understood its right to object, any clear indication on its part that it did not desire to assert that right may be regarded as a waiver of that objection. A waiver of an objection does not, however, operate as an express consent if an express consent is required, and a mere failure to object does not amount to a waiver with respect to the admissibility of evidence except as otherwise stated or indicated in this manual.

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Chapter XXVIII

PUNITIVE ARTICLES

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156. ARTICLE 77—PRINCIPALS

Discussion. To constitute one an aider and abettor under this article, and hence liable as a principal, mere presence at the scene is not enough nor is mere failure to prevent the commission of an offense; there must be an intent to aid or encourage the persons who commit the crime. The aider and abettor must share the criminal intent or purpose of the perpetrator. If there is a concert of purpose to do a given criminal act, and that act is done by one of the parties, all probable results that could be expected from the act are chargeable to all parties concerned; but in order to make one liable as a principal in such a case, the offense committed must be one embraced by the common venture or an offense likely to result as a natural or probable consequence of the offense directly intended. When the offense charged requires proof of a specific intent or particular state of mind as an element, the evidence must establish that the aider and abettor had the requisite intent or state of mind or that he knew that the perpetrator had the required intent or state of mind. It is possible that the aider and abettor, although sharing a common purpose with the perpetrator, may entertain an intent or state of mind either more or less culpable than that of the perpetrator, in which event he may be guilty of an offense of either greater or less seriousness than the perpetrator. Thus, when a homicide is committed, the actual perpetrator may act in the heat of sudden passion caused by adequate provocation and be guilty of manslaughter, while the aider and abettor who hands a weapon to the perpetrator during the encounter with shouts of encouragement for him to kill the victim may be guilty of murder. On the other hand, if two persons enter into a common purpose to commit robbery by snatching purses in a particular place, and one of the two acts as lookout, sharing only the criminal purpose of the perpetrator to commit robbery, and if the perpetrator, without the knowledge of the lookout, seizes a victim and rapes her after taking her purse, the perpetrator will be guilty of rape and robbery but the aider and abettor will be guilty only of the robbery.

An accused, without intent to kill and without active participation in a homicide, is a principal guilty of a murder committed by those with whom he voluntarily associated himself in the execution of an unlawful design so desperate that it ordinarily involves a hazard to life. Moreover, an accused who plans a burglary which is actually carried out by his associates is a principal in the burglary, and, if his associates shoot and kill the home owner in the course of the burglary, the planner is a principal in the murder as well.

While merely witnessing a crime without intervention does not make a person a party to its commission, if he had a duty to interfere and his noninterference was designed by him to operate and did operate as an encouragement to or protection of the perpetrator, he is a principal.

One who counsels, commands, or procures another to commit an offense subsequently perpetrated in consequence of that counsel, command, or procuring is a principal whether he is present or absent at the commission of the offense. If the offense is effected, although by different means from those counseled, commanded, or procured, as for instance if A hires B to poison C and instead of poisoning him, B shoots C, A is nevertheless guilty of the homicide. Likewise, one who causes an act to be done which if directly performed by him would be punishable by the code is a principal. When the act is done, such a principal is also chargeable with all results that could have been expected to flow as a probable consequence from the act counseled, commanded, procured, or caused to be done.

The person who executes the command of a principal may himself be innocent of any offense, as when a soldier at the command of a superior shoots a man who appears to the soldier to be one of the enemy, but who is known to the superior to be a friend.

For the proper manner of charging a person liable as a principal under this article, see appendix 6.

Proof. See essential elements under the particular offense alleged.

157. ARTICLE 78—ACCESSORY AFTER THE FACT

Discussion. Any person subject to the code who knows that an offense punishable by the code has been committed and who thereafter receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment is an accessory after the fact. Thus a person becomes an accessory after the fact to the escape of a prisoner if, knowing that a prisoner has escaped from confinement, he thereafter voluntarily provides the prisoner with transportation, clothing, money, or other necessaries to enable the prisoner to avoid his pursuers.

The assistance given a principal by an accessory after the fact is not limited to assistance designed to effect the personal escape or concealment of the principal, but includes those acts which are performed to conceal the commission of the offense by the principal. Thus a person is an accessory after the fact if, knowing that a crime has been committed, he assists and aids in concealing or suppressing evidence thereof. However, mere failure to report a known offense will not constitute one an accessory after the fact.

Conviction of the principal of the offense to which the accused is allegedly an accessory after the fact is not a prerequisite to the trial of the accused. Although the proof must establish that a principal committed the offense to which the accused is allegedly an accessory after the fact, evidence of the conviction or acquittal of the principal in a separate trial is not admissible to show that the principal did or did not commit the offense. Furthermore, an accused may be convicted and punished as an accessory after the fact despite the acquittal in a separate trial of the principal whom he allegedly comforted, received, or assisted.

Proof. (*a*) That an offense punishable by the code was committed; (*b*) that the accused received, comforted, or assisted the offender for the purpose of hindering or preventing his apprehension, trial, or punishment; and (*c*) that the accused knew that the person so received, comforted, or assisted was the offender.

158. ARTICLE 79—LESSER INCLUDED OFFENSES

Discussion. If the evidence adduced during a trial fails to prove an offense charged but does prove the commission of an offense necessarily included in that charged, the accused may be found guilty of that included offense. An accused may also be found guilty of an attempt to commit the offense charged or of an attempt to commit an offense necessarily included in the offense charged.

An included offense exists when a specification contains allegations, which are sufficient, either expressly or by fair implication, to put the accused on notice that he must be prepared to defend against it in addition to the offense specifically charged. This requirement of notice is met when the elements of the included offense are necessary elements of the offenses charged, for example, wrongful appropriation where larceny is charged and absence without leave where desertion is charged. Also, this requirement of notice, depending on the allegations in the specification of the offense charged, may be met although an included offense requires proof of an element not required in the offense specifically charged, for example, assault in which grievous bodily harm is intentionally inflicted may be included in assault with intent to murder, although the actual intentional infliction of bodily harm required in the former is not an element of the latter. Similarly, unpremeditated murder (Art. 118(2)) may be included in felony murder (Art. 118(4)); assault with a dangerous weapon may be included in robbery; and riot may be included in mutiny by violence.

When the offense charged is a compound offense comprising two or more included offenses, an accused may be found guilty of any or all of the offenses included in the offense charged. For example, robbery by force and violence includes the offenses of both larceny and assault. Therefore, in a proper case, a court-martial may find an accused not guilty of robbery but guilty of larceny or wrongful appropriation and assault.

If the evidence fails to prove an offense charged but does prove the commission of an offense included in that charged, the court may by its findings except appropriate words and figures of the specification, and, if necessary, substitute others, finding the accused not guilty of the excepted matter but guilty of the substituted matter. For example, when a specification alleging burglary in violation of Article 129 is in the usual form and the proof at the trial shows that the act was not done in the nighttime but otherwise establishes all of the elements of housebreaking, the accused may be found not guilty of burglary, but guilty of housebreaking. Such a finding may be worded as follows:

Of the Specification: Guilty, except the words "in the nighttime, burglariously break and enter," substituting therefor the words "unlawfully enter," of the excepted words, not guilty, of the substituted words, guilty.

Of the Charge: Not guilty, but guilty of a violation of Article 130.

When an included offense is found, the finding as to the charge should state a violation of the specific article violated and not a violation of Article 79. For a discussion of "Attempts," see 159. For particular instances of commonly included offenses, see Appendix 12.

159. ARTICLE 80—ATTEMPTS

Discussion. An act, done with the specific intent to commit an offense, amounting to more than mere preparation and tending, even though failing to effect its commission, is an attempt to commit that offense. To constitute an

attempt there must be a specific intent to commit the particular offense accompanied by an overt act which directly tends to accomplish the unlawful purpose. The overt act must be more than mere preparation to commit the offense. Preparation consists in devising or arranging the means or measures necessary for the commission of the offense. The overt act required goes beyond preparatory steps and is a direct movement towards the commission of the offense. However, the overt act need not be the last proximate act to the consummation of the offense attempted to be perpetrated. For example, a purchase of matches with the intent to burn a haystack is not an attempt to commit arson, but it is an attempt to commit arson to apply a burning match to a haystack, even though the match may be immediately put out by the rain, blown out by the wind, or otherwise extinguished.

An accused may be guilty of an attempt even though the commission of the intended offense was impossible because of unexpected intervening circumstances or even though the consummation of the intended offense was prevented by a mistake on the part of the accused. The physical impossibility of committing the intended crime does not constitute a defense. For example, if A, without justification or excuse and with intent to kill B, points a gun at him and pulls the trigger, A is guilty of attempt to murder, even though, unknown to him, the gun is defective and will not fire. A person who puts his hand in the pocket of another with intent to steal his billfold is guilty of an attempt to commit larceny, even though the pocket is empty. These examples illustrate that an accused may be guilty of an attempt to commit an offense when he engages in conduct which would constitute the crime, or directly tend to do so, if the attendant facts and legal relationships were as he believed them to be.

Soliciting another to commit an offense does not constitute an attempt.

An accused may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated. See 158 (Lesser included offenses).

An attempt to commit an offense should be charged under this article unless the attempt is specifically denounced by some other article, in which event it should be charged under that article. See Articles 85, 94, 100, 104, 128.

Proof. (*a*) That the accused did a certain act; (*b*) that the act was done with specific intent to commit a certain offense under the code; and (*c*) that the act amounted to more than mere preparation and apparently tended to effect the commission of the intended offense.

160. ARTICLE 81—CONSPIRACY

Discussion. To constitute the offense of conspiracy in violation of Article 81, there must be an agreement between two or more persons to commit an offense under the code and the doing of an act by one or more of the conspirators to effect the object of that agreement.

The agreement in a conspiracy need not be in any particular form nor manifested in any formal words. It is sufficient if the minds of the parties arrive at a common understanding to accomplish the object of the conspiracy, and this may be shown by the conduct of the parties. The agreement need not state the means by which the conspiracy is to be accomplished or what part each conspirator is to play.

The overt act must be an act independent of the agreement to commit the offense. It must be an act done by one or more of the conspirators either at the

time of or following the agreement to commit the offense, and done to carry into effect the object of the agreement. The overt act need not be in itself criminal, but it must be a manifestation that the conspiracy is being executed. Thus, a telephone call by a conspirator to the intended victim of a conspiracy to rob, inviting the intended victim to the scene of the intended crime, would constitute the overt act necessary to complete the offense of conspiracy. An overt act by one conspirator becomes the act of all without any new agreement specifically directed to that act and each conspirator is equally guilty although he does not participate in, or have knowledge of, all of the details of the execution of the conspiracy. Similarly, each conspirator is liable for all of the acts of the other members of the conspiracy done in pursuance of the conspiracy during its existence.

A person may be guilty of conspiracy although incapable himself of committing the intended offense. For example, a bedridden conspirator may knowingly furnish the automobile to be used in a robbery, or a guard may conspire with prisoners to effect their escape from confinement.

A conspiracy to commit an offense is a separate and distinct offense from the offense which is the object of the conspiracy, and both the conspiracy and the consummated offense which was its object may be charged, tried, and punished. The commission of the intended offense may also constitute the overt act which is an element of the conspiracy to commit that offense.

If a party to the conspiracy abandons or withdraws from the agreement to commit the offense before the commission of an overt act by any conspirator, he is not guilty of conspiracy under Article 81. An effective withdrawal or abandonment must consist of affirmative conduct which is wholly inconsistent with adherence to the unlawful agreement and which shows that the party has severed all connection with the conspiracy. If a conspirator effectively abandons or withdraws from the conspiracy after the performance of an overt act by one of the conspirators, he remains guilty of conspiracy and of all offenses committed pursuant to the conspiracy up to the time of his abandonment or withdrawal, but he is not liable for offenses committed by the remaining conspirators after his abandoment or withdrawal. Neither the withdrawal of a conspirator from the conspiracy nor the joining of another conspirator creates a new conspiracy or affects the status of the remaining members.

It is not a defense that the means adopted by the conspirators to achieve their object, if apparently adapted to that end, were actually not capable of success, nor that the conspirators were not physically able to accomplish their intended object.

Title 18 U.S.C. denounces conspiracies to commit certain specific offenses which do not require an overt act. These conspiracies should be charged under Article 134.

If all the persons with whom the accused is alleged to have conspired are tried and found not guilty of the same conspiracy, the accused cannot properly be convicted of that conspiracy. If after the trial and conviction of the accused all the persons with whom he was alleged to have conspired have been found not guilty, the conviction of the accused may not stand. The accused may properly be convicted of conspiracy, however, if the evidence establishes that a conspiracy existed between the accused and other alleged conspirators, named or described in the specification, who have not been and are not later tried and acquitted.

Proof. (*a*) That the accused and one or more persons named or described entered into an agreement; (*b*) that the object of the agreement was to commit an offense under the code; and (*c*) that one or more of the persons named or described performed an act to effect the object of the conspiracy, as alleged.

161. ARTICLE 82—SOLICITATION

Discussion. A solicitation in violation of this article is complete when a solicitation is made or advice is given with the wrongful intent to influence another or others to commit any of the four offenses named in the article. It is not necessary that the person or persons solicited or advised act upon the solicitation or advice. If after the solicitation or advice the offense of desertion or mutiny is attempted or committed or the offense of misbehavior before the enemy or sedition is committed, the accused shall be punished with the punishment provided for the commission of the offense solicited or advised. If the offense of desertion or mutiny is not attempted or committed, or if the offense of misbehavior before the enemy or sedition is not committed, the accused shall be punished as a court-martial may direct.

Solicitation may be accomplished by other means than by word of mouth or writing. Any act or conduct which reasonably may be construed as a serious request or advice to commit one of the offenses named in the article may constitute solicitation. It is not necessary that the accused act alone in the solicitation or in the advising; he may act through other persons in committing this offense.

Solicitation to commit offenses other than violations of the articles enumerated in this article may be charged as violations of Article 134.

Proof. (*a*) That the accused solicited or advised a certain person or persons to commit the offense, as alleged.

If the offense solicited or advised was attempted or committed, there shall be added an additional element of proof: (*b*) That the offense solicited or advised was (committed) (attempted) as the proximate result of the solicitation or advice.

As to proof of the commission or attempted commission of the offense solicited or advised, see 157 (Proof).

162. ARTICLE 83—FRAUDULENT ENLISTMENT, APPOINTMENT, OR SEPARATION

Discussion. A fraudulent enlistment, appointment, or separation is one procured by means of either a knowingly false representation in regard to any of the qualifications or disqualifications prescribed by law, regulation, or orders for the specific enlistment, appointment, or separation, or a deliberate concealment in regard to any of those disqualifications.

The misrepresentation or concealment may be with regard to matters which, if truthfully stated or revealed, would induce an inquiry by the recruiting appointing, or separating officer concerning the qualifications or disqualifications for enlistment, appointment, or separation, such as answers to questions as to previous service, previous applications for enlistment or appointment, or dependents.

An essential element of the offense of fraudulent enlistment or appointment is that the accused shall have received pay or allowances thereunder.

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Accordingly, a member of the armed forces who enlists or accepts an appointment without being regularly separated from a prior enlistment or appointment should be charged under this article only if he has received pay or allowances under the fraudulent enlistment or appointment. Acceptance of food, clothing, shelter, or transportation from the government constitutes receipt of allowances. However, whatever is furnished the accused while in custody, confinement, arrest, or other restraint pending trial for fraudulent enlistment or appointment is not considered an allowance.

A person who procures himself to be enlisted, appointed, or separated by means of several misrepresentations and concealments as to his qualifications for the one enlistment, appointment, or separation so procured, commits but one offense under Article 83.

After apprehension, an accused who is charged with having fraudulently obtained his discharge from an armed force is subject to the code while in the custody of the armed forces for trial upon the fraudulent discharge. See Article 3(b). As to offenses committed before a fraudulent discharge, see 11.

The receipt of pay or allowances should be proved by direct evidence if this evidence is reasonably available, but may be proved by circumstantial evidence, such as by showing that the accused was on duty under the enlistment or appointment a sufficient time to warrant the inference that he had been fed or sheltered, or both.

If concealment of a discharge of any type is alleged, the service record is admissible evidence of the fact, type, and date of discharge. See 143*b*(2)(*b*).

Proof. (*a*) The enlistment, appointment, or separation of the accused in or from an armed force; (*b*) that the accused knowingly misrepresented or deliberately concealed a certain material fact or facts regarding his qualifications for enlistment, appointment, or separation; (*c*) that his enlistment, appointment, or separation was procured by that knowingly false representation or deliberate concealment; and, in a case of fraudulent enlistment or appointment, (*d*) that under that enlistment or appointment the accused received either pay or allowances, or both, as alleged.

163. ARTICLE 84—EFFECTING UNLAWFUL ENLISTMENT, APPOINTMENT, OR SEPARATION

Discussion. The accused must know that the enlistment, appointment, or separation effected by him was of a person whose enlistment, appointment, or separation was prohibited by law, regulation, or order. It must be proved that the enlistment, appointment, or separation when effected was prohibited by law, regulation, or order and that the accused knew that the person whose enlistment, appointment, or separation he effected was ineligible for the enlistment, appointment, or separation.

Proof. (*a*) That the accused effected the enlistment, appointment, or separation of the person named, as alleged; (*b*) that this person was ineligible for the enlistment, appointment, or separation because it was prohibited by law, regulation, or order; and (*c*) that the accused knew of these facts at the time of the enlistment, appointment, or separation.

164. ARTICLE 85—DESERTION

a. DESERTION

Discussion. Under Article 85(a) a member of the armed forces is guilty of desertion when he:

Without authority goes or remains absent from his unit, organization, or place of duty with intent to remain away therefrom permanently, or

Quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service.

Under Article 85(b) any commissioned officer of the armed forces who, after tender of his resignation and before notice of its acceptance, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

A prisoner whose dismissal or dishonorable or bad-conduct discharge has been executed, although he may be subject to military law under Article 2(7), is not a "member of the armed forces" within the meaning of Article 85.

(1) *Absence without authority with intent to remain away permanently.* Both the absence without authority and the intent to remain away permanently are essential elements of the offense. The offense is complete when the person absents himself without authority from his unit, organization, or place of duty with the intent to remain away therefrom permanently. It is not necessary that the person absent himself entirely from military jurisdiction and control, and the fact that such an intent is coupled with a purpose to report for duty elsewhere, or to enlist or accept an appointment in the same or another armed force, does not constitute a defense. A prompt repentance and return, while material in extenuation, is no defense. Unless an intent to remain away permanently from his unit, organization, or place of duty exists at the inception of, or at some time during the absence, the person cannot be a deserter guilty of desertion in violation of Article 85(a)(1).

Although enlisting or accepting an appointment in the same or another armed force without being regularly separated and without disclosing that fact or entering a foreign armed service without authorization is evidence of an intent to remain away permanently, this conduct does not of itself constitute the offense of desertion. If, without being regularly separated from one of the armed forces, a person enlists or accepts an appointment in the same or another armed force, his presence in the military service under such an enlistment or appointment is not in itself a return to military control with respect to his former enlistment or appointment, although a return may be effected through his voluntary disclosure of the facts or through the discovery of the facts without his aid. If a person while in desertion enlists or accepts an appointment in the same or another armed force and deserts while serving under that enlistment or appointment, he is amenable to trial for both desertions.

(2) *Quitting unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service.* The "hazardous duty" or "important service" may include service such as duty in a combat or other dangerous area; embarkation for certain foreign or sea duty; movement to a port of embarkation for that purpose; entrainment for duty on the border or coast in time of war or threatened invasion or other disturbances; strike or riot duty; or employment in aid of the civil power in, for example, protecting property, or quelling or preventing disorder in times of great public disaster. Such services as drill, target practice, maneuvers, and practice marches will not ordinarily be regarded as included. Whether a duty is hazardous or a service

is important depends entirely upon the circumstances of the particular case. For example, overseas service is not important service merely because it is performed overseas. On the other hand, service may be important outside a combat area or even in peacetime. Basic training, for example, may be important service when the use of a soldier who has not completed that training has been substantially restricted by law or regulation. What constitutes hazardous duty or important service is a question of fact for the court-martial to decide.

Proof. *Desertion by absence with intent to remain away permanently.* (*a*) That without authority the accused absented himself from his unit, organization, or place of duty; (*b*) that he intended, at the time of absenting himself or at some time during his absence, to remain away permanently from his unit, organization, or place of duty; and (*c*) that his desertion was of a duration and was terminated, as alleged.

Desertion by quitting unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service. (*a*) That the accused quit his unit, organization, or place of duty; (*b*) that he did so with intent to avoid hazardous duty or to shirk important service; and (*c*) that his desertion was of a duration, as alleged.

Desertion by quitting post or duties prior to notification of acceptance of resignation. (*a*) That the accused was a commissioned officer of an armed force and had tendered his resignation; (*b*) that before notice of the acceptance of his resignation, he quite his post or proper duties without leave; (*c*) that he did so with intent to remain away permanently from his post or proper duties; and (*d*) that his desertion was of a duration and was terminated, as alleged.

Absence without authority (*Absence without leave*). Absence without leave is usually shown by entries in the morning report in the case of the Army, the unit military strength balance report in the case of the Air Force, and by entries in the service record or unit personnel diary in the case of the Navy, Marine Corps, and Coast Guard. However, entries that administratively refer to an accused as a "deserter" are not evidence of intent to desert. When the dates of the inception of an unauthorized absence and of a later return to military control are shown, it may be inferred that a continuous unauthorized absence existed for the entire period. Return to military control may be effected by return to any of the armed forces whether or not the accused is a member of that armed force.

When an absentee is taken into custody by civilian authorities at the request of the military authorities, the absence is terminated at that time. When an absentee is in the hands of civilian authorities for other reasons and these authorities make him available for return to military control, the absence is terminated when the military authorities are advised of his availability.

Intent in desertion by absence with intent to remain away permanently. To be guilty of desertion under Article 85(a)(1) or Article 85(b), a person must have had, either at the inception of the absence or at some time during it, an intent to remain away permanently. A court-martial must be satisfied beyond reasonable doubt of the existence of this intent based upon all the facts and circumstances of the case, including any inferences which may be drawn therefrom. A plea of guilty of absence without leave to a charge of desertion does not in itself raise any inference of such an intent and is not in itself a sufficient basis for a conviction of desertion.

Among those circumstances from which an inference that an accused intended to remain absent permanently may logically be drawn are that the period of absence was of a prolonged duration; that the accused attempted to dispose of his uniform or other military property; that he purchased a ticket for a distant point or was arrested or surrendered at a considerable distance from his station; that while absent he was in the neighborhood of military posts or stations and did not surrender to the military authorities; that he was dissatisfied in his company or on his ship or with the military service; that he had made remarks indicating an intention to desert the service; that he was under charges or had escaped from confinement at the time he absented himself; that just before absenting himself he stole money, civilian clothes, or other property that would assist him in getting away; or that without being regularly separated from an armed force he enlisted or accepted an appointment in the same or another armed force without fully disclosing the fact that he had not been regularly separated or entered any foreign armed service without being authorized by the United States. If the inference is drawn, evidence introduced in rebuttal of the inference must be weighed against it. Thus, evidence of previous excellent and long service, that none of the property of the accused was missing from his locker, that he was under the influence of intoxicating liquor or drugs when he absented himself and that he continued for some time under their influence must be weighed against any inference of an intent to desert. Testimony by the accused that he intended to return is not conclusive of the actual existence of an intent to return, as the court may believe or reject the testimony of any witness in whole or in part. The fact that a person intends to report or actually reports at another station does not prevent a conviction for desertion, as that fact in connection with other circumstances may tend to establish his intention not to return to his proper place of duty. However, a person absent without leave from his place of service and without funds may report to another station for transportation back to his original place of duty, which circumstances would tend to negate the existence of an intent to desert. No general rule can be laid down as to the effect to be given to an intention to report or an actual reporting at another station.

Intent in desertion by quitting unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service. In proving a specification alleging that the accused quit his unit or organization or place of duty with the intent to avoid hazardous duty or with the intent to shirk important service, there should be evidence of facts raising a reasonable inference that the accused knew with reasonable certainty that he would be required for the hazardous duty or important service. For example, it might be shown; (*a*) that the accused was personally warned of the imminence of the duty or the service; or (*b*) that his organization, as a whole, was so warned at a formation at which the roll was called and the accused was present; or (*c*) that the period of his absence was of such a duration and under such circumstances as to raise an inference that the accused knew or had reasonable cause to know that he would miss a certain hazardous duty or important service.

b. ATTEMPTING TO DESERT

Discussion. An attempt to desert is an overt act beyond mere preparation toward accomplishing a purpose to desert. Once the attempt is made, the fact that the person desists, either of his own accord or otherwise, does not cancel

the offense. The offense of attempting to desert is complete, for example, if the person, intending to desert, hides himself in an empty freight car on a military reservation, intending to effect his escape by being taken away in the car. Entering the car with the intent to desert is the overt act. See the discussion of desertion. For a more detailed discussion of attempts, see 159.

Proof. (*a*) That the accused made the attempt by doing an overt act or acts; and (*b*) that the attempt was made with the intent to desert. See the comments under proof of desertion.

165. ARTICLE 86—ABSENCE WITHOUT LEAVE

Discussion. See 164*a*. This article is designed to cover every case not elsewhere provided for in which any member of the armed forces is through his own fault not at the place where he is required to be at a prescribed time. Specific intent is not an element of this offense and proof of the unauthorized absence alone is sufficient to establish a prima facie case. Specific intent is, however, a necessary element of the proof of certain matters in aggravation when alleged in connection with absence without leave. Thus, if it is alleged that an unauthorized absence was with intent to avoid maneuvers or field exercises, it must be proved that the accused absented himself without authority for the purpose of avoiding maneuvers or field exercises. The first part of this article—relating to the appointed place of duty—applies whether the place is appointed as a rendezvous for several or for one only. Thus it applies in the case of a member of the armed forces failing to report for kitchen police or as a messman. The second part of the article applies to leaving the place of duty after reporting. A place of duty is not appointed within the meaning of this article unless the accused knew or had reasonable cause to know of the order purporting to appoint that place of duty.

A member of the armed forces turned over to the civil authorities upon request under Article 14 is not absent without leave while held by them under that delivery. Also, when a member of the armed forces, being absent with leave, or absent without leave, is held, tried, and acquitted by civil authorities, his status as absent with leave, or absent without leave, is not thereby changed, however long he may be held. If a member of the armed forces is convicted by the civil authorities, the fact that he was arrested, held, and tried does not excuse any unauthorized absence. The status of absence without leave is not changed by an inability to return through sickness, lack of transportation facilities, or other disabilities. But the fact that all or part of a period of unauthorized absence was in a sense enforced or involuntary should be given due weight when considering the type of court to which the case should be referred, or, in the event of conviction, the punishment to be imposed. When, however, a man on authorized leave is unable to return at the expiration thereof through no fault of his own, he has not committed the offense of absence without leave, there being an excuse for the absence in such a case.

A prisoner whose dismissal, dishonorable, or bad-conduct discharge has been executed is no longer a member of the armed forces within the meaning of Article 86. Accordingly, such a prisoner may not be charged with absence without leave under Article 86 but should, if the facts warrant, be charged with escape from confinement under Article 95, or an offense under Article 134. Until actual execution of the dishonorable or bad-conduct discharge, the prisoner is subject to Article 86, even though the dishonorable or bad-conduct discharge may have been ordered executed.

Proof. *If the accused fails to go to or goes from his appointed place of duty.* (*a*) That a certain authority appointed a certain time and place of duty for the accused, as alleged; (*b*) that the accused knew or had reasonable cause to know of that time and place; and (*c*) that, without authority, the accused failed to go to the appointed place of duty at the time prescribed, or, having so reported, went from that place.

If the accused is charged with absenting himself without leave. (*a*) That the accused absented himself for a certain period from his unit, organization, or place of duty at which he was required to be, as alleged; and (*b*) that the absence was without authority from anyone competent to give him leave.

If the accused is charged with absenting himself without leave from his guard, watch, or duty section with intent to abandon the same. (*a*) That the accused absented himself from his guard, watch, or duty section, as alleged; (*b*) that the absence of the accused was without authority; and (*c*) that the accused intended to abandon his guard, watch, or duty section.

If the accused is charged with absenting himself without authority with intent to avoid maneuvers or field exercises. (*a*) That the accused absented himself for a certain period from his unit, organization, or place of duty at which he was required to be; (*b*) that the absence of the accused was without authority; (*c*) that the accused knew or had reasonable cause to know that the absence would occur during a part of a period of maneuvers or field exercises; and (*d*) that the accused intended to avoid all or part of a period of maneuvers or field exercises.

In connection with proof of absence without leave, see 143 (Documentary Evidence) and 164*a* (Discussion of absence without leave as an element of desertion).

166. ARTICLE 87—MISSING MOVEMENT

Discussion. Article 87 denounces "Missing Movement" as the offense committed by any person subject to the code who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required to move in the course of duty.

The word "movement" as used in Article 87 does not include practice marches which are to be of short duration with a return to the point of departure contemplated, nor does it include minor changes in location of ships, aircraft, or units, as when a ship is shifted from one berth to another in the same shipyard or harbor or when a unit is moved from one barracks to another on the same post.

"Through neglect" means the omission by a person to take such measures as are appropriate under the circumstances to assure that he will be present with his ship, aircraft, or unit at the time of a scheduled movement, or his doing of some act without giving attention to its probable consequences in connection with the prospective movement, such as a departure from the vicinity of the prospective movement to such a distance as would make it likely that he could not return in time for the movement.

In order to be guilty of the offense, the accused must have known, or have had reasonable cause to have known, of the prospective movement which he is alleged to have missed. Knowledge of the exact hour or even of the exact date of

the scheduled movement is not required. It is sufficient if the approximate date was known to the accused. However, there must always be a causal connection between the conduct of the accused and the missing of the scheduled movement. Knowledge of the scheduled movement may be proved by remarks made by the accused to others or by testimony that the accused was informed, directly or indirectly, of the prospective movement. For example, proof that the accused was notified of the prospective movement may consist of evidence that he was present at a roll call, muster, or other formation at which the information was given orally. Proof of general knowledge in the accused's organization of the prospective movement of the ship, aircraft, or unit would justify an inference by a court of the necessary knowledge on the part of the accused.

That the accused actually missed the movement may be proved by documentary evidence, as by a proper entry in a log or a morning report. This fact may also be proved by the testimony of personnel of the ship, aircraft, or unit (or by other evidence) that the movement occurred at a certain time, together with evidence that the accused was physically elsewhere at that time.

Proof. (*a*) That the accused was required in the course of duty to move with a ship, aircraft, or unit; (*b*) that the accused knew or had reasonable cause to know of the prospective movement of the ship, aircraft, or unit; (*c*) that, at the time and place alleged, the accused missed the movement of the ship, aircraft, or unit; and (*d*) that the accused missed the movement through design or neglect, as alleged.

167. ARTICLE 88—CONTEMPT TOWARD OFFICIALS

Discussion. Article 88 denounces the use by any commissioned officer of the armed forces of contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present.

This article covers both words which are contemptuous in themselves, such as abusive epithets, denunciatory or contemptuous expressions, or intemperate or malevolent comments upon official or personal acts, and words which are contemptuous because of the connection in which they are used and the surrounding circumstances.

The official or group against whom the words are used must be occupying one of the offices or be one of the groups named in Article 88 at the time of the offense. "Congress" does not include a member as an individual; "legislature" does not include its members individually; nor does "governor" include a "lieutenant governor." However, it is immaterial whether the words are used against the official in his official or private capacity.

The language must be contemptuous and must, by an act of the accused, come to the knowledge of a person other than the accused. If not personally contemptuous, adverse criticism of one of the officials or groups named in the article in the course of a political discussion, even though emphatically expressed, may not be charged as a violation of the article. Similarly, expressions of opinion made in a purely private conversation should not ordinarily be made the basis for a court-martial charge. However, giving broad circulation to a written publication containing contemptuous words of the kind made punishable by this article, or the utterance of contemptuous words of this kind in the presence of military subordinates, would constitute an aggravation of the offense.

Truth or falsity of the statements may be immaterial, since the gist of the offense is the contemptuous character of the language and the malice with which it is used.

Proof. (*a*) That the accused used the words alleged against an official or group named in the article; and (*b*) that these words were contemptuous, either in themselves or by virtue of the circumstances under which they were used.

168. ARTICLE 89—DISRESPECT TOWARD A SUPERIOR COMMISSIONED OFFICER

Discussion. The disrespectful behavior contemplated by this article is such as detracts from the respect due to the authority and person of a superior commissioned officer. It may consist of acts or language, however expressed, and it is immaterial whether they refer to the superior as an officer or as a private individual.

It is not essential that the disrespectful behavior be in the presence of the superior, but in general it is considered objectionable to hold one accountable under this article for what was said or done by him in a purely private conversation.

It is not necessary that the "superior commissioned officer" be in the execution of his office at the time of the disrespectful behavior. As defined by Article 1(5), a "superior commissioned officer" is a commissioned officer who is superior in rank or command. With respect to a person who is a member of one armed force, a commissioned officer of another armed force who is duly placed in the chain of command over that person is, within the meaning of Article 89, "*his* superior commissioned officer"; but an officer of another armed force would not be "*his* superior commissioned officer" merely because of higher rank. The officer toward whom the disrespectful behavior is directed need not, however, be in the chain of command over the accused if both are members of the same armed force and the officer is superior in rank, but not inferior in command, to the accused. Under certain circumstances, a superior commissioned officer may not be senior in rank; for instance, a line officer, though inferior in rank, may be the commanding officer, and thus the superior of a staff officer, such as a medical officer, in the organization.

Disrespect by words may be conveyed by opprobrious epithets or other contemptuous or denunciatory language. Disrespect by acts may be exhibited in a variety of modes—as neglecting the customary salute, by a marked disdain, indifference, insolence, impertinence, undue familiarity, or other rudeness in the presence of the superior officer.

If the accused did not know that the person against whom the acts or words were directed was his superior commissioned officer, he may not be convicted of a violation of this article.

Proof. (*a*) That the accused did or omitted to do certain acts or used certain language to or concerning a certain commissioned officer, as alleged; (*b*) that the behavior involved in these acts, omissions, or words was under certain circumstances, or in a certain connection, or with a certain meaning, as alleged; (*c*) that the officer toward whom the acts, omissions, or words were directed was the superior officer of the accused; (*d*) that the accused at the time knew that the person toward whom the acts, omissions, or words were directed was his superior commissioned officer; and (*e*) that under the circumstances, the behavior was disrespectful to that superior officer.

169. ARTICLE 90—ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER

a. STRIKING OR ASSAULTING SUPERIOR COMMISSIONED OFFICER

Discussion. The phrase "his superior commissioned officer" in Article 90 has the same meaning as it does in Article 89. See 168. If the accused did not know the officer to be his superior commissioned officer, he may not be convicted of this offense.

The word "strikes" means an intentional blow with anything by which a blow can be given.

The phrase "draws or lifts up any weapon against" covers any simple assault committed in the manner stated. The drawing of any weapon in an aggressive manner or the raising or brandishing of the same in a threatening manner in the presence of the superior, and at him, is the sort of act proscribed. The raising in a threatening manner of a firearm, whether or not loaded, of a club, or of any thing by which a serious blow could be given is within the description "lifts up."

The phrase "offers any violence against him" comprises any form of battery or of mere assault not embraced in the preceding more specific terms "strikes" and "draws or lifts up." If not executed, the violence must be physically attempted or menaced. A mere threatening in words is not an offering of violence in the sense of this article.

An officer is in the execution of his office when engaged in any act or service required or authorized to be done by him by statute, regulation, the order of a superior, or military usage. In general, any striking or use of violence against any superior officer by a person subject to military law, over whom it is the duty of that superior officer to maintain discipline at the time, would be striking or using violence against him in the execution of his office. The commanding officer on board a ship or the comanding officer of a unit in the field is generally considered to be on duty at all times. See 191.

A discharged prisoner or other civilian subject to military law (see Art. 2) and under the command of a commissioned officer is subject to the provisions of this article.

In a prosecution for striking or assaulting a superior commissioned officer in violation of this article, an accused may establish a defense by proof that the striking or other act of violence was done in legitimate self-defense (216*c*) or in the proper discharge of some duty.

Proof. (*a*) That the accused struck a certain commissioned officer, or drew or lifted up a weapon against him, or offered violence against him, as alleged; (*b*) that the officer was the superior commissioned officer of the accused at the time; (*c*) that the superior commissioned officer was in the execution of his office at the time; and (*d*) that the accused at the time knew the officer was his superior commissioned officer.

b. DISOBEYING SUPERIOR COMMISSIONED OFFICER

Discussion. The willful disobedience contemplated is such as shows an intentional defiance of authority, as when an enlisted person is given a lawful command by a commissioned officer to do or cease doing a particular thing at once and refuses or deliberately omits to do what is ordered. A neglect to comply with an order through heedlessness, remissness, or forgetfulness is not a violation of this article but may be an offense under Article 92. If the order to a person is to be executed in the future, a statement by him to the effect that he intends to disobey it is not an offense under Article 90, although carrying out that intention may be. See 168 as to the meaning of the phrase "his superior commissioned officer."

The order must relate to military duty and be one which the superior commissioned officer is authorized under the circumstances to give the accused. Disobedience of an order which has for its sole object the attainment of some private end, or which is given for the sole purpose of increasing the penalty for an offense which it is expected the accused may commit, is not punishable under this article.

A person cannot be convicted under this article if the order was illegal; but an order requiring the performance of a military duty or act may be inferred to be lawful and it is disobeyed at the peril of the subordinate. See 57*b* as to the manner of determining the legality of an order. Acts involved in the disobedience of an illegal order might under some circumstances be charged as insubordination under Article 134.

The fact that obedience to a command would involve a violation of the religious scruples of the accused is not a defense.

The order must be directed to the subordinate personally. Failure to comply with the general or standing orders of a command, or with the regulations of an armed force, is not an offense under this article, but may be under Article 92. Likewise, a nonperformance by a subordinate of any mere routine duty may be a violation of Article 92 or Article 134, as the case may be, but not of this article.

As long as it is understandable, the form of an order is immaterial, as is the method by which it is transmitted to the accused, but the communication must amount to an order, and the accused must know that it is from his superior commissioned officer, that is, a commissioned officer who is authorized to give the order whether he is superior in rank to the accused or not.

Proof. (*a*) That the accused received a certain lawful command from a certain commissioned officer, as alleged; (*b*) that this officer was the superior officer of the accused; (*c*) that the accused willfully disobeyed the command; and (*d*) that the accused at the time knew the officer was his superior commissioned officer.

170. ARTICLE 91—INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER

a. GENERAL DISCUSSION

Article 91 has the same general objects with respect to warrant officers, noncommissioned officers, and petty officers as Articles 89 and 90 have with respect to commissioned officers, namely, to insure obedience to their lawful orders, and to protect them from violence, insult, or disrespect. The offenses denounced by this article are those committed by a subordinate in his relations to one senior to him. For example, a warrant officer would not be guilty under Article 91 for disobeying the order of a noncommissioned officer or a petty officer, but, if a warrant officer were to fail to obey the lawful order of an armed forces policeman of lower grade in the execution of his duty, he would be guilty of an offense under Article 92. An assault by a prisoner whose separa-

tion from the service has been accomplished, or by any other civilian subject to military law, upon a warrant officer, a noncommissioned officer, or petty officer should be charged under Article 134.

If the accused did not know that the person assaulted was his superior, he may not be convicted of a violation of this article. This lack of knowledge is not a defense, however, as to an included offense which does not depend upon seniority.

The terms "willfully disobeys," "lawful," and "in the execution of his office" are used in the same sense as in Article 90; and the term "order" is used in the same sense as "command" in Article 90.

b. ASSAULTING A WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER

Discussion. See 170*a*. For the definition of assault, see 207*a*.

Proof. (*a*) That the accused enlisted person or warrant officer struck or assaulted a certain warrant officer, noncommissioned officer, or petty officer as alleged; (*b*) that the assault was committed while the warrant officer, noncommissioned officer, or petty officer was in the execution of his office; (*c*) that at the time the warrant officer, noncommissioned officer, or petty officer was the superior of the accused; and (*d*) that the accused knew at the time that the warrant officer, noncommissioned officer, or petty officer was his superior.

c. DISOBEYING A WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER

Discussion. See discussion under 170*a*. The article does not include an acting noncommissioned officer or acting petty officer, nor does it include a military policeman or member of the shore patrol who is not in fact a warrant officer, noncommissioned officer, or petty officer. An order from a warrant officer, noncommissioned officer, or petty officer in the execution of his office may be inferred to be a lawful order. See 57*b* as to the manner of determining the legality of an order.

Proof. (*a*) That the accused enlisted person or warrant officer received a certain lawful order from a certain warrant officer, noncommissioned officer, or petty officer, as alleged; (*b*) that at the time the warrant officer, noncommissioned officer, or petty officer was the superior of the accused; (*c*) that the accused at the time knew that the warrant officer, noncommissioned officer, or petty officer was his superior; and (*d*) that the accused willfully disobeyed the order.

d. TREATING WITH CONTEMPT OR BEING DISRESPECTFUL IN LANGUAGE OR DEPORTMENT TOWARD A WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER

Discussion. The word "toward" read in connection with the phrase "while that officer is in the execution of his office" limits the application of this part of the article to behavior and language within the sight or hearing of the warrant officer, noncommissioned officer, or petty officer concerned.

Proof. (*a*) That the accused did or omitted to do acts, or used language, under certain circumstances, or in a manner, or with an intended meaning, as alleged; (*b*) that the behavior or language was used toward and within the sight or hearing of a certain warrant officer, noncommissioned officer, or petty officer;

(*c*) that at the time the warrant officer, noncommissioned officer, or petty officer was the superior of the accused; (*d*) that the accused at the time knew that the warrant officer, noncommissioned officer, or petty officer was his superior; and (*e*) that the warrant officer, noncommissioned officer, or petty officer was in the execution of his office at the time.

171. ARTICLE 92—FAILURE TO OBEY ORDER OR REGULATION

a. VIOLATION OR FAILURE TO OBEY A LAWFUL GENERAL ORDER OR REGULATION

Discussion. General orders or regulations are those orders or regulations generally applicable to an armed force which are properly published by the President or by the Secretary of Defense, of Transportation, or of a military department, and those orders or regulations generally applicable to the command of the officer issuing them throughout the command or a particular subdivision thereof which are issued by an officer having general court-martial jurisdiction, a general or flag officer in command, or a commander superior to one of these. A general order or regulation issued by a commander with authority under Article 92(1) retains its character as a general order or regulation when another officer takes command, until it expires by its own terms or is rescinded by separate action, and this is true even if it is issued by an officer who is a general or flag officer in command and command is taken by another officer who is not a general or flag officer. A general order or regulation is lawful unless it is contrary to the Constitution, the laws of the United States, or lawful superior orders or for some other reason is beyond the authority of the official issuing it. See 57*b* as to the manner of determining the legality of the order or regulation. Article 92(1) contains no requirement that any kind of knowledge be either alleged or proved in a prosecution thereunder for violating or failing to obey a general order or regulation.

Proof. (*a*) That there was a certain general order or regulation; (*b*) that the accused had a duty to obey it; and (*c*) that the accused violated or failed to obey the order or regulation.

b. FAILURE TO OBEY OTHER LAWFUL ORDER

Discussion. This section contemplates all other lawful orders which may be issued by a member of the armed forces, violations of which are not chargeable under Article 90, Article 91, or Article 92(1). It includes the violation of regulations which are not general regulations as discussed in 171*a*. In order to be guilty of this offense, a person must have had a duty to obey the order and must have had actual knowledge of the order. The accused's knowledge of the order may be proved directly, that is, by showing that the order was actually communicated to the accused, or it may be proved circumstantially, that is, by showing facts from which the members of the court may infer that the accused had knowledge of the order. Circumstantial evidence includes evidence that the order was generally known in the command, that it had been posted at such a time and place that the accused would be likely to have read it, and similar circumstances tending to prove the knowledge. See 138*b*. Failure to obey the lawful order of one not a superior is chargeable under this article, provided the accused had a duty to obey the order. Examples of orders which a person might have a duty to obey, even though issued by one not a superior, are lawful orders of a sentinel or of members of the armed forces police.

The particular order, or specific portion thereof, the accused is charged with having violated should be set forth in the specification in order that the accused may be fully apprised of the offense he is alleged to have committed.

Proof. (*a*) That a certain lawful order was issued by a member of the armed forces; (*b*) that the accused had knowledge of the order; (*c*) that it was the duty of the accused to obey the order; and (*d*) that the accused failed to obey the order.

c. DERELICTION IN THE PERFORMANCE OF DUTIES

Discussion. A duty may be imposed by regulation, lawful order, or custom of the service. A person is derelict in the performance of his duties when he willfully or negligently fails to perform them, or when he performs them in a culpably inefficient manner. When the failure is with full knowledge of the duty and an intention not to perform it, the omission is willful. When the nonperformance is the result of a lack of ordinary care, the omission is negligent. Culpable inefficiency is inefficiency for which there is no reasonable or just excuse. Thus, if it appears that the accused had the ability and opportunity to perform his duties efficiently, but performed them inefficiently nevertheless, he may be found guilty of this offense. However, an accused may not be charged under this article, or punished otherwise, if his failure in the performance of his duties is caused by ineptitude rather than by willfulness, negligence, or culpable inefficiency. For example, a recruit who has earnestly applied himself during rifle training and throughout record firing may not be punished because he fails to qualify with the weapon; nor may a sergeant who, however inefficient, has made an honest effort to maintain direction, be punished for becoming lost with his squad on a maneuver; nor may an artillery battery commander who has zealously applied himself to the instruction of his battery in firing be punished because his battery fails to achieve a satisfactory score in a firing test.

Proof. (*a*) That the accused had certain prescribed duties; and (*b*) that he was derelict in the performance of those duties.

172. ARTICLE 93—CRUELTY AND MALTREATMENT

Discussion. Article 93 provides for the punishment of any person subject to the code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders.

"Any person subject to his orders" means not only those persons under the direct or immediate command of the accused but extends to all persons who by reason of some duty are required to obey the lawful orders of the accused, whether he is in the direct chain of command over the person or not.

The cruelty, oppression, or maltreatment must be real, although not necessarily physical. To assault and to subject to improper punishment are examples of this offense.

The imposition of necessary or proper duties and the exaction of their performance will not constitute this offense even though the duties are arduous or hazardous or both.

Proof. (*a*) That a certain person was subject to the orders of the accused; and (*b*) that the accused was cruel toward, or oppressed, or maltreated that person, as alleged.

173. ARTICLE 94—MUTINY AND SEDITION

a. MUTINY

Discussion. Article 94(a)(1) defines two distinct types of mutiny, both requiring an intent to usurp or override military authority. One consists of the creation of violence or disturbance with this intent, and may be committed by one person acting alone or by more than one. The other, consisting of a refusal in concert with any other person to obey orders or otherwise do one's duty, imports collective insubordination and necessarily includes some combination of two or more persons in resisting lawful military authority. This concert of insubordination need not be preconceived, nor is it necessary that the act of insubordination be active or violent. It may consist simply in a persistent and concerted refusal or omission to obey orders, or to do duty, with an insubordinate intent, that is, with an intent to usurp or override lawful military authority. The intent may be declared in words, inferred from acts done, or inferred from surrounding circumstances.

Proof. (*a*) That the accused created violence or a disturbance, or that he refused, in concert with another person or persons, to obey orders or otherwise do his duty; and (*b*) that he did so with intent to usurp or override lawful military authority.

b. SEDITION

Discussion. Sedition is the creating, in concert with another or others, of revolt, violence, or other disturbance against lawful civil authority, with intent to cause the overthrow or destruction of that authority. It differs from mutiny in that it implies a resistance to civil power, as distinguished from military power.

Proof. (*a*) That in concert with another person or persons the accused created revolt, violence, or disturbance against lawful civil authority; and (*b*) that he did so with intent to cause the overthrow or destruction of that authority.

c. FAILURE TO PREVENT OR SUPPRESS A MUTINY OR SEDITION

Discussion. This section of the article requires that persons subject to the code do their "utmost" to prevent and suppress acts of mutiny or sedition being committed in their presence. The word "utmost" imports taking those measures to prevent or suppress a mutiny or sedition which may properly be called for by the circumstances of the situation, having in mind the rank and responsibilities or the employment of the individual concerned. When extreme measures are necessary under the circumstances, the use of a dangerous weapon or the taking of life may be justified, providing excessive force is not used. See 216*a* concerning justification.

Proof. (*a*) That an offense of mutiny or sedition was committed in the presence of the accused; and (*b*) that the accused failed to do his utmost to prevent and suppress the mutiny or sedition.

d. FAILURE TO REPORT A MUTINY OR SEDITION

Discussion. A failure to take "all reasonable means" to inform includes a failure to take the most expeditious means available. When the circumstances known to the accused are such as would have caused a reasonable man in the same or similar circumstances to believe that a mutiny or sedition was taking place, these circumstances will be sufficient to charge the accused with such "reason to believe" as will render him culpable under this article. A failure to

report an impending mutiny or sedition is not an offense in violation of Article 94, but it may be an offense in violation of Article 134.

Proof. (*a*) That an offense of mutiny or sedition occurred; (*b*) that the accused knew or had reason to believe that the offense was taking place; and (*c*) that he failed to take all reasonable means to inform his superior commissioned officer or commanding officer of the offense.

e. ATTEMPTED MUTINY

Discussion. See 159 (Attempts). An individual may harbor an intent to mutiny and may commit some overt act tending to accomplish that purpose and so be guilty of an attempted mutiny, whether or not a mutiny actually followed.

Proof. (*a*) That the accused committed an overt act or acts which proximately tended to accomplish a mutiny; and (*b*) that the act or acts were committed with the intent to mutiny.

174. ARTICLE 95—RESISTANCE, BREACH OF ARREST, AND ESCAPE

a. RESISTING APPREHENSION

Discussion. Resisting apprehension consists of an active resistance to the restraint attempted to be imposed by the person apprehending. The resistance may be accomplished by flight or by assaulting or striking the person attempting to apprehend. Mere words of remonstrance, argument or abuse, and attempts to escape from custody after the apprehension is complete, will not constitute the offense of resisting apprehension although they may constitute other offenses.

A person cannot be convicted of a violation of this article if the attempted apprehension was illegal. See 57*b* as to the manner of determining the legality of the attempted apprehension. If the accused had no reason to believe that the person attempting to apprehend him was empowered to do so, this fact may be interposed as a defense. See Articles 7 and 8 as to the authority of certain persons to apprehend.

Proof. (*a*) That one lawfully authorized to do so attempted to apprehend the accused; and (*b*) that the accused resisted the apprehension, as alleged.

b. BREACH OF ARREST

Discussion. The distinction between arrest and custody or confinement lies in the difference between the kinds of restraint imposed. In arrest, the restraint is moral restraint imposed by orders fixing the limits of arrest (18*a*; 20*a*). Custody and confinement import some physical restraint (18*a*; 20*c*).

The offense of breach of arrest is committed when the person in arrest infringes the limits set by orders, and the intention or motive that actuated him is immaterial to the issue of guilt. Innocence of the offense with respect to which an arrest or confinement may have been imposed is not a defense. A person cannot be convicted of a violation of this article if the arrest, custody, or confinement was illegal. See 57*b* as to the manner of determining the legality of the arrest, custody, or confinement. However, the circumstances of a breach of an illegal restraint may subject the person breaking the restraint to a prosecution under some other article. For example, if a prisoner in making an escape assaults a sentinel, the fact that the confinement was illegal would not be a defense to a prosecution for the assault. It is immaterial whether the breach of arrest or escape from confinement took place before or after trial, acquittal, or

sentence. A violation of a restraint on liberty other than arrest, custody, or confinement, as an administrative restriction imposed in the interests of training, discipline, or medical quarantine or the restraint imposed in lieu of arrest (20*b*) on a prisoner paroled to work within certain limits, should be charged under Article 134. For authority to release from arrest, see 22.

Proof. (*a*) That the accused was duly placed in arrest; and (*b*) that before he was set at liberty by proper authority he transgressed the limits of his arrest.

c. ESCAPE FROM CONFINEMENT

Discussion. See 174*b*. An escape may be either with or without force or artifice, and either with or without the consent of the custodian. Any completed casting off of the restraint of confinement, before being set at liberty by proper authority, is an escape from confinement, and lack of effectiveness of the physical restraint imposed is immaterial to the issue of guilt. An escape is not complete until the prisoner has at least momentarily freed himself from the restraint of his confinement; so, if the movement toward escape is opposed, or before it is completed an immediate pursuit follows, there will be no escape until opposition is overcome or pursuit is shaken off. In cases in which the escape is not completed, the offense should be charged as an attempt under Article 80.

Proof. (*a*) That the accused was duly placed in confinement; and (*b*) that he freed himself from the restraint of his confinement before he had been set at liberty by proper authority.

d. ESCAPE FROM CUSTODY

Discussion. See 174*b*. Custody is that restraint of free locomotion which is imposed by lawful apprehension. The restraint may be corporeal and forcible or, once there has been a submission to apprehension or a forcible taking into custody, it may consist of control exercised in the presence of the prisoner by official acts or orders. As to correctional custody, see 213*f*(13).

Proof. (*a*) That the accused was duly apprehended by one lawfully authorized to do so; and (*b*) that he freed himself from custody before he had been set at liberty by proper authority.

175. ARTICLE 96—RELEASING PRISONER WITHOUT PROPER AUTHORITY

a. RELEASING A PRISONER WITHOUT PROPER AUTHORITY

Discussion. The words "any prisoner" include a civilian or military prisoner.

While a provost marshal, commander of a guard, prison officer, or master-at-arms must receive a prisoner properly committed by any officer, the power of the committing officer ceases as soon as he has committed the prisoner, and he is not, as the committing officer, a "proper authority" to order a release. Normally, the lowest authority competent to order release is the commanding officer of the command of which the prison, stockade, brig, retraining command, or guard holding the prisoner is a part. See 22.

An officer may receive in his charge a prisoner not committed in strict compliance with the terms of Article 11(a) or other law, and a prisoner having been so received has been "committed" in the sense of Article 96.

The release of a prisoner is a removal of restraint by the custodian rather than by the prisoner. Circumstances which justify charges against the custodian

for release of a prisoner without proper authority will not justify charges against the prisoner for escape from confinement. However, the offense of escape from confinement and that of suffering a prisoner to escape through neglect, or through design, may arise out of the same occurrence.

Proof. (*a*) That a certain prisoner was committed to the charge of the accused; and (*b*) that the accused released him without proper authority.

b. SUFFERING A PRISONER TO ESCAPE THROUGH NEGLECT

Discussion. See 175*a*. The word "neglect" is here used in the same sense as the word "negligence."

Negligence is a relative term. It is the absence of due care. The legal standard of care is that which would have been taken by a reasonably prudent man in the same or similar circumstances. This test applies the standard required of persons acting in the capacity in which the accused was acting. Thus, if the accused is an officer, the test will be, "How would a reasonably prudent officer have acted?" If the circumstances would have indicated to a reasonably prudent officer that a very high order of care was required to prevent escape, then the accused must be held to a very high order of care.

A prisoner cannot be said to have escaped until he has overcome the opposition that restrained him and shaken off immediate pursuit. If he escapes, the fact that he returns, is taken in a fresh pursuit, is killed, or dies is not a defense to a charge of having suffered him to escape through neglect.

Proof. (*a*) That a certain prisoner was committed to the charge of the accused; (*b*) that the prisoner escaped; (*c*) that the accused did not take such care to prevent escape as a reasonably prudent person, acting in the capacity in which the accused was acting, would have taken in the same or similar circumstances; and (*d*) that the escape was the proximate result of the neglect of the accused.

c. SUFFERING A PRISONER TO ESCAPE THROUGH DESIGN

Discussion. See 175*a* and *b*. An escape was suffered through design when it was intended or when it resulted from conduct so wantonly devoid of care that no reasonable inference may be drawn from it but that the escape was contemplated as a probable result of the course of conduct followed.

It sometimes happens that a prisoner has been permitted larger limits than should have been allowed, and an escape is consummated without hindrance. It does not follow that such an escape is necessarily to be considered as designed. The conduct of the responsible custodian is to be examined in the light of all the circumstances of the case, the gravity of the crime with which the prisoner is charged, the probability of his return, and the intention and motives of the custodian.

Proof. (*a*) That a certain prisoner was committed to the charge of the accused; (*b*) that the design of the accused was to suffer the escape of that prisoner; and (*c*) that the prisoner escaped as a result of the carrying out of the design of the accused.

176. ARTICLE 97—UNLAWFUL DETENTION

Discussion. Any person subject to the code who, except as provided by law, apprehends, arrests, or confines any person is guilty of unlawful detention under Article 97.

Any unlawful restraint of another's freedom of locomotion will result in a violation of this article. The offense may be committed by one who, being duly authorized to apprehend, arrest, or confine others, exercises this authority unlawfully, or by one not so authorized who effects the restraint of another unlawfully. There need be no actual force exercised in imposing the apprehension, arrest, or confinement. The apprehension, arrest, or confinement must be against the will of the person restrained.

A reasonable belief by the person imposing it that the restraint was lawful is a defense.

For persons authorized to apprehend, arrest, or confine, see 19 and 21.

Proof. (*a*) That the accused apprehended, arrested, or confined a certain person, as alleged; and (*b*) that the accused was not authorized by law to do so.

177. ARTICLE 98—NONCOMPLIANCE WITH PROCEDURAL RULES

a. UNNECESSARY DELAY IN DISPOSING OF CASE

Discussion. The purpose of this section of Article 98 is to insure expedition in the disposition of cases of persons accused of offenses under the code by providing for the punishment of those responsible for unnecessary delay in the disposition of these cases. A person can be responsible for a delay in the disposition of a case only when his duties require him to act with respect thereto.

Proof. (*a*) That the accused to his knowledge was charged with certain duties in connection with the disposition of a case of a person accused of an offense under the code; (*b*) that delay occurred in the disposition of the case; and (*c*) that under the circumstances the delay was unnecessary and that the accused was responsible therefor.

b. KNOWINGLY AND INTENTIONALLY FAILING TO ENFORCE OR COMPLY WITH PROVISIONS OF THE CODE

Discussion. This section of the article does not apply to cases of bona fide error of law or procedure made before, during, or after a trial. It is designed to punish deliberate and intentional failure to enforce or comply with the provisions of the code regulating the proceedings before, during, and after trial. See particularly Articles 31 and 37.

Proof. (*a*) That the accused knowingly and intentionally failed to enforce or comply with a certain provision of the code regulating some proceeding before, during, or after a trial, as alleged; and (*b*) that the accused had the duty of enforcing or complying with that provision of the code.

178. ARTICLE 99—MISBEHAVIOR BEFORE THE ENEMY

a. RUNNING AWAY BEFORE THE ENEMY

Discussion. "The enemy" includes not merely the organized forces of the enemy in time of war, but also imports any hostile body that our forces may be opposing, such as a rebellious mob or a band of renegades. Whether a person is "before the enemy" is not a question of definite distance, but is one of tactical relation. For example, a member of antiaircraft gun crew charged with opposing anticipated attack from the air, or a member of a unit about to move into combat may be before the enemy although miles from the enemy lines. On the

other hand, an organization some distance from the front or immediate area of combat which is not a part of a tactical operation then going on or in immediate prospect is not "before or in the presence of the enemy" within the meaning of this article. The "running away" must be to avoid actual or impending combat. It need not, however, be the result of fear.

Proof. (*a*) That the accused was before or in the presence of an enemy; (*b*) that he misbehaved himself by running away; and (*c*) that the running away was with intent to avoid actual or impending combat.

b. SHAMEFULLY ABANDONING, SURRENDERING, OR DELIVERING UP

Discussion. This provision concerns primarily commanders chargeable with responsibility for defending a command, unit, place, ship, or military property. Abandonment by a subordinate would ordinarily be charged as running away.

The words "deliver up" are synonymous with "surrender."

Surrender or abandonment of a command, unit, place, ship, or military property by a person charged with its defense can be justified only by the utmost necessity or extremity. Surrender or abandonment without this absolute necessity is shameful within the meaning of this article.

Proof. (*a*) That the accused was charged by orders or by circumstances with the duty to defend a certain command, unit, place, or ship, or certain military property; (*b*) that without justification he abandoned it or surrendered it; and (*c*) that this act occurred while the accused was before or in the presence of the enemy.

c. ENDANGERING THE SAFETY OF A COMMAND, UNIT, PLACE, OR MILITARY PROPERTY THROUGH DISOBEDIENCE, NEGLECT, OR INTENTIONAL MISCONDUCT

Discussion. Carelessness or negligence, or other conduct below the standard reasonably expected of the individual under the circumstances, constitutes "neglect" as used in the article. Intentional misconduct implies a wrongful intention and not a mere error in judgment. Under this clause may be charged any act of insubordination, neglect, or intentional misconduct committed by an officer or enlisted person before or in the presence of the enemy which endangers the safety of any command, unit, place, or military property which it is his duty to defend.

Proof. (*a*) That it was the duty of the accused to defend a certain command, unit, ship, or place, or certain military property; (*b*) that he committed certain disobedience, neglect, or intentional misconduct, as alleged; (*c*) that thereby he endangered the safety of the command, unit, place, ship, or military property; and (*d*) that this act occurred while the accused was before or in the presence of the enemy.

d. CASTING AWAY ARMS OR AMMUNITION

Proof. (*a*) That the accused was before or in the presence of the enemy; and (*b*) that he cast away certain arms or ammunition, as specified.

e. COWARDLY CONDUCT

Discussion. Cowardice is misbehavior through fear. Fear is a natural feeling of apprehension when going into battle and the mere display of apprehension would not constitute the offense, but the refusal or abandonment of a performance of duty before or in the presence of the enemy as a result of fear does constitute the offense.

Proof. (*a*) That the accused committed an act of cowardice, as alleged; (*b*) that this act occurred while the accused was before or in the presence of the enemy; and (*c*) that this act was the result of fear.

f. QUITTING PLACE OF DUTY TO PLUNDER OR PILLAGE

Discussion. The essence of this offense is quitting the place of duty with intent to plunder or pillage. The mere quitting with that purpose is sufficient, even if the plunder or pillage is not consummated.

"Place of duty" includes any place of duty, whether permanent or temporary, fixed or mobile. The words "plunder or pillage" mean to seize or appropriate public or private property unlawfully.

Proof. (*a*) That the accused while before or in the presence of the enemy quit his place of duty; and (*b*) that his intention in so quitting was to seize or appropriate public or private property unlawfully.

g. CAUSING FALSE ALARMS

Discussion. This clause covers any spreading of false or disturbing rumors or reports, as well as the false giving of established alarm signals.

Proof. (*a*) That an alarm was caused in a certain command, unit, or place under control of the armed forces; (*b*) that conduct of the accused caused the alarm; (*c*) that the alarm was caused without any reasonable or sufficient justification or excuse; and (*d*) that this act occurred while the accused was before or in the presence of the enemy.

h. WILLFULLY FAILING TO DO UTMOST TO ENCOUNTER, ENGAGE, CAPTURE, OR DESTROY ENEMY TROOPS, COMBATANTS, VESSELS, AIRCRAFT, OR ANY OTHER THING

Proof. (*a*) That the accused was serving before or in the presence of the enemy; (*b*) that he had a duty to encounter, engage, capture, or destroy certain enemy troops, combatants, vessels, aircraft, or a certain other thing, as alleged; and (*c*) that he willfully failed to do his utmost to perform that duty.

i. NOT AFFORDING ALL PRACTICABLE RELIEF AND ASSISTANCE

Discussion. This offense is limited to a failure to afford relief and assistance to forces "engaged in battle." When this condition does not exist, this offense cannot be committed. "All practicable relief and assistance" means all relief and assistance which should be afforded within the limitations imposed upon one by reason of his own specific task or mission. If that task or mission might not brook delay or deviation in order to afford relief and assistance to others, no offense is committed by failing to afford this relief and assistance.

Proof. (*a*) That certain troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies were engaged in battle and required relief and assistance; (*b*) that the accused was in a position and able to render relief and assistance to these troops, combatants, vessels, or aircraft; (*c*) that the accused failed to afford all practicable relief and assistance, as alleged; and (*d*) that, at the time, the accused was before or in the presence of the enemy.

179. ARTICLE 100—SUBORDINATE COMPELLING SURRENDER

a. SUBORDINATE COMPELLING OR ATTEMPTING TO COMPEL COMMANDER TO SURRENDER OR ABANDON PLACE, PROPERTY, OR COMMAND

Discussion. In order to constitute an offense under this article, the surrender or abandonment must be compelled or attempted to be compelled by acts rather than words.

The offenses here contemplated are similar to a mutiny or attempted mutiny designed to bring about the surrender or abandonment. Unlike some cases of mutiny, however, concert of action is not an essential element of the offenses under this article. The offense of compelling the giving up or abandonment is not complete until the place, military property, or command is abandoned or given up to the enemy. The offense of attempting to compel a surrender or abandonment does not require actual abandonment or surrender, but there must be some act done with this purpose in view, even if it falls short of an actual accomplishment of the purpose. The words "to give it up to an enemy" are synonymous with "surrender."

Proof. (*a*) That a certain commander was in command of a certain place, vessel, aircraft, or other military property or of a body of members of the armed forces; and (*b*) that acts of the accused compelled the commander to give it up to the enemy or to abandon it, or were done with the intent or purpose of compelling the commander to give it up to the enemy or to abandon it.

b. STRIKING THE COLORS OR FLAG

Discussion. To "strike the colors or flag" is to haul down the colors or flag in the face of the enemy or to make any other offer of surrender. It is a traditional wording for an act of surrender. The offense is committed by any one subject to the code who assumes to himself the authority to surrender a military force or position when he is not authorized to do so either by competent authority or by the necessities of battle. If continued battle has become fruitless and it is impossible to communicate with higher authority, these facts will constitute proper authority to surrender. The offense may be committed wherever there is sufficient contact with the enemy to give the opportunity of making an offer of surrender and it is not necessary that an engagement with the enemy be in progress.

It is unnecessary to prove that the offer was received by the enemy or that it was rejected or accepted. The sending of an emissary charged with making the offer of surrender is an act sufficient to prove the offer, even though the emissary does not reach the enemy.

Proof (*a*) That there was an offer of surrender to an enemy, as alleged; (*b*) that the accused made or was responsible for the offer; and (*c*) that the accused did not have proper authority to make the offer.

180. ARTICLE 101—IMPROPER USE OF COUNTERSIGN

a. DISCLOSING THE PAROLE OR COUNTERSIGN TO ONE NOT ENTITLED TO RECEIVE IT

Discussion. A countersign is a word given from the principal headquarters of a command to aid guards and sentinels in their scrutiny of persons who apply to pass the lines. It consists of a secret challenge and a password. A parole is a word used as a check on the countersign; it is imparted only to those who are entitled to inspect guards and to commanders of guards.

The class of persons entitled to receive the countersign will expand and contract under the varying circumstances of war. Who these persons are will be determined largely, in any particular case, by the general or special orders under which the accused was acting. It is no defense under the terms of this article that the accused did not know that the person to whom he communicated the countersign or parole was not entitled to receive it. Before imparting such a word, a person subject to military law must determine at his peril that the person to whom he presumes to make known the word is a person authorized to receive it.

The intent or motive that actuated the accused is immaterial to the issue of guilt, as would also be the circumstance that the imparting was negligent or inadvertent. It is likewise immaterial whether the accused had himself received the password in the regular course of duty or whether he obtained it in some other way.

Proof. (*a*) That the accused in time of war disclosed the parole or countersign to a certain person, known or unknown; and (*b*) that this person was not entitled to receive it.

b. GIVING A PAROLE OR COUNTERSIGN DIFFERENT FROM THAT AUTHORIZED

Proof. (*a*) That in time of war the accused knew he was authorized and required to give a certain parole or countersign; and (*b*) that he gave to a person entitled to receive and use this parole or countersign a different parole or countersign.

181. ARTICLE 102—FORCING A SAFEGUARD

Discussion. A safeguard is a detachment, guard, or detail posted by a commander for the protection of persons, places, or property of the enemy, or of a neutral affected by the relationship of belligerent forces in their prosecution of war or during circumstances amounting to a state of belligerency. The term also includes a written order left by a commander with an enemy subject or posted upon enemy property for the protection of the individual or property concerned. The effect of a safeguard is to pledge the honor of the nation that the person or property shall be respected by the national armed forces.

Provided that the accused was or should have been aware of the existence of the safeguard, any trespass on the protection of the safeguard will constitute an offense under the article, whether the safeguard was imposed in time of war or in circumstances amounting to a state of belligerency short of a formal state of war.

A safeguard is not a device adopted by a belligerent to protect its own property or nationals or to insure order within its own forces, even if those forces are in a theater of combat operations, and the posting of guards or of off-limits signs does not establish a safeguard unless the protection thereby afforded is in furtherance of an undertaking by a commander to protect enemy or neutral persons or property.

Proof. (*a*) That a safeguard had been issued or posted for the protection of a certain person or persons, place or property, as alleged; and (*b*) that, with knowledge of the safeguard, or under circumstances that charged him with notice thereof, the accused performed acts in violation of its protection, as alleged.

182. ARTICLE 103—CAPTURED OR ABANDONED PROPERTY

a. FAILING TO SECURE CAPTURED ENEMY PROPERTY

Discussion. Immediately upon its capture from the enemy, public property becomes the property of the United States. Neither the person who takes it nor any other person has any private right in this property. On the contrary, every person subject to military law has an immediate duty to take such steps as are reasonably within his powers to secure this property for the service of the United States and to protect it from destruction or loss.

Proof. (*a*) That certain public property was taken from the enemy; and (*b*) that the accused failed to do what was reasonable under the circumstances to secure this property for the service of the United States.

The provisions of the article which are discussed in the following subparagraphs are broader than those discussed in *a* in that they pertain to private property as well as to public property.

b. FAILING TO REPORT AND TURN OVER CAPTURED OR ABANDONED PROPERTY

Discussion. Reports of receipt of captured or abandoned property are to be made directly or through such channels as are required by current regulations or orders or the customs of the service. "Proper authority" is any authority competent to order disposition of the property in question.

Proof. (*a*) That certain captured or abandoned public or private property came into the possession, custody, or control of the accused; and (*b*) that the accused failed to report to proper authority the receipt thereof, and failed to turn it over to proper authority as required.

c. DEALING IN CAPTURED OR ABANDONED PROPERTY

Discussion. All persons subject to the code are forbidden to buy, sell, trade, or in any way deal in or dispose of captured or abandoned property whereby they receive or expect some profit, benefit, or other advantage to themselves or anyone directly or indirectly connected with them. The code prohibits receipt as well as disposition by barter, gift, pledge, lease, or loan. It forbids the destruction or abandonment of the property. The expectation of profit need not be founded on any specific understanding; it is enough if the prohibited act is done for the purpose or in the hope of benefit or advantage, pecuniary or otherwise.

Proof. (*a*) That the accused bought, sold, traded, or otherwise dealt in or disposed of certain public or private captured or abandoned property; and (b) that by so doing the accused received or expected some profit, benefit, or advantage to himself or to a certain person or persons connected in a certain manner with himself, as alleged.

d. ENGAGING IN LOOTING OR PILLAGING

Discussion. The words "looting or pillaging" mean unlawfully seizing or appropriating property which is located in enemy or occupied (friendly or enemy) territory and is either left behind or is owned by, or in the custody of, the enemy or occupied state, its inhabitants, or persons who are under its protection or who, immediately before the place where the act occurred had been occupied, were under the protection of the enemy or occupied state. The unauthorized removal or appropriation of any part of the equipment of a

seized or captured vessel or the unlawful seizure or appropriation of property owned by or in the custody of the officers, crew, or passengers on board a seized or captured vessel, constitutes the offense of looting or pillaging wherever the vessel may be located at the time of the offense.

Proof. (*a*) That the accused unlawfully seized or appropriated certain property; (*b*) that the property was located in enemy or occupied territory, or that it was on board a seized or captured vessel; and (*c*) that the property was left behind or that it was owned by, or in the custody of, the enemy or occupied state or a person having a certain status with respect to the enemy or occupied state, or that it was part of the equipment of a seized or captured vessel, or was owned by, or in the custody of the officers, crew, or passengers on board a seized or captured vessel, as alleged.

183. ARTICLE 104—AIDING THE ENEMY

This article denounces offenses by all persons whether or not otherwise subject to military law. The trial of offenders may be by court-martial or by military commission.

a. AIDING OR ATTEMPTING TO AID THE ENEMY

Discussion. "Enemy" imports civilians as well as members of military organizations and does not restrict itself to the enemy government or its armed forces. All the citizens of one belligerent are enemies of the government and of all the citizens of the other.

It is not a violation of this article, however, to furnish to prisoners of war subsistence, quarters, and other comforts or aid to which they are lawfully entitled.

To aid the enemy as used in this article is equivalent to furnishing it with the arms, ammunition, supplies, money, or other things as denounced in the article. It is immaterial whether the articles furnished are needed by the enemy or whether the transaction is a donation or sale.

Proof. That the accused either directly or indirectly aided or attempted to aid the enemy with certain arms, ammunition, supplies, money, or other thing, as alleged.

b. HARBORING OR PROTECTING THE ENEMY

Discussion. See 183*a*. An enemy is harbored or protected when, without proper authority, he is shielded, either physically or by use of any artifice, aid, or representation, from any injury or misfortune which in the chance of war may befall him. It must appear that the offense is knowingly committed.

Proof. (*a*) That the accused, without proper authority, harbored or protected a certain person; (*b*) that the person so protected was an enemy; and (*c*) that the accused had knowledge of that fact.

c. GIVING INTELLIGENCE TO THE ENEMY

Discussion. See 183*a*. This is a particular case of corresponding with the enemy, rendered more heinous by the fact that the communication contains intelligence that may be useful to the enemy for any of the many reasons that make information valuable to belligerents. As in the preceding case, knowledge must be proved, and it is immaterial to the issue of guilt whether the intelligence was conveyed by direct or indirect means. The word "intelligence"

imports that the information conveyed is true or implies the truth, at least in part.

Proof. (*a*) That the accused, without proper authority, knowingly conveyed to the enemy certain information, as alleged; and (*b*) that the information was true or implied the truth, at least in part.

d. COMMUNICATING, CORRESPONDING, OR HOLDING INTERCOURSE WITH THE ENEMY

Discussion. Communication, correspondence, or holding intercourse with the enemy does not necessarily import a mutual exchange of communication. The law requires absolute nonintercourse, and any unauthorized communication, no matter what may be its tenor or intent, is here denounced. The prohibition lies against any method of intercourse or communication whatsoever, and the offense is complete the moment the communication issues from the accused, whether it reaches its destination or not. The words "directly or indirectly" apply to this offense. It is essential to prove that the offense was knowingly committed.

Citizens of neutral powers resident in or visiting invaded or occupied territory can claim no immunity from the customary laws of war relating to communication with the enemy.

Proof. (*a*) That the accused, without proper authority, communicated, corresponded, or held intercourse with a certain person; (*b*) that this person was an enemy; and (*c*) that the accused had knowledge of this fact.

184. ARTICLE 105—MISCONDUCT AS PRISONER

a. ACTING WITHOUT AUTHORITY TO THE DETRIMENT OF ANOTHER FOR THE PURPOSE OF SECURING FAVORABLE TREATMENT

Discussion. This offense covers all unauthorized conduct by a prisoner of war in the hands of the enemy which tends to ameliorate his condition to the detriment of other prisoners. This conduct may be the reporting of plans of escape being prepared by others or the reporting of secret food caches, equipment, or arms. The acts must be related to the captors, and tend to have the probable effect of bestowing upon the accused some favor with, or advantage from, the captors. The act of the accused must be contrary to law, custom, or regulation. Escape from the enemy is regarded as authorized by custom. An escape, therefore, which results in closer confinement or other measures against fellow prisoners still in the hands of the enemy is not an offense under this article. The act of the accused must be to the detriment of his fellow prisoners either by way of closer confinement, reduced rations, physical punishment, or other harm.

Proof. (*a*) That without proper authority the accused acted in a manner contrary to law, custom, or regulation, as alleged; (*b*) that the act was committed while the accused was in the hands of the enemy in time of war; (*c*) that the purpose of the act was to secure favorable treatment of the accused by his captors; and (*d*) that other prisoners held by the enemy suffered some detriment as the proximate result of the accused's act, as alleged.

b. MALTREATING PRISONERS WHILE IN A POSITION OF AUTHORITY

Discussion. The source of the authority is not material. It may arise from the military rank of the accused, through designation by the captor authorities,

or from voluntary election or selection by other prisoners for their self-government.

The maltreatment must be real, although not necessarily physical, and it must be without justifiable cause. Abuse of an inferior by inflammatory and derogatory words may, through mental anguish, constitute this offense. To assault, to strike, to subject to improper punishment, or to deprive of benefits would constitute a maltreatment if done without justifiable cause.

Proof. (*a*) That the accused maltreated a prisoner held by the enemy, as alleged; (*b*) that the act occurred while the accused was in the hands of the enemy in time of war; (*c*) that the accused held a position of authority over the person maltreated; and (*d*) that the act was without justifiable cause.

185. ARTICLE 106—SPIES

Discussion. The words "any person who in time of war" bring within the jurisdiction of general courts-martial and military commissions all persons of whatever nationality or status who commit the offense of lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces of the United States, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere.

The principal characteristic of this offense is a clandestine dissimulation of the true object sought, which object is an endeavor to obtain information with the intention of communicating it to the hostile party. Thus members of a military organization not wearing disguise, dispatch drivers, whether members of a military organization or civilians, and persons in ships or aircraft who carry out their missions openly and who have penetrated hostile lines are not to be considered spies, for the reason that, while they may have resorted to concealment, they have practiced no dissimulation.

It is necessary to prove an intent to communicate information to the hostile party. This intent may be inferred from evidence of a deceptive insinuation of the accused among our forces, but evidence that the person had come within the lines for a comparatively innocent purpose, as to visit his family or to reach his own lines by assuming a disguise, is admissible to rebut this inference.

It is not essential that the accused obtain the information sought or that he communicate it. The offense is complete with the lurking or dissimulation with intent to accomplish these objects.

A spy who, after rejoining the armed force to which he belongs, is subsequently captured by the enemy incurs no responsibility for his previous acts of espionage.

A person living in occupied territory who, without dissimulation, merely reports what he sees or what he hears through agents to the enemy may be charged under Article 104 with giving intelligence to or communicating with the enemy, but he may not be charged under this article with being a spy.

Proof. (*a*) That the accused was found at a certain place as alleged, acting clandestinely or under false pretenses; and (*b*) that he was obtaining, or endeavoring to obtain, information with intent to communicate it to the enemy.

186. ARTICLE 107—FALSE OFFICIAL STATEMENTS

Discussion. Official documents and official statements include all documents and statements made in the line of duty. A statement made by a suspect or an accused person during an interrogation is not official within the meaning of this article if he did not have an independent duty or obligation to speak concerning the matter under inquiry. However, if he did have such an independent duty or obligation to speak, as in the case of a custodian who is required to account for property in his custody, a statement made by him during an interrogation into this matter is official, even though he had the right to refuse to make a statement under Article 31(b). See 213*f*(4) regarding statements made under oath.

The false representation must be made officially with the intent to deceive, and it must be one which the accused does not believe to be true. The relative rank of the person intended to be deceived is immaterial if that person was authorized in the execution of his office to require the statement or document from the accused. The expectation of material gain is not one of the essential elements of the offense, nor is it necessary that the false statement be material to the issue under inquiry. If the falsity is in respect to a material matter, it may be considered as some evidence of the necessary intent to deceive, while immateriality may tend to show an absence of this intent.

Proof. (*a*) That the accused signed a certain official document or made a certain official statement, as alleged; (*b*) that the document or statement was false in certain particulars, as alleged; (*c*) that the accused knew it to be false at the time of signing or making it; and (*d*) that the false document or statement was made with the intent to deceive.

187. ARTICLE 108—MILITARY PROPERTY OF UNITED STATES—LOSS, DAMAGE, DESTRUCTION, OR WRONGFUL DISPOSITION

a. SELLING OR OTHERWISE DISPOSING OF MILITARY PROPERTY

Discussion. Article 108 applies to the act of any person subject to the code, and it is immaterial whether the property sold, disposed of, destroyed, lost, or damaged had been issued at all or whether the property was issued to someone other than the accused.

Proof. (*a*) That the accused sold or otherwise disposed of certain property, as alleged; (*b*) that the sale or disposition was without proper authority; (*c*) that the property was military property of the United States; and (*d*) the value of the property, as alleged.

For a discussion of proof of value, see 200*a*(7).

b. WILLFULLY OR THROUGH NEGLECT DAMAGING, DESTROYING, OR LOSING MILITARY PROPERTY

Discussion. See 187*a*. A willful damage, destruction, or loss is one that is intentionally occasioned. Loss, destruction, or damage is occasioned through neglect when it is the result of a want of such attention to the nature or foreseeable consequences of an act or omission as was appropriate under the circumstances.

If it is shown by either direct or circumstantial evidence that the property was issued to the accused, it may be inferred that the damage, destruction, or

loss shown, unless satisfactorily explained, was due to the neglect of the accused. This rule, however, applies only to items of individual issue.

Proof. (*a*) That, without proper authority, the accused damaged or destroyed certain property in a certain way, or lost it, as alleged; (*b*) that the property was military property of the United States; (*c*) that the damage, destruction, or loss was willfully caused by the accused in a certain manner, as alleged; or that the damage, destruction, or loss was the result of neglect on the part of the accused; and (*d*) the value of the property destroyed or lost, or the amount of damage, as alleged.

For a discussion of proof of value, see 200*a*(7).

c. SUFFERING THE LOSS, DAMAGE, DESTRUCTION, SALE, OR WRONGFUL DISPOSITION OF MILITARY PROPERTY

Discussion. See 187*a*. The loss, damage, destruction, sale, or disposition may be said to be willfully suffered by one who, knowing the act to be imminent or actually going on, takes no steps to prevent it, as by a sentinel who, seeing a small and readily extinguishable fire in a stack of hay on his post, allows the hay to burn, or a member of the boat crew, who seeing a small boat tied alongside, allows the boat to be damaged or lost by chafing or striking. A suffering through neglect implies an omission to take such measures as were appropriate under the circumstances to prevent a loss, damage, destruction, sale, or wrongful disposition.

The willful or neglectful sufferance specified by the article may consist in a deliberate violation or positive disregard of some specific injunction of law, regulations, or orders; or it may be evidenced by such circumstances as a reckless or unwarranted personal use of the property, causing or allowing it to remain exposed to the weather, insecurely housed, or not guarded; permitting it to be consumed, wasted, or injured by other persons; or loaning it to a person, known to be irresponsible, by whom it is damaged.

Although there may be no direct evidence that the property in question was military property of the United States, circumstantial evidence that the property was of a type and kind issued for use in, or furnished and intended for, the military service of the United States, might, together with other proved circumstances, warrant the court in inferring that it was such military property of the United States.

In the case of loss, destruction, sale, or wrongful disposition, the value of the property controls the limit of punishment which may be adjudged therefor, but in the case of damage, the amount of damage instead of the value of the property damaged is controlling. As a general rule, the amount of damage is the estimated or actual cost of repair by the governmental agency normally employed in such work, or the cost of replacement, as shown by government price lists or otherwise, whichever is the lesser. For a further discussion of proof of value, see 200*a*(7).

Proof. (*a*) That certain military property of the United States was lost, damaged, destroyed, sold, or wrongfully disposed of in the manner alleged; (*b*) that the loss, damage, destruction, sale, or disposition was suffered by the accused without proper authority, through a certain omission of duty on his part; (*c*) that this omission was willful or negligent as alleged; and (*d*) the

value of the property lost, destroyed, sold, or wrongfully disposed of, or the amount of damage, as alleged.

188. ARTICLE 109—PROPERTY OTHER THAN MILITARY PROPERTY OF UNITED STATES—WASTE, SPOIL, OR DESTRUCTION

a. WASTING OR SPOILING PROPERTY OTHER THAN MILITARY PROPERTY OF THE UNITED STATES

Discussion. This portion of Article 109 proscribes the willful or reckless waste or spoilation of the real property of another. The terms "wastes" and "spoils" as used in this article refer to such wrongful acts of voluntary destruction of or permanent damage to real property as burning down buildings, burning piers, tearing down fences, or cutting down trees. This destruction is punishable whether done willfully, that is intentionally, or recklessly, that is through a culpable disregard of the foreseeable consequences of some voluntary act.

Proof. (*a*) That the accused willfully or recklessly wasted or spoiled certain real property in the manner alleged; (*b*) that the property was that of another person, as alleged; and (*c*) the value of the property wasted or spoiled, as alleged.

For a discussion of proof of value, see 200*a*(7).

b. WILLFULLY AND WRONGFULY DESTROYING OR DAMAGING OTHER THAN MILITARY PROPERTY OF THE UNITED STATES

Discussion. This portion of Article 109 proscribes the willful and wrongful destruction or damage of the personal property of another. To be destroyed, the property need not be completely demolished or annihilated, but need be only sufficiently injured to be useless for the purpose for which it was intended. Damage consists of any physical injury to the property. To constitute an offense under this section, the destruction or damage of the property must have been willful and wrongful. As used in this section "willfully" means intentionally and "wrongfully" means contrary to law, regulation, lawful order, or custom. Willfulness may be shown by direct evidence, as by remarks of the accused at the time, or circumstantially, as by the manner in which the acts were done.

In the case of destruction, the value of the property destroyed controls the limit of punishment which may be adjudged therefor, but in the case of damage, the amount thereof instead of the value of the property damaged is so controlling. As a general rule, the amount of damage is the estimated or actual cost of repair by artisans employed in this work who are available to the community wherein the owner resides, or the replacement cost, whichever is the lesser.

Proof. (*a*) That the accused destroyed or damaged certain personal property, as alleged; (*b*) that the property was that of another person, as alleged; (*c*) that such destruction or damage was willful and wrongful; and (*d*) the value of the property destroyed or the amount of damage done, as alleged.

For a discussion of proof of value, see 200*a*(7).

189. ARTICLE 110—IMPROPER HAZARDING OF VESSEL

Discussion. As used in this article, "willfully" means intentionally and "wrongfully" means contrary to law, regulation, lawful order, or custom. "Negligence" under this article means the failure to exercise the care, prudence, or attention to duties, which the interests of the Government require to be exercised by a prudent and reasonable person under the circumstances. This negligence may consist of the omission to do something the prudent and reasonable person would have done, or the doing of something he would not have done under the circumstances. The words "to suffer" mean to allow or to permit, and a ship is willfully suffered to be hazarded by one who, although not in direct control of the vessel, knows a danger to be imminent but takes no steps to prevent it, as by a plotting officer of a ship under way who fails to report to the officer of the deck a radar target which he observes to be on a collision course with, and dangerously close to, his own ship. A suffering through neglect implies an omission to take such measures as were appropriate under the circumstances to prevent a foreseeable danger. "Hazard" means to put in danger of loss or injury. Actual damage to, or loss of, a vessel of the armed forces by collision, stranding, running upon a shoal or a rock, or by any other cause, is conclusive evidence that the vessel was hazarded although not of the fact of culpability on the part of any particular person. "Stranded" means run aground so that the vessel is fast for a time. If a vessel "touches and goes," she is not stranded; if she "touches and sticks," she is. A shoal is a sand, mud, or gravel bank or bar that makes the water shallow.

No person is relieved of culpability who fails to perform such duties as are imposed upon him by the general responsibilities of his grade or rank, or by the customs of the service for the safety and protection of vessels of the armed forces, simply because these duties are not specifically enumerated in a regulation or an order. However, a mere error in judgment such as a reasonably able person might have committed under the same circumstances, will not constitute an offense under this article.

Proof. (*a*) That a vessel of the armed forces was hazarded in a certain manner, as alleged; and (*b*) that the accused, by certain acts or omissions, as alleged, willfully and wrongfully, or negligently, caused or suffered the vessel to be so hazarded.

190. ARTICLE 111—DRUNKEN OR RECKLESS DRIVING

Discussion. Article 111 defines the offense of drunken or reckless driving as operating any vehicle while drunk, or in a recklesss or wanton manner.

Operating a vehicle includes not only driving or guiding it while in motion, either in person or through the agency of another, but also the setting of its motive power in action or the manipulation of its controls so as to cause the particular vehicle to move. The term "vehicle" applies to all types of land transportation (1 U.S.C. § 4), whether or not motor driven or passenger-carrying. Drunken or reckless operation of water and air transportation may be alleged under other articles of the code, as appropriate.

As to the meaning of "drunk," see 191.

The operation of a vehicle is "reckless" when it exhibits a culpable disregard of foreseeable consequences to others from the act or omission involved. Recklessness is not determined solely by reason of the happening of an injury, or the invasion of the rights of another, nor by proof alone of excessive speed or erratic operation, but all these factors may be admissible and relevant as bearing upon the ultimate question: Whether, under all the circumstances, the

accused's manner of operation of the vehicle was of that heedless nature which made it actually or imminently dangerous to the occupants, or to the rights or safety of others. It is driving with such a high degree of negligence that if death were caused, the accused would have committed involuntary manslaughter, at least.

"Wanton" includes "reckless," but in describing the operation of a vehicle, it may, in a proper case, connote willfulness, or a disregard of probable consequences, and thus describe a more aggravated offense (see 197*d*).

While the same course of conduct may constitute both drunken and reckless driving, the article proscribes these as separate offenses, and both offenses may be charged. However, as recklessness is a relative matter, evidence of all the surrounding circumstances which made the operation dangerous, whether alleged or not, may be competent. Thus, on a charge of reckless driving, evidence of drunkenness might be admissible as establishing one aspect of the recklessness, and evidence that the vehicle exceeded a safe speed, at a relevant prior point and time, might be admissible as corroborating other evidence of the specific recklessness charged. Similarly, on a charge of drunken driving, relevant evidence of recklessness might have probative value as corroborating other proof of drunkenness.

The condition of the surface on which the vehicle is operated, the time of day or night, the traffic, and the condition of the vehicle are often matters of prime importance in the proof of an offense charged under this article, and where they are of importance, may properly be alleged.

Proof. (*a*) That the accused was operating a certain vehicle, as alleged; (*b*) that he was drunk while operating the vehicle; or, that he operated it in a reckless or wanton manner, as alleged; and, if alleged, (*c*) that the accused thereby caused the vehicle to injure the victim, as alleged.

191. ARTICLE 112—DRUNK ON DUTY

Discussion. Article 112 sets forth the offense of being found drunk on duty. The term "duty" as used in this article means military duty, but every duty which an officer or enlisted person may legally be required by superior authority to execute is necessarily a military duty.

Whether the drunkenness was caused by liquor or drugs is immaterial; and any intoxication which is sufficient sensibly to impair the rational and full exercise of the mental or physical faculties is drunkenness within the meaning of the article.

It is necessary that accused be found drunk while actually on the duty alleged, and the fact that he became drunk before going on duty, although material in extenuation, does not affect the question of his guilt. If, however, he does not undertake the responsibility or enter upon the duty at all, his conduct does not fall within the terms of this article, nor does that of a person who absents himself from his duty and is found drunk while so absent. Included within the article is drunkenness while on duty of an anticipatory nature such as that of an aircraft crew ordered to stand by for flight duty, or of an enlisted person ordered to stand by for guard duty.

Within the meaning of this article, when in the actual exercise of command, the commanding officer of a post, or of a command, or of a detachment in the field is constantly on duty. Also, within the meaning of this article, the commanding officer on board his ship is constantly on duty. In the case of other officers or enlisted persons the term "on duty" relates to duties of routine or detail, in garrison, at a station, or in the field, and does not relate to those periods when, no duty being required of them by orders or regulations, officers and men occupy the status of leisure known as "off duty" or "on liberty."

In a region of active hostilities, the circumstances are often such that all members of a command may properly be considered as being continuously on duty within the meaning of this article. So also, an officer of the day and members of the guard, or of the watch, are on duty during their entire tour within the meaning of this article.

Proof. (*a*) That the accused was on a certain duty, as alleged; and (*b*) that he was found drunk while on that duty.

192. ARTICLE 113—MISBEHAVIOR OF SENTINEL OR LOOKOUT

Discussion. This article defines three kinds of misbehavior committed by sentinels or lookouts: Being found drunk or sleeping upon post, or leaving it before being regularly relieved. As to the meaning of "drunk," see 191.

A post is not limited by an imaginary line, but includes, according to orders or circumstances, such surrounding area as may be necessary for the proper performance of the duties for which the sentinel or lookout was posted. The sentinel or lookout who goes anywhere within that area for the discharge of his duties does not leave his post, but if found drunk or sleeping within the area may be convicted of a violation of this article. The offense of leaving post is not committed when a sentinel or lookout goes an immaterial distance from the point, station, area, or object which was prescribed as his post, unless he goes such a distance that his ability fully to perform the duty for which he was posted is impaired.

A sentinel or lookout is on post within the meaning of this article not only when he is at a post physically defined, as is ordinarily the case in garrison or aboard ship, but also, for example, when he is stationed in observation against the approach of an enemy, or is detailed to use any equipment designed to locate friend, foe, or possible danger, or at a designated place to maintain internal discipline, or to guard stores, or to guard prisoners while in confinement or at work.

This article does not include an officer or enlisted person of the guard, or of a ship's watch, not posted or performing the duties of a sentinel or lookout, nor does it include a person whose duties as a watchman or attendant do not require that he be constantly alert.

The fact that the sentinel or lookout is not posted in the regular way is not a defense. It is sufficient, for example, if he has taken his post in accordance with proper instruction, whether or not formally given.

Proof. (*a*) That the accused was posted or on post as a sentinel or lookout, as alleged; (*b*) that he was found drunk while on his post, or was found sleeping while on his post, or that he left his post before being regularly relieved; and, if alleged, (*c*) that it was committed in an area designated as authorizing entitlement to special pay for duty subject to hostile fire.

193. ARTICLE 114—DUELING

a. FIGHTING DUEL

Discussion. A duel is a combat between two persons for private reasons fought with deadly weapons by prior agreement.

Proof. (*a*) That the accused fought another person for private reasons with deadly weapons; and (*b*) that the combat was by prior agreement.

b. PROMOTING, BEING CONCERNED IN OR CONNIVING AT FIGHTING A DUEL, OR FAILING TO REPORT KNOWLEDGE OF A CHALLENGE

Discussion. Urging or taunting another to challenge or to accept a challenge to duel, acting as a second or as carrier of a challenge or acceptance, or otherwise furthering or contributing toward the fighting of a duel are examples of promoting a duel. Anyone who has reason to believe steps are being or have been taken toward arranging or fighting a duel and who fails to notify appropriate authorities and to take other reasonable preventive action thereby connives at the fighting of a duel. Knowledge creates an obligation to act; the failure so to do constitutes a crime.

Proof. That the accused promoted, was concerned in, or connived at the fighting of a duel by taunting another to challenge, acting as a second, failing to bring knowledge possessed by him of an intended duel to the attention of the authorities, or otherwise, as alleged.

194. ARTICLE 115—MALINGERING

Discussion. Malingering is defined in this article as feigning illness, physical disablement, mental lapse or derangement, or intentionally inflicting self-injury, for the purpose of avoiding work, duty, or service. The injury may be inflicted by nonviolent as well as by violent means and may be accomplished by any act or omission which produces, prolongs, or aggravates any sickness or disability. Thus, voluntary starvation which results in debility is a self-inflicted injury and when done for the purpose of avoiding work, duty, or service constitutes a violation of Article 115.

The essence of this offense is the design to avoid performance of any work, duty, or service which may properly or normally be expected of one in the military service. Whether to avoid all duty, or only a particular job, it is the purpose to shirk which characterizes the offense. Hence, the nature or permanency of a self-inflicted injury is not material on the question of guilt, nor is the seriousness of a physical or mental disability which is a sham. Evidence of the extent of the self-inflicted injury or feigned disability may, however, be relevant as a factor indicating the presence or absence of the purpose.

A qualified medical expert may testify concerning his opinion as to whether a purported illness of the accused was feigned (see 138*e*), and such an opinion may be regarded as evidence upon that question.

Proof. (*a*) That the accused was assigned to, or was aware of his prospective assignment to, or availability for, the performance of work, duty, or service, as alleged; (*b*) that the accused feigned illness, physical disablement, mental lapse or derangement, or intentionally inflicted injury upon himself, as alleged; and (*c*) that his purpose in doing so was to avoid the work, duty, or service alleged.

195. ARTICLE 116—RIOT OR BREACH OF PEACE

a. RIOT

Discussion. A riot is a tumultuous disturbance of the peace by three or more persons assembled together in furtherance of a common purpose to execute some enterprise of a private nature by concerted action against any who might oppose them, committed in such a violent and turbulent manner as to cause or be calculated to cause public terror. It is immaterial whether the act intended was of itself lawful or unlawful. Furthermore, it is not necessary that the common purpose be determined before the assembly. It is sufficient if the assemblage begins to execute in a tumultuous manner a common purpose formed after it assembled.

Proof. (*a*) That the accused was a member of an assembly of three or more persons; (*b*) that the accused and at least two other members of the assembly assembled in furtherance of a common purpose to execute some enterprise of a private nature by concerted action against any who might oppose them; (*c*) that the assembly or some of its members committed a tumultuous disturbance of the peace, as alleged; and (*d*) that the tumultuous disturbance of the peace caused or was calculated to cause public alarm or terror.

b. BREACH OF THE PEACE

Discussion. In military law, a "breach of the peace" is an unlawful disturbance of the peace by an outward demonstration of a violent or turbulent nature.

Not every type of disorder or misconduct is a breach of the peace. For example, a soldier appearing in an unclean uniform in a public place might commit an offense in violation of Article 134, but this act would not ordinarily tend to a disturbance of the peace. The acts or conduct contemplated by this article are those which disturb the public tranquility or impinge upon the peace and good order to which the community is entitled. The words "community" and "public" include within their meaning a military organization, post, camp, ship, or station.

Engaging in an affray, unlawful discharge of firearms in a public street, and the use of vile or abusive words to another in a public place are a few instances of the type of conduct which may constitute a breach of the peace. The fact that opprobrious words are true, or used under provocation, is not a defense, nor is tumultuous conduct excusable because incited by others. As to self-defense, see 216*c*.

Proof. (*a*) That the accused caused or participated in a certain act of a violent or turbulent nature, as alleged; and (*b*) that the peace was thereby unlawfully disturbed.

196. ARTICLE 117—PROVOKING SPEECHES OR GESTURES

Discussion. This article makes punishable the use of provoking or reproachful words or gestures towards another person subject to the code.

As used in this article, "provoking" and "reproachful" describe those words or gestures which are used in the presence of the person to whom they are directed and which tend to induce breaches of the peace. As thus used they do not comprehend reprimands, censures, reproofs and the like which may

properly be administered in the interests of training, efficiency, or discipline in the armed forces.

Proof. That the accused wrongfully used certain provoking or reproachful words or gestures towards another person subject to the code, as alleged.

197. ARTICLE 118—MURDER

Discussion. *a. General.* The killing of a human being is unlawful when done without justification or excuse. See 216*a*, *b*, and *c*. The determination of whether an unlawful killing constitutes murder or a lesser offense (see 198) depends upon the circumstances under which it occurred. The offense is committed at the place of the act or omission although the victim may have died elsewhere. Whether death occurs at the time of the accused's act or omission, or at some time thereafter, it must have followed from an injury received by the victim which resulted from the act or omission.

Among the offenses which may be included in a particular charge of murder are manslaughter, negligent homicide in violation of Article 134, assault with intent to murder, and certain forms of assault.

Voluntary drunkenness (154*a*(2)) not amounting to legal insanity may reduce premeditated murder (Art. 118(1)) to unpremeditated murder (Art. 118(2) or (3)) but it will not operate to reduce it to manslaughter, nor to reduce unpremeditated murder to manslaughter.

b. Premeditation. A murder is not premeditated unless the thought of taking life was consciously conceived and the act or omission by which it was taken was intended. Premeditated murder is murder committed after the formation of a specific intent to kill someone and consideration of the act intended. It is not necessary that the intention to kill shall have been entertained for any particular or considerable length of time. When a fixed purpose to kill has been deliberately formed, it is immaterial how soon afterwards it is put into execution. The existence of premeditation may be inferred from the circumstances surrounding the killing.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the unlawful act or omission of the accused, as alleged; and (*c*) that the accused had a premeditated design to kill.

c. Intent to kill or inflict great bodily harm. An unlawful killing without premeditation is also murder when the person had either an intent to kill or an intent to inflict great bodily harm. Great bodily harm refers to serious injuries; it does not include minor injuries such as a black eye or a bloody nose (see 207*b*). It may be inferred that a person intends the natural and probable consequences of an act purposely done by him. Hence, if a person does an intentional act likely to result in death or great bodily injury, it may be inferred that he intended death or great bodily harm. The intent need not be directed toward the person killed, nor must it exist for any particular time before commission of the act or have previously existed at all. It is sufficient that it existed at the time of the act or omission (except if death is inflicted in the heat of a sudden passion caused by adequate provocation—see 198*a*). For example, a person perpetrating housebreaking who strikes and kills the householder attempting to block his flight can be guilty of murder even if he did not see the householder until the moment before striking the fatal blow.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the unlawful act or omission of the accused, as alleged; and (*c*) that the accused intended to kill or inflict great bodily harm.

d. Act inherently dangerous with wanton disregard of human life. Engaging in an act inherently dangerous to others, without any intent to cause the death of, or great bodily harm to, any particular person, or even with a wish that death may not be caused, may also constitute murder if the performance of the act shows a wanton disregard of human life. Such a disregard is characterized by a heedlessness of the probable consequences of the act or omission, an indifference that death or great bodily harm is likely to ensue. Examples might be throwing a live grenade toward others in jest or flying an aircraft very low over a crowd to make it scatter.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the unlawful act or omission of the accused, as alleged; and (*c*) that the accused was engaged in an act inherently dangerous to others, evincing a wanton disregard of human life.

e. Commission of certain offenses. A homicide committed during the perpetration or attempted perpetration of burglary, sodomy, rape, robbery or aggravated arson also constitutes murder, and it is immaterial that the slaying may be unintentional or even accidental. The law recognizes that the commission or attempted commission of these offenses is likely to result in homicide, and when an unlawful killing occurs as a consequence of the perpetration or attempted perpetration of one of these offenses, the killing is murder. The perpetration or attempted perpetration of the burglary, sodomy, rape, robbery, or aggravated arson, as the case may be, may also be charged in a separate specification.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the act or omission of the accused, as alleged; and (*c*) that the accused was engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson.

198. ARTICLE 119—MANSLAUGHTER

a. VOLUNTARY MANSLAUGHTER

Discussion. An unlawful killing, although done with an intent to kill or inflict great bodily harm (see 197*c*), is not murder but voluntary manslaughter if committed in the heat of sudden passion caused by adequate provocation. Heat of passion may be produced by fear as well as rage. The law recognizes the fact that a man may be provoked to such an extent that in the heat of sudden passion caused by the provocation, although not in necessary defense of life nor to prevent bodily harm (see 216*c*), he may strike a fatal blow before he has had time to control himself. While the law does not excuse the homicide because of the provocation, it does not hold him guilty of murder.

The provocation must be adequate to excite uncontrollable passion in the mind of a reasonable man, and the act of killing must be committed under and because of the passion. The provocation must not be sought or induced as an excuse for killing or doing harm. If, judged by the standard of a reasonable man, sufficient cooling time elapses between the provocation and the killing, it is murder, even if the passion of the particular accused persists.

Examples of acts which may constitute adequate provocation are assault and battery inflicting great or grievous bodily harm, an unlawful imprison-

ment, and the sight by a husband or wife of an act of adultery committed by his or her spouse. If the person so assaulted or imprisoned, or the husband or wife so situated, at once kills the offender or offenders in the heat of sudden passion caused by their act, voluntary manslaughter only has been committed. Insulting or abusive words or gestures, a slight blow with the hand or fist, and trespass or other injury to property are not, standing alone, considered adequate provocation.

Among the offenses which may be included in a particular charge of voluntary manslaughter are involuntary manslaughter, negligent homicide in violation of Article 134, assault with intent to commit voluntary manslaughter, aggravated assault, assault and battery, and assault.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death was caused by an unlawful act or omission of the accused; (*c*) that, at the time of the killing, the accused intended to kill or inflict great bodily harm; and, when considered as a lesser offense to murder, (*d*) that the act or omission of the accused was committed under and because of a heat of sudden passion caused by adequate provocation.

b. INVOLUNTARY MANSLAUGHTER

Discussion. Involuntary manslaughter is an unlawful homicide (see 197*a*) committed without an intent to kill or inflict great bodily harm; it is an unlawful killing by culpable negligence, or while perpetrating or attempting to perpetrate an offense other than burglary, sodomy, rape, robbery, or aggravated arson, directly affecting the person.

Culpable negligence is a degree of carelessness greater than simple negligence. It is a negligent act or omission accompanied by a culpable disregard for the foreseeable consequences to others of that act or omission. Thus, the basis of a charge of involuntary manslaughter may be a negligent act or omission which, when viewed in the light of human experience, might foreseeably result in the death of another, even though death would not, necessarily, be a natural and probable consequence of the act or omission.

Acts which may amount to culpable negligence are negligently conducting target practice so that the bullets go in the direction of an inhabited house within range; pointing a pistol in fun at another and pulling the trigger, believing, but without taking reasonable precautions to ascertain, that it would not be dangerous; and carelessly leaving poisons or dangerous drugs where they may endanger life.

When there is no legal duty to act there can be no neglect. Thus when a stranger makes no effort to save a drowning man, or a person allows a mendicant to freeze or starve to death, no crime is committed.

By an offense directly affecting the person is meant one affecting some particular person as distinguished from an offense affecting society in general. Among offenses directly affecting the person are the various types of assault, battery, false imprisonment, voluntary engagement in an affray, and maiming.

Among the offenses which may be included within a particular charge of involuntary manslaughter are negligent homicide in violation of Article 134, assault and battery, and assault.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the act or omission of the accused, as alleged; and (*c*) that this

act or omission of the accused constituted culpable negligence, or occurred while the accused was perpetrating or attempting to perpetrate an offense directly affecting the person other than burglary, sodomy, rape, robbery, or aggravated arson, as alleged.

199. ARTICLE 120—RAPE AND CARNAL KNOWLEDGE

a. RAPE

Discussion. Rape is the commission of an act of sexual intercourse by a person with a female not his wife, by force and without her consent. It may be committed on a female of any age. Any penetration, however slight, is sufficient to complete the offense (Art. 120c).

Force and lack of consent are indispensable to the offense. Thus, if the female consents to the act, it is not rape. The lack of consent required, however, is more than mere lack of acquiescence. If a woman in possession of her mental and physical faculties fails to make her lack of consent reasonably manifest by taking such measures of resistance as are called for by the circumstances, the inference may be drawn that she did in fact consent. Consent, however, will not be inferred if resistance would be futile, or where resistance is overcome by threats of death or great bodily harm, nor will it be inferred if she is unable to resist because of the lack of mental or physical faculties. In such a case there is no consent and the force involved in the act of penetration will suffice. All the surrounding circumstances are to be considered in determining whether a woman gave her consent, or whether she failed or ceased to resist only because of a reasonable fear of death or grievous bodily harm.

It has been said of this offense, "It is true that rape is a most detestable crime . . .; but it must be remembered that it is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent."

If there is actual consent, although obtained by fraud, the act is not rape, but if to the accused's knowledge the woman is of unsound mind or unconscious to an extent rendering her incapable of giving consent, the act is rape. Likewise, the acquiescence of a female child of such tender years that she is incapable of understanding the nature of the act, is not consent. A woman's prior lack of chastity is not a defense, but see 153*b*(2)(*b*) as to the admissibility of evidence of her unchaste character.

Among the offenses which may be included in a particular charge of rape are assault with intent to commit rape, assault and battery, and assault.

Proof. (*a*) That the accused had sexual intercourse with a certain female not his wife; and (*b*) that the act was done by force and without her consent.

b. CARNAL KNOWLEDGE

Discussion. Carnal knowledge is defined as the commission of an act of sexual intercourse under circumstances not amounting to rape, by a person with a female not his wife who has not attained the age of 16 years. As in rape, any penetration is sufficient to complete the offense (Art. 120(c)).

It is no defense that the accused is ignorant or misinformed as to the true age of the female, or that she was of prior unchaste character; it is the fact of the girl's age and not his knowledge or belief which fixes his criminal responsibility. Evidence of these matters should, however, be considered in determining an appropriate sentence.

An accused does not violate this article by committing an act of sexual intercourse with a female of 16 years or over. However, if the statute of a jurisdiction denounces sexual intercourse with a female under a certain age greater than 16 years, the violation of such a statute within the territorial limits of the jurisdiction by a person subject to the code may constitute conduct of a nature to bring discredit upon the armed forces in violation of Article 134.

Proof. (*a*) That the accused had sexual intercourse with a certain female not his wife; and (*b*) that she had not attained the age of 16 years.

200. ARTICLE 121—LARCENY AND WRONGFUL APPROPRIATION

a. LARCENY

Discussion. (1) *General.* Under the provisions of Article 121, a person is guilty of larceny if he wrongfully takes, obtains or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind, with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner. A wrongful taking with intent permanently to deprive includes the common law offense of larceny; a wrongful obtaining with intent permanently to defraud includes the offense formerly known as obtaining by false pretense; and a wrongful withholding with intent permanently to appropriate includes the offense formerly known as embezzlement. Any of the various acts denounced as larceny by Article 121 may be charged and proved under a specification alleging that the accused stole the property in question.

Property which is taken, obtained, or withheld by severing it from real estate is within the class of property which may be the subject of larceny. Also within this class of property are writings which represent value, such as commercial paper.

(2) *Taking, obtaining, or withholding.* There must be a taking, obtaining, or withholding of the property by the thief. For instance, there is no taking if the property is connected to a building by a chain and the property has not been disconnected from the building; and property is not "obtained" by merely acquiring title thereto without exercising some possessory control over it. As a general rule, however, any movement of the property or any exercise of dominion over it by any means is sufficient if accompanied by the requisite intent. Thus, if a person entices another's horse into his own stable without touching the animal, or procures a railroad company to deliver to him another's trunk by changing the check on it, or obtains the delivery of another's goods to a person or place designated by him, or has the funds of another transferred to his own bank account, he is guilty of larceny if other elements of the offense are present. A person may "obtain" the property of another by acquiring possession without title, and one who already has possession of the property of another may "obtain" it by thereafter acquiring title thereto. A "withholding" may arise as a result of a failure to return, account for, or deliver property to its owner when a return, accounting, or delivery is due, even if the owner has made no demand for the property, or it may arise as a result of devoting property to a use not authorized by its owner. Generally, this is so whether the person withholding the property acquired it lawfully or unlawfully. See 200*a*(6). However,

acts which constitute the offense of unlawfully receiving, buying, or concealing stolen property (see 213*f*(14)) or of being an accessory after the fact (see 157) are not included within the meaning of the word "withholds." Therefore, neither a receiver of stolen property nor an accessory after the fact can be convicted of larceny on the theory that with knowledge of the identity of the owner he withheld the stolen property from the possession of the owner. The taking, obtaining, or withholding must be of specific property. A debtor does not withhold specific property from the possession of his creditor by failing or refusing to pay a debt, for the relationship of debtor and creditor does not give the creditor a possessory right in any specific money or other property of the debtor.

(3) *Ownership of the property.* Article 121 requires that the taking, obtaining, or withholding be from the possession of the owner or of any other person. Care, custody, management, and control are among the legal definitions of possession. The term "owner" refers to the person who, at the time of the taking, obtaining, or withholding, had the superior right to possession of the property in the light of all conflicting interests therein which are involved in the particular case. For instance, an estate is the true owner of its property as against a trustee of the estate charged with larceny of the property, and an organization is the true owner of its funds as against the custodian of the funds charged with larceny thereof. The phrase "any other person" means any person—even a person who has stolen the property—who has possession or a greater right to possession than the accused. In pleading a violation of this article, the ownership of the property may be alleged to have been in any person other than the accused who, at the time of the theft, was a general owner or a special owner thereof. A general owner of property is a person who has title to it, whether or not he has possession of it; whereas a special owner, such as a borrower or hirer, is one who does not have title but who does have possession, or the right to possession, of the property. The word "person," as used in referring to one from whose possession property has been taken, obtained, or withheld, and to any owner of property, includes (in addition to a natural person) a government, a corporation, an association, an organization, and an estate. Such a person need not be a legal entity.

(4) *Wrongfulness of the taking, obtaining, or withholding.* The taking, obtaining, or withholding of the property must be wrongful. As a general rule, a taking or withholding of property from the possession of another is wrongful if done without the consent of the other, and an obtaining of property from the possession of another is wrongful if the obtaining is by false pretense. However, such an act is not wrongful if it is authorized by law or apparently lawful superior orders, nor, generally, is such an act wrongful if done by a person who has a right to the possession of the property either equal to or greater than the right of the one from whose possession he takes, obtains, or withholds it. However, even if the person taking, obtaining, or withholding the property has a right of possession equal to or greater than that of the person from whose possession the property is taken, obtained, or withheld, the act is wrongful if it is done with the intent to charge him with the value of the property. Thus, if A delivers his property to B as a bailee and subsequently takes the property with intent to charge B with its value, the taking is wrongful. An owner of property who takes or withholds it from the possession of another, without the consent of the other, or who obtains it therefrom by false pretense, does so wrongfully

if the other has a superior right to possession of the property, such as a lien. A person who takes, obtains, or withholds property as the agent of another has the same rights and liabilities as does his principal, but he may not be charged with a guilty knowledge or intent of the principal to which he was not a party.

(5) *False pretense.* With respect to obtaining property by false pretense, the false pretense may be made by means of any act, word, symbol, or token. The pretense must be in fact false when made and when the property is obtained, and it must be knowingly false in the sense that it is made without a belief in its truth. A false pretense is a false representation of past or existing fact. In addition to other kinds of facts, the fact falsely represented by a person may be his or another's power, authority, or intention. Thus, a false representation by a person that he presently intends to perform a certain act in the future is a false representation of an existing fact—his intention—and thus a false pretense.

Although the pretense need not be the sole cause inducing the owner to part with his property, it is necessary that it be an effective (and intentional) cause of the obtaining. A false representation made after the property was obtained will not result in the commission of an offense denounced by Article 121.

A larceny is committed when a person obtains the property of another by false pretense and with intent to steal, even though the owner neither intended nor was requested to part with title to the property. Thus a person who gets possession of the watch of another by pretending that he is going to use it for a short time and then return it, but who really intends to sell it, is guilty of larceny.

(6) *Intent.* The offense of larceny requires that the taking, obtaining, or withholding by the thief be accompanied by an intent permanently to deprive or defraud another of the use and benefit of property or permanently to appropriate the property to his own use or the use of any person other than the owner. These intents are collectively called an intent to steal. Although a person has acquired possession of property by a taking or obtaining which was not wrongful or which was without the concurrence of an intent to steal, he nevertheless can commit larceny of the property if after the taking or obtaining he forms an intent to steal it and wrongfully withholds it with that intent. For example, if a person obtains the vehicle of another by hiring it and thereafter decides to keep the vehicle permanently, and pursuant to that decision either fails to return it at the appointed time or uses it for a purpose not authorized by the terms of the hiring, he has committed larceny, even though at the time he obtained the vehicle he fully intended to return it after using it according to the agreement of hire.

The existence of an intent to steal must, in most cases, be inferred from the circumstances. Thus, if a person secretly takes property, hides it, and denies that he knows anything about it, an intent to steal may be inferred; but if he takes it openly, and returns it, this would tend to negative such an intent. Proof of a subsequent sale of the property may show an intent to steal, and, therefore, evidence of such a sale may be introduced to support a charge of larceny. An intent to steal may be inferred from a wrongful and intentional dealing with the property of another in a manner likely to cause him to suffer a permanent loss thereof.

Although the taking, obtaining, or withholding need not be for the benefit of the thief himself, a person who divests another of property intending only to restore it to the possession of the owner, as when he takes stolen property from a thief with that intent, does not commit larceny or wrongful appropriation.

An intention to pay for the property stolen or otherwise to replace it with an equivalent is not a defense, even though such an intention existed at the time of the theft, and, once a larceny is committed, a return of the property or payment for it is no defense. If, however, the accused takes money or a negotiable instrument having no special value above its face value, with the intent to return an equivalent amount of money, the offense of larceny is not committed although wrongful appropriation (200*b*) may be.

(7) *Value.* Value is a question of fact to be determined on the basis of all of the competent evidence presented. When the property allegedly stolen is an item issued or procured from Government sources, the price listed in an official publication for that property at the time of the theft is admissible as evidence of its value. However, the item allegedly stolen must be shown to have been, at the time of the theft, in the condition upon which the value indicated in the official price is predicated. The price listed in the official publication is not conclusive as to the value of the item, and other competent evidence is admissible on the question of its condition and value.

As a general rule, the value of other stolen property is to be determined by its legitimate market value at the time and place of the theft. If this property, because of its character or the place where it was stolen, had no legitimate market value at the time and place of the theft or if that value cannot readily be ascertained, its value may be determined by its legitimate market value in the United States, as of the time of the theft, or by its replacement cost at that time, whichever is the lesser. Market value may be established by proof of the recent purchase price paid for the article upon the legitimate market involved; or by testimony or other admissible evidence emanating from any person who is familiar through training or experience with the market value in question. The owner of the property may testify as to its market value if he is familiar with its quality and condition, the circumstance that he is not otherwise qualified to express an opinion on the question of the market value of the property, if this is the case, going only to the weight to be given to his testimony and not to its admissibility. When the character of the property clearly appears in evidence, as when, for instance, it is exhibited to the court, the court, from its own experience, may infer that it has some value. If as a matter of common knowledge the property is obviously of a value substantially in excess of $100, as in the case of an automobile in good condition or a large collection of precious stones, the court may find a value of more than $100. Writings representing value may be considered to have the value which they represented—even though contingently—at the time of the theft.

If an owner of property, or someone acting in his behalf, steals it from a person who has a superior, but limited, interest in the property, such as a lien, and the theft is committed without intending to charge that person with the value of the property, the value for punishment purposes shall be that of the limited interest.

(8) *Miscellaneous.* A taking or withholding of lost property by the finder is larceny if accompanied by an intent to steal and if a clue to the identity of the

general or special owner, or through which such identity may be traced, is furnished by the character, location, or marking of the property, or by other circumstances.

When a larceny of several articles is committed at substantially the same time and place, it is a single larceny even though the articles belong to different persons. Thus, if a thief steals a suitcase containing the property of several persons or goes into a room and takes property belonging to various persons, there is but one larceny, which should be alleged in but one specification.

Proof. (*a*) That the accused wrongfully took, obtained, or withheld from the possession of the owner or of any other person the property described in the specification; (*b*) that the property belonged to a certain person named or described; (*c*) that the property was of the value alleged, or of some value; and (*d*) that the taking, obtaining, or withholding by the accused was with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner.

b. WRONGFUL APPROPRIATION

Discussion. See generally 200*a*. Article 121 defines the offense of wrongful appropriation in the same way that larceny is defined, except that the wrongful taking, obtaining, or withholding need be with intent to deprive, defraud, or appropriate only temporarily. A charge of wrongful appropriation is necessarily included in a charge of larceny.

Instances of the offense of wrongful appropriation are: Taking the automobile of another without permission or lawful authority, with intent to drive it a short distance and then return it or cause it to be returned to the owner; obtaining a service weapon by falsely pretending to be about to go on guard duty, the weapon being thus obtained with intent to use it on a hunting trip and thereafter effect its return; and, while driving a government vehicle on a mission to deliver supplies, withholding the vehicle from the government service by deviating from the assigned route without authority, with intent to visit a friend in a nearby town and thereafter restore the vehicle to its lawful use.

An inadvertent exercise of control over the property of another will not result in a wrongful appropriation. For example, a person is not guilty of this offense who fails to return a borrowed boat at the time agreed upon because he inadvertently lost his direction and went aground on a sand bar.

Proof. (*a*) That the accused wrongfully took, obtained, or withheld from the possession of the owner or of any other person the property described in the specification; (*b*) that the property belonged to a certain person named or described; (*c*) that the property was of the value alleged, or of some value; and (*d*) that the taking, obtaining, or withholding by the accused was with intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner.

201. ARTICLE 122—ROBBERY

Discussion. Robbery is the taking, with intent to steal, of anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or the person or property of a relative or member of his family or of anyone in his company at the time of the robbery.

The particular thing must be taken from the person of another or in his presence, but to be in his presence it is not necessary that the property taken be located within any certain distance of the victim. If persons enter a house and force the owner by threats to disclose the hiding place of valuables in an adjoining room, and, leaving the owner tied, go into that room and steal the valuables, they have committed robbery.

For a robbery to be committed by force or violence, there must be actual force or violence to the person, preceding or accompanying the taking against his will, and it is immaterial that there is no fear engendered in the victim. Any amount of force is enough to constitute robbery if the force overcomes the actual resistance of the person robbed, or puts him in such a position that he makes no resistance, or suffices to overcome the resistance offered by a chain or other fastening by which the article is attached to the person. If an article is merely snatched from the hand of another or a pocket is picked by stealth and no other force is used and the owner is not put in fear, the offense is not robbery. But if resistance is overcome in snatching the article, there is sufficient violence, as when the earring of a woman is torn from her ear or a hair ornament entangled in her hair is snatched away. There is sufficient violence when a person's attention is diverted by his being jostled by a confederate of a pickpocket, who is thus enabled to steal the person's watch, even though the person had no knowledge of the act; or when a man is knocked insensible and his pockets rifled; or when a guard steals property from the person of a prisoner in his charge after handcuffing him on the pretext of preventing his escape.

For a robbery to be committed by putting the victim in fear, there need be no actual force or violence, but there must be demonstrations of force or menaces by which the victim is placed in such fear that he is warranted in making no resistance. The fear must be a reasonably well-founded apprehension of present or future injury, and the taking must occur while the apprehension exists. The injury apprehended may be death or bodily injury to the person himself or to the person of a relative or member of his family or of anyone in his company at the time, or it may be the destruction of his habitation or other injury to his property or that of a relative or member of his family or of anyone in his company at the time of sufficient gravity to warrant his giving up the property demanded by the assailant.

Robbery includes "taking with intent to steal"; hence, a larceny by taking is an integral part of a charge of robbery and must be proved at the trial. See 200*a*(4). When the evidence falls short of proving the force or fear or other facts necessary to robbery but does prove a larceny by taking, the accused, by proper exceptions and substitutions, may be found guilty of larceny. Conversely, depending on the facts alleged and proved, if the evidence fails to prove the larceny, the accused may be found guilty of some degree of assault, including assault consummated by a battery, assault with a dangerous weapon, assault in which grievous bodily harm is intentionally inflicted, or assault with intent to commit robbery. If the evidence fails to prove larceny but proves wrongful appropriation, the accused may be found guilty of the latter and, in an appropriate case, may be found guilty of both wrongful appropriation and an appropriate degree of assault, as discussed above, as lesser included

offenses of a single specification of robbery. In an appropriate case a finding of attempt to commit robbery is permissible (158).

Proof. (*a*) The larceny of the property (see *Proof* under 200*a*, but proof of specific value may be omitted); (*b*) that the larceny was from the person or in the presence of the person alleged to have been robbed; and (*c*) that the taking was against his will, by means of force or violence or by putting in fear, as alleged.

202. ARTICLE 123—FORGERY

Discussion. Forgery is the false making or altering with intent to defraud of any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or the uttering, offering, issuing, or transferring, with intent to defraud, of such a writing known by the offender to be so made or altered.

While forgery may be committed either by falsely making a writing or by knowingly uttering a falsely made writing, there are certain elements common to both aspects of forgery. These are (*a*) a writing falsely made or altered, (*b*) an apparent capability of the writing as falsely made or altered to impose a legal liability on another or to change his legal right or liability to his prejudice, and (*c*) an intent to defraud.

As regards the false making or altering of a writing, "false" refers not to the contents of the writing or to the facts stated therein but to the making or altering of it. Hence, forgery is not committed by the genuine making of a false instrument even when made with intent to defraud. Thus, a person who, with intent to defraud, signs his own signature as the maker of a check drawn on a bank in which he does not have money or credit does not commit forgery. Although the check falsely represents the existence of the account, it is what it purports to be, a check drawn by the actual maker, and therefore it is not falsely made. See, however, 202A. Likewise, if a person makes a false signature of another to an instrument, but adds the word "by" with his own signature thus indicating authority to sign, the offense is not forgery even if no such authority exists. False recitals of fact in a genuine document, as, an aircraft flight report which is "padded" by the one preparing it, do not constitute the writing a forgery.

Signing the name of another to an instrument having apparent legal efficacy without authority and with intent to defraud is forgery as the signature is falsely made. The distinction is that in this case, the falsely made signature purports to be the act of one other than the signer. Likewise, a forgery may be committed by a person signing his own name to an instrument. For example, when a check payable to the order of a certain person comes into the hands of another of the same name, he commits forgery if, knowing the check to be another's, he indorses it with his own name intending to defraud. Forgery may also be committed by signing a fictitious name, as when a person makes a check payable to himself and signs it with a fictitious name as drawer.

The writing must be one which would, if genuine, apparently impose a legal liability on another, as a check or promissory note, or change his legal right or liability to his prejudice, as a receipt. Some other instruments which may be the subject of forgery are orders for delivery of money or goods, railroad tickets, and military orders directing travel. A writing falsely made includes an instrument that may be partially or entirely printed, engraved, written with a pencil, or made by photography or other device. A writing may be falsely "made" by materially altering an existing writing, by filling in a paper signed in blank, or by signing an instrument already written.

With respect to the apparent legal efficacy of the writing falsely made or altered, the writing must appear either on its face or from extrinsic facts to impose a legal liability on another, or to change a legal right or liability to the prejudice of another. If under all the circumstances the instrument has neither real nor apparent legal efficacy, there is no forgery. Thus, the false making, with intent to defraud, of an instrument affirmatively invalid on its face is not forgery nor is the false making or altering, with intent to defraud, of a writing which could not impose a legal liability, as a mere letter of introduction. However, the false making of another's signature on an instrument, with intent to defraud, is forgery, even if there is no resemblance to the genuine signature and the name is misspelled.

In order to constitute forgery by altering a writing, the alteration must effect a material change in the legal tenor of the writing. Thus an alteration whereby any obligation is apparently increased, diminished, or discharged is material. Examples of material alterations in the case of a promissory note are changing the date, amount, or place of payment. If a genuine writing has been delivered to the accused and while in his possession is later found to be altered, it may be inferred that the writing was altered by him.

The intent to defraud need not be directed toward anyone in particular nor be for the advantage of the offender. It is immaterial that nobody was actually defrauded, or that no further step was made toward carrying out the intent to defraud other than the false making or altering of a writing.

In proving forgery, the instrument itself should be produced, if available. That the signature to a written instrument was falsely made may be proved by the testimony of the person whose signature was forged, showing that he had not signed the document himself, and that he had not authorized the accused to do so for him. If the name of a fictitious person is used as, for example, the purported drawer of a check, evidence of falsity may include evidence that the purported drawer of the check has no account in the bank upon which the check was drawn.

Proof. (*a*) That a certain signature or writing was falsely made or altered, as alleged; (*b*) that the signature or writing was of a nature which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; (*c*) that it was the accused who so falsely made or altered the signature or writing or uttered, offered, issued, or transferred it, knowing it to have been so made or altered; and (*d*) that the intent of the accused was to defraud.

202A. ARTICLE 123a—MAKING, DRAWING, OR UTTERING CHECK, DRAFT, OR ORDER WITHOUT SUFFICIENT FUNDS

Discussion. Article 123a denounces certain "bad check" offenses. It makes punishable by court-martial the making, drawing, uttering, or delivering of any check, draft, or order for the payment of money upon any bank or other depository, either—

(1) for the procurement of any article or thing of value, with intent to defraud; or

(2) for the payment of any past due obligation, or for any other purpose, with intent to deceive;

knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment.

The written instruments covered by this article include any check, draft, or order for the payment of a sum of money drawn upon any bank or other depository, whether or not the drawee bank or depository is actually in existence. The phrase "bank or other depository" includes any business regularly but not necessarily exclusively engaged in public banking activities. The words "making" and "drawing" are synonymous, and refer to the acts of writing and signing the instrument. "Uttering" and "delivering" have similar meanings. Both "uttering" and "delivering" mean transferring the instrument to another, but "uttering" has the additional meaning of offering to transfer. A person need not himself be the maker or drawer of an instrument in order to violate this article if he utters or delivers it. For example, if a person holds a check which he knows to be worthless, and utters or delivers the check to another, he may be guilty of an offense under this article despite the fact that he did not draw the check himself.

To constitute an offense under this article, the instrument must be made, drawn, uttered, or delivered, with the requisite knowledge of insufficient funds or credit, either for the procurement of an article or thing of value with intent to defraud, or for the payment of any past due obligation or for any other purpose with intent to deceive. "For the procurement" means for the purpose of obtaining any article or thing of value. It is not necessary that an article or thing of value actually be obtained, and the purpose of the obtaining may be for the accused's own use or benefit or for the use or benefit of another. "For the payment" means for the purpose or purported purpose of satisfying in whole or in part any past due obligation. It is not requisite that payment be legally effected. "For any other purpose" includes all purposes other than the payment of a past due obligation or the procurement of any article or thing of value. For example, it includes satisfying or purporting to satisfy an obligation arising from an illegal transaction, such as an illegal gambling game, and paying or purporting to pay an obligation which is not yet past due. The check, draft, or order, whether made or negotiated for the procurement of an article or thing of value or for the payment of a past due obligation or for some other purpose, need not be intended or represented as payable immediately. For example, the making of a post dated check, delivered at the time of entering into an installment purchase contract and intended as payment for a future installment, would, if made with the requisite intent and knowledge, be a violation of this article.

"Article or thing of value" extends to every kind of right or interest in property, or derived from contract, including interest and rights which are intangible or contingent or which mature in the future. A "past due obligation" is an obligation to pay money which has legally matured prior to the making, drawing, uttering, or delivering of the instrument.

The accused must have knowledge, at the time he makes, draws, utters, or delivers the instrument, that the maker or drawer, whether the accused or another, has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of the instrument in full upon its presentment. "Sufficient funds" refers to a condition in which the account balance of the maker or drawer in the bank or other depository at the time of the presentment of the instrument for payment is not less than the face amount of the instrument and has not been rendered unavailable for payment by garnishment, attachment, or other legal procedures.

"Credit" means an arrangement or understanding, express or implied, with the bank or other depository for the payment of the check, draft, or order. An absence of credit includes those situations in which an accused writes a check on a nonexistent bank or on a bank in which he has no account. "Upon its presentment" refers to the time the demand for payment is made upon presentation of the instrument to the bank or other depository on which it was drawn.

"Intent to defraud" means an intent to obtain, through a misrepresentation, an article or thing of value and to apply it to one's own use and benefit or to the use and benefit of another, either permanently or temporarily. An "intent to deceive" means an intent to mislead, cheat, or trick another by means of a misrepresentation made to that order for the purpose of gaining an advantage for one's self or for a third person or of bringing about a disadvantage to the interests of the person to whom the representation was made or interests represented by that person. It may be inferred that every check, draft, or order carries with it a representation that the instrument will be paid in full by the bank or other depository upon presentment by a holder when due.

It should be noted that, under this article, two times are involved: (1) the time when the accused makes, draws, utters, or delivers the instrument; and (2) the time when the instrument is presented to the bank or other depository for payment. At time (1), the accused must possess the requisite intent and must know that the maker or drawer does not have or will not have sufficient funds in, or credit with, the bank or other depository for payment of the instrument in full upon its presentment when due. With respect to (2), if it can otherwise be shown that the accused possessed the requisite intent and knowledge at the time he made, drew, uttered, or delivered the instrument, neither proof of presentment nor refusal of payment is necessary, as when the instrument is one drawn on a nonexistent bank. The provisions of this article with respect to establishing *prima facie* evidence of knowledge and intent by proof of notice and nonpayment within five days is a statutory rule of evidence. The failure of an accused who is a maker or drawer to pay the holder the amount due within five days after receiving either oral or written notice from the holder of a check, draft, or order, or from any other person having knowledge that such check, draft, or order was returned unpaid because of insufficient funds, is *prima facie* evidence (1) that the accused had the intent to defraud or deceive as alleged; and (2) that the accused knew at the time he made, drew, uttered, or delivered the check, draft, or order that he did not have or would not have sufficient funds in, or credit with, the bank or other depository for the payment of such check, draft, or order upon its presentment for payment. *Prima facie* evidence is that proof which, if unrebutted, is sufficient to

establish the accused's intent to defraud or deceive and of his knowledge of insufficient funds in or credit with the bank or other depository.

The failure to give the notice referred to in Article 123a, or payment by the accused, maker, or drawer to the holder of the amount due within five days after such notice has been given, merely precludes the prosecution from availing itself of the statutory rule of evidence. Proof of notice to the accused that a check, draft, or order has been returned unpaid because of insufficient funds is not an element of the offense.

Offenses involving dishonorable failure to maintain sufficient funds for payment of checks upon presentment, in violation of Article 134, may be included offenses under Article 123a, not requiring proof of fraudulent or deceitful intent.

As to permissible methods of proving banking entries, see 143*b*(3). As to the authentication of checks, drafts, or orders returned with payment refused and the admissibility of these returned instruments, see the third paragraph of 144*c*.

Proof. *When the instrument is given for the procurement of an article or thing of value.* (*a*) That the accused made, drew, uttered, or delivered a check, draft, or order payable to a named person or organization, as alleged; (*b*) that he did that act for the purpose of procuring an article or thing of value; (*c*) that the act was committed with intent to defraud; and (*d*) that at the time of making, drawing, uttering, or delivering of the instrument he knew that he or the maker or drawer had not or would not have sufficient funds in, or credit with, the bank or other depository for the payment thereof upon presentment.

When the instrument is given for the payment of a past due obligation, or for any other purpose. (*a*) That the accused made, drew, uttered, or delivered a check, draft, or order payable to a named person or organization, as alleged; (*b*) that he did that act for the purpose or purported purpose of effecting the payment of a past due obligation or for some other purpose, as alleged; (*c*) that the act was committed with intent to deceive; and (*d*) that at the time of making, drawing, uttering, or delivering of the instrument, he knew that he or the maker or drawer had not or would not have sufficient funds in, or credit with, the bank or other depository for the payment thereof upon presentment.

203. ARTICLE 124—MAIMING

Discussion. Maiming is the inflicting upon the person of another, with intent to injure, disfigure, or disable, an injury which seriously disfigures his person by any mutilation thereof, destroys or disables any member or organ of his body, or seriously diminishes his physical vigor by the injury of any member or organ. For example, it is maiming to put out a man's eye, to cut off his hand, foot, or finger, or to knock out his front teeth, as these injuries destroy or disable those members or organs. Likewise, it is maiming to cut off an ear or to scar a face with acid, as these injuries seriously disfigure the person. It is also maiming to injure an internal organ so as to seriously diminish the physical vigor of a person.

A disfigurement need not mutilate any entire member to come within the article, nor be of any particular type, but must be such as to impair perceptibly and materially the victim's comeliness. The disfigurement, diminishment of vigor, or destruction or disablement of any member or organ must be a serious injury, one of a substantially permanent nature. The offense is complete if such an injury is inflicted, however, even though there is a possibility that the victim may eventually recover the use of the member or organ, or that the disfigurement may be cured by surgery.

The means of inflicting the injury are immaterial to proof of the offense although they may be considered on the question of intent. Infliction of the type of injuries specified in this article upon the person of another may support an inference of the intent to injure, disfigure, or disable. The offense requires only a general criminal intent to injure and not a specific intent to maim. Thus, one commits the offense who intends only a slight injury, if in fact he does inflict injury included within the terms of Article 124. If the injury is done under circumstances which would justify or excuse homicide, the offense of maiming is not committed. See 216*a*, *b*, and *c*.

Among the offenses which may be included in a particular charge of maiming are aggravated assault, assault and battery, and assault.

Proof. (*a*) That the accused inflicted upon a certain person the injury alleged; (*b*) that the injury seriously disfigured his person, or destroyed or disabled an organ or member, or seriously diminished his physical vigor by the injury to an organ or member; and (*c*) that the accused had an intent to injure, disfigure, or disable the person.

204. ARTICLE 125—SODOMY

Discussion. Sodomy is the engaging in unnatural carnal copulation, either with another person of the same or opposite sex, or with an animal. Any penetration, however slight, is sufficient to complete the offense, and emission is not necessary.

It is unnatural carnal copulation for a person to take into his or her mouth or anus the sexual organ of another person or of an animal; or to place his or her sexual organ in the mouth or anus of another person or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another person; or to have carnal copulation in any opening of the body of an animal.

Proof. (*a*) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal, as alleged; and, if alleged, (*b*) that the act was done by force and without the consent of the other person or was done with a child under the age of 16 years.

205. ARTICLE 126—ARSON

a. AGGRAVATED ARSON

Discussion. Aggravated arson is the willful and malicious burning or setting on fire (1) of an inhabited dwelling whether occupied at the time or not, or (2) of any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being.

In aggravated arson, danger to human life is the essential element; in simple arson, it is injury to the property of another. In either case, it is immaterial that no one is, in fact, injured. A person may be guilty of aggravated arson even against his own dwelling, whether as owner or tenant. It must be

shown that the accused set the fire willfully and maliciously, that is, not merely by negligence or accident.

An inhabited dwelling includes the outbuildings that form part of the cluster of buildings used as a residence. A shop or store is not an inhabited dwelling unless occupied as such, nor is a house that has never been occupied or which has been temporarily abandoned.

Aggravated arson may also be committed by burning or setting on fire any other structure, movable or immovable, such as a theater, church, boat, trailer, tent, auditorium, or any other sort of shelter or edifice, whether public or private, wherein to the knowledge of the offender there is at the time a human being. It may be inferred that the offender had this knowledge when the nature of the structure, as a department store or theater during hours of business, or other circumstances are shown to have been such that a reasonable man must have known of the presence of human beings therein at the time.

It is not necessary that the dwelling or structure be consumed or materially injured; it is enough if fire is actually communicated to any part thereof. Any actual burning or charring is sufficient, but a mere scorching or discoloration by heat is not.

For the offense of aggravated arson, the value and ownership of the dwelling or other structure are immaterial, but should ordinarily be alleged and proved to permit the finding in an appropriate case of the included offense of simple arson.

Proof. (*a*) That the accused burned or set on fire the inhabited dwelling, or other structure, as alleged; (*b*) that this dwelling or structure was of a value and belonged to a certain person, as alleged; (*c*) that the act was willful and malicious; and if not an inhabited dwelling, (*d*) that the accused had knowledge there was a human being in the structure at the time.

b. SIMPLE ARSON

Discussion. Simple arson is the willful and malicious burning or setting fire to the property of another under circumstances not amounting to aggravated arson.

The offense includes burning or setting fire to real or personal property of someone other than the offender and, as in aggravated arson, it must be shown that the accused set the fire willfully and maliciously.

Proof. (*a*) That the accused burned or set fire to certain property of another, as alleged; (*b*) that the property was of the value alleged, or of some value; and (*c*) that the act was willful and malicious.

206. ARTICLE 127—EXTORTION

Discussion. Extortion is the communication of threats to another with the intention thereby to obtain anything of value, or any acquittance, advantage, or immunity. The offense is complete upon communication of the threat with the requisite intent, and evidence of the actual or probable success or failure of the extortion is immaterial to the determination of guilt.

A threat may be communicated orally or in writing, so long as it is received by the intended victim. An acquittance is a release or discharge from an obligation. An intent to obtain any advantage or immunity may include an intent to make a person do an act against his will.

The threat in extortion may be a threat to do any unlawful injury to the person or property of the individual threatened or of any member of his family or any other person held dear to him; a threat to accuse the individual threatened, or any member of his family or any other person held dear to him, of any crime; a threat to expose or impute any deformity or disgrace to the individual threatened or to any member of his family or any other person held dear to him; a threat to expose any secret affecting the individual threatened or any member of his family or any other person held dear to him; or a threat to do any other harm.

Proof. (*a*) That the accused communicated certain threats to another, as alleged; and (*b*) that he intended to unlawfully obtain something of value, or any acquittance, advantage, or immunity, as alleged.

207. ARTICLE 128—ASSAULT

a. ASSAULT

Discussion. An assault is an attempt or offer with unlawful force or violence to do bodily harm to another, whether or not the attempt or offer is consummated. Thus, an offer to do bodily harm to another, as distinguished from an attempt to do such harm, is a putting of the other in reasonable apprehension that force will at once be applied to his person. Pointing an unloaded pistol which the assailant knows to be unloaded at another is not an attempt to do bodily harm with the pistol, for the assailant is cognizant of his inability to shoot the victim; yet such an act may be an assault if the victim is aware of the attack and is put in reasonable apprehension of bodily injury. On the other hand, pointing a loaded pistol with intent to shoot it at one whose back is turned and who is unaware of the impending application of violence to his person, although not a putting in apprehension, may nevertheless be an assault in the form of an attempt to do bodily harm. Some other examples of acts which may constitute an assault are raising a stick over another's head as if to strike him and causing him to apprehend that he will be struck, striking at another with a cane or fist, assuming a threatening attitude and hurrying toward another so as to cause him to apprehend bodily harm, and drawing a pistol from a holster or pocket with an actual or apparent—to the person assailed—intent to use it. Preparation not amounting to an overt act, such as picking up a stone without any attempt or offer to throw it, does not constitute an assault, nor does the mere use of threatening words.

If the circumstances known to the person menaced clearly negative an intent to do bodily harm there is no assault. Thus, if a person accompanies an apparent attempt to strike another by an unequivocal announcement in some form of his intention not to strike, there is no assault. For example, if A raises a stick and shakes it at B within striking distance saying, "If you weren't an old man, I would knock you down," no assault has been committed. However, an offer to inflict bodily injury upon another instantly if he does not comply with a demand which the assailant has no lawful right to make is an assault. Thus, if A points a pistol at B and says to him, "If you don't hand over your watch I will shoot you," A has committed an assault upon B.

An assault may consist of a culpably negligent act or omission which foreseeably might and does cause another reasonably to apprehend that force will at once be applied to his person. See 198*b* (Involuntary manslaughter), for a discussion of culpable negligence.

It is not a defense to a charge of assault that for some reason unknown to the assailant his attempt was bound to fail. Thus, if a person loads his rifle with what he believes to be a good cartridge and, pointing it at another, pulls the trigger, he may be guilty of assault although the cartridge was in fact so defective that it did not explode. Likewise, if a person in a house shoots through the roof at a place where he believes a policeman is concealed, he may be guilty of an assault even though the policeman is at another place on the roof.

If there is a demonstration of violence coupled with an apparent ability to inflict bodily injury, so as to cause the person at whom it was directed reasonably to apprehend bodily injury unless he retreats to secure his safety, and under these circumstances he is compelled to retreat to avoid any impending danger, the assault is complete, even though the assailant may never have been within actual striking distance of the person assailed. There must, however, be an apparent present ability to inflict the injury. Thus, to aim a pistol at a man at such a distance that it clearly could not injure would not be an assault.

An assault in which the attempt or offer to do bodily harm is consummated by the infliction of that harm is called a battery. A battery is defined as an unlawful, and intentional or culpably negligent, application of force to the person of another by a material agency used directly or indirectly. It may be a battery to spit on another, to push a third person against him, to set a dog at him which bites him, to cut his clothes while he is wearing them though without touching or intending to touch his person, to shoot him, to cause him to take poison, or to run an automobile against him. A man who fondles against her will a woman not his wife commits a battery, and so does a person who, being excused in using force, uses more force than is required. Sending a missile into a crowd may be a battery on anyone whom the missile hits. If a culpably negligent act or omission causes bodily harm to another, it may constitute a battery. If bodily harm is inflicted unintentionally and without culpable negligence, however, the offense is not committed. It is not a battery to lay hands on another to attract his attention or to seize another to prevent a fall.

The force applied in a battery may have been directly or indirectly set in motion. Thus a battery can be committed by inflicting bodily injury on a person through striking the horse on which he is mounted or the vehicle in which he is present, as well as by striking him directly.

Proof of a battery will support a conviction of assault, for an assault is necessarily included in a battery.

In order to constitute an assault the act of violence must be unlawful. It must be done without legal justification or excuse (see 216*a* and *b*) and without the lawful consent of the person affected. With respect to the excuse of self-defense, see 216*c*.

Proof. (*a*) That the accused attempted or offered with unlawful force or violence to do bodily harm to a certain person, as alleged, or (*b*), in the case of a consummated assault, that with unlawful force or violence he did bodily harm to a certain person, as alleged.

b. ASSAULTS PERMITTING INCREASED PUNISHMENT BASED ON STATUS OF VICTIM

Discussion. The maximum permissible punishment for certain assaults under Article 128(a) is increased when the victim has a particular status or is performing a special function. See Section A, 127*c*, Table of Maximum

Punishments. Assaults with this characteristic are discussed below. See 213*f*(1) for a discussion of assaults with intent to commit certain offenses of a civil nature and indecent assaults.

(1) ***Assault upon a commissioned officer, warrant officer, noncommissioned officer, or petty officer.*** This is an assault committed upon a commissioned officer of the armed forces of the United States, or of a friendly foreign power, or upon a warrant officer, noncommissioned officer, or petty officer. Knowledge by the accused that the person assaulted was a commissioned officer of the United States or of a friendly foreign power, or a warrant officer, noncommissioned officer, or petty officer is an essential ingredient of this offense. It is not necessary that the victim be superior in rank or command to the accused, that he be in the same armed force, or that he be in the execution of his office at the time of the assault.

Proof. (*a*) That the accused assaulted a certain person, as alleged; (*b*) that the person was a commissioned, warrant, noncommissioned, or petty officer, as alleged; and (*c*) that the accused knew that the person was a commissioned, warrant, noncommissioned, or petty officer, as alleged.

(2) ***Assault upon a sentinel or lookout in the execution of his duty, or upon a person in the execution of police duties.*** This is an assault committed upon a sentinel or lookout in the execution of his duty, or upon a person who, in the execution of his office, was performing Air Force security police, military police, shore patrol, or civil law enforcement duties.

Proof. (*a*) That the accused assaulted a certain person, as alleged; (*b*) that the person was a sentinel or lookout in the execution of his duty or was a person who then had and was in the execution of Air Force security police, military police, shore patrol, or civil law enforcement duties, as alleged; and (*c*) that the accused knew at the time of the assault that the person was a sentinel or lookout in the execution of his duty or was a person who then had and was in the execution of Air Force security police, military police, shore patrol, or civil law enforcement duties, as alleged.

(3) ***Assault consummated by a battery upon a child under sixteen years of age.*** This is an assault consummated by a battery upon a child under the age of sixteen years.

Proof. (*a*) That the accused, with unlawful force or violence, did bodily harm to a certain person; and (*b*) that this person was under the age of sixteen years.

c. AGGRAVATED ASSAULT

Discussion. Article 128(b) defines two kinds of aggravated assault. One is an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm. The other is an assault, with or without a weapon, in which the assailant intentionally inflicts grievous bodily harm.

See 213*f* (Various types of offenses under Article 134) as to assaults with intent to commit certain offenses of a civil nature and indecent assaults.

(1) ***Assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm.*** A weapon is dangerous when used in such a manner that it is likely to produce death or grievous bodily harm. By "grievous bodily harm" is meant serious bodily injury. The phrase "or other means or force" may include any means or instrumentality not normally con-

sidered a "weapon." When the natural and probable consequence of a particular use of any means or force would be death or grievous bodily harm, it may be said that the means or force is "likely" to produce that result. The use to which a certain kind of instrument is ordinarily put is of no importance with respect to the question of its method of employment in a particular case. Thus a bottle, a beer glass, a rock, a sugar bowl, a piece of pipe, a piece of wood, boiling water, drugs, or a rifle butt may be used in a manner likely to inflict death or grievous bodily harm. On the other hand, an unloaded pistol, when presented as a firearm and not as a bludgeon, is not a dangerous weapon or a means or force likely to produce grievous bodily harm, whether or not the assailant knew it was unloaded.

With respect to the offense of aggravated assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm, it is not necessary that death or grievous bodily harm be actually inflicted.

Proof. (*a*) That the accused assaulted (see proof of assault) a certain person with a certain weapon, means, or force; and (*b*) that the weapon, means, or force was used in a manner likely to produce death or grievous bodily harm.

(2) *Assault in which grievous bodily harm is intentionally inflicted.* "Grievous bodily harm" does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs and other serious bodily injuries.

When grievous bodily harm has been inflicted by means of intentionally using force in a manner likely to achieve that result, it may be inferred that grievous bodily harm was intended. For example, intentionally knocking a person from a height, such as a grandstand, so that the resulting fall breaks his leg, is an aggravated assault. On the other hand, striking a person with a fist in a sidewalk fight, and thereby causing him to fall in such a fashion that his head happens to hit the curbstone and his skull is fractured, is not an aggravated assault if no serious injury was inflicted by the blow itself for, although the fractured skull occurred under such circumstances that had the victim died as a result of the fracture the offense might have been involuntary manslaughter (see Art. 119(b)(2)), that injury nevertheless was not a likely, that is, a natural and probable, consequence of the assailant's act.

It is possible, however, to commit this kind of aggravated assault with the fists, as when the victim is held by one of several assailants while the others beat him with their fists and break his nose or jaw.

Proof. (*a*) That the accused assaulted (see proof of assault) a certain person; (*b*) that grievous bodily harm was thereby inflicted upon such person; and (*c*) that the grievous bodily harm was intentionally inflicted.

208. ARTICLE 129—BURGLARY

Discussion. Burglary is the breaking and entering in the nighttime of the dwelling house of another, with intent to commit an offense punishable under Articles 118 through 128, except 123a. These offenses are murder, manslaughter, rape and carnal knowledge, larceny and wrongful appropriation, robbery, forgery, maiming, sodomy, arson, extortion, and assault. In addition, an intent to commit an offense which, though not covered by Articles 118 through 128, necessarily includes an offense within one of these articles satisfies the intent

element of this article. This would include, for example, assaults punishable under Article 134, which necessarily include simple assault under Article 128.

It is immaterial whether the offense intended is committed or even attempted. If the offense is actually intended, it is no defense that its commission was impossible.

To constitute burglary the house must be the dwelling house of another—the term "dwelling house" including outhouses within the common inclosure, farmyard, or cluster of buildings used as a residence.

A store is not a subject of burglary unless part of, or also used as, a dwelling house, as when the occupant uses another part of the same building as his dwelling, or when the store is habitually slept in by his servants or members of his family.

The house must be in the status of being occupied at the time of the breaking and entering. It is not necessary to this status that anyone actually be in it at the time of the alleged offense; but if the house has never been occupied at all or has been left without any intention of returning to it this status does not exist. Separate dwellings within the same building, as a flat in an apartment house or a room in a hotel, are subjects of burglary by other tenants or guests, and in general by the owner of the building himself. A tent is not a subject of burglary.

There must be a breaking, actual or constructive. Merely to enter through a hole left in the wall or roof or through an open window or door, even if left only slightly open and pushed farther open by the person entering, will not constitute a breaking; but if there is any removal of any part of the house designed to prevent entry, other than the moving of a partly open door or window, it is sufficient. Opening a closed door or window or other similar fixture, or cutting out the glass of a window or the netting of a screen is a sufficient breaking. The breaking of an inner door by one who has entered the house without breaking, or by a servant lawfully within the house who has no authority to enter the particular room, is a sufficient breaking, but unless such a breaking is followed by an entry into the particular room with the requisite intent burglary is not committed.

There is a constructive breaking when the entry is gained by a trick, such as concealing oneself in a box; or under false pretense, such as impersonating a gas or telephone inspector; or by intimidating the inmates through violence or threats into opening the door; or through collusion with a confederate, an inmate of the house; or by descending a chimney, even if only a partial descent is made and no room is entered.

An entry must be effected before the offense is complete, but the entry of any part of the body, even a finger, is sufficient; and an insertion into the house of an instrument, except merely to facilitate further entrance, is a sufficient entry.

Both the breaking and entry must be in the nighttime, which is the period between sunset and sunrise, when there is not sufficient daylight to discern a man's face, and both must be done with the intent to commit in the house an offense punishable under Articles 118 through 128, except 123a. If, after the breaking and entering, the accused commits one or more of these offenses, it may be inferred that he intended to commit the offense or offenses at the time of the breaking and entering. If the available evidence appears to warrant such

action, the actual commission of the offense alleged in the burglary specification to have been intended may be charged in a separate specification.

Proof. (*a*) That the accused broke and entered a certain dwelling house of a certain other person, as specified; (*b*) that the breaking and entering were done in the nighttime; and (*c*) that the breaking and entering were done with the intent to commit the alleged offense therein.

209. ARTICLE 130—HOUSEBREAKING

Discussion. Housebreaking is the unlawful entering of the building or structure of another with intent to commit a criminal offense therein. The article is not violated by one who enters lawfully, though with intent to commit an offense. The offense is broader than burglary in that the place entered is not required to be a dwelling house; it is not necessary that the place be occupied; it is not essential that there be a breaking; the entry may be either in the night or in the daytime; and the intent need not be to commit one of the offenses made punishable under Articles 118 through 128. The intent to commit some criminal offense is an essential element of housebreaking and must be alleged and proved in order to support a conviction of this offense. Any act or omission which is punishable by courts-martial, except an act or omission constituting a purely military offense, is a "criminal offense."

The word "building" includes a room, shop, store, office, or apartment in a building. As used in this article, the word "structure" refers only to those structures which are in the nature of a building or dwelling. Examples of these structures are a stateroom, hold, or other compartment of a vessel, an inhabitable trailer, an inclosed goods truck or freight car, a tent, and a houseboat. It it not necessary that the building or structure be in use at the time of the entry. As to what constitutes an entry, see 208 (Burglary).

The principles of the last sentence of the discussion in 208 (Burglary) are applicable to housebreaking.

Proof. (*a*) That the accused unlawfully entered a certain building or structure of a certain other person as specified; and (*b*) that he intended to commit a criminal offense therein, as alleged.

210. ARTICLE 131—PERJURY

Discussion. Perjury is the willful and corrupt giving, in a judicial proceeding or in a course of justice and upon a lawful oath or in any form allowed by law to be substituted for an oath, of any false testimony material to the issue or matter of inquiry. "Judicial proceeding" includes a trial by court-martial and "course of justice" includes an investigation conducted under Article 32.

The testimony must be false and must be willfully and corruptly given; that is, it must appear that the accused gave the false testimony willfully and that he did not believe it to be true. A witness may commit perjury by testifying that he knows a thing to be true when in fact he either knows nothing about it at all or is not sure about it, and this is so whether the thing is true or false in fact. A witness may also commit perjury in testifying falsely as to his belief, remembrance, or impression, or as to his judgment or opinion. Thus, if a witness swears that he does not remember certain matters when in fact he does or

testifies that in his opinion a certain person was drunk when in fact he entertains the contrary opinion, he commits perjury if the other elements of the offense are present.

The oath must be one required or authorized by law and must be duly administered by one authorized to administer it. When a form of oath has been prescribed a literal following of that form is not essential; it is sufficient if the oath administered conforms in substance to the prescribed form. An oath includes an affirmation when the latter is authorized in lieu of an oath.

It is no defense that the witness voluntarily appeared, or that he was incompetent as a witness or that his testimony was given in response to questions that he could have declined to answer, unless he was forced to answer over a valid claim of privilege.

The false testimony must be with respect to a material matter, but that matter need not be the main issue in the case. Thus, perjury may be committed by giving false testimony with respect to the credibility of a material witness or in an affidavit in support of a request for a continuance, as well as by giving false testimony with respect to a fact from which a legitimate inference may be drawn as to the existence or nonexistence of a fact in issue. Whether the allegedly false testimony was with respect to a material matter is a question of law to be determined as an interlocutory question. See 57*b*.

If the accused is charged with having committed perjury before a court-martial, it must be shown that the court-martial was duly detailed and constituted. Ordinarily this may be shown by introducing in evidence pertinent parts of the record of trial of the case in which the perjury was allegedly committed or by the testimony of a person who was counsel, the military judge, or a member of the court in that case to the effect that the court was so detailed and constituted.

The falsity of the allegedly perjured statement cannot, except with respect to matters which by their nature are not susceptible of direct proof, be proved by circumstantial evidence alone, nor can the falsity of the statement be proved by the testimony of a single witness unless that testimony directly contradicts the statement and is corroborated by other evidence, either direct or circumstantial, tending to prove the falsity of the statement. However, documentary evidence directly disproving the truth of the statement charged to have been perjured need not be corroborated if the document is an official record shown to have been well known to the accused at the time he took the oath or if it appears that the documentary evidence had sprung from the accused himself—or had in any manner been recognized by him as containing the truth—before the allegedly perjured statement was made.

The fact that the accused did not believe his statement to be true may be proved by testimony of one witness without corroboration or by circumstantial evidence.

Proof. (*a*) That the accused took an oath or its equivalent in a certain judicial proceeding or course of justice, as alleged; (*b*) that the oath was administered to the accused in a matter in which an oath was required or authorized by law; (*c*) that the oath was administered by a person having authority to do so; (*d*) that upon the oath the accused willfully gave the testimony alleged; (*e*) that the testimony was material; (*f*) that the testimony was false; and (*g*) that the accused did not believe the testimony to be true.

211. ARTICLE 132—FRAUDS AGAINST THE UNITED STATES

a. MAKING A FALSE OR FRAUDULENT CLAIM

Discussion. A claim is a demand for a transfer of ownership of money or property and does not include requisitions for the mere use of property.

Making a claim is a distinct act from presenting it. A claim may be made in one place and presented in another. The mere writing of a paper in the form of a claim, without any further act to cause the paper to become a demand against the United States or an officer thereof, does not constitute "making" a claim. However, any act placing the claim in official channels constitutes "making" a claim, even if that act does not amount to "presenting" the claim.

The article does not relate to claims against an officer of the United States in his private capacity, but to claims against the United States or any officer thereof as such. It is not necessary that the claim be allowed or paid or that it be made by the person to be benefited by the allowance or payment. The claim must be made with knowledge of its fictitious or dishonest character. This article does not proscribe claims, however groundless they may be, that are believed by the maker to be valid, nor claims that are merely made negligently or without ordinary prudence. See also the discussion in 211*b*.

As an example, a false claim is made when an officer having a claim respecting property lost in the military service knowingly includes articles that were not in fact lost and submits that claim for official action, but only so much of the claim as respects the articles not lost is false within the meaning of this article.

Proof. (*a*) That the accused made a certain claim against the United States or an officer thereof, as alleged; (*b*) that the claim was false or fraudulent in the particulars specified; and (*c*) that when the accused made the claim he knew that it was false or fraudulent in these particulars.

b. PRESENTING FOR APPROVAL OR PAYMENT A FALSE OR FRAUDULENT CLAIM

Discussion. See *Discussion* in 211*a*.

False and fraudulent claims include not only those containing some material false statement, but also claims which the claimant knows to have been paid or for some other reason knows he is not authorized to present or upon which he knows he has no right to collect.

The claim must be presented, directly or indirectly, to some person having authority to approve or pay it. A false claim may be tacitly presented, as when a person who knows he is not entitled to certain pay accepts it nevertheless, without disclosing his disqualification, even though he may not have made any verbal representation as to his entitlement to the pay. Instances of such an act are: An enlisted person approaching the pay table when his name is called and drawing pay for a period during which he was absent without leave, without disclosing the absence; and an officer cashing a pay check which includes an amount for a dependency allowance, knowing and not informing the proper authorities that there had been a change in his dependency status which resulted in his having no right to the allowance paid.

Other examples of this offense are presenting to a disbursing officer a false final statement, knowing it to be false, and presenting a voucher claiming rations or rental allowances for dependents known not to exist.

Proof. (*a*) That the accused presented for approval or payment to a certain person in the civil or military service of the United States having authority to approve or pay it a certain claim against the United States or an officer thereof, as alleged; (*b*) that the claim was false or fraudulent in the particulars alleged; and (*c*) that when the accused presented the claim he knew it was false or fraudulent in these particulars.

c. MAKING OR USING A FALSE WRITING OR OTHER PAPER IN CONNECTION WITH CLAIMS

Discussion. See 211*a* and *b*. The false or fraudulent statement must be material, that is, it must have a tendency to mislead governmental officials in their consideration or investigation of the claim. The offense of making a writing or other paper known to contain a false or fradudulent statement for the purpose of obtaining the approval, allowance, or payment of a claim is complete when the writing or paper is made for that purpose, whether or not any use of the paper has been attempted and whether or not the claim has been presented.

Proof. (*a*) That the accused made or used a certain writing or other paper, as alleged; (*b*) that certain material statements in the writing or other paper were false or fraudulent, as alleged; (*c*) that the accused knew the statements were false or fraudulent; and (*d*) that the act of the accused was for the purpose of obtaining the approval, allowance, or payment of a certain claim or claims against the United States or an officer thereof, as specified.

d. FALSE OATH IN CONNECTION WITH CLAIMS

Discussion. See 211*a* and *b*.

Proof. (*a*) That the accused made an oath to a certain fact or to a certain writing or other paper, as alleged; (*b*) that the oath was false, as alleged; (*c*) that the accused knew it was false; and (*d*) that the act was for the purpose of obtaining the approval, allowance, or payment of a certain claim or claims against the United States or an officer thereof, as alleged.

e. FORGERY OF SIGNATURE IN CONNECTION WITH CLAIMS

Discussion. See 211*a* and *b*. See also 202 (Forgery). Any fraudulent making of the signature of another, whether or not an attempt is made to imitate the handwriting, is forging or counterfeiting.

Proof. (*a*) That the accused forged or counterfeited the signature of a certain person on a certain writing or other paper as specified; or that he used the forged or counterfeited signature of a certain person, knowing the signature to be forged or counterfeited, as alleged; and (*b*) that his act was for the purpose of obtaining the approval, allowance, or payment of a certain claim against the United States or an officer thereof, as alleged.

f. DELIVERING LESS THAN AMOUNT CALLED FOR BY RECEIPT

Discussion. With respect to this offense it is immaterial by what means, whether deceit, collusion, or otherwise, the accused effected the transaction, or what his purpose was in so doing.

The giving by a disbursing officer of the full amount called for by a receipt but in excess of the amount properly due, then receiving back the excess over the amount due and the insertion by a disbursing officer upon a receipt signed in blank of the amount properly due, after paying to the creditor a less amount, are examples of this offense.

Proof. (*a*) That the accused had charge, possession, custody, or control of certain money or property of the United States furnished or intended for the armed forces thereof, as alleged; (*b*) that he obtained a certificate or receipt for a certain amount or quantity of that money or property, as alleged; (*c*) that for the certificate or receipt he knowingly delivered to a certain person having authority to receive it an amount or quantity of the money or property less than the amount or quantity thereof specified in the certificate or receipt; and (*d*) the value of the undelivered money or property, as alleged.

g. MAKING OR DELIVERING RECEIPT WITHOUT HAVING FULL KNOWLEDGE THAT IT IS TRUE

Discussion. When, for instance, an officer or other person subject to military law is authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the armed forces thereof, and a receipt or other paper is presented to him for signature stating that a certain amount of supplies has been furnished by a certain contractor, it is his duty before signing the paper to know that the full amount of supplies therein stated to have been furnished has in fact been furnished, and that the statements contained in the paper are true. If, with intent to defraud the United States, he signs the paper without that knowledge, he is guilty of a violation of this section of the article; and if he signs the paper without this knowledge, it may be inferred that he intended to defraud the United States.

Proof. (*a*) That the accused was authorized to make or deliver a paper certifying the receipt from a certain person of certain property of the United States furnished or intended for the armed forces thereof, as alleged; (*b*) that he made or delivered to that person a certificate of receipt, as alleged; (*c*) that he made or delivered the certificate without having full knowledge of the truth of a certain material statement or statements therein; (*d*) that his act was done with intent to defraud the United States; and (*e*) the amount involved, as alleged.

212. ARTICLE 133—CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN

Discussion. The conduct contemplated may be that of a commissioned officer of either sex or of a cadet or midshipman. When applied to a female officer the term "gentleman" is the equivalent of "gentlewoman."

Conduct violative of this article is action or behavior in an official capacity which, in dishonoring or disgracing the individual as an officer, seriously compromises his character as a gentleman, or action or behavior in an unofficial or private capacity which, in dishonoring or disgracing the individual personally, seriously compromises his standing as an officer. There are certain moral attributes common to the ideal officer and the perfect gentleman, a lack of which is indicated by acts of dishonesty or unfair dealing, of indecency or indecorum, or of lawlessness, injustice, or cruelty. Not everyone is or can be expected to meet ideal moral standards, but there is a limit of tolerance below which the individual standards of an officer, cadet, or midshipman cannot fall without seriously compromising his standing as an officer, cadet, or midshipman or his character as a gentleman. This article contemplates conduct by a commissioned officer, cadet, or midshipman which, taking all the circumstances into consideration, is thus compromising. This article includes acts made

punishable by any other article, provided these acts amount to conduct unbecoming an officer and a gentleman. Thus a commissioned officer who steals property violates both this article and Article 121.

Instances of violation of this article are knowingly making a false official statement; dishonorable failure to pay debts; opening and reading the letters of another without authority; using insulting or defamatory language to another officer in his presence or about him to other military persons; being grossly drunk and conspicuously disorderly in a public place; public association with notorious prostitutes; committing or attempting to commit a crime involving moral turpitude; and failing without a good cause to support his family.

Whenever the offense charged is the same as a specific offense set forth in the manual, the elements of proof are the same as those set forth in the paragraph which treats that specific offense, with the additional requirement that the act or omission constitutes conduct unbecoming an officer and gentleman.

Proof. (*a*) That the accused did or omitted to do the acts, as alleged; and (*b*) that, under the circumstances, these acts or omissions constituted conduct unbecoming an officer and gentleman.

213. ARTICLE 134—GENERAL ARTICLE

a. GENERAL

Discussion. Article 134 makes punishable all acts not specifically proscribed in any other article of the code when they amount to disorders or neglects to the prejudice of good order and discipline in the armed forces or to conduct of a nature to bring discredit upon the armed forces, or constitute noncapital crimes or offenses denounced by enactment of Congress or under authority of Congress. If conduct of this nature is specifically made punishable by another article, it should be charged as a violation of that article; and if it is not specifically made punishable by another article, it should be charged as a violation of Article 134. But see 212. The specification alleging a violation of Article 134 need not expressly allege that the conduct was a disorder or neglect, or that it was of a nature to bring discredit upon the armed forces, or that it constituted a crime or offense not capital. Under a specification alleging a violation of Article 134, a finding of guilty may properly be returned if the court-martial is convinced beyond a reasonable doubt that the acts of the accused constituted a disorder or neglect to the prejudice of good order and discipline in the armed forces, that his conduct was of a nature to bring discredit upon the armed forces, or that his conduct violated an applicable statute enacted by or under authority of Congress. The same conduct may constitute a disorder or neglect to the prejudice of good order and discipline in the armed forces and at the same time be of a nature to bring discredit upon the armed forces. Although evidence presented at the trial of an offense alleged under Article 134 may be insufficient to establish the commission of a crime or offense not capital, it may nevertheless be sufficient to establish a disorder or neglect to the prejudice of good order and discipline or service-discrediting conduct and thus support a conviction. See 213*d*.

b. DISORDERS AND NEGLECTS TO THE PREJUDICE OF GOOD ORDER AND DISCIPLINE IN THE ARMED FORCES

Discussion. The disorders and neglects punishable under this clause of Article 134 include those acts or omissions to the prejudice of good order and discipline not specifically mentioned in other articles.

"To the prejudice of good order and discipline" refers only to acts directly prejudicial to good order and discipline and not to acts which are prejudicial only in a remote or indirect sense. Almost any irregular or improper act on the part of a member of the military service could be regarded as prejudicial in some indirect or remote sense; however, the article does not contemplate these distant effects. It is confined to cases in which the prejudice is reasonably direct and palpable.

Instances of prejudicial disorders and neglects in the case of an officer are rendering himself unfit for duty by excessive use of intoxicants or drugs; drunkenness; and allowing a member of his command to go on duty knowing him to be drunk.

Instances of prejudicial disorders and neglects in the case of enlisted persons are appearing in improper uniform; wrongfully abusive use of military vehicles; careless discharge of firearms; and impersonating an officer.

A *breach of a custom of the service* may result in a violation of this clause of Article 134. In its legal sense the word "custom" imports something more than a method of procedure or a mode of conduct or behavior which is merely of frequent or usual occurrence. Custom arises out of long established practices which by common consent have attained the force of law in the military or other community affected by them. There can be no such thing as a custom that is contrary to existing law or regulation. A custom which has not been adopted by existing statute or regulation ceases to exist when its observance has been long abandoned. Many customs of the service are now set forth in regulations of the various armed forces. Violations of these customs should be charged under Article 92 as violations of the regulations in which they appear.

It is a violation of this article wrongfully to possess or use marihuana or a habit forming narcotic drug. Possession or use of marihuana or a habit forming narcotic drug may be inferred to be wrongful unless the contrary appears. A person's possession or use of a drug is innocent when the drug has been duly prescribed for him by a physician and the prescription has not been obtained by fraud, when he possesses it in the performance of his duty, or when his possession or use of marihuana or a narcotic drug is without knowledge of the presence or the nature of the substance (see 154*a*(4)). If an issue is raised by the evidence as to whether possession or use by an accused charged with this offense was innocent on one of these grounds, a showing that it was not innocent on that ground becomes a requirement of proof.

c. CONDUCT OF A NATURE TO BRING DISCREDIT UPON THE ARMED FORCES

Discussion. "Discredit" as here used means "to injure the reputation of." This clause of Article 134 makes punishable conduct which has a tendency to bring the service into disrepute or which tends to lower it in public esteem. Any discreditable conduct not denounced by a specific article of the code is punishable under this clause. Acts in violation of local civil law may be punished if they are of a nature to bring discredit upon the armed forces. Included within the conduct which may be found to be within the proscription of this

clause are adultery, bigamy, negligent homicide, fleeing the scene of an accident, indecent acts, and dishonorable failure to pay debts.

d. GENERAL REQUIREMENTS OF PROOF UNDER ARTICLE 134

The proof required for conviction of an offense under Article 134 depends upon the nature of the misconduct charged. If the conduct is punished as a crime or offense not capital (213*e*), the proof must establish every element of the crime or offense as required by the applicable law. One element of proof common to every case tried under Article 134, except one tried as a crime or offense not capital, is that the conduct of the accused, under the circumstances, was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces. This element is common to all the offenses discussed in 213*f* and should be included in instructions as to the elements of these offenses, in addition to their specific elements. Subject to the foregoing, an offense under either of the first two clauses of Article 134 requires the following proof:

(1) That the accused did or failed to do the acts, as alleged; and

(2) That under the circumstances his conduct was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

e. CRIMES AND OFFENSES NOT CAPITAL

Crimes and offenses not capital which are referred to and made punishable by Article 134 include those acts or omissions, not made punishable by another article, which are denounced as noncapital crimes or offenses by enactments of Congress or under authority of Congress and made triable in the Federal civil courts.

State and foreign laws are not included within the crimes and offenses not capital referred to in Article 134 and violations thereof may not be prosecuted as such except insofar as State law becomes Federal law of local application under section 13 of title 18 of the United States Code. On the other hand, an act which is a violation of a State law or a foreign law may constitute a disorder or neglect to the prejudice of good order and discipline or conduct of a nature to bring discredit upon the armed forces and so be punishable under the first or second clause of Article 134.

For the purpose of court-martial jurisdiction, the laws which may be applied under the clause, "crimes and offenses not capital," are divided into two groups:

(1) *Crimes and offenses of unlimited application.* Certain noncapital crimes and offenses denounced by the United States Code, such as counterfeiting (18 U.S.C. § 471), various frauds against the Government not denounced by Article 132, and other offenses which are directly injurious to the Government and are made punishable wherever committed are made applicable under the third clause of Article 134 to all persons subject to the code regardless of where the wrongful act or omission occurred. The Narcotic Drugs Import and Export Act (21 U.S.C. §§ 171–185) falls within this group, being applicable to the importation of proscribed drugs not only into areas over which the United States is sovereign but also into territories subject to the control of the United States for a special purpose, including military installations on foreign soil.

(2) *Crimes and offenses of local application.* Those noncapital crimes and offenses which are listed in the United States Code but which are limited in their applicability to the special maritime and territorial jurisdiction of the United States as defined in the United States Code, those applicable within the continental United States, and those included in the law of the District of Columbia, in the law of a Commonwealth, Territory or possession of the United States, and in the laws applicable in reservations or places over which the United States has exclusive jurisdiction or concurrent jurisdiction with a State, which are not specifically included in another article of the code, are made applicable under Article 134 to all persons subject to the code who commit these crimes or offenses within the geographical boundaries of the areas in which they are applicable. For the law applicable in a reservation or a place over which the United States has exclusive jurisdiction or concurrent jurisdiction with a State, see 18 U.S.C. § 13. A person subject to the code cannot be prosecuted under the third clause of Article 134 for having committed a crime or offense, not capital, if the act occurred in a place where the law in question did not apply. For example, a person cannot be prosecuted under the third clause of Article 134 for having committed a crime or offense, not capital, when the act occurred in occupied foreign territory merely because that act would have been an offense against the law of the District of Columbia if it had been committed there. Such an act might, however, regardless of where committed, in a proper case be prosecuted under the first or second clause of Article 134 as a disorder or neglect to the prejudice of good order and discipline or as an offense of a nature to bring discredit upon the armed forces.

f. VARIOUS TYPES OF OFFENSES UNDER ARTICLE 134

(1) ASSAULTS INVOLVING INTENT TO COMMIT CERTAIN OFFENSES OF A CIVIL NATURE

Discussion. See 207 (Assault). The assaults here designated as being punishable under Article 134 are those perpetrated with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking. An assault with intent to commit an offense is not necessarily the equivalent of an attempt to commit the intended offense, for an assault can be committed with intent to commit an offense without achieving that degree of proximity to consummation of an intended offense which is essential to an attempt. See 159.

Some of these assaults will be discussed below.

(*a*) *Assault with intent to murder.* This is an assault committed with a specific intent to kill, under such circumstances that, if death resulted therefrom, the offense of murder would have been committed. To constitute an assault with intent to murder with a firearm, it is not necessary that the weapon be discharged; and in no case is the actual infliction of injury necessary. Thus, if a man with intent to murder another deliberately assaults him by shooting at him, the fact that he misses does not alter the character of the offense. When the intent to murder exists, the fact that for some unknown reason the actual consummation of the murder by the means employed is impossible is not a defense if the means are apparently adapted to the end in view. Thus, if a

person intending to murder another loads his rifle with what he believes to be a live cartridge and aims and discharges his rifle at the other, it is no defense that, by accident, he used a dummy cartridge.

The intent to murder need not be directed against the person assaulted if the assault is committed with intent to murder some person. If the accused, intending to murder A, shoots at B, mistaking him for A, he is guilty of assaulting B with intent to murder him. Also, if a man fires into a group with intent to murder someone, he is guilty of an assault with intent to murder each member of the group.

(*b*) *Assault with intent to commit voluntary manslaughter.* This is an assault committed with a specific intent to kill under such circumstances that, if death resulted therefrom, the offense of voluntary manslaughter would have been committed. There can be no assault with intent to commit involuntary manslaughter, for involuntary manslaughter is not a crime capable of being intentionally committed.

(*c*) *Assault with intent to commit rape.* This is an assault committed by a man with a specific intent to have sexual intercourse with a woman not his wife by force and without her consent. The accused must have intended to overcome any resistance by force, actual or constructive, and to penetrate the woman's person. Any lesser intent will not suffice. Indecent advances and importunities, however earnest, not accompanied by such an intent, do not constitute this offense, nor do mere preparations to rape not amounting to an assault. Thus, if a man, intending to rape a woman, conceals himself in her room to await a favorable opportunity to execute his design, but before the opportunity arises is discovered and flees, he is not guilty of an assault with intent to commit rape.

No actual touching is necessary. If a man enters a woman's room and gets in the bed where she is for the purpose of raping her, he commits the offense under discussion although he does not touch the woman.

Once an assault with intent to commit rape is made, it is no defense that the man voluntarily desisted.

Lesser offenses that may be included in a charge of assault with intent to rape are indecent assault and assault.

(*d*) *Assault with intent to rob.* This is an assault committed with a specific intent to steal property by taking it from the person or in the presence of another, against his will, by means of force or violence or putting him in fear. The fact that the accused intended to take only money and that the person he intended to rob had none is not a defense.

(*e*) *Assault with intent to commit sodomy.* The assault must be against a human being and must be committed with a specific intent to commit sodomy. Any lesser intent, or different intent, will not suffice.

Proof. (*a*) That the accused assaulted a certain person, as alleged; (*b*) that the accused at the time of the assault had a specific intent to kill, as required for murder or voluntary manslaughter, or to commit rape, robbery, sodomy, arson, burglary, or housebreaking, as alleged; and (*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(2) INDECENT ASSAULT

Discussion. See 207 (Assault). An indecent assault is the taking by a man of indecent, lewd, or lascivious liberties with the person of a female not his wife without her consent and against her will, with intent to gratify his lust or sexual desires. In a proper case indecent assault may be an included offense of assault with intent to commit rape.

Proof. (*a*) That the accused assaulted a certain female not his wife by taking indecent, lewd, or lascivious liberties with her person; (*b*) that the acts were done with intent to gratify the lust or sexual desires of the accused; and (*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(3) INDECENT ACTS WITH A CHILD UNDER THE AGE OF 16 YEARS

Discussion. This offense consists of taking any immoral, improper or indecent liberties with, or the commission of any lewd or lascivious act upon or with the body of any child of either sex under the age of 16 years with the specific intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of the person committing the act, or of the child, or of both. When the accused is charged with taking indecent liberties, the liberties must be taken in the physical presence of the child, but it is not essential that the evidence show physical contact between the accused and the child. Thus, one who with the requisite intent exposes his private parts to a child under the age of sixteen years may be found guilty of this offense. Nonconsent by the child to the act or conduct is not essential to this offense, nor is consent a defense.

Proof. (*a*) That the accused took certain immoral, improper or indecent liberties with a certain child, as alleged; or that he performed a certain lewd or lascivious act upon or with the body of a certain child, as alleged; (*b*) that the child was under the age of 16 years, as alleged; (*c*) that the intent of the accused was to arouse, appeal to, or gratify the lust or passions or sexual desires of the accused or the child or both, as alleged; and (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(4) FALSE SWEARING

Discussion. False swearing is the making under lawful oath, not in a judicial proceeding or course of justice, of any false statement, oral or written, not believing the statement to be true. It may consist, for example, in making a false oath to an affidavit. The oath may be taken before any person authorized by law to administer oaths. See Article 136 and chapter XXII as to the authority of certain persons to administer oaths, and see 147*a* as to taking judicial notice of the signatures of persons authorized to administer oaths. An oath includes an affirmation when the latter is authorized in lieu of an oath.

The principles set forth in the last two paragraphs of the discussion of perjury in 210 apply also to false swearing.

Proof. (*a*) That the accused took an oath or its equivalent, as alleged; (*b*) that the oath was administered to the accused in a matter in which an oath was required or authorized by law; (*c*) that the oath was administered by a

person having authority to do so; (*d*) that upon this oath the accused made or subscribed a certain statement, as alleged; (*e*) that the statement was false; (*f*) that the accused did not believe the statement to be true; and (*g*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(5) DISLOYAL STATEMENT UNDERMINING DISCIPLINE AND LOYALTY

Discussion. Certain disloyal statements by military personnel may lack the necessary elements to constitute an offense under 18 U.S.C. §§ 2385, 2387, and 2388, but nevertheless, under the circumstances, be punishable as conduct to the prejudice of good order and discipline or conduct reflecting discredit upon the armed forces. Examples are utterances designed to promote disloyalty or disaffection among troops, as praising the enemy, attacking the war aims of the United States, or denouncing our form of government.

Proof. (*a*) That the accused made the disloyal statement, as alleged; (*b*) that the accused at the time of making the statement did so with the design alleged; and (*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(6) MISPRISION OF A FELONY

Discussion. A person who has knowledge of the actual commission of a felony by another and who conceals and does not as soon as possible make known the same to the civil or military authorities is guilty of misprision of the felony. Any offense of a civil nature punishable under the authority of the code by death or by confinement for a term exceeding one year is a felony. A mere failure or refusal to disclose the felony without some positive act of concealment does not make one guilty of this offense. Making a false entry in an account book for the purpose of concealing a felonious theft committed by another, and intimidating a witness of a felony, are examples of a positive act of concealment.

Proof. (*a*) That the accused had knowledge of the actual commission of a felony by another; (*b*) that he concealed and did not as soon as possible make known the felony to the civil or military authorities; and (*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(7) DISHONORABLE FAILURE TO PAY DEBTS

Discussion. A dishonorable failure to pay a just debt under circumstances which bring or tend to bring discredit upon the armed forces or which are prejudicial to good order and discipline in the armed forces is an offense under this article. More than mere negligence in the nonpayment is necessary. The failure to pay must be characterized by deceit, evasion, false promises, or other distinctly culpable circumstances indicating a deliberate nonpayment or grossly indifferent attitude toward one's just obligations.

For a debt to form the basis for this offense, the accused must not have had a defense, or an equivalent offset or counterclaim, either in fact or according to his belief, at the time alleged. The offense should not be charged if there

was a genuine dispute between the parties as to the facts or law relating to the debt which would affect the obligation of the accused to pay. The offense is not committed if the creditor or creditors involved are satisfied with the conduct of the debtor with respect to payment.

The length of the period of nonpayment and any denial of his indebtedness which the accused may have made may tend to prove that his conduct was dishonorable, but the court-martial may convict only if it finds from all of the evidence that his conduct was in fact dishonorable.

A commissioned officer may be tried for this offense under either Article 133 or Article 134, as the circumstances may warrant.

Proof. (*a*) That the accused was indebted to a certain person or entity in a certain sum, as alleged; (*b*) that the debt became due and payable on or about a certain date, as alleged; (*c*) that at the time alleged while the debt was still due and payable, the accused dishonorably failed to pay the debt; and (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(8) DISHONORABLE FAILURE TO MAINTAIN FUNDS FOR PAYMENT OF CHECKS

Discussion. One who, having made and uttered a check, thereafter dishonorably fails to maintain sufficient funds in or credit with the drawee bank for its payment upon presentment, is chargeable under this article. This offense differs from the offense denounced by Article 123a in that there need be no intent to defraud or deceive at the time of making, drawing, uttering or delivery, and that the accused need not know at that time that he did not or would not have sufficient funds for payment. The gist of the offense lies in the conduct of the accused after uttering the instrument.

Mere negligence in maintaining one's bank balance is insufficient as a basis for this offense, and the accused's conduct must reflect bad faith or gross indifference in this regard. As in 213*f*(7), dishonorable conduct of the accused is necessary, and the other principles discussed in 213*f*(7) likewise apply.

Proof. (*a*) That the accused made and uttered a certain check, as alleged; (*b*) that thereafter the accused dishonorably failed to maintain funds in or credit with the drawee bank for payment of the check upon its presentment for payment in due course; and (*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(9) BIGAMY

Discussion. Bigamy is the contracting of another marriage by one who already has a lawful spouse living. If a prior marriage was void, it will have created no status of "lawful spouse." However, if it was merely voidable and has not been voided by competent court action, this circumstance is no defense. A belief that a prior marriage has been terminated by divorce, death of the other spouse, or otherwise, constitutes a defense only if the belief was reasonable (154*a*(4)).

Proof. (*a*) That, at the time and place alleged, the accused married a certain person, as alleged; (*b*) that, at the time of this marriage there existed a prior valid marriage entered into by the accused with another person, as

alleged, which prior marriage was then undissolved; and (*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(10) COMMUNICATING A THREAT

Discussion. This offense consists of wrongfully communicating an avowed present determination or intent to injure the person, property, or reputation of another presently or in the future. The communication may be made to the person threatened or to another. To establish the threat it is necessary to show that the declaration in question was made. It is not necessary, however, that the accused actually entertained the intention stated in the declaration. However, a declaration made under circumstances which reveal it to be in jest or for an innocent or legitimate purpose, or which contradict the expressed intent to commit the act, does not constitute this offense. Nor is the offense committed by the mere statement of intent to commit an unlawful act not involving injury to another.

Proof. (*a*) That the accused communicated certain language expressing a present determination or intent wrongfully to injure another person, as alleged, presently or in the future; (*b*) that the communication was made known to that person or to a third person, as alleged; (*c*) that the communication was wrongful and without justification or excuse; and (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(11) FALSE AND UNAUTHORIZED PASSES, PERMITS, DISCHARGE CERTIFICATES, AND IDENTIFICATION CARDS

Discussion. Certain acts with respect to military or official passes, permits, discharge certificates, or identification cards may be punishable under this article. The wrongful use, possession, sale, or other disposition of a false or unauthorized pass, permit, discharge certificate, or identification card with knowledge that it was false or unauthorized may be charged under this article. Although it is not necessary that the use, possession, sale, or disposition of the document be with an intent to deceive or defraud, the use or possession of a false or unauthorized document with such an intent is an aggravating circumstance authorizing more severe punishment. See 127*c*. See also 202A for a definition of intent to deceive and intent to defraud. The false making or altering of a military or official pass, permit, discharge certificate, or identification card may also be charged under this article. As to this offense, there is no requirement of knowledge or of an intent to deceive or defraud. The phrase "military or official pass, permit, discharge certificate, or identification card" includes, as well as the more usual forms of these documents, all documents issued by any governmental agency for the purpose of identification and copies and facsimiles thereof.

Proof. *Wrongful use or possession of a false or unauthorized pass, permit, discharge certificate, or identification card.* (*a*) That the accused wrongfully used or had in his possession a certain military or official pass, permit, discharge certificate, or identification card, as alleged; (*b*) that the pass, permit, discharge certificate, or identification card was false or unauthorized as

alleged; (*c*) that the accused knew that the pass, permit, discharge certificate, or identification card was false or unauthorized, as alleged; (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces; and, if alleged, (*e*) that the use or possession was with intent to deceive or defraud.

Wrongful sale or disposition of a pass, permit, discharge certificate or identification card. (*a*) That the accused wrongfully sold or disposed of a certain military or official pass, permit, discharge certificate, or identification card, as alleged; (*b*) that the pass, permit, discharge certificate, or identification card was false or unauthorized, as alleged; (*c*) that the accused knew that the pass, permit, discharge certificate, or identification card was false or unauthorized, as alleged; and (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

Falsely making or altering a pass, permit, discharge certificate, or identification card. (*a*) That the accused wrongfully and falsely made or altered a certain military or official pass, permit, discharge certificate, or identification card, as alleged; and (*b*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(12) NEGLIGENT HOMICIDE

Discussion. Negligent homicide is any unlawful homicide which is the result of simple negligence. Simple negligence is a lesser degree of carelessness than culpable negligence. See 198*b*. It is the absence of due care, that is, an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care for the safety of others which a reasonably prudent man would have exercised under the same or similar circumstances.

Proof. (*a*) That the person named or described is dead; (*b*) that his death was unlawfully caused by the acts or omissions of the accused, as alleged; (*c*) that the acts or omissions of the accused constituted negligence; and (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(13) OFFENSES AGAINST CORRECTIONAL CUSTODY

Discussion. Escape from correctional custody is the act of a person undergoing the punishment of correctional custody pursuant to Article 15 (131*c*(4)) who, before being set at liberty by proper authority, casts off any physical restraint imposed by his custodian or by the place or conditions of custody. Breach of restraint during correctional custody is the act of a person undergoing the punishment who, in the absence of physical restraint imposed by a custodian or by the place or conditions of custody, breaches any form of restraint imposed during this period. See 57*b* as to the manner of determining the legality of the imposition of correctional custody.

Proof. *Escape from correctional custody.* (*a*) That the accused was duly placed in correctional custody; (*b*) that, at the time and place alleged, the accused freed himself from the physical restraint of his correctional custody, as alleged, before having been released therefrom by proper authority; and

(*c*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

Breach of correctional custody. (*a*) That the accused was duly placed in correctional custody; (*b*) that while in such correctional custody, a certain restraint was imposed upon the accused; (*c*) that, at the time and place alleged, the accused broke this restraint, before having been released from the correctional custody or relieved of the restraint by proper authority; and (*d*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(14) RECEIVING STOLEN PROPERTY

Discussion. "Receiving stolen property" is the receiving, buying, or concealing of any article or thing of value, the property of another person, with knowledge that the article or thing has been stolen.

While an actual thief is not criminally liable for receiving the property he has stolen, one who may be criminally responsible as a principal to the larceny, when not the actual thief (156), can be convicted of knowingly receiving the stolen property under Article 134. Thus, if A procures B to steal several items, agreeing to pay him a certain price for them, and B subsequently steals them and delivers them to A, A can be found guilty of knowingly receiving stolen property despite the fact that his conduct would make him guilty of larceny as a principal.

Proof. (*a*) That the accused received, bought, or concealed certain property of a value alleged; (*b*) that the property belonged to another person named or described; (*c*) that the property had been stolen; (*d*) that the accused then knew that the property had been stolen; and (*e*) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

Chapter XXIX

MATTERS OF DEFENSE

GENERAL—MOTIONS IN BAR OF TRIAL—SPECIAL DEFENSES

214. GENERAL. For the purpose of this chapter, matters of defense include: (1) various motions by the defense in bar of trial which, while ordinarily not relating to the guilt or innocence of the accused, may result in a dismissal of the charges; (2) certain special defenses which deny, either wholly or partially, the criminal responsibility of the accused.

Except for a motion raising the question of the accused's mental responsibility at the time of the alleged offense, motions in bar of trial do not reach the issue of the accused's guilt or innocence of the offense charged. When successful, they result in a dismissal of the charges to which they relate or a continuance of the trial without an actual determination of the guilt or innocence of the accused. Included among these matters are motions to dismiss for lack of jurisdiction or because of the running of the period of the statute of limitations and motions based on former jeopardy, pardon, constructive condonation of desertion, former punishment, and denial of a speedy trial. These are discussed in 215.

Special defenses, sometimes called affirmative defenses, are those which, although not denying that the objective acts charged were committed by the accused, do deny, either wholly or partially, criminal responsibility for those acts. Thus, in a larceny prosecution the defense may be based on evidence showing that the accused mistakenly believed that he had the owner's permission to take the article, or that he mistakenly believed the article was his, or that he was too drunk to form the requisite intent, or that he was forced to take the article by another who threatened him with immediate death or grevious bodily harm if he did not do so, or that he was not mentally responsible for the act. In these examples, the special defenses of mistake of fact, mistake of law, inability to form the requisite intent, coercion, and insanity, respectively, are raised for the consideration of the members of the court. For a discussion of drunkenness and mistake of fact or law, see 154*a*(3), (4), and (5). For a discussion of mental responsibility, see 120*b*. Other defenses of this specialized nature are discussed in 216. The defenses of mistaken identity, alibi, and good character are not special defenses, as they tend to deny the commission by the accused of the objective acts charged.

The burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the Government, both with respect to those elements of the offense which must be established in every case and with respect to issues involving special defenses which are raised by the evidence.

A special defense may be raised by evidence presented by either the defense or the prosecution, or at the request of the members of the court. Thus, in a larceny trial, the issue of lack of intent to steal may be raised by the testimony

of prosecution witnesses as to the intoxication of the accused at or about the time of the alleged theft. However, evidence raising a special defense usually is presented by the defense. When any special defense is raised by the evidence, the members of the court-martial must be instructed as to the defense and that they may not find the accused guilty of the offense affected thereby unless they are convinced beyond a reasonable doubt that the basis of the special defense does not exist. See 73 and 154*a*(3), (4), and (5).

215. MOTIONS IN BAR OF TRIAL. ***a. Lack of jurisdiction.*** Court-martial proceedings without jurisdiction over either the person or the offense charged are a nullity. See 9, 11, and 68*b*.

b. Former jeopardy. No person may, without his consent, be tried a second time for the same offense (Art. 44(a)). No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of Article 44 until the finding of guilty has become final after review of the case has been fully completed (Art. 44(b)). Thus, if the convening authority disapproves the findings and sentence of a court-martial, he may, except where there is a lack of sufficient evidence in the record to support the findings, order a rehearing (Art. 63(a)). Likewise, if the Court of Military Review or the Court of Military Appeals sets aside the findings and sentence of a court-martial, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing (Arts. 66(d), 67(e)).

A proceeding which, after the introduction of evidence on the issue of the guilt or innocence of the accused but before a finding, is dismissed or terminated by the convening authority or on a motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of Article 44(c). The word "terminated" as used herein means a final conclusion of the hearing and not a mere continuance for the purpose of obtaining additional evidence or for any other purpose. Except as provided in Article 44(c), a proceeding is not a trial in the sense of Article 44 if, because of urgent military necessity or other good cause in the interest of justice, it was terminated before findings (56). As to the effect of a declaration of a mistrial, see 56*e*(3).

The commission of certain acts may constitute an offense under the code and also an offense under other Federal criminal statutes. These offenses are considered to be the same in the sense of Article 44. Accordingly, the same acts constituting an offense against the United States cannot, after the accused has been tried by a court deriving its authority from the United States, be made the basis of a trial by court-martial for the same acts without his consent. However, the commission of certain acts may also constitute an offense under the code and an offense under State or foreign law. These offenses are not the same within the sense of Article 44. Thus, trial by a State or foreign court does not bar a subsequent trial by court-martial. However, the authority to try an accused by court-martial under those circumstances may be limited by regulations of the Secretary of a Department. Additionally, the authority to try an accused by court-martial following a trial in a foreign court may be limited by treaty or international agreement.

In general, once a person has been tried for an offense in the sense of Article 44, he cannot without his consent be tried for an offense necessarily included

therein. When once tried for a lesser offense, an accused cannot be tried for a major offense which differs from the lesser offense in degree only. Thus, a trial for manslaughter may be interposed in bar of trial for the same homicide subsequently charged as murder because both offenses involve the same unlawful killing and are distinguished from each other only by the state of mind of the accused. On the other hand, a trial for a homicide is not barred by a former trial for an assault and battery. See 71*b*, however, for an example of a case in which the doctrine of res judicata may be asserted after acquittal of an included offense. A trial for absence without leave (Art. 86) bars trial for the same absence charged as desertion and vice versa if the same enlistment is involved in both cases, as both offenses involve the same unauthorized absence. But when a person in the military service deserts and reenlists, trial for absence without leave from the second enlistment does not bar trial for desertion from the first enlistment, although the same period of time may in part be involved in both cases.

c. Former punishment. Punishment imposed under Article 15 will bar a subsequent trial by court-martial for a *minor* offense for which the punishment was imposed. Likewise, punishment for a minor disciplinary infraction imposed under Article 13, or regulations issued thereunder, is a bar to a later court-martial trial for that offense. In either of these instances, a serious crime resulting from the same act or omission of the accused may subsequently be tried by court-martial. Whether an infraction punished under Article 13 is minor is determined by a consideration of the same factors as in the case of Article 15 punishment. See 128*b* for a discussion of the meaning of "minor offense" under Article 15. Even in a case in which former punishment is not a bar to a subsequent trial by court-martial, evidence thereof is relevant in determining the sentence to be adjudged.

d. Statute of limitations. Except for certain offenses for which there is no limitation as to time (Art. 43(a)), a person charged with an offense under the code is not liable to be tried by court-martial unless the statute of limitations has been tolled (Art. 43(d)), extended (Art. 43(e)), or suspended (Art. 43(f)), if sworn charges have not been received by the officer exercising summary court-martial jurisdiction over the command within the period of time—either two or three years after the commission of the offense—specified in Article 43.

Certain offenses, such as wrongful cohabitation, are continuing offenses, and the accused cannot avail himself of the statute of limitations for any part of continuing offenses not within the bar of the statute of limitations. Absence without leave (Art. 86), desertion (Art. 85), and fraudulent enlistment (Art. 83(1)) are not continuing offenses and are committed, respectively, on the date the person absents himself, deserts, or first receives pay or allowances under the enlistment. Although the crime of conspiracy is not a continuing offense, it is not committed within the meaning of the statute of limitations until the last overt act is committed by any conspirator. If sworn charges have been received by an officer exercising summary court-martial jurisdiction over the command within the period of the statute, the charges may be amended on the original charge sheet after the period has ended if the amendment does not change the nature of the offense charged. See 33*d*. However, if new charges are drafted or if the amendment changes the nature of the offense charged the statute of limitations will

apply and upon motion by the accused will bar prosecution for that offense. See 68*c*.

In applying this statute the court will be guided by the crime or offense as described in the specification, and not by the article stated in the charge. Thus, if an offense properly chargeable under Article 121 is erroneously charged under Article 134, the limitation is nevertheless three years rather than two years.

e. Speedy trial. An accused is entitled to be tried within a reasonable time after being placed under a restraint such as restriction, arrest, or confinement or after charges are preferred. See Article 10. If trial is unreasonably delayed, the accused is entitled upon timely motion to dismissal of the affected charges. Ordinarily, only the time after the inception of the accused's restraint or after the preferring of charges is considered for this purpose, and any delay in preferring charges, if the accused has not been restrained, is considered only in connection with the statute of limitations. If the delay in bringing the accused to trial has been unreasonable and has precluded his obtaining a fair trial or has seriously interfered with the preparation of his defense, he may have been denied due process.

When the accused's right to a speedy trial is in issue, the prosecution has the burden of accounting for the time which it took to bring the accused to trial. Generally, imposition of restraint or preferring of charges, whichever was first, starts the period of time for which the Government must account for proceeding with reasonable dispatch in bringing the accused to trial.

Matters to be considered in determining whether the time elapsed has been unreasonable include, for example: whether the accused has earlier demanded trial and, if so, when; whether any portion of the delay was at the instance of the defense; how much time was reasonably required for pretrial processing, investigation, and preparation; whether the delay or any part thereof was arbitrary or oppressive; and whether the accused was in pretrial restraint and, if so, the nature of that restraint. See 68*i*.

f. Pardon. See 68*e*.

g. Constructive condonation of desertion. See 68*f*.

h. Grant or promise of immunity. See 68*h*.

216. SPECIAL DEFENSES. ***a. Justification.*** A death, injury, or other act caused or done in the proper performance of a legal duty is justified and not unlawful. The duty may be imposed by statute, regulation, or orders. Thus, the use of force by a policeman in the proper execution of a lawful apprehension, when reasonably necessary, is justified because the duty to apprehend is imposed by lawful authority.

b. Excuse: Accident or misadventure. A death, injury, or other event which occurs as the result of an accident or misadventure in doing a lawful act in a lawful manner is excusable. For other instances of excuse, see *c* through *g* below.

c. Self-defense. The defense of self-defense when the accused intended to kill or to inflict grievous bodily harm is composed of two elements. First, the surrounding circumstances must have been such that reasonable grounds existed to apprehend that death or grievous bodily harm was about to be inflicted on the accused or on a person he could lawfully defend and the accused must in

fact have had such an apprehension. Secondly, the accused must have believed that the force he used was necessary for protection against death or grievous bodily harm.

The test for the first element, insofar as it related to reasonableness, is whether, considering all the circumstances, a reasonable, prudent person would believe that there was ground to apprehend death or grievous bodily harm. This test is objective in nature, and accordingly such matters as emotional instability or drunkenness on the part of the accused are irrelevant in this connection. On the other hand, such matters as the relative height, weight, general build of the antagonists and the possibility of a safe retreat are ordinarily relevant with respect to this test. The test for the second element, that the accused believed the force which he used was necessary to protect against death or grievous bodily harm, is subjective in nature. The accused is not objectively limited to the use of reasonable force. Accordingly, such matters as the accused's emotional control and intelligence are relevant in determining his actual belief as to the force necessary to repel the attack. See also 138*f*(3) as to evidence admissible on the issue of self-defense.

Self-defense is a defense of necessity. Unless the accused had withdrawn in good faith, he is generally not entitled to this defense if he was an aggressor, engaged in mutual combat, or provoked an attack upon himself. If the accused uses force in excess of that believed by him to be necessary for defense, he becomes an aggressor and is not entitled to this defense.

When there is reasonable ground for the apprehension of an injury less than death or grievous bodily harm, the accused is entitled to use such force as he believes necessary to defend against this injury so long as this force is less than that which can reasonably be thought likely to produce grievous bodily harm or death. If, in using this lesser degree of force, an unintentional death results which would not have been reasonably anticipated, this death is excusable. The issue is whether, had the victim not died as a result of the encounter, the accused would be amenable to punishment for assault and battery.

d. Obedience to apparently lawful orders. An order requiring the performance of a military duty may be inferred to be legal. An act performed manifestly beyond the scope of authority, or pursuant to an order that a man of ordinary sense and understanding would know to be illegal, or in a wanton manner in the discharge of a lawful duty, is not excusable.

e. Entrapment. Entrapment is a defense which exists when the criminal design originates with Government agents, or persons cooperating with them, and they implant in the mind of an innocent person the disposition to commit the alleged offense and thus induce its commission. What is meant by "innocent" in this connection is the absence of a predisposition or state of mind which readily responds to the opportunity furnished by the Government agents or persons cooperating with them to commit the forbidden act with which the accused is charged. "Innocent" in the context of entrapment means that the accused would not have perpetrated the crime with which he is presently charged but for the enticement of one of these persons. The fact that persons acting for the Government merely afford opportunities or facilities for the commission of the offense does not constitute entrapment. Entrapment occurs only when the criminal conduct was the product of the creative activity of law-enforcement officials. See 138*g*(6).

f. Coercion or duress. Except when he kills an innocent person, a person cannot properly be convicted for committing an act for which he would otherwise be criminally responsible if his participation in it is caused by the degree of coercion or duress recognized in law as a defense. This degree of coercion or duress is a reasonably grounded fear on the part of the actor that he would be immediately killed or would immediately suffer serious bodily injury if he did not commit the act. The fear compelling the act must be of immediate death or serious bodily injury and not of an injury in the future or of an injury to reputation or property. The threat must continue throughout the perpetration of the act. If the accused has a reasonable opportunity to avoid committing the act without subjecting himself to the threatened danger, his act is not excusable.

g. Physical or financial inability. The inability of an accused through no fault of his own to comply with the terms of an order to perform a military duty constitutes a defense. Thus, one who has suffered an injury which incapacitates him to the extent that he is physically not able to carry out an order is not guilty of willful disobedience or failure to obey that order. Also, a soldier who is given an order to purchase required uniforms but is unable to do so because of inability to obtain the necessary funds is not guilty of willful disobedience or failure to obey that order. However, if the physical or financial inability of the accused occurred through his own fault or design after the accused had knowledge of the order or duty imposed, it will not constitute an excuse.

Appendix 1

CONSTITUTION OF THE UNITED STATES

1787

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[1] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Caroline five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole Power of Impeachment.

[2] **Section 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and, if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[1] This clause has been affected by the 14th and 16th amendments.
[2] This section has been affected by the 17th amendment.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpise, they shall be an Ooath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered

[2] This clause has been affected by the 20th amendment.

on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[4] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[4] This clause has been affected by the 12th amendment.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President; declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the

other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Articles in Addition to, and Amendment of, the Constitution of the United States of America, Proposed by Congress, and Ratified by the Legislatures of the Several States Pursuant to the Fifth Article of the Original Constitution

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall

be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The elec-

tors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

[6] AMENDMENT XVIII

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

[6] This article was repealed by the 21st amendment.

AMENDMENT XXI

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the Executive departments or of such other body as Congress may by law provide,

transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Appendix 2

UNIFORM CODE OF MILITARY JUSTICE

The Uniform Code of Military Justice was enacted as part of the act of 5 May 1950,[1] which contained 16 additional sections. It was thereafter revised, codified, and enacted into law as part of title 10, United States Code, by the act of 10 August 1956, and has subsequently been further amended.[2] This appendix sets forth the code as thus codified and amended. The articles which have been amended between 10 August 1956 and 23 October 1968 are hereafter designated by an asterisk. The articles which have been amended by the act of 24 October 1968[3] (Military Justice Act of 1968) are hereafter designated by a double asterisk. See title 10, United States Code, for details regarding these amendments. Other portions of title 10, including definitions, and other statutes, to which military personnel should have ready access, are set forth in appendix 3.

Chapter 47. UNIFORM CODE OF MILITARY JUSTICE

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Subchapter I. GENERAL PROVISIONS

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§ 801. Art. 1. Definitions

In this chapter:

*(1) "Judge Advocate General" means, severally, the Judge Advocates General of the Army, Navy, and Air Force and, except when the Coast Guard is operating as a service in the Navy, the General Counsel of the Department of Transportation.

(2) The Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy, shall be considered as one armed force.

(3) "Commanding officer" includes only commissioned officers.

(4) "Officer in charge" means a member of the Navy, the Marine Corps, or the Coast Guard designated as such by appropriate authority.

(5) "Superior commissioned officer" means a commissioned officer superior in rank or command.

[1] 64 Stat. 108 (1950).
[2] See 10 U.S.C. § 801–940.
[3] P.L. 90–632 (82 Stat. 1335).

(6) "Cadet" means a cadet of the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(7) "Midshipman" means a midshipman of the United States Naval Academy and any other midshipman on active duty in the naval service.

(8) "Military" refers to any or all of the armed forces.

(9) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any other person who has an interest other than an official interest in the prosecution of the accused.

(10) "Military judge" means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26).

(11) "Law specialist" means a commissioned officer of the Coast Guard designated for special duty (law).

(12) "Legal officer" means any commissioned officer of the Navy, Marine Corps, or Coast Guard designated to perform legal duties for a command.

(13) "Judge Advocate" means an officer of the Judge Advocate General's Corps of the Army or the Navy or an officer of the Air Force or the Marine Corps who is designated as a judge advocate.

§ 802. Art. 2. Persons subject to this chapter

The following persons are subject to this chapter:

(1) Members of a regular component of the armed forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the armed forces; inductees from the time of their actual induction into the armed forces; and other persons lawfully called or ordered into, or to duty in or for training in, the armed forces, from the dates when they are required by the terms of the call or order to obey it.

NOTE. National Guard personnel performing duty in their State National Guard status under sections 502-505 of title 32, United States Code, are not subject to trial by courts-martial under the provisions of Article 2(1).

(2) Cadets, aviation cadets, and midshipmen.

(3) Members of a reserve component while they are on inactive duty training authorized by written orders which are voluntarily accepted by them and which specify that they are subject to this chapter.

(4) Retired members of a regular component of the armed forces who are entitled to pay.

(5) Retired members of a reserve component who are receiving hospitalization from an armed force.

(6) Members of the Fleet Reserve and Fleet Marine Corps Reserve.

(7) Persons in custody of the armed forces serving a sentence imposed by a court-martial.

*(8) Members of the Environmental Science Services Administration, Public Health Service, and other organizations, when assigned to and serving with the armed forces.

(9) Prisoners of war in custody of the armed forces.

(10) In time of war, persons serving with or accompanying an armed force in the field.

NOTE. The words "in the field" imply military operations with a view to an enemy (14 Ops. Atty Gen. 22 (1872)), and it has been said that in view of the technical and common acceptation of the term, the question of whether an armed force is "in the field" is not to be determined by the locality in which it may be found, but rather by the activity in which it may be engaged at any particular time (Hines v. Mikell, 259 F. 28, 34 (4th Cir. 1919)). Thus forces assembled in temporary cantonments in the United States for the purpose of training preparatory for service in the actual theater of war were held to be "in the field" (Hines v. Mikell, supra) and a merchant ship and crew engaged in transporting troops and supplies to a battle zone were held to constitute a military expedition "in the field" (McCune v. Kilpatrick, 53 F. Supp. 80 (E.D. Va. 1943); In re Berue, 54 F. Supp. 252 (S.D. Ohio 1944)). See also *Ex parte Gerlach*, 247 F. 616 (S.D.N.Y. 1917; Hearings before a Subcommittee of the Committee on Armed Services, House of Representatives, Eighty-first Congress, First Session, H.R. 2498, 7-31 March, 1, 2, and 4 April 1949, pp. 872, 873.

One may be considered to be "accompanying" an armed force although he is not directly employed by such force or by the Government but works for a contractor engaged on a military project or serves on a merchant ship carrying war supplies or troops (Perlstein v. United States, 151 F. 2d 167 (3d Cir. 1945), Cert. Dism., 328 U.S. 822 (1946); In re DiBartolo, 50 F. Supp. 929 (S.D.N.Y. 1943); In re Berue, supra; McCune v. Kilpatrick, supra). In those cases, however, in which a civilian has been held to have been "accompanying" an armed force, it has appeared that he has either moved with

a military operation or that his presence within a military installation or theater was not merely incidental but was connected with or dependent upon the activities of the armed force or its personnel. He must, in order to come within this class of persons subject to military law, "accompany" the armed force in fact. Although a person "accompanying" an armed force may be "serving with" it as well, the distinction is an important one, for even though a civilian's contract with the Government may have come to an end before he has committed an offense, so that it may be said he is no longer "serving with" an armed force, jurisdiction may remain on the ground that he is accompanying an armed force because of his continued connection with a military community (Perlstein v. United States, supra; Grewe v. France, 75 F. Supp. 433 (E.D. Wis. 1948)). CM 329933, *Miquiabas*, 7 Bull. JAG (Army) 125 at 126 (1948).

*(11) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons serving with, employed by, or accompanying the armed forces outside the United States and outside the following: the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

NOTE. The United States Supreme Court has held unconstitutional the exercise of court-martial jurisdiction over civilians in time of peace. (Reid v. Covert, 354 U.S. 1 (1957); McElroy v. United States ex rel. Guagliardo, 361 U.S. 281 (1960)).

*(12) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons within an area leased by or otherwise reserved or acquired for the use of the United States which is under the control of the Secretary concerned and which is outside the United States and outside the following: the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

§ 803. Art. 3. Jurisdiction to try certain personnel

(a) Subject to section 843 of this title (article 43), no person charged with having committed, while in a status in which he was subject to this chapter, an offense against this chapter, punishable by confinement for five years or more and for which the person cannot be tried in the courts of the United States or of a State, a Territory, or the District of Columbia, may be relieved from amenability to trial by court-martial by reason of the termination of that status.

NOTE. This article has been held to be unconstitutional to the extent that it purports to extend court-martial jurisdiction over persons who, although subject to the code at the time of the commission of the offense, later ceased to occupy that status. (Toth v. Quarles, 350 U.S. 11 (1955)). This article is still applicable to such persons, however, if they subsequently return to the status of a person subject to the code. (United States v. Winton, 15 USCMA 222, 35 CMR 194 (1965); United States v. Gallagher, 7 USCMA 506, 22 CMR 296 (1957)). See *United States* v. *Wheeler*, 10 USCMA 646, 28 CMR 212 (1959).

(b) Each person discharged from the armed forces who is later charged with having fraudulently obtained his discharge is, subject to section 843 of this title (article 43), subject to trial by court-martial on that charge and is after apprehension subject to this chapter while in the custody of the armed forces for that trial. Upon conviction of that charge he is subject to trial by court-martial for all offenses under this chapter committed before the fraudulent discharge.

(c) No person who has deserted from the armed forces may be relieved from amenability to the jurisdiction of this chapter by virtue of a separation from any later period of service.

§ 804. Art. 4. Dismissed officer's right to trial by court-martial

(a) If any commissioned officer, dismissed by order of the President, makes a written application for trial by court-martial, setting forth, under oath, that he has been wrongfully dismissed, the President, as soon as practicable, shall convene a general court-martial to try that officer on the charges on which he was dismissed. A court-martial so convened has jurisdiction to try the dismissed officer on those charges, and he shall be considered to have waived the right to plead any statute of limitations applicable to any offense with which he is charged. The court-martial may, as part of its sentence, adjudge the affirmance of the dismissal, but if the court-martial acquits the accused or if the sentence adjudged, as finally approved or affirmed, does not include dismissal or death, the Secretary concerned shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issue.

(b) If the President fails to convene a general court-martial within six months from the presentation of an application for trial under this article, the Secretary concerned shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issue.

(c) If a discharge is substituted for a dismissal under this article, the President alone may reappoint the officer to such commissioned grade and with such rank as, in the opinion of the President, that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances.

(d) If an officer is discharged from any armed force by administrative action or is dropped from the rolls by order of the President, he has no right to trial under this article.

§ 805. Art. 5. Territorial applicability of this chapter

This chapter applies in all places.

§ 806. Art. 6. Judge advocates and legal officers

(a) The assignment for duty of judge advocates of the Army, Navy, and Air Force and law specialists of the Coast Guard shall be made upon the recommendation of the Judge Advocate General of the armed force of which they are members. The assignment for duty of judge advocates of the Marine Corps shall be made by direction of the Commandant of the Marine Corps. The Judge Advocate General or senior members of his staff shall make frequent inspections in the field in supervision of the administration of military justice.

(b) Convening authorities shall at all times communicate directly with their staff judge advocates or legal officers in matters relating to the administration of military justice; and the staff judge advocate or legal officer of any command is entitled to communicate directly with the staff judge advocate or legal officer of a superior or subordinate command, or with the Judge Advocate General.

(c) No person who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer in any case may later act as a staff judge advocate or legal officer to any reviewing authority upon the same case.

Subchapter II. APPREHENSION AND RESTRAINT

Sec. Art.
807. 7. Apprehension
808. 8. Apprehension of deserters.
809. 9. Imposition of restraint.
810. 10. Restraint of persons charged with offenses.
811. 11. Reports and receiving of prisoners.
812. 12. Confinement with enemy prisoners prohibited.
813. 13. Punishment prohibited before trial.
814. 14. Delivery of offenders to civil authorities.

§ 807. Art. 7. Apprehension

(a) Apprehension is the taking of a person into custody.

(b) Any person authorized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

(c) Commissioned officers, warrant officers, petty officers, and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this chapter and to apprehend persons subject to this chapter who take part therein.

§ 808. Art. 8. Apprehension of deserters

Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or possession, or the District of Columbia may summarily apprehend a deserter from the armed forces and deliver him into the custody of those forces.

§ 809. Art. 9. Imposition of restraint

(a) Arrest is the restraint of a person by an order, not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this chapter. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of his command or subject to his authority into arrest or confinement.

(c) A commissioned officer, a warrant officer, or a civilian subject to this chapter or to trial thereunder may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement may not be delegated.

(d) No person may be ordered into arrest or confinement except for probable cause.

(e) Nothing in this article limits the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

§ 810. Art. 10. Restraint of persons charged with offenses

Any person subject to this chapter charged with an offense under this chapter shall be ordered into arrest or confinement, as circumstances may require; but when charged only with an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement. When any person subject to this chapter is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him.

§ 811. Art. 11. Reports and receiving of prisoners

(a) No provost marshal, commander of a guard, or master at arms may refuse to receive or keep any prisoner committed to his charge by a commissioned officer of the armed forces, when the committing officer furnishes a statement, signed by him, of the offense charged against the prisoner.

(b) Every commander of a guard or master at arms to whose charge a prisoner is committed shall, within twenty-four hours after that commitment or as soon as he is relieved from guard, report to the commanding officer the name of the prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

§ 812. Art. 12. Confinement with enemy prisoners prohibited

No member of the armed forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces.

§ 813. Art. 13. Punishment prohibited before trial

Subject to section 857 of this title (article 57), no person, while being held for trial or the result of trial, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during that period for infractions of discipline.

§ 814. Art. 14. Delivery of offenders to civil authorities

(a) Under such regulations as the Secretary concerned may prescribe, a member of the armed forces accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent military authority, be returned to military custody for the completion of his sentence.

Subchapter III. NONJUDICIAL PUNISHMENT

***§ 815. Art. 15. Commanding officer's nonjudicial punishment**

(a) Under such regulations as the President may prescribe, and under such additional regulations as may be prescribed by the Secretary concerned, limitations may be placed on the powers granted by this article with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command

authorized to exercise those powers, the applicability of this article to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the armed forces under this article if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the Secretary concerned, a commanding officer exercising general court-martial jurisdiction or an officer of general or flag rank in command may delegate his powers under this article to a principal assistant.

(b) Subject to subsection (a) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial—

(1) upon officers of his command—

(A) restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days;

(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command—

(i) arrest in quarters for not more than 30 consecutive days;

(ii) forfeiture of not more than one-half of one month's pay per month for two months;

(iii) restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

(iv) detention of not more than one-half of one month's pay per month for three months;

(2) upon other personnel of his command—

(A) if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;

(B) correctional custody for not more than seven consecutive days;

(C) forfeiture of not more than seven days' pay;

(D) reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(E) extra duties, including fatigue or other duties, for not more than 14 consecutive days;

(F) restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days;

(G) detention of not more than 14 days' pay;

(H) if imposed by an officer of the grade of major or lieutenant commander, or above—

(i) the punishment authorized under subsection (b)(2)(A);

(ii) correctional custody for not more than 30 consecutive days;

(iii) forfeiture of not more than one-half of one month's pay per month for two months;

(iv) reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E–4 may not be reduced more than two pay grades;

(v) extra duties, including fatigue or other duties, for not more than 45 consecutive days;

(vi) restrictions to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

(vii) detention of not more than one-half of one month's pay per month for three months.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two or more of the punishments of arrest in quarters, confinement on bread and water or diminished rations, correctional custody, extra duties, and restriction may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those

punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment. For the purposes of this subsection, 'correctional custody' is the physical restraint of a person during duty or nonduty hours and may include extra duties, fatigue duties, or hard labor. If practicable, correctional custody will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.

(c) An officer in charge may impose upon enlisted members assigned to the unit of which he is in charge such of the punishments authorized under subsection (b)(2)(A)–(G) as the Secretary concerned may specifically prescribe by regulation.

(d) The officer who imposes the punishment authorized in subsection (b), or his successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (b), whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. He may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating—

(1) arrest in quarters to restriction;

(2) confinement on bread and water or diminished rations to correctional custody;

(3) correctional custody or confinement on bread and water or diminished rations to extra duties or restriction, or both; or

(4) extra duties to restriction;

the mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating forfeiture of pay to detention of pay, the amount of the detention shall not be greater than the amount of the forfeiture. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(e) A person punished under this article who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (d) by the officer who imposed the punishment. Before acting on an appeal from a punishment of—

(1) arrest in quarters for more than seven days;

(2) correctional custody for more than seven days;

(3) forfeiture of more than seven days' pay;

(4) reduction of one or more pay grades from the fourth or a higher pay grade;

(5) extra duties for more than 14 days;

(6) restriction for more than 14 days; or

(7) detention of more than 14 days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist or lawyer of the Marine Corps, Coast Guard, or Treasury Department for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (b).[4]

(f) The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(g) The Secretary concerned may, by regulation, prescribe the form of records to be kept of proceedings under this article and may also prescribe that certain categories of those proceedings shall be in writing.

[4] See 80 Stat. 938 (1966), 49 U.S.C.A. § 1655(b) (1966), which transferred the Coast Guard to the Department of Transportation during peacetime.

Subchapter IV. COURT-MARTIAL JURISDICTION

Sec. Art.
816. 16. Courts-martial classified.
817. 17. Jurisdiction of courts-martial in general.
818. 18. Jurisdiction of general courts-martial.
819. 19. Jurisdiction of special courts-martial.
820. 20. Jurisdiction of summary courts-martial.
821. 21. Jurisdiction of courts-martial not exclusive.

§ 816. Art. 16. Courts-martial classified

The three kinds of courts-martial in each of the armed forces are—

**(1) general courts-martial, consisting of—

**(A) a military judge and not less than five members; or

**(B) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;

**(2) special courts-martial, consisting of—

**(A) not less than three members; or

**(B) a military judge and not less than three members; or

**(C) only a military judge, if one has been detailed to the court, and the accused under the same conditions as those prescribed in clause (1) (B) so requests; and

**(3) summary courts-martial, consisting of one commissioned officer.

§ 817. Art. 17. Jurisdiction of courts-martial in general

(a) Each armed force has court-martial jurisdiction over all persons subject to this chapter. The exercise of jurisdiction by one armed force over personnel of another armed force shall be in accordance with regulations prescribed by the President.

(b) In all cases, departmental review after that by the officer with authority to convene a general court-martial for the command which held the trial, where that review is required under this chapter, shall be carried out by the department that includes the armed force of which the accused is a member.

818. Art. 18. Jurisdiction of general courts-martial

**Subject to section 817 of this title (article 17), general courts-martial have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized by this chapter. General courts-martial also have jurisdiction to try any person who by the law of war is subject to trial by a military tribunal and may adjudge any punishment permitted by the law of war. However, a general court-martial of the kind specified in section 816(1)(B) of this title (article 16(1)(B)) shall not have jurisdiction to try any person for any offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.

819. Art. 19. Jurisdiction of special courts-martial

**Subject to section 817 of this title (article 17), special courts-martial have jurisdiction to try persons subject to this chapter for any noncapital offense made punishable by this chapter and, under such regulations as the President may prescribe, for capital offenses. Special courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter except death, dishonorable discharge, dismissal, confinement for more than six months, hard labor without confinement for more than three months, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for more than six months. A bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. In any such case in which a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason or reasons a military judge could not be detailed.

820. Art. 20. Jurisdiction of summary courts-martial

**Subject to section 817 of this title (article 17), summary courts-martial have jurisdiction to try persons subject to this chapter, except officers, cadets, aviation cadets, and midshipmen, for any noncapital offense made punishable by this chapter. No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate. Summary courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter except death, dismissal, dishonorable or bad-conduct discharge, confinement for more than one month, hard labor without confinement for more than 45 days, restriction to specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay.

§ 821. Art. 21. Jurisdiction of courts-martial not exclusive

The provisions of this chapter conferring jurisdiction upon courts-martial do not deprive military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by military commissions, provost courts, or other military tribunals.

Subchapter V. COMPOSITION OF COURTS-MARTIAL

Sec. Art.
822. 22. Who may convene general courts-martial.
823. 23. Who may convene special courts-martial.
824. 24. Who may convene summary courts-martial.
825. 25. Who may serve on courts-martial.
826. 26. Military judge of a general or special court-martial.
827. 27. Detail of trial counsel and defense counsel.
828. 28. Detail or employment of reporters and interpreters.
829. 29. Absent and additional members.

§ 822. Art. 22. Who may convene general courts-martial

(a) General courts-martial may be convened by—

(1) the President of the United States;

(2) the Secretary concerned;

(3) the commanding officer of a Territorial Department, an Army Group, an Army, an Army Corps, a division, a separate brigade, or a corresponding unit of the Army or Marine Corps;

(4) the commander in chief of a fleet; the commanding officer of a naval station or larger shore activity of the Navy beyond the United States;

(5) the commanding officer of an air command, an air force, an air division, or a separate wing of the Air Force or Marine Corps;

(6) any other commanding officer designated by the Secretary concerned; or

(7) any other commanding officer in any of the armed forces when empowered by the President.

(b) If any such commanding officer is an accuser, the court shall be convened by superior competent authority, and may in any case be convened by such authority if considered desirable by him.

§ 823. Art. 23. Who may convene special courts-martial

(a) Special courts-martial may be convened by—

(1) any person who may convene a general court-martial;

(2) the commanding officer of a district, garrison, fort, camp, station, Air Force base, auxiliary air field, or other place where members of the Army or the Air Force are on duty;

(3) the commanding officer of a brigade, regiment, detached battalion, or corresponding unit of the Army;

(4) the commanding officer of a wing, group, or separate squadron of the Air Force;

(5) the commanding officer of any naval or Coast Guard vessel, shipyard, base, or station; the commanding officer of any Marine brigade, regiment, detached battalion, or corresponding unit; the commanding officer of any Marine barracks, wing, group, separate

squadron, station, base, auxiliary air field, or other place where members of the Marine Corps are on duty;

(6) the commanding officer of any separate or detached command or group of detached units of any of the armed forces placed under a single commander for this purpose; or

(7) the commanding officer or officer in charge of any other command when empowered by the Secretary concerned.

(b) If any such officer is an accuser, the court shall be convened by superior competent authority, and may in any case be convened by such authority if considered advisable by him.

§ 824. Art. 24. Who may convene summary courts-martial

(a) Summary courts-martial may be convened by—

(1) any person who may convene a general or special court-martial;

(2) the commanding officer of a detached company or other detachment of the Army;

(3) the commanding officer of a detached squadron or other detachment of the Air Force; or

(4) the commanding officer or officer in charge of any other command when empowered by the Secretary concerned.

(b) When only one commissioned officer is present with a command or detachment he shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him. Summary courts-martial may, however, be convened in any case by superior competent authority when considered desirable by him.

§ 825. Art. 25. Who may serve on courts-martial

(a) Any commissioned officer on active duty is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

(b) Any warrant officer on active duty is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before such courts for trial.

**(c) (1) Any enlisted member of an armed force on active duty who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member of an armed force who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally has requested in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible enlisted members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be assembled and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

(2) In this article, the word "unit" means any regularly organized body as defined by the Secretary concerned, but in no case may it be a body larger than a company, squadron, ship's crew, or body corresponding to one of them.

(d) (1) When it can be avoided, no member of an armed force may be tried by a court-martial any member of which is junior to him in rank or grade.

(2) When convening a court-martial, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

****826. Art. 26. Military judge of a general or special court-martial**

****(a) The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto. A military judge shall preside over each open session of the court-martial to which he has been detailed.

****(b) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

****(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee.

****(d) No person is eligible to act as a military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

****(e) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court.

§ 827. Art. 27. Detail of trial counsel and defense counsel

****(a) For each general and special court-martial the authority convening the court shall detail trial counsel and defense counsel, and such assistants as he considers appropriate. No person who has acted as investigating officer, military judge or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

(b) Trial counsel or defense counsel detailed for a general court-martial—

(1) must be a judge advocate of the Army, Navy, Air Force, or Marine Corps or a law specialist of the Coast Guard, who is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; or must be a member of the bar of a Federal court or of the highest court of a State; and

(2) must be certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

****(c) In the case of a special court-martial—

****(1) The accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. If counsel having such qualifications cannot be obtained, the court may be convened and the trial held but the convening authority shall make a detailed written statement, to be appended to the record, stating why counsel with such qualifications could not be obtained;

****(2) if the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel detailed by the convening authority must be a person similarly qualified; and

****(3) if the trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, the defense counsel detailed by the convening authority must be one of the foregoing.

§ 828. Art. 28. Detail or employment of reporters and interpreters

Under such regulations as the Secretary concerned may prescribe, the convening authority of a court-martial, military commission, or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court or commission. Under like regulations the convening authority of a court-martial,

military commission, or court of inquiry may detail or employ interpreters who shall interpret for the court or commission.

829. Art. 29. Absent and additional members

**(a) No member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

**(b) Whenever a general court-martial, other than a general court-martial composed of a military judge only, is reduced below five members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than five members. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides.

**(c) Whenever a special court-martial, other than a special court-martial composed of a military judge only, is reduced below three members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than three members. The trial shall proceed with the new members present as if no evidence had previously been introduced at the trial, unless a verbatim record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, if any, the accused and counsel for both sides; and

**(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of section 816(1)(B) or (2)(C) of this title (article 16(1)(B) or (2)(C)), after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

Subchapter VI. PRE-TRIAL PROCEDURE

Sec. Art.
830. 30. Charges and specifications.
831. 31. Compulsory self-incrimination prohibited.
832. 32. Investigation.
833. 33. Forwarding of charges.
834. 34. Advice of staff judge advocate and reference for trial.
835. 35. Service of charges.

§ 830. Art. 30. Charges and specifications

(a) Charges and specifications shall be signed by a person subject to this chapter under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

(1) that the signer has personal knowledge of, or has investigated, the matters set forth therein; and

(2) that they are true in fact to the best of his knowledge and belief.

(b) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.

§ 831. Art. 31. Compulsory self-incrimination prohibited

(a) No person subject to this chapter may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(b) No person subject to this chapter may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.

(c) No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(d) No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in a trial by court-martial.

§ 832. Art. 32. Investigation

(a) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(b) The accused shall be advised of the charges against him and of his right to be represented at that investigation by counsel. Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the officer exercising general court-martial jurisdiction over the command. At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigtaing officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(c) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b), no further investigation of that charge is necessary under this article unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf.

(d) The requirements of this article are binding on all persons administering this chapter but failure to follow them does not constitute jurisdictional error.

§ 833. Art. 33. Forwarding of charges

When a person is held for trial by general court-martial the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction. If that is not practicable, he shall report in writing to that officer the reasons for delay.

§ 834. Art. 34. Advice of staff judge advocate and reference for trial

(a) Before directing the trial of any charge by general court-martial, the convening authority shall refer it to his staff judge advocate or legal officer for consideration and advice. The convening authority may not refer a charge to a general court-martial for trial unless he has found that the charge alleges an offense under this chapter and is warranted by evidence indicated in the report of investigation.

(b) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence, may be made.

§ 835. Art. 35. Service of charges

**The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace no person may, against his objection, be brought to trial or be required to participate by himself or counsel in a session called by the military judge under section 839(a) of this title (article 39(a)), in a general court-martial case within a period of five days after the service of charges upon him or in a special court-martial within a period of three days after the service of the charges upon him.

Subchapter VII. TRIAL PROCEDURE

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§ 836. Art. 36. President may prescribe rules

(a) The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals may be prescribed by the President by regulations which shall, so far as he considers practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the United States district courts, but which may not be contrary to or inconsistent with this chapter.

(b) All rules and regulations made under this article shall be uniform insofar as practicable and shall be reported to Congress.

§ 837. Art. 37. Unlawfully influencing action of court

**(a) No authority convening a general, special, or summary court-martial, nor any other commanding officer, may censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts. The foregoing provisions of the subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.

**(b) In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial.

§ 838. Art. 38. Duties of trial counsel and defense counsel

(a) The trial counsel of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of the proceedings.

**(b) The accused has the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available or by the defense counsel detailed under section 827 of this title (article 27). Should the accused have counsel of his own selection, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the military judge or by the president of a court-martial without a military judge.

(c) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he considers appropriate.

(d) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by section 827 of this title (article 27), perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

(e) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by section 827 of this title (article 27), perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

839. Art. 39. Sessions

**(a) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to section 835 of this title (article 35), call the court into session without the presence of the members for the purpose of—

**(1) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

**(2) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the court;

**(3) if permitted by regulations of the Secretary concerned, holding the arrangement and receiving the pleas of the accused; and

**(4) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 836 of this title (article 36) and which does not require the presence of the members of the court.

These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

**(b) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and in cases in which a military judge has been detailed to the court, the military judge.

840. Art. 40. Continuances

**The military judge or a court-martial without a military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

841. Art. 41. Challenges

**(a) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge, or, if none, the court, shall determine the relevancy and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

**(b) Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

§ 842. Art. 42. Oaths

**(a) Before performing their respective duties, military judges, members of a general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant

defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary concerned. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate, law specialist, or other person certified to be qualified or competent for the duty, and if such an oath is taken it need not again be taken at the time the judge advocate, law specialist, or other person is detailed to that duty.

§ 843. Art. 43. Statute of limitations

(a) A person charged with desertion or absence without leave in time of war, or with aiding the enemy, mutiny, or murder, may be tried and punished at any time without limitation.

(b) Except as otherwise provided in this article, a person charged with desertion in time of peace or any of the offenses punishable under sections 919–932 of this title (articles 119–132) is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(c) Except as otherwise provided in this article, a person charged with any offense is not liable to be tried by court-martial or punished under section 815 of this title (article 15) if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under section 815 of this title (article 15).

(d) Periods in which the accused was absent from territory in which the United States has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this article.

(e) For an offense the trial of which in time of war is certified to the President by the Secretary concerned to be detrimental to the prosecution of the war or inimical to the national security, the period of limitation prescribed in this article is extended to six months after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

(f) When the United States is at war, the running of any statute of limitations applicable to any offense under this chapter—

(1) involving fraud or attempted fraud against the United States or any agency thereof in any manner, whether by conspiracy or not;

(2) committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States; or

(3) committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or Government agency;

is suspended until three years after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

§ 844. Art. 44. Former jeopardy

(a) No person may, without his consent, be tried a second time for the same offense.

(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this article until the finding of guilty has become final after review of the case has been fully completed.

(c) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this article.

845. Art. 45. Pleas of the accused

**(a) If an accused after arraignment makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the

plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty.

**(b) A plea of guilty by the accused may not be received to any charge or specification alleging an offense for which the death penalty may be adjudged. With respect to any other charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by regulations of the Secretary concerned, be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

§ 846. Art. 46. Opportunity to obtain witnesses and other evidence

The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the President may prescribe. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and shall run to any part of the United States, or the Territories, Commonwealths, and possessions.

§ 847. Art. 47. Refusal to appear or testify

(a) Any person not subject to this chapter who—

(1) has been duly subpenaed to appear as a witness before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(2) has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the United States; and

(3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpenaed to produce;

is guilty of an offense against the United States.

(b) Any person who commits an offense named in subsection (a) shall be tried on information in a United States district court or in a court of original criminal jurisdiction in any of the Territories, Commonwealths, or possessions of the United States, and jurisdiction is conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than $500, or imprisonment for not more than six months, or both.

(c) The United States attorney or the officer prosecuting for the United States in any such court of original criminal jurisdiction shall, upon the certification of the facts to him by the military court, commission, court of inquiry, or board, file an information against and prosecute any person violating this article.

(d) The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses.

§ 848. Art. 48. Contempts

A court-martial, provost court, or military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder. The punishment may not exceed confinement for 30 days or a fine of $100, or both.

§ 849. Art. 49. Depositions

**(a) At any time after charges have been signed as provided in section 830 of this title (article 30), any party may take oral or written depositions unless the military judge or court-martial without a military judge hearing the case or, if the case is not being heard, an authority competent to convene a court-martial for the trial of those charges forbids it for good cause. If a deposition is to be taken before charges are referred for trial, such an authority may designate commissioned officers to represent the prosecution and the defense and may authorize those officers to take the deposition of any witness.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions may be taken before and authenticated by any military or civil officer

authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

(d) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or military board, if it appears—

(1) that the witness resides or is beyond the State, Territory, Commonwealth, or District of Columbia in which the court, commission, or board is ordered to sit, or beyond 100 miles from the place of trial or hearing;

(2) that the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

(3) that the present whereabouts of the witness is unknown.

(e) Subject to subsection (d), testimony by deposition may be presented by the defense in capital cases.

(f) Subject to subsection (d), a deposition may be read in evidence in any case in which the death penalty is authorized but is not mandatory, whenever the convening authority directs that the case be treated as not capital, and in such a case a sentence of death may not be adjudged by the court-martial.

§ 850. Art. 50. Admissibility of records of courts of inquiry

(a) In any case not capital and not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial or military commission if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(b) Such testimony may be read in evidence only by the defense in capital cases or cases extending to the dismissal of a commissioned officer.

(c) Such testimony may also be read in evidence before a court of inquiry or a military board.

851. Art. 51. Voting and rulings

**(a) Voting by members of a general or special court-martial on the findings and on the sentence, and by members of a court-martial without a military judge upon questions of challenge, shall be by secret written ballot. The junior member of the court shall count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

**(b) The military judge and, except for questions of challenge, the president of a court-martial without a military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused, or by the president of a court-martial without a military judge upon any question of law other than a motion for a finding of not guilty, is final and constitutes the ruling of the court. However, the military judge or the president of a court-martial without a military judge may change his ruling at any time during the trial. Unless the ruling is final, if any member objects thereto, the court shall be cleared and closed and the question decided by a voice vote as provided in section 852 of this title (article 52), beginning with the junior in rank.

**(c) Before a vote is taken on the findings, the military judge or the president of a court-martial without a military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them—

(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

(3) that, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) that the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the United States.

**(d) Subsections (a), (b), and (c) do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

§ 852. Art. 52. Number of votes required

**(a) (1) No person may be convicted of an offense for which the death penalty is made mandatory by law, except by the concurrence of all the members of the court-martial present at the time the vote is taken.

**(2) No person may be convicted of any other offense, except as provided in section 845(b) of this title (article 45(b)) or by the concurrence of two-thirds of the members present at the time the vote is taken.

(b) (1) No person may be sentenced to suffer death, except by the concurrence of all the members of the court-martial present at the time the vote is taken and for an offense in this chapter expressly made punishable by death.

(2) No person may be sentenced to life imprisonment or to confinement for more than ten years, except by the concurrence of three-fourths of the members present at the time the vote is taken.

(3) All other sentences shall be determined by the concurrence of two-thirds of the members present at the time the vote is taken.

**(c) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

§ 853. Art. 53. Court to announce action

A court-martial shall announce its findings and sentence to the parties as soon as determined.

§ 854. Art. 54. Record of trial

**(a) Each general court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection. If the proceedings have resulted in an acquittal of all charges and specifications or, if not affecting a general or flag officer, in a sentence not including discharge and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain such matters as may be prescribed by regulations of the President.

(b) Each special and summary court-martial shall keep a separate record of the proceedings in each case, and the record shall contain the matter and shall be authenticated in the manner required by such regulations as the President may prescribe.

(c) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated.

Subchapter VIII. SENTENCES

Sec. Art.
855. 55. Cruel and unusual punishments prohibited.
856. 56. Maximum limits.
857. 57. Effective date of sentences.

858. 58. Execution of confinement.
858a. 58a. Sentences: reduction in enlisted grade upon approval.

§ 855. Art. 55. Cruel and unusual punishments prohibited

Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by any court-martial or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

§ 856. Art. 56. Maximum limits

The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

857. Art. 57. Effective date of sentences

**(a) Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended or deferred, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture may extend to any pay or allowances accrued before that date.

**(b) Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

(c) All other sentences of courts-martial are effective on the date ordered executed.

**(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in his sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

§ 858. Art. 58. Execution of confinement

(a) Under such instructions as the Secretary concerned may prescribe, a sentence of confinement adjudged by a court-martial or other military tribunal, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the armed forces or in any penal or correctional institution under the control of the United States, or which the United States may be allowed to use. Persons so confined in a penal or correctional institution not under the control of one of the armed forces are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District of Columbia, or place in which the institution is situated.

(b) The omission of the words "hard labor" from any sentence of a court-martial adjudging confinement does not deprive the authority executing that sentence of the power to require hard labor as a part of the punishment.

§ 858a. Art. 58a. Sentences: reduction in enlisted grade upon approval

(a) Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a court-martial sentence of an enlisted member in a pay grade above E–1, as approved by the convening authority, that includes—

(1) a dishonorable or bad-conduct discharge;

(2) confinement; or

(3) hard labor without confinement;

reduces that member to pay grade E–1, effective on the date of that approval.

(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or disapproved, or, as finally approved, does not include any punishment named in subsection (a) (1), or (3), the rights and privileges of which he was deprived because

of that reduction shall be restored to him and he is entitled to the pay and allowances to which he would have been entitled, for the period the reduction was in effect, had he not been so reduced.

Subchapter IX. REVIEW OF COURTS-MARTIAL

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859. 59. Error of law; lesser included offense.
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§ 859. Art. 59. Error of law; lesser included offense

(a) A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

§ 860. Art. 60. Initial action on the record

After a trial by court-martial the record shall be forwarded to the convening authority, and action thereon may be taken by the person who convened the court, a commissioned officer commanding for the time being, a successor in command, or any officer exercising general court-martial jurisdiction.

§ 861. Art. 61. Same—General court-martial records

The convening authority shall refer the record of each general court-martial to his staff judge advocate or legal officer, who shall submit his written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction and shall be forwarded with the record to the Judge Advocate General of the armed force of which the accused is a member.

§ 862. Art. 62. Reconsideration and revision

(a) If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any further appropriate action.

(b) Where there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action. In no case, however, may the record be returned—

(1) for reconsideration of a finding of not guilty of any specification, or a ruling which amounts to a finding of not guilty;

(2) for reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this chapter; or

(3) for increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory.

§ 863. Art. 63. Rehearings

(a) If the convening authority disapproves the findings and sentence of a court-martial he may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing. In such a case he shall state the reasons for disapproval. If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges.

(b) Each rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon a rehearing the accused may not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

§ 864. Art. 64. Approval by the convening authority

In acting on the findings and sentence of a court-martial, the convening authority may approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he in his discretion determines should be approved. Unless he indicates otherwise, approval of the sentence is approval of the findings and sentence.

§ 865. Art. 65. Disposition of records after review by the convening authority

(a) When the convening authority has taken final action in a general court-martial case, he shall send the entire record, including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, to the appropriate Judge Advocate General.

**(b) If the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, the record shall be sent to the officer exercising general court-martial jurisdiction over the command to be reviewed in the same manner as a record of trial by general court-martial or directly to the appropriate Judge Advocate General to be reviewed by a Court of Military Review. If the sentence as approved by an officer exercising general court-martial jurisdiction includes a bad-conduct discharge, whether or not suspended, the record shall be sent to the appropriate Judge Advocate General to be reviewed by a Court of Military Review.

(c) All other special and summary court-martial records shall be reviewed by a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist or lawyer of the Coast Guard or Department of the Treasury, and shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.[5]

866. Art. 66. Review by Court of Military Review

**(a) Each Judge Advocate General shall establish a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians, each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judge assigned to the court will serve and which military judge assigned to the court will act as the senior judge on each panel.

**(b) The Judge Advocate General shall refer to a Court of Military Review the record in every case of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for one year or more.

**(c) In a case referred to it, the Court of Military Review may act only with respect to the findings and sentence as approved by the convening authority. It may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, it may weigh the evidence, judge the credibility of

[5] See note 4 *supra*.

witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

**(d) If the Court of Military Review sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

**(e) The Judge Advocate General shall, unless there is to be further action by the President, the Secretary concerned, or the Court of Military Appeals, instruct the convening authority to take action in accordance with the decision of the Court of Military Review. If the Court of Military Review has ordered a rehearing but the convening authority finds a rehearing impracticable, he may dismiss the charges.

**(f) The Judge Advocates General shall prescribe uniform rules of procedure for Courts of Military Review and shall meet periodically to formulate policies and procedure in regard to review of court-martial cases in the office of the Judge Advocates General and by Courts of Military Review.

**(g) No member of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other member of the same or another Court of Military Review, an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces if qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces shall be retained on active duty.

**(h) No member of a Court of Military Review shall be eligible to review the record of any trial if such member served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted, or served as military judge, trial or defense counsel, or reviewing officer of such trial.

§ 867. Art. 67. Review by the Court of Military Appeals

*(a) (1) There is a United States Court of Military Appeals established under article I of the Constitution of the United States and located for administrative purposes only in the Department of Defense. The court consists of three judges appointed from civil life by the President, by and with the advice and consent of the Senate, for a term of fifteen years. The terms of office of all successors of the judges serving on the effective date of this Act shall expire fifteen years after the expiration of the terms for which their predecessors were appointed, but any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Not more than two of the judges of the court may be appointed from the same political party, nor is any person eligible for appointment to the court who is not a member of the bar of a Federal court or the highest court of a State. Each judge is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals, and is eligible for reappointment. The President shall designate from time to time one of the judges to act as chief judge. The chief judge of the court shall have precedence and preside at any session which he attends. The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The court may prescribe its own rules of procedure and determine the number of judges required to constitute a quorum. A vacancy in the court does not impair the right of the remaining judges to exercise the powers of the court.

(2) Judges of the United States Court of Military Appeals may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, or for mental or physical disability, but for no other cause.

(3) If a judge of the United States Court of Military Appeals is temporarily unable to perform his duties because of illness or other disability, the President may designate a judge of the United States Court of Appeals for the District of Columbia to fill the office for the period of disability.

(4) Any judge of the United States Court of Military Appeals who is receiving retired pay may become a senior judge, may occupy offices in a Federal building, may be provided with a staff assistant whose compensation shall not exceed the rate prescribed for GS–9 in the General Schedule under section 5332 of title 5, and, with his consent, may be called

upon by the chief judge of said court to perform judicial duties with said court for any period or periods specified by such chief judge. A senior judge who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu of retired pay) and allowances for travel and other expenses as a judge.

**(b) The Court of Military Appeals shall review the record in—

**(1) all cases in which the sentence, as affirmed by a Court of Military Review, affects a general or flag officer or extends to death;

**(2) all cases reviewed by a Court of Military Review which the Judge Advocate General orders sent to the Court of Military Appeals for review; and

**(3) all cases reviewed by a Court of Military Review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review.

(c) The accused has 30 days from the time when he is notified of the decision of a board of review[6] to petition the Court of Military Appeals for review. The court shall act upon such a petition within 30 days of the receipt thereof.

(d) In any case reviewed by it, the Court of Military Appeals may act only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the board of review.[6] In a case which the Judge Advocate General orders sent to the Court of Military Appeals, that action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, that action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action only with respect to matters of law.

(e) If the Court of Military Appeals sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

**(f) After it has acted on a case, the Court of Military Appeals may direct the Judge Advocate General to return the record to the Court of Military Review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President or the Secretary concerned, the Judge Advocate General shall instruct the convening authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, he may dismiss the charges.

(g) The Court of Military Appeals and the Judge Advocates General shall meet annually to make a comprehensive survey of the operation of this chapter and report to the Committees on Armed Services of the Senate and of the House of Representatives and to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the Treasury, the number and status of pending cases and any recommendations relating to uniformity of policies as to sentences, amendments to this chapter, and any other matters considered appropriate.[7]

§ 868. Art. 68. Branch offices

**The Secretary concerned may direct the Judge Advocate General to establish a branch office with any command. The branch office shall be under an Assistant Judge Advocate General who, with the consent of the Judge Advocate General, may establish a Court of Military Review with one or more panels. That Assistant Judge Advocate General and any Court of Military Review established by him may perform for that command under the general supervision of the Judge Advocate General, the respective duties which the Judge Advocate General and a Court of Military Review established by the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President.

§ 869. Art. 69. Review in the office of the Judge Advocate General

**Every record of trial by general court-martial, in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by section 866 of this title (article 66), shall be examined in the office of the Judge Advocate General. If any part of the findings or sentence is found unsupported in law, or if the Judge Advocate General so directs, the record shall be reviewed by a Court of Military Review in accordance with section 866 of this title (article 66), but in that event there may be no further review by the Court of Military Appeals except under section 867(b)(2) of this

[6] See note 3 *supra*.
[7] See note 4 *supra*.

title (article 67(b)(2)). Notwithstanding section 876 of this title (article 76) the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused.

§ 870. Art. 70. Appellate counsel

(a) The Judge Advocate General shall detail in his office one or more commissioned officers as appellate Government counsel, and one or more commissioned officers as appellate defense counsel, who are qualified under section 827(b)(1) of this title (article 27(b)(1)).

**(b) Appellate Government counsel shall represent the United States before the Court of Military Review or the Court of Military Appeals when directed to do so by the Judge Advocate General.

**(c) Appellate defense counsel shall represent the accused before the Court of Military Review or the Court of Military Appeals—

(1) when he is requested to do so by the accused;

(2) when the United States is represented by counsel; or

(3) when the Judge Advocate General has sent a case to the Court of Military Appeals.

**(d) The accused has the right to be represented before the Court of Military Appeals or the Court of Military Review by civilian counsel if provided by him.

**(e) Military appellate counsel shall also perform such other functions in connection with the review of court-martial cases as the Judge Advocate General directs.

§ 871. Art. 71. Execution of sentence; suspension of sentence

(a) No court-martial sentence extending to death or involving a general or flag officer may be executed until approved by the President. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him, except a death sentence.

(b) No sentence extending to the dismissal of a commissioned officer (other than a general or flag officer), cadet, or midshipman may be executed until approved by the Secretary concerned, or such Under Secretary or Assistant Secretary as may be designated by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of any part of the sentence as approved by him. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

**(c) No sentence which includes, unsuspended, a dishonorable or bad-conduct discharge, or confinement for one year or more, may be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals.

**(d) All other court-martial sentences, unless suspended or deferred, may be ordered executed by the convening authority when approved by him. The convening authority may suspend the execution of any sentence, except a death sentence.

§ 872. Art. 72. Vacation of suspension

(a) Before the vacation of the suspension of a special court-martial sentence which as approved includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at the hearing by counsel if he so desires.

(b) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If he vacates the suspension, any unexecuted part of the sentence, except a dismissal, shall be executed, subject to applicable restrictions in section 871(c) of this title (article 71(c)). The vacation of the suspension of a dismissal is not effective until approved by the Secretary concerned.

(c) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

§ 873. Art. 73. Petition for a new trial

**At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

§ 874. Art. 74. Remission and suspension

(a) The Secretary concerned and, when designated by him, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures other than a sentence approved by the President.

(b) The Secretary concerned may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

§ 875. Art. 75. Restoration

(a) Under such regulations as the President may prescribe, all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing.

(b) If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the Secretary concerned shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(c) If a previously executed sentence of dismissal is not imposed on a new trial, the Secretary concerned shall substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the President alone to such commissioned grade and with such rank as in the opinion of the President that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances.

§ 876. Art. 76. Finality of proceedings, findings, and sentences

The appellate review of records of trial provided by this chapter, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this chapter, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this chapter, are final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in section 873 of this title (article 73) and to action by the Secretary concerned as provided in section 874 of this title (article 74), and the authority of the President.

Subchapter X. PUNITIVE ARTICLES

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§ 877. Art. 77. Principals

Any person punishable under this chapter who—

(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission; or

(2) causes an act to be done which if directly performed by him would be punishable by this chapter;

is a principal.

§ 878. Art. 78. Accessory after the fact

Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder

or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.

§ 879. Art. 79. Conviction of lesser included offense

An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

§ 880. Art. 80. Attempts

(a) An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(c) Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

§ 881. Art. 81. Conspiracy

Any person subject to this chapter who conspires with any other person to commit an offense under this chapter shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

§ 882. Art. 82. Solicitation

(a) Any person subject to this chapter who solicits or advises another or others to desert in violation of section 885 of this title (article 85) or mutiny in violation of section 894 of this title (article 94) shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of section 899 of this title (article 99) or sedition in violation of section 894 of this title (article 94) shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed, he shall be punished as a court-martial may direct.

§ 883. Art. 83. Fraudulent enlistment, appointment, or separation

Any person who—

(1) procures his own enlistment or appointment in the armed forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) procures his own separation from the armed forces by knowingly false representation or deliberate concealment as to his eligibility for that separation;

shall be punished as a court-martial may direct.

§ 884. Art. 84. Unlawful enlistment, appointment, or separation

Any person subject to this chapter who effects an enlistment or appointment in or a separation from the armed forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

§ 885. Art. 85. Desertion

(a) Any member of the armed forces who—

(1) without authority goes or remains absent from his unit, organization, or place of duty with intent to remain away therefrom permanently;

(2) quits his unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) without being regularly separated from one of the armed forces enlists or accepts an appointment in the same or another one of the armed forces without fully disclosing the fact that he has not been regularly separated, or enters any foreign armed service except when authorized by the United States;

is guilty of desertion.

(b) Any commissioned officer of the armed forces who, after tender of his resignation and before notice of its acceptance, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(c) Any person found guilty of desertion or attempt to desert shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, but if the desertion or attempt to desert occurs at any other time, by such punishment, other than death, as a court-martial may direct.

§ 886. Art. 86. Absence without leave

Any member of the armed forces who, without authority—

(1) fails to go to his appointed place of duty at the time prescribed;

(2) goes from that place; or

(3) absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

§ 887. Art. 87. Missing movement

Any person subject to this chapter who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

§ 888. Art. 88. Contempt toward officials

Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct.[*]

§ 889. Art. 89. Disrespect toward superior commissioned officer

Any person subject to this chapter who behaves with disrespect toward his superior commissioned officer shall be punished as a court-martial may direct.

§ 890. Art. 90. Assaulting or willfully disobeying superior commissioned officer

Any person subject to this chapter who—

(1) strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) willfully disobeys a lawful command of his superior commissioned officer;

shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.

§ 891. Art. 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer

Any warrant officer or enlisted member who—

(1) strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office;

(2) willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or

(3) treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer while that officer is in the execution of his office;

shall be punished as a court-martial may direct.

§ 892. Art. 92. Failure to obey order or regulation

Any person subject to this chapter who—

(1) violates or fails to obey any lawful general order or regulation;

(2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or

(3) is derelict in the performance of his duties;

shall be punished as a court-martial may direct.

[*] See note 4 *supra*.

§ 893. Art. 93. Cruelty and maltreatment

Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

§ 894. Art. 94. Mutiny or sedition

(a) Any person subject to this chapter who—

(1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition;

(3) fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished by death or such other punishment as a court-martial may direct.

§ 895. Art. 95. Resistance, breach of arrest, and escape

Any person subject to this chapter who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.

§ 896. Art. 96. Releasing prisoner without proper authority

Any person subject to this chapter who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

§ 897. Art. 97. Unlawful detention

Any person subject to this chapter who, except as provided by law, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

§ 898. Art. 98. Noncompliance with procedural rules

Any person subject to this chapter who—

(1) is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this chapter; or

(2) knowingly and intentionally fails to enforce or comply with any provision of this chapter regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court-martial may direct.

§ 899. Art. 99. Misbehavior before the enemy

Any member of the armed forces who before or in the presence of the enemy—

(1) runs away;

(2) shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend;

(3) through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;

(4) casts away his arms or ammunition;

(5) is guilty of cowardly conduct;

(6) quits his place of duty to plunder or pillage;

(7) causes false alarms in any command, unit, or place under control of the armed forces;

(8) willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or

(9) does not afford all practicable relief and assistance to any troops, combatants,

vessels, or aircraft of the armed forces belonging to the United States or their allies when engaged in battle;

shall be punished by death or such other punishment as a court-martial may direct.

§ 900. Art. 100. Subordinate compelling surrender

Any person subject to this chapter who compels or attempts to compel the commander of any place, vessel, aircraft, or other military property, or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished by death or such other punishment as a court-martial may direct.

§ 901. Art. 101. Improper use of countersign

Any person subject to this chapter who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

§ 902. Art. 102. Forcing a safeguard

Any person subject to this chapter who forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

§ 903. Art. 103. Captured or abandoned property

(a) All persons subject to this chapter shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession custody, or control.

(b) Any person subject to this chapter who—

(1) fails to carry out the duties prescribed in subsection (a);

(2) buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he receives or expects any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or

(3) engages in looting or pillaging;

shall be punished as a court-martial may direct.

§ 904. Art. 104. Aiding the enemy

Any person who—

(1) aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or

(2) without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall suffer death or such other punishment as a court-martial or military commission may direct.

§ 905. Art. 105. Misconduct as prisoner

Any person subject to this chapter who, while in the hands of the enemy in time of war—

(1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) while in a position of authority over such persons maltreats them without justifiable cause;

shall be punished as a court-martial may direct.

§ 906. Art. 106. Spies

Any person who in time of war is found lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by a general court-martial or by a military commission and on conviction shall be punished by death.

§ 907. Art. 107. False official statements

Any person subject to this chapter who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct.

§ 908. Art. 108. Military property of United States—Loss, damage, destruction, or wrongful disposition

Any person subject to this chapter who, without proper authority—

(1) sells or otherwise disposes of;

(2) willfully or through neglect damages, destroys, or loses; or

(3) willfully or through neglect suffers to be lost, damaged, destroyed, sold, or wrongfully disposed of;

any military property of the United States, shall be punished as a court-martial may direct.

§ 909. Art. 109. Property other than military property of United States—Waste, spoilage, or destruction

Any person subject to this chapter who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States shall be punished as a court-martial may direct.

§ 910. Art. 110. Improper hazarding of vessel

(a) Any person subject to this chapter who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces shall suffer death or such other punishment as a court-martial may direct.

(b) Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court-martial may direct.

§ 911. Art. 111. Drunken or reckless driving

Any person subject to this chapter who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court-martial may direct.

§ 912. Art. 112. Drunk on duty

Any person subject to this chapter other than a sentinel or look-out, who is found drunk on duty, shall be punished as a court-martial may direct.

§ 913. Art. 113. Misbehavior of sentinel

Any sentinel or look-out who is found drunk or sleeping upon his post, or leaves it before he is regularly relieved, shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, but if the offense is committed at any other time, by such punishment other than death as a court-martial may direct.

§ 914. Art. 114. Dueling

Any person subject to this chapter who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

§ 915. Art. 115. Malingering

Any person subject to this chapter who for the purpose of avoiding work, duty, or service—

(1) feigns illness, physical disablement, mental lapse or derangement; or

(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

§ 916. Art. 116. Riot or breach of peace

Any person subject to this chapter who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

§ 917. Art. 117. Provoking speeches or gestures

Any person subject to this chapter who uses provoking or reproachful words or gestures towards any other person subject to this chapter shall be punished as a court-martial may direct.

§ 918. Art. 118. Murder

Any person subject to this chapter who, without justification or excuse, unlawfully kills a human being, when he—

(1) has a premeditated design to kill;

(2) intends to kill or inflict great bodily harm;

(3) is engaged in an act which is inherently dangerous to others and evinces a wanton disregard of human life; or

(4) is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson;

is guilty of murder, and shall suffer such punishment as a court-martial may direct, except that if found guilty under clause (1) or (4), he shall suffer death or imprisonment for life as a court-martial may direct.

§ 919. Art. 119. Manslaughter

(a) Any person subject to this chapter who, with an intent to kill or inflict great bodily harm, unlawfully kills a human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter and shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who, without an intent to kill or inflict great bodily harm, unlawfully kills a human being—

(1) by culpable negligence; or

(2) while perpetrating or attempting to perpetrate an offense, other than those named in clause (4) of section 918 of this title (article 118), directly affecting the person;

is guilty of involuntary manslaughter and shall be punished as a court-martial may direct.

§ 920. Art. 120. Rape and carnal knowledge

(a) Any person subject to this chapter who commits an act of sexual intercourse with a female not his wife, by force and without her consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct.

(c) Penetration, however slight, is sufficient to complete either of these offenses.

§ 921. Art. 121. Larceny and wrongful appropriation

(a) Any person subject to this chapter who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind—

(1) with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

(2) with intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, is guilty of wrongful appropriation.

(b) Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

§ 922. Art. 122. Robbery

Any person subject to this chapter who with intent to steal takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.

§ 923. Art. 123. Forgery

Any person subject to this chapter who, with intent to defraud—

(1) falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or

(2) utters, offers, issues, or transfers such a writing, known by him to be so made or altered;

is guilty of forgery and shall be punished as a court-martial may direct.

***§ 923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds**

Any person subject to this chapter who—

(1) for the procurement of any article or thing of value, with intent to defraud; or

(2) for the payment of any past due obligation, or for any other purpose, with intent to deceive;

makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment, shall be punished as a court-martial may direct. The making, drawing, uttering, or delivering by a maker or drawer of a check, draft or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control, is prima facie evidence of his intent to defraud or deceive and of his knowledge of insufficient funds in, or credit with, that bank or other depository, unless the maker or drawer pays the holder the amount due within five days after receiving notice, orally or in writing, that the check, draft, or order was not paid on presentment. In this section, the word 'credit' means an arrangement or understanding, express or implied, with the bank or other depository for the payment of that check, draft, or order.

§ 924. Art. 124. Maiming

Any person subject to this chapter who, with intent to injure, disfigure, or disable, inflicts upon the person of another an injury which—

(1) seriously disfigures his person by any mutilation thereof;

(2) destroys or disables any member or organ of his body; or

(3) seriously diminishes his physical vigor by the injury of any member or organ;

is guilty of maiming and shall be punished as a court-martial may direct.

§ 925. Art. 125. Sodomy

(a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct.

§ 926. Art. 126. Arson

(a) Any person subject to this chapter who willfully and maliciously burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being, is guilty of aggravated arson and shall be punished as court-martial may direct.

(b) Any person subject to this chapter who willfully and maliciously burns or sets fire to the property of another, except as provided in subsection (a), is guilty of simple arson and shall be punished as a court-martial may direct.

§ 927. Art. 127. Extortion

Any person subject to this chapter who communicates threats to another person with the intention thereby to obtain anything of value or any acquittance, advantage, or immunity is guilty of extortion and shall be punished as a court-martial may direct.

§ 928. Art. 128. Assault

(a) Any person subject to this chapter who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who—

(1) commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm; or

(2) commits an assault and intentionally inflicts grievous bodily harm with or without a weapon;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

§ 929. Art. 129. Burglary

Any person subject to this chapter who, with intent to commit an offense punishable under sections 918–928 of this title (articles 118–128), breaks and enters, in the nighttime, the dwelling house of another, is guilty of burglary and shall be punished as a court-martial may direct.

§ 930. Art. 130. Housebreaking

Any person subject to this chapter who unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of housebreaking and shall be punished as a court-martial may direct.

§ 931. Art. 131. Perjury

Any person subject to this chapter who in a judicial proceeding or in a course of justice willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue of matter of inquiry is guilty of perjury and shall be punished as a court-martial may direct.

§ 932. Art. 132. Frauds against the United States

Any person subject to this chapter—

(1) who, knowing it to be false or fraudulent—

(A) makes any claim against the United States or any officer thereof; or

(B) presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof;

(2) who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States or any officer thereof—

(A) makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;

(B) makes any oath to any fact or to any writing or other paper knowing the oath to be false; or

(C) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;

(3) who, having charge, possession, custody, or control of any money, or other property of the United States, furnished or intended for the armed forces thereof, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or

(4) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the armed forces thereof, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States;

shall, upon conviction, be punished as a court-martial may direct.

§ 933. Art. 133. Conduct unbecoming an officer and a gentleman

Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

§ 934. Art. 134. General article

Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

Subchapter XI. MISCELLANEOUS PROVISIONS

Sec. Art.
935. 135. Courts of inquiry.
936. 136. Authority to administer oaths and to act as notary.
937. 137. Articles to be explained.
938. 138. Complaints of wrongs.
939. 139. Redress of injuries to property.
940. 140. Delegation by the President.

§ 935. Art. 135. Courts of inquiry

(a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Secretary concerned for that purpose, whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(c) Any person subject to this chapter whose conduct is subject to inquiry shall be designated as a party. Any person subject to this chapter or employed by the Department of Defense who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.

(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(g) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

§ 936. Art. 136. Authority to administer oaths and to act as notary

**(a) The following persons on active duty may administer oaths for the purposes of military administration, including military justice, and have the general powers of a notary public and of a consul of the United States, in the performance of all notarial acts to be executed by members of any of the armed forces, wherever they may be, by persons serving with, employed by, or accompanying the armed forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands, and by other persons subject to this chapter outside of the United States:

(1) All judge advocates of the Army, Navy, Air Force, and Marine Corps.

(2) All law specialists.

(3) All summary courts-martial.

(4) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(5) All commanding officers of the Navy, Marine Corps, and Coast Guard.

(6) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.

(7) All other persons designated by regulations of the armed forces or by statute.

(b) The following persons on active duty may administer oaths necessary in the performance of their duties:

(1) The president, military judge, trial counsel, and assistant trial counsel for all general and special courts-martial.

(2) The president and the counsel for the court of any court of inquiry.

(3) All officers designated to take a deposition.

(4) All persons detailed to conduct an investigation.

(5) All recruiting officers.

(6) All other persons designated by regulations of the armed forces or by statute.

(c) No fee may be paid to or received by any person for the performance of any notarial act herein authorized.

(d) The signature without seal of any such person acting as notary, together with the title of his office, is prima facie evidence of his authority.

§ 937. Art. 137. Articles to be explained

Sections 802, 803, 807–815, 825, 827, 831, 837, 838, 855, 877–934, and 937–939 (articles 2, 3, 7–15, 25, 27, 31, 37, 38, 55, 77–134 and 137–139) of this chapter shall be carefully

explained to each enlisted member at the time of his entrance on active duty, or within six days thereafter. They shall be explained again after he has completed six months of active duty, and again at the time when he reenlists. A complete text of the Uniform Code of Military Justice and of the regulations prescribed by the President thereunder shall be made available to any person on active duty upon his request, for his personal examination.

§ 938. Art. 138. Complaints of wrongs

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that comanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

§ 939. Art. 139. Redress of injuries to property

(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the armed forces, he may, under such regulations as the Secretary concerned may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

§ 940. Art. 140. Delegation by the President

The President may delegate any authority vested in him under this chapter, and provide for the subdelegation of any such authority.

Appendix 3

STATUTES TO WHICH MILITARY PERSONNEL SHOULD HAVE READY ACCESS

a.

DEFINITIONS AND RULES OF CONSTRUCTION

The following are definitions prescribed in title 10 and title 1, United States Code, which apply to the Uniform Code of Military Justice and to other provisions of title 10:

TITLE 10—ARMED FORCES

CHAPTER 1. DEFINITIONS

§ 101. Definitions.

In addition to the definitions in sections 1–5 of title 1, the following definitions apply in this title:

(1) "United States", in a geographic sense, means the States and the District of Columbia.

(2) "Territory" means any Territory organized after this title is enacted, so long as it remains a Territory.

(3) "Possessions" includes the Virgin Islands, the Canal Zone, Guam, American Samoa, and the guano islands, so long as they remain possessions, but does not include any Territory or Commonwealth.

(4) "Armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) "Department", when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, it means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

(6) "Executive part of the department" means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

(7) "Military departments" means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

(8) "Secretary concerned" means—

(A) the Secretary of the Army, with respect to matters concerning Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

(D) the Secretary of the Treasury, with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy.[1]

(9) "National Guard" means the Army National Guard and the Air National Guard.

(10) "Army National Guard" means that part of the organized militia of the several States and Territories, Puerto Rico, the Canal Zone, and the District of Columbia, active and inactive, that—

(A) is a land force;

[1] See 80 Stat. 938 (1966), 49 U.S.C.A. § 1655(b) (1966), which transferred the Coast Guard to the Department of Transportation during peacetime.

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(11) "Army National Guard of the United States" means the reserve component of the Army all of whose members are members of the Army National Guard.

(12) "Air National Guard" means that part of the organized militia of the several States and Territories, Puerto Rico, the Canal Zone, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(13) "Air National Guard of the United States" means the reserve component of the Air Force all of whose members are members of the Air National Guard.

(14) "Officer" means commissioned or warrant officer.

(15) "Commissioned officer" includes a commissioned warrant officer.

(16) "Warrant officer" means a person who holds a commission or warrant in a warrant officer grade.

(17) "Enlisted member" means a person in an enlisted grade.

(18) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(19) "Rank" means the order of precedence among members of the armed forces.

(20) "Rating" means the name (such as "boatswain's mate") prescribed for members of an armed force in an occupational field. "Rate" means the name (such as "chief boatswain's mate") prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

(21) "Authorized strength" means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

(22) "Active duty" means full-time duty in the active military service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

(23) "Active duty for a period of more than 30 days" means active duty under a call or order that does not specify a period of 30 days or less.

(24) "Active service" means service on active duty.

(25) "Active status" means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

(26) "Supplies" includes material, equipment, and stores of all kinds.

(27) "Pay" includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

(28) "Shall" is used in an imperative sense.

(29) "May" is used in a permissive sense. The words "no person may . . ." mean that no person is required, authorized, or permitted to do the act prescribed.

(30) "Includes" means "includes but is not limited to".

(31) "Inactive-duty training" means—

(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

It includes those duties when performed by Reserves in their status as members of the National Guard.

(32) "Spouse" means husband or wife, as the case may be.

(33) "Regular", with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

(34) "Reserve", with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of an armed force.

(35) "Original", with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to his most recent appointment in that component that is neither a promotion nor a demotion.

NOTE. The following extract of title 1, United States Code, sets forth the definitions first referred to in title 10, above:

TITLE 1—GENERAL PROVISIONS

CHAPTER 1. RULES OF CONSTRUCTION

§ 1. Words denoting number, gender, and so forth.

In determining the meaning of any Act of Congress, unless the context indicates otherwise—

words importing the singular include and apply to several persons, parties, or things;

words importing the plural include the singular;

words importing the masculine gender include the feminine as well;

words used in the present tense include the future as well as the present;

the words "insane" and "insane person" and "lunatic" shall include every idiot, lunatic, insane person, and person non compos mentis;

the words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;

"officer" includes any person authorized by law to perform the duties of the office;

"signature" or "subscription" includes a mark when the person making the same intended it as such;

"oath" includes affirmation, and "sworn" includes affirmed;

"writing" includes printing and typewriting and reproductions of visual symbols by photographing, multigraphing, mimeographing, manifolding, or otherwise.

§ 2. "County" as including "parish", and so forth.

The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States.

§ 3. "Vessel" as including all means of water transportation.

The word "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 4. "Vehicle" as including all means of land transportation.

The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land.

§ 5. "Company" or "association" as including successors and assigns.

The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", in like manner as if these last-named words, or words of similar import, were expressed.

b.

STATUTES APPLICABLE TO ALL OF THE ARMED FORCES

10 U.S.C. § 501

§ 501. Enlistment oath: who may administer.

Each person enlisting in an armed force shall take the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."

This oath or affirmation may be taken before any commissioned officer of any armed force.

10 U.S.C. § 972

§ 972. Enlisted members; required to make up time lost.

An enlisted member of an armed force who—

(1) deserts;

(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

(3) is confined for more than one day while awaiting trial and disposition of his case, and whose conviction has become final;

(4) is confined for more than one day under a sentence that has become final; or

(5) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

is liable, after his return to full duty, to serve for a period that, when added to the period that he served before his absence from duty, amounts to the term for which he was enlisted or inducted.

10 U.S.C. § 1161

§ 1161. Commissioned officers: limitations on dismissal.

(a) No commissioned officer may be dismissed from any armed force except—

(1) by sentence of a general court-martial;

(2) in commutation of a sentence of a general court-martial; or

(3) in time of war, by order of the President.

(b) The President may drop from the rolls of any armed force any commissioned officer (1) who has been absent without authority for at least three months, or (2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

28 U.S.C. § 1442a

§ 1442a. Members of armed forces sued or prosecuted.

A civil or criminal prosecution in a court of a State of the United States against a member of the armed forces of the United States on account of an act done under color of his office or status, or in respect to which he claims any right, title, or authority under a law of the United States respecting the armed forces thereof, or under the law of war, may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States for the district where it is pending in the manner prescribed by law, and it shall thereupon be entered on the docket of the district court, which shall proceed as if the cause had been originally commenced therein and shall have full power to hear and determine the cause.

10 U.S.C. 1552

§ 1552. Correction of military records: claims incident thereto

(a) The Secretary of a military department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an injustice. Under procedures prescribed by him, the Secretary of the Treasury[3] may in the same manner correct any military record of the Coast Guard. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.

(b) No correction may be made under subsection (a) unless the claimant or his heir or legal representative files a request therefor before October 26, 1961, or within three years after he discovers the error or injustice, whichever is later. However, a board established under subsection (a) may excuse a failure to file within three years after discovery if it finds it to be in the interest of justice.

(c) The department concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's

[3] See Note 1, *supra*.

service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be. If the claimant is dead, the money shall be paid, upon demand, to his legal representative. However, if no demand for payment is made by a legal representative, the money shall be paid—

(1) to the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment;

(2) if there is no such law covering order of payment, in the order set forth in section 2771 of this title; or

(3) as otherwise prescribed by the law applicable to that kind of payment.

A claimant's acceptance of a settlement under this section fully satisfies the claim concerned. This section does not authorize the payment of any claim compensated by private law before October 25, 1951.

(d) Applicable current appropriations are available to continue the pay, allowances, compensation, emoluments, and other pecuniary benefits of any person who was paid under subsection (c), and who, because of the correction of his military record, is entitled to those benefits, but for not longer than one year after the date when his record is corrected under this section if he is not reenlisted in, or appointed or reappointed to, the grade to which those payments relate. Without regard to qualifications for reenlistment, or appointment, the Secretary concerned may reenlist a person in, or appoint or reappoint him to, the grade to which payments under this section relate.

(e) No payment may be made under this section for a benefit to which the claimant might later become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

c.

STATUTES APPLICABLE TO ARMY AND AIR FORCE

10 U.S.C. § 3811 and § 8811

§ 3811. Army enlisted members; discharge certificate; limitations on discharge.

(a) A discharge certificate shall be given to each lawfully inducted or enlisted member of the Army upon his discharge.

(b) No enlisted member of the Army may be discharged before his term of service expires, except—

(1) as prescribed by the Secretary of the Army;

(2) by sentence of a general or special court-martial; or

(3) as otherwise provided by law.

NOTE. 10 U.S.C. § 8811 is identical with the foregoing, except that the words "Air Force" appear wherever "Army" appears in § 3811.

10 U.S.C. § 4711 and § 9711

§ 4711. Inquests.

(a) When a person is found dead under circumstances that require investigation, at a place garrisoned by the Army and under the exclusive jurisdiction of the United States, the commanding officer shall direct a summary court-martial to investigate the circumstances of the death.

(b) In conducting an investigation under subsection (a), the summary court-martial may summon witnesses and examine them upon oath.

(c) The summary court-martial shall promptly submit to the commanding officer a report of the investigation and findings as to the cause of death.

NOTE. 10 U.S.C. § 9711 is identical with the foregoing, except that the words "Air Force" appear where "Army" appears in § 4711.

10 U.S.C. § 4712 and § 9712

§ 4712. Disposition of effects of deceased persons by summary court-martial.

(a) Upon the death of—

(1) a person subject to the court-martial jurisdiction of the Army or the Air Force at a place or command under the jurisdiction of the Army; or

(2) an inmate of the Soldiers' Home who dies in an Army hospital outside the District of Columbia when sent from the Home to that hospital for treatment;

the commanding officer of the place or command shall permit the legal representative or the surviving spouse of the deceased, if present, to take possession of the effects of the deceased that are then in camp or quarters.

(b) If there is no legal representative or surviving spouse present, the commanding officer shall direct a summary court-martial to collect the effects of the deceased that are then in camp or quarters.

(c) The summary court-marial may collect debts due the decedent's estate by local debtors, pay undisputed local creditors of the deceased to the extent permitted by the money of the deceased in the court's possession, and shall take receipts for those payments, to be filed with the court's final report to the Department of the Army.

(d) As soon as practicable after the collection of the effects and money of the deceased, the summary court-martial shall send them at the expense of the United States to the living person highest on the following list who can be found by the court:

(1) Surviving spouse or legal representative.
(2) Son.
(3) Daughter.
(4) Father, if he has not abandoned the support of his family.
(5) Mother.
(6) Brother.
(7) Sister.
(8) Next of kin.
(9) Beneficiary named in the will of the deceased.

(e) If the summary court-martial cannot dispose of the effects under subsection (d) because there are no persons in those categories or because the court finds that the addresses of the persons are not known or readily ascertainable, the court may convert the effects of the deceased, except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, into cash, by public or private sale, but not until 30 days after the date of the death of the deceased.

(f) As soon as practicable after the effects have been converted into cash under subsection (e), the summary court-martial shall deposit all cash in the court's possession and belonging to the estate with the officer designated in regulations, and shall send a receipt therefor, together with any will or other papers of value, an inventory of the effects, and articles not permitted to be sold, to the executive part of the Department of the Army for transmission to the Soldiers' Home.

(g) The summary court-martial shall make a full report of the transactions under this section, with respect to the deceased, to the Department of the Army for transmission to the General Accounting Office for action authorized in the settlement of accounts of deceased members of the Army.

NOTE. 10 U.S.C. § 9712 is identical with the foregoing, except that the word "Army" appears where "Air Force" appears in subsection (a)(1) of § 4712, and "Air Force" appears wherever "Army" appears in § 4712.

37 U.S.C. § 804

§ 804. Enlisted members of the Army or Air Force: pay and allowances not to accrue during suspended sentence of dishonorable discharge.

Pay and allowances do not accrue to an enlisted member of the Army or the Air Force who is in confinement under sentence of dishonorable discharge, while the execution of the sentence to discharge is suspended.

d.

STATUTES APPLICABLE TO THE NAVAL SERVICE

10 U.S.C. § 5947

§ 5947. Requirement of exemplary conduct.

All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval

service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

10 U.S.C. § 5951

§ 5951. Continuation of authority after loss of vessel or aircraft.

If the crew of any naval vessel or naval aircraft are separate from their vessel or aircraft because of its wreck, loss, or destruction, all the command and authority given to the officers of the vessel or aircraft remain in full force until the crew are discharged or reassigned.

10 U.S.C. § 5952

§ 5952. Marine Corps organizations on vessels: authority of officers.

When an organization of the Marine Corps is embarked in any vessel, not as part of the authorized complement of the vessel, the authority of the officers of that organization is the same as though the organization were serving at a naval station. However, this section does not impair the paramount authority of the commanding officer of a vessel over the vessel and all persons embarked in it.

10 U.S.C. § 6031

§ 6031. Chaplains: divine services.

* * * * * * *

(b) The commanders of vessels and naval activities to which chaplains are attached shall cause divine services to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

(c) All persons in the Navy and in the Marine Corps are enjoined to behave themselves in a reverent and becoming manner during divine service.

10 U.S.C. § 6408

§ 6408. Navy and Marine Corps; warrant officers, W-1: limitation on dismissal.

(a) No officer who holds the grade of warrant officer, W-1, may be dismissed from the Navy or the Marine Corps except in time of war, by order of the President.

(b) The President may drop from the rolls of the Navy or the Marine Corps any officer who holds the grade of warrant officer, W-1, who—

(1) has been absent without authority for at least three months; or

(2) is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

e.

STATUTES APPLICABLE TO THE COAST GUARD

14 U.S.C. § 508

§ 508. Deserters; payment of expenses incident to apprehension and delivery; penalties.

* * * * * * *

(b) No person who is convicted by court-martial for desertion from the Coast Guard in time of war, and as the result of such conviction is dismissed or dishonorably discharged from the Coast Guard shall afterwards be enlisted, appointed, or commissioned in any military or naval service of the United States, unless the disability resulting from desertion, as established by this section is removed by a board of commissioned officers of the Coast Guard convened for consideration of the case, and the action of the Board is approved by the Secretary; or unless he is restored to duty in time of war.

f.

TECHNICAL SECTIONS OF ACT OF 10 AUGUST 1956

NOTE. The act of 10 August 1956 revised, codified, and enacted into law title 10, United States Code, Armed Forces, and title 32, United State Code, National Guard.[3] Certain technical sections of the act, Public Law 1028, 84th Congress, are set forth below.

[3] 70A Stat. 1 (1956).

Saving and Severability Clauses

§ 49. (a) In sections 1–48 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after March 31, 1955, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1–48.

(c) Actions taken and offenses committed under the replaced law shall be considered to have been taken or committed under the corresponding provisions of sections 1–48.

(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

(e) In chapter 47 of title 10, United States Code, enacted by section 1 of this Act, no inference of a legislative construction is to be drawn from the part in which any article is placed nor from the catchlines of the part or the article as set out in that chapter.[4]

* * * * * * *

Effective Date of Uniform Code of Military Justice

§ 51. Chapter 47 of title 10, United States Code, enacted by section 1 of this Act, takes effect January 1, 1957.[5]

Repeal Provisions

§ 53. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act and except as provided in section 49: * * * [Sections 1,6–11, 13, and 14(f) of the Act of 5 May 1950. Repeal of section 1 (Uniform Code of Military Justice) is effective on the effective date of chapter 47 of title 10, United States Code, enacted by section 1 of this Act.][6]

g.

TECHNICAL SECTION OF ACT OF 15 JUNE 1968

§ 2. The United States Court of Military Appeals established under this Act is a continuation of the Court of Military Appeals as it existed prior to the effective date of this Act, and no loss of rights or powers, interruption of jurisdiction, or prejudice to matters pending in the Court of Military Appeals before the effective date of this Act shall result. A judge of the Court of Military Appeals so serving on the day before the effective date of this Act shall, for all purposes, be a judge of the United States Court of Military Appeals under this Act.[7]

h.

TECHNICAL SECTION OF THE ACT OF 24 OCTOBER 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Justice Act of 1968".

§ 3. (a) Whenever the term law officer is used, with reference to any officer detailed to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other

[4] 70A Sta. 640 (1956).
[5] *Ibid.*
[6] 70A Stat. 641, 680 (1956).
[7] 82 STAT. 179 (1968).

than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

§ 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

Appendix 4

FORMS FOR ORDERS CONVENING COURTS-MARTIAL

a. GENERAL COURT-MARTIAL CONVENING ORDERS.

(1) *Convening orders.*

_____
(Designation of command of officer convening court-martial)

_____
(Place) (Date)

NOTE 1. The heading of orders convening general courts-martial (including letterhead, place, date, etc.) may be as indicated, or as prescribed in regulations of the Secretary of a Department. This appendix shows only the content required to be set forth in all convening orders. Abbreviations authorized in the department may be used.

A general court-martial is hereby convened. It may proceed (at) (on board) _____ to try such persons as may properly be brought before it. The court will be constituted as follows:

MILITARY JUDGE

(Captain) (Colonel) _____, (*) certified, designated, and assigned in accordance with Article 26 (b) and (c) (and previously sworn in accordance with Article 42(a)).

MEMBERS

(Captain) (Colonel) _____, (*)
(Commander) (Lieutenant Colonel) _____, (*)
(Commander) (Lieutenant Colonel) _____, (*)
(Lieutenant Commander) (Major) _____, (*)
(Lieutenant Commander) (Major) _____, (*)
(Lieutenant) (Captain) _____, (*)

COUNSEL

(Lieutenant Commander) (Major) _____, (*) TRIAL COUNSEL certified in accordance with Article 27(b) (and previously sworn in accordance with Article 42(a)).

(Lieutenant) (Captain) _____, (*) ASSISTANT TRIAL COUNSEL, not certified in accordance with Article 27(b).

(Lieutenant Commander) (Major) _____, (*) DEFENSE COUNSEL, certified in accordance with Article 27(b) (and previously sworn in accordance with Article 42(a)).

(Lieutenant) (Captain) _____, (*) ASSISTANT DEFENSE COUNSEL, not certified in accordance with Article 27(b).

NOTE 2. Convening orders may be signed personally by the officer having authority to convene the general court-martial or may be authenticated in any manner prescribed in regulations of the Secretary of a Department.

NOTE 3. Legal qualifications and status as to certification of the military judge and all appointed counsel are shown in the convening orders. See 4*c*, 6*b* and *d*. Additionally, unless otherwise provided by regulations of the Secretary concerned, the convening order shall also show if the certified legal personnel have previously taken a prescribed oath to perform their duties faithfully in accordance with Article 42(a). Sec. 36*b*. As to limitations on who may conduct the defense, see 48*a*.

NOTE 4. (*) The further identification of the officer members of the court, the military judge, and counsel, by service number, organization, etc., will be as prescribed in regulations of the Secretary of a Department or as is customary in the particular service.

NOTE 5. When a commanding officer is designated by the Secretary concerned pursuant to Article 22(a)(6) or empowered by the President pursuant to Article 22(a)(7) to convene general courts-martial (5*a*(2)), the convening order will cite such authorization in the first paragraph:

"Pursuant to authority contained in (para ——, General Orders ——, Dept ——, ———— 19—)' (SECNAV ltr ser ———— of ———— 19—) (————), a general court-martial is hereby convened", etc.

NOTE 6. A succession of orders modifying a convening order may result in serious errors. When practicable, it should be avoided by convening a new court. See 37*c*(1). It is not deemed advisable to issue an order dissolving a court-martial, and when a new court is convened to replace one in existence, the following sentence should merely be added, below the names of the personnel of the court (36*b*), to order convening the new court:

"All cases in the hands of the trial counsel of the general court-martial convened by ——, in which trial proceedings have not begun or in which accused has not requested trial by the military judge alone, will be brought to trial before the court hereby convened."

(2) *Order amending convening orders.*

(*a*) *Adding members.*

NOTE 7. For heading and closure, see Notes 1 and 2 above.

NOTE 8. When an enlisted person has requested enlisted members on the court which tries him, the following may be used when his case has already been referred to a court without enlisted membership to the number of one-third. See 36c(2)(*a*). This general type of order may also be modified and used to detail additional officer members to the court (37*a*). The text of such a convening order in the Army might read as follows:

The following members are detailed to GCM convened by CMCO ———— Hq 61st Inf Div (for the trial of PRIVATE ————, RA 12 345 678, Co A, 1st Bn, 61st Inf, only) (for the trial of enlisted persons who make a timely request, pursuant to Article 25(c) that enlisted persons serve on it).

Master Sergeant ———— Co B, 1st Bn, 61st Inf
Master Sergeant ———— Hq Btry, 3d FA Bn (How)
Sergeant First Class ———— Co C, 2d Bn 1st Inf
Sergeant ———— Co B, 3d Bn, 1st Inf

NOTE 9. Additional members may be detailed for one specified case only, or for all cases which may come before the court.

NOTE 10. An order detailing enlisted persons as members of a general court-martial must show the *unit* to which each is assigned. See 4*a*, 36*b*, and Article 25(c).

(*b*) *Replacing military judge.*

NOTE 11. For heading and closure, see Notes 1 and 2 above. This form may be modified to replace a member of the court or counsel.

(Captain) (Colonel) ————, (*Note 4 above), certified designated, and assigned in accordance with Article 26 (b) and (c) (and previously sworn in accordance with Article 42(a)), is detailed military judge of the general court-martial convened by ————, vice (Captain) (Colonel) ————, (*Note 4 above), relieved.

b. SPECIAL COURT-MARTIAL CONVENING ORDERS

NOTE 12. Same as for general court-martial, except that a military judge may or may not be detailed. If a military judge is detailed, the order need only state that he is certified in accordance with Article 26(b) and that he was previously sworn (see Note 3). The manner of stating legal qualifications of counsel is different. Qualifications of counsel or their lack of qualifications in the sense of Article 27 must be shown in the convening order (6*c* and *d*). If counsel is qualified to act as counsel before a general court-martial (Art. 27(c)(1)), the phrase, "certified in accordance with Article 27(b)" will be used. If counsel is a judge advocate, a law specialist, or a member of the bar of a Federal court or the highest court of a State (Art. 27(c)(2)), but has not been certified in accordance with Article 27(b), the phrases, "judge advocate," "law specialist," or member of the bar of ————," respectively, will be used. If counsel has none of the foregoing legal qualifications, the phrase, "not a lawyer in the sense of Article 27," will be

used. In a particular case a convening order might list counsel and their legal qualifications or lack of legal qualifications, as follows:

(Lieutenant) (Captain) ————, (*Note 4 above), TRIAL COUNSEL, (Judge Advocate) (Law Specialist).

(Ensign) (Second Lieutenant) ————, (*Note 4 above), ASSISTANT TRIAL COUNSEL, not a lawyer in the sense of Article 27.

(Lieutenant Commander) (Major) ————, (*Note 4 above), DEFENSE COUNSEL, certified in accordance with Article 27(b).

(Lieutenant) (Captain) ————, (*Note 4 above), ASSISTANT DEFENSE COUNSEL, member of Bar of (Supreme Court of Ohio) (U.S. District Court, District of New Jersey).

NOTE 13. When desirable, a convening authority may specify in the order the names of the person or persons to be tried. See Notes 8 and 9, above, for the ue of "only" in convening orders.

c. SUMMARY COURT-MARTIAL CONVENING ORDERS.

NOTE 14. As to heading, signature, or authentication, etc. see Notes 1 and 2, above.

Effective this date (Major) (Lieutenant Commander) ————, (*Note 4, above), is detailed a summary court-martial.

Appendix 5

CHARGE SHEET

CHARGE SHEET

PLACE		DATE
ACCUSED (*Last name, First name, Middle initial*) (*List aliases when material*)	SERVICE NUMBER	GRADE OR RANK AND PAY GRADE
ORGANIZATION AND ARMED FORCE (*If the accused is not a member of any armed force, state other appropriate description showing that he is subject to military law*)	DATE OF BIRTH	PAY PER MONTH
	CONTRIBUTION TO FAMILY OR QUARTERS ALLOWANCE (*MCM, 126j (2)*)	BASIC $
		SEA OR FOREIGN DUTY $
		TOTAL $

RECORD OF SERVICE

INITIAL DATE OF CURRENT SERVICE	TERM OF CURRENT SERVICE

PRIOR SERVICE: ____ YEARS ____ MONTHS ____ DAYS (*As to each prior period of service, give inclusive dates of service and Armed Force, if available.*)

DATA AS TO WITNESSES
(*Summary Court Officer will line out and insert names as applicable (MCM, 79g) and initial changes*)

NAME OF WITNESS	ADDRESS	WITNESSES FOR PROSECUTION	WITNESSES FOR ACCUSED

DOCUMENTS AND OBJECTS

LIST AND DESCRIBE (*If not attached to charges, note where it may be found*)

DATA AS TO RESTRAINT

NATURE OF ANY RESTRAINT OF ACCUSED	DATE	LOCATION

APPENDIX 5

Charge : Violation of the Uniform Code of Military Justice, Article

Specification

If this space is insufficient for all charges and specifications, they will be set forth numerically, front to back, on separate sheets attached to this page.

2

CHARGE SHEET

NAME, GRADE, AND ORGANIZATION OF ACCUSER	SIGNATURE

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this _____ day of _____, 19__, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

GRADE AND ORGANIZATION OF OFFICER — SIGNATURE

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC. (MCM, 29b, and Article 30g and 136) — TYPED NAME

Officer administering oath must be a commissioned officer.

DATE

I have this date informed the accused of the charges against him *(MCM, 32f(1))*.

NAME, GRADE, AND ORGANIZATION OF IMMEDIATE COMMANDER — SIGNATURE

DESIGNATION OF COMMAND OF OFFICER EXERCISING SUMMARY COURT-MARTIAL JURISDICTION — PLACE — DATE

The sworn charges above were received at _____ hours, this date *(MCM, 33b)*.

FOR THE[1] _____

NAME, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING — SIGNATURE

1ST INDORSEMENT

DESIGNATION OF COMMAND OF CONVENING AUTHORITY — PLACE — DATE

Referred for trial to the _____ court-martial convened by _____

_____, _____ 19__, subject to the following instructions:[2]

BY[1] _____ of _____
COMMAND OR ORDER

NAME, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING — SIGNATURE

I have served a copy hereof on each of the above-named accused, this _____ day of _____, 19__

NAME, GRADE, AND ORGANIZATION OF TRIAL COUNSEL — SIGNATURE

1/ When an appropriate commander signs personally, inapplicable words are stricken out. 2/ Relative to proper instructions which may be included in the indorsement of reference for trial, see MCM, 33(1). If none, so state.

3

APPENDIX 5

Fill in blank numbers of pertinent charges and specifications or "all specifications and charges," as may be appropriate for use unless departmental regulations prevent such election (*MCM, 32i(2)*).

☐ THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO

☐ THE ACCUSED HAS NOT BEEN OFFERED PUNISHMENT UNDER ARTICLE 15 AS TO

NAME, GRADE, AND ORGANIZATION OF OFFICER EXERCISING ARTICLE 15 JURISDICTION	SIGNATURE

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL	CASE NUMBER (inserted by convening authority)

TO BE FILLED IN BY SUMMARY COURT AS APPLICABLE

1. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79*f*, MCM? ☐ YES

2. THE ACCUSED HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL, THE CHARGES ARE HEREWITH RETURNED TO THE CONVENING AUTHORITY.

NAME, GRADE, AND ORGANIZATION OF SUMMARY COURT OFFICER	SIGNATURE

TO BE FILLED IN BY THE ACCUSED

I ☐ CONSENT ☐ OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL. SIGNATURE OF ACCUSED

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR REMARKS
			NUMBER OF PREVIOUS CONVICTIONS CONSIDERED (MCM, 75b(2))

PLACE AND DATE OF TRIAL	DATE SENTENCE ADJUDGED
NAME, GRADE, ORGANIZATION, AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM, 4g)	SIGNATURE

Enter after signature, "Only officer present with command", if such is the case.

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 89, and app. 14a.)

ORGANIZATION	PLACE	DATE

ACTION OF CONVENING AUTHORITY

NAME, GRADE, AND ORGANIZATION OF CONVENING AUTHORITY	SIGNATURE

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM, 91c)

NAME, GRADE, AND DESIGNATION OF OFFICER RESPONSIBLE FOR ACCUSED'S RECORDS	SIGNATURE

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

Appendix 6

FORMS FOR CHARGES AND SPECIFICATIONS

a. **INSTRUCTIONS.**

1. Use of forms. These forms are to be used in drafting charges and specifications, not only for the offenses specifically provided for, but as they may be adapted to like offenses. The suggested forms do not as a matter of law exclude other methods of alleging the same offenses, but the appropriate form listed with a punitive article setting forth a specific offense is prescribed for use, when properly completed, as a sufficient allegation of that offense. Except to fill in the blanks with the information required, such a form should not ordinarily be added to or deviated from. As to general principles of drafting specifications when an offense is not provided for herein, see 28.

2. Abbreviations. Dates and times should be written in Arabic numerals, and the designation of organization or command may include Roman or Arabic numerals and the abbreviations "U.S." and "USS." Otherwise, abbreviations should not be used in specifications.

3. Numbering of charges and specifications. When there is more than one charge, the charges should be numbered, using the Roman numerals I, II, etc. When there is more than one specification under a charge, the specifications under that charge should be numbered, using the Arabic numerals 1, 2, etc. Additional charges (24*b*) are numbered in the same manner as the original charge; a single added charge is designated simply "Additional Charge," but if more than one, they are numbered Additional Charge I, Additional Charge II, etc. Specifications under additional charges are designated as prescribed above. The term "Additional" is not used in connection with the specifications.

4. Name and description of the accused. The name of the accused as stated in the specification should include his first name, middle name or initial, and, except in a case in which the jurisdiction of the court over the person is not dependent upon his being a person subject to the Uniform Code of Military Justice (*e.g.*, see Arts. 104, 106), should be accompanied by such descriptive language of rank, grade, armed force, organization, or position as will show that he is a person subject to the code, and therefore subject to the jurisdiction of the court as to persons. The service number of the accused is not alleged in the specification. In the ordinary case of an enlisted member, for example, the specification would read, "In that Private John J. Smith, U.S. Army, Company A, 1st Battalion, 7th Infantry, did," etc.; or "In that Yeoman Third Class James P. Jones, U.S. Navy, USS ————, did," etc.; or "In that Airman First Class Harold L. Brown, U.S. Air Force, Headquarters Section, 402d Bombardment Group, did," etc. A person on active duty belonging to a reserve component of the Navy, Marine Corps, or Coast Guard should be described as such; for example, "In that Lieutenant Charles L. White, U.S. Naval Reserve, USS ————, on active duty, did," etc.

In the case of persons subject to the code under Article 2, subsections (3) through (12), or subject to trial by court-martial under Article 3 or 4, a description of the accused's position or status which will indicate the basis of jurisdiction of a court-martial should be averred; *e.g.*, John Jones, (Captain, U.S. Air Force Reserve, on inactive duty training authorized by written orders which were voluntarily accepted by him, which orders specified he was subject to the Uniform Code of Military Justice) (a person in custody of ———— serving a sentence imposed by a court-martial) (a member of the Public Health Service assigned to and serving with ————) (a person within ————, an area under the control of the Secretary of ————) (a person convicted of having obtained a fraudulent discharge) (a former major, U.S. Army, who was dismissed by order of the President and has made a written application for trial by court-martial), etc.

5. Use of aliases. If the accused is known by more than one name, as when without discharge a person enlists two or more times, each time under a different name, he should be charged under the name he admits to be his true name. If there be no such admission, he should be charged under the name, etc., pertaining to his first unterminated enlistment with the other names, under aliases; thus, "Private John P. Smith, U.S. Army, Company B, 2d Battalion, 7th Infantry, alias Seaman John Brown, U.S. Coast Guard."

6. In case of change of rank or grade. When the rank or grade of the accused has changed since the date of an alleged offense, the accused should be designated by his present grade followed by a statement of his grade at the date of the alleged offense; thus, "In that Seaman A B, U.S. Navy, then gunner's mate third class, U.S. Navy did," etc.

7. Time and place of offense. The time and place of the commission of the offense charged should be stated in the specification with sufficient precision to identify the offense and enable the accused to understand what particular act or omission he is called upon to defend. It is proper pleading to allege in a specification that a certain offense occurred "on or about" a certain day, "at or near" a certain place, or, if it is necessary to be more explicit as to the time, "at or about" a certain hour, using a 24-hour clock, *e.g.*, "at or about 2300 hours." These phrases are to be construed reasonably in the light of the circumstances of each particular case. When the act (or acts) specified extends over a considerable period of time it is proper to allege it (or them) as having occurred, for example, "from about 15 June 1967 to about 4 November 1967." So, also, it is proper to allege that an offense was committed while "enroute" between certain points.

8. Form of specification in joint offense. In the case of a joint offense (26*d*) each accused may be charged separately as if he alone was concerned or all may be charged jointly, that is, in a single specification, in accordance with the principles of the following examples, depending on the decision of the person preferring the charges as to how the persons concerned should be tried. If A and B are joint perpetrators of an offense and it is intended to charge and try both at the same trial, they should be charged in a single specification as follows:

"In that (A) and (B), acting jointly and in pursuance of a common intent, did (here allege place, time, and offense)."

If it is intended that B shall be tried alone, he may be charged in the same manner as if he had committed the offense by himself. However, if it is desirable to show in the specification that A was a joint actor with him, even though A is not to be tried with B, B may be charged as follows:

"In that (B) did, in conjunction with (A), (here allege place, time, and offense)."

Note that when several persons are to be tried in a common trial, as distinguished from a joint trial, each is charged separately on individual charge sheets (26*d*; 33*l*).

9. Principals. When a person has not himself directly committed an offense, but is liable for its commission as a principal under Article 77, he may be charged as though he himself had committed the acts which constitute the offense.

10. Person against whom offense committed. In the case of an offense against the person or property of a person, the first name and surname of that person should be stated, if known. Military rank or grade should be alleged if important to the offense, as in an allegation of disobedience of the command of a superior officer; or if the person has no military position, it may otherwise be necessary to allege his status, as in an allegation of using provoking words towards a person subject to the code (see Art. 117). Address, station, or military organization of the person against whom the offense was committed need not ordinarily be alleged.

If the name of the person against whom the offense was committed is not known, he may be described as "a person whose name is unknown."

11. Value. When the value of property or other amount is material with respect to the amount of punishment which may be adjudged upon conviction of an offense, the value or amount should be alleged, for in such a case increased punishments that are contingent upon value may not be adjudged unless there is an allegation, as well as proof, of a value which will support the punishment. See, for a discussion of value, 200 *a*(7) (Larceny). If several articles of different kinds are the subject of the offense, the value of each article should be stated, followed by a statement of the aggregate value. An example of proper pleading in this respect would be that the accused stole "one shirt, value of about $_____; one pair of shoes, value of about $_____; and one blanket, value of about $_____;

of a total value of about $_____." The value should be stated as "value $2.08" if known exactly; or "value of about $5.00" if not so exactly known, as in the case of used items of property. These principles apply equally to allegations of amount.

12. Law of war. In the case of a person subject to trial by general court-martial by the law of war (see Art. 18), the Charge should be: "Violation of the Law of War"; or "Violation of _____, _____," referring to the local penal law of the occupied territory. See 14. However, the erroneous designation of an article of the Uniform Code of Military Justice in such a case does not affect the jurisdiction of the court.

13. Descriptions. In describing property generic terms should be used and details not necessary to a statement of the elements of the offense should be omitted. For example, in alleging property stolen, damaged or destroyed, the property should be described as "a radio," "an automobile," "a watch," and descriptive details such as make, model, color, and serial number should be omitted. In alleging weapons used in offenses of violence, the weapon should be described as "a knife," "a pistol," or "a rifle," without adding other unnecessary descriptive words. Details necessary to complete the offense must, however, be alleged; for example, if possession of only certain types of knives is prohibited by a general regulation, the critical characteristic must be included in alleging a violation (*e.g.*, "a knife with a blade more than 3 inches long").

14. Documents. Where documents must be alleged, as in the case of regulations and written orders allegedly violated (Art. 92(1) and (2)), bad checks (Arts. 123a and 134), and documents wrongfully possessed or used (Art. 134), the document may be set forth word for word or it may be described, in which case the description must be sufficient to permit the accused to be fully aware of the offense charged. For action where the accused claims that he has not been adequately informed of the offense charged, see 69*b*. In dealing with checks and other brief documents, word for word pleading is usually preferable. When regulations and other directives are alleged by description, care must be used to correctly identify the document and the precise portion or portions allegedly violated.

b. SPECIMEN CHARGES.

Charge I: Violation of the Uniform Code of Military Justice, Article 83.

Specification: In that Private Richard Roe, U.S. Army, Company A, 2d Battalion, 2d Infantry, alias Private John Doe, U.S. Army, Company B, 1st Battalion, 29th Infantry, did under the name of John Doe, at Fort Jay, New York, on or about 24 October 1967, by means of deliberate concealment of the fact that he was then a private in said Company A, 2d Battalion, 2d Infantry, procure himself to be enlisted as a private in the Army and did thereafter at Fort Jay, New York, receive allowances under the enlistment so procured.

Charge II: Violation of the Uniform Code of Military Justice, Article 85.

Specification: In that Private Richard Roe, U.S. Army, Company A, 2d Battalion, 2d Infantry, alias Private John Doe, U.S. Army, Company B, 1st Battalion, 29th Infantry, did, on or about 6 June 1967, without authority and with intent to remain away therefrom permanently, absent himself from his organization, to wit: Company A, 2d Battalion, 2d Infantry, and did remain so absent in desertion until he was apprehended on or about 4 November 1967.

Charge III: Violation of the Uniform Code of Military Justice, Article 134.

Specification 1: In that Private Richard Roe, U.S. Army, Company A, 2d Battalion, 2d Infantry, alias Private John Doe, U.S. Army, Company B, 1st Battalion, 29th Infantry, was, at Chicago, Illinois, on or about 5 June 1967, drunk and disorderly in uniform in a public place, to wit: Joe's Tavern, located at 935 Blank Street in said city.

Specification 2: In that Private Richard Roe, U.S. Army, Company A, 2d Battalion, 2d Infantry, alias Private John Doe, U.S. Army, Company B, 1st Battalion, 29th Infantry, did, at Fort Sheridan, Illinois, on or about 5 June 1967, wrongfully and willfully discharge a firearm, to wit: a carbine, in the day room of Company A, 2d Battalion, 2d Infantry, under circumstances such as to endanger human life.

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APPENDIX 6

c. FORMS FOR SPECIFICATIONS.

ARTICLE 78

Accessory after the fact

1. In that _____, knowing that (at) (on board)' _____, on or about _____ 19__, _____ had committed an offense punishable by the Uniform Code of Military Justice, to wit: _____, did, (at) (on board) _____, on or about _____ 19__, in order to (hinder) (prevent) the (apprehension) (trial) (punishment) of the said _____, (receive) (comfort) (assist) the said _____ by _____.

ARTICLE 80

Attempts

2. In that _____ did, (at) (on board)' _____, on or about _____ 19__, attempt to (escape from lawful confinement in _____) (steal _____, of a value of (about) $_____, the property of _____) (_____).

ARTICLE 81

Conspiracy

3. In that _____ did, (at) (on board) _____, on or about _____ 19__, conspire with _____ (and _____) to commit an offense under the Uniform Code of Military Justice, to wit: (larceny of _____, of a value of (about) $_____, the property of _____) (_____), and in order to effect the object of the conspiracy the said _____ (and _____) did _____.

ARTICLE 82

Solicitation

4. In that _____ did, (at)' (on board) _____, on or about _____ 19__, by (here state the manner and form of solicitation or advice), (solicit) (advise) _____ (and _____) to (desert in violation of Article 85) (mutiny in violation of Article 94),* [and, as a result of such (solicitation) (advice), the offense (solicited) (advised) was, on or about _____ 19__, (at) (on board) _____, (attempted) (committed)' by _____ (and _____)].

*If the offense solicited or advised is not attempted or committed, omit the words contained in brackets.

5. In that _____ did, (at) (on board) _____, on or about _____ 19__, by (here state the manner and form of solicitation or advice), (solicit) (advise) _____ (and _____) to commit (an act of misbehavior before the enemy in violation of Article 99) (sedition in violation of Article 94), *[and, as a result of such (solicitation) (advice)', the offense (solicited) (advised) was, on or about _____ 19__, (at) (on board) _____, committed by _____ (and _____)'].

*If the offense solicited or advised is not committed, omit the words contained in brackets.

ARTICLE 83

Fraudulent enlistment or appointment

6. In that _____ did, (at) (on board) _____, on or about _____ 19__, by means of [knowingly false representations that (here state the fact or facts material to qualification for enlistment or appointment which were represented), when in fact (here state the true fact or facts)] [deliberate concealment of the fact that (here state the fact or facts disqualifying the accused for enlistment or appointment which were

concealed)], procure himself to be (enlisted as a _____) (appointed as a _____) in the (here state the armed force in which the accused procured the enlistment or appointment), and did thereafter, (at) (on board) _____, receive (pay) (allowances) (pay and allowances)' under the (enlistment) (appointment) so procured.

Fraudulent separation

7. In that _____ did, (at) (on board) _____, on or about _____ 19__, by means of [knowingly false representations that (here state the fact or facts material to eligibility for separation which were represented), when in fact (here state the true fact or facts)] [deliberate concealment of the fact that (here state the fact or facts concealed which made the accused ineligible for separation)], procure himself to be separated from the (here state the armed force from which the accused procured his separation).

ARTICLE 84

Effecting unlawful enlistment, appointment or separation

8. In that _____ did, (at) (on board) _____, on or about _____ 19__, effect [the (enlistment) (appointment) of _____ as a _____ in (here state the armed force in which the person was enlisted or appointed)] [the separation of _____ from (here state the armed force from which the person was separated)], then well knowing that the said _____ was ineligible for such (enlistment) (appointment) (separation) because (here state facts whereby the enlistment, appointment, or separation was prohibited by law, regulation, or order).

ARTICLE 85

Desertion with intent to remain away permanently

9. In that _____ did, on or about _____ 19__, without authority and with intent to remain away therefrom permanently, absent himself from his (unit) (organization) (place of duty), to wit: _____, located at (_____) (APO _____), and did remain so absent in desertion until (he was apprehended) on or about _____ 19__.

Desertion with intent to avoid hazardous duty or shirk important service

10. In that _____ did, on or about _____ 19__, with intent to (avoid hazardous duty) (shirk important service), namely: _____, quit his (unit) (organization) (place of duty), to wit: _____, located at (_____) (APO _____), and did remain so absent in desertion until on or about _____ 19__.

Desertion prior to acceptance of resignation

11. In that _____, having tendered his resignation and prior to due notice of the acceptance of the same, did, on or about _____ 19__, without leave and with intent to remain away therefrom permanently, quit his (post) (proper duties), to wit: _____, and did remain so absent in desertion until (he was apprehended) on or about _____ 19__.

Attempt desertion

12. In that _____ did, (at) (on board) _____, on or about _____ 19__, attempt to [absent himself from his (unit) (organization) (place of duty) to wit: _____, without authority and with intent to remain away therefrom permanently] [quit his (unit) (organization) (place of duty), to wit: _____, located at _____, with intent to (avoid hazardous duty) (shirk important service) namely _____] [_____].

ARTICLE 86

Failing to go to or leaving place of duty

13. In that _____ did, (at) (on board) _____, on or about _____ 19__, without authority, (fail to go at the time prescribed to) (go from) his appointed place of duty, to wit: (here set forth the appointed place of duty).

Absence from unit, organization, or place of duty

14. In that _____ did, on or about _____ 19__, without authority, absent himself from his (unit) (organization) (place of duty at which he was required to be), to wit: _____, located at (_____) (APO _____), and did remain so absent until on or about _____ 19__.

Absence from unit, organization, or place of duty with intent to avoid maneuvers or field exercises

15. In that _____ did, on or about _____ 19__, without authority and with intent to avoid (maneuvers) (field exercises), absent himself from his (unit) (organization) (place of duty at which he was required to be), to wit: _____, located at (_____) (APO _____), and did remain so absent until on or about _____ 19__.

Abandoning watch or guard

16. In that _____, being a member of the _____ (guard) (watch) (duty section), did, (at) (on board) _____, on or about _____ 19__, without authority, go from his (guard) (watch) (duty section) with intent to abandon the same.

ARTICLE 87

Missing movement

17. In that _____ did, (at) (on board) _____, on or about _____ 19__, through (neglect) (design) miss the movement of (Aircraft No. _____) (Flight 11) (the USS _____) (Company A, 1st Battalion, 7th Infantry) (_____), with which he was required in the course of duty to move.

ARTICLE 88

Contempt toward officials by commissioned officer

18. In that _____ did, (at) (on board) _____, on or about _____ 19__, [use (orally and publicly) (_____) the following contemptuous words] [in a contemptuous manner, use (orally and publicly) (_____) the following words] against the [(President) (Vice President) (Congress) (Secretary of _____)] [(Governor) (legislature) of the (State of _____) (Territory of _____) (_____), a (State) (Territory) (_____) in which he, the said _____, was then (on duty) (present)], to wit: "_____," or words to that effect.

ARTICLE 89

Disrespect to superior commissioned officer

19. In that _____ did, (at) (on board) _____, on or about _____ 19__, behave himself with disrespect toward _____, his superior commissioned officer, by (saying to him, "_____," or words to that effect) (contemptuously turning from and leaving him while he, the said _____, was talking to him, the said _____) (_____).

ARTICLE 90

Striking superior commissioned officer

20. In that _____ did, (at) (on board) _____, on or about _____ 19__, strike _____, his superior commissioned officer, who was then in the execution of his office, (in) (on) the _____ with (a) (his) _____.

Drawing or lifting up a weapon against superior commissioned officer

21. In that _____ did, (at) (on board) _____, on or about _____ 19__, (draw) (lift up) a weapon, to wit: a _____, against _____, his superior commissioned officer, who was then in the execution of his office.

Offering violence to superior commissioned officer

22. In that _____ did, (at) (on board) _____, on or about _____ 19__, offer violence against _____, his superior commissioned officer, who was then in the execution of his office by _____.

Willful disobedience of superior commissioned officer

23. In that _____, having received a lawful command from _____, his superior commissioned officer, to _____, did, (at) (on board) _____, on or about _____ 19__, willfully disobey the same.

ARTICLE 91

Assault on warrant, noncommissioned, or petty officer

24. In that _____ did, (at) (on board) _____, on or about _____ 19__, (strike) (assault) _____, his superior _____ officer, who was then in the execution of his office, by _____ him (in) (on) (the _____) with (a) (his) _____.

Willful disobedience of warrant, noncommissioned, or petty officer

25. In that _____, having received a lawful order from _____, his superior _____ officer, to _____, did, (at) (on board) _____, on or about _____ 19__, willfully disobey the same.

Contempt or disrespect toward warrant, noncommissioned, or petty officer

26. In that _____, (at) (on board) _____, on or about _____ 19__, [did treat with contempt] [was disrespectful in (language) (deportment) toward] _____, his superior _____ officer, who was then in the execution of his office, by (saying to him, "_____," or words to that effect) (spitting at his feet) (_____).

ARTICLE 92

Violating general order or regulation

27. In that _____ did, (at) (on board) _____, on or about _____ 19__, (violate) (fail to obey) a lawful general (order) (regulation), to wit: [paragraph _____, (Army) (Air Force) Regulation _____, dated _____ 19__] [General Order No. _____, U.S. Navy, dated _____ 19__] [_____], by _____.

Violating other written order or regulation

28. In that _____, having knowledge of a lawful order issued by _____, to wit: [paragraph _____, (_____th Combat Group Regulation No. _____) (_____th Air Base Group Regulation No. _____) (_____), (USS _____, Instruction _____), dated _____] [_____], an order which it was his duty to obey, did, (at) (on board) _____, on or about _____ 19__, fail to obey the same by _____.

NOTE: Specification No. 27 alleges a violation of Article 92(1); Specification No. 28 is appropriate for alleging under Article 92(2) a violation of any written order or regulation which is not "general" in the sense of Article 92(1). See 171 *a, b.*

Failure to obey lawful order

29. In that _____, having knowledge of a lawful order issued by _____ (to submit to certain medical treatment) (to _____) (not to _____) (_____), an order which it was his duty to obey, did, (at) (on board) _____, on or about _____ 19__, fail to obey the same.

Derelict in duty

30. In that _____, (at) (on board) _____, (on or about _____ 19__) (from about _____ 19__ to about _____ 19__), was derelict in the performance of his duties in that he [(negligently) (willfully) failed to (inspect the report of fuel on board said ship for the twenty-four hour period ending on _____) (inspect the guard) (wind and compare all chronometers on board the said _____) as it was his duty to do] [(negligently) (willfully) failed

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to (perform complete motor maintenance on _____ as it was his duty to do thereby permitting the water in the radiator to become seriously low) (inspect properly the engine on Aircraft No. _____ as it was his duty to do thereby clearing it for flight with a loose sparkplug) (keep properly the accounts of _____ as it was his duty to do by neglecting to verify the monthly bank balances for comparison with cash deposited) (_____)] [_____].

ARTICLE 93

Cruelty toward or oppression or maltreatment of any person subject to his orders

31. In that _____, (at) (on board) _____, on or about _____ 19__, [was cruel toward] [did (oppress) (maltreat)] _____, a person subject to his orders, by (kicking him in the stomach) (confining him for twenty-four hours without water) (_____).

ARTICLE 94

Mutiny

32. In that _____, with intent to (usurp) (override) (usurp and override) lawful military authority, did, (at) (on board) _____, on or about _____ 19__, [refuse, in concert with (_____) (and) (_____) (others whose names are unknown), to (obey the orders of _____ to _____) (perform his duty as _____)] [create (violence) (a disturbance) by (attacking the officers of the said ship) (barricading himself in Barracks T–7, firing his rifle at _____, and exhorting other persons to join him in defiance of _____)' (_____)].

Sedition

33. In that _____, with intent to cause the (overthrow) (destruction) (overthrow and destruction) of lawful civil authority, to wit: _____, did, (at) (on board) _____, on or about _____ 19__, in concert with (_____) (and) (_____) (others whose names are unknown), create (revolt) (violence) (a disturbance) against such authority by (entering the Town Hall of _____ and destroying property and records therein)' (marching upon and compelling the surrender of the police of _____) (_____).

Failure to suppress or report mutiny or sedition

34. In that _____ did, (at) (on board) _____, on or about _____ 19__, fail to [do his utmost to prevent and suppress a (mutiny) (sedition) among the (soldiers) (sailors) (airmen) (_____) of _____, which (mutiny) (sedition) was being committed in his presence, in that (he took no means to compel the dispersal of the assembly)' (he made no effort to assist _____ who was attempting to quell the mutiny) (_____)] [take all reasonable means to inform his superior commissioned officer or his commanding officer, of a (mutiny) (sedition) among the (soldiers) (sailors) (airmen) (_____) of _____, which (mutiny) (sedition) he the said _____ (knew) (had reason to believe) was taking place].

Attempted mutiny

35. In that _____, with intent to (usurp)' (override) (usurp and override) lawful military authority, did, (at) (on board) _____, on or about _____ 19__, attempt to [create (violence) (a disturbance) by _____] [_____].

ARTICLE 95

Resisting apprehension

36. In that _____ did, (at) (on board) _____, on or about _____ 19__, resist being lawfully apprehended by _____, (an armed force policeman) (_____).

Breaking arrest

37. In that _____, having been duly placed in arrest (in quarters) (in his company area) (_____), did, (at) (on board) _____, on or about _____ 19__, break said arrest.

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Escape from custody or confinement

38. In that _____ did, (at) (on board) _____, on or about _____ 19__, escape from (the lawful custody of _____) (lawful confinement in _____).

ARTICLE 96

Releasing prisoner without authority; suffering prisoner to escape

39. In that _____ did, (at) (on board) _____, on or about _____ 19__, [without proper authority release] [through (neglect) (design) suffer] _____, a prisoner committed to his charge (to escape).

ARTICLE 97

Unlawful detention

40. In that _____ did, (at) (on board) _____, on or about _____ 19__, unlawfully (apprehend _____) (place _____ in arrest) (confine _____ in _____).

ARTICLE 98

Unnecessary delay in disposing of case

41. In that _____, being charged with the duty of [(investigating) (taking immediate steps to determine the proper disposition of) charges preferred against _____, a person accused of an offense under the Uniform Code of Military Justice] [_____], was, (at) (on board) _____, on or about _____ 19__, responsible for unnecessary delay in (investigating said charges) (determining the proper disposition of said charges) (_____), in that he (did _____) (failed to _____) (_____).

Failing to enforce or comply with code

42. In that _____, being charged with the duty of _____, did, (at) (on board) _____, on or about _____ 19__, knowingly and intentionally fail to (enforce) (comply with) Article _____, Uniform Code of Military Justice, in that he _____.

ARTICLE 99

Misbehavior before the enemy:

—Running away

—Shamefully abandoning, etc., command, etc.

43. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, run away (from his company) (and hide) (_____), (and did not return until after the engagement had been concluded) (_____).

44. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, shamefully (abandon) (surrender) (deliver up) _____, which it was his duty to defend.

—Endangering safety of command, etc.

45. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, endanger the safety of _____, which it was his duty to defend, by (disobeying an order from _____ to engage the enemy) (neglecting his duty as a sentinel by engaging in a card game while on his post) (intentional misconduct in that he became drunk and fired flares, thus revealing the location of his unit) (_____).

—Casting away arms or ammunition

46. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, cast away his (rifle) (ammunition) (_____).

—Cowardly conduct

47. In that _____, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, was guilty of cowardly conduct as a result of fear, in that _____.

—Quitting place of duty to plunder or pillage

48. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, quit his place of duty for the purpose of (plundering) (pillaging) (plundering and pillaging).

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—Causing false alarm

49. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, cause a false alarm in (Fort _____) (the said ship) (the camp) (_____) by [needlessly and without authority (causing the call to arms to be sounded) (sounding the general alarm)] [_____].

—Failing to do utmost to encounter, etc. enemy troops, etc.

50. In that _____, being (before) (in the presence of) the enemy, did, (at) (on board) _____, on or about _____ 19__, by (ordering his own troops to halt their advance) (_____), willfully fail to do his utmost to (encounter) (engage) (capture) (destroy), as it was his duty to do, (certain enemy troops which were in retreat) (_____).

—Failing to afford relief

51. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, fail to afford all practicable relief and assistance to (the U.S.S. _____, which was engaged in battle and had run aground, in that he failed to take her in tow) (certain troops of the ground forces of _____, which were engaged in battle and were pinned down by enemy fire, in that he failed to furnish air cover) (_____) as he properly should have done.

ARTICLE 100

Compelling surrender or striking colors or flag

52. In that _____ did, (at) (on board) _____, on or about _____ 19__, [(compel) (attempt to compel) _____, the commander of _____, (to give it up to the enemy) (to abandon said _____, by _____] [without proper authority, strike the (colors) (flag) to the enemy].

ARTICLE 101

Improper use of countersign

53. In that _____ did, (at) (on board) _____, on or about _____ 19__, disclose the (parole) (countersign), to wit: _____, to _____, a person who was not entitled to receive it.

54. In that _____ did, (at) (on board) _____, on or about _____ 19__, give to _____, a person entitled to receive and use the (parole) (countersign), a (parole) (countersign), namely: _____, which was different from that which, to his knowledge, he was authorized and required to give, to wit: _____.

ARTICLE 102

Forcing a safeguard

55. In that _____ did, (at) (on board) _____, on or about _____ 19__, force a safeguard [, known by him to have been placed over the premises occupied by _____ at _____ by (overwhelming the guard posted for the protection of the same) (_____)] [_____].

ARTICLE 103

Failing to secure public property taken from enemy

56. In that _____ did, (at) (on board) _____, on or about _____ 19__, fail to secure for the service of the United States certain public property taken from the enemy, to wit: _____, of a value of (about) $_____.

Captured or abandoned property

57. In that _____ did, (at) (on board) _____, on or about _____ 19__, fail to give notice and turn over to proper authority without delay certain (captured) (abandoned) property which had come into his (possession) (custody) (control), to wit: _____, of a value of (about) $_____.

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—Dealing in

58. In that _____ did, (at) (on board) _____, on or about _____ 19__, (buy) (sell) (trade) (deal in) (dispose of) (_____) certain (captured) (abandoned) property, to wit: _____, of a value of (about) $_____, thereby (receiving) (expecting) a (profit) (benefit) (advantage) to (himself) (_____, his accomplice) (_____, his brother) (_____).

Looting and pillaging

59. In that _____ did, (at) (on board) _____, on or about _____ 19__, engage in (looting) (pillaging) (looting and pillaging) by unlawfully (seizing) (appropriating) _____, [property which had been left behind] [the property of _____, (an inhabitant of _____) (_____)].

ARTICLE 104

Aiding the enemy

60. In that _____ did, (at) (on board) _____, on or about _____ 19__, (aid) (attempt to aid) the enemy with (arms) (ammunition) (supplies) (money) (_____), by (furnishing and delivering to _____, members of the enemy's armed forces _____) (_____).

61. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, knowingly [(harbor) (protect) _____, an enemy, by (concealing the said _____ in his house) (_____)] [(give intelligence to) (communicate with) (correspond with) (hold intercourse with) the enemy (by informing a patrol of the enemy's forces of the whereabouts of a military patrol of the United States forces) (by writing and transmitting secretly through the lines to one _____, whom he, the said _____, knew to be an officer of the enemy's armed forces, a communication in words and figures substantially as follows, to wit: _____) (indirectly by publishing in _____, a newspaper published at _____, a communication in words and figures as follows, to wit: _____, which communication was intended to reach the enemy) (_____)].

ARTICLE 105

Misconduct as prisoner

62. In that _____, while in the hands of the enemy, did, (at) (on board) _____, on or about _____ 19__, without proper authority and for the purpose of securing favorable treatment by his captors, (report to the commander of Camp _____ the preparations by _____, a prisoner at said camp, to escape, as a result of which report the said _____ was placed in solitary confinement) (_____).

Maltreatment of prisoner

63. In that _____ did, (at) (on board) _____, on or about _____ 19__, while in the hands of the enemy and in a position of authority over _____, a prisoner at _____, as (officer in charge of prisoners at _____) (_____), maltreat the said _____ by (depriving him of _____) (_____) without justifiable cause.

ARTICLE 106

Spying

64. In that _____ was, (at) (on board) _____, on or about _____ 19__, found (lurking) (acting) as a spy (in) (about) (in and about) _____, [a (fortification) (post) (base) (vessel) (aircraft) (_____) within the (control) (jurisdiction) (control and jurisdiction) of an armed force of the United States, to wit: _____] [a (shipyard) (manufacturing plant) (industrial plant) (_____) engaged in work in aid of the prosecution of the war by the United States] [_____], for the purpose of (collecting) (at-

tempting to collect) information in regard to the [(numbers) (resources) (operations) (_____) of the armed forces of the United States] [(military production) (_____) of the United States] [_____], with intent to impart the same to the enemy.

ARTICLE 107

Signing false official document; making false official statement

65. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to deceive, [sign an official (record) (return) (_____), to wit: _____] [make to _____ an official statement, to wit: _____], which (record) (return) (statement) (_____) was (wholly false) (false in that _____), and was then known by the said _____ to be so false.

ARTICLE 108

Selling or disposing of military property

66. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, (sell to _____) (dispose of by _____) _____, of a value of (about) $_____, military property of the United States.

Damaging, destroying or losing military property

67. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, [(willfully) (through neglect)] [(damage by _____) (destroy by _____) (lose)] _____, of a value of (about) $_____, military property of the United States *[the amount of said damage being in the sum of (about) $_____].

Suffering military property to be lost, damaged, destroyed, sold, or wrongfully disposed of

68. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, (willfully) (through neglect) suffer _____, of a value of about $_____, military property of the United States, to be (lost) (damaged by _____) (destroyed by _____) (sold to _____) (wrongfully disposed of by _____) *[the amount of said damage being in the sum of (about) $_____].

*This allegation should be used when damage is alleged.

ARTICLE 109

Non-military property, wasting, spoiling, destroying or damaging of

69. In that _____ did, (at) (on board) _____, on or about _____ 19__, [(willfully) (recklessly) waste] [(willfully) (recklessly) spoil] [willfully and wrongfully (destroy) (damage) by _____] _____, of a value of (about) $_____, the property of _____, *[the amount of said damage being in the sum of (about) $_____].

*This allegation should be used when damage is alleged.

ARTICLE 110

Hazarding or suffering to be hazarded any vessel, willfully and wrongfully.

70. In that _____ did, on _____ 19__, while serving as _____ aboard the _____ in the vicinity of _____, willfully and wrongfully (hazard the said vessel) (suffer the said vessel to be hazarded) by (causing the said vessel to collide with _____) (allowing the said vessel to run aground) (_____).

Hazarding of vessel, negligently

71. In that _____, on _____ 19__, while serving in command of the _____, making entrance to (Boston Harbor), did negligently hazard the said vessel by failing and neglecting to maintain or cause to be maintained an accurate running plot of the true position of said vessel while making said approach, as a result of which neglect the said _____, at or about _____ hours on the day aforesaid, became stranded in the vicinity of (Channel Buoy Number Three).

72. In that _____, on _____ 19__, while serving as navigator of the _____, cruising on special service in the

_____ Ocean off the coast of _____, notwithstanding the fact that at about midnight, _____ 19__, the northeast point of _____ Island bore abeam and was about six miles distant, the said ship being then under way and making a speed of about ten knots, and well knowing the position of the said ship at the time stated, and that the charts of the locality were unreliable and the currents thereabouts uncertain, did then and there negligently hazard the said vessel by failing and neglecting to exercise proper care and attention in navigating said ship while approaching _____ Island, in that he neglected and failed to lay a course that would carry said ship clear of the last aforesaid island, and to change the course in due time to avoid disaster; and the said ship, as a result of said negligence on the part of said _____, ran upon a rock off the southwest coast of _____ Island, at about _____ hours, _____ 19__, in consequence of which the said _____ was lost.

73. In that _____, on _____ 19__, while serving as navigator of the _____ and well knowing that at about sunset of said day the said ship had nearly run her estimated distance from the _____ position, obtained and plotted by him, to the position of _____, and well knowing the difficulty of sighting _____ from a safe distance after sunset, did then and there negligently hazard the said vessel by failing and neglecting to advise his commanding officer to lay a safe course for said ship to the northward before continuing on a westerly course, as it was the duty of the said _____ to do; in consequence of which the said ship was, at about _____ hours on the day above mentioned, run upon _____ Bank in the _____ Sea, about latitude _____ degrees, _____ minutes, north, and longitude _____ degrees, _____ minutes, west, and seriously injured.

Suffering a vessel to be hazarded, negligently

74. In that _____, while serving as combat intelligence center officer on board the _____, making passage from Boston to Philadelphia, and having, between _____ and _____ hours on _____ 19__, been duly informed of decreasing radar ranges and constant radar bearing indicating that the said _____ was upon a collision course approaching a radar target, did then and there negligently suffer the said vessel to be hazarded by failing and neglecting to report said collision course with said radar target to the officer of the deck, as it was his duty to do, and he the said _____, through said negligence, did cause the said _____ to collide with the _____ at or about _____ hours on said date, with resultant damage to both vessels.

ARTICLE 111

Drunken or reckless operation of vehicle

75. In that _____ did, (at) (on board) _____, on or about _____ 19__, (in the motor pool area) (near the Officers' Club) (on _____ Street between _____ and _____ Avenues) (_____) operate a vehicle, to wit: (a truck) (a passenger car) (_____), [while drunk] [in a (reckless) (wanton) manner by (attempting to pass another vehicle on a sharp curve) (driving at a speed in excess of 50 miles per hour on the sidewalk and wrong side of said street) (_____)] (and did thereby cause said vehicle to (strike and) injure _____).

ARTICLE 112

Drunk on duty

76. In that _____ was, (at) (on board) _____, on or about _____ 19__, found drunk while on duty as _____

ARTICLE 113

Misbehavior of sentinel or lookout

77. In that _____, on or about _____ 19__, (at) (on board) _____, (in an area designated as authorizing entitlement to special pay for duty subject to hostile fire), being (posted)' (on post) as a (sentinel) (lookout) (at Warehouse No. 7) (on Post No. 11) (for radar observation) (_____) [was found (drunk) (sleeping) upon his post] [did leave his post before he was regularly relieved].

ARTICLE 114

Dueling

78. In that _____ (and _____) did, (at) (on board)' _____, on or about _____ 19__, fight a duel (with _____), using as weapons therefor (pistols) (swords) (_____).

Promoting a duel

79. In that _____ did, (at) (on board) _____, on or about _____ 19__, promote a duel between _____ and _____ by (telling said _____ he would be a coward if he failed to challenge said _____ to a duel) (knowingly carrying from said _____ to said _____ a challenge to fight a duel).

Conniving at fighting a duel

80. In that _____, being officer of the (day) (deck) (at) (on board) _____ and having knowledge that _____ and _____ intended and were about to engage in a duel near _____, did, (at) (on board) _____, on or about _____ 19__, connive at the fighting of said duel by knowingly permitting _____, one of the parties to said proposed duel, to leave _____ and go toward the place appointed for said duel at the time which he, _____, then knew had been appointed therefor.

Failing to report a duel

81. In that _____, having knowledge that a challenge to fight a duel (had been sent) (was about to be sent) by _____ to _____, did, (at) (on board)' _____, on or about _____ 19__, fail to report that fact promptly to the proper authority.

ARTICLE 115

Malingering; self-inflicted injury

82. In that _____ did, (at) (on board) _____, (on or about _____ 19__) (from about _____ 19__ to about 19__), for the purpose of avoiding (his duty as officer of the day) (his duty as aircraft mechanic) (work in the mess hall) (service as an enlisted person) (_____) [feign (a headache) (a sore back) (illness) (mental lapse)' (mental derangement) (_____)] [intentionally injure himself by _____].

ARTICLE 116

Riot

83. In that _____ did, (at) (on board) _____, on or about _____ 19__, (cause) (participate in) a riot by unlawfully assembling with (_____ and _____) (and) (others to the number of about _____ whose names are unknown) for the purpose of (resisting the police of _____) (assaulting passers-by) (_____), and in furtherance of such purpose did (fight with said police) (assault certain women, to wit: _____) (_____)'.

Breach of the peace

84. In that _____ did, (at) (on board) _____, on or about _____ 19__, (cause) (participate in) a breach of the peace by [wrongfully engaging in a fist fight in the dayroom with _____] [using the following (profane) (indecent) (_____) language (toward _____), to wit: "_____", or words to that effect] [wrongfully shouting and singing in a public place, to wit: _____] [_____].

ARTICLE 117

Provoking speeches or gestures

85. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully use (provoking)' (reproachful) (words, to wit: "_____", or words to that effect) (and) (gestures, to wit: _____) towards (Sergeant _____, U.S. Air Force) (Harold Brown, a person serving with the Army of the United States in the field) (_____, Captain, U.S. Navy).

ARTICLE 118

Murder

86. In that _____ did, (at) (on board) _____, on or about _____ 19__, [with premeditation] [while (perpetrating) (attempting to perpetrate) _____], murder _____ by means of (shooting him with a rifle) (pushing him over a cliff) (running into him with an automobile) (_____).

NOTE. In charging murder under sections (2) and (3) of Article 118, all material inclosed in brackets is omitted.

ARTICLE 119

Voluntary manslaughter

87. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and unlawfully kill _____ by _____ him (in) (on) the _____ with a _____.

Involuntary manslaughter

88. In that _____ did, (at) (on board) _____, on or about _____ 19__, [by culpable negligence] [while (perpetrating) (attempting to perpetrate) an offense directly affecting the person of _____, to wit: (maiming) (a battery) (_____)] unlawfully kill _____ by _____ him (in) (on) the _____ with a _____.

ARTICLE 120

Rape and carnal knowledge

89. In that _____ did, (at) (on board) _____, on or about _____ 19__, (rape _____) *(rape _____, a female under the age of 16 years) (commit the offense of carnal knowledge with _____).

*If this allegation is used, carnal knowledge can be an included offense of rape.

ARTICLE 121

Larceny

90. In that _____ did, (at) (on board) _____, on or about _____ 19__, steal _____, of a value of (about) $_____, the property of _____.

Wrongful appropriation

91. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully appropriate _____, of a value of (about) $_____, the property of _____.

ARTICLE 122

Robbery

92. In that _____ did, (at) (on board) _____, on or about _____ 19__, by means of (force) (violence) (force and violence) (and) (putting him in fear) steal from the (person) (presence) of _____, against his will, (a watch) (_____), of a value of (about) $_____, the property of _____.

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APPENDIX 6

ARTICLE 123

Forgery

93. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to defraud, falsely [make (in its entirety) (the signature of _____ as an indorsement to) (the signature of _____ to) (_____) a certain (check) (writing) (_____) in the following words and figures, to wit: _____] [alter a certain (check) (writing) (_____) in the following words and figures, to wit: _____, by (adding thereto _____) (_____)], which said (check) (writing) (_____) would, if genuine, apparently operate to the legal prejudice of another *[and which _____ (could be) (was) used to the legal prejudice of _____, in that _____].

94. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to defraud, (utter) (offer) (issue) (transfer) a certain (check) (writing) (_____) in the following words and figures, to wit: _____, a writing which would, if genuine, apparently operate to the legal prejudice of another, [which said (check) (writing) (_____)] [the signature to which said (check) (writing) (_____)] [_____] was, as he, the said _____, then well knew, falsely (made) (altered) *[and which _____ (could be) (was) used to the legal prejudice of _____, in that _____].

*This allegation should be used when the document specified is not one which by its nature would clearly operate to the legal prejudice of another, for example, an insurance application. The manner in which the document could be or was used to prejudice the legal rights of another should be set forth in the last blank.

ARTICLE 123a

Check, worthless, with intent to defraud

95. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to defraud and for the procurement of [lawful currency] (and) [_____ (an article) (a thing) of value], wrongfully and unlawfully [(make) (draw)] [(utter) (deliver) to _____,] a certain (check) (draft) (order) for the payment of money upon the (_____ Bank) (_____ depository) in words and figures as follows, to wit: _____, then knowing that (he) (_____), the (maker) (drawer) thereof, did not or would not have sufficient funds in or credit with such (bank) (depository) for the payment of the said (check) (draft) (order) in full upon its presentment.

Check, worthless, with intent to deceive

96. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to deceive and (for the payment of a past due obligation, to wit: _____) (for the purpose of _____) wrongfully and unlawfully [(make) (draw)] [(utter) (deliver) to _____,] a certain (check) (draft) (order) for the payment of money upon (_____ Bank) (_____ depository), in words and figures as follows, to wit: _____, then knowing that (he) (_____), the (maker) (drawer) thereof did not or would not have sufficient funds in or credit with such (bank) (depository) for the payment of the said (check) (draft) (order) in full upon its presentment.

ARTICLE 124

Maiming

97. In that _____ did, (at) (on board) _____, on or about _____ 19__, maim _____ by (crushing his foot with a sledge hammer) (_____).

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ARTICLE 125

Sodomy

98. In that _____ did, (at) (on board) _____, on or about _____ 19__, commit sodomy with _____ *(, a child under the age of sixteen years) *(, by force and without the consent of the said _____).

*Either or both of these allegations may be used to allege aggravation (see Section A, 127c as to punishment).

ARTICLE 126

Aggravated arson

99. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and maliciously (burn) (set on fire) [an inhabited dwelling, to wit: (the residence of _____) (_____, the property of _____)] [, knowing that a human being was therein at the time, (the Post Theater) (_____, the property of _____)], of a value of (about) $_____

Simple arson

100. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and maliciously (burn) (set fire to) (an automobile) (_____), the property of _____, of a value of (about) $_____

ARTICLE 127

Extortion

101. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent unlawfully to obtain ($100) (_____), communicate to _____ a threat to (kidnap his son, _____) (accuse _____ of having committed sodomy) (_____).

ARTICLE 128

Assault

102. In that _____ did, (at) (on board) _____, on or about _____ 19__, assault _____ by (striking at him with a _____) (_____).

—Upon a commissioned officer

103. In that _____ did, (at) (on board) _____, on or about _____ 19__, assault _____, a commissioned officer of [_____, a friendly foreign power] [the United States (Army) (Navy) (Marine Corps) (Air Force) (Coast Guard)], by _____.

NOTE. That the accused did not know the commissioned officer to be such is a defense to this kind of assault—but not to an included assault in which the official position of the victim is immaterial.

—Upon a warrant, non-commissioned, or petty officer

104. In that _____ did, (at) (on board) _____, on or about _____ 19__, assault _____, a (warrant) (non-commissioned) (petty) officer of the United States (Army) (Navy) (Marine Corps) (Air Force) (Coast Guard), by _____.

NOTE. That the accused did not know the warrant, etc., officer to be such is a defense to this kind of assault—but not to an included assault in which the official position of the victim is immaterial.

—Upon a person in the execution of police duties

105. In that _____ did, (at) (on board) _____, on or about _____ 19__, assault _____, a person then having and in the execution of (Air Force security police) (military police) (shore patrol) (civil law enforcement) duties, by _____.

—Upon a sentinel or lookout

106. In that _____ did, (at) (on board) _____, on or about _____ 19__, [(attempt) (threaten) to] (unlawfully strike) (assault) _____, a (sentinel) (lookout) in the execution of his duty, [(in) (on) the _____] with (a) (his) _____.

Assault (consummated by a battery)

107. In that _____ did, (at) (on board) _____, on or about _____ 19__, unlawfully (strike) (_____) _____ (on) (in) the _____ with _____.

APPENDIX 6

Assault (consummated by a battery) upon a child under the age of 16

108. In that _____ did, (at) (on board) _____, on or about _____ 19__, unlawfully (strike) (_____) _____, a child under the age of sixteen years, (in) (on) the _____ with _____.

Assault, aggravated:
—With a dangerous weapon, means, or force
—Inflicting grievous bodily harm

109. In that _____ did, (at) (on board) _____, on or about _____ 19__, commit an assault upon _____ by (shooting) (striking) (cutting) (_____) (at him)' (him) (in) (on) (the _____) with [a dangerous weapon] [a (means) (force) likely to produce grievous bodily harm], to wit: a (pistol) (pickax) (bayonet) (club) (_____)'.

110. In that _____ did, (at) (on board) _____, on or about _____ 19__, commit an assault upon _____ by (shooting) (striking) (cutting) (_____)' (him) (in) (on) the _____ with a (club) (rock)' (brick) (_____) and did thereby intentionally inflict grievous bodily harm upon him, to wit: a (broken leg) (deep cut) (fractured skull) (_____).

ARTICLE 129

Burglary

111. In that _____ did, at _____, on or about _____ 19__, in the nighttime, burglariously break and enter the (dwelling house) (_____ within the curtilage) of _____, with intent to commit (murder) (larceny) (_____) therein.

ARTICLE 130

Housebreaking

112. In that _____ did, (at)' (on board) _____, on or about _____ 19__, unlawfully enter the (dwelling) (room) (bank) (store) (warehouse) (shop) (tent) (stateroom) (_____) the property of _____, with intent to commit a criminal offense, to wit: _____, therein.

ARTICLE 131

Perjury

113. In that _____, having taken a lawful (oath) (affirmation) in a (trial by _____ court-martial of _____) (trial by a court of competent jurisdiction, to wit: _____ of _____)' (deposition for use in a trial by _____ of _____) (_____) that he would (testify) (depose) truly, did, (at) (on board) _____, on or about _____ 19__, willfully, corruptly, and contrary to such (oath) (affirmation), (testify) (depose) in substance that _____, which (testimony) (deposition) was upon a material matter and which he did not then believe to be true.

ARTICLE 132

Making false claim

114. In that _____ did, (at)' (on board) _____, on or about _____ 19__, [by preparing (a voucher) (_____) for presentment to _____, an officer of the United States duly authorized to (approve) (allow) (pay) (approve, allow, and pay) such claim] [_____], make a claim against the (United States) (finance officer at _____) (_____) in the amount of $_____ for [private property alleged to have been (lost) (destroyed) in the military service] [_____], which claim was (false) (fraudulent)' (false and fraudulent) in the amount of $_____ in that _____ and was then known by the said _____ to be (false) (fraudulent) (false and fraudulent).

Presenting false claim

115. In that _____ did, (at) (on board) _____, on or about _____ 19__, by presenting (a voucher) (_____) to _____, an officer of the United States duly authorized to (approve) (pay) (approve and pay)' such claim, present for (approval) (payment) (approval and payment) a claim against the (United States) (finance officer at _____) (_____) in the amount of $_____ for (services alleged to have been rendered to the United States by _____ during _____)' (_____), which claim was (false) (fraudulent) (false and fraudulent) in the amount of $_____ in that _____, and was then known by the said _____ to be (false) (fraudulent)' (false and fraudulent).

Making or using false writing

116. In that _____, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States in the amount of $_____, did, (at) (on board) _____, on or about _____ 19__, (make) (use) (make and use) a certain (writing) (paper), to wit: _____, which said (writing)' (paper), as he, the said _____, then knew, contained a statement that _____, which statement was (false) (fraudulent) (false and fraudulent) in that _____, and was then known by the said _____ to be (false) (fraudulent) (false and fraudulent).

Making false oath

117. In that _____, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States, did, (at) (on board) _____, on or about _____ 19__, make an oath [to the fact that _____] [to a certain (writing) (paper), to wit: _____, to the effect that _____], which said oath was false in that _____, and was then known by the said _____ to be false.

Forging or counterfeiting signature

118. In that _____, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States, did, (at) (on board) _____, on or about _____ 19__, (forge) (counterfeit) (forge and counterfeit) the signature of _____ upon a _____ in words and figures as follows: _____.

Using forged signature

119. In that _____, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States, did, (at) (on board) _____, on or about _____ 19__, use the signature of _____ on a certain (writing) (paper), to wit: _____, such signature being (forged) (counterfeited) (forged and counterfeited), and then known by the said _____ to be (forged) (counterfeited) (forged and counterfeited).

Paying amount less than called for by receipt

120. In that _____, having (charge) (possession) (custody) (control) of (money) (_____) of the United States, (furnished) (intended) (furnished and intended) for the armed forces thereof, did, (at) (on board) _____, on or about _____ 19__, knowingly deliver to _____, the said _____ having authority to receive the same, (an amount) (_____), which, as he, _____, then knew, was ($_____) (_____) less than the (amount) (_____) for which he received a (certificate) (receipt) from the said _____.

Making receipt without knowledge of the facts

121. In that _____, being authorized to (make) (deliver) (make and deliver) a paper certifying the receipt of property of the United States (furnished) (intended) (furnished and intended) for the armed forces thereof, did, (at) (on board) _____, on or about _____ 19__, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States, (make) (deliver) (make and deliver) to _____ such a writing, in words and figures as follows: _____, the property therein certified as received being of a value of (about) $_____.

ARTICLE 133

Copying or using examination paper

122. In that _____ did, (at) (on board) _____, on or about _____ 19__, while undergoing a written examination on the subject of _____, wrongfully and dishonorably (receive) (request) unauthoried aid by [(using) (copying) the examination paper of _____] [_____].

Drunk or disorderly

123. In that _____ was, (at) (on board) _____, on or about _____ 19__, in a public place, to wit: _____, (drunk) (disorderly) (drunk and disorderly) while in uniform, to the disgrace of the armed forces.

Failing, dishonorably, to pay debt

124. In that _____, being indebted to _____ in the sum of $_____ for _____, which amount became due and payable (on) (about) (on or about) _____, did, (at) (on board) _____, from _____ 19__ to _____ 19__, dishonorably fail to pay said debt.

Failure to keep promise to pay debt

125. In that _____, having, on or about _____ 19__, become indebted to _____ in the sum of $_____ for _____, and having failed without due cause to liquidate said indebtedness, and having, on or about _____ 19__, promised said _____ (in writing) that on or about _____ 19__ he would (settle such indebtedness in full) (pay on such indebtedness the sum of $_____), did, without due cause, (at) (on board) _____, on or about _____ 19__, dishonorably fail to keep said promise.

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Abusing public animal

126. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully (kick a public horse in the belly) (_____).

Adultery

127. In that _____ (, a married man,) did, (at) (on board) _____, on or about _____ 19__, wrongfully have sexual intercourse with _____, (a married woman) (a woman) not his wife.

Assault: —Indecent

128. In that _____ did, (at) (on board) _____, on or about _____ 19__, commit an indecent assault upon _____ by _____, with intent to gratify his (lust) (sexual desires).

—With intent to commit certain offenses

129. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to commit (murder) (voluntary manslaughter) (rape) (robbery) (sodomy) (arson) (burglary) (housebreaking), commit an assault upon _____ by _____.

Bigamy

130. In that _____ did, at _____, on or about _____ 19__, wrongfully and bigamously marry _____, having at the time of his said marriage to _____ a lawful wife then living, to wit: _____.

Bribery and graft: —Asking, accepting, or receiving

131. In that _____, being at the time (a contracting officer for _____) (the personnel officer of _____) (_____), did, (at) (on board) _____, on or about _____ 19__, wrongfully and unlawfully (ask) (accept) (receive) from _____, (a contracting company engaged in _____) (_____), (the sum of $_____) (_____, of a value of (about) $_____) (_____), [with intent to have his (decision) (action) influenced with respect to] [(as compensation for) (in recognition of) services (rendered) (to be rendered) (rendered and to be rendered) by him the said _____ in relation to] an official matter in which the United States was and is interested, to wit: (the purchasing of military supplies from _____) (the transfer of _____ to duty with _____) (_____).

—Promising, offering, or giving

132. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully and unlawfully (promise) (offer) (give) to _____, (his commanding officer) (the claims officer of _____) (_____), (the sum of $_____) (_____, of a value of (about) $_____) (_____), [with intent to influence the (decision) (action) of the said _____ with respect to] [(as compensation for) (in recognition of) services (rendered) (to be rendered) (rendered and to be rendered) by the said _____ in relation to] an official matter in which the United States was and is interested, to wit: (the granting of leave to _____) (the processing of a claim against the United States in favor of _____) (_____).

Burning with intent to defraud

133. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and maliciously (burn) (set fire to) (a dwelling) (a barn) (an automobile), the property of _____, with intent to defraud (the insurer thereof, to wit: _____) (_____).

Check, worthless, making and uttering (by dishonorably failing to maintain sufficient funds)

134. In that _____ did, (at) (on board) _____, on or about _____ 19__, make and utter to _____ a certain check, in words and figures as follows, to wit: _____, (for the purchase of _____) (in payment of a debt) (for the purpose of _____), and did thereafter dishonorably fail to (place) (maintain) sufficient funds in the _____ Bank for payment of such check in full upon its presentment for payment.

Correctional custody; —escape from

135. In that _____, while duly undergoing the punishment of correctional custody, did, (at) (on board) _____, on or about _____ 19__, escape from correctional custody.

—breach of restraint during

136. In that _____, while duly undergoing the punishment of correctional custody, did, (at) (on board) _____, on or about _____ 19__, breach the restraint imposed thereunder by _____.

Criminal libel

137. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully, maliciously, and without justifiable cause (communicate to _____) (publish) (circulate among _____) a defamatory statement in writing concerning _____, a member of the U.S. (Army) (_____), (substantially) as follows: _____.

Debt, dishonorably failing to pay

138. In that _____, being indebted to _____ in the sum of $_____ for _____, which amount became due and payable (on) (about) (on or about) _____ 19__, did, (at) (on board) _____, from _____ 19__ to _____ 19__, dishonorably fail to pay said debt.

Disloyal statements

139. In that _____ did, (at) (on board) _____, on or about _____ 19__, with design to [promote (disloyalty) (disaffection) (disloyalty and disaffection) among (the troops) (the civilian populace) (the troops and the civilian populace)] [(interfere with) (impair) the (loyalty,) (morale) (and) (discipline) of members of the Armed Forces of the United States], utter to _____ the following statement, to wit: "_____", or words to that effect, which statement was disloyal to the United States.

Disorderly, drunkenness —In command, quarters, etc., under service discrediting circumstances —Drinking liquor with prisoner

140. In that _____ was, (at) (on board) _____, on or about _____ 19__, (drunk) (disorderly) (drunk and disorderly) [in (command) (quarters) (station) (camp) (_____)] [on board ship] [in uniform in a public place, to wit: _____] [_____].

141. In that _____, a (sentinel) (_____) in charge of prisoners, did, (at) (on board) _____, on or about _____

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APPENDIX 6

19___, unlawfully drink intoxicating liquor with _____, a prisoner under his charge.

—Drunk, prisoner found

142. In that _____, a prisoner, was, (at) (on board) _____, on or about _____ 19___, found drunk.

—Incapacitating oneself for performance of duties through prior indulgence in intoxicating liquors

143. In that _____ was, (at)' (on board) _____, on or about _____ 19___, as a result of previous indulgence in intoxicating liquor, incapacitated for the proper performance of his duties.

Drugs, habit forming, or marihuana:

—Wrongful possession

—Wrongful use, transfer, or sale

144. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully have in his possession _____ ounces, more or less, of (a habit forming narcotic drug, to wit: _____) (marihuana).

145. In that _____ did, (at)' (on board) _____, on or about _____ 19___, wrongfully (use) (transfer) (sell) (a habit forming narcotic drug, to wit: _____) (marihuana).

—Wrongful introduction into military unit, etc.

146. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully introduce _____ ounces, more or less, of (a habit forming narcotic drug, to wit: _____) (marihuana) into a military (unit) (base) (station) (post) (ship) (aircraft) (_____), to wit: _____, for the purpose of (use) (transfer)' (sale) (_____).

False or unauthorized pass offenses

147. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully [and falsely (make) (forge) (alter by _____) (counterfeit) (tamper with by _____)] [sell to _____] [give to _____] [dispose of by _____] [(use) (have in his possession)] *[with intent to (defraud) (deceive)] (a certain instrument purporting to be) (a)' (an) (another's) (naval) (military) (official) (pass) (permit) (discharge certificate) (identification card) (_____) in words and figures as follows: _____, [he, the said _____, then well knowing the same to be (false)' (unauthorized) (_____)].

*In alleging possession or use, the allegation of intent to defraud or to deceive identifies the more serious offense; if this allegation is omitted, an offense of lesser gravity is charged. See Section A, 127c, and 213f(11).

False pretenses, obtaining services under

148. In that _____ did, (at) (on board) _____, on or about _____ 19___, with intent to defraud, falsely pretend to _____ that _____, then knowing that the pretenses were false, and by means thereof did wrongfully and unlawfully obtain from _____ services, of a value of (about) $_____, to wit: _____.

False swearing

149. In that _____ did, (at) (on board) _____, on or about _____ 19___, (in an affidavit)' (in _____), wrongfully and unlawfully (make) (subscribe) under lawful (oath) (affirmation) a false statement in substance as follows: _____, which statement he did not then believe to be true.

Firearm, discharging:

—Through carelessness

150. In that _____ did, (at) (on board) _____, on or about _____ 19___, through carelessness, discharge a (service rifle) (_____) in the (squadroom) (tent) (barracks) (_____ compartment) (_____)' of _____.

—Willfully, under such circumstances as to endanger life

151. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully and willfully discharge a firearm, to wit: _____, (in the mess hall of _____) (_____), under circumstances such as to endanger human life.

Fleeing scene of accident

152. In that _____, being (the driver of) (a passenger in) (the senior officer in) (_____ in) a vehicle at the time of (an accident) (a collision) in which said vehicle was involved, did, at _____, on or about _____ 19___, (wrongfully and unlawfully leave) *(by _____, aid and abet the driver of the said vehicle in wrongfully and unlawfully leaving)' the scene of the (accident) (collision) without [rendering assistance to _____, who had been struck (and injured) by the said vehicle] [making (his) *(the driver's) identity known].

*These allegations are appropriate when the accused was not the driver of the vehicle.

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Gambling with subordinate

153. In that (Sergeant) (_____) _____ (, boatswain's mate first class, U.S. Navy,) (,_____,) did, (at) (on board) _____, on or about _____ 19___, gamble with (Private) (_____) _____ (, seaman apprentice, U.S. Navy) (,_____).

Homicide, negligent

154. In that _____ did, (at) (on board) _____, on or about _____ 19___, unlawfully kill _____, [by negligently _____ the said _____ (in) (on) the _____ with a _____] [by driving a (motor vehicle) (_____) against the said _____ in a negligent manner] [_____].

Impersonating a commissioned, warrant, noncommissioned, or petty officer, or an agent or official

155. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully, willfully, and unlawfully impersonate a [(commissioned officer) (warrant officer) (noncommissioned officer) (petty officer) (agent of superior authority) of the (Army) (Navy) (Marine Corps) (Air Force) (Coast Guard)] [an official of the Government of _____] by [publicly wearing the uniform and insignia of rank of a (lieutenant of the _____) (_____)] [showing the credentials of _____] [_____] (with intent to defraud _____ by _____).

Indecent acts with a child

156. In that _____ did, (at) (on board) _____, on or about _____ 19___, [take (immoral) (improper) (indecent) liberties with] [commit a (lewd) (lascivious) act (upon) (with) the body of] _____, a (female) (male) under sixteen years of age, by [fondling (her) (him) and placing his hands upon (her) (his) leg and private parts] [_____], with intent to (arouse) (appeal to) (gratify) the (lust) (passions) (sexual desires) of the said _____ (and _____).

Indecent exposure

157. In that _____ did, (at) (on board) _____, on or about _____ 19___, while (at a barracks window) (_____) willfully and wrongfully expose in an indecent manner to public view his _____.

Indecent, insulting, or obscene language communicated to a female or a child under the age of 16 years

158. In that _____ did, (at) (on board) _____, on or about _____ 19___, (orally) (in writing) communicate to _____, a (female) (child under the age of 16 years), certain (indecent) (insulting) (obscene) language, to wit: _____.

Indecent, lewd acts with another

159. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully commit an indecent, lewd, and lascivious act with _____ by _____.

Mail, taking, opening, secreting, destroying, or stealing

160. In that _____ did, (at) (on board) _____, on or about _____ 19___, wrongfully and unlawfully take certain mail matter, to wit: (a) [letter(s)] [postal card(s)] [package(s)], addressed to _____, [out of the (_____ Post Office _____) (orderly room of _____) (unit mail box of _____) (_____)] [from _____] before (it) (they) (was) (were) (delivered) (actually received) (to) (by) the person(s) to whom (it) (they) (was) (were) directed, with design to [obstruct the correspondence] [pry into the (business) (secrets)] of _____.

161. In that _____ did, (at) (on board) _____, on or about _____ 19___, [wrongfully and unlawfully (open) (secret) (destroy)] [steal] certain mail matter, to wit: (a)' [letter(s)] [postal

card(s)] [package(s)] addressed to _____, which said [letter(s)] [_____] [(was) (were) then [in the (_____ Post Office _____) (orderly room of _____) (unit mail box of _____) (custody of _____) (_____)] [on the (bunk of _____) (_____)]] [had previously been committed to _____, (a representative of _____,) an official agency for the transmission of communications,] before said [letter(s)] [_____] (was) (were) (delivered) (actually received) (to) (by) the person(s) to whom (it) (they) (was) (were) directed.

Mails, depositing, etc., obscene matter in

162. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully and knowingly (deposit) (cause to be deposited) in the (United States) (_____) mails, for mailing and delivery to _____, a (letter) (picture) (_____) (containing) (portraying) (suggesting) (_____) certain obscene, lewd, and lascivious matter, to wit: _____.

Misprision of felony

163. In that _____, having knowledge that _____ had actually committed a felony (at) (on board) _____, on or about _____ 19__, to wit: (the murder of _____) (_____), did, from about _____ 19__, to about _____ 19__, wrongfully and unlawfully conceal such felony and fail to make the same known to the civil or military authorities.

Nuisance, committing

164. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully (urinate) (defecate) (_____) [on the floor of the squadroom] [on the (deck) (bulkhead) of _____] [_____].

Obstructing justice

165. In that _____ did, (at) (on board) _____, on or about _____, 19__, wrongfully and unlawfully endeavor to [impede (a trial by court-martial) (an investigation) (_____)] [influence the actions of _____, (a member of the court-martial) (the military judge of the court-martial) (a trial counsel of the court-martial) (a defense counsel of the court-martial) (an officer responsible for making a recommendation concerning disposition of charges) (an officer responsible for taking action with respect to the findings and sentence of the court-martial) (_____)] [(influence) (alter) the testimony of _____ as a witness before (a court-martial) (an investigating officer) (_____)] in the case of _____, by [(promising) (offering) (giving) to the said _____, (the sum of $_____) (_____, of a value of (about) $_____)] [communicating to the said _____ a threat to _____] [_____], (if) (unless) he, the said _____, would [(vote to acquit the said _____) (_____) (recommend dismissal of the charges against the said _____) (disapprove the findings and sentence in the case of _____ and order the charges dismissed)] [(wrongfully refuse to testify) (testify falsely concerning _____) (_____)] [(at such trial) (before such investigating officer)] [_____].

Pandering

166. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully and unlawfully [(compel) (induce) (entice) (procure)] [attempt to (compel) (induce) (entice) (procure)] _____ to engage in (acts of prostitution) (sexual intercourse for hire and reward) with persons to be directed to (him) (her) by the said _____.

167. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully and unlawfully [receive valuable consideration, to wit: _____, on account of arranging for] [arrange for] (_____) (unnamed persons) to engage in (sexual intercourse) (sodomy) with _____, (a prostitute) (_____).

Parole, violation of

168. In that _____, a prisoner on parole, did, (at) (on board) _____, on or about _____ 19__, violate the conditions of his parole by _____.

Perjury, statutory

169. In that _____, having taken a lawful oath [in a proceeding before (a board of officers) (a court of inquiry) concerning _____] [upon the making of an affidavit as to _____] [_____], a case in which a law of the United States authorized an oath to be administered, that [he, the said _____, would (testify) (declare) (depose) (certify) truly] [a written (declaration) (deposition) (certificate) subscribed by him was true], did, (at) (on board) _____, on or about _____ 19__, willfully and contrary to such oath (state) (subscribe) a material matter, to wit: _____, which matter he did not then believe to be true.

Perjury, subornation of

170. In that _____ did, (at) (on board) _____, on or about _____ 19__, procure _____ to commit perjury by inducing him, the said _____, to take a lawful (oath) (affirmation) in a (trial by _____ court-martial of _____) (trial by a court of competent jurisdiction, to wit: _____ of _____) (deposition for use in a trial by _____ of _____) (_____) that he, the said _____, would (testify) (depose) (_____) truly, and to (testify) (depose) (_____) willfully, corruptly, and contrary to such (oath) (affirmation) in substance that _____, which (testimony) (deposition) (_____) was upon a material matter and which the said _____ did not then believe to be true.

Prisoner, allowing to do unauthorized act

171. In that _____, (a sentinel) (overseer) (_____) in charge of prisoners, did, (at) (on board) _____, on or about _____ 19__, wrongfully allow _____, a prisoner under his charge, to [(go to) (enter) (go to and enter) an unauthorized place, to wit: _____] [(hold unauthorized conversation with _____) (loiter) (neglect his task by _____) (obtain intoxicating liquor) (_____)].

Public record, altering, concealing, removing, mutilating, obliterating, or destroying

172. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and unlawfully [(alter) (conceal) (remove) (mutilate) (obliterate) (destroy)] [appropriate with intent to (alter) (conceal) (remove) (mutilate) (obliterate) (destroy) (steal)] a public record, to wit: [the (descriptive list) (rough deck log) (quartermaster's note book) of _____] [_____].

Quarantine, medical, breaking

173. In that _____, having been duly placed in medical quarantine (in the isolation ward, _____ Hospital) (_____), did (at) (on board) _____, on or about _____ 19__, break said medical quarantine.

Refusing, wrongfully, to testify

174. In that _____, being in the presence of (a) (an) [(general) (special) court-martial] [duly appointed board of officers] [officer conducting an investigation under Article 32, Uniform Code of Military Justice] [officer taking a deposition] [_____] (of) (for) the United States, of which _____ was (military judge) (president) (_____), (and having been directed by the said _____ to qualify as a witness) (and having qualified as a witness and having been directed by the said _____ to answer the following questions put to him as a witness, "_____"), did, (at) (on board) _____, on or about _____ 19__, wrongfully refuse (to qualify as a witness) (to answer said questions).

Restriction, breaking

175. In that _____, having been duly restricted to the limits of _____, did, (at) (on board) _____, on or about _____ 19__, break said restriction.

Sentinel, lookout, offenses against or by

176. In that _____, (a prisoner), did, (at) (on board) _____, on or about _____ 19__, wrongfully [use the following (threatening) (insulting) (threatening and insulting) language]

[behave in (a) (an) (insubordinate) (disrespectful) (insubordinate and disrespectful) manner] toward _____, a (sentinel) (lookout) in the execution of his duty, ["_____," or words to that effect] [by _____].

Soliciting another to commit an offense

177. In that _____, while posted as a (sentinel) (lookout), did, (at) (on board) _____, on or about _____ 19__, (loiter)' (wrongfully sit down) on his post.

178. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully (solicit) (induce) _____ (to disobey a general regulation, to wit: _____) (to steal _____, of a value of (about) $_____, the property of _____) (to _____), by _____.

NOTE. See Article 82 for certain solicitations which should be charged under that article.

Stolen property, knowingly receiving, buying, concealing

179. In that _____ did, (at) (on board) _____, on or about _____ 19__, unlawfully (receive) (buy)' (conceal) _____, of a value of (about) $_____, the property of _____, which property, as he, the said _____, then well knew, had been stolen.

Straggling

180. In that _____ did, at _____, on or about _____ 19__, while accompanying his organization on (a practice march) (maneuvers) (_____), without just cause, straggle.

Threat, communicating

181. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully communicate to _____ a threat to (injure _____ by _____) (accuse _____ of having committed the offense of _____) (_____).

Transporting, unlawfully, a vehicle or aircraft in interstate or foreign commerce

182. In that _____ did, (at) (on board)' _____, (between _____ and _____) on or about _____ 19__, unlawfully transport (a motor vehicle) (an aircraft) in (interstate) (foreign) commerce, then knowing the said (motor vehicle) (aircraft) to have been stolen.

Unclean accouterment, arms, or uniform

183. In that _____ was, (at) (on board) _____, on or about _____ 19__, found with an unclean (rifle) (uniform)' (_____), he being at fault in failing to maintain such property in a clean condition.

Uniform, unclean, improper appearing in

184. In that _____ did, on or about _____ 19__, wrongfully appear (at) (on board) _____ (without his _____) (in an unclean _____) (with an unclean _____) (_____).

Unlawful entry

185. In that _____ did, (at) (on board) _____, on or about _____ 19__, unlawfully enter the (dwelling house) (garage)' (warehouse) (tent) (vegetable garden) (orchard) (stateroom) (_____) of _____.

Weapon, concealed, carrying

186. In that _____ did, (at) (on board) _____, on or about _____ 19__, unlawfully carry a concealed weapon, to wit: a _____.

Wearing unauthorized insignia, decoration, badge, ribbon, or lapel button

187. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully and without authority wear upon his (uniform) (civilian clothing) [the insignia of grade of a (master sergeant of _____) (chief gunner's mate of _____)] [the Combat Infantryman Badge] [the Distinguished Service Cross] [the ribbon representing the Silver Star] [the lapel button representing the Legion of Merit] [_____].

Wrongful cohabitation

188. In that _____ did, (at) (on board) _____, from about _____ 19__, to about _____ 19__, wrongfully cohabit with _____, a woman not his wife.

Appendix 7

INVESTIGATING OFFICER'S REPORT

INVESTIGATING OFFICER'S REPORT (Of charges under the provisions of Article 32, Uniform Code of Military Justice, and paragraph 34, Manual for Courts-Martial, U.S.)			3d INDORSEMENT
FROM: (Grade, name and organization of investigating officer) Major Adam A. Adamson, 1st Bn, 61st Inf			DATE OF REPORT 1 Dec 1967
TO: (Title and organization of officer who directed report to be made) Commanding Officer, 1st Bn, 61st Inf, Fort Compton, Texas			
GRADE AND NAME OF ACCUSED	SERVICE NUMBER	ORGANIZATION	DATE OF CHARGES
Private Ben B. Benson	RA 11 111 111	Co A, 1st Bn, 61st Inf	20 Nov 1967

(Check appropriate answer)	YES	NO
1. IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 32, UNIFORM CODE OF MILITARY JUSTICE, AND PARAGRAPH 34, MANUAL FOR COURTS-MARTIAL, I HAVE INVESTIGATED THE CHARGES (Exhibit 1) APPENDED HERETO. (If, and as soon as, it is determined the accused elects not to be represented by counsel or by qualified counsel during the investigation, the investigating officer will complete in ink items 1 through 4, except 4f, and will ask the accused to sign item 4e.)	X	
2. AT THE OUTSET OF THE INVESTIGATION I READ TO THE ACCUSED THE PROVISIONS OF ARTICLE 31, UNIFORM CODE OF MILITARY JUSTICE, AND ALSO ADVISED HIM:	X	
a. OF THE NATURE OF THE OFFENSE(S) CHARGED AGAINST HIM	X	
b. OF THE NAME OF THE ACCUSER	X	
c. OF THE NAMES OF THE WITNESSES AGAINST HIM SO FAR AS KNOWN BY ME,	X	
d. THAT THE CHARGES WERE ABOUT TO BE INVESTIGATED BY ME	X	
e. OF HIS RIGHT, UPON HIS REQUEST, TO HAVE COUNSEL REPRESENT HIM AT THE INVESTIGATION, EITHER--	X	
(1) CIVILIAN COUNSEL, IF PROVIDED BY HIM, OR	X	
(2) MILITARY COUNSEL OF HIS OWN SELECTION, IF SUCH COUNSEL BE REASONABLY AVAILABLE, OR	X	
(3) COUNSEL, QUALIFIED UNDER ARTICLE 27(b), APPOINTED BY THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION	X	
f. OF HIS RIGHT TO CROSS-EXAMINE ALL AVAILABLE WITNESSES AGAINST HIM	X	
g. OF HIS RIGHT TO PRESENT ANYTHING HE MIGHT DESIRE IN HIS OWN BEHALF, EITHER IN DEFENSE OR MITIGATION	X	
h. OF HIS RIGHT TO HAVE THE INVESTIGATING OFFICER EXAMINE AVAILABLE WITNESSES REQUESTED BY HIM	X	
i. OF HIS RIGHT TO MAKE A STATEMENT IN ANY FORM	X	
j. OF HIS RIGHT TO REMAIN SILENT OR TO REFUSE TO MAKE ANY STATEMENT REGARDING ANY OFFENSE OF WHICH HE WAS ACCUSED OR CONCERNING WHICH HE IS BEING INVESTIGATED	X	
k. THAT ANY STATEMENT MADE BY HIM MIGHT BE USED AS EVIDENCE AGAINST HIM IN A TRIAL BY COURT-MARTIAL	X	
3. a. THE ACCUSED REQUESTED MILITARY COUNSEL BY NAME	X	
b. NAME AND GRADE OF SUCH COUNSEL: Carl C. Carlson, Captain, JAGC — ORGANIZATION: Hq, Fort Compton, Texas		
c. MILITARY COUNSEL REQUESTED BY NAME WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE	X	
d. IF ANSWER TO PRECEDING ITEM WAS "NO". ACCUSED WAS INFORMED THAT SUCH UNQUALIFIED COUNSEL MAY NOT REPRESENT HIM AT ANY GENERAL COURT-MARTIAL	NA	
e. MILITARY COUNSEL REQUESTED BY NAME WAS REASONABLY AVAILABLE. (If not available, explain in item 18, having reference to paragraph 34c, Manual for Courts-Martial.)	X	
f. THE ACCUSED STATED HE WOULD BE REPRESENTED BY CIVILIAN COUNSEL		X
g. NAME AND ADDRESS OF SUCH COUNSEL: NA — MEMBER OF THE BAR OF		
h. (This item to be used by accused's civilian counsel only) _____ Place and date. I HEREBY ENTER MY APPEARANCE FOR THE ABOVE-NAMED ACCUSED AND REPRESENT THAT I AM A MEMBER OF THE BAR OF _____. _____ (Signature of Counsel)		
4. a. THE ACCUSED REQUESTED THAT COUNSEL BE APPOINTED BY THE GENERAL COURT-MARTIAL AUTHORITY TO REPRESENT HIM		X
b. NAME AND GRADE OF SUCH APPOINTED COUNSEL: NA — ORGANIZATION		
c. APPOINTED COUNSEL (see in b above) WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE	NA	
d. IF ANSWER TO PRECEDING ITEM (4c) IS "NO". ACCUSED SPECIFICALLY WAIVED COUNSEL WITH SUCH QUALIFICATIONS	NA	
e. (To be signed by accused if answer to 3a and 4a, or 3c, or 4c was "NO". If accused fails to sign, investigating officer will explain circumstances in detail in item 18) _____ Date. I HAVE BEEN INFORMED OF MY RIGHT TO REPRESENTATION AT THE INVESTIGATION BY COUNSEL QUALIFIED UNDER ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE. I HEREBY WAIVE MY RIGHT TO (SUCH QUALIFIED COUNSEL) (COUNSEL). _____ (Signature of Accused)		

NOTE: If additional space is required for any item, enter the additional material on a separate sheet. Be sure to identify such material with the proper numerical and, when appropriate, lettered heading (Example, "3g"). Securely attach any additional sheet to the form and add a note in the appropriate item of the form "See additional sheet." Any matters considered pursuant to paragraph 34, MCM, which are not identifiable with some other heading in the form should be entered in item 18.

(Check appropriate answer continued)	YES	NO
f. COUNSEL FOR THE ACCUSED WAS PRESENT THROUGHOUT THE INVESTIGATION *(If the accused waives the right to have counsel present throughout all or a part of the investigation after having requested counsel, state the circumstances and the particular proceedings conducted in the absence of such counsel)*	X	
5. a. I HAVE INTERROGATED ALL AVAILABLE WITNESSES UNDER OATH OR AFFIRMATION AND HAVE EXAMINED ALL DOCUMENTARY EVIDENCE ON BOTH SIDES.	X	
b. I HAVE REDUCED THE MATERIAL TESTIMONY GIVEN BY EACH SUCH WITNESS UNDER DIRECT AND CROSS-EXAMINATION TO A SWORN OR AFFIRMED WRITTEN STATEMENT EMBODYING THE SUBSTANCE OF THE TESTIMONY TAKEN ON BOTH SIDES.	X	
c. THE SWORN OR AFFIRMED WRITTEN STATEMENTS OF SUCH WITNESSES ARE APPENDED HERETO AS INDICATED:	X	

NAME AND GRADE OF WITNESSES WHO WERE PRESENT	ORGANIZATION OR ADDRESS	EXHIBIT NUMBER
Dodd D. Dodson, Captain	Co A, 1st Bn, 61st Inf	2
Evan E. Evanson, Specialist 4	Co A, 1st Bn, 61st Inf	3
Ford F. Fordson, Corporal	400th MP Co	4

	YES	NO
6. a. THE SUBSTANCE OF THE EXPECTED TESTIMONY OF EACH OF THE FOLLOWING ABSENT WITNESSES WHOSE PRESENCE WAS NOT REQUESTED BY THE ACCUSED, OR WHO, HAVING BEEN REQUESTED, WERE NOT AVAILABLE, OR FOR WHOM THE REQUEST WAS WITHDRAWN, WAS OBTAINED FROM SUCH WITNESSES IN THE FORM OF A SWORN OR AFFIRMED WRITTEN STATEMENT, OR WAS STIPULATED TO BY THE ACCUSED IN WRITING. SUCH STATEMENTS OR STIPULATIONS ARE APPENDED HERETO AS INDICATED:	X	

NAME AND GRADE OF ABSENT WITNESSES	ORGANIZATION OR ADDRESS	EXHIBIT NUMBER
Greg G. Gregson	10 Main Street, Albemarle, Texas	5

b. A COPY OF EACH SUCH WRITTEN STATEMENT HAS BEEN SHOWN TO THE ACCUSED.	X	
c. IF AN ABSENT WITNESS IS REQUESTED BY THE ACCUSED BUT IS NOT AVAILABLE, ENTER A PROPER EXPLANATION		

7. a. THE FOLLOWING DOCUMENTS HAVE BEEN EXAMINED, SHOWN TO THE ACCUSED, AND ARE APPENDED AS INDICATED *(describe documents)*	EXHIBIT NUMBER
Extract copy of morning report, Co A, 1st Bn, 61st Inf for 1 October 1967	6
Statement of accused, 15 November 1967	7
b. IF ANY DOCUMENTS MADE AVAILABLE TO THE INVESTIGATING OFFICER WERE NOT EXAMINED OR WERE EXAMINED BUT NOT SHOWN TO THE ACCUSED, OR WERE EXAMINED BUT ARE NOT APPENDED, STATE THE REASONS	

8. a. THE FOLLOWING DESCRIBED REAL EVIDENCE WAS EXAMINED, SHOWN TO THE ACCUSED, AND IS NOW PRESERVED FOR SAFEKEEPING AS INDICATED: One .45 caliber pistol, now in the custody of the Commanding Officer, Co A, 1st Bn, 61st Inf.	X	
b. IF CERTAIN REAL EVIDENCE WHICH WAS EXAMINED WAS NOT SHOWN TO THE ACCUSED, STATE THE REASONS		

(Check appropriate answer continued)	YES	NO
9. THE ACCUSED AFTER HAVING BEEN INFORMED OF HIS RIGHT TO MAKE A STATEMENT OR REMAIN SILENT:		X
a. STATED THAT HE DID NOT DESIRE TO MAKE A STATEMENT	X	
b. MADE A STATEMENT APPENDED HERETO *(Exhibit 8)*.	X	
c. THE CIRCUMSTANCES OF THE TAKING OF ANY CONFESSION OR ADMISSION OF ACCUSED WERE INQUIRED INTO BY ME AND SUCH CONFESSION OR ADMISSION APPEARS TO HAVE BEEN OBTAINED IN ACCORDANCE WITH ARTICLE 31, UNIFORM CODE OF MILITARY JUSTICE, AND/OR THE 5TH AMENDMENT. *(Where appropriate, attach statement of person taking confession or admission showing circumstances of taking)*	X	
d. THE ACCUSED, AFTER BEING ADVISED THAT HE DID NOT HAVE TO MAKE ANY STATEMENT WITH RESPECT TO IT, WAS SHOWN THE CONFESSION OR ADMISSION AND DID NOT CONTEST IT AS BEING NOT IN COMPLIANCE WITH ARTICLE 31, UNIFORM CODE OF MILITARY JUSTICE. *(If the confession or admission was contested, attach accused's explanation of the circumstances.)*	X	
10. a. THERE WERE REASONABLE GROUNDS FOR INQUIRING INTO THE MENTAL RESPONSIBILITY OF THE ACCUSED AT THE TIME OF THE ALLEGED OFFENSE *(MCM, 1200)*		X
b. THERE WERE REASONABLE GROUNDS FOR INQUIRING INTO THE MENTAL CAPACITY OF THE ACCUSED AT THE TIME OF THE INVESTIGATION *(MCM, 1204)*		X
c. IF GROUNDS FOR INQUIRY AS TO THE ACCUSED'S MENTAL CONDITION EXISTS, STATE REASONS THEREFOR AND ACTION TAKEN		
d. A REPORT OF A (BOARD OF MEDICAL OFFICERS) (PSYCHIATRIST) IS APPENDED *(Exhibit)*		X
11. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL. *(If any essential witness(es) will not be so available, list name, address, reason for nonavailability, and recommendation, if any, whether a deposition should be taken. List estimated date of separation and/or transfer, if pertinent and available)* Corporal Ford F. Fordson, 400th MP Co, is scheduled for transfer to Hawaii on or about 15 Dec 1967. Recommend that a deposition be taken.		X
12. EXPLANATORY OR EXTENUATING CIRCUMSTANCES ARE SUBMITTED HEREWITH. Possible stress of bad home conditions may have influenced his acts. The accused, during four years of military service, has never before committed an offense warranting severe punishment. Both the company commander and the first sergeant state that he has been an excellent soldier.	X	
13. a. I HAVE INVESTIGATED AND FIND 1 PREVIOUS CONVICTION(S) OF OFFENSES COMMITTED WITHIN THE six YEARS NEXT PRECEDING THE COMMISSION OF AN OFFENSE WITH WHICH THE ACCUSED IS NOW CHARGED *(MCM, , par 75b(2))*	X	
b. AN EXTRACT COPY OF THE ACCUSED'S MILITARY RECORDS OF PREVIOUS CONVICTIONS IS APPENDED *(Exhibit 9)*	X	
14. IN ARRIVING AT MY CONCLUSIONS I HAVE CONSIDERED NOT ONLY THE NATURE OF THE OFFENSE(S) AND THE EVIDENCE IN THE CASE, BUT I HAVE LIKEWISE CONSIDERED THE AGE OF THE ACCUSED, HIS MILITARY SERVICE, AND THE ESTABLISHED POLICY THAT TRIAL BY GENERAL COURT-MARTIAL WILL BE RESORTED TO ONLY WHEN THE CHARGES CAN BE DISPOSED OF IN NO OTHER MANNER CONSISTENT WITH MILITARY DISCIPLINE.	X	
15. THE CHARGES AND SPECIFICATIONS ARE IN PROPER FORM AND THE MATTERS CONTAINED THEREIN ARE TRUE, TO THE BEST OF MY KNOWLEDGE AND BELIEF. *(If the answer is "NO", explain and indicate recommended action on additional sheet).*	X	
16. ANY INCLOSURES RECEIVED BY ME WITH THE CHARGES AND NOT LISTED ABOVE AS AN EXHIBIT ARE SECURELY FASTENED TOGETHER AND APPENDED HERETO AS ONE EXHIBIT *(Exhibit 10 If no such inclosures were received, check "NO".)*	X	
17. *(Check appropriate box ONLY if trial is recommended)* TRIAL BY [X] GENERAL [ ] SPECIAL [ ] SUMMARY COURT-MARTIAL IS RECOMMENDED.	X	

APPENDIX 7

18. REMARKS (If more space is required, attach additional sheets. Check ☐ YES ☐ NO if additional sheets are attached)

Examples of matters to be covered here are:

1. Discussion of evidence, credibility of witnesses, and sufficiency of proof.

2. Explanation of delays in completing investigation.

3. Recommendations to dismiss, reduce, or otherwise change any specification.

4. Statement of any anticipated defenses and any expected difficulties in proving specifications on which trial is recommended.

5. Any other recommendations.

6. Any other matters which should be known to the convening authority and subsequent reviewing authorities.

19. I HAVE NO PREVIOUS CONNECTION WITH THIS CASE OR ANY CLOSELY RELATED CASE. (If any connection is indicated, attach a full explanation.) I AM NOT AWARE OF ANY REASONS WHICH WOULD DISQUALIFY ME FROM ACTING AS INVESTIGATING OFFICER. (If any reasons appear to exist, attach a statement giving full details.)

TYPED NAME, GRADE, AND ORGANIZATION OF INVESTIGATING OFFICER	SIGNATURE
Adam A. Adamson, Major, 1st Bn, 61st Inf	Adam A Adamson

Appendix 8

PROCEDURES FOR TRIALS BEFORE GENERAL COURTS-MARTIAL; CONTEMPT AND REVISION PROCEDURES FOR GENERAL AND SPECIAL COURTS MARTIAL

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a. PROCEDURE FOR ARTICLE 39(a) SESSION OF A GENERAL COURT-MARTIAL

NOTE. The following procedure may be used prior to assembly when there is no approved request by the accused for trial by MJ alone. If such request has been received and approved, the MJ should use the procedure in App. 8b. After service of charges, subject to Article 35, the MJ may call an Article 39(a) session attended by the accused, trial counsel and defense counsel prior to assembly of the court and without the presence of its members.

Certain portions of this suggested procedure may be inapplicable in an Article 39(a) session held after assembly (e.g. request for trial by MJ alone).

Session called to order

MJ: This Article 39(a) session is called to order.

NOTE. The reporter records all proceedings verbatim (49*b*, 53*d*), subject to the exceptions set forth in appendix 9 and herein. He is responsible for keeping a record of the hour and date of each opening or closing of the session, whether for recess, adjournment, or otherwise, for insertion in the record.

NOTE. The MJ should examine the convening order to ascertain that the TC and DC are apparently qualified.

Convening orders and referral of charges

TC: The court is convened by _____ (as amended by _____), a copy of which has been furnished the military judge, counsel, and the accused, and to the reporter for insertion at this point in the record. The charges have been properly referred to this court for trial and were served on the accused on _____.

TC: (The following corrections are noted in the convening orders: _____)

NOTE. Distribution of the convening orders should be made sufficiently in advance with a request that TC be notified of errors, if any, therein. Only minor changes such as typographical errors or changes of grade due to promotion since the issuance of the orders can be made in this way. Any correction which affects the identity of the individual concerned must be made by an amending order.

Persons present

TC: The following persons named in the convening orders are present:

Persons absent

TC: The members and the following persons named in the convening orders are absent:

Presence of accused

TC: The prosecution is ready to proceed with the trial in the case of the United States against _____
(Name, rank, organization of the accused
_____
_____
read from the
_____
Charge Sheet)
who (is) (are) present in court.

Reporter detailed

TC: _____ has been detailed reporter for this court (and will now be sworn) (and has previously been sworn).

NOTE. The oath need not be given to the reporter if previously sworn, and the record so reflects (see Art. 42).

Legal qualifications of prosecution

TC: The legal qualifications (and status as to oaths) of all members of the prosecution are correctly stated in the convening orders (except that _____).

NOTE. If the TC is not qualified as prescribed by Article 27(b), the session will adjourn and the MJ will report the matter to the convening authority. At least one member of the prosecution present in court must be qualified as prescribed by Article 27(b), and no person not so qualified may conduct the prosecution during the trial. See 6*b* and 45*a*.

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Prior participation by member of prosecution

TC: No member of the prosecution named in the convening orders has acted as investigating officer, military judge, court member, or a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter.

NOTE. If any member of the prosecution appears to be disqualified, the MJ will take the action indicated in 61*e*. See 6*a*.

Inquiry concerning Article 38(b)

MJ: Have you informed the accused of his rights concerning counsel as set forth in Article 38(b)?

DC: Yes (No) sir.

MJ: _____, you have the right to be represented at this trial by a civilian lawyer provided by you at your own expense. Do you understand?

ACCUSED: Yes (No) sir.

MJ: You also have the right to be represented free of charge by a military lawyer of your own selection if he is reasonably available. Do you understand?

ACCUSED: Yes (No) sir.

MJ: If you are represented by counsel of your own selection, civilian or military, (name of detailed defense counsel and assistant, if any) will act as associate counsel, if you wish, or (he) (they) may be excused with your consent. Do you understand?

ACCUSED: Yes (No) sir.

NOTE. If the accused answers any of the inquiries concerning his rights under Article 38(b) in the negative, the MJ should inquire fully into the matter, and, if appropriate, adjourn the session for a reasonable time to allow the accused the opportunity to obtain individual counsel.

DC introduced

MJ: By whom will the accused be defended?

DC: The accused is to be defended by (_____, the detailed defense counsel) (and), (_____, the detailed assistant defense counsel) (and) (_____, individual counsel).

Qualifications of DC

MJ: Will counsel representing the accused state whether the legal qualifications (and status as to oaths) of the detailed members of the defense are other than as stated in the convening orders (and will individual counsel state his legal qualifications)?

DC: The legal qualifications (and status as to oaths) of all detailed members of the defense are correctly stated in the convening orders (except that _____).

IC: I am (a member of the bar of _____) (certified by The Judge Advocate General of the _____ _____ under Art. 27(b) and I have (not) been properly sworn.)

NOTE. If the individual counsel is not qualified under 48*a*, the MJ will advise the accused:

Unqualified IC

MJ: _____, does not possess the necessary legal qualifications to act as your counsel for the trial of this case. You may be represented by the detailed (defense counsel) (and) (assistant defense counsel) who (is) (are) properly qualified, or you may attempt to obtain another individual counsel who is properly qualified. What do you desire?

ACCUSED: I desire [to proceed with the detailed (defense counsel) (and) (assistant defense counsel)] [the opportunity to obtain another individual counsel].

NOTE. If the accused does not desire to proceed with detailed counsel, the MJ will adjourn the session for a reasonable time to allow the accused the opportunity to obtain another individual counsel. See 58*a*.

Prior participation by DC

TC: Has any member of the defense (including individual counsel) acted as the accuser, a member of the prosecution, investigating officer, military judge, or member of the court in this case?

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DC: (No counsel for the defense has so acted.) (_____, a member of the defense, has acted as _____)

NOTE. If a member of the defense has participated in the same case as a member of the prosecution, he will be excused forthwith (61*f*(4)). See 6*a*. In other cases, the MJ will advise the accused:

Explanation to accused

MJ: _____, (the regularly detailed defense counsel) (_____), previously has acted as _____ in this case. He may not now act as a member of the defense unless expressly requested by you. Do you expressly request his services in this case?

Action when counsel not desired

ACCUSED: I do (not).

NOTE. If he does so request, the proceedings continue. If he does not request the services of the counsel, the MJ will excuse him.

NOTE. If the excusing of counsel not desired by the accused, because of prior participation (Art. 27(a)), deprives the accused of counsel having the requisite legal qualifications (48*a*) or of qualified detailed counsel (6*b*), and the accused desires the services of such a detailed counsel in addition to those of his qualified IC, the MJ will adjourn the session and report the matter to the convening authority (61*f*(4)).

NOTE. When the accused is represented by qualified IC, he may state (Art. 38(b)):

Excusing counsel not desired

ACCUSED: I (do not) desire the (regularly detailed defense counsel) (and) (assistant defense counsel) to act (as associate counsel) in this case.

NOTE. Counsel not desired by the accused will be excused at this time (61*f*(3)). If the accused has no individual counsel and one or more detailed members of the defense is present and is not to act in the case, the member who is to conduct the defense should make an announcement similar to the foregoing, whereupon the counsel who are not to act will be excused.

MJ: It appears that counsel for both sides have the requisite qualifications.

TC: All personnel of the court required to be present have been sworn (except _____).

NOTE. If the military judge, trial counsel or defense counsel have not been previously sworn, the following procedure applies.

MJ sworn

TC: You, _____, do swear (or affirm) that you will faithfully and impartially perform, according to your conscience and the laws applicable to trials by courts-martial, all the duties incumbent upon you as military judge of this court. So help you God.

MJ: I do.

NOTE. The military judge administers the oath to the members of the prosecution, who raise their right hands:

Prosecution sworn

MJ: You, _____ and _____, do swear (or affirm) that you will faithfully perform the duties of trial counsel in the case now in hearing. So help you God.

TC: (AND ASST TC): I do.

NOTE. The oath is then administered by the military judge to the members of the defense, including individual counsel, who raise their right hands:

Defense sworn

MJ: You, _____, _____, (and Mr. _____), do swear (or affirm) that you will faithfully perform the duties of defense (and individual) counsel in the case now in hearing. So help you God.

Disclosing grounds for challenge

*DC (ASST DC AND IC): I do.

NOTE. The TC now states the general nature of the charges and discloses every ground for challenge believed by him to exist in the case (62*b*).

—Nature of charge

TC: The general nature of the charges in this case is _____; the charges were preferred by _____; forwarded with recommendations as to disposition by _____ (_____) (and _____); and investigated by _____. The military judge will not be a witness for the prosecution.

*From this point on, "DC" refers to the counsel who is conducting the defense.

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NOTE. All persons who have forwarded the charges should be stated.

—grounds disclosed

TC: If the military judge is aware of any matters which he believes may be a ground for challenge by either side against him, he should now state such matters.

Challenges: —procedure

NOTE. Before exercising their right to challenge for cause, the TC and DC may question the MJ to determine the existence of facts which may be the basis for a challenge for cause (62*b*). As to limitations on inquiry into the eligibility of MJ, see 62*g*.

—by prosecution

TC: The prosecution (has no challenge for cause against the military judge) (challenges the military judge on the ground _____).

—by defense

TC: Does the accused desire to challenge the military judge for cause?

DC: No. (The accused challenges the military judge for cause on the ground _____).

MJ: The challenge is (sustained) (denied).

NOTE. See 62*b* as to disclosing grounds for challenge. If disclosed grounds for challenge are undisputed and are within the first eight grounds enumerated in 62*f*, the MJ must excuse himself forthwith. If the grounds disclosed are other than the first eight grounds, the MJ may excuse himself. When the MJ excuses himself, he will adjourn the session and report the matter to the convening authority for action (62*c*, 62*h*(4)).

NOTE. In every case in which the Article 39(a) session is held prior to assembly and the death penalty may not be adjudged, either because it is not authorized or because the case has been referred for trial as noncapital, the MJ should make the following inquiry:

Inquiry into request for MJ alone

MJ: The accused has not submitted a request in writing for trial before a military judge alone. Has he been advised of his right to submit such request?

DC: He has (not).

MJ: Does the accused desire to request trial by me alone?

DC: He does (not).

NOTE. If the accused has not been so advised, the MJ should insure that the accused is properly advised and given an opportunity to submit a request should he desire to do so. See 53*d*(2), 61*g* and Article 16.

NOTE. If the accused requests trial by the MJ alone, and the MJ approves the request, the MJ may announce that the court is assembled and proceed with trial of the case (app 8*b*). Any request will be attached to the convening orders which are to be inserted in the record. If accused expressly declines to submit a request for trial by the MJ alone, or the MJ denies the request, the MJ should proceed as follows:

NOTE. When the accused is an enlisted person, the MJ should ask:

Request for enlisted membership

MJ: Has the accused been advised of his right to have enlisted persons included in the membership of this court?

DC: He has (not).

NOTE. If the accused has not been so advised, the MJ should insure that the accused is properly advised and given an opportunity to submit a request should he desire to do so. See 61*h*. When the accused has been previously advised, the MJ should inquire:

MJ: Has the accused made a request in writing that the membership of the court include enlisted persons?

TC: The accused has (not) made such a request (which is herewith submitted to the court).

MJ: (This request will be attached to the convening orders which are to be inserted in the record.)

NOTE. If such a request has been made and requirements for enlisted membership do not appear to have been met, the MJ will inquire into the matter to insure compliance prior to assembly of the court. See 61*h* and Article 25(c).

NOTE. The Article 39(a) session continues. The MJ may proceed to dispose of interlocutory motions raising defenses and objections, ruling upon other matters that may legally be ruled upon by the MJ, and performing other procedural functions which do not require the presence of court members. He may also, if permitted by regulations of the Secretary concerned, hold the arraignment, receive pleas and enter findings of guilty upon an accepted plea of guilty (See app 8*b* for procedure). See 53*d* and 70*b*. The MJ should rule on all questions of the admissibility of evidence at this session. Evidence may be admitted at this time for subsequent consideration

by the members rather than simply marked for identification. Motions for appropriate relief are waived if they are not made prior to plea or prior to the conclusion of any Article 39(a) session held prior to assembly, whichever occurs earlier (67*b* and 69*a*). Motions to dismiss should ordinarily be made before a plea is entered (67*a* and 68*a*).

NOTE. At the conclusion of the session, the MJ should state:

MJ: This session is (recessed) (adjourned).

b. *TRIAL PROCEDURE FOR GENERAL COURTS-MARTIAL

NOTE. This procedure guide may be used for a trial by a court composed of a MJ and members or of a MJ alone. When the MJ is sitting alone, he should make appropriate omissions from the procedure.

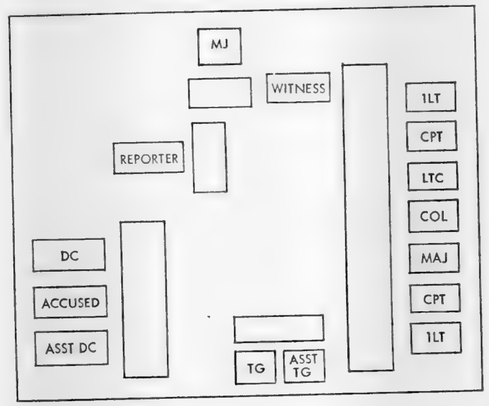
Informal inquiry

NOTE. Prior to the MJ's calling a general court-martial to order, he should examine the convening order, determine that the accused and a quorum are present, including one-third enlisted persons if they have been requested, and that the detailed trial counsel and defense counsel are apparently qualified. See 36c(2). He should also verify the qualifications of any individual counsel. See 48*a*. Witnesses should be excluded from the courtroom except when they testify. See 53*f*. Matters resolved at an Article 39(a) session need not be considered anew if the circumstances remain unchanged and accused is not deprived of any rights, such as the right to request, prior to assembly, trial by military judge alone, or the right of an enlisted person to request enlisted court members. See Article 16.

Seating

NOTE. The members, if any, are seated alternately to the right and left of the president according to rank. The MJ is seated apart from the members. An acceptable seating arrangement appears below:

General Court-Martial



Court called to order

MJ: The court will come to order.

NOTE. The reporter records all proceedings verbatim (49*b*, 53*d*), subject to the exceptions set forth in appendix 9 and herein. He is responsible for keeping a record of the hour and date of each opening or closing of the court, whether for recess, adjournment, or otherwise, for insertion in the record.

Convening orders

TC: The court is convened by _____, (as amended by _____,) a copy of which has been furnished to the military judge, each member of the court, counsel, and the accused (and to the reporter for insertion at this point in the record).

TC: (The following corrections are noted in the convening orders: _____ _____.)

NOTE. Only minor changes such as typographical errors or changes of grade due to promotion since the issuance of the orders can be made in this way. Any cor-

*Procedural guides for special and summary court-martial may be provided in regulations of the Secretary of a Department and will, so far as practicable, conform to that provided herein for general court-martial. See 78 and 79.

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rection which affects the identity of the party concerned must be made by an amending order.

Persons present

TC: The following persons named in the convening orders are present:
The following persons named in the convening orders are absent:

Persons absent Presence of accused

TC: The prosecution is ready to proceed with the trial in the case of the United States against _____
(Name,
_____
rank, organization of the accused read from the
_____, who (is) (are) present in court.
Charge Sheet)

Detail of Reporter

TC: _____ has been detailed reporter for this court (and will now be sworn) (and has previously been sworn).

NOTE. The reporter rises and stands with right hand raised; the TC raises his right hand, faces the reporter and administers the oath. The oath need not be given to the reporter or other court-martial personnel if they were previously sworn and the record so reflects (Art. 42).

Reporter sworn

TC: You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.
REPORTER: I do.

Interpreters

NOTE. Any interpreter used is similarly introduced and may be sworn at this point or just before he acts if he has not been previously sworn. See 114c as to the form of the oath. See 50 concerning the types of interpreters that may be utilized.

NOTE. If an Article 39(a) session had been held prior to this time and the qualifications of counsel had been verified therein, the TC may state the following and the detailed inquiry may be deleted.

Reaffirmation of qualifications of counsel

TC: The status as to oaths, prior participation, and legal qualifications of all members of the prosecution is the same as was announced at the prior session of this trial held on _____. Is the status as to oaths, prior participation and legal qualifications of all members of the defense the same as it was at that session?
DC: It is (except _____).

Legal qualifications of prosecution

TC: The legal qualifications (and status as to oaths) of all members of the prosecution are correctly stated in the convening orders (except that _____).

NOTE. If the TC is not qualified as prescribed by Article 27(b), the court will adjourn and report the matter to the convening authority. At least one member of the prosecution present in court must be qualified as prescribed by Article 27(b), and no person not so qualified may conduct the prosecution during the trial. See 6b and 45a.

Prior participation by member of prosecution

TC: No member of the prosecution named in the convening orders has acted as investigating officer, military judge, court member, or a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter.

NOTE. If any member of the prosecution appears to be disqualified, the MJ will take the action indicated in 61e. See 6a.

Inquiry concerning Article 38(b)

MJ: Have you informed the accused of his rights concerning counsel as set forth in Article 38(b)?
DC: Yes (No) sir.
MJ: _____, you have the right to be represented at this trial by a civilian lawyer provided by you at your own expense. Do you understand this right?
ACCUSED: Yes (No) sir.
MJ: You also have the right to be represented free of charge by a military lawyer of your own selection if he is reasonably available. Do you understand this right?
ACCUSED: Yes (No) sir.

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MJ: If you are represented by counsel of your own selection, civilian or military, (name of detailed defense counsel and assistant, if any) will act as associate counsel, if you wish, or (he) (they) may be excused with your consent. Do you understand this right?
ACCUSED: Yes (No) sir.

NOTE. If the accused answers any of the inquiries with respect to his rights under Article 38(b) in the negative, the MJ should inquire fully into the matter, and, if appropriate, adjourn the session for a reasonable time to allow the accused the opportunity to obtain another individual counsel. If an Article 39(a) session had previously been held, and the MJ had ascertained therein that the accused understood his rights under Article 38(b), the MJ need not inquire into the matter again at this time.

MJ: By whom will the accused be defended?
DC: The accused is to be defended by (_____, the detailed defense counsel) (and), (_____, the detailed assistant defense counsel) (and) (_____ individual counsel).

DC introduced

MJ: Will counsel representing the accused state whether the legal qualifications (and status as to oaths) of the detailed members of the defense are correctly stated in the convening orders (and will individual counsel state his legal qualifications and status as to oaths)?
DC: The legal qualifications (and status as to oaths) of all detailed members of the defense are correctly stated in the convening orders (except that _____).
IC: I am (a member of the bar of _____) (certified by The Judge Advocate General of the _____ under Article 27(b) and I have (not been previously sworn).

Qualifications of DC

NOTE. If the individual counsel is not qualified under 48a, the MJ will advise the accused:

MJ: _____, does not possess the necessary legal qualifications to act as your counsel for the trial of this case. You may be represented by the detailed (defense counsel) (and) (assistant defense counsel) who (is) (are) properly qualified, or you may attempt to obtain another individual counsel who is properly qualified. What do you desire?
ACCUSED: I desire [to proceed with the detailed (defense counsel) (and) (assistant defense counsel)] [the opportunity to obtain another individual counsel].

Unqualified IC

NOTE. If the accused does not desire to proceed with detailed counsel, the MJ will adjourn the court for a reasonable time to allow the accused the opportunity to obtain another individual counsel. See 58c.

TC: Has any member of the defense (including individual counsel) acted as the accuser, a member of the prosecution, investigating officer, military judge, or member of the court in this case?
DC: (No counsel for the defense has so acted.) (_____, a member of the defense, has acted as _____.)

Prior participation by DC

NOTE. If a member of the defense has participated in the same case as a member of the prosecution, he will be excused forthwith (61f(4)). See 6a. In other cases, the MJ will advise the accused:

MJ: _____, (the regularly detailed defense counsel) (_____), previously has acted as _____ in this case. He may not now act as a member of the defense unless expressly requested by you. Do you expressly request his services in this case?
ACCUSED: I do (not).

Explanation to accused

NOTE. If he does so request, the proceedings continue. If he does not request the services of the counsel, the MJ will excuse him.

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Action when counsel not desired

NOTE. If the excusing of counsel not desired by the accused, because of prior participation (Art. 27(a)), deprives the accused of counsel having the requisite legal qualifications (48a), or of qualified detailed counsel (6b), and the accused desires the services of such a detailed counsel in addition to those of his qualified IC, the MJ will adjourn the court and report the matter to the convening authority (61f(4)).

NOTE. When the accused is represented by qualified IC, he may state (Art. 38(b)):

Excusing counsel not desired

ACCUSED: I (do not) desire the (regularly detailed defense counsel) (and) (assistant defense counsel) to act (as associate counsel) in this case.

NOTE. Counsel not desired by the accused will be excused at this time (61f(3)). If the accused has no individual counsel and one or more detailed members of the defense is present and is not to act in the case, the member who is to conduct the defense should make an announcement similar to the foregoing, whereupon the counsel who are not to act will be excused.

MJ: It appears that counsel for both sides have the requisite qualifications.

NOTE. In every case in which the death penalty may not be adjudged, either because it is not authorized or because the case has been referred for trial as noncapital, the MJ should ask the two questions listed below.
If the MJ had previously ascertained at an Article 39(a) session of this trial that the accused had been advised of his right to request trial by the MJ alone, the first question may be omitted.

Inquiry into request for military judge alone

MJ: The accused has not submitted a request in writing for trial before a military judge alone. Has he been advised of his right to submit such a request before assembly of the court?
*DC: He has (not).
MJ: Does the accused desire to request trial by me alone?
DC: He does (not).

NOTE. If the accused has not been so advised the MJ should insure that the accused is properly advised and given an opportunity to submit a request should he desire to do so. See 53d, 61g and Article 16.

NOTE. If the accused requests trial by military judge alone and the MJ approves the request, the MJ should excuse the members from further duty in the case and announce that the court is assembled for the trial of the case. Any request will be attached to the convening orders which are to be inserted in the record. If the accused expressly declines to submit a request for trial by the military judge alone, or the MJ denies the request the MJ should proceed as follows:

NOTE. When the accused is an enlisted man, the MJ should ask the two questions listed below. If the MJ had previously ascertained at an Article 39(a) session of this trial that the accused had been advised of his right to the presence of enlisted members, the first question may be omitted.

Request for enlisted membership

MJ: Has the accused been advised of his right to have enlisted persons included in the membership of this court?
DC: He has (not).

NOTE. If the accused has not been so advised the MJ should insure that the accused is properly advised and given an opportunity to submit a request should he desire to do so. See 61h. When the accused has been previously advised, the MJ should inquire:

MJ: Has the accused made a request in writing that the membership of this court include enlisted persons?
TC: The accused has (not) made such a request (which is herewith submitted to the court).
MJ: (This request will be attached to the convening orders which are to be inserted in the record.)

NOTE. If such a request has been made and requirements for enlisted membership do not appear to have been met, the MJ will adjourn the court and report the matter to the convening authority. See 61h and Article 25(e).

Preliminary instructions

NOTE. At this point the MJ may give the court preliminary instructions to assist them during the course of the trial. These instructions are particularly desirable if the court has not previously heard other cases, but they may be given

*From this point on, "DC" refers to the counsel who is conducting the defense.

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in any case. The contents of these instructions are discretionary with the MJ, but they should be limited to a general discussion of the duties of the personnel of the court and matters concerning the proper conduct of the trial.

NOTE. If any personnel of the court-martial must be sworn, the MJ should see that it is done as indicated below. If all personnel of the court-martial have been previously sworn, the TC should so state and the MJ may then announce that the court is assembled.

Members sworn

TC: All personnel of the court have been sworn (except _____).
MJ: The members of the court will now be sworn.
TC: The members will be sworn. All persons please rise.

NOTE. All persons in the courtroom stand while the oath is administered to the members of the court, MJ, and counsel. See 112d. Each member raises his right hand as his name is called by the TC in administering the following oath:

TC: You (name(s) of member(s)) do swear (or affirm) that you will faithfully perform all the duties incumbent upon you as a member of this court; that you will faithfully and impartially try, according to the evidence, your conscience, and the laws applicable to trials by courts-martial, the case of (the accused now before this court) (any accused brought before you); and that you will not disclose or discover the vote or opinion of any particular member of the court upon a challenge or upon the findings or sentence unless required to do so in due course of law. So help you God.

EACH MEMBER OF THE COURT: I do.

NOTE. If the MJ has not previously been sworn, the members lower their hands but remain standing while the TC administers the oath to the MJ, who raises his right hand.

MJ sworn

TC: You (name of military judge) do swear (or affirm) that you will faithfully and impartially perform, according to your conscience and the laws applicable to trials by courts-martial, all the duties incumbent upon you as military judge of this court. So help you God.
MJ: I do.

NOTE. If any members of the prosecution have not previously been sworn, the MJ administers the oath to them as they raise their right hands:

MJ: You, Captain _____ and Lieutenant _____, do swear (or affirm) that you will faithfully perform the duties of trial counsel in the case now in hearing. So help you God.

TC AND ASST TC: I do.

NOTE. If any members of the defense have not previously been sworn the oath is then administered to them by the MJ as they raise their right hands:

Defense sworn

MJ: You, Major _____, Lieutenant _____, (and Mr. _____,) do swear (or affirm) that you will faithfully perform the duties of defense (and individual) counsel in the case now in hearing. So help you God.

DC (ASST DC AND IC): I do.

NOTE. All persons except the TC are then seated.

MJ: The court is assembled.

NOTE. If it appears that any witnesses in the case are present in the courtroom, the MJ should announce:

MJ: Unless they are required to be present for other reasons, all persons expecting to be called as witnesses in the case of _____ will withdraw from the courtroom.

Disclosing grounds for challenge

NOTE. The TC now states the general nature of the charges and discloses every ground for challenge believed by him to exist in the case (62b). When any charge or specification has been withdrawn, the TC should insure that the court is not made aware that the withdrawn charge or specification was ever preferred. See 56d. If the MJ denied a challenge against himself at an Article 39(a) session held prior to

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assembly, the challenge may be renewed at this time only for good cause such as newly discovered evidence. (62*d*)

—nature of charge

TC: The general nature of the charges in this case is _____; the charges were preferred by _____; forwarded with recommendations as to disposition by _____ (_____) (and _____); and investigated by _____. Neither the military judge nor any member of the court will be a witness for the prosecution.

NOTE. All persons who have forwarded the charges should be stated.

—grounds disclosed by records

TC: The records of this case disclose [no grounds for challenge] [grounds for the challenge of _____ for the following reasons: he (is not eligible to serve as _____) (is the accuser) (was the investigating officer) (forwarded the charges with recommendation as to disposition) (has previously participated in the case as _____) (is an enlisted member of the same unit as accused) (_____)].

—grounds disclosed by enlisted members

TC: Records indicate that the accused is a member of _____. If any enlisted member of the court is now a member of the same unit, it is requested that he so state.

—grounds disclosed by members

TC: If any member of the court or the military judge is aware of any matters which he believes may be a ground for challenge by either side against him, he should now state such matters. If a statement is to be made, it should be made so as to state the general nature of the matter and not any specific facts which might tend to disqualify other members when heard by them.

NOTE. See 62*b* as to disclosing grounds for challenge. If disclosed grounds for challenge are undisputed and are within the first eight grounds enumerated in 62*f*, the MJ must excuse himself or the member challenged forthwith. If the grounds disclosed are other than the first eight grounds, and relate to the MJ, he may excuse himself. If they relate to a member, his ruling on the challenge is made within his sole discretion. See Art. 41 and 62.

Challenges: —procedure

NOTE. Before exercising their right to challenge for cause, the TC and DC may question the MJ and members of the court, either individually or as a group, to determine the existence of facts which may be the basis for a challenge for cause (62*b*). It is optional with the counsel conducting the inquiry whether a member being questioned shall be required to answer under oath. See 114*g* for the form of the oath. As to limitations on inquiry into the eligibility of MJ see 62*g*. The MJ may direct that the examination of the MJ or a member be conducted out of the presence of the remaining members of the court. 62*b*.

The TC may present to the members prior to challenges copies of the charges and specifications *upon which the accused is to be arraigned* if the DC consents.

See 62*h* concerning the procedure to be followed on challenges. A challenged member will be afforded the opportunity to make a statement with respect to the challenge. When the MJ has been challenged, he shall continue to rule on interlocutory questions arising during the hearing even though he may at that time be making a statement as to his competency. After the hearing on a challenge for cause has been completed, the MJ will determine the relevancy and validity of the challenge.

Challenges for cause should be made immediately following assembly of the court, but the MJ may allow a challenge for cause to be presented at any stage of the proceedings. Challenges for cause may again be presented, even though once overruled, if for good cause such as newly discovered evidence (62*d*).

—by prosecution (for cause)

TC: The prosecution (has no) challenges for cause (_____ on the ground _____).

(peremptory)

TC: The prosecution (has no peremptory challenge) (desires to challenge peremptorily _____).

NOTE. As to peremptory challenges, see 62*c*. When the right to make a peremptory challenge is exercised, the challenged member will be excused forthwith.

—by defense

TC: Does (any of) the accused desire to challenge any member of the court or the military judge for cause?

NOTE. When there is more than one accused, the challenges of each for cause are ordinarily disposed of before their peremptory challenges are made.

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DC: No. (The accused challenges _____ for cause on the ground _____.) (for cause)

TC: Does (any of) the accused wish to exercise his right to one peremptory challenge against any member? (peremptory)

NOTE. Each accused is entitled to one peremptory challenge.

DC: The accused, _____, (has no peremptory) challenges (_____ _____ peremptorily). (_____).

NOTE. See 56 concerning limitations on withdrawing all or less than all charges and specifications after a trial has commenced and for action to be taken at this or any other time when less than all of them are withdrawn after the court has been made aware of their existence. Withdrawal of charges

NOTE. If the accused has not been arraigned at an Article 39(a) session, the military judge will announce:

MJ: The accused will now be arraigned. Arraignment

NOTE. The TC now should present to the members of the court and the MJ copies of only those charges and specifications *upon which the accused is to be arraigned*, unless distributed earlier with the consent of DC. —distribution of charges and specifications

TC: All parties to the trial have been furnished with a copy of the charges. Does the accused desire that they be read?

DC: The accused (waives the reading of the charges) (desires that the charges be read).

NOTE. If the accused desires that the charges be read, the TC now reads the charges and specifications on which the accused is to be tried, with the name and description of the accuser, the affidavit, and the reference for trial. They are copied verbatim into the record at this point, regardless of whether the accused waives the actual reading of the charges and specifications. If the accused waives the reading of the charges, the MJ should rule on the waiver and the TC should make the following summary: —charges and specifications read

MJ: The reading of the charges may be omitted. —waiver of reading charges

TC: The charges are signed by _____, a person subject to the code, as accuser; are properly sworn to before a commissioned officer of the armed forces authorized to administer oaths; and are properly referred to this court for trial by _____, the convening authority.

TC: The charges were served on the accused by (me) (_____) on _____, 19____. —notice of service

NOTE. Unless the date of service is at least five days prior to the date of trial, except in time of war, the accused may object to this defect in service (Art. 35). See 58*c*. If he does so, the court must grant a continuance at this point.

MJ: _____, I now ask you, how do you plead? Before receiving your pleas, I advise you that any motions to dismiss any charge or to grant other relief should be made at this time. —end of arraignment

NOTE. The arraignment is complete when the accused is asked how he pleads. Neither pleas nor motions are part of the arraignment (65*a*).

NOTE. If the accused had been arraigned at an Article 39(a) session held prior to assembly, the following procedure should be used in lieu of the above:

MJ: The accused was arraigned at a session conducted on _____. (The trial counsel will now distribute copies of the charges.)

NOTE. TC should present to the members copies of only those charges and specifications *upon which the accused has been arraigned* unless distributed earlier with the consent of DC.

NOTE. Motions for appropriate relief are waived if they are not made prior to plea or prior to the conclusion of any Article 39(a) session held prior to assembly, whichever occurs earlier (67*b* and 69*a*). Motions to dismiss should ordinarily be made before a plea is entered (67*a* and 68*a*). All proceedings and action on motions will be recorded. See 53*d*, 66, 67, 68, 69, and 122. Any explanation of the accused's right to move that a charge be dismissed because barred by the statute of limitations (53*h*, 68*e*), and the accused's response thereto, will be recorded. Motions

DC: The defense has (no) motions to be made.

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NOTE. At this point the MJ may hold a hearing out of the presence of the court members to determine the substance of any motions and the procedure to be followed in disposing of them.

DC: The defense [moves that Specification _____, Charge _____, be dismissed because of former acquittal, on _____, by a court-martial convened pursuant to _____, dated _____, 19____, of the charge of _____ (reciting charge and specification in full)] [moves that _____].

Hearing on motion

NOTE. The MJ rules on all interlocutory questions arising during the proceedings. Any ruling by the military judge upon a question of law, including a motion for a finding of not guilty or upon any interlocutory question other than the factual issue of mental responsibility of the accused is final and constitutes the ruling of the court. See 57 and 71*a*.

NOTE. The ruling on a motion may be:

Ruling on motion

MJ: (Subject to objection by any member of the court,) the motion is (denied) (granted). (The accused will not be required to plead to Specification _____, Charge _____.)

Voting on rulings

NOTE. Before entertaining an objection to a ruling on the factual issue of mental responsibility, the MJ will give appropriate instructions. If a member objects, the court will close and vote orally, beginning with the junior in rank. The court determines by a majority vote whether the ruling is sustained. A tie vote on these motions is a determination against the accused (57*f*; Art. 52(c)).

Amendment of charges

NOTE. If charges are amended on motion or otherwise or after a motion to sever is granted in the case of accused jointly charged, the amendment will be formally stated for the record. See 69*b*(3). For example, after a motion to sever is granted, the formal amendment may be in the following form:

Form of amendment after severance

MJ: Each specification is formally amended by striking out the words "and _____," the accused who is not now to be tried, and the words "acting jointly and in pursuance of a comon intent," and by inserting after the word "did," the words "in conjunction with _____," the accused who is not now to be tried. Trial will proceed on the charges as amended.

Request for hearing on guilty plea

NOTE. When no motions are made or when the DC indicates that he has no further motions, the disposition of pleas will follow. If the accused entered his pleas at an Article 39(a) session prior to assembly and his pleas have been accepted, the TC should announce the pleas.

TC: At a session of this trial held on _____ the accused entered the following pleas: _____.

NOTE. If the accused pleaded guilty at an Article 39(a) session held prior to assembly, and findings of guilty were entered, the MJ should announce the findings at this time if permitted by regulations of the Secretary concerned.

HEARING ON PROPOSED GUILTY PLEA(S)

DC: The accused intends to plead guilty to (_____).

Form of explanation of plea of guilty

NOTE. In any case in which a plea of guilty is to be entered, the MJ should explain the meaning and effect of the guilty plea. This should be done out of the presence of the court members in the manner set forth in 70*b*(2) and (3). The following inquiry and explanation may be used:

—consultation with DC

MJ: Have you had sufficient opportunity to consult with your counsel regarding your plea(s) in this case?
ACCUSED: Yes (No), sir.

NOTE. If the answer is "no," the necessary time will be made available for consultation.

—statute of limitations

NOTE. If the accused pleads guilty to a lesser included offense against which the statute of limitations has apparently run, the MJ should insure that the accused is aware of his right to interpose the statute in bar of trial as to that offense (53*h*, 68*o*).

NOTE. The MJ may consult with the TC and DC as to their opinions of the maximum authorized punishment for the offenses to which the accused plans to plead guilty and allow them to submit legal authority if there is disagreement.

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MJ: The maximum authorized punishment for the offense(s) to which you propose to plead guilty is (normally) (_____).

—determination of punishment

NOTE. If a bad-conduct discharge would be authorized only if the accused is convicted of two or more offenses the confinement for which is six months or more, the accused should be so informed (Section B, 127*c*). If the maximum punishment would be increased by proof of admissible prior convictions after findings (75*b*(2); Section B, 127*c*), the advice should include the prospective effect of proof of these convictions. This supplementary advice may take the following form: "*However, [if the court receives evidence of two or more previous convictions adjudged during the three years next preceding the commission of any offense to which you plead guilty, the maximum punishment would be: a bad-conduct discharge, confinement at hard labor for _____, forfeiture of all pay and allowances, (and reduction to the lowest enlisted grade; (and)] [if the court receives evidence of three or more previous convictions adjudged during the year next preceding the commission of any offense to which you plead guilty excluding periods of unauthorized absence, the maximum punishment would be: a dishonorable discharge, confinement at hard labor for _____, forfeiture of all pay and allowances, (and reduction to the lowest enlisted grade)].*"

—advice as to punishment

—effect of previous convictions on punishments

MJ: Do you understand that the maximum authorized punishment for the offense(s) to which you plan to plead guilty is as I have just explained?

—accused's understanding of punishment

NOTE. If it appears that the accused was previously of the opinion that the maximum authorized punishment was other than determined by the MJ for the offense or offenses to which he plans to plead guilty, he will be given an opportunity to consult further with the DC and thereafter express any changes in his proposal to plead guilty.

—general explanation

MJ: _____, you have proposed to plead guilty to (Specification _____, Charge _____) (the lesser included offense of _____) (all the specifications and charges). By so doing, you will admit every act or omission and every element alleged with respect to the offense (offenses) to which you plead guilty. Your plea will subject you to (a) finding(s) of guilty without further proof of, (that) (those) offense(s), in which event you may be sentenced by the court to the maximum punishment authorized for (it) (them). You are legally entitled to plead not guilty and place the burden upon the prosecution of proving your guilt of (that) (those) offense(s). Your plea of guilty will not be accepted unless it appears that you understand its meaning and effect and that you are voluntarily pleading guilty because you are convinced that you are in fact guilty. If you are not convinced that you are in fact guilty, you should not allow any other considerations to influence you.

MJ: Do you understand this explanation of the meaning and effect of your plea of guilty?
ACCUSED: (Yes, sir). (_____).
MJ: Are you voluntarily pleading guilty?
ACCUSED: (Yes, sir). (_____).
MJ: Are you convinced that you are in fact guilty?
ACCUSED: (Yes, sir). (_____).

—additional explanation

NOTE. If the MJ considers it appropriate or if required by the Secretary concerned, further inquiry and a more detailed explanation may be conducted. This may include, for example, a detailed explanation of the elements of the offenses, inquiry into the reason for the guilty pleas, and inquiry into and explanation of any agreement involved in connection with the pleas.

—verification of guilty plea

MJ: Understanding the things we have discussed, do you still desire to plead guilty as previously indicated?
ACCUSED: Yes, sir. (I desire to plead _____).

—acceptance of guilty plea

NOTE. If the accused persists in his proposal to plead guilty and the MJ finds cause to doubt its providence, he may discuss the question further. In any case, the MJ should advise the DC of his decision as to accepting or rejecting the guilty pleas:

MJ: [The plea(s) of guilty will be accepted.] [The plea(s) of guilty (to _____) will not be accepted (because _____)].

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TERMINATION OF HEARING

NOTE. The pleas are now entered in the presence of the court members. The accused and his counsel rise while entering the pleas. In joint and common trials, each accused will plead separately.

DC: The accused: _____, pleads:
To all Specifications and Charges: (Not guilty) (Guilty)

or

—guilty to one specification

To Specification 1 of the Charge: Guilty
To specification 2 of the Charge: Not guilty
To the Charge: Guilty

or

—with exceptions and substitutions

To Specification _____, Charge _____:
Guilty, except the words "_____" and "_____"
(, substituting therefor, respectively, the words "_____"
and "_____," to the excepted words, not guilty, to the substituted words, guilty).
To Charge _____: (Guilty) (Not guilty, but guilty of a violation of Article _____).

etc.

MJ: The plea(s) of guilty (is) (are) (is not) (are not) accepted.

Erroneous advice

NOTE. If a plea of guilty has been entered and it appears later that the accused was erroneously advised that the maximum punishment was other than that legally authorized for the offense or offenses to which he pleaded guilty, the MJ should advise him of the correct maximum punishment and give him an opportunity to withdraw his plea of guilty. See 70*b* for other situations which may warrant the withdrawal of an accepted guilty plea.

NOTE. Findings of guilty of the charge and specification may, if permitted by regulations of the Secretary concerned, be entered immediately without vote after a plea of guilty has been accepted by the MJ (70*b*). Findings are entered when the MJ announces that the accused has been found guilty in accordance with his plea. A sample announcement which may be used when the accused has pleaded guilty to all charges and specifications is as follows:

MJ: _____, it is my duty as military judge to inform you that, in accordance with your pleas of guilty, this court finds you, of all the specifications and charges: Guilty.

Presentation of prosecution case

TC: The prosecution has (no) (an) opening statement.

NOTE. No opening statement is required, and none should be made unless it will clarify the procedure to be followed by the TC. See 44*g*(2) as to matters that may be included in this statement when one is made. In this connection, also see 44*f*(3).

Oral stipulation

TC: With the consent of the accused, the prosecution and defense stipulate _____.

NOTE. Prior to the acceptance of any stipulation, the MJ should determine that the accused joins in the stipulation. See 154*b*.

MJ: The stipulation is (not) accepted.

Introduction of witness

TC: The prosecution calls as a witness _____.

NOTE. When the witness is sworn, he raises his right hand, and the TC administers the oath.

Oath of witness

TC: You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

WITNESS: I do.

NOTE. A witness may be sworn by the oath indicated or by any oath recognized by his religion, or by such acts or ceremony as he declares binding on his conscience (112*d*). As to the competency of witnesses in general, see 148*a*.

NOTE. The witness now takes his seat in the witness chair. Usually the first two questions asked every witness are formal and are asked by the TC, whether the witness is called by him, by the defense, or by the court.

Formal questions

TC: State your full name, (grade, organization, station, and armed force) (occupation and residence).

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WITNESS: _____

TC: Do you know the accused?

WITNESS: _____

NOTE. If the witness states that he knows the accused, he will normally be asked to point to the accused if he sees him in the courtroom, and to state the name of the accused, if he knows. In appropriate cases, it will not be necessary to ask the second question, such as when the identity of the accused has already been established.

Direct examination

NOTE. Questions and answers are recorded exactly as spoken. Physical events which occur, and witnesses' identifications and illustrations given by motions, by gestures, or by reference to persons or other physical objects within the court's view, will be described as accurately as possible by the reporter, with assistance of the TC, DC, and MJ if necessary. If a witness points or gestures the record must indicate what he points to or how he gestures.

Use of interpreter

NOTE. At the beginning of testimony given through an interpreter, the record will indicate that an interpreter was used, but the questions and answers are recorded in the manner indicated above. See 114*c* as to form of oath and 50*b* as to technique of questioning through an interpreter.

NOTE. At the conclusion of direct examination the TC announces:

TC: The prosecution has no further questions.

Cross-examination

NOTE. After the prosecution has concluded the direct examination of a witness, the DC cross-examines or declines to cross-examine the witness. See 149*b*(1).

DC: The defense has no (further) questions.

Redirect and recross-examination

NOTE. If the defense cross-examines the witness the TC may conduct a redirect examination; after he has concluded, the DC may similarly conduct a recross-examination. See 149*b*(2). When both the TC and DC have concluded their questions the TC asks the court:

Examination by the court

TC: Are there any questions by the court?

NOTE. Any member wishing to question the witness first secures the permission of the MJ. The MJ may limit questioning and may require questions to be submitted to him in writing (149*b*(3)). Written questions, whether or not allowed by the MJ, should be appended to the record as appellate exhibits. See 54*b*.

If either the TC or DC wishes to ask further questions of the witness after his examination has been turned over to the court, permission of the MJ should be secured. These requests should, in general, be granted, subject to the MJ's discretionary power to limit or reject superfluous interrogation. However, if new matter, not properly the subject of cross-examination of the witness on his previous testimony, is elicited by questions of the court or its members, both parties will be permitted to cross-examine the witness upon the new matter. See 149*b*(3).

When questioning of the witness is concluded, the MJ announces:

Excusing witness

MJ: The witness is excused (, subject to recall).

NOTE. Unless expressly excused from further attendance during the trial, all witnesses will remain subject to call or recall until the trial has been concluded. In an appropriate case (53*f*), the witness may be instructed as follows:

Warning witness

MJ: You are instructed not to discuss your testimony in this case with anyone except the counsel or the accused. You will not allow any witness in this case to talk to you about the testimony he has given or which he intends to give. If anyone, other than counsel or the accused, attempts to talk to you about your testimony in this case, you should make the circumstances known to the counsel for the side originally calling you as a witness.

Recalled

NOTE. When a witness is recalled, the TC reminds the witness, after he has appeared before the court:

TC: You are reminded that you are still under oath.

Objections:

NOTE. Objections are treated as follows:

TC: What was the accused carrying?

DC: Objection. Any answer to that question is immaterial.

—argument

NOTE. After hearing pertinent argument, if any, either before the members of the court or out of their presence as appropriate (see 57*g*(2)), the ruling should be made in substantially the following form:

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—ruling

MJ: The objection of defense counsel is (sustained) (overruled).

Striking testimony:

NOTE. Any remarks or testimony ordered stricken are nevertheless *fully recorded,* although they are not considered by the court as evidence (82*b*(2)). For example:

TC: What was the color of the hat that the accused was wearing?

WITNESS: According to what the police officers told me, he was wearing a black Homburg.

—motion

DC: I move that answer be stricken as hearsay.

—ruling

MJ: The answer will be stricken, and the court is instructed to disregard it.

Admission for limited purpose

NOTE. The MJ should give such further instructions in this regard as he deems appropriate. When evidence is admitted only for a limited purpose, the MJ should give appropriate limiting instructions. See 57*a*(2), 138*g*, 140*a*, and 153*b*(2)(c).

Exhibits:

NOTE. If documentary evidence or other material things had been admitted in evidence at previous Article 39(a) session of the trial, counsel may with the permission of the military judge simply read or show the evidence to the court members. If the documentary evidence or other material things have not previously been admitted in evidence, the following procedure should be followed:

—marking for identification

DC: Request that the reporter mark this exhibit for identification.

NOTE. The reporter is responsible for keeping a list of exhibits marked for identification, and also as finally admitted in evidence. Prosecution exhibits should be *numbered* consecutively; defense exhibits should be *lettered* consecutively. To clarify the proceedings in regard to exhibits, they should not be renumbered or relettered when admitted in evidence, but should be admitted by the same number or letter they bore "for identification," even though omissions thereby appear in the sequence of numbers or letters of exhibits finally admitted. Ordinarily, the words "for identification" are simply lined out when the exhibit is admitted in evidence.

The reporter will mark on the exhibit, or a tag affixed thereto, the appropriate number or letter and state, for example:

REPORTER: This will be Defense Exhibit C for identification.

NOTE. The exhibit is shown to the other side, which is given an opportunity to examine it.

—identification

DC (TO WITNESS): Do you recognize Defense Exhibit C for identification?

WITNESS: I do.

DC: What is it?

WITNESS: It is a watch (letter) I found in the accused's pocket when I searched him.

DC: How do you recognize it as being the same one?

WITNESS: _____

NOTE. When counsel is ready to offer the exhibit in evidence, he states to the court:

—offer

DC: Defense Exhibit C for identification is offered in evidence as Defense Exhibit C [and permission is requested to withdraw it at the conclusion of the trial and substitute (a written description) (true copy) (photograph) therefor].

—objection

TC: I object because _____

NOTE. An exhibit need not be offered in evidence at the time referred to by the witness, and may be held for introduction later in the trial. However, opposing counsel must be given an opportunity to examine it in order that proper cross-examination of the witness in regard to the exhibit may be conducted.

NOTE. After the offer is made, cross-examination may be conducted by opposing counsel, and other evidence may be offered and arguments made by either side prior to a ruling by the MJ as to whether the exhibit will be admitted in evidence. At his discretion, with or without request by either counsel, the MJ may direct that these arguments be heard in an out-of-court hearing. See 57*g*(2).

—ruling

MJ: The objection is (sustained) (overruled). [Defense Exhibit C for identification is admitted in evidence as Defense Exhibit C] [and a (description) (true copy) (photograph) may be substituted].

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—description of article for the record

NOTE. Unless the testimony of a witness has developed a full and accurate description of an object to be withdrawn later (54*d*), counsel or the MJ should at this time give a verbal description of the object for the record. Any description substituted for real evidence should be accepted by both sides. If there is any disagreement, it will be resolved by a ruling of the MJ.

NOTE. If an exhibit is marked for identification but not admitted in evidence, either it, or a description, true copy, or photograph thereof should be appended to the record (54*d*).

NOTE. If a writing which is to be attached to the record is read to the court in its entirety, the record need only state that the exhibit was read, and it is unnecessary to quote the writing verbatim in the record. However, when there are any deletions, interpolations, or alterations in the reading, or if it is interrupted by other matters, the record should reflect the exact circumstances.

—authenticated official records and banking entries

NOTE. Properly authenticated official records and banking entries are marked by the reporter and shown to opposing counsel. See 143*b*(2) and (3) concerning their authentication. In an appropriate case the offer may be as follows:

TC: Prosecution Exhibit 17 for identification, a duly authenticated extract copy of the morning report of _____, is offered in evidence as Prosecution Exhibit 17.

—written stipulations and other admissible documentary testimony

NOTE. Prior to the acceptance of a written stipulation the MJ should determine that the accused joins in the stipulation. See 154*b*. A written stipulation of facts or of the content of a writing are offered and admitted in the normal manner prescribed for prosecution and defense exhibits, and they may be both read and submitted to the members of the court. When a written stipulation of testimony or other testimony contained in documentary form, such as a deposition, is ruled admissible, the document or an appropriate part thereof is read in evidence, it is marked as an appellate exhibit for appending to the record, and the document itself is not shown to the members of the court. See 145 and 154*b*(2).

—confessions; admissions

NOTE. Before the confession or admission of the accused can be introduced in evidence against him, there must be an affirmative showing that it was voluntary (140*a*). If the MJ considers it necessary, he may satisfy himself that the accused is aware of his right to testify for the limited purpose of showing the circumstances under which the statement was made or that he did not in fact make the statement without subjecting himself to cross-examination upon other issues (149*b*). The MJ may do this, out of the hearing of the court members, by inquiring of the DC as to whether the accused has been so advised or by explaining the right to the accused in accordance with 53*h* and 140*a* as follows:

—(explanation of accused's right to limit his testimony)

MJ: _____, the prosecution has offered in evidence a statement allegedly made by you and has introduced evidence tending to show that it was voluntarily made by you. As the accused in the case you have the right at this time to introduce any evidence you may desire relevant to the circumstances under which the statement was obtained or relevant as to whether the statement was or was not in fact made by you. You also have the right to take the stand at this time as a witness for the limited purpose of testifying as to these matters. If you do that, whatever you say will be considered and weighed as evidence by the court just as is the testimony of other witnesses. You may be cross-examined upon your testimony, but if you limit your testimony to the circumstances surrounding the taking of the statement or as to whether the statement was or was not in fact made by you, you cannot be cross-examined on the question of your guilt or innocence of the offense itself, nor can you be asked on cross-examination whether the statement is true or false. In other words, you can only be cross-examined upon the issues concerning which you testify and upon your credibility, but not upon anything else.

On the other hand, you need not take the stand at all. You have a perfect right to remain silent, and the fact that you do not take the stand yourself will not be considered as an admission that the statement was voluntary or that it was in fact made by you, nor can your silence be commented upon in any way by the trial counsel in addressing the court. Do you understand your rights?

ACCUSED: Yes, sir. (_____)

MJ: Proceed.

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NOTE. As previously indicated, certain motions may be properly made out of the presence of the court members. Additionally, other matters should be conducted out of their presence, view, or hearing. See, for example, 53*h*, 57*a*(2), 57*g*(2), and 73*d*. The procedure for an in-court conference requested by counsel may be as follows:

Excluding members:

—in-court conference

DC(TC): I would like to confer with the military judge out of the hearing of the members of the court.

MJ: Counsel for both sides, the accused, and the reporter will come forward.

NOTE. In-court conferences and any action thereon are normally recorded verbatim. See 39*c*.

—out-of-court hearing

NOTE. The out-of-court hearing rather than the in-court conference is appropriate for dealing with matters which will require more than a short period of time to resolve. When the MJ decides to hear a matter out of the presence of the members, he should advise them that an out-of-court hearing is required and of the approximate time that will be required to conduct it. He should then declare a recess or adjournment as may be appropriate. The hearing should be held in substantially the following manner:

(opening of hearing)

MJ: This out-of-court hearing will come to order. Let the record show that during the (adjournment) (recess), this hearing is being held out of the presence of the members of the court. It is attended by the military judge, the accused, counsel for both sides, and the reporter.

(conduct and recording of hearing)

NOTE. The necessary proceedings are now held. They are recorded and incorporated in the record as indicated in 57*g*(2). Prior to concluding the hearing, if he makes a ruling or decision at this time, the MJ should announces it.

(termination of hearing)

MJ: This out-of-court hearing is terminated.

Adjournment or recess

NOTE. In the event of adjournment (a period extending beyond the same day) or a recess, the procedure should be substantially as follows:

MJ: The court will (adjourn) (recess) until _____ hours (, _____ 19___).

Reassembling

MJ: The court will come to order.

NOTE. If the place of trial is changed, or the court reassembles at a place other than that where it adjourned, the TC will so state for the record. See 54*e* as to views and inspections.

Accounting for personnel after adjournment or recess

TC: All parties to the trial who were present when the court (adjourned) (recessed) are again present in the court (except _____).

NOTE. The term "parties to the trial," as used above, includes the military judge, counsel, the accused, the reporter, and, when appropriate, the members of the court and the interpreter. It also includes a witness who was not excused prior to the adjourning, recessing, or closing of the court. If a member of the court is absent from a session at which the presence of members is required after assembly, the absence must be shown to have been the result of challenge, physical disability, or the order of the convening authority (41*d*(4); Art. 29(a)). The reason for the absence must be reflected in the record even if it resulted from removal by the convening authority (see 37*b*).

Absence of member

TC: Let the record reflect that _____ is absent because (he is seriously ill) (he has been removed from the court by order of the convening authority because _____. I request that this copy of _____ orders, No. _____, dated _____, be appended to the record).

New member:

TC: Captain _____ is now present and has been detailed to the court by _____.

NOTE. If such a member was detailed by the same orders as convened the court, it will be so announced; if by an order not previously incorporated in the record, the trial counsel will announce:

TC: A copy of the orders detailing Captain _____ will be attached to the orders convening the court which are to be inserted in the record.

NOTE. Proceedings concerning excusing, swearing, and challenging of the new member are substantially as for original members. If the individual joins the court as a member, the trial continues:

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—reading record

MJ: The record of all prior proceedings in this case which were held in the presence of the court members will be read to the new member by the reporter.

NOTE. After the record is read:

MJ: The proceedings having been read to date, the (trial counsel) (defense counsel) may proceed.

NOTE. When the prosecution has completed its case:

Prosecution rests

TC: The prosecution rests.

Motion for a finding of not guilty

NOTE. The DC may appropriately make any motion for a finding of not guilty at this time or after the defense has rested, or both. The MJ rules finally on a motion for a finding of not guilty (57, 71*a*, Art. 51(b)).

Presentation of the defense case

DC: The defense has (no) (an) opening statement.

NOTE. The defense presents an opening statement, if desired, and introduces stipulations, witnesses, and material evidence in a manner similar to that followed by the TC, except that the TC administers the oath to all witnesses and asks the first formal questions. The DC then takes over direct examination, and the further examination of the witness continues in the normal manner. See 149*b*.

Accused as a witness:

NOTE. The accused may take the stand as a witness in his own behalf, but only at his own request. If he elects to remain silent, no comment can be made upon his silence. If he testifies concerning certain specifications only, cross-examination by the TC and the court must be limited accordingly. See 148*c*, 149*b*(1), and 150*b*. When the accused elects to testify, the DC should announce:

DC: The accused elects to take the stand and testify as a witness in his own behalf. His testimony will (concern all the charges and specifications) (be limited to _____).

—explanation of rights

NOTE. The MJ may assume that the accused has been correctly advised of his rights to testify. However, when he considers it necessary, he may, out of the hearing of the court members, inquire of the DC as to whether the accused has been advised of his rights, or give the explanation below or both (53*h*).

MJ: _____, as the accused in this case you have these rights:

First, you may be sworn and take the stand as a witness. If you do that, whatever you say will be considered and weighed as evidence by the court just as is the testimony of other witnesses, and you can be cross-examined on your testimony by the trial counsel and the court. (*The following may be used if there is more than one specification:* If your testimony should concern less than all of the offenses charged against you and you do not desire to or do not testify concerning the others, then you may be questioned about the whole subject of those offenses concerning which you do testify, but you will not be questioned about any offenses concerning which you do not testify unless the cross examination is relevant to an offense concerning which you did testify.

Second, you may remain silent, that is say nothing at all. You have a right to do this if you wish, and if you do so the fact that you do not take the witness stand yourself will not count against you in any way with the court. It will not be considered as an admission that you are guilty, nor can it be commented on in any way by the trial counsel in addressing the court.

Take time to consult with your counsel and then advise the court whether you wish to testify or to remain silent.

DC: The accused _____

NOTE. Should the accused elect to take the stand as a witness, the TC will administer the oath and ask the following preliminary question, after which the procedure follows that of other defense witnesses:

—preliminary questions

TC: State your full name, rank, organization, and station.
ACCUSED: _____
TC: Are you the accused in this case?
ACCUSED: Yes, sir.

NOTE. When he defense has completed its case:

Defense rests

DC: The defense rests.

Rebuttal

NOTE. The TC may call or recall witnesses in rebuttal; thereafter, the DC may call or recall witnesses in rebuttal. Upon completion of any rebuttal testimony, the TC should announce:

TC: The prosecution has no further evidence to offer. Does the defense have any further evidence to offer?

DC: It does (not).

Recall and reopening the case

NOTE. The MJ may permit or cause the recall of any witness, including the accused, and the reopening of the case by either or both sides for the introduction of testimony previously omitted (140e).

Witness called by court

TC: Does the court wish to have any witnesses called or recalled?

MJ: It does (not).

NOTE. The right of the members of the court to cause the recall of a witness or to call for additional evidence is subject to an interlocutory ruling by the MJ as to the propriety therefor. See 54*b*.

Unless the MJ directs otherwise, the TC will conduct the direct and redirect examination of witnesses called by the court in the same manner as if the witness had been called by the prosecution. However, the MJ may permit the court members to question the witness directly, or he may do so himself, at any time after the TC has asked the initial formal questions. See 149*b*(3) for details concerning the proper examination of a witness by the court or a member and for limitations which the MJ may place on this examination.

Hearing on instructions

NOTE. Before arguments, the MJ may hold a hearing out of the presence of the court for the purpose of discussing proposed and requested instructions. See 73.

Arguments by counsel

TC: The prosecution waives opening argument. (_____)

NOTE. See 72. The TC has the right to make the opening argument, and if any argument is made on behalf of the defense, the closing argument. Arguments are not required; they may be oral or written. Either the TC or DC may call to the attention of the court any matters likely to be overlooked by it, and make any reasonably pertinent argument on the facts of the case and how they relate to the law involved. Oral arguments are recorded verbatim. A written argument will be attached as an exhibit for the side which presented it.

NOTE. If there are more than one accused, the counsel for each accused may make separate argument.

After arguments or waiver thereof:

Conclusion of case

MJ: Has the prosecution anything further to offer?

TC: It has (not).

MJ: Has the defense anything further to offer?

DC: It has (not).

Charge to court:

NOTE. Before the court retires into closed session the MJ will, in open session, instruct the court (Art. 51(c)).

—guilty pleas

NOTE. If there is an accepted plea of guilty to an offense and a finding of guilty has not been entered without vote, the MJ may invite the attention of the court to the fact that no further proof of the offense to which the plea relates need be introduced by the prosecution to warrant a finding of guilty of that offense (73*a*).

—not guilty pleas

NOTE. The instructions given by the MJ will necessarily vary in each case because of the different facts and circumstances involved. The MJ shall give the mandatory instructions required by 73 and Article 51(c) and any additional instructions required by the law in light of the circumstances of the case. When an issue is raised as to the admissibility of a confession or admission, he should instruct the court as to the effect of his ruling admitting the statement and the duty of the court in this regard. See 140*a*. In addition the MJ may instruct, on his own initiative or request of counsel, upon any additional matters which he considers appropriate. For example, see the matters covered in 73*c*, 74*a*, and 74*d*.

(concluding charge)

NOTE. The MJ may appropriately conclude his instructions with the following additional charge:

MJ: The final determination as to the weight of the evidence and the credibility of the witnesses in this case rests solely upon you members of the court. You must disregard any comment or statement made by me during the course of the trial which may seem to indicate an opinion as to the guilt or innocence of the accused, for you alone have the independent responsibility of deciding this issue. Each of you must

impartially resolve the ultimate issue as to the guilt or innocence of the accused in accordance with the law, the evidence admitted in court, and your own conscience.

NOTE. The MJ may provide the court with a findings worksheet to assist the court in making its findings. If used, the findings worksheet should be attached to the record as an appellate exhibit.

Court closed for findings

MJ: The court will be closed.

Closed session

NOTE. Only the members of the court will be present during deliberation and voting (74*d*(1)). If a separate room is provided for deliberation by the members, all members retire to this room. Otherwise, all persons including the MJ leave the courtroom except the members of the court. Neither the MJ nor counsel may consult with the members in closed session. Advice of the MJ may be sought when necessary, but the court will be opened and the advice will be obtained in open session in the presence of both counsel and the accused. These proceedings shall be made a part of the record. See 74*c* and Articles 26(b) and 39.

Voting on findings

NOTE. When the court has been closed the members deliberate and vote on the findings. See 74 for the method of voting; the number of votes required, and rules applicable to reconsideration of the findings.

Additional advice on findings

NOTE. After a general court-martial has finally voted on the findings in closed session, the court may open and ask the MJ for assistance so that it may put the findings in proper form. (74*f*(1)) Advice may also be requested in open session at any time before a final vote is taken on findings in any case of doubt which may arise (74*c*).

The president, before announcing the findings, may present them to the MJ to permit him to examine them for defects in form. If it appears to the MJ that the court has made an ambiguous or inconsistent finding, he may give the court additional instructions. Before doing so, he should advise both sides of the circumstances requiring the additional instructions and permit argument thereon. See 74*d*(3) concerning reconsideration of findings and 74*g* regarding correction of incorrectly announced findings.

Findings announced:

MJ: The court will come to order.

TC: All parties to the trial who were present when the court closed are now present (except _____).

NOTE. If the accused is found not guilty of all specifications, the president announces:

—acquittal

PRES: _____, it is my duty as president of this court to advise you that the court in closed session and upon secret written ballot has found you not guilty of (the) (all) Specification(s) and Charge(s).

MJ: The court will adjourn to meet on future call.

NOTE. Only the required fraction of votes should be announced, not the actual number of members who concurred in the findings of guilty (74*g*).

—conviction

PRES: _____, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot (two-thirds) (all), of the members present at the time the vote was taken concurring in each finding of guilty, finds you: [Of (all) the Specification(s) and Charge(s): Guilty] [Of Specification _____, Charge _____: (Guilty) (Not guilty). Of charge _____: (Guilty) (Not guilty). Of Specification _____, Charge _____: Guilty, except the words "_____" and "_____" (, substituting therefor, respectively, the words "_____" and "_____," of the excepted words, not guilty, of the substituted words, guilty). Of Charge _____: (Guilty) (Not guilty, but guilty of a violation of Article _____)].

(itemized)

(with exceptions and substitutions)

NOTE. If the accused has been tried by the MJ alone and only general findings are involved, the MJ will announce as listed below. For special findings see 74*i*, and appendix 8*f*.

—acquittal by MJ alone

MJ: _____, it is my duty as military judge to advise you that this court finds you not guilty of (the) (all) Specification(s) and Charge(s). The court will adjourn to meet on future call.

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—conviction by MJ alone

MJ: _____, it is my duty as military judge to inform you that this court finds you: [Of (all) the Specification(s) and Charge(s): Guilty] [Of Specification _____, Charge _____: (Guilty) (Not guilty). Of Charge _____: (Guilty) (Not Guilty). Of Specification _____, Charge _____: Guilty, except the words "_____" and "_____" (, substituting therefor, respectively, the words "_____" and "_____", of the excepted words, not guilty, of the substituted words, guilty). Of Charge _____: (Guilty) (Not guilty, but guilty of a violation of Article _____)].

NOTE. For further instructions as to the forms of findings, see 74 *b* and *c*; for example of proper findings, see the pertinent portions of 158 and appendices 10*a* and 15*a*.

Presentence procedure

MJ: The court will now hear the personal data concerning the accused shown on the charge sheet, and any other information from his personnel records relevant to sentencing and will receive evidence of previous convictions, if any.

Personal data from charge sheet:

TC: The first page of the charge sheet shows the following data concerning the accused: _____

—verified by accused

TC: Does the accused have any objection to the data as read?
DC: (He does not.) (The accused objects to _____)

NOTE. If any of the data are in error, corrections should be made. Errors claimed by the accused which the TC is not readily able to verify will, if of minor importance, be noted in the record and no further action taken upon them; if of material importance the MJ may direct verification of the error claimed before the court proceeds to vote upon the sentence.

Evidence of previous convictions

NOTE. If the TC has no evidence of admissible previous convictions, he should state:

TC: I have no evidence of previous convictions.

NOTE. If the TC has evidence of admissible previous convictions, it is marked, offered in evidence, and admitted in the same manner as prescribed above for *other* documentary evidence. See 75b(2).

Summary of information from personnel records for sentencing purposes.

NOTE. At this time the TC may present to the MJ any personnel records of the accused or copies or summaries thereof as provided in paragraph 75*d*. The MJ will determine what information from these records is relevant to the imposition of an appropriate sentence. If before court members, the TC will read the relevant information to them or have the documents marked as exhibits, made a part of the record, and presented to the court members.

Matter in aggravation, mitigation, or extenuation

NOTE. This is the proper time for counsel to introduce matter in aggravation, if admissible (see 75*b*(3)), and matter in extenuation or mitigation and for the accused to make a statement if he desires 75*c*).

Rights of accused

NOTE. The MJ may assume that the accused has been correctly advised of his rights to testify. However, when he considers it necessary, he may, out of the hearing of the court members, inquire of the DC as to whether the accused has been advised of his rights, or give the explanation below, or both (53*h*):

MJ: _____, you are advised that you may now present evidence in extenuation or mitigation of the offense(s) of which you stand convicted. You may, if you wish, testify under oath as to these matters, or you may remain silent, in which case the court will not draw any inferences from your silence. In addition, you may, if you wish, make an unsworn statement in mitigation or extenuation of the offense(s) of which you stand convicted. This unsworn statement is not evidence, and you cannot be cross-examined upon it, but the prosecution may offer evidence to rebut anything contained in the statement. The statement may be oral or in writing, or both. You may make it yourself, or it may be made by your counsel, or by both of you. Consult with your counsel and advise the court what you desire to do.

DC: The accused _____

NOTE. Any oral statement made by the accused or his counsel will be recorded verbatim. Any statement submitted in writing need only be attached as a defense exhibit.

App 8c

GUIDE—TRIAL PROCEDURE

Arguments

NOTE. After presentation of matters in extenuation and mitigation by the defense and rebuttal by the prosecution, if any, counsel for both sides may present argument for an appropriate sentence. See 75*c*.

Sentence instructions

NOTE. Before closing the court for deliberation and voting on the sentence, the MJ shall instruct the court as required by 76*b*(1) and any other matters required by law. In addition the MJ may instruct, on his own initiative or request of counsel, upon any additional matters which he considers appropriate. For example, see the various other matters contained in 76. He may provide the court with a sentence work sheet similar to that in appendix 13 to assist the court in formulating its sentence, but if used it should be appended to the record as an appellate exhibit. See 81 for rules relating to rehearings and new and other trials.

Court closed for sentence

MJ: The court will be closed.

NOTE. Only the members of the court will be present during deliberation and voting (76*b*(2)). For this purpose, the members may retire to another room or all persons other than the members may be cleared from the courtroom. The MJ should not enter this closed session for any reason; however, the court may be given additional instructions in open session when it so requests or when the MJ considers it appropriate (76*b*(4)).

Voting on sentence

NOTE. See 76*b*(2) concerning the method of voting, 76*b*(3) for the number of votes required, and 76*d* regarding sentence reconsideration.

Limitation on sentence

NOTE. The sentence must be within the maximum limits prescribed in chapter XXV. As to rehearings and new and other trials, see 81*d* and Article 63. The court will adjudge a single sentence for all the offenses of which the accused was found guilty. A separate sentence must be adjudged for each accused.

Court opens

MJ: The court will come to order.

NOTE. The president, before announcing the sentence, may present it, in writing, to the MJ for his examination. If the MJ notes any ambiguity or apparent illegality, he should bring the irregularity to the attention of the court. See 76*c* concerning reconsideration of sentence.

Sentence

TC: All the parties to the trial who were present when the court closed are now present (except _____).

PRES: _____, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot, (two-thirds) (three-fourths) (all) of the members present at the time the vote was taken concurring, sentences you: _____.

NOTE. It is customary for the accused to stand immediately before the officer announcing the sentence.

NOTE. As in the case of findings, only the required fraction of votes should be announced, not the actual number of members who concurred in the sentence.

Improper sentence

NOTE. See 76*c* concerning the action of the MJ on any ambiguous or illegal sentence, sentence reconsideration, and correction of any incorrectly announced sentence.

NOTE. If the accused has been tried by the MJ alone the MJ announces:

MJ: _____, it is my duty as military judge to inform you that this court sentences you to _____.

MJ: Has the prosecution any other cases to try at this time?
TC: I have nothing further.

Adjournment

MJ: The court will adjourn to meet on future call.

c. CONTEMPT PROCEDURE. See 118 and Article 48.

NOTE. The following is applicable to general and special courts-martial.

NOTE. When it becomes necessary for a court to take summary action on a contempt (118*a*), an example of its proceedings would be:

Advising offender

MJ (PRES): The proceedings in the case now before the court will be suspended. _____, you (have used menacing words and gestures in the presence of this court) (have disturbed the proceedings of this court by (riotous and) (disorderly conduct) (_____). As the record will show, you (have been warned repeatedly about your conduct) (have persisted in disturbing the proceedings of this court) (_____). For example, you (have threatened the court with action you will take against it because of its rulings;) (have been contemptuous and insolent in your objections and arguments;) (_____).

Opportunity to show cause

You now have an opportunity to show cause why you should not be held in contempt.

NOTE. After hearing pertinent argument and evidence, if any, the following ruling will be made:

Court composed of MJ alone

MJ: The court holds you (not) guilty of contempt [and adjudges the following punishment: (to pay to the United States a fine of $50 and to be confined at hard labor for 10 days) (_____)].

Preliminary ruling

NOTE. In a court-martial with members, the following procedure is applicable after evidence, if any, has been presented, pertinent arguments have been heard, and such instructions have been given as will enable the members to understand the issue before them and the legal standards and procedure by which they will determine it if objection is made to the preliminary ruling (118*b*):

MJ (PRES): Subject to objection by any member of the court, it is my ruling that you should (not) be held in contempt.

NOTE. If, as a result of a ruling of the MJ or the president of a special court-martial without a MJ that is not objected to, there has been a preliminary determination that the person involved not be held in contempt, the court will resume its regular proceedings.

Voting on preliminary ruling

NOTE. If any member objects to a ruling of the MJ or the president of a special court-martial without a MJ, the court will close and determine by majority vote whether the ruling shall be sustained. See 118*b*. A tie vote shall be a determination in favor of the person involved.

Closed session

NOTE. If, as a result of the vote of the court, or a ruling of the MJ or the president of a special court-martial without a MJ that is not objected to, there has been a preliminary determination that the person involved be held in contempt, the MJ, or the president should give any instructions he considers appropriate, and the court will determine in closed session whether the person involved should be held in contempt, and, in the event it so determines, will assess a punishment. See 118*a*. Thereafter, the court opens and:

Holding of contempt and punishment

PRES: It is my duty as president of this court to inform you that the court, in closed session and upon secret written ballot, [has held you not guilty of contempt of this court] [two-thirds of the members present at the time the vote was taken concurring, holds you guilty of contempt of this court. And also in closed session and upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring, adjudges the following punishment: (To pay to the United States a fine of $50 and to be confined at hard labor for 10 days) (_____)]:
MJ (PRES): Proceed with the case.

d. REVISION PROCEDURE. See 80 and Article 62.

NOTE. The following is applicable to general and special courts-martial, and should be modified when these proceedings are conducted by a MJ alone.

Proceedings in revision

(MJ) (PRES): The court will come to order.
TC: All parties who were present when the court adjourned are now present (except _____). (Additionally, the following are present in the capacity indicated: _____)

NOTE. No mention need be made of those who were not present at the close of the previous session unless they are now present. No member will sit in revision proceedings who was not present at the close of the last session attended by members, but all members who were present at the last session should be there. However, valid proceedings may be conducted when a quorum is present, if any absent member or members have been properly excused. See 41*d*(4) and Article 29(a). See 80*b* regarding the presence of other parties to the trial and the requirement that proceedings in revision may be taken only by the MJ who adjudged the findings and sentence, if trial was by MJ alone.

—directed by

TC: These proceedings in revision have been (directed by the following communication: _____ which will be inserted at this point in the record) (undertaken by the court on its own motion in order to _____).

NOTE. The MJ, or the president of a special court-martial without a MJ should give the court any instructions necessary for the proper accomplishment of the revision action, and he also may be requested by the court to give additional instructions concerning pertinent matter about which it is in doubt (80*c*). The case will not be reopened by calling witnesses or otherwise.

(MJ) (PRES): The court will be closed.

NOTE. After deliberation, action, and voting as is appropriate, the proceedings continue. — Court votes

(MJ) (PRES): The court will come to order.
TC: All parties who were present when the court closed are now present (except _____).
PRES: The court in closed session and upon secret written ballot, (two-thirds) (all) of the members present at the time the vote was taken concurring in each finding of guilty, revokes its former findings and substitutes therefor the following findings: _____ — New findings

NOTE. The findings should then be announced in one of the forms prescribed in appendix 8*b*.

PRES: The court in closed session and upon secret written ballot, (two-thirds) (three-fourths) (all) of the members present at the time the vote was taken concurring, revokes its former sentence and substitutes the following therefor: _____ — New Sentence

NOTE. The sentence should be stated in one of the forms prescribed in appendix 13.

PRES: The court was closed and upon secret written ballot, (a majority) (two-thirds) (three-fourths) (all) of the members concurring the court adheres to its former _____. — Adherence to former action
(MJ) (PRES): The court will adjourn to meet on future call. — Adjournment

NOTE. The record is authenticated in the same manner as the record of trial. See appendix 9*b*.

e. FORM FOR REQUEST FOR TRIAL BEFORE MILITARY JUDGE ALONE

Headquarters, _____

United States of America
v.
_____

Request for Trial Before Military Judge Alone (Art. 16, UMCJ)

I have been informed that (*name and rank of military judge*) is the military judge detailed to the court-martial to which the charges and specifications pending against me have been referred for trial. After consulting with my defense counsel, I hereby request that the court be composed of the military judge alone. I make this request with full knowledge of my right to be tried by a court-martial composed of (commissioned) officers (and enlisted personnel).

_____, 19____. _____
(Dated) Accused

Prior to the signing of the foregoing request, I advised fully the above accused of his right to trial before a court-martial composed of (commissioned) officers (and of his right to have such court consist of at least one-third enlisted members not of his unit upon his request).

_____, 19____. _____
(Dated) Defense Counsel

Argument is (not) requested. _____
Trial Counsel

I approve (disapprove) the foregoing request for trial before me alone.

_____, 19____. _____
(Dated) Military Judge

f. SAMPLE FORMAT FOR SPECIAL AND GENERAL FINDINGS

United States of America
v
Sergeant Jean Birdbath:
000–00–000, US Army, Company A,
2nd Battalion, 2d Infantry.

Headquarters, III Corps, Ft Hood.
SPECIAL AND GENERAL FINDINGS

App 8g APPENDIX 8

On 7 January 1970 charges were preferred against the accused, Sergeant Jean Birdbath, 000-00-000, alleging desertion on or about 15 August 1968 from his organization, to wit: Company A, 2d Battalion, 2d Infantry, located at Ft Hood, Texas, until he was apprehended on or about 28 December 1969 in violation of Article 85, UCMJ.

On 15 January 1970 the accused was served with a copy of the charges, which were referred to trial by general court-martial by the Commanding General, III Corps, on 12 January 1970. Thereafter, the accused, after consultation with counsel and knowing the identity of the military judge, requested in writing under Article 16(1)(B), UCMJ, that he be tried by a court composed only of a military judge.

On 15 February 1970 the accused having appeared with counsel, entered a plea of not guilty to desertion but guilty to the lesser included offense of absence without leave, in violation of Article 86, UCMJ.

The issues raised by said pleading were duly heard before this court on 16 February 1970 and evidence received from the Government and the accused.

This court decides and finds as follows:

SPECIAL FINDINGS

1. The accused, Sergeant Jean Birdbath, at all the times herein mentioned was and now is a member of the United States Army.

2. The accused, Sergeant Jean Birdbath, did on 15 August 1968, absent himself without proper authority from his organization, to wit: Company A, 2d Battalion, 2d Infantry, located at Ft Hood, Texas.

3. The accused, Sergeant Jean Birdbath, intended at the time of absenting himself, to remain away permanently from his organization.

4. The accused, Sergeant Jean Birdbath, remained so absent until 28 December 1969, when he was apprehended at San Francisco, California.

5. The testimony of Sergeant Richard Roe, a witness for the defense, was unworthy of belief. Sergeant Roe, a friend of the accused stated that accused told him he intended to return to his unit after a short absence. Sergeant Roe's answers were given in a halting, hesitant and evasive manner. His friendship for the accused, his demeanor on the stand, and inconsistencies in his testimony convinced me that he was not telling the truth.

6. Prosecution evidence supporting the element of intent to remain absent permanently was most compelling. It was shown that the accused attempted to dispose of his uniform at the time he absented himself; that he used an assumed name during his unlawful absence; that he accepted permanent civilian employment, and that he expressed dissatisfaction with military service.

7. Upon the evidence in this case the accused is guilty beyond reasonable doubt of desertion terminated by apprehension as charged in the specification of the charge.

GENERAL FINDINGS

Sergeant Birdbath, it is my duty as military judge to inform you that this court finds you of the specification and charge: Guilty.

Dated: 17 February 1970. GREGORY HALL
Military Judge

g. SUMMARY

The summaries of records of the accused for presentencing purposes (75*d*) will be authenticated as follows:

CERTIFICATION: I certify that I am the official custodian of the personnel records of the above-named service member and that the above information has been truly and accurately extracted and summarized therefrom.

Typed name, grade, and position of custodian	Signature of Custodian

Appendix 9

GUIDE FOR PREPARATION OF RECORD OF TRIAL BY GENERAL COURT-MARTIAL AND BY SPECIAL COURT-MARTIAL WHEN A VERBATIM RECORD IS PREPARED

a. RECORD OF TRIAL

Erasures NOTE. Erasures or interlineations should be initialed by those who authenticate the record.

Margins Pages will be numbered at the bottom; margins of 2½ inches will be left at the top to permit binding, and 1 inch at the bottom and left side of each page, using legal size paper.

Marginal notes Words on the margins of this appendix are not part of the form of record.

Record to be complete As a general rule, all proceedings in the case should be recorded verbatim, including oral arguments, subject to the instructional notes and examples shown in appendix 8 and herein. Also see 39c, 57*g*(2), and 73*d* in this connection.

Use of guide This appendix is not a complete record of trial. It is to be used by the reporter and trial counsel as a guide in the preparation of the completed record of trial in all general and special court-martial cases in which a verbatim record is prepared. See 82 for instructions pertaining to the preparation of a record of trial by general court-martial and 83 for instructions pertaining to the preparation of a record of trial by special court-martial. The reporter and trial counsel should also consult appendix 8, as it shows the manner in which many items of procedure should be recorded.

Title

RECORD OF TRIAL

of

_____
(Last name, first name, middle initial) (Service number) (Rank or grade)

_____
(Organization and armed force) (Station or ship)

by

_____ COURT-MARTIAL

Convened by _____
(Title of convening authority)

_____
(Command of convening authority)

Tried at

_____ on _____ 19__
(Place or places of trial) (Date or dates of trial)

NOTE. The title should be followed by an index. The form for this index will be as prescribed in publications of the Secretary of a Department. However, it should cover important phases of the trial, witnesses who testified, and exhibits that are appended to the record.

App 9a

APPENDIX 9

COPIES OF RECORD

Copies of record

_____ copy of record furnished the accused as per attached certificate or receipt.

_____ copy (ies) of record forwarded herewith.

RECEIPT FOR COPY OF RECORD

Receipt for record

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at _____ this _____ day of _____, 19__.

_____
(Signature of accused)

CERTIFICATE

_____, _____, 19__.
(Place) (Date)

Certificate in lieu of receipt

I certify that on this day delivery of a copy of the above-described record of trial, including all exhibits admitted in evidence or descriptions thereof, was made to the accused, _____ at _____
(Name of accused) (Place of delivery) by _____
(Means of effecting delivery, i.e., mail, messenger, etc.) and that the receipt of the accused had not been received on the date this record was forwarded to the convening authority. The receipt of the accused will be forwarded as soon as it is received.

_____
(Signature of trial counsel)

Convening orders

Proceedings of a _____ court-martial which met (at) (on board) _____, at ____ hours, _____ 19__, pursuant to the following orders:

NOTE. Here insert a copy of the orders convening the court and copies of any amending orders. Any request of an enlisted accused for enlisted court members will be inserted immediately following the convening orders, together with any declaration of the nonavailability of such enlisted persons (36c(2)).

Any request for trial by military judge alone (53d(2), 61g) or statement that qualified defense counsel (6c) or military judge (15b) could not be obtained will also be inserted at this point.

PERSONS PRESENT

PERSONS ABSENT

Accounting for personnel

NOTE. List military judge, if any, and all members of the court, prosecution, and defense as present or absent, as announced by the trial counsel. The record of an Article 39(a) session or trial by the military judge alone need only reflect that the members are absent and need not list the absent members by name. Only rank or grade and name should be shown unless service number is necessary to distinguish between two persons.

Presence of accused

The following named accused (was) (were) present: _____

Swearing reporter

The detailed reporter, _____, (was sworn) (had previously been sworn).

NOTE. The remainder of the record of trial follows the actual proceedings in court. The reporter records all the proceedings verbatim, subject to the instructions set forth in appendix 8 and herein.

Time of session

NOTE. The reporter should note and record the time and date of the beginning and ending of each session of the court, including the opening and closing of the court during trial. For example:

The (court) (session) was called to order at ___ hours, _____ 19__.
The (court) (session was) (adjourned) (recessed) at ___ hours, _____ 19__.
The court (closed) (opened) at ___ hours, _____ 19__.

Administration of oaths

NOTE. It is not necessary to record verbatim the oath actually used, whether it be administered to a witness, a challenged member, the military judge, counsel, or the court members. Regardless of the form of oath, affirmation, or ceremony by which the conscience of the witness is bound (112d; app. 8b), only the fact that a witness took an oath or affirmation is to be recorded. However, if preliminary qualifying questions are asked a witness prior to the administration of an oath (see, for example, 148b), the questions and answers should be recorded verbatim. These preliminary questions and answers do not eliminate the requirement that an oath be administered. The following are examples of the recording of the administration of various oaths.

The detailed interpreter, _____, (was sworn) (had previously been sworn).

The (members of the court) (the military judge) and the personnel of the prosecution and defense (were sworn) (had previously been sworn).

(The challenged member was sworn to testify concerning his competency to act as a member of the court, and testified as follows:)

Accounting for personnel during trial

NOTE. After the reporter is sworn, he will record verbatim the statements of the trial counsel with respect to the presence or absence of personnel of the court, counsel, and the accused. The reporter should note whether, when a witness is excused, he withdraws from the courtroom or, in the case of the accused, whether he resumes his seat. Similarly, if the military judge excuses a member as a result of challenge and the member withdraws the reporter should note this fact in the record. In a special court-martial without a military judge, if a challenged member withdraws from the court while it votes on a challenge, is excused as a result of challenge, or resumes his seat after the court has voted on a challenge, the reporter should note this fact in the record.

Examples of the manner in which such facts should be recorded are as follows:

The (witness withdrew from the courtroom) (accused resumed his seat at the counsel table).

_____, the challenged member, withdrew from the court.

_____ resumed his seat as a member of the court.

Recording testimony

NOTE. The testimony of a witness will be recorded verbatim in a form similar to that set forth below for a prosecution witness:

_____ was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:
Q. State your full name, (etc.) _____
A. _____.
Q. _____?
A. _____.

CROSS-EXAMINATION

Questions by the defense:
Q. _____?
A. _____.

REDIRECT EXAMINATION

Questions by the prosecution:
Q. _____?
A. _____.

RECROSS-EXAMINATION

Questions by the defense:
Q. _____?
A. _____.

App 9c

APPENDIX 9

EXAMINATION BY THE COURT

Questions by (the military judge) (court member's name):
Q. _____?
A. _____.

REDIRECT EXAMINATION

Questions by the prosecution:
Q. _____?
A. _____.

RECROSS-EXAMINATION

Questions by the defense:
Q. _____?
A. _____.

Out-of-court hearings and Article 39(a) sessions

NOTE. Out-of-court hearings and Article 39(a) sessions should be recorded and incorporated in the record of trial. See 53*d* and 57*g*(2).

b. AUTHENTICATION OF RECORD OF TRIAL

(1) *By general or special court-martial with members and a military judge*

Military Judge

_____
(Captain) (Colonel) _____
Military Judge [or (LTJG) (1 LT), *_____, Trial Counsel, because of (death) (disability) (absence) of the military judge] [or (LCDR) (Major) *_____, a member in lieu of the military judge and trial counsel because of (death) (disability) (absence) of the military judge, and of (death) (disability) (absence) of the trial-counsel]

(2) *By general or special court-martial consisting of only a military judge*

Military Judge

_____
(Captain) (Colonel) *_____
Military Judge [or (LTJG) (1 LT), *_____, Trial Counsel, because of (death) (disability) (absence) of the military judge] [or the court reporter in lieu of the military judge and trial counsel because of (death) (disability) (absence) of the military judge and of (death) (disability) (absence) of the trial counsel]

(3) *By special court-martial without a military judge* _____

President

_____
(CDR) (LTC) *_____
President [or (LTJG) (1 LT) *_____
Trial Counsel, because of (death) (disability) (absence) of the president] [or (LT) (CPT) *_____
a member in lieu of the president and the trial counsel because of (death) (disability) (absence) of the president and of (death) (disability) (absence) of the trial counsel]

*NOTE. The further identification of members, MJ, or counsel as to grade organization, etc., will be as indicated in the orders convening the court. If there is any change therein, the identification should show the present grade and organization followed by "formerly _____."

c. EXAMINATION OF RECORD BY DEFENSE COUNSEL

NOTE. When the defense counsel has examined the record of trial prior to its being forwarded to the convening authority, the following form is appropriate:

Form

"I have examined the record of trial in the foregoing case.

_____
(Captain) (Lieutenant) _____, Defense Counsel"

d. CERTIFICATE OF CORRECTION

_____ 19__.

Form

United States
v.
_____
_____

The record of trial in the above case, which was tried by the _____ court-martial convened by _____, dated _____ 19__, (at) (on board) _____, on _____ 19__, is corrected by the insertion on page _____, immediately following line _____, of the following:

Correction

"The detailed reporter, _____, was sworn."

This correction is made because the reporter was sworn at the time of trial but a statement to that effect was omitted, by error, from the record.

Authentication

NOTE. The certificate of correction is authenticated as indicated above for the record of trial in the case.

Accused's receipt for certificate

Copy of the certificate received by me this _____ day of _____, 19__.

_____
(Signature of accused)

Disposition in record

NOTE. The certificate of correction will be bound at the end of the original record immediately before the action of the convening authority.

e. ARRANGEMENT OF ORIGINAL RECORD WITH ALLIED PAPERS.

See 82*b*(5) concerning appendages to the record of trial. When forwarded to the appropriate Judge Advocate General, a record of trial by general or special court-martial will be arranged in the sequence required in publications of the Secretary of a Department.

f. ADDITIONAL COPIES OF RECORD.

A copy of the record of proceedings in court, including copies of all exhibits received in evidence or descriptions thereof will be prepared for each accused. In general and special court-martial cases in which the sentence adjudged affects a general or flag officer, or extends to death, dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more, two additional complete copies of the record will be prepared. In this connection, see 49*b*(2), 82, and 83*a*. When copies of the record are required to be forwarded to the convening authority or to the appropriate Judge Advocate General they will be bound separately and inclosed with the original record of trial. In this connection, see 82*g*(2).

Appendix 10

GUIDE FOR PREPARATION OF RECORD OF TRIAL BY GENERAL COURT-MARTIAL AND BY SPECIAL COURT-MARTIAL WHEN A VERBATIM RECORD IS NOT PREPARED*

a. RECORD OF TRIAL WITH A MILITARY JUDGE

NOTE. See first three marginal notes at beginning of appendix 9*a*. If a verbatim record is not prepared (see 7, 82*b*(1), and 83*b*), a summarized report of testimony, objections, and other proceedings is permitted. In the event of an acquittal of all charges and specifications, or termination of the proceedings prior to findings with prejudice to the Government, the record may be further summarized and need only contain sufficient information to establish lawful jurisdiction over the accused and the offenses.

The procedure in special courts-martial will follow that provided in regulations of the Secretary of the Department which will, so far as practicable, conform to that prescribed in appendices 8*a* and 8*b* for trials by general courts-martial. See 78 and 79. This appendix is to be used as a general guide; the actual record may depart from it in numerous particulars. The manner of summarizing several items of procedure is shown in appendix 9*a*.

NOTE. All records of trial should begin as follows:

Title

RECORD OF TRIAL
of

_____
(Last name, first name, middle initial) (Service Number) (Grade)

_____
(Organization and armed force) (Station or ship)

by
_____ COURT-MARTIAL

Convened by _____
(Title of convening authority)

_____
(Command of convening authority)

Tried at
_____ on _____ 19__
(Place or places of trial) (Date or dates of trial)

COPIES OF RECORD

Copies of record

_____ copy of record furnished the accused as per attached receipt.

_____ copy(ies) of record forwarded herewith.

RECEIPT FOR COPY OF RECORD

Receipt for record

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at _____ this ____ day of _____, 19__.

_____
(Signature of accused)

PROCEEDINGS OF A _____ COURT-MARTIAL

Article 39(a) session

(1) *ARTICLE 39(a) SESSION.* The summarized record of an Article 39(a) session should proceed as follows:

*But see 82*b*(1) and 83*b* as to the authority of the Secretary of a Department.

App 10a

APPENDIX 10

Convening orders

The military judge called the Article 39(a) session to order (at) (on board) _____, at _____ hours _____, 19__, pursuant to the following orders:

NOTE. Here insert a copy of the convening orders and copies of any amending orders. Any request of an enlisted accused for enlisted court members will be inserted immediately following the convening orders, together with any declaration of the nonavailability of such enlisted persons. Any request for trial by the military judge alone (53*d*(2), 61*g*) or statement that qualified defense counsel (6*c*) or military judge (15*b*) could not be obtained will also be inserted at this point.

Time of Session

NOTE. The reporter should note and record the time and date of the beginning and ending of each session of the court.

For example:

The session was called to order at _____ hours, _____ 19__.

The session (adjourned) (recessed) at _____ hours, _____ 19__.

Military judge and counsel present and absent

PERSONS PRESENT

PERSONS ABSENT

Accused and defense counsel present

The accused and the following (regularly detailed defense counsel and assistant defense counsel) (counsel introduced by him) were present:

Swearing reporter; interpreter

The following detailed (reporter) (and) (interpreter) (was) (were) (had previously been) sworn:

NOTE. Applicable only when a reporter or interpreter is used.

Qualification of prosecution counsel

The trial counsel stated that the legal qualifications and status as to oaths of all members of the prosecution were correctly stated in the convening orders except as indicated below.

Prior participation of prosecution counsel

The trial counsel further stated that no member of the prosecution had acted as investigating officer, military judge, court member, or as a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceeding involving the same general matter except as indicated below.

NOTE. If a member of the prosecution is disqualified because of prior participation, the disqualifying fact will be shown, together with the action taken under 61*c*.

Inquiry concerning Article 38(b)

The military judge ascertained that the detailed defense counsel had informed the accused of his rights concerning counsel as set forth in Article 38(b). The military judge asked the accused if he understood that he had the right to be represented by civilian counsel if the accused provided him; that he had the right to be represented by military counsel of his own selection if reasonably available, and that if he did have counsel of his own selection, his detailed defense counsel and assistant defense counsel would act as associate counsel if the accused so desired.

The accused responded that he understood his rights with respect to counsel.

Qualification of defense counsel

The defense counsel stated that the legal qualifications and status as to oaths of all members of the defense were correctly stated in the convening orders except as indicated below.

NOTE. Legal qualifications of a counsel for the defense not shown in the convening orders, including individual counsel, will be shown. If the detailed defense counsel of a special court-martial which could not adjudge a bad-conduct discharge was not qualified under Article 27(b), the record should reflect that the accused had been afforded the opportunity to be represented by qualified counsel and he had declined or that qualified counsel could not be obtained.

Prior participation of defense counsel

The defense counsel stated that no member of the defense had acted as the accuser, a member of the prosecution, investigating officer, military judge, or member of the court in this case except as indicated below.

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NOTE. If a member of the defense has acted as a member of the prosecution, the record will show that he was excused and withdrew from the court. If a member of the defense acted in another capacity, the record will show that the military judge explained to the accused that this counsel could represent him only at his express request, and that the accused so requested, or that suitable action was taken, either by excusing the particular counsel or by adjournment pending the procurement of a counsel satisfactory to the accused (61*f*(4)). Appendices 8*a* and 8*b* show the procedure to be taken.

Defense excused

The following detailed members of the defense were excused by the military judge at the express request of the accused: _____.

Personnel sworn

The military judge, and the personnel of the prosecution and defense who were not previously sworn in accordance with Article 42(a) were sworn.

The prosecution and each accused were extended the right to challenge the military judge for cause.

Challenge: military judge

The military judge was (not) challenged for cause (by _____) (on the ground that _____).

NOTE. The record should show the grounds for the challenge, a summary of evidence presented, if any, and the action taken.

Request for trial by military judge alone
No Request

The military judge ascertained that the accused had been advised of his right to request trial by the military judge alone and that the accused did not desire to submit such a request.

NOTE. If the accused requests trial by the military judge alone, the action on the request should be indicated as follows:

Request

The military judge (approved) (disapproved) the accused's request that he be tried by the military judge alone.

NOTE. If the military judge approved the accused's request for trial before the military judge alone, the record should reflect, "The Article 39(a) session was terminated and the military judge announced that the court was assembled." The proceedings following assembly should then be summarized, using the applicable portions of this guide. Appendix 10*a*(2).

Disapproval of request

NOTE. If the military judge disapproves the accused's request for trial by the military judge alone, the fact of such disapproval must be recorded, and if the military judge gives any reason for the disapproval, the reason should be summarized.

NOTE. When the accused does not submit a request for trial before the military judge alone or such request is disapproved, the continuing proceedings would be summarized as follows:

NOTE. If the accused is an enlisted person:

Enlisted membership

The trial counsel announced that the accused had (not) made a request in writing that the membership of the court include enlisted persons. The defense counsel announced that the accused had been advised of his rights in this respect prior to trial and had stated that he did (not) desire enlisted persons as court members.

NOTE. All further proceedings disposing of interlocutory matters, including rulings upon the admissibility of evidence will be summarized. Exhibits admitted in evidence, or offered but excluded, should be identified in the summarization (82*b*(5), 83). Matters relating to arraignment, pleas, and entry of findings will be summarized as indicated in Appendix 10*a*(2).

The session adjourned at _____ hours, _____ 19__.

(2) *OTHER SESSIONS.*

Convening orders

The court was called to order (at) (on board) _____ at _____ hours, _____ 19 ____, pursuant to the following orders:

NOTE. Here insert a copy of the convening orders and copies of any amending orders. Any request of an enlisted accused for enlisted court members will be inserted immediately following the convening orders, together with any declaration of the nonavailability of such enlisted persons. Any request for trial by the military judge alone (53*d*(2), 61*g*) or statement that qualified defense counsel (6*c*) or military judge (15*b*) could not be obtained will also be inserted at this point. If the above documents were previously inserted in the record of an Article 39(a) session of the case, they need not be re-inserted at this point.

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Time of session

NOTE. If all convening orders were inserted in the record at the Article 39(a) session, the record need only reflect, "The court met (at) (on board) _____, at _____ hours _____ 19___, pursuant to the orders previously inserted in the record."

NOTE. The reporter should note and record the time and date of the beginning and ending of each session of the court, including the opening and closing of the court during trial.

For example:

The court was called to order at _____ hours, _____ 19_____.

The court (adjourned) (recessed) at _____ hours, _____ 19_____.

The court (closed) (opened) at _____ hours, _____ 19_____.

Military judge, members of the court, and counsel present and absent

PERSONS PRESENT

PERSONS ABSENT

Accused and defense counsel present

The accused and the following (regularly detailed defense counsel and assistant defense counsel) (counsel introduced by him) were present:

Swearing reporter; interpreter

The following detailed (reporter) (and) (interpreter) (was) (were) (had previously been) sworn:

NOTE. Applicable only when a reporter or interpreter is used.

NOTE. If an Article 39(a) session had been held prior to this time and the qualifications of counsel had been verified therein, the record at this point may simply reflect:

The trial counsel stated that the status as to prior participation and legal qualifications of all members of the prosecution was the same as was announced at the prior session of this trial held on _____.

The defense counsel stated that the status as to prior participation and legal qualifications of all members of the defense was the same as was announced at the prior session of this trial held on _____.

NOTE. If qualifications of counsel had not previously been verified, the record should reflect:

Qualification of prosecution counsel

The trial counsel stated that the legal qualifications and status as to oaths of all members of the prosecution were correctly stated in the convening orders except as indicated below.

Prior participation of prosecution counsel

The trial counsel further stated that no member of the prosecution had acted as investigating officer, military judge, court member, or as a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceeding involving the same general matter except as indicated below.

NOTE. If a member of the prosecution is disqualified because of prior participation, the disqualifying fact will be shown, together with the action taken under 61*c*.

Inquiry concerning Article 38(b)

The military judge ascertained that the detailed defense counsel had informed the accused of his rights concerning counsel as set forth in Article 38(b). The military judge asked the accused if he understood that he had the right to be represented by civilian counsel if the accused provided him; that he had the right to be represented by military counsel of his own selection if reasonably available, and that if he did have counsel of his own selection, his detailed defense counsel and assistant defense counsel would act as associate counsel if the accused so desired.

The accused responded that he understood his rights with respect to counsel.

NOTE. The inquiry concerning the accused's knowledge of his rights under Article 38(b) need not be made at this time if it had been made at a prior Article 39(a) session.

Qualification of defense counsel

The defense counsel stated that the legal qualifications and status as to oaths of all members of the defense were correctly stated in the convening orders except as indicated below.

NOTE. Legal qualifications of all counsel for the defense not shown in the convening orders, including individual counsel, will be shown. If the detailed defense counsel of a special court-martial which could not adjudge a bad-conduct discharge was not qualified under Article 27(b), the record should reflect that the accused had been afforded the opportunity to be represented by qualified counsel and declined or that qualified counsel could not be obtained.

Prior participation of defense counsel

The defense counsel stated that no member of the defense had acted as the accuser, a member of the prosecution, investigating officer, military judge, or member of the court in this case except as indicated below.

NOTE. If a member of the defense has acted as a member of the prosecution, the record will show that he was excused and withdrew from the court. If a member of the defense acted in another capacity, the record will show that the military judge explained to the accused that this counsel could represent him only at his express request, and that the accused so requested, or that suitable action was taken, either by excusing the particular counsel or by adjournment pending the procurement of a counsel satisfactory to the accused (61*f*(4)). Appendices 8*a* and 8*b* show the procedure to be taken.

Defense excused

The following detailed members of the defense were excused at the express request of the accused:

Request for trial by military judge alone

No request

The military judge ascertained that the accused had been advised of his right to request trial by the military judge alone and that the accused did not desire to submit such a request.

NOTE. If the accused requested trial by the military judge alone, the action on the request should be indicated as follows:

Request

The military judge (approved) (disapproved) the accused's request that he be tried by the military judge alone.

NOTE. If the military judge approved the accused's request for trial before the military judge alone, the record should reflect that the military judge immediately announced that the court was assembled. The proceedings following assembly should then be summarized, using the applicable portions of this guide.

Disapproval of request

NOTE. If the military judge disapproves the accused's request for trial by the military judge alone, the fact of such disapproval must be recorded, and if the military judge gives any reason for the disapproval, the reason should be summarized.

NOTE. When the accused does not submit a request for trial before the military judge alone or such request is disapproved, the continuing proceedings would be summarized as follows:

NOTE. If the accused is an enlisted person, the record should reflect.

Enlisted membership

The trial counsel announced that the accused had (not) made a request in writing that the membership of the court include enlisted persons. The defense counsel announced that the accused had been advised of his rights in this respect prior to trial and had stated that he did (not) desire enlisted persons as court members.

NOTE. The second statement concerning defense counsel's announcement should be omitted if the military judge had previously ascertained at an Article 39(a) session that the accused had been advised of his right to the presence of enlisted members, and if the military judge did not again inquire into this matter at the session with members present.

Personnel

The military judge, members of the court, and the personnel of the prosecution and defense who were not previously sworn in accordance with Article 42(a) were sworn.

Challenges

Each accused was extended the right to challenge any member of the court or the military judge for cause and to exercise one peremptory challenge against any member.

The following members of the court (and the military judge) were excused and withdrew for the reasons stated opposite their respective names:

Captain _____ (excused without challenge as being the accuser).

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Lieutenant _____ (excused upon challenge for cause by the accused).

Lieutenant _____ (excused upon peremptory challenge by the accused).

There was no contest with respect to the challenging of any of the members for cause except as indicated below.

NOTE. Insert a summary of the proceedings with respect to each contest. For example, if a member or the military judge was challenged for cause, but was not excused from the court, the record will show the grounds for the challenge, a summary of evidence presented, if any, and the action of the military judge.

Arraignment at Article 39(a) session

NOTE. If the arraignment took place at the Article 39(a) session and the accused pleaded therein, the record need only reflect, "The military judge announced that the accused had been arraigned at a previous session of this trial held on _____."

The accused pleaded as follows:

To all the Specifications and Charges: (Not Guilty) (Guilty)

or

To the Specification of Charge I: (Not Guilty) (Guilty)

To Charge I: (Not Guilty) (Guilty)

etc.

NOTE. If the accused pleaded guilty at an Article 39(a) session, and findings of guilty were entered, the record should also reflect that the military judge reported the findings to the members.

Arraignment

The accused was then arraigned upon the following charges and specifications:

NOTE. Insert the charge sheet here. Use the accused's copy of the charge sheet to prepare his copy of the record. If sufficient copies of the charge sheet are not available, copy verbatim from pages 2 and 3 of the charge sheet the charges and specifications and the name and description of the accuser, the affidavit, and the reference to the court for trial.

Convening authority identified

_____ _____ was in command on the date of the reference for trial.
(Name and rank)

Motions

NOTE. The substance of any motions made by the defense before pleas are entered will be recorded, together with the ruling of the military judge thereon.

Pleas

NOTE. The pleas of the accused will be entered in the following form:

The accused pleaded as follows:

To all the Specifications and Charges: (Not Guilty) (Guilty)

To charge I: (Not Guilty) (Guilty)

etc.

Explanation of plea of guilty

NOTE. When there is a guilty plea and the military judge has explained its meaning and effect (70*b*), the record should show:

The military judge explained to the accused the meaning and effect of his plea of guilty, after which the accused answered that he understood (but persisted in his plea of guilty) (and stated that he desired to change his plea of guilty to not guilty) (—).

NOTE. When authorized by regulations of the Secretary concerned, findings of guilty of any charge and specification may be entered immediately without vote after a plea of guilty has been accepted and the record should so reflect if this has been done. The findings are entered by the announcement of the military judge that the accused has been found guilty in accordance with his plea (70*b* and appendix 8*b*).

PRESENTATION OF PROSECUTION CASE

Opening statement

The trial counsel made (an) (no) opening statement.

NOTE. The record will contain a summary of the testimony presented. An example of the manner in which testimony may be summarized follows:

Testimony

The following witnesses for the prosecution were sworn and testified in substance as follows:

Sgt. Richard Roe, Co. C. 1st Bn. 31st Inf, Fort Sill, Oklahoma.

DIRECT EXAMINATION

I know the accused, Sam Snooker, who is in the military service and a member of my company. We both sleep in the same barracks. When I went to bed on the night of October 7, 1969, I put my wallet under my pillow. The wallet had $7.00 in it; a $5.00 bill and two $1.00 bills. Sometime during the night something woke me up but I turned over and went to sleep again. When I woke up the next morning, my wallet was gone.

CROSS-EXAMINATION

I don't know the serial numbers on any of the bills. One of the $1.00 bills was patched together with scotch tape and one of the fellows told me that the accused had used a $1.00 bill just like that in a poker game the day after my wallet was missing.

Objection and ruling

Upon objection by the defense, so much of the answer of the witness as pertained to what he had been told was stricken.

Introduction of exhibits

The prosecution offered in evidence a duly authenticated extract copy of the morning report of Company C. 1st Bn, 31st Infantry, which contained entries pertaining to the accused for the dates 20 and 24 October 1969.

The defense objected to the admission of this document on the ground that the reporting officer had no personal knowledge of the facts reported therein. After argument by counsel for both sides, the extract copy was admitted in evidence as Prosecution Exhibit 1.

NOTE. If Prosecution Exhibit 1 had previously been admitted in evidence at an Article 39(a) session of the case, the prosecution may have simply presented it to the court and the record should reflect:

With the permission of the military judge, the prosecution presented Prosecution Exhibit 1, which had previously been admitted in evidence, to the court.

PRESENTATION OF DEFENSE CASE

The defense counsel made (an) (no) opening statement.

NOTE. If the military judge advised the accused of his right to testify or to remain silent, the record should so reflect, indicating also that such advice was given at a hearing held out of the presence of the court members.

Testimony

The following witnesses for the defense were sworn and testified in substance as follows:

Stipulation

The defense offered in evidence a stipulation entered into between the trial counsel, defense counsel, and the accused. There being no objection, the stipulation was admitted in evidence as Exhibit _____.

Closing arguments

The prosecution made (an) (no) argument.

The defense made (an) (no) argument.

The prosecution made (a) (no) closing argument.

Instructions

The military judge instructed the court in accordance with paragraph 73 of the MCM, including the elements of each offense, the presumption of innocence, reasonable doubt, and burden of proof as required by Article 51(c).

Findings

Neither the prosecution nor the defense having anything further to offer, the court was closed at ____ hours, _____ 19 __. Thereafter the court opened at ____ hours, _____ 19 __. The president announced that, in closed session and upon secret written ballot (the accused was found not guilty) (two-thirds of the members present at the time the vote was taken concurring in each finding of guilty), the accused was found:

Of all the Specifications and Charges: Guilty.

or

Of the Specification of Charge I: Guilty.

Of Charge I: Guilty.

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Of the Specification of Charge II: Not Guilty.
Of Charge II: Not Guilty.

etc.

Findings by the military judge alone

NOTE. In a trial by the military judge alone, there would be no instructions given, but the military judge may make general and special findings. Any request for special findings should be summarized, and if submitted in writing, the request should be attached as an appellate exhibit. The general findings must be announced in open court with all parties present and may be recorded in the record in the following form, together with any special findings announced at that time (74i):

Announcement

The military judge announced the following general (and special) findings (and directed that _____ be appended to the record as appellate exhibit _____) (filed an opinion or memorandum of decision, appellate exhibit _____, a copy of which was furnished to counsel for both sides) [and stated that the special findings (and opinion or memorandum of decision) would be furnished to the reporter prior to authentication for insertion in the record as appellate exhibit _____]:

Of all the Specifications and Charges: Guilty

or

Of the Specification of Charges I: Guilty.
Of Charge I: Guilty
Of the Specification of Charge II: Not Guilty
Of Charge II: Not Guilty.

NOTE. All general findings should be recorded as indicated above. Special findings delivered orally should be summarized. Any written findings, opinion or memorandum of decision should be appended to the record as an appellate exhibit and copies furnished to counsel for both sides.

Data as to service, etc.

The trial counsel read the data as to age, pay, service, and restraint of the accused as shown on the charge sheet. The defense counsel stated that (data were correct) (_____). (The trial counsel stated that he had no evidence of previous convictions to submit.) (The attached evidence of previous convictions was offered) (and admitted) (in evidence as Prosecution Exhibit _____). The defense counsel stated that (the accused had no objection to the evidence of previous convictions) (_____).

Evidence in extenuation or mitigation

After the accused was advised by the military judge of his right to present evidence in extenuation or mitigation, (the defense counsel stated that he had nothing further to offer.) (the defense presented the following matters:)

Instructions on sentence

The military judge instructed the court that the maximum permissible punishment which could be adjudged for the offense(s) of which the accused had been found guilty was: _____, and further instructed with respect to the specific facts of this case in accordance with paragraph 76 of the MCM.

NOTE. If the military judge announces what he considers to be the maximum permissible punishment in a case tried by him above, the record should reflect the stated maximum.

Sentence announcement by President

Neither the prosecution nor the defense having anything further to offer, the court was closed at _____ hours, _____ 19____. Thereafter, the court opened at _____ hours, _____ 19____. The president announced that in closed session and, upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring, the accused was sentenced:

To _____

NOTE. Announcement of sentence in a trial by the military judge alone may be recorded as follows:

Sentence announcement by military judge

The court opened at _____ hours, _____ 19____. The military judge informed the accused that the court sentenced him to:

NOTE. For adjournment, authentication, examination by defense counsel, and action of the convening authority see subsequent items in this appendix pertaining to the record in a trial with members.

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NOTE. Any special findings, opinion or memorandum of decision, which the military judge directed to be included in the record as an appellate exhibit should be appended prior to authentication.

Adjournment

The court adjourned at _____ hours, _____ 19____.

Authentication

NOTE. he record will be authenticated as indicated in 82b, 83a or 83b as appropriate.

Examination by defense

I have examined the record of trial in the foregoing case.

_____
(Captain) lieutenant) _____, Defense Counsel

Action

ACTION OF CONVENING AUTHORITY

_____
(Command of convening authority)

_____
(Station or Ship)

_____ 19____

In the foregoing case of

NOTE. Here enter the action taken by the convening authority on the findings and sentence. See appendix 14b.

_____
(Signature of convening authority)
(Major General) (Commander)

b. RECORD OF TRIAL BY SPECIAL COURT-MARTIAL WITHOUT A MILITARY JUDGE*.

NOTE. See first three marginal notes at beginning of appendix 9a. If a verbatim record is not prepared (see 7 and 83b), a summarized report of testimony, objections, and other proceedings is permitted. Either party may, however, submit his arguments in writing to be attached as exhibits, appropriate reference being made at the proper place in the record.

The procedure in court will follow that provided in regulations of the Secretary of the Department which will, so far as practicable, conform to that prescribed in appendix 8b for trials by general courts-martial. See 78 and 79. This appendix is to be used as a general guide; the actual record may depart from it in numerous particulars. The manner of summarizing several items of procedure is shown in appendix 9a.

Title

RECORD OF TRIAL

of

_____
(Last name, first name, middle initial) (Service number) (Grade)

_____
(Organization and armed force) (Station or ship)

by

SPECIAL COURT-MARTIAL

Convened by _____
(Title of convening authority)

_____
(Command of convening authority)

Tried at

_____ on _____ 19____
(Place or places of trial) (Date or dates of trial)

Copies of record

COPIES OF RECORD

_____ copy of record furnished the accused as per attached receipt.

_____ copy (ies) of record forwarded herewith.

_____

*But see 83b as to the authority of the Secretary of a Department.

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RECEIPT FOR COPY OF RECORD

Receipt for record

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at _____ this _____ day of _____, 19____.

_____
(Signature of accused)

PROCEEDINGS OF A SPECIAL COURT-MARTIAL

Convening orders

The court met (at) (on board) _____, at _____ hours _____ 19____, pursuant to the following orders:

NOTE. Here insert a copy of the convening orders and copies of any amending orders. Any request of an enlisted accused for enlisted court members, together with any declaration of the nonavailability of such enlisted persons, will be inserted immediately following the orders. Any statement that qualified defense counsel could not be obtained will also be inserted at this point (6c).

Time of session

NOTE. The reporter should note and record the time and date of the beginning and ending of each session of the court, including the opening and closing of the court during trial.

For example:

The court was called to order at _____ hours, _____ 19____.

The court (adjourned) (recessed) at _____ hours, _____ 19____.

The court (closed) (opened) at _____ hours, _____ 19____.

Members of the court and counsel present and absent

PERSONS PRESENT

PERSONS ABSENT

Accused and defense counsel present

The accused and the following (regularly detailed defense counsel and assistant defense counsel) (counsel introduced by him) were present:

Swearing reporter; interpreter

The following detailed (reporter) (and) (interpreter) (was) (were) (had previously been) sworn:

NOTE. Applicable only when a reporter or interpreter is used.

Qualification of prosecution counsel

The trial counsel stated that the legal qualifications and status as to oaths of all members of the prosecution were correctly stated in the convening orders except as indicated below.

Prior participation of prosecution counsel

The trial counsel further stated that no member of the prosecution had acted as investigating officer, military judge, court member, or as a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceeding involving the same general matter except as indicated below.

NOTE. If a member of the prosecution is disqualified because of prior participation, the disqualifying fact will be shown, together with the action taken under 61*e*.

Inquiry concerning Article 38(b)

The president ascertained that the detailed defense counsel had informed the accused of his rights concerning counsel as set forth in Article 38(b).

The president asked the accused if he understood that he had the right to be represented by civilian counsel if the accused provided him; that he had the right to be represented by military counsel of his own selection if reasonably available, and that if he did have counsel of his own selection, his detailed defense counsel and assistant defense counsel would act as associate counsel if the accused so desired.

The accused responded that he understood his rights with respect to counsel.

Qualification of defense counsel

The defense counsel stated that the legal qualifications and status as to oaths of all members of the defense were correctly stated in the convening orders except as indicated below.

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NOTE. Legal qualifications of all counsel for the defense not shown in the convening orders, including individual counsel, will be shown. If the detailed defense counsel was not qualified under Article 27(b), the record should reflect that the accused had been afforded the opportunity to be represented by qualified counsel and declined or that qualified counsel could not be obtained.

Prior participation of defense counsel

The defense counsel stated that no member of the defense had acted as the accuser, a member of the prosecution, investigating officer, military judge, or member of the court in this case except as indicated below.

NOTE. If a member of the defense has acted as a member of the prosecution, the record will show that he was excused and withdrew from the court. If a member of the defense acted in another capacity, the record will show that the president explained to the accused that this counsel could represent him only at his express request, and that the accused so requested, or that suitable action was taken, either by excusing the particular counsel or by adjournment pending the procurement of a counsel satisfactory to the accused (61*f*(4)). Appendices 8*a* and 8*b* show the procedure to be taken.

Defense excused

The following detailed members of the defense were excused at the express request of the accused:

NOTE. If the accused is an enlisted person, the record should reflect:

Enlisted membership

The trial counsel announced that the accused had (not) made a request in writing that the membership of the court include enlisted persons. The defense counsel announced that the accused had been advised of his rights in this respect prior to trial and had stated that he did (not) desire enlisted persons as court members.

Personnel sworn

The members of the court and the personnel of the prosecution and defense who were not previously sworn in accordance with Article 42(a) were sworn.

Challenges

Each accused was extended the right to challenge any member of the court for cause and to exercise one peremptory challenge against any member.

The following members of the court were excused and withdrew for the reasons stated opposite their respective names:

Captain _____ (excused without challenge as being the accuser).

Lieutenant _____ (excused upon challenge for cause by the accused).

Lieutenant _____ (excused upon peremptory challenge by the accused).

There was no contest with respect to the challenging of any of the members for cause except as indicated below.

NOTE. Insert a summary of the proceedings with respect to each contest. For example, if a member was challenged for cause, but was not excused from the court, the record will show the grounds for the challenge, a summary of evidence presented, if any, and the action of the court.

Arraignment

The accused was then arraigned upon the following charges and specifications:

NOTE. Insert the charge sheet here. Use the accused's copy of the charge sheet to prepare his copy of the record. If sufficient copies of the charge sheet are not available, copy verbatim from pages 2 and 3 of the charge sheet the charges and specifications and the name and description of the accuser, the affidavit, and the reference to the court for trial.

Convening authority identified

_____ was in command on the date of the reference for trial.

Name and rank

Motions

NOTE. The substance of any motions made by the defense before pleas are entered will be recorded, together with the ruling of the court thereon.

Pleas

NOTE. The pleas of the accused will be entered in the following form:

The accused pleaded as follows:

To all the Specifications and Charges: (Not Guilty) (Guilty).

or

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To the Specification of Charge I: (Not Guilty) (Guilty).
To Charge I: (Not guilty) (Guilty).

etc.

Explanation of plea of guilty

NOTE. When there is a guilty plea the president should explain the meaning and effect of a plea of guilty (70*b*), and the record should show:

The president of the court explained to the accused the meaning and effect of his plea of guilty, after which the accused answered that he understood (but persisted in his plea of guilty) (and stated that he desired to change his plea of guilty to not guilty) (_____).

NOTE. When authorized by regulations of the Secretary concerned, findings of guilty of any charge and specification may be entered immediately without vote after a plea of guilty has been accepted and the record should so reflect if this has been done. The findings are entered by the announcement of the president that the accused has been found guilty in accordance with his plea (70*b* and appendix 8*b*).

PRESENTATION OF PROSECUTION CASE

Opening statement

The trial counsel made (an) (no) opening statement.

NOTE. The record will contain a summary of the testimony presented. An example of the manner in which testimony may be summarized follows:

Testimony

The following witnesses for the prosecution were sworn and testified in substance as follows:

Sgt Richard Roe, Co C, 1st Bn, 31st Inf, Fort Sill, Oklahoma.

DIRECT EXAMINATION

I know the accused, Sam Snooker, who is in the military service and a member of my company. We both sleep in the same barracks. When I went to bed on the night of October 7, 1969, I put my wallet under my pillow. The wallet had $7.00 in it; a $5.00 bill and two $1.00 bills. Sometime during the night something woke me up but I turned over and went to sleep again. When I woke up the next morning, my wallet was gone.

CROSS-EXAMINATION

I don't know the serial numbers on any of the bills. One of the $1.00 bills was patched together with scotch tape and one of the fellows told me that the accused had used a $1.00 bill just like that in a poker game the day after my wallet was missing.

Objection and ruling

Upon objection by the defense, so much of the answer of the witness as pertained to what he had been told was stricken.

Introduction of exhibits

The prosecution offered in evidence a duly authenticated extract copy of the morning report of Company C, 1st Bn, 31st Infantry, which contained entries pertaining to the accused for the dates 20 and 24 October 1969.

The defense objected to the admission of this document on the ground that the reporting officer had no personal knowledge of the facts reported therein. After argument by counsel for both sides, the extract copy was admitted in evidence as Prosecution Exhibit 1.

PRESENTATION OF DEFENSE CASE

The defense counsel made (an) (no) opening statement.

Explanation of accused's rights

The accused was advised by the president of his right to testify or to remain silent.

Testimony

The following witnesses for the defense were sworn and testified in substance as follows:

Stipulation

The defense offered in evidence a stipulation entered into between the trial counsel, defense counsel, and the accused. There being no objection, the stipulation was admitted in evidence as Exhibit _____.

Closing arguments

The prosecution made (an) (no) argument.
The defense made (an) (no) argument.
The prosecution made (a) (no) closing argument.

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Instructions

The president instructed the court in accordance with paragraph 73 of the MCM, including the elements of each offense, the presumption of innocence, reasonable doubt, and burden of proof as required by Article 51(c).

Findings

Neither the prosecution nor the defense having anything further to offer, the court was closed. Thereafter, the court opened and the president announced that, in closed session and upon secret written ballot, (the accused was found not guilty) (two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, the accused was found:

Of all the Specifications and Charges: Guilty.

or

Of the Specification of Charge I: Guilty.
Of Charge I: Guilty.
Of the Specification of Charge II: Not guilty.
Of Charge II: Not guilty.

etc.)

Data as to service, etc.

The trial counsel read the data as to age, pay, service, and restraint of the accused as shown on the charge sheet. The defense counsel stated that (the data were correct) (_____). (The trial counsel stated that he had no evidence of previous convictions to submit.) (The attached evidence of previous convictions was offered) (and admitted) (in evidence as Prosecution Exhibit _____.) The defense counsel stated that (the accused had no objection to the evidence of previous convictions) (_____).

Evidence in extenuation or mitigation

After the accused was advised by the president of his right to present evidence in extenuation or mitigation, (the defense counsel stated that he had nothing further to offer.) (the defense presented the following matters:)

Instructions on sentence

The president instructed the court that the maximum permissible punishment which could be adjudged for the offense(s) of which the accused had been found guilty was: _____, and further instructed with respect to the specific facts of this case in accordance with paragraph 76 of the MCM.

Sentence announcement by President

Neither the prosecution nor the defense having anything further to offer, the court was closed at _____ hours, _____ 19___. Thereafter, the court opened at _____ hours, _____ 19___. The president announced that in closed session and, upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring, the accused was sentenced:

To _____

Adjournment

The court adjourned at _____ hours, _____ 19___.

Authentication

NOTE. The record will be authenticated as prescribed by the Secretary of a Department.

Examination by defense

I have examined the record of trial in the foregoing case.

_____
(Captain) (Lieutenant) _____, Defense Counsel

Action

ACTION OF CONVENING AUTHORITY

_____
(Command of convening authority)

_____
(Station or ship)

_____ 19___

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In the foregoing case of

NOTE. Here enter the action taken by the convening authority on the findings and sentence. See appendix 14b.

(Signature of convening authority)
(Major) (Lieutenant Colonel) ( )
Commanding

c. ARRANGEMENT OF ORIGINAL RECORD WITH ALLIED PAPERS.

When forwarded by the convening authority a record of trial by court-martial is arranged in the sequence required in publications of the Secretary of a Department.

d. ADDITIONAL COPIES OF RECORD.

A copy of the record of proceedings in court, including copies of all exhibits received in evidence or descriptions thereof will be prepared for each accused.

Appendix 11

FORM FOR RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

Fill in blank numbers of pertinent charges and specifications or "all specifications and charges," as may be appropriate for use unless departmental regulations prevent such election (*MCM, 32f(2)*).

☐ THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO

☒ THE ACCUSED HAS NOT BEEN OFFERED PUNISHMENT UNDER ARTICLE 15 AS TO

NAME, GRADE, AND ORGANIZATION OF OFFICER EXERCISING ARTICLE 15 JURISDICTION	SIGNATURE
Ivan I. Ivanson, Major, USAF Commander, 6666th Supply Squadron	Ivan I. Ivanson

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL — CASE NUMBER: 43 (Inserted by convening authority)

TO BE FILLED IN BY SUMMARY COURT AS APPLICABLE

1. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79*d*, MCM? ☒ YES

2. THE ACCUSED HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL, THE CHARGES ARE HEREWITH RETURNED TO THE CONVENING AUTHORITY.

NAME, GRADE, AND ORGANIZATION OF SUMMARY COURT OFFICER	SIGNATURE

TO BE FILLED IN BY THE ACCUSED

I ☒ CONSENT ☐ OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL. SIGNATURE OF ACCUSED: John J. Johnson

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR REMARKS
Sp. 1, Ch. I	G	G	To be confined at hard labor for one month and to forfeit $70.00 per month for one month.
Sp. 2, Ch. I	NG	NG	
Ch. I	G	G	
Sp., Ch. II	NG	NG	
Ch. II	NG	NG	

NUMBER OF PREVIOUS CONVICTIONS CONSIDERED (MCM, 75b(2)): 1

PLACE AND DATE OF TRIAL	DATE SENTENCE ADJUDGED
Randolph AFB, Texas	5 December 1969

NAME, GRADE, ORGANIZATION, AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM, 48): King K. Kingson, Lieutenant Colonel, USAF, Headquarters, 600th Support Group — SIGNATURE: King K. Kingson

Enter after signature, "Only officer present with command", if such is the case.

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 89, and app. 14a)

ORGANIZATION	PLACE	DATE
Headquarters, 600th Support Group	Randolph AFB, Texas	6 December 1969

ACTION OF CONVENING AUTHORITY

Approved and order executed. The Base Confinement Facility, Randolph Air Force Base, Texas, is designated as the place of confinement.

NAME, GRADE, AND ORGANIZATION OF CONVENING AUTHORITY	SIGNATURE
Lars L. Larson, Colonel, USAF Commander, 600th Support Group	Lars L. Larson

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM, 91c)

NAME, GRADE, AND DESIGNATION OF OFFICER RESPONSIBLE FOR ACCUSED'S RECORDS	SIGNATURE
Matthew M. Matthewson, Captain, USAF Personnel Officer	Matthew M. Matthewson

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

Appendix 12

TABLE OF COMMONLY INCLUDED OFFENSES

NOTE. When, in addition to the offense charged, the allegations in a specification are sufficient to place an accused on notice that he may have to defend against another offense, this additional offense is called an included offense. An included offense is not an operative factor in a trial unless placed in issue by the evidence. Once in issue, the court must be instructed on the included offense, and the accused may be found guilty of it. See 158 for a discussion of included offenses.

In regard to the following table, the charging of an accused with certain offenses always includes certain other offenses; for example, the charge of desertion always includes the offense of absence without leave. However, consideration of the particular allegations in the offense charged is often necessary before a determination can be made that a certain offense is included, for example, whether the offense of carnal knowledge is included in a charge of rape is controlled by whether the age of the victim is alleged to be less than 16 years. The following table generally does not include attempts, but an accused may be found guilty of an attempt to commit any offense charged (Art. 79) except when the offense, such as negligent homicide, cannot be intentionally committed. Also, it does not include those offenses which properly may be found by means of exceptions or exceptions and substitutions (74*b*(2)), but which differ from the offenses charged only with respect to the elimination or reduction of words of aggravation. For example, depending upon the proof, desertion terminated by apprehension properly may be found as desertion terminated in a manner not specified; similarly, larceny of property of a value of more than $100 properly may be found as larceny of property of a value of $100 or less and more than $50, or a value of $50 or less. In such a case, although the offense found would be the same offense as that charged, a lesser punishment might be authorized. In this connection, see Section A. 127*c*.

In view of the foregoing, the following table cannot be an all-inclusive list, cannot be applied mechanically, and is to be considered only as suggestive of possible offenses which may be included in the offense charged.

Article	Offense Charged	Article	Included Offense
85	Desertion with intent to remain away permanently.	86	Absence without authority.
85	Desertion—Quitting unit, organization or place of duty with intent to avoid hazardous duty or shirk important service.	86	Absence without authority.
87	Missing movement through design.	86 87	Absence without authority. Missing movement through neglect.
87	Missing movement through neglect.	86	Absence without authority.
89	Disrespect toward superior officer.	117	Using provoking or reproachful speech.
90	Striking superior officer in execution of his office.	90 128 128	Drawing or lifting up a weapon or offering violence to superior officer in execution of his office. Assault; assault and battery. Assault or assault and battery upon commissioned officer.

Article	Offense Charged	Article	Included Offense
90	Drawing or lifting up a weapon or offering violence to superior officer in execution of his office.	128	Assault, assault with dangerous weapon.
		128	Assault upon a commissioned officer.
90	Willfully disobeying lawful order of superior officer.	92	Failure to obey lawful order.
		89	Disrespect to superior officer.
91	Striking warrant, noncommissioned, or petty officer in execution of his office.	91	Assault upon warrant, noncommissioned, or petty officer in execution of his office.
		128	Assault; assault and battery.
		128	Assault or assault and battery with dangerous weapon.
		128	Assault or assault and battery upon warrant, noncommissioned, or petty officer.
91	Assault upon warrant, noncommissioned, or petty officer in the execution of his office.	128	Assault.
		128	Assault with dangerous weapon.
		128	Assault upon warrant, noncommissioned, or petty officer.
91	Willfully disobeying lawful order of warrant, noncommissioned, or petty officer.	92	Failure to obey lawful order.
91	Treating with contempt or being disrespectful in language or deportment toward, warrant, noncommissioned, or petty officer in execution of his office.	117	Using provoking or reproachful speech.
94	Mutiny—Refusal to obey orders from proper authority in concert with others with intent to override military authority.	90	Willful disobedience of commissioned officer.
		91	Willful disobedience of warrant, noncommissioned, or petty officer.
		92	Failure to obey lawful order.
94	Mutiny—Creation of violence or disturbance in concert with others, with intent to override military authority.	116	Riot.
		116	Breach of peace.
		134	Disorderly conduct.
94	Sedition.	116	Breach of peace.
		134	Disorderly conduct.
95	Breach of arrest.	134	Breach of restriction.
96	Suffering a prisoner to escape through design.	96	Suffering a prisoner to escape through neglect.

Article	Offense Charged	Article	Included Offense
99	Running away before the enemy.	85(2)	Desertion.
		86	Absence without authority; going from appointed place of duty.
99	Cowardly conduct.	85(2)	Desertion.
		86(3)	Absence without authority.
		99	Running away before the enemy.
99	Quitting place of duty to plunder or pillage.	86(2)	Going from appointed place of duty.
99	Endangering safety of command through disobedience of orders.	92	Failure to obey lawful order.
108	Willfully damaging military property.	108	Damaging military property through neglect.
108	Willfully suffering military property to be damaged.	108	Through neglect suffering military property to be damaged.
108	Willfully destroying military property.	108	Through neglect destroying military property.
		108	Through neglect damaging military property.
		108	Willfully damaging military property.
108	Willfully suffering military property to be destroyed.	108	Through neglect suffering military property to be destroyed.
		108	Through neglect suffering military property to be damaged.
		108	Willfully suffering military property to be damaged.
108	Willfully losing military property.	108	Through neglect, losing military property.
108	Willfully suffering military property to be lost.	108	Through neglect, suffering military property to be lost.
108	Willfully suffering military property to be sold.	108	Through neglect, suffering military property to be sold.
108	Willfully suffering military property to be wrongfully disposed of in a certain alleged manner.	108	Through neglect, suffering military property to be wrongfully disposed of in the manner alleged.
110	Willfully and wrongfully hazarding a vessel in a certain alleged manner.	110	Negligently hazarding a vessel in the manner alleged.
110	Willfully and wrongfully suffering a vessel to be hazarded in a certain alleged manner.	110	Negligently suffering a vessel to be hazarded in the manner alleged.

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Article	Offense Charged	Article	Included Offense
113	Drunk on duty as a sentinel.	112	Drunk on duty.
116	Riot.	116	Breach of peace.
		134	Disorderly conduct.
116	Breach of peace.	134	Disorderly conduct.
118	Murder, with premeditated design to kill; or murder while engaged in perpetration of offenses listed in Article 118(4).	118	Murder.
118	Murder, as defined in Article 118(1), (2), (3), or (4).	119	Voluntary or involuntary manslaughter.
		128	Assault; assault and battery; aggravated assault.
		134	Assault with intent to commit murder.
		134	Assault with intent to commit voluntary manslaughter.
		134	Negligent homicide.
119	Voluntary manslaughter.	119	Involuntary manslaughter.
		128	Assault; assault and battery; aggravated assault.
		134	Assault with intent to commit voluntary manslaughter.
		134	Negligent homicide.
119	Involuntary manslaughter.	128	Assault; assault and battery.
		134	Negligent homicide.
120	Rape.	120	Carnal knowledge.
		128	Assault; assault and battery.
		134	Assault with intent to commit rape.
		134	Indecent assault.
		134	Taking indecent, lewd and lascivious liberties with the person of a female.
120	Carnal knowledge.	134	Indecent acts or liberties with a female under 16.
121	Larceny.	121	Wrongful appropriation.
122	Robbery.	121	Larceny.
		121	Wrongful appropriation.
		128	Assault; assault and battery.
		128	Assault with a dangerous weapon.
		128	Assault intentionally inflicting grievous bodily harm.
		134	Assault with intent to rob.

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Article	Offense Charged	Article	Included Offense
123a	Making, drawing, uttering or delivering a check, draft, or order without sufficient funds with intent to defraud or with intent to deceive.	134	Making, drawing, uttering or delivering a check, draft, or order, and thereafter wrongfully and dishonorably failing to maintain sufficient funds.
124	Maiming.	128	Assault; assault and battery.
		128	Assault with a dangerous weapon.
		128	Assault intentionally inflicting grievous bodily harm.
125	Sodomy.	134	Indecent, lewd, and lascivious acts with another.
		134	Assault with intent to commit sodomy.
126	Aggravated arson.	126	Simple arson.
127	Extortion.	134	Communicating a threat.
128	Assault upon a commissioned, warrant, noncommissioned, or petty officer of the Air Force, Army, Coast Guard, Navy, or a friendly foreign power, not in the execution of his office.	128	Assault; assault and battery.
128	Assault upon any person who, in the execution of his office, is performing air police, military police, shore patrol, or civil law enforcement duties.	128	Assault; assault and battery.
128	Assault intentionally inflicting grievous bodily harm.	128	Assault; assault and battery.
		128	Assault with a dangerous weapon.
128	Assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm.	128	Assault; assault and battery.
128	Assault and battery.	128	Assault.
128	Assault and battery upon a child under age of 16.	128	Assault; assault and battery.
129	Burglary.	130	Housebreaking.
		134	Unlawful entry.
130	Housebreaking.	134	Unlawful entry.
134	Assault, indecent.	128	Assault; assault and battery.

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Article	Offense Charged	Article	Included Offense
134	Assault with intent to commit voluntary manslaughter.	128	Assault; assault and battery.
		128	Assault intentionally inflicting grievous bodily harm.
		128	Assault with a dangerous weapon.
134	Assault with intent to commit robbery, sodomy, arson, or housebreaking.	128	Assault; assault and battery.
		128	Assault with a dangerous weapon.
134	Assault with intent to commit burglary.	128	Assault; assault and battery.
		128	Assault with a dangerous weapon.
		134	Assault with intent to commit housebreaking.
134	Assault with intent to murder.	128	Assault; assault and battery.
		128	Assault with a dangerous weapon.
		128	Assault intentionally inflicting grievous bodily harm.
		134	Assault with intent to commit voluntary manslaughter.
		134	Willful or careless discharge of a firearm.
134	Assault with intent to rape.	128	Assault; assault and battery.
		134	Indecent assault.
134	False or unauthorized military or official pass, permit, discharge certificate, or identification card, possessing with intent to deceive.	134	False or unauthorized military or official pass, permit, discharge certificate, or identification card, possessing without intent to deceive.
134	Discharging a firearm wrongfully and willfully, under circumstances as to endanger life.	134	Discharging a firearm through carelessness.
134	Impersonating an officer, warrant officer, noncommissioned, or petty officer, or agent of superior authority with intent to defraud.	134	Impersonating an officer, warrant officer, noncommissioned, or petty officer, or agent of superior authority without intent to defraud.
134	Mails, taking, opening, abstracting, secreting, destroying, stealing, or obstructing.	121	Larceny.
		121	Wrongful appropriation.
134	Communicating a threat.	117	Using provoking speeches.

Appendix 13

FORMS OF SENTENCES

***a.* ANNOUNCEMENT OF SENTENCE IN COURT WITH MEMBERS.** In announcing the sentence, the president of the court should announce:

"_____, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot, (two-thirds) (three-fourths) (all) of the members present at the time the vote was taken concurring, sentences you _____."

The actual sentence should now be announced following one of the forms contained in *c*, below, or any necessary modification or combination thereof. Each of the forms of punishment prescribed in *c* are separate, that is, the adjudging of one form of punishment is not contingent upon any other punishment also being adjudged. The forms in *c*, however, may be combined and modified so long as the punishment adjudged is not forbidden by the code and does not exceed the maximum authorized by this manual (see chapter XXV) in the particular case being tried. In announcing a sentence consisting of combined punishments, the president may, *for example*, state:

"To be dishonorably discharged from the service, to be confined at hard labor for one year, to forfeit all pay and allowances, and to be reduced to the grade of Private, E–1;" or

"To be discharged from the service with a bad-conduct discharge, to be confined at hard labor for six months, and to forfeit $35.00 per month for six months;" or

"To be dismissed from the service, to be confined at hard labor for one year, and to forfeit all pay and allowances;" or

"To perform hard labor for one month and to forfeit $25.00 per month for one month."

***b.* ANNOUNCEMENT OF SENTENCE IN COURT WITH MILITARY JUDGE ALONE.** In announcing the sentence, the military judge should announce:

"_____, it is my duty as military judge of this court to inform you that this court sentences you to _____." The actual sentence should now be announced following one of the forms contained in *c*, below, or any necessary modification or combination thereof. Any case in which the death penalty may be adjudged cannot be tried by a military judge alone (14*a*).

***c.* SINGLE PUNISHMENT FORMS.**

For punitive separation

1. To be dishonorably discharged from the service.[1]
2. To be discharged from the service with a bad-conduct discharge.[2]
3. To be dismissed from the service.[3]

Pertaining to deprivation of liberty or death penalty

NOTE. Periods of confinement should not be expressed in terms of months in excess of 11; for example, a period of 12 months is properly expressed as "one year" and a period of 1½ years is properly expressed as "one year and six months."

4. To be restricted to the limits of _____ for _____ (days) (months).[4]
5. To perform hard labor for _____ (days) (months).[5]
6. To be confined at hard labor for [_____ (days) (months) (years)] [the length of your natural life].[6]
7. To be confined on (bread and water) (diminished rations) for _____ days.[7]

[1] Applicable in the case of enlisted members or warrant officers other than commissioned warrant officers (126*d* and *e*).

[2] Applicable in the case of enlisted members only. See 126*e* and 127*a* and *c*(4).

[3] Applicable in the case of commissioned officers and commissioned warrant officers only (126*d*).

[4] Not to exceed two months (126*g*).

[5] Not to exceed three months if adjudged by a general or special court-martial; and not to exceed forty-five days if adjudged by summary court-martial. See 126*k*.

[6] May be adjudged against commissioned and warrant officers by a general court-martial only (126*d*). See 126*f*.

[7] Confinement may only be adjudged against enlisted members attached to or embarked in a vessel and shall not be imposed in excess of three days (125).

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8. To be put to death.

Pertaining to financial penalty

NOTE. Forfeitures, fines, and detentions should be expressed in even dollars.

9. To have $_____ per month for _____ months detained for a period of _____ (months) (year).[8]

10. To forfeit ($_____ per month for _____ months) (all pay and allowances).[9]

11. To pay to the United States a fine of $_____, [and to be[10] (further) confined at hard labor until said fine is so paid, but for not more than _____ (months) (years)[10] (in addition to the _____ (months) (years) hereinbefore adjudged)].[11]

For reduction in grade or loss of numbers, lineal position, or seniority

12. To be reduced to the grade of (corporal) (radioman second class) (_____).[12]

13. To (lose _____ unrestricted numbers) (be placed at the foot of the _____'s list of present date and to remain there until he shall have lost _____ unrestricted numbers (lose _____ unrestricted line officer running mate numbers).[13]

14. To lose _____ month's seniority in the date of his warrant (as machinist) (_____), and to lose corresponding rank in the list of (machinists) (_____) of the (Navy) (_____).[14]

Admonition and Reprimand

15. To be admonished.[15]

16. To be reprimanded.[15]

[8] See 126*h*(4) as to limitations.

[9] See 126*h*(2) for limitations in the case of enlisted members and for the meaning of the phrase "to forfeit all pay and allowances." A special court-martial may not adjudge forfeiture of more than two-thirds pay per month for six months, even though a bad-conduct discharge is adjudged (Art. 19).

[10] To be used if confinement is also adjudged as part of the sentence other than for enforcing the collection of the fine.

[11] See 126*h*(3) and Section B, 127*c*.

[12] See 16*b* and 126*c*.

[13] Not an authorized punishment in the case of Army and Air Force personnel (126*i*). Officers of the other armed forces may be sentenced to a loss of numbers. The sentence placing the officer at the foot of the list, with the proviso that he is to remain in that position until he has lost the required numbers, is to be used when his position on the list will not permit his losing the adjudged numbers in grade at the time the sentence is adjudged.

[14] Not an authorized punishment in the case of Army and Air Force personnel (126*i*). In the case of warrant officers of the other armed forces, when promotion is based upon length of service in grade, loss of seniority for a specified period of time should be adjudged in lieu of a loss of numbers.

[15] See 126*f* and Section B, 127*c*.

Appendix 14

FORMS FOR ACTION BY CONVENING AUTHORITY

Show headquarters or ship, place, and date of action. Signature is followed by grade, unit, and the words "Commander," "Commanding" or "Officer in Charge." The use of these forms is not mandatory and they are not intended to provide for every case; but whenever appropriate, these forms, or a combination or modification of them, should be used.

The place of confinement should be designated only after consulting pertinent regulations of the Secretary of a Department. See 89*c*(5).

***a*. SUMMARY COURTS-MARTIAL.**

Forms 1–11 may be used by the convening authority who takes action on the record of trial by summary court-martial:

Approval —Execution

1. Approved and ordered executed. (_____ is designated as the place of confinement.)

—Partial

2. The finding of guilty of Specification 2, Charge I, is disapproved. Only so much of the sentence as provides for _____ is approved and ordered executed. (_____ is designated as the place of confinement.)

Approval—deferment terminated by action ordering sentence executed. (See 88*f*).

3. Approved and ordered executed. The service of the sentence to confinement at hard labor for _____ days was deferred on _____. _____ is designated as the place of confinement.

Approval—deferment terminated by rescission

4. Approved and ordered executed. The service of the sentence to confinement at hard labor for _____ days was deferred on _____ and the deferment was rescinded on _____. _____ is designated as the place of confinement.

NOTE. Ordering the execution of the sentence terminates the deferment of confinement. The confinement at this time may be suspended but it may not be further deferred.

—Of rehearing (see 89*c*(7)(*a*))

5. Approved and ordered executed. The accused will be credited with any portion of the punishment served or executed from _____, 19__ to _____, 19__ under the sentence adjudged at the former trial of this case.

Suspension (see 88*c*(2)) —Entire sentence; conditional remission

6. Approved and suspended for _____ months, at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action.

NOTE. When a sentence which includes deferred confinement is approved but suspended, the deferment is thereby terminated, and only the suspension of the sentence to confinement is operative. Deferment of confinement and suspension of the same period of confinement cannot exist concurrently. When confinement which has been deferred is approved but suspended, the dates of the deferment should be included in the initial action.

—Partial; conditional remission

7. Approved and ordered executed, but the (confinement) (_____) is suspended for _____ months, at which time, unless the suspension is sooner vacated, the sentence to _____ will be remitted without further action.

Disapproval —Charges dismissed

8. Disapproved. The charges are dismissed.

—Order of rehearing

9. It appears that the following error was committed: _____. This error being materially prejudicial to the substantial rights of the

accused under the circumstances of this case, the findings of guilty and the sentence are disapproved, and a rehearing is directed before a summary court-martial to be hereafter designated.

NOTE. The reason for disapproval must be stated in the action if a rehearing is ordered (Art. 63(a)).

—Of rehearing; restoration of rights (see 89c(7)(a))

10. Disapproved. The charges are dismissed. All rights, privileges, and property of which the accused has been deprived by virtue of the execution of the sentence adjudged at the former trial of this case on _____, 19__ will be restored.

NOTE. Under Article 75(a) the authority setting aside or disapproving a sentence must order a restoration of all rights, privileges, and property affected by any executed portion of a sentence which has been set aside or disapproved unless a rehearing is ordered and such executed portion is included in the sentence adjudged upon a rehearing. It follows that if a rehearing of a summary court-martial case is ordered pursuant to 94a(2) after the original sentence has been ordered into execution, any rights, privileges, and property affected by the former sentence must be restored if the rehearing results in an acquittal or a disapproval of the sentence adjudged.

If the rehearing results in an acquittal, the convening authority should omit from the action shown above the words, "Disapproved. The charges are dismissed."

Withdrawal of previous action (see 89b; 94a(2))

11. In the foregoing case of _____, the action taken by (me) (my predecessor in command) on _____, 19__ is withdrawn and the following substituted therefor: _____.

b. SPECIAL COURTS-MARTIAL.

(1) *Special court-martial sentences in cases which do not involve an approved sentence to bad-conduct discharge.* Forms 12–31 are appropriate for use in special court-martial cases in which the sentence, as approved, does not include a bad-conduct discharge. They are also appropriate for use with respect to general court-martial sentences which, as approved, do not affect a general or flag officer, or extend to death or dismissal, or include a punitive discharge or confinement for one year or more.

Approval —Execution

12. In the foregoing case of _____, the sentence is approved and will be duly executed. (_____ is designated as the place of confinement.)

—Partial; execution

13. In the foregoing case of _____, only so much of the sentence as provides for _____ is approved and will be duly executed. (_____ is designated as the place of confinement.)

—Partial; disapproval of findings

14. In the foregoing case of _____, the findings of guilty of Specifications 1 and 2, Charge II, are disapproved. (The sentence is approved and will be duly executed.) (Only so much of the sentence as provides for _____ is approved and will be duly executed.) (_____ is designated as the place of confinement.)

—Partial; lesser included offense and substituted findings (see 87a(4))

15. In the foregoing case of _____, only so much of the findings of guilty of Charge I and its specification is approved as finds that the accused absented himself without proper authority from the (organization) (_____) alleged at the place and time alleged and remained so absent until _____, in violation of Article 86. Only so much of the sentence as provides for _____ is approved and will be duly executed. (_____ is designated as the place of confinement.)

16. In the foregoing case of _____, only so much of the finding of guilty of Specification 1 with respect to value as finds some value not in excess of _____ is approved. Only so much of the sentence as provides for _____ is approved and will be duly executed. (_____ is designated as the place of confinement.)

17. In the foregoing case of _____, only so much of the finding of guilty of Specification 1, Charge I, is approved as finds that the accused did, at the time and place alleged, wrongfully appropriate the property described, of the value and ownership alleged. Only so much of

the sentence as provides for _____ is approved and will be duly executed. (_____ is designated as the place of confinement.)

18. In the foregoing case of _____, only so much of the findings of guilty of Charge I and its specification is approved as finds that the accused did, at the time and place alleged, wilfully and maliciously attempt to set fire to a haystack, the property of _____, of some value not in excess of $50.00, in violation of Article 80. Only so much of the sentence as provides for _____ is approved and will be duly executed. (_____ is designated as the place of confinement.)

—Of rehearing (see 89c(7)(a))

19. In the foregoing case of _____, the sentence is approved and will be duly executed. (_____ is designated as the place of confinement.) The accused will be credited with (confinement from _____, 19__ to _____, 19__ and) any (other) portion of the punishment served or executed from _____, 19__ to _____, 19__ under the sentence adjudged at the former trial of this case.

Suspension conditional remission (see 88c(2))

20. In the foregoing case of _____, the sentence is approved, but the execution thereof is suspended for _____ months, at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action.

21. In the foregoing case of _____, the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging (forfeitures of pay) (confinement) is suspended for _____ months, at which time, unless the suspension is sooner vacated, the suspended portion of the sentence will be remitted without further action.

Disapproval —Charges dismissed

22. In the foregoing case of _____, the sentence is disapproved and the charges are dismissed.

—Reason stated (see 89c(2))

23. In the foregoing case of _____, it appears from the record of trial that, although trial of the specification of the charge was barred under the provisions of Article 43, the accused was not advised of his rights in the premises. The findings of guilty and the sentence are disapproved and the charges are dismissed.

NOTE. Under 89c(2) the convening authority may state the reasons for disapproval of the findings and sentence in certain cases even when he does not order a rehearing. Such statement of reasons for disapproval is generally appropriate where the disapproval of a finding of guilty may affect future administrative action.

—Of rehearing restoration of rights (see 89c(7)(a))

24. In the foregoing case of _____, the findings of guilty and the sentence are disapproved and the charges are dismissed. All rights, privileges, and property of which the accused has been deprived by virtue of the execution of the sentence adjudged at the former trial of this case on _____, 19__ will be restored.

NOTE. See also note under form 10.

—Order of rehearing (see 92a)

25. In the foregoing case of _____, it appears from the record of trial that (the confession of the accused was not shown to have been voluntarily made) (Exhibit 1, an improperly authenticated extract copy of a morning report, was erroneously received in evidence over the objection of the defense) (the prosecution erroneously cross-examined the accused on the merits after he had taken the stand for a limited purpose only) (the testimony of A as to the out-of-court identification of the accused by B was erroneously received in evidence) (_____). Under the circumstances of this case, this error is materially prejudicial to the substantial rights of the accused. For this reason, the sentence is disapproved and a rehearing is ordered before another court-martial to be hereafter designated.

—Order of rehearing on sentence only

26. In the foregoing case of _____, it appears from the record of trial that (_____ was erroneously received in evidence) (_____). Under the circumstances of the case this error is materially prejudicial to the substantial rights of the accused as to the sentence only. For this reason, the findings are approved and a rehearing as to sen-

tence only is ordered before another court-martial to be hereafter designated.

Jurisdictional error (see 92b)

27. In the foregoing case of _____, it appears from the record of trial that (the person who signed the charges sat as a member of the court) (an enlisted person who is a member of the same unit as the accused sat as a member of the court) (the members of the court-martial who tried the case were not sworn) (the specification of the charge fails to allege any offense) (_____). In view of the provisions of Article _____ the proceedings, findings, and sentence are invalid. Another trial is ordered before another court-martial to be hereafter designated.

—Confinement in lieu of discharge

28. In the foregoing case the sentence is approved but the bad-conduct discharge is changed to the lesser punishment of confinement at hard labor for 6 months. The sentence as changed is approved and will be duly executed. _____ is designated as the place of confinement.

Approval—confinement deferred on trial date (see 88f)

29. In the foregoing case of _____ the sentence is approved and will be duly executed. The service of the sentence to confinement at hard labor for _____ (days) (months) was deferred on _____. _____ is designated as the place of confinement.

Approval—confinement deferred after trial date

30. In the foregoing case of _____, the sentence is approved and will be duly executed. The service of the sentence to confinement at hard labor _____ (days) (months) was begun on _____ and was deferred on _____. _____ is designated as the place of confinement.

Withdrawal of previous action (see 89b)

31. See Form 11.

(2) *Sentences including an approved sentence to bad-conduct discharge.* Forms 32–40 are applicable to cases tried by special courts-martial convened by an officer who does not exercise general court-martial jurisdiction when the sentence as approved includes a bad-conduct discharge.

Approval —Forwarding under Article 65(b)

32. In the foregoing case of _____, (the sentence) (only so much of the sentence as provides for bad-conduct discharge and _____) is approved. The record of trial is forwarded for action under Article 65(b).

—Forfeitures and confinement

NOTE. When confinement, not suspended or deferred, is approved together with forfeitures, the forfeitures apply to pay and allowances becoming due on and after the date of the action of the convening authority unless he defers such application for good cause (88*d*(3); Art. 57(a)). For the purpose of clarity, if confinement, unsuspended or deferred, and forfeitures are approved one of the following should be added to the form of action:

"The forfeitures shall apply to pay becoming due on and after the date of this action," or

"The application of the forfeitures is deferred until (the sentence is ordered into execution) (_____)."

Suspension —Of bad-conduct discharge (see 88e(2)(b))

33. In the foregoing case of _____, (the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging bad-conduct discharge is suspended for the period of confinement and ___ months thereafter, at which time, unless the suspension is sooner vacated, the bad-conduct discharge shall be remitted without further action. (_____ is designated as the place of confinement.) The record of trial is forwarded for action under Article 65(b).

—Entire sentence

34. In the foregoing case of _____, the sentence is approved, but the execution thereof is suspended for _____ months, at which time, unless the suspension is sooner vacated, it shall be remitted without further action. The record of trial is forwarded for action under Article 65(b).

Action by officer exercising general court-martial jurisdiction

NOTE. The officer exercising general court-martial jurisdiction to whom the record of trial is forwarded under Article 65(b) may, in general, use the forms of actions indicated in forms 41–49 below except that, if the convening authority has modified, suspended or deferred the sentence, the superior should refer to the sentence as approved in the manner indicated in form 37.

Approval—confinement deferred on trial date or date of action (See 88f)

35. In the foregoing case of _____, the sentence is approved. The service of the sentence to confinement at hard labor for _____ (days) (months) (was deferred on _____) (is deferred effective this date) and will not begin until such time as the sentence is ordered into execution, unless such deferment is sooner rescinded. The record of trial is forwarded for action under Article 65(b).

Approval—confinement deferred and deferment rescinded prior to or on date of action

36. In the foregoing case of _____ the sentence is approved. The service of the sentence to confinement at hard labor for _____ (days, months) was deferred on _____ and the deferment (was rescinded on _____) (is rescinded effective this date). _____ is designated as the place of confinement. The record of trial is forwarded for action under Article 65(b).

NOTE. When the service of the sentence to confinement is deferred prior to or at the time the initial action is taken, the following should, in appropriate cases, (see 88*d*(3)) be added to the form of the action:

"The application for forfeitures is deferred until the sentence is ordered into execution, unless the deferment of confinement is sooner rescinded."

The deferment is terminated when the sentence is ordered into execution. The confinement at this time may be suspended but it may not be further deferred. When a sentence which includes deferred confinement is approved but suspended, the deferment is thereby terminated, and only the suspension of the sentence to confinement is operative. Deferment of confinement and suspension of the same period of confinement cannot exist concurrently. When confinement which has been deferred is approved but suspended, the dates of the deferment should be included in the initial action.

—Approval

37. In the foregoing case of _____, the (sentence) (only so much of the sentence) as (approved) (suspended) (approved and suspended) (approved and deferred) by the convening authority (as provides for _____) is (approved _____) (_____).

—Disapproval of sentence ordered into execution by convening authority

38. In the foregoing case of _____, the findings of guilty and the sentence as approved by the convening authority are disapproved and the charges are dismissed. The accused will be released from the confinement adjudged by the sentence in this case and all rights, privileges, and property of which the accused has been deprived by virtue of the findings and sentence so disapproved will be restored.

—Disapproval; order of rehearing

39. See 25 above.

—Disapproval of rehearing

40. See 24 above.

c. GENERAL COURTS-MARTIAL.

Cases forwarded for examination under Article 69. Forms of action 12–29 above are generally applicable to general court-martial cases in which the sentence as approved does not affect a general or flag officer, extend to death, dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more.

Cases forwarded for review by a Court of Military Review.

Approval

41. In the foregoing case of _____, the sentence is approved.

Confinement and forfeitures (see 88*d*(3))

NOTE. For the purpose of clarity, if confinement, unsuspended, or undeferred, and forfeitures are approved, one of the following should be added at this point:

(*a*) "The forfeitures shall apply to pay and allowances becoming due on and after date of this action," or

(*b*) "The application of the forfeitures is deferred until (the sentence is ordered into execution) (_____)."

Remarks as to forwarding —Temporary custody

The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be (retained in this command) (confined in _____) (transferred to the command of _____).

—Partial

42. In the foregoing case of _____, only so much of the sentence as provides for _____ is approved. (The forfeitures shall

apply to pay and allowances becoming due on and after the date of this action.) (The application of the forfeitures is deferred until _____.) The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see form 41 above).

NOTE. See forms 14–18 for other examples of partial approval.

—Mitigation of dishonorable discharge

43. In the foregoing case of _____, only so much of the sentence is approved as provides for bad-conduct discharge, confinement at hard labor for one year, and forfeiture of all pay and allowances. The forfeitures shall apply to all pay and allowances becoming due on and after the date of this action. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review _____ (see form 41 above).

—Confinement in lieu of discharge

44. In the foregoing case of _____, the dishonorable discharge is changed to confinement at hard labor for _____ (thereby making the period of confinement at hard labor as approved total _____ months). The sentence as changed is approved. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see form 41 above).

—Of rehearing

45. In the foregoing case of _____, the sentence is approved. The accused will be credited with (confinement from _____, 19__ to _____, 19__ and) any (other) portion of the punishment served or executed from _____, 19__ to _____, 19__ under the sentence adjudged at the former trial of this case. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see form 41 above).

Suspension—Punitive discharge; confinement for less than one year

46. In the foregoing case of _____, the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging (dishonorable discharge) (bad-conduct discharge) is suspended for the period of confinement and _____ months thereafter, at which time, unless the suspension is sooner vacated, the suspended portion shall be remitted without further action. _____ is designated as the place of confinement. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review.

—Entire sentence

47. In the foregoing case of _____, the sentence is approved, but the execution thereof is suspended for __ months, at which time, unless the suspension is sooner vacated, the sentence shall be remitted without further action. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be (retained in this command) (_____).

Approval—confinement deferred on trial date or date of action (See 88f)

48. In the foregoing case of _____, the sentence is approved. The service of the sentence to confinement at hard labor for _____ (months, years) (was deferred on _____) (is deferred effective this date) and will not begin until such time as the sentence is ordered into execution, unless such deferment is sooner rescinded. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see form 41 above).

Approval—confinement deferred and deferment rescinded prior to or on date of action

49. In the foregoing case of _____, the sentence is approved. The service of the sentence to confinement at hard labor for _____ (months) (years) was deferred on _____ and the deferment (was rescinded on _____) (is rescinded effective this date). The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see form 41 above).

NOTE. Where the service of the sentence to confinement is deferred prior to or at the time the initial action is taken, the following should, in appropriate cases, (see 88d(3)), be added to the form of the action:

"The application of forfeitures is deferred until the sentence is ordered into execution, unless the deferment of confinement is sooner rescinded."

Ordering the execution of the sentence terminates the deferment. The confinement at this time may be suspended but it may not be further deferred. When a sentence which includes deferred confinement is approved but suspended, the deferment is thereby terminated, and only the suspension of the sentence to confinement is operative. Deferment of confinement and suspension of the same period of confinement cannot exist concurrently. When confinement which has been deferred is approved but suspended, the dates of the deferment should be included in the initial action.

d. FORMS FOR ACTIONS APPROVING AND SUSPENDING PUNISHMENTS MENTIONED IN ART. 58a AND RETAINING ACCUSED IN PRESENT OR INTERMEDIATE GRADE.

Under the authority of Article 58a, the Secretary concerned may, by regulation, limit or specifically preclude the reduction in grade which would otherwise be effected under that Article upon the approval of certain court-martial sentences by the convening authority. The Secretaries concerned may provide in regulations that if the convening or higher authority taking action on the case suspends those elements of the sentence that are specified in Article 58a the accused may be retained in the grade held by him at the time of the sentence or in any intermediate grade. The following forms of action may be utilized by convening or higher authority in effecting actions authorized by the Secretary concerned in regulations pursuant to the authority of Article 58a.

If the convening authority or higher authority when taking action on a case in which the sentence includes a punitive discharge, confinement, or hard labor without confinement desires to approve the sentence and to retain the enlisted member in the grade held by him at time of sentence or in any intermediate grade, he may do so if permitted by regulations of the Secretary concerned whether or not the sentence also includes a reduction to the lowest enlisted grade, by utilizing one of the following forms of action. The first action, 50, is appropriate when the sentence does not specifically provide for reduction. The second and third actions, 51 and 52 are appropriate when the sentence specifically provides for reduction to the grade of E–1, the action set forth in 51 being intended for a case in which the accused is to be probationally retained in the grade held by him at the time of sentence, and the action set forth in 52 for a case in which he is to serve probationally in an intermediate grade.

50. In the foregoing case of _____, the sentence is approved and will be duly executed but the execution of so much thereof as provides for [(dishonorable) (bad-conduct) discharge], [confinement], [hard labor without confinement], [_____] is suspended until _____, at which time, unless the suspension is sooner vacated, the suspended portions of the sentence will be remitted without further action. The accused will (continue to) serve in the grade of _____ unless the suspension of the [(dishonorable) (bad-conduct) discharge], [confinement], [hard labor without confinement] is vacated, in which event the accused at that time will be reduced to the grade of E–1.

51. In the foregoing case of _____, the sentence is approved and will be duly executed but the execution of so much thereof as provides for [(dishonorable) (bad-conduct) discharge], [confinement], [hard labor without confinement], [_____], and reduction to the grade of E–1, is suspended until _____, at which time, unless the suspension is sooner vacated, the suspended portions of the sentence will be remitted

without further action. The accused will continue to serve in the grade of _____ unless the suspension of the [(dishonorable) (bad-conduct) discharge], [confinement], [hard labor without confinement], or reduction to the grade of E–1, is vacated, in which event the accused at that time will be reduced to the grade of E–1.

52. In the foregoing case of _____, the sentence is approved and will be duly executed but the execution of so much thereof as provides for [(dishonorable) (bad-conduct) discharge], [confinement], [hard labor without confinement], [_____], and that portion of the reduction to E–1, which is in excess of a reduction to the grade of _____ is suspended until _____, at which time, unless the suspension is sooner vacated, the suspended portions of the sentence will be remitted without further action. The accused will serve in the grade of _____ unless the suspension of the [(dishonorable) (bad-conduct) discharge], [confinement], [hard labor without confinement], or reduction to the grade of E–1, is vacated, in which event the accused at that time will be reduced to the grade of E–1.

Appendix 15

FORMS FOR COURT-MARTIAL ORDERS

a. FORMS FOR INITIAL PROMULGATING ORDERS.

The following is a form applicable in promulgating the results of trial and the action of the convening authority in all general and special court-martial cases. Omit the marginal side notes in drafting orders.

Heading

General (Special) Court-Martial Order No. _____ } (Headquarters) (USS) _____, 19__

Authority

Before a general (special) court-martial which convened at (on board) _____ (Place) pursuant to _____ (Description of convening orders), (as amended by _____ (Description of amending orders, if any)), was arraigned and tried

Arraignment

[on a (rehearing) (new trial), the former proceedings having been published in—CMO No. _____, _____ (Hq) (USS), _____, 19__]:

Accused

_____ (Grade) _____ (Name) _____ (Service No.) _____ (Armed force) _____ (Unit)

Charges

Charge I: Violation of the Uniform Code of Military Justice, Article _____

Specification 1: (Set forth specification verbatim from the charge sheet if not amended during trial—or if amended during trial, as so amended—unless it was withdrawn by the convening authority before arraignment. Such withdrawal may be shown as follows:

Withdrawn by order of the convening authority before arraignment.)

Specification 2: _____

Charge II: Violation of the Uniform Code of Military Justice, Article _____

Specification: _____

Pleas

PLEAS

To *Specification* 1, Charge I: Not guilty.
To *Specification* 2, Charge I: Guilty.
To Charge I: Guilty.
To the *Specification*, Charge II: Not guilty.
To Charge II: Not guilty.

or

To all the *Specifications* and Charges: Not guilty (Guilty).

Charges dismissed on motion

NOTE. If a plea is not entered to a specification or charge owing, for example, to the fact that the court sustained a motion to dismiss, the fact will be briefly stated under "Pleas," as shown in the following example. In such a case the specification or charge need not be listed under "Findings."

To *Specification* 2, Charge I: Dismissed on motion of defense on ground of former jeopardy.

Findings

FINDINGS

Of *Specification* 1, Charge I: Guilty.
Of *Specification* 2, Charge I: Guilty.
Of Charge I: Guilty.

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Of the *Specification*, Charge II: Not guilty.
Of Charge II: Not guilty.

or

Of all the *Specifications* and Charges: Guilty.

NOTE. If a specification or charge is dismissed or withdrawn after a plea has been entered, the fact will be stated under "Findings." If dismissed on motion of the prosecution or withdrawn by the convening authority after evidence on the merits has been received, a notation to this effect should be made setting forth the reasons for such dismissal or withdrawal. Examples:

Of *Specification* 1, Charge I: Motion for finding of not guilty sustained.
Of *Specification* 2, Charge I: Dismissed on motion of defense on grounds of *res judicata*.
Of the *Specification* of the Charge: Withdrawn by order of the convening authority after evidence on the merits had been received because of military necessity occasioned by enemy action.

Acquittal — In the event of findings of not guilty of all charges and specifications:

Of all the *Specifications* and Charges: Not guilty.
The findings were announced on _____, 19__.

Sentence

SENTENCE

To be discharged from the service with a bad-conduct discharge, to forfeit $_____ pay per month for six months, and to be confined at hard labor for _____ (_____ previous convictions considered.)

Date — The sentence was adjudged on _____.

Action of convening authority

ACTION

(Copy action of convening authority verbatim, including heading, date, and signature. See appendix 14 for appropriate forms.)

Action of the officer exercising general court-martial jurisdiction (if appropriate)

ACTION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION

HEADQUARTERS
_____
_____

_____, 19__

In the foregoing case of _____ the sentence as approved (and suspended) by the convening authority is approved. The record of trial is forwarded to the Judge Advocate General of the _____ for review by a Court of Military Review. Pending completion of appellate review the accused will be confined in _____.

_____
Major General, U.S. _____
Commanding

NOTE. Orders promulgating the proceedings of special court-martial cases, which include an approved sentence to bad-conduct discharge will be published by the officer who forwards the record of trial to the Judge Advocate General. If the record is so forwarded by an officer exercising general court-martial jurisdiction to whom the record has been forwarded pursuant to Article 65(b), his action will be copied verbatim immediately after the action of the convening authority.

Authentication

NOTE. The order will be authenticated as prescribed by the Secretary of a Department.

Joint or common trials

NOTE. In the case of a *joint or common* trial separate orders should be issued for each accused. Joint specifications will be copied verbatim but only the pleas, findings, sentence, and action pertaining to the accused as to whom the order is promulgated need be shown.

b. FORMS FOR SUPPLEMENTARY ORDERS PROMULGATING RESULTS OF AFFIRMING ACTION.

NOTE. Court-martial orders publishing the final results of a new trial and of proceedings in cases in which the President or the Secretary concerned has taken final action are promulgated by departmental orders. In other cases the final action may be promulgated by an appropriate convening

authority, or by an officer exercising general court-martial jurisdiction over the accused at the time of final action, or by the Secretary concerned. See 107. The following forms may be used where such a promulgating order is published in the field. If a sentence *as ordered into execution or suspended* by the convening authority is affirmed without modification and there has been no modification of the findings, no supplementary promulgating order is required.

See *a* above.

Heading
Sentence —Affirmed

In the (general) (special) court-martial case of _____, the sentence to bad-conduct discharge, forfeiture of _____ _____, and confinement at hard labor for _____, as promulgated in (General) (Special) Court-Martial Order No. _____, (Headquarters) (Commandant, _____ Naval District) _____, dated _____, 19__, has been affirmed pursuant to Article (66) (67). The provisions of Article 71(c) having been complied with, the sentence will be duly executed. (_____ is designated as the place of confinement.) (_____)

NOTE. As to the designation of places of confinement, see the applicable regulations of the Secretary of a Department.

or

—Affirmed in part

In the (general) (special) court-martial case of _____, only so much of the sentence promulgated in (General) (Special) Court-Martial Order No. _____, (Headquarters) (Commandant, _____ Naval District) _____, dated _____, 19__, as provides for _____, has been affirmed pursuant to Article (66) (67). The provisions of Article 71(c) having been complied with, the sentence as thus modified will be duly executed. (_____ is designated as the place of confinement.) (_____)

or

In the (general) (special) court-martial case of _____, pursuant to Article (66) (67), the findings of guilty of Charge II and its specification have been set aside and only so much of the sentence promulgated in (General) (Special) Court-Martial Order No. _____, (Headquarters) (Commandant, _____ Naval District) _____, dated _____, 19__, as provides for _____ has been affirmed. Article 71(c) having been compiled with, the sentence as thus modified will be duly executed. (_____ is designated as the place of confinement.) (_____)

or

—Affirmed in part; prior order of execution set aside in part

In the (general) (special) court-martial case of _____, the proceedings of which were promulgated in (General) (Special) Court-Martial Order No. _____, (Headquarters) (Commandant _____ Naval District) _____, dated _____, 19__, the findings of guilty of Charge I and its specification, and so much of the sentence as is in excess of _____ have been set aside and the sentence, as thus modified, has been affirmed pursuant to Article (66) (67) and will be duly executed. Article 71(c) having been complied with, all rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and that portion of the sentence so set aside will be restored.

or

Findings and sentence set aside
—Charges dismissed
—Rehearing ordered

In the (general) (special) court-martial case of _____, pursuant to Article (66) (67), the findings of guilty and the sentence as promulgated by (General) (Special) Court-Martial Order No. _____, (Headquarters) (Commandant, _____ Naval District) _____, dated _____, 19__, were set aside on _____, 19__. (The charges are dismissed. All rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and the sentence so set aside will be restored.) (A rehearing is ordered before another court-martial to be hereafter designated.)

Authentication

See *a* above.

c. FORMS FOR ORDERS REMITTING OR SUSPENDING UNEXECUTED PORTIONS OF SENTENCE.

Heading

See *a* above.

Remission; suspension (see 97*a*)

The unexecuted portion of the sentence to _____, in the case of _____, promulgated in Special Court-Martial Order No. _____, (this headquarters) (this ship) (Headquarters _____) (USS _____), _____, 19___, is (remitted) (suspended for _____ months, at which time, unless the suspension is sooner vacated, the unexecuted portion of the sentence will be remitted without further action).

Summary courts-martial

NOTE. Any order remitting or suspending the unexecuted portion of a sentence by summary court-martial or promulgating any other action taken on a summary court-martial case subsequent to the initial action of the convening authority will be promulgated in such orders as may be prescribed by the Secretary of a Department.

Authentication

See *a* above.

d. FORMS FOR ORDERS SETTING ASIDE ILLEGAL SENTENCE.

Heading

See *a* above.

Setting aside

—By officer having supervisory authority

—Entire sentence

Pursuant to the authority of paragraph 94, MCM, the findings of guilty and the sentence in the special court-martial case of _____, as promulgated in Special Court-Martial Order No. _____, (Headquarters) (USS) _____, _____, 19___, are set aside. All rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and the sentence so set aside will be restored.

or

—In part

Pursuant to the authority of paragraph 94, MCM, the findings of guilty of Charge I and its specification and so much of the sentence as is in excess of _____, in the special court-martial case of _____, as promulgated in Special Court-Martial Order No. _____, (Headquarters) (USS) _____, _____, 19___, are set aside. All rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and that portion of the sentence so set aside will be restored.

—By convening authority

NOTE. If, pursuant to 94*a*(2), the convening authority withdraws his previous action, disapproves the findings of guilty and the sentence, and dismisses the charge or directs a rehearing in a case in which a promulgating order of execution has previously been published, he shall publish a new promulgating order as shown in *a* above. The action shall be followed by the following notation:

—Revocation of prior order

Special Court-Martial Order No. _____, this (headquarters) (ship), _____, 19___, is rescinded.

Authentication

See *a* above.

e. FORMS FOR ORDERS VACATING SUSPENSION.

NOTE. Orders promulgating the vacation of the suspension of a dismissal will be published by departmental orders of the Secretary concerned. Vacations of any other suspension of a general court-martial sentence, or of a special court-martial sentence which as approved and affirmed includes a bad-conduct discharge, will be promulgated by the officer exercising general court-martial jurisdiction over the probationer (Art. 72(b)). The vacation of suspension of any other sentence may be promulgated by an appropriate convening authority under Article 72(c). See 97*b*.

Heading

See *a* above.

Vacation of suspension —Under Article 72(c)

So much of the order published in Special Court-Martial Order No. _____, this (headquarters) (ship), _____, 19___, as suspends execution of the sentence to (confinement) (forfeiture of pay) (_____) in the case of _____ is vacated. The unexecuted portion of the sentence to _____ will be duly executed.

—General court-martial sentence forwarded for examination under Article 69

So much of the order published in General Court-Martial Order No. _____, this headquarters, dated _____, 19___, as suspends execution of the sentence in the case of _____ is vacated pursuant to Article 72. The sentence will be carried into execution.

—Sentence including a punitive discharge or confinement for one year or more

So much of the order published in (General) (Special) Court-Martial Order No. _____, (this Headquarters) (Commandant, _____ Naval District) dated _____, 19___, as suspends execution of the sentence to (dishonorable discharge) (bad-conduct discharge) (_____) in the case of _____ is vacated pursuant to Article 72. Article 71(c) having been complied with, the sentence to _____ will be duly executed.

Authentication

See *a* above.

***f.* FORMS FOR ORDERS DEFERRING THE SERVICE OF A SENTENCE TO CONFINEMENT**

NOTE. When deferment of a sentence to confinement at hard labor, or any unserved portion thereof, is granted after the convening authority has taken his action in the case, the deferment will be promulgated in a supplementary order. See 88*f*.

Deferment—after convening authority's action

The unserved portion of the sentence to confinement at hard labor for _____ (months, years) in the case of _____, promulgated in (Special) (General) Court-Martial Order No. _____ (this headquarters) (this ship) (Headquarters _____) (USS _____), _____ 19_____, is deferred until such time as the sentence is ordered into execution, unless the deferment of confinement is sooner rescinded.

NOTE. In appropriate cases (see 88*d*(3)) the following should be added to the form of the order:

"The application of the remaining forfeitures is deferred until the sentence is ordered into execution, unless the deferment of confinement is sooner rescinded."

***g.* FORMS FOR ORDERS RESCINDING DEFERMENT.**

NOTE. When any deferment previously granted is rescinded after the convening authority has taken his action in the case, such rescission also will be promulgated in a supplementary order. See 88*g*.

Rescission-deferment effected by or reflected in action of convening authority

The deferment of that portion of the sentence that provides for confinement at hard labor for _____ (months) (years) in the (special) (general) court-martial case of _____, as promulgated in (Special) (General) Court-Martial Order No. _____, (this headquarters) (this ship) (Headquarters _____) (USS _____), _____ 19_____, is rescinded. The (sentence) (unserved portion of the sentence) to confinement will be served. (_____ is designated as the place of confinement) (pending completion of appellate review the accused will be _____).

Rescission-deferment promulgated in supplementary orders

So much of the orders published in (Special) (General) Court-Martial Orders No. _____ (this headquarters) (this ship) (Headquarters _____) (USS _____), _____19 _____, as deferred the service of the sentence to confinement at hard labor in the case of _____ is rescinded. The (sentence) (unserved portion of the sentence) to confinement will be served. (_____ is designated as the place of confinement) (pending completion of appellate review the accused will be _____).

NOTE. In appropriate cases (see 88*d*(3)) the following should be added to the form of the order:

"The (remaining) forfeitures shall apply to pay and allowances becoming due on and after the date of this rescission."

Appendix 16

RECORD OF PROCEEDINGS TO VACATE SUSPENSION

There is set forth below a copy of a form for the record of proceedings to vacate a suspension as required under Article 72. The officer exercising special court-martial jurisdiction over the probationer may either hold the entire hearing himself or designate a qualified officer to conduct a preliminary hearing subject to review of the officer exercising special court-martial jurisdiction. If such a preliminary hearing is held, the probationer will be given an opportunity to examine the record of proceedings and to present any objections to the officer exercising special court-martial jurisdiction. The probationer, if he so desires, shall be represented by counsel at both the preliminary and final hearings.

As a guide, sample entries pertaining to a member of the Air Force have been entered. Items 1 to 18, inclusive, may be completed by an officer designated to hold a preliminary hearing who shall affix his signature in space 19.

REPORT OF PROCEEDINGS TO VACATE SUSPENSION

TO: (Title and organization of officer exercising general court-martial jurisdiction)
Commander
5000th Support Wing
APO San Francisco 99999

FROM: (Title and organization of officer exercising special court-martial jurisdiction)
Commander
5001st Support Group
APO San Francisco 99999

LAST NAME - FIRST NAME - MIDDLE INITIAL OF PROBATIONER	GRADE	SERVICE NUMBER	ORGANIZATION
Dice Morris L.	Airman Basic	AF 00000000	5001st Support Squadron

1: DATA AS TO TRIAL BY COURT-MARTIAL

a. TRIAL WAS BY
☐ GENERAL COURT-MARTIAL
☒ SPECIAL COURT-MARTIAL

b. CONVENED BY (Title and organization of convening authority)
Commander, 5001st Support Squadron

c. PLACE COURT WAS CONVENED
Brown Air Force Base
APO San Francisco 99999

d. DATE OF TRIAL
1 September 1967

e. CHARGES AND SPECIFICATIONS (Summarized)
Absence without leave from 1 June 1967 to 2 August 1967 in violation of Article 86, Uniform Code of Military Justice.

f. FINDINGS
Guilty as charged.

g. SENTENCE
To be discharged from the service with a bad-conduct discharge, to forfeit $50.00 of his pay per month for six months, and to be confined at hard labor for six months.

h. ACTION OF CONVENING AUTHORITY
The sentence was approved as adjudged. The Confinement Facility, Brown Air Force Base, was designated as the place of confinement.

_____ CMO NO. _____, Hq _____, dated _____

i. ACTION OF HIGHER AUTHORITY
On 10 September 1967, the Commander, 5000th Support Wing, approved the sentence but suspended the execution of the sentence to bad-conduct discharge for the period of confinement and six months thereafter at which time the discharge will be remitted unless sooner vacated. As thus suspended, the sentence was ordered executed.

On 15 October 1967, the sentence, as suspended, was affirmed by the board of review.

j. FINAL ORDERS OF PROMULGATION
SP CMO NO. 52, Hq 5000th Support Wing dated 10 Sep 1967 (Exhibit 1).

k. ACTION IN MITIGATION OR PETITION FOR NEW TRIAL
None

NOTE: If a prepared form is used and additional space is required for any item, enter the additional material on a separate sheet. Be sure to identify such material with the proper numerical and, when appropriate, lettered heading (Example, "7c"). Securely attach any additional sheet to the form and add a note in the appropriate item of the form: "See additional sheet." Any matters which are not identifiable with some other heading in the form should be indicated in Item 23, Remarks, or, if added on an additional sheet, such sheet will be referred to and identified in Item 23.

2. ALLEGED VIOLATION OF PROBATION (Brief statement and data)
Information indicates misconduct on the part of Airman Basic Dice subsequent to the foregoing special court-martial sentence by escape from confinement on or about 10 November 1967, in violation of Article 95, as alleged in the charges attached hereto (Exhibit 2).

CHECK APPROPRIATE ANSWER	YES	NO
3. PURSUANT TO THE PROVISIONS OF ARTICLE 72, UNIFORM CODE OF MILITARY JUSTICE, AND PARAGRAPH 93b, MANUAL FOR COURTS-MARTIAL, A HEARING WAS HELD ON THE ALLEGED VIOLATION OF PROBATION.	X	
4. AT THE OUTSET OF THE HEARING THE PROBATIONER WAS ADVISED:		
a. OF THE NATURE OF THE ALLEGED VIOLATION OF PROBATION.	X	
b. OF THE NAME OF THE PERSON ALLEGING THE VIOLATION OF PROBATION.	X	
c. OF THE NAMES OF THE WITNESSES AGAINST HIM SO FAR AS KNOWN.	X	
d. THAT A HEARING AS TO THE ALLEGED VIOLATION OF PROBATION WAS ABOUT TO BE HELD.	X	
e. OF HIS RIGHT, UPON HIS REQUEST, TO HAVE COUNSEL REPRESENT HIM AT THE HEARING, EITHER		
(1) CIVILIAN COUNSEL, IF PROVIDED BY HIM, OR	X	
(2) MILITARY COUNSEL OF HIS OWN SELECTION, IF SUCH COUNSEL BE REASONABLY AVAILABLE, OR	X	
(3) MILITARY COUNSEL APPOINTED BY AN OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE COMMAND.	X	
f. OF HIS RIGHT TO CROSS-EXAMINE ALL AVAILABLE WITNESSES AGAINST HIM.	X	
g. OF HIS RIGHT TO PRESENT ANYTHING HE MIGHT DESIRE ON HIS OWN BEHALF, EITHER IN DEFENSE OR MITIGATION.	X	
h. OF HIS RIGHT TO HAVE THE OFFICER CONDUCTING THE HEARING EXAMINE AVAILABLE WITNESSES REQUESTED BY HIM.	X	
i. OF HIS RIGHT TO MAKE A STATEMENT IN ANY FORM.	X	
j. THAT HE WAS NOT REQUIRED TO MAKE ANY STATEMENT REGARDING THE ALLEGED VIOLATION OF PROBATION.	X	
k. THAT ANY STATEMENT MADE BY HIM MIGHT BE USED AS EVIDENCE AGAINST HIM.	X	
5. THE PROBATIONER REQUESTED MILITARY COUNSEL OF HIS OWN SELECTION.		X
a. NAME (and rank) OF REQUESTED MILITARY COUNSEL / b. ORGANIZATION OR ADDRESS		
c. MILITARY COUNSEL REQUESTED BY THE PROBATIONER WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UCMJ.	NA	
d. MILITARY COUNSEL REQUESTED BY THE PROBATIONER WAS REASONABLY AVAILABLE (If not available, explain under Item 23. See par 34c, MCM.)	NA	
6. "(Upon being advised of the unavailability of counsel requested in paragraph 5, supra), THE PROBATIONER REQUESTED THAT A MILITARY COUNSEL BE APPOINTED BY THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE COMMAND."	X	
a. NAME (and rank) OF APPOINTED COUNSEL: John Doe, First Lieutenant / b. ORGANIZATION: Hq 5000th Support Wing		
c. APPOINTED COUNSEL WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE.	X	
7. PROBATIONER STATED HE WOULD BE REPRESENTED BY CIVILIAN COUNSEL PROVIDED BY HIM.		X
a. NAME AND ADDRESS OF CIVILIAN COUNSEL / b. CIVILIAN COUNSEL IS A MEMBER IN GOOD STANDING OF THE FOLLOWING BAR(S):		
c. TO BE USED BY PROBATIONER'S CIVILIAN COUNSEL ONLY: I HEREBY ENTER MY APPEARANCE FOR THE ABOVE-NAMED PROBATIONER AND REPRESENT THAT I AM A MEMBER IN GOOD STANDING OF THE FOLLOWING BAR(S):		
DATE / PLACE / SIGNATURE OF COUNSEL		
8. COUNSEL REQUESTED BY OR MADE AVAILABLE TO THE PROBATIONER WAS PRESENT AS COUNSEL THROUGHOUT THE HEARING (If the probationer waives the right to have counsel present throughout all or part of the investigation after having requested counsel, state the circumstances and the particular proceedings conducted in the absence of such counsel.)	X	
9. (To be signed by probationer if answer to 5c and 7b was "No". If probationer fails to sign, officer conducting the hearing will explain under Item 23.) I HAVE BEEN INFORMED AND UNDERSTAND MY RIGHT TO REPRESENTATION AT THIS HEARING BY QUALIFIED MILITARY COUNSEL OF MY OWN SELECTION, IF REASONABLY AVAILABLE, BY CIVILIAN COUNSEL PROVIDED BY ME, OR BY QUALIFIED MILITARY COUNSEL APPOINTED BY AN OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE COMMAND. I HEREBY KNOWINGLY WAIVE MY RIGHT TO SUCH ☐ QUALIFIED MILITARY COUNSEL ☐ CIVILIAN COUNSEL.		
DATE / SIGNATURE OF PROBATIONER		

2

CHECK APPROPRIATE ANSWER (Continued)	YES	NO
10a. THE PROBATIONER WAS AFFORDED THE OPPORTUNITY TO OBTAIN AVAILABLE WITNESSES REQUESTED BY HIM AND TO CROSS-EXAMINE ALL AVAILABLE WITNESSES.	X	
b. IN THE PRESENCE OF THE PROBATIONER I INTERROGATED UNDER OATH OR AFFIRMATION ALL AVAILABLE WITNESSES AND EXAMINED DOCUMENTARY EVIDENCE ON BOTH SIDES.	X	
c. THE MATERIAL TESTIMONY GIVEN BY EACH SUCH WITNESS UNDER DIRECT AND CROSS-EXAMINATION WAS REDUCED TO A SWORN OR AFFIRMED WRITTEN STATEMENT EMBODYING THE SUBSTANCE OF THE TESTIMONY TAKEN ON BOTH SIDES.	X	
d. THE WRITTEN SWORN OR AFFIRMED STATEMENTS OF SUCH WITNESSES ARE APPENDED HERETO AS INDICATED:	X	

NAME (and grade) OF WITNESSES WHO WERE PRESENT	ORGANIZATION OR ADDRESS	EXHIBIT NO.
Richard L. Smith, Technical Sergeant	5001st Support Squadron	3
Lewis Banter, Airman First Class	5001st Support Squadron	4
William Long	Engineer Section, Brown Air Force Base	5

11a. THE SUBSTANCE OF THE EXPECTED TESTIMONY OF EACH OF THE FOLLOWING WITNESSES, WHOSE PRESENCE WAS NOT REQUESTED BY THE PROBATIONER, OR WHO, HAVING BEEN REQUESTED, WERE NOT AVAILABLE, OR FOR WHOM THE REQUEST WAS WITHDRAWN, WAS OBTAINED IN THE FORM OF A SWORN OR AFFIRMED STATEMENT OR WAS STIPULATED TO BY THE PROBATIONER IN WRITING. SUCH SWORN OR AFFIRMED STATEMENTS OR STIPULATIONS ARE APPENDED HERETO AS INDICATED: NA

NAME (and grade) OF ABSENT WITNESSES	ORGANIZATION OR ADDRESS	EXHIBIT NO.
None		

b. A COPY OF EACH SUCH SWORN OR AFFIRMED WRITTEN STATEMENT HAS BEEN SHOWN TO THE PROBATIONER: NA

c. IF AN ABSENT WITNESS IS REQUESTED BY THE PROBATIONER BUT IS NOT AVAILABLE, ENTER A PROPER EXPLANATION.

None

12. THE FOLLOWING DOCUMENTS HAVE BEEN EXAMINED, SHOWN TO THE PROBATIONER, AND ARE APPENDED AS INDICATED (describe documents):	EXHIBIT NO.		
SPCMO No. 52, Hq 5000th Support Wing, 10 Sep 1967	1	X	
Extract copy of unit military strength balance report 5001st Support Squadron for 2 Aug 1967	6	X	
Extract copy of unit military strength balance report 5001st Support Squadron for 10 Sep 1967	7	X	
Extract copy of guard report, 5001st Combat Defense Squadron, 10 Nov 1967	8	X	

13. THE FOLLOWING REAL EVIDENCE WAS EXAMINED, SHOWN TO THE PROBATIONER, AND IS NOW PRESERVED FOR SAFEKEEPING AS INDICATED:		
	X	
Hacksaw blade - retained in custody of the Director of Security and Law Enforcement, 5001st Support Group	X	

IF CERTAIN REAL EVIDENCE WHICH WAS EXAMINED WAS NOT SHOWN TO THE PROBATIONER, STATE THE REASONS.

None

14. THE PROBATIONER AFTER HAVING BEEN INFORMED OF HIS RIGHT TO MAKE A STATEMENT OR REMAIN SILENT:		
a. STATED THAT HE DID NOT DESIRE TO MAKE A STATEMENT.	X	
b. MADE A STATEMENT APPENDED HERETO (Exhibit)		X

3

CHECK APPROPRIATE ANSWER (Continued)	YES	NO
15a. THERE ARE REASONABLE GROUNDS FOR A BELIEF THAT THE PROBATIONER IS NOW, OR WAS AT THE TIME OF THE COMMISSION OF THE ALLEGED VIOLATION OF PROBATION, MENTALLY DEFECTIVE, DISEASED OR DERANGED.		X
b. IF THERE ARE GROUNDS FOR SUCH A BELIEF, STATE REASONS THEREFOR AND ACTION TAKEN. None		
c. A REPORT OF A (board of medical officers) (psychiatrist) IS APPENDED (Exhibit).		X

16. EXPLANATORY OR EXTENUATING CIRCUMSTANCES

Prior to his escape and since his return to military control, the probationer's conduct while in confinement has been satisfactory. His escape may have been attributable to the influence of a fellow prisoner. Information indicates that probationer is easily led, particularly in matters tending toward the breach of discipline.

17. REHABILITATION IS BELIEVED LIKELY. X

18. PERSONAL DATA

a. PRESENT AGE	b. BASIC PAY PER MONTH	c. ALLOTMENTS PER MONTH
22 6/12	$129.00	None

d. INITIAL DATE AND TERM OF CURRENT SERVICE: Enlisted 15 March 1965 for four years

e. PRIOR SERVICE (As to each terminated enlistment give inclusive dates of service and organization in which serving at termination. Give similar data as to service not under an enlistment.): None

f. CHARACTER OF SERVICE PRIOR TO OFFENSE OF WHICH CONVICTED	g. CHARACTER OF SERVICE WHILE ON PROBATION, PRIOR TO ALLEGED VIOLATION OF PROBATION
Good	Satisfactory

h. PREVIOUS CONVICTIONS WHETHER OR NOT CONSIDERED AT TRIAL	i. INTELLIGENCE SCORE
None	83

j. CIVILIAN BACKGROUND

(1) MARITAL STATUS: ☐ MARRIED ☒ SINGLE

(2) NUMBER OF DEPENDENTS: None

(3) EDUCATION: Completed 9 years of school

(4) EMPLOYMENT: Unskilled laborer in rubber factory earning about $50.00 per week

(5) CRIMINAL RECORD: Evidence of none

(6) EXPLANATORY COMMENTS: A personal interview with the probationer after sentence by court-martial disclosed that his father died when he was 16. His mother, two brothers, and one sister live in Akron, Ohio.

k. MILITARY RECORD (Brief statement of training, combat, awards, decorations, delinquencies, etc.): After enlisting on 15 March 1965, probationer received basic training at Lackland Air Force Base. On 1 August 1965 he was assigned to 3000th Supply Squadron and on 1 March 1967 transferred to 5001st Support Squadron.

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8. MILITARY RECORD (Brief statement of training, combat, awards, decorations, delinquencies, etc.) (Continued)

His records indicate that his efficiency and character were considered to be good.

19. TYPED NAME, RANK, AND ORGANIZATION OF OFFICER CONDUCTING HEARING (If other than officer exercising special court-martial jurisdiction)[1]	DATE: 1 December 1967
Richard T. Johnson Major, USAF 5001st Support Group	SIGNATURE: Richard T. Johnson

20. HEARING BEFORE OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION[1]

The foregoing report of proceedings of the preliminary hearing has been submitted to the probationer *(and his counsel)*[2]. The probationer *(and his counsel)*[2] appeared before me and was *(were)* given an opportunity to object to any item in the report and to submit any additional matter in extenuation, mitigation, or defense. Any objections and other matters submitted by him are set forth below *(Appended as Exhibit No.* 9 *)*[2].

D

[1] *Applicable only if a preliminary hearing is conducted by an officer other than the officer exercising special court-martial jurisdiction. In appropriate cases, enter "Not applicable."*
[2] *Line out if not applicable.*

5

21. RECOMMENDATION OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION

IT IS RECOMMENDED THAT THE FOLLOWING DISPOSITION BE MADE OF THIS CASE *(Check appropriate entry or entries)*:

a. ☒ THAT THE SUSPENSION OF THE SENTENCE TO bad-conduct discharge

BE VACATED.

b. ☒ THAT THE UNEXECUTED PORTION OF THE SENTENCE BE CARRIED INTO EXECUTION.

c. ☐ THAT THE PROCEEDINGS TO VACATE THE SUSPENSION BE DROPPED.

d. ☐ *(State other recommended disposition)*

22. TYPED NAME, RANK, AND ORGANIZATION OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION	DATE: 3 December 1967
Robert G. Strong Colonel, USAF 5001st Support Group	SIGNATURE: Robert G. Strong

23. REMARKS

6

Appendix 17

SUBPOENA

SUBPOENA FOR CIVILIAN WITNESS

[1] General, special, or summary court-martial.

[2] Place where process is issued.

[3] Name of witness.

[4] When used, enter name and grade of person designated.

[5] Line out, when inappropriate, "(before _____, designated to take your deposition for use)."

[6] General, special, or summary court-martial.

[7] Place where court is to assemble.

[8] Appropriate authority.

[9] Prosecution or defense, as appropriate.

[10] Name, etc., of accused or other subject of investigation.

[11] Line out, when inappropriate, "and bring with you _____." When appropriate describe documents or objects which the witness is required to produce before the court.

[12] To be subscribed by trial counsel, recorder, etc.

[13] When service is BY MAIL the witness will be requested to subscribe this acknowledgment of acceptance on one copy and to return same to the officer who issued the subpoena.

[14] This proof of service will be filled out when service is personal, and the copy thus completed will be returned to the officer issuing the subpoena.

General [1] Court-Martial of the United States, U. S. Naval Station, San Diego, California [2]

The President of the United States, to Claude M. Rickaby [3]

You are hereby summoned and required to appear on the 16th day of July, 1969, at 9 o'clock A. M., (before _____ [4] designated to take your deposition for use)[5] before a General [6] court-martial of the United States, at Building 73, U. S. Naval Station, San Diego, California [7], convened by an order of the Commandant, Eleventh Naval Dist., San Diego, California [8], dated 11 June 1969, to testify as a witness for the defense [9] in the case of United States v. Tom T. Tucker, Seaman Apprentice, U. S. Navy [10] (and bring with you _____ [11]).

Failure to appear and testify is punishable by a fine of not more than $500 or imprisonment for a period not exceeding six months, or both.

Bring this subpoena with you and do not depart from the court without proper permission.

Subscribed at U. S. Naval Station, San Diego, Calif. this 10th day of July, 1969.

Daniel C. O'Brien [12]
SIGNATURE, GRADE, AND OFFICIAL STATUS
DANIEL C. O'BRIEN
Captain, USMC
Trial Counsel

The witness is requested to subscribe on one copy of the subpoena the following and to return to the person serving the subpoena the copy thereof so subscribed.

PLACE _____ DATE _____, 19____

I hereby accept service of the above subpoena. [13]

SIGNATURE OF WITNESS

Personally appeared before me, the undersigned authority, [14] Captain Osmer P. Fox, who, being first duly sworn according to law, deposes and says that at Marysville, Ohio, on 11 July 19____, he personally delivered to Claude M. Rickaby in person a duplicate of the within subpoena.

Osmer P. Fox
SIGNATURE AND GRADE

SUBSCRIBED AND SWORN to before me at Fort Wilson, Ohio, this 11th day of July, 1969.

Valentine Quode
SIGNATURE, GRADE, AND OFFICIAL STATUS
VALENTINE QUODE
Lieutenant Colonel, JAGC

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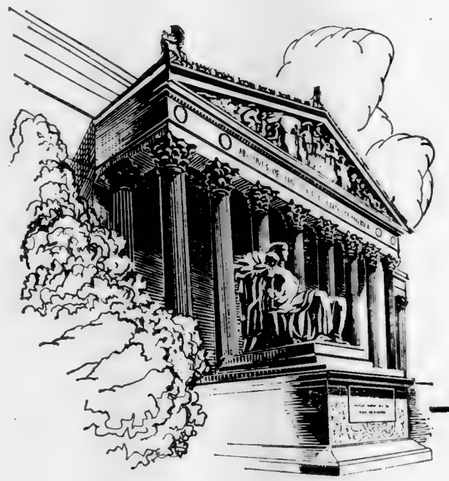

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Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

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0.17 Added 5726
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0.155 Added 9676
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2.5 Revised 9033
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14.5 (a) and (h) revised 9617
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500.204 Appendix amended 2355; (a)(2) and appendix amended 9211

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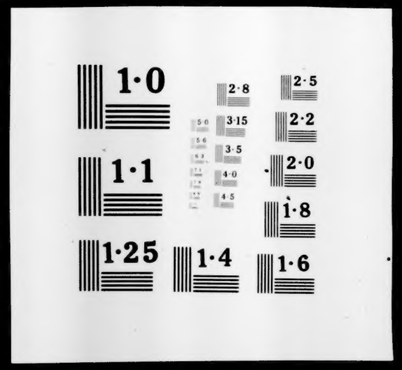
RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in this chart indicate the number of lines per millimeter in adjacent "L-shaped" groupings.

In microfilming it is necessary to determine the reduction ratio and multiply by the number adjacent to the group in which it can be decerned that the lines are either horizontal or vertical. As an aid in determining the reduction ratio the line below is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 10 millimeters long in the film image and 100/10 = 10.

Examine the "L-shaped" line groupings in the film with a forty power microscope and note the number adjacent to the group in which it is possible to decern that the lines are either horizontal or vertical. It is only necessary to determine that there are lines in both directions regardless of the number of lines. Under these conditions it is considered that the group in question is resolved. Example: the lines in 7.9 group are discernible horizontally and vertically while the lines in the 8.9 group are not discernible. Reduction ratio is 10 and 7.9 × 10 = 79 lines per millimeter recorded satisfactorily. 8.9 × 10 = 89 lines per millimeter which are not recorded satisfactorily. Under the particular conditions maximum resolution is between 79 and 89 lines per millimeter.

In order to check the camera for vibration several exposures should be made with the chart in the center of the field in one orientation and then turn it through an angle of 45° and make several more exposures. If the lines in both directions at both orientations are equally resolved the camera is free from vibrations.

Resolution as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. It is recommended the resolution charts be placed on every roll of microfilm, at the beginning of the roll or preferably at both ends of the roll. This practice will provide a convenient means of continually checking both the operation and performance of the system which can be referred to at any time.